

# St. Charles Parish Department of Planning & Zoning

## LAND USE REPORT

**CASE NUMBER: PZSPU-2014-04**

### GENERAL APPLICATION INFORMATION

- ◆ **Name/Address of Applicant/Owner:** **Application date: 2/5/14**  
Lisa Carey  
166 Laroussini Street  
Westwego, LA 70094  
504.340.3.429  
lisacaareyrealty@yahoo.com
  
- ◆ **Location of Site:**  
309 A-B Paul Maillard Road, a triangular portion of Lot 4 of Square 3 of Ellington Subdivision that measures 22' on Paul Maillard Road by 73.87' to a point in the rear by 77.08 feet along the Union Pacific Railroad.
  
- ◆ **Requested Action:**  
Special Permit for two residential units in a C-2 zoning district with a request to waive required parking from four stalls to two.

### SITE – SPECIFIC INFORMATION

- ◆ **Size of Parcel:**  
847 square feet (approx.)
  
- ◆ **Existing Land Use and zoning:**  
Vacant two story building most recently occupied with office on the ground floor (approx. 720 sq. ft.) and a dwelling unit on the second floor (approx. 330 sq. ft.).
  
- ◆ **Surrounding Land Uses and Zoning:**  
The site is surrounded by C-2 zoning with a restaurant/lounge to the left or north, a storage building to the rear, the Union Pacific railroad to the right or south and a single-family house which appears to be unoccupied, currently across Paul Maillard Road to the west.
  
- ◆ **Plan 2030 Future Land Use Category on the property:**  
Paul Maillard Road mixed-use corridor
  
- ◆ **Utilities:**  
Standard utilities are available in the area, however, electricity has been disconnected from the building pending completion of building renovations to the standards of the state building code.
  
- ◆ **Traffic Access:**  
The property has 22' feet of width or frontage on Paul Maillard Road, however, a survey indicates the building is located 2.7' from the front property line and may actually be built over some other property lines. This leaves no space at all to design code compliant parking stalls. Considering how the surrounding area is developed, the adjacent site is has seven parking stalls extending into the Paul Maillard Road right of way. Two parking stalls could be striped that way in front of this building.

### APPLICABLE REGULATIONS

#### Appendix A, Section [VI.].C.III C-2 General commercial district—Retail sales:

1. Use Regulations:

c. Special permit uses and structures include the following:

(1) R-1A and R-1B uses upon review and approval by the Planning Commission.

(2) R-3 uses upon review and approval by the Planning Commission and supporting resolution of the Council.

#### AND

Appendix A, Section IV. 9.: Review and evaluation criteria/special permit use and special exception use: The appropriate decision-making agent and/or body shall review and evaluate each application based upon the following relevant criteria:

- a. Comparison with applicable standards established by the Comprehensive Land Use Plan as applied to the proposed use and site.
- b. Compatibility with existing or permitted uses on abutting sites, in terms of building construction, site development, and transportation related features.
- c. Potentially unfavorable effects or impact on other existing conforming or permitted uses on abutting sites, to the extent such impacts exceed those impacts expected from a standard permitted use in the applicable zoning district.
- d. Safety and convenience of vehicular and pedestrian circulation in the vicinity, including traffic reasonably expected to be generated by the proposed use and other uses reasonable and anticipated in the area considering existing zoning and uses in the area.
- e. Protection of persons and property from erosion, flood or water damage, fire, noise, glare, and similar hazards or impacts.
- f. Adequacy and convenience of off-street parking and loading facilities and protection of adjacent property from glare of site lighting.
- g. Conformity with the objectives of these regulations and the general purposes of the zone in which the site is located.
- h. That any conditions applicable to approval are the minimum necessary to minimize potentially unfavorable impacts on nearby uses and to ensure compatibility of the proposed use with existing or permitted uses in the same district and the surrounding area.

The above criteria listed in a—g is to be considered illustrative and not restrictive, and other criteria may be considered although not specifically listed above if said criteria affects [affect] the general welfare and safety of the public at large.

**AND**

**Appendix A. IV.10:** *Waiver or variance to zoning regulations for special permit uses.* Should the Director discover that specific aspects of an application for special permit 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 variance to existing regulations. Any application for special permit which contains a request for a waiver or variance 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 variance to these regulations only when such requests meet the conditions of this subsection (i, ii) and are not detrimental to the public interest.

