



Department of Planning & Zoning Staff Report – Minor Resubdivision Case No. 2023-5-MIN

APPLICATION INFORMATION

- **Submittal Date:** 4/27/23
- **Applicant / Property Owner**

Dawn R. Dufrene 131 Dugas Lane Des Allemands, LA 70030 985.210.5200	Nelda Stidham Woodruff Barbara Stidham Schneider 615 Down the Bayou Road Des Allemands, LA 70030
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- **Request**

Resubdivision of Lots 5-A and 5-B of a resubdivision of Lot 149 of Coteau de France into Lots 5-A1 and 5-B1 with a waiver from the Subdivision Regulations, Section III.B.3 Arrangement.

SITE INFORMATION

- **Location:** 123 & 131 Dugas Lane, Des Allemands
- **Size of Proposed Lots**
 - Lot 5-A1: 11,302.87 sq. ft.; 85.5 ft. wide
 - Lot 5-B1: 5,313.16 sq. ft.; 61.78 ft. wide
- **Current Zoning:** R-1A(M), Single Family Residential Detached Conventional Homes, Manufactured Homes, and Mobile Homes—Medium density
- **Current Use**

Lot 5-A is developed with a mobile home addressed as 131 Dugas Lane. 5-B is vacant following a demolition of a structure due to damage in Hurricane Ida. That structure was addressed as 123 Dugas Lane.
- **Surrounding Zoning:** R-1A(M)
- **Surrounding Uses**

This area of Des Allemands, between LA 631 to the north and Highway 90 to the south, consists primarily of single family residential houses. Specifically, either site-built or manufactured homes are adjacent to each side of the subject site.
- **Flood Zone & Minimum Building Elevation**

X-zone/DFIRM AE+5; the developer of any improvements will have to provide a grade certificate in order to determine the minimum building elevation on this property. 1 ft. above the centerline of the street OR 5 ft. above mean sea level [NAVD 88 Datum], whichever is higher.
- **Plan 2030 Recommendation**

Neighborhood Mixed Use: This category applies in areas appropriate for mixed walkable developments where the predominant use is residential, with a variety of housing types at varying densities, as well as compatible, local-serving commercial, retail, office and service uses.
- **Traffic Access**

Lot 5-A has 71.43 ft. of frontage on Easy Street, where the structure fronts and driveway access is provided despite being addressed to Dugas Lane. The proposed subdivision into Lot 5-A1 will increase the frontage to 85.50 ft. and the access to Easy street will remain.

Lot 5-B has 15 ft. of frontage on Easy Street, the result of a resubdivision of Lot 5 into 5-A and 5-B (PZS-2000-101). By creating a flag shaped lot the required street frontage/access as per the Subdivision Regulations was provided (a waiver was still required for width). Historically, despite the legal frontage on Easy Street improvements on Lot 5-B have been accessed via Dugas Lane.

The proposed resubdivision into Lot 5-B1 will remove the 15 ft. "pole" portion of Lot 5-B and incorporate it into Lot 5-A1. Dugas Lane, which is labelled and referenced as a "servitude for passage" is shown within the boundaries of and providing access to Lot 5-B1 from Down the Bayou Road. But Dugas Lane cannot be considered "a street or roadway that meets the specifications of these [subdivision] regulations" and 5-B1 is considered landlocked.

▪ **Utilities**

The Parish's GIS shows public water and sewer available on Easy Street. A water line is shown along the length of Dugas Lane.

▪ **Development History**

Existing Lots 5-A and 5-B are the result of the resubdivision of Lot 5 as shown on the survey and resubdivision map by R.P. Bernard, PLS dated October 9, 2000 (PZS-2000-101).

Lot 5-A was developed with a residential structure that was demolished after sustaining damage from Hurricane Ida (Permit No. 40578). It has since been replaced with a manufactured home (Permit No. 42700).

Lot 5-B was developed with a residential structure, which was severely damaged from Hurricane Ida and demolished (Permit No. 43920).

