



**Staff Report**  
**Expanded Conditional Use**  
**Case #: Z-2023-09-00125**

**Attachments:** Staff Report, Application, Survey, Site Photos, Aerial Map, Zoning Map

**Public Hearing:** Thursday, November 9, 2023

**City Council Introduction:** Tuesday, November 28, 2023

**City Council Final:** Tuesday, December 12, 2023

**City Council Request (Ordinance):** Introduction of an ordinance to approve an Expanded Conditional Use request by Wende Powell and Kerri Vinyard (Z-2023-09-00125) for the location of 79 Whitmar Dr., Zoned RS-11, to allow for the use of Group Living. (District 5), with the following conditions:

1. This is a personal right and expires upon a change in ownership of the property from the person originally granted the conditional use or from the tenants of the property being H2O Ministries;
2. The group living use is for a transitional living program for youth.
3. The group living use must remain in compliance with state licensure.
4. There can be no exterior signage.
5. There can be no retail sales.

**Site Information:**

Location (Address): 79 Whitmar Dr

Council District: City Council District 5

Existing Zoning: RS-11

Future Land Use: Low Density Residential

Existing Land Use: Residential

Site Description: 125 X 150 Block 1 Lot 4 Whitmar Acres

**Adjacent Land Use and Zoning:**

**Direction:**

North  
South  
West  
East

**Land Use/Zoning:**

RS-11, Single-Family Home and Vacant Lot  
RS-11, Single-Family Home  
RS-11, Single-Family Home  
RS-11, Vacant Lot

**Additional Information:** The group living use would be for up to six (6) females aged 18-21. H2O Ministries is proposing to rent the home from Ronnie Fugarino. The home must be brought into ADA compliance, including a residential sprinkler system, according to the state licensure requirements. One vehicle remains on premise for the residents to use. A staff person would be present 24/7 and have a second vehicle parked there. The residents are not permitted to have guests. Residents are drug tested and must abide by curfews.

### **October 12, 2023 Public Hearing:**

**For:** Kerry Vinyard (H2O Ministries/nonprofit 501c3 and tenant). Presented description of group living as an extension of the foster care program. Residents must be in school or working. The girls didn't cause problems at the current location of 107 Florence – they just need family. Staff have to go through state training.

Ken Howe (H2O board member) – not enough room at 107 Florence to add residents; also can't renovate to expand. We don't want these girls becoming homeless at age 18 when they age out of foster care. They have been abandoned by their parents and have been vetted to participate in this program. Better to be located in town rather than in the country to go to school and work.

**Against:** Kerry Raines (78 Whitmar) – worried that this opens Pandora's box for additional group homes. Want it to remain residential neighborhood. What happens if this group home doesn't work out?

William Dykes (Whitmar HOA) – HOA building restrictions prevent a business from moving in. Worried that this allows for more group homes with different purposes; against all group homes in the neighborhood.

Schellia Robertson (75 Whitmar) – worried that this will not be safe for her children and grandchildren and that the curfew seems too late. Also worried about qualifications of staff.

Shirley Bisciglia (1 Amar) – worried that girls have to move schools to be part of this program.

Debra Swenson (Woodbridge HOA) – worried about quality of staffing. Also worried that this goes against the HOA restrictions. City should look at HOA restrictions. Not personal against these girls.

Jan Lobue (51 Whitmar) – knows that the apartments already cause problems in Whitmar. Don't need a group home. Just want a quiet, safe neighborhood.

Heather Dykes – our problem isn't with this group home's purpose. It's with forcing a group home into this subdivision against the HOA restrictions. Wish they would go to a rural area.

Rachel Gill (3 Edwards) – moved into this neighborhood because of the restrictions. Other appropriate places to have a group home. Worried about sewer since more people living in the house.

Dorothy Bisciglia (70 Whitmar) – this isn't personal. Just don't think there should be a business in the neighborhood.

Show of hands looked like eighteen (18) people were against the ECU and ten (10) people were for the ECU.

