

**City Planning Commission
Meeting – March 24, 2015**

**CONSIDERATION – SUBDIVISION DOCKET – 013/15
Applicants: Camille M. Lemann & Mathilde M. Lemann**

Prepared By: Nicolette Jones

Date: March 11, 2015

Deadline: April 20, 2015

GENERAL INFORMATION

Proposal: Resubdivision of Lot 1 into Lots 1A, 1B and 1C.

Location: Square 284, Second Municipal District, bounded by N. Galvez, St. Ann, Dumaine, and N. Miro Streets. The municipal addresses are 809-811 N. Galvez Street, 2201-2203 St. Ann Street, and 2207 St. Ann Street.

Zoning: RD-3 Two-Family Residential District

Current

Land Use: The petitioned site is a corner parcel currently developed with three (3) structures: one (1) two-family and two (2) single-family residences. One of the single-family residences fronts N. Galvez Street. The two-family residence and the other single-family residence front St. Ann Street. All residences are currently occupied.

Required: Lots developed with a single- or two-family residence in the RD-3 Two-Family Residential District are required to measure a minimum of thirty (30') feet in width, ninety (90') feet in depth, and three thousand six hundred (3,600 sq. ft.) square feet in area.

The applicant is proposing to resubdivide the existing Lot 1 into three (3) lots where each main use would be located on a separate lot of record. The proposed Lot 1A would become a corner lot fronting St. Ann Street. It would have a width of thirty-three (33'-6") feet six inches, a depth of fifty-eight (58'-1") feet one inch, and an area of approximately one thousand nine hundred forty-five and seven tenths (1,945.7 sq. ft.) square feet. The proposed lot would only meet the minimum lot width requirement of the RD-3 District, and would be deficient in depth and area. The proposed Lot 1B would also front St. Ann Street and would have a width of sixteen (16'-6") feet six inches, a depth of fifty-eight (58'-1") feet one inch, and an area of approximately nine hundred fifty-eight and three tenths (958.3 sq. ft.) square feet. Proposed Lot 1B would not meet the minimum lot width, the minimum lot depth, and the minimum lot area requirements. The proposed Lot 1C would front N. Galvez Street and

would have a width of thirty-three (33'-3") feet three inches, a depth of fifty (50') feet, and an area of approximately one thousand six hundred sixty-two and five tenths (1,662.5 sq. ft.) square feet. Similar to Proposed Lot 1A, Proposed Lot 1C would meet the minimum lot width requirement, but would be deficient of the minimum lot depth, and the minimum lot area requirements.



Figure 1. The subject properties viewed from St. Ann Street (top) and N. Galvez Street (bottom).

The Commission has classified all Minor and Major Subdivisions into seven categories, based on particular aspects of the proposal. Because the proposed resubdivision is based on the separation of three (3) existing main uses on one (1) parcel, it is to be reviewed under *Policy E: Resubdivision of Properties Developed Prior to 1929*. 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 of 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 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 criteria “d” under Policy E.

**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, the Historic District Landmarks Commission (HDLC), 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 noted no objection to the proposal, finding no exceptions regarding ownership and the survey. However, they noted that servitude agreements were needed for stair and roof encroachments into the public right-of-way.

The representative of the Sewerage and Water Board stated that subsurface drainage was available. They also noted that sewer and water facilities are available but not shown on the survey, and recommended that a note should be on the subdivision plans stating that sewer and water house connections are the responsibility of the property owner.

The Department of Safety and Permits noted an objection to the proposal since the addition of a lot line between the buildings located on Proposed

Lots 1A and 1B would create a deficiency related to the building code. A minimum of three (3') feet is required between new lot lines and structures. Each structure would be located approximately two (2'-5") feet five inches from the proposed side lot line, and a waiver from the Board of Building Standards and Appeals would be necessitated.

The petitioned site is located within the Tremé Local Historic District; however, to date, the HDLC has not submitted a response to the resubdivision request.

At the time of this writing, the Department of Public Works and Entergy had not yet reviewed the proposed subdivision.

LOT SIZE

Existing

Lot: Lot 1 is a corner lot with frontage along St. Ann Street and N. Galvez Street. It measures fifty (50') feet in width along St. Ann Street, ninety-one (91'-4") feet four inches in depth along N. Galvez Street, and has an area of approximately four thousand five hundred sixty-seven (4,567 sq. ft.) square feet.

Proposed

Lots: Proposed Lot 1A would be a corner lot with frontage along St. Ann Street and N. Galvez Street. The lot would have a width of thirty-three (33'-6") feet six inches, a depth of fifty-eight (58'-1") feet one inch, and an area of approximately one thousand nine hundred forty-five and seven tenths (1,945.7 sq. ft.) square feet. Proposed Lot 1B would become an interior lot with frontage on St. Ann Street. The lot would have a width of sixteen (16'-6") feet six inches, a depth of fifty-eight (58'-1") feet one inch, and an area of approximately nine hundred fifty-eight and three tenths (958.3 sq. ft.) square feet. Proposed Lot 1C would also become an interior lot with frontage on N. Galvez Street. The lot would have a width of thirty-three (33'-3") feet three inches, a depth of fifty (50') feet, and an area of approximately one thousand six hundred sixty-two and five tenths (1,662.5 sq. ft.) square feet.

