

**City Planning Commission  
Meeting – November 11, 2014**

**CONSIDERATION – SUBDIVISION DOCKET – 139-14  
Applicant: G.C.H. LLC**

**Prepared By:** Nicholas Kindel  
**Date:** October 30, 2014  
**Deadline:** December 3, 2014

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**GENERAL INFORMATION**

- Proposal:** Resubdivision of Lots 1-A, 2-A, and 18 into Lots 1A1, 2A1, and 18A
- Location:** Square 203, Seventh Municipal District, bounded by Birch, Monticello, Green, and Hollygrove Streets. The municipal addresses are 8963 and 8965 Birch Street and 1601 Monticello Street. (PD 3)
- Zoning:** RD-2 Two-Family Residential District
- Current Land Use:** Three vacant lots
- Proposed Use:** Three developable lots
- Required:** This is a request to resubdivide three lots into three reconfigured lots. The proposed property configurations would make Lot 18A into a flag lot that would have access to Birch Street, but it would not comply with the minimum lot width requirement for the RD-2 District, and there are not any improvements on the lot as required by **Article 5, Section 5.5.4** of the *Subdivision Regulations*.<sup>1</sup> The subdivision request will be considered under Policy B.

**Utilities & Regulatory Agencies:**

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

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<sup>1</sup> Per **Article 5, Section 5.5.4, *Flag Lots***, "creation of a flag lot shall not be permitted unless it is the only way of access to the lot that complies with the minimum lot size requirements of the CZO for the underlying zoning district and when improvements on the lot antedate adoption of the City of New Orleans' first Subdivision Regulations (May 1950)."

The Department of Property Management’s Division of Real Estate and Records, the Department of Safety and Permits, and the Sewerage and Water Board reported no objection to the proposed subdivision. As of the writing of this report, the staff was still waiting from responses from Entergy and the Department of Public Works who have until November 7, 2014 to respond. The Subdivision Regulations permit the City Planning Commission to consider the failure of an agency to respond within thirty (30) days as evidence of its approval of the submitted survey. If the request is approved, the applicant must comply with the following:

- The applicant shall comply with any requirements deemed necessary by the Department of Property Management’s Division of Real Estate and Records, the Department of Public Works, the Department of Safety and Permits, the Sewerage and Water Board, and Entergy.

**LOT SIZE**

**Existing**

**Lots:** The dimensions of the existing Lots 1-A, 2-A, and 18 are shown in Table 1. All of lots meet or exceed the minimum area regulations (see Table 2) for this RD-2 District, except for existing Lot 18 which has a deficient lot width of thirty-one feet, ten inches (31’ 10”) when forty feet (40’) is required and a deficient lot area of three thousand three hundred fifteen square feet (3,315 sq. ft.) when four thousand four hundred square feet (4,400 sq. ft.) is required.

**Table 1: Dimensions of Existing Lots**

<b>Lot Designation</b>	<b>Lot Width<sup>2</sup></b>	<b>Lot Depth</b>	<b>Approximate Lot Area</b>
1-A	44’	120’	6,700 sq. ft.
2-A	50’ 6”	120’	6,060 sq. ft.
18	<b>31’ 10”</b>	110’ 6”	<b>3,315 sq. ft</b>

**Table 2: Area Requirements of RD-2 Districts**

Minimum Lot Width (Single- / Two-Family)	40’ / 50’
Minimum Lot Depth	90’
Minimum Lot Area (Single- / Two-Family)	4,400 / 5,000 sq. ft.

**Proposed**

**Lots:** The existing lots would be resubdivided to create a “flag pole” access to proposed Lot 18A between proposed Lots 1A1 and 2A1. The impact of this resubdivision is reducing the lot width and lot area for Lots 1A1 and 2A1 and increasing the lot area for Lot 18A (see Table 3). The proposed

<sup>2</sup> Per Article 2, Section 2.2, the lot width is “the average horizontal distance between the side lot lines measured at the required front yard setback line...” This impacts Lot 1-A (and proposed Lot 1A1), and because the lots on the same block face are vacant, the lot width is measured at a twenty foot (20’) setback.

