



City of Harahan

6437 Jefferson Highway
Harahan, LA 70123

REGULATORY DEPARTMENT

Phone 737-6765

Fax 737-6384

BOARD OF ADJUSTMENT APPLICATION COVER PAGE

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SECTION XX. BOARD OF ADJUSTMENT.

A. CREATED AND ESTABLISHED

1. There shall be a Board of Adjustment, membership, terms of office, the rights and duties of which shall be as provided in Title 33, Section 4727 et seq., of the Louisiana Revised Statutes. The board shall consist of five (5) members and two (2) alternates, all of who shall be landowners and qualified voters in and of the City of Harahan, and who shall be nominated by the Mayor and/or City Council, and approved by the City Council. When so serving, alternate members shall have all the powers and duties of regular members.

2. The board shall adopt rules of procedures not in conflict with any state act or City ordinance. However, any rules adopted by the board of adjustment shall not be effective until approved in writing by the governing authority. Meetings of the board shall be held at the call of the chairman and at such other times as the board may determine. Such chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the board shall be open to the public. 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 examination and other official sections, all of which shall be filed immediately in the office of the board, and shall be public record. All testimony, objections thereto, and rulings thereon, shall be taken down by an auditory recording or by a reporter employed by the board for the purpose.

(ord. #1422, 11/20/03) Requires attendance of City Director/Inspector at Board Of Adjustment meetings.

(ord. #1424, 12/18/03) Added an affidavit granting for onsite inspections to Board Of Adjustment application packets.

B. POWERS OF THE BOARD

1. 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 Regulatory Director in the enforcement of this ordinance.

2. In hearing and deciding appeals, the board shall have the power to grant an exception in the following instances:

a. Where the boundary line of a district divided a lot held in a single ownership at the time of the passage of this ordinance, permit the extension of the district to include the entire lot, provided that such extension is not more than twenty-five (25) feet in any direction and does not exceed five thousand (5,000) square feet.

b. Interpret the provisions of this ordinance in such a way as to carry out the intent and purpose of the zoning plan, as shown on the map.

3. The board shall not authorize a variance from the requirements of this ordinance unless it shall make findings based upon the evidence presented to it that each special case shall indicate all of the following:

a. Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures or buildings in the same zoning district.

b. 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.

c. The special conditions and circumstances do not result from the actions of the applicant or any other person who may have or had interest in the property.

d. 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.

e. The variance, if granted, will not alter the essential character of the locality.

f. If the strict adherence to the regulation for the property would result in a demonstrable hardship upon the owner as distinguished from mere inconvenience.

g. 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(s).

h. 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.

i. The proposed variance will not impair an adequate supply of light and air to adjacent property, or increase substantially the congestion in the public streets, or increase the danger of fire, or endanger the public safety.

4. The board shall have the authority to grant the following variances:

a. Permit a variance in height restrictions, or lot area per family requirements of any district limited to a maximum of ten (10) percent of that required in the district regulations. This ten (10) percent limitation shall not apply to variances in yard requirements.

b. Waive or reduce the parking and loading requirements in the GO/M District, and in all other less restrictive districts; however, appeals from parking requirements shall not exceed a maximum of ten (10) percent of the required spaces.

c. A variation in the yard, depth of frontage lot area per family, spacing of buildings, floor area ratio, open space ratio and parking requirements in any district so as to relieve practical difficulties or particular hardships in cases when and where, by reason of exceptional narrowness, shallowness, or shape of a specific property at the time of the enactment of such regulation or restriction, or by reason of exceptional topographical conditions or other extraordinary and exceptional situations or conditions of such property, the strict application of such regulation or restriction would result in peculiar and exceptional practical hardship upon the owner of such property. Such grant or variance shall comply, as nearly as possible, in every respect with the spirit, intent, and purpose of this ordinance, and the granting of a variation shall be only for reasons of demonstrable and exceptional hardship as distinguished from variation sought by applicants for purposes or reasons of convenience, profit, or caprice.

C. Procedures.

1. The board of adjustment shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the adjoining property owners and interested parties, and decide the same within a reasonable time. Upon the hearing, any party may appear in person or by agent or by attorney.

