

St. Charles Parish

Department of Planning & Zoning

LAND USE REPORT

CASE NUMBER: 2022-17-R

GENERAL INFORMATION

- ◆ Name/Address of Applicant

Kendall Bossier  
23165 Oak Street  
Vacherie, LA 70090  
(504)-458-7559

◆ Location of Site

106 Durr Street, Hahnville

◆ Requested Action

Change of zoning from *R-1A, Single Family Residential Detached District* to *R-1A(M), Single Family Residential Detached District - Allows Mobile Homes* on a lot designated a Portion of Lot 1, Block 5, Town of Hahnville
- Application Date: 10/6/2022

SITE INFORMATION

- ◆ Size of Site

The area of the proposed zoning change is 9,131.25 sq. ft.
- ◆ Current Zoning and Land Use

R-1A; undeveloped but cleared
- ◆ Surrounding Zoning and Land Use

R-1A zoning is located to the Durr, Sycamore, and Smith Street sides. R-1A and R-1A(M) zoning is located to the Hahn Street side.  
  
Site-built houses are located to the Durr, Sycamore, and Smith Street sides. Manufactured homes are located across Hahn Street.
- ◆ Zoning History

The area was zoned R-1 in 1973. The R-1A district was established in 1981.
- ◆ Future Land Use Recommendation

Low Density Residential: (from 4 up to 8 dwellings per gross acre)  
This category includes the Parish's predominantly single family detached subdivisions, including those developed consistent with the R-1A (6,000 sq. ft. minimum lot size) and R-1B (10,000 sq. ft. minimum lot size) zoning districts. It also allows accessory units and individual mobile homes on small, platted lots zoned R-1AM. Neighborhood-serving uses such as neighborhood parks, churches and servitudes may also be included in this land use category.
- ◆ Traffic Access

The site is a corner lot with frontage on Durr and Hahn Streets.
- ◆ Utilities

Parish water and sewer are available.

APPLICABLE REGULATIONS

**Appendix A. Section VI. – Zoning District Criteria and Regulations**  
[II.] R-1A(M). Single Family Residential Detached Conventional Homes, Manufactured Homes, and Mobile 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 and aesthetic standards of a permanent residence. Additionally, mobile homes which meet the special provisions below are allowed.

1. Use Regulations:

a. A building or land shall be used only for the following purposes:

(1) Site-built, single-family detached dwellings.

(2) Manufactured homes.

(3) Mobile homes.

- (4) Accessory uses.
- (5) Private recreational uses.
- (6) Farming on lots of three (3) acres or more and at least one hundred fifty (150) feet frontage.
- b. Special exception uses and structures include the following:
  - (1) Additional residences for family and relatives on unsubdivided property on a non-rental basis, and which meet the criteria outlined in Special Provisions [subsection 3].
  - (2) Parks, public libraries, fire stations, police or sheriff's stations or substations, and sewer pumping stations.
  - (3) Showing and operation of historic buildings and/or sites and their related activities, provided a certificate from the United States Department of Interior is furnished by the owner verifying that the building and/or site is on the National Register of Historic Places.  
(Ord. No. 06-12-6, § II, 12-4-06)
  - (4) Accessory uses to golf courses and country clubs limited to the following:
    - Art studios
    - Churches and Religious Institutions
    - Commercial recreation facilities
    - Commercial schools
    - Personal service businesses, examples include but are not limited to beauty shops and barber shops, acupuncture, and massage services
    - Professional offices, examples include but are not limited to doctors, dentists, engineers, architects, landscape architects, plan services, realtors, insurance
    - Restaurants and cafeterias
- c. Special permit uses and structures include the following:
  - (1) Childcare centers.
  - (2) Public and private schools (except trade, business and industrial).
  - (3) Golf courses (but not miniature courses or driving ranges), country clubs, and accessory commercial uses on such properties.
  - (4) Educational, religious and philanthropic institutions. These buildings must be set back from all property lines a distance of at least one (1) foot for each foot of building height.
  - (5) Private commercial access roads, upon review by the Planning Commission and supporting resolution of the Council.
  - (6) Accessory dwelling units upon approval by the Planning Commission and supporting resolution of the Council.
  - (7) Garden Home Developments in accordance with Section VII Supplemental Regulations upon review and recommendation of the Planning Commission and supporting resolution of the St. Charles Parish Council.
  - (8) Transmission towers when accessory to a permitted use.
- 2. Spatial Requirements.
  - a. Minimum lot size: Five thousand (5,000) square feet per family; minimum width-fifty (50) feet.
  - b. Minimum yard sizes:
    - (1) Front—Fifteen (15) feet.
    - (2) Side—Five (5) feet.
    - (3) Rear—Five (5) feet.
    - (4) For lots with less than one hundred (100) feet depth, front setback shall be fifteen (15) percent of lot depth 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) The accessory building shall not exceed two-story construction.
    - (2) Minimum setback of accessory buildings shall be three (3) feet.
    - (3) Nonresidential accessory buildings shall not be permitted.
  - 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 yard.
- 3. Special Provisions:
  - a. Additional dwellings on unsubdivided property:
    - (1) Additional dwellings on unsubdivided property referred to in 1.b(1) above will be permitted at the rate of one (1) dwelling unit for each seven thousand (7,000) square feet of lot area.
    - (2) The applicant for any additional dwellings on unsubdivided property shall submit a copy of all subdivision restrictions (covenants) which govern the property in order to protect the integrity of the neighborhood.
    - (3) Under no circumstances will the total number of dwellings per unsubdivided lot permitted under these provisions exceed four (4).
    - (4) Permits issued under this provision will be issued for a two-year period. At the expiration of this time, an investigation will be conducted by the Planning and Zoning Department to determine if this Code is complied with. Non-compliance will result in the revocation of the permit.
  - b. All manufactured housing and mobile homes shall be secured according to the Federal Emergency Management Agency's Sept. 1985 publication Manufactured Home Installation in Flood Hazard Areas.
  - c. Reserved.
  - d. All dwelling units shall be connected to utility systems which provide for health and safety under all conditions of normal use. Home utility services shall only be connected to the supply source by means of approved materials, and shall be inspected by the appropriate agency.

