

AGENDA
GAUTIER PLANNING COMMISSION
February 1, 2024
5:30 PM

I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE (VOLUNTEER)

III. APPROVAL OF AGENDA

IV. APPROVAL OF MINUTES

1. Approval of Minutes December 7, 2023 & January 4, 2024

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

VI. OLD BUSINESS

VII. NEW BUSINESS

1. Consider a request for a Special Exception that would allow an expansion of an existing Child Care Center, Commercial, located in a R-1 Low Density Single-Family Residential Zoning District. 3005 Holly Drive, (GPC #24-05-SE)
2. Consider a request for a one-foot (1') Variance to fence height requirements in a R-1 Low Density Single-Family Residential Zoning District. 725 Graveline Road, (GPC #24-06-VAR)
3. Nominations for the Larry Moran Excellence Award for 2023

VIII. GENERAL DISCUSSION

1. PREVIOUS CASE UPDATES
2. PERMIT & TRC REPORTS

IX. ADJOURN

**DECEMBER 7, 2023
GAUTIER, MISSISSIPPI**

BE IT REMEMBERED that a meeting of the Gautier Planning Commission of The City of Gautier, Mississippi, was held on December 7, 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, Maurice Hudson, and DeAnna McManus. Also present were Scott Ankerson, Planning Director, Josh Danos, City Attorney, and Babs Logan, Planning Technician. Absent was Chris Hoover.

AGENDA

GAUTIER PLANNING COMMISSION

DECEMBER 7, 2023

5:30 P.M.

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

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

IX. ADJOURN

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

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

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

ABSENT: Chris Hoover

Motion Passed

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

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

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

ABSENT: Chris Hoover

Motion Passed

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

OLD BUSINESS - None

NEW BUSINESS

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

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

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.

Chairman Jamison asked the applicant to present his case.

Josh Seal, representing the applicant Riverside Auto Sales, said they would like to build a new accessory building that would be larger than the business office or main structure. They currently have numerous existing accessory buildings which are old, and a few are kind of dilapidated. They would like to remove four of those structures and put one nice structure on the property in their place. The other two accessory structures would be moved next to the new building. The new building would be metal with a stucco façade.

Commissioner Davis asked what the new building would be used for.

Mr. Seal said it would be used for the same thing they do on the property already. They would be reconditioning, and inspecting the vehicles by checking the oil, fluids, lights, etc.

Commissioner Davis asked if it would be an automotive shop of sorts.

Mr. Seal stated that it would be to an extent, but only for their business use to prepare their cars for sale. There would be some minor work done there but some things would have to be sent to an outside shop. It would not be for the public.

Commissioner Ward asked Mr. Ankerson if any of the buildings the applicant wanted to move were included in the discussion of the square footage for this variance.

Mr. Ankerson stated that the square footage of the existing buildings was not included. The Ordinance requires that accessory structures in this district must be subordinate in size. The main building or office building is 1800 square feet. One square foot above that would not be subordinate.

Commissioner Ward asked if the two buildings they want to keep should be included in the variance square footage.

Mr. Ankerson advised that the total square footage for the variance would not include the two accessory buildings that would remain. He explained that when asking for a variance for square footage of an accessory structure in a residential district a total square footage is given that it must not exceed, but in this district/case the UDO states that an accessory building should be subordinate to the principal use.

Commissioner Davis noted that new car dealerships are allowed vehicle repair and body shops that are much bigger than their office building. Even though this is a used car business he said he sees it as much the same as other dealerships only it is disconnected. Given the situation of the applicant's property he can see where it needs to be disconnected.

Mr. Ankerson said he and the applicant had discussed that if the proposed building was connected to the main structure, even by a covered walkway, they would not need a variance. The Ordinance allows for a maintenance shop situation for a new car dealership, but it doesn't for a used.

Commissioner Jamison asked how tall the structure would be.

Mr. Seal said it was about 17 feet in the front and about 14 feet in the back.

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

ACTION TAKEN:

Commissioner McManus made a motion to recommend that the City Council approve the variance as presented with the stipulation that the buildings are removed within ninety (90) days after the construction of the new building.

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

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

ABSENT: **Chris Hoover**

Motion passed.

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)

Scott Ankerson, Planning Director, gave a brief overview of the case. He stated that this case was different than what the Commission was used to hearing and that in the eight years he has been here there hasn't been a variance issued to the City's Flood Damage Prevention Ordinance (FDPO) requirements. He advised that he has had extensive training through FEMA and MEMA and that he is State Certified in Floodplain Management. There are very limited circumstances where it is okay to give a variance to flood zone properties because it causes a higher risk for damage to life and property when you start varying from your protection Ordinance. He spoke with a representative from MEMA concerning the fact that this is a Mississippi landmark which makes it very different than someone who just doesn't want to follow regulations. After talking to the MEMA representative, he decided to bring it before the Commission for consideration. The criteria for building below the Base Flood Elevation (BFE) is that you cannot improve the structure more than 50% of its market value and the applicant is asking to exceed that 50% by quite a lot.

Chairman Jamison asked if the greater than 50% is just the one building the cafeteria is in or does it include all the other buildings.

Mr. Ankerson said that it was structure by structure, where each building would have its own appraisal and it would be based on the appraisal of that structure. In approving this, the Commission would be approving a variance to the Flood Damage Prevention Ordinance that allows the applicant to improve the structure that is below Base Flood Elevation above the 50% limitation.

Chairman Jamison asked how the variance would affect the school district's insurance.

Mr. Ankerson said that he didn't know about the school district's insurance but as far as the city is concerned it is our Community Rating System (CRS) score that affects the insurance premiums for the property owners in the City of Gautier. The city currently has a CRS score of 8. If the city maintains that score, the property owners within Gautier will get points for a discount on their premiums. FEMA uses the CRS to audit cities to make sure they are enforcing their ordinances and extra standards. One of their incentives is to give citizens savings if a city adopts standards that are above the Code of Federal Regulations Standards. Gautier currently has some standards that are above those regulations.

Chairman Jamison asked if the CRS was okay with the city approving a variance because it is a historical site.

Mr. Ankerson said that CRS does not have anything to do with this. They would just look to see if we are following our Ordinance. So, if the Commission and Council approves the variance then CRS would only look at whether the ordinance criteria were followed.

Commissioner Decoteau asked if a historical site was allowed to be modified would they allow it to be raised.

Mr. Ankerson told him that would be between the school district and the Mississippi Department of Archives and History (MDAH).

Commissioner Davis asked what they were trying to protect with the 50% rule.

Mr. Ankerson said paying out for damage due to flooding, especially repetitive loss properties below base flood elevation, and protection of life and property.

Commissioner McManus asked if Mr. Ankerson knew how far below base flood elevation the school was.

Mr. Ankerson said it was about two or three feet below. He also noted that the structure had been there since around 1940.

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.

Chairman Jamison asked the applicant to present their case.

Ryan Florreich, with JBHM Architects, P.A. and representing the Pascagoula-Gautier School District (PGSD), said they have been permitted through MDAH to do the renovations. They had asked about elevating the structure, but MDAH would not approve that. The last remodel on the kitchen was in 2007 when there were 186 students enrolled at the school. At that time, they had one serving line. The standard is one serving line per 200 students. In 2013 eight new classrooms were added with an enrollment of 351 students. A temporary serving line was added to accommodate the increased enrollment, but it was not a good situation. They have not been able to add additional needed walk-in cooler space. Currently there are 455 students enrolled which is why they are pursuing these renovations to make the situation better for the kids. He added that the structures built in 2013 and the current construction are elevated to the required elevation.

Chairman Jamison asked if the renovations would be just in the kitchen area or would it extend into the other areas of that structure.

Mr. Florreich said they are doing a little on each side to make extra space for the serving line but essentially, they are just enlarging the kitchen and the serving area inside the existing building.

Commissioner Davis asked if the School Board had approved the expenditures for the renovations and if so when had they approved it.

Mr. Florreich said it had been approved around September or October of this year.

Commissioner Davis asked if the School Board thought this was the best option considering the cafeteria is at a risk of flooding at some point.

Mr. Florreich said he assumed they did.

Chairman Jamison asked if utilizing some of the existing kitchen was one of the reasons for not relocating the cafeteria.

Commissioner Ward said the cost of a new cafeteria probably far exceeded the cost of renovations.

Mr. Florreich said that was true and the newer construction had taken up most of the available space for relocation.

Mr. Ankerson reminded the Commissioners of the criteria for a variance for the Flood Damage Prevention Ordinance since it was different than the variance criteria they were used to working with. The criteria for a variance was: 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 ordinance. The applicant will have the engineer submit a "no rise" certificate saying that the work will not increase flood heights.

Commissioner Decoteau asked what the appraised value was in determining what the 50% mark would be.

Mr. Florreich said the appraiser they talked to said it was just about impossible to segregate that structure from all the structures on the campus although they did look at the County's appraisal for the property.

Mr. Ankerson said this was a 1.2-million-dollar project and looking at the County's appraisal because of the situation of this being a unit, it wasn't very easy to get that appraisal.

Mr. Florreich said the County had it valued at about 3 million for the whole campus but based on the amount for the renovations 50% was easily exceeded.

Chairman Jamison asked if it was more than 50% of the value of the entire property or the structure.

Mr. Ankerson said it can't be over 50% of the value of the structure. He reminded them that the applicant already had a permit from MDAH, so you have one state affiliation that has permitted the renovations. When he talked with the MEMA representative the first question they asked was if MDAH had permitted it.

Commissioner Decoteau asked if approving the variance would affect the city's CRS rating.

Mr. Ankerson said that as long as the variance is approved with a finding of fact, then he wouldn't think so.

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

ACTION TAKEN:

Commissioner Ward made a motion to recommend that the City Council approve the variance as presented due to the unique characteristics presented.

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

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

ABSENT: Chris Hoover

Motion passed.

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)

Scott Ankerson, Planning Director, gave a brief overview of the case. His opinion is that this parcel was rezoned as part of the rezoning done in 2010 with the Comprehensive Plan. He said he didn't see why a single parcel would be zoned R-2 in that area which is surrounded by Agricultural zoning. The applicant told him that he wanted to divide the property and build two homes on it. Single-Family homes are not allowed by right in this district. It makes more sense to ask for a rezoning than a Special Exception which goes with the owner. If he got a Special Exception and later decided to sale one of the homes the potential buyer would have to be approved for a new Special Exception which could possibly be denied. With the investment being made in the property the best route would be a rezoning back to Agricultural. A single-family home would be in harmony with the existing area.

Commissioner Ward noted that this was the area where they had seen several mistakes in the zoning over the last several years.

Mr. Ankerson said he felt it would be safe to make the finding that this was a mistake in the zoning. There hasn't been any multi-family built on it since the Comprehensive Plan in 2010 and it is surrounded by Agricultural land.

Mr. Hudson asked if the bird sanctuary land was adjacent to the property.

Mr. Ankerson said it was, but that area is outside Gautier city limits.

At this point **Josh Danos**, City Attorney, recused himself and left the room.

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.

Chairman Jamison asked the applicant to present his case.

Charlie Green, representing the applicant, stated that Jason and Roxanne Borries own the land and they would like their two children to be able to build their homes there. The homes will be valued at more than a half million dollars. They expect to have some of their grandchildren build on the land later. The property is approximately 31 acres and there could possibly be some wetlands on the property.

Clancy Borries, also representing the applicant, came to the podium to answer questions also.

Commissioner Ward asked if the applicant owned any of the property on Carter Road that connects to this property. and how would the property in question be accessed.

Mr. Borries said that the property fronted on C Byrd Road and both houses would have road frontage on C Byrd Road.

Mr. Ankerson stated that according to the Ordinance the lot must have a certain amount of road frontage.

Cherie Yeager-Smith, neighbor at 5600 C Byrd Road, stated that her issue with the property being zoned Agricultural is hunting being allowed on Agricultural property. She said that she live on a residential piece of property and she doesn't want hunting/shooting done next to her property.

Chairman Jamison advised Ms. Yeager-Smith that most of that area was already zoned Agricultural. The other property adjacent was zoned Industrial.

Mr. Ankerson advised that the City Ordinance states that you cannot discharge a gun in city limits. Bow hunting is allowed in any zoning district, however.

Commissioner Hudson told Ms. Yeager-Smith that if she was hearing gunshots someone was violating the law and she should report it.

Ms. Yeager-Smith said there were two new shooting houses on the property now.

Mr. Borries explained that an older gentleman that works for them likes to hunt, but is unable to now, likes to sit up there and watch the wildlife that comes across the property. He does not hunt there though.

Commissioner Davis asked if knowing that it is illegal to discharge a firearm in City limits make her more comfortable about the hunting situation.

Ms. Yeager-Smith stated that she did feel better about the issue.

Commissioner Hudson asked Mr. Ankerson to clarify not being allowed chickens or roosters making noise in the heart of the city but them being allowed in the Agricultural District.

Mr. Ankerson advised that the city has an Animal Control Ordinance that is enforced by the Police Department that allows fowl and livestock. It is not based on zone it is based on the square footage of the property.

Commissioner Ward stated that with the current zoning being R-2 apartments could be built on the property which would basically be multiple dwellings on the property. In his opinion that is not conducive to the characteristics of the neighborhood. Changing the zoning to Agricultural would be more conducive to the neighborhood which is why it can be said there was a mistake in the zoning.

Willis Budnick, neighbor at 5900 Carter Road, stated he had no objection to the rezoning. He has lived on Carter Road since the 1990's. He stated that he remembers a lot of people being against the zoning change from AG to R-2 for apartments. One of the reasons being the traffic that it would create in that area. It was his understanding that after looking at the pros and cons the developer decided not to proceed with the apartments.

Commissioner Ward asked Mr. Budnick if he remembered when that was.

Mr. Budnick wasn't sure of the year.

Mr. Ankerson said he wasn't here when it happened, so it had to be at least nine years ago. He has not been able to confirm that this was a separate zoning from the Comprehensive Rezoning in 2010 when a lot of rezoning was done at once. So the Commission should be able to see this case as a mistake in the original zoning.

Ms. Yeager-Smith said she thought it was around 2010.

Commissioner Hudson asked if the applicant would be held to only build the two homes they had talked about or could they build what they wanted to.

Commissioner Ward stated that they will be able to build to City Ordinances, whatever City Ordinances allow.

ACTION TAKEN:

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

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

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

ABSENT: **Chris Hoover**

Motion passed.

-
-
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)

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

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.

Chairman Jamison asked the applicant to present her case.

Pam Molar, representing the applicant Brandi Bosarge, stated that Ms. Bosarge wanted to build a container home on the property. The home would have a nice porch with French doors opening onto it. This will be her first home and she plans to make it really nice.

Chairman Jamison asked if the applicant had considered a mobile home which is allowed in an Agricultural district with approval of a Conditional Use.

Ms. Molar said the applicant chose the proposed because it was more feasible, monetary, and aesthetically pleasing for her.

Chairman Jamison asked if the proposed home was cheaper than mobile homes.

Ms. Molar said it probably would not be.

Commissioner Hudson asked if a Conex box home was legal.

Mr. Ankerson said that it would be if the variance was approved.

Chairman Jamison asked if Ms. Bosarge liked the Conex box more aesthetically than building a regular home.

Ms. Bosarge stated that she did and that structurally it was better than a mobile home. It will be anchored down and give her a chance to have a modern touch to her home. There will be a front porch with a roof coming over both the dwelling and the front porch.

Mr. Ankerson addressed Commissioner Hudson's previous question about it being legal to have a Conex box home. He said this was a new area for the city because this is the first request the city has had like this. However, these types of homes are becoming trendy.

Ms. Molar stated that the property is five acres, and this is somewhere she can make a start as a homeowner.

Mr. Ankerson asked to clarify the request. The request is not for a Conex box home. The request is whether she can have a 320 square foot home instead of the required minimum of 1325 square feet in an Agricultural District. The fact that it is a Conex box has nothing to do with it.

Josh Danos, City Attorney, advised that she could put five or six Conex boxes together and if it met the minimum square footage of 1325 required, she would not need to ask the Commission and Council for anything.

Mr. Ankerson explained the process if someone came in with plans for a 1325 square foot Conex box home. He would ask them if their plans were stamped by an engineer and if they were the permit would be reviewed like any other home. Once it is stamped by an engineer it is no longer a Conex box, it is considered a home. There are no architectural standards in the Ordinance to govern residential construction. There is

nothing saying you can or cannot have brick, stucco, or metal that looks like a Conex box. This is strictly a variance for square footage.

Commissioner Davis said that when he looked at the request it was presented as a small home, and they needed a square footage variance. Tiny homes are a new thing whether they are Conex boxes or built in other ways. It is a thing that Gautier has not really talked about. He feels it should be looked at as a tiny home and that there should be an Ordinance specific for tiny homes. He asked Mr. Ankerson if a variance was permanent with the property.

Mr. Ankerson said it was permanent for whatever structure on the property the variance was approved for.

Commissioner Davis said he thought the request should be looked at as a Special Exception or a Conditional Use. He felt it should be kicked back to Council to deal with as an Ordinance for tiny homes and to look at whether they wanted them only in Agricultural zones or if the city wanted them in Gautier at all.

Chairman Jamison larger home being built in the area versus a tiny home going in.

Ms. Bosarge said that there were several mobile homes and cottages in the area.

Chairman Jamison stated that a lot of the mobile home in the area were grandfathered in.

Mr. Danos said that there currently isn't a definition of a tiny home in the Ordinance. The Commission can make those recommendations to the City Council as to what they want that to look like. There is a Special Exception and a Conditional Use which affect the use of the properties, but tonight the request is about residential use which is allowed by right in an Agricultural zone. A variance on the other hand is dimensional, which is what is being requested tonight.

Chairman Jamison asked if they had to determine a hardship.

Mr. Ankerson said what the Commission must determine is that the criteria for 4.18.4 (A-D) has been met.

Commissioner Ward said that regarding 4.18.4 (D) in reference to a mobile home that had been denied previously, this is not a similar structure because mobile homes do not require an engineer stamp.

Commissioner Decoteau said that regarding 4.18.4 C the circumstances do not result from actions of the applicant, lack of an Ordinance regarding tiny homes is not the applicant's fault. He also asked that if several tiny homes were approved, then someone wanted to build a 1000 square foot regular home. Would the allowance of the smaller square footage for tiny homes open up an issue with having to allow smaller regular built homes.

Mr. Danos said if you have a factual finding that 4.18.4 (A) is met that the property in question has something special about it then you can differentiate each time someone has a request.

Hunter Budnick, neighbor, has no issue with the variance. He understands about Special Exceptions and grandfathered structures but there are mobile homes, cottages, etc. in the area.

Chairman Jamison asked if the variance would go with the property.

Mr. Ankerson stated that a variance is specific to the structure. If the structure was demolished or removed for any reason, a new structure would have to have a variance if needed.

Commissioner Ward asked if the square footage of the porch was included in the square footage of the Conex box.

Mr. Ankerson said only the living area is included in the minimum square footage.

Commissioner McManus said she was not in favor of it because she sees it as a devaluation of the property. She feels like it would be setting a precedent, and that tiny homes are a trend, and are probably just a passing fad.

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

ACTION TAKEN:

Chairman Jamison made a motion to recommend that the City Council approve the variance request with changes that the home meet or exceed the drawings as presented.

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

AYES: **Kay C. Jamison**
 Joshua Ward
 Ricky Decoteau
 Marcus Hudson

NAYS: **DeAnna McManus**
 William Davis

ABSENT: **Chris Hoover**

Motion passed.

GENERAL DISCUSSION

A. PREVIOUS CASE UPDATES

Mr. Ankerson advised Commissioners that City Council approved GPC #23-30-CU for an expansion of a Church/Place of Worship at 6300 Martin Bluff Road, and GPC #23-33-SE which allowed a single-family dwelling at 3525 Old Spanish Trail to be reoccupied.

B. PERMIT & TRC REPORT

Mr. Ankerson presented the October 2023 and November 2023 reports.

Commissioner Ward made a motion to adjourn the meeting.

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

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

ABSENT: **Chris Hoover**

Motion Passed.

APPROVED BY:

Scott Ankerson
Planning Director/Building Official

DATE: _____

Kay C. Jamison, Chairman
Gautier Planning Commission

DATE: _____

BACKUP DOCUMENTATION

Gautier Planning Commission

Regular Meeting Agenda

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

GAUTIER, MISSISSIPPI

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 Seal

Name of Business: Riverside Auto Sales Phone: 228-497-9574

Property 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 accessory

building @ 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 BL

Fee 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.

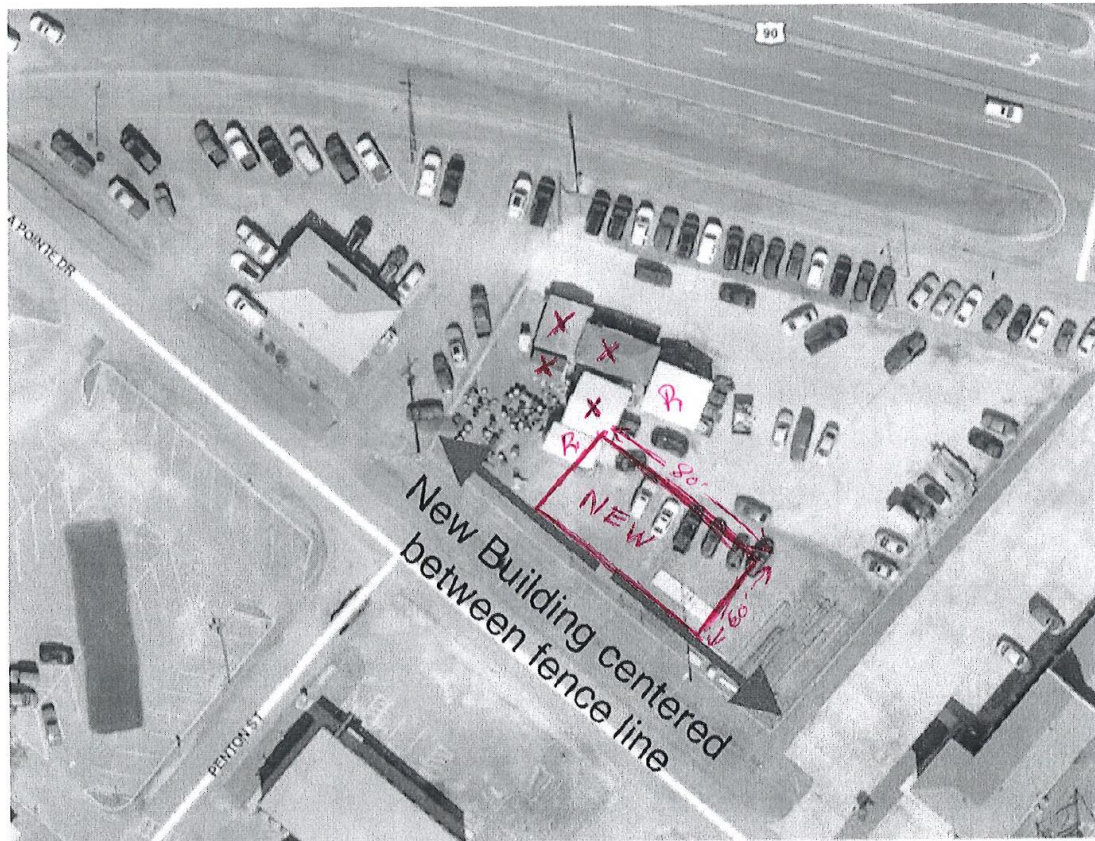
VARIANCE
CRITERIA FOR APPROVAL
"ANSWERS"

