

AGENDA
GAUTIER PLANNING COMMISSION

APRIL 6, 2023

5:30 P.M.

- I. CALL TO ORDER**
- II. PLEDGE OF ALLEGIANCE (VOLUNTEER)**
- III. APPROVAL OF AGENDA**
- IV. APPROVAL OF MINUTES (MARCH 2, 2023)**
- V. PUBLIC COMMENTS
(MATTERS OF THE PLANNING COMMISSION NOT LISTED ON THE AGENDA)**
- VI. OLD BUSINESS**
- VII. NEW BUSINESS**
 - 1. Presentation of the Larry Moran Award of Excellence to That Gumbo Life/Monica Mingo
 - 2. Consider a request for a Variance to square footage requirements for a guest house in an AG Agricultural Zoning District. 6325 Brown Road, (GPC #23-11-VAR)
 - 3. Consider a request for a Variance to square footage requirements for a guest house in an AG Agricultural Zoning District. 5412 Campbell Road, (GPC #23-12-VAR)
 - 4. Consider a request for a Variance to front yard and side yard setback requirements for an accessory building in a R-1 Low Density Single Family Residential Zoning District. 1408 Wesleyan Street, (GPC #23-13-VAR)
- VIII. GENERAL DISCUSSION**
 - A. PREVIOUS CASE UPDATES
 - B. PERMIT & TRC REPORTS
- IX. ADJOURN**

MARCH 2, 2023
GAUTIER, MISSISSIPPI

BE IT REMEMBERED that a meeting of the Gautier Planning Commission of The City of Gautier, Mississippi, was held on March 2, 2023, at 5:30 PM in the Council Chambers of the Gautier Municipal Building at 3330 Highway 90, Gautier, Mississippi.

Commission Members present were: Chairman Kay C. Jamison, Commissioners William Davis (by phone), Ricky Decoteau, Josh Ward, and DeAnna McManus. Also present were Scott Ankerson, Planning Director, and Josh Danos, City Attorney (by phone). Absent were Chris Hoover and Paul Gainer.

AGENDA
GAUTIER PLANNING COMMISSION
MARCH 2, 2023
5:30 P.M.

- I. CALL TO ORDER**
- II. PLEDGE OF ALLEGIANCE (VOLUNTEER)**
- III. APPROVAL OF AGENDA**
- IV. APPROVAL OF MINUTES (FEBRUARY 2, 2023)**
- V. PUBLIC COMMENTS**
(MATTERS OF THE PLANNING COMMISSION NOT LISTED ON THE AGENDA)
- VI. OLD BUSINESS**
- VII. NEW BUSINESS**
 - 1. Consider a request for a Property Owner Initiated Rezoning of Property located at Lot 1, Lark Drive Subdivision, PID #85905801.000, corner of Lark Drive and Martin Bluff Road, from C-2 Community Commercial to R-1 Low Density Single-Family Residential. (GPC Case No. 23-04-RZ)
 - 2. Consider a request for a Variance to rear and side yard setback requirements for an accessory building in a R-1 Low Density Single-Family Residential Zoning District. 813 Roys Road, (GPC #23-05-VAR)

VIII. GENERAL DISCUSSION

A. PREVIOUS CASE UPDATES

B. PERMIT & TRC REPORTS

IX. ADJOURN

Commissioner Ward made a motion to approve the Agenda.

Commissioner McManus seconded the motion, and the following vote was recorded:

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

ABSENT: Paul Gainer
Chris Hoover

Motion Passed

Commissioner Ward made a motion to approve the February 2, 2023, minutes.

Commissioner McManus seconded the motion, and the following vote was recorded:

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

ABSENT: Paul Gainer
Chris Hoover

Motion Passed

PUBLIC COMMENTS (MATTERS OF THE PLANNING COMMISSION NOT LISTED ON THE AGENDA) – None

OLD BUSINESS - None

NEW BUSINESS

1. Consider a request for a Property Owner Initiated Rezoning of Property located at Lot 1, Lark Drive Subdivision, PID #85905801.000, corner of Lark Drive and Martin Bluff Road, from C-2 Community Commercial to R-1 Low Density Single-Family Residential. (GPC Case No. 23-04-RZ)

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

Chairman Jamison asked Mr. Ankerson how a mistake in the zoning would be proven.

Mr. Ankerson stated that would be for the Planning Commission to decide after hearing what the applicant presented. Mr. Ankerson said he did not find a mistake in the original zoning.

REQUEST:

The Planning Department has received a request from Calvin Galloway for a Rezoning of property known as Lot 1, Lark Drive Subdivision, PID #85905801.000, corner of Lark Drive and Martin Bluff Road, from C-2 Community Commercial to R-1 Low Density Single-Family Residential. The total acreage of the parcel is approximately 2.38 acres. The application fee of \$300 was paid on December 27, 2022. All public notice requirements have been met.

BACKGROUND:

Section 4.15 of the City's Unified Development Ordinance (UDO) establishes the procedure to amend the City's Official Zoning Map. The Gautier Planning Commission (GPC) shall review a proposal for a rezoning and shall make an advisory recommendation to the City Council as to the need and justification for the change when the public welfare justifies such action. The GPC shall include in its recommendation to the City Council findings that the required rezoning criteria have been met.

DISCUSSION:

1. Location: Lot 1, Lark Drive Subdivision, PID #85905801.000, corner of Lark Drive and Martin Bluff Road. (See Exhibit A)
2. Existing Zoning: C-2 Community Commercial. (See Exhibit B)

UDO 5.3.8 C-2, Community Commercial District - Purpose and intent. The purpose of this district is to provide areas of medium density commercial including a mixture of retail, professional services, and studios which cluster together.

Community Commercial Districts are located primarily along transportation collectors such as Gautier-Vancleave. The co-location of professional services and civic uses shall be encouraged to strengthen industry and provide an attractive, pedestrian scale commercial corridor into the City.

UDO 5.3.3 R-1, Low Density Single-Family Residential District - Purpose and intent. The purpose of this district is to provide areas where the principal use of land is for single-family detached dwelling units and related recreational facilities which complement the area and provide a balanced and attractive residential area. R-1 areas are to be specifically designed to provide for the quiet enjoyment of the uses therein. They should have well defined boundaries and be protected from the encroachment of commercial uses and heavy through traffic.

DATA AND ANALYSIS:

Property requested for Rezoning: Lot 1, Lark Drive Subdivision, PID #85905801.000, corner of Lark Drive and Martin Bluff Road.

Location: Ward 5

Current Zoning of the Request Property: C-2 Community Commercial

Existing Land Use: Vacant. (See Exhibit C)

Future Land Use: Low Density Residential. (See Exhibit D)

Surrounding Zoning: C-2 Community Commercial to the North, South and East. Low Density Single-Family Residential to the West.

HISTORY:

This property is vacant and currently zoned C-2 Community Commercial.

REVIEW CRITERIA:

The Planning Commission, in its report and recommendation to the City Council on the appropriateness of the request, shall study and consider the following criteria and record that the evidence presented meets the "Criteria for Approval" from the UDO, if applicable.

- A. There was a mistake in the original zoning; **or**
- B. The character of the surrounding area has changed to such an extent as to justify rezoning **AND** there is a public need for additional property to be zoned in accordance with the request.

The Planning Commission shall not recommend approval of a rezoning unless the applicant has proven by clear and convincing evidence that either of the required criteria items above have been met.

STAFF RECOMMENDATION:

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

CONCLUSION:

Based on the required Review Criteria established by Section 4.15 of the Unified Development Ordinance and the appropriateness of the request relevant to the criteria, the Commission may:

1. Recommend that City Council approve to Rezone the subject area from C-2 Community Commercial to R-1 Low Density Single-Family Residential or
2. Recommend that City Council deny the Rezoning.

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 his case.

Calvin Galloway, the applicant, stated that he originally wanted to build a strip mall on the property and rent the building out. After talking to a few people in the area who didn't really like that idea he decided to see if he could split the property into five lots and build houses on them.

Commissioner Decoteau asked Mr. Galloway if he planned to fall back on his original plan for the strip mall if he could not get the property rezoned too Residential.

Mr. Galloway stated that was his plan.

Jeff Holloway, Springridge Road resident, said he would much rather have a house built on the property instead of a business because of the traffic, trash and noise it would attract. He also stated that there was a major drainage problem on Springridge Road and Lark Drive, especially since the lots on Lark Drive have been cleared.

Commissioner Ward advised him to talk to ClearWater Solutions and his Councilman regarding the drainage issue.

Mr. Ankerson explained that if a commercial development were to be brought into the property they would have to insure in the plans and engineering that post-development storm water runoff did not exceed pre-development storm water runoff. Whether they put

in retention/detention ponds or swales, they have to let the water off the property at the same rate it ran off before the development. Individual residential lots would need a storm water runoff plan showing where they intended to send the runoff which should be to the City's drainage right-of-way.

Edna Wells, Lark Drive resident, said she objected to the rezoning because five new houses would make the area very congested. She said she would rather see three houses instead of five. She stated that the development would decrease the value of houses that have been there for over 25 years. She also mentioned there was a major flooding problem in the area.

Chairman Jamison reminded Ms. Wells that with the current zoning a strip mall could be built on the property.

Commissioner Ward explained to Ms. Wells that a commercial building could be just as big as five houses and as far as the traffic and parking a commercial building would have a parking lot with traffic coming in and out.

Mr. Ankerson reminded everyone that the request being considered was for rezoning not about how many houses could be built. If the Council approves the request, Mr. Galloway could build as many houses on the property as the Unified Development Ordinance (UDO) will allow him to and they would face Martin Bluff Road. The lot size requirement for R-1 is 9600 square feet.

Dorothy Shaw, Lark Drive resident, asked if all the cleared property was zoned C-2.

Commissioner Ward advised that the entire lot in question was zoned C-2.

Mr. Galloway said that some of the cleared area was zoned Residential. The lot in question runs 500 feet along Martin Bluff Road and is 200 feet deep back down Lark Drive.

For clarity, **Chairman Jamison** asked Ms. Shaw if she was opposed to the rezoning of the property to R-1.

Ms. Shaw said her concerns were the same as Ms. Wells and the Commission had already addressed that. She feels there will be too many houses. She also is very opposed to the property being developed as commercial because of the traffic congestion it would create and it is too close to the residential area.

Arlene Bostic, Lark Drive resident, stated that she owned one of the first houses built on Lark Drive and at that time you had to have a certain amount of land to build on. She wanted to know why that had changed.

Chairman Jamison stated that a certain amount of land was still required for building a house, but the requirements had probably changed since she built her house. When Chairman Jamison asked Ms. Bostic which zoning, she preferred for the property Ms. Bostic stated that she wasn't sure.

Vernon Joseph Williams, Lark Drive resident, stated that he would like to see the property stay Commercial.

Commissioner McManus noted that on the Existing Zoning Map in the packet there were houses on property zoned C-2. She asked Mr. Ankerson how that had happened.

Mr. Ankerson explained that those houses were grandfathered in. In 2010 when the City did a Comprehensive Plan 2030 there was some rezoning done along some of the corridor roads to allow commercial properties.

Commissioner Ward noted that the Future Land Use Map showed the property as Low Density Residential.

When asked by **Chairman Jamison** why the Comprehensive Plan would rezone the area to C-2 and then show the Future Land Use as Low Density Residential, **Mr. Ankerson** said that he wasn't here when the Comprehensive Plan was done and was not sure what their reason might have been.

Commissioner McManus noted that there were other houses along Martin Bluff Road in a C-2 zone that had been grandfathered in. She stated that because these other houses had been there all this time, she did not see where there was proof that the characteristic of the area had changed. She stated that the only difference she saw was the other houses did not back out on Martin Bluff Road.

Commissioner Davis stated that he was concerned about the drainage but thought a commercial development requiring retention/detention ponds would probably help with some of the drainage issues. He also stated that he did not think there had been a change in the characteristic of the area.

Josh Danos, City Attorney, advised that, according to the criteria for a zoning change, if there was not a mistake in the original zoning there should be clear evidence that there was a change in the characteristic of the area and there was a public need for additional property to be zoned in accordance with the request.

Chairman Jamison noted the area had been zoned commercial since 2010 and there were other businesses along Martin Bluff Road. She stated there had not been a change in the characteristic of the area.

Commissioner Decoteau stated that there was more residential on Martin Bluff Road than there was commercial. His opinion was there was a zoning mistake.

Commissioner Ward said he thought it was a zoning mistake. He stated that because of the inconsistency in the zoning change in 2010 and the Future Land Use designation someone must have thought if it didn't work out as commercial it could be zoned back to residential.

Commissioner McManus said she also thought it was a zoning mistake because there is more residential than commercial.

Commissioner Davis asked Mr. Danos if rezoning this one lot might be considered spot zoning. The question might arise as to why not rezone all these areas instead of just this one area. He said it should be looked at comprehensively for all the areas or not at all.

Mr. Danos stated that it depended on the nature of what has been presented and how it is interpreted as to whether or not it would be considered spot zoning.

Mr. Ankerson said that from a Planning standpoint you would need to consider that this was rezoned when the City did a Comprehensive 20-year Plan and Neel-Schaffer, who put together this 20-year Comprehensive Plan, looked at these areas and comprehensively rezoned areas along these arterial roads. They looked at facts such as has the character of the area changed to an extent to warrant a comprehensive rezoning. Looking at that logic Mr. Ankerson doesn't think you could base a rezoning on a mistake in the zoning but rather has the area changed enough to warrant a rezoning.

Commissioners McManus and Decoteau stated they didn't think the residents or the existing houses on Martin Bluff Road were considered when the zoning was changed to C-2.

Commissioner Ward said that one of the questions being asked is if characteristics of the area have changed. There has been no commercial interest in the area for the thirteen years it has been zoned commercial and in his opinion that is a change.

Chairman Jamison asked Mr. Danos if that would be considered a legitimate change in character.

Mr. Danos said he didn't know if they could argue that lack of a change is a change.

ACTION TAKEN:

Commissioner Decoteau made a motion to recommend denying the rezoning request.

Commissioner Davis seconded the motion, and the following vote was recorded:

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

Motion failed. The request will be sent to Council without a recommendation.

2. Consider a request for a Variance to rear and side yard setback requirements for an accessory building in a R-1 Low Density Single-Family Residential Zoning District. 813 Roys Road, (GPC #23-05-VAR)

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

REQUEST:

The Planning Department has received a request from James Knight for a five-foot (5') variance to side-yard setback requirements and a two foot (2') variance to rear-yard setback requirements for an accessory building in a R-1 Low Density Single-Family Residential Zoning District. 813 Roys Road, PID #81817210.000 (GPC #23-05-VAR). The application fee of \$175 was paid on January 9, 2023. All public notice requirements have been met.

BACKGROUND:

The applicant would like to place a 20' x 24' accessory building in the rear of his property. He would like to place the accessory building five feet (5') from the side property line and three feet (3') from the rear property line. In a R-1 Zoning District setback requirements for an accessory building are ten feet (10') from the side property line and five feet (5') from the rear property line. The applicant is wanting a five-foot (5') variance to the side-yard setback requirements and a two-foot (2') variance to the rear-yard setback requirements.

DISCUSSION:

The applicant is requesting a five-foot (5') variance to the side-yard setback requirements and a two-foot (2') variance to the rear-yard setback requirements for an accessory building in a R-1 Low Density Single-Family Residential Zoning District. The minimum side-yard setback requirement is ten feet (10') and the minimum rear-yard setback requirement is five feet (5') for an accessory building.

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:

If recommending approval, Planning Commission shall record that the evidence presented meets all "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 his request.

James Knight, applicant, stated that he wanted to build a shop/shed in the back of his house and because of the size of the lot he didn't want to take up more of the yard than he needed to. He said he didn't need the 5' or 3' variance, he just wants to put it in the corner.

Chairman Jamison asked Mr. Knight if he had this huge yard, why did it matter if the shed had to be moved over 5' or 2' from the property lines.

Mr. Knight asked why the 10' and 5' setbacks mattered now. He said that to be fair, when he bought the property before the area was taken over by the City of Gautier, he had 2 buildings that were physically on the property line. He said that he is taking one of those buildings down and moving the new one in some.

Chairman Jamison stated that the existing 2 sheds were grandfathered, and the City has rules for a reason. She said that unless there was a tree or something causing him a problem putting the shed within the required setbacks, she didn't see why he couldn't meet the setback requirements with such a big yard.

Mr. Knight stated that it wasn't a hardship, it was a preference.

Chairman Jamison said that a hardship had to be proven to recommend a variance.

Commissioner Ward stated that besides being able to legally define a hardship for the request, another concern is how the area could be maintained if it were so close to the property line. The watershed that could be putting water on the neighboring property if the shed is that close to the property line.

Mr. Knight said that he did understand that concern, but the rain was going to fall and hit his property regardless. He wasn't going to cause anything that sheds more water. As far as the variance issues, the area completely slopes downhill and is going onto his neighbor's property because of gravity. The property sloped down towards the bayou.

Linda Bordelon, who owns the property southwest of Mr. Knight, stated that she already has a problem with the watershed from the property because of dirt the previous owner brought in. She said she would rather the shed not be that close to the property lines.

Jeff Bordelon asked which corner of Mr. Knight's property the shed was going on. After realizing it was not where they originally thought it was, he stated that he and Ms. Bordelon did not have a problem with the proposed placement of the shed.

ACTION TAKEN:

Chairman Jamison made a motion to recommend denial of the request based on the fact that it would not cause a hardship for the applicant to place the shed within the required setbacks.

Commissioner McManus seconded the motion, and the following vote was recorded:

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

ABSENT: **Chris Hoover**
 Paul Gainer

Motion passed to recommend denial of the request.

GENERAL DISCUSSION

A. PREVIOUS CASE UPDATES

Mr. Ankerson advised Commissioners that City Council approved Case GPC #23-02-CU to allow a church in a C-3 zone. Case GPC #23-03-CU for a medical cannabis dispensary

in a C-2 zone was also approved with the restrictions recommended by the Planning Commission.

