



CITY OF NEW ORLEANS  
BOARD OF ZONING ADJUSTMENTS

**Regular Meeting Agenda**  
**Monday, April 13, 2009**  
**10:00 a.m. City Council Chambers,**  
**1300 Perdido Street, New Orleans, Louisiana**

- A. Call to Order & Roll Call, Adoption of Minutes, Communications, and Reading of Hearing Rules
- B. BZA Dockets – Old Business

<b>ITEM 1 – Docket Number:</b>	<b>029-09</b>	DS
<b>Applicant or Agent:</b>	Lusher Charter School	
<b>Property Location:</b>	5624 Freret Street	<b>Zip:</b> 70115
<b>Bounding Streets:</b>	Freret & Joseph Sts., Loyola & Nashville Aves.	
<b>Square Number:</b>	71, 72, 75-78	<b>Lots:</b> All
<b>Zoning District:</b>	RS-2 Single-Family Residential	<b>ZBM:</b> E-12
<b>Historic District Classification:</b>	N/A	
<b>Existing Use:</b>	School	
<b>Proposed Use:</b>	School	

**Request Citation:** This request is for a variance from the provisions of Article 15, Section 15.6.1 of the Comprehensive Zoning Ordinance.

**Request:**

This request is to permit the erection of a fence in excess of seven (7) feet in height.

**Requested Waivers:**

**Section 15.6.1 – Fences, Walls, and Hedges (Height)**

Permitted: 7'	Proposed: 12'	Waiver: 5'
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**C. BZA Dockets – New Business**

<b>ITEM 2 – Docket Number:</b>	<b>038-09</b>	<b>WITHDRAWN</b>
<b>Applicant or Agent:</b>	Kroniage Family Ltd.	
<b>Property Location:</b>	5217 Elysian Fields Avenue	<b>Zip:</b> 70122
<b>Bounding Streets:</b>	Elysian Fields Ave., Western St., Filmore Ave., Dreux St.	
<b>Square Number:</b>	90	<b>Lots:</b> 7-10, A
<b>Zoning District:</b>	B-1 Neighborhood Business	<b>ZBM:</b> D-11
<b>Historic District Classification:</b>	N/A	
<b>Existing Use:</b>	Vacant Commercial	
<b>Proposed Use:</b>	Grocery Market	

**Request Citation:** This request is for a variance from the provisions of Article 5, Section 5.4.7 (Table 5.D) of the Comprehensive Zoning Ordinance.

**Request:**

This request is to permit the conversion of a vacant commercial structure to a grocery market with insufficient minimum depth of front yard.

**Requested Waivers:**

**Section 5.4.7 (Table 5.D) – Minimum Depth of Front Yard**

Required: 16.5'<sup>1</sup>

Provided: 5.5'

Waiver: 11.5'

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<sup>1</sup> Article 5, Section 5.4.7 – Minimum Depth of Front Yard requires a twenty (20) foot minimum setback; however, the site has a sixteen (16) point five (5) foot setback grandfathered to the site.

**ITEM 3 – Docket Number:** 039-09 DS  
**Applicant or Agent:** Marcus & Aimee Stricklin  
**Property Location:** 431 Adams Street **Zip:** 70118  
**Bounding Streets:** Adams, Pearl, Hillary & Dominican Sts.  
**Square Number:** 56 **Lot:** X  
**Zoning District:** RD-2 Two-Family Residential **ZBM:** A-14  
**Historic District Classification:** N/A  
**Existing Use:** Single-Family Residence  
**Proposed Use:** Single-Family Residence

**Request Citation:** This request is for variances from the provisions of Article 4, Section 4.5.7 (Table 4.E), and Article 15, Section 15.2.3 of the Comprehensive Zoning Ordinance.

**Request:**

This request is to permit the expansion of a single-family residence with insufficient minimum aggregate width of side yards, minimum depth of rear yard, and parking in the required front yard.

