

**ST. CHARLES PARISH
ZONING BOARD OF ADJUSTMENT
September 19, 2024
6:00 P.M.**

**CALL TO ORDER
PLEDGE OF ALLEGIANCE**

POSTPONED CASE:

- 1** **2024-29-ZBA** requested by **Errol Harrilal** to reduce the side yard setbacks for a new single-family residence and to allow a residential fence exceeding 4 ft. in height within the front yard setback, **1036 E. Harding Street, New Sarpy**. Zoning District O-L. Council District 6.

NEW CASES:

- 8** **2024-32-ZBA** requested by **Wayne Michael Grubbs** to reduce the setback for an accessory structure and allow an accessory structure within 3 ft. of a primary structure, **335 West B Street, Norco**. Zoning District R-1A. Council District 6.
- 14** **2024-33-ZBA** requested by **A'Lexis Jefferson** to reduce the setback for an accessory structure, **703 Paul Frederick Street, Luling**. Zoning District R-1A(M). Council District 1.
- 20** **2024-34-ZBA** requested by **Michael and Kelly Decker** to reduce the setback for an accessory structure, **430 Bernard Avenue, Ama**. Zoning District R-1A. Council District 2.
- 44** **2024-35-ZBA** requested by **Tonya DuBois** to reduce the front yard setback for an attached carport, **137 Clayton Drive, Norco**. Zoning District R-1A. Council District 6.
- 50** **2024-36-ZBA** requested by **Stephen Rodrigue** to allow a residential fence exceeding 4 ft. in height within the front yard setback, **12800 River Road, Destrehan**. Zoning District R-1B. Council District 2.
- 56** **2024-37-ZBA** requested by **Vicki Dunn** to reduce the minimum building elevation for a new single-family residence, **110 A Matthew Drive, Bayou Gauche**. Zoning District R1A. Council District 4.
- 66** **2024-38-ZBA** requested by **Vicki Dunn** to reduce the minimum building elevation, **110 Matthew Drive, Bayou Gauche**. Zoning District R-1A. Council District 4.
- 76** **2024-39-ZBA** requested by **Ronald Alexander** to reduce the required setback for a generator, **123 General Lee Drive, Hahnville**. Zoning District R-1A. Council District 1.
- 83** **2024-40-ZBA** requested by **Melvin White III** to reduce the minimum building elevation for a mobile home, **198 J.B. Green Road, Des Allemands**. Zoning District R1A(M) Council District 4.

**UNFINISHED BUSINESS -
NEW BUSINESS –
MINUTES – (August 15, 2024)
ADJOURN-**



Department of Planning & Zoning
Staff Report – Zoning Board of Adjustments
Case No. 2024-29-ZBA

GENERAL APPLICATION INFORMATION

APPLICANT / PROPERTY OWNER:

Errol Harrilal
318 Taylor Street Apt. A
Kenner, LA 70062
504.812.5379; mjharrilal@gmail.com

LOCATION:

1036 E. Harding Street, New Sarpy; Lot 19A, Square 55, New Sarpy

REQUEST:

Reduce the required side yard setback from 10 ft. to 5 ft. and waive the fence height requirement within the front yard setback for construction of a single-family residence.

SITE INFORMATION

SIZE OF PROPERTY: 6,400 sq. ft.

EXISTING ZONING: O-L, Open Land

SURROUNDING ZONING AND LAND USE: O-L; adjacent properties are undeveloped and wooded.

FUTURE LAND USE RECOMMENDATION: Wetlands

TRAFFIC ACCESS: E. Harding Street

BASE FLOOD ELEVATION (BFE): AE 5; DFIRM AE 2.5

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 VI. Zoning District Criteria and Regulations

[1.] O-L. Open Land District:

2. Spatial Requirements:

b. Minimum yard sizes:

- (1) Front—Thirty-five (35) feet.
- (2) Side—Ten (10) feet.**
- (3) Rear—Twenty (20) feet.

DEPARTMENT ANALYSIS & FINDINGS

1. After consulting with Planning and Zoning, on July 1, 2024 an application was submitted requesting a variance to reduce the required side yard setback from 10 ft. to 4 ft. for a new home at 1036 E. Harding Street, New Sarpy.
2. Upon further review the department found the following:
 - The plans showed a 30 ft. front setback when 35 ft. is required.
 - The proposed 4 ft. side setback could create building code issues.
 - A 6 ft. fence was built along the front property line.

3. The applicant was notified of these findings, including ways they could be addressed. The request was postponed at the August 15, 2024 ZBA meeting.
4. The applicant addressed the Department's findings and comments as follows:
 - The proposed structure is shown with a 35 ft. front yard setback.
 - The proposed structure is shown with a 5 ft. side yard setback.
 - Clarified that the existing fence is included with this request.
5. Approval of this request would reduce the required side yard setback from 10 ft. to 5 ft. and waive the maximum 4 ft. height requirement for a fence within the front yard setback at 1036 E. Harding Street, New Sarpy.
6. Original lots 19, 20, 31, and 32, Square 55, New Sarpy Subdivision were first platted on a survey titled New Sarpy Subdivision dated November 1920. Lot 19A was created through administrative resubdivision as shown on survey by Stephen P. Flynn, P.L.S. dated January 20, 2022.
7. Regarding the side setback, despite the minimum 50 ft. lot width required under O-L zoning, the district requires 10 ft. side setbacks compared to the 5 ft. under R-1A or R-1A(M) zoning.
8. Regarding the fence, the submitted plans show 10 ft. from the front property line to the roadway edge. Vehicular travel sight lines as defined in AASHTO (American Association of State Highway and Transportation Official Manual) should be considered when granting a variance for a solid fence across the front of a property.
9. The Board of Adjustments has not heard similar requests in this area.
10. To meet zoning district requirements, the applicant could redesign the project placing the primary structure within the required side-yard setbacks and shorten the fence down to 4 ft. within the front yard setbacks, or move the fence back to the 35 ft. front setback line.

Re: Additional Testimony Needed for ZBA Case

M.J. H <mjharrilal@gmail.com>

Mon 7/22/2024 4:22 PM

To: Zoe Vittur <zvittur@stcharlesgov.net>

Thank you for the information Zoe.

In regards to the request pertaining to the SBA Case, in addition to the requests made for fencing and frontage, I would like to have the adjustments made to the side yard setbacks for the new development as well, house will now be 4ft from the fence line on the North Side of the property.

Gratitude,
Errol Harrilal

On Wed, Jul 17, 2024, 9:46 AM Zoe Vittur <zvittur@stcharlesgov.net> wrote:

Mr. Harrilal,

I am requesting an additional testimony to be submitted with your ZBA request as the one given does not convey your request. You mention fences and frontage, but not that you need a variance to reduce side yard setbacks for your new development.

Please write or type up a document stating your testimony more clearly and send it back to me through email to avoid traveling out here.

If you have any questions, please give me a call or send me an email.

Thanks,
Zoë Vittur
Planner I
St. Charles Parish
P (985) 783-5060
P.O. Box 302 | Hahnville, LA 70057

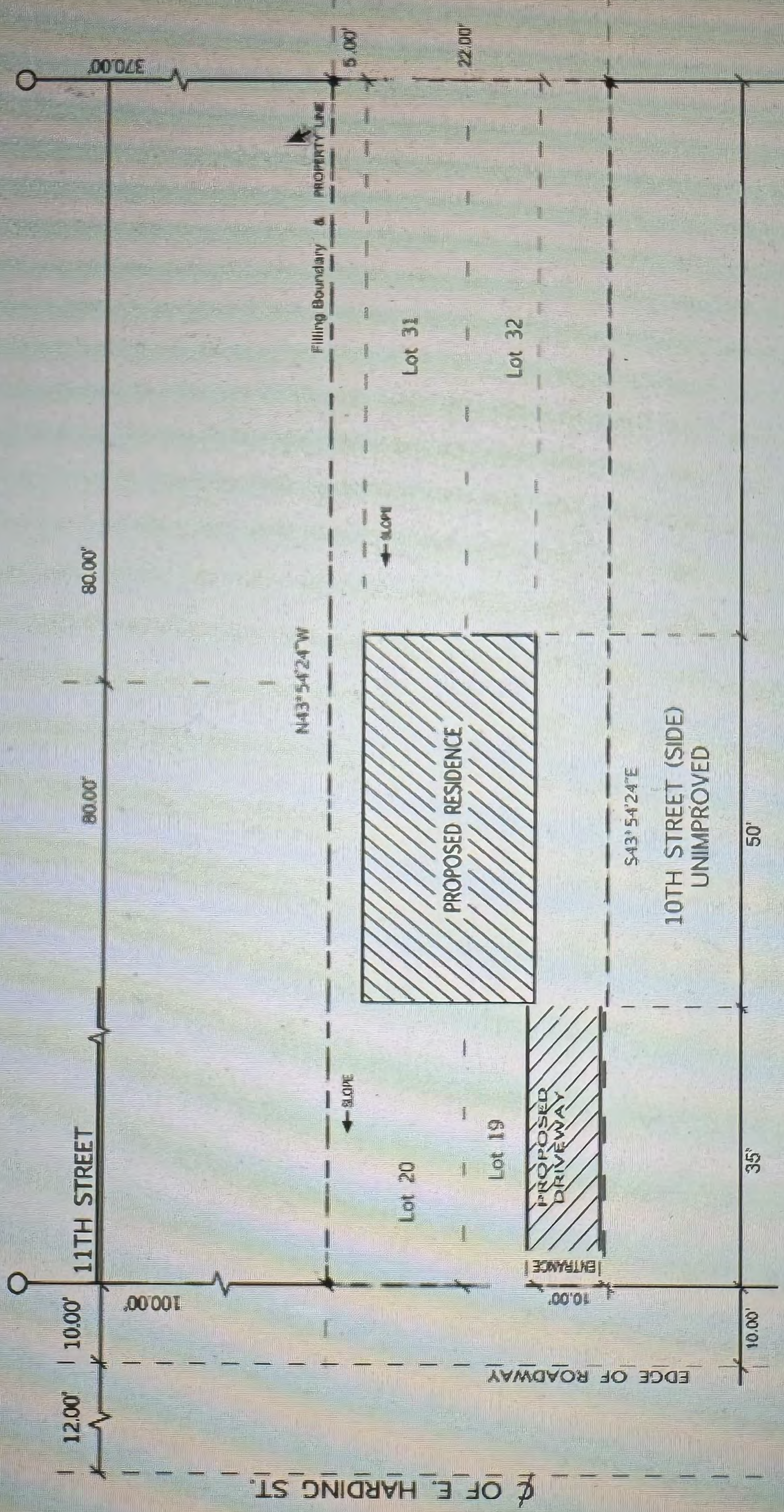
Note: Please be aware that receipt of and/or response to this email may be considered a public record.

Disclaimer

The information contained in this communication from the sender is confidential. It is intended solely for use by the recipient and others authorized to receive it. If you are not the recipient, you are hereby notified that any disclosure, copying, distribution or taking action in relation of the contents of this information is strictly prohibited and may be unlawful.

This email has been scanned for viruses and malware, and may have been automatically archived by Mimecast, a leader in email security and cyber resilience. Mimecast integrates email defenses with brand protection, security awareness training, web security, compliance and other essential capabilities. Mimecast helps protect large and small organizations from malicious activity, human error and technology failure; and to lead the movement toward building a more resilient world. To find out more, visit our website.

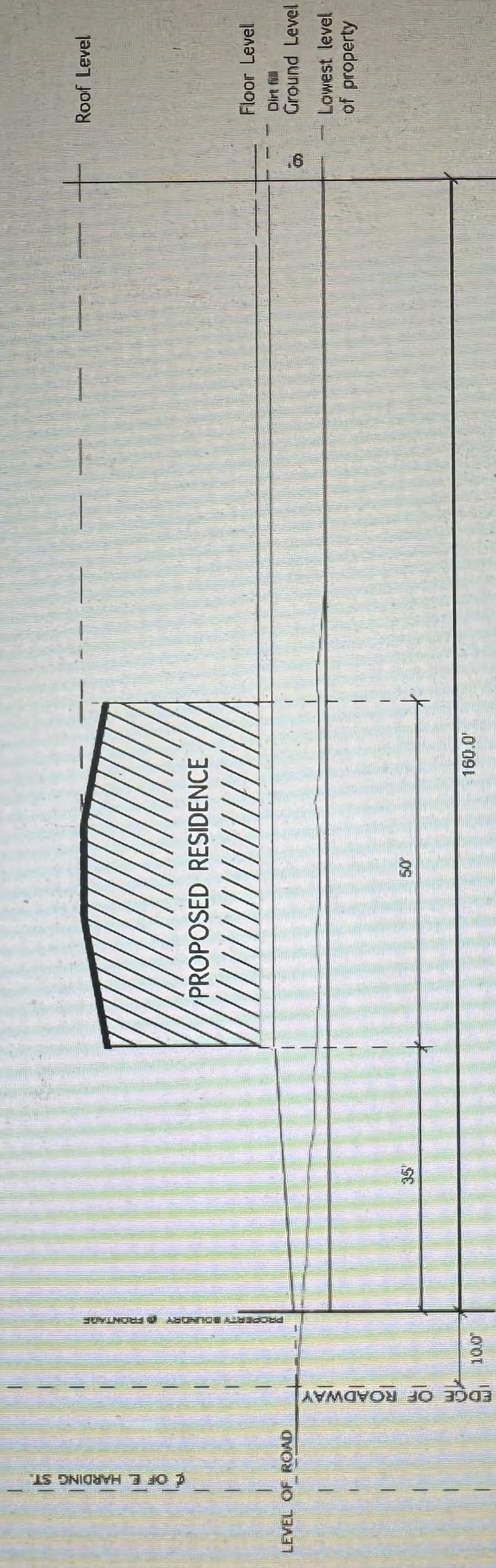
DRAWING PROPOSAL FOR ERROL & MARK HARRILAL
1036 EAST HARDING STREET, NEW SARPY, LA - ST. CHARLES PARISH



LEGEND :

- IRON ROD SET
- IRON ROD FOUND
- ▨ PROPOSED RESIDENCE
- ▩ PROPOSED DRIVEWAY

DRAWING PROPOSAL FOR ERROL & MARK HARRILAL
 1036 EAST HARDING STREET, NEW SARPY, LA - ST. CHARLES PARISH



LEGEND :

- /// PROPOSED RESIDENCE
- █ PROPOSED FILLING 55000 IN³ / 6111 YD³

SCALE : 1" = 20'

ELEVATION PLAN

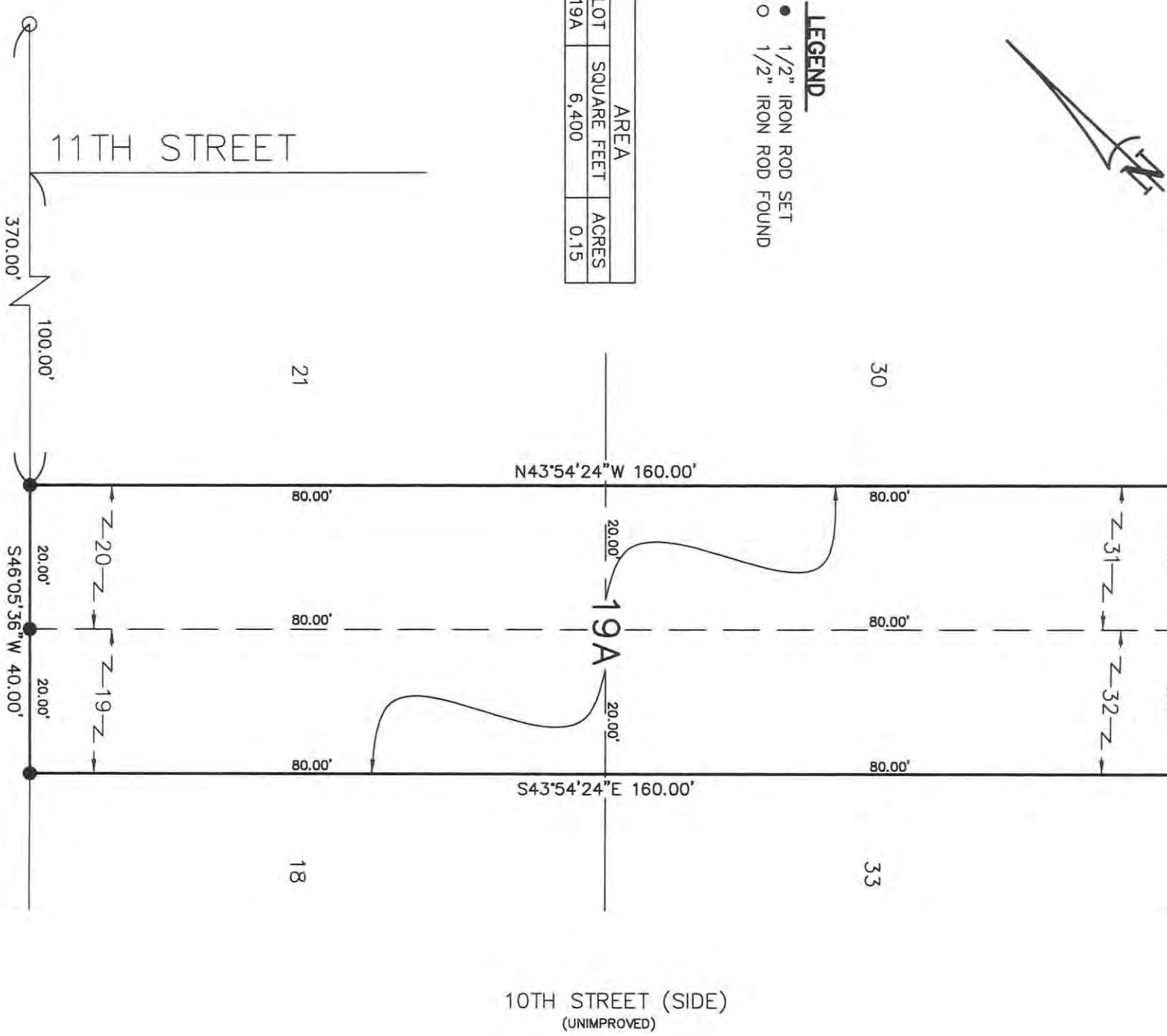
EAST HOOVER STREET

370.00' (UNIMPROVED) N46°05'36"E 40.00'



- LEGEND**
- 1/2" IRON ROD SET
 - 1/2" IRON ROD FOUND

LOT	SQUARE FEET	ACRES
19A	6,400	0.15



10TH STREET (SIDE)
(UNIMPROVED)

EAST HARDING STREET

APPROVED:

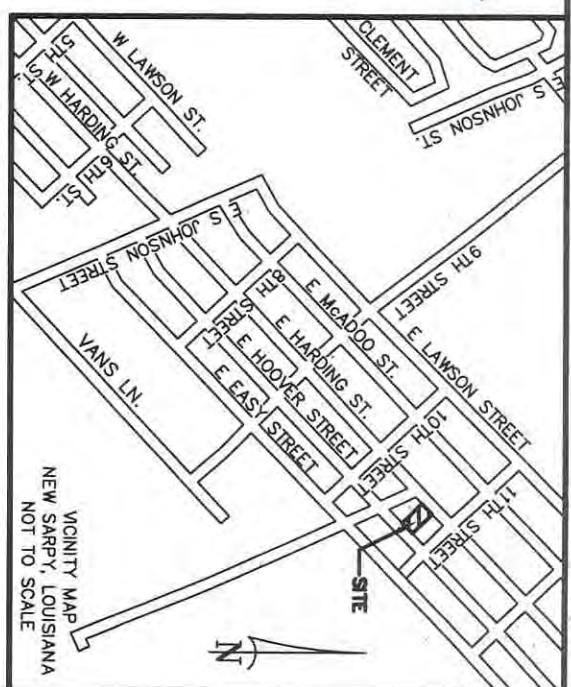
M. E. Jones 4-19-22
PARISH PRESIDENT DATE

Michael J. Allen 4-7-22
DIRECTOR, DEPT. OF PLANNING AND ZONING DATE

CERTIFICATION: THIS IS TO CERTIFY THAT THIS PLAT IS MADE IN ACCORDANCE WITH LA. REVISED STATUTES 33:5051 ET. SEQ. AND CONFORMS TO ALL PARISH ORDINANCES GOVERNING THE SUBDIVISION OF LAND.

RECORDED IN THE CLERK OF COURTS OFFICE
ST. CHARLES PARISH ON THE 19th
DAY OF April IN BOOK 918
FOLIO 334 ENTRY # 467605

ALL NECESSARY SEWER, WATER AND/OR OTHER UTILITY EXTENSIONS, RELOCATION'S OR MODIFICATIONS SHALL BE MADE BY AND SOLELY AT THE LOT OWNER'S EXPENSE



DEVELOPER: JOY HARRILLAL
318 TAYLOR STREET, APT A
KENNER, LOUISIANA 70062
646-260-8332

TITLE: SURVEY PLAT AND RESUBDIVISION OF LOTS 19, 20, 31 & 32, SQUARE 55, NEW SARY SUBDIVISION INTO A LOT HEREIN DESIGNATED AS LOT 19A, SQUARE 55, NEW SARY SUBDIVISION

NEW SARY, ST. CHARLES PARISH, LOUISIANA.

DATE: JANUARY 20, 2022 FIELD WORK DONE ON FEBRUARY 17, 2021.

SURVEY REFERENCE: 1. NEW SARY SUBDIVISION DATED NOVEMBER 1920. P.L.S. DATED FEBRUARY 17, 2021.
2. SURVEY PLAT OF LOTS 19, 20, 31 & 32, SQUARE 55, NEW SARY SUBDIVISION BY STEPHEN P. FLYNN, NAD 83, GEOD 12A USING LEICA SMARTNET SOLUTION DATED 2/17/2021.

BASIS OF BEARING: BEARINGS HEREON ARE REFERENCED TO THE LOUISIANA STATE PLANE COORDINATE SYSTEM, SOUTH ZONE 1702, NAD 83, GEOD 12A USING LEICA SMARTNET SOLUTION DATED 2/17/2021.

FLOOD NOTE: THE SURVEYED PARCEL IS IN ZONE "A99" PER FEDERAL INSURANCE RATE MAP NUMBER 220180-0129C DATED 5/2/2003 LOMAR.

SURVEYOR'S NOTES: A. THIS PLAT IS CORRECT AND IN ACCORDANCE WITH A PHYSICAL SURVEY MADE ON THE GROUND UNDER THE DIRECTION OF THE UNDERSIGNED AND COMPLES WITH THE REQUIREMENTS OF LOUISIANA'S "STANDARDS OF PRACTICE FOR BOUNDARY SURVEYS" FOR A CLASS B SURVEY.
B. NO TITLE OPINION WAS PROVIDED TO THIS FIRM, THEREFORE NO CERTIFICATION IS GIVEN TO THE EXISTENCE OF OTHER SERVITUDES OR EASEMENTS WHICH MAY EXIST OTHER THAN THOSE SHOWN.
C. NO DITCHES, UNDERGROUND LINES OR CONDUITS SHOWN.
D. MINIMUM SETBACK LINES AND SERVITUDES SHOWN ARE BASED ON THE REFERENCED SURVEY PLAT. THE APPROPRIATE PARISH AUTHORITY OR NEIGHBORHOOD REGULATORY BOARD SHOULD BE CONSULTED FOR FINAL DETERMINATION.



DRAWN BY: SCR DRAWING NO. MM2510_W04413

RIVERLANDS SURVEYING COMPANY



505 HEMLOCK STREET
LAPLACE, LA 70068
1-800-248-6982
985-652-6356

Stephen P. Flynn
STEPHEN P. FLYNN
P.L.S. LA. ST. REG. NO. 4668

2024-29-ZBA
Side-yard setback and fence height

1" = 100'

N





**Department of Planning & Zoning
Staff Report – Zoning Board of Adjustments
Case No. 2024-32-ZBA**

GENERAL APPLICATION INFORMATION

APPLICANT / PROPERTY OWNER:

Wayne Michael Grubbs
335 West B Street
Norco, LA 70079
504.919.5717; wgrubbs78@gmail.com

LOCATION:

335 West B Street, Norco; Lots 8 and 9, Block H, Good Hope Plantation Subdivision

REQUEST:

Reduce the required setback for an accessory structure from 3 ft. to 16 in. for the placement of a carport and reduce the minimum setback for an accessory structure from a primary structure from 3 ft. to 8 in.

SITE INFORMATION

SIZE OF PROPERTY: 8,425.69 sq. ft.

EXISTING ZONING: R-1A

SURROUNDING ZONING AND LAND USE: R-1A; the site is located in a developed residential neighborhood.

FUTURE LAND USE RECOMMENDATION: Low-Moderate Residential

TRAFFIC ACCESS: West B Street and Fourth Street

BASE FLOOD ELEVATION (BFE): A99; DFIRM X

APPLICABLE CODE REGULATION(S)

Appendix A. Section VI. Zoning District Criteria and Regulations

B. Residential districts —

[I.] R-1A. Single family residential detached conventional homes —Medium density.

2. Spatial Requirements:

c. Accessory buildings:

- (1) An accessory building may occupy no more than twenty-five (25) percent of the required rear yard.
- (2) The accessory building shall not exceed two-story construction.
- (3) Minimum setback of accessory buildings including overhangs, shall be three (3) feet.**
- (4) Nonresidential accessory buildings shall not be permitted.

Appendix A. Section VII. Supplemental Use and Performance Regulations

1. The following uses are subject to the regulations set forth herein:

Accessory buildings.

- a. Residential accessory buildings are allowed only in the side and rear yards.
- b. An accessory building may be connected to the principal building via an unenclosed breezeway not exceeding eight (8) feet in width.
- c. Accessory buildings must be three (3) feet from the principal building, measured from any existing overhangs (not including breezeways).**
- d. The following shall not be permitted as accessory buildings in residential zones: storage containers, cargo containers, ship to shore containers or any form of a modified delivery type container which is normally mounted or transferred on a vehicle or is designed for or capable of being mounted on a chassis for movement.

DEPARTMENT ANALYSIS & FINDINGS

1. On August 6, 2024, Code Enforcement observed a carport being constructed without a permit and advised the property owner to apply for a permit.
2. The applicant contacted Planning and Zoning August 7, 2024 and it was determined that a variance would be required.

3. On August 7, 2024, the property owner submitted a variance application requesting a reduction in the following setbacks applicable to accessory structures:
 - Side-yard, from 3 ft. to 16 in.
 - To the primary structure, from 3 ft. to 8 in.
4. Lots 8 and 9 are shown on a survey by H. E. Landry, dated June 4, 1929 and is developed with a single-family residence.
5. The Board of Adjustment has heard one similar request in this area:
 - ZBA-1997-23 – Denied a variance at 415 West B Street for construction of a detached storage shed to reduce the accessory structure setback from 3 ft. to 12 in.
6. To meet zoning district requirements the applicant would have to redesign the accessory structure to meet the 3 ft. yard setback requirement and the 3 ft. primary structure setback requirement.
7. Please note approval of this request only waives the Parish's accessory setback requirements. The structure would still be subject to the requirements of the Building Official.



