



**Staff Report**  
**Moratorium Variance**  
**Case #: VAR-2023-11-00131**

**Attachments:** Staff Report, Moratorium Variance Request, Renderings, Site Plan, Surrounding Photos, Aerial Map, Zoning Map, MX-N Zoning

**Work Session:** Thursday, January 4, 2024  
**Public Hearing:** Thursday, January 11, 2024  
**Council Meeting:** Tuesday, January 23, 2024

**Request:**

VAR-2023-11-00131. Request by W.D.G. Estates to recommend a variance from Ordinance 22-5668, concerning 300 S. Oak St.

(Ordinance 22-5668: An ordinance establishing a temporary 180-day moratorium on the acceptance and processing of subdivision plats, site development plans or zoning amendments for multifamily housing within the City of Hammond providing for variances and providing a severability clause.)

**Considerations under Ordinance 22-5668:**

4. An owner of property within the City may request a variance from the requirements of this ordinance under the following conditions:

- (a) special circumstances or conditions exist imposing an undue hardship on the property owner; or
- (b) where a multi-family project is in the public interest for that particular area and will not disturb the character of the neighborhood; or
- (c) there is a previously existing legal right to proceed; or
- (d) a re-zoning of the property would not result in a multi-family development.

**Site Information:**

**Location (Address):** 300 S Oak St

**Council District:** City Council District 2

**Existing Zoning:** MX-N

**Future Land Use:** Mixed-Use

**Existing Land Use:** Vacant Land

**Adjacent Land Use and Zoning:**

<b><u>Direction:</u></b>	<b><u>Land Use/Zoning:</u></b>
<b>North</b>	MX-C, Multifamily
<b>South</b>	RM-2, Duplex (former "Spot" music location, disrepair)
<b>West</b>	RM-2, Single-family home
<b>East</b>	MX-CBD, Vacant Lot (5-unit apartment building visible)



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**Surrounding Properties:**

300 South Oak – parcel under consideration for 6 units instead of 4. Zoned MX-N that allows for multifamily.

302 South Oak – former “Spot” music site. Two units. Zoned RM-2.

304 South Oak – Four units. Zoned MX-C

306 South Oak – Three units. Zoned MX-C

308/310 South Oak – Six units. Zoned MX-C. Northwest corner of Oak and Coleman

311 South Oak – Commercial. Zoned MX-CBD

113 Edwin Neill – Five units. Visible from northeast corner of Oak and Edwin Neill due to vacant lots directly across from parcel under consideration.

208/210/212 South Oak – Three units. Zoned MX-C. Northwest corner of Oak and Edwin Neill

206 South Oak – Three units. Zoned MX-C

221 South Oak – Commercial. Zoned MX-CBD. Northeast corner of Oak and Edwin Neill

209 Edwin Neill – Single Family (adjacent and west of parcel). Zoned RM-2

211 Edwin Neill – Two units. Zoned RM-2

204 Edwin Neill – Single Family. Zoned MX-C

206 Edwin Neill – Three units. Zoned MX-C

210 Edwin Neill – Two units. Zoned MX-C

**Board of Adjustments:**

On January 11, 2024, the Board of Adjustments voted to deny the variance. (3 to deny, 2 commissioners were absent).

**W.D.G.**  
WILLIAMS - DURHAM - GALBO  
**ESTATES**

Dear City of Hammond,

Thank you for all of your services and stewardship of our citizen tax dollars. In regard to City Ordinance No. 22-5668 C.S., WDG Estates would like to formally request a variance from the requirements of this ordinance. Under the condition that a multifamily project is in the public interest for the specific area and will not disturb the character of the neighborhood. The address of the parcel in question is 300 S. Oak Street. "Multi-family" in this scenario describes three duplex buildings on the site.