**Requested Waivers:**

**Section 4.5.7 (Table 4.E) – Minimum Aggregate Width of Side Yards**

Required: 10’2” (20%) Provided: 8’8½” (17%) Waiver: 1’5½” (3%)

**Section 4.5.7 (Table 4.E) – Minimum Depth of Rear Yard**

Required: 20’ Provided: 15’10” Waiver: 4’2”

**Section 15.2.3 – Parking in Front Yards**

Required: Impermissible Provided: 1 Space Waiver: 1 Space

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**ITEM 4 – Docket Number:** 040-09 AZ  
**Applicant or Agent:** Norma’s Sweet Bakery  
**Property Location:** 2925 Bienville Street **Zip:** 70119  
**Bounding Streets:** Bienville St., N. Gayoso, N. Dupre & Conti Sts.  
**Square Number:** 395 **Lots:** C, X  
**Zoning District:** LI Light Industrial **ZBM:** C-14  
**Historic District Classification:** N/A  
**Existing Use:** Vacant Structure  
**Proposed Use:** Bakery/Retail (Mini-Grocery)

**Request Citation:** This request is for a variance from the provisions of Article 15, Section 15.2.1 (Table 15.A) of the Comprehensive Zoning Ordinance.

**Request:**

This request is to permit the conversion of an existing structure to a bakery/mini-grocery with insufficient off-street parking.

**Requested Waivers:**

**Section 15.2.1 (Table 15.A) – Off-Street Parking Regulations**

Required: 19 Spaces Provided: 5 Spaces Waiver: 14 Spaces

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<b>ITEM 5 – Docket Number:</b>	<b>042-09</b>	DS
<b>Applicant or Agent:</b>	Dianne Garofalo	
<b>Property Location:</b>	5322 Mandeville Street	<b>Zip:</b> 70122
<b>Bounding Streets:</b>	Mandeville, Mithra, Marigny Sts., & Fillmore Ave.	
<b>Square Number:</b>	4055	<b>Lot:</b> 9
<b>Zoning District:</b>	RS-2 Single-Family Residential	<b>ZBM:</b> D-11
<b>Historic District Classification:</b>	N/A	
<b>Existing Use:</b>	Single-Family Residence	
<b>Proposed Use:</b>	Single-Family Residence	

**Request Citation:** This request is for variances from the provisions of Article 15, Section 15.2.3(6), and Article 15, Section 15.6.6 of the Comprehensive Zoning Ordinance.

**Request:**

This request is to permit the construction a circular drive in the required front yard setback with excessive paving of the required front yard area.

**Requested Waivers:**

**Section 15.2.3(6) – Parking in Front Yards (Circular Drive)**

Required: impermissible	Provided: 1 Space	Waiver: 1 Space
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**Section 15.6.6 – Limitations on Pavement of Required Yard Areas (Front)**

Permitted: 40%(400 s.f.)	Proposed: 71%(716 s.f.)	Waiver: 31%(316 s.f.)
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<b>ITEM 6 – Docket Number:</b>	<b>043-09</b>	MDO
<b>Applicant or Agent:</b>	Alejandro Hernandez	
<b>Property Location:</b>	1326-38 Clara Street	<b>Zip:</b> 70113
<b>Bounding Streets:</b>	Clara, Thalia, Magnolia & Erato Sts.	
<b>Square Number:</b>	416	<b>Lot:</b> 19
<b>Zoning District:</b>	RM-4 Multi-Family Residential	<b>ZBM:</b> C-14
<b>Historic District Classification:</b>	N/A	
<b>Existing Use:</b>	Vacant Lot	
<b>Proposed Use:</b>	Two-Family Residence	

**Request Citation:** This request is for variances from the provisions of Article 4, Section 4.12.7 (Table 4.L), and Article 15, Section 15.2.1 of the Comprehensive Zoning Ordinance.

**Request:**

This request is to permit the construction of a two-family residence with insufficient minimum lot area per dwelling unit, minimum lot depth, minimum depth of front yard, and insufficient off-street parking.

