



City of New Orleans

Board of Zoning Adjustments

Final Agenda

Monday, April 15, 2024

10:00 am

City Council Chambers

City Hall, 1300 Perdido Street, 1st Floor, New Orleans, Louisiana

The Board of Zoning Adjustments consists of seven citizen members appointed by the mayor and approved by the City Council. The City Charter grants the Board the power to permit exceptions to or variations from the City's zoning regulations and to hear decision appeals from the Director of the Department of Safety and Permits in accordance with the principles, conditions, and procedures set forth in Article 4 of the City's Comprehensive Zoning Ordinance.

The Board of Zoning Adjustments, in accordance with Article 4 of the Comprehensive Zoning Ordinance of the City of New Orleans, will hold a public hearing on the following items:

A. Call to Order, Roll Call, Adoption of Minutes, Communications, and Reading of Hearing Rules

B. Variances – Unfinished Business

Item 1 – Docket Number: BZA007-24

Property Location: 5022 Bienville Avenue

Bounding Streets: Bienville Ave., Helena St., Iberville St., City Park Ave.

Zoning District: HU-MU Historic Urban Neighborhood Mixed-Use District

Overlay District: HUC Historic Urban Corridor Use Restriction Overlay District

Existing Use: Gas Station

Proposed Use: Restaurant, Standard

Applicant or Agent: 5022 Bienville Group, LLC, Fresia Galvez, Zach Smith Consulting & Design

Project Planner: Sarah C. King (sarah.king@nola.gov)

Request: This request is for variances from the provisions of Article 12, Section 12.3.B.1.d, Article 12, Section 12.3.B.1.e, and Article 12, Section 14.3.B.1.f of the Comprehensive Zoning Ordinance to permit a restaurant with insufficient ground floor transparency, visually obtrusive ADA ramps, and insufficient first floor ceiling height.

Requested Waivers:

Article 12, Section 12.3.B.1.d – Ground Floor Transparency

Required: 50% Proposed: 0% Waiver: 50%

Article 12, Section 12.3.B.1.e – ADA Ramps

Required: Visually unobtrusive

Proposed: Visually obtrusive

Waiver: Visually obtrusive

Article 12, Section 12.3.B.1.f – First Floor Ceiling Height (Kitchen)

Required: 12 ft Proposed: 8.709 ft Waiver: 3.291 ft

Article 12, Section 12.3.B.1.f – First Floor Ceiling Height (Bathroom)

Required: 12 ft Proposed: 10 ft Waiver: 2 ft

Item 2 – Docket Number: BZA100-23

Property Location: 2508 Dryades Street, 1834 Second Street

Bounding Streets: Second St., Baronne St., Third St., Dryades St.

Zoning District: HU-RM1 Historic Urban Multi-Family Residential District

Existing Use: Multi-Family Residence

Proposed Use: Multi-Family Residence

Applicant or Agent: Naw LLC, Novita Williams Knight

Project Planner: Valerie Goines (valerie.goines@nola.gov)

Request: This request is for variances from the provisions of Article 11, Section 11.3.A.1 (Table 11-2A) and Article 22, Section 22.4.A (Table 22-1) of the Comprehensive Zoning Ordinance to permit the retention of an expansion of a multi-family dwelling resulting in insufficient lot area, insufficient permeable open space, insufficient rear yard setback, and insufficient off-street parking (**AFTER THE FACT**).

Requested Waivers:

Article 11, Section 11.3.A.1 (Table 11-2A) – Minimum Lot Area

Required: 4,453.125 ft² (742.19 sf/du) (3,046.875 ft² inherited right)

Proposed: 3,203.125 ft² (533.85 sf/du)

Waiver: 1,250 ft² (208.33 sf/du)

Article 11, Section 11.3.A.1 (Table 11-2A) – Minimum Permeable Open Space

Required: 14% (16% inherited right) Proposed: 0% Waiver: 14%

Article 11, Section 11.3.A.1 (Table 11-2A) – Rear Yard Setback

Required: 13.1 ft (inherited right) Proposed: 0 ft Waiver: 13.1 ft

Article 22, Section 22.4.A (Table 22-1) – Off-Street Vehicle Parking Requirements

Required: 1 space (5-space inherited right)

Proposed: 0 spaces

Waiver: 1 space

Item 3 – Docket Number: BZA109-23

Property Location: 2319 George Nick Connor Drive

Bounding Streets: George Nick Connor Dr., N. Rocheblave St., AP Tureaud Ave., N. Tonti St.

