

Commissioner Booth: Next item on the agenda PZSPU-2017-05 requested by Terry & Katherine Telschow for a special permit for an accessory dwelling unit at 511 Arlington Dr., Destrehan. Zoning District R-1A. Council District 3. Mr. Romano.

Mr. Romano: Thank you Mr. Chairman. This applicant requests a special permit to build an accessory dwelling unit (ADU) in an existing house. The house was permitted in 1992 as a one-story house comprising 1862 square feet (project 8401). The applicants purchased the property in November 2012. The plans submitted for the ADU show a two story addition comprising 832 square feet with a kitchen and living room on the first floor and bedroom with bath on the second floor.

Accessory dwelling units have been allowed in residential zones as a special permit use since July 2015. The department has processed four applications for ADUs; three have been approved. The zoning ordinance was amended to allow accessory dwelling units in order to "offer a wider range of housing options within residential zoning districts."

Special permit uses must meet the spatial requirements and special provisions for their zoning district; some also are subject to supplemental regulations. With these requirements in mind, special permit uses are evaluated using six criteria that consider impacts to abutting properties and the surrounding neighborhood. Accessory dwelling units in R-1A require approval of the Planning and Zoning Commission and a supporting resolution of the Parish Council.

In order to be permitted at this location, any addition to the house must meet the required 20' front & rear yards and 5' side yards; an addition for an ADU at this location must also have floor area less than 931 square feet (50% of the existing house). While the floor plans show the ADU complies with the floor area restriction, the site plan shows the addition 9' 3" from the rear property line. The request **does not meet the required rear yard** and cannot be permitted without a waiver, approved by the Parish Council.

The Planning Department generally recommends approval of a Special Permit when it meets a majority of the six evaluation criteria. ***This application does not meet zoning district requirements or the majority of evaluation criteria.***

1. *Compliance with the current St. Charles Parish Comprehensive Plan.* The future land use designation is "Low density residential," between four and eight dwelling units per gross acre. While "accessory unit" is specifically listed in the description of the low density residential category, this neighborhood is built-out to a density of between seven and eight houses per acre. Lots in the area average 63 feet wide and 6800 square feet. The neighborhood is built-out with houses like the subject property between 1,800 and 2,400 square feet, designed to maximize the buildable area of their lots. **The request does not meet this criterion.**

2. *Compatibility with existing uses on abutting sites in terms of site development, building design, hours of operation, and transportation features related to safety and convenience of vehicular and pedestrian circulation.* The request meets this criterion with regard to transportation features; hours of operation does not apply. However, because of the encroachment into the required rear yard in a neighborhood where only single-family houses exist and where one rear yard variance has been granted (to reduce the required rear yard on an irregular lot at a curve in the street), **the request fails this criterion.**

3. *Adequacy and convenience of off-street parking and loading facilities and protection of adjacent property from glare of site lighting.* Loading facilities are not required, and site lighting will be evaluated by site inspection to ensure glare does not affect neighboring properties. A minimum of 2 parking spaces per residence and 1 for an ADU are listed in the Zoning Ordinance. The residence has a 2 car garage and a driveway wide enough for 2 vehicles. **The request meets this criterion.**

4. *Potentially unfavorable impacts on other existing uses on abutting sites to the extent such impacts exceed those impacts expected from a permitted use in the zoning district.*

The site plan shows the addition encroaching on the required rear yard that would result in a new dwelling unit in a dense neighborhood that is already developed to the density recommended by the comprehensive plan. **The request does not meet this criterion.**

5. *Protection of persons and property from erosion, flood or water damage, fire, noise, glare, and similar hazards or impacts.* Encroaching on the rear yard is not likely to cause any of the hazards listed. **The request meets this criterion.**

6. *A site development plan shall be required as part of the application process.*

a. *Required yards and open space.* The proposed addition would encroach on the required 1200 square foot rear yard over 281 square feet. The addition would take up 23% of the required rear yard. **The request does not comply.**

b. *Ingress and egress to property and*

c. *Parking and loading areas.* The site plan shows parking for four passenger vehicles where three are required. **The request complies.**

d. *Location of garbage facilities.* **The request complies.**

e. *Landscaping, buffering, and screening.* **This element is not applicable.**

f. *Signage.* **This element is not applicable.**

g. *Height and bulk of structures.* There are no height restrictions for primary structures in the R-1A zoning district; however, the site plan shows an encroachment of over 281 square feet into the required 1200 square foot rear yard. The addition would take up 23% of the required rear yard. With regard to bulk, **the request does not comply.**

h. *Location and direction of site lighting.* Site lighting will be required to be directed into the site and avoid any impact on neighboring properties. **The request complies.**

Because the proposed site plan indicates the encroachments on the rear setback, approval of the request would require approval of a waiver from the Planning Commission and Supporting Resolution from the Council. The Department is aware erosion issues along the abutting drainage canal. If the addition is approved, the project will be forwarded to the Department of Public Works/Drainage for review.