**Requested Waivers:**

<b>Section 4.12.7 (Table 4.L) – Minimum Lot Area (Two-Family)</b>		
Required: 3,500 sq. ft.	Provided: 2,006 sq. ft.	Waiver: 1,494 sq. ft.
<b>Section 4.12.7 (Table 4.L) – Minimum Lot Depth</b>		
Required: 90’	Provided: 62’ 9”	Waiver: 27’ 3”
<b>Section 4.12.7 (Table 4.L) – Minimum Depth of Front Yard</b>		
Required: 20’	Provided: 4’ 2”	Waiver: 15’ 10”
<b>Section 15.2.1 (Table 15.A) – Off-Street Parking Regulations</b>		
Required: 2 Spaces	Provided: 1 Space	Waiver: 1 Space

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**ITEM 7 – Docket Number:** 044-09 DS  
**Applicant or Agent:** Samuel & Lola Johnson  
**Property Location:** 4124 Eve Street ‘A’ **Zip:** 70125  
**Bounding Streets:** Eve, S. Gayoso, Eden & S. Dupre Sts.  
**Square Number:** 161 **Lots:** 0  
**Zoning District:** C-1 General Commercial **ZBM:** B-14  
**Historic District Classification:** N/A  
**Existing Use:** Residential Accessory Structure  
**Proposed Use:** Mixed- Use, Two Main Structures (Residential and Commercial)

**Request Citation:** This request is for a variance from the provisions of Article 5, Section 5.7.7 (Table 5.G), Article 15, Section 15.2.1 (Table 15.A), and Article 15, Section 15.5.3(c) of the Comprehensive Zoning Ordinance.

**Request:**

This request is permit the conversion of an accessory structure into a beauty salon with insufficient minimum depth of rear yard, off-street parking and more than one main unit with insufficient number of dwelling units for a multi-family structure.

**Requested Waivers:**

**Section 5.7.7 (Table 5.G) – Minimum Rear Yard Abutting a Residential District**

Required: 20’ Provided: 5” Waiver: 19’7”

**Section 15.2.1 (Table 15.A) – Off-Street Parking Regulations**

Required: 3 spaces Provided: 0 spaces Waiver: 3 spaces

**Section 15.5.3(c) – Yards and Open Space Generally; more than one main use multi-family**

Required: 4 dwelling units Provided: 1 dwelling unit Waiver: 3 dwelling units

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**ITEM 8 – Docket Number:** 045-09 MP  
**Applicant or Agent:** Charles Clark  
**Property Location:** 3815 Eagle Street **Zip:** 70118  
**Bounding Streets:** Eagle, Edinburgh, General Ogden & Palm Sts.  
**Square Number:** 556 **Lot:** 23  
**Zoning Classification:** RD-2 Two-Family Residential  
**Historic District Classification:** N/A **ZBM:** B-12  
**Existing Use:** Vacant lot  
**Proposed Use:** Two-Family Residence

**Request Citation:** This request is for variances from the provisions of Article 4, Section 4.5.7 (Table 4.E) of the Comprehensive Zoning Ordinance.

**Request:**

This request is to permit the construction of a two-family residence with insufficient minimum lot area per dwelling unit and minimum lot width.

**Requested Waivers:**

**Section 4.5.7 (Table 4.E) – Minimum Lot Area (Two-Family)**

Required: 5,000 sq. ft. Provided: 4,500 sq. ft. Waiver: 500

**Section 4.5.7 (Table 4.E) – Minimum Lot Width (Two-Family)**

Required: 50’ Provided: 30’ Waiver: 20’

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**ITEM 9 – Docket Number:** 046-09 AZ  
**Applicant or Agent:** Ryan & Karen Borne  
**Property Location:** 238 28<sup>th</sup> Street **Zip:** 70124  
**Bounding Streets:** 26<sup>th</sup> & 28<sup>th</sup> Sts., Fleur de Lis Dr., & Pontchartrain Blvd.  
**Square Number:** 16 **Lots:** 54, 55  
**Zoning District:** LRS-1 Lakeview Single-Family Residential  
**Historic District Classification:** N/A **ZBM:** B-10  
**Existing Use:** Vacant lot  
**Proposed Use:** Single-Family Residence

**Request Citation:** This request is for variances from the provisions of Article 9A, Section 9A.1.7 (Table 9A.A) and Article 15, Section 15.3.1 of the Comprehensive Zoning Ordinance.

