

AGENDA
GAUTIER PLANNING COMMISSION
July 6, 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 June 1, 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 Conditional Use-Major that would allow a Medical Marijuana Dispensary in a C-2 Community Commercial Zoning District. 3600 Gautier Vancleave Road, PID #82435010.060, (GPC #22-44-CU)
2. Consider a request for a Variance to front yard setback requirements for an accessory building in a R-E Residential Estate Zoning District. 1904 Lauban Lane, (GPC #23-23-VAR)
3. Consider a request for a Variance to rear yard setback requirements for an addition in a R-1 Low Density Single Family Residential Zoning District. 7310 Melody Drive, (GPC #23-24-VAR)

VIII. GENERAL DISCUSSION

1. PREVIOUS CASE UPDATES
2. PERMIT & TRC REPORTS

IX. ADJOURN

JUNE 1, 2023
GAUTIER, MISSISSIPPI

BE IT REMEMBERED that a meeting of the Gautier Planning Commission of The City of Gautier, Mississippi, was held on June 1, 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, William Davis, DeAnna McManus, and Josh Ward (by phone). Also present were Scott Ankerson, Planning Director, Josh Danos, City Attorney (by phone) and Babs Logan, Planning Technician. Absent was Chris Hoover.

AGENDA

GAUTIER PLANNING COMMISSION

JUNE 1, 2023

5:30 P.M.

- I. CALL TO ORDER**
- II. PLEDGE OF ALLEGIANCE (VOLUNTEER)**
- III. APPROVAL OF AGENDA**
- IV. APPROVAL OF MINUTES (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

A. PREVIOUS CASE UPDATES

B. PERMIT & TRC REPORTS

IX. ADJOURN

Commissioner Decoteau made a motion to approve the Agenda as presented.

Chairman Jamison requested a change to the Agenda to add Discussion of Commissioner Paul Gainer's resignation to the General Discussion section of the Agenda.

Commissioner Davis made a motion to approve the Agenda with changes.

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

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

ABSENT: Chris Hoover

Motion Passed

Commissioner Decoteau made a motion to approve the May 4, 2023, minutes.

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

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

ABSTAINED: William Davis

ABSENT: Chris Hoover

Motion Passed

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

OLD BUSINESS - None

NEW BUSINESS

1. Consider a request for a 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)

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

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.

Commissioner Davis asked Mr. Ankerson to explain the difference between a Conditional Use and a Special Exception and why a Special Exception was needed in this case.

Mr. Ankerson explained that the Unified Development Ordinance (UDO) specifically states that you cannot have an accessory structure on a parcel without a primary structure. He also explained that Conditional Uses stay with the property, but Special Exceptions go with the owner.

Chairman Jamison asked the applicant to present his case.

David Lipscomb, the applicant, stated that he lives in Vancleave, Mississippi, and that he bought the property on Park Drive last summer. He is wanting to put a boathouse on the property so he can store his boat there. He said that he plans to build a home on the property but would like to be able to use the property prior to building the home. He wants to redo the existing boat slip and put a cover over it. Mr. Lipscomb also said that he owns two contiguous lots at that location.

Commissioner McManus asked if the boat slip was there because there had been a house on the property previously.

Mr. Lipscomb said there was a house there that had been destroyed during Hurricane Katrina. The boat slip is still intact, and the bulkhead needs to be reworked. He said there was a concrete breakwater that the prior owners apparently used down the bank of the canal.

Commissioner Davis asked if he thought he would build a house on the property within the next three years.

Mr. Lipscomb said that it was highly likely that he would build within three years.

Commissioner McManus asked if he was worried about keeping his stuff at the property with no one there to keep an eye on it.

Mr. Lipscomb said he wasn't worried because he felt like it was a good secure area.

Commissioner Davis asked if he intended to use electricity, sewer, or water at the property.

Mr. Lipscomb said he would need electricity for the boat lift, but he would not be using the sewer or water at this time. He said the only thing he would be doing would be coming to utilize his boat. He added that there would be no campers or anything like that on the property.

Chairman Jamison asked about needing water to wash his boat or clean fish.

Mr. Lipscomb stated he had thought about a shallow well but if he needed to hook into water or something he would do whatever needed to be done.

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

ACTION TAKEN:

Commissioner Decoteau made a motion to recommend approval of the request based on the evidence presented meets the criteria of the UDO.

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

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

ABSENT: **Chris Hoover**

Motion passed.

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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)

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

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 effect 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.

Commissioner Davis asked why the request was a Major Conditional Use.

Mr. Ankerson explained that the Use Table in the UDO lists Major Conditional Uses and Minor Conditional Uses and an RV on an individual lot in this district is listed as a Major Conditional Use.

Commissioner Davis asked if mobile homes were allowed in the district.

Mr. Ankerson stated that mobile homes are not allowed in this district unless it is replacing an existing mobile home and has the same owner as when the ordinance went into effect.

Chairman Jamison asked the applicants to present their case.

Brandi Young, applicant, explained that they currently have an RV in the park across from the property and would like to move it to the individual lot. There is an old mobile home on the property, and they plan to remove it and clean up the property before they move the RV. The RV will not be rented out. It is for personal use only. She said they had been on the property across the street for about a year and pay rent at that property. They are business owners in Petal and come down about every weekend. They hope to move there after retirement.

Chairman Jamison noted there were a lot of campers in that area.

Commissioner Decoteau asked Mr. Ankerson if the mobile home had to be moved before the RV could be placed there.

Mr. Ankerson stated that it depended on the district and what is allowed on each individual parcel. In an R-1 District that would be the case but this is a MURC-MW so

there could be multiple uses on one parcel in this district. He also said that the mobile home was most likely condemnable.

Ms. Young said they were definitely planning on moving the old mobile home before putting the RV on the property.

Mr. Ankerson told Commissioner Decoteau that because the property and mobile home is in the shape that it is there would be an open code file on the property and a permit could not be issued until the code issues were taken care of.

Commissioner McManus asked if the RV was one that could be driven or was it like a fifth wheel.

Ms. Young said it was a pull behind but if their request is approved, they will probably get a brand-new RV and that it would be a fifth wheel or a pull behind.

Commissioner McManus if they would be able to evacuate during a storm.

Stacy Coleman, applicant, said yes, it would be something they could move for a storm.

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

ACTION TAKEN:

Commissioner Decoteau made a motion to recommend approval of the request based on the evidence presented meets the criteria of the UDO.

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

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

ABSENT: **Chris Hoover**

Motion passed.

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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)

Chairman Jamison asked what the address of the property was.

Scott Ankerson, Planning Director, explained that the property had no address because there was no primary structure on it. The property is across the street from 2330 Tradewinds, the applicant's primary residence. Mr. Ankerson gave a brief overview of the case.

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

Chairman Jamison asked Mr. Ankerson for some clarification on the request. She said she went and looked at the property and the property where the notification sign was has a carport, a house-type shed thing, and a boat thing on it. She wanted to know why we were saying it does not have a structure on it.

Mr. Ankerson explained that there isn't a primary structure on the property. There is a shed but not a house.

Chairman Jamison asked where the owners of the property lived.

Mr. Ankerson told her the owner lived directly across the street on the corner.

Chairman Jamison asked how there was a house-like shed, a boathouse, and a carport on the property, but no primary residence.

Mr. Ankerson advised that the applicant was asking for permission to place/keep the carport on the property. He stated that there was a Special Exception granted for the boathouse and pier on June 5, 2008.

Chairman Jamison noted that the lot was small and asked since there wasn't a primary structure did it matter how much building square footage was on the lot.

Mr. Ankerson said that since the request was a Special Exception, it was up to the Commissioners to approve what they wanted.

Chairman Jamison asked the applicant to present his case.

Bob Brown, the applicant, said the little building was there when he bought the property, and it does have a bathroom in it. He wants to put the carport next to it on the wooden deck. The posts on the deck were actually dug out with a backhoe and a cement truck poured the footings. He said it was really strong.

Commissioner Davis asked if he understood that he was going to put the metal carport over the deck and put the boat on it. He asked if it was strong enough to support the boat.

Mr. Ankerson advised that a foundation plan would have to be submitted and approved by an engineer in order for it to be put there.

Mr. Brown said the boat was 22' and the carport was 12' x 25'. The carport would be 10' from the side property line.

Josephine Johnson, adjoining neighbor on west side of property, said there was a noise problem because the applicant has a compressor he uses to fill scuba tanks. She said Mr. Brown has said that he would put up panels on the side of the carport to help cut down on the noise. She also said that the property is starting to look trashed. She would like something in writing so nothing else gets moved on the property. She would like to see a solution reached regarding the noise and clean-up of the property.

Mr. Brown agreed to work on the noise situation. He also said if it wasn't approved, he could put it across the street or he could get rid of it if there wasn't enough property for him to put it on his property across the street.

Chairman Jamison told Mr. Brown that his other neighbor who wrote a letter was concerned about the same thing. They didn't want anything that would devalue their property and they thought it looked too close to the property line.

Mr. Ankerson said it would have to meet the setback requirements.

Mr. Brown said that if both his neighbors didn't want it there, he was okay with not having it.

Mark Tscheulin, the neighbor that wrote the objection letter, stated that he did not know that Mr. Brown was not leaving the carport where it was sitting which was close to the road. He said Mr. Brown keeps the property pretty clear so he couldn't complain about that. He said that he is okay with it if he puts it on the west side of the shed and that the noise doesn't bother him.

Commissioner McManus asked how often he ran the compressor to fill the scuba tanks.

Mr. Brown said that he runs it every few days. He is retired and dives a lot.

Commissioner Davis noted that the City of Gautier had already allowed Mr. Brown to do some things on the lot back in 2008 and now he is asking to do more. Commissioner Davis said he thought the City had already been very accommodating to Mr. Brown.

ACTION TAKEN:

Chairman Jamison made a motion to recommend approval of the Special Exception as presented with the exception that the owner provide a noise barrier to the west for the scuba tank compressor, and the carport is to be located on the west side of the existing accessory structure.

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

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

NAYS: **William Davis**

ABSENT: **Chris Hoover**

Motion passed.

GENERAL DISCUSSION

Chairman Jamison advised the Commissioners that Paul Gainer has resigned from his position as Planning Commissioner for Ward 2 and Councilman Jackson is working to fill that position.

A. PREVIOUS CASE

UPDATES

Mr. Ankerson advised Commissioners that City Council approved Case GPC #23-17-VAR for a variance to front yard setbacks. They also approved GPC #23-18-SE to allow an existing mobile home in an R-1 District to be re-occupied.

B. PERMIT & TRC REPORT

Mr. Ankerson presented the May 2023 report.

Commissioner Decoteau made a motion to adjourn the meeting.

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

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

ABSENT: **Chris Hoover**

Motion Passed.

APPROVED BY:

Scott Ankerson
Planning Director/Building Official

DATE: _____

Kay C. Jamison, Chairman
Gautier Planning Commission

DATE: _____

BACKUP DOCUMENTATION

Gautier Planning Commission

Regular Meeting Agenda

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 39553-7526

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

Email Address: LIPSCOMB-T@BELLNET-MS

Phone: 888-826-1854 Cell Phone: 888-386-4568

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

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 SA 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.



1404 Park Dr, Gautier, MS 39553-7520, Jackson County

APN: 8-71-10-396.000 CLIP: 9339762697

	Beds	Full Baths	Half Baths	MLS Sale Price	MLS Sale Date
	N/A	N/A	N/A	\$46,500	01/31/2014
	Bldg Sq Ft	Lot Sq Ft	Yr Built	Type	
	N/A	24,302	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	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 MAP671.12-03)		

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	\$32,460
Market Value - Land	\$26,170	\$26,170	\$30,060
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

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.toless-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.toless-Susan Tolar
MLS Orig. List Price	\$89,900	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

Property Details Courtesy of David Lipscomb, MLS United, LLC.

The data within this report is compiled by CoreLogic from public and private sources. If desired, the accuracy of the data contained herein can be independently verified by the recipient of this report with the applicable county or municipality.

Generated on: 03/08/23

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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			



*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	Vancleave, 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 3-51 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	\$890		
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	07/28/2022
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

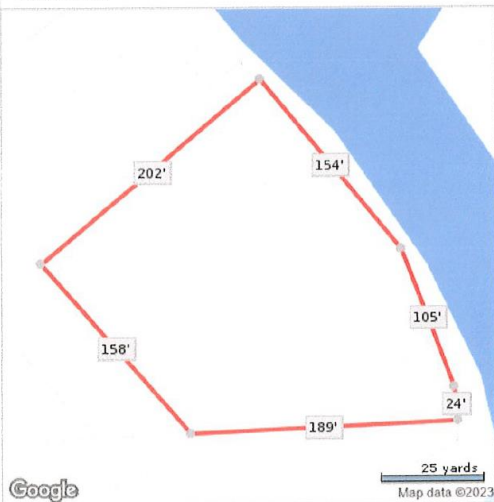
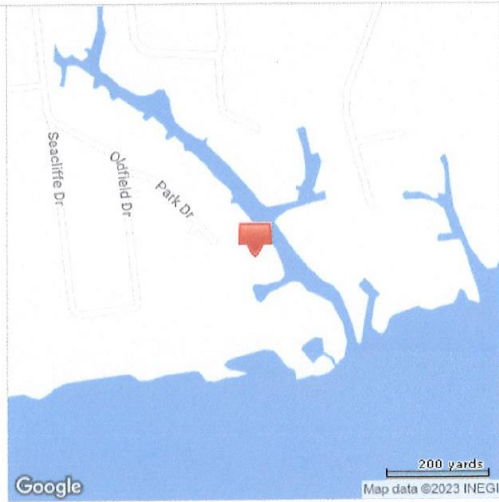
MLS Listing #	3286043	3279204	3269562	3250071
MLS Status	Closed	Expired	Expired	Closed
MLS Listing Date	02/19/2015	07/21/2014	10/16/2013	03/10/2012
MLS Listing Price	\$56,500	\$59,900	\$69,900	\$107,900
MLS Orig Listing Price	\$56,500	\$68,000	\$69,900	\$107,900
MLS Close Date	04/23/2015			03/06/2013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

Property Details Courtesy of David Lipscomb, MLS United, LLC.

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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 L. 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 30 day of April, A. D., 1968.

[Signature] OLDFIELD, INC.
BY [Signature]
HARRY L. KREBS, Individually HARRY L. KREBS, President
BY [Signature]
JANELLE 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 JANELLE 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 30 day of April, A. D., 1968.

My Commission Expires July 14, 1970
CARL A. MEGENTHE, 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. KREDO, 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 1st day of April, A. D., 1968.



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

NOTARY PUBLIC

STATEMENT OF FEES

STATE OF MISSISSIPPI — JACKSON COUNTY

Filing 5c
Recording Wdt.
@ 15c per 100
Certification 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 April, 1968 at 2:45 o'clock P. M. and was duly recorded on the 2nd day of May, 1968 in Lead Deed Book No. 221 Page 405-409 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
Vandervee, 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)



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

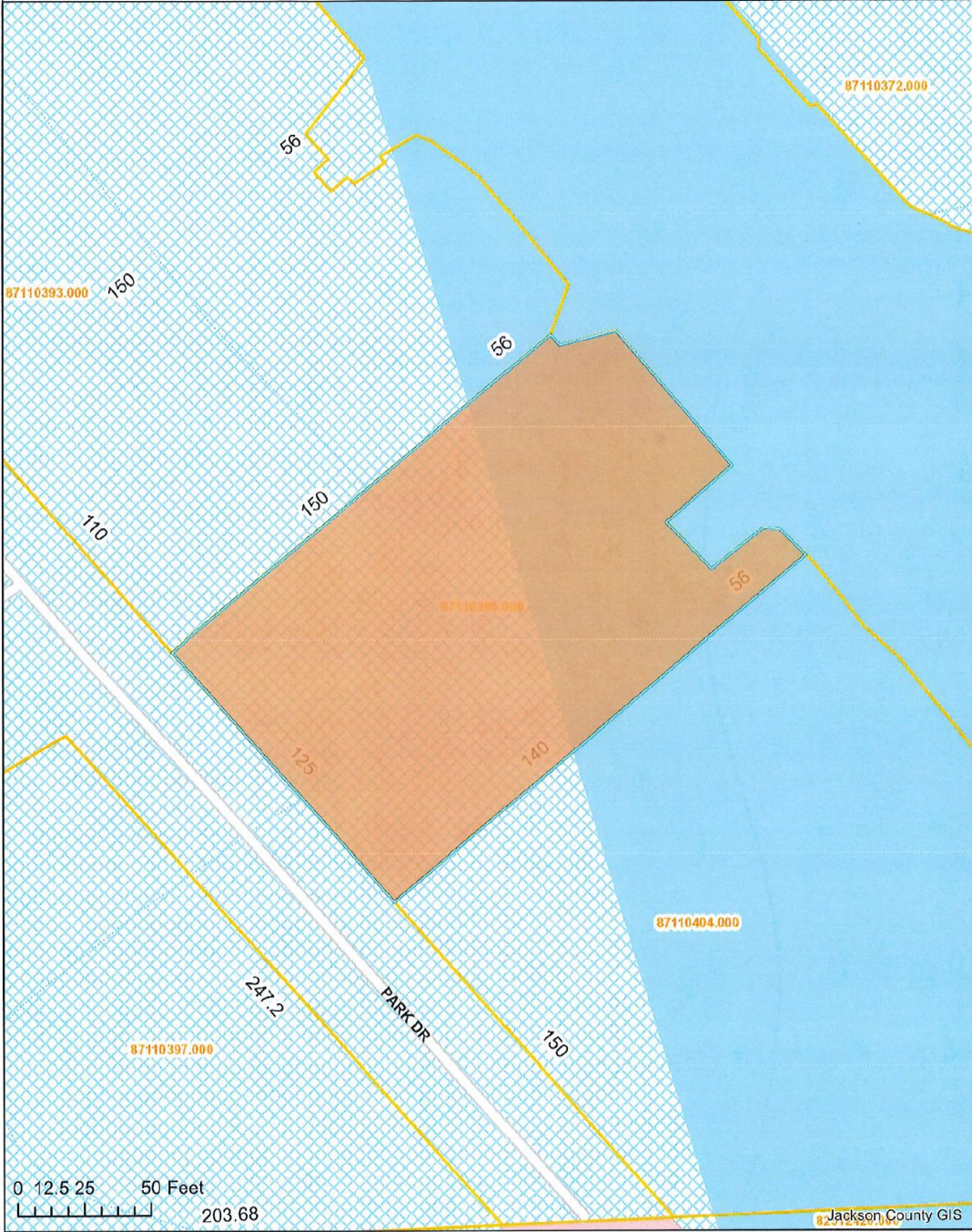


Exhibit A Location Map

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

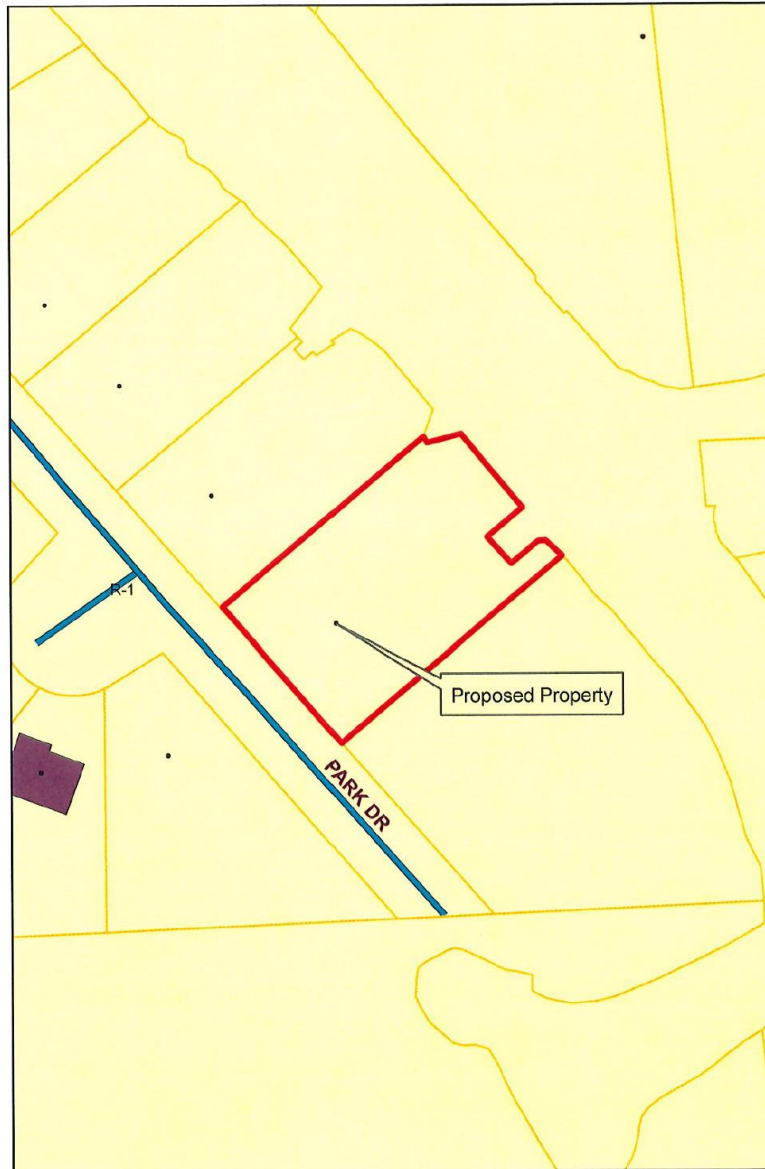


Exhibit C

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

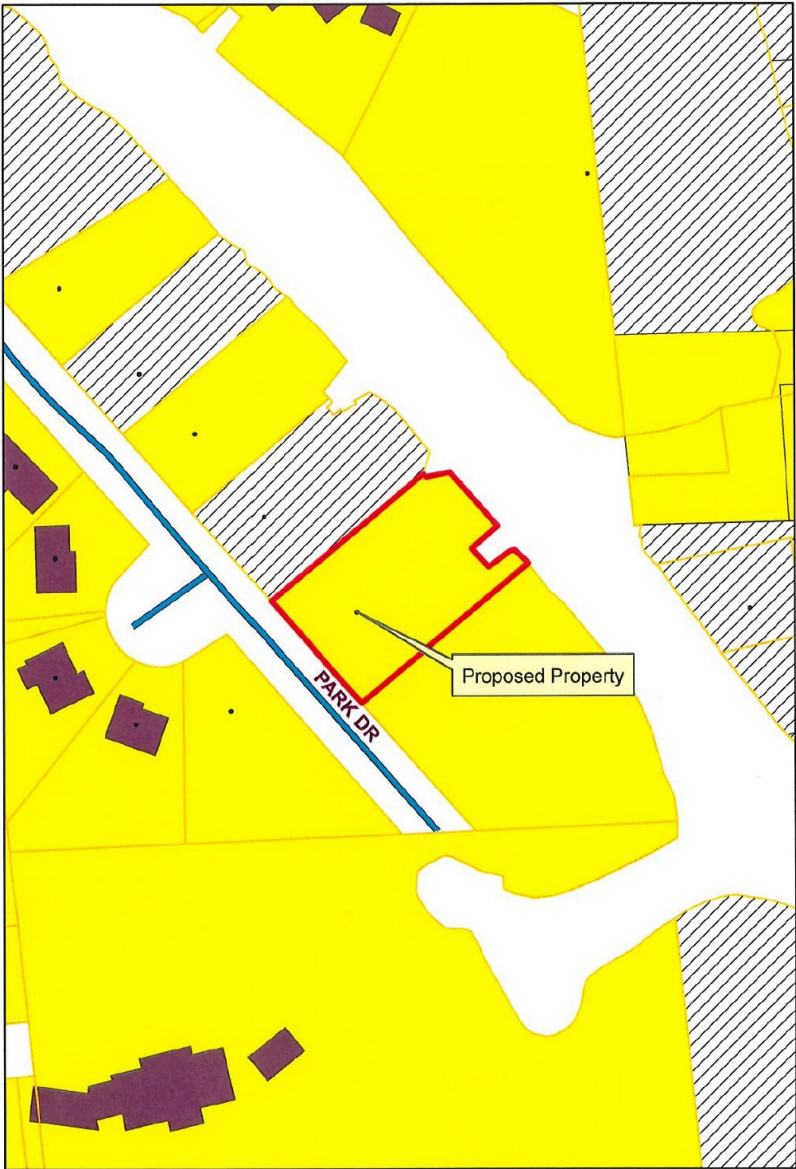


Exhibit D Future Land-Use

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

23-19-CU

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

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

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

NOTES 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**

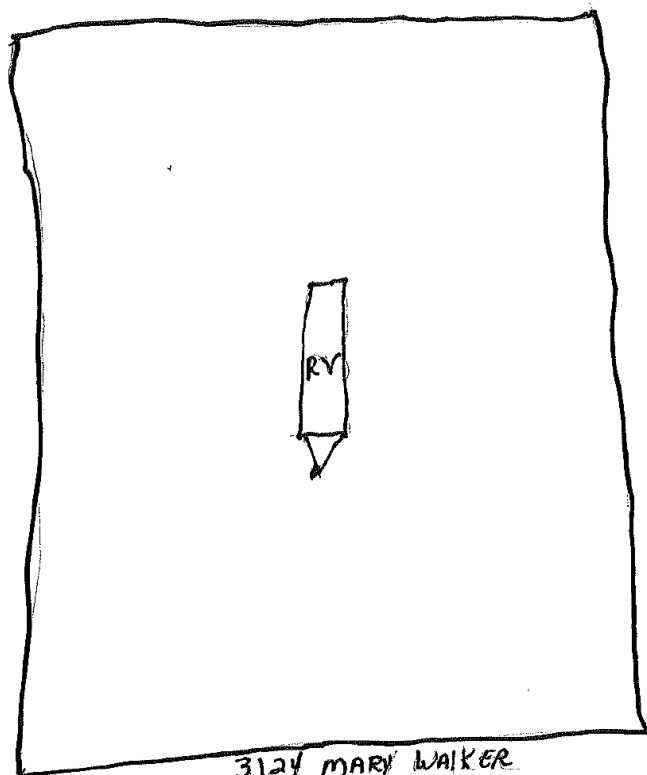
1. Is the proposed use substantially compatible with other uses in the area, including factors relating to the nature of its location, operation, building design, site design, traffic characteristics, and environmental impacts? Explain.
2. Will the proposed use be materially detrimental to the health, 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 clearing up the property to help beautify the town of Dauter IB, 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



