



City of New Orleans

Board of Zoning Adjustments

Final Agenda

Monday, December 5, 2022

10:00 am

City Council Chambers

City Hall, 1300 Perdido Street, 1st Floor, New Orleans, Louisiana

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 Board of Zoning Adjustments, in accordance with Article 4 of the Comprehensive Zoning Ordinance of the City of New Orleans, will hold a public hearing on the following items:

A. Call to Order, Roll Call, Adoption of Minutes, Communications, and Reading of Hearing Rules

B. Rehearing – Variances

Item 1 – Docket Number: BZA076-22

Property Location: 3629 Franklin Avenue

Bounding Streets: Franklin Ave., Acacia St., Lotus St., Myrtle St.

Zoning District: HU-RD1 Historic Urban Two-Family Residential District

Existing Use: Vacant Lot

Proposed Use: Single-Family Residence

Applicant or Agent: Cleavon Williams

Project Planner: Laura Bryan (lbbryan@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, in conjunction with Subdivision Docket 049-22, to permit the creation of a lot with insufficient lot width.

Requested Waiver:

Article 11, Section 11.3.A.1 (Table 11-2A) – Minimum Lot Width

Required: 30 ft

Proposed: 27 ft

Waiver: 3 ft

C. Unfinished Business – Variances

Item 2 – Docket Number: BZA063-22

Property Location: 1471-1473 N. Derbigny Street (Proposed Lot 8A)

Bounding Streets: N. Derbigny St., Kerlerec St., N. Roman St., Columbus St.

Zoning District: HU-RD2 Historic Urban Two-Family Residential District

Historic District: Esplanade Ridge

Existing Use: Two-Family Residence

Proposed Use: Two-Family Residence

Applicant or Agent: Derbigny VII, LLC, Mary Patricia O'Brien, Zach Smith Consulting and Design

Project Planner: Robin Jones (rcjones@nola.gov)

Request: This request is for variances from the provisions of Article 11, Section 11.3.A.1 (Table 11-2A) of the Comprehensive Zoning Ordinance, in conjunction with Subdivision Docket 020-22, to permit the creation of a lot with insufficient lot area and insufficient lot depth.

Requested Waivers:

Article 11, Section 11.3.A.1 (Table 11-2A) – Minimum Lot Area

Required: 1,800 ft²/du (3,600 sf²)

Proposed: 986.125 ft²/du (1,972.25 ft²)

Waiver: 813.875 ft²/du (1,627.75 ft²)

Article 11, Section 11.3.A.1 (Table 11-2A) – Minimum Lot Depth

Required: 90 ft

Proposed: 65.60 ft

Waiver: 24.4 ft

Item 3 – Docket Number: BZA064-22

Property Location: 1475 N. Derbigny Street (Proposed Lot 9A)

Bounding Streets: N. Derbigny St., Kerlerec St., N. Roman St., Columbus St.

Zoning District: HU-RD2 Historic Urban Two-Family Residential District

Historic District: Esplanade Ridge

Existing Use: Two-Family Residence

Proposed Use: Two-Family Residence

Applicant or Agent: Derbigny VII, LLC, Mary Patricia O'Brien, Zach Smith Consulting and Design

Project Planner: Robin Jones (rcjones@nola.gov)

Request: This request is for variances from the provisions of Article 11, Section 11.3.A.1 (Table 11-2A) of the Comprehensive Zoning Ordinance, in conjunction with Subdivision Docket 020-22, to permit the creation of a lot with insufficient lot area and insufficient lot depth.

Requested Waivers:

Article 11, Section 11.3.A.1 (Table 11-2A) – Minimum Lot Area

Required: 1,800 ft²/du (3,600 sf²)

Proposed: 986.125 ft²/du (1,972.25 ft²)

Waiver: 813.875 ft²/du (1,627.75 ft²)

Article 11, Section 11.3.A.1 (Table 11-2A) – Minimum Lot Depth

Required: 90 ft

Proposed: 64.969 ft

Waiver: 25.03 ft

Item 4 – Docket Number: BZA065-22

Property Location: 1483 N. Derbigny Street (Proposed Lot 10A)

Bounding Streets: N. Derbigny St., Kerlerec St., N. Roman St., and Columbus St.

