

City Planning Commission Meeting – June 23, 2015

CONSIDERATION – SUBDIVISION DOCKET – 058/15

Applicants: Edwin Butler, Regina Chassagne, and Cygnette 2, LLC

Prepared By: Sabine Lebailleur

Date: June 10, 2105

Deadline: August 10, 2015

GENERAL INFORMATION

Proposal: Subdivision of Lots 10, 11, 12, 13 and 14 into Lots 10A and 13A.

Location: Square 272, Delachaise, Sixth Municipal District, bounded by Chestnut, Foucher, Camp and Aline Streets. The municipal addresses are 3528, 3522 and 3518 Chestnut Street. (PD2)

Zoning: RD-2 Two Family Residential District

Current

Land Use: Lots 10, 11 and 12 are currently developed with a single-family dwelling, an accessory structure, and an overhang carport in the rear yard.



Figure 1. 3528 Chestnut Street (Lots 10, 11 and 12)

Lots 13 and 14 are currently developed with a two-family dwelling and an accessory structure in the rear yard.



Figure 2. 3518-3522 Chestnut Street (Lots 13 and 14)

Proposed

Use:

This subdivision involves combining 5 lots into 2 lots. One owner owns Lots 10, 11 and 12. The other owner owns Lots 13 and 14. In addition to combining the lots, it is proposed to shift one of the common lot lines so that the multiple accessory structures now under separate ownership in the back of both residences can be combined into a single structure owned entirely by one property owner.

Lot size

required:

All lots are zoned RD-2 Two-Family Residential which, according to **Article 4, Section 4.5.7 Height, Area and Yard Requirements (Table 4.E)** of the Comprehensive Zoning Ordinance requires a minimum lot width of 50 feet for residential doubles, 40 feet for singles; a minimum lot depth of 90 feet; and a minimum lot area of 5,000 square feet for doubles, and 4,400 square feet for singles.

Existing

Lots:

Lot 10 measures 31' in width, 125'-4" in depth, and has an area of approximately 3,875 square feet. Lots 11, 12, 13 and 14 all measure each 31'-3" in width, 125' in depth, and each have an area of approximately 3,875 square feet. Lot 10 fronts on Foucher Street and Lots 11, 12, 13 and 14 front on Chestnut Street.

A center hall cottage (3528 Chestnut Street) with Queen Anne/Eastlake style embellishments dating from the 19th century, sits on Lots 11 and 12, and a Double Galleried Greek Revival town house (3518-3522 Chestnut Street) sits on Lots 13 and 14. Lot 10 belongs to the property owners of Lots 11 and 12 and is used as a backyard for 3528 Chestnut Street. The rear of Lot 10 is developed with a carport.

An accessory structure is located at the rear of existing Lots 12, 13 and 14. The structure is divided and owned by the two different property owners. The portion of the structure located on the rear of Lot 12, measuring approximately 300 square feet, is owned by the owners of Lots 10, 11 and 12 and used as a shed/storage area. The portion of the structure on the back of Lots 13 and 14, measuring approximately 450 square feet, is owned by the owner of Lots 13 and 14 and has been most recently used as a storage area as well, though it contains a little kitchen and bathroom.

