

VIEUX CARRE COMMISSION

LaToya Cantrell
MAYOR

CITY OF NEW ORLEANS

Bryan Block
DIRECTOR

NOTE: The below minutes are a summary of actions taken. They are not a verbatim transcription of the meeting.

Minutes of the Vieux Carré Commission meeting of Wednesday, May 18, 2022– 1:00 pm.

COMMISSIONERS PRESENT: Keely Thibodeaux, Toni DiMaggio, Stephen Bergeron, Rick Fifield, LaVerne Toombs, Julio Guichard, Heather Veneziano

COMMISSIONERS ABSENT: Angela King, Rodney Villarreal

STAFF PRESENT: Bryan Block, Director; Renee Bourgogne, Deputy Director; Erin Vogt, Senior Building Plans Examiner; Melissa Quigley, City Attorney’s Office

STAFF ABSENT: Nicholas Albrecht, Senior Building Plans Examiner; Anthony Whitfield, Inspector; Marguerite Roberts, Inspector

OTHERS PRESENT: Syed Mohiuddin, Nikki Szalwinski, Jay Lips, Mary Shaw, Erika Gates

I. ROLL CALL

Mr. Block called the roll at 1pm. Ms. Thibodeaux, Ms. DiMaggio, Mr. Bergeron, Mr. Fifield, Ms. Toombs, Mr. Guichard and Ms. Veneziano were present.

II. REVIEW OF MINUTES

Mr. Fifield moved to approve the February, March and April minutes as distributed by staff. Mr. Guichard seconded the motion, which passed unanimously.

III. CHAIRMAN’S REPORT

Mr. Bergeron stated that staff should be viewed as a resource for applicants and encouraged the public to reach out with plans or questions before undertaking any work.

IV. DIRECTOR’S REPORT

Mr. Block introduced two new Commissioners: Mr. Guichard, representing the Louisiana State Museum, and Ms. Veneziano representing the Louisiana Historical Society.

V. CHANGE OF USE HEARINGS

623 Bourbon St: 21-32162-VCPNT; Smoke Shop, applicant; Peri Luscent Ltd, owner;

Proposal to renovate carriageway including the installation of new decorative light fixtures and painting, in conjunction with a proposed change of use from *vacant* to *art gallery*, per application & materials received 11/16/2021 & 01/10/2022, respectively.

<https://onestopapp.nola.gov/Documents.aspx?ObjLabel=Permit&ID=907347>

Ms. Bourgogne read the staff report with Mr. Mohiuddin present on behalf of the application. Mr. Mohiuddin stated that because the building had one address he believed every inch was to be commercial. He went on to say that he did work without a permit but had since then corrected that work and that he would not attach anything to the walls but he would like to use the space to display his art. He then stated that the zoning inspector had come out and explained to him how to organize his merchandise so as not to be considered a T-shirt shop. Lastly, he stated that he “was no longer in violation.”

Public Comment: Nikki Szalwinski, representing French Quarter Citizens, stated that no permits should be issued until the Zoning matters are resolved and that the carriageway should not be used as an extension of the business.

Mr. Fifield made the motion to approve the repair and lighting and the approval of the change of the use excluding the carriageway and for there to be no permits issued until ALL zoning matters were resolved. Ms. Toombs seconded the motion and the motion passed unanimously.

VI. APPEALS AND VIOLATIONS

837 Dumaine St: 21-27684-VCPNT; Shaw Mary, applicant; Mary Shaw, owner;

Appeal of Architecture Committee denial of proposal to retain waterproofing sealant applied to stucco without benefit of VCC review or approval, per application & materials received 10/04/2021.

Ms. Bourgogne read the staff report with Mr. Lips and Ms. Shaw present on behalf of the application. Ms. Shaw gave a brief background on the situation after the storm and then reported that they had the material tested and that they had not experienced any leaks so far. She went on to say that they wanted to use the product everywhere but at this point would just be happy if they could retain this one patch. Ms. Thibodeaux asked if the material could be painted. Ms. Shaw stated yes. Ms. Vogt asked if it would stay tacky. Mr. Lips stated that after it had cured it would no longer be tacky and that it would be ready to paint. Ms. Thibodeaux asked if the Commission could fine the owner for work without permit. Ms. Quigley stated that the Commission did not have that authority, but the matter could be sent to adjudication. Mr. Fifield stated that the long-term effect of this on the historic fabric was his main concern. He went on to say that this was an unknown product and that the reason the Commission was even hearing this was that this was considered a "hardship due to the circumstances of the storm." Ms. Veneziano asked what was used to fill the cracks. Mr. Lips stated, "urethane caulk." Mr. Bourgogne stated, "which we would also not have approved."

Public comment: Nikki Szalwinski, representing French Quarter Citizens, spoke out against the retention of the product.

Ms. DiMaggio stated that her main concern was that they might get the immediate results they were looking for but in 20-30 years down the road there would be unforeseen ramifications. She went on to say that the caulk was a huge problem. Mr. Block asked if the caulk was a material with a limited life span. He went on to ask if the cracks would open up again and allow water intrusion, can the caulk be removed and replaced with a lime-based product. Mr. Lips stated that he had been doing this for 20 plus years and this was considered a bridging technique and that once covered with paint it would be sealed. Ms. Vogt asked if it was lime-based stucco. Mr. Lips stated "no, Portland." To which Ms. Bourgogne commented "an even bigger problem."

