

BOARD OF ZONING ADJUSTMENTS

MEETING INFORMATION

Location

City Council Chambers

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

Time

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.

Final 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.

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 **Zip:** 70116

Bounding Streets:Henriette DeLille St., Barracks St., Rampart St., Esplanade Ave.Zoning District:HMR-1 Historic Marigny/Tremé/Bywater Residential DistrictHistoric District:TreméPlanning District: 4Existing Use:Two-Family ResidenceSquare Number: 109Proposed Use:Two-Family ResidenceLot 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" Waiver: 1'-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 StreetZip: 70118Bounding Streets:Millaudon St., Pearl St., Cherokee St., St. Charles Ave.Zoning District:HU-RD2 Historic Urban Two-Family Residential District

Historic District:St. Charles AvenuePlanning District: 3Existing Use:Single-Family ResidenceSquare Number: 61Proposed Use:Two-Family ResidenceLot 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 Setback

Required: 15' Provided: 3' Waiver: 12'

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ITEM 3 – Docket Number: 057-18

Applicant or Agent:St. John Baptist Church No. 5, Bruce DavenportProperty Location:3635 Hamburg StreetZip: 70122

Bounding Streets: 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 a variances from the provisions of Article 14, Section 14.3.A.1 (Table 14-2), Article 14, Section 14.3.B.1(b), Article 14, Section 14.3.B.1(c), and 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, insufficient transparency and insufficient ceiling height at the ground floor, 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 14, Section 14.3.B.1(b) – Ground Floor Transparency Requirements

Required: 50% Provided: 25% Waiver: 25%

Article 14, Section 14.3.B.1(c) – Ground Floor Ceiling Height Requirements

Required: 12' Provided: 10' Waiver: 2'

Article 22, Section 22.4.A (Table 22-1) – Off-Street Vehicle & 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 **Zip:** 70122

Bounding Streets: Mirabeau Ave., Painters St., Carnot St., Arts St. **Zoning District:** S-RS Suburban Single-Family Residential District

Historic District:N/APlanning District: 6Existing Use:Educational Facility, PrimarySquare Number: 38Proposed Use:Educational Facility, PrimaryLot 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 **Zip:** 70125

Bounding Streets: S. White St., Clio St., S. Broad St., Erato St.

Zoning District:C-3 Heavy Commercial DistrictPlanning District: 4Historic District:N/ASquare Number: 594Existing Use:Vacant LotLot Number: 5

Proposed Use: Bar/Retail Sales of Packaged Alcoholic Beverages

Project Planner: Travis Martin (trlmartin@nola.gov)

Request: This request is for a variances from the provisions of Article 22, Section 22.4.A (Table 22-1) and Article 15, Section 15.3.A.1 (Table 15-2) of the Comprehensive Zoning Ordinance to permit a bar/retail sales of packaged alcoholic beverages with insufficient off-street parking and insufficient minimum lot area.

Requested Waivers:

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

Required: 4 spaces (1 per 500 sf GFA)

Provided: 0 spaces

Waiver: 4 spaces

Article 15, Section 15.3.A.1 (Table 15-2) - Minimum Lot Area

Required: 5,000 sf Provided: 4,000 sf Waiver: 1,000 sf

ITEM 6 - Docket Number: 062-18

Applicant or Agent: Charles Ward, 731 St. Charles Ave., LLC

Property Location: 731-735 St. Charles Avenue **Zip:** 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 SquarePlanning District: 1aExisting Use:Vacant BuildingSquare Number: 218Proposed Use:Mixed-UseLot Number: 12, 13

Project Planner: Joseph Colón (jacolon@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-Modal/Pedestrian Corridors

Required: 25% Provided: 9.86% Waiver: 15.4%



ITEM 7 - Docket Number: 063-18

Applicant or Agent: Kathy A. Marshall, Mathes Brierre Architects

Zip: 70124 **Property Location:** 5612 Orleans Avenue **Bounding Streets:** Orleans Ave., Central Park Pl., Gen. Haig., Florida Blvd. S-LRS1 Suburban Lakeview Single-Family Residential District **Zoning District: Historic District:** N/A **Planning District:** 5 **Square Number:** C **Existing Use:** Single-Family Residence Lot Number: 1-A **Proposed Use:** Single-Family Residence

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

Request: This request is for variances from the provisions of Article 21, Sections 21.6.A.7 and 21.6.A.8 of the Comprehensive Zoning Ordinance to permit the construction of a detached carport with insufficient rear yard and corner side 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.8 – Accessory Structures and Uses (Corner Lot Rear Yard Setback)

Required: 3' Provided: 8¾" Waiver: 2'-3¼"

Article 21, Section 21.6.A.8 – Accessory Structures and Uses (Corner Side Yard Setback)

Required: 20' Provided: 1'-10" Waiver: 18'-2"

ITEM 8 – Docket Number: 064-18

Applicant or Agent: Michael B. and Kathy Kane

Property Location: 1117 Governor Nicholls Street **Zip:** 70116

Bounding Streets: Gov. Nicholls St., St. Claude St., Barracks St., N. Rampart St. **Zoning District:** HMC-2 Historic Marigny/Tremé/Bywater Commercial District

RDO-2 Residential Diversity Overlay District, AC-4 Arts and Culture

Diversity Overlay District

Historic District:TreméPlanning District:4Existing Use:Vacant LotSquare Number:110

Proposed Use: Multi-Family Residence Lot Number: B

Project Planner: Sabine E. Lebailleux (selebailleux@nola.gov)

Request: This request is for variances from the provisions of Article 10, Section 10.3.A (Table 10-2), Article 10, Section 10.3.C, 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:

Overlay District:

Article 10, Section 10.3.A (Table 10-2) – Open Space Ratio

Required: 30% Provided: 26.5% Waiver: 3.5%

Article 10, Section 10.3.C – Open Space

Required: all required open space shall be permeable (30%)

Provided: 26.5% Waiver: 3.5%

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

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ITEM 9 - Docket Number: 065-18

Applicant or Agent: Lisa M. Laursen, Lewis Robinson

Property Location: 828 Gallier Street **Zip:** 70117 **Bounding Streets:** Gallier St., Dauphine St., Desire St., Burgundy St.