Zoning District: HU-RD2 Historic Urban Two-Family Residential District

Historic District: Esplanade Ridge

Existing Use: Two-Family Residence

Proposed Use: Two-Family Residence

Applicant or Agent: Derbigny VII, LLC, Mary Patricia O'Brien, Zach Smith Consulting and Design

Project Planner: Robin Jones (rcjones@nola.gov)

Request: This request is for variances from the provisions of Article 11, Section 11.3.A.1 (Table 11-2A) of the Comprehensive Zoning Ordinance, in conjunction with Subdivision Docket 020-22, to permit the creation of a lot with insufficient lot area and insufficient lot depth.

Requested Waivers:

Article 11, Section 11.3.A.1 (Table 11-2A) – Minimum Lot Area

Required: 2,250 ft²/du Proposed: 1,059 ft²/du Waiver: 1,191 ft²/du

Article 11, Section 11.3.A.1 (Table 11-2A) – Minimum Lot Depth

Required: 90 ft Proposed: 64.30 ft Waiver: 25.7 ft

Item 5 – Docket Number: BZA073-22

Property Location: 6320-6322 Magazine Street

Bounding Streets: Magazine St., Calhoun St., Constance St., Exposition Blvd.

Zoning District: HU-RD2 Historic Urban Two-Family Residential District

Historic District: Uptown

Existing Use: Two-Family Residence

Proposed Use: Two-Family Residence

Applicant or Agent: Keri Ansley, Hudson Ansley

Project Planner: Valerie Goines (valerie.goines@nola.gov); Emily Ramírez Hernández (erhernandez@nola.gov)

Request: This request is for variances from the provisions of Article 11, Section 11.3.A.1 (Table 11-2A) of the Comprehensive Zoning Ordinance, in conjunction with Subdivision Docket 076-22, to permit the creation of a lot with insufficient lot area, insufficient lot depth, insufficient permeable open space, and insufficient rear yard setback.

Requested Waivers:

Article 11, Section 11.3.A.1 (Table 11-2A) – Minimum Lot Area

Required: 1,800 sf/du (3,600 sf)
Proposed: 1,164.185 sf/du (2,328.37 sf)
Waiver: 635.815 sf/du (1,271.63 sf)

Article 11, Section 11.3.A.1 (Table 11-2A) – Minimum Lot Depth

Required: 90 ft Proposed: 61 ft Waiver: 29 ft

Article 11, Section 11.3.A.1 (Table 11-2A) – Minimum Permeable Open Space

Required: 698.511 ft² Proposed: 304.74 ft² Waiver: 393.771 ft²

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

Required: 12.2 ft Proposed: 5.771 ft Waiver: 6.429 ft

Item 6 – Docket Number: BZA074-22

Property Location: 7319 Downman Road

Bounding Streets: Downman Rd., Curran Rd., Alabama St., Morrison Rd.

Zoning District: S-B1 Suburban Business District ENORC, CT Corridor Transformation Overlay District, and Small Multi-Family Affordable Short Term Rental Interim Zoning District

Existing Use: Vacant Lot

Proposed Use: Restaurant, Carry-Out

Applicant or Agent: Tha Smoke Booth LLC, Nadedge Booth

Project Planner: Emily Ramírez Hernández (erhernandez@nola.gov)

Request: This request is for variances from the provisions of Article 14, Section 14.3.A.1 (Table 14-2), Article 14, Section 14.3.A.2, Article 14, Section 14.3.B.1.a, Article 14, Section 14.3.B.1.b, Article 14, Section 14.3.B.1.c, and Article 22, Section 22.4.A (Table 22-1) of the Comprehensive Zoning Ordinance to permit a carry-out restaurant with insufficient lot area, insufficient lot depth, excessive front yard setback and front build-to line, the primary entrance not oriented to the street, insufficient ground floor transparency, insufficient first floor ceiling height, and insufficient off-street parking.

