

St. Charles Parish Department of Planning & Zoning

LAND USE REPORT CASE NUMBER: PZR-2015-24

GENERAL APPLICATION INFORMATION

- ◆ **Name/Address of Applicant** **Application Date:** 10/1/15
Eric & Trenell Gilmore
430-A/430-B Adams Street
Killona, LA 70057
(504)-621-4621; pigletgilmore@yahoo.com
- ◆ **Location of Site**
Lot 15, located at municipal address 430-A/430-B, Adams Street, Killona
- ◆ **Requested Action**
Change of zoning from R-1A(M) to R-2
- ◆ **Purpose of Requested Action**
The purpose of the rezoning request is to allow for the renovation and use of an existing residential structure as a two-family residence. The applicant has applied for permits for a renovation and addition to the existing structure for use as a two-family residence which triggered the zoning change request as the use is not permitted in the existing R-1A(M) zoning.

SITE – SPECIFIC INFORMATION

- ◆ **Size of Parcel**
The act of sale and submitted survey (Daney and Waddill, 1916) show the property as 72' wide on a 15' lane and 103' deep on the north side and 104' deep on the other or approximately 7,560 square feet.
- ◆ **Current Zoning and Land Use**
R-1A(M), Single-Family Residential Detached Conventional Homes, Manufactured Homes, and Mobile Homes-Medium density.

Lot 15 is developed with a site-built residential structure which was designed to be used as a two-family residence (and appears to be the ONLY shown on the 1916 subdivision survey).
- ◆ **Plan 2030 Recommendation**
Moderate Density Residential (8 dwellings per gross acre and greater): This category includes single family detached dwellings developed consistent with the R-1AM zoning district; attached dwellings such as duplexes, patio / zero-lot line homes and townhomes consistent with the R-2 zoning district; multifamily housing developed consistent with the R-2 zoning district; and accessory units. Neighborhood-serving uses such as parks, churches, easements and ancillary neighborhood commercial uses permitted under the CR-1 zoning district or permitted subject to special exceptions or special permits.
- ◆ **Surrounding Land Uses and Zoning**
The surrounding neighborhood consists primarily of mobile homes with some site-built houses to the north, west and south. To the east of the site, across Adams Street, is a vacant, wooded tract of land.

The site is surrounded on all sides by R-1A(M) zoning. C-2 zoning is located at the north-west corner of Killona Dr. and Railroad Dr. The nearest R-2 zoning is located on Killona Dr. approximately 270 feet north-west of the subject site.

◆ **Traffic Access**

Lot 15 has approximately 60 feet of frontage on Adams Street which has access to River Road as well as Highway 3127 via Railroad Drive and Highway 3141. Access to the existing structure is from a gravel drive.

APPLICABLE REGULATIONS

Appendix A., Zoning Ordinance, Section XV Amendment Procedure:

D. Rezoning Guidelines and Criteria: Before the Commission makes a recommendation or the Council rezones property; there should be reasonable factual proof by the proponent of a change that one or more of the following criteria are met:

1. The proposed rezoning conforms to land development pattern established by the St. Charles Parish Comprehensive Plan Future Land Use Map and does not create a spot zoning that is incompatible with the surrounding neighborhood.
2. The Land-use pattern or character has changed to the extent that the existing zoning no longer allows reasonable use of the applicant's property. One or more of following examples may be used in evaluating reasonableness:
 - a. Consideration of uses on adjacent properties that would limit the use of the site under consideration.
 - b. Consideration of unique or unusual physical or environmental limitations due to size, shape, topography or related hazards or deficiencies.
 - c. Consideration of changes in land value, physical environment or economic aspects which can be shown to limit the usefulness of vacant land or buildings.
3. Potential uses permitted by the proposed rezoning will not be incompatible with existing neighborhood character nor will they overburden public facilities and infrastructure.

The Planning Staff shall base rezoning analyses on these criteria but shall not be prohibited from factoring unique circumstances of the application into the analysis. The Planning and Zoning Commission may state in its recommendations to the Council: its concurrence with, or rejection of, any or all of the proponents' case for the suggested amendment, and/or its position relative to proponents' statements on the case. Planning Staff analyses and recommendations shall be forwarded to the Council along with the Commission's recommendations.

