City Planning Commission Meeting – January 27, 2015

CONSIDERATION – SUBDIVISION DOCKET 163/14

Applicants: Stephen Leggio

Prepared By: Nicholas Kindel Date: January 12, 2015 Deadline: February 2, 2015

GENERAL INFORMATION

Proposal: Resubdivision of Lots 19 and 20 into Lots 19A, 20A, and 20B.

Location: Square 74, Sixth Municipal District, bounded by Tchoupitoulas Street,

Bellecastle Street, Leake Avenue, and Dufossat Street. The municipal addresses are 5234-5238 Tchoupitoulas Street and 417-419 Bellecastle

Street. (PD 3)

Zoning: LI Light Industrial District

Current

Land Use: One commercial structure and three residential structures

Proposed

Land Use: One commercial structure and three residential structures

Required:

The subject properties are two rectangular lots, Lot 19 and 20, at the corner of Tchoupitoulas and Bellecastle Street. Lot 19 is developed with a single-family residential structure in the front and another single-family residential structure directly behind it. Lot 20 is developed with a commercial structure in the front. In the rear of both Lots 19 and 20 facing Bellecastle Street is a two-family residential structure that is located on both properties. The applicant is proposing to resubdivide the two lots into three lots, so the structure in the rear that faces Bellecastle Street will be on its own 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 the Executive Director to Subdivisions and authorizes 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

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¹ Per Article 15, Section 15.5.7.3, two main uses of single-family residential structures on a lot of record is not allowed. In this case, these uses are grandfathered to the site.

subdivider and should consist of a letter from the appropriate Tax Assessor 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 criterion "d" under Policy E.

Description: The subject properties are two lots of record, Lots 19 and 20. The site is developed with two single-family structures at 5234-5234 ½ Tchoupitoulas Street, a commercial structure (Blue Dot Donuts) at 5236-5238 Tchoupitoulas Street, and a two-family structure at 417-419 Bellecastle Street. All of the structures are one-story. The applicant proposes to create three lots in order to place the two, single-family structures (proposed Lot 19A), the commercial structure (proposed Lot 20A), and the two-family structure (proposed Lot 20B) each on its own lot of record.

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 Property Management Division of Real Estate and Records, and Sewerage and Water Board had no exception to the proposed subdivision. The City Planning Commission staff has not received a response from the Department of Public Works or Entergy about the proposed resubdivision. The Department of Safety and Permits objected to the proposed resubdivision and made the following comment on December 18, 2104:

The applicant shall secure a Board of Building Standards and Appeals (BBSA) waiver for structures within three feet (3') of the newly created property line.

The applicant shall satisfy this requirement from the Department of Safety and Permits prior to final approval of the proposed resubdivision.

LOT SIZE

Existing Lots:

The existing lots, Lots 19 and 20, each measures thirty feet, six lines (30.0.6) in width and one hundred feet (100') in depth for a total area for each lot of three thousand six square feet (3,006 sq. ft.).

Proposed Lots:

Proposed Lot 19A will include two, single-family residential structures at 5234-5234 ½ Tchoupitoulas Street. Lot 19A will have a lot width of thirty feet, six lines (30.0.6) along Tchoupitoulas Street and thirty feet, one line (30.0.1) along the rear lot line. Lot 19A will have a lot depth of seventy-two feet, one inch, one line (72.1.1) along the Dufossat Street side and seventy feet, four inches, five lines (70.4.5) along the Bellecastle Street side for a total area of two thousand one hundred thirty-six square feet (2,136 sq. ft.).

Proposed Lot 20A will include the commercial structure at 5236-5238 Tchoupitoulas Street. Lot 20A will have a lot width of thirty feet, six lines (30.0.6) along Tchoupitoulas Street and thirty feet, one line (30.0.1) along the rear lot line. Lot 20A will have a lot depth of seventy feet, four inches, five lines (70.4.5) along the Dufossat Street side and sixty-eight feet, six inches (68.6.0) along the Bellecastle Street side for a total area of two thousand eighty-two square feet (2,082 sq. ft.).