- 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

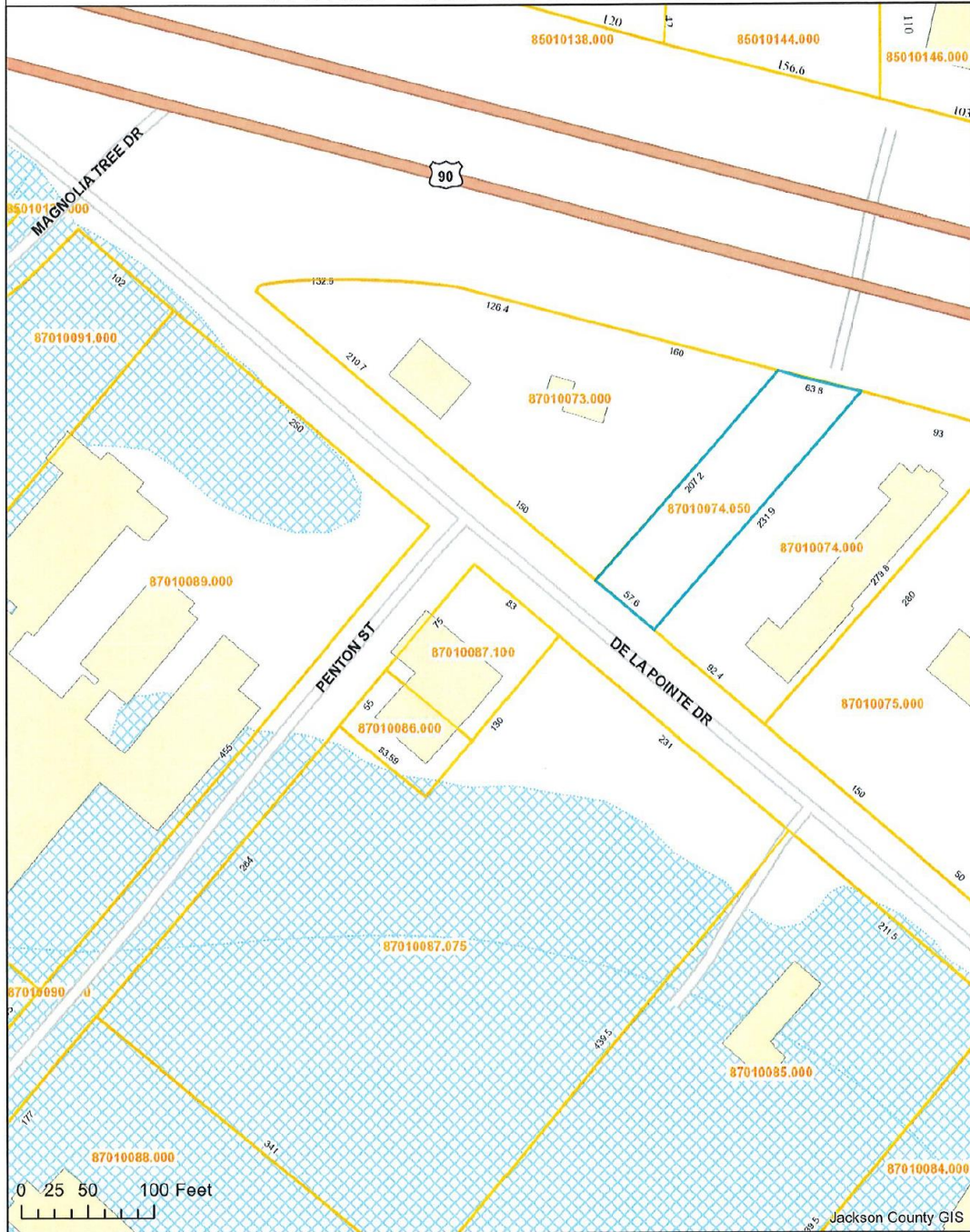


Exhibit A Location Map

Prepared by:
City of Gautier
Planning Department

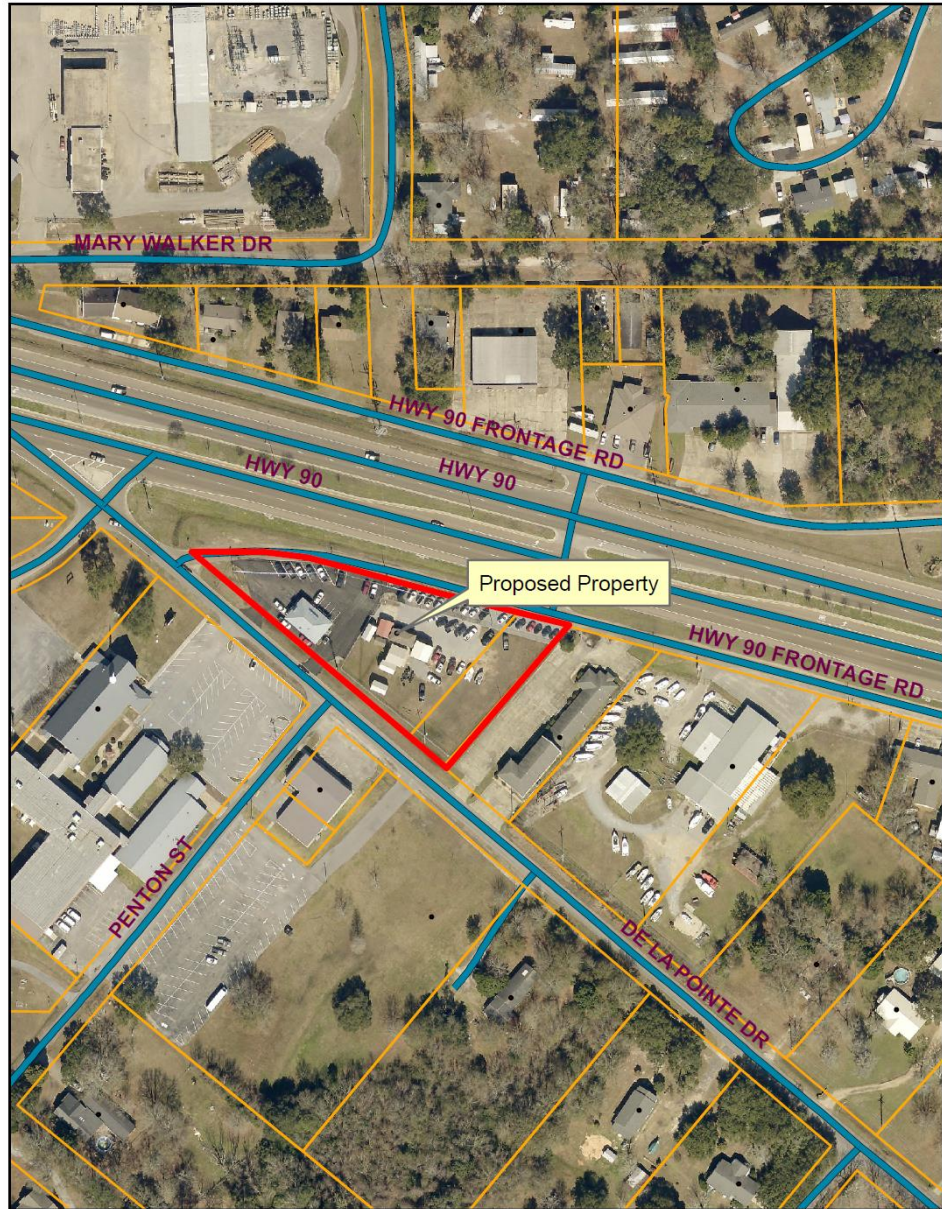


Exhibit B

Existing Zoning

Prepared by:
City of Gautier
Planning Department

Legend

Zoning

ZONECODE

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

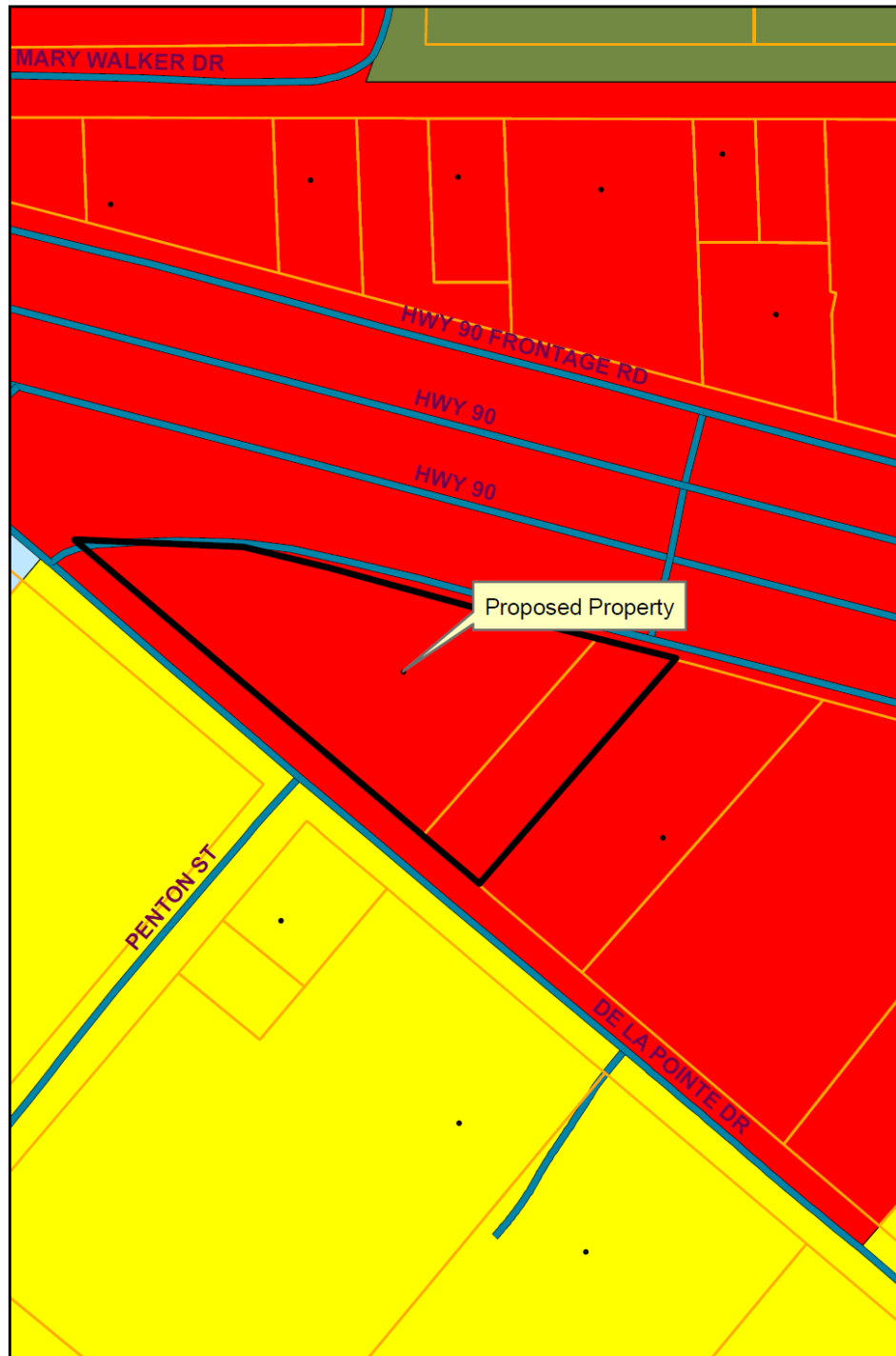


Exhibit C

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

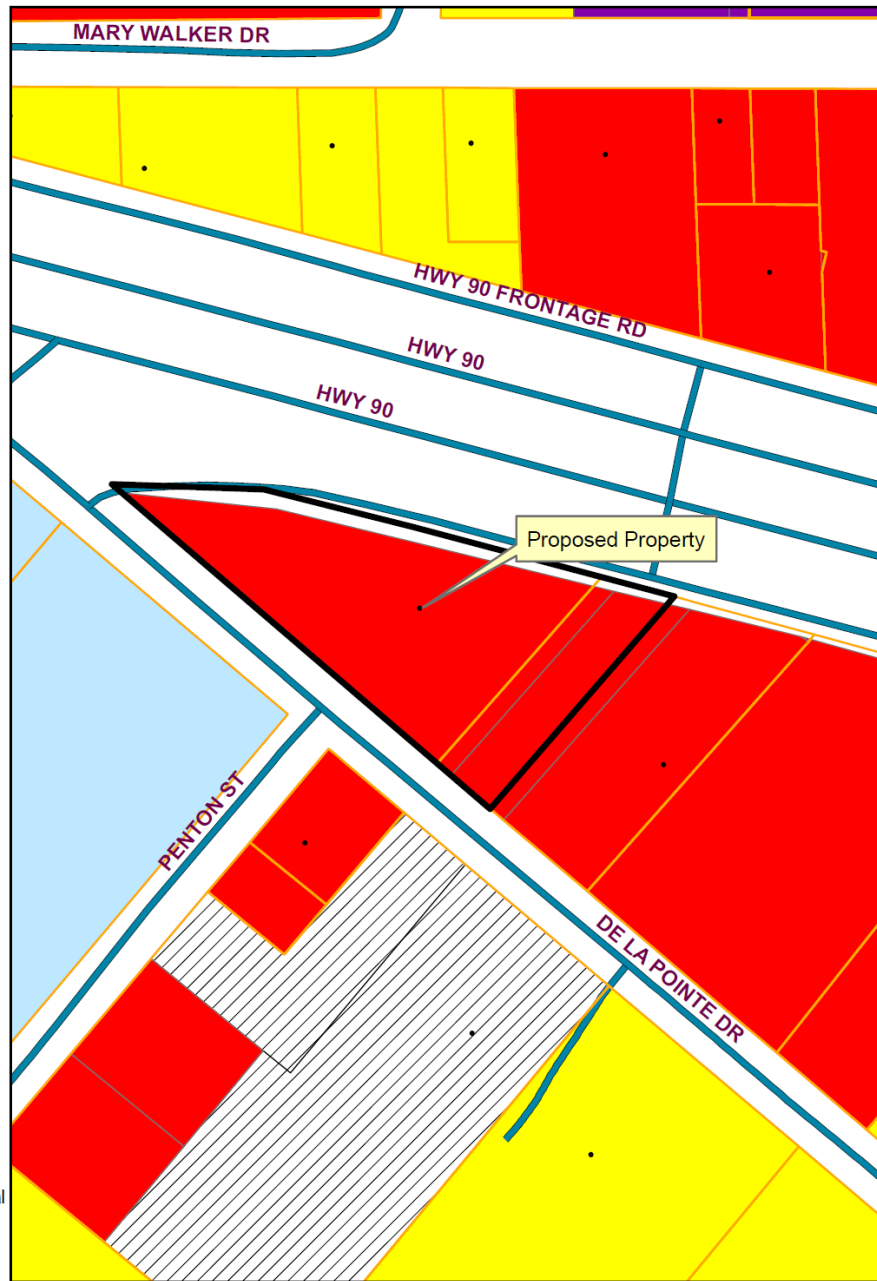


Exhibit D

Future Land-Use

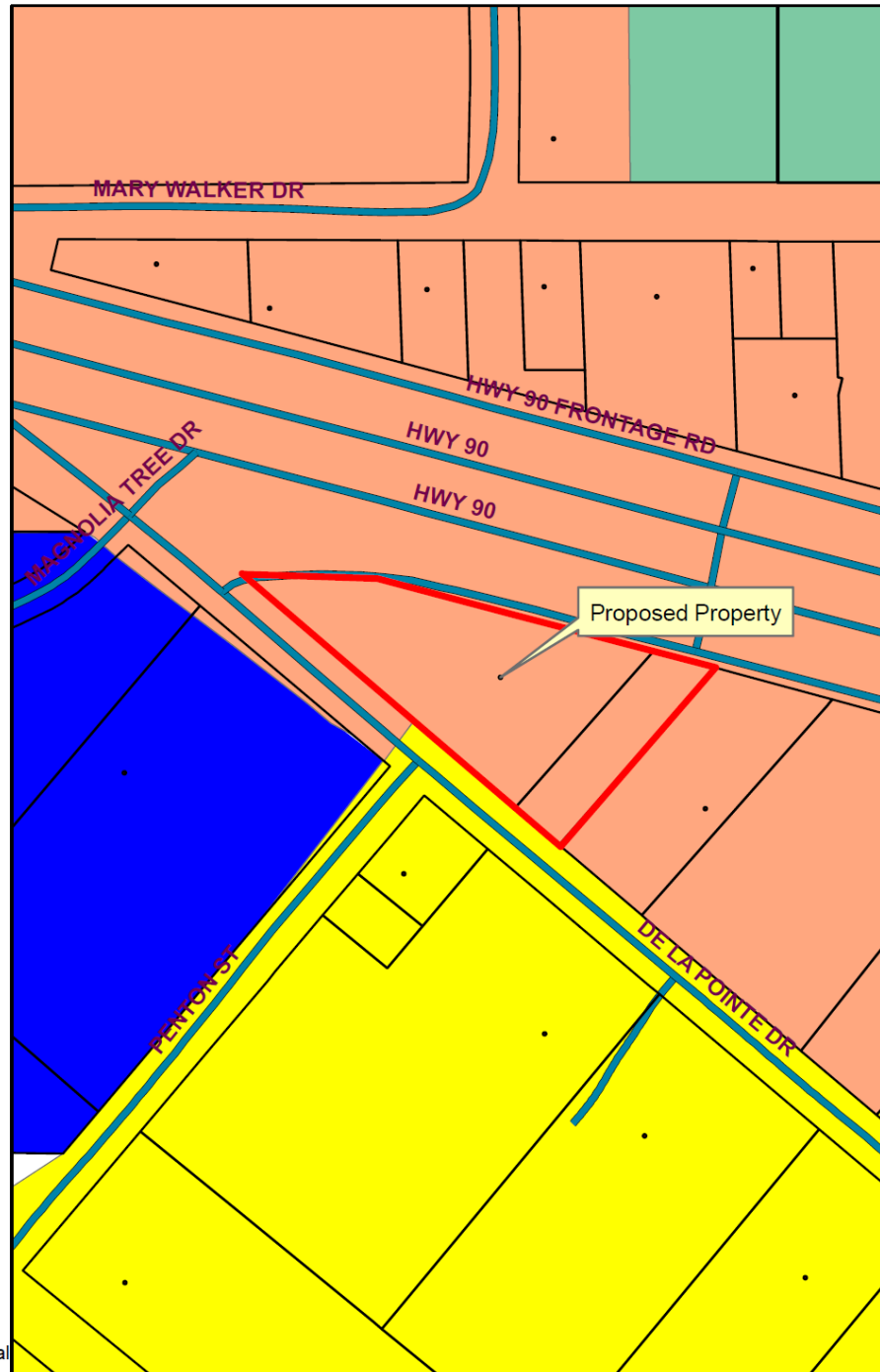
Prepared By:
City of Gautier
Planning Department

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 #23-35-VAR

505 Magnolia Tree Drive

VII. NEW BUSINESS

1. 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

GAUTIER, MISSISSIPPI

PLANNING DEPARTMENT
PUBLIC HEARING APPLICATION

Public Hearing Number

23-35-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: 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/BZ

Fee Amount Received 176.00 Initials of Employee Receiving Application Bals

OWNERS CONSENT AND DESIGNATION OF AGENCY - VARIANCE

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.

Billy Ellzey
(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)

Debra Jo Ruemenapp
(Signature of Notary Public)

Commission # 60308. 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.

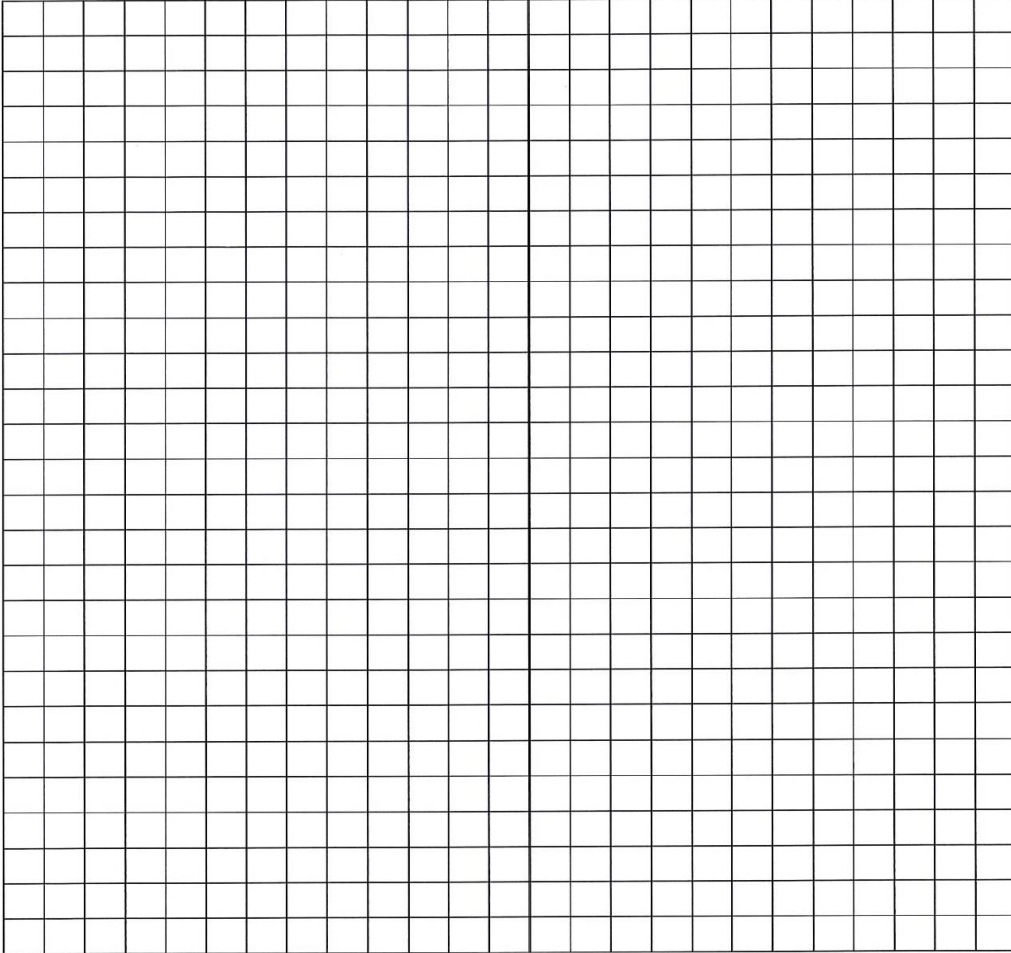
To our knowledge, no.

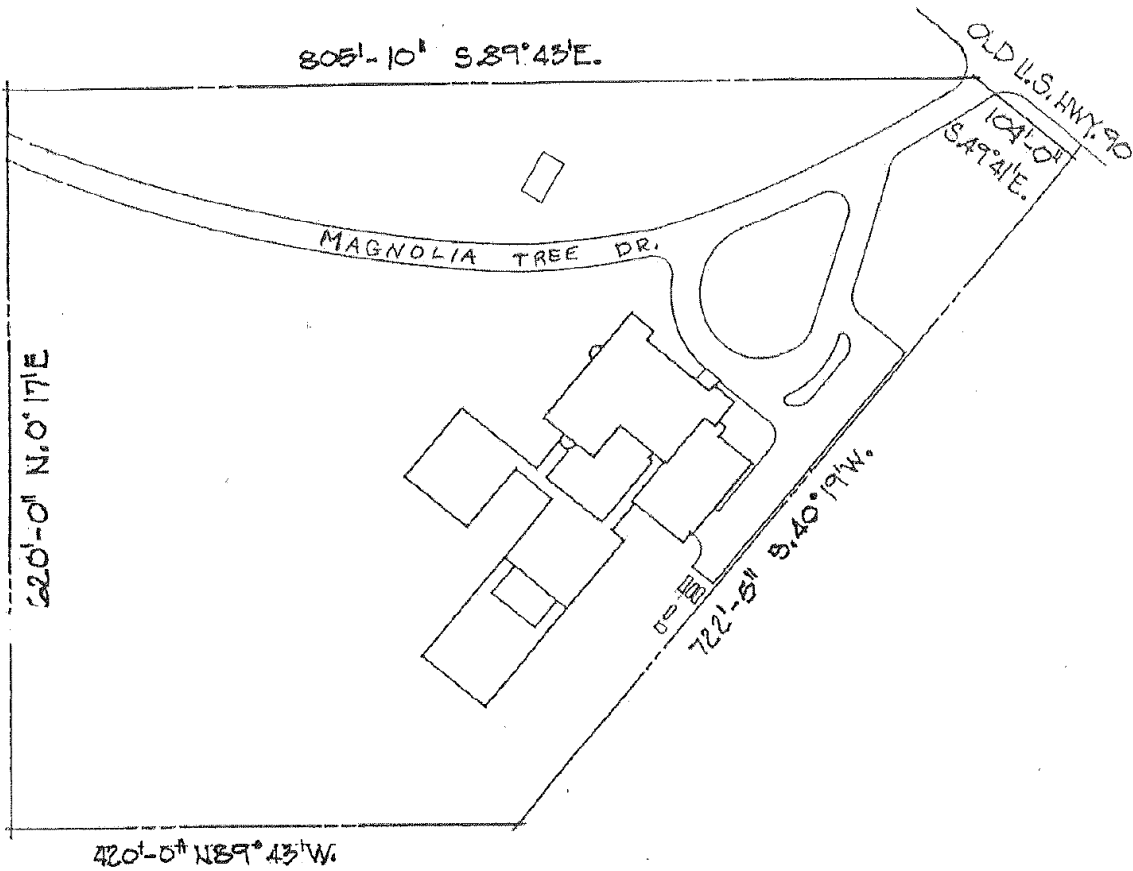
NARRATIVE

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

18B

GAUTIER ELEMENTARY SCHOOL

DESCRIPTION OF PROPERTY

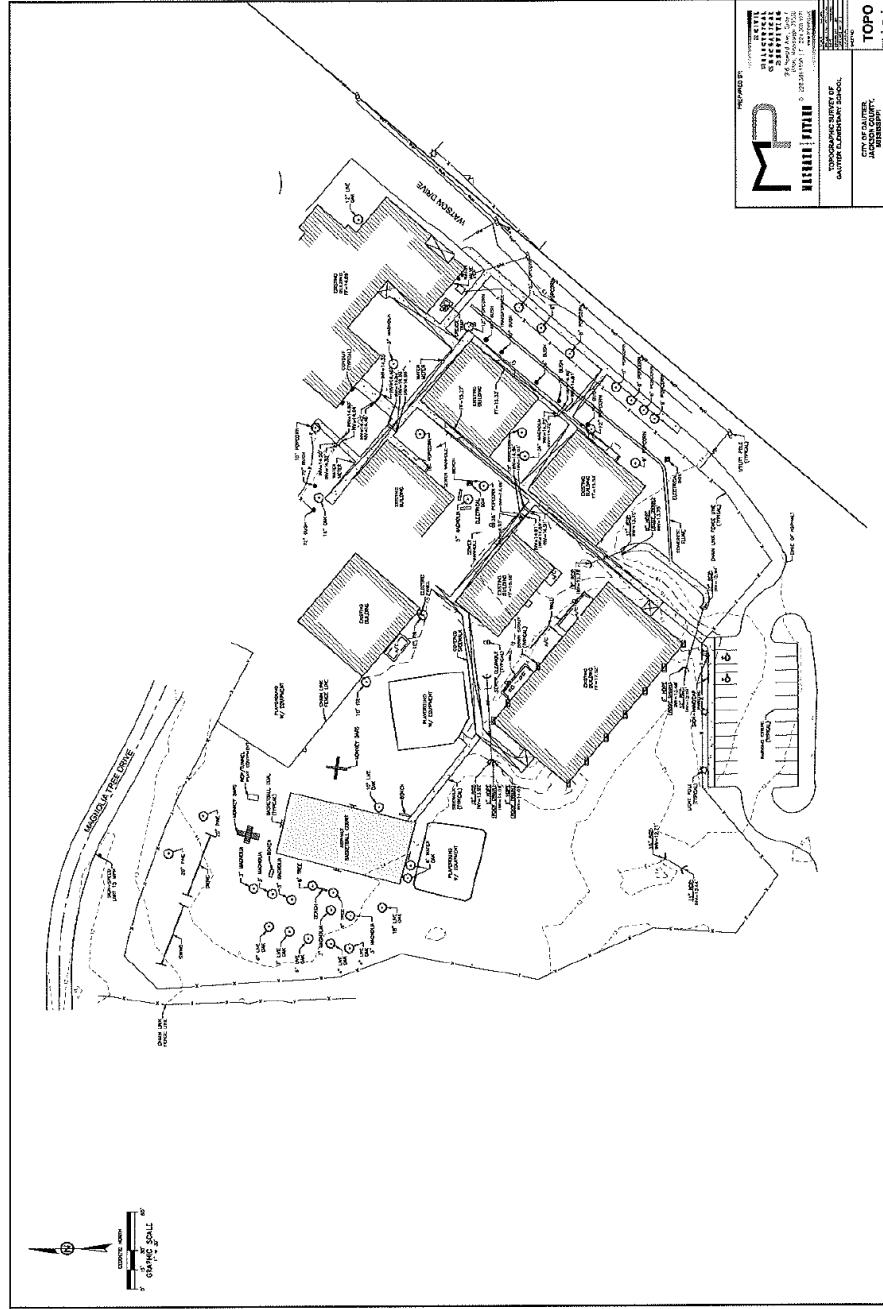
FROM DEED DATED 1939

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.

REDUCED FROM ORIGINAL SIZE OF 30"X42"



1st Floor Plan

Rooms and Equipment:

- Dining Room (005)
- Kitchen (002)
- Serving Line (002)
- Reception (002)
- Office (001)
- Boiler Room (C11)
- Dry Storage (002)
- Cooler (002)
- Freezer (002)
- Utility Rooms (ELEC, DTC, TOILET)
- Electrical Box to Remain
- Loading Dock
- Exit

Equipment to be removed (indicated by numbers 1-17):

- 1. Dining Room (005)
- 2. Kitchen (002)
- 3. Serving Line (002)
- 4. Reception (002)
- 5. Office (001)
- 6. Boiler Room (C11)
- 7. Dry Storage (002)
- 8. Cooler (002)
- 9. Freezer (002)
- 10. Utility Rooms (ELEC, DTC, TOILET)
- 11. Electrical Box to Remain
- 12. Loading Dock
- 13. Exit
- 14. Dining Room (005)
- 15. Kitchen (002)
- 16. Serving Line (002)
- 17. Reception (002)

Foodservice Equipment Schedule					
Item No	Qty	Equipment Category	Item No	Qty	Equipment Category
1	1	Coffee Station, Double	38	1	Prep Table with Sink
2	1	Milk Cover - Existing Equipment	39	1	Disposer, Garbage
3	2	Milk Cover - Existing Equipment	40	1	Counter Mixer - Existing Equipment
4	2	Milk Utility Unit - Taps	41	1	Equipment Stand - Existing Equipment
5	2	Hot Food Unit	42	1	Spice Number
6	2	Milk Utility Unit	43	1	Work Table - Existing Equipment
7	2	Milk Utility Unit	44	1	Work Table - Existing Equipment
8	1	Ice Cream Unit - Existing Equipment	45	1	Spice Number
9	2	Milk Artisan Unit	46	1	Spice Number
10	5	Fluid Sink - In Mechanical	47	1	Roasting Rack Oven, Gas - with Racks
11	2	Cabinet, Heated Prep-Trip	48	1	Mixing Work Table - Existing Equipment
12	2	Refrigerator, Prep-Trip	49	1	Microwave - Existing Equipment
13	1	Open Dishable and Stuffed Wall Shelf	50	1	Oven, Convection, Gas
14	1	Cooking Shute Door - In Architectural	51	1	Oven, Convection, Gas
15	1	Solid top, Prep-Trip Loading, Sink	52	1	Steamer, Electric
16	3	Three-Compartment Sink	53	1	Flour Trough
17	1	Warenet	54	1	Tilt Ballist, Gas
18	1	Condensate Extract Duct	55	1	Range, Heavy Duty, Convection Oven, Gas
19	1	Spice Number	56	1	Spice Number
20	1	Condensate Exhaust Fan - In Mechanical	57	1	Vent Hood - In Mechanical Section
21	1	Flour System, Transfer	58	1	Spice Number
22	1	De Moler w/ Bin - Existing Equipment	59	1	Mixing Hammer Cabinet - Existing Equipment
23	1	Flour Trough	60	1	Work table with Pot Rack - Existing Equipment
24	2	Reach-In Refrigerator - Existing Equipment	61	2	2-Compartment Sink - Existing Equipment
25	2	Mixing Hammer Cabinet - Existing Equipment	62	1	Work table - Existing Equipment
26	2	Work table	63	1	Spice Number
27	1	Baker's table	64	1	Spice Number
28	1	Reagent Bin, 3	65	1	Spice Number
29	1	Reagent Bin, 3	66	1	Work table - Existing Equipment
30	1	Reagent Bin, 3	67	1	Work table - Existing Equipment
31	1	Reagent Bin, 3	68	1	Spice Number
32	1	Reagent Bin, 3	69	1	Spice Number
33	1	Reagent Bin, 3	70	1	Spice Number
34	1	Reagent Bin, 3	71	1	Spice Number
35	1	Reagent Bin, 3	72	1	Spice Number
36	1	Reagent Bin, 3	73	1	Spice Number
37	1	Reagent Bin, 3	74	1	Spice Number
38	2	Reagent Bin, 3	75	1	Spice Number
39	2	Reagent Bin, 3	76	1	Spice Number
40	2	Reagent Bin, 3	77	1	Spice Number
41	2	Reagent Bin, 3	78	1	Spice Number
42	2	Reagent Bin, 3	79	1	Spice Number
43	2	Reagent Bin, 3	80	1	Spice Number
44	2	Reagent Bin, 3	81	1	Spice Number
45	2	Reagent Bin, 3	82	1	Spice Number
46	2	Reagent Bin, 3	83	1	Spice Number
47	2	Reagent Bin, 3	84	1	Spice Number
48	2	Reagent Bin, 3	85	1	Spice Number
49	2	Reagent Bin, 3	86	1	Spice Number
50	2	Reagent Bin, 3	87	1	Spice Number
51	2	Reagent Bin, 3	88	1	Spice Number
52	2	Reagent Bin, 3	89	1	Spice Number
53	2	Reagent Bin, 3	90	1	Spice Number
54	2	Reagent Bin, 3	91	1	Spice Number
55	2	Reagent Bin, 3	92	1	Spice Number
56	2	Reagent Bin, 3	93	1	Spice Number
57	2	Reagent Bin, 3	94	1	Spice Number
58	2	Reagent Bin, 3	95	1	Spice Number
59	2	Reagent Bin, 3	96	1	Spice Number
60	2	Reagent Bin, 3	97	1	Spice Number
61	2	Reagent Bin, 3	98	1	Spice Number
62	2	Reagent Bin, 3	99	1	Spice Number
63	2	Reagent Bin, 3	100	1	Spice Number

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13	1	Open Dishable and Stuffed Wall Shelf	50	1	Oven, Convection, Gas
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18	1	Condensate Extract Duct	55	1	Range, Heavy Duty, Convection Oven, Gas
19	1	Spice Number	56	1	Spice Number
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26	2	Work table	63	1	Spice Number
27	1	Baker's table	64	1	Spice Number
28	1	Reagent Bin, 3	65	1	Spice Number
29	1	Reagent Bin, 3	66	1	Work table - Existing Equipment
30	1	Reagent Bin, 3	67	1	Work table - Existing Equipment
31	1	Reagent Bin, 3	68	1	Spice Number
32	1	Reagent Bin, 3	69	1	Spice Number
33	1	Reagent Bin, 3	70	1	Spice Number
34	1	Reagent Bin, 3	71	1	Spice Number
35	1	Reagent Bin, 3	72	1	Ball Rise Control Box
36	1	Reagent Bin, 3	73	1	Work table with Gun
37	1	Spice Number	74	1	Air Curtain
38	2	Reagent Bin, 3	75	1	Utility Forklift - In Mechanical
39	2	Reagent Bin, 3	76	1	Ice Maker - ex/Water Dispenser
40	2	Reagent Bin, 3	77	1	Table, Stainless Steel

PASCAGOULA-GAULTIER SCHOOL DISTRICT

PASCAGOULA-GAUTIER SCHOOL DISTRICT

EXHIBIT 100-100-100-100-100 QUALITY ELEMENTARY SCHOOL ATTACHED RENOVATION (P. 100)	200 MAGNOLIA TREE DRIVE CANTON, MS 39020	K101 KITCHEN EQUIPMENT PLAN	Name: _____ Date: _____ Drawn by: _____ Date: _____ Checked by: _____ Date: _____ As noted by: _____ Approved by: _____ Date: _____
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[illegible]

1 KITCHEN EQUIPMENT PLAN



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.*

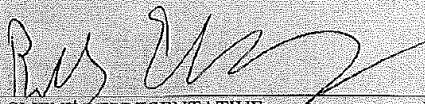
All documents furnished to the appraiser from this client will be considered confidential information pursuant to the disclosure requirements in the confidentiality section of the ethics provision and Statement on Appraisal Standards Number 5. As noted, a PDF copy will be emailed once the report is completed.

