

**AGENDA
CITY OF GAUTIER, MISSISSIPPI
CITY HALL COUNCIL CHAMBERS
September 21, 2021 @ 6:30 PM**

I. Call to Order

- 1. Prayer**
- 2. Pledge of Allegiance**

II. Agenda Order Approval

III. Announcements

- 1. Gautier's Tasty Thursday will be held on September 23rd from 11:00am until 6:00pm at the Singing River Mall Property.**
- 2. City of Gautier Crusin' Through the Decades Event to be held October 3, 2021 at Singing River Mall Property starting at 4pm.**
- 3. Outdoor Movie Night featuring, School Spirits, October 16, 2021, at 6:30pm located at the Singing River Mall Property**

IV. Presentation Agenda

V. Business Agenda

- 1. Consideration of a request for a four-foot six-inch (4'6") variance to side yard setback requirements for a carport in a R-1 Low Density Single-Family Residential Zoning District located at 2100 Tulane Drive (GPC #21-43-VAR)**

☐	STAFF PRESENTATION	☐	PUBLIC QUESTIONS/COMMENTS (3 MINUTES PER PERSON)	☐	MOTION COUNCIL DISCUSSION/QUESTIONS	☐	VOTE
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- 2. Consideration of a Conditional Use-Major Permit that would allow a manufactured home in an AG Agricultural Zoning District located at 5605 Campbell Road, Gautier, MS, (GPC #21-45-CU)**

☐	STAFF PRESENTATION	☐	PUBLIC QUESTIONS/COMMENTS (3 MINUTES PER PERSON)	☐	MOTION COUNCIL DISCUSSION/QUESTIONS	☐	VOTE
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3. Consider a request for a Special Exception that would allow an addition to an existing Special Exception at 6008 Allen Road in a C-3 Highway Commercial Zoning District, PID #81970008.000 (GPC Case No. 21-46-SE)

☐	STAFF PRESENTATION	☐	PUBLIC QUESTIONS/COMMENTS (3 MINUTES PER PERSON)	☐	MOTION COUNCIL DISCUSSION/QUESTIONS	☐	VOTE
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4. Consideration for an Abatement at 2406 Avenida Del Pinar, Gautier, MS (Krystal Davison)

☐	STAFF PRESENTATION	☐	PUBLIC QUESTIONS/COMMENTS (3 MINUTES PER PERSON)	☐	MOTION COUNCIL DISCUSSION/QUESTIONS	☐	VOTE
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5. Resolution approving Final Budget Amendments for FY 2021

☐	STAFF PRESENTATION	☐	PUBLIC QUESTIONS/COMMENTS (3 MINUTES PER PERSON)	☐	MOTION COUNCIL DISCUSSION/QUESTIONS	☐	VOTE
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6. Approval to renew the Self-Funded Employee Health Insurance Plan FY 2022

☐	STAFF PRESENTATION	☐	PUBLIC QUESTIONS/COMMENTS (3 MINUTES PER PERSON)	☐	MOTION COUNCIL DISCUSSION/QUESTIONS	☐	VOTE
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7. Authorization to submit a grant application to the Mississippi Department of Archives and History (MDAH) for a Community Heritage Preservation Grant for the Gautier Historic Schoolhouse

☐	STAFF PRESENTATION	☐	PUBLIC QUESTIONS/COMMENTS (3 MINUTES PER PERSON)	☐	MOTION COUNCIL DISCUSSION/QUESTIONS	☐	VOTE
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8. Approval of the Docket of Claims

☐	STAFF PRESENTATION	☐	PUBLIC QUESTIONS/COMMENTS (3 MINUTES PER PERSON)	☐	MOTION COUNCIL DISCUSSION/QUESTIONS	☐	VOTE
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9. Approve Commercial Insurance Renewals FY 2022

☐	STAFF PRESENTATION	☐	PUBLIC QUESTIONS/COMMENTS (3 MINUTES PER PERSON)	☐	MOTION COUNCIL DISCUSSION/QUESTIONS	☐	VOTE
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VI. Consent Agenda (All items approved in one motion)

1. Approval of minutes from Regular Council Meeting held September 7, 2021 and Recessed Budget Meeting held September 14, 2021
2. Resolution approving the continuation of a Declaration of Local Emergency pertaining to COVID-19 until further notice.

3. **Approval of an “Authorization for Entry for Construction and Attorney’s Certificate of Authority form”, as required by the Department of the Army for the Gautier Water Treatment Plant Expansion Project**
4. **Authorization requested to purchase a 1990 BMY Harsco M923A2 VIN #2300862 truck for \$10.00 from the Jackson County Board of Supervisors**
5. **Receive June 2021 Finance Report**
6. **Approval of the 2021 City of Gautier Tax Assessments rolls**

VII. STUDY AGENDA

1. **Discuss Citizen Comments**
2. **Discuss Council Comments**
3. **Discuss City Manager Comments**
4. **Discuss City Clerk Comments**
5. **Discuss City Attorney Comments**

Adjourn until October 5, 2021 6:30PM
www.gautier-ms.gov

**CITY OF GAUTIER, MISSISSIPPI
ANNOUNCEMENT AGENDA
September 21, 2021**

ITEM DESCRIPTION:

ANNOUNCEMENTS

1. Gautier's Tasty Thursday will be held on September 23rd from 11:00am until 6:00pm at the Singing River Mall Property.
2. City of Gautier Crusin' Through the Decades Event to be held October 3, 2021 at Singing River Mall Property starting at 4pm.
3. Outdoor Movie Night featuring, School Spirits, October 16, 2021, at 6:30pm located at the Singing River Mall Property

NOTES:



GAUTIER PRESENTS

TASTY THURSDAY!

**23
SEP**



11 AM

**GOOD EATS FROM AWESOME
FOOD TRUCKS**

**MANN KETTLE CORN – HAVENS CREAMERY –
THE SCRATCH KITCHEN– NORWOODS FAMOUS SKINS,
KEEPIN' IT TASTY, KLASSY WRAPPERS,
FRANKIE FAYE'S, CHICKEN SHACK,
COASTY'S FOOD TRUCK**

**SINGING RIVER MALL PROPERTY
2800 HWY 90 GAUTIER, MS**

CITY OF GAUTIER'S *Cruisin'* THROUGH THE DECADES



OCTOBER 3, 2021

CRUISE-IN 4PM DRIVE-IN MOVIE 6:30 PM

2800 HWY 90 GAUTIER, MS

THEMED MUSIC

FOOD TRUCKS

RESERVED PARKING FOR ALL CRUISERS

Trophy for the Crowds favorite will be awarded!



COME VIEW CLASSIC BEAUTIES!

4PM-6PM SINGING RIVER MALL PROPERTY

2800 HWY 90 GAUTIER, MS

Gift bags for the 1st 250 Cruisers



6:30 pm Singing River Mall Property

For More Information, Call Gautier Recreation 228-497-2244 Facebook - City of Gautier Recreation & Community Events

FREE EVENT

City of Gautier Presents

Halloween Movie Night



GAUTIER
MISSISSIPPI

Nature's Playground

**SCHOOL
SPIRITS**

FREE OUTDOOR MOVIE & TREATS FOR THE KIDS

OCTOBER 16 6:30pm

SR Mall Property 2800 Hwy 90

FEATURING
SCHOOL SPIRITS

CITY OF GAUTIER, MISSISSIPPI
PRESENTATION AGENDA
September 21, 2021

ITEM DESCRIPTION:

PRESENTATION AGENDA

NONE

NOTES :

CITY OF GAUTIER
Business Agenda Item #1
Fact Sheet

Council Meeting: September 21, 2021
Title: Consideration of a request for a four-foot six-inch (4'6") variance to side yard setback requirements for a carport in a R-1 Low Density Single-Family Residential Zoning District located at 2100 Tulane Drive (GPC #21-43-VAR)

Introduced by:
Contact Person/Telephone Scott Ankerson 497-8000 ext. 312

Summary Explanation: Consideration of a request for a four-foot six-inch (4'6") variance to side yard setback requirements for a carport in a R-1 Low Density Single-Family Residential Zoning District located at 2100 Tulane Drive, (GPC #21-43-VAR) PID #85105701.000.

EXHIBITS FOR REVIEW

Resolution	☐
Ordinance	☐
Contract	☐
Minutes	☐
Plan Maps	☐
Order/Public Hearing	☒
Other	☐
Submittal Authorization	City Manager

Staff Recommendation:
Approval

Motion Made by:

Vaughan	☐	Colledge	☐	George	☐	Jackson	☐	Gollott	☐	Anderson	☐	Elbin	☐
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Second Made by:

Vaughan	☐	Colledge	☐	George	☐	Jackson	☐	Gollott	☐	Anderson	☐	Elbin	☐
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Voted as follows:		Ayes	Nays	Abstained	Absent
Mayor	Vaughan	☐	☐	☐	☐
At Large	Colledge	☐	☐	☐	☐
Ward 1	George	☐	☐	☐	☐
Ward 2	Jackson	☐	☐	☐	☐
Ward 3	Gollott	☐	☐	☐	☐
Ward 4	Anderson	☐	☐	☐	☐
Ward 5	Elbin	☐	☐	☐	☐

Action Taken:

There came for consideration of the Mayor and Members of the Council of the City of Gautier, Mississippi, the following:

ORDER NUMBER 000-2021

WHEREAS, the homeowner of 2100 Tulane Drive, (PID# 85105701.000) has requested a four-foot six-inch (4'6") variance to side yard set-back requirements for a carport; and

WHEREAS, the property owner requests a four-foot six-inch (4'6") variance to the minimum side yard set-back requirements in a R-1 Low Density Single-Family Residential District.

WHEREAS, this would allow a carport to be five feet six inches (5'6") from the side property line in lieu of the required ten feet (10'); and

WHEREAS, Planning Commission conducted a public hearing on this request and recommended approval of same;

WHEREAS, based on the information presented to the Council, the Mayor and Councilmembers hereby find that all criteria under Section 4.18.4 of the Unified Development Ordinance (have or have not) been met in this case;

IT IS HEREBY ORDERED by the Mayor and Members of the Council of the City of Gautier, Mississippi, that the City Council hereby (adopts or denies) the Gautier Planning Commission's recommendation to approve this variance;

IT IS FURTHER ORDERED that the City Manager or City Clerk is authorized to execute any and all documents necessary for this purpose.

Motion was made by **BLANK**, seconded by **BLANK**, and the following vote was recorded:

AYES:

NAYS:

MAYOR

ATTEST:

CITY CLERK

BLANK by Mayor and Members of the Council of the City of Gautier, Mississippi, at the meeting of September 21, 2021.

**CITY OF GAUTIER
MEMORANDUM**

To: Paula Yancey, City Manager
From: Babs Logan, Planning Technician
Date: 09/13/2021
Subject: Consider a request for a four-foot six-inch (4'6") variance to side yard setback requirements for a carport in a R-1 Low Density Single-Family Residential Zoning District. 2100 Tulane Drive, (GPC #21-43-VAR)

REQUEST:

The Planning Department has received a request from Mary Funchess for a four-foot six-inch (4'6") variance to side yard setback requirements for a carport in a R-1 Low Density Single-Family Residential Zoning District. 2100 Tulane Drive, PID #85105701.000. The application fee of \$175 was paid on July 14, 2021. All public notice requirements have been met.

BACKGROUND:

The request property is zoned R-1 Low Density Single-Family Residential. The applicant has built a carport without obtaining a permit. The carport extends to five feet six inches (5'6") from the side property line. The required set-back from the side property line is ten feet (10'). The applicant needs a four-foot six-inch (4'6") variance.