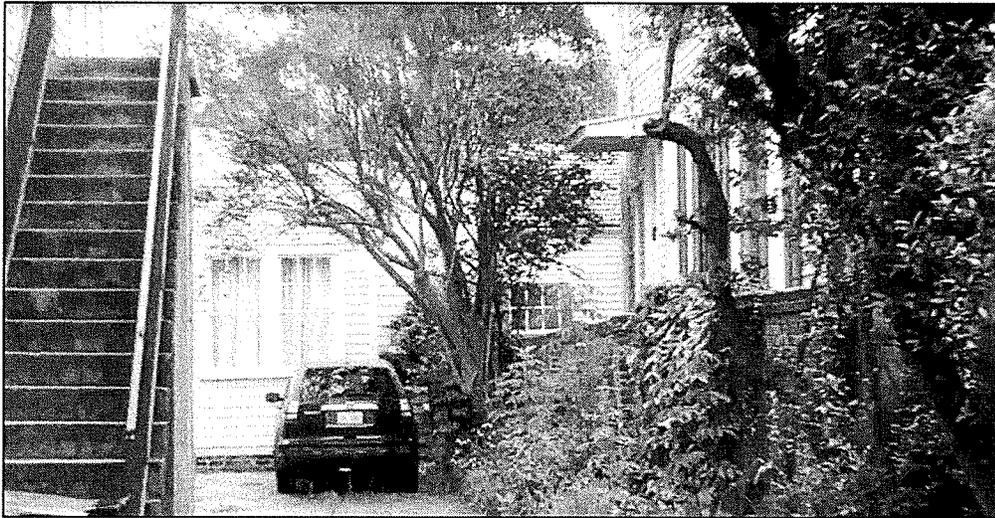


Figure 3. Accessory structures seen from the front of the properties. On the left: structure belonging to Lots 13 and 14; on the right: structure belonging to Lots 10, 11 and 12.

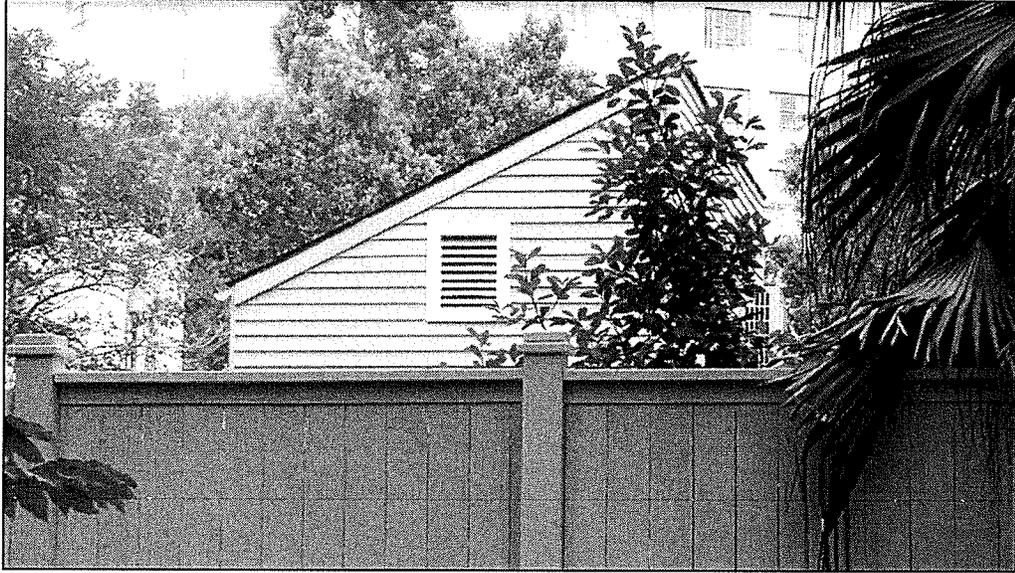


Figure 4. Accessory structure belonging to Lots 10, 11 and 12, as seen from the side yard of the property, on Foucher Street.



Figure 5. Accessory structure belonging to Lots 13 and 14, as seen from the adjacent parking lot on Aline Street.



Figure 6. Aerial photo showing both residences and their accessory structures.

Proposed

Lots:

Lot 10A would include current Lots 10, 11, 12 and the rear parts of Lots 13 and 14, encompassing the entire back structure into single ownership. It would measure 62'-10" in width on its frontage on Chestnut Street, 156' in depth along Foucher Street, 125'-4" in width on the rear property line. It would have an area of 12,910.77 square feet. The lot would be compliant with the RD-2 District's lot size requirements.

Lot 13A would measure 62'- 6" feet in width, 106'-4" feet in depth, and would have an area of 6,649.96 square feet. The width of the existing lot will double compared to the existing parcel formed by Lots 13 and 14, but the depth will be reduced by approximately 19 feet. As a result, it will not meet the required minimum rear setback. All lots in RD-2 Two-Family Residential are required to provide a minimum of 20 feet deep rear yard, according to **Article 4, Section 4.5.7- Height, Area and Yard Requirements (Table 4.E)** of the Comprehensive Zoning Ordinance. The proposed 8 foot setback would be substandard. This substandard setback would require a variance from the Board of Zoning Adjustments (BZA) to allow the creation of the lot.

A Resubdivision of Lots 10, 11, 12, 13, & 14 into Lots 10A & 13A.