Requested Waivers:

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

Required: 10,000 ft² Proposed: 5,880 ft² Waiver: 4,120 ft²

Article 14, Section 14.3.A.1 (Table 14-2) – Minimum Lot Depth

Required: 100 ft Proposed: 98 ft Waiver: 2 ft

Article 14, Section 14.3.A.1 (Table 14-2) – Front Yard Setback

Permitted: 20 ft Proposed: 26.45 ft Waiver: 6.45 ft

Article 14, Section 14.3.A.2 – Front Build-to Line

Permitted: 20 ft Proposed: 26.45 ft Waiver: 6.45 ft

Article 14, Section 14.3.B.1.a – Building Orientation

Required: Primary entrance oriented to the street
Proposed: Primary entrance not oriented to the street
Waiver: Primary entrance not oriented to the street

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

Required: 2 spaces Proposed: 0 spaces Waiver: 2 spaces

Item 7 – Docket Number: BZA080-22

Property Location: 332 Baronne Street

Bounding Streets: Baronne St., Union St., Carondelet St., Perdido St.

Zoning District: CBD-1 Core Central Business District

Existing Use: Vacant Building

Proposed Use: Hotel/Motel

Applicant or Agent: Baronne Union Development LLC

Project Planner: Cameron Boissiere (cameron.boissiere@nola.gov)

Request: This request is for a variance from the provisions of Article 17, Section 17.3.B.1 of the Comprehensive Zoning Ordinance to permit the construction of a hotel with frontage along a multi-modal/pedestrian corridor with insufficient minimum ground floor area allocated for approved uses.

Requested Waiver:

Article 17, Section 17.3.B.1 – Required Uses for Ground Floors of Structures with Frontage on Multi-Modal/Pedestrian Corridors

Required: 25% Proposed: 14.9% Waiver: 10.1%

Item 8 – Docket Number: BZA081-22

Property Location: 9317 Airline Highway

Bounding Streets: Airline Hwy., Live Oak St., Edinburgh St.

Zoning District: C-1 General Commercial District

Existing Use: Wireless Telecommunications Tower & Facility

Proposed Use: Wireless Telecommunications Tower & Facility

Applicant or Agent: Eric Adams-Branch Communications, Emile Virgadamo

Project Planner: Bria Dixon (bria.dixon@nola.gov)

Request: This request is for variance from the provisions Article 20, Section 20.3.JJJ.4 (Table 20-4) of the Comprehensive Zoning Ordinance to permit a wireless telecommunications tower with excessive height.

Requested Waiver:

Article 20, Section 20.3.JJJ.4 (Table 20-4) – Wireless Telecommunications Antenna, Facility, and Tower (Maximum Height)

Permitted: 65 ft

Proposed: 100 ft

Waiver: 35 ft

D. New Business – Variances

Item 9 – Docket Number: BZA086-22

Property Location: 729 Ninth Street

Bounding Streets: Ninth St., Annunciation St., Eight St., Chippewa St.

Zoning District: HU-RD2 Historic Urban Two-Family Residential District

Historic District: Irish Channel

Existing Use: Single-Family Residence

Proposed Use: Single-Family Residence

Applicant or Agent: Katherine O'Bryon, Zebrafish LLC

Project Planner: Sarah King (sarah.king@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 debulking of a parcel resulting in insufficient interior side yard setback.

Requested Waiver:

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

Required: 3 ft

Proposed: 0 ft

Waiver: 3 ft

Item 10 – Docket Number: BZA087-22

Property Location: 2608 Banks Street

Bounding Streets: Banks St., S. d'orgenois St., Tulane Ave., Manassas Pl.

Zoning District: MU-1 Medium Intensity Mixed-Use District

Historic District: Mid-City

Existing Use: Vacant Lot

Proposed Use: Single-Family Residence

Applicant or Agent: Shineloud LLC, Corey Newell

Project Planner: Bria Dixon (bria.dixon@nola.gov)

Request: This request is for a variance from the provisions of Article 15, Section 15.3.A.1 (Table 15-2) of the Comprehensive Zoning Ordinance to permit the debulking of a parcel and the construction of a single-family residence with insufficient lot area.

Requested Waiver:

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

Required: 3,000 ft²

Proposed: 2,500 ft²

Waiver: 500 ft²

Item 11 – Docket Number: BZA088-22

Property Location: 2610 Banks Street

Bounding Streets: Banks St., S d'Orgenois St., Tulane Ave., Manassas Pl.

