

St. Charles Parish Department of Planning & Zoning

LAND USE REPORT CASE NUMBER: PZHO 2015-07

GENERAL APPLICATION INFORMATION

- ◆ **Name/Address of Applicant:** **Application Date:** 03/30/2015
Kelvin Gros
105 Thoroughbred Ave
Montz, LA 70068
504.296.4334
- ◆ **Location of Site:**
105 Thoroughbred Ave, Montz, LA 70068
- ◆ **Applicant's description of business:**
"Seafood wholesale"--seafood is picked up from the docks and delivered to local stores and restaurants throughout the New Orleans area. The product is delivered directly out of Haulin' Tails trucks. Catering is not part of the business and there is no preparation of food with the business. No processing or business is done at the property.

SITE – SPECIFIC INFORMATION

- ◆ **Existing Land Use:**
Single-family residence
- ◆ **Surrounding Land Uses and Zoning:**
R-1A zoning and single-family residences abut along Thoroughbred Ave in the Dixieland subdivision. Property to the rear (fronting River Rd) is zoned C-1, but is currently occupied by a single-family residence.
- ◆ **Traffic Access and parking:**
The residence has parking for roughly six vehicles. There are two driveways on the property, a double driveway on the riverside and a single driveway on the lakeside. There is no parking permitted directly on Thoroughbred Ave as it is a narrow residential street.

APPLICABLE REGULATIONS

Regulations for Home Occupations: Appendix A. Section XXII

B. Permit Process:

1. **Pre-Application Orientation:** The Planning Director, or his designated staff, shall advise citizens of the regulations for home occupations such as appropriate activities for home occupations, operational regulations, and consequences for violating operational regulations. The Planning Director, or his designated staff, shall determine whether the premises to be permitted is in compliance with the St. Charles Parish code of Ordinances, or what measures must be taken to bring the premises into compliance prior to consideration of an application for a home occupation permit.
2. **Application:** A citizen who proposes appropriate activities at a residence that is not under citation for violation of this Code may apply for a permit for a home occupation. The fee shall be two hundred dollars (\$200.00). The applicant will agree to follow operational regulations. When an applicant does not own the subject property, the applicant must provide notarized endorsement of the application by the property owner.
3. **Departmental Review:** The Planning Director, or his designated staff, shall determine whether the proposed activity complies with the operational regulations of this section. The operational regulations are a guideline.
4. **Public Notice and Comment:**
 - a. Once the Planning Director has determined that the proposed activity meets the general parameters of this code and the operational requirements of this section, the property shall be posted for ten (10) days with a sign stating that the resident has applied for a permit to operate a home occupation and that the Department of Planning and Zoning will receive and record public comment on the application for the same ten (10) calendar days.

- b. A copy of the application shall be forwarded to the District Councilman and both Councilman-At-Large.
 - 5. Determination: The Planning Director shall consider the nature of the home occupation, the operational regulations, the relationship of the proposed home occupation to neighboring properties, requirements for state permits and licenses, and take one of the following actions:
 - a. Issue a Home Occupational Permit with or without written conditions, for those occupations that do not require state permit or license.
 - b. Forward applications requiring state permits or licenses along with a recommendation of the Department to the Planning and Zoning Commission for public hearing and recommendation and to the Parish Council for public hearing and decision.
 - c. Deny the application.
- C. Operational Regulations:
 1. All products produced for sale must be hand manufactured or grown on the premises using only hand tools or domestic mechanical equipment. Such domestic mechanical equipment shall not exceed two (2) horsepower per piece of equipment, and the sum total of all such equipment shall not exceed six (6) horsepower. A single kiln shall not exceed eight (8) kilowatts or the equivalent in a gas-fired fixture.
 2. All sales of products, including those produced or grown on the premises, and the performance of all services shall take place off the premises. However, the Planning Director may permit on-premises sales or the performance of services as a condition of a home occupation permit when it may be found that such sales or services will not produce any detrimental effects upon the surrounding neighborhood. This may include but is not limited to snowball stands, tax and legal services. The Department may impose conditions regulating the duration, scope, and size of operation.
 3. There shall be no signs posted which indicate the existence of the home occupation.
 4. No licensed vehicle in excess of one (1) ton (manufacturer's rating), and no more than one (1) licensed motorized vehicle, shall be utilized by any resident of the premises in connection with the home occupation. (Ord. No. 03-8-11, § I, 8-18-03)
 5. Only the residents of the premises shall be engaged in the home occupation.
 6. There shall be no outdoor storage of materials or products on the premises except as otherwise permitted by the Planning Director. Indoor storage of material or products shall not exceed twenty (20) percent of the gross floor area of the dwelling.
 7. Home occupations, except for horticultural uses, shall be conducted only within a structure on the premises.
 8. The home occupation shall not eliminate required off-street parking.
 9. The home occupation shall not cause any external effect associated with the home occupation, such as increased noise, excessive traffic, excessive lighting, or offensive odor, which is incompatible with the characteristics of the residential zone, or in violation of the revisions of any applicable governmental code. There shall be no illegal discharge of materials, fluids, or gases into the sewer system, or any other manner of discharging such items in violation of any applicable governmental code.
 10. The resident or residents engaged in the home occupation shall possess a current St. Charles Parish Occupational License and health certification from the Parish Health Unit when required. An inspection approval from the State Fire Marshal shall be required when any food preparation requiring ovens or stoves, mechanical equipment, a simple kiln, or gas-fired fixture are necessary for production.
 11. Home occupation activities which include the manufacture, sale, or repair firearms (or any related commercial activity) shall be prohibited in R-2 and R-3 residential zoning districts, and shall be additionally prohibited on residentially zoned lots which contain more than one dwelling unit. (Ord. No. 96-7-4, 96-7-4)
 12. No alcoholic beverages shall be sold or provided in connection with the operation of a home occupation. (Ord. No. 98-8-1, 8-3-98)
 13. Home occupation permit holders shall provide annual evidence of valid occupational licensing as issued by the St. Charles Parish Sheriff's Office. Evidence of occupational licensing shall be provided to the Department of Planning and Zoning by March 31st of each calendar year. (Ord. No. 98-8-14, 8-17-98)