Zoning District: HU-RD2 Historic Urban Two-Family Residential District

Existing Use: Single-Family Residence

Proposed Use: Single-Family Residence

Applicant or Agent: Rickey T. Chaney

Project Planner: Haley Delery Molina (hdelery@nola.gov)

Request: This request is for variances from the provisions of Article 11, Section 11.3.A.1 (Table 11-2A), Article 22, Section 22.11.A.1.b, and Article 22, Section 22.11.D.3 of the Comprehensive Zoning Ordinance to permit the retention of a driveway and parking pad with insufficient setback and resulting in excessive impervious surface in the front yard (**AFTER THE FACT**)

Requested Waivers:

Article 11, Section 11.3.A.1 (Table 11-2A) – Maximum Impervious Surface in Front Yard

Permitted: 40% Provided: 68% Waiver: 28%

Article 22, Section 22.11.A.1.b – Residential Driveways (Setback)

Permitted: 1 ft Provided: 0 ft Waiver: 1 ft

Article 22, Section 22.11.D.3 – Parking Pad Design (Interior Side Lot Line)

Permitted: 1 ft Provided: 0 ft Waiver: 1 ft

Item 4 –Docket Number: BZA119-23

Property Location: 2320-2322 S. Derbigny Street

Bounding Streets: S. Derbigny St., Jackson Ave., S. Claiborne Ave., First St.

Zoning District: HU-MU Historic Urban Neighborhood Mixed-Use District

Existing Use: Vacant Lot

Proposed Use: Two-Family Residence

Applicant or Agent: Irma Plummer

Project Planner: Bria Dixon (bria.dixon@nola.gov)

Request: This request is for a variance from the provisions of Article 12, Section 12.3.A.1 (Table 12-2) of the Comprehensive Zoning Ordinance to permit the construction of a two-family residence with insufficient rear yard setback.

Requested Waiver:

Article 12, Section 12.3.A.1 (Table 12-2) – Rear Yard Setback

Required: 15 ft Proposed: 1 ft, 8 in Waiver: 13 ft, 4 in

Item 5 – Docket Number: BZA001-24

Property Location: 5505 Music Street

Bounding Streets: Music St., Mendez St., Arts St., Odin St.

Zoning District: S-RS Suburban Single-Family Residential District

Existing Use: Single-Family Residence

Proposed Use: Single-Family Residence

Applicant or Agent: Jonte Breann Ray, KRJ Enterprises LLC, Kenneth Ray Joseph

Project Planner: BZA Staff (erhernandez@nola.gov)

Request: This request is for variances from the provisions of Article 22, Section 22.8.A.1.b.ii, Article 22, Section 22.11.D.1, and Article 22, Section 22.11.D.2 of the Comprehensive Zoning Ordinance to permit the retention of a parking pad located between the front façade and front lot line (**AFTER THE FACT**).

Requested Waivers:

Article 22, Section 22.8.A.1.b.ii – Parking Pad Design (Location)

Required: No parking between front façade and front property line

Proposed: Parking between front façade and front property line

Waiver: Parking between front façade and front property line

Article 22, Section 22.11.D.1 – Parking Pad Design (Location)

Required: No front yard parking

Proposed: Front yard parking

Waiver: Front yard parking

Article 22, Section 22.11.D.2 – Parking Pad Design (Location)

Required: No parking between front façade and front lot line

Proposed: Parking between front façade and front lot line

Waiver: Parking between front façade and front lot line

C. Variances – New Business

Item 6 – Docket Number: BZA022-24

Property Location: 531 S. Tonti Street

Bounding Streets: S. Tonti St., Gravier St., S. Rochebave St., Bradish Aly.