Jackson County GIS

Exhibit A Location Map

Prepared by:
City of Gautier
Planning Department

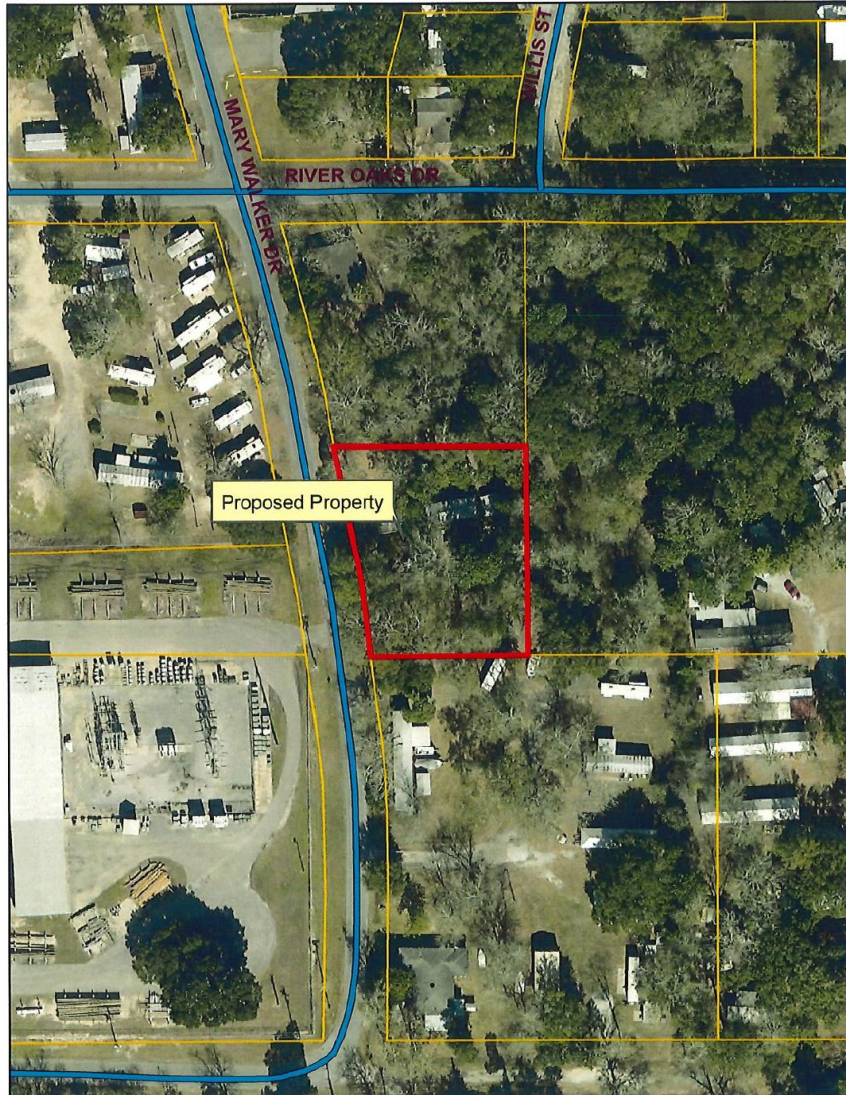


Exhibit B Existing Zoning

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

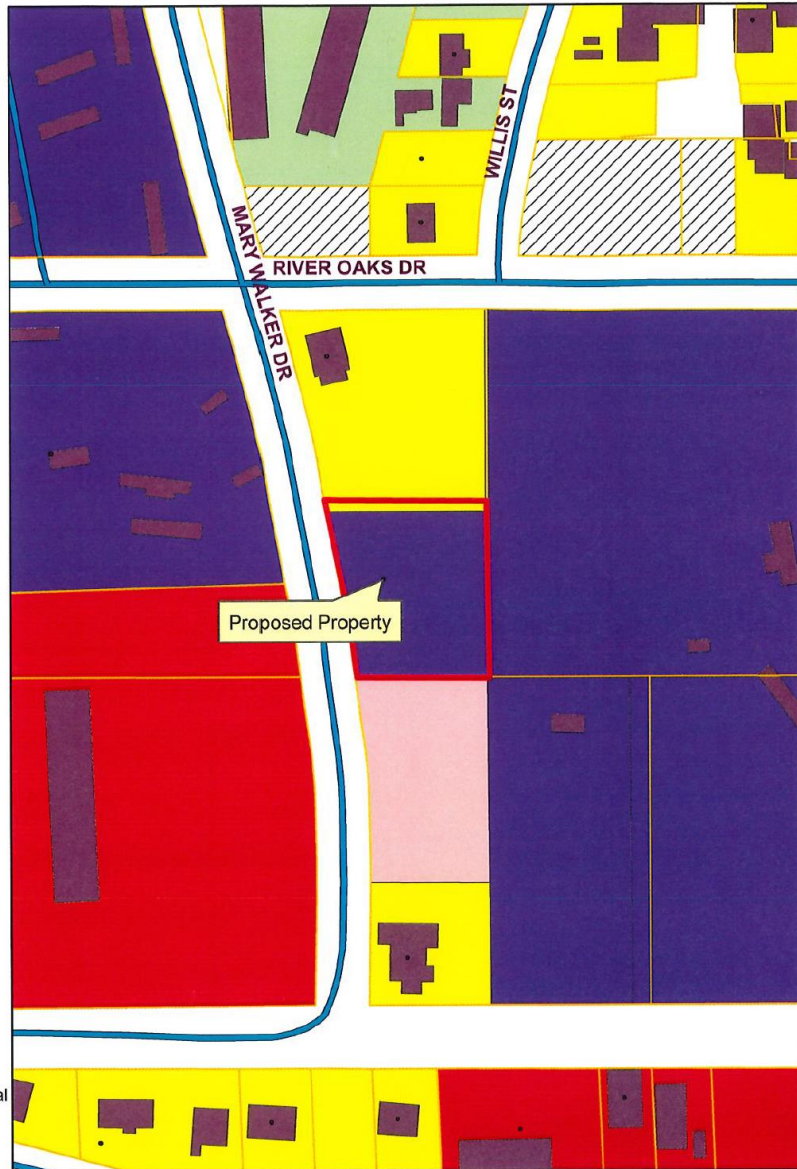


Exhibit D

Future Land-Use

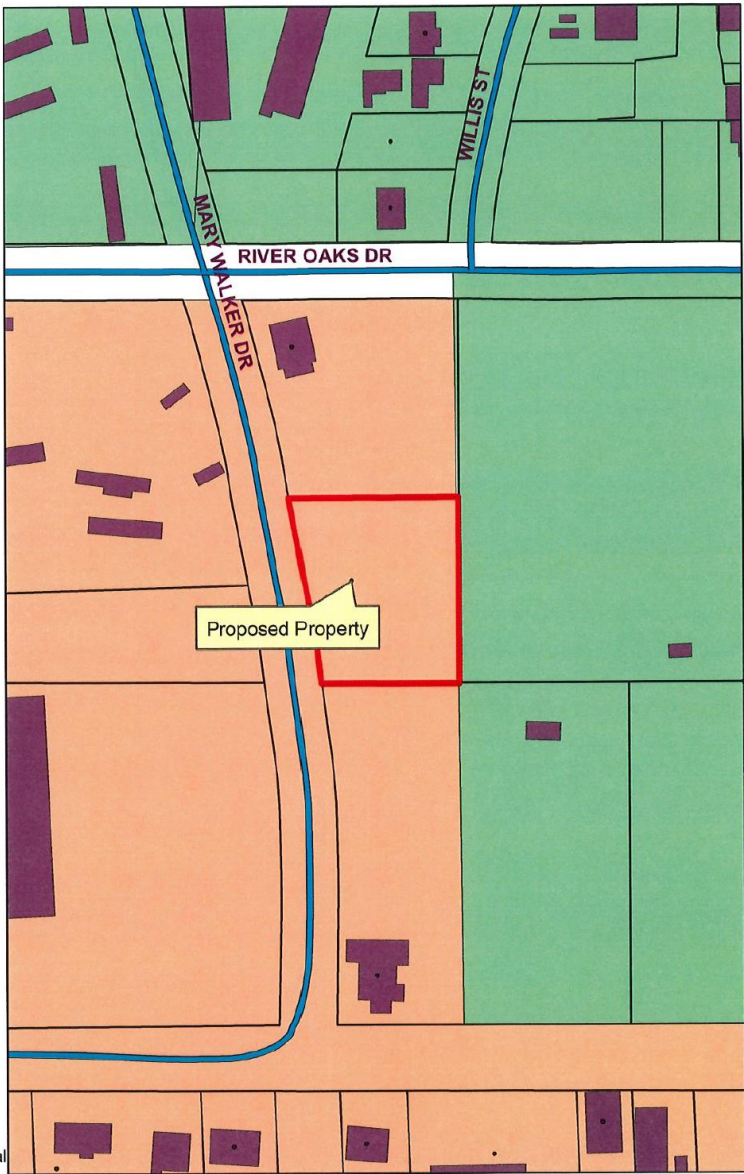
Prepared By:
City of Gautier
Planning Department

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)

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. Browns 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 it's construction anywhere south of the current out building.

Sincerely:
Mark and Joan Tscheulin
2325 Tradewinds Dr.

Google Maps

✓ Allen 1

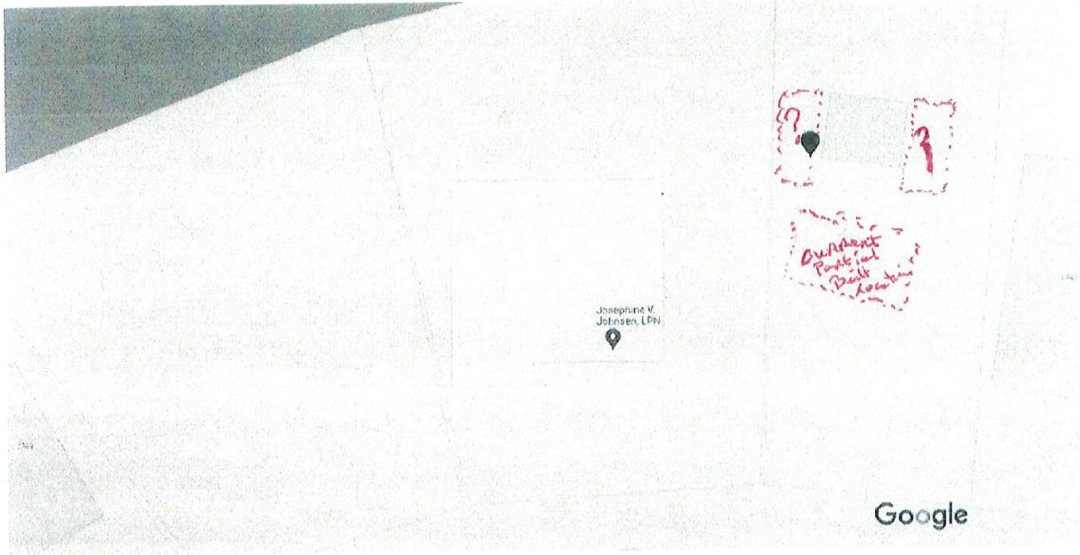


5/23/23, 10:07 AM

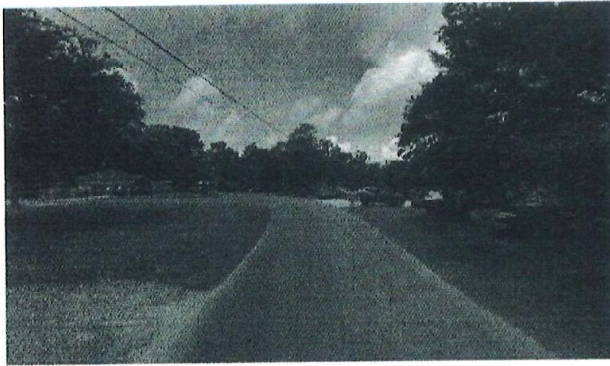
2321 Tradewinds Dr - Google Maps

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

<https://www.google.com/maps/place/2321+Tradewinds+Dr,+Gautier,+MS+39553/@30.3748173,-88.6629735,21z/data=!4m5!3m4!1s0x889bf04e33cb2...> 1/2

PLANNING DEPARTMENT
GAUTIER, MISSISSIPPI

SPECIAL EXCEPTION HEARING APPLICATION

Public Hearing Number

23-20-SE

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: chunK01@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/BL

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?

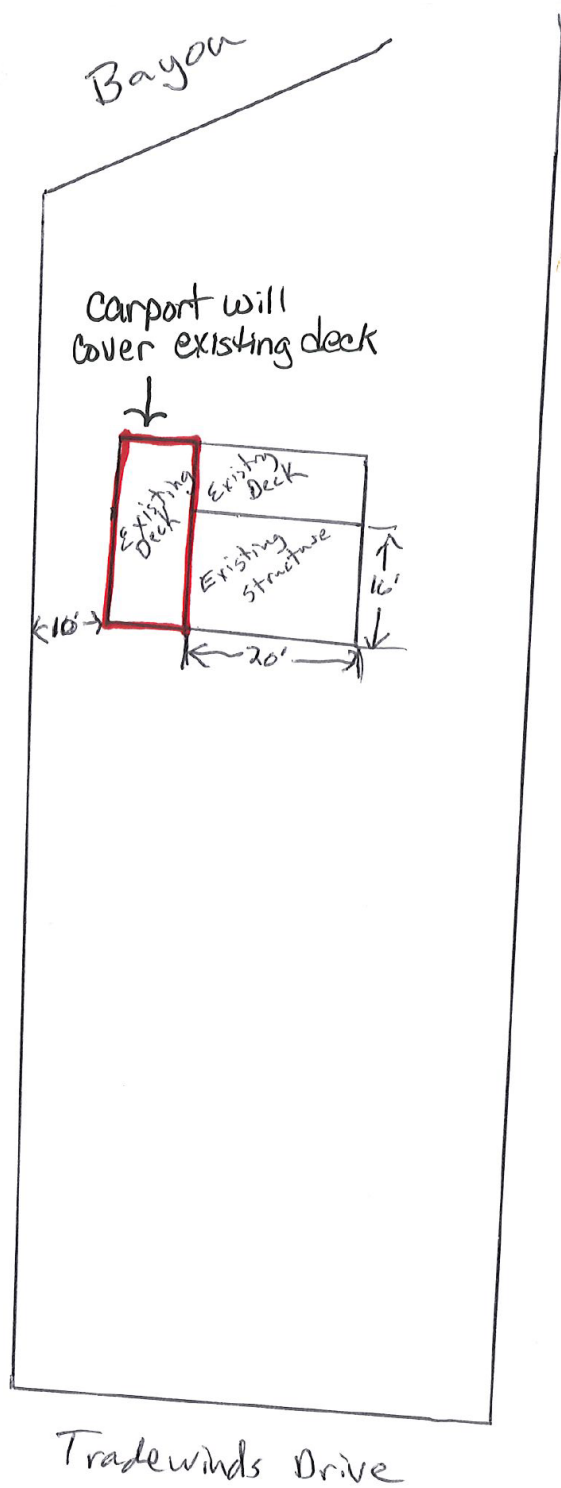
A. I would like covered storage for my boat. I currently have to use a loud noisy leaf blower to clean it daily.

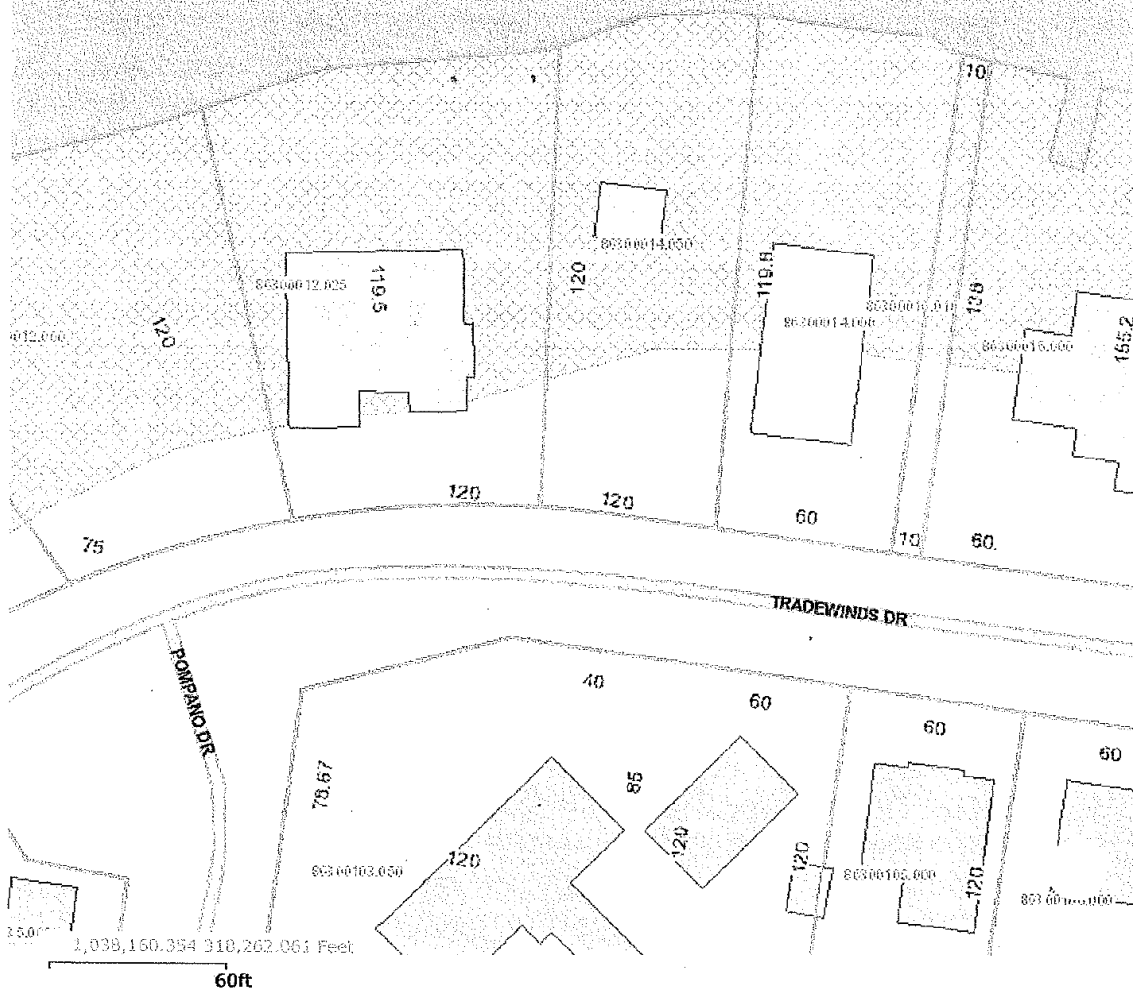
B. The variance would not cause any diminution of the property value surrounding. In fact it will raise my property tax. Metal carports are common throughout my local neighborhood I can count at least 6 within a block.

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







2330 Tradewinds Dr
2330 Tradewinds Dr, G.
26° 37' N, 88° 66' 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.



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:

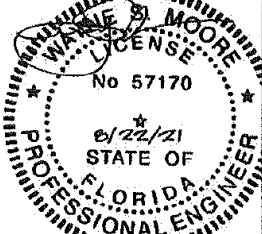
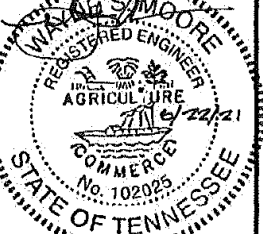
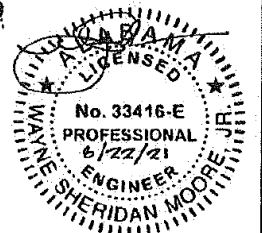
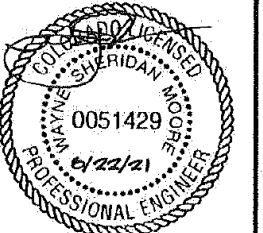
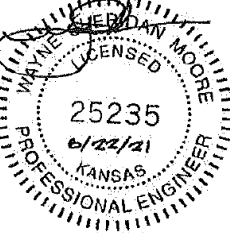
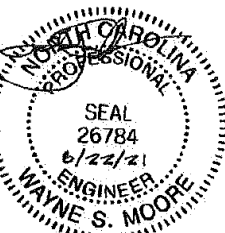
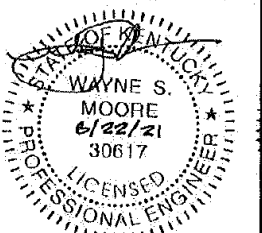
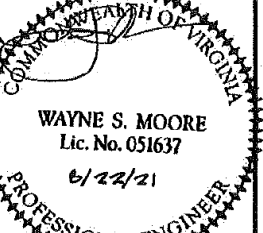
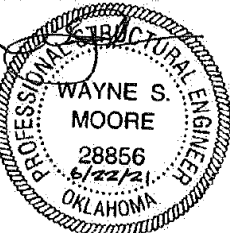
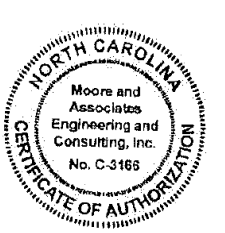
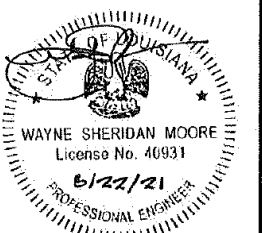
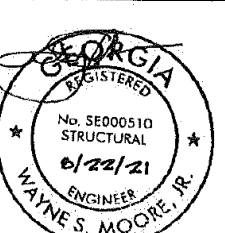
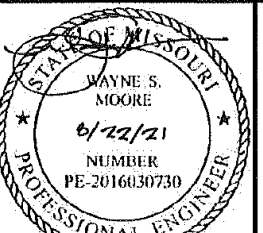
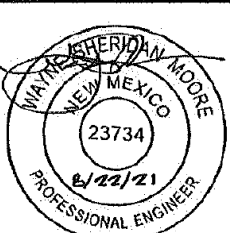
Moore and Associates Engineering and Consulting, Inc.

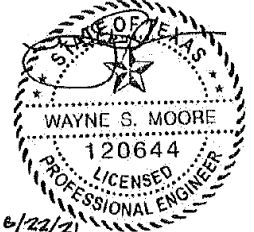
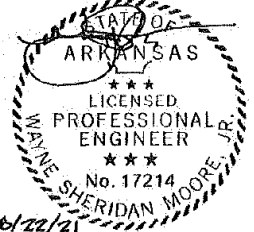
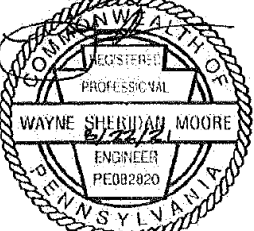
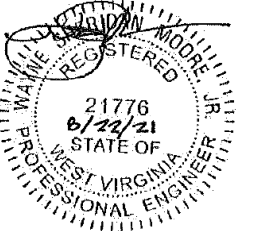
**1009 East Avenue
North Augusta, SC 29841**

**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.	
			
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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, Expiration Date <u>6/22/2022</u> .			
				
