

AGENDA
GAUTIER PLANNING COMMISSION
December 7, 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 November 2, 2023

V. PUBLIC COMMENTS
(MATTERS OF THE PLANNING COMMISSION NOT LISTED ON THE AGENDA)

VI. OLD BUSINESS

VII. NEW BUSINESS

1. Consider a request for a Variance to the square footage of an accessory structure in a C-3 Highway Commercial Zoning District. 409 Highway 90, (GPC #23-34-VAR)
2. Consider a request for a Variance to the City of Gautier's Flood Damage Prevention Ordinance for a Mississippi Landmark Historic Structure. 505 Magnolia Tree Drive, (GPC #23-35-VAR)
3. Consider a request for a Property Owner Initiated Rezoning of Property located at C Byrd Road, PID #82420020.000, from R-2 High Density Multi-Family Residential to AG Agricultural. (GPC Case No. 23-36-RZ)
4. Consider a request for a Variance to minimum square footage requirements for a dwelling in an AG Agricultural Zoning District. Carter Road, PID #85298083.000, (GPC #23-37-VAR)

VIII. GENERAL DISCUSSION

1. PREVIOUS CASE UPDATES

2. PERMIT & TRC REPORTS

IX. ADJOURN

**NOVEMBER 2, 2023
GAUTIER, MISSISSIPPI**

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

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

AGENDA

GAUTIER PLANNING COMMISSION

NOVEMBER 2, 2023

5:30 P.M.

- I. CALL TO ORDER**
- II. PLEDGE OF ALLEGIANCE (VOLUNTEER)**
- III. APPROVAL OF AGENDA**
- IV. APPROVAL OF MINUTES (OCTOBER 5, 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 occupancy of an existing single-family dwelling located in a C-2 Community Commercial Zoning District. 3525 Old Spanish Trail, (GPC #23-33-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.

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

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

Motion Passed

Commissioner Ward made a motion to approve the October 5, 2023, minutes.

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

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

ABSTAINED: **Chris Hoover**

Motion Passed

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

OLD BUSINESS - None

NEW BUSINESS

Chairman Kay C. Jamison swore in the newly appointed Planning Commissioner, Maurice Hudson.

1. Consider a request for a Special Exception that would allow occupancy of an existing single-family dwelling located in a C-2 Community Commercial Zoning District. 3525 Old Spanish Trail, (GPC #23-33-SE)

Scott Ankerson, Planning Director, gave a brief overview of the case. He advised the Commissioners that this property had received a Special Exception several years ago. The family member that owned the property has passed away and the applicant has inherited the property and would like to have the Special Exception in his name so that he can live there. He reminded them that a Special Exception runs with the applicant not with the land. This is the same house, same use, just a new owner that wants to continue the original Special Exception.

Chairman Jamison asked if the utilities had been off for more than 180 days.

Mr. Ankerson advised that they had.

REQUEST:

The Planning Department has received a request from Michael K. Padgett, II for a Special Exception that would allow occupancy of an existing single-family dwelling in a C-2 Community Commercial Zoning District at 3525 Old Spanish Trail. PID #82434033.000 (GPC #23-33-SE). The application fee of \$250 was paid on October 13, 2023. All public notice requirements have been met.

BACKGROUND:

The request property is zoned C-2 Community Commercial.

1. Location: 3525 Old Spanish Trail, PID #82434033.000 (See Exhibit A)
2. General features of the proposed project:
Existing House: approximately 936 square feet
Lot Size: 1.85 acres
3. Potable Water and Wastewater Services: Existing at current location
4. Current Zoning (See Exhibit B): C-2 Community Commercial
5. Current Surrounding Zoning (See Exhibit B): C-2 Community Commercial, I-2 Industrial, C-3 Highway Commercial and PUD Planned Unit Development.
6. Current Surrounding Existing Land Use (See Exhibit C): Very Low to Low Density Residential, Industrial, C-3 Highway Commercial, High Density Residential and Vacant.
7. Comprehensive Plan Future Land Use Designation (See Exhibit D): High Impact Commercial.

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: *Inherited house from grandmother – want to continue to use as residential.*

Staff Finding: *There are others in the immediate area commonly enjoying single-family homes in this same C-2 designated district.*

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

Applicant Response: *Was used as residential previously.*

Staff Finding: *There are currently single-family homes in the immediate vicinity of the proposed site of the Special Exception. Staff's opinion is that approval of the request will not negatively affect the neighborhood.*

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

Applicant Response: *Inherited from grandmother.*

Staff Finding: *Not all single-family homes will be leased, rented, or purchased within 180 days of the previous occupancy due to various economic circumstances. Staff's opinion is that these circumstances are not results of actions of the applicant.*

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 the applicant to present his case.

Michael K. Padgett, II stated that he wanted approval to live in the house.

Chairman Jamison told him that because it was a Special Exception, if he ever decided to move out the next person that wanted to live there might not be given approval to live there.

Mr. Padgett said that he understood.

Chairman Jamison asked how long it had been since his grandmother passed away.

Mr. Padgett replied that it had been about a year ago.

Commissioner Hoover asked if the house needed a lot of work done to it before he could move in.

Mr. Padgett said there were some minor things, such as putting appliances back in.

Mr. Ankerson stated that he had performed several inspections on the house before the last Special Exception was approved. They had done quite a bit of work back then to improve the house. Basically, the whole interior was taken down to the studs and rewired.

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

ACTION TAKEN:

Commissioner Ward made a motion to recommend approval of the Special Exception as presented based on the fact that all relevant criteria were met.

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

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

Motion passed.

GENERAL DISCUSSION

A. PREVIOUS CASE UPDATES

Mr. Ankerson advised Commissioners there were no updates from the case heard last month because the applicant asked to be placed on the November 7, 2023, City Council Agenda because they could not make the October 17, 2023, Council meeting.

B. PERMIT & TRC REPORT

Mr. Ankerson advised that the October 2023 reports were not ready and he would have them at the next meeting.

Commissioner Ward made a motion to adjourn the meeting.

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

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

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

November 2, 2023

GPC #23-33-SE

Michael K. Padgett, II

3525 Old Spanish Trail

VII. NEW BUSINESS

1. Consider a request for a Special Exception that would allow occupancy of an existing single-family dwelling located in a C-2 Community Commercial Zoning District. 3525 Old Spanish Trail, (GPC #23-33-SE)

CITY OF GAUTIER

STAFF REPORT

To: Chairman and Members, Planning Commission

From: Scott Ankerson, Planning Director

Date: October 18, 2023

Subject: Consider a request for a Special Exception that would allow occupancy of an existing single-family dwelling in a C-2 Community Commercial Zoning District, 3525 Old Spanish Trail. (GPC #23-33-SE)

REQUEST:

The Planning Department has received a request from Michael K. Padgett, II for a Special Exception that would allow occupancy of an existing single-family dwelling in a C-2 Community Commercial Zoning District at 3525 Old Spanish Trail. PID #82434033.000 (GPC #23-33-SE). The application fee of \$250 was paid on October 13, 2023. All public notice requirements have been met.

BACKGROUND:

The request property is zoned C-2 Community Commercial.

1. Location: 3525 Old Spanish Trail, PID #82434033.000 (See Exhibit A)
2. General features of the proposed project:
Existing House: approximately 936 square feet
Lot Size: 1.85 acres
3. Potable Water and Wastewater Services: Existing at current location
4. Current Zoning (See Exhibit B): C-2 Community Commercial
5. Current Surrounding Zoning (See Exhibit B): C-2 Community Commercial, I-2 Industrial, C-3 Highway Commercial and PUD Planned Unit Development.
6. Current Surrounding Existing Land Use (See Exhibit C): Very Low to Low Density Residential, Industrial, C-3 Highway Commercial, High Density Residential and Vacant.
7. Comprehensive Plan Future Land Use Designation (See Exhibit D): High Impact Commercial.

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: *Inherited house from grandmother – want to continue to use as residential.*

Staff Finding: *There are others in the immediate area commonly enjoying single-family homes in this same C-2 designated district.*

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

Applicant Response: *Was used as residential previously.*

Staff Finding: *There are currently single-family homes in the immediate vicinity of the proposed site of the Special Exception. Staff's opinion is that approval of the request will not negatively affect the neighborhood.*

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

Applicant Response: *Inherited from grandmother.*

Staff Finding: *Not all single-family homes will be leased, rented, or purchased within 180 days of the previous occupancy due to various economic circumstances. Staff's opinion is that these circumstances are not results of actions of the applicant.*

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
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5. City's Exhibit D – Future Land Use Map

PLANNING DEPARTMENT
GAUTIER, MISSISSIPPI

SPECIAL EXCEPTION HEARING APPLICATION

Hearing Number

23-33-5E

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: Michael K. Padgett, II

Name of Business: _____

Address: 3525 Old Spanish Trail 39553
Mailing Address (if different): 11625 Sapra Ln 39565

Email Address: padgett.michael@icloud.com

Phone: 228-238-3489 Cell Phone: 228-238-3489

Reason for request, location and intended use of Property: Residential

ACCESS to Utilities — to use property as Residential

ATTACHMENTS REQUIRED AS APPLICABLE:

- na 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.
- na 4. Copy of protective covenants or deed restrictions, if any.
- na 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.
- na 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: Michael K. Padgett II

FOR OFFICE USE ONLY

Date Received 10/13/23 Verify as Complete Babs

Fee Amount Received 251.00

Initials of Employee Receiving Application BR

Date of Application: 10/13/23

I, Michael Padgett II, the fee simple owner of the following described property (give legal description):

3525 Old Spanish Trail

hereby petition to the City of Gautier to *Grant a Special Exception of* using
property as in residential

and affirm that Michael Padgett, II 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.

Michael Padgett
(Owner's Signature)

The foregoing instrument was acknowledged before me this 5th day of October, 2023 by Michael Padgett, who is personally known to me or has produced MS I.D. as identification and who did take an oath.

April Hurt
(Printed Name of Notary Public)

[Signature]
(Signature of Notary Public)

Commission # 122420. My commission expires 2-7-2026.

(Notary's Seal)



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. inherited house from grandmother — won't to continue to use as residential

B. was used as residential previously

C. inherited from grandmother

Barbara Logan

From: Kevin Padgett <padgettmichael@icloud.com>
Sent: Friday, October 20, 2023 11:33 PM
To: Barbara Logan
Subject: Kevin Padgett special exceptions

To whom it my concern,

I , Michael Kevin Padgett JR have inherited my grandmother's property. My father and i I wasn't aware of the house wasn't going to be livable after 180 days. I would like to make it my primary resident. If you have any questions or concern please give me a call at 2282383489.



MISSISSIPPI STATE DEPARTMENT OF HEALTH
VITAL RECORDS



15090494



FILING DATE 07/22/2022		CERTIFICATE OF DEATH		STATE FILE 123-2022-020076	
DATE		STATE OF MISSISSIPPI		NUMBER	
1. DECEASED (LEGAL NAME (Last, Middle, First))		HAZEL LOIS PADGETT		2. GENDER FEMALE	
3. AGE AT LAST BIRTHDAY 89		4. DATE OF DEATH (Month, Day, Year) 07/10/2022		5. DATE OF DEATH (Month, Day, Year) 07/14/2022	
6. RACE (Check one or more boxes to indicate with the decedent's race or ancestry to be)					
7. PLACE OF DEATH (Check one or more boxes to indicate with the decedent's place of death to be)					
8. DEATH OCCURRED IN A HOSPITAL					
9. DEATH OCCURRED IN A NURSING HOME					
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81. DEATH OCCURRED IN A PLACE OTHER THAN A HOSPITAL, NURSING HOME, OR HOME					
82. DEATH OCCURRED IN A PLACE OTHER THAN A HOSPITAL, NURSING HOME, OR HOME					
83. DEATH OCCURRED IN A PLACE OTHER THAN A HOSPITAL, NURSING HOME, OR HOME					
84. DEATH OCCURRED IN A PLACE OTHER THAN A HOSPITAL, NURSING HOME, OR HOME					
85. DEATH OCCURRED IN A PLACE OTHER THAN A HOSPITAL, NURSING HOME, OR HOME					
86. DEATH OCCURRED IN A PLACE OTHER THAN A HOSPITAL, NURSING HOME, OR HOME					
87. DEATH OCCURRED IN A PLACE OTHER THAN A HOSPITAL, NURSING HOME, OR HOME					
88. DEATH OCCURRED IN A PLACE OTHER THAN A HOSPITAL, NURSING HOME, OR HOME					
89. DEATH OCCURRED IN A PLACE OTHER THAN A HOSPITAL, NURSING HOME, OR HOME					
90. DEATH OCCURRED IN A PLACE OTHER THAN A HOSPITAL, NURSING HOME, OR HOME					
91. DEATH OCCURRED IN A PLACE OTHER THAN A HOSPITAL, NURSING HOME, OR HOME					
92. DEATH OCCURRED IN A PLACE OTHER THAN A HOSPITAL, NURSING HOME, OR HOME					
93. DEATH OCCURRED IN A PLACE OTHER THAN A HOSPITAL, NURSING HOME, OR HOME					
94. DEATH OCCURRED IN A PLACE OTHER THAN A HOSPITAL, NURSING HOME, OR HOME					
95. DEATH OCCURRED IN A PLACE OTHER THAN A HOSPITAL, NURSING HOME, OR HOME					
96. DEATH OCCURRED IN A PLACE OTHER THAN A HOSPITAL, NURSING HOME, OR HOME					
97. DEATH OCCURRED IN A PLACE OTHER THAN A HOSPITAL, NURSING HOME, OR HOME					
98. DEATH OCCURRED IN A PLACE OTHER THAN A HOSPITAL, NURSING HOME, OR HOME					
99. DEATH OCCURRED IN A PLACE OTHER THAN A HOSPITAL, NURSING HOME, OR HOME					
100. DEATH OCCURRED IN A PLACE OTHER THAN A HOSPITAL, NURSING HOME, OR HOME					

ANY ALTERATION OR ERASURE VOIDS THIS CERTIFICATE

ANY ALTERATION OR ERASURE VOIDS THIS CERTIFICATE



THIS IS TO CERTIFY THAT THE ABOVE IS A TRUE AND CORRECT COPY OF THE CERTIFICATE ON FILE IN THIS OFFICE

7/26/2022
Judy Moulder
STATE REGISTRAR



WARNING: A REPRODUCTION OF THIS DOCUMENT RENDERES IT VOID AND INVALID. DO NOT ACCEPT UNLESS EMBOSSED SEAL OF THE MISSISSIPPI STATE BOARD OF HEALTH IS PRESENT. IT IS ILLEGAL TO ALTER OR COUNTERFEIT THIS DOCUMENT.

VERIFY PRESENCE OF WATERMARK HOLD TO LIGHT TO VIEW

THE FACE OF THIS DOCUMENT HAS A COLORED BACKGROUND ON WHITE PAPER THIS IS WATERMARKED PAPER. DO NOT ACCEPT WITHOUT FIRST HOLDING TO LIGHT TO VERIFY WATERMARK

CERTIFIED TRUE COPY



202132156 2 PGS

OFFICIAL RECORDS JACKSON COUNTY
Josh Eldridge
CHANCERY CLERK
RECORDING FEE: \$26.00
#202132156 BK:2053 PG:896-897
12/27/2021 10:05:11 AM 2 PGS
JFREEMAN,DC Rcpt#34309

Prepared by and Return to:	Grantor:	Grantees:
George W. Murphy, Esq. (MSB 3667) Murphy Law, PA Post Office Box 703 Ocean Springs, MS 39566-0703 (228) 818-2889 Phone (228) 875-7891 Fax geownmurphy@geomurphy.com	Michael Padgett, being one and the same as Michael Kevin Padgett, I 3525 Old Spanish Trail Gautier, MS 39553 (228) 369-5314 Phone	Michael Kevin Padgett, I 3525 Old Spanish Trail Gautier, MS 39553 (228) 369-5314 Phone Michael Kevin Padgett, II 11025 Sabra Lane Vanceleave, MS 39565 (228) 238-3489 Phone
File No.: 4227-001		
Indexing instructions: Section 34, Township 7 South, Range 7 West		

STATE OF MISSISSIPPI
COUNTY OF JACKSON

WARRANTY DEED

FOR AND IN CONSIDERATION of the sum of Ten and 00/100 Dollars (\$10.00) cash in hand paid, and other good and valuable considerations, the receipt and sufficiency of which is hereby acknowledged, I, **MICHAEL PADGETT**, being one and the same as **MICHAEL KEVIN PADGETT, I**, do hereby bargain, sell, convey, warrant and deliver unto **MICHAEL KEVIN PADGETT, I**, and **MICHAEL KEVIN PADGETT, II**, as joint tenants with full rights of survivorship and not as tenants in common, subject to the Life Estate interest of **HAZEL L. PADGETT**, that certain tract, piece or parcel of land situated in Jackson County, State of Mississippi, and described as follows, to-wit:

That certain tract, piece or parcel of land lying and being situated in Section 34, Township 7 South, Range 7 West, Jackson County, Mississippi, and described and bounded by a line running as follows, to-wit:
Commencing at a point where the North right-of-way line of the L&N Railroad intersects the East section line of said Section 34, and runs from

Page 1 of 2

TITLE NOT EXAMINED

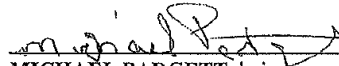
thence North along said section line to the South line of U. S. Highway 90; thence in a Northwesterly direction, along the South right-of-way line of said U. S. Highway 90, a distance of 845 feet for the Point of Beginning; thence South 485 feet, more or less, to the North right-of-way line of the L&N Railroad; thence West or Westerly, along the North right-of-way line of said L&N Railroad, a distance of 200 feet; thence North 485 feet, more or less, to the South boundary line of U. S. Highway 90; thence East or Southeast, along the South right-of-way line of U. S. Highway 90, a distance of 200 feet back to the Point of Beginning.

TOGETHER WITH the water privileges to the Artesian Well located on the adjoining property as shown in the chain of title.

Together with all improvements, easements, and appurtenances thereunto belonging.

This conveyance is subject to any prior reservation or conveyance of oil, gas or other mineral rights and subject to all restrictions, reservations and covenants of record.

WITNESS MY SIGNATURE, this the 16th of December, 2021.

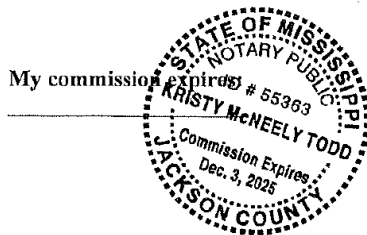

MICHAEL PADGETT, being one and the same as
MICHAEL KEVIN PADGETT, I

STATE OF MISSISSIPPI
COUNTY OF JACKSON

PERSONALLY APPEARED BEFORE ME, the undersigned authority in and for the above stated jurisdiction, the within named Michael Padgett, being one and the same as Michael Kevin Padgett, I, who acknowledged that he signed and delivered the foregoing Warranty Deed on the day and year therein written as his own free and voluntary act and deed.

GIVEN under my hand and official seal on this the 16th day of December, 2021.


