ST. CHARLES PARISH ZONING BOARD OF ADJUSTMENT January 19, 2023 6:00 P.M.

CALL TO ORDER PLEDGE OF ALLEGIANCE

- 2022 45 ZBA requested by <u>Parker & Kelsey Rogers</u> to reduce the required setback for a whole home generator and remove the required height restriction for a residential fence within the front yard at 100 Audubon Place, Destrehan. Zoning District R-1B. Council District 2.
- 6 <u>2022 46 ZBA</u> requested by <u>Akinyanju Adeyanju</u> to reduce the required setback for an air conditioner condenser unit at 61 Dunleith Drive, Destrehan. Zoning District R-1A. Council District 3.
- **2022 47 ZBA** requested by <u>Christopher Heurtin</u> to reduce the required construction elevation at **205 Common Street, Paradis.** Council District 4.

UNFINISHED BUSINESS -NEW BUSINESS -MINUTES -ADJOURN



Department of Planning & Zoning Staff Report – Zoning Board of Adjustments Case No. 2022-45-ZBA

GENERAL APPLICATION INFORMATION

NAME/ADDRESS OF APPLICANT:

Parker and Kelsey Rogers 100 Audubon Place Destrehan, LA 70047 318.308.4109; progers890@gmail.com

LOCATION OF SITE:

100 Audubon Place, Destrehan; Lot 1, Destrehan Plantation Estates

REQUESTED ACTION:

- Remove the height restriction limiting residential fences erected within the required front yard setback to 4 feet.
- Reduce the required setback for a generator from 5 feet to 4 feet

SITE INFORMATION

SIZE OF PROPERTY: 11,255.69 sq. ft.

EXISTING ZONING: R-1B, Single family residential detached conventional homes—Light to medium

density

SURROUNDING ZONING AND LAND USE: R-1B abuts to the front, rear, and north side, B2 abuts to

the River Road side; the site is in a developing single family subdivision.

FUTURE LAND USE RECOMMENDATION: Business Park

TRAFFIC ACCESS: Audubon Place, via River Road **BASE FLOOD ELEVATION (BFE):** DFIRM X Zone

APPLICABLE CODE REGULATION(S)

Appendix A. Section IV. General Provisions

- 5. Fences: Fences shall comply with the following requirements:
 - a. Fence height measurements shall include the chain wall in cases where a fence is positioned on top a chain wall.
 - b. Residential fences erected within the required front yard setback shall not exceed four (4) feet in height above the finished grade of the fenced property adjacent to the fence.
 - c. No fence shall be erected so as to block vehicular travel sight lines as defined in AASHTO (American Association of State Highway and Transportation Official Manual).
 - d. No fence will be permitted on corner lots within twenty (20) feet of the intersection with said twenty (20) feet to be measured from the property corner along the front and side property lines. In cases where corner lots do not have a lot corner (lots with a radius located at the intersection), no fence will be permitted within a triangular area bounded by a point created by the intersection of the projection of the front and side property lines and two (2) points along these lines measured twenty (20) feet back from the point created by the described intersection.

Appendix A., Section X. Exceptions and modifications

- C. Exceptions and Modifications to Use Regulations:
 - 1. Power plants, heating, or cooling plants, or apparatus or machinery which are accessory to permitted uses all districts shall be permitted only if so placed and operated to cause the least inconvenience to owners and tenants of adjoining lots and buildings; and provided that all of the above mentioned activities comply with existing parish ordinances and do not cause serious annoyance or injury to occupants of adjoining premises by reason of the emission of odors, fumes, or gases, dust, smoke, noise or vibration, light or glare, or other nuisance. Specifically these units are to be placed no closer than five (5) feet to any property line in any O-L or residential zoning districts and no closer than ten (10) feet to any property line in any commercial or industrial zoning district. (Ord. No. 83-8-10, § II, 8-15-83; Ord. No. 03-11-5, § I, 11-17-03)

