



## Department of Planning & Zoning Staff Report – Minor Resubdivision Case No. 2024-18-MIN

### APPLICATION INFORMATION

- **Submittal Date:** 11/5/24
- **Applicant / Property Owner**  
Simoneaux Family Land, LLC  
5301 Canal Blvd.  
New Orleans, LA 70124  
985.783.8789; andrew@lemmonlawfirm.com
- **Request**  
Resubdivision of a Portion of Section 38 (Bayou Gauche Island) into Lots 15 and 42, and:
  - Waiver required from *Appendix C. – Subdivision Regulations, Section III.B.3 Arrangement* for Lot 42.
  - Waiver required from *Appendix C. – Subdivision Regulations, Section III.E. Building Lines* for Lot 15.

### SITE INFORMATION

- **Location:** 3945 and 4381 Bayou Gauche Road (LA306), Bayou Gauche
- **Size of Proposed Lots**
  - Lot 15: 2.38 +/- acres; width varies
  - Lot 42: 1.02 +/- acres; width varies
- **Current Zoning:** R-1A(M); W, Wetland
- **Current Use**  
Both sites are developed with single-family residences and accessory structures.
- **Surrounding Zoning**  
The primary zoning across Bayou Gauche Island involves mostly R-1A(M) along the waterfront with W zoning extending to the rear. Some pockets of commercial zoning breakup the stretches of R-1A(M).  
  
More specifically, around Lot 15, C-3 abuts to the west; R-1A(M) to the east; and Wetlands to the North and South. Around Lot 42 Wetlands zoning abuts on three sides while C-3 is adjacent to the Bayou Gauche Road side.
- **Surrounding Uses**  
Bayou Gauche Island is a waterfront area consisting primarily of residential development. Some small pockets of commercial zoned properties are present along Bayou Gauche Road, however few of these are currently developed with a commercial use. Docks and boat launches can be found along the waterfront.
- **Flood Zone & Minimum Building Elevation**  
Lot 15  
1992 Flood Insurance Rate Map: AE4  
2013 Digital Flood Insurance Rate Map: AE7  
  
Lot 42  
1992 Flood Insurance Rate Map: AE5  
2013 Digital Flood Insurance Rate Map: AE7

- **Plan 2030 Recommendation**  
*Low-to-Moderate Residential: Single-family detached dwellings; attached dwellings such as duplexes, patio/zero-lot line homes and townhomes; and accessory units. Neighborhood retail, services, offices, and institutions are also permitted in appropriate locations such as along transportation corridors or at intersections. (Over six dwellings per acre)*  
  
*Wetlands: Constrained lands due to wetlands and flood zones. Allowable land uses in areas designated as wetlands are limited to low impact uses, such as eco-tourism and recreation (e.g., boating, hiking, hunting, fishing), wildlife observation, environmental education, environmental research, compatible agriculture (e.g., periodic haying and grazing), managed timber harvest, and other uses that may be permitted by special exception or special permit by the Louisiana Department of Natural Resources, the U.S. Army Corps of Engineers or the St. Charles Parish Coastal Zone Advisory Council.*
- **Traffic Access**  
Proposed Lot 15 will have approximately 86 ft. of frontage along Bayou Gauche Road with access provided via an aggregate driveway.  
  
Proposed Lot 42 would be landlocked. Access is provided via a 20 ft. wide servitude extending from Bayou Gauche Road, through the front site, and to the 25 ft. wide front property line of Lot 42.
- **Utilities**  
The Parish GIS shows water and force main sewer facilities along Bayou Gauche Road.  
  
The representatives from the Department of Waterworks and Public Works offered no objection. Department of Wastewater has no objection, but future subdivision development will require upgrades to the current sewer facilities.
- **Development History**  
Documentable development history on Bayou Gauche Island is sparse. None could be located for the structures located on proposed lot 15. Permits present for Lot 42 consist of a post Hurricane Ida roof repair (Permit No. 41234) and a home generator (Permit No. 43672).

