

**City Planning Commission
Planning Meeting – January 13, 2015**

**CONSIDERATION – SUBDIVISION DOCKET – 161-14
Applicant: Stephen C Tyler and Dorothy A Malik**

Prepared By: Valerie McMillan
Date: January 6, 2015
Deadline: January 18, 2015

GENERAL INFORMATION

Proposal: Re-Subdivision of Lots 1, 2, 47 & 48 into Lot 1A

Location: Square 32, Third Municipal District, bounded by Marigny, Carnot, Western Streets, and Mirabeau Avenue. The municipal addresses are 4700 Marigny Street and 4705 Western Street. (PD 6)

Zoning: RS-2 Single-Family Residential District

Current

Land Use: The subject lots form a large rectangular-shaped parcel located at the intersection of Marigny and Carnot Streets and with rear frontage on Western Street. The four lots are all identical in width and depth. Lots 1, 2, 47 and 48 each has a width of 25', a depth of 120' and an area of 3,000 sq. ft. Lots 1 and 2 are currently developed with a 1,577 sq. ft., single-family residence, in addition to an accessory garage and pool. Lots 47 and 48 are currently vacant, undeveloped land.

Required: This is a request to subdivide four separate lots into a single lot of record. Lots 1 and 2 are immediately adjacent to each other and have frontage on Marigny Street. Lots 47 and 48 are adjacent to each other, have frontage on Western Street and are also located immediately behind Lots 1 and 2. All four of the lots are located in an RS-2 Single-Family Residential District.

The proposed lot would be a double frontage lot. **Article 5, Section 5.5.5 Double Frontage Lots** of the *New Orleans Subdivision Regulations* states that double frontage lots shall be avoided except where essential to provide separation of residential development from major streets or to overcome specific disadvantages of topography or adjacent non-compatible land uses. It also allows for the creation of a double frontage lot in an established urban environment where a similar development pattern already exists in the surrounding blocks and where a second

frontage would provide for off-street parking and fire access to the building that would otherwise not be present.

Utilities & Regulatory Agencies:

As part of the normal review process for subdivision proposals, the City Planning Commission staff requests responses from the Departments of Property Management (Division of Real Estate and Records), Public Works, and Safety and Permits, as well as the Sewerage and Water Board and Entergy. The purpose of the reviews by these agencies is to determine whether the proposed subdivision would have any impact on the City’s infrastructure and whether it would comply with the City’s building code and other applicable regulations.

At the time of the writing of this report, the staff had received responses from three of the requested agencies. The Department of Safety and Permits, Real Estate and Records and Sewerage and Water Board all reported no exception to the request. However, the reviewing agencies have thirty (30) days to provide a written response to the City Planning Commission, after which time the Executive Director may consider that the agencies have approved the proposal.¹ The Commission may also condition final approval of a subdivision upon compliance with any requirements of the reviewing agencies.

LOT SIZE

Table 1: Dimensions of Existing Lots

Lot Designation	Lot Width	Lot Depth	Lot Area
1	25'	120'	3,000 sq. ft.
2	25'	120'	3,000 sq. ft.
47	25'	120'	3,000 sq. ft.
48	25'	120'	3,000 sq. ft.

Table 2: Dimensions of Proposed Lot 1A

Lot Designation	Lot Width	Lot Depth	Lot Area
1A	50'	240'	12,000 sq. ft.

ANALYSIS

Development in the Vicinity:

The site is located within a large RS-2 Single Residential District generally bounded by Filmore Ave., Elysian Fields Ave., Lombard St. and Franklin Ave. The petitioned square consists of single-family residences, which generally contain accessory structures such as pools and garages at the rear of the properties.

¹ Article 4, Section 4.1.3. Processing the Subdivision Request of the *Subdivision Regulations*.

There are instances of commercial and institutional uses near the site along Elysian Fields Ave. such as Brother Martin School as well as churches and small, corner retail uses.

Compliance with the Comprehensive Zoning Ordinance, the Subdivision Regulations, and the Master Plan:

The proposed lot would meet the minimum area regulations of the RS-2 Single-Family Residential District. However, the proposed lot would be a double frontage lot. **Article 5, Section 5.5.5 Double Frontage Lots** of the *New Orleans Subdivision Regulations* discourages the creation of double frontage lots except in instances that they meet one of the following two criteria:

- 1) where the creation of a double frontage lot would be essential to provide separation of residential development from major streets or to overcome specific disadvantages of topography or adjacent non-compatible land uses, or
- 2) where a double frontage lot would be located in an established urban environment in which a similar development pattern already exists in the surrounding blocks, and where a second frontage would provide for off-street parking and fire access to the building that would otherwise not be present.