Zoning District:HMR-3 Historic Marigny/Tremé/Bywater Residential DistrictHistoric District:BywaterPlanning District: 7Existing Use:Single-Family ResidenceSquare Number: 247Proposed Use:Two-Family ResidenceLot Number: 10

Project Planner: Nicolette P. Jones (nipjones@nola.gov)

Request: This request is for variances 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 minimum lot area, insufficient minimum lot width, insufficient minimum lot depth, insufficient minimum open space ratio, insufficient side yard setback and insufficient rear yard setback.

Requested Waivers:

Article 9, Section 9.3.A (Table 9-2) – Minimum Lot Area

Required: 2500 sq. ft. Provided: 2397.8 sq. ft. Waiver: 102.2 sq. ft.

Article 9, Section 9.3.A (Table 9-2) – Minimum Lot Width

Required: 30' Provided: 26'-11" Waiver: 3'-1"

Article 9, Section 9.3.A (Table 9-2) – Minimum Lot Depth

Required: 90' Provided: 89'-1" Waiver: 11"

Article 9, Section 9.3.A (Table 9-2) – Minimum Open Space Ratio

Required: .3(.201 grandfathered) Provided: .09 Waiver: .001

Article 9, Section 9.3.A (Table 9-2) – Side Yard Setback

Required: 3' (2'-1" grandfathered) Provided: 1' Waiver: 11"

Article 9, Section 9.3.A (Table 9-2) – Rear Yard Setback

Required: 20' Provided: 1' Waiver: 19'



ITEM 10 - Docket Number: 066-18

Applicant or Agent: James R. Dugan, II, Barry Fox & Associates

Property Location:2523 Prytania StreetZip: 70130Bounding Streets:Prytania St., Third St., St. Charles Ave., Second St.Zoning District:HU-RD1 Historic Urban Two-Family Residential District

Historic District:Garden DistrictPlanning District: 2Existing Use:Single-Family ResidenceSquare Number: 214Proposed Use:Single-Family ResidenceLot 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 ft² Provided: 1,201 ft² Waiver: 301 ft²

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ITEM 11 – Docket Number: 067-18

Applicant or Agent:Newell Architecture & Development LLC, Corey NewellProperty Location:411 Toledano StreetZip: 70115

Bounding Streets: Toledano St., St. Thomas St., Pleasant St., Tchoupitoulas St.

Zoning District: MU-1 Medium Intensity Mixed-Use District

Historic District:Irish ChannelPlanning District: 2Existing Use:Vacant LotSquare Number: 17Proposed Use:Single-Family ResidenceLot 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'-4" Provided: 3'-2" Waiver: 2"

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 **Zip:** 70130

Bounding Streets: Camp St., Gravier St., Picayune Pl., Natchez St. **Zoning District:** CBD-2 Historic Commercial and Mixed-Use District

Historic District:Picayune PlacePlanning District: 1aExisting Use:Vacant BuildingSquare Number: 167Proposed Use:Multi-Family ResidenceLot 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 ft² Provided: 0' Waiver: 2,160 ft²



ITEM 13 - Docket Number: 069-18

Applicant or Agent: Brijac Properties, LLC

Property Location: 3819 Tulane Avenue **Zip:** 70119

Bounding Streets: Tulane Ave. S. Scott St., Ulloa St., S. Cortez St. **Zoning District:** MU-1 Medium Intensity Mixed-Use District

Historic District:Mid-CityPlanning District: 4Existing Use:OfficeSquare Number: 738Proposed Use:OfficeLot Number: 5

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%



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 **Zip:** 70119

Bounding Streets: St. John Ct., Harding Dr., Moss St.

Zoning District:LRD-2 Lakewood/Parkview Two-Family Residential DistrictHistoric District:ParkviewPlanning District: 5Existing Use:Single-Family ResidenceSquare Number: EProposed Use:Single-Family ResidenceLot 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.



ITEM 15 - Docket Number: 059-18

Applicant or Agent: 730 Rue Bienville LLC

Property Location: 720-730 Bienville Street **Zip:** 70130

Bounding Streets: Bienville St., Bourbon St., Iberville St., Royal St.

Zoning District: VCC-2 Vieux Carré Commercial District

Historic District:Vieux CarréPlanning District: 1bExisting Use:Hotel/MotelSquare Number: 65Proposed Use:Hotel/MotelLot 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.



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 StreetZip: 70115Bounding Streets:Peniston St., S. Robertson St., Gen. Taylor St., Magnolia St.Zoning District:HU-RD1 Historic Urban Two-Family Residential District

Historic District:UptownPlanning District: 2Existing Use:Two-Family ResidenceSquare Number: 627Proposed Use:Two-Family ResidenceLot 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.



- F. Consideration Election of Officers
- G. Adjournment