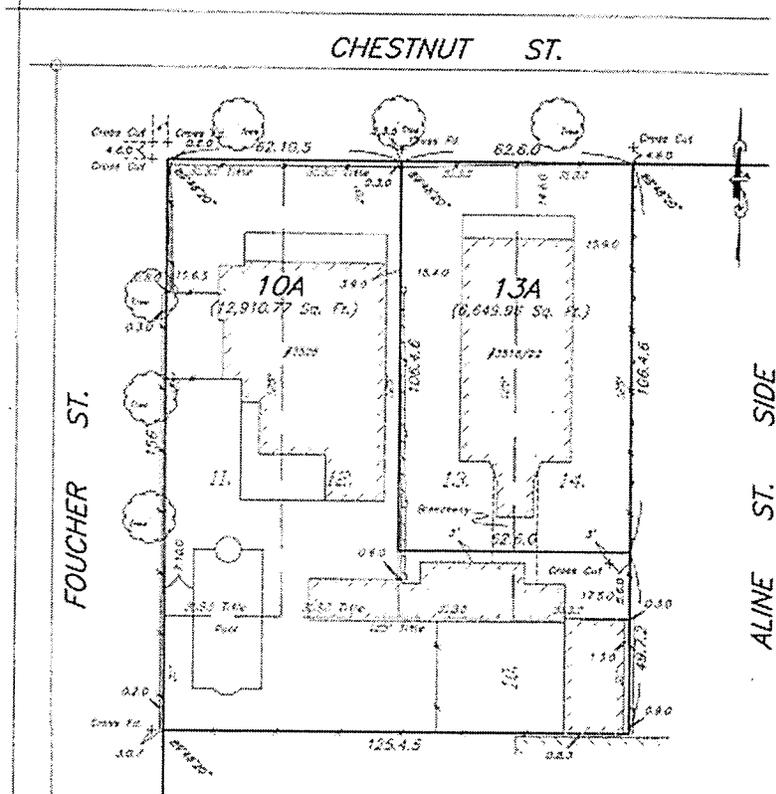


Figure 7. Proposed subdivision

Utilities and Regulatory Agencies:

The City Planning Commission, when reviewing a proposed subdivision, requests responses from the Department of Public Works, the Department of Safety and Permits, the Sewerage and Water Board, and Entergy regarding the compliance of the proposed subdivision with the building codes, zoning ordinance, and other regulations governing development in the city.

The Departments of Safety and Permits, Public Works and Property Management noted no objection to the proposal. Entergy has not provided comments on the request.

ANALYSIS

Development in the Vicinity:

The subject property is located within the Touro neighborhood, two blocks west of the Garden District western boundary and two blocks north of Magazine Street. The area is zoned RD-2 Two-Family Residential District. The predominant land use of the neighborhood is single- and two-family residential dwellings. There are also some multi-family residential buildings. Most dwellings are from the 19th century or early 20th century. The structures are typically one- and two-stories single- and two-family houses, located on small lots. Building types vary from center hall cottages, shotguns to town houses. Lots are generally of rectangular shape, between 30 and

60 feet in width, with most lots being less than 40 feet wide. Lots are typically between 100 and 130 feet in depth.

Touro Infirmery Hospital is located one block north of the subject property. The hospital and immediately surrounding properties are zoned MS Medical Service District. The MS Medical Service District features predominantly larger medical structures dating from the 20th mid-century with some examples of older residential structures. A block and half to the south, properties facing Magazine Street are zoned B-1A Neighborhood Business District.

COMPLIANCE WITH THE COMPREHENSIVE ZONING ORDINANCE AND THE SUBDIVISION REGULATIONS:

This subdivision is classified for review under Policy B *In Compliance with Regulations or Constituting General Improvements to the Existing Plat* of the Subdivision Regulations. Policy B is intended to allow for the proposal of subdivisions that are in compliance with the applicable regulations or which constitutes a general improvement of the existing subdivision pattern. As noted in **Article 3, Section 3.2.2** of the Subdivision Regulations, Policy B subdivisions are to be evaluated based on their compliance with the three criteria. Those subdivisions that comply with all of these criteria are eligible for administrative approval, while those that do not must be considered by the City Planning Commission.

Policy B's three criteria are as follows (all criteria must be met):

- A. No lot is reduced in area below the minimum lot size required by the Zoning Ordinance;
- B. The new condition creates a general improvement of the original plat by increased lot width, etc., although the proposed lots may be slightly below the minimum lot dimensions and area standards which are required in these regulations;
- C. Improvements exist upon the property, antedating the original adoption of the *Subdivision Regulations* in 1950.

