

# St. Charles Parish Department of Planning & Zoning

## LAND USE REPORT CASE NUMBER: PZS 2018-10

### GENERAL INFORMATION

- ◆ **Name/Address of Applicants** **Application Date: 2/28/2018**

Della Gisclair	Diane Costa Carter
PO Box 304	124 American Bank Lane
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- ◆ **Location of Site**

15048 River Road, Hahnville. The Pascal Margiotta Lot runs from the corner of River Road at American Bank Lane to the river; it is 91' wide.
  
- ◆ **Requested Action**

Resubdivision of one tract developed with several structures and uses into three developed lots and a wooded batture lot.

### SITE INFORMATION

- ◆ **Size of Parcel**

The site is over 54,317 sq ft  
Proposed Lot 1-PM is 19,486 sq ft and developed with a bank building  
Proposed Lot 2-PM is approximately 5,040 sq ft  
Proposed Lot 3-PM is 34,831 sq ft  
Proposed Lot 4-PM (the batture lot) is approximately 135,089 square feet
  
- ◆ **Current Zoning and Land Use**

The property is zoned C-3, highway commercial from River Road to the levee and B1 from the levee to the water's edge.
  
- ◆ **Surrounding Zoning and Land Use**

Vacant and wooded land zoned B-1 abuts the batture property on both sides. The C-3 portion of the property is surrounded by C-3 property developed with commercial and institutional uses.
  
- ◆ **Plan 2030 Recommendation**

General commercial. The General Commercial category includes sites for commercial uses that provide a mix of business activities and that serve the community as a whole. These uses provide for comparison shopping and services which are ordinarily obtained on an occasional rather than daily basis. In general, this designation applies to most commercial uses that are permitted in the C-2 (General Commercial-Retail) and all of the uses permitted in the C-3 Highway Commercial ) zoning districts.

Hahnville Civic/Town Center  
This Civic/Town Center designation generally encompasses land located between Bethlehem Lane and Courthouse Lane, on both sides of River Road. Centered on the Courthouse, along with nearby governmental offices, this area has the opportunity to develop as a "downtown" or "town center" for Hahnville.

Additional civic and governmental activities, infill housing, restaurants and other retail uses and amenities such as a central "town green" or plaza, along with sidewalk and streetscape enhancements to improve walkability, will help create the necessary critical mass of activity that would constitute a town center.
  
- ◆ **Traffic Access**

The property is 95.18 feet long on River Road. American Bank Lane currently provides access to all the structures on the property; it is 31.06 feet wide and

appears to be 200 feet long. A 1989 surveyor's sketch shows it "Reserved for ingress and egress," but does not show the full boundary.

◆ **Utilities**

Standard utilities are available and serve the site. Water meters serving the dwellings are not on the property but are within a private servitude. The structures are served by community sewer; electricity and telecommunications are available overhead.

<b>APPLICABLE REGULATIONS</b>
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**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.

**AND**

**Appendix A. Section VI. Zoning District Requirements [IV.] C-3. Highway commercial district—Wholesale and retail sales:**

1. Use Regulations:
  - a. A building or land shall be used for the following purposes.
    - (1) All uses allowed in the C-2 District.
    - (2) Commercial auditoriums, coliseums or convention halls
    - (3) Retail manufacturing
    - (4) Motor vehicle sales and service
    - (5) Wholesale uses
    - (6) Warehouses (less than 10,000 sq. ft.)
    - (7) Bus, railroad, passenger and truck terminals (without video poker gaming facilities)
    - (8) Bottling works
    - (9) Dog pound
    - (10) Building supply
    - (11) Heating and air conditioning service
    - (12) Plumbing shops
    - (13) Motor vehicle repair
    - (14) Glass installation
    - (15) Fabrication of gaskets and packing of soft metal material
    - (16) Creameries
    - (17) Parcel delivery service
    - (18) Reserved.
    - (19) Frozen food lockers
    - (20) Public stables
    - (21) Bulk dairy products (retail)
    - (22) Animal hospitals
    - (23) Gymnasiums
    - (24) Sheet metal shops.
    - (25) Upholstery
    - (26) Other uses of similar intensity
    - (27) Customary accessory uses incidental to the above uses when located on the same lot.
  - b. Special exception uses and structures:
    - (1) Temporary construction facilities for a period of one (1) year upon approval of the Planning Director.
  - c. Special permit uses and structures include the following:
    - (1) Barrooms, night clubs, lounges, and dancehalls upon review and approval by the Planning Commission and supporting resolution of the Council.
    - (2) R-1A and R-1B uses upon review and approval by the Planning Commission.
    - (3) R-3 uses upon review and approval by the Planning Commission and supporting resolution of the Council.
    - (4) Reserved.
    - (5) Cellular installations and PCS (personal communication service) installations.
    - (6) Reserved.
    - (7) Warehouses (non-hazardous materials) over ten thousand (10,000) square feet.
    - (8) 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.
    - (9) Bingo Halls, Video Bingo Parlors, and Off-Track Betting Establishments upon review of the Planning Commission and Ordinance of the Parish Council.

