

City Planning Commission Meeting – December 9, 2014

CONSIDERATION – SUBDIVISION DOCKET 153/14

Applicants: Marie Olagues

Prepared By: Dale Thayer

Date: November 21, 2014

Deadline: December 9, 2014

GENERAL INFORMATION

Proposal: Resubdivision of Lot Pt. A into Lots A1 and A2.

Location: Square 731, First Municipal District, bounded by S. Cortez Street, Canal Street, S. Telemachus Street and Cleveland Avenue. The municipal addresses are 136-138 S. Cortez Street and 3727-29 Cleveland Avenue. (PD 4)

Zoning: RO-1 General Office District

Current

Land Use: Two (2), single-family residential structures

Required: The subject site is a corner lot that is developed with one (1) one-story single-family residential structure fronting on S. Cortez Street (framing the corner) and one (1) two-story single-family residential structure along the rear property line, facing Cleveland Avenue. The applicant proposes to place each structure on a separate lot of record. Due to the age of the buildings on the site, this request is being considered under Policy E of the Subdivision Regulations. This Policy waives the requirement for a public hearing for Minor Subdivisions and authorizes the Executive Director to grant Administrative Approval to subdivision plans proposing new lot lines that will separate buildings constructed prior to 1929, provided that plans meet all the following conditions:

- a. *Satisfactory evidence is submitted indicating existence of structures prior to 1929. Such evidence is to be provided by the owner or subdivider and should consist of a letter from the appropriate Tax Assesor or other documents deemed acceptable by the Executive Director.*
- b. *The request to separate buildings involves only main/principal buildings.*
- c. *Proposed side lot lines comply as nearly as possible with the Subdivision Regulations and the Comprehensive Zoning Ordinance.*

- d. *The proposed lots shall contain a minimum of 1,800 square feet.*
- e. *The proposed lots will not be an excessive variation to the neighborhood norm.*

This proposal must be considered by the City Planning Commission because it does not meet criteria c and d under Policy E.

Description: The site is developed with two (2) residential structures. The one-story, single-family structure is built close to the front and corner side property lines. It is 6.74' away from a one (1) two-story residential structure that faces Cleveland Avenue. The applicant proposes to create two (2) lots in order to place each residential structure on its own lot of record.

Image #1: Rear of Petitioned Property

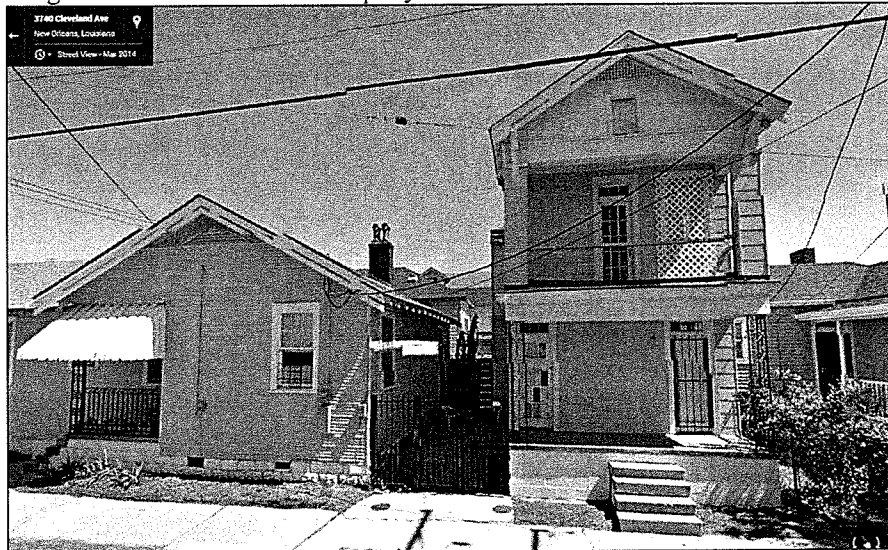
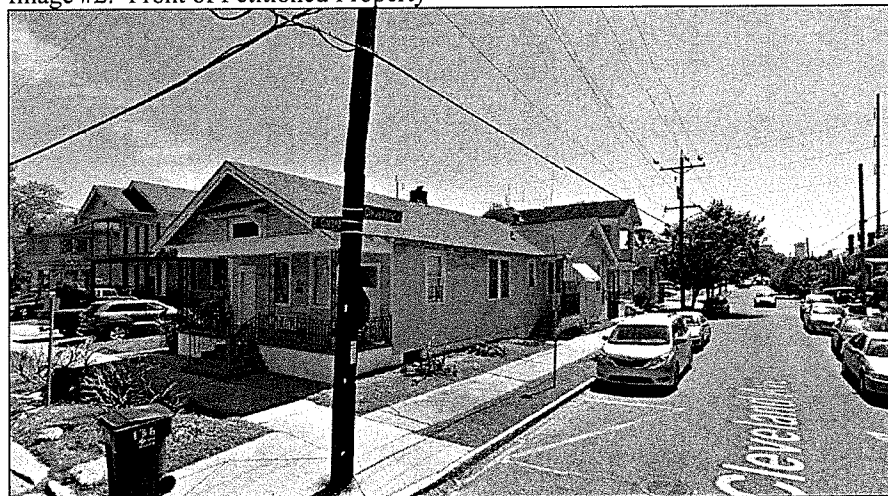