NOTARY PUBLIC



82434033.000 PADGETT MICHAEL KEVIN I

PIDN: 82434033.000

GISP: 778.34-00-0240.00

Owner Information

Percent of Ownership: 100

Name: PADGETT MICHAEL KEVIN I

Name 2: PADGETT MICHAEL

Mailing Address: 3525 OLD SPANISH TRL
GAUTIER MS
39553

Site Address: 3525 OLD SPANISH TRL GAUTIER

Land Information

Section: 34 Acreage: 1.85

Township: 7

Range: 7

Street Name OLD SPANISH
TRL

Value and Tax Information

Total Assessed Value: 5857

Total Appraised Value: 39043

Improvement Value: 27653

Land Value: 11390

Tax Amount: 842

SQ FT: 745

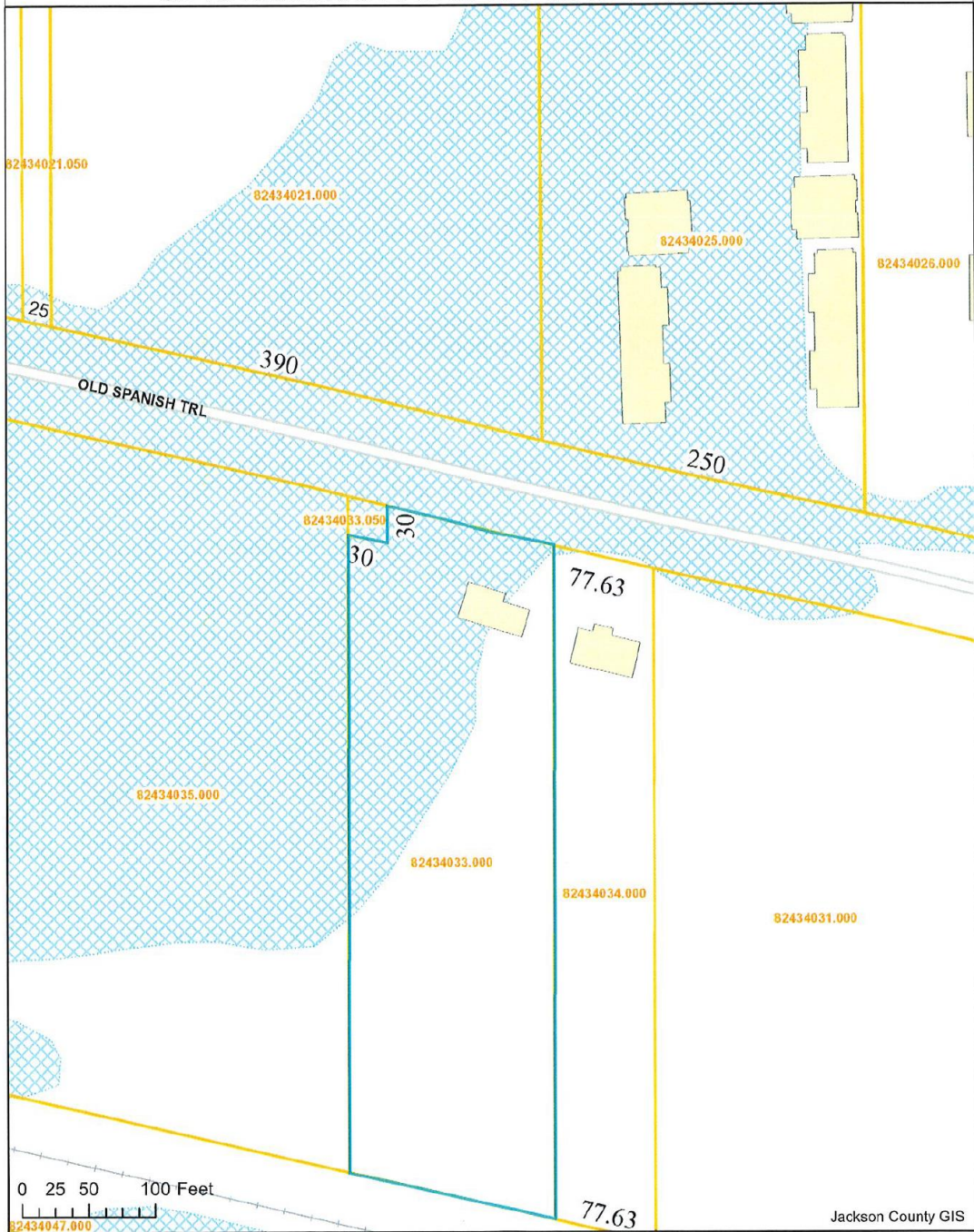
Year Built: 1970

Legal Description

Description: COM N/M RR & E/L SEC 34 N 76 DEG
W 880' FOR POB N TO S/M OLD SPA
NISH TRAIL N 79 DEG W 140' S 30'
N 79 DEG W 30' S TO N/M RR S 76
DEG E 170' M/L TO POB DB 1835-1
34 DB 2053-896 (240 MAP778.34)

Deed Book / Page: 2053 / 896

82434033.000 PADGETT MICHAEL KEVIN I



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

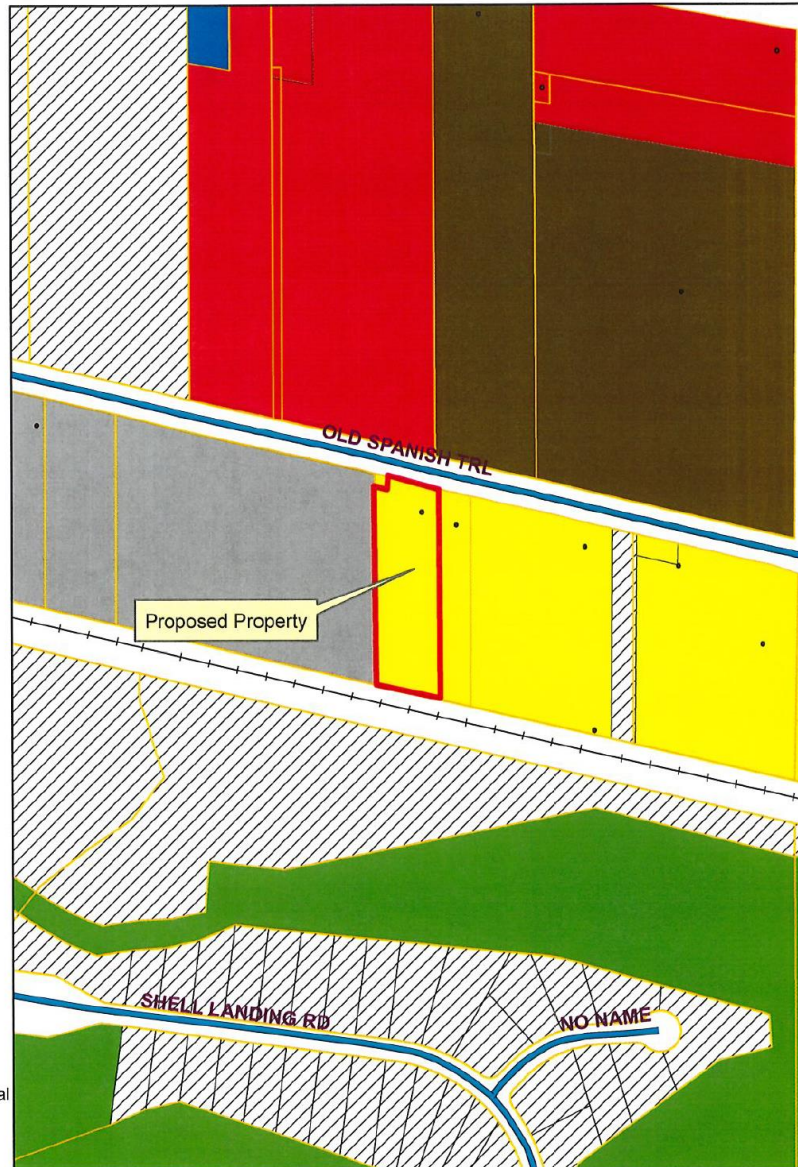


Exhibit D Future Land-Use

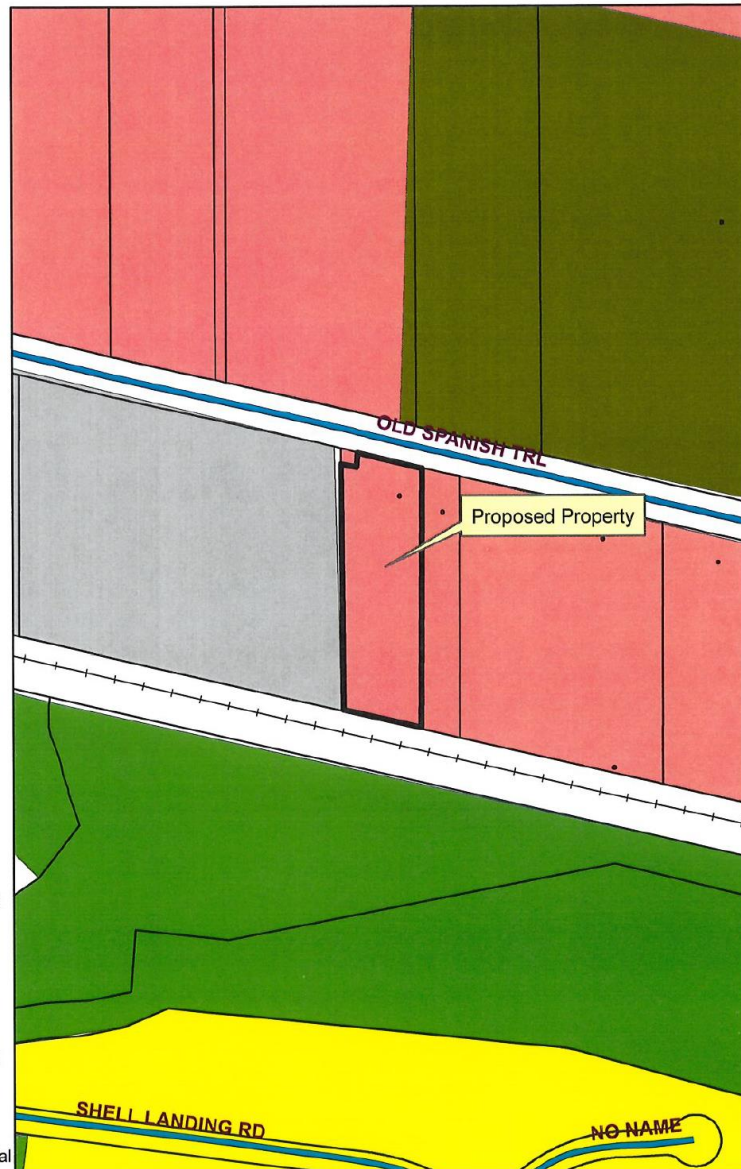
Prepared By:
City of Gautier
Planning Department

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

December 7, 2023

GPC #23-34-VAR

409 Highway 90

VII. NEW BUSINESS

1. Consider a request for a Variance to the square footage of an accessory structure in a C-3 Highway Commercial Zoning District. 409 Highway 90, (GPC #23-34-VAR)

**CITY OF GAUTIER
STAFF REPORT**

To: Chairman and Members, Planning Commission

From: Scott Ankerson, Planning Director

Date: November 27, 2023

Subject: Consider a request for a Variance to the square footage of an accessory structure in a C-3 Highway Commercial Zoning District. 409 Highway 90, (GPC #23-34-VAR)

REQUEST:

The Planning Department has received a request from Bobbi Nicole Seal dba Riverside Auto Sales for a variance to the square footage of an accessory structure in a C-3 Highway Commercial Zoning District. 409 Highway 90, PID #87010073.000 & #87010074.050 (GPC #23-34-VAR). The application fee of \$175 was paid on October 17, 2023. All public notice requirements have been met.

BACKGROUND:

The applicant would like to build a forty-eight hundred (4800) square foot accessory structure. Her main building is eighteen hundred (1800) square feet. The Unified Development Ordinance (UDO) states that an accessory structure shall be subordinate in area, extent, and purpose to a principal use. She will need a three thousand (3000) square foot variance to the size of the accessory structure.

DISCUSSION:

The applicant is requesting a three thousand (3000) square foot variance to the size of an accessory structure. She would like to build a forty-eight hundred (4800) square foot accessory structure. Her main building is eighteen hundred (1800) square feet. Section 6.2 (C) of the Unified Development Ordinance (UDO) states that accessory uses and buildings "shall be subordinate in area, extent, and purpose to such principal use." There currently are several existing accessory structures on the property. The applicant plans to remove four of the existing structures, some of which are in poor condition. The square footage of the proposed accessory structure is similar to the structures to be removed.

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

23-34-VAR

TO BE HEARD BY GAUTIER PLANNING COMMISSION:

FEE:

Variance _____

\$176.00

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

Name of Applicant: Bobbi Nicole SealName of Business: Riverside Auto Sales Phone: 228-497-9574Property Address: 409 Hwy 90 Gautier Mailing Address (if Different): _____E-Mail Address: nickisealriverside@gmail.com - Please email
Josh Seal @ joshsealriverside@gmail.com w/ questions.Reason for request, location and intended use of Property: Construct an accessorybuilding @ 409 Hwy 90 larger than main bldg.

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: [Signature]Date of Application: 10/17/23

FOR OFFICE USE ONLY

Date Received 10/17/23 Verify as Complete BLFee Amount Received 176.00 Initials of Employee Receiving Application BL

I, Bobbi Nicole Seal, the fee simple owner of the following described property (give legal description):

409 Hwy 90 Gautier MS 39553

hereby petition to the City of Gautier to Grant a Variance of Riverside Auto Sales in Gautier MS

and affirm that Josh Seal 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.

[Signature]
(Owner's Signature)

The foregoing instrument was acknowledged before me this 17 day of October, 2023 by Bobbi Nicole Seal, who is personally known to me or has produced MS DL as identification and who did take an oath.

April M. Reynolds
(Printed Name of Notary Public)

[Signature]
(Signature of Notary Public)

Commission # 093032 My commission expires Sept 29, 2025
(Notary's Seal)



VARIANCE

Criteria for Approval

1. What special conditions and circumstances exist which are peculiar to this particular site (lot or parcel), structure or building involved and which are not applicable to other sites (lots or parcels), or structures or buildings in the same district?
2. Are these special conditions and circumstances a result of your actions? Explain.
3. How will the literal interpretation of the provisions of this Ordinance deprive you of rights commonly enjoyed by other properties in the same district under the provisions of this Ordinance? Explain.
4. Will the granting of the Variance requested confer upon you any special privilege that is denied by this Ordinance to other similar sites (lots or parcels), structures or buildings in the same district? Explain.

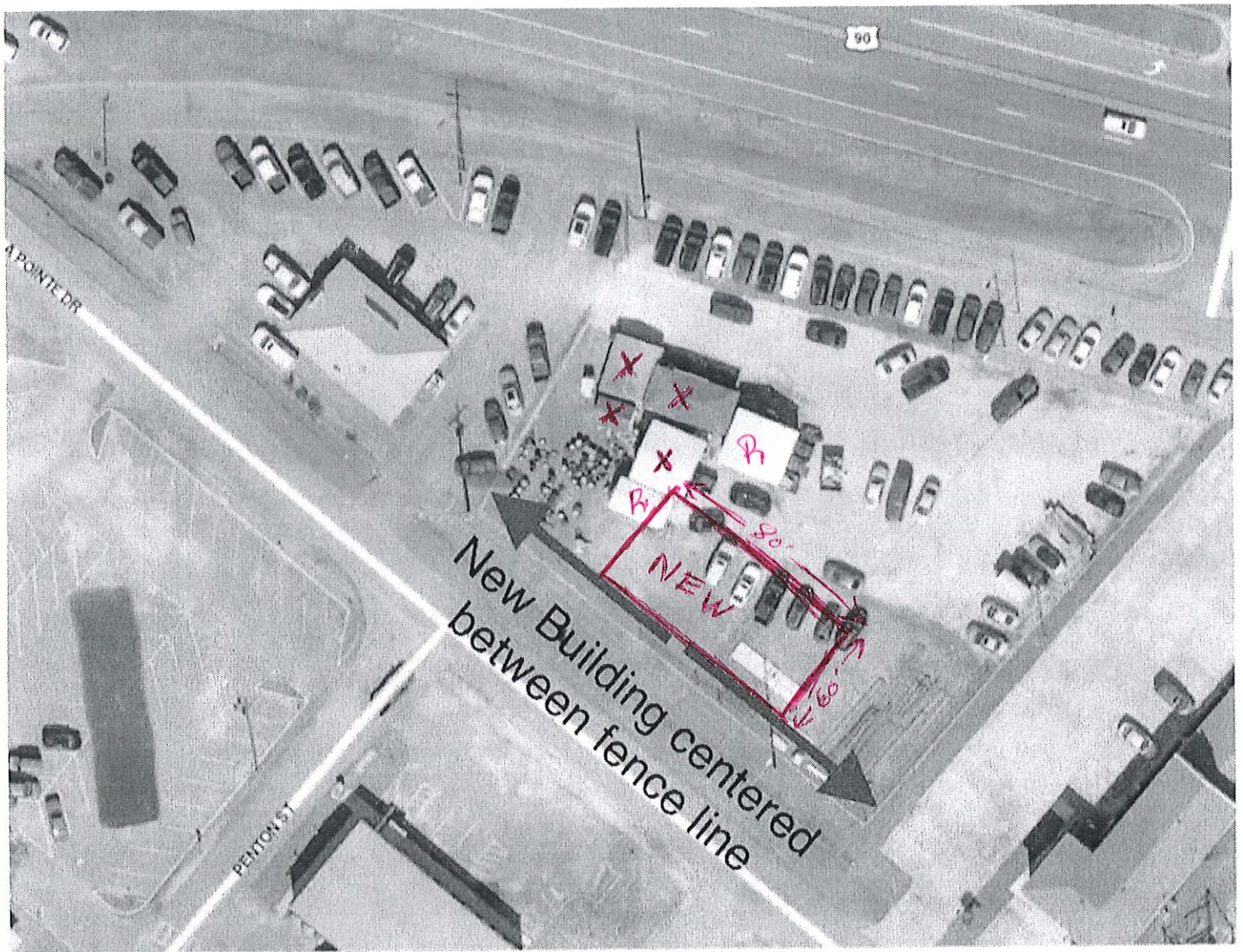
VARIANCE
CRITERIA FOR APPROVAL
"ANSWERS"

- 1) We're requesting a variance to construct a "Accessory" building larger than the "main" building.
- 2) Yes, We are looking to improve the property as well as make it more aesthetically pleasing.
- 3) It will prohibit us from improving the property and potential future development as well as deter future real estate investment.
- 4) Yes, it will allow for an Accessory Building larger than the main building at the current time.

NARRATIVE FOR RIVERSIDE AUTO SALES:

We are looking to remove 4 existing structures, some which are in poor condition and replace them with one nice/new building, square footage of the new building is similar to the existing 4 buildings currently on the property. This will clean up the property as well as open doors in the future.

For instance, should we retire, the property could be divided and it would have a free standing building on each property. It would make the real estate more appealing to future investors vs attaching the accessory building to the main building.



X = Buildings to be removed
R = Relocate to south side of property adjacent to new building

87010073.000 SEAL BOBBI N

PIDN: 87010073.000

GISP: 863.05-01-0033.00M

Owner Information

Percent of Ownership: 100

Name: SEAL BOBBI N

Name 2:

Mailing Address: 409 HWY 90
GAUTIER MS
39553

Site Address: 409 HWY 90 GAUTIER

Land Information

Section: 5 Acreage: 0.96

Township: 8

Range: 6

Street Name HWY 90

Value and Tax Information

Total Assessed Value: 31526

Total Appraised Value: 210170

Improvement Value: 68490

Land Value: 141680

Tax Amount: 4533

SQ FT: 1280

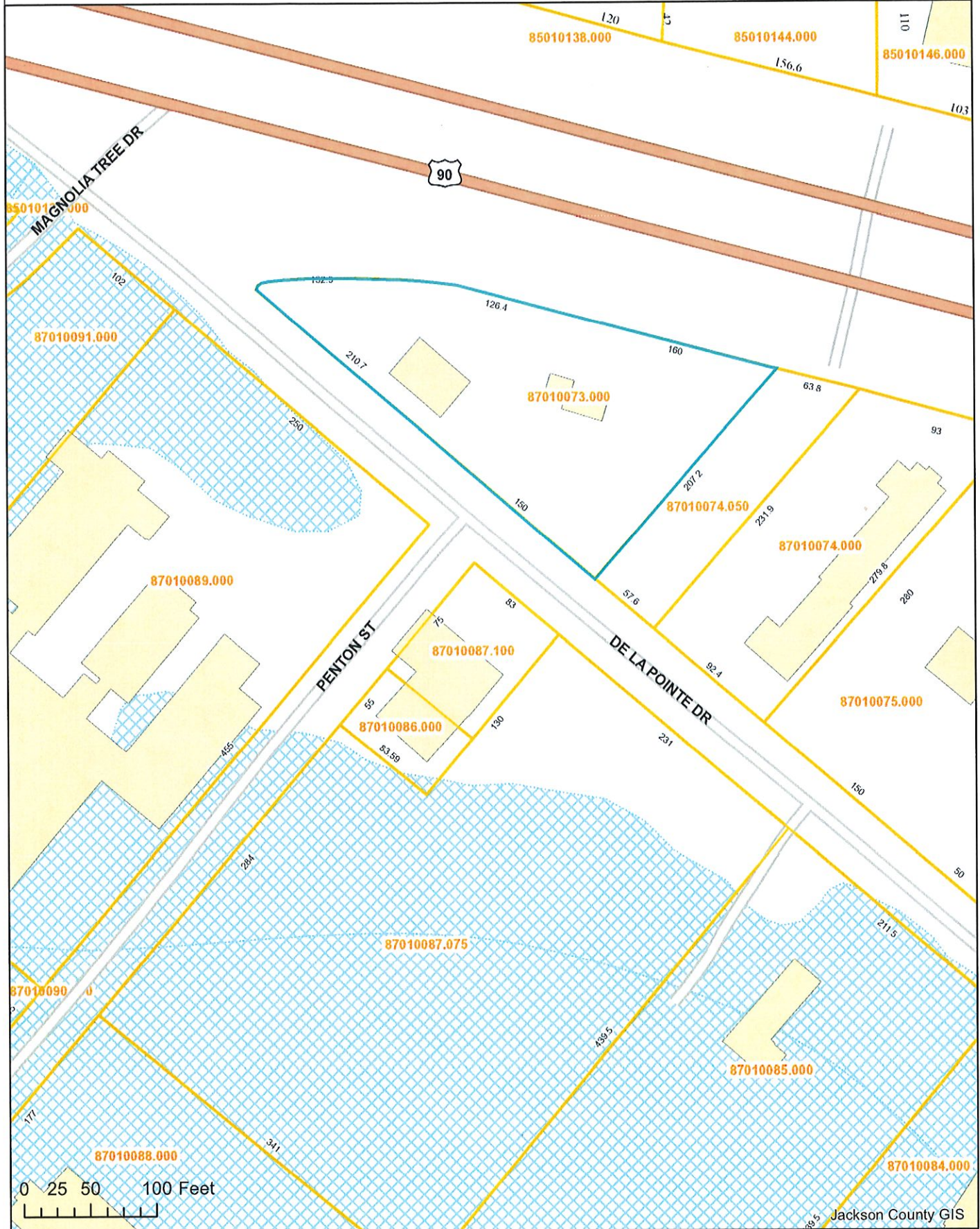
Year Built: 2002

Legal Description

Description: LOTS 2&3 S OF HWY BLK H RIVER OA
KS S/D DB 1733-74 DB 1843-561 (3
3M MAP863.05-01)

