

AGENDA
GAUTIER PLANNING COMMISSION
June 1, 2023
5:30 PM

I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE (VOLUNTEER)

III. APPROVAL OF AGENDA

IV. APPROVAL OF MINUTES

1. Approval of Minutes from May 4, 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 Special Exception that would allow an accessory structure to be located on a lot without a primary structure in a R-1 Low Density Single-Family Residential District. 1404 Park Drive, (GPC #23-16-SE)
2. Consider a request for a Conditional Use-Major that would allow a Recreational Vehicle (RV) on an individual lot in the MURC-MW Mixed Use Recreation Commercial - Mary Walker Zoning District. 3124 Mary Walker Drive, (GPC #23-19-CU)
3. Consider a request for a Special Exception that would allow an accessory structure on a lot without a primary structure in a R-1 Low Density Single-Family Residential District. Tradewinds Drive, PID #86300014.050, (GPC #23-20-SE)

VIII. GENERAL DISCUSSION

1. PREVIOUS CASE UPDATES
2. PERMIT & TRC REPORTS

IX. ADJOURN

MAY 4, 2023
GAUTIER, MISSISSIPPI

BE IT REMEMBERED that a meeting of the Gautier Planning Commission of The City of Gautier, Mississippi, was held on May 4, 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 Ricky Decoteau, Chris Hoover, DeAnna McManus, and Josh Ward. Also present were Scott Ankerson, Planning Director, and Babs Logan, Planning Technician. Absent were William Davis and Paul Gainer.

AGENDA
GAUTIER PLANNING COMMISSION

MAY 4, 2023

5:30 P.M.

- I. CALL TO ORDER**
- II. PLEDGE OF ALLEGIANCE (VOLUNTEER)**
- III. APPROVAL OF AGENDA**
- IV. APPROVAL OF MINUTES (APRIL 6, 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 Special Exception that would allow an accessory structure to be located on a lot without a primary structure in a R-1 Low Density Single-Family Residential District. 1404 Park Drive, (GPC #23-16-SE) ***APPLICANT REQUESTED TO BE REMOVED FROM THIS AGENDA AND PLACED ON NEXT MONTH'S AGENDA.***
 - 2. Consider a request for a Variance to front yard setbacks for an addition in a R-1 Low Density Single-Family Residential Zoning District. 7310 Melody Drive, (GPC #23-17-VAR)

3. Consider a request for a Special Exception that would allow occupancy of an existing mobile home located in a R-1 Low Density Single Family Residential Zoning District. 7212 Home of Grace Road, (GPC #23-18-SE)

VIII. GENERAL DISCUSSION

- A. PREVIOUS CASE UPDATES
- B. PERMIT & TRC REPORTS

IX. ADJOURN

Commissioner Ward made a motion to approve the Agenda.

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

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

ABSENT: Paul Gainer
William Davis

Motion Passed

Commissioner Ward made a motion to approve the April 6, 2023, minutes.

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

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

ABSENT: Paul Gainer
William Davis

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 Special Exception that would allow an accessory structure to be located on a lot without a primary structure in a R-1 Low Density Single-Family Residential District. 1404 Park Drive, (GPC #23-16-SE) ***APPLICANT REQUESTED TO BE REMOVED FROM THIS AGENDA AND PLACED ON NEXT MONTH'S AGENDA.***

This request will be heard at the June 1, 2023, meeting per applicant's request.

2. Consider a request for a Variance to front yard setbacks for an addition in a R-1 Low Density Single-Family Residential Zoning District. 7310 Melody Drive, (GPC #23-17-VAR)

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

REQUEST:

The Planning Department has received a request from Austin Meldren for an eleven-foot seven inch (11'7") front yard variance for an addition in a R-1 Low Density Single-Family Residential Zoning District. 7310 Melody Drive, PID #87116051.000 (GPC #23-17-VAR). The application fee of \$175 was paid on March 29, 2023. All public notice requirements have been met.

BACKGROUND:

The applicant would like to build an addition to the front of his house that would begin thirteen feet five inches (13'5") from the front property line. He would need an eleven-foot seven-inch (11'7") variance to front setback requirements. Front yard setback requirements are twenty-five feet (25') from the front property line in a R-1 Zoning District.

DISCUSSION:

The applicant is requesting an eleven-foot seven inch (11' 7") front yard variance in a R-1 Zoning District to build an addition to his house. If approved, the front of the house would

be thirteen feet five inches (13'5") from the front property line. The front setback requirement in a R-1 Zoning District is twenty-five feet (25').

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.

Chairman Jamison asked the applicant to present his case.

Austin Meldren, the applicant, stated that when he and his fiancé started planning for a baby, they didn't realize they had to get permission to build an addition to their house.

Chairman Jamison noted that the addition could be built off the side of the house without a variance.

Mr. Meldren said they preferred the addition on the front so they could keep an eye on the front yard and who comes down the road. If they built onto the back of the house, it would

be secluded, and you would have to go through the house to see who was coming in the yard.

Commissioner McManus asked if there was any type of easement on the street.

Mr. Ankerson stated there is only the street right-of-way and there is grass area from the front property line to the street.

Commissioner McManus noted that the addition wouldn't look so close to the street because of the extra green space.

Commissioner Decoteau said that he had gone and looked at the property and there is a lot of room in the front yard. He also said that with the addition it still fits the neighborhood.

Commissioner Ward stated that it didn't look like his addition would come out much further than the house next door and that house has a fence that comes almost to the road.

Chairman Jamison noted that Melody Drive was a dead-end road and not a high traffic area.

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

ACTION TAKEN:

Commissioner Decoteau made a motion to recommend that the City Council approve the request as presented because it meets all the criteria for approval required by the UDO.

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

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

ABSENT: **William Davis**
 Paul Gainer

Motion passed.

3. Consider a request for a Special Exception that would allow occupancy of an existing mobile home located in a R-1 Low Density Single Family Residential Zoning District. 7212 Home of Grace Road, (GPC #23-18-SE)

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

REQUEST:

The Planning Department has received a request from Amy Clifford for a Special Exception that would allow occupancy of an existing mobile home in a R-1 Low Density Single-Family Residential Zoning District at 7212 Home of Grace Road, PID #85700292.000. (GPC #23-18-SE). The application fee of \$250 was paid on April 13, 2023. All public notice requirements have been met.

BACKGROUND:

The request property is zoned R-1 Low Density Single-Family Residential.

1. Location: 7212 Home of Grace Road, PID #85700292.000 (See Exhibit A)
2. General features of the proposed project:
Lot Size: Approximately 1 acre
3. Potable Water and Wastewater Services: Existing at current location
4. Current Zoning (See Exhibit B): R-1 Low Density Single-Family Residential
5. Current Surrounding Zoning (See Exhibit B): R-1 Low Density Single-Family Residential
6. Comprehensive Plan Future Land Use Designation (See Exhibit D): Very Low Density Residential.

DISCUSSION:

The following addresses the review criteria for a Special Exception outlined in Section 4.16.4 of the UDO.

1. Explain how a literal interpretation of the City of Gautier's Unified Development Ordinance would deprive the applicant of rights commonly enjoyed by others of the district in which the property is located, and would work unnecessary hardship upon the applicant?

Applicant Response: The Unified Development Ordinance should not apply to my family property. There has always been a trailer there and only because of my aunt's death has it been unoccupied. We would like to rent to keep the property from falling in disrepair. Again, my brother lives next door.

Staff Finding: *There are currently other occupied mobile homes within the R-1 district.*

2. Explain how the requested Special Exception will be in harmony with the purpose of the City of Gautier's Unified Development Ordinance and will not be injurious to the neighborhood or the general welfare?

Applicant Response: *I am sure the purpose of the ordinance is to prevent old run-down trailers from being occupied. The trailer, while not new, is not run down or abandoned.*

Staff Finding: *Staff's opinion is that approval of the request will not negatively affect the character of the property.*

3. Explain how the special circumstances requiring the proposed Special Exception are not results of actions of the applicant.

Applicant Response: *The death of my aunt who cared for the property led the family to wait to rent. We were unaware of new zoning.*

Staff Finding: *The applicant did not place the mobile home on this lot.*

NOTE: *Water has been off since May 2022, Power has been off since December 2021 (there has been illegal power on per SREPA)*

DETERMINATION OF APPLICABLE LAW:

1. The UDO defines a Special Exception as a relaxation of the terms of the Unified Development Ordinance where such an exception 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 undue hardship. Special Exceptions are necessary when an applicant seeks to establish or expand a use not ordinarily permitted in a specific zoning district. "Special Exceptions" are not transferable from one (1) owner of land to another.
2. Special Exception requires a public hearing before the Planning Commission and approval by the City Council (Section 4.14 of the UDO).
3. Once an application for a Special Exception is submitted to the Planning Department, the procedures outlined in UDO Section 4.14.1 will be followed. At the appropriate time, The Planning Commission will conduct a public hearing to determine whether the applicant meets all relevant criteria, and make a recommendation to City Council pursuant to UDO Section 4.14.4. City Council, pursuant to UDO Section 4.14.4(C), will then consider the matter at its next regularly scheduled meeting and approve or deny the Special Exception.

4. A Special Exception is required for uses not ordinarily permitted in a specific zoning district. Special Exceptions are not permitted by right, and may only be granted when certain criteria are established. (4.16.4)
5. Special Exceptions do not run with the land, and may be revoked by the Planning Department if any of the following circumstances are discovered:
 - A. The property changes ownership
 - B. The property is being utilized in a manner not permitted under the zoning regulations or the special exception; or
 - C. The property ceases to be used for the purpose allowed in the Special Exception for a period of one hundred eighty (180) days during the existence of the Special Exception.

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.

RECOMMENDATION & CONCLUSION:

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

The Planning Commission may:

1. Recommend that City Council approve the Special Exception;
2. Recommend that City Council approve the Special Exception with changes; or
3. Recommend that City Council deny the Special Exception.

Amy Clifford, the applicant, was not present at the meeting. She had received a call the day before reminding her about the meeting.

Chairman Jamison asked Mr. Ankerson if the issue was that R-1 doesn't allow mobile homes. She then noted that the whole area is mobile homes.

Mr. Ankerson stated that she was correct. He also stated that he believed the area was part of the comprehensive rezoning that was done when the Comprehensive Plan was put together in 2010. This was some of the areas that had previously been zoned for mobile homes by the county.

Chairman Jamison said she understood that the power had been off more than 180 days, but did Staff know how long it had been.

Babs Logan, Planning Technician, advised that Singing River EPA had said the power had been turned off in December 2021. They also said that when Ms. Clifford recently came to have it turned back on in her name it was discovered there had been illegal usage, apparently by the renter. She also advised that the water had been turned off in May 2022.

Mr. Ankerson stated that the Unified Development Ordinance (UDO) describes this type situation by using occupancy of structure. He said that having power and water is used as a gage to determine if a structure is habitable or occupied. It is a necessity for a structure to have all utilities current for it to be considered habitable. If one utility is not current that situation can be used to describe the structure as being not habitable or occupied. This can be determined by when the power or water was last on or if it is currently on.

Commissioner McManus asked if the applicant was going to rent the mobile home out.

Commissioner Hoover noted that the application stated there was a family ready to rent it.

Commissioner Decoteau stated the outside of the mobile home looked a lot better than some of the others in the area.

Mr. Ankerson stated that he did not know the condition of the inside of the mobile home because a permit for an inspection could not be obtained until the Special Request was heard by the City Council and approved.

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

ACTION TAKEN:

Commissioner McManus made a motion to recommend that the City Council approve the Special Exception as presented because it meets all the criteria for approval required by the UDO.

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

AYES: Kay C. Jamison
Chris Hoover
Ricky Decoteau
DeAnna McManus

OPPOSED: Josh Ward

ABSENT: William Davis
Paul Gainer

Motion passed.

GENERAL DISCUSSION

A. PREVIOUS CASE UPDATES

Mr. Ankerson advised Commissioners that City Council approved Cases GPC #23-11-VAR and GPC #23-12-VAR for variances to square footage for a guest house, and GPC #23-13-VAR for a variance to side and front yard setbacks for an accessory building.

B. PERMIT & TRC REPORT

Mr. Ankerson presented the April 2023 reports.

Commissioner Ward made a motion to adjourn the meeting.

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

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

ABSENT: Paul Gainer
William Davis

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

May 4, 2023

GPC #23-17-VAR

7310 Melody Drive

VII. NEW BUSINESS

2. Consider a request for a Variance to front yard setback requirements for an addition in a R-1 Low Density Single Family Residential Zoning District. 7310 Melody Drive, (GPC #23-17-VAR)

**CITY OF GAUTIER
STAFF REPORT**

To: Chairman and Members, Planning Commission

From: Scott Ankerson, Planning Director

Date: April 21, 2023

Subject: Consider a request for a Variance to front yard setback requirements for an addition in a R-1 Low Density Single-Family Residential Zoning District. 7310 Melody Drive, (GPC #23-17-VAR)

REQUEST:

The Planning Department has received a request from Austin Meldren for an eleven-foot seven inch (11'7") front yard variance for an addition in a R-1 Low Density Single-Family Residential Zoning District. 7310 Melody Drive, PID #87116051.000 (GPC #23-17-VAR). The application fee of \$175 was paid on March 29, 2023. All public notice requirements have been met.

BACKGROUND:

The applicant would like to build an addition to the front of his house that would begin thirteen feet five inches (13'5") from the front property line. He would need an eleven-foot seven inch (11'7") variance to front setback requirements. Front yard setback requirements are twenty-five feet (25') from the front property line in a R-1 Zoning District.

DISCUSSION:

The applicant is requesting an eleven-foot seven inch (11' 7") front yard variance in a R-1 Zoning District to build an addition to his house. If approved, the front of the house would be thirteen feet five inches (13'5") from the front property line. The front setback requirement in a R-1 Zoning District is twenty-five feet (25').

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:

23-17-VAR

TO BE HEARD BY GAUTIER PLANNING COMMISSION:

FEE:

Variance

\$175.00

*Includes \$1.00 filing fee per MS Code §25-80-5

Name of Applicant: Austin Meldren

Name of Business: Phone: 228-369-2216

Property Address: 7310 melody drive Gautier, MS. 39553
Mailing Address (if different):

E-Mail Address: aismeldren@gmail.com

Reason for request, location and intended use of Property: Would like to add an extra room
due to baby on the way in 8 months. Front or Back of house (east or west). To live in.

ATTACHMENTS REQUIRED AS APPLICABLE: need 4.5' variance in front

- ✓ 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 Planning Director.

Signature of Applicant: [Signature] Date of Application: 3-28-23

FOR OFFICE USE ONLY

Date Received 3/29/23 Verify as Complete SA

Fee Amount Received 176.00 Initials of Employee Receiving Application BR

VARIANCE

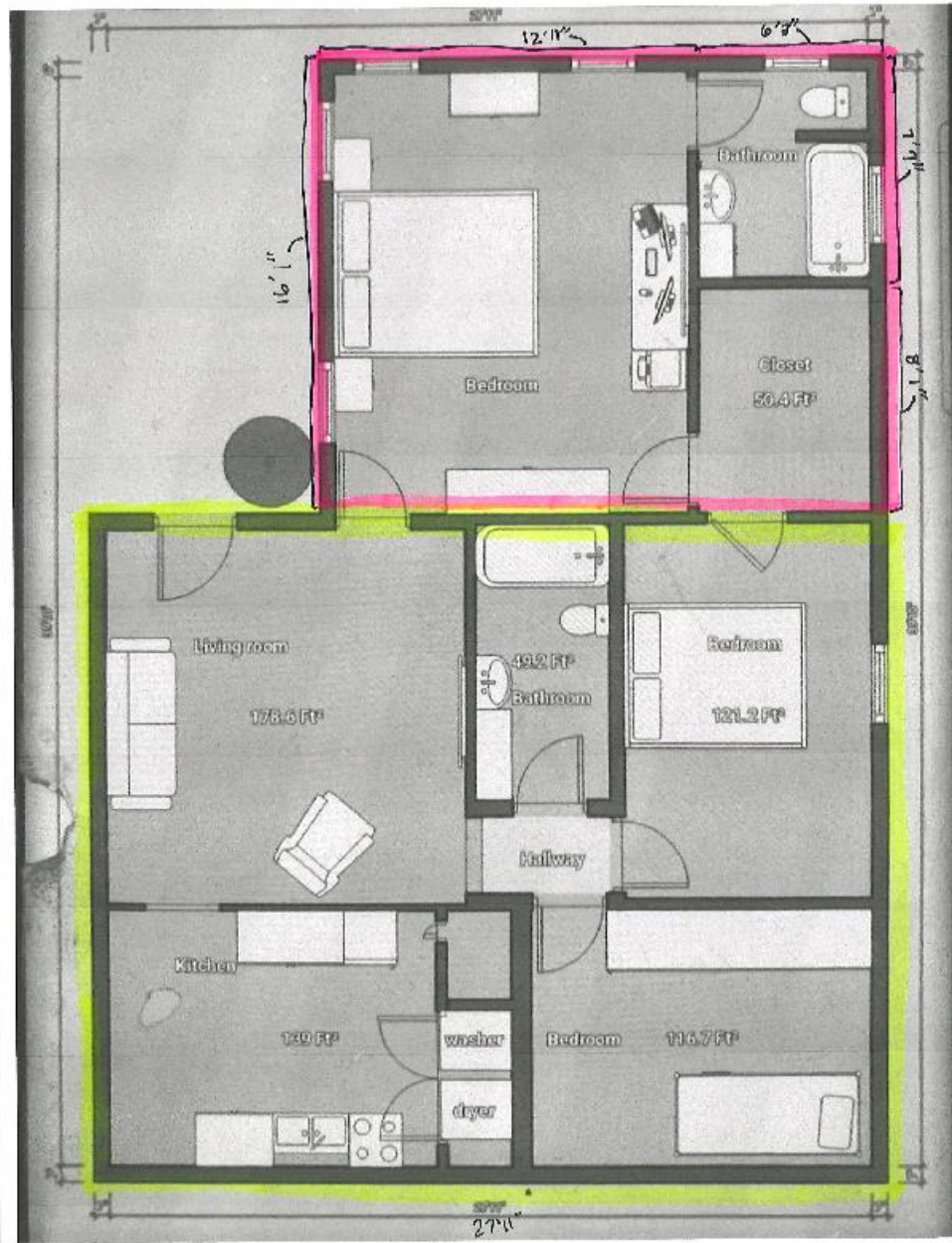
Criteria for Approval

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?
one special condition/circumstance I would like to list is that we have a baby on the way and we would like to allocate a room for her or her. Also, on the south end of the property we park vehicles just stating since code recommended I build there.
2. Are these special conditions and circumstances a result of your actions? Explain.
I would say in a way yes, because (we) decided to make a baby & didn't consider not getting approved for the room addition...
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.
If the literal interpretation of this ordinance is upheld, I would say my rights of altering my home that I own would be somewhat taken away. Sadly, I am in hopes that I will be granted permission to add a room for the arriving baby.
4. Will the granting of the Variance requested confer upon you any special privilege that is created by this Ordinance to other similar sites (lots or parcels), structures or buildings in the same district? Explain. *I would say no, because the little room addition would still leave a full yard of space not noticable otherwise.*

NARRATIVE

My fiance and I sadly did not consider the circumstance of not being within city code ^{with the addition} when we tried for a baby. We are in high hopes that permission is granted, so that the newly arriving baby has a room. If we have to move to the east side to build we will make that sacrifice if our permission is granted. The addition would be small and still leave extensive yard space. We utilize the south side for vehicle parking, ect. I was informed that neighbor's would be asked about the addition and I just wanted to mention that my neighbor's to the east don't like me, because I asked them with financial help to get their leaning/dead pine tree down. I footed the bill for it to come down, and I am pretty sure they only hate/don't speak to me/acknowledge me because of my race so I'm sure it would be a "No" from them out of pure prejudice spite. The tree was endangering my life & now there is a second dead one as well I'll have to pay for. Please consider their racially biased "No" when considering my permission to build. The neighbor to the north I'm sure will have no problem with it. (Joseph). (I don't ~~now~~ know the biased neighbor's names they won't speak to me). Also I am a working college student with 5 A.S degrees working toward B.S in engineering. Any lenience would be greatly appreciated.





FIDN: 87116051.C00
GSP: /71.12.04-0178.COM

Percent of Ownership: 100
Name: MELDRENAUSTIN J
Name 2:
Mailing Address: 7310 MELODY DR
GAUTIER MS
39553

Land Information

Value and Tax Information

Total Assessed Value:	2564	Total Appraised Value:	2564
Improvement Value:	19771	Land Value:	5870
Tax Amount:	260	SQ FT: 785	Year Built: 1980

Description: PT LOTS 55 & 66 SINGING RIVER LA
ND S/D DECS AS: COM NW COR LOT 6
S S 78.04' TO POB S 71.98' E 79'
N 69.13' N 87 DEG W 79.05' TO P
OB D3 185'-601 (178M N 9771.12-0
4)

il.ca/web@protection.mel.ca

87116051.000 MELDREN AUSTIN J



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 Gaultier
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

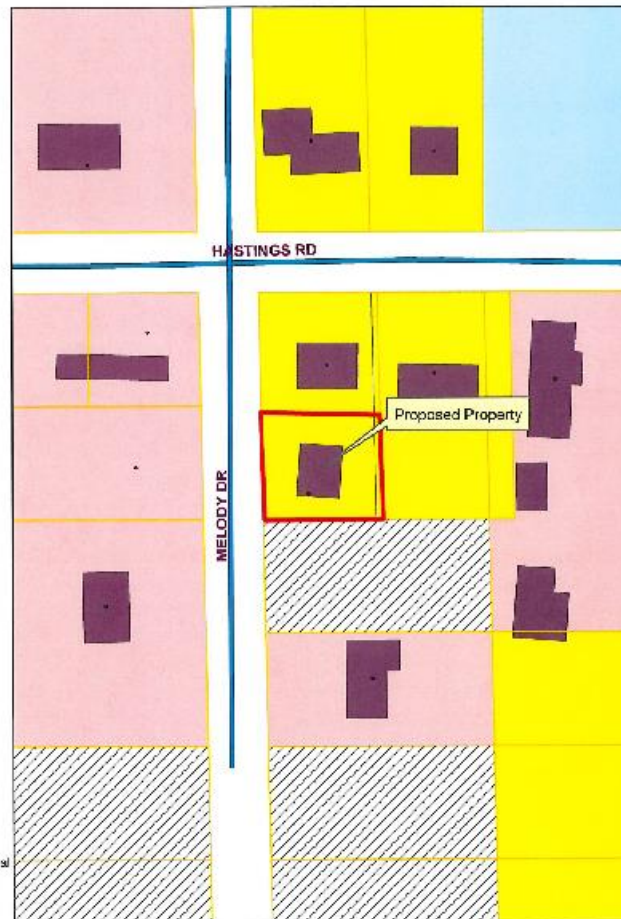


Exhibit D Future Land-Use

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

May 4, 2023

GPC #23-18-SE

Ann Clifford

7212 Home of Grace Road

VII. NEW BUSINESS

3. Consider a request for a Special Exception that would allow occupancy of an existing mobile home in a R-1 Low Density Single-Family Residential District.
7212 Home of Grace Road, (GPC #23-18-SE)

CITY OF GAUTIER STAFF REPORT

To: Chairman and Members, Planning Commission

From: Scott Ankerson, Planning Director

Date: April 24, 2023

Subject: Consider a request for a Special Exception that would allow occupancy of an existing mobile home in a R-1 Low Density Single-Family Residential Zoning District, 7212 Home of Grace Road. (GPC #23-18-SE)

REQUEST:

The Planning Department has received a request from Amy Clifford for a Special Exception that would allow occupancy of an existing mobile home in a R-1 Low Density Single-Family Residential Zoning District at 7212 Home of Grace Road, PID #85700292.000. (GPC #23-18-SE). The application fee of \$250 was paid on April 13, 2023. All public notice requirements have been met.

BACKGROUND:

The request property is zoned R-1 Low Density Single-Family Residential.

1. Location: 7212 Home of Grace Road, PID #85700292.000 (See Exhibit A)
2. General features of the proposed project:
Lot Size: Approximately 1 acre
3. Potable Water and Wastewater Services: Existing at current location
4. Current Zoning (See Exhibit B): R-1 Low Density Single-Family Residential
5. Current Surrounding Zoning (See Exhibit B): R-1 Low Density Single-Family Residential
6. Comprehensive Plan Future Land Use Designation (See Exhibit D): Very Low Density Residential.

DISCUSSION:

The following addresses the review criteria for a Special Exception outlined in Section 4.16.4 of the UDO.

1. Explain how a literal interpretation of the City of Gautier's Unified Development Ordinance would deprive the applicant of rights commonly enjoyed by others of the district in which the property is located, and would work unnecessary hardship upon the applicant?

Applicant Response: *The Unified Development Ordinance should not apply to my family property. There has always been a trailer there and only because of my aunt's death has it been unoccupied. We would like to rent to keep the property from falling in disrepair. Again, my brother lives next door.*

Staff Finding: *There are currently other occupied mobile homes within the R-1 district.*

2. Explain how the requested Special Exception will be in harmony with the purpose of the City of Gautier's Unified Development Ordinance and will not be injurious to the neighborhood or the general welfare?

Applicant Response: *I am sure the purpose of the ordinance is to prevent old run-down trailers from being occupied. The trailer, while not new, is not run down or abandoned.*

Staff Finding: *Staff's opinion is that approval of the request will not negatively affect the character of the property.*

3. Explain how the special circumstances requiring the proposed Special Exception are not results of actions of the applicant.

Applicant Response: *The death of my aunt who cared for the property led the family to wait to rent. We were unaware of new zoning.*

Staff Finding: *The applicant did not place the mobile home on this lot.*

NOTE: *Water has been off since May 2022, Power has been off since December 2021 (there has been illegal power on per SREPA)*

DETERMINATION OF APPLICABLE LAW:

1. The UDO defines a Special Exception as a relaxation of the terms of the Unified Development Ordinance where such an exception 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 undue hardship. Special Exceptions are necessary when an applicant seeks to establish or expand a use not ordinarily permitted in a specific zoning district. "Special Exceptions" are not transferable from one (1) owner of land to another.
2. Special Exception requires a public hearing before the Planning Commission and approval by the City Council (Section 4.14 of the UDO).

3. Once an application for a Special Exception is submitted to the Planning Department, the procedures outlined in UDO Section 4.14.1 will be followed. At the appropriate time, The Planning Commission will conduct a public hearing to determine whether the applicant meets all relevant criteria, and make a recommendation to City Council pursuant to UDO Section 4.14.4. City Council, pursuant to UDO Section 4.14.4(C), will then consider the matter at its next regularly scheduled meeting and approve or deny the Special Exception.
4. A Special Exception is required for uses not ordinarily permitted in a specific zoning district. Special Exceptions are not permitted by right, and may only be granted when certain criteria are established. (4.16.4)
5. Special Exceptions do not run with the land, and may be revoked by the Planning Department if any of the following circumstances are discovered:
 - A. The property changes ownership
 - B. The property is being utilized in a manner not permitted under the zoning regulations or the special exception; or
 - C. The property ceases to be used for the purpose allowed in the Special Exception for a period of one hundred eighty (180) days during the existence of the Special Exception.

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.