Image #2: Front of Petitioned Property



Source: Google Maps. Image Captures: March 2014

Utilities & Regulatory Agencies:

The City Planning Commission, when reviewing a proposed subdivision, requests responses from the Department of Property Management Division of Real Estate and Records, Department of Public Works, Department of Safety and Permits, 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.

At the time of this writing:

- Department of Safety and Permits stated that new property line needs to be adjusted so there is a three feet (3') setback between existing structures and new property line or the applicant would need to apply for a Board of Building Standards and Appeals (BBSA waiver), dated November 13, 2014.
- Department of Property Management, Division of Real Estate and Records no exceptions related to the survey or ownership of the property; however, a servitude agreement will be needed for encroachments, dated November 7 and 10, 2014.

None of the other utility and regulatory agencies have as of yet completed their review of the proposed subdivision.

LOT SIZE

Existing Lot: Lot Pt. A measures thirty six feet (36') in width and ninety two feet eleven inches (92'11") in depth for a total area of three thousand three hundred forty five square feet (3,345 sq. ft.).

Proposed Lots: Proposed Lot A1 will include one (1) existing one-story residential structure framing the corner of S. Cortez Street and Cleveland Avenue. Lot A1 will measure thirty six feet (36') in width and seventy four feet seven inches (74'7") in depth for a total area of two thousand six hundred and eighty five square feet (2,685 sq. ft.).

Proposed Lot A2 will include one (1) existing two-story residential structure that faces Cleveland Avenue. Lot A2 will measure eighteen feet four inches (18'4") in width and thirty six feet (36') in depth for a total area of six hundred and sixty square feet (660 sq. ft.).

ANALYSIS

Development in the Vicinity:

The petitioned site is within a RO-1 General Office Zoning District and Inner City Urban Corridor (ICUC) Overlay District in the Mid-City Neighborhood. The RO-1 District applies to the entirety of the subject square and adjacent squares generally fronting on Canal Street. The properties across from Cleveland Avenue are within an RD-3 Two-Family Residential District.

The surrounding area is developed with a mix of single- and two-family residences as well as a large church development and neighborhood scaled businesses. Immediately adjacent to the petitioned site are residential dwellings and one (1) standard restaurant. There are a variety of lot sizes in the area. There are also other properties in the area which are less than 1,800 square feet for a single lot of record.

COMPLIANCE WITH THE COMPREHENSIVE ZONING ORDINANCE AND THE SUBDIVISION REGULATIONS:

Residential uses in the RO-1 General Office District revert to the RM-2 Multiple-Family Residential District. The applicant proposes single-family residential uses. The RM-2 District area regulations and petitioned lots dimensions are shown in Table #1 below.

Table #1: Lot width, depth and area comparison

	RM-2 area regulations	Lot A1 (proposed)	Lot A2 (proposed)
Lot Width	30'	36'	18'4"
Lot Depth	90'	74'7"	36'
Lot Area	3,125 sq. ft.	2,685 sq. ft.	660 sq. ft.

As shown in Table #1 above, the proposed lots will not meet most of the RM-2 District regulations with regard to width, depth and area.

Policy E Review

- a. *Satisfactory evidence is submitted indicating existence of structures prior to 1929. Such evidence is to be provided by the owner or subdivider and should consist of a letter from the appropriate Tax Assessor or other documents deemed acceptable by the Executive Director.*

A historical Sanborn Map submitted by the applicant and verified by staff confirms the existence of the site's structures prior to 1929.

- b. *The request to separate buildings involves only main/principal buildings.*

The buildings on the site are residential main uses.

