

### **BOARD OF ZONING ADJUSTMENTS**

#### **MEETING INFORMATION**

#### **Location**

#### **City Council Chambers**

1<sup>st</sup> Floor, City Hall 1300 Perdido Street New Orleans, Louisiana

<u>Time</u>

10:00 a.m.

#### **Board Members**

Candice M. Forest – Chair

Todd C. James – Vice Chair

Jaime Ramiro Diaz

Alfonso Gonzalez II

Mary Harper Malone

Nikolaus Richard

The general public cannot speak with the members personally.

### Draft Agenda

### August 13, 2018

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 **August 23**, **2018**.

#### 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.

#### 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.

### This is the Draft Agenda

Should you wish to view an application you may do so online at <u>onestopapp.nola.gov</u>. 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 – <u>CPCinfo@nola.gov</u> 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 <u>docket number</u> and be made to the attention of the Staff of the Board of Zoning Adjustments. The deadline for public comment is <u>no later than 5:00 p.m. on the Monday before the meeting.</u>

Waiver: 1'-6 1/8"

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

#### B. Variances – Unfinished Business

#### ITEM 1 – Docket Number: 052-18

Applicant or Agent:	William Casey Frew, Lewis Robinson	
Property Location:	1308 Henriette DeLille Street	<b>Zip:</b> 70116
<b>Bounding Streets:</b>	Henriette DeLille St., Barracks St., Rampa	rt St., Esplanade Ave.
Zoning District:	HMR-1 Historic Marigny/Tremé/Bywater Residential District	
Historic District:	Tremé	Planning District: 4
Existing Use:	Two-Family Residence	Square Number: 109
Proposed Use:	Two-Family Residence	Lot Number: E-1
Project Planner:	Joseph Colón (jacolon@nola.gov)	

**Request**: This request is for a variance from the provisions of Article 21, Section 21.6.N.1 of the Comprehensive Zoning Ordinance to permit a fence with excessive height.

## Requested Waiver: Article 21, Section 21.6.N.1.a – Fence Height Required: 7' Provided: 8'-6 1/8"

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#### ITEM 2 – Docket Number: 056-18

Applicant or Agent:	Charles J. Neyrey, George Fowler IV, and	Jennifer Walker Fowler
Property Location:	508 Millaudon Street	<b>Zip:</b> 70118
<b>Bounding Streets:</b>	Millaudon St., Pearl St., Cherokee St., St.	Charles Ave.
Zoning District:	HU-RD2 Historic Urban Two-Family Residential District	
Historic District:	St. Charles Avenue Local Historic	Planning District: 3
Existing Use:	Single-Family Residence	Square Number: 61
Proposed Use:	Two-Family Residence	Lot Number: B
Project Planner:	Rachael Berg (rberg@nola.gov)	

**Request**: 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 to permit an addition to an existing single-family residence resulting in insufficient minimum rear yard setback.

## Requested Waiver:Article 11, Section 11.3.A.1 (Table 11-2A) – Rear Yard SetbackRequired: 15'Provided: 3'Waiver: 12'

#### ITEM 3 – Docket Number: 057-18

Applicant or Agent:	St. John Baptist Church No. 5, Bruce Dav	venport
Property Location:	3635 Hamburg Street	<b>Zip:</b> 70122
<b>Bounding Streets:</b>	Hamburg St., St. Denis St., Paris St., Sere	St.
Zoning District:	S-B1 Suburban Business District	
Historic District:	N/A	Planning District: 4
Existing Use:	Vacant Lot	Square Number: 2481
Proposed Use:	Office	Lot Number: 14
Project Planner:	Nicolette Jones (nipjones@nola.gov)	

**Request**: This request is for variances from the provisions of Article 22, Section 22.4.A (Table 22-1) of the Comprehensive Zoning Ordinance to permit the construction of an office with insufficient minimum lot area, insufficient minimum lot width, and insufficient off-street parking.

#### **Requested Waivers**:

Article 14, Section 14.3.A.1 (Table 14-2) – Minimum Lot Area Requirements			
Required: 10,000 sf	Provided: 3,067 sf	Waiver: 6,933 sf	
Article 14, Section 14.3.A.1 (Table 14-2) – Minimum Lot Width Requirements			
Required: 50'	Provided: 30'	Waiver: 20'	
Article 22, Section 22.4.A (Table 22-1) – Off-Street Vehicle and Bicycle Parking Requirements			
Required: 7 spaces	Provided: 0 spaces	Waiver: 7 spaces	

#### C. Variances – New Business

#### ITEM 4 – Docket Number: 060-18

Applicant or Agent:	Orleans Parish School Board, Mathes Brierre Architects	
Property Location:	4720 Painters Street	<b>Zip:</b> 70122
Bounding Streets:	Mirabeau Ave., Painters St., Carnot St., Arts St.	
Zoning District:	S-RS Suburban Single-Family Residential District	
Historic District:	N/A	Planning District: 6
Existing Use:	Educational Facility, Primary	Square Number: 38
Proposed Use:	Educational Facility, Primary	Lot Number: 1-48
Project Planner:	Timothy Jackson (thjackson@nola.gov)	

**Request**: This request is for variances from the provisions of Article 13, Section 13.3.A.1 (Table 13-2) of the Comprehensive Zoning Ordinance to permit additions to a school resulting in insufficient front yard setback along the Arts and Painters Streets frontages.