RECOMMENDATION & CONCLUSION:

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

The Planning Commission may:

1. Recommend that City Council approve the Special Exception;
2. Recommend that City Council approve the Special Exception with changes; or
3. Recommend that City Council deny the Special Exception.

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
GAUTIER, MISSISSIPPI

SPECIAL EXCEPTION HEARING APPLICATION

Public Hearing Number

23-18-SE

TYPE OF REQUEST:

Special Exception

FEE:

\$251.00

*Includes \$1.00 filing fee per MS Code §25-61-5

Special Exception- These uses are not allowed by right and require a recommendation by the Planning Commission and approval of the City Council.

Name of Applicant: Aray Clifford

Name of Business: Mobile Home

Address: 7012 Wood of Grace Rd

Mailing Address (if different): " "

Email Address: ArayClifford33@gmail.com

Phone: 228-217-3346 Cell Phone: None

Reason for request, location and intended use of Property: Request to keep power back on after 30 days of being off mobile home

ATTACHMENTS REQUIRED AS APPLICABLE:

- ☒ 1. Diagram of intended use, showing dimensions and distances of property, building with setbacks, parking spaces, entrances and exits.
- ☒ 2. Legal descriptions and street address.
- ☒ 3. A detailed project narrative that also addresses the questions on the "Criteria for Approval" page of this application.
- ☒ 4. Copy of protective covenants or deed restrictions, if any.
- ☒ 5. Copies of approvals, or requests for approval, from other agencies, such as, but not limited to, the Mississippi State Department of Health, U.S. Army Corp of Engineers, Mississippi Department of Environmental Quality and Department of Marine Resources.
- ☒ 6. Any other information requested by the Planning Director.
- ☒ 7. Owner's Consent form if anyone other than 100% sole owner makes application (see attached)

Signature of Applicant: Aray Clifford

FOR OFFICE USE ONLY

Date Received: 4/13/23 Verify as Complete: Yes

Fee Amount Received: \$251.00

Initials of Employee Receiving Application: Baker

Date of Application: 4/13/23I, Amy Clifford, the fee simple owner of the following

described property (give legal description):

main featured home @ 7212 Home of Grace Rd.

hereby petition to the City of Gautier to Grant a Special Exception of to occupy
7212 Home of Grace Rd. and affirm that _____

is hereby designated to act as agent on my behalf to accomplish the above.

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

Amy Clifford
 (Owner's Signature)

The foregoing instrument was acknowledged before me this 13th day of April, 2023 by Amy Clifford, who is personally known to me or has produced a valid Notary's Licence as identification and who did take an oath.

Rebecca Campbell
 (Printed Name of Notary Public)



Commission # 346137. My commission expires 11/14/26.

(Notary's Seal)

4/2/2023

7212 Home of Grace Road A
Gautier, MS 39533

Beverley Gayle Stuart

Date 4/26/23

James Kaleb Stuart

Date 4/26/23

Joshua Eli Stuart

Date 4/26/25

Given Under My Hand and Seal of the State of Mississippi, this 14th day of April, 2023 A.D.



Notary Public

SPECIAL EXCEPTION

Criteria for Approval Special Exception

- A. Explain how a literal interpretation of the City of Gautier's Unified Development Ordinance would deprive the applicant of rights commonly enjoyed by others of the district in which the property is located, and would work unnecessary hardship upon the applicant?
- B. Explain how the requested Special Exception will be in harmony with the purpose and intent of the City of Gautier's Unified Development Ordinance and will not be injurious to the neighborhood or the general welfare?
- C. Explain how the special circumstances requiring the proposed Special Exception are not results of actions of the applicant?

[A] The unified development Ordinance. should not apply to my family property. there has always been a trailer there and only because of my Aunt's death has it been unoccupied. We would like to rent to keep the property from falling in disrepair. Again, to my brother lives next door.

[B] I assume the purpose of the ordinance is to prevent old run down trailers from being occupied. This trailer, while not new, is not run down or abandoned.

[C] The death of my Aunt who caused for the property led the family to wait is rent. ^{we were} unaware of ^{new} zoning.

My family has owned the property at 7212 A, Home of Grace Rd since 1967. For most of this time was occupied by my grandparents who have both passed. Both properties A & B were left to my Father, James D. Stuart Jr who passed in 2009. He left the property to myself, Amy Clifford, and my two brothers, and my step Mother. (See copies of estate from his Will). I still have a brother living at B in a house. We have been paying taxes on the place for literally over 50 years.

My Aunt, Deborah Stuart, managed the property from 2015-2021 and is kept within code and the property mowed. The two properties we own are roughly 4 acres. She rented the mobile home out in Fall of 2021 to tenants who were a nightmare. They did not pay rent. They caught the kitchen cabinets on fire, and my Aunt was in the process of evicting them when she suddenly passed away of Sepsis in November of 2021.

It took about 5 more months for these people to leave. Apparently, the man went to jail. I had checked on the property twice after 2022 and we had the damage repaired. I did notice the electricity was on, but assumed my step Mother was paying it next door.

We have a new family ready to rent at the beginning of April and we called Singing River Electric to have the power switched to their name. Singing River could not find a record of the account, and after speaking several times to Nancy we realized the previous tenants had hooked up the electricity illegally in Dec 2021, several weeks after my aunt, their landlord, passed away. No one knew this until a few weeks ago. Singing River disconnected in the beginning of April 2023 at our request.

Singing River said they cannot turn the power back on until it had been inspected by City Planning since the meter was tampered with. When I requested inspection, I was informed because the house had not legally had power on and it had been 180 days since it had been occupied, I needed to ask for a special exception.

The mobile home is in good repair and meets all codes listed on the application to inspect. Please grant us a Special Exception so we may rent the property. Thank You, Amy (Stuart) Clifford



IN THE CHANCERY COURT OF JACKSON COUNTY, MISSISSIPPI
ESTATE OF JAMES D. STUART, JR., DECEASED
BEVERLY GAYLE STUART, PETITIONER CAUSE NO. 2009-0583 JB

**DECREE APPROVING FIRST AND FINAL
ACCOUNTING, FINAL DISTRIBUTION AND CLOSING
ESTATE OF JAMES D. STUART, JR.**

FILED

NOV 18 2018

JOSH ELDREDGE, CLERK
By: *[Signature]*

THIS MATTER having come on to be heard on the Petition of

Beverly Gayle Stuart, widow and duly appointed Administratrix of the
Estate of James D. Stuart, Jr., deceased, to Approve First and Final
Accounting, for Distribution and to Close Estate and all interested parties
having waived process and entered their appearances herein as shown by
their individual Waivers of Service of Process and Joinders filed in the Court
file herein, and the Court having considered the Petition and evidence before
it does hereby find, adjudicate and determine as follows:

I.

This Court has jurisdiction of the parties and of the subject matter
herein.

II.

James D. Stuart, Jr. departed this life intestate on January 13, 2009 in
Gautier, Jackson County, Mississippi, where he was an adult resident citizen
who resided at 7212 Home of Grace Drive, Gautier, Mississippi. At the

time of his death he left an estate consisting of his home and real property, various items of personal property situated in Gautier, Jackson County, Mississippi. The decedent was married to Beverly Gayle Stuart at the time of his death.

III.

By Decree of this Court entered March 23, 2009, the estate of the decedent was opened and that Beverly Gayle Stuart, the decedent's widow, was appointed Administratrix of the Estate of James D. Stuart, Jr., deceased. Letters of Administration were issued to Beverly Gayle Stuart by the Clerk of this Court on March 23, 2009.

IV.

By Decree entered May 13, 2009, after proper process as directed by the Court, the Court's Administratrix and decedent's widow, Beverly Gayle Stuart, the decedent's three (3) children, James Kaleb Stuart, adult son, Joshua Eli Stuart, minor son, and Amy Marie Stuart Clifford, adult daughter, were adjudicated to be the sole and only heirs at law of the decedent.

V.

In accordance with and as required by law, the Administratrix filed her Affidavit of Creditors and Notice To Creditors was published in The Mississippi Press on March 27th, April 3rd and April 10th of 2009. That the

time within any such claim might be probated against the estate of the decedent has expired and that pursuant to Order Authorizing Payment of Probated Claims of this Court entered April 23, 2010, the Administratrix paid the only probated claims registered against the estate of the decedent, namely, the claim of Holder-Wells Funeral Home in the sum and amount of \$7,854.14; the claim of Bank of America in the sum and amount of \$6,739.80; and the claim of Dell Financial Services in the sum and amount of \$3,026.43. This estate is not subject to federal or state estate taxes and therefore no estate returns are due to either the State Tax Commission or the Internal Revenue Service.

VI.

The Administratrix opened an estate account on or about April 28, 2009 to handle any and all expenses associated with the administration of the decedent's estate, namely, Hancock Bank checking account number 43970531. That the decedent had no solely owned funds at the time of his death and that the initial deposit into said account, \$12,197.71 on April 27, 2009 was made from the Administratrix's solely owned funds. That the only other deposit into said account other than IOD interest, \$4,500.00 made on March 31, 2010, was also made by the Administratrix using her solely owned funds and was made to cover the payment of probated claims against

the estate. That since the date the account was opened, the Administratrix has paid the probated claims of the decedent's estate and several miscellaneous expenses and that full and complete accounting of every transaction regarding said account from April 28, 2009 through December 14, 2014, the date the account was closed was set out in the Petition as follows:

INITIAL DEPOSIT (APRIL 27, 2009)	\$	12,197.68
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DEPOSITS

ADMINISTRATRIX DEPOSIT TO COVER PROBATED CLAIMS (03/31/10)	\$	4,500.00
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IOD INTEREST FROM OPENING 04/27/09 TO CLOSE OF ACCOUNT 12/04/14	\$	6.88
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TOTAL DEPOSITS INTO ESTATE ACCOUNT	\$	16,704.56
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DEBITS

(FROM ACCOUNT 04/27/09 THROUGH 12/04/14)

PAYMENT OF PROBATED CLAIM OF DCM SERVICES (04/26/10)	\$	1,722.47
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PAYMENT OF PROBATED CLAIM OF HOLDER WELLS FUNERAL HOME (04/26/10)	\$	7,854.14
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PAYMENT OF PROBATED CLAIM OF BANK OF AMERICA (04/26/10)	\$	6,739.80
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FORCE PAID CHECK (07/31/14)	\$	100.00
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MISC. PAYMENT (08/19/14)	\$	100.00
MISC. PAYMENT (08/25/14)	\$	150.00
SERVICES CHARGES (08/06/14 THROUGH 12/04/14)	\$	38.15
TOTAL DEBITS (04/27/09 THROUGH 12/04/14)	\$	16,704.56

That attached to the Petition as composite Exhibit "1" were account statements for Hancock Bank checking account number 43970531 for the period from April 27, 2009 through December 4, 2014 and that such statements accurately reflect each of the transactions set forth in the Petition and that the balance in said account as of December 4, 2014, the date it was closed was \$0.00. The actions of the Administratrix regarding this account as shown in the Petition have been for the benefit and preservation and management of the estate of the decedent and of the decedent's heirs and should be approved, ratified and confirmed by this Court, along with the accounting of the same as provided herein and in the Petition.

VII.

The Petition shows that the only asset of the decedent's estate left to be distributed is his real property, the same being identified as 7212 Home of Grace Drive, Gautier, Jackson County, Mississippi and being more particularly described as follows:

A tract of land being part of Lot 8, James Martin Estate, Jackson County, Mississippi, and being more particularly described as follows, to-wit:

Commencing at the Northwest Corner of Lot 8 of the Division of Lands of James Martin Estate; thence North 64 feet thence East to and along the South margin of Hastings Road a distance of 839.54 feet to the East margin of a public road; thence South along said East margin of public road a distance of 834.84 feet to a POINT OF BEGINNING. Thence South along said East margin of public road 148.46 feet, more or less, to the North line of the property of Home of Grace; thence East along said North line of the property of Home of Grace 208.71 feet; thence North 148.46 feet more or less to the Southeast corner of the property of James Stuart; thence West along the South line of James Stuart property 208.71 feet to the Point of Beginning. Containing 0.71 acres, more or less.

Being the same property as conveyed in Deed Book 1143, Page 484, Land Deed Records of Jackson County, Mississippi.

The Administratrix, Beverly Gayle Stuart, sons, James Kaleb Stuart and Joshua Eli Stuart and Amy Marie Stuart Clifford, are the sole and only heirs of James D. Stuart, Jr., and should be adjudicated to be the sole owners in fee simple of said property and that the Court's Administratrix, Beverly Gayle Stuart, should be authorized to convey title by Administratrix's Deed to the said heirs at law of the decedent, as tenants in common.

VIII.

The Administratrix has now done everything required of her by law in the administration of the decedent's estate and that all of her actions, as well as the final accounting provided in the Petition, should be confirmed, approved and ratified. Further, that Beverly Gayle Stuart, James Kaleb Stuart, Joshua Eli Stuart and Amy Marie Stuart Clifford, should be

adjudicated to be the owners in fee simple of the decedent's home and real property as hereinbefore described subject to the Administratrix's homestead interest.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the first and final accounting in this matter is hereby approved, ratified and confirmed.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that all of the actions of the Administratrix, Beverly Gayle Stuart, in the administration and distribution of the estate of the decedent, James D. Stuart, Jr. are hereby approved, ratified and confirmed.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Beverly Gayle Stuart, James Kaleb Stuart, Joshua Eli Stuart and Amy Marie Stuart Clifford, the sole and only heirs at law and legatees of James D. Stuart, Jr., are hereby placed in possession of and adjudicated to be owner of all of the personal property of the deceased and that the distribution of said personal property by the Administratrix to the decedent's heirs at law are hereby approved, ratified and confirmed.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Administratrix, Beverly Gayle Stuart, shall be and is hereby granted the authority to convey by Administratrix's Deed the real property of the

decedent as hereinbefore described to the heirs at law of the decedent, namely, Beverly Gayle Stuart, James Kaleb Stuart, Joshua Eli Stuart and Amy Marie Stuart Clifford, as tenants in common.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that this matter shall be and is hereby finally closed and that upon execution of the Administratrix's Deed as herein provided, the Administratrix, Beverly Gayle Stuart, shall be and is hereby fully and finally released and discharged as Administratrix in this matter.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Jack C. Pickett, attorney for the Administratrix shall be and is hereby released and discharged from any further representation of the Administratrix in this matter upon preparing and filing the Administratrix's Deed herein as herein provided for.

SO ORDERED, ADJUDGED AND DECREED this the 15th day of

November, 2018.


CHANCELLOR

PREPARED BY:
JACK C. PICKETT
P. O. DRAWER 1268
3108 CANTY STREET
PASCAGOULA, MS 39568-1268
(228) 762-3168
MSB NO. 4315

85700292.000 STUART JAMES DAVIS JR (EST OF)

PIDN: 85700292.000

GISP: 771.12-03-0088.00

Owner Information

Percent of Ownership: 100

Name: STUART JAMES DAVIS JR (EST OF)

Name 2:

Mailing Address: 8634 SUNDANCE DR
GAUTIER MS
39553

Site Address: 7212 HOME OF GRACE RD GAUTIER

Land Information

Section: 12 Acres: 1

Township: 7

Range: 7

Street Name: HOME OF GRACE
RD

Value and Tax Information

Total Assessed Value: 2058

Total Appraised Value: 13721

Improvement Value: 2541

Land Value: 11080

Tax Amount: 295

SQ FT: 1218

Year Built: 1998

Legal Description

Description: COM NW1/4 LOT 8 JAMES MARTIN EST N
64' TO S/4 HASTINGS RD E ALG RD
859.57' S 626.13' FOR POB S 208
.71' E 208.71' N 208.71' W 208.7
1' TO POB PT LOT 8 JAMES DS 731-
370 DB 1472-367 DB 1480-314 DB 1
547-427 DB 1547-429 (B8 MAP 771.1
2-03) TRL#2006091 '98 15X80 SUNS
HNE

Deed Book / Page: 1547 / 429

<https://webmap.co.jackson.ms.us/>

85700292.000 STUART JAMES DAVIS JR (EST OF)

Home of Grace Dr

Ocean Dr

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<https://webmap.co.jackson.ms.us/>

4/17/2023

Exhibit A Location Map

Prepared by:
City of Gautier
Planning Department



Exhibit B Existing Zoning

Prepared by:
City of Gaudier
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 Gaithersburg
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

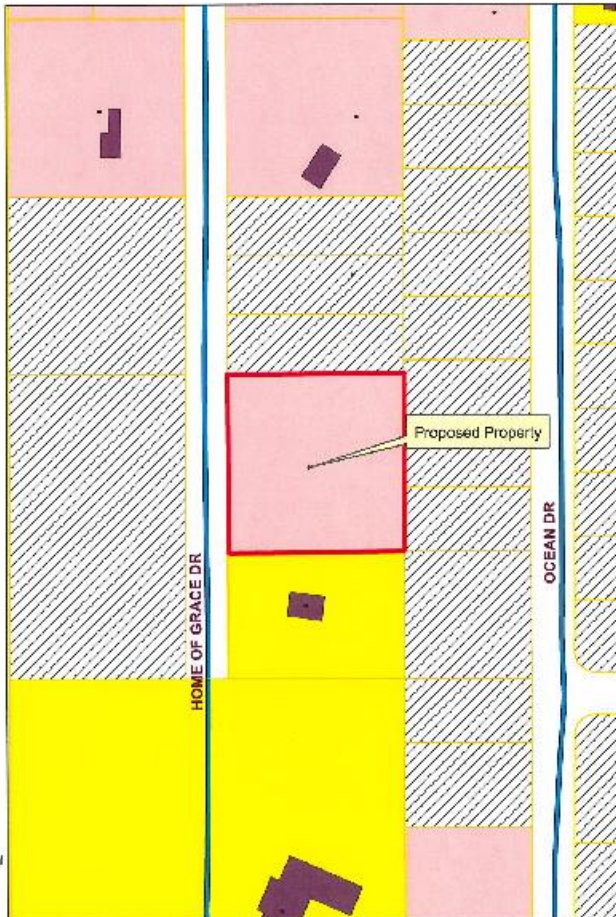


Exhibit D Future Land-Use

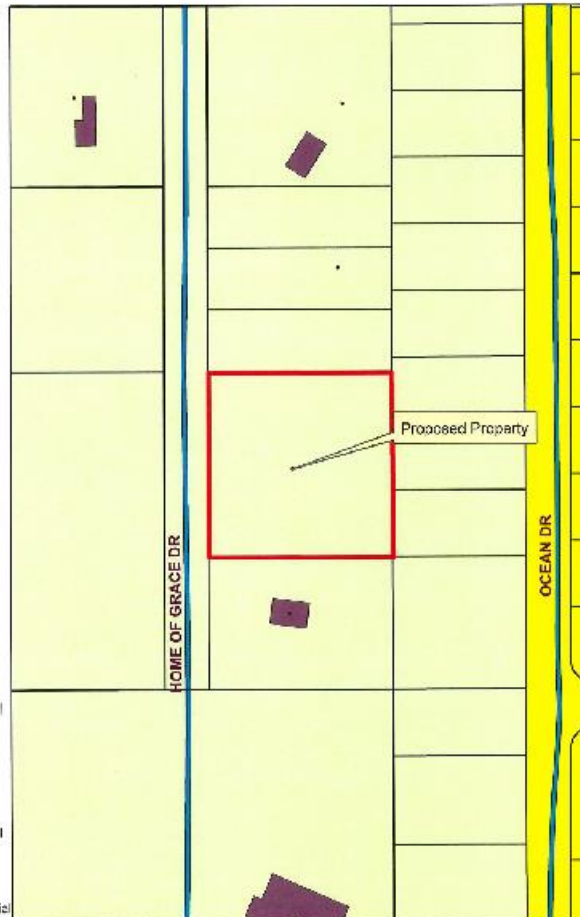
Prepared By:
City of Gautier
Planning Department

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

June 1, 2023

GPC #23-16-SE

David A. Lipscomb

1404 Park Drive

VII. NEW BUSINESS

1. Consider a request for a Special Exception that would allow an accessory structure to be located on a lot without a primary structure in a R-1 Low Density Single-Family Residential District. 1404 Park Drive, (GPC #23-16-SE)

CITY OF GAUTIER STAFF REPORT

To: Chairman and Members, Planning Commission

From: Scott Ankerson, Planning Director

Date: April 20, 2023

Subject: Consider a request for a Special Exception that would allow an accessory structure to be located on a lot without a primary structure in a R-1 Low Density Single-Family Residential Zoning District, 1404 Park Drive. (GPC #23-16-SE)

REQUEST:

The Planning Department has received a request from David A. Lipscomb for a Special Exception that would allow an accessory structure to be located on a lot without a primary structure in a R-1 Low Density Single-Family Residential Zoning District at 1404 Park Drive, PID #87110396.000 (GPC #23-16-SE) The application fee of \$250 was paid on March 9, 2023. All public notice requirements have been met.

BACKGROUND:

The request property is zoned R-1 Low Density Single-Family Residential.

1. Location: 1404 Park Drive, PID #87110396.000 (See Exhibit A)
2. General features of the proposed project:
Lot Size: Approximately 0.55 acres
3. Potable Water and Wastewater Services: Existing at current location
4. Current Zoning (See Exhibit B): R-1 Low Density Single-Family Residential
5. Current Surrounding Zoning (See Exhibit B): R-1 Low Density Single-Family Residential
6. Comprehensive Plan Future Land Use Designation (See Exhibit D): Low Density Residential.

DISCUSSION:

The following addresses the review criteria for a Special Exception outlined in Section 4.16.4 of the UDO.

1. Explain how a literal interpretation of the City of Gautier's Unified Development Ordinance would deprive the applicant of rights commonly enjoyed by others of the district in which the property is located, and would work unnecessary hardship upon the applicant?

Applicant Response: I have observed other boat houses in close proximity to my property which leads to the question of the need for a "Special Exception". I would like to have the same privilege of enjoying & utilizing my property to the fullest extent which would allow me immediate access to the navigable waterway that leads directly into the Mississippi Sound.

Staff Finding: *There are other accessory structures on lots without primary structures in this district; however, in most cases, these lots did contain a primary structure at one time.*

2. Explain how the requested Special Exception will be in harmony with the purpose of the City of Gautier's Unified Development Ordinance and will not be injurious to the neighborhood or the general welfare?

Applicant Response: *The proposed boathouse for my property would be similar in design and functional utility as other boathouses in the area.*

Staff Finding: *Staff's opinion is that approval of the request will not negatively affect the character of the property.*

3. Explain how the special circumstances requiring the proposed Special Exception are not results of actions of the applicant.

Applicant Response: *I'm still not sure of the reason for a "Special Exception". I purchased the property with intent to build a home at some point in the future but am requesting approval to build a boathouse. I would like a place to store my boat and be able to use my property to the fullest extent until a home is built.*

Staff Finding: *Staff has no evidence in support of this criteria.*

DETERMINATION OF APPLICABLE LAW:

1. The UDO defines a Special Exception as a relaxation of the terms of the Unified Development Ordinance where such an exception 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 undue hardship. Special Exceptions are necessary when an applicant seeks to establish or expand a use not ordinarily permitted in a specific zoning district. "Special Exceptions" are not transferable from one (1) owner of land to another.

2. Special Exception requires a public hearing before the Planning Commission and approval by the City Council (Section 4.14 of the UDO).
3. Once an application for a Special Exception is submitted to the Planning Department, the procedures outlined in UDO Section 4.14.1 will be followed. At the appropriate time, The Planning Commission will conduct a public hearing to determine whether the applicant meets all relevant criteria, and make a recommendation to City Council pursuant to UDO Section 4.14.4. City Council, pursuant to UDO Section 4.14.4(C), will then consider the matter at its next regularly scheduled meeting and approve or deny the Special Exception.
4. A Special Exception is required for uses not ordinarily permitted in a specific zoning district. Special Exceptions are not permitted by right, and may only be granted when certain criteria are established. (4.16.4)
5. Special Exceptions do not run with the land, and may be revoked by the Planning Department if any of the following circumstances are discovered:
 - A. The property changes ownership
 - B. The property is being utilized in a manner not permitted under the zoning regulations or the special exception; or
 - C. The property ceases to be used for the purpose allowed in the Special Exception for a period of one hundred eighty (180) days during the existence of the Special Exception.

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.

RECOMMENDATION & CONCLUSION:

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

The Planning Commission may:

1. Recommend that City Council approve the Special Exception;
2. Recommend that City Council approve the Special Exception with changes; or
3. Recommend that City Council deny the Special Exception.

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
GAUTIER, MISSISSIPPI

SPECIAL EXCEPTION HEARING APPLICATION

Hearing Number

23-16-SE

TYPE OF REQUEST:

Special Exception

FEE:

\$250.00

Special Exception— These uses are not allowed by right, and **require** a recommendation by the Planning Commission and approval of the City Council.

Name of Applicant: DAVID A. LIPSCOMB

Name of Business:

N/A

Address: 1404 PARK DR GAUTIER MS 39553-7520

Mailing Address (if different): 2800 STARLING ROAD, VANCELOE, MS 39565

Email Address: LIPSCOMB-DO@BELLSouth.NET

Phone: 228-826-1554

Cell Phone: 228-386-4568

Reason for request, location and intended use of Property: CONSTRUCTION OF BOATHOUSE

ATTACHMENTS REQUIRED AS APPLICABLE:

- ☒ 1. Diagram of intended use, showing dimensions and distances of property, building with setbacks, parking spaces, entrances and exits.
- ☒ 2. Legal descriptions and street address.
- ☒ 3. A detailed project narrative that also addresses the questions on the "Criteria for Approval" page of this application.
- ☒ 4. Copy of protective covenants or deed restrictions, if any.
- ☒ 5. Copies of approvals, or requests for approval, from other agencies, such as, but not limited to, the Mississippi State Department of Health, U.S. Army Corp of Engineers, Mississippi Department of Environmental Quality and Department of Marine Resources.
- ☒ 6. Any other information requested by the Planning Director and/or members of the Technical Review Committee.
- ☒ 7. Owner's Consent form, if anyone other than 100% sole owner makes application (see attached).

Signature of Applicant:

David A. Lipscomb

FOR OFFICE USE ONLY

Date Received

3-9-23

Verify as Complete

SJA 4/11/23

Fee Amount Received

251.00

Initials of Employee Receiving Application

Babs

SPECIAL EXCEPTION

Criteria for Approval Special Exception

- A. Explain how a literal interpretation of the City of Gautier's Unified Development Ordinance would deprive the applicant of rights commonly enjoyed by others of the district in which the property is located, and would work unnecessary hardship upon the applicant?
- B. Explain how the requested Special Exception will be in harmony with the purpose and intent of the City of Gautier's Unified Development Ordinance and will not be injurious to the neighborhood or the general welfare?
- C. Explain how the special circumstances requiring the proposed Special Exception are not results of actions of the applicant?

SPECIAL EXCEPTION

Criteria for Approval Special Exception

- A. Explain how a literal interpretation of the city of Gautier's Unified Development Ordinance would deprive the applicant of rights commonly enjoyed by others of the district in which the property is located, and would work unnecessary hardship upon the applicant?