#### **Appendix A. Section XV. - Amendment procedure**

D. Rezoning guidelines and criteria: The proponent for a change should present reasonable factual proof that two 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 zone 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, and that the proposed zoning does. In order to determine what is

reasonable use of the property, the proponent for the zoning change should consider one or more of the following:

- 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.

E. Rezoning approval criteria: Before the Council votes to approve a rezoning, there should be reasonable factual proof by the applicant that:

- 1. The proposed map amendment is in compliance, or is not in conflict, with the goals and recommendations of the St. Charles Parish Comprehensive Plan and Future Land Use Map, also
- 2. The proposed map amendment does not negatively impact the health, safety, and welfare of the community.

**REZONING GUIDELINE EVALUATION**

Before the Commission makes a recommendation or the Council rezones property; there should be reasonable factual proof by the proponent of a change that two or more of the following criteria are met:

- 1. *The proposed rezoning conforms to the 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.* The site is designated for Low Density Residential on the Future Land Use Map. This future land use category allows for mobile homes, but the request would create a spot zone within an R-1A zoning district. R-1A(M) zoning is located across Hahn Street, but this is also a spot zone which should not justify expansion of R-1A(M) zoning within the R-1A district. **The request does not meet the first guideline.**
  
- 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 and the proposed zoning does.* This area of Hahnville appears on a map dated 1877; it is the oldest townsite in the Parish. It is platted with large squares, on a well-connected street grid. It was developed with a mix of site-built single-family houses, mobile homes, and community buildings at varying densities with some residual vacant properties. Prior to Hurricane Ida, the land use pattern appeared to be trending toward site-built houses with several permits for new construction as well as renovations to older homes. A site-built home existed on the property until shortly after Hurricane Ida when it was demolished. R-1A zoning does not deprive the property of all reasonable use. **The request does not meet the second guideline.**
  
- 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 uses permitted in the R-1A(M) district would not overburden public facilities. But the proposed R-1A(M) zoning is not compatible with the surrounding area, which is primarily developed with site-built single-family dwellings. Currently, there are only three (3) existing manufactured homes on Hahn Street. They are across from the subject property, but should be considered an exception to the prevailing neighborhood character of site-built single-family houses. **The request does not meet the third guideline.**

**ANALYSIS**

The applicant is requesting a rezoning from R-1A to R-1A(M) on a lot designated a Portion of Lot 1, Block 5, Town of Hahnville, municipal address 106 Durr Street. The parcel is 9,131.25 sq. ft, meeting the minimum standards for both R-1A and R-1AM.

The request fails all three (3) guidelines.

Granting the request would create a spot zone and permit a use that is incompatible with what is primarily a neighborhood of site-built houses. The existing R-1A zoning does not deprive the property of reasonable use. The site was previously developed with a site-built home which was demolished shortly after Hurricane Ida.

<b>DEPARTMENT RECOMMENDATION</b>
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**Denial.**

**\*This request will be forwarded to the Parish Council for consideration with the Planning Commission’s recommendation.**