



Department of Planning & Zoning Staff Report – Minor Resubdivision Case No. 2025-10-MIN

APPLICATION INFORMATION

- **Submittal Date:** 6/18/2025
- **Applicant / Property Owner**
Ronald and Marilyn Diggs
921 Kinler Street
Luling, LA 70070
- **Request**
Resubdivision of Lot 37A, Block B, Oak Ridge Park Subdivision into Lots 37A1 and 37A2, with
 - Waiver from *Appendix C, Section III. Geometric Standards, C. Lots, item 1. Size.*
 - Waiver from *Appendix A, Section IX. Nonconformities, item A.(2)* (related to the common ownership of adjacent nonconforming Lot 35).

SITE INFORMATION

- **Location:** 921 Kinler Street, Luling
- **Size of Proposed Lots**
 - Lot 37A1: 11,211.02 sq. ft.; 140.20 ft. wide
 - Lot 37A2: 5,648.77 sq. ft.; 70.01 ft. wide
- **Current Zoning:** R-1A
- **Current Use**
Lot 37A is developed with a single-family house, which will be on proposed Lot 37A1. Proposed Lot 37A2 will be undeveloped but cleared.

Adjacent Lot 35, which is nonconforming and in common ownership but not a part of this resubdivision, is undeveloped but clear.
- **Surrounding Zoning:** R-1A to each side and the front; R-1A(M) to the rear.
- **Surrounding Uses:** The site is located in a developed residential neighborhood.
- **Flood Zone & Minimum Building Elevation**
1992 Flood Insurance Rate Map: X
2013 Digital Flood Insurance Rate Map: X
- **Plan 2030 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)
- **Traffic Access**
Lot 37A1 has 140.19 ft. of frontage along Kinler Street where an existing driveway provides access.

Lot 37A2 has 70 ft. of frontage along Kinler Street. A developed driveway is not present.

▪ **Utilities**

Kinler Street is improved with Parish water, sewer and drainage facilities. The Departments of Public Works, Wastewater, and Waterworks offered no objection to the resubdivision.

This resubdivision is done in coordination with the Parish and the Departments of Public Works and Wastewater. A gravity sewer line and sewer force main cross through Lot 37A, but no servitude is on record for these facilities through private property. As shown on the resubdivision survey a servitude will be established through the portion of proposed Lot 37A2 where the sewer lines are located. This servitude will also be utilized for drainage improvements in the area.

▪ **Development History**

Lot 37A originally consisted of Lots 36, 37 and 38, Block B, of the Oak Ridge Park Subdivision as shown on a plat my E.M. Collier dated February 5, 1954. Lots 36, 37, and 38 were consolidated into Lot 37A as per a subdivision by Lucien C. Gassen, PLS, dated May 5, 1998.

The single-family residence located on 37A was constructed in 1998 (Permit No. 13054). Other permitting history includes accessory structures and utility trade permits.

APPLICABLE REGULATIONS

Appendix A. Section VI. Zoning District Criteria

[I.] *R-1A. Single family residential detached conventional 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 standards of a permanent residence. The district regulations are designed to protect the residential character of the areas by prohibiting all commercial activities; to encourage a suitable neighborhood environment for family life by including among the permitted uses such facilities as schools and churches; and to preserve the openness of the areas by requiring certain minimum yard and area standards to be met.

- 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.
 - 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.
 - d. Permitted encroachments:
 - (1) Overhangs projecting not more than twenty-four (24) inches, excluding gutter. For accessory buildings, overhangs shall not be closer than three (3) feet to any property line.
 - (2) Stairs and landings not more than three (3) feet in height, projecting no more than four (4) feet into required front or rear yard.

Appendix C. Section II. Subdivision Procedure

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. The plan of resubdivision shall comply with requirements outlined in section II.C.3 of this section, and with all relevant land use regulations, including the St. Charles Parish Zoning Ordinance and Subdivision Regulations. The Planning and Zoning Commission may approve or deny the application. The basis for denial shall be stated at the meeting and on the record of the Planning and Zoning Commission.
- 2. Traffic Impact Analysis. A Traffic Impact Analysis, including all required documentation, shall be submitted in accordance with the Parish's Traffic Impact Analysis Policy.
- 3. Consecutive Minor Subdivisions. The Minor Resubdivision process is not intended to create major subdivisions from multiple minor subdivisions. Whenever a minor subdivision results in a net increase of lots, parcels, or tracts, no application for a further increase of lots shall be considered by the Planning Commission for a period of two years from the date of recordation unless a majority of the Planning Commission votes to consider the consecutive request to resubdivide into additional lots. This restriction shall not prohibit a property owner from changing boundary lines by administrative resubdivision.
- 4. Subdivisions and resubdivisions which meet the guidelines contained in Section II.C. of these regulations shall be presented to the Department of Planning and Zoning in the form of a plan which conforms to the laws of

the State of Louisiana governing surveying, platting, and subdivision of land. The proposed subdivision shall contain the following information;

- a. Location of the property.
- b. Name(s) and address(es) of the owners.
- c. Name and address of the Land Surveyor preparing the plan as well as the date the survey was prepared. The survey shall be dated within one (1) year of the subdivision application date.
- d. Existing property lines and lot numbers, including names and width of adjoining streets.
- e. Proposed property lines and revised numbers of proposed lots.
- f. Location and dimensions of existing buildings.
- g. Layout and dimensions of all existing, proposed, and required servitudes and rights-of-way, including but not limited to servitudes for sidewalks, utilities, access, drainage ditches, and canals.
- h. Existing lakes and ponds.
- i. North arrow and scale.
- j. The following note shall be added to all resubdivision maps: All necessary sewer, water and/or other utility extensions, relocations or modifications shall be made solely at the lot owner's expense.
- k. Stormwater Pollution Prevention Plan. For Minor Subdivisions that involve more than one (1) acre, the MS4 Administrator may require the submittal of a Stormwater Pollution Prevention Plan and/or Post Construction Stormwater Permit, including all required documentation, in accordance with Chapter 25—Stormwater Management and Erosion and Sedimentation Control.
- l. The following note shall be added to resubdivision maps that result in a net increase of lots: No lot created by this act of subdivision shall be divided in such a way that another net increase in the number of lots occurs for a period of two years.