Kylan Douglas tabled the case so that the commission could receive additional information. Monica Perez seconded, and all commissioners were in favor of tabling the case (Ron Matthews was absent).

### **November 9, 2023 Public Hearing:**

**For:** Wende Powell (H2O Ministries/nonprofit and tenant). Presented description of group living. This will be a residential home. The Whitmar HOA doesn't preclude group living. If worried about setting a precedent, there has already been a group home by Rescare on Lynn Lane that was 15 years old and closed after Ida damage.

There are no additional traffic or safety issues. People have said they're worried that if we remodel the home's interior, that it won't be viable to sell. We only have a ramp to install outside at one door. H2O Ministries has the power to screen residents and select who will live there. Accepting state funding or licensure doesn't change that process in any way; it's a state contract to a private entity. We vet the residents carefully and thoroughly.

The day to day operations of this home are just like others in the neighborhood. A staff member acts like a "mother." They take one girl to tutoring. Once in a while, an extended foster care worker may come to review goals with a resident as they transition to independence. Want it to closely model a family, family meals, home. There are levels of supervision, and we selected the highest one to provide the most support to the girls.

Kerry Vinyard (H2O Ministries/nonprofit and tenant). Said police report in Oct 2020 dealt with a staff person and that they hired new staff in Jan 2021.

John Dardis – has done maintenance work at 107 Florence and never saw any problems there. They are just

young ladies who need help.

April Foster (16 Silman) – supports the group home. Described problem with neighbors across from her since they are college students. This situation has staff. If they move in, these girls need a family and support – not to be rejected.

Ronnie Fugarino – clarified that it is a residential, not commercial, sprinkler system.

**Against:** Harry & Rene Lee (13 Silman) – worried about the precedent of more group homes. HOA not allows businesses, and this is a business. Matter of my property value. I've lived there for more than 20 years.

Kerry Raines (78 Whitmar) – directly across the street. Worried that this is changing the zoning. Don't want anything but residential. Worried that the construction changes to the home will make it commercial and will never sell again as residential. A business is moving in. I've been here for 17 years and want strict regulations.

Against changing the zoning at all; not against the girls.

Rachel Gill (3 Edwards) – opposed to the group home because it goes against the restrictions. Wants to protect property values. Worried that if this one is allowed, others must be allowed as well. Doesn't seem like the nonprofit values our neighborhood's rules.

Lucas Burge (23 White) – don't want the precedent set. Not a fan of the group home. Have been to many in law enforcement activities. Once a group home, it will stay that way, and we don't know what types there might be in the future.

Edwin France (1 Marta) – lived here since 1988. How can we be protected? Don't want you coming in and changing everything. Just find a place where group home is allowed.

Jan Lobue (51 Whitmar) – reiterated that this is against the restrictions for Whitmar.

**City Attorney:** Andre Coudrain provided clarification – The city isn't responsible for enforcing the HOA covenants. The subdivision and homeowners may have rights under those independently as a civil issue. Fair housing isn't implicated in this case because there are no special or protected classes. The city can't regulate a single-family home or living situation to only those related by blood or marriage. The city's question must be what is the legitimate government interest that must be regulated. It can't be from fear, concerns or hypothetical situations. Review facts, evidence, data, actual events. City needs to look at noise, traffic, density, crime. Can add restrictions, such as no retail sales. People expect consistency from government and how we apply rules. Don't impose something on this house that are not imposed on other houses in this neighborhood. Work along the lines of licensure.

Show of hands looked like five (5) people were for the group home who stay in Whitmar. Twenty (20) people were against the group home who stay in Whitmar.

### **Commission Recommendation:**

**Motion by:** Trey St. Romain to recommend approval of the Expanded Conditional Use by Wendie Powell and Kerri Vinyard (Z-2023-09-00125) for the location of 79 Whitmar Dr., Zoned RS-11, to allow for the use of Group Living. (District 5), with the following conditions:

6. This is a personal right and expires upon a change in ownership of the property from the person originally granted the conditional use or from the tenants of the property being H2O Ministries;
7. The group living use is for a transitional living program for youth.
8. The group living use must remain in compliance with state licensure.
9. There can be no exterior signage.
10. There can be no retail sales.