DEPARTMENT ANALYSIS & FINDINGS

- 1. Lot 1, Destrehan Plantation Estates was platted in 2018 and meets or exceeds the minimum width and lot area requirements for the R-1B Zoning district.
- 2. The existing house was permitted in 2022 (Permit No. 42782-22).
- 3. The Board of Adjustments has approved a front yard and side yard setback variance at Lot J-2A-2 (2022-40-ZBA).
- 4. No variances for mechanical equipment setbacks have been heard in this area.
- 5. No variances for residential fence height have been heard in this area.
- 6. If approved, the fence in the front yard setback would still need to meet other fencing provisions such as:
 - c. No fence shall be erected so as to block vehicular travel sight lines as defined in AASHTO (American Association of State Highway and Transportation Official Manual).
 - d. No fence will be permitted on corner lots within twenty (20) feet of the intersection with said twenty (20) feet to be measured from the property corner along the front and side property lines. In cases where corner lots do not have a lot corner (lots with a radius located at the intersection), no fence will be permitted within a triangular area bounded by a point created by the intersection of the projection of the front and side property lines and two (2) points along these lines measured twenty (20) feet back from the point created by the described intersection.
- 7. In order to meet the zoning district requirements, the applicant can relocate the proposed generator to a location that meets zoning requirements and the fence could be installed at 4 feet tall.

2022-45-ZBA, Parker & Kelsey Rogers

Reduce setback for a whole home generator and remove height restriction for a fence in the front yard.





ST. CHARLES PARISH

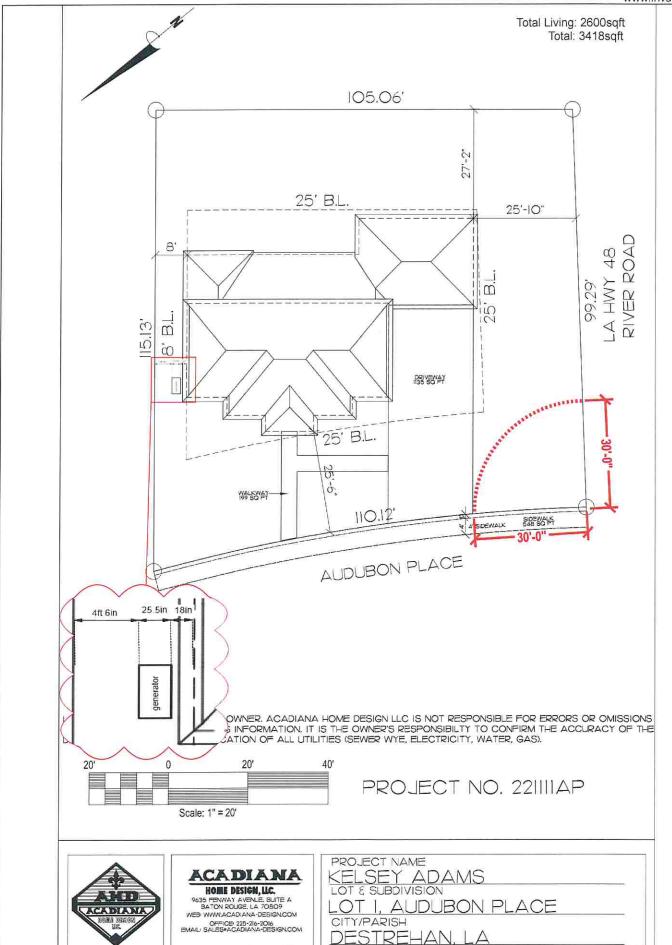
APPLICATION FEE:

Single-Family Residential: \$150 All Other: \$250

DEPARTMENT OF PLANNING AND ZONING APPLICATION TO THE ZONING BOARD OF ADJUSTMENT

P.O Box 302 • Hahnville, Louisiana 70057 • (985) 783-5060 • Fax (985) 783-6447

Municipal Address of Request 100 Audubon Place	ce		
City Destrehan	_{State} LA	_{Zip} _70047	7
Subdivision Destrehan Plantation Estates, Audubon Pla			
Owner/Applicant Name Parker Rogers, Kelse			
Mailing Address 100 Audubon Place			
Destrehan	State LA	_{Zip} 70047	7
Phone # 318-308-4109 Email F			
APPLICANT TESTIMONY: Why can't your project meet the zo		This R1-B corner lot rea	uires 5ft more setback than R1-A
and has a 30ft setback for driveways from the corner. The setback requirem			
setbacks create a hardship to overcome while still meeting the restrictive	covenant minimum o	f 2500sf. The two (2)	variances being requested:
1) reduce side yard requirement from 5ft to 4ft to install whole home generator 2) fence height to 1.	measurement along River Ro	ad increase from 4 feet to 8	feet for privacy and noise reduction
Please attach any additional information to	clarify or explain you	ır request to the Bo	ard.
OWNER'S ENDORSEMENT: STATE OF LOUISIANA, PARISH OF	ST. CHARLES		
OWNER:	NOTARY PUBLI		7.5
Parker Rogers, Kelsey Rogers being duly sworn,	Subscribed and	sworn to before r	me this 1944 day
(Print Name) deposes and states (i) that he or she is the owners of the	of Decem	ber,20	22 in my
property described in this application; (ii) that all statements contained in this application are true to the	office at	Luling	Dorald L. Lichenstein III
best of his knowledge and belief; and (iii) that he or she	1 2		Notary Public State of Louisiana
authorizes the foregoing petition.	Louisiana.		Notary ID # 131940 My Commission is for Life
Julesty, days	Signature of Notary	Public)	SEAL
(Signature of owner)			
ZBA Case #: <u>3022-45</u> Property Identification #: <u>305</u>	E USE ONLY:		nlalm
ZBA Case #: <u>3033-95</u> Property Identification #: <u>303</u>	90000001	Date submitte	ed: 12/19/22
Receipt #: 8992533 Flood Zone:	X	Zoning Distri	ct: KIB
Subdivision Name: Destrehan Plantation Estate			
Square # Lot #	Block	Property sq. ft.	1,255,69
Code Section being appealed: IV - fence height	V-RIB set be	ick	





Department of Planning & Zoning Staff Report – Zoning Board of Adjustments Case No. 2022-46-ZBA

GENERAL APPLICATION INFORMATION

NAME/ADDRESS OF APPLICANT:

Akinyanju Adeyanju 4006 Georgetown Drive Metairie, LA 70001 337.321.2415; akkenzogag@gmail.com

LOCATION OF SITE:

61 Dunleith Drive, Destrehan; Lot 317, Sq. 5 of Ormond Country Club Estates, Sec. 1

REQUESTED ACTION:

Reduce required setbacks for two separate air conditioner condenser units from 5 ft. to 2.5 ft. within each side yard.

SITE INFORMATION

SIZE OF PROPERTY: 7, 683.33 sq. ft.

EXISTING ZONING: R-1A, Single family residential detached conventional homes—Medium density SURROUNDING ZONING AND LAND USE: R-1A surrounds the site; the site is in a developed neighborhood with single-family houses.

FUTURE LAND USE RECOMMENDATION: Low Density Residential

TRAFFIC ACCESS: Local Streets

BASE FLOOD ELEVATION (BFE): AE2.5

APPLICABLE CODE REGULATION(S)

Appendix A., Section X. C. Exceptions and Modifications to Use Regulations:

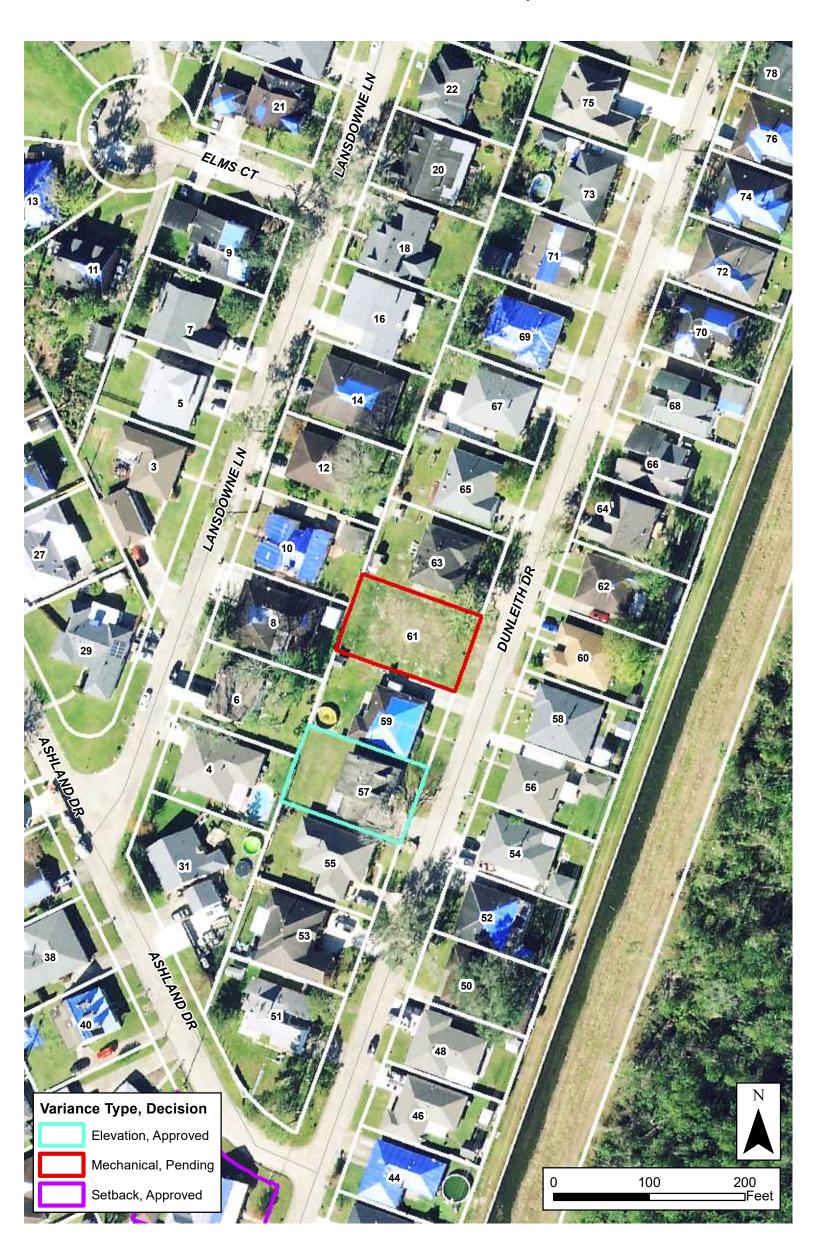
1. Power plants, heating, or cooling plants, or apparatus or machinery which are accessory to permitted uses all districts shall be permitted only if so placed and operated to cause the least inconvenience to owners and tenants of adjoining lots and buildings; and provided that all of the above mentioned activities comply with existing parish ordinances and do not cause serious annoyance or injury to occupants of adjoining premises by reason of the emission of odors, fumes, or gases, dust, smoke, noise or vibration, light or glare, or other nuisance. Specifically these units are to be placed no closer than five (5) feet to any property line in any O-L or residential zoning districts and no closer than ten (10) feet to any property line in any commercial or industrial zoning district.

DEPARTMENT ANALYSIS & FINDINGS

- On December 15, 2022 the contractor, Milioto Homes, submitted plans that showed the AC units were installed within the required setbacks for cooling units. Permits advised that the AC units would need to be removed from the setback. Contractor stated that they could not be moved at this point in construction.
- 2. Lot 317, Sq. 5, Ormond Country Club Estates, Section 1 was platted in 1977 and meets or exceeds the minimum width and lot area requirements for the R-1A Zoning district.
- 3. The construction of the home was permitted in 2022. (Permit No. 42873-22). Permit has not received final Certificate of Completion.
- 4. The Board of Adjustments has not heard or granted similar variances in this area.
- 5. In order to meet the zoning district requirements the applicant would have to move the air conditioning units to a code compliant location on the property.

2022-46-ZBA, Akinyanju Adeyanju

Reduce setback for an AC compresor unit.