AND:

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

1. Use Regulations:
 - a. A building or land shall be used only for the following purposes:
 - (1) See uses allowed in the R-1A district
 - (2) Two-family dwellings
 - (3) Single family dwellings
 - (4) Accessory uses.
 - (5) Nonresidential accessory buildings shall not be permitted.
 - b. Special exception uses and structures include the following:
 - (1) Club houses and/or accessory recreational facilities for resident use only
 - (2) Professional, non-retail offices
 - c. Special permit uses and structures include the following:
 - (1) Child care centers
 - (2) Schools (public, private, and commercial)
 - (3) Religious institutions
 - (4) Reserved. (Ord. No. 06-12-6, § II, 12-4-06)
 - (5) Reserved. (Ord. No. 88-5-6, 5-16-88; Ord. No. 95-4-8, § III, 4-3-95)
 - (6) Private commercial access roads, upon review by the Planning Commission and supporting resolution of the Council. (Ord. No. 92-10-9, § V, 10-5-92)
 - d. Transportation system required: Local or collector street.
2. Spatial Requirements:
 - a. Minimum lot size: Six thousand (6,000) square feet (3,000 per family); minimum width - sixty (60) feet.
 - b. Minimum yard sizes:
 - (1) Front - twenty (20) feet
 - (2) Side - five (5) feet each side
 - (3) Rear - twenty (20) feet.
 - (4) 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, § VII, 8-18-08)
 - 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 rear setback of accessory building shall be the same as side yard requirement of the district in which it is located.
 - (4) Accessory buildings shall be located on the same parcel of land as the main structure.
- d. Permitted encroachments:
- (1) Overhangs projecting not more than twenty-four (24) inches, excluding gutter.
 - (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.
3. Transportation System Requirement: Front on local or collector street only.
 4. Special Provisions:
 - a. Where any two-family residential district (R-2) abuts any residential zoning district or use, a six-foot high solid wood fence or masonry wall shall be erected.

ANALYSIS

The applicant requests a change of zoning district on Lot 15, located at municipal address 430-A/430-B Adams Street, Killona from R-1A(M) to R-2. The lot is developed with a site-built house that appears to have been built as a duplex. The owner inquired about renovating the structure with an addition. Because the structure is legally-nonconforming in the R-1A(M) zoning district (which permits only single-unit housing), the addition could not be permitted. The applicant requests the change of zoning in order to proceed with permitting renovations with an addition to the two-family house.

The R-2 zoning district requires lots to be at least 6,000 square feet (3,000 per family) in area and 60 feet wide. The subject site meets this requirement.

The applicant argues R-1A(M) zoning no longer allows reasonable use of the property because the duplex was vacant when she purchased it, and remains vacant and in disrepair because the R-1A(M) zoning does not allow her to obtain permits to renovate and upgrade the building to a size that she can rent. Planning staff agrees and finds that the request meets the first and second criteria for rezoning as described below.

The St. Charles Parish Zoning Ordinance establishes three guidelines for evaluating rezoning requests. In order to receive a recommendation for approval, an applicant must demonstrate that the request meets at least one of the three guidelines.

The first guideline states that a rezoning request must conform to the Future Land Use Map (FLUM) of St. Charles Parish and also not create a spot zone incompatible with the surrounding neighborhood. This request conforms to the FLUM designation of Moderate Density Residential as established by the comprehensive plan. Although the R-2 zoning district would encompass only one lot, the only additional land use that a change to R-2 zoning would permit is housing at a density of two dwelling units/3000 sq ft. The housing density permitted by the R-2 zone complies with the future land use designation and furthers the goals of the comprehensive plan by putting a derelict property back into use. While the request would create a spot zone as the change will only encompass one lot, the change would not be incompatible with the surrounding neighborhood. **The request meets the first guideline.**

The second guideline states that a rezoning should be considered if the land use pattern or neighborhood character has changed to the extent that the existing zoning no longer allows for reasonable use of the subject property. The surrounding neighborhood is primarily developed with single-family homes and mobile homes so the primary land uses reflect what is permitted by the existing zoning. The subject site was developed as a two-family residential home and the applicant wants to renovate the structure to be used as a two-family residence again. The existing zoning does not allow for the use of the property as a two-family residence making the property unusable for the purpose it was designed for. The zoning does not allow for reasonable use of the property. **The request meets the second guideline.**

The third guideline states that a rezoning request may be considered if the uses permitted by the proposed zoning are not incompatible with existing neighborhood character or overburden existing public infrastructure. While the existing housing

density in this neighborhood does not reach 1 dwelling per 3500 square feet of property on all lots, it is not uncommon to find more than one mobile home on a lot in the area. Both Waterworks and Public Works indicate the water and sewer infrastructure can accommodate two dwelling units on this property. This request would not permit uses incompatible with existing neighborhood character nor would they overburden public infrastructure. **The request meets the third guideline.**

A corresponding change to the FLUM is not required as the subject site is below the three acre threshold triggering such an action.

DEPARTMENT RECOMMENDATIONS

Approved due to meeting all guidelines