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BOARD OF ZONING ADJUSTMENTS APPLICATION

Please submit complete applications via email to CPCinfo@nola.gov, or in person at 1340 Poydras Street, 8th Floor. Incomplete applications will **not** be accepted and will be returned to the applicant.

COMPOSITION OF THE BOARD & MONTHLY MEETINGS

As per Section 5-408 of the Home Rule Charter of the City of New Orleans, 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 variations from the City's zoning regulations in accordance with the principles, conditions and procedures set forth in Article 4 of the City's Comprehensive Zoning Ordinance.

The Board considers all requests for variances and appeals during its monthly meeting, at which the applicant or their representative is strongly encouraged to attend to present the request and to answer any question of the Board. Regular meetings of the Board are held at 10:00 a.m., on the **third** Monday of each month in City Council Chambers, (Room 1E07) 1300 Perdido Street, **unless otherwise noticed**.

Any interested party may speak in support of or in opposition to any variance request or appeal at the public hearing. After considering testimony from all parties and the recommendation from the City Planning Commission staff, the Board shall approve, approve with modification, deny or defer the variance request. A calendar of hearing dates and deadlines is available at <https://nola.gov/next/city-planning/meetings/>.

STANDARDS OF THE COMPREHENSIVE ZONING ORDINANCE

ARTICLE 4, SECTION 4.6 - VARIANCES

SECTION 4.6.A. PURPOSE. The purpose of the variance procedure is to afford an applicant relief from the requirements of the letter of the New Orleans Comprehensive Zoning Ordinance **when unnecessary hardship or practical difficulty exists**.

SECTION 4.6.F. APPROVAL STANDARDS. The Board of Zoning Adjustments may authorize a variance only when the evidence presented supports a finding that each case indicates all of the following:

A. The basic elements for a variance exist because the below standards have been met:

1. Special conditions and circumstances exist that are peculiar to the land or structure involved and are not generally applicable to other land or structures in the same zoning district.
2. The special conditions and circumstances do not result from the actions of the applicant or any other person who may have had an interest in the property.
3. Literal interpretation of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance.
4. The request for the variance is not based primarily upon a desire to serve the convenience or profit of the property owner or other interested party.
5. Strict adherence to the regulation by the owner or their agent would result in a demonstrable hardship upon the owner, as distinguished from mere inconvenience.

B. The impacts of granting a variance are acceptable because the below standards are met:

1. Granting the variance requested will not confer on the applicant any special privilege which is denied by this Ordinance to other lands or structures in the same district or otherwise similarly situated.
2. The variance, if granted, will not alter the essential character of the locality.
3. The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood where the property is located.
4. The proposed variance will not impair an adequate supply of light and air to adjacent property, increase substantially the congestion of nearby streets, increase the danger of fire, or otherwise endanger the public safety.



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STANDARDS (CONT.)

ARTICLE 4, SECTION 4.7 - MINOR MAP ADJUSTMENTS

SECTION 4.7.F.2. APPEALS.

- An aggrieved party may appeal the Director of the Department of Safety and Permits decisions on minor map adjustments to the Official Zoning Map to the Board of Zoning Adjustments within forty-five (45) days of the Director's decision.

ARTICLE 4, SECTION 4.8 - ZONING APPEALS

SECTION 4.8.A. PURPOSE. Appeals to the Board of Zoning Adjustments may be filed by an aggrieved party or by any officer, department, commission, board, bureau, or any other agency of the City affected by any decision of the Director of the Department of Safety and Permits concerning those decisions described in Paragraph B below. Appeals shall be based in, and provide evidence of, an error in application of the law or a conflict in the law.

SECTION 4.8.B. APPLICABILITY. Appeals may be filed concerning any decision of the Director of the Department of Safety and Permits on the following applications of this Ordinance:

- Appeals are authorized by the Board of Zoning Adjustments in accordance with Article 2, Section 2.6, Louisiana Revised Statute 33:4780.46, and Section 5-408 of the City Charter.
- Appeals may be filed concerning any decision of the Director of the Department of Safety and Permits in the enforcement of the zoning ordinance of the City on the following applications of this Ordinance:
 - The decision of the Director of the Department of Safety and Permits on zoning verifications.
 - The decision of the Director of the Department of Safety and Permits or on Zoning Ordinance interpretations.
 - The decision of the Director of the Department of Safety and Permits on permits issued under the Comprehensive Zoning Ordinance.
- These decisions need not be formal, and any written communication of such a decision, including but not limited to an email or LAMA approval or disapproval, shall be considered appealable.
- For purposes of this Section, a decision made "in the enforcement of the zoning ordinance of the City" shall be those decisions that specifically apply the provisions of the zoning ordinance. Appeals made pursuant to this Section must therefore allege an error in the application of a provision of the zoning ordinance.