Mr. Fifield made the motion to allow the retention of this section as is but that the material was NOT to be used anywhere else and that the applicant should consult staff about the appropriate methods of water proofing. Ms. DiMaggio seconded the motion and the motion passed. There were 4 members in favor and 3 against the proposal.

In favor: Mr. Bergeron, Ms. DiMaggio, Mr. Fifield and Mr. Guichard.

Against: Ms. Thibodeaux, Ms. Veneziano and Ms. Toombs.

1208 Bourbon St: 21-33198-VCGEN; W Mouldoux Pierre, applicant; Rex F Jr Toole, owner;

Appeal of Architecture Committee denial of proposal to replace existing fiberglass shingle roof with new Timberline Fiberglass Asphalt Architectural Shingles, per application & materials received 12/01/2021 & 03/11/2022, respectively.

<https://onestopapp.nola.gov/Documents.aspx?ObjLabel=Permit&ID=909488>

Ms. Bourgogne read the staff report with Mr. Mouldoux present on behalf of the application. Mr. Mouldoux stated that he was taking the same stance that he had at prior meetings. Ms. Thibodeaux asked if there was still a hardship. Mr. Mouldoux stated yes, that his client had been in the hospital and of course the pandemic.

There was no public comment.

Ms. Veneziano asked why they had obtained bids from only one roofer. Mr. Mouldoux stated, "that is my client's right."

Ms. Thibodeaux made the motion to deny the application. Ms. Tombs seconded the motion and the motion passed unanimously.

700 Bourbon St: 22-03726-VCGEN; Gates Erika, applicant; Mc Connell Enterprises Inc, owner; Appeal to retain work completed without benefit of VCC review and approval, per application & materials received 02/07/2022. **[Notice of Violation sent 07/30/2018]**

<https://onestopapp.nola.gov/Documents.aspx?ObjLabel=Permit&ID=915046>

Ms. Vogt presented the staff report with Ms. Gates present on behalf of the appeal. She agreed that the property report represented the situation, explaining that the owner was unhappy with the Design Guidelines stance on lighted fans and frustration with the lack of explanation. Mr. Fifield stated that he did not find the Guidelines to be ambiguous on this at all, and that if anything was unclear, staff should be consulted. He added that the installation had been done willfully and with full knowledge of the work without permit violation. Ms. Gates stated that she was only aware of the 2013 installation.

Ms. Toombs asked what the policy was in 2009 and if the light kits had been prohibited at that time; Ms. Vogt responded that she was unsure but that the fans were unpermitted, and staff had not been given the opportunity to review the fans for Guidelines compliance. She added that the light kits had been changed since then and could not be considered prescribed. Ms. Thibodeaux asked what was stated in the Notice of Violation; Ms. Vogt explained that violation notices break down work without permit versus demolition by neglect, that this case had already gone to adjudication, had been appealed to the Committee and denied over a year ago, and that the applicant was appealing the same violation a second time.

Ms. Toombs asked the applicant if they were willing to remove the lights from the fans; Ms. Gates responded that that was their objection, they would have to compensate by installing an additional fixture. Ms. Toombs asked if it was clear to the owner that they were not in compliance; Ms. Gates responded that he understood.

Ms. DiMaggio moved to **deny** the appeal consistent with the staff and Committee recommendations. Mr. Fifield seconded the motion, which passed unanimously.

706 Bourbon St: 22-03727-VCGEN; Gates Erika, applicant; 706-08 Bourbon Real Estate LLC, owner; Appeal to retain work completed without benefit of VCC review and approval, per application & materials received 02/07/2022. **[Notice of Violation sent 07/31/2018]**

<https://onestopapp.nola.gov/Documents.aspx?ObjLabel=Permit&ID=915046>

Ms. Vogt noted that this report was identical to the previous report for 700 Bourbon; Ms. Quigley stated that staff was not required to read it a second time. Ms. Gates stated that these were sister properties and the same fans had been used. Mr. Block stated that one of the issues with these light kits was that the quality of light could not be controlled. Calling out a photo in the presentation where the fans were illuminated, he noted that the light color was not approvable and that it had a grave effect at night. Mr. Fifield stated that the Guidelines were not arbitrary and that they were intended to maintain the integrity of the Quarter. He added that exceptions could be made for good reasons but that they did not apply here.

Ms. DiMaggio moved to **deny** the appeal, consistent with staff and Committee recommendations. Ms. Thibodeaux seconded the motion, which passed unanimously.

VII. RATIFICATION of Architectural Committee and Staff actions since the Wednesday, April 20, 2022 VCC meeting.

Ms. Thibodeaux moved for ratification of the staff and Committee actions. Ms. Veneziano seconded the motion, which passed unanimously. Mr. Fifield moved to adjourn the meeting at approximately 2:12 pm. Ms. Toombs seconded the motion, which passed unanimously.