



City of New Orleans Board of Zoning Adjustments Draft Agenda

Monday, November 6, 2023

10:00 am

Orleans Parish School Board Building
2401 Westbend Pkwy., Suite 1050, New Orleans, LA 70114

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. Variances – Unfinished Business

Item 1 – 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 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 single-family residence with insufficient rear yard setback.

Requested Waiver:

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

Item 2 – Docket Number: BZA052-23

Property Location: 3718 Baudin Street

Bounding Streets: Baudin St., S. Telemachus St., d’Hemecourt St., S. Cortez St.

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

Historic District: Mid-City

Existing Use: Vacant Lot

Proposed Use: Single-Family Residence

Applicant or Agent: Manmohan Anand, Jyoti Anand, Fresia Galvez, Zach Smith Consulting & Design

Project Planner: Ava Monnet (ava.monnet@nola.gov)

Request: This request is for variances from the provisions Article 11, Section 11.3.A.1 (Table 11-2A) and Article 11, Section 11.3.A.2.a of the Comprehensive Zoning Ordinance to permit the construction of a single-family residence with insufficient front yard setback, insufficient interior side yard setback, insufficient rear yard setback, and insufficient front yard build-to-line.

Requested Waivers:

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

Required: 10 ft, 10.25 in Proposed: 5 ft Waiver: 5 ft, 10.25 in

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

Required: 3 ft Proposed: 2.05 ft Waiver: 0.95 ft

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

Required: 3 ft Proposed: 2.05 ft Waiver: 0.95 ft

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

Required: 14.76 ft Proposed: 5 ft Waiver: 9.76 ft

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

Required: 10 ft, 10.25 in Proposed: 5 ft Waiver: 5 ft, 10.25 in

Item 3 – Docket Number: BZA073-23

Property Location: 7311 Hurst Street

Bounding Streets: Hurst St., Lowerline St., Benjamin St., Pine 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: Henry Fitzhugh, Poppy Markwell

Project Planner: Ava Monnet (ava.monnet@nola.gov)

Request: This request is for a variance from the provisions of Article 21, Section 21.6.T.1 of the Comprehensive Zoning Ordinance to permit mechanical equipment with insufficient setback (**AFTER THE FACT**).

Requested Waiver:

Article 21, Section 21.6.T.1 – Mechanical Equipment (Setback)

Permitted: 2 ft Provided: 0 ft Waiver: 2 ft

Item 4 – Docket Number: BZA087-23

Property Location: 2500-2520 Banks Street, 2501-2537 Tulane Avenue

Bounding Streets: Tulane Ave., S. Dorgenois St., Banks St., S. Rocheblave St.

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

Overlay District: EC Enhancement Corridor Design Overlay District, HUC Historic Urban Corridor Use Restriction Overlay District

Historic District: Mid-City

Existing Use: Vacant Lot

Proposed Use: Retail Goods Establishment (Grocery Store)

Applicant or Agent: 2537 Tulane Properties, LLC, Sheila Tahvildari, Sherman Strategies, LLC

Project Planner: Brennan Walters (brennan.walters@nola.gov)

Request: This request is for variances from the provisions of Article 15, Section 15.3.A.1 (Table 15-2), Article 15, Section, 15.3.A.2, Article 15, Section 15.3.B.1.a, Article 15, Section 15.3.B.1.g, Article 22, Section 22.4.B, and Article 22, Section 22.8.A.2.b.ii of the Comprehensive Zoning Ordinance to permit the construction of a grocery store with excessive front yard setback, excessive front yard build-to line, the primary entrance not oriented to the primary street, the loading zone located in the front, and parking located between the front façade and front property line.

Requested Waivers:

Article 15, Section 15.3.A.2 Table (15-2) – Front Yard Setback (Maximum)

Required: 20 ft Proposed: 174.6 ft Waiver: 154.6 ft

Article 15, Section, 15.3.A.2 – Front Yard Build-to Line (Maximum)

Required: 20 ft Proposed: 174.6 ft Waiver: 154.6 ft

Article 15, Section 15.3.B.1.a – Primary Entrance Orientation

Required: Oriented to primary street

Proposed: Oriented to parking lot

Waiver: Oriented to parking lot

Article 15, Section 15.3.B.1.g – Location of Loading Zone

Required: Located in rear

Proposed: Located in front

Waiver: Located in front

Article 22, Section 22.4.B – Maximum Vehicle Parking Limitations

Permitted: 39 spaces Proposed: 103 spaces Waiver: 63 spaces

Article 22, Section 22.8.A.2.b.ii – Permitted Parking Locations

Required: No parking between the front façade and front property line

Proposed: Parking between the front façade and front property line

Waiver: Parking between the front façade and front property line

Item 5 – Docket Number: BZA093-23

Property Location: 1923 Saint Charles Avenue

Bounding Streets: Saint Charles Ave., Saint Andrew St., Carondelet St., Saint Mary St.

