



BOARD OF ZONING ADJUSTMENTS

Final Agenda

February 15, 2016

MEETING INFORMATION

Location

City Council Chambers

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

Time

10:00 a.m.
*Decision Appeals are heard
after 1:00 p.m.*

Board Members

Candice M. Forest – Chair

Todd C. James – Vice Chair

Thomas McCall Screen

Jaime Ramiro Diaz

Alfonso Gonzalez II

Myra Bercy

Mary Harper Malone

The general public cannot speak
with the members personally.

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 14 of the City's Comprehensive Zoning Ordinance. The decision made by the Board will be provided in the form of a resolution. The resolution should be produced by **February 25, 2016**.

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 Lucite box in the far wall in the Council Chambers. When you are recognized by the Chairperson, state your name and address and speak directly into the microphone.

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.

Should you wish to view an application you may do so online at onestopapp.nola.gov. The requested waivers are subject to change prior to the hearing. Should you wish to submit comments on any of the matters included in the agenda, you may do so in the following ways:

E-mail – CPCinfo@nola.gov or the planner listed on the agenda
Mail – 1300 Perdido Street Room 7W03, New Orleans, Louisiana 70112
Fax – 504-658-7032

All written correspondence should include the docket number and be made to the attention of the Staff of the Board of Zoning Adjustments. The deadline for public comment is **no later than 5:00 p.m. on the Monday before the meeting.**

- A. Call to Order, Roll Call, Adoption of Minutes, Communications and Reading of Hearing Rules
- B. BZA Dockets – Former Comprehensive Zoning Ordinance¹ - Unfinished Business

ITEM 1 – Docket Number: 081-15

Applicant or Agent: Harry Baker Smith Architects, 515 Toulouse, L.L.C.,
Property Location: 515-517 Toulouse Street & 516 Wilkinson **Zip:** 70130
Bounding Streets: Toulouse St., Decatur St., Chartres St., & Wilkinson St.
Former Zoning: VCC-2 Vieux Carré Commercial District
Current Zoning: VCC-2 Vieux Carré Commercial District
Historic District: N/A **Planning District:** 1b
Existing Use: Vacant Mixed-Use **Square Number:** 26
Proposed Use: Commercial/Residential (25 units) **Lot Number:** 10, 11, 12, 16, B, A
Project Planner: Dubravka Gilic (dgilic@nola.gov)

Request Citation: This request is for a variance from the provisions of Article 8, Section 8.5.7 (Table 8-D) of the former Comprehensive Zoning Ordinance.

Request: This request is to permit the renovation of an existing building to a mixed-use structure with excessive height.

Requested Waiver:

Section 8.5.7 (Table 8.D) – Maximum Building Height

Required: 50 feet Proposed: 53 feet Waiver: 3 feet



¹ The former Comprehensive Zoning Ordinance (CZO) was rendered ineffective as of August 12, 2015 with the adoption of a new Comprehensive Zoning Ordinance (CZO), however complete building applications prior to the adoption of the new CZO require zoning review and regulation under the former CZO.

ITEM 2 – Docket Number: 157-15

TO BE MOVED TO MARCH 14th MEETING

Applicant or Agent: Lawrence J. Springer, John F. Wheelock, Jr. and Melissa G. Wheelock
Property Location: 2031 State Street **Zip:** 70118
Bounding Streets: State St., Feret St., Richmond Pl., & Loyola Av.
Former Zoning: RS-2 Single-Family Residential District
Current Zoning: HU-RS Historic Urban Single-Family Residential District
Historic District: N/A **Planning District:** 3
Existing Use: Single-Family Residence **Square Number:** Bloomingdale
Proposed Use: Single-Family Residence **Lot Number:** B
Project Planner: Danica Adams (dcadams@nola.gov)

Request Citation: This request is for variances from the provisions of Article 15, Section 15.2.3, and Article 15, Section 15.6.6 of the former Comprehensive Zoning Ordinance (CZO).