St. Charles Parish
 Department of Planning & Zoning
ZONING BOARD OF ADJUSTMENT

OFFICE USE	
Submittal Date	<u>8/7/24</u>
Received By	<u>NS</u>
Receipt #	<u>13412586</u>
Case #	<u>2024-32-ZBA</u>

APPLICANT INFORMATION

Applicant: WAYNE MICHAEL GRUBBS
 Mailing Address: 335 W.B. STREET, Norco, LA, 70079
 Phone: 504-919-5717 Email: WGRUBBS78@gmail.com

PROPERTY INFORMATION

Municipal Address: 335 WEST B STREET, Norco, LA, 70079
 Lot, Block, Subdivision: _____
 Permit/Project Description: _____

THIS APPLICATION IS BEING MADE FOR A WAIVER FROM THE FOLLOWING REQUIREMENT(S)

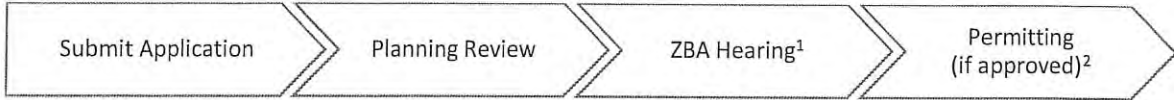
I am Requesting a reduction in setback to match existing and shed structure. shed is pre-existing structure is already at 16" from line *After speaking with Brett and Zoe,*

APPLICATION CHECKLIST (review process does not begin until all items below are submitted):

- 1. Application with notarized endorsement of all property owners (see page bottom)
 *If the owner is a corporation, a corporate resolution authorizing the representative must be provided
- 2. Act of Sale or Deed to the property (copies available at Clerk of Courts Office)
- 3. Applicant Testimony (see next page)
- 4. Completed *Addendum to Application for Variance from Base Flood Elevation Requirements*
 *Base Flood Elevation variance applications only
- 5. Application Fee: Single-Family Residential = \$150, Other = \$250

<p>OWNER ENDORSEMENT:</p> <p><u>Wayne Grubbs</u> (Print Name)</p> <p>_____ (Print Name)</p> <p>Being duly sworn, deposes and states (i) that they are the sole owner/s of the property described in this application; (ii) that all statements contained in this application are true to the best of their knowledge and belief; and (iii) that they authorize the petition.</p> <p><u>Wayne Grubbs</u> (Signature of owner)</p>	<p>NOTARY PUBLIC:</p> <p>Subscribed and sworn to before me this <u>7th</u> day of <u>August</u>, 20<u>24</u> in my office at <u>Hahnville, LA 70057</u></p> <p><u>[Signature]</u> #069245 (Signature of Notary Public) SEAL</p>
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ZONING BOARD OF ADJUSTMENT PROCESS



¹The ZBA can either approve, approve with conditions, or deny the request.

² If approved, permitting must occur within one (1) year of the approval date. If denied, the project cannot proceed as submitted, but permitting can still occur for a project shown to be code compliant.

ZBA EVALUATION STANDARDS (Appendix C., Section XIII., item D.)

1. No variance will be considered or granted as to the permitted use as this could constitute a spot zone.
2. Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and are not generally applicable to other lands, structures or buildings in the same zoning district.
3. Literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance.
4. The special conditions and circumstances do not result from the actions of the applicant.
5. Granting the variance requested will not confer on the applicant any special privilege which is denied by this Ordinance to other lands, structures or buildings in the same district or similarly situated.
6. The variance, if granted, will not alter the essential character of the locality.
7. Strict adherence to the regulation by the property would result in a demonstrable hardship upon the owner, as distinguished from mere inconvenience.
8. The request for the variance is not based primarily upon a desire to serve the convenience or profit of the property owner or other interested party(s). Financial hardships shall not be considered as valid criteria for any such variance to existing regulations.
9. The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.

APPLICANT TESTIMONY

*Additional information should be submitted to further demonstrate your hardship and support your appeal, including surveys, site/project plans, photographs, and other relevant information needed to show cause for the variance.

Considering the evaluation standards detailed above, why can't your project meet the requirement(s)?

I'm building a carport that side setback distance. My existing shed existed before code was in place and I only want to match the alignment of my shed which is staying and just adding shade cover over it and into my property (not any closer than what exists already) I wouldn't be impeding on my neighbors use or enjoyment of their property. I already spent 10,000 removing huge oak trees on that same line to be a good neighbor for me and them. A very strong steel/concrete footed cover is much better for all. Thank you

OFFICE USE

Zoning District: R-1A Flood Zone: A99

Code Section being appealed: App A. Sec VI. B [1.12. b. (2)-side setback



Aa



16" from line to shed (existing)

Neighbor 2

70.5" from line to shed

Existing shed
solid
permanent

Neighbor 1

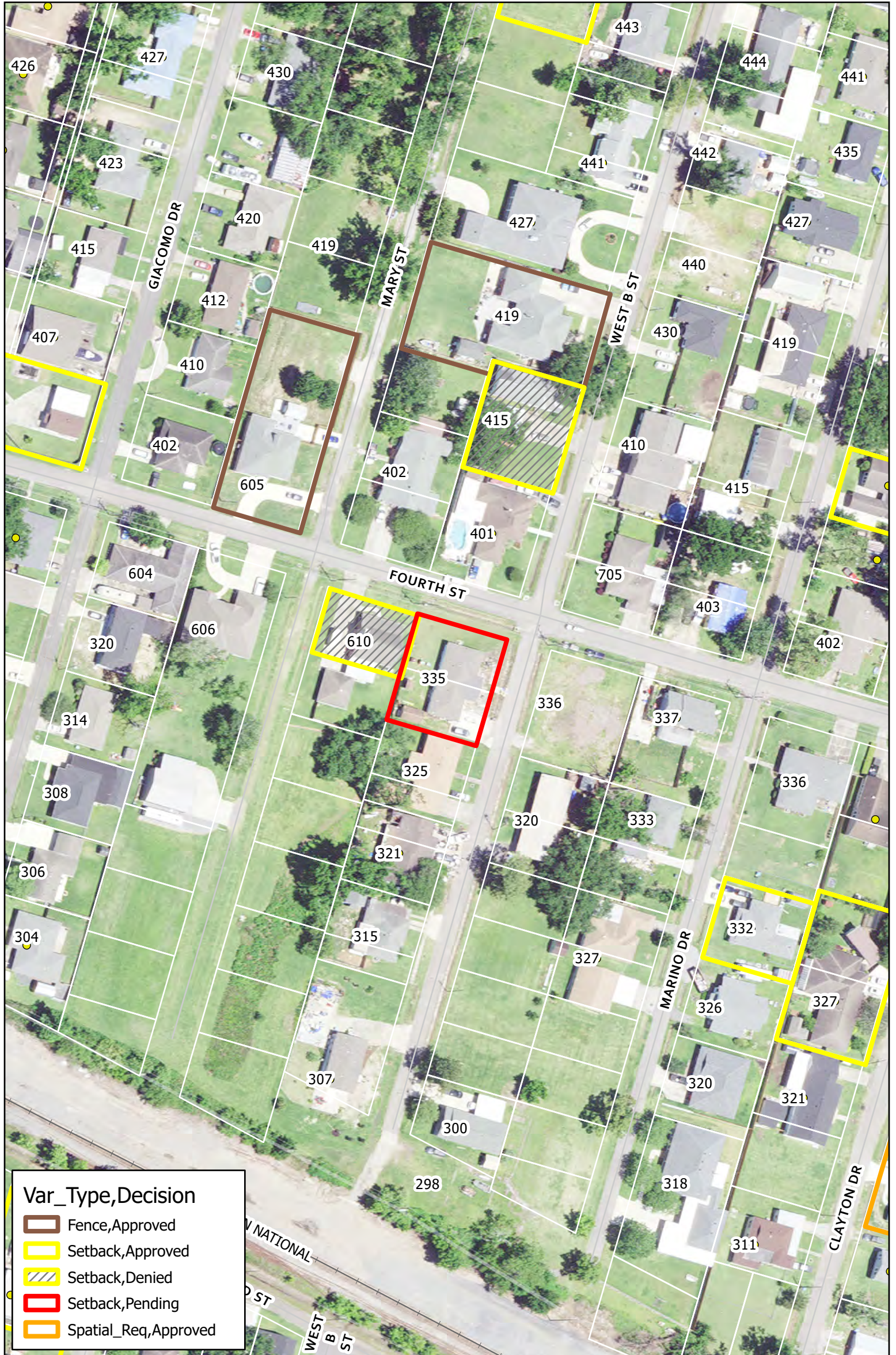
New rough size
doesn't get any
closer to other
property lines than
what exists already

Post are secured with 18"
diameter by 24" deep
footings. Size will be 36x22
carport.

2024-32-ZBA Accessory Setback Reduction

1" = 100'

N





Department of Planning & Zoning
Staff Report – Zoning Board of Adjustments
Case No. 2024-33-ZBA

GENERAL APPLICATION INFORMATION

APPLICANT / PROPERTY OWNER:

A'Lexis Jefferson
703 Paul Frederick Street
Luling, LA 70070
985.210.0019; mz_tweety14@yahoo.com

LOCATION:

703 Paul Frederick Street, Luling; Lot 14A, Block E, Oak Ridge Subdivision

REQUEST:

Reduce the required setback for an accessory structure from 3 ft. to 2 ft. from the side property line and 3 ft. to 1 ft. from the rear property line for an existing gazebo.

SITE INFORMATION

SIZE OF PROPERTY: 14,894 sq. ft.

EXISTING ZONING: R-1A(M)

SURROUNDING ZONING AND LAND USE: R-1A(M); the site is located in a developed residential neighborhood adjacent to the Paul Maillard Road corridor.

FUTURE LAND USE RECOMMENDATION: Neighborhood Mixed Use

TRAFFIC ACCESS: Paul Frederick Street

BASE FLOOD ELEVATION (BFE): X; DFIRM X

APPLICABLE CODE REGULATION(S)

Appendix A. Section VI. Zoning District Criteria and Regulations

B. Residential Districts

[II.] R-1A(M). Single family residential detached conventional homes, manufactured homes, and mobile homes—Medium density.

2. Spatial Requirements:

c. Accessory buildings:

- (1) The accessory building shall not exceed two-story construction.
- (2) Minimum setback of accessory buildings including overhangs, shall be three (3) feet.**
- (3) Nonresidential accessory buildings shall not be permitted.

DEPARTMENT ANALYSIS & FINDINGS

1. On November 2, 2023, the applicant opened a permit for an existing 25' x 13' accessory structure (gazebo) after Code Enforcement noticed the unpermitted structure and spoke with the property owner about obtaining the applicable permit.
2. The applicant was made aware the accessory building did not meet the required 3 ft. and would need to apply for a variance.
3. On August 7, 2024, the property owner submitted a variance application requesting a reduction in the required accessory structure setbacks to allow the gazebo 2 ft. from the side property line and 1 ft. from the rear property line.
4. Lot 14A resulted from a 2020 resubdivision of Lots 14 and 15, as shown on a map by Stephen P. Flynn, PLS dated March 19, 2020. Original Lots 14 and 15 are shown on a survey by E.M. Collier, C.E., dated February 5, 1954.
5. Lot 14A is developed with a single-family residence (Permit No. 34872).
6. The Board of Adjustment has not heard a similar request in this area.
7. To meet zoning district requirements the applicant could move the gazebo to meet the 3 ft. setback requirement.



St. Charles Parish
 Department of Planning & Zoning
ZONING BOARD OF ADJUSTMENT

OFFICE USE	
Submittal Date	<u>8/7/24</u>
Received By	<u>NS</u>
Receipt #	<u>13412687</u>
Case #	<u>2024-33-ZBA</u>

APPLICANT INFORMATION

Applicant: Alexis Jefferson
 Mailing Address: 703 Paul Fredrick St.
 Phone: 985-210-0019 Email: mz-twenty14@yahoo.com

PROPERTY INFORMATION

Municipal Address: 703 Paul Fredrick St Luling
 Lot, Block, Subdivision: Lot 14A, Block E, Oak Ridge
 Permit/Project Description: Gazebo

THIS APPLICATION IS BEING MADE FOR A WAIVER FROM THE FOLLOWING REQUIREMENT(S)

2 feet off line, Fire wall

APPLICATION CHECKLIST (review process does not begin until all items below are submitted):

- NS 1. Application with notarized endorsement of all property owners (see page bottom)
 *If the owner is a corporation, a corporate resolution authorizing the representative must be provided
- NS 2. Act of Sale or Deed to the property (copies available at Clerk of Courts Office)
- NS 3. Applicant Testimony (see next page)
- / 4. Completed Addendum to Application for Variance from Base Flood Elevation Requirements
 *Base Flood Elevation variance applications only
- NS 5. Application Fee: Single-Family Residential = \$150, Other = \$250

OWNER ENDORSEMENT:

Alexis Jefferson
 (Print Name)

Alexis Jefferson
 (Print Name)


Being duly sworn, deposes and states (i) that they are the sole owner/s of the property described in this application; (ii) that all statements contained in this application are true to the best of their knowledge and belief; and (iii) that they authorize the petition.

Alexis Jefferson
 (Signature of owner)

NOTARY PUBLIC:

Subscribed and sworn to before me this 7th day
 of August, 2024 in my
 office at Boutte, LA

[Signature]
 (Signature of Notary Public)



ZONING BOARD OF ADJUSTMENT PROCESS



¹The ZBA can either approve, approve with conditions, or deny the request.

² If approved, permitting must occur within one (1) year of the approval date. If denied, the project cannot proceed as submitted, but permitting can still occur for a project shown to be code compliant.

ZBA EVALUATION STANDARDS (Appendix C., Section XIII., Item D.)

1. No variance will be considered or granted as to the permitted use as this could constitute a spot zone.
2. Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and are not generally applicable to other lands, structures or buildings in the same zoning district.
3. Literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance.
4. The special conditions and circumstances do not result from the actions of the applicant.
5. Granting the variance requested will not confer on the applicant any special privilege which is denied by this Ordinance to other lands, structures or buildings in the same district or similarly situated.
6. The variance, if granted, will not alter the essential character of the locality.
7. Strict adherence to the regulation by the property would result in a demonstrable hardship upon the owner, as distinguished from mere inconvenience.
8. The request for the variance is not based primarily upon a desire to serve the convenience or profit of the property owner or other interested party(s). Financial hardships shall not be considered as valid criteria for any such variance to existing regulations.
9. The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.

APPLICANT TESTIMONY

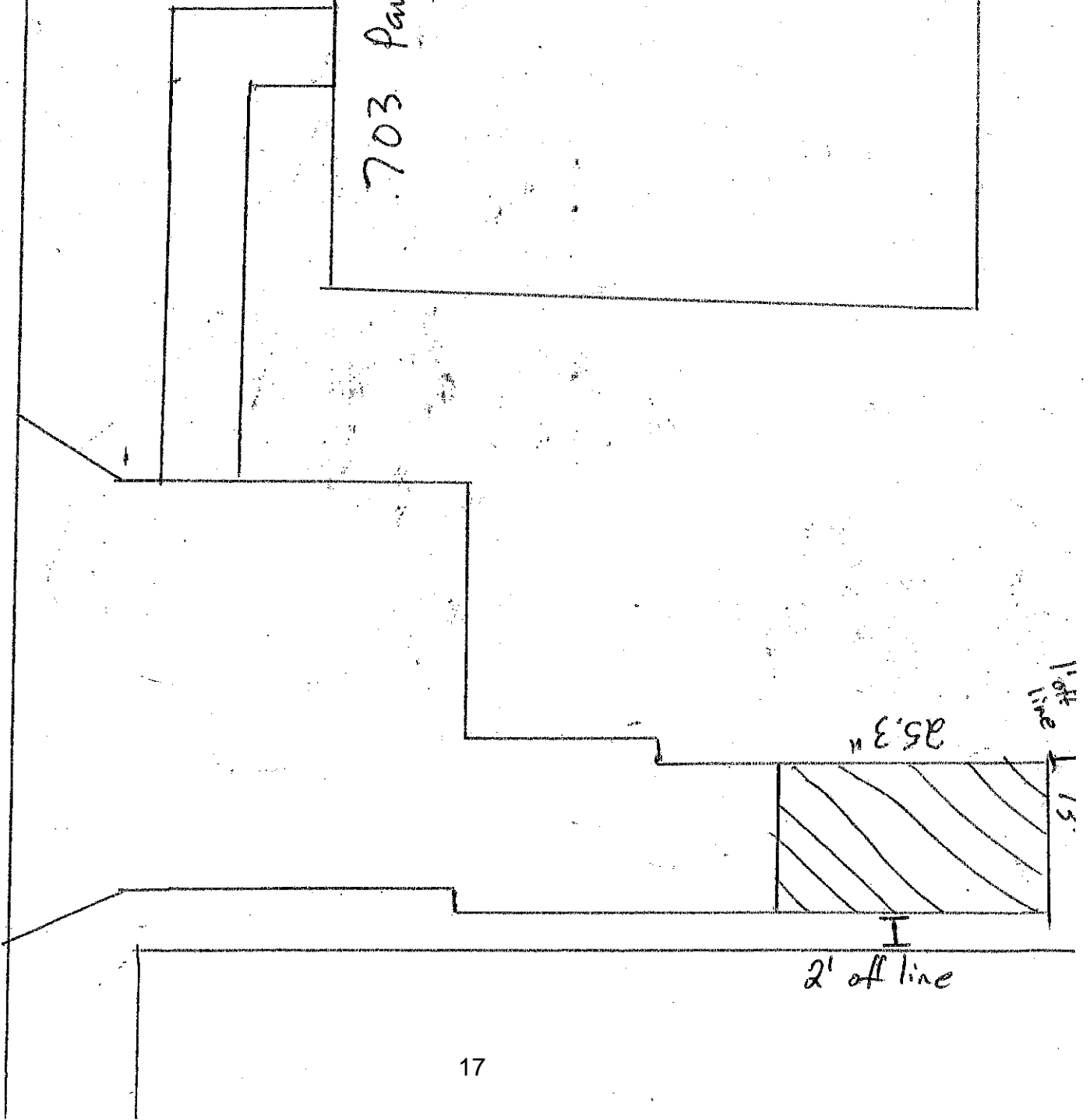
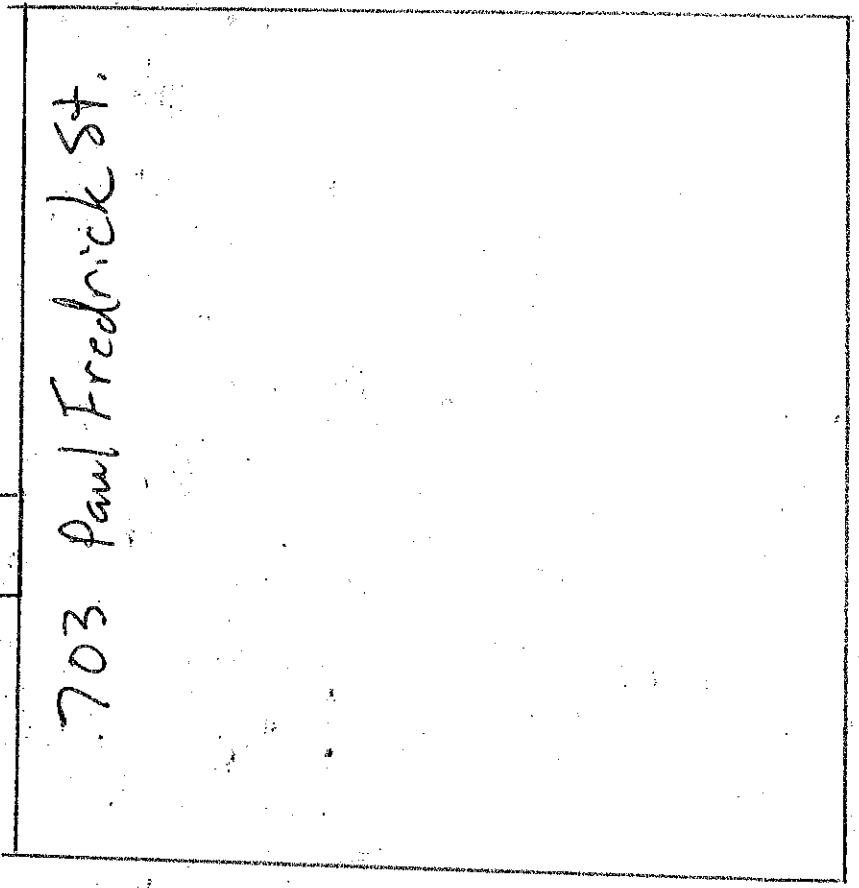
*Additional information should be submitted to further demonstrate your hardship and support your appeal, including surveys, site/project plans, photographs, and other relevant information needed to show cause for the variance.

Considering the evaluation standards detailed above, why can't your project meet the requirement(s)?

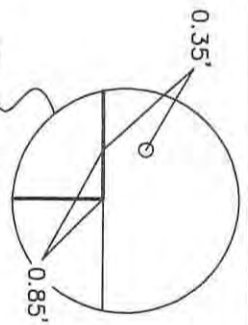
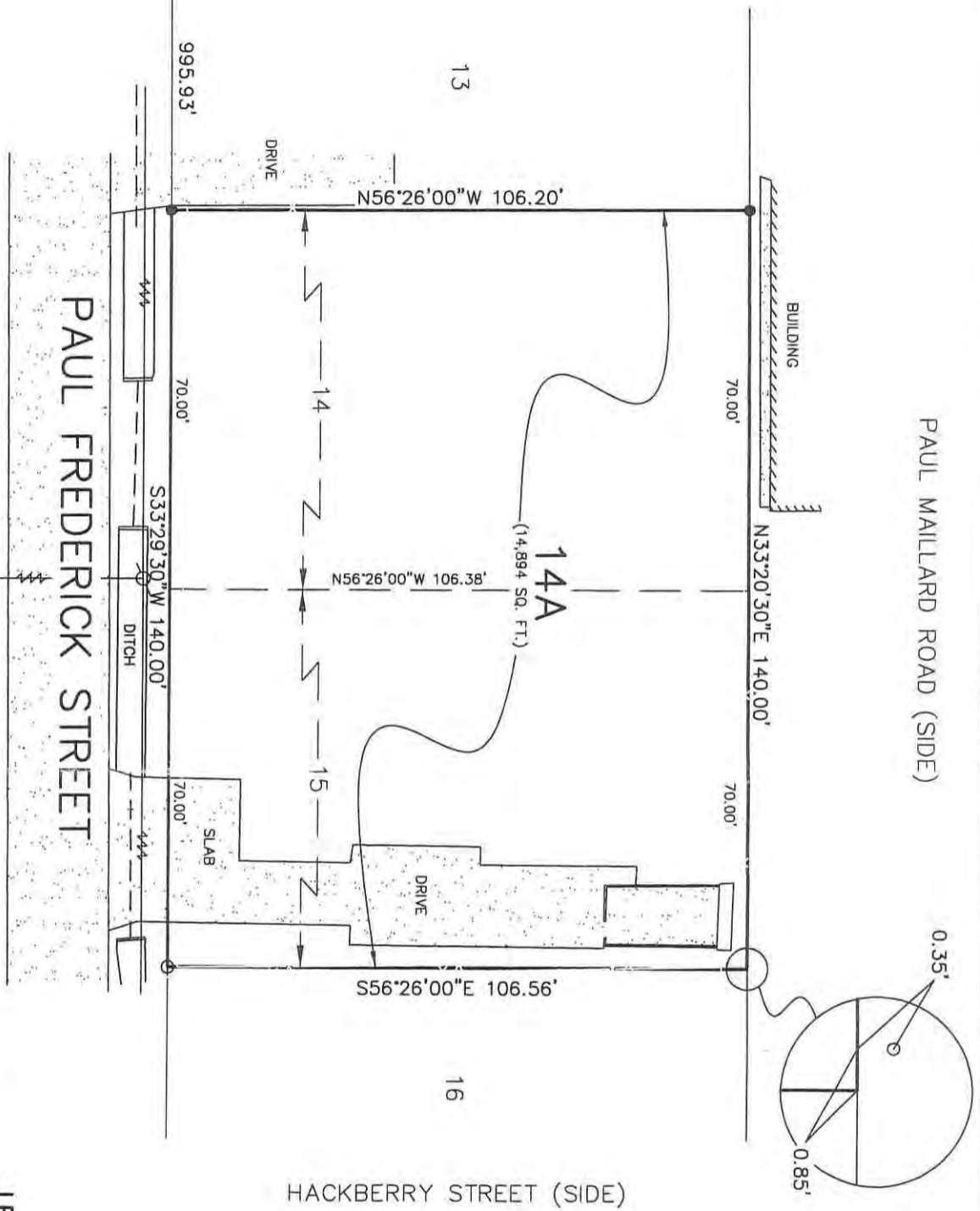
We replace the gazebo on
the same spot they had a ~~existing~~ Building
and, crescent was already
there.

OFFICE USE	
Zoning District: <u>R-1A(M)</u>	Flood Zone: <u>X Zone</u>
Code Section being appealed: <u>App A, Sec VI, B, [11.12. b. (2)] - side setback</u>	

Paul Fredrick St.



BROOKLYN STREET



PAUL MAILLARD ROAD (SIDE)

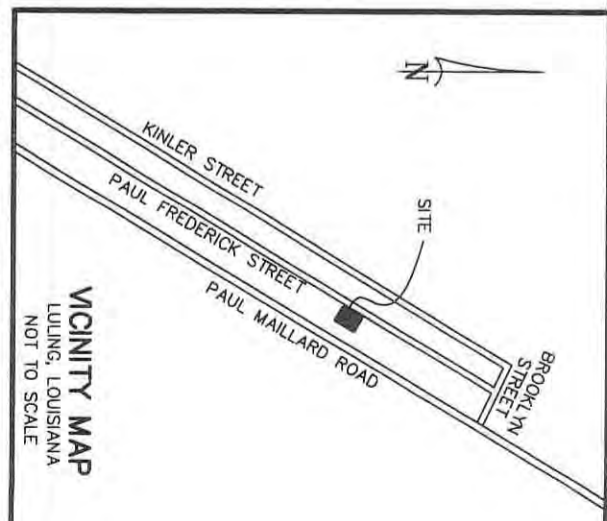
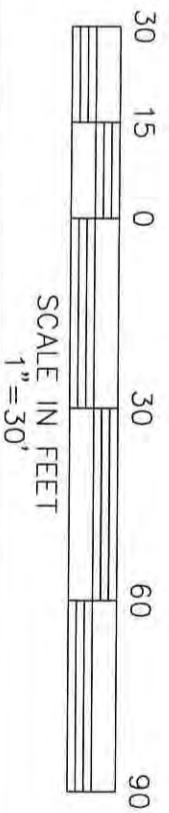
HACKBERRY STREET (SIDE)

PAUL FREDERICK STREET

TITLE: SURVEY PLAT AND RESUBDIVISION OF LOTS 14 & 15, BLOCK E, OAK RIDGE SUBDIVISION SECTION 1 INTO A LOT HEREIN DESIGNATED AS LOT 14A, BLOCK E, OAK RIDGE SUBDIVISION SECTION 1 LULING, ST. CHARLES PARISH, LOUISIANA.
DATE: MARCH 19, 2020
SURVEY REFERENCE: OAK RIDGE PARK SECTION ONE BY E.M. COLLIER, R.L.S. DATED FEBRUARY 5, 1954.
BASEIS OF BEARING: TAKEN FROM REFERENCED SURVEY PLAT.
SURVEYOR'S NOTES:

- A. THIS PLAT IS CORRECT AND IN ACCORDANCE WITH A PHYSICAL SURVEY MADE ON THE GROUND UNDER THE DIRECTION OF THE UNDERSIGNED AND COMPLES WITH THE REQUIREMENTS OF LOUISIANA'S "STANDARDS OF PRACTICE FOR BOUNDARY SURVEYS" FOR A CLASS B SURVEY.
- B. NO TITLE OPINION WAS PROVIDED TO THIS FIRM, THEREFORE NO CERTIFICATION IS GIVEN TO THE EXISTENCE OF OTHER SERVITUDES OR EASEMENTS WHICH MAY EXIST OTHER THAN THOSE SHOWN.
- C. MINIMUM SETBACK LINES AND SERVITUDES SHOWN ARE BASED ON THE REFERENCED SURVEY PLAT. THE APPROPRIATE PARISH AUTHORITY OR NEIGHBORHOOD REGULATORY BOARD SHOULD BE CONSULTED FOR FINAL DETERMINATION.