ANALYSIS

Development in the Vicinity:

The petitioned site is located in a large RD-3 Two-Family Residential District in the Tremé/Lafitte neighborhood. The site is also located within the Tremé Local Historic District. The Tremé/Lafitte neighborhood sits north of the French Quarter and is generally bounded by Orleans Avenue to the west, North Rampart Street to the south, Broad Street to the north, and St. Bernard or Esplanade Avenues to the east.

The neighborhood is one of the oldest in the city. Formally called the Faubourg Tremé, it was originally subdivided for development in the 1790s, and was incorporated into the City of New Orleans in 1812. The area was fully developed by the early 20th century. Much of the historic building stock remains, though several small residential properties were demolished in the mid-twentieth century to make way for more modern and large-scale developments influenced by the development principles of the era.

The interior of the petitioned neighborhood is primarily residential in character and is zoned RD-3 Two-Family Residential District. A few institutional uses such as schools and churches are also located in this area near the subject site. Several of the lots in the vicinity which front the major streets of Orleans Avenue and N. Claiborne Avenue contain commercial uses, including a theatre, some restaurants and small scale food stores. These corridors are generally zoned either C-1A General Commercial District or B-1A or B-1 Neighborhood Business District, though there are a few clusters of residentially-zoned properties. The Tremé Local Historic District is directly adjacent to the newly constructed Faubourg Lafitte housing development. The 27 acre site was originally one of the first pre-WWII public housing developments in the city, developed in 1941 following the United States Housing Act of 1937. All but three (3) of the original Lafitte structures were demolished after Hurricane Katrina and have been replaced with a mixture of single-, two-, and multi-family units. The petitioned site is also within the vicinity of the Lafitte Greenway, currently under construction and nearing completion.

Historic residential structures consist of the Creole cottage or shotgun cottage architectural styles. They are usually set along the front property line with no front yard or street plantings. It is also very common for entryway steps to project into public rights-of-way, as is the case for the three (3) properties on the subject lot.

Since most of the development within the Tremé neighborhood occurred prior to the adoption of a zoning ordinance, there is substantial variation among lot sizes and lot shapes in the area. In general, most lots developed with residential uses measure around thirty (30') feet in width and around one hundred (100') feet in depth. There are also several lots in the area that vary substantially from these dimensions. The staff found several instances of lots with either significantly narrow widths, in the range of fifteen (15') to twenty (20') feet, or with significantly shallow depths in the range of thirty (30') to seventy (70') feet. Table 1 lists examples of nearby properties with lot dimensions similar to those proposed with this resubdivision request. The staff also found several squares which were subdivided with diagonal lines creating several irregularly shaped trapezoidal and triangular lots.

Table 1. Substandard Lot Sizes in Vicinity of Petitioned Site			
Address	Lot Width (feet)	Lot Depth (feet)	Lot Area (square feet)
814 N. Miro	34	65	2210
2139 St. Ann	30	68	2040
2137 St. Ann	20	40	800
831 N. Johnson	27	32	864
830 N. Galvez	30	33	990
820 N. Galvez	16	76	1216
818 N. Galvez	15	76	1140
816 N. Galvez	15	102	1530
814 N. Galvez	16	83	1328
810 N. Galvez	30	50	1500
2405 St. Ann	18	88	1584
815 N. Rocheblave	28	50	1400
2434 Dumaine	22	77	1694
2501 Dumaine	31	50	1550
912 N. Galvez	19	30	570
928 N. Johnson	36	32	1152
2314 St. Philip	17	100	1700
934 N. Miro	25	60	1500
813 N. Prieur	29	57	1653
Source: Orleans Parish Assessor's Office Parcel Map, March 2015			

COMPLIANCE WITH THE COMPREHENSIVE ZONING ORDINANCE AND THE SUBDIVISION REGULATIONS:

Pursuant to **Article 4, Section 4.6.7 (Table 4.F)** of the Comprehensive Zoning Ordinance, the minimum lot width required for a single-family or two-family residence is thirty (30') feet. The minimum lot depth required is ninety (90') feet, and the minimum lot area required is 3,600 square feet. Proposed Lots 1A and 1C would both meet the minimum lot width requirement of the RD-3 District, measuring thirty-three (33'-6") feet six inches and thirty-three (33'-3") feet three inches, respectively. Proposed Lot 1B would be deficient thirteen (13'-6") feet six inches of the minimum lot width requirement. All three (3) of the proposed lots would be deficient of the minimum lot depth and minimum lot area requirements. Proposed Lot 1A would be deficient thirty-one (31'-11") feet eleven inches of the minimum lot depth requirement and approximately 1,654.3 square feet of the minimum lot area requirement. Proposed Lot 1B would be deficient thirty-one (31'-11") feet eleven inches of the minimum lot depth requirement and approximately 2,641.7 square feet of the minimum lot area requirement. Proposed Lot 1C would be deficient forty (40') feet the minimum lot depth requirement and approximately 1,937.5 square feet of the minimum lot area requirement. The staff believes the waivers needed in regard to lot dimension are justifiable, as there are several lots with substandard sizes within the vicinity of the petitioned site.

