

**City Planning Commission Meeting – May 12, 2015**

**CONSIDERATION – SUBDIVISION DOCKET – 029/15**

**Applicant: Charles Rutledge, Jr. and Jonathan Tate**

**Prepared By:** Dubravka Gilic

**Date:** April 17, 2015

**Deadline:** June 22, 2015

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**GENERAL INFORMATION**

**Proposal:** Subdivision of Lots G and C-2 into Lots G1 and C2A.

**Location:** Square 514, Delachaise, Sixth Municipal District, bounded by S. Saratoga, Amelia, Loyola and Foucher Streets. Municipal addresses are 3609 -3613 S. Saratoga Street. (PD 3)

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

**Current Land Use:** Lot G – Vacant Land (recently demolished single family home)

Lot C-2 – Vacant Land (lot vacant since 2004)

**Lot size**

**Required:** All lots are zoned RD-2 Two-Family Residential District which, according to **Article 4, Section 4.5.7 Height, Area and Yard Requirements (Table 4.E)** of the Comprehensive Zoning Ordinance requires a minimum lot width of 50 feet for residential doubles, 40 feet for singles; minimum lot depth of 90 feet, and minimum lot area of 5,000 square feet for doubles, and 4,400 for singles.

**Existing**

**Lots:** **Lot G** measures 17'-6" to 19' in width, 75'-4" in depth, and has an area of approximately 1,372 square feet.

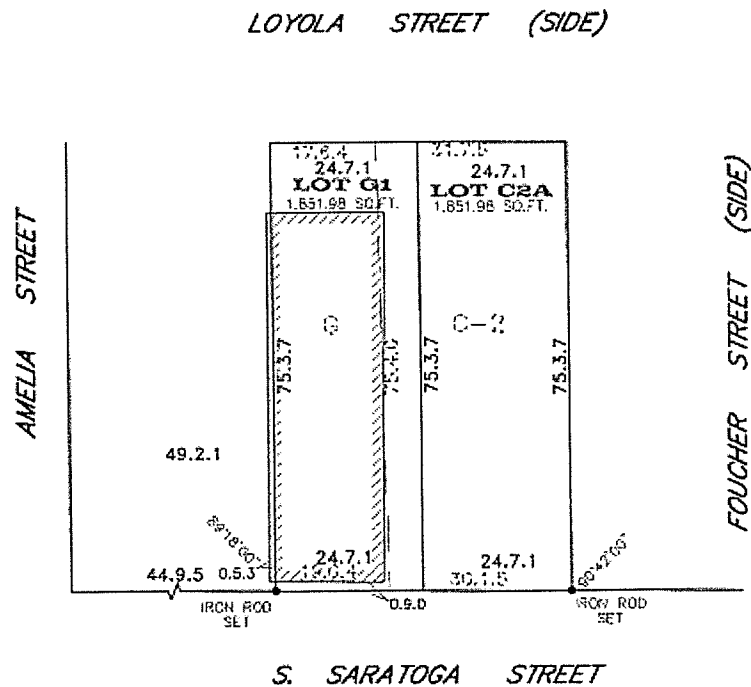
**Lot C-2** measures 30'-1 in width, 75'-4" in depth, and has an area of approximately 2,332 square feet.

Both lots front on S. Saratoga Street.

**Proposed**

**Lots:** **Lot C2A** would measure 24'-7" in width, 75'-4" in depth, and will contain an area of 1,852 square feet. The width of the existing Lot C-2 will be reduced by approximately 5.5 feet and its area by 480 square feet. This reduction in lot width will increase the degree of non-compliance for this already substandard lot in terms of lot width and lot area. These reductions will require variances from the Board of Zoning Adjustments (BZA) to allow the creation of the lot.

**Lot G1** would measure 24'-7" in width, 75'-4" in depth, and will contain an area of 1,852 square feet. The width of the existing Lot G will be increased by approximately 4.7 feet and its area by 480 square feet. This increase in lot width will decrease the degree of non-compliance for this substandard lot in terms of lot width and lot area. Because the extent of non-conformances will be decreased, no variances from the Board of Zoning Adjustments (BZA) will be required to create this lot. However, given the small size of Lot G1, future redevelopment of the lot will most likely require granting of the variances for off-street parking, rear yard setback and/or minimum Open Space Ratio (OSR).