2. Notice of the hearing and a copy of the application or appeal shall be served upon the Regulatory Director. Such notice shall be served at least ten (10) days prior to the hearing and shall be accompanied by any applicable request for reports, recommendations or advisory opinions.

3. The applicant shall file with the application or appeal an affidavit containing the names and addresses of all property owners within three hundred (300) feet on both sides of the street and all adjoining property owners. Except as otherwise provided herein, the applicant shall also provide a Class "C" survey (Plat Plan) of the lot prepared by a civil engineer or land surveyor, licensed in the State of Louisiana, showing the actual dimensions of the lot, the bounding streets, the size and the location of any and all existing structure(s); servitudes and restrictions, and any such other information as may be necessary to provide for the enforcement of these regulations. Notice of the hearing shall be sent at least ten (10) days prior to the hearing by certified mail to the aforementioned property owners. The cost of the certified mail shall be borne by the applicant, in addition to all other fees required by the Board. (ord. #1350, 7/18/02), (ord. #1391, 6/19/03)

The Regulatory Director shall have the authority to waive the foregoing requirement for a Class "C" survey for the purposes of the initial submission of the application or appeal. Such waiver shall be evidenced by a disclosure notice executed by the Regulatory Director and applicant in the form attached hereto and made a part hereof. Notwithstanding the foregoing waiver, the Board of Adjustment shall have the right, by majority vote of its members present, to require a Class "C" survey from applicant at any time prior to and/or during its consideration of the application or appeal. (ord. #1601, 12/20/07)

4. The applicant shall permit a double-faced sign to be posted on the property on which the variance is sought indicating that an application has been filed with the board of adjustment. The sign will be in a form designated and furnished by the Regulatory Director.

D. APPEAL FROM DECISIONS OF THE BOARD. Any person or persons, or any offices, department, commission, board, district, or any other agency jointly or severally aggrieved by a decision of the board, may file appropriate legal proceedings to the District Court of the Parish of Jefferson, within thirty (30) days after the decision is rendered.

E. FEE. A non-refundable fee of thirty-five dollars (\$35.00) shall be paid to the Regulatory Director at the time notice of appeal is filed which the Regulatory Director shall forthwith deposit to the credit of the general revenue fund of the City of Harahan. State law reference-Board of adjustment, R.S. 33:4727.

(ord. #1337, 10/17/02) Requires a packet of forms must be given to each applicant, reviewed and approved before submission to Board of Adjustments.



City of Harahan

6437 JEFFERSON HIGHWAY
HARAHAN, LA 70123

Phone 737-6765

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REGULATORY DEPARTMENT

BOARD OF ADJUSTMENT PACKAGE CHECKLIST

| | | "A" Applicant | "B" City |
|---|---|------------------|-------------|
| 1. Application page: | a) Reason for appeal described..... | _____ | _____ |
| | b) Legal Description complete..... | _____ | _____ |
| | c) Appeal Section complete..... | _____ | _____ |
| | d) Representative/Owner complete..... | _____ | _____ |
| | e) Signed by Owner..... | _____ | _____ |
| | f) Reviewed & Signed by City Representative... | _____ | _____ |
| | g) Fees Paid Application..... Postage (Certified / Return.. Receipt Requested) | _____ | _____ |
| 2. Plot plan Form complete including drawing at bottom | _____ | _____ | |
| 3. Notarized Affidavit Granting Permission to inspect & Signage placement | _____ | _____ | |
| 4. Notarized Affidavit listing all parties within 300 feet both sides of street and all adjoining property in any direction | _____ | _____ | |
| 5. Provided a CLASS "C" SURVEY (Survey <u>MUST</u> show <u>all</u> improvements on property) | _____ | _____ | |
| 6. Applicant supplied a copy of Section XX of Ordinance 1333 as amended | _____ | _____ | |
| 7. Date of Board Of Adjustment meeting requested | _____ | _____ | |
| 8. Date package mailed and/or delivered to Board Members, Director | _____ | _____ | |
| 9. Date notification mailed to all parties listed for notification | _____ | _____ | |
| 10. Date notification of signage placed on property | _____ | _____ | |

Applicant acknowledges and certifies that all items listed in column "A", which are to be supplied to the City Of Harahan, are true and complete. Applicant acknowledges and clearly understands that NO application will be considered complete, and NO Hearing Date will be scheduled, until all the information is complete and accurately supplied. If an application package is not delivered complete by the posted cut-off date(s) to file for a Board Of Adjustment meeting, the Applicants appeal request will be scheduled/heard at the next regularly scheduled meeting. An affirmative vote by the Board Of Adjustment does not relieve the applicant from applying for and obtaining a building permit whatsoever.

