

Re: Appeal of the Renovation (Non-Structural) Permit #22-36284-RNVN for 1530-32 Hillary St.

To the Board of Zoning Adjustments:

I am appealing the issuance of Permit #22-36284-RNVN, issued 1/19/23 for 1530-32 Hillary Street, for the following violations:

1. The new upstairs dwelling unit lacks a required living room, and consists only of four bedrooms, two bathrooms, and a kitchen. (Attachment A)

New Orleans' Municipal Code of Ordinances, Article IV, Division 5, includes "Bedroom and Living Requirements" that indicate a legal dwelling unit that is not an efficiency must have a living room, and it must be a certain minimum square footage. (Attachment B)

Sec. 26-197. - Bedroom and living room requirements.

Every living room shall contain at least 120 square feet and every bedroom shall contain a minimum of 70 square feet, and every bedroom occupied by more than one person shall contain a minimum of 50 square feet of floor area for each occupant thereof.

Sec. 26-199. - Overcrowding.

(a) Dwelling units shall not be occupied by more occupants than permitted by the minimum area requirements established in the table (at the link cited below), which are: Living room minimum area requirements for 1-2 occupants is 120 square feet; for 3-5 occupants is 120 square feet; and for 6 or more occupants is 150 square feet.

(b) The minimum occupancy area required by the table in subpart (a) of this section shall not be included as a sleeping area in determining the minimum occupancy area for sleeping purposes.

(c) Combined living room and dining room spaces shall comply with the requirements of the table in subpart (a) of this section if the total area is equal to that required for separate rooms and if the space is located so as to function as a combination living room/dining room.

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PRMACO_DIV5LIVEOCLICCPR_S26-197BELIRORE](https://library.municode.com/la/new_orleans/codes/code_of_ordinances?nodeId=PTIICO_CH26BUBUREHOST_ARTIVMIPRMACO_DIV5LIVEOCLICCPR_S26-197BELIRORE)

As part of this renovation, the owner plans to enclose the front porch from which both units have traditionally been entered, resulting in only one front entrance to the entire building. Normally, this alteration to the traditional Craftsman duplex's facade might not raise any eyebrows. However, the developer in this case was caught working without permits on two different projects recently, and in both cases, they were attempting to convert 4-bedroom doubles into 5-6 bedroom singles. The combination of this unsavory history, the decision to hide the front doors from view by enclosing the front porch, and the absence of a required living room in the upstairs unit, all leads people to believe they may be attempting to use this property as a single 6-bedroom dormitory too. (Attachment C)

If a 6-bedroom single use is not their plan, restoring the required living room to the upstairs dwelling unit should not be a hardship.

2.This dormitory project has a deficit of TWO required parking spaces under the 2022 University Area Off-Street Parking IZD. (Attachment D & E)

1530-32 Hillary St is a 2-story duplex with 4 bedrooms/2 baths, being converted to a 6 bedroom/4 bath duplex with the addition of 2 bedrooms to the upstairs unit and 1 bath to both units. It sits on a 38 ft x 120 ft regular lot, with an 8 ft side yard on the left and a 6 ft side yard on the right. (Attachment F)

The 8 ft side yard on the left contains two parking strips, but the 1 ft required setback from the lot line results in a "driveway" only 7 feet wide, which is too narrow for an average-sized car to park in a way that allows any occupants to actually exit the vehicle. The previous owners weren't really able to use the driveways for parking either; one car was parked in the rear on the left, one car was parked in front of the house on the right, and another car was sometimes reversed in and parked inches from the house.

At first glance, there appear to be twin driveways serving both 1530-32 Hillary and the adjacent properties in a shared capacity. But Section 22.11.A.1.b. of the CZO states: "*A residential driveway may be shared by adjacent lots. This shared driveway location is only allowed if agreed to by the owners of each lot, and the agreement is recorded as a shared driveway servitude on each plat of survey and submitted to the Department of Safety and Permits.*"

(<http://czo.nola.gov/Article-22#22-11-A-1>)

In this case, no such shared driveway servitude exists in the legal descriptions of any of the three properties. (Attachment G)

Therefore, 1530-32 Hillary has only one strip "driveway" on the left side of the house, and it is too narrow to be used as an adequate driveway for parking. It may be wide enough to function as a vehicle passage to rear yard parking for some cars.

This project represents another case of Safety & Permits allowing the dormitory developers to exploit an apparent loophole in the CZO regarding required minimum driveway widths, which the CZO inexplicably does not define. In Sections 22.11.A.1 and 22.11.A.2, the CZO sets a maximum driveway width of 12 ft, but nowhere is a minimum driveway width mentioned at all.

However, we still have ample evidence throughout Article 22 that the CZO considers a minimum of 8.5 feet in width to be the dimension of a parking space, except for noting that a 7.5 width is acceptable for designated compact car spaces.

-In section 22.8.D, Figure 22-2, the CZO states a parking space stall in an off-street parking lot must be 8.5 ft wide and 18 ft to 21 ft in depth, depending on the angle of the parking.

(<http://czo.nola.gov/Article-22#22-8-C>)

-In section 22.11.D, titled "Parking pad design for single-family and two-family residential uses," the CZO states: "*4. Parking pads must be a minimum of eight and a half (8.5) feet in width and eighteen (18) feet in length.*"

(<http://czo.nola.gov/Article-22#22-11-D>)

-In section 22.8.C of the CZO, titled "Dimensions of vehicle parking spaces," the CZO states: "*A compact car parking space shall be a minimum of seven feet six inches (7' 6") in width and a minimum of sixteen (16) feet in length.*"

(<http://czo.nola.gov/Article-22#22-8-B>)

It's perfectly clear that the CZO considers 8.5 feet wide as a minimum width for a space used for parking, including parking in driveways. Why then does Safety & Permits keep approving often ridiculous bumper-to-bumper diagrams of any number of vehicles lined up in driveways that are obviously too narrow for parking most actual cars?

Due to this project's violation of the city's Municipal Code of Ordinances and the 2022 University Area Off-Street Parking IZD, I am asking the BZA to require the developer to correct the violations and bring the project into compliance with both the Municipal Code and the IZD.

Thank you,
Melinda Alfonso
1533 Hillary Street, NOLA 70118

List of Attachments:

Application_Appeal-of-Permit_22-36284-RNVN_1530-32-Hillary_M-Alfonso
Letter-to-Board_Appeal-of-Permit_22-36284-RNVN_1530-32-Hillary_M-Alfonso
Decision_1530-32-Hillary_Building-Permit
A_1530-32-Hillary_Before-and-After
B_Sec 26-197-Bedroom and living room requirements.
C_1526-28-Hillary-and-7620-22-Zimple-WOP-Violations
D_1530-32-Bedroom-Count-re-Parking
E_2022-IZD-Motion_M-22-449_10-6-22
F_1530-Hillary-Driveway-Problem
G_1526-36-Hillary-legal-descriptions