

**St. Charles Parish
Department of Planning & Zoning**

LAND USE REPORT

CASE NUMBER: PZR-2014-03

GENERAL APPLICATION INFORMATION

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| <p>◆ Name/Address of Applicant/Owner:
 Charles Hebert
 115 Breezeway Ln
 Des Allemands LA 70030</p> <p>◆ Location of Site:
 Lot 7-A1, Mitchell Subdivision (between 129 & 161 Mitchell Lane), at corner of Elizabeth Drive,
 Des Allemands.</p> <p>◆ Requested Action:
 Rezone from R-1A to R-1AM</p> | <p>Application date: March 28 2014</p> |
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SITE – SPECIFIC INFORMATION

- ◆ **Size of Parcel:**
Approx. 8000 sq. ft.
- ◆ **Existing Land Use and zoning:**
Vacant.
- ◆ **Surrounding Land Uses and Zoning:**
R-1A zoning and land uses abut side lot lines; one lot across Mitchell Lane is zoned R-1AM, another zoned R-1A with R-1A land use; rear lot line abuts R-1M zoning and land use.
- ◆ **Plan 2030 Future Land Use Category on the property:**
Rural Residential
- ◆ **Utilities:**
Standard utilities serve the site.
- ◆ **Traffic Access:**
Mitchell Ln.

APPLICABLE REGULATIONS

Appendix A., Zoning Ordinance, Section IV.9:

Rezoning Guidelines and Criteria: Before the Planning & Zoning Commission recommends or the Parish 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. Land-use pattern or character has changed to the extent that the existing zoning no longer allows reasonable use of the proponent's property and adjacent property. Reasonableness is defined as:
 - a. Land use the same as, or similar to that existing on properties next to, or across the street from 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 tend to limit the usefulness of vacant land or buildings.
2. The proposed zoning change, and the potential of a resulting land use change, will comply with the general public interest and welfare and will not create:
 - a. Undue congestion of streets and traffic access.
 - b. Overcrowding of land or overburden on public facilities such as transportation, sewerage, drainage, schools, parks and other public facilities.
 - c. Land or building usage which, is, or may become incompatible with existing character or usage of the neighborhood.
 - d. An oversupply of types of land use or zoning in proportion to population, land use and public facilities in the neighborhood.
3. The proposed zoning change is in keeping with zoning law and precedent, in that:
 - a. It is not capricious or arbitrary in nature or intent.
 - b. It does not create a monopoly, or limit the value or usefulness of neighboring properties.
 - c. It does not adversely affect the reliance that neighboring property owners or occupants have placed upon existing zoning patterns.
 - d. It does not create a spot zone, that is, an incompatible or unrelated classification which would prevent the normal maintenance and enjoyment of adjacent properties.

AND

[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)

c. Special permit uses and structures include the following:

- (1) Child care centers.
- (2) Public and private schools (except trade, business and industrial).
- (3) Golf courses (but not miniature courses or driving ranges) and country clubs with a site of at least five (5) acres and with all parking at least fifty (50) feet from rear and side property lines.
- (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. (Ord. No. 92-10-9, § II, 10-5-92)

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. (Ord. No. 99-8-6, 8-2-99)
- (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. (Ord. No. 08-8-9, § IV, 8-18-08)

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. (Ord. No. 12-7-4, § IV, 7-2-12)

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. Skirting or foundation plantings as approved by the Zoning and Regulatory Administrator in accordance with the manufacturer's installation instructions to ensure aesthetic compatibility with the residential character of the neighborhood. The entire underfloor of the home shall be completely enclosed, except for the required openings.

Editor's note—

The enforcement of this subparagraph c. was placed on a one-year moratorium expiring Sept. 5, 1990.

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.

(Ord. No. 82-3-3, § II, 3-1-82; Ord. No. 83-11-10, 11-21-83; Ord. No. 85-7-17, 7-22-85; Ord. No. 87-1-15, 1-5-87)

ANALYSIS

The applicant requests a rezone from R-1A (Single-family Residential) to R-1AM (Single-family Residential mobile homes permitted) on a lot of approximately 8,000 square feet for the purpose of permitting a mobile home on the lot. Some years back, a mobile home existed on the lot as a legal non-conformity; but, the lot has been vacant longer than 6 months and is no longer “grandfathered.”

In order to receive a recommendation for approval, a rezoning request must meet all of the criteria of at least one of three tests. This request **fails all three.**

The first test is designed to provide relief when land use character has changed to the extent that no reasonable use of the property exists under the current zoning which is defined by similar surrounding land uses, consideration of unique land characteristics, and consideration of changes in land value or other aspects that limit the usefulness of vacant land or buildings. Rezoning the site to allow the placement of a mobile home would be consistent with the abutting property to the rear and the zoning on the opposite side of Mitchell Ln. However, the subject property was part of a larger rezone in 1982 (Ord. 82-1-7) wherein the lots on the north side of Mitchell Ln were rezoned to R-1A. The development pattern over the years along this street has been site-built single family. Nothing in the surrounding development would suggest that there are unique physical, environmental or economic factors that would limit the development of the property in a manner consistent with R-1A zoning. Therefore, the current zoning of the site is not obsolete.

The second test is designed to protect the public interest by preventing traffic congestion and overburdening public infrastructure and utilities, to ensure compatible land uses, and to maintain a balance of particular zoning districts in proportion to the population. The development of this lot to a residential use whether would have the same impacts regardless of the housing type. However, with the exception of the lot across the street which was rezoned to R-1AM in 1982 (Ord. 82-11-11), no other lots exist on Mitchell Ln that would allow the placement of a trailer. Rezoning this property to R-1AM could create a housing type which is incompatible with the other properties along Mitchell Ln which could result in the only mobile home in that block. The applicant owns the abutting mobile home park where there is enough land to install at least one mobile home if so desired. Therefore, the request fails the second test.

The third test is designed to evaluate the proposed request with zoning law and precedent and to review existing zoning patterns. The primary zoning and land use along Mitchell Ln is R-1A. Since the nonconforming time period has lapsed, the land use pattern on the subject site also changed from R-1AM to vacant. Rezoning the subject property would extend an existing spot zone from a single lot across Mitchell Ln to incorporate the subject property. Additionally, since the lots along Mitchell Ln have remained with R-1A zoning since 1982 with the one exception, rezoning this lot could adversely affect the reliance that neighboring property owners have placed on existing zoning patterns. Therefore, the request fails the third test.

The lot is better suited for a single-family residential structure and would be more in character with the existing land uses on Mitchell Lane.

DEPARTMENTAL RECOMMENDATION

Denial.