- c. *Proposed side lot lines comply as nearly as possible with the Subdivision Regulations and the Comprehensive Zoning Ordinance.*

The existing buildings are grandfathered to their conditions regarding the current front yard setbacks. The proposal will retain the existing development pattern as the site, only separating the two (2) main uses onto independent lots. However, the Department of Safety and Permits stated the new property line needs to be adjusted so there is a three feet (3') setback between existing structures and the new property line or the applicant would need to apply for a Board of Building Standards and Appeals (BBSA waiver). The applicant provided survey shows that six feet seven inches (6'7") separate the existing structures; therefore, the applicant can meet this setback requirement.

- d. *The proposed lots shall contain a minimum of 1,800 square feet.*

The petitioned property is currently developed with two (2) main residential uses on one (1) lot of record. In order to separate these legally non-conforming uses, the applicant proposes to subdivide the property into two (2) independent lots. Proposed Lot A1 meets the minimum 1,800 square feet requirement; however, proposed Lot A2 is deficient at 660 square feet in area. Due to the placement of existing structures on the current lot, there is not an opportunity to subdivide without creating a lot with insufficient lot area. There are examples of other properties in the area that may have historically been configured similarly to the petitioned property and re-subdivided; however, the staff found no records of these subdivision requests. Regardless, lots have been created that do not meet the minimum requirement of 1,800 sq. ft. (see Table #1 below).

- e. *The proposed lots will not be an excessive variation to the neighborhood norm.*

While not the predominant development pattern, there are other lots in the area which are less than 1,800 square feet (see Table #2 below). However, the staff was unable to locate any lots in the adjacent or surrounding area that were approximately 660 square feet in area; the size of the petitioned Lot A2.

Table #2: Lots < 1,800 sq. ft. (surrounding area)

Address	Lot Area
3725 Cleveland Avenue	1,530 sq. ft.
3827 Cleveland Avenue	1,720 sq. ft.
3717 Palmyra Street	~1,500 sq. ft.

Given that there are other lots with insufficient lot areas and the request meets or can meet the remaining criteria, staff recommends tentative approval of the request.

SUMMARY

The applicant proposes a re-subdivision to separate two (2) main single-family residential uses on one (1) lot by placing each structure on its own lot of record. The request meets most of the criteria for consideration under Policy E except for the requirements of proposed side lot lines and minimum lot area of 1,800 square feet. As proposed, Lot A2 will measure 660 square feet. The applicant has the opportunity to add one hundred eight square feet (108') in area to proposed Lot A2 by creating a three feet (3') in width setback recommended by the Department of Safety and Permits. The staff also located other properties in the area that are less than 1,800 square feet in lot area. Due to the uniqueness of the site's historical development pattern, the staff believes the request is the best scenario to mitigate a non-conforming situation. For this reason, the staff recommends approval of the request.

PRELIMINARY STAFF RECOMMENDATION¹

The staff recommends **tentative approval** of Subdivision Docket 153/14, with final approval subject to two (2) waivers and four (4) provisos.

Waivers

1. The applicant shall be granted a waiver of Section 3.2.5.d of the *Subdivision Regulations* requiring a minimum lot area of 1,800 square feet for Lot A2.
2. The applicant shall be granted a waiver of **Article 4, Section 4.9.7 (Table 4.I) – Area Regulations** of the Comprehensive Zoning Ordinance for minimum lot depth and area on proposed Lot A1 and for minimum lot width, depth and area on proposed Lot A2.

Provisos

1. The applicant shall revise the survey to indicate a three feet (3') setback between existing structures and new property line or apply and secure a waiver from the Board of Building Standards and Appeals (BBSA waiver).
2. The applicant shall comply with any requirements deemed necessary by Entergy, the Sewerage and Water Board, the Departments of Public Works, the Department of Property Management, Division of Real Estate and Records and the Department of Safety and Permits.

¹ The preliminary staff recommendation is subject to modification by the City Planning Commission

3. The applicant shall comply with all other Subdivision Regulations, which includes the submittal of mortgage certificates, a consent letter from the mortgage company (if applicable) and tax certificates for the petitioned site.
4. The applicant shall submit a reproducible copy and two (2) prints and a digital copy of the final resubdivision survey in dwg., dxf, or ESRI compatible file format.

REASON FOR RECOMMENDATION

1. The request meets or can meet most of the criteria for consideration under Policy E.
2. There are other properties in the area that have a lot area less than 1,800 square feet.