Request: This request is to permit two (2) parking spaces in the front yard and excessive paving of the required front yard area. **(AFTER THE FACT)**

Requested Waivers:

Section 15.2.3 – Parking in Front Yards

Required: 0 Spaces Provided: 2 Spaces Waiver: 2 Spaces

Section 15.6.6 – Limitation of Pavement of Required Front Yard Areas

Required: ≤ 40% Provided: 51% (540 sq. ft.) Waiver: 11% (120 sq. ft.)

***NOTE: At the January 11th meeting the BZA deferred the item for 60 days instead of the typical 30 days so this item was incorrectly included on this draft agenda. Instead the item will be heard at the March 14th meeting.**



ITEM 3 – Docket Number: 169-15

Applicant or Agent: Magazine Race, LLC
Property Location: 1476 Magazine Street **Zip:** 70130
Bounding Streets: Magazine St., Race St., Constance St., & Euterpe St.
Former Zoning: B-1A Neighborhood Business District
Current Zoning: HU-B1 Neighborhood Business District
Historic District: Lower Garden District (Local HD) **Planning District:** 2
Existing Use: Parking Lot **Square Number:** 144
Proposed Use: Multi-Family Residence **Lot Number:** 1, 2

Request Citation: This request is for special exceptions from the provisions of Article 5, Section 5.5.7 (Table 5.E) of the former Comprehensive Zoning Ordinance.

Request: To permit the construction of a multi-family residence with insufficient side yard setback and insufficient rear yard setback.

Requested Waivers:

Section 5.5.7 (Table 5.E) – Side Yard Setback

Required: 5' Provided: 3'-6" Waiver: 1'-6"

Section 5.5.7 (Table 5.E) – Rear Yard Setback

Required: 20' Provided: 0' Waiver: 20'



ITEM 4 – Docket Number: 184-15

Applicant or Agent: Susan Neely, Christopher Meehan
Property Location: 1421 N. Robertson Street **Zip:** 70116
Bounding Streets: N. Robertson St., Esplanade Ave., Kerlerec St., & N. Claiborne Ave.
Former Zoning: HMC-2 Historic Marigny/Tremé Commercial District
Current Zoning: HMR-3 Historic Marigny/Tremé/Bywater Residential District
Historic District: Treme **Planning District:** 4
Existing Use: Vacant Lot **Square Number:** 629
Proposed Use: Restaurant **Lot Number:** 1
Project Planner: Larry Massey (lwmassey@nola.gov)

Request Citation: This request is for a variance from the provisions of Article 15, Section 15.2.1 (Table 15.A) of the former Comprehensive Zoning Ordinance.

Request: This request is to permit the construction of a restaurant with insufficient off-street parking.

Requested Waiver:

Section 15.2.1 (Table 15.A) – Off-Street Parking

Required: 9 Spaces Provided: 0 Spaces Waiver: 9 Spaces

C. BZA Dockets – Current Comprehensive Zoning Ordinance² - Unfinished Business

ITEM 5 – Docket Number: 195-15

Applicant or Agent: Governor House of New Orleans, LLC, Richard Choate
Property Location: 1630 Canal Street **Zip:** 70112
Bounding Streets: Canal St., S. Claiborne Ave., Cleveland Ave., & S. Robertson St.
Zoning District: CBD-7 Bio-Science District
Historic District: N/A **Planning District:** 1a
Existing Use: Hotel/Motel **Square Number:** 404
Proposed Use: Hotel/Motel **Lot Number:** A-1
Project Planner: Arlen D Brunson (adbrunson@nola.gov)

Request Citation: This request is for variances from the provisions of Article 22, Section 22.10.B.1 of the Comprehensive Zoning Ordinance.

Request: This request is to permit the renovation of a hotel with insufficient loading space width and vertical clearance.

