



City of New Orleans
Mayor LaToya Cantrell

Board of Zoning Adjustments

Final Agenda

September 14, 2020

MEETING INFORMATION

LOCATION

Livestream at:
http://cityofno.granicus.com/ViewPublisher.php?view_id=2

TIME

10:00 a.m.

BOARD MEMBERS

Candice M. Forest – Chair
Todd C. James – Vice Chair
José Alvarez
Jaime Ramiro Diaz
Alfonso Gonzalez II
Deborah Harkins
Mary Harper Malone

The general public cannot speak with the members personally.

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Under the authority granted in Act 302 of the 2020 Regular Legislative Session, the Board of Zoning Adjustments certifies that it will convene a meeting September 14, 2020 via teleconference/Zoom to hear matters that are critical to the continuation of the business of the Board of Zoning Adjustments and that are not able to be postponed to a later meeting due to a legal requirement or deadline in the Comprehensive Zoning Ordinance and State Law that cannot be changed.

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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 **September 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/LBY1h53g5X2tfunP7>

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.

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

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. Election of Officers
 - 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. Request for Extension – Unfinished Business

Item 1 – Docket Number: 026-16

Applicant or Agent: 1148 South Peters LLC, Edward T. Suffern, Jr.
Property Location: 351 Calliope Street (previously 1148 S. Peters Street) **Zip:** 70130
Bounding Streets: Convention Center Blvd., Calliope St., S. Peters St., Gaiennie St.
Zoning District: CBD-6 Urban Core Neighborhood Mixed-Use District
Historic District: Warehouse District **Planning District:** 1a
Existing Use: Warehouse **Square Number:** 27
Proposed Use: Hotel/Motel **Lot Number:** B-1

Request: This request is for an extension of time for a previously granted variance, pursuant to Article 4, Section 4.6.G.2 of the Comprehensive Zoning Ordinance, to allow an additional two-year extension.



C. Variances – Unfinished Business

Item 2 – Docket Number: 050-20

Applicant or Agent: George W. Clay, Patricia Clay, Brian Gille Architects, Ltd.
Property Location: 2130 Palmer Avenue **Zip:** 70118
Bounding Streets: Palmer Ave., S. Robertson St., Calhoun St., & Freret St.
Zoning District: HU-RD1 Historic Urban Two-Family Residential District
Historic District: Uptown **Planning District:** 3
Existing Use: Single-Family Residence **Square Number:** 105
Proposed Use: Single-Family Residence **Lot Number:** A
Project Planner: Amos Jasper Wright (ajwright@nola.gov)

Request: This is a request for a variance from the provisions of Article 21, Section 21.6.A.8 of the Comprehensive Zoning Ordinance to permit the construction of a carport located in front of the abutting structure’s front building line.

Requested Waiver:

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

Required: May not be located in front of the abutting structure’s front building line

Proposed: Located in front of the abutting structure’s front building line

Waiver: May not be located in front of the abutting structure’s front building line



Item 3 – Docket Number: 051-20

Applicant or Agent: Orleans Parish School Board, McDonogh #35
Property Location: 1331 Kerlerec Street **Zip:** 70116
Bounding Streets: Kerlerec St., N. Villere St., Columbus St., Marais St.
Zoning District: HMR-3 Historic Marigny/Tremé/Bywater Residential District
Historic District: Tremé **Planning District:** 4
Existing Use: Educational Facility, Secondary **Square Number:** 502
Proposed Use: Educational Facility, Secondary **Lot Number:** N/A
Project Planner: Valerie Goines (valerie.goines@nola.gov)

Request: This is a request for variances from the provisions of Article 22, Section 22.8.B.2 and Article 22, Section 22.10.A of the Comprehensive Zoning Ordinance to permit a secondary educational facility with front yard parking and front yard loading areas.