**Request:**

This request is to permit the construction of a single-family residence with insufficient minimum lot area and a request to permit parking in the required front yard area.

**Requested Waivers:**

**Section 9A.1.7 (Table 9.A) – Minimum Lot Area**

Required: 5,000 sq. ft. Provided: 4,800 sq. ft. Waiver: 200 sq. ft.

**Section 15.2.3 – Parking in Front Yards**

Permitted: 0 Spaces Proposed: 1 Space Waiver: 1 Space

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<b>ITEM 10 – Docket Number:</b>	<b>047-09</b>	<b>AZ</b>
<b>Applicant or Agent:</b>	Ryan & Karen Borne	
<b>Property Location:</b>	238 28 <sup>th</sup> Street	<b>Zip:</b> 70124
<b>Bounding Streets:</b>	26 <sup>th</sup> & 28 <sup>th</sup> Sts., Fleur de Lis Dr., Pontchartrain Blvd.	
<b>Square Number:</b>	16	<b>Lots:</b> 52, 53
<b>Zoning District:</b>	LRS-1 Lakeview Single-Family Residential	
<b>Historic District Classification:</b>	N/A	<b>ZBM:</b> B-10
<b>Existing Use:</b>	Vacant lot	
<b>Proposed Use:</b>	Single-Family Residence	

**Request Citation:** This request is for variances from the provisions of Article 9A, Section 9A.1.7 (Table 9A.A) and Article 15, Section 15.3.1 of the Comprehensive Zoning Ordinance.

**Request:**

This request is to permit the construction of a single-family residence with insufficient minimum lot area and a request to permit parking in the required front yard area.

**Requested Waivers:**

**Section 9A.1.7 (Table 9.A) – Minimum Lot Area**

Required: 5,000 sq. ft.	Provided: 4,800 sq. ft.	Waiver: 200 sq. ft.
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**Section 15.2.3 – Parking in Front Yards**

Permitted: 0 Spaces	Proposed: 1 Space	Waiver: 1 Space
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**ITEM 11 – Docket Number:** 049-09 DS  
**Applicant or Agent:** Mike & Jennifer Raeder  
**Property Location:** 2202 Wirth Street **Zip:** 70115  
**Bounding Streets:** Wirth, Freret & S. Robertson Sts., & Nashville Ave.  
**Square Number:** 81 **Lot:** 1  
**Zoning District:** RD-2 Two-Family Residential **ZBM:** B-14  
**Historic District Classification:** N/A  
**Existing Use:** Single-Family Residence  
**Proposed Use:** Single-Family Residence

**Request Citation:** This request is for variances from the provisions of Article 4, Section 4.5.7 (Table 4.E) and Article 15, Section 15.5.7.1(b) of the Comprehensive Zoning Ordinance.

**Request:**

This request is to permit the construction of an addition to a single-family residence with insufficient minimum aggregate width of side yards, minimum width of side yard (S. Robertson St. side) and insufficient side yard open to the sky.

**Requested Waivers:**

**Section 4.5.7 (Table 4.E) – Minimum Aggregate Width of Side Yards**  
Required: 20% (9’4”) Provided: 7.8% (3’8”) Waiver: 12.2% (5’8”)  
**Section 4.5.7 (Table 4.E) – Minimum Width of Side Yards (S. Robertson St. side)**  
Required: 3’ Provided: 1’ Waiver: 2’  
**Section 15.5.7.1(b) – Yard and Open Space Generally (Two feet open to the sky)**  
Required: 2’ Provided: 1’ Waiver: 1’

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**ITEM 12 – Docket Number:** 050-09 AZ  
**Applicant or Agent:** Coral Maher  
**Property Location:** 6100 Marshall Foch Street **Zip:** 70124  
**Bounding Streets:** Marshall Foch, Germain, General Diaz & French Sts.  
**Square Number:** 289 **Lots:** 25, 26  
**Zoning District:** LRS-1 Lakeview Single-Family Residential  
**Historic District Classification:** N/A **ZBM:** C-11  
**Existing Use:** Single-Family Residence  
**Proposed Use:** Single-Family Residence

**Request Citation:** This request is for a variance from the provisions of Article 15, Section 15.6.1 of the Comprehensive Zoning Ordinance.