As the three (3) residences are existing structures and are not changing frontages, their existing front yard depths are grandfathered. Each residence provides zero (0) front yard

setback. The residence developed on Proposed Lot 1A is also set to the corner side property line, providing a zero (0') foot front yard setback. Pursuant to **Article 4, Section 4.6.7 (Table 4.F) – Side Yard Width**, the minimum interior side yard requirement is three (3') feet. Proposed Lot 1A would provide an interior side yard width of two (2'-5") feet five inches, necessitating a waiver of seven (7") inches. Proposed Lot 1B would provide a side yard width of two (2'-5") feet five inches on its N. Galvez Street side, thus also necessitating a waiver of seven (7") inches. The property on Proposed Lot 1B provides a side yard width on its N. Miro Street side of one (1'-4") foot four inches. As this property line is not shifting but is remaining the same, this deficiency would be grandfathered to the site. Proposed Lot 1C would provide an interior side yard width on its St. Ann Street side of ten (10'-4") feet four inches, exceeding the minimum requirement. It provides a side yard width of one (1'-10") ten inches on its Dumaine Street side, but this substandard condition would be grandfathered to the site.

Pursuant to **Article 4, Section 4.5.7 (Table 4.E) – Rear Yard Depth**, the minimum requirement is twenty (20') feet. The residence developed on proposed Lot 1C currently provides a rear yard depth of approximately twelve (12') feet. As the rear property line is not changing, any deficiency of rear yard depth is grandfathered to the site. The resubdivision proposal includes the addition of a lot line that would change the existing rear yard dimensions for the properties developed on Proposed Lot 1A and Proposed Lot 1B. According to the survey submitted, each rear yard depth would measure approximately fifteen (15') feet in depth, necessitating waivers of five (5') feet.

Policy E Review

This subdivision application is to be reviewed under *Policy E: Resubdivision of Properties Developed Prior to 1929*.

- 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.*

The staff examined Sanborn maps from 1895, 1909, and 1940. The existing residences on Proposed Lots 1A and 1B appear in their current footprint on the Sanborn map from 1895, indicating their existence prior to 1929. What appears to be a two-story accessory structure is labeled within the location of Proposed Lot 1C on the 1895 Sanborn map. The 1909 Sanborn map shows a two-family dwelling constructed on Proposed Lot 1C, but this residence appears to be setback much farther from the front property line than is the residence that exists today. The 1940 map shows the existing residences situated in their current footprint. The staff was unable to access Sanborn maps in this location between the years of 1909 and 1940. However, the applicant submitted a copy of a sewer tie-in notice from the Sewerage and Water Board for the property on Proposed Lot 1C, and this is dated August 12, 1913.

