



CITY OF KENNER

DEPARTMENT OF PLANNING

421 Williams Boulevard

2nd Floor

Kenner, LA 70062

PHONE (504) 468-7280

APPLICATION FOR BOARD OF ZONING ADJUSTMENTS

The application must be accepted as complete four (4) weeks prior to the Board of Zoning Adjustments Meeting. The Board meets the 1st Wednesday of every month in the Council Chambers of Kenner City Hall, 303 Williams Boulevard, at six o'clock (6:00) p.m.

Submit the following:

1. Letter of appeal addressed to the Board of Zoning Adjustments, 421 Williams Boulevard, 2nd Floor, Kenner, Louisiana 70062, including the following information:
 - a. The municipal address where the variance is requested.
 - b. Subdivision, lot number, and square number of the site.
 - c. Reason for requesting the variance.
2. Permit Plot Plan Form (if applicable).
 - a. Provided by the Department of Code Enforcement and is stamped disapproved.
 - b. The form must list all reasons for denial.
3. Statement of Ownership/Questionnaire, signed by the property owner/applicant (attached).
4. Survey
 - a. One 8½" x 14" survey performed and stamped by a licensed surveyor or engineer. Must be current and reflect existing site conditions.
5. Site drawing including the following:
 - a. The proposal, including all measurements to property lines.
 - b. For cases regarding signs, include the sign plan performed and stamped by a licensed architect or engineer.

FEES

Processing Fee

Payment of an application fee (see below) is required at the time of filing. This can be paid by check or money order made payable to the City of Kenner. Fees are non-refundable.

Variance	\$150.00
After-the-Fact Variance	\$600.00

Certified Mailing Fee

The applicant and all owners of property within a one hundred fifty (150) foot radius shall be notified by the Department of Planning via certified mail (return receipt requested) as to the date, time, and place of the meeting of the Board of Appeals. The Department of Planning will send out the certified mailings, however, **the applicant is responsible for the cost.**

All fees must be paid before any cases are docketed.

NOTE

No variance may be granted for a use of land or building or structure that is prohibited by the Comprehensive Zoning Ordinance of the City of Kenner.

Successive Appeals - The Board shall not be required to hear an appeal from the same or a substantially similar, decision involving property which was any part of the subject matter of an appeal decided by the Board within the last twelve (12) months.

ADVERTISEMENT

Notice of the meeting shall be published in the City's Official Journal, The New Orleans Advocate, once prior to the meeting.

Meetings are held in the Council Chambers of Kenner City Hall, 303 Williams Boulevard, Kenner, Louisiana at six o'clock (6:00) p.m.



City of Kenner Department of Planning

STATEMENT OF OWNERSHIP/ QUESTIONNAIRE FOR THE BOARD OF ZONING ADJUSTMENTS

Owner Information

I hereby certify that I am the owner of the following property. I consent to the application for a variance as specifically described herein; by the applicant named below.

Name _____ Daytime Phone _____

Mailing Address _____

Email Address _____

Signature of Owner

Date

Applicant Information (IF DIFFERENT FROM OWNER)

Name _____ Daytime Phone _____

Mailing Address _____

Email Address _____

Property Information

Legal Description:

Subdivision _____ Square _____ Lot Number(s) _____

Address _____

Requested Variance/Appeal (What are you requesting and why.)

Please provide responses to all of the following questions.

- 1) Is the need for a variance due to circumstances unique to the property and not created by the current or prior owners? Yes No
- 2) Is the need for a variance related to economic, personal, or man-made reasons? Yes No
- 3) Has the work, for which the variance is needed, been completed already? Yes No
- 4) Were permits obtained for the work? Yes No

- 5) Was the work completed in the same manner as was approved by the permit? Yes No
- 6) If the answer to question #5 above was no, why did the completed work differ from what was approved on the permit?

- 7) If the answer to question #5 above was no, please provide the name and contact information (mailing address, phone number, email address) of the contractor who performed the work. Additionally, please note that ***the contractor must attend the Board meeting to answer questions or the case will be deferred until they are in attendance.***

I hereby certify that, as the appellant, I have read this application and all of the information above is true and correct.

Signature of Applicant **Date**

Tips for making your case to the Board of Zoning Adjustments:

- 1) Read through the pages at the back of this application to understand the process and the nine criteria that the Board will use to make a determination on your case.
- 2) If there are other properties in the vicinity of the subject property that have done the same or similar work to that which is being requested, provide photos and addresses with your application.

Section 4.03 (c). Powers of the Board of Zoning Adjustments.

The Board of Zoning Adjustments was created and established in accordance with the Section 4.28 of the City of Kenner Charter and with Louisiana Revised Statutes, Chapter 33, Section 4727. The word "Board" when used in this Article shall be construed to mean the Board of Zoning Adjustments.

(1) Powers of the Board of Zoning Adjustments:

The Board of Zoning Adjustments shall have the following powers, and it shall be its duty:

- a. To hear and decide appeals where it is alleged there is an error of law in any order, requirement, decision, or determination made by the Director of Inspection and Code Enforcement in the enforcement of City of Kenner ordinances adopted pursuant to R.S. 33.4721 through R.S. 33.4729.
- b. In hearing and deciding appeals, the board shall have the power to grant an exception in the following instances:
 - i. Where the boundary line of a district divides a lot held in single ownership at the time of the passage of this ordinance, permit the extension of the district to include the entire lot.
 - ii. Interpret the provision of ordinance adopted pursuant to R.S. 33.4721 through R.S. 33.4729 in such a way as to carry out the intent and purpose of the plan, as shown on the map fixing the several districts, accompanying and made a part of said ordinances, where the street layout actually on the ground varies from the street layout as shown on the map aforesaid.

