



**City of New Orleans**  
Mayor LaToya Cantrell

# Board of Zoning Adjustments

**Final Agenda**

**April 19, 2021**

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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\\_b4gJiO3KnZictjg/featured](https://www.youtube.com/channel/UCoE99Rj_b4gJiO3KnZictjg/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 April 19, 2021 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 **April 29, 2021**.

### **GENERAL RULES OF ORDER**

Robert’s Rules of Order govern the conduct of the meeting. In lieu of spoken public comment, any member of the public may provide written comment via a digital speaker card not to exceed two (2) minutes on any matter before the Board. The digital speaker card will be made available at the start of the meeting and will close at the end of the 30-minute recess. If you wish to appear before the Board, please fill out a digital speaker card at the following link:

<https://forms.gle/4BQp4N8YNfEgFmiH8>

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. 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: 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



**Item 2 – Docket Number: 004-21**

**WITHDRAWN**

**Applicant or Agent:** Mission Properties Foundation, Adamick Architecture  
**Property Location:** 1123 Baronne Street **Zip:** 70113  
**Bounding Streets:** Baronne St., Clio St., Oretha Castle Haley Blvd., Calliope St.  
**Zoning District:** MU-2 High Intensity Mixed-Use District  
**Historic District:** N/A **Planning District:** 2  
**Existing Use:** Vacant Lot **Square Number:** 254  
**Proposed Use:** Multi-Family Residence **Lot Number:** 3-A, 3-B  
**Project Planner:** Joanna Farley ([jbfarley@nola.gov](mailto:jbfarley@nola.gov)) and Valerie Goines

**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 construction of a multi-family residence with insufficient lot area per dwelling unit and insufficient off-street parking.

**Requested Waivers:**

**Article 15, Section 15.3.A.1 (Table 15-2) – Minimum Lot Area**

Required: 800 sf/du Proposed: 204.37 sf/du Waiver: 595.63 sf/du

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

Required: 20 spaces Proposed: 0 spaces Waiver: 20 spaces



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

**Item 3 – Docket Number: 026-21**

**WITHDRAWN**

**Applicant or Agent:** Steven R. Young, Caroline Young, Steeg Law  
**Property Location:** 937 Henry Clay Avenue **Zip:** 70118  
**Bounding Streets:** Henry Clay Ave., Chestnut St., Webster St., Camp St.  
**Zoning District:** HU-RD2 Historic Urban Two-Family Residential District  
**Historic District:** Uptown **Planning District:** 3  
**Existing Use:** Single-Family Residence **Square Number:** 34  
**Proposed Use:** Single-Family Residence **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 a stop work order associated with permit no. 20-38467-RDRV.



**C. New Business – Variances**

**Item 4 – Docket Number: 028-21**

**Applicant or Agent:** Swilling Design & Development LLC  
**Property Location:** 1609 Baronne Street **Zip:** 70113  
**Bounding Streets:** Baronne St., Euterpe St., Oretha Castle Haley Blvd., Terpsichore St.  
**Zoning District:** HU-MU Historic Urban Neighborhood Mixed-Use District  
**Historic District:** N/A **Planning District:** 2  
**Existing Use:** Vacant Lot **Square Number:** 248  
**Proposed Use:** Mixed-Use **Lot Number:** 3  
**Project Planner:** Sydney Shivers ([sydney.shivers@nola.gov](mailto:sydney.shivers@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 a mixed-use development with insufficient off-street parking.

**Requested Waiver:**

**Article 22, Section 22.4.A (Table 22-1) – Off-Street Vehicle Parking**  
Required: 1 space/du Proposed: 0 spaces/du Waiver: 1 space/du



**Item 5 – Docket Number: 029-21**

**Applicant or Agent:** Swilling Design & Development LLC  
**Property Location:** 1613 Baronne Street **Zip:** 70113  
**Bounding Streets:** Baronne St., Euterpe St., Oretha Castle Haley Blvd., Terpsichore St.  
**Zoning District:** HU-MU Historic Urban Neighborhood Mixed-Use District  
**Historic District:** N/A **Planning District:** 2  
**Existing Use:** Vacant Lot **Square Number:** 248  
**Proposed Use:** Mixed-Use **Lot Number:** 4  
**Project Planner:** Joanna B. Farley ([jbfarley@nola.gov](mailto:jbfarley@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 a mixed-use development with insufficient off-street parking.