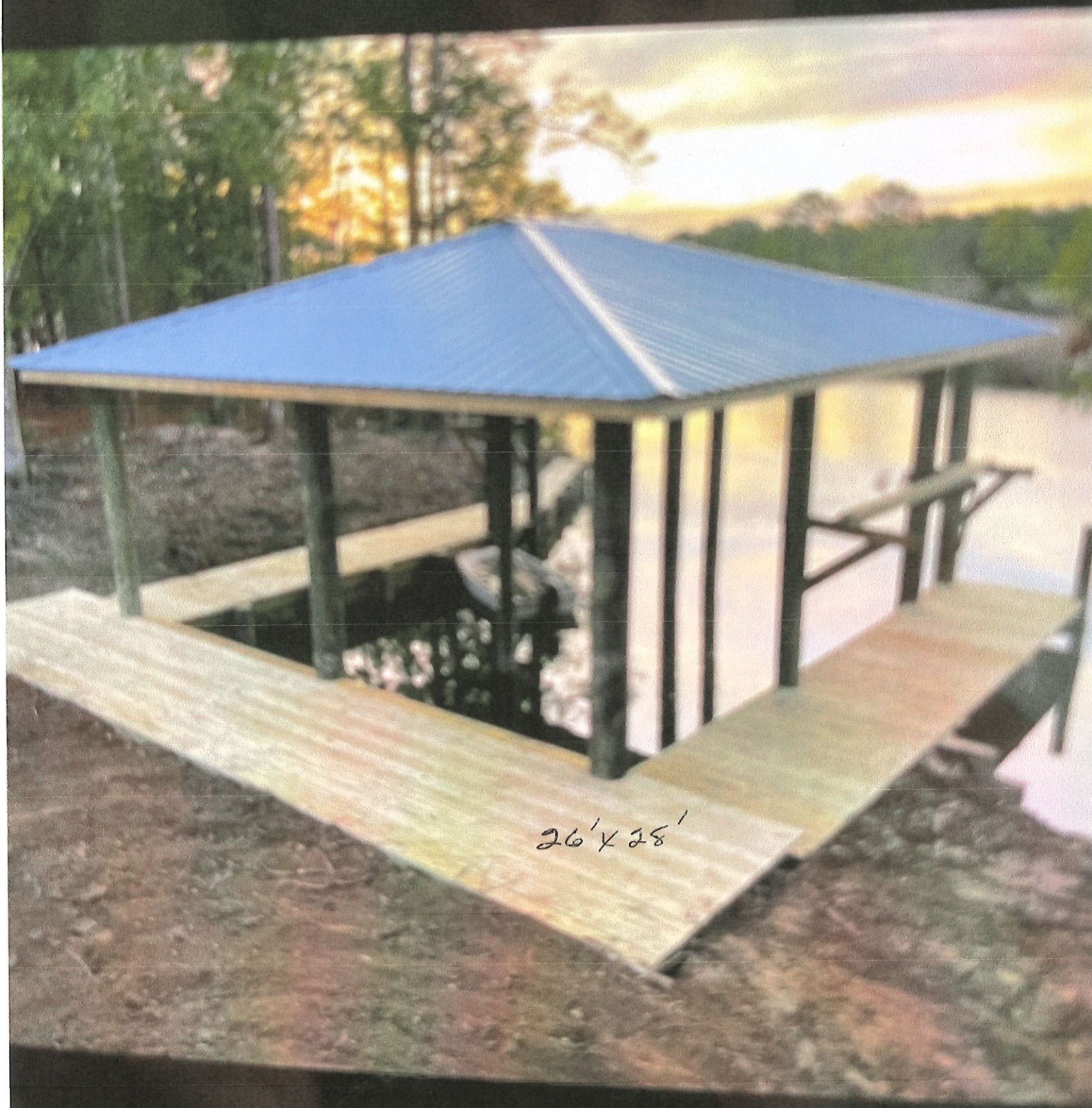
I have observed other boat houses in close proximity to my property which leads to the question of the need for a "Special Exception". I would like to have the same privilege of enjoying & utilizing my property to the fullest extent which would allow me immediate access to the navigable waterway that leads directly into the Mississippi Sound.

- B. Explain how the requested Special Exception will be in harmony with the purpose and intent of the City of Gautier's Unified Development Ordinance and will not be injurious to the neighborhood or the general welfare?

The proposed boathouse for my property would be similar in design and functional utility as other boathouses in the area.

- C. Explain how the special circumstances requiring the proposed Special Exception are not results of actions of the applicant?

I'm still not sure of the reason for a "Special Exception". I purchased the property with intent to build a home at some point in the future but am requesting approval to build a boathouse. I would like a place to store my boat and be able to use my property to the fullest extent until a home is built.



26'x28'



Beds N/A	Full Baths N/A	Half Baths N/A	MLS Sale Price \$46,500	MLS Sale Date 01/31/2014
Bldg Sq Ft N/A	Lot Sq Ft 24,302	Yr Built N/A	Type COM-NEC	

OWNER INFORMATION

Owner Name	Lipscomb David A	Tax Billing Zip	39565
Tax Billing Address	2800 Starling Rd	Tax Billing Zip+4	8449
Tax Billing City & State	Vanceleave, MS	Owner Occupied	No

LOCATION INFORMATION

Census Tract	411.01	Subdivision	Seacliffe Sub
Carrier Route	H070	Township Range Sect	8S-7W-12

TAX INFORMATION

Tax Parcel Number	8-71-10-396.000	% Improved	8%
Lot	162	Tax Area	3840
Legal Description	LOT 162 SEACLIFFE S/D 3RD ADD DB 1736-725 (129 MAP871.12-03)		

ASSESSMENT & TAX

Assessment Year	2022	2021	2020
Assessed Value - Total	\$4,265	\$4,265	\$4,872
Assessed Value - Land	\$3,926	\$3,926	\$4,512
Assessed Value - Improved	\$339	\$339	\$360
Market Value - Total	\$28,430	\$28,430	\$32,480
Market Value - Land	\$26,170	\$26,170	\$30,080
Market Value - Improved	\$2,260	\$2,260	\$2,400
YOY Assessed Change (\$)	\$0	-\$607	
YOY Assessed Change (%)	0%	-12.46%	
Tax Year	Total Tax	Change (\$)	Change (%)
2020	\$709		
2021	\$613	-\$96	-13.49%
2022	\$613	\$0	0%

CHARACTERISTICS

Land Use - CoreLogic	Commercial (NEC)	Lot Area	24,302
Land Use - State	Out Building	Lot Acres	0.5579

SELL SCORE

Value As Of	2023-03-05 04:38:21
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LISTING INFORMATION

MLS Listing Number	3261915	Pending Date	01/06/2014
MLS Status	Closed	Closing Date	01/31/2014
MLS D.O.M	282	Closing Price	\$46,500
MLS Status Change Date	02/10/2014	MLS List. Agent Name	Mgc.tolass-Susan Tolar
MLS Listing Date	03/13/2013	MLS List. Broker Name	SUSAN TOLAR REALTY
MLS Current List Price	\$59,900	MLS Selling Agent Name	Mgc.tolass-Susan Tolar
MLS Orig. List Price	\$99,900	MLS Selling Broker Name	SUSAN TOLAR REALTY

LAST MARKET SALE & SALES HISTORY

Settle Date	Tax: 07/26/2022 MLS: 01/31/2014	Document Number	2082-314
Owner Name	Lipscomb David A	Deed Type	Warranty Deed
Seller	Rice Michael J		

Sale/Settlement Date 07/26/2022

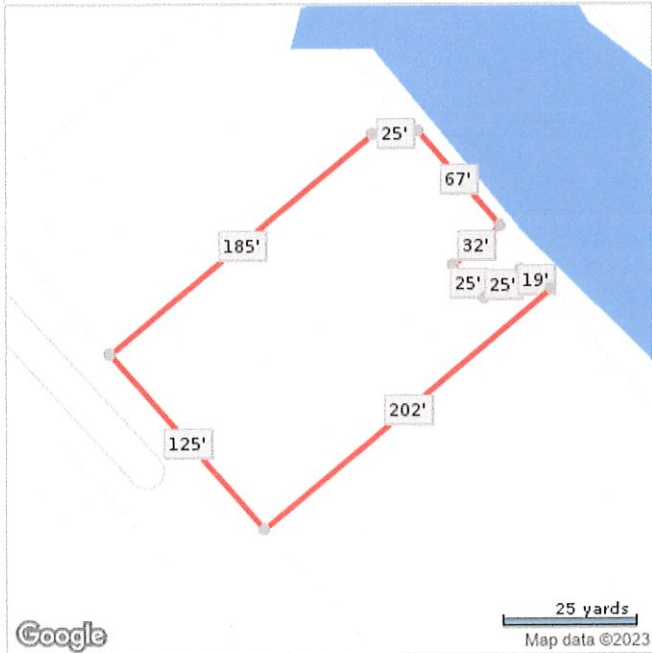
Nominal	Y	Y	
Buyer Name	Lipscomb David A	Rice Michael J	Mullins Brian G
			Dittman George W II & Mary S

Seller Name	Rice Michael J	Owner Record	Owner Record	Owner Record
Document Number	2082-314	1736-725	1703-475	501-46
Document Type	Warranty Deed	Deed (Reg)	Deed (Reg)	Deed (Reg)

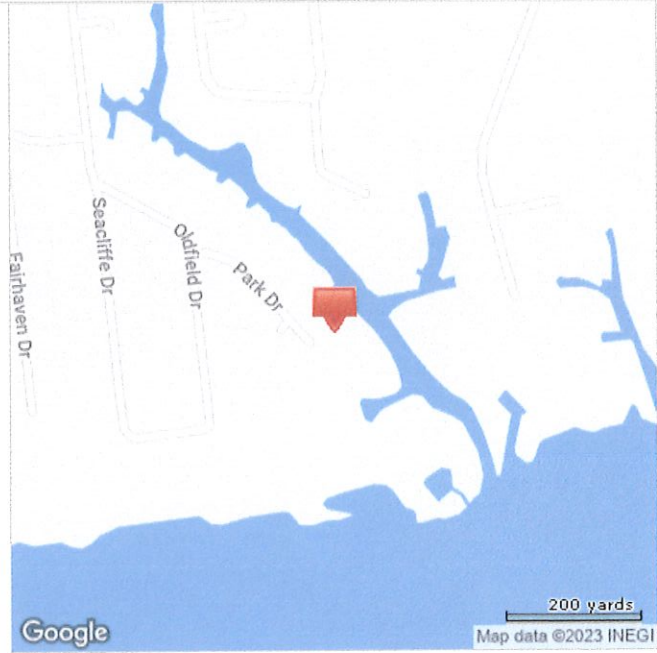
MORTGAGE HISTORY

Mortgage Date	03/09/2020
Mortgage Lender	Community Bk/Ms
Mortgage Type	Refi

PROPERTY MAP



*Lot Dimensions are Estimated



Park, Gautier, MS 39553, Jackson County

APN: 8-71-10-404.000 CLIP: 2782159585



Beds	Full Baths	Half Baths	MLS Sale Price	MLS Sale Date
N/A	N/A	N/A	\$100,000	07/26/2022
Bldg Sq Ft	Lot Sq Ft	Yr Built	Type	
N/A	43,141	N/A	COM-NEC	

OWNER INFORMATION

Owner Name	Lipscomb David A	Tax Billing Zip	39565
Tax Billing Address	2800 Starling Rd	Tax Billing Zip+4	8449
Tax Billing City & State	Vanceleave, MS		

LOCATION INFORMATION

Census Tract	410.02	Township Range Sect	8S-7W-12
Subdivision	Seacliffe Sub		

TAX INFORMATION

Tax Parcel Number	8-71-10-404.000	Tax Area	3840
Lot	162		
Legal Description	PARK AREA S OF LOT 162 3RD ADD TO SEACLIFFE S/D PB 9-51 DB 1779-185 (128 MAP871.12-03)		

ASSESSMENT & TAX

Assessment Year	2022	2021	2020
Assessed Value - Total	\$5,261	\$5,261	\$6,047
Assessed Value - Land	\$5,261	\$5,261	\$6,047
Market Value - Total	\$35,070	\$35,070	\$40,310
Market Value - Land	\$35,070	\$35,070	\$40,310
YOY Assessed Change (\$)	\$0	-\$786	
YOY Assessed Change (%)	0%	-13%	
Tax Year	Total Tax	Change (\$)	Change (%)
2020	\$880		
2021	\$756	-\$123	-14.03%
2022	\$756	\$0	0%

CHARACTERISTICS

Land Use - CoreLogic	Commercial (NEC)	Lot Area	43,141
Land Use - State	Out Building	Lot Acres	0.9904

SELL SCORE

Value As Of	2023-03-05 04:38:21
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LISTING INFORMATION

MLS Listing Number	4016680	Pending Date	07/18/2022
MLS Status	Closed	Closing Date	07/26/2022
MLS D.O.M	74	Closing Price	\$100,000
MLS Status Change Date	07/26/2022	MLS List. Agent Name	Mgc.tolass-Susan Tolar
MLS Listing Date	05/05/2022	MLS List. Broker Name	SUSAN TOLAR REALTY
MLS Current List Price	\$119,500	MLS Selling Agent Name	Mgc.tolass-Susan Tolar
MLS Orig. List Price	\$139,000	MLS Selling Broker Name	SUSAN TOLAR REALTY

MLS Listing #	3286043	3279204	3269562	3250071
MLS Status	Closed	Expired	Expired	Closed
MLS Listing Date	02/19/2015	07/21/2014	10/16/2013	03/10/2012
MLS Listing Price	\$56,500	\$59,900	\$69,900	\$107,900
MLS Orig Listing Price	\$56,500	\$68,000	\$69,900	\$107,900
MLS Close Date	04/23/2015			03/06/2013
MLS Listing Close Price	\$45,000			\$95,000

LAST MARKET SALE & SALES HISTORY

Settle Date	07/26/2022	Document Number	2082-314
Owner Name	Lipscomb David A	Deed Type	Warranty Deed
Seller	Rice Michael J		

Sale/Settlement Date	07/26/2022			
Nominal		Y	Y	
Buyer Name	Lipscomb David A	Rice Michael J	Mullins Brian G	Dittmann George W II
Seller Name	Rice Michael J	Owner Record	Owner Record	Owner Record
Document Number	2082-314	1779-185	1703-475	548-592
Document Type	Warranty Deed	Deed (Reg)	Deed (Reg)	Deed (Reg)

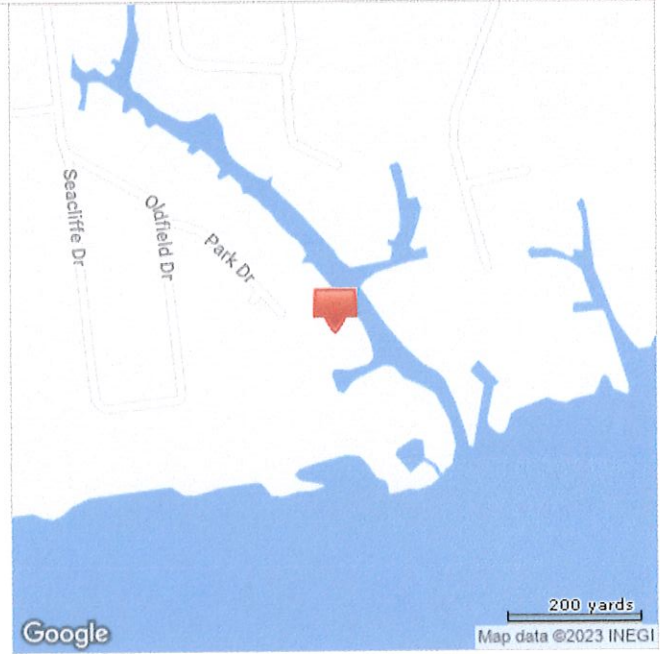
MORTGAGE HISTORY

Mortgage Date	07/21/2021
Mortgage Lender	Community Bk/Ms
Mortgage Type	Refi

PROPERTY MAP



*Lot Dimensions are Estimated



STATE OF MISSISSIPPI

COUNTY OF JACKSON

PROTECTIVE COVENANTS

KNOW ALL MEN BY THESE PRESENTS: That the undersigned, OLDFIELD, INC., a Mississippi corporation, and HARRY E. KREBS, individually, being the owners of all that certain land and property lying and being situated in Jackson County, Mississippi, known as "THIRD ADDITION TO SEACLIFFE SUBDIVISION" according to a map or plat thereof on file and of record in the Office of the Chancery Clerk of Jackson County, Mississippi, in Plat Book 9, Page 51, and being desirous of imposing certain restrictive and protective covenants upon said land for the protection of itself and all future purchasers and owners of residential lots lying within said subdivision, do hereby impose on said land the following restrictive covenants, to-wit:

1. No lot shall be used except for residential purposes. No building shall be erected, altered, placed or permitted to remain on any lot other than one detached single-family dwelling not to exceed two stories in height and a private garage for the use of the occupants of such single-family dwelling.

2. No dwelling shall be permitted on any lot at a cost of less than \$15,000.00 based upon cost levels prevailing on the date these covenants are recorded, it being the intention and purpose of this covenant to assure that all dwellings shall be of a quality of workmanship and materials

substantially the same or better than that which can be produced on the date these covenants are recorded, at the minimum cost stated herein for the minimum permitted dwelling site. The ground floor area of the main structure, exclusive of open porches and garages, shall not be less than 1,100 square feet for a one-story dwelling. For two story or tri-levels, the total area of dwelling shall not be less than 1,200 square feet, exclusive of porches, garages or carports.

3. No building shall be located on any lots in said subdivision nearer than 25 feet to the front lot line. No building shall be located nearer than 10 feet to a side or interior lot line, except that attached garages or carports shall not be less than 5 feet from a side lot line. For the purpose of this covenant, steps, eaves and open porches shall not be considered as a part of a building, provided, however, that this shall not be construed to permit any portion of a building on a lot to encroach upon another lot.

4. Easements for installation and maintenance of utilities and drainage facilities are reserved as shown on the recorded plat.

5. No noxious or offensive activity shall be carried on any lot, nor shall anything be done thereon which may be, or may become an annoyance or nuisance to the neighborhood.

6. No structure of a temporary character, trailer, basement, tent, shack, garage, barn or other outbuilding shall be used on any lot at any time as a residence, either temporarily or permanently.

7. In the event any person shall own two or more adjacent building lots, and shall desire to construct a dwelling occupying a portion of both of said adjoining lots as a building site, then the restriction as to the dividing line between said adjoining lots shall not apply insofar as it restricts the placing of any dwelling nearer than 10 feet to a side lot line, but all other restrictions herein contained shall apply to the same extent as if said dwelling had been built on a single building lot.

8. No dwelling shall be erected or placed on any lot having a width of less than 34 feet at the minimum building set-back line, nor shall any dwelling be erected or placed on any lot having an area of less than 8,000 square feet, it being the intention that lots or any part thereof in this subdivision may be re-subdivided, any part or parts of said lots may be used for street purposes in said re-subdividing of lots.

9. These covenants are to run with the land and shall be binding on all parties and all persons claiming under them for a period of 25 years from the date these covenants are recorded, after which time said covenants shall be automatically extended for successive period of five (5) years unless an instrument signed by a majority of the then owners of the lots has been recorded, agreeing to change said covenants in whole or in part.

10. Enforcement shall be by proceedings at law or in equity against any person or persons violating or attempting to violate any covenant, either to restrain violation or to recover damages.

11. No fence shall be permitted on front of any lot to a point beyond the front sill line of the house.

12. Invalidation of any one of these covenants by judgment or court order shall in no wise affect any of the other provisions which shall remain in full force and effect.

IN TESTIMONY WHEREOF, WE HAVE HEREUNTO set our hands and seals, this the 3rd day of April, A. D., 1968.

OLDFIELD, INC.

[Signature]
HARRY L. KREBS, Individually

BY [Signature]
HARRY L. KREBS, President

BY [Signature]
JANELL PORTER KREBS
Secretary-Treasurer

STATE OF MISSISSIPPI

COUNTY OF JACKSON

PERSONALLY APPEARED before me, the undersigned authority in and for the jurisdiction aforesaid, the within named HARRY L. KREBS and JANELL PORTER KREBS, personally known to me to be the President and Secretary-Treasurer, respectively, of OLDFIELD, INC., a corporation, who severally acknowledged to me that they signed and delivered the above and foregoing instrument of writing on the day and in the year therein mentioned, for and on behalf of said corporation, as its act and deed, after being first duly authorized so to do.

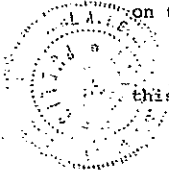
GIVEN under my hand and official seal of office, this the 3rd day of April, A. D., 1968.

My Commission Expires July 14, 1978
CARL A. MEGEMET, Notary Public
JACKSON COUNTY, MISSISSIPPI

[Signature]
NOTARY PUBLIC

STATE OF MISSISSIPPI
COUNTY OF JACKSON

PERSONALLY APPEARED before me, the undersigned authority in and for the jurisdiction aforesaid, the within named HARRY L. KREBS, who acknowledged to me that he signed and delivered the above and foregoing instrument of writing on the day and in the year therein mentioned.



GIVEN under my hand and official seal of office, this the 22nd day of April, A. D., 1968.

My Commission Expires July 14, 1970
CARL A. MEGEHEE, Notary Public
JACKSON COUNTY, MISSISSIPPI

Carl A. Megehee
NOTARY PUBLIC

STATEMENT OF FEES

STATE OF MISSISSIPPI — JACKSON COUNTY

Filing 5c
Recording Wds.
@ 15c per 100
Certificate 50c
Indexing 15c for
each separate Subdivision
Total Fees \$17.80

I, Wilbur G. Dees, Clerk of the Chancery Court of said County, certify that the within Instrument was filed in my office for record on the 1st day of May 1968 at 2:45 o'clock P. M. and was duly recorded on the 2nd day of May 1968 in Land Deed Book No. 331 Page 405-407 in my office.
GIVEN under my hand and seal of office, this 2nd day of May, A.D., 1968
WILBUR G. DEES, Chancery Clerk
Wilbur G. Dees



STATE OF MISSISSIPPI

Tate Reeves
Governor

MISSISSIPPI DEPARTMENT OF MARINE RESOURCES

Joe Spraggins, Executive Director

Mississippi Regional General Permit Program

Certification Number: DMR23-000169

Date: March 27, 2023

Issued to: David Lipscomb
2500 Starling Road
Vanceleave, MS 39565

Project Description: Boathouse

Project Location: Unnamed canal adjacent to Mississippi Sound
1404 Park DR
Gautier, MS

DMR Project Manager: Brett James
228-523-4105
brett.james@dmr.ms.gov

NOTICE: Read this document carefully. Failure to follow the listed conditions can result in substantial fines and penalties.

This document serves as certification that the subject activity has been reviewed by the Mississippi Department of Marine Resources (MDMR) and is found to be in compliance with the Mississippi Coastal Wetlands Protection Act, MS Code § 49-27-1 et seq., as amended, and United States Army Corps of Engineers (USACE), Mobile District, Mississippi General Permits* MSGP-02 dated May 17, 2018. It is issued under the provisions of federal and state laws for the protection of coastal wetlands within the State of Mississippi. **This certification does not relieve you of other federal, state, or local authorizations that may be required.**

The following activities and impacts are authorized by this certification as indicated on the attached approved diagram:

1. Construction of an open-sided boathouse 28 feet in length, 26 feet in width, and no more than 25 feet above mean high tide in height over unvegetated waterbottoms
2. Construction of one or more enclosed storage area(s) within the footprint(s) of the pier(s) and boathouse(s) authorized above or any previously permitted or existing pier(s) and boathouse(s) not to exceed a combined total of 100 square feet in area

The applicant must abide by specific conditions as listed below in addition to general conditions as found in the USACE, Mobile District, Mississippi General Permits* dated May 17, 2018.

Any deviations beyond the above-authorized dimensions, the project footprint as shown on the attached approved diagram, or the specific conditions as set forth below will be considered a violation and may result in the revocation of the permit. Violations of these conditions may be subject to fines, project modifications, and/or site restoration. Both the permittee and the contractor may be held liable for such violations or for conducting unauthorized work. A modification to the project dimensions or footprint or to these conditions may be requested by submitting a written request along with a revised project diagram to the MDMR. Proposed modifications to project dimensions, footprint, or conditions must be approved in writing prior to commencement of work.

The specific conditions of this certification are as follows:

1. All authorized structures (including mooring pilings) must:
 - a. Be marked with reflectors and/or lights to avoid navigational hazards
 - b. Be constructed from steel, concrete, plastic, vinyl, or timber treated to meet appropriate marine conditions
 - c. Be open-sided except for the above-described enclosed storage area(s) no more than 100 square feet in area
 - d. Not be more than 25 feet above mean high tide in height
 - e. Not extend further than 25% of the distance across the waterbody
 - f. Not be a hazard to navigation
 - g. Not provide more than 5 boat berthing areas (including those for personal watercraft)
 - h. Not provide for the permanent mooring of houseboats
 - i. Not include fueling facilities, toilets, habitable structures, or activities that produce "gray water"
 - j. Not be constructed from materials containing creosote
2. All authorized activities must:
 - a. Use Best Management Practices (BMPs) at all times during construction, including, but not limited to, the use of staked hay bales; staked filter cloth; sodding, seeding, and mulching; staged construction; and the installation of turbidity screens around the immediate project site
 - b. Be conducted in a manner that minimizes the discharge of turbid waters into Waters of the State (Turbidity outside the limits of a 750-foot mixing zone must not exceed the ambient turbidity by more than 50 Nephelometric Turbidity Units)
 - c. Have appropriate wastewater permits and/or approvals for the proposed activity in place prior to the commencement of construction activities
 - d. Have appropriate stormwater permits, approvals, and/or measures in place prior to the commencement of construction activities (For projects greater than five acres of total ground disturbances including clearing, grading, excavating, or other construction activities, the applicant shall obtain the necessary coverage under the State of Mississippi's Large Construction Storm Water General NPDES Permit; For projects greater than one to less than five acres of total ground disturbance including clearing, grading, excavating or other construction activities, the applicant shall follow the conditions and limitations of the State of Mississippi's Small Construction Storm Water General NPDES Permit)
 - e. Not result in construction debris, sewage, oil, refuse, other pollutants, or unauthorized fill material entering Coastal Wetlands or Waters of the State
 - f. Not impact wetlands, submerged aquatic vegetation, or shellfish beds unless specifically authorized above
3. Completion of the above-authorized activities and impacts must be reported to the MDMR through one of the methods listed below within 30 days of completion so that compliance checks may be conducted by MDMR staff:
 - a. By visiting your account at <https://www.citizenserve.com/Portal/?installationid=309>
 - b. By calling or emailing the MDMR Project Manager listed on the first page of this authorization

Work authorized by this certification must be completed on or before: March 27, 2024.

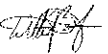
Issuance of this certification by MDMR does not release the applicant from other legal requirements including but not limited to other applicable federal, state, or local laws, ordinances, zoning codes, or other regulations, including a possible Tidelands Lease from the MS Secretary of State's Office, required City or County construction setbacks, or building permits from the City or County where the project is located. A list of contacts has been provided for your assistance in determining whether any further certifications are required.

This certification conveys no title to land and water, does not constitute authority for reclamation of coastal wetlands and does not authorize invasion of private property or rights in property.