**Seconded by:** Monica Perez

**For:** Monica Perez, Trey St. Romain, Trey Tycer, Ron Matthews

**Against:** None      **Abstain:** None

**Absent:** Kylan Douglas (present during discussion, but had to leave meeting early)

**Ordinance to Read:**

**WHEREAS**, on October 12, 2023, the Hammond Zoning Commission held a public hearing and tabled the request. On November 9, 2023, the Hammond Zoning Commission held a second public hearing and recommended approval of the Expanded Conditional Use request by Wende Powell and Kerri Vinyard (Z-2023-09-00125) for the location of 79 Whitmar Dr., Zoned RS-11, to allow for the use of Group Living, (District 5), with the following conditions:

1. This is a personal right and expires upon a change in ownership of the property from the person originally granted the conditional use or from the tenants of the property being H2O Ministries;
2. The group living use is for a transitional living program for youth.
3. The group living use must remain in compliance with state licensure.
4. There can be no exterior signage.
5. There can be no retail sales.

**NOW, THEREFORE BE IT ORDAINED**, the Hammond City Council approves the Expanded Conditional Use request by Wende Powell and Kerri Vinyard (Z-2023-09-00125) for the location of 79 Whitmar Dr., Zoned RS-11, to allow for the use of Group Living, (District 5), with the following conditions:

1. This is a personal right and expires upon a change in ownership of the property from the person originally granted the conditional use or from the tenants of the property being H2O Ministries;
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**79 Whitmar Drive**

1 message

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**Wendy Powell** <empmgmt@bellsouth.net>  
To: Amanda Vito <vito\_am@hammond.org>

Mon, Oct 2, 2023 at 1:42 PM

Good afternoon, Amanda!

I appreciate you reaching out to gather more information about H2O and our program. I am happy to try and answer any questions you or our potential future neighbors may have. Below is a bit of information about our program and the residents we serve.

We are licensed by the state of Louisiana Department of Child and Family Services as a transitional living facility for girls ages 18-21 who have aged out of the foster care system. We are a faith-based nonprofit that houses these young ladies, teaches them life skills, provides opportunities for community engagement and becomes much like a surrogate family to them for the time that they live with us. We do not accept residents with a history of criminal activity, drug abuse or serious mental illness. We are not equipped for these situations and refer these young ladies to the appropriate resources.

Here are a few of the criteria that must be met to enter our program:

- \*residents must be referred by a foster care worker or other professional who has knowledge of their character and background
- \*residents must complete an application and go through an extensive interview and vetting process
- \*residents are drug tested prior to entering the program as well as for the duration of the program
- \*residents must attend school or work or a combination of both full time to remain in the program
- \*residents have a 10:00 pm curfew on weeknights and 11:00 pm on weekends
- \*residents are not allowed to have visitors at the home
- \*residents have 24-hour supervision by one of our qualified staff members
- \*residents must meet goals in areas such as education, employment, finances, etc. to remain in the program

We currently serve 3 amazing young ladies. Two of the residents are seniors in high school who will graduate with honors. Our other resident is employed full time and will begin classes at Northshore Technical Community College in January. The home on Whitmar could serve up to 6, but we would prefer to remain with 4 residents to provide the type of home environment and services we think best serves these young ladies.

We certainly understand the concerns that any of the residents of the Whitmar neighborhood may have. We are thankful that they are willing to engage in conversation before making a decision about zoning. Please do not hesitate to give them our phone number if they would like to ask questions or come meet with us. We also have a website that may help answer some of their questions as well: [h2othesource.com](http://h2othesource.com).

Please let me know if there are any other areas of concern that you would like for me to address, and I would be happy to do so.