APPLICABLE REGULATIONS

Appendix A. Section VI. – Zoning District Criteria and Regulations

[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.
 - (4) Accessory uses to golf courses and country clubs limited to the following:
 - Art studios
 - Churches and Religious Institutions
 - Commercial recreation facilities
 - Commercial schools
 - Personal service businesses, examples include but are not limited to beauty shops and barber shops, acupuncture, and massage services
 - Professional offices, examples include but are not limited to doctors, dentists, engineers, architects, landscape architects, plan services, realtors, insurance
 - Restaurants and cafeterias
 - 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), country clubs, and accessory commercial uses on such properties.
 - (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.
 - (6) Accessory dwelling units upon approval by the Planning Commission and supporting resolution of the Council.

- (7) Garden Home Developments in accordance with Section VII Supplemental Regulations upon review and recommendation of the Planning Commission and supporting resolution of the St. Charles Parish Council.
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.
 - (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.
 - 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.
 - 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. *Reserved.*
 - 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.

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.
 - l. The following note shall be added to resubdivision maps that result in a net increase of lots: No lot created by this act of subdivision shall be divided in such a way that another net increase in the number of lots occurs for a period of two years.

Appendix C. Section 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.

Appendix C. Section V. Administrative

B. Variations and Exceptions

1. The regulations contained herein may be varied or modified where the literal enforcement of one or more provisions of the ordinance (i) is impracticable, or (ii) will exact undue hardship because of peculiar conditions pertaining to the land in question. Financial hardships shall not be considered as valid criteria for any such waiver or modification of existing regulations. The Planning Commission, with a supporting resolution of the Council, may grant such a waiver or modification of these regulations only when such requests meet the conditions of this subsection and are not detrimental to the public interest.

FINDINGS

This minor resubdivision request proposes dividing Lots 5-A and 5-B into two lots, 5-A1 and 5-B1.

Each lot meets the 5,000 sq. ft. and 50 ft. wide minimum lot size for the R-1A(M) zoning district.

But Lot 5-B1 does not meet Geometric Standards, specifically item III.B.3. Arrangement, which states:

- *All lots shall possess frontage on a street or roadway that meets the specifications of these regulations.*

As shown on the submitted resubdivision survey, Lot 5-B1 does not possess the required street frontage and is considered a landlocked lot. This is the result of removing the 15 ft. portion of Lot 5-B extending to and providing frontage/access from Easy Street, reversing the lot layout established as part of PZS-2000-101 which limited waivers to the minimum width (Resolution 4861).

Historically the improvements on Lot 5-B have used Dugas Lane, a private “servitude of passage”, as its primary means of access. But Dugas Lane cannot be considered “a street or roadway that meets the specifications of these [subdivision] regulations” and as a result does not allow for the Arrangement requirement to be met for those lots that “front” on Dugas Lane. This is reflected in previous resubdivisions for properties on Dugas Lane, specifically:

- PZS-2008-16, resubdivision of Lot 3-A into Lots 3-A-1 and 3-A-2 as shown on the survey and resubdivision map by R.P. Bernard, PLS dated February 18, 2008. Approved with a waiver from the hard-surface frontage requirement for Lots 3-A-1 and 3-A-2 as per Resolution No. 5538.
- PZS-2010-49, resubdivision of Lot 3-A-2 into Lots 3-A-2A and 3-A-2B as shown on the survey plat and resubdivision by Stephen P. Flynn, PLS dated October 30, 2010. Approved with a waiver from the required minimum lot frontage of the public street as per Resolution No. 5796.

The applicant submitted a request for a waiver from the Arrangement requirement, citing Dugas Lane has always been used for access to Lot 5-B/5-B1 and there is no reason to retain the 15 ft. of access provided via Easy Street.

The department cannot support the waiver request, which is in line with previous department determinations for those lots that have been resubdivided on or around Dugas Lane and with inadequate street frontage.

Unlike the O-L zoning district, the R-1A(M) district does not have any provisions allowing for the development of lots without the required street frontage.

Ultimately, the department cannot endorse a resubdivision resulting in the creation of landlocked lots under standard residential zoning.

DEPARTMENT RECOMMENDATION

Denial.

If the Planning Commission approves this request it will be forwarded to the Parish Council for consideration of a supporting resolution.