



City of New Orleans
Mayor LaToya Cantrell

Board of Zoning Adjustments

Draft Agenda

October 18, 2021

MEETING INFORMATION

LOCATION*

Livestream at:
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**Or, if the Governor's emergency declaration is no longer in effect:*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 (1st 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 October 18 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 **October 28, 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. 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
- 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, October 11, 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. 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 (Deferred from the September 20 Cancelled Meeting)

Item 1 – Docket Number: 055-21

Applicant or Agent:	Christopher J. Haydel, Charles Neyrey	
Property Location:	905 Moss Street	Zip: 70119
Bounding Streets:	N. Norman C. Francis Pkwy or Moss St., Dumaine St., Harding Dr., St. John Ct.	
Zoning District:	HU-RD1 Historic Urban Two-Family Residential District	
Historic District:	Parkview	Planning District: 5
Existing Use:	Vacant Lot	Square Number: 469
Proposed Use:	Two-Family Residence	Lot Number: 1-A
Project Planner:	Emily Ramírez Hernández (erhernandez@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 the construction of a two-family residence with excessive building height.

Requested Waiver:

Article 11, Section 11.3.A.1 (Table 11-2A) – Building Height

Permitted: 35 ft	Proposed: 36 ft	Waiver: 1 ft
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C. Unfinished Business – Director of Safety and Permits Decision Appeals (Deferred from the September 20 Cancelled Meeting)

Item 2 – 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.

D. New Business – Variances (Deferred from the September 20 Cancelled Meeting)

Item 3 – Docket Number: 068-21

Applicant or Agent: Joshua M Wainer, Joellie, LLC
Property Location: 403 Adams Street **Zip:** 70118
Bounding Streets: Adams St., Dominican St., Hillary St., Pearl St.
Zoning District: HU-RD2 Historic Urban Two-Family Residential District
Historic District: Carrollton **Planning District:** 3
Existing Use: Vacant Lot **Square Number:** 56
Proposed Use: Single-Family Residence **Lot Number:** 9
Project Planner: Sabine Lebailleur (selebailleur@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, and Article 22, Section 22.8.C.4 of the Comprehensive Zoning Ordinance to permit the construction of single-family residence with excessive front yard build-to-line and insufficient parking pad depth.

Requested Waivers:

Article 11, Section 11.3.A.1 (Table 11-2A) – Front Yard		
Permitted: 3 ft maximum	Proposed: 10 ft	Waiver: 7 ft
Article 11, Section 11.3.A.2 – Front Yard Build-To Line		
Permitted: 3 ft maximum	Proposed: 10 ft	Waiver: 7 ft
Article 22, Section 22.8.D (Figure 22-2) – Off-Street Parking Dimensions		
Required: 18 ft	Proposed: 16.88 ft	Waiver: 1.12 ft



Item 4 – Docket Number: 069-21

Applicant or Agent: East Skelly LLC, Richard Cortizas
Property Location: 1515 Poydras Street **Zip:** 70112
Bounding Streets: Poydras St., LaSalle St., Perdido St., Freret St.
Zoning District: CBD-4 Exposition District
Historic District: N/A **Planning District:** 1a
Existing Use: Office **Square Number:** 365
Proposed Use: Mixed-Use (above the ground floor dwellings (430 units)/commercial) **Lot Number:** N/A
Project Planner: Valerie McMillan (valerie.mcmillan@nola.gov)

Request: This request is for a variance from the provisions of Article 17, Section 17.4.B of the Comprehensive Zoning Ordinance to permit the conversion of an office to a mixed-use development (above the ground floor dwellings (430 units)/commercial) with insufficient open space per dwelling unit.

Requested Waiver:**Article 17, Section 17.4.B – Required On-Site Open Space**

Required: 120 sf/du (51,600 sf)
Proposed: 82.656 sf/du (35,542 sf)
Waiver: 37.344 sf/du (16,058 sf)

**Item 5 – Docket Number: 070-21**

Applicant or Agent: Ammar Mekari, Southern Home Improvement Center
Property Location: 727 Weiblen Place **Zip:** 70124
Bounding Streets: Weiblen Pl., Vickburg St., Greenwood St., Canal Blvd.
Zoning District: S-LRS1 Suburban Lakeview Single-Family Residential District
Historic District: N/A **Planning District:** 5
Existing Use: Single-Family Residence **Square Number:** A
Proposed Use: Single-Family Residence **Lot Number:** 6, 7
Project Planner: Haley Delery (hdelery@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 an addition to a single-family residence resulting in insufficient rear yard setback (**AFTER THE FACT**).