SQ. NO. 731
FIRST DISTRICT

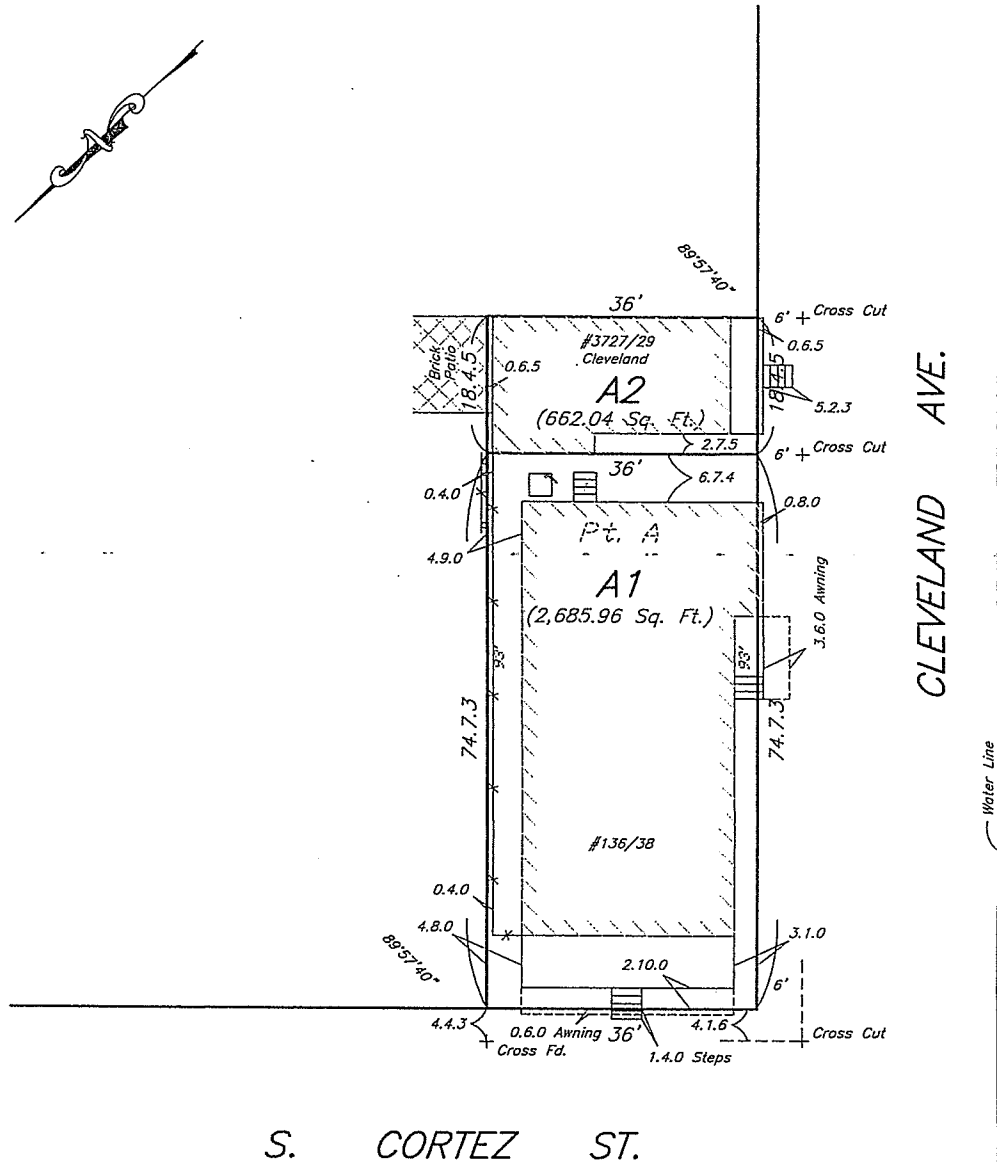
NEW ORLEANS, LA
ORLEANS PARISH

A Resubdivision of Pt. A into Lots A1 & A2.

S. TELEMACHUS ST. SIDE

CANAL ST. SIDE

CLEVELAND AVE.



S. CORTEZ ST.

No Trees in Public R/W.

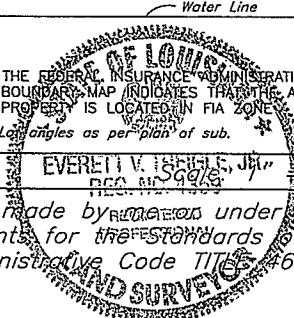
Note:
Improvements may not be to scale for clarity.
The dimensions shown prevail over scale.