Criterion A:

The request meets Criterion A. The RD-2 District that includes this site requires lots developed with single-family residence to be at least 4,400 square feet, and lots developed with two-family residence to be at least 5,000 square feet. Both proposed lots would exceed these standards as Lot 10A would be 12,910.77 square feet and Lot 13A would be 6,649.96 square feet.

Criterion B:

The proposed subdivision cannot be considered an improvement of the existing condition in terms of compliance with setbacks. **Article 4, Section 4.5.7- Height, Area and Yard Requirements (Table 4.E)** of the Comprehensive Zoning Ordinance requires single- and two-family residences to provide a minimum depth of rear yard of 20 feet. The existing rear setback between the main structure on lots 13 and 14 and the rear property line is approximately 27 feet. The subdivision would reduce the main residence's rear setback to only 8 feet. Since the re-subdivision would create a substandard rear yard, it is not an improvement of the existing condition.

Criterion C:

The request meets Criterion C. As shown below on the Sanborn map of 1895-1896, both properties were existing at that time, as well as all accessory structures.

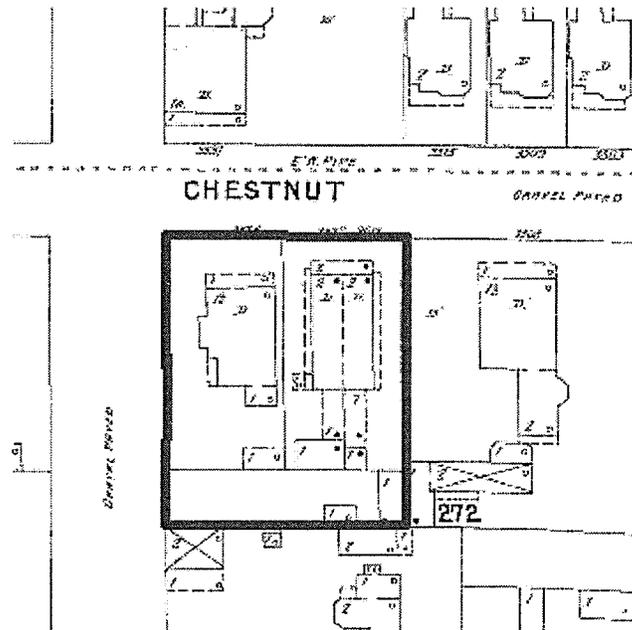


Figure 8. Sanborn Map 1895-1896

This proposal does not meet all the criteria; therefore the staff does not support the proposal.

Since the subdivision would bring 3518-3522 Chestnut Street out of compliance with **Article 4, Section 4.5.7 Table 4.E** of the Comprehensive Zoning Ordinance, it would be necessary that the property be granted a variance of that setback requirement from the Board of Zoning Adjustments before the subdivision could be approved. The Board would have to evaluate whether such variance would be justifiable under its standards for variance in **Article 14, Section 14.6.4** of the Comprehensive Zoning Ordinance.

Should the subdivision be granted tentative approval, final approval must be subject to the following proviso:

- The applicant shall apply for and obtain a variance from the Board of Zoning Adjustments of the minimum rear setback requirement contained in **Article 4, Section 4.5.7- Height, Area and Yard Requirements (Table 4.E)** of the Comprehensive Zoning Ordinance for 3518-3522 Chestnut Street (on proposed Lot 13A).

SUMMARY

Subdivision Docket 058/15 is a request to combine Lots 10, 11, 12 and rear portions of Lots 13 and 14 into Lot 10A and combine the remaining parts of Lots 13 and 14 into Lot 13A. Currently, Lots 11 and 12 are developed with a single-family residence (3528 Chestnut Street). Lot 10

functions as the rear yard for 3528 Chestnut Street. Lots 13 and 14 are developed with a two-story two-family residence (3518-3522 Chestnut Street). Both properties have accessory structures located at the rear of the lots. The applicant proposes to combine the 5 existing lots into 2 lots and to shift the common lot line between existing Lot 10 and existing Lots 13 and 14 a distance of 19 feet so that the rear structures now on Lots 11, 12, 13 and 14 would be entirely on Lot 10A.