Deed Book / Page: 1843 / 561

87010073.000 SEAL BOBBI N



87010074.050 SEAL BOBBI N

PIDN: 87010074.050
GISP: 863.05-01-0031.00

Owner Information

Percent of Ownership: 100
Name: SEAL BOBBI N
Name 2:
Mailing Address: 409 HWY 90
GAUTIER MS
39553

Site Address: HWY 90 GAUTIER

Land Information

Section: 5 Acreage: 0.3
Township: 8
Range: 6
Street Name HWY 90

Value and Tax Information

Total Assessed Value: 5783	Total Appraised Value: 38550
Improvement Value: 0	Land Value: 38550
Tax Amount: 831	SQ FT: 0 Year Built: 0

Legal Description

Description: COM SE COR LOT 4 BLK H RIVER OAK
S S/D N 49' W 110' TO POB CONTI
N 49 DEG W 57.6' N 40 DEG E 204.
31' M/L S 75 DEG E 63.82' S 40 D
EG W 231.93' M/L TO POB BEING PT
LOT 4 BLK H RIVER OAKS S/D DB 1
733-74 DB 1843-561 (31 MAP863.05
-01)

Deed Book / Page: 1843 / 561

87010074.050 SEAL BOBBI N

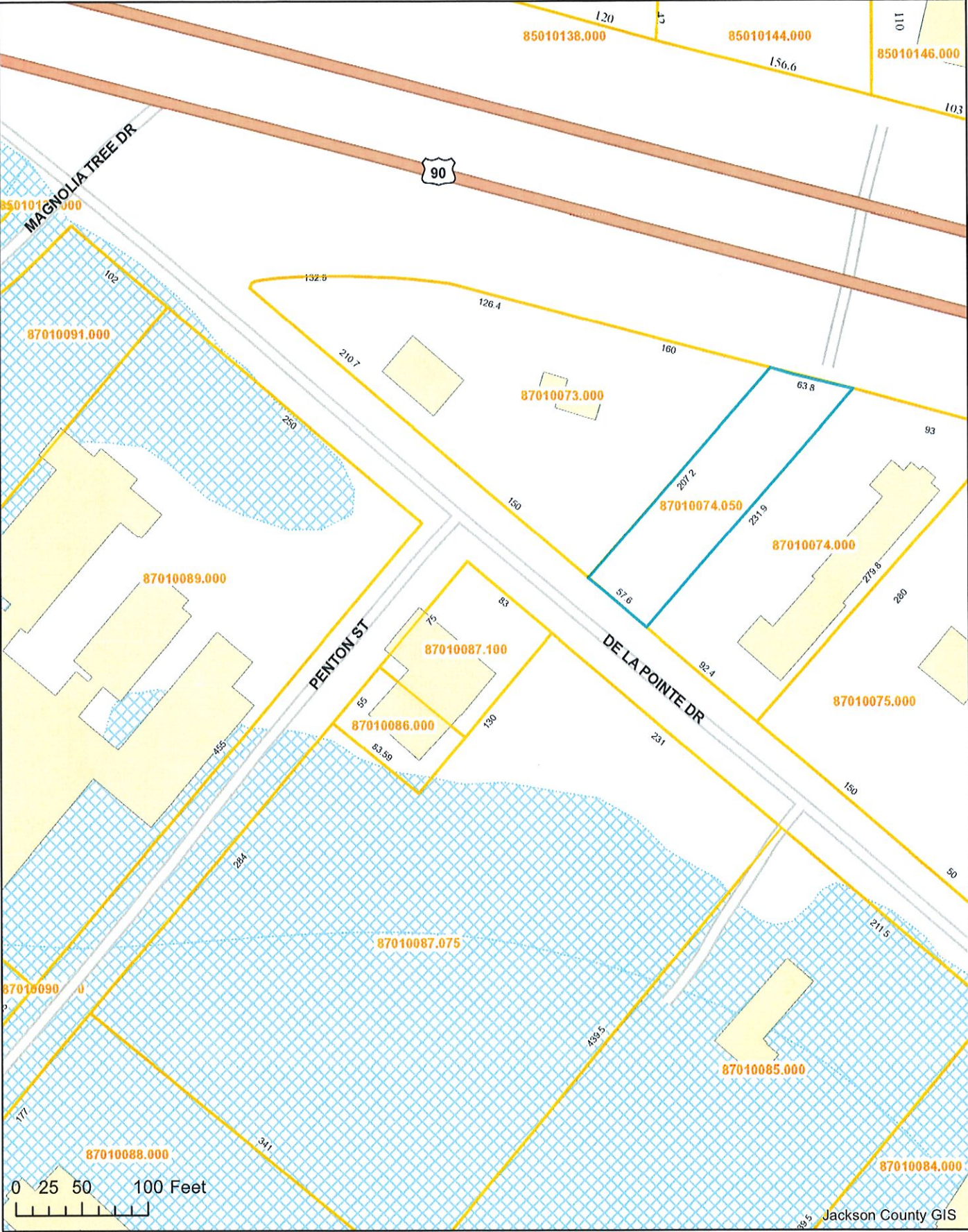


Exhibit A Location Map

Prepared by:
City of Gautier
Planning Department

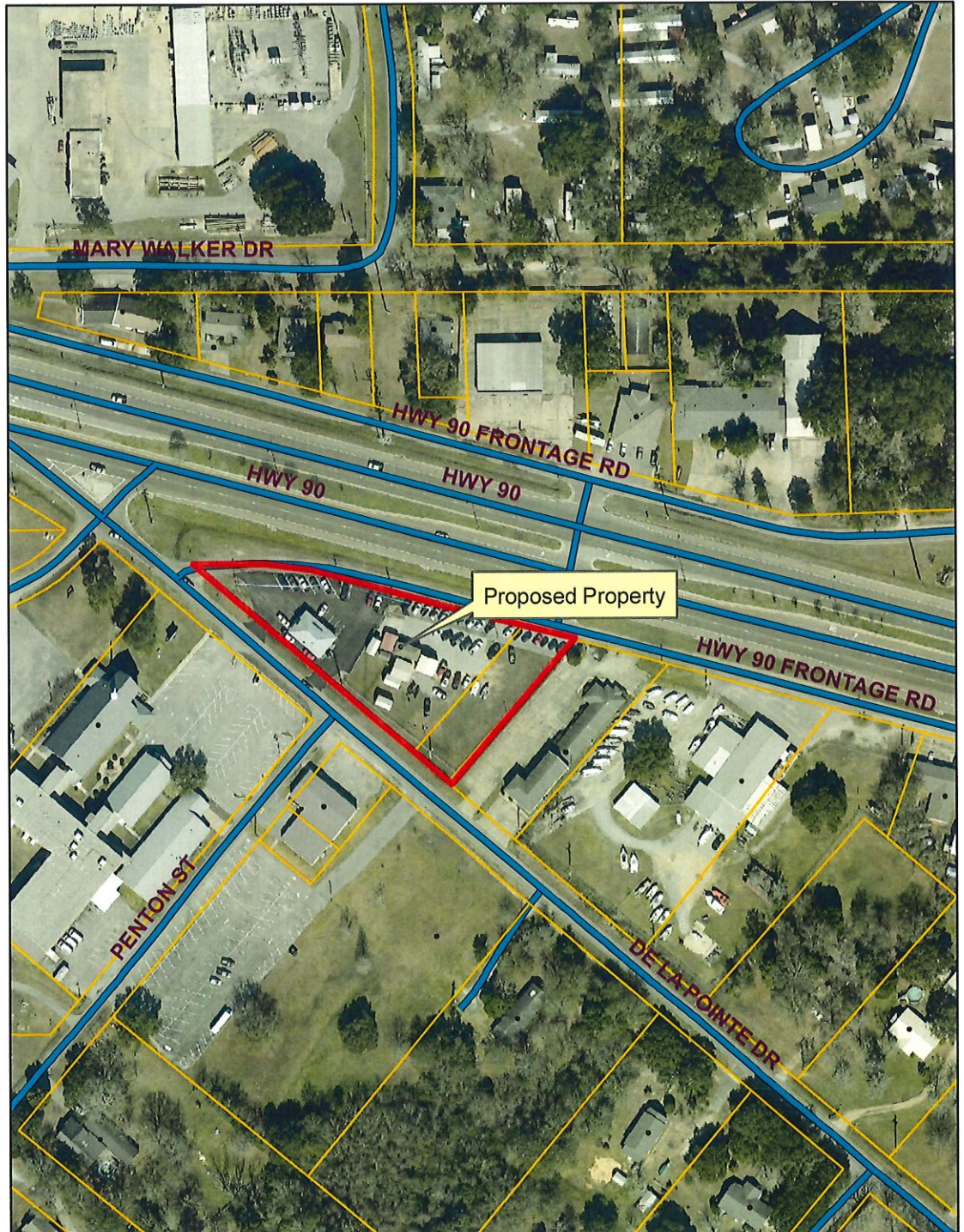


Exhibit B

Existing Zoning

Prepared by:
City of Gautier
Planning Department

Legend

Zoning ZONECODE

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

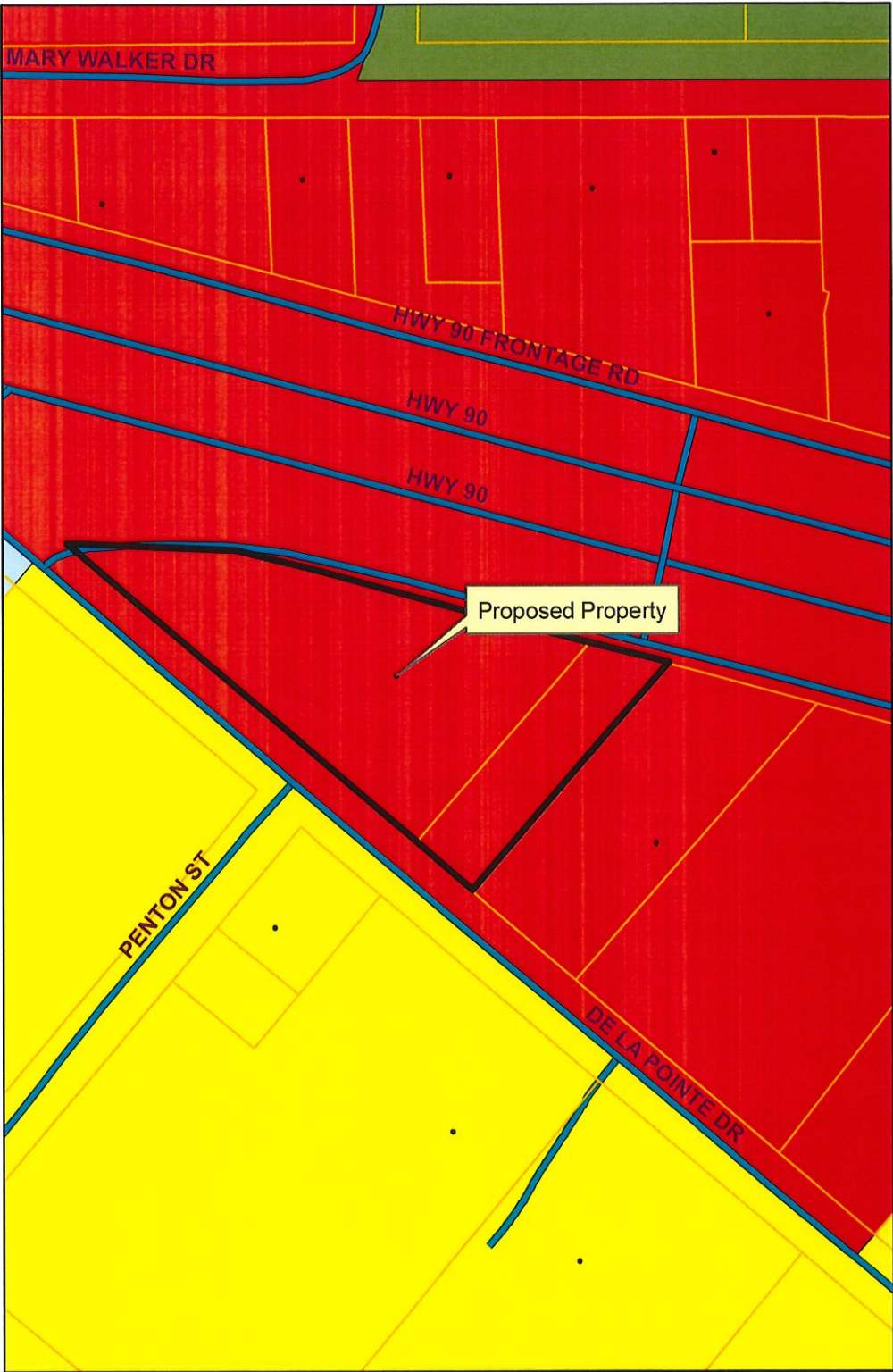


Exhibit C

Existing Land-Use

Prepared by:
City of Gautier
Planning Department

Legend

EXISTING LAND USE

ELU_08

- commercial-retail
- conservation
- civic
- industrial
- marina/fish camps
- high density residential
- mobile home
- mobile home park
- medium density residential
- office
- recreation
- very low to low density residential
- utility
- vacant

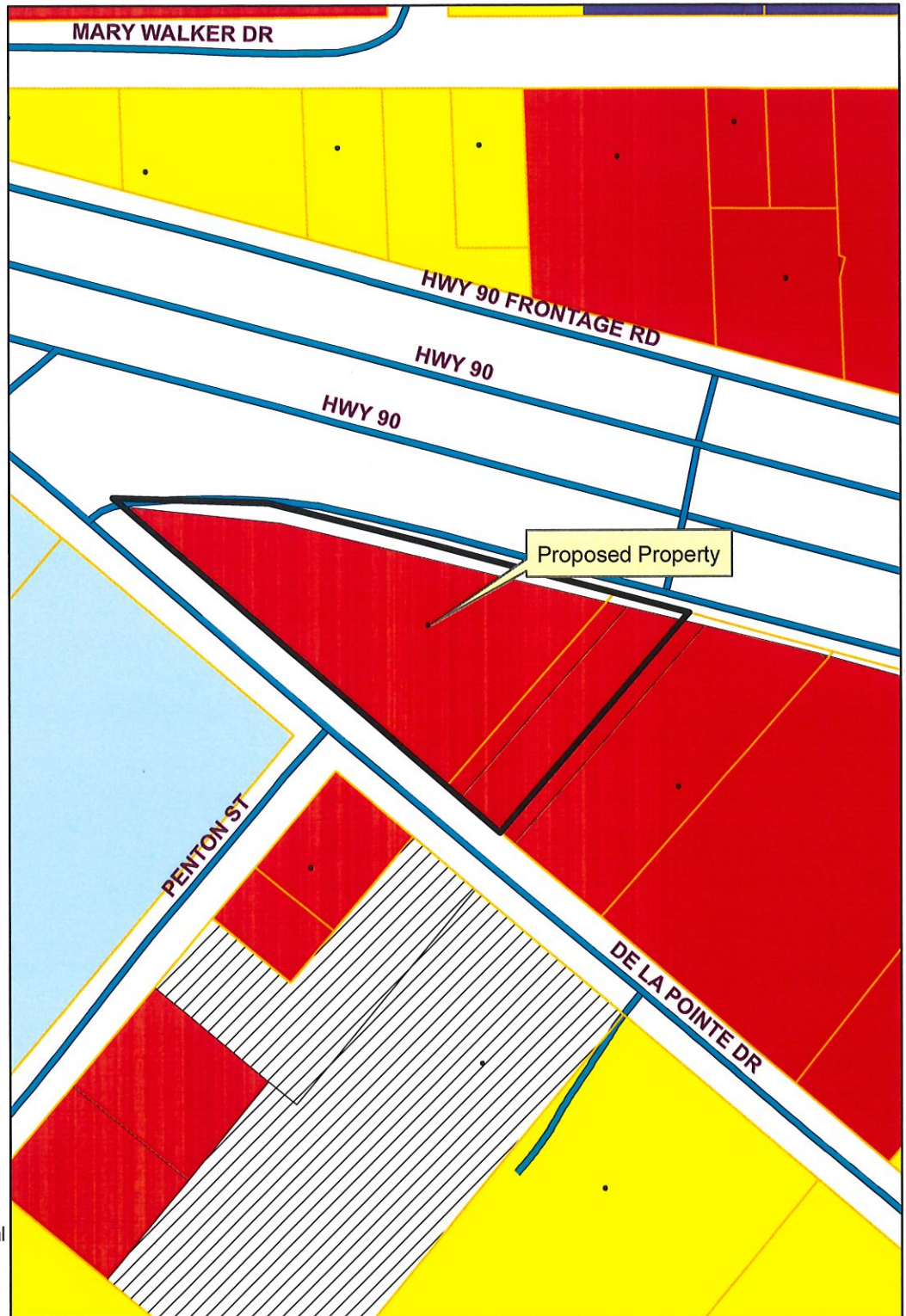


Exhibit D

Future Land-Use

Prepared By:

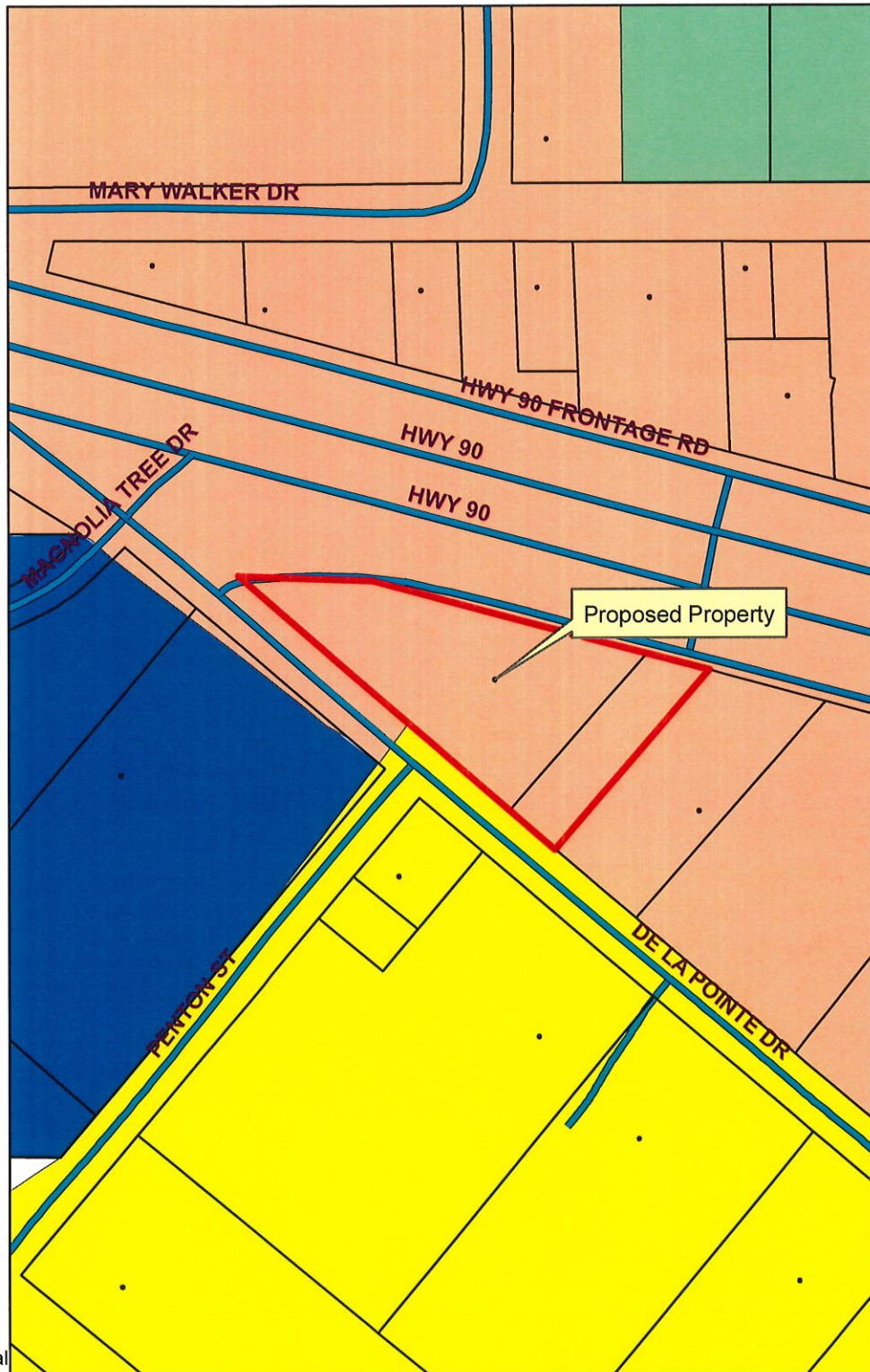
City of Gautier
Planning Department

Legend

FUTURE LAND USE

FLU_Class

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



Gautier Planning Commission

Regular Meeting Agenda

December 7, 2023

GPC #23-35-VAR

505 Magnolia Tree Drive

VII. NEW BUSINESS

2. Consider a request for a Variance to the City of Gautier's Flood Damage Prevention Ordinance for a Mississippi Landmark Historic Structure. 505 Magnolia Tree Drive, (GPC #23-35-VAR)

**CITY OF GAUTIER
STAFF REPORT**

To: Chairman and Members, Planning Commission

From: Scott Ankerson, Planning Director

Date: November 27, 2023

Subject: Consider a request for a Variance to the City of Gautier's Flood Damage Prevention Ordinance for a Mississippi Landmark Historic Structure. 505 Magnolia Tree Drive, (GPC #23-35-VAR)

REQUEST:

The Planning Department has received a request from the Pascagoula-Gautier School District for a variance to the City of Gautier's Flood Damage Prevention Ordinance for a Mississippi Landmark Historic Structure at 505 Magnolia Tree Drive, Gautier Elementary School, PID #87010091.000 (GPC #23-35-VAR). The application fee of \$175 was paid on October 18, 2023. All public notice requirements have been met.

