

St. Charles Parish Department of Planning & Zoning

LAND USE REPORT CASE NUMBER: PZS-2018-34

GENERAL INFORMATION

- ◆ **Name/Address of Applicant** **Application Date: 07/12/18**
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- ◆ **Location of Site**
Lots D-1 and D-2, Block 14, Ama Heights Subdivision; municipal address 147 & 159 Zeller Street, Ama
- ◆ **Requested Action**
Minor resubdivision to adjust the line that legally divides the two properties such that each will match the metes and bounds description in it's chain of title.

SITE INFORMATION

- ◆ **Size of Parcel**
Existing Lot D-1 consists of 6,642 sf. while Lot D-2 consists of 5,658 sf.
Proposed Lot D-1A will be 8,200 sf, with 100' of frontage on Zeller St.
Proposed Lot D-2A will be 4,100 sf, with 50' of frontage on Zeller St.
- ◆ **Current Zoning and Land Use**
R-1A, Single Family Residential; both developed with site-built, single-family houses.
- ◆ **Surrounding Zoning and Land Use**
R-1A zoning and site-built single family houses are adjacent on all sides.
- ◆ **Plan 2030 Recommendation**
Low Density Residential – This category includes the Parish's predominantly single family detached subdivisions, including those developed consistent with the R-1A (6,000 sq. ft. minimum lot size) and R-1B (10,000 sq. ft. minimum lot size) zoning districts. It also allows accessory units and individual mobile homes on small platted lots zoned R-1A(M). Neighborhood-serving uses such as neighborhood parks, churches and servitudes may also be included in this land use category.
- ◆ **Traffic Access and parking**
Both lots will have frontage on Zeller Street. The frontage for proposed lot D-2A will be substandard for the R-1A zoning district. As developed, the lot can accommodate one passenger vehicle.
- ◆ **Utilities**
The sites are already developed with site-built single-family homes serviced by existing utilities. The lot line shift will not permit additional development or impact to utilities.

APPLICABLE REGULATIONS

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.

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

2. Spatial Requirements:
 - a. Minimum lot size: Six thousand (6,000) square feet per family; minimum width—sixty (60) feet
 - b. Minimum yard sizes:
 - (1) Front—Twenty (20) feet
 - (2) Side—Five (5) feet
 - (3) Rear—Twenty (20) feet
 - (4) For lots with less than one hundred (100) feet depth, front setback and rear setback shall be twenty (20) percent of lot depth respectively 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) 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.
 - d. Permitted encroachments:
 - (1) Overhangs projecting not more than twenty-four (24) inches, excluding gutter. For accessory buildings, overhangs shall not be closer than three (3) feet to any property line.
 - (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.

ANALYSIS

The applicant proposes a minor subdivision to correct a discrepancy between the metes and bounds description in the chains of title for two adjoining properties and the corresponding legal lots of record created at the lot owners' request in 2007 (PZS 2007-37).

In 2007, the Department processed an application to divide "Lot No. 3 of the subdivision of certain property described in an act of partition between Raoul Zeringue and co-heirs..." Two properties had been in separate ownership and use within Lot No. 3 since 1953, one 100-feet on Zeller Street by 82-feet deep, the other 50-feet on Zeller Street by 82-feet deep.

The owners of the larger portion intended to transfer 19' to the owners of the smaller lot. The resubdivision was approved creating lot D-1 with 81-feet on Zeller Street (the house addressed 147) and D-2 with 69-feet on Zeller Street, (the house numbered 159). The owners did not complete the legal transfer the 19' and since 2007, the legal descriptions have not matched the legal lots of record that were created and recorded.

In 2009, the property owners requested a resubdivision to change return the dimensions of the legal lots on a survey to the legal descriptions in the titles. However, the person who owned the portion that was 50-feet on Zeller Street raised concerns that caused the request to be "denied without prejudice"—which was meant to allow the owners to work out the problem and request approval at a later date. The request did not come back to the Planning Commission within a year, and the survey plat expired. The condition continues, and new owners are involved.

At the time of writing this report, the property owners have shown proof of endorsement of the resubdivision by owners of each lot including heirs for Lot D-1 and are waiting for delivery of a new resubdivision plat.

The R-1A zoning district requires a minimum lot area of 6,000 square feet and 60 feet in width. Proposed lot D-2A will *not* meet either requirement. Under the circumstances, the Department recommends approval of the required waivers.

DEPARTMENT RECOMMENDATION

Approval of the resubdivision with a waiver from the required 60' width to 50' and the required area from 6,000 square feet to 4,100 square feet, if shown on a current subdivision plat.
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