



JEFFERSON PARISH
LOUISIANA
BOARD OF ZONING ADJUSTMENTS

JOHN F. YOUNG, JR.
PARISH PRESIDENT

WHAT YOU NEED TO KNOW **BEFORE**
FILING A ZONING VARIANCE

BOARD MEMBERS

JACQUELYN R. "JACKIE" MADDEN, CHAIRWOMAN
DIANN C. AMSTUTZ, VICE CHAIRWOMAN
DONALD R. BONEWITZ, BOARD SECRETARY
KEVIN DELAHOUSAYE
EDDIE L. SHEPHERD
TIMOTHY VALENTI
LIBBY MORAN

Hardship:

The Jefferson Parish Comprehensive Zoning Ordinances were created and adopted into law in 1958. Some "lots-of record" had obvious property hardships that prevented the ability to comply with all zoning requirements and therefore prevented the ability to obtain a legal permit to build.

Therefore, the Board of Zoning Adjustments was created to provide an outlet for possible relief where a property hardship existed. Economic or personal reasons do not constitute a hardship.

Examples of property hardships:

Lot being narrow, shallow, L-shaped, pie-shaped, a parallelogram, substandard, etc.

Jefferson Parish Comprehensive Zoning Ordinance:

Article XLII, Section 40-793. Limitation of powers and standards for board action:

(2) Standards.

- a. In the consideration of all appeals and all proposed variances and/or exceptions requiring Board approval, under the terms of this ordinance, the board shall not grant approval unless if it makes a finding, based upon the evidence presented to it, as indicated in the record and the transcript of the hearing, that any of the following criteria exists:
 1. The approval, if granted, would cause diminution or depreciation of property values of any surrounding property or would alter the essential character of the locality.
 2. The approval, if granted, would tend to degrade or retard the prosperity and general welfare of the neighborhood and community.
 3. The approval, if granted, would be detrimental to the public welfare or seriously affect or be injurious to other property or improvements in the neighborhood in which the property is located, in that it will not: impair an adequate supply of light and air; or increase substantially the congestion in the public streets, create a traffic hazard, or permit inadequate parking; or increase the danger of fire; or substantially affect or overburden existing drainage or sewerage systems; or otherwise endanger the public safety; or cause serious odors, fumes, gases, dust, smoke, noise or vibration, light or glare, or other nuisances.
- b. Additionally, the Board shall not grant approval of any variance unless it makes a further finding, as indicated in the record or the transcript of the hearing, that each case shall indicate the following:
 1. Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to the other lands, structures, or buildings in the same zoning district; and the special conditions and circumstances do not result from the intentional actions of the

- applicant or any other person who may have or had interest in the property; and the strict adherence to the regulation for the property would result in a demonstrable hardship upon the owner as distinguished from mere inconvenience; or
2. 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; and granting the variance requested will generally 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; and the purpose of the variance is not based exclusively upon a desire to serve the convenience or profit of the property owner or other interested party.”

ARTICLE XXXIX, Section 40-742. Exceptions and modifications to use regulations.

(c) Fences.

- a. Required front yard areas may not be fenced or otherwise enclosed unless a variance is granted by the Board of Zoning Adjustments (BZA) in accordance with Article XLII, BZA, of the Comprehensive Zoning Ordinance and the following criteria are met.
 1. Fences may be permitted in the required front yard provided the fence meets the definition of an open fence or the portion above three (3) feet is an open fence and durable materials are used.
 2. All fences must be constructed in such as fashion so as not to obscure the view from adjacent property.
 3. Wood and metal fences and similar decorative fences may be used in conjunction with masonry, brick or similar opaque materials provided the solid opaque material extends no more than three (3) feet above the ground and columns extend no more than seven (7) feet in height and no more than eighteen (18) inches in width, depth, or diameter. Fence columns shall be spaced no closer than five (5) feet on center.
 4. **In granting or denying the request for a fence in the required front yard, the BZA may consider how the proposed fence conforms with the characteristics of existing fences in the immediate area and, except to maintain conformity with existing fences, a minimum setback of three (3) feet from the front property line shall be provided. The immediate area is defined as consisting of one (1) street block on the same side of the street and not more than three hundred (300) feet from the subject property.**
- b. **Fences not meeting the above criteria shall not be permitted in the required front yard but may be permitted to enclose side and rear yards.**



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APPLYING FOR A VARIANCE

Applicant or representative must:

- **CLEARLY PRINT** the name and correct mailing address, zip code and telephone number of the owner and the name and correct mailing address, zip code and telephone number of your representative if you have appointed someone to present your case to the Board during the public hearing. We must be able to reach someone for information, or for notification of cancellation or postponement of a hearing.
- You are required to provide a **CURRENT SURVEY**, (showing ALL improvements). **VARIANCES WILL NOT BE ACCEPTED WITHOUT A CURRENT SURVEY.** Survey shall not exceed 8 ½" x 14"
- Submit a plot plan drawing **with accurate dimensions** of all existing and proposed structures, **including height.** Provide the measured distance between all structures on the lot with relation to the property lines as well as with relation to each other. Plot plan drawing shall not exceed 8 ½" x 14"
- You are required to submit a hardship statement stating your alleged property hardship.
- You are required to submit an "owner of record" for residential zoned properties within 100' or commercial zoned properties within 300'. It shall contain the names and mailing address of all owners of record within the required radius. The names and mailing address must be obtained by contacting the Jefferson Parish Assessor's Office or by going to <http://www.jpassessment.com/search.php>

