

2022-20-R requested by Diahann L. Dufresne & Joseph D. Dufresne, Jr. for a change of zoning from C-2 to R-1A(M), Lot D-1, near 13561 River Road, Luling. Council District 2.

Mr. Welker – This is a change of zoning request from C-2 general commercial to R-1A(M) single family residential allows manufactured homes we did not find the request to meet any of the three guidelines for a rezoning the proposed R-1AM district does not conform to the general commercial feature land use designation and would create a spot zone as there is not a significant amount of R-1A(M) zoning districts in the area the existing C-2 zoning does not deprive the property of reasonable use while it is small its unlikely it would be a little difficult to develop with a typical commercial use it is large enough to potentially be developed with something that kind of is in mind of what's found in the area which are smaller commercial businesses on River Road on smaller lots and smaller structures it meets the area requirements for the commercial zoning district so it's assumed that something could be developed there potentially and so the existing zoning does not deprive it reasonable use and those uses permitted R-1A(M) district which is most specifically limited to manufactured homes or mobile homes are not compatible with the existing neighborhood character most of the structures and development in the area are commercial businesses on River Road and mostly site built single family houses in the back neighborhoods between River Road and railroad tracks and for those reasons we found it didn't meet any of the guidelines and we recommend denial.

Diahann Dufrense 328 Barton Ave. Luling – I am part owner of that piece of property my dad lived there for all his life until 8 years ago when he passed away he bought the land in 1991 and it wasn't subdivided until 2015 when I went aboard the council back then. I found out then that it was commercial and the front, the backend Lot 1 is residential. We don't understand why the front part was ever commercial and I would like to put my home on it, they told me I couldn't put a manufactured home so I'm talking about a modular home which is the set up like a stand alone home and they keep telling me I can't put anything up because it's a commercial property. I don't plan on selling it to anybody I want it for my home because that's where my father lived and he gave me the piece of property, so that's why I'm here before ya'll for ya'll to decide whether or not I could put my own home on it um because we never knew it was commercial dad bought one section and he bought the other section and we find out 8 years ago that the front part is commercial and when I went through the board they gave me a permit for a special permit saying I can't complaint about the noise next door with Pintail and I can't complain the noise that the lawyers office neither one of them are there after 6 o'clock, the lawyers never there so there's no noise so I mean it's a small lot there was never a business he did have a trailer on it years ago in the 90's but it hasn't been since so that's what I want to know why it commercial, when it was made commercial and have the backend as a residential so that's why I'm here to see what kind of answers I can get.

Joseph Dufrense, Jr. 13561 River Road – Sorry, I'm not a Philadelphia lawyer. We talking about 59 ft. by 145 now supposedly I read the paper that this was zoned in 1981 so if it's zoned in 1981 as commercial property then why is the back one residential cause we only subdivided 8 years ago, 7-8 years ago ok so explain that, that don't jive and if you take the dimension of your property I own 15 ft. of the right of way to the back lot so you only looking at 95 by 43 that you could actually build on and then you got suppose to have parking space, what you have, nothing. It's only good for a trailer or manufactured home which I learned was 2 by 4 walls, manufactured homes has 2 by 6 walls now my trailer I have

structural steel over it on a concrete slab that's been there many years, since 91 I ain't never had no storm damage other than a tree falling from next door and it mess some of the tin up but if it wasn't there it would have went through it which million dollar homes would do the same thing if a tree falls on it so I don't understand what can you do with a little piece of lot there as far as commercial, make sense, maybe put up a snowball stand that's about it and then you don't have enough room to pull in and out. It would be a whole lot (inaudible) for us living together as family Pintail don't bother me he makes less noise than I do it's not a big deal, the lawyer he's way over there we in the middle so she got residential here and commercial here why can't you allow a manufactured home on it even if I have to I'll put a structural steel over it to maybe in about 30 years somebody can make it all commercial, we not selling. Cause if I gotta sell it's a million dollars. Little bitty piece of property ain't worth that, but it's worth a lot more for us.

The public hearing was open and closed after no one spoke for or against.

Commissioner Frangella – So Chris when it was resubdivided was it all, how did it get where when they divided the lot it got residential and commercial.

Mr. Welker – So I guess when the zoning itself has I mean there hasn't been no record of a rezoning happening like coming before the planning commission like this tonight so whenever that's the case our assumptions are always that the zoning dates back to 1981 which is when the new zoning the new zoning ordinance that were using to this date was established, kind of our beginning point could have been commercial before that 81 is kind of the beginning point that we use as a reference so the zoning line was presumably there even going back to when this resub happened it was a resubdivision of a portion of the property abutting Gassen subdivision as described in acts of sales so it seems like the boundaries or there really wasn't an established lot name or anything like that so basically we just had one kind of strip of ground that was divided in half and one is kinda fall into the R-1A area and the other falls into fronting River Road falls into the C-2 commercial zone and it's common for this to happen along River Road typically where they kind of assume there would be a ton of commercial going on on both sides of the river where you have these strips of commercial zoning and residential sometimes you have the lots that are basically split as a result of that cause they didn't really take into account the property boundaries themselves just kind of drew one kind of depth of C-2 off of River Road.

Michael Albert – To clarify a little bit on that there were literally laminate maps with tapped drawn lines on them and when they were set in 81 that was kind of a methodology you got to remember River Road is a state highway so a lot of these properties were zoned highway commercial because they were a highway and the question about the zoning on this subdivision it appears the line was drawn fairly closely to what the existing zoning district was when it was cut.

Commissioner Petit – So if it was to stay C-2 there is potential for a special use permit just needs to be a home and not a manufactured home.

Mr. Welker – right.

Commissioner Petit – they could build a home with a special use permit.

Mr. Welker – under the current zoning a site built house could be permitted as a special use approved as a special permit the only way to do a manufactured or what we usually call a modular home is either to have the R-1AM zoning the other option other than that is to try for the R-1A zoning and come back for another special permit cause modular homes are permitted as special permits in R-1A so this was attempted as the potentially most straight forward option but those are the kind of other two that they would have.

Michael Albert – the request is sensible from what’s being asked by the applicant but were bound by the code restrictions on how we evaluate it.

Commissioner Keen – so just to clarify if they wish to build a home there they could build a stick built standard home on a commercial property if they were to request a special permit.

Michael Albert – correct, which the process comes to the planning commission.

Commissioner Keen – so they could build a stick built home pretty simply once it comes back through here versus a manufactured home.

Michael Albert – and the point of that process is were are putting residential property in the middle of other commercial its so that as was stated there has to be some recognition on record that you are next to commercial property as those activities will be going on.

Commissioner Keen – in light of that as the permit stands right now request for a R-1AM if that is denied if they change it to a different request they don’t have to wait the x amount of time or I’m incorrect.

Michael Albert- correct. They would not have to wait they could reapply for R-1A.

Commissioner Keen – they could request for R-1A.

Michael Albert – and could even do the special permit at the same time.

Commissioner Keen – ok, I just want to make sure the client understands, the applicant understood that if it is denied for an R-1AM they do have that they right to make a request in a short period of time for a R-1A.

Commissioner Petit made a motion, seconded by Ross.

Price: Nay
Keen: Nay
Frangella: Yea
Petit: Nay
deBruler: Nay
Ross: Nay
Krajcer: Nay

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