



City of New Orleans
Mayor LaToya Cantrell

Board of Zoning Adjustments

Draft Agenda

December 14, 2020

MEETING INFORMATION

LOCATION*

Livestream at:

http://cityofno.granicus.com/viewPublisher.php?view_id=2

or

https://www.youtube.com/channel/UCoE99Rj_b4gJiO3KnZjctjg/featured

*Interested parties without computer and/or internet access may contact staff to make arrangements.

TIME

10:00 a.m.

BOARD MEMBERS

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

The general public cannot speak with the members personally.

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The Board of Zoning Adjustments hereby certifies that it will convene a meeting on December 14, 2020 electronically via Zoom in accordance with the provisions of La. R.S. 42:17.1(A)(2)(a)-(c).
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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 decision made by the Board will be provided in the form of a resolution. The resolution should be produced by **December 24, 2020**

GENERAL RULES OF ORDER

Robert's Rules of Order govern the conduct of the meeting. In light of the virtual meeting format, any member of the public may provide written comment via a digital speaker card, in lieu of spoken public comment, during the meeting not to exceed two (2) minutes on any matter before the Board. The digital speaker card will be available the morning of the meeting on the City's website: <https://nola.gov/city-planning/announcements/>

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.

PUBLIC COMMENT

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. Written comments on any of the matters included on the agenda are accepted in the following ways:

- Email (**preferred**): CPCinfo@nola.gov or the planner listed on the agenda
- Mail: 1300 Perdido Street, Room 7W03, New Orleans, Louisiana 70112

All written correspondence should include the docket number and be made to the attention of the assigned planner or the staff of the Board of Zoning Adjustments. The deadline for receipt of public comment for transmittal to the Board in advance of the meeting is **no later than 5:00 p.m. on Monday, December 7, 2020.**

A. Call to Order, Roll Call, Adoption of Minutes, Communications, and Reading of Hearing Rules**Special Public Hearing Rules for Board of Zoning Adjustments Hearings held via Video Conference**

- A. **Order of Business.** The order of business at the hearing shall be as follows:
- a. Call to order and roll call, with recording of members present.
 - b. Approval of Minutes
 - c. Reading and Adoption of the Hearing Rules
 - d. Presentation of Dockets.
 - i. Staff Presentation
 - ii. Applicant Presentation
 - iii. Questions from Members
 - e. Recess for 30 minutes
 - f. Consideration of Dockets
 - i. Public Comment
 - ii. Rebuttal by Applicant
 - iii. Questions from Members
 - iv. Voting
 - g. Any Other Matters
 - h. Adjournment
- B. **Presentation of Dockets.** The order of business for each docket shall be as follows:
- a. **Presentation by the City Planning Commission staff or the Department of Safety and Permits staff;**
 - b. **Presentation by the Applicant or their representative;** The appellant or applicant may appear on their behalf or be represented by a duly authorized agent. Only one representative may speak on behalf of a request and must pre-register with the staff of the City Planning Commission. Other representatives or speakers may sign up to provide comments during the public comment portion of the meeting. The applicant shall be allowed a maximum of five (5) minutes.
 - c. **Questions from Members.** The members have an opportunity to ask questions of the staff or applicant.
- C. **Recess.** The Board shall take a 30-minute recess to allow members of the public to submit comments.
- D. **Public Comment.**
- a. **Rules.** Only written public comment will be allowed. Live public comment will not be allowed. No member of the public may submit more than one written comment per agenda item.
 - b. **Time allowed for public comment.** The public comment form will be made available at the start of the meeting and will close at the end of the 30-minute recess.
 - c. **Form.** Public comments must be submitted electronically on the form provided by the City Planning Commission. Any comment missing this information will not be read aloud. Each submission must contain:
 - i. The commenter's first and last name,
 - ii. The commenter's address,
 - iii. Whether the commenter is being paid in connection with his or her comments,
 - iv. The agenda item

- d. **Reading of Public Comments.** A moderator will read into the record all comments pertaining to that item that have been submitted in accordance with these rules. Comments will be read aloud in a normal speaking voice. The moderator will discontinue reading a comment once it exceeds two (2) minutes.
- E. **Rebuttal by Applicant.** Following the public comment period, if there is opposition the authorized representative of the application is allowed a rebuttal not to exceed five (5) minutes.
- F. **Questions from Members.** Following the public comment and rebuttal, the members have an opportunity to ask questions of the staff or applicant.
- G. **Voting.**
 - a. **Making a motion.** The member making a motion shall clearly state their name when making a motion. For example, "I, (insert name), move to approve/deny/ the request."
 - b. **Seconding a motion.** The member seconding a motion shall clearly state their name when seconding the motion. For example, "I, (insert name), second the motion made by (other member)."
 - c. **Statement by Chair.** The chair will restate the motion, confirming who made and seconded the motion.
 - d. **Voting.** The chair will request a verbal vote from each member by roll call. Each member will indicate "Yea" to vote in support of the motion, or "Nay" to vote in opposition.

Item 2 – Docket Number: 066-20

Applicant or Agent: Copacetic City LLC, Deltatech Construction LLC
Property Location: 1435 Joseph Street **Zip:** 70115
Bounding Streets: Joseph St., Hurst St., Octavia St., Garfield St.
Zoning District: HU-RD2 Historic Urban Two-Family Residential District
Historic District: Uptown **Planning District:** 3
Existing Use: Single-Family Residence **Square Number:** 402-A
Proposed Use: Single-Family Residence **Lot Number:** 20
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), Article 11, Section 11.3.B.3, Article 22, Section 22.8.B.1, Article 22, Section 22.8.C, Article 22, Section 22.11.D.1, Article 22, Section 22.11.D.2, Article 22, Section 22.11.D.3 of the Comprehensive Zoning Ordinance to permit a single-family residence with a parking space in the front yard with insufficient stall width, insufficient stall depth, and insufficient setback from a lot line, and resulting in excessive impervious surface in the front yard and insufficient permeable open space **(AFTER THE FACT)**.

