

# St. Charles Parish Department of Planning & Zoning

## LAND USE REPORT

**CASE NUMBER: PZR-2014-11**

### GENERAL APPLICATION INFORMATION

◆ **Name/Address of Applicant:**

Linda and Curtis Dufrene  
138 Schmill Street  
Boutte, LA 70039  
985.785.2594; 985.630.7891

**Application Date: 07/01/14**

◆ **Location of Site:**

Part of Farm Lots 34 and 35 of Ellington Plantation, 138 Schmill Street, Boutte.

◆ **Requested Action:**

Rezone from R-1A to R-1A(M)

### SITE-SPECIFIC INFORMATION

◆ **Size of Parcel:**

The portion of the property that is requested for resubdivision is approximately 15,000 square feet.

◆ **Zoning and Land Use:**

The property has been zoned R-1A since the 1981 comprehensive rezone. It is developed with a single-family house.

◆ **Surrounding Land Uses and Zoning:**

To the north, property is split-zoned C-3 and R-1A and developed with a single family house.

To the east, property is zoned R-1A(M). Most lots are vacant, but cleared/graded; there is one mobile home.

To the south, property is zoned R-1A(M) and developed with a single-family house.

To the west or rear, property is zoned R-1A and developed with Boutte Christian Academy church and school site.

◆ **Plan 2030 Recommendations:**

◆ **Utilities:**

Standard utilities are available along Schmill Street.

◆ **Traffic Access:**

The property has almost 300 feet of width along Schmill Street, an asphalt road that appears to be a right of way approximately 26' wide. The street is roughly 900 feet long and it connects 11 residences to Hwy 90 (Resubdivision of Lots "A", "B" and "C" as per plan by Lucien Gassen dated 7/12/80 of a portion of lot 2 of a part of Farm Lots 34 and 35 of Ellington Plantation...RPB, 1/12/00).

### 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 applicants request an extension of the R-1A(M) zoning district that covers the vast majority of Schmill Street to encompass the entire property their house sits on, Lot B-1, 20,720 square feet. The stated intent is to “add a mother-in-law-residence” or second dwelling unit, which would be permitted on a lot that size for family and relatives on unsubdivided property on a non-rental basis for a period of two-years, in the R-1A(M) zoning district. Schmill Street is a narrow street right of way serving a neighborhood that is characterized by lots that are wide and shallow, most measuring 70’ deep. Most are developed with residential mobile homes and there are some site-built houses as well.

The R-1A and R-1A(M) zoning districts on the property were created with the 1981 comprehensive rezoning. The applicants have owned property on Schmill Street since the 70’s, buying and exchanging different portions of ground over the years. In 2000, they combined several different lots to create Lot B-1, so their property has been split-zoned since that time.

In order to receive a recommendation for approval, a rezoning request must meet all of the criteria of at least one of three evaluation tests. As an expansion of an R-1A(M) zone to eliminate a split-zone, this application meets all the criteria of the third test.

The third test is designed to ensure the rezoning is not capricious or arbitrary and does not create a spot zone which would inhibit the maintenance and enjoyment of neighboring properties. Neighboring properties to the north and west already are zoned R-1A(M) and developed with a mix of site-built residences and residential mobile homes. Eliminating the split-zone on this property, even for the stated intent of developing an accessory dwelling unit is not capricious or arbitrary in nature or intent, not does it create a monopoly, or limit the value or usefulness of neighboring residentially developed properties that are zoned R-1A(M). It should not adversely affect the reliance that neighboring property owners or occupants have placed upon the existing zoning pattern—which is R-1A(M) on the entire street except on the developed portion of Lot B-1 where property is zoned R-1A. In fact, it could be considered arbitrary

that this single property on Schmill Streets is zoned R-1A and eliminating the zig-zag of the R-1A district onto Schmill Street, and the applicants request, corrects that.

**DEPARTMENTAL RECOMMENDATION**

**Approval**