				
				
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		CLIENT: EAGLE CARPORTS	SHEET: 1A	SCALE: NTS DWG NO SK-1 JOB NO 16166S/ 18263S/1920S/21169S REV. 9

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SHEET 1A	PE SEAL COVER SHEET (2 OF 2)
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SHEET 14	LEAN-TO OPTION (BOW RAFTER)
SHEET 14A	LEAN-TO OPTION (BOW RAFTER) (EXPOSURE B)
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SHEET 17	VERTICAL ROOF OPTION END AND SIDE ELEVATION AND SECTIONS

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

DATE: 8-19-21

SHT. 2

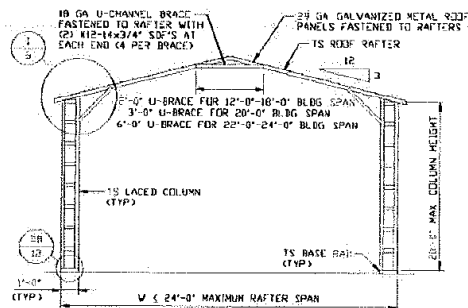
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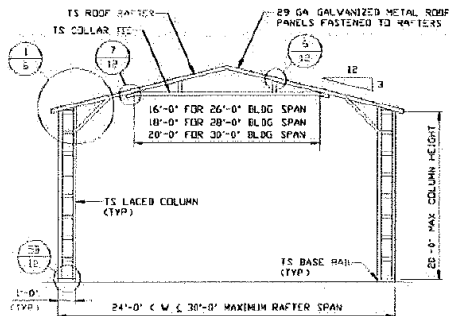
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REV. 9

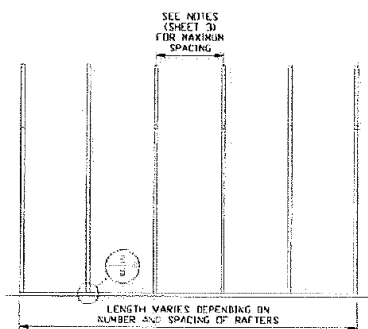
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TYPICAL RAFTER/COLUMN END FRAME SECTION
SCALE: NTS



TYPICAL RAFTER/COLUMN END FRAME SECTION
SCALE: NTS



TYPICAL RAFTER/COLUMN SIDE FRAMING SECTION
SCALE: NTS

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**EAGLE CARPORTS
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MOUNT AIRY, NC 27030
30'-0\"/>**

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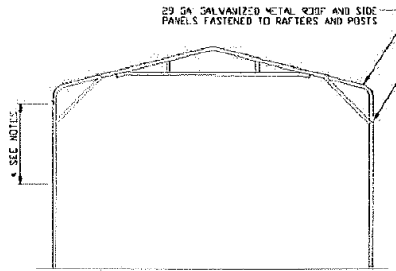
Thank you,

Eagle Carports, Inc.

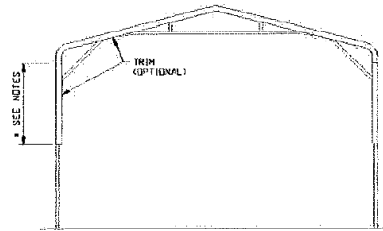


800-579-8589
www.EagleCarports.com

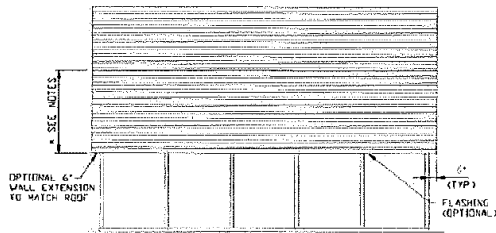
BOW RAFTER EXTRA SIDE PANEL OPTION



**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"

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

DATE: 8-19-21

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SCALE: NTS

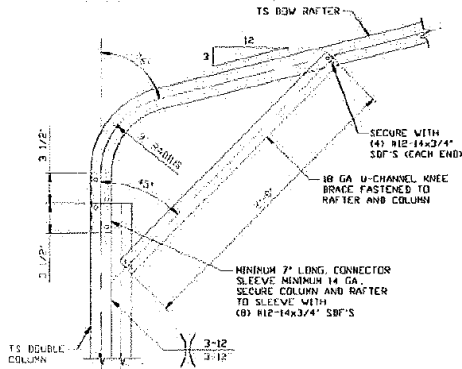
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**JOB NO: 161665/
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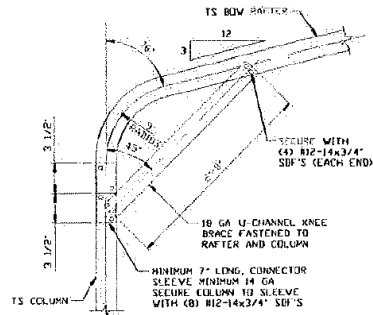
BOW RAFTER LEAN-TO OPTION - EXPOSURE B



12

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

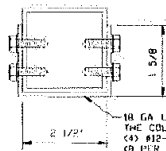
SCALE: NTS
HORSE BARN OPTION (REQUIRES A LEAN-TO ON BOTH
SIDES OF THE MAIN BUILDING)



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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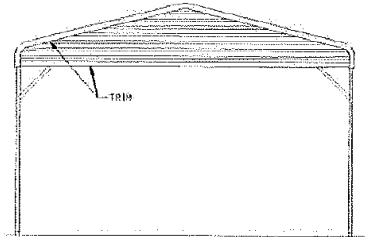
CLIENT: EAGLE CARPORTS

EAGLE CARPORTS
210 AIRPORT ROAD
MOUNT AIRY, NC 27030
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DATE: 8-19-21	SCALE: NTS	JOB NO: 161665/ 182605/193205/211695
SHT. 14A	DWG. NO: SK-1	REV. 9

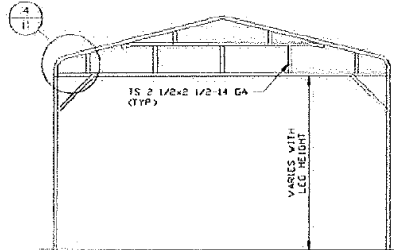
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BOW EAVE RAFTER GABLE END OPTION



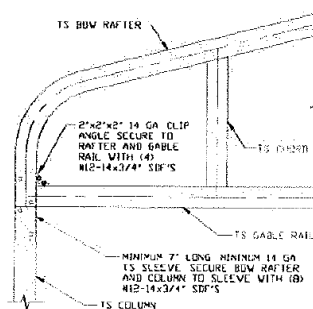
**TYPICAL BOW RAFTER
GABLE END ELEVATION**

SCALE: NTS



**TYPICAL BOW RAFTER GABLE
END FRAMING SECTION**

SCALE: NTS



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

SCALE: NTS

NOTE: KNEE BRACE NOT SHOWN FOR CLARITY

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PROJECT MGR: WSM

CLIENT: EAGLE CARPORTS

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SHT. 11

SCALE: NTS

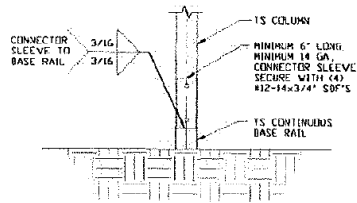
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JOB NO: 16166S/
18260S/19320S/21169S

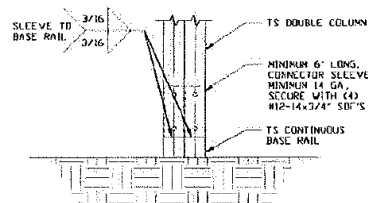
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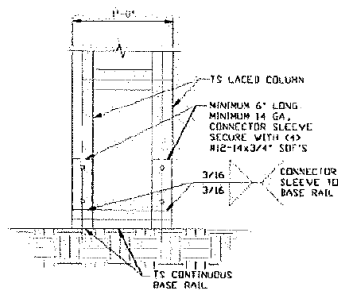
CONNECTION DETAILS



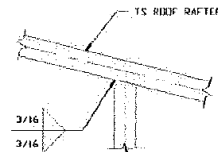
5 RAFTER COLUMN/BASE RAIL
CONNECTION DETAIL
SCALE: NTS



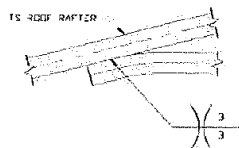
5A RAFTER COLUMN/BASE RAIL
CONNECTION DETAIL
SCALE: NTS



5B RAFTER COLUMN/BASE RAIL
CONNECTION DETAIL
SCALE: NTS



6 RAFTER TO CHORD
CONNECTION DETAIL
SCALE: NTS



7 COLLAR TIE
CONNECTION DETAIL
SCALE: NTS

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PROJECT MGR: WSM

CLIENT: EAGLE CARPORTS

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210 AIRPORT ROAD
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30'-0"x20'-0" SP FULLY OPEN STRUCTURE

DATE: 8-19-21

SHT. 12

SCALE: NTS

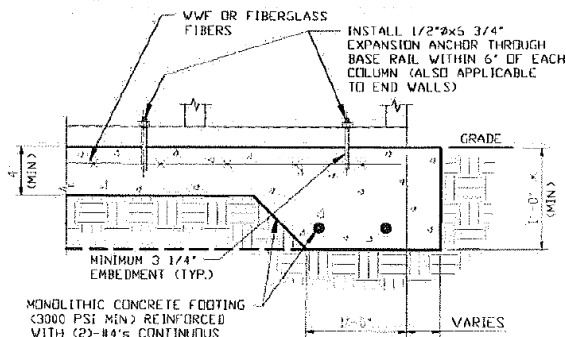
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182605/192605/211655

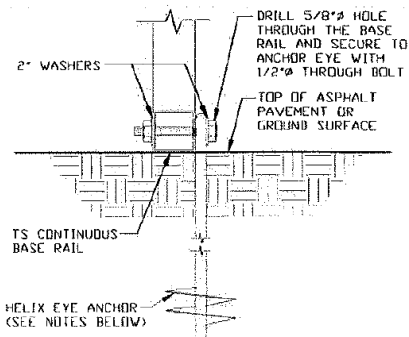
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BASE RAIL ANCHORAGE OPTIONS



**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-309

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, PRELOADED 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
ENGINEERING AND CONSULTING, INC.**

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

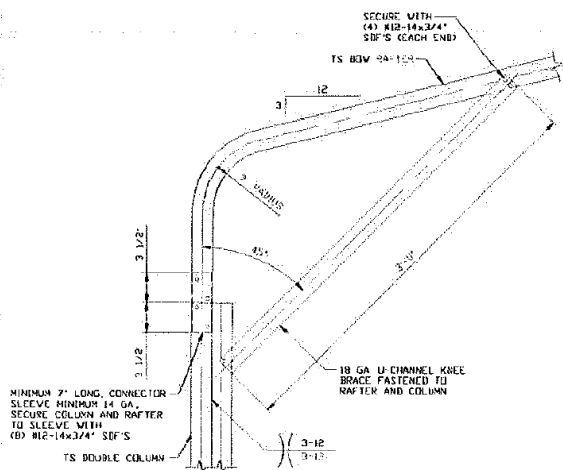
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DWG. NO. SK-1

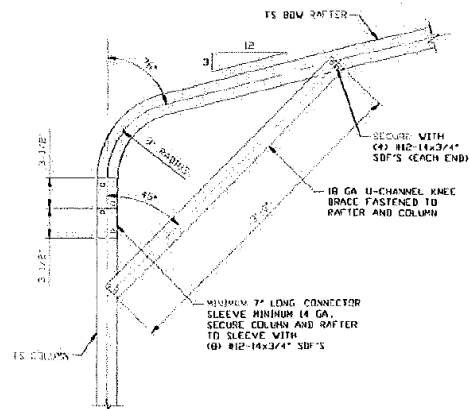
JOB NO: 161668/
162605/193505/211695

REV. 9

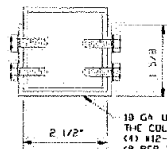
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**BDW EAVE RAFTER COLUMN
CONNECTION DETAIL FOR
HEIGHTS 14'-0" < TO ≤ 16'-0"**
SCALE: NTS



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



BRACE SECTION
SCALE: NTS

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

DRAWN BY: LT

CHECKED BY: PJH

PROJECT MGR: VSM

CLIENT: EAGLE CARPORTS

DATE: 8-19-21

SHT. 8A

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

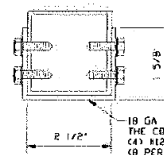
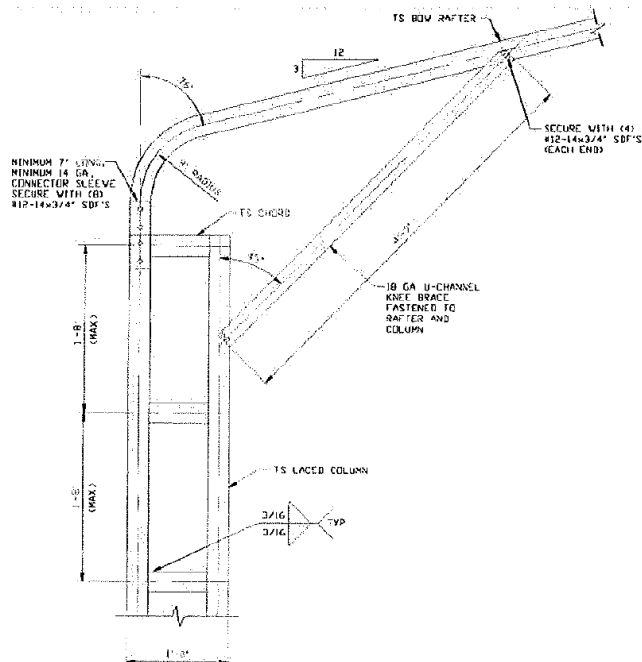
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DWG. NO SK-1

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

REV: 9

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BRACE SECTION
SCALE: NTS

1
BOW EAVE RAFTER COLUMN
CONNECTION DETAIL FOR
HEIGHTS 16'-0\"
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\"

DATE: 8-19-21

SHT. 8

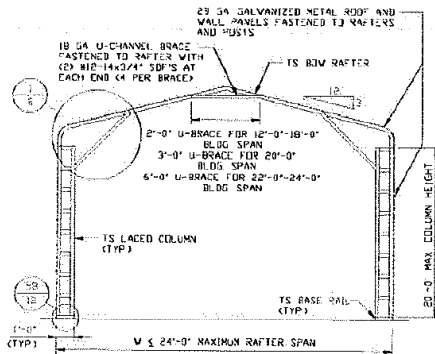
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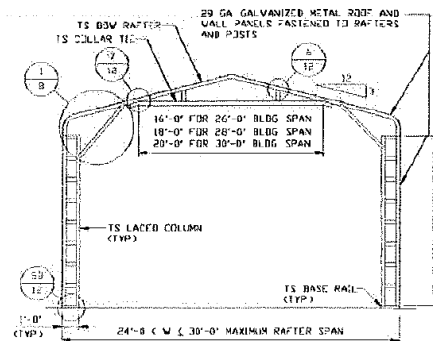
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REV. 9

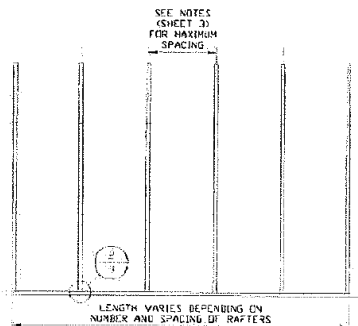
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TYPICAL RAFTER/COLUMN END FRAME SECTION
SCALE: NTS



TYPICAL RAFTER/COLUMN END FRAME SECTION
SCALE: NTS



TYPICAL RAFTER/COLUMN SIDE FRAMING SECTION
SCALE: NTS

**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. 7A

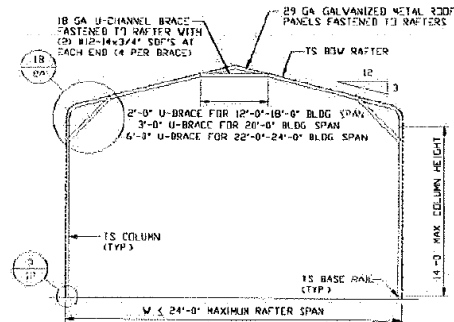
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DWG. NO: SK-1

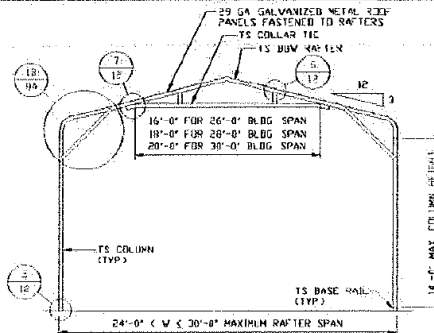
JOB NO: 16166S/
18860S/19920S/21162S

REV: 9

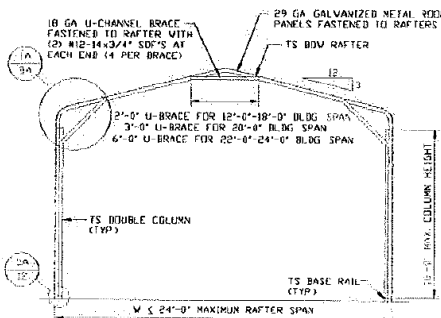
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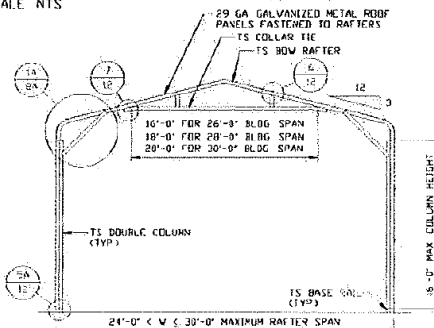
TYPICAL RAFTER/COLUMN END FRAME SECTION
SCALE: NTS



TYPICAL RAFTER/COLUMN END FRAME SECTION
SCALE: NTS



TYPICAL RAFTER/COLUMN END FRAME SECTION
SCALE: NTS



TYPICAL RAFTER/COLUMN END FRAME SECTION
SCALE: NTS

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

DRAWN BY: LT

CHECKED BY: PJM

PROJECT MGR: VSM

CLIENT: EAGLE CARPORTS

DATE: 8-19-21

SCALE: NTS

DWG. NO. SK-1

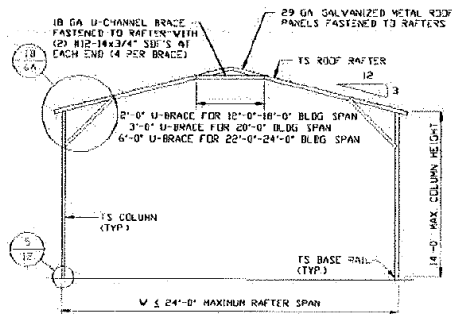
SHT. 7

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

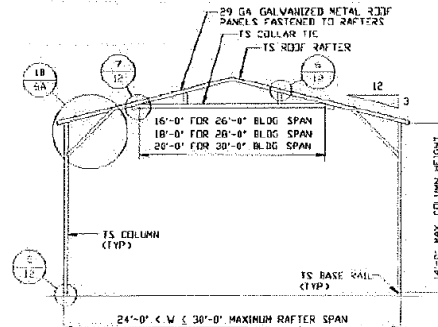
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108608/193299/211695

REV. 9

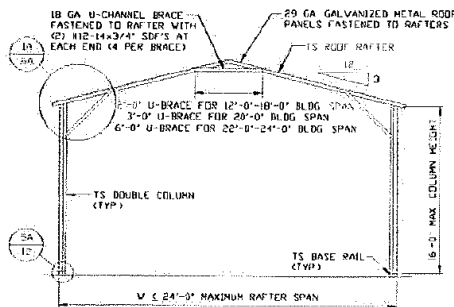
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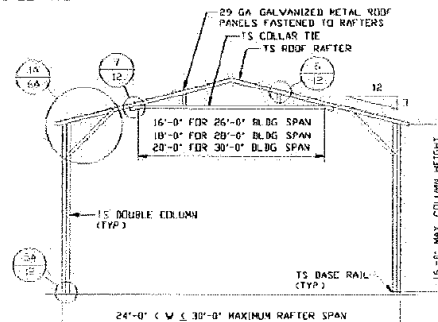
TYPICAL RAFTER/COLUMN END FRAME SECTION
SCALE: NTS



TYPICAL RAFTER/COLUMN END FRAME SECTION
SCALE: NTS



TYPICAL RAFTER/COLUMN END FRAME SECTION
SCALE: NTS



TYPICAL RAFTER/COLUMN END FRAME SECTION
SCALE: NTS

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

DRAWN BY: LT

CHECKED BY: PDH

PROJECT MGR: WSH

CLIENT: EAGLE CARPORTS

DATE: 8-19-21

SHT. 5

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

SCALE: NTS

DWG. NO. SK-1

JOB NO. 16166S/
18860S/12920S/21169S

REV. 9

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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 BASE RAIL AT OR WITHIN 6" OF EVERY RAFTER COLUMN
- 13 STANDARD GROUND ANCHORS (SOIL NAILS) CONSIST OF #4 REBAR 1/2" 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

$R = 325$ $I_e = 10$
 $S_{MS} = 2039$ $V = C_{SH}$
 $S_0 = 1258$ g

Apr23-644

MOORE AND ASSOCIATES ENGINEERING AND CONSULTING, INC.	EAGLE CARPORTS 210 AIRPORT ROAD MOUNT AIRY, NC 27030 30'-0"x20'-0" SP FULLY OPEN STRUCTURE	
	DRAWN BY: LT CHECKED BY: PMH	PROJECT MGR: WSH DATE: 8-19-21 SCALE: HTS JOB NO: 16166S/ 18260S/18300S/21162S
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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

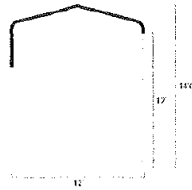
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18260S/19320S/21169S

REV. 9

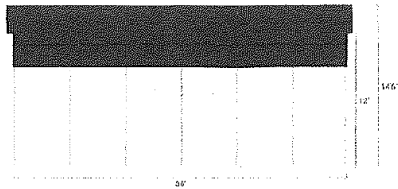
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ELEVATION MAP

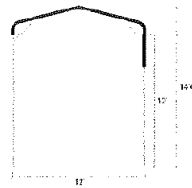
FRONT



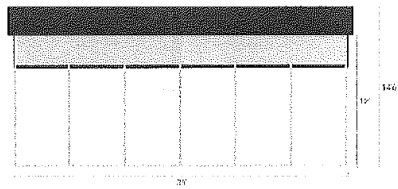
LEFT SIDE



BACK



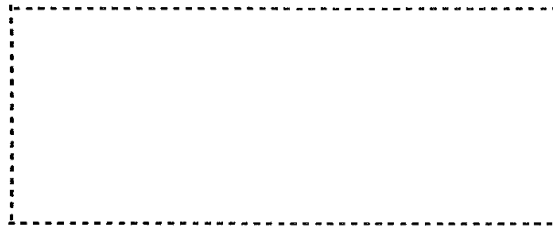
RIGHT SIDE



BUILD #			DISCLAIMER
CUSTOMER			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.
DEALER ID #	PHONE #		
STATE	ZIP CODE		

LEFT SIDE

FRONT



12'

BACK

30'

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: 800.578.8589 Fax: 336.719.2091
Order submital to orders@eaglecarports.com

Order Form v.12

Add. Phone # 218-369-1259 Build #:

AUTHORIZED DEALER		SHIP TO	
Dealer ID: 00019894 Main	Name: Robert Brown		
Dealer Name: Ashley Peterson	Install Address: 2330 Trade Winds Drive		
Phone Number: 228-876-5151	City: Gulfport	State: MS	Zip Code: 39553
Order Date: 3-7-2013	County: Jackson	Email: CHILLKOT@yahoo.com	
Email: vanceleaveportable@gmail.com	Cell #: 228-369-9614	Phone #: 228-282-3961	

BUILDING INFO		SIZE	COLOR	ANCHORING & RATING	
ROOF STYLE: Regular Style		12' X 30' X 12'	ROOF: Evergreen	INSTALLATION SURFACE: Dirt	
BUILDING TYPE: 3D Builder		WIDTH X FRAME X HEIGHT	SIDES/ENDS: Evergreen	GROUND ANCHOR: YES NO	
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
NOTE: FRAMES ARE 5' ON CENTER E.G. 10', 25', 30', ETC.	ELECTRICITY AVAILABLE? YES NO

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	
Left Side: 3' Panel (Horizontal)	1	\$180.00	\$180.00	PRICE
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

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 RVs & 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 2013

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

Customer Signature: _____ Date: _____

No Cash Payments Accepted
No Card Fees
CO, KS, OK, & TX

Office Use:	
CREDIT CARD	MONEY ORDER
CASHIER'S CHECK	CASH
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

