

DEPARTMENT OF SAFETY AND PERMITS
CITY OF NEW ORLEANS

MITCHELL J. LANDRIEU
MAYOR

JARED E. MUNSTER, PH.D.
DIRECTOR

Determination of Legal, Non-Conforming Status

DATE: September 9, 2015

TO: Jared E. Munster, Ph.D., Director

FROM: Edward Horan, Zoning Administrator

RE: Determination of Legal Non-Conforming Status of the property located at 2216 Amelia St

Zoning Designation: HU-RD1 Two-family Residential (Formerly RD-2)

Current (or Immediately Previous) Use: Multi-family

Owner is requesting verification of legal non-conforming status of a 10-unit building in a two-family zoning district in order to complete repairs to bring the remaining units back on line.

Background

This is a large 2-story brick veneer building mid-20th century building that was clearly originally built as a multi-family dwelling.

The only recent permits history are some electrical permits:

Permit 06ELC-03003: Address 2216 Amelia St 6-10 – “Reconnect”

Permit 07ELC-20450: Address 2216 Amelia St 8 Apt – “Rewire”

Permit 07ELC-20449: Address 2216 Amelia St 2 Apt – “Rewire”

Although the addressing on the permits themselves is non-standard, these permits appear to indicate that at least ten units existed in 2006.

There are some Code Enforcement inspection photos from 2011 and 2012 which show high grass surrounding the building, but also show that meters were installed in some of the existing meter pans.

Applicant’s Position and Analysis of Documentation

The documentation provided by the property owner consists of four affidavits from tenants who were living in four separate apartments in building as of July 2015 and were asked to vacate the building. The owner has provided a letter stating that there are 11 existing meter pans (10 units and 1 house meter) this is supplemented by an email from Entergy noting meters for Apt 1, 3, 5, 6, 7, and 10 are active. A similar letter and photos were provided for the gas meters. The floor plan indicates there are five apartments per floor.



Applicability of Louisiana Revised Statutes

In review of the public record, there was no mandate requiring it to comply with the zoning requirements. It is clear that the non-conformity has existed for more than five (5) years, and has been at least partially but consistently occupied as required by the Louisiana Revised Statutes.

Analysis of Communications in Support of the Applicant's Position

No additional support has been provided.

Analysis of Communications in Opposition to the Applicant's Position

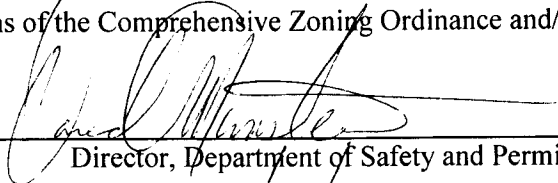
No opposition has been received.

Recommendation of the Zoning Administrator

In the new CZO, the HU-RD1 district was created with an acknowledgement of these type of non-conformities allowing Established Multi-family dwellings to be restored as a Conditional Use provided the non-conforming status has not been maintained. The Zoning Administrator recommends that this property has maintained legal non-conforming status as being 10 units in a 2-family district.

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: 9/14/15