



City of New Orleans
Mayor LaToya Cantrell

Board of Zoning Adjustments

Final Agenda

November 9, 2020

MEETING INFORMATION

LOCATION

Livestream at:

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

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 November 9, 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 **November 19, 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/vwT1vymfNdQPHAMeA>

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.

B. Unfinished Business – Variances

Item – Docket Number: 062-20

WITHDRAWN

Applicant or Agent:	Daniel and Patty Burke	
Property Location:	3321 St. Philip Street	Zip: 70119
Bounding Streets:	St. Philip St., Moss St. Bell St., Hagan Ave.	
Zoning District:	HU-RD2 Historic Urban Two-Family Residential District	
Historic District:	Esplanade Ridge	Planning District: 4
Existing Use:	Single-Family Residence	Square Number: 464
Proposed Use:	Single-Family Residence	Lot Number: 7-A
Project Planner:	Amos Jasper Wright (ajwright@nola.gov)	

Request: This request is for variances from the provisions of Article 11, Section 11.3.B.3, Article 22, Section 22.8.B.1, Article 22, Section 22.11.D.1, Article 22, Section 22.11.D.2, Article 22, Section 22.11.D.3, and Article 22, Section 22.11.B of the Comprehensive Zoning Ordinance to permit a single-family residence with a parking space in the front yard on a parking pad with insufficient distance from a lot line.

Requested Waivers:

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 Design (Location)

Required: 3 ft	Proposed: 1ft, 3in	Waiver: 1ft, 9 in
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C. Unfinished Business – Director of Safety and Permits Decision Appeals**Item 2 – 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.

**D. New Business – Variances****Item 3 – Docket Number: 071-20**

Applicant or Agent: KP Desire Street LLC
Property Location: 3350 Dauphine Street **Zip:** 70117
Bounding Streets: Desire St., Royal St., Piety St., Dauphine St.
Zoning District: HMR-3 Historic Marigny/Tremé/Bywater Residential District
Historic District: Bywater **Planning District:** 7
Existing Use: Vacant Lot **Square Number:** 173
Proposed Use: Two-Family Residence **Lot Number:** 9
Project Planner: Robin Jones (rcjones@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 construction of a two-family residence with insufficient lot depth (**AFTER-THE-FACT**).

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

Permitted: 90 ft

Provided: 80 ft

Waiver: 10 ft



Item 4 – Docket Number: 072-20

Applicant or Agent: The Quarters on Governor Nicholls, LLC
Property Location: 1117 Governor Nicholls Street **Zip:** 70116
Bounding Streets: Gov. Nicholls St., St. Claude Ave., Barracks St., N. Rampart 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 10, Section 10.3.C, Article 22, Section 22.8.C.3, Article 22, Section 22.8.D.3, and Article 22, Section 22.8.D.5 of the Comprehensive Zoning Ordinance to permit the construction of a multi-family residence (6-unit) with insufficient open space ratio, open space that is not permeable, 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

Required: 30% Proposed: 26.5% Waiver: 3.5%

Article 10, Section 10.3.C – Open Space

Required: 30% Proposed: 26.5% Waiver: 3.5%

Article 22, Section 22.8.C.3 - Dimensions of Vehicle Parking Spaces

Permitted: 30% Proposed: 33% Waiver: 3%

Article 22, Section 22.8.D.3 – Access Requirements for Off-Street Parking Areas (Driveway Width)

Required: 24 ft Proposed: 12 ft Waiver: 12 ft

Article 22, Section 22.8.D.5 – Access Requirements for Off-Street Parking Areas (Sight-Distance Triangle)

Required: Sight-distance triangle
 Proposed: No sight-distance triangle
 Waiver: No sight-distance triangle



Item 5 – Docket Number: 073-20

Applicant or Agent: 813 Frenchmen LLC
Property Location: 813 Frenchmen Street **Zip:** 70116
Bounding Streets: Frenchmen St., Burgundy St., Elysian Fields Ave., Dauphine St.
Zoning District: HMC-1 Historic Marigny/Tremé/Bywater Commercial District
Historic District: Faubourg Marigny **Planning District:** 7
Existing Use: Vacant Building **Square Number:** 261
Proposed Use: Mixed-Use (Single-Family/Specialty Restaurant) **Lot Number:** 2
Project Planner: Joseph Colón (jacolon@nola.gov)

Request: This request is for variances from the provisions of Article 10, Section 10.3.A (Table 10-2) of the Comprehensive Zoning Ordinance to permit the construction of a mixed-use development (single-family residence and specialty restaurant) with excessive floor area ratio, insufficient permeable space, and insufficient open space ratio.

Requested Waivers:

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

Permitted: .30 Proposed: .063 Waiver: 0.237

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

Permitted: 15% Proposed: 5.94% Waiver: 9.06 %

Article 10, Section 10.3.A (Table 10-2) – Maximum FAR

Permitted: 1.4 Proposed: 2.64 (2.43 existing) Waiver: .22



Item 6 - Docket Number: 074-20

Applicant or Agent: Outer Space and Back Realty LLC, Brian Gille
Property Location: 1174 City Park Avenue **Zip:** 70119
Bounding Streets: City Park Ave., N. Carrollton Ave., Flowerdale Ct., Sherwood Forest Dr.
Zoning District: HU-RD1 Historic Urban Two-Family Residential District
Historic District: Parkview **Planning District:** 5
Existing Use: Vacant Lot **Square Number:** 547
Proposed Use: Single-Family Residence **Lot Number:** W
Project Planner: Amos Jasper Wright (ajwright@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 22.11.B.2 of the Comprehensive Zoning Ordinance to permit the construction of a single-family residence with insufficient corner side yard setback, insufficient rear yard setback, and excessive curb cut width.

