

LOUISIANA COURT OF APPEAL, FOURTH CIRCUIT

Pilotland Neighborhood Association, Wayne Baquet, Ashley Caponegro, Rashad Meyers, Billie Castle Myers, and Iam Tucker v. the City of New Orleans, Board of Zoning and Adjustments and Encampment, LLC

Pilotland Neighborhood Association · No. 2025-CA-0563 · Decided March 4, 2026

SUMMARY

The Louisiana Fourth Circuit Court of Appeal reviewed a zoning dispute involving variances sought by Encampment, LLC for a proposed multifamily development in New Orleans. The court held that the Board of Zoning Adjustments improperly allowed reconsideration and a second vote after the initial motion to grant the variances failed. It reversed the district court, vacated the BZA decision, and remanded for action consistent with the BZA’s initial vote.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|-----------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | Louisiana Court of Appeal, Fourth Circuit                                                                                                                                                                                                                                                                                                                                                                                                            |
| WRITING FOR THE COURT | Rachael D. Johnson; Tiffany Gautier Chase; Dale N. Atkins                                                                                                                                                                                                                                                                                                                                                                                            |
| JURISDICTION          | Louisiana Court of Appeal, Fourth Circuit                                                                                                                                                                                                                                                                                                                                                                                                            |
| DECIDED               | March 4, 2026                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| DOCKET                | 2025-CA-0563                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| DISPOSITION           | reversed_and_remanded                                                                                                                                                                                                                                                                                                                                                                                                                                |
| PROCEDURAL POSTURE    | Plaintiffs appealed the Orleans Parish Civil District Court's judgment affirming the Board of Zoning and Adjustments' decision granting zoning variances to Encampment, LLC.                                                                                                                                                                                                                                                                         |
| STANDARD OF REVIEW    | The appellate court independently reviews the BZA's decision, not the district court's judgment, and determines whether the BZA acted arbitrarily, capriciously, or with a calculated or prejudicial lack of discretion. Questions of law in zoning matters are reviewed de novo. Zoning decisions are presumed valid but may be overturned when palpably erroneous and lacking a substantial relation to public health, safety, or general welfare. |
| PRECEDENTIAL VALUE    | Published opinion; precedential value under Louisiana law is not otherwise specified in the provided text.                                                                                                                                                                                                                                                                                                                                           |

## PARTIES

Pilotland Neighborhood Association, Wayne Baquet, Ashley Caponegro, Rashad Meyers, Billie Castle Myers, Iam Tucker v. City of New Orleans, Board of Zoning and Adjustments, Encampment, LLC

## TOPICS

zoning judicial review of agency action ordinances appellate procedure standard of review

## PRACTICE AREAS

zoning administrative law municipal law appellate procedure

## QUESTIONS PRESENTED

1. Whether the BZA improperly permitted reconsideration and a second vote after its initial motion to grant the requested variances failed.
2. Whether the BZA's second vote and resulting variance decision should be vacated because the reconsideration procedure violated the BZA's governing rules and Robert's Rules of Order.

## HOLDINGS

1. The BZA procedurally erred by allowing Jason Richards to move for reconsideration because he had seconded the original motion and therefore was not on the prevailing side of the failed vote. Under the applicable parliamentary rules, he lacked the right to seek reconsideration.
2. The second vote was invalid, and the BZA's initial February 19, 2024 vote remained in effect as the board's decision.
3. The BZA's February 28, 2024 decision was vacated, and the matter was remanded to the BZA to issue a decision in accordance with its initial February 19, 2024 vote.

