

St. Charles Parish

Department of Planning & Zoning

LAND USE REPORT

CASE NUMBER: PZSPU 2017-11

GENERAL APPLICATION INFORMATION

- ◆ **Name/Address of Applicant** **Application Date: 11/14/17**
BAPS New Orleans, LLC
81 Suttons Lane
Piscataway, NJ 08854
- ◆ **Location of Site**
Lot C, Square C, Oakland Estates Subdivision; 10328 River Road, St. Rose
- ◆ **Requested Action**
Expansion of an existing religious institution in an R-1A zoning district with a waiver from the required setbacks from all property lines of 1-foot for every 1-foot of building height. The expansion is a kitchen.

SITE-SPECIFIC INFORMATION

- ◆ **Size of Parcel**
22,576.68 square feet
- ◆ **Current Zoning and Use**
R-1A, Single Family Residential Detached Conventional Homes; A religious institution exists at this site and a special permit is required for its expansion in this zoning district.
- ◆ **Surrounding Zoning and Land Uses**
R-1A zoning developed with site-built single-family houses surrounds the site: across E. Oakland and W. Oakland Streets, and adjacent to the rear. B-1, Batture zoning is located across River Road.
- ◆ **Utilities**
Standard utilities serve the site. The proposed addition is under review for drainage and sewer fee calculation.

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:
 - 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. (Ord. No. 08-8-9, § III, 8-18-08)

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

Appendix A. Section IV. Waiver to zoning regulations for special permit uses.

- a. Should the Planning and Zoning Director find that the literal enforcement of one (1) or more provisions of the ordinance is impracticable or will exact undue hardship because of peculiar conditions pertaining to the land in question, the application may be forwarded to the Planning Commission to request a waiver with a supporting resolution from the Parish Council.
- b. Financial hardships shall not be considered as valid criteria for any such waiver to existing regulations.
- c. Any application for special permit which contains a request for a waiver shall contain a specific reference to the request and state the reasons that the request be granted.
- d. The Planning Commission, with a supporting resolution of the Parish Council, may grant a waiver to these regulations only when such requests meet the conditions of this subsection and are not detrimental to the public interest.

SPU CRITERIA COMPLIANCE

The proposal meets the criteria as follows:

1. *Compliance with the current St. Charles Parish Comprehensive Plan*

The Comprehensive Plan designates this site for Low Density Residential Development. Religious Institutions are “neighborhood-serving” uses included in this future land use category. **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 structure was developed well before the adoption of development standards and design guidelines in St. Charles Parish. Many features of the site, especially the parking area, are non-conforming and incompatible with the abutting residential uses in terms of site development, building design, and transportation features. The expansion of the building would be an increase of the existing non-conformities and incompatibility with the abutting uses. **The proposal does not comply with this guideline.**

3. *Adequacy and convenience of off-street parking and loading facilities and protection of adjacent property from glare of site lighting.* A site plan showing a parking layout was submitted but the applicant has stated that no changes are proposed to existing parking, loading facilities, and site lighting. The site is largely not compliant with most if not all of the current site design requirements.

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 proposal is for an 81.0’ x 10’, 818 square foot, 22 foot tall, two-story addition to the rear of the existing building. The proposed plan is for a kitchen on the first floor and storage on the second. The plan shows only 5 feet between the rear wall

of the building and the property line. This addition could have unfavorable impacts exceeding the impacts expected from permitted uses in the R-1A zoning district, especially on the abutting residences adjacent to the rear. **The proposal does not comply with this guideline.**

5. *Protection of persons and property from erosion, flood or water damage, fire, noise, glare, and similar hazards or impacts.* The proposal, as detailed in the previous guideline, will contain kitchen facilities and associated exhaust vents in a new addition to the rear of the existing religious institution. The addition will leave 5 feet between the rear wall and the abutting property lines; approximately 10 feet would exist between the kitchen and the residential structures. Noting the encroachment on the required yards and development restriction requiring a 1 foot building setback for each foot of building height, the building permit process requires compliance with the Louisiana State Uniform Construction Code, Life Safety Code, LA Sanitary Code, and local drainage review and approval. Compliance with these codes protects people and adjacent properties from hazards. The Department will require site lighting to be directed and/or shielded to prevent glare.
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;* religious institutions are required to provide setbacks at a rate of 1 foot for every foot of building height, on all sides. While the side yards and most of the front yard comply with this requirement, the rear-yard does not. The proposed addition will increase the non-conformance to the required rear yard setback. **Does Not Comply**
 - b. *Ingress and egress to property;* existing ingress and egress points will be unchanged
 - c. *Parking and loading areas;* existing parking and loading areas will be unchanged
 - d. *Location of garbage facilities;* existing facilities will be unchanged.
 - e. *Landscaping, buffering, and screening;* no new landscaping is required and none is proposed
 - f. *Signage;* signage exists for the current use. No new signage is proposed.
 - g. *Height and bulk of structures;* the existing building is 23 feet high. The addition will be coming off of the back of the structure and will be about 21 feet in height at the roof, but will match the height of the existing structure when taking the exhaust vents into account.
 - h. *Location and direction of site lighting;* the new addition will not require new lighting for the site and any lighting will consist of what currently exists.

ANALYSIS

The Special Permit use requested is for a rear addition to an existing religious institution in an R-1A zoning district. This addition will consist of a new kitchen space on the first floor with storage proposed for the second floor. The approval of a waiver to the setback requirements for religious institutions would need to accompany any approval of the new addition.

The use of the building is permitted as a Special Permit Use in the R-1A zoning district but the building consists of several non-conformities. This includes non-conforming setbacks in part of the front yard and the entire rear yard. Religious institutions are required to provide setbacks at a rate of 1 foot for every foot of building height. This addition to the rear of the building will further this non-conformity, reducing the required rear yard setback of 22 feet, to 5 feet. This addition, which will consist of a kitchen facility containing hood vents with exhaust exiting out the new portion of the roof, is more in line with those found in commercial kitchens. This new facility will be 5 feet from abutting residential property lines and about 10 feet from residential structures. As a reference point, restaurants in commercial zoning districts must have at least 10 feet in the rear yard and if abutting residential zoning and/or uses, must meet buffer requirements which consist of opaque fencing and appropriate landscaping.

The proposal does not comply with most of the guidelines used to evaluate Special Permits. To summarize, the addition would be an expansion of a building which is largely incompatible with adjacent uses, especially in terms of site development standards, building design, and transportation features. The proximity of the new kitchen facility to the abutting residences could cause several unfavorable impacts and hazards which

would exceed those caused by uses typically permitted in the R-1A zoning district, specifically fire hazards, noise, and smell.

DEPARTMENT RECOMMENDATION

DENIED, due to the expansion being an increase to the non-conforming setback in the rear and hazards to the adjacent residential homes.