

**City Planning Commission
Meeting – February 10, 2015**

CONSIDERATION – SUBDIVISION DOCKET 175/14

Applicant: Joseph S. Mann, Jr. and Dorothy Sarpy Mann

Prepared By: Stephen Kroll

Date: February 2, 2015

Deadline: February 11, 2015

GENERAL INFORMATION

Proposal: Resubdivision of Lots 7-A and C into proposed Lots 7-A-1 and C-1.

Location: Square 247, Rickerville, Sixth Municipal District, bounded by Camp, Joseph, Octavia, and Chestnut Streets. The municipal addresses are 5509 and 5513-15 Camp Street. (PD 3)

Zoning: RD-3 Two-Family Residential District

Current

Land Use: The subdivision involves shifting the common lot line between two adjacent lots so that the existing driveway on one lot becomes part of the other lot. The first lot, Lot 7-A, measures 32 feet in width, 117 feet, 2 inches in depth, and 3,750 square feet in area. It is developed with 5509 Camp Street, a Victorian two-story residence dating from the late 19th or early 20th century. The property lacks off-street parking.

The second lot, Lot C, is 40 feet in width, 117 feet, 2 inches in depth, and 4,688 square feet in area. It is developed with 5513-15 Camp Street, a shotgun two-family residence which features Arts and Crafts stylistic elements and dates from the late 19th or early 20th century. The property features a driveway providing one off-street parking space in the Octavia Street-side yard.

Required: The applicant proposes to re-subdivide the two lots by shifting the common lot line toward Joseph Street by a distance of 9 feet. This would increase the width of Lot 7-A (which would be re-designated as Lot 7-A-1) from 32 feet to 41 feet and cause that lot to include the driveway that is now on Lot C. The lot's depth would remain 117 feet 2 inches, while its area would increase from the current 3,750 square feet to 4,805.61 square feet. The shifting of the common lot line would decrease the width of Lot C (which would be re-designated as Lot C-1) from 40 feet to 31 feet and would eliminate its off-street parking. The lot's depth would remain 117 feet, 2 inches, while its area would decrease from the current 4,688 square feet to 3,633.51 square feet.

The lots are located in an RD-3 Two-Family Residential District, which requires a minimum width of 30 feet, a minimum depth of 90 feet, and a minimum area of 3,600 square feet for lots developed with single- or two-family residences, as noted in **Article 4, Section 4.6.7** and **Table 4.F** of the Comprehensive Zoning Ordinance. Both of the existing lots comply with these minimum lot size requirements and the two proposed lots would also comply with them.

Despite this compliance with the minimum lot size requirements, the subdivision would cause Lot C, which is required to provide the one off-street parking space which is provided on its driveway, to no longer provide an off-street parking space. As a result, the subdivision would bring Lot C out of compliance with its parking requirement. As a result, the subdivision is not eligible for administrative approval and must be considered by the City Planning Commission. It should be noted that although Lot 7-A would gain the off-street parking space lost by Lot C, it is not required to provide an off-street parking space because it historically has not provided one and, as such, its parking requirement is grandfathered.

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.

The Department of Safety and Permits objects to the subdivision as proposed because the setback of 5513-15 Camp Street from the new common lot line would be less than 3 feet at the rear of the lot, violating the RD-3 District's minimum setback requirement. The representative of the Department of Safety and Permits indicates that its objection could be resolved if the setback is altered to comply with the 3 foot requirement.

The Sewerage and Water Board stated that sewer and water facilities and subsurface drainage are available for the proposed lots. It also noted that sewer and water house connections are available but not shown on the re-subdivision survey and so a note should be shown on the survey indicating that sewer and water house connections are the responsibility of the property owner.

The Department of Property Management, Division of Real Estate and Records has no objection to the proposal.

The Department of Public Works has not yet provided its comments regarding the proposal.

LOT SIZE

Existing

Lots: Lot 7-A is 32 feet in width, 117 feet, 2 inches in depth, and 3,750 square feet in area.

Lot C is 40 feet in width, 117 feet, 2 inches in depth, and 4,688 square feet in area.