  
\_\_\_\_\_  
Jacob Williams

  
\_\_\_\_\_  
John Durham

  
\_\_\_\_\_  
Luke Galbo





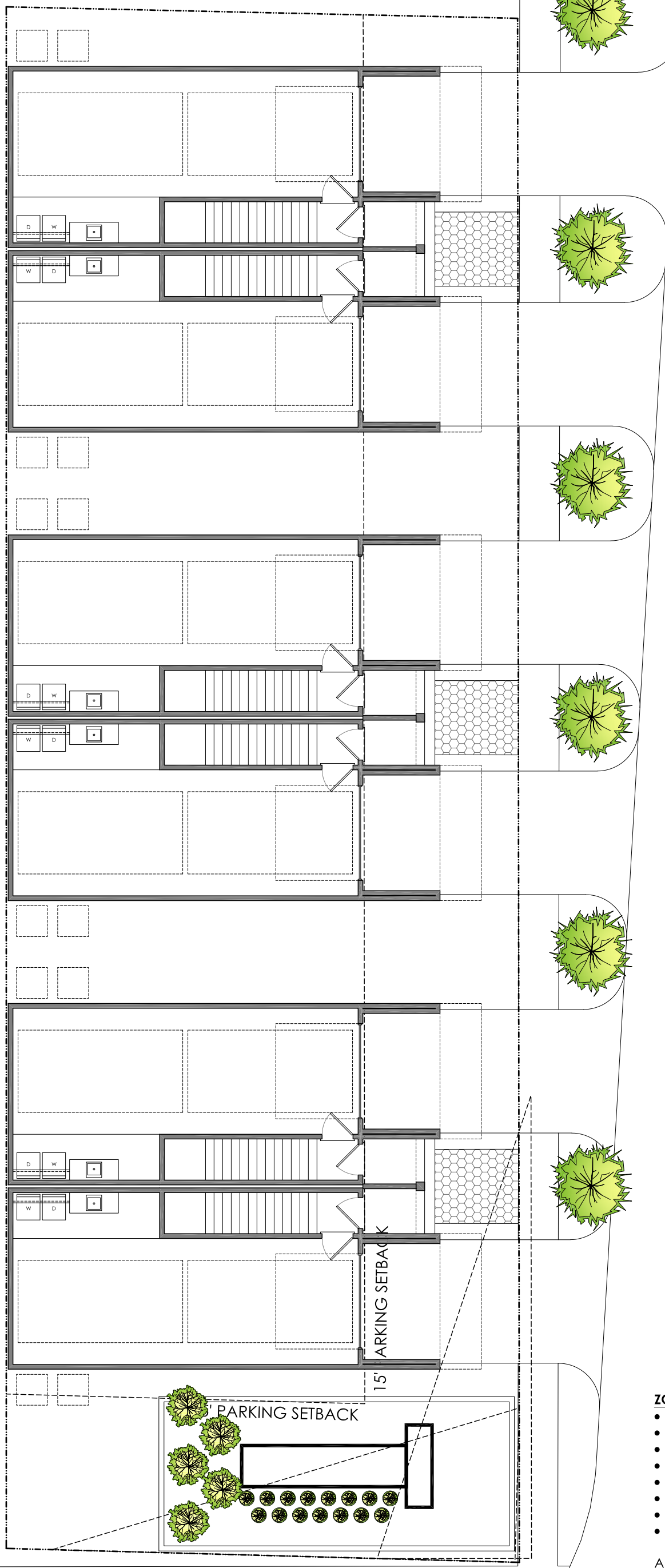










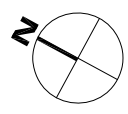


EDWIN NEILL WAY

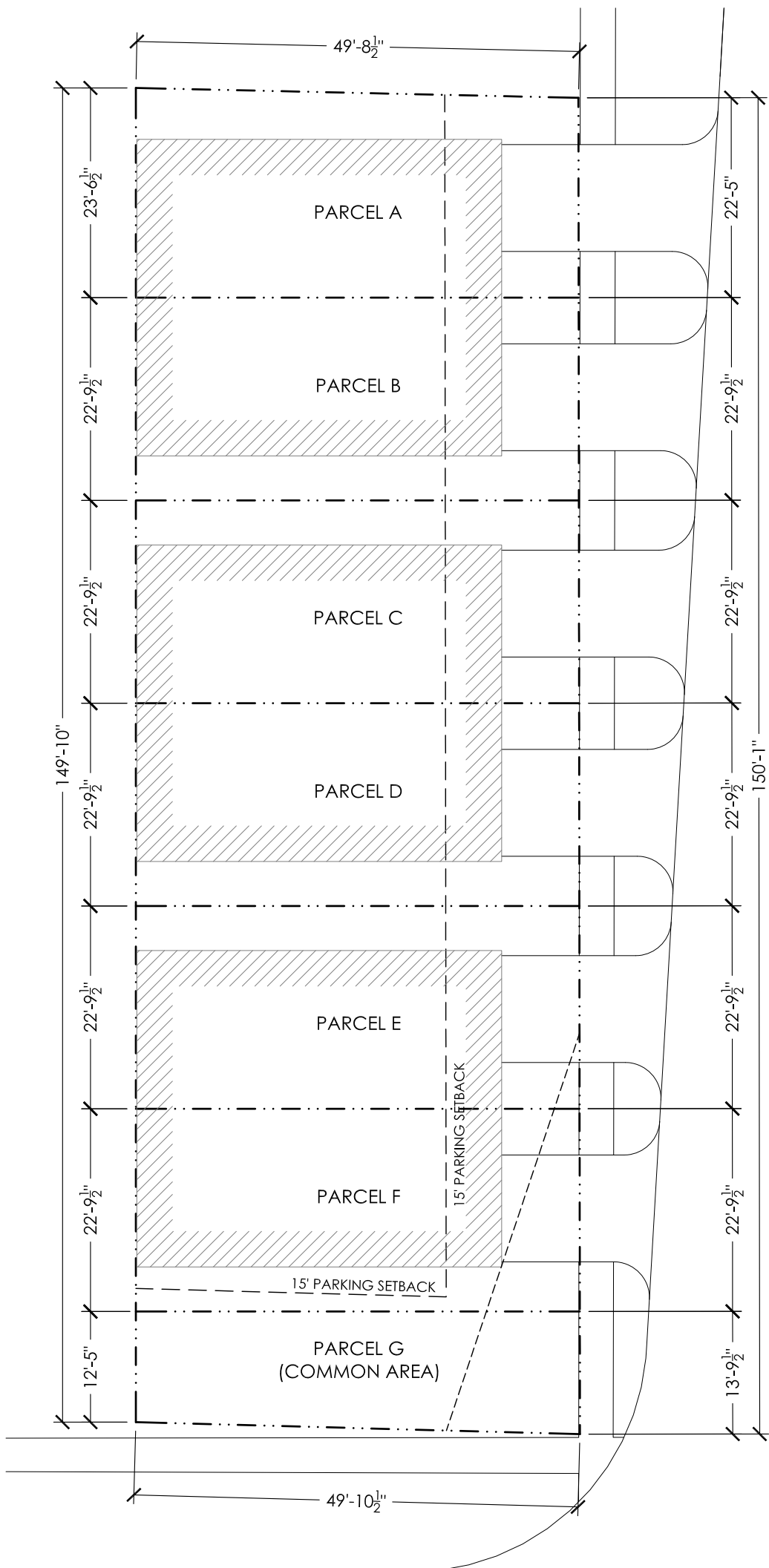
- ZONING MX-N:**
- BUILDING FOOTPRINT MAX 65% OF LOT
  - 0'-15' MAX SETBACK ON PRIMARY & SIDE ST.
  - FACADE MIN. 65% OF LOT WIDTH TO PRIMARY ST.
  - FACADE MIN. 30% OF LOT WIDTH TO SIDE ST.
  - PARKING SETBACK: 15' ON PRIMARY & SIDE ST.
  - 3 STORY MAX
  - 45' MAX HT.
  - 12' MIN GROUND FLOOR CEILING HT.