BACKGROUND:

The applicant would like to renovate the kitchen at Gautier Elementary School. The Kitchen and Dining Room are in the oldest existing building on the campus which is a Mississippi Landmark historic structure. Because the existing structure is designated as a Mississippi Landmark, it cannot be modified or elevated out of the floodplain. The applicant will need a variance to the City of Gautier's Flood Damage Prevention Ordinance in order to make the renovations required to further modernize and improve the kitchen facilities so the site can continue to effectively function and serve as an educational facility.

DISCUSSION:

The applicant is requesting a variance to the City of Gautier's Flood Damage Prevention Ordinance so renovations can be made to Gautier Elementary School, which is a Mississippi Landmark Historic Structure and cannot be modified or elevated out of the floodplain. The applicant wants to modernize and improve the kitchen facilities so they can continue to effectively function as an educational facility.

DETERMINATION OF APPLICABLE LAW:

FLOOD DAMAGE PREVENTION ORDINANCE: ARTICLE 6.

SECTION C. VARIANCE PROCEDURES.

In passing upon such applications, the board shall consider all technical evaluations, relevant factors, and standards specified in other sections of this ordinance, and:

- (1) Upon consideration of factors listed below, and the purpose of this ordinance, the board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.
- (2) The evaluation must be based on the characteristics unique to that property and not be shared by adjacent parcels. The characteristics must pertain to the land itself, not to the structure, its inhabitants, or its owners;
- (3) Variances shall not be granted for multiple lots, phases of subdivisions, or entire subdivisions;
- (4) The danger that materials may be swept onto other lands to the injury of others;
- (5) The danger of life and property due to flooding or erosion damage;
- (6) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner and the City of Gautier;
- (7) The importance of the services provided by the proposed facility to the City of Gautier;
- (8) The necessity of the facility to be at a waterfront location, where applicable;
- (9) The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
- (10) The compatibility of the proposed use with existing and anticipated development;
- (11) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
- (12) The safety of access to the property in times of flood for ordinary and emergency vehicles;
- (13) The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site, and;
- (14) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges and culverts.
- (15) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

SECTION D. CONDITIONS FOR VARIANCES.

- (1) Variances shall only be issued when there is:
 - a.) A showing of good and sufficient cause;
 - b.) A determination that failure to grant the variance would result in exceptional hardship, and;

- c.) A determination that the granting of a variance will not result in increased flood heights, additional threats to public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
- (2) The provisions of this ordinance are minimum standards for flood loss reduction; therefore any deviation from the standards must be weighed carefully. Variances shall only be issued upon a determination that the variance is the minimum necessary deviation from the requirements of this ordinance, considering the flood hazard, to afford relief. In the instance of a Historic Structure, a determination that the variance is the minimum necessary so as not to destroy the historic character and design of the building.(See Article 6, Section F.)
- (3) Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation to which the lowest floor is to be built and stating that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
- (4) The Floodplain Administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency and Mississippi Emergency Management Agency upon request. (See Article 6 Section E.)
- (5) Upon consideration of the factors listed above and the purposes of this ordinance, the board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.
- (6) Variances shall not be issued "after the fact."

SECTION E. VARIANCE NOTIFICATION.

Any applicant to whom a variance is granted shall be given written notice over the signature of a City of Gautier official that:

- (1) The issuance of a variance to construct a structure below the base flood elevation will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage, and;
- (2) List the specific variance granted with the minimum requirement that was changed with the approved variance. List the article, section and subsection for which the variance was issued to.
- (3) Such construction below the base flood level increases risks to life and property. A copy of the notice shall be recorded by the Floodplain Administrator in the Office of the Chancery Clerk and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.

RECOMMENDATION & CONCLUSION:

If recommending approval, Planning Commission shall record that the evidence presented meets the criteria from Section D. of the Flood Damage Prevention and Control Ordinance 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

23-35-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: Pascagoula-Gautier School District (agent: Ryan Florreich / JBHM Architects, P.A.)
Name of Business: Gautier Elementary School Phone: (601) 352-2699
(phone for agent JBHM)
Property Address: 505 Magnolia Tree Drive Mailing Address (if Different): 308 East Pearl Street, Suite 300 / Jackson, MS, 39201 (address for agent JBHM)
E-Mail Address: rflorreich@jbhm.com

Reason for request, location and intended use of Property: Historic Structure, Variance Request for Flood Damage Prevention Ordinance

ATTACHMENTS REQUIRED AS APPLICABLE:

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

Signature of Applicant:  Date of Application: 10/17/2023
Ryan Florreich / JBHM Architects, P.A.
(as agent for the Pascagoula-Gautier School District)

FOR OFFICE USE ONLY

Date Received 10/18/23 Verify as Complete SA/BgFee Amount Received 176.00 Initials of Employee Receiving Application Bals

I, Pascagoula-Gautier School District, the fee simple owner of the following described property (give legal description):

See attached (2 pages).

hereby petition to the City of Gautier to *Grant a Variance of* the floodplain management regulations

_____ in _____

and affirm that Ryan Florreich / JBHM Architects, P.A. 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.

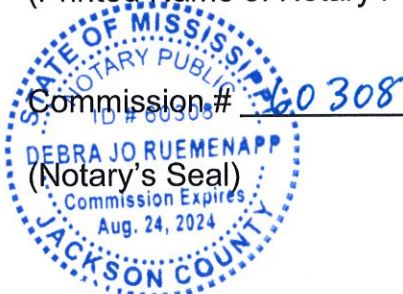

(Owner's Signature)

Billy Ellzey
Superintendent, Pascagoula-Gautier School District

The foregoing instrument was acknowledged before me this 17th day of October, 2023 by Billy Ellzey, who is personally known to me or has produced personally known by me as identification and who did take an oath.

Debra Jo Ruemenapp
(Printed Name of Notary Public)


(Signature of Notary Public)



Commission # 360308. My commission expires August 24, 2024.

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?

This project entails the renovation of the existing Kitchen at Gautier Elementary School. The Kitchen and Dining Room is located in the oldest portion of the building, a Mississippi Landmark historic structure. Thus, the existing structure cannot be modified or elevated out of the floodplain.

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

No; the existing structure has been located on this site since approximately 1940 and continues to serve the Pascagoula-Gautier School District today as an elementary school site.

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.

The literal interpretation of the Flood Damage Prevention Ordinance would deprive the Pascagoula-Gautier School District of the need to further modernize and improve the kitchen facilities at this school such that this site can continue to effectively function and serve the community as an educational facility.

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.

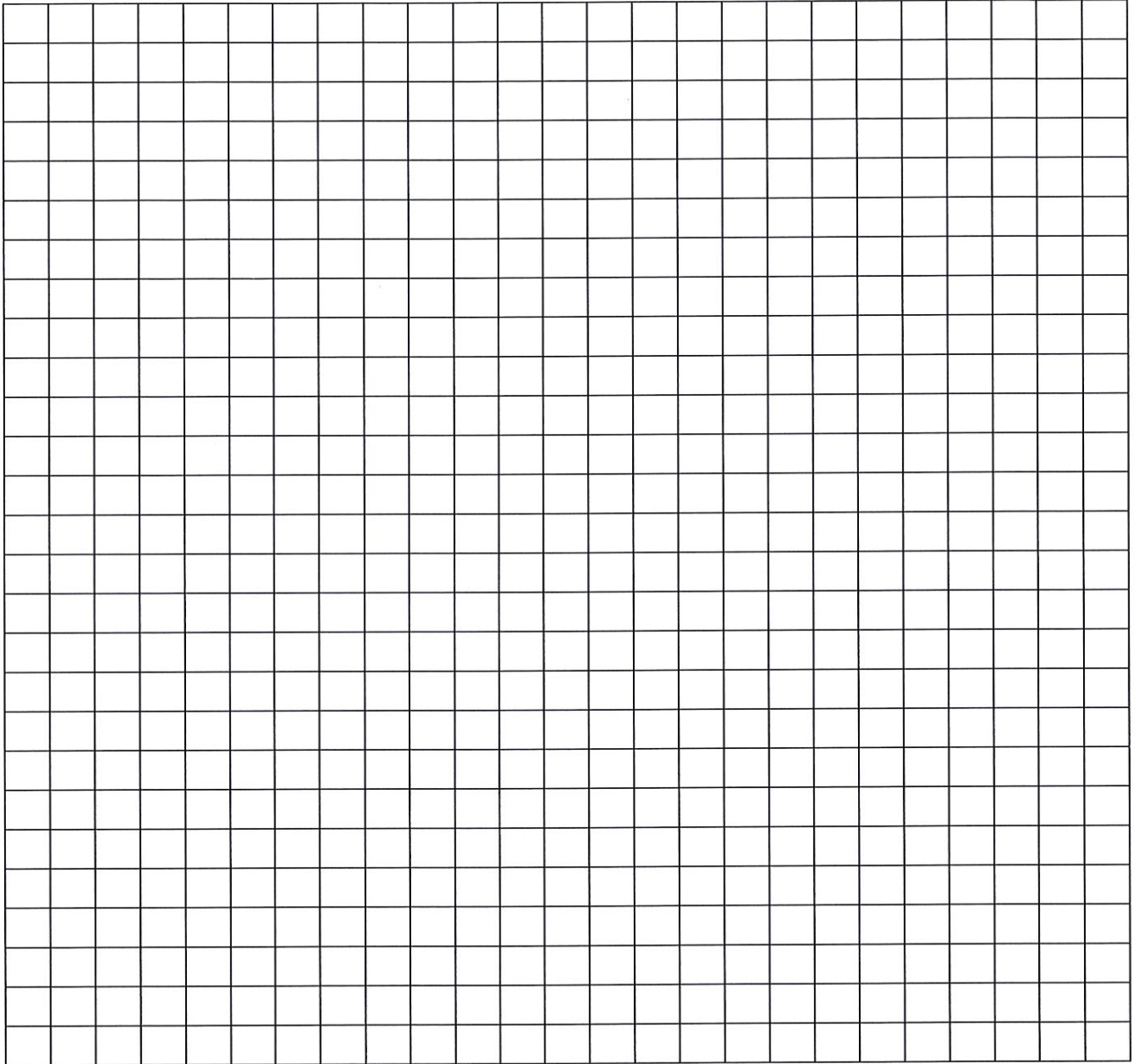
To our knowledge, no.

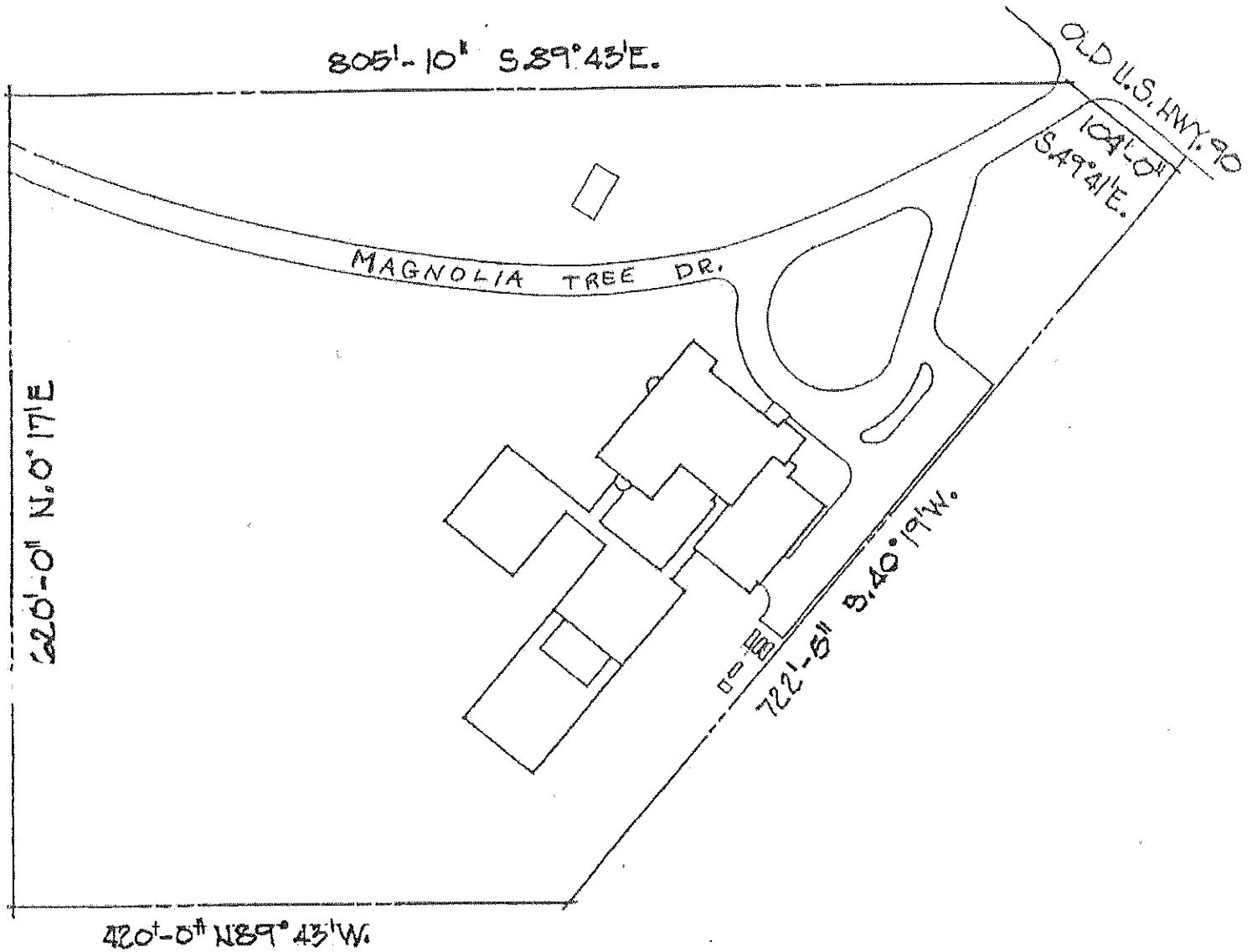
NARRATIVE

This project entails the renovation of the existing Kitchen at Gautier Elementary School. The Kitchen and Dining Room is located in the oldest existing building on the campus ("Building 1" on the attached site survey dated 2012), a Mississippi Landmark historic structure. The project has been previously reviewed and approved by the Mississippi Department of Archives and History; the Mississippi Landmark Permit issued 4/21/2023 is also attached. This kitchen renovation is necessary in order to further modernize and improve the kitchen facilities at this school such that this site can continue to effectively function and serve the community as an educational facility. This project does not entail an expansion to the existing facility; the renovation is contained to the existing building envelope. As the existing structure is a Mississippi Landmark, the existing structure cannot be modified or elevated out of the floodplain.

DIAGRAM

See attached Site Survey and Kitchen Equipment Plan. Additional drawings are on file with the City of Gautier.





GAUTIER ELEMENTARY

SCALE: 1" _____ = 120' _____ 0"

ACQUIRED 1957*; BUILT 1937**; HVAC 1972 & 1999
APPROXIMATELY 9.36 ACRES; 38,284 SQ. FT.

*CITIZENS PETITIONED JACKSON COUNTY SCHOOL DISTRICT TO
JOIN THE PASCAGOULA MUNICIPAL SEPARATE SCHOOL DISTRICT

**CONSTRUCTION BEGAN IN 1937 BY LYONS SCHOOL DISTRICT

GAUTIER ELEMENTARY SCHOOL

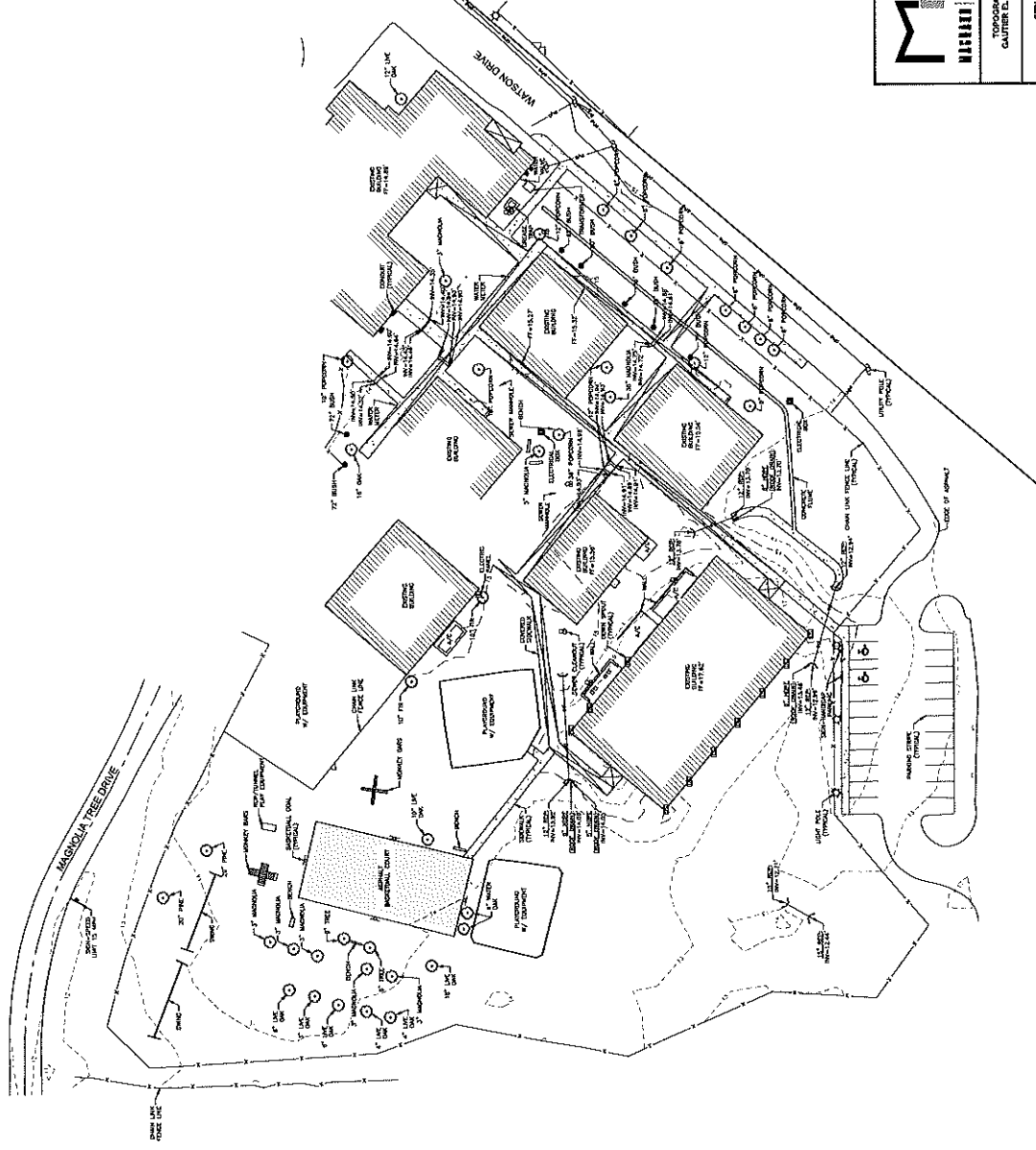
DESCRIPTION OF PROPERTY

FROM DEED DATED 1939

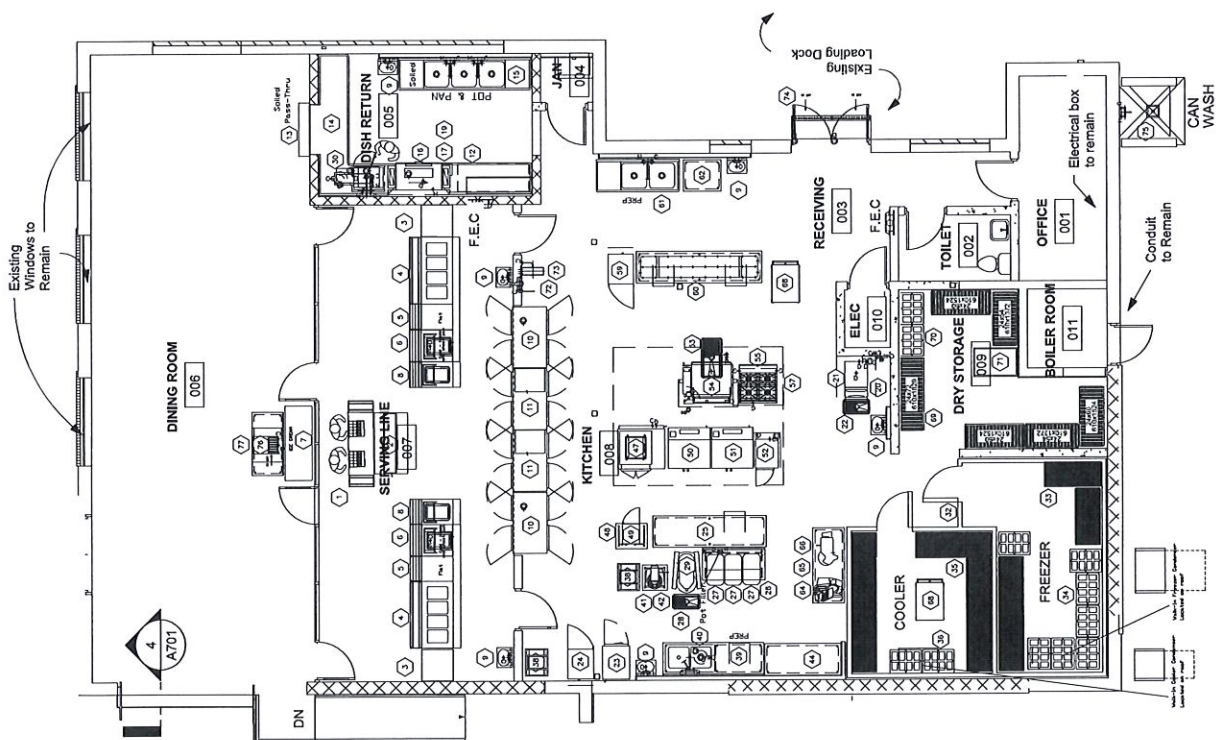
Starting at the first 1/2 mile post east on the north boundary of Township 8 South, Range 6 West, Jackson County, Mississippi; easterly along this boundary 1320.0 ft. for the point of beginning; then:

1. Continuing along this boundary south 89 degrees 43' east 805.8 ft. to the south margin of U.S. Highway 90; then,
2. South 49 degrees 41' east along the south margin of U.S. Highway 90 a distance of 104.0 ft.; then,
3. South 40 degrees 19' west a distance of 722.4 ft.; then,
4. North 89 degrees 43' west a distance of 420 ft.; then,
5. North 0 degrees 17' east a distance of 620 ft. to the point of beginning.