Wende Powell  
Co-Director, H2O Ministries

APPLICATION FOR REZONING, CONDITIONAL USE, OR INITIAL ZONING

CITY OF HAMMOND

219 E. ROBERT ST, HAMMOND, LA 70401 / PHONE: (985) 277-5649 - FAX: (985) 277-5638

FILING DATE: 9/4/23

PERMIT#

The next Zoning Commission Meeting will be held on Oct. 12, 2023, at 5:00pm in the City Council Chambers, 312 E. Charles Street. Application to be submitted to the Planning Department according to the deadline schedule.

This Application for: [ ] REZONING [ ] CONDITIONAL USE: [X] EXPANDED -OR- [ ] RESTRICTED [ ] INITIAL ZONING/ANNEXATION

REZONING FEE: [X] Single Lot \$120.00 [ ] Block or Area \$250.00 (Fees are not refundable based on decisions) Fifty percent (50%) of fee is refundable if application is withdrawn before first newspaper notice is filed.

PARCEL#
SITE ADDRESS: 79 Whitmar Drive, Hammond 70401
Legal Description or Survey
PROPERTY OWNER NAME: Ronnie M. Fugurino / F-5 Associates, LLC
Owner Address: 190 Pine Crest Drive, Hammond, LA 70401
Telephone: ( ) or Cell #: (985) 320-2078

PLEASE READ AND SIGN BELOW

APPLICANT NAME: Wende Powell / Kerri Vinyard
COMPANY NAME: H2O Ministries, LLC
Applicant Mailing Address: P.O. Box 775, Robert, LA 70455
Applicant Telephone: ( ) or Cell #: (985) 974-9831

PERMIT INFO-ADDITIONAL INFO
PRESENT ZONING: MX-N MX-C MX-CBD C-N C-H C-R I-H I I-L
RS-3 RS-5 RM-2 RS-8 (RS-11) RM-3 RP RS-11.A S-1 S-2 SC
REQUESTED ZONING: MX-N MX-C MX-CBD C-N C-H C-R I-H I I-L
RS-3 RS-5 RM-2 RS-8 (RS-11) RM-3 RP RS-11.A S-1 S-2 SC
REASON FOR REZONING: Applying for an expanded conditional use to allow for group living
SPOT ZONING NOTE: Rezoning of a lot or parcel of land to benefit an owner for a use incompatible with surrounding uses and not for the purpose or effect or furthering the comprehensive zoning plan. Spot zoning is discouraged in Hammond

I/We being the legal owner(s) request zoning of my property from a District to a District. I/We fully understand and agree to abide by the zoning restrictions for a District. I am including with this application a copy of any covenants or restrictions and deeds governing this property.

If there is more than one owner or a corporation is the owner of the property, each owner or authorized agent of the corporation must sign. If conditional zoning, submit in writing an explanation for this request on separate sheet. If you are applying for an area or block zoning furnish a map of area or block and a petition signed by at least 50% of the property owners in the area (including their addresses).

ALL INFORMATION ON THIS APPLICATION MUST BE COMPLETE, ALL FEES PAID, AND ALL REQUIRED DOCUMENTS RECEIVED BEFORE THIS APPLICATION WILL BE ACCEPTED ON THE AGENDA FOR THE CITY OF HAMMOND ZONING COMMISSION.

X Wende Powell Kerri Vinyard 9/4/2023
APPLICANT SIGNATURE DATE
X OWNER(S) SIGNATURE DATE 9-5-23
X CITY PLANNER DATE

AMOUNT PAID \$ CHECK# CASH [ ] DATE PAID / /



# WHITMAR ACRES

## SECTION "C"

BEING A SUBDIVISION OF THE N.W. 1/4 OF THE N.E. 1/4 & THAT PORTION OF THE N.E. 1/4 OF THE N.E. 1/4 LYING WEST OF THE I.C.R.R. IN SECTION 14, T-6-S, R-7-E, TANGIPAHOA PARISH, LA.

CERTIFIED CORRECT.