B. PERMIT & TRC REPORT

Mr. Ankerson stated the February 2023 report would be presented at the March meeting.

Commissioner Ward made a motion to adjourn the meeting.

Commissioner McManus seconded the motion, and the following vote was recorded:

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

ABSENT: Paul Gainer
Chris Hoover

Motion passed.

APPROVED BY:

Scott Ankerson,
Planning Director/Building Official

DATE: _____

Kay C. Jamison, Chairman
Gautier Planning Commission

DATE: _____

BACKUP DOCUMENTATION

Gautier Planning Commission

Regular Meeting Agenda

March 2, 2023

GPC #23-04-RZ

Calvin Galloway

Lot 1, Lark Drive Subdivision

PID #85905801.000

VII. NEW BUSINESS

1. Consider a request for a Property Owner Initiated Rezoning of Property located at Lot 1, Lark Drive Subdivision, PID #85905801.000, corner of Lark Drive and Martin Bluff Road, from C-2 Community Commercial to R-1 Low Density Single-Family Residential. (GPC Case No. 23-04-RZ)

CITY OF GAUTIER

STAFF REPORT

To: Chairman and Members, Planning Commission

From: Scott Ankerson, Planning Director

Date: February 21, 2023

Subject: Consider a request for a Property Owner Initiated Rezoning of Property located at Lot 1, Lark Drive Subdivision, PID #85905801.000, corner of Lark Drive and Martin Bluff Road, from C-2 Community Commercial to R-1 Low Density Single-Family Residential. (GPC Case No. 23-04-RZ)

REQUEST:

The Planning Department has received a request from Calvin Galloway for a Rezoning of property known as Lot 1, Lark Drive Subdivision, PID #85905801.000, corner of Lark Drive and Martin Bluff Road, from C-2 Community Commercial to R-1 Low Density Single-Family Residential. The total acreage of the parcel is approximately 2.38 acres. The application fee of \$300 was paid on December 27, 2022. All public notice requirements have been met.

BACKGROUND:

Section 4.15 of the City's Unified Development Ordinance (UDO) establishes the procedure to amend the City's Official Zoning Map. The Gautier Planning Commission (GPC) shall review a proposal for a rezoning and shall make an advisory recommendation to the City Council as to the need and justification for the change when the public welfare justifies such action. The GPC shall include in its recommendation to the City Council findings that the required rezoning criteria have been met.

DISCUSSION:

1. Location: Lot 1, Lark Drive Subdivision, PID #85905801.000, corner of Lark Drive and Martin Bluff Road. (See Exhibit A)
2. Existing Zoning: C-2 Community Commercial. (See Exhibit B)

UDO 5.3.8 C-2, Community Commercial District - Purpose and intent. The purpose of this district is to provide areas of medium density commercial including a mixture of retail, professional services, and studios which cluster together. Community Commercial Districts are located primarily along transportation

collectors such as Gautier-Vancleave. The co-location of professional services and civic uses shall be encouraged to strengthen industry and provide an attractive, pedestrian scale commercial corridor into the City.

UDO 5.3.3 R-1, Low Density Single-Family Residential District - Purpose and intent. The purpose of this district is to provide areas where the principal use of land is for single-family detached dwelling units and related recreational facilities which complement the area and provide a balanced and attractive residential area. R-1 areas are to be specifically designed to provide for the quiet enjoyment of the uses therein. They should have well defined boundaries and be protected from the encroachment of commercial uses and heavy through traffic.

DATA AND ANALYSIS:

Property requested for Rezoning: Lot 1, Lark Drive Subdivision, PID #85905801.000, corner of Lark Drive and Martin Bluff Road.

Location: Ward 5

Current Zoning of the Request Property: C-2 Community Commercial

Existing Land Use: Vacant. (See Exhibit C)

Future Land Use: Low Density Residential. (See Exhibit D)

Surrounding Zoning: C-2 Community Commercial to the North, South and East. Low Density Single-Family Residential to the West.

HISTORY:

This property is vacant and currently zoned C-2 Community Commercial.

REVIEW CRITERIA:

The Planning Commission, in its report and recommendation to the City Council on the appropriateness of the request, shall study and consider the following criteria and record that the evidence presented meets the "Criteria for Approval" from the UDO, if applicable.

- A. There was a mistake in the original zoning; **or**
- B. The character of the surrounding area has changed to such an extent as to justify rezoning **AND** there is a public need for additional property to be zoned in accordance with the request.

The Planning Commission shall not recommend approval of a rezoning unless the applicant has proven by clear and convincing evidence that either of the required criteria items above have been met.

STAFF RECOMMENDATION:

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

CONCLUSION:

Based on the required Review Criteria established by Section 4.15 of the Unified Development Ordinance and the appropriateness of the request relevant to the criteria, the Commission may:

1. Recommend that City Council approve to Rezone the subject area from C-2 Community Commercial to R-1 Low Density Single-Family Residential or
2. Recommend that City Council deny the Rezoning.

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

23-04-R2

TO BE HEARD BY GAUTIER PLANNING COMMISSION:	FEE:
Zoning Change	301.00
Major Development	300.00
Variance	\$100.00
Appeal to Staff Decision	\$175.00
	\$100.00

Name of Applicant: Calvin Galloway
Name of Business: Calvin Galloway Phone: 228-860-9369
Property Address: 1619 Martin Bluff Rd Mailing Address (if Different): 1619 Park Dr Gautier
E-Mail Address: CSWAY40526@mail.com
Reason for request, location and intended use of Property: 5-residential homes
Rezone from C-2 to R-1

ATTACHMENTS REQUIRED AS APPLICABLE:

- ☒ 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: Calvin Galloway Date of Application: 12-27-22

FOR OFFICE USE ONLY	
Date Received	<u>12/27/22</u> Verify as Complete <u>BA/SA</u>
Fee Amount Received	<u>301.00</u> Initials of Employee Receiving Application <u>BL</u>

wants to be on March mtg.

City of Gautier

To whom it may concern I Calvin Galloway would like to change my property at the corner of Martin Bluff Road and Lark Dr to residential so I can subdivide the property into 5 lots 100x200 as of now the lot is 520x200, the houses will be around 2500 sq ft where they will fit in nicely with the houses in that neighborhood, my original plans were to put a strip mall on it and rent the buildings out but speaking with some of the residents around there, they did not like that idea

LOTS 1 AND 2, GAUTIER PARCEL

Survey of Lots 1 and 2 of Gautier, Jackson in Plat Book 23, f Chancery Clerk of

This survey does not Durbin, P.L.S., nor a

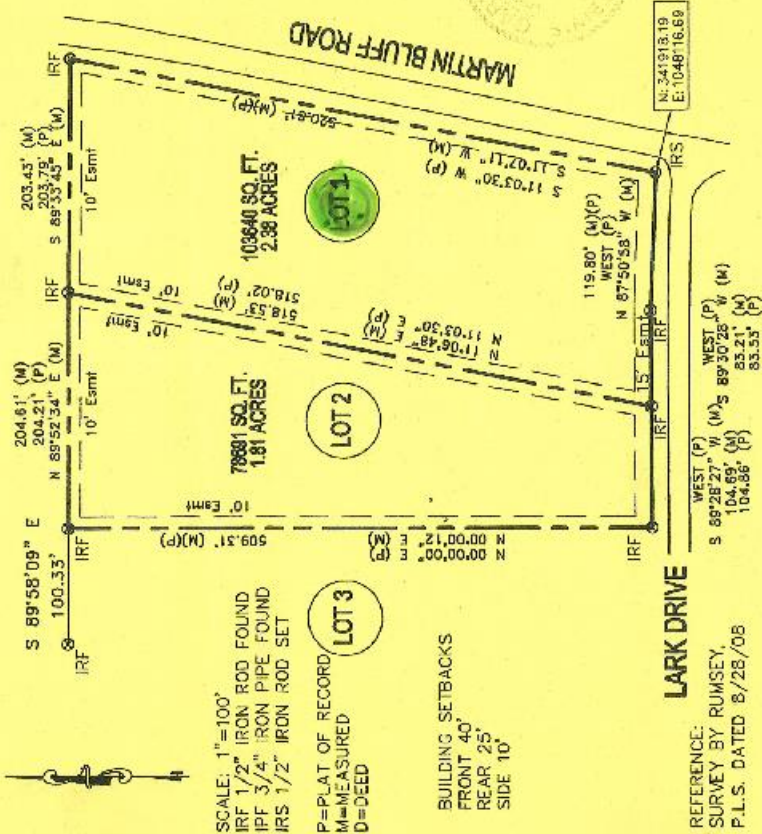
This is a Class "B" Practice for Land S

Bearings based on (of Lark Drive, NAD 1 angle -0.130449, ac

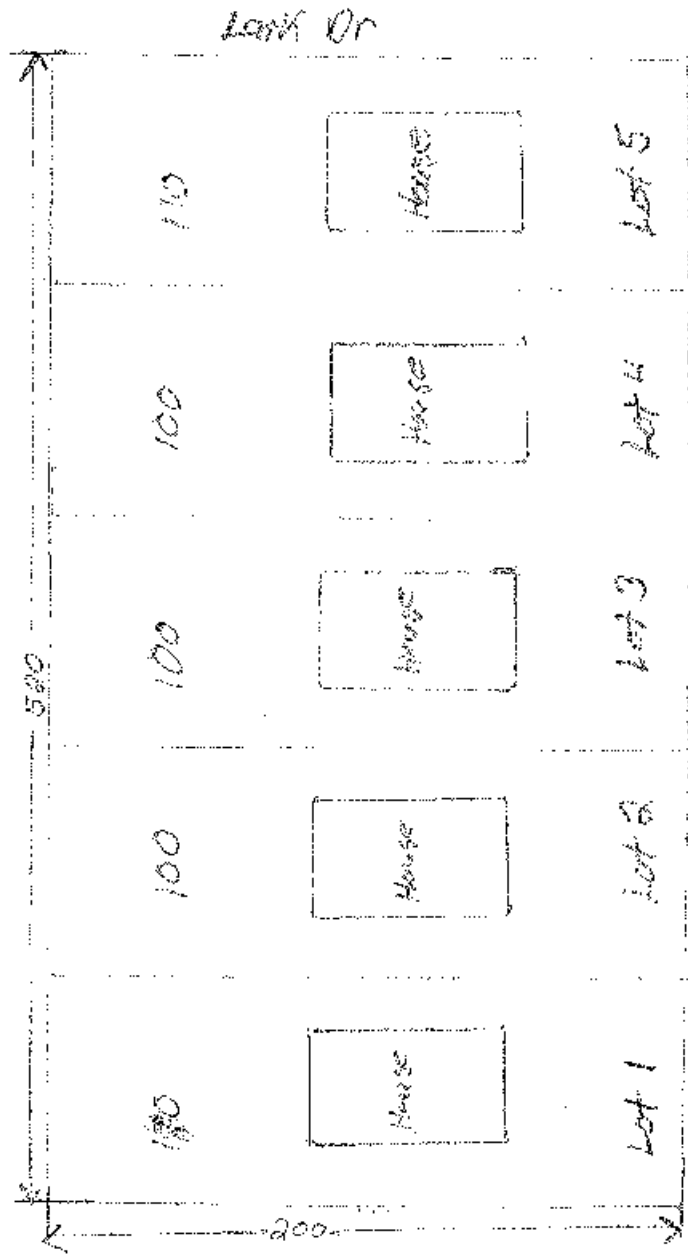
This property is situ Insurance Rate Map, Mississippi, Commu Revised: 3/16/09.

This is to CERTIFY t survey on which it i accordance with Th Surveying in the Sta

Gary A. Durbin, P.L.L. December 5, 2021



Martin Bluff Rd



ON: USPL RECORDS JACKSON COUNTY
Cash 518-1898
CHANCERY CLERK
RECORDING FEE \$36.00
202123493 BK: 2040 PG: 356-358
09/03/2021 01:49:38 PM 3 PGS
RVPJ10RN, DO Page 23493



202123493 3 PGS

Prepared by:
David B. Pilger
Attorney at Law
1408 Bienville Blvd., Suite 101
Ocean Springs, MS 39564
(228) 215-0011

Grantor:
Westwinds, LLC
a Mississippi Limited Liability Company
P.O. Box 749
Ocean Springs, MS 39564
(228) 215 1872

Return To:
David B. Pilger
Attorney at Law
1408 Bienville Blvd., Suite 101
Ocean Springs, MS 39564
(228) 215-0011

Grantees:
Calvin Galloway
Sandra Galloway
1819 Lark Drive
Gaulier, MS 39553
(228) 860-9388

File No. G2184228

INDEXING INSTRUCTIONS: Lot 1, Lark Drive S/D, Jackson County, MS

STATE OF MISSISSIPPI
COUNTY OF JACKSON

WARRANTY DEED

FOR AND IN CONSIDERATION OF the price and sum of TEN AND NO/100 DOLLARS (\$10.00), cash in hand paid, and other good and valuable consideration, the receipt and sufficiency of all of which is hereby acknowledged, **Westwinds, LLC, a Mississippi Limited Liability Company**, does hereby sell, convey and warrant unto **Calvin Galloway and Sandra Galloway**, as joint tenants with right of survivorship and not as tenants in common, all of that certain tract, piece or parcel of land situated in Jackson County, Mississippi, together with all improvements, buildings, fixtures, and appurtenances thereunto belonging, and being more particularly described as follows, to-wit:

Lot 1, Lark Drive Subdivision, a subdivision according to the map or plat thereof on file and of record in the office of the Chancery Clerk of Jackson County, Mississippi, in Plat Book 23, at Page 72.

This being the same property as that conveyed to Westwinds, LLC, a Mississippi Limited Liability Company, by instrument recorded in Deed Book 1970, Page 233, Land Deed Records of Jackson County, Mississippi.

if this property is bounded by water, this conveyance includes any natural accretion, and is subject to any erosion due to the action of the elements. Such riparian and littoral rights as exist are conveyed herewith but without warranty as to their nature or extent. If any portion of the property is below the mean high tide watermark, or is coastal wetlands as defined in the Mississippi Coastal Wetlands Protection Act it is conveyed by quitclaim only.

Grantor quitclaims any and all oil, gas, and other minerals owned, if any, to Grantee. No mineral search was requested or performed by preparer.

This conveyance is subject to any and all covenants, rights of way, easements, restrictions and reservations of record in the office of the Chancery Clerk of Jackson County, Mississippi.

It is agreed and understood that the taxes for the current year have been pre-paid as of this date on an estimated basis, and when said taxes are actually determined, if the proportion as of this date is incorrect, the Parties hereto agree to make all necessary adjustments on the basis of an actual proration.

WITNESS MY SIGNATURE, on this the 16 day of August, 2021.

Westwinds, LLC
A Mississippi Limited Liability Company
G. Dickey Arndt
By: G. Dickey Arndt, Managing Member

CORPORATE ACKNOWLEDGMENT

STATE OF MISSISSIPPI
COUNTY OF JACKSON

PERSONALLY APPEARED BEFORE ME, the undersigned authority in and for the jurisdiction aforesaid, the within named G. Dickey Arndt, the duly appointed Managing Member of Westwinds LLC, a Mississippi Limited Liability Company, who acknowledged before me that he signed, executed and delivered the above and foregoing instrument on the day and year thereof, for the use and purposes therein mentioned, for and on behalf of the aforesaid company, after first having been duly authorized so to do.



UNDER MY HAND AND OFFICIAL SEAL, on this the 16 day of August, 2021.