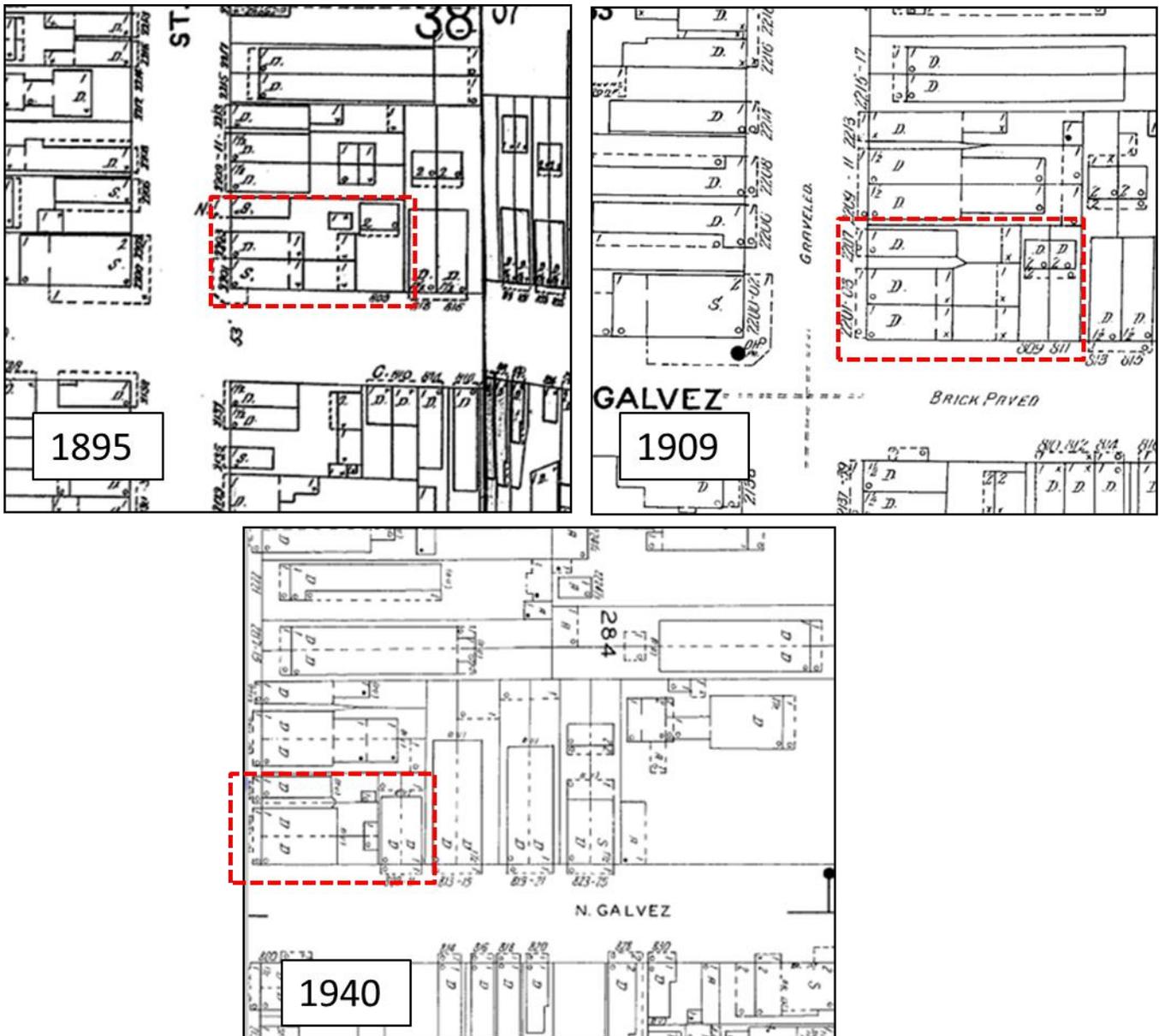


Figure 2. Historic Sanborn maps indicate that the properties fronting St. Ann Street were constructed prior to 1929. The 1940 Sanborn shows all properties built in their current footprint.

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

The proposal meets this criterion as each building is a main use.

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

The proposal partially meets this criterion. Two (2) of the proposed lots would meet the minimum lot width requirement, though Proposed Lot 1B would need a

substantial variance. All proposed lots would need waivers of the minimum lot depth and minimum lot area requirements; however, the staff finds these waivers justifiable because of the age of the area and because there are several deficient lots in the vicinity.

The proposed lot line between Proposed Lots 1A and 1B is optimally placed as it would maximize the side yard width available between the two properties. However, as there is only approximately five (5') feet between the two existing properties, and a minimum of six (6') feet is required per the building code and zoning code, a resubdivision would require the applicant to rectify the deficiency with the Board of Building Standards and Appeals.

The proposed property line separating Proposed Lots 1A and 1B from Proposed Lot 1C would enable the construction of a parking space on this lot. Currently, no property provides off-street parking, and thus these deficiencies are grandfathered. The proposed lot line, however, would cause the properties on Proposed Lots 1A and 1B to provide insufficient rear yard depth. A waiver of approximately five (5') feet would be necessitated by each. This proposed property line could be adjusted seven (7') feet to eliminate or lessen the waiver necessary. At the same time, this adjustment would allow the property on Proposed Lot 1C to meet the minimum interior side yard requirement of three (3') feet.

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

Only Proposed Lot 1A would meet this criterion as it would measure 1,945.7 square feet. However, Proposed Lot 1C would be close to meeting this criterion as it would measure 1,662.5 square feet. Proposed Lot 1B would have an area that would be significantly less, measuring approximately 958.3 square feet. However, as mentioned previously, all of the proposed lots would necessitate substantial waivers. The staff believes that these variance requests, though large, are justified. As a result of the age of the neighborhood, having been developed prior to the adoption of subdivision regulations, there are several existing lots which are substandard as to width, depth, and area. Refer to Table 1.

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

As mentioned previously, the average lot size in the area is approximately thirty (30') feet in width and one hundred (100') feet in depth. The staff found, however, that the lot pattern in the area is varied, and there are a significant number of lots that are substandard as to lot width, lot depth, and lot area. Though the proposed lots are not consistent with the neighborhood average, they are not unprecedented. The staff found a few examples of historic narrow shotgun singles developed on lots measuring between fifteen (15') and twenty (20') feet wide. The staff also found instances of historic Creole cottage doubles

built on lots with very shallow depths. As such, the staff does not believe the request is an excessive variation to the neighborhood norm.