*Edward S. Webb*  
CIVIL ENGINEER  
JANUARY 29, 1974

Developer: White Investments, Inc.  
1111 W. Thomas St.  
Hammond, La. 70401

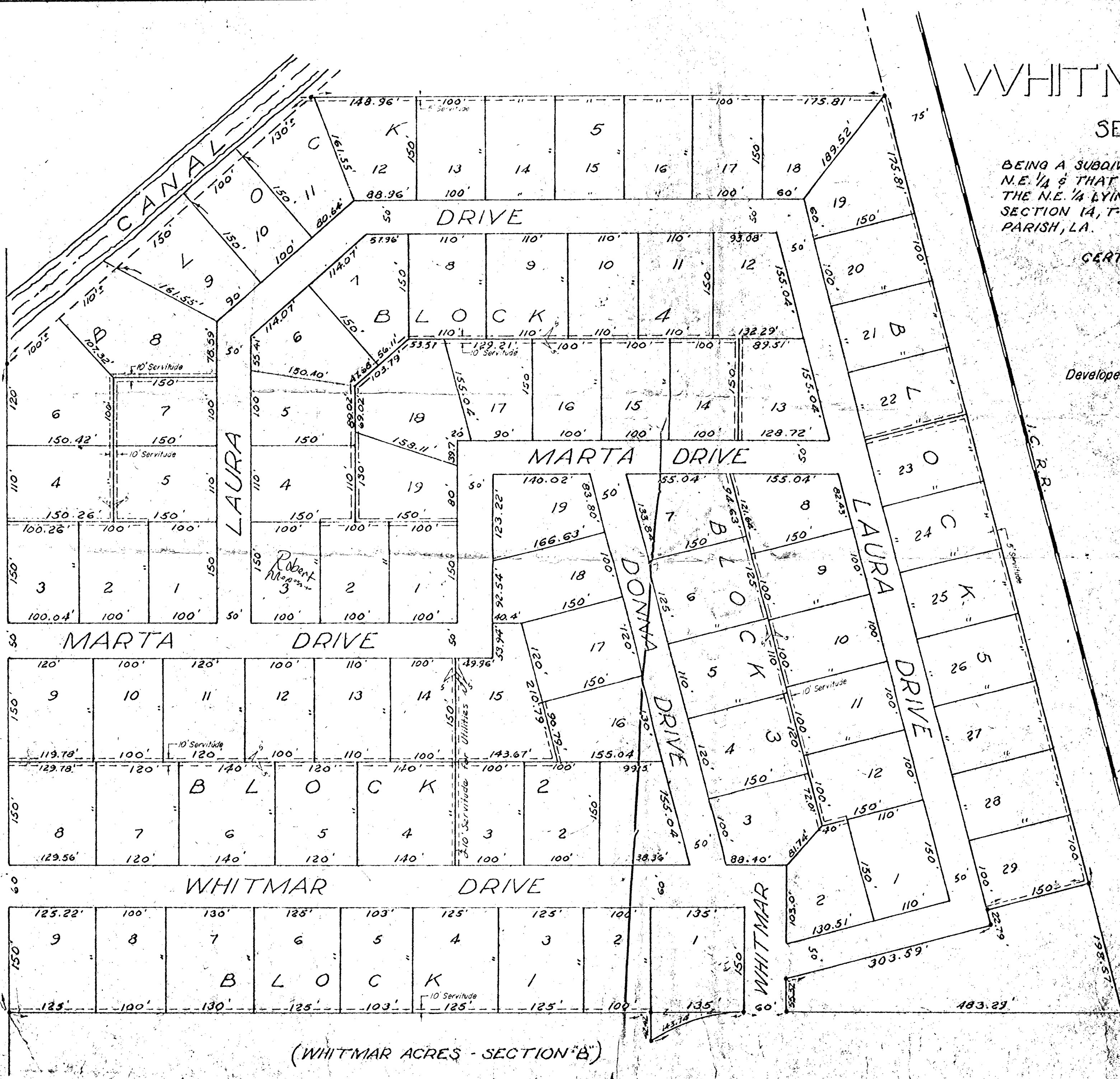


Dec. 8, 1976  
Revised lot measurements  
this date.

