

Gautier Planning Commission
Regular Meeting Agenda
October 4, 2018
GPC #18-18-VAR
3218 Stonegate Variance Request

VII. NEW BUSINESS

1. 3218 STONEGATE – REQUEST FOR A VARIANCE ALLOWING AN INCREASE OF MAXIMUM LOT COVERAGE FOR A PRINCIPAL STRUCTURE AND A VARIANCE ALLOWING A DECREASE IN MINIMUM REAR YARD SETBACK IN AN R-1 LOW DENSITY SINGLE FAMILY RESIDENTIAL ZONING DISTRICT (GPC CASE #18-18-VAR)

GAUTIER PUBLIC HEARING PROCESS (PLANNING COMMISSION)

Planning Commission Chairman to follow procedure below. All questions/comments to be directed to the Council and not to applicant, staff, or other attendees of the meeting.

1. Chairman announces the case.
2. Chairman makes statement, "This is a Public Hearing and all statements to be made need to be true and accurate for the record."
3. Staff gives brief overview of case.
4. Applicant presents their case.
5. Anyone to speak in support of the Request? Please state your name and address for the record.
6. Anyone to speak in opposition of the Request? Please state your name and address for the record.
7. Any final comments from the applicant?
8. Questions from Commission?
9. Chairman closes public hearing – "This closes the Public Hearing portion of this case" bang of gavel
10. Motion/Deliberation/Vote

CITY OF GAUTIER STAFF REPORT

To: Chairman and Members, Planning Commission

From: Scott Ankerson, Planning Director

Date: October 4, 2018

Subject: 3218 Stonegate – Request for a variance allowing an increase of maximum lot coverage for a principal structure, and a variance allowing a decrease of minimum rear yard setback in an R-1 zoning district. (GPC Case No. 18-18-VAR)

REQUEST:

The Planning Department has received a request from Jerry L. Johnson for a Variance allowing the increase of maximum lot coverage for a principal structure, and a Variance allowing a decrease of minimum rear yard setback in an R-1 Low Density Single Family Residential Zoning District at 3218 Stonegate, PID #87120036.000. The application fee of \$175 was paid on July 30, 2018. All public notice requirements have been met.

BACKGROUND:

The request property is zoned R-1 Low Density Single Family Residential District. The property contains an existing one thousand nine hundred seventy-two (1972) square foot single-family dwelling with a five hundred seventy-seven (577.75) square foot addition that was permitted September 18, 2015. The proposed new addition and attached carport would add an additional eight hundred sixty-four (864) square feet to the home making the home three thousand four hundred thirteen (3413.5) square feet on a parcel that is nine thousand seven hundred eighty-two (9,782) square feet. The maximum lot coverage allowed for a principle structure in an R-1 districts by the UDO is 25%. The proposed addition would exceed the allowable 25% by nine hundred sixty-eight (968) square feet. Also, the proposed attached carport puts the principal structure fifteen feet (15) from the rear property line causing the house to exceed the rear yard minimum set back requirement by ten (10) feet.

DISCUSSION:

The property owner would like to add covered storage and an attached carport to his addition that was permitted in September 2015. The proposed new storage addition and attached carport exceeds the maximum lot coverage as stated in the City of Gautier UDO. The proposed new storage addition also puts the primary structure fifteen (15) feet from the rear of the property. The minimum setback for the primary structure in an R-1 district is twenty-five (25) feet. A variance request has been submitted to allow more maximum lot coverage and a 10 feet decrease to the minimum rear yard setback.

DETERMINATION OF APPLICABLE LAW:

The Unified Development Ordinance (UDO) defines **Variances** as:

A Variance is a relaxation of the terms of the Unified Development Ordinance where such Variance will not be contrary to the public interest and where, owing to conditions peculiar to the property, a literal enforcement of the Ordinance would result in an unnecessary or undue hardship. As used in this Ordinance, a Variance is authorized only for height, area and size of structure, or size of yards, separation of uses, open spaces, off-street parking spaces and some subdivision of property. The establishment or expansion of a use not permitted shall not be allowed by Variance.

