

St. Charles Parish Department of Planning & Zoning

LAND USE REPORT CASE NUMBER: 2019-18-SPU

GENERAL APPLICATION INFORMATION

- ◆ **Name/Address of Applicant** **Application Date: 10/23/19**
Timothy A. Kozel
368 Davis Dr.
Luling, LA 70070
(504) 442-2922; timk504@gmail.com
- ◆ **Location of Site**
368 Davis Drive, Luling
Lots 26 and 27, Block C, Davis Heights Subdivision
- ◆ **Requested Action**
To permit an existing accessory dwelling unit (ADU) that is 420 square feet on the second floor of a detached accessory building.

SITE-SPECIFIC INFORMATION

- ◆ **Size of Parcel(s)**
The site is 15,400 square feet (Lots 26 & 27 are 7,700 each). Because an ADU
- ◆ **Current Zoning and Use**
R-1A, Single-Family Residential developed with a site-built single family house.
- ◆ **Surrounding Zoning and Land Uses**
R-1A zoning and single-family houses surround the site.
- ◆ **Utilities**
Water and sewer are available for all proposed lots. Representatives from Public Works & Wastewater and Waterworks stated they have no objection to the ADU.

APPLICABLE REGULATIONS

[I.] R-1A. Single family residential detached conventional homes —Medium density

1. Use Regulations:
 - 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) and country clubs with a site of at least five (5) acres and with all parking at least fifty (50) feet from rear and side property lines.
 - (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.**
2. Spatial Requirements:
 - 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

Appendix A. Section VII. - Accessory dwelling units.

- a. Purpose. To offer a wider range of housing options within residential zoning districts.
- b. Design and development standards for all accessory dwelling units (ADU).
 - i. There shall be no more than one (1) ADU permitted per lot.

- ii. No ADU will be permitted without a primary building.
- iii. An ADU may consist of part or all of a detached accessory structure or it may consist of a portion of the primary structure.
- iv. There shall not be more than one (1) bedroom in an ADU.
- v. An ADU shall use the electrical service of the primary structure.
- vi. The owner of the property on which the ADU is to be created shall occupy the primary dwelling unit.
- vii. Setbacks for ADUs developed as part of the principal structure are the same as the underlying zoning district.
- viii. Setbacks for ADUs developed as detached structures shall meet the setbacks for accessory structures for the underlying zoning district.
- ix. The floor area of the ADU is limited to fifty (50) percent of the floor area of the primary dwelling unit, not to exceed one thousand two hundred (1,200) square feet.
- x. ADUs require one (1) off-street parking space in addition to the parking requirements of the underlying zoning district.

Appendix A. Section IV.

A. *Evaluation Criteria* – those uses requiring approval for either a *Special Exception* or a *Special Permit Use* shall be evaluated by the criteria below. These criteria are to be considered illustrative and not restrictive. Other criteria may be considered though not specifically listed below if said criteria affect the general health, safety, and welfare of the public.

- 1. Compliance with the current St. Charles Parish Comprehensive Plan.
- 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.
- 3. Adequacy and convenience of off-street parking and loading facilities and protection of adjacent property from glare of site lighting.
- 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.
- 5. Protection of persons and property from erosion, flood or water damage, fire, noise, glare, and similar hazards or impacts.
- 6. A site development plan shall be required as part of the application process. The following design criteria shall be evaluated on the plan:
 - a. Required yards and open space
 - b. Ingress and egress to property
 - c. Parking and loading areas
 - d. Location of garbage facilities
 - e. Landscaping, buffering, and screening
 - f. Signage
 - g. Height and bulk of structures
 - h. Location and direction of site lighting

SPU & ADU CRITERIA COMPLIANCE
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The proposal meets the criteria as follows:

- 1. *Compliance with the current St. Charles Parish Comprehensive Plan*
The Comprehensive Plan recommends Low Density Residential, up to eight (8) single-family dwelling units per acre. The subject site is approximately 1/3 of an acre, so two dwelling units on the site do not exceed the recommended density. **Complies**
- 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 ADU meets the spatial requirements for accessory structures in the R-1A zoning district. It is similar in size to other detached accessory structures on abutting sites. The existing driveway is available for the ADU to use. The transportation features will not change. **Complies**
- 3. *Adequacy and convenience of off-street parking and loading facilities and protection of adjacent property from glare of site lighting.* The site is developed with a driveway that can accommodate up to eight (8) passenger vehicles and a garage and carport that can accommodate three (3) vehicles. The parking exceeds the required two (2) parking spaces for a single-family residence plus one (1) for ADUs. Loading and lighting is not required. **Complies**
- 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 R-1A zoning district permits site-built single-family houses and residential accessory structures by right, with ADUs requiring special approval. The ADU meets all the requirements for an accessory structure in the R-1A district. **Complies**