- LEGEND**
- 1/2" IRON ROD SET
 - 1/2" IRON ROD FOUND
 - ⊕ POWER POLE
 - POWER LINE



OWNER: ALEXIS N. JEFFERSON
 P.O. BOX 1322
 LULING, LA 70070

APPROVED:
 PARISH PRESIDENT: *Michael J. Allen* DATE: *4-22-2020*
 DIRECTOR, DEPT. OF PLANNING AND ZONING: *Michael J. Allen* DATE: *4-22-2020*

CERTIFICATION: THIS IS TO CERTIFY THAT THIS PLAT IS MADE IN ACCORDANCE WITH LA. REVISED STATUTES 33:5051 ET. SEQ. AND CONFORMS TO ALL PARISH ORDINANCES GOVERNING THE SUBDIVISION OF LAND.

RECORDED IN THE CLERK OF COURT'S OFFICE ST. CHARLES PARISH ON THE 4 DAY OF MAY 2020 IN BOOK 890 FOLIO 739 ENTRY # 448584
 ALL NECESSARY SEWER, WATER AND/OR OTHER UTILITY EXTENSIONS, RELOCATION'S OR MODIFICATIONS SHALL BE MADE BY AND SOLELY AT THE LOT OWNER'S EXPENSE

Stephen P. Flynn
 STEPHEN P. FLYNN
 P.L.S. LA. ST. REG. NO. 4668

DRAWN BY: KPB DRAWING NO. MM2239

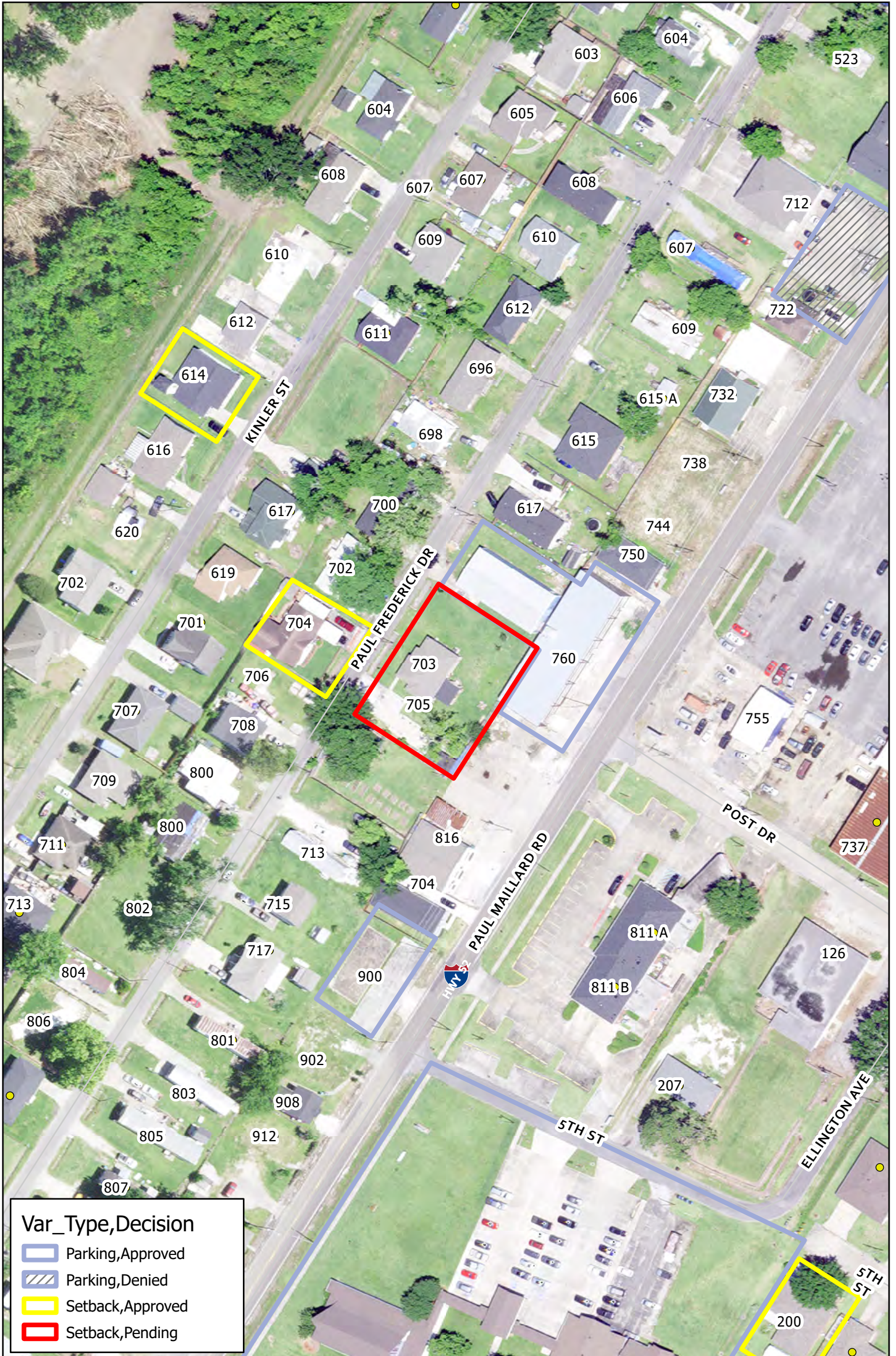
RIVERLANDS SURVEYING COMPANY

505 HEMLOCK STREET
 LAPLACE, LA. 70068
 1-800-248-6982
 985-652-6356

2024-33-ZBA Accessory Setback Reduction

1" = 100'

N





**Department of Planning & Zoning
Staff Report – Zoning Board of Adjustments
Case No. 2024-34-ZBA**

GENERAL APPLICATION INFORMATION

APPLICANT / PROPERTY OWNER:

Mitchel and Kelly Decker
430 Bernard Avenue
Ama, LA 70031
504.610.8655; kaydecker62@yahoo.com

LOCATION:

430 Bernard Avenue, Ama; Lot 21A, Square I, Addendum Number One to Sellers Village

REQUEST:

Reduce the required setback for an accessory structure from 3 ft. to 2.02 ft. for an existing shed.

SITE INFORMATION

SIZE OF PROPERTY: 14,200 sq. ft.

EXISTING ZONING: R-1A, Single family residential detached conventional homes—Medium density

SURROUNDING ZONING AND LAND USE: R-1A; the site is located in a developed single-family residential subdivision.

FUTURE LAND USE RECOMMENDATION: Low-Moderate Residential

TRAFFIC ACCESS: Bernard Avenue and Pats Court

BASE FLOOD ELEVATION (BFE): Flood Zone AE4; DFIRM X

APPLICABLE CODE REGULATION(S)

Appendix A. Section VI. Zoning District Criteria and Regulations

B. Residential districts —

[1.] R-1A. Single family residential detached conventional homes —Medium density.

2. Spatial Requirements:

c. Accessory buildings:

- (1) An accessory building may occupy no more than twenty-five (25) percent of the required rear yard.
- (2) The accessory building shall not exceed two-story construction.
- (3) Minimum setback of accessory buildings including overhangs, shall be three (3) feet.**
- (4) Nonresidential accessory buildings shall not be permitted.

DEPARTMENT ANALYSIS & FINDINGS

1. On February 6, 2024, a complaint was received concerning an unpermitted accessory structure at 430 Bernard Avenue.
2. To address the complaint the applicant contacted Planning and Zoning in May. This prompted an administrative resubdivision which was completed on July 9, 2024.
3. After finding a setback variance is necessary to allow for permitting on the unpermitted accessory structure, an application was submitted on August 19, 2024 requesting a reduction of the accessory building setback from 3 ft. to 2.02 ft.
4. The site is first depicted as Lots 20 and 21 of Block I on the map of Addendum Number One to Sellers Village by E.M. Collier dated February 12, 1965. Lot 21A resulted from the aforementioned resubdivision, as shown on a survey by Cody A. DiMarco, PLS dated June 6, 2024.
5. The Board of Adjustment has heard similar setback requests in this area.
 - ZBA-1993-08 reduced rear yard setbacks from 20 feet to 12 feet for a carport at 507 Bernard Avenue.
 - ZBA-2015-10 reduced rear yard setbacks from twenty feet to six (6) feet for an addition at 409 Bernard Avenue.

- 2019-28-ZBA reduced a mechanical setback from five (5) feet to one (1) foot at 305 Ellen Street.
6. The applicant has stated that flood vents will be installed as the structure is not built to DFIRM requirements of AE+4.
 7. To meet zoning district requirements the applicant could shift the shed's location to accommodate the gutter system within permitted setbacks.



St. Charles Parish
 Department of Planning & Zoning
ZONING BOARD OF ADJUSTMENT

OFFICE USE	
Submittal Date	8/19/24
Received By	JB
Receipt #	
Case #	2024-34-ZBA

APPLICANT INFORMATION

Applicant: MITCHEL J. DECKER & KELLY YOUNG DECKER
 Mailing Address: 430 BERNARD AVENUE AMA, LA 70031
 Phone: (504) 610-8655 Email: Kaydecker62@yahoo.com

PROPERTY INFORMATION


Municipal Address: 430 BERNARD AVENUE AMA, LA 70031
 Lot, Block, Subdivision: 21A, I, SELLERS VILLAGE
 Permit/Project Description: _____

THIS APPLICATION IS BEING MADE FOR A WAIVER FROM THE FOLLOWING REQUIREMENT(S)

A 2.35' SETBACK & 4" GUTTERS

APPLICATION CHECKLIST (review process does not begin until all items below are submitted):

- _____ 1. Application with notarized endorsement of all property owners (see page bottom)
 *If the owner is a corporation, a corporate resolution authorizing the representative must be provided
- _____ 2. Act of Sale or Deed to the property (copies available at Clerk of Courts Office)
- _____ 3. Applicant Testimony (see next page)
- _____ 4. Completed *Addendum to Application for Variance from Base Flood Elevation Requirements*
 *Base Flood Elevation variance applications only
- _____ 5. Application Fee: Single-Family Residential = \$150, Other = \$250

<p>OWNER ENDORSEMENT:</p> <p><u>MITCHEL J. DECKER</u> (Print Name)</p> <p><u>KELLY YOUNG DECKER</u> (Print Name)</p> <p>Being duly sworn, deposes and states (i) that they are the sole owner/s of the property described in this application; (ii) that all statements contained in this application are true to the best of their knowledge and belief; and (iii) that they authorize the petition.</p> <p><u>Mitchel J Decker/Kelly Young Decker</u> (Signature of owner)</p>	<p>NOTARY PUBLIC:</p> <p>Subscribed and sworn to before me this <u>19</u> day of <u>August</u>, 20 <u>24</u> in my office at <u>Wing, LA</u></p> <p><u>[Signature]</u> (Signature of Notary Public)</p> <div style="text-align: right;">  </div>
--	---

Case # _____

ZONING BOARD OF ADJUSTMENT PROCESS



¹The ZBA can either approve, approve with conditions, or deny the request.

²If approved, permitting must occur within one (1) year of the approval date. If denied, the project cannot proceed as submitted, but permitting can still occur for a project shown to be code compliant.

ZBA EVALUATION STANDARDS (Appendix C., Section XIII., item D.)

1. No variance will be considered or granted as to the permitted use as this could constitute a spot zone.
2. Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and are not generally applicable to other lands, structures or buildings in the same zoning district.
3. Literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance.
4. The special conditions and circumstances do not result from the actions of the applicant.
5. Granting the variance requested will not confer on the applicant any special privilege which is denied by this Ordinance to other lands, structures or buildings in the same district or similarly situated.
6. The variance, if granted, will not alter the essential character of the locality.
7. Strict adherence to the regulation by the property would result in a demonstrable hardship upon the owner, as distinguished from mere inconvenience.
8. The request for the variance is not based primarily upon a desire to serve the convenience or profit of the property owner or other interested party(s). Financial hardships shall not be considered as valid criteria for any such variance to existing regulations.
9. The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.

APPLICANT TESTIMONY

*Additional information should be submitted to further demonstrate your hardship and support your appeal, including surveys, site/project plans, photographs, and other relevant information needed to show cause for the variance.

Considering the evaluation standards detailed above, why can't your project meet the requirement(s)?

IN REFERENCE TO THE ATTACHED PROPERTY SURVEY DATED 6/6/24, THE ACCESSORY BUILDING IS A SHED ON CINDER BLOCKS. THE WEST SIDE OF THE BUILDING IS APPROXIMATELY 3'40" ± 3.35' TO THE PROPERTY LINE. THE OVERHANG IS A 1' OVERHANG THUS MAKING THAT OF THE STRUCTURE 2.35' AT ITS CLOSEST POINT TO THE PROPERTY LINE. A COMPLETE GUTTER SYSTEM IS TO BE INSTALLED ON THE BUILDING. THE REQUEST IS FOR APPROVAL OF A SETBACK OF 2.35' + 4" FOR GUTTER

OFFICE USE

Zoning District: _____ Flood Zone: _____

Code Section being appealed: _____

Customer Ledger

Unit # A120

Kelly Decker
 430 Bernard Avenue
 Ama, Louisiana - 70031 (USA)
 Size 3518-Luling-10x15- Move In 08/28/2019
 S-Inside IFA A/C \$3000
 Deposit \$0.00 INS \$12.00
 Rent \$225.00 Premium \$12.00
 Balance \$0.00 Paid Thru 05/27/2024

Date	Description	Deposit	Rent	Fees and Charges	Premium	Merch	LateAndLien	Tax	Total	Balance	Paid Thru Date	User
08/28/2019	Move In	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00		MIG
01/28/2024	Rent Charged	\$0.00	\$225.00	\$0.00	\$12.00	\$0.00	\$0.00	\$0.00	\$237.00	\$237.00		MIG
01/28/2024	Cash Payment	\$0.00	(\$225.00)	\$0.00	(\$12.00)	\$0.00	\$0.00	\$0.00	(\$237.00)	\$0.00	02/27/2024	MIG
02/06/2024	Data Converted	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	02/27/2024	MIG
02/27/2024	Invoice Letter	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	02/27/2024	DES
02/27/2024	Exempt from Invoice Fee	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	02/27/2024	DES
02/27/2024	Card Payment - 6863	\$0.00	(\$225.00)	\$0.00	(\$12.00)	\$0.00	\$0.00	\$0.00	(\$237.00)	(\$237.00)	03/27/2024	DES
02/28/2024	Rent Charged	\$0.00	\$225.00	\$0.00	\$12.00	\$0.00	\$0.00	\$0.00	\$237.00	\$0.00	03/27/2024	DES
03/27/2024	Invoice Letter	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	03/27/2024	DES
03/27/2024	Exempt from Invoice Fee	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	03/27/2024	DES
03/28/2024	Card Payment - 6863	\$0.00	(\$225.00)	\$0.00	(\$12.00)	\$0.00	\$0.00	\$0.00	(\$237.00)	(\$237.00)	04/27/2024	DES
03/28/2024	Rent Charged	\$0.00	\$225.00	\$0.00	\$12.00	\$0.00	\$0.00	\$0.00	\$237.00	\$0.00	04/27/2024	DES
04/27/2024	Invoice Letter	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	04/27/2024	DES
04/27/2024	Exempt from Invoice Fee	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	04/27/2024	DES
04/28/2024	Rent Charged	\$0.00	\$225.00	\$0.00	\$12.00	\$0.00	\$0.00	\$0.00	\$237.00	\$237.00	04/27/2024	DES
04/29/2024	Card Payment - *6863	\$0.00	(\$225.00)	\$0.00	(\$12.00)	\$0.00	\$0.00	\$0.00	(\$237.00)	\$0.00	05/27/2024	LDuif
	Total ...	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00		

Customer Ledger

Unit # C228 Size 3518-Luling-10x10- Move In 12/09/2021

Kelly Decker
430 Bernard Avenue
Ama, Louisiana - 70031 (USA)

Deposit \$0.00 INS \$3000
Rent \$165.00 Premium \$12.00
Balance \$0.00 Paid Thru 05/27/2024

Date	Description	Deposit	Rent	Fees and Charges	Premium	Merch	LateAndLien	Tax	Total	Balance	Paid Thru Date	User
12/09/2021	Move In	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00		MIG
01/28/2024	Rent Charged	\$0.00	\$165.00	\$0.00	\$12.00	\$0.00	\$0.00	\$0.00	\$177.00	\$177.00		MIG
01/28/2024	Cash Payment	\$0.00	(\$165.00)	\$0.00	(\$12.00)	\$0.00	\$0.00	\$0.00	(\$177.00)	\$0.00	02/27/2024	MIG
02/06/2024	Data Converted	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	02/27/2024	MIG
02/27/2024	Card Payment - 6863	\$0.00	(\$165.00)	\$0.00	(\$12.00)	\$0.00	\$0.00	\$0.00	(\$177.00)	(\$177.00)	03/21/2024	DES
02/28/2024	Rent Charged	\$0.00	\$165.00	\$0.00	\$12.00	\$0.00	\$0.00	\$0.00	\$177.00	\$0.00	03/27/2024	DES
03/13/2024	Invoice Letter	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	03/27/2024	DES
03/13/2024	Exempt from Invoice Fee	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	03/27/2024	DES
03/28/2024	Card Payment - 6863	\$0.00	(\$165.00)	\$0.00	(\$12.00)	\$0.00	\$0.00	\$0.00	(\$177.00)	\$0.00	03/27/2024	DES
03/28/2024	Rent Charged	\$0.00	\$165.00	\$0.00	\$12.00	\$0.00	\$0.00	\$0.00	\$177.00	(\$177.00)	04/27/2024	DES
04/13/2024	Invoice Letter	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	04/27/2024	DES
04/13/2024	Exempt from Invoice Fee	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	04/27/2024	DES
04/28/2024	Rent Charged	\$0.00	\$165.00	\$0.00	\$12.00	\$0.00	\$0.00	\$0.00	\$177.00	\$0.00	04/27/2024	DES
04/29/2024	Card Payment - *6863	\$0.00	(\$165.00)	\$0.00	(\$12.00)	\$0.00	\$0.00	\$0.00	(\$177.00)	\$177.00	04/27/2024	DES
05/13/2024	Invoice Letter	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	05/27/2024	LDuf
05/13/2024	Exempt from Invoice Fee	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	05/27/2024	DES
	Total	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00		DES