The UDO defines **Hardship** as:

Hardship means the exceptional hardship that would result from a failure to grant the requested variance. The City requires that the variance is exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

The UDO defines **Setback** as:

SETBACK: (SEE YARD) The minimum horizontal distance between the lot or property line and the nearest front, side or rear line of the building as measured to the outside face at the enclosing wall or in structures lacking walls (as in the case of a carport) to the face of the supporting columns and beams. Setback does not include roof overhangs, except that they shall not encroach on more than fifty (50) percent of the required setback.

- A. **SETBACK, FRONT:** The yard area extending along the full width of a front lot line between side lot lines and from the front lot line to the front building line in depth.
- B. **SETBACK, REAR:** The yard area extending across the full width of the lot and lying between the rear lot line and the nearest line of the building. Rear-yard depth shall be measured at right angles to the rear line of the lot.
- C. **SETBACK, SIDE:** The yard area lying between the side line of the lot and the nearest line of the building and extending from the front yard to the rear yard, or in the absence of a front yard or a rear yard, to the front or rear lot lines. Side-yard width shall be measured at right angles to side lines of the lot.

UDO SECTION 4.18: Variance

In certain circumstances, a Variance from the dimensional requirements (i.e. height, setbacks, square footage) of this ordinance may be granted if the applicant can prove that because of

physical constraints of the property involved, he is not able to build the same type of structure that other persons with the same zoning classification can build. Variances for uses permitted will not be considered in as much as “use Variances” are not legal in the State of Mississippi.

Most Variances must be granted by the City Council; however, certain minor Variances may be granted by the Economic Development Director in accordance with *Section 4.18.3* below.

4.18.1 Who May Initiate

A request for a Variance may be initiated by the property owner or agent of the owner provided that said property has not been denied a previous request for a Variance for the same property or portion of property within the past twelve (12) months.

4.18.2 Application for Variance

Applications for a Variance (from dimensional requirements) may be filed on the appropriate application available from the Economic Development/Planning Department and shall include all requested information, attachments and submittals:

4.18.3 Administrative Variances

The following dimensional variances may be granted by the Economic Development Director at his/her discretion (Note: Within the COR, Corridor Overlay District, applicants shall be required to mitigate a requested dimensional variance in accordance with the Tier Land Use Provisions in Section 5.11):

- A. 30% of required off-street parking spaces and/or
- B. 30% of required setbacks from property lines

4.18.4 Criteria for Approval

The Variance application shall demonstrate the following:

- A. That special conditions and circumstances exist which are peculiar to this particular site (lot or parcel), structure or building involved and which are not applicable to other sites (lots or parcels) or structures or buildings in the same district;
- B. That 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 provisions of this Ordinance;
- C. That the special conditions and circumstances do not result from actions of the applicant; and
- D. That granting the Variance requested will not confer upon the applicant any special privilege that is denied by this Ordinance to other similar sites (lots or parcels) structures or buildings in the same district.

RECOMMENDATION & CONCLUSION:

Staff recommends that Planning Commission establish a Finding of Fact regarding the “Criteria for Approval” from UDO section 4.18.4 A-D as listed above.

The Planning Commission may:

1. Recommend that City Council approve the maximum request as presented;
2. Recommend that City Council approve the variance requests with changes; or
3. Recommend that City Council deny the maximum lot coverage variance request and decrease in minimum rear yard setback variance request.

ATTACHMENTS:

1. Applicant’s Exhibit 1 – Application
2. City’s Exhibit A – Location Map
3. City’s Exhibit B – Existing Zoning Map
4. City’s Exhibit C – Existing Land Use Map
5. City’s Exhibit D – Future Land Use Map

GAUTIER, MISSISSIPPI
ECONOMIC DEVELOPMENT/PLANNING DEPARTMENT
PUBLIC HEARING APPLICATION

Public Hearing Number

18-18-VA

TO BE HEARD BY GAUTIER PLANNING COMMISSION:

FEE:

Zoning Change	_____	\$300.00
Zoning Change (Comp.)	_____	\$300.00
Major Development	_____	\$100.00
Variance	<u>X</u>	\$175.00
Appeal to Staff Decision	_____	\$100.00