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

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

Exhibit A Location Map

Prepared by:
City of Gautier
Planning Department

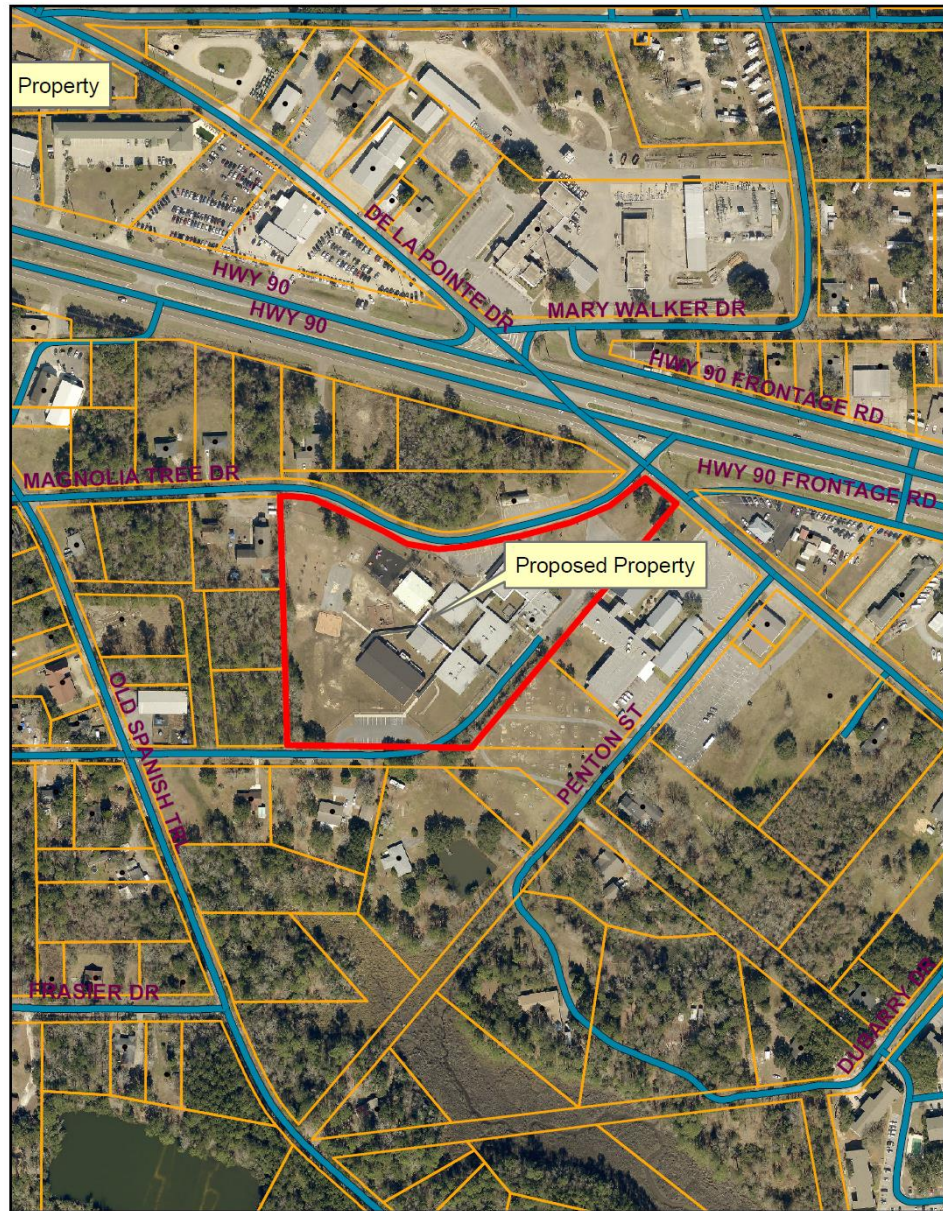


Exhibit B

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

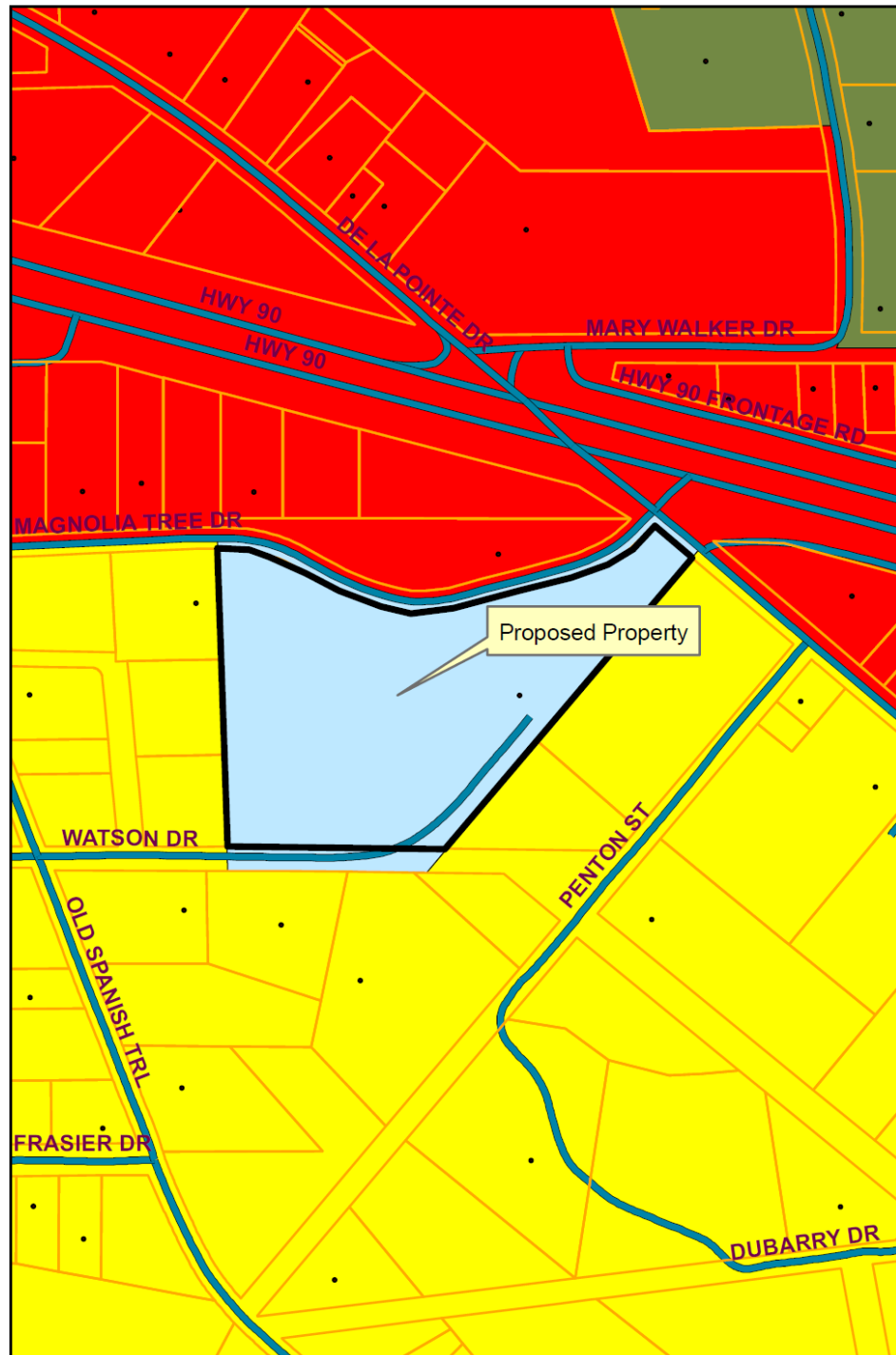


Exhibit C

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

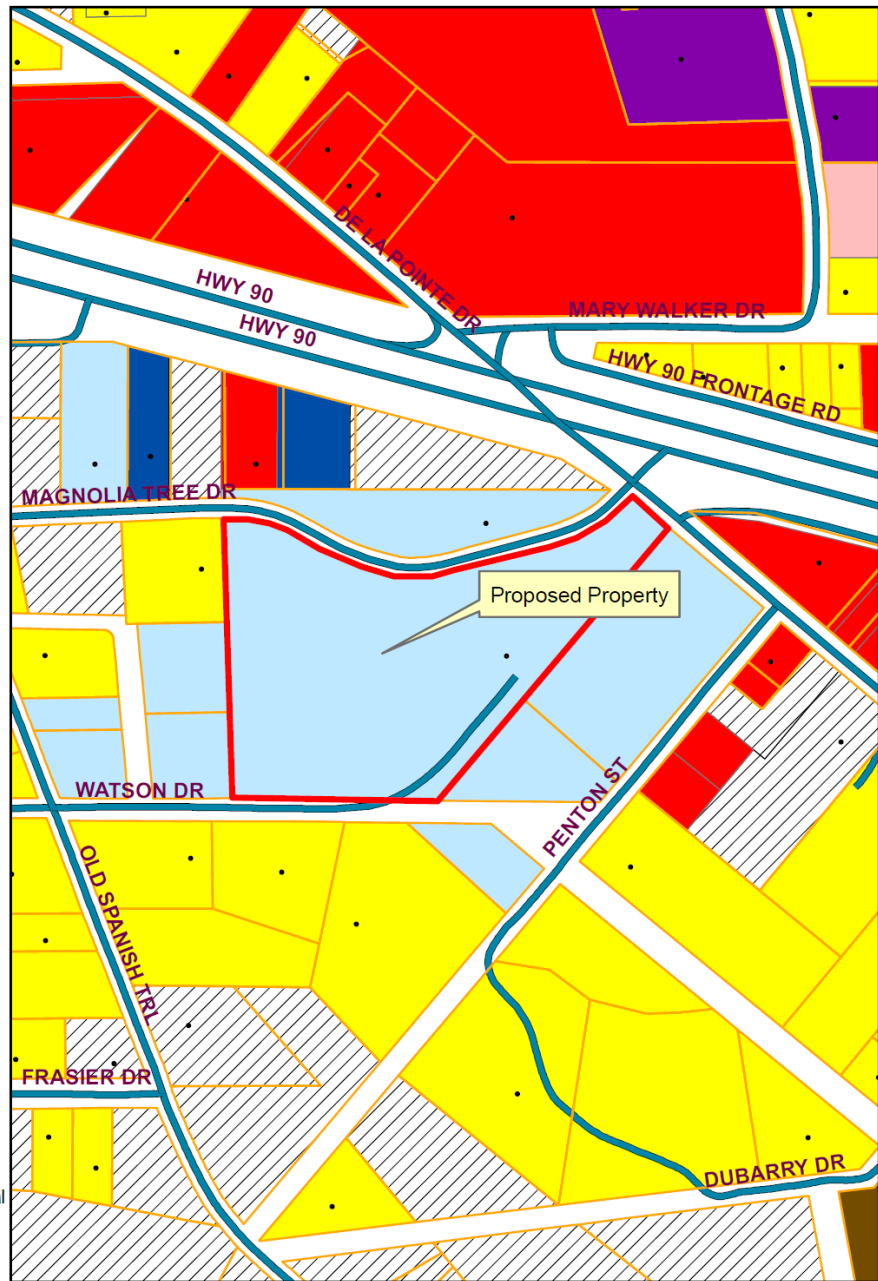


Exhibit D Future Land-Use

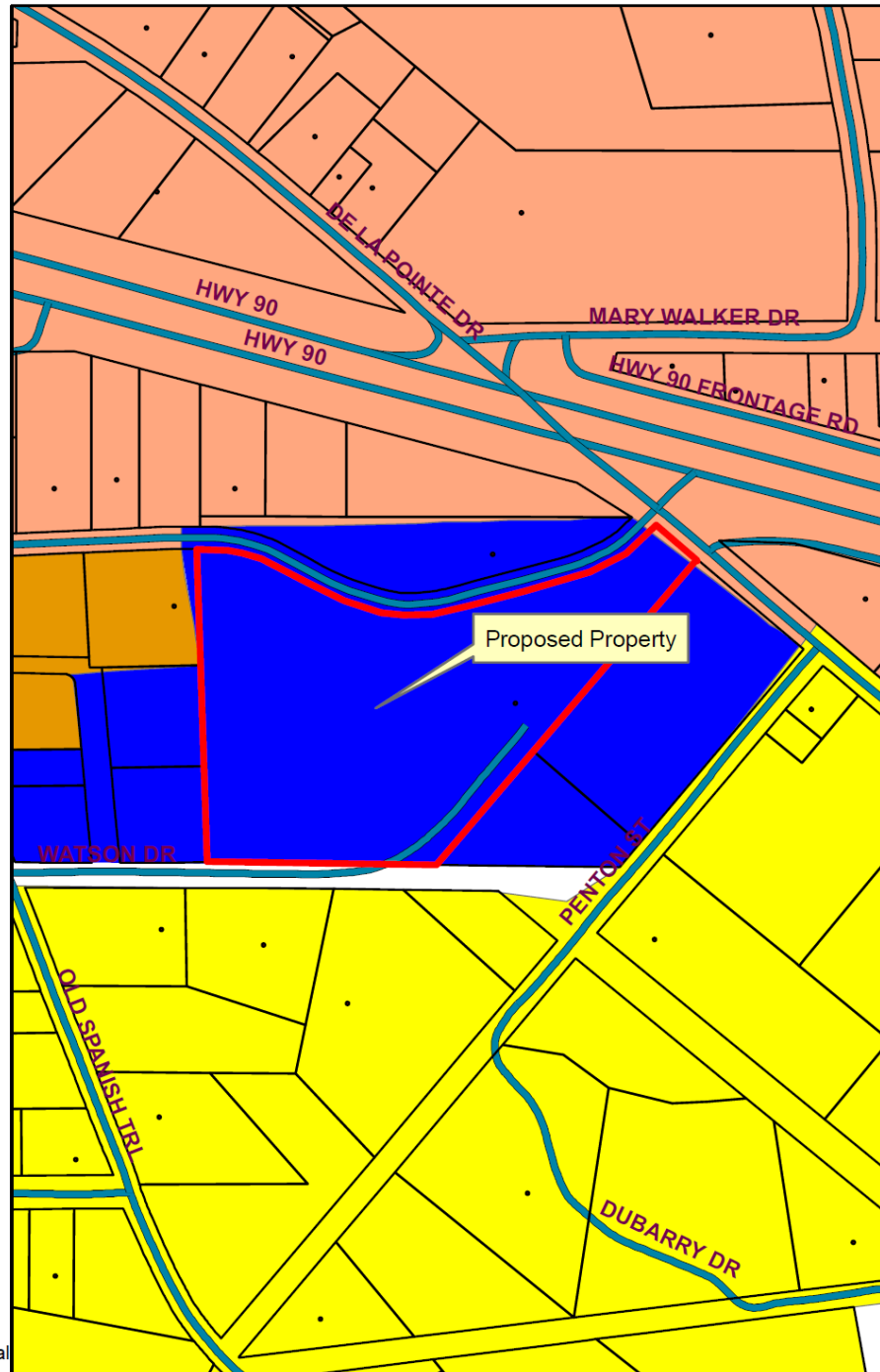
Prepared By:
City of Gautier
Planning Department

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 #23-36-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

10/12/23

GAUTIER, MISSISSIPPI
PLANNING DEPARTMENT
PUBLIC HEARING APPLICATION

Public Hearing Number

23-36-RZ

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:

82420020000

C Byrd

Phone:

228-219-3812

Property Address:

560-5518 C Byrd

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 are 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.

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:

Roxanna Borries

Date of Application:

10/19/23

FOR OFFICE USE ONLY

Date Received

10/19/23

Verify as Complete

Bals

Fee Amount Received

301.00

Initials of Employee Receiving Application

Bf

500 ft
R2

We are Reasoning Due to
Property being zoned R2.
All surrounding property are either
R1 or A1. We are wanting
to subdivide 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. Foudren, Attorney at Law, Bar # 8941
Katy E. Boyer-Langston, Attorney at Law, Bar # 104333
James C. Foudren, 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.

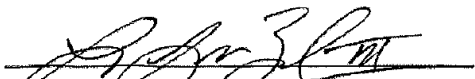
Parcel #82420020.000

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

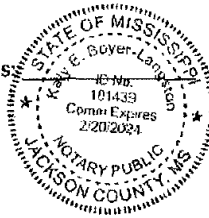
STATE OF MISSISSIPPI
COUNTY OF JACKSON

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.

Chute E. Boyer-Landrum
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

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

82420020.000 ETERNITY DEVELOPMENT LLC

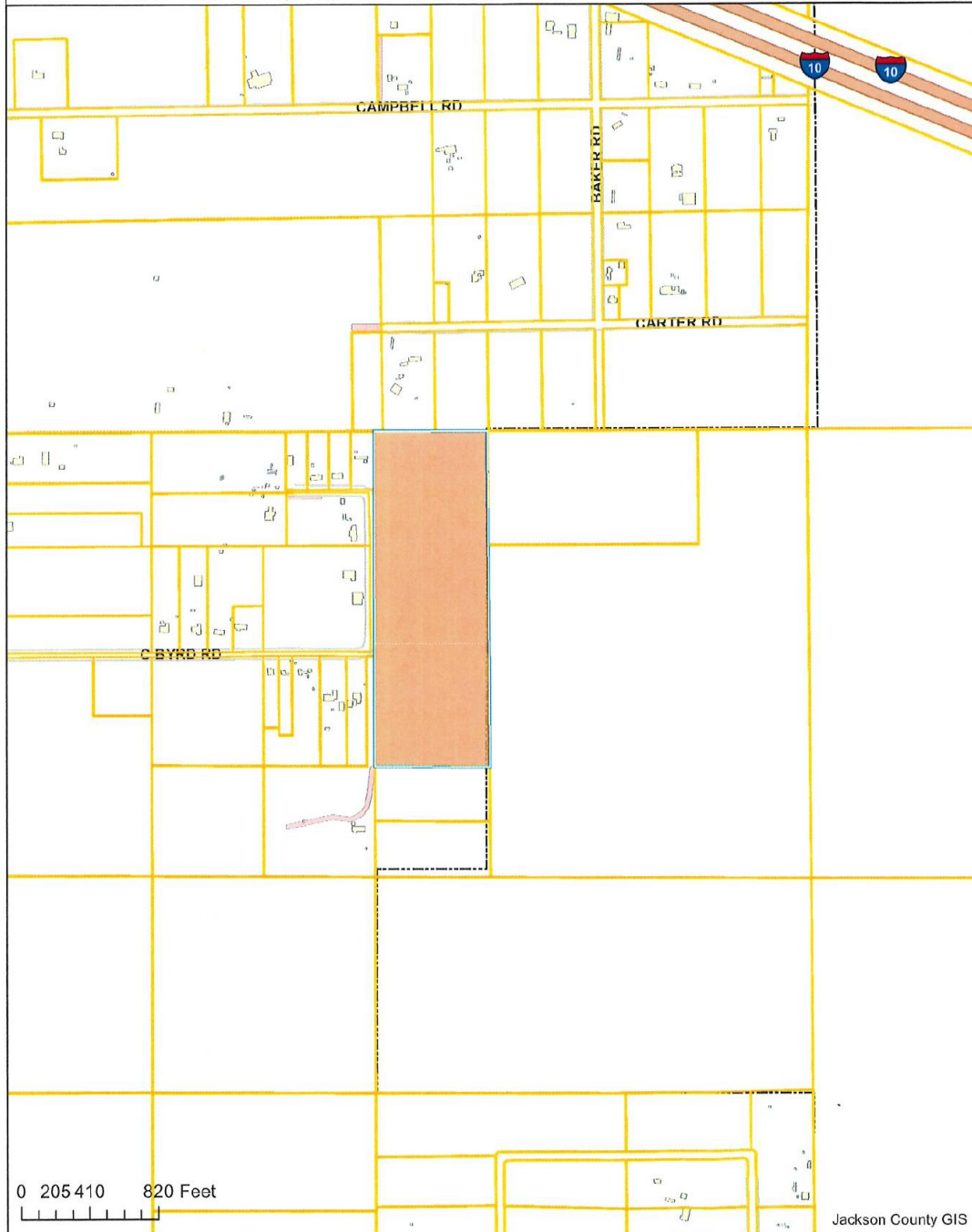


Exhibit A Location Map

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

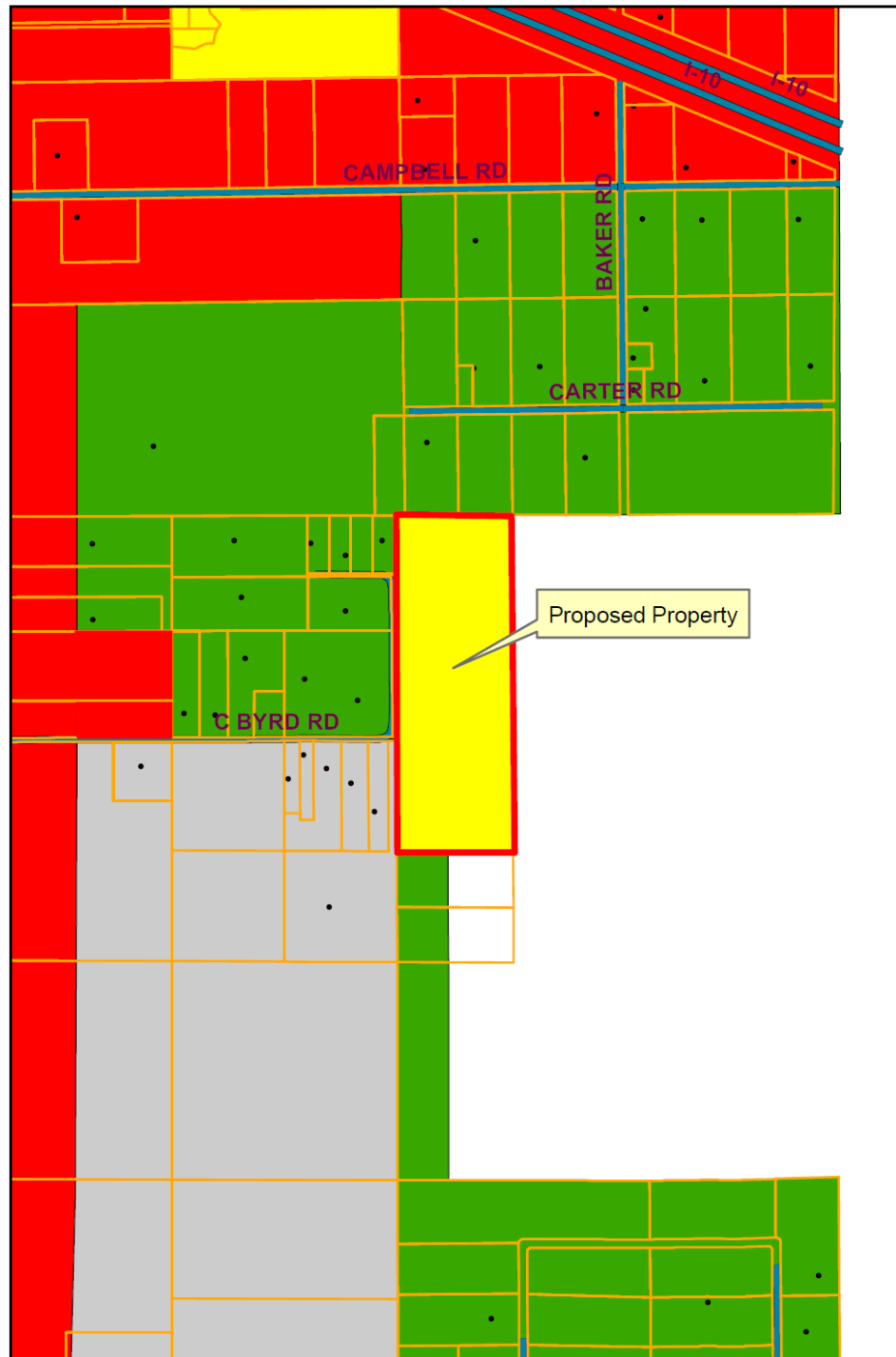


Exhibit C

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

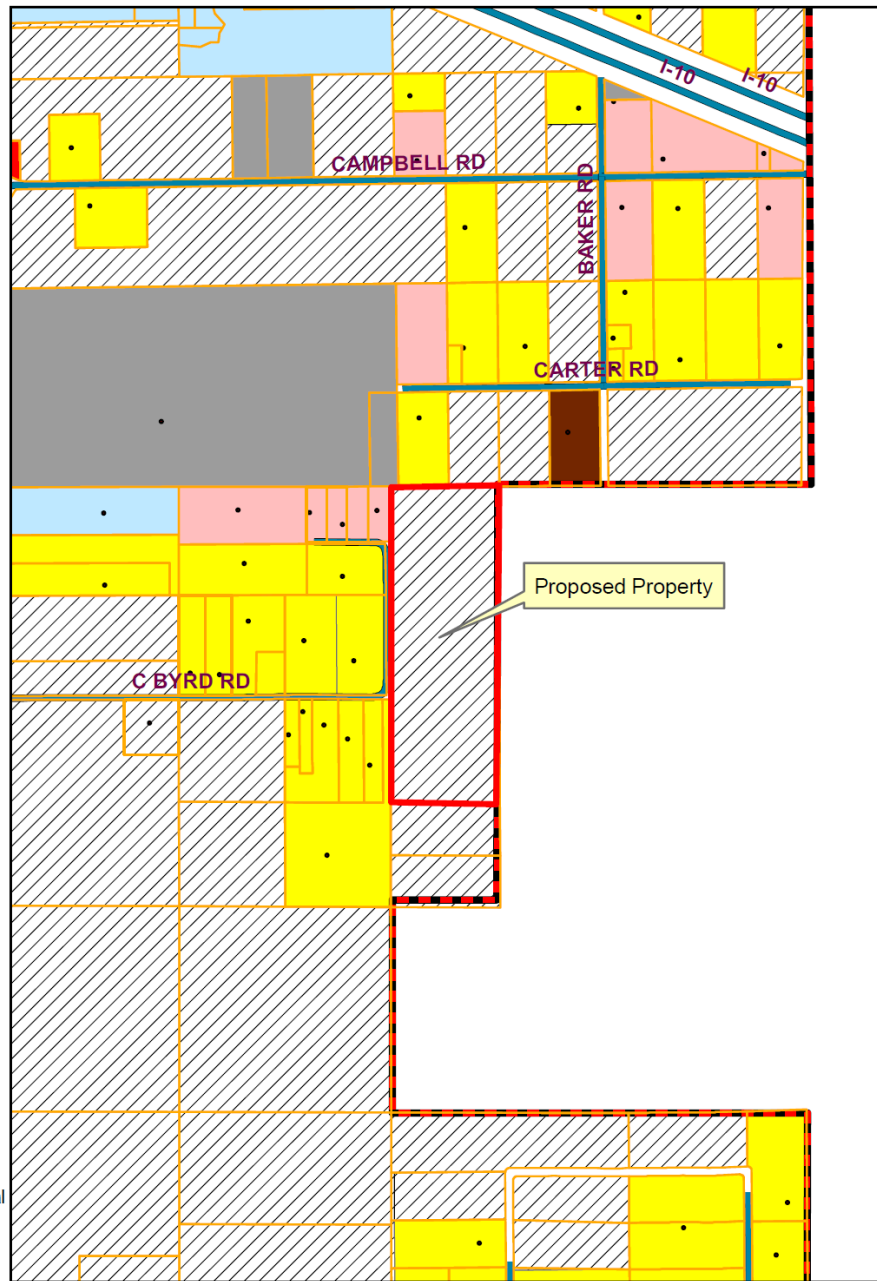


Exhibit D Future Land-Use

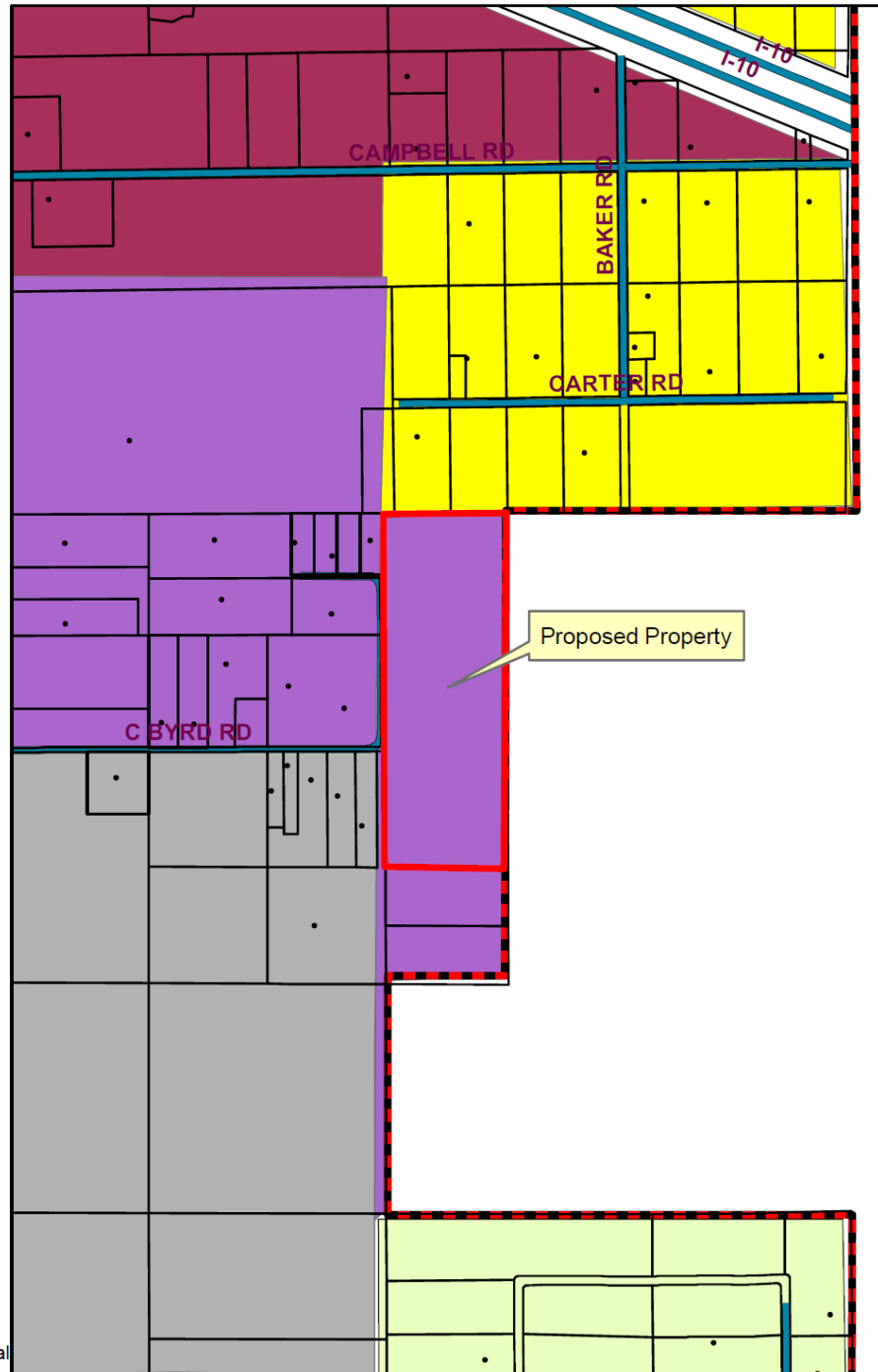
Prepared By:
City of Gautier
Planning Department

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 #23-37-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

Ocean Springs

39504

E-Mail Address:

Brandi2485@gmail.com

Reason for request, location and intended use of Property:

Square ft. approval

0 Carter Rd.

Home

(1005 sq. 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

10/20/23

Verify as Complete

Bals

Fee Amount Received

176.00

Initials of Employee Receiving Application

B2

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 [Signature]
Month 10 Day 16 Year 23

Prepared by:
David B. Pilger
Attorney at Law
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

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

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

File No. Q236008N

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



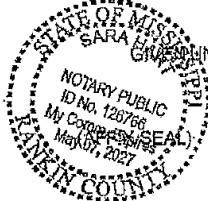
By: Pertis B. Watts, Sole Member

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.