SUMMARY

Subdivision Docket 013/15 is a request to resubdivide Lot 1 into three (3) lots (Proposed Lot 1A, Proposed Lot 1B, and Proposed Lot 1C), which would separate three (3) existing main buildings that appear to have been constructed prior to 1929. As the proposal is an attempt to separate main buildings, it is required to be reviewed under Policy E of the Subdivision Regulations. The proposal meets criterion “a” of the Policy E in that all three (3) of main buildings appear to have been constructed prior 1929, the year in which the City first adopted the Comprehensive Zoning Ordinance. The proposal also meets criterion “b” in that each building is a separate main use, consisting of two (2) single-family residences and one (1) two-family residence. The proposal would partially meet criterion “c” which stipulates that side lot lines comply as nearly as possible with the Subdivision Regulations and the Comprehensive Zoning Ordinance. The staff believes that although the positioning of the side lot line separating Proposed Lot 1A and 1B would trigger the need for waivers as well as approval from the Board of Building Standards and Appeals, this is still the most optimal location of lot lines. The staff believes the side lot line which would separate Proposed Lots 1A and 1B from Proposed Lot 1C could be repositioned to minimize the waivers needed for rear yard depth. The proposal fails to meet criterion “d” because only one (1) of the proposed lots is greater than 1,800 square feet. However, the staff found several examples of lots in the area with similar size deficiencies as those proposed. The staff also believes that because of the existence of several substandard lots in the area, the proposal would not be an excessive variation to the neighborhood norm, a stipulation of criterion “e” of Policy E. The staff believes the proposed resubdivision to be logical, as it would separate three (3) main residences onto three (3) separate lots of record that have been acting independently of one another for many years.

PRELIMINARY STAFF RECOMMENDATION¹

The staff recommends **tentative approval** of Subdivision Docket 013/15, with final approval subject to three (3) waivers and four (4) provisos.

Waivers

1. The applicant shall be granted a waiver of **Article 4, Section 4.6.7 (Table 4.F) – Area Regulations** of the Comprehensive Zoning Ordinance for minimum lot depth, lot area, side yard setback and rear yard setback for Proposed Lot 1A.

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

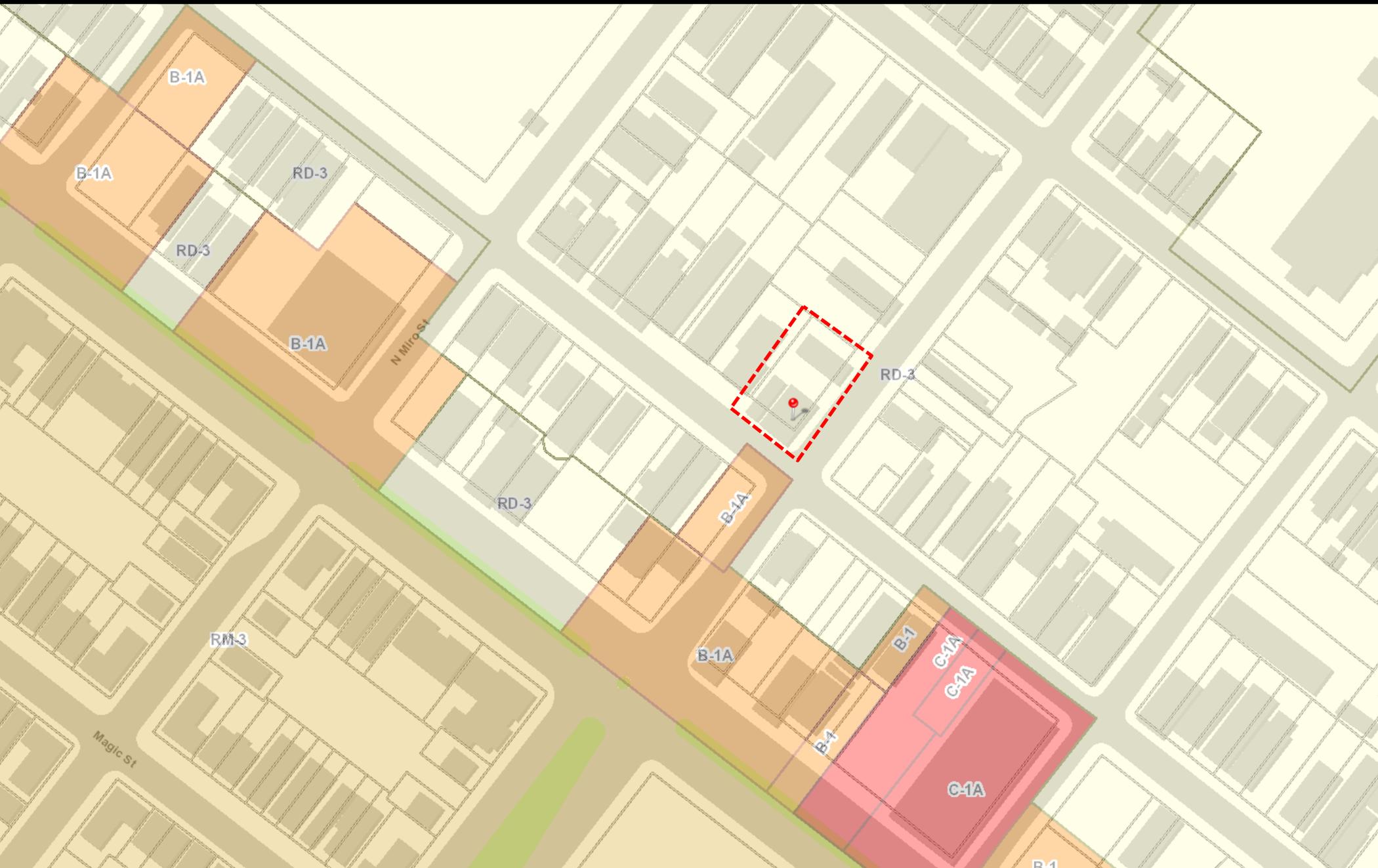
2. The applicant shall be granted a waiver of **Article 4, Section 4.6.7 (Table 4.F) – Area Regulations** of the Comprehensive Zoning Ordinance for minimum lot width, lot depth, lot area, side yard setback, and rear yard depth for Proposed Lot 1B.
3. The applicant shall be granted a waiver of **Article 4, Section 4.6.7 (Table 4.F) – Area Regulations** of the Comprehensive Zoning Ordinance for minimum lot depth, and lot area for Proposed Lot 1C.