Applicant _____

Print Name _____

Date of Application _____

City of Harahan

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NOTICE OF APPEAL

TO

BOARD OF ADJUSTMENT

Zoning Classification: _____

Date of Hearing: _____

In compliance with the regulations of the City of Harahan Comprehensive Zoning Ordinance 1333 as amended, I wish to appeal for a waiver or variance from the requirements of said ordinance, to construct:

at: Municipal No. _____

Lot No: _____ Square: _____ Subdivision _____

It was noted there will be/is a violation to said ordinance as follows:

SECTION: _____ SUB-SECTION: _____

Description _____

Required: _____ Has: _____ Short: _____

SECTION: _____ SUB-SECTION: _____

Description _____

Required: _____ Has: _____ Short: _____

SECTION: _____ SUB-SECTION: _____

Description _____

Required: _____ Has: _____ Short: _____

Owner _____ Authorized Representative _____

Address/Zip _____ Address/Zip _____

Home () _____ Home () _____

Cell/Work () _____ Cell/Work () _____

If appeal is granted, application for Use & Occupancy & Compliance Certificate must be made to Inspection & Code Enforcement to be assured that compliance with other City of Harahan Ordinances are met before certificate can be issued. In the event an appeal/variance is granted a Building Permit must be obtained prior to the commencement of any work. Applicant acknowledges receipt of an application package. Denial of a variance request is appealable to the 24th Judicial District Court within 30 days after the decision is rendered.

Applicant _____ Date of Application _____

Print Name _____

CITY OF HARAHAN USE ONLY BELOW THIS LINE

Date Completed Application Received _____ Appeal No. _____

Application Fee: \$ _____

Postage Fee(s): \$ _____

Total Received \$ _____

Has Construction Started? _____

Has a violation or Stop Work Order been Issued? _____

Reviewed by: _____
Regulatory Director

Office: _____
Administrative Assistant



PLOT PLAN FORM

Application for Appeal/Variance

Appeal No. _____ Date Filed _____ Date of Hearing _____

Any building hereafter constructed within the City of Harahan limits shall provide sidewalks between the street and the property line on any street in front or on the side of the building in accordance with regulations prescribed by Harahan Municipal Code(s) and the Comprehensive Zoning Ordinance 1333 as amended.