ADJACENT TO RM-Z LOTS

300 SOUTH OAK ST.  
HAMMOND, LA  
ZONING: MX-N

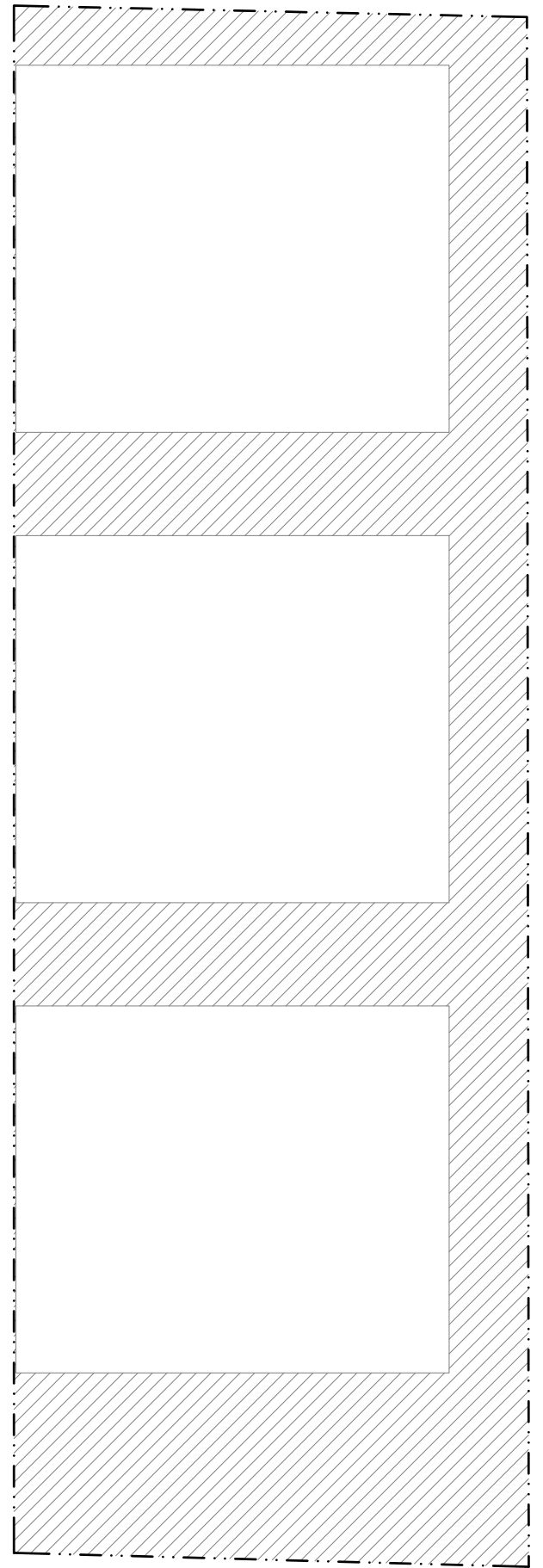


10.17.2023



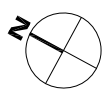
SOUTH OAK ST.

EDWIN NEILL WAY



SITE AREA: 7462 SF  
OPEN SPACE: 2988 SF (40%)