Requested Waivers:

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

Permitted: 40% Provided: 42% Waiver 2%

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

Required: 30%
Provided: 15.43% (18.26% inherited right)
Waiver: 2.83%

Article 11, Section 11.3.B.3 – Parking Pad Location

Required: No front yard parking
Proposed: Front yard parking
Waiver: Front yard parking

Article 22, Section 22.8.B.1 – Permitted Vehicle Parking Locations (Front Yard)

Required: No front yard parking
Provided: Front yard parking
Waiver: Front yard parking

Article 22, Section 22.11.D.1 – Parking Pad 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 space in front yard
Provided: Parking space in front yard
Waiver: Parking space in front yard

Article 22, Section 22.11.D.3 – Parking Pad (Location)

Required: 3' Provided: 1.75' Waiver: 1.25'

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

Permitted: 8.5 ft Proposed: 8 ft Waiver: .5 ft

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

Required: 20 ft Proposed: 11.5 ft Waiver: 8.5 ft

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

Item 3 – Docket Number: 070-20

Applicant or Agent: Justin Schmidt, Mr. and Mrs. Edward J. Brandao
Property Location: 737 Eleonore Street/5808 Magazine Street **Zip:** 70115
Bounding Streets: Eleonore St., Magazine St., Nashville Ave., Constance St.
Zoning District: HU-B1 Historic Urban Neighborhood Business District
Historic District: Uptown **Planning District:** 3
Existing Use: Mixed-Use (Two-Family Residence/Retail) **Square Number:** 24
Proposed Use: Mixed-Use (Two-Family Residence/Retail) **Lot Number:** A

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 issuance of Building Permit No. 20-21846-NEWC.



C. New Business – Variances

Item 4 – Docket Number: 079-20

Applicant or Agent: Christopher A. Reith II, Emily Flagler
Property Location: 1821-1823 First Street **Zip:** 70113
Bounding Streets: First St., Dryades St., Baronne St., Philip St.
Zoning District: HU-RM1 Historic Urban Multi-Family Residential District
Historic District: N/A **Planning District:** 2
Existing Use: Vacant Lot **Square Number:** 263
Proposed Use: Two-Family Residence **Lot Number:** 7
Project Planner: Valerie Goines (valerie.goines@nola.gov)

Request: This request is for variances from the provisions of Article 11, Section 11.2.A.1 (Table 11-2A), Article 21.6.AA.1, and Article 22, Section 22.11.B.1 to permit the construction of a two-family residence with insufficient lot width, resulting in excessive encroachment of steps/stairs into the required front yard, and more than one curb cut.

Requested Waivers:

Article 11, Section 11.2.A.1 (Table 11-2A) – Lot Width		
Required: 40 ft	Provided: 30 ft	Waiver: 10 ft
Article 21, Section 21.6.AA.1 - Encroachment of Steps		
Permitted: 6 ft	Proposed: 11 ft, 8 in	Waiver: 5 ft, 8 in
Article 22, Section 22.11.B.1 – Curb Cuts		
Permitted: One curb cut	Proposed: Two curb cuts	Waiver: One curb cut



Item 5 – Docket Number: 080-20

Applicant or Agent: GPD 839 Jackson Ave LLC
Property Location: 833 Jackson Avenue **Zip:** 70130
Bounding Streets: Jackson Ave., Laurel St., Josephine St., Amelia St.
Zoning District: HU-RD2 Historic Urban Two-Family Residential District
Historic District: Lower Garden District **Planning District:** 2
Existing Use: Two-Family Residence **Square Number:** 101
Proposed Use: Two-Family Residence **Lot Number:** 1B
Project Planner: Joseph A. Colón (jacolon@nola.gov)

Request: This request is for variances from the provisions of Article 11, Section 11.3.A.1 (Table 11-2A) of the Comprehensive Zoning Ordinance, in conjunction with Subdivision Docket 086-20, to permit a two-family residence on a lot with insufficient lot area, insufficient lot depth, and insufficient rear yard setback (**AFTER-THE-FACT**).

Requested Waivers:

Article 11, Section 11.3.A.1 (Table 11-2A) - Lot Area
Required: 1800 sf/du Provided: 920.5 sf/du Waiver: 879.5 sf/du
Article 11, Section 11.3.A.1 (Table 11-2A) - Lot Depth
Required: 90 ft Provided: 63 ft Waiver: 27 ft
Article 11, Section 11.3.A.1 (Table 11-2A) - Rear Yard
Required: 12 ft, 6 in Proposed: 1 ft, 6 in Waiver: 11 ft

**Item 6 – Docket Number: 081-20**

Applicant or Agent: Jonah Bernard, Crystal Finch Bernard
Property Location: 4808 Rhodes Drive **Zip:** 70126
Bounding Streets: Rhodes Dr., Dreux St., Lonely Oaks Dr., Prentiss St.
Zoning District: S-RD Suburban Two-Family Residential District
Historic District: N/A **Planning District:** 9
Existing Use: Vacant Lot **Square Number:** 14
Proposed Use: Two-Family Residence **Lot Number:** 10
Project Planner: Robin Jones (rcjones@nola.gov)

Request: This request is for a variance from the provisions of Article 22, Section 22.11.B.1 of the Comprehensive Zoning Ordinance to permit the construction of a two-family residence with more than one curb cut.

Requested Waiver:

Article 22, Section 22.11.B.1 – Curb Cuts
Permitted: One curb cut Proposed: Two curb cuts Waiver: One curb cut