Proposed Lot 20B will include the two-family residential structure at 417-419 Bellecastle Street. Lot 20B will have a lot width of thirty-one feet, six inches (31.6.0) along Bellecastle Street and twenty-seven feet, ten inches, seven lines (27.10.7) along the rear lot line. Lot 20B will have a lot depth of sixty feet, two lines (60.0.2) along the Tchoupitoulas Street side and sixty feet, one inch, four lines (60.1.4) along the Leake Avenue side for a total area of one thousand seven hundred eighty-two square feet (1,782 sq. ft.).

ANALYSIS

Development in the Vicinity:

The petitioned site is within an LI Light Industrial District in the West Riverside Neighborhood. The LI District applies to the entirety of the subject square and adjacent squares located between Tchoupitoulas Street and the Mississippi River. The three properties directly across Tchoupitoulas Street from the subject site are located in a B-1

Neighborhood Business District and most of the other properties across Tchoupitoulas Street are within an RM-2 Multiple-Family Residential District.

The surrounding area is developed with a mix of residential, commercial and industrial uses. Immediately adjacent to the petitioned site along Tchoupitoulas Street are a mix of single- and two-family residential dwellings. Across Bellecastle Street is a mix of commercial uses in the Riverside Market shopping center. Across Tchoupitoulas Street is a nail salon. Along Bellecastle Street is a single-family residential dwelling and a vacant lot used for storage. There are a variety of residential lot sizes in the area, including other properties in the area which are less than 1,800 square feet.

COMPLIANCE WITH THE COMPREHENSIVE ZONING ORDINANCE AND THE SUBDIVISION REGULATIONS:

The lot standards in the LI Light Industrial District depend on the use the property. The lot requirements for non-residential uses are found in Article 7, Section 7.3.7 (Table 7.C) Height, Area, and Bulk Requirements. The lot standards for LI District and the proposed Lot 20A are shown in Table #1 below.

Table #1: Lot Requireme	nts for non-residential	property in the LI District
	LI regulations	Lot 20A (proposed)
Minimum Rear Yard	3'	7'
Maximum FAR	1.0	0.72^2
Lot Area	No Minimum	2,082 sq. ft.

There is not any minimum lot width, depth, or area requirements for non-residential properties in the LI Light Industrial District. As shown in Table #1 above, the proposed Lot 20A will meet the applicable lot standards for minimum rear yard (if provided) and maximum floor area ratio.

While the LI District does not have any minimum lot width or depth requirements, commercial properties shall provide a minimum lot width of 50 feet and lot depth of 100 feet.³ While the proposed lot width of thirty feet, six lines (30.0.6) is deficient, the lot width will remain the same so this condition is grandfathered to the site. The applicant is proposing to reduce the lot depth for Lot 20A from one hundred feet (100') to an average depth of sixty-nine feet, five inches, two lines (69.5.2). Since the applicant is proposing to reduce the lot depth, the applicant will require the following waiver, if approved:

• The applicant shall be granted a waiver of **Article 5**, **Section 5.5.1** *Lot Size* of the *Subdivision Regulations* for minimum lot depth on proposed Lot 20A.

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² This figure is estimated based on the approximately building footprint (1,508 sq. ft.) as shown in the survey and from the Assessor's information.

³ Per Article 5, Section 5.5.1 Lot Size of the Subdivision Regulations

Residential uses in the LI Light Industrial District revert to the lot requirements in the RM-2 Multiple-Family Residential District in Article 4, Section 4.9.7 (Table 4.I) Height, Area, and Bulk Requirements. The applicant proposes two-family residential uses for proposed Lots 19A and 20B. The RM-2 District lot regulations and petitioned lot dimensions and setbacks for Lots 19A and 20B are shown in Table #2 below.

Table #2: Lot Requirements for residential properties in the LI District ⁴				
	RM-2	Lot 19A	Lot 20B	
	regulations	(proposed)	(proposed)	
Lot Width ⁵	30'	30.0.6	31.6.0	
Lot Depth ⁶	90'	71.2.7	60.0.7	
Lot Area	3,500 sq. ft.	2,136 sq. ft.	1,783 sq. ft.	
Side Yard Setback	3'	Grandfathered	2'	
Aggregate Side Yard	20%	Grandfathered	4.10.4 ⁷	
Rear Yard Setback	15'	0'	Grandfathered	

As shown in Table #2 above, the proposed lots will not meet most of the RM-2 District regulations with regard to width, depth, and area (except for the lot width of proposed Lot 19A). Some of these deficiencies are grandfathered to the existing lots lines and structures. Other deficiencies will require waivers from the Comprehensive Zoning Ordinance, which the Commission is allowed to do under Policy E.⁸ If approved, the applicant shall be granted the following waivers:

- 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, lot area, and rear yard setback on proposed Lot 19A.
- 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, lot area, side yard setback, and aggregate side yard setback on proposed Lot 20B.

