



## Department of Planning & Zoning Staff Report – Minor Resubdivision Case No. 2024-1-MIN

### APPLICATION INFORMATION

- **Submittal Date:** 1/12/2024
- **Applicant / Property Owner**  
Paul Hogan  
P.O. Box 250  
Des Allemands, LA 70030  
504.615.4862; phinda9@aol.com
- **Request**  
Resubdivision of Lot 9B, Sunset Drainage District into Lots 9B-1 and 9B-2.  
  
Waiver required from *Appendix C. - Subdivision Regulations, Section III.B.3. Arrangement.*

### SITE INFORMATION

- **Location:** between 807 and 817 Barber Road, Paradis
- **Size of Proposed Lots**
  - Lot 9B-1: 56,895.61 sq. ft. (1.306 acres); 115.50 ft.-134.73 ft. wide
  - Lot 9B-2: 46,881.52 sq. ft. (1.076 acres); 63 ft.-134.73 ft. wide
- **Current Zoning:**  
Lot 9B is split zoned R-1A(M) and O-L.  
  
The common line separating the proposed lots is drawn along the zoning district boundary, resulting in Proposed Lot 9B-1 zoned R-1A(M) and Lot 9B-2 zoned O-L.
- **Current Use**  
Lot 9B is vacant and partially wooded.
- **Surrounding Zoning:**  
R-1A(M) zoning is adjacent to the Barber Road side; O-L zoning is adjacent to the rear; R-1A(M) and O-L zoning is adjacent to the Wisner Street side; R-1A and O-L zoning is adjacent to the Bayou Gauche Road side.
- **Surrounding Uses**  
The site is located in the south-west corner of Paradis, which is developed with single family homes primarily fronting Barber Road. The only non-residential use present is the Paradis Volunteer Fire Station.
- **Flood Zone & Minimum Building Elevation**  
1992 Flood Insurance Rate Map: X Zone  
2013 Digital Flood Insurance Rate Map: AE5
- **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)*
- **Traffic Access**  
Existing Lot 9B has 115.5 ft. of frontage on Barber Road. Lot 9B-1 will maintain this frontage while Lot 9B-2 would be landlocked.

Access to Lot 9B-2 from Barber Road is proposed through a 30 ft. wide servitude through adjacent Lot 9A.

▪ **Utilities**

Per Parish GIS water, sewer, and drainage facilities are located along Barber Road.

Representatives from the Departments of Waterworks, Wastewater, and Public Works offered no objections to the resubdivision.

▪ **Development History**

Lot 9B was created by resubdivision of Lot 9 as shown on the survey by Lucien C. Gassen, PLS dated April 15, 1993 (PZS-93-16).

<b>APPLICABLE REGULATIONS</b>
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**Appendix A. Section VI. Zoning District Criteria**

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

2. Spatial Requirements:
  - a. Minimum lot size shall be twenty thousand (20,000) square feet; minimum width fifty (50) feet.
  - 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, notwithstanding 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.

[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, notwithstanding 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:
    - (1) The accessory building shall not exceed two-story construction.
    - (2) Minimum setback of accessory buildings shall be three (3) feet.
    - (3) Nonresidential accessory buildings shall not be permitted.
  - 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 required front yard.

**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.

#### **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 Lot 9B into two lots, 9B-1 and 9B-2.

Each lot meets the minimum area and width requirements for the R-1A(M) and O-L zoning districts, but lot 9B-2 does not have direct access from a street and is considered landlocked, failing to meet the Arrangement requirement of the Geometric Standards 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 applicant submitted a waiver request from the Arrangement requirement, citing use of a 30 ft. wide servitude through adjacent Lot 9A providing access to Barber Road in favor of Lot 9B-2.

The department has no objection to the waiver.

At 134.73 ft. wide but over 700 ft. deep, a resubdivision of Lot 9B providing the required frontage would result in lots with excessive depth in proportion to their width, limiting the citing of improvements, and/or poor access management at Barber Road.

The proposed lot layout would result in lots that are better proportioned and more easily developable and improved access management through consolidated driveways.

## **DEPARTMENT RECOMMENDATION**

**Approval.**

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