



City of New Orleans
Mayor LaToya Cantrell

Board of Zoning Adjustments

Final Agenda

December 10, 2018

MEETING INFORMATION

LOCATION

City Council Chambers

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

TIME

10:00 a.m.

BOARD MEMBERS

Candice M. Forest – Chair

Todd C. James – Vice Chair

José Alvarez

Jaime Ramiro Diaz

Alfonso Gonzalez II

Mary Harper Malone

Nikolaus Richard

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 **December 20, 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: 085-18

Applicant or Agent: 2009 First Street LLC, Michael Parsiola
Property Location: 2009-2011 First Street **Zip:** 70113
Bounding Streets: First St., S. Saratoga St., Philip St., Danneel St.
Zoning District: HU-RM1 Historic Urban Multi-Family Residential District
Historic District: N/A **Planning District:** 2
Existing Use: Vacant Building **Square Number:** 288
Proposed Use: Multi-Family Residence **Lot Number:** C
Project Planner: Aspen Nero (asnero@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 construction of a multi-family residence (4-unit) with insufficient minimum lot area per dwelling unit, insufficient minimum lot width, insufficient minimum rear yard setback, insufficient permeable open space, and insufficient off-street parking (**AFTER THE FACT**).

Requested Waivers:

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

Required: 1,250 sf/du Provided: 687.5 sf/du Waiver: 562.5 sf/du

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

Required: 40' Provided: 30' Waiver: 10'

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

Required: 20' Provided: 13.8' Waiver: 6.2'

Article 11, Section 11.2.A.11 (Table 11-2) – Permeable Open Space

Required: 30% of lot area Provided: 20% Waiver: 10%

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

Required: 1 space/du Provided: 0 spaces Waiver: 4 spaces



ITEM 2 – Docket Number: 086-18

Applicant or Agent: Ana Elizabeth Phelps, Iglesia Pentecostal Refugio de Salvación
Property Location: 3001 Behrman Highway **Zip:**
Bounding Streets: Behrman Hwy., Nevada St., Elmwood Park Dr., Kansas St.
Zoning District: S-RS Suburban Single-Family Residential District
Historic District: N/A **Planning District:** 12
Existing Use: Vacant Lot **Square Number:** 86
Proposed Use: Place of Worship **Lot Number:** 21, 22, 23 & 24
Project Planner: Emily Hernandez (erhernandez@nola.gov)

Request: This request is for variances from the provisions of Article 13, Section 13.3.A.1 (Table 13-2), Article 22, Section 22.4.A (Table 22-1), and Article 23, Section 23.8 of the Comprehensive Zoning Ordinance, in conjunction with Subdivision Docket 088-18, to permit the construction of a place of worship with insufficient minimum lot area, insufficient minimum lot width, insufficient off-street parking, and a buffer yard with insufficient width.

Requested Waivers:**Article 13, Section 13.3.A.1 (Table 13-2) – Minimum Lot Area**

Required: 20,000 ft² Proposed: 14,580 ft² Waiver: 5,420 ft²

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

Required: 100' Proposed: 60.75' Waiver: 39.25'

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

Required: 57 spaces Proposed: 15 spaces Waiver: 42 spaces

Article 23, Section 23.8 – Buffer Yards

Required: Buffer yard Proposed: No buffer yard Waiver: No buffer yard

**ITEM 3 – Docket Number: 087-18**

Applicant or Agent: Kevin Patrick Duffy
Property Location: 6610 General Haig Street **Zip:** 70124
Bounding Streets: Gen. Haig St., Porteous St., Argonne St., Filmore Ave.
Zoning District: S-LRS1 Suburban Lakeview Single-Family Residential District
Historic District: N/A **Planning District:** 5
Existing Use: Vacant Building **Square Number:** 156
Proposed Use: Single-Family Residence **Lot Number:** 27 & 28
Project Planner: Amos Wright (ajwright@nola.gov)

Request: This request is for a variance from the provisions of Article 21, Section 21.6.T of the Comprehensive Zoning Ordinance to permit the construction of a single-family residence with mechanical equipment located closer than three (3) feet from a side lot line.