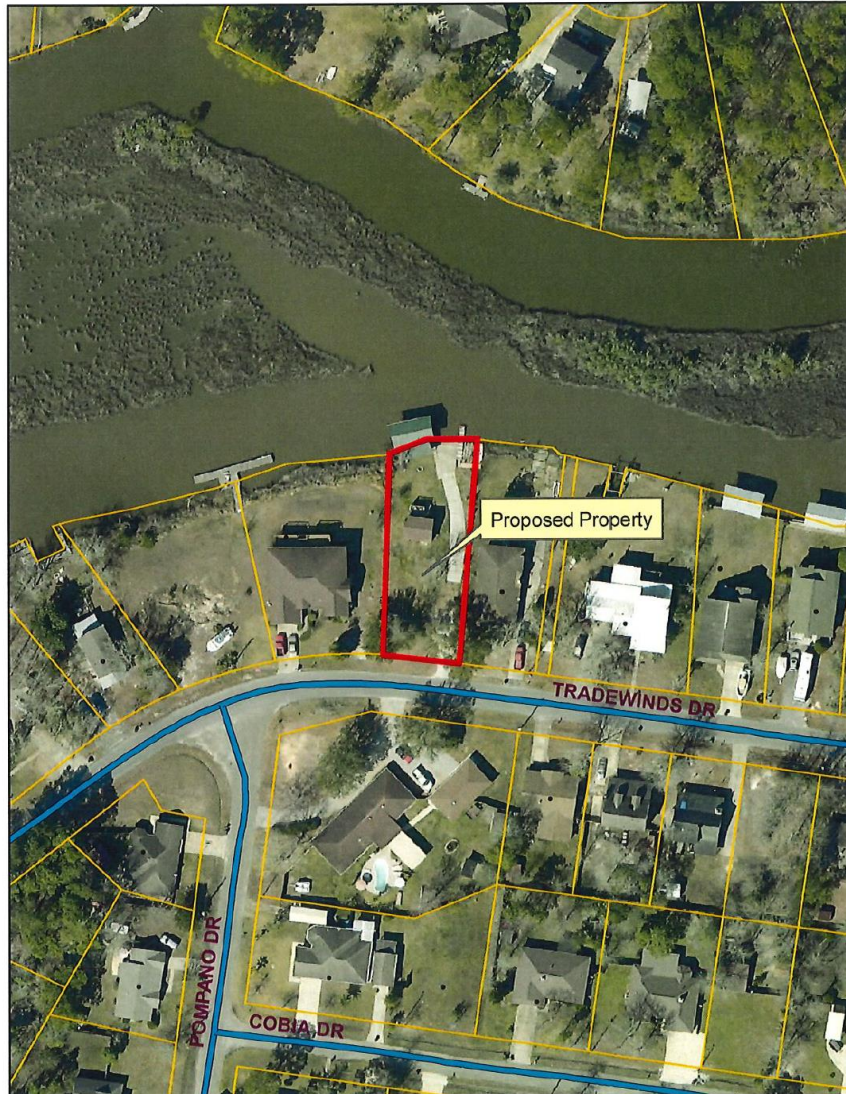


Exhibit B Existing Zoning

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

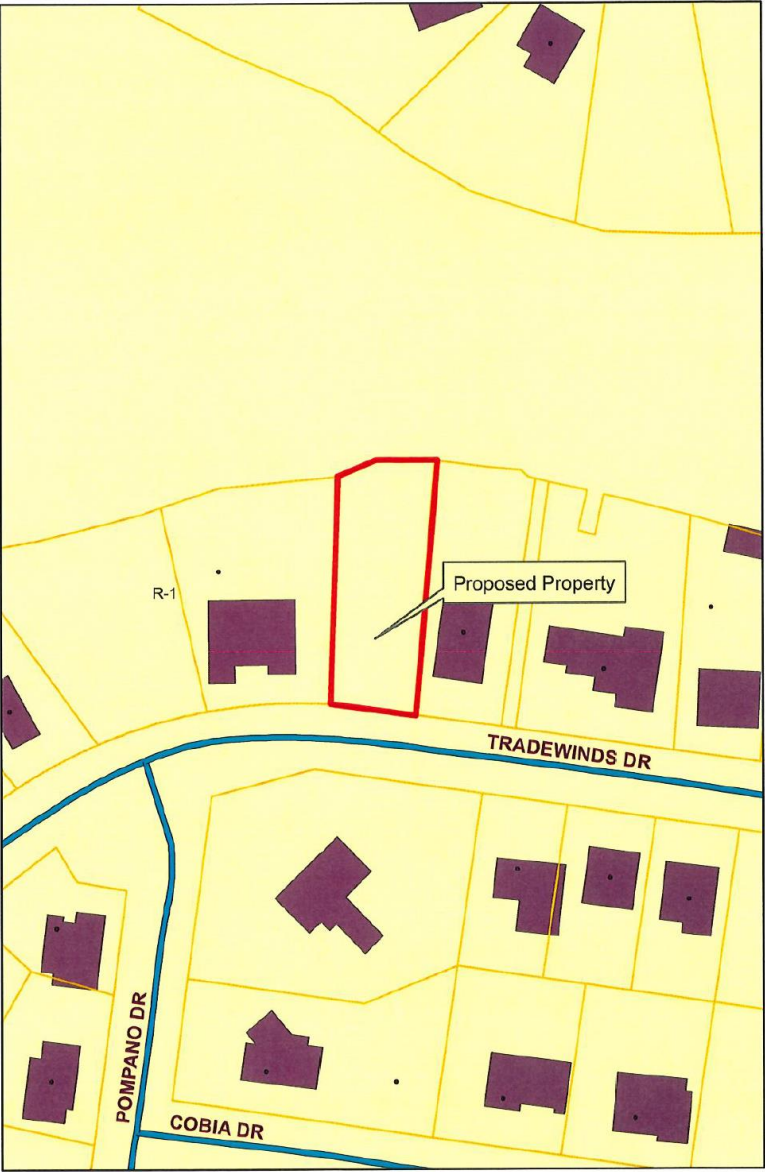


Exhibit C Existing Land-Use

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

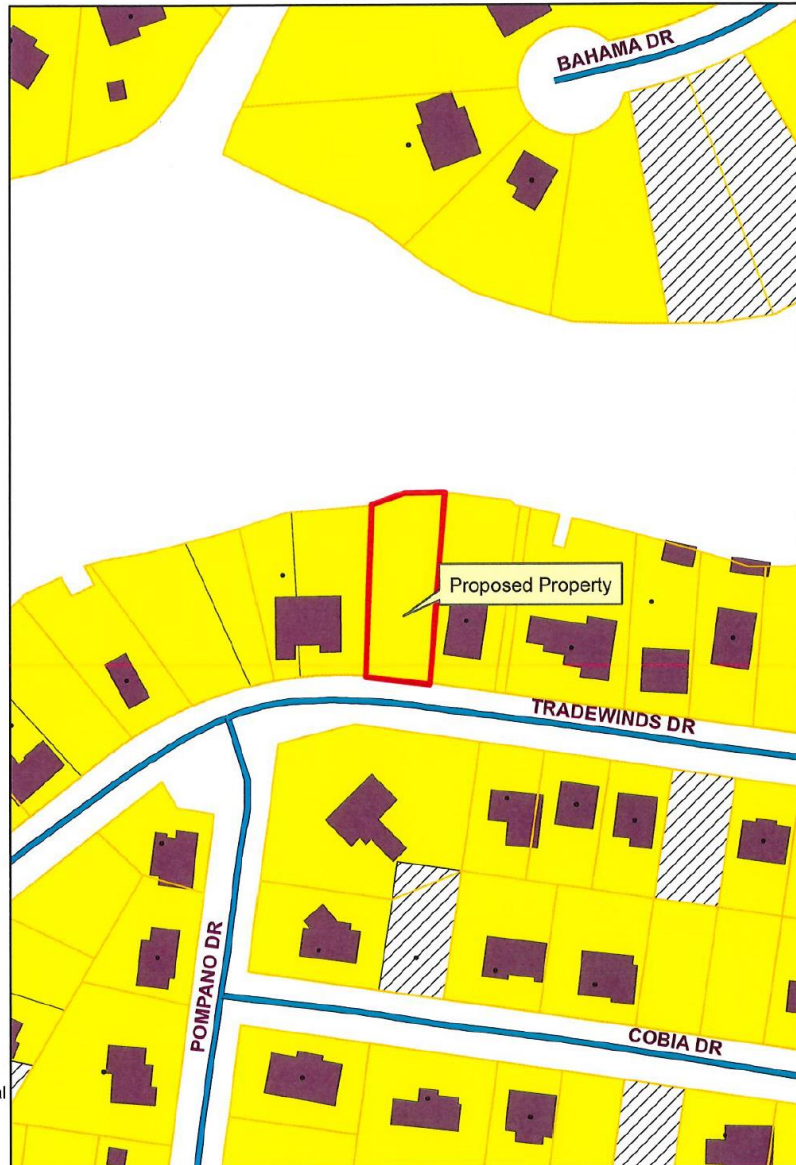


Exhibit D Future Land-Use

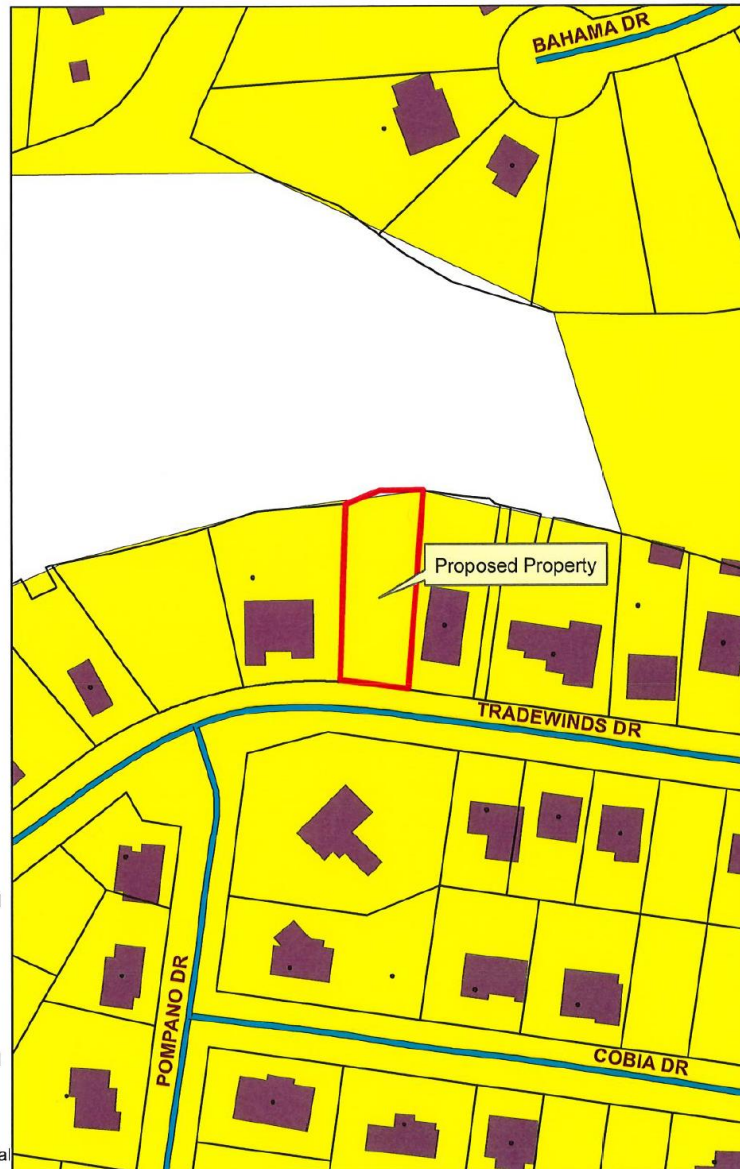
Prepared By:
City of Gautier
Planning Department

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



Gautier Planning Commission

Regular Meeting Agenda

July 6, 2023

GPC #22-44-CU

Mississippi Provisions 4, LLC dba Rootdown

3600 Gautier Vancleave Road

VII. NEW BUSINESS

1. Consider a request for a Conditional Use-Major that would allow a Medical Marijuana Dispensary in a C-2 Community Commercial Zoning District. 3600 Gautier Vancleave Road, PID #82435010.060, (GPC #22-44-CU)

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: June 22, 2023

Subject: Consider a request for a Conditional Use-Major that would allow a medical marijuana dispensary in a C-2 Community Commercial Zoning District. (GPC #22-44-CU)

REQUEST:

The Planning Department has received a request from Mississippi Provisions 4, LLC dba Rootdown for a Conditional Use-Major that would allow a medical marijuana dispensary in a C-2 Community Commercial Zoning District. 3600 Gautier Vancleave Road, PID #82435010.060). The application fee of \$250 was paid on November 14, 2022. All public notice requirements have been met.

BACKGROUND:

The request property is zoned C-2 Community Commercial.

1. Location: 3600 Gautier Vancleave Road, PID #82435010.060 (See Exhibit A)
2. General features of the proposed project:
Total Area: Approximately 0.6 Acres
Existing building on property
3. Existing Zoning – C-2 Community Commercial (See Exhibit B)
4. Existing Land Use – Vacant Building
5. Comprehensive Plan Future Land Use Designation – Civic (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: See Attached.

Staff Finding: Yes. Cannabis Dispensary, Medical is listed as a Conditional Use-Major in a C-2 Community Commercial 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: See Attached.

Staff Finding: The proposed use is allowed in a C-2 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: See Attached.

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: See Attached.

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: See Attached.

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: See Attached.

Staff Finding: No. The Comprehensive Plan calls out "Civic" for future land use of this property, perhaps due to the fact that although the previous land use of this property was an Automobile Gas Station, it is adjacent to the City's Central Fire Station and is partially surrounded by MGCCC 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: See Attached.

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: See Attached.

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
ECONOMIC DEVELOPMENT/PLANNING DEPARTMENT
CONDITIONAL USE APPLICATION

Public Hearing Number

22-44-CU

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

Name of

Applicant: Michael Kinard

Name of Business: Mississippi Provisions 4, LLC dba Rootdown Phone: 601-506-6585

Property Address: 3600 Gautier Vancleave Road, Gautier, MS 39553 Mailing Address (if Different): 1723 University Avenue, Suite B, #105 Oxford, Mississippi 38655

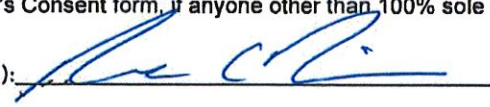
E-Mail Address: noblitt.scott@gmail.com

Proposed Use Requiring Conditional Use: Medical Marijuana Dispensary (Refer to Article V, UDO)

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

ATTACHMENTS REQUIRED AS APPLICABLE:

- | | |
|-----------------|--|
| <u>Attached</u> | 1. Answers to the Criteria for Approval (see attached). |
| <u>Attached</u> | 2. Project Narrative (see attached). |
| <u>Attached</u> | 4. Diagram of intended use (see attached). |
| <u>None</u> | 4. Copy of protective covenants or deed restrictions, if any. |
| <u>Attached</u> | 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. |
| <u>N/A</u> | 6. Any other information requested by the Economic Development/Planning Director and/or members of the Technical Review Committee. |
| <u>Attached</u> | 7. Owner's Consent form, if anyone other than 100% sole owner makes application (see attached). |

Signature of Applicant(s):  Date of Application: 5/9/23

FOR OFFICE USE ONLY	
Revised Date Received <u>5-22-23</u>	Verify as Complete <u>SA</u>
Fee Amount Received <u>\$ 251.00</u>	Initials of Employee Receiving Application <u>BL</u>
<u>(11-10-22)</u>	

OWNERS CONSENT AND DESIGNATION OF AGENT - CONDITIONAL USE

I, Scott Noblitt of STRS Boucher, LLC, the fee simple owner(s) of the following described property:

Address:

3600 Gautier Vancleave Road

Gautier, Mississippi 39553

Parcel ID No.:

82435010.060

hereby petition to the City of Gautier to *Grant a Conditional Use Major or Minor of*
a Medical Marijuana Dispensary (state proposed use from
Article V of the Unified Development Ordinance) at the above reference property and
affirm that Michael Kinard of Mississippi Provisions 4, LLC (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.

Scott Noblitt
(Owner's Signature)

(Owner's Signature)

Notary Information:

The foregoing instrument was acknowledged before me this 13th day of
October, 2022 by Scott Noblitt of STRS Boucher, LLC,
who is personally known to me or has produced a driver's license
as identification and who did take an oath.

Mathew Smith
(Printed Name of Notary Public)

Mathew Smith
(Signature of Notary Public)

Commission # 20074029311 My commission expires 7/31/2023.

(Notary's Seal)

MATHEW SMITH
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20074029311
MY COMMISSION EXPIRES 07/31/2023



202221916 5 PGS

OFFICIAL RECORDS JACKSON COUNTY
Josh Eldridge
CHANCERY CLERK
RECORDING FEE: \$26.00
MINERAL TAX: \$1.00
#202221916 BK:2092 PG:144-148
09/23/2022 04:18:27 PM 5 PGS
JGARULO,DC Ropt#23361

This Instrument Prepared by and Return to:
Milton D. Hobbs, Jr. (MSB# 101924)
Harris Shelton Hanover Walsh, PLLC
2112 Old Taylor Road, Unit B5
Oxford, MS 38655
Phone: (662) 234-7447

Jackson County	
Minerals	
Paid	\$100.00
Tax	9/23/2022

GRANTOR'S ADDRESSES:
Southern Oil Company, Inc, a
Mississippi corporation
6933 US Hwy 49
Hattiesburg, MS 39402
(601) 261-0065

GRANTEE'S ADDRESS:
STRS Boucher, LLC, a Mississippi limited
liability company
1428 15th Street
Denver, CO 80202
(601) 506-6585

INDEXING INSTRUCTIONS:

A parcel of land situated and being located in the SE ¼ of the NE ¼ of Section 35, Township 7 South, Range 7 West, City of Gautier, Jackson County, Mississippi.

**STATE OF MISSISSIPPI
COUNTY OF JACKSON**

WARRANTY DEED

FOR AND IN CONSIDERATION, of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, **SOUTHERN OIL COMPANY, INC**, a Mississippi corporation ("Grantor") does hereby grant, bargain, sell, convey, and warrant unto **STRS BOUCHER, LLC, a Mississippi limited liability company** ("Grantee") the following described real estate lying and being situated in Jackson County, Mississippi, to-wit:

LEGAL DESCRIPTION: Parcel 1

Survey of a parcel of land situated and being located in the SE ¼ of the NE ¼ of Section 35, Township 7 South, Range 7 West, City of Gautier, Jackson County, Mississippi, and being more particularly described as follows, to-wit:

Commencing at a concrete monument at the Northeast corner of said Section 35; thence South 1994.75 feet to a concrete monument; thence S 89°54'04" W 767.70 feet to a ½" rebar found; thence S 89°59'15" W 50.00 feet to a ½" rebar found and being the Point of Beginning; thence S 89°59'17" W 130.23 feet to a mag nail found at the East right-of-way of Gautier-Vancleave Road; thence N 02°25'51" E 200.03 feet along said east right-of-way to a 2" pipe found; thence S 89°58'00" E 130.30 feet to a ½" rebar found; thence S 02°27'07" W 199.93 feet to the Point of Beginning. Said parcel of land contains 26,027 square feet or 0.60 acre, more or less, together with a 50 foot ingress and egress easement as per Deed Book 715 at Page 194 as shown hereon.

The Grantee hereby represents, warrants and covenants that the Grantee shall not allow a convenience store upon the subject real estate nor shall the Grantee allow gasoline or diesel sales upon the subject real estate.

The Grantor reserves a twenty (20) foot ingress/egress easements described as Easement "A" and Easement "B" with the metes and bounds legal descriptions for such Easement "A" and Easement "B" as described on the survey attached hereto and incorporated herein as Exhibit "B".

The Grantor also hereby grants an easement to the Grantee upon its remaining and adjacent parcel for the encroachment of the car wash building as shown on the survey attached hereto as Exhibit "B" with the metes and bounds description for such easement described as the "Car Wash Encroachment Parcel" on Exhibit "B" attached hereto and incorporated herein.

Further, Grantee hereby grants an easement to the Grantor for the encroachment of the 1 story metal building upon the subject parcel as such 1 story metal building is shown on Exhibit "B" attached hereto and incorporated herein with the metes and bounds legal description for such easement shown and described as the "Building Encroachment Parcel" on Exhibit "B".

The warranty herein is subject to the exceptions listed on Exhibit "A" attached hereto.

Any ad valorem taxes for the calendar year 2022 shall be prorated as of the date of this deed and shall be the responsibility of the Grantee herein.

Possession shall be granted with delivery of this deed.

WITNESS MY SIGNATURE, this the 21 day of September, 2022.

GRANTOR:

Southern Oil Company, a Mississippi corporation



By: Mitchell Morris
Its: President

STATE OF MISSISSIPPI
COUNTY OF Forrest

PERSONALLY appeared before me, the undersigned authority in and for the said County and State, on this 21 day of September, 2022, within my jurisdiction, the within named **Mitchell Morris** who acknowledged that he is the President of **Southern Oil Company, Inc**, a Mississippi corporation, and that for and on behalf of such corporation, and as its act and deed, he executed the above and foregoing instrument after having been authorized by said corporation to do so on the day and year therein mentioned and for the purposes therein appearing.

SWORN to and subscribed before me this 21 day of September, 2022.

My Commission Expires: 4/1/25

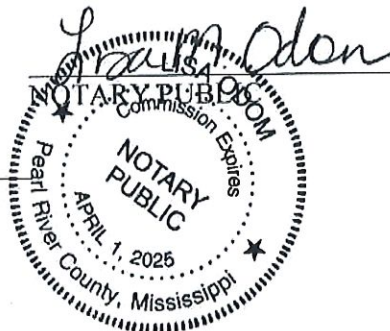


EXHIBIT "A"
TITLE EXCEPTIONS

Title to all oil, gas, and minerals within and underlying the premises, together with all mining rights and other rights, privileges, and immunities relating thereto.

Any matters, loss or damage, including attorney's fees and costs, arising or resulting from unpaid County or municipal charges, including but not limited to those for gas, water or sewer, and for liens resulting from violations or alleged violations of statutes, ordinances, codes and/or regulations including, but not limited to, charges for summary abatement, rubbish removal, grass cutting, tree removal and board-up. The proposed insured is cautioned to obtain the current status of these changes, if any.

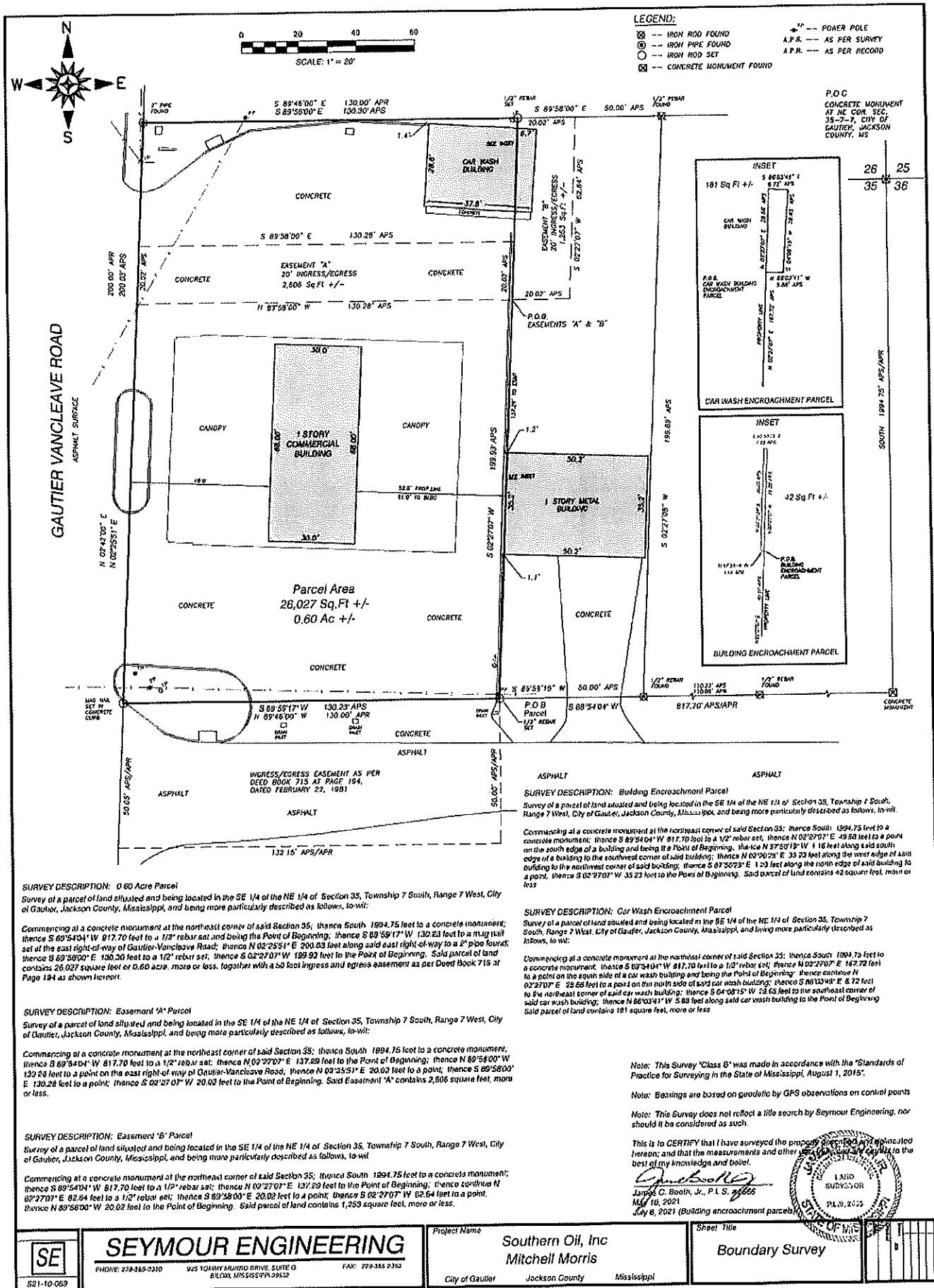
Any law ordinance or governmental regulation (including but not limited to, building and zoning laws, ordinances, regulations, environmental protection, bankruptcy, homestead, riparian rights, wetlands, covenants, survey and tidelands) restricting or regulating or prohibiting the occupancy, use or enjoyment of the land, or regulating the character, dimensions or location of any improvement now or hereafter erected on the land, or prohibiting a separation in ownership or a reduction in the dimensions or area of the land, or the effect of any violation of any such law, ordinance or governmental regulation.