TO BE HEARD BY PLANNING DIRECTOR ON STAFF

FEE:

Administrative Waiver	_____	\$100.00
Administrative Variance	_____	\$100.00

Name of Applicant : JERRY L. Johnson Cell 238-0176
Name of Business: _____ Phone: 228-497-1759
Property Address: 3218 Stonegate Circle, Gautier, MS Mailing Address (if Different): _____
E-Mail Address: jerryjohnson100697@gmail.com
Reason for request, location and intended use of Property: Variance, 3218 Stonegate Circle Gautier, MS 39563
Residential Storage

ATTACHMENTS REQUIRED AS APPLICABLE:

- X 1. Diagram of intended use, showing dimensions and distances of property, building with setbacks, parking spaces, entrances and exits.
- X 2. A detailed project narrative.
- _____ 3. Copy of protective covenants or deed restrictions, if any.
- _____ 4. Copies of approvals, or requests for approval, from other agencies, such as, but not limited to, the Mississippi State Department of Health, U.S. Army Corp of Engineers, Mississippi Department of Environmental Quality and Department of Marine Resources.
- _____ 5. Any other information requested by the Economic Development/Planning Director and/or members of the Technical Review Committee.

Signature of Applicant: Jerry L. Johnson Date of Application: 7-30-2018

FOR OFFICE USE ONLY

Date Received 7/30/18 Verify as Complete RM

Fee Amount Received 175.00 Initials of Employee Receiving Application RM

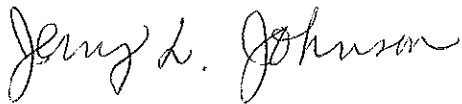
Scott Ankerson

Gautier Planning Commission

Request for Residential Variance

A variance is being requested to complete a home renovation project to include a 12x24 storage building with a 24x24 carport attached.

Jerry L Johnson

A handwritten signature in cursive script that reads "Jerry L. Johnson". The signature is written in black ink and is positioned below the printed name.

87120036.000 JOHNSON JERRY L & JOYCE D

PIDN: 87120036.000

GISP: 777.36-03-0073.00

Owner Information

Percent of Ownership: 100

Name: JOHNSON JERRY L & JOYCE D

Name 2:

Mailing Address: 3218 STONEGATE CIRCLE

GAUTIER MS

39553

Site Address: 3218 STONEGATE CR GAUTIER

Land Information

Section: 36

Acreage: .00

Township: 7S

Range: 7W

Street Name STONEGATE
CR

Value and Tax Information

Total Assessed Value: 9611

Total Appraised Value: 96110

Improvement Value: 82560

Land Value: 13550

Tax Amount: 1028

SQ FT: 1972 Year Built: 1998

Legal Description

Description: LOT 36 STONEGATE S/D PB 20-17

DB 1162-775 (73 Map777.36-03)