Proposed

Lots: Lot 7-A-1 would be 41 feet in width, 117 feet in depth, and 4,805.61 square feet in area.

Lot C-1 would be 31 feet in width, 117 feet, 2 inches in depth, and 3,633.51 square feet in area.

ANALYSIS

Development in the Vicinity:

The site is located within a long, narrow RD-3 Two-Family Residential District that includes the residential blocks just to the lake-side of Magazine Street between the edge of Audubon Park at Exposition Boulevard and Napoleon Avenue. It measures 22 blocks in length from east to west and varies in width from one-half block at its narrowest points to two blocks in width at its widest. Just as with the neighboring residential zoning districts, which include a large RD-2 Two-Family Residential District and an RM-2 Multiple-Family Residential District, this RD-3 District is divided into rectangular squares of consistent size and shape set into a grid network of mostly narrow, single lane streets. Individual squares are typically divided into rectangular lots. Although there is variation in the size of lots owing to the area's subdivision prior to the adoption of Subdivision Regulations, this variation is within a fairly limited range. Lots are generally between about 30 and 60 feet in width, with most lots at the narrower end of that spectrum. Lots are typically around 120 feet in depth, with a minor degree of variation.

For the most part, the RD-3 District is characterized by generally well-maintained single and two family residences, most of which date from the late 19th and early 20th centuries. Smaller lots, including many of those in the immediate vicinity of the subject site, are typically developed with smaller-scale residences, including shotgun and camelback homes and larger two-story residences, which typically occupy most of their lots with minimal front and side yards. Some of these properties provide off-street parking on driveways in side yards, while properties with minimal side yards do not provide off-street parking. Larger lots are developed with larger single- and two-story structures in Victorian architectural styles popular at the time of their development. Residences on these larger lots typically have moderately larger yards that are used to provide off-street parking spaces in driveways.

COMPLIANCE WITH THE COMPREHENSIVE ZONING ORDINANCE AND THE SUBDIVISION REGULATIONS:

Lot size

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 approval of subdivisions that are in compliance with the applicable regulations or which constitute a general improvement of the existing subdivision pattern. As noted in **Article 3, Section 3.2.2** of the Subdivision Regulation, 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, such as this proposal, must be considered by the City Planning Commission.

Policy B's three criteria are as follows:

- 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-3 District that includes this site requires lots developed with single- and two-family residences to be at least 3,600 square feet in area. The existing Lots C and 7-A both exceed that minimum lot area requirement and the proposed Lots C-1 and 7-A-1 would also exceed the requirement. As such, no lot would be reduced in area below the minimum lot area requirement. (It should also be noted that no lot would be reduced below the RD-3 District's 30 foot minimum lot width and 90 foot minimum lot depth requirements.)

Criterion B:

In terms of compliance with the RD-3 District's lot size requirements, the proposed condition is no better or worse condition than the existing condition. Both existing lots are compliant with the applicable lot size requirements, with one lot (Lot C) slightly larger and providing an off-street parking space and the other lot (Lot 7-A) slightly smaller and not providing an off-street parking space. Similarly, both proposed lots would be compliant with the applicable lot size requirements, with one lot (Lot 7-A-1)

slightly larger and providing an off-street parking space and the other lot (Lot C-1) slightly smaller and not providing an off-street parking space.

However, the proposed condition is worse than the existing condition in terms of compliance with off-street parking requirements. **Article 15, Section 15.2.1** and **Table 15.A** require single-family residences to provide one off-street parking space per dwelling unit. For 5509 Camp Street, the single-family residence on Lot 7-A, this results in a one space off-street parking requirement. For the 5513-15 Camp Street, the two-family residence on Lot C, this results in a two space off-street parking requirement.

Neither property is compliant with this off-street parking requirement. 5509 Camp Street does not provide its one required off-street parking space. 5513-15 Camp Street provides only one of its two required off-street parking spaces. However, these deficiencies are legal because they predate the zoning ordinance and are therefore grandfathered.

The proposal is worse than the existing condition because 5513-15 Camp Street would become non-compliant with its parking requirement. It would lose its one off-street parking space, becoming deficient of its one space requirement.