**Request:**

This request is to permit the erection of a fence greater than seven feet (7’) in height.

**Requested Waivers:**

**Section 15.6.1 – Fences, Walls, and Hedges**  
Permitted: 7’ Proposed: 8’ Waiver: 1’

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**ITEM 13 – Docket Number:** 051-09 MDO  
**Applicant or Agent:** Lance Thomas  
**Property Location:** 3874 Pauger Street **Zip:** 70122  
**Bounding Streets:** Pauger, Pleasure, St. Anthony & Humanity Sts.  
**Square Number:** 2141 **Lot:** G  
**Zoning District:** RD-2 Two-Family Residential **ZBM:** D-12  
**Historic District Classification:** N/A  
**Existing Use:** Vacant Lot  
**Proposed Use:** Two-Family Residence

**Request Citation:** This request is for variances from the provisions of Article 4, Section 4.5.7 (Table 4.E) of the Comprehensive Zoning Ordinance.

**Request:**

This request is to permit the construction of a two-family residence with insufficient minimum lot area per dwelling unit and minimum lot width.

**Requested Waivers:**

**Section 4.5.7 (Table 4.E) – Minimum Lot Area (Two-Family)**  
Required: 5,000 sq .ft. Provided: 3,812 sq. ft. Waiver: 1,188 sq. ft.  
**Section 4.5.7 (Table 4.E) – Minimum Lot Width (Two-Family)**  
Required: 50’ Provided: 40’ Waiver: 10’

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**ITEM 14 – Docket Number:** 052-09 MDO  
**Applicant or Agent:** Sidney Williams, Jr.  
**Property Location:** 2139 Fern Street **Zip:** 70118  
**Bounding Streets:** Fern, Sycamore, Burdette & Panola Sts.  
**Square Number:** 285 **Lot:** R  
**Zoning District:** RD-2 Two-Family Residential **ZBM:** B-13  
**Historic District Classification:** N/A  
**Existing Use:** Single-Family Residence  
**Proposed Use:** Single-Family Residence

**Request Citation:** This request is for variances from the provisions of Article 4, Section 4.5.7 (Table 4.E) and Article 15, Section 15.6.7(2) of the Comprehensive Zoning Ordinance.

**Request:**

This request is to permit the construction of a single-family residence with insufficient minimum width of each side yard (Panola St. side) and minimum side yard of a corner lot. **(AFTER THE FACT)**

**Requested Waivers:**

**Section 4.5.7 (Table 4.E) – Minimum Width of Each Side Yard (Panola Street side)**  
Required: 3’ Provided: 2’ 11” Waiver: 1”  
**Section 15.6.7(2) – Minimum Side Yard of a Corner Lot<sup>2</sup>**  
Required: 2’ Provided: 1’ 11 ½” Waiver: ½”

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<sup>2</sup> The Department of Safety and Permits approved a corner side yard of two feet (2’).

<b>ITEM 15 – Docket Number:</b>	<b>053-09</b>	DS
<b>Applicant or Agent:</b>	James Palmer	
<b>Property Location:</b>	3718 S. Johnson Street	<b>Zip:</b> 70125
<b>Bounding Streets:</b>	S. Johnson, General Taylor, Delachaise & S. Prieur Sts.	
<b>Square Number:</b>	8	<b>Lot:</b> 21
<b>Zoning District:</b>	RD-2 Two-Family Residential	<b>ZBM:</b> F-12
<b>Historic District Classification:</b>	N/A	
<b>Existing Use:</b>	Single-Family Residence	
<b>Proposed Use:</b>	Two-Family Residence	

**Request Citation:** This request is for a variance from the provisions of Article 4, Section 4.5.7 (Table 4.E) and Article 15, Section 15.2.1 (Table 15.A) of the Comprehensive Zoning Ordinance.

**Request:**

This request is to permit the conversion of a single-family residence to a two-family residence with insufficient minimum lot area per dwelling unit, minimum lot width and insufficient off-street parking.