It is the responsibility of the applicant or property owner and their contractors and authorized agents to construct all authorized structures in a manner that does not impede access to riparian/littoral zones of adjacent property owners or other property owners in the vicinity (see MS Code Annotated § 49-15-9, enclosed). Failure to adhere to this could result in legal action by the affected parties. The MDMR does not make property or riparian/littoral boundary determinations.

Please notify this Department upon completion of the permitted project so that compliance checks may be conducted by MDMR staff.

THIS CERTIFICATION IS EFFECTIVE IMMEDIATELY.

 - 2023.03.27
14:18:55 -05'00'

Willa J. Brantley
Director, Bureau of Wetlands Permitting
MS Department of Marine Resources

WJB / bj

Attachments: Approved Diagrams
General Permits
MS Code Annotated - 49-15-9

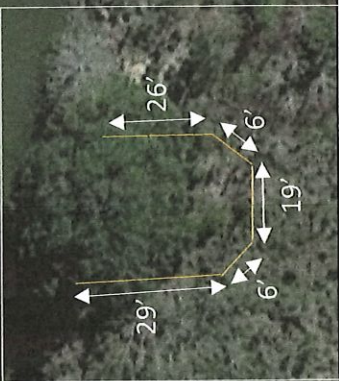
CC: MS Team Leader USACE
Ms. Florance Bass, OPC
Mr. Raymond Carter, SOS

* General Permits for Minor Structures and Activities in the State of Mississippi and Outer Continental Shelf Waters off the Coast of Mississippi Within the Regulatory Boundaries of the Mobile District, U.S. Army Corps of Engineers (This document can be accessed on the MDMR website at http://dmr.ms.gov/images/permitting/General_Permits_2018.pdf)



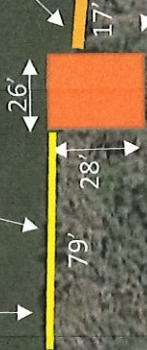
17' Existing Riprap

165' Existing Bulkhead including the slip.



Existing Boat slip dimensions with existing bulkhead.

112' WOW



1404 Park Dr

87110396.000

Approximate property lines

87110396.000 RICE MICHAEL J

PIDN: 87110396.000

GISP: 871.12-03-0129.00

Owner Information

Percent of Ownership: 100

Name: RICE MICHAEL J

Name 2:

Mailing Address: 19625 ROBALO WAY
MOSS POINT MS
39562

Site Address: 1404 PARK DR GAUTIER

Land Information

Section: 12 Acreage: 0

Township: 8

Range: 7

Street Name PARK
DR

Value and Tax Information

Total Assessed Value: 4265

Total Appraised Value: 28430

Improvement Value: 2260

Land Value: 26170

Tax Amount: 613

SQ FT: 0

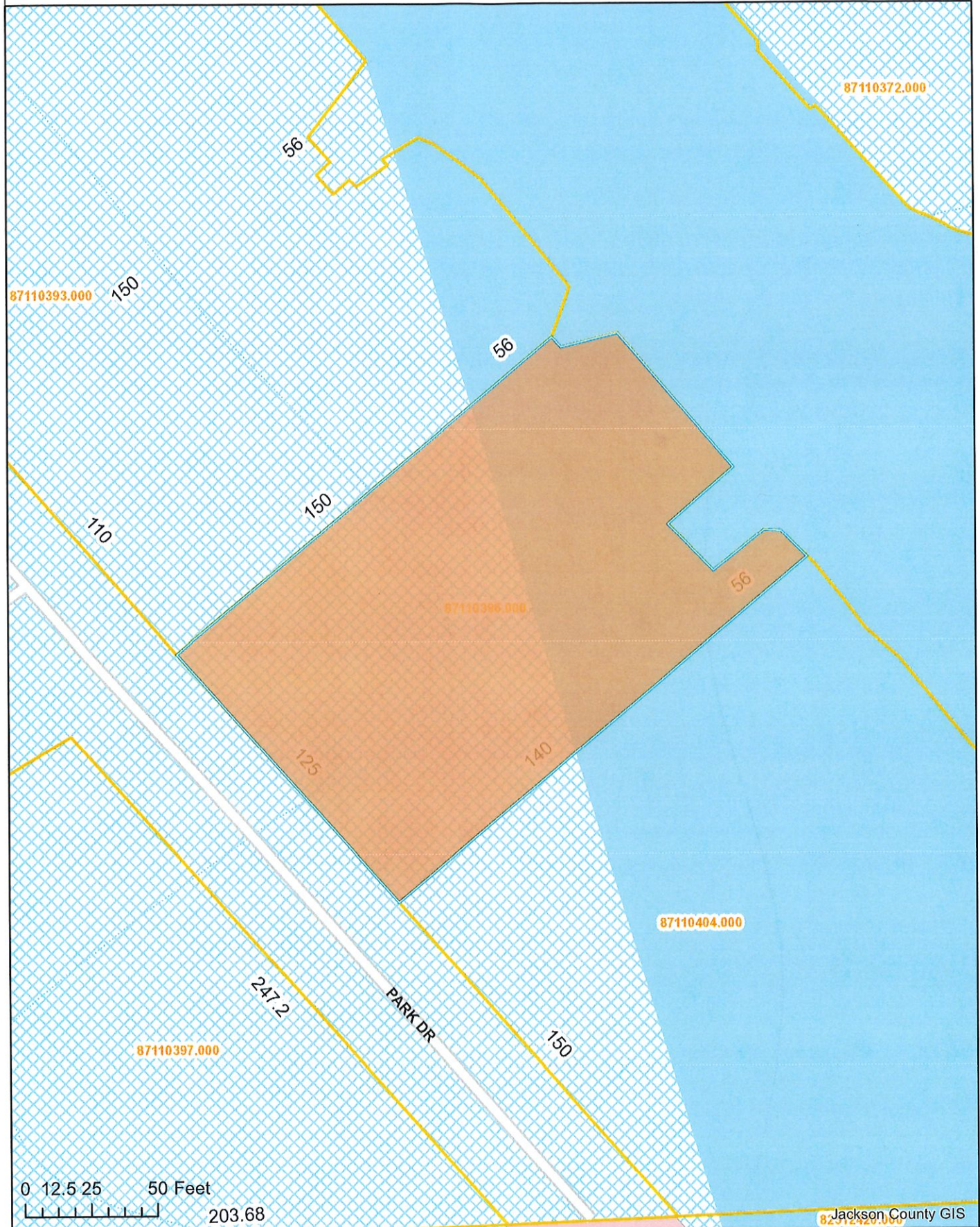
Year Built:

Legal Description

Description: LOT 162 SEACLIFFE S/D 3RD ADD DB
1736-725 (129 MAP871.12-03)

Deed Book / Page: 1736 / 725

87110396.000 RICE MICHAEL J



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

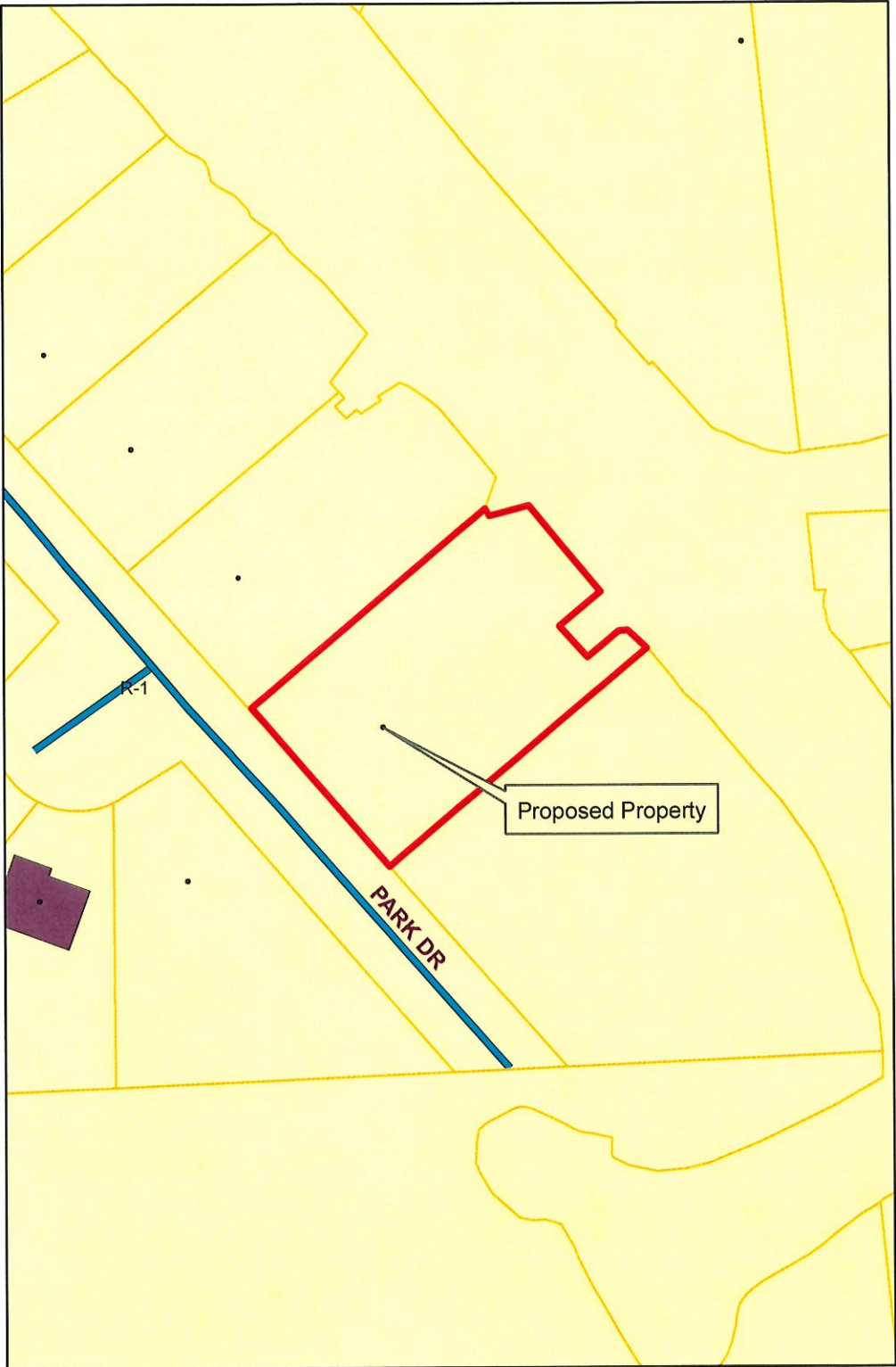


Exhibit C

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

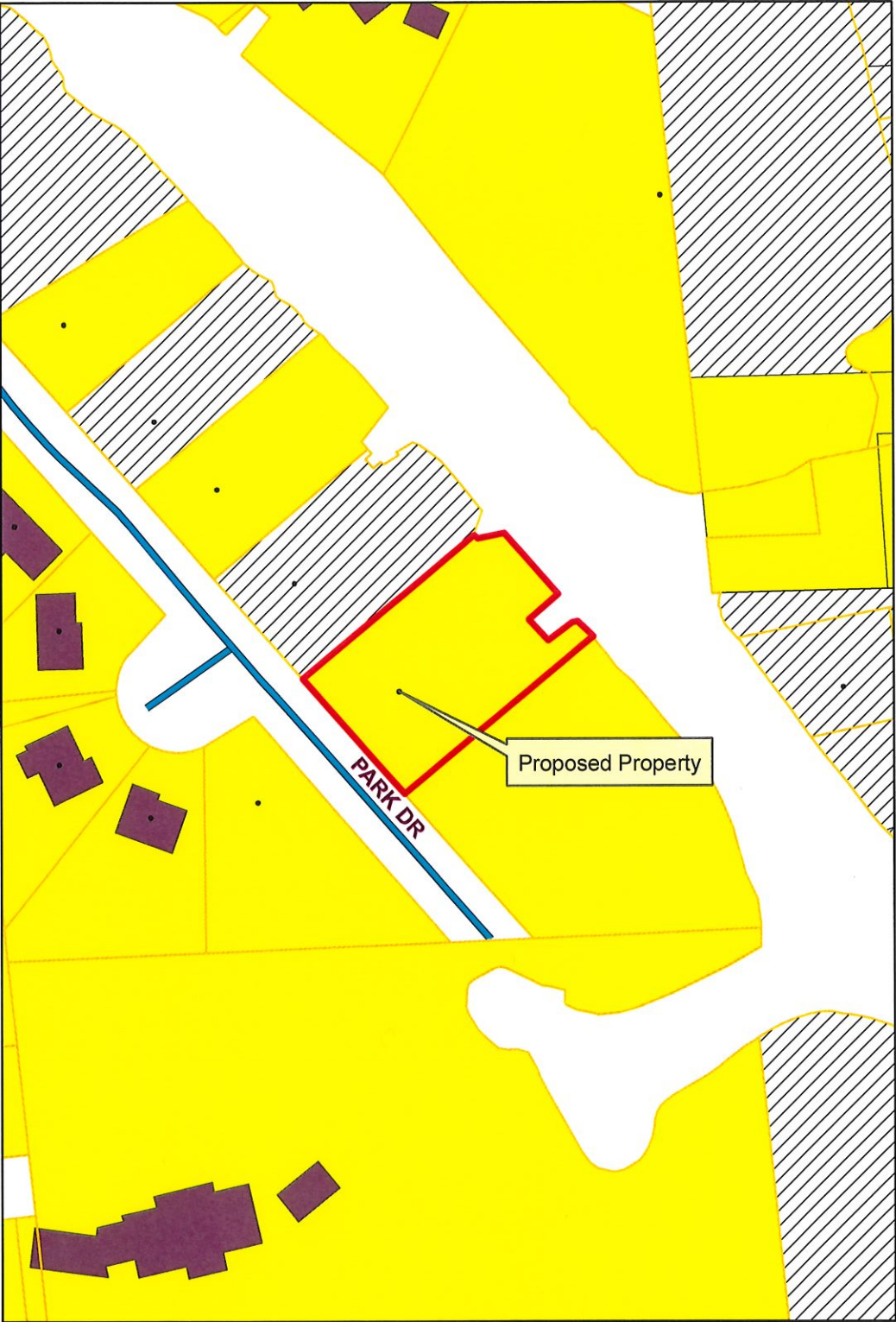


Exhibit D

Future Land-Use

Prepared By:

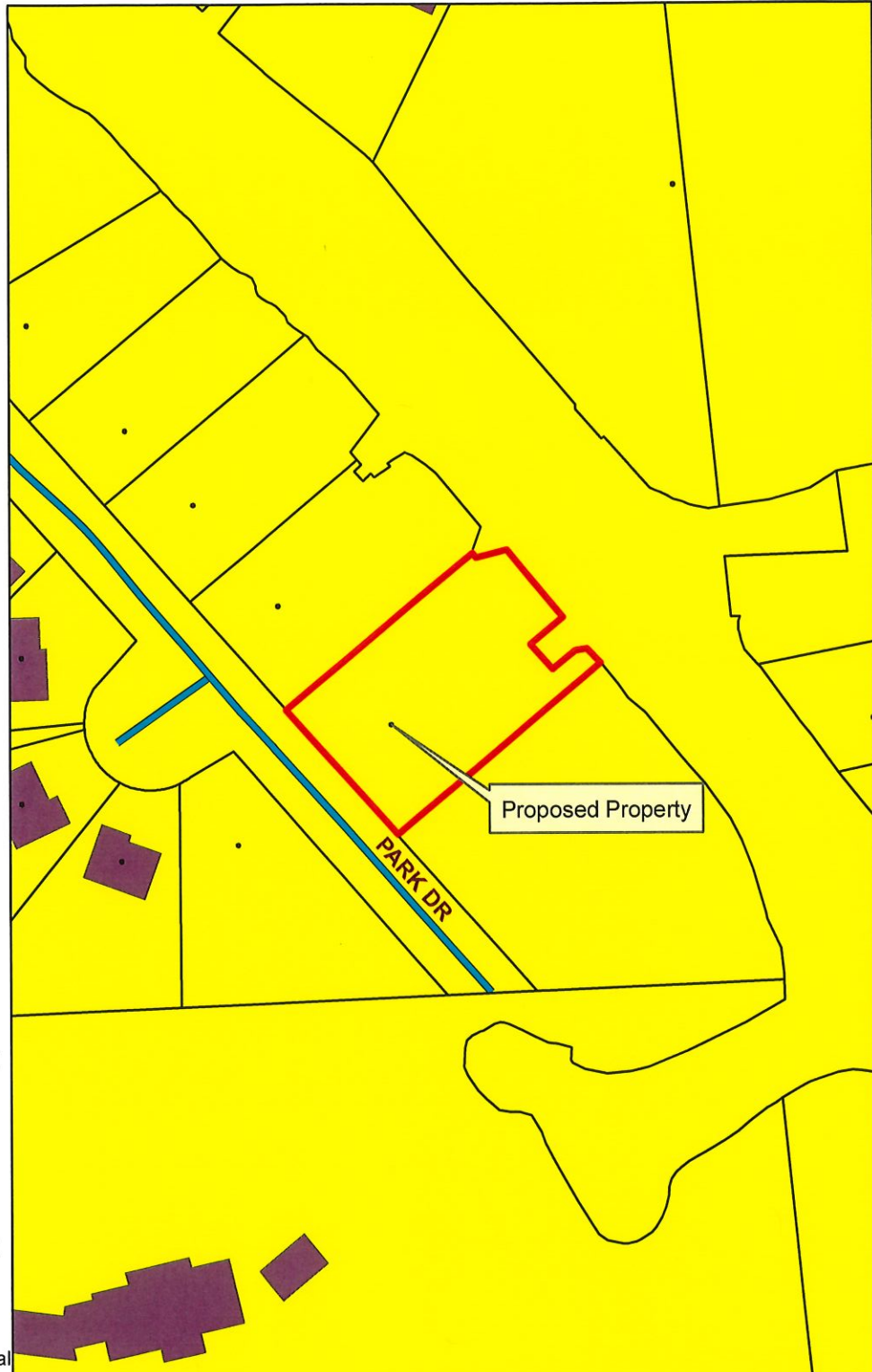
City of Gautier
Planning Department

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

June 1, 2023

GPC #23-19-CU

Stacy Coleman & Brandi Young

3124 Mary Walker Drive

VII. NEW BUSINESS

2. Consider a request for a Conditional Use-Major that would allow a Recreational Vehicle (RV) on an individual lot in the MURC-MW Mixed Use Recreation Commercial - Mary Walker Zoning District. 3124 Mary Walker Drive, PID #87010052.000, (GPC #23-19-CU)

**CITY OF GAUTIER
STAFF REPORT**

To: Chairman and Members, Planning Commission

From: Scott Ankerson, Planning Director

Date: May 19, 2023

Subject: Consider a request for a Conditional Use-Major that would allow a Recreational Vehicle (RV) on an individual lot in the MURC-MW Mixed Use Recreation Commercial - Mary Walker Zoning District. (GPC #23-19-CU)

REQUEST:

The Planning Department has received a request from Stacy Coleman & Brandi Young for a Conditional Use-Major that would allow a Recreational Vehicle (RV) on an individual lot in the MURC-MW Mixed Use Recreation Commercial - Mary Walker Zoning District. 3124 Mary Walker Drive, PID #87010052.000, (GPC #23-19-CU). The application fee of \$250 was paid on May 11, 2023. All public notice requirements have been met.

BACKGROUND:

The request property is zoned MURC-MW Mixed Use Recreation Commercial – Mary Walker.

1. Location: 3124 Mary Walker Drive, PID #87010052.000 (See Exhibit A)
2. General features of the proposed project:
Total Area: Approximately 0.43 Acres
3. Existing Zoning – MURC-MW Mixed Use Recreation Commercial – Mary Walker (See Exhibit B)
4. Existing Land Use – Mobile Home
5. Comprehensive Plan Future Land Use Designation – Recreational Commercial (See Exhibit D)

DISCUSSION:

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

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

Applicant Response: Yes

Staff Finding: Yes. Recreational Vehicle (RV) is listed as a Conditional Use-Major in the MURC-MW Mixed Use Recreation Commercial – Mary Walker District.

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

Applicant Response: RVs already in the area.

Staff Finding: The proposed use is allowed in a MURC-MW zoning district with a Major Conditional Use. Special conditions may be imposed if deemed necessary to help the proposed use be more compatible with the character of development in the vicinity.

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

Applicant Response: No.

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

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

Applicant Response: No.

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

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

Applicant Response: Yes.

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

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

Applicant Response: Yes.

Staff Finding: The Comprehensive Plan calls out "Recreational Commercial" for future land use of this property.

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

Applicant Response: No.

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

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

Applicant Response: It will conform to all applicable district regulations.

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

DETERMINATION OF APPLICABLE LAW:

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

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

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

RECOMMENDATION & CONCLUSION:

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

The Planning Commission may:

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

ATTACHMENTS:

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

GAUTIER, MISSISSIPPI
PLANNING DEPARTMENT
CONDITIONAL USE APPLICATION

Public Hearing Number

23-19-CU

TO BE HEARD BY GAUTIER PLANNING COMMISSION AND CITY COUNCIL:

Conditional Use - Major

/

FEE:

\$251.00

TO BE HEARD BY PLANNING DIRECTOR:

Conditional Use - Minor

FEE:

\$251.00

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

Name of Applicant:

Stacy Coleman + Brandi Young

Name of Business:

Phone:

601-319-4426
601-408-6852

Property Address:

3124 Mary Walker Dr.

Mailing Address (if Different):

1165 Hwy 11, Petal MS

E-Mail Address:

stacy.coleman63@yahoo.com

39465

Proposed Use Requiring Conditional Use:

R-V in MURC-MW.

(Refer to Article V, UDO)

Proposed Location is:

☐

New Build

☐

Existing (with no modifications)

☐

Existing (with proposed modifications)

ATTACHMENTS REQUIRED AS APPLICABLE:

- ✓ 1. Answers to the Criteria for Approval (see attached).
- ✓ 2. Project Narrative (see attached).
- ✓ 3. Diagram of intended use (see attached).
- 4. Copy of protective covenants or deed restrictions, if any.
- 5. Copies of approvals, or requests for approval, from other agencies, such as, but not limited to, the Mississippi State Department of Health, U.S. Army Corp of Engineers, Mississippi Department of Environmental Quality and Department of Marine Resources.
- 6. Any other information requested by the Planning Director.
- ✓ 7. Owner's Consent form if anyone other than 100% sole owner makes application (see attached).

Signature of Applicant(s):

Brandi Young

Date of Application:

5/10/23

FOR OFFICE USE ONLY

Date Received 5-11-23 Verify as Complete

BL

Fee Amount Received 251.00 Initials of Employee Receiving Application

BL

GAUTIER, MISSISSIPPI
PLANNING DEPARTMENT

CONDITIONAL USE APPLICATION

Public Hearing Number

TO BE HEARD BY GAUTIER PLANNING COMMISSION AND CITY COUNCIL:

Conditional Use - Major _____ FEE: \$251.00

TO BE HEARD BY PLANNING DIRECTOR:

Conditional Use - Minor _____ FEE: \$251.00

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

Applicant: Stacy Coleman + Brandi Young

Address: _____ Phone: _____

Address: 3124 Mary Walker Dr. Mailing Address (if Different): _____

Address: Stacy Coleman 63 @ yahoo com

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

Application is: ☐ New Build ☐ Existing (with no modifications) ☐ Existing (with proposed modifications)

DOCUMENTS REQUIRED AS APPLICABLE:

1. Answers to the Criteria for Approval (see attached).
2. Project Narrative (see attached).
3. Diagram of intended use (see attached).
4. Copy of protective covenants or deed restrictions, if any.
5. Copies of approvals, or requests for approval, from other agencies, such as, but not limited to, the Mississippi State Department of Health, U.S. Army Corp of Engineers, Mississippi Department of Environmental Quality and Department of Marine Resources.
6. Any other information requested by the Planning Director.
7. Owner's Consent form if anyone other than 100% sole owner makes application (see attached).

Applicant(s): Stacy Coleman Date of Application: 5/10/23
Brandi Young

FOR OFFICE USE ONLY

Date Received _____ Verify as Complete _____

Fee Amount Received

Initials of Employee Receiving Application

I, Anna Cumbest, the fee simple owner(s) of the following described property:

Address:	<u>3124 MARY WALKER DR</u>
	<u>GAUTIER MS 39553-5710</u>
Parcel ID No.:	<u>870 100 52.000</u>

hereby petition to the City of Gautier to Grant a Conditional Use Major or Minor of R-V in MURC. MW (state proposed use from Article V of the Unified Development Ordinance) at the above reference property and affirm that Stacy Coleman & Brandi Young (name of agent) is hereby designated to act as agent on my behalf to accomplish the above.

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

Anna Cumbest by Donald W. Cumbest II as P.O.A.
(Owner's Signature) (Owner's Signature)

Coahoma County
Book 2023 Page 27

Notary Information:

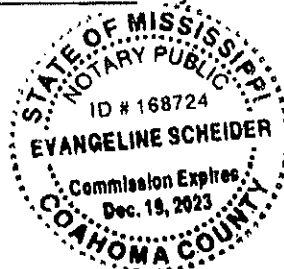
The foregoing instrument was acknowledged before me this 10th day of May, 2023 by Donald Cumbest, II, who is personally known to me or has produced MS DL as identification and who did take an oath.

Evangeline Scheider
(Printed Name of Notary Public)

Evangeline Scheider
(Signature of Notary Public)

Commission # 168724. My commission expires 12/19/23.