Valerie Jordan
NOTARY PUBLIC

My commission expires: 03/25

DEED ACCEPTED BY:

Calvin Galloway

Sandra Galloway

PIDN	85805831.000
GLSP:	784.18 00 0046.01

Percent of Ownership: 100
Name: GALLOWAY GALVIN &
Name 2: GALLOWAY SANDRA
Mailing Address: 1619 LARK DR
GAUTIER MS
39553

Land Information

Value and Tax Information

Total Assessed Value:	2855	Total Appraised Value:	19030
Improvement Value:	0	Land Value:	19030
Tax Amount:	410	SQ FT:	0
		Year Built:	

Description: LOT 1 LARK DRIVE S/D PB 23-72 DB
2340-356 (16.01 MA 2784.78)

အလုပ်အကိုင်အခြေအနေအထားနှင့်အညီ၊

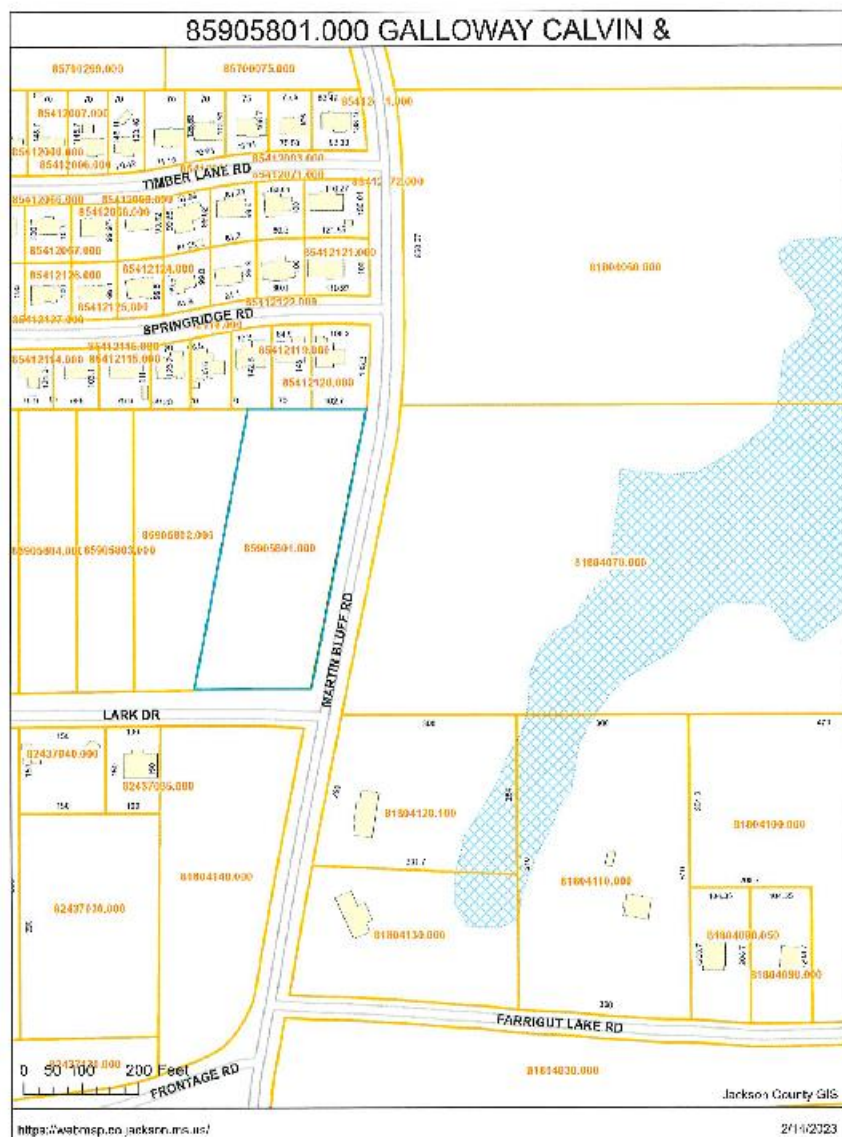


Exhibit A Location Map

Prepared by:
City of Gautier
Planning Department

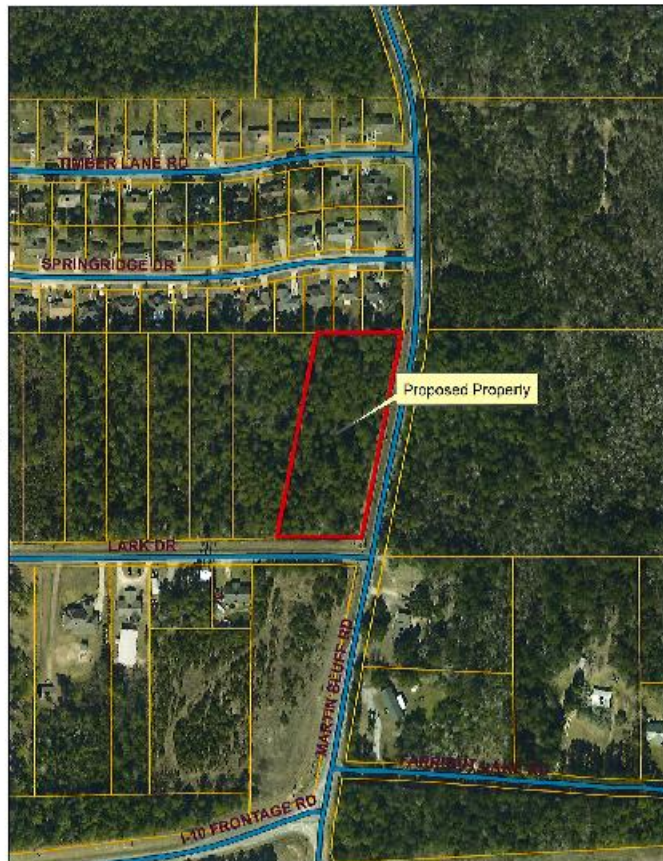


Exhibit B Existing Zoning

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

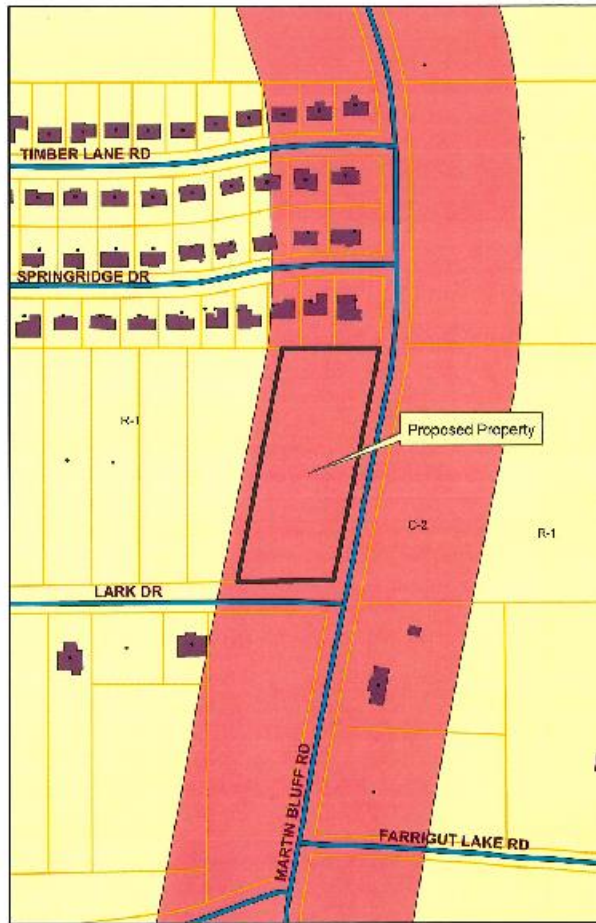


Exhibit C Existing Land-Use

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

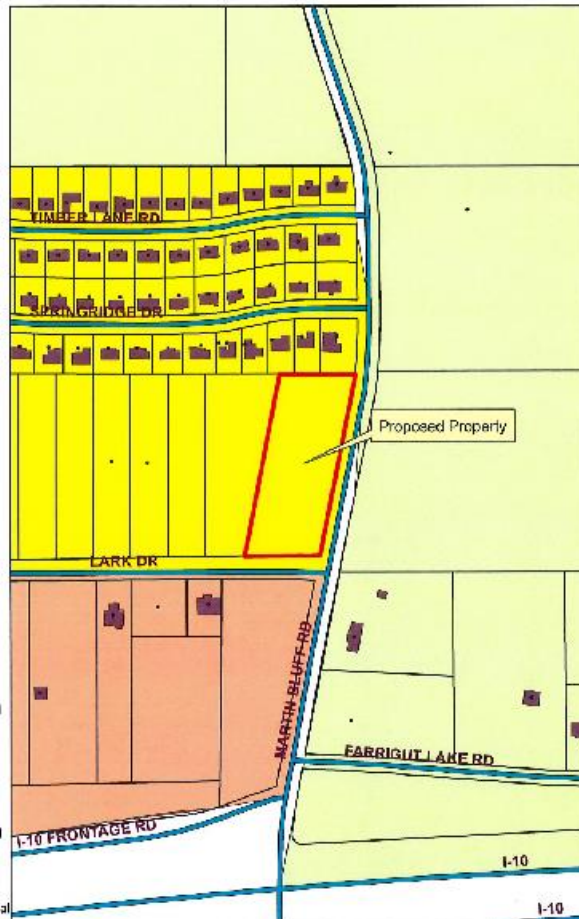
Prepared By:
City of Gautier
Planning Department

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



Gautier Planning Commission

Regular Meeting Agenda

March 2, 2023

GPC #23-05-VAR

813 Roys Road

VII. NEW BUSINESS

Consider a request for a Variance to rear and side yard setback requirements for an accessory building in a R-1 Low Density Single-Family Residential Zoning District. 813 Roys Road, (GPC #23-05-VAR

**CITY OF GAUTIER
STAFF REPORT**

To: Chairman and Members, Planning Commission

From: Scott Ankerson, Planning Director

Date: February 21, 2023

Subject: Consider a request for a Variance to rear and side yard setback requirements for an accessory building in a R-1 Low Density Single-Family Residential Zoning District. 813 Roys Road, (GPC #23-05-VAR)

REQUEST:

The Planning Department has received a request from James Knight for a five-foot (5') variance to side-yard setback requirements and a two foot (2') variance to rear-yard setback requirements for an accessory building in a R-1 Low Density Single-Family Residential Zoning District. 813 Roys Road, PID #81817210.000 (GPC #23-05-VAR). The application fee of \$175 was paid on January 9, 2023. All public notice requirements have been met.

BACKGROUND:

The applicant would like to place a 20' x 24' accessory building in the rear of his property. He would like to place the accessory building five feet (5') from the side property line and three feet (3') from the rear property line. In a R-1 Zoning District setback requirements for an accessory building are ten feet (10') from the side property line and five feet (5') from the rear property line. The applicant is wanting a five-foot (5') variance to the side-yard setback requirements and a two-foot (2') variance to the rear-yard setback requirements.

DISCUSSION:

The applicant is requesting a five-foot (5') variance to the side-yard setback requirements and a two-foot (2') variance to the rear-yard setback requirements for an accessory building in a R-1 Low Density Single-Family Residential Zoning District. The minimum side-yard setback requirement is ten feet (10') and the minimum rear-yard setback requirement is five feet (5') for an accessory building.

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:

If recommending approval, Planning Commission shall record that the evidence presented meets all “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

23-05-VAR

TO BE HEARD BY GAUTIER PLANNING COMMISSION:		FEE:
Zoning Change	_____	\$300.00
Major Development	_____	\$100.00
Variance	<u>✓</u>	\$175.00
Appeal to Staff Decision	_____	\$100.00

176.00

Name of Applicant: JAMES KNIGHT
Name of Business: N/A Phone: 228-217-6178
Property Address: 813 ROYS ROAD Mailing Address (if different): _____
E-Mail Address: _____
Reason for request, location and intended use of Property: VARIANCE FOR BUILDING WITHIN THE SIDE AND REAR SETBACKS; 5' side yard, 2' rear yard for shed
ATTACHMENTS REQUIRED AS APPLICABLE:
X 1. Diagram of intended use, showing dimensions and distances of property, building with setbacks, parking spaces, entrances and exits.
N/A 2. A detailed project narrative.
N/A 3. Copy of protective covenants or deed restrictions, if any.
N/A 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.
N/A 5. Any other information requested by the Economic Development/Planning Director and/or members of the Technical Review Committee.
Signature of Applicant: James M. Knight Date of Application: 1/9/23

FOR OFFICE USE ONLY	
Date Received	<u>1-9-23</u> Verify as Complete <u>Baba</u>
Fee Amount Received	<u>176.00</u> Initials of Employee Receiving Application <u>BS</u>

March 2

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.

Existing old & new sheds are already <10 feet from property line - grandfathered due to Currier annexation. I will tear down the old shed when work begins on new building if approved.

- 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.

N/A

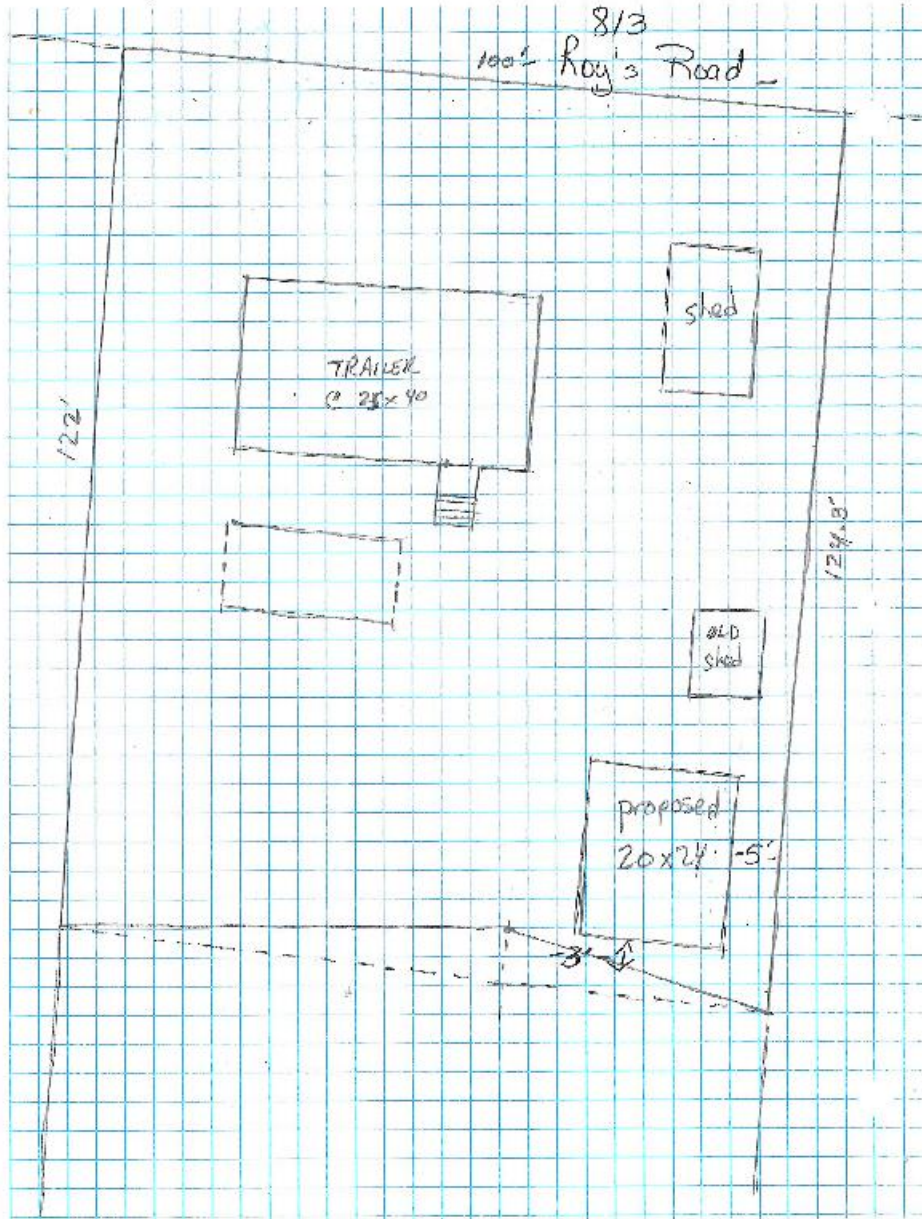
- C. Do the special conditions and circumstances result from actions of the applicant (you)?

N/A

- 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

8/3
1001 Roy's Road



81817210.000 KNIGHT JAMES M & JOANN L

FIDN: 81817210.000
GISP: 764.18-02-0245.00

Owner Information

Percent of Ownership: 100
Name: KNIGHT JAMES M & JOANN L
Name 2:
Mailing Address: 5540 ROXANNE
GAUTIER MS
39553

Site Address: 813 ROYS RD GAUTIER

Land Information

Section: 7 Acreage: 0.25
Township: 7
Range: 6
Street Name: ROYS
RD

Value and Tax Information

Total Assessed Value:	1406	Total Appraised Value:	9370
Improvement Value:	1310	Land Value:	8060
Tax Amount:	202	SQ. FT:	0
		Year Built:	1985

Legal Description

Description: COM S 1830.8' & E 2568.9' OF NWC
CL SEC 7 N 77 DEG WALG SIM RD
75.8' N 77 DEG WALG SIM RD 146.
4' N 79 DEG WALG TO POB N 79
DEG WALG 913' 100' S 18 DEG W 122'
1' S 01 DEG E 83.3' S 70 DEG E 36'
.8' N 19 DEG E 124.5' TO POB DB
1353-753 (245 Map764.18-02)

