

City Planning Commission Meeting – May 26, 2015

CONSIDERATION – SUBDIVISION DOCKET – 046/15

Applicant: Detmias Holdings, LLC

Prepared By: Larry Massey, Jr.

Date: May 13, 2105

Deadline: July 17, 2015

GENERAL INFORMATION

Proposal: Subdivision of Lot B into Lots B1, B2, and B3

Location: Square 87, Fourth Municipal District, bounded by Pleasant, Annunciation, Chippewa, and Toledano Streets. The municipal addresses are 744, 746, and 748 Pleasant Street. (PD 2)

Zoning: RD-3 Two-Family Residential District

Current

Land Use: Existing Lot B is developed with a vacant three-family dwelling. This request would divide the existing lot so that each unit is on its own lot.



Required: Article 4, Section 4.6.7 (Table 4.F) of the Comprehensive Zoning Ordinance requires town house lot to provide a minimum lot width of 18 feet, a minimum lot depth of 90 feet, and a minimum lot area of 2,000 square feet. Article 11, Section 11.33 Residential, Two-Family Dwellings and Town Houses further lists requirements allowing town houses in the RD-3 District to be located on lots that do not conform to the district requirements for lot area and lot area per dwelling unit provided that the average for all dwelling units in the building equals or exceeds the

minimum requirements, and provided no lot is created with a lot area less than 1,800 square feet.

Lot B1 would have a width of 15 feet 3 inches, a depth of 60 feet, and a lot area of 918.6 square feet. Lot B2 would measure a width of 13 feet, a depth of 60 feet, and contain an area of 782.4 square feet. Lot B3 would measure a width of 15 feet 10 inches, a depth of 60 feet, and contain an area of 947.1 square feet. All three proposed lots would fail to meet the town house lot width, depth, and area requirements of the RD-3 District and **Section 11.33**.

The Commission has classified all Minor and Major Subdivisions into seven categories, based on the particular aspects of the proposal. This proposed subdivision is to be reviewed under *Policy B: In Compliance With Regulations or Constituting General Improvements to the Existing Plat*. These cases are to be considered for approval or denial based upon review of three criteria. First, no lot is to be reduced in area below the minimum lot size required by the Zoning Ordinance. Second, the new condition is to create 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 required by the regulations. Third, improvements exist that predate the May, 1950 original adoption of the Subdivision Regulations. Cases that clearly meet these three criteria are eligible for administrative approval, but cases that are doubtful such as this proposal, are to be referred to the City Planning Commission.

**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 (where applicable), 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 & Permits commented that the structure will need extensive modifications in order to create common fire-rated walls on the proposed lot lines. Design approval of the modifications should be performed prior to the resubdivision approval. Plans should be submitted showing the true nature of the work and must obtain approval by the State Fire Marshall.

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.

The representative of the Sewerage and Water Board stated that subsurface drainage was available, and noted that sewer and water facilities are available and that a note should be shown on the subdivision plans stating that sewer and water house connections are the responsibility of the property owner.

The Department of Public Works noted no objection to the subdivision request.

At the time of this writing, Entergy and the Historic Districts Landmarks Commission had not completed their review of the proposed subdivision.

ANALYSIS

Development in the Vicinity:

The petitioned site is located in the Irish Channel neighborhood in a large RD-3 Two-Family Residential District. This district is generally bounded by Louisiana Avenue and the rear property lines of the properties fronting Tchoupitoulas and Magazine Streets, and Jackson Avenue. This district is developed primarily with single- and two-family dwellings. Structures in this area generally consist of single-story shotguns and creole cottages dating from the late 19th century to the 20th century. This district also contains the Brignac Playspot, the Burke Playground, and Live Oak Elementary School.

The petitioned lot is located on a square bounded upriver by Toledano Street and downriver by Pleasant Street. Beginning at Tchoupitoulas Street, these streets angle towards each other until they meet at Saint Charles Avenue. The squares between the two streets become narrower the farther away from the river they are. For example, Square 17 is closest to the Mississippi River and measures approximately 259.4 feet at its widest. Square 223 is nearest Saint Charles Avenue and measures approximately 15 feet at its narrowest. This condition creates a significant amount of double frontage lots, and many squares on which the lot depths were not divided equally between the Pleasant and Toledano Street frontages. The median depth of a lot fronting Pleasant Street on Square 87, the petitioned site's square, is approximately 60 feet. This is less than half of the 140 foot median depth of the lots fronting Toledano Street. Furthermore, the lots on the Pleasant Street side of Square 87 have a median width of approximately 25 feet, and contain a median lot area of 1,500 square feet. Lot B is one of the larger lots on a blockface with very shallow and narrow lots.