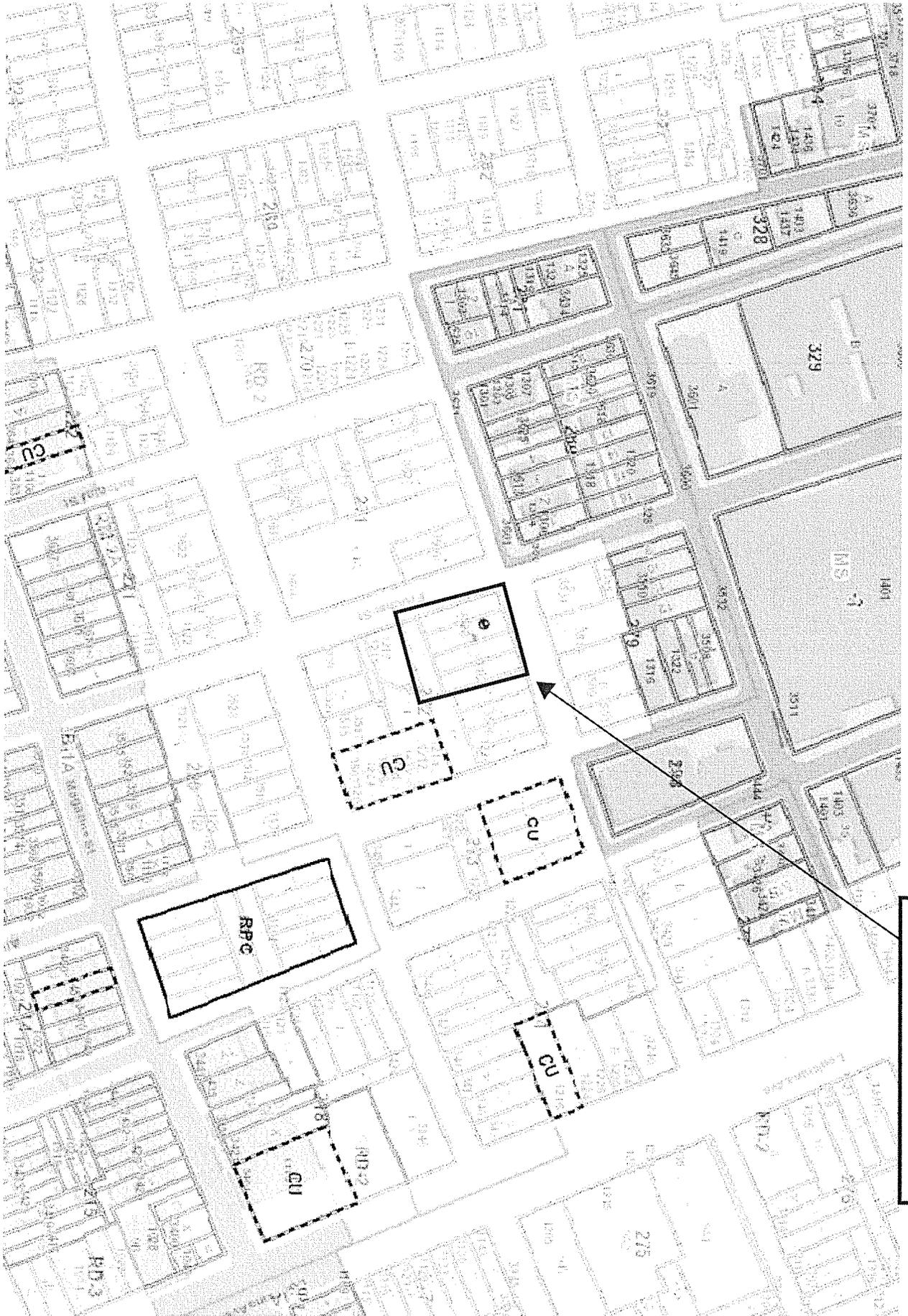
The new rear property line of proposed Lot 13A would cause 3518-3522 Chestnut Street to become non-compliant with its 20 foot rear setback requirement. Because the re-subdivision would create this substandard rear setback, the request does not constitute an improvement over the existing condition and cannot be supported under Policy B.

PRELIMINARY STAFF RECOMMENDATION

The staff recommends **denial** of Subdivision Docket 058/15.

REASON FOR RECOMMENDATION

1. The proposal is eligible for consideration by the City Planning Commission under Policy B of the Subdivision Regulations. The proposal does not satisfy the purpose and criteria of Policy B to create new conditions that are considered improvements over the existing conditions. This is the case because the proposed re-subdivision would cause the residence at 3518-3522 Chestnut Street to become non-compliant with its 20 foot rear setback requirement.