SECTION 4.8.C. TIME LIMIT. No appeal of the above decisions is allowed after the expiration of forty-five (45) days from the date the decision is rendered by the Director of the Department of Safety and Permits.

SECTION 4.8.D. PROCEDURE.

- Applications for appeal of the decision of the Director of the Department of Safety and Permits or Executive Director of the City Planning Commission shall be made in writing to the Board of Zoning Adjustments within forty-five (45) days of the decision.
- All applications shall be filed with the Executive Director of the City Planning Commission in accordance with the requirements of Section 3.2 and reviewed for completeness by the Executive Director who shall determine whether the application is ripe for review by the Board, not moot, or otherwise unable to be heard in accordance with Section 4.8.B.
 - If the application is determined to be incomplete, unripe, moot, or otherwise unhearable, this determination will be conveyed to the applicant by the Board of Zoning Adjustments in writing.
 - Notwithstanding this determination, the Department of Safety and Permits or other interested parties may present arguments to the Board that an application is incomplete, unripe, moot, or otherwise unhearable and the Board may make a finding in accordance with this argument rather than rule on the merits of the appeal.



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BOARD OF ZONING ADJUSTMENTS APPLICATION

REQUIRED ATTACHMENTS

All items must be submitted at the time of application with the appropriate application fee.

ATTACHMENTS

| | Variance | Appeal |
|--|-----------------|----------|
| Completed application form with all required information and signed by owner(s) or authorized agent. | Required | Required |
| Authorization from property owner(s) such as a Partnership Agreement, Articles of Incorporation, or Articles of Organization and appropriate legal documentation and signature of the designated representative(s). A board resolution may be requested. | Required | Required |
| Building permit application number and Department of Safety and Permits zoning review (e.g., the permit Print Summary on the OneStop App). All prospective variance applicants must first file a building permit application with the Department of Safety and Permits and obtain a zoning review specifying needed variances prior to submitting a variance application. Apply at onestopapp.nola.gov. <i>This policy applies only to applications in which the work necessitating the variance(s) would require a building permit. The Executive Director may modify this pre-application requirement a appropriate given the nature of the proposal.</i> | Required | |
| Letter to the Board. For variances, clearly address all approval standards (see page 1) and explain the request and the reasons for the request. For appeals, provide the basis for the appeal and evidence of an error in application of the law or a conflict in the law (see page 2). | Required | Required |
| Site Plan of the entire site showing locations and dimensions of property lines and all buildings or structures, with distance from property line indicated, all off-street parking areas, driveways, interior streets, surfaces (e.g. paving, permeable (grass, dirt, etc.)), and mechanical equipment. | Required | |
| Floor plan(s) of the structure(s) showing room use, dimensions, walls, doors, windows, major appliances, plumbing fixtures, stairs, or other egress. <i>For variances related to accessory structures (including fences), a floor plan of the main structure is not required, but staff reserves the right to request this information.</i> | Required | |
| Architectural elevations of each side of the proposed structure(s) indicating height in accordance with the Building, Height definition in Article 26, architectural elements such as windows, doors, materials, textures, and other information. <i>For variances related to accessory structures (including fences), architectural elevations of the main structure are not required, but staff reserves the right to request this information.</i> | Required | |
| Current survey. A survey showing current site conditions and improvements, including paving. | Required | |
| Decision in writing from Director of the Department of Safety and Permits. If filing a Decision Appeal, the appeal must be filed within 45 days of the decision. | | Required |
| Neighborhood Participation Program documents including NPP summary report, contact list, NPP meeting notice, NPP comment cards, neighborhood association email notices, and meeting sign-in sheet. <i>Single- and two-family dwellings are exempt.</i> | May be Required | |

Additional supplemental materials (such as letters of support or opposition, etc.) must be submitted no later than the Monday before the BZA hearing at 5:00 pm.