5509 Camp Street would gain a parking space, but since it has no parking requirement due to grandfathering, this would not bring it into compliance with a requirement it does not already meet.

In short, because the subdivision would cause 5513-15 Camp Street to become non-compliant as to parking but would not cause 5509 Camp Street to become complaint as to parking (since its parking requirement is grandfathered), the proposal is worse than the existing condition. As such, it does not meet Criterion B.

It should be noted that, as a practical matter, this non-compliance with the parking requirements would likely not be objectionable to the properties' residents or the residents of nearby properties because there would be no net change to the number of off-street parking spaces provided by the two residences.

Criterion C:

The request meets Criterion C, as both 5509 and 5513-15 Camp Street were constructed by 1909, as shown on that year's Sanborn map. The map indicates that both structures were originally constructed as two-family residences and 5509 Camp Street was later converted into a single-family residence.

Although the proposal meets two of the three criteria of Policy B, the staff does not believe this is sufficient to support the re-subdivision application. It does not meet Criterion B, which requires the proposed condition be an improvement over the existing condition That criterion is highly important, as the overall purpose of the Policy is to allow for subdivisions that constitute improvements over the existing conditions. Based on this, the staff cannot support the proposal.

Other considerations

Since the subdivision would cause 5513-15 Camp Street to lose its required off-street parking space (even as a parking space would be gained by 5509 Camp Street), it would bring the property out of compliance with **Article 15, Section 15.2.1** of the Comprehensive Zoning Ordinance. As such, it is necessary that the property be granted a variance of that parking requirement from the Board of Zoning Adjustments before the subdivision can be approved. The Board would have to evaluate whether such a variance would be justifiable under its standards for variance in **Article 14, Section 14.6.4** of the Comprehensive Zoning Ordinance, so it is not guaranteed that it would grant the variance.

The staff believes that it would likely be difficult for the variance to be justified because the request seems to clearly conflict with one of the standards for variances. **Article 14, Section 14.6.4(7)** of the Comprehensive Zoning Ordinance notes that the Board of Zoning Adjustments shall not grant a variance unless “[t]he purpose of the variance is not based exclusively upon a desire to serve the convenience or profit of the property owner or other interested party(s).” This proposal to shift the driveway from 5513-15 Camp Street to 5509 Camp Street appears to be based solely on a desire to serve the convenience of the property owners, who live at 5509 Camp Street but own both properties, by associated the driveway with the home they occupy. As a result, the staff notes that there is a significant likelihood that the variance would not be granted, although the determination as to whether the applicant would meet all of the standards for variances is ultimately made by the Board of Zoning Adjustments.

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 one (1) space off-street parking requirement contained in **Article 15, Section 15.2.1** and **Table 15.A** of the Comprehensive Zoning Ordinance for 5513-15 Camp Street.

Aside from the parking issue, the re-subdivision also proposes a setback deficiency for Lot C-1 that the staff believes that applicant should resolve by making a minor change to the location of the proposed common lot line. As proposed, the re-subdivision would result in 5513-15 Camp Street having a side yard setback from the common lot line that is less than 3 feet at the rear of the structure. This is objectionable because it violates the RD-3 District’s requirement in **Article 4, Section 4.6.7** and **Table 4.F** that side yard setbacks be at least 3 feet each. Additionally, since that structure’s other side yard setback is only 2.8 feet, which is grandfathered, the aggregate side yard (i.e., the combined width of the two side yards) would be only 17.7% of the lot’s width at 5.5 feet, substandard of the RD-3 District’s requirement that aggregate side yards be at least 20% of the lot’s width.

These problems can be resolved by simply modifying the common's lot line so that it is about 3.5 feet from 5513-15 Camp Street and so that the aggregate side yard is at least 20% of lot's width. That would cause both the side yard and aggregate side yard requirements to be met. Therefore, if the subdivision is granted tentative approval, final approval should be subject to the following proviso:

- The applicant shall shift the common property line between proposed Lots 7-A-1 and C-1 so that 5513-15 Camp Street has an Octavia Street-side yard that is at least 3 feet and an aggregate side yard that is at least 20% of the width of proposed Lot C-1.