APPLICABLE REGULATIONS

- Appendix A. Section VI. Zoning District Criteria**  
**B. Residential districts**  
[II.] R-1A(M). Single Family Residential Detached Conventional Homes, Manufactured Homes, and Mobile Homes—Medium density.
- 2. Spatial Requirements.
    - a. Minimum lot size: Five thousand (5,000) square feet per family; minimum width-fifty (50) feet.
    - b. Minimum yard sizes:
      - (1) Front—Fifteen (15) feet.
      - (2) Side—Five (5) feet.
      - (3) Rear—Five (5) feet.
      - (4) For lots with less than one hundred (100) feet depth, front setback shall be fifteen (15) percent of lot depth with a minimum of ten (10) feet to the front lot line and five (5) feet to the rear lot line.
      - (5) Whenever property abuts a major drainage canal as defined by the Subdivision regulations the required setback for all structures shall be ten (10) feet measured from the inner boundary of such servitude or right-of-way, not withstanding any other more restrictive setbacks, this provision shall not apply to any lot of record created and existing prior to the effective date of Ordinance No. 99-12-8, December 15, 1999.
- F. Wetlands District**  
[I.] W-1. Wetlands District:
- 1. Use Regulations:
    - a. Automatically permitted uses: None.
    - b. Special exception uses and structures:
      - (1) Low intensity uses permitted as a N.D.S.I. Permit (No Direct Significant Impact) by the Louisiana Department of Natural Resources.
      - (2) Low intensity uses permitted as a general permit by the U.S. Army Corps of Engineers.
    - c. Special permit uses and structures:
      - (1) Coastal dependent uses ineligible for listed Special Exception Uses and Structures, as per approval of the St. Charles Parish Coastal Zone Advisory Committee with supporting resolution of the Council.

- (2) Other compatible uses, as per approval of the St. Charles Parish Coastal Zone Advisory Committee with supporting resolution of the Council.
2. Spatial Requirements: None.
3. Transportation Requirements: None.
4. Special Provisions: None.

**Appendix C. Section II. Subdivision Procedure**

- C. *Minor Resubdivisions.*
1. In instances where a net increase of five (5) or fewer lots is proposed by subdivision or resubdivision and no new or additional public improvements are required, no formal preliminary plat shall be required. The plan of resubdivision shall comply with requirements outlined in section II.C.3 of this section, and with all relevant land use regulations, including the St. Charles Parish Zoning Ordinance and Subdivision Regulations. The Planning and Zoning Commission may approve or deny the application. The basis for denial shall be stated at the meeting and on the record of the Planning and Zoning Commission.
  2. Traffic Impact Analysis. A Traffic Impact Analysis, including all required documentation, shall be submitted in accordance with the Parish's Traffic Impact Analysis Policy.
  3. Consecutive Minor Subdivisions. The Minor Resubdivision process is not intended to create major subdivisions from multiple minor subdivisions. Whenever a minor subdivision results in a net increase of lots, parcels, or tracts, no application for a further increase of lots shall be considered by the Planning Commission for a period of two years from the date of recordation unless a majority of the Planning Commission votes to consider the consecutive request to resubdivide into additional lots. This restriction shall not prohibit a property owner from changing boundary lines by administrative resubdivision.
  4. Subdivisions and resubdivisions which meet the guidelines contained in Section II.C. of these regulations shall be presented to the Department of Planning and Zoning in the form of a plan which conforms to the laws of the State of Louisiana governing surveying, platting, and subdivision of land. The proposed subdivision shall contain the following information;
    - a. Location of the property.
    - b. Name(s) and address(es) of the owners.
    - c. Name and address of the Land Surveyor preparing the plan as well as the date the survey was prepared. The survey shall be dated within one (1) year of the subdivision application date.
    - d. Existing property lines and lot numbers, including names and width of adjoining streets.
    - e. Proposed property lines and revised numbers of proposed lots.
    - f. Location and dimensions of existing buildings.
    - g. Layout and dimensions of all existing, proposed, and required servitudes and rights-of-way, including but not limited to servitudes for sidewalks, utilities, access, drainage ditches, and canals.
    - h. Existing lakes and ponds.
    - i. North arrow and scale.
    - j. The following note shall be added to all resubdivision maps: All necessary sewer, water and/or other utility extensions, relocations or modifications shall be made solely at the lot owner's expense.
    - k. Stormwater Pollution Prevention Plan. For Minor Subdivisions that involve more than one (1) acre, the MS4 Administrator may require the submittal of a Stormwater Pollution Prevention Plan and/or Post Construction Stormwater Permit, including all required documentation, in accordance with Chapter 25—Stormwater Management and Erosion and Sedimentation Control.
    - l. The following note shall be added to resubdivision maps that result in a net increase of lots: No lot created by this act of subdivision shall be divided in such a way that another net increase in the number of lots occurs for a period of two years.

