

DEPARTMENT OF SAFETY AND PERMITS
CITY OF NEW ORLEANS

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MAYOR

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DIRECTOR

ZONING INTERPRETATION MEMORANDUM

Memorandum Z-15-01

DATE: August 6, 2015

FROM: Jared E. Munster, Ph.D., Director

TO: Leslie T. Alley, Deputy Director, City Planning Commission

RE: Interpretation of the Authority of the Board of Zoning Adjustments with Respect to Off-Street Loading Spaces within the Central Business District.

Upon the request of the Board of Zoning Adjustments / City Planning Commission staff, Safety and Permits has evaluated the powers of the Board of Zoning Adjustments (BZA) with respect to the standards provided in Article 14 of the Comprehensive Zoning Ordinance (Ordinance 4,264 MCS, as amended) (CZO). It is the determination of Safety and Permits that the BZA has the authority to grant both variances and special exceptions to waive loading space requirements in the Central Business District.

The Authority of the BZA is found in two separate and distinct sections of the CZO, Sections 14.6 and 14.7, each providing authority for different requests and subject to different standards. Section 14.7, which relates to Special Exceptions, provides that “In the CBD Districts when more than three (3) loading spaces are required the Board of Zoning Adjustments shall have the authority to waive only thirty (30) percent of the required number of loading spaces” (14.7.3(2)). The standards for granting Special Exceptions of this nature are found within the same provision, providing that such an exception may be granted “whenever the character or use of the building is such as to make unnecessary the full provision of parking or loading facilities.”

Separately, Section 14.6 provides the authority, limitations, and standards for the consideration of Variances which may be granted by the BZA. Section 14.6.2 – *Authority to Grant Variances* provides that the BZA may grant waivers of loading requirements. Limitations on the authority of the BZA are found within both Section 14.6.2 and 14.6.3; however, neither section provides limitations on the number of loading spaces which may be waived subject to the Standards for Variances provided in 14.6.4.

Essentially, the CZO provides two mechanisms to applicants for seeking a waiver of loading zone requirements with two separate standards for decision-making by the BZA. Special Exceptions provide a lower standard of consideration, but also places a limitation on the scope of such a waiver; Variances provide an opportunity for a complete waiver from the CZO-prescribed requirements, but with a higher standard of consideration that is tied directly to Section 14.6.4, rather than the nebulous standard for Special Exceptions provided in Section 14.7.3(2).