ST. CHARLES PARISH

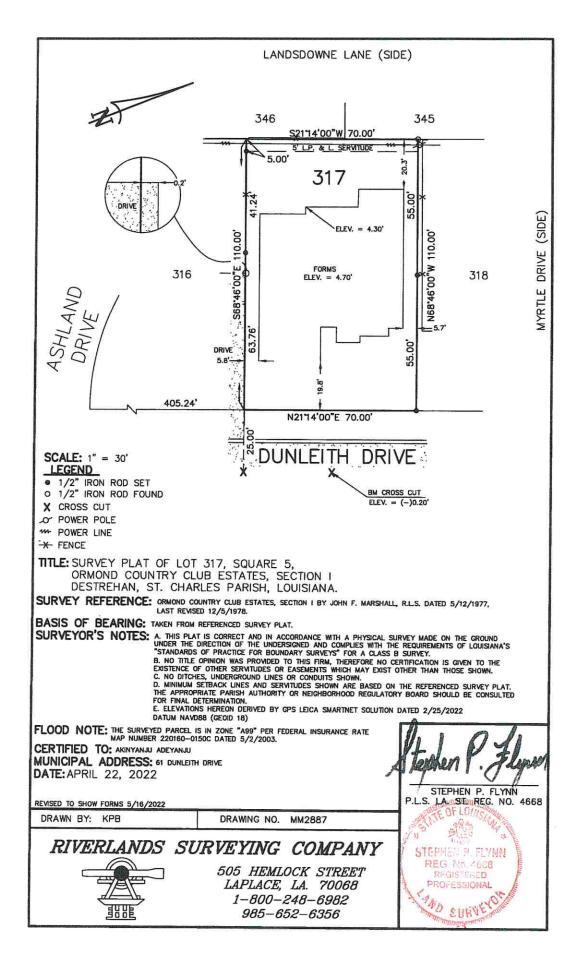
APPLICATION FEE:

Single-Family Residential: \$150 All Other: \$250

DEPARTMENT OF PLANNING AND ZONING APPLICATION TO THE ZONING BOARD OF ADJUSTMENT

P.O Box 302 • Hahnville, Louisiana 70057 • (985) 783-5060 • Fax (985) 783-6447

Municipal Address of Request 61 PUNLEITH DRIVE					
City DESTREHAM	State Zip 70047				
Subdivision ORMOND BLAD	Lot Block Section				
Owner/Applicant Name AKINYANTU 8	DRUMAKERI ADETANTY				
Mailing Address 4006 GEORGET	ONN OSINE				
City_METAIRIE	State Zip 7 0 00 \				
Phone #_357-321-2415	AEKENZOGAG @ GMAIL. COM				
APPLICANT TESTIMONY: Why can't your project meet the zo	oning regulations?				
5' AC SIDE SETBAC	ik				
Please attach any additional information to OWNER'S ENDORSEMENT: STATE OF LOUISIANA, PARISH OF	clarify or explain your request to the Board.				
OWNER:	NOTARY PUBLIC:				
ARTANU ANETANU being duly sworn, (Print Name)	Subscribed and sworn to before me this <u>20</u> day				
deposes and states (i) that he or she is the owners of the	of December, 2022 in my				
property described in this application; (ii) that all statements contained in this application are true to the	office at Harahan				
best of his knowledge and belief; and (iii) that he or she	OFFICIAL SEAL STEVEN ALAN CHILDRESS				
authorizes the foregoing petition.	NUTARY ID # 19874 STATE OF LOUISIANA PARISH OF JEFFERSON				
(Signature of owner)	(Signature of Notary Public) Steven Alon Childress SEAL				
	E USE ONLY:				
ZBA Case #: <u>1022 46-28</u> Property Identification #:	Date submitted: 12/20/22				
	Zoning District:				
Subdivision Name:					
Square # Lot #	Block Property sq. ft				
Code Section being appealed:					





Department of Planning & Zoning Staff Report – Zoning Board of Adjustments Case No. 2022-47-ZBA

GENERAL APPLICATION INFORMATION

NAME/ADDRESS OF APPLICANT:

Christopher Heurtin 205 Common Street Paradis, LA 70080 504.376.7438; wort1975@yahoo.com

LOCATION OF SITE:

205 Common Street, Town of Paradis; Lot 10, Block 31

REQUESTED ACTION:

Reduce the required preliminary DFIRM (digital flood insurance rate map) elevation from AE +5 ft. NAVD to 0.5 ft. NAVD (12 inches above street elevation) to permit a single-family house.

SITE INFORMATION

SIZE OF PARCEL: 7,012.31 sq. ft.