Deed Book / Page: 1353 / 753

<http://wsmap.co.jackson.ms.us>

81817210.000 KNIGHT JAMES M & JOANN L

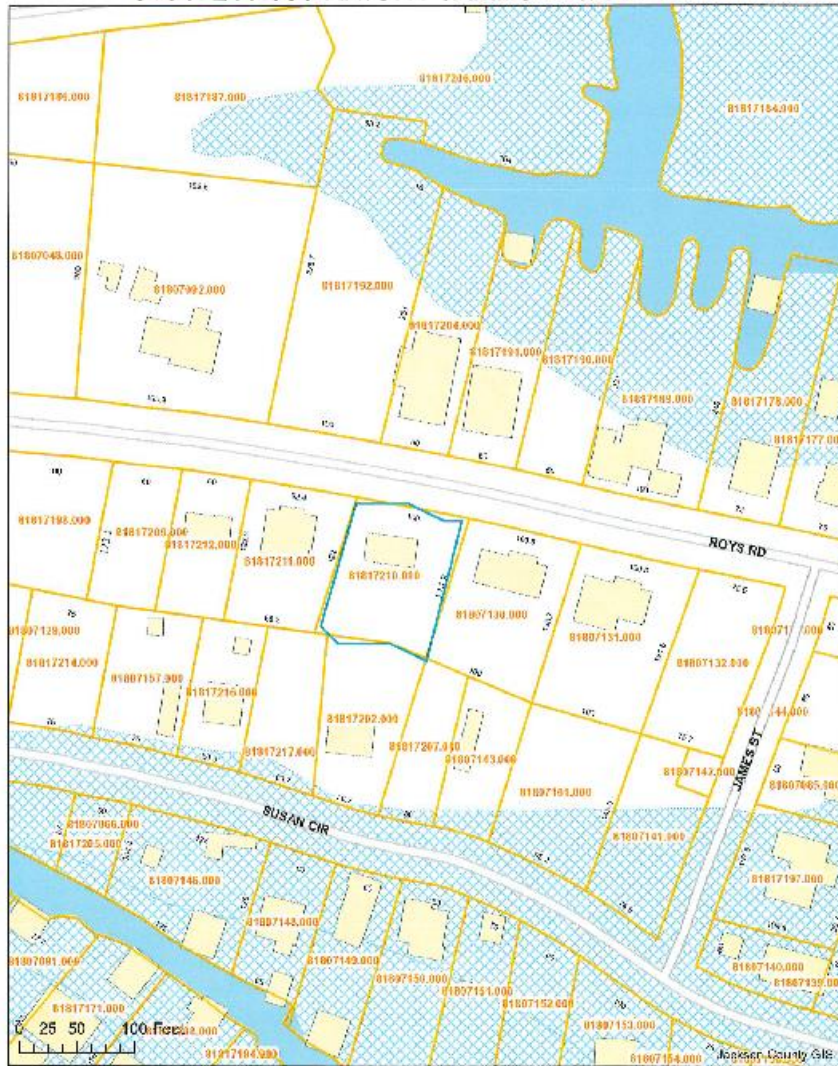


Exhibit A Location Map

Prepared by:
City of Gautier
Planning Department



Exhibit B Existing Zoning

Prepared by
City of Gautier
Planning Department

Legend

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

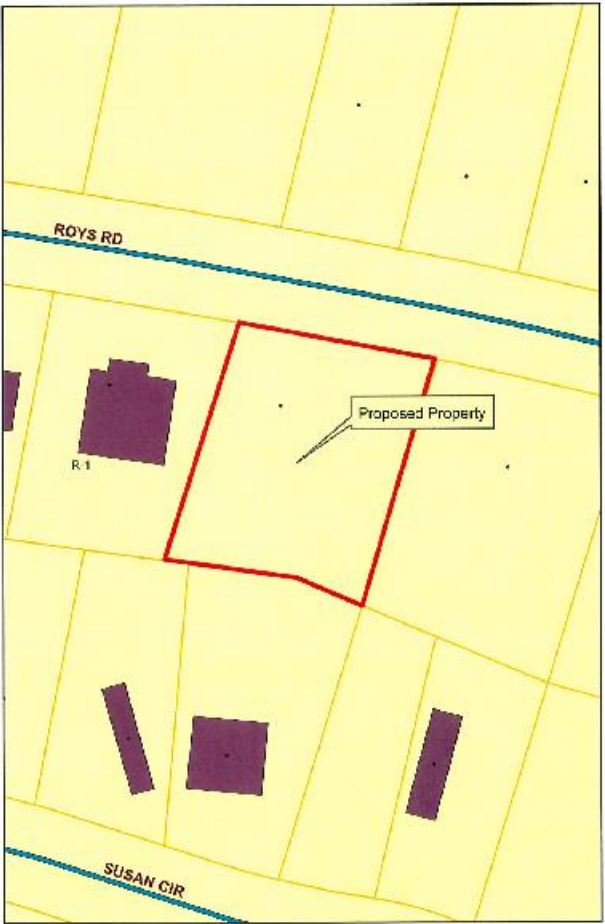


Exhibit C Existing Land-Use

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



Gautier Planning Commission

Regular Meeting Agenda

April 6, 2023

GPC #23-11-VAR

6325 Brown Road

VII. NEW BUSINESS

1. Consider a request for a Variance to square footage requirements for a guest house in an AG Agricultural Zoning District. 6325 Brown Road, (GPC #23-11-VAR)

**CITY OF GAUTIER
STAFF REPORT**

To: Chairman and Members, Planning Commission

From: Scott Ankerson, Planning Director

Date: March 22, 2023

Subject: Consider a request for a Variance to square footage requirements for a guest house in an AG Agricultural Zoning District. 6325 Brown Road, (GPC #23-11-VAR)

REQUEST:

The Planning Department has received a request from Christopher Heath Stevens for a three hundred eighty (380) square foot variance for a guest house in an AG Agricultural Zoning District. 6325 Brown Road, PID #82429320.075 (GPC #23-11-VAR). The application fee of \$175 was paid on January 27, 2023. All public notice requirements have been met.

BACKGROUND:

The applicant would like to build an eleven hundred thirty (1130) square foot guest house in his rear yard for his in-laws. This total square footage includes the living area and a front and back porch. Per the Unified Development Ordinance (UDO), the total square footage of a guest house cannot exceed fifty percent (50%) of the heated and cooled square footage area of the principal residence or seven hundred fifty (750) square feet, whichever is less. The applicant is asking for a three hundred eighty (380) square foot variance to the size of the guest house.

DISCUSSION:

The applicant is requesting a three hundred eighty (380) square foot variance to the total square footage allowed for a guest house in an AG Agricultural Zoning District. The total square footage of a guest house cannot exceed fifty percent (50%) of the heated and cooled square footage area of the principal residence or seven hundred fifty (750) square feet, whichever is less.

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:

If recommending approval, Planning Commission shall record that the evidence presented meets all "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

23-11-VAR

TO BE HEARD BY GAUTIER PLANNING COMMISSION:

FEE:

Zoning Change	_____	\$300.00
Major Development	_____	\$100.00
Variance	<u> / </u>	\$175.00
Appeal to Staff Decision	_____	\$100.00

Name of Applicant : Christopher Heath Stevens
Name of Business: n/a Phone: 601-347-2931
Property Address: 6325 Brown Rd Mailing Address (if Different): _____
E-Mail Address: heath.stevens@ymail.com
Reason for request, location and intended use of Property: 380 sq. ft variance for
Mother-in-law Suite

ATTACHMENTS REQUIRED AS APPLICABLE:

- x 1. Diagram of intended use, showing dimensions and distances of property, building with setbacks, parking spaces, entrances and exits. Attached
- x 2. A detailed project narrative.
- n/a 3. Copy of protective covenants or deed restrictions, if any.
- n/a 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: [Signature] Date of Application: 1/25/23

FOR OFFICE USE ONLY

Date Received 1-27-23 Verify as Complete Bx/SA

Fee Amount Received 176.00 Initials of Employee Receiving Application Bx

1130 sf total
750 sf allowed
380 sf variance

AG

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.

Detached mother in law suite is only option due to pool location as well as potential setback problems if added to existing home.

- 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.

I am unaware of any other properties requiring a variance to build a mother in law suite larger than what code allows.

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

Pool in the backyard, as well as set backs on the East prevent from attaching to home.

- 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

Heath Stevens
6325 Brown Road
Ocean Springs, MS 39564
1/26/2023

City of Gautier
Planning Commission/ Mayor and Council

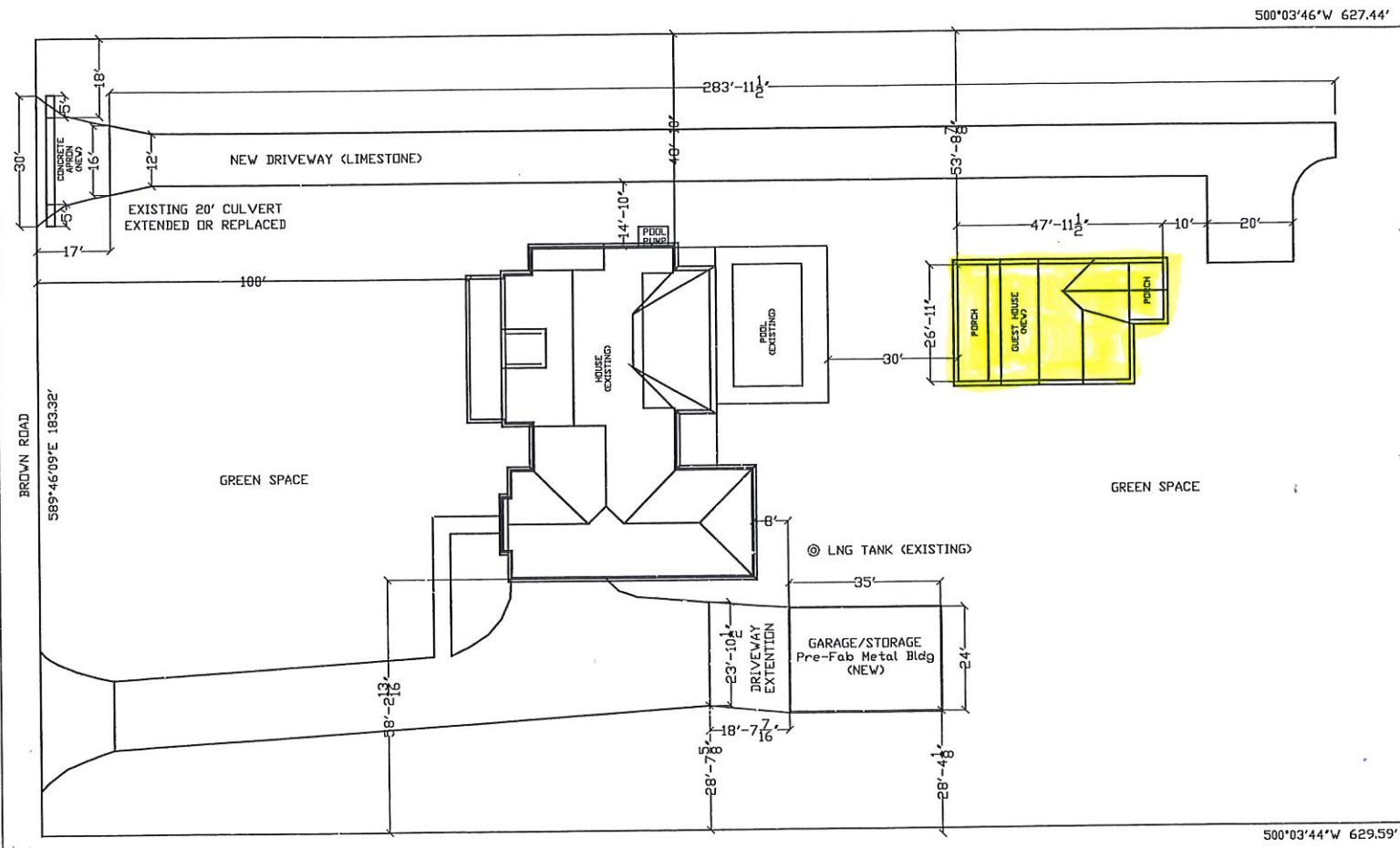
I am requesting a variance on the size of mother-in-law suite we are intending to build in our backyard. Currently our plans are calling for 804 SF living with small porches on the front in back. Per code it reads that we are only allowed 750 SF total and we are requesting that the additional SF be acceptable.

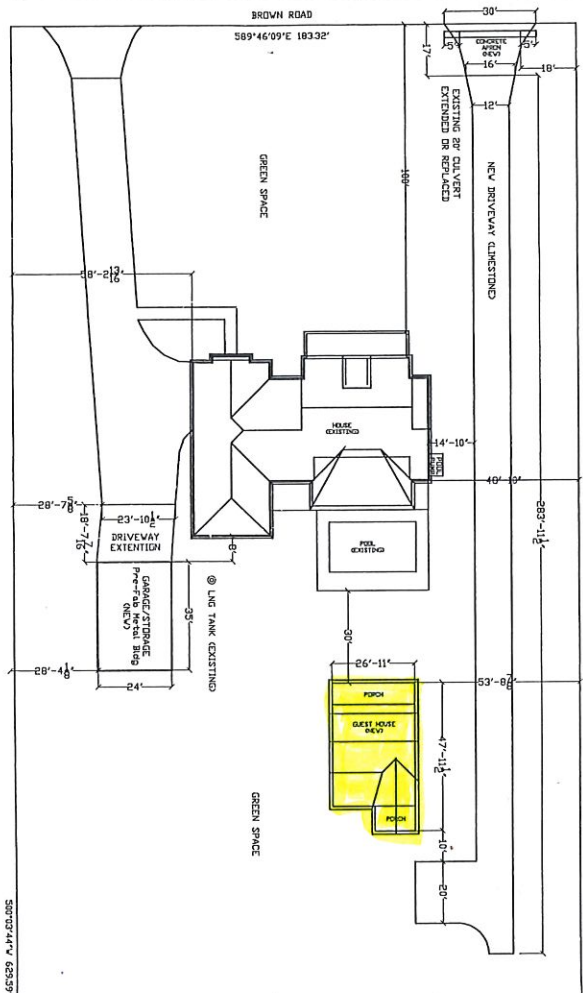
As you will see from the attached plot plan, the suite will be set back approximately 280' from the main house directly behind the pool. Attaching the mother-in-law suite to the main house is not an option as it would encroach on the property set-back as well as interfere with the water runoff on the East side of the home.

My mother in law is going through treatments for stage 4 inflammatory breast cancer currently and we will need to house her close to us to help as she continues. My father-in-law is having to retire early in order to care for her well-being in her current state. They have recently had to sell their home and are living with us at the present time. My wife will be the eventual caretaker for both of her parents in the coming years and granting this variance will allow the transition not become a burden on our family.

Sincerely,

Heath Stevens





82429320.075 STEVENS WHITNEY W &

PIDN: 82429320.075

GISP: 779.29-00-0006.01

Owner Information

Percent of Ownership: 100

Name: STEVENS WHITNEY W &

Name 2: CHRISTOPHER H

Mailing Address: 17388 PALM RIDGE DR

D'IBERVILLE MS

39540

Site Address: 6325 BROWN RD GAUTIER

Land Information

Section: 29

Acreage: 2.65

Township: 7

Range: 7

Street Name BROWN
RD

Value and Tax Information

Total Assessed Value: 44186

Total Appraised Value: 294574

Improvement Value: 268354

Land Value: 26220

Tax Amount: 7071

SQ FT: 2543

Year Built: 2021

Legal Description

Description: COM NE COR SE1/4 NW1/4 S ALG W/M

RADIO RD 659.43' S 89*W 1042.74

' TO POB S 89*W 183.32' N 629.59

' TO S/M BROWN RD S 89*E 183.32'

S 627.44' TO POB DB 1814-706 (6

.01 MAP779.29) 'PER SURVEY'