Requested Waiver:**Article 21, Section 21.6.T – Mechanical Equipment**

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

C. Variances – New Business

ITEM 4 – Docket Number: 095-18

Applicant or Agent: Sanh Van Nguyen, Jr.
Property Location: 331 Harrison Avenue **Zip:** 70124
Bounding Streets: Harrison Ave., Milne St., Bragg St., Colbert St.
Zoning District: S-LB1 Suburban Lake Area Neighborhood Business District
Historic District: N/A **Planning District:** 5
Existing Use: Two-Family Residence **Square Number:** 228
Proposed Use: Personal Service Establishment, Single Family
Project Planner: Robin Jones (rcjones@nola.gov) **Lot Number:** F

Request: This request is for variances from the provisions of Article 14, Section 14.3.A.1 (Table 14-2), Article 22, Section 22.8.D, and Article 23, Section 23.8 of the Comprehensive Zoning Ordinance to permit the renovation of a two-family residence into a mixed-use development (single-family residence/personal services establishment) with insufficient minimum permeable open space, a two-way traffic aisle with insufficient width, and no buffer yard.

Requested Waivers:

Article 14, Section 14.3.A.1 (Table 14-2) – Minimum Lot Area		
Required: 5,000 sf ¹	Provided: 4,815 sf	Waiver: 185 sf
Article 14, Section 14.3.A.1 (Table 14-2) – Minimum Lot Width		
Required: 50' ²	Provided: 45'	Waiver: 5'
Article 14, Section 14.3.A.1 (Table 14-2) – Minimum Permeable Open Space		
Required: 20% of lot area	Provided: 6%	Waiver: 14%
Article 23, Section 23.8.B – Buffer Yards		
Required: 10' for non-residential parking area abutting a residential district	Provided: 0'	Waiver: 10'



¹ For non-residential use

² For non-residential use

ITEM 5 – Docket Number: 096-18

Applicant or Agent: Matthew S. Chester
Property Location: 41 Dove Street **Zip:** 70124
Bounding Streets: Dove St., Robert E. Lee Blvd., Larkspur Ln., Foliage Park Side
Zoning District: S-LRD1 Suburban Lake Vista Two-Family Residential District
Historic District: N/A **Planning District:** 5
Existing Use: Vacant Lot **Square Number:** 3
Proposed Use: Single-Family Residence **Lot Number:** 38
Project Planner: Joseph Colón (jacolon@nola.gov)

Request: 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 to permit the construction of a single-family residence with insufficient minimum rear yard setback.

Requested Waiver:

Article 13, Section 13.3.A.1 (Table 13-2) – Rear Yard Setback

Required: 15' Proposed: 8'-6" Waiver: 6'-6"



ITEM 6 – Docket Number: 097-18

Applicant or Agent: Balentine Carbondale Holdings LLC, Jimmy Castex
Property Location: 1005-1009 St Philip Street **Zip:** 70116
Bounding Streets: St. Phillip St., N. Rampart St., Ursulines St., Burgundy St.
Zoning District: VCR-1 Vieux Carré Residential District
Historic District: Vieux Carré **Planning District:** 1b
Existing Use: Single-Family Residence **Square Number:** 105
Proposed Use: Two-Family Residence **Lot Number:** U
Project Planner: Haley Delery (hdelery@nola.gov)

Request: This request is for a variance from the provisions of Article 21, Section 21.6.A.7 of the Comprehensive Zoning Ordinance to permit the construction of an accessory structure with insufficient interior side yard setback.

Requested Waiver:

Article 21, Section 21.6.A.7 – Accessory Structures and Uses (Interior Side Yard Setback)

Permitted: 3' Provided: 5 ¾" Waiver: 2'-6 ¼"



ITEM 7 – Docket Number: 098-18

Applicant or Agent: Michael C. Stone, Nicole Webre
Property Location: 601 Jefferson Avenue **Zip:** 70115
Bounding Streets: Jefferson Ave., Laurel St., Leontine St., Annunciation St.
Zoning District: HU-RD2 Historic Urban Two-Family Residential District
Historic District: Uptown **Planning District:** 3
Existing Use: Vacant Lot **Square Number:** 133
Proposed Use: Single-Family Residence **Lot Number:** A
Project Planner: Travis Martin (trlmartin@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 the construction of single-family residence with insufficient interior side yard setback.

