

St. Charles Parish
Department of Planning & Zoning

LAND USE REPORT
CASE NUMBER: 2022-17-SPU

GENERAL APPLICATION INFORMATION

- ◆ Name/Address of Applicant

Shane McCully
808 S. Fashion Boulevard
Hahnville, LA 70057
(504)-416-4108; mccullyshane@yahoo.com
- Application Date: 9/22/2022
- ◆ Location of Site
- 808 S. Fashion Boulevard, Hahnville (Lot 354, Fashion Plantation Estates Phase 3)
- ◆ Requested Use
- Accessory Dwelling Unit (ADU)

SITE-SPECIFIC INFORMATION

- ◆ Size of Parcel(s)
- 45,023.36 sq. ft., 100 ft. frontage on South Fashion Boulevard.
- ◆ Current Zoning and Use
- R-1A, Single Family Residential; site-built single family house
- ◆ Surrounding Zoning and Land Uses
- R-1A zoning is located to the front and each side; O-L, Open Land zoning is located to the rear.

The site is located in a developed single family subdivision, with site-built single family house to the front and each side. The property to the rear is undeveloped.

- ◆ Flood Zone and Elevation
- Effective flood zone AE+5 / DFIRM AE+4
- ◆ Future Land Use Recommendation
- Residential/Mixed Use: This land use designation applies in areas appropriate for large scale, creatively planned developments where the predominant use is residential, but where a variety of housing types at varying densities are encouraged, as well as compatible, local serving commercial and service uses. Development under this land use category is anticipated to take the form of Planned Developments (PD's) as well as Traditional Neighborhood Developments (TND's).
- ◆ Traffic Access
- The site has 100 ft. frontage on South Fashion Boulevard with an existing driveway. No change to driveway is shown on site plan.
- ◆ Utilities
- Standard utilities serve the site and can accommodate an ADU.

APPLICABLE REGULATIONS

Appendix A. Section VI. – Zoning District Criteria and Regulations
[I.] R-1A. Single family residential detached conventional homes—Medium density.
Policy statement: This district is composed of areas containing one-family dwellings constructed on a permanent foundation, connected to public utilities and which meet the architectural standards of a permanent residence. The district regulations are designed to protect the residential character of the areas by prohibiting all commercial activities; to encourage a suitable neighborhood environment for family life by including among the permitted uses such facilities as schools and churches; and to preserve the openness of the areas by requiring certain minimum yard and area standards to be met.

1. Use Regulations:

c. Special permit uses and structures include the following:

(1) Child care centers.

(2) Public and private schools (except trade, business, and industrial).

- (3) Golf courses (but not miniature courses or driving ranges), country clubs, and accessory commercial uses on such properties.
 - (4) Educational, religious and philanthropic institutions. These buildings must be set back from all yard lines a distance of at least one (1) foot for each foot of building height.
 - (5) Modular, panelized and precut homes, provided that they are placed on a permanent foundation.
 - (6) *Reserved.*
 - (7) Private commercial access roads, upon review by the Planning Commission and supporting resolution of the Council.
 - (8) **Accessory dwelling units upon approval by the Planning Commission and supporting resolution of the Council.**
 - (9) Garden Home Developments in accordance with Section VII Supplemental Regulations upon review and recommendation of the Planning Commission and supporting resolution of the St. Charles Parish Council.
2. Spatial Requirements:
- a. Minimum lot size: Six thousand (6,000) square feet per family; minimum width—sixty (60) feet.
 - b. Minimum yard sizes:
 - (1) Front—Twenty (20) feet.
 - (2) Side—Five (5) feet.
 - (3) Rear—Twenty (20) feet.
 - (4) For lots with less than one hundred (100) feet depth, front setback and rear setback shall be twenty (20) percent of lot depth respectively 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) An accessory building may occupy no more than twenty-five (25) percent of the required rear yard.
 - (2) The accessory building shall not exceed two-story construction.
 - (3) Minimum setback of accessory buildings including overhangs, shall be three (3) feet.
 - (4) Nonresidential accessory buildings shall not be permitted.
 - d. Permitted encroachments:
 - (1) Overhangs projecting not more than twenty-four (24) inches, excluding gutter. For accessory buildings, overhangs shall not be closer than three (3) feet to any property line.
 - (2) Stairs and landings not more than three (3) feet in height, projecting no more than four (4) feet into required front or rear yard.

Appendix A. Section IV.

A. *Evaluation Criteria* – those uses requiring approval for either a *Special Exception* or a *Special Permit Use* shall be evaluated by the criteria below. These criteria are to be considered illustrative and not restrictive. Other criteria may be considered though not specifically listed below if said criteria affect the general health, safety, and welfare of the public.