Deed Book / Page: 1814 / 706

82429320.075 STEVENS WHITNEY W &



Exhibit A Location Map

Prepared by:
City of Gautier
Planning Department

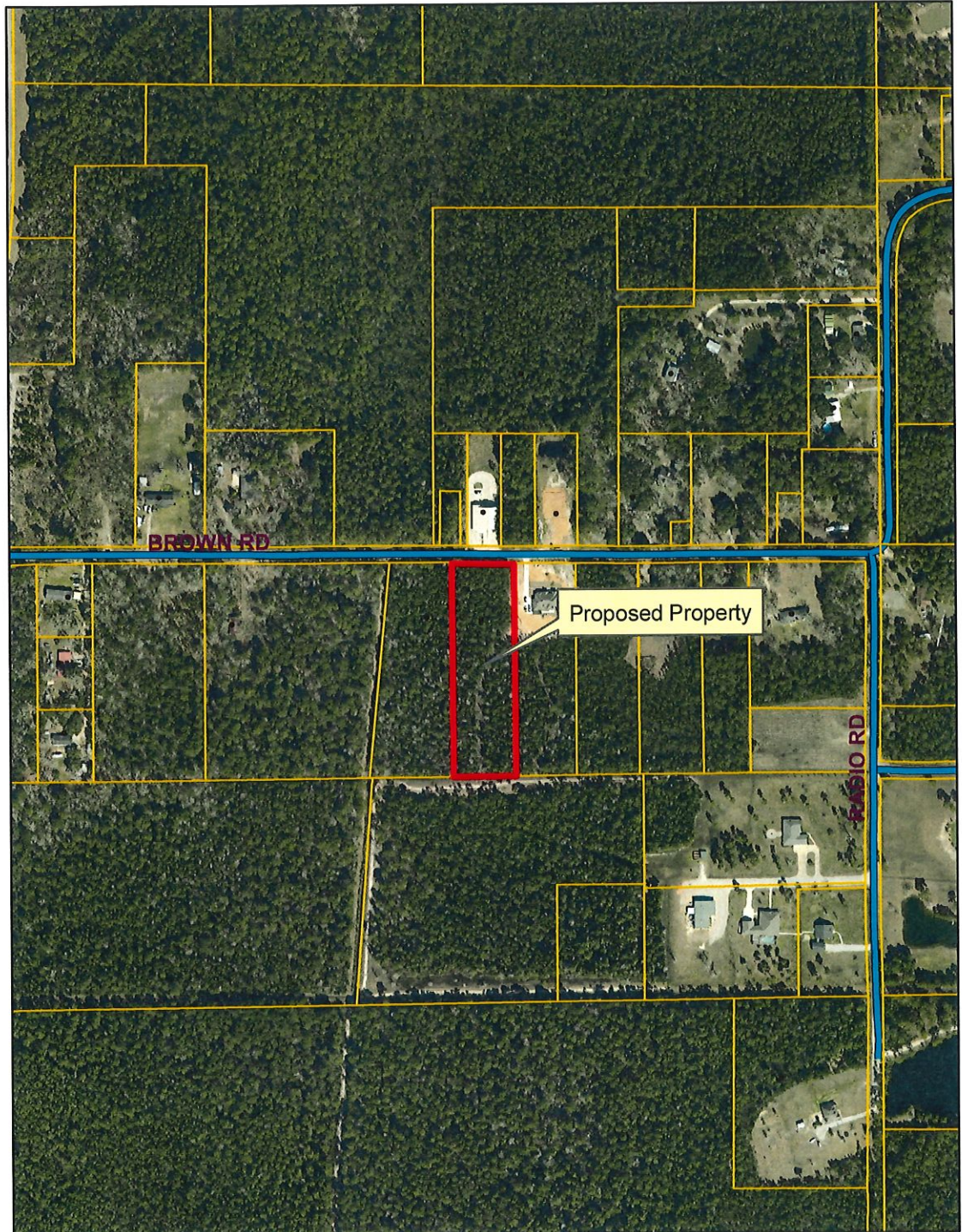


Exhibit B

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

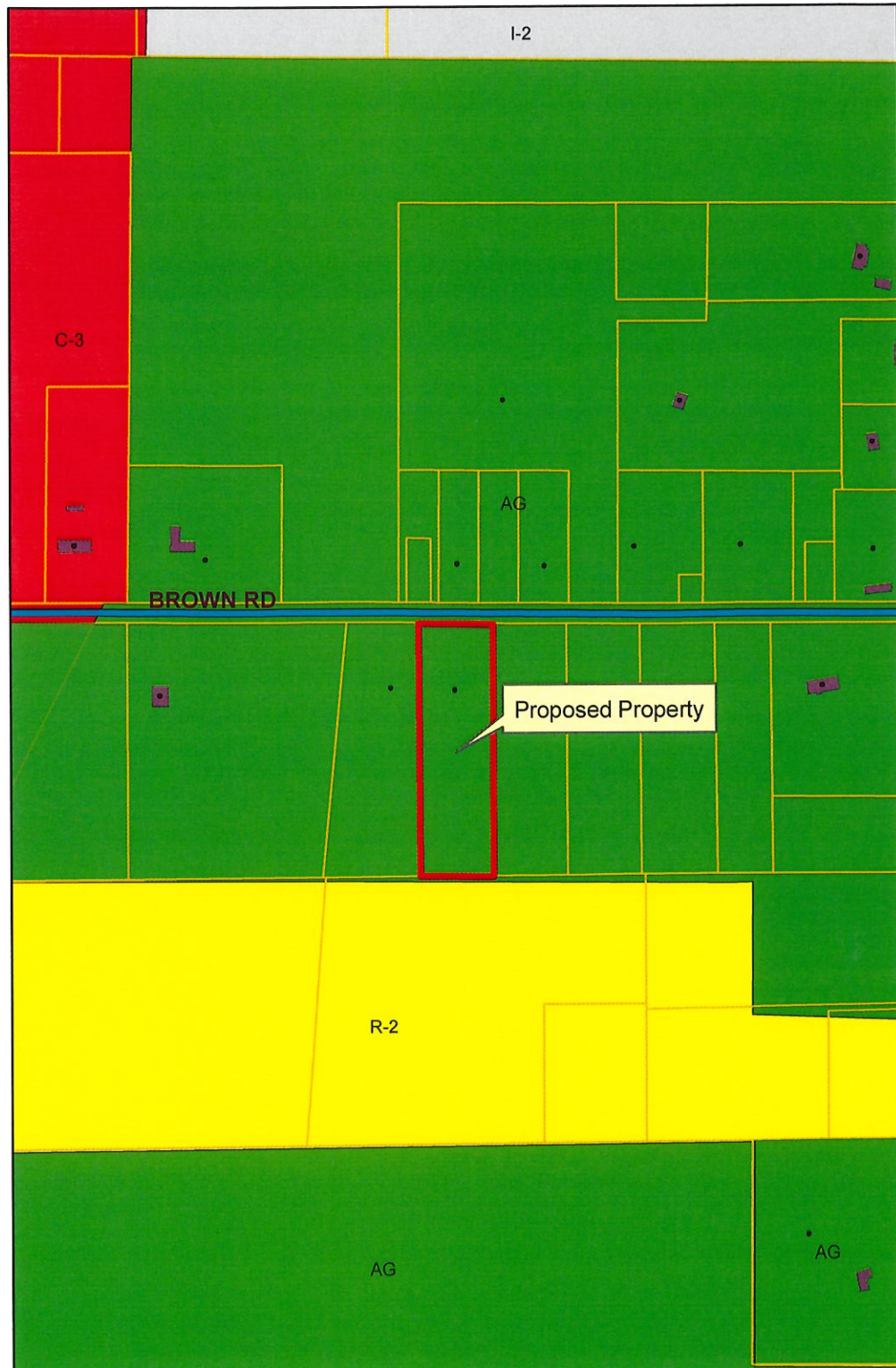


Exhibit C

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:

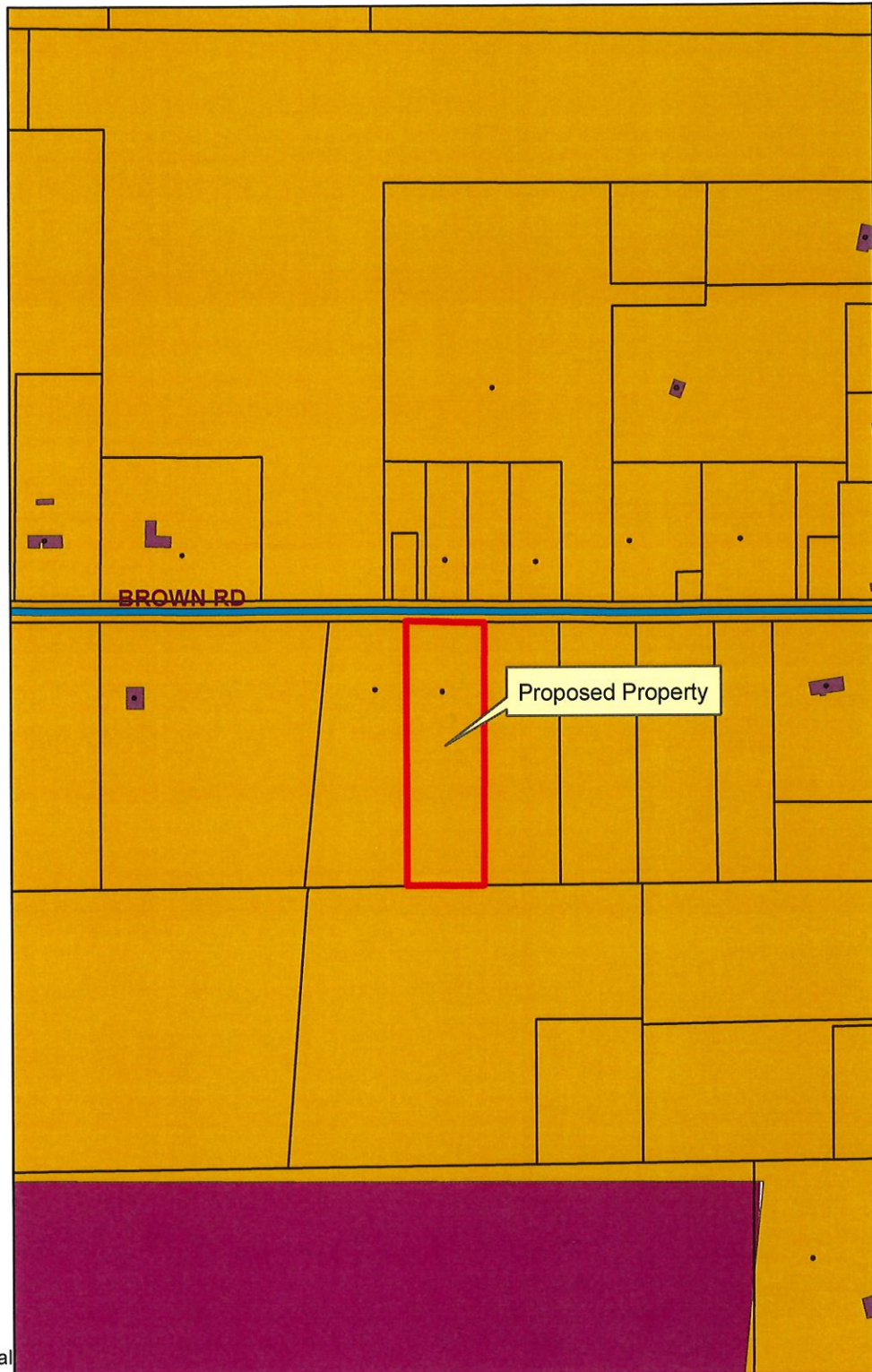
City of Gautier
Planning Department

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



Gautier Planning Commission

Regular Meeting Agenda

April 6, 2023

GPC #23-12-VAR

5412 Campbell Road

VII. NEW BUSINESS

2. Consider a request for a Variance to square footage requirements for a guest house in an AG Agricultural Zoning District. 5412 Campbell Road, (GPC #23-12-VAR)

**CITY OF GAUTIER
STAFF REPORT**

To: Chairman and Members, Planning Commission

From: Scott Ankerson, Planning Director

Date: March 22, 2023

Subject: Consider a request for a Variance to square footage requirements for a guest house in an AG Agricultural Zoning District. 5412 Campbell Road, (GPC #23-12-VAR)

REQUEST:

The Planning Department has received a request from Lisa M. Coutu for a one hundred sixty-nine (169) square foot variance for a guest house in an AG Agricultural Zoning District. 5412 Campbell Road, PID #85298069.000 (GPC #23-12-VAR). The application fee of \$175 was paid on February 17, 2023. All public notice requirements have been met.

BACKGROUND:

The applicant would like to build a nine hundred nineteen (919) square foot guest house in her rear yard for her elderly father and disabled brother. This total square footage includes the living area and a front porch. Per the Unified Development Ordinance (UDO), the total square footage of a guest house cannot exceed fifty percent (50%) of the heated and cooled square footage area of the principal residence or seven hundred fifty (750) square feet, whichever is less. The applicant is asking for a one hundred sixty-nine (169) square foot variance to the size of the guest house.

DISCUSSION:

The applicant is requesting a one hundred sixty-nine (169) square foot variance to the total square footage allowed for a guest house in an AG Agricultural Zoning District. The total square footage of a guest house cannot exceed fifty percent (50%) of the heated and cooled square footage area of the principal residence or seven hundred fifty (750) square feet, whichever is less.

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:

If recommending approval, Planning Commission shall record that the evidence presented meets all "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

23-12-VAR

TO BE HEARD BY GAUTIER PLANNING COMMISSION:		FEE:
Zoning Change	_____	\$300.00
Major Development	_____	\$100.00
Variance	_____	<u>\$175.00</u>
Appeal to Staff Decision	_____	\$100.00

176.00

Name of Applicant: Lisa M. Coutu
Name of Business: Retired Homeowner Phone: 228 818 7044
Property Address: 5412 Campbell Rd. Mailing Address (if Different): Same (7014) Joel
E-Mail Address: ugottaluvvalibra@hotmail.com

Reason for request, location and intended use of Property: Building in-law apartment at property listed above for elderly father and disabled brother.

ATTACHMENTS REQUIRED AS APPLICABLE: 169 sqft. variance needed

- ✓ 1. Diagram of intended use, showing dimensions and distances of property, building with setbacks, parking spaces, entrances and exits.
- ✓ 2. A detailed project narrative.
- N/A 3. Copy of protective covenants or deed restrictions, if any.
- N/A 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: Lisa Coutu Date of Application: 2/17/23

919 sf total under roof

- 750 sf allowed

169 sf variance (walkway unattached) B.C.

FOR OFFICE USE ONLY

Date Received 2-17-23 Verify as Complete BS/SA

Fee Amount Received 176.00 Initials of Employee Receiving Application BS

AG
April

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.

The water table is high and we will need to install a solid surface in order to provide a safe way to access the apartment. The occupants will require handicap accessibility.

- 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.

We are not sure what the limitations of the ordinance are, however we respectfully ask that our request is approved due to our needing handicap accessibility.

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

The high water table and the disabilities of my father and brother are not circumstances outside of our control.

- 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?

To our understanding our request for a variance is justified due to the circumstances outlined in the attached narrative. The proposed plans are for 720 sq feet of heated/cooled living area. The variance is for a 99 sq. foot covered porch and 60.59 foot covered walkway.

not attached to structure.

NARRATIVE

My husband and I are intending to build an in-law apartment for my elderly father (83 years old) and disabled brother (58 years old) who has cerebral palsy. My brother has lived with my parents his entire life and is unable to live on his own. Since my mother's passing my father has been living in a house that he no longer has the ability to properly clean and maintain while also taking care of my brother. It has become evident that he is no longer able to do so without assistance.

We live on 10 acres of land consisting of 2 parcels (5 acres each) immediately adjacent to one another. We intend to build right behind our house so that the in-law apartment will be approximately 60-70 feet from our back door. The other parcel is undeveloped and will remain so.

We have worked with an architect and have had plans drafted for the proposed in-law apartment. As drafted, the internal living area with heat and air conditioning is 720 square feet. The plans also include a porch area that is 199 square feet. The roof of the structure would extend to cover this area but it will otherwise be an outdoor sitting area for them to enjoy some outdoor time and to safely enter and exit the apartment. In addition, we also intend to have a covered walkway that extends from our existing carport to under the covered porch area so that they can walk to and from their apartment in inclement weather. This walkway will not actually be physically attached to the apartment, however as stated it will go underneath the extended roof. It will be approximately 60 square feet.

We are requesting a variance to allow for the porch area and covered walkway for two reasons. The first is that our yard has a very high water table and the ground becomes extremely soft and difficult to walk over whenever we have had any amount of rain. This is a safety concern for obvious reasons. The second is that we need to do this so that the apartment is handicap accessible in order to properly care for my father and brother. We would be unable to use a wheelchair without this additional walkway and the porch area will allow us to safely maneuver a wheelchair while entering and leaving the apartment.

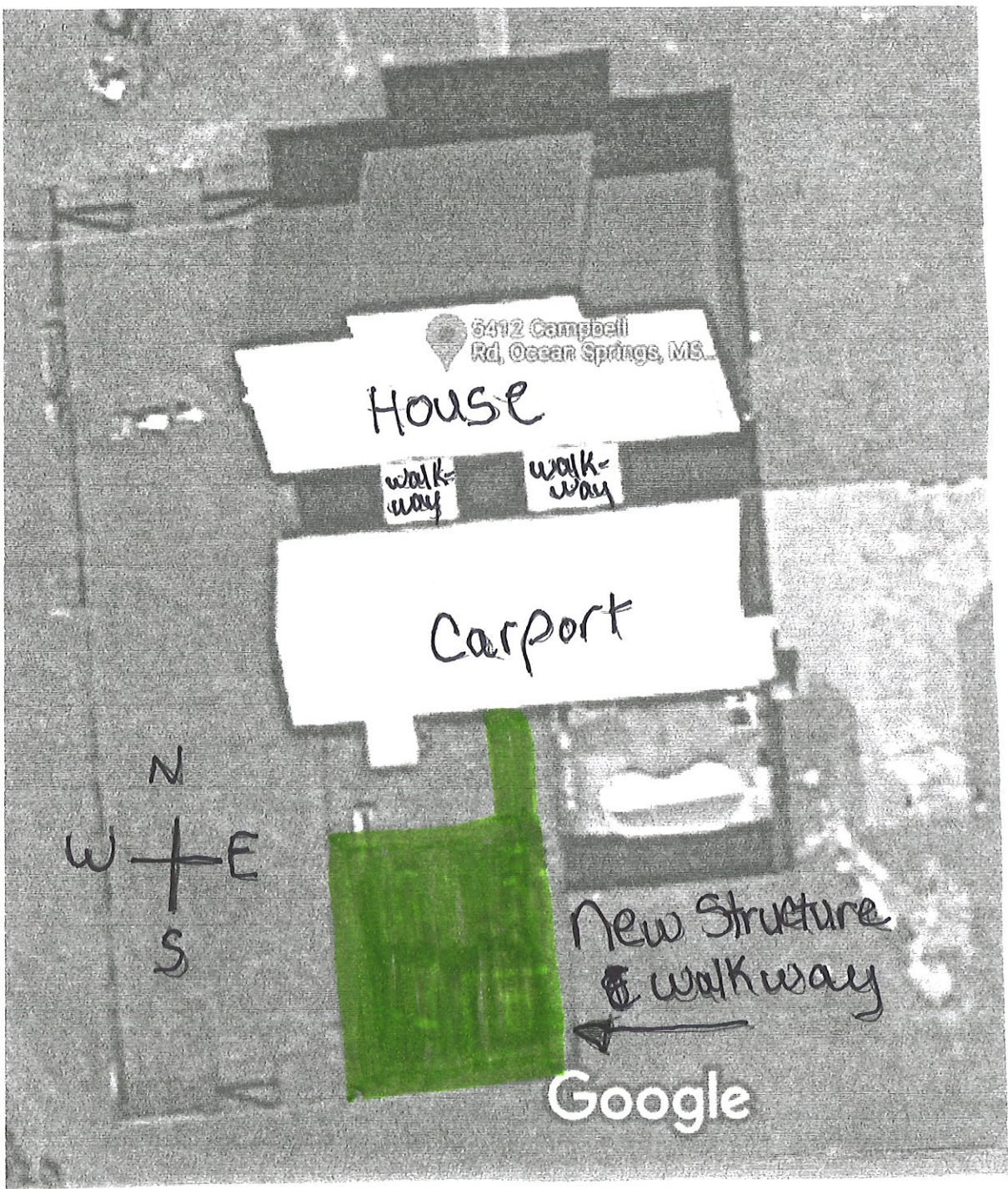
We hope to be granted this variance and thank you for your time and consideration.

Respectfully,

Lisa M. Coutu

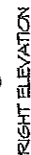
5412 Campbell Rd.