**Requested Waivers:**

**Section 4.5.7 (Table 4.E) – Minimum Lot Area per Dwelling Unit (Two-Family)**

Required: 5,000 s.f.	Provided: 4,053 s.f.	Waiver: 947 s.f.
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**Section 4.5.7 (Table 4.E) – Minimum Lot Width (Two-Family)**

Required: 50'	Provided: 29'2"	Waiver: 20'10"
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**Section 15.2.1 (Table 15.A) – Off-Street Parking Regulations**

Required: 2	Provided: 1	Waiver: 1
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<b>ITEM 16 – Docket Number:</b>	<b>054-09</b>	<b>AZ</b>
<b>Applicant or Agent:</b>	Jonathan Salfeld, Nakom Amosi, and Alexis A. Polk	
<b>Property Location:</b>	3101 Jefferson Avenue	<b>Zip:</b> 70125
<b>Bounding Streets:</b>	S. Johnson, Robert & S. Prieur Sts., & Jefferson Ave.	
<b>Square Number:</b>	715	<b>Lot:</b> M-1
<b>Zoning District:</b>	RD-2 Two-Family Residential	<b>ZBM:</b> B-14
<b>Historic District Classification:</b>	N/A	
<b>Existing Use:</b>	Single-Family Residence	
<b>Proposed Use:</b>	Two-Family Residence	

**Request Citation:** This request is for variances from the provisions of Article 4, Section 4.5.7 and Article 15, Section 15.2.1 (Table 15.A) of the Comprehensive Zoning Ordinance.

**Request:**

This request is to permit the conversion of a single-family residence into a two-family residence with insufficient lot area per dwelling unit, minimum lot width and insufficient off-street parking..

**Requested Waivers:**

<b>Section 4.5.7 (Table 4.E) – Minimum Lot Area (Two-Family)</b>		
Required: 5,000 sq. ft.	Provided: 4,545 sq. ft.	Waiver: 455 sq. ft.
<b>Section 4.5.7 (Table 4.E) – Minimum Lot Width (Two-Family)</b>		
Required: 50’.	Provided: 46’ 2”	Waiver: 3’ 10”
<b>Section 15.2.1 (Table 15.A) – Off-Street Parking Regulations</b>		
Required: 2 Spaces	Provided: 1 Space	Waiver: 1 Space

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**C. Director of Safety and Permits Decision Appeals**

**ITEM 17 – Docket Number:** 041-09  
**Applicant or Agent:** James Nelson  
**Property Location:** 5624 Freret Street **Zip:** 70115  
**Bounding Streets:** Freret, Loyola & Joseph Sts., & Nashville Ave.  
**Square Number:** 71, 72, 75-78 **Lot:** All  
**Zoning Classification:** RS-2 Single-Family Residential **ZBM:** B-14  
**Historic District Classification:** N/A  
**Existing Use:** Secondary School with Athletic Field  
**Proposed Use:** Secondary School with Athletic Field

**Request Citation:** This is an appeal of a decision of the Director the Department of Safety and Permits as per Article 14, Section 14.5 of the Comprehensive Zoning Ordinance.

**Request:**

This is an appeal of the decision of the Director of the Department of Safety and Permits that the issuance of a permit for commercial/renovation (non-structural) was incorrect.

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**ITEM 18 – Docket Number:** 048-09  
**Applicant or Agent:** Lawrence Depenza  
**Property Location:** 2829 Law Street **Zip:** 70117  
**Bounding Streets:** Deers, Eads, & N. Dorgenois Sts., & Florida Ave.  
**Square Number:** 1488 **Lot:** J1  
**Zoning Classification:** RD-3 Two-Family Residential **ZBM:** E-13  
**Historic District Classification:** N/A  
**Existing Use:** Two-Family Residence  
**Proposed Use:** Three-Family Residence

**Request Citation:** This is an appeal of a decision of the Director the Department of Safety and Permits as per Article 14, Section 14.5 of the Comprehensive Zoning Ordinance.

**Request:**

This is an appeal of the decision of the Director of the Department of Safety and Permits that the previously existing use (three-family residential structure) has not lost its non-conforming status.

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