



Department of Planning & Zoning Staff Report – Special Permit Use Case No. 2024-7-SPU

APPLICATION INFORMATION

- **Applicant / Property Owner**
Brad & Anna Keller
121 Lake Catherine Drive
Luling, LA 70070
504.994.3765; bkeller0731@gmail.com
- **Request**
Accessory Dwelling Unit (ADU)

SITE INFORMATION

- **Location:** 121 Lake Catherine Drive, Luling; Lot 164, South Lakewood Subdivision
- **Size of Site:** 19,787 sq. ft.
- **Current Zoning and Land Use:** R-1A; site-built single family house.
- **Surrounding Zoning and Land Use**
R-1A; this site is in a developed residential neighborhood consisting of site-built single-family homes.
- **Future Land Use 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)
- **Flood Zone & Minimum Building Elevation**
1992 Flood Insurance Rate Map: AE4
2013 Digital Flood Insurance Rate Map: AE6
- **Traffic Access**
Lot 164 has 77.33 ft. of frontage on Lake Catherine Drive where driveway access is provided.

The submitted plans show an extension of this driveway alongside the home and into the rear providing access/parking for the ADU.

- **Utilities**
Per the Parish GIS map, parish water, sewer, and drainage facilities are available along Lake Catherine Drive.

Representatives of Wastewater and Waterworks do not have any objections to this request.

The Department of Public Works (DPW) raised concerns regarding the proximity of the ADU to the 48 ft. drainage servitude across the rear of Lot 164 for maintenance of the Peterson Canal. This issue is detailed as follows:

- The submitted site plan shows the ADU 53 ft. off the rear property line, placing it 5 ft. from the 48 ft. drainage servitude.
- 5 ft. off the servitude is in accordance with the Final Plat of South Lakewood Subdivision, which established a 68 ft. standard rear setback (20 ft. off the

servitude) and a 53 ft. rear setback for “detached structures” (5 ft. off the servitude).

- In response to P&Zs request for comments on commission items, DPW objected to the ADUs location citing Ordinance 99-12-8, which established a 20 ft. setback from the inner boundary of a major drainage servitude.
- This 20 ft. setback requirement was repealed in 2008 with adoption of Ordinance 08-8-9. Under this same ordinance a 10 foot setback was established for all structures when abutting a major drainage canal.
- After continued discussions with DPW regarding these conflicting requirements the question was forwarded to Parish Legal Services for a determination.
- Legal Services determined this situation is best resolved with a waiver request to allow the structure as shown, 5 ft. off the servitude line as per the detached structure setback established on the Final Plat for South Lakewood and in alignment with the fences and other detached accessories permitted along the Peterson Canal servitude. This would also absolve the ADU from the current 10 ft. servitude setback.
- The Department advised the applicants of this determination and anticipates receipt of the waiver request.

APPLICABLE REGULATIONS

Appendix A. Section VI. – Zoning District Criteria and Regulations

[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.

1. Use Regulations:
 - a. A building or land shall be used only for the following purposes:
 - (1) Site-built single-family detached dwellings
 - (2) Accessory uses
 - (3) Private recreational uses
 - b. Special exception uses and structures include the following:
 - (1) Parks, public libraries, fire stations, police or sheriff's stations or substations, and sewer pumping stations.
 - (2) Showing the 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.
 - (3) 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) Child care 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 yard lines a distance of at least one (1) foot for each foot of building height.
 - (5) Modular, panelized and pre-cut homes, provided that they are placed on a permanent foundation.
 - (6) *Reserved.*
 - (7) Private commercial access roads, upon review by the Planning Commission and supporting resolution of the Council.
 - (8) Accessory dwelling units upon approval by the Planning Commission and supporting resolution of the Council.**
 - (9) 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.
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, 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) 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 A. Section VII. – Supplemental Use and Performance Regulations

1. The following uses are subject to the regulations set forth herein:

Accessory buildings.