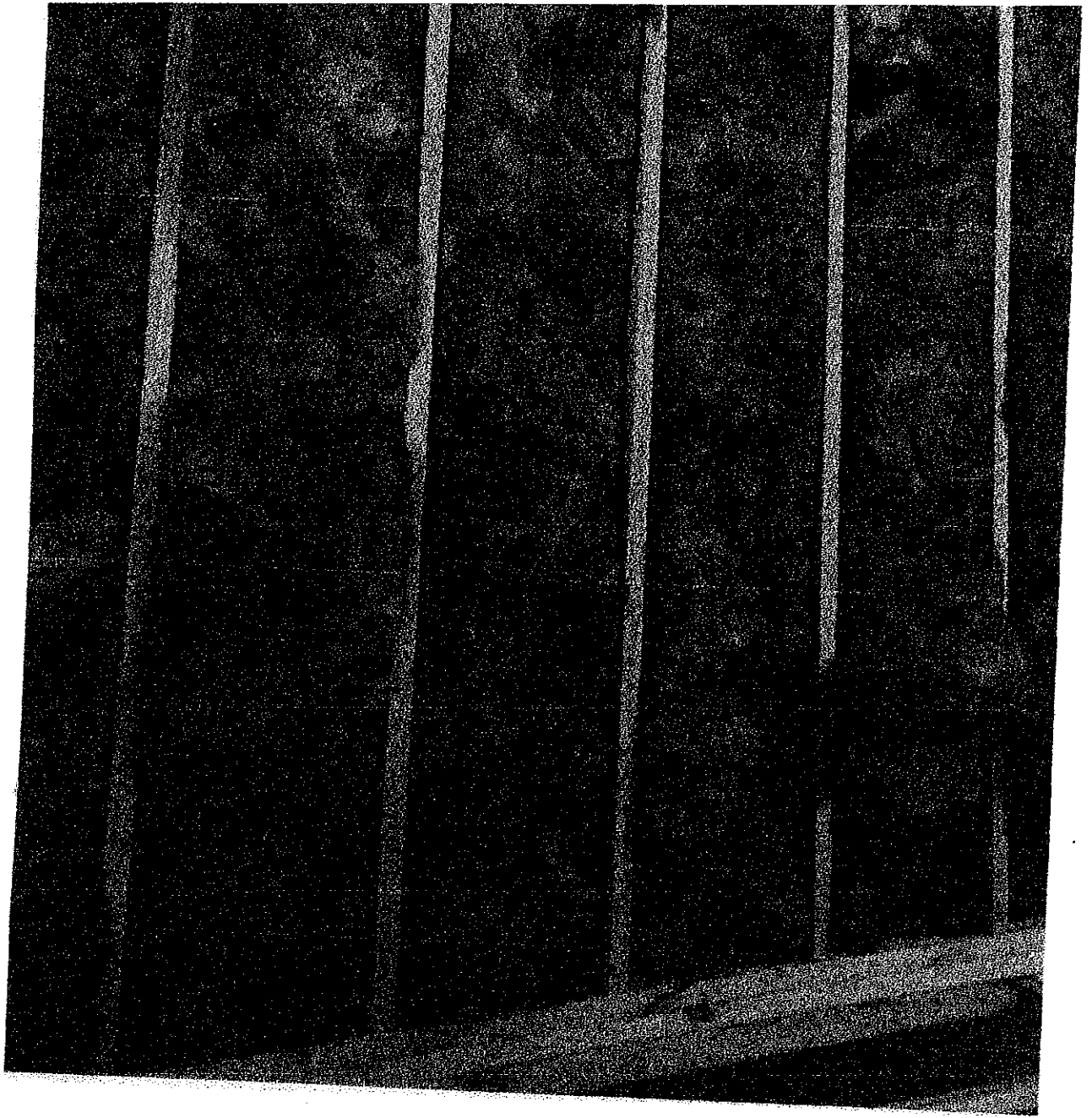


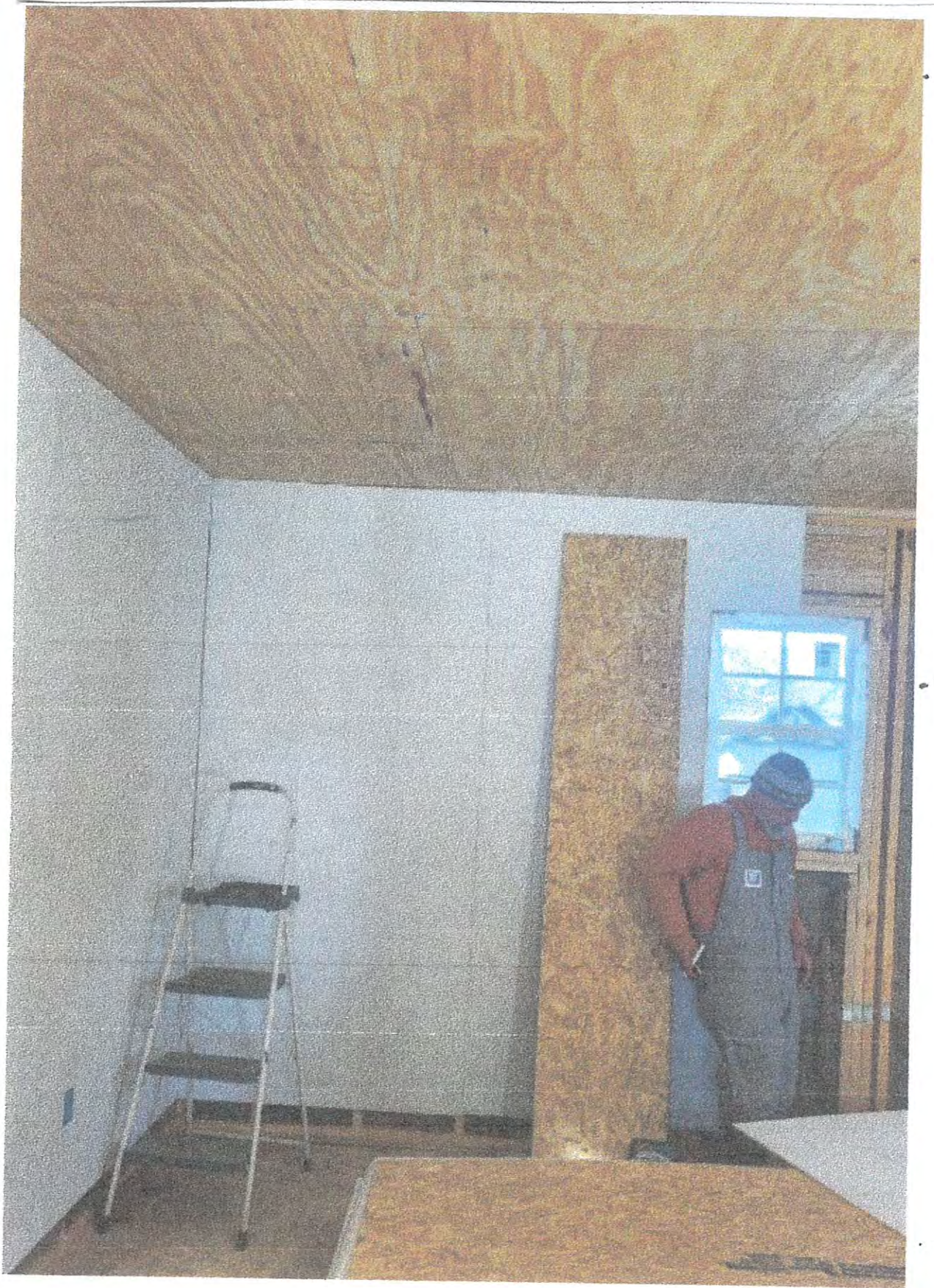




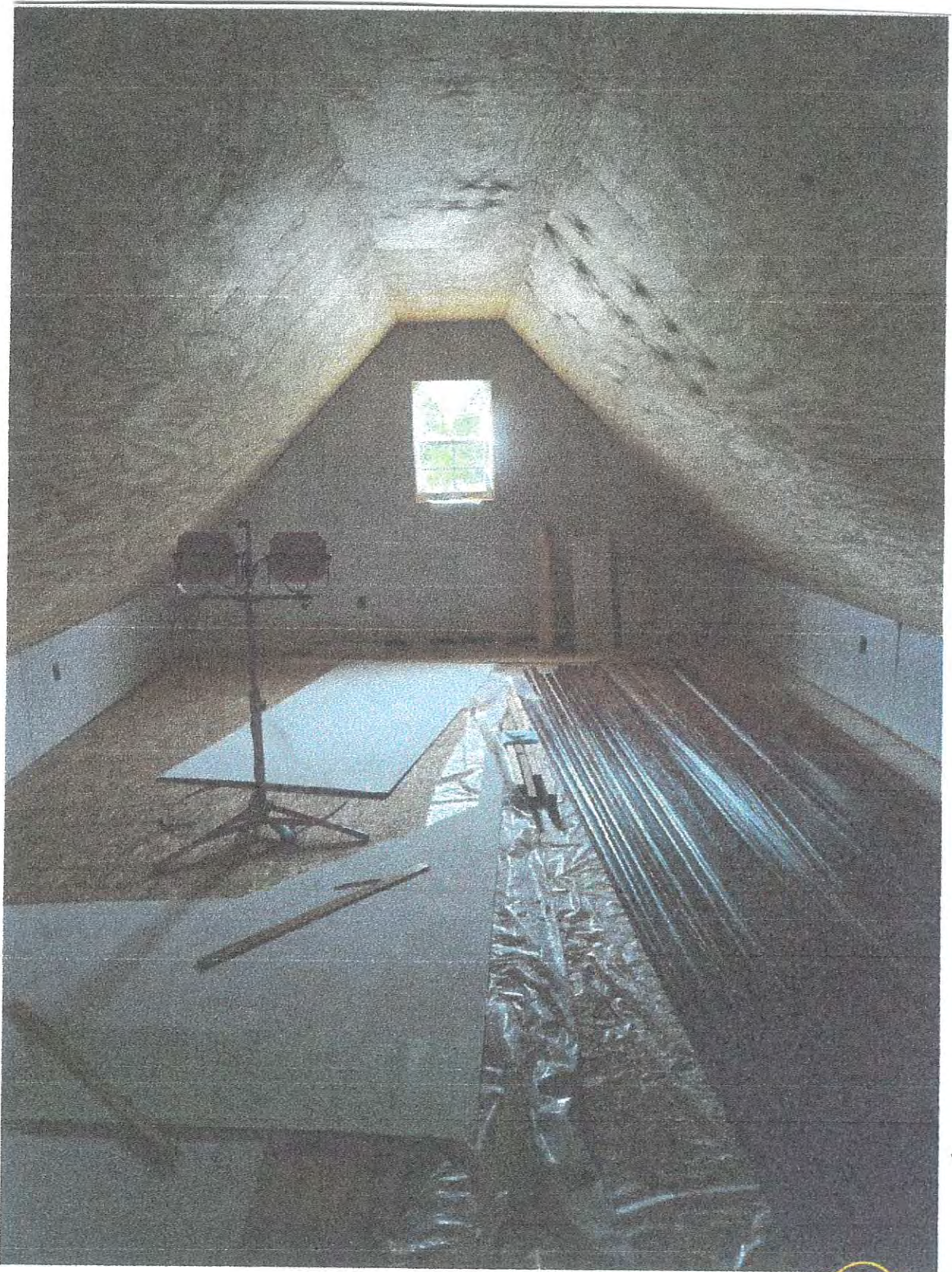


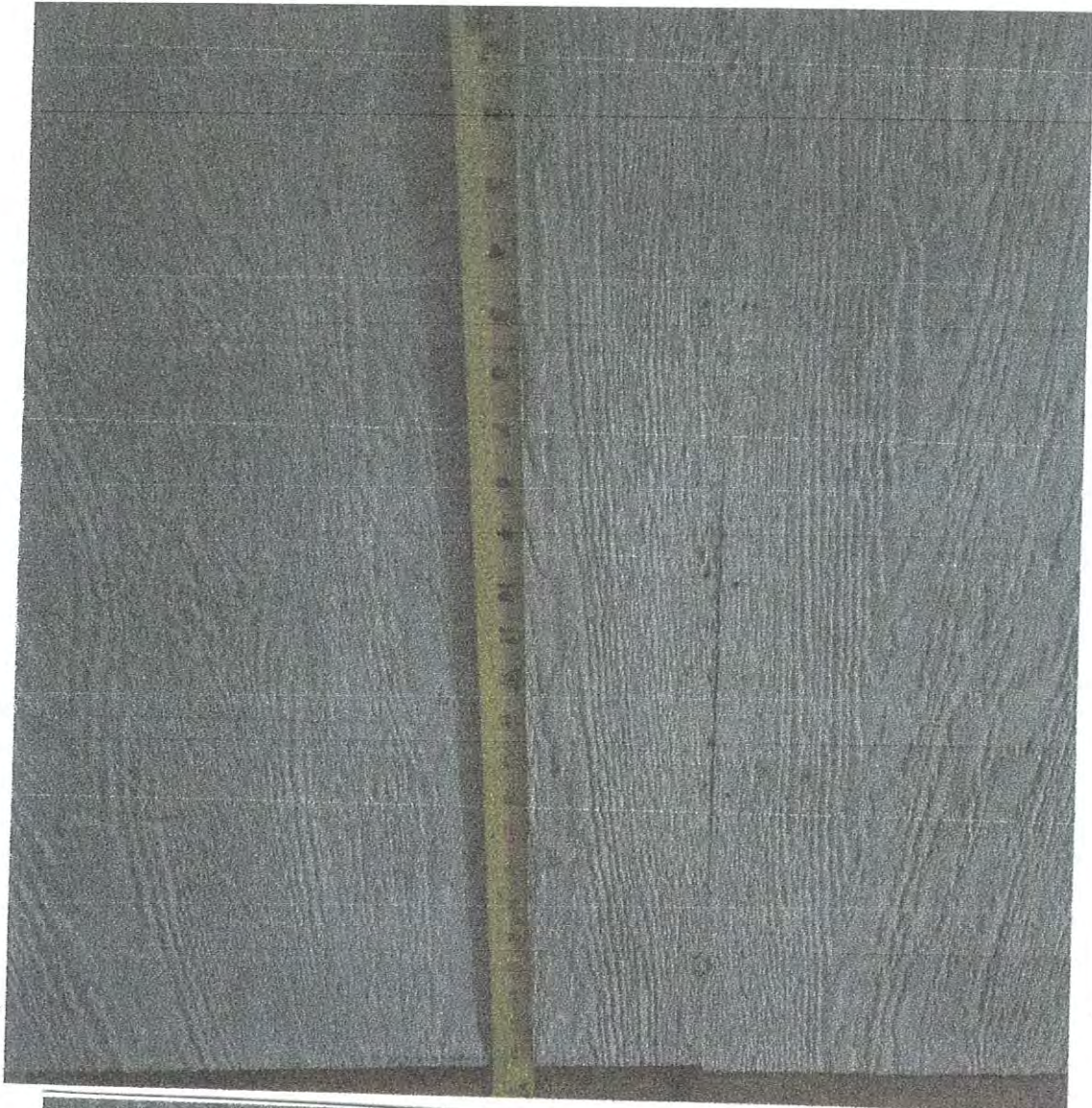




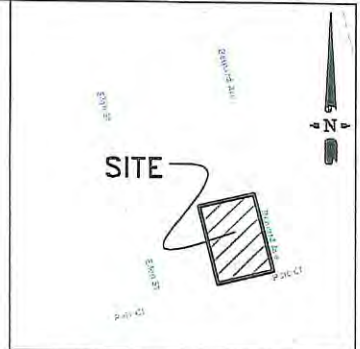








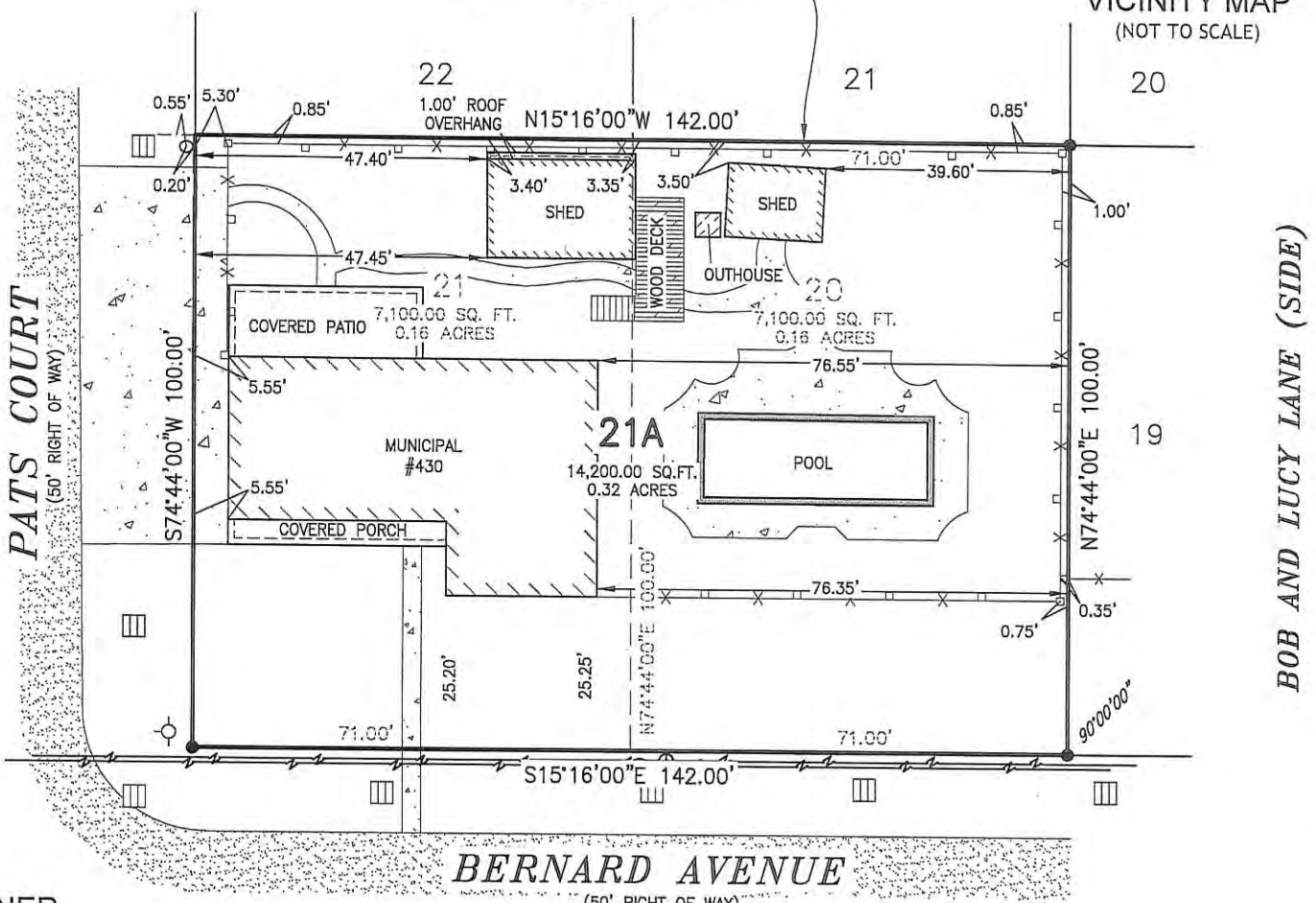




ELLEN STREET (SIDE)

VICINITY MAP (NOT TO SCALE)

BLOCK H



OWNER

KELLY YOUNG DECKER & MITCHEL J. DECKER
430 BERNARD AVENUE
AMA, LA, 70031

SURVEY REFERENCE

ADDENDUM NUMBER ONE TO SELLERS VILLAGE BY E.M. COLLIER, R.L.S., DATED FEBRUARY 12, 1965.

BEARING BASIS

TAKEN FROM REFERENCED SURVEY PLAT.

GENERAL SURVEY NOTES

IMPROVEMENTS MAY NOT BE TO SCALE FOR CLARITY. THE DIMENSIONS SHOWN PREVAIL OVER SCALE.

LEGEND

- = 1/2" IRON ROD SET
- = 1/2" IRON ROD FOUND
- x— = VINYL FENCE
- ▭ = DROP INLET
- ⊙ = FIRE HYDRANT
- ⊕ = UTILITY POLE
- = OVERHEAD UTILITY LINE

06.06.2024: IMPROVEMENTS LOCATED.
APPROVED

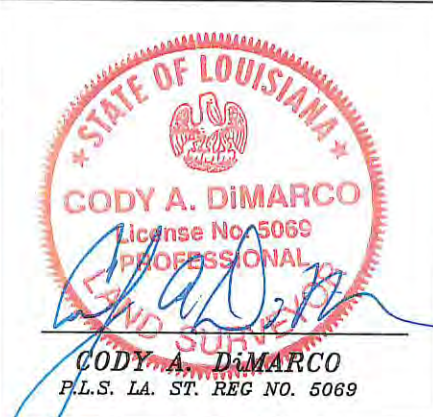
[Signature] 6/27/2024
DIRECTOR OF PLANNING AND ZONING DATE

[Signature] 7/1/24
PARISH PRESIDENT DATE

RECORDED IN THE CLERK OF COURT'S OFFICE, ST. CHARLES PARISH ON THE DAY OF 9th July, 2024 IN ENTRY NO. 482824

"ALL NECESSARY SEWER, WATER AND/OR OTHER UTILITY EXTENSIONS, RELOCATIONS OR MODIFICATIONS SHALL BE MADE SOLELY AT THE LOT OWNER'S EXPENSE."

RESUBDIVISION OF LOTS 20 & 21 INTO LOT 21A SQUARE I
ADDENDUM NUMBER ONE TO SELLERS VILLAGE SITUATED IN SECTION 35 TOWNSHIP-12-SOUTH, RANGE-21-EAST ST. CHARLES PARISH, LOUISIANA



I CERTIFY THAT THIS SURVEY AND PLAT WAS PREPARED BY ME OR BY THOSE UNDER MY DIRECT SUPERVISION. MADE AT THE REQUEST OF:

KELLY YOUNG DECKER & MITCHEL J. DECKER

P.O. BOX 790
METAIRIE, LA. 70004
(504) 834-0200

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

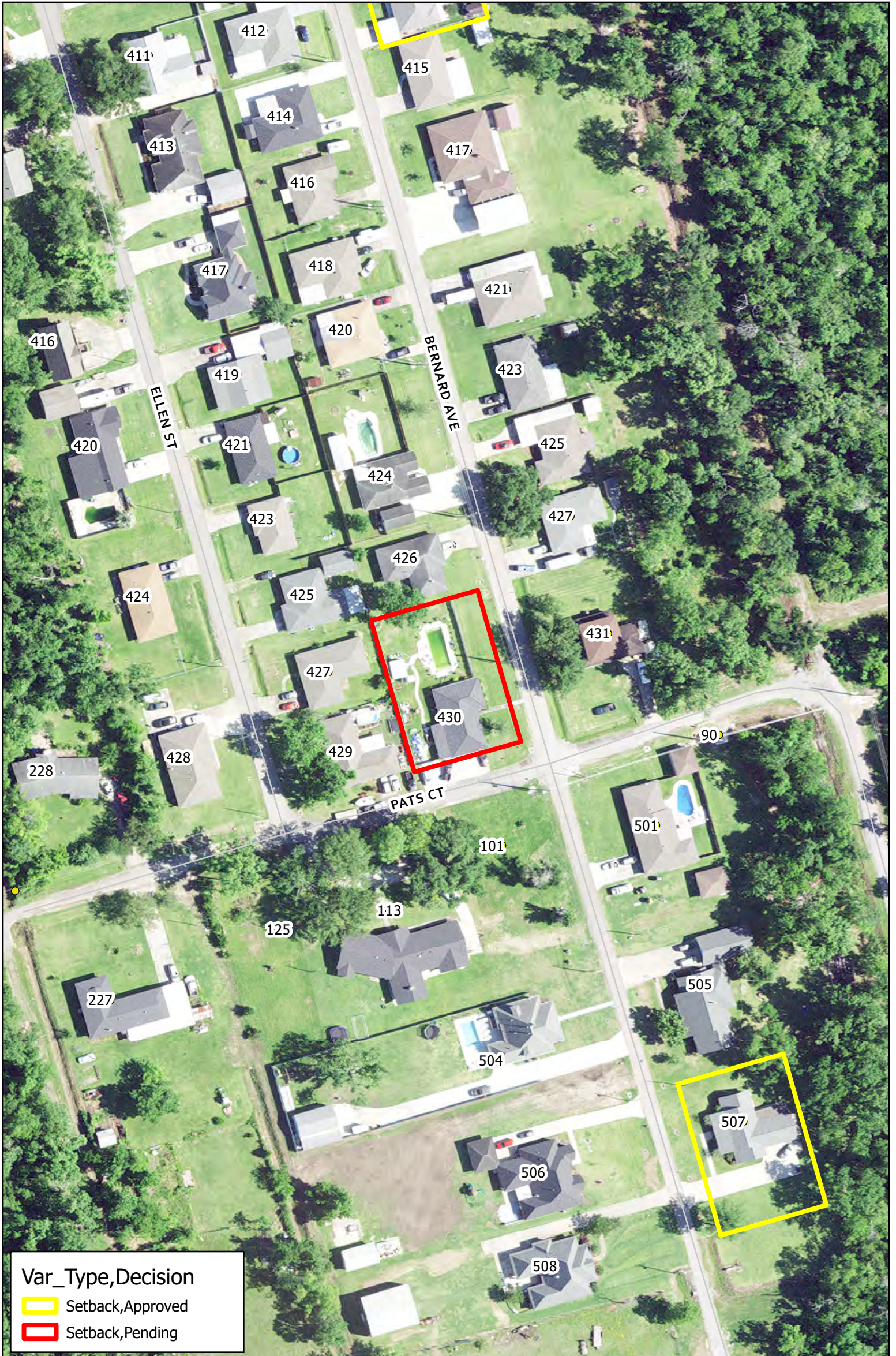
THIS PLAT IS CORRECT AND IN ACCORDANCE WITH A PHYSICAL SURVEY MADE ON THE GROUND UNDER THE DIRECTION OF THE UNDERSIGNED AND COMPLIES WITH THE REQUIREMENTS OF LOUISIANA'S "STANDARDS OF PRACTICE FOR BOUNDARY SURVEYS" FOR A CLASS "C" SURVEY

DATE:	SCALE:	DRAWN BY:	CHECKED BY:	JOB NO.:
06-06-2024	1" = 30'	J.R.	C.A.D.	63751

2024-34-ZBA Accessory Setback Reduction

1" = 100'

N





**Department of Planning & Zoning
Staff Report – Zoning Board of Adjustments
Case No. 2024-35-ZBA**

GENERAL APPLICATION INFORMATION

APPLICANT / PROPERTY OWNER:

Tonya DuBois
137 Clayton Drive
Norco, LA 70079
504.908.1146; tdubois69@icloud.com

LOCATION:

137 Clayton Drive, Norco; Lot 17, Block B, St. Charles Ridge Subdivision

REQUEST:

Reduce the required front yard setback from 16.88 ft. to 1 ft. for construction of an attached carport.

SITE INFORMATION

SIZE OF PROPERTY: 5,908 sq. ft.

EXISTING ZONING: R-1A, Single family residential detached conventional homes—Medium density

SURROUNDING ZONING AND LAND USE: R-1A zoning and site-built single family houses are located to each side.

FUTURE LAND USE RECOMMENDATION: Low-Moderate Residential

TRAFFIC ACCESS: Clayton Drive

BASE FLOOD ELEVATION (BFE): Flood Zone A99; DFIRM AE9.5

APPLICABLE CODE REGULATION(S)

Appendix A. Section VI. Zoning District Criteria and Regulations

B. Residential districts —

[1.] R-1A. Single family residential detached conventional homes —Medium density.

2. Spatial Requirements: b. Minimum yard sizes:

(1) Front—Twenty (20) feet.

(2) Side—Five (5) feet.

(3) Rear—Twenty (20) feet.

(4) For lots with less than one hundred (100) feet depth, front setback and rear setback shall be twenty (20) percent of lot depth respectively with a minimum of ten (10) feet to the front lot line and five (5) feet to the rear lot line.

DEPARTMENT ANALYSIS & FINDINGS

1. On August 15, 2024, the applicant contacted Planning and Zoning regarding building an attached carport on the front of the residence. The applicant was put in touch with a Planner and given a copy of the variance application.
2. An application was submitted on August 20, 2024 to reduce the required 16.88 ft. front yard setback to no less than 1 ft. for construction of an attached carport (a 16.88 ft. front setback is based on the permitted reduction for lots under 100 ft. deep).
3. The site, Lot 17, Block B, St. Charles Ridge Subdivision, is first designated on the map of St. Charles Ridge Subdivision, per plan of H.E. Landry, dated February 20, 1948.
4. Per a survey of the property by Richard T. Dading dated March 17, 1988 there is 20 ft. between the front façade of the home to the front property line.
5. Per the submitted site plan the carport would extend 18 ft. off the front façade of the house, placing it no less than 1 ft. from the sidewalk/front property line.
6. The Board of Adjustment has heard a similar request in this area at 201 West B Street. 2019-55-ZBA allowed for a reduction of the front yard setback on the West B side from 16.9 ft. to 8 ft., and on the Second Street from 20 ft. to 4.2 ft.
7. To meet zoning district requirements the applicant must consider another location for the carport.
8. If approved, site design requirements for hard surface parking still apply.



St. Charles Parish
 Department of Planning & Zoning
ZONING BOARD OF ADJUSTMENT

OFFICE USE	
Submittal Date	8/20/24
Received By	SB
Receipt #	13542492
Case #	5024-35-2B1

APPLICANT INFORMATION

Applicant: Tonya DuBois
 Mailing Address: 137 Clayton Drive Norco, La.
 Phone: 504 908-1146 Email: tdubois69@icloud.com

PROPERTY INFORMATION

Municipal Address: 137 Clayton Drive Norco
 Lot, Block, Subdivision: _____
 Permit/Project Description: _____

THIS APPLICATION IS BEING MADE FOR A WAIVER FROM THE FOLLOWING REQUIREMENT(S)

Frontyard setback

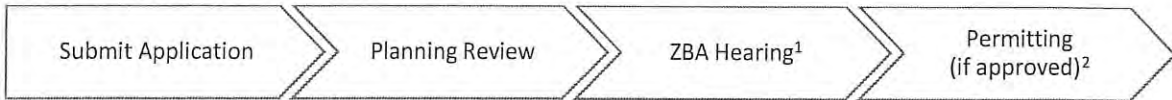
APPLICATION CHECKLIST (review process does not begin until all items below are submitted):

- BB 1. Application with notarized endorsement of all property owners (see page bottom)
 *If the owner is a corporation, a corporate resolution authorizing the representative must be provided
- BB 2. Act of Sale or Deed to the property (copies available at Clerk of Courts Office)
- BD 3. Applicant Testimony (see next page)
- N/A 4. Completed *Addendum to Application for Variance from Base Flood Elevation Requirements*
 *Base Flood Elevation variance applications only
- _____ 5. Application Fee: Single-Family Residential = \$150, Other = \$250

<p>OWNER ENDORSEMENT:</p> <p>_____ (Print Name) <u>Tonya Dubois</u> (Print Name)</p> <p>Being duly sworn, deposes and states (i) that they are the sole owner/s of the property described in this application; (ii) that all statements contained in this application are true to the best of their knowledge and belief; and (iii) that they authorize the petition.</p> <p><u>Tonya DuBois</u> (Signature of owner)</p>	<p>NOTARY PUBLIC:</p> <p>Subscribed and sworn to before me this <u>20th</u> day of <u>August</u>, 20<u>24</u> in my office at <u>Norco, LA 70079</u>.</p> <p><u>G. A. Miller</u> (Signature of Notary Public)</p> <p style="text-align: right;">GREGORY A. MILLER, Notary Public SEAL LCBA #19063</p>
--	---

Case # _____

ZONING BOARD OF ADJUSTMENT PROCESS



¹The ZBA can either approve, approve with conditions, or deny the request.

²If approved, permitting must occur within one (1) year of the approval date. If denied, the project cannot proceed as submitted, but permitting can still occur for a project shown to be code compliant.

ZBA EVALUATION STANDARDS (Appendix C., Section XIII., item D.)

1. No variance will be considered or granted as to the permitted use as this could constitute a spot zone.
2. Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and are not generally applicable to other lands, structures or buildings in the same zoning district.
3. Literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance.
4. The special conditions and circumstances do not result from the actions of the applicant.
5. Granting the variance requested will not confer on the applicant any special privilege which is denied by this Ordinance to other lands, structures or buildings in the same district or similarly situated.
6. The variance, if granted, will not alter the essential character of the locality.
7. Strict adherence to the regulation by the property would result in a demonstrable hardship upon the owner, as distinguished from mere inconvenience.
8. The request for the variance is not based primarily upon a desire to serve the convenience or profit of the property owner or other interested party(s). Financial hardships shall not be considered as valid criteria for any such variance to existing regulations.
9. The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.

APPLICANT TESTIMONY

*Additional information should be submitted to further demonstrate your hardship and support your appeal, including surveys, site/project plans, photographs, and other relevant information needed to show cause for the variance.

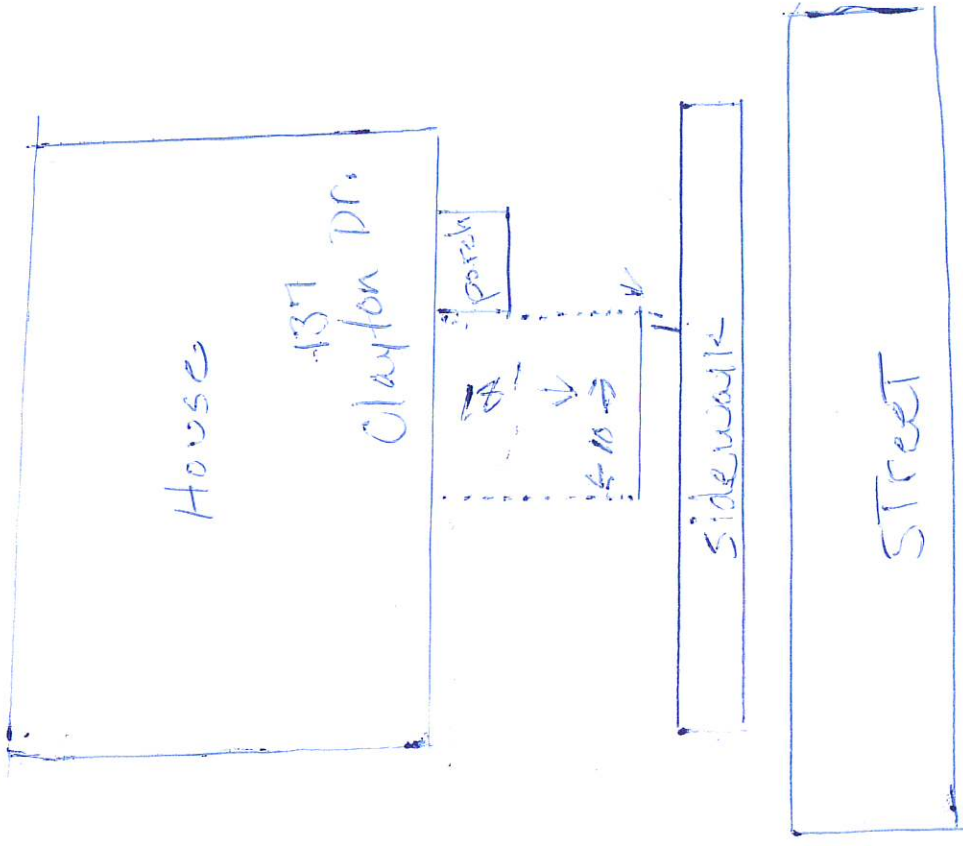
Considering the evaluation standards detailed above, why can't your project meet the requirement(s)?