Requested Waivers:**Article 22, Section 22.8.B.2 – Permitted Vehicle Parking Locations (Front Yard)**

Required: No Front Yard Parking

Proposed: Front Yard Parking

Waiver: Front Yard Parking

Article 22, Section 22.10.A – Permitted Loading Space Locations (Marais Street Front Yard)

Required: No Front Yard Loading

Provided: Front Yard Loading

Waiver: Front Yard Loading

Article 22, Section 22.10.A – Permitted Loading Space Locations (Columbus Street Front Yard)

Required: No Front Yard Loading

Provided: Front Yard Loading

Waiver: Front Yard Loading

**Item 4 – Docket Number: 053-20****WITHDRAWN**

Applicant or Agent: Allen Villarrubia, Cosima Clements
Property Location: 3333 Napoleon Avenue **Zip:** 70125
Bounding Streets: Napoleon Ave., S. Johnson St., General Pershing St., S. Prieur St.
Zoning District: HU-RD2 Historic Urban Two-Family Residential District
Historic District: N/A **Planning District:** 3
Existing Use: Single-Family Residence **Square Number:** 732
Proposed Use: Two-Family Residence **Lot Number:** R & S (Proposed R1)
Project Planner: Joanna Farley (jbfarley@nola.gov)

Request: This is a request for a variance from the provisions of Article 21, Section 21.4.A.2, in conjunction with Subdivision Docket 025-20, to permit more than one principal building on a lot.

Requested Waiver:**Article 21, Section 21.4.A.2 – Number of Principal Buildings on a Lot**

Permitted: One Principal Building

Proposed: Two Principal Buildings

Requested: Two Principal Buildings

D. Reasonable Accommodation Appeals – Unfinished Business**Item 5 – Docket Number: RA001-20**

Applicant or Agent: Jeffrey and Alissa Schmidtke, Webre Consulting
Property Location: 1925-1931 Fourth Street **Zip:** 70113
Bounding Streets: Fourth St., Danneel St., Third St., Dryades St.
Zoning District: HU-RM1 Historic Urban Multi-Family Residential District
Historic District: N/A **Planning District:** 2
Existing Use: Vacant Lot **Square Number:** 274
Proposed Use: Multi-Family Residence **Lot Number:** 19A

Request: This is 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 from the provisions of Article 11, Section 11.3.A.1 (Table 11-2A) to permit the construction of multi-family dwelling (9 units) with insufficient lot area per dwelling unit.

Requested Accommodation:**Article 11, Section 11.3.A.1 (Table 11-2A) – Minimum Lot Area Requirement**

Required: 1,250 sf/du Proposed: 846 sf/du Accommodation: 404 sf/du

**E. Variances – New Business****Item 6 – Docket Number: 059-20**

Applicant or Agent: Joseph C. Paciera, Joseph J. Paciera, Rozas Ward Architects
Property Location: 336 Decatur Street **Zip:** 70130
Bounding Streets: Decatur St., Conti St., N. Peters St., Bienville St.
Zoning District: VCE-1 Vieux Carré Entertainment District
Historic District: Vieux Carré **Planning District:** 1b
Existing Use: Vacant Lot **Square Number:** 8
Proposed Use: Restaurant, Standard **Lot Number:** 12A
Project Planner: Wheeler Manouchehri (wheeler.manouchehri@nola.gov)

Request: This request is for a variance from the provisions of Article 10, Section 10.3.A (Table 10-2) of the Comprehensive Zoning Ordinance to permit the construction of a standard restaurant with insufficient open space ratio.

Requested Waiver:**Article 10, Section 10.3.A (Table 10-2) – Minimum Open Space Ratio**

Required: .20 Proposed: 0 Waiver: .20



Item 7 – Docket Number: 060-20

Applicant or Agent: 1780-82 North Broad LLC, Brian Anderson
Property Location: 1780-82 N. Broad Street, 2540 O’Reilly Street **Zip:** 70119
Bounding Streets: N. Broad St., O’Reilly St., Rousselin St., Aubry St.
Zoning District: HU-B1 Historic Urban Neighborhood Business District
Historic District: N/A **Planning District:** 4
Existing Use: Multi-Family Residence **Square Number:** 1364
Proposed Use: Medical/Dental Clinic **Lot Number:** 11, 12
Project Planner: Joanna B. Farley (jbfarley@nola.gov)

Request: This request is for a variance from the provisions of Article 23, Section 23.8.B of the Comprehensive Zoning Ordinance to permit the conversion of a multi-family residence to a medical clinic with an insufficient buffer yard.