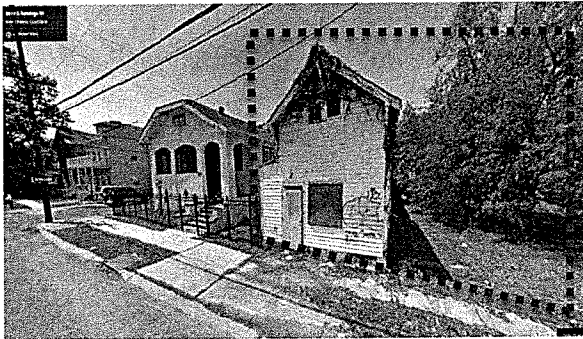


**ANALYSIS**

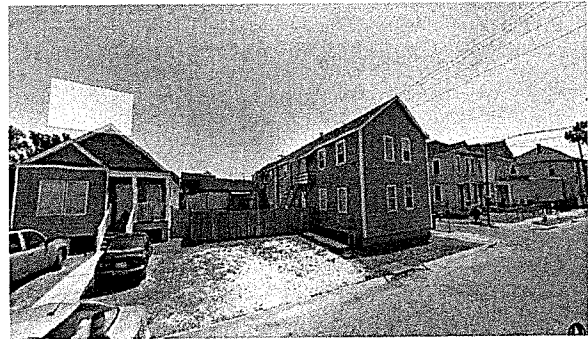
**Development in the Vicinity:**

The petitioned property is located within the Milan neighborhood and an extensive RD-2 Two-Family Residential District roughly bounded by the lakeside of Carondelet Street, the upriver portion of Louisiana Avenue, the downriver side of Napoleon Avenue and the riverside of Willow Street. The predominant land use of the neighborhood is a mix of single-, two-, and multiple-family residential dwellings. The structures are typical early-20<sup>th</sup> century frame, bungalow-style raised basements homes or 2-story wood-frame doubles all situated on relatively large lots. There are also smaller, single-story shotgun doubles in the three blocks radius from the petitioned site, located on smaller lots located within smaller, irregular shaped squares. The portion of the RD-2 Two-Family Residential District in which the subject property is located suffered significant damage from flooding following Hurricane Katrina, and some properties remain vacant or unoccupied.

Both petitioned lots are currently vacant. Lot G was previously developed with a vacant single-family residence which was originally constructed as a store, as indicated by historic Sanborn maps. The single-family residence was just recently demolished.<sup>1</sup> Lot C-2 was occupied by a single story party-wall double which was demolished because of the storm related damage. In the back of the petitioned site facing Loyola Avenue is a Baptist church with a large parking lot. The majority of properties within the same block are occupied with small shotgun style doubles or are vacant parcels.