Deed Book / Page: 1162 / 775

87120036.000 JOHNSON JERRY L & JOYCE D

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OLD SPANISH TRL

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STONEGATE CIR

Gautier

0 12.5 25 50 Feet

82436100.000 82436100.050

Jackson County GIS

Exhibit A Location Map

City Of Gautier
Planning Department



Prepared by the
City of Gautier
Planning Department



Exhibit B Existing Zoning Map

City Of Gautier
Planning Department



Prepared by the
City of Gautier
Planning Department

Legend

<all other values>

ZONECODE

- AG
- C-1
- C-2
- C-3
- I-2
- MURC-1
- MURC-2
- MURC-MW
- PL
- PUD
- R-1
- R-2
- R-3
- RE
- TC

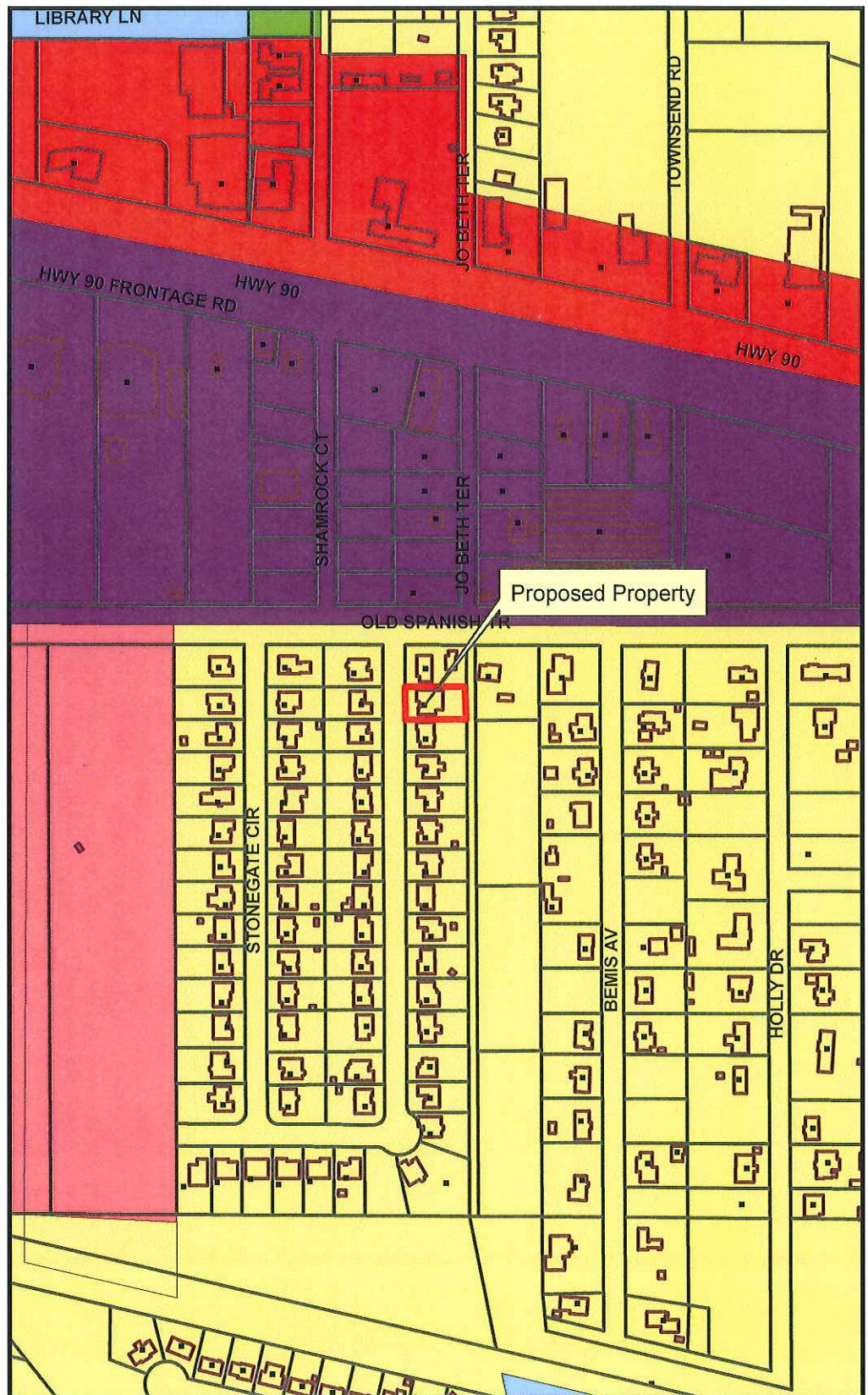


Exhibit C Existing Land Use Map

City Of Gautier
Planning Department



Prepared by the
City of Gautier
Planning Department

Legend