Requested Waiver:

Article 11, Section 11.3.A.1 (Table 11-2A) – Interior Side Yard Setback		
Required: 3'	Provided: 2.1'	Waiver: 0.9'
Article 11, Section 11.3.A.1 (Table 11-2A) – Front Yard Setback		
Required: 20' maximum	Provided: 21'	Waiver: 1'



ITEM 8 – Docket Number: 099-18

WITHDRAWN

Applicant or Agent: Darrial Sharp, William Stoudt, Rebuilding Together New Orleans
Property Location: 2306 Benton Street **Zip:** 70117
Bounding Streets: Benton St., N. Tonti St., Winthrop St., N. Rocheblave St.
Zoning District: S-RD Suburban Two-Family Residential District
Historic District: N/A **Planning District:** 8
Existing Use: Single-Family Residence **Square Number:** 1258B
Proposed Use: Single-Family Residence **Lot Number:** 43
Project Planner: Kelly Butler (kgbutler@nola.gov)

Request: This request is for variances from the provisions of Article 13, Section 13.3.A.1 (Table 13-2) and Article 22, Section 22.4.A (Table 22-1) of the Comprehensive Zoning Ordinance to permit the construction of a single-family residence with insufficient front yard setback and insufficient off-street parking.

Requested Waivers:

Article 13, Section 13.3.A.1 (Table 13-2) – Front Yard Setback		
Required: 20'	Provided: 18'	Waiver: 2'
Article 22, Section 22.4.A (Table 22-1) – Off-Street Vehicle and Bicycle Parking Requirements		
Required: 1 space	Provided: 0 spaces	Waiver: 1 space

D. Director of Safety and Permits Decisions Appeals – Unfinished Business**ITEM 9 – 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 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.

**ITEM 10 – Docket Number: 092-18**

Applicant or Agent: David Halpern
Property Location: 1152 Magazine Street **Zip:** 70130
Bounding Streets: Magazine St., Calliope Str., Constance St., Erato St.,
Zoning District: HM-MU Historic Marigny/Tremé/Bywater Mixed-Use District
Historic District: N/A **Planning District:** 2
Existing Use: Vacant Building **Square Number:** 139
Proposed Use: Amusement Facility, Indoor **Lot Number:** A, B & C

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 Department of Safety and Permits would view a conditional use permitting an indoor amusement facility with standard restaurant, bar, and live entertainment components as secondary uses as tied together by necessity.

E. Director of Safety and Permits Decisions Appeals – New Business**ITEM 11 – Docket Number: 100-18**

Applicant or Agent: 1152 Magazine St LLC, Sherman Strategies, LLC
Property Location: 1152 Magazine Street **Zip:** 70130
Bounding Streets: Magazine St., Calliope St., Constance St., Erato St.
Zoning District: HM-MU Historic Marigny/Tremé/Bywater Mixed-Use District
Historic District: N/A **Planning District:** 2
Existing Use: Vacant Building **Square Number:** 139
Proposed Use: N/A **Lot Number:** A, B & C

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 timeliness of the appeal docketed as BZA092-18.

F. Reasonable Accommodation Appeals – Unfinished Business**ITEM 12 – Docket Number: RA003-18**

Applicant or Agent: Ora Davis Brooks
Property Location: 7720 Weaver Avenue **Zip:** 70127
Bounding Streets: Weaver Ave., Carter St., Shaw Ave., Irby St.
Zoning District: S-RS Suburban Single-Family Residential District
Overlay District: N/A
Historic District: N/A **Planning District:** 9
Existing Use: Single-Family Residence **Square Number:** 44
Proposed Use: Single-Family Residence **Lot Number:** C

Request: This is for a reasonable accommodation an appeal of a decision of the Executive Director of the City Planning Commission as per Article 27, Section 27.7 of the Comprehensive Zoning Ordinance regarding the denial of a reasonable accommodation to permit a carport in the front yard area where carports are only permitted in the required interior side and rear yard areas (**AFTER THE FACT**).

Requested Accommodation:**Article 21, Section 21.6.H.1 - Carport**

Required: No carport located in the front yard

Provided: Carport located in the front yard

Accommodation: Carport located in the front yard

G. Adjournment