- 1. Compliance with the current St. Charles Parish Comprehensive Plan.
- 2. Compatibility with existing uses on abutting sites in terms of site development, building design, hours of operation, and transportation features related to safety and convenience of vehicular and pedestrian circulation.
- 3. Adequacy and convenience of off-street parking and loading facilities and protection of adjacent property from glare of site lighting.
- 4. Potentially unfavorable impacts on other existing uses on abutting sites to the extent such impacts exceed those impacts expected from a permitted use in the zoning district.
- 5. Protection of persons and property from erosion, flood or water damage, fire, noise, glare, and similar hazards or impacts.
- 6. A site development plan shall be required as part of the application process. The following design criteria shall be evaluated on the plan:
 - a. Required yards and open space
 - b. Ingress and egress to property
 - c. Parking and loading areas
 - d. Location of garbage facilities
 - e. Landscaping, buffering, and screening
 - f. Signage
 - g. Height and bulk of structures
 - h. Location and direction of site lighting

Appendix A. Section VII. - Supplemental use and performance regulations.

- 1. The following uses are subject to the regulations set forth herein:

Accessory buildings.

- a. Residential accessory buildings are allowed only in the side and rear yards.
- b. An accessory building may be connected to the principal building via an unenclosed breezeway not exceeding eight (8) feet in width.
- c. Accessory buildings must be three (3) feet from the principal building, measured from any existing overhangs (not including breezeways).
- d. The following shall not be permitted as accessory buildings in residential zones: storage containers, cargo containers, ship to shore containers or any form of a modified delivery type container which is normally mounted or transferred on a vehicle or is designed for or capable of being mounted on a chassis for movement.

Accessory dwelling units.

- a. *Purpose.* To offer a wider range of housing options within residential zoning districts.
- b. *Design and development standards for all accessory dwelling units (ADU).*
 - i. There shall be no more than one (1) ADU permitted per lot.
 - ii. No ADU will be permitted without a primary building.
 - iii. An ADU may consist of part or all of a detached accessory structure or it may consist of a portion of the primary structure.

- iv. There shall not be more than one (1) bedroom in an ADU.
- v. An ADU shall use the electrical service of the primary structure.
- vi. The owner of the property on which the ADU is to be created shall occupy the primary dwelling unit.
- vii. Setbacks for ADUs developed as part of the principal structure are the same as the underlying zoning district.
- viii. Setbacks for ADUs developed as detached structures shall meet the setbacks for accessory structures for the underlying zoning district.
- ix. The floor area of the ADU is limited to fifty (50) percent of the floor area of the primary dwelling unit, not to exceed one thousand two hundred (1,200) square feet.
- x. ADUs require one (1) off-street parking space in addition to the parking requirements of the underlying zoning district.

SPU CRITERIA COMPLIANCE

The proposal meets the criteria as follows:

1. *Compliance with the current St. Charles Parish Comprehensive Plan.* The Future Land Use Recommendation for this subdivision is Residential/Mixed Use. This designation anticipates residential uses with “a variety of housing types at varying densities”. An ADU complies with the development anticipated within this designation. **Complies**
2. *Compatibility with existing uses on abutting sites in terms of site development, building design, hours of operation, and transportation features related to safety and convenience of vehicular and pedestrian circulation.* The ADU is proposed as part of a detached garage located to the rear of the primary structure and accessed by an existing driveway. The exterior will feature a hip roof and brick veneer. The location and design of the accessory structure is consistent with others found within the Fashion Plantation Estates Subdivision and residential neighborhoods in general, making the ADU compatible with the surrounding neighborhood in terms of building design, hours of operation, and vehicle circulation. **Complies**
3. *Adequacy and convenience of off-street parking and loading facilities and protection of adjacent property from glare of site lighting.* Dedicated loading facilities are not required for this use. The site is developed with a driveway that can accommodate the two (2) required parking spaces for single-family homes plus the one (1) required for an ADU. **Complies**
4. *Potentially unfavorable impacts on other existing uses on abutting sites to the extent such impacts exceed those impacts expected from a permitted use in the zoning district.* The ADU is proposed within a section of Fashion Plantation Estates consisting of one (1) acre that are approximately 450 ft. deep. The ADU itself will be part of a detached garage set back approximately 230 ft. from the front property line. The portion of the accessory structure closest to the nearest abutting property consists of the garage space, with the ADU portion located more centrally within the lot. Similarly sized accessory structures can be found on comparable lots within this section of the subdivision. The impacts of an ADU are not expected to exceed that of the single family homes or standard accessory uses permitted in the zoning district and located on abutting sites. **Complies**
5. *Protection of persons and property from erosion, flood or water damage, fire, noise, glare, and similar hazards or impacts.* The ADU will be located within a detached accessory structure. Building code approval requires separation of buildings, fire-rated walls, or other measures to protect adjacent properties. Noise impacts are not expected from this type of development. In order to permit the building, plans must show it will be built to the required base flood elevation and that stormwater will drain to existing drainage features rather than to adjacent properties. **Complies**
6. *A site development plan shall be required as part of the application process. The following design criteria shall be evaluated on the plan:*
 - a. *Required yards and open space.*
 - Accessory structures cannot encompass more than 25% of the required rear yard. The site plan shows the accessory structure entirely outside of the required 20 ft. rear yard. **Complies**
 - Accessory structures, including overhangs, must be set back a minimum of 3 ft. from side and rear property lines. 5 ft. is provided. **Complies**
 - b. *Ingress and egress to property.* The ADU will use the existing driveway for the primary residence providing access to South Fashion Boulevard. **Complies**