Jan. 14, 1977  
Revised limits and servitudes  
of Section "C" this date.

Section "C" limits

(WHITMAR ACRES - SECTION "B")



September 25, 2023

To Whom It May Concern:

We were recently informed that H2O Ministries, a housing source for young ladies who have aged out of the foster care system, is planning to move into the Whitmar neighborhood. They are filing for an exception for conditional use for group living.

We are in complete support of this organization's request. H2O is a reputable Christian organization that serves an underprivileged population. This ministry is transforming the lives of vulnerable youth by providing much-needed support, transportation for work and school, and life skills. A nonprofit board runs this organization and offers clear structures and programming, which result in a peaceful residence. We understand that trained staff supervises the youth with curfews and administers routine drug checks. They must also maintain a job and attend school (if applicable).

Because of H2O's service, these young adults are becoming an asset to our community and not a liability. We believe that H2O Ministries would ensure the safety protocols that the Whitmar neighbors desire. We appreciate your consideration.

Sincerely,



John & April Foster  
16 Silman Ave.  
Hammond, LA 70401  
985-320-3980



September 27, 2023

To Whom It May Concern:

We have been residing next to H2O Ministries on Florence St. in Hammond since 2020. This ministry houses young ladies who have aged out of the foster care system. We were told that they are making arrangements to move to Whitmar Dr. if they are allowed to receive an exemption for conditional use for group living from the City Council.

My wife and I are hopeful that H2O will be granted the exemption because they are doing great work with the youth in their program. We are sad to see them leave because they have been the best neighbors we have ever had; however, we are excited to hear that they will be able to help more young people in a bigger home. H2O keeps the outside clean and orderly, and they are very peaceful neighbors. The staff and youth are all very friendly to speak when our paths cross.

We would like to encourage the City Council to highly consider approving the exemption, so that more of the older foster youth can receive the help they need. Thank you for your consideration.

Sincerely,

*Ella M. Blessley*

*Chip Blessley*

## Wende Powell

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**From:** Sal Vutera <salvutera@gmail.com>  
**Sent:** Thursday, September 21, 2023 2:52 PM  
**To:** wende@empiremgt.com  
**Cc:** SV NEW gmail em  
**Subject:** H2O email -letter based on my experiences with H2O Ministries

My name is Sal Vutera Jr. I have come to know and work with the H2O staff over the last several years.

I have been extremely impressed and very much enjoyed observing the progress of the young ladies that are going and have gone through their program. I was initially attracted to their activities by seeing how they interact with their residents/students on such a positive and personal way. Their primary goals, from my perspective, are to help these young ladies feel more self confident, secure, and self sufficient to ultimately be able to live independently.

Whatever their needs, they are addressed in a manner appropriate for that particular individual to set and achieve realistic goals at their pace . The staff at H2O exemplify Christian values through their love, dedication and commitment that has made such a positive impact on these young ladies.

H2O help them navigate through High School and University studies, as well as assisting the residents to find and keep jobs to not only make a paycheck, but to realize a sense of worth and respect.

The H2O Team do these things and so much more. As a retired teacher, it warms my heart to see the degrees of success and development of these young ladies.

I also very proud to sponsor a fundraiser for the last several years and able to offer a donation to assist them. God Bless their continued work and efforts to change the lives of so many.

Please feel free to contact me if you have any questions.