Zoning District: MU-2 High Intensity Mixed-Use District

Existing Use: Single-Family Residence

Proposed Use: Commercial Short Term Rental

Applicant or Agent: Fortuna 531 S Tonti, LLC, Graham White

Project Planner: Kaede Polkinghorne (katherine.polkinghorne@nola.gov)

Request: This request is for a variance from the provisions of Article 22, Section 22.4.A (Table 22-1) of the Comprehensive Zoning Ordinance to permit the conversion of a single-family dwelling to a commercial short term rental, resulting in insufficient off-street parking (**AFTER THE FACT**).

Requested Waivers:

Article 22, Section 22.4.A (Table 22-1) – Off-Street Vehicle Parking Requirements

Required: 3 spaces

Proposed: 1 space

Waiver: 2 spaces

Item 7 – Docket Number: BZA023-24

Property Location: 7417 Burthe Street

Bounding Streets: Burthe St., Cherokee St., Freret St., Lowerline St.

Zoning District: HU-RD2 Historic Urban Two-Family Residential District

Existing Use: Established Multi-Family Dwelling (3 Units)

Proposed Use: Small Multi-Family Affordable Dwelling (4 Units)

Applicant or Agent: Les Bon Temps Ventures, LLC, Fresia Galvez, Zach Smith Consulting & Design

Project Planner: Marin Stephens (marin.stephens@nola.gov)

Request: This request is for variances from the provisions of Article 18, Section 18.30.B.11, Article 22, Section 22.8.C, Article 22, Section 22.8.C.1, Article 22, Section 22.11.A.2.a, and Article 22, Section 22.11.A.2.b of the Comprehensive Zoning Ordinance to permit the retention of a parking pad with insufficient depth, a parking area designed so that the driver of the vehicle backs out into traffic rather than proceed forward, and a driveway with excessive width.

Requested Waivers:

Article 18, Section 18.30.B.11 – Off-Street Parking Requirements

Required: 18 ft Proposed: 14 ft, 6 in Waiver: 3 ft, 6 in

Article 22, Section 22.8.C – Dimensions of Vehicle Parking Spaces

Required: 18 ft Proposed: 14 ft, 6 in Waiver: 3 ft, 6 in

Article 22, Section 22.8.C.1 – Off-Street Parking Area Access Requirements

Required: Vehicle proceeds forward into traffic

Proposed: Vehicle backs out into traffic

Waiver: Vehicle backs out into traffic

Article 22, Section 22.11.A.2.a – Multi-Family and Townhouse Dwellings, and Non-Residential Driveways (Driveway Width)

Required: 12 ft Proposed: 31 ft, 6 ½ Waiver: 19 ft, 6 1/2 in

D. Director of Safety and Permits Decision Appeals – Unfinished Business

Item 8 – Docket Number: BZA016-24

Property Location: 7417 Burthe Street Apt. 1B

Bounding Streets: Burthe St., Cherokee St., Freret St., Lowerline St.

Zoning District: HU-RD2 Historic Urban Two-Family Residential District

Overlay District: University Area Off-Street Parking Overlay District

Historic District: Carrollton (Partial)

Existing Use: Established Multi-Family Dwelling (3 Units)

Proposed Use: Small Multi-Family Affordable Dwelling (4 Units)

Applicant or Agent: Les Bon Temps Ventures LLC, Fresia Galvez, Zach Smith Consulting & Design

BZA Contact: Emily Ramírez Hernández (erhernandez@nola.gov)

Request: This is an appeal of the December 20, 2023, decision of the Director of the Department of Safety and Permits, as per Article 4, Section 4.8 of the Comprehensive Zoning Ordinance, regarding the determination that the existing off-street parking spaces cannot be used to satisfy the parking requirement of the University Area Off-Street Parking Overlay District because they do not meet the standards set forth in Article 18, Section 18.30.B.11.

E. Director of Safety and Permits Decision Appeals – New Business

Item 9 – Docket Number: BZA024-24

Property Location: 7417 Burthe Street

Bounding Streets: Burthe St., Cherokee St., Freret St., Lowerline St.