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.

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⁴ Bold indicates a waiver is required from this standard

⁵ Per definitions in Article 2, Section 2.2.124, the Lot Width is measure at the required front yard line.

⁶ Per definitions in Article 2, Section 2.2.119, the Lot Depth is the average horizontal distance between the front and rear lot lines.

⁷ Required aggregate side yard setback is 6.3 feet.

⁸ Per Article 3, Section 3.2.5 of the Subdivision Regulations.

The applicant submitted records from the Sewerage and Water Board that show that structures on all three proposed lots received water and sewer connections prior to 1929. A historical Sanborn Map from 1937 confirms that the building footprints are similar to what exists today (see Figure 1 below).

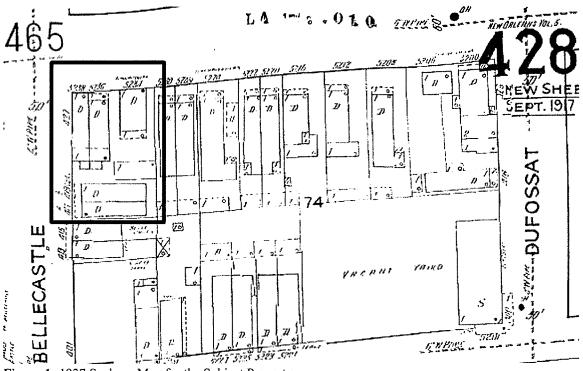


Figure 1: 1937 Sanborn Map for the Subject Property

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

All of the buildings on the three proposed lots are all main uses.

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

The proposed property line between Lot 19A and 20A is the same as the existing property line, so there is no new impact to that proposed side lot line. The only new lot line runs parallel to Tchoupitoulas Street that will create proposed Lot 20B. This property line does not meet the Comprehensive Zoning Ordinance because the structure on the rear of proposed Lot 19A is located on that rear property line and the structure on proposed Lot 20B has less than a three foot (3') side yard setback from that line. Given the approximately two feet (2') in distance between these two existing structures, the proposed side lot line complies as nearly as possible with the Subdivision Regulations and the Comprehensive

⁹ Per the Sewerage and Water Board records provided by the applicant, 5236-5238 Tchoupitoulas Street received water and sewer connections in 1912 and 5234-5234 ½ Tchoupitoulas Street and 417-419 Bellecastle Street received connections in 1924.

Zoning Ordinance. Per the comments from the Department of Safety and Permit, the applicant needs to apply for a Board of Building Standards and Appeals (BBSA) waiver for all of the structures located within three feet (3') of the newly proposed property line.

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

The petitioned property is currently developed with a two-family residence that is located on two separate lots of record. In order to place all three of these legally non-conforming uses on separate lots, the applicant proposes to resubdivide these two lots into three lots of record. Proposed Lot 19A and 20A meet the minimum 1,800 square feet requirement; however, proposed Lot 20B is deficient at 1,782 square feet in area. Given the layout of the existing structures on site, the only way to increase the area of proposed Lot 20B would be to create an irregularly shaped lot, which would be out of the norm for the area. There are examples of other properties in the area that are a similar size to the proposed Lot 20B (see Table #3 below). If approved, the staff recommends the following waiver:

- The applicant shall be granted a waiver of **Article 3**, **Section 3.2.5.d** of the *Subdivision Regulations* requiring a minimum lot area of 1,800 square feet for Lot 20B.
- **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 or equal to 1,800 square feet (see Table #3 below). Proposed Lot 20B is approximately 1,782 square feet, which is less than eighteen square feet (18 sq. ft.) below the requirement. The staff was able to locate at least six properties within approximately three blocks of the subject property that are smaller than the proposed Lot 20B; therefore, the proposed lots will not be an excessive variation to the neighborhood norm.

