

# St. Charles Parish Department of Planning & Zoning

## LAND USE REPORT CASE NUMBER: PZSPU-2019-01

### GENERAL APPLICATION INFORMATION

- ◆ **Name/Address of Applicant** **Application Date: 12/11/18**  
Bliss Davis  
23 Trepagnier Drive  
Destrehan, LA 70047  
(985)-519-5753; blissrenee76@yahoo.com
- ◆ **Location of Site**  
Lot 7 Block 3 and Lot 9, Block L, Good Hope Subdivision; 332 Apple Street, Norco
- ◆ **Requested Action**  
616 square foot detached accessory dwelling unit

### SITE-SPECIFIC INFORMATION

- ◆ **Size of Parcel(s)**  
The site is 5113 square feet on two lots:
  - Lot 7 measures 40' x 40' totaling 1,600 square feet.
  - Lot 9 measures 40' x 86'10" totaling 3,473 square feet.

The property also consists of two 40 foot strips measuring 6 inches in width.
- ◆ **Current Zoning and Use**  
R-1A, Single Family Residential; the property is developed with a site-built single family house with frontage on Apple Street and a raised accessory building located in the rear with access to St. Charles Street. The applicant indicates that the accessory structure was a dwelling unit. It is currently under renovation.
- ◆ **Surrounding Zoning and Land Uses**  
R-1A zoning and single family houses surround the site.
- ◆ **Utilities**  
Utilities exist to serve the site and representatives from the Departments of Public Works & Wastewater and Waterworks indicate that utilities can accommodate an ADU on the site.

### APPLICABLE REGULATIONS

#### **[I.] R-1A. Single family residential detached conventional homes —Medium density**

1. Use Regulations:
  - 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 yard lines a distance of at least one (1) foot for each foot of building height.
    - (5) Modular, panelized and precut homes, provided that they are placed on a permanent foundation.
    - (6) Reserved.
    - (7) Private commercial access roads, upon review by the Planning Commission and supporting resolution of the Council.
    - (8) Accessory Dwelling Units upon approval by the Planning Commission and supporting resolution of the Council.**
2. Spatial Requirements:
  - 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 setback of accessory buildings including overhangs, shall be three (3) feet.
    - (4) Nonresidential accessory buildings shall not be permitted

#### **Appendix A. Section VII. - Accessory dwelling units.**

- a. Purpose. To offer a wider range of housing options within residential zoning districts.
- b. Design and development standards for all accessory dwelling units (ADU).

- i. There shall be no more than one (1) ADU permitted per lot.
- ii. No ADU will be permitted without a primary building.
- iii. An ADU may consist of part or all of a detached accessory structure or it may consist of a portion of the primary structure.
- iv. There shall not be more than one (1) bedroom in an ADU.
- v. An ADU shall use the electrical service of the primary structure.
- vi. The owner of the property on which the ADU is to be created shall occupy the primary dwelling unit.
- vii. Setbacks for ADUs developed as part of the principal structure are the same as the underlying zoning district.
- viii. Setbacks for ADUs developed as detached structures shall meet the setbacks for accessory structures for the underlying zoning district.
- ix. The floor area of the ADU is limited to fifty (50) percent of the floor area of the primary dwelling unit, not to exceed one thousand two hundred(1,200) square feet.
- x. ADUs require one (1) off-street parking space in addition to the parking requirements of the underlying zoning district.

**Appendix A. Section IV.**

A. *Evaluation Criteria* – those uses requiring approval for either a *Special Exception* or a *Special Permit Use* shall be evaluated by the criteria below. These criteria are to be considered illustrative and not restrictive. Other criteria may be considered though not specifically listed below if said criteria affect the general health, safety, and welfare of the public.

1. Compliance with the current St. Charles Parish Comprehensive Plan.
2. Compatibility with existing uses on abutting sites in terms of site development, building design, hours of operation, and transportation features related to safety and convenience of vehicular and pedestrian circulation.
3. Adequacy and convenience of off-street parking and loading facilities and protection of adjacent property from glare of site lighting.
4. Potentially unfavorable impacts on other existing uses on abutting sites to the extent such impacts exceed those impacts expected from a permitted use in the zoning district.
5. Protection of persons and property from erosion, flood or water damage, fire, noise, glare, and similar hazards or impacts.
6. A site development plan shall be required as part of the application process. The following design criteria shall be evaluated on the plan:
  - a. Required yards and open space
  - b. Ingress and egress to property
  - c. Parking and loading areas
  - d. Location of garbage facilities
  - e. Landscaping, buffering, and screening
  - f. Signage
  - g. Height and bulk of structures
  - h. Location and direction of site lighting

<b>SPU &amp; ADU CRITERIA COMPLIANCE</b>
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The proposal meets the criteria as follows:

1. *Compliance with the current St. Charles Parish Comprehensive Plan*  
 The Comprehensive Plan recommends Low Density Residential, up to eight (8) single-family dwelling units per acre, or one unit for every 5,445 square feet. The subject site consists of 5,113 square feet. Two dwelling units on the site would exceed the density recommended in the Comprehensive Plan. **Does Not Comply**
  
2. *Compatibility with existing uses on abutting sites in terms of site development, building design, hours of operation, and transportation features related to safety and convenience of vehicular and pedestrian circulation.* Good Hope Subdivision was platted in 1921 and has many nonconforming lots and development sites. The ADU is proposed within a raised accessory structure with the bottom floor approximately seven (7) feet from the grade of the property and encroaching on the and side yard. While several sites in the surrounding area do not meet required setbacks, there are few if any elevated accessory buildings and staff did not observe any dwelling units elevated to a similar height in the vicinity. **Does not comply**
  