Zoning District: MU-1 Medium Intensity Mixed-Use District

Historic District: Mid-City

Existing Use: Vacant Lot

Proposed Use: Single-Family Residence

Applicant or Agent: Shineloud LLC, Corey Newell

Project Planner: Bria Dixon (bria.dixon@nola.gov)

Request: This request is for a variance from the provisions of Article 15, Section 15.3.A.1 (Table 15-2) of the Comprehensive Zoning Ordinance to permit the debulking of a parcel and the construction of a single-family residence with insufficient lot area.

Requested Waiver:

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

Required: 3,000 ft²

Proposed: 2,500 ft²

Waiver: 500 ft²

Item 12 – Docket Number: BZA089-22

Property Location: 4655 Franklin Avenue

Bounding Streets: Franklin Ave., Carnot St., DeMontluzin St., Lombard St.

Zoning District: S-RS Suburban Single-Family Residential District

Existing Use: Single-Family Residence

Proposed Use: Single-Family Residence

Applicant or Agent: Charleston Perkins and Andrea Serino Perkins

Project Planner: Valerie McMillan (valerie.mcmillan@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 an existing single-family residence resulting in insufficient interior side yard setback.

Requested Waiver:

Article 13, Section 13.3.A.1 (Table 13-2) – Interior Side Yard Setback

Required: 7 ft

Proposed: 5 ft

Waiver: 2 ft

Item 13 – Docket Number: BZA090-22

Property Location: 1620 Martin Luther King, Jr Boulevard

Bounding Streets: Martin Luther King, Jr. Blvd., Saint Charles Ave., Terpsichore St., Robert C. Blakes Sr. Dr.

Zoning District: MU-1 Medium Intensity Mixed-Use District

Existing Use: Office

Proposed Use: Hotel/Motel

Applicant or Agent: 1620 MLK Development LLC

Project Planner: Valerie Goines (valerie.goines@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 conversion of an office to a hotel with insufficient off-street parking.

Requested Waiver:

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

Required: 4 spaces

Proposed: 2 spaces

Waiver: 2 spaces

Item 14 – Docket Number: BZA091-22

Property Location: 3625 Franklin Avenue

Bounding Streets: Franklin Ave., Acadia St., Lotus St., Myrtle St.

Zoning District: HU-RD1 Historic Urban Two-Family Residential District

Existing Use: Single-Family Residence

Proposed Use: Single-Family Residence

Applicant or Agent: Cleavon Williams

Project Planner: Laura Bryan (lbbryan@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, in conjunction with Subdivision Docket 049-22, to permit the creation of a lot resulting in insufficient interior side yard setback.

Requested Waiver:

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

Required: 3 feet

Proposed: 1.05 feet

Waiver: 1.95 feet

Item 15 – Docket Number: BZA092-22

Property Location: 6214 Laurel Street

Bounding Streets: Laurel St., Henry Clay, Annunciation St., Calhoun St.

Zoning District: HU-RD2 Historic Urban Two-Family Residential District

Historic District: Uptown

Existing Use: Single-Family Residence

Proposed Use: Single-Family Residence

Applicant or Agent: Lloyd J. Falgout, Allison Falgout, Ses Enterprises, LLC

Project Planner: Cameron Boissiere (cameron.boissiere@nola.gov)

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

Requested Waiver:

Article 21, Section 21.6.T.3 – Mechanical Equipment (Location)

Permitted: Interior side or rear yard

Proposed: Front yard

Waiver: Front yard

Item 16 – Docket Number: BZA096-22

Property Location: 1725-29 Monroe Street

Bounding Streets: Monroe St., Hickory St., Leonidas St., Green St.

Zoning District: HU-RD2 Historic Urban Two-Family Residential District

Existing Use: Vacant Lot

Applicant or Agent: Hammerhead Development, LLC, Eric Van Hoven, Baxter Stewart

Project Planner: Valerie McMillan (valerie.mcmillan@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, in conjunction with Subdivision Docket 051-22, to permit the creation of a lot with insufficient lot width.

Requested Waiver:

Article 11, Section 11.3.A.1 (Table 11-2A) – Minimum Lot Width

Required: 30 ft

Proposed: 28.188 ft

Waiver: 1.812 ft

E. New Business – Extension Requests

Item 17 – Docket Number: BZA050-20

Property Location: 2130 Palmer Avenue

Bounding Streets: Palmer Ave., S. Robertson St., Calhoun St., & Freret St.