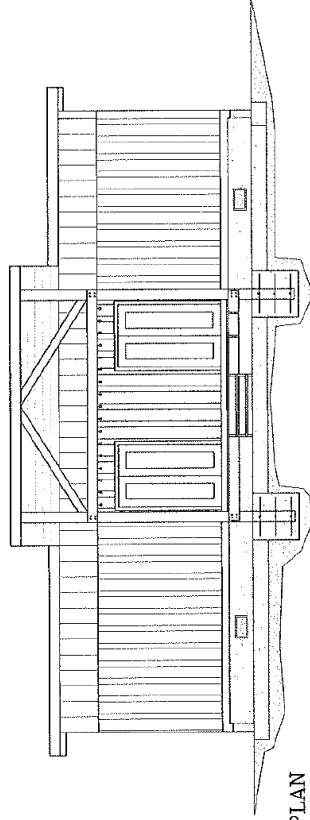


Sara Hines
NOTARY PUBLIC

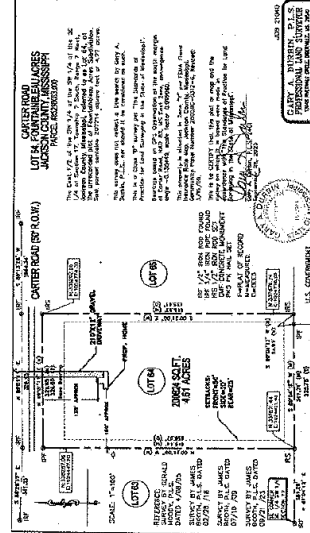
My commission expires: 5-7-2027

NEW HOUSE: BRANDI BOSARGE

0 CARTER ROAD
PIDN 85298083.000
JACKSON COUNTY, MS 39564



SITE PLAN



SHEET INDEX

TITLE SHEET & SITE PLAN	1
FOUNDATION & FLOOR PLAN	SI
ELECTRICAL, MECHANICAL & ELECTRICAL PLANS	UI
ELEVATIONS	AI

ALCAD



1979 BAYSIDE DR - BILOXI, MS 39532

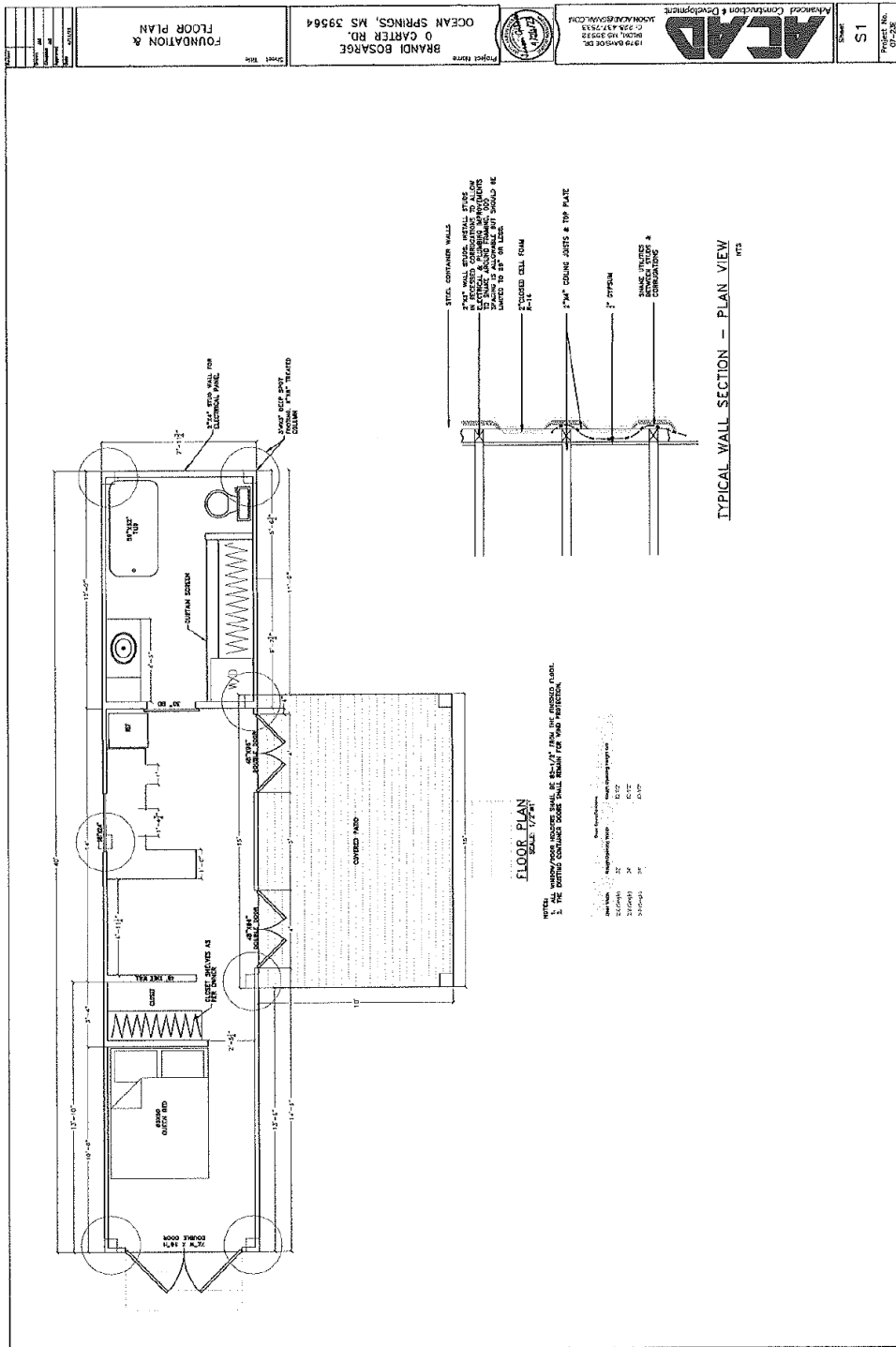
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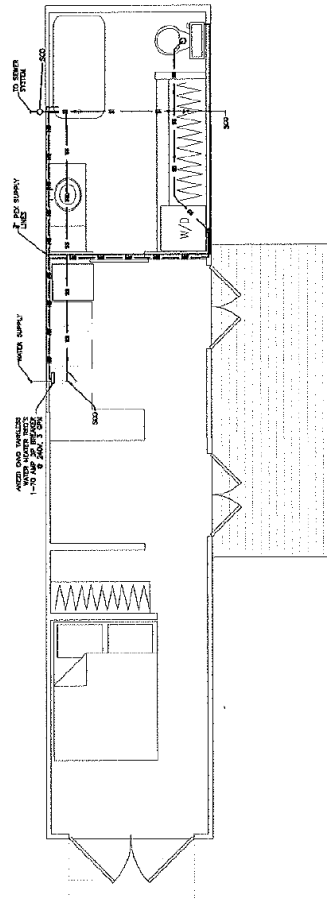
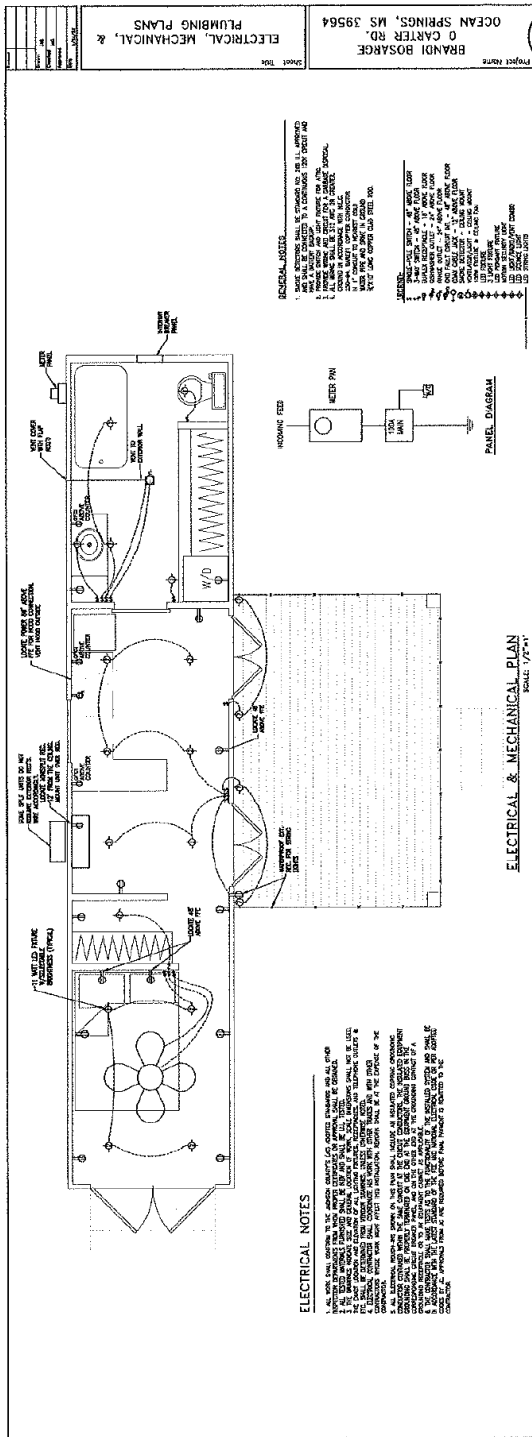
JASON@ACAD@GMAIL.COM

CIVIL ENGINEERING & CONSTRUCTION SERVICES

07-028E

09-24-23





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

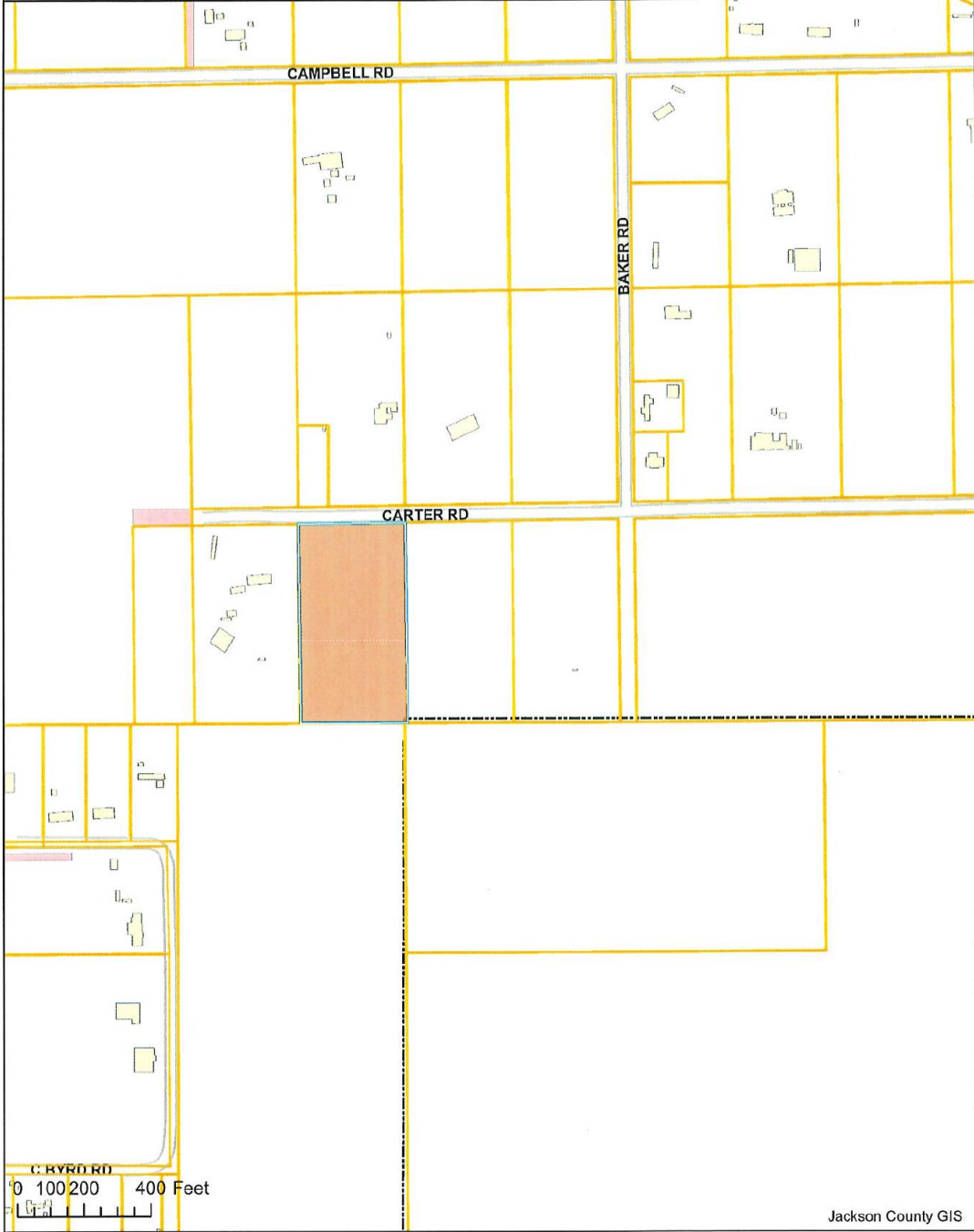
Year Built: 0

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

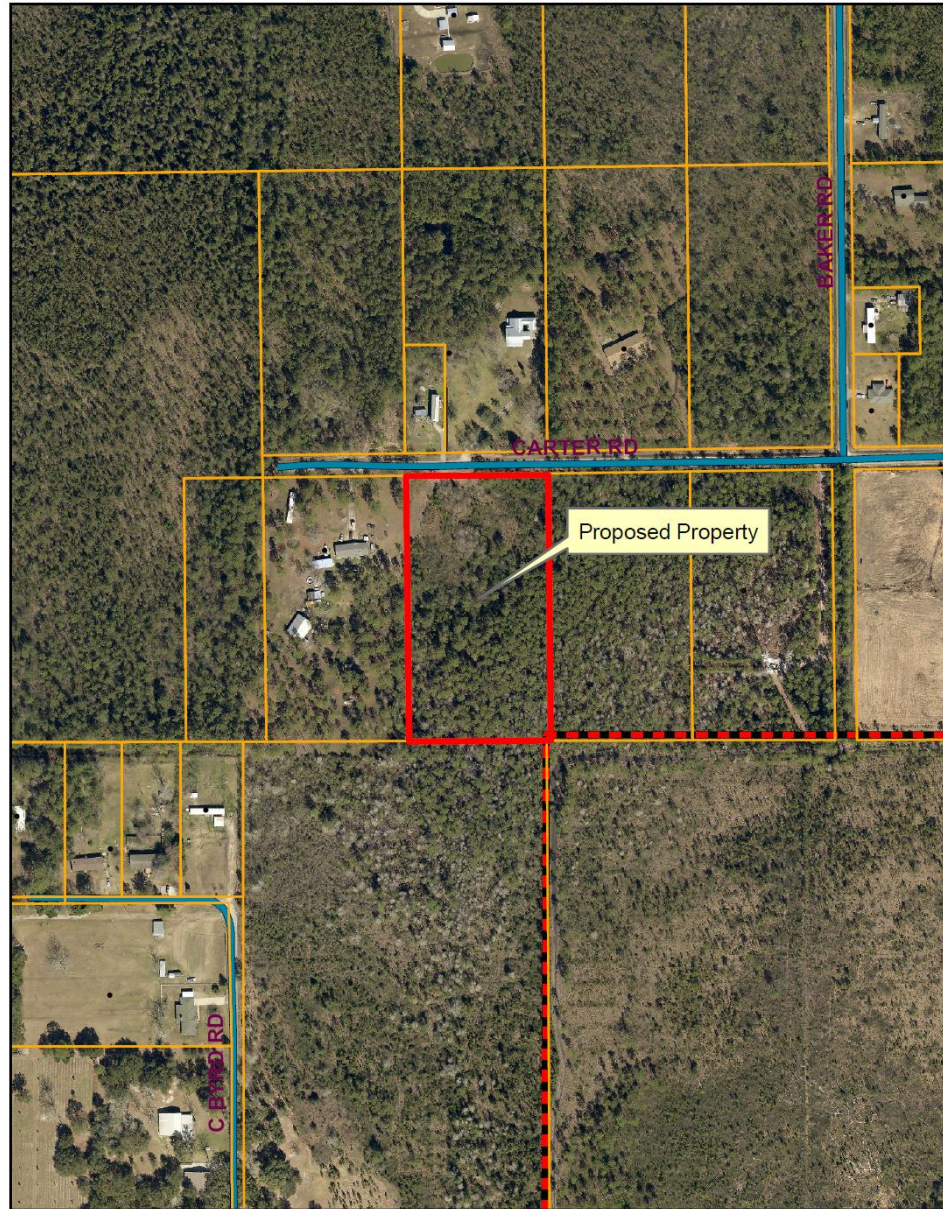


Exhibit B

Existing Zoning

Prepared by:
City of Gautier
Planning Department

Legend

Zoning

ZONECODE

AG	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

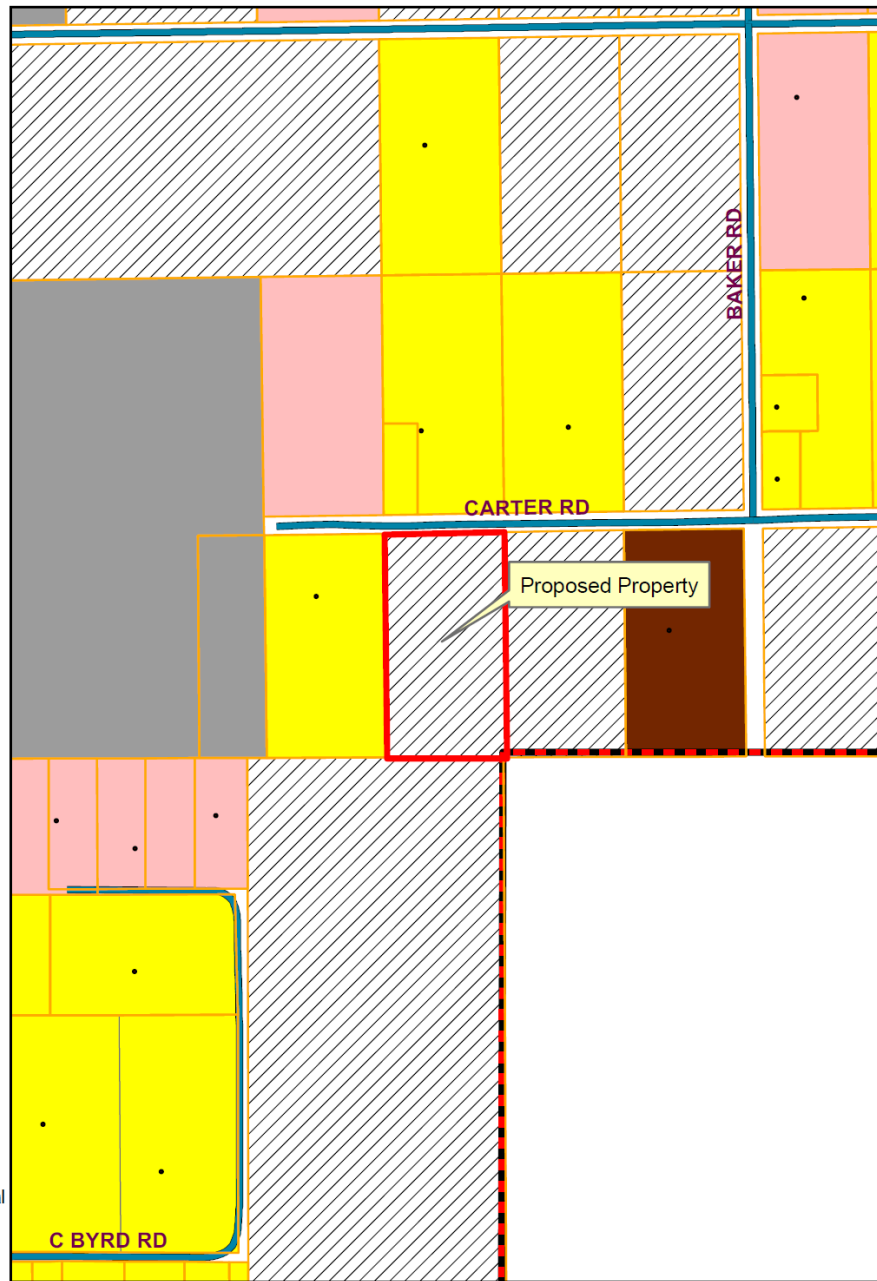


Exhibit D

Future Land-Use

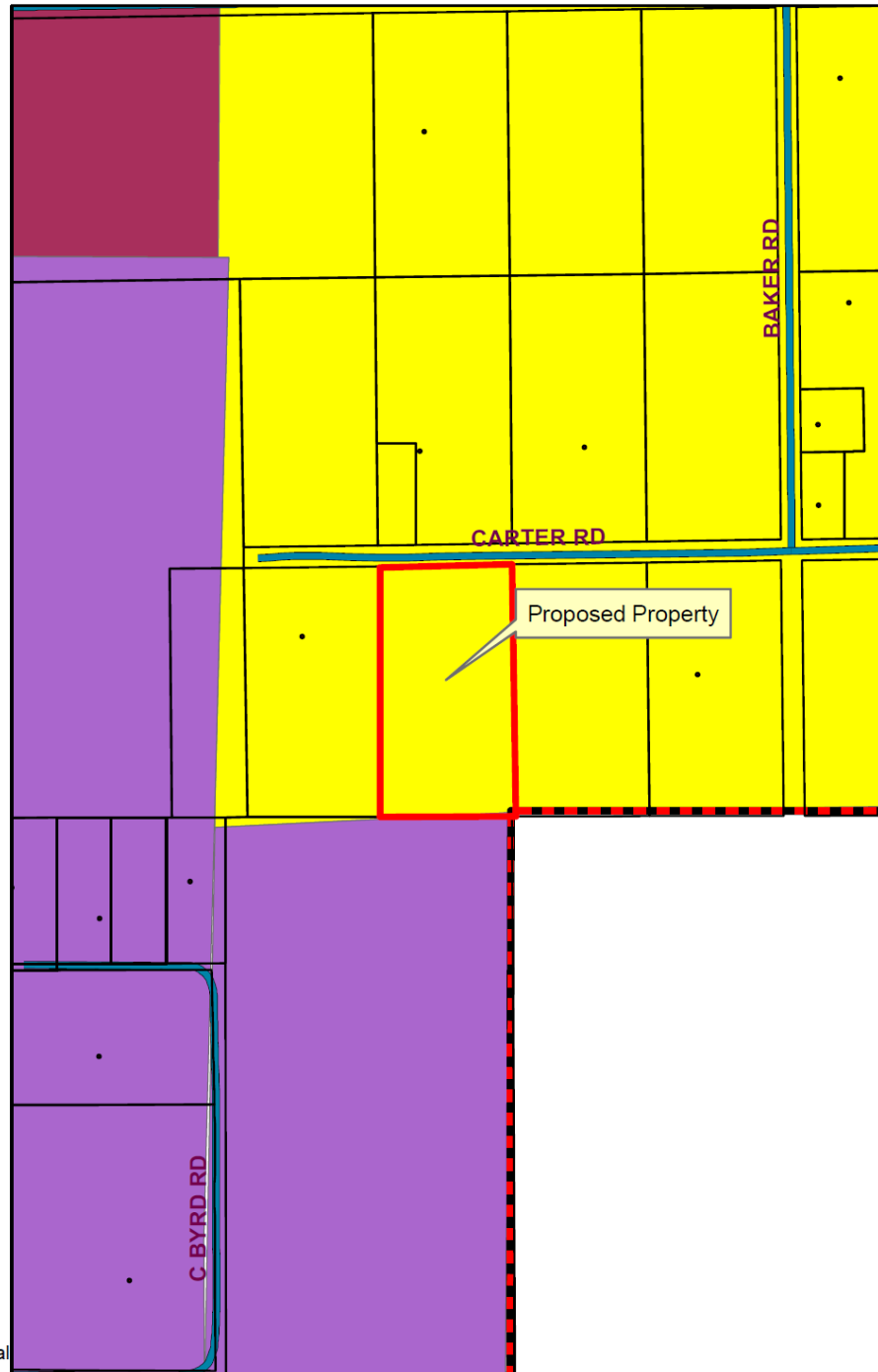
Prepared By:
City of Gautier
Planning Department

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



JANUARY 4, 2024
GAUTIER, MISSISSIPPI

BE IT REMEMBERED that a meeting of the Gautier Planning Commission of The City of Gautier, Mississippi, was held on January 4, 2024, 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, Chris Hoover, and William Davis. Also present were Scott Ankerson, Planning Director, and Babs Logan, Planning Technician. Absent were DeAnna McManus, Maurice Hudson, and Ricky Decoteau.

AGENDA

GAUTIER PLANNING COMMISSION

JANUARY 4, 2024

5:30 P.M.