Because I have a frontyard setback, I'm trying to create shade and stay out of the rain. I have a medical condition, I'm taking chemotherapy and I start radiation in one week, I have a compromised immune system, so I try not to get wet to prevent from getting sick. @@@@

OFFICE USE

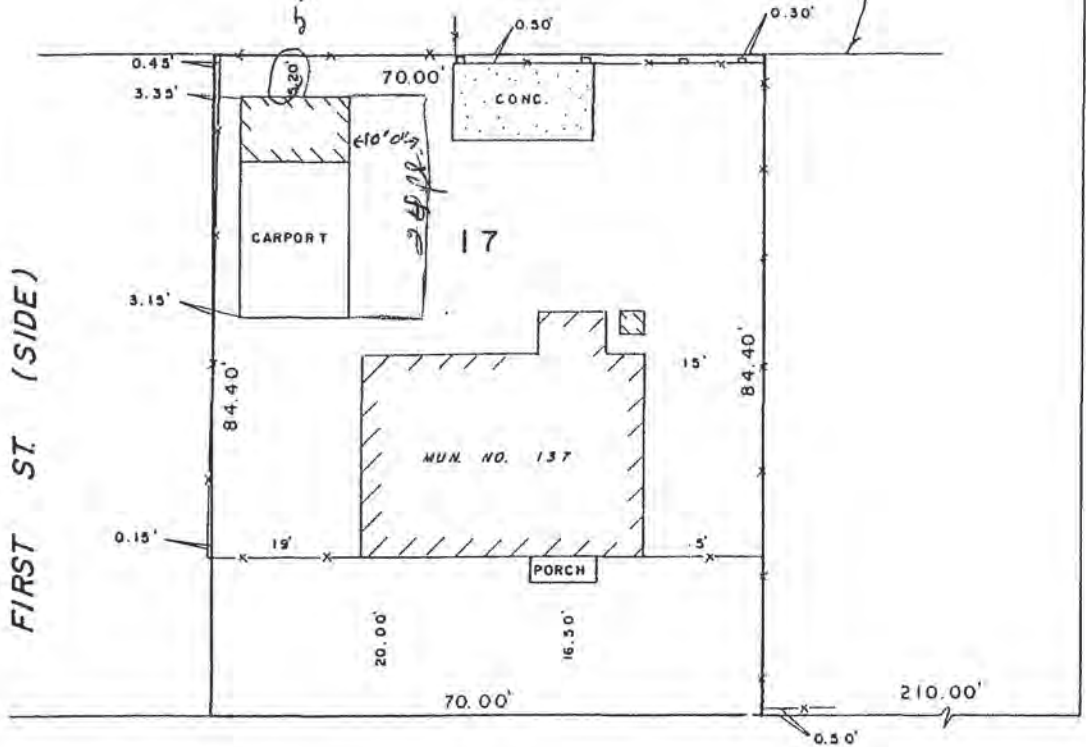
Zoning District: _____ Flood Zone: _____

Code Section being appealed: _____



MARINO DR. (SIDE)

LOT "B" SUBD.



*about
10-27-94
MWF
Explained the
3 ft. from property
line must be
from the
overhang. JH*

FIRST ST. (SIDE)

SECOND ST.

CLAYTON DR.

THIS IS TO CERTIFY THAT I HAVE CONSULTED THE F.I.A. FLOOD HAZARD BOUNDARY MAPS AND FIND THAT THE ABOVE DESCRIBED PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD ZONE. (FLOOD ZONE "B")

SURVEY OF LOT 17
SQUARE "B"
ST. CHARLES RIDGE SUBDIVISION
ST. CHARLES PARISH, LA

Dading, Marques &
Associates, Inc.



P.O. BOX 790
METAIRIE, LA 70004
834-0200

Richard J. Dady
SURVEYOR

I CERTIFY THAT THIS SURVEY AND PLAT WAS PREPARED BY ME OR THOSE UNDER MY DIRECT SUPERVISION. MADE AT THE REQUEST OF:

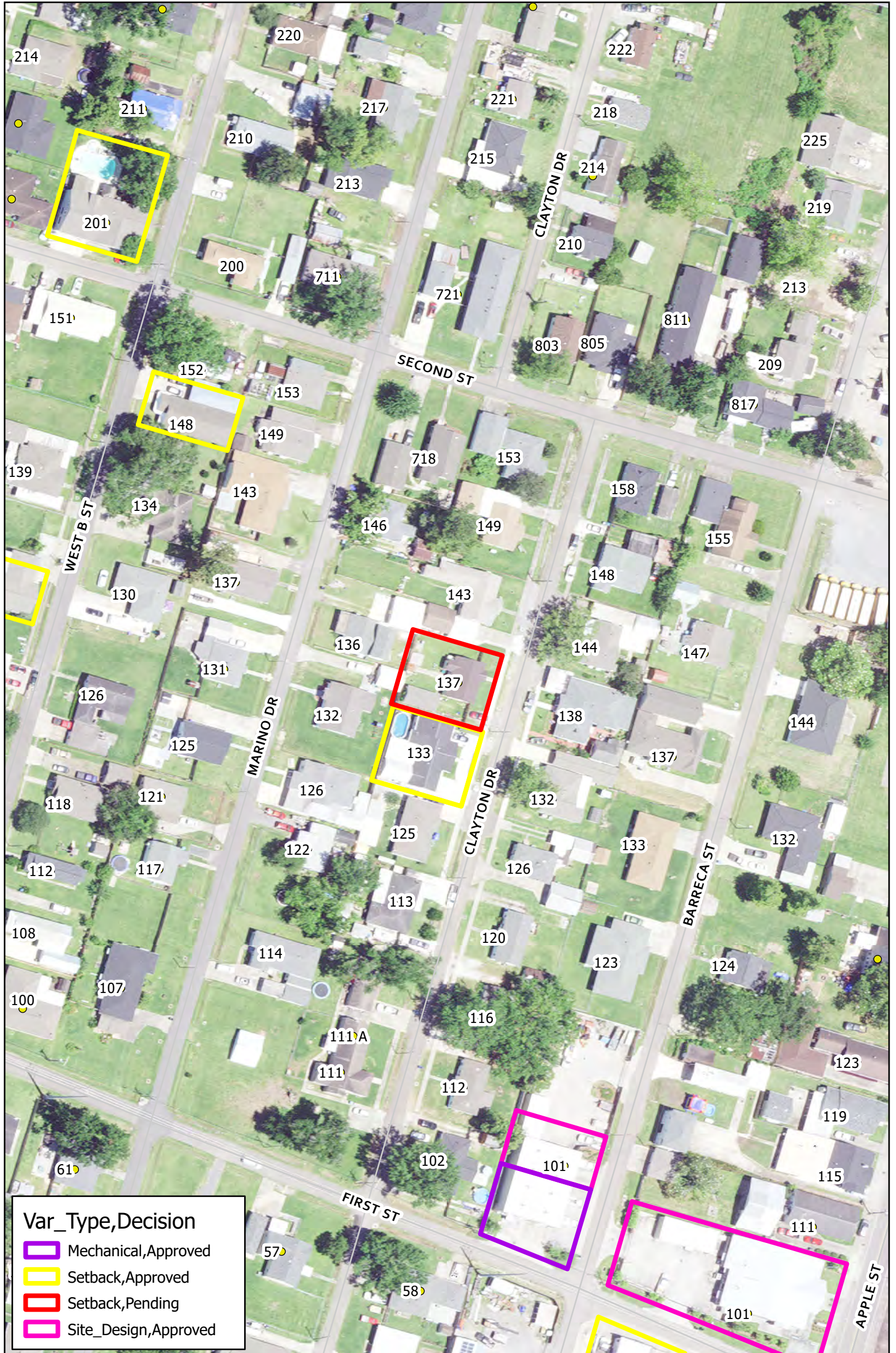
First Southwestern Title Company of LA.
& Joseph Hudnall.
(88046)

DATE	SCALE	DRAWN BY	CHECKED BY	JOB NO	PLAT NO
2-17-88	1"=20'	WTR	DTD	000440	0002452

2024-35-ZBA Front Setback Reduction

1" = 100'

N



Var_Type, Decision
Mechanical, Approved
Setback, Approved
Setback, Pending
Site Design, Approved



Department of Planning & Zoning
Staff Report – Zoning Board of Adjustments
Case No. 2024-36-ZBA

GENERAL APPLICATION INFORMATION

NAME/ADDRESS OF APPLICANT:

Stephen Rodrigue
154 Destrehan Drive
Destrehan, LA 70047
504.415.3045; srodrigue@regency-contracting.com

LOCATION OF SITE:

12800 River Road, Destrehan; Lot J-2A-2 of Plantation Business Campus, Block C

REQUESTED ACTION:

Remove the requirement limiting residential fences within the front yard setback to 4 ft. in height.

SITE INFORMATION

SIZE OF PROPERTY: 20,611.19 sq. ft.

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

SURROUNDING ZONING AND LAND USE: B-2 zoning is located to the River Road side; C-2 abuts to the rear; M-1 zoning is located to the Campus Drive East side; R-1B zoning abuts to the Audubon Place side. The site is located at the main entrance and exit to the Plantation Business Campus industrial park. The lots to the rear and Audubon Place side are undeveloped. The property on the opposite side of Campus Drive East is developed with an office and warehouse facility.

FUTURE LAND USE RECOMMENDATION: Business Park

TRAFFIC ACCESS: River Road and Campus Drive East

BASE FLOOD ELEVATION (BFE): X

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.

DEPARTMENT ANALYSIS & FINDINGS

1. On June 3, 2024 P&Z identified a fence under construction along the Campus Drive East property line at 12800 River Road, Destrehan. The fence exceeded 4 ft. in height.
2. On August 20, 2024 the owner submitted an application to allow the fence to remain, exceeding 4 ft. in height within the front yard setback.
3. A single family residence and swimming pool are under construction at this site (Permits 45526 and 47031).
4. The Board of Adjustment approved a similar variance for the residence at 100 Audubon Place (2022-45-ZBA), allowing the fence along the River Road side property line to exceed 4 ft.
5. On subject site itself, in 2022 the ZBA approved a variance reducing the front yard setback for a primary structure from 25 ft. to 15 ft. on the Campus Drive East side (2022-40-ZBA).
6. To meet zoning district requirements the fence must be removed and relocated to the front setback line or reduced to 4 ft.



St. Charles Parish
 Department of Planning & Zoning
ZONING BOARD OF ADJUSTMENT

OFFICE USE	
Submittal Date	8/20/24
Received By	RB
Receipt #	13542526
Case #	2024-36-ZBA

APPLICANT INFORMATION

Applicant: Stephen Rodrigue
 Mailing Address: 154 Destrehan Dr Destrehan LA 70047
 Phone: 504 415 3045 Email: srodrigue@regency-contracting.com

PROPERTY INFORMATION

Municipal Address: 12800 River Rd. Destrehan LA 70047
 Lot, Block, Subdivision: Lot J2A2
 Permit/Project Description: 45526

THIS APPLICATION IS BEING MADE FOR A WAIVER FROM THE FOLLOWING REQUIREMENT(S)

Fence height on corner lot

APPLICATION CHECKLIST (review process does not begin until all items below are submitted):

- 1. Application with notarized endorsement of all property owners (see page bottom)
 *If the owner is a corporation, a corporate resolution authorizing the representative must be provided
- 2. Act of Sale or Deed to the property (copies available at Clerk of Courts Office)
- 3. Applicant Testimony (see next page)
- 4. Completed *Addendum to Application for Variance from Base Flood Elevation Requirements*
 *Base Flood Elevation variance applications only
- 5. Application Fee: Single-Family Residential = \$150, Other = \$250

<p>OWNER ENDORSEMENT:</p> <p><u>Stephen Rodrigue</u> (Print Name)</p> <p>_____ (Print Name)</p> <p>Being duly sworn, deposes and states (i) that they are the sole owner/s of the property described in this application; (ii) that all statements contained in this application are true to the best of their knowledge and belief; and (iii) that they authorize the petition.</p> <p><u>Stephen Rodrigue</u> (Signature of owner)</p>	<p>NOTARY PUBLIC:</p> <p>Subscribed and sworn to before me this <u>19</u> day of <u>August</u>, 20 <u>24</u> in my office at <u>New Orleans, LA</u>.</p> <p style="text-align: center;">LEE C. REID NOTARY PUBLIC LA Bar Roll # 26481 State of Louisiana My Commission Expires at Death.</p> <p><u>Lee C. Reid</u> (Signature of Notary Public)</p> <p style="text-align: right;">SEAL</p>
--	---

Case # _____

ZONING BOARD OF ADJUSTMENT PROCESS



¹The ZBA can either approve, approve with conditions, or deny the request.

² If approved, permitting must occur within one (1) year of the approval date. If denied, the project cannot proceed as submitted, but permitting can still occur for a project shown to be code compliant.

ZBA EVALUATION STANDARDS (Appendix C., Section XIII., item D.)

1. No variance will be considered or granted as to the permitted use as this could constitute a spot zone.
2. Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and are not generally applicable to other lands, structures or buildings in the same zoning district.
3. Literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance.
4. The special conditions and circumstances do not result from the actions of the applicant.
5. Granting the variance requested will not confer on the applicant any special privilege which is denied by this Ordinance to other lands, structures or buildings in the same district or similarly situated.
6. The variance, if granted, will not alter the essential character of the locality.
7. Strict adherence to the regulation by the property would result in a demonstrable hardship upon the owner, as distinguished from mere inconvenience.
8. The request for the variance is not based primarily upon a desire to serve the convenience or profit of the property owner or other interested party(s). Financial hardships shall not be considered as valid criteria for any such variance to existing regulations.
9. The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.

APPLICANT TESTIMONY

*Additional information should be submitted to further demonstrate your hardship and support your appeal, including surveys, site/project plans, photographs, and other relevant information needed to show cause for the variance.

Considering the evaluation standards detailed above, why can't your project meet the requirement(s)?

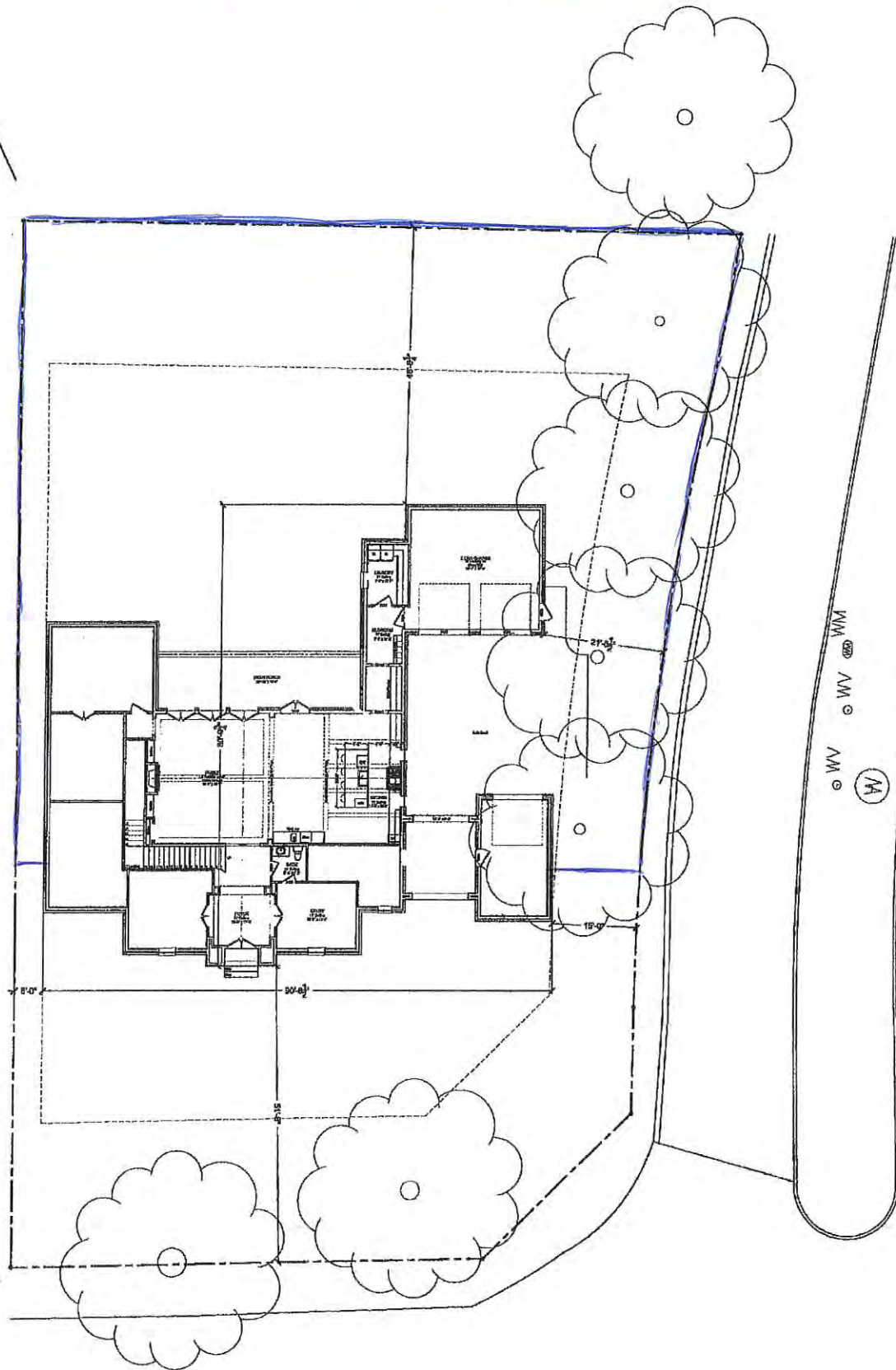
Requesting a 7' brick fence as opposed to a 4' fence
built on the property line. The side in question is adjacent
to a commercial street with high traffic. I am requesting a
7' fence for the safety of my children. This would prevent my
kids from being able to climb over the fence on to a high
traffic street.

OFFICE USE

Zoning District: _____ Flood Zone: _____

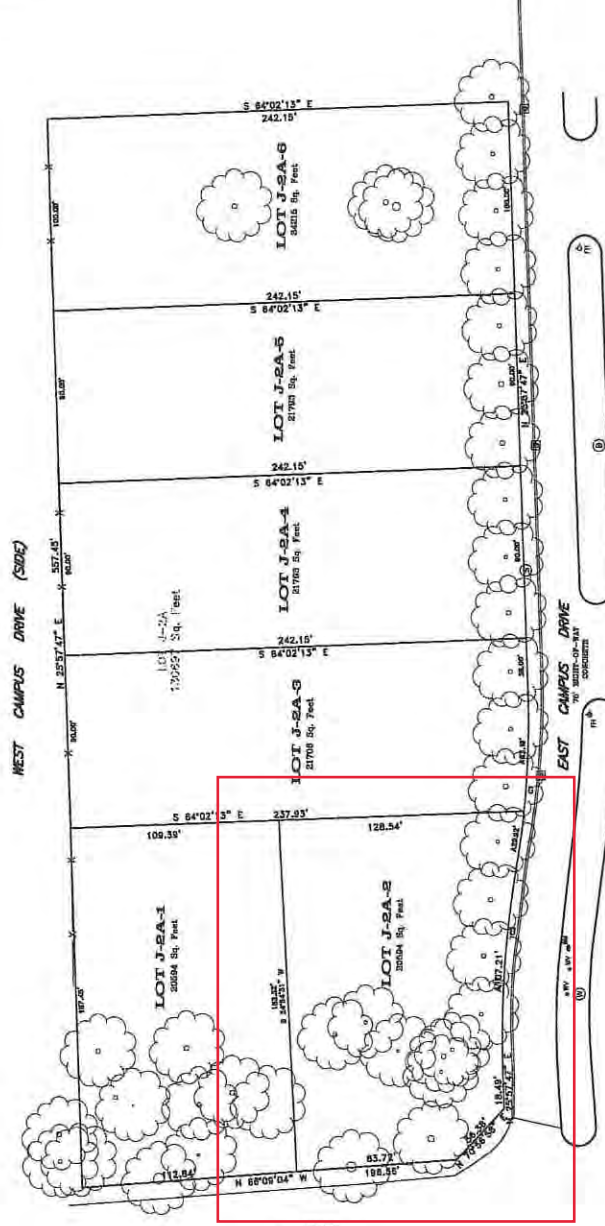
Code Section being appealed: _____

*Blue Ink indicates fence location





RESUBDIVISION OF LOT J-2A OF PLANTATION BUSINESS CAMPUS OF DESTREHAN PLANTATION, INTO LOTS J-2A-1, J-2A-2, J-2A-3, J-2A-4, J-2A-5 & J-2A-6, SITUATED IN SECTION 4, T-13-E, R-8-E ST. CHARLES PARISH, LA



CURVE	LENGTH	RADIUS	CHORD
C1	92.11	457.45	N31°33'37"E 91.95
C2	107.21	532.45	S31°42'53"W 107.03

RECORDED IN THE ST. CHARLES PARISH CLERK OF COURT ON THE _____ DATE OF _____, 2020 IN COB ENTRY # _____ DATE _____ BOOK # _____ PAGE # _____

APPROVALS
PLANNING & ZONING DIRECTOR _____ DATE _____
PARISH PRESIDENT _____ DATE _____

ALL NECESSARY SEWER, WATER AND/OR OTHER UTILITIES SHALL BE MAINTAINED SOLELY AT THE LOT OWNERS EXPENSE.

THIS IS TO CERTIFY THAT THE PROPERTY SHOWN ON THE ABOVE MAP WAS MADE IN ACCORDANCE WITH THE STANDARDS OF PRACTICE FOR PROFESSIONAL LAND SURVEYING AS SET FORTH IN THE ADMINISTRATIVE CODE TITLE 46:28, CHAPTER 25 FOR A CLASS "C" (BUSINESS) SURVEY MADE AT THE REQUEST OF PRODUCER.

NO.	DATE	REVISION
1	08/12/21	ADJUSTED DIMENSIONS PER OWNER

KLS Group Inc.
INCORPORATED IN MISSISSIPPI
311 Poydras Street, Suite 1100
New Orleans, Louisiana 70112
Phone: (504) 581-1100
www.klsurveyors.com



THIS IS TO CERTIFY THAT THE PROPERTY SHOWN ON THE ABOVE MAP WAS MADE IN ACCORDANCE WITH THE STANDARDS OF PRACTICE FOR PROFESSIONAL LAND SURVEYING AS SET FORTH IN THE ADMINISTRATIVE CODE TITLE 46:28, CHAPTER 25 FOR A CLASS "C" (BUSINESS) SURVEY MADE AT THE REQUEST OF PRODUCER.

GENERAL NOTES
THE LOCATION OF UNDERGROUND AND OTHER UNRECOVERABLE UTILITIES SHOWN HEREON HAVE BEEN DETERMINED FROM DATA PROVIDED BY THE APPLICANT. THE APPLICANT WARRANTS THAT THE INFORMATION PROVIDED IS TRUE AND CORRECT. THE SURVEYOR HAS CONDUCTED VISUAL INSPECTIONS OF THE PROPERTY AND HAS NOTED THE PRESENCE OF UTILITIES. THE APPLICANT SHALL BE RESPONSIBLE FOR THE LOCATION AND DEPTH OF ALL UTILITIES. THE SURVEYOR HAS NOT CONDUCTED ANY TESTS TO DETERMINE THE EXACT LOCATION OF UTILITIES. THE APPLICANT SHALL BE RESPONSIBLE FOR THE LOCATION AND DEPTH OF ALL UTILITIES.

ELIMINATION NOTE:
THIS IS TO CERTIFY THAT THE PROPERTY SHOWN ON THE ABOVE MAP WAS MADE IN ACCORDANCE WITH THE STANDARDS OF PRACTICE FOR PROFESSIONAL LAND SURVEYING AS SET FORTH IN THE ADMINISTRATIVE CODE TITLE 46:28, CHAPTER 25 FOR A CLASS "C" (BUSINESS) SURVEY MADE AT THE REQUEST OF PRODUCER.

REFERENCE NOTES
ALL DIMENSIONS AND BEARINGS ARE BASED ON THE 1983 ADJUSTED DATUM. THE ELEVATION OF THE BENCHMARK IS 10.70 FEET. THE ELEVATION OF THE POINT IS 10.70 FEET. THE ELEVATION OF THE POINT IS 10.70 FEET.

DATE: 08/12/2020
SCALE: 1" = 40'
JOB # 2020-000

DATE: 08/12/2020
SCALE: 1" = 40'
JOB # 2020-000

- LEGEND**
- 1. CENTER MARK
 - 2. WATER MARK
 - 3. DRAIN MARK
 - 4. DRAIN INLET
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 - 100. DRAIN MARK

2024-36-ZBA Fence Height in Front Yard

1" = 100'

N



Var_Type,Decision
Fence,Approved
Fence,Pending
Mechanical,Approved
Parking,Approved
Setback,Approved



Department of Planning & Zoning
Staff Report – Zoning Board of Adjustments
Case No. 2024-37-ZBA

GENERAL APPLICATION INFORMATION

NAME/ADDRESS OF PROPERTY OWNER:

Vicki Dunn
 124 Edna Drive
 (504)559-2631

LOCATION OF SITE:

110 (A) Matthew Drive

REQUESTED ACTION:

Reduce the minimum building elevation from +6 ft. NAVD 88 to no less than 12 in. above the centerline of street in front of the lot for a site-built house.

SITE INFORMATION

SIZE OF PARCEL: 10,440

ZONING: R-1A, Single-family detached homes—Medium density.

SURROUNDING ZONING AND LAND USE: R-1A zoning; site-built houses abut.