Zoning District: HU-RD2 Historic Urban Two-Family Residential District

Overlay District: University Area Off-Street Parking Overlay District

Historic District: Carrollton (Partial)

Existing Use: Established Multi-Family Dwelling (3 Units)

Proposed Use: Small Multi-Family Affordable Dwelling (4 Units)

Applicant or Agent: Debra F. Howell

BZA Contact: Emily Ramírez Hernández (erhernandez@nola.gov)

Request: This is an appeal of the February 12, 2024, decision of the Director of the Department of Safety and Permits, as per Article 4, Section 4.8 of the Comprehensive Zoning Ordinance, regarding the issuance of permit no. 23-04553-RNVS allowing for the conversion of a multi-family dwelling (3 units) to a multi-family dwelling (4 units) under the University Area Off-Street Parking Overlay District, rather than the University Area Off-street Parking Interim Zoning District, and that the IZD supersedes the small multi-family affordable dwelling requirements of the base zoning district.

F. Any Other Matters – Unfinished Business

Item 10 – Consideration | Election of Officers

Annually, at the first meeting on or after July 1st of each year, the Board shall elect from its members a Chair and a Vice-Chair as it shall deem necessary and proper. The Chair and Vice-Chair shall serve until June 30th of the following year or until their successors have been elected and qualified and may, if duly elected by the members, succeed themselves. The duties of the Chair shall include the following:

1. The Chair shall preside at all meetings and hearings of the Board. In the event of the absence or disability of the Chair, the Vice-Chair shall preside.
2. The Chair may designate members of the Board to make personal inspections when necessary from time to time, and unless directed shall appoint such committees as may be found necessary.
3. The Chair shall report at each meeting on all official transactions or communications that have not been otherwise communicated to the Board.
4. The Chair shall, subject to these rules, and further instructions from the Board, transact the official business of the Board, supervise the work of the staff and exercise general disciplinary power.
5. The Chair subject to these rules and limitations shall decide all meeting protocol unless otherwise directed by a majority of the Board in session at the time.

G. Adjournment

Staff Reports

Staff reports and meeting materials are available for review on the [Granicus website](#).

Meeting Information

Board Members

Candice M. Forest – Chair
Todd C. James – Vice Chair
Tamara Agins
José Alvarez
Jaime Ramiro Diaz
Alfonso Gonzalez II
Jason Richards

General Rules of Order

Robert's Rules of Order govern the conduct of the meeting. Any member of the public may speak on any matter before the Board. If you wish to appear before the Board, please fill out a speaker card and place it in the box provided. When you are recognized by the Chairperson, state your name and address and speak directly into the microphone.

Public Comment

Any member of the public may speak on any matter before the Board. If you wish to appear before the Board, please fill out a speaker card provided at the meeting, prior to the Board taking up the matter of interest, and place it in the box provided. When you are recognized by the Chairperson, state your name and address and speak directly into the microphone.

- **Variations:** Comments by the public in support or in opposition shall be limited to a maximum of two (2) minutes.
- **Decision Appeals:** Comments by the public in support or in opposition shall be limited to a maximum of three (3) minutes.

Meeting Video

- Livestream: http://cityofno.granicus.com/ViewPublisher.php?view_id=2
- Live Television Broadcast: Cox Cable Channel 6 in Orleans Parish

Recess

The Board will recess from approximately 1:00 to 1:30 p.m.

Decisions of the Board

The decision made by the Board will be provided in the form of a resolution. The resolution shall be produced by April 25, 2024, and will be available online at onestopapp.nola.gov.

Appeals: Any person or persons, or any officer, department, commission, board, bureau, or any other agency of the City of New Orleans jointly or singularly aggrieved by any decision of the Board of Zoning Adjustments may present to the Civil District Court of the Parish of Orleans, within thirty (30) days after filing of the decision in the office of the Board, a writ of certiorari asking for such relief and under such rules and regulations as are provided for such matters in appropriate legislation of the State of Louisiana.

City Planning Commission, City of New Orleans

Robert D. Rivers, Executive Director

<https://nola.gov/cpc>

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CPCinfo@nola.gov

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This meeting is accessible to people with disabilities. Should you need further assistance, please contact the Front Desk in the Main Lobby or the ADA Administrator, (504) 658-4020 (voice), 711 LA Relay Service, or e-mail emhurst@nola.gov. Please be advised there is a courtesy telephone available for 711 calls for persons with hearing or speech impairments at the welcome desk of City Hall, First Floor, Main Lobby. This communiqué is available in alternative formats upon request.