(Notary's Seal)



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

MAJOR **CONDITIONAL USE CRITERIA FOR APPROVAL**

Answer
questions

1. Is the proposed use listed in the list of possible Conditional Uses in the particular Zoning District?
yes
2. Please describe how the project is compatible with the character of development in the vicinity relative to (a) density, bulk, and intensity of structures, (b) parking, and (c) other uses. Please attach parking plan, site plan, architectural rendering, or other plans.
RVS already in the area
3. Will your project negatively affect neighboring property values or pose a real or perceived threat to citizens? Explain. *No*
4. Will your project adversely affect vehicular or pedestrian traffic in the vicinity? Explain. *No*
5. Can the proposed use be accommodated by existing or proposed public services and facilities including, but not limited to, water, sanitary sewer, streets, drainage, police and fire protection, and schools? *yes*
6. Is the proposed use in harmony with the Comprehensive Plan? Explain how. *yes*
7. Does the proposed use pose a hazardous, detrimental, or disturbing affect, either real or perceived, to present surrounding land uses due to noises, glare, smoke, dust, odor, fumes, water pollution, vibration, electrical interference, or other nuisances? Explain. *no*
8. Does the use conform to all district regulations for the applicable district in which it is located, or have other provisions been provided for? Explain. *It will conform to all applicable district regulations.*

MINOR **CONDITIONAL USE CRITERIA FOR APPROVAL**

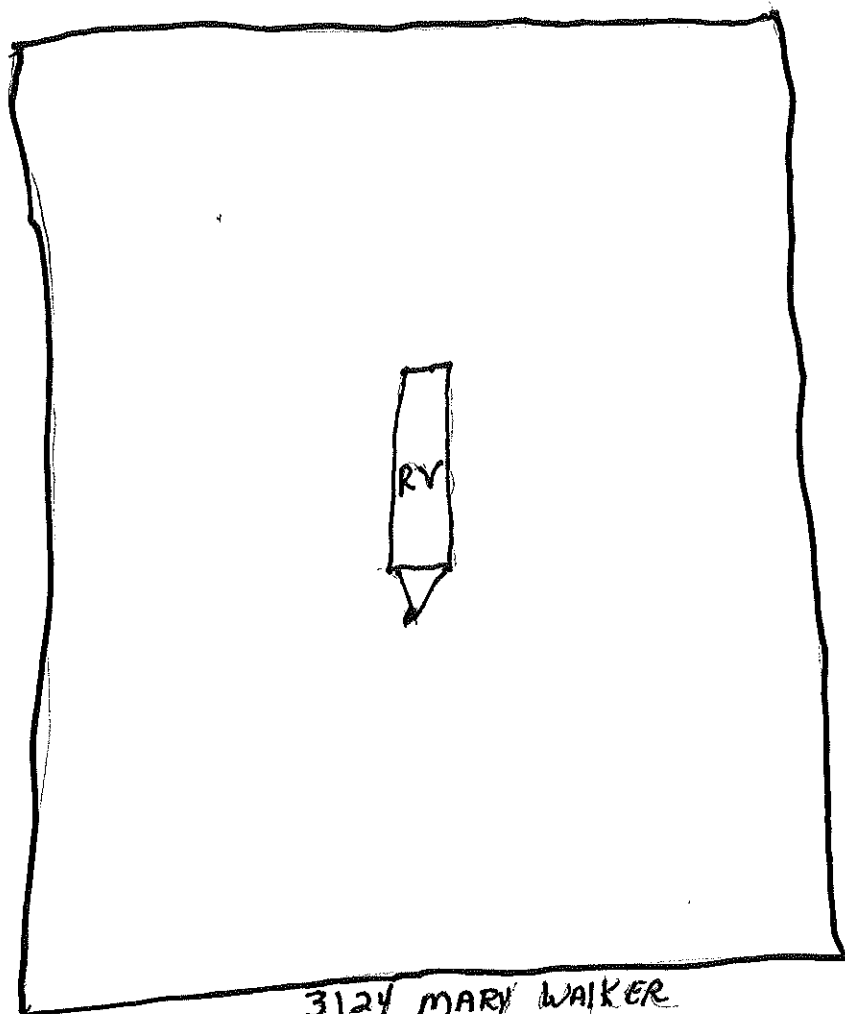
1. Is the proposed use substantially compatible with other uses in the area, including factors relating to the nature of its location, operation, building design, site design, traffic characteristics, and environmental impacts? Explain.
2. Will the proposed use be materially detrimental to the health, safety, and general welfare of the public or otherwise injurious to the environment or to the property or improvements within the area? Explain.
3. Is the proposed use consistent with the Comprehensive Plan? Explain how.
4. Is the proposed use in conformance with specific site location, development, and operation standards as required by this Ordinance? Explain.

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

NARRATIVE

This land will be used for parking RVs for weekend recreational use mainly. We are removing the dilapidated mobile home and cleaning up the property to help beautify the town of Gautier, Ms, and this area. RV will be parked there fulltime.

Approximate $\frac{1}{2}$ ACRE (.433)



3124 MARY WALKER

MARY WALKER

87010052.000 CUMBEST ANNA BELLE

PIDN: 87010052.000

GISP: 769.32-04-0121.00

Owner Information

Percent of Ownership: 100

Name: CUMBEST ANNA BELLE

Name 2:

Mailing Address: 707 WATTS AVE
PASCAGOULA MS
39567

Site Address: 3124 MARY WALKER DR GAUTIER

Land Information

Section: 32 Acreage: 0.43

Township: 7

Range: 6

Street Name MARY WALKER
DR

Value and Tax Information

Total Assessed Value: 1622

Total Appraised Value: 10810

Improvement Value: 2550

Land Value: 8260

Tax Amount: 233

SQ FT: 0

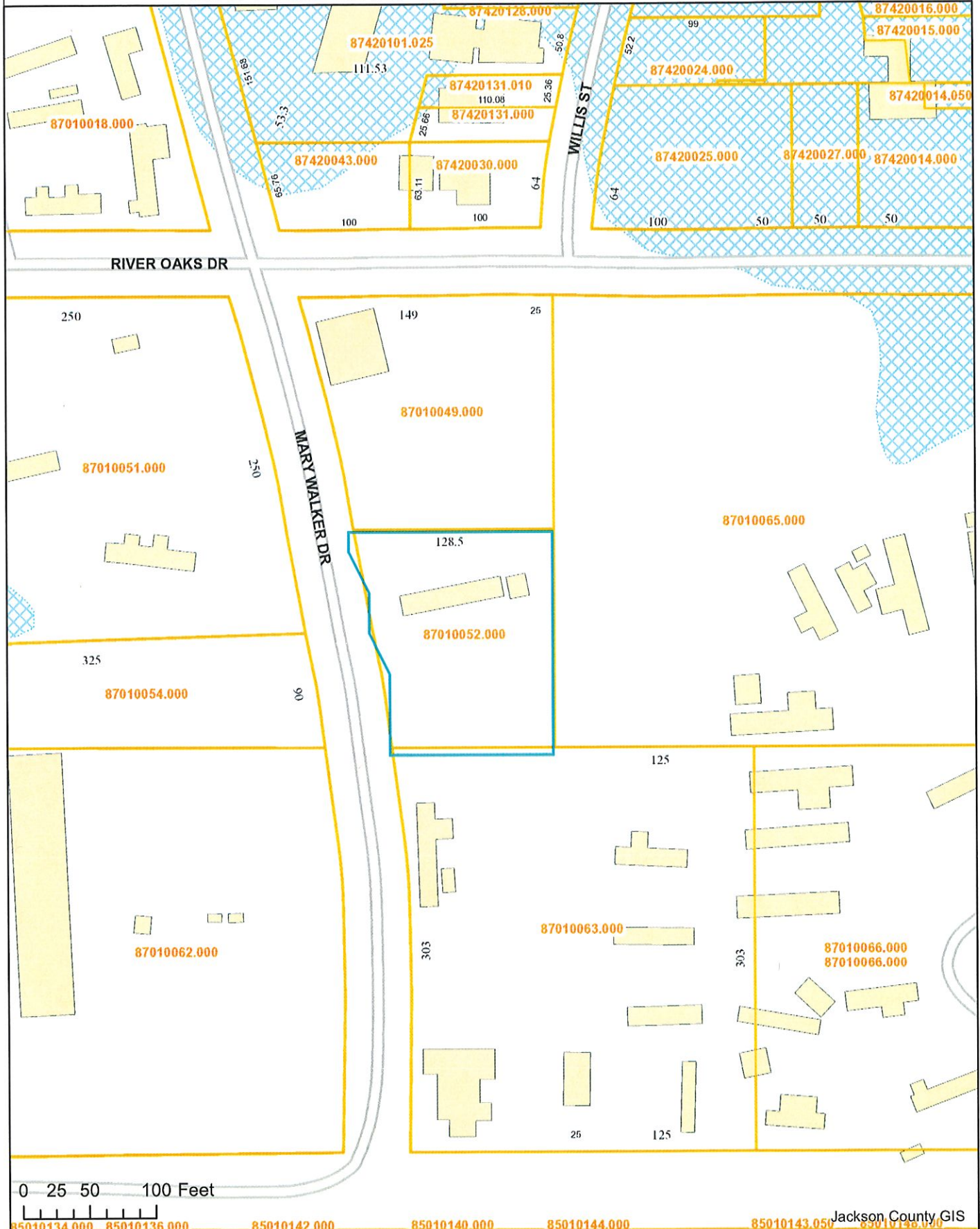
Year Built: 1995

Legal Description

Description: BEG S/M LOT 1 BLK F INTERS CENTE
R WILLOW ST W 98' TO E/M CYPRESS
ST NLY ALG ST 168' E 128.5' TO
CENTER VACATED WILLOW ST SLY ALG
CENTER VACATED WILLOW ST 165' T
O POB PT LOT 1 & PT W1/2 VACATED
WILLOW ST BLK F RIVER OAKS ST D
B 400-64 DB 694-572 (121 Map769.
32-04)

Deed Book / Page: 400 / 64

87010052.000 CUMBEST ANNA BELLE



0 25 50 100 Feet

85010134.000 85010136.000 85010142.000 85010140.000 85010144.000 85010143.050 85010148.000 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

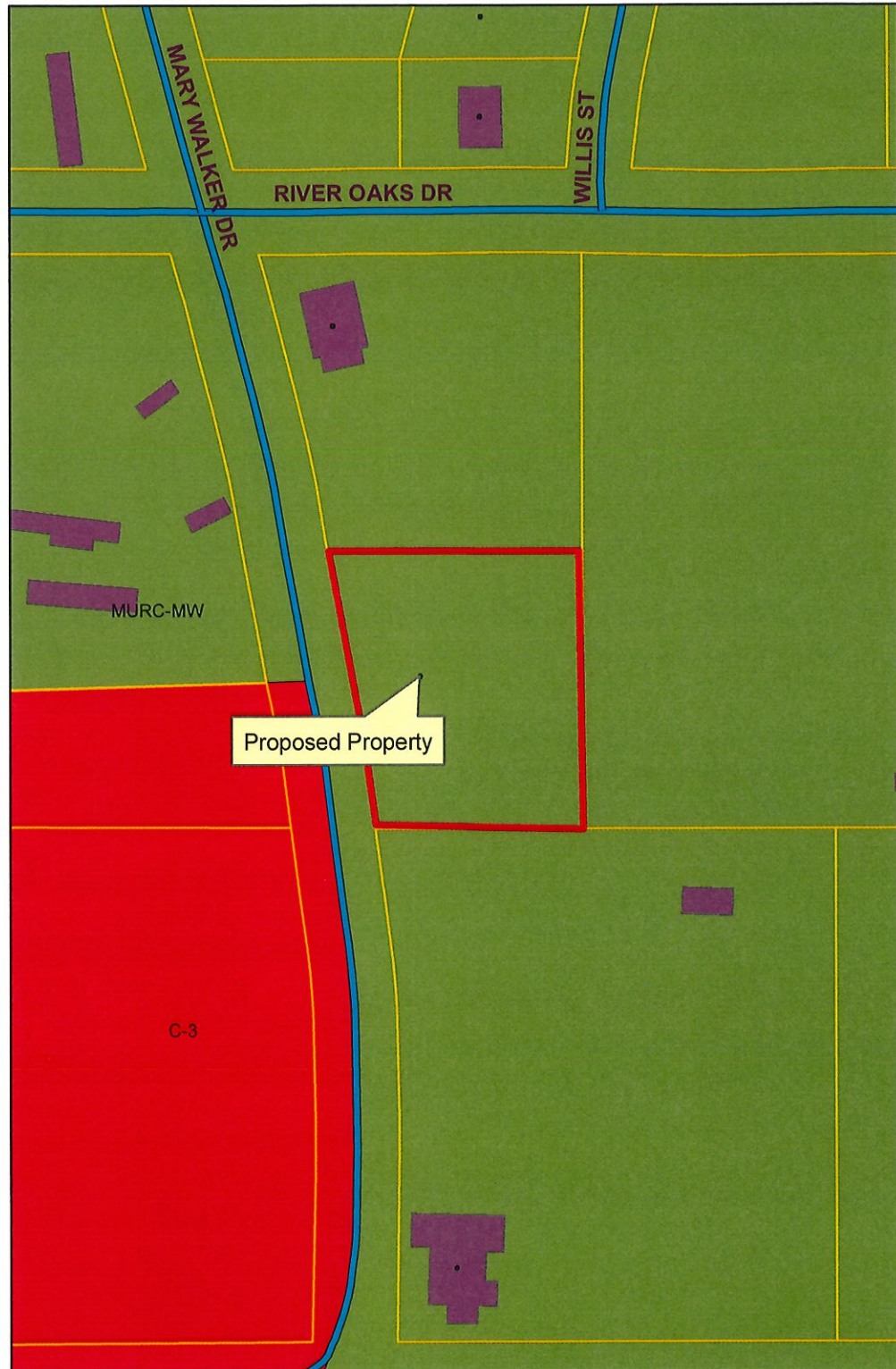


Exhibit C

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

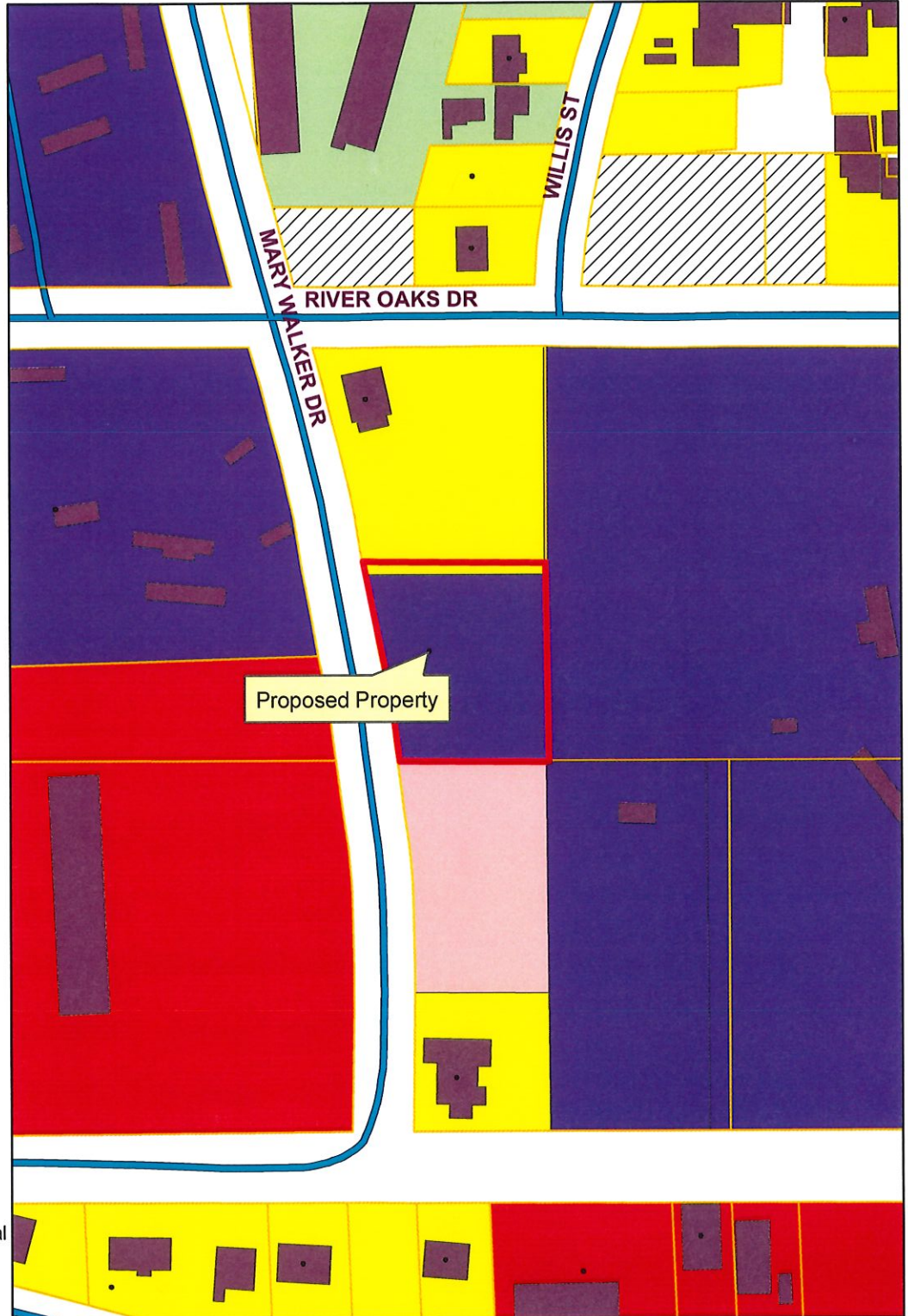


Exhibit D

Future Land-Use

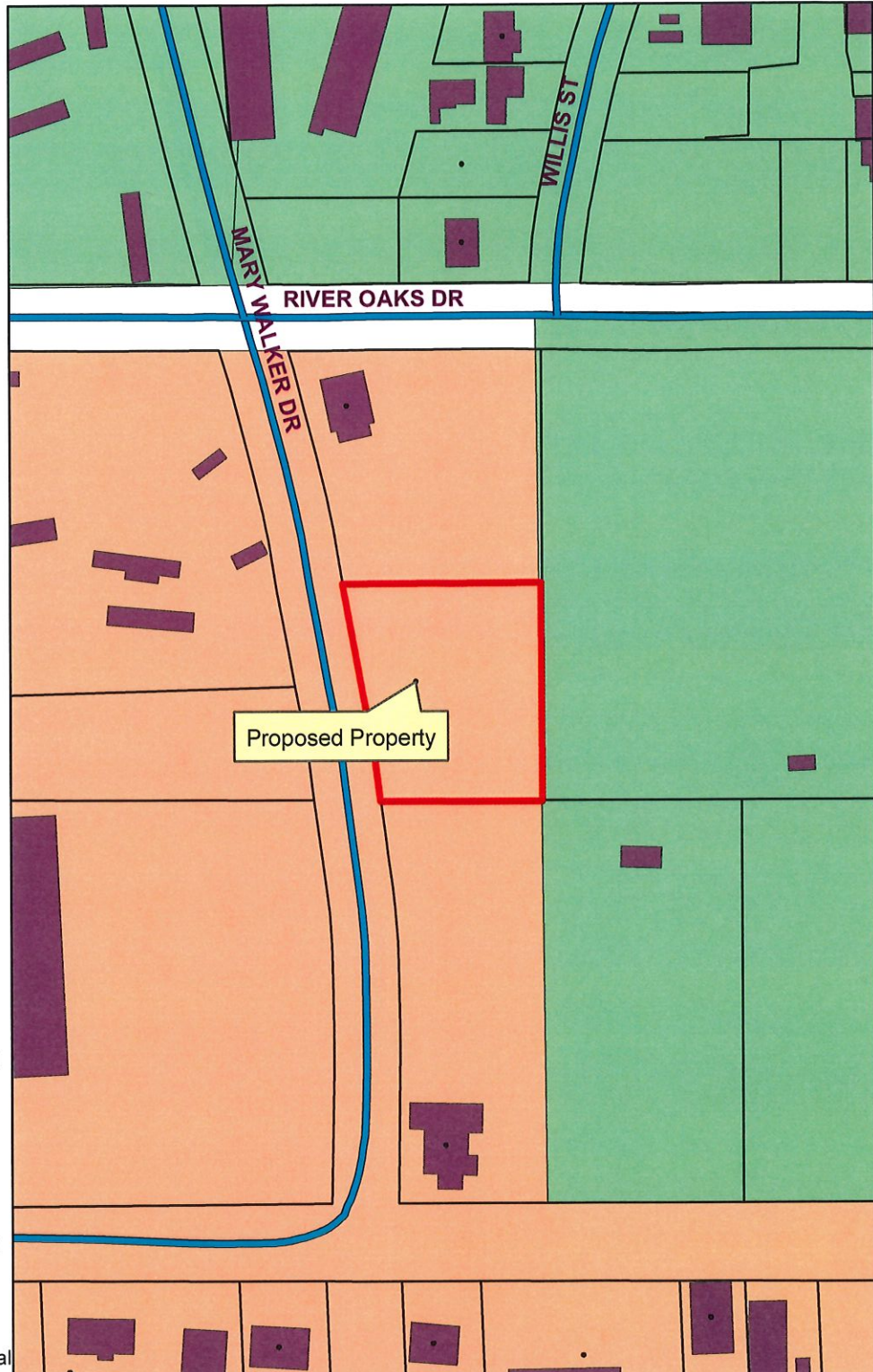
Prepared By:
City of Gautier
Planning Department

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

June 1, 2023

GPC #23-20-SE

Robert H. Brown

Tradewinds Drive, PID #86300014.050

VII. NEW BUSINESS

3. Consider a request for a Special Exception that would allow an accessory structure on a lot without a primary structure in a R-1 Low Density Single-Family Residential District, Tradewinds Drive, PID #86300014.050, (GPC #23-20-SE)

GAUTIER PUBLIC HEARING PROCESS (PLANNING COMMISSION)

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

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

CITY OF GAUTIER STAFF REPORT

To: Chairman and Members, Planning Commission

From: Scott Ankerson, Planning Director

Date: May 22, 2023

Subject: Consider a request for a Special Exception that would allow an accessory structure on a lot without a primary structure in a R-1 Low Density Single-Family Residential Zoning District, Tradewinds Drive, PID #86300014.050. (GPC #23-20-SE)

REQUEST:

The Planning Department has received a request from Robert H. Brown for a Special Exception that would allow an accessory structure on a lot without a primary structure in a R-1 Low Density Single-Family Residential Zoning District on Tradewinds Drive, PID #86300014.050. (GPC #23-20-SE). The application fee of \$250 was paid on May 16, 2023. All public notice requirements have been met.

BACKGROUND:

The request property is zoned R-1 Low Density Single-Family Residential.

1. Location: Tradewinds Drive, PID #86300014.050 (See Exhibit A)
(NOTE: Lot is across street from applicant's residence)
2. General features of the proposed project:
Lot Size: Approximately 0.24 acres
3. Potable Water and Wastewater Services: Existing at current location
4. Current Zoning (See Exhibit B): R-1 Low Density Single-Family Residential
5. Current Surrounding Zoning (See Exhibit B): R-1 Low Density Single-Family Residential
6. Comprehensive Plan Future Land Use Designation (See Exhibit D): Low Density Residential.

DISCUSSION:

The following addresses the review criteria for a Special Exception outlined in Section 4.16.4 of the UDO.

1. Explain how a literal interpretation of the City of Gautier's Unified Development Ordinance would deprive the applicant of rights commonly enjoyed by others of the district in which the property is located, and would work unnecessary hardship upon the applicant?

Applicant Response: I would like covered storage for my boat. I currently have to use a loud noisy leaf blower to clean it daily.

Staff Finding: *There are other accessory structures on lots without primary structures in this district; however, in most cases, these lots did contain a primary structure at one time.*

2. Explain how the requested Special Exception will be in harmony with the purpose of the City of Gautier's Unified Development Ordinance and will not be injurious to the neighborhood or the general welfare?

Applicant Response: *The variance would not cause any diminution of the property value surrounding. In fact it will raise my property tax. Metal carports are common throughout my local neighborhood. I can count at least 6 within a block.*

Staff Finding: *Staff's opinion is that approval of the request will not negatively affect the character of the property.*

3. Explain how the special circumstances requiring the proposed Special Exception are not results of actions of the applicant.

Applicant Response: *Based on the 30° inclination to the bayou this would make use of the land not previously useable. Also boat storage carports are very common within eyesight of my lot.*

Staff Finding: *Staff has no evidence in support of this criteria.*

DETERMINATION OF APPLICABLE LAW:

1. The UDO defines a Special Exception as a relaxation of the terms of the Unified Development Ordinance where such an exception 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 undue hardship. Special Exceptions are necessary when an applicant seeks to establish or expand a use not ordinarily permitted in a specific zoning district. "Special Exceptions" are not transferable from one (1) owner of land to another.

2. Special Exception requires a public hearing before the Planning Commission and approval by the City Council (Section 4.14 of the UDO).
3. Once an application for a Special Exception is submitted to the Planning Department, the procedures outlined in UDO Section 4.14.1 will be followed. At the appropriate time, The Planning Commission will conduct a public hearing to determine whether the applicant meets all relevant criteria, and make a recommendation to City Council pursuant to UDO Section 4.14.4. City Council, pursuant to UDO Section 4.14.4(C), will then consider the matter at its next regularly scheduled meeting and approve or deny the Special Exception.
4. A Special Exception is required for uses not ordinarily permitted in a specific zoning district. Special Exceptions are not permitted by right, and may only be granted when certain criteria are established. (4.16.4)
5. Special Exceptions do not run with the land, and may be revoked by the Planning Department if any of the following circumstances are discovered:
 - A. The property changes ownership
 - B. The property is being utilized in a manner not permitted under the zoning regulations or the special exception; or
 - C. The property ceases to be used for the purpose allowed in the Special Exception for a period of one hundred eighty (180) days during the existence of the Special Exception.

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.

RECOMMENDATION & CONCLUSION:

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

The Planning Commission may:

1. Recommend that City Council approve the Special Exception;
2. Recommend that City Council approve the Special Exception with changes; or
3. Recommend that City Council deny the Special Exception.

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

May 23, 2023

RE: GPC Case No. 23-20-SE
Special Exception

Dear City Council:

In regards to the Special Exemption Application request by Robert H. Brown (GPC Case No. 23-20-SE) to erect an accessory structure on PID #86300014.050, we feel that the exception should be denied. Although the neighborhood is low density, and not kept to the standards of some communities with covenants, independent structures have the possibility of devaluing property values. The current location of the partially erected structure is unacceptable to us for this reason.

We believe that if an exception is granted, it should locate the structure on Mr. Brown's primary residence property to the south of his home off Pompano Rd. (Addendum 1 map). His neighbor already has a carport near the property line and there is a fence with a gate. In our mind it would blend in. This would be similar to the carport that was built to the east of Mr. Brown's garage for his float last year.

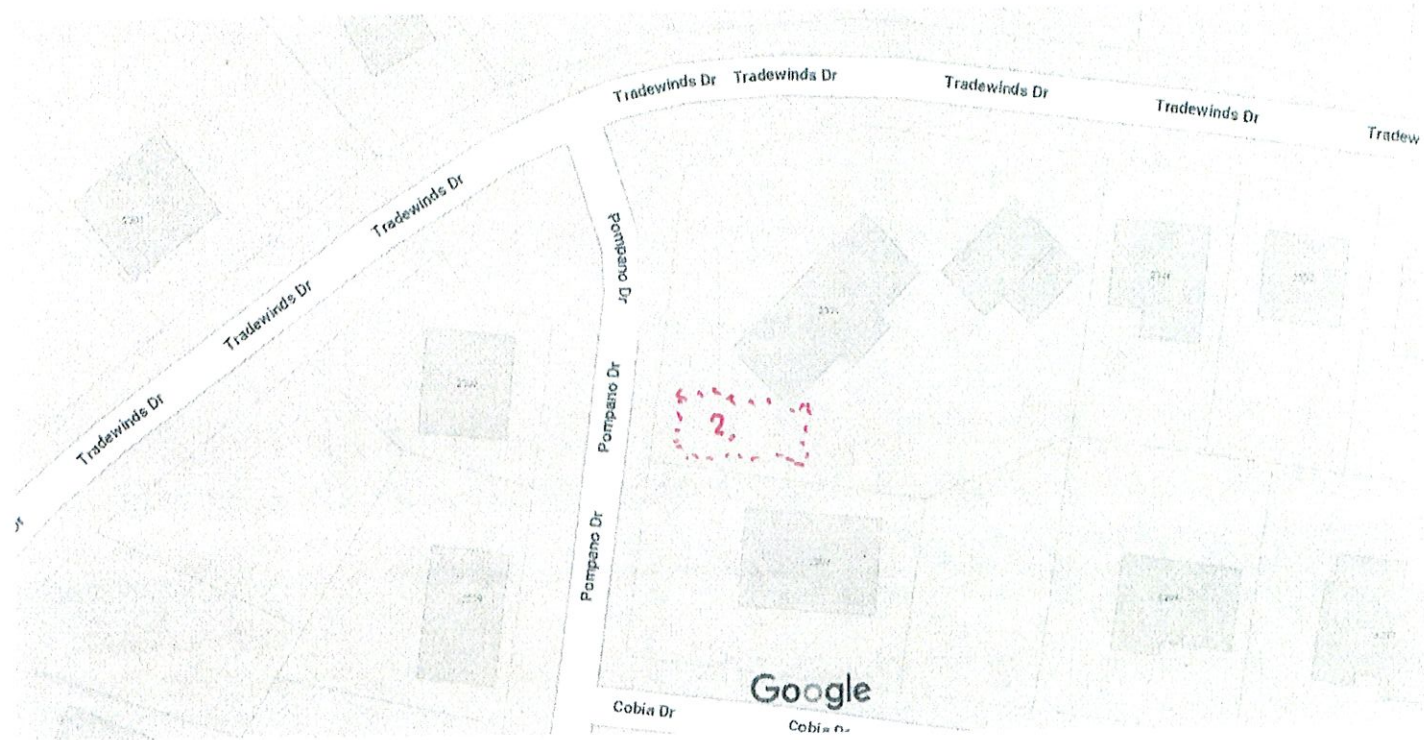
With an understanding for the desire and need of accessory structures, and our desire to be reasonable neighbors, if the location on Mr. Brown's primary residence is deemed unacceptable, we would agree to a location on either side of his current building (Addendum 2 map). To the west would probably encroach on the property lines and might not be acceptable. To the east would seem to work.