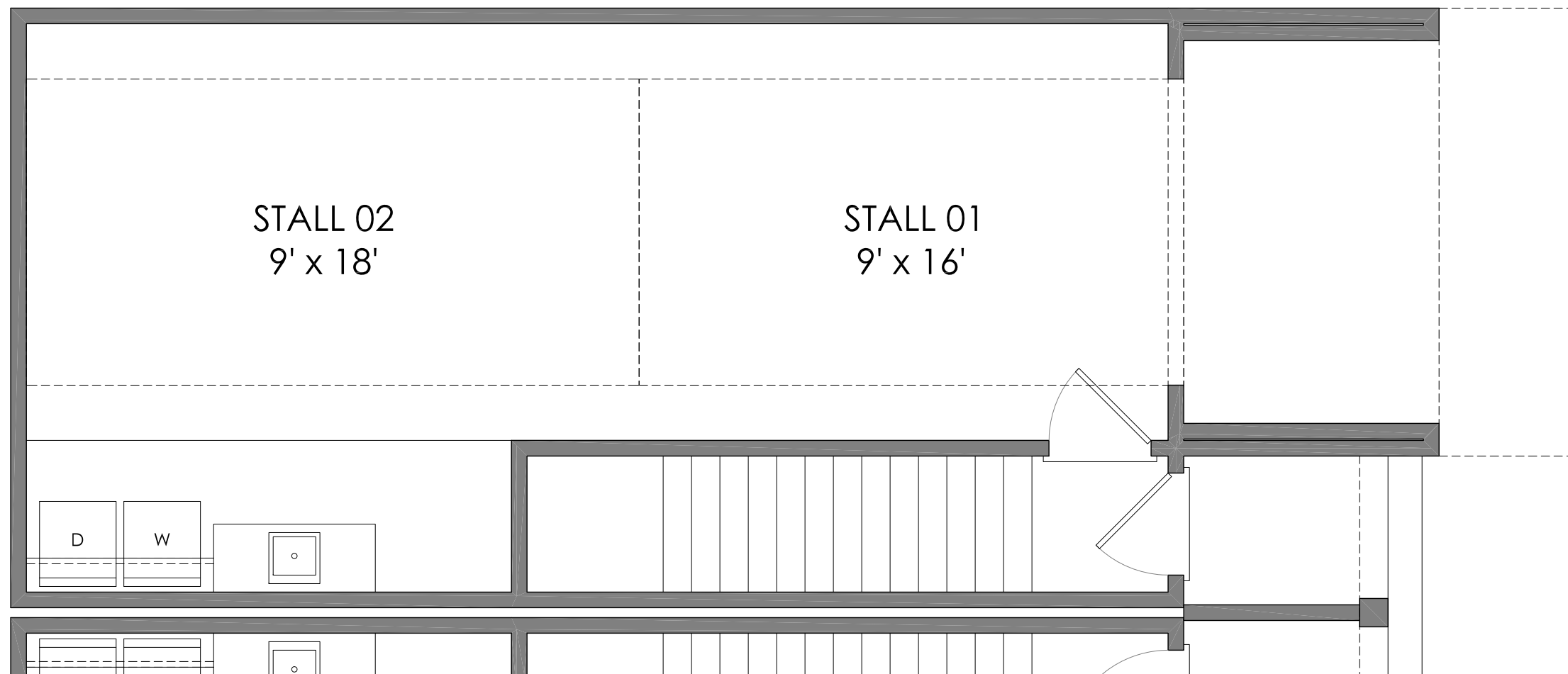
300 SOUTH OAK ST.  
HAMMOND, LA  
ZONING: MX-N



SCALE: 1/16" = 1'-0"



GARAGE DIMENSIONS  
12' x 34'







**City of Hammond Notice of  
VARIANCE**

Request: TO RECOMMEND A VARIANCE FROM  
ORDINANCE 22-5648

At: 300 S OAK ST

Location  
312 E CHARLES ST  
A Public Hearing at City Hall is set for

<u>JANUARY 11, 2024</u>	AT	<u>5 PM</u>
Date		Time

300 S Oak – Parcel zoned MX-N, lot size 150' x 50', would like to build 6 units instead of 4





Two units (adjacent and south of parcel) at 302 S Oak – RM-2



Four Units (south of parcel) at 304 S Oak – MX-C





Three Units (south of parcel) at 306 S Oak – MX-C  
Additional building behind this one.



Six Units (south of parcel) at 308 S Oak and 310 S Oak, corner of  
Oak and Coleman. Additional building behind these. – MX-C





Back building of six units at corner of Oak and Coleman



Three Units – Directly north of parcel – MX-C  
Across street on northwest corner of Oak & Edwin Neill  
208, 210, 212 S Oak





Three Units – North of parcel at 206 S Oak – MX-C





Two Units – MX-C

Three Units – Across street (north of parcel) on Edwin Neill – MX-C

Single Family – MX-C



Single Family (adjacent and west of parcel) on Edwin Neill – RM-2

Two Units – RM-2





Commercial – northeast corner of Oak & Edwin Neill  
Across street diagonally from parcel



