



Department of Planning & Zoning Staff Report – Minor Resubdivision Case No. 2023-13-MIN

APPLICATION INFORMATION

- **Submittal Date:** 8/31/23
- **Applicant / Property Owner**
Tracy and Monica Trepagnier
564 Giacomo Drive
Norco, LA 70079
504.487.4712; ttrepagnier1@cox.net
- **Request**
Resubdivision of Lot 12A, Block L, Mule Subdivision, Unit Number One, Section Two into Lots 12A-1 and 12A-2, with waivers from the Subdivision Regulations, Section III.B.3 Arrangement and Section III.C.1 Size.

SITE INFORMATION

- **Location:** 564 Giacomo Drive, Norco
- **Size of Proposed Lots**
 - Lot 12A-1: 25,320 sq. ft.; 140 ft. wide
 - Lot 12A-2: 5,064 sq. ft.; 60 ft. wide
- **Current Zoning:** R-1A, Single Family Residential
- **Current Use**
Lot 12A is developed with a single-family residence and an accessory structure. All improvements are shown within proposed Lot 12A-1. Proposed lot 12A-2 would be vacant.
- **Surrounding Zoning:** R-1A
- **Surrounding Uses**
The site is located in a developed single family residential neighborhood.
- **Flood Zone & Minimum Building Elevation**
1992 Flood Insurance Rate Map: AE+5
2013 Digital Flood Insurance Rate Map: X and AE+5

Minimum building elevation is +6 feet.
- **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**
Lot 12A has 140 ft. of frontage on Giacomo Drive, where driveway access is provided. Proposed Lot 12A-1 will maintain this access to Giacomo Drive.

Lot 12A-2 is shown with frontage on unimproved Mary Street. If this resubdivision is approved and development on Lot 12A-2 is considered, it would be subject to those requirements addressing residential development on sub-standard streets.

Additionally, approval from the Department of Public Works would be required to permit a driveway culvert across the open swale drainage within unimproved Mary Street.

▪ **Utilities**

Per the Parish GIS standard utilities are available along Giacomo Drive. Open swale drainage is located along unimproved Mary Street. If this resubdivision is approved and development on Lot 12A-2 is considered, any utility extensions, specifically connection to the nearest water and sewer lines, must be done at the expense of the property owner/developer.

▪ **Development History**

Mule Subdivision Number One, Section Two was platted in 1950. Number Two, Section Two was platted in 1956.

Original lots 12 and 13, Block L, Mule Subdivision Number One, Section Two were consolidated into Lot 13A as per the resubdivision survey by Stephen P. Flynn, PLS dated June 26, 1996 (PZS-1996-46).

Subject Lot 12A resulted from a consolidation of Lot 13A with Lots 12-15, Sq. 11, Mule Subdivision Number Two, Section Two as per the resubdivision survey by Stephen P. Flynn, PLS dated May 8, 2012 (PZS-2012-23).

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:
 - a. A building or land shall be used only for the following purposes:
 - (1) Site-built single-family detached dwellings
 - (2) Accessory uses
 - (3) Private recreational uses
 - b. Special exception uses and structures include the following:
 - (1) Parks, public libraries, fire stations, police or sheriff's stations or substations, and sewer pumping stations.
 - (2) Showing the 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.
 - (3) 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 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 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.
2. Traffic Impact Analysis. A Traffic Impact Analysis, including all required documentation, shall be submitted in accordance with the Parish's Traffic Impact Analysis Policy.
3. Consecutive Minor Subdivisions. The Minor Resubdivision process is not intended to create major subdivisions from multiple minor subdivisions. Whenever a minor subdivision results in a net increase of lots, parcels, or tracts, no application for a further increase of lots shall be considered by the Planning Commission for a period of two years from the date of recordation unless a majority of the Planning Commission votes to consider the consecutive request to resubdivide into additional lots. This restriction shall not prohibit a property owner from changing boundary lines by administrative resubdivision.
4. 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 B. Blocks

3. Arrangement. All lots shall possess frontage on a street or roadway that meets the specifications of these regulations. When the subdivision of a parcel of land does not permit a normal street arrangement due to size or location of the land, there may be established a street with a cul-de-sac or turning circle which provides proper access to all lots. A cul-de-sac or turning circle, as described in Section III.A.2.e., shall be required at the end of dead end streets when the length of the dead end street exceeds the width of two (2) lots.

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.

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 proposes dividing one (1) lot into two (2).

Proposed Lot 12A-1 meets the minimum area and width requirements for the zoning district as well as geometric standards. Improvements meet required setbacks.

Proposed Lot 12A-2 meets the minimum width requirement but does not meet geometric standards, specifically items III.B.3. Arrangement and III.C.1. Size, which state:

- *All lots shall possess frontage on a street or roadway that meets the specifications of these regulations.*
- *The width, depth, area, and minimum building setback line shall conform to the St. Charles Parish Zoning Ordinance for the type of development.*

Proposed Lot 12A-2's frontage is limited to unimproved Mary Street which does not meet the specifications of the Subdivision Regulations. Lot 12A-2 also consists of 5,064 sq. ft. when 6,000 sq. ft. is required.

The applicant has requested a waiver from both requirements, citing the intention to sell Lot 12A-2 to the owner of an adjacent property, as reflected in a purchase agreement submitted with the application.

The Department does not support the waiver request.

The portion of the subject site shown as proposed Lot 12A-2 and intended to be sold to an adjacent property owner, could be separated from Lot 12A and incorporated into the adjacent property through a joint administrative resubdivision application. This could be processed without a public hearing and would avoid creating a nonconforming lot.

DEPARTMENT RECOMMENDATION

Denial.

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

If the Planning Commission supports the waiver request and approves the resubdivision, the approval should be stipulated on the submittal of a follow-up administrative resubdivision for the consolidation of Lot 12A-2 into the adjacent property. Planning and Zoning could withhold forwarding the request for the Council's supporting resolution of the waivers until such application is submitted.