The proposed subdivision does not meet the first criteria as the site is already developed with a single-family residence and the subdivision would not separate the site from major streets. The proposed subdivision does not meet the second criteria as the staff did not encounter any other instances of double frontage lots within the petitioned square or within the immediate, surrounding neighborhood based on an aerial map view of nearby lots. Generally, the second criterion applies to existing structures which would not be able to provide parking and fire access without an allowance of a double frontage lot. The existing residence has parking access from Carnot St. to its garage and the applicant has not submitted any site plans or revealed any nuances of the site, which would provide justification as to why a compliant plan could not be proposed.

Comprehensive Zoning Ordinance

Article 4 Section 4.3.7 (Table 4.C) of the Comprehensive Zoning Ordinances states that single-family residences in the RS-2 Single-Family Residential District shall have a minimum lot width of fifty feet (50'), a minimum lot depth of ninety feet (90'), and a minimum lot area of five thousand square feet (5,000 sq. ft.). The site contains an existing single-family residence; therefore any deficiencies are grandfathered to the site. The proposed subdivision would exceed the minimum requirements. Existing Lots 1 and 2 could be combined to meet the minimum requirements of the RS-2 District. Existing Lots 47 and 48 could also be combined independently of Lots 1 and 2 and would also meet the minimum requirements.

Is the proposed action supported by or in conflict with the policies and strategies of the *Plan for the 21st Century: New Orleans 2030*?

A land use action is consistent with the *Plan for the 21st Century*, commonly known as the Master Plan, if it furthers, or at least does not interfere with, the goals, policies, and guidelines, including design guidelines, in the Land Use Element of the Master Plan and is compatible with the proposed future uses, densities, and intensities designated in the Land Use Element of the Plan. Chapter 14 of the Master Plan (the Land Use Plan) designates the future land use of the petitioned site as “Residential Pre-war Low Density.” The goal, range of uses, and development character for that designation are provided below:

RESIDENTIAL PRE-WAR LOW DENSITY

Goal: Preserve the scale and character of pre-war (WWII) residential neighborhoods of lower density where the predominant use is single and two-family residential and allow for compatible infill development. Discourage the development of additional multifamily housing that is out of scale with existing character.

Range of Uses: New development generally limited to single or two-family dwellings, and preservation of existing multi-family buildings. Businesses and traditional corner stores may be allowed where current or former commercial use is verified. Supporting public recreational and community facilities (e.g., schools and places of worship) also allowed. Conversion to multifamily may be allowed for certain existing historic institutional, commercial or other non-residential buildings.

Development Character: New development will fit with the character and scale of surrounding residential neighborhoods where structures are typically located on smaller lots and have minimal front and side setbacks. Maximum density of 24 units/acre.

The petitioned site is currently developed with a single-family residence. The applicant requested the subdivision in order to add an additional accessory structure at the rear of the residence. The site is proposed to remain residential, which is consistent with the range of uses described in the Residential Low Density Pre-War category, which includes single-family residences. However, the request will also result in the creation of a double frontage lot, which would be out of character with the surrounding area.

SUMMARY

This is a request to subdivide four separate lots into a single lot of record. All four of the lots are located in an RS-2 Single-Family Residential District. The request would result in the creation of a double frontage lot. The proposed subdivision does not meet either of the criteria under **Article 5, Section 5.5.5 Double Frontage Lots**, of the New Orleans Subdivision Regulations. The proposed subdivision does not meet the first criteria as the

site is already developed with a single-family residence and the subdivision would not separate the site from major streets. The proposed subdivision does not meet the second criteria as the staff did not encounter any other instances of double frontage lots within the petitioned square or within the immediate, surrounding neighborhood based on an aerial map view of the nearby lots.