Table #3: Lots less than or equal to 1,800 sq. ft. within 3 block				
Address	Lot Area			
513 Soniat Street	690 sq. ft.			
523 Soniat Street	1,110 sq. ft.			
509 Bellecastle Street	1,276 sq. ft.			
5116 Annunciation Street	1,290 sq. ft.			
515 Robert Street	1,380 sq. ft.			
714 Dufossat Street	1,500 sq. ft.			
528 Dufossat Street	1,800 sq. ft.			

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SUMMARY

The applicant proposes a resubdivision of Lots 19 and 20 into Lots 19A, 20A, and 20B. Currently there is an existing two-family residence that is located on the rear of Lots 19 and 20, and the proposed resubdivision would place the existing two-family structure on its own lot of record. The existing structures were in existing prior to 1929, and the request meets most of the criteria for consideration under Policy E except that proposed Lot 20B does not meet the minimum lot area of 1,800 square feet. Proposed Lot 20B measures 1,782 square feet, and there are examples of other nearby properties that are smaller than what is proposed by the applicant. Proposed Lots 19A and 20B require a number of waivers of the minimum lot requirements, which the Commission can waive under the Policy E regulations. Due to the uniqueness of the site's historical development pattern, the staff believes the request is an improvement over the current lot configuration and the best scenario to mitigate a non-conforming situation. For these reasons, the staff recommends approval of the request.

PRELIMINARY STAFF RECOMMENDATION¹⁰

The staff recommends tentative approval of Subdivision Docket 163/14, with final approval subject to four (4) waivers and four (4) provisos.

Waivers

- 1. The applicant shall be granted a waiver of **Article 5**, **Section 5.5.1** *Lot Size* of the *Subdivision Regulations* for minimum lot depth on proposed Lot 20A.
- 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, lot area, and rear yard setback on proposed Lot 19A.
- 3. 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, lot area, side yard setback, and aggregate side yard setback on proposed Lot 20B.
- 4. The applicant shall be granted a waiver of **Article 3, Section 3.2.5.d** of the *Subdivision Regulations* requiring a minimum lot area of 1,800 square feet for Lot 20B.

Provisos

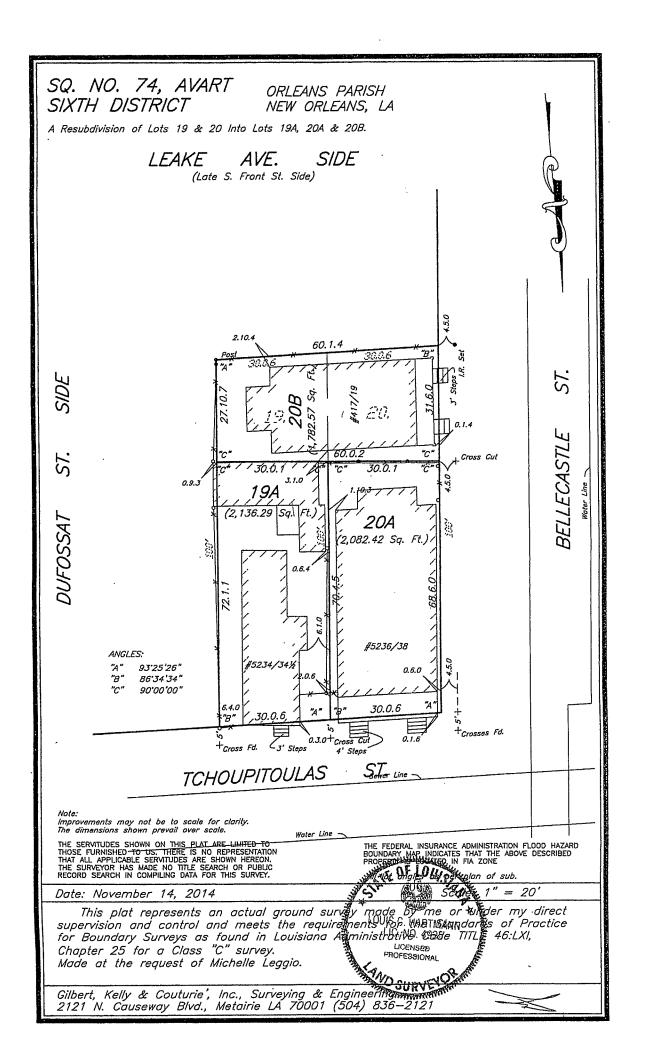
1. The applicant shall secure a Board of Building Standards and Appeals (BBSA) waiver for structures within three feet (3') of the newly created property line.