Gautier_Parcels_Trimmed_0617

City_Limits

CorOverlay

EXISTING LAND USE

Commercial-Retail

Conservation

Civic

Industrial

Marina/Fish Camps

High Density Residential

Mobile Home

Mobile Home Park

Medium Density Residential

Office

Recreation

Very Low to Low Density Residential

Utility

Vacant

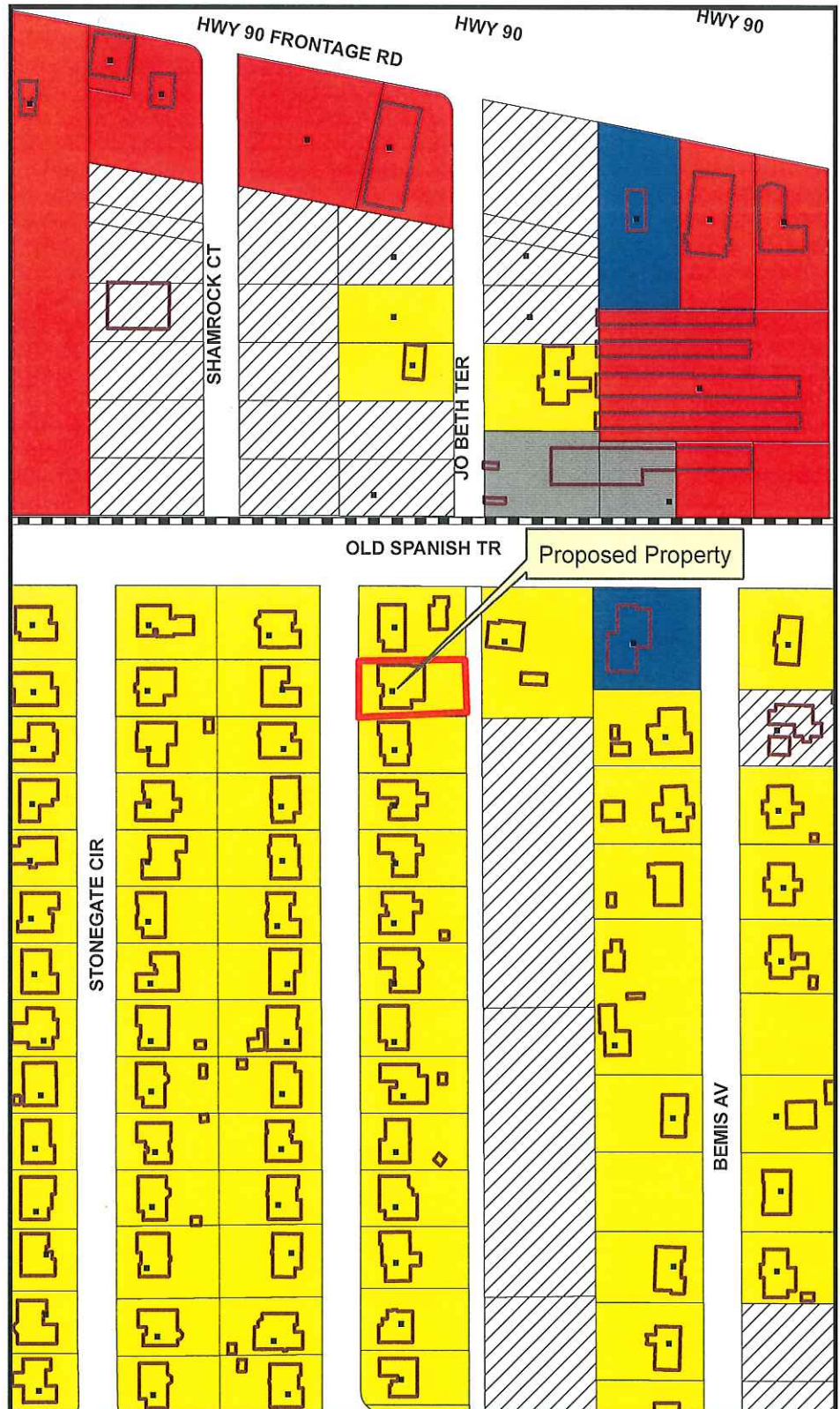


Exhibit D Future Land Use Map

City Of Gautier
Planning Department



Prepared by the
City of Gautier
Planning Department

Legend

FUTURE LAND USE

FLU_Class

- Civic
- high impact commercial
- Conservation
- High Density Residential
- Industrial
- Low Density Residential
- Medium Density Residential
- Mobile Home Residential
- low impact Commercial
- Recreational
- recreational commercial
- Regional Scale Commercial
- mixed use residential
- Town Center
- Very Low Density Residential