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PRELIMINARY STAFF RECOMMENDATION²

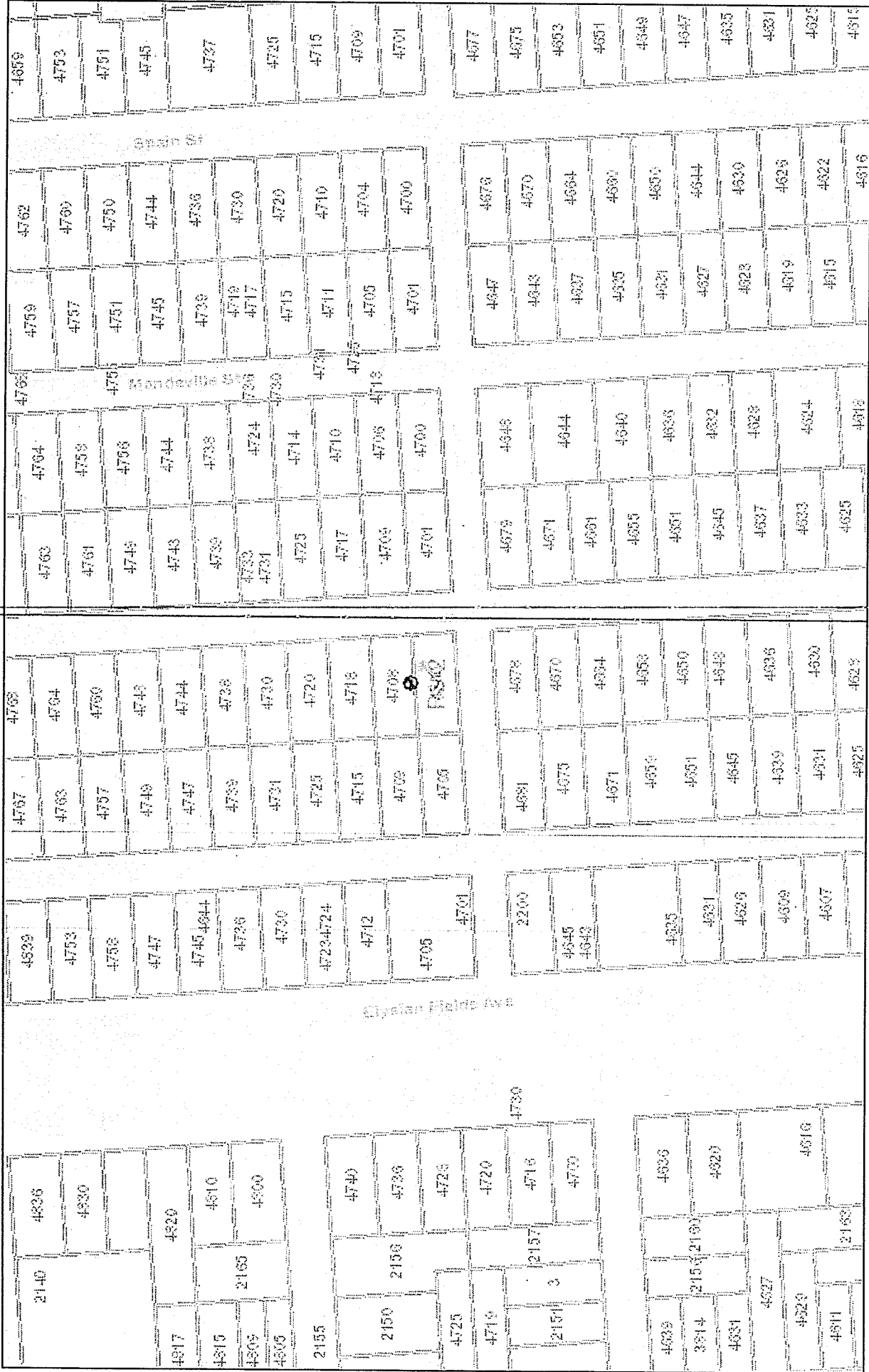
The staff recommends DENIAL of the request.

REASONS FOR RECOMMENDATION

1. The proposed subdivision does not meet any of the criteria under **Article 5, Section 5.5.5 Double Frontage Lots**, of the New Orleans Subdivision Regulations.
2. The proposed subdivision is inconsistent with the *Plan for the 21st Century*.
3. The staff's recommended alternative would bring the lots into compliance with the RS-2 District standards.