FUTURE LAND USE RECOMMENDATION: Medium-density Residential

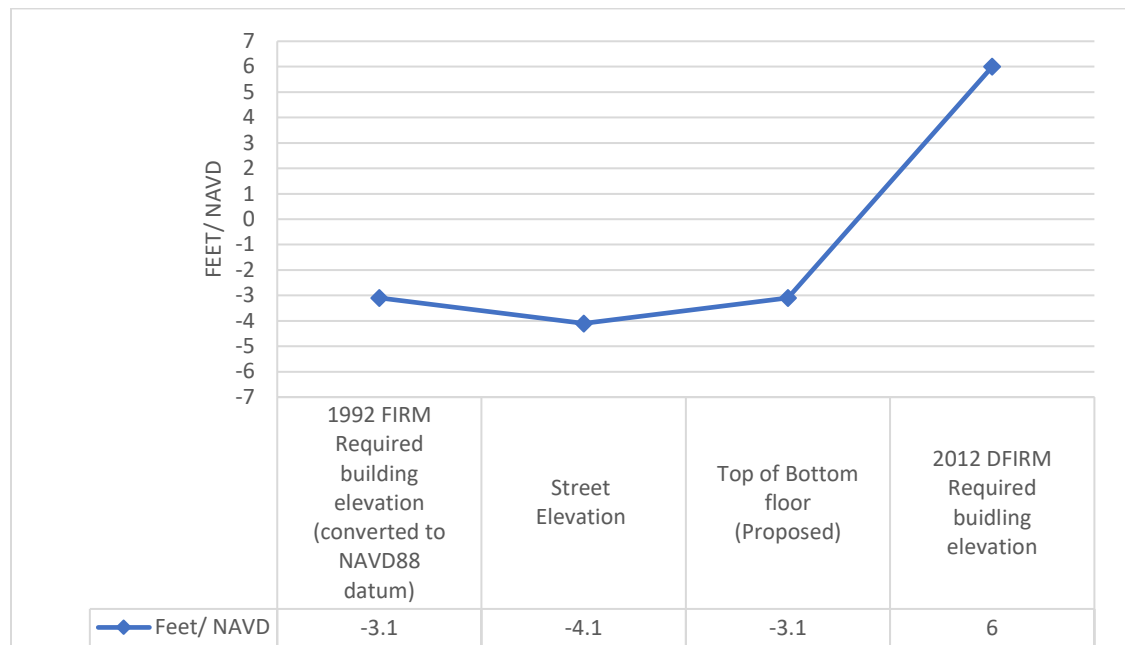
TRAFFIC ACCESS Tertiary/Local Streets

UTILITIES: Standard utilities are available for the site.

FLOOD ZONE: The “effective” flood insurance rate map (1992 FIRM) shows the site in a X zone, which is not a special flood hazard area; the “preliminary” flood insurance map (2012 DFIRM) shows the property in a special flood hazard area with a base flood reaching as high as +6 ft NAVD88.

MINIMUM REQUIRED BUILDING ELEVATION: +6 ft. NAVD88

The information below is based on information the property owner submitted on a construction Elevation Certificate and an aerial image with elevations of the street.



APPLICABLE CODE REGULATION(S)

Appendix A. Section XX. Flood Damage Prevention Item 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, E Provisions for Flood Hazard Reduction: 2. Specific Standards:

In all areas designated as "X" Zones on the Federal Insurance Rate Map (FIRM) for St. Charles Parish, all buildings or structures shall be elevated so that the lowest portion of the structural members of the lowest floor are located at least twelve (12) inches above the center line of the nearest street right-of-way. In all areas of special flood hazard where base flood elevations have been provided as set forth in section C.2. or in section D.4.h., the following standards are required:

2.a Specific Standards for residential construction

New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to or above the base flood elevation. Accessory buildings, having less than one hundred forty-five (145) square feet of floor area, may be constructed below the base flood elevation, but must be unfinished on the interior, constructed with flood-resistant materials below the base flood elevation, used only for storage, and anchored to resist flotation, collapse and lateral movement.

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.

DEPARTMENT ANALYSIS & FINDINGS

1. The request is to reduce the minimum building elevation for a house on a 10,400 sq. ft. lot from the required 6 ft. NAVD88 to no lower than 0 ft. NAVD88.
2. The effective Flood Insurance Rate Map (1992 FIRM) shows the lot in a shaded X-zone which is not a Special Flood Hazard Area (SFHA).
3. The minimum elevation in X zones is 12 in. above the centerline of the street (this would require the top of lowest floor to be at or above -3.1 ft. NAVD88 on the property).
4. The Preliminary Digital Flood Insurance Rate Map (2012 DFIRM) shows the lot in an AE zone, which is a Special Flood Hazard Area; the base flood is estimated to reach +6 ft. NAVD88.

5. Ordinance 13-7-7 states “...for the purpose of determining minimum building elevations, the Preliminary Digital Flood Insurance Rate 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.”
6. This means the minimum building elevation required by the Zoning Ordinance at this location, is 6 ft. NAVD88.
7. Regarding similar variances in the area, the Zoning Board of Adjustment has reduced the minimum building elevations from 6 ft. or 7 ft. NAVD88 to no less than 12 in above the centerline of the street, including the following:
 - From 5 ft. to 3 ft. NAVD88 at 110 Mark Drive ZBA 2012-20
 - From 6 ft. to 1 ft. NAVD88 at 118 Mark Drive 2020-29-ZBA
 - From 5 ft. to 1 ft. NAVD88 at 108 Matthew Dr. 2008-15-ZBA
 - From 5 ft. to 1 ft. NAVD at 2779 Hwy 306 2010-30-ZBA
8. The property owner has not demonstrated that placing the structure at the minimum building elevation creates an exceptional hardship for them.
9. The property owner has not indicated that they will be living in the building.
10. The property owner has signed the addendum to the application for a variance from BFE/minimum building elevation requirement.
11. In order to meet regulations, the property owner could build the house and equipment at the minimum building elevation on fill, piers, or pilings.
12. If the any amount of fill is placed on the lot for the construction, the requirements of Chapter 7, 7-3, Adjacent Lot Runoff Protection, apply.
13. If FEMA requires the Parish to adopt the DFIRM or any map that shows the property in a SFHA, it could become mandatory for a mortgagor of the property to purchase flood insurance within six months of the adoption of the map. The cost could be extremely high.



St. Charles Parish
 Department of Planning & Zoning
ZONING BOARD OF ADJUSTMENT

OFFICE USE	
Submittal Date	8/20/24
Received By	PHY
Receipt #	
Case #	2024-37-26A

APPLICANT INFORMATION

Applicant: Vicki Dunn
 Mailing Address: 124 Edna Dr, Des Allemands, La 70030
 Phone: 504-559-2631 Email: dunnhomes@yahoo.com

PROPERTY INFORMATION

Municipal Address: Matthew Dr
 Lot, Block, Subdivision: 48B Smith's Green Acres
 Permit/Project Description: _____

THIS APPLICATION IS BEING MADE FOR A WAIVER FROM THE FOLLOWING REQUIREMENT(S)

Elevation Variance

APPLICATION CHECKLIST (review process does not begin until all items below are submitted):

- 1. Application with notarized endorsement of all property owners (see page bottom)
 *If the owner is a corporation, a corporate resolution authorizing the representative must be provided
- 2. Act of Sale or Deed to the property (copies available at Clerk of Courts Office)
- 3. Applicant Testimony (see next page)
- 4. Completed *Addendum to Application for Variance from Base Flood Elevation Requirements*
 *Base Flood Elevation variance applications only
- 5. Application Fee: Single-Family Residential = \$150, Other = \$250

<p>OWNER ENDORSEMENT:</p> <p><u>Vicki Dunn</u> (Print Name)</p> <p>_____ (Print Name)</p> <p>Being duly sworn, deposes and states (i) that they are the sole owner/s of the property described in this application; (ii) that all statements contained in this application are true to the best of their knowledge and belief; and (iii) that they authorize the petition.</p> <p><u>Vicki Dunn</u> (Signature of owner)</p>	<p>NOTARY PUBLIC:</p> <p>Subscribed and sworn to before me this <u>20th</u> day of <u>August</u>, 20<u>24</u> in my office at <u>Boutte, LA</u>.</p> <p>_____ (Signature of Notary Public)</p> <div style="border: 2px solid red; padding: 5px; width: fit-content; margin-left: auto;"> <p>DEVYLE A. BOURGEOIS Notary ID #12032 Notary Public Jefferson Parish, LA My Commission is issued for Life</p> </div>
--	--

Case # _____

ZONING BOARD OF ADJUSTMENT PROCESS



¹The ZBA can either approve, approve with conditions, or deny the request.

² If approved, permitting must occur within one (1) year of the approval date. If denied, the project cannot proceed as submitted, but permitting can still occur for a project shown to be code compliant.

ZBA EVALUATION STANDARDS (Appendix C., Section XIII., item D.)

1. No variance will be considered or granted as to the permitted use as this could constitute a spot zone.
2. Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and are not generally applicable to other lands, structures or buildings in the same zoning district.
3. Literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance.
4. The special conditions and circumstances do not result from the actions of the applicant.
5. Granting the variance requested will not confer on the applicant any special privilege which is denied by this Ordinance to other lands, structures or buildings in the same district or similarly situated.
6. The variance, if granted, will not alter the essential character of the locality.
7. Strict adherence to the regulation by the property would result in a demonstrable hardship upon the owner, as distinguished from mere inconvenience.
8. The request for the variance is not based primarily upon a desire to serve the convenience or profit of the property owner or other interested party(s). Financial hardships shall not be considered as valid criteria for any such variance to existing regulations.
9. The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.

APPLICANT TESTIMONY

*Additional information should be submitted to further demonstrate your hardship and support your appeal, including surveys, site/project plans, photographs, and other relevant information needed to show cause for the variance.

Considering the evaluation standards detailed above, why can't your project meet the requirement(s)?

We would like to build at a similar elevation as all of the surrounding neighbors, as to not flood our neighbors yards. Building on pilings is costly & challenging to any elder homeowners. This requested elevation would put us at the same approx. height as surrounding homes.

OFFICE USE

Zoning District: RIA Flood Zone: X/AE+G
Code Section being appealed: App. A Section XX



St. Charles Parish
Department of Planning & Zoning
ZONING BOARD OF ADJUSTMENT

**ADDENDUM TO APPLICATION FOR VARIANCE FROM
BASE FLOOD ELEVATION REQUIREMENTS**

The applicant's initials below indicate that they understand the advice and cautions.

- VP **The applicant is advised to obtain flood insurance quotes prior to applying for a variance.**
- VP **The applicant is cautioned** that if this request for a variance is granted, flood insurance premiums will most likely be more expensive than if the building is built at or above the minimum building elevation.
- VP **The applicant is cautioned** that it may become mandatory to purchase a flood insurance policy for the building. This may occur, for example, if FEMA requires the Parish to adopt maps that show the property in a Special Flood Hazard Area; or if a property owner receives a federal grant or other assistance; or if a lender requires a borrower to purchase flood insurance for any reason.
- VP **The applicant is cautioned** that FEMA presented St. Charles Parish with Preliminary Flood Insurance Rate Maps (Preliminary FIRMs) in 2012. The St. Charles Parish Council adopted the new maps for the purpose of determining minimum building elevation, but not for the purpose of determining whether the mandatory flood insurance purchase requirements of the National Flood Insurance Program (NFIP) apply.
- VP **The applicant is cautioned** that in order to participate in the NFIP, St. Charles Parish must enforce minimum building elevations. Different minimum elevations may apply in the future. A building that does not meet the minimum building elevation will probably have a higher flood insurance premium, and the building may have to be raised to the minimum elevation in order to permit substantial improvements.
- VP **The applicant is cautioned** that best way to avoid negative impacts is to build at or above the current minimum building elevation.
- VP **The applicant is cautioned** that the Board's guidelines for considering variances from the minimum building elevation say that the Board should only consider a variance from elevation when "failure to grant the variance would result in exceptional hardship to the applicant."
- VP **The applicant is cautioned** that the Board's meetings are a public hearing, which is recorded, and at which applicants must present *sworn testimony* and evidence regarding the true hardship the minimum building elevation causes for them.

COMPLETE THE FOLLOWING:

1. The preliminary Flood Insurance Rate Map (2012) shows the property in Flood Zone AE; the minimum building elevation is 10' NAVD88.
2. The effective Flood Insurance Rate Map (1992) shows the property in Flood Zone X; the minimum building elevation is 0' NGVD29.
3. Is the property listed on the National Register of Historic Places or State Inventory of Historic Places? No
4. Total sq. ft. of lot = 10,440
5. What alternative methods have you considered to meet the base flood elevation and why won't they work? Building on pilings is costly & presents accessibility issues.
6. Describe the exceptional hardship to the applicant which would result if a variance was not granted. We would not be able to build as planned
7. Provide the following information and attachments:
 - a. Properly executed authentic act of Acknowledgement, Indemnification, and Hold Harmless
 - b. Grade certificate, prepared by licensed land surveyor or engineer indicating
 1. Ground elevation at building site
 2. Elevation of street at centerline
 3. Elevation of and existing buildings on the property
 - c. Photographs of the property and any adjacent properties with buildings below the minimum elevation

ACKNOWLEDGEMENT, INDEMINIFCATION AND HOLD HARMLESS

STATE OF LOUISIANA

PARISH OF ST. CHARLES

BEFORE ME, the undersigned Notary, and in the presence of the two undersigned witnesses, personally came and appeared VICKI DUNN, (hereinafter "appearers"), who, **after being duly sworn**, acknowledged that they own the property located at Lot 48B Matthew Dr, Des Allemands, LA 70030 and acquired it by instrument registered in the official records of St. Charles Parish at COB Entry _____. Appearers further acknowledge that they are requesting a variance from the Flood Damage Prevention requirements of the St. Charles Parish Zoning Ordinance of 1981, as amended, in order to permit construction of one or more building(s) below the minimum required elevation. The minimum building elevation required at the property, is 6'; however, the building will be placed at 12" above street ft. NGVD29, which meets or exceeds the base flood elevation shown on the effective Flood Insurance Rate Map for St. Charles Parish as well as any additional elevation requirement of the Louisiana State Uniform Construction Code.

Appearers hereby release and hold harmless the Parish of St. Charles, all departments, agencies, boards, and commissions, officers, agents, servants, employees, and volunteers, from any and all claims, demands, causes of action, expense, and liability that may result from granting the variance request by Appearers.

Appearers further acknowledge that they hereby agree to defend any litigation arising out of the granting of the variance and agree to pay all claims and demands arising therefrom, including court costs and attorneys.

Done and passed before me this 20th day of August, 2024.

WITNESSES:

APPEARERS:

[Signature]

PRINT NAME: Amanda Wedge

PRINT NAME: _____

[Signature]

NOTARY PUBLIC

PRINT NAME: BERYLE A. BOURGEOIS

BAR NO. _____

SEAL REQUIRED

GASSEN SURVEYING, LLC

1026 GASSEN ST
Luling, LA 70070

GRADE CERTIFICATE

August 15, 2024

Lot Number: 48B Square:

Subdivision: Smith's Green Acres

Municipal No.: Matthew Drive

Firm Zone: X Base Flood Elevation: N/A NGVD
DFIRM ZONE: AE DFIRM Advisory Base Flood Elevation: 6.00 NAVD

Existing Street Elevation: -3.07 NGVD
-4.10 NAVD

Existing Ground Elevation: -3.8 NGVD
-4.8 NAVD

Reference Elevation Mark Only: -1.97 NGVD
-3.00 NAVD

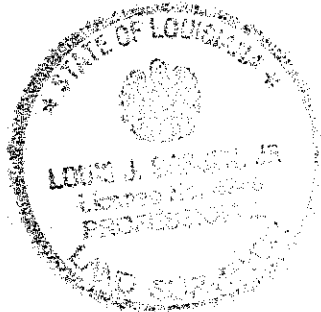
*(PROPOSED LOWEST FLOOR ELEVATION TO BE FILLED OUT BY BUILDER)

*PROPOSED LOWEST FLOOR ELEVATION: _____

DESCRIPTION: 6d NAIL IN POWER POLE ACROSS THE STREET

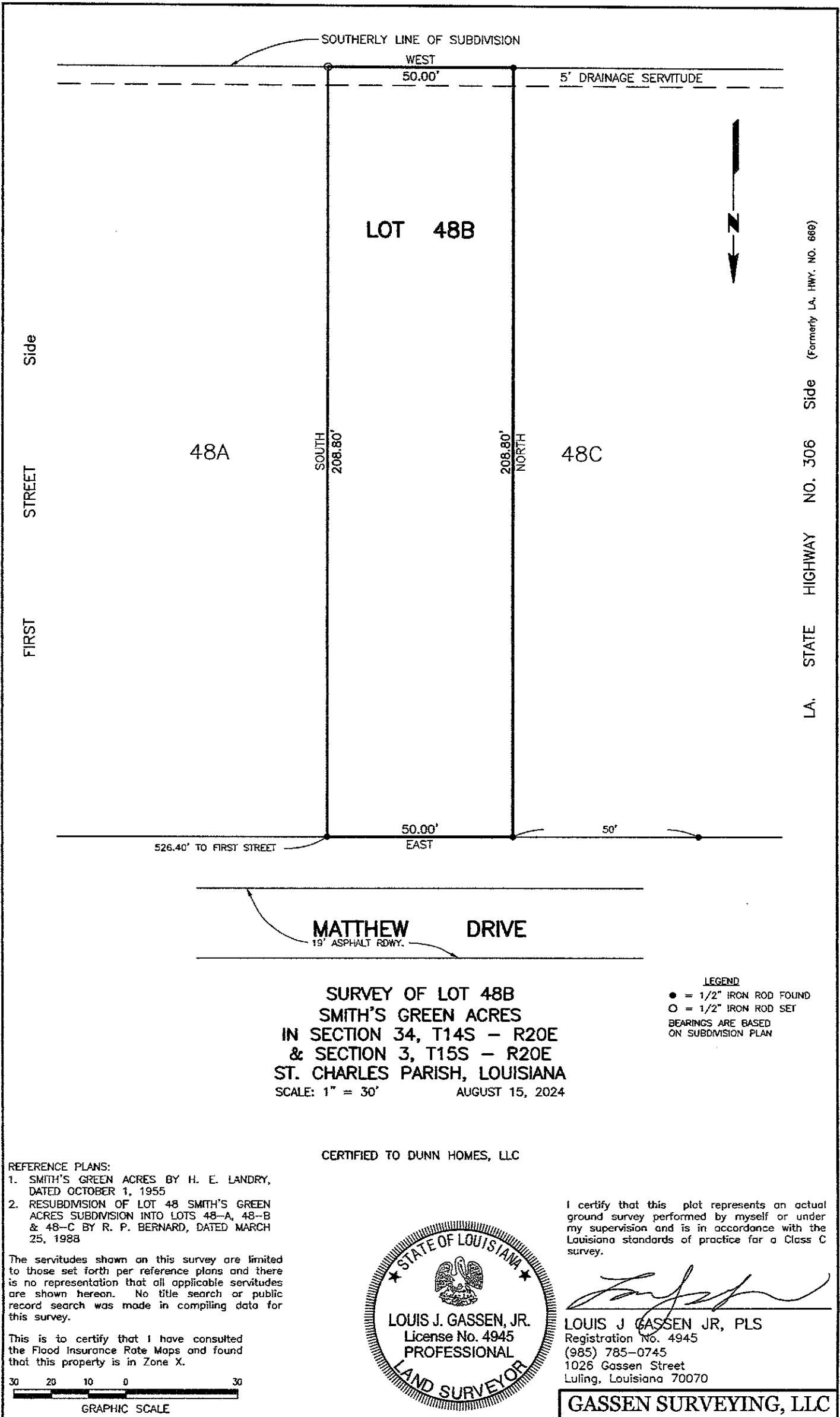
The undersigned will not be responsible for the transfer of elevations from the construction bench mark by the contractor or others.

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



[Signature]
Louis J. Gassen, Jr., PLS
Registration No. 4945

(985) 785-0745
(985) 785-8603 (Fax)



526.40' TO FIRST STREET

50.00' EAST

50'

MATTHEW DRIVE
19' ASPHALT RDWY.

**SURVEY OF LOT 48B
SMITH'S GREEN ACRES
IN SECTION 34, T14S - R20E
& SECTION 3, T15S - R20E
ST. CHARLES PARISH, LOUISIANA**
SCALE: 1" = 30' AUGUST 15, 2024

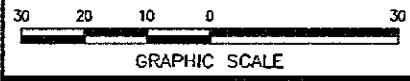
LEGEND
● = 1/2" IRON ROD FOUND
○ = 1/2" IRON ROD SET
BEARINGS ARE BASED
ON SUBDIVISION PLAN

CERTIFIED TO DUNN HOMES, LLC

- REFERENCE PLANS:
- SMITH'S GREEN ACRES BY H. E. LANDRY, DATED OCTOBER 1, 1955
 - RESUBDIVISION OF LOT 48 SMITH'S GREEN ACRES SUBDIVISION INTO LOTS 48-A, 48-B & 48-C BY R. P. BERNARD, DATED MARCH 25, 1988

The servitudes shown on this survey are limited to those set forth per reference plans and there is no representation that all applicable servitudes are shown hereon. No title search or public record search was made in compiling data for this survey.

This is to certify that I have consulted the Flood Insurance Rate Maps and found that this property is in Zone X.



I certify that this plot represents an actual ground survey performed by myself or under my supervision and is in accordance with the Louisiana standards of practice for a Class C survey.



[Signature]

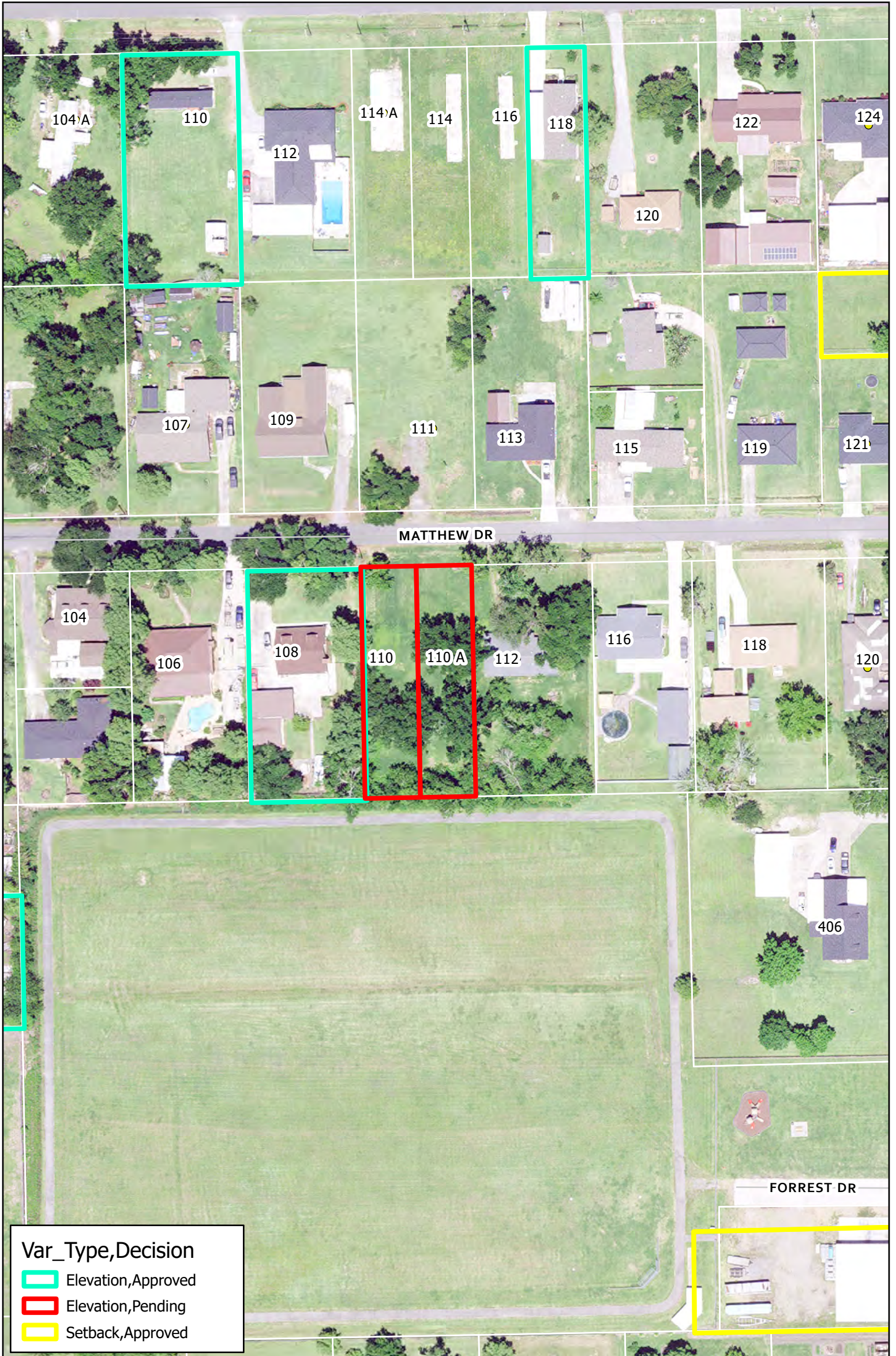
LOUIS J GASSEN JR, PLS
Registration No. 4945
(985) 785-0745
1026 Gassen Street
Luling, Louisiana 70070

GASSEN SURVEYING, LLC

2024-37-ZBA Min. Building Elevation Reduction

1" = 100'

N





Department of Planning & Zoning
Staff Report – Zoning Board of Adjustments
Case No. 2024-38-ZBA

GENERAL APPLICATION INFORMATION

NAME/ADDRESS OF PROPERTY OWNER:

Vicki Dunn
 124 Edna Drive
 (504) 559-2631

LOCATION OF SITE:

110 Matthew Drive

REQUESTED ACTION:

Reduce the minimum building elevation from +6 ft. NAVD 88 to no less than 12 in. above the centerline of street in front of the lot for a site-built house.

SITE INFORMATION

SIZE OF PARCEL: 10,440

ZONING: R-1A, Single-family detached homes—Medium density.

SURROUNDING ZONING AND LAND USE: R-1A zoning; site-built houses abut.

FUTURE LAND USE RECOMMENDATION: Medium-density Residential

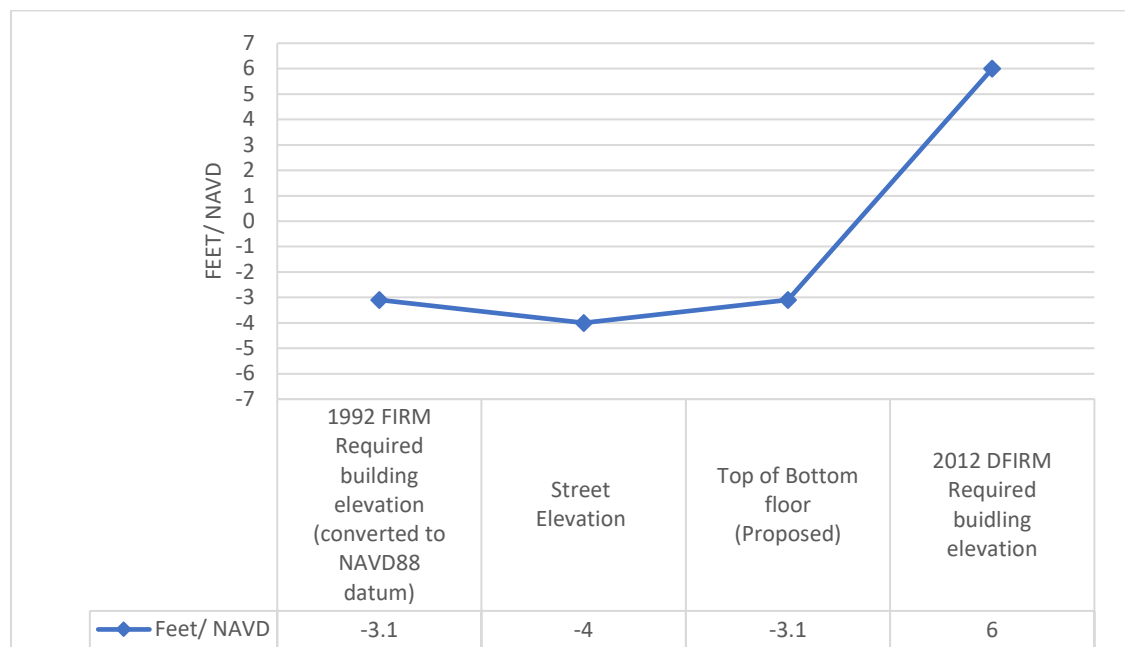
TRAFFIC ACCESS Tertiary/Local Streets

UTILITIES: Standard utilities are available for the site.

