



Department of Planning & Zoning Staff Report – Minor Resubdivision Case No. 2024-5-MIN

APPLICATION INFORMATION

- **Submittal Date:** 4/19/2024
- **Applicant / Property Owner**

Myra Soule	Molly D. Badeaux
104 Matthew Drive, Lot 1	104 Matthew Drive, Lot 1
Des Allemands, LA 70030	Des Allemands, LA 70030
985-212-4316	
- **Request**

Resubdivision of Lot H-1-D, Sub Drainage District No. 3 of Sunset Drainage District into Lots H-1-D1 and H-1-D2.

 - Waiver required from the *Appendix C. – Subdivision Regulations, Section III.B.3 Arrangement.*

SITE INFORMATION

- **Location:** 450 Grand Bayou Road, Bayou Gauche
- **Size of Proposed Lots**
 - Lot H-1-D1: 24,706.74 sq. ft.; 180.58 ft. wide, 136.82 ft. deep
 - Lot H-1-D2: 24,706.74 sq. ft.; 173.79 ft. wide, 136.82 ft. deep
- **Current Zoning:** O-L, Open Land
- **Current Use**

Lot H-1-D is undeveloped but cleared.
- **Surrounding Zoning:**

O-L is adjacent to the north, south, and west; W, Wetland is adjacent to the east.
- **Surrounding Uses**

Surrounding uses to the north, south, and west include single family homes, both site-built and manufactured. Undeveloped wetlands are adjacent to the east.
- **Flood Zone & Minimum Building Elevation**

1992 Flood Insurance Rate Map: X Zone
2013 Digital Flood Insurance Rate Map: AE7
- **Plan 2030 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)
- **Traffic Access**

Lot H-1-D does not have direct access to an improved public street. Access to Grand Bayou Road is via a 25 ft. Access & Utility Servitude as shown on the approved and recorded resubdivision of Lot H-1 by Dennis L. Gowin, PLS dated December 9, 2005.

This same servitude is shown providing access from proposed Lots H-1-D1 and H-1-D2 to Grand Bayou Road.

- **Utilities**

No objections were received from the Departments of Public Works, Wastewater, and Waterworks.

Wastewater facilities are not available. Any improvements would require Department of Health approval for private treatment facilities.

Water is available along Grand Bayou Road. It is the responsibility of the property owner to make any necessary water line extensions to the roadway.

- **Development History**

The subject site was originally platted as Lot 849 as shown on a survey by E.M. Collier, PLS dated May, 1951.

Lot 849 was resubdivided into Lot H as shown on the plat by R.P. Bernard, PLS dated August 1, 1993. Another resubdivision followed re-designating Lot H as H-1 as shown on the plat by R.P. Bernard, PLS dated August 23, 1993.

The current lot configuration resulted from a resubdivision of Lot H-1 into Lots H-1-A, H-1-B, H-1-C, and H-1-D as shown on the plat by Dennis L. Gowin, PLS dated December 9, 2005.

- This resubdivision was approved with a waiver from the hard-surface frontage for lots H-1-B, H-1-C, and H-1-D (Resolution No. 5325).

APPLICABLE REGULATIONS

Appendix A. Section VI. Zoning District Criteria

[I.] O-L. *Open Land District:*

Policy statement: This district is composed mainly of large open unsubdivided land that is vacant or in agricultural, forestry or residential use. The regulations are designed to protect the open character of the district, and to allow residents to retain their traditional ways of living, by prohibiting the establishment of scattered business, industrial and other uses that are unrelated to any general plan of development and that might inhibit the best future utilization of the land. It is intended that land in these districts will be reclassified to its appropriate residential, commercial or industrial category in accordance with the amendment procedure set forth in the St. Charles Parish Code.

2. Spatial Requirements:

- a. Minimum lot size shall be twenty thousand (20,000) square feet; minimum width fifty (50) feet.
- b. Minimum yard sizes:
 - (1) Front—Thirty-five (35) feet.
 - (2) Side—Ten (10) feet.
 - (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.
- c. Accessory buildings: Minimum rear and side setbacks shall be ten (10) feet.
- 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 the required front or rear 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.
- 2. Traffic Impact Analysis. A Traffic Impact Analysis, including all required documentation, shall be submitted in accordance with the Parish's Traffic Impact Analysis Policy.
- 3. Consecutive Minor Subdivisions. The Minor Resubdivision process is not intended to create major subdivisions from multiple minor subdivisions. Whenever a minor subdivision results in a net increase of lots, parcels, or tracts, no application for a further increase of lots shall be considered by the Planning Commission for a period of two years from the date of recordation unless a majority of the Planning Commission votes to consider the consecutive request to resubdivide into additional lots. This restriction shall not prohibit a property owner from changing boundary lines by administrative resubdivision.
- 4. 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 III. Geometric Standards

B. Blocks

- 3. **Arrangement. All lots shall possess frontage on a street or roadway that meets the specifications of these regulations.** When the subdivision of a parcel of land does not permit a normal street arrangement due to size or location of the land, there may be established a street with a cul-de-sac or turning circle which provides proper access to all lots. A cul-de-sac or turning circle, as described in Section III.A.2.e., shall be required at the end of dead end streets when the length of the dead end street exceeds the width of two (2) lots.

Appendix C. Section V. Administrative

B. Variations and Exceptions.

- 1. The regulations contained herein may be varied or modified where 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. The Planning Commission, with a supporting resolution of the Council, may grant such a waiver or modification of these regulations only when such requests meet the conditions of this subsection and are not detrimental to the public interest.

FINDINGS

The applicants request resubdivision of Lot H-1-D into two lots, H-1-D1 and H-1-D2.

Each lot meets the minimum 50 ft. width and minimum 20,000 sq. ft. area requirements for the O-L zoning district.

Geometric Standards are not met due to each proposed lot being landlocked. Neither possess frontage on a street as per Appendix C., Section III.B.3. Arrangement, which states:

- o **Arrangement. All lots shall possess frontage on a street or roadway that meets the specifications of these regulations.** *When the subdivision of a parcel of land does not permit a normal street arrangement due to size or location of the land, there may be established a street with a cul-de-sac or turning circle which provides proper access to all lots. A cul-de-sac or turning circle, as described in Section III.A.2.e., shall be required at the end of dead end streets when the length of the dead end street exceeds the width of two (2) lots.*

The resubdivision of Lot H-1 was approved with Resolution No. 5325 waiving the “hard-surface frontage” requirement for Lots H-1-B, H-1-C, and H-1-D (PZS-2006-09). A 25 ft. Access and Utility Servitude was established from Grand Bayou Road in favor of those landlocked lots. Since this resubdivision results in an additional lot another waiver is necessary.

The applicants submitted a waiver request from the Arrangement requirement.

The Department does not object. The current arrangement has been established since approval of the 2006 resubdivision resulting in Lot H-1-D. And the O-L district allows for development of lots without street frontage provided a “right of passage” is established. This is accomplished by maintaining the 25 ft. access/utility servitude through proposed lots H-1-D1 and H-1-D2.

DEPARTMENT RECOMMENDATION

Approval.

If the Planning Commission approves this request, it will be forwarded to the Parish Council for consideration of a supporting resolution.