**Requested Waiver:**

**Article 22, Section 22.4.A (Table 22-1) – Off-Street Vehicle Parking**  
Required: 1 space/du Proposed: 0 spaces/du Waiver: 1 space/du



**Item 6 – Docket Number: 030-21**

**Applicant or Agent:** New Orleans Area Habitat for Humanity  
**Property Location:** 4945 Desire Drive **Zip:** 70126  
**Bounding Streets:** Desire Dr., Dreux Ave., Gallier Dr., Mirabeau Ave.  
**Zoning District:** S-RS Suburban Single-Family Residential District  
**Historic District:** N/A **Planning District:** 6  
**Existing Use:** Vacant Lot **Square Number:** 31  
**Proposed Use:** Single-Family Residence **Lot Number:** Q  
**Project Planner:** Sabine Lebailleur ([selebailleur@nola.gov](mailto:selebailleur@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 rear yard setback.

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

Required: 19 ft, 5 in

Proposed: 18 ft, 1 in

Waiver: 1 ft, 4 in

**Item 7 – Docket Number: 031-21**

**Applicant or Agent:** New Orleans Area Habitat for Humanity  
**Property Location:** 4952 Desire Drive **Zip:** 70126  
**Bounding Streets:** Desire Dr., Dreux Ave., Mirabeau Ave., Piety Dr.  
**Zoning District:** S-RS Suburban Single-Family Residential District  
**Historic District:** N/A **Planning District:** 6  
**Existing Use:** Vacant Lot **Square Number:** 30  
**Proposed Use:** Single-Family Residence **Lot Number:** CC  
**Project Planner:** Haley Delery ([hdelery@nola.gov](mailto:hdelery@nola.gov))

**Request:** This request is for a variance from the provisions of Article 13, Section 13.3.A.1 (Table 13-2) to permit the construction of a single-family residence with insufficient rear yard setback.

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

Required: 20 ft

Proposed: 16ft, 9.5 in

Waiver: 2, 2.5 in



**Item 8 – Docket Number: 032-21**

**Applicant or Agent:** New Orleans Area Habitat for Humanity  
**Property Location:** 4551 Montegut Drive **Zip:** 70126  
**Bounding Streets:** Montegut Dr., Mirabeau Ave., Feliciana Dr., Stephen Girard Ave.  
**Zoning District:** S-RS Suburban Single-Family Residential District  
**Historic District:** N/A **Planning District:** 6  
**Existing Use:** Vacant Lot **Square Number:** 16  
**Proposed Use:** Single-Family Residence **Lot Number:** 47  
**Project Planner:** Valerie Goines ([valerie.goines@nola.gov](mailto:valerie.goines@nola.gov))

**Request:** This request is for variances 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 and insufficient rear yard setback.

**Requested Waivers:**

**Article 13, Section 13.3.A.1 (Table 13-2) – Front Yard Setback**  
 Required 20 ft Proposed: 18 ft., 7 1/4 in Waiver: 1 ft, 4 3/4 in  
**Article 13, Section 13.3.A.1 (Table 13-2) – Rear Yard Setback**  
 Required 20 ft Proposed: 16.56 ft Waiver: 3.44 ft



**Item 9 – Docket Number: 033-21**

**Applicant or Agent:** Antoine M. Saacks, III, Roland Arriaga  
**Property Location:** 4910 Laurel Street **Zip:** 70115  
**Bounding Streets:** Laurel St., Upperville St., Annunciation St., Robert St.  
**Zoning District:** HU-RD2 Historic Urban Two-Family Residential District  
**Historic District:** Uptown **Planning District:** 3  
**Existing Use:** Single-Family Residence **Square Number:** 139  
**Proposed Use:** Single-Family Residence **Lot Number:** Q, R  
**Project Planner:** Robin Jones ([rcjones@nola.gov](mailto:rcjones@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 an addition to an existing single-family residence resulting in insufficient rear yard setback.

**Requested Waiver:**

**Article 11, Section 11.3.A.1 (Table 11-2A) – Rear Yard Setback**  
 Required: 15 ft Proposed: 3 ft Waiver: 12 ft







**Item 12 – Docket Number: 036-21**

**Applicant or Agent:** RPM Casting LLC, Jessica Becker  
**Property Location:** 3201-3205 Chartres Street **Zip:** 70117  
**Bounding Streets:** Chartres St., Louisa St., Royal St., Piety St.  
**Zoning District:** HMR-3 Historic Marigny/Tremé/Bywater Residential District RDO-1  
**Historic District:** Bywater **Planning District:** 7  
**Existing Use:** Single-Family Residence **Square Number:** 140  
**Proposed Use:** Single-Family Residence **Lot Number:** 1 or 10 and 2  
**Project Planner:** Rachael Berg ([rberg@nola.gov](mailto:rberg@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 an addition to an existing single-family residence resulting in insufficient rear yard setback.