CERTIFIED MAIL and REGULAR/FIRST CLASS MAIL. The cost is \$6.955 each for certified mail and \$0.485 each for regular/first class mail, plus your filing fee of \$100.00 per variance per lot for residential uses or \$150.00 per variance per lot for non-residential uses. **Please note: Postage fees and appeal/filing fees are not refundable.**

Article XLII, Section 40-794, Sub-Section F-2 "The Board of Zoning Adjustments shall send notice of the hearing at least ten (10) days prior to the hearing by certified mail to the applicant and owners of all immediately abutting property. All other property owners with a one hundred (100') or three-hundred (300') radius from the perimeter of the subject property shall be sent notice of the hearing by regular mail. The cost of the mail shall be borne by the applicant in addition to all other fees required by the board."

- You must file your appeal in person. Appeals can be filed at either the East Bank Office of the Department of Inspection & Code Enforcement at 1221 Elmwood Park Blvd., Room 101, Joseph S. Yenni Office Building in Jefferson or the West Bank Office of the Department of Inspection & Code Enforcement at 400 Maple Ave., Harvey.
- FOR MORE INFORMATION: Please call the *Department of Inspection and Code Enforcement*, Building Plan Review/Permit Section: East Bank Office (504) 736-6957/(504) 736-6958 or West Bank Office (504) 364-3512

Revised 8/17/15

**BOARD OF ZONING ADJUSTMENTS
PLOT PLAN FORM**

APPEAL NO.: _____

COUNCIL DISTRICT: _____

DATE FILED: _____

DATE OF HEARING: _____

Any building hereafter constructed and used for business purposes shall provide sidewalks between the street and property line on any street in front or on the side of the building in accordance with regulations prescribed by the Department of Engineering – Ordinance # 6257

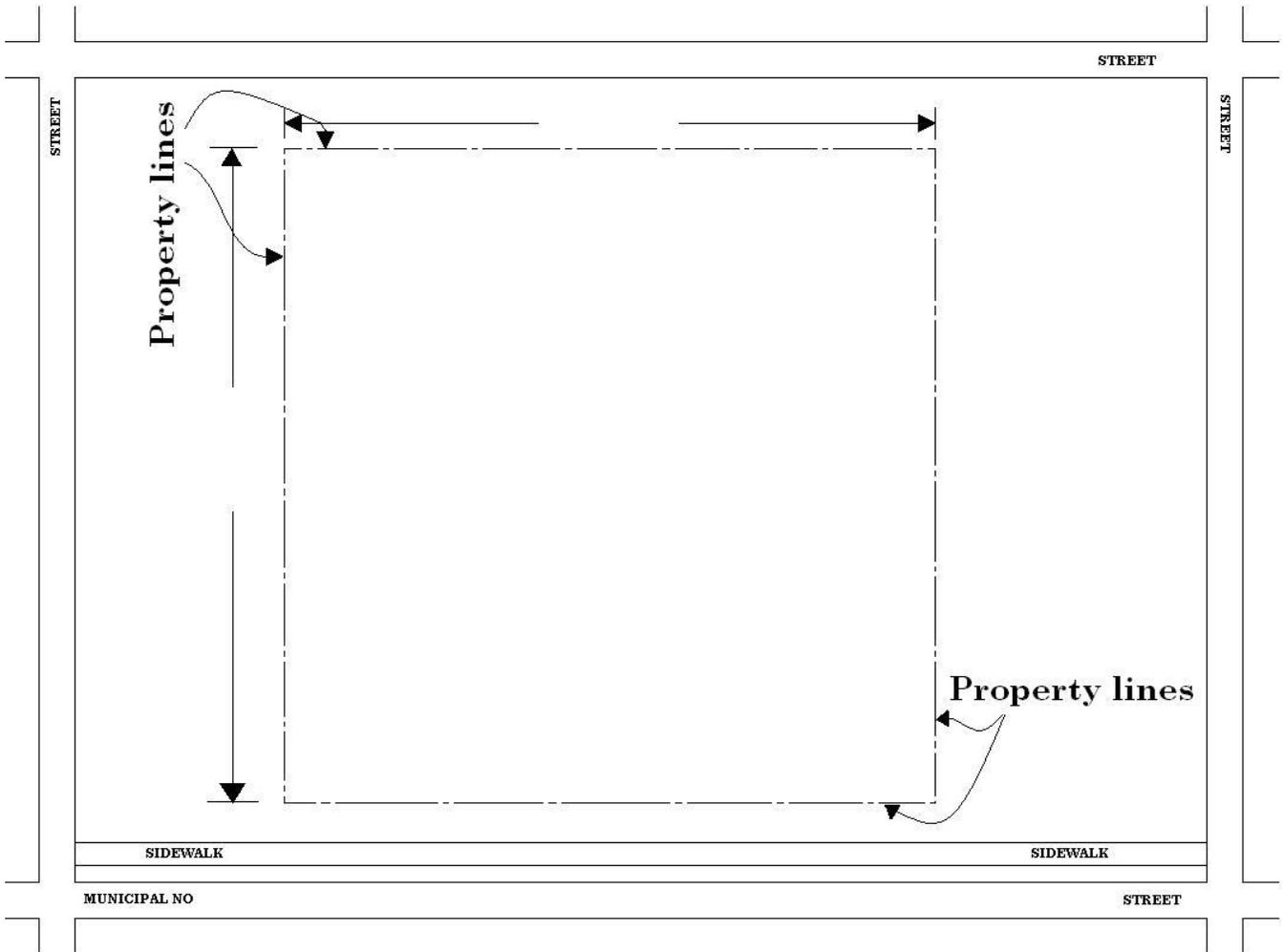
**SHOW ALL EXISTING BUILDINGS ON LOT
SHOW ALL MEASUREMENTS FROM PROPERTY LINE TO BUILDINGS
SHOW ALL MEASUREMENTS IN-BETWEEN BUILDINGS**