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: October 30, 2014

This plat represents an actual ground survey made by me 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 Marie Olaques.



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



CITY OF NEW ORLEANS PROPERTY VIEWER



SEARCH



MEASURE



LAYERS

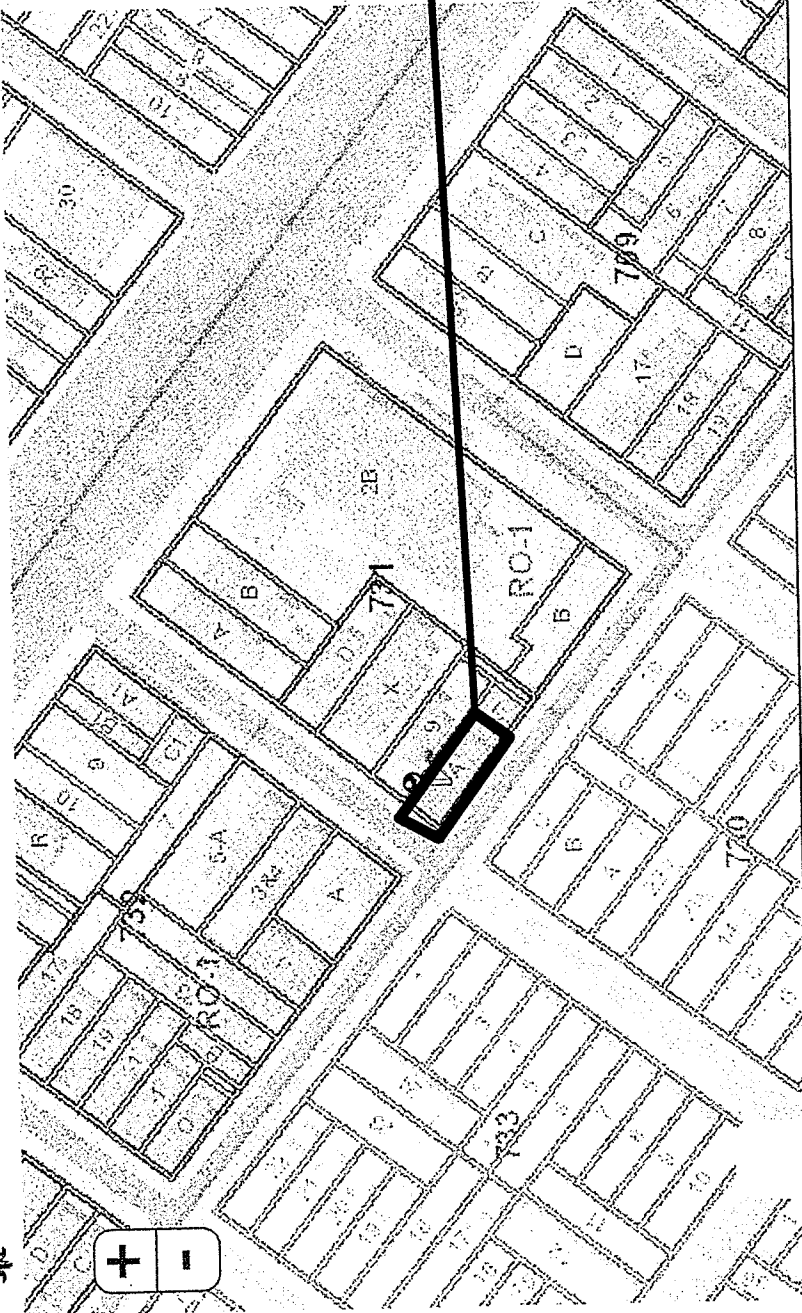


BASEMAP



PRINT

Petitioned Property



- Square
- Lot
- Address Points
- Parcels
- Zoning
- CU/EU/Planned Dev
- Overlays/IZDs
- Future Land Use
- Draft Zoning Districts
- Local Historic Districts
- National Register of Historic Places
- Vieux Carre Commission
- Neighborhood Conservation Districts

ZONING

ON
IN
VI
RE
ZO
OR

Zoning District: RO-1

Zoning Description: General Office District

DRAFT Zoning: HU-RD2

DRAFT Zoning Description: Historic Urban Two-Family Residential District

Future Land Use: RLD-PRE

Future Land Use Description: Residential Low Density Pre-War

Last Updated: Thu Dec 19 2013

PROPERTY INFORMATION

Site Address: 136 S CORTEZ ST, LA

First Owner Name: OLAGUES MARIE

Mailing Address: 136 S. CORTEZ ST.