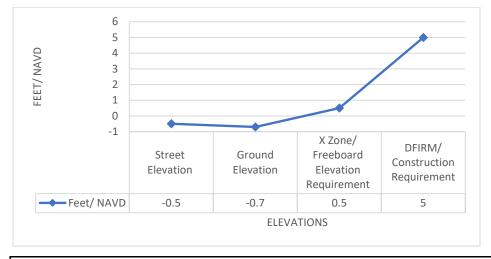
EXISTING ZONING: R-1A, Single family residential detached conventional homes—Medium density **SURROUNDING ZONING AND LAND USE:** R-1A zoning surrounds the site. Single-family site built and mobile homes are adjacent to the site.

FUTURE LAND USE RECOMMENDATION: Low-Density Residential

TRAFFIC ACCESS: Local Streets

UTILITIES: Standard utilities serve the site

BASE FLOOD ELEVATION (BFE): X-Zone with a preliminary DFIRM AE +5 ft. NAVD



APPLICABLE CODE REGULATION(S)

Appendix A. Section XX. Flood Damage Prevention, D.2. Compliance

- 2. Approval Process. The approval or denial of any application for a Certificate of Zoning Compliance shall be based on all of the provisions of this Ordinance and the following relevant factors:
 - a. The danger to life and property due to flooding or erosion damage;
 - b. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - c. The danger that materials may be swept onto other lands to the injury of others;
 - d. The compatibility of the proposed use with existing and anticipated development;
 - e. The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - f. The costs of providing governmental services during and after flood conditions, including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical, and water systems;
 - g. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;
 - h. The necessity to the facility of a waterfront location, where applicable;
 - i. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
 - j. The relationship of the proposed use to the comprehensive plan of the area.

Appendix A. Section XX. Flood Damage Prevention, D.5 Variance Procedures

a. Appeal Board:

- 1. The Zoning Board of Adjustments, as established by St. Charles Parish, shall hear and decide appeals and requests for variances from the requirements of this Ordinance.
- 2. Omitted
- 3. Omitted
- 4. In formulating decisions on such applications, the Zoning Board of Adjustments shall consider all technical evaluations, all relevant factors, and all standards contained in this Ordinance, including the list of parameters cited in section D.2. Upon consideration of the stated criteria, the Zoning Board of Adjustments may attach such conditions to the granting of variances as it deems necessary to further the purposes of this Ordinance.
- 5. The Director of Planning and Zoning shall maintain the records of all appeal actions, including technical information, and shall report variances to the Federal Emergency Management Agency upon request.

b. Conditions for Variances.

- 1. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre (21,780 sq. ft.) or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in section D.2. (see reference below) of this Ordinance have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variances increases.
- 2. Variances may be issued for reconstruction, rehabilitation, or restoration of a structure listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this Ordinance.
- 3. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as an historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- 4. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- 5. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- 6. Variances shall only be issued upon, (i) showing a good and sufficient cause; (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant; and (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
- 7. Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use **provided that (i) the criteria outlined in section D.5. are met**, and (ii) the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety
- 8. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

Appendix A. Section XX. Flood Damage Prevention

C. General Provisions:

- 1. Omitted
- 2. Basis for Establishing the Areas of Special Flood Hazard. The areas of special flood hazard identified by the Federal Emergency Management Agency in a scientific and engineering report entitled, "The Flood Insurance Study for the Parish of St. Charles," stamped preliminary June 27, 1991, with accompanying Flood Insurance Rate Maps is hereby adopted by reference and declared to be a part of this section. The Flood Insurance Study is on file at the St. Charles Parish Courthouse, River Road, Hahnville, Louisiana. In addition, for the purpose of determining minimum building elevations, the Preliminary Digital Flood Insurance Rates Maps (DFIRM) referred to in "The Flood Insurance Study for the Parish of St. Charles," stamped Revised Preliminary November 9, 2012, shall take precedent over the effective FIRMS where they are more restrictive.