**Appendix C. Section III. Geometric Standards**

- B. *Blocks*
3. Arrangement. All lots shall possess frontage on a street or roadway that meets the specifications of these regulations. When the subdivision of a parcel of land does not permit a normal street arrangement due to size or location of the land, there may be established a street with a cul-de-sac or turning circle which provides proper access to all lots. A cul-de-sac or turning circle, as described in Section III.A.2.e., shall be required at the end of dead end streets when the length of the dead end street exceeds the width of two (2) lots.
- C. *Lots*
1. Size. The width, depth, area, and minimum building setback line shall conform to the St. Charles Parish Zoning Ordinance for the type of development.
    - a. Corner Lot. Corner lots shall have extra width to permit setback lines on the side of the lots adjacent to a side street. The extra width shall be sufficient to allow the lot to meet the minimum zoning requirements of the St. Charles Parish Zoning Ordinance excluding the side street setback distance.
    - b. Width. The lot width at the minimum building setback line shall not be less than that specified by the St. Charles Parish Zoning Ordinance.
- E Building Lines. Building setback lines shall meet the minimum requirements of the St. Charles Parish Zoning Ordinance for the type of development.

**Appendix C. Section V. Administrative**

- B. *Variations and Exceptions.*
1. The regulations contained herein may be varied or modified where the literal enforcement of one or more provisions of the ordinance (i) is impracticable, or (ii) will exact undue hardship because of peculiar conditions pertaining to the land in question. Financial hardships shall not be considered as valid criteria for any such waiver or modification of existing regulations. The Planning Commission, with a supporting resolution of the Council, may grant such a waiver or modification of these regulations only when such requests meet the conditions of this subsection and are not detrimental to the public interest.

FINDINGS

The applicant requests resubdivision of an undivided Portion of Section 38 (Bayou Gauche Island) into Lots 15 and 42.

Each proposed lot meets the minimum area and width requirements for their respective zoning districts. Improvements shown on proposed Lot 42 meet setbacks. Proposed Lot 15 does not meet the five (5) foot side yard setback required for the R-1A(M) zoning district, failing to meet the requirement as detailed in Appendix C., Section III.E. Building Lines, which states:

*Building Lines. Building setback lines shall meet the minimum requirements of the St. Charles Parish Zoning Ordinance for the type of development.*

Proposed Lot 42 does not have direct access from a street and is landlocked, failing to meet the requirement as detailed in Appendix C., Section III.B.3. Arrangement, which states:

*Arrangement. All lots shall possess frontage on a street or roadway that meets the specifications of these regulations. When the subdivision of a parcel of land does not permit a normal street arrangement due to size or location of the land, there may be established a street with a cul-de-sac or turning circle which provides proper access to all lots. A cul-de-sac or turning circle, as described in Section III.A.2.e., shall be required at the end of dead end streets when the length of the dead end street exceeds the width of two (2) lots.*

The applicants have submitted a waiver request from the Building Lines and Arrangement requirements.

The Department does not object to the waiver from the Building Lines requirement for Lot 15 since there is not enough space between the home on Lot 15 and the adjacent structure to meet this requirement.

The Department does not object to the waiver from the Arrangement requirement for Lot 42. Extending the driveway portion of Lot 42 to Bayou Gauche Road would increase the footprint of an already highly irregular lot, and also result in a lot split across drastically different zoning districts (C-3, W). By keeping the boundaries where shown, the regulation of Lot 42 is much more straightforward.

If the Commission does not support the waiver for Arrangement and finds it important for the lot to have direct access from a public right-of-way, an alternative layout accomplishes this by incorporating the access servitude portion as part of Lot 42. A waiver would still be required since the minimum width requirement for the C-3 district would be applied, but it would provide access without the necessity of a servitude.

<b>DEPARTMENT RECOMMENDATION</b>
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**Approval.**

**If the Planning Commission approves this request, it will be forwarded to the Parish Council for consideration of a supporting resolution.**