- (10) Outdoor storage, when accessory to an otherwise permitted use in the district.
2. Spatial Requirements:
    - a. Minimum lot size: Seven thousand (7,000) square feet, minimum width-seventy (70) feet.
    - b. Minimum yard sizes:
      - (1) Front - twenty (20) feet
      - (2) Side - five (5) feet
      - (3) Rear - ten (10) 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.
  3. Transportation System: Arterial, local industrial, rail, water.
  4. Special Provisions:
    - a. Where any commercial use in a C-3 zoning district abuts any residential district or use, a six-foot high solid wood fence or masonry wall shall border the same and there shall be a buffer strip ten (10) feet wide designated and maintained on the site planted with plant materials acceptable for buffer zones unless the Planning and Zoning Department shall require a greater or lesser buffer strip.
- [V.] Prohibited use: Medical waste storage, treatment or disposal facilities.

**AND**

**Appendix C., Section II. Subdivision Procedure. E. 4.**

c. Waiver or Modification of Specific Subdivision Regulations. Should the Director discover that specific aspects of the submitted Preliminary Plat fail to conform to the regulations contained in this ordinance, he may choose to forward the proposal for formal consideration by the Planning Commission and Parish Council if 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. Any application for Preliminary Plat approval which contains a request for a waiver or modification of any subdivision regulation shall contain a specific reference to the request and state the reasons that the request be granted. The Planning Commission, with a supporting resolution of the Council, may grant a waiver or modification of these regulations only when such requests meet the conditions of this subsection (i, ii) and are not detrimental to the public interest.

<b>ANALYSIS</b>
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The applicant requests a minor resubdivision of one lot into four lots in the C-3 and B-1 zoning district. Proposed Lots PM-1 and PM-4 meet zoning district requirements and geometric standards for lots. Proposed Lots 2-PM and 3-PM will not have the required frontage or width on a public street, and proposed Lot 2-PM is 5,091 square feet which does not meet the required 7,000 square foot area for the zoning district. These two lots are in legally nonconforming residential use—uses that were developed prior to the Zoning Ordinance of 1981. These lots are served by standard utilities and American Bank Lane, a 31-foot wide area reserved for ingress and egress.

The Pascal Margiotta Lot, the parent tract, is a long, narrow, developed lot that was passed to three heirs in 1991, with a portion, proposed Lot 2-PM already transferred into the private ownership of one of the heirs in 1990. The portion of ground was not legally subdivided into a lot of record; consequently, title to that 5,091 square feet and the entire Pascal Margiotta Lot is unclear to lenders and title companies. The applicants consider all these conditions a hardship and have requested waivers to allow the division of the property into Lots PM-1, PM-2, PM-3, and PM-4 in order to accomplish three things:

- transfer Lot PM-1 to a new owner who will put the property in commerce
- transfer Lot PM-2, according to metes and bounds established in 1990, to the heir who has lived on it since at least 1990
- allow residential use of a duplex, a single-family house, and a trailer to continue uninterrupted on Lot PM-3.

<b>DEPARTMENT RECOMMENDATIONS</b>
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**Approval with a waiver from the required street frontage for Lots PM-2 and PM-3 and a waiver from the required 7,000 square foot area for Lot PM-2.**