

St. Charles Parish Department of Planning & Zoning

LAND USE REPORT CASE NUMBER: 2019-6-MIN

GENERAL INFORMATION

- ◆ **Name/Address of Applicant** **Application Date: 3/29/19**
Yen Hamilton
P.O. Box 58
Paradis, LA 70080
(504)-975-7198; lhamilton0167@gmail.com
- ◆ **Location of Site**
Lot E-1, Cajun Paradise; 14670 Cajun Paradise Road, Paradis
- ◆ **Requested Action**
Resubdivision of Lot E-1, Cajun Paradise, into two (2) lots, E-1A and E-1B, with a waiver from the geometric standard requiring street frontage.

SITE INFORMATION

- ◆ **Size of Parcel**
Lot E-1 consists of 155,053.34 square feet and is 196.72 feet wide
 - Proposed Lot E-1A: 78,813.39 square feet, 100 feet wide
 - Proposed Lot E-1B: 76,239.95 square feet, 96.72 feet wide
- ◆ **Current Zoning and Land Use**
O-L, Open Land

Lot E-1 is developed with three structures: shipping containers/sea cans were permitted for use as a residence, but currently used for residential storage (permit 24969); a site-built, single-family house was permitted several years later and is the primary structure/residence on the property today (permit 25592). These structures would remain on proposed Lot E-1A. A storage building shown on proposed Lot E-1B is proposed 'to be removed'.
- ◆ **Surrounding Zoning and Land Use**
O-L zoning is adjacent to the front and each side; W zoning is adjacent to the rear.

Single-family residences are adjacent to each side; railroad tracks are adjacent to the front; the land adjacent to the rear is vacant and wooded.
- ◆ **Plan 2030 Recommendation**
Wetlands: Although a natural wetland is not considered a human use of land, substantial portions of the Parish are designated as wetlands. Most are likely to remain as such due to existing regulatory limitations on their development. The wetlands land use designation, which applies to these area, acknowledges these limitations, but most importantly, highlight the value of wetlands to St. Charles Parish.
- ◆ **Traffic Access**
The lots are accessibly by Cajun Paradise Road, a private drive surfaced with aggregate material within a 40 foot access servitude.
- ◆ **Utilities**
Water is the only Parish utility available. The nearest water meter is located in front of proposed Lot E-1A. The service line must be extended down Cajun Paradise Road, into the property. A private sewer treatment serves the existing house. At the time of writing this report, the applicants have requested documentation from the

Department of Health and Hospitals/Office of the Sanitarian that private sewer can be permitted on the proposed lot.

APPLICABLE REGULATIONS

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.

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.

C. Lots:

1. Size. The width, depth, area, and minimum building setback line shall conform to the St. Charles Parish Zoning Ordinance for the type of development.
 - a. Corner Lot. Corner lots shall have extra width to permit setback lines on the side of the lots adjacent to a side street. The extra width shall be sufficient to allow the lot to meet the minimum zoning requirements of the St. Charles Parish Zoning Ordinance excluding the side street setback distance.
 - b. Width. The lot width at the minimum building setback line shall not be less than that specified by the St. Charles Parish Zoning Ordinance.
2. Lot Lines. All lot side lines shall be at right angles to straight street lines or radial to curved street lines unless a variation is approved in writing by the Commission.
3. Large Lots. When a parcel of land is subdivided into large lots, the Commission may require the shape and dimensions of the lots arranged so that resubdivision of any lots will meet the requirements of these Regulations and the St. Charles Parish Zoning Ordinance.

VI. [I.] O-L. Open Land District

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.

ANALYSIS

The applicant requests resubdivision of Lot E-1 into two (2) lots, E-1A and E-1B. Each proposed lot meets the required 20,000 square foot area for the O-L district and is over 50 feet wide. Lots in Cajun Paradise do not meet the geometric standard that requires them to be arranged to front on a public street. The applicant requests a waiver from that requirement in order to divide Lot E-1 more or less in half: Proposed Lot E-1A is 1.8 acres and proposed Lot E-1B is 1.75 acres.

Cajun Paradise was platted as a partition of property into 9 tracts between the Paradis Canal and the Southern Pacific Railroad in 1982. The tracts were over five acres each. The only access was a driveway over the railroad tracks from Old Spanish Trail to Lot B (Partition of Property of Cajun Paradise, Lucien Gassen, PLS, March 2, 1982). By 1992, Cajun Paradise Road, a private drive within a 40' private servitude, provided access to nine residences with limited access to parish water and no access to parish sewer. The large tracts have been divided into 13 tracts accessible by Cajun Paradise Road and another three tracts that are landlocked.

Lot E-1 was created in a 2008 resubdivision that divided Tract E into two lots; Council resolution 5514 approved a waiver from the frontage requirement. (PZS-2008-02).

Considering the development pattern in the area, the Department does not object to the waiver from frontage.

At the time of writing this report, staff have advised the property owner of several typographical errors in the legal description of the property and have requested documentation that The Louisiana Department of health and Hospitals/Office of the sanitarian will allow individual sewer treatment for a new residence.

DEPARTMENT RECOMMENDATION

Approval with a waiver from the requirement for lots to be arranged with public street frontage.