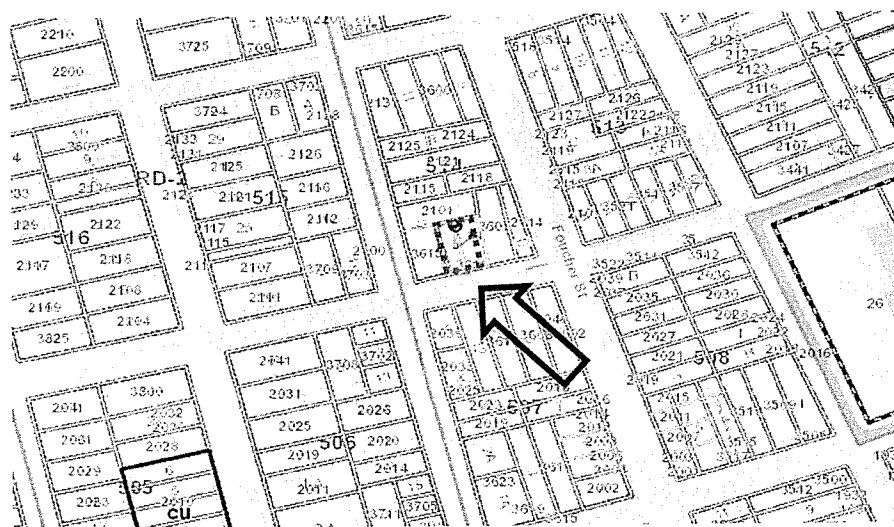


*Petitioned property*



*Property across the street from the petitioned site*

When examining aerial imagery and the New Orleans Assessor's records to determine the average lot size in the area, the staff found a substantial degree of variation in both the width and depth of individual lots. Despite these variations, two typical lot sizes have been identified in the general area of the petitioned property. The larger lots, located on squares upriver from the petitioned site measure about 35-40 feet in width and approximately 110 feet in depth. Smaller lots, typically measuring 25-30 feet in width and 80 feet in depth are generally located within the irregular size squares that are smaller than the typical 300'x300' city block. Several such lots are comparable to the existing lot C-2 (measuring 30'x75'), including lots on the adjacent Squares 513, 507 and 508 (see map below). The proposed lots G1 and C2A, which measure 24.6' in width and 75' in depth, would be generally comparable with the smaller lots in the area.



<sup>1</sup> The applicant received Building Permit No. 15-01262-DEMO for the demolition. A Certificate of Completion was issued 3/19/2015.

**COMPLIANCE WITH THE COMPREHENSIVE ZONING ORDINANCE AND THE SUBDIVISION REGULATIONS:**

The applicant proposes to resubdivide two (2) existing lots Lot G, and the adjacent lot, Lot C-2, by moving the interior lot line to create two (2) lots of identical width of 24.6 feet. The subdivision will facilitate the development of each lot with similar type and size of single-family residential structures. Both existing lots are substandard in size; they have less than the minimum required lot depth, lot width and lot area as prescribed by the underlying zoning district. Moving the side lot line would lessen the lot width and lot area deficiency of Lot G, but increase the deficiencies of Lot C-2. Pursuant to Article 15, Section 15.5.6(1),<sup>2</sup> because the lots are substandard in size and under common ownership, they cannot be developed separately without variances.

The proposed **Lot G1** will have a lot width larger than the original lot G by 4.7 feet and the lot area by 480 square feet. This increase in lot width will decrease the amount of non-compliances for this substandard lot in terms of lot width and lot area. Because the amount of non-conformance will be decreased, no variances from the Board of Zoning Adjustments (BZA) will be required for the newly proposed Lot G1.

The existing **Lot C-2** currently measures thirty (30'-1") feet one inch in width. The lot will be reduced in width by approximately 5.5 feet and in area by 480 square feet. This reduction will increase the amount of non-compliances in terms of lot width and lot area for the newly created **Lot C2A**. For the resubdivision to be approved as proposed, the following variances for the insufficient lot width and lot area for **Lot C2A** will have to be obtained from the Board of Zoning Adjustments:

**Section 15.2. (Table 15.A) – Minimum Lot Area -square feet**

Required: 4,400 for single family (Existing: 2,332)

Proposed: 1,852

Waiver: 480 square feet

**Section 4.5.7. (Table 4E) – Minimum Lot Width for Lot C2A**

Required: 40' for single family (Existing: 30'-1")

Provided: 24'-7"

Waiver: 5'-6"

As stated earlier, the applicant wishes to develop both lots with single-family residential structures. The applicant may also opt to develop these lots with a party-wall double in separate ownership. In that instance, the applicant will have to obtain waivers of standards

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<sup>2</sup> *Where a lot has less area than the minimum requirements for the district within which the lot is located and has continuously been a lot of record, in separate ownership from adjacent property, prior to and since the passage of this Ordinance, that lot may be used only for single-family dwelling purposes or for any non-dwelling purpose permitted in the district within which such lot is located.*

of Article 11, Section 11.33.4 for the minimum lot area and minimum lot width for both lots.

**Section 11.33.4 (a) – Minimum Lot Area -square feet (Lot G1 and C2A)**

Required: 2,500

Proposed: 1,852

Waiver: 648 square feet

**Section 11.33.4 (b) – Minimum Lot Width for (Lot G1 and C2A)**

Required: 25’

Provided: 24’-7”

Waiver: 0’-5”

The analysis of the lot sizes in the 3-block radius from the petitioned property reveals that there are a few other development sites that are comparable in size with the proposed lots. While most of these smaller lots have slightly larger lot width or lot depth than the proposed lots, Lots G1 and C2A, the planning staff believes that the proposed resubdivision will create lots that are generally in keeping with the neighborhood standards and not out of character for the area.

