

Street may have to reduce front yard paving

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A house located at 3046 Dumaine Street is proposed to become a two bedroom bed-and-breakfast family home. (photo via Google).

A bed and breakfast proposed for Dumaine Street received initial approval from the City Planning Commission last week, but officials are requiring that the owner remove some of the pavement from the front yard before proceeding.

The house, located at 3046 Dumaine Street, is owned by Alton Green, but the applicant of the bed and breakfast is Green's daughter, Linda McGee.

The original application called for the bed and breakfast to contain two guest bedrooms, but the City Planning Commission staff said that only one guest bedroom would be permitted.

"Because the proposed floor area designated for the two guests rooms would exceed 15 percent of the total floor area of the residence, only one guest room would be permitted per the supplementary use standards for bed and breakfast family homes," staff said.

The staff recommended approval of the overall project, but said that McGee would have to remove the pavement of her front yard, currently used for parking, in order to come into compliance with the Comprehensive Zoning Ordinance.

“Right now, the property provides 5 spaces and the front yard is completely paved,” staff said.

According to staff, the paving cannot exceed over 40 percent of the total front yard area and only two off-street parking spaces can be provided for the site.

“The purpose for this really has to do with flood impact and for the parking, it’s about making the parking less visible and less prominent and front yard parking currently is prohibited in the Zoning Ordinance,” staff said at the meeting.

According to McGee, the front yard has been paved for “decades” and she owns three vehicles where she has parked them on the pavement as well.

“Where am I supposed to park my personal vehicles? They have been parking there all this time,” McGee said.

The house has not experienced any flooding due to the pavement being there, McGee said.

“And we have had flooding after flooding after flooding, even with Katrina, this house did not flood,” McGee said.

According to City Planning Commission staff, when a change in use of a residence occurs, the applicant must come into compliance with the rules in effect at that time.

“I cant say what the requirements were decades ago, but right now there is a rule that says you cant park in front of your structure, you have to park in a side yard or a rear yard and you cant have the front yard be over forty percent paved,” staff said. “So when conditional uses or other changes in use occur you have to generally come in to compliance with the rules that are enforced at that time.

City Planning Commission member Robert Steeg said that if McGee were to continue to live at the residence without adding the bed and breakfast, she would be “grandfathered” in to the property and would not be required to make the changes.

“So when there is a change in the use where you’re not going to be using it as your residence exclusively any more, you’re going to be adding a bed and breakfast, that’s when the city tries to bring properties back into compliance with what the law is,” Steeg said.

“If you weren’t changing the use and adding the bed and breakfast you’d be fine.”

McGee also said removing the pavement would be an “expensive task” and told neighbors last month at the Faubourg St. John Neighborhood Association meeting last month that she had invested over \$170,000 in to the property.

Sarah Stogner, board member of the Faubourg St. John Neighborhood Association, lives next door to the property and spoke in opposition of the project.

“The list goes on and on and on with the problems that we’ve had with this residence,” Stogner said.

Stogner said the property was blighted for some time and McGee does not live at the currently reside there.

“My request is that it be denied on the basis that she’s not living there, she hasn’t lived there, to my understanding she lives in a home in New Orleans East that’s also in her name,” Stogner said.

Stogner said that McGee does not yet own the property and is still in her father’s name.

“Succession hasn’t been opened, she doesn’t even own the property yet so how can she be requesting a conditional use on a property that she doesn’t even technically own?” Stogner said.

McGee said that she does own property in New Orleans East, but plans to move to the property.

“That is going to be my permanent residence,” McGee said.

According to McGee, the property was previously damaged and did not renovate the home until she had enough means to.

“It was damaged really, really bad. I did not have the money at first to move into the home and so I did have to live with my daughter in one of the homes that I do own,” McGee said.

Steege recommended for Stogner take her concerns about the property to the appropriate city agencies, not the planning commission.

“Most, if not, all of the things you raised are not things that we can consider as part of an application for a conditional use to operate the bed and breakfast,” Steege said.

The City Planning Commission approved the bed and breakfast unanimously with the proviso that it would only have one guest bedroom, and the pavement be removed.

“It’s a reasonable rule that the city does to try to catch up on things that are in violation so, I’m not adding any kind of proviso that would do away with the requirement that you de-concrete some of it,” Steege said.

With the City Planning Commission approval, the project will be brought before the City Council for the final decision. McGee can also ask the council to reconsider the planning commission’s provisos.