All the above mentioned property is located in Zone R3.

[illegible]

REDUCED FROM ORIGINAL SIZE OF 30"X42"



Foodservice Equipment Schedule

Item No	Qty	Equipment Category	Item No	Qty	Equipment Category
1	1	Cashier Station, Double	39	1	Prep Table With Sinks
2	1	Milk Cooler - Existing Equipment	40	1	Disposer, Garbage
3	2	Mobile Utility Unit - Trays	41	1	Counter Mixer - Existing Equipment
4	2	Hot Food Unit	42	1	Equipment Stand - Existing Equipment
5	2	Mobile Utility Unit	43	1	Spare Number
6	2	Mobile Cold Unit	44	1	Work Table - Existing Equipment
7	1	Ice Cream Unit - Existing Equipment	45	1	Spare Number
8	2	Mobile Ambient Unit	46	1	Spare Number
9	5	Hand Sink - In Mechanical	47	1	Rotating Rack Oven, Gas - With Racks
10	2	Cabinet, Heated, Pass-Thru	48	1	Mobile Work Table - Existing Equipment
11	2	Refrigerator, Pass-Thru	49	1	Microwave - Existing Equipment
12	1	Clean Dishtable and Slanted Wall Shelf	50	1	Oven, Convection, Gas
13	1	Coiling Shutter Door - In Architectural	51	1	Oven, Convection, Gas
14	1	Solid Table, Pass-Thru Landing, Sink	52	1	Steamer, Electric
15	1	Three-Compartment Sink	53	1	Floor Trough
16	1	Warewasher	54	1	Tilt Skillet, Gas
17	1	Condensate Exhaust Ducts	55	1	Range, Heavy Duty, Convection Oven, Gas
18	1	Spare Number	56	1	Spare Number
19	1	Condensate Exhaust Fan - In Mechanical	57	1	Vent Hood - In Mechanical Section
20	1	Filler System, Ice-maker	58	1	Spare Number
21	1	Ice Maker w/ Bin - Existing Equipment	59	1	Mobile Warming Cabinet - Existing Equipment
22	1	Floor Trough	60	1	Work Table with Pot Rack - Existing Equipment
23	1	Reach-In Refrigerator - Existing Equipment	61	1	2-Compartment Sink - Existing Equipment
24	1	Mobile Warming Cabinet - Existing Equipment	62	1	Work Table - Existing Equipment
25	1	Work Table	63	1	Spare Number
26	1	Baker's Table	64	1	Slicer - Existing Equipment
27	1	Ingredient Bin, 3	65	1	Work Table - Existing Equipment
28	1	Floor Trough	66	1	Food Chopper - Existing Equipment
29	1	60 Qt. Mixer - Existing Equipment	67	1	Spare Number
30	1	Scrapmaster	68	2	Cart, Utility - Existing Equipment
31	1	Spare Number	69	1	Dry Storage Shelving
32	1	Walk-In Cooler-Freezer	70	1	Dry Storage Damage Racks
33	1	Freezer Shelving	71	1	Rack, Can
34	1	Freezer Damage Racks	72	1	Reel Rinse, Control Box
35	1	Cooler Shelving	73	1	Hose Reel with Gun
36	1	Cooler Damage Racks	74	1	Air Curtain
37	1	Spare Number	75	1	Utility Faucet - In Mechanical
38	2	Rack, Pan - Existing Equipment	76	1	Ice Maker - Ice/Water Dispenser
			77	1	Table, Stainless Steel



Columbus
Jackson
Tupelo
800 864 2863
jbhm.com



PASCAGOULA-GAUTIER SCHOOL DISTRICT
GAUTIER ELEMENTARY SCHOOL
KITCHEN RENOVATION (RE-BID)

Revisions	By	Date
1	1	1

PASCAGOULA-GAUTIER SCHOOL DISTRICT
GAUTIER ELEMENTARY SCHOOL
KITCHEN RENOVATION (RE-BID)

555 MAGNOLIA TREE DRIVE
GAUTIER, MS 38555

K101
KITCHEN EQUIPMENT PLAN

Drawn By: [blank] Date: [blank]
Check By: [blank] Date: [blank]
Scale: [blank]
As Shown: [blank]

MURRAY
ORBAN

COMMERCIAL FOODSERVICE DESIGN CONSULTANTS

10000 Highway 100, Suite 100
Jackson, MS 39201
Phone: 601.978.1234
Fax: 601.978.1235
Email: info@murrayorban.com

High standards of design and construction are the hallmarks of Murray Orban. We are a team of professionals who work together to create functional, efficient, and beautiful foodservice environments. Our expertise spans from conceptual design to construction administration. We are committed to providing exceptional service and value to our clients.



MISSISSIPPI LANDMARK PERMIT

Mississippi Department of Archives and History

A COPY OF THIS PERMIT SHALL BE POSTED ON SITE

MDAH Project #: 02-089-23	Property Name: Gautier Elementary School
Date Received: 2/13/2023	Project Description: Cafeteria Renovations; New Construction
Inventory #: 059-GAU-0016-NR-ML	Permittee: Pascagoula-Gautier School District
Date Issued: 4/21/2023	Location: Gautier, Jackson County

The Mississippi Department of Archives and History has determined that the project referenced above is acceptable and in accordance with the Antiquities Law of Mississippi (Miss. Code Ann. § 39-7-3 *et seq.*) and the Secretary of the Interior's *Standards for the Treatment of Historic Properties*, provided that the following condition(s) are met:

If, in the course of the project, any human remains, cultural materials, such as pottery, nails or glass, stone tools, such as arrowheads, or animal bones are encountered, all work must cease and the MDAH Chief Archaeologist must be notified within 24 hours to respond in accordance with § 39-7-22 (3).

All work shall be executed in accordance with these conditions and the project plans submitted for review. This Permit is valid for one (1) year from the date issued. In the event of changes in or additions to the project, permittee shall submit supplementary plans to MDAH for review and approval.


Katie Blount, Secretary
Board of Trustees
Department of Archives and History


Billy Elzey, Superintendent
Pascagoula-Gautier School District

Please contact Clay Mapp at 601-576-6935 or mslandmark@mdah.ms.gov with any questions.

LETTER OF ENGAGEMENT – MARKET VALUE

October 4, 2023

Client: Pascagoula-Gautier School District
(c/o Jana Grenn - CFO)

Property Description: Gautier Elementary School Complex
(9.36 Acres with Gross Building Area of 38,284 +/- SF)
(Magnolia Tree Drive & De La Pointe Drive)

Property Contact: Jana Grenn (jgrenn@pgsd.ms)

Appraiser's Fee: (\$3,500 – payment due – see below)

Report Due Date: On or Before November 15, 2023

Appraiser(s) Name: John D. Myers
PO Box 459
Ocean Springs, MS 39566

Dear Jana:

This letter is to confirm my bid / communication concerning the above reference appraisal assignment request with (Pascagoula-Gautier School District) of the real property identified as the Gautier Elementary School, located at Magnolia Tree Drive & De La Pointe Drive, Gautier, Jackson County, Mississippi.

Appraiser Scope of Work:

My proposal is to prepare an appraisal report subject to the following conditions:

- 1) A Summary format report commonly utilized by financial institutions satisfying all USPAP standards (Uniform Standard Professional Appraisal Practice);
- 2) The appraiser will develop an opinion of market value based on current or recent market data which will primarily be via Improved Building Sales Approach. The appraiser will address all other applicable approaches to value but considering the age of the buildings and they were utilized as an elementary school property, only the most applicable approaches to value will be presented.

As outlined above, my fee to complete the appraisal assignment would be \$3,500. *Payment of 100% is due (upon delivery of the appraisal report) which will be no later than 45 days from the returned - signed engagement letter. The appraisal report will be emailed to you upon completion.*

All documents furnished to the appraiser from this client will be considered confidential information pursuant to the disclosure requirements in the confidentiality section of the ethics provision and Statement on Appraisal Standards Number 5. As noted, a PDF copy will be emailed once the report is completed.

Respectfully submitted,

I, the Client, accept and agree with terms of this engagement letter.



John Myers
jdmyers@myersandcompany.net

X 

CLIENT REPRESENTATIVE

Date

87010091.000 SCHOOL PASCA SEP MUNICIPAL DIS

PIDN: 87010091.000

GISP: 863.05-02-0036.00

Owner Information

Percent of Ownership: 100

Name: SCHOOL PASCA SEP MUNICIPAL DIS

Name 2:

Mailing Address:

0

Site Address: 505 MAGNOLIA TREE DR GAUTIER

Land Information

Section: 5

Acreage: 9.75

Township: 8

Range: 6

Street Name MAGNOLIA TREE
DR

Value and Tax Information

Total Assessed Value: 0

Total Appraised Value: 2013731

Improvement Value: 1976101

Land Value: 37630

Tax Amount: 0

SQ FT: 44044

Year Built: 1940

Legal Description

Description: LOT 2 BLK K RIVER OAKS S/D DB 20
0-431 (36 Map863.05-02)