¹⁰ The preliminary staff recommendation is subject to modification by the City Planning Commission

- 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.
- 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., dfx, or ESRI compatible file format.

REASON FOR RECOMMENDATION

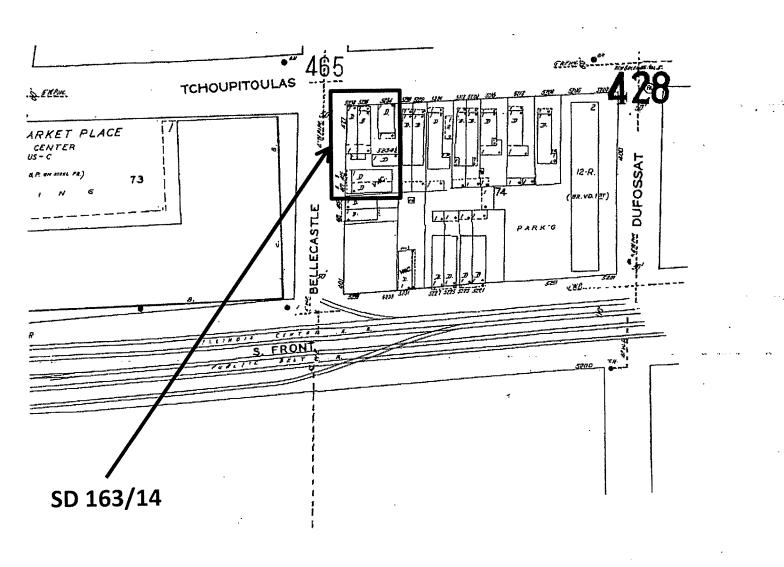
- 1. The request meets most of the criteria for a resubdivision under Policy E.
- 2. The proposed resubdivision is an improvement over the existing lot configuration by placing an existing two-family structure that shares lots with other structures on its own lot of record.
- 3. The lot configuration in the proposed resubdivision is consistent with the neighborhood norms.

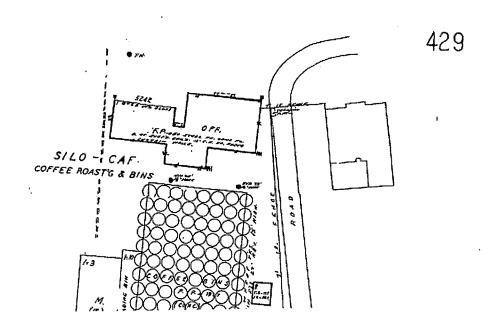


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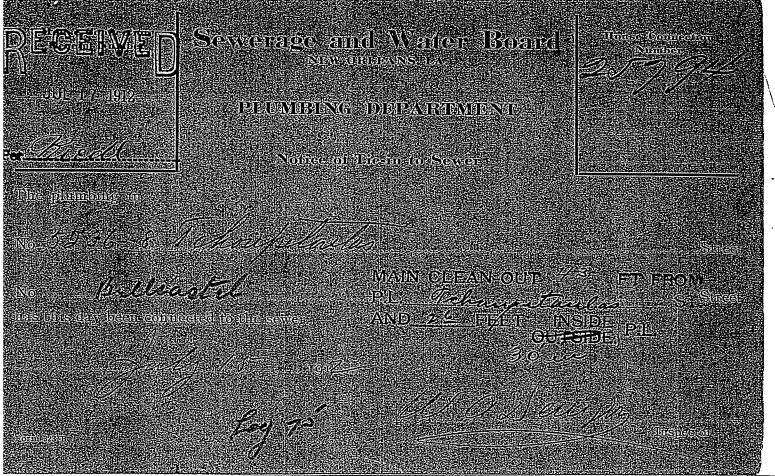
LI Light Industrial District





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