- I. CALL TO ORDER**
- II. PLEDGE OF ALLEGIANCE (VOLUNTEER)**
- III. APPROVAL OF AGENDA**
- IV. APPROVAL OF MINUTES (DECEMBER 7, 2023)**
- V. PUBLIC COMMENTS
(MATTERS OF THE PLANNING COMMISSION NOT LISTED ON THE AGENDA)**
- VI. OLD BUSINESS**
- VII. NEW BUSINESS**
 - 1. Consider a request for a Conditional Use-Major that would allow a Package Liquor Store in a C-2 Community Commercial Zoning District. 3880 Gautier Vancleave Road, Suite #9, (GPC #24-02-CU)
 - 2. 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. 7609 Martin Bluff Road, (GPC #24-03-SE)

3. Consider a request for a nine-foot (9') Variance to side yard setback requirements in a R-1 Low Density Single-Family Residential Zoning District. 625 Susan Circle, (GPC #24-04-VAR)

VIII. GENERAL DISCUSSION

A. PREVIOUS CASE UPDATES

B. PERMIT & TRC REPORTS

IX. ADJOURN

Chairman Jamison advised those present that GPC #24-01-CU, regarding an expansion to an existing daycare at 3005 Holly Drive, had been moved to the February 1, 2024, Agenda. The request was originally advertised for this Agenda but had to be postponed prior to the Agenda being completed.

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

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

AYES: Kay C. Jamison
Josh Ward
Chris Hoover
William Davis

ABSENT: DeAnna McManus
Maurice Hudson
Ricky Decoteau

Motion Passed

Commissioner Ward made a motion to approve the December 7, 2023, minutes.

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

AYES: Kay C. Jamison
Josh Ward
William Davis

ABSTAINED: Chris Hoover

ABSENT: DeAnna McManus
Maurice Hudson
Ricky Decoteau

Motion Failed.

December 7, 2023, Minutes will be placed on the February 1, 2024, Agenda for approval.

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

OLD BUSINESS - None

NEW BUSINESS

1. Consider a request for a Conditional Use-Major that would allow a Package Liquor Store in a C-2 Community Commercial Zoning District. 3880 Gautier Vancleave Road, Suite #9, (GPC #24-02-CU)

Scott Ankerson, Planning Director, gave a brief overview of the case. He noted that this was in the Baywood Commons Shopping Center.

REQUEST:

The Planning Department has received a request from Gennady Korets dba Encore Wine and Spirits for a Conditional Use-Major that would allow a Package Liquor Store in a C-2 Community Commercial Zoning District at 3880 Gautier Vancleave Road, Suite #9. PID #82435010.050 (GPC #24-02-CU) The application fee of \$250 was paid on November 15, 2023. All public notice requirements have been met.

BACKGROUND:

The request property is zoned C-2 Community Commercial.

1. Location: 3880 Gautier Vancleave Road, Suite #9, PID #82435010.050 (See Exhibit A)
2. General features of the proposed project:
Total Area: Approximately 1.87 Acres
3. Existing Zoning – C-2 Community Commercial (See Exhibit B)
4. Existing Land Use – Commercial – Retail (See Exhibit C)

5. Comprehensive Plan Future Land Use Designation – Low Impact Commercial (See Exhibit D)

DISCUSSION:

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

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

Applicant Response: Yes.

Staff Finding: Yes. Package Liquor Store is listed as a Conditional Use-Major in a C-2 Community Commercial District.

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

Applicant Response: No obstruction will be caused due to parking. No modifications to existing infrastructure.

Staff Finding: The proposed use is allowed in a C-2 zoning district with a Major Conditional Use. Special conditions may be imposed if deemed necessary to help the proposed use be more compatible with the character of development in the vicinity.

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

Applicant Response: No.

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

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

Applicant Response: No.

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

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

Applicant Response: Yes.

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

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

Applicant Response: Yes.

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

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

Applicant Response: No.

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

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

Applicant Response: Yes.

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

DETERMINATION OF APPLICABLE LAW:

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

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

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

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

RECOMMENDATION & CONCLUSION:

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

The Planning Commission may:

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

ATTACHMENTS:

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

Chairman Jamison asked the applicant to present his case.

Commissioner Davis asked Mr. Ankerson if a Package Liquor Store was a Conditional Use no matter where they were located.

Mr. Ankerson advised that a Package Liquor Store was a Conditional Use-Major in C-2 and Town Center Districts, and that it was allowed by right in a C-3 District. He also explained that a C-3 District is more high impact commercial uses like big box stores, and a C-2 District is more of a transitional commercial district between residential neighborhoods and larger commercial districts.

Gennady Korets, the applicant, stated that he had just recently moved to the area and that he retired as a warden from the New York City Department of Corrections. While he is waiting on the financial benefits he should be receiving from being injured in a line of duty accident, he would like to try and open a small business, pay his taxes, and be a positive contribution financially to the city. It will be a small store and he will be selling liquor in full compliance with the laws. He said he is aware of underage attempts to buy liquor and that there is a college nearby. He stated that no disrespect to the property or the surrounding neighborhood will be tolerated by his business or himself.

Walter Malone, Jr. stated that he opposed the request because it is an area for young people. There is a coffee shop in the shopping center and a lot of young people from the college hang out there. It is also adjacent to the back of a neighborhood where a lot of young kids are. It would be better located across Hwy 90 in that shopping area versus near the residential district.

Mr. Korets wanted to assure anyone concerned about underage sales that because of his background with law enforcement he was able to provide technology to identify falsified documents or any kind of incompliance with the law expeditiously.

Chairman Jamison asked what his hours would be.

Mr. Korets replied that his hours would be from 10:00 a.m. to 10:00 p.m., Monday through Friday. Whatever is in compliance with the law.

Chairman Jamison asked Mr. Ankerson if the Conditional Use would just go with Suite #9 unit or would it go with the entire Baywood Village property.

Mr. Ankerson said it would go with the property. He stated that Josh Danos, the City Attorney, might interpret it differently but the Conditional Use would be added to the deed so he thinks it would go with the property not just the unit.

Chairman Jamison noted that there was a liquor store next to the Westgate Subdivision and as far as she knew there had never been a problem with it being so close to a residential district.

Commissioner Davis noted that there was a Cannabis Dispensary going in just a short distance from the proposed location.

ACTION TAKEN:

Chairman Jamison made a motion to recommend approval as presented due to the fact that there are other areas that have liquor stores by neighborhoods.

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

AYES: **Kay C. Jamison**
 Chris Hoover
 Josh Ward
 William Davis

ABSENT: **DeAnna McManus**
 Maurice Hudson
 Ricky Decoteau

Motion passed.

2. 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. 7609 Martin Bluff Road, (GPC #24-03-SE)

Scott Ankerson, Planning Director, gave a brief overview of the case. He advised the Commissioners that the City is looking into a Comprehensive Rezoning of some of the property in the area that was split zoned in the Comprehensive Future Land Use Plan and current Zoning maps when the Comprehensive Plan was approved in 2010. He reminded Commissioners that there had been several cases that had come before them regarding split zoned properties and they had voted to rezone the property in its entirety to one of the zones. He noted that some of the C-2 zoning in the area of the request bleeds over into the existing subdivision or residential use.

Commissioner Davis wanted to verify that the reason the request was before them was because the property was zoned C-2. He asked if it had been zoned R-1 would they have heard the request because the square footage is below what is required in R-1 or would it be grandfathered in because it was existing prior to the rezoning.

Mr. Ankerson stated that it was a Special Exception because it was located in a C-2 district, and had it been in an R-1 district it would have been grandfathered in.

Chairman Jamison noted that the applicant said there had been squatters in the home since it had been vacant. Chairman Jamison said she agreed that squatters would be a danger to the area.

Commissioner Davis asked Mr. Ankerson if this property would be one that the City would be rezoning to R-1.

Mr. Ankerson said that Staff would be proposing that this property, and others in the area like this one, be rezoned to R-1.

REQUEST:

The Planning Department has received a request from Thomas Dunaway for a Special Exception that would allow occupancy of an existing single-family dwelling in a C-2 Community Commercial Zoning District at 7609 Martin Bluff Road. PID #85700089.000 (GPC #24-03-SE). The application fee of \$250 was paid on December 11, 2023. All public notice requirements have been met.

BACKGROUND:

The request property is zoned C-2 Community Commercial.

1. Location: 7609 Martin Bluff Road, PID #85700089.000 (See Exhibit A)
2. General features of the proposed project:
 - Existing House: approximately 1000 square feet
 - Lot Size: 1.75 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, and R-1 Low Density Single-Family Residential
6. Current Surrounding Existing Land Use (See Exhibit C): Very Low to Low Density Residential, Vacant, and Commercial - Retail.
7. Comprehensive Plan Future Land Use Designation (See Exhibit D): Low Density Residential.

DISCUSSION:

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

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

Applicant Response: We purchased this property with knowledge it was already zoned residential and when we went to get the electricity and water turned on they notified us that it had been over the allotted days without it and it had automatically switched to "commercially zoned". It has been vacant over a year and now has squatters that go to the Dollar General and pick trash out on a daily basis. They then come back to property and rummage through trash and leave the remains all over the property. We would greatly appreciate if you would allow us to reoccupy the house as residential so we can update and do the needed repairs to property.

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: If we had a Special Exception, we could have the power and water turned on to restore the home to living condition with the original 1000 square footage. If people were able to live there, there would be no squatters loitering, littering and creating a injurious environment to the neighborhood.

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: *I purchased this property with the intention of completing the current restorations and living in it. When purchasing the residence it had no electricity or water and we had no knowledge of how long the residence had been sitting without utilities. The seller did know that without utilities it would be re-zoned commercial. Both parties had no knowledge.*

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 if he was going to be living in the house.

Thomas Dunaway, the applicant, said he would be renting the house out. He said he buys homes that are distressed, fixes them up, and then rents them out. He said two windows have been broken since he applied for the Special Exception, and he has filed two police reports within the last month.

Commissioner Hoover asked how soon he planned to start fixing the house.

Mr. Dunaway said he would immediately fix the windows, and the doors that had been kicked in.

Ellen Malone stated that she lives on the corner of Martin Bluff and Hickory Hill Drive, and she is in support of the request. She said that lot, and the area around it, needed to be rezoned to R-1 because there is residential housing all around it. When she found out

what type of businesses could actually go in the area, they would really not fit into her neighborhood.

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 due to the existing characteristics of the neighborhood.

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

AYES: **Kay C. Jamison**
 Josh Ward
 Chris Hoover
 William Davis

ABSENT: **DeAnna McManus**
 Maurice Hudson
 Ricky Decoteau

Motion passed.

-
3. Consider a request for a nine-foot (9') Variance to side yard setback requirements in a R-1 Low Density Single-Family Residential Zoning District. 625 Susan Circle, (GPC #24-04-VAR)

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

REQUEST:

The Planning Department has received a request from William and Angela Blackburn for a nine-foot (9') Variance to side yard setback requirements in a R-1 Low Density Single-Family Residential Zoning District at 625 Susan Circle, PID #81817175.000, (GPC #24-04-VAR). The application fee of \$175 was paid on November 21, 2023. All public notice requirements have been met.

BACKGROUND:

The applicant's previous single carport was destroyed by a fire. He would like to build back with a double carport. By making the previous single carport a double carport he would only be one foot (1') from the side property line. The Unified Development Ordinance (UDO) requires a ten foot (10') minimum side yard setback for a house in a R-1 District. The applicant will need a nine-foot (9') variance to side yard setbacks.

DISCUSSION:

The applicant would like to replace his previous single carport, which was destroyed by fire, with a double carport. Increasing the size of the original carport would place the side yard setback at one foot (1') instead of the ten-foot (10') setback which is required by the UDO. The applicant's lot is an odd shaped lot and he will need a nine-foot (9') variance to side yard setbacks in order to build the double carport.

DETERMINATION OF APPLICABLE LAW:

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

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

The UDO defines **Hardship** as:

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

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

UDO SECTION 4.18: Variance

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

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

4.18.1 Who May Initiate

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

4.18.2 Application for Variance

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

4.18.3 Administrative Variances

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

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

4.18.4 Criteria for Approval

The Variance application shall demonstrate the following:

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

RECOMMENDATION & CONCLUSION:

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

The Planning Commission may:

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

ATTACHMENTS:

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

Chairman Jamison noted that the property was very odd shaped and that it was just one corner of the structure that would be one foot from the property line. She then asked the applicant to present their case.

William Blackburn, the applicant, said he would like to extend an old carport out from a single carport to a double carport.

Chairman Jamison asked what kind of material would be used.

Mr. Blackburn there would be horizontal siding around the outside to match what was there before. It will be wood that will match the house. It will have an aluminum roof on it that also matches the roof on the house.

Chairman Jamison asked if the carport was already built.

Mr. Blackburn said they had started building when he realized that the contractor, he first hired had not gotten a permit. When the new contractor came to get a permit and found out that a variance was needed, they stopped work until they could get a variance.

Commissioner Ward asked if anyone had called or sent a letter objecting to the request.

Babs Logan, the Planning Technician, advised that David Boulton, the property owner that the structure would be closest to, had called and said he had no problem with the request.

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

ACTION TAKEN:

Commissioner Ward made a motion to recommend that the City Council approve the variance request as presented.

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

AYES: **Kay C. Jamison**
 Joshua Ward
 Chris Hoover
 William Davis

**ABSENT: DeAnna McManus
Maurice Hudson
Ricky Decoteau**

Motion passed.

GENERAL DISCUSSION

A. PREVIOUS CASE UPDATES

Mr. Ankerson advised Commissioners that City Council denied GPC #23-37-VAR, the request for a variance to minimum square footage requirements for a dwelling on Carter Road, and approved the other three cases from the December 7, 2023, meeting.

B. PERMIT & TRC REPORT

Mr. Ankerson presented the December 2023 report.

Commissioner Ward made a motion to adjourn the meeting.

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

**AYES: Kay C. Jamison
Josh Ward
Chris Hoover
William Davis**

**ABSENT: DeAnna McManus
Maurice Hudson
Ricky Decoteau**

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

January 4, 2024

GPC #24-02-CU

Gennady Korets

dba

Encore Wine and Spirits

3880 Gautier Vancleave Road, Suite #9

VII. NEW BUSINESS

1. Consider a request for a Conditional Use-Major that would allow a Package Liquor Store in a C-2 Community Commercial Zoning District. 3880 Gautier Vancleave Road, Suite #9, (GPC #24-02-CU)

**CITY OF GAUTIER
STAFF REPORT**

To: Chairman and Members, Planning Commission

From: Scott Ankerson, Planning Director

Date: December 29, 2023

Subject: Consider a request for a Conditional Use-Major that would allow a Package Liquor Store in a C-2 Community Commercial Zoning District. 3880 Gautier Vancleave Road, Suite #9. (GPC #24-02-CU)

REQUEST:

The Planning Department has received a request from Gennady Korets dba Encore Wine and Spirits for a Conditional Use-Major that would allow a Package Liquor Store in a C-2 Community Commercial Zoning District at 3880 Gautier Vancleave Road, Suite #9. PID #82435010.050 (GPC #24-02-CU) The application fee of \$250 was paid on November 15, 2023. All public notice requirements have been met.

BACKGROUND:

The request property is zoned C-2 Community Commercial.

1. Location: 3880 Gautier Vancleave Road, Suite #9, PID #82435010.050 (See Exhibit A)
2. General features of the proposed project:
Total Area: Approximately 1.87 Acres
3. Existing Zoning – C-2 Community Commercial (See Exhibit B)
4. Existing Land Use – Commercial – Retail (See Exhibit C)
5. Comprehensive Plan Future Land Use Designation – Low Impact Commercial (See Exhibit D)

DISCUSSION:

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

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

Applicant Response: Yes.

Staff Finding: Yes. Package Liquor Store is listed as a Conditional Use-Major in a C-2 Community Commercial District.

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

Applicant Response: No obstruction will be caused due to parking. No modifications to existing infrastructure.

Staff Finding: The proposed use is allowed in a C-2 zoning district with a Major Conditional Use. Special conditions may be imposed if deemed necessary to help the proposed use be more compatible with the character of development in the vicinity.

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

Applicant Response: No.

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

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

Applicant Response: No.

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

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

Applicant Response: Yes.

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

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

Applicant Response: Yes.

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

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

Applicant Response: No.

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

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

Applicant Response: Yes.

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

DETERMINATION OF APPLICABLE LAW:

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

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

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

RECOMMENDATION & CONCLUSION:

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

The Planning Commission may:

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

ATTACHMENTS:

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

GAUTIER, MISSISSIPPI
PLANNING DEPARTMENT
CONDITIONAL USE APPLICATION

Public Hearing Number

24-02-CU

TO BE HEARD BY GAUTIER PLANNING COMMISSION AND CITY COUNCIL:	
Conditional Use - Major <u>X</u>	FEE: \$251.00
TO BE HEARD BY PLANNING DIRECTOR:	
Conditional Use - Minor _____	FEE: \$251.00
*Includes \$1.00 filing fee per MS Code §25-60-5	

Name of Applicant: Gennady Korets
Name of Business: Encore Wine and Spirits Phone: 718-536-0333
Property Address: 3880 Gautier Vancleave Rd. #Ste 9 Mailing Address (if Different): 6721 Washington Ave Apt #151D Ocean Springs MS 39564
E-Mail Address: Beyondaverage@aol.com
Proposed Use Requiring Conditional Use: Wine and Spirits (Refer to Article V, UDO)

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

ATTACHMENTS REQUIRED AS APPLICABLE:

- ✓ 1. Answers to the Criteria for Approval (see attached).
- ✓ 2. Project Narrative (see attached).
- NA 3. Diagram of intended use (see attached).
- 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.
- ✓ 7. Owner's Consent form if anyone other than 100% sole owner makes application (see attached).

Signature of Applicant(s): [Signature]

Date of Application: 11-15-2023

FOR OFFICE USE ONLY	
Date Received <u>11/15/23</u>	Verify as Complete <u>Balo</u>
Fee Amount Received <u>251.00</u>	Initials of Employee Receiving Application <u>BF</u>

OWNERS CONSENT AND DESIGNATION OF AGENT - CONDITIONAL USE

MERIT MANAGEMENT LLC FOR OWNERS

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

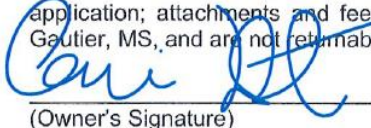
Address:

3880 Gautier Vanclaeve Rd # 9

Parcel ID No.:

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

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


(Owner's Signature)

(Owner's Signature)

Notary Information:

The foregoing instrument was acknowledged before me this 15th day of November, 2023 by Connie West Portas who is personally known to me or has produced personally known as identification and who did take an oath.

Addie L. BANG
(Printed Name of Notary Public)

Addie L. Bang
(Signature of Notary Public)

Commission # 101387 My commission expires Feb 13, 2024
(Notary's Seal)

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

X MAJOR CONDITIONAL USE CRITERIA FOR APPROVAL

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

MINOR CONDITIONAL USE CRITERIA FOR APPROVAL

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

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

NARRATIVE

I, Genwady Korets and my wife Olga Korets
are very humbly and respectfully requesting
for consideration for approval to open
a wine and spirits package
at 3880 Gauthier Boulevard Ste #9.

We will not be adding any additional
infrastructure. Traffic will not be impacted
in the surrounding area nor will traffic cause
any obstructions. Said business will
pay all taxes, comply with all rules, laws
and regulations, and promote a good and
healthy business atmosphere and be good
stewards of kind, responsible and friendly service
to all residents who patron this
establishment.

82435010.050 BAYWOOD COMMONS LLC

PIDN: 82435010.050

GISP: 777.35-01-0014.00

Owner Information

Percent of Ownership: 100

Name: BAYWOOD COMMONS LLC

Name 2:

Mailing Address: 4223 COBBLESTONE LN
GAUTIER MS
39553

Site Address: 3880 GAUTIER VANCLEAVE RD GAUTIER

Land Information

Section: 35 Acreage: 1.87

Township: 7

Range: 7

Street Name GAUTIER VANCLEAVE
RD

Value and Tax Information

Total Assessed Value: 94084

Total Appraised Value: 627222

Improvement Value: 506472

Land Value: 120750

Tax Amount: 13528

SQ FT: 12939

Year Built: 1985

Legal Description

Description: BEG SWC LOT 90 NORTHWOOD HILLS S
/D S 71 DEG E 194.25' S 23 DEG E
114.01' S70 DEG E 123.47' S 252
.67' TO N/M STINE RD N 55 DEG W
335.6' TO GAUTIER-VANCLEAVE RD N
20 DEG W 285' E 15' S 69 DEG E
12.39' TO POB DB 2043-67 (14 Map
777.35-01)

Deed Book / Page: 2043 / 67

82435010.050 BAYWOOD COMMONS LLC

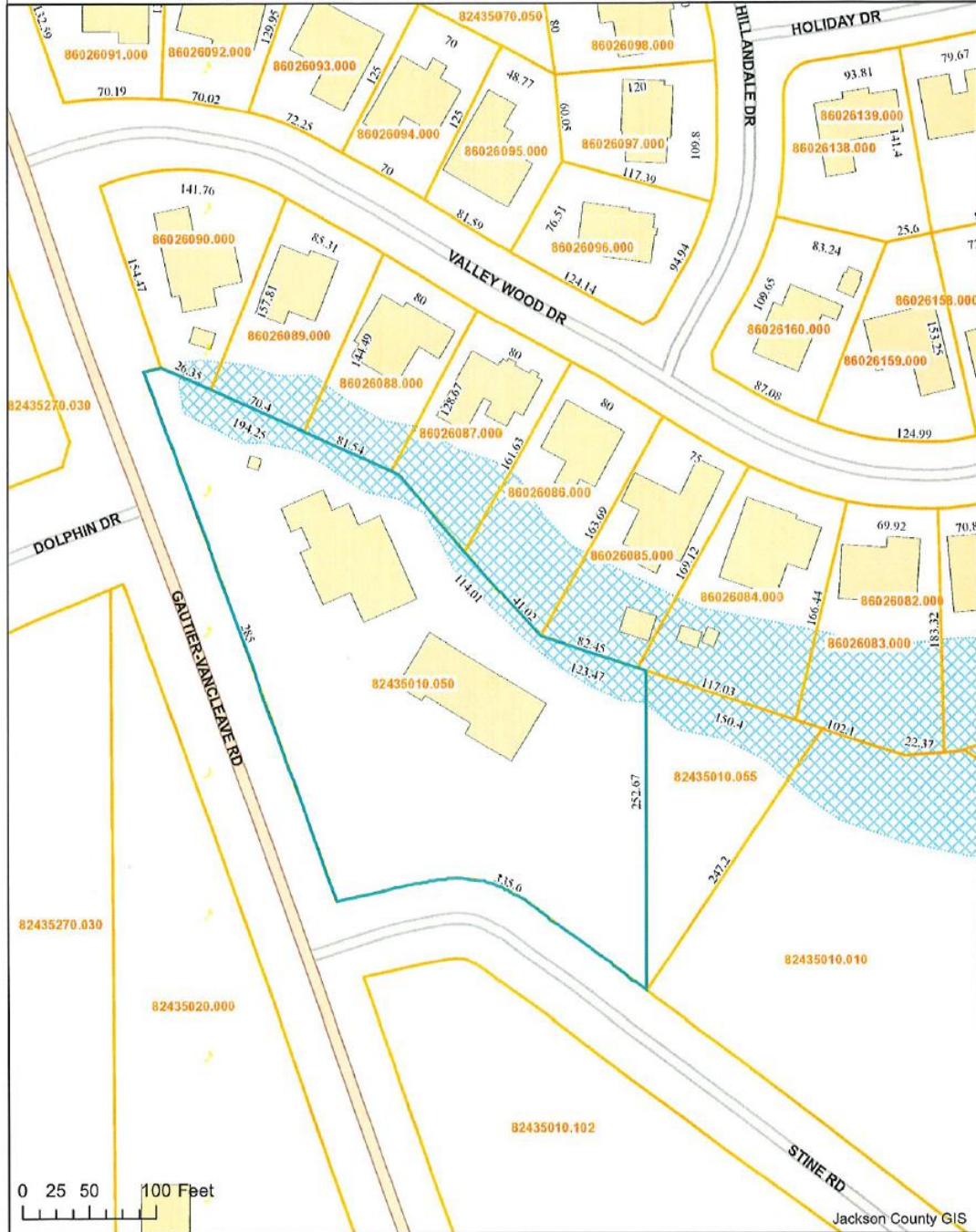


Exhibit A Location Map

Prepared by:
City of Gautier
Planning Department

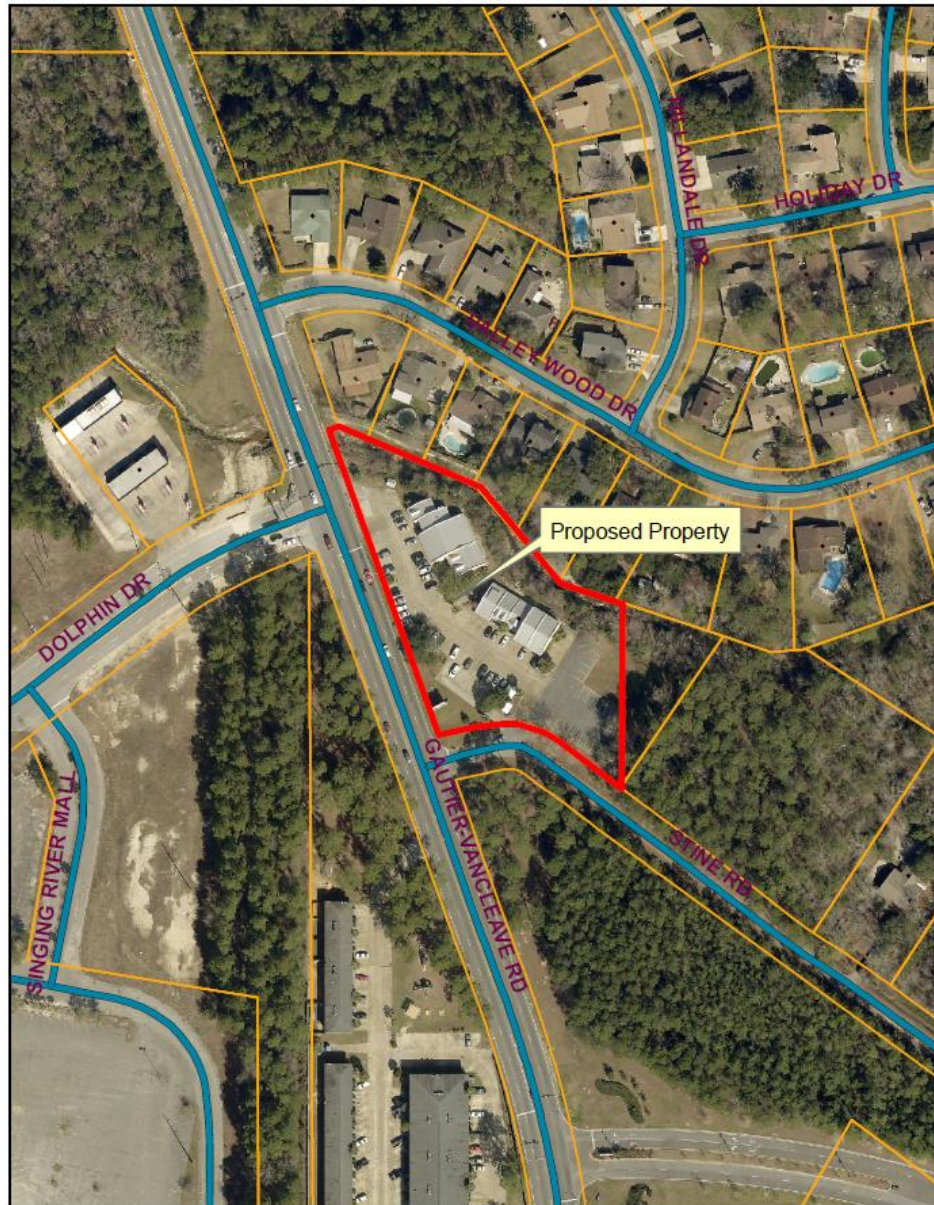


Exhibit B

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

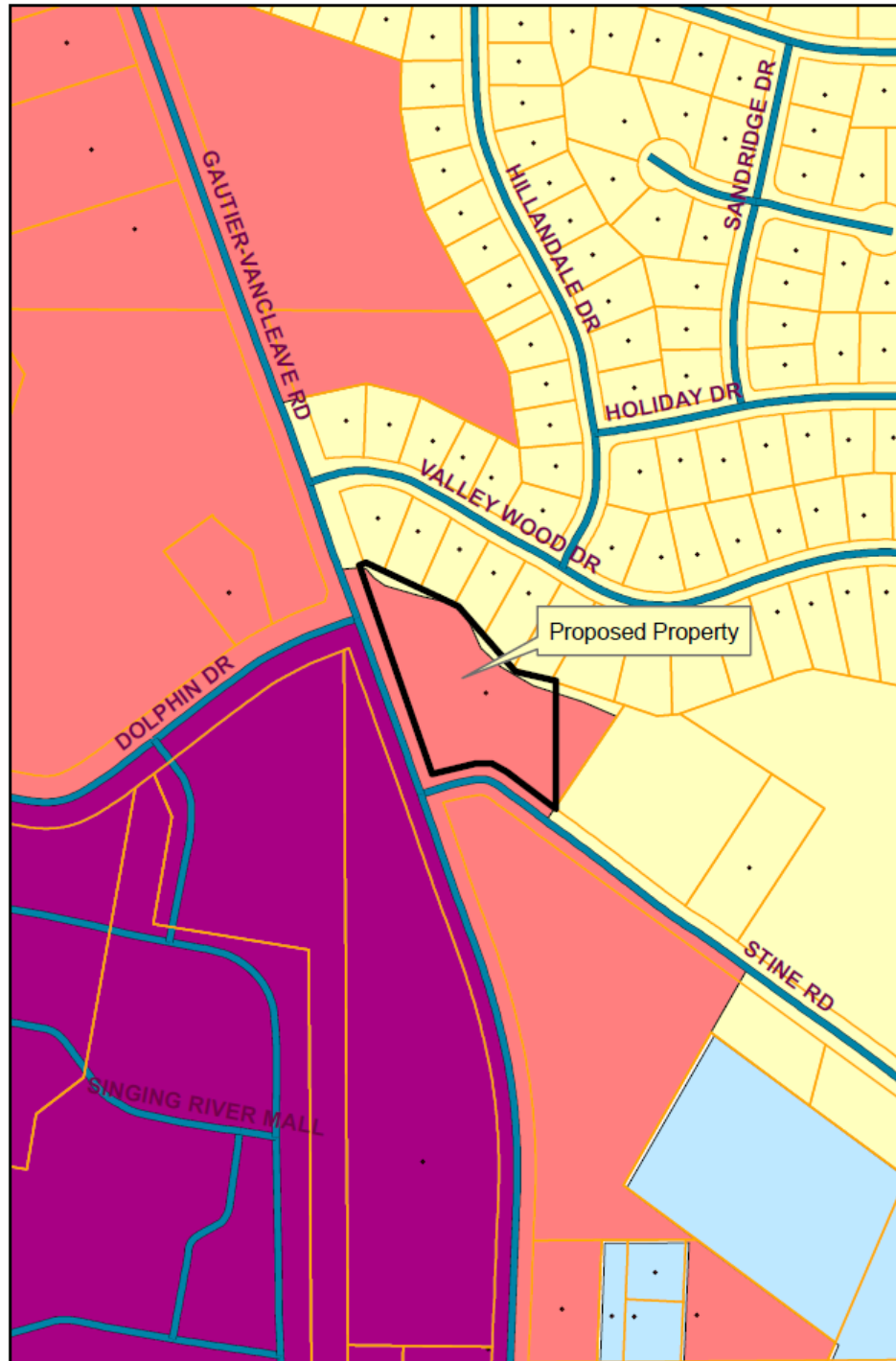


Exhibit C

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

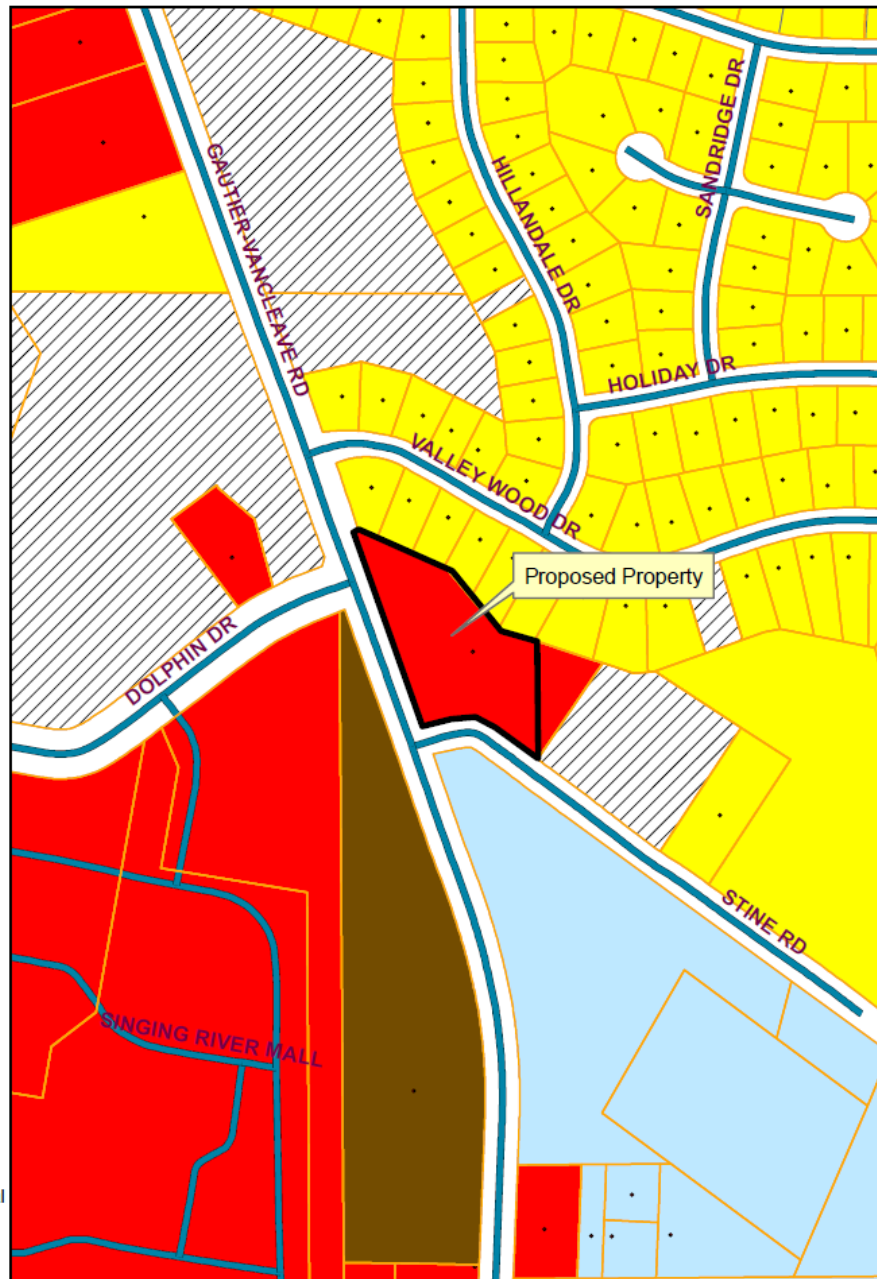


Exhibit D Future Land-Use

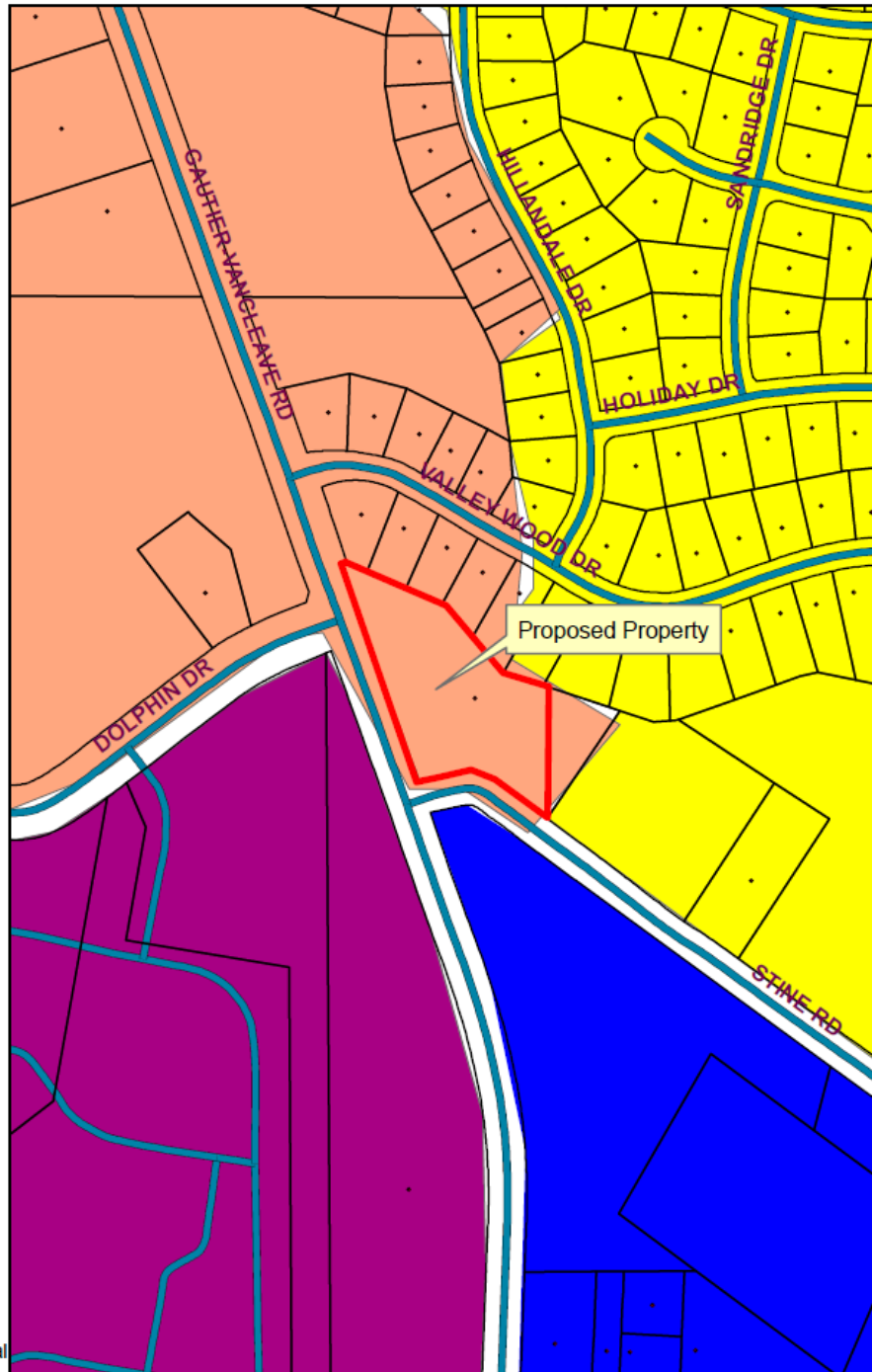
Prepared By:
City of Gautier
Planning Department

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

January 4, 2024

GPC #24-03-SE

Thomas Dunaway

7609 Martin Bluff Road

VII. NEW BUSINESS

2. 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. 7609 Martin Bluff Road, (GPC #24-03-SE)

CITY OF GAUTIER STAFF REPORT

To: Chairman and Members, Planning Commission

From: Scott Ankerson, Planning Director

Date: December 29, 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, 7609 Martin Bluff Road. (GPC #24-03-SE)

REQUEST:

The Planning Department has received a request from Thomas Dunaway for a Special Exception that would allow occupancy of an existing single-family dwelling in a C-2 Community Commercial Zoning District at 7609 Martin Bluff Road. PID #85700089.000 (GPC #24-03-SE). The application fee of \$250 was paid on December 11, 2023. All public notice requirements have been met.

BACKGROUND:

The request property is zoned C-2 Community Commercial.

1. Location: 7609 Martin Bluff Road, PID #85700089.000 (See Exhibit A)
2. General features of the proposed project:
 - Existing House: approximately 1000 square feet
 - Lot Size: 1.75 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, and R-1 Low Density Single-Family Residential
6. Current Surrounding Existing Land Use (See Exhibit C): Very Low to Low Density Residential, Vacant, and Commercial - Retail.
7. Comprehensive Plan Future Land Use Designation (See Exhibit D): Low Density Residential.

DISCUSSION:

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

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

Applicant Response: *We purchased this property with knowledge it was already zoned residential and when we went to get the electricity and water turned on they notified us that it had been over the allotted days without it and it had automatically switched to "commercially zoned". It has been vacant over a year and now has squatters that go to the Dollar General and pick trash out on a daily basis. They then come back to property and rummage through trash and leave the remains all over the property. We would greatly appreciate if you would allow us to reoccupy the house as residential so we can update and do the needed repairs to property.*

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: *If we had a Special Exception, we could have the power and water turned on to restore the home to living condition with the original 1000 square footage. If people were able to live there, there would be no squatters loitering, littering and creating a injurious environment to the neighborhood.*

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: *I purchased this property with the intention of completing the current restorations and living in it. When purchasing the residence it had no electricity or water and we had no knowledge of how long the residence had been sitting without utilities. The seller did know that without utilities it would be re-zoned commercial. Both parties had no knowledge.*

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

PLANNING DEPARTMENT
GAUTIER, MISSISSIPPI

SPECIAL EXCEPTION HEARING APPLICATION

Public Hearing Number

24-03-SE

TYPE OF REQUEST:

Special Exception

FEE:

\$251.00

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

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

Name of Applicant: THOMAS DUNAWAY

Name of Business: RAMPDR, LLC

Address: 7609 MARTIN BLUFF, GAUTIER MS 39553

Mailing Address (if different): 4447 Jeremiah Cv, D'IBERVILLE MS 39540

Email Address: WECARE@RAMPDR.COM

Phone: 2282820869

Cell Phone:

Reason for request, location and intended use of Property:

to allow occupancy of a house located in a commercial zone that has been vacant for over 180 days

ATTACHMENTS REQUIRED AS APPLICABLE:

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

Signature of Applicant: Thomas J Dunaway

FOR OFFICE USE ONLY

Date Received 12/11/23 Verify as Complete Scott -

Fee Amount Received 251.00

Initials of Employee Receiving Application Babs

- A. 5.4.5 R-1A, Medium Density Single-Family and Two-Family Residential District
Single-family and two-family principal uses and accessory structures in the R-1A District shall

Minimum Living Area of Dwelling units: Eleven hundred (1,100) square feet for single-family dwellings and two thousand (2,000) square feet for two-family dwelling units.

To allow occupancy of a house located in a commercial zone that has been vacant for over 180 days

- B. If we had a Special Exception, we could have the power and water turned on to restore the home to living condition with the original 1000 square footage. If people were able to live there, there would be no squatters loitering, littering and creating a injurious environment to the neighborhood.
- C. I purchased this property with the intention of completing the current restorations and living in it. When purchasing the residence it had no electricity or water and we had no knowledge of how long the residence had been sitting without utilities. The seller did know that without utilities it would be re-zoned commercial. Both parties had no knowledge.

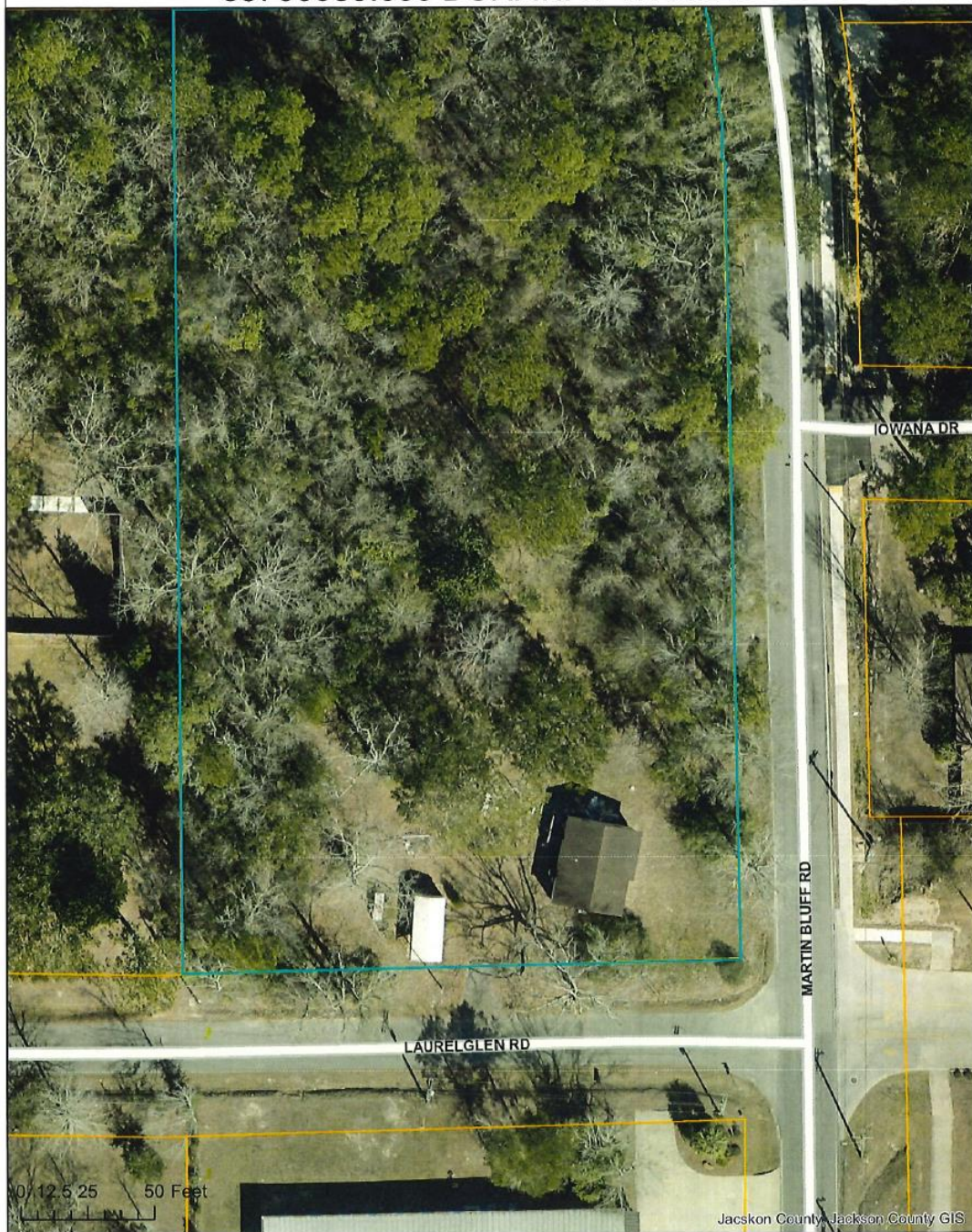
Property Address: 7609 Martin Bluff Rd.
Gautier, MS 39553

Legal Description: BEG AT A PT BETWEEN LOTS 4 & 5 DIVISION OF JAMES MARTIN EST INTERSECTS THE W/MRG MARTIN BLUFF RD W 210' S 363' E 210' TOW/M MARTIN BLUFF RD N/ALG W/M RD 363' TO POB PT LOT 5 JAMES MARTIN EST DB 1632-502 (312 MAP771.12-01)



not printed

85700089.000 DUNAWAY THOMAS



85700089.000 DUNAWAY THOMAS

PIDN: 85700089.000

GISP: 771.12-01-0312.00

Owner Information

Percent of Ownership: 100

Name: DUNAWAY THOMAS

Name 2:

Mailing Address: 4447 JEREMIAH CV
D'IBERVILLE MS
39540

Site Address: 7609 MARTIN BLUFF RD GAUTIER

Land Information

Section: 12 Acreage: 1.75

Township: 7

Range: 7

Street Name MARTIN BLUFF
RD

Value and Tax Information

Total Assessed Value: 5561

Total Appraised Value: 37072

Improvement Value: 22652

Land Value: 14420

Tax Amount: 799

SQ FT: 768

Year Built: 1940

Legal Description

Description: BEG AT A PT BETWEEN LOTS 4 & 5 D
IVISION OF JAMES MARTIN EST INTE
RSECTS THE W/MRG MARTIN BLUFF RD
W 210' S 363' E 210' TO W/M MAR
TIN BLUFF RD N/ALG W/M RD 363' T
O POB PT LOT 5 JAMES MARTIN EST
DB 2080-551 (312 MAP771.12-01)

Deed Book / Page: 2080 / 551

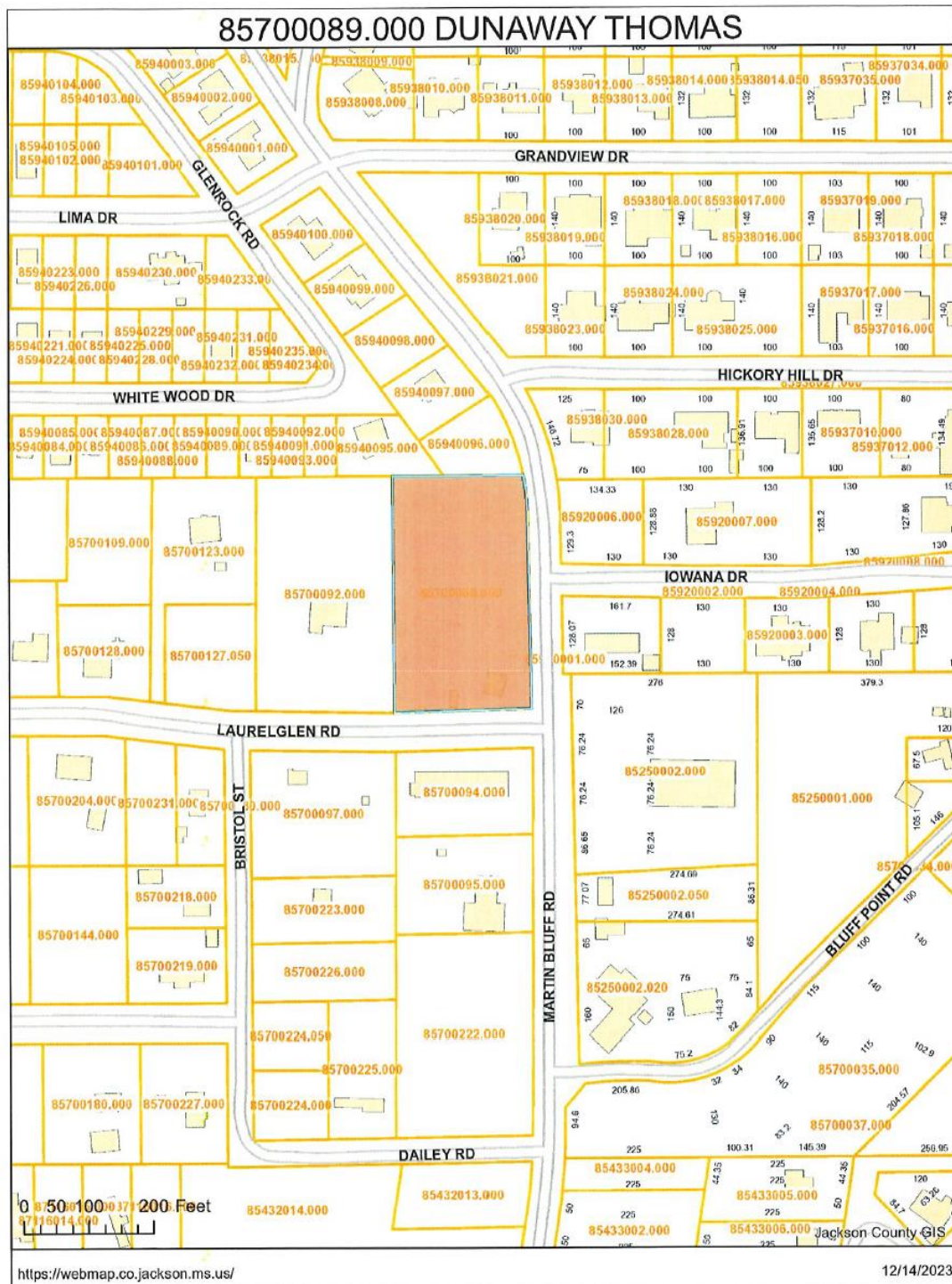


Exhibit A Location Map

Prepared by:
City of Gautier
Planning Department

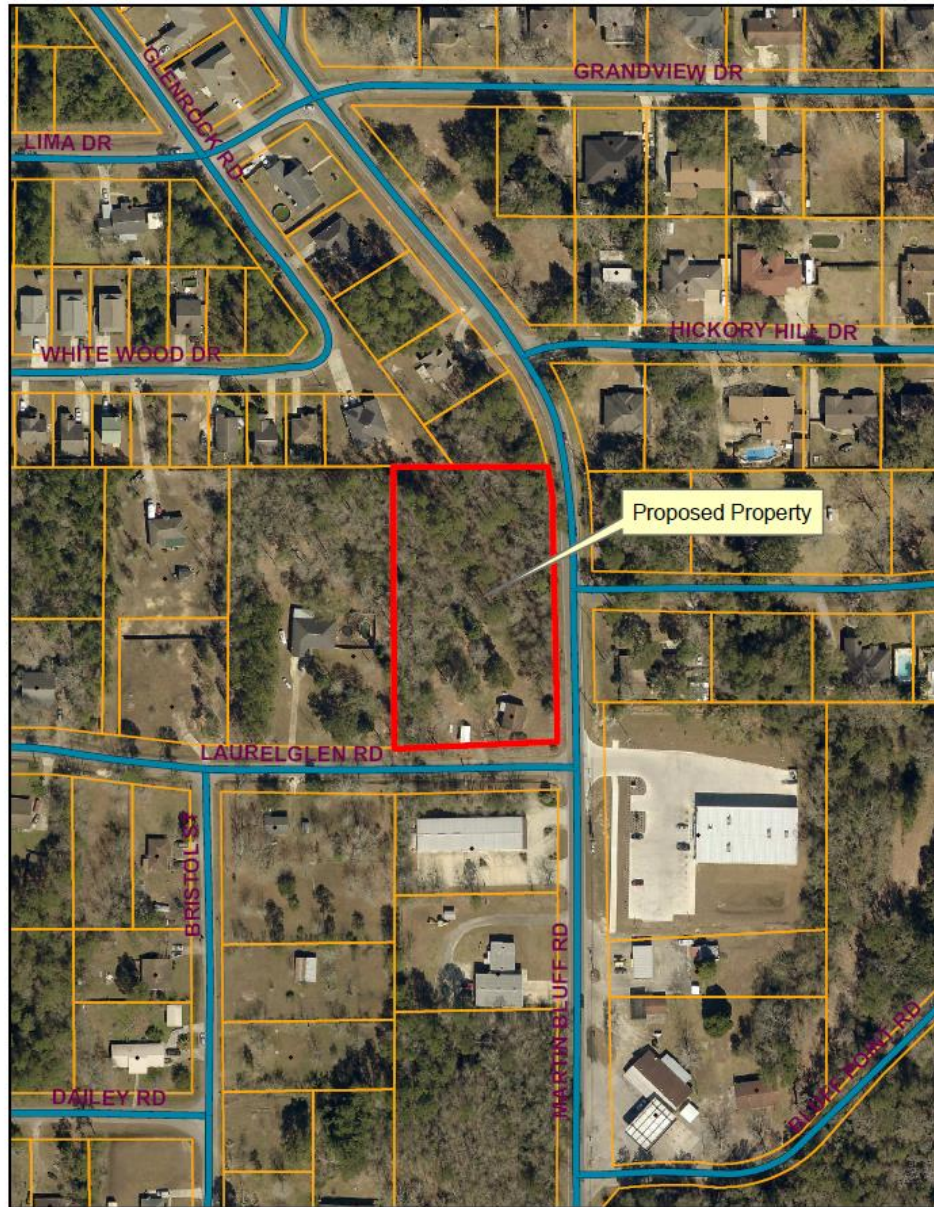


Exhibit B Existing Zoning

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

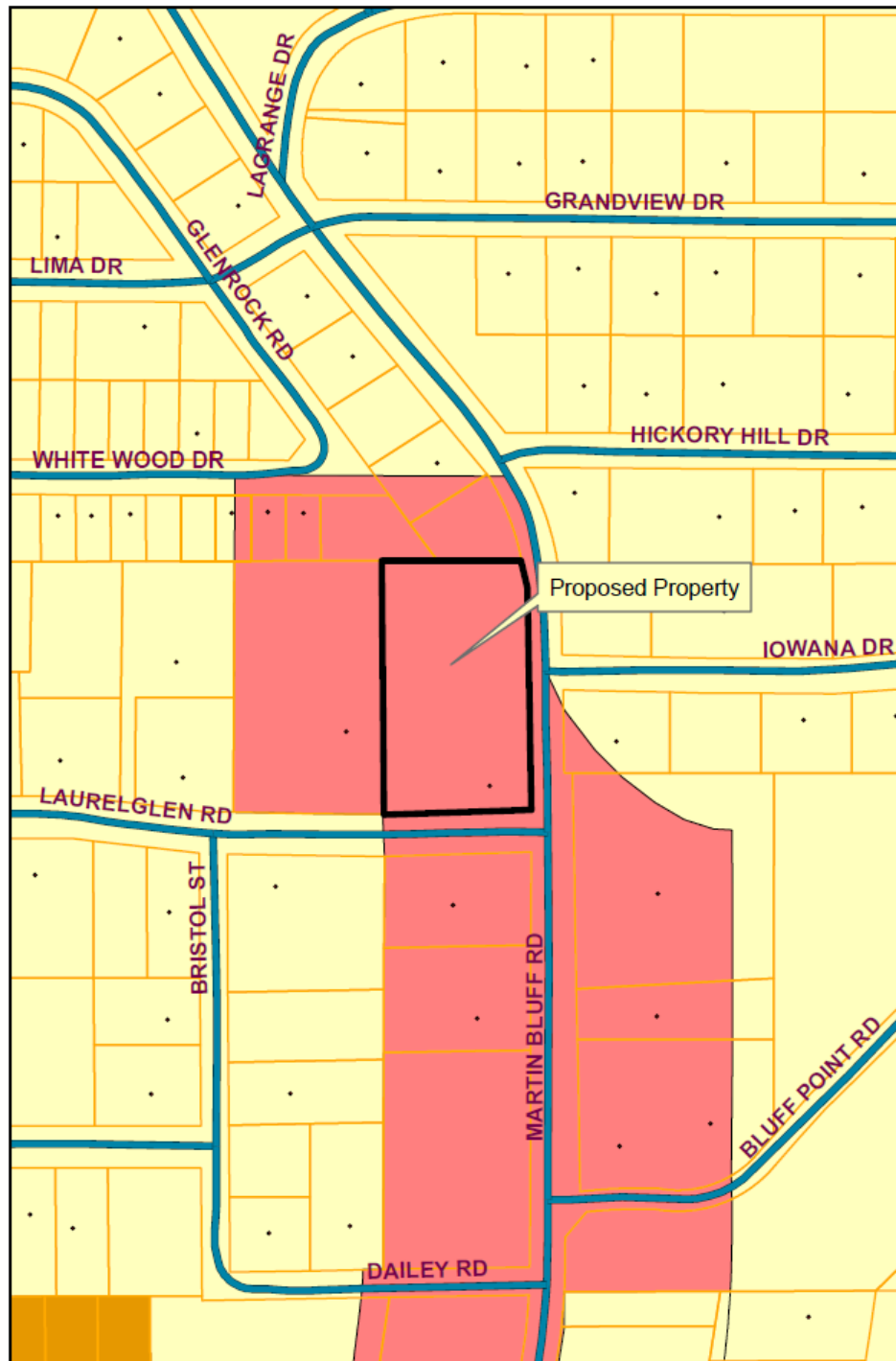


Exhibit C Existing Land-Use

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

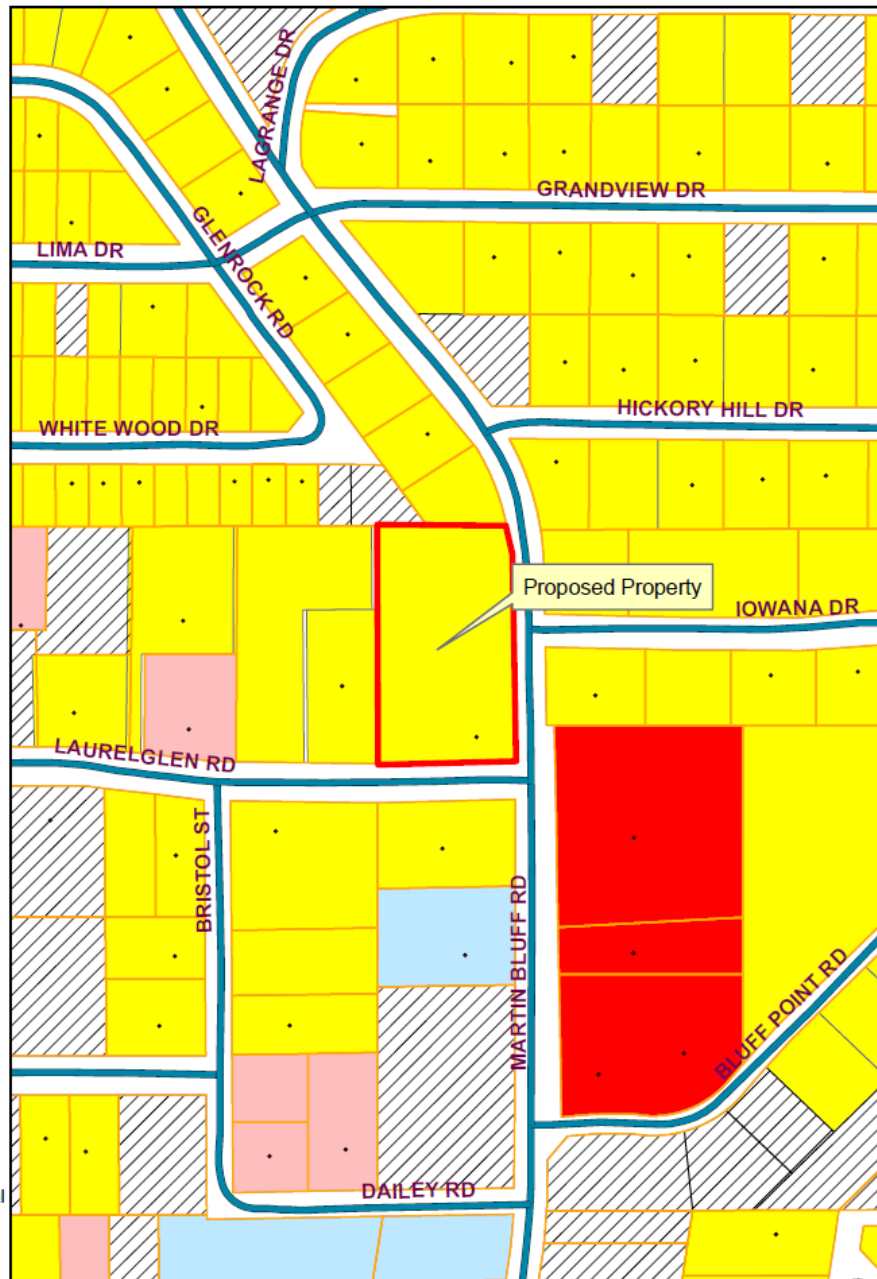


Exhibit D Future Land-Use

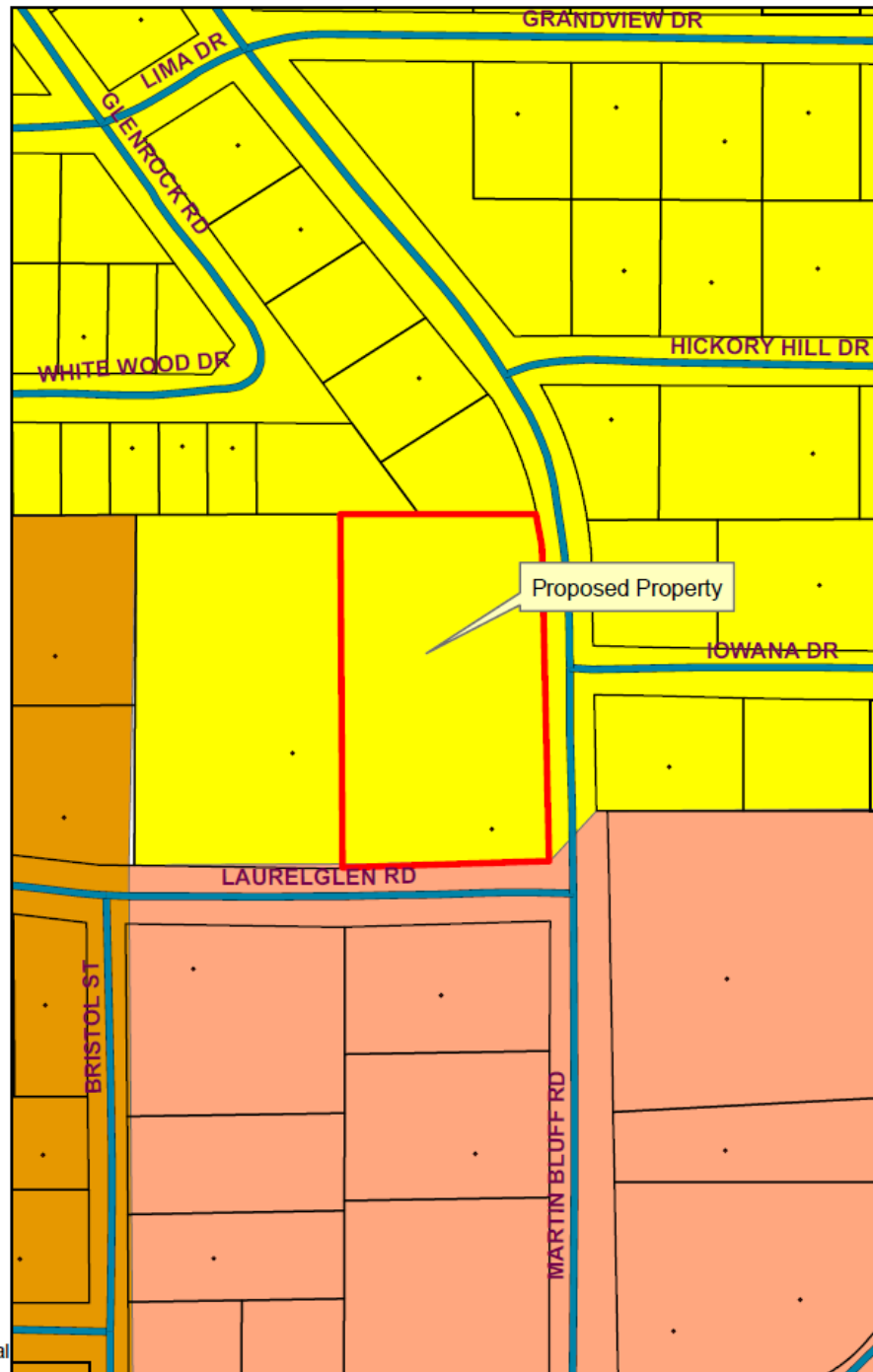
Prepared By:
City of Gautier
Planning Department

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

January 4, 2024

GPC #24-04-VAR

625 Susan Circle

VII. NEW BUSINESS

3. Consider a request for a nine-foot (9') Variance to side yard setback requirements in a R-1 Low Density Single-Family Residential Zoning District. 625 Susan Circle, (GPC #24-04-VAR)

**CITY OF GAUTIER
STAFF REPORT**

To: Chairman and Members, Planning Commission

From: Scott Ankerson, Planning Director

Date: December 29, 2023

Subject: Consider a request for a nine-foot (9') Variance to side yard setback requirements in a R-1 Low Density Single-Family Residential Zoning District. 625 Susan Circle, PID #81817175.000, (GPC #24-04-VAR)

REQUEST:

The Planning Department has received a request from William and Angela Blackburn for a nine-foot (9') Variance to side yard setback requirements in a R-1 Low Density Single-Family Residential Zoning District at 625 Susan Circle, PID #81817175.000, (GPC #24-04-VAR). The application fee of \$175 was paid on November 21, 2023. All public notice requirements have been met.

BACKGROUND:

The applicant's previous single carport was destroyed by a fire. He would like to build back with a double carport. By making the previous single carport a double carport he would only be one foot (1') from the side property line. The Unified Development Ordinance (UDO) requires a ten foot (10') minimum side yard setback for a house in a R-1 District. The applicant will need a nine-foot (9') variance to side yard setbacks.

DISCUSSION:

The applicant would like to replace his previous single carport, which was destroyed by fire, with a double carport. Increasing the size of the original carport would place the side yard setback at one foot (1') instead of the ten-foot (10') setback which is required by the UDO. The applicant's lot is an odd shaped lot and he will need a nine-foot (9') variance to side yard setbacks in order to build the double carport.

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

24-04-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: William & Amanda Blackburn

Name of Business: N/A Phone: 228-327-7980

Property Address: 625 Susan Cir Mailing Address (if Different): SAME
Gautier MS 39553

E-Mail Address: SCAFFWOBB@yahoo.com

Reason for request, location and intended use of Property: Fire on July 30th Burned old

Carport, while Rebuilding would like to Increase Size - See Narrative
9' Side yard Variance

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.
- NA 3. Copy of protective covenants or deed restrictions, if any.
- NA 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: [Signature] Date of Application: 11-21-2023

FOR OFFICE USE ONLY

Date Received 11/21/23 Verify as Complete Scott

Fee Amount Received 176.00 Initials of Employee Receiving Application Bals

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?

Our lot is shaped like an offset Pentagon (not equal sides) Additionally we have Driveway Easements on North and South side for Neighbor Driveways with a public Road on the West - Drawing Attached.

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

No the Easement when we obtained the property

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 Ordinance does not allow me to build out to Property Line. I can only build out to the East and the Carport is already there so making it a Double Carport will put it on the property within 1'.

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.

It will allow me to Double my Carport and have it 1' off the property line.

The Carport is already there and after a fire we would like to make it a Double Carport.

East is the only way we can build it out so this will put us close to the property line

Narrative

On July 30th, 2023, our 5th wheel camper was struck by lighting and burned completely. During the fire the carport and east side of our house also burned along with the west side of our neighbor's house.

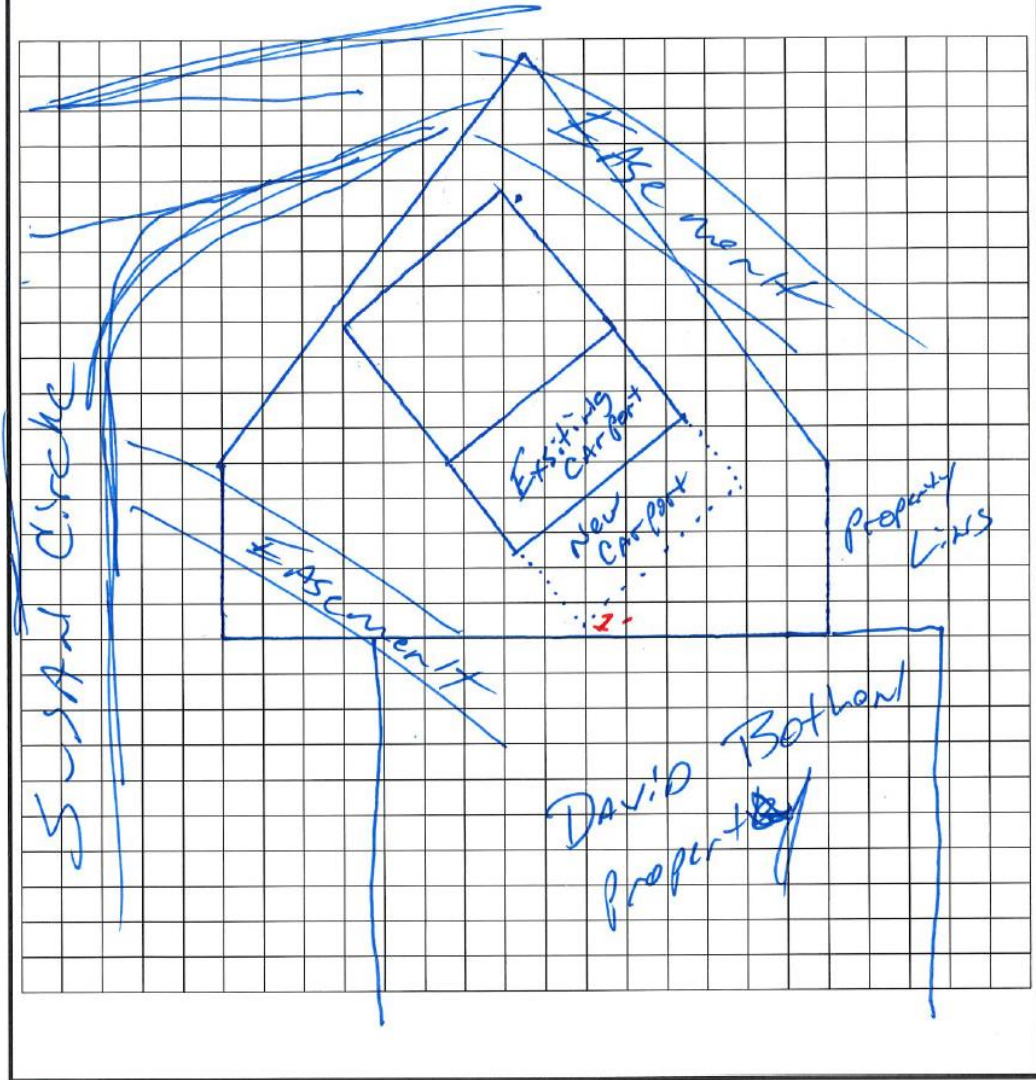
The carport was a single carport, so because we will not be getting another camper, we would like to expand our carport to a double carport.

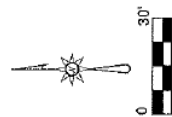
We have an abnormal shaped lot. (see attached drawing by Duke Land Surveying) It is a non-equal sided Pentagon, with drive easements, for neighbors to access their property on either side. The easements are on the north and south sides on the property with Susan circle road on the west.

In order to expand the carport to a double we would need to be one foot off the property line to the east. We have spoken with each of our neighbors, including David Bolton, whose property line we will be close to, and all are ok with our plan.

The carport will be covered with a metal roof, and horizontal boards around the outside as the carport was before the fire.

DIAGRAM





Commencing at a concrete monument found marking the northwest corner of Claim Section 7, Township 3 South, Range 6 West, Jackson County, Mississippi, and then East a distance of 2978.20 feet to a point; thence run South a distance of 1845.10 feet to a chiselled "x" in a concrete driveway for the Point of Beginning; thence run South 63 degrees 03 minutes 00 seconds East a distance of 30.00 feet to a found 1/2 inch rebar; thence run South 29 degrees East a distance of 16 feet to a found 1/2 inch rebar; thence run South 29 degrees East a distance of 16 feet to a found 1/2 inch rebar; thence run South 29 degrees East a distance of 45.00 feet to a found 1/2 inch rebar; thence run South 28 degrees 01 minutes 01 seconds West a distance of 45.60 feet to a found 1/2 inch rebar; thence run South 28 degrees 01 minutes 25 seconds West a distance of 10.00 feet to a found 1/2 inch rebar; thence run South 28 degrees 01 minutes 54 seconds West a distance of 29.37 feet to a found 1/2 inch iron pipe; thence run North 24 degrees 09 minutes 51 seconds West a distance of 59.07 feet to a chiselled "x" in a concrete driveway; thence run North 74 degrees 08 minutes 19 seconds East a distance of 75.79 feet back to the Point of Beginning, containing 0.1223 acres, more or less.

1. This survey was performed without the benefit of a Title Search.
2. The field date of this Class B survey is November 1, 2023.
3. Bearings located on State Plane coordinates, N5 East 2301, with a base station located at N325376.431; E1043584.850, a convergence angle of 0°00'25" and a combined scale factor of 0.99995508.
4. Reference Material: DB 1820; PG 805; DB 1755; PG 434; DB 1386; PG 863; DB 1582; PG 108; DB 1400; PG 603.

Survey by Rick Wehbe (not dated June 28, 2000)

DUKE LAND SURVEYING
101 GAUTIER VANCELEAVE RD. SUITE 101
GAUTIER, MS 39553
228-202-1828
jerry@dukesurvey.com

FILE NAME	DRAWING	DRAWN BY
7-7-JA.TRV	223-106	JTD
SCALE	DATE	SHEET
30 Ft/m	11-2-2023	1/1
JOB	REVISION	
223-106	0	

DB - DEED BOOK
PG - PAGE

Traverse pr.

81817175.000 BLACKBURN WILLIAM O & ANGELA D

PIDN: 81817175.000

GISP: 764.19-02-0217.00

Owner Information

Percent of Ownership: 100

Name: BLACKBURN WILLIAM O & ANGELA D

Name 2:

Mailing Address: 2312 GREENWAY DR
GAUTIER MS
39553

Site Address: 625 SUSAN CIR GAUTIER

Land Information

Section: 7 Acreage: 0.14

Township: 7

Range: 6

Street Name SUSAN
CIR

Value and Tax Information

Total Assessed Value: 9086

Total Appraised Value: 60571

Improvement Value: 55111

Land Value: 5460

Tax Amount: 1306

SQ FT: 1120

Year Built: 1960

Legal Description

Description: BEG NWC SEC 7 S 1842.1' E 2978.2
FOR POB S 61 DEG E 30' S 28 DEG
W 95' N 52 DEG W 87' N 26 DEG E
26' N 74 DEG E 80' TO POB DB 18
20-805 (217 MAP764.19-02)

Deed Book / Page: 1820 / 805

81817175.000 BLACKBURN WILLIAM O & ANGELA D



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

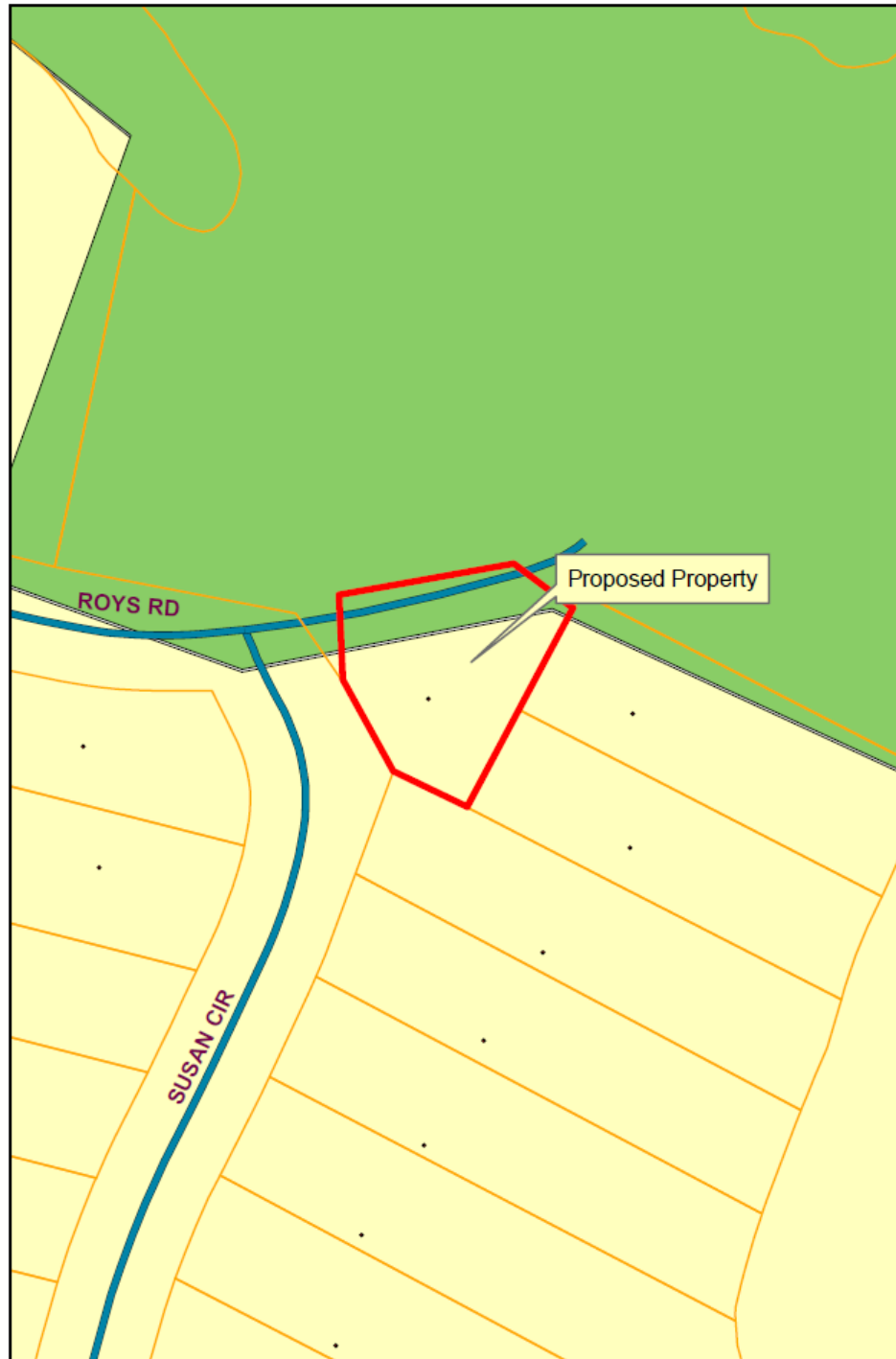


Exhibit C Existing Land-Use

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

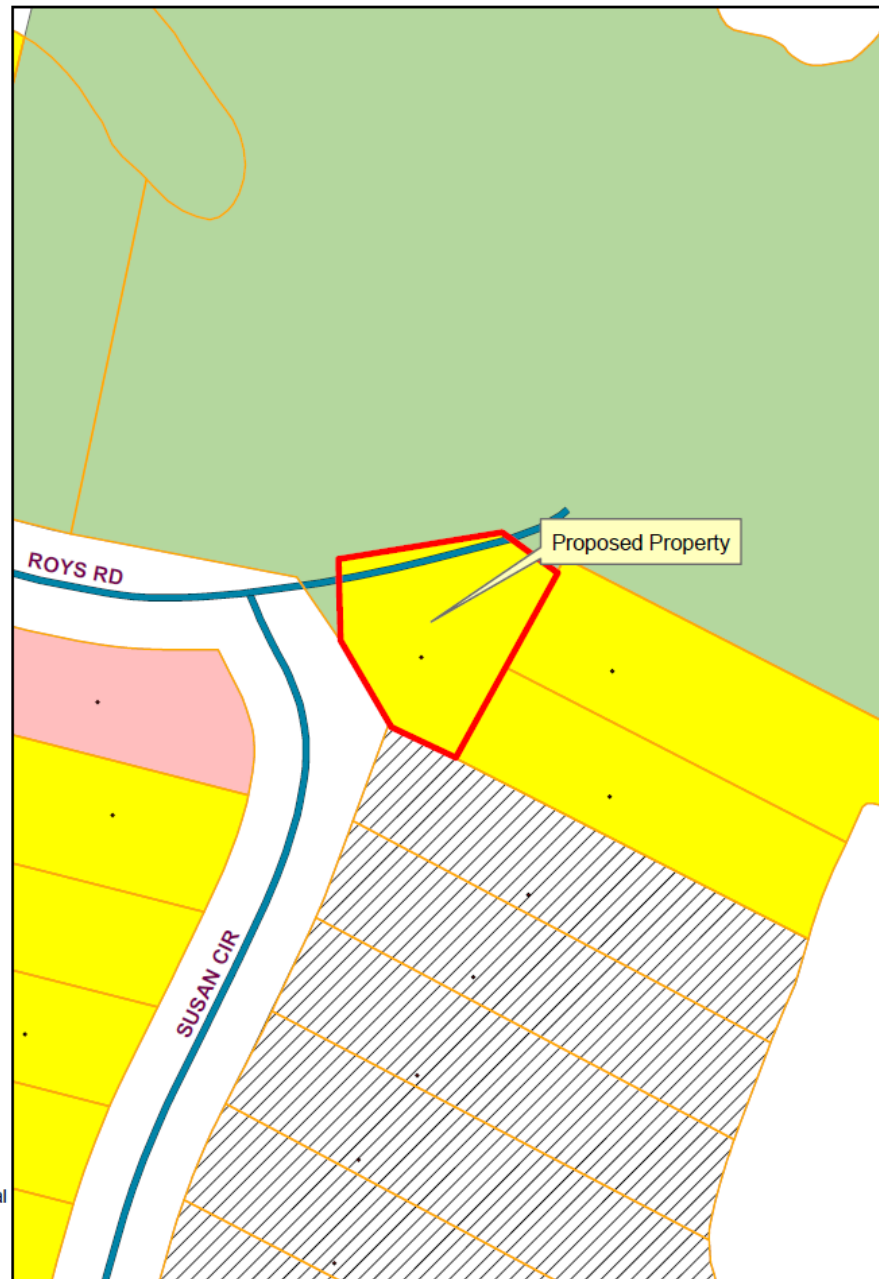


Exhibit D Future Land-Use

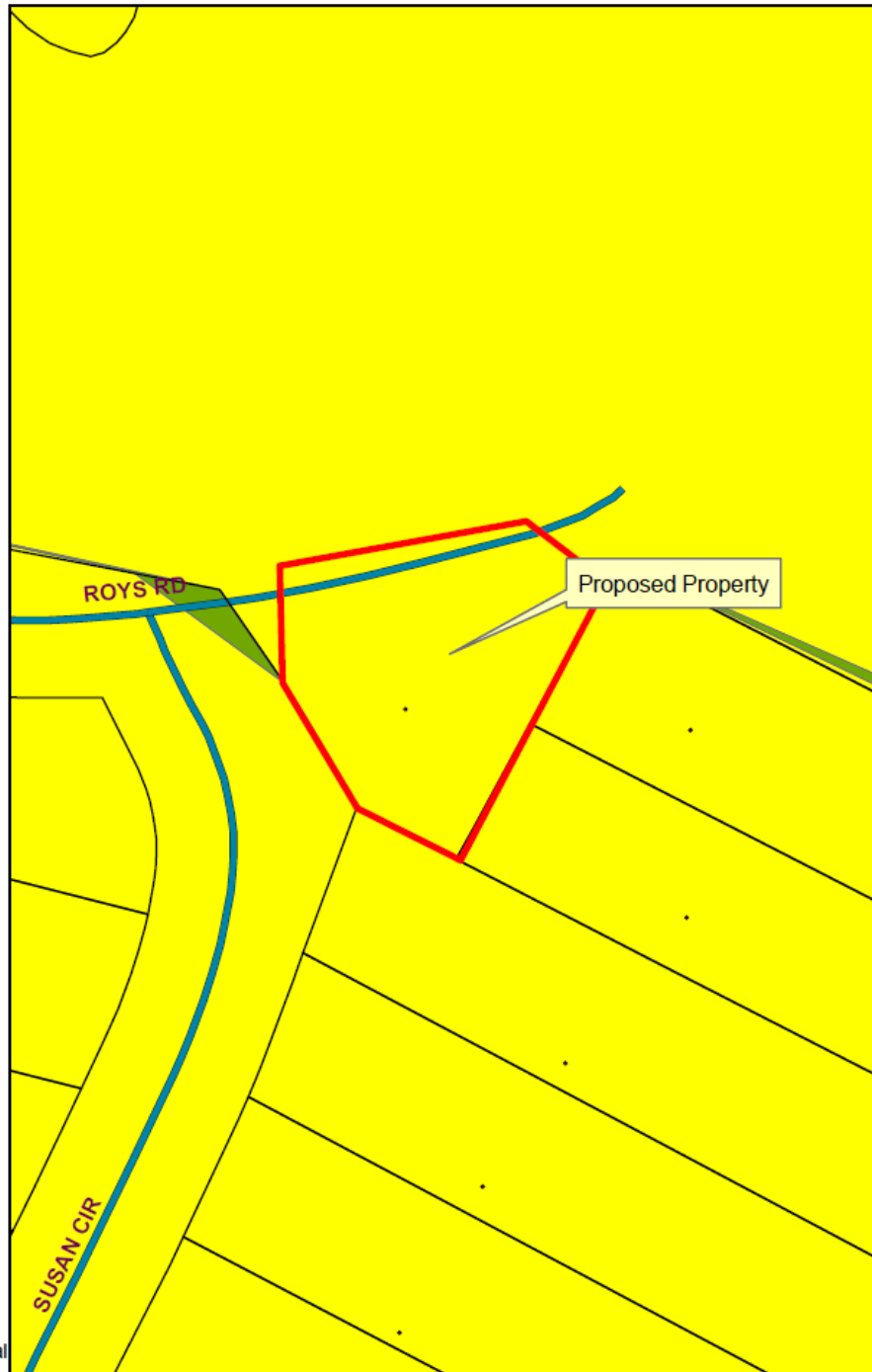
Prepared By:
City of Gautier
Planning Department

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

February 1, 2024

GPC #24-05-SE

Jackie Conerly

dba

Divine Inspirations Learning Center

3005 Holly Drive

VII. NEW BUSINESS

1. Consider a request for a Special Exception that would allow an expansion of an existing Child Care Center, Commercial, located in a R-1 Low Density Single-Family Residential Zoning District. 3005 Holly Drive, (GPC #24-05-SE)

CITY OF GAUTIER STAFF REPORT

To: Chairman and Members, Planning Commission

From: Scott Ankerson, Planning Director

Date: January 19, 2024

Subject: Consider a request for a Special Exception that would allow an expansion of an existing Child Care Center, Commercial, located in a R-1 Low Density Single-Family Residential Zoning District. 3005 Holly Drive, (GPC #24-05-SE)

REQUEST:

The Planning Department has received a request from Jackie Conerly dba Divine Inspirations Learning Center for a Special Exception that would allow an expansion of an existing Child Care Center, Commercial, located in a R-1 Low Density Single-Family Residential Zoning District at 3005 Holly Drive. PID #85455022.000 & #85455024.000 (GPC #24-05-SE). The application fee of \$250 was paid on January 11, 2024. All public notice requirements have been met.

BACKGROUND:

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

1. Location: 3005 Holly Drive, PID #85455022.000 & #85455024.000 (See Exhibit A)
2. General features of the proposed project:
 - Existing Daycare
 - Total Lot Size (both lots): approximately 0.71 acres
3. Potable Water and Wastewater Services: Existing at current location
4. Current Zoning (See Exhibit B): R-1 Low Density Single-Family Residential
5. Current Surrounding Zoning (See Exhibit B): R-1 Low Density Single-Family Residential
6. Current Surrounding Existing Land Use (See Exhibit C): Vacant, and Very Low to Low Density Residential.

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

DISCUSSION:

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

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

Applicant Response: Existing daycare has been here in Gautier over 20 years.

Staff Finding: There are other Child Care facilities currently operating within this 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: Existing daycare has been here in Gautier for over 20 years.

Staff Finding: The existing daycare has been at this location for many years. Staff's opinion is that approval of the request may not negatively affect the neighborhood as long as any such expansion will not result in an increase in traffic to and from the facility.

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

Applicant Response: Existing daycare. Proposed for safety of the children and parking for employees.

Staff Finding: None

DETERMINATION OF APPLICABLE LAW:

1. The UDO defines a Special Exception as a relaxation of the terms of the Unified Development Ordinance where such an exception will not be contrary

to the public interest, and where, owing to conditions peculiar to the property, a literal enforcement of the ordinance would result in undue hardship. Special Exceptions are necessary when an applicant seeks to establish or expand a use not ordinarily permitted in a specific zoning district. "Special Exceptions" are not transferable from one (1) owner of land to another.

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

The UDO defines **Hardship** as:

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

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

RECOMMENDATION & CONCLUSION:

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

The Planning Commission may:

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

ATTACHMENTS:

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

PLANNING DEPARTMENT
GAUTIER, MISSISSIPPI

SPECIAL EXCEPTION HEARING APPLICATION

Public Hearing Number

24-05-SE

TYPE OF REQUEST:

Special Exception

FEE:

\$251.00

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

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

Name of Applicant: Jackie Conerly

Name of Business: Divine Inspirations Learning Center

Address: 3005 Holly Dr Gautier, MS 39553

Mailing Address (if different):

Email Address: conerly43@aol.com divineinspirationslc@outlook.com

Phone: 228-497-3222 Cell Phone: 228-235-9007

Reason for request, location and intended use of Property: Expand Day care / for Parking + Placing a Basketball goal there + Hopscotch area for the children to play.

ATTACHMENTS REQUIRED AS APPLICABLE:

- ✓ 1. Diagram of intended use, showing dimensions and distances of property, building with setbacks, parking spaces, entrances and exits.
- ✓ 2. Legal descriptions and street address.
- ✓ 3. A detailed project narrative that also addresses the questions on the "Criteria for Approval" page of this application.
- 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.
- NA 7. Owner's Consent form if anyone other than 100% sole owner makes application (see attached).

Signature of Applicant: Jackie Conerly

FOR OFFICE USE ONLY

Date Received 1/11/24 Verify as Complete Babs

Fee Amount Received paid online - advertised as CU

Initials of Employee Receiving Application Babs

SPECIAL EXCEPTION

Criteria for Approval Special Exception

- A. Explain how a literal interpretation of the City of Gautier's Unified Development Ordinance would deprive the applicant of rights commonly enjoyed by others of the district in which the property is located, and would work unnecessary hardship upon the applicant? *Existing daycare been here in Gautier over 20 years.*
- 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? *Existing daycare been here in Gautier for over 20 years.*
- C. Explain how the special circumstances requiring the proposed Special Exception are not results of actions of the applicant? *Existing daycare for safety of the children and parking for employees.*

Special Exception

Divine Inspirations Learning Center
3005 Holly Drive
Gautier, MS 39553
228-497-3222

Petitioners Mrs. Jackie Conerly, resident and owner of the above property to apply to the City of Gautier, Planning Dept for Special Exception Use.

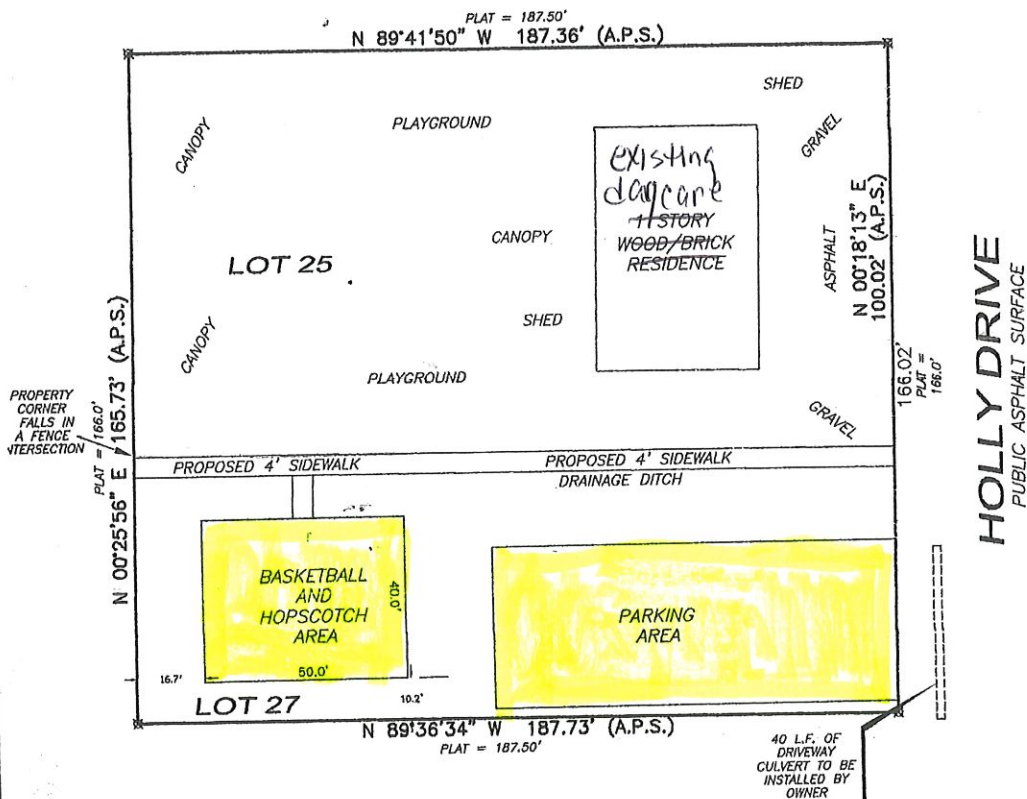
I Jackie Conerly currently owns the childcare program under the name of Divine Inspirations Learning Center. The program is licensed for (50) children ages 6 weeks to the age of 12.

The program provides early care and educational activities for infants, toddlers, preschoolers, and school age children after care. To enhance their social, emotional, cognitive, language and physical development.

Divine Inspirations Learning Center is well known program in the Jackson County area. Parents and guardians are extremely satisfied knowing that their child/children are well taken care of when they are at work.

There is a great need for the Special Exception for the safety and well being for the children. The children will have a play area when the grounds are wet from the weather. The employees will have parking for their vehicles. The property was cleared for the children safety. The addition will bring a positive impact to the community. The children are our future. Every worker is required a criminal background check before employment.

Will the project adversely affect vehicular or pedestrian traffic in the vicinity? No, Holly Drive is a circle driveway the parents can turn left or go right that brings the driver back to Old Spanish Trail.



LEGEND:

1/2" IRON ROD FOUND (UNLESS NOTED)	FH	-- FIRE HYDRANT
IRON PIPE FOUND (IF) SIZE VARIES	WV	-- WATER VALVE
1/2" IRON ROD SET W/CAP (IRS)	UWP	-- UTILITY WITNESS POST
RAIL ROAD SPIKE/ NAIL FOUND	S	-- SEWER MANHOLE
FENCE POST	TP	-- CONTROL POINT
CONCRETE MONUMENT FOUND	S	-- SEWER
NOW OR FORMERLY	W	-- WATER
STAKE SET	G	-- GAS
AS PER RECORD	FO	-- UNDERGROUND FIBER OPTIC
AS PER SURVEY	CE	-- EXISTING SPOT ELEVATION (N.A.V.D. '88 VERTICAL DATUM)
AS PER PREVIOUS SURVEY		
DIMENSIONS ON RECORD PLAT		
POINT OF BEGINNING		
POINT OF COMMENCEMENT		
BARBED WIRE (FIELD) FENCE LINE		
WOOD/CHAIN LINK FENCE LINE		
PP		
POWER POLE		
UNDER GROUND WATER		
SUBJECT PROPERTY LINE		
OVER HEAD ELECTRIC		
NOT TO SCALE		

THE FOLLOWING SURVEY IS BASED ON THE MISSISSIPPI STATE PLANE COORDINATE SYSTEM, GRID NORTH (NAD 83-2011: MISSISSIPPI EAST ZONE), ALL IN GRID DISTANCES AND DIRECTIONS AND HAVING STATE PLANE COORDINATE VALUES OF (NORTHING = 321888.51' EASTING = 1045679.98') IN U.S. SURVEY FEET USING A CONVERGENCE ANGLE OF 00°05'54.70" AND A SCALE FACTOR OF 0.99995432 AT A 1/2" IRON ROD FOUND WITH CAP "ALDRED" AT THE NORTHEAST CORNER OF LOT 25, HOLLY PARK S/D, JACKSON COUNTY, MISSISSIPPI AND IS BASED ON A SURVEY PERFORMED BY LARRY P. SAUCIER, MISSISSIPPI REGISTRATION NUMBER 2939 DATED OCTOBER 19, 2023.

SURVEYORS NOTES:

-SURVEYOR HAS NOT PERFORMED AN INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP TITLE EVIDENCE, OR ANY OTHER FACTS THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE.
-VARIATIONS BETWEEN RECORD CALLS AND SURVEY CALLS ARE DUE TO AN EXCESS OR SHORTAGE BETWEEN FOUND MONUMENTS AND OBSERVED POSSESSION LINES AS WELL AS FIELD SURVEY COLLECTION PROCEDURES.
-UTILITY LOCATIONS INCLUDE ABOVE GROUND, THOSE APPARENT, AS WELL AS REASONABLY ACCESSIBLE LOCATIONS ON EXISTING UTILITY AND DRAINAGE FEATURES OBTAINED DURING FIELD SURVEY.
-THIS SURVEY IS SUBJECT TO ALL APPLICABLE GOVERNMENTAL REGULATIONS, BUILDING OR OTHER RESTRICTIONS, LEGAL RESTRICTIONS OF ANY NATURE AND FURTHER SUBJECT TO ANY AND ALL EASEMENTS, RESTRICTIVE COVENANTS, AND RIGHT-OF-WAYS OF RECORD.

REFERENCES:

- JACKSON COUNTY PROPERTY/TAX MAPS
- DEED OF SUBJECT PROPERTY AND AD JOINERS AS FURNISHED BY CLIENT.
- THE FOLLOWING ADDITIONAL REFERENCES:

RECORDED PLAT OF HOLLY PARK SUBDIVISION FOUND AT PLAT BOOK 4, PAGE 59 IN THE OFFICE OF THE CHANCERY CLERK OF JACKSON COUNTY, MS.

SURVEY OF SUBJECT PROPERTY BY LEWIS ALDRED, JR. DATED DECEMBER 7, 2021.

FLOOD DATA

This property is in Zone(s) Zone 100 of the Flood Insurance Rate Map Community Panel No. 1000000000 which has an effective date of 10/10/2023 and is NOT CONSIDERED to be a minimal Flood Hazard Area. Field surveying was not performed to determine this zone. An evacuation certificate may be needed to verify this determination or apply for an amendment from the Federal Emergency Management Agency.



925 TOMMY MUNRO
DRIVE,
SUITE G, BILOXI, MS
39532
228-385-2350

A RE-SURVEY LOTS 26 AND 27, HOLLY PARK
SUBDIVISION LOCATED AT PLAT BOOK 4, PAGE
69, OFFICE OF THE CHANCERY CLERK,
JACKSON COUNTY, MISSISSIPPI.

FOR: JACKIE
CONERLY

DRAWING NO. 623-10-049
DATE OF FIELD SURVEY:
OCTOBER 19, 2023

85455022.000 CONERLY JACKIE

PIDN: 85455022.000

GISP: 777.36-04-0091.00

Owner Information

Percent of Ownership: 100

Name: CONERLY JACKIE

Name 2:

Mailing Address: 3005 HOLLY DR

GAUTIER MS

39553

Site Address: 3005 HOLLY DR GAUTIER

Land Information

Section: 36

Acreage: 0

Township: 7

Range: 7

Street Name HOLLY
DR

Value and Tax Information

Total Assessed Value: 8326

Total Appraised Value: 55508

Improvement Value: 47468

Land Value: 8040

Tax Amount: 1197

SQ FT: 2400

Year Built: 1978

Legal Description

Description: LOT 25 HOLLY PARK S/D PB 4-59 DB

1874-650 (91 MAP777.36-04)

Deed Book / Page: 1874 / 650

85455022.000 CONERLY JACKIE



Jackson County GIS

85455024.000 CONERLY JACKIE

PIDN: 85455024.000

GISP: 777.36-04-0092.00

Owner Information

Percent of Ownership: 100

Name: CONERLY JACKIE

Name 2:

Mailing Address: 3005 HOLLY DR

GAUTIER MS

39553

Site Address: HOLLY DR GAUTIER

Land Information

Section: 36

Acreage: 0

Township: 7

Range: 7

Street Name HOLLY
DR

Value and Tax Information

Total Assessed Value: 477

Total Appraised Value: 3180

Improvement Value: 0

Land Value: 3180

Tax Amount: 68

SQ FT: 0

Year Built: 0

Legal Description

Description: LOT 27 HOLLY PARK S/D PB 4-59 DB

1874-650 (92 MAP777.36-04)

Deed Book / Page: 1874 / 650

85455024.000 CONERLY JACKIE



Exhibit A Location Map

Prepared by:
City of Gautier
Planning Department

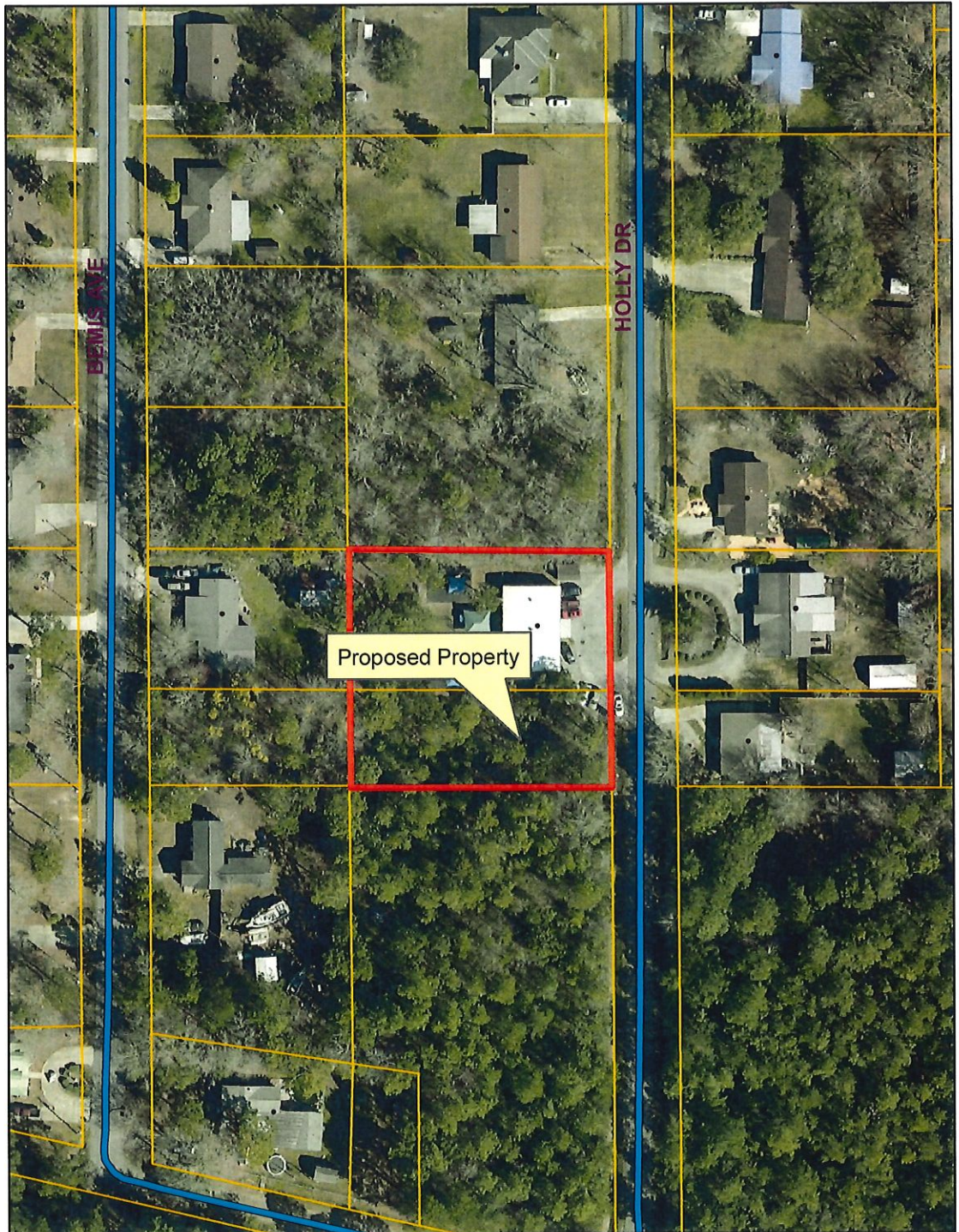


Exhibit B

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

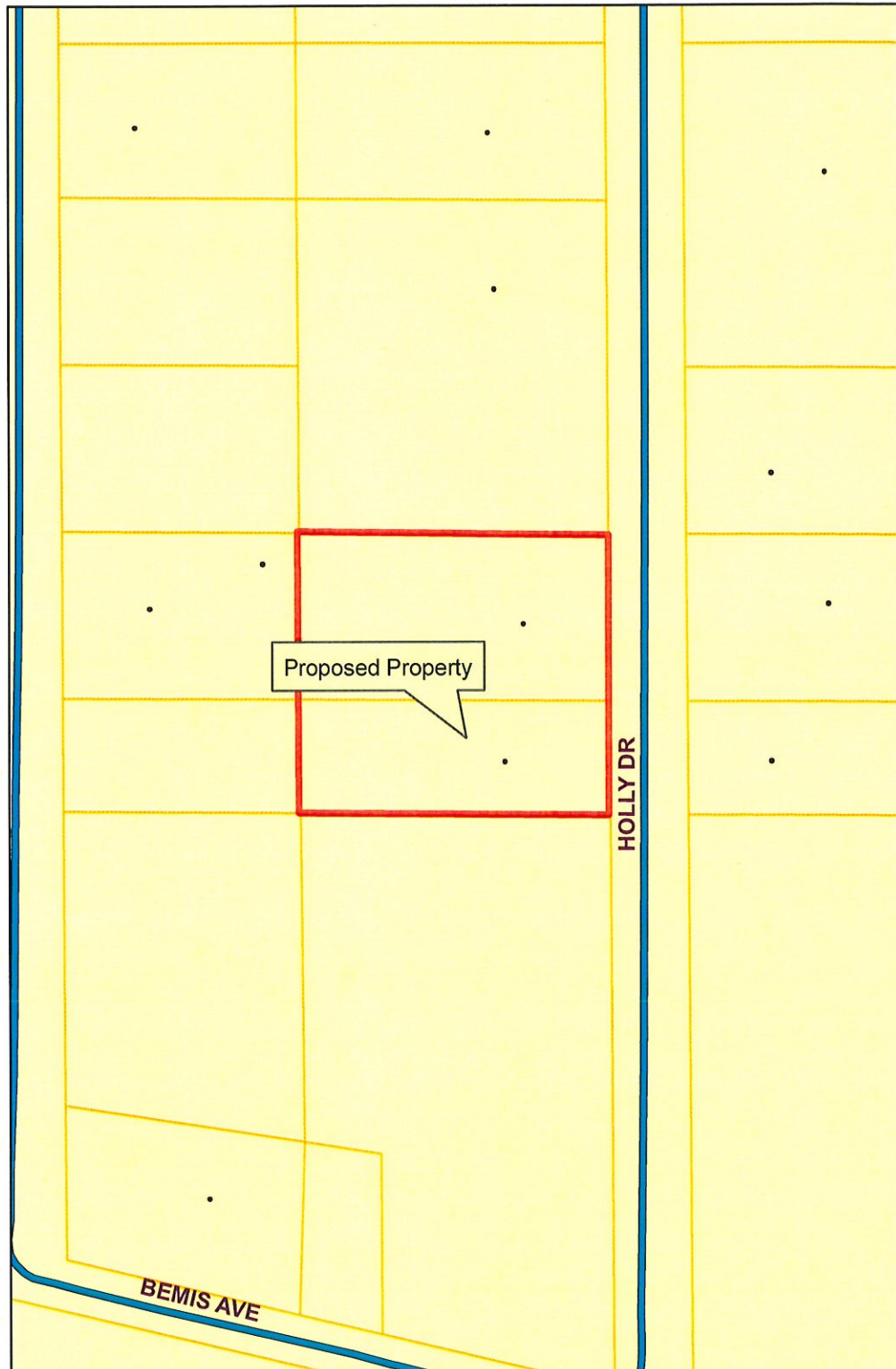


Exhibit C

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:

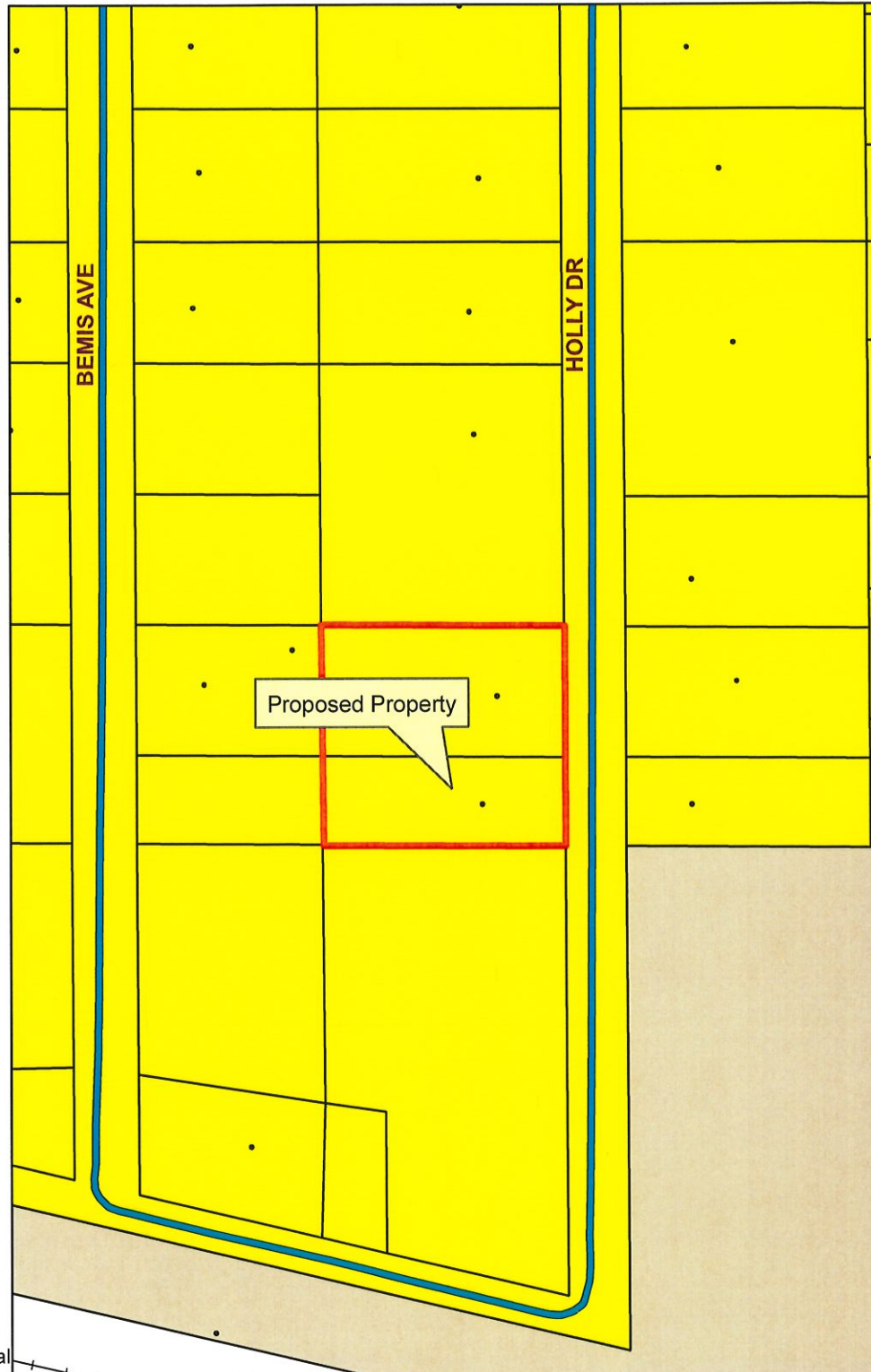
City of Gautier
Planning Department

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

February 1, 2024

GPC #24-06-VAR

725 Graveline Road

VII. NEW BUSINESS

2. Consider a request for a one-foot (1') Variance to fence height requirements in a R-1 Low Density Single-Family Residential Zoning District. 725 Graveline Road, (GPC #24-06-VAR)

**CITY OF GAUTIER
STAFF REPORT**

To: Chairman and Members, Planning Commission

From: Scott Ankerson, Planning Director

Date: January 19, 2024

Subject: Consider a request for a one-foot (1') Variance to fence height requirements in a R-1 Low Density Single-Family Residential Zoning District. 725 Graveline Road, PID #87100002.000 (GPC #24-06-VAR)

REQUEST:

The Planning Department has received a request from Stephen and Micki Chodrick for a one-foot (1') Variance to fence height requirements in a R-1 Low Density Single-Family Residential Zoning District at 725 Graveline Road, PID #87100002.000 (GPC #24-06-VAR) The application fee of \$175 was paid on January 5, 2024. All public notice requirements have been met.

BACKGROUND:

The applicants would like to place a five foot (5') open aluminum decorative fence along the front and side yard of their property. This is a corner lot and the area where the applicant proposes to place the fence would be considered a secondary front yard and would need to meet the requirements set forth for fences in a front yard. The Unified Development Ordinance (UDO) Section 11.10.2 (D) states that fences shall not exceed four feet (4') in height within a designated front yard. The applicants will need a one-foot (1') variance to fence height requirements in a front/secondary-front yard.

DISCUSSION:

The applicants would like to put up a five foot (5') open aluminum decorative fence along their front yard which abuts Graveline Road, and along their side yard which abuts Soundview Drive. The side yard that abuts Soundview Drive is considered a secondary front yard. According to the UDO Section 11.10.2 (D) fences cannot exceed four feet (4') in height within a designated front yard. The applicants are asking for a one-foot (1') variance to fence height requirements in a front/secondary-front yard to put up the proposed five-foot (5') fence.

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

24-06-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: STEPHEN & MICKI CHODRICKName of Business: _____ Phone: 417-850-1511Property Address: 725-GRAVELINE Mailing Address (if Different): _____E-Mail Address: swchodrick@attglobal.netReason for request, location and intended use of Property: VARIANCE FOR FENCE HEIGHT ON
PROPERTY. - 1 ft VARIANCE

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.
- N/A 4. Copies of approvals, or requests for approval, from other agencies, such as, but not limited to, the Mississippi State Department of Health, U.S. Army Corp of Engineers, Mississippi Department of Environmental Quality and Department of Marine Resources.
- N/A 5. Any other information requested by the Planning Director.

Signature of Applicant: Adam Chodrick Date of Application: 1/5/24

FOR OFFICE USE ONLY

Date Received 1-5-24 Verify as Complete ScottFee Amount Received 176.00 Initials of Employee Receiving Application Babin

VARIANCE

Criteria for Approval