Deed Book / Page: 200 / 431

87010091.000 SCHOOL PASCA SEP MUNICIPAL DIS

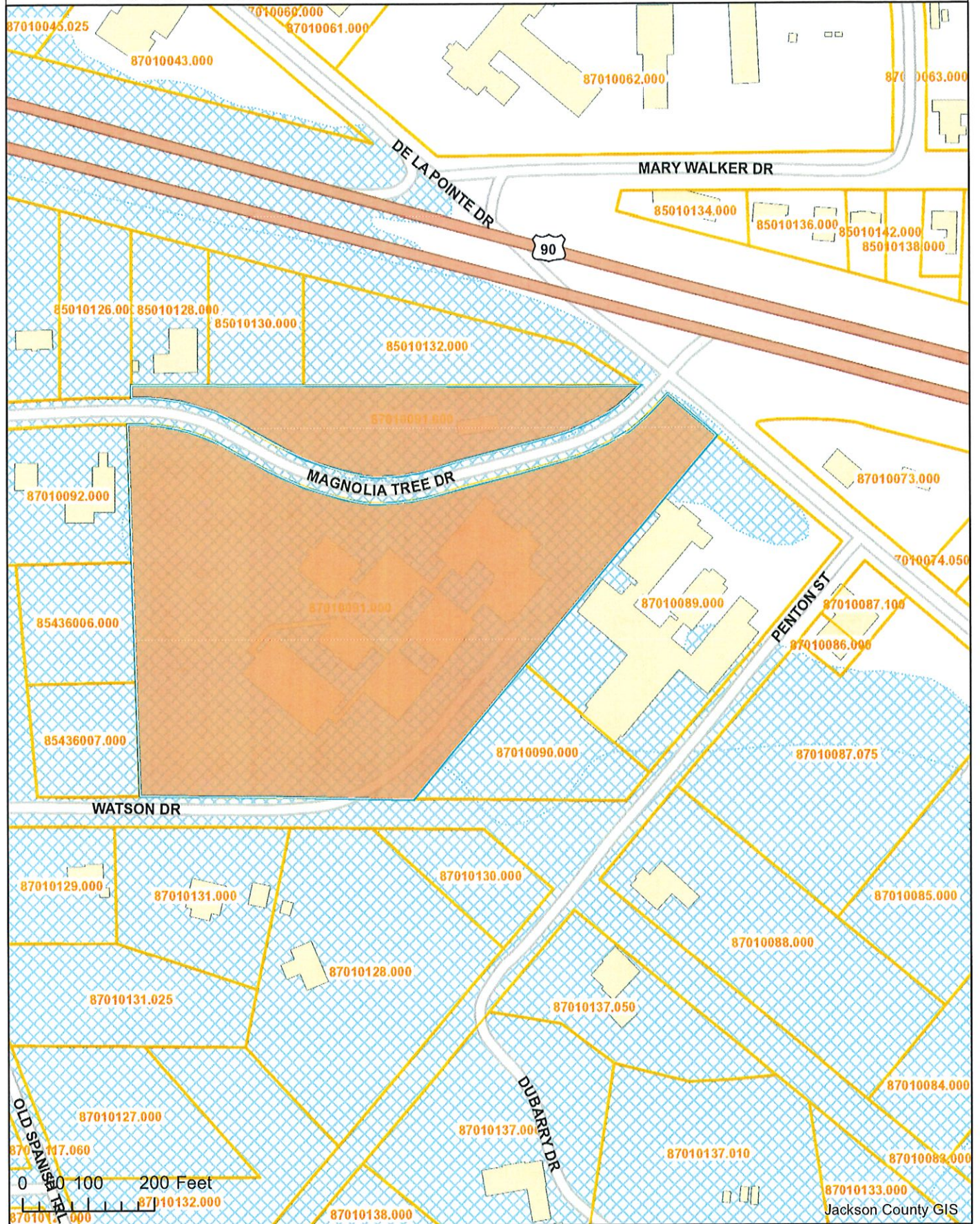


Exhibit A Location Map

Prepared by:
City of Gautier
Planning Department

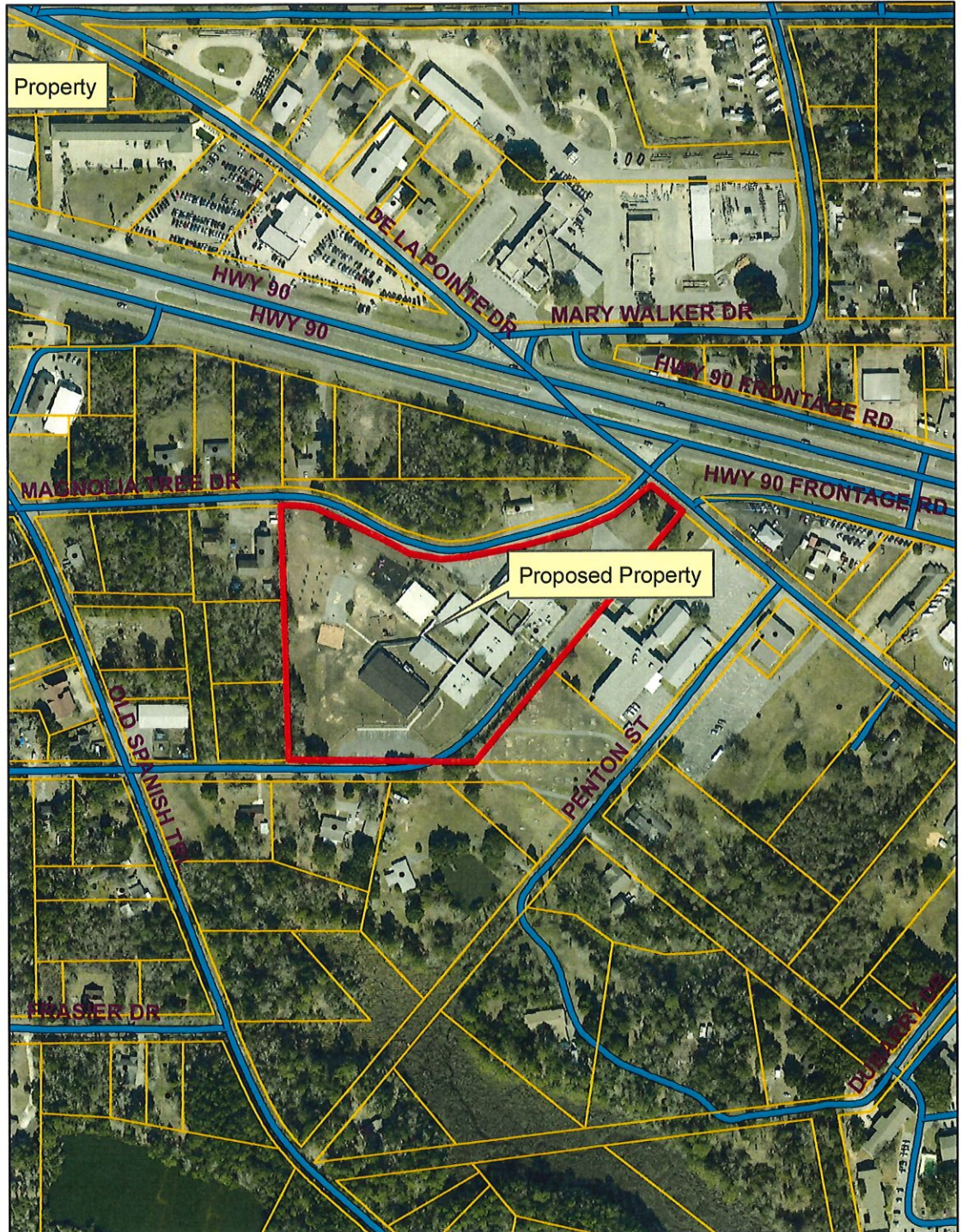


Exhibit B

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

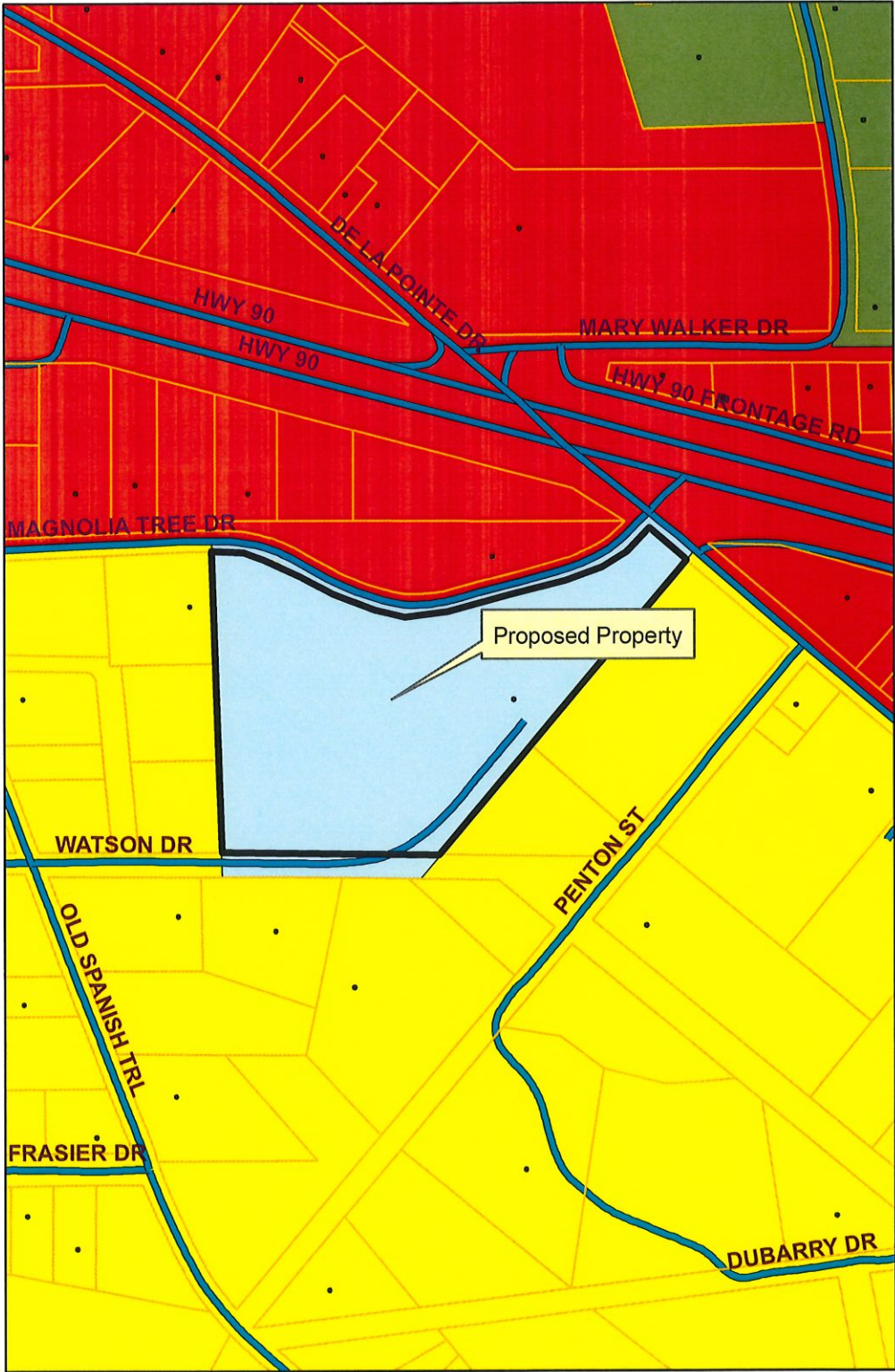


Exhibit C

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

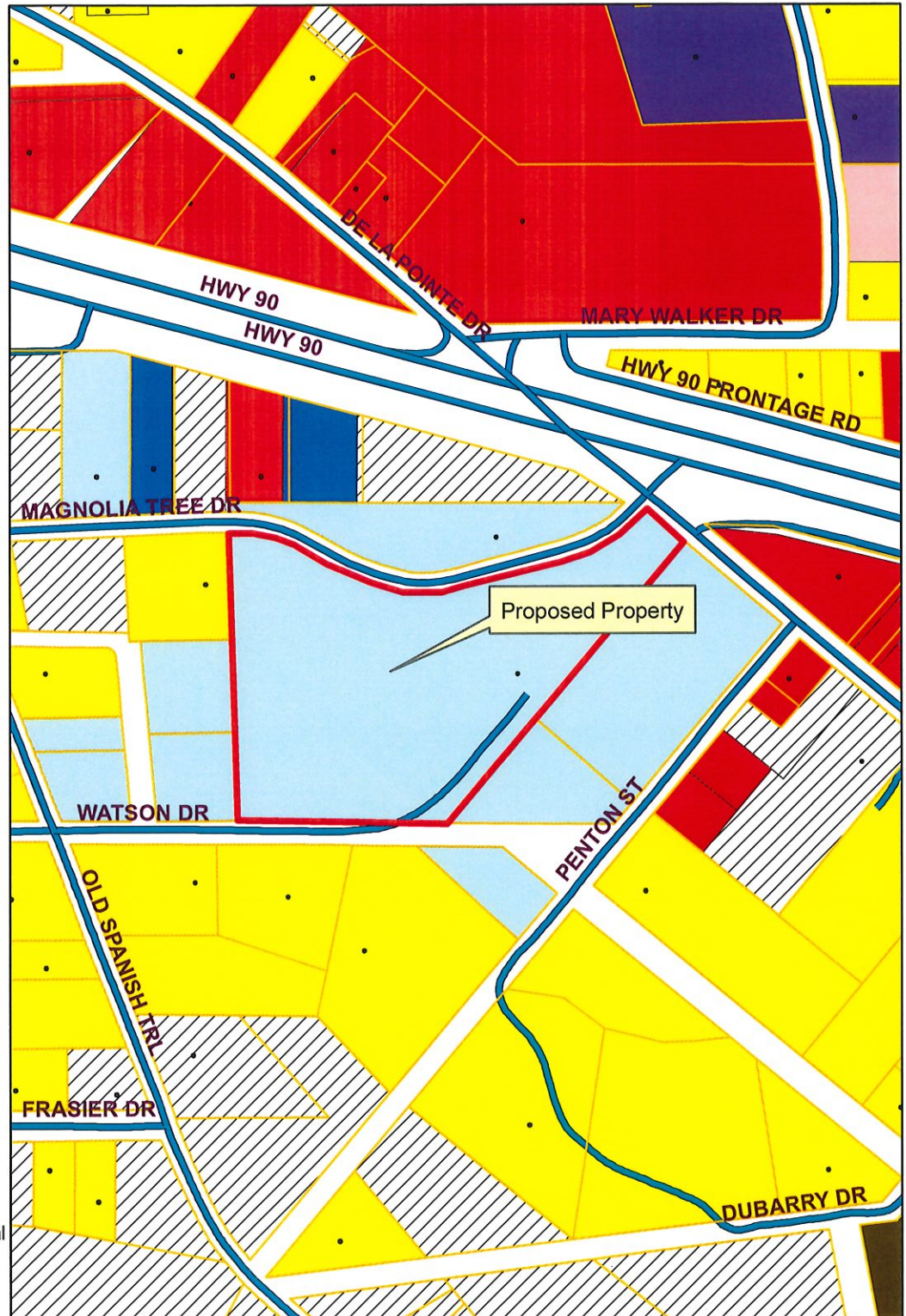


Exhibit D Future Land-Use

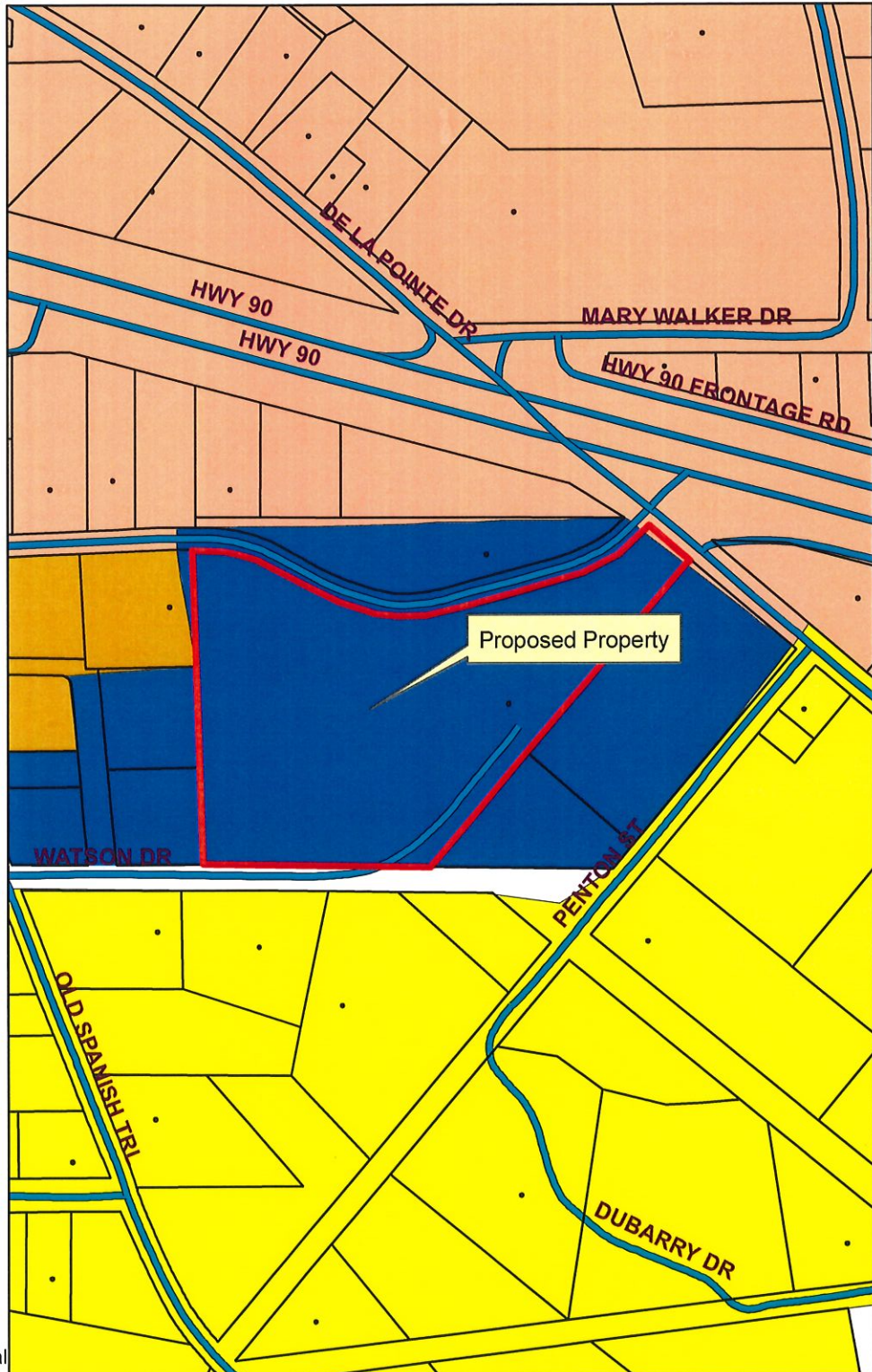
Prepared By:
City of Gautier
Planning Department

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

December 7, 2023

GPC #23-36-RZ

Roxanna Borries

C Byrd Road

PID #82420020.000

VII. NEW BUSINESS

3. Consider a request for a Property Owner Initiated Rezoning of Property located at C Byrd Road, PID #82420020.000, from R-2 High Density Multi-Family Residential to AG Agricultural. (GPC Case No. 23-36-RZ)

**CITY OF GAUTIER
STAFF REPORT**

To: Chairman and Members, Planning Commission

From: Scott Ankerson, Planning Director

Date: November 28, 2023

Subject: Consider a request for a Property Owner Initiated Rezoning of Property located at C Byrd Road, PID #82420020.000, from R-2 High Density Multi-Family Residential to AG Agricultural. (GPC Case No. 23-36-RZ)

REQUEST:

The Planning Department has received a request from Roxanna Borries for a Rezoning of property known as C Byrd Road, PID #82420020.000 from R-2 High Density Multi-Family Residential to AG Agricultural. The parcel is approximately 30 acres. The application fee of \$300 was paid on October 19, 2023. All public notice requirements have been met.

BACKGROUND:

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

DISCUSSION:

1. Location: C Byrd Road, PID #82420020.000. (See Exhibit A)
2. Existing Zoning: R-2 High Density Multi-Family Residential. (See Exhibit B)

UDO 5.3.5 R-2, High Density Multi-Family Residential District - Purpose and intent. The purpose of the R-2 District is to provide for resort-style communities offering a full range of living accommodations for Gautier residents. In addition to uses permitted within the R-1A District, this District allows for multi-family developments, residential condominiums, retirement communities and assisted living facilities. Complementary recreational facilities are also permitted and

permanent open space and/or recreational facilities are required for new developments within this district.

UDO 5.3.1 AG, Agricultural District - Purpose and intent. The AG District is intended to provide an area for low density residential development and small scale agricultural uses such as farms, and ponds for livestock or fowl. This zoning district is to encourage large lots, open space and single-family detached dwellings in an agricultural environment.

The provision of these zoning regulations shall not be exercised so as to require permits with reference to land used for agricultural purposes, or for the maintenance, repair or extension of farm buildings or farm structures.

DATA AND ANALYSIS:

Property requested for Rezoning: C Byrd Road, PID #82420020.000.

Location: Ward 1

Current Zoning of the Request Property: R-2 High Density Multi-Family Residential

Existing Land Use: Vacant. (See Exhibit C)

Future Land Use: Mixed Use Residential. (See Exhibit D)

Surrounding Zoning: AG Agricultural to the North, South and West, I-2 Industrial also to the West.

HISTORY:

This property is vacant and currently zoned R-2 High Density Multi-Family Residential.

REVIEW CRITERIA:

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

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

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

STAFF RECOMMENDATION:

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

CONCLUSION:

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

1. Recommend that City Council approve to Rezone the subject area from R-2 High Density Multi-Family Residential to AG Agricultural or
2. Recommend that City Council deny the Rezoning.

ATTACHMENTS:

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

VIS 12/8/23

GAUTIER, MISSISSIPPI
PLANNING DEPARTMENT
PUBLIC HEARING APPLICATION

Public Hearing Number

23-36-R2

TO BE HEARD BY GAUTIER PLANNING COMMISSION:

FEE:

Zoning Change

\$301.00

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

Name of Applicant:

Roxanna Borries

Name of Business:

Phone:

228-219-3812

Property Address:

82420020.000 C Byrd
560-5518 C Byrd MS

Mailing Address (if Different):

3018 Jonte Terrace St.
Pascagoula MS 39567

E-Mail Address:

Clancy.JE.Borries@gmail.com

Reason for request, location and intended use of Property:

There was a mistake in original

Zoning all surrounding property one AG and R1

ATTACHMENTS REQUIRED AS APPLICABLE:

N/A

1. Diagram of intended use, showing dimensions and distances of property, building with setbacks, parking spaces, entrances and exits.

2. A detailed project narrative.

MA

3. Copy of protective covenants or deed restrictions, if any.

VIA

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:

Roxanna Borries

Date of Application:

10/19/23

FOR OFFICE USE ONLY

Date Received

10/19/23

Verify as Complete

Bahs

Fee Amount Received

301.00

Initials of Employee Receiving Application

Bg

500px
R2

We are Rezoning Due to
Property being zoned R2.
All surrounding property are either
R1 or Ag. We are wanting
to sub divide property to build
a couple homes for family members.

OFFICIAL RECORDS JACKSON COUNTY, MS
Josh Eldridge, Chancery Clerk
Electronically Recorded
RECORDING FEE: \$ 26.00
MINERAL TAX: \$0.00
202316758
BK: 2135 PG: 279 - 281
08/24/2023 09:56:19 AM 3 PG(S)
Receipt # 19172

Prepared by and Return to:
Island Winds Title Company, LLC
906 Convent Avenue
Pascagoula, MS 39567
Telephone: (228)762-5110
Michael L. Fondren, Attorney at Law, Bar # 8941
Katy E. Boyer-Langston, Attorney at Law, Bar # 104333
James C. Fondren, Attorney at Law, Bar # 106478
Our File # 23-981

Indexing: Section 20, Township 7 South, Range 7 West

STATE OF MISSISSIPPI
COUNTY OF JACKSON

WARRANTY DEED

FOR AND IN CONSIDERATION of the price and sum of TEN AND NO/100
DOLLARS (\$10.00), cash in hand paid and other good and valuable consideration, the
receipt and sufficiency of all of which is hereby acknowledged, We/I

Eternity Development, LLC, A Mississippi Limited Liability Company,
5500 Ritcher Road, Ocean Springs, MS 39564, (228) 990-6641

do hereby sell, convey and warrant unto

Roxanna Borries and Jason Borries
16701 Highway 57, Vancleave, MS 39565 (228) 219-0319

As Joint Tenants with Rights of Survivorship, Not as Tenants in Common, that certain parcel of land situated in Jackson County, Mississippi, being more particularly described as follows, to-wit:

All of the West one-half of the Northwest Quarter of the Northeast Quarter and the Northwest Quarter of the Southwest Quarter of the Northeast Quarter of Section 20, Township 7 South, Range 7 West, Jackson County, Mississippi, being 30 acres, more or less. Further being identified as part of the same property conveyed to H.C. Applegate per instrument dated December 15, 1936 and filed of record in Deed Book 69, Page 504 and to W.E. Applegate per instrument dated November 4, 1944, and filed of record in Deed Book 87, Page 575, Land Deed Records of Jackson County, Mississippi. Further being identified as the same parcel of property conveyed to Terra Firma, LLC per Quitclaim Deeds of record in Deed Book 1377, Pages 116-139 and Deed Book 1377, Pages 144-146, Land Deed Records of Jackson County, Mississippi.

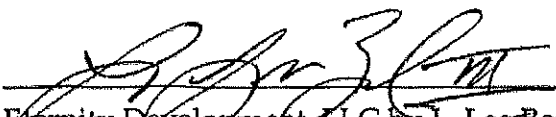
Parcel #82420020.000

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

This conveyance is made subject to the reservation of all oil, gas and minerals of record in the office of the Chancery Clerk of Jackson County, Mississippi.

It is agreed and acknowledged that the ad valorem taxes for the current year are prorated as of the date of this conveyance upon an estimated basis and are assumed by the Grantee(s) herein. When said taxes are actually determined, the Grantor(s) agree to pay the amount of any deficit due and the Grantee(s) agree to pay the Grantor(s) the amount of any excess paid, based on actual prorations.

WITNESS MY/OUR SIGNATURE, this the 23 day of August, 2023.


Eternity Development, LLC by L. Lee Bond III
Its Managing Member

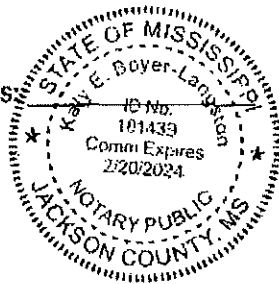
STATE OF MISSISSIPPI
COUNTY OF JACKSON

PERSONALLY APPEARED before me, the undersigned authority in and for the said county and state, on this 23 day of August, 2023, within my jurisdiction, the within named L. Lee Bond III, who acknowledged to me that he/she is Managing-Member of Eternity Development, LLC a Mississippi Limited Liability Company, and that for and on behalf of said limited liability company and as the act and deed of said limited liability company, he/she executed the above and foregoing instrument, after first having been duly authorized by said limited liability company so to do.

GIVEN under my hand and official seal, this the 23 day of August, 2023.

Whitney E. Boyer-Lancaster
Notary Public

My Commission Expires:
File #23-981



82420020.000 ETERNITY DEVELOPMENT LLC

PIDN: 82420020.000

GISP: 774.20-00-0017.00

Owner Information

Percent of Ownership: 100

Name: ETERNITY DEVELOPMENT LLC

Name 2:

Mailing Address: 5500 RITCHER RD
OCEAN SPRINGS MS
39564

Site Address: C BYRD RD GAUTIER

Land Information

Section: 20 Acreage: 30

Township: 7

Range: 7

Street Name C BYRD
RD

Value and Tax Information

Total Assessed Value: 450

Total Appraised Value: 3000

Improvement Value: 0

Land Value: 3000

Tax Amount: 67

SQ FT: 0

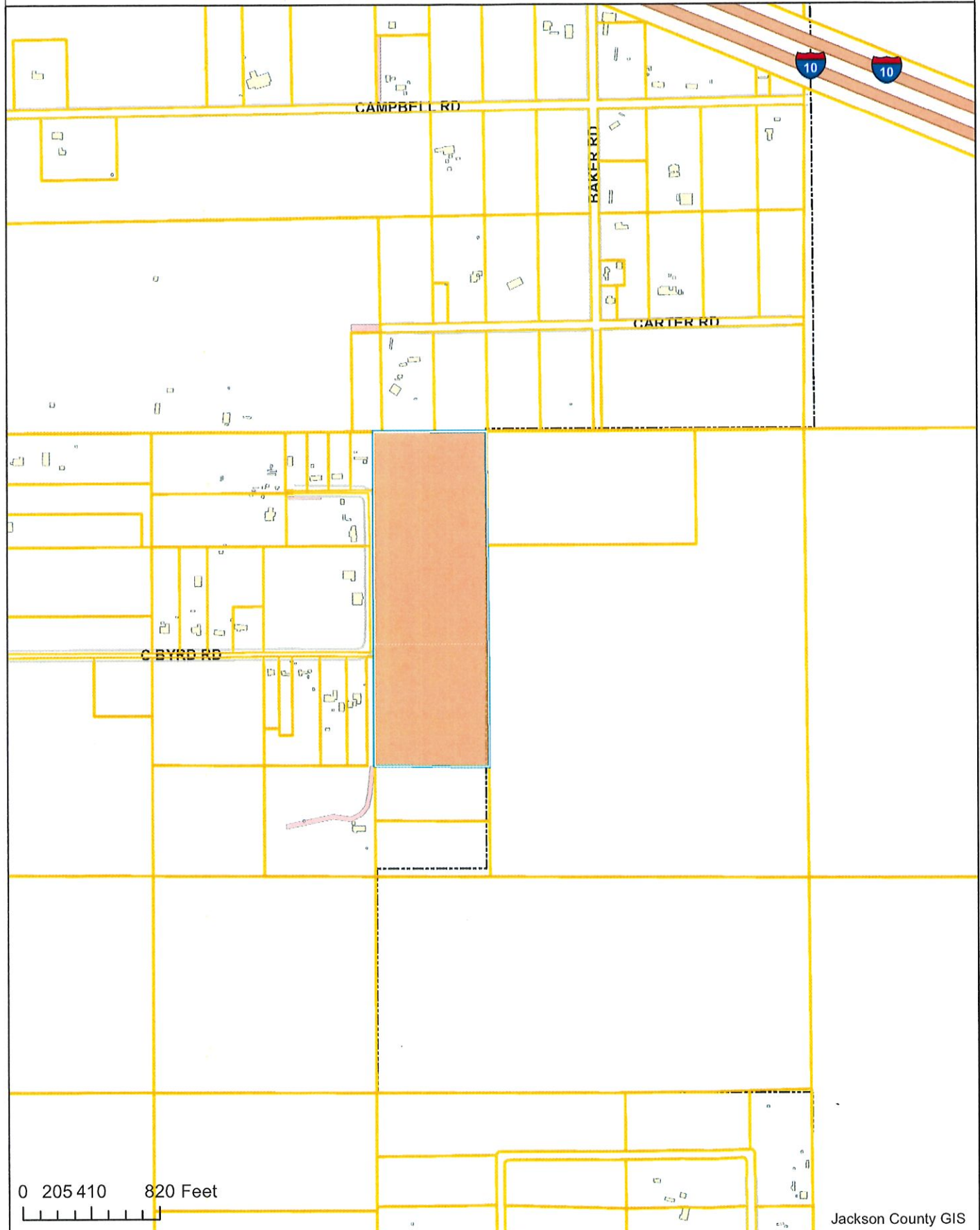
Year Built: 0

Legal Description

Description: W1/2 NW1/4 NE1/4 & NW1/4 SW1/4 N
E1/4 DB 1386-169 (17 MAP774.20)