DISCUSSION:

The applicant requests a four-foot six-inch (4'6") variance to the minimum side yard setback requirements in a R-1 Low Density Single-Family Residential Zoning District that would allow a carport to be five feet six inches (5'6") from the side property line in lieu of the required ten feet (10'). The carport was built without a permit.

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 unnecessary hardship that would result from a failure to grant the requested variance or special exception. An unnecessary hardship exists if:

- (1) the land in question cannot yield a reasonable return if used only
 - (a) for a purpose allowed in that zone (applicable to special exceptions), or
 - (b) as permitted by the dimensional requirements of this ordinance (applicable to variances);
- (2) that the plight of the owner is due to unique circumstances of the land for which the variance or special exception is sought; and
- (3) that the use to be authorized by the variance will not alter the essential character of the locality.

UDO SECTION 4.18: Variance

In certain circumstances, a variance of 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):

1. 30% of required off-street parking spaces and/or
2. 30% of required setbacks from property lines

4.18.4 Criteria for Approval

The Variance application shall demonstrate the following:

1. 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;
2. 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;
3. That the special conditions and circumstances do not result from actions of the applicant; and
4. 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:

The Planning Commission recommends City Council approve the variance based on the evidence in the record that all criteria have been met.

The City Council may:

Approve the variance request as presented;
Approve the variance request with changes; or
Deny variance request.

ATTACHMENTS:

1. Complete Packet 21-43-VAR
2. Excerpt GPC Meeting 9.2.21 (#21-43-VAR)

Gautier Planning Commission

Regular Meeting Agenda

September 2, 2021

GPC #21-43-VAR

2100 Tulane Drive

VII. NEW BUSINESS

1. Consider a request for a four-foot six-inch (4'6") variance to side yard setback requirements for a carport in a R-1 Low Density Single-Family Residential Zoning District. 2100 Tulane Drive, (GPC #21-43-VAR)

**CITY OF GAUTIER
STAFF REPORT**

To: Chairman and Members, Planning Commission

From: Scott Ankerson, Planning Director

Date: August 24, 2021

Subject: Consider a request for a four-foot six-inch (4'6") variance to side yard setback requirements for a carport in a R-1 Low Density Single-Family Residential Zoning District. 2100 Tulane Drive, (GPC #21-43-VAR)

REQUEST:

The Planning Department has received a request from Mary Funchess for a four-foot six-inch (4'6") variance to side yard setback requirements for a carport in a R-1 Low Density Single-Family Residential Zoning District. 2100 Tulane Drive, PID #85105701.000. The application fee of \$175 was paid on July 14, 2021. All public notice requirements have been met.

BACKGROUND:

The request property is zoned R-1 Low Density Single-Family Residential. The applicant has built a carport without obtaining a permit. The carport extends to five feet six inches (5'6") from the side property line. The required set-back from the side property line is ten feet (10'). The applicant needs a four-foot six-inch (4'6") variance.

DISCUSSION:

The applicant requests a four-foot six-inch (4'6") variance to the minimum side yard setback requirements in a R-1 Low Density Single-Family Residential Zoning District that would allow a carport to be five feet six inches (5'6") from the side property line in lieu of the required ten feet (10'). The carport was built without a permit.

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 unnecessary hardship that would result from a failure to grant the requested variance or special exception. An unnecessary hardship exists if:

- (1) the land in question cannot yield a reasonable return if used only
 - (a) for a purpose allowed in that zone (applicable to special exceptions), or
 - (b) as permitted by the dimensional requirements of this ordinance (applicable to variances);
- (2) that the plight of the owner is due to unique circumstances of the land for which the variance or special exception is sought; and
- (3) that the use to be authorized by the variance will not alter the essential character of the locality.

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 has been presented with no evidence or information indicating that the variance criteria listed in UDO Article IV Section 4.18.4 A through D have been met. If recommending approval, Planning Commission shall record that the evidence presented meets the "Criteria for Approval" from the UDO as listed above.

The Planning Commission may:

- 1. Recommend that City Council approve the variance request as presented;
- 2. Recommend that City Council approve the variance request with changes; or
- 3. Recommend that City Council deny 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
PLANNING DEPARTMENT
PUBLIC HEARING APPLICATION

Public Hearing Number

21-43-VAR

TO BE HEARD BY GAUTIER PLANNING COMMISSION:

FEE:

Zoning Change	_____	\$300.00
Major Development	_____	\$100.00
Variance	X _____	\$175.00
Appeal to Staff Decision	_____	\$100.00

Name of Applicant : Mary Funchess
Name of Business: _____ Phone: 228-627-8230
Property Address: 2100 Tulane St. Mailing Address (if Different): _____
E-Mail Address: Marybe3043@gmail.com
Reason for request, location and intended use of Property: Construct Carport
4 1/2 feet Side Yard Variance

ATTACHMENTS REQUIRED AS APPLICABLE:

- envelope ✓
- ✓ 1. Diagram of intended use, showing dimensions and distances of property, building with setbacks, parking spaces, entrances and exits.
 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: Mary Funchess Date of Application: 7/14/21

FOR OFFICE USE ONLY

Date Received 7-14-21 Verify as Complete BZ

Fee Amount Received 175.00 Initials of Employee Receiving Application BZ

VARIANCE CRITERIA for APPROVAL – Please answer the questions below to establish that you meet the Criteria for Approval for a Variance. If more room is needed, answers can be provided on a separate sheet of paper.

- A. Do 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? If yes, please explain.

no

- B. Would the literal interpretation of the provisions of this Ordinance deprive the applicant (you) of rights commonly enjoyed by other properties in the same district under the provisions of this Ordinance? If yes, please explain.

yes All of our neighbors have carports
some the same one we are putting up.

- C. Do the special conditions and circumstances result from actions of the applicant (you)?

no

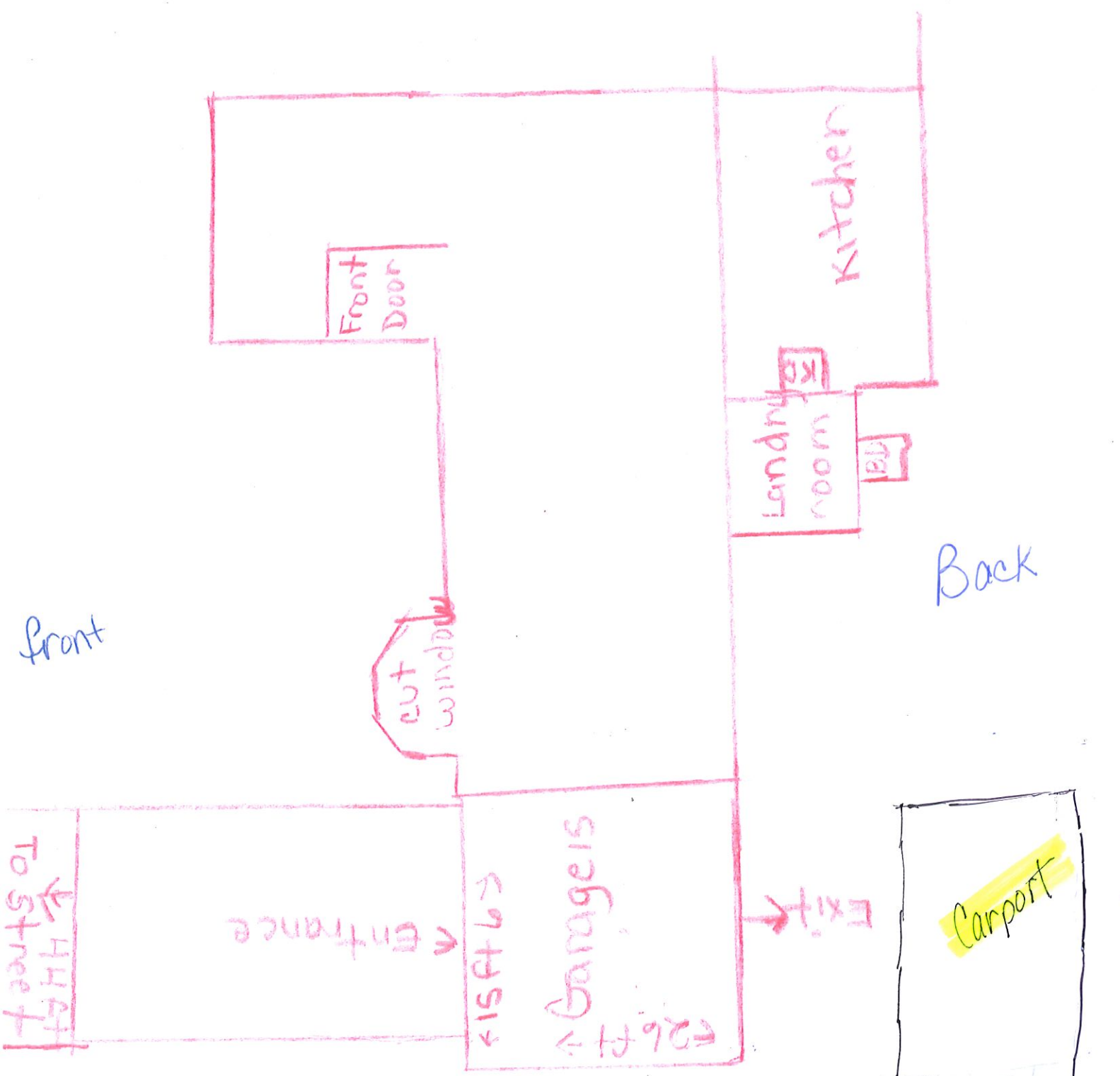
- D. Does granting the Variance requested confer upon the applicant (you) any special privilege that is denied by this Ordinance to other similar sites (lots or parcels) structures or buildings in the same district?

no

NARRATIVE

The same problem due to close of
permit office. Covid 19

This carport was a part of the remodeling of the home. They came out to put up the carport 6 months later when I just learned about the 10 ft property line. When we received a letter and had to come before the city and pay for a variance also for our garage and also I ~~would~~ didn't know we needed a permit for a carport because it's not closed in like the garage. Sorry for the misunderstanding.



