



**City of New Orleans**  
Mayor LaToya Cantrell

# Board of Zoning Adjustments

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## Final Agenda

February 7, 2022

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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)

#### 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 is not permitted to speak with the members personally.

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The Board of Zoning Adjustments hereby certifies that it will convene a meeting on Monday, February 7, 2022 electronically via Zoom in accordance with the provisions of La. R.S. 42:17.1(A)(2)(a)-(d).  
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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 shall be produced by **February 17, 2022**.

#### **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 recess. The digital speaker card will be available at the following link:

<https://forms.gle/ugEr2eMr6WzVW1sa6>

During the Public Comment portion of the meeting, 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.

**B. Unfinished Business – Variances****Item 1 – Docket Number: 078-21**

**Applicant or Agent:** Sentino Early Childhood Academy Too LLC, Spectrum Design  
**Property Location:** 10100 Morrison Road **Zip:** 70127  
**Bounding Streets:** Morrison Rd., Restgate Rd., Flossmoor Dr., Read Blvd.  
**Zoning District:** S-B1 Suburban Business District  
**Historic District:** N/A **Planning District:** 9  
**Existing Use:** Vacant Lot **Square Number:** Sec 24  
**Proposed Use:** Day Care Center, Adult or Child - Small **Lot Number:** X  
**Project Planner:** Aspen Nero ([asnero@nola.gov](mailto:asnero@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, and Article 18, Section 18.16.B.3 of the Comprehensive Zoning Ordinance to permit the construction of a daycare with excessive front yard setback, a primary entrance not oriented to the street, insufficient ground floor transparency on the primary street, insufficient ceiling height, and parking as a dominant visual element.

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

Permitted: 20 +/- 3 ft Proposed: 132 ft, 8 in Waiver: 110 ft, 8 in

**Article 14, Section 14.3.A.2 – Front Yard Setback**

Permitted: 20 +/- 3 ft Proposed: 132 ft, 8 in Waiver: 110 ft, 8 in

**Article 14, Section 14.3.B.1.a – Building Design Standards (Building Entrance)**

Required: Primary entrance oriented to the street

Provided: Primary entrance not oriented to the street

Waiver: Primary entrance not oriented to the street

**Article 14, Section 14.3.B.1.b – Building Design Standards (Ground Floor Transparency)**

Required: 50% Proposed: 0% Waiver: 50%

**Article 14, Section 14.3.B.1.c – Building Design Standards (Ceiling Height)**

Required: 12 ft Proposed: 7 ft, 11 in Waiver: 4 ft, 1 in

**Article 18, Section 18.16.B.3 – Design Requirements**

Required: Parking not dominant visual element

Provided: Parking dominant visual element

Waiver: Parking dominant visual element



**C. Unfinished Business – Director of Safety and Permits Decision Appeals****Item 2 – Docket Number: 067-21**

<b>Applicant or Agent:</b>	Yakir Katz, Webre Consulting	
<b>Property Location:</b>	2612 Esplanade Avenue	<b>Zip:</b> 70119
<b>Bounding Streets:</b>	Esplanade Ave., N. Broad St., Orchid St., Crete St.	
<b>Zoning District:</b>	HU-RD2 Historic Urban Two-Family Residential District	
<b>Historic District:</b>	Esplanade Ridge	<b>Planning District:</b> 4
<b>Existing Use:</b>	Subject of Appeal	<b>Square Number:</b> 349
<b>Proposed Use:</b>	Office	<b>Lot Number:</b> 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****Item 3 – Docket Number: 004-22**

<b>Applicant or Agent:</b>	Gregory Landry, Shannon Smiley	
<b>Property Location:</b>	9301 River Road	<b>Zip:</b> 70131
<b>Bounding Streets:</b>	Mississippi River Rd., Delacroix Rd., Willow Rd., Jack Wyman Dr.	
<b>Zoning District:</b>	R-RE Rural Residential Estate District	
<b>Historic District:</b>	N/A	<b>Planning District:</b> 13
<b>Existing Use:</b>	Vacant Lot	<b>Square Number:</b> 1
<b>Proposed Use:</b>	Single-Family Residence	<b>Lot Number:</b> 25-27
<b>Project Planner:</b>	Emily Ramírez Hernández ( <a href="mailto:erhernandez@nola.gov">erhernandez@nola.gov</a> )	

**Request:** This request is for a variance from the provisions of Article 8, Section 8.3 (Table 8-2) of the Comprehensive Zoning Ordinance to permit the construction of a single-family residence with excessive building height.