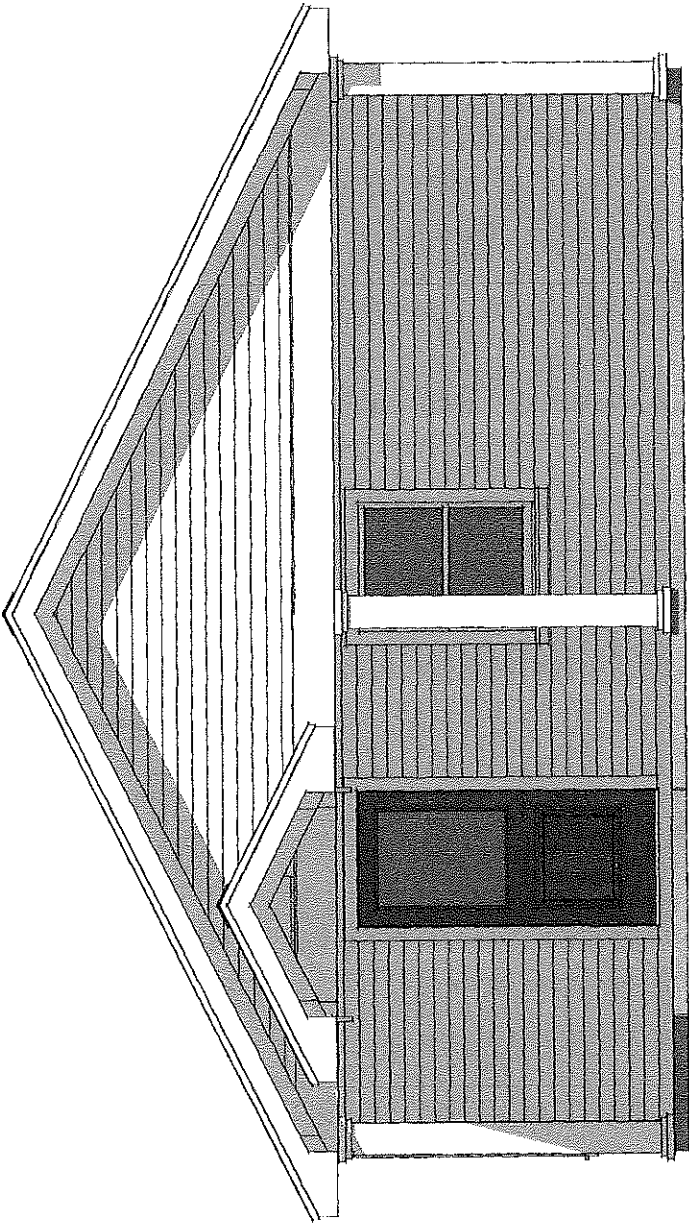


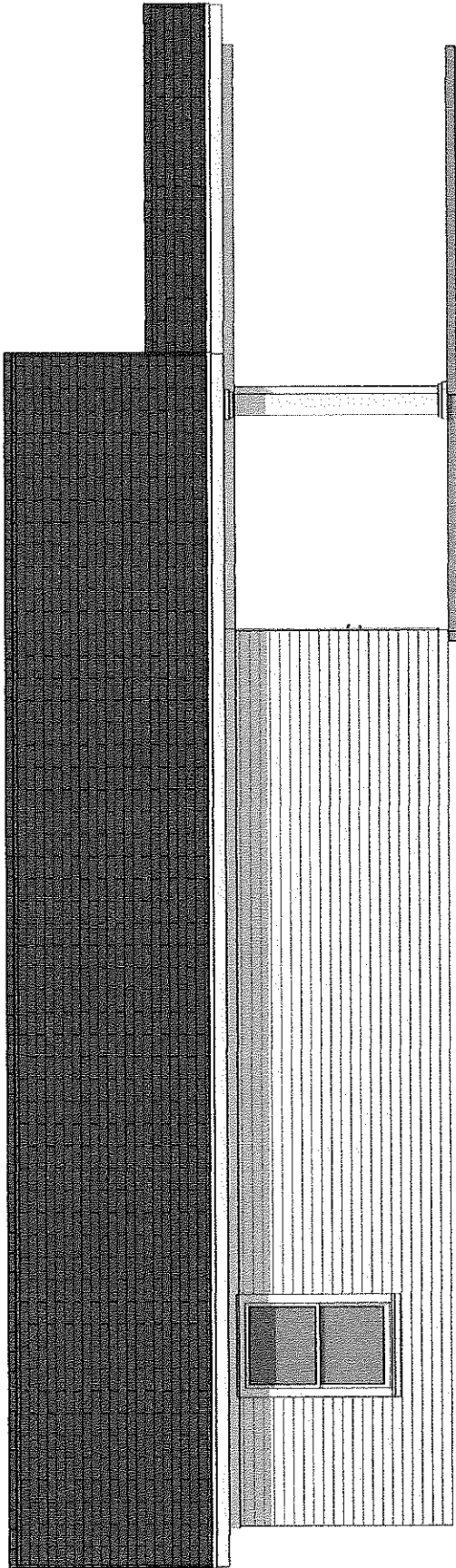


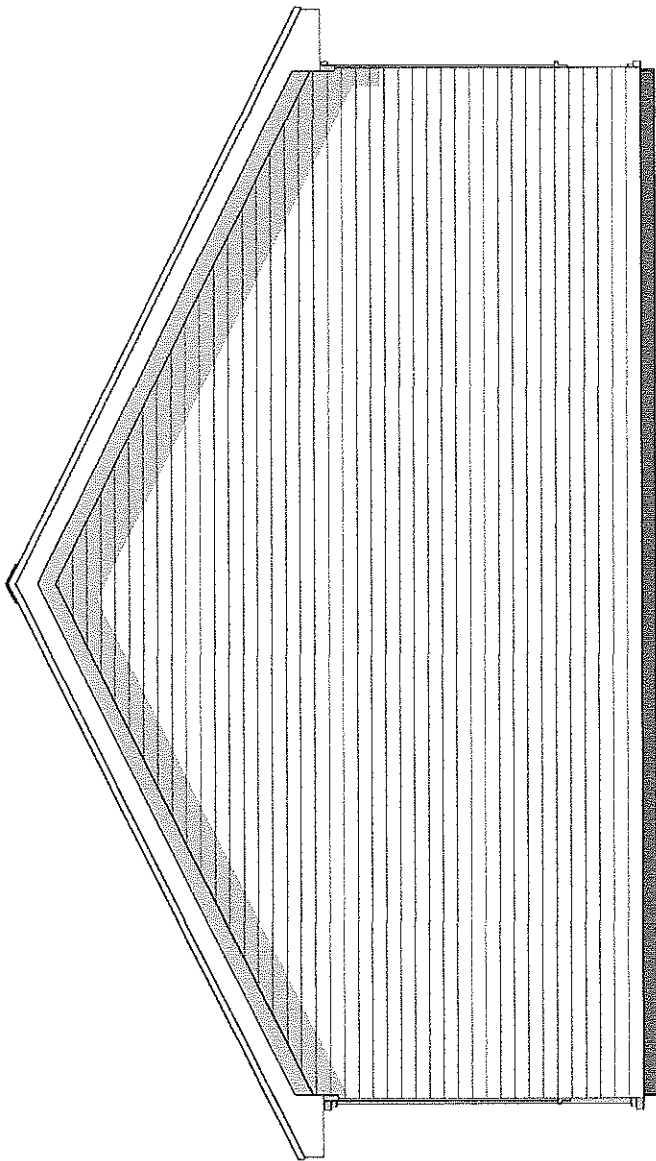
5412 Campbell Rd.

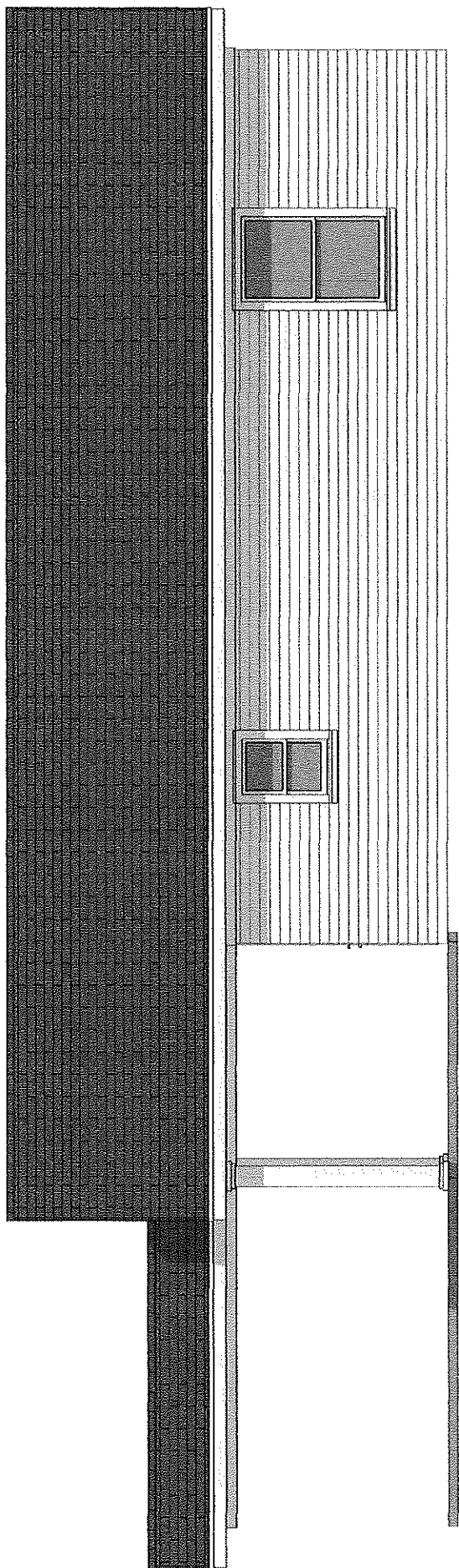
Inlaw Apartment Plans











85298069.000 COUTU JOEL P

PIDN: 85298069.000

GISP: 774.17-00-0111.00

Owner Information

Percent of Ownership: 100

Name: COUTU JOEL P

Name 2: COUTU LISA

Mailing Address: 5412 CAMPBELL RD
OCEAN SPRINGS MS
39564

Site Address: 5412 CAMPBELL RD GAUTIER

Land Information

Section: 17 Acreage: 5

Township: 7

Range: 7

Street Name CAMPBELL
RD

Value and Tax Information

Total Assessed Value: 18669

Total Appraised Value: 186694

Improvement Value: 144534

Land Value: 42160

Tax Amount: 2461

SQ FT: 1860

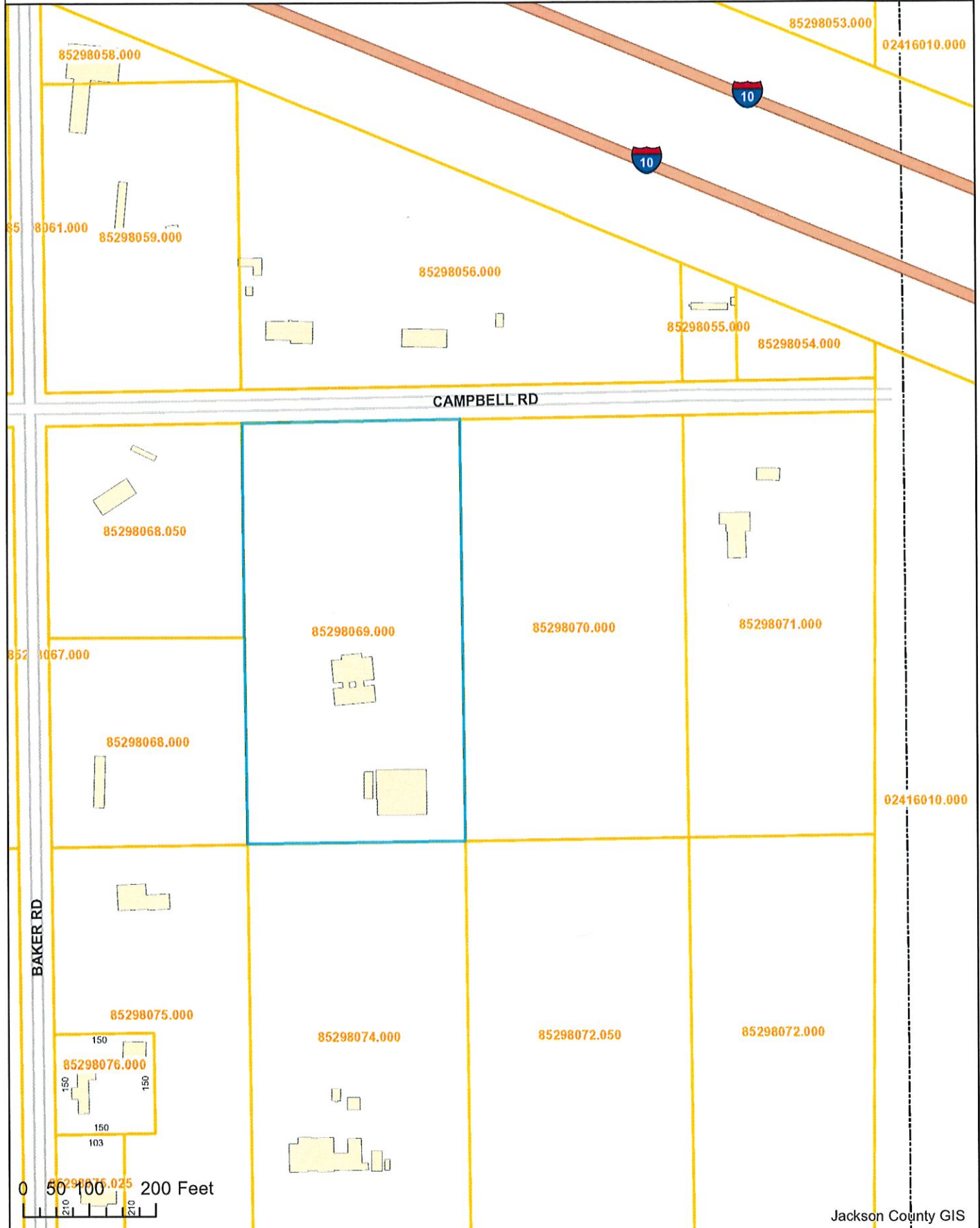
Year Built: 1998

Legal Description

Description: LOT 52 FOUNTAINEBLEAU ACRES (E 1
/2 SW 1/4 NE 1/4 SE 1/4) DB 1831
-339 (111 MAP774.17)