FINDINGS

The applicant completed an application for a home occupation to operate "Haulin' Tails Seafood & Catering" on March 30, 2015. According to the Louisiana Secretary of State's Office, Haulin' Tails Seafood & Catering LLC has been licensed to Kelvin Gros at 105 Thoroughbred Ave since May 8, 2009.

The applicant indicated he wishes to use the existing driveways on the property for the business, including three (3) trucks, and an ice machine/cooler. Such a business requires a LA Wildlife & Fisheries license for each refrigerated truck. The applicant has been advised that issuance of a Home Occupation permit does not negate restrictive covenants.

The applicant's proposed business is not in compliance with the following Home Occupation Operational Regulations:

1. *All products produced for sale must be hand manufactured or grown on the premises using only hand tools or domestic mechanical equipment. Such domestic mechanical*

equipment shall not exceed two (2) horsepower per piece of equipment, and the sum total of all such equipment shall not exceed six (6) horsepower. A single kiln shall not exceed eight (8) kilowatts or the equivalent in a gas-fired fixture. Crawfish, as a product, is not hand manufactured or grown on the premises.

3. *There shall be no signs posted which indicate the existence of the home occupation. The trucks double as business signs for Haulin' Tails.*
4. *No licensed vehicle in excess of one (1) ton (manufacturer's rating), and no more than one (1) licensed motorized vehicle, shall be utilized by any resident of the premises in connection with the home occupation. Applicant requests to use three (3) licensed motor vehicles in connection with home occupation.*
9. *The home occupation shall not cause any external effect associated with the home occupation, such as increased noise, excessive traffic, excessive lighting, or offensive odor, which is incompatible with the characteristics of the residential zone, or in violation of the revisions of any applicable governmental code. There shall be no illegal discharge of materials, fluids, or gases into the sewer system, or any other manner of discharging such items in violation of any applicable governmental code. Trucks are visibly noticeable and may be undesirable in the residential subdivision*

A Cease and Desist (C&D) notification was placed on the property on April 17, 2015. This C&D pertained to Haulin' Tails operating without a home occupation permit and business license.

According to Section XXII – Regulations for home occupation, *a home occupation is an accessory use of a dwelling unit, conducted by one (1) or more persons who reside at the property in question. The home occupation is clearly incidental and secondary to the use of the dwelling for residential purposes and does not change the character thereof or adversely affect the uses permitted in the residential district of which it is a part.* The proposed application for Haulin Tails describes a business use that is beyond the scope of a home occupation. The presence of three large commercial trucks on one residential property surrounded by similar properties is changing the character of the permitted uses in the district.



Site visit on 04/07/2015 at 105 Thoroughbred. One of three commercial trucks shown.



Site visit on 04/09/2015 at 108 Thoroughbred (across from applicant's property). Two of three commercial trucks shown.

Based on the aforementioned violations of the home occupation operational regulations, this application for a home occupation permit is recommended for denial.

DEPARTMENT RECOMMENDATIONS

Denial.