Any claim or claims based upon the assertion that the property described above or any portion thereof is now or has any time been tidal or submerged lands or below mean high tide level and/or that any portion of the land or property was created by artificial means or has accreted to property so created.

Riparian or littoral rights nor title to the portion of land that lies beneath the high water mark as established as of the date this State was admitted to the union, subject to any changes that may have occurred.

Land formerly or presently comprising the shores or bottom of navigable waters or to artificial accretions to fill.

Exhibit "B"



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

MAJOR CONDITIONAL USE CRITERIA FOR APPROVAL

1. Is the proposed use listed in the list of possible Conditional Uses in the particular Zoning District?
2. Please describe how the project is compatible with the character of development in the vicinity relative to (a) density, bulk and intensity of structures, (b) parking, and (c) other uses. Please attach parking plan, site plan, architectural rendering or other plans.
3. Will your project negatively affect neighboring property values or pose a real or perceived threat to citizens? Explain.
4. Will your project adversely affect vehicular or pedestrian traffic in the vicinity? Explain.
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?
6. Is the proposed use in harmony with the Comprehensive Plan? Explain how.
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.
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.

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.

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

Mississippi Provisions 4, LLC intends to use the property located at **3600 Gautier Vancleave Road, Gautier, MS 39553**, for a Medical Cannabis Dispensary. According to Ordinance Number 000-2022, Section 5.2.2 of the Unified Development Code has been updated to include zones that are permitted by right or permitted by conditional use for medical cannabis dispensaries.¹ According to the City's zoning map, **our property is located in zone C-2, which is permitted for dispensaries by conditional use.**

As a testament to our qualifications, we have already received a Medical Cannabis Dispensary License from the Mississippi Department of Revenue (**License Number: DSPY006530**). Our team has thoroughly assessed the Mississippi Medical Cannabis Act ("Act"), the Mississippi Department of Revenue's Medical Cannabis Dispensary Rules ("DOR Rules"), and we are confident that our Medical Cannabis Dispensary facility will be a shining example of how to conduct compliant operations in Mississippi.

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.

While our facility is located in a highly commercial area, it is not directly surrounded by other businesses. It is directly next to the Gautier Fire Department Central Station, and the next closest business is Little Caesars Pizza across Gautier Vancleave Road. There is a cluster of small businesses down Gautier Vancleave road, including an auto parts store, a smoking accessories store, a Kentucky Fried Chicken, and a Shell gas station. We do not anticipate our operations having any negative impact on our neighboring businesses since it is not a dense commercial street, and we have plenty of separation from the other businesses. Additionally, our dispensary will not be open to the public; it is only open to qualified medical patients, so we are not expecting our operations to cause a significant increase in traffic to the area.

According to Article VII of the Gautier Unified Development Code regarding Parking Requirements and Specifications, medical or dental offices/clinics require one parking space for every 250 square feet of the gross lease area.² Since cannabis dispensaries are not contemplated in the parking requirements detailed in the Unified Development Code, the closest land use would be a medical clinic, so accordingly, our dispensary, which contains 2,052 sq ft of area will offer at least nine (9) parking spaces. As demonstrated by our parking plan, we have more than a sufficient amount of parking spaces to support our patrons without impacting other businesses.

There are many other commercial businesses off Highway 90, and the design and aesthetic of our dispensary will seamlessly blend in with the area. Our dispensary will not be injurious to the neighborhood or general welfare owing to the fact we purposely chose this location as it is compliant with the state's required 1,000-foot setback from schools, churches, and daycares, and it's in a commercial area that is not near residential neighborhoods. Overall, our location will be compatible with the character of the surrounding area, specifically in regard to density, bulk, and

¹ City of Gautier Unified Development Code Sec. 5.2.2, Table 4

² City of Gautier Unified Development Code Article VII, Sec. 7.2.5, Table No 9

intensity of structures, parking, and other uses, and will not adversely affect any neighboring or nearby businesses.

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

Contrary to common belief, multiple studies have shown that the opening of cannabis dispensaries may *increase* property values rather than reduce them. According to a study conducted and published in 2020 by James Conklin, a professor at the University of Georgia, and based on publicly available data from the City of Denver and the State of Colorado, the value of single-family residences located near a licensed dispensary increased by approximately 8% as compared to houses located farther away.³ Furthermore, a 2016 study led by Professor Cheng of the University of Mississippi found that, on average, cities in Colorado that enacted retail cannabis laws experienced a 6% increase in housing value compared to cities that did not.⁴ Mississippi Provisions 4, LLC is committed to maintaining a medical cannabis facility that honors the aesthetics and character of our community. Our business plan prioritizes operating in a safe, secure, and compliant fashion so that Gautier's patients may reap the benefits of Mississippi's promising medical cannabis industry.

Our company takes the safety and security of our facility and the surrounding community seriously. We will outfit our medical cannabis facility with state-of-the-art security equipment, implement rigorous security procedures, and have an experienced security team on staff to safeguard the premises during hours of operation. Mississippi Provisions 4, LLC will ensure that the facility is equipped with a fully functioning, continuously operating, and consistently tested and maintained security and surveillance system — including an alarm system, video surveillance system, access management system, and visitor management system. To complement these systems, Mississippi Provisions 4, LLC will employ screening and monitoring procedures to limit access to the facility to authorized individuals and supervise all individuals on the premises. Mississippi Provisions 4, LLC will also implement a multi-faceted diversion prevention plan and securely handle all medical cannabis items. Mississippi Provisions 4, LLC's emergency management plan will incorporate reporting requirements from the DOR Rules and will contain a disaster plan with procedures to be followed in case of fire or other emergencies. Additionally, Mississippi Provisions 4, LLC will employ comprehensive cybersecurity procedures. Finally, Mississippi Provisions 4, LLC is committed to fostering a safe workplace and has developed a workplace safety plan to address all applicable occupational safety and health rules. Through these procedures, Mississippi Provisions 4, LLC is confident that our facility will not pose any threat to Gautier citizens.

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

Mississippi Provisions 4, LLC is deeply committed to being a contributing and compliant member of the state's nascent medical cannabis industry and shares the City of Gautier's goals in ensuring that our operations will not cause undue traffic congestion or create a traffic hazard. As such, our dispensary has been designed to optimize local safety, minimize the impact on the

³ "Contact High: The External Effects of Retail Marijuana Establishments on House Prices", 2020, James Conklin, Moussa Diop, Herman Li.

⁴ "The Effect of Legalizing Retail Marijuana on Housing Values: Evidence from Colorado", 2018, Cheng Cheng, Walter J. Mayer, Yanglin Mayer.

surrounding neighborhood, and allow Mississippi Provisions 4, LLC to operate harmoniously within the larger Gautier community. We have thoughtfully developed a traffic management plan that will allow us to meet the following goals:

- Ensure the safety of customers, employees, and surrounding abutters.
- Minimize the impact of traffic flow on adjacent businesses and nearby streets.
- Facilitate efficient parking lot operations to minimize backup on adjacent streets.
- Implement efficient appointment systems to reduce initial traffic burdens.
- Provide information to allow customers to get to/from the facility efficiently and safely.
- Promote efficient coordination between Mississippi provisions 4, the Gautier Police Department, and the City.
- Establish open lines of communication with abutters and nearby residents, and local businesses.

Mississippi Provisions 4, LLC is driven by the opportunity to significantly increase access to medical cannabis for patients and caregivers in Gautier and carefully selected our location in order to do so. It is a highly commercial area, surrounded by other food, retail, and service-based businesses. We anticipate primarily vehicular traffic, which is common for the area. Mississippi Provisions 4, LLC is also proud to offer a total of 22 parking spots at our dispensary, including 2 handicapped accessible parking spots, to ensure that once patrons arrive, they will not have to worry about being unable to access the premises.

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

Water

Mississippi Provisions 4, LLC has implemented numerous policies and procedures to ensure that the site plan is appropriate for a dispensary facility, including selecting a facility location with an adequate and pre-existing water supply as provided by the City of Gautier's Public Works Department. Through our partnership with Gautier, we plan to provide a safe, potable, and sufficient supply of water to satisfy all the needs and requirements of the facility, while also making strong efforts to reduce water-related waste. As a medical cannabis dispensary, our water usage will largely be in line with other low-intensity retail businesses and only require water resources for bathroom and drinking water facilities.

Our facility's management will ensure that Mississippi Provisions 4, LLC's water management operations are in line with these objectives and comply with all applicable regulations set forth by the Mississippi Department of Health, City of Gautier, and all other state and local laws, regulations, ordinances, and other requirements.

Sanitary Sewer

Mississippi Provisions 4, LLC has confirmed that it will receive water, sewer, gas, and electrical services at this site. The property has undergone inspection to ensure that the piping and plumbing system is installed appropriately, that it is able to receive adequate maintenance, and has sufficient size and design to carry adequate water quantities to the required places throughout the facility. Mississippi Provisions 4's piping and plumbing system will be designed to correctly transfer and dispose of the facility's sewage and liquid waste into Gautier's sanitary sewer system.

Mississippi Provisions 4, LLC will take steps to ensure that waste and materials not suitable for outflow into Gautier's sanitary sewer system are not disposed of in any internal drainage system. These precautions will include employee training, adequate signage near any sink, toilet, or drain where applicable, and drain covers to prevent foreign objects from entering the sewer system. Only human waste and suitable sanitary paper will be permissible to flush down our restroom toilets.

Mississippi Provisions 4, LLC will review relevant material safety data sheets for any cleaning chemicals or compounds used on site to make sure all materials are safe for disposal in the city sanitary sewer system.

Streets

Mississippi Provisions 4, LLC has intentionally chosen a property for our medical cannabis dispensary that will allow for safe and convenient ingress and egress of vehicular traffic for our patients and visitors. Our corner lot location allows for multiple points of entry and exit, relieving any undo traffic burden onto Gautier Vancleave Road. The proposed location at 3600 Gautier Vancleave Rd was formerly a fuel station and as such, the property is pre-purposed for a steady volume of vehicular traffic. Mississippi Provisions 4, LLC will take special care that any developments or modifications to the site do not affect vehicular ingress or egress that would cause undo traffic onto Gautier Vancleave Road or our neighbors. We have intentionally chosen property with wide, paved roads sufficiently far from a highway exit to ensure that any patients, caregivers, employees, or visitors arriving or leaving our Facility will not cause any undo congestion in our neighborhood.

Drainage

Mississippi Provisions 4, LLC has chosen a developed site for our medical cannabis dispensary that will provide for adequate drainage of all stormwaters and any other water used externally on site for the purposes of landscape irrigation, cleaning, or other uses. The existing structure and all surrounding pavement on site have been inspected for proper watershed into the Gautier storm sewer system. Our corner lot features a wide storm sewer opening that can sufficiently drain all watershed into the city's storm sewer system.

Police and Fire Protection

Mississippi Provisions 4, LLC plans to be an upstanding example of a medical cannabis dispensary operation in Gautier and will foster a healthy relationship with local law enforcement and fire protection services to ensure patient and community safety are always a top priority of our organization. Our location is adjacent to a Gautier Fire Department station which can provide rapid response in the case of an emergency on our premises. Our staff will be trained to appropriately engage with local law enforcement in the event of any inspection, inquiry, or investigation concerning our Facility. Mississippi Provisions 4, LLC is steadfast in our commitment to patient and caregiver safety and understands that engaging with local law enforcement and fire protection authorities is imperative to this goal.

Schools

Mississippi Provisions 4, LLC chose our site at 3600 Gautier Vancleave Rd in full compliance with required property setbacks as defined in the Mississippi Department of Revenue's Medical

Cannabis Dispensary Regulations (“DOR Rules”). Our property is appropriately more than 1,000 feet from the nearest property boundary line of any school, church, or childcare facility in compliance with the DOR Rules and Gautier Unified Development Code.⁵ Compliance with the requirements of these regulations ensures our facility has an adequate distance from the nearest school or place of learning and will not cause undue exposure of our medical cannabis facility to minors and will not affect any traffic entering or leaving a school or childcare facility.

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

Mississippi Provisions 4, LLC LLC’s proposed use will be in harmony with the City of Gautier’s Comprehensive Plan for our location at 3600 Vancleave Road, which is in the **C-2 Community Commercial District**. As stated in Gautier’s Comprehensive Plan, the C-2 District is home to a wide range of retail and professional service-based businesses, including businesses specifically catered to the motoring public. Mississippi Provisions 4, LLC LLC purposely chose to locate our dispensary off Highway 90 in order to provide easy vehicular access to patients who may be traveling to our dispensary. Our location also features an ample amount of parking space to accommodate all our patients, which will prevent the need for off-site overflow parking.

Mississippi Provisions 4, LLC LLC will ensure that our dispensary building complies with the requirements outlined in Gautier’s Unified Development Code Section 5.5.2 regarding the C-2 Community Commercial District. The size and scale of our building will correspond to other similar medical service-based businesses such as medical clinics or dental offices. Our building design will exhibit excellent architectural character, unified lighting that enables safe passage for patients, aesthetically pleasing landscaping, and respectably sized signage that does not draw unnecessary or unwanted attention to our business. Further, as a medical cannabis dispensary, we have taken particular care to design a secure facility that minimizes the risk of criminal activity occurring on the premises. We have also emphasized odor control policies that will prevent our neighbors in the Gautier community from ever being able to detect odors from the exterior of the premises.

Our main goal as a business is to enhance our surrounding area and improve the quality of life for Gautier patients suffering from debilitating medical conditions. The use of this location in Gautier allows us to operate in accordance with the City’s Comprehensive Plan and the Unified Development Code, as well as maximize patient access. Mississippi Provisions 4, LLC is excited at the opportunity to join the Gautier business community and serve Gautier’s community of medical cannabis patients.

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.

Our operations on-site will be purely retail in nature and will not involve any cultivation or processing activities and, as such, has a much lower likelihood of causing deleterious effects on our neighbors. Our property, structures within, and all operations conducted on-site will not produce noises, glare, smoke, dust, odor, fumes, water pollution, vibration, electrical interference, or other undue nuisances onto our neighbors and local community. In compliance with Gautier’s Code of Ordinances, Mississippi Provisions 4, LLC will not magnify or amplify

⁵ MS DOR Regulations Chap 3.100, City of Gautier Unified Development Code Sec. 6.4.1.1(B)

any sound from our place of business that could disturb the public generally and/or citizen residences in proximity to our location.⁶ Except in times of properly permitted renovations or modifications to the property, we do not anticipate creating any smoke, dust, fumes, vibration, or electrical interference from our daily operations.

Mississippi Provisions 4, LLC understands that odor from medical cannabis operations, if not treated properly, is a facility security risk and a public nuisance to surrounding neighborhoods, businesses, and pedestrians. We are committed to being a good steward of the environment and will institute a rigorous odor control plan for its proposed Dispensary Facility. Mississippi Provisions 4, LLC plans to take the following measures to ensure proper odor mitigation on-site that will not cause an undue burden to the community:

- The Dispensary Facility will install and maintain adequate HVAC systems to prevent odor from escaping the facility. An experienced design and engineering team will design the facility to ensure sufficient HVAC and air exchange filtration systems.
- Areas that contain medical cannabis or medical cannabis products will be designed based on the nature and quantity of materials that will be stored there. All medical cannabis and medical cannabis products will be received from licensed producers in sealed shipping containers and leave the facility in sealed packaging.
- Our management team will ensure regular ventilation equipment maintenance, including cleanings and filter replacement, in line with the manufacturer's recommendations. Our ventilation systems will be regularly serviced according to the manufacturer's specifications.
- Dried cannabis flower will always be kept in containers or packaging which minimizes the development of odors. When product shipments are received and inspected, the dispensary may utilize additional odor-neutralizing materials that can be used to mitigate odor in the area, such as surface sprays or odor-eliminating devices.

In our steadfast commitment to our local community, Mississippi Provisions 4, LLC pledges to maintain an internal documentation system to properly record any complaints levied towards our medical cannabis dispensary from the community. In the event we receive a nuisance complaint, we will:

- Management will investigate the complaint.
- A company representative will document the investigation.
- If a complaint is verified, the investigator will be responsible for tracking back to the source of the nuisance, requesting the necessary repair or mitigation, and documenting that the mitigation has occurred.

⁶ City of Gautier Unified Development Code Article I, Sec 15.5(b).

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.

Gautier has published amendments to the Unified Development Ordinances that include conditional use provisions to permit medical cannabis dispensaries in the C-2 Community Commercial District. Mississippi Provisions 4, LLC has verified via a review of a land survey that the 3600 Gautier Vancleave Rd location is within C-2 zoning for conducting services as a retail business in the city of Gautier. Per the Unified Development Code amendment, our medical cannabis dispensary qualifies as a permitted conditional use for the parcel.⁷ We have verified via site survey that structures on our property and proposed building changes comply with area setback regulations by following the applicable zoning ordinances as follows:

- a) The front setback will be a minimum of 40 feet.
- b) Side setbacks will be a minimum of 15 feet on one side and the building will not have any windows or doors opening on the side unless there is at least a 10-foot side yard setback.
- c) The building will not have any windows or doors opening on the rear unless there is at least a 10-foot rear yard setback.
- d) The lot is at least 100 feet wide.
- e) The building or accessory structure on the lot will never exceed 35 feet in height.
- f) No building footprint on the lot will exceed 2,400 square feet.⁸

Our main goal as a business is to enhance our surrounding area and improve the quality of life for Gautier patients suffering from debilitating medical conditions. The use of this location in Gautier allows us to operate in accordance with the City's Comprehensive Plan and the Unified Development Code, as well as maximize patient access. Mississippi Provisions 4, LLC is excited at the opportunity to join the Gautier business community and serve Gautier's community of medical cannabis patients.

⁷ City of Gautier Unified Development Code Article II Sec. 6.3

⁸ City of Gautier Unified Development Code Article II Sec. 6.4

Narrative for 3600 Gautier Vancleave Rd, Gautier, MS 39553

To Whom It May Concern:

We recently received a state license for a dispensary at the building located at 3600 Gautier Vancleave Road. The location is currently an old gas station. We plan to completely remodel the interior and exterior of the building. We have engaged with a contractor, Brad Fountain to build out the project and also with the design firm, Ferriss Company to design both the interior and exterior of the building. Both companies are well-established companies based in Mississippi and have a reputation for doing great projects. We are going to replace the store front and remove the rundown canopy over the old tank area. All of the plumbing, electric, and mechanical will be replaced and the interior will be tastefully finished. We are working with a local landscape company to meet the local requirements. We do not plan to have any outdoor storage or seating. Our goal is to be a good business citizen in Gautier and to turn the building into something the city can be proud of. We expect to start construction by the end of the year and to finish by early next summer, with plans to open by August.

All of our inventory will be stored in a highly secured room that will completely locked when not open for business. No medical inventory will be on the sales floor when closed for business. The doors to this secured inventory room will be steel with several locking devices and all of the walls will have metal behind the drywall. Deliveries will be made during business hours via the employee-only entrance on the back side of the building. We expect to have 100-200 customers per day after the first year of business and the dispensing area is designed to easily accommodate this projected daily volume of customers. Further, our location at the intersection of Rt. 90 and Vancleave Road will ensure that new traffic driven by our business will not cause a negative effect on other businesses or commuters. We plan to have 22 parking spaces, far more than the nine (9) spaces required for medical or dental offices/clinics of our building size per the Gautier Unified Development Code Article VII, Sec. 7.2.5, Table 9. Please call Steve Brooks at 303-709-2400 if you have any further questions.



ROOTDOWN

GAUTIER

The Made Shop® 22



TAGLINE
BACKLIT BOX
WITH ORANGE
ACRYLIC

21

C1.1

3600 GAUTIER VANCLAVE RD. GAUTIER, MS

Melanie Holmes, Architect
101 Erika Lane
Wayne, PA 19087

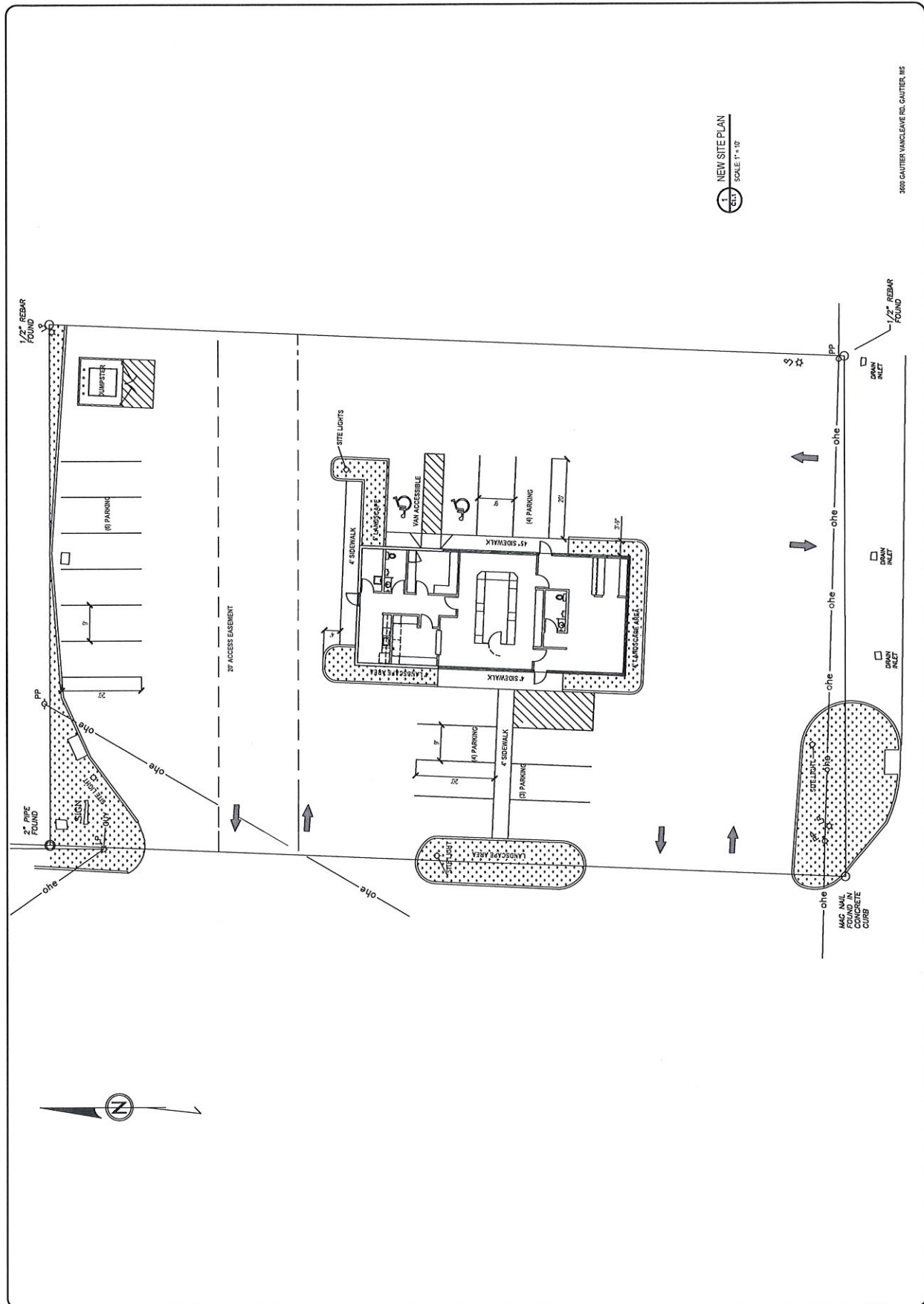
SCALE
1" = 10'

