



## Department of Planning & Zoning Staff Report – Map Amendment Case No. 2024-7-R

### APPLICATION INFORMATION

- **Submittal Date:** 4/2/24
- **Applicant / Property Owner**  
Ladadriel Eastman  
122 Hickory Street  
Boutte, LA 70039  
504.236.2425; ladadriel.eastman@ochsner.org
- **Request**  
Change of zoning:
  - Current – R-1A, Single Family Residential Detached Conventional Homes - Medium density
  - Proposed – R-2, Two-Family Residential

### SITE INFORMATION

- **Location**  
Lot 17, Block K, Magnolia Ridge Park Subdivision; Spruce Street, Boutte (adjacent to 147 Spruce Street).
- **Size:** 6,000 sq. ft. (0.138 acres)
- **Current Use**  
Lot 17 was improved with a detached accessory structure affiliated with the residence at 122 Hickory Street. This accessory structure was demolished and only a concrete driveway remains on Lot 17.
- **Surrounding Zoning**  
R-1A zoning is adjacent to each side and the rear; R-1A(M) zoning is located to the front, on the opposite side of Spruce Street.
- **Surrounding Uses**  
The site is located in a developed residential neighborhood characterized by a mix of site-built and manufactured single-family homes.  
  
Specifically, a site-built home is adjacent to the rear (Hickory Street side), a manufactured home is adjacent to the side, and a mix of site-built and manufactured homes are on the opposite side of Spruce Street.
- **Zoning History**  
The R-1A district was established in 1981.
- **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)*

*Recommended Zoning Districts: R-1A (6,000 sf. min. lot size), R-1B (10,000 sf. min. lot size), R-1AM (accessory units and individual mobile homes)*

- **Flood Zone & Minimum Building Elevation**

1992 Flood Insurance Rate Map: X  
2013 Digital Flood Insurance Rate Map: AE6

- **Traffic Access**

Lot 17 has 60 ft. of frontage on Spruce Street where access is provided via a concrete driveway.

- **Utilities**

Per the Parish GIS drainage, sewer, and water facilities are available along Spruce Street.

Representatives from the Departments of Public Works, Wastewater, and Waterworks have no objections to the rezoning.

<b>APPLICABLE REGULATIONS</b>
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**Appendix A. Section VI. – Zoning District Criteria and Regulations**

[VII.] *R-2. Two-family residential:*

1. Use Regulations:
  - a. A building or land shall be used only for the following purposes:
    - (1) See uses allowed in the R-1A district
    - (2) Two-family dwellings
    - (3) Single family dwellings
    - (4) Accessory uses.
    - (5) Nonresidential accessory buildings shall not be permitted.
  - b. Special exception uses and structures include the following:
    - (1) Club houses and/or accessory recreational facilities for resident use only
    - (2) Professional, non-retail offices
  - c. Special permit uses and structures include the following:
    - (1) Child care centers
    - (2) Schools (public, private, and commercial)
    - (3) Religious institutions
    - (4) *Reserved.*
    - (5) *Reserved.*
    - (6) Private commercial access roads, upon review by the Planning Commission and supporting resolution of the Council.
  - d. Transportation system required: Local or collector street.
2. Spatial Requirements:
  - a. Minimum lot size: Six thousand (6,000) square feet (3,000 per family); minimum width - sixty (60) feet.
  - b. Minimum yard sizes:
    - (1) Front - twenty (20) feet
    - (2) Side - five (5) feet each side
    - (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:
    - 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 rear setback of accessory building shall be the same as side yard requirement of the district in which it is located.
    - 4) Accessory buildings shall be located on the same parcel of land as the main structure.
  - 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 or rear yard.
3. Transportation System Requirement: Front on local or collector street only.
4. Special Provisions:
  - a. Where any two-family residential district (R-2) abuts any residential zoning district or use, a six-foot high solid wood fence or masonry wall shall be erected.

**Appendix A. Section XV. - Amendment procedure**

- D. Rezoning guidelines and criteria: The proponent for a change should present reasonable factual proof that two or more of the following criteria are met:
  1. The proposed rezoning conforms to land development pattern established by the St. Charles Parish Comprehensive Plan Future Land Use Map and does not create a spot zone that is incompatible with the surrounding neighborhood.
  2. The Land-use pattern or character has changed to the extent that the existing zoning no longer allows reasonable use of the applicant's property, and that the proposed zoning does. In order to determine what is reasonable use of the property, the proponent for the zoning change should consider one or more of the following:
    - a. Consideration of uses on adjacent properties that would limit the use of 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 can be shown to limit the usefulness of vacant land or buildings.

