



City of New Orleans

Board of Zoning Adjustments

Final Agenda

Monday, April 3, 2023

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. Unfinished Business – Variances

Item 1 – Docket Number: BZA003-23

Property Location: 1124 Louisiana Avenue

Bounding Streets: Louisiana Ave., Magazine St., Delachaise St., Camp St.

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

Historic District: Garden District

Existing Use: Single-Family Residence

Proposed Use: Single-Family Residence

Applicant or Agent: Michael T. Gray, Margaret Glass

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

Request: This request is for a variance from the provisions of Article 21, Section 21.6.N.1.a of the Comprehensive Zoning Ordinance to permit the retention of a fence with excessive height (**AFTER THE FACT**).

Requested Waiver:

Article 21, Section 21.6.N.1.a – Fence Height

Required: 7 ft

Proposed: 9 ft, 7.5 in

Waiver: 2 ft, 7.5 in

Item 2 – Docket Number: BZA004-23

Property Location: 7808 Pearl Street

Bounding Streets: Pearl St., Burdette St., Dominican St., Fern St.

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

Historic District: Carrollton

Existing Use: Single-Family Residence

Proposed Use: Single-Family Residence

Applicant or Agent: David Lee Berke, Debbie O'Neal Berke

Project Planner: Ava Monnet (ava.monnet@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 21, Section 21.6.H.4, and Article 21, Section 21.7 (Table 21-2) of the Comprehensive Zoning Ordinance to permit the construction of a single-family residence with insufficient front yard setback, insufficient front yard build-to line, insufficient rear yard setback, excessive carport height, and a carport that encroaches into the required front yard.

Requested Waivers:

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

Permitted: 12 ft Proposed: 40 ft, 11 ¼ in Waiver: 28 ft, ¾ in

Article 11, Section 11.3.A.2 – Front Yard Build-To Line

Permitted: 12 ft Proposed: 40 ft, 11 ¼ ft Waiver: 28 ft, ¾ in

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

Required: 15 ft Proposed: 3 ft, 5 ½ ft Waiver: 11 ft, 6 ½ in

Article 21, Section 21.6.H.4 – Carport (Height)

Permitted: 14 ft Proposed: 17 ft, 10 in Waiver: 3 ft, 10 in

Article 21, Section 21.7 (Table 21-2) – Permitted Encroachments into Required Yards (Carport)

Permitted: Required interior or rear yard

Proposed: Required front yard

Waiver: Required front yard

Item 3 – Docket Number: BZA015-23

Property Location: 2811-2813 Powhatan Street

Bounding Streets: Powhatan St., Hiawatha St., Iroquois St.

Zoning District: S-RD Suburban Two-Family Residential District

Existing Use: Two-Family Residence

Proposed Use: Two-Family Residence

Applicant or Agent: Paidyn Realty LLC

Project Planner: Valerie Goines (valerie.goines@nola.gov)

Request: This request is for variances from the provisions of Article 13, Section 13.3.A.1 (Table 13-2) and Article 21, Section 21.4.A (Table 21-1) of the Comprehensive Zoning Ordinance to permit the construction a second principal structure, resulting in insufficient permeable open space, insufficient rear yard setback, more than one principal building on a lot, and insufficient off-street parking.

Requested Waivers:

Article 13, Section 13.3.A.1 (Table 13-2) – Permeable Open Space

Required: 40% (1,440 sf) Proposed: 38.11% (1,372 sf) Waiver: 1.89% (68 sf)

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

Required: 20 ft Proposed: 3 ft Waiver: 17 ft

Article 21, Section 21.4.A (Table 21-1) – Number of Principal Buildings on a Lot

Permitted: One Proposed: Two Waiver: One

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

Required: Two Proposed: One Waiver: One

Item 4 – Docket Number: BZA017-23

Property Location: 1519 Baronne Street

Bounding Streets: Baronne St., Terpsichore St., Oretha Castle Haley Blvd., Martin Luther King, Jr., Blvd.

Zoning District: HU-MU Historic Urban Neighborhood Mixed-Use District

Overlay District: EC Enhancement Corridor

Existing Use: Single-Family Residence

Proposed Use: Single-Family Residence

Applicant or Agent: Emanuel Rojas, Cristina Alvarado

Project Planner: Laura Bryan (lbbryan@nola.gov)

Request: This request is for a variance from the provisions of Article 12, Section 12.3.A.1 (Table 12-2) of the Comprehensive Zoning Ordinance to permit the conversion of a two-family residence to a single-family residence resulting in insufficient rear yard setback.

Requested Waiver:

Article 12, Section 12.3.A.1 (Table 12-2) – Rear Yard Setback

Required: 15 ft Proposed: 9.75 ft Waiver: 5.25 ft

C. Unfinished Business – Director of Safety and Permits Decision Appeals

Item 5 – Docket Number: BZA013-23

Property Location: 712 Washington Avenue

Bounding Streets: Washington Ave., Chippewa St., Sixth St., Annunciation St.

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

Historic District: Irish Channel

Existing Use: Two-Family Residence

Proposed Use: Multi-Family Residence

Applicant or Agent: Richard Albert, Lacey J. Wotring, Benjamin Ellman, Will Graff

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 reissuance of permit no. 22-033387-RNVS.

Item 6 – Docket Number: BZA022-23

Property Location: 309-311 Decatur Street

Bounding Streets: Decatur St., Bienville St., Chartres St., Conti St.

Zoning District: VCE-1 Vieux Carré Entertainment District

Existing Use: Bar

Proposed Use: Subject of Request

Applicant or Agent: Justin B. Schmidt

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. 22ABOP-14935 and occupational license no. 2214885 allowing for the operation of a nightclub and the alleged invalidity of the conditional use approval.