This said, we plead to the council to reject the accessory structure exception that would allow for its construction anywhere south of the current out building.

Sincerely:
Mark and Joan Tscheulin
2325 Tradewinds Dr.

Google Maps

Allen 1



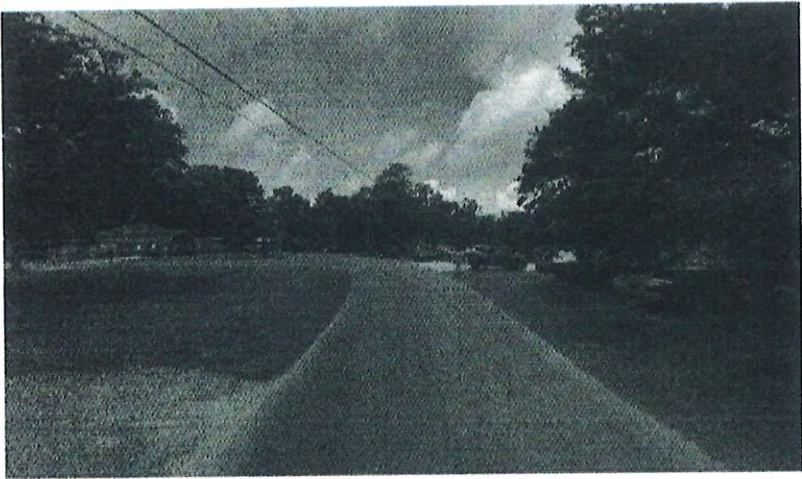
Map data ©2023 20 ft

Google Maps 2321 Tradewinds Dr

"Addendum 2"



Map data ©2023 20 ft



2321 Tradewinds Dr

- Directions
- Save
- Nearby
- Send to phone
- Share

2321 Tradewinds Dr, Gautier, MS 39553

Confirm or fix this location
The location shown is not precise

PLANNING DEPARTMENT
GAUTIER, MISSISSIPPI

SPECIAL EXCEPTION HEARING APPLICATION

Public Hearing Number

23-20-58

TYPE OF REQUEST:

Special Exception

FEE:

\$251.00

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

Special Exception— These uses are not allowed by right and **require** a recommendation by the Planning Commission and approval of the City Council.

Name of Applicant: Robert H Brown

Name of Business: None

Address: (2330 Tradewinds Dr.) PIP# 8630004.050

Mailing Address (if different): Tradewinds Drive

Email Address: chunkphi@yahoo.com

Phone: _____ Cell Phone: 228 369 9614

Reason for request, location and intended use of Property: Accessory Structure on lot without a primary structure

ATTACHMENTS REQUIRED AS APPLICABLE:

- _____ 1. Diagram of intended use, showing dimensions and distances of property, building with setbacks, parking spaces, entrances and exits.
- ☒ 2. Legal descriptions and street address.
- ☒ 3. A detailed project narrative that also addresses the questions on the "Criteria for Approval" page of this application.
- _____ 4. Copy of protective covenants or deed restrictions, if any.
- _____ 5. Copies of approvals, or requests for approval, from other agencies, such as, but not limited to, the Mississippi State Department of Health, U.S. Army Corp of Engineers, Mississippi Department of Environmental Quality and Department of Marine Resources.
- _____ 6. Any other information requested by the Planning Director.
- _____ 7. Owner's Consent form if anyone other than 100% sole owner makes application (see attached).

Signature of Applicant: RHB

FOR OFFICE USE ONLY

Date Received 5/16/23 Verify as Complete B2

Fee Amount Received 251.00

Initials of Employee Receiving Application AB/B2

SPECIAL EXCEPTION

Criteria for Approval Special Exception

- A. Explain how a literal interpretation of the City of Gautier's Unified Development Ordinance would deprive the applicant of rights commonly enjoyed by others of the district in which the property is located, and would work unnecessary hardship upon the applicant?
- B. Explain how the requested Special Exception will be in harmony with the purpose and intent of the City of Gautier's Unified Development Ordinance and will not be injurious to the neighborhood or the general welfare?
- C. Explain how the special circumstances requiring the proposed Special Exception are not results of actions of the applicant?

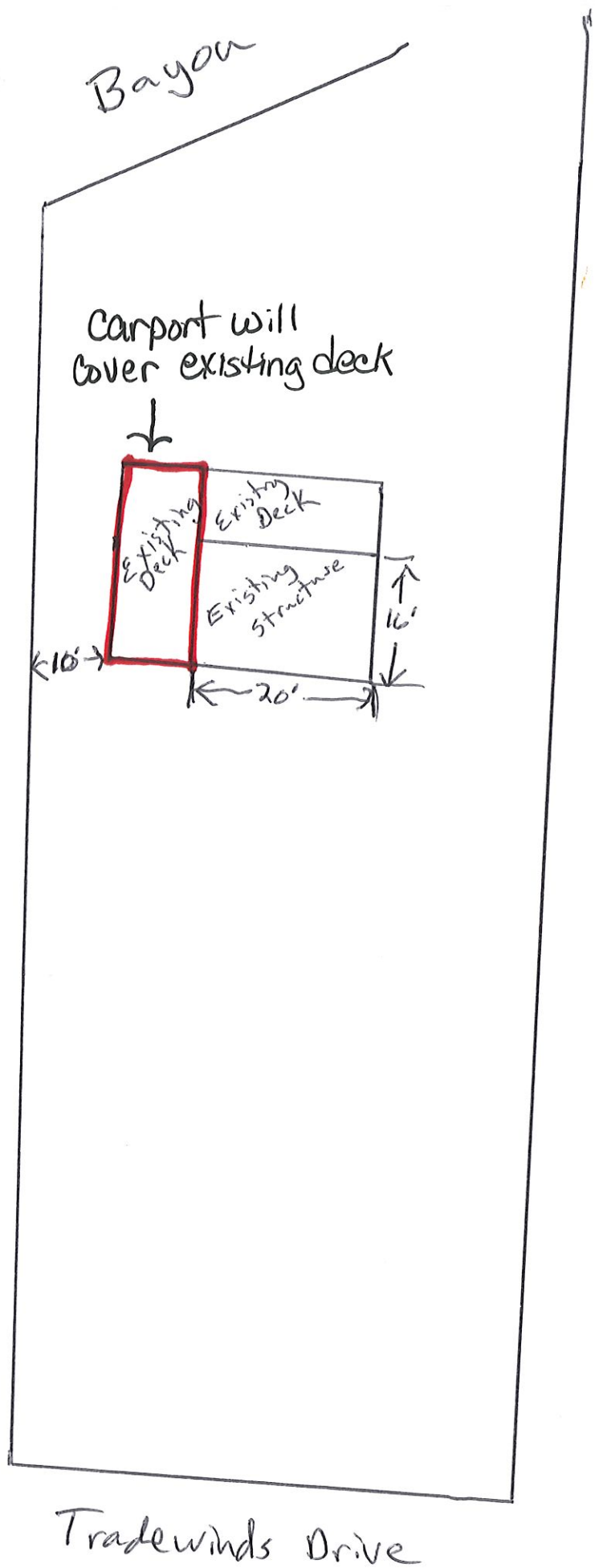
A. I would like covered storage for my boat. I currently have to use a loud noisy leaf blower to clean it daily.

B. The variance would not cause any diminution of the property value surrounding. In fact it will raise my property tax. Metal carports are common throughout my local neighborhood I can count at least 6 within a block.

C. Based on the 30° inclination to the bayou this would make use of the land not previously useable. Also boat storage carports are very common within eyesight of my lot.

Plot Plan
Robert Brown
228-369-9614

- Carport is 12' high x 12' wide
x 30' Long

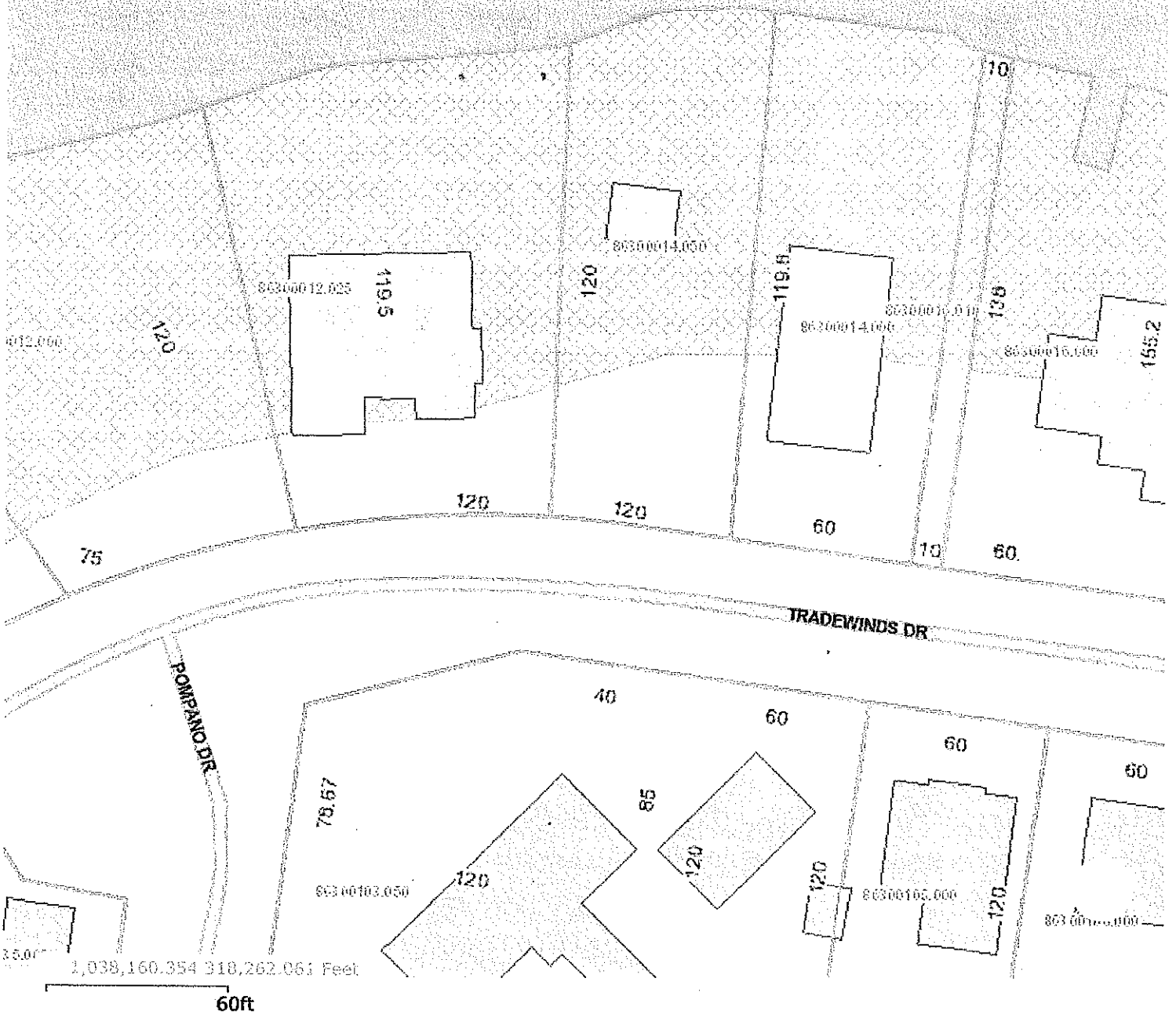




Jackson County, MS

Tax Parcel Viewer

Find address or place





2330 Tradewinds Dr
2330 Tradewinds Dr, G...
30° 22' 30" N 88° 39' 46" W

Google Earth

7 m

Camera: 44 m 30° 22' 30" N 88° 39' 46" W -42 cm

Fastening the 2" square frame to the deck will be secured with (grade 2) 1/2" hot dipped galvanized lag bolts.

Every 2' of the 30' width will have a bolt/nut/washer.

Eagle Carports

"Flying High with Great Deals"



STRUCTURAL DESIGN

FULLY OPEN (CARPORT) BUILDING

**MAXIMUM 30'- 0" WIDE X 20'- 0" HEIGHT-
BOX EAVE FRAME AND BOW FRAME**

19 August 2021

Revision 9

M&A Project No. 16166S/17207S/17293S/18012S/18260S/19320S/21169S

Prepared for:

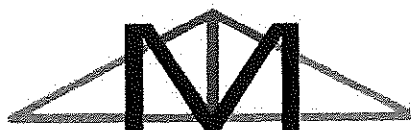
**Eagle Carports
210 Airport Road
Mount Airy, NC 27030**

Prepared by:

Moore and Associates Engineering and Consulting, Inc.

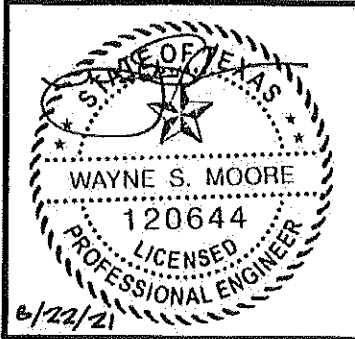
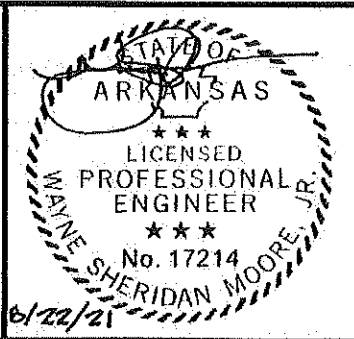
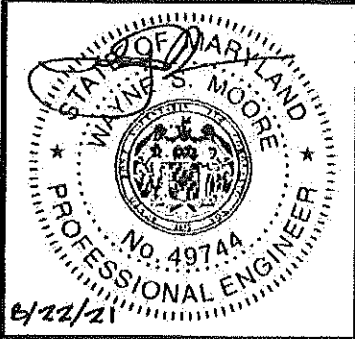
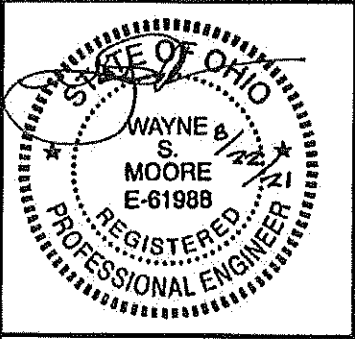
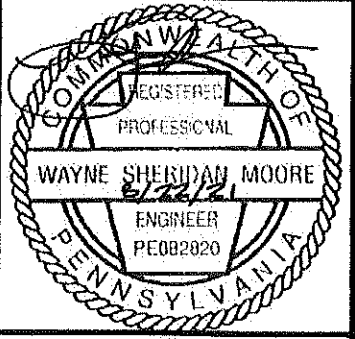
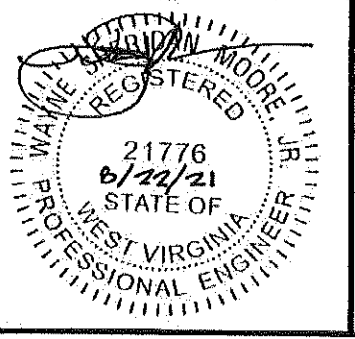
**1009 East Avenue
North Augusta, SC 29841**

**401 S. Main Street, Suite 200
Mount Airy, NC 27030**



**MOORE AND ASSOCIATES
ENGINEERING AND CONSULTING**

		I HAVE RESEARCHED THIS CHAPTER AND THE LOUISIANA STATE UNIFORM CONSTRUCTION CODE AND TO THE BEST OF MY KNOWLEDGE AND BELIEF, THESE DRAWINGS ARE IN COMPLIANCE THEREWITH. I TAKE FULL RESPONSIBILITY FOR THE CONTENTS OF THESE PLANS.	
MOORE AND ASSOCIATES ENGINEERING AND CONSULTING, INC.		DRAWN BY: LT CHECKED BY: PDH	EAGLE CARPORTS 210 AIRPORT ROAD MOUNT AIRY, NC 27030 30'-0"x20'-0" SP FULLY OPEN STRUCTURE
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	Professional Certification. I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed professional engineer under the laws of the State of Maryland, License No. 49744, ⁶ Expiration Date <u>6/22/2022</u>		
			
			
			
MOORE AND ASSOCIATES ENGINEERING AND CONSULTING, INC.		DRAWN BY: LT CHECKED BY: PDH PROJECT MGR: WSM CLIENT: EAGLE CARPORTS	EAGLE CARPORTS 210 AIRPORT ROAD MOUNT AIRY, NC 27030 30'-0"x20'-0" SP FULLY OPEN STRUCTURE DATE: 6-19-21 SCALE: NTS SHT. 1A DWG. NO: SK-1 JOB NO: 16166S/ 18260S/19320S/21169S REV: 9
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DRAWING INDEX

SHEET 1	PE SEAL COVER SHEET (1 OF 2)
SHEET 1A	PE SEAL COVER SHEET (2 OF 2)
SHEET 2	DRAWING INDEX
SHEET 3	INSTALLATION NOTES AND SPECIFICATIONS
SHEET 3A	LIST OF APPLICABLE BUILDING CODES
SHEET 4	TYPICAL SIDE AND END ELEVATIONS
SHEET 5	TYPICAL RAFTER/COLUMN END AND SIDE FRAMING SECTIONS (BOX EAVE RAFTER)
SHEET 5A	TYPICAL RAFTER/COLUMN END AND SIDE FRAMING SECTIONS (BOX EAVE RAFTER)
SHEET 6	TYPICAL RAFTER/COLUMN END AND SIDE FRAMING CONNECTION DETAILS (BOX EAVE RAFTER)
SHEET 6A	TYPICAL RAFTER/COLUMN END AND SIDE FRAMING CONNECTION DETAILS (BOX EAVE RAFTER)
SHEET 7	TYPICAL RAFTER/COLUMN END AND SIDE FRAMING SECTIONS (BOW EAVE RAFTER)
SHEET 7A	TYPICAL RAFTER/COLUMN END AND SIDE FRAMING SECTIONS (BOW EAVE RAFTER)
SHEET 8	TYPICAL RAFTER/COLUMN END AND SIDE FRAMING CONNECTION DETAILS (BOW EAVE RAFTER)
SHEET 8A	TYPICAL RAFTER/COLUMN END AND SIDE FRAMING CONNECTION DETAILS (BOW EAVE RAFTER)
SHEET 9	BASE RAIL ANCHORAGE OPTIONS
SHEET 10	BOX EAVE RAFTER GABLE END OPTION
SHEET 11	BOW EAVE RAFTER GABLE END OPTION
SHEET 12	CONNECTION DETAILS
SHEET 13	LEAN-TO OPTION (BOX EAVE RAFTER)
SHEET 13A	LEAN-TO OPTION (BOX EAVE RAFTER)
SHEET 13B	LEAN-TO OPTION (BOX EAVE RAFTER) (EXPOSURE B)
SHEET 13C	LEAN-TO OPTION (BOX EAVE RAFTER) (EXPOSURE C)
SHEET 14	LEAN-TO OPTION (BOW RAFTER)
SHEET 14A	LEAN-TO OPTION (BOW RAFTER) (EXPOSURE B)
SHEET 14B	LEAN-TO OPTION (BOW RAFTER) (EXPOSURE C)
SHEET 15	BOX EAVE RAFTER EXTRA SIDE PANEL OPTION
SHEET 16	BOW EAVE RAFTER EXTRA SIDE PANEL OPTION
SHEET 17	VERTICAL ROOF OPTION END AND SIDE ELEVATION AND SECTIONS

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PROJECT MGR: WSM

CLIENT: EAGLE CARPORTS

**EAGLE CARPORTS
210 AIRPORT ROAD
MOUNT AIRY, NC 27030
30'-0"x20'-0" SP FULLY OPEN STRUCTURE**

DATE: 6-19-21

SCALE: NTS

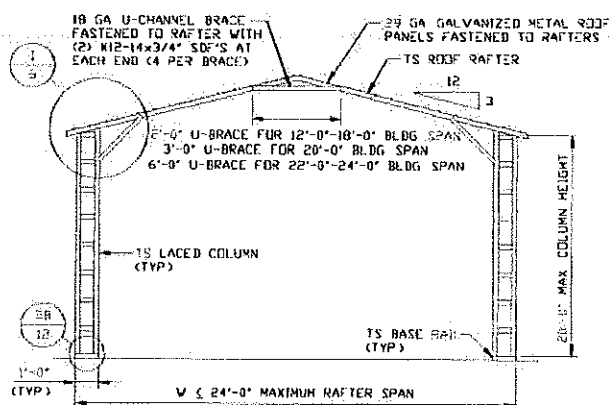
SHT. 2

DWG. NO: SK-1

**JOB NO: 16166S/
18260S/19320S/21169S**

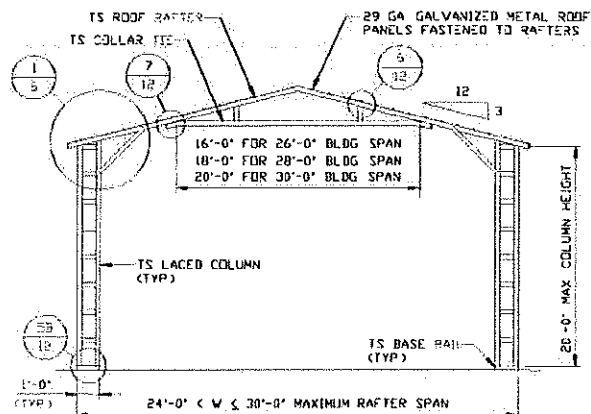
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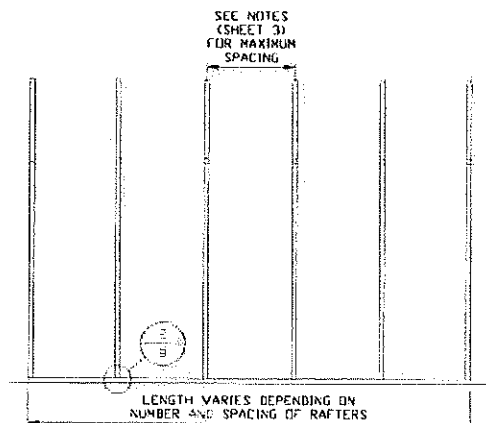
TYPICAL RAFTER/COLUMN END FRAME SECTION

SCALE: NTS



TYPICAL RAFTER/COLUMN END FRAME SECTION

SCALE: NTS



TYPICAL RAFTER/COLUMN SIDE FRAMING SECTION

SCALE: NTS

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PROJECT MGR: VSM

CLIENT: EAGLE CARPORTS

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MOUNT AIRY, NC 27030
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DATE: 8-19-21

SHT. 5A

SCALE: NTS

DWG. NO: SK-1

**JOB NO: 16166S/
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Eagle Carports

"Flying High with Great Deals"



NORTH CAROLINA
CORPORATE HEADQUARTERS
210 AIRPORT RD.
MT. AIRY, NC, 27030

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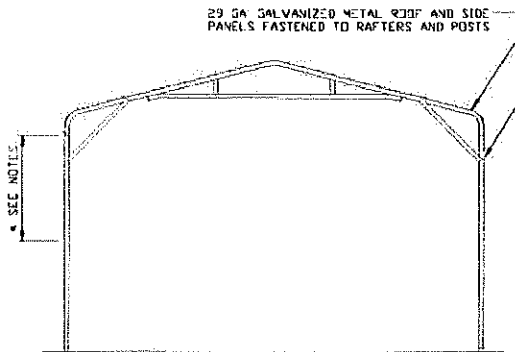
Thank you,

Eagle Carports, Inc.