Deed Book / Page: 1831 / 339

85298069.000 COUTU JOEL P



Jackson County GIS

Exhibit A Location Map

Prepared by:
City of Gautier
Planning Department

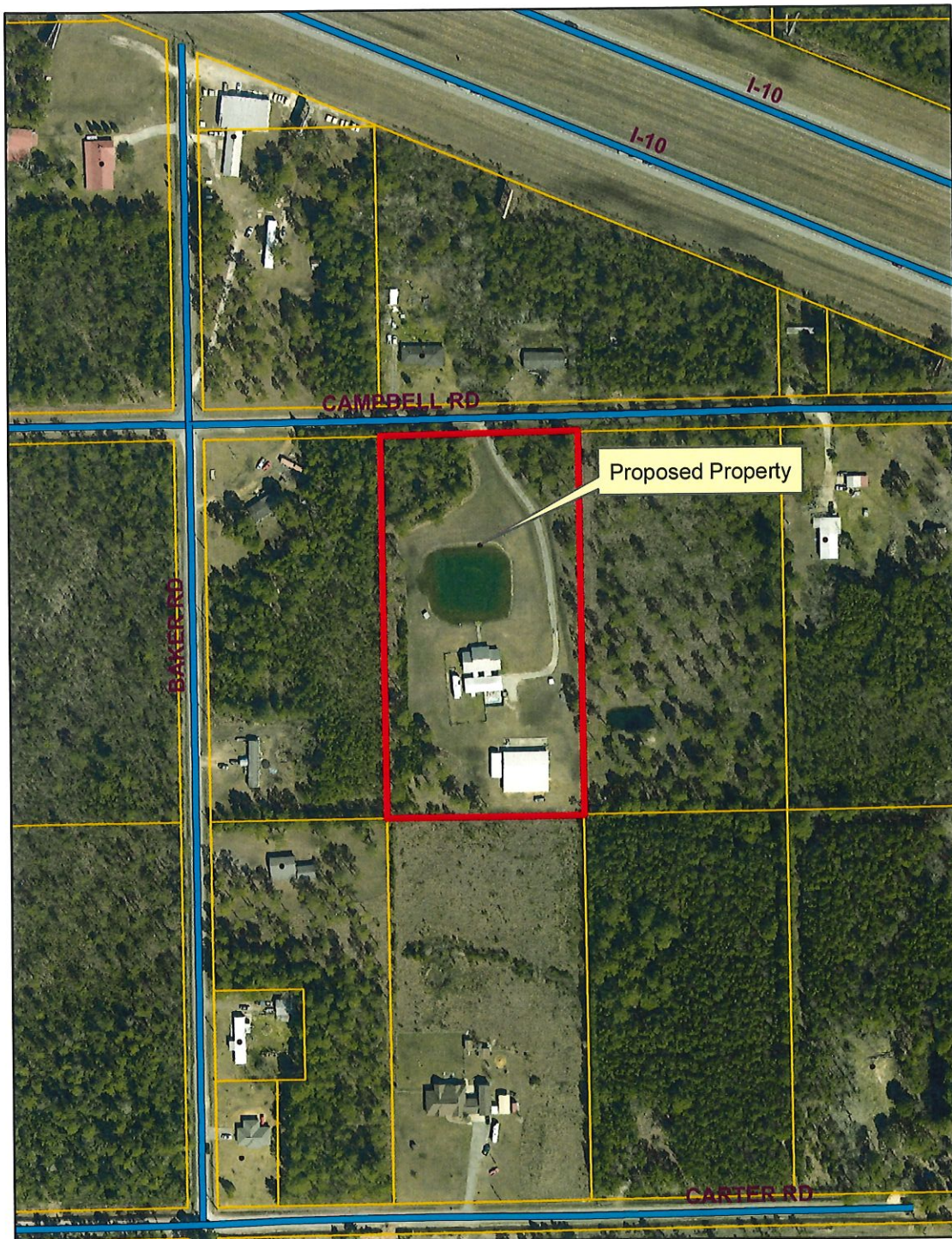


Exhibit B

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

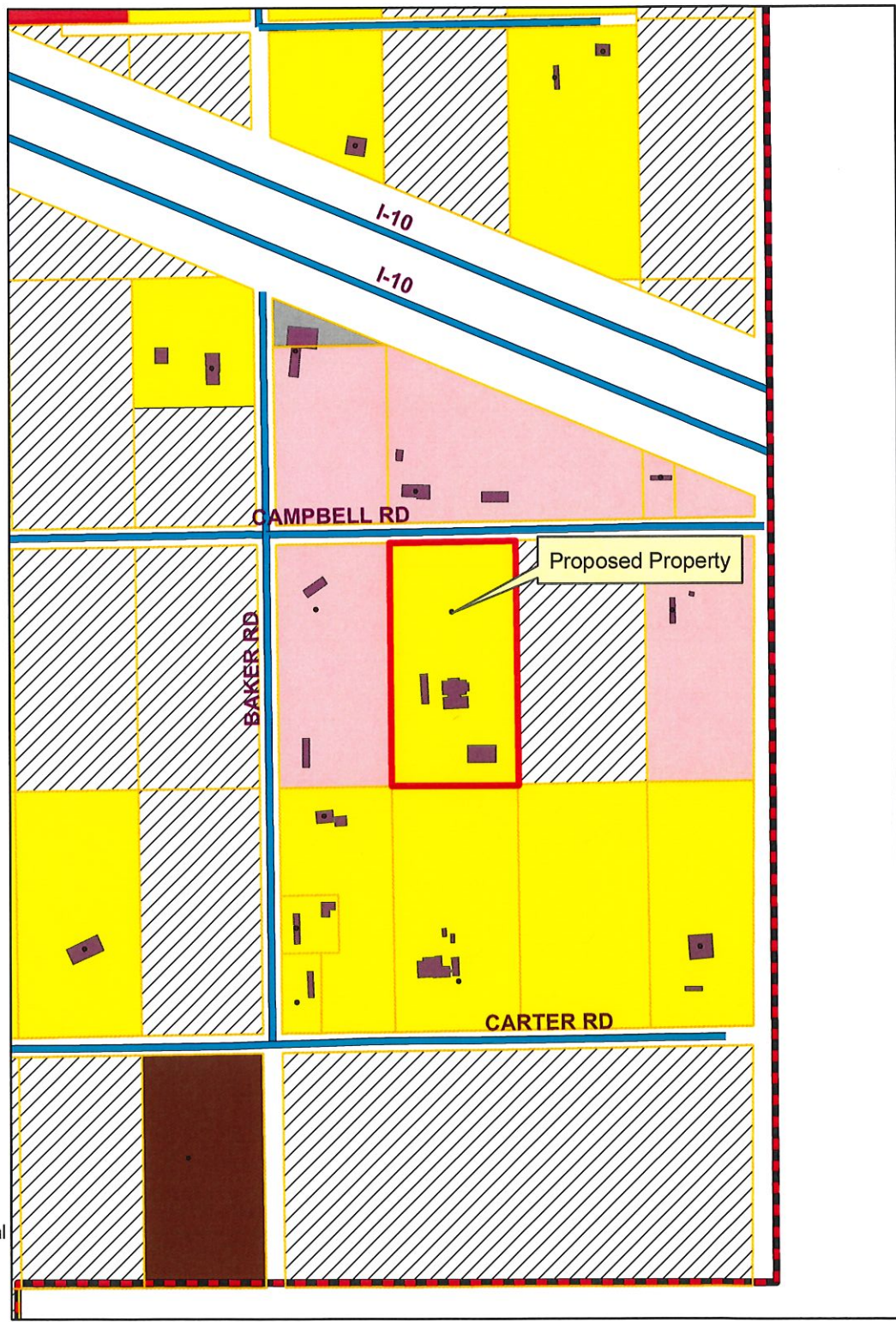


Exhibit D Future Land-Use

Prepared By:

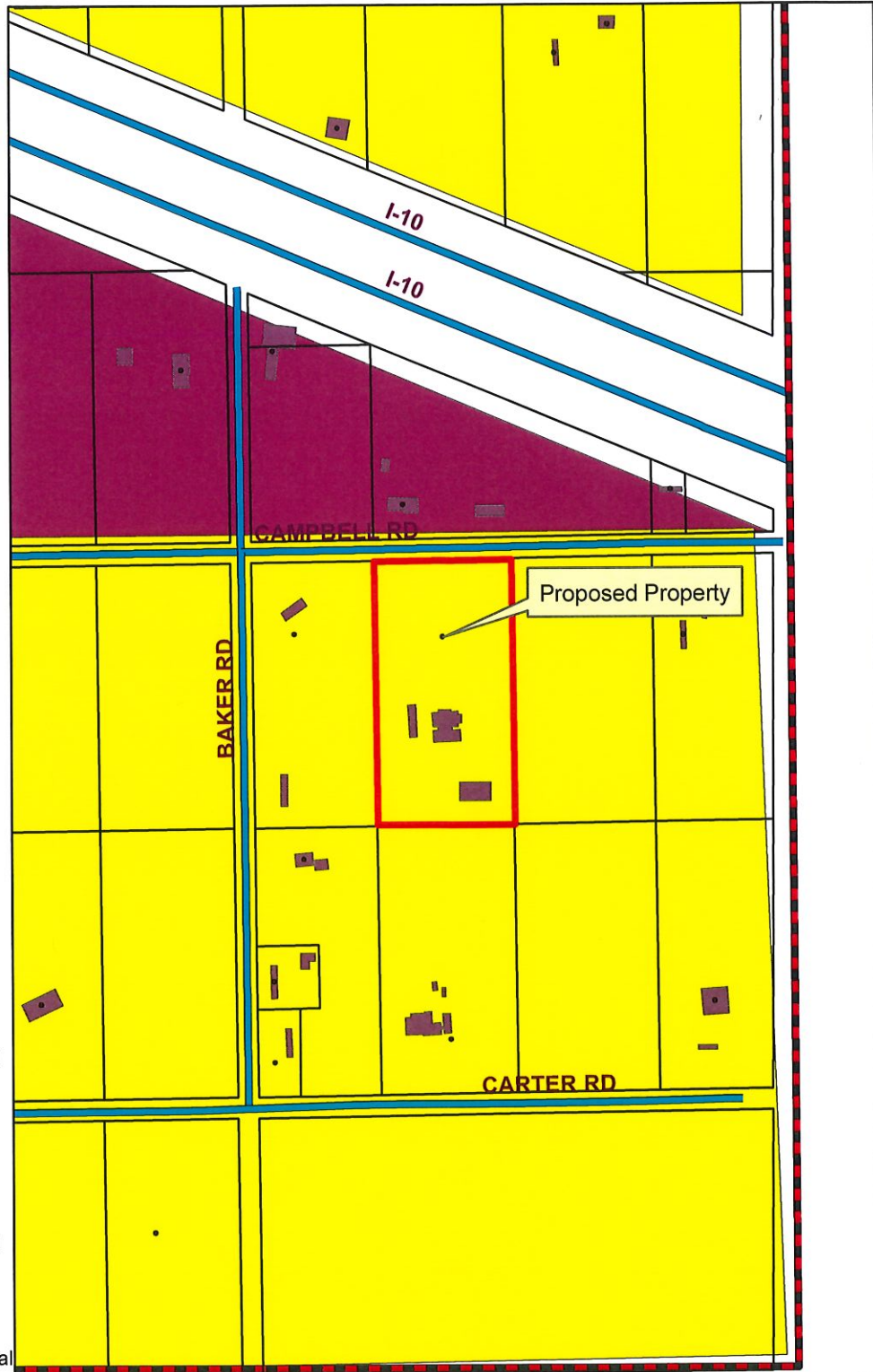
City of Gautier
Planning Department

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



Gautier Planning Commission

Regular Meeting Agenda

April 6, 2023

GPC #23-13-VAR

1408 Wesleyan Street

VII. NEW BUSINESS

3. Consider a request for a Variance to front yard and side yard setback requirements for an accessory building in a R-1 Low Density Single Family Residential Zoning District. 1408 Wesleyan Street, (GPC #23-13-VAR)

**CITY OF GAUTIER
STAFF REPORT**

To: Chairman and Members, Planning Commission

From: Scott Ankerson, Planning Director

Date: March 22, 2023

Subject: Consider a request for a Variance to side yard and front yard setback requirements for an accessory building in a R-1 Low Density Single-Family Residential Zoning District. 1408 Wesleyan Street, (GPC #23-13-VAR)

REQUEST:

The Planning Department has received a request from Carol Keating for a two foot (2') side yard variance and a fourteen foot (14') front yard variance for an accessory building in a R-1 Low Density Single-Family Residential Zoning District. 1408 Wesleyan Street, PID #86037407.100 (GPC #23-13-VAR). The application fee of \$175 was paid on February 22, 2023. All public notice requirements have been met.

BACKGROUND:

The applicant would like to build an unattached garage that would be eight feet (8') from the side property line and would come fourteen feet (14') in front of her house. Side yard setback requirements are ten feet (10') from the side property line and an accessory building must be behind the main structure front building line. Because there is a live oak tree adjacent to the existing garage, and the rear yard is in a flood zone, the applicant is asking for a two foot (2') side yard variance and a fourteen foot (14') front yard variance.

DISCUSSION:

The applicant is requesting a two foot (2') side yard variance and a fourteen foot (14') front yard variance for an accessory building in a R-1 Low Density Single-Family Residential Zoning District. Per the Unified Development Ordinance (UDO), an accessory building must be at least ten feet (10') from the side property line and must be behind the main structure front building line.

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:

If recommending approval, Planning Commission shall record that the evidence presented meets all "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

PLANNING DEPARTMENT
PUBLIC HEARING APPLICATION

Public Hearing Number

23-13-VAR

TO BE HEARD BY GAUTIER PLANNING COMMISSION:

FEE:

Variance _____

\$176.00

*Includes \$1.00 filing fee per MS Code §25-60-5

Name of Applicant:

Carol Keating

Name of Business: _____

Phone: 859.983.0518

Property Address:

1408 Wesleyan
Gautier, MS 39553

Mailing Address (if Different):

SAME

E-Mail Address:

song4parci@yahoo.com

Reason for request, location and intended use of Property:

storage / garage2 ft variance on side (to property line) 14 ft variance to the front

ATTACHMENTS REQUIRED AS APPLICABLE:

- ☒ 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 Planning Director.

Signature of Applicant:

Carol Keating

Date of Application:

2/17/23

FOR OFFICE USE ONLY

Date Received 2-22-23 Verify as Complete SAFee Amount Received 176.00 Initials of Employee Receiving Application BL

VARIANCE

Criteria for Approval

1. What 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. Are these special conditions and circumstances a result of your actions? Explain.
3. How will the literal interpretation of the provisions of this Ordinance deprive you of rights commonly enjoyed by other properties in the same district under the provisions of this Ordinance? Explain.
4. Will the granting of the Variance requested confer upon you any special privilege that is denied by this Ordinance to other similar sites (lots or parcels), structures or buildings in the same district? Explain.

1. There is a live Oak ^{tree} adjacent to the current garage. Area in back of house/garage is in the flood zone.
- 2.) No. The tree has been there for many years and the area behind the house has been in the flood zone for years. Thus building site is limited to adjacent/forward of current garage.
3. I am unable to enlarge my garage (due to a part of the home being in the flood zone), I need to build a separate structure, adjacent to the garage and in order to keep the live Oak the structure will ^{need to} be built forward of the tree. This will also move ^(the structure) it further out of the flood zone. Without the approval I would not be able to put all (3) vehicles in out of element and have no where to store tools, lawn equipment etc.
- 4.) I do not think so as I look around the area and see other structures like the one I want to build, It will help the property to look neater (with things properly stored)

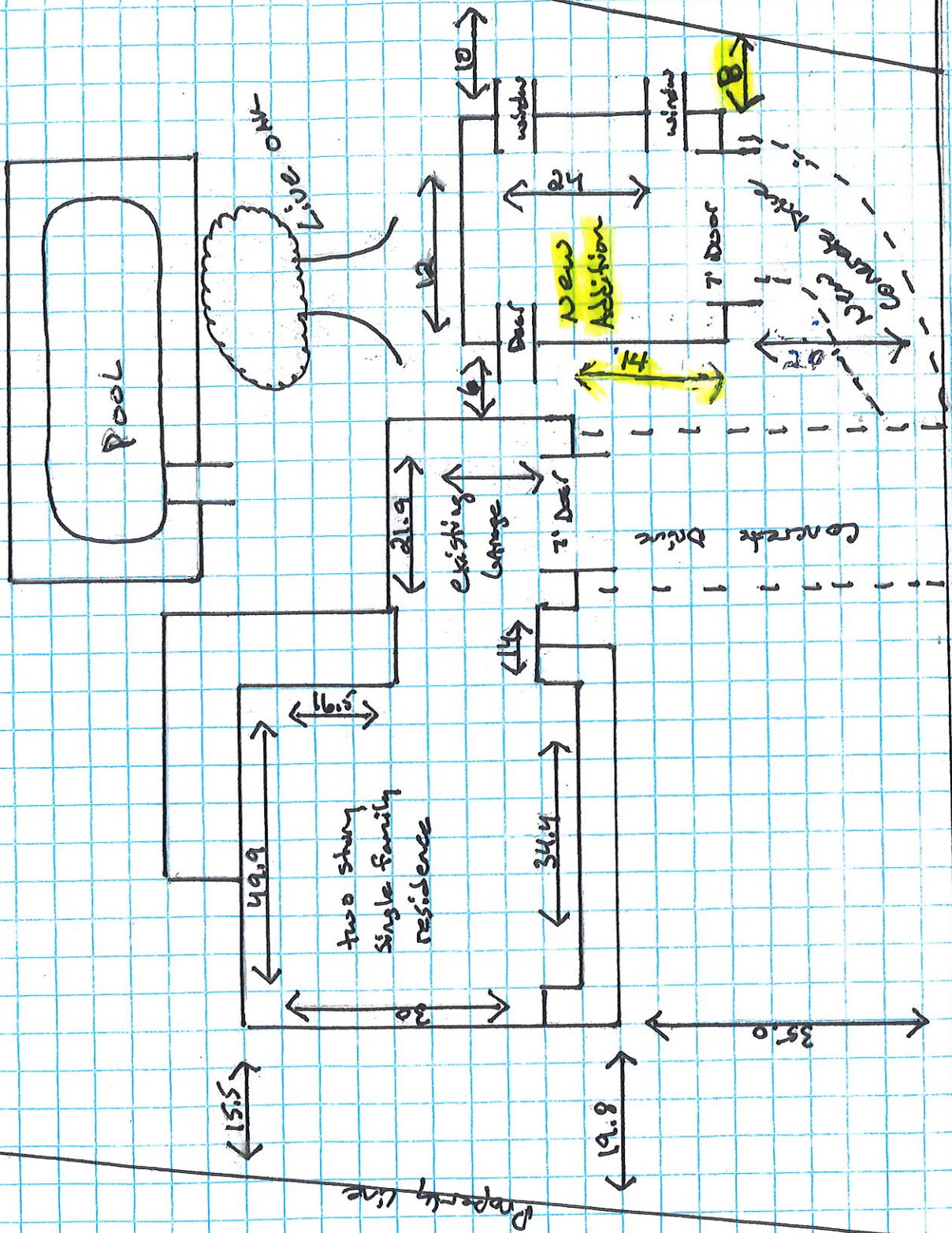
Specs For Garage Addition At 1709 Wesleyan Street

Gautier, MS.

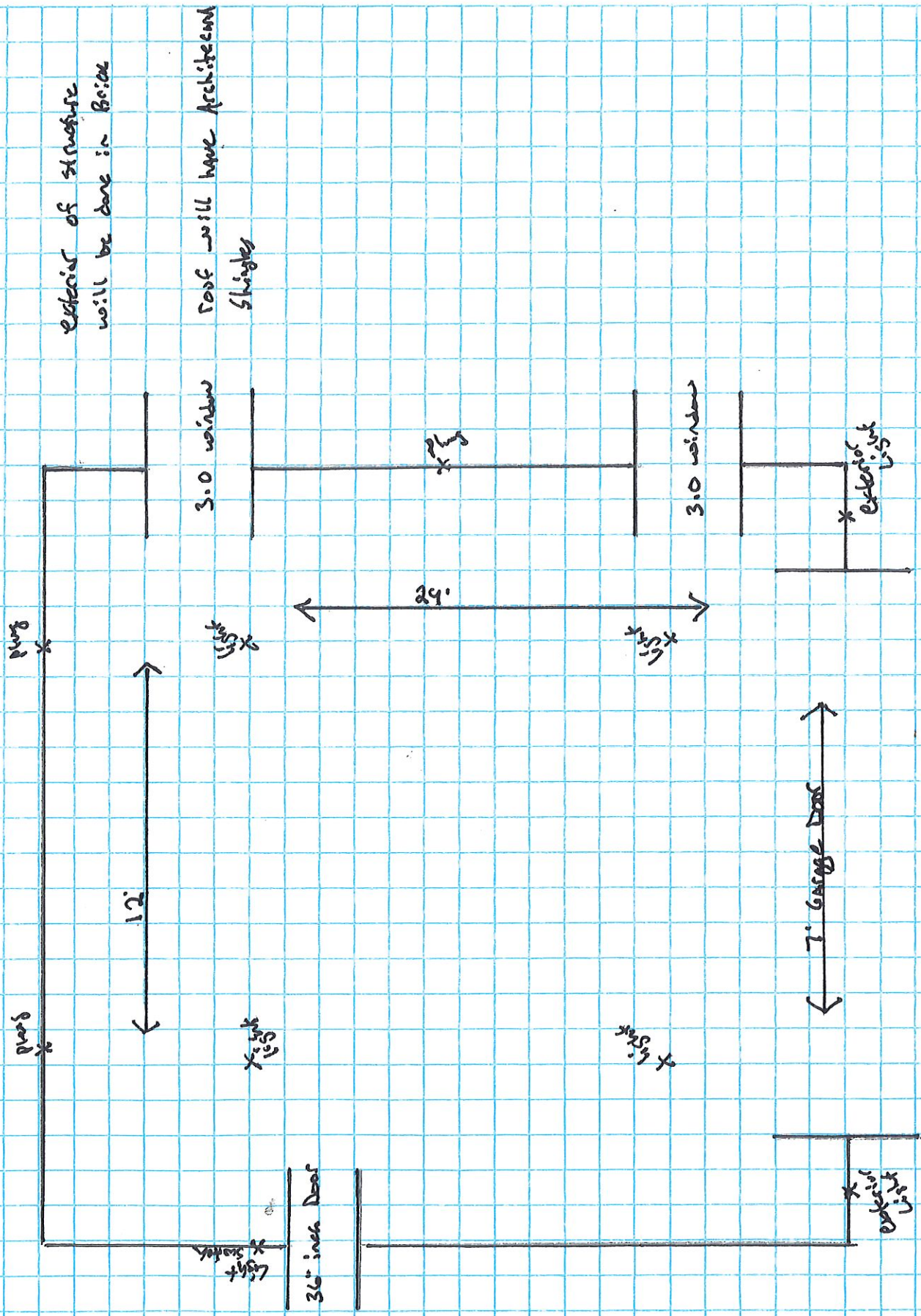
- 1) Pour a four-inch driveway and slab with footings that will meet the city code.
- 2) Frame walls and roof system with 2x6 boards. With boards laid out every 16 inches on center.
- 3) Use $\frac{1}{2}$ inch plywood for the roof decking with decking clips as needed.
- 4) Install new R19 insulation bates in the walls and R30 insulation in the ceiling.
- 5) Run four receptacles, two light switches, four flush mount ceiling lights and three exterior lights.
- 6) Install a new attic ladder.
- 7) Hang, tape, and mud walls with $\frac{1}{2}$ inch drywall
- 8) Texture walls and ceilings with orange peel texture.
- 9) Paint walls and ceilings.
- 10) Install new seven-foot garage door and opener.
- 11) Install two 3.0 vinyl windows.
- 12) Install two 36-inch exterior doors.
- 13) Install new gutter system with two downspouts.
- 14) Install new brick on exterior of building.
- 15) Install new roof with ice and water shield and architectural shingles with thirty pound felt.
- 16) Pour new 4-foot wide concrete sidewalk in-between existing garage and new addition.