Fence 2 ft 9 inches

Property line 5 ft 6 inches from carport

Side

85105701.000 FUNCHESS MARY B

PIDN: 85105701.000

GISP: 871.01-02-0300.00

Owner Information

Percent of Ownership: 100

Name: FUNCHESS MARY B

Name 2:

Mailing Address: 2100 TULANE DR

GAUTIER MS

39553

Site Address: 2100 TULANE DR GAUTIER

Land Information

Section: 01

Acreage: 0.00

Township: 8

Range: 7

Street Name TULANE
DR

Value and Tax Information

Total Assessed Value: 6335

Total Appraised Value: 63353

Improvement Value: 60853

Land Value: 2500

Tax Amount: 778

SQ FT: 1636 Year Built: 1970

Legal Description

Description: LOT 199 COLLEGE PARK S/D 2ND ADD

SEC 12/13-8-7 DB 1755-742 (300

Map871.01-02)

Deed Book / Page: 1755 / 742

85105701.000 FUNCHESS MARY B

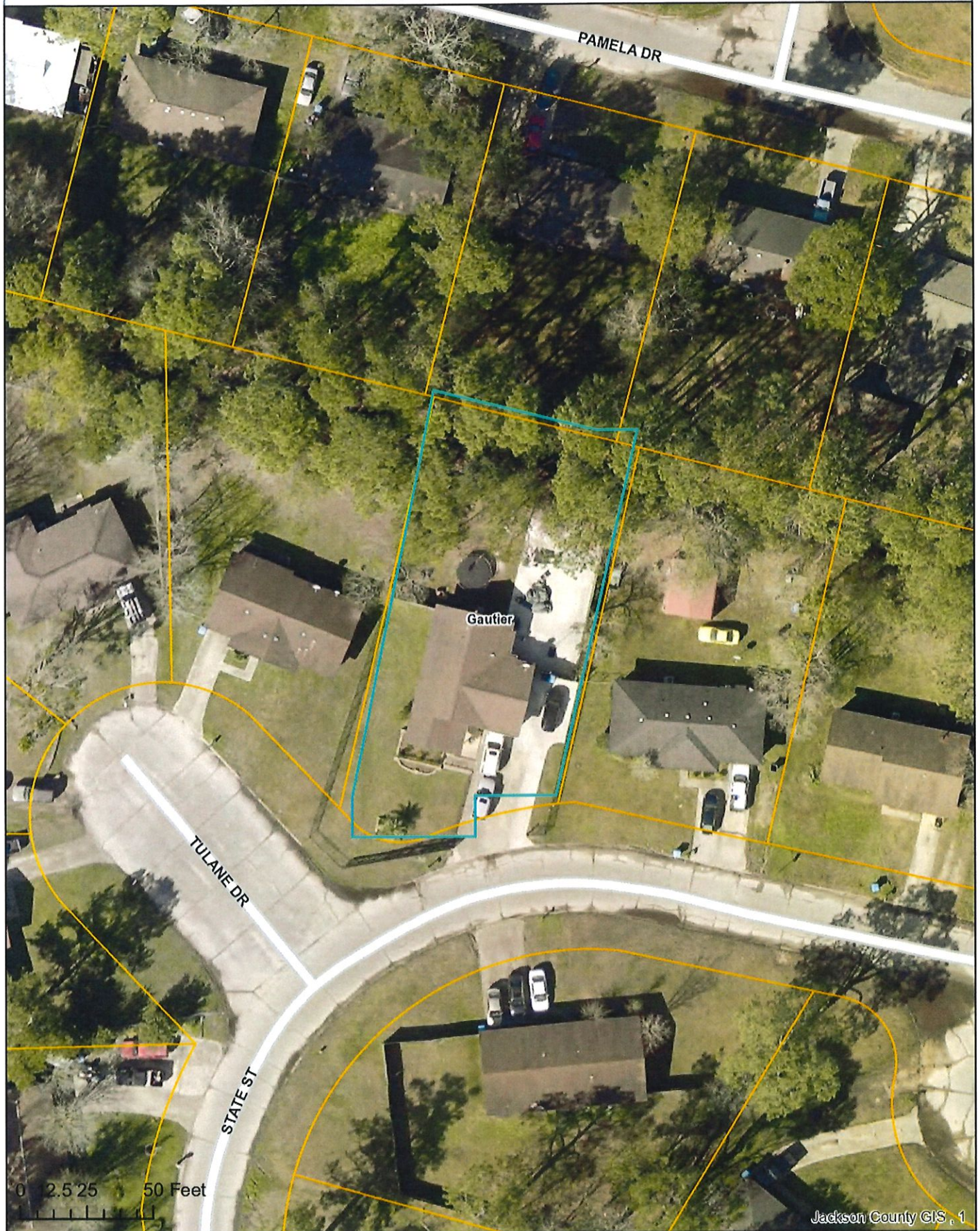


Exhibit A Location Map

Prepared by:
City of Gautier
Planning Department



Exhibit B

Existing Zoning

Prepared by:
City of Gautier
Planning Department

Legend

Zoning 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

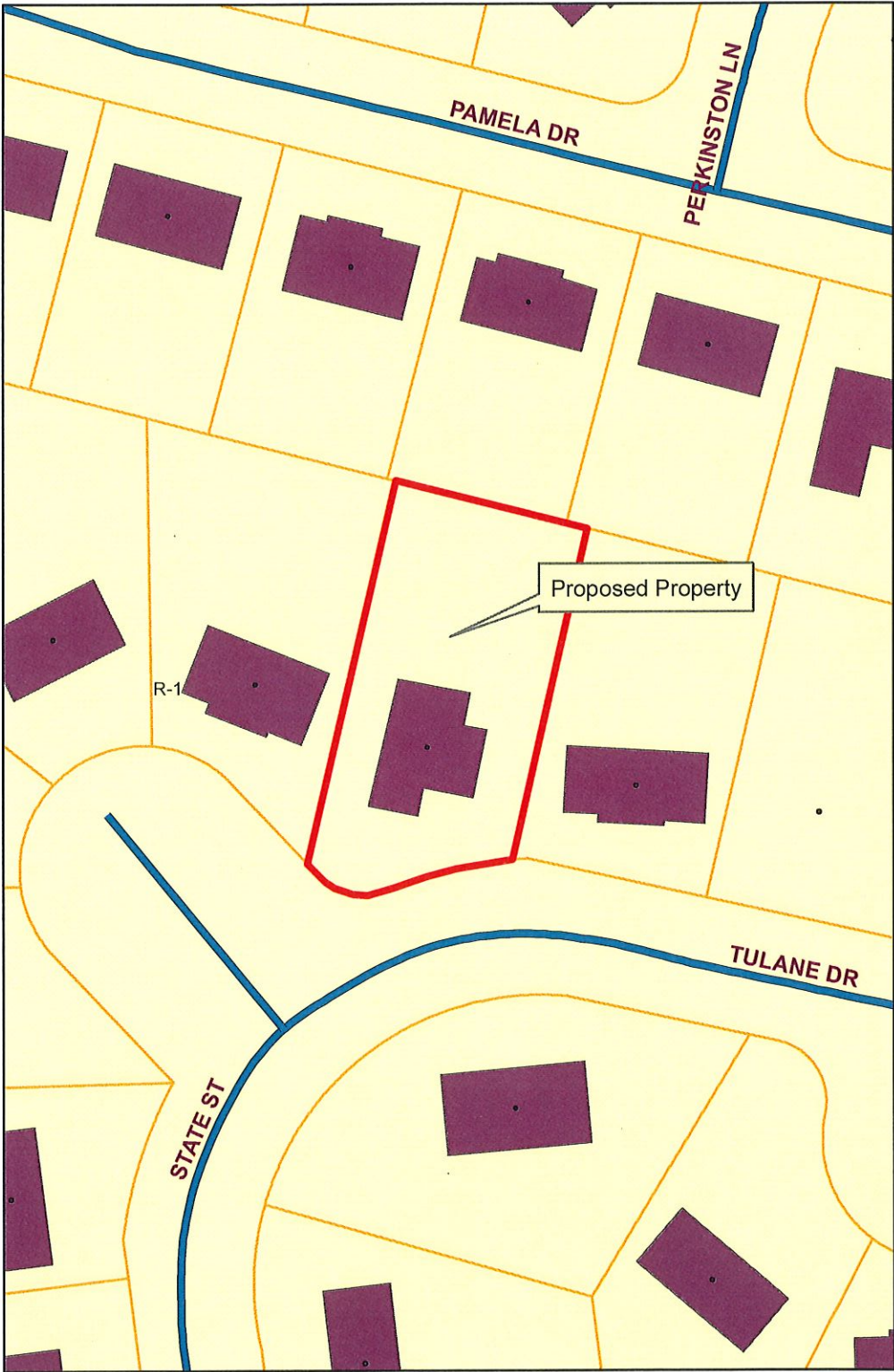


Exhibit C

Existing Land-Use

Prepared by:

City of Gautier
Planning Department

Legend

EXISTING LAND USE

ELU_08

-  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

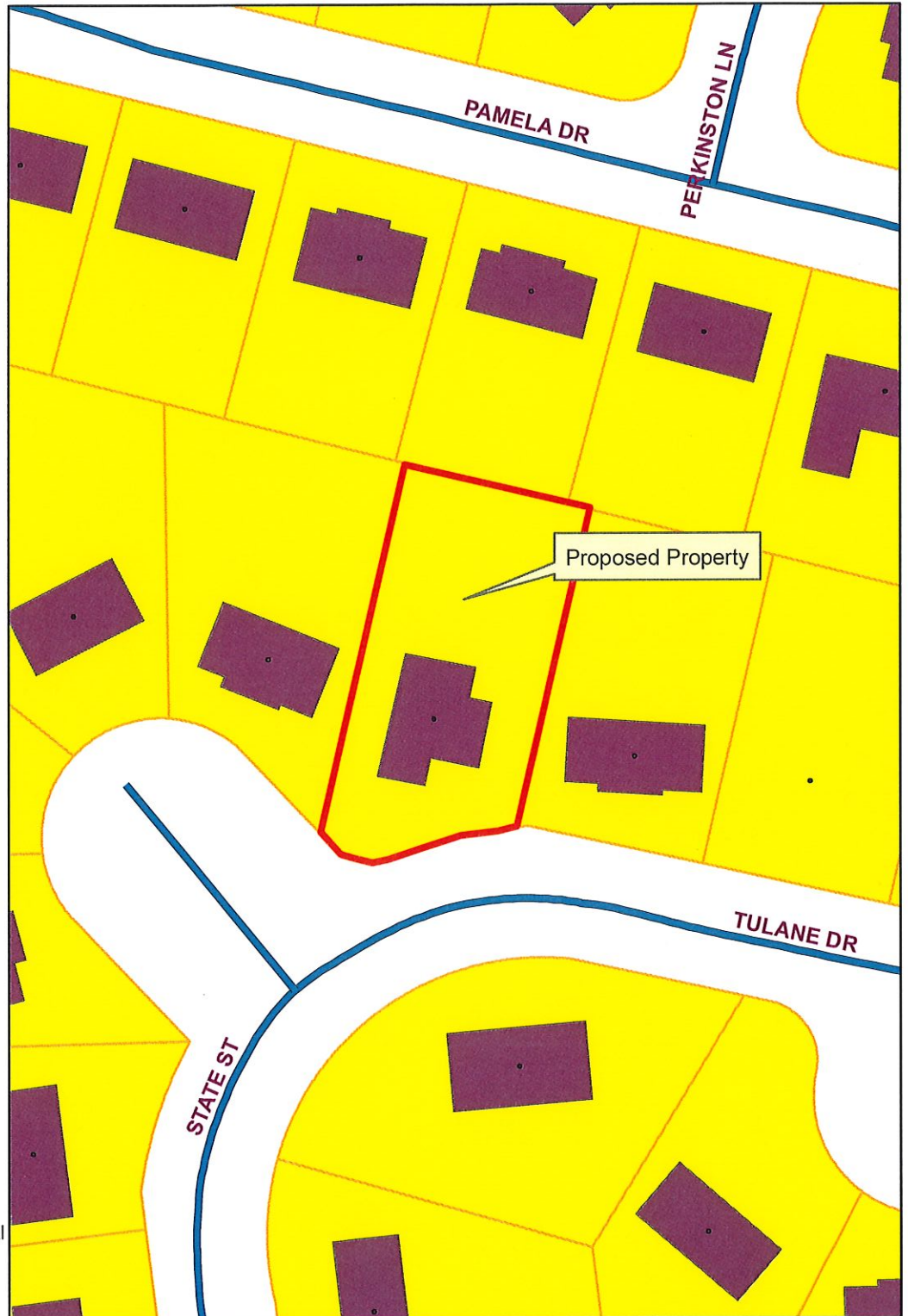


Exhibit D Future Land-Use

Prepared By:

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



Excerpt from September 2, 2021 Planning Commission Meeting:

The Planning Department has received a request from Mary Funchess for a four-foot six-inch (4'6") variance to side yard setback requirements for a carport in a R-1 Low Density Single-Family Residential Zoning District. 2100 Tulane Drive, (GPC #21-43-VAR)

Scott Ankerson, Planning Director, gave a brief overview of the case.