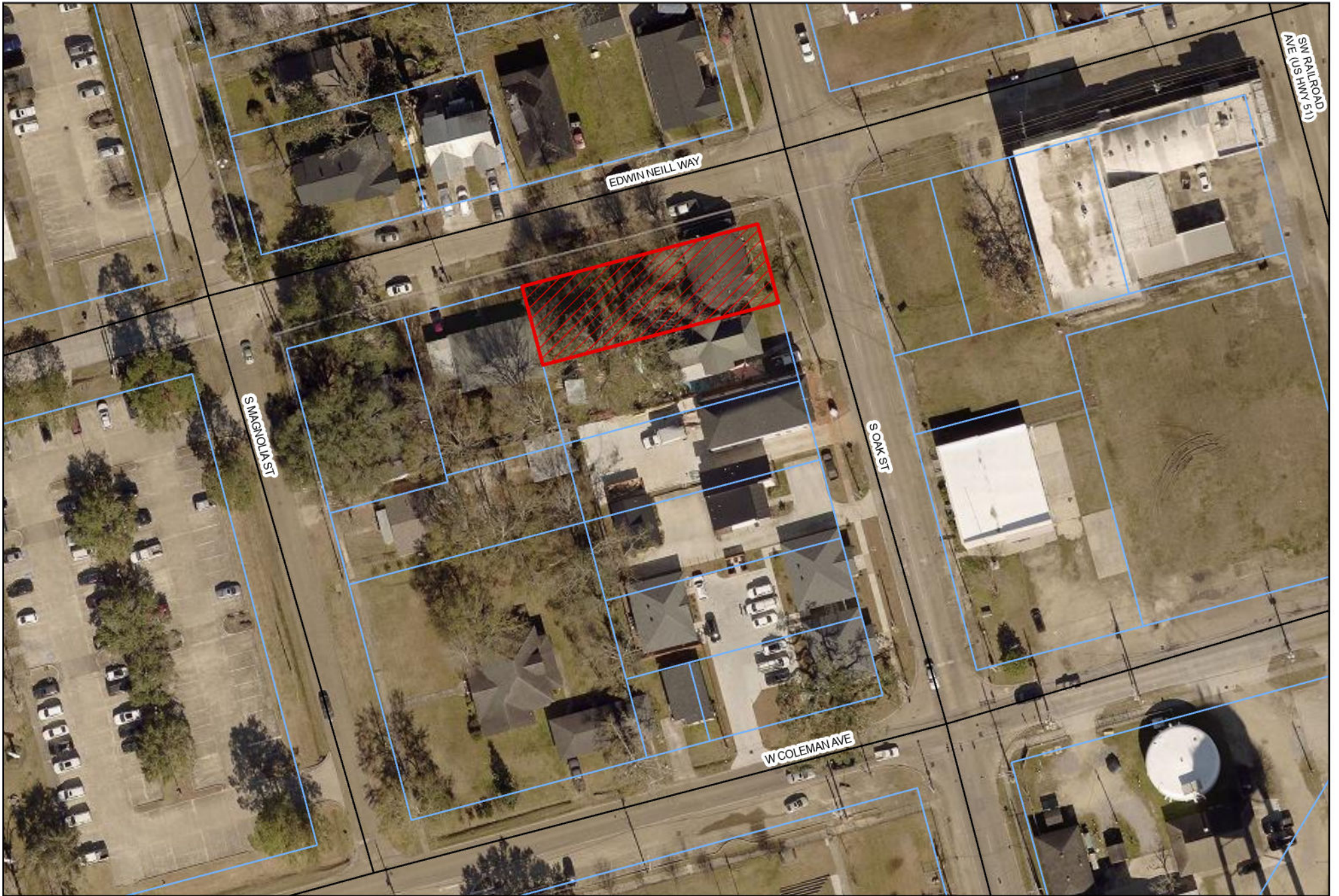


5 Units – Across street (east of parcel) visible on southeast corner of Oak & Edwin Neill



Commercial – Across street on Oak Street (southeast of parcel)





SW RAILROAD AVE (US HWY 51)