- c. *Parking and loading areas.* The primary residence is developed with a driveway capable of accommodating the required two (2) parking spaces for a single family house, plus one (1) space for the ADU. The ADU is shown as part of a larger accessory structure which will also include a separate garage. **Complies**
- d. *Location of garbage facilities.* The ADU would utilize standard municipal garbage collection, which does not require a dedicated facility. **N/A**
- e. *Landscaping, buffering, and screening.* No landscaping, buffering, or screening is required or proposed. **N/A**
- f. *Signage.* No signage is proposed as part of this request. **N/A**
- g. *Height and bulk of structures.* The floor plan for the proposed ADU shows it will consist of approximately 1,890 sq. ft., exceeding the maximum allowable square footage of 1,200 sq. ft. by 690 sq. ft. **Does Not Comply**
- h. *Location and direction of site lighting.* No site lighting is proposed as part of this request. **N/A**

Accessory dwelling units.

- There shall be no more than one (1) ADU permitted per lot. **Complies**
- No ADU will be permitted without a primary building. **Complies**
- There shall not be more than one (1) bedroom in an ADU. The first story floor plan shows a kitchen, pantry, laundry room, combined family and dining room, and half bath. The second story floor plan shows a bedroom with closet space, a full bathroom, storage room, and “sewing” room. The storage and sewing room could potentially be used as bedrooms, but this is limited by the lack of closet space and the ADU consisting of one full bathroom. **Complies**
- The owner of the property on which the ADU is to be created shall occupy the primary dwelling unit. The subject site is indicated as the owner’s homestead as per the St. Charles Parish Assessor. **Complies**
- Setbacks for ADUs developed as part of the principal structure are the same as the underlying zoning district. **N/A**
- Setbacks for ADUs developed as detached structures shall meet the setbacks for accessory structures for the underlying zoning district. This is a detached ADU which can be located as close as 3 ft. to the side and rear property lines in the R-1A zoning district. The site plan shows the structure meeting the required setbacks from applicable property lines. **Complies**
- The floor area of the ADU is limited to fifty (50) percent of the floor area of the primary dwelling unit, not to exceed 1,200 sq. ft. The primary residence consists of 2,613 sq. ft. of living space as per the plans on file under Permit No. 37049, limiting the ADU to the 1,200 sq. ft. maximum. The ADU is shown as part of a larger accessory structure which will also include separate garage space. The living space of the ADU totals approximately 1,890 sq. ft., exceeding the allotted floor area by 690 sq. ft. **Does Not Comply**
- ADUs require one (1) off-street parking space in addition to the parking requirements of the underlying zoning district. The site can accommodate more than the required two (2) parking spaces for a single family house, plus one (1) space for the ADU. **Complies**

ANALYSIS

The applicant requests a Special Permit for a detached Accessory Dwelling Unit (ADU) at 808 South Fashion Boulevard, Hahnville.

The request meets most the Special Permit Use criteria, but it does not meet all of the requirements specific to ADUs. The primary residence consists of 2,613 sq. ft. of living area, restricting an ADU to the 1,200 sq. ft. maximum. At 1,890 sq. ft., the ADU exceeds the maximum by 690 sq. ft.

The structure containing the ADU was originally submitted for permitting as a 50 ft. by 50 ft., 2,500 sq. ft. detached garage in August 2021 (Permit No. 37049). Construction began, and as of this writing, the building foundation, framing, roof, and exterior sheathing are in place.

As of August 2022 revised plans were provided showing a portion of the garage consisting of a two-floor, 1,890 sq. ft. ADU, prompting a halt on construction and forwarding for this special permit.

Additional changes include a revised roof and siding material, relocation of exterior doors, addition of windows, and a rear facing balcony and porch. The partially constructed structure on site reflects what is shown on these revised plans.

The Department cannot recommend approval of a new construction ADU which does not meet all the ADU requirements.

If the Planning Commission approves the ADU, it must be with a waiver from the requirement restricting the overall size of ADUs (Appendix A, Section VII., item 1.Accessory Buildings.b.ix). The applicant submitted a waiver request dated October 13, 2022.

DEPARTMENT RECOMMENDATION

Denial.

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