REvised DATE
05.04.23

DRAWN BY
AW

FOUNTAIN CONSTRUCTION CO., INC.
555 HWY. 19 WEST JACKSON, MS. 39209
601.723.4100
601.723.4100
FAX

MJ MEDICAL DISPENSARY
3600 GAUTIER VANCLAVE RD.
GAUTIER, MS 39563



Wayne, PA 19087

SALE: 10

DATA

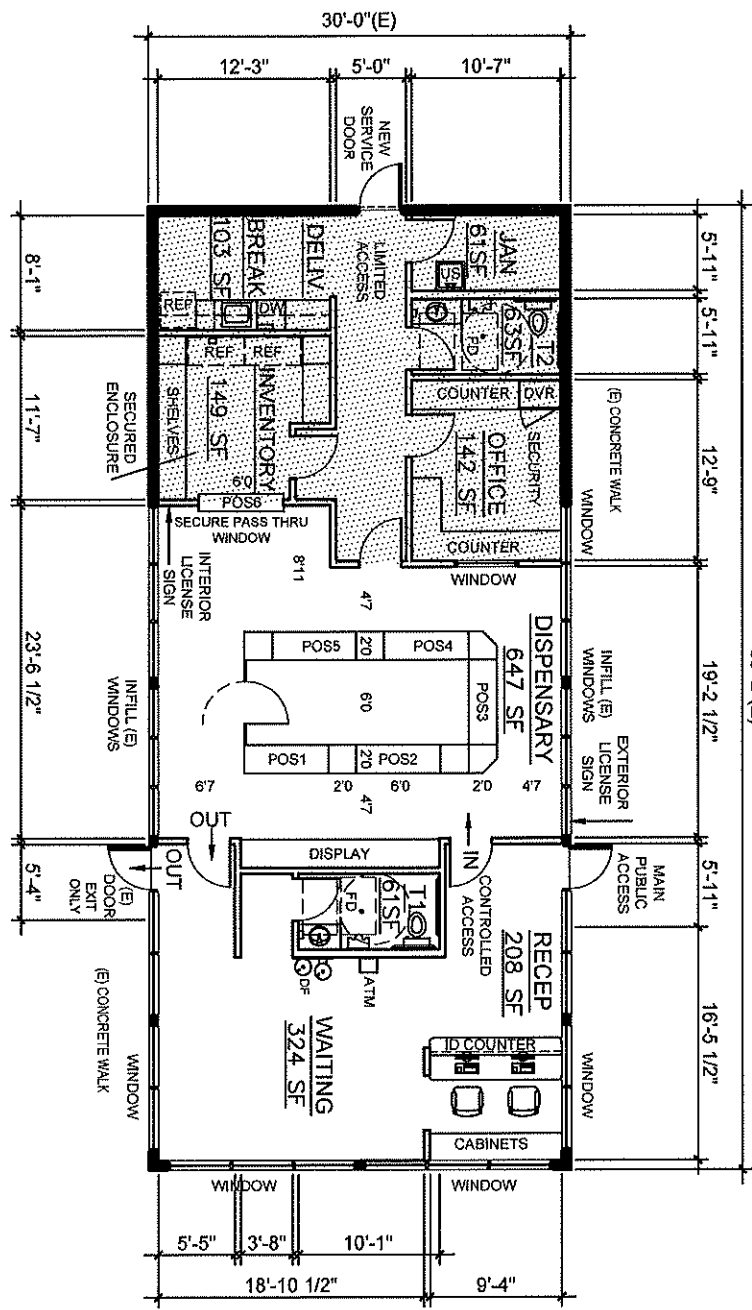
TE 133

UN BY

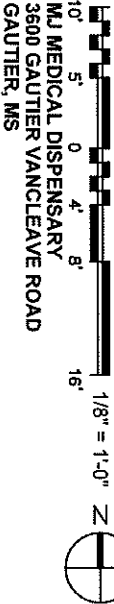
3000 GAULTIER VANDELVALE RD.
GAULTIER MS 39553

SHADED AREA INDICATES
LIMITED ACCESS AREA
PER STATE REQUIREMENTS

GROSS AREA (TO OUTSIDE FACE OF EXTERIOR WALL) 2,046 GSF
NET USEABLE AREA (TO INSIDE FACE OF WALL) 1,916 USF



APPLICATION FLOOR PLAN



MJ MEDICAL DISPENSARY
3600 GAUTIER VANCLEAVE ROAD
GAUTIER, MS

10/12/2022

MISSISSIPPI PROVISIONS, LLC

STATE OF MISSISSIPPI
MISSISSIPPI DEPARTMENT OF REVENUE
ALCOHOLIC BEVERAGE CONTROL BUREAU OF ENFORCEMENT
MEDICAL CANNABIS LICENSE FOR:
DISPENSARY

The Mississippi Department of Revenue (MDOR) authorizes the below named establishment to engage in business as a cannabis dispensary where the entity may acquire, possess, store, supply, or dispense medical cannabis products, equipment used for medical cannabis products, or related supplies and educational materials to cardholders, nonresident cardholders and other dispensaries, and/or purchase or otherwise acquire medical cannabis products from licensed cannabis cultivation facilities, cannabis processing facilities, cannabis research facilities or other dispensaries at the location address shown below in accordance with SB 2095 of 2022 Mississippi Medical Cannabis Act.

Alcoholic Beverage Control (ABC) enforcement agents may periodically inspect this business and examine all inventory and records. A renewal application must be filed with ABC at least thirty (30) days before the expiration of this license.

This license must at all times be displayed in a conspicuous location within the point-of-sale area in a manner that may be clearly viewed by cardholders.

License Number: DSPY006530

Location Name: Mississippi Provisions 4, LLC

Location Address: 3600 GAUTIER VANCELEAVE RD, GAUTIER, MS, 39553

Location County: JACKSON

Issue Date: 07/29/2022

EXPIRATION DATE: 07/29/2023




Chris Graham, Commissioner of Revenue



1285/4/1659110074827

82435010.060 SOUTHERN OIL COMPANY INC

PIDN: 82435010.060

GISP: 777.35-01-0002.00

Owner Information

Percent of Ownership: 100

Name: SOUTHERN OIL COMPANY INC

Name 2:

Mailing Address: 6933 US HWY 49
HATTIESBURG MS
39402

Site Address: 3600 GAUTIER VANCELEAVE RD GAUTIER

Land Information

Section: 35 Acreage: 0.6

Township: 7

Range: 7

Street Name GAUTIER VANCELEAVE
RD

Value and Tax Information

Total Assessed Value: 55760

Total Appraised Value: 371729

Improvement Value: 312919

Land Value: 58810

Tax Amount: 8017

SQ FT: 2070

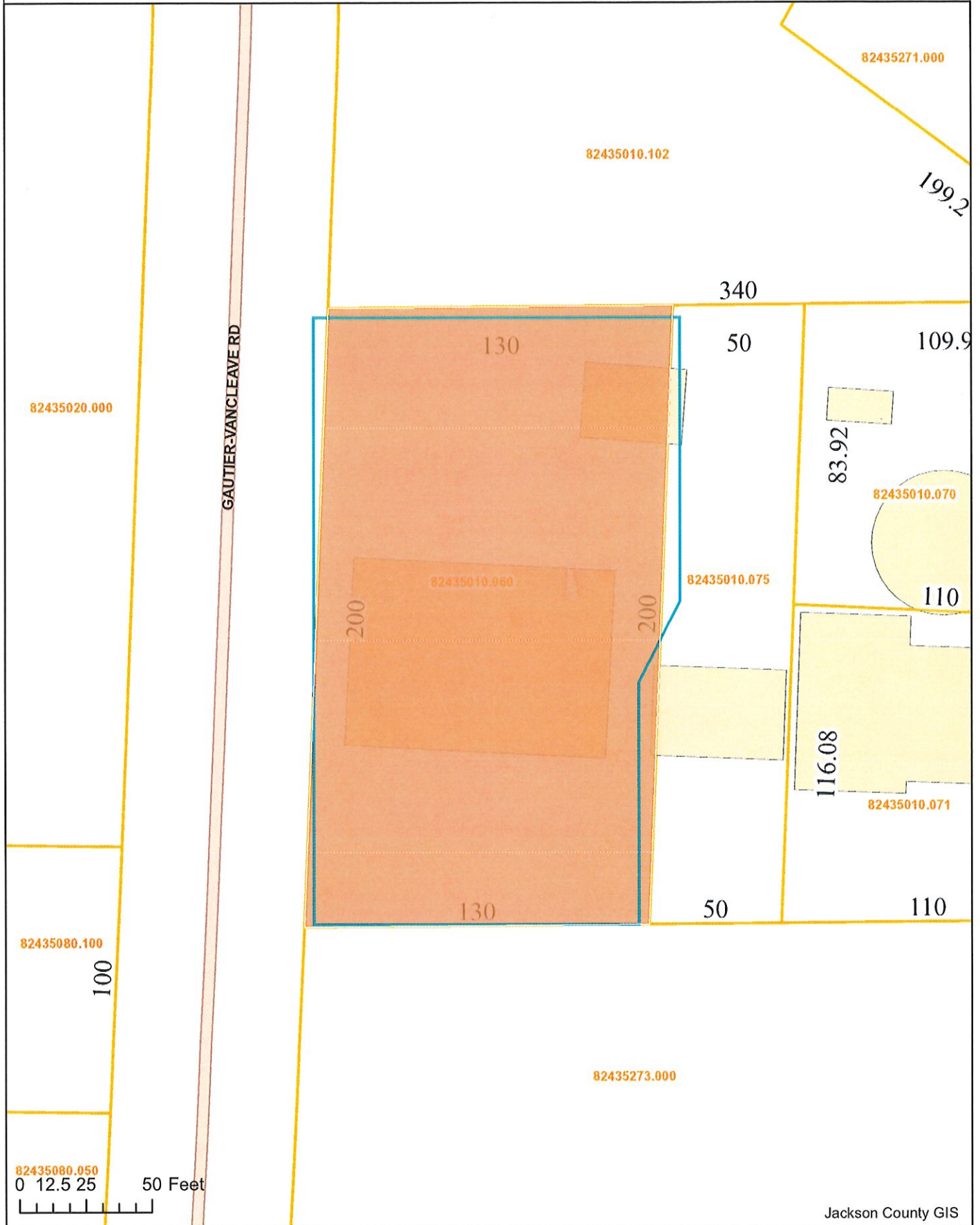
Year Built: 1997

Legal Description

Description: COM NEC SEC 35 S 1994.75' W 817.
7' FOR POB W 130' N 2 DEG E 200'
E 130' S 2 DEG W 200' TO POB DB
1297-827 (2 Map777.35-01)

Deed Book / Page: 1297 / 827

82435010.060 SOUTHERN OIL COMPANY INC



Jackson County GIS

Exhibit A Location Map

Prepared by:
City of Gautier
Planning Department

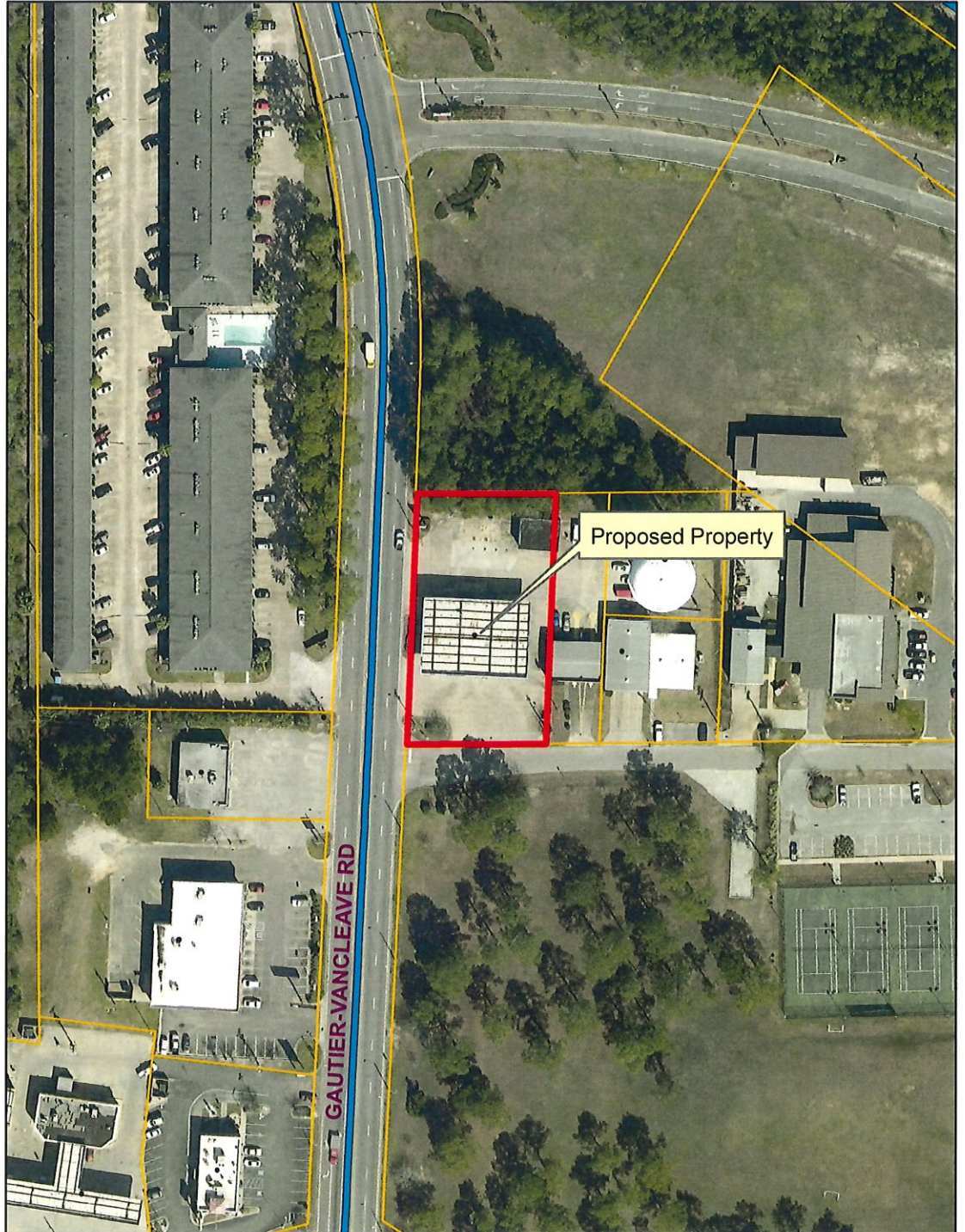


Exhibit B

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

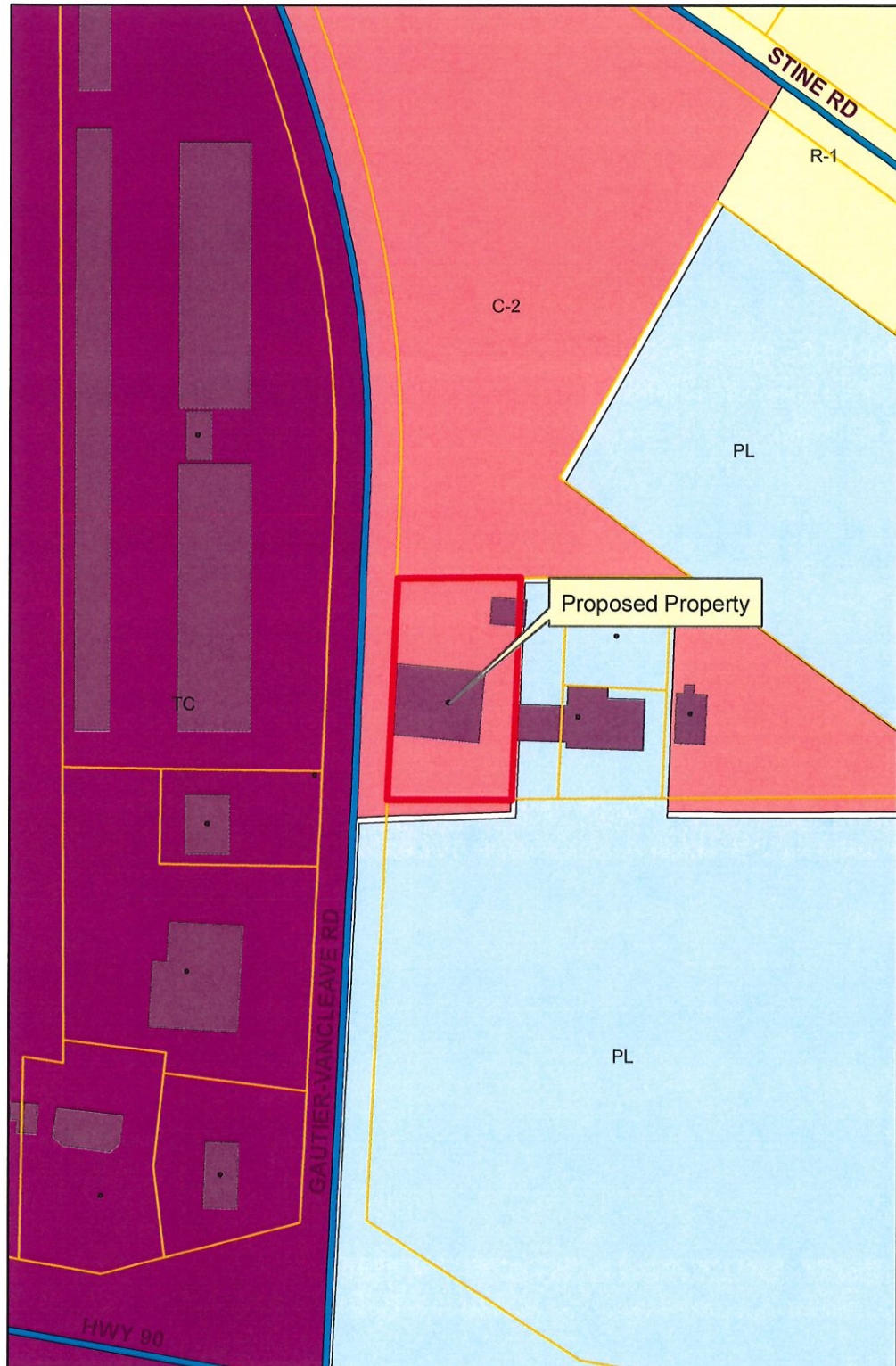


Exhibit C

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

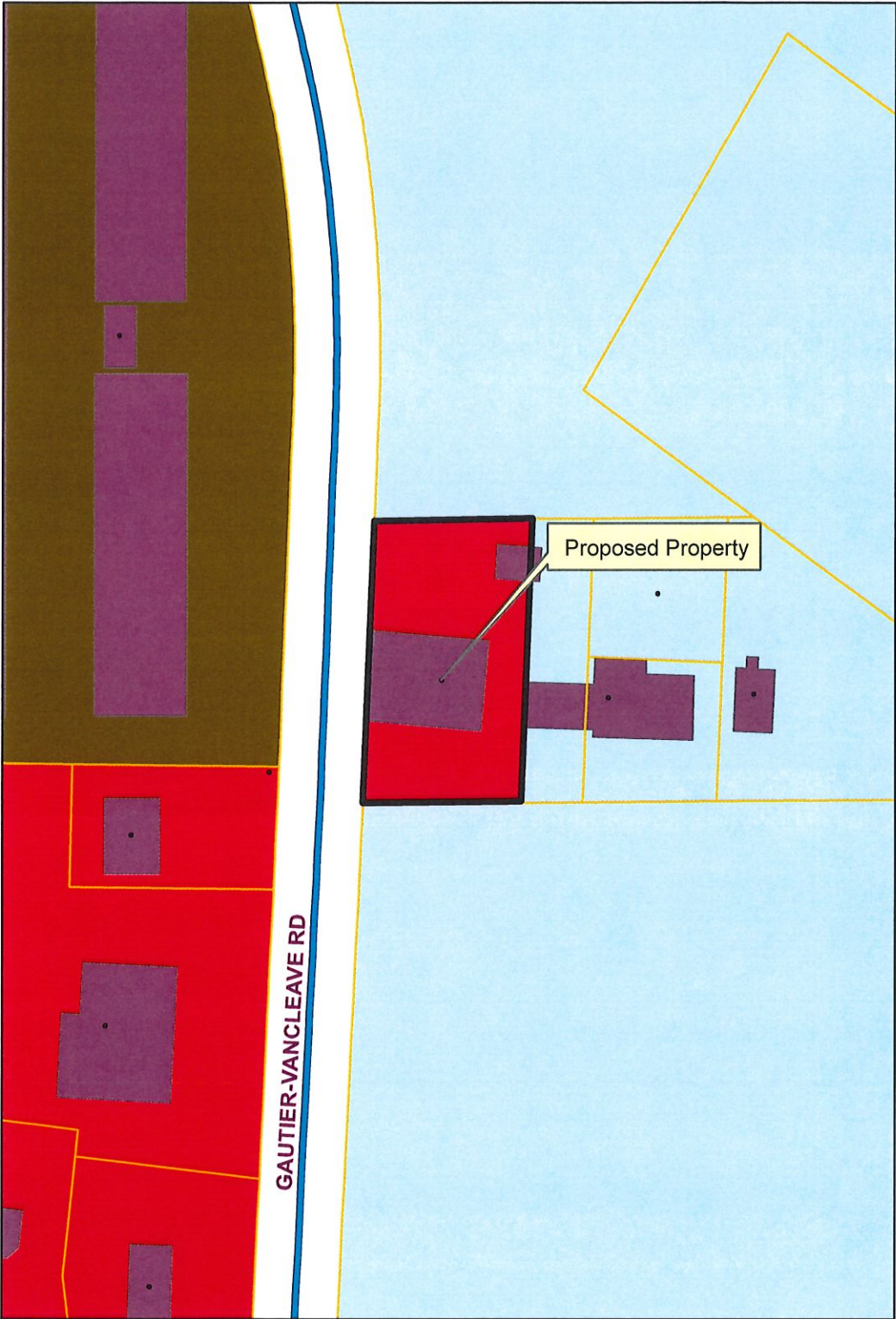


Exhibit D

Future Land-Use

Prepared By:

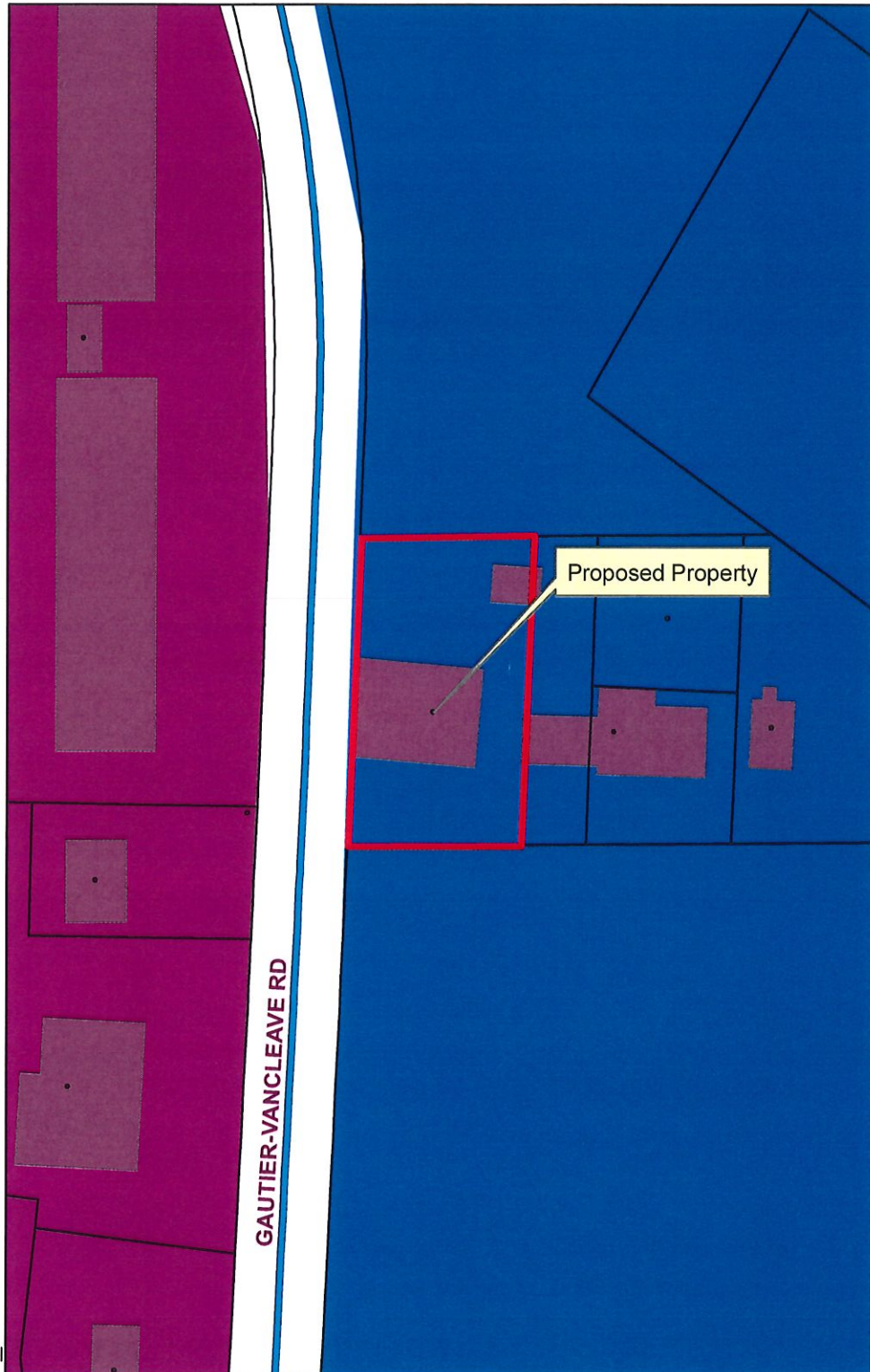
City of Gautier
Planning Department

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

July 6, 2023

GPC #23-23-VAR

1904 Lauban Lane

VII. NEW BUSINESS

2. Consider a request for a Variance to front yard setback requirements for an accessory building in a R-E Residential Estate Zoning District. 1904 Lauban Lane, (GPC #23-23-VAR)

GAUTIER PUBLIC HEARING PROCESS (PLANNING COMMISSION)

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

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

**CITY OF GAUTIER
STAFF REPORT**

To: Chairman and Members, Planning Commission

From: Scott Ankerson, Planning Director

Date: June 23, 2023

Subject: Consider a request for a Variance to front yard setback requirements for an accessory building in a R-E Residential Estate Zoning District. 1904 Lauban Lane, (GPC #23-23-VAR)

REQUEST:

The Planning Department has received a request from Ed and Karen Gregory for a one hundred fifty foot (150') front yard variance for an accessory building in a R-E Residential Estate Zoning District. 1904 Lauban Lane, PID #85100004.000 (GPC #23-23-VAR). The application fee of \$175 was paid on June 15, 2023. All public notice requirements have been met.

