

CITY OF HARAHAAN

NOTICE OF APPEAL

to
Zoning Appeals Board
from decision of
DIRECTOR
REGULATORY DEPARTMENT

Appeal No. _____

OFFICE USE ONLY	
Date of Application	_____
Date Application Completed	_____
Fees Paid \$	_____
Application Approved	_____
	(Regulatory Director Signature)

Zoning Classification: _____

Date of Hearing: _____

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

at: Municipal No. _____

Lot: _____ Square: _____ Subdivision _____

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

SECTION: _____ SUB-SECTION: _____

Required: _____ Has: _____ Short: _____

SECTION: _____ SUB-SECTION: _____

Required: _____ Has: _____ Short: _____

SECTION: _____ SUB-SECTION: _____

Required: _____ Has: _____ Short: _____

SECTION: _____ SUB-SECTION: _____

Required: _____ Has: _____ Short: _____

SECTION: _____ SUB-SECTION: _____

Required: _____ Has: _____ Short: _____

Representative _____ Owner _____

Address/Zip _____ Address/Zip _____

Phone Home (_____) _____ Phone Home (_____) _____

Phone Work (_____) _____ Phone 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. Denial of a variance request is appealable to the 24th Judicial District Court within 30 days after the filing of the decision with the City Council.

Has construction started? Yes _____ No _____ If yes, when _____

Has a violation been issued? Yes _____ No _____ If yes, please indicate violation no. _____

Reviewed by: _____

IS THIS A CORNER LOT?

___ YES ___ NO

PLOT PLAN FORM

I CERTIFY THIS PLOT PLAN TO BE TRUE AND CORRECT.

Application for Appeals

Signature

Appeal No. _____

Date Filed _____ Date of Hearing: _____

Any building hereafter constructed with the city 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 the Comprehensive Zoning Ordinance No. 1333 as amended:

SHOW ALL EXISTING BUILDINGS ON LOT.

SHOW ALL MEASUREMENTS FROM PROPERTY LINES TO BUILDINGS.

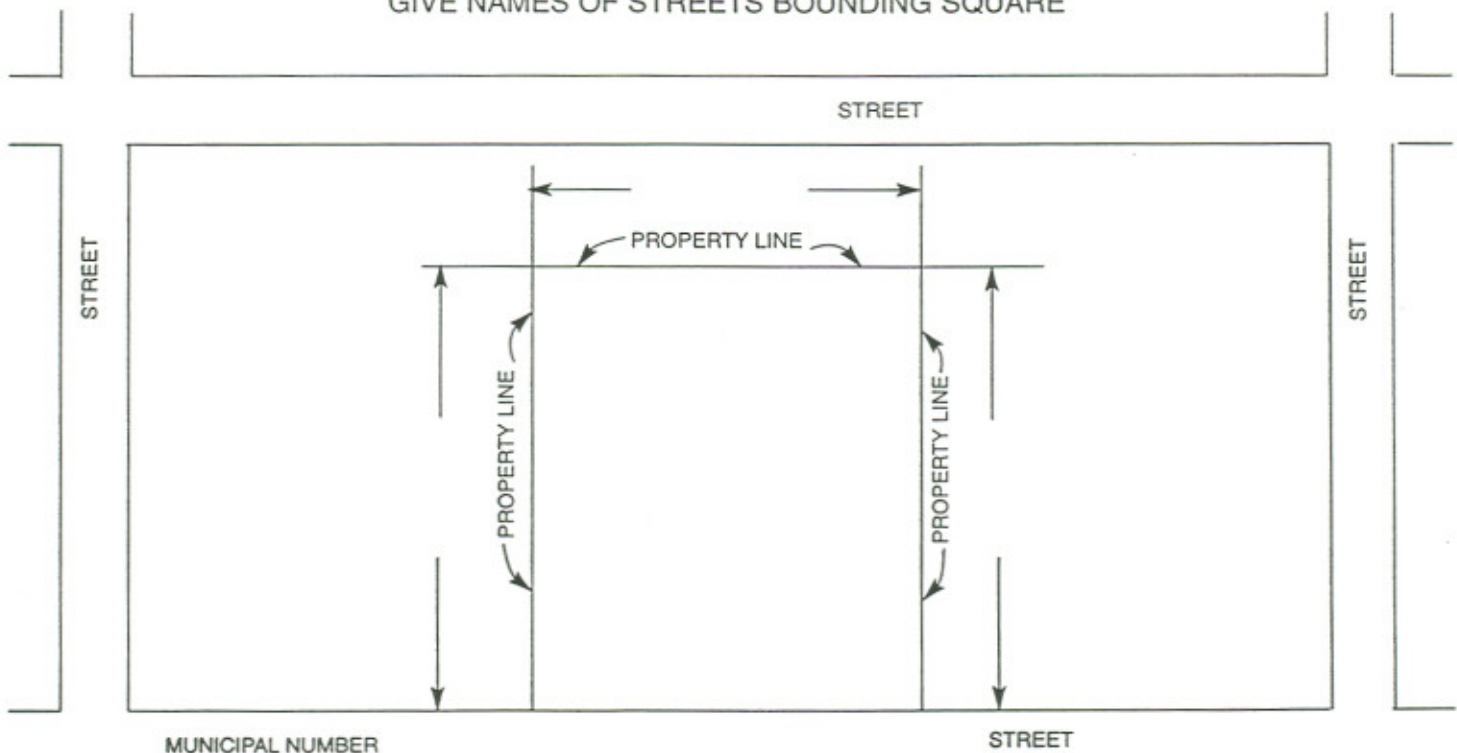
Give Square No. _____ Lot No. _____ Zoning Classification _____

Give maximum height _____ (Occupancy Use: _____)

This certificate conveys no right to occupy any street, alley or any part thereof, either temporarily or permanently. Encroachment 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 issuance of this permit does not release the applicant from the conditions of any applicable subdivision or title restriction(s).