We are asking for a 2-foot variance from the side of new addition to the existing garage so the new structure can be built by code. We are also asking for a 14-foot variance from the new addition to the road due to a live oak tree keeping us from building further back and in line with the existing structure.

SITE Plan



Wesleyan



Exterior of structure
will be done in brick

Roof will have Architectural
Shingles

plug

plug

12'

3.0 window

plug

light

36" inch Door

24'

plug

3.0 window

plug

light

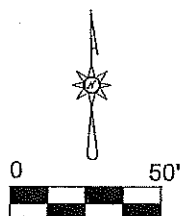
7' Garage Door

Exterior
light

light

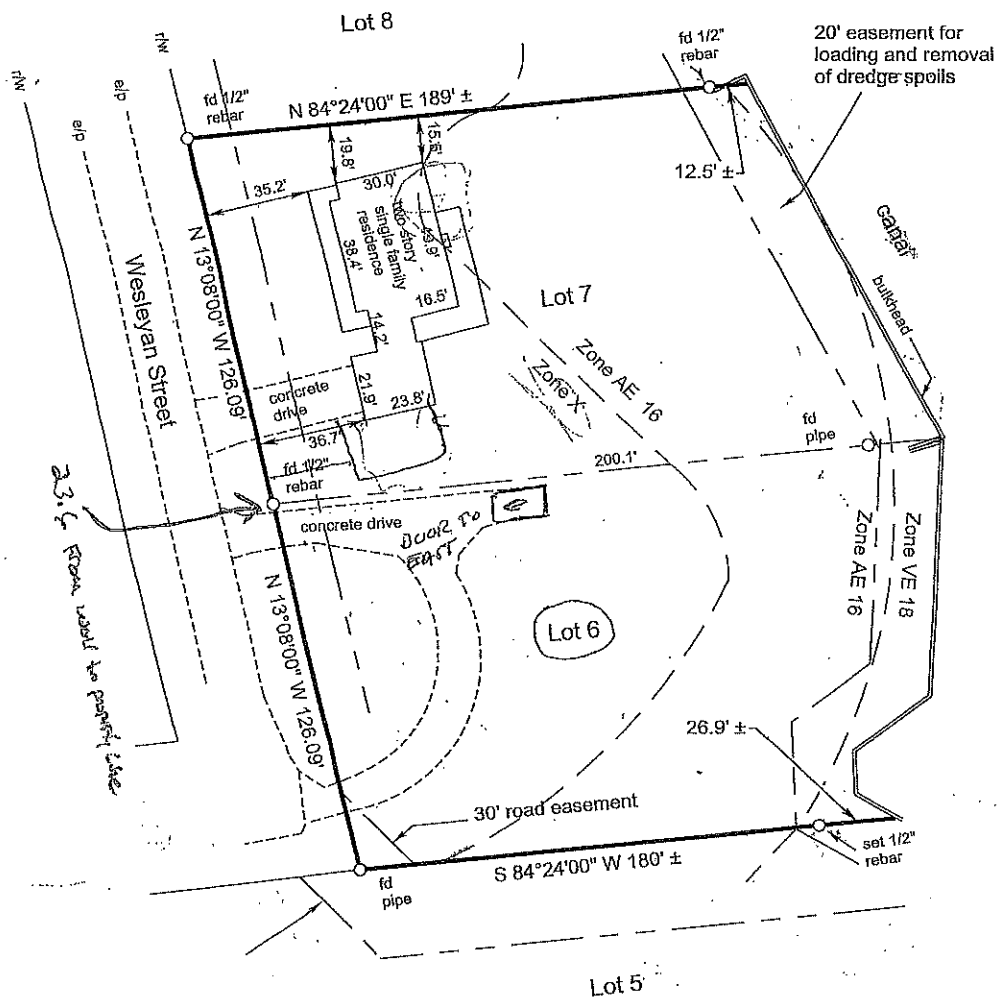
This property is located in Flood Zone VE 18, Zone AE 16 and Zone X according to Flood Insurance Rate Map #28059C 0407 G, Revised March 16, 2009.


Lewis Aldred, Jr. P.L.S.
May 23, 2012



All bearings on this plat are based on the north line of Lot 7.

Area - 1.18 acres $\pm$



86037407.100 KEATING CAROL

PIDN: 86037407.100

GISP: 871.11-04-0086.00

Owner Information

Percent of Ownership: 100

Name: KEATING CAROL

Name 2: KEATING MICHAEL

Mailing Address: 1408 WESLEYAN ST

GAUTIER MS

39553

Site Address: 1408 WESLEYAN ST GAUTIER

Land Information

Section: 11

Acreage: 0

Township: 8

Range: 7

Street Name WESLEYAN
ST

Value and Tax Information

Total Assessed Value: 27886

Total Appraised Value: 278864

Improvement Value: 240274

Land Value: 38590

Tax Amount: 0

SQ FT: 2639

Year Built: 1988

Legal Description

Description: LOT 7 OAKLEIGH PLACE S/D PB 17-3

8 DB 2054-100 (86 MAP871.11-04)

Deed Book / Page: 2054 / 100

Exhibit A Location Map

Prepared by:
City of Gautier
Planning Department

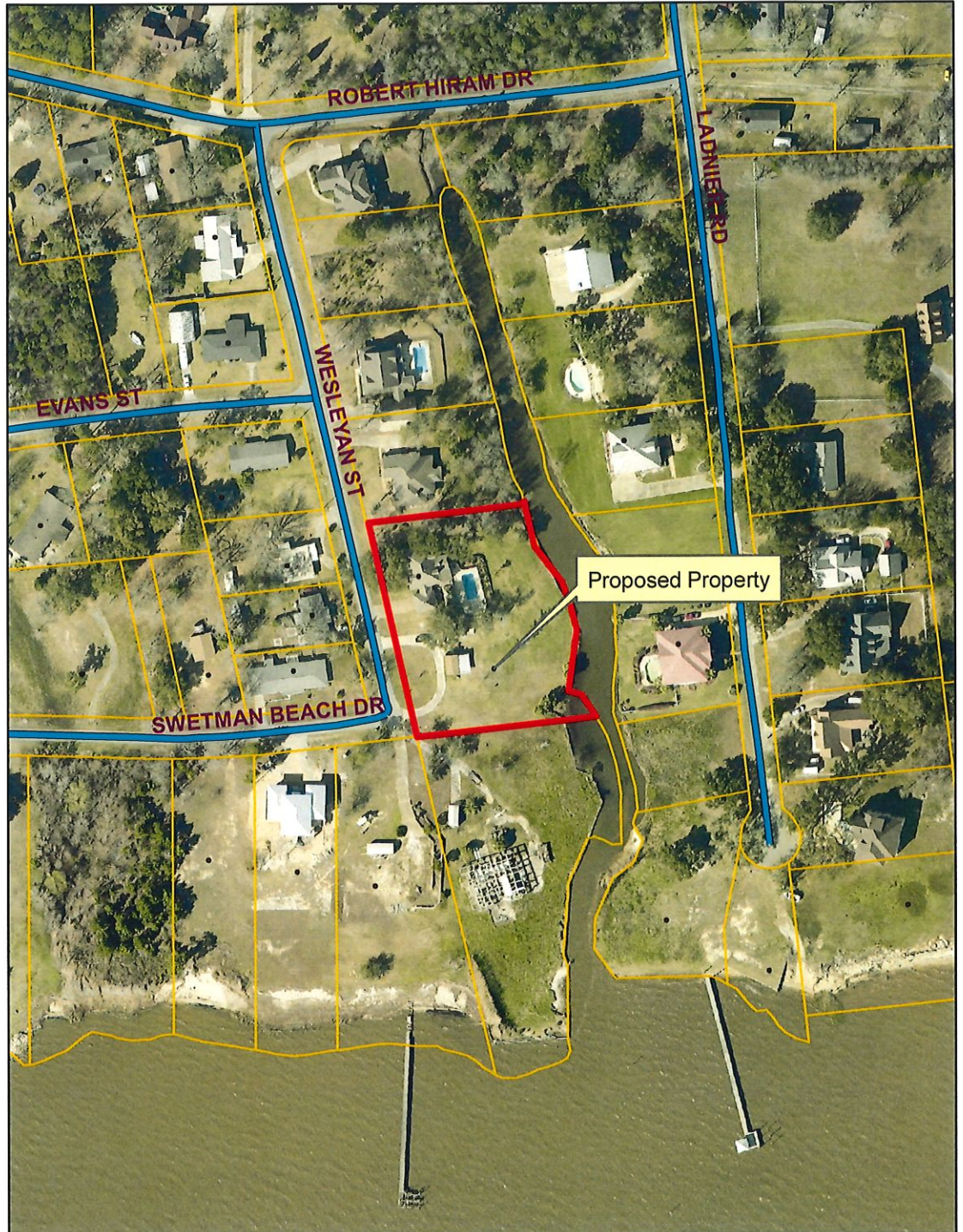


Exhibit B

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

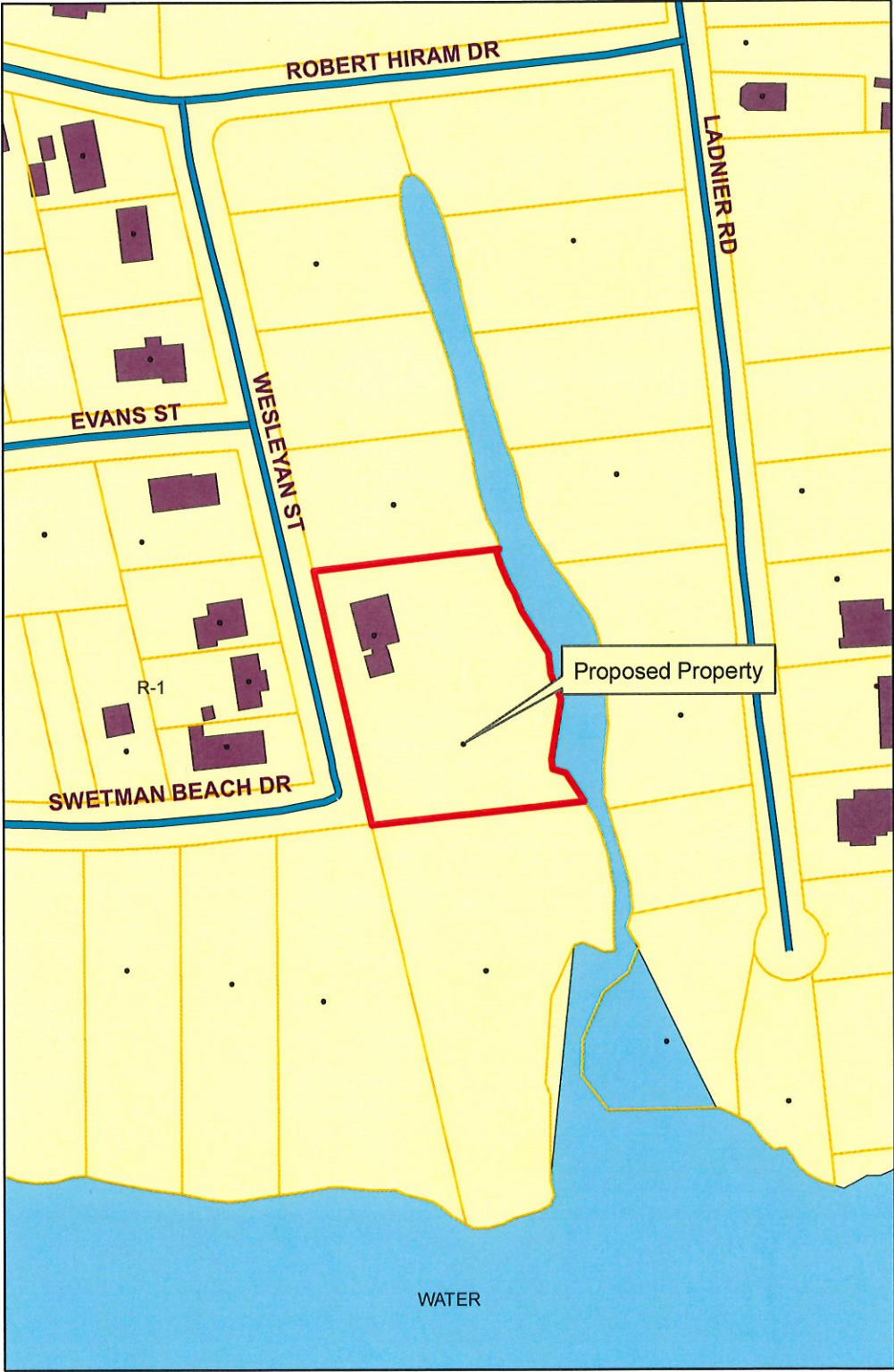


Exhibit C

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

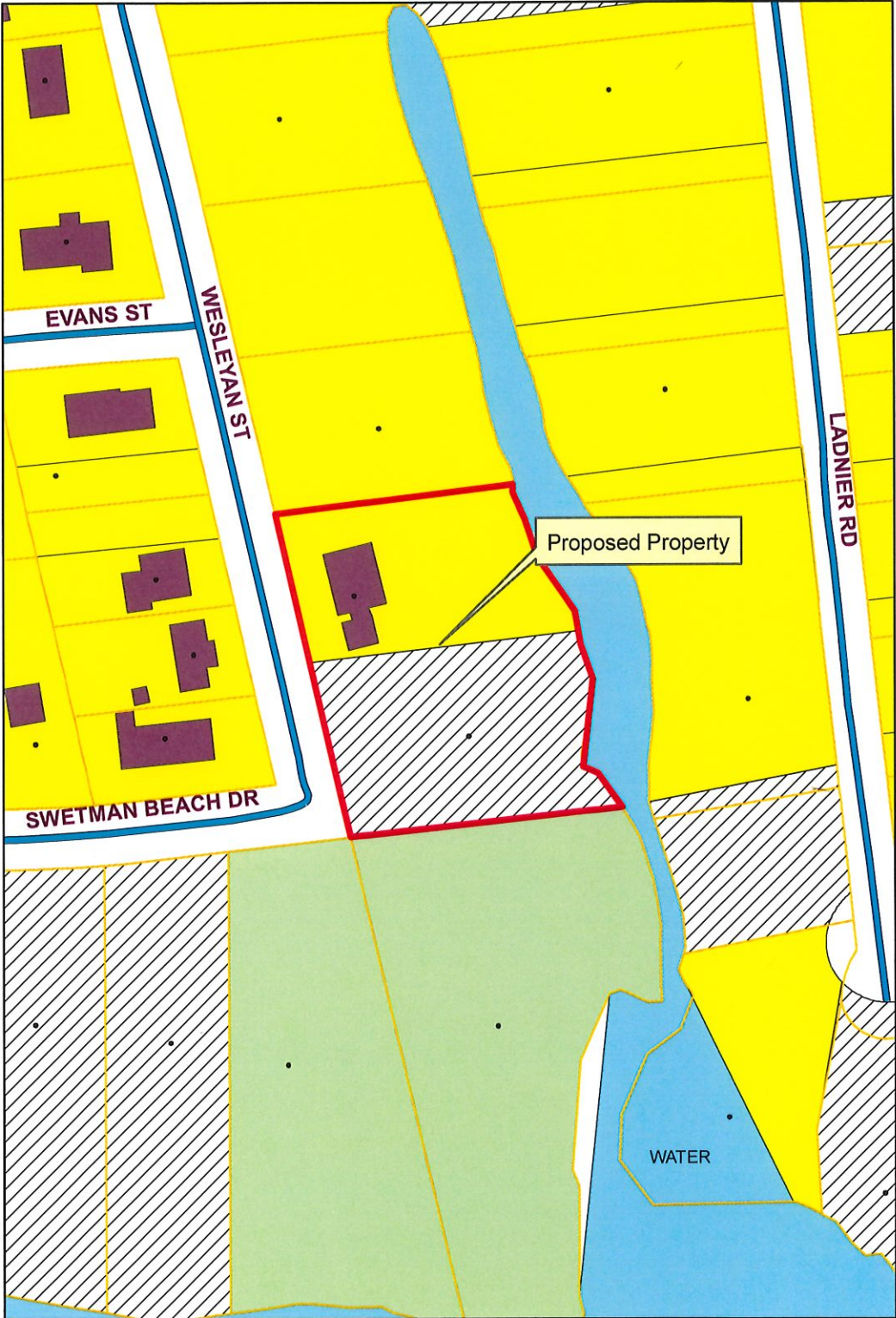


Exhibit D

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