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

Required: 20 ft Provided: 18.35 ft Waiver: 1.65 ft



E. New Business – Extension Request (Deferred from the September 20 Cancelled Meeting)

Item 6 – Docket Number 061-19

Applicant or Agent:	Gwendolyn A. Bordenave	
Property Location:	301-03 S. Alexander Street	Zip: 70119
Bounding Streets:	S. Alexander St., Banks St., S. Murat St., Palmyra St.	
Zoning District:	HU-RD2 Historic Urban Two-Family Residential District	
Historic District:	Mid-City	Planning District: 4
Existing Use:	Vacant Lot	Square Number: 804
Proposed Use:	Two-Family Residence	Lot Number: 25
Project Planner:	Rachael Berg (rberg@nola.gov)	

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 a one-year extension.



F. New Business – Variances**Item 7 – Docket Number 071-21**

Applicant or Agent: M & O Realty Inc., CIS Architects
Property Location: 129 Robert E. Lee Boulevard **Zip:** 70124
Bounding Streets: Robert E. Lee Blvd., Sapphire St.
Zoning District: S-LC Suburban Lake Area General Commercial District
Historic District: N/A **Planning District:** 5
Existing Use: Vacant Lot **Square Number:** 1
Proposed Use: Commercial (Standard Restaurant/Office) **Lot Number:** Lot B-2A
Project Planner: Joseph Colón (jacolon@nola.gov)

Request: This request is for variances from the provisions of Article 14, Section 14.3.A.1 (Table 14-2) of the Comprehensive Zoning Ordinance, in conjunction with Subdivision Docket 082-21, to permit the construction of a commercial development (standard restaurant/office) with insufficient lot area, insufficient lot width, insufficient permeable open space, insufficient front yard setback, insufficient interior side yard setbacks, insufficient aggregate of side yards, and insufficient rear yard setback.

Requested Waivers:**Article 14, Section 14.3.A.1 (Table 14-2) – Minimum Lot Area**

Required: 20,000 ft	Proposed: 11,250 sf	Waiver: 8,750 sf
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Article 14, Section 14.3.A.1 (Table 14-2) – Minimum Lot Width

Required: 100 ft	Proposed: 75 ft	Waiver: 25 ft
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Article 14, Section 14.3.A.1 (Table 14-2) – Permeable Open Space

Required: 20% (2,250 sf)	Proposed: 0% (0 sf)	Waiver: 20% (2,250 sf)
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Article 14, Section 14.3.A.1 (Table 14-2) – Front Yard Setback

Required: 20 ft	Proposed: 0 ft	Waiver: 20 ft
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Article 14, Section 14.3.A.1 (Table 14-2) – Interior Side Yard Setback (Robert E. Lee Side)

Required: 10 ft	Proposed: 0 ft	Waiver: 10 ft
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Article 14, Section 14.3.A.1 (Table 14-2) – Interior Side Yard Setback (West End Side)

Required: 10 ft	Proposed: 0 ft	Waiver: 10 ft
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Article 14, Section 14.3.A.1 (Table 14-2) – Aggregate of Side Yards

Required: 15 ft	Proposed: 0 ft	Waiver: 15 ft
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Article 14, Section 14.3.A.1 (Table 14-2) – Rear Yard Setback

Required: 20 ft	Proposed: 0 ft	Waiver: 20 ft
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Item 8 – Docket Number 072-21

Applicant or Agent: Aron William Culotta
Property Location: 2500-2502 Robert Street **Zip:** 70115
Bounding Streets: Robert St., Magnolia St., Soniat St., Clara St.
Zoning District: HU-RD2 Historic Urban Two-Family Residential District
Historic District: Uptown **Planning District:** 3
Existing Use: Single-Family Residence **Square Number:** 645
Proposed Use: Single-Family Residence **Lot Number:** A
Project Planner: Valerie Goines (valerie.goines@nola.gov)

Request: This request is for a variance from the provisions Article 21, Section 21.6.T.1 of the Comprehensive Zoning Ordinance to permit mechanical equipment in the front yard.

Requested Waiver:

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

Required: No mechanical equipment located in the front yard

Proposed: Mechanical equipment located in the front yard

Waiver: Mechanical equipment located in the front yard



Item 9 – Docket Number 073-21

Applicant or Agent: 3030 Canal Street LLC
Property Location: 3026 Canal Street **Zip:** 70119
Bounding Streets: S. Gayoso St., Cleveland Ave., S. Salcedo St., Canal St.
Zoning District: HU-MU Historic Urban Neighborhood Mixed-Use District
Historic District: Mid-City **Planning District:** 4
Existing Use: Vacant Building **Square Number:** 632
Proposed Use: Educational Facility, Secondary **Lot Number:** G-6, R-8, 11, 12,
Project Planner: Robin Jones (rcjones@nola.gov) 15, 16, 24

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 expansion of a secondary educational facility, resulting in insufficient off-street parking.

Requested Waiver:

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

Required: 65 spaces

Proposed: 22 spaces

Waiver: 43 spaces

G. Adjournment