Requested Waivers:

Article 11, Section 11.3.A.1 (Table 11-2A) – Corner Side Yard

Required: 6 ft, 7.5 in Proposed: 3 ft, 7.5 in Waiver: 3 ft

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

Required: 15 ft Proposed: 6 ft, 4 in Waiver: 8 ft, 8 in

Requested Waiver: Article 22, Section 22.11.B.2 – Curb Cuts (Curb Cut Width)

Required: 12 ft Proposed: 20 ft Waiver: 8 ft

Item 7 – Docket Number: 075-20

Applicant or Agent: Mark Peters, Alexander Adamick
Property Location: 3916-3918 Erato Street **Zip:** 70125
Bounding Streets: Erato St., S. Dorgenois St., Thalia St., S. Broad Ave.
Zoning District: HU-RM1 Historic Urban Multi-Family Residential District
Historic District: N/A **Planning District:** 4
Existing Use: Vacant Lot **Square Number:** 481
Proposed Use: Two-Family Residence **Lot Number:** 19
Project Planner: Aspen Nero (asnero@nola.gov)

Request: This request is for variances from the provisions of Article 11, Section 11.2.A.1 (Table 11-2A), Article 11, Section 11.3.A.2, and Article 22, Section 22.11.B to permit the construction of a two-family residence with excessive front yard setback and build-to line, and more than one curb cut.

Requested Waivers:

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

Required: 10 ft Proposed: 19 ft, 1 in Waiver: 9 ft, 1 in

Article 11, Section 11.3.A.2 – Front Yard Build-To Line

Required: 10 ft Proposed: 19 ft, 1 in Waiver: 9 ft, 1 in

Article 22, Section 22.11.B – Curb Cuts

Required: 1 curb cut Proposed: 2 curb cuts Waiver: 1 curb cut



E. New Business – Minor Map Adjustment

Item 8 – Docket Number: 076-20

Applicant or Agent: NOLA St Claude LLC
Property Location: 1919 St. Claude Avenue **Zip:** 70116
Bounding Streets: St. Claude Ave., Pauger St., Marais St., Touro St.
Zoning District: HMC-2 Historic Marigny/Tremé/Bywater Commercial District
Historic District: Faubourg Marigny **Planning District:** 7
Existing Use: Vacant Lot **Square Number:** 387
Proposed Use: Hotel/Motel **Lot Number:** X
Project Planner: Valerie Goines (valerie.goines@nola.gov)

Request: This is a request for a minor map adjustment pursuant to Article 4, Section 4.7 of the Comprehensive Zoning Ordinance to the Official Zoning Map to change the zoning for an area measuring approximately 53.292 feet in width, 36.875 feet in depth, and 1,965.14 square feet in area from HMR-2 Historic Marigny/Tremé/Bywater Residential District to HMC-2 Historic Marigny/Tremé/Bywater Commercial District.

F. New Business – Director of Safety and Permits Decision Appeals

Item 9 – Docket Number: 077-20

Applicant or Agent: Kinney, Ellinghausen, Richard & DeShazo et al.
Property Location: 200-220 Henry Clay Avenue **Zip:** 70118
Bounding Streets: Henry Clay Ave., Tchoupitoulas St., Exposition Dr., Leake Ave. (Unconstructed)
Zoning District: MC Medical Campus District
Historic District: Uptown **Planning District:** 3
Existing Use: Hospital (Accessory Use Subject of Appeal) **Square Number:** 3-6
Proposed Use: Hospital (Accessory Use Subject of Appeal) **Lot Number:** 96

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 new helicopter landing structure is a helistop rather than a heliport and that the decision is invalid because it was not issued by the Director of the Department of Safety and Permits.



Item 10 – Docket Number: 078-20

Applicant or Agent: P and C Ventures, LLC
Property Location: 135 Carondelet St, 137 Carondelet St, **Zip:** 70112
Bounding Streets: Carondelet St., Common St., St. Charles Ave., Canal St.
Zoning District: CBD-2 Historic Commercial and Mixed-Use District
Historic District: N/A **Planning District:** 1a
Existing Use: Subject of Appeal **Square Number:** 226
Proposed Use: Subject of Appeal **Lot Number:** Pt. 25, 26

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 short term rental licenses 18STR-14843, 18STR-13802, 18STR-13800, 18STR-13799, 18STR-13797, 19STR-14579, 19STR-14583, 19STR-14584, and 19STR-14585 were properly denied due to material misrepresentations on the license applications.

G. New Business – Any Other Matters

Item 11 – Consideration – Adoption of the 2021 & 2022 Board of Zoning Adjustments Meeting Schedules

H. Adjournment