Deed Book / Page: 1386 / 169

82420020.000 ETERNITY DEVELOPMENT LLC



0 205 410 820 Feet

Jackson County GIS

Exhibit A Location Map

Prepared by:
City of Gautier
Planning Department

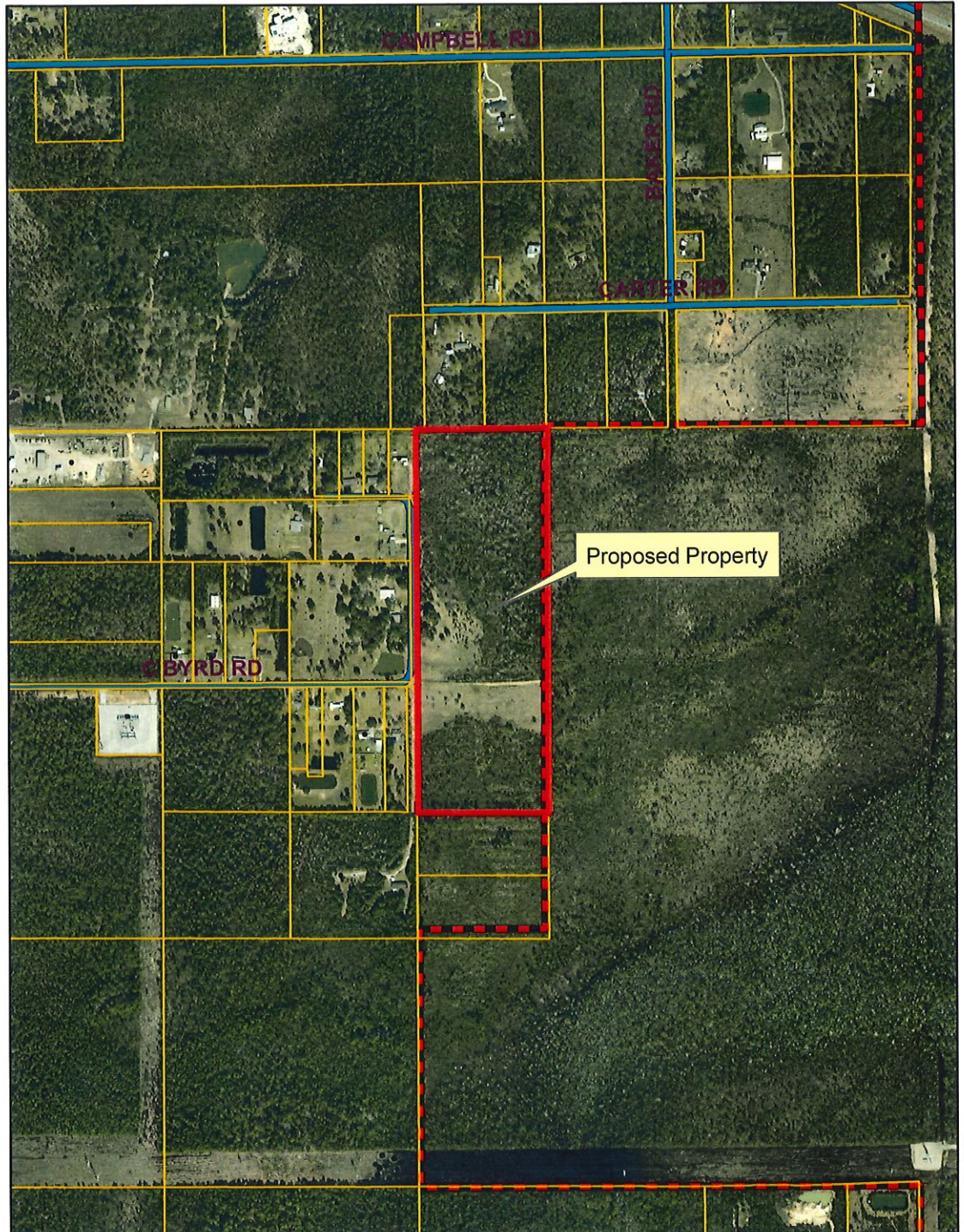


Exhibit B

Existing Zoning

Prepared by:
City of Gautier
Planning Department

Legend

Zoning ZONECODE

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

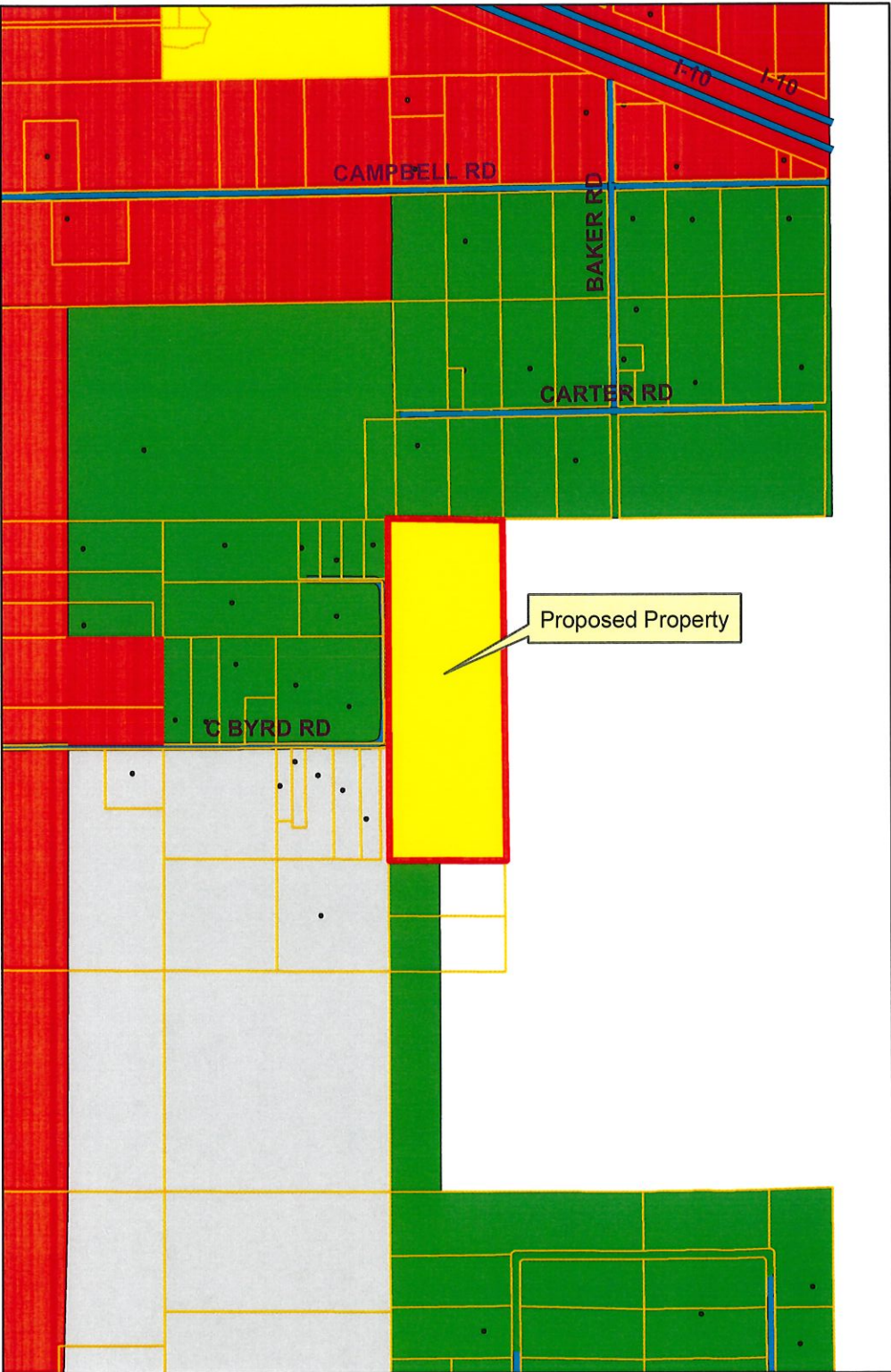


Exhibit C

Existing Land-Use

Prepared by:
City of Gautier
Planning Department

Legend

EXISTING LAND USE

ELU_08

- commercial-retail
- conservation
- civic
- industrial
- marina/fish camps
- high density residential
- mobile home
- mobile home park
- medium density residential
- office
- recreation
- very low to low density residential
- utility
- vacant

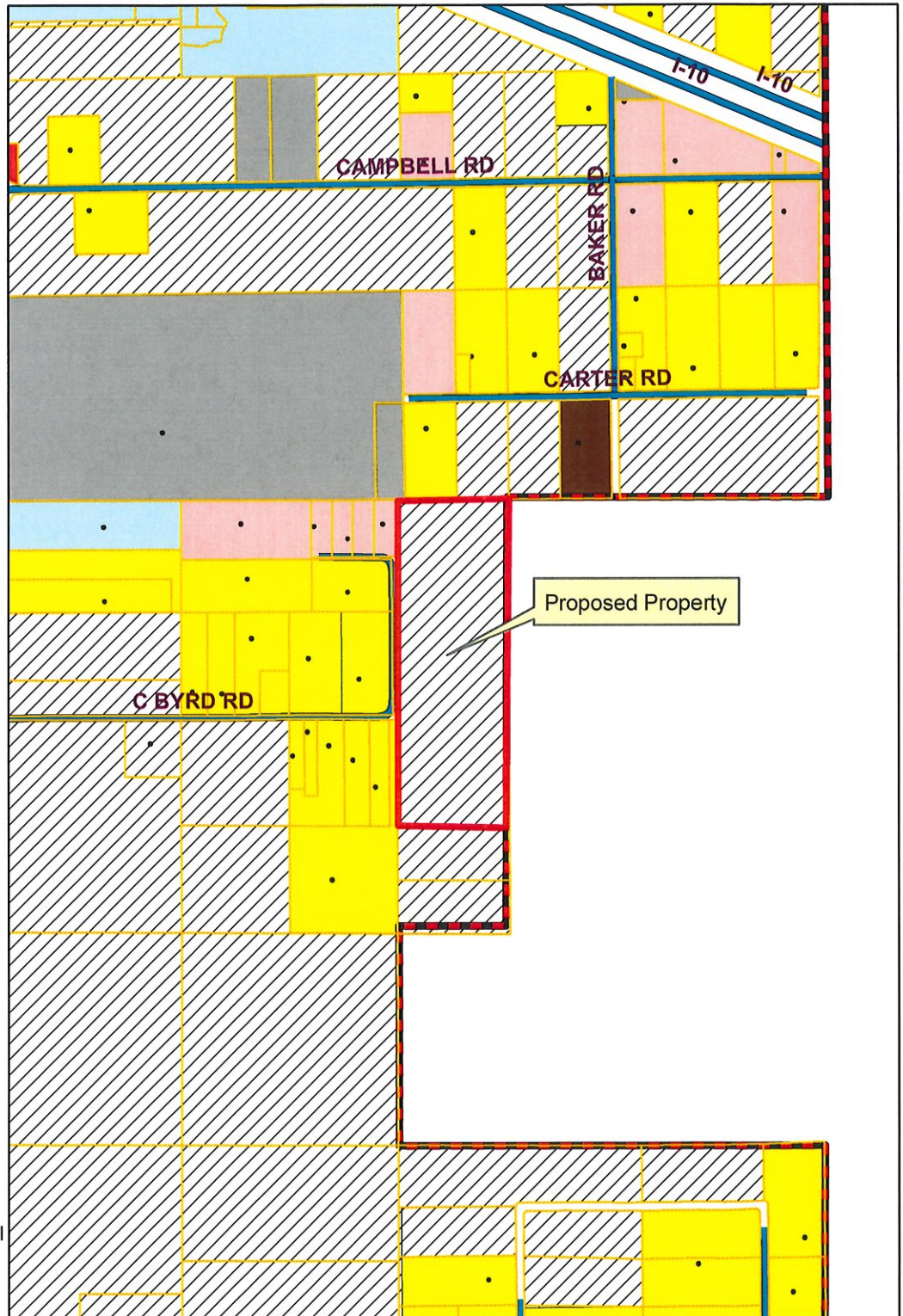


Exhibit D

Future Land-Use

Prepared By:

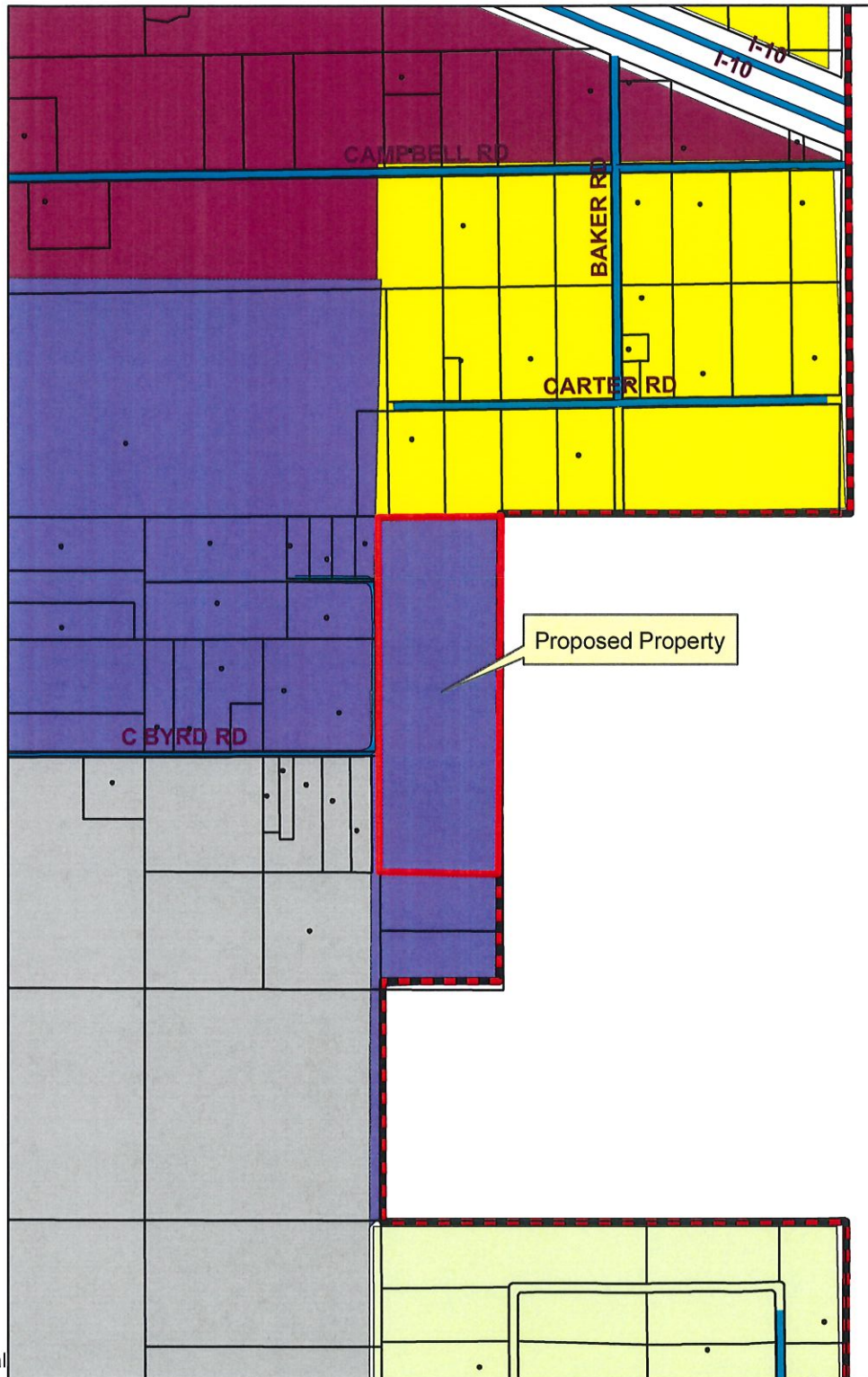
City of Gautier
Planning Department

Legend

FUTURE LAND USE

FLU_Class

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



Gautier Planning Commission

Regular Meeting Agenda

December 7, 2023

GPC #23-37-VAR

Carter Road, PID #85298083.000

VII. NEW BUSINESS

4. Consider a request for a Variance to minimum square footage requirements for a dwelling in an AG Agricultural Zoning District. Carter Road, PID #85298083.000, (GPC #23-37-VAR)

**CITY OF GAUTIER
STAFF REPORT**

To: Chairman and Members, Planning Commission

From: Scott Ankerson, Planning Director

Date: November 28, 2023

Subject: Consider a request for a Variance to minimum square footage requirements for a dwelling in an AG Agricultural Zoning District. Carter Road, PID #85298083.000, (GPC #23-37-VAR)

REQUEST:

The Planning Department has received a request from Brandi Bosarge for a one thousand five (1005) square foot variance for a dwelling in an AG Agricultural Zoning District. Carter Road, PID #85298083.000 (GPC #23-37-VAR). The application fee of \$175 was paid on October 20, 2023. All public notice requirements have been met.

BACKGROUND:

The applicant would like to build a three hundred twenty (320) square foot dwelling in an AG Agricultural Zoning District. The minimum square footage requirement for a dwelling in an AG district is thirteen hundred twenty-five (1325) square feet. She is proposing to use a high cube forty (40) foot shipping container as the shell.

DISCUSSION:

The applicant would like to build a tiny home using a high cube forty (40) foot shipping container as the shell. The structure would be approximately three hundred twenty (320) square feet. The minimum square footage for a dwelling in an AG district is thirteen hundred twenty-five (1325). The applicant is requesting a one thousand five (1005) square foot variance.

DETERMINATION OF APPLICABLE LAW:

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

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

of property. The establishment or expansion of a use not permitted shall not be allowed by Variance.

The UDO defines **Hardship** as:

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

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

UDO SECTION 4.18: Variance

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

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

4.18.1 Who May Initiate

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

4.18.2 Application for Variance

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

4.18.3 Administrative Variances

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

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

4.18.4 Criteria for Approval

The Variance application shall demonstrate the following:

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

RECOMMENDATION & CONCLUSION:

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

The Planning Commission may:

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

ATTACHMENTS:

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

GAUTIER, MISSISSIPPI

PLANNING DEPARTMENT
PUBLIC HEARING APPLICATION

Public Hearing Number

23-37-VAR

TO BE HEARD BY GAUTIER PLANNING COMMISSION:		FEE:
Variance	_____	\$176.00
*Includes \$1.00 filing fee per MS Code §25-60-5		

Name of Applicant: Brandi Mosarge

Name of Business: PID # 85298083.000 (AG) Phone: 228 261 1559

Property Address: 0 Carter Rd. 39504 Mailing Address (if Different): 2012 Magazine Street

E-Mail Address: Brandi2485@gmail.com Ocean Springs 39504

Reason for request, location and intended use of Property: Square ft. approval

0 Carter Rd. Home (1005 sq. ft. variance to house size)

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: Brandi Mosarge Date of Application: 10/20/23

FOR OFFICE USE ONLY	
Date Received <u>10/20/23</u>	Verify as Complete <u>Bals</u>
Fee Amount Received <u>176.00</u>	Initials of Employee Receiving Application <u>BL</u>

VARIANCE

Criteria for Approval

1. What special conditions and circumstances exist which are peculiar to this particular site (lot or parcel), structure or building involved and which are not applicable to other sites (lots or parcels), or structures or buildings in the same district?
2. Are these special conditions and circumstances a result of your actions? Explain.
3. How will the literal interpretation of the provisions of this Ordinance deprive you of rights commonly enjoyed by other properties in the same district under the provisions of this Ordinance? Explain.
4. Will the granting of the Variance requested confer upon you any special privilege that is denied by this Ordinance to other similar sites (lots or parcels), structures or buildings in the same district? Explain.

1. **What special conditions and circumstances exist which are peculiar to this particular site (lot or parcel), structure or building and which are not applicable to other sites (lots or parcels), or structures or buildings in the same district?** My tiny home will fall below the minimum sq. ft. requirements for the district.
2. **Are these special conditions and circumstances a result of your actions? Explain.** The tiny home I am wanting to build provides me with adequate living space since I am a single person with no dependents. Having a larger home serves no purpose for my housing needs. Being able to build my home will allow me to afford a safe, modern, luxury design without the cost of a standard, larger home.
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?** A literal interpretation of the provisions of this ordinance would deprive me of the opportunity to become a homeowner and enjoy the same amenities as existing homes in the district. With today's housing market being at its ultimate high, I am seeking to invest in an affordable, safe, sustainable, and economical home to call my own. The district currently allows mobile homes on properties within the district of Gautier, and this home will be built safer and more sustainable. As a single individual with no dependents, there are no additional benefits to me having a larger home and requiring me to do so would result in unnecessary costs in terms of construction and maintenance of the property.
4. **Will the granting of the Variance requested confer upon you any special privilege that is denied Ordinance to other similar sites (lots or parcels), structures or buildings in the same district? Explain?** Granting the Variance requested would not confer any special privilege since all of my district neighbors are eligible to apply for the Variance application.

