



## Department of Planning & Zoning Staff Report – Minor Resubdivision Case No. 2023-12-MIN

### APPLICATION INFORMATION

- **Submittal Date:** 7/7/23
- **Applicant / Property Owner**  
Louis G. Authement  
13919 River Road, Suite 300  
Luling, LA 70070  
985.785.8481; louis@lgalaw.com
- **Request**  
Resubdivision of a Portion of Lot 156 of Coteau De France Subdivision into lots 156A, 156B, 156C, 156D, and 156E with a waiver from the Subdivision Regulations, Section III. C. 1 Size.

### SITE INFORMATION

- **Location:** Down the Bayou Road and Schaubhut Road, Des Allemands
- **Size of Proposed Lots**
  - Lot 156A: 2,274 sq. ft.; 46.40 ft. wide
  - Lot 156B: 1,125 sq. ft.; 37.22 ft. wide
  - Lot 156C: 1,493 sq. ft.; 37.22 ft. wide
  - Lot 156D: 1,020 sq. ft.; 37.22 ft. wide
  - Lot 156E: 944 sq. ft.; 37.23 ft. wide
- **Current Zoning:** R-1A(M), Single Family Residential Detached Conventional Homes, Manufactured Homes, and Mobile Homes—Medium density
- **Current Use**  
The proposed lots consist primarily of the Eastern shore of Bayou Des Allemands to the Eastern side of Down the Bayou Road.
- **Surrounding Zoning**  
R-1A(M) zoning is found on to the East of Bayou Des Allemands. Wetlands zoning encompasses Bayou Des Allemands.
- **Surrounding Uses**  
Surrounding area consists of Residential Uses.
- **Flood Zone & Minimum Building Elevation**  
1992 Flood Insurance Rate Map: AE +4  
2013 Digital Flood Insurance Rate Map: AE +5
- **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**  
The subject site encompasses a portion of Down the Bayou Road, with “frontage” on Bayou Des Allemands.

- **Utilities**

The Parish's GIS shows Parish utilities are available along Down the Bayou Road.

- **Development History**

Lot 156 was originally platted in 1869 as part of the Ranson Tract of the Coteau De France as shown on a map by Y.L. Freemanne. Original Lot 156 has been divided on different occasions, including for the development of Schaubhut Road in the late 1950s.

The subject site was part of a partition of Lot 156 as per an Amended Judgement of Possession dated November 8, 2018 and based on a 2017 survey by Riverlands Surveying Company. The judgment was amended on December 1, 2021 creating the current partition and ordering the property be resubdivided accordingly.

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

[II.] R-1A(M). Single Family Residential Detached Conventional Homes, Manufactured Homes, and Mobile 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 and aesthetic standards of a permanent residence. Additionally, mobile homes which meet the special provisions below are allowed.

1. Use Regulations:
  - a. A building or land shall be used only for the following purposes:
    - (1) Site-built, single-family detached dwellings.
    - (2) Manufactured homes.
    - (3) Mobile homes.
    - (4) Accessory uses.
    - (5) Private recreational uses.
    - (6) Farming on lots of three (3) acres or more and at least one hundred fifty (150) feet frontage.
  - b. Special exception uses and structures include the following:
    - (1) Additional residences for family and relatives on unsubdivided property on a non-rental basis, and which meet the criteria outlined in Special Provisions [subsection 3].
    - (2) Parks, public libraries, fire stations, police or sheriff's stations or substations, and sewer pumping stations.
    - (3) Showing and operation of historic buildings and/or sites and their related activities, provided a certificate from the United States Department of Interior is furnished by the owner verifying that the building and/or site is on the National Register of Historic Places.
    - (4) Accessory uses to golf courses and country clubs limited to the following:
      - Art studios
      - Churches and Religious Institutions
      - Commercial recreation facilities
      - Commercial schools
      - Personal service businesses, examples include but are not limited to beauty shops and barber shops, acupuncture, and massage services
      - Professional offices, examples include but are not limited to doctors, dentists, engineers, architects, landscape architects, plan services, realtors, insurance
      - Restaurants and cafeterias
  - 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 property lines a distance of at least one (1) foot for each foot of building height.
    - (5) Private commercial access roads, upon review by the Planning Commission and supporting resolution of the Council.
    - (6) Accessory dwelling units upon approval by the Planning Commission and supporting resolution of the Council.
    - (7) 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: 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.
  - 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.
- 3. Special Provisions:
  - a. Additional dwellings on unsubdivided property:
    - (1) Additional dwellings on unsubdivided property referred to in 1.b(1) above will be permitted at the rate of one (1) dwelling unit for each seven thousand (7,000) 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 Home Installation in Flood Hazard Areas*.
  - c. *Reserved*.
  - d. 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.

**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 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.
  - 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.

**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 a Portion of Lot 156, Coteau De France containing a portion Down the Bayou Road into five (5) lots.

The request is prompted by a Judgement of Possession on November 8, 2018 and an Amended Judgement on December 1, 2021 which stated those taking ownership in the

proposed lots shall sign and file an application for resubdivision with Planning and Zoning.

The proposed lots consist of an undivided portion of Lot 156 between Bayou Des Allemands and the eastern edge of Down the Bayou Road and contain a portion of Down the Bayou Road itself.

None of the lots meet the minimum area or width requirements of the R-1A(M) zoning district and require a waiver from Subdivision Regulations item III.C.1. Size, which states:

- *The width, depth, area, and minimum building setback line shall conform to the St. Charles Parish Zoning Ordinance for the type of development.*

<b>DEPARTMENT RECOMMENDATION</b>
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**For this motion to pass as per the Amended Judgement signed December 1, 2021 the Planning Commission must approve the request with required waiver.**

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