Finally, if the subdivision is approved, it would be necessary for the proposed lots' designation as 7-A-1 and C-1 to be changed to 7A1 and C1. The inclusion of dashes in lot designations is problematic for technical reasons related to computer software. It would therefore be necessary for these dashes to be eliminated.

- The designations of the proposed lots as Lots 7-A-1 and C-1 shall be altered to Lots 7A1 and C1.

SUMMARY

Subdivision Docket 175/14 is a request to shift the common lot line between Lots 7-A and C on Camp Street between Joseph and Octavia Streets. Currently, Lot 7-A is developed with a two-story single-family residence (5509 Camp Street) which provides no off-street parking spaces. Lot C is developed with a two-family shotgun residence (5513-15 Camp Street), which has a driveway providing one off-street parking space. The applicant proposes to shift the common lot line between the two lots a distance of 9 feet so that the driveway now on Lot C becomes part of Lot 7-A-1. This shifting of the common lot line would make Lot 7-A (which would be re-designated as Lot 7-A-1) wider and larger in area, with a corresponding decrease in the width and area of Lot C (pre-designated as Lot C-1). Both lots are currently compliant with the lot size requirements of their RD-3 Two-Family Residential District and would remain compliant.

The subdivision is problematic for reasons relating to off-street parking. The shifting of the driveway from Lot C to Lot 7-A would cause 5513-15 Camp Street to become non-compliant with its off-street parking requirement. Although 5509 Camp Street would gain an off-street parking space, since its parking requirement is grandfathered, none are required. As such, the gaining of a parking space by 5509 Camp Street does not justify bringing 5513-15 Camp Street out of compliance with its parking requirement. The staff therefore believes that the request does not constitute an improvement over the existing condition and cannot be supported under Policy B, the policy by which it is to be reviewed.

PRELIMINARY STAFF RECOMMENDATION¹

The staff recommends **denial** of Subdivision Docket 175/14.

REASON FOR RECOMMENDATION

1. The proposal is eligible for consideration by the City Planning Commission under Policy B. The proposal does not satisfy the purpose and criteria of Policy B to create new conditions that are improvements over the existing conditions. This is the case because the proposed shifting of the lot line between Lots 7-A and C would cause the two-family residence at 5513-15 Camp Street on Lot C to become non-compliant with its parking requirement.

