



Department of Planning & Zoning Staff Report – Minor Resubdivision Case No. 2023-6-MIN

APPLICATION INFORMATION

- **Submittal Date:** 5/4/23
- **Applicant / Property Owner**
Geraldine Sanders & Ruth Ann Tassin
P.O. Box 177
Hahnville, LA 70057
940-452-7702; gsanders1955@ymail.com
- **Request**
Resubdivision of Tract Y, Fashion Plantation into Tracts Y-1 and T-2, with a waiver from the Subdivision Regulations, Section III.B.3 Arrangement.

SITE INFORMATION

- **Location:** 185 Sanders Lane, Hahnville
- **Size of Proposed Lots**
 - Lot Y-1: 34,848 sq. ft. (0.80 acres); 98.36 ft. wide
 - Lot Y-2: 233,481 sq. ft. (5.36 acres); 99.74 ft. wide
- **Zoning:** O-L, Open Land (2022-4-R)
- **Current Use**
Tract Y is developed with a single-family home and an accessory shed, both of which will be located on proposed Lot Y-1. The remainder of Tract Y, which is shown as proposed Lot Y-2, is undeveloped and partially wooded.
- **Surrounding Zoning**
O-L zoning abuts on each side and the rear; R-1M is adjacent to the River Road side.
- **Surrounding Uses**
An RV Park is adjacent to the River Road side; the Union Pacific Railroad is adjacent to the rear; agricultural land is adjacent to the River Place side; single family homes on individual lots are adjacent to the Lee Lane side.
- **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).
- **Flood Zone & Minimum Building Elevation**
X-zone/DFIRM X-zone; 1 ft. above the centerline of the street
- **Traffic Access**
Access is provided via Sander's Lane, an aggregate private drive shown within a 20 ft. access/utility servitude.

The 20 ft. access/utility servitude was established as part of the resubdivision of Tract X into Lots 1X and 2X (PZS-2014-36). The servitude terminates at the rear of Lot 2X / front of Tract Y as shown on the survey plat by Stephen P Flynn, PLS dated June 25, 2014, revised July 15, 2014.

The current resubdivision request would extend the 20 ft. access/utility servitude through proposed Tract Y-1 to the common lot line dividing Tracts Y-1 and Y-2.

▪ **Utilities**

Parish water, sewer, and drainage facilities do not extend down Sanders Lane. A private water line connects to a meter at River Road as per the land use report for PZS-2014-36.

▪ **Subdivision & Development History**

The subject site is shown on the survey plat resubdividing Tract X into Lots 1X and 2X (PZS-2014-36, survey plat by Stephen P Flynn, PLS dated June 25, 2014, revised July 15, 2014). This resubdivision was approved with a waiver allowing Tract Y to remain without public street frontage (Resolution No. 6098).

The home addressed at 185 Sanders Lane and depicted on proposed Tract Y-1 was permitted in 1991 (Permit No. 8106-91).

APPLICABLE REGULATIONS

Appendix A. Section VI. – Zoning District Criteria and Regulations

[I.] O-L. Open Land District:

Policy statement: This district is composed mainly of large open unsubdivided land that is vacant or in agricultural, forestry or residential use. The regulations are designed to protect the open character of the district, and to allow residents to retain their traditional ways of living, by prohibiting the establishment of scattered business, industrial and other uses that are unrelated to any general plan of development and that might inhibit the best future utilization of the land. It is intended that land in these districts will be reclassified to its appropriate residential, commercial or industrial category in accordance with the amendment procedure set forth in the St. Charles Parish Code.

1. Use Regulations:

a. A building or land shall be used only for the following purposes:

- (1) Farming.
- (2) Animal husbandry.
- (3) Farm family dwellings.
- (4) Tenant dwellings.
- (5) Site-built, single-family detached dwellings.
- (6) Additional dwellings for family and relatives on unsubdivided property on a non-rental basis, and which meet the criteria outlined in Special Provisions [subsection 3].
- (7) Manufactured housing.
- (8) Mobile homes.
- (9) Accessory buildings.
- (10) Family subdivisions, provided that they conform to the St. Charles Parish Subdivision Regulations [appendix C].
- (11) Farmer's market, provided that the criteria outlined in Special Provisions [subsection 3] is met.
- (12) Any permitted uses under subsection 1.a. items (1) through (9) on a lot or property without frontage provided that a permanent right of passage to access the structure exist or is provided for, is recorded into the deed of the property, and is filed with the Clerk of Court.
- (13) Lawn Care Service subject to the requirements of Section VII.
- (14) Historic Home Site Bed and Breakfast.

b. Special exception uses and structures include the following:

- (1) Religious institutions.
- (2) Golf courses and golf practice ranges.
- (3) Public parks and recreational areas.

c. Special permit uses and structures include the following:

- (1) Child care centers.
- (2) Public and private academic institutions (trade, business and industrial schools shall be located in the appropriate commercial or industrial zoning district).
- (3) Cemeteries and mausoleums, provided that they meet the criteria outlined in Special Provisions [subsection 3].
- (4) Extraction of oil and gas, minerals and other natural resources provided that criteria set forth by the St. Charles Parish Coastal Zone Management Section of the Planning and Zoning Department are met.
- (5) Public stables and kennels.
- (6) Cellular installations and PCS (personal communication service) installations.
- (7) Green markets upon review and approval by the Planning Commission and supporting resolution of the Council. Such sites must possess frontage on a hard-surfaced public collector or arterial street.
- (8) *Reserved.*
- (9) Fire stations with or without firefighter training facilities.
- (10) Nonresidential accessory buildings.
- (11) Accessory dwelling units upon approval by the Planning Commission and supporting resolution of the Council.

2. Spatial Requirements:

a. Minimum lot size shall be twenty thousand (20,000) square feet; minimum width fifty (50) feet. (Ord. No. 07-1-6, § II, 1-8-07)

b. Minimum yard sizes:

- (1) Front—Thirty-five (35) feet.

- (2) Side—Ten (10) feet.
- (3) Rear—Twenty (20) feet.
- (4) 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.
- c. Accessory buildings: Minimum rear and side setbacks shall be ten (10) feet.
- d. Permitted encroachments:
 - (1) Overhangs projecting not more than twenty-four (24) inches excluding gutter.
 - (2) Stairs and landings not more than three (3) feet in height, projecting no more than four (4) feet into the required front or rear yard.
- 3. Special Provisions:
 - a. Additional dwellings on unsubdivided property:
 - (1) Additional dwellings on unsub- divided property referred to in 1, a(11) above, will be permitted at the rate of one (1) dwelling unit for each ten thousand (10,000) square feet of lot area.
 - (2) The applicant for any additional dwellings on unsubdivided property shall submit a copy of all subdivision restrictions (covenants) which govern the property in order to protect the integrity of the neighborhood.
 - (3) Under no circumstances will the total number of dwellings per unsubdivided lot permitted under these provisions exceed four (4).
 - (4) Permits issued under this provision will be issued for a two-year period. At the expiration of this time, an investigation will be conducted by the Planning and Zoning Department to determine if this Code is complied with. Non-compliance will result in the revocation of the permit.
 - b. All manufactured housing and mobile homes shall be secured according to the Federal Emergency Management Agency's Sept. 1985 publication *Manufactured Housing Installation in Flood Hazard Areas*.
 - c. All dwelling units shall be connected to utility systems which provide for health and safety under all conditions of normal use. Home utility services shall only be connected to the supply source by means of approved materials, and shall be inspected by the appropriate agency.
 - d. Farmer's market:
 - (1) All products must be sold on the premises on which they were grown or produced, from either a truck, stand, display table, or other means of display which has been inspected and approved by the Parish Health Unit.
 - (2) No structure, vehicles or signs may be located closer to any property line than the general setback requirements of the O-L District with the exception of one (1) on-premises sign which contains the name of the market. This sign shall be located approximate to the entrance drive directing attention to the market. The sign shall conform with acceptable commercial standards regarding quality and aesthetics. No temporary signs will be allowed. If the sign is to be illuminated, lighting shall be arranged as not to interfere with traffic safety or cause a nuisance to abutting properties.
 - e. Cemeteries and mausoleums:
 - (1) All cemetery or mausoleum sites must have a minimum street frontage of one hundred (100) feet.
 - (2) All cemetery or mausoleum sites must have a fence or screen planting six (6) feet high along all property lines adjoining all districts.
- 4. Prohibited Use: Medical waste storage, treatment or disposal facilities.

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.
3. 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.

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

This minor resubdivision request proposes dividing Tract Y into two lots, Tract Y-1 and Tract Y-2.

Each lot meets the 20,000 sq. ft. and 50 ft. wide minimum lot size for the O-L zoning district. The structures on proposed Lot Y-1 meet the required setbacks.

Geometric Standards are not met, specifically item III.B.3. Arrangement, which states:

- *All lots shall possess frontage on a street or roadway that meets the specifications of these regulations.*

The applicant has requested a waiver from the Arrangement requirement as part of this resubdivision.

The Arrangement requirement for Tract Y was previously waived with the approval of PZS-2014-36 (Resolution. No. 6098), the primary purpose of which was to divide adjacent Tract X into Lots 1-X and 2-X. Another waiver is necessary for this request since the division of Tract Y results in an additional lot without street frontage.

The department does not object to the waiver. Tract Y has been without street frontage since at least 1991, an arrangement which was formalized in 2014 with the approval of Resolution 6098 as part of PZS-2014-36. Additionally, structures may be permitted in the O-L zoning district on lots without street frontage provided a "right of passage" is established. This is accomplished with the extension of the 20 ft. access/utility servitude through Tract Y-1 to its dividing line with Tract Y-2.

DEPARTMENT RECOMMENDATION

Approval.

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