Mailing City: NEW ORLEANS

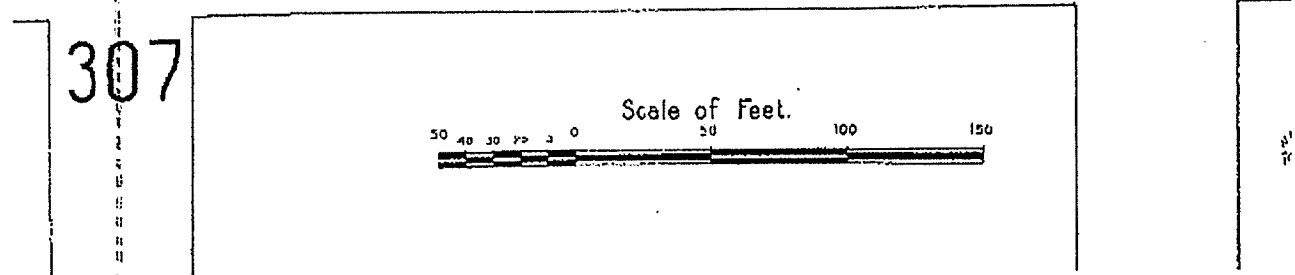
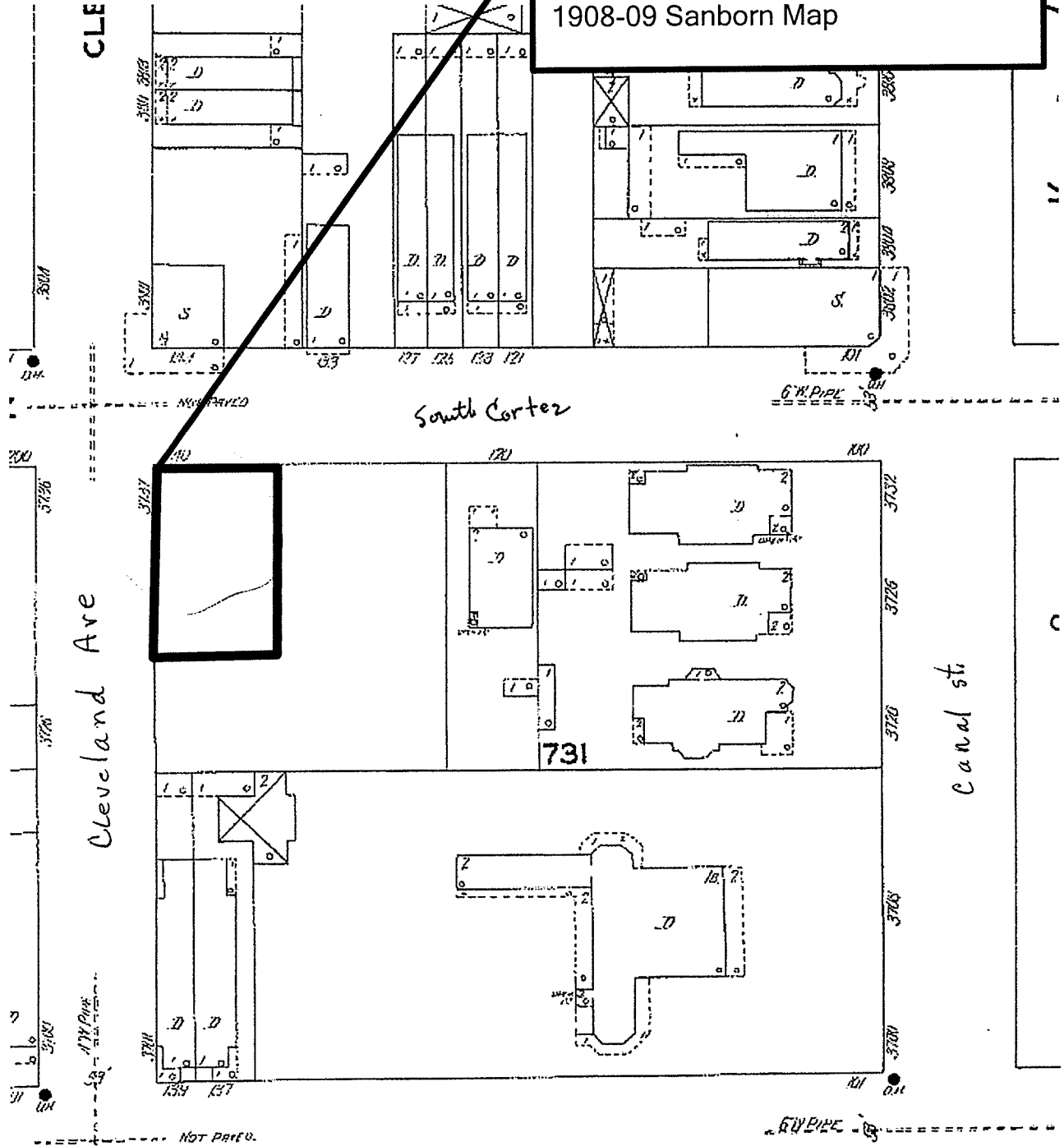
Mailing State: LA

