



## Department of Planning & Zoning Staff Report – Map Amendment Case No. 2024-18-R

### APPLICATION INFORMATION

- **Submittal Date:** 8/7/24
- **Applicant / Property Owner**  
Malcolm Darensbourg, III  
M.A.D. III, LLC  
318 Devon Road  
Laplace, LA 70068  
504-231-7079; malcolmfab@gmail.com
- **Request**  
Change of zoning:
  - Current – R-1A, Single Family Residential Detached Conventional Homes - Medium density
  - Proposed – R-1A(M), Single Family Residential Detached Conventional Homes, Manufactured Homes, and Mobile Homes

### SITE INFORMATION

- **Location**  
Lot 31A, Square 1, St. Charles Terrace Annex; 175 Annex Street, New Sarpy
- **Size:** 5,200 sq. ft. (0.119 acres)
- **Current Use**  
Lot 31A was previously improved with a manufactured home. It was removed sometime between 2021-2023.
- **Surrounding Zoning:** R-1A
- **Surrounding Uses**  
The site is located in a developed residential neighborhood characterized by a mix of site-built and manufactured single-family homes.

Specifically, the subject site is located on a portion of Annex Street with a concentration of non-conforming manufactured homes, including directly adjacent to the River Road side and immediately opposite Annex Street. Vacant lots previously improved with site-built homes are adjacent to the Short Street side and rear.

- **Zoning History**  
The R-1A 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-1AM (accessory units and individual mobile homes)*

- **Flood Zone & Minimum Building Elevation**  
1992 Flood Insurance Rate Map: A99  
2013 Digital Flood Insurance Rate Map: X

▪ **Traffic Access**

Lot 31A has 50 ft. of frontage on Annex Street with an existing aggregate driveway.

▪ **Utilities**

Per the Parish GIS drainage, sewer, and water facilities are available along Annex Street.

Representatives from the Departments of Public Works, Wastewater, and Waterworks have no objections to the rezoning.

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

<b>REZONING GUIDELINE &amp; CRITERIA EVALUATION</b>
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- 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 subject site is in an area designated *Low-to-Moderate Residential*, which primarily anticipates development of those detached residential uses typically permitted in the R-1A, R-1B, and R-1A(M) zoning districts. While the requested zoning falls into the appropriate Comprehensive Plan designation it must be considered a spot zone as it 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 St. Charles Terrace Annex Subdivision is shown on plat maps dated to 1930 and the R-1A zoning district encompassing most of the neighborhood was established in

1981. The neighborhood character/land-use pattern is defined by older site-built houses, manufactured homes, and vacant lots.

This area is shown on a 1973 zoning map as R-1 single-family residential. Per the Code of Ordinances adopted in 1970, the Single-family dwelling use type permitted in R-1 did not differentiate between a site-built and manufactured (mobile) structure, perhaps explaining the mix of older, now nonconforming manufactured homes amongst the site-built houses. With the changes in 1981 the Parish created the R-1A(M) district, establishing where manufactured homes may be permitted by right, and the subject area was zoned R-1A. Since then, there have been eight successful rezonings from R-1A to R-1A(M) in St. Charles Terrace Annex from 1986 to 2016. But these requests are relatively infrequent and concentrated on the opposite side of Short Street. The prevalence of nonconforming manufactured homes predating current zoning along with the rezonings to R-1A(M) is not indicative of a shift away from the overall site-built character intended for and developed in St. Charles Terrace Annex.

The biggest impact to the character/land-use pattern in St. Charles Terrace Annex is the growth of vacant lots resulting from an industrial buy-out program. Valero Refining – New Orleans, LLC, operator of the facility bordering the neighborhood upriver, has acquired 175 individual lots in St. Charles Terrace Annex. The majority of their acquisitions are concentrated along St. Charles and Terrace Streets but the footprint extends across the entire neighborhood. This includes the four vacant lots previously developed with a site-built home to the rear of the subject site. While this may not necessarily render the R-1A zoning unreasonable, records show there have been more permits for demolitions than construction of permanent site-built structures in this area. Coupled with a manufactured home previously occupying Lot 31A, the presence of manufactured homes in the immediate vicinity, and a lot size fitting the requirements of the R-1A(M) district, the requested R-1A(M) zoning could allow for more reasonable use. **The request meets 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.*

St. Charles Terrace Annex Subdivision as bounded by River Road, the CN Railroad, St. Charles Street, and Clement Street has been zoned R-1A since 1981 and developed as a residential neighborhood. The sporadic R-1A(M) spot zones and nonconforming manufactured homes have created a considerable mix of housing types, especially in the immediate vicinity of the subject site. But they should still be considered an exception to the overall neighborhood character defined primarily by site-built houses.

The area is improved with Parish drainage, sewer, and water facilities and representatives from the departments maintaining those facilities do not object to the zoning change. **The request does not meet the third guideline.**

<b>DEPARTMENT RECOMMENDATION</b>
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**Denial, due to only meeting one of the three rezoning criteria.**

**This request will be forwarded with the Planning Commission’s recommendation to the Parish Council for a second public hearing and final determination.**