Lots 1A1 and 2A1 would still meet the minimum size requirements of the RD-2 District. Lot 18A would still have the same deficient lot width as the existing Lot 18, but proposed Lot 18A would now meet the minimum lot area requirement.

**Table 3: Dimensions of Proposed Lots**

<b>Lot Designation</b>	<b>Lot Width</b>	<b>Lot Depth</b>	<b>Lot Area</b>
1A1	42' 6"	120'	6,534.82 sq. ft.
2A1	40'	120'	4,800 sq. ft.
18A	<b>31' 10"</b>	110' 6"	4,809.57 sq. ft.

**ANALYSIS**

**Development in the Vicinity:**

The site is located within a large RD-2 Two-Family Residential District. This district consists mainly of single and two-family residences and vacant lots. This proposed resubdivision is located on the edge of Orleans Parish on Monticello Street. Monticello Street is a “paper street” in that the street only exists on paper, with no roadway improvements that would grant access to properties that front the street. Monticello Street has a levee, a water line, and a sewer line in its right-of-way. Given the width of the levee, there is not enough space available to create an improved Monticello Street roadway. Lot 1-A fronts both Birch and Monticello Street, while Lot 18 only front Monticello Street. The site is approximately five blocks from an LI Light Industrial District at General Ogden and Oak Streets and seven blocks from the C-1A General Commercial District corridor along Oak Street.

The lot at issue here is proposed Lot 18A because it does not meet the lot width requirements and it only fronts Monticello Street, and a flag lot is required to gain access to the property. There are other nearby properties that only front Monticello Street, so the staff analyzed these properties to determine the use of the property, the lot width, and the presence of flag lots (see Table 4). There are five other properties that only front Monticello Street within two blocks of Lot 18.<sup>3</sup> Two of the five properties have a lot width that appears to meet the minimum lot width requirement, while the other three properties have similar widths to Lot 18 in the thirty to thirty-three feet (30-33’) range. One of the five properties is a flag lot, and that is the only lot that has access to an improved street. All of the other five properties are vacant like Lot 18.

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<sup>3</sup> There are a few others that only front Monticello Street, but those properties are owned by the City and are part of the nearby Sewerage and Water Board facility so they were excluded.

**Table 4: Analysis of Surrounding Lots that Only Access Monticello Street<sup>4</sup>**

Lot	Square	Address	Width	Flag Lot?	Use
<b>18</b>	<b>203</b>	<b>1601 Monticello St</b>	<b>31' 10"</b>	<b>No</b>	<b>Vacant</b>
A	173	1425 Monticello St	30-31'	No	Vacant
25/26	202	1517 Monticello St	63'	Yes	Vacant
17	203	1601 Monticello St	31' 10"	No	Vacant
Pt. A	234	1715 Monticello St	41'	No	Vacant
12	234	1719 Monticello St	33'	No	Vacant

**Compliance with the Comprehensive Zoning Ordinance and the Subdivision Regulations:**

*Comprehensive Zoning Ordinance Compliance*

The RD-2 Two-Family Residential District requires a minimum lot width of forty feet (40'), a minimum lot depth of ninety feet (90'), and a minimum lot area of four thousand four hundred square feet (4,400 sq. ft.) for single-family residences. Proposed Lots 1A1 and 2A1 meet all of the minimum size requirements. Proposed Lot 18A meets the minimum size requirements, except for lot width. Since the proposed lot width for Lot 18A is the same thirty-one feet, ten inches (31' 10") as the existing Lot 18, a lot width variance from the Board of Zoning Adjustments is not required.

*Subdivision Regulations Compliance*

According to **Article 5, Section 5.5.4, Flag Lots** of the *Subdivision Regulations*, creation of a flag lot shall not be permitted unless it is the only way of access to the lot that complies with the minimum lot size requirements of the CZO for the underlying zoning district and when improvements on the lot antedate adoption of the City of New Orleans' first Subdivision Regulations (May 1950).