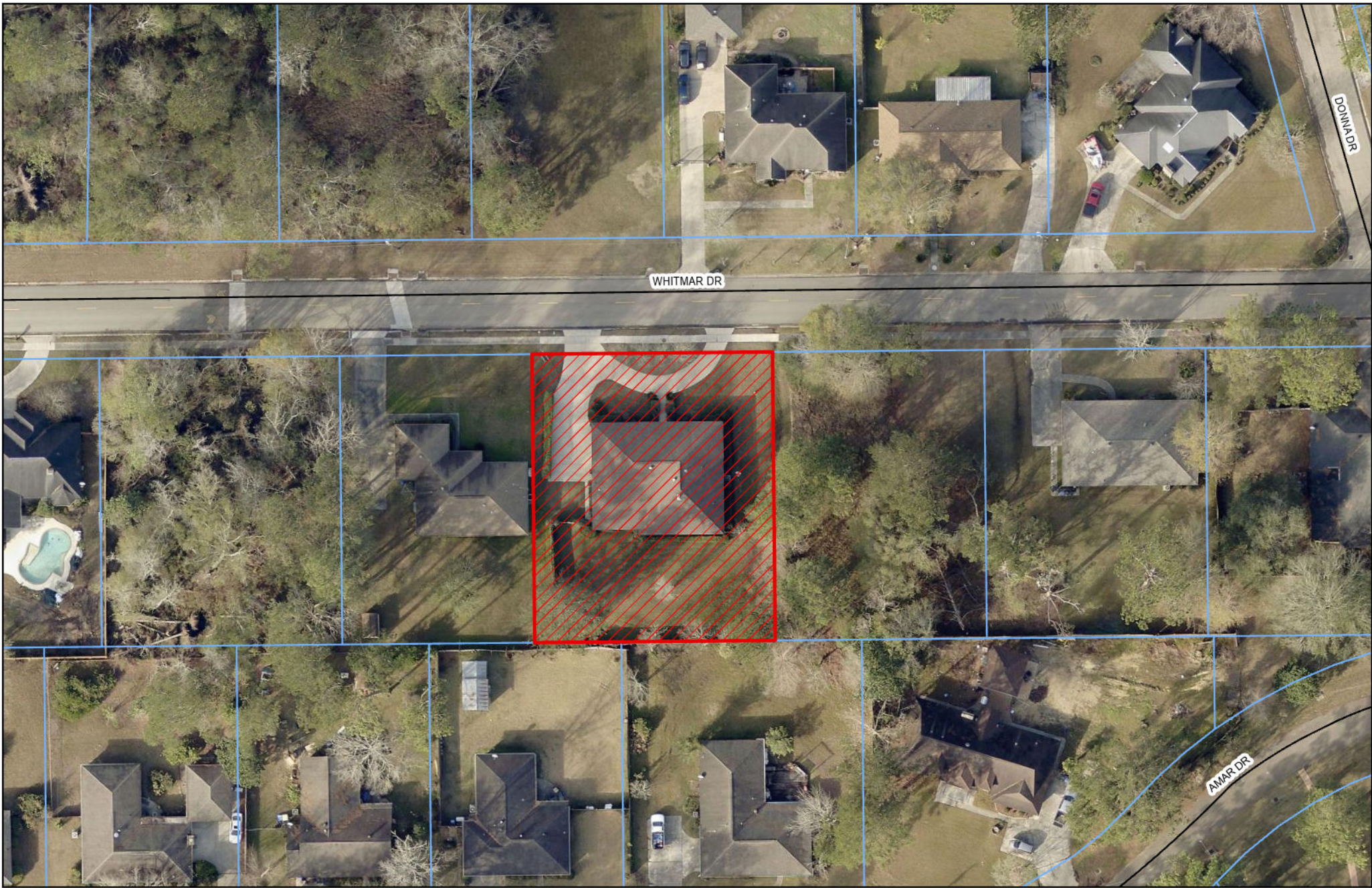
Sincerely, Sal Vutera Jr.