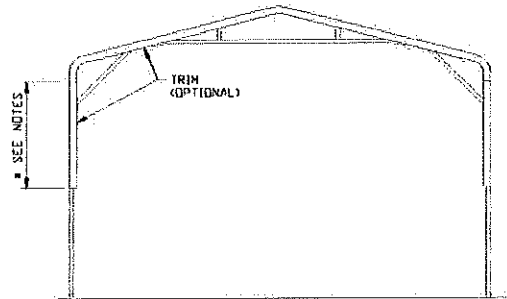


800-579-8589
www.EagleCarports.com

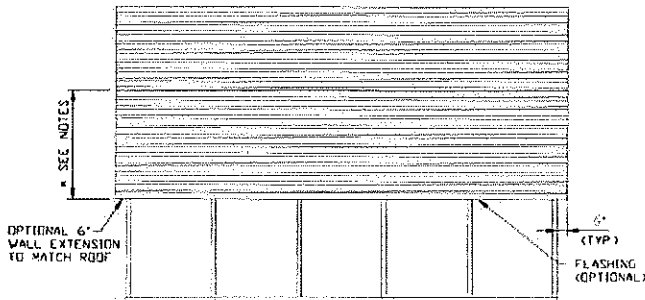
BOW RAFTER EXTRA SIDE PANEL OPTION



**TYPICAL RAFTER/COLUMN FRAME
SECTION - EXTRA SIDE PANELS**
SCALE: NTS



**TYPICAL END ELEVATION
EXTRA SIDE PANELS**
SCALE: NTS



**TYPICAL SIDE ELEVATION
EXTRA SIDE PANELS**
SCALE: NTS

NOTES

- * 9'-0" MAX FOR EAVE HEIGHT 14'-0" < TO ≤ 20'-0"
- * NO ADDITIONAL SIDING ALLOWED FOR HEIGHT ≤ 14'-0"

**MOORE AND ASSOCIATES
ENGINEERING AND CONSULTING, INC.**

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PROJECT MGR: WSH

CLIENT: EAGLE CARPORTS

**EAGLE CARPORTS
210 AIRPORT ROAD
MOUNT AIRY, NC 27030
30'-0"x20'-0" SP FULLY OPEN STRUCTURE**

DATE: 8-19-21

SHT. 16

SCALE: NTS

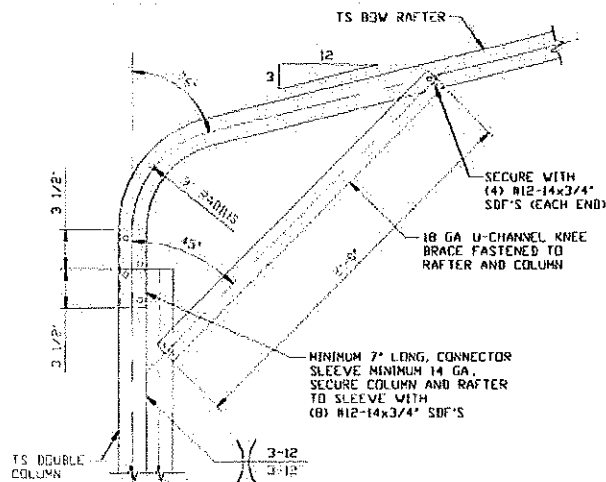
DWG. NO SK-1

**JOB NO: 16166S/
16260S/19320S/21169S**

REV: 9

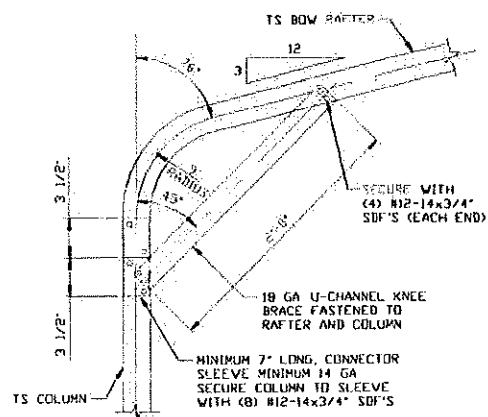
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BOW RAFTER LEAN-TO OPTION - EXPOSURE B



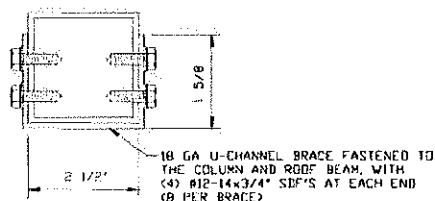
**12 BOW EAVE RAFTER COLUMN CONNECTION
DETAIL FOR HEIGHTS 14'-0" < TO ≤ 16'-0"**

SCALE: NTS
HORSE BARN OPTION (REQUIRES A LEAN-TO ON BOTH
SIDES OF THE MAIN BUILDING)



**12A BOW EAVE RAFTER COLUMN
CONNECTION DETAIL
FOR HEIGHTS ≤ 14'-0"**

SCALE: NTS
HORSE BARN OPTION (REQUIRES A LEAN-TO
ON BOTH SIDES OF THE MAIN BUILDING)



BRACE SECTION

SCALE: NTS

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ENGINEERING AND CONSULTING, INC.**

DRAWN BY: LT

CHECKED BY: PDH

PROJECT MGR: VSM

CLIENT: EAGLE CARPORTS

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210 AIRPORT ROAD
MOUNT AIRY, NC 27030
30'-0"x20'-0" SP FULLY OPEN STRUCTURE**

DATE: 8-19-21

SHT. 14A

SCALE: NTS

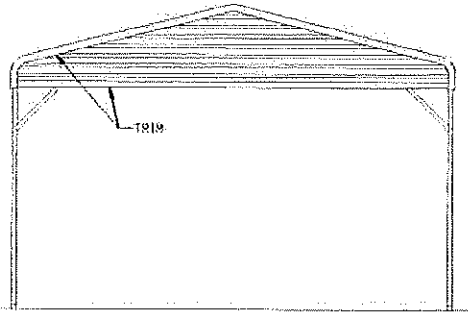
DWG. NO. SK-1

**JOB NO. 16166S/
18260S/19260S/21162S**

REV. 9

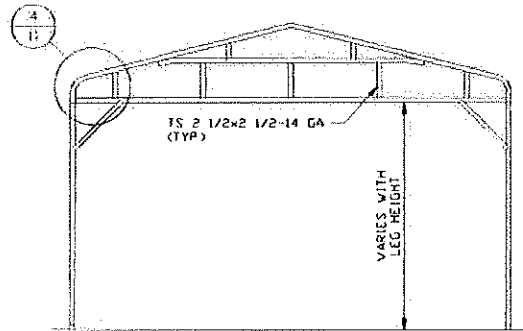
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BOW EAVE RAFTER GABLE END OPTION



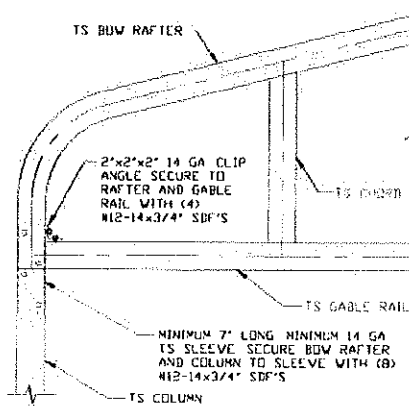
**TYPICAL BOW RAFTER
GABLE END ELEVATION**

SCALE: NTS



**TYPICAL BOW RAFTER GABLE
END FRAMING SECTION**

SCALE: NTS



4

**BOW RAFTER GABLE RAIL TO
RAFTER/COLUMN CONNECTION DETAIL**

SCALE: NTS

NOTE: KNEE BRACE NOT SHOWN FOR CLARITY

**MOORE AND ASSOCIATES
ENGINEERING AND CONSULTING, INC.**

DRAWN BY: LT

CHECKED BY: PDH

PROJECT MGR: WSM

CLIENT: EAGLE CARPORTS

**EAGLE CARPORTS
210 AIRPORT ROAD
MOUNT AIRY, NC 27030
30'-0" x 20'-0" SP FULLY OPEN STRUCTURE**

DATE: 8-19-21

SHT. 11

SCALE: NTS

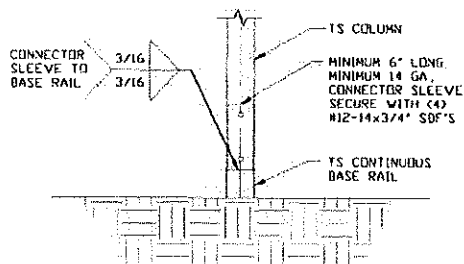
DWG. NO: SK-1

**JOB NO: 16166S/
18260S/19320S/21169S**

REV: 9

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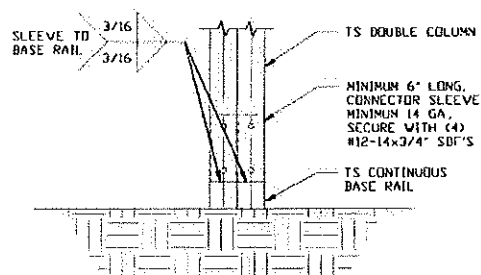
CONNECTION DETAILS



5

RAFTER COLUMN/BASE RAIL CONNECTION DETAIL

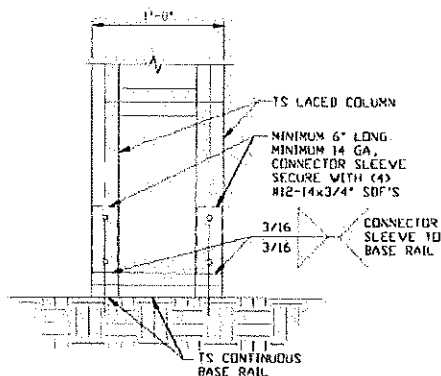
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5A

RAFTER COLUMN/BASE RAIL CONNECTION DETAIL

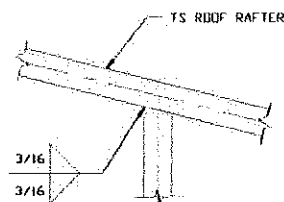
SCALE: NTS



5B

RAFTER COLUMN/BASE RAIL CONNECTION DETAIL

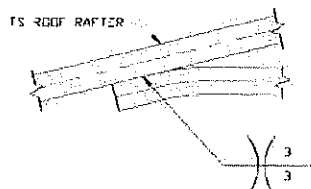
SCALE: NTS



6

RAFTER TO CHORD CONNECTION DETAIL

SCALE: NTS



7

COLLAR TIE CONNECTION DETAIL

SCALE: NTS

**MOORE AND ASSOCIATES
ENGINEERING AND CONSULTING, INC.**

DRAWN BY: LT

CHECKED BY: PDH

PROJECT MGR: WSM

CLIENT: EAGLE CARPORTS

EAGLE CARPORTS
210 AIRPORT ROAD
MOUNT AIRY, NC 27030
30'-0" x 20'-0" SP FULLY OPEN STRUCTURE

DATE: 8-19-21

SHT. 12

SCALE: NTS

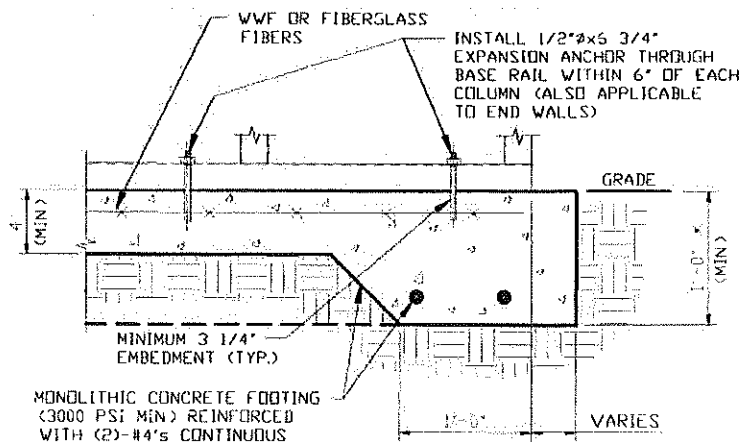
DWG. NO: SK-1

JOB NO: 16166S/
18260S/19320S/21169S

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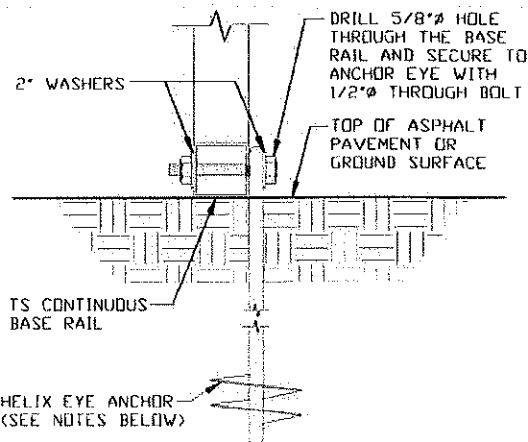
BASE RAIL ANCHORAGE OPTIONS



2

CONCRETE MONOLITHIC SLAB BASE RAIL ANCHORAGE

SCALE: NTS
MINIMUM ANCHOR EDGE DISTANCE IS 4"
* COORDINATE WITH LOCAL BUILDING CODES/ORD.
REGARDING REQUIRED FOOTING DEPTH



2A

GROUND BASE HELIX ANCHORAGE

SCALE: NTS (CAN BE USED FOR ASPHALT)
* COORDINATE WITH LOCAL CODES/ORD.
REGARDING REQUIRED ANCHOR LENGTH

GENERAL NOTES

NOTE: CONCRETE MONOLITHIC SLAB DESIGN BASED ON MINIMUM SOIL BEARING CAPACITY OF 1,500 PSF

CONCRETE

CONCRETE SHALL HAVE A MINIMUM SPECIFIED COMPRESSIVE STRENGTH OF 3,000 PSI AT 28 DAYS

COVER OVER REINFORCING STEEL

FOR FOUNDATIONS, MINIMUM CONCRETE COVER OVER REINFORCING BARS SHALL BE PER ACI-318:
3" IN FOUNDATIONS WHERE THE CONCRETE IS CAST AGAINST AND PERMANENTLY IN CONTACT WITH THE EARTH OR EXPOSED TO THE EARTH OR WEATHER, AND 1 1/2" ELSEWHERE

REINFORCING STEEL

THE TURNDOWN REINFORCING STEEL SHALL BE ASTM A615 GRADE 60. THE SLAB REINFORCEMENT SHALL BE WELDED WIRE FABRIC MEETING ASTM A185 OR FIBERGLASS FIBER REINFORCEMENT

REINFORCEMENT MAY BE BENT IN THE SHOP OR THE FIELD PROVIDED:

- 1 REINFORCEMENT IS BENT COLD
- 2 THE DIAMETER OF THE BEND, MEASURED ON THE INSIDE OF THE BAR, IS NOT LESS THAN SIX-BAR DIAMETERS
- 3 REINFORCEMENT PARTIALLY EMBEDDED IN CONCRETE SHALL NOT BE FIELD BENT

HELIX ANCHOR NOTES:

- 1 FOR VERY DENSE AND/OR CEMENTED SANDS, COARSE GRAVEL AND COBBLES, CALICHE, PRELADDED SILTS AND CLAYS, USE MINIMUM (2) 4" HELICES WITH MINIMUM 30" EMBEDMENT OR SINGLE 6" HELIX WITH MINIMUM 50" EMBEDMENT
- 2 FOR CORAL, USE MINIMUM (2) 4" HELICES WITH MINIMUM 30" EMBEDMENT OR SINGLE 6" HELIX WITH MINIMUM 50" EMBEDMENT
- 3 FOR MEDIUM DENSE COARSE SANDS, SANDY GRAVELS, VERY STIFF SILTS, AND CLAYS USE MINIMUM (2) 4" HELICES WITH MINIMUM 30 INCH EMBEDMENT OR SINGLE 6" HELIX WITH MINIMUM 50" EMBEDMENT
- 4 FOR LOOSE TO MEDIUM DENSE SANDS, FIRM TO STIFF CLAYS AND SILTS ALLUVIAL FILL, USE MINIMUM (2) 6" HELICES WITH MINIMUM 50" EMBEDMENT
- 5 FOR VERY LOSE TO MEDIUM DENSE SANDS, FIRM TO STIFFER CLAYS AND SILTS, ALLUVIAL FILL, USE MINIMUM (2) 8" HELICES WITH MINIMUM 50" EMBEDMENT

**MOORE AND ASSOCIATES
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DRAWN BY: LT

CHECKED BY: PMH

PROJECT MGR: WSM

CLIENT: EAGLE CARPORTS

EAGLE CARPORTS
210 AIRPORT ROAD
MOUNT AIRY, NC 27030
30'-0"x20'-0" SP FULLY OPEN STRUCTURE

DATE: 8-19-21

SHT. 9

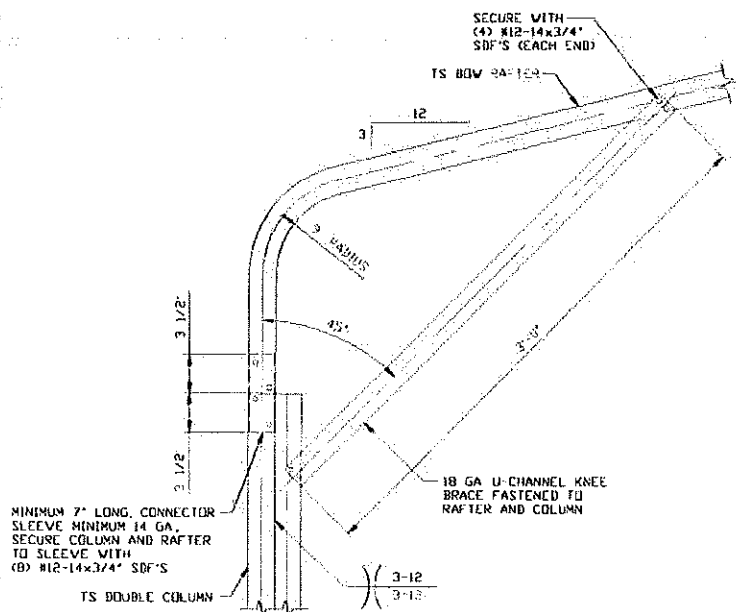
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DWG. NO: SK-1

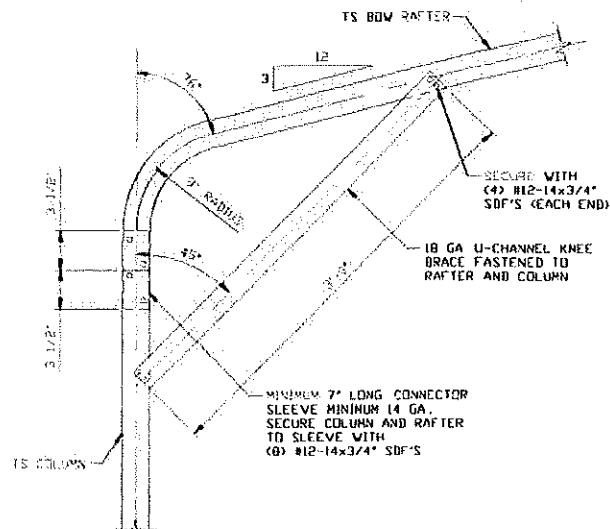
JOB NO: 16166S/
19260S/19320S/21169S

REV: 9

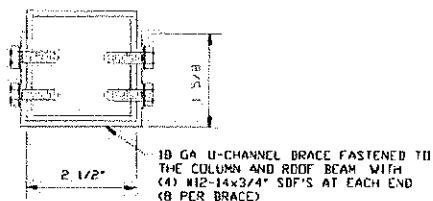
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1A
**BOW EAVE RAFTER COLUMN
 CONNECTION DETAIL FOR
 HEIGHTS 14'-0" < TO ≤ 16'-0"**
 SCALE: NTS



1B
**BOW EAVE RAFTER COLUMN
 CONNECTION DETAIL FOR
 HEIGHTS ≤ 14'-0"**
 SCALE: NTS



BRACE SECTION
 SCALE: NTS

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 ENGINEERING AND CONSULTING, INC.**

DRAWN BY: LT

CHECKED BY: PDH

PROJECT MGR: WSM

CLIENT: EAGLE CARPORTS

**EAGLE CARPORTS
 210 AIRPORT ROAD
 MOUNT AIRY, NC 27030
 30'-0"x20'-0" SP FULLY OPEN STRUCTURE**

DATE: 8-19-21

SHT. 8A

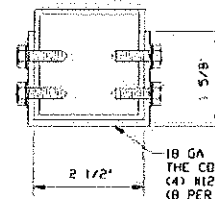
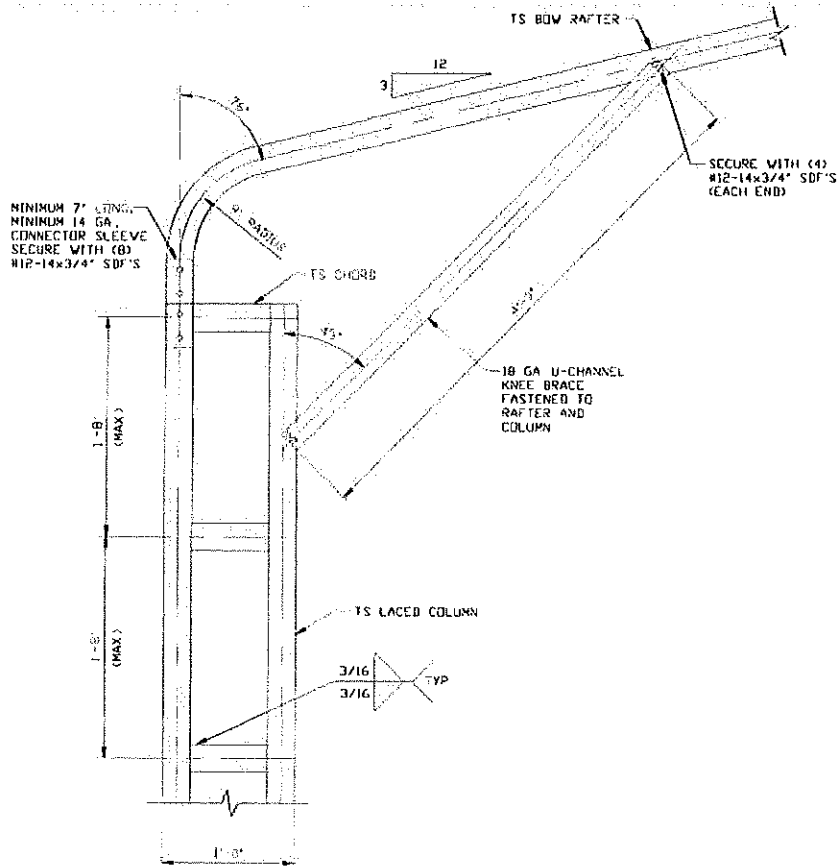
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DWG. NO: SK-1

**JOB NO: 16166S/
 18260S/19320S/21169S**

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BRACE SECTION
SCALE: NTS

**BOW EAVE RAFTER COLUMN
CONNECTION DETAIL FOR
HEIGHTS 16'-0" < TO ≤ 20'-0"**
SCALE: NTS

1

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ENGINEERING AND CONSULTING, INC.**

DRAWN BY: LT

CHECKED BY: PDH

PROJECT MGR: WSH

CLIENT: EAGLE CARPORTS

EAGLE CARPORTS
210 AIRPORT ROAD
MOUNT AIRY, NC 27030
30'-0"x20'-0" SP FULLY OPEN STRUCTURE

DATE: 8-19-21

SHT. 8

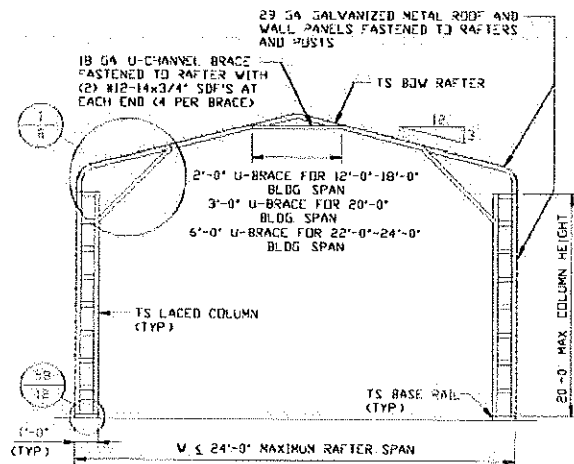
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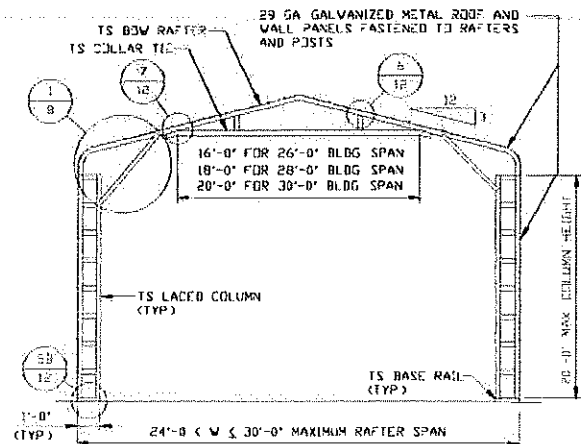
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18260S/19320S/21169S

REV: 9

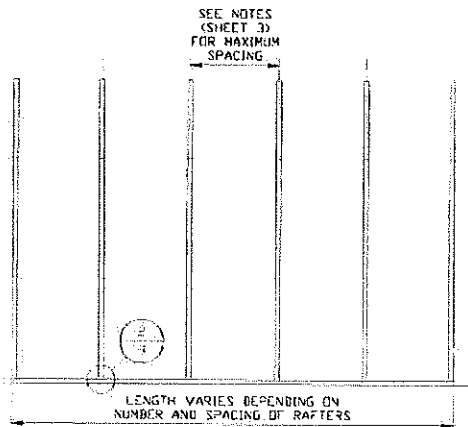
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TYPICAL RAFTER/COLUMN END FRAME SECTION
SCALE: NTS



TYPICAL RAFTER/COLUMN END FRAME SECTION
SCALE: NTS



TYPICAL RAFTER/COLUMN SIDE FRAMING SECTION
SCALE: NTS

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CHECKED BY: PDH

PROJECT MGR: VSH

CLIENT: EAGLE CARPORTS

EAGLE CARPORTS
210 AIRPORT ROAD
MOUNT AIRY, NC 27030
30'-0"x20'-0" SP FULLY OPEN STRUCTURE

DATE: 8-19-21

SHT. 7A

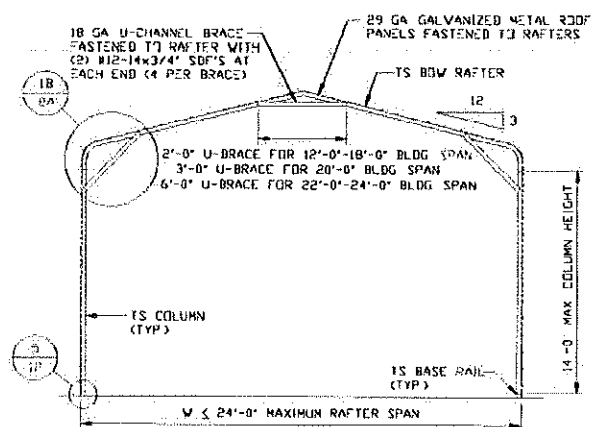
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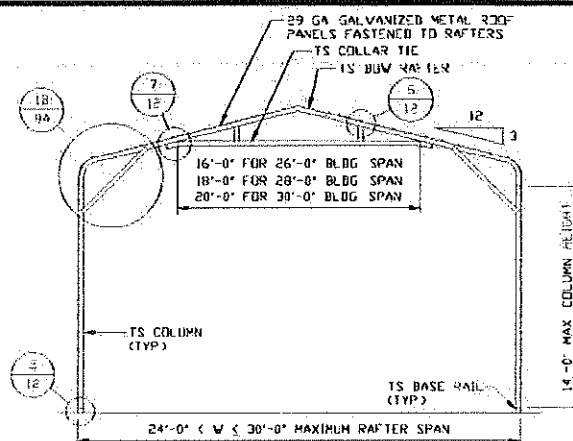
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18260S/19320S/21169S

REV: 9

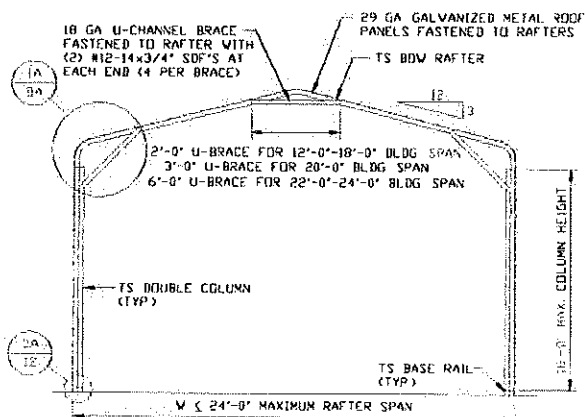
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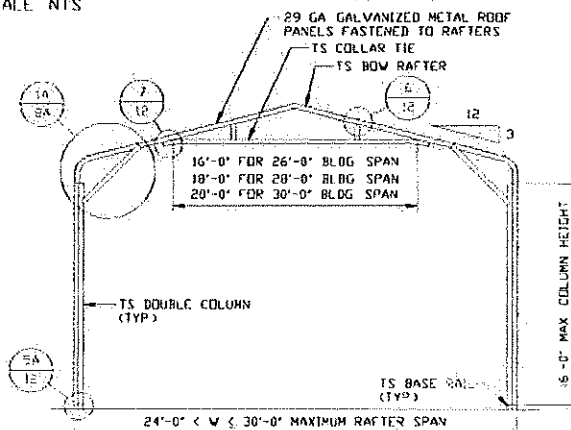
TYPICAL RAFTER/COLUMN END FRAME SECTION
SCALE: NTS