Property address: _____

Square No. _____ Lot No. _____ Subdivision _____

Zoning Classification _____ Occupancy Use _____ Maximum Height _____

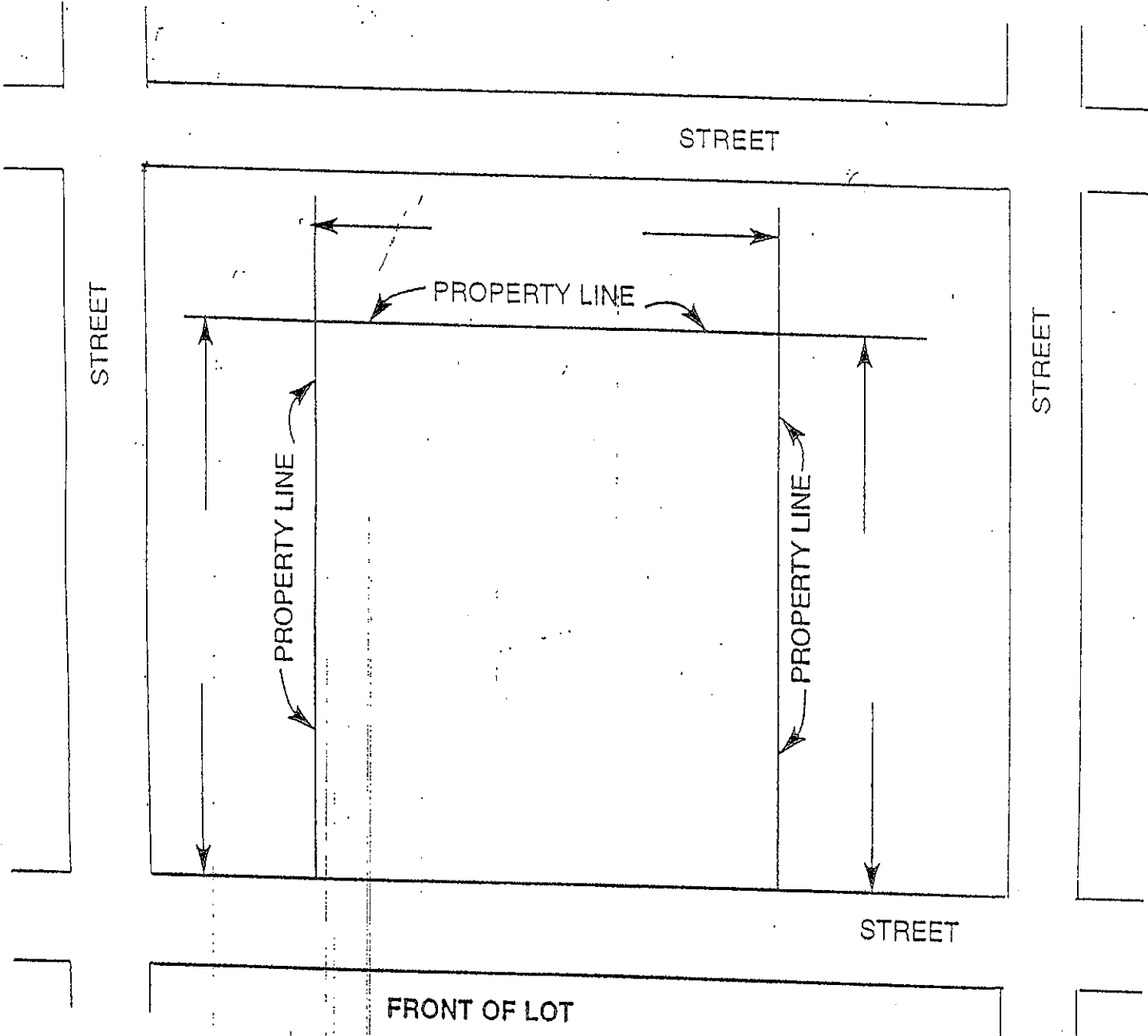
Is this a corner lot? YES NO

SHOW ALL EXISTING BUILDINGS OR STRUCTURES ON THE PROPERTY.

SHOW ALL MEASUREMENTS FROM ALL PROPERTY LINES TO ALL BUILDINGS.

This certificate conveys no right to occupy any street, alley or any part thereof, either temporarily or permanently. The Harahan City Council must approve encroachment on public property not specifically permitted. **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 the certificate is null and void. The issuance of this permit does not release the applicant from the conditions of any applicable subdivision or title restriction(s).

I CERTIFY THIS PLOT PLAN TO BE TRUE AND CORRECT. _____
OWNER SIGNATURE



AFFIDAVIT

GRANTING PERMISSION TO INSPECT PROPERTY AND ERECT SIGN

To: The Regulatory Department, City Of Harahan

I (We) the owner(s) of the property located at _____, hereby grant permission to the City Of Harahan's Inspectors, Planning and Zoning Commission members, Board of Adjustment members, Mayor, and City Council members to make on-site inspections for the limited purpose of the requested zoning change, subdivision, re-subdivision, or variance change at the property listed in the attached application.

On-site inspection may include but is not limited to obtaining physical observations, measurements, photographs, and field sketches or a combination of the foregoing.

I (we) further agree to make entrance available to any secured area(s) upon reasonable notice to the applicant by the Mayor, a City Council member, Inspector(s), and/or members of the Planning and Zoning Commission or Board of Adjustments.