FLOOD ZONE: The “effective” flood insurance rate map (1992 FIRM) shows the site in a X zone, which is not a special flood hazard area; the “preliminary” flood insurance map (2012 DFIRM) shows the property in a special flood hazard area with a base flood reaching as high as +6 ft NAVD88.

MINIMUM REQUIRED BUILDING ELEVATION: +6 ft. NAVD88

The information below is based on information the property owner submitted on a construction Elevation Certificate and an aerial image with elevations of the street.



APPLICABLE CODE REGULATION(S)

Appendix A. Section XX. Flood Damage Prevention Item 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, E Provisions for Flood Hazard Reduction: 2. Specific Standards:

In all areas designated as "X" Zones on the Federal Insurance Rate Map (FIRM) for St. Charles Parish, all buildings or structures shall be elevated so that the lowest portion of the structural members of the lowest floor are located at least twelve (12) inches above the center line of the nearest street right-of-way. In all areas of special flood hazard where base flood elevations have been provided as set forth in section C.2. or in section D.4.h., the following standards are required:

2.a Specific Standards for residential construction

New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to or above the base flood elevation. Accessory buildings, having less than one hundred forty-five (145) square feet of floor area, may be constructed below the base flood elevation, but must be unfinished on the interior, constructed with flood-resistant materials below the base flood elevation, used only for storage, and anchored to resist flotation, collapse and lateral movement.

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.

DEPARTMENT ANALYSIS & FINDINGS

1. The request is to reduce the minimum building elevation for a house on a 10,440 sq. ft. lot from the required 6 ft. NAVD88 to no lower than 0 ft. NAVD88.
2. The effective Flood Insurance Rate Map (1992 FIRM) shows the lot in a shaded X-zone which is not a Special Flood Hazard Area (SFHA).
3. The minimum elevation in X zones is 12 in. above the centerline of the street (this would require the top of lowest floor to be at or above -3.1 ft. NAVD88 on the property).
4. The Preliminary Digital Flood Insurance Rate Map (2012 DFIRM) shows the lot in an AE zone, which is a Special Flood Hazard Area; the base flood is estimated to reach +6 ft. NAVD88.

5. Ordinance 13-7-7 states “...for the purpose of determining minimum building elevations, the Preliminary Digital Flood Insurance Rate 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.”
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 - From 5 ft. to 1 ft. NAVD88 at 108 Matthew Dr. 2008-15-ZBA
 - From 5 ft. to 1 ft. NAVD88 at 2779 Hwy 306 2010-30-ZBA
8. The property owner has not demonstrated that placing the structure at the minimum building elevation creates an exceptional hardship.
9. The property owner has not indicated that they will be living in the building.
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12. If the any amount of fill is placed on the lot for the construction, the requirements of Chapter 7, 7-3, Adjacent Lot Runoff Protection, apply.
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St. Charles Parish
 Department of Planning & Zoning
ZONING BOARD OF ADJUSTMENT

OFFICE USE	
Submittal Date	8/20/24
Received By	DHY
Receipt #	
Case #	2024-38 ZBA

APPLICANT INFORMATION

Applicant: Vicki Dunn
 Mailing Address: 124 Edna Dr, Des Allemands, La 70030
 Phone: 504-559-2631 Email: dunnhomes@yahoo.com

PROPERTY INFORMATION

Municipal Address: Matthew Dr
 Lot, Block, Subdivision: 48C Smith's Green Acres
 Permit/Project Description: _____

THIS APPLICATION IS BEING MADE FOR A WAIVER FROM THE FOLLOWING REQUIREMENT(S)

Elevation Variance

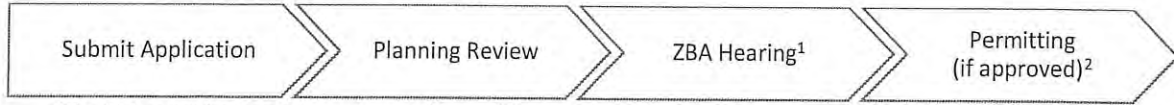
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- _____ 1. Application with notarized endorsement of all property owners (see page bottom)
 *If the owner is a corporation, a corporate resolution authorizing the representative must be provided
- 2. Act of Sale or Deed to the property (copies available at Clerk of Courts Office)
- 3. Applicant Testimony (see next page)
- _____ 4. Completed *Addendum to Application for Variance from Base Flood Elevation Requirements*
 *Base Flood Elevation variance applications only
- _____ 5. Application Fee: Single-Family Residential = \$150, Other = \$250

<p>OWNER ENDORSEMENT:</p> <p><u>Vicki Dunn</u> (Print Name)</p> <p>_____ (Print Name)</p> <p>Being duly sworn, deposes and states (i) that they are the sole owner/s of the property described in this application; (ii) that all statements contained in this application are true to the best of their knowledge and belief; and (iii) that they authorize the petition.</p> <p><u>Vicki Dunn</u> (Signature of owner)</p>	<p>NOTARY PUBLIC:</p> <p>Subscribed and sworn to before me this <u>20th</u> day of <u>August</u>, 20<u>24</u> in my office at <u>Boutte, LA</u>.</p> <p>_____ (Signature of Notary Public)</p> <div style="text-align: right;"> </div>
---	---

Case # _____

ZONING BOARD OF ADJUSTMENT PROCESS



¹The ZBA can either approve, approve with conditions, or deny the request.

² If approved, permitting must occur within one (1) year of the approval date. If denied, the project cannot proceed as submitted, but permitting can still occur for a project shown to be code compliant.

ZBA EVALUATION STANDARDS (Appendix C., Section XIII., item D.)

1. No variance will be considered or granted as to the permitted use as this could constitute a spot zone.
2. Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and are not generally applicable to other lands, structures or buildings in the same zoning district.
3. Literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance.
4. The special conditions and circumstances do not result from the actions of the applicant.
5. Granting the variance requested will not confer on the applicant any special privilege which is denied by this Ordinance to other lands, structures or buildings in the same district or similarly situated.
6. The variance, if granted, will not alter the essential character of the locality.
7. Strict adherence to the regulation by the property would result in a demonstrable hardship upon the owner, as distinguished from mere inconvenience.
8. The request for the variance is not based primarily upon a desire to serve the convenience or profit of the property owner or other interested party(s). Financial hardships shall not be considered as valid criteria for any such variance to existing regulations.
9. The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.

APPLICANT TESTIMONY

*Additional information should be submitted to further demonstrate your hardship and support your appeal, including surveys, site/project plans, photographs, and other relevant information needed to show cause for the variance.

Considering the evaluation standards detailed above, why can't your project meet the requirement(s)?

We would like to build at a similar elevation as all of the surrounding neighbors as not to flood our neighbors yards.
Building on pilings is costly & challenging to any elderly homeowners
This requested elevation would put us at the same height (Approx.) as surrounding homes.

OFFICE USE

Zoning District: ALA (m) Flood Zone: X-Zone | DFIRMAE+6
Code Section being appealed: App A Section XX



St. Charles Parish
 Department of Planning & Zoning
ZONING BOARD OF ADJUSTMENT

**ADDENDUM TO APPLICATION FOR VARIANCE FROM
 BASE FLOOD ELEVATION REQUIREMENTS**

The applicant's initials below indicate that they understand the advice and cautions.

- VP **The applicant is advised to obtain flood insurance quotes prior to applying for a variance.**
- VP **The applicant is cautioned** that if this request for a variance is granted, flood insurance premiums will most likely be more expensive than if the building is built at or above the minimum building elevation.
- VP **The applicant is cautioned** that it may become mandatory to purchase a flood insurance policy for the building. This may occur, for example, if FEMA requires the Parish to adopt maps that show the property in a Special Flood Hazard Area; or if a property owner receives a federal grant or other assistance; or if a lender requires a borrower to purchase flood insurance for any reason.
- VP **The applicant is cautioned** that FEMA presented St. Charles Parish with Preliminary Flood Insurance Rate Maps (Preliminary FIRMs) in 2012. The St. Charles Parish Council adopted the new maps for the purpose of determining minimum building elevation, but not for the purpose of determining whether the mandatory flood insurance purchase requirements of the National Flood Insurance Program (NFIP) apply.
- VP **The applicant is cautioned** that in order to participate in the NFIP, St. Charles Parish must enforce minimum building elevations. Different minimum elevations may apply in the future. A building that does not meet the minimum building elevation will probably have a higher flood insurance premium, and the building may have to be raised to the minimum elevation in order to permit substantial improvements.
- VP **The applicant is cautioned** that best way to avoid negative impacts is to build at or above the current minimum building elevation.
- VP **The applicant is cautioned** that the Board's guidelines for considering variances from the minimum building elevation say that the Board should only consider a variance from elevation when "failure to grant the variance would result in exceptional hardship to the applicant."
- VP **The applicant is cautioned** that the Board's meetings are a public hearing, which is recorded, and at which applicants must present *sworn testimony* and evidence regarding the true hardship the minimum building elevation causes for them.

COMPLETE THE FOLLOWING:

1. The preliminary Flood Insurance Rate Map (2012) shows the property in Flood Zone AE; the minimum building elevation is 6' NAVD88.
2. The effective Flood Insurance Rate Map (1992) shows the property in Flood Zone ; the minimum building elevation is 0 NGVD29.
3. Is the property listed on the National Register of Historic Places or State Inventory of Historic Places? NO
4. Total sq. ft. of lot = 10,440
5. What alternative methods have you considered to meet the base flood elevation and why won't they work? The alternative of building on pilings is costly & present accessibility issues.
6. Describe the exceptional hardship to the applicant which would result if a variance was not granted. We would not be able to build as planned.
7. Provide the following information and attachments:
 - a. Properly executed authentic act of Acknowledgement, Indemnification, and Hold Harmless
 - b. Grade certificate, prepared by licensed land surveyor or engineer indicating
 1. Ground elevation at building site
 2. Elevation of street at centerline
 3. Elevation of and existing buildings on the property
 - c. Photographs of the property and any adjacent properties with buildings below the minimum elevation

ACKNOWLEDGEMENT, INDEMINIFCATION AND HOLD HARMLESS

STATE OF LOUISIANA

PARISH OF ST. CHARLES

BEFORE ME, the undersigned Notary, and in the presence of the two undersigned witnesses, personally came and appeared Vicki Dunn, (hereinafter "appearers"), who, after being duly sworn, acknowledged that they own the property located at Lot 48C Matthew Pr des Allemands, La, 70030 and acquired it by instrument registered in the official records of St. Charles Parish at COB Entry _____.

Appearers further acknowledge that they are requesting a variance from the Flood Damage Prevention requirements of the St. Charles Parish Zoning Ordinance of 1981, as amended, in order to permit construction of one or more building(s) below the minimum required elevation. The minimum building elevation required at the property, is 6'; however, the building will be placed at 12" above Street ft. NGVD29, which meets or exceeds the base flood elevation shown on the effective Flood Insurance Rate Map for St. Charles Parish as well as any additional elevation requirement of the Louisiana State Uniform Construction Code.

Appearers hereby release and hold harmless the Parish of St. Charles, all departments, agencies, boards, and commissions, officers, agents, servants, employees, and volunteers, from any and all claims, demands, causes of action, expense, and liability that may result from granting the variance request by Appearers.

Appearers further acknowledge that they hereby agree to defend any litigation arising out of the granting of the variance and agree to pay all claims and demands arising therefrom, including court costs and attorneys.

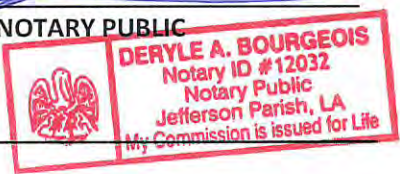
Done and passed before me this 10th day of August, 2024.

WITNESSES:

[Signature]
PRINT NAME: Amanda Wedge

PRINT NAME: _____

APPEARERS:

[Signature]
NOTARY PUBLIC

PRINT NAME: _____

BAR NO. _____

SEAL REQUIRED

GASSEN SURVEYING, LLC

1026 GASSEN ST
Luling, LA 70070

GRADE CERTIFICATE

August 15, 2024

Lot Number: 48C

Square:

Subdivision: Smith's Green Acres

Municipal No.: Matthew Drive

Firm Zone: X

Base Flood Elevation: N/A NGVD

DFIRM ZONE: AE

DFIRM Advisory Base Flood Elevation: 6.00 NAVD

Existing Street Elevation: -3.07 NGVD
-4.10 NAVD

Existing Ground Elevation: -3.6 NGVD
-4.6 NAVD

Reference Elevation Mark Only: -1.97 NGVD
-3.00 NAVD

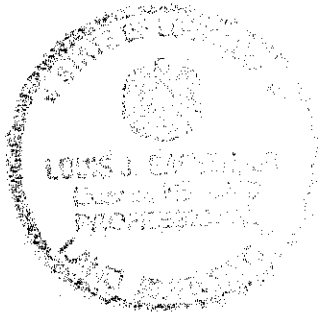
*(PROPOSED LOWEST FLOOR ELEVATION TO BE FILLED OUT BY BUILDER)

*PROPOSED LOWEST FLOOR ELEVATION: _____

DESCRIPTION: 6d NAIL IN POWER POLE ACROSS THE STREET

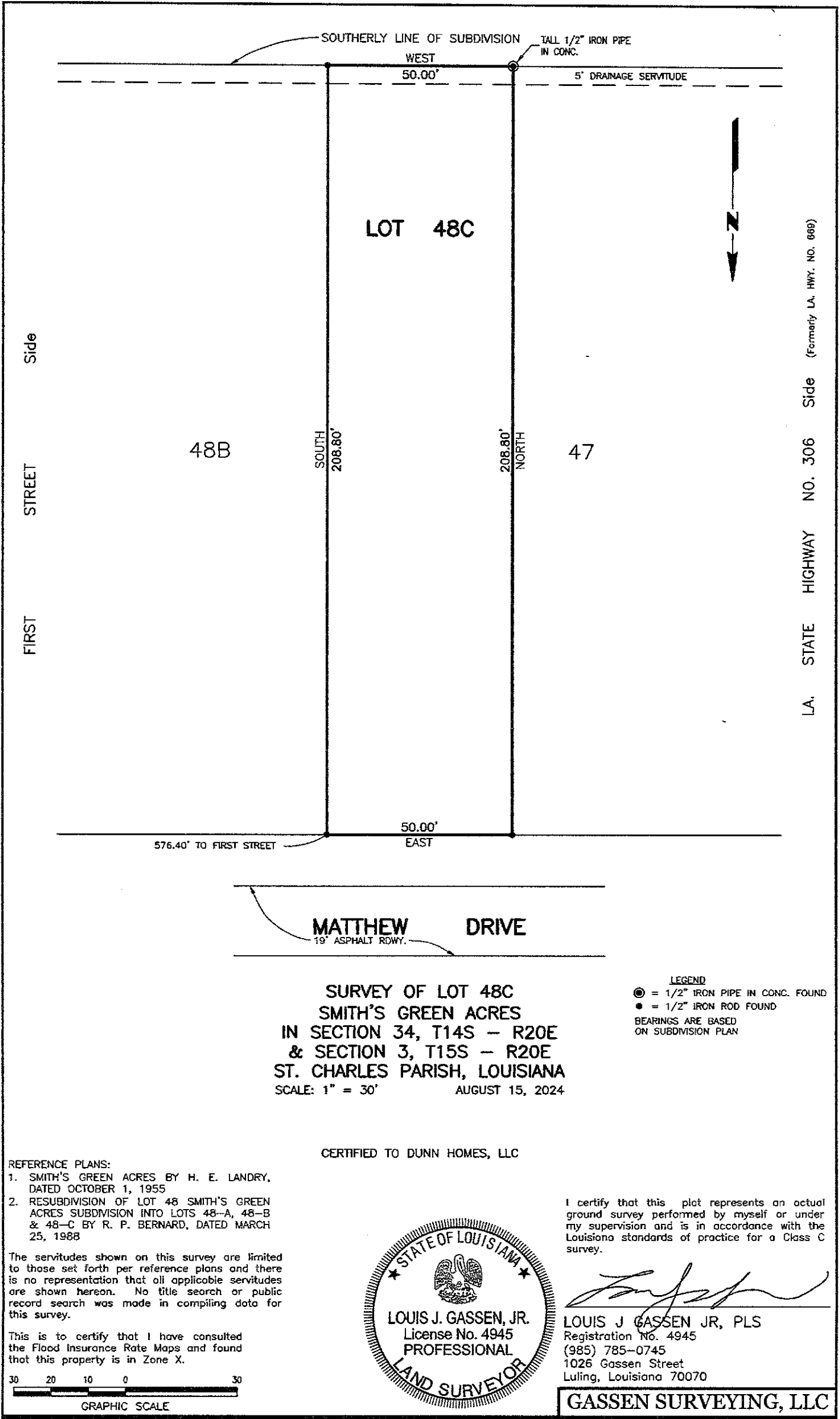
The undersigned will not be responsible for the transfer of elevations from the construction bench mark by the contractor or others.

*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) 785-8603 (Fax)



**SURVEY OF LOT 48C
 SMITH'S GREEN ACRES
 IN SECTION 34, T14S - R20E
 & SECTION 3, T15S - R20E
 ST. CHARLES PARISH, LOUISIANA
 SCALE: 1" = 30' AUGUST 15, 2024**

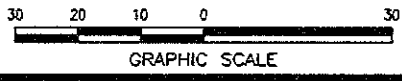
LEGEND
 ● = 1/2" IRON PIPE IN CONC. FOUND
 ● = 1/2" IRON ROD FOUND
 BEARINGS ARE BASED ON SUBDIVISION PLAN

CERTIFIED TO DUNN HOMES, LLC

- REFERENCE PLANS:
- SMITH'S GREEN ACRES BY H. E. LANDRY, DATED OCTOBER 1, 1955
 - RESUBDIVISION OF LOT 48 SMITH'S GREEN ACRES SUBDIVISION INTO LOTS 48-A, 48-B & 48-C BY R. P. BERNARD, DATED MARCH 25, 1988

The servitudes shown on this survey are limited to those set forth per reference plans and there is no representation that all applicable servitudes are shown hereon. No title search or public record search was made in compiling data for this survey.

This is to certify that I have consulted the Flood Insurance Rate Maps and found that this property is in Zone X.



I certify that this plot represents an actual ground survey performed by myself or under my supervision and is in accordance with the Louisiana standards of practice for a Class C survey.

[Signature]

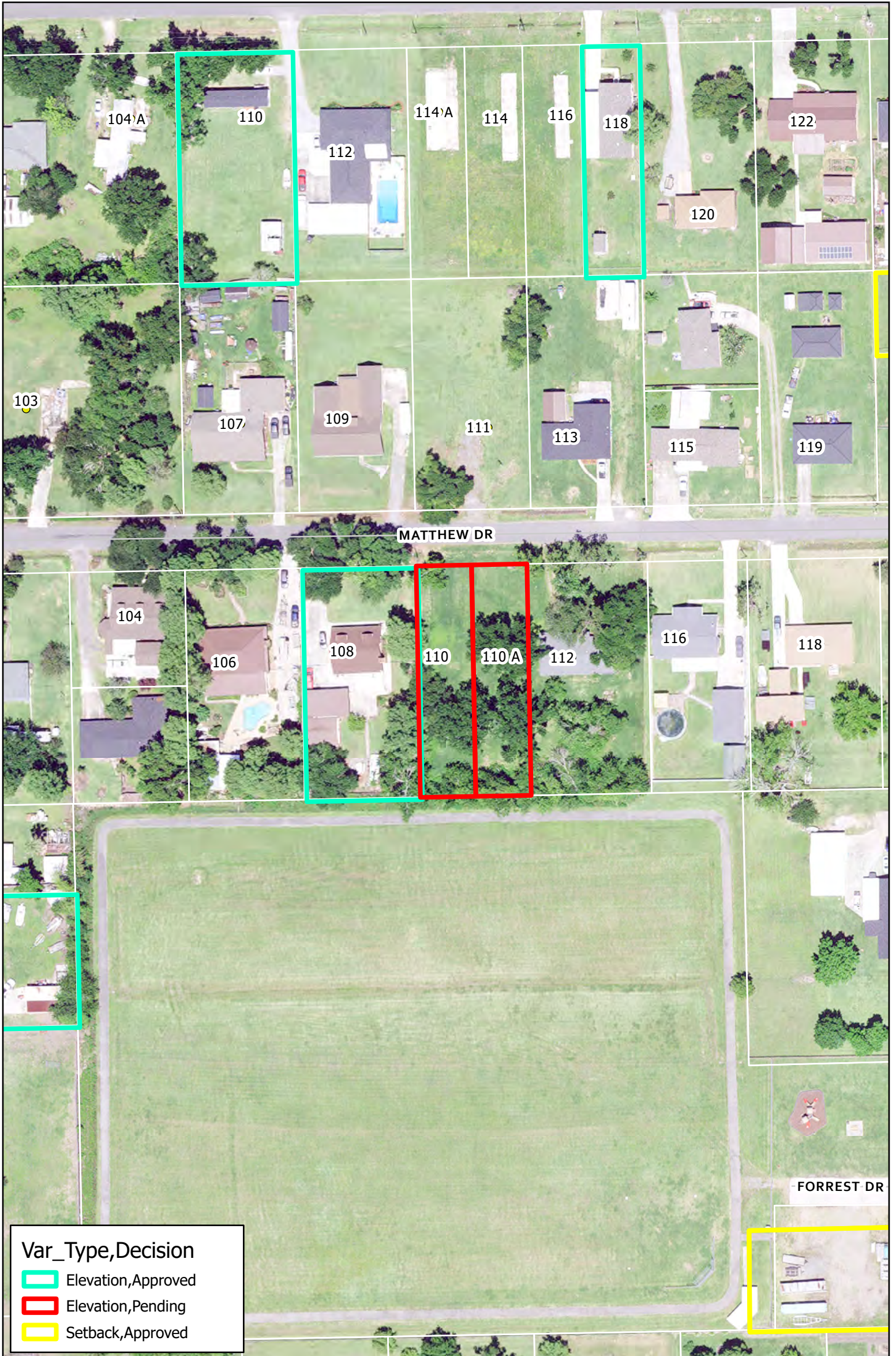
LOUIS J GASSEN JR, PLS
 Registration No. 4945
 (985) 785-0745
 1026 Gassen Street
 Luling, Louisiana 70070

GASSEN SURVEYING, LLC

2024-38-ZBA Min. Building Elevation Reduction

1" = 100'

N



Var_Type,Decision	
	Elevation,Approved
	Elevation,Pending
	Setback,Approved



**Department of Planning & Zoning
Staff Report – Zoning Board of Adjustments
Case No. 2024-39-ZBA**

GENERAL APPLICATION INFORMATION

APPLICANT / PROPERTY OWNER:

Ronald Alexander
123 General Lee Drive
Hahnville, LA 70057
504.441.8292; ralexander0809@gmail.com

LOCATION:

123 General Lee Drive, Hahnville; Lot 246, Fashion Plantation Estates, Phase II

REQUEST:

Reduce the setback for a residential generator from 5 ft. to 1 ft. 6.24 in.

SITE INFORMATION

SIZE OF PROPERTY: Approximately 11,422.41 sq. ft.

EXISTING ZONING: R-1A

SURROUNDING ZONING AND LAND USE: R-1A; the site is located in a developed residential subdivision.

FUTURE LAND USE RECOMMENDATION: Low-Moderate Residential

TRAFFIC ACCESS: General Lee Drive

BASE FLOOD ELEVATION (BFE): AE5; DFIRM X

APPLICABLE CODE REGULATION(S)

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.

DEPARTMENT ANALYSIS & FINDINGS

1. On August 14, 2024, a contractor contacted Planning and Zoning requesting a variance application to address the placement of a generator within 5 ft. of a residential property line.
2. The owner submitted an application on August 21, 2024 requesting a reduction of the 5 ft. residential setback for accessory machinery to 1 ft. 10 in.
3. Lot 246, Fashion Plantation Estates, Phase II, was platted on September 21, 2002 by Lucien C. Gassen, PLS and was developed with a site-built house in 2004 (Permit No. 18192).
4. **Based on the supplied generator information attached to Permit No. 48232, the 25 inch wide generator would be placed 18 inches from the home. According to this information, and based on a survey by Lucien C. Gassen, dated November 24, 2004 of the property, the generator would be placed one (1) foot and 6.24 inches away from the property line.**
5. **As per the Building Official, a generator cannot be placed closer to a property line that three (3) feet due to open air requirements, thus this proposal would not be able to be approved, despite any potential variance approval.**
6. The Board of Adjustment has not heard a similar request in this area.
7. To meet zoning district requirements the applicant could consider other locations for the proposed generator that would allow 5 ft. between the generator and the property line.



St. Charles Parish
 Department of Planning & Zoning
ZONING BOARD OF ADJUSTMENT

OFFICE USE	
Submittal Date	8/21/24
Received By	BB
Receipt #	13545640
Case #	2024-39-ZBA

APPLICANT INFORMATION

Applicant: Ronald Alexander
 Mailing Address: 123 General Lee Dr, Hahnville LA 70057
 Phone: 504 4418292 Email: Ralexander0809@gmail.com

PROPERTY INFORMATION

Municipal Address: 123 General Lee Drive Hahnville, LA 70057
 Lot, Block, Subdivision: Lot 246, Fashion Plantation (South)
 Permit/Project Description: Installation of a Natural gas home generator

THIS APPLICATION IS BEING MADE FOR A WAIVER FROM THE FOLLOWING REQUIREMENT(S)

Requesting to waive the 5ft or greater from property line requirement so home generator can be installed on side of house.

APPLICATION CHECKLIST (review process does not begin until all items below are submitted):

- 1. Application with notarized endorsement of all property owners (see page bottom)
 *If the owner is a corporation, a corporate resolution authorizing the representative must be provided
- 2. Act of Sale or Deed to the property (copies available at Clerk of Courts Office)
- 3. Applicant Testimony (see next page)
- 4. Completed *Addendum to Application for Variance from Base Flood Elevation Requirements*
 *Base Flood Elevation variance applications only
- 5. Application Fee: Single-Family Residential = \$150, Other = \$250

<p>OWNER ENDORSEMENT:</p> <p><u>Ronald Alexander Jr.</u> (Print Name)</p> <p>_____ (Print Name)</p> <p>Being duly sworn, deposes and states (i) that they are the sole owner/s of the property described in this application; (ii) that all statements contained in this application are true to the best of their knowledge and belief; and (iii) that they authorize the petition.</p> <p><u>[Signature]</u> (Signature of owner)</p>	<p>NOTARY PUBLIC:</p> <p>Subscribed and sworn to before me this <u>19</u> day of <u>AUGUST</u>, 20 <u>24</u> in my office at <u>100 MELONIE ST BATTE, LA.</u></p> <p><u>[Signature]</u> (Signature of Notary Public)</p> <div style="text-align: right;"> </div>
---	--

Case # _____

ZONING BOARD OF ADJUSTMENT PROCESS



¹The ZBA can either approve, approve with conditions, or deny the request.