NARRATIVE

The build of my cargotecture tiny home on 0 Carter Rd. Ocean Springs, MS will undergo similar construction as a standard home. Construction will require using a high cube 40ft shipping container as the shell. Wood stud framing, insulation, flooring, running water, electricity, heat and AC will be completed in the process of constructing my house.

Bedroom, kitchen, living space, and full bathroom will be included in my tiny home. Adding a full-length covered front porch will enhance the overall projected design of the build. The design of my home will entail an open floor plan with high ceilings of 9 ½ feet with two 48x96 French doors and a 72x96 sliding glass door in the bedroom, providing a modern well lite aesthetic.

Granting permission for my design will allow me the opportunity to become a homeowner and enjoy the same amenities as existing homeowners In the district. Allowing me to invest in an affordable, safe, sustainable, and economical home to call my own.

I hereby certify that this is a true and
correct copy of the original document.
Certified By *Charles Jordan*
Month 10 Day 16 Year 23

Prepared by:
David B. Pilger
Attorney at Law
1406 Bienville Blvd.
Ocean Springs, MS 39564
(228) 215-0011

Return To:
Pilger Title Co.
1406 Bienville Blvd.,
Ocean Springs, MS 39564
(228) 215-0011

Grantor:
P V & P Farm LLC
a Mississippi Limited Liability Company
P.O. Box 180731
Richland, MS 39218
(601) 608-8293

Grantee:
Brandi Bosarge
2012 Magazine St.
Ocean Springs, MS 39564
(228) 261-1559

File No. O236008N

INDEXING INSTRUCTIONS: A parcel of land situated in Sec. 17, T7S, R7W, Jackson County, MS

STATE OF MISSISSIPPI
COUNTY OF JACKSON

WARRANTY DEED

FOR AND IN CONSIDERATION OF the price and sum of TEN AND NO/100 DOLLARS (\$10.00), cash in hand paid, and other good and valuable consideration, the receipt and sufficiency of all of which is hereby acknowledged, **P V & P Farm LLC, a Mississippi Limited Liability Company**, does hereby sell, convey and warrant unto **Brandi Bosarge**, all of that certain tract, piece or parcel of land situated in Jackson County, Mississippi, together with all improvements, buildings, fixtures, and appurtenances thereunto belonging, and being more particularly described as follows, to-wit:

That certain parcel of land being situated in Section 17, Township 7 South, Range 7 West, Jackson County, MS also being known as Tract 64 in the unrecorded Plat in Fountainbleau Acres, being more particularly described as follows: The East Half of the Southwest Quarter of the Southwest Quarter of the Southeast Quarter, Section 17, Township 7 South, Range 7 West, Jackson County, Mississippi.

This being the same property as that conveyed to P V & P Farm LLC, a Mississippi Limited Liability Company, by instrument recorded Deed Book 1934, at Page 612, Land Deed Records of Jackson County, Mississippi.

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

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

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

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

WITNESS MY SIGNATURE, on this the 16 day of October, 2023.

P V & P Farm LLC
a Mississippi Limited Liability Company

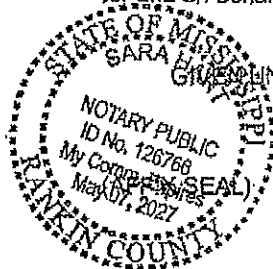


Pertis B. Watts
By: Pertis B. Watts, Sole Member

CORPORATE ACKNOWLEDGMENT

STATE OF MISSISSIPPI
COUNTY OF JACKSON

PERSONALLY APPEARED BEFORE ME, the undersigned authority in and for the jurisdiction aforesaid, the within named **Pertis B. Watts**, the **Sole Member of P V & P Farm LLC, a Mississippi Limited Liability Company**, who acknowledged before me that he signed, executed and delivered the above and foregoing instrument on the day and year thereof, for the use and purposes therein mentioned, for and on behalf of the aforesaid entity, after first having been duly authorized so to do.



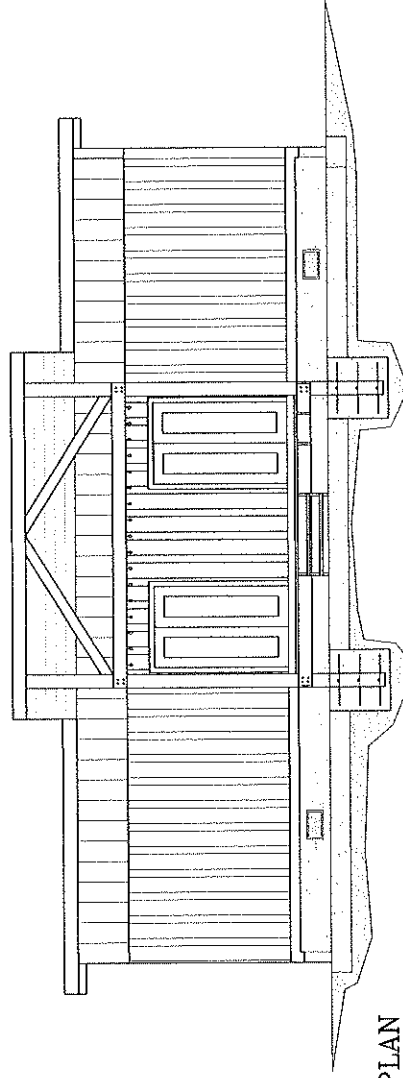
GIVEN UNDER MY HAND AND OFFICIAL SEAL, on this the 16 day of October, 2023.

Sara Harris
NOTARY PUBLIC

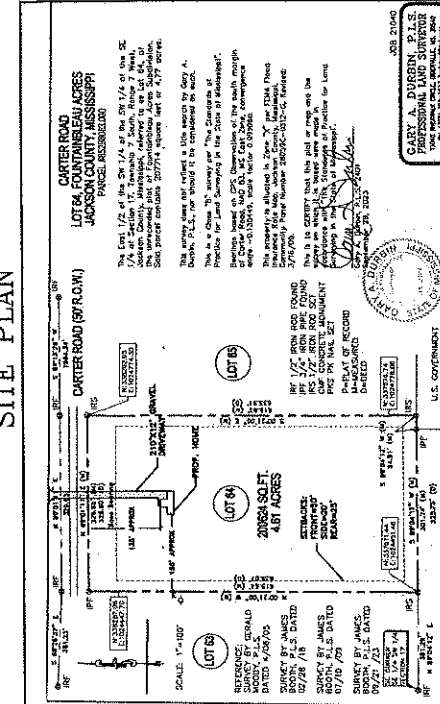
My commission expires: 5-7-2027

NEW HOUSE: BRANDI BOSARGE

0 CARTER ROAD
 PIDN 85298083.000
 JACKSON COUNTY, MS 39564



SITE PLAN



SHEET INDEX

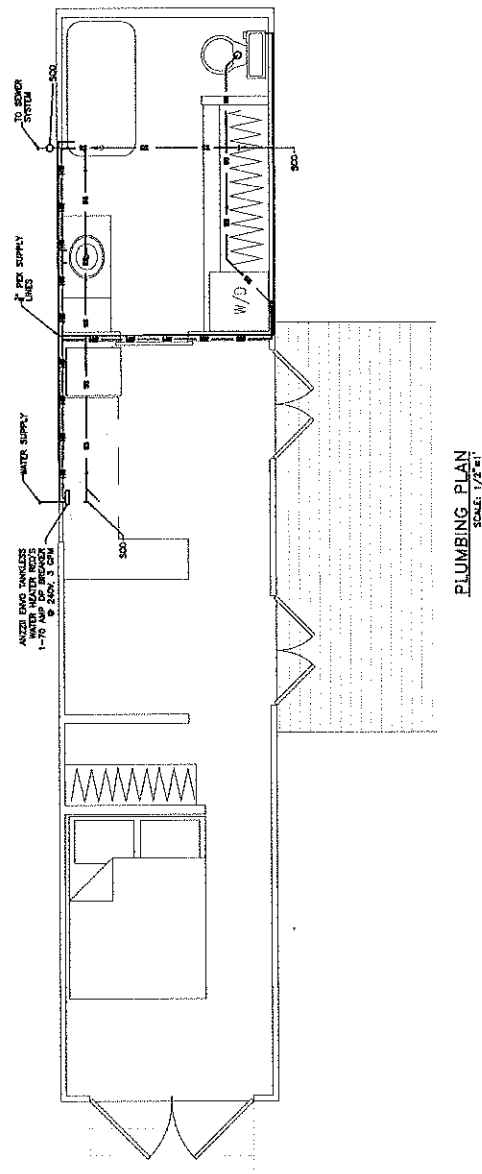
TITLE SHEET & SITE PLAN _____ T1
 FOUNDATION & FLOOR PLAN _____ S1
 ELECTRICAL, MECHANICAL & ELECTRICAL PLANS-UI _____ A1
 ELEVATIONS _____ A1

ALCAD

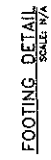


1979 BAYSIDE DR - BILOXI, MS 39532
 PH: 228-437-7533

JASON.ACAD@GMAIL.COM
 CIVIL ENGINEERING & CONSTRUCTION SERVICES



PLUMBING PLAN
SCALE: 1/2"=1'



85298083.000 P V & P FARM LLC

PIDN: 85298083.000

GISP: 774.17-00-0107.00

Owner Information

Percent of Ownership: 100

Name: P V & P FARM LLC

Name 2:

Mailing Address: P O BOX 180731

RICHLAND MS

39218

Site Address: CARTER RD GAUTIER

Land Information

Section: 17 Acreage: 0

Township: 7

Range: 7

Street Name CARTER
RD

Value and Tax Information

Total Assessed Value: 5694

Total Appraised Value: 37960

Improvement Value: 0

Land Value: 37960

Tax Amount: 842

SQ FT: 0

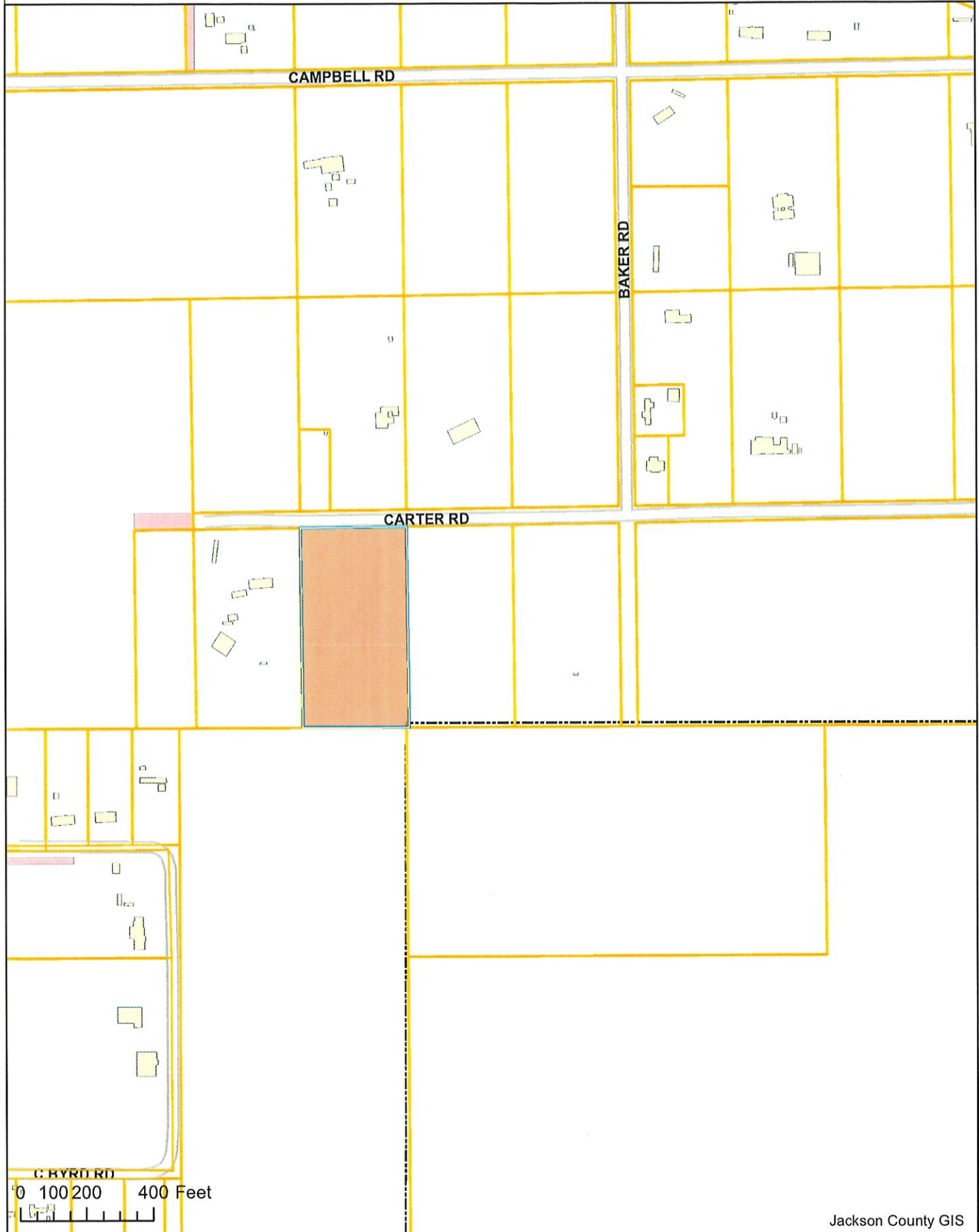
Year Built: 0

Legal Description

Description: LOT 64 FOUNTAINEBLEAU ACRES (E1/
2 SW1/4 SW1/4 SE1/4) DB 1934-612
(107 MAP774.17)

Deed Book / Page: 1934 / 612

85298083.000 P V & P FARM LLC



Jackson County GIS

Exhibit A Location Map

Prepared by:
City of Gautier
Planning Department

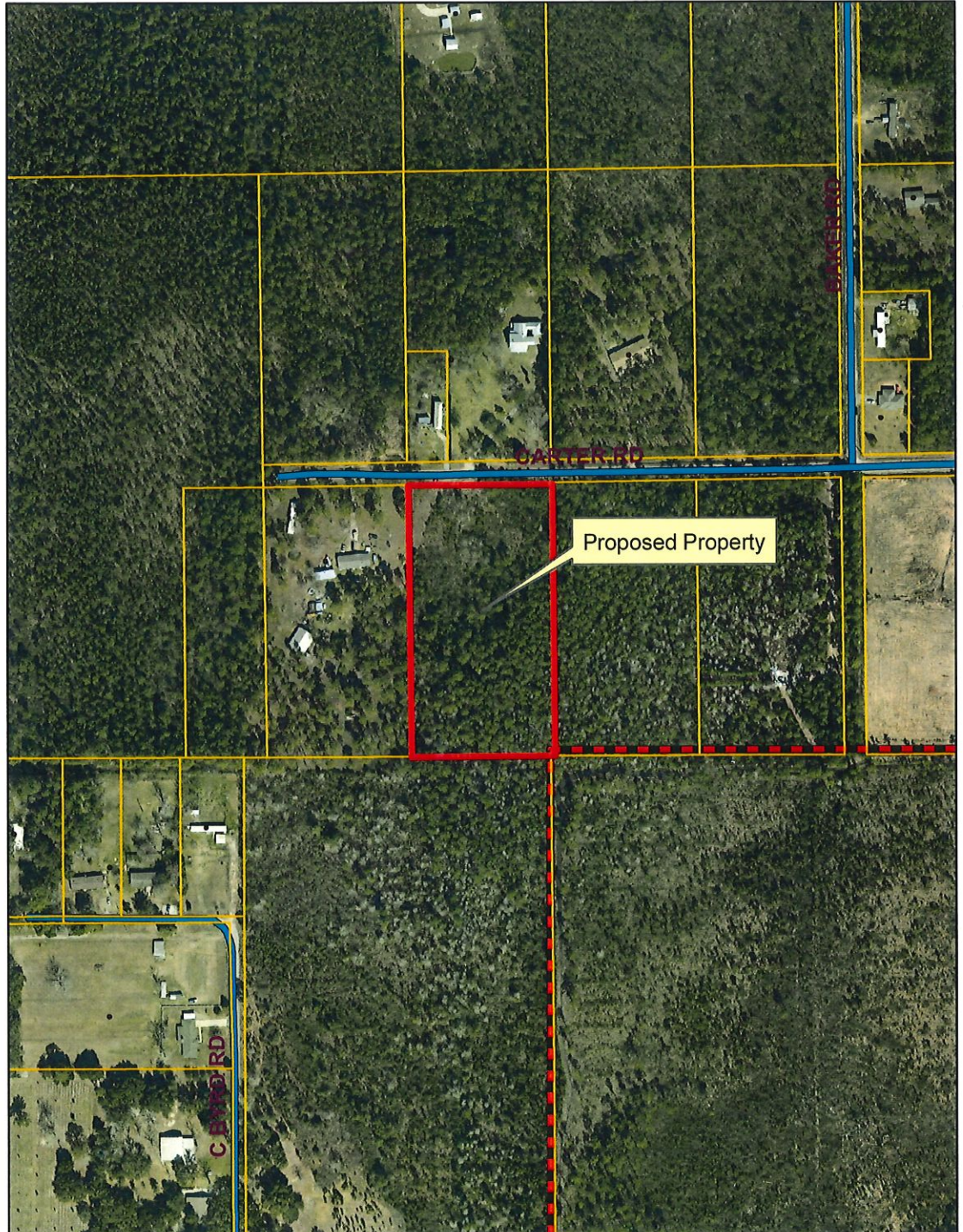


Exhibit B

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

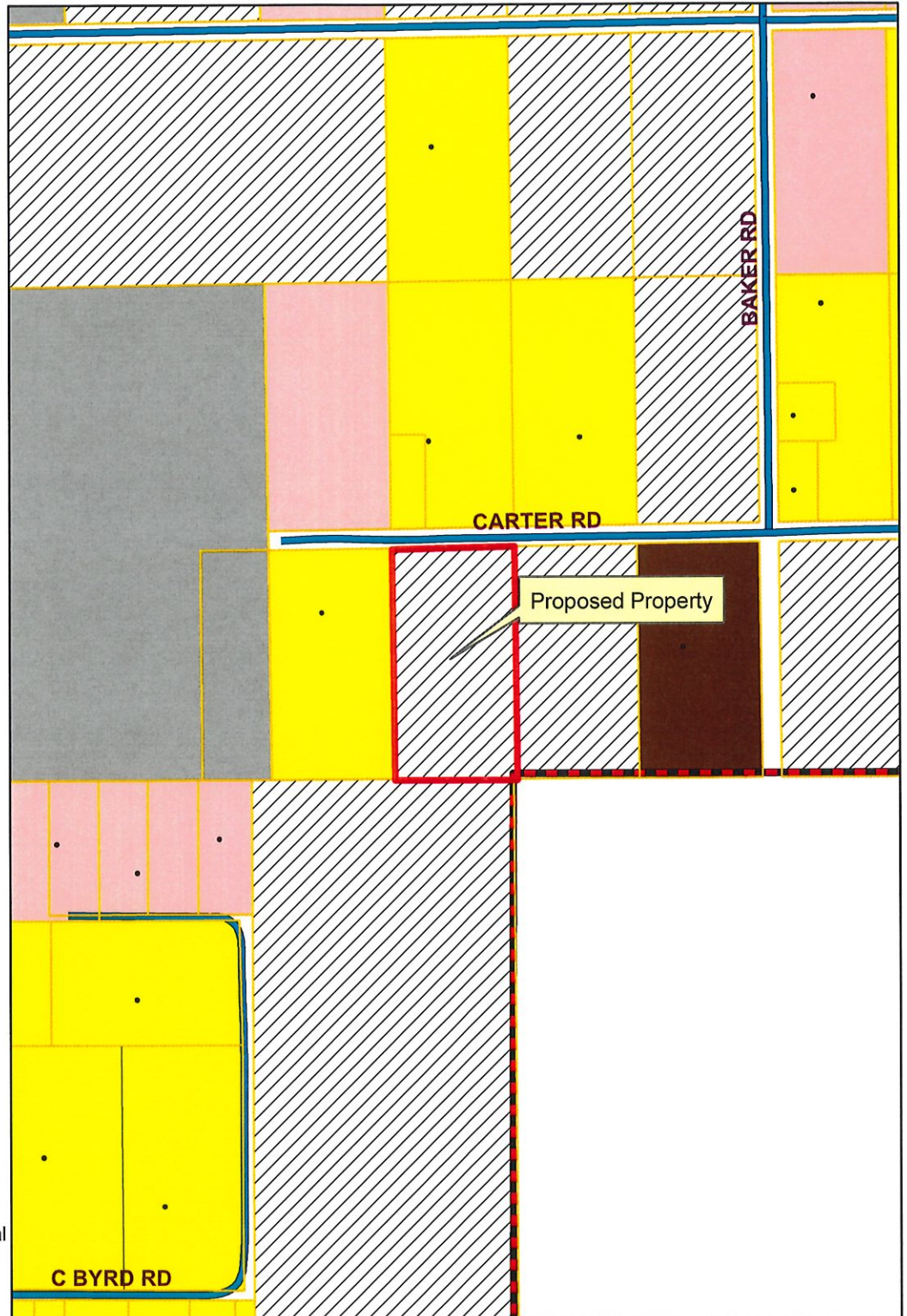


Exhibit D

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

