



Robert J. Ellis, Jr.
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July 29, 2025

VIA EMAIL CLERKOFCONCIL@NOLA.GOV

City of New Orleans
Ms. Aisha Collier, Clerk of Council
1300 Perdido Street, Room 1E09
New Orleans, Louisiana 70112

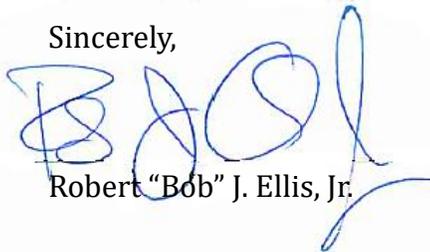
**Re: Appeal for the retention of the fiber-cement siding.
327 Bourbon Street
Reference Code: JTOPPN**

Dear Clerk:

Pursuant to the City of New Orleans appeal procedure my client is appealing to the New Orleans City Council the denial of the appeal to the Vieux Carre Commission with regard to the retention of fiber-cement siding. The attachment further details the nature of the appeal.

If you have any questions or require any additional information in this regard, please let me know. Thank you.

Sincerely,



Robert "Bob" J. Ellis, Jr.

RJE/
Attachment

Thursday, July 3, 2025

Myles Martin
400 S Jeff Davis Parkway
New Orleans, LA 70119

Re: 327 Bourbon St
Reference Code: JT0PPN

Dear Myles Martin:

This letter confirms the actions of the Vieux Carré Commission at its meeting of Wednesday, June 18, 2025, concerning your application for the following work: Appeal of Architecture Committee denial of proposal to retain items completed in deviation of approved plans including synthetic cornice and fiber cement board siding, per application & materials received 12/29/2024.

Mr. Nick Albrecht read the staff report with Mr. Bob Ellis, attorney, and Mr. Jake Garofalo, contractor, present on behalf of the application.

Mr. Ellis began to go into the history with the previous tenant and the process of evicting them along with previous damage to the building. Commission chair Stephen Bergeron noted they shouldn't get too "jammed up" in the history of what happened acknowledging there were questions about it but stating his belief that what is being looked at today is the fact that the approved drawings called for certain materials and then, without VCC approval, alternate materials were installed. Mr. Bergeron continued, noting staff finds those materials to be inappropriate, that the Architecture Committee found them to be inappropriate, and appellants are asking to retain them on the basis of hardship.

Commissioner Vincent Weaver asked what caused them to change materials. Mr. Garofalo replied that the cornice's material composition, as he saw it, was failing throughout and on the lack of existing metal presses available that could re-create a new, matching cornice. Mr. Garofalo continued about the problem of dissimilar metals in terms of the roof/flashing and metal cornice could lead to galvanic action which could lead to deterioration. He further that a re-creation in a resin product would alleviate this condition.

Com. Weaver stated his belief that the drawings should have been vetted before they proceeded and that communication is key. He went on to note that if the applicant or contractor couldn't find an approved material, or if they thought there was a better alternative, then that needed to have been brought back to

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the Committee. issues better instead of making changes on-site unilaterally.

Cm. Bergeron asked why the approved wood siding on the rear addition was changed to fiber-cement. Mr. Garofalo responded that he thought it was the best building material due to maintenance and life safety because it carries a fire rating. Commissioner Gabriel Viridure noted that there are contract approved documents that the architect submitted to the City, the VCC, and to the Fire Marshal that were all noted as being in compliance with the wood siding.

Commissioner Sandra Shilstone asked how often you have to paint fiber-cement siding and there was a discussion about that aspect of the materials. Mr. Garofalo mentioned a 5-year time frame for paint on the wood siding. Cm. Bergeron stated his belief that 5 years is a dubious claim and that being a short time frame even for contemporary wood. Cm. Bergeron again reiterated the point is that the drawings said a tapered wood lap siding and that got changed in the field without communicating that to anyone maybe not even the architect. In response to Mr. Garofalo's question as to why the fiber-cement can be used in some hard to maintain areas but not this one, Ms. Erin Vogt noted for clarification the allowance only under extreme circumstances giving the example of a property in which the wall was having to be rebuilt from the inside due to almost zero clearance with the adjacent wall.

Cm. Bergeron stated his belief that the Committee can't consider these matters on the architectural merits but that it has to be a hardship consideration. The two issues should be considered separately as well. There was a brief discussion among the Committee regarding what might constitute a hardship in terms of the cornice. There was a brief back and forth about the possible lifespan of the cornice as well as how it was installed. Cm. Weaver addressed Mr. Garofalo directly specifically addressing him as a fellow contractor and expressed the matter of knowing the processes and procedures of the VCC as well as the obligations to contract documents and previous approvals.

There was no public comment.

Cm. Viridure made the motion to uphold VCC's position denying the fiber-cement siding. Ms. Shilstone seconded the motion and the motion passed unanimously.

Cm. Viridure made a second motion that by approving the retention of the cornice on the basis of hardship the cornice should not be considered a grandfathered condition and VCC approval of this current condition shall not be considered grandfathered for any future application. Ms. Shilstone seconded the motion and the motion passed unanimously.

The Vieux Carré Commission voted to **deny** the appeal for the retention of the fiber-cement siding. The Vieux Carré Commission voted to **approve** the retention of the synthetic cornice, noting that it should not be considered grandfathered for any future applications.

All decisions of the Vieux Carré Commission may be appealed to the City Council. If you wish to appeal this decision to City Council, please provide the Clerk of Council with written notice of intent to appeal and this result letter within 30 days of the date of this letter.

Should you have any questions concerning this matter, feel free to contact me at ngalbrecht@nola.gov.

Sincerely,

A handwritten signature in black ink that reads "Nick Albrecht". The signature is written in a cursive, slightly slanted style.

Nicholas G Albrecht
Building Plan Examiner

Approved BB Bryan D. Block, Director

cc: Bob Ellis