Mailing Zip 5: 70119

Property Description: SQ 731 LOT A PT LOT 10 PT 11 10 CORTEZ AND CLEVELAND 36X 93

1908-09

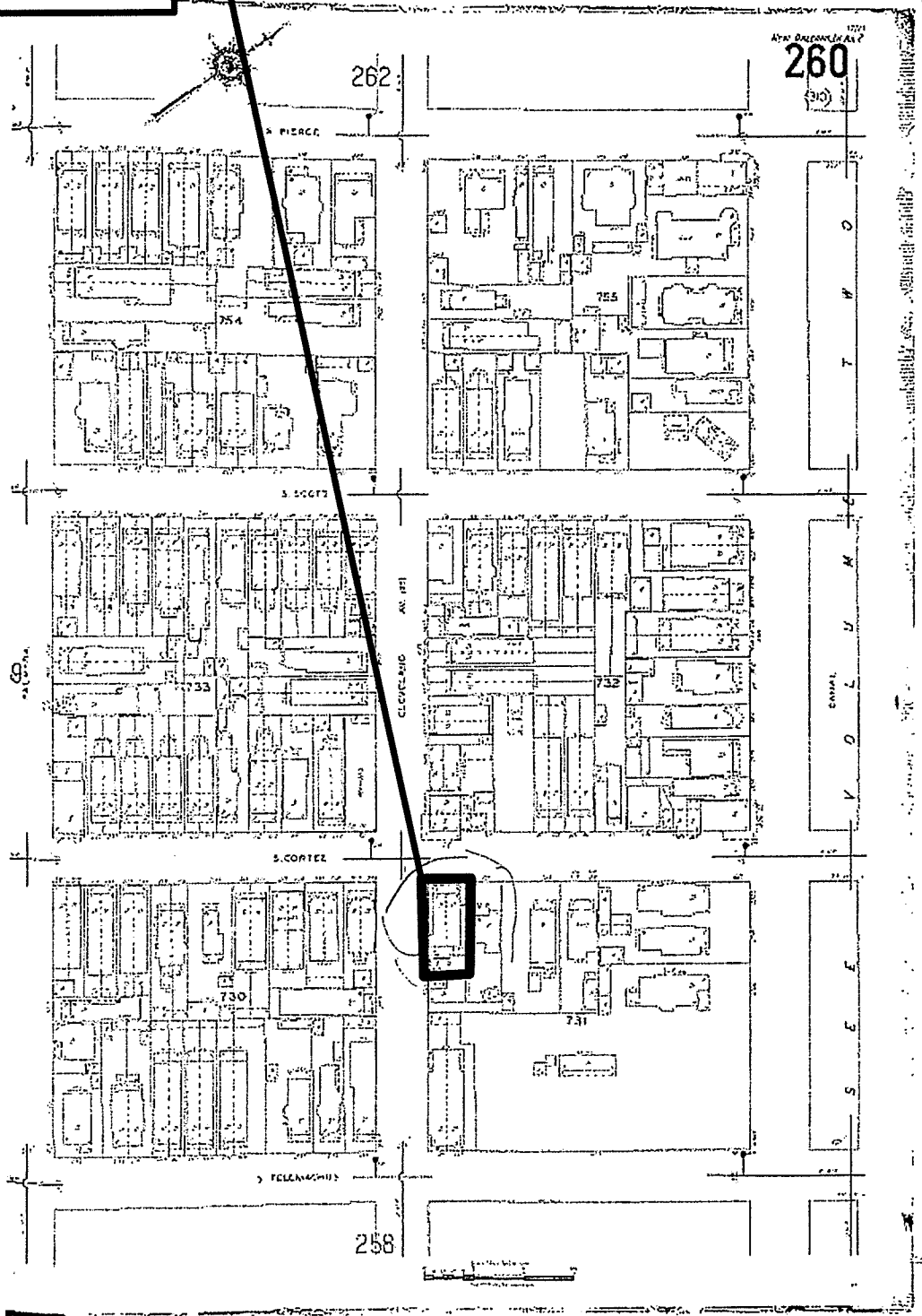
Petitioned Property
1908-09 Sanborn Map