The staff will however suggest that the applicant consider redeveloping properties with a party-wall double in separate ownership to maximize the size of the developable site. The ability to have a common wall at the interior property line will eliminate a need for the required side yard setback of three (3) feet for each structure.

**Consistency with the Draft Comprehensive Zoning Ordinance**

According to the *Draft Comprehensive Zoning Ordinance* currently under consideration for adoption, the petitioned property will be zoned **HU-RD-2 Historic Urban Two Family Residential District**. The minimum lot size requirements for the proposed district are:

**Min Lot Area:** 2,250 sq. ft. for single family; 1,800 sq. ft. per unit for doubles

**Min Lot Width:** 30 feet

**Min Lot Depth:** 90 feet

**Max Lot Coverage:** 40%

To capture the reality of the existing densities within the historic neighborhoods, the proposed density standards for HU-RD-2 Historic Urban Two Family Residential District are lower than the ones for the existing RD-2 Two-Family Residential District. The proposed lots Lot G1 and C2A will be much closer to the standards of the proposed Zoning Ordinance for single family residential development. If Lots G1 and C2A are developed with a party-wall double in separate ownership, the project would meet the lot area and lot width requirements for the district.

**Utilities & Regulatory Agencies:**

The City Planning Commission, when reviewing subdivision proposals, requests responses from the Department of Property Management, Office 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. The agencies stated no objections to the proposed subdivision.

### **SUMMARY**

Subdivision Docket 029/15 is a request to readjust the interior property line between one small and one larger lot and create two new lots of record of equal size. The two existing lots as well as the two newly proposed lots are all nonconforming in terms of their width, depth and lot area. While the proposed subdivision will create densities that exceed ones permitted under the current CZO, the proposed lot sizes will not be a gross variation of the neighborhood standards for smaller lots. The subdivision will also come closer to meeting the density standards proposed within the Draft CZO for the HU-RD-2 Historic Urban Two Family Residential District. The staff believes that even though the proposal requires waivers from the Board of Zoning Adjustments for the noncompliant lot area and lot width for Lot C2A, the consistency of the proposal with the surrounding development pattern justifies the approval of the subdivision. The staff is therefore supportive of the request, subject to standard provisos.

### **PRELIMINARY STAFF RECOMMENDATION<sup>3</sup>**

The staff recommends **TENTATIVE APPROVAL** of Subdivision Docket 029/15, with final approval subject to four (4) provisos.

#### *Provisos*

1. The applicant shall apply for and secure a variance from the Board of Zoning Adjustments for insufficient lot area and lot width for the proposed Lot C2A. Alternatively, the applicant can apply and secure variances for insufficient lot area and lot width for G1 and Lot C2A if they are to be developed in a form of a party-wall double.
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<sup>3</sup> and two (2) prints and a digital copy of the final resubdivision survey in dwg., dxf, or ESRI compatible file format.

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<sup>3</sup> The preliminary staff recommendation is subject to modification by the City Planning Commission.