Because of the setback encroachment and density of the neighborhood, the Department cannot recommend approval.

Commissioner Booth: Thank you Mr. Romano. This is a public hearing for PZSPU-2017-05 for an accessory dwelling unit in Destrehan. Anyone here to speak for or against this particular issue? Yes sir. State your name and address for the record.

I'm Terry Telschow, 511 Arlington Drive, Destrehan. My wife and I own the property. The idea here is to take care of mom. Dad passed away about 2 months ago and we're just looking to get her inside of our residence with her own space. Just trying to figure out a design that makes enough sense to give her freedom and living space but enough separation that she's not impeding upon our lives, nor our hers. We're just trying to get that done with a reasonable budget. I've been wrecking my brain for about a year on this one on how to solve this problem. I've been looking at other properties and acknowledge financial hardship isn't an issue, it's not really that, I've looked at properties accomplishing what I've accomplished having her in her own separate area and us in a property in Destrehan, outside of a custom build between \$400,000 - \$500,000, just seems impossible. So I came up with this design, I didn't realize until just now how many infringements there were. I had spoken with them but I just didn't realize the depths of it, I just simply from a design standpoint, I see a back gable and we can extend this out and go up with it and let's see if that works. Just trying to see what I can do that with the best case scenario. Mom is in a hardship situation, she's living with my aunt and uncle in Gulfport, she's displaced, her house is being torn down and being rebuilt by FEMA, there are a lot of circumstances, but basically the idea is to get her and the biggest circumstance is that she has health conditions that require close supervision, hence the idea of getting her in with us. She has for lack of a better term, pain type seizures that happen on occasion that can lead her into a situation where immediate supervision is a life threatening manner. So like I said, I just want her close and to be able to get her some space.

Commissioner Booth: Any questions for the applicant?

Commissioner Galliano: I have a couple. It looks like a couple of your neighbors are close to the back property line also, there will never, ever be anything built behind you because there is a canal.

Mr. Telschow: Correct

Commissioner Galliano: The thing is a two-story building, elderly people...

Mr. Telschow: Here's the thought there, mom made it up the stairs today, she's recently lost 80 lbs., she's doing very well with stairs and things and I'm trying to avoid a mother in law type of suite because I'm trying to keep it within, connecting to the property by a hallway that we can close off, to shut her space in. The idea would be that she can go live in there as long as the space would allow her body to do the stairs, I have background in kinesiology and I believe the stairs would help keep her young and help keep her in better shape. When it gets the point where she can't do that anymore, we would simply switch master bedrooms and get her into our master bedroom and we would take over that one and we would continue on without a further renovation or infringement because obviously that would be a tougher point in our lives as well. That was kind of the thought.

Commissioner Booth: Any other questions?

Commissioner Petit: I have one for Planning & Zoning. So if this was to become a rental in the future would it require a different permit?

Ms. Stein: No, once it's built, it's built. And the use is once it exists, anyone can live in it.

Mr. Telschow: Like I said the plans do call for a hallway that goes through it. There are exterior entrances to it but the way it's going to be built, we can walk straight down the hallway to see mom, you don't have to go outside and come in. I'm designing it like a master suite just in the mindset that I want to take care of mom but in the future this can be a master suite and a little bit better property value and better business decision as far as investing in my own property.

Commissioner Booth: Any other questions? Thank you sir. It looks like the 281 sq. ft. encroachment is encroaching on a canal so I don't think it's a big issue for me. Anyone else here to speak for or against this issue? Hearing none, the public hearing is closed. If there are no other comments or questions, we'll ask for the vote.

YEAS: Gordon, Petit, Granier, Richard, Booth, Frangella, Galliano

NAYS: None

ABSENT: None

Commissioner Booth: That passes unanimously. Sir you will have to be back here on September 18th to talk to the Council about this and that will be your final approval. Thank you.