**ANALYSIS**

The property owner/applicant requests a Special Permit to complete renovations of a two story building with a footprint of approximately 330 square feet into two single family dwelling units. Electrical permit 24175 was issued for service to the second floor apartment in 2011. However additional renovations began without a permit. The applicant filed for a renovation permit (#24894) which is pending complete building code review and land use approval through this special permit use process. Because only two parking stalls serve the building, it was anticipated that the owner would re-occupy the building as it had been occupied in the past—with a commercial use on the ground floor and a residence above, and that a variance would be required when a commercial use for the bottom unit was determined.

The owner decided in 2013 that the building is best converted to two residential units which is less intense than a two-story mixed-use building. The process to permit a duplex use is a Special Permit from the Planning and Zoning Commission with a supporting resolution and waiver from the required parking by the Parish Council.

Generally, in order to receive a recommendation for approval, a Special Permit Application must meet a majority of the eight evaluation criteria a-h.

- a. *Comparison with applicable standards established by the Comprehensive Land Use Plan as applied to the proposed use and site.* The request does not conflict with the recommendations of the Comprehensive plan for the Paul Maillard Road mixed use corridor.
- b. *Compatibility with existing or permitted uses on abutting sites, in terms of building construction, site development, and transportation related features.* As the property has been developed this way since 1959 or earlier, it is compatible with existing and permitted uses on abutting sites in terms of building construction, site development and transportation related features. Likewise, this request is compatible with existing and permitted uses on abutting sites which are a mix of small commercial and residential.

- c. *Potentially unfavorable effects or impact on other existing conforming or permitted uses on abutting sites, to the extent such impacts exceed those impacts expected from a standard permitted use in the applicable zoning district.* According to the International Transportation Engineer's trip generation estimates, a two-unit residential building generates eighteen trips per day by various modes (personal vehicle, transit, bicycle, walking). Commercial uses permitted in the C-2 zoning district, even at the square footages available here generate more trips. Therefore, with regard to traffic impacts, two residential uses will generate fewer trips per day. Other uses on this site would more likely cause congestion.
- d. *Safety and convenience of vehicular and pedestrian circulation in the vicinity, including traffic reasonably expected to be generated by the proposed use and other uses reasonable and anticipated in the area considering existing zoning and uses in the area.* Safety and convenience of vehicular traffic in the area is more likely to be protected by residents who drive into and out of this site on a daily basis and who are not new to the particular traffic patterns in the area.
- e. *Protection of persons and property from erosion, flood or water damage, fire, noise, glare, and similar hazards or impacts.* As a request for two residences in a two-unit building that has been developed for decades, the request should not affect erosion, flood or water damage. As renovations are being held to the standards of the Louisiana State uniform Construction Code, threat of fire should be lower. Considering the orientation of the building, glare is unlikely. Excessive noise is prohibited by the noise ordinance.
- f. *Adequacy and convenience of off-street parking and loading facilities and protection of adjacent property from glare of site lighting.* With 0 code compliant on-site parking stalls, the request fails this criterion. However, there are two functional/historic parking stalls in the front of the structure to serve the building.
- g. *Conformity with the objectives of these regulations and the general purposes of the zone in which the site is located.* The use of this structure as a duplex provides a low intensity use within a mixed use area. Creating two small dwelling units generally conforms to the general purpose of the zone.
- h. *That any conditions applicable to approval are the minimum necessary to minimize potentially unfavorable impacts on nearby uses and to ensure compatibility of the proposed use with existing or permitted uses in the same district and the surrounding area.*

The waiver or variance to zoning regulations for special permit uses offers relief when the enforcement of one or more provisions of the ordinance is impracticable or will exact undue hardship because of peculiar conditions pertaining to the land in question. The land in question was developed and sold as an 847 square foot portion of a lot since 1959 or earlier, long before the development standards of the 1981 Zoning Ordinance was adopted.

One single-family dwelling would be the least intense use of the property. However, the two units of the building are developed such that requiring them to be combined could be considered an undue hardship on the property owner. Likewise, with regard to parking, two parking stalls are required for a single family dwelling—whether it's 3000 square feet or 330 square feet. It certainly could be argued that each proposed dwelling unit is of such a size that requiring the same number of parking stalls per unit that would be required for a 3000 square foot house exacts an undue hardship on the property owner. Permitting of two dwelling units with a reduction of parking stall should not create neighborhood congestion or other negative impacts considering the square footage of the dwelling units.

It should be noted that renovations to this building have been underway for almost three years. If a Special Permit Use is approved, renovations must be approved by the building official and underway within twelve months under the expiration clause for a Special Permit Use.

#### **DEPARTMENTAL RECOMMENDATION**

**Approval of a Special Permit Use for two dwelling units in a C2 zoning district with a waiver from the required parking from four to zero.**