

DEPARTMENT OF SAFETY AND PERMITS
CITY OF NEW ORLEANS

LATOYA CANTRELL
MAYOR

ZACHARY SMITH
DIRECTOR

Determination of Legal, Non-Conforming Status

DATE: **October 5, 2019**

TO: **Zachary Smith, Director**

FROM: **Nicholas Kindel, Zoning Administrator**

RE: **Determination of Legal, Non-Conforming Status of the property located at
1025-1027 Lowerline Street**

Zoning Designation: HU-RD2 Two-Family Residential District (previous CZO: RD-2)

**Current Use (According to the Applicant): Two-Family Dwelling & Single-Family Dwelling
on one lot (3 Units)**

Background

The owner is requesting verification for a legal non-conforming use for multi-family (3 units) on a lot at 1025-1027 Lowerline Street in order to get building permit to renovate the rear structure as dwelling unit. The dwelling units are in two structures on the lot. There are two units in the main structure and one unit in the structure at the rear of the lot (according to the applicant). In the HU-RD2 District multi-family is not a permitted use and you cannot have two principal uses on a lot unless legal non-conforming status is determined.

The Orleans Parish Assessor's Office describes the land use as residential, but does not indicate the number of dwelling units. There are two addresses associated with this property. There is not much of a recent permit history for this property. A mechanical permit was issued in 2009 for 1027 Lowerline Street (the use was listed as single-family residential, but that does not appear to be correct). There is a building permit that was issued in June 2019 (19-17571-RNVS) to renovate the main two-family dwelling structure. There is nothing in the City's records that indicates that the rear structure was ever a dwelling unit.

Applicant's Position and Analysis of Documentation

The applicant has submitted the following documents to support their request. The applicant submitted a 1951 Sanborn Map, which lists this structure as "A," which typically indicates accessory structure or garage. The applicant has submitted demo plans of the rear structure that lists the space as "studio apt" and shows a bathroom but no kitchen. The photographs submitted by the applicant shows a current studio apartment layout with a bathroom and a partial kitchen (refrigerator, sink, but no range/oven). The applicant submitted leases for the three units, all of

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which had terms from either June or July 2018 to June or July 2019. There is a survey that does not indicate building use. There is a letter from the owner stating that the owner purchased the property as three units, including one in the rear structure. Finally, there is an affidavit from the realtor that indicates that the rear structure was occupied by tenants prior to the current owner's position of the property (April 22, 2019), but it does not indicate when or for how long the rear structure was rented as a dwelling unit.

Applicability of Louisiana Revised Statutes

In review of the public record, the Zoning Division did not identify any zoning violation related to this property. The property is located in a local historic district (Uptown), and in historic districts there is a ten year prescriptive period for a zoning violation (LA RS 9:5625). The applicant would need to document that the rear structure was used as a dwelling unit for at least 10 years, and the applicant has not submitted sufficient documentation to verify that.

Analysis of Communications in Support of the Applicant's Position

No additional communications have been submitted in support of this application.

Analysis of Communications in Opposition to the Applicant's Position

No additional communications have been submitted in opposition to this application.

Recommendation of the Zoning Administrator

Based on permit information in LAMA and documentation provided by the applicant, there is not sufficient evidence that shows that the rear structure was a dwelling unit, had operated for at least 10 years, and continued to operate within the past 6 months. Therefore, the Zoning Administrator believes this property HAS NOT ATTAINED/RETAINED its legal, non-conforming status as a 3-unit multifamily lot nor as a second principal structure.

Determination of the Director

Based on the information contained herein, it is the determination of the Director that the subject property has **ATTAINED/RETAINED** **NOT ATTAINED/NOT RETAINED** legal, non-conforming status under the provisions of the Comprehensive Zoning Ordinance and/or applicable state statutes.



Director, Department of Safety and Permits

Date: 10/10/19