REQUEST:

The Planning Department has received a request from Mary Funchess for a four-foot six-inch (4'6") variance to side yard setback requirements for a carport in a R-1 Low Density Single-Family Residential Zoning District. 2100 Tulane Drive, PID #85105701.000. The application fee of \$175 was paid on July 14, 2021. All public notice requirements have been met.

BACKGROUND:

The request property is zoned R-1 Low Density Single-Family Residential. The applicant has built a carport without obtaining a permit. The carport extends to five feet six inches (5'6") from the side property line. The required set-back from the side property line is ten feet (10'). The applicant needs a four-foot six-inch (4'6") variance.

DISCUSSION:

The applicant requests a four-foot six-inch (4'6") variance to the minimum side yard setback requirements in a R-1 Low Density Single-Family Residential Zoning District that would allow a carport to be five feet six inches (5'6") from the side property line in lieu of the required ten feet (10'). The carport was built without a permit.

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 unnecessary hardship that would result from a failure to grant the requested variance or special exception. An unnecessary hardship exists if:
(1) the land in question cannot yield a reasonable return if used only

- (a) for a purpose allowed in that zone (applicable to special exceptions), or
- (b) as permitted by the dimensional requirements of this ordinance (applicable to variances);
- (2) that the plight of the owner is due to unique circumstances of the land for which the variance or special exception is sought; and
- (3) that the use to be authorized by the variance will not alter the essential character of the locality.

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 has been presented with no evidence or information indicating that the variance criteria listed in UDO Article IV Section 4.18.4 A through D have been met. If recommending approval, Planning Commission shall record that the evidence presented meets the “Criteria for Approval” from the UDO as listed above.

The Planning Commission may:

1. Recommend that City Council approve the variance request as presented;
2. Recommend that City Council approve the variance request with changes; or
3. Recommend that City Council deny 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

Chairman Jamison asked the applicant to present her case.

Stanley Parker, the applicant’s husband, stated they had intended to include the carport on the site plan for the original permit to add on to their house about a year and a half ago. They had a contract for the carport and had paid for it but the contractor had told them that due to COVID they weren’t going to be able to get the carport so the applicant did not show it on the original site plan. Mr. Parker stated that about a week after the July 1, 2021 Planning Commission Meeting where they had asked for a variance for a garage they had built without a permit, the contractor came and started putting up the carport while he and his wife were at work.

Chairman Jamison asked the applicant why he had not obtained a permit for the carport knowing from the previous variance request for his garage that he would need a permit and a variance.

Mr. Parker stated that he had contacted the contractor about getting his money back for the carport and the next thing he knew he came home from work and they were putting the carport up. He stated that it was almost complete when the City Inspector came by and told him to stop work because he didn't have a permit and would need a variance.

Commissioner McManus asked if there were any objections received regarding the carport.

Mr. Ankerson advised that Staff had not received any objections.

Commissioner Davis asked Mr. Stanley to describe the carport.

Mr. Stanley said it was a three-car carport and that you had to drive through the garage to get to the carport. He added that it was barely visible from the road.

Chairman Jamison noted that there was about fifteen feet of trees between the applicant and the back neighbor and we had not received any complaints.

There were none in attendance speaking in opposition of the request.

ACTION TAKEN:

Commissioner McManus made a motion to recommend approval of the variance based on the evidence in the record that all criteria had been met.

Commissioner Decoteau seconded the motion and the following vote was recorded:

AYES:	DeAnna McManus
	William Davis
	Kay C. Jamison
	Josh Ward
	Chris Hoover
	Ricky Decoteau

Motion passed.

**CITY OF GAUTIER
Business Agenda Item #2
Fact Sheet**

Council Meeting:
Title:

September 21, 2021
Consideration of a Conditional Use-Major Permit
that would allow a manufactured home in an AG
Agricultural Zoning District located at 5605
Campbell Road, Gautier, MS, (GPC #21-45-CU)

Introduced by:
Contact Person/Telephone

Scott Ankerson 497-8000 ext. 312

Summary Explanation: Consideration of a Conditional Use-Major Permit that would allow a manufactured home in an AG Agricultural Zoning District located at 5605 Campbell Road, Gautier, MS, (GPC #21-45-CU) PID #85298068.000

EXHIBITS FOR REVIEW

Resolution	☐
Ordinance	☐
Contract	☐
Minutes	☐
Plan Maps	☐
Order	☒
Other	☐
Submittal Authorization	City Manager

Staff Recommendation:
Approval

Motion Made by:

Vaughan	☐	Colledge	☐	George	☐	Jackson	☐	Gollott	☐	Anderson	☐	Elbin	☐
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Second Made by:

Vaughan	☐	Colledge	☐	George	☐	Jackson	☐	Gollott	☐	Anderson	☐	Elbin	☐
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Voted as follows:		Ayes	Nays	Abstained	Absent
Mayor	Vaughan	☐	☐	☐	☐
At Large	Colledge	☐	☐	☐	☐
Ward 1	George	☐	☐	☐	☐
Ward 2	Jackson	☐	☐	☐	☐
Ward 3	Gollott	☐	☐	☐	☐
Ward 4	Anderson	☐	☐	☐	☐
Ward 5	Elbin	☐	☐	☐	☐

Action Taken:

There came for consideration of the Mayor and Members of the Council of the City of Gautier, Mississippi, the following:

ORDER NUMBER 000-2021

**CITY OF GAUTIER
CONDITIONAL USE-MAJOR PERMIT
GPC CASE NO. 21-45-CU
5605 CAMPBELL ROAD – AG AGRICULTURAL ZONING DISTRICT
REGARDING PARCEL ID NO: 85298068.000**

WHEREAS, an application for a Conditional Use-Major Permit to allow a manufactured home in an AG Agricultural Zoning District was submitted by Tara and Daniel Smith; and

WHEREAS, the parcel subject to this Permit is located at 5605 Campbell Road in Gautier, Mississippi; and

WHEREAS, after due public notice, Planning Commission, at its September 2, 2021 meeting, held a public hearing on this matter; and

WHEREAS, the Planning Commission considered testimony and exhibits presented by the applicant, the report of the City Staff and all relevant evidence, and recommended approval of such a permit with the stipulations that the manufactured home be a 2010 or 2012 Double Wide with skirting; and

WHEREAS, the City Council has considered testimony and exhibits presented by the applicant, the report of the City Staff, and all relevant evidence, in addition to the favorable recommendation from Planning Commission; and

WHEREAS, the City Council hereby finds that the proposed Conditional Use-Major Permit (is or is not) consistent with the goals, objectives and policies of the City's Comprehensive Plan; and

WHEREAS, the City Council hereby finds that the proposed Conditional Use-Major (is or is not) consistent with the character of the immediate vicinity of the proposed use; and

WHEREAS, the City Council hereby finds that all relevant criteria in the Unified Development Ordinance (have or have not) been met to (approve or deny) a Conditional Use-Major Permit; and

WHEREAS, the City Council hereby finds that the proposed use, classified as a manufactured home, is permitted as a Conditional Use-Major in AG Agricultural Zoning District.

IT IS THEREFORE ORDERED that the City Council accepts the recommendation of the Planning Commission and (approves or denies) the application submitted by Tara

and Daniel Smith on September 2, 2021 for a Conditional Use-Major Permit with the stipulations that the manufactured home be the 2010 or 2012 double wide with skirting.

IT IS FURTHER ORDERED those specific conditions are required for the permit to be issued.

IT IS FURTHER ORDERED that the City Clerk shall have this permit recorded in the public records of Jackson County, at the expense of the applicant, and provide the applicant a copy of the permit with the recording information affixed.

IT IS FURTHER ORDERED that the City Manager or City Clerk is authorized to execute any and all documents necessary.

Motion was made by **BLANK**, seconded by **BLANK**, and the following vote was recorded:

AYES:

NAYS:

MAYOR

ATTEST:

CITY CLERK

BLANK by Mayor and Members of the Council of the City of Gautier, Mississippi, at the meeting of September 21, 2021.

**CITY OF GAUTIER
MEMORANDUM**

To: Paula Yancey, City Manager
From: Babs Logan, Planning Technician
Date: 09/13/2021
Subject: Consider a request for a Conditional Use-Major that would allow a manufactured home in an AG Agricultural Zoning District. (GPC #21-45-CU)

REQUEST:

The Planning Department has received a request from Tara and Daniel Smith for a Conditional Use-Major that would allow a manufactured home in an AG Agricultural Zoning District on Campbell Road. PID #85298068.000. (GPC #21-45-CU). The application fee of \$250 was paid on July 20, 2021. All public notice requirements have been met.

BACKGROUND:

The requested property is zoned AG Agricultural.

1. Location: a 2.22-acre parcel in the process of being subdivided from 5605 Campbell Road, PID #85298068.000 (See Exhibit A)
2. General features of the proposed project:

Total Area: 2.22 Acres

Existing Zoning – AG Agricultural (See Exhibit B)

Existing Land Use – Mobile Home (See Exhibit C)

Comprehensive Plan Future Land Use Designation – Low Density Residential.
(See Exhibit D)

DISCUSSION:

The following addresses the review criteria for a Major Conditional Use outlined in Section 4.17.5 of the UDO.

Is the proposed use listed in the list of possible Conditional Uses in the particular Zoning District?

Applicant Response: Yes.

Staff Finding: Yes. Dwelling, Mobile/Manufactured Home is listed as a Conditional Use-Major in an AG Agricultural District.

Describe how the project is compatible with the character of development in the vicinity relative to (a) density, bulk and intensity of structures, (b) parking, and (c) other uses. Please attach parking plan, site plan, architectural rendering or other plans.

Applicant Response: Moving an old trailer out, replacing.

Staff Finding: The proposed use is allowed in an AG zoning district with a Major Conditional Use.

Will your project negatively affect neighboring property values or pose a real or perceived threat to citizens? Explain.

Applicant Response: No, other mobile homes around area.

Staff Finding: There is no evidence to indicate the proposed use will negatively affect the property values, or cause a detriment to the surrounding properties.

Will your project adversely affect vehicular or pedestrian traffic in the vicinity? Explain.

Applicant Response: No, there is already one there to be removed.

Staff Finding: There is no evidence that the proposed use will have any adverse effect on vehicular or pedestrian traffic.

Can the proposed use be accommodated by existing or proposed public services and facilities including, but not limited to, water, sanitary sewer, streets, drainage, police and fire protection, and schools?

Applicant Response: Yes.

Staff Finding: The proposed use can be accommodated by existing public services and facilities.

Is the proposed use in harmony with the Comprehensive Plan? Explain how.

Applicant Response: Yes.

Staff Finding: The Comprehensive Plan suggests the most likely or desirable use of the parcel is Low Density Residential.

Does the proposed use pose a hazardous, detrimental, or disturbing affect, either real or perceived, to present surrounding land uses due to noises, glare, smoke, dust, odor, fumes, water pollution, vibration, electrical interference, or other nuisances? Explain.

Applicant Response: No, it is for a home.

Staff Finding: There is no evidence that the proposed use poses a hazardous, detrimental or disturbing affect to present surrounding uses.

Does the use conform to all district regulations for the applicable district in which it is located, or have other provisions been provided for? Explain.

Applicant Response: Yes, other trailers on road.

