

# St. Charles Parish Department of Planning & Zoning

## LAND USE REPORT CASE NUMBER: 2022-23-MIN

### GENERAL INFORMATION

- ◆ **Name/Address of Applicant** **Application Date: 8/2/2022**  
Evelyn Labat Schouest  
16876 Highway 90  
Des Allemands, LA 70030  
(985)-758-7480
- ◆ **Location of Site**  
16876 Highway 90  
116 Maloney Road, Des Allemands
- ◆ **Requested Action**  
Resubdivision of Lot A and Lot 39 into Lots A-1 and 39-A, with waivers from spatial requirements and setbacks in the R-1A(M) zoning district.

### SITE INFORMATION

- ◆ **Size of Lots (proposed)**  
Lot A-1: 9,452 sq. ft., 33.14 ft. wide on Highway 90, 140.72 ft. wide on Maloney Road  
Lot 39-A: 4,268 sq. ft., 68.35 ft. to 60.05 ft. wide
- ◆ **Current Zoning and Land Use**  
R-1A(M); Lot A is developed with a site-built single family house. Lot 39 is developed with a duplex.
- ◆ **Surrounding Zoning and Land Use**  
R-1A(M) zoning is located on each side; O-L zoning is across Highway 90.  
  
The site is located in a developed residential neighborhood. Site-built single-family houses abut on the north, northeast, and southwest. Property across Highway 90 is vacant and wooded.
- ◆ **Flood Zone and Elevation**  
Current flood zone X / DFIRM AE5. The elevation for new construction would be 5 ft. NAVD above mean sea level.
- ◆ **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-3 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.
- ◆ **Traffic Access**  
Lot 39 has access on Maloney Road.  
Lot A is approximately 60 ft. wide on Highway 90.  
  
A portion of Lot 39 is currently used to access the rear yard of the house on Lot A. The intent of this subdivision is to incorporate this access point formally into Lot A.
- ◆ **Utilities**  
Both lots are served by standard utilities.

## ◆ Development History

The lots are shown on a 1947 map by E. M. Collier, entitled Maloney Subdivision. The lots have remained unchanged since 1947, with the same designations and dimensions as described in the deeds. The Department has no record of permits, complaints, or violations associated with the properties.

## APPLICABLE REGULATIONS

### Appendix A. Section VI. Zoning District Criteria

[II.] R-1A(M). Single Family Residential Detached Conventional Homes, Manufactured Homes, and Mobile Homes—Medium density.

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, not withstanding 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.

### 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.
3. 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.

#### Appendix C. Section II. Subdivision Procedure E.4.

- c. Waiver or Modification of Specific Subdivision Regulations. Should the Director discover that specific aspects of the submitted Preliminary Plat fail to conform to the regulations contained in this ordinance, he may choose to forward the proposal for formal consideration by the Planning Commission and Parish Council if 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. Any application for Preliminary Plat approval which contains a request for a waiver or modification of any subdivision regulation shall contain a specific reference to the request and state the reasons that the request be granted. The Planning Commission, with a supporting resolution of the Council, may grant a waiver or modification of these regulations only when such requests meet the conditions of this subsection (i, ii) and are not detrimental to the public interest.

## ANALYSIS

The applicant requests a boundary line adjustment between two lots in single-ownership with waivers from several requirements of the Subdivision Regulations and Zoning Ordinance. Currently, Lot A of Maloney's Subdivision is a regularly-shaped lot approximately 60 ft. wide on Highway 90 by approximately 150 ft. deep. It is developed with a house that the applicant has lived in since 1963. The adjacent lot, Lot 39 is an irregular and non-conforming corner lot with approximately 41 ft. on Highway 90 and 140 ft. on Maloney Street attenuating to just 24 ft. on one side. The applicant inherited that lot in 2021.

The resubdivision would reduce Lot 39 by approximately 450 sq. ft. to provide frontage for Lot A onto Maloney Street and also move the dividing line slightly to eliminate an encroachment of the house on Lot A into Lot 39.

Proposed Lot A-1 meets the minimum 50 ft. width and 5,000 sq. ft. area for an R-1AM lot. It is developed with a house with an attached one-car garage and 30 ft. long driveway, which exceeds the parking requirement for the single-family use.

Proposed Lot A-1 does not meet the geometric standards for lots because the proposed realignment of the dividing line is not perpendicular to the street. It also would not meet spatial requirements for lots because the left side yard is approximately 2.5 ft. wide where 5 ft. is required. The Department does not object to a variation of the requirement because it resolves the problem of the house encroaching into Lot 39.

Proposed Lot 39-A exceeds the minimum width for an R-1AM lot and meets the parking requirement with a 30 ft. x 20 ft. attached carport that can park two passenger vehicles.

However, at 4,268 sq. ft., and approximately 33 ft. at its deepest part, proposed Lot 39-A does not meet the minimum area for an R-1AM lot or the geometric standard for a corner lot (minimum 65 ft. x 65 ft.). If the structure remains as it is, the proposed lot would meet only one of the required yards, along Highway 90. The lot has a 4 ft. wide yard along Maloney Street where 10 ft. is required; ½ ft. on the left side where 5 ft is required, and as little as 1.3 ft. in the rear yard where 5 ft. is required. It should be noted that equipment for two air conditioners exists in the rear yard and two gas meters exist in the front yard.

Further, the Department views the change to the northern lot line of proposed Lot 39-A as creating practical problems of safety related to the building. To correct this, the Department recommends that the lot line going northwest at N 47° 25' 39" W 65.67' continue on its original trajectory as per COB JJJ, Folio 101. While the applicant has expressed concerns of access to the rear shed on Lot A-1, this could easily be remedied with an access servitude through the 9.83 foot access off Maloney Road

If approved, the plat requires minor revisions to include required elements such as a vicinity map and a note regarding utilities. Minor revisions are required on the submitted plat prior to the Planning Commission Chair signing and forwarding to the Parish Council for consideration of the waiver.

## DEPARTMENT RECOMMENDATION

**The Department recommends approval of the request with the following conditions:**

- 1. The plat must be updated according to all required elements and with reference corrections to items such as the road name, etc.**
- 2. Waivers are approved for lot size, width, and lot line orientation.**
- 3. Lot 39-A is reconfigured to maintain its original trajectory on the northwest portion of the property and an access servitude into lot A-1 is granted to the neighboring property.**

**\*If the Planning Commission approves this request it will be forwarded to the Parish Council for a resolution in support of the waivers from geometric standards as well as waivers from the geometric standard for a corner lot, and minimum area on Lot 39-A.**