Requested Waiver:

Article 23, Section 23.8.B – Buffer Yards

Required: 10 ft	Proposed: 5 ft	Waiver: 5 ft
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Item 8 – Docket Number: 061-20

Applicant or Agent: Joshua D. Parks, Michelle C. Hymel, Soniat Architecture
Property Location: 2335 Jefferson Avenue, 5324 S. Robertson Street **Zip:** 70115
Bounding Streets: Jefferson Ave., S. Robertson St., Valmont St., Freret St.
Zoning District: HU-RD1 Historic Urban Two-Family Residential District
Historic District: Uptown **Planning District:** 3
Existing Use: Single-Family Residence **Square Number:** 610
Proposed Use: Single-Family Residence **Lot Number:** A
Project Planner: Joseph Colón (jacolon@nola.gov)

Request: This request is for variances from the provisions of Article 21, Section 21.6.AA.1 and Article 21, Section 21.7 (Table 21-2) of the Comprehensive Zoning Ordinance to permit an addition to an existing single-family residence resulting in excessive encroachment of steps/stairs into the required front yard.

Requested Waivers:

Article 21, Section 21.6.AA.1 – Porches and Steps and Stoops (Stair Projection)

Permitted: 6 ft	Proposed: 13 ft, 9 in	Waiver: 7 ft, 9 in
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Article 21, Section 21.7 (Table 21-2) – Permitted Encroachments into Required Yards (Steps & Stoops)

Permitted: 6 ft	Proposed: 13 ft, 9 in	Waiver: 7 ft, 9 in
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Item 9 – Docket Number: 062-20

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, Article 22, and 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



Item 10 – Docket Number: 063-20

Applicant or Agent: Fidelis Investments LLC
Property Location: 727 S. Salcedo Street **Zip:** 70119
Bounding Streets: S. Salcedo St., Perdido St., S. Lopez St., Gravier St.
Zoning District: MU-2 High Intensity Mixed-Use District
Historic District: Mid-City **Planning District:** 4
Existing Use: Single-Family Residence **Square Number:** 651
Proposed Use: Two-Family Residence **Lot Number:** 24
Project Planner: Sydney Shivers (sydney.shivers@nola.gov)

Request: This request is for variances from the provisions of Article 15, Section 15.3.A.1 (Table 15-2) and Article 22, Section 22.4.A (Table 22-1) of the Comprehensive Zoning Ordinance to permit the conversion of a single-family residence to a two-family residence with insufficient lot area, insufficient rear yard, and insufficient off-street parking spaces.

Requested Waivers:**Article 15, Section 15.3.A.1 (Table 15-2) – Lot Area**Required: 3,400 ft² (1,700 sf/du)Provided: 3,088.8 ft² (1,544.4 sf/du)Waiver: 311.2 ft² (155.6 sf/du)**Article 15, Section 15.3.A.1 (Table 15-2) – Rear Yard Setback**

Required: 20 ft

Proposed: 16 ft, 7 in

Waiver: 3 ft, 5 in

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

Required: 2 spaces

Proposed: 1 space

Waiver: 1 space

**Item 11 – Docket Number: 064-20**

Applicant or Agent: Ryan Fearn
Property Location: 900 St. Ferdinand Street **Zip:** 70117
Bounding Streets: St. Ferdinand St., Burgundy St., Port St., N. Rampart St.
Zoning District: HMR-3 Historic Marigny/Tremé/Bywater Residential District
Historic District: Faubourg Marigny **Planning District:** 7
Existing Use: Vacant Lot **Square Number:** 279
Proposed Use: Two-Family Residence **Lot Number:** S
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.

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

Required: 90 ft

Provided: 87 ft, 9in

Waiver: 2 ft, 3in

Item 12 – Docket Number: 065-20

Applicant or Agent: 3038 Earhart LLC, Sherman Strategies
Property Location: 3038 Earhart Boulevard **Zip:** 70125
Bounding Streets: Earhart Blvd., S. Claiborne Ave., Clio St., S. Roman St.
Zoning District: C-2 Auto-Oriented Commercial District
Historic District: N/A **Planning District:** 4
Existing Use: Warehouse **Square Number:** 482
Proposed Use: Mardi Gras Den **Lot Number:** 2, 3
Project Planner: Travis Martin (trlmartin@nola.gov)

Request: This request is for a variance from the provisions of Article 22, Section 22.11.B.2 of the Comprehensive Zoning Ordinance to permit the construction of a Mardi Gras Den with an excessive curb cut.

Requested Waiver:

Article 22, Section 22.11.B – Curb Cuts (Clio Street)

Permitted: 24 ft

Proposed: 30 ft

Waiver: 6 ft

F. Consideration – Election of Officers

G. Adjournment