- a. Residential accessory buildings are allowed only in the side and rear yards.
- b. An accessory building may be connected to the principal building via an unenclosed breezeway not exceeding eight (8) feet in width.
- c. Accessory buildings must be three (3) feet from the principal building, measured from any existing overhangs (not including breezeways).
- d. The following shall not be permitted as accessory buildings in residential zones: storage containers, cargo containers, ship to shore containers or any form of a modified delivery type container which is normally mounted or transferred on a vehicle or is designed for or capable of being mounted on a chassis for movement.

Accessory dwelling units.

- a. *Purpose.* To offer a wider range of housing options within residential zoning districts.
- b. *Design and development standards for all accessory dwelling units (ADU).*
 - i. There shall be no more than one (1) ADU permitted per lot.
 - ii. No ADU will be permitted without a primary building.
 - iii. An ADU may consist of part or all of a detached accessory structure or it may consist of a portion of the primary structure.
 - iv. There shall not be more than one (1) bedroom in an ADU.
 - v. An ADU shall use the electrical service of the primary structure.
 - vi. The owner of the property on which the ADU is to be created shall occupy the primary dwelling unit.
 - vii. Setbacks for ADUs developed as part of the principal structure are the same as the underlying zoning district.
 - viii. Setbacks for ADUs developed as detached structures shall meet the setbacks for accessory structures for the underlying zoning district.
 - ix. The floor area of the ADU is limited to fifty (50) percent of the floor area of the primary dwelling unit, not to exceed one thousand two hundred (1,200) square feet.
 - x. ADUs require one (1) off-street parking space in addition to the parking requirements of the underlying zoning district.

Appendix A. Section IV.

A. *Evaluation Criteria* – those uses requiring approval for either a *Special Exception* or a *Special Permit Use* shall be evaluated by the criteria below. These criteria are to be considered illustrative and not restrictive. Other criteria may be considered though not specifically listed below if said criteria affect the general health, safety, and welfare of the public.

- 1. Compliance with the current St. Charles Parish Comprehensive Plan.
- 2. Compatibility with existing uses on abutting sites in terms of site development, building design, hours of operation, and transportation features related to safety and convenience of vehicular and pedestrian circulation.
- 3. Adequacy and convenience of off-street parking and loading facilities and protection of adjacent property from glare of site lighting.
- 4. Potentially unfavorable impacts on other existing uses on abutting sites to the extent such impacts exceed those impacts expected from a permitted use in the zoning district.
- 5. Protection of persons and property from erosion, flood or water damage, fire, noise, glare, and similar hazards or impacts.
- 6. A site development plan shall be required as part of the application process. The following design criteria shall be evaluated on the plan:
 - a. Required yards and open space
 - b. Ingress and egress to property
 - c. Parking and loading areas
 - d. Location of garbage facilities
 - e. Landscaping, buffering, and screening
 - f. Signage
 - g. Height and bulk of structures
 - h. Location and direction of site lighting

SPU CRITERIA COMPLIANCE

The proposal meets the criteria as follows:

- 1. *Compliance with the current St. Charles Parish Comprehensive Plan.*

The site is under the Low-to-Moderate Density Residential designation, which includes accessory units such as ADUs in the list of anticipated development types. **Complies**

2. *Compatibility with existing uses on abutting sites in terms of site development, building design, hours of operation, and transportation features related to safety and convenience of vehicular and pedestrian circulation.*

The site plan shows the proposed ADU in the rear yard, behind the primary structure. Extension of the existing driveway is shown alongside the home and into the rear of the property, providing access to the ADU from Lake Catherine Drive. This arrangement is typical for accessory structures in residential areas and similar to others found in South Lakewood. **Complies**

3. *Adequacy and convenience of off-street parking and loading facilities and protection of adjacent property from glare of site lighting.*

Dedicated loading facilities are not required for this use. The ADU will utilize the existing driveway entrance for access. The ADU is shown with an attached carport where the required one (1) parking space will be provided. **Complies**