The proposed flag lot, Lot 18A, does not meet the lot width and lot area requirements. The proposed resubdivision is a general improvement of the original plat, because Lots 1A1 and 2A1 will continue to meet the minimum lot standards and the lot width of Lot 18A will be maintained while increasing the area to meet the minimum lot area requirement. Since Lot 18A does not meet the minimum lot size requirements of the CZO and there are no improvements on the property, it does not meet the minimum requirements for creating a flag lot. Lot 18 only fronts unimproved Monticello Street; therefore, creating a flag lot with access to Birch Street is the only way to gain access to this property. The proposed twelve foot (12') wide "pole" meets the minimum width requirement of **Article 5, Section 5.5.4**.

There is only one other example of a flag lot that gives access to a property that would otherwise only have access to an unimproved street (Lot 25/26, Square 202). That example does meet the CZO requirements, and per a 2010 Building Permit, the property

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<sup>4</sup> All measures are staff estimates based on Orleans Parish Assessor's Records, New Orleans Property Viewer, and aerial photographs.

used to be developed with a two-family structure.<sup>5</sup> There are three similar properties that only front Monticello Street and have a similar lot width to the proposed Lot 18A, but none of these properties are a flag lot. Even though there is not a similar precedent in the area, the staff finds that the proposed subdivision request is appropriate because it is the only way to provide access to an inaccessible lot. Therefore, the staff recommends the following waiver:

- The applicant shall be granted a waiver of **Article 5, Section 5.5.4** *Flag Lots* of the *Subdivision Regulations*, to permit the creation of a flag lot that does not comply with the minimum lot width requirements of the CZO and which does not include improvements preceding the adoption of the City of New Orleans' first Subdivision Regulations.

### **SUMMARY**

This is a request to resubdivide three existing lots into three proposed lots of record. The applicant is requesting the resubdivision in order to create a flag lot that would give the proposed Lot 18A access to an improved street. Proposed Lots 1A1 and 2A1 both meet the minimum size requirements of the RD-2 Two-Family Residential District. Proposed Lot 18A does not meet the minimum lot width requirement for the RD-2 District. Since Lot 18A does not meet the minimum size requirements and is an unimproved lot, it does not meet the minimum standards in **Article 5, Section 5.5.4** for a flag lot. Lot 18 currently fronts only on unimproved Monticello Street, and the proposed flag lot is the only way to give Lot 18A access to an improved street. Therefore, the staff supports the proposed resubdivision request as it clearly creates a general improvement over the existing lot configuration.

### **PRELIMINARY STAFF RECOMMENDATION<sup>6</sup>**

The staff recommends **TENTATIVE APPROVAL** of Subdivision Docket 139-14 with Final Approval subject to one (1) waiver and three (3) provisos.

#### *Waivers*

1. The applicant shall be granted a waiver of **Article 5, Section 5.5.4** *Flag Lots* of the *Subdivision Regulations*, to permit the creation of a flag lot that does not comply with the minimum lot width requirements of the CZO and which does not include improvements preceding the adoption of the City of New Orleans' first Subdivision Regulations.

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<sup>5</sup> It is unclear if the property was improved in May 1950 per Subdivision Regulation Requirements.

<sup>6</sup> The preliminary staff recommendation is subject to modification by the City Planning Commission