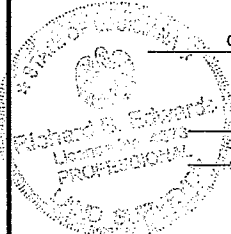
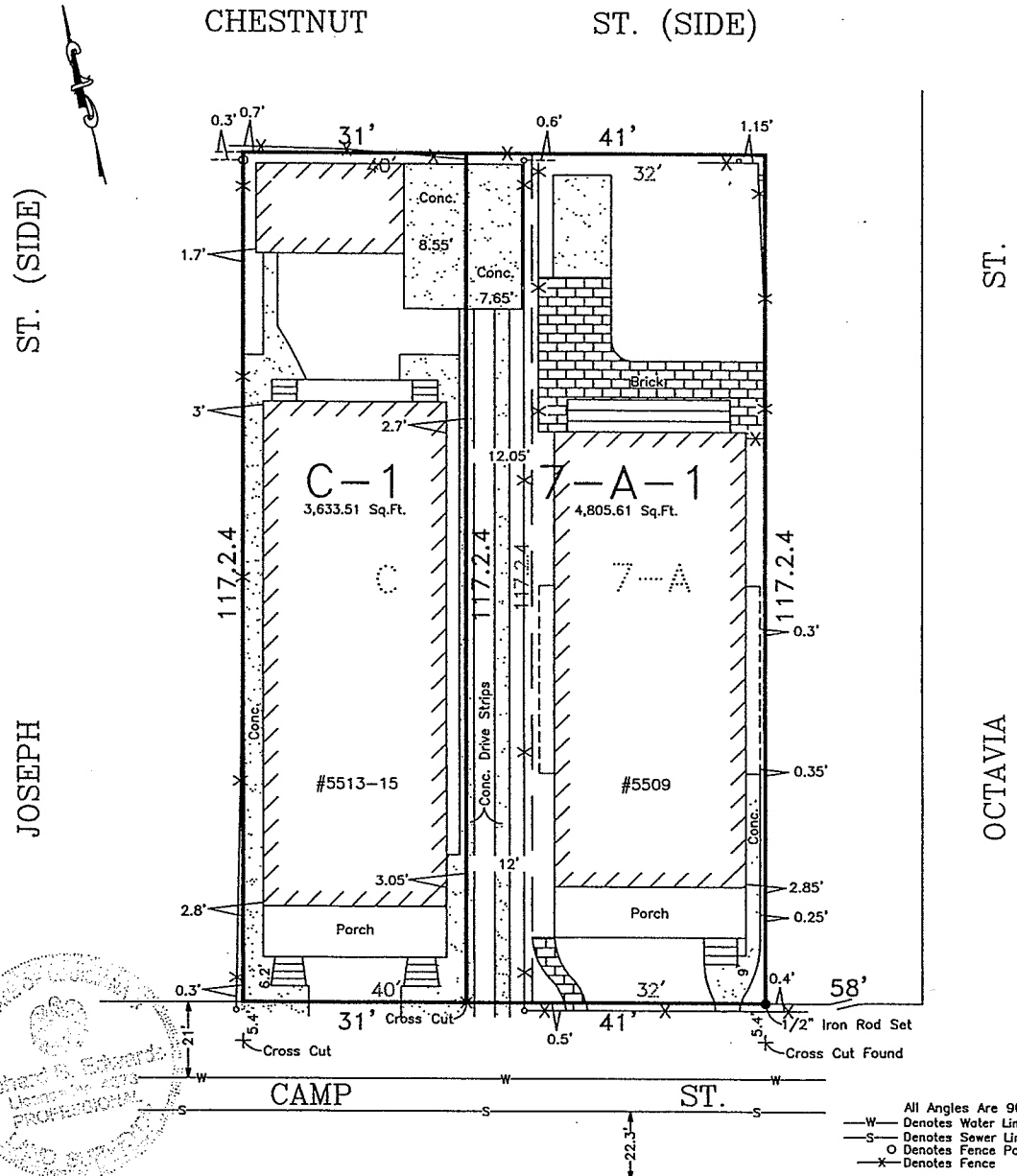
¹ The preliminary staff recommendation is subject to modification by the City Planning Commission

SQUARE 247, RICKERVILLE
 SIXTH DISTRICT - NEW ORLEANS
 ORLEANS PARISH, LA.

Resubdivision Of Lots 7-A & C, Into Lots
 7-A-1 & C-1, Sq. 247, Sixth District,
 Rickerville, New Orleans, Orleans Parish, La.

House Connection Numbers
 Camp St.

	Sewer	Water
#5509	025285	056374
#5513	013955	018354
#5515	013955	022236



- Reference Plat:
 1.) Survey of Lot 7-A, Sq. 247, by Mandle-Edwards Surveying, Inc., dated 11/21/2011
 2.) Survey of Lot "C" by Gilbert & Kelly, Surveyors, dated 7/28/1948.

Basis Of Angles:
 As Per Reference Survey No. 1 Above.

October 15, 2014
 SURVEY CERTIFIED TO: Joseph Mann

I certify that this plat represents an actual ground survey made by me or under my direct supervision; surveyed as per the written property description furnished us; in accordance with the Louisiana "Standards of Practice for property boundary surveys" for a class C survey.

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. IMPROVEMENTS MAY NOT BE TO SCALE FOR CLARITY. THE DIMENSIONS SHOWN PREVAIL OVER SCALE.

BY *[Signature]*

MANDLE-EDWARDS SURVEYING, INC.
 LAND SURVEYORS
 1524 EDWARDS AVE.
 JEFFERSON, LA. 70123
 504-733-2902

SCALE 1"=20'

SD 175/14