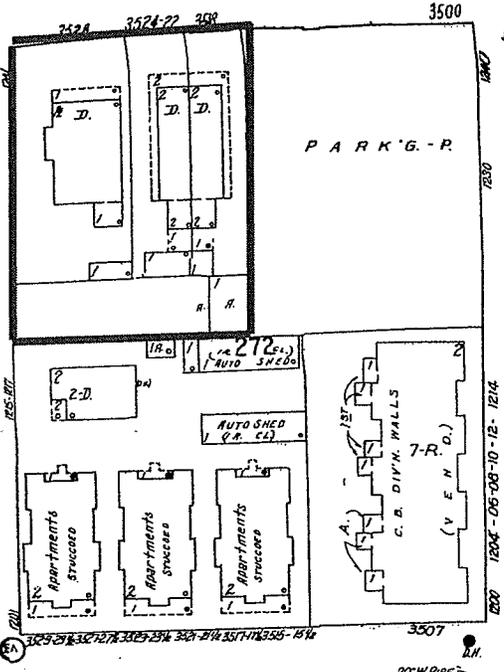
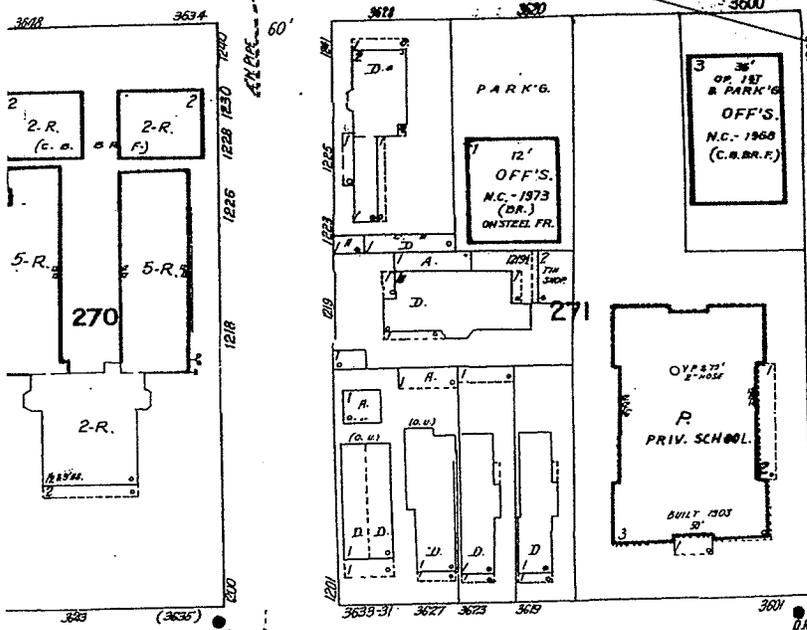