5. *Protection of persons and property from erosion, flood or water damage, fire, noise, glare, and similar hazards or impacts.* The ADU is located in a detached accessory structure. Building code approval requires fire protection. Noise impacts are not expected from this type of development but the noise ordinance applies. A survey would be required to tell if the existing building meets required base flood elevation and that stormwater will drain to existing drainage features rather than to adjacent properties. However, since no substantial improvements are being made to the existing ADU, meeting BFE requirements does not apply. **Complies/ N/A**
6. *A site development plan shall be required as part of the application process. The following design criteria shall be evaluated on the plan:*
 - a. *Required yards and open space.* Staff cannot certify required yards and open space without a survey. However, because the accessory building already exists, staff can infer using existing aerial photography that the ADU is approximately ten (10) feet from the nearest side and rear property lines. **Complies**
 - b. *Ingress and egress to property.* **Complies**
 - c. *Parking and loading areas.* **Complies**
 - d. *Location of garbage facilities.* The site allows for convenient disposal of household waste. **Complies**
 - e. *Landscaping, buffering, and screening.* **N/A**
 - f. *Signage.* **N/A**
 - g. *Height and bulk of structures.* **Complies**
 - h. *Location and direction of site lighting.* **N/A**

Design and development standards for all accessory dwelling units (ADU)

- i. *There shall be no more than one (1) ADU permitted per lot.* **Complies**
- ii. *No ADU will be permitted without a primary building.* The request is for an ADU in an existing detached accessory building. The site is comprised of two lots, 26 & 27. The majority of the primary structure is located on Lot 26; a part of the primary structure is on Lot 27 and all of the accessory structure is on Lot 27. In order to correct this, the lot must be combined. **Does Not Comply**
- iii. *An ADU may consist of part or all of a detached accessory structure or it may consist of a portion of the primary structure.* **Complies**
- iv. *There shall not be more than one (1) bedroom in an ADU.* **Complies**
- v. *An ADU shall use the electrical service of the primary structure.* **Complies**
- vi. *The owner of the property on which the ADU is to be created shall occupy the primary dwelling unit.* The applicant is homesteaded at the primary residence. **Complies**
- vii. *Setbacks for ADUs developed as part of the principal structure are the same as the underlying zoning district.* **N/A**
- viii. *Setbacks for ADUs developed as detached structures shall meet the setbacks for accessory structures for the underlying zoning district.* Accessory structures in the R-1A zoning district must be set-back five (3) feet from side and rear property lines. Approximately ten (10) feet is provided in the side yard; ten (10) feet in the rear yard. **Complies**
- ix. *The floor area of the ADU is limited to fifty (50) percent of the floor area of the primary dwelling unit, not to exceed one thousand two hundred (1,200) square feet.* The applicant lists the ADU at 420 square feet, 25% of the floor area of the primary residence and below the 1,200 square foot maximum. **Complies**
- x. *ADUs require one (1) off-street parking space in addition to the parking requirements of the underlying zoning district.* Eleven (11) parking spaces provided. **Complies**

ANALYSIS

In October, Code Enforcement responded to a complaint about an unpermitted apartment at 368 Davis Drive and found an accessory dwelling unit on the property. The applicant, who purchased the property in 2012, requests a Special Permit Use to remedy the violation.

The property received a similar complaint in 2001, when a different person owned it. Code Enforcement discovered an apartment in the accessory building. At the time, the Zoning Ordinance offered no provisions to approve the building and its intended use. The kitchen facilities were removed from the building as a remedy, and the violation was closed.

Today, the Zoning Ordinance has a process for permitting ADUs. The applicant requests a permit, and staff have determined that the ADU meets most of the evaluation criteria.

The development site is two lots, 26 & 27; the house is built across the lot lines with the majority of it on Lot 26; the ADU is entirely on lot 27. In order to comply with the requirements for ADUs, the lots must be combined.

DEPARTMENT RECOMMENDATION

Approval, contingent upon resubdivision of lots into one to ensure the ADU design requirement criteria are met.