Section IX. Nonconformities

Purpose: The purpose of this section is to outline provisions whereby nonconforming lots, structures, and uses are gradually upgraded to conform to the spirit and intent of this ordinance or are eliminated.

- A. *Nonconforming lots:*
- (1) Any lot of record in existence before October 19, 1981 which does not meet the minimum width and/or area requirements for the zoning district in which it is located shall be considered a nonconforming lot of record.
 - a. Any portion of ground that does not meet the minimum width and/or area requirement for the zoning district in which it is located resulting from government action shall be considered a nonconforming lot of record.
 - (2) **If two (2) or more nonconforming lots of record or two (2) or more portions of lots with continuous frontage in common ownership, and if one (1) or more of the lots does not meet the minimum width and/or area requirements for zoning district in which it is located, the land involved shall be required to resubdivide into a single lot for development or permitting.**
 - (3) No portion of the land described immediately above shall be conveyed by sale or transfer if it does not meet the minimum width and/or area requirements for the zoning district in which it is located; however, the entire holding may be conveyed to a single owner. Nor shall any division of land lot be made which leaves remaining any portion of ground that does meet the minimum width and/or area requirements of the zoning district in which it is located.
 - (4) A non-conforming lot of record may be developed if the proposed use and/or structure is permitted within the zoning district and if the proposed development meets all standards of the Zoning Ordinance.

Appendix C. Section III. Geometric Standards

- C. *Lots*
- 1. **Size. The width, depth, area, and minimum building setback line shall conform to the St. Charles Parish Zoning Ordinance for the type of development.**
 - a. Corner Lot. Corner lots shall have extra width to permit setback lines on the side of the lots adjacent to a side street. The extra width shall be sufficient to allow the lot to meet the minimum zoning requirements of the St. Charles Parish Zoning Ordinance excluding the side street setback distance.
 - b. Width. The lot width at the minimum building setback line shall not be less than that specified by the St. Charles Parish Zoning Ordinance.

Appendix C. Section V. Administrative

- B. *Variations and Exceptions.*
- 1. The regulations contained herein may be varied or modified where the literal enforcement of one or more provisions of the ordinance (i) is impracticable, or (ii) will exact undue hardship because of peculiar conditions pertaining to the land in question. Financial hardships shall not be considered as valid criteria for any such waiver or modification of existing regulations. The Planning Commission, with a supporting resolution of the Council, may grant such a waiver or modification of these regulations only when such requests meet the conditions of this subsection and are not detrimental to the public interest.

FINDINGS

The request divides Lot 37A, Block B, Oak Ridge Park Subdivision, into Lots 37A1 and 37A2.

Proposed Lot 37A1 meets the area and width requirements of the R-1A zoning district, as well as the geometric standards.

Proposed Lot 37A2 meets the 60 ft. minimum width requirement for the R-1A zoning district but not the 6,000 sq. ft. minimum area. At 5,648.77 sq. ft. it is deficient by 351.23 sq. ft., and is not compliant with the following from the Subdivision Regulations:

- *III.C.1. Size. The width, depth, area, and minimum building setback line shall conform to the St. Charles Parish Zoning Ordinance for the type of development*

The applicant requests a waiver from the above requirement.

The Department does not object to the waiver as this resubdivision is in coordination with the Parish, primarily the Departments of Public Works and Wastewater. As noted under the utilities section of this report sewer lines run through Lot 37A. The resubdivision facilitates the establishment of a servitude through the portion of proposed Lot 37A2 where these sewer facilities are present. The servitude will also allow for improvements to address drainage in the area.

Additionally, Lot 35 is an adjacent lot in common ownership. Like proposed Lot 37A2 it is nonconforming due to only consisting of 5,702.54 sq. ft. instead of the minimum 6,000 sq. ft. Being a contiguous nonconforming lot under common ownership, the St. Charles Parish Zoning Ordinance requires consolidation as detailed under Appendix A, Section IX. Nonconformities, item A(2) which states:

If two (2) or more nonconforming lots of record or two (2) or more portions of lots with continuous frontage in common ownership, and if one (1) or more of the lots does not meet the minimum width and/or area requirements for zoning district in which it is located, the land involved shall be required to resubdivide into a single lot for development or permitting.

If following the above requirement, this resubdivision should show consolidation of Lot 35 with the area shown as Lot 37A2, allowing for the creation of a single conforming lot. But Lot 35 is not a part of this request in order to remain in its original configuration and developable. To do so, an additional waiver from Appendix A, Section IX. Nonconformities, item A(2) is necessary, and the applicants submitted the corresponding waiver request.

Similar to the size waiver, the Department does not object due to this action facilitating the establishment of a servitude and allowing for drainage improvements.

DEPARTMENT RECOMMENDATION

Approval.

If the Planning Commission approves this request, it will be forwarded to the Parish Council for consideration of a supporting resolution.