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.
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, the Department of Safety and Permits, and the HDLC.
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. All main structures are historic residences constructed prior to 1929.
2. The proposed resubdivision is an improvement over the existing lot configuration because it separates three (3) independent residences onto each of their own three (3) lots of record.
3. The lot configuration in the proposed resubdivision is consistent with the neighborhood norms as there are several examples of existing historic singles and doubles constructed upon substandard lots in the Tremé area.



B-1A

B-1A

RD-3

RD-3

B-1A

N Micro St

RD-3

B-1A

RD-3

RM-3

B-1A

B-1

B-1

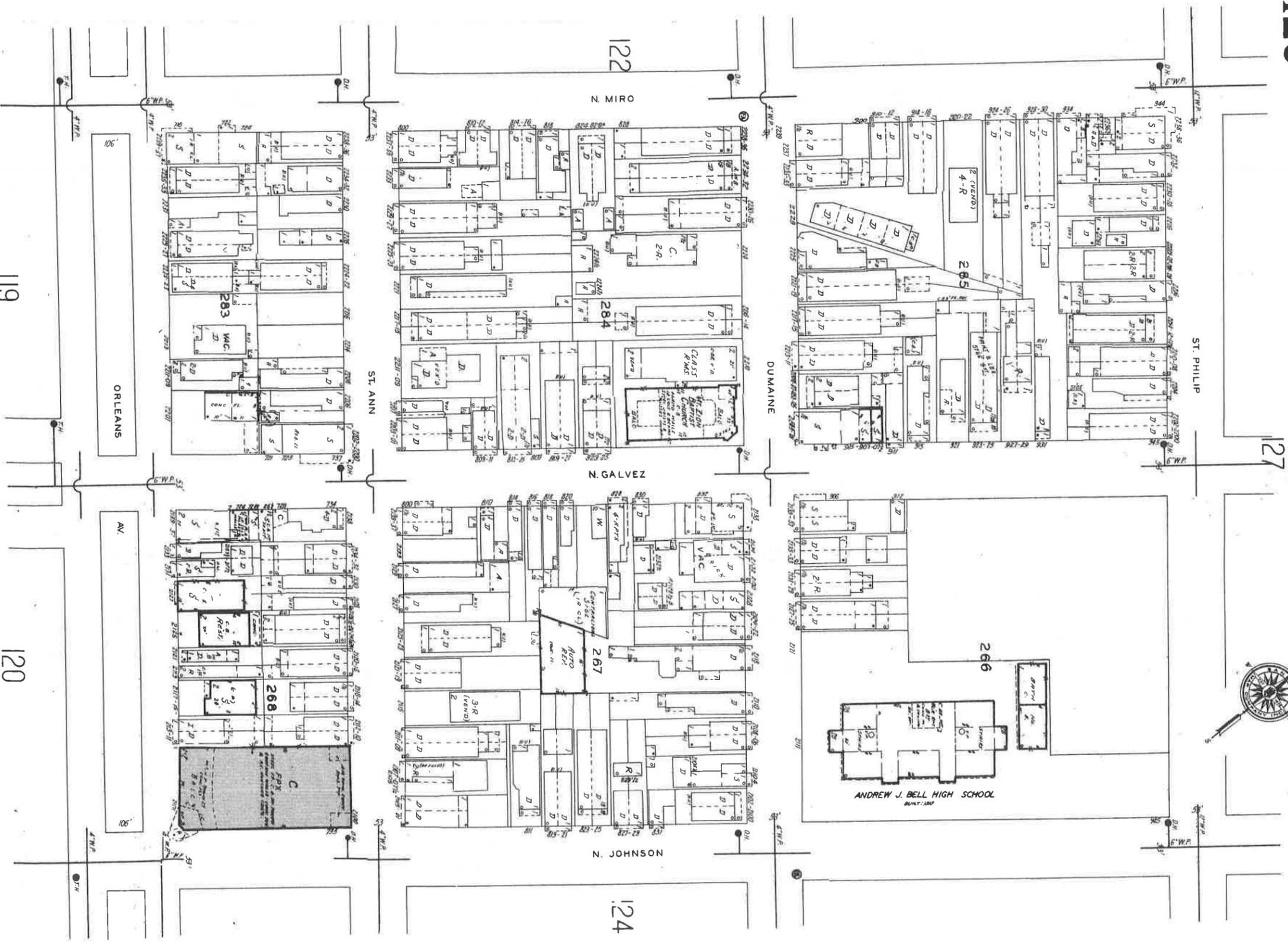
C-1A

C-1A

C-1A

Magic St

B-1



127



ANDREW J. BELL HIGH SCHOOL
BUILT 1911

124

N. JOHNSON

N. GALVEZ

N. MIRO

ST. ANN

DUMAINE

ST. PHILIP

ORLEANS

AV.

119

120



COPYRIGHT SAMBOUR MAP COMPANY, INC.

SQ. NO. 284
SECOND DISTRICT

ORLEANS PARISH
NEW ORLEANS, LA

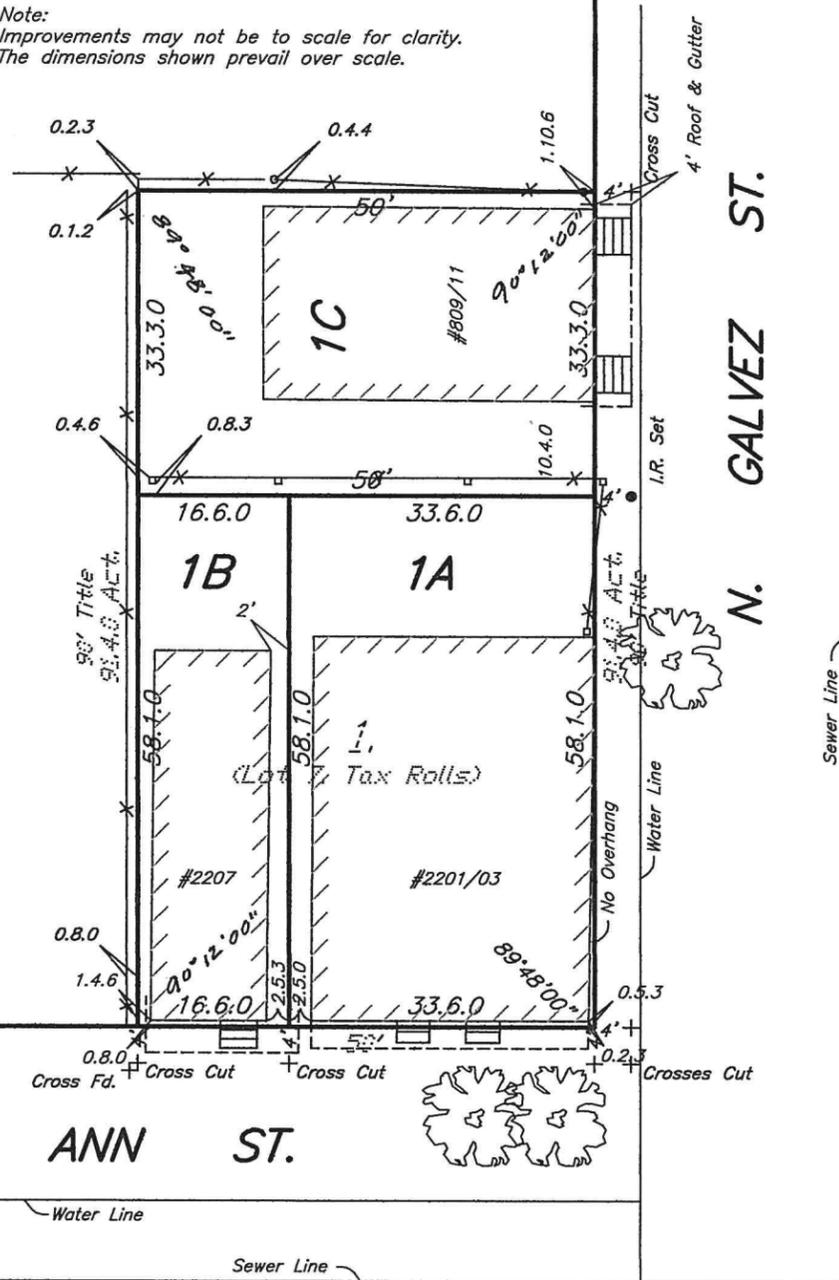
A Resubdivision of Lot 1 (Lot 7 Tax Rolls) Into Lots 1A, 1B & 1C.