The petitioned site's RD-2 District abuts an LI Light Industrial District that includes the properties fronting Tchoupitoulas Street from General Taylor to Soraparu Street. Uses in this district include several automotive repair shops, a wholesale florist, a shutter warehouse, and Camp Bow Wow, a camp-themed dog day-care and boarding facility.

This district also includes all of the riverfront Port of New Orleans facilities from Louisiana Avenue to Race Street, and includes the First Street Wharf and a portion of the Louisiana Avenue Terminal Complex.

Other neighboring districts include a B-1A Neighborhood Business District and RM-2 Multiple-Family Residential District along Magazine Street, and an RM-2A Multiple-Family Residential District that begins at Jackson Avenue.

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, a town house dwelling is required an area of 2,000 square feet of area, a width of 18 feet, and a depth of 90 feet. **Article 11, Section 11.33** allows town houses to be on lots that are deficient in area provided the average lot area per dwelling unit is 2,000 square feet and that no lots are created that are below 1,800 square feet in area. The applicant is proposing three town house lots that do not meet any of the lot requirements of the RD-3 District nor the supplemental regulations in **Section 11.33**.

Policy B Review

This subdivision application is to be reviewed under *Policy B: In Compliance With Regulations or Constituting General Improvements to the Existing Plat*. **Article 3, Section 3.2.2** of the Subdivision Regulations states that subdivision applications meeting all of the following criteria may be granted Administrative Approval by the Executive Director of the City Planning Commission under Policy B.

- 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.

Those subdivision applications which do not meet all of the criteria must be considered by the City Planning Commission. As discussed below, this subdivision meets only one of the three criteria, so it must be evaluated by the Commission.

Compliance with the criteria of Policy B:

Criterion A: The existing three-family residence is a non-conforming use in the RD-3 District. The RD-3 District does not prescribe lot requirements for non-conforming multiple-family dwellings because they are not permitted uses in the district. The following table shows how the existing lot compares to the lot requirements for permitted uses of the district.

Table 1: RD-3 District lot requirements and Lot B measurements

Lot Requirements	RD-3 Two Family Residential Lot Requirements				Lot B
	Single-Family	Two-Family	Townhouse	Nonresidential	
Area ¹	3,600 sq. ft.	1,800 sq. ft.	2,000 sq. ft.	20,000 sq. ft.	2,648.1 sq. ft.
Width	30 ft.	30 ft.	18 ft.	100 ft.	44 ft. 2 in.
Depth	90 ft.	90 ft.	90 ft.	100 ft.	60 ft.

¹ Lot area per dwelling unit

Existing Lot B does not meet the area, width, and depth requirements for any of the permitted uses in the RD-3 District. This is mainly due to its shallow depth, which also contributes to its lack of sufficient lot area. Lot B is closest to meeting the requirements of town houses, but is 33% deficient in lot depth.

Table 2: RD-3 District lot requirements and proposed lot measurements

Lot Requirements	RD-3 District Lot Requirements	Proposed Lots		
	Townhouse	B1	B1	B3
Area	1,800 sq. ft. ¹	918.6 sq. ft.	782.4 sq. ft.	947.1 sq. ft.
Width	18 ft.	15 ft. 3 in.	13 ft.	15 ft. 10 in.
Depth	90 ft.	60 ft.	60 ft.	60 ft.

¹ Article 11, Section 11.33 allows town houses to be on lots deficient in area provided no lot is less than 1,800 square feet

The subdivision of Lot B into Lots B1, B2, and B3 would reduce an already deficient lot further below the lot requirements of the RD-3 District. The proposed lots are deficient in area by 47% to 57%, deficient in width by 12% to 28%, and deficient in depth by 33%. The creation of these lots would create three town house lots that are substantially deficient of lot requirements of the RD-3 District and town house regulations of **Section 11.33**. Since proposed Lots B1, B2, and B3 are below the minimum lot size requirements, the request does not meet criterion A.