**Requested Waiver:****Article 9, Section 9.3.A (Table 9-2) – Rear Yard Setback**

Required: 20 ft

Provided: 18 ft

Waiver: 2 ft

**Item 13 – Docket Number: 042-21****Automatically DEFERRED to May 17 meeting**

**Applicant or Agent:** Tracie L. Ashe  
**Property Location:** 815 Alvar Street **Zip:** 70117  
**Bounding Streets:** Alvar St., Dauphine St., Bartholomew St., Burgundy St.  
**Zoning District:** HMR-3 Historic Marigny/Tremé/Bywater Residential District  
**Historic District:** Bywater **Planning District:** 7  
**Existing Use:** Single-Family Residence **Square Number:** 242  
**Proposed Use:** Single-Family Residence **Lot Number:** 1 and 2  
**Project Planner:** Valerie Goines ([valerie.goines@nola.gov](mailto:valerie.goines@nola.gov))

**Request:** This request is for variances from the provisions of Article 9, Section 9.2.A (Table 9-2), Article 9, Section 9.3.C, Article 21, Section 21.6.N.1.a, and Article 21, Section 21.6.T.1 of the Comprehensive Zoning Ordinance to permit an addition to an existing single-family residence resulting in insufficient interior side yard setback, open space that is not permeable, a fence with excessive height, and mechanical equipment located in the front yard.

**Requested Waivers:****Article 9, Section 9.3.A (Table 9-2) – Interior Side Yard Setback**

Required: 3 feet

Proposed: 1 ft, 9 in

Waiver: 1 ft, 3in

**Article 9, Section 9.3.C – Open Space**Required: 507 ft<sup>2</sup>Proposed: 144 ft<sup>2</sup>Waiver: 363 ft<sup>2</sup>**Article 21, Section 21.6.N.1.a – Fence Height**

Permitted: 7 feet

Proposed: 10 feet

Waiver: 3 feet

**Article 21, Section 21.6.T.1 – Mechanical Equipment**

Required: Located only in an interior side or rear yard

Proposed: Located in a front yard

Waiver: Located in a front yard

**D. New Business – Director of Safety and Permits Decision Appeals****Item 14 – Docket Number: 037-21**

<b>Applicant or Agent:</b>	Sherman Strategies, LLC	
<b>Property Location:</b>	N/A	<b>Zip:</b> N/A
<b>Bounding Streets:</b>	N/A	
<b>Zoning District:</b>	N/A	
<b>Historic District:</b>	N/A	<b>Planning District:</b> N/A
<b>Existing Use:</b>	Restaurant, Carry-Out	<b>Square Number:</b> N/A
<b>Proposed Use:</b>	Catering Kitchen	<b>Lot Number:</b> N/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 determination that a "ghost kitchen" is classified as a "carry-out restaurant" rather than a "catering kitchen."

**Item 15 – Docket Number: 038-21**

<b>Applicant or Agent:</b>	Kinney, Ellinghausen & DeShazo et al.	
<b>Property Location:</b>	200 Henry Clay Avenue	<b>Zip:</b> 70118
<b>Bounding Streets:</b>	Henry Clay Ave., Tchoupitoulas St., Exposition Dr., Leake Ave. (Unconstructed)	
<b>Zoning District:</b>	MC Medical Campus District	
<b>Historic District:</b>	Uptown	<b>Planning District:</b> 3
<b>Existing Use:</b>	Subject of Appeal	<b>Square Number:</b> 3-6
<b>Proposed Use:</b>	Heliport	<b>Lot Number:</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 issuance of Building Permit No. 19-38455-RNVS.

**Item 16 – Docket Number: 039-21**

<b>Applicant or Agent:</b>	Kinney, Ellinghausen & DeShazo et al.	
<b>Property Location:</b>	200 Henry Clay Avenue	<b>Zip:</b> 70118
<b>Bounding Streets:</b>	Henry Clay Ave., Tchoupitoulas St., Exposition Dr., Leake Ave. (Unconstructed)	
<b>Zoning District:</b>	MC Medical Campus District	
<b>Historic District:</b>	Uptown	<b>Planning District:</b> 3
<b>Existing Use:</b>	Subject of Appeal	<b>Square Number:</b> 3-6
<b>Proposed Use:</b>	Heliport	<b>Lot Number:</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 issuance of Building Permit No. 17-33606-NEWC.



**Item 17 – Docket Number: 040-21**

**REMOVED FROM AGENDA**

**Applicant or Agent:** Kinney, Ellinghausen & DeShazo et al.  
**Property Location:** 200 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:** Subject of Appeal **Square Number:** 3-6 BV  
**Proposed Use:** Heliport **Lot Number:** 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 issuance of a Certificate of Occupancy associated with Building Permit No. 19-38455-RNVS.



**Item 18 – Docket Number: 041-21**

**REMOVED FROM AGENDA**

**Applicant or Agent:** Kinney, Ellinghausen & DeShazo et al.  
**Property Location:** 200 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:** Subject of Appeal **Square Number:** 3-6 BV  
**Proposed Use:** Heliport **Lot Number:** 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 issuance of a Certificate of Occupancy associated with Building Permit No. 17-33606-NEWC.



**E. Adjournment**