

DEPARTMENT OF SAFETY AND PERMITS
CITY OF NEW ORLEANS

LATOYA CANTRELL
MAYOR

TAMMIE JACKSON
DIRECTOR

Determination of Legal, Non-Conforming Status

DATE: **June 1, 2023**

TO: **Tammie Jackson, Director**

FROM: **Todd Breckman, Assistant Zoning Administrator**

RE: **Determination of Legal, Non-Conforming Status of the property located at 914 Dante Street**

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

Current (or Immediately Previous) Licensed Use: Multi-Family Dwelling (6 units)

Background

The subject property is a 6-unit multi-family structure at 914 Dante Street. The applicant is seeking a non-conforming use determination to be able to get a permit to renovate the structure. The Department of Safety and Permits needs to verify that the structure has historically been a multi-family residential, and that non-conforming use has been maintained. In the current HU-RD2 District, a non-conforming use determination is required to verify that the property is a permitted use as an Established Multi-Family Dwelling; otherwise, approval of a conditional use is required.

Applicant's Position and Analysis of Documentation

This property has six addresses in our permitting database, LAMA, which are 914 Dante Street Apartments 101, 102, 103, 104, 105, and 201. Researching the permit history for this property, there is not much permit history for this property except for a few mechanical and electrical permits; six electrical permits in 2012 refer to the six apartments. Streetview images from Google do not provide much insight as the units are in one large structure so it is difficult to tell the number of units. Pictometry images show one large structure also.

The applicant has several documents in support of this request. The applicant submitted a narrative/affidavit that the structure has six units. The submitted floor plans show what appears to be 6 units with 6 kitchens. In addition, the applicant has submitted a letter from Entergy noting service at the following 6 units: Apartments 101, 102, 103, 104, 105, and 201 dating back to 2015. The applicant also submitted photos of the 6 exterior doors, 6 electrical meters, and 6 gas meters. The last occupant vacated the premises October 10, 2022, less than 180 days of this application for non-conforming use status.



Applicability of Louisiana Revised Statutes

Under Louisiana Revised Statute 9:5625 the City has five years (ten years in a historic district) to bring an enforcement action to require compliance with a zoning regulation. For use violations, this is five or ten years from the date that the City receives written notification of the violation. The information in the City’s records and those provided by the applicant indicate that the structure’s multi-family use was in place by at least 2015, (potentially by at least 2012 according to permit records).

Analysis of Communications in Support of the Applicant’s Position

No additional communication has been submitted in support of this application.

Analysis of Communications in Opposition to the Applicant’s Position

No additional communication has been submitted in opposition of this application.

Recommendation of the Zoning Administrator

In multi-family residential non-conforming use determination cases, two things need to be established: 1) the total number of dwelling units legally established (or prescribed), and 2) that the non-conforming use has been maintained without vacancy of 180 consecutive days or more. Based on the evidence provided, it is clear that there were legally 6 dwelling units at this location.

Therefore, the Zoning Administrator recommends that this property HAS ATTAINED/RETAINED its status as a legal non-conforming 6-unit multi-family residential dwelling. In accordance with CZO 20.3.W.1.d, the structure is a permitted use as an Established Multi-Family Dwelling.

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 its status as a legal non-conforming multi-family residential dwelling under the provisions of the Comprehensive Zoning Ordinance and/or applicable state statutes.



Director, Department of Safety and Permits

Date: 6/1/2023