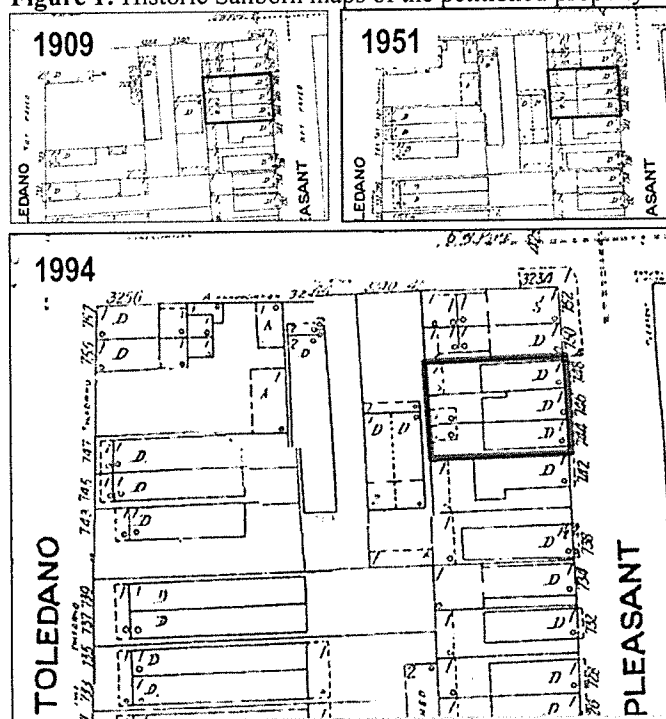
Criterion B:

The staff sometimes considers this criterion to be a deficiency of the City's Subdivision Regulations when evaluating subdivision application for properties in historic neighborhoods because it considers large lots universally preferable to smaller lots. In this case, the reduction of the lot size is so extreme that it would not constitute an improvement over the current condition or be representative of the lot configuration of the surrounding area. The three proposed lots would be more narrow and shallow than the other lots on Square 87, which is a square composed of numerous narrow and shallow lots. Since the proposed subdivision does not increase the size of the lot and the proposal would not be considered an improvement over the existing condition, the request does not meet criterion B.

Criterion C:

Historic Sanborn maps show the site was developed as early as 1909 with a three-family dwelling, so the site was used prior to the adoption of the Subdivision Regulations in 1950. The three Sanborn maps shown below illustrate that there has been no significant changes to the petitioned site between 1909 and 1994. A two-story addition was constructed at the rear of the historic structure sometime after 1994, but does not appear to have significantly altered the historic structure. Since the existing three-family structure was constructed prior to 1950, the request meets criterion C.

Figure 1: Historic Sanborn maps of the petitioned property



This analysis shows that the request meets one of the three criteria of Policy B. The improvement on the site dates back to 1909, so it pre-dates the adoption of the subdivision regulations by several decades. The proposal does not, however, meet any of the lot requirements of the RD-3 District or supplemental regulations for town houses. The proposed lots would not increase the size of the lot, and the reduction in the lot size is so extreme that the request would not be considered an improvement to the current condition.

While the staff does not support the subdivision's approval, if the subdivision is approved, it would still be necessary for the applicant to secure from the Board of Zoning Adjustments variances to allow the area, depth, width, and setbacks of proposed Lots B1, B2, and B3 to be less than required by the Comprehensive Zoning Ordinance.

- The applicant shall apply for and secure a variance from the Board of Zoning Adjustments for insufficient lot area, depth, width, and setbacks for proposed Lots B1, B2, and B3.

SUMMARY

Subdivision Docket 046/15 is a request to resubdivide Lot B into Lots B1, B2, and B3. The petitioned site is located in the Irish Channel neighborhood and fronts on Pleasant Street. The existing Lot B is developed with a vacant three-family residential structure which would be divided into three town house lots under this proposal. The creation of these lots would create lots that are deficient in area by 47% to 57%, deficient in width by 12% to 28%, and deficient in depth by 33%. The request fails to meet criteria "a" and "b" of Policy B of the Subdivision Regulations in that it does not meet the requirements of the Comprehensive Zoning Ordinance, and it does not increase the size of the existing lot or constitute a general improvement over the existing condition. For this reason, the staff recommends denial of this request.