² The preliminary staff recommendation is subject to modification by the City Planning Commission

City of New Orleans Property Viewer



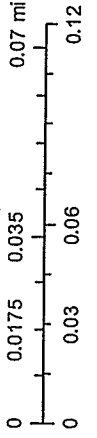
December 31, 2014



Override 1

SD 161-14

1:2,257



NEW ORLEANS, LA., VOL. 10
1023

ROBIN

SELMA

TRULOCKY

1030

MIRABEAU AV.

DEVINE

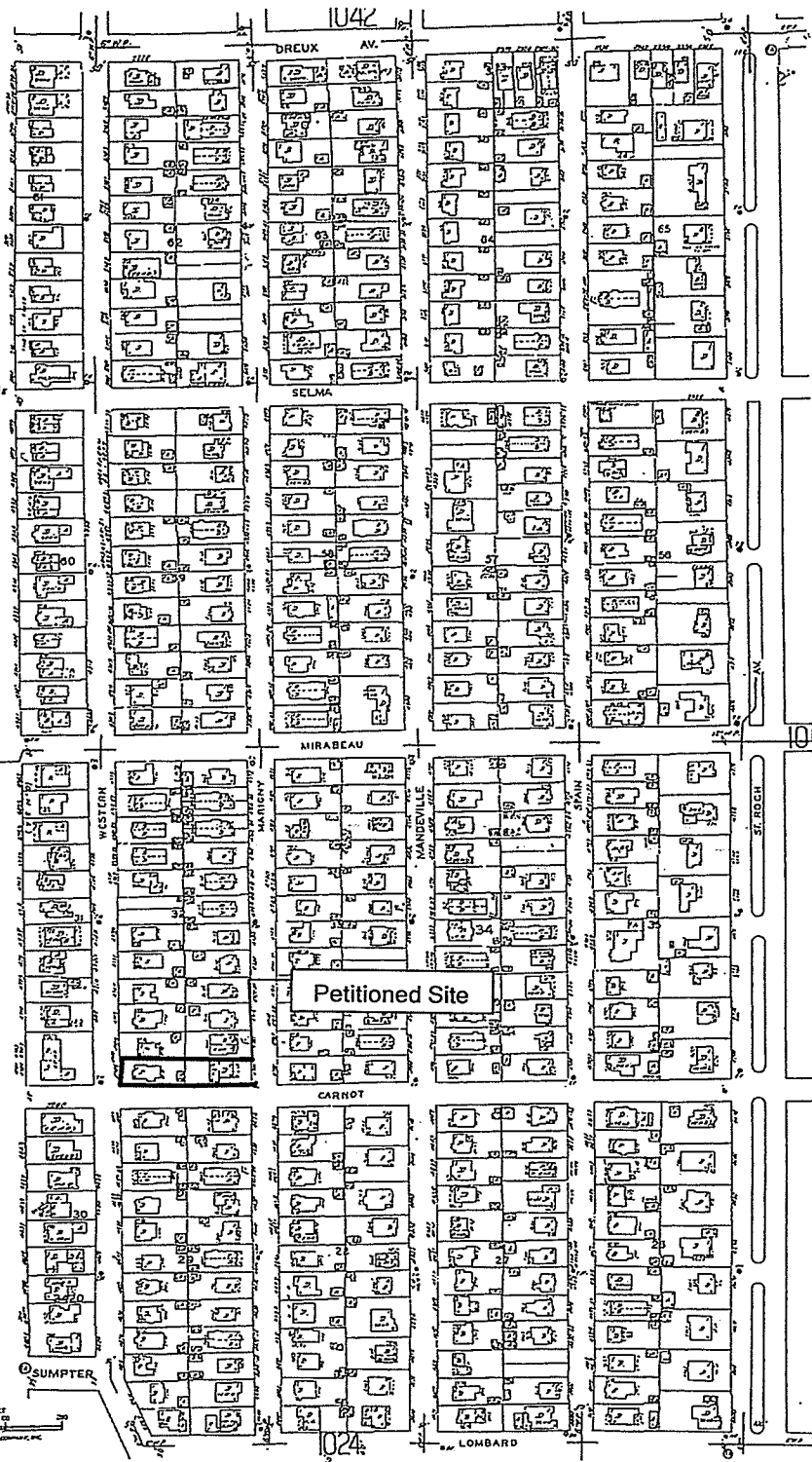
1031

CLEGG

SCALE OF FEET
0 10 20 30 40 50 60 70 80 90 100
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ELYSIAN FIELDS