EDWIN NEILL WAY

S MAGNOLIA ST

S OAK ST

W COLEMAN AVE

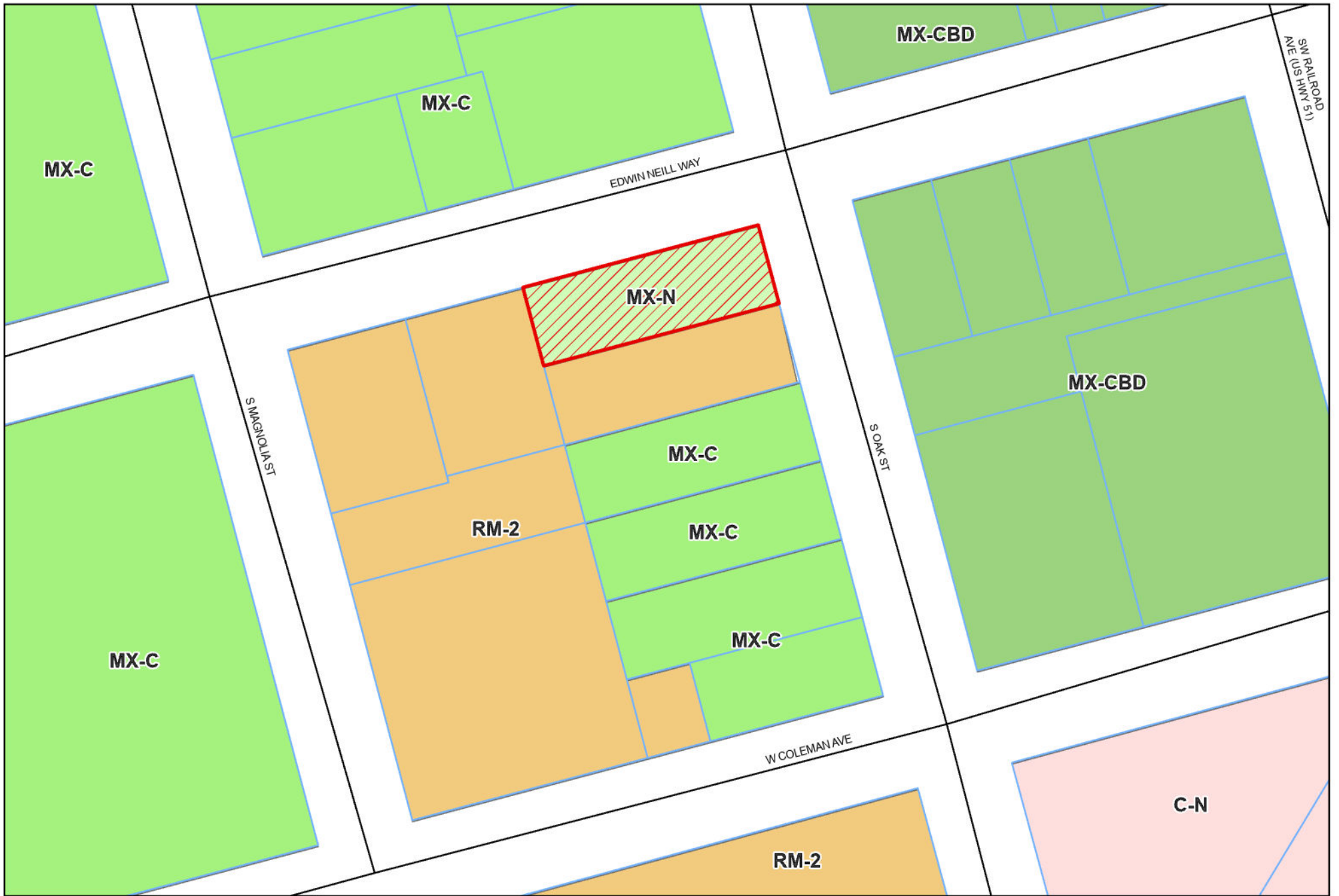


300 S Oak St  
VAR-2023-11-00131

Legend

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





300 S Oak St  
 VAR-2023-11-00131

**Legend**

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



18. Publishing establishment, printing plant
  19. Art studio/gallery
  20. Convenience store without gas
  21. Dry Cleaning
  22. Taxi stand limited to five taxis
  23. Wholesale business included within a building – not including warehouse
  24. Reception/Banquet Hall
  25. Cemeteries and/or Memorial Gardens
- B. Accessory Uses
1. Home Occupations
  2. Private Garages
  3. Tennis court, swimming pools, garden houses, tool sheds, pergolas, barbecue ovens and similar uses customary accessory to residential uses
  4. Accessory Places of Worship Uses that are not considered a nuisance to the neighborhood.
  5. Raising and keeping of domestic animals but not on a commercial basis or on a scale objectionable to neighboring property owners.
  6. Gardens for noncommercial uses
  7. Incidental storage not to exceed 40% of the floor area
  8. Sale of alcohol in conjunction with a full-service restaurant
- C. Conditional Uses
1. Day Care Facility
  2. Home occupations
  3. Commercial Parking
  4. Off street parking facility
  5. Social services
  6. Convenience store with gas
  7. All vehicle sales and rentals
  8. All water-oriented sales and services
  9. Minor utilities

## B. MX-N Neighborhood Mixed Use

The MX-N District is intended to provide appropriate areas for new and existing development that incorporates both small-scale residential and office uses within close proximity to one another and adjacent neighborhoods. The district is also intended to provide for live/work opportunities where people can live and work in the same physical space. The district can also be used as a transition between arterials or more intense commercial areas and established residential neighborhoods. Neighborhood Mixed Use is intended to provide for a variety of residential, retail, service and commercial uses all within walking distance of residential neighborhoods.

### A. Allowed Uses

1. Detached Living (Single-Family Dwelling)
2. Modular without chassis
3. Attached House
4. Row Houses
5. Apartments (multi-family dwelling)
6. Group living
7. Social Services
8. Civic Uses
9. Parks and open space
10. Minor utilities
11. Day Care



12. Country Club
  13. All indoor recreation except sexually oriented business
  14. All medical
  15. All office
  16. Overnight lodging
    - a. Bed and Breakfast
  17. Services
    - a. All personal services
    - b. Tanning bed facilities
    - c. Barber and beauty shops
    - d. Florists
    - e. Mortuary
    - f. Real Estate office
    - g. Banks, financial institutions
    - h. Dry Cleaning
  18. Animal Care
    - a. Animal hospital with side and rear yards of at least 20 feet each. The rear yard shall be at least 40 feet where there is adjacent residential zoning.
  19. All restaurant
  20. All retail sales
  21. Art Studio/gallery, no including tattoo parlors
  22. Convenience store without gas
  23. Convenience store with gas
  24. All vehicle sales and services
  25. All water oriented sales and services
  26. All research and development
  27. All vehicle services
  28. Off street parking
  29. Reception/Banquet Hall
  30. Cemeteries and/or Memorial Gardens
- B. Conditional Uses
1. Tattoo parlor
  2. Major utilities
  3. Commercial parking lots and garages
  4. All outdoor recreation
  5. Sweet Shop
- C. Accessory Uses
1. Gardens for non-commercial purposes
  2. Storage garages and parking lots for use solely by occupants and guests of the premises.
  3. Tennis courts, swimming pools
  4. Radio and television towers incidental to a permitted use
  5. Incidental storage not to exceed 40 percent of the floor area
  6. Home occupations

### C. MX-C Commercial Mixed Use

MX-C is intended to provide for a variety of residential, retail, service, and commercial uses. While MX-C accommodates commercial uses, the inclusion of residential and employment uses are strongly encouraged in order to promote live-work and mixed use opportunities.