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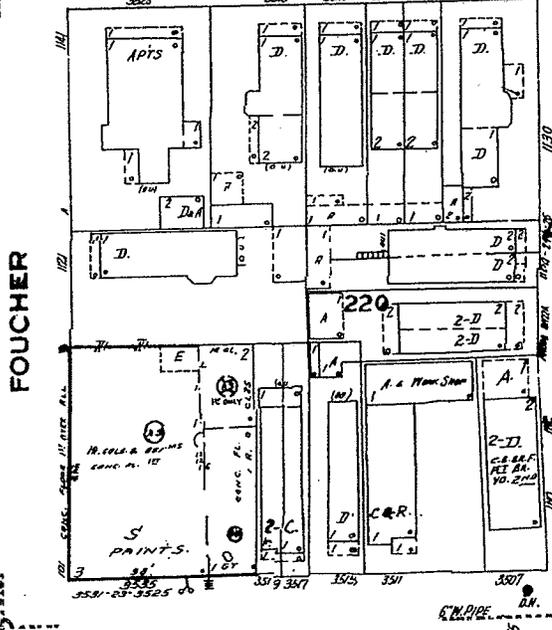
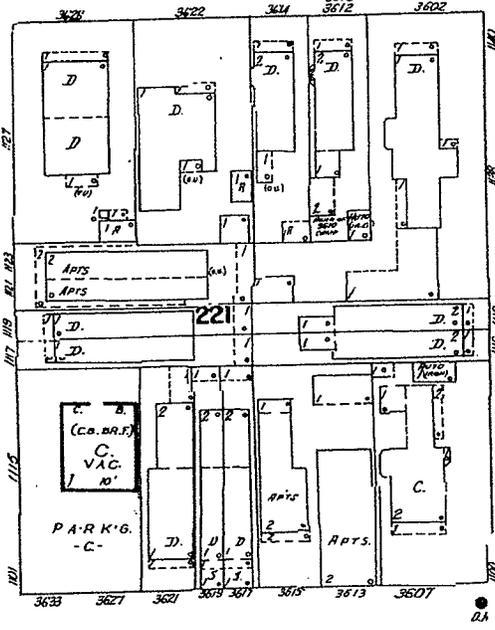
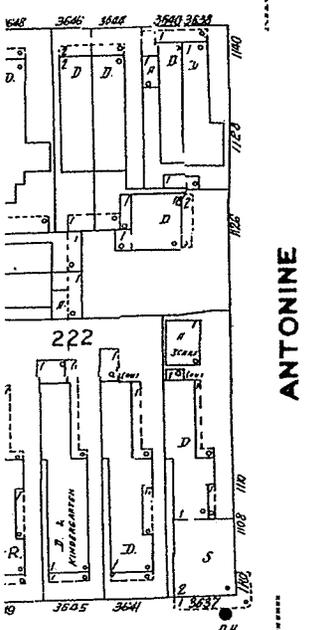
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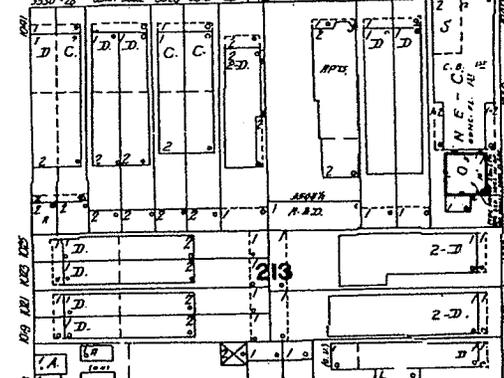
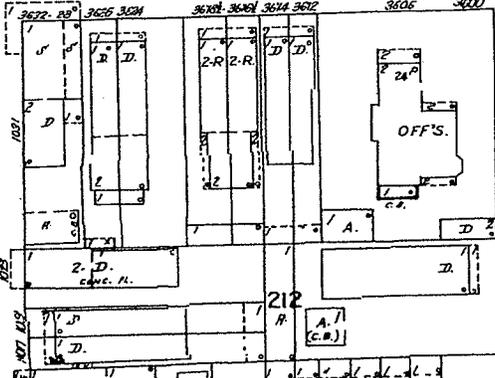
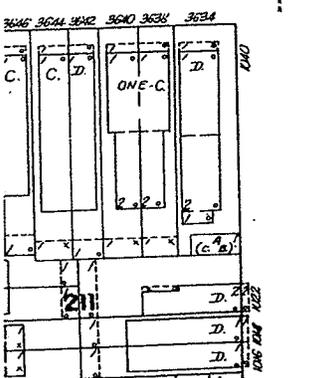
CHESTNUT