Petitioned Site

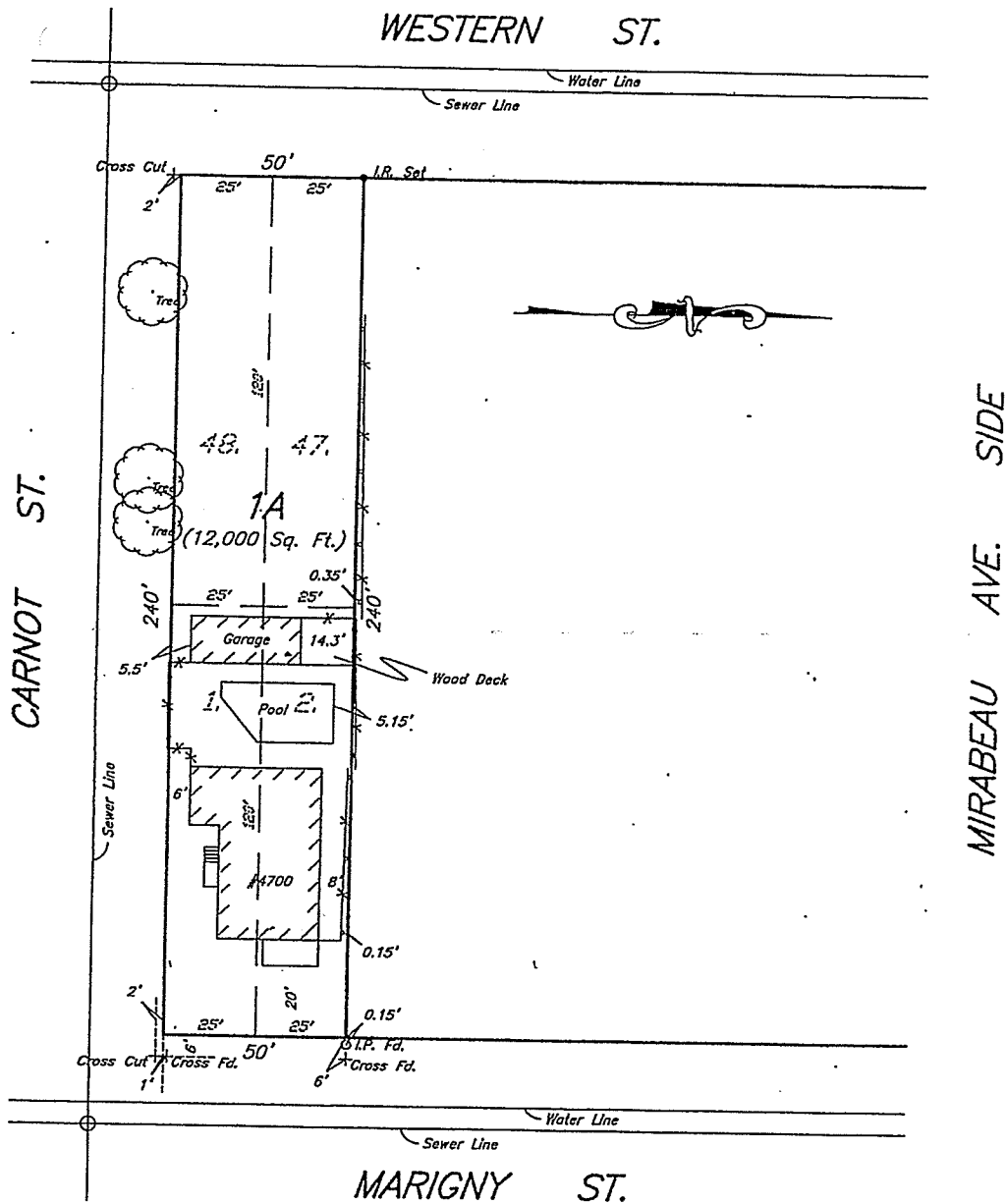
1009

1024

**SQ. NO. 32, GENTILLY TERRACE
THIRD DISTRICT**

**NEW ORLEANS, LA
ORLEANS PARISH**

A Resubdivision of Lots 1, 2, 47, & 48 into Lot 1A.



*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
90° Lot angles $\frac{1}{4}$ per plan.

Date: November 4, 2014

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, Chapter 25 for a Class "C" survey.
Made at the request of Dorothy Malik & Stephen Tyler.

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