3. Potential uses permitted by the proposed rezoning will not be incompatible with existing neighborhood character nor will they overburden public facilities and infrastructure.

The Planning Staff shall base rezoning analyses on these criteria but shall not be prohibited from factoring unique circumstances of the application into the analysis. The Planning and Zoning Commission may state in its recommendations to the Council: its concurrence with, or rejection of, any or all of the proponents' case for the suggested amendment, and/or its position relative to proponents' statements on the case. Planning Staff analyses and recommendations shall be forwarded to the Council along with the Commission's recommendations.

- E. Rezoning approval criteria: Before the Council votes to approve a rezoning, there should be reasonable factual proof by the applicant that:
1. The proposed map amendment is in compliance, or is not in conflict, with the goals and recommendations of the St. Charles Parish Comprehensive Plan and Future Land Use Map, also
  2. The proposed map amendment does not negatively impact the health, safety, and welfare of the community.

## REZONING GUIDELINE & CRITERIA EVALUATION

1. *The proposed rezoning conforms to the land development pattern established by the St. Charles Parish Comprehensive Plan Future Land Use Map and does not create a spot zoning that is incompatible with the surrounding neighborhood.*

The subject site is in an area designated *Low-to-Moderate Residential*, which primarily anticipates development of those detached residential uses typically permitted in the R-1A, R-1B, and R-1A(M) zoning districts. The designation also considers alternative attached housing types with a moderately higher density not permitted by right in those districts. This includes duplexes, patio/zero-lot line homes, townhomes, and accessory units. While the *Low-to-Moderate Residential* designation does not explicitly include the R-2 zoning district, the inclusion of duplexes in its description as an appropriate development type suggests the proposed R-2 zoning aligns with the residential character anticipated by the designation.

But despite alignment with the Comprehensive Plan designation, in this instance the request must be considered a spot zone. In previous cases, this type of request was made for multiple lots across a larger area (4 to 6 lots; 0.72-1.0 acres). Being a single 6,000 sq. ft. lot within an established single family zoned/developed neighborhood, the site is simply too small and too isolated. **The request does not meet the first guideline.**

2. *The Land-use pattern or character has changed to the extent that the existing zoning no longer allows reasonable use of the applicant's property and the proposed zoning does.*

The Department cannot identify significant changes in the land-use pattern or the character of the neighborhood that would affect the ability to develop the subject site under existing zoning. The R-1A district has been established since 1981 and governs an area characterized by single-family homes. The subject site can be developed by right with a single-family home in keeping with the existing neighborhood character. While the prospect of doubling the number of permissible dwellings by right through a change to R-2 is advantageous, the ability to permit a new single-family home is far from unreasonable. And a second dwelling can still be permitted under the current zoning in the form of an Accessory Dwelling Unit (ADU) upon approval as a Special Permit Use. **The request does not meet the second guideline.**

3. *Potential uses permitted by the proposed rezoning will not be incompatible with existing neighborhood character nor will they overburden public facilities and infrastructure.*

The requirements concerning lot size, setbacks, building coverage, and site-built construction remain consistent between the R-1A and R-2 districts. The distinction is limited to the inclusion of duplexes as a by right use under R-2. This distinction is blurred when considering the option to develop single-family homes remains under R-2 and an additional dwelling may be permitted under R-1A as an ADU. And considering the presence of manufactured homes in the area, including the ability to develop them by right under R-1A(M) zoning on the opposite side of Spruce Street, the existing neighborhood character is not exclusively defined by site-built single-

family houses. Given the similarities between the development types and allowable dwelling units, a duplex would not be a significant enough departure to be considered incompatible.

The area is improved with Parish drainage, sewer, and water facilities capable of handling the additional dwelling that this rezoning could permit. And representatives from the departments maintaining those facilities do not object to the zoning change. **The request meets the third guideline.**

<b>DEPARTMENT RECOMMENDATION</b>
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**Denial, due to meeting only one of the three rezoning criteria.**

**This request will be forwarded with the Planning Commission's recommendation to the Parish Council for a second public hearing and final determination.**