Appendix A. Section XX. Flood Damage Prevention B. Definitions

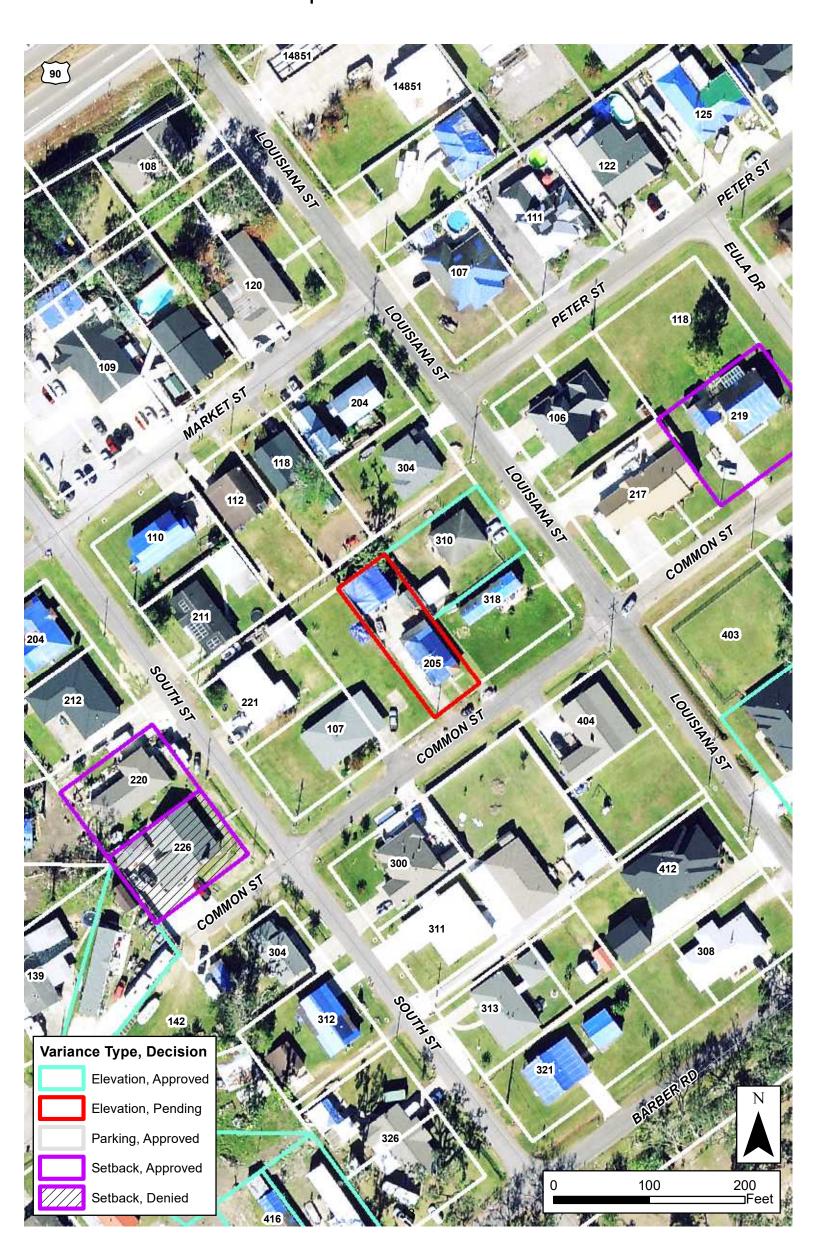
12. Elevated Building—A nonbasement building (i) built, in the case of a building in Zones A1—30, AE, A, A99, AO, AH, B, C, X, and D, to have the top of the elevated floor, or in the case of a building in Zones V1—30, VE, or V, to have the bottom of the lowest horizontal structure member of the elevated floor elevated above the ground level by means of pilings, columns (posts and piers), or shear walls parallel to the floor of the water and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of Zones A1—30, AE, A, A99, AO, AH, B, C, X, and D, "elevated buildings" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters. In the case of Zones V1—30, VE, or V, "elevated building" also includes a building otherwise meeting the definition of "elevated building," even though the lower area is enclosed by means of breakaway walls if the breakaway walls meet the standards of section 60.3(e)(5) of the National Flood Insurance Program.