I (We) hereby additionally grant permission to the City Of Harahan to erect a sign on my (our) property, stating that said property is under consideration for an appeal/variance, zoning change, subdivision, or re-subdivision. I (we) understand that the sign will be placed on my (our) property ten (10) to fourteen (14) days prior to the Public Hearing and will remain until after final action is taken by the Board Of Adjustment or City Council on the request. The City Of Harahan will be held harmless from any damages that may occur in connection with this sign.

Witness

Owner of Property

Witness

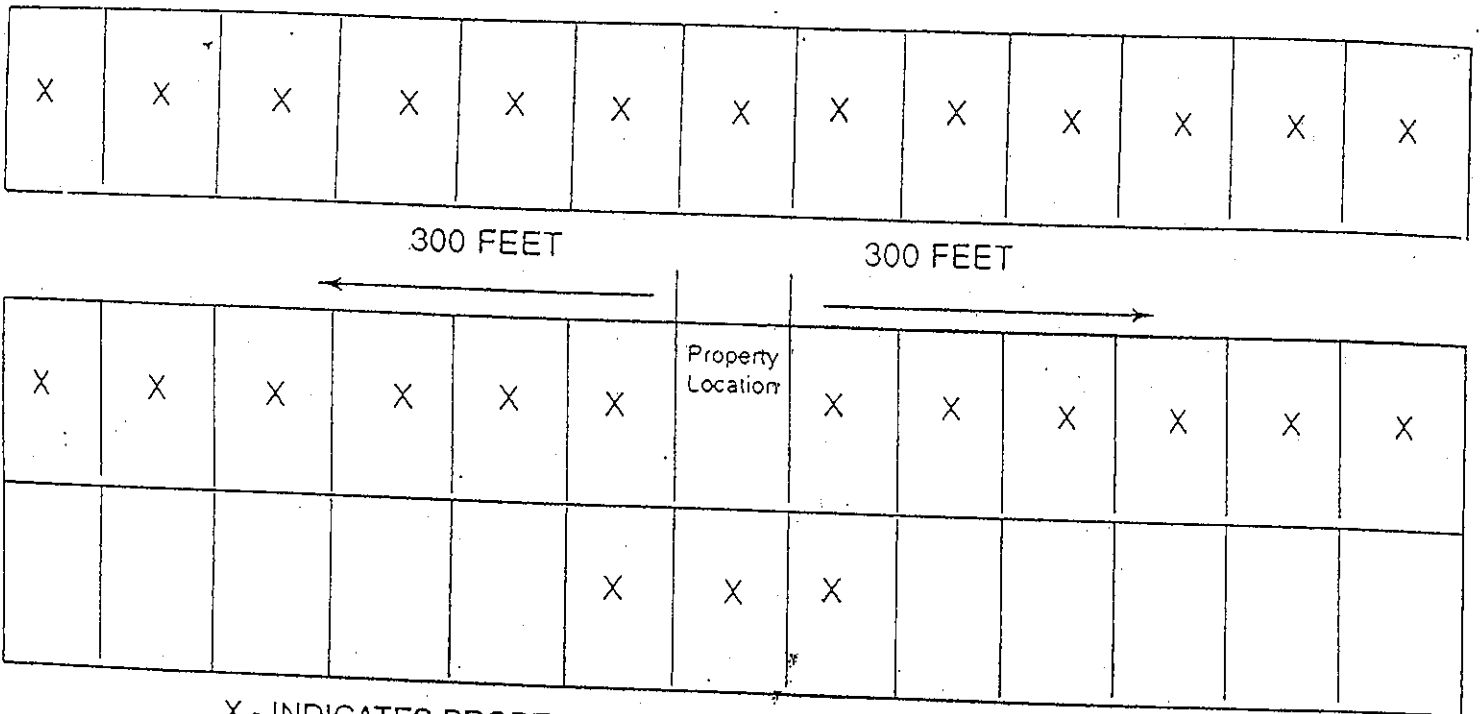
Owner of Property

Sworn to and subscribed before me

this _____ day of _____,

Notary Public

EXAMPLE (based on 50' front width)



X - INDICATES PROPERTY OWNERS TO BE NOTIFIED (SEE AFFIDAVIT)

In cases where streets or public property is with-in the described area, disregard that portion only.