Requested Waivers:

Section 22.10.B.1 –Dimensions-Width

Required: 12’ Provided: 11’-2” Waiver: 10”

Section 22.10.B.1 –Dimensions-Vertical Clearance

Required: 14’ Provided: 10’-4” Waiver: 3’-8”



ITEM 6 – Docket Number: 002-16

Applicant or Agent: Richard Ferber, Clayton Ventures, LLC, Debra Ferber
Property Location: 6712 Orleans Avenue **Zip:** 70124
Bounding Streets: Orleans Ave., Fillmore Ave., Gen. Haig St., & Chapelle St.
Zoning District: S-LRS1 Lakeview Single-Family Residential District
Historic District: N/A **Planning District:** 5
Existing Use: Single-Family Residence **Square Number:** 128
Proposed Use: Single-Family Residence **Lot Number:** 31 & 32
Project Planner: Laura Banos (lbbanos@nola.gov)

Request Citation: This request is for a variance from the provisions of Article 21, Section 21.6.A.7 of the Comprehensive Zoning Ordinance.

Request: This request is to permit the construction of a garage with insufficient setback from the right lot line. **(AFTER THE FACT)**

Requested Waiver:

Section 21.6.A.7 – Detached Accessory Structures

Required: 3’ from any lot line Provided: 2’-6” (right side) Waiver: 6”

² The new Comprehensive Zoning Ordinance became effective August 12, 2015.

Item 7 – Docket Number 006-16

Applicant or Agent: Kimberly Maranto, Will Maranto
Property Location: 1442 North Roman Street **Zip:** 70116
Bounding Streets: N. Roman St., Kerlerec St., N. Derbigny St., & Columbus St.
Zoning District: HU-RD2 Two-Family Residential District
Historic District: Esplanade Ridge **Planning District:** 4
Existing Use: Vacant Lot **Square Number:** 762
Proposed Use: Single-Family Residence **Lot Number:** 15-A
Project Planner: Dubravka Gilic (dgilic@nola.gov)

Request Citation: This request is for variances from the provisions of Article 11, Section 11.3.A.1 (Table 11-2A) and Section 21.7 (Table 21.2) of the Comprehensive Zoning Ordinance.

Request: This request is to permit the construction of a single-family residence on a lot with insufficient rear yard depth, insufficient permeable open space, and excessive balcony encroachment into the rear yard area.

Requested Waivers:

Section 11.3.A.1 (Table 11-2A) - Rear Yard Depth

Required: 13.8' Provided: 9.8' Waiver: 4'

Section 11.3.A.1 (Table 11-2A) - Minimum Permeable Open Space (% of Lot area)

Required: 30% Provided: 8.7% Waiver: 21.3%

Section 21.7 (Table 21.2) - Balcony Encroachment into Required Rear Yard (Maximum)

Permitted: 4' Provided: 6' Waiver: 2'



D. BZA Dockets – Current Comprehensive Zoning Ordinance³ - New Business

ITEM 8 – Docket Number: 008-16

Applicant or Agent: Byron Mouton, Alex and Arwen Podesta
Property Location: 622 South Alexander Street **Zip:** 70119
Bounding Streets: S. Alexander St., D’Hemecourt St., S. Hennessey St., & Ulloa St.
Zoning District: HU-RD2 Two-Family Residential District
Historic District: N/A **Planning District:** 4
Existing Use: Single-Family Residence **Square Number:** 796
Proposed Use: Two-Family Residence **Lot Number:** 13
Project Planner: Nicolette P. Jones (nipjones@nola.gov)

Request Citation: This request is for variances from the provisions of Article 11, Section 11.3.A.2a and Section 11.3.B.3a of the Comprehensive Zoning Ordinance.

Request: This request is to permit the construction of a single-family residence with an excessive front yard setback and parking in the front yard.

Requested Waivers:

Section 11.3.A.2a - Front Yard Build-To Line Requirement

Required: <20’ Provided: 123’ Waiver: 103’

Section 11.3.B.3a - Parking Areas In Front Yards

Required: Prohibited Provided: 4 Spaces Waiver: 4 Spaces



³ The new Comprehensive Zoning Ordinance became effective August 12, 2015.