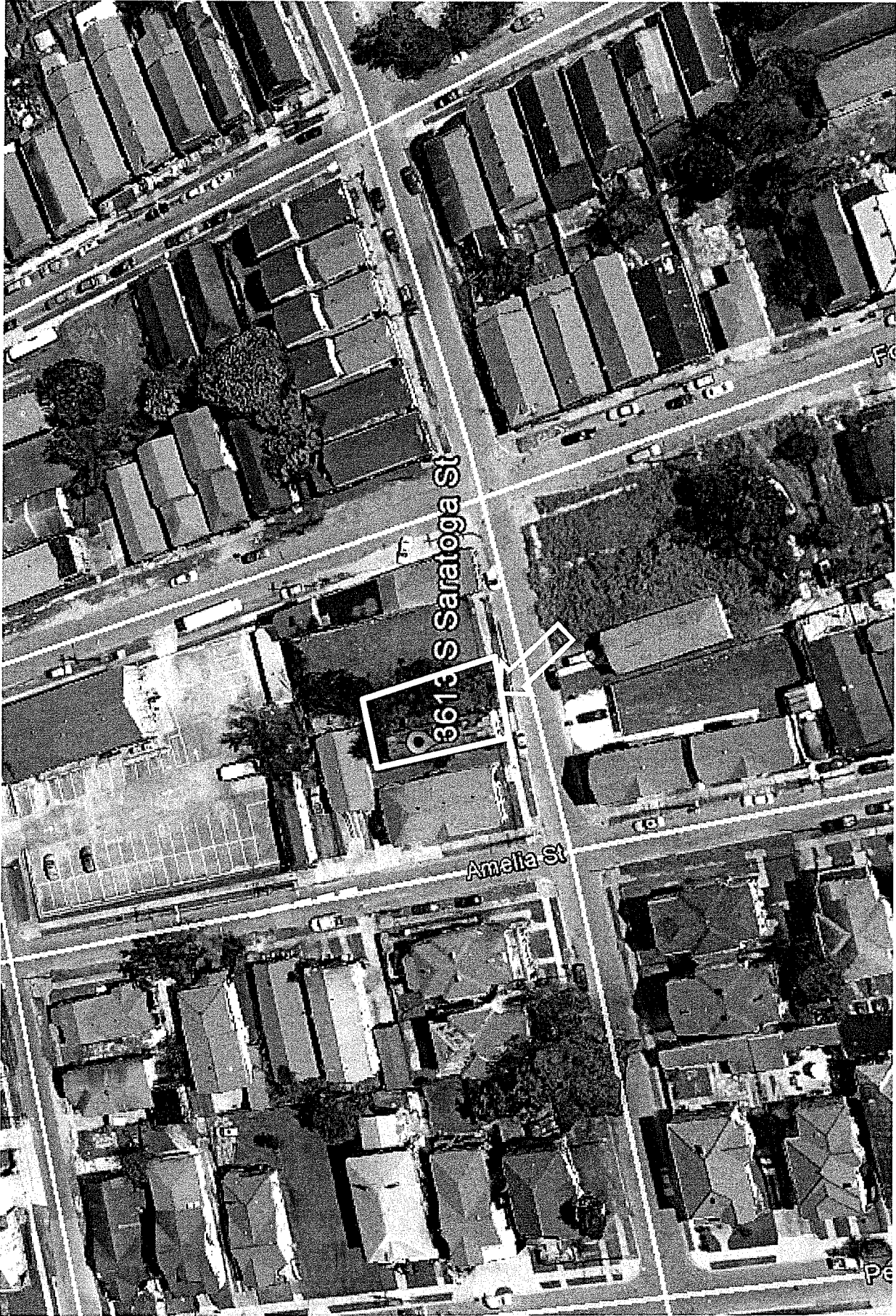
## **REASONS FOR RECOMMENDATION**

1. The proposed resubdivision will create two lots that are generally in keeping with the neighborhood standards for smaller lots.
2. The proposed resubdivision would allow for the site to be developed with a single-family residence (or a party-wall double), restoring occupancy to a vacant lots previously occupied by single and a two-family structures.