## KEY QUOTATIONS

*"The purpose of reconsidering a vote is to permit correction of hasty, ill-advised, or erroneous action, or to take into account added information or a changed situation that has developed since the taking of the vote."* (9)

*"In other words, a reconsideration can be moved only by one who voted aye [or "yea"] if the [original] motion involved was adopted, or no if the motion was lost."* (10)

*"By improperly allowing Mr. Richards to raise a motion to reconsider, granting his motion and allowing a second vote on Encampment's variances to proceed, the BZA committed a legal error and deprived the public of having an opportunity for a fair hearing under the applicable parliamentary rules."* (10-11)

## FACTUAL BACKGROUND

Encampment sought to construct a mixed multifamily housing development on a 1.15-acre triangular lot in New Orleans's Educational Campus District. It requested variances from the minimum two-acre lot-area requirement

and the requirement of 75 parking spaces, seeking authorization for 71 spaces. The BZA's initial motion to grant both variances failed, but the board then allowed a second motion and vote that granted the lot-size variance with provisos and denied the parking variance. Nearby Pilotland and its residents challenged the second vote and the resulting variances.

## PROCEDURAL HISTORY

The BZA initially voted on February 19, 2024, to deny a motion granting both requested variances because the motion received only two affirmative votes and three negative votes. The BZA then permitted a second, alternative motion and vote that granted the lot-size variance subject to provisos and denied the parking variance; that decision was filed on February 28, 2024. The district court affirmed the BZA decision on April 30, 2025. The Fourth Circuit reversed the district court, vacated the BZA decision, and remanded for the BZA to issue a decision consistent with the initial February 19, 2024 vote.

## DISPOSITION

reversed\_and\_remanded

## REMAND INSTRUCTIONS

The district court judgment is reversed, the BZA's February 28, 2024 decision is vacated, and the matter is remanded to the BZA to issue a decision in accordance with its initial February 19, 2024 vote.

## CASES CITED

- Racetrac Petroleum, Inc. v. City of Shreveport, 45,120, pp. 6-7 (La. App. 2 Cir. 7/21/10), 44 So. 3d 800
- King v. Caddo Parish Commission, 97-1873 (La. 10/20/98), 719 So. 2d 410
- Prest v. Parish of Caddo, 41,039 (La. App. 2 Cir. 6/2/06), 930 So. 2d 1207
- Esplanade Ridge Civic Ass'n v. City of New Orleans, 13-1062, pp. 3-4 (La. App. 4 Cir. 2/12/14), 136 So. 3d 166
- Greer v. City of New Orleans Through Board of Zoning Adjustments, 25-0320, pp. 5-6 (La. App. 4 Cir. 11/26/25), 424 So. 3d 1210
- Elysian Fields, Inc. v. St. Martin, 600 So. 2d 69, 72 (La. App. 4th Cir. 1992)
- Our Lady of Lake Roman Catholic Church, Mandeville v. City of Mandeville, Planning and Zoning Commission, 13-0837, p. 13 (La. App. 1 Cir. 2/3/14), 147 So. 3d 186
- Robinson v. City of New Orleans, 18-0032, p. 10 (La. App. 4 Cir. 5/16/18), 247 So. 3d 791
- 3000-3032 St. Claude Avenue, LLC v. City of New Orleans, 22-0813, p. 8 (La. App. 4 Cir. 6/22/23), 368 So. 3d 1160
- Vieux Carre Property Owners, Residents & Assocs., Inc. v. City of New Orleans Through Board of Zoning Adjustments, 21-0687, p. 6 (La. App. 4 Cir. 4/6/22), 337 So. 3d 979
- Wooley v. Lucksinger, 2009-0571, pp. 77-78 (La. 4/1/11), 61 So. 3d 507
- Bellard v. American Central Insurance Co., 2007-1335, p. 25 (La. 4/18/08), 980 So. 2d 654
- Growe v. Johnson, 20-0143, p. 6 n.3 (La. App. 4 Cir. 2/17/21), 314 So. 3d 87

- Old Carrollton Neighborhood Ass'n v. City of New Orleans ex rel. Its Board of Zoning Adjustments, 03-0711, pp. 9-11 (La. App. 4 Cir. 10/1/03), 859 So. 2d 713
- Wolfman, Inc. v. City of New Orleans, 03-0120, p. 5 (La. App. 4 Cir. 4/21/04), 874 So. 2d 261

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