



Department of Planning & Zoning Staff Report – Map Amendment Case No. 2023-16-R

APPLICATION INFORMATION

- **Submittal Date:** 11/28/23
- **Applicant / Property Owner**
Kim Trahan and Justin Gonzalez
545 West McAdoo Street
Destrehan, LA 70047
504.352.5068; tkelly1577@yahoo.com
- **Request**
Change of zoning from *R-1A, Single Family Residential Detached Conventional Homes* to *R-1A(M), Single Family Residential Detached Conventional Homes, Manufactured Homes, and Mobile Homes*

SITE INFORMATION

- **Location**
545 West McAdoo Street, New Sarpy; Lot 27A-1, Square 33, New Sarpy Subdivision
- **Size:** 14,400 sq. ft. (0.33 acres)
- **Current Use**
A portion of Lot 27A-1 consisting of former lots 19-22 was developed with a legally nonconforming single-wide manufactured home. This home was damaged in Hurricane Ida and a FEMA supplied RV was placed in its location. A shed previously occupied the portion of Lot 27A-1 consisting of former Lot 27A, but has been removed.

A permit was submitted in August for a new manufactured home on Lot 27A-1 (Permit No. 46613). Being zoned R-1A the Parish's nonconforming use requirements apply, allowing for the replacement of nonconforming manufactured homes with no increase in size. Currently a new double-wide manufactured home exceeding the size of the previous home has been placed on Lot 27A-1 and work is ongoing to complete the installation.
- **Surrounding Zoning**
The site is located in an R-1A zoning district. R-1A(M) spot zones are present on the opposite side of W. McAdoo Street and catty corner at the W. McAdoo and Sixth Street intersection.
- **Surrounding Uses**
The site is located in a developed residential subdivision. While zoned R-1A, dwellings consist of a mix of both site built and manufactured homes. Specifically, the 500 block of W. McAdoo is developed exclusively with manufactured homes, while adjacent lots on W. Lawson and on the River Road side of Sixth Street are developed with site built homes.
- **Zoning History**
The R-1A zoning district was established in 1981.
- **Future Land Use 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).

Recommended Zoning Districts: R-1A (6,000 sf. min. lot size), R-1B (10,000 sf. min. lot size), R-1A(M) (accessory units and individual mobile homes).

▪ **Flood Zone & Minimum Building Elevation**

1992 Flood Insurance Rate Map: A99

2013 Digital Flood Insurance Rate Map: AE+4 & X

▪ **Traffic Access**

Lot 27A-1 is a corner lot with frontage on both W. McAdoo Street and Sixth Street.

▪ **Utilities**

Parish GIS shows public water, sewer, and drainage facilities along W. McAdoo Street.

APPLICABLE REGULATIONS

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, 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.
- 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 A. Section XV. - Amendment procedure

D. Rezoning guidelines and criteria: The proponent for a change should present reasonable factual proof that two or more of the following criteria are met:

- 1. The proposed rezoning conforms to land development pattern established by the St. Charles Parish Comprehensive Plan Future Land Use Map and does not create a spot zone that is incompatible with the surrounding neighborhood.
- 2. The Land-use pattern or character has changed to the extent that the existing zoning no longer allows reasonable use of the applicant's property, and that the proposed zoning does. In order to determine what is reasonable use of the property, the proponent for the zoning change should consider one or more of the following:
 - a. Consideration of uses on adjacent properties that would limit the use of the site under consideration.
 - b. Consideration of unique or unusual physical or environmental limitations due to size, shape, topography or related hazards or deficiencies.
 - c. Consideration of changes in land value, physical environment or economic aspects which can be shown to limit the usefulness of vacant land or buildings.
- 3. Potential uses permitted by the proposed rezoning will not be incompatible with existing neighborhood character nor will they overburden public facilities and infrastructure.

The Planning Staff shall base rezoning analyses on these criteria but shall not be prohibited from factoring unique circumstances of the application into the analysis. The Planning and Zoning Commission may state in its recommendations to the Council: its concurrence with, or rejection of, any or all of the proponents' case for the suggested amendment, and/or its position relative to proponents' statements on the case. Planning Staff analyses and recommendations shall be forwarded to the Council along with the Commission's recommendations.

E. Rezoning approval criteria: Before the Council votes to approve a rezoning, there should be reasonable factual proof by the applicant that:

- 1. The proposed map amendment is in compliance, or is not in conflict, with the goals and recommendations of the St. Charles Parish Comprehensive Plan and Future Land Use Map, also
- 2. The proposed map amendment does not negatively impact the health, safety, and welfare of the community.

REZONING GUIDELINE & CRITERIA EVALUATION

- 1. *The proposed rezoning conforms to the land development pattern established by the St. Charles Parish Comprehensive Plan Future Land Use Map and does not create a spot zoning that is incompatible with the surrounding neighborhood.*

The proposed R-1A(M) zoning district conforms to the Future Land Use Map designation of *Low-to-Moderate Residential*, which provides for single family detached dwellings and includes R-1A(M) as a recommended zoning district. But this is considered a spot zone since the request is limited to a single small site within a larger, established R-1A zoning district. **The request does not meet the first guideline.**

2. *The Land-use pattern or character has changed to the extent that the existing zoning no longer allows reasonable use of the applicant's property and the proposed zoning does.*

The existing R-1A zoning district was established in 1981. Four R-1A(M) spot zones covering 28,800 sq. ft. (0.66 acres) exist in the neighborhood, three of which are occupied with manufactured homes. The last R-1A(M) spot zone was approved in 1990 (Ord. 90-3-12; PZR-90-03). There is a larger presence of nonconforming manufactured homes in the neighborhood, including each dwelling within the 500 block of W. McAdoo Street. But the majority of the neighborhood consists of site-built houses as permitted by the R-1A zoning. The lack of activity for new manufactured homes or requests for R-1A(M) zoning is not indicative of a shifting land-use pattern or neighborhood character away from site-built houses. The existing R-1A district is reasonable for the subject site, which like many properties in this neighborhood provides an opportunity for site-built infill development. **The request does not meet the second guideline.**

3. *Potential uses permitted by the proposed rezoning will not be incompatible with existing neighborhood character nor will they overburden public facilities and infrastructure.*

New Sarpy as bounded by River Road, the CN Railroad, W. Easy Street, and W. Lawson Street has been zoned R-1A since 1981 and developed as a residential neighborhood. There are sporadic R-1A(M) spot zones along with a larger presence of nonconforming manufactured homes as referenced in the previous guideline. The subject site is located in the 500 block of W. McAdoo where the greatest concentration of manufactured homes in the neighborhood can be found. The proposed zoning would be compatible with those uses, but would still be incompatible with the overall character primarily defined by site-built homes, including those on adjacent properties fronting W. Lawson and on the opposite side of Sixth Street. **The request does not meet the third guideline.**

DEPARTMENT RECOMMENDATION

Denial, due to not meeting any of the three rezoning criteria.

This request will be forwarded to the Parish Council for a second public hearing with the Planning Commission's recommendation.