Staff Finding: The proposed use will conform to district regulations.

DETERMINATION OF APPLICABLE LAW:

1. The UDO defines conditional uses as specific uses which are enumerated in each zoning district and which because of their nature are not allowed by right but may be allowed after the required review process. The City may specify certain conditions as necessary to make the use compatible with other uses in the same district. Conditional uses are issued for uses of land and uses designated "Conditional Uses-Major" are transferable from one (1) owner of land to another.

The UDO further defines Conditional Uses-Major as uses that are not allowed by right but require a recommendation by the Planning Commission and the approval of the City Council. Additionally, if the conditional use is transferred to a new owner, the new owner must submit a letter to the Planning Director agreeing to the current terms and condition.

2. Conditional Uses-Major requires a public hearing before the Planning Commission and approval by the City Council (Section 4.14 of the UDO).

RECOMMENDATION:

The Planning Commission recommends that City Council approve the Conditional Use Major due to the existing characteristics of the neighborhood and that all criteria have been met.

The City Council may:

Approve the Conditional Use-Major;

Approve the Conditional Use-Major with changes; or

Deny the Conditional Use-Major.

ATTACHMENTS:

1. Complete Packet 21-45-CU
2. Excerpt GPC Meeting 9.2.21 (#21-45-CU)

Gautier Planning Commission

Regular Meeting Agenda

September 2, 2021

GPC #21-45-CU

Tara and Daniel Smith

Campbell Road

VII. NEW BUSINESS

1. Consider a request by Tara and Daniel Smith for a Conditional Use-Major that would allow a manufactured home in an AG Agricultural Zoning District. Campbell Road, (GPC #21-45-CU)

**CITY OF GAUTIER
STAFF REPORT**

To: Chairman and Members, Planning Commission

From: Scott Ankerson, Planning Director

Date: August 24, 2021

Subject: Consider a request for a Conditional Use-Major that would allow a manufactured home in an AG Agricultural Zoning District. (GPC #21-45-CU)

REQUEST:

The Planning Department has received a request from Tara and Daniel Smith for a Conditional Use-Major that would allow a manufactured home in an AG Agricultural Zoning District on Campbell Road. PID #85298068.000. (GPC #21-45-CU). The application fee of \$250 was paid on July 20, 2021. All public notice requirements have been met.

BACKGROUND:

The request property is zoned AG Agricultural.

1. Location: a 2.22-acre parcel in the process of being subdivided from 5605 Campbell Road, PID #85298068.000 (See Exhibit A)
2. General features of the proposed project:
Total Area: 2.22 Acres
3. Existing Zoning – AG Agricultural (See Exhibit B)
4. Existing Land Use – Mobile Home (See Exhibit C)
5. Comprehensive Plan Future Land Use Designation – Low Density Residential. (See Exhibit D)

DISCUSSION:

The following addresses the review criteria for a Major Conditional Use outlined in Section 4.17.5 of the UDO.

1. Is the proposed use listed in the list of possible Conditional Uses in the particular Zoning District?

Applicant Response: Yes.

Staff Finding: Yes. Dwelling, Mobile/Manufactured Home is listed as a Conditional Use-Major in an AG Agricultural District.

2. Describe how the project is compatible with the character of development in the vicinity relative to (a) density, bulk and intensity of structures, (b) parking, and (c) other uses. Please attach parking plan, site plan, architectural rendering or other plans.

Applicant Response: Moving an old trailer out, replacing.

Staff Finding: The proposed use is allowed in an AG zoning district with a Major Conditional Use.

3. Will your project negatively affect neighboring property values or pose a real or perceived threat to citizens? Explain.

Applicant Response: No, other mobile homes around area.

Staff Finding: There is no evidence to indicate the proposed use will negatively affect the property values, or cause a detriment to the surrounding properties.

4. Will your project adversely affect vehicular or pedestrian traffic in the vicinity? Explain.

Applicant Response: No, there is already one there to be removed.

Staff Finding: There is no evidence that the proposed use will have any adverse effect on vehicular or pedestrian traffic.

5. Can the proposed use be accommodated by existing or proposed public services and facilities including, but not limited to, water, sanitary sewer, streets, drainage, police and fire protection, and schools?

Applicant Response: Yes.

Staff Finding: The proposed use can be accommodated by existing public services and facilities.

6. Is the proposed use in harmony with the Comprehensive Plan? Explain how.

Applicant Response: Yes.

Staff Finding: The Comprehensive Plan suggests the most likely or desirable use of the parcel is Low Density Residential.

7. Does the proposed use pose a hazardous, detrimental, or disturbing affect, either real or perceived, to present surrounding land uses due to noises, glare, smoke, dust, odor, fumes, water pollution, vibration, electrical interference, or other nuisances? Explain.

Applicant Response: No, it is for a home.

Staff Finding: There is no evidence that the proposed use poses a hazardous, detrimental or disturbing affect to present surrounding uses.

8. Does the use conform to all district regulations for the applicable district in which it is located, or have other provisions been provided for? Explain.

Applicant Response: Yes, other trailers on road.

Staff Finding: The proposed use will conform to district regulations.

DETERMINATION OF APPLICABLE LAW:

1. The UDO defines conditional uses as specific uses which are enumerated in each zoning district and which because of their nature are not allowed by right but may be allowed after the required review process. The City may specify certain conditions as necessary to make the use compatible with other uses in the same district. Conditional uses are issued for uses of land and uses designated "Conditional Uses-Major" are transferable from one (1) owner of land to another.

The UDO further defines Conditional Uses-Major as uses that are not allowed by right but require a recommendation by the Planning Commission and the approval of the City Council. Additionally, if the conditional use is transferred to a new owner, the new owner must submit a letter to the Planning Director agreeing to the current terms and condition.

2. Conditional Uses-Major requires a public hearing before the Planning Commission and approval by the City Council (Section 4.14 of the UDO).

RECOMMENDATION & CONCLUSION:

If recommending approval, Planning Commission shall record that the evidence presented meets the "Criteria for Approval" from the UDO as listed above.

The Planning Commission may:

1. Recommend that City Council approve the Conditional Use-Major
2. Recommend that City Council approve the Conditional Use-Major with changes;
or
3. Recommend that City Council deny the Conditional Use-Major.

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

CONDITIONAL USE APPLICATION

Public Hearing Number

21-45-CU

TO BE HEARD BY GAUTIER PLANNING COMMISSION:		FEE:
Conditional Use - Major	<u>✓</u>	\$250.00
TO BE HEARD BY ECONOMIC DEVELOPMENT/PLANNING DIRECTOR:		FEE:
Conditional Use - Minor	<u>250.00</u>	\$250.00

Name of

Applicant: Tara & Daniel Smith

Name of Business: _____ Phone: 228 277 8272

Property Address: 5605 Campbell Rd Mailing Address (if Different): 5551 Carter Rd.

E-Mail Address: tarasmitten228@gmail.com

Proposed Use Requiring Conditional Use: _____ (Refer to Article V, UDO)

Proposed Location is: ☐ New Build ☐ Existing (with no modifications) ☒ Existing (with proposed modifications)

ATTACHMENTS REQUIRED AS APPLICABLE:

- ✓ 1. Answers to the Criteria for Approval (see attached).
- ✓ 2. Project Narrative (see attached).
- ✓ 4. Diagram of intended use (see attached).
- _____ 4. Copy of protective covenants or deed restrictions, if any.
- _____ 5. 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.
- _____ 6. Any other information requested by the Economic Development/Planning Director and/or members of the Technical Review Committee.
- ✓ 7. Owner's Consent form, if anyone other than 100% sole owner makes application (see attached).

Signature of Applicant(s): Tara Smith

Date of Application: 7/18/21

FOR OFFICE USE ONLY

Date Received 7-20-21 Verify as Complete BR/SA

250.00

Bahs

I, Albert W. Pattat, the fee simple owner(s) of the following described property:

Address: 5605 Campbell Rd
Ocean Springs MS 39564

Parcel ID No.:

hereby petition to the City of Gautier to *Grant a Conditional Use Major or Minor of*
mobile home in (state proposed use from Article V of the Unified Development Ordinance) at the above reference property and affirm that Tara & Daniel Smith (name of agent) is hereby designated to act as agent on my behalf to accomplish the above.

I certify that I have examined the application and that all statements and diagrams submitted are true and accurate to the best of my knowledge. Further, I understand this application; attachments and fees become part of the official records of the City of Gautier, MS, and are not returnable.

Albert W. Pattat
(Owner's Signature)

Albert W. Pattat
(Owner's Signature)

Notary Information:

The foregoing instrument was acknowledged before me this 18th day of July, 2021 by Albert W. Pattat, who is personally known to me or has produced Military I.D. as identification and who did take an oath.

Jessica L. Brock
(Printed Name of Notary Public)

Jessica L. Brock
(Signature of Notary Public)

Commission # 127275 My commission expires March 28, 2023
(Notary's Seal)



CONDITIONAL USE CRITERIA FOR APPROVAL - Complete either the Major Conditional Use section or Minor Conditional Use Section below. If more room is needed, answers can be provided on a separate sheet of paper.

MAJOR CONDITIONAL USE CRITERIA FOR APPROVAL

1. Is the proposed use listed in the list of possible Conditional Uses in the particular Zoning District?

yes

2. Please describe how the project is compatible with the character of development in the vicinity relative to (a) density, bulk and intensity of structures, (b) parking, and (c) other uses. Please attach parking plan, site plan, architectural rendering or other plans.

3. Will your project negatively affect neighboring property values or pose a real or perceived threat to citizens? Explain.

moving an old trailer out, replacing
no, other mobile homes around area

4. Will your project adversely affect vehicular or pedestrian traffic in the vicinity? Explain.

no, there is already one there, to be removed

5. Can the proposed use be accommodated by existing or proposed public services and facilities including, but not limited to, water, sanitary sewer, streets, drainage, police and fire protection, and schools?

no yes

6. Is the proposed use in harmony with the Comprehensive Plan? Explain how.

yes

7. Does the proposed use pose a hazardous, detrimental, or disturbing affect, either real or perceived, to present surrounding land uses due to noises, glare, smoke, dust, odor, fumes, water pollution, vibration, electrical interference, or other nuisances? Explain.

no, it is for a home

8. Does the use conform to all district regulations for the applicable district in which it is located, or have other provisions been provided for? Explain.

yes other trailers - on road

MINOR CONDITIONAL USE CRITERIA FOR APPROVAL

1. Is the proposed use substantially compatible with other uses in the area, including factors relating to the nature of its location, operation, building design, site design, traffic characteristics, and environmental impacts? Explain.

2. Will the proposed use be materially detrimental to the health, safety, and general welfare of the public or otherwise injurious to the environment or to the property or improvements within the area? Explain.

3. Is the proposed use consistent with the Comprehensive Plan? Explain how.

4. Is the proposed use in conformance with specific site location, development, and operation standards as required by this Ordinance? Explain.