CAMP



MAGAZINE



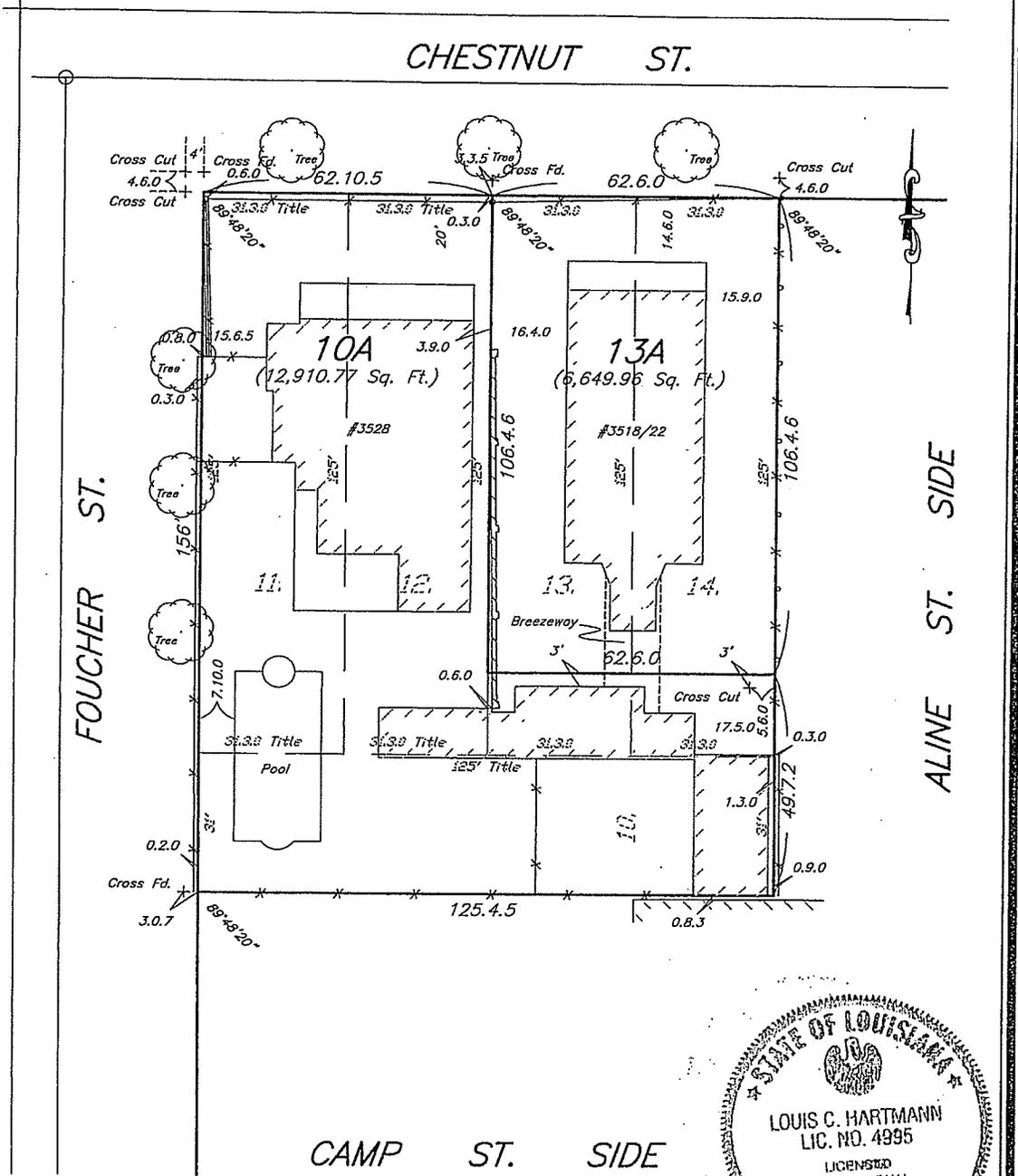
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ALINE

**SQ. NO. 272, DELACHAISE
SIXTH DISTRICT**

**NEW ORLEANS, LA
ORLEANS PARISH**

A Resubdivision of Lots 10, 11, 12, 13, & 14 into Lots 10A & 13A.



Note:
Improvements may not be to scale for clarity.
The dimensions shown prevail over scale.

THE SERVITUDES SHOWN ON THIS PLAT ARE LIMITED TO THOSE FURNISHED TO US. THERE IS NO REPRESENTATION THAT ALL APPLICABLE SERVITUDES ARE SHOWN HEREON. THE SURVEYOR HAS MADE NO TITLE SEARCH OR PUBLIC RECORD SEARCH IN COMPILING DATA FOR THIS SURVEY.

THE FEDERAL INSURANCE ADMINISTRATION FLOOD HAZARD BOUNDARY MAP INDICATES THAT THE ABOVE DESCRIBED PROPERTY IS LOCATED IN FIA ZONE
Lot angles as per plan of sub.

Date: April 28, 2015

Scale: 1" = 30'

This plat represents an actual ground survey made by me or under my direct supervision and control and meets the requirements for the Standards of Practice for Boundary Surveys as found in Louisiana Administrative Code TITLE 46:LXI, Chapter 25 for a Class "C" survey.
Made at the request of Mollere, Flanagan & Landry, LLC.

Gilbert, Kelly & Couturie, Inc., Surveying & Engineering
2121 N. Causeway Blvd., Metairie LA 70001 (504) 836-2121