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

Overlay District: CPC Character Preservation Corridor Design Overlay District

Existing Use: Vacant Lot

Proposed Use: Hotel/Motel

Applicant or Agent: VRE 1923 St Charles LLC

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

Request: This request is for variances from the provisions of Article 15, Section 15.3.A.1 (Table 15-2) and Article 23, Section 28.3.B of the Comprehensive Zoning Ordinance to permit the construction of a hotel with excessive height, excessive number of stories, and insufficient buffer yard.

Requested Waivers:

Article 15, Section 15.3.A.1 (Table 15-2) – Maximum Building Height

Permitted: 60 ft Proposed: 71 ft Waiver: 11 ft

Article 15, Section 15.3.A.1 (Table 15-2) – Maximum Building Height

Required: 5 stories Proposed: 6 stories Waiver 1 story

Article 23, Section 23.8.B – Buffer Yards

Required: 10 ft Proposed: 5 ft Waiver: 5 ft

C. Variances – New Business

Item 6 – Docket Number: BZA097-23

Property Location: 3128 Annunciation Street

Bounding Streets: Annunciation St., Eight St., Chippewa St., Ninth 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: Joseph B. Fay

Project Planner: Bria Dixon (bria.dixon@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 an addition to a single-family dwelling resulting in insufficient rear yard setback.

Requested Waiver:

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

Required: 15 ft Provided: 5 ft, 2 in Waiver: 9 ft, 10 in

Item 7 – Docket Number: BZA098-23

Property Location: 3311 Republic Street

Bounding Streets: Republic St. Pleasure St., Havana St., Humanity St.

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

Existing Use: Single-Family Residence

Proposed Use: Single-Family Residence

Applicant or Agent: Lanny Scharpon and Ahsaki George-Scharpon

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

Request: This request is for variances from the provisions of Article 13, Section 13.3.A.1 (Table 13-2) and Article 22, Section 22.4.A (Table 22-1) of the Comprehensive Zoning Ordinance to permit the construction of a single-family residence with insufficient front yard setback, insufficient permeable open space, and insufficient off-street parking.

Requested Waivers:

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

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

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

Required: 40% Proposed: 38.34% Waiver: 1.66%

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

Required: 1 space Proposed: 0 spaces Waiver: 1 space

Item 8 – Docket Number: BZA099-23

Property Location: 1211 State Street

Bounding Streets: State St., Prytania St., Elenore St., Perrier 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: Lucas O. Clary and Rebecca S. Clary, Missy Quigley

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

Request: This request is for a variance from the provisions of Article 21, Section 21.6.A.7 of the Comprehensive Zoning Ordinance to permit the construction of a pool house/cabana with insufficient distance from the interior side lot line.

Article 21, Section 21.6.A.7 – Accessory Structures and Uses (Interior Side Yard Setback)

Required: 3 ft Proposed: 0 ft Waiver: 3 ft

Item 9 – Docket Number: BZA100-23

Property Location: 2508 Dryades Street, 1834 Second Street
Bounding Streets: Second St., Baronne St., Third St., Dryades St.
Zoning District: HU-RM1 Historic Urban Multi-Family Residential District
Existing Use: Multi-Family Residence
Proposed Use: Multi-Family Residence
Applicant or Agent: Naw LLC, Novita Williams Knight
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) and Article 22, Section 22.4.A of the Comprehensive Zoning Ordinance to permit the creation of a multi-family dwelling with insufficient lot area, insufficient permeable open space, and insufficient off-street parking (**AFTER THE FACT**).

Requested Waivers:

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

Required: 8,750 ft² (1,250 sf/du)
Proposed: 3,203.125 ft² (457.589 sf/du)
Waiver: 1,281.252 ft² (183.036 sf/du)

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

Required: 30% Proposed: TBD Waiver: TBD

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

Required: 2 spaces (5-space inherited right)
Proposed: 0 spaces
Waiver: 2 spaces

Item 10 – Docket Number: BZA101-23

Property Location: 3900-3956 Jennifer Street, 3900-3958 Kathleen Street, 3900-3950 Amanda Street (Proposed Lots 6A-13A, 21A-27A, Square 53; Proposed Lots 8A-47A, Square 54A; Proposed Lots 20A-35A, Square 64A; Proposed Lots 12A, 16A, 38A-41A, 43A, 45A, Square 64; Proposed Lots 24A, 26A, 29A, 31A, 33A, 35A, Square 65)
Bounding Streets: Mabel St., Maumus Ave., Hayes St., Gulf Intercoastal Waterway
Zoning District: GPD General Planned Development District
Existing Use: Vacant Lot
Proposed Use: Two-Family Residence
Applicant or Agent: Maumus Partners LP, April Housing, LLC, Missy Quigley
Project Planner: Emily Ramírez Hernández (erhernandez@nola.gov)

Request: This request is for variances from the provisions of Article 13, Section 13.3.A.1 (Table 13-2) of the Comprehensive Zoning Ordinance to permit the creation of lots with insufficient lot area, insufficient lot width, insufficient lot depth, and insufficient front yard.