² If approved, permitting must occur within one (1) year of the approval date. If denied, the project cannot proceed as submitted, but permitting can still occur for a project shown to be code compliant.

ZBA EVALUATION STANDARDS (Appendix C., Section XIII., item D.)

1. No variance will be considered or granted as to the permitted use as this could constitute a spot zone.
2. Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and are not generally applicable to other lands, structures or buildings in the same zoning district.
3. Literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance.
4. The special conditions and circumstances do not result from the actions of the applicant.
5. Granting the variance requested will not confer on the applicant any special privilege which is denied by this Ordinance to other lands, structures or buildings in the same district or similarly situated.
6. The variance, if granted, will not alter the essential character of the locality.
7. Strict adherence to the regulation by the property would result in a demonstrable hardship upon the owner, as distinguished from mere inconvenience.
8. The request for the variance is not based primarily upon a desire to serve the convenience or profit of the property owner or other interested party(s). Financial hardships shall not be considered as valid criteria for any such variance to existing regulations.
9. The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.

APPLICANT TESTIMONY

*Additional information should be submitted to further demonstrate your hardship and support your appeal, including surveys, site/project plans, photographs, and other relevant information needed to show cause for the variance.

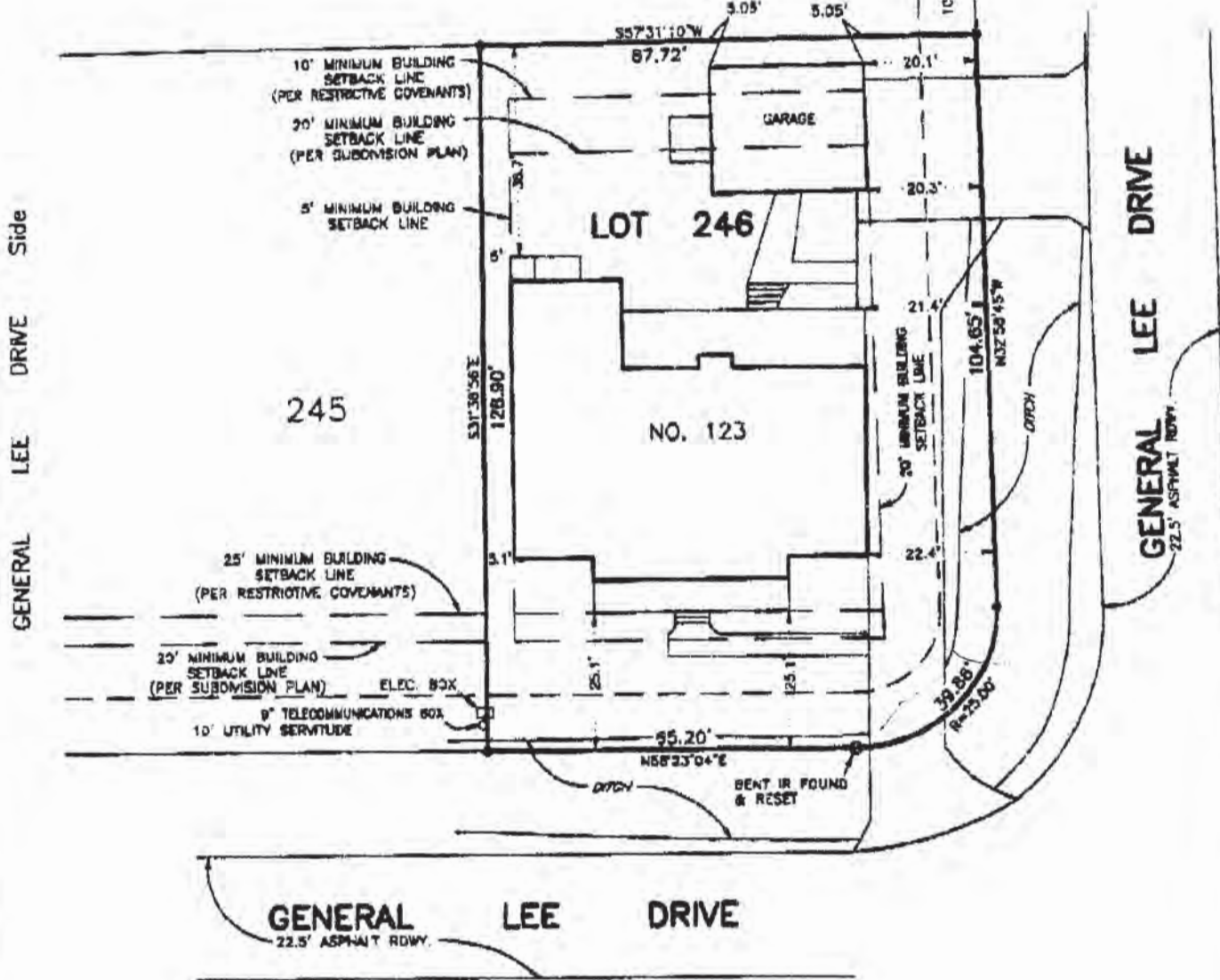
Considering the evaluation standards detailed above, why can't your project meet the requirement(s)?

The generator being installed on side of house will improve the project by allowing it to be closer to the electrical and natural gas supply.

OFFICE USE	
Zoning District: _____	Flood Zone: _____
Code Section being appealed: _____	

ENTERED
 18192-04
 EM

SOUTH FASHION BOULEVARD Side



**SURVEY OF LOT 246
 FASHION PLANTATION ESTATES
 PHASE II
 IN SECTION 8, T13S - R20E
 ST. CHARLES PARISH, LOUISIANA**

SCALE: 1" = 30' NOVEMBER 24, 2004
 ADDED IMPROVEMENTS DECEMBER 30, 2004
 UPDATED MARCH 14, 2005
 UPDATED JUNE 21, 2005

LEGEND
 ● = IR FOUND
 ○ = IR SET
 DEARINGS ARE BASED
 ON SUBDIVISION PLAN

CERTIFIED TO DONNA AND LELAND FORET

REFERENCE PLAN:
 FASHION PLANTATION ESTATES PHASE II, BY
 LUCIEN C. GASSEN, DATED SEPTEMBER 21, 2002

The servitudes shown on this survey are limited to those set forth per subdivision plat and there is no representation that all applicable servitudes are shown hereon. No title search or public record search was made in compiling data for this survey.

This is to certify that I have consulted the Flood Insurance Rate Maps and found that this property is in Zone AE.



I certify that this plat represents an actual ground survey performed under my supervision and is in accordance with the Louisiana standards of practice for a Class C survey.

Lucien C. Gassen

LUCIEN C. GASSEN, PLS
 Registration No. 353
 LULING, LOUISIANA 70070

Re: Site Plan - Distance

Ronald Alexander <ralexander0809@gmail.com>

Wed 8/28/2024 11:35 AM

To: Brett Badgerow <bbadgerow@stcharlesgov.net>

On Aug 22, 2024, at 11:27 AM, Brett Badgerow <bbadgerow@stcharlesgov.net> wrote:

Hey Brent, the generator will be 1 foot and 10 inches from the neighbor's property line. I spoke with my neighbor Luis Martinez about the location and the process of getting this variance and he had no issues and granted me permission to place the generator here. He said he would speak with you and members of the board before the meeting on the 19th. I will also send additional photos of the location of the generator since the aerial view is difficult to see.



Ronald,

Whenever you are able to, can you determine the distance from the property line for the proposed generator? If you are able to draw it on a site plan similar to what was turned in, that would be great. It would need to include the location of the generator and the distance to the property line shown.

I've attached arials that you may use.

<Outlook-b0shrmxq.png>

<Outlook-s5h2hhwf.png>

Brett Badgerow

Planner I

St. Charles Parish

P (985) 783-5060

P.O. Box 302

14996 River Rd.

Hahnville, LA 70057

www.stcharlesparish.gov

Note: Please be aware that receipt of and/or response to this email may be considered a public record.

Disclaimer

The information contained in this communication from the sender is confidential. It is intended solely for use by the recipient and others authorized to receive it. If you are not the recipient, you are hereby notified that any disclosure, copying, distribution or taking action in relation of the contents of this information is strictly prohibited and may be unlawful.


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2024-39-ZBA
Mechanical Setback Reduction

1" = 100'

N



Var_Type, Decision
 Mechanical, Pending



**Department of Planning & Zoning
Staff Report – Zoning Board of Adjustments
Case No. 2024-40-ZBA**

GENERAL APPLICATION INFORMATION

NAME/ADDRESS OF PROPERTY OWNER:

Melvin I White, III
39598 Big Branch Drive
Ponchatoula, LA 70454
(985) 974-9885

LOCATION OF SITE:

198 J.B. Green Road

REQUESTED ACTION:

Reduce the minimum building elevation for a mobile home from +5 ft. NAVD 88 to no less than 1 ft. above the centerline of J.B. Green Road.

SITE INFORMATION

SIZE OF PARCEL: Approx. 10,500 sq. ft.

ZONING: R-1A(M), Single-family detached, Manufactured, & Mobile Homes—Medium density.

SURROUNDING ZONING AND LAND USE: R-1A(M) zoning; mobile homes and site-built houses abut.

FUTURE LAND USE RECOMMENDATION: Medium-density Residential

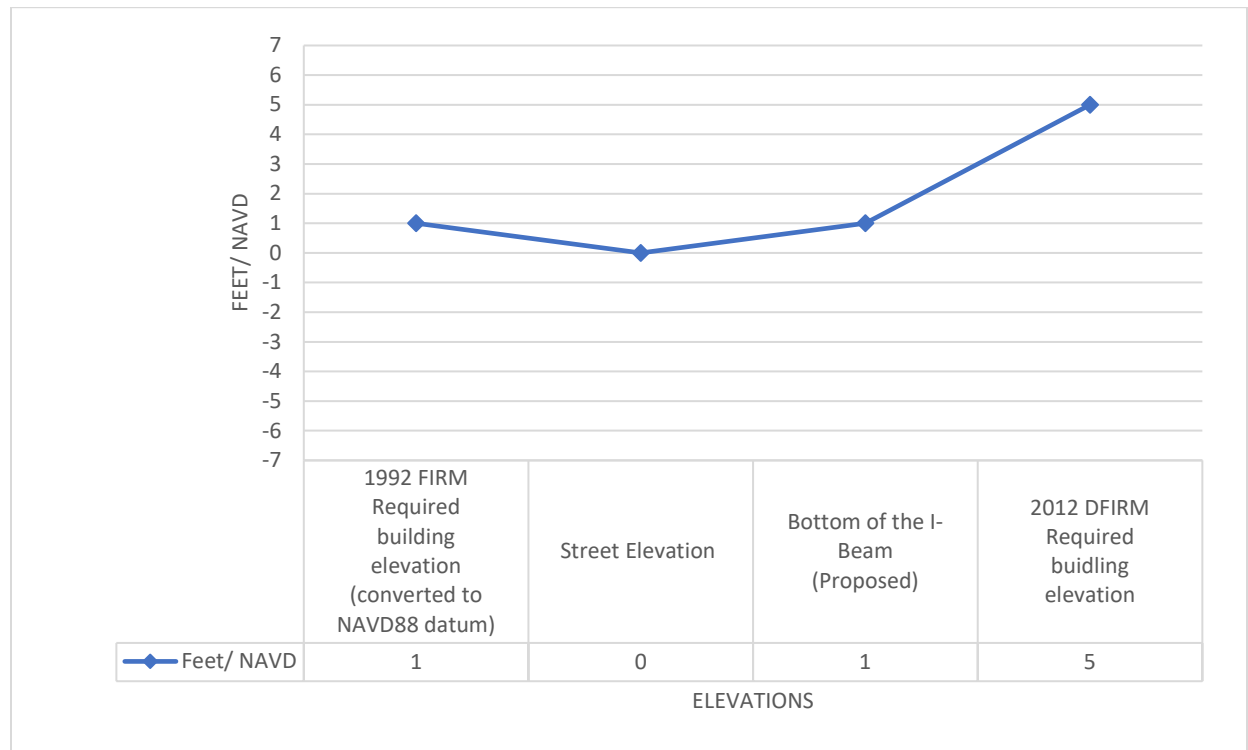
TRAFFIC ACCESS: JB Green Road is a local street that connects Hwy 90 to Old Spanish Trail (La 631)

UTILITIES: Standard utilities are available for the site.

FLOOD ZONE: The “effective” flood insurance rate map (1992 FIRM) shows the site in a shaded-X zone, which is not a special flood hazard area; the “preliminary” flood insurance map (2012 DFIRM) shows the property in a special flood hazard area with a base flood reaching as high as +5 ft NAVD 88.

MINIMUM REQUIRED BUILDING ELEVATION: +5 ft. NAVD 88

The data below shows the information from an elevation certificate the property owner submitted after the mobile home was in place.



APPLICABLE CODE REGULATION(S)

Appendix A. Section XX. Flood Damage Prevention, C. General Provisions:

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, E Provisions for Flood Hazard Reduction: 2. Specific Standards:

In all areas designated as "X" Zones on the Federal Insurance Rate Map (FIRM) for St. Charles Parish, all buildings or structures shall be elevated so that the lowest portion of the structural members of the lowest floor are located at least twelve (12) inches above the center line of the nearest street right-of-way. In all areas of special flood hazard where base flood elevations have been provided as set forth in section C.2. or in section D.4.h., the following standards are required:

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.

DEPARTMENT ANALYSIS & FINDINGS

1. The request is to reduce the minimum building elevation from 5 ft. NAVD 88 to 1 ft. NAVD 88 to the bottom of the longitudinal structural I-beam.
2. The 10,500 sq. ft. lot. platted in 2019.
3. The lot is less than ½ acre.

4. The effective Flood Insurance Rate Map (1992 FIRM) shows the lot in a shaded X-zone which is not a Special Flood Hazard Area (SFHA).
5. The minimum elevation in X zones is 1 ft. above the street.
6. The Preliminary Digital Flood Insurance Rate Map (2012 DFIRM) shows the lot in an AE zone, which is a Special Flood Hazard Area with a base flood anticipated to reach +5 ft. NAVD 88.
7. Ordinance 13-7-7 states "...for the purpose of determining minimum building elevations, the Preliminary Digital Flood Insurance Rate 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."
8. This means the minimum elevation at 198 JB Green Road is 5 ft. NAVD 88.
9. The property owner has signed the addendum to the application for a variance from BFE/minimum building elevation requirement and the acknowledgement and indemnification agreement.
10. Regarding similar variances in the area, the Zoning Board of Adjustment has reduced the minimum building elevation as follows:
 - from 5 ft. NAVD 88 to 1 ft. above the street centerline at 201 JB Green Road (ZBA 2008-35)
 - from 5 ft. NAVD 88 to 1 ft. above the street centerline at 203 JB Green Road (ZBA 2008-37)
 - from 5 ft. NAVD 88 to 12 in. above the street centerline at 145 JB Green Road (ZBA 2010-12)
 - from 5 ft. NAVD 88 to 12 in. above the street centerline at 123 JB Green Road (ZBA 2010-28)
 - from 5 ft. NAVD 88 to 1.25 ft. NAVD 88 at 194 JB Green Road (ZBA 2013-12)
 - from 5 ft. NAVD 88 to 2.2 ft. NAVD 88 at 141 JB Green Road (ZBA 2013-17)
 - from 5 ft. NAVD 88 to 3.5 ft. above mean sea level at 205 JB Green Road (ZBA 2014-21)
 - from 5 ft. NAVD 88 to 1 ft. above the street centerline at 195 JB Green Road (ZBA 2017-06)
 - from 5 ft. NAVD 88 to 1.02 ft. NAVD 88 at 149 JB Green Road (ZBA 2017-18)
 - from 5 ft. NAVD 88 to 1 ft. above the street centerline at 180 JB Green Road (2020-11-ZBA)
 - from 5 ft. NAVD 88 to 1.8 ft. NAVD 88 at 202 JB Green Road (2022-29 ZBA)
11. In order to meet regulations, the property owner could elevate a manufactured home on a permanent foundation such that the bottom of the longitudinal structural I-beam and all servicing machinery and equipment at elevated to or above 5 ft. NAVD 88.
12. If FEMA requires the Parish to adopt the DFIRM or any map that shows the property in a SFHA, it could become mandatory for a mortgagor of the property to purchase flood insurance within six months of the adoption of the map. The cost could be extremely high.



St. Charles Parish
Department of Planning & Zoning
ZONING BOARD OF ADJUSTMENT

OFFICE USE	
Submittal Date	8/27/24
Received By	BB
Receipt #	
Case #	2024-41-281

APPLICANT INFORMATION

Applicant: Melvin I. White III Tawanda White
 Mailing Address: 39598 Big Branch Ponchatoula, LA 70454
 Phone: 985-974-9885 Email: MWhite_78@yahoo.com

PROPERTY INFORMATION

Municipal Address: 198 J.B. Green Road, Des Allemands
 Lot, Block, Subdivision: 77-A1-5B Sunset Drainage District Located in the Ranson Tract or Coteau De France
 Permit/Project Description: _____

THIS APPLICATION IS BEING MADE FOR A WAIVER FROM THE FOLLOWING REQUIREMENT(S)

Addendum to application for variance from base flood elevation requirements.

APPLICATION CHECKLIST (review process does not begin until all items below are submitted):

- BB 1. Application with notarized endorsement of all property owners (see page bottom)
 *If the owner is a corporation, a corporate resolution authorizing the representative must be provided
- BB 2. Act of Sale or Deed to the property (copies available at Clerk of Courts Office)
- BB 3. Applicant Testimony (see next page)
- BB 4. Completed Addendum to Application for Variance from Base Flood Elevation Requirements
 *Base Flood Elevation variance applications only
- BB 5. Application Fee: Single-Family Residential = \$150, Other = \$250

<p>OWNER ENDORSEMENT:</p> <p><u>Melvin I. White III</u> (Print Name)</p> <p><u>Tawanda White</u> (Print Name)</p> <p>Being duly sworn, deposes and states (i) that they are the sole owner/s of the property described in this application; (ii) that all statements contained in this application are true to the best of their knowledge and belief; and (iii) that they authorize the petition.</p> <p><u>Melvin I. White III</u> (Signature of owner)</p> <p><u>Tawanda White</u></p>	<p>NOTARY PUBLIC:</p> <p>Subscribed and sworn to before me this <u>23rd</u> day of <u>August</u>, 20<u>24</u> in my office at <u>Ponchatoula, Louisiana 70454</u>.</p> <p><u>[Signature]</u> (Signature of Notary Public)</p> <p><u>#131410</u> SEAL</p>
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ZONING BOARD OF ADJUSTMENT PROCESS



¹The ZBA can either approve, approve with conditions, or deny the request.

²If approved, permitting must occur within one (1) year of the approval date. If denied, the project cannot proceed as submitted, but permitting can still occur for a project shown to be code compliant.

ZBA EVALUATION STANDARDS (Appendix C., Section XIII., item D.)

1. No variance will be considered or granted as to the permitted use as this could constitute a spot zone.
2. Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and are not generally applicable to other lands, structures or buildings in the same zoning district.
3. Literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance.
4. The special conditions and circumstances do not result from the actions of the applicant.
5. Granting the variance requested will not confer on the applicant any special privilege which is denied by this Ordinance to other lands, structures or buildings in the same district or similarly situated.
6. The variance, if granted, will not alter the essential character of the locality.
7. Strict adherence to the regulation by the property would result in a demonstrable hardship upon the owner, as distinguished from mere inconvenience.
8. The request for the variance is not based primarily upon a desire to serve the convenience or profit of the property owner or other interested party(s). Financial hardships shall not be considered as valid criteria for any such variance to existing regulations.
9. The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.

APPLICANT TESTIMONY

*Additional information should be submitted to further demonstrate your hardship and support your appeal, including surveys, site/project plans, photographs, and other relevant information needed to show cause for the variance.

Considering the evaluation standards detailed above, why can't your project meet the requirement(s)?

I am seeking a variance from base flood elevation requirements because the price to elevate homes in that area has been proving to be too costly and I am unable to find tenants to rent at my address because of that. So I am asking could this be waived to allow home to be at normal and same elevations of the homes that neighbors this property please.

OFFICE USE	
Zoning District: <u>R1-A(m)</u>	Flood Zone: <u>X-zone / DFIRM AE+5</u>
Code Section being appealed: <u>App. A Section XX</u>	



St. Charles Parish
 Department of Planning & Zoning
ZONING BOARD OF ADJUSTMENT

**ADDENDUM TO APPLICATION FOR VARIANCE FROM
 BASE FLOOD ELEVATION REQUIREMENTS**

The applicant's initials below indicate that they understand the advice and cautions.

- MW The applicant is advised to obtain flood insurance quotes prior to applying for a variance.
- MW The applicant is cautioned that if this request for a variance is granted, flood insurance premiums will most likely be more expensive than if the building is built at or above the minimum building elevation.
- MW The applicant is cautioned that it may become mandatory to purchase a flood insurance policy for the building. This may occur, for example, if FEMA requires the Parish to adopt maps that show the property in a Special Flood Hazard Area; or if a property owner receives a federal grant or other assistance; or if a lender requires a borrower to purchase flood insurance for any reason.
- MW The applicant is cautioned that FEMA presented St. Charles Parish with Preliminary Flood Insurance Rate Maps (Preliminary FIRMs) in 2012. The St. Charles Parish Council adopted the new maps for the purpose of determining minimum building elevation, but not for the purpose of determining whether the mandatory flood insurance purchase requirements of the National Flood Insurance Program (NFIP) apply.
- MW The applicant is cautioned that in order to participate in the NFIP, St. Charles Parish must enforce minimum building elevations. Different minimum elevations may apply in the future. A building that does not meet the minimum building elevation will probably have a higher flood insurance premium, and the building may have to be raised to the minimum elevation in order to permit substantial improvements.
- MW The applicant is cautioned that best way to avoid negative impacts is to build at or above the current minimum building elevation.
- MW The applicant is cautioned that the Board's guidelines for considering variances from the minimum building elevation say that the Board should only consider a variance from elevation when "failure to grant the variance would result in exceptional hardship to the applicant."
- MW The applicant is cautioned that the Board's meetings are a public hearing, which is recorded, and at which applicants must present sworn testimony and evidence regarding the true hardship the minimum building elevation causes for them.

COMPLETE THE FOLLOWING:

1. The preliminary Flood Insurance Rate Map (2012) shows the property in Flood Zone AE; the minimum building elevation is 1' NAVD88.
2. The effective Flood Insurance Rate Map (1992) shows the property in Flood Zone AE; the minimum building elevation is 1' NGVD29.
3. Is the property listed on the National Register of Historic Places or State Inventory of Historic Places? No
4. Total sq. ft. of lot = 12,500~~4~~
5. What alternative methods have you considered to meet the base flood elevation and why won't they work? The amount it will cost to move mobile home and to meet elevation will be too expensive.
6. Describe the exceptional hardship to the applicant which would result if a variance was not granted. The money saved if the waiver was to be approved would be used to move the mobile home to 198 JB Green
7. Provide the following information and attachments:
 - a. Properly executed authentic act of Acknowledgement, Indemnification, and Hold Harmless
 - b. Grade certificate, prepared by licensed land surveyor or engineer indicating
 1. Ground elevation at building site
 2. Elevation of street at centerline
 3. Elevation of and existing buildings on the property
 - c. Photographs of the property and any adjacent properties with buildings below the minimum elevation

ACKNOWLEDGEMENT, INDEMINIFICATION AND HOLD HARMLESS

STATE OF LOUISIANA

PARISH OF ST. CHARLES

BEFORE ME, the undersigned Notary, and in the presence of the two undersigned witnesses, personally came and appeared Melino E. White III (hereinafter "appearers"), who, after being duly sworn, acknowledged that they own the property located at 198 J.B. Green Des Allemands 70030 and acquired it by instrument registered in the official records of St. Charles Parish at COB Entry _____ .
Appearers further acknowledge that they are requesting a variance from the Flood Damage Prevention requirements of the St. Charles Parish Zoning Ordinance of 1981, as amended, in order to permit construction of one or more building(s) below the minimum required elevation. The minimum building elevation required at the property, is 1'; however, the building will be placed at 1' ft. NGVD29, which meets or exceeds the base flood elevation shown on the effective Flood Insurance Rate Map for St. Charles Parish as well as any additional elevation requirement of the Louisiana State Uniform Construction Code.

Appearers hereby release and hold harmless the Parish of St. Charles, all departments, agencies, boards, and commissions, officers, agents, servants, employees, and volunteers, from any and all claims, demands, causes of action, expense, and liability that may result from granting the variance request by Appearers.

Appearers further acknowledge that they hereby agree to defend any litigation arising out of the granting of the variance and agree to pay all claims and demands arising therefrom, including court costs and attorneys.

Done and passed before me this 25th day of August, 2024.

WITNESSES:

APPEARERS:

Barbara L. Durham
PRINT NAME: BARBARA L. DURHAM
Olga
PRINT NAME: OLGA BURTON

Shwanda White
Melino E. White III

Jennifer Leigh Taylor
NOTARY PUBLIC

PRINT NAME: Jennifer Leigh Taylor

BAR NO. 13410

SEAL REQUIRED

RIVERLANDS SURVEYING CO L.L.C.

P.O. BOX 1254

LAPLACE, LOUISIANA 70069-1254

PHONE: (985) 652-6356 FAX: (985) 652-3422

April 13, 2020

REQUEST FOR GRADE CERTIFICATE

Lot Number: 77-A1-5B

Subdivision: SUNSET DRAINAGE DISTRICT LOCATED IN THE RANSON TRACT OR COTEAU DE FRANCE

Municipal Address: 198 J.B. GREEN ROAD, DES ALLEMANDS

FIRM Zone: X Base Flood Elevation N/A NAVD 88 (MSL)

Existing Street Elevation 0.00' NAVD 88 (MSL)

Existing Ground Elevation (-)1.50' NAVD 88 (MSL)

Construction Bench Mark Elevation 0.00' NAVD 88 (MSL)

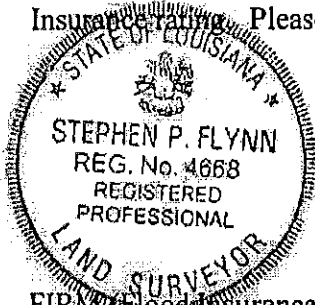
* PROPOSED LOWEST FLOOR ELEVATION: _____ NAVD 88 (MSL)

* (PROPOSED LOWEST FLOOR ELEVATION TO BE FILLED OUT BY BUILDER)

Description: **BENCH MARK** — PK NAIL IN CENTERLINE OF J.B. GREEN ROAD

The undersigned will not be responsible for the transfer of elevations from the construction benchmark 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.



Stephen P. Flynn
Stephen P. Flynn, P.L.S.
LA ST. REG. NO. 4668

FIRM (Flood Insurance Rate Map)
F7550

Melvin White

2024-40-ZBA Min. Building Elevation Reduction

1" = 100'

