



**City of New Orleans**  
Mayor LaToya Cantrell

# Board of Zoning Adjustments

## Draft Agenda

## August 16, 2021

### MEETING INFORMATION

#### LOCATION\*

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

*Or, if the Governor's emergency declaration is no longer in effect:*

#### **City Council Chambers**

City Hall (1<sup>st</sup> Floor)  
1300 Perdido Street  
New Orleans, LA 70112

#### 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 August 16 electronically via Zoom in accordance with the provisions of La. R.S. 42:17.1(A)(2)(a)-(c) *if the Governor's emergency declaration is still in effect (otherwise, the meeting will be held in City Council Chambers, City Hall, 1300 Perdido Street)*.  
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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 **August 26, 2021**.

#### **GENERAL RULES OF ORDER**

Robert's Rules of Order govern the conduct of the meeting.

**Virtual Procedure:** 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. A moderator will read comments into the record. The digital speaker card will be available the morning of the meeting on the City's website: <https://nola.gov/city-planning/announcements/>

**In-Person Procedure:** Any member of the public may speak on any matter before the Board. If you wish to appear before the Board, please fill out a Speaker Card and place it in the box provided. When you are recognized by the Chairperson, state your name and address and speak directly into the microphone.

#### **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](http://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**): The planner listed on the agenda or [CPCinfo@nola.gov](mailto:CPCinfo@nola.gov)
- 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, August 9, 2021.**

**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 1 – Docket Number: 056-21**

**Applicant or Agent:** Paulo S. Diniz, Constance C. Diniz  
**Property Location:** 2631 Urquhart Street **Zip:** 70117  
**Bounding Streets:** Urquhart St., Port St., N. Villere St., Franklin Ave.  
**Zoning District:** HU-RD2 Historic Urban Two-Family Residential District  
**Historic District:** N/A **Planning District:** 7  
**Existing Use:** Vacant Lot **Square Number:** 519  
**Proposed Use:** Single-Family Residence **Lot Number:** 8-A  
**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, Section 21.7 (Table 21-2) of the Comprehensive Zoning Ordinance to permit the construction of a single-family residence with eaves that encroach less than two feet from a lot line.

**Requested Waivers:**

**Article 21, Section 21.7 (Table 21-2) – Permitted Encroachments into Required Yards (Eaves) – Port Street Side**

Required: 2 ft Proposed: 1 ft Waiver: 1 ft

**Article 21, Section 21.7 (Table 21-2) – Permitted Encroachments into Required Yards (Eaves) – Franklin Avenue Side**

Required: 2 ft Proposed: 1 ft Waiver: 1 ft



**Item 2 – Docket Number: 059-21**

**Applicant or Agent:** Fred O. Tharp, Debra Devenport Tharp  
**Property Location:** 329 N. Tonti Street **Zip:** 70119  
**Bounding Streets:** N. Tonti St., Conti St., N. Rocheblave St., Bienville St.  
**Zoning District:** HU-RD2 Historic Urban Two-Family Residential District  
**Historic District:** Mid-City **Planning District:** 4  
**Existing Use:** Single-Family Residence **Square Number:** 306  
**Proposed Use:** Single-Family Residence **Lot Number:** A-1-C  
**Project Planner:** Rachael Berg ([rberg@nola.gov](mailto:rberg@nola.gov))

**Request:** This request is for variances from the provisions of Article 21, Section 21.6.H.3 and Article 21, Section 21.6.H.5 of the Comprehensive Zoning Ordinance to permit the construction of a carport with insufficient projection from an interior side lot line and that is enclosed on an interior side yard.

