CITY OF NEW ORLEANS
ONE STOP
PERMITS & LICENSES

Building/Construction
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BOARD OF ZONING ADJUSTMENTS APPLICATION

Applications must be complete and submitted in person. Faxed, emailed or incomplete applications will not be accepted.

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, appeals, and minor zoning map adjustments during its monthly meeting, at which the applicant or his/her 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 second Monday of each month, in the City Council Chambers (Rm. 1E07, City Hall) **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 City agency to which the Board shall approve, approve with modification, deny or defer the variance request. A calendar of hearing dates and deadlines is available at www.nola.gov/city-planning/.

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:

1. Special conditions and circumstances exist that are peculiar to the land or structure involved and are not generally applicable to other lands or structures in the same zoning district.
2. Literal interpretation of the provision of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance.
3. 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.
4. 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 similarly situated area.
5. The variance, if granted, will not alter the essential character of the locality.
6. Strict adherence to the regulations by the property would result in a demonstrable hardship upon the owner, as distinguished from mere inconvenience.
7. 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(s).
8. The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.
9. The property variance will not impair an adequate supply of light and air to adjacent property, increase substantially the congestion in the public street, increase the danger of fire, or endanger the public safety.

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STANDARDS (CONT.)

ARTICLE 4, SECTION 4.7 – MINOR MAP ADJUSTMENTS

SECTION 4.7.A PURPOSE. The purpose of a minor map adjustment is to eliminate split lot classifications, shift boundaries to coincide with a newly created lot line as part of a subdivision or resubdivision, or create uniform boundaries lines on the Official Zoning Map.

SECTION 4.7.C AUTHORITY. The Board of Zoning Adjustments is authorized to approve a minor map adjustment to the Official Zoning Map.

SECTION 4.7.E APPROVAL STANDARDS. When considering an application for minor map adjustments, the Board of Zoning Adjustments shall find that the application meets both of the following standards:

1. The minor map adjustment does not constitute a substantive change in zoning or land use that would adversely affect adjacent property.
2. The minor map adjustment does not grant a less restrictive classification to a lot of sufficient size or configuration as to constitute a building site, unless the lot is separated from property within a more restrictive zoning district or land use category by a street, canal or similar public right of way.

ARTICLE 4, SECTION 4.8 - ZONING APPEALS

SECTION 4.8.A PURPOSE. Appeal of the Board of Zoning Adjustments may be filed by an aggrieved party of by any officer, department, commission, board, bureau, or any other agency of the City affected by a decision of the Director of the Department of Safety and Permits, as described below. Appeals shall be based in, and provide evidence of an error in the 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 matters:

1. The decision of the Director of the Department of Safety and Permits on zoning verifications.
2. The decision of the Director of the Department of Safety and Permits or on zoning interpretations.
3. The decision of the Director of the Department of Safety and Permits on sign permits.

SECTION 4.8.C TIME LIMIT. No decision appeal 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. Upon the filing of an application for appeal of the Director of the Department of Safety and Permits, the Board shall conduct a public hearing in accordance with Section 3.4 of the CZO, and make a final decision within forty-five (45) days from the date the public hearing is closed. The Director of the Department of Safety and Permits shall produce all papers, correspondence, and records requested by the Board for any hearing of meeting held by the Board.

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APPLICATION TYPE (CHECK ONE)

○ Variance ○ Appeal ○ Minor Map Adjustment

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 may leave this section blank.

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 (ft^2) _____ Floor Area Ratio (floor area/lot area) _____ % Front Yard Paved (impervious-cover/required front yard area) _____

Height _____ Floor 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 ParkingSpaces _____ 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 meets 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 will make this application null and void. I (We) the undersigned owner or authorized agent of the area of land described above, hereby submit for you 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.

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REQUIRED ATTACHMENTS **All items must be submitted on 8.5" x 11", 8.5" x 14" or 11" x 17" paper. All items must be submitted at the time of application with the appropriate application fee.**

	ATTACHMENTS	**Variance**	**Appeal**	**Minor Map Adjustment**
○	**Completed application** with all required information & signed by owner or authorized agent.	Required	Required	Required
○	**Authorization from property owner.** Required authorization material could include a Partnership Agreement, Articles of Incorporation and Board Resolution, or Articles of Organization and appropriate legal documentation.	Required	Required	Required
○	**Letter to the Board** explaining the request and the reasons for the request in detail. For variances, clearly address all nine (9) standards. (See pages 1-2).	Required	Required	Required
○	**Site Plan** of the entire lot(s) showing property lines and all buildings or structures, with distance from property line indicated. All off-street parking areas, driveways, interior streets, paving, mechanical equipment, or other surfaces should be shown and dimensioned on the plans.	Required		
○	**Floor Plan(s)** of the entire structure(s) showing room use, dimensions, walls, doors, windows, major appliances, plumbing fixtures, stairs, or other egress. For variances related to accessory structures (including fences), a floor plan of the main structure is also required.	Required		
○	**Architectural Elevations** of each side of the proposed structure(s) indicating height, architectural elements such as windows, doors, materials, textures, and other information.	Required		
○	**Photographs** of the subject site(s) and building(s).	Required		
○	**Current survey.** A survey showing current site conditions and improvements.	Required		Required
○	**Letter or 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 Zoning Administrator's or Director's decision.		Required	
○	**Recommendations or approvals** from HDLC, or VCC, or City Council (regarding demolition), where applicable.	May be Required		
○	**Neighborhood Participation Program documents** including NPP summary report, contact list, NPP meeting invitation, NPP comment cards, neighborhood email notices, and meeting sign-in sheet. (Single- & Two-Family Dwellings are exempt)	May be Required		
○	**Design Advisory Committee (DAC) recommendation,** when required by Article 4, Section 4.5.B of the Comprehensive Zoning Ordinance.	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 2 family residential projects:	$150.00
3-family and above residential projects:	$250.00
Commercial or Mixed-Use projects:	$250.00
Appeal Fee:	$250.00
Rehearing Fee:	Same as original fee