



**City of New Orleans**  
Mayor LaToya Cantrell

# Board of Zoning Adjustments

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## Final Agenda

**December 14, 2020**

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### MEETING INFORMATION

#### LOCATION\*

Livestream at:

[http://cityofno.granicus.com/viewPublisher.php?view\\_id=2](http://cityofno.granicus.com/viewPublisher.php?view_id=2)

or

[https://www.youtube.com/channel/UCoE99Rj\\_b4gJiO3KnZjctjg/featured](https://www.youtube.com/channel/UCoE99Rj_b4gJiO3KnZjctjg/featured)

\*Interested parties without computer and/or internet access may contact staff **in advance of the meeting** 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. Any member of the public may provide written comment during the meeting on any matter before the Board. If you wish to appear before the Board, please fill out a digital speaker card at the following link:

<https://forms.gle/RZruHFbwf5U6DdJi6>

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.

**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.

**A. Unfinished Business – Variances**

**Item 1 – Docket Number: 046-20**

**Applicant or Agent:** Touchstone Community Church, Edward Fleming  
**Property Location:** 3030-32 and 3031 First Street & 2336 S. Derbigny Street **Zip:** 70125  
**Bounding Streets:** First St., S. Derbigny St., Jackson Ave., S. Claiborne Ave.  
**Zoning District:** HU-MU Historic Urban Neighborhood Mixed-Use District  
**Historic District:** N/A **Planning District:** 2  
**Existing Use:** Vacant Lot **Square Number:** 412  
**Proposed Use:** Place of Worship **Lot Number:** G  
**Project Planner:** Aspen Nero ([asnero@nola.gov](mailto:asnero@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 the construction of place of worship with insufficient off-street parking.

**Requested Waiver:**

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

Required: 13 spaces (2 space exemption)      Proposed: 2 spaces      Waiver: 11 spaces



**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](mailto: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, and Article 22, Section 22.11.D. 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 insufficient permeable open space (**AFTER THE FACT**).

**Requested Waivers:**

**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 ft    Provided: 1.75 ft    Waiver: 1.25 ft

**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](mailto:valerie.goines@nola.gov))

**Request:** This request is for variances from the provisions of Article 21.6.AA.1 and Article 21, Section 21.7 (Table 21-2) to permit the construction of a two-family residence with excessive encroachment of steps/stairs into the required front yard.

**Requested Waivers:**

**Article 21, Section 21.6.AA.1 - Encroachment of Steps**

Permitted: 6 ft Proposed: 11 ft, 8 in Waiver: 5 ft, 8 in

**Article 21, Section 21.7 (Table 21-2) Permitted Encroachments into Required Yards (Steps and Stoops)**

Permitted: 6 ft Proposed: 11 ft, 8 in Waiver: 5 ft, 8 in



**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](mailto: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](mailto:rcjones@nola.gov))

**Request:** This request is for a variance from the provisions of Article 13, Section 13.3.A (Table 13-2) and Article 22, Section 22.11.B.1 of the Comprehensive Zoning Ordinance to permit the construction of a two-family residence on a lot within sufficient lot depth and 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  
**Article 13, Section 13.3.A (Table 13-2) Minimum Lot Depth**  
 Required: 90 ft Proposed: 75 ft, 4 ½ in Waiver: 14 ft, 7 ¾ in



**Item 7 – Docket Number: 082-20**

**Applicant or Agent:** Lawrence Williams, Jr., Belinda Williams  
**Property Location:** 3700 Metropolitan Street **Zip:** 70126  
**Bounding Streets:** Metropolitan St., Myrtle St., Property of OPSB, Hawthorne St.  
**Zoning District:** S-RD Suburban Two-Family Residential District  
**Historic District:** N/A **Planning District:** 7  
**Existing Use:** Vacant Lot **Square Number:** 19  
**Proposed Use:** Two-Family Residence **Lot Number:** 1-A (Proposed)  
**Project Planner:** Kelly Butler ([kgbutler@nola.gov](mailto:kgbutler@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 front yard setback.

**Requested Waiver:**

**Article 13, Section 13.3.A.1 (13-2) – Front Yard**  
 Required: 20 ft **Proposed:** 15 ft **Waiver:** 4 ft, 10 in



**Item 8 – Docket Number: 083-20**

**WITHDRAWN**

**Applicant or Agent:** Roland Deschain LLC, John C. Williams  
**Property Location:** 1427 Second Street **Zip:** 70130  
**Bounding Streets:** Second St., Prytania St., First St., Coliseum 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:** 200  
**Proposed Use:** Single-Family Residence **Lot Number:** X  
**Project Planner:** Joanna B. Farley ([jbfarley@nola.gov](mailto:jbfarley@nola.gov))

**Request:** This request is for variances from the provisions of Article 21, Section 21.6.N.1.a of the Comprehensive Zoning Ordinance to permit the construction of a single-family residence with a fence with excessive height and that is not open.

**Requested Waivers:**

**Article 21, Section 21.6.N.1.a – Fence Height**  
 Required: 7 ft **Proposed:** 8 ft **Waiver:** 1 ft  
**Article 21, Section 21.6.N.1.a – Open Fences**  
 Required: Open **Proposed:** Not open **Waiver:** Not open





**Item 9 – Docket Number: 084-20**

**Applicant or Agent:** 611-613 Commerce, LLC, MetroStudio, LLC  
**Property Location:** 611 Commerce Street **Zip:** 70130  
**Bounding Streets:** Commerce St., Girod St., Tchoupitoulas St., Lafayette St.  
**Zoning District:** CBD-6 Urban Core Neighborhood Mixed-Use District  
**Historic District:** Warehouse District **Planning District:** 1a  
**Existing Use:** Vacant Lot **Square Number:** 60  
**Proposed Use:** Hotel/Motel **Lot Number:** 2A  
**Project Planner:** Travis L. Martin ([trlmartin@nola.gov](mailto:trlmartin@nola.gov))

**Request:** This request is for a variance from the provisions of Article 22, Section 22.7 (Table 22-3) of the Comprehensive Zoning Ordinance to permit the construction of a hotel with insufficient off-street loading spaces.

**Requested Waiver:****Article 22, Section 22.7 (Table 22-3) – Required Off-Street Loading Spaces**

Required: 1 space

Proposed: 0 spaces

Waiver: 1 space

**D. New Business – Director of Safety and Permits Decision Appeals****Item 10 – Docket Number: 085-20**

**Applicant or Agent:** Amicus CV Borrower LLC  
**Property Location:** 631 Broadway Street **Zip:** 70118  
**Bounding Streets:** Broadway St., St. Charles Ave., Audubon St., Hampson St.  
**Zoning District:** HU-RD2, HU-RM2  
**Historic District:** Uptown **Planning District:** Planning  
**Existing Use:** Multi-Family Use **Square Number:** 70  
**Proposed Use:** Multi-Family Use **Lot Number:** B

**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 factual determination of bedroom count for purposes of applying the newly created University Area Off-street Parking IZD regarding permit No. 20-21972-RNVN.

**E. New Business – Any Other Matters****Item 11 – Consideration – Amendment to the 2021 Board of Zoning Adjustments Meeting Schedule****F. Adjournment**