**Requested Waiver:****Article 8, Section 8.3 (Table 8-2) – Maximum Building Height**

Permitted: 35 ft	Proposed: 40 ft, 3 3/16 in	Waiver: 5 ft, 3 3/16 in
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**Item 4 – Docket Number: 005-22**

**Applicant or Agent:** King Cake House, LLC, Nicholas Satterfield  
**Property Location:** 1510-1512 Marais Street **Zip:** 70116  
**Bounding Streets:** Marais St., St. Bernard Ave., St. Claude St., Columbus St.  
**Zoning District:** HMR-3 Historic Marigny/Tremé/Bywater Residential District  
**Historic District:** Tremé **Planning District:** 4  
**Existing Use:** Single-Family Residence **Square Number:** 383  
**Proposed Use:** Single-Family Residence **Lot Number:** 7  
**Project Planner:** Brennan Walters ([brennan.walters@nola.gov](mailto:brennan.walters@nola.gov))

**Request:** This request is for variances from the provisions of Article 9, Section 9.3.A (Table 9-2) of the Comprehensive Zoning Ordinance to permit the construction of a single-family residence resulting in insufficient interior side yards, insufficient rear yard, and insufficient open space ratio.

**Requested Waivers:****Article 9, Section 9.3.A (Table 9-2) – Open Space Ratio**

Required: .30	Proposed: .16	Waiver: .14
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**Article 9, Section 9.3.A (Table 9-2) – Interior Side Yard (St. Bernard)**

Required: 3 ft	Proposed: 0 ft	Waiver: 3 ft
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**Article 9, Section 9.3.A (Table 9-2) – Interior Side Yard (Columbus)**

Required: 3 ft	Proposed: 1ft, .38 in	Waiver: 1 ft, .62 in
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**Article 9, Section 9.3.A (Table 9-2) – Rear Yard**

Required: 20 ft	Proposed: 3 ft, 10 in	Waiver: 16 ft, 2 in
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**Item 5 – Docket Number: 006-22**

**Applicant or Agent:** 1717 Canal LLC, Sherman Strategies, LLC  
**Property Location:** 1717 Canal Street **Zip:** 70112  
**Bounding Streets:** Canal St., N. Claiborne St., Iberville St., N. Derbigny St.  
**Zoning District:** MU-1 Medium Intensity Mixed-Use District  
**Historic District:** Mid-City **Planning District:** A1  
**Existing Use:** Vacant Lot **Square Number:** 216  
**Proposed Use:** Mixed-Use **Lot Number:** A1  
**Project Planner:** Valerie Goines ([valerie.goines@nola.gov](mailto:valerie.goines@nola.gov))

**Request:** This request is for variances from the provisions of Article 15, Section 15.3.A.1 (Table 15-2) of the Comprehensive Zoning Ordinance, to permit the construction of a mixed-use development (retail/multifamily residence) with insufficient lot area and insufficient permeable open space.

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

Required: 1000 ft <sup>2</sup> /du	Proposed: 287 ft <sup>2</sup> /du	Waiver: 713 ft <sup>2</sup> /du
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**Article 15, Section 15.3.A.1 (Table 15-2) – Permeable Open Space**

Required: 20%	Proposed: 0%	Waiver 20%
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**E. New Business – Director of Safety and Permits Decision Appeals**

**Item 6 – Docket Number: 007-22**

**Applicant or Agent:** Cane Ventures LLC, Lauren Griffin  
**Property Location:** 917-919 Eighth Street **Zip:** 70115  
**Bounding Streets:** Eighth St., Constance St., Seventh St., Laurel St.  
**Zoning District:** HU-RD2 Historic Urban Two-Family Residential District  
**Historic District:** Irish Channel **Planning District:** 2  
**Existing Use:** Subject of Request **Square Number:** 117  
**Proposed Use:** Multi-Family Residence **Lot Number:** 15

**Request:** This is an appeal of the decision of the Director of the Department of Safety and Permits regarding the determination the property has not attained legal nonconforming status for a five-unit multi-family development.



**Item 7 – Docket Number: 008-22**

**Applicant or Agent:** SMS Development, LLC  
**Property Location:** 2043 Oretha Castle Haley Boulevard **Zip:** 70113  
**Bounding Streets:** Oretha C. Haley Blvd., St. Andrew St., Danneel St. Josephine St.  
**Zoning District:** HU-MU Historic Urban Neighborhood Mixed-Use District  
**Historic District:** N/A **Planning District:** 2  
**Existing Use:** Vacant Lot **Square Number:** 291  
**Proposed Use:** Short-Term Rental **Lot Number:** 15

**Request:** This is an appeal of the decision of the Director of the Department of Safety and Permits regarding the determination that new short-term rentals must be developed under residential zoning guidelines.

**F. Adjournment**