#### **Requested Waivers**:

Article 13, Section 13.3.A.1 (Table 13-2) – Front Yard Setback (Arts Street)		
Required: 20'	Provided: 0'	Waiver: 20'
Article 13, Section 13.3.A.1 (Table 13-2) – Front Yard Setback (Painters Street)		
Required: 20'	Provided: 0'	Waiver: 20'

ITEM 5 – Docket Number: 061-18			
Applicant or Agent:	Merlin Enterprises LLC, Joanne Close		
Property Location:	1226 S. White Street	<b>Zip:</b> 70125	
Bounding Streets:	S. White St., Clio St., S. Broad St., Erato St		
Zoning District:	C-3 Heavy Commercial District		
Historic District:	N/A	Planning District: 4	
Existing Use:	Vacant Lot	Square Number: 594	
Proposed Use:	Bar	Lot Number: 5	
Project Planner:	Travis Martin (trlmartin@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 a wine bar and wine shop with insufficient off-street parking.

Requested Waiver:			
Article 22, Section 22.4.A	(Table 22-1) - Of	f-Street Vehicle and Bicy	cle Parking Requirements
Required: 4 spaces (1 per	500 sf GFA)	Provided: 0 spaces	Waiver: 4 spaces
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ITEM 6 – Docket Number	: 062-18		
Applicant or Agent:	Charles Ward, 7	'31 St. Charles Ave., LLC	
Property Location:	731-735 St. Cha	irles Avenue	<b>Zip:</b> 70130
Bounding Streets:	St. Charles Ave., Girod St., Carondelet St., Julia St.		
Zoning District:	CBD-5 Urban Core Neighborhood Lower Intensity Mixed-Use District		
Historic District:	Lafayette Squar	e	Planning District: 1a
Existing Use:	Vacant Building		Square Number: 218
Proposed Use:	Mixed-Use		Lot Number: 12, 13
Project Planner:	Joseph Colón (ja	acolon@nola.gov)	

**Request:** This request is for a variance from the provisions of Article 17, Section 17.3.B.1 of the Comprehensive Zoning Ordinance to permit the construction of a mixed-use (four commercial units/67 dwelling units) structure in a multi-modal/pedestrian corridor with insufficient minimum ground floor area reserved for approved uses.

Requested Waiver:Article 17, Section 17.3.B.1 – Required Uses for Ground Floors of Structures with Frontage on Multi-<br/>Modal/Pedestrian CorridorsRequired: 25%Provided: 10%Waiver: 15%

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#### ITEM 7 – Docket Number: 063-18

Applicant or Agent:	Kathy A. Marshall, Mathes Brierre Archite	ects
Property Location:	5612 Orleans Avenue	<b>Zip:</b> 70124
Bounding Streets:	Orleans Ave., Central Park Pl., Gen. Haig.	, Florida Blvd.
Zoning District:	S-LRS1 Suburban Lakeview Single-Family Residential District	
Historic District:	N/A	Planning District: 5
Existing Use:	Single-Family Residence	Square Number: C
Proposed Use:	Single-Family Residence	Lot Number: 1-A
Project Planner:	Haley Delery (hdelery@nola.gov)	

**Request:** This request is for variances from the provisions of Article 21, Section 21.6.A.7 of the Comprehensive Zoning Ordinance to permit the construction of a detached carport with insufficient corner side and rear yard setbacks.

#### **Requested Waivers:**

Article 21, Section 21.6.A.7 – Accessory Structures and Uses (Rear Setback)Required: 3'Provided: 8¾"Waiver: 2'-3¼"Article 21, Section 21.6.A.7 – Accessory Structures and Uses (Corner Side Setback)Required: 3'Provided: 1'-10"Waiver: 2'-2"

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#### ITEM 8 – Docket Number: 064-18

Applicant or Agent:	Michael B. and Kathy Kane	
Property Location:	1117 Governor Nicholls Street	<b>Zip:</b> 70116
Bounding Streets:	St. Charles Ave., Girod St., Carondelet St.	, Julia St.
Zoning District:	HMC-2 Historic Marigny/Tremé/Bywater Commercial District	
Historic District:	Tremé	Planning District: 4
Existing Use:	Vacant Lot	Square Number: 110
Proposed Use:	Multi-Family Residence	Lot Number: B
Project Planner:	Sabine Lebailleux (selebailleux@nola.gov	')

**Request:** This request is for variances from the provisions of Article 10, Section 10.3.A (Table 10-2), Article 22, Section 22.8.C (3), and Article 22, Section 22.8.D of the Comprehensive Zoning Ordinance to permit the construction of multi-family residence (6-unit) with insufficient open space ratio, excessive compact parking spaces, a two-way traffic aisle with insufficient width, and no sight-distance triangle.