3609-3613 S. Saratoga Street





3613 S Saratoga St

Amelia St

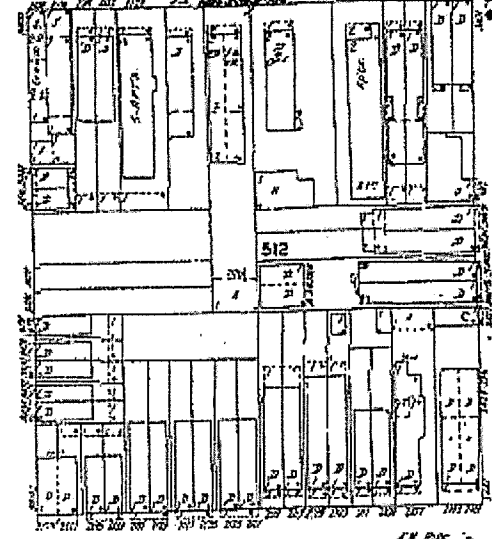
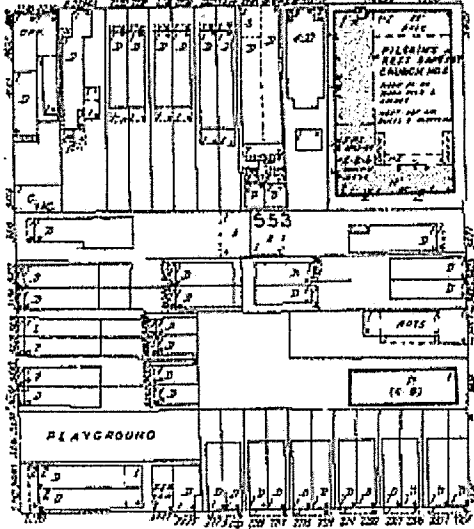
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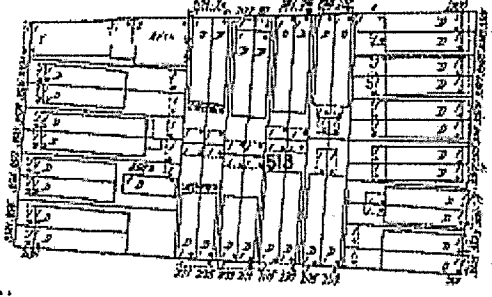
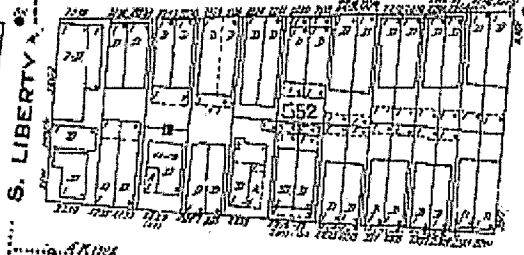
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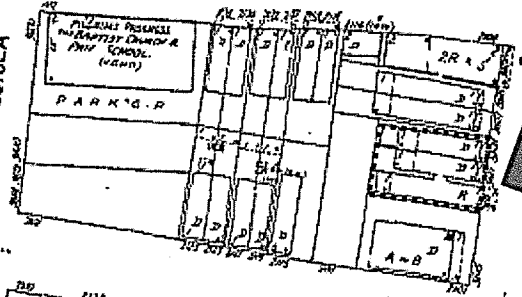
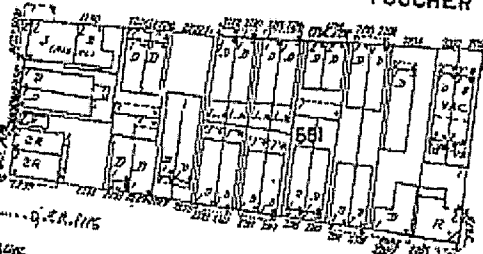
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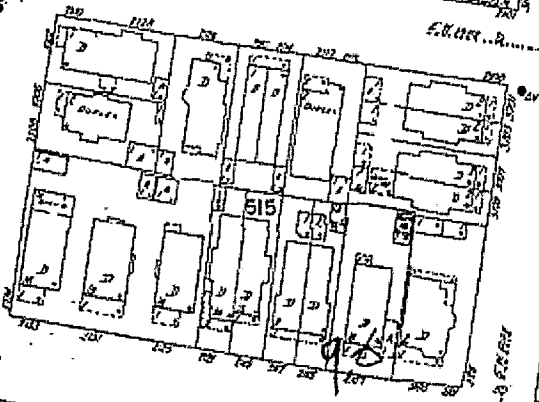
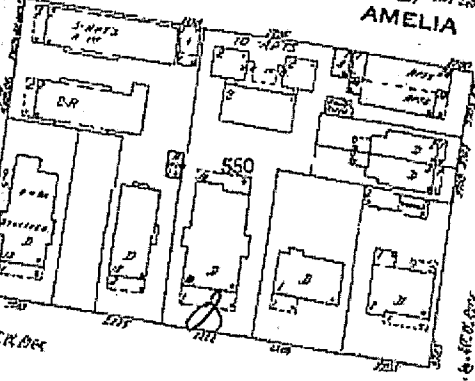
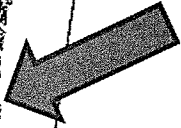
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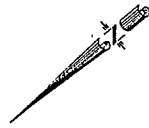