FEES

| | | | |
|--|---------------------------------------|-----------------------|---------------------|
| • Single- and two-family dwellings: | \$250 | • Rehearing: | 50% of original fee |
| • Small multi-family/townhouse dwellings (3-6 units): | \$250 | • Extension Requests: | |
| • Large multi-family/townhouse dwellings (7+ units): | \$750 | • Administrative: | \$100 |
| • Accessory, including structures, signs, and lot dimension variances: | \$250 | • Non-Administrative: | 50% of original fee |
| • Subdivision-related variances: | Base Fee + \$25 for each proposed lot | | |
| • Non-residential/mixed-use projects 0-4,999 sf GFA: | \$300 | • Appeals: | \$250 |
| • Non-residential/mixed-use projects 5,000 - 24,999 sf GFA: | \$750 | | |
| • Non-residential/mixed-use projects 25,000 + sf GFA: | \$1,000 | | |



Building/Construction
Related Permit



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APPLICATION TYPE (CHECK ONE) Variance Appeal

Site Address _____

Is the site or floor area of the building greater than 25,000 sq. ft. in area? Yes No

Square No. (s) _____ Lot No.(s) _____ Tax Bill No.(s) _____

Zoning District _____ Overlay District _____

Bounding Streets _____

PROPERTY OWNER INFORMATION

Property Owner Name _____ Phone _____

Property Owner Address _____

City _____ State _____ Zip _____ Email _____

APPLICANT INFORMATION SAME AS ABOVE

Applicant Name _____

Applicant Address _____

City _____ State _____ Zip _____

Applicant Phone _____ Email _____

DESCRIPTION OF REQUEST

VARIANCE REQUEST(S)

In accordance with the provisions of Article 4, Section 4.6 of the Comprehensive Zoning Ordinance, this application for variance(s) is being made to the Board of Zoning Adjustments for a waiver of the following requirements, more specifically described as follows:

| ARTICLE & SECTION | REQUIRED/ALLOWED | PROVIDED/PROPOSED | WAIVER REQUEST |
|-------------------|------------------|-------------------|----------------|
| _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ |
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BOARD OF ZONING ADJUSTMENTS APPLICATION

PROPOSED CONDITIONS

This information is required for all variance requests. Appeal applicants are only required to complete the Use of Main Building section.

LOT CHARACTERISTICS

Lot Width _____ Lot Depth _____ Lot Area _____ Front Yard Setback _____
 Rear Yard Setback _____ Side Yard 1 Setback _____ Side Yard 2 Setback _____
 Corner Lot Side Yard Setback _____ % of Permeable Open Space
 (permeable area/lot area) _____

MAIN BUILDING CHARACTERISTICS

Open Space (ft²) _____ Floor Area Ratio _____ % Front Yard Paved (impervious-
 Height _____ Floor Area _____ (floor area/lot area) _____ cover/required front yard area) _____

USE OF MAIN BUILDING (See district use tables as well as Article 26 Definitions)

Existing Use _____ Proposed Use _____

ACCESSORY STRUCTURE(S) (if applicable)

Existing Use _____ Proposed Use _____
 Height _____ Floor Area _____ Setback from Front Lot Line _____
 Setback from Rear Lot Line _____ Setback from Interior Side Lot Line _____

PARKING, LOADING & BICYCLE SPACES

Number of Off-street Parking Spaces _____ Number of Off-street Loading Spaces _____
 Number of Bicycle Parking Spaces _____ Number of Accessible Spaces _____

ACKNOWLEDGMENTS

I (We) hereby affirm that ownership and property information presented on this application is current and accurate and, further, that the undersigned meet(s) the requirements of Article 4 of the Comprehensive Zoning Ordinance to submit this application. I (We) acknowledge that inaccurate or incomplete ownership, improper authorization, or property identification render this application null and void. I (We) the undersigned owner(s) or authorized agent of the area of land described above, hereby submit for your approval the above stated request.

Applicant Name _____ Date _____

Applicant Signature _____

Property Owner Name _____ Date _____

Property Owner Signature* _____

*If ownership is joint, each owner must be listed. If ownership is a partnership, the Partnership Agreement must be included. If ownership is a corporation, Articles of Incorporation and a Board Resolution authorizing an individual or agent to sign on behalf or if ownership is a LLC, Articles of Organization and legal documentation authorizing an individual or agent to sign on its behalf must be included. If necessary, submit proof of ownership documents, such as copies of the recorded act of sale, act of exchange, act of donation, cash sale or deed. Appropriate documentation is also required for successions.