4. *Potentially unfavorable impacts on other existing uses on abutting sites to the extent such impacts exceed those impacts expected from a permitted use in the zoning district.*

The zoning district is limited to site-built single family houses. The site plan shows the ADU located in a typical area for accessory residential structures, and it will utilize the existing driveway for parking and ingress/egress. The ADU should not exceed the impacts of a site built house or similar accessory structures. **Complies**

5. *Protection of persons and property from erosion, flood or water damage, fire, noise, glare, and similar hazards or impacts.*

Building code requirements will be enforced as part of the permitting process. Noise impacts are not expected from this type of development, but the noise ordinance will provide for any enforcement necessary should it occur. The development must comply with drainage requirements, which will be reviewed as part of the building permit process. **Complies**

6. *A site development plan shall be required as part of the application process. The following design criteria shall be evaluated on the plan:*

- a. *Required yards and open space.* The site plan shows the ADU meeting the 3 ft. side setback requirement for accessory structures under R-1A zoning. The proposed ADU does not impact the requirement limiting the required rear yard to 25% building coverage due to the required rear yard being occupied by the Peterson Canal.

As detailed under the Utilities section of this report questions regarding the applicable servitude setback needed to be resolved. Per a determination from Parish Legal Services a waiver should be requested and approved to allow the ADU as currently shown, 5 ft. from the inner boundary of the 48 ft. Peterson Canal servitude. **Complies, upon approval of the necessary waiver.**

- b. *Ingress and egress to property.* Access to the ADU will be provided via an extension of the existing driveway, providing ingress/egress from Lake Catherine Dr. **Complies**
- c. *Parking and loading areas.* A loading area is not required for this type of use. The plans show the ADU developed with an attached carport providing the required one (1) parking space. **Complies**
- d. *Location of garbage facilities.* The ADU would utilize standard municipal garbage collection, which does not require a dedicated facility. **N/A**
- e. *Landscaping, buffering, and screening.* Landscaping or buffering is not required. **N/A**
- f. *Signage.* **N/A**
- g. *Height and bulk of structures.* ADUs are limited to 50% of the square footage of the primary dwelling or 1,200 sq. ft. max., and one (1) bedroom. The square footage of the primary home is approximately 2,658 sq. ft., allowing the maximum 1,200 sq. ft. for the ADU. The floor plan shows the dedicated living space of the ADU totaling 1,048 sq. ft., with one (1) bedroom. The site plan shows features attached to the ADU structure, such

as an enclosed porch, carport, and storage room. These features consist of 651 sq. ft., putting the total square footage of the accessory structure at 1,699 sq. ft. However Planning and Zoning does not consider those features as living space or for the sole use of the ADU, and does not count this square footage towards this requirement. **Complies**

- h. *Location and direction of site lighting.* Site lighting is not proposed in a way that would have an adverse effect on adjacent properties. **N/A**

ANALYSIS

The ADU proposed on Lot 164, 121 Lake Catherine Drive, Luling meets most of the Special Permit Use criteria and all of the requirements for ADUs. The applicants take homestead at this site and tying into the existing electrical service will be required at permitting.

As detailed under the Utilities section of this report, it was determined a waiver is the best way to resolve any questions as to the applicable setback from the 48 ft. drainage servitude across the rear of Lot 164. The applicants may request a waiver from the servitude setback requirement to allow the ADU as shown, 5 ft. from the inner servitude boundary and in accordance with the setbacks established by on the South Lakewood Final Plat.

Staff notified the applicants of this determination and are awaiting the formal waiver request.

DEPARTMENT RECOMMENDATION

Approval, contingent on the following:

- **Receipt of a waiver request allowing the ADU to follow the 5 ft. detached structure setback as per the Final Plat of South Lakewood.**
- **Receipt of a revised plan showing the ADU is in no way connected to the primary structure.**

If the Planning Commission approves this request, it will be forwarded to the Parish Council.