ITEM 9 – Docket Number: 009-16

Applicant or Agent: Jan Whipple, Tom Pittman
Property Location: 1507 Leonidas Street **Zip:** 70118
Bounding Streets: Leonidas St., Jeannette St., Joliet St., & Birch St.
Zoning District: HU-RD2 Two-Family Residential District
Historic District: N/A **Planning District:** 3
Existing Use: Vacant Lot **Square Number:** 198
Proposed Use: Single-Family Residence **Lot Number:** 10
Project Planner: Sabine Lebailleux (selebailleux@nola.gov)

Request Citation: This request is for a variance from the provisions of Article 11, Section 11.3.A.1 (Table 11-2A) of the Comprehensive Zoning Ordinance.

Request: This request is to permit construction of a single-family residence with insufficient depth of rear yard.

Requested Waiver:

Section 11.3.A.1 (Table 11-2A) - Minimum Depth of Rear Yard

Required: 6 ft. Provided: 3 ft. Waiver: 3 ft.



ITEM 10 – Docket Number: 010-16

Applicant or Agent: Pro Signs & Graphics, Canal & Camp Apartments, LLC
Property Location: 600-604 Canal St, 101-117 Camp St **Zip:** 70130
Bounding Streets: Canal St., St. Charles Ave., Common St., & Camp St.
Zoning District: CBD-2 Historic Commercial and Mixed-Use District
Historic District: Canal Street **Planning District:** 1a
Existing Use: Mixed-Use **Square Number:** 170
Proposed Use: Mixed-Use **Lot Number:** 1, 2, A , B
Project Planner: Brittany B DesRocher (bbdesrocher@nola.gov)

Request Citation: This request is for variances from the provisions of Article 24, Section 24.11.E, Section 24.11.A.6, Section 24.7.G.2, and Section 24.7.G.7 of the Comprehensive Zoning Ordinance.

Request: This request is to permit the creation of five signs,: 2 projecting signs for a multi-family building, 1 under canopy sign for multifamily building entrance , 1 projecting sign for retail and 1 under canopy sign for retail all with excessive sign area.

Requested Waivers:

Section 24.11.E - Multi-Family Identification Sign (Attached) - Number

Permitted: 1 Provided: 2 Waiver: 1

Section 24.11.E - Multi-Family Identification Sign (Attached) - Size

Permitted: 24 sq. ft. Provided: 32 sq. ft. Waiver: 8 sq. ft. (per sign)

Section 24.11.A.6 - Awning, Canopy, and Under-Gallery Signs (Giani)

Permitted: 3 sq. ft. Provided: 13.45 sq. ft. Waiver: 10.45 sq. ft.

Section 24.11.A.6 - Awning, Canopy, and Under-Gallery Signs (Praline)

Permitted: 3 sq. ft. Provided: 9.75 sq. ft. Waiver: 6.75 sq. ft.

Section 24.7.G.7- Limitation on Items of Information for Permanent Signs (Giani)

Permitted: 1 item of information Provided: 2 items Waiver: 1 item



ITEM 11 – Docket Number: 011-16

Applicant or Agent: George Jeansonne, Discipline Development
Property Location: 2713 Frankfort Street **Zip:** 70122
Bounding Streets: Frankfort St., Baccich St., Leon C. Simon Dr., & Lafaye St.
Zoning District: S-RD Two-Family Residential District
Historic District: N/A **Planning District:** 6
Existing Use: Vacant Lot **Square Number:** 5296
Proposed Use: Two-Family Residence **Lot Number:** C
Project Planner: Stosh Kozlowski (sakozlowski@nola.gov)

Request Citation: This request is for a variance from the provisions of Article 13, Section 13.3.A.1 (Table 13-2) of the Comprehensive Zoning Ordinance.

Request: This request is to permit the construction of a two-family residence with insufficient lot width.

