

# St. Charles Parish Department of Planning & Zoning

## LAND USE REPORT

**CASE NUMBER: PZS-2011-29**

### GENERAL APPLICATION INFORMATION

- ◆ **Name/Address of Applicant:** **Date of application: 9/30/2011**
  - ◆ John and Henri Sue Agnelly
  - 157 Hall St.
  - Luling, La 70070
  
- ◆ **Location of Site:**
  - 1217 & 1219 Gassen St, Luling.
  
- ◆ **Requested Action:**
  - Resubdivision of Lot 8A at 9,491 square feet into:
  - Lot 8A-1 and Lot 8A-2, each 4,745.5 square feet.

### SITE-SPECIFIC INFORMATION

- ◆ **Existing Land Use and Zoning:**
  - The property is vacant but graded and served with standard utilities.
  
- ◆ **Surrounding Land Uses and Zoning:**
  - Property on both sides and across Gassen Street all is zoned R-1A(M). There is one house adjacent. Property to the rear is zoned R-1A and developed with a site-built house.
  
- ◆ **St. Charles Parish 2030 Comprehensive Plan Future Land Use Map Compatibility:**
  - Consistent with the Future Land Use Map designation which indicates Residential Mixed Use.
  
- ◆ **Utilities:**
  - Standard utilities serve the sites.
  
- ◆ **Traffic Access:**
  - Site has frontage on Gassen Street.

### APPLICABLE REGULATIONS

#### **Subdivision Ordinance, Section II. Subdivision Procedure E. 4.**

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. However, the presented plan of resubdivision shall conform to requirements outlined in section II.C.3. of this section. The Planning and Zoning Commission has the authority to approve or disapprove such resubdivisions without Council action, provided the required public notice and public hearing actions have occurred. The proposal shall be in compliance with all relevant land use regulations, including the St. Charles Parish Zoning Ordinance and Subdivision Regulations, as amended. This authority shall not exceed the limits herein.

**AND**

#### **[VII] R-2. Two-family residential:**

2. Spatial Requirements:

a. Minimum lot size: Six thousand (6,000) square feet (3,000 per family); minimum width - sixty (60) feet.

**AND**

**[VIII] R-3. Multi-family residential:**

2. Spatial Requirements:

a. Minimum lot size: Ten thousand (10,000) square feet; minimum width - sixty (60) feet; two thousand five hundred (2,500) square feet per family.

**ANALYSIS**

This application calls for changing a single lot that is 9,491 square feet into 2 lots that are 4,741.5 square feet in size. The stated intention is constructing a 2-unit townhouse and each unit would be situated on individual lots.

In late 2010, the applicants met with the Department stating a desire to build a duplex on Lot 8A. But because the lot was zoned R-1AM their recourse was to submit an application to rezone the lot from R-1AM to R-2. The Department concluded that the application failed all three criteria for rezoning consideration and recommended denial but in January of this year Ordinance 11-1-5 approved the rezoning. The Department then issued 2 addresses for the proposed 2 units on the site: 1217 and 1219 Gassen Street and the applicants then pursued obtaining financing for constructing a duplex on the single lot. There was no stated desire or intention to subdivide the lot into 2 lots.

Circumstances have now changed for the applicants to the extent that they have concluded that they now have to rezone the lot from R-2 to R-3, AND resubdivide the lot into Lots 8A-1 and 8A-2, and instead of trying to build a duplex, they need to create a 2-unit townhome out of it and situate each unit on individual lots. This would not change the physical appearance or construction type of building. Under either zoning, a 2-unit structure would be constructed under the same building code requirements, including a firewall between the units.

However, after comparing the submitted survey of the site, and the spatial requirements stated in the Zoning Ordinance for land zoned R-2 or R-3, the Department concludes that the proposed resubdivision would create the following conflicts with the Zoning Ordinance:

- Under R-2 zoning, a minimum of 60-feet of frontage is required but each lot has 45-feet;
- Under R-3 zoning, a minimum of 10,000 square feet is required before lots can be further subdivided. There is 9,491 square feet on Lot 8A;
- Under R-3 zoning, 60-feet of frontage is required. Each lot has 45-feet of frontage.

Therefore, subdivision approval would create deficient lots.

**DEPARTMENTAL RECOMMENDATION**

**Denial.**