#### **Requested Waivers:** Article 10, Section 10.3.A (Table 10-2) – Open Space Ratio Provided: 30% Waiver: 3.5% Required: 30% Article 22, Section 22.8.C (3) – Dimensions of Vehicle Parking Spaces Permitted: Maximum of 30% compact spaces Provided: 33% Waiver: 3% Article 22, Section 22.8.D (3) – Access Requirements for Off-Street Vehicle Parking Areas Required: 24' driveway width Provided: 12' Waiver: 12' Article 22, Section 22.8.D (5) – Access Requirements for Off-Street Vehicle Parking Areas Required: Sight-distance triangle Provided: No sight-distance triangle Waiver: No sight-distance triangle

#### ITEM 9 – Docket Number: 065-18

Applicant or Agent:	Lisa M. Laursen, Lewis Robinson	
Property Location:	828 Gallier Street	<b>Zip:</b> 70117
Bounding Streets:	Gallier St., Dauphine St., Desire St., Burgundy St.	
Zoning District:	HMR-3 Historic Marigny/Tremé/Bywater Residential District	
Historic District:	Bywater	Planning District: 7
Existing Use:	Single-Family Residence	Square Number: 247
Proposed Use:	Two-Family Residence	Lot Number: 10
Project Planner:	Nicolette P. Jones (nipjones@nola.gov)	

**Request:** This request is for a variance from the provisions of Article 9, Section 9.3.A (Table 9-2) of the Comprehensive Zoning Ordinance to permit the conversion of an accessory structure into a second dwelling unit with insufficient rear yard setback.

#### **Requested Waiver:**

Article 9, Section 9.3.A (Table 9-2) – Rear Yard Setback		
Required: 20'	Provided: 1'	Waiver: 19'

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#### ITEM 10 – Docket Number: 066-18

Applicant or Agent:	James R. Dugan, II, Barry Fox & Associates		
Property Location:	2523 Prytania Street	<b>Zip:</b> 70130	
Bounding Streets:	Prytania St., Third St., St. Charles Av	Prytania St., Third St., St. Charles Ave., Second St.	
Zoning District:	HU-RD1 Historic Urban Two-Family Residential District		
Historic District:	Garden District	Planning District: 2	
Existing Use:	Single-Family Residence	Square Number: 214	
Proposed Use:	Single-Family Residence	Lot Number: 3-A-1	
Project Planner:	Aspen Nero (asnero@nola.gov)		

**Request:** This request is for variances from the provisions of Article 21, Section 21.6.N.1.a and Article 21, Section 21.6.P.2 of the Comprehensive Zoning Ordinance to permit the construction of a fence with excessive height and a detached garage with excessive area.

Requested Waivers:			
Article 21, Section 21.6.N.1.a – Fence Height			
Required: 7'	Provided: 8'-6"	Waiver: 1'-6"	
Article 21, Section 21.6.P.2 – Detached Garages			
Required: 900 ft <sup>2</sup>	Provided: 1,689 ft <sup>2</sup>	Waiver: 789 ft <sup>2</sup>	

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#### ITEM 11 – Docket Number: 067-18

Applicant or Agent:	Newell Architecture & Development LLC, Corey Newell	
Property Location:	411 Toledano Street	<b>Zip:</b> 70115
Bounding Streets:	Toledano St., St. Thomas St., Pleasant	St., Tchoupitoulas St.
Zoning District:	MU-1 Medium Intensity Mixed-Use District	
Historic District:	Irish Channel	Planning District: 2
Existing Use:	Vacant Lot	Square Number: 17
Proposed Use:	Single-Family Residence	Lot Number: X
Project Planner:	Robin Jones (rcjones@nola.gov)	

**Request:** This request is for variances from the provisions of Article 15, Section 15.3.A.1 (Table 15-2) of the Comprehensive Zoning Ordinance to permit the construction of a single-family residence with insufficient interior side yard and rear yard setbacks.