Requested Waiver:

Section 13.3.A.1 (Table 13-2) - Minimum Lot Width

Required: 50' Provided: 45' Waiver: 5'



ITEM 12 – Docket Number: 012-16

Applicant or Agent: Kevin J O'Shaughnessy, Matthew Emerson
Property Location: 929 Filmore Avenue **Zip:** 70124
Bounding Streets: Filmore Ave., Argonne St., Chapelle St., & Marshall Foch St.
Zoning District: S-LRS1 Lakeview Single-Family Residential District
Historic District: N/A **Planning District:** 5
Existing Use: Vacant Lot **Square Number:** 126
Proposed Use: Single-Family Residence **Lot Number:** G
Project Planner: Larry Massey (lwmassey@nola.gov)

Request Citation: This request is for variances from the provisions of Article 21, Section 21.6.EE.1 and Section 21.6.T.1 of the Comprehensive Zoning Ordinance.

Request: This request is to permit two the construction of a single-family residence with a swimming pool in the required corner side yard and mechanical equipment in the required corner side yard.

Requested Waivers:

Section 21.6.EE.1 - Swimming Pools - Location

Required: No swimming pools within a required corner side yard setback

Provided: Swimming pool in the required corner yard setback

Waiver: Swimming pool in the required corner yard setback

Section 21.6.T- Mechanical Equipment

Required: No mechanical equipment with a required corner side yard setback

Provided: Mechanical equipment within a required corner side yard setback

Waiver: Mechanical equipment within a required corner yard setback



ITEM 13 – Docket Number: 013-16

Applicant or Agent: Mathes Brierre Architects, Downtown Star, LLC
Property Location: 1535-1537 Canal Street **Zip:** 70112
Bounding Streets: Canal St., N. Robertson St., N. Villere St., Iberville St.
Zoning District: CBD-7 EC Enhancement Corridor, Maximum FAR 12, Maximum Height
Historic District: N/A **Planning District:** 1a
Existing Use: Vacant Lot **Square Number:** 187
Proposed Use: Mixed-Use **Lot Number:** N/A
Project Planner: Dubravka Gilic (dgilic@nola.gov)

Request Citation: This request is for variances from the provisions of Article 17, Section 17.3.B.1 and Section 17.3.B.2 and Article 22, Section 22.7 of the Comprehensive Zoning Ordinance.

Request: This is a request to construct a multi-family development in the CBD-7 District and within the Multi-Modal/Pedestrian Corridor of Canal Street with insufficient floor area designated for the required commercial uses; insufficient Canal Street building frontage designated for the required commercial uses, insufficient direct public access to the required commercial uses, and with insufficient off-street loading.

Requested Waivers:

Section 17.3.B.1(a) - Required Uses for Ground Floors of Structures with Frontage on Multi-Modal/Pedestrian Corridors (Canal Street)

Required: 25% of gross floor area Provided: 0% Waiver: 25%

Section 17.3.B.1(b) – Required Direct public Access to the Ground Floors Uses with Frontage on Multi-Modal/Pedestrian Corridors (Canal Street)

Required: Direct access Provided: none Waiver: Direct access

Section 17.3.B.2(a) - Required Percentage of Canal Street Frontage to be Used by the Required Commercial Uses

Required: 70% Provided: 42% Waiver: 70%

Section 22.7 -Required Off-Street Loading Spaces

Required: 3 spaces Provided: 1 space Waiver: 2 space



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

ITEM 14 – Docket Number: 014-16

Applicant or Agent: Justin B. Schmidt, 515 Toulouse LLC
Property Location: 515-517 Toulouse Street & 516 **Zip:** 70130
Bounding Streets: Toulouse St., Decatur St., Chartres St., & Wilkinson St.
Zoning District: VCC-2 Vieux Carré Commercial District
Historic District: VCC-2 Vieux Carré Commercial District **Planning District:** Planning
Existing Use: Vacant Building **Square Number:** 26
Proposed Use: Mixed-Use **Lot Number:** 10, 11, 12, 16, B, A

Request Citation: This is an appeal of a decision of the Director the Department of Safety and Permits as per Article 4, Section 4.8 of the Comprehensive Zoning Ordinance.

Request: This is an appeal of the decision of the Director of the Department of Safety and Permits regarding the determination that non-conforming building height cannot be extended to buildings on adjacent lots through resubdivision.

F. Adjournment