Subdivision: _____ Square No: _____ Lot No: _____ Zoning Classification: _____

Give Proposed Height: _____ No. of Stories: _____ Occupancy use: _____

This certificate conveys no right to occupy any street, alley or any part thereof, either temporarily. Encroachments on public property not specifically permitted, must be approved by the council. **Separate permits must be obtained from other parish and state agencies as required by law.** This certificate is subject to the final issuance of a Compliance Certificate, otherwise null and void. The **APPROVAL** of this **VARIANCE** does not release the applicant from the conditions of any applicable subdivision or title restrictions, or any other restrictive covenants.

PLEASE SHOW SIZE OF LOT AND SIZE OF BUILDINGS
GIVE NAMES OF BOUNDING STREETS



IS THIS A CORNER LOT? Yes ___ No ___

KEY LOT IN REAR? Yes ___ No ___

I CERTIFY THIS PLOT PLAN TO BE TRUE AND CORRECT

Signature _____

Please print _____

A building permit is required for all construction **THIS IS NOT A PERMIT.**

Before constructing a sidewalk or driveway apron in front of property you must obtain approval from Department of Engineering at 736-6500.

Mailed notice. Notice setting forth the date, time, place and purpose of the public hearing, a general description of the proposal, and location of the subject property shall be mailed to the applicant and all property owners within one hundred (100) feet measured radially from the lot lines of a subject property that contains a single- or two-family dwelling (see figure 40.794.1), or within three hundred (300) feet measured radially from the lot lines of a subject property that contains a use other than a single- or two-family dwelling (see figure 40.794.2); at least ten (10) business days before the public hearing. Mailed notice of a public hearing shall be sent at the applicant's cost and the applicant shall provide the board of zoning adjustments with a notarized list of names and addresses of the property owners to be notified, as listed in the official records of the parish assessor.

Mailed Notice Radius: 100 ft



Mailed Notice Radius: 300 ft



Lots noted as "X" must receive certified mail.

LIST OF OWNERS OF RECORD WITHIN 100'

Instructions:

This is not a Petition – This is an affidavit.

The names and addresses must be CLEARLY printed or typed.

Do **NOT** bring this form to your neighbors for them to fill in.

You must contact the Jefferson Parish Assessor's Office for the names and mailing address of all the owners of record within 100'. If you have access to a computer with internet you may go to <http://www.jpassessor.com/search.php> to access the Assessor's Office website to obtain the names and mailing address of all owners of record within 100'

ABUTTING PROPERTIES AND APPLICANT – CERTIFIED MAIL

NAME	ADDRESS	CITY	STATE	ZIP
OWNER				

ALL OTHER PROPERTIES WITHIN A 100' RADIUS – REGULAR FIRST CLASS MAIL

NAME	ADDRESS	CITY	STATE	ZIP

Affiant's Signature

STATE OF LOUISIANA
 PARISH OF JEFFERSON

Before me, the undersigned authority came and appeared _____ of the full age of majority who, after being duly sworn, deposed and said that listed above are the names and mailing addresses of the owners of abutting properties within a 100' radius to the best of his/her knowledge, as required by Parish Ordinance for filing an appeal to the Jefferson Parish Comprehensive Zoning Ordinance (Chapter 40 of Jefferson Parish Code of Ordinance.)

WITNESS: _____

SWORN TO AND SUBSCRIBED BEFORE ME
 THIS _____ DAY OF _____ 20____

NOTARY