#### B. Allowed Uses

1. Detached Living (Single-Family Dwelling)
2. Attached House





**CITY OF HAMMOND**  
**ORDINANCE No. 22-5668 C.S**

**AN ORDINANCE ESTABLISHING A TEMPORARY 180 DAY MORATORIUM ON THE ACCEPTANCE AND PROCESSING OF SUBDIVISION PLATS, SITE DEVELOPMENT PLANS OR ZONING AMENDMENTS FOR MULTIFAMILY HOUSING WITHIN THE CITY OF HAMMOND, PROVIDING FOR VARIANCES AND PROVIDING A SEVERABILITY CLAUSE.**

**WHEREAS**, A Housing Advisory Committee was formed in 2020 by the Hammond City Council; and

**WHEREAS**, the Housing Advisory Committee is expected to make recommendations to the City regarding single family housing; and

**WHEREAS**, Mechanisms and programs that promote the development of high quality, affordable single-family housing in the City, such as developer incentives, private/public partnerships, redevelopment authority implementation and similar projects are in the public interest; and

**WHEREAS**, Other programs, mechanisms, and measures that would assist in revitalizing and stabilizing areas of the City for single family housing, including infrastructure that would create more complete, connected, safe and attractive residential neighborhoods is in the public interest; and

**WHEREAS**, the City wants to insure that the impact of future development of multi-family housing has an acceptable impact on the distinctive character of the single family neighborhoods of the City; and

**WHEREAS**, the City will change drastically if unlimited growth of development of multi-family housing projects should occur under the City's existing ordinances, before the City can review and consider the recommendations of the Housing Advisory Committee; and

**WHEREAS**, the City Council has determined that it is necessary to study the recommendations of the Housing Advisory Committee and update its development ordinances and procedures as determined appropriate to meet the housing needs of City's citizens, and to protect the health, safety, environment, quality of life, and general welfare; and

**WHEREAS**, in order for the City to have adequate and reasonable time to review, evaluate and revise the City's development ordinances, as appropriate, and to consider the impact of the ordinances upon future growth, public health and safety, development, the environment, the historic character of the City's neighborhoods and places of importance and significance within the City, the City wishes to implement a moratorium period of 180 days, during which no applications for multi-family housing projects or subdivision plats will be accepted; and

**WHEREAS**, the purposes of prohibiting applications, for multi-family development permits and/or approvals during this study period include, within limitation, preserving the status quo during the planning process, eliminating incentives for hasty applications, facilitating thoughtful and consistent planning, avoiding exploitation of the delays inherent in the municipal legislative process, and preventing applications from undermining the effectiveness of the revised ordinances by applying for permits and/or approvals in order to avoid the application of new, possibly more restrictive, development ordinances; and



**WHEREAS**, in recognition of the appropriateness of multi-family development permits and/or approvals to the community, the City desires to implement this moratorium for a stated and fixed time period, and to include a variance provision for cases of necessity and undue hardship.

**THEREFORE, BE IT ORDAINED:**

1. Except as provided below, no applications for multi-family subdivision plats, multi-family site development plans, multi-family building permits or zoning amendments to change from single family zoning to a zoning allowing multi-family development, will be accepted for filing or processed and no such permits or approvals will be issued by the City until (a) 180 days after final adoption of this ordinance, or (b) termination of this ordinance by the City Council, whichever is sooner.
2. This moratorium shall not apply to applications within an area zoned Mixed Use, where the use is at least fifty (50%) non-residential.
3. This moratorium shall not apply to applications submitted on or before February 8, 2022.
4. An owner of property within the City may request a variance from the requirements of this ordinance under the following conditions:
  - (a) special circumstances or conditions exist imposing an undue hardship on the property owner; or
  - (b) where a multi-family project is in the public interest for that particular area and will not disturb the character of the neighborhood; or
  - (c) there is a previously existing legal right to proceed; or
  - (d) a re-zoning of the property would not result in a multi-family development..
5. A written application setting forth the basis for the requested variance must be submitted to the City Planning and Zoning Commission for its recommendation and final approval by the City Council by resolution upon a majority vote of the City Council. A variance may be granted by the City Council if it finds that special circumstances or conditions affecting the property in question justify the variance, and that the adverse effect on the accomplishment of the goals of the moratorium established by this ordinance. Any request for a variance must be submitted to the City Council at least seven (7) days prior in the date of the City Council meeting at which the request is to be considered.
6. As used herein, the term “multi-family” shall mean a development of three (3) or more contiguous two-family or duplex dwelling site or a single site with multi-family dwelling.
7. In the case of any conflict between the other provisions of this ordinance and any existing ordinance of the City, the provisions of this ordinance will control.
8. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, that invalidity or the unenforceability will not affect any other provisions or applications of this ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.
9. This ordinance shall be effective as of the date of final adoption.

The above and foregoing ordinance having being duly submitted to the Hammond City Council in writing; introduced at a public meeting on December 14, 2021 of the Hammond City Council and discussed at a public meeting held on February 8, 2022; after motion and second was submitted to the official vote of the Hammond City Council.

On motion by Councilman Sam DiVittorio and Second by Councilman Devon Wells the foregoing ordinance was hereby declared adopted on February 8, 2022 by the following roll call vote:

**Votes: Councilman Wells (Y), Councilman DiVittorio (Y), Councilman Andrews (Y), Councilwoman Gonzales (Y), Councilman Leon (Y).**

**WHEREFORE** the above and foregoing ordinance was declared duly adopted on the **8th day of**



February, 2022, at Hammond, Tangipahoa Parish, Louisiana.