DUMAINE ST. SIDE

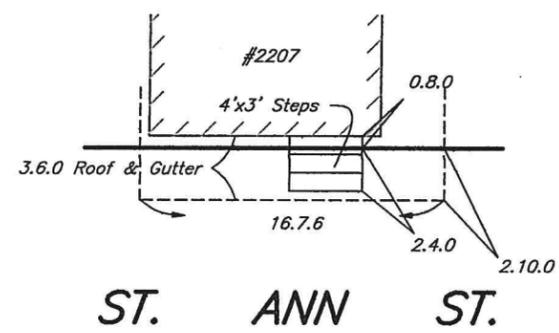
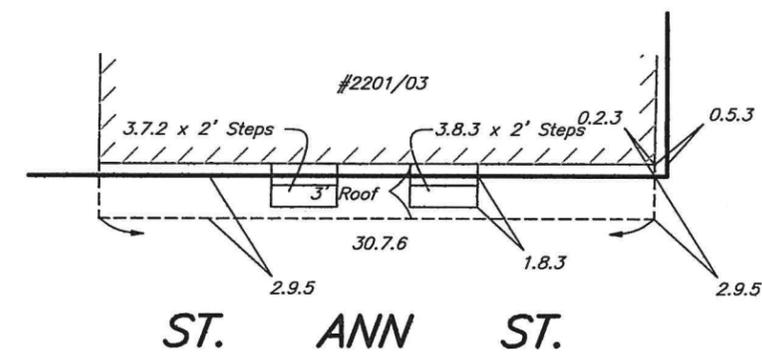
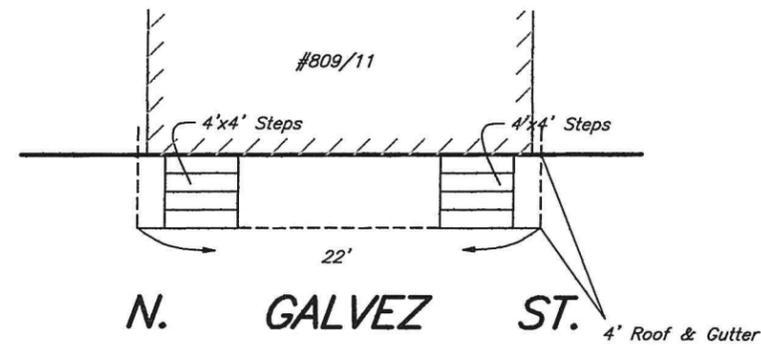
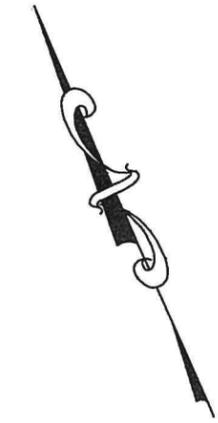
N. MIRO ST. SIDE

N. GALVEZ ST.

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



Lot 1A 1,945.7 Sq. Ft.
Lot 1B 958.3 Sq. Ft.
Lot 1C 1,662.5 Sq. Ft.



DETAILS
Scale: 1" = 10'

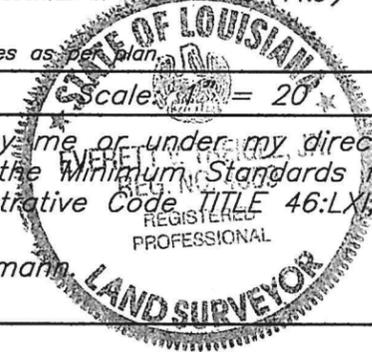
THE SERVITUDES SHOWN ON THIS PLAT ARE LIMITED TO THOSE FURNISHED TO US. THERE IS NO REPRESENTATION THAT ALL APPLICABLE SERVITUDES ARE SHOWN HEREON. THE SURVEYOR HAS MADE NO TITLE SEARCH OR PUBLIC RECORD SEARCH IN COMPILING DATA FOR THIS SURVEY.

THE FEDERAL INSURANCE ADMINISTRATION FLOOD HAZARD BOUNDARY MAP INDICATES THAT THE ABOVE DESCRIBED PROPERTY IS LOCATED IN FIA ZONE A-3 (+1.5')

All lot angles as per plan.

Date: January 6, 2015

This plat represents an actual ground survey made by me or under my direct supervision and control and meets the requirements for the Minimum Standards for Property Boundary Surveys as found in Louisiana Administrative Code TITLE 46:LX, Chapter 25 for a Class "C" survey.
Made at the request of Mathilde Lemann and Camille Lemann.



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



2203



2201

2203