DEPARTMENT ANALYSIS & FINDINGS

- 1. The Applicant requests a construction elevation variance for a single family home at 205 Common Street, Paradis. The applicant states in a letter of testimony as reasons for variance:
 - Neck and Back issues and difficulty climbing stairs.
 - For home to be Handicap Accessible.
 - Cost of Building at required elevation.
- 2. The property was damaged due to Hurricane Ida. A code violation on the property was closed in August, 2022, after the property was cleared of the structure and debris.
- 3. The lot is in an X zone on the Effective Flood Insurance Rate Map; Flood Zone AE/5 ft. on the Preliminary Digital Flood Insurance Rate Map (DFIRM).
- 4. Regarding similar variances, the Zoning Board of Adjustment granted a request to reduce the required preliminary DFIRM from:
 - 5 ft. to 1 ft. at 310 Louisiana Street (2008-17-ZBA)
 - 5 ft. to 1 ft. at 409 Louisiana Street (2008-31-ZBA)
 - 5 ft. to -0.46 ft. at 138 Julie Street (2019-05-ZBA)
 - 5 ft. to -0.46 ft. at 141 Julie Street (2019-29-ZBA)
- 5. In order to meet regulations, the property owner could elevate the structure and machinery to the required elevation.
- 6. The property owner has signed the addendum to the application for variance from BFE requirements.

2022-47-ZBA, Christopher Heurtin

Reduce required construction elevation





ST. CHARLES PARISH

APPLICATION FEE:

Single-Family Residential: \$150 All Other: \$250

DEPARTMENT OF PLANNING AND ZONING

APPLICATION TO THE ZONING BOARD OF ADJUSTMENT
P.O Box 302 • Hahnville, Louisiana 70057 • (985) 783-5060 • Fax (985) 783-6447

Municipal Address of Request 205 Common Street		- (DOD)		
City Paradis	State_LA	Zip 70080		
		Block 31		
Owner/Applicant Name Christopher Heurtin				
Mailing Address 205 Common Street		v (40-0		
City Paradis	State_LA	z _{ip} _70080		
Phone # 504-376-7438 Email				
APPLICANT TESTIMONY: Why can't your project meet the zo	ning regulations	See attached.		
Please attach any additional information to o		our request to the Boa	erd.	
OWNER:	NOTARY PUBI	IC:		
Christopher Heurtin being duly sworn, (Print Name) deposes and states (i) that he or she is the owners of the property described in this application; (ii) that all statements contained in this application are true to the best of his knowledge and belief; and (iii) that he or she authorizes the foregoing petition. (Signature of owner)	Subscribed an of Decco	atte LA (St.	in my Charles Parish CDONALD OTARY PUBLIC TOTARY PUBLIC TOTAR	
	USE ONLY:	Tana and and and and and and and and and	PSON PARISHINA	
ZBA Case #: 2022-47-28 Property Identification #:			d:	
Receipt #: 89937162 Flood Zone: X	AE+5	Zoning Distric	t: RI-A	
Subdivision Name:			A**	
Square # Lot #	Block	_ Property sq. ft		
Code Section being appealed:				

GASSEN SURVEYING, LLC

1026 GASSEN ST Luling, LA 70070

GRADE CERTIFICATE

December 13, 2022

Lot Number:	10	Square:	31	
Subdivision:	Townsite of	f Paradis		
Municipal No.:	210	Common Street		
Firm Zone:	x	Base Flood Elevation:	N/A	NGVD
DFIRM ZONE:	AE	DFIRM Advisory Base Flood Elevation:	5.00	NAVD
Existing Street Ele	evation:	***************************************	-0.21	NGVD
The state of the s			-0.50	NAVD
Existing Ground	Elevation:	***************************************	-0.4	NGVD
			-0.7	NAVD
Reference Elevat	ion Mark O	ıly:	0.79	NGVD
			0.50	NAVD
*(PROPOSED LO	WEST FLOC	R ELEVATION TO BE FILLED OUT BY BUILDER)		
*PROPOSED LO	WEST FLOO	R ELEVATION:	 	M-verg)
DESCRIPTION	60d NAII	IN POWER POLE CORNER OF LOT		

The undersigned will not be responsible for the transfer of elevations from the construction bench mark by the contractor or others.

*The floor of an attached enclosed garage may be considered as the lowest floor for Flood Insurance rating. Please consult your insurance agent.

> Louis J. Gassen, Jr. PLS Registration No. 4945

(985) 785-0745 (985) 785-8<u>6</u>03 (Fax)