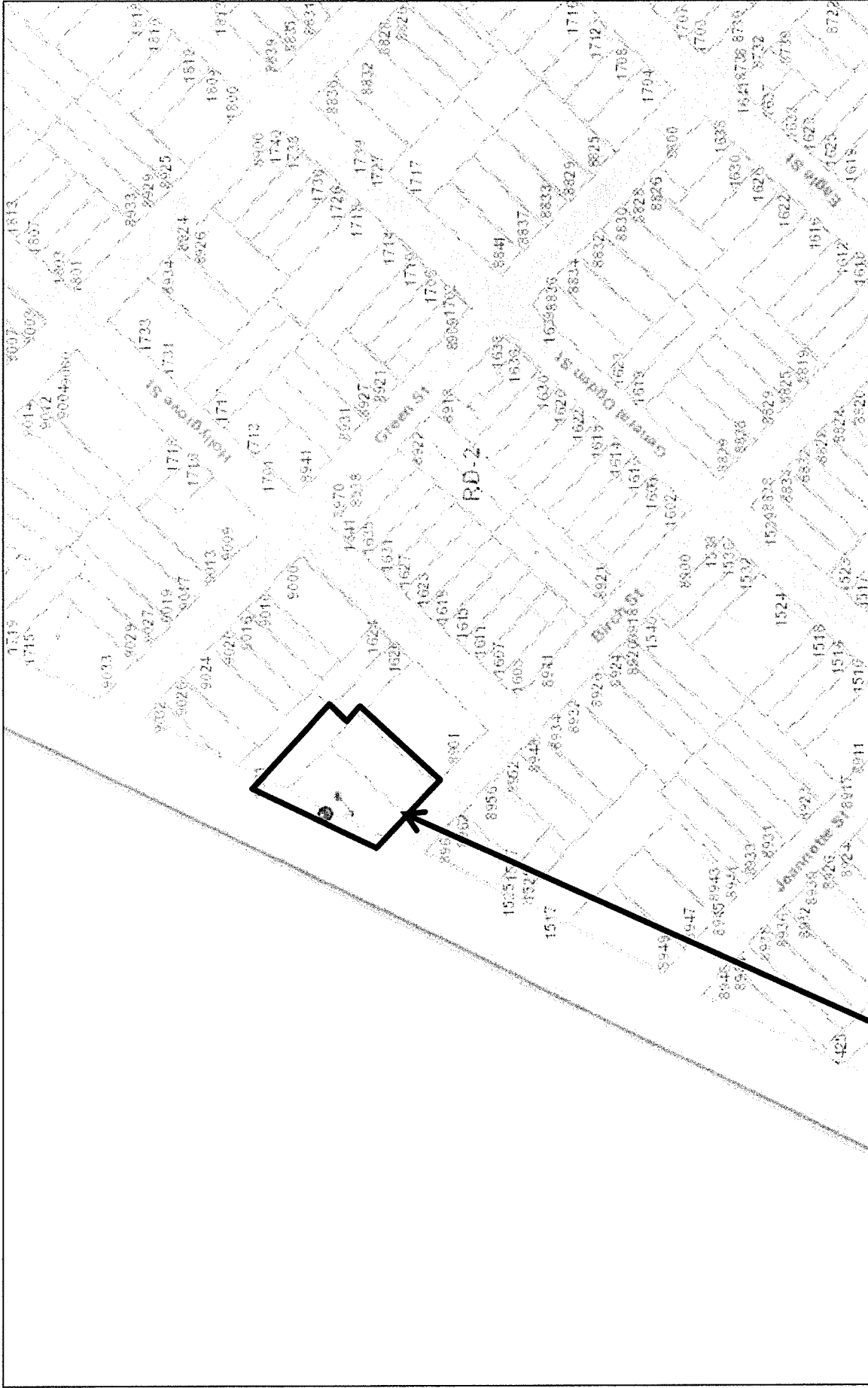
*Provisos*

1. The applicant shall comply with any requirements deemed necessary by the Department of Property Management's Division of Real Estate and Records, the Department of Public Works, the Department of Safety and Permits, the Sewerage and Water Board, and Entergy.
2. 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.
3. 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.

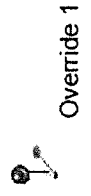
**REASONS FOR RECOMMENDATION**

1. The proposal will give access to a currently inaccessible lot.
2. Two of the lots will continue to meet minimum standards and the third lot will be made more compliant with the standards.
3. The flag pole portion of the lot meets the minimum width requirement and the overall new configuration is an improvement over the existing lot configuration.