.....

(3) Appeals to the Board of Zoning Adjustments:

- a. Appeals to the board of zoning adjustments may be taken by any party aggrieved, or by any official officer, department, commission, board, bureau, or any other agency of the City of Kenner affected by any decision of the Director of Planning. Such appeals shall be taken within thirty (30) days, as provided by the rules of the board, by filing with the Director of Planning and with the Board, a notice of appeal specifying the grounds thereof.
- b. The Director of Planning or the Director of Code Enforcement shall produce all papers, correspondence, and records requested by the Board of Zoning Adjustments for any hearing or meeting held by the board.
- c. An appeal stays all proceedings and furtherance of the action appealed from, unless the Director of Planning certifies to the Board of Zoning Adjustments, after the notice of appeal shall have been filed with him, by reason of facts stated in the certificate, that a stay would, in his opinion, cause imminent peril of life or property. In such cases, proceedings shall not be stayed unless by a restraining order which may be granted by the board or by the civil district court of Jefferson Parish on application to the board or civil district court of Jefferson Parish, and notice to the Director of Planning and on due cause shown.
- d. The Board of Zoning Adjustments shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the interested

parties, and decide the appeal within a reasonable time. Upon the hearing, any party may appear in person or by an attorney. If the board denies said appeal, re-appeal or rehearing of substantially the same matter shall not be heard by the board within one (1) calendar year, commencing from the date of said denial. Re-appeals or re-hearings properly granted shall be subject to all rules of procedure relative to appeals as set forth in this ordinance.

- e. A variance from the terms of this ordinance shall not be granted by the Board of Zoning Adjustment unless and until a written application for a variance is submitted demonstrating the following nine criteria are met:
 - i. Special conditions and circumstances exist which are peculiar to the land, structure, or building involved due to an irregular shape of the lot, topographical or other physical conditions, and are not generally applicable to other lands, structures or buildings in the same zoning district.
 - ii. Literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance.
 - iii. The special conditions and circumstances do not result from the actions of the applicant.
 - iv. Granting the variance requested will not confer on the applicant any special privilege, which is denied by this Ordinance to other lands, structures, or buildings in the same district or similarly situated.
 - v. The variance, if granted, will not alter the essential character of the locality.
 - vi. Strict adherence to the regulation by the property would result in a demonstrable hardship upon the owner, as distinguished from mere inconvenience.
 - vii. 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).
 - viii. 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.
 - ix. The proposed 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 public safety.
- f. The Board of Zoning Adjustments shall not grant a use variance, as that could constitute a spot zone.
- g. The Board shall not have the authority to grant a variance in the Rivertown Historic District. Variance requests in this district must be acted on by the Historic District Design Commission.
- h. In consideration of all appeals and all proposed exceptions or variances under the terms of this ordinance, the board shall, before making any exception or variance from the ordinance in a specific case, first determine that it will not

impair an adequate supply of air or light to adjacent property, or unreasonably increase the congestion in public streets, or increase the danger of fire, or endanger the public safety, or unreasonably diminish or impair established property values within the surrounding area, or in any other respect impair the public health, safety, morals, comfort or welfare of the inhabitants of the City of Kenner. Any variance granted shall expire six (6) months from date of approval unless construction has commenced.

(4) Action by Board of Zoning Adjustments:

- a. In exercising the above-mentioned powers, the Board may reverse or affirm wholly or partly or may modify the order, requirement, decision, or determination appealed from, and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have all the powers of the office of the Department of Planning. In granting a variance, the board may attach thereto such conditions, as it may deem advisable in furtherance of the purpose of this ordinance.
- b. The concurring vote of a majority of the board shall be necessary to reverse any order, requirement, decision, or determination of the Director of Planning, or to decide in favor of the applicant on any matter upon which it is required to pass under ordinance, or to effect any variance of such ordinance.

(5) Appeals to the decisions of the Board of Zoning Adjustments:

Any person or persons, or any officer, department, board, bureau, or any other agency of the City of Kenner jointly or severally aggrieved by any decision of the Board of Zoning Adjustments, may present to the civil district court of the Parish of Jefferson, within thirty (30) days after filing of the decision in the office of the board, a writ of certiorari asking for such relief and under such rules and regulations as are provided for such matters in the appropriate legislation of the State of Louisiana.

(6) Rules of procedure:

- a. The board shall adopt rules of procedure not in conflict with any general state act, the City charter, or City ordinance.
- b. Meetings of the board shall be held at the call of the chairperson, and at such other times as the board may determine.
- c. The chairperson, or, in his absence, the acting chairperson, may administer oaths and compel the attendance of witnesses.
- d. All meetings of the board shall be open to the public.
- e. The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating that fact, and shall keep records of its examinations and other official actions, all of which shall be filed immediately in the office of the board and shall be public records. All testimony, objections, and rulings shall be taken down by a recorder employed by the board for this purpose.