BACKGROUND:

The applicant would like to replace an existing 12' x 39' wood carport cover that has been damaged by carpenter bees and woodpeckers with a 15' x 40' metal carport cover. The metal carport cover would be 150' from the rear of the house. The applicant needs a one hundred fifty-foot (150') variance to front yard setbacks for the accessory building because the UDO requires accessory structures in an R-E District to be located in the rear yard of the principal use.

DISCUSSION:

The applicant is requesting a one hundred fifty foot (150') front yard variance in a R-E Zoning District to replace an existing carport cover. If approved, the carport would be one hundred fifty (150') from the rear of the house. The UDO requires an accessory structure in a R-E Zoning District to be located in the rear yard of the principal use.

DETERMINATION OF APPLICABLE LAW:

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

A Variance is a relaxation of the terms of the Unified Development Ordinance where such Variance will not be contrary to the public interest and where, owing to conditions peculiar to the property, a literal enforcement of the Ordinance would result in an unnecessary or undue hardship. As used in this Ordinance, a

Variance is authorized only for height, area and size of structure, or size of yards, separation of uses, open spaces, off-street parking spaces and some subdivision of property. The establishment or expansion of a use not permitted shall not be allowed by Variance.

The UDO defines **Hardship** as:

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

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

UDO SECTION 4.18: Variance

In certain circumstances, a Variance from the dimensional requirements (i.e. height, setbacks, square footage) of this ordinance may be granted if the applicant can prove that because of physical constraints of the property involved, he is not able to build the same type of structure that other persons with the same zoning classification can build. Variances for uses permitted will not be considered in as much as "use Variances" are not legal in the State of Mississippi.

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

4.18.1 Who May Initiate

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

4.18.2 Application for Variance

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

4.18.3 Administrative Variances

The following dimensional variances may be granted by the Economic Development Director at his/her discretion (Note: Within the COR, Corridor

Overlay District, applicants shall be required to mitigate a requested dimensional variance in accordance with the Tier Land Use Provisions in Section 5.11):

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

4.18.4 Criteria for Approval

The Variance application shall demonstrate the following:

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

RECOMMENDATION & CONCLUSION:

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

The Planning Commission may:

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

ATTACHMENTS:

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

PLANNING DEPARTMENT
PUBLIC HEARING APPLICATION

Public Hearing Number

23-23-VARTO BE HEARD BY GAUTIER PLANNING COMMISSION:FEE:

Variance _____

\$176.00

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

Name of Applicant:

Ed & Karen Gregory

Name of Business:

N/APhone: 228-327-3482

Property Address:

1904 Lathan Lane

Mailing Address (if Different): _____

E-Mail Address:

ed.d.gregory@gmail.com

Reason for request, location and intended use of Property:

150' front yard variance for anAccessory building in an RE zone.

ATTACHMENTS REQUIRED AS APPLICABLE:

- ☒ 1. Diagram of intended use, showing dimensions and distances of property, building with setbacks, parking spaces, entrances and exits.
- ☒ 2. A detailed project narrative.
- 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:



Date of Application:

6/15/23

FOR OFFICE USE ONLY

Date Received

6/15/23

Verify as Complete

BS

Fee Amount Received

\$176.00

Initials of Employee Receiving Application

BS

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?

Replacing current ^{wooden} cover with metal roof.

2. Are these special conditions and circumstances a result of your actions? Explain.

No

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.

Using existing slab.

4. Will the granting of the Variance requested confer upon you any special privilege that is denied by this Ordinance to other similar sites (lots or parcels), structures or buildings in the same district? Explain.

No

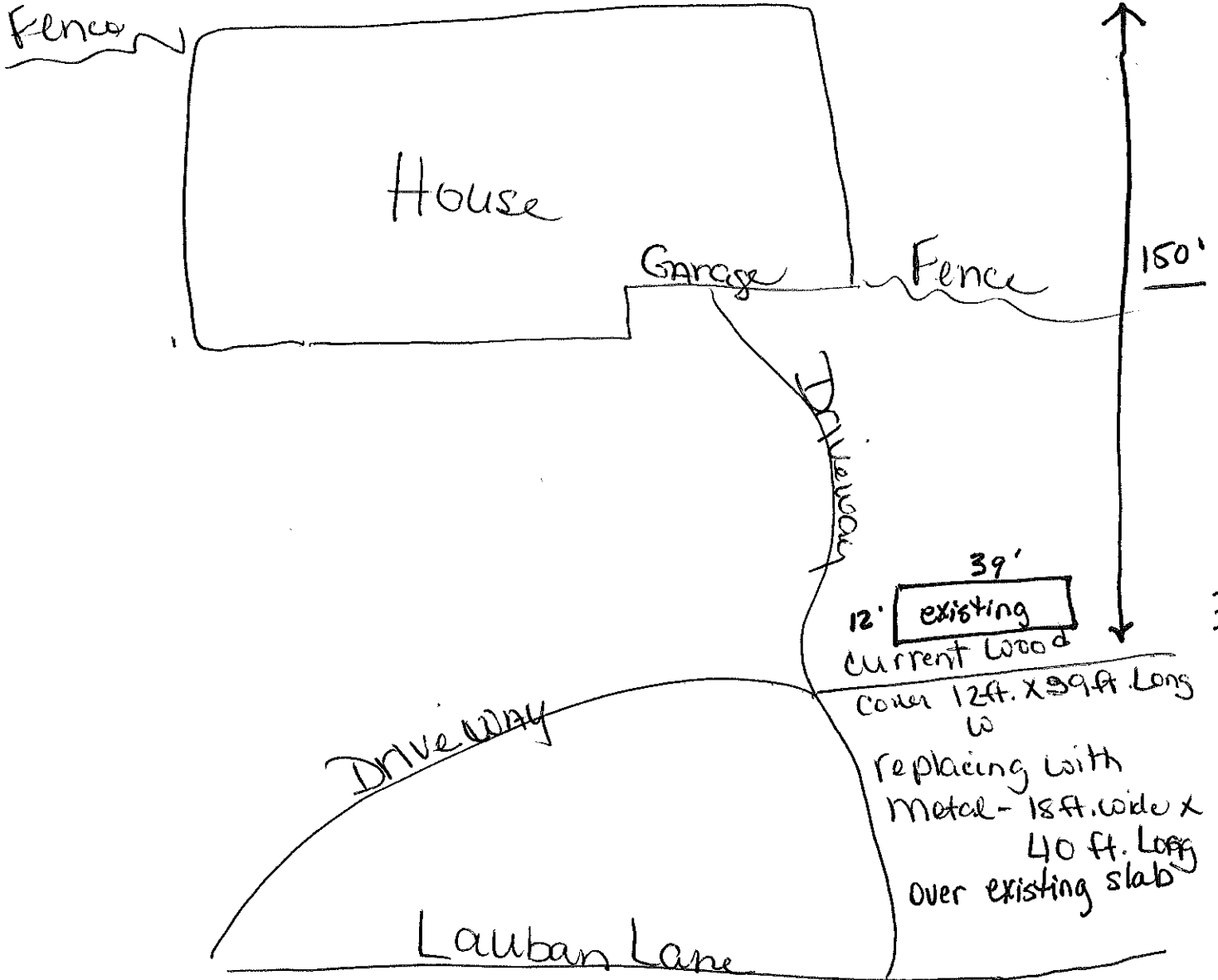
NARRATIVE

Current wood carport cover is inadequate due to damage caused by carpenter bees & wood pecker.

Current wooden structure will be replaced with a metal cover that is rated for 150 mph winds + 20 yr. warranty.

Expanding cover only from 12 ft. wide to 15 ft. wide & 39 ft. long to 40 ft. long. This will be on existing slab.

Rear Yard



85100004.000 GREGORY EDWARD D & KAREN S

PIDN: 85100004.000

GISP: 677.36-00-0073.00

Owner Information

Percent of Ownership: 100

Name: GREGORY EDWARD D & KAREN S

Name 2: JOINT REVOCABLE TRUST

Mailing Address: 1904 LAUBAN LN

GAUTIER MS

39553

Site Address: 1904 LAUBAN LN GAUTIER

Land Information

Section: Acreage: 4.26

Township:

Range:

Street Name LAUBAN
LN

Value and Tax Information

Total Assessed Value: 31047

Total Appraised Value: 310465

Improvement Value: 231075

Land Value: 79390

Tax Amount: 4164

SQ FT: 3237

Year Built: 1995

Legal Description

Description: LOT 4 CASTELLE BLUFF S/D PB 19-2

3 DB 1024-69 DB 1568-526 (73 MAP

677.36)

Deed Book / Page: 1568 / 526

85100004.000 GREGORY EDWARD D & KAREN S

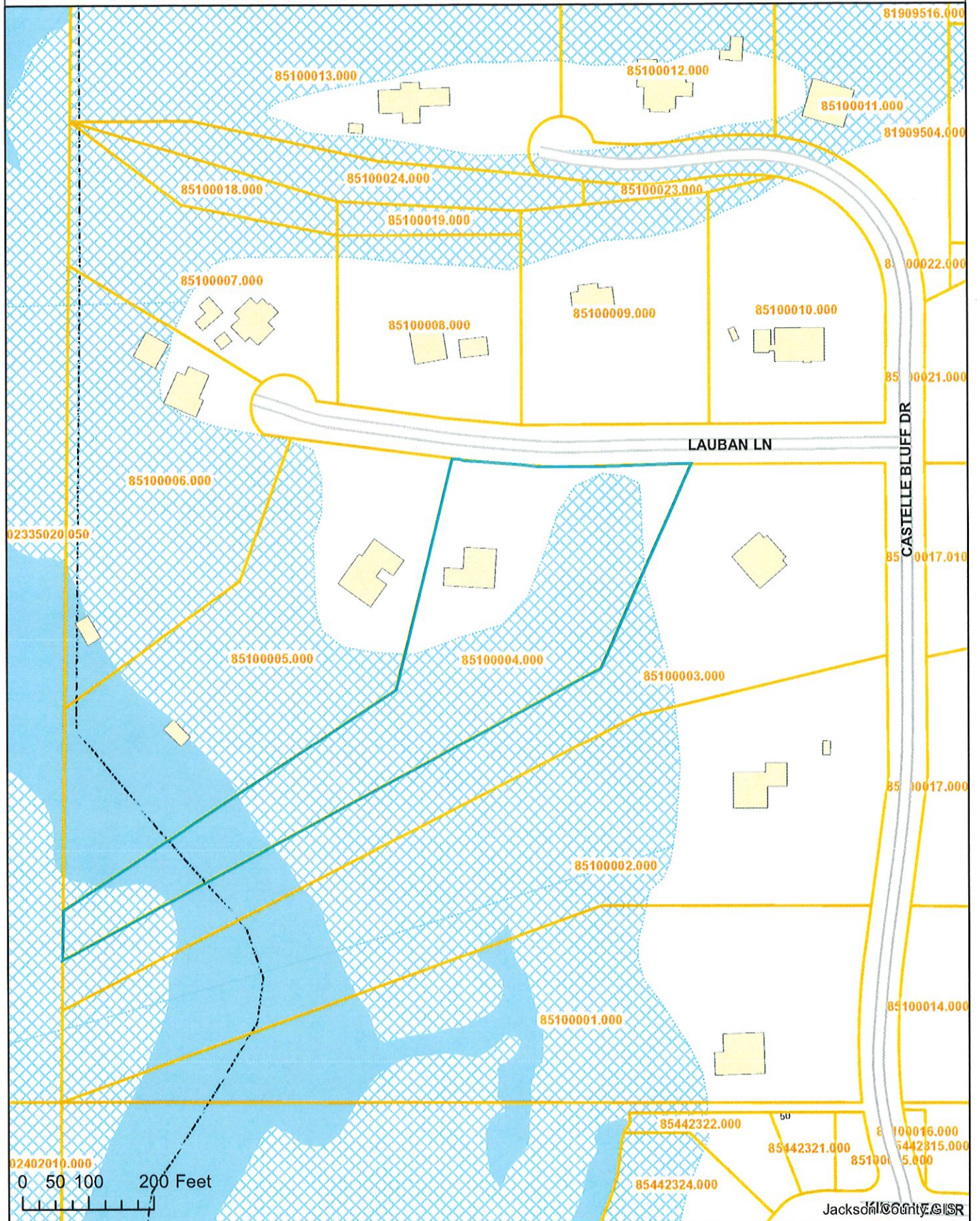


Exhibit A Location Map

Prepared by:
City of Gautier
Planning Department

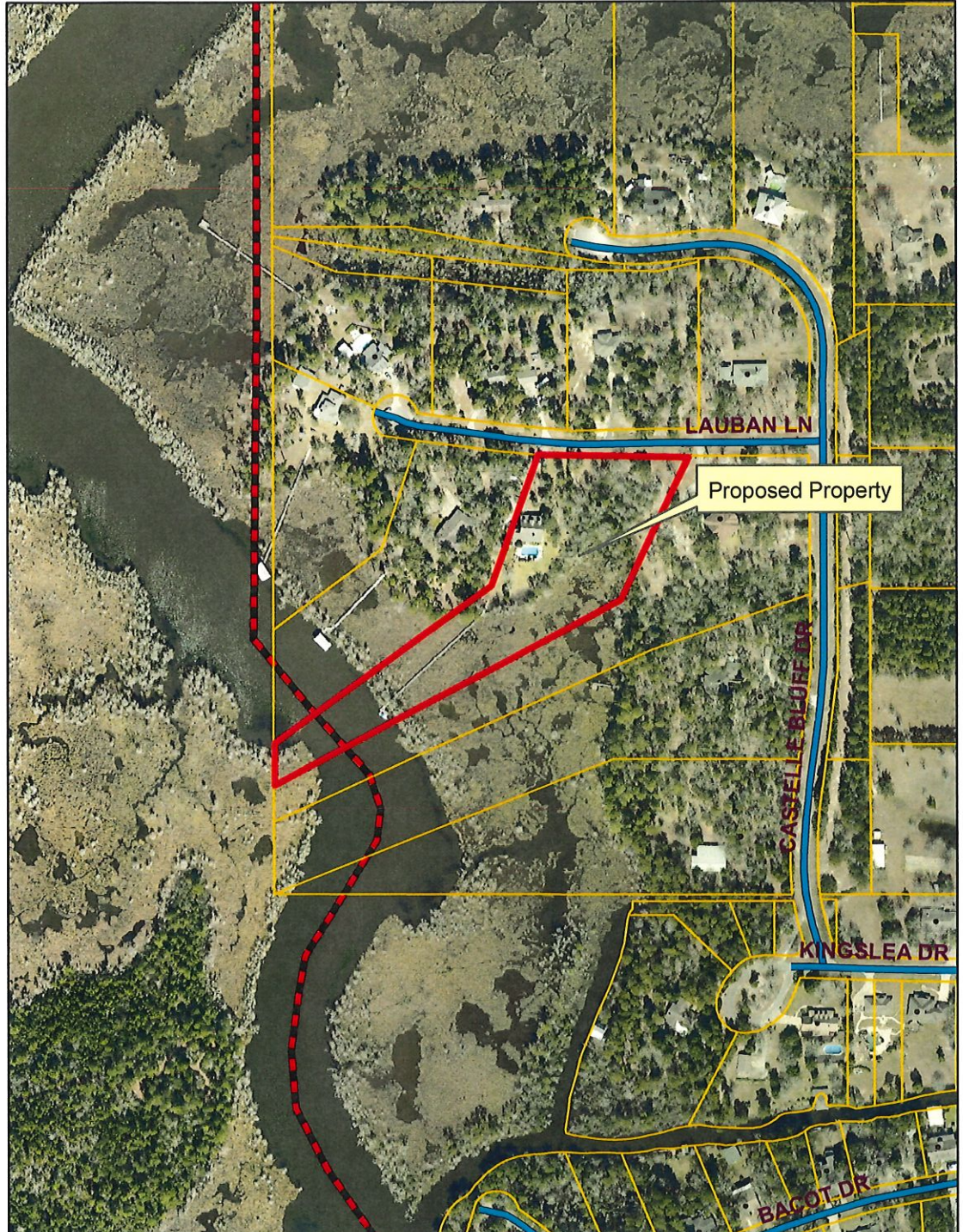


Exhibit B

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

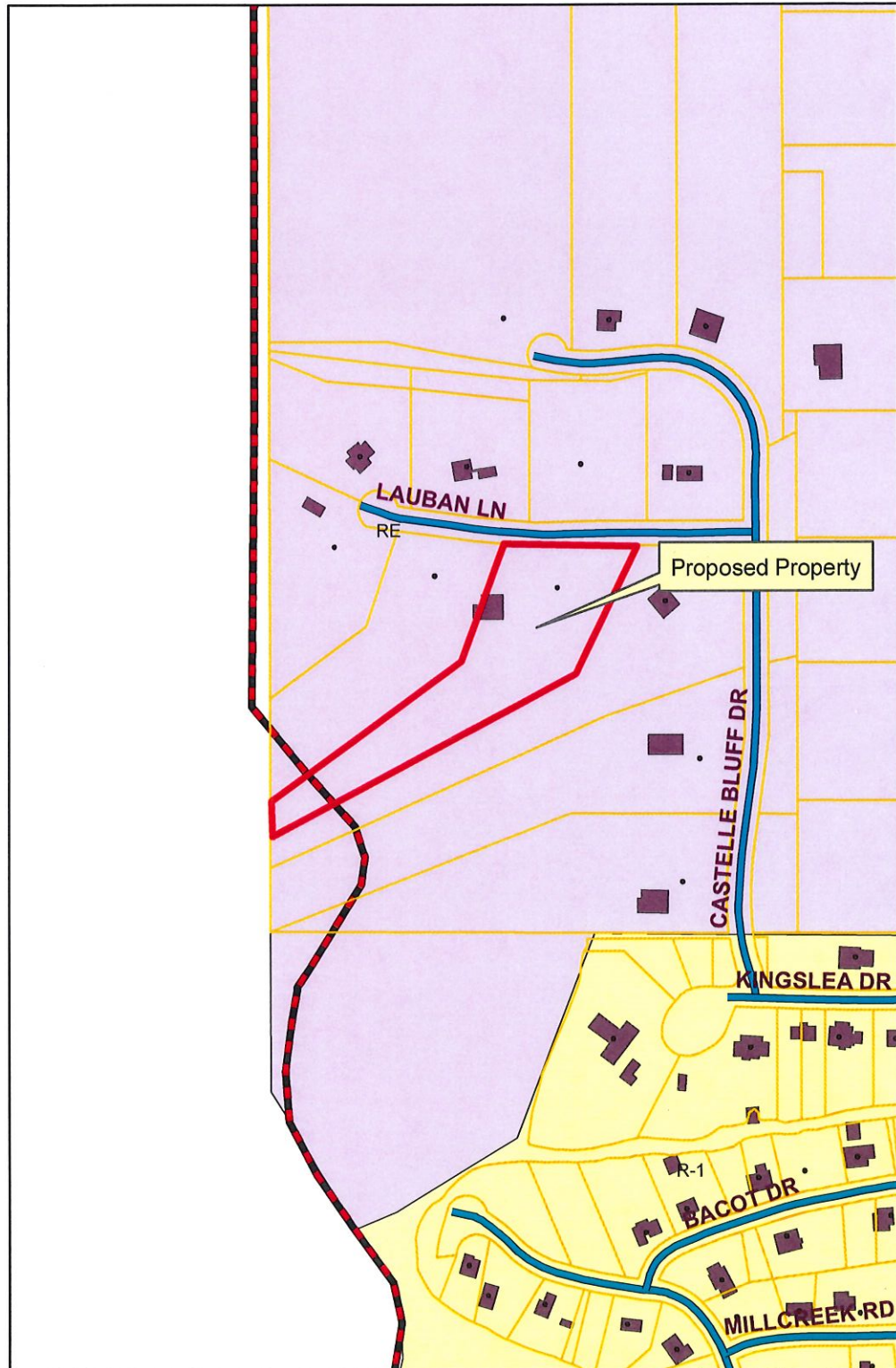


Exhibit C

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

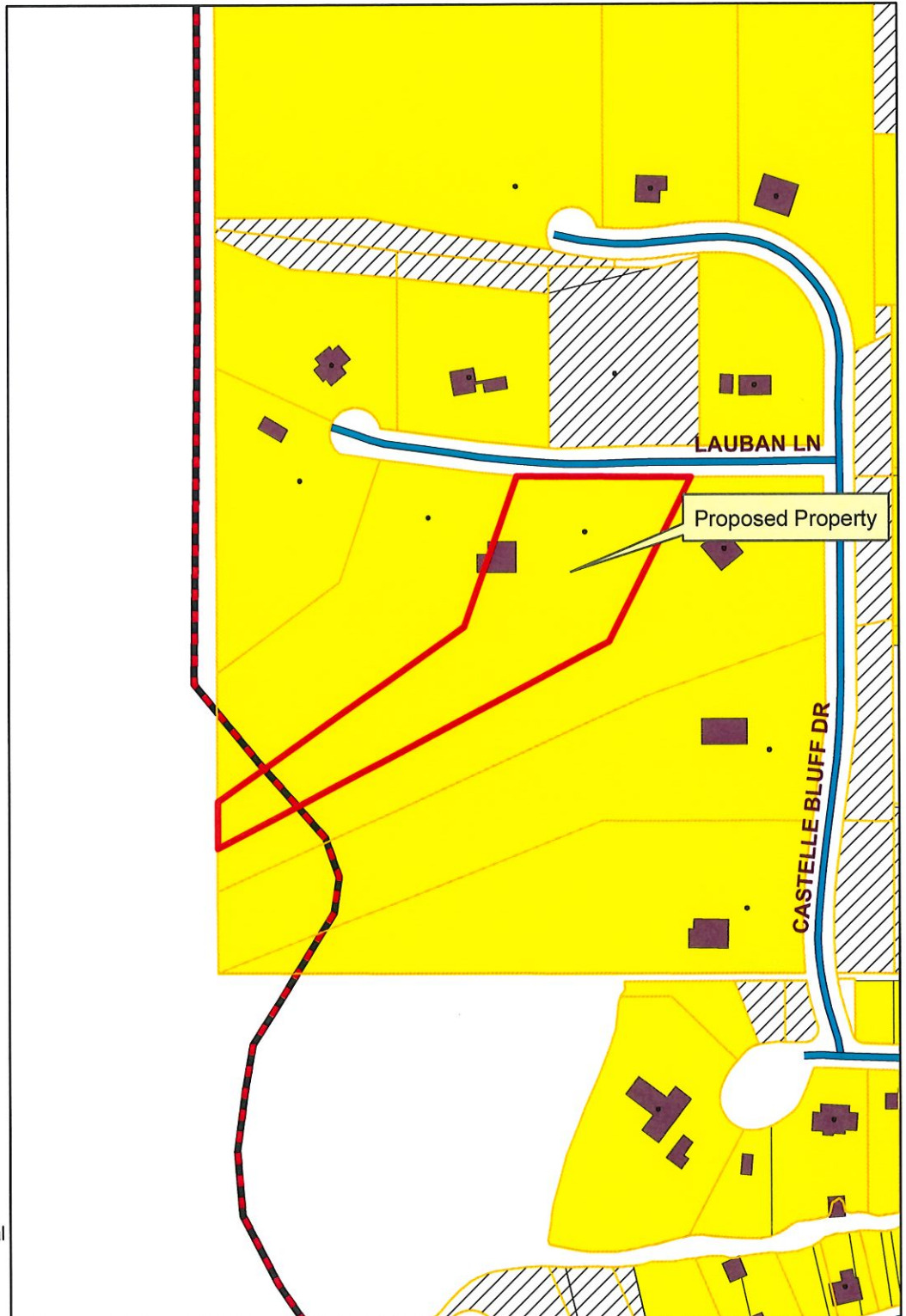


Exhibit D

Future Land-Use

Prepared By:

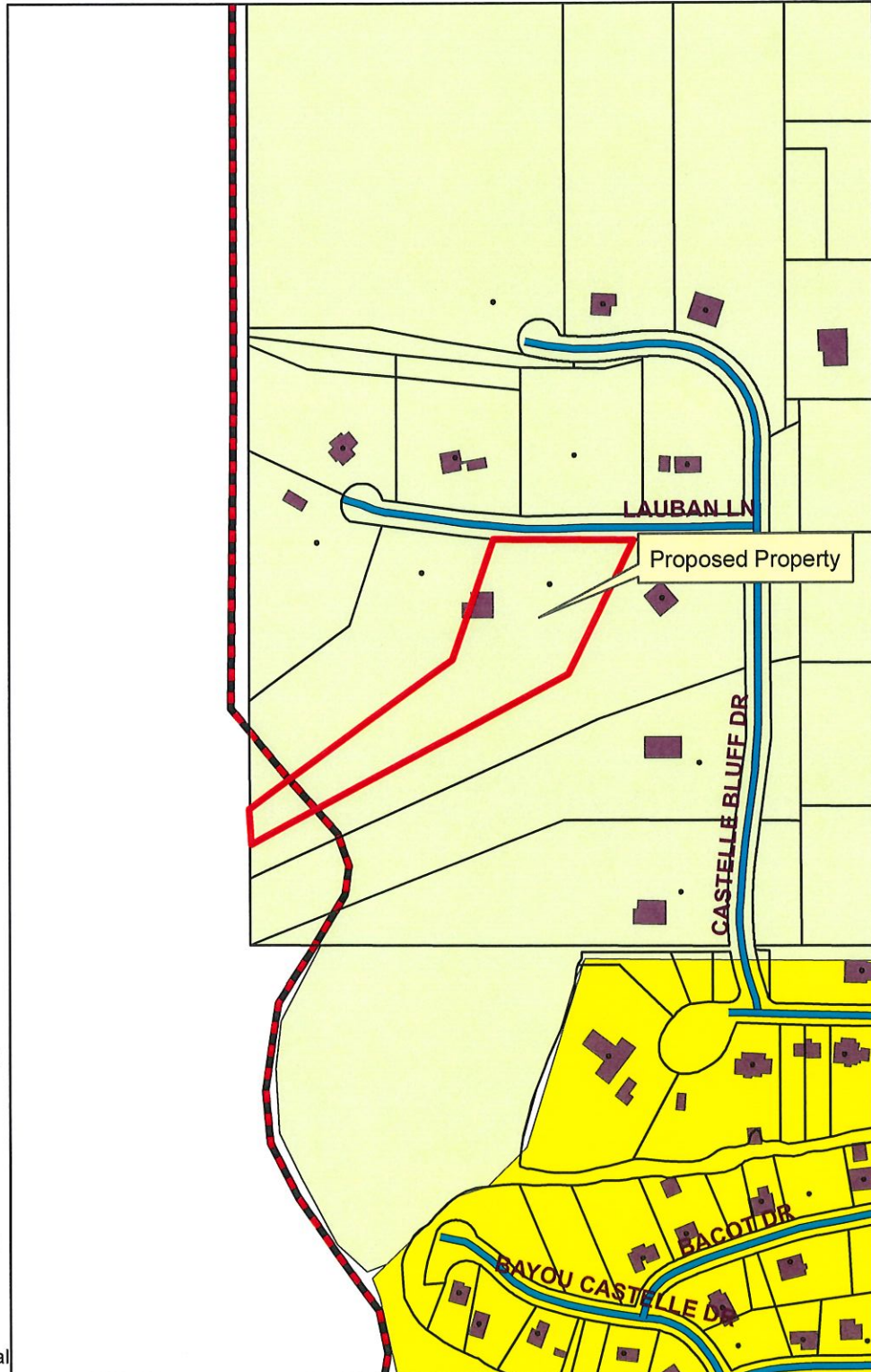
City of Gautier
Planning Department

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

July 6, 2023

GPC #23-24-VAR

7310 Melody Drive

VII. NEW BUSINESS

3. Consider a request for a Variance to rear yard setback requirements for an addition in a R-1 Low Density Single Family Residential Zoning District. 7310 Melody Drive, (GPC #23-24-VAR)

GAUTIER PUBLIC HEARING PROCESS (PLANNING COMMISSION)

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

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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.
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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: June 22, 2023

Subject: Consider a request for a Variance to rear yard setback requirements for an addition in a R-1 Low Density Single-Family Residential Zoning District. 7310 Melody Drive, (GPC #23-24-VAR)

REQUEST:

The Planning Department has received a request from Austin Meldren for a nine-foot eight inch (9'8") rear yard variance for an addition in a R-1 Low Density Single-Family Residential Zoning District. 7310 Melody Drive, PID #87116051.000 (GPC #23-24-VAR). The application fee of \$175 was paid on June 12, 2023. All public notice requirements have been met.

BACKGROUND:

The applicant would like to build an addition to the rear of his house that would begin fifteen feet four inches (15'4") from the rear property line. He would need a nine-foot eight inch (9'8") variance to rear setback requirements. Rear yard setback requirements are twenty-five feet (25') from the rear property line in a R-1 Zoning District.

DISCUSSION:

The applicant is requesting a nine-foot eight inch (9'8") rear yard variance in a R-1 Zoning District to build an addition to his house. If approved, the rear of the house would be fifteen feet four inches (15'4") from the rear property line. The rear 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

PLANNING DEPARTMENT
PUBLIC HEARING APPLICATION

Public Hearing Number

23-24-VARTO BE HEARD BY GAUTIER PLANNING COMMISSION:FEE:

Variance _____

\$176.00

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

Name of Applicant: Austin MeldrenName of Business: _____ Phone: 228-369-2216Property Address: 7310 Melody Dr, Gautier MS 39553 Mailing Address (if Different): _____E-Mail Address: ajmeldren@gmail.comReason for request, location and intended use of Property: We have a new born on the way and need toadd on a bedroom and full bathroom to back side of house for baby.ATTACHMENTS REQUIRED AS APPLICABLE: 9'8" variance to back yard setbacks for addition.

- ☒ 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: _____ Date of Application: 6-12-23

FOR OFFICE USE ONLY

Date Received 6/12/23 Verify as Complete BLFee Amount Received 176.00 Initials of Employee Receiving Application BL

VARIANCE

Criteria for Approval

1. What special conditions and circumstances exist which are peculiar to this particular site (lot or parcel), structure or building involved and which are not applicable to other sites (lots or parcels), or structures or buildings in the same district?

We have a new born due in November and are pressed for more space. with a limited amount of time to build on the much needed bedroom and bathroom.

2. Are these special conditions and circumstances a result of your actions? Explain.

Before we knew it, we were surprised with a little one on the way. Currently our home as it is does not have the needed space to raise a newborn baby.

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.

We understand the ordinance hereby already set to be the rules, but we are in hopes for a small request in variance by mere feet difference. If the literal interpretation of the provisions of this ordinance are upheld, then we will just be greatly let down due to having to relocate elsewhere.

4. Will the granting of the Variance requested confer upon you any special privilege that is denied by this Ordinance to other similar sites (lots or parcels), structures or buildings in the same district? Explain.

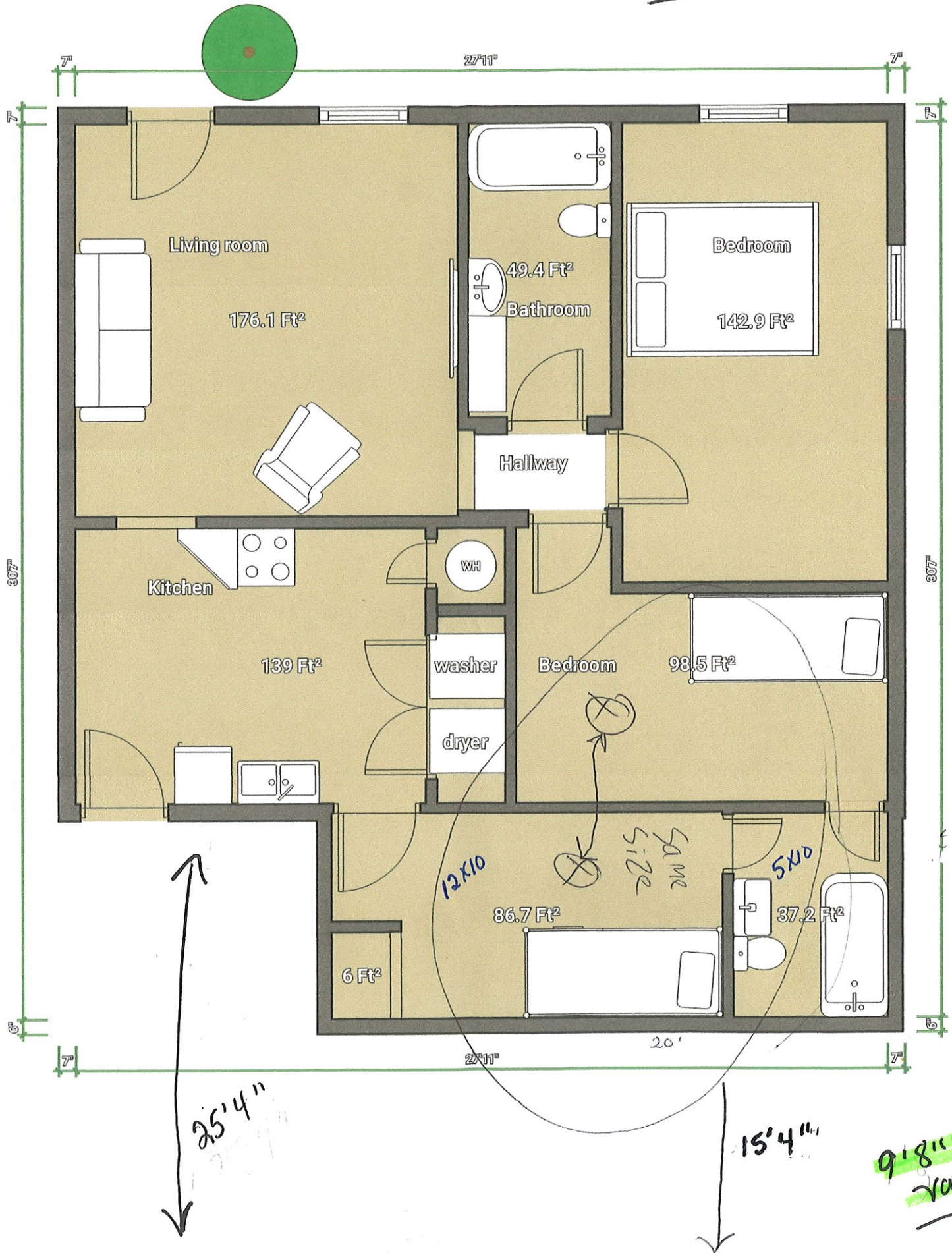
No, as it will be well with in our lot and not be adjacent or overlapping any near by properties.

NARRATIVE

We are so excited about our new born that will be arriving in November of 2023, but currently do not have the space needed to raise a new born. We are hoping to get the approval for the add on of a bedroom and full bathroom to the backside of the house so that the baby can have his own room.

My fiance and I love the location where we are at and would love to stay where we are at and would hate to have to move because there isn't enough space. Also, by building on it allows us to stay within our budget as we preparing for the arrival of our little one.

front - street



Rear property line

87116051.000 MELDREN AUSTIN J

PIDN: 87116051.000

GISP: 771.12-04-0178.00M

Owner Information

Percent of Ownership: 100

Name: MELDREN AUSTIN J

Name 2:

Mailing Address: 7310 MELODY DR

GAUTIER MS

39553

Site Address: 7310 MELODY DR GAUTIER

Land Information

Section: 12

Acreage: 0

Township: 7

Range: 7

Street Name MELODY
DR

Value and Tax Information

Total Assessed Value: 2564

Total Appraised Value: 25641

Improvement Value: 19771

Land Value: 5870

Tax Amount: 260

SQ FT: 780

Year Built: 1960

Legal Description

Description: PT LOTS 65 & 66 SINGING RIVER LA
ND S/D DESC AS: COM NW COR LOT 6
5 S 78.04' TO POB S 71.96' E 79'
N 69.13' N 87 DEG W 79.05' TO P
OB DB 1851-681 (178M Map771.12-0
4)

Deed Book / Page: 1851 / 681

87116051.000 MELDREN AUSTIN J

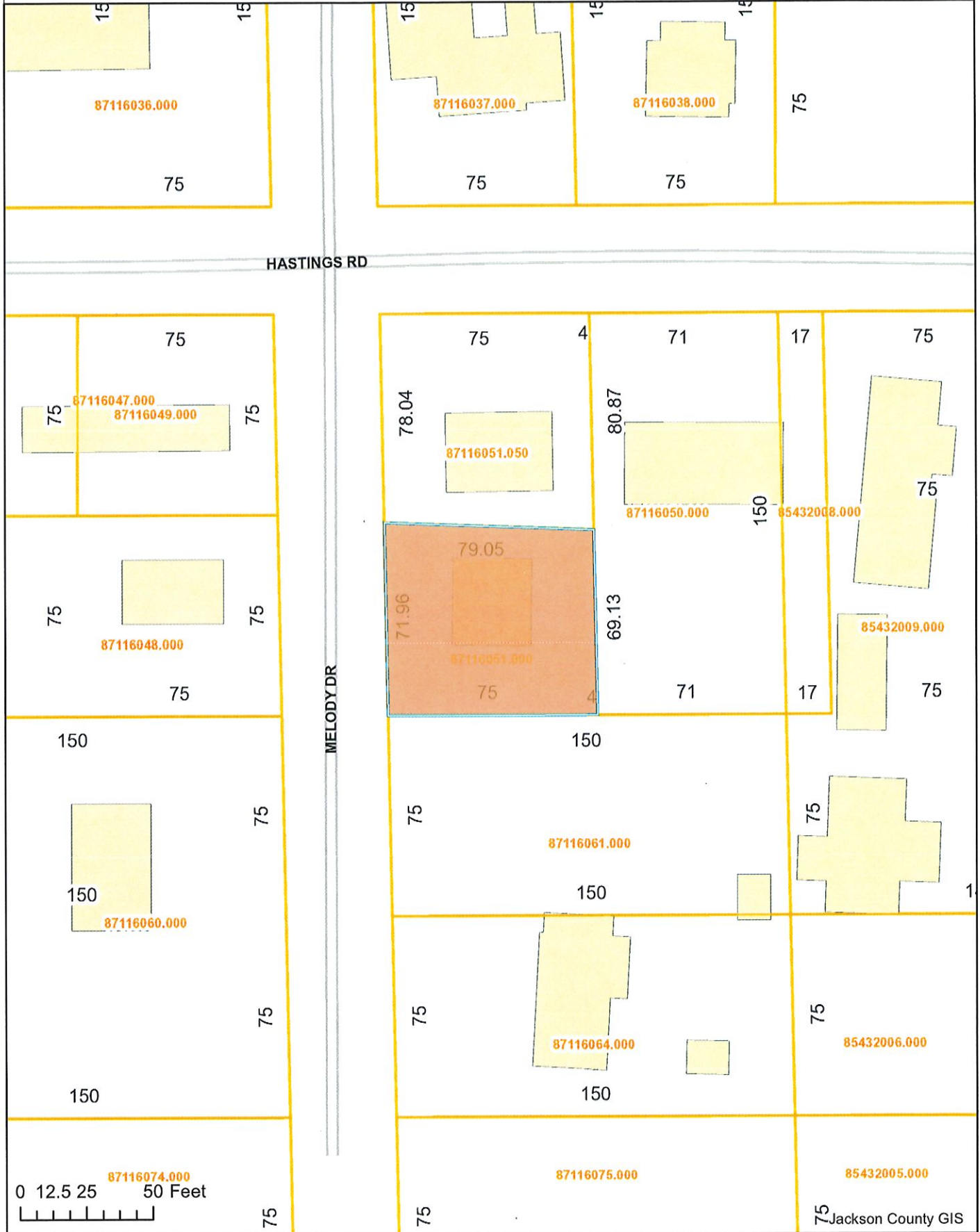


Exhibit A Location Map

Prepared by:
City of Gautier
Planning Department

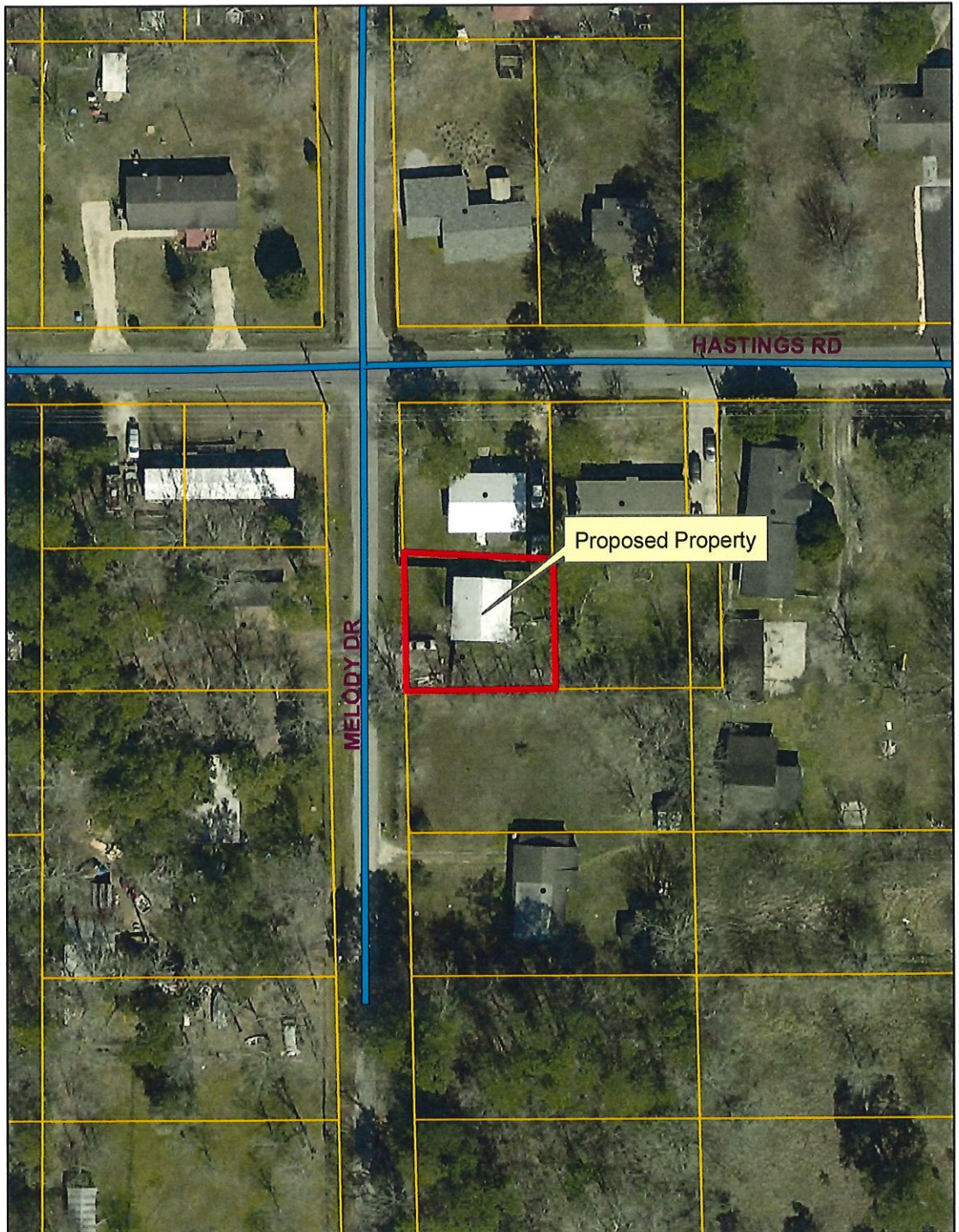


Exhibit B

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

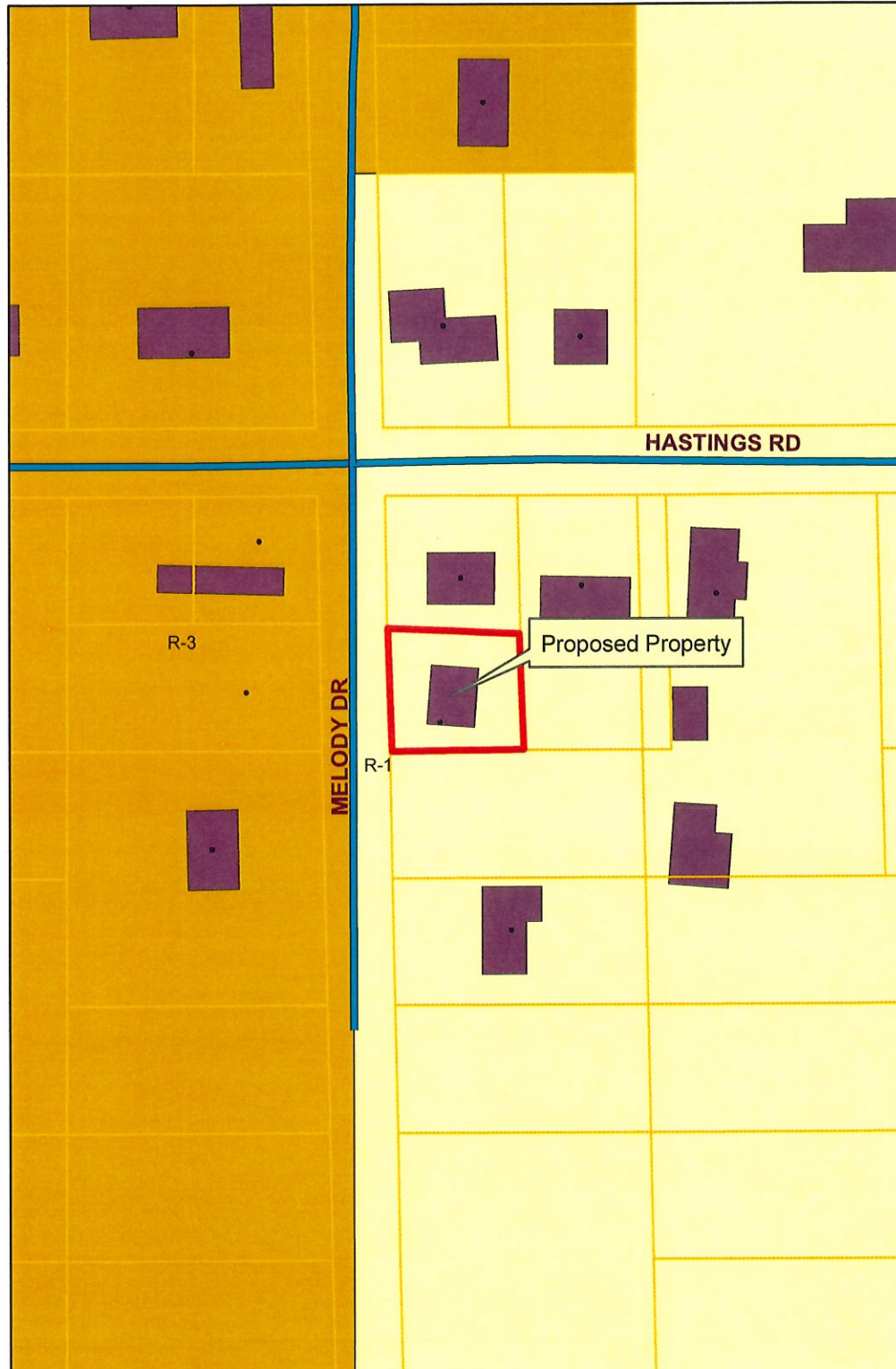


Exhibit C

Existing Land-Use

Prepared by:
City of 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