D. New Business – Variances

Item 7 – Docket Number: BZA024-23

Property Location: 5845 Lafayette Street

Bounding Streets: Lafayette St., Pressburg St., Baccich St. Athis St.

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

Existing Use: Vacant Lot

Proposed Use: Single-Family Residence

Applicant or Agent: Treye Stalling, Tko Redesigns LLC

Project Planner: Sarah C. King (sarah.king@nola.gov)

Request: This request is for a variance from the provisions 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 corner side yard setback.

Requested Waiver:

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

Required: 10 ft

Proposed: 3 ft

Waiver: 7 ft

Item 8 – Docket Number: BZA025-23

Property Location: 4735 Carondelet St

Bounding Streets: Carondelet St., Bordeaux St., Baronne St., Valence 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: Arnaldo Partesotti, Garrett Ryan

Project Planner: Valerie McMillan (valerie.mcmillan@nola.gov)

Request: This request is for a variance from the provisions of Article 21, Section 21.6.T.3 of the Comprehensive Zoning Ordinance to permit ground-based mechanical equipment located in the corner side yard **(AFTER THE FACT)**.

Requested Waiver:

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

Required: Interior side or rear yard

Provided: Corner side yard

Waiver: Corner side yard

Item 9 – Docket Number: BZA026-23

Property Location: 8133-8137 Green Street

Bounding Streets: Green St., Dublin St., Hickory St., S. Carrollton Ave.

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

Historic District: Carrollton

Existing Use: *Determination Pending*

Proposed Use: *Determination Pending*

Applicant or Agent: Klaus Koelbel

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

Request: This request is for variances from the provisions Article 11, Section 11.3.A.1 (Table 11-2A), Article 11, Section 11.3.B.3.a, Article 22, Section 22.8.A.1.b.ii, Article 22, Section 22.11.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 a two-family residence with excessive impervious surface in the front yard, insufficient permeable open space, more than one curb cut, and a parking pad located between front façade and front lot line with insufficient setback from lot lines (**AFTER THE FACT**).

Requested Waivers:

Article 11, Section 11.3.A.1 (Table 11-2A) – Maximum Impervious Surface in Front Yard

Permitted: 40% Provided: 69% Waiver: 29%

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

Required: 30% Provided: 20% Waiver: 10%

Article 11, Section 11.3.B.3.a – Parking Restrictions (Location)

Required: No front yard parking

Provided: Front yard parking

Waiver: Front yard parking

Article 22, Section 22.8.A.1.b.ii – Permitted Vehicle Parking (Location)

Required: No parking pad between front façade and front lot line

Provided: Parking pad between front façade and front lot line

Waiver: Parking pad between front façade and front lot line

Article 22, Section 22.11.B.1 – Curb cuts

Permitted: One curb cut

Provided: Two curb cuts

Waiver: One curb cut

Article 22, Section 22.11.D.1 – Parking Pad Design (Location)

Required: No front yard or corner side yard

Provided: Front yard parking

Waiver: Front yard parking

Article 22, Section 22.11.D.2 – Parking Pad Design (Location)

Required: No parking pad between front façade and front lot line

Provided: Parking pad between front façade and front lot line

Waiver: Parking pad between front façade and front lot line

Article 22, Section 22.11.D.3 – Parking Pad Design (Front Lot Line)

Permitted: 1 ft Provided: 0 ft Waiver: 1 ft

Article 22, Section 22.11.D.3 – Parking Pad Design (Corner Side Lot Line)

Permitted: 1 ft Provided: 0 ft Waiver: 1 ft

Item 10 – Docket Number: BZA027-23

Property Location: 2426-28 Marais Street

Bounding Streets: Marais St., Music St., Saint Claude Ave., Saint Roch Ave.

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

Existing Use: Vacant Lot

Proposed Use: Two-Family Residence

Applicant or Agent: Norman Parent, P&P Builders LLC, Delaune Investment Services, LLC

Project Planner: Marin Stephens (Marin.stephens@nola.gov), Emily Ramírez Hernández (erhernandez@nola.gov)

Request: This request is for variances from the provisions Article 11, Section 11.3.A.1 (Table 11-2A) and Article 22, Section 22.4.A (Table 22-1) of the Comprehensive Zoning Ordinance to permit the construction of a two-family residence with insufficient rear yard setback and insufficient off-street parking.

Requested Waivers:

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

Required: 13.6 ft Proposed: 4.77 ft Waiver: 8.83 ft

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

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

Item 11 – Docket Number: BZA028-23

Property Location: 2600-02 Danneel Street

Bounding Streets: Danneel St., Third St., Dryades St., Fourth St.

Zoning District: HU-RM1 Historic Urban Multi-Family Residential District

Existing Use: Vacant Lot

Proposed Use: Multi-Family Residence (3-unit)

Applicant or Agent: Smith Financials, LLC

Project Planner: Valerie Goines (valerie.goines@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 to permit the construction of a multi-family residence with insufficient lot depth and insufficient corner side yard setback.

Requested Waivers:

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

Required: 90 ft Proposed: 88.25 ft Waiver: 1.75 ft

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

Required: 5.08 ft Proposed: 0 ft Waiver: 5.08 ft

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

Item 12 – Docket Number: BZA029-23

Property Location: 1530 Hillary Street

Bounding Streets: Hillary St., Jeannette St., Adams St., Birch St.

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

Historic District: Carrollton

Existing Use: Two-Family Residence

Proposed Use: Two-Family Residence

Applicant or Agent: Melinda Alfonso

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. 22-36284-RNVN, allowing for the renovation of a two-family residence with alleged insufficient off-street parking spaces in accordance with the University Area Off-Street Parking Interim Zoning District and a parking pad with insufficient width.

F. 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.

- Variances: 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 April 13, 2023, 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
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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.