Requested Waivers:

Article 13, Section 13.3.A.1 (Table 13-2) – Minimum Lot Area

Required: 6,000 ft² Proposed: Various Waiver: Various

Article 13, Section 13.3.A.1 (Table 13-2) – Minimum Lot Width

Required: 50 ft Proposed: Various Waiver: Various

Article 13, Section 13.3.A.1 (Table 13-2) – Minimum Lot Depth

Required: 100 ft Proposed: Various Waiver: Various

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

Required: 20 ft Proposed: Various Waiver: Various

D. Extension Request – Unfinished Business

Item 11 – Docket Number: BZA069-21

Property Location: 1515 Poydras Street

Bounding Streets: Poydras St., LaSalle St., Perdido St., Freret St.

Zoning District: CBD-4 Exposition District

Existing Use: Office

Proposed Use: Mixed-Use (above the ground floor dwellings (430 units)/commercial)

Applicant or Agent: East Skelly LLC, Richard Cortizas

Project Planner: Valerie McMillan (valerie.mcmillan@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 an additional one-year extension.

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

Item 12 – Docket Number: BZA040-23

Property Location: 2842 Coliseum Street

Bounding Streets: Coliseum St., Washington Ave., Chestnut St., Sixth St.

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

Historic District: Garden District

Existing Use: Single-Family Residence

Proposed Use: Single-Family Residence

Applicant or Agent: Rivers Lelong

BZA Contact: Emily Ramírez Hernández (erhernandez@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. 21-28198-ACCS allowing for the construction of a home office with alleged insufficient distance from the lot line and the determination that a fence is not a structure for the purposes of Article 21, Section 21.6.A.7.

Item 13 – Docket Number: BZA096-23

Property Location: 1724-1726 Marais Street

Bounding Streets: Marais St., Saint Anthony St., Henriette Delille St., Annette St.

Zoning District: HMR-2 Historic Marigny/Tremé/Bywater Residential District

Existing Use: Single-Family Residence

Proposed Use: Bed and Breakfast - Accessory

Applicant or Agent: Thomas McQuaid

Project Planner: Cameron Boissiere-Morris (cameron.boissiere@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 presence of two exterior doors qualifies the structure as not appearing outwardly as a single-family dwelling and, therefore, in conflict with the accessory bed and breakfast use standard of 20.3.l.1.b.

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

Item 14 – Docket Number: BZA102-23

Property Location: 1533 Broadway Street, 7110 Birch Street

Bounding Streets: Broadway St., Birch St., Audubon St., Jeannette St.

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

Overlay District:

Historic District: Uptown

Existing Use: Single-Family Residence

Proposed Use: Two-Family Residence

Applicant or Agent: Kenneth J. Gelpi, Jr.

Project Planner: Valerie Goines (valerie.goines@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 of zoning verification no. 23-0905 that the proposed renovation is subject to the University Area Off-Street Parking Interim Zoning District and the revocation of permit no. 22-30276-RNVS due to alleged insufficient off-street parking spaces.

G. Any Other Matters – Unfinished Business

Item 15 – 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.

H. Any Other Matters – New Business

Item 16 – Consideration | Adoption of the 2024 Board of Zoning Adjustments Meeting Schedule

Annually at the Board's regularly scheduled November or December meeting, the Board shall adopt a docketing schedule for the following year for all items requiring public hearing and action by the Board. This schedule shall establish docket deadlines, deadlines for submittal of written documents related to an item before the Board, deadlines for distribution of staff reports to the Board and to the public, public hearing dates, and resolution deadlines. A copy of this schedule shall be posted on the City Planning Commission's web site.

I. Adjournment

Application Materials

Application materials are available for review at onestopapp.nola.gov. Note the requested waivers are subject to change prior to the hearing.

Public Comments

Written comments on any of the matters included on the agenda are accepted in the following ways:

- Email (preferred): The assigned planner listed above (or CPCinfo@nola.gov)
- Mail: 1300 Perdido Street, Room 7W03, New Orleans, LA 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.

Deadline: 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 30, 2023.

Meeting Information

Board Members

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

Staff Reports & Summary Reports

Distribution of variance staff reports and appeal summary reports to the Board members and to the general public shall occur on November 1 and be available for review [here](#).

Note: CPC staff does not write staff reports for decision appeals; however, the Department of Safety and Permits provides a written summary of the basis for their decision.

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.

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 November 16, 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

<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.