City of New Orleans Property Viewer



October 27, 2014

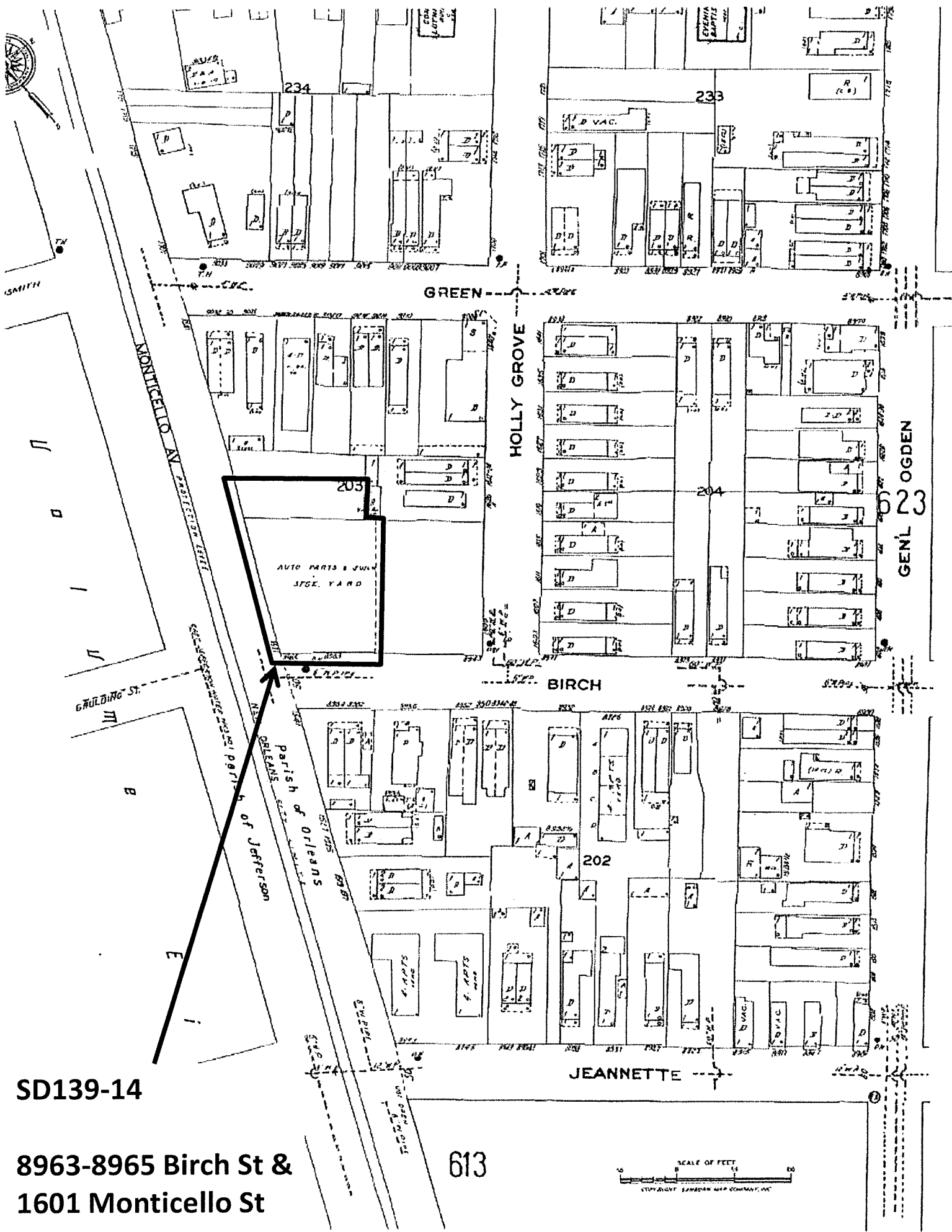


Override 1

**SD139-14**

**8963-8965 Birch St & 1601 Monticello St**

**RD-2: Two-Family Residential District**



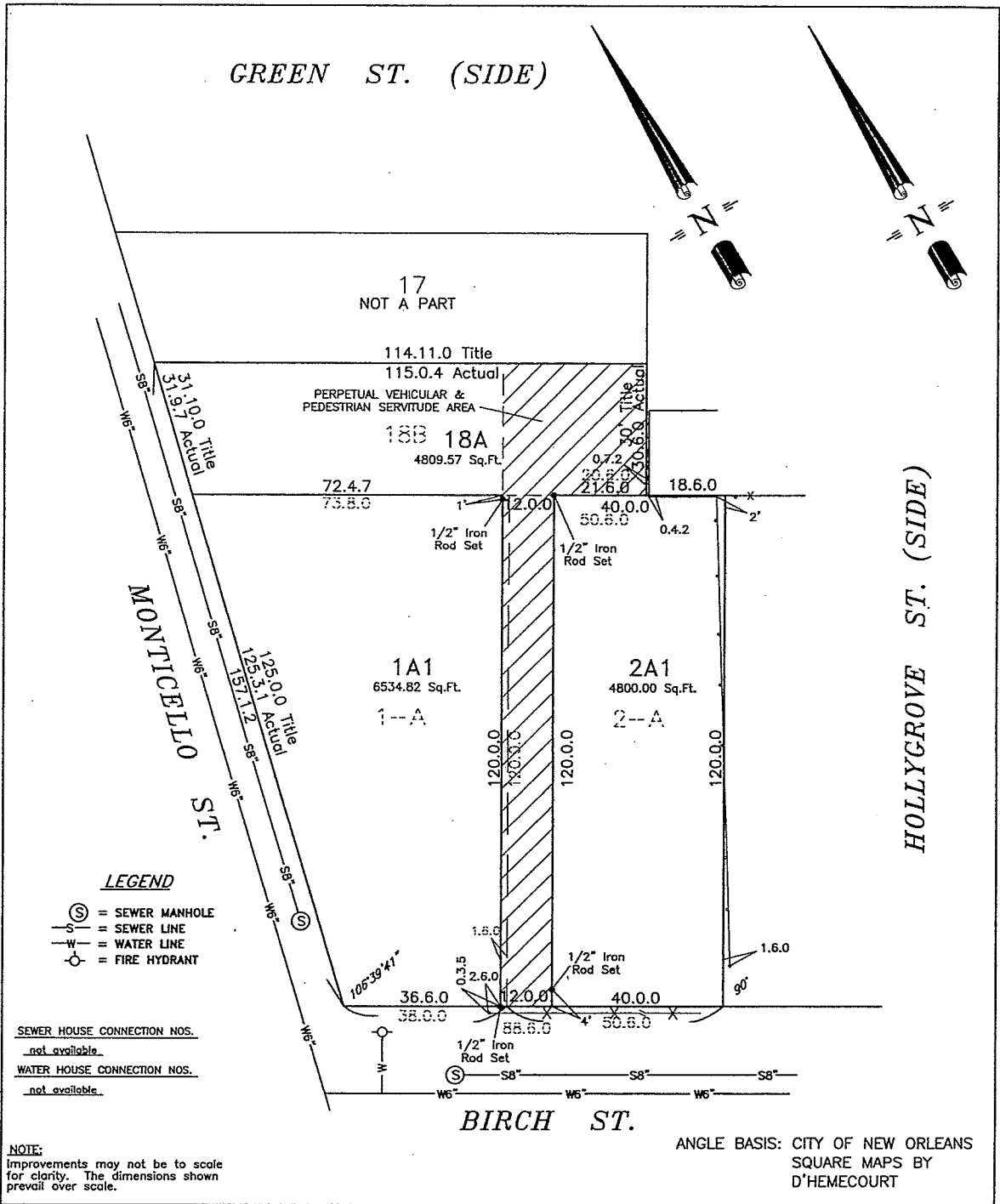
SD139-14

8963-8965 Birch St &  
1601 Monticello St

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RESUBDIVISION OF LOTS 1-A, 2-A & 18 INTO LOTS 1A1, 2A1 & 18A SQUARE 203 SEVENTH DISTRICT CITY OF NEW ORLEANS ORLEANS PARISH, LOUISIANA

I CERTIFY THAT THIS SURVEY AND PLAT WAS PREPARED BY ME OR BY THOSE UNDER MY DIRECT SUPERVISION. MADE AT THE REQUEST OF:

ADAMS & REESE

**DADING, MARQUES & ASSOCIATES, LLC**

P.O. BOX 790  
METAIRIE, LA. 70004  
(504) 834-0200

STATE OF LOUISIANA

RICHARD T. DADING  
REG. No. 4399  
REGISTERED PROFESSIONAL LAND SURVEYOR

*Richard T. Dading*

SURVEYOR

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

THIS SURVEY MEETS THE MINIMUM REQUIREMENTS FOR A CLASS "C" SURVEY ACCORDING TO THE "LOUISIANA MINIMUM STANDARDS FOR PROPERTY BOUNDARY SURVEYS."

DATE:	SCALE:		DRAWN BY:	CHECKED BY:	JOB NO.:	PLAT No.:
9-29-14	1" = 30'		B.T.G.	R.T.D.	51866	D-213-655