Kip Andrews  
Kip Andrews  
President, Hammond City Council

Pete Panepinto  
Honorable Pete Panepinto  
Mayor, City of Hammond

Lisa Cockerham  
Lisa Cockerham, Clerk  
Hammond City Council

THE FOREGOING IS CERTIFIED  
TO BE A TRUE & CORRECT COPY  
Lisa Coker  
CLERK OF COUNCIL

Recordation of Receipt Received from the  
Mayor of the City of Hammond on  
the 11 day of February in the year 2022  
at 9:15 o'clock a.m., in accordance with  
Home Rule Charter Article II, Section 2-12 (B).  
Lisa Coker  
Clerk of Hammond City Council

**CERTIFICATE OF DELIVERY**  
In accordance with Home Rule Charter Article II,  
Section 2-12 (A), the above Ordinance was delivered to  
the Mayor of the City of Hammond on the  
10 day of February in the year 2022  
at 2 o'clock p.m. said delivery being within three (3)  
calendar days after adoption, exclusive of weekends  
and state holidays.  
Lisa Coker  
Clerk of Hammond City Council





**CITY OF HAMMOND  
ORDINANCE No. 23-5723**

**AN ORDINANCE TO EXTEND AND MODIFY THE MORATORIUM ON THE  
ACCEPTANCE AND PROCESSING OF SUBDIVISION PLATS, SITE DEVELOPMENT  
PLANS OR ZONING AMENDMENTS FOR MULTIFAMILY HOUSING WITHIN THE  
CITY OF HAMMOND FOR AN ADDITIONAL 180 DAYS**

**WHEREAS**, A Housing Advisory Committee was formed in 2020 by the Hammond City Council and the Housing Enhancement Committee was formed in 2023 (collectively, the Housing Advisory Committee); and

**WHEREAS**, on February 8, 2022, the City Council adopted a temporary 180 day moratorium and on August 23, 2022 approved a 90 day extension of the moratorium on acceptance of applications and issuance of permits or approvals for multi-family subdivision plats, multi-family site development plans, multi-family building permits and zoning amendments to change from single family zoning to a zoning allowing multi-family development in order to receive the recommendations of the Housing Advisory Committee and to review, evaluate and revise the City's development ordinances, as appropriate; and

**WHEREAS**, the Housing Advisory Committee is working diligently, but has not completed its work and has not made recommendations to the Council; and

**WHEREAS**, in order for the City to have adequate and reasonable time to review and evaluate the Housing Advisory Committee report and revise the City's development ordinances, as appropriate, it is necessary to extend the moratorium for an additional 180 days from the date of final adoption of this ordinance; and

**WHEREAS**, the City Council determines it is necessary to expand the scope of the moratorium to include group homes, halfway homes, special homes, group living, boarding home, and transient boarding houses, and to extend the moratorium for an additional 180 days from the date of final adoption of this ordinance to protect the health, safety, environment, quality of life, and general welfare, preserving the status quo during the review and evaluation process, eliminating incentives for hasty applications, facilitating thoughtful and consistent planning, avoiding exploitation of the delays inherent in the municipal legislative process, and preventing applications from undermining the effectiveness of the revised ordinances by applying for permits and/or approvals in order to avoid the application of new, possibly more restrictive, development ordinances.



**THEREFORE, BE IT ORDAINED:**

Ordinance #22-5668 which adopted a 180 day moratorium and ordinance #22-5692 and #23-5703 which further extended the moratorium is further extended and shall be in full force and effective for an additional 180 days from the date of final adoption of this ordinance.


The above and foregoing ordinance having being duly submitted to the Hammond City Council in writing; introduced at a public meeting on October 10, 2023 of the Hammond City Council and discussed at a public meeting held on November 14, 2023; after motion and second was submitted to the official vote of the Hammond City Council.

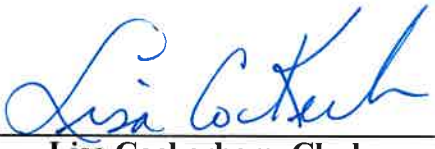
On motion by Councilman DiVittorio and Second by Councilwoman Gonzales the foregoing ordinance was hereby declared adopted on November 14, 2023 by the following roll call vote:

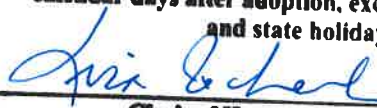
**Votes:** Councilman Wells (Y), Councilman DiVittorio (Y), Councilman Andrews (Y), Councilwoman Gonzales (Y), Councilman Leon (Y). Yeas: 5 Nays: 0 Absent: – Motion Approve 5-0


**WHEREFORE** the above and foregoing ordinance was declared duly adopted on the 14<sup>th</sup> day of November, 2023 at Hammond, Tangipahoa Parish, Louisiana.

  
Kip Andrews  
President, Hammond City Council

  
Honorable Pete Panepinto  
Mayor, City of Hammond

  
Lisa Cockerham, Clerk  
Hammond City Council

**CERTIFICATE OF DELIVERY**  
In accordance with Home Rule Charter Article II, Section 2-12 (A), the above Ordinance was delivered to the Mayor of the City of Hammond on the 17<sup>th</sup> day of November, in the year 2023 at 8 o'clock a.m. said delivery being within ree (3) calendar days after adoption, exclusive of weeks and state holidays.  
  
Clerk of Hammond City Council

Recordation of Receipt Received from the Mayor of the City of Hammond on the 17 day of November in the year 2023 at 1:00 o'clock pm, in accordance with Home Rule Charter Article II, Section 2-12 (B).  
  
Clerk of Hammond City Council