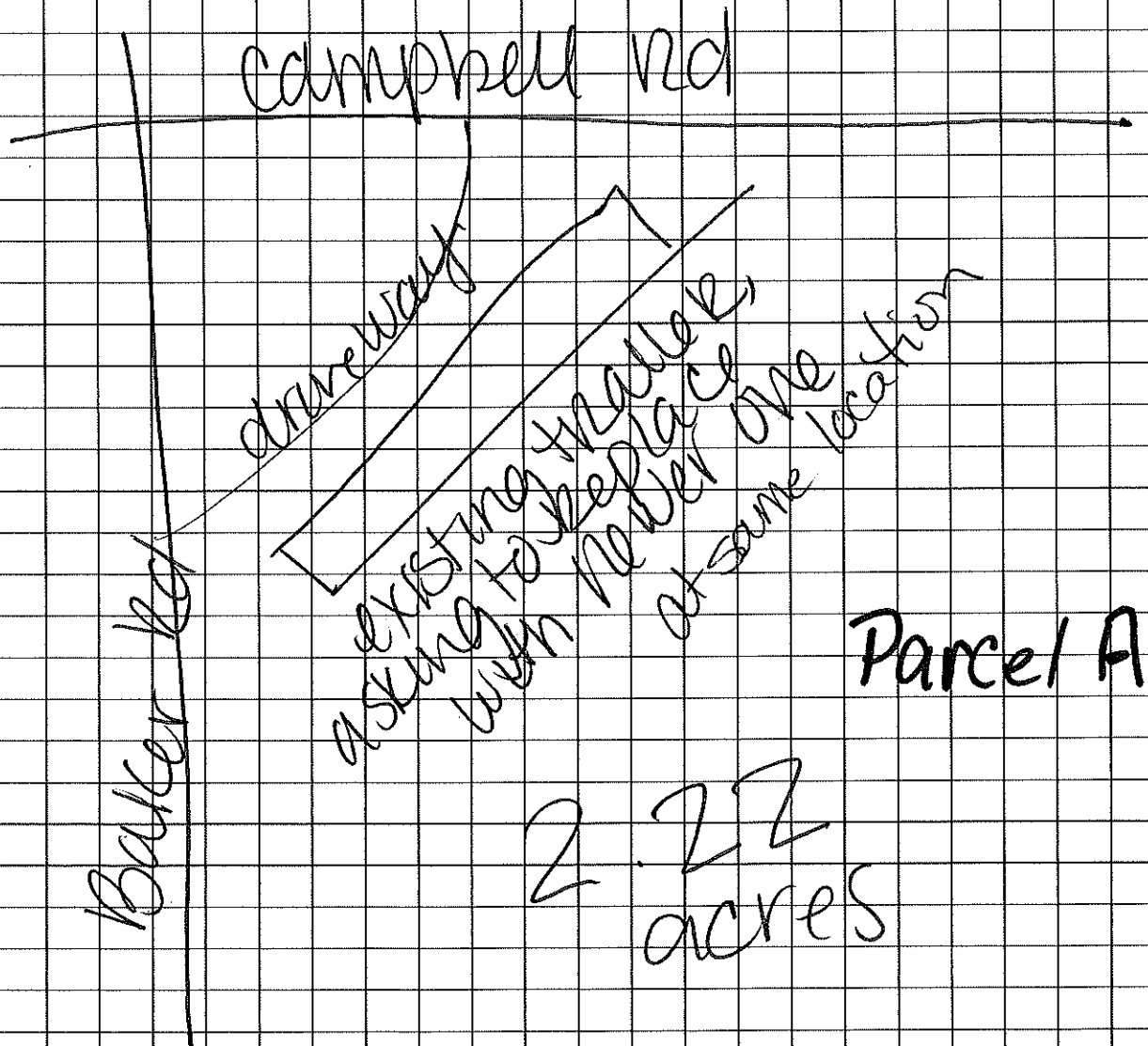
CONDITIONAL USE NARRATIVE – Describe the proposed project in detail. Include all types of business activities that will be conducted on-site, any out-door storage or seating proposed, anticipated traffic, access for pick-up/delivery vehicles, proposed improvements, etc. Use the space below or provide a separate type written sheet of paper and attach. Staff will provide guidance as needed on additional information needed in the narrative.

NARRATIVE

We, Tara & Daniel Smith are asking the city of Frontier for permission to remove and replace the mobile home on 5005 Campbell Rd. The trailer that is presently there is falling down and not liveable. It is also a safety hazard. We would like to replace with a newer mobile home. I (Tara Smith) grew up on this property and would like to raise my kids in this neighborhood and community. The majority of our family live on this road. Please allow us to continue living here. Thanks

CONDITIONAL USE DIAGRAM — Provide a diagram of the project site. In cases where certain requirements such as parking are triggered by aspects of the interior of the building, the interior building layout will need to be provided also. Include location and dimensions of property lines, buildings, parking spaces, outdoor storage areas, outdoor seating areas, signage, landscape areas, driveways, loading/unloading areas, limits of paving, exterior elevations (if changes are proposed), entrance/exit locations. Include the whole site. Use the space below or provide separate drawings. Staff will provide guidance as needed on additional information needed on the diagram.

DIAGRAM



SURVEY OF:

THE W 1/2 OF THE SW 1/4 OF THE NE 1/4 OF THE SE 1/4 OF SECTION 17, TOWNSHIP 7 SOUTH, RANGE 7 WEST, JACKSON COUNTY, MISSISSIPPI LESS AND EXCEPT THAT PORTION FOR ROADWAYS AS DESCRIBED IN DB 250 PAGE 545 ALSO REFERRED TO BEING TRACT 51 ACCORDING TO THE H.A. CAMPBELL SURVEY (UNRECORDED PLAT)

SPLIT INTO TWO PARCELS

PARCEL A

BEGINNING AT A 1/2" IRON ROD FOUND AT THE INTERSECTION OF THE SOUTH MARGIN OF CAMPBELL ROAD AND THE EAST MARGIN OF BAKER ROAD, SAID POINT BEING 25 FEET SOUTH AND 25 FEET EAST OF THE NORTHWEST CORNER OF THE WEST 1/2 OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 17, TOWNSHIP 7 SOUTH, RANGE 7 WEST, JACKSON COUNTY, MISSISSIPPI; THENCE RUN S00°13'39"E ALONG THE EAST MARGIN OF BAKER ROAD A DISTANCE OF 317.5 FEET; THENCE N89°41'38"E A DISTANCE OF 305.0 FEET TO THE EAST LINE OF THE SAID W 1/2 OF THE SW 1/4 OF THE NE 1/4 OF THE SE 1/4; THENCE N00°13'38"W A DISTANCE OF 317.5 FEET TO THE SOUTH MARGIN OF CAMPBELL ROAD; THENCE S89°41'38"W ALONG THE SOUTH MARGIN OF CAMPBELL ROAD A DISTANCE OF 305.0 FEET TO THE POINT OF BEGINNING. SAID PARCEL CONTAINS 96,837 SQUARE FEET OR 2.22 ACRES, MORE OR LESS.

PARCEL B

COMMENCING AT A 1/2" IRON ROD FOUND AT THE INTERSECTION OF THE SOUTH MARGIN OF CAMPBELL ROAD AND THE EAST MARGIN OF BAKER ROAD, SAID POINT BEING 25 FEET SOUTH AND 25 FEET EAST OF THE NORTHWEST CORNER OF THE WEST 1/2 OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 17, TOWNSHIP 7 SOUTH, RANGE 7 WEST, JACKSON COUNTY, MISSISSIPPI; THENCE RUN S00°13'39"E ALONG THE EAST MARGIN OF BAKER ROAD A DISTANCE OF 317.5 FEET TO THE POINT OF BEGINNING; THENCE S00°13'39"E ALONG THE SAID EAST MARGIN A DISTANCE OF 317.50 FEET; THENCE N89°41'38"E A DISTANCE OF 305.0 FEET TO THE EAST LINE OF THE SAID W 1/2 OF THE SW 1/4 OF THE NE 1/4 OF THE SE 1/4; THENCE N00°13'38"W A DISTANCE OF 317.5 FEET; THENCE S89°41'38"W A DISTANCE OF 305.0 FEET TO THE POINT OF BEGINNING. SAID PARCEL CONTAINS 96,837 SQUARE FEET OR 2.22 ACRES, MORE OR LESS.

NOTES: This survey was performed without the benefit of a current title search. Property is subject to any/all Easements, Right-of-ways and/or Restrictions on record.

CERTIFICATION

This is to CERTIFY that I have surveyed the property hereon described and delineated, and that the measurements and other data indicated are correct to the best of my knowledge and belief.

Larry R. Smith
 Larry R. Smith P.L.S. # 02695 Dated: 07/16/2021

This property is located in Zone(s) "X", as published by the Federal Insurance Administration, Official Flood Hazard Map, Community Panel Number 28059C0312G, revised 03/16/2009



GISP 774.17-00-0110.00
 5605 CAMPBELL RD GAUTIER, MS
 LOT 51 FOUNTAINBLEAU ACRES
 (UNRECORDED PLAT)
 (W1/2 SW1/4 NE1/4 SE1/4)
 DB 1193-496

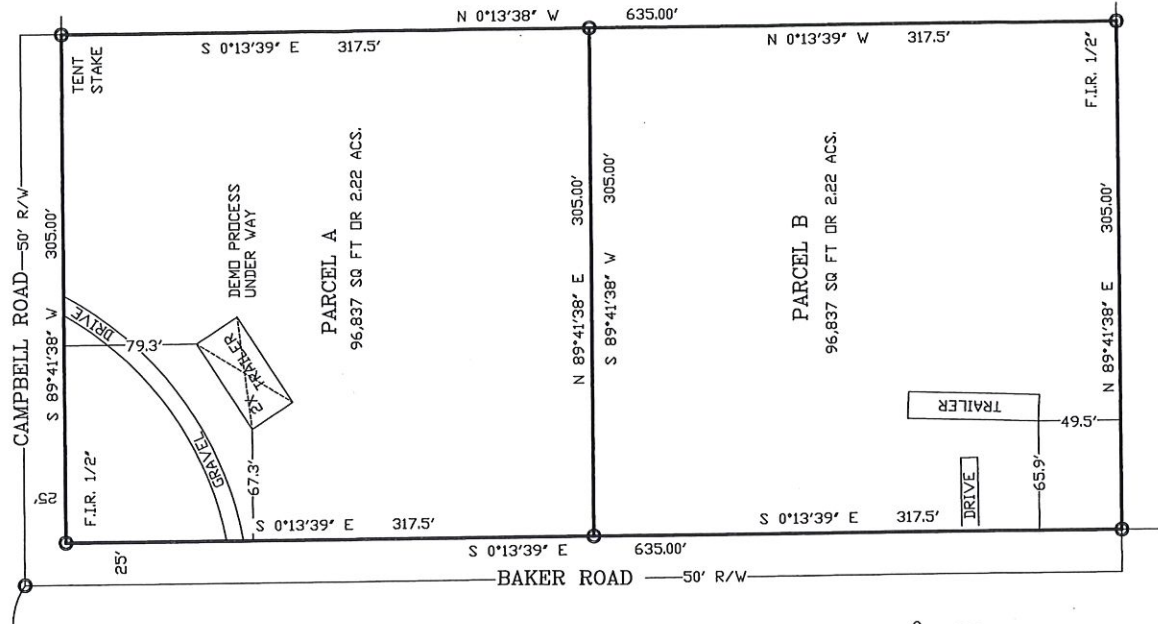
○ F.I.R.
 FOUND 1/2" IRON ROD

SCALE: 1"=75'
 CLASS "C" SURVEY
 Base Bearing by: GPS RTK (NAD 83)

LARRY SMITH
 LAND SURVEYING

BOUNDARY, TOPOGRAPHIC
 CONSTRUCTION LAYOUT

105 N. KERN DRIVE
 GULFPORT MS. 39503
 PHONE: (228) 832-9643



85298068.000 PATTAT ALBERT W & DOROTHY L

PIDN: 85298068.000

GISP: 774.17-00-0110.00

Owner Information

Percent of Ownership: PERCENT_OF

Name: PATTAT ALBERT W & DOROTHY L

Name 2:

Mailing Address: 5551 CARTER RD
OCEAN SPRINGS MS
39564

Site Address: 5605 CAMPBELL RD GAUTIER

Land Information

Section: 17 Acreage: 5.00

Township: 7S

Range: 7W

Street Name CAMPBELL
RD

Value and Tax Information

Total Assessed Value: 5337

Total Appraised Value: 35580

Improvement Value: 0

Land Value: 35580

Tax Amount: 816

SQ FT: 0 Year Built: 1994

Legal Description

Description: LOT 51 FOUNTAINBLEAU ACRES
(W1/2 SW1/4 NE1/4 SE1/4)
DB 1193-496 (110 Map774.17)

Deed Book / Page: 1193 / 496

85298068.000 PATTAT ALBERT W & DOROTHY L



Exhibit A Location Map

Prepared by:
City of Gautier
Planning Department

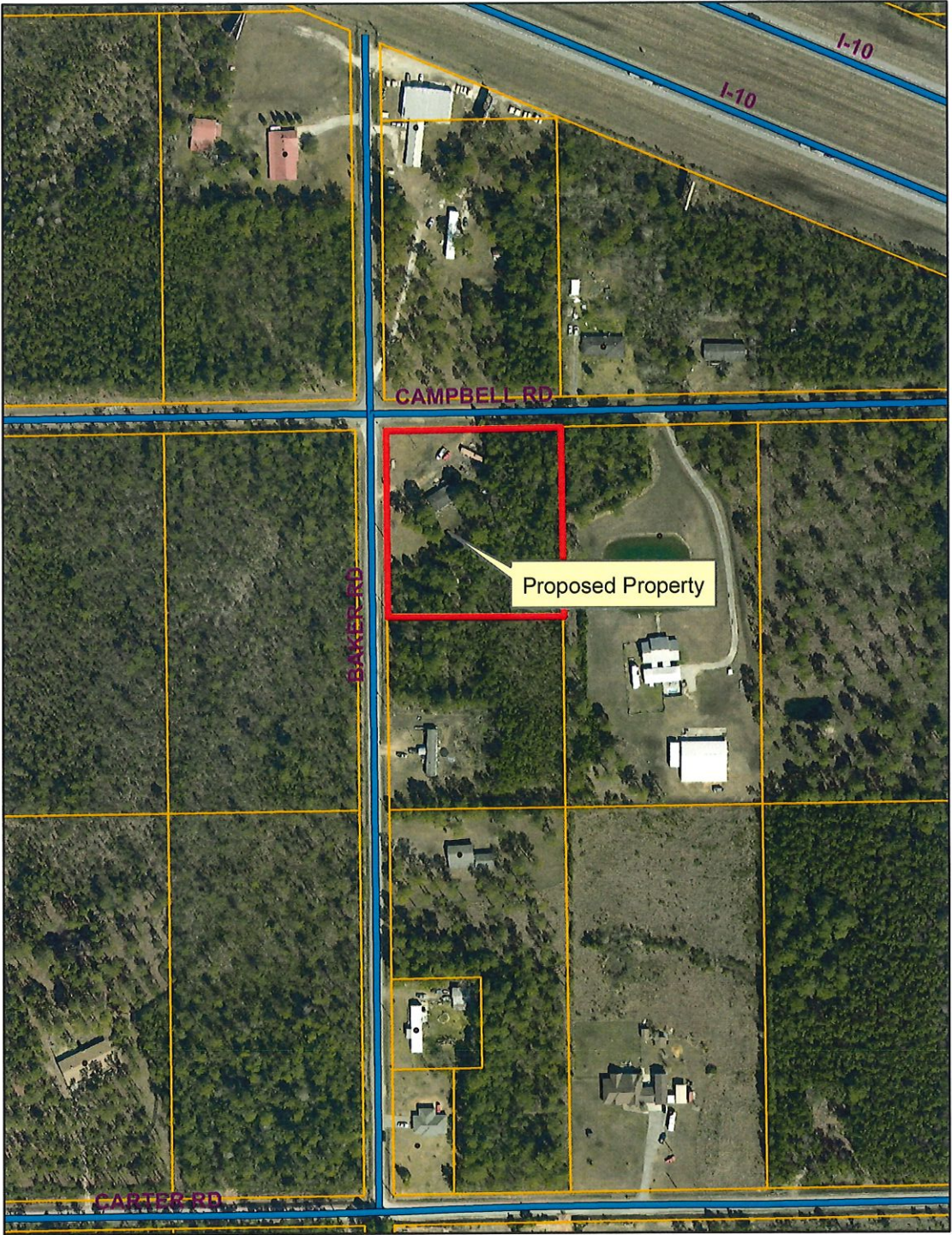


Exhibit B

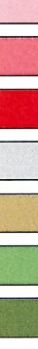
Existing Zoning

Prepared by:

City of Gautier
Planning Department

Legend

Zoning

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

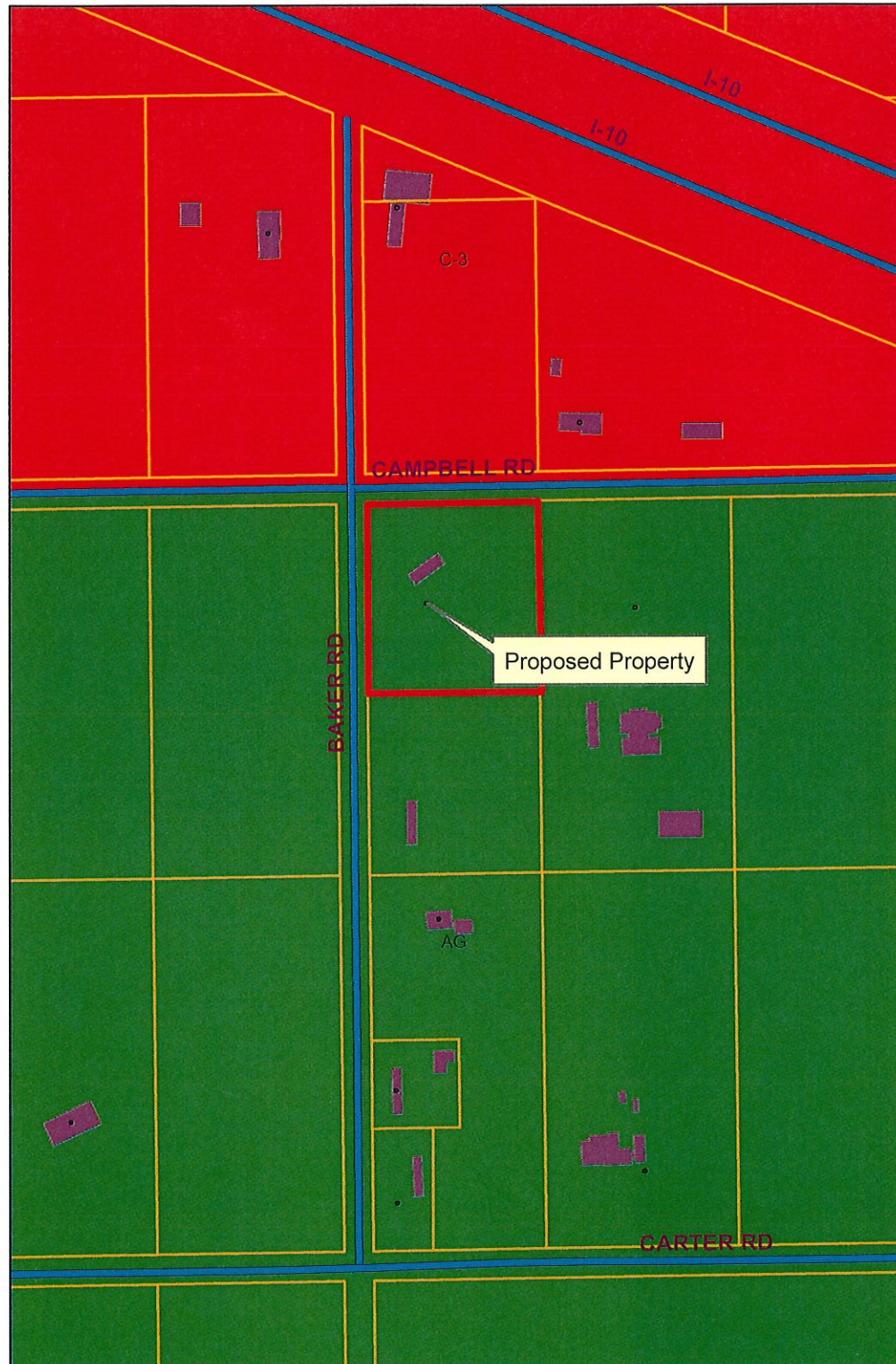


Exhibit C

Existing Land-Use

Prepared by:
City of Gautier
Planning Department

Legend

EXISTING LAND USE

ELU_08

- 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

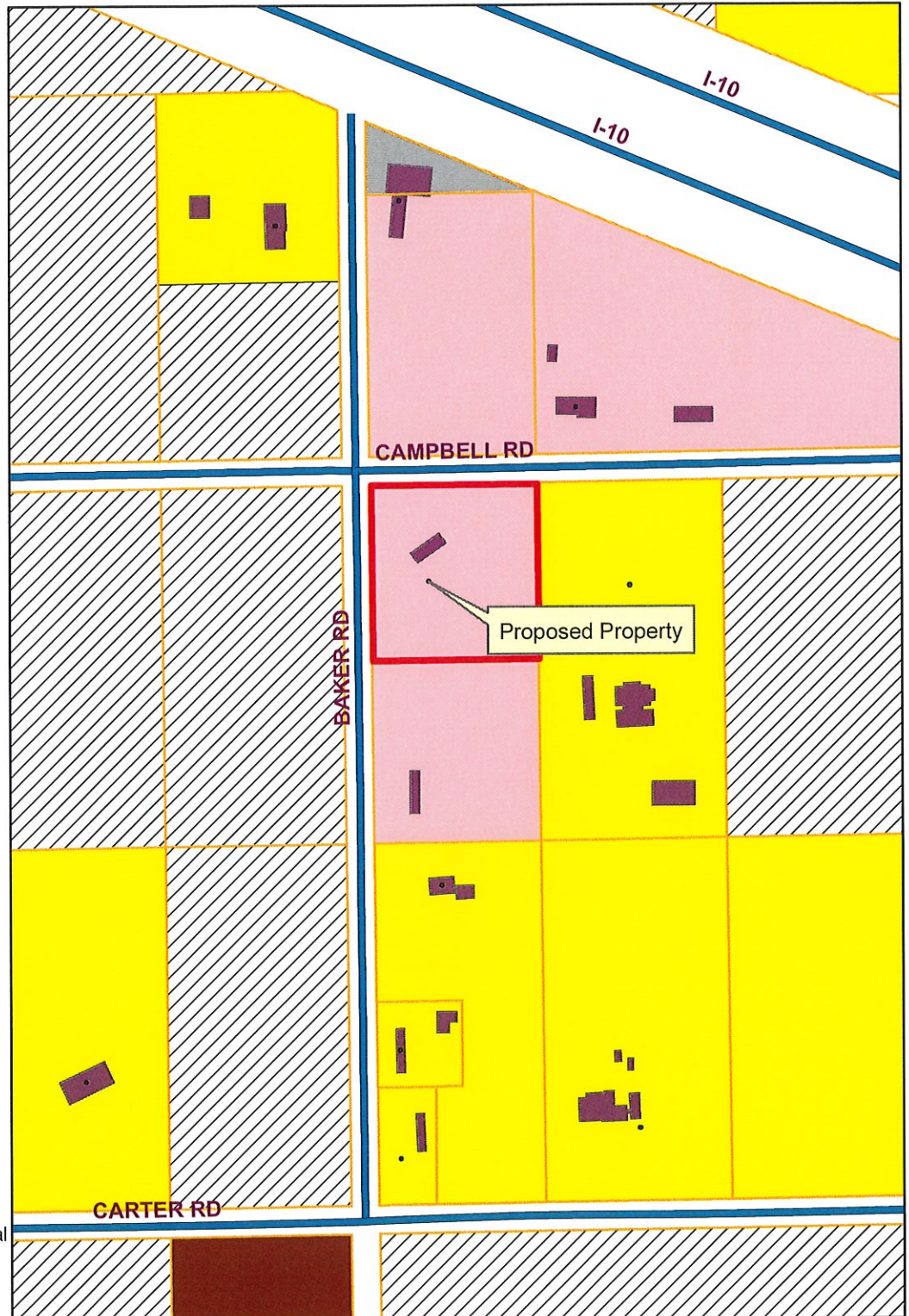


Exhibit D Future Land-Use

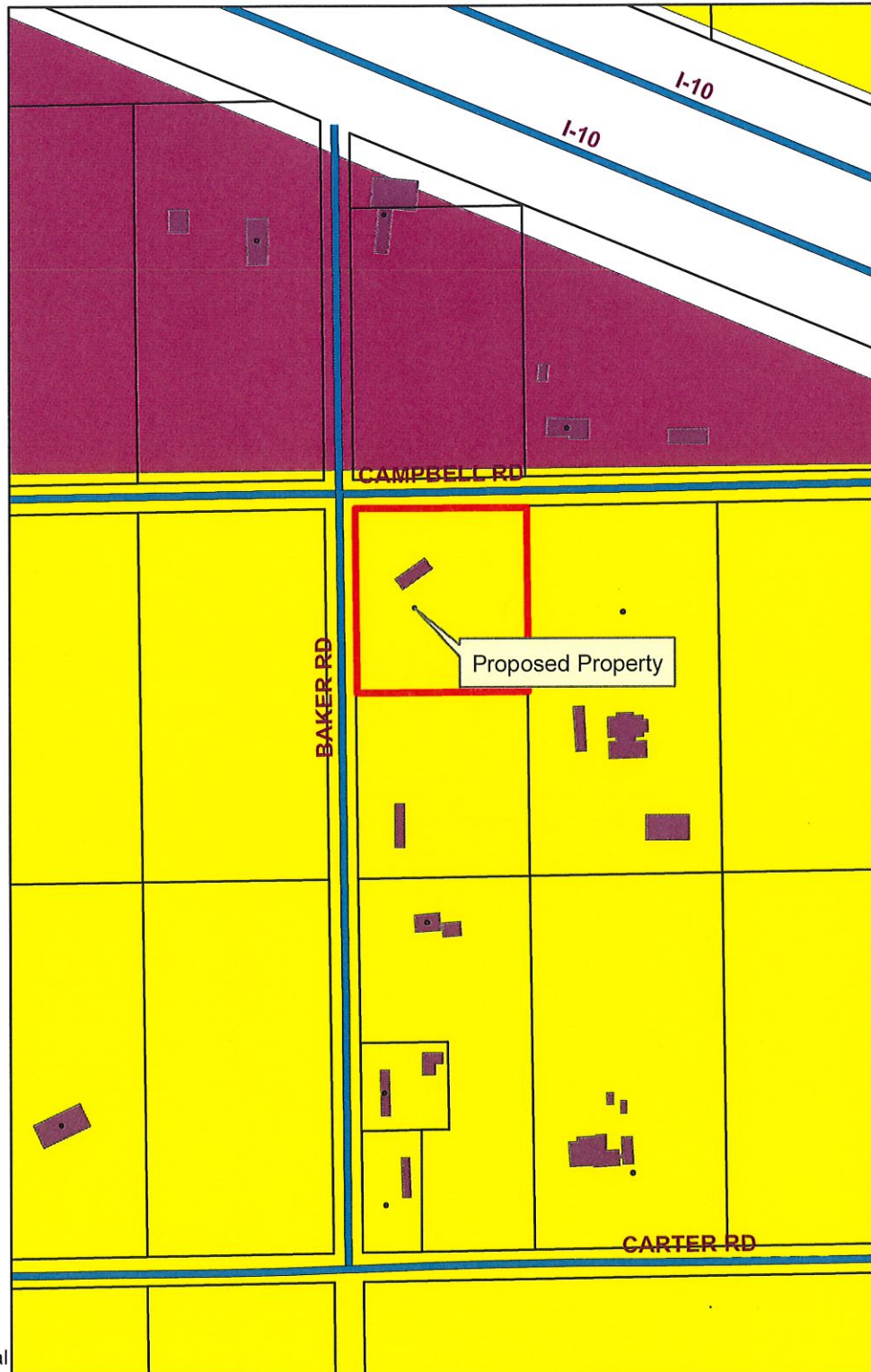
Prepared By:
City of Gautier
Planning Department

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



Excerpt from September 2, 2021 Gautier Planning Commission Meeting:

The Planning Department has received a request from Tara and Daniel Smith for a Conditional Use-Major that would allow a manufactured home in an AG Agricultural Zoning District on Campbell Road. (GPC #21-45-CU).

Scott Ankerson, Planning Director, gave a brief overview of the case. He explained that he did not have a Parcel ID Number for the subject property because it was part of a lot split from 5605 Campbell Road, PID #85298068.000, that was still in the process of being recorded with Jackson County.

Daniel Smith, the applicant, handed Mr. Ankerson the paperwork where the lot split had been recorded at the Chancery Clerk's office. He had just received it.

Mr. Ankerson advised the Commissioners that an old mobile home is located on the new parcel and the applicants plan to move it and put a newer mobile home on the property for their family to live in if the Conditional Use is approved.

REQUEST:

The Planning Department has received a request from Tara and Daniel Smith for a Conditional Use-Major that would allow a manufactured home in an AG Agricultural Zoning District on Campbell Road. PID #85298068.000. (GPC #21-45-CU). The application fee of \$250 was paid on July 20, 2021. All public notice requirements have been met.

BACKGROUND:

The request property is zoned AG Agricultural.

1. Location: a 2.22-acre parcel in the process of being subdivided from 5605 Campbell Road, PID #85298068.000 (See Exhibit A)
2. General features of the proposed project:
Total Area: 2.22 Acres
3. Existing Zoning – AG Agricultural (See Exhibit B)
4. Existing Land Use – Mobile Home (See Exhibit C)
5. Comprehensive Plan Future Land Use Designation – Low Density Residential. (See Exhibit D)

DISCUSSION:

The following addresses the review criteria for a Major Conditional Use outlined in Section 4.17.5 of the UDO.

1. Is the proposed use listed in the list of possible Conditional Uses in the particular Zoning District?

Applicant Response: Yes.

Staff Finding: Yes. Dwelling, Mobile/Manufactured Home is listed as a Conditional Use-Major in an AG Agricultural District.

2. Describe how the project is compatible with the character of development in the vicinity relative to (a) density, bulk and intensity of structures, (b) parking, and (c) other uses. Please attach parking plan, site plan, architectural rendering or other plans.

Applicant Response: Moving an old trailer out, replacing.

Staff Finding: The proposed use is allowed in an AG zoning district with a Major Conditional Use.

3. Will your project negatively affect neighboring property values or pose a real or perceived threat to citizens? Explain.

Applicant Response: No, other mobile homes around area.

Staff Finding: There is no evidence to indicate the proposed use will negatively affect the property values, or cause a detriment to the surrounding properties.

4. Will your project adversely affect vehicular or pedestrian traffic in the vicinity? Explain.

Applicant Response: No, there is already one there to be removed.

Staff Finding: There is no evidence that the proposed use will have any adverse effect on vehicular or pedestrian traffic.

5. Can the proposed use be accommodated by existing or proposed public services and facilities including, but not limited to, water, sanitary sewer, streets, drainage, police and fire protection, and schools?

Applicant Response: Yes.

Staff Finding: The proposed use can be accommodated by existing public services and facilities.

6. Is the proposed use in harmony with the Comprehensive Plan? Explain how.

Applicant Response: Yes.

Staff Finding: The Comprehensive Plan suggests the most likely or desirable use of the parcel is Low Density Residential.

7. Does the proposed use pose a hazardous, detrimental, or disturbing affect, either real or perceived, to present surrounding land uses due to noises, glare, smoke, dust, odor, fumes, water pollution, vibration, electrical interference, or other nuisances? Explain.

Applicant Response: No, it is for a home.

Staff Finding: There is no evidence that the proposed use poses a hazardous, detrimental or disturbing affect to present surrounding uses.

8. Does the use conform to all district regulations for the applicable district in which it is located, or have other provisions been provided for? Explain.

Applicant Response: Yes, other trailers on road.

Staff Finding: The proposed use will conform to district regulations.

DETERMINATION OF APPLICABLE LAW:

1. The UDO defines conditional uses as specific uses which are enumerated in each zoning district and which because of their nature are not allowed by right but may be allowed after the required review process. The City may specify certain conditions as necessary to make the use compatible with other uses in the same district. Conditional uses are issued for uses of land and uses designated "Conditional Uses-Major" are transferable from one (1) owner of land to another.

The UDO further defines Conditional Uses-Major as uses that are not allowed by right but require a recommendation by the Planning Commission and the approval of the City Council. Additionally, if the conditional use is transferred to

a new owner, the new owner must submit a letter to the Planning Director agreeing to the current terms and condition.

2. Conditional Uses-Major requires a public hearing before the Planning Commission and approval by the City Council (Section 4.14 of the UDO).

RECOMMENDATION & CONCLUSION:

If recommending approval, Planning Commission shall record that the evidence presented meets the "Criteria for Approval" from the UDO as listed above.

The Planning Commission may:

1. Recommend that City Council approve the Conditional Use-Major
2. Recommend that City Council approve the Conditional Use-Major with changes;
or
3. Recommend that City Council deny the Conditional Use-Major.

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

Chairman Jamison asked the applicants to present their case.

Daniel Smith explained that they had purchased the property from his wife's grandparents and had looked at remodeling the existing trailer but it was beyond repair. They found another trailer they wanted to put on the property and began tearing down the old trailer. Then they found out that they needed a permit for demolishing the old trailer and for putting a new one on the property.

Chairman Jamison asked what kind of trailer they were planning to put on the property.

Mr. Smith said the trailer was either a 2010 or a 2012 double wide that would be delivered, set up and skirted. He also stated that he had a lot of cleaning to do on the property before bringing it in.

Mr. Ankerson advised Commissioners that placement of the trailer would have to meet City requirements.

Commissioner Decoteau asked the applicant if he would be doing the demolition himself and would the new trailer be in the same location as the old trailer.

Mr. Smith said he was going to try and do the demolition himself but he may have to get someone to help him. He also said that the new trailer would be in the same location as the old trailer.

There were none in attendance speaking in opposition and Staff had received no calls or letters opposing the request.

ACTION TAKEN:

Commissioner Ward made a motion to recommend that City Council approve the Conditional Use Major due to the existing characteristics of the neighborhood and that all criteria have been met.

Chairman Jamison seconded the motion and the following vote was recorded:

AYES:	Kay C. Jamison
	DeAnna McManus
	Joshua Ward
	Ricky Decoteau
	Chris Hoover
	William Davis

Motion passed.