#### **Requested Waivers:**

Article 15, Section 15.3.A.1 (Table 15-2) – Interior Side Yard Setback			
Required: 3'-3 31/32"	Provided: 3'-2"	Waiver: 1 1/32"	
Article 15, Section 15.3.A.1 (Table 15			
Required: 3'-3 31/32"	Provided: 3'-2"	Waiver: 1 1/32"	
Article 15, Section 15.3.A.1 (Table 15-2) – Rear Yard Setback			
Required: 20'	Provided: 7'-3"	Waiver: 12'-9"	

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#### ITEM 12 – Docket Number: 068-18

Applicant or Agent:	John C. Williams, 336 Camp LLC	
Property Location:	336-338 Camp Street	<b>Zip:</b> 70130
Bounding Streets:	Camp St., Gravier St., Picayune Pl., Natchez St.	
Zoning District:	CBD-2 Historic Commercial and Mixed-Use District	
Historic District:	Picayune Place	Planning District: 1a
Existing Use:	Vacant Building	Square Number: 167
Proposed Use:	Multi-Family Residence	Lot Number: 18-A
Project Planner:	Amos Jasper Wright (ajwright@nola.gov	)

**Request:** This request is for a variance from the provisions of Article 17, Section 17.4.B.1 of the Comprehensive Zoning Ordinance to permit the construction of a mixed-use (retail/multi-family) structure with insufficient on-site open space.

# Requested Waiver:Article 17, Section 17.4.B.1 – Required On-Site Open Space (Minimum Dimension)Required: 2,160 ft²Provided: 0'Waiver: 2,160 ft²Vaiver: 2,160 ft²

#### ITEM 13 – Docket Number: 069-18 **Applicant or Agent: Brijac Properties, LLC Zip:** 70119 **Property Location:** 3819 Tulane Avenue Tulane Ave. S. Scott St., Ulloa St., S. Cortez St. **Bounding Streets: Zoning District:** MU-1 Medium Intensity Mixed-Use District **Historic District: Planning District:** 4 Mid-City Square Number: 738 **Existing Use:** Office Lot Number: 5 **Proposed Use:** Office **Project Planner:** Nicholas Kindel (njkindel@nola.gov)

**Request:** This request is for a variance from the provisions of Article 15, Section 15.3.A.1 (Table 15-2) of the Comprehensive Zoning Ordinance to permit an addition onto an existing building, resulting in insufficient minimum permeable open space.

#### **Requested Waiver:**

Article 15, Section 15.3.A.1 (Table 15-2) – Minimum Permeable Open Space			
Required: 20%	Provided: 16.5%	Waiver: 3.5%	

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#### D. Director of Safety and Permits Decisions Appeals – Unfinished Business

ITEM 14 – Docket Number: 021-15			
Applicant or Agent:	Helen Ball		
Property Location:	100 St. John Court H	<b>Zip:</b> 70119	
<b>Bounding Streets:</b>	St. John Ct., Harding Dr., Moss St.		
Zoning District:	LRD-2 Lakewood/Parkview Two-Family R	esidential District	
Historic District:	Parkview	Planning District: 5	
Existing Use:	Single-Family Residence	Square Number: E	
Proposed Use:	Single-Family Residence	Lot Number: H	

**Request:** This is an appeal of a decision of the Director of the Department of Safety and Permits as per Article 4, Section 4.8 of the Comprehensive Zoning Ordinance, as remanded by Orleans Parish Civil District Court, for further consideration of: 1) the Petitioner's 2013 permit plans to determine whether the approved plans indicated that the rear deck would be elevated at a position above its original height prior to the structural elevation of the residence; and 2) clarification of the Comprehensive Zoning Ordinance Rule that was determined violated by the Director in this matter.

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#### ITEM 15 – Docket Number: 059-18

Applicant or Agent:	730 Rue Bienville LLC	
Property Location:	720-730 Bienville Street	<b>Zip:</b> 70130
<b>Bounding Streets:</b>	Bienville St., Bourbon St., Iberville St., Royal St.	
Zoning District:	VCC-2 Vieux Carré Commercial District	
Historic District:	Vieux Carré	Planning District: 1b
Existing Use:	Hotel/Motel	Square Number: 65
Proposed Use:	Hotel/Motel	Lot Number: X

**Request:** This is an appeal of a 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 site has not attained legal, non-conforming status for a retractable canopy over the courtyard and the associated deficiency of open space ratio.

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#### E. Director of Safety and Permits Decisions Appeals – New Business

#### ITEM 16 – Docket Number: 070-18

Applicant or Agent:	Suzanne Wimsatt	
Property Location:	2630-32 Peniston Street	<b>Zip:</b> 70115
Bounding Streets:	Peniston St., S. Robertson St., Gen. Taylor St., Magnolia St.	
Zoning District:	HU-RD1 Historic Urban Two-Family Residential District	
Historic District:	Uptown	Planning District: 2
Existing Use:	Two-Family Residence	Square Number: 627
Proposed Use:	Two-Family Residence	Lot Number: 9, 10

**Request:** This is an appeal of a 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 site has not attained legal, non-conforming status for excessive paving and parking.

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#### F. Consideration - Election of Officers

G. Adjournment