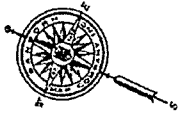
PRELIMINARY STAFF RECOMMENDATION¹

The staff recommends **DENIAL** of Subdivision Docket 046/15.

REASONS FOR RECOMMENDATION

1. The proposed resubdivision would create three town house lots that are substantially deficient of the requirements of the RD-3 Two-Family Residential District. These lots would be deficient in area by 47% to 57% each, deficient in width by 12% to 28% each, and deficient in depth by 33% each.
2. The proposed lot configuration would not be considered an improvement over the existing condition due to the proposed lots being smaller and less compliant than the existing lots.

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



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PLEASANT

SD 046-15

TOLEDANO

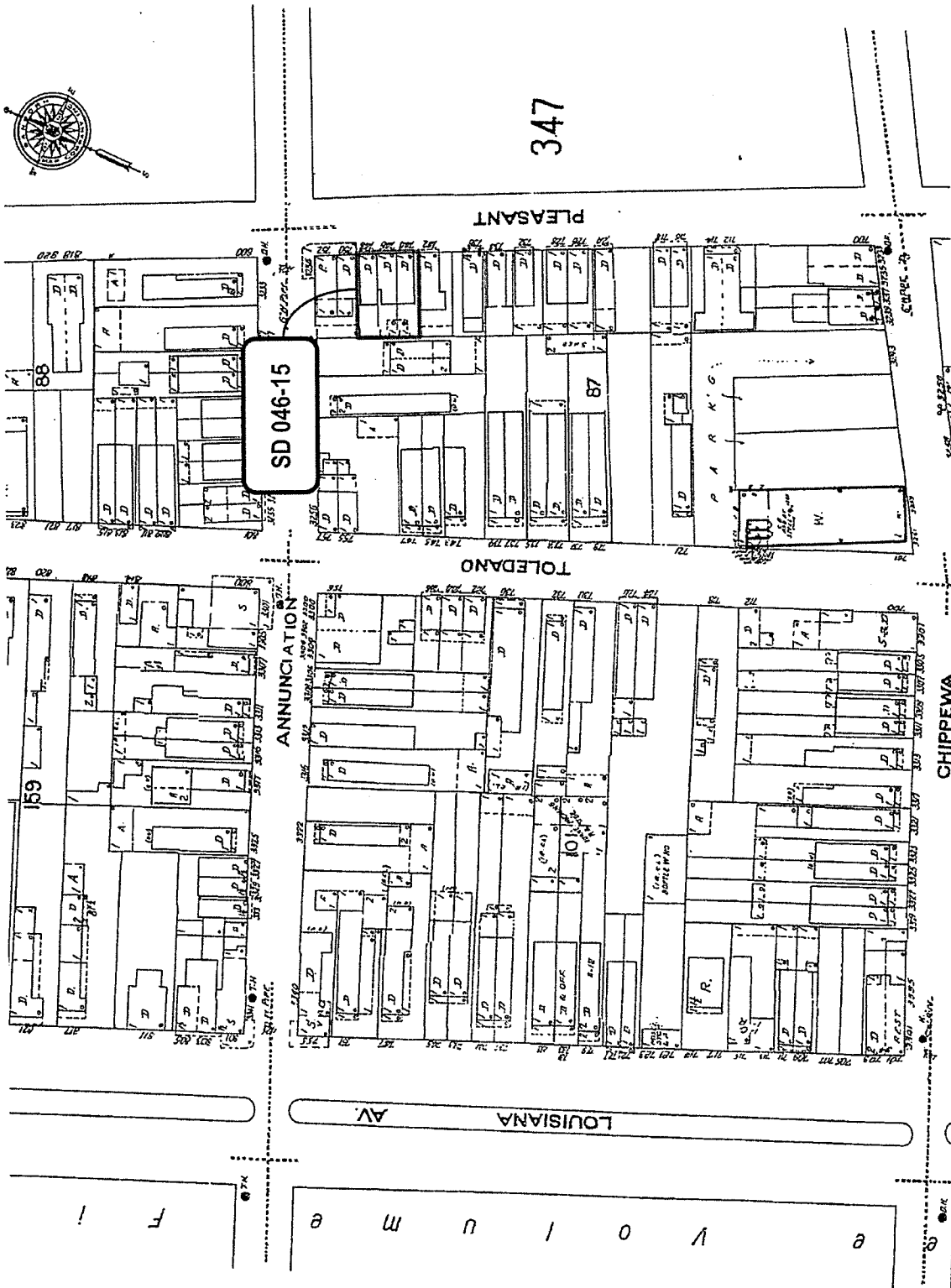
ANNUNCIATION

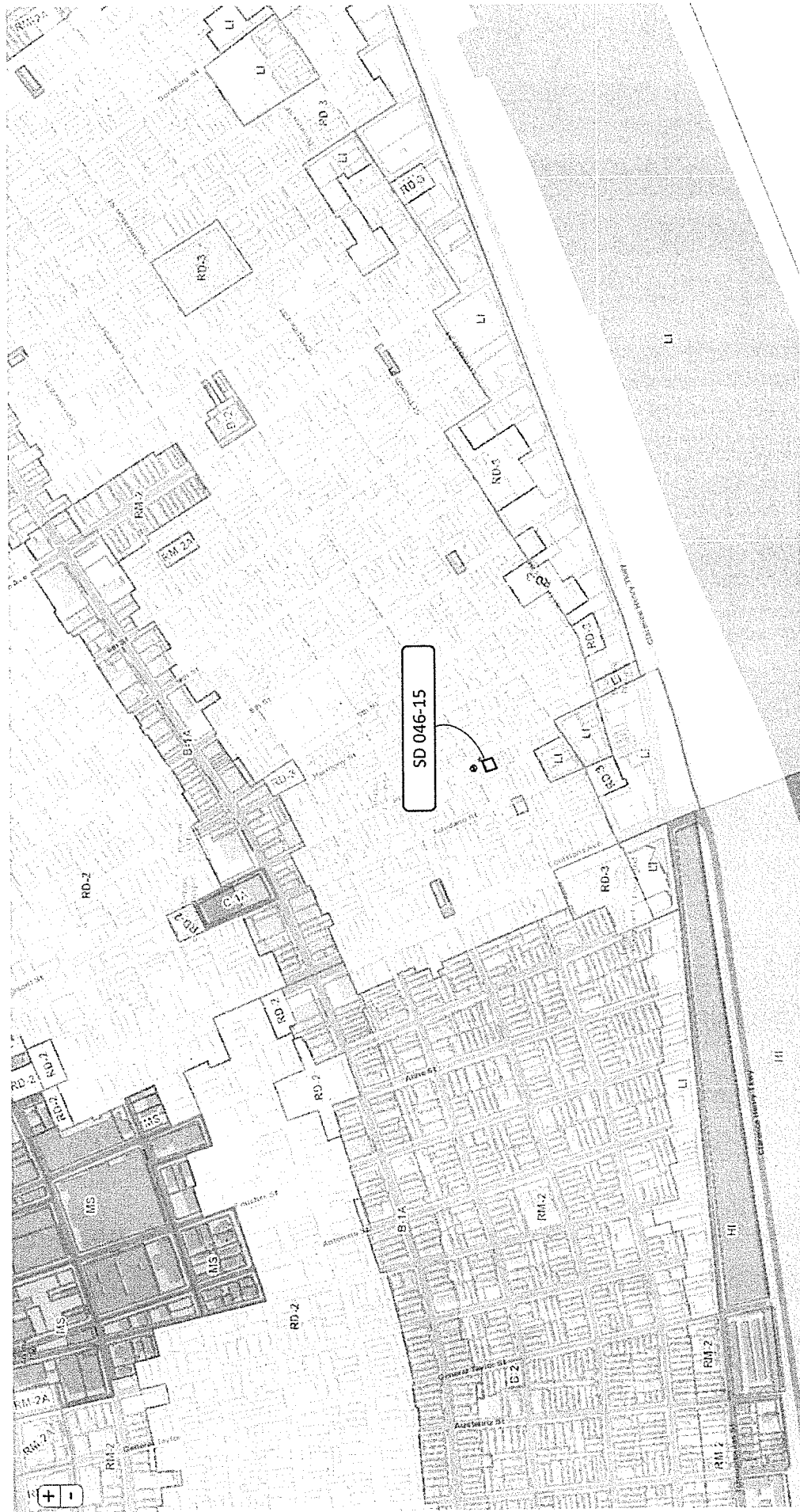
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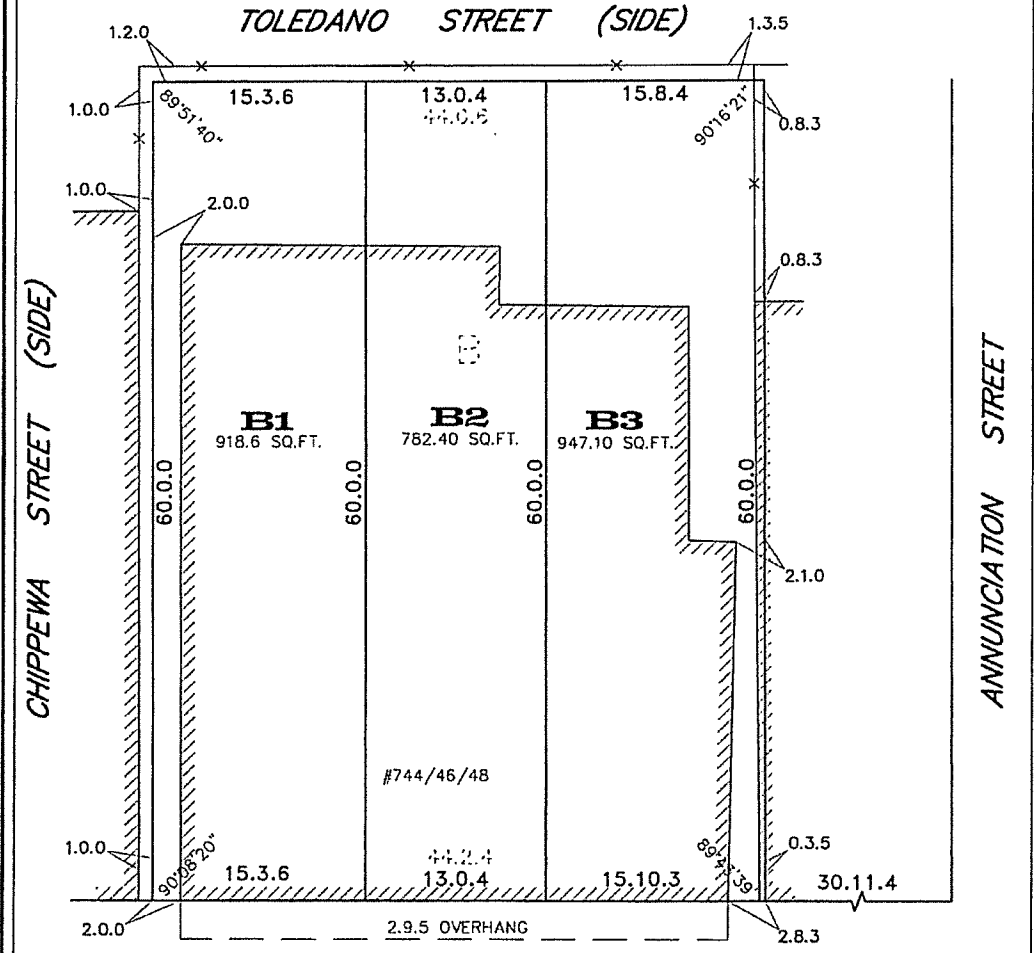
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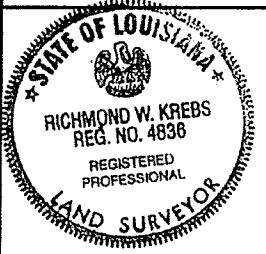




**RESUBDIVISION OF
LOT B INTO LOTS B1, B2 & B3
SQUARE 87
FOURTH DISTRICT
ORLEANS PARISH, LA**



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 AND KELLY DATED JULY 17, 1926

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: 3/1/04
BASE FLOOD ELEVATION: N/A
FLOOD ZONE: B
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:XXI, CHAPTER 25 FOR A CLASS "C" (SUBURBAN) SURVEY

MADE AT THE REQUEST OF CHRIS GENARD
REVISED TO ADDRESS COMMENTS MARCH 19, 2015

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BY: *Richmond W. Krebs*

DATE: JANUARY 26, 2015	DRAWN BY: WRB
SCALE: 1" = 10'	CHECKED BY:
JOB #: 150105	COPYRIGHT © 2007 ALL RIGHTS RESERVED R.W. KREBS, LLC