Sent from my iPhone

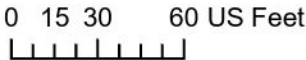






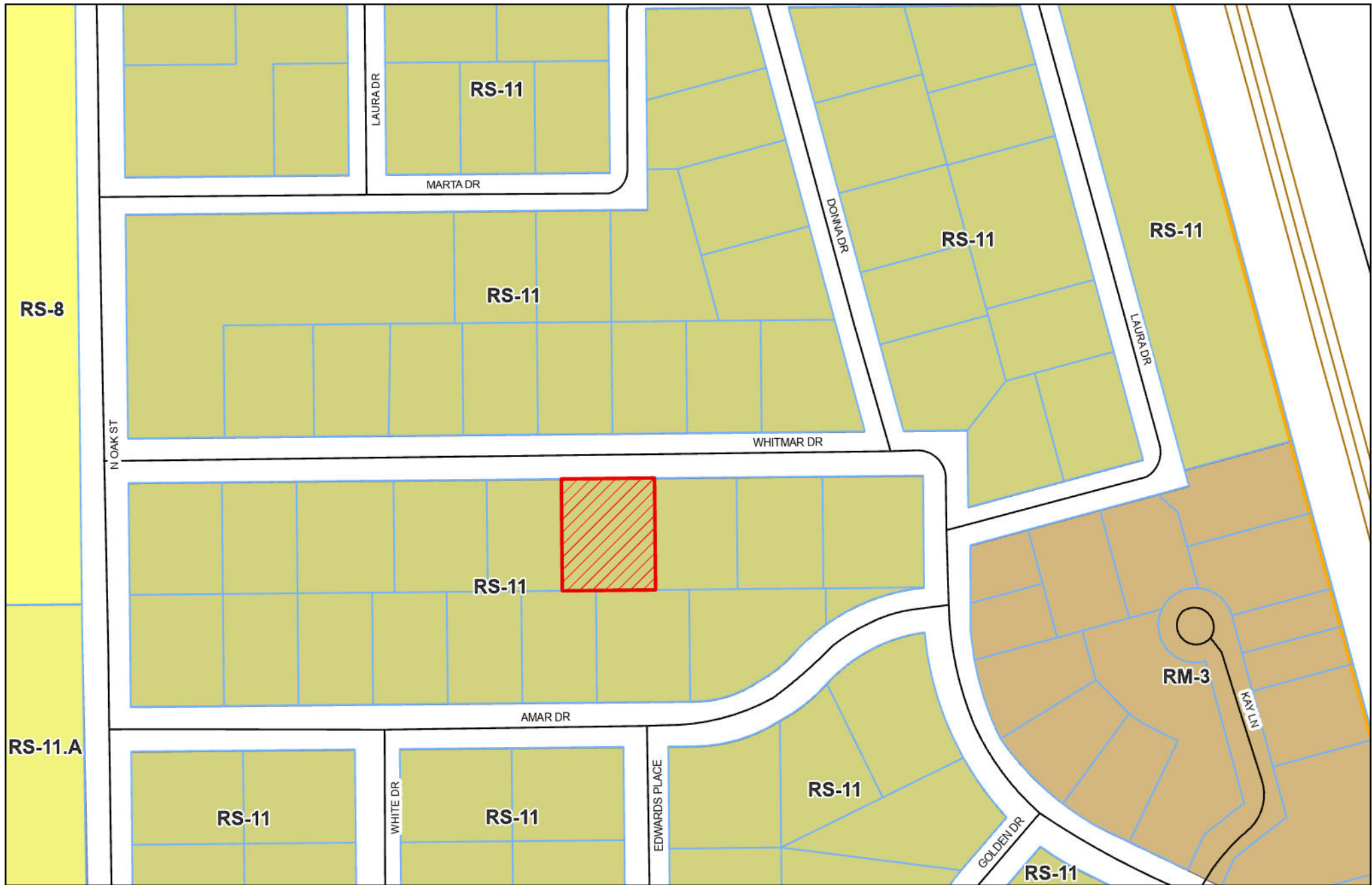


79 Whitmar Dr  
Z-2023-09-00125



- Legend**
- Road Centerlines
  - Case Parcel
  - City Lots
  - City Limits





79 Whitmar Dr  
Z-2023-09-00125



**Legend**

- Road Centerlines
- Case Parcel
- City Lots
- City Limits