**Requested Waivers:**

**Article 21, Section 21.6.H.3 – Carport (Projection)**

Required: 2 ft Proposed: 0 ft Waiver: 2 ft

**Article 21, Section 21.6.H.5 – Carport (Unenclosed)**

Required: Unenclosed Proposed: Enclosed Waiver: Enclosed



**Item 3 – Docket Number: 060-21** **Automatically Deferred from July 19 Meeting**  
**Applicant or Agent:** Amer Mohammed  
**Property Location:** 2315-2317 N. Robertson Street **Zip:** 70117  
**Bounding Streets:** N. Robertson St., Spain St., N. Claiborne Ave., Mandeville St.  
**Zoning District:** HU-RD2 Historic Urban Two-Family Residential District  
**Historic District:** N/A **Planning District:** 7  
**Existing Use:** Single-Family Residence **Square Number:** 642  
**Proposed Use:** Two-Family Residence **Lot Number:** 2  
**Project Planner:** Haley Delery ([hdelery@nola.gov](mailto:hdelery@nola.gov))

**Request:** This request is for a variance from the provisions of Article 21, Section 21.6.AA.1 of the Comprehensive Zoning Ordinance to permit the conversion of a single-family residence to a two-family residence and an addition with a porch with insufficient setback from a side lot line (**AFTER THE FACT**).

**Requested Waiver:**  
**Article 21, Section 21.6.AA.1 – Porches and Steps and Stoops (Porch Encroachment/Setback)**  
Required: 2 ft Proposed: 10 in Waiver: 1 ft, 2 in



**Item 4 – Docket Number: 062-21**

**Applicant or Agent:** 2377 Rousseau LLC  
**Property Location:** 2377 Rousseau Street **Zip:** 70130  
**Bounding Streets:** Rousseau St., First St., St. Thomas St., Soraparu St.  
**Zoning District:** MU-1 Medium Intensity Mixed-Use District  
**Historic District:** Irish Channel **Planning District:** 2  
**Existing Use:** Vacant Lot **Square Number:** 46  
**Proposed Use:** Single-Family Residence **Lot Number:** B  
**Project Planner:** Joseph Colón ([jacolon@nola.gov](mailto:jacolon@nola.gov))

**Request:** This request is for variances from the provisions of Article 22, Section 22.8.B.1, Article 22, Section 22.11.D.1, Article 22, Section 22.11.D.2, and Article 22, Section 22.11.D.3 of the Comprehensive Zoning Ordinance to permit the construction of a single-family residence with a parking space in the front yard and a driveway with insufficient setback from the interior side lot line.

**Requested Waivers:**

**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

Provided: 6 in

Waiver: 2 ft, 6 in

**C. Unfinished Business – Any Other Matters****Item 5 – Consideration: Election of Officers**

Annually, at the first meeting on or after July 1st of each year, the Board shall elect from its members a Chair and a Vice-Chair as it shall deem necessary and proper. The Chair and Vice-Chair shall serve until June 30th of the following year or until their successors have been elected and qualified and may, if duly elected by the members, succeed themselves. The duties of the Chair shall include the following:

1. The Chair shall preside at all meetings and hearings of the Board. In the event of the absence or disability of the Chair, the Vice-Chair shall preside.
2. The Chair may designate members of the Board to make personal inspections when necessary from time to time, and unless directed shall appoint such committees as may be found necessary.
3. The Chair shall report at each meeting on all official transactions or communications that have not been otherwise communicated to the Board.
4. The Chair shall, subject to these rules, and further instructions from the Board, transact the official business of the Board, supervise the work of the staff and exercise general disciplinary power.
5. The Chair subject to these rules and limitations shall decide all meeting protocol unless otherwise directed by a majority of the Board in session at the time.<sup>1</sup>

**D. New Business – Variances****Item 6 – Docket Number: 063-21**

<b>Applicant or Agent:</b>	Robert Boyd, 1424 Baronne LLC	
<b>Property Location:</b>	1424-1426 Baronne Street	<b>Zip:</b> 70113
<b>Bounding Streets:</b>	Baronne St., Thalia St., Robert C. Blakes Sr. Dr., Martin Luther King Jr. Blvd.	
<b>Zoning District:</b>	MU-2 High Intensity Mixed-Use District	
<b>Historic District:</b>	N/A	<b>Planning District:</b> 2
<b>Existing Use:</b>	Vacant Lot	<b>Square Number:</b> 241
<b>Proposed Use:</b>	Hotel/Motel	<b>Lot Number:</b> 1A (Proposed)
<b>Project Planner:</b>	Aspen Nero ( <a href="mailto:asnero@nola.gov">asnero@nola.gov</a> )	

**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, in conjunction with Subdivision Docket 078-21, to permit the construction of a hotel with insufficient off-street parking.