AMELIA



PENISTON

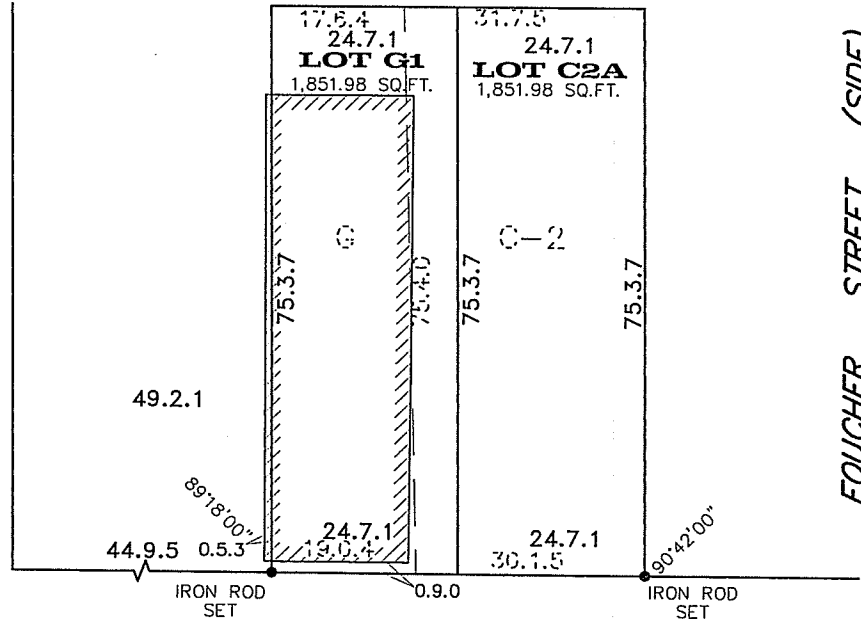
**RESUBDIVISION OF  
LOTS G AND C-2  
INTO LOTS G1 AND C2A  
SQUARE 514  
DELECHAISE  
SIXTH DISTRICT  
ORLEANS PARISH, LA**



LOYOLA STREET (SIDE)

AMELIA STREET

FOUCHER STREET (SIDE)

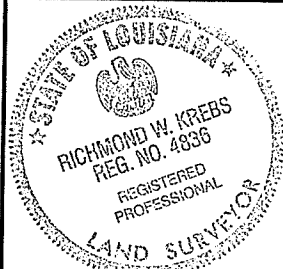


S. SARATOGA STREET

UNABLE TO SET REAR CORNERS OR MEASURE HOUSE DUE TO OVERGROWTH.

**NOTE:**

ALL ANGLES ARE 90° UNLESS OTHERWISE NOTED. SOME ITEMS MAY NOT BE TO SCALE FOR CLARITY. DIMENSIONS ON SURVEY PREVAIL OVER THE SCALE. FENCES ARE SHOWN FOR GENERAL INFORMATION PURPOSES ONLY AND DO NOT REFLECT EXACT LOCATION OR CONDITION.



**GENERAL NOTES**

ANGLES AND/OR BEARINGS ARE BASED ON REFERENCE PLAN #1  
REFERENCE PLAN #1: A PLAN OF SURVEY BY GILBERT, KELLY AND COUTURE DATED AUGUST 8, 2005

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

THIS PERIMETER SURVEY SHALL NOT CONSTITUTE A LEGAL OPINION OF TITLE, AND SHALL NOT BE RELIED UPON FOR THAT PURPOSE. THERE IS NO WARRANTY THAT IT CONFORMS TO THE LEGAL TITLE, AND WAS MADE SOLELY ACCORDING TO THE INFORMATION PROVIDED THE SURVEYOR.

**ELEVATION NOTES**

THIS IS CERTIFY THAT SUBJECT PROPERTY IS LOCATED IN THE FOLLOWING FLOOD ZONE, PER FLOOD INSURANCE RATE MAP (FIRM) DATED: 3/1/84  
FLOOD ZONE: A1  
BASE FLOOD ELEVATION: 15'  
COMMUNITY PANEL: 225203 0160 E

THIS IS TO CERTIFY THAT THE PROPERTY BOUNDARY SURVEY RECORDED HEREON WAS MADE ON THE GROUND UNDER MY DIRECT SUPERVISION, AND IS IN ACCORDANCE WITH APPLICABLE STANDARDS OF PRACTICE FOR PROFESSIONAL LAND SURVEYORS AS STIPULATED IN LOUISIANA ADMINISTRATIVE CODE TITLE: 46:LXI, CHAPTER 25 FOR A CLASS "C" (SUBURBAN) SURVEY

MADE AT THE REQUEST OF CHARLES RUTLEDGE

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BY:

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