Petitioned Property
1929-40 Sanborn Map

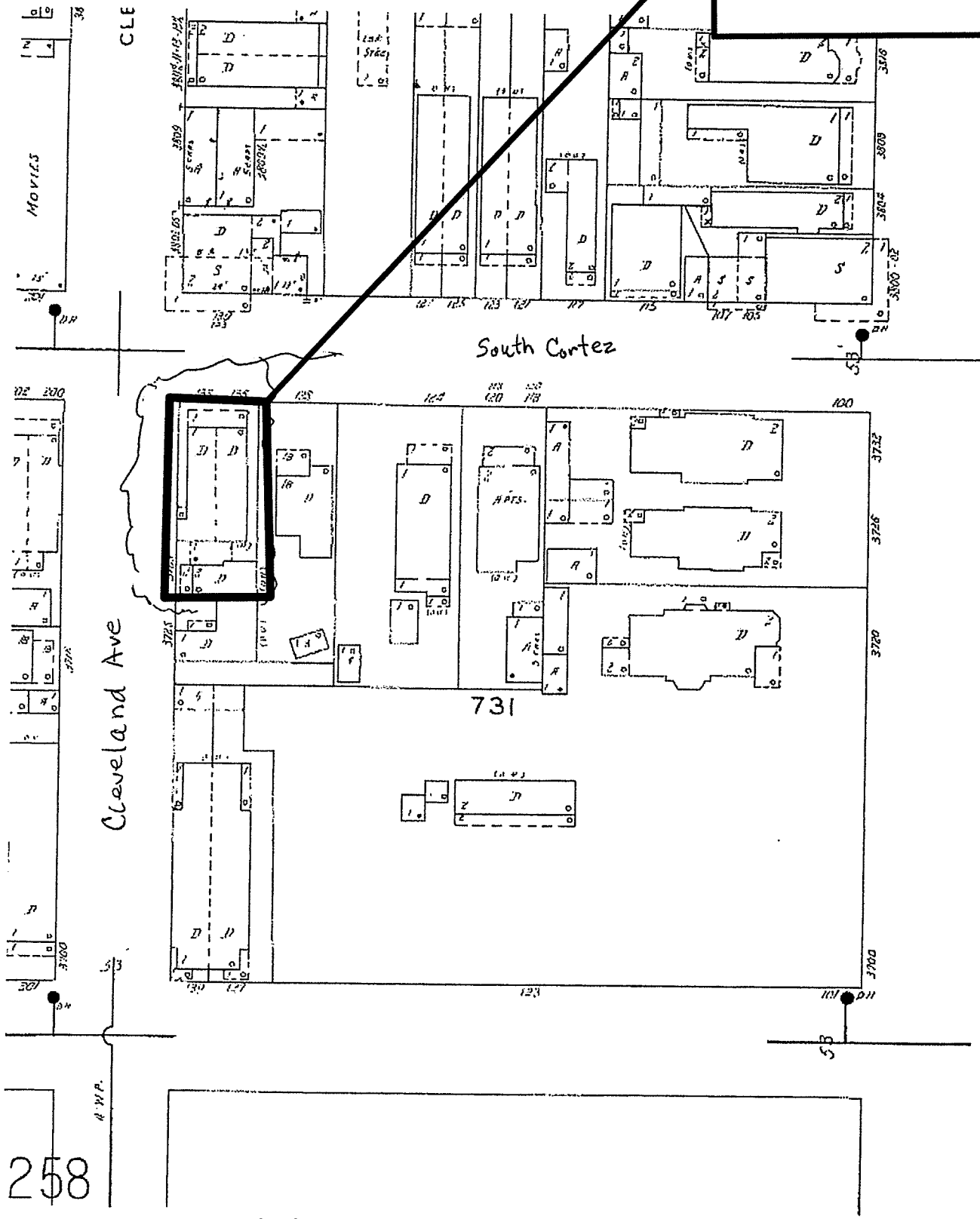
1929-1940

CONFIRMED DWT



(1929-40)

Petitioned Property
1929-40 Sanborn Map



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