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

Required: 14 spaces	Proposed: 0 spaces	Waiver: 14 spaces
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<sup>1</sup> Per Section 1:C of the Board of Zoning Adjustments Administrative Rules, Policies & Procedures adopted July 10, 2017 (<https://nola.gov/city-planning/city-planning-commission-board-of-zoning-adjustm/rules-regulations-documents/bzarulesjuly2017/>)

**Item 7 – Docket Number: 064-21**

**Applicant or Agent:** Miwako Hattori, Broadmoor Development Corp  
**Property Location:** 3425 Milan Street **Zip:** 70125  
**Bounding Streets:** Milan St., S. Galvez St., Gen. Taylor St., S. Johnson St.  
**Zoning District:** HU-RD2 Historic Urban Two-Family Residential District  
**Historic District:** N/A **Planning District:** 3  
**Existing Use:** Vacant Lot **Square Number:** 749  
**Proposed Use:** Single-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 11, Section 11.3.A.1 (Table 11-2A), Article 11, Section 11.3.A.2, 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, and Article 22, Section 22.11.A.1 of the Comprehensive Zoning Ordinance to permit a single-family residence with excessive front yard setback and build-to line and a parking space in the front yard.

**Requested Waivers:**

**Article 11, Section 11.3.A.1 (Table 11-2A) – Front Yard**  
Permitted: 20 ft Proposed: 48 ft, 7 in Waiver: 28 ft, 7 in

**Article 11, Section 11.3.A.2 – Front Yard Build-To Line**  
Permitted: 20 ft Proposed: 48 ft, 7 in Waiver: 28 ft, 7 in

**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



**E. New Business – Director of Safety and Permits Decision Appeals****Item 8 – Docket Number: 065-21**

**Applicant or Agent:** Elamm Equity Investments LLC  
**Property Location:** 1138-40 Governor Nicholls Street **Zip:** 70116  
**Bounding Streets:** Gov. Nicholls St., Tremé St., Barracks St., Henriette Delille St.  
**Zoning District:** HMR-1 Historic Marigny/Tremé/Bywater Residential District  
**Historic District:** Tremé **Planning District:** 4  
**Existing Use:** Subject of Appeal **Square Number:** 111  
**Proposed Use:** Short-Term Rental **Lot Number:** A

**Request:** This is an appeal of the 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 the property has not attained legal non-conforming status for short term rental use.

**Item 9 – Docket Number: 066-21**

**Applicant or Agent:** Elamm Equity Investments LLC  
**Property Location:** 1205-1207 Governor Nicholls Street **Zip:** 70116  
**Bounding Streets:** Gov. Nicholls St., Tremé St., Barracks St., Henriette Delille St.  
**Zoning District:** HMR-1 Historic Marigny/Tremé/Bywater Residential District  
**Historic District:** Tremé **Planning District:** 4  
**Existing Use:** Subject of Appeal **Square Number:** 141  
**Proposed Use:** Short-Term Rental **Lot Number:** 25

**Request:** This is an appeal of the 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 the property has not attained legal non-conforming status for short term rental use.

**Item 10 – Docket Number: 067-21**

**Applicant or Agent:** Yakir Katz, Webre Consulting  
**Property Location:** 2612 Esplanade Avenue **Zip:** 70119  
**Bounding Streets:** Esplanade Ave., N. Broad St., Orchid St., Crete St.  
**Zoning District:** HU-RD2 Historic Urban Two-Family Residential District  
**Historic District:** Esplanade Ridge **Planning District:** 4  
**Existing Use:** Subject of Appeal **Square Number:** 349  
**Proposed Use:** Office **Lot Number:** D

**Request:** This is an appeal of the 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 property has not attained legal non-conforming status for an office use.