Zoning District: HU-RD1 Historic Urban Two-Family Residential District

Historic District: Uptown

Existing Use: Single-Family Residence

Proposed Use: Single-Family Residence

Applicant or Agent: Brian Gille Architects, Ltd, George W. Clay, Patricia Clay

Project Planner: Robin Jones (rcjones@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.

Item 18 – Docket Number: BZA072-20 (WITHDRAWN)

Property Location: 1117 Governor Nicholls Street

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

Existing Use: Vacant Lot

Proposed Use: Multi-Family Residence

Applicant or Agent: The Quarters on Governor Nicholls LLC

Project Planner: Sabine Lebailleur (selebailleur@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 **(WITHDRAWN)**.

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

Item 19 – Docket Number: BZA093-22

Property Location: 4526 N. Robertson Street

Bounding Streets: N. Robertson St., Japonica St., N. Villere St., Kentucky St.

Zoning District: HU-RD2 Historic Urban Two-Family Residential District

Existing Use: Multi-Family Residence

Proposed Use: Multi-Family Residence

Applicant or Agent: Michael Biros, Jiayi Hong

Project Planner: N/A (CPCinfo@nola.gov)

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 retained its status as a legal non-conforming six-unit multi-family residential dwelling and the issuance of permit no. 22-09045-RNVN.

Item 20 – Docket Number: BZA094-22

Property Location: 5533-5535 S. Tonti Street

Bounding Streets: S. Tonti St., Joseph St., S. Rocheblave St., Octavia St.

Zoning District: HU-RD1 Historic Urban Two-Family Residential District

Existing Use: Two-Family Residence

Proposed Use: Two-Family Residence

Applicant or Agent: Lenore Gordon

Project Planner: N/A (CPCinfo@nola.gov)

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 issuance of permit no. 22-06290-RNVS.

Item 21 – Docket Number: BZA095-22

Property Location: 300 Baronne Street

Bounding Streets: Baronne St., Gravier St., Carondelet St., Union St

Zoning District: CBD-1 Core Central Business District

Existing Use: Commercial Short-Term Rental

Proposed Use: Commercial Short-Term Rental

Applicant or Agent: Jill Gautreaux, 300 Baronne Street, LLC

Project Planner: N/A (CPCinfo@nola.gov)

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 retained legal non-conforming status as a commercial short term rental.

H. Adjournment

Staff Reports

Staff reports and meeting materials are available for review on the Granicus website.

Meeting Information

Board Members

Candice M. Forest – Chair
Todd C. James – Vice Chair
Tamara Agins
José Alvarez
Jaime Ramiro Diaz
Alfonso Gonzalez II
Matthew Rufo

General Rules of Order

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

Public Comment

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 provided at the meeting, prior to the Board taking up the matter of interest, 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.

Variations: Comments by the public in support or in opposition shall be limited to a maximum of two (2) minutes.

Decision Appeals: Comments by the public in support or in opposition shall be limited to a maximum of three (3) minutes.

Meeting Video

- Livestream: http://cityofno.granicus.com/ViewPublisher.php?view_id=2
- Live Television Broadcast: Cox Cable Channel 6 in Orleans Parish

Decisions of the Board

The decision made by the Board will be provided in the form of a resolution. The resolution shall be produced by December 15, 2022, and will be available online at onestopapp.nola.gov.

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.

City Planning Commission, City of New Orleans

Robert D. Rivers, Executive Director

<https://nola.gov/cpc>

1300 Perdido Street, 7th Floor

New Orleans, LA 70112

CPCinfo@nola.gov

(504) 658-7033

This meeting is accessible to people with disabilities. Should you need further assistance, please contact the Front Desk in the Main Lobby or the ADA Administrator, (504)658-4020 (voice), 711 LA Relay Service, or e-mail emhurst@nola.gov. Please be advised there is a courtesy telephone available for 711 calls for persons with hearing or speech impairments at the welcome desk of City Hall, First Floor, Main Lobby. This communiqué is available in alternative formats upon request.