TYPICAL RAFTER/COLUMN END FRAME SECTION
SCALE: NTS



TYPICAL RAFTER/COLUMN END FRAME SECTION
SCALE: NTS



TYPICAL RAFTER/COLUMN END FRAME SECTION
SCALE: NTS

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PROJECT MGR: WSM

CLIENT: EAGLE CARPORTS

EAGLE CARPORTS
210 AIRPORT ROAD
MOUNT AIRY, NC 27030
30'-0"x20'-0" SP FULLY OPEN STRUCTURE

DATE: 8-19-21

SHT. 7

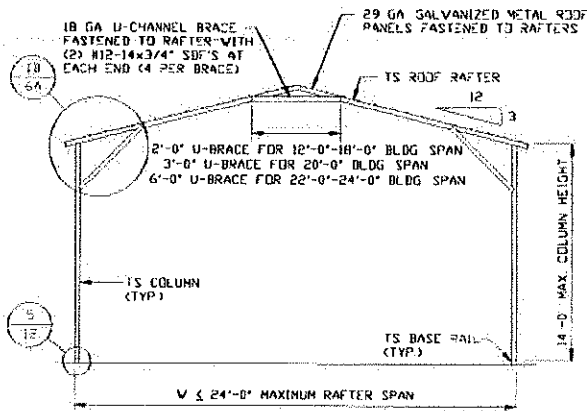
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DWG. NO: SK-1

JOB NO: 16166S/
18260S/19320S/21169S

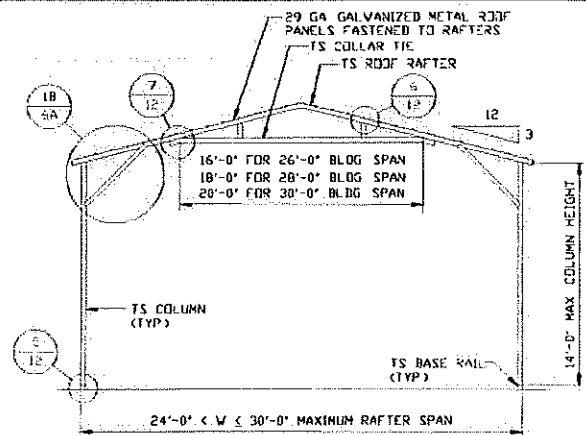
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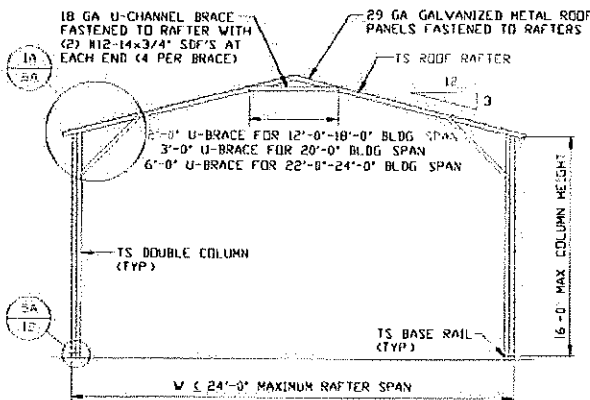
TYPICAL RAFTER/COLUMN END FRAME SECTION

SCALE: NTS



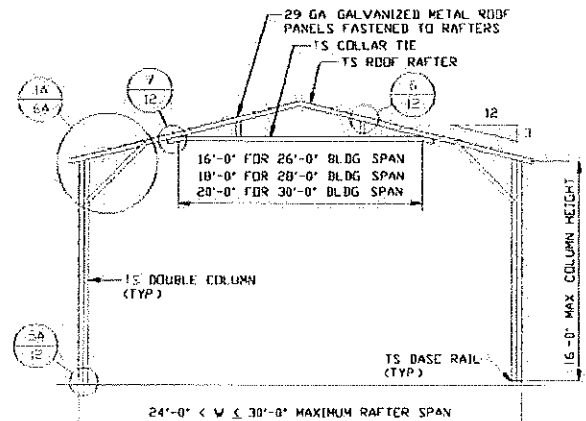
TYPICAL RAFTER/COLUMN END FRAME SECTION

SCALE: NTS



TYPICAL RAFTER/COLUMN END FRAME SECTION

SCALE: NTS



TYPICAL RAFTER/COLUMN END FRAME SECTION

SCALE: NTS

**MOORE AND ASSOCIATES
ENGINEERING AND CONSULTING, INC.**

DRAWN BY: LT

CHECKED BY: PDH

PROJECT MGR: WSM

CLIENT: EAGLE CARPORTS

EAGLE CARPORTS
210 AIRPORT ROAD
MOUNT AIRY, NC 27030
30'-0"x20'-0" SP FULLY OPEN STRUCTURE

DATE: 8-19-21

SHT. 5

SCALE: NTS

DWG. NO: SK-1

JOB NO: 16166S/
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INSTALLATION NOTES AND SPECIFICATIONS

- 1 DESIGN IS FOR MAXIMUM 30'-0" WIDE x 20'-0" EAVE HEIGHT OPEN CARPORT STRUCTURES
 - 2 DESIGN WAS DONE IN ACCORDANCE WITH ALL THE APPLICABLE BUILDING CODES LISTED ON SHEET 3A
 - 3 DESIGN LOADS ARE AS FOLLOWS:
 - A) DEAD LOAD = 15 PSF
 - B) LIVE LOAD = 12 PSF
 - C) GROUND SNOW LOAD = 35 PSF
- NOTE: UNBALANCED LOADING DUE TO SNOW DRIFTING FROM AN ADJACENT TALLER STRUCTURE HAS NOT BEEN EVALUATED
- 4 3-SECOND GUST ULTIMATE WIND SPEED (V_{ULT}) 105 TO 160 MPH (NOMINAL WIND SPEED 81 TO 108 MPH)
 - 5 MAXIMUM RAFTER/POST AND END POST SPACING = 50 FEET (UNLESS NOTED OTHERWISE)
 - 6 END WALL COLUMNS (POSTS) ARE EQUIVALENT TO SIDE WALL POSTS IN SIZE AND SPACING (UNLESS NOTED OTHERWISE)
 - 7 RISK CATEGORY I
 - 8 WIND EXPOSURE CATEGORY B/C
 - 9 SPECIFICATIONS APPLICABLE TO 29 GAUGE METAL PANELS FASTENED DIRECTLY TO 2 1/2"x2 1/2"-14 GAUGE TUBE STEEL (TS) FRAMING MEMBERS
 - 10 AVERAGE PANEL FASTENER SPACING ON-CENTERS = 10" O.C. (MAX)
 - 11 FASTENERS CONSIST OF #12-14x3/4" SELF-DRILLING FASTENER (SDF) USE CONTROL SEAL WASHER WITH EXTERIOR FASTENERS. SPECIFICATIONS APPLICABLE ONLY FOR MEAN ROOF HEIGHT OF 20 FEET OR LESS, AND ROOF SLOPES OF 14" (3:12 PITCH) OR LESS. SPACING REQUIREMENTS FOR OTHER ROOF HEIGHTS AND/OR SLOPES MAY VARY. ROOF SLOPES LESS THAN 3:12 REQUIRE USE OF LAP JOINT SEALANT
 - 12 ANCHORS SHALL BE INSTALLED THROUGH BASIC RAIL AT OR WITHIN 6" OF EVERY RAFTER COLUMN
 - 13 STANDARD GROUND ANCHORS (SOIL NAILS) CONSIST OF #4 REBAR W/ WELDED NUT x 36" LONG AND MAY BE USED IN SUITABLE SOILS. OPTIONAL ANCHORAGE MAY BE USED IN SUITABLE SOILS AND MUST BE USED IN UNSUITABLE SOILS AS NOTED
 - 14 CONTRACTOR TO PROVIDE ADEQUATE BRACING FOR STRUCTURE SO THAT IT WILL BE STABLE DURING ALL STAGES OF CONSTRUCTION. THE STRUCTURE AND FOUNDATION ARE DESIGNED FOR A COMPLETED CONDITION ONLY AND, THEREFORE, REQUIRE ADDITIONAL SUPPORT TO MAINTAIN STABILITY BEFORE COMPLETION.
 - 15 WIND FORCES GOVERN OVER SEISMIC FORCES. SEISMIC PARAMETERS ANALYZED ARE:

SOIL SITE CLASS = D
 RISK CATEGORY I
 $R = 325$ $I_E = 10$
 $S_{DS} = 2039 \text{ g}$ $V = C_{sW}$
 $S_{01} = 1258 \text{ g}$

Apr23-644

MOORE AND ASSOCIATES ENGINEERING AND CONSULTING, INC.		DRAWN BY: LT CHECKED BY: PMH		EAGLE CARPORTS 210 AIRPORT ROAD MOUNT AIRY, NC 27030 30'-0"x20'-0" SP FULLY OPEN STRUCTURE	
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		CLIENT: EAGLE CARPORTS	SHT. 3	DWG. NO: SK-1	REV. 9

LIST OF APPLICABLE BUILDING CODES

2018 INTERNATIONAL BUILDING CODE (IBC 2018)

2015 INTERNATIONAL BUILDING CODE (IBC 2015)

2012 INTERNATIONAL BUILDING CODE (IBC 2012)

2009 INTERNATIONAL BUILDING CODE (IBC 2009)

2006 INTERNATIONAL BUILDING CODE (IBC 2006)

BUILDING CODE 2015 OF ALABAMA
(ADOPTS THE IBC 2015 WITH AMENDMENTS)

2020 FLORIDA BUILDING CODE, 7TH EDITION

GEORGIA STATE MINIMUM STANDARD BUILDING CODE
(ADOPTS THE IBC 2018 WITH AMENDMENTS)

INDIANA BUILDING CODE, 2014 EDITION
(ADOPTS THE IBC 2012 WITH AMENDMENTS)

BUILDING CODE 2018 OF KANSAS
(ADOPTS THE IBC 2018 WITH AMENDMENTS)

2018 KENTUCKY BUILDING CODE
(ADOPTS THE IBC 2015 WITH AMENDMENTS)

BUILDING CODE 2015 OF LOUISIANA
(ADOPTS THE IBC 2015 WITH AMENDMENTS)

BUILDING CODE 2018 OF MARYLAND
(ADOPTS THE IBC 2018 WITH AMENDMENTS)

BUILDING CODE 2015 OF NEW MEXICO
(ADOPTS THE IBC 2015 WITH AMENDMENTS)

2018 NORTH CAROLINA BUILDING CODE
(ADOPTS THE IBC 2015 WITH AMENDMENTS)

OHIO BUILDING CODE 2017
(ADOPTS THE 2015 WITH AMENDMENTS)

BUILDING CODE 2015 OF OKLAHOMA
(ADOPTS THE IBC 2015 WITH AMENDMENTS)

BUILDING CODE 2015 OF PENNSYLVANIA
(ADOPTS THE IBC 2015 WITH AMENDMENTS)

2018 SOUTH CAROLINA BUILDING CODE
(ADOPTS THE IBC 2018 WITH AMENDMENTS)

BUILDING CODE 2012 OF TENNESSEE
(ADOPTS THE IBC 2012 WITH AMENDMENTS)

BUILDING CODE OF THE TEXAS INDUSTRIALIZED
HOUSING AND BUILDINGS PROGRAM
(ADOPTS THE IBC 2015 WITH AMENDMENTS)

2018 VIRGINIA CONSTRUCTION CODE
(ADOPTS THE IBC 2015 WITH AMENDMENTS)

BUILDING CODE 2015 OF WEST VIRGINIA
(ADOPTS THE IBC 2015 WITH AMENDMENTS)

**MOORE AND ASSOCIATES
ENGINEERING AND CONSULTING, INC.**

DRAWN BY: LT

CHECKED BY: PDH

PROJECT MGR: VSM

CLIENT: EAGLE CARPORTS

EAGLE CARPORTS
210 AIRPORT ROAD
MOUNT AIRY, NC 27030
30'-0"x20'-0" SP FULLY OPEN STRUCTURE

DATE: 8-19-21

SHT. 3A

SCALE: NTS

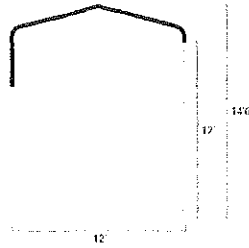
DWG. NO: SK-1

JOB NO: 16166S/
10260S/19320S/21169S

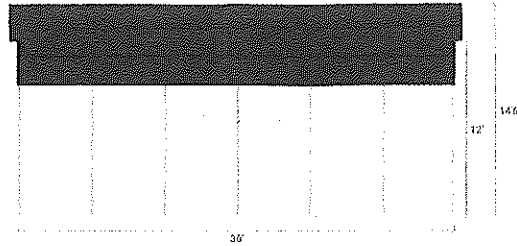
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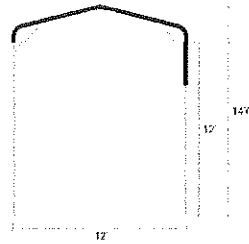
FRONT



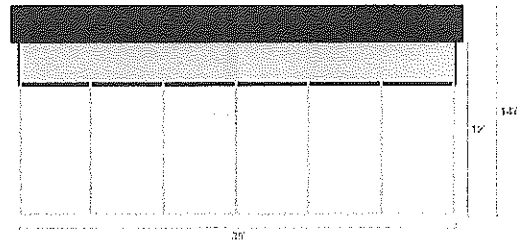
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BACK



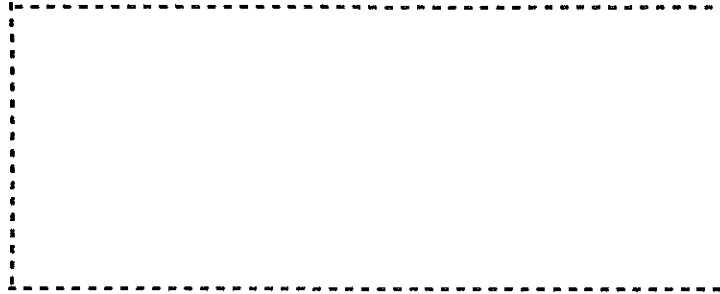
RIGHT SIDE



BUILD #				DISCLAIMER If building does not meet proper compliance and verification for wind/snow rating, your request will be screened by our team and you will be made aware of the necessary changes.
CUSTOMER				
DEALER ID #	PHONE #			
STATE	ZIP CODE			

LEFT SIDE

FRONT



30'

12'

BACK

RIGHT SIDE

SYMBOL LEGEND

---- Open Wall

BUILD #

CUSTOMER

DEALER ID #

PHONE #

STATE

ZIP CODE

DISCLAIMER

If building does not meet proper compliance and verification for wind/snow rating, your request will be screened by our team and you will be made aware of the necessary changes.

Eagle Carports

210 Airport Rd. Mt. Airy, NC 27030
Toll: 800.579.8589 Fax: 336.719.2091
Order submittal to orders@eaglecarports.com

Order Form v.12

Add. Phone #
228-369-1259

Build #:

AUTHORIZED DEALER
Dealer ID: 00019894-Main
Dealer Name: Ashley Peterson
Phone Number: 228-876-5151
Order Date: 3-7-2023
Email: vancleaveportable@gmail.com

SHIP TO
Name: Robert Brown
Install Address: 2330 Trade Winds Drive
City: Gautier
County: St. Charles
State: MS
Zip Code: 39553
Email: CHUKKO2@yahoo.com
Phone #: 228-369-9614

BUILDING INFO		SIZE	COLOR	ANCHORING & RATING	
ROOF STYLE	Regular Style	12' X 30' X 12' WIDTH X FRAME LENGTH X HEIGHT	ROOF	Evergreen	INSTALLATION SURFACE
BUILDING TYPE	3D Builder		SIDES/ENDS	Evergreen	GROUND ANCHOR
FRAMING GAUGE	☒ 14 GA. ☐ 12 GA.		TRIM	Evergreen	WIND/SNOW RATING
					140MPH / 35PSF

LOT MUST BE LEVEL, NO MORE THAN 3" OFF-LEVEL, AND CLEAR OF OBSTACLES OR UNIT MAY NOT BE INSTALLED.
EAGLE CARPORTS, INC. IS NOT RESPONSIBLE FOR STOPPING OR REPAIRING LEAKS UNDER BASE RAILS.

Customers may incur extra labor fees if additional labor is required to install unit because of un-level surfaces, or for building over obstacles. Furthermore, inability of installation due to before mentioned circumstances could result in restocking fee.

READY FOR INSTALLATION? ☐ YES ☐ NO
IS YOUR SURFACE LEVEL? ☐ YES ☐ NO
ELECTRICITY AVAILABLE? ☐ YES ☐ NO
NOTE: FRAMES ARE 5' ON CENTER
EX: 20', 25', 30', ETC.

DESCRIPTION	QTY	UNIT PRICE	PRICE	TOTALS
Style: Standard Carport				SUBTOTAL
Base Price: 12'x30'	1	\$2,195.00	\$2,195.00	
Engineer Certified: 140MPH / 35PSF	1	\$180.00	\$180.00	TAX + 7.00 %
Leg Height: 12'	1	\$720.00	\$720.00	PRICE
Left Side: 3' Panel (Horizontal)	1	\$180.00	\$180.00	
Left Side J-Trim: Add J-Trim	1	\$52.50	\$52.50	DOWN PAYMENT 12.00%
				DISCOUNT IF APPLICABLE
				TOTAL DOWN PAYMENT
				ADDITIONAL FEES
				BALANCE DUE
				CARD BALANCE DUE
				2.50 \$79.03

PURCHASER AGREEMENT (See reverse side for terms and conditions)

Eagle Carports reserves the right to correct any balance/pricing errors. Eagle Carports holds the right to repossess any buildings not paid in full upon installation. A labor charge will be added for any additional labor such as cutting posts to level carports, building over objects such as RV's & moving materials to remote locations, etc... Customer is responsible for pulling permits. Customer understands that all building frames are 1' shorter than roof lengths.

By signing this agreement, customer understands and agrees with all terms and conditions found on both the front and back of this document.

Customer Signature: [Signature] Date: March 7 2023

With customer present at time of installation, customer will sign below to signify acceptance of unit as installed.

Customer Signature: _____ Date: _____

Office Use:
☐ CREDIT CARD ☐ MONEY ORDER
☐ CASHIER'S ☒ CASH
CHECK
Installer Signature: _____

86300014.050 BROWN ROBERT H JR &

PIDN: 86300014.050

GISP: 872.03-04-0037.00

Owner Information

Percent of Ownership: 100

Name: BROWN ROBERT H JR &

Name 2: TRACY ELAINE

Mailing Address: 2330 TRADEWINDS DR

GAUTIER MS

39553

Site Address: TRADEWINDS DR GAUTIER

Land Information

Section: 3

Acreage: 0

Township: 8

Range: 7

Street Name TRADEWINDS
DR

Value and Tax Information

Total Assessed Value: 5701

Total Appraised Value: 38000

Improvement Value: 14610

Land Value: 23390

Tax Amount: 819

SQ FT: 0

Year Built:

Legal Description

Description: LOT 488 POINT CLEAR RIVIERA S/D

SEC C DB 1513-387 DB 1534-570 (3

7 MAP872.03-04)

Deed Book / Page: 1534 / 570

86300014.050 BROWN ROBERT H JR &



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

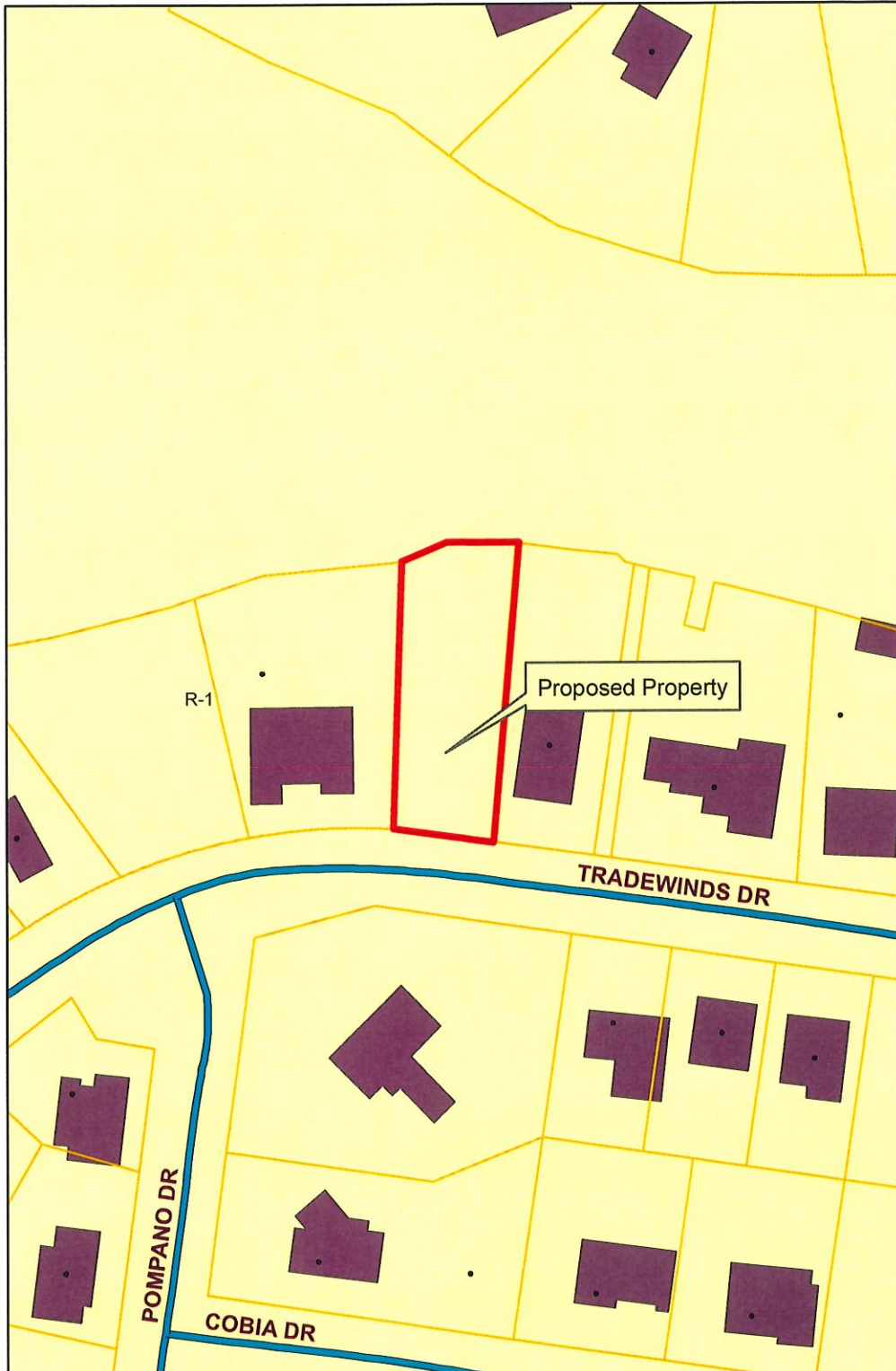


Exhibit C

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

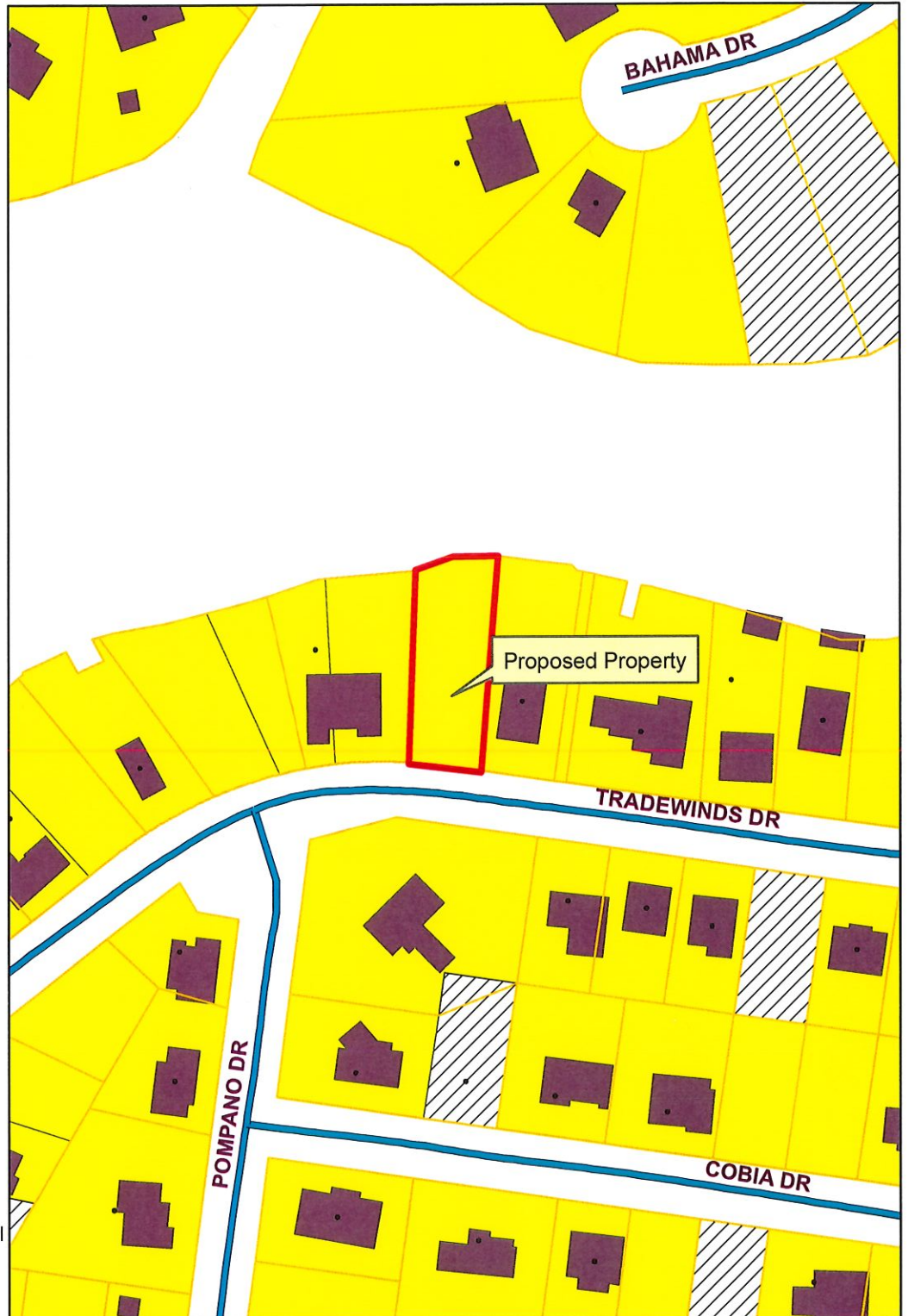


Exhibit D

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