Please show side of lot and size of building

GIVE NAMES OF STREETS BOUNDING SQUARE



When constructing a sidewalk on apron in front of property, contact maintenance and sewerage depts. **FRONT OF LOT**

An Affidavit Granting Permission To Erect A Sign

To: The Regulatory Department, City of Harahan

I (We) hereby grant permission to the City of Harahan to erect a sign on my (our) property stating that said property is under consideration for a resubdivision/rezoning. I (We) understand that the sign will be placed on my (our) property ten (10) days prior to the Public Hearing and remain until after the Council Public Hearing on the request. The City of Harahan will be held harmless from any damages that may occur in connection with this sign.

Owner (s) of Property

Sworn to and subscribed before me

this _____ day of _____, _____

Notary Public

Instructions for Notification

To file for any change to the Comprehensive Zoning Ordinance or for any variance, the following must be completed:

1. **Complete** the attached affidavit with names and addresses of property owners as described in the example below. (300) Feet on both sides of the street and all adjoining property owners.
2. **Complete** all forms with description of requested change or variance with Plot Plan Drawing, survey and measurements.
3. Deposit with the Regulatory Department Clerk the **completed** affidavit and all applicable forms together with a **non-refundable** Fee of \$ _____ plus the cost of certified mail to the below described adjoining property owners.

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.

**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.

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. PUBLIC HEARING NOTICE.

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. Notice of the hearing shall be sent at least ten (10) days prior to the hearing by certified mail to the owners. The cost of the certified mail shall be borne by the applicant, in addition to all other fees required by the board.

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.

The following Ordinance was proposed by Councilman Richardson and seconded by Councilman Blanchard.

ORDINANCE NO. 1391

An Ordinance to amend Ordinance #1333, Section XX, Board of Adjustment and Appeals, to rename Section C.- from Public Hearing Notice to Procedures and to amend No. 3.

NOW, THEREFORE BE IT ORDAINED by the Council of the City of Harahan, State of Louisiana, acting as the governing authority of said City that:

SECTION 1. Ordinance #1333, Section XX, Board of Adjustment and Appeals, Section C., No. 3, is to read as follows:

C. PROCEDURES.

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. The applicant shall 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 size and the location of any 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 will be sent at least ten (10) days prior to the hearing by certified mail to the owners. The cost of the certified mail shall be borne by the applicant, in addition to all other fees required by the Board.

SECTION 2. That all ordinances or parts of ordinances of the City of Harahan in conflict with this Ordinance and all sections of the Harahan Municipal Code in conflict with this Ordinance are hereby repealed.

SECTION 3. That if any section, subsection, paragraph, sentences, clause, phrase or other part of this Ordinance may be found to be unconstitutional by a valid judgment or decree of any court of competent jurisdiction or if unenforceable for any reason, such unconstitutionality or enforceability shall not affect the validity of any of the remaining sections, subsections, paragraphs, sentences, clauses, phrases or other parts of this ordinance, which shall continue in full force and effect.

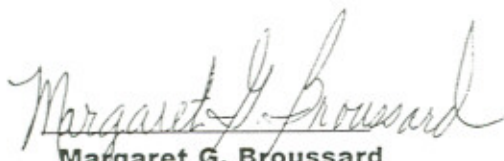
This Ordinance having been submitted to a vote, the vote thereon was as follows:

YEAS: Blanchard, Butler, Mosca and Richardson

NAYS: None

ABSENT: Wilken

This Ordinance was declared adopted on the 19th day of June, 2003, to become effective on the 19th day of July 19, 2003.


Margaret G. Broussard
City Clerk


Paul D. Johnston
Mayor

**AN AFFIDAVIT GRANTING PERMISSION TO INSPECT
PROPERTY**

TO: THE REGULATORY DEPARTMENT, CITY OF HARAHAN

I/we the owners of the property located at _____
_____ hereby grant permission to the
City of Harahan's Inspectors, members of the Planning
and Zoning Commission and members of the Board of
Adjustments and Appeals to make on-site inspections
for the limited purpose of the requested variance,
zoning change or subdivision change at the property
listed in the attached application for a variance, a
zoning change or a subdivision change.

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 the owners of the property located at _____
_____ further agree to make entrance
available to any secured area(s) upon reasonable
notice to the applicant by the Mayor of the City of
Harahan and/or Inspector(s) of the City of Harahan,
members of the Planning and Zoning Commission, and
members of the Board of Adjustments and Appeals.

Owner(s) of Property

Sworn to and subscribed before me

this _____ day of _____, 200_

Notary Public