3. *Adequacy and convenience of off-street parking and loading facilities and protection of adjacent property from glare of site lighting.* The site plan shows parking stalls for three (3) passenger vehicles. Loading and lighting is not required. **Complies**
  
4. *Potentially unfavorable impacts on other existing uses on abutting sites to the extent such impacts exceed those impacts expected from a permitted use in the zoning district.* The R-1A zoning district permits site-built single-family houses and general accessory uses by right, with ADUs requiring special approval. An ADU acts as a site-built residential structure independent from a primary structure and developed in compliance with accessory structure requirements. This ADU involves the renovation of an existing structure used as living space in the past and which should not have any more of an impact than uses otherwise permitted in the district. **Complies**

5. *Protection of persons and property from erosion, flood or water damage, fire, noise, glare, and similar hazards or impacts.* The ADU will be located in an existing detached accessory structure. Building code approval requires fire protection. Noise impacts are not expected from this type of development but the noise ordinance will provide for the enforcement of any noise issues that may result. The building exists and the renovation should not increase the potential for flooding. **Complies**
6. *A site development plan shall be required as part of the application process. The following design criteria shall be evaluated on the plan:*
  - a. *Required yards and open space.* The structure measures at least 20 feet from the St. Charles Street property line and two (2) feet, five (5) inches from the nearest side property line. The side yard setback is short by five (5) inches, an existing condition which is not being increased by the renovation. **Complies**
  - b. *Ingress and egress to property.* The property has frontage on both Apple Street and St. Charles Street, with access coming primarily from St. Charles Street. **Complies**
  - c. *Parking and loading areas.* The site has area to park three (3) passenger vehicles, which meets the requirement for both the house and the ADU. Loading area is not required. **Complies**
  - d. *Location of garbage facilities.* **N/A**
  - e. *Landscaping, buffering, and screening.* **N/A**
  - f. *Signage.* **N/A**
  - g. *Height and bulk of structures.* The ADU will be in a raised building with a single floor of living space. The bottom area will remain open for parking. The side yard setback is short by five (5) inches, but this is an existing condition which is not being increased by the renovation. **Complies**
  - h. *Location and direction of site lighting.* **N/A**

*Design and development standards for all accessory dwelling units (ADU)*

- i. *There shall be no more than one (1) ADU permitted per lot.* **Complies**
- ii. *No ADU will be permitted without a primary building.* The ADU is being developed in an existing structure, an accessory building to a primary residence fronting on Apple Street. **Complies**
- iii. *An ADU may consist of part or all of a detached accessory structure or it may consist of a portion of the primary structure.* **Detached**
- iv. *There shall not be more than one (1) bedroom in an ADU.* **Complies**
- v. *An ADU shall use the electrical service of the primary structure.* **Complies**
- vi. *The owner of the property on which the ADU is to be created shall occupy the primary dwelling unit.* The applicant/owner currently resides in Destrehan. Once the renovation to the ADU is complete, they intend to move into that structure, upon which they will begin renovations on the main house, moving into the primary dwelling upon completion. **Does Not Comply**
- vii. *Setbacks for ADUs developed as part of the principal structure are the same as the underlying zoning district.* **N/A**
- viii. *Setbacks for ADUs developed as detached structures shall meet the setbacks for accessory structures for the underlying zoning district.* Both the proposed ADU and primary residence sit on three separate pieces of property, which combined would form a through lot running between Apple and St. Charles Streets. While accessory structures can be located as close as three (3) feet to side and rear property lines, structures on a through lot must meet the 20 foot front yard setback. The structure is at least 20 feet from the St. Charles Street property line and two (2) feet, five (5) inches from the nearest side property line. The side yard setback is short by five (5) inches, an existing condition not increased by the renovation. **Complies**
- ix. *The floor area of the ADU is limited to fifty (50) percent of the floor area of the primary dwelling unit, not to exceed one thousand two hundred (1,200) square feet.* The applicant lists the ADU at 616 square feet, 50.08% of the floor area of the primary residence and below the 1,200 square foot maximum. **Complies**
- x. *ADUs require one (1) off-street parking space in addition to the parking requirements of the underlying zoning district.* Three (3) parking spaces provided. **Complies**

<b>ANALYSIS</b>
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Code Enforcement received a complaint on December 6<sup>th</sup> regarding unpermitted construction on an existing structure at 332 Apple Street, Norco. The applicant applied

for the required building permit, but the work was for renovation of an Accessory Dwelling Unit (ADU) that the department has no record of. In order to obtain a building permit, the ADU must be approved through the Special Permit process. The applicants have indicated that they would like to renovate the ADU, move into it, and then renovate the primary structure and move into it. The applicants currently do not live in the primary structure which is required by supplemental regulation vi.

The applicant states that when they purchase in August 2018, the accessory building had the components of an ADU (kitchen and bedroom and using the electrical service of the primary structure), but it was unoccupied. The primary structure, a site-built house, fronts Apple Street. The accessory structure is raised and the required three parking stalls for both the house and ADU are underneath.

The 616 square foot ADU consists of one (1) bedroom as required by the zoning ordinance. The site development plan shows the building meeting most of the site requirements for special permits and ADUs. The front setback for the R-1A zoning district is met, while the existing structure is approximately five (5) inches short of compliance with the side yard setback for accessory structures.

Because the site does not meet the minimum width or area requirement for the R-1A zoning district, permitting the ADU will increase the density of the area beyond the Future Land Use Recommendation of Low Density Residential.

<b>DEPARTMENT RECOMMENDATION</b>
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**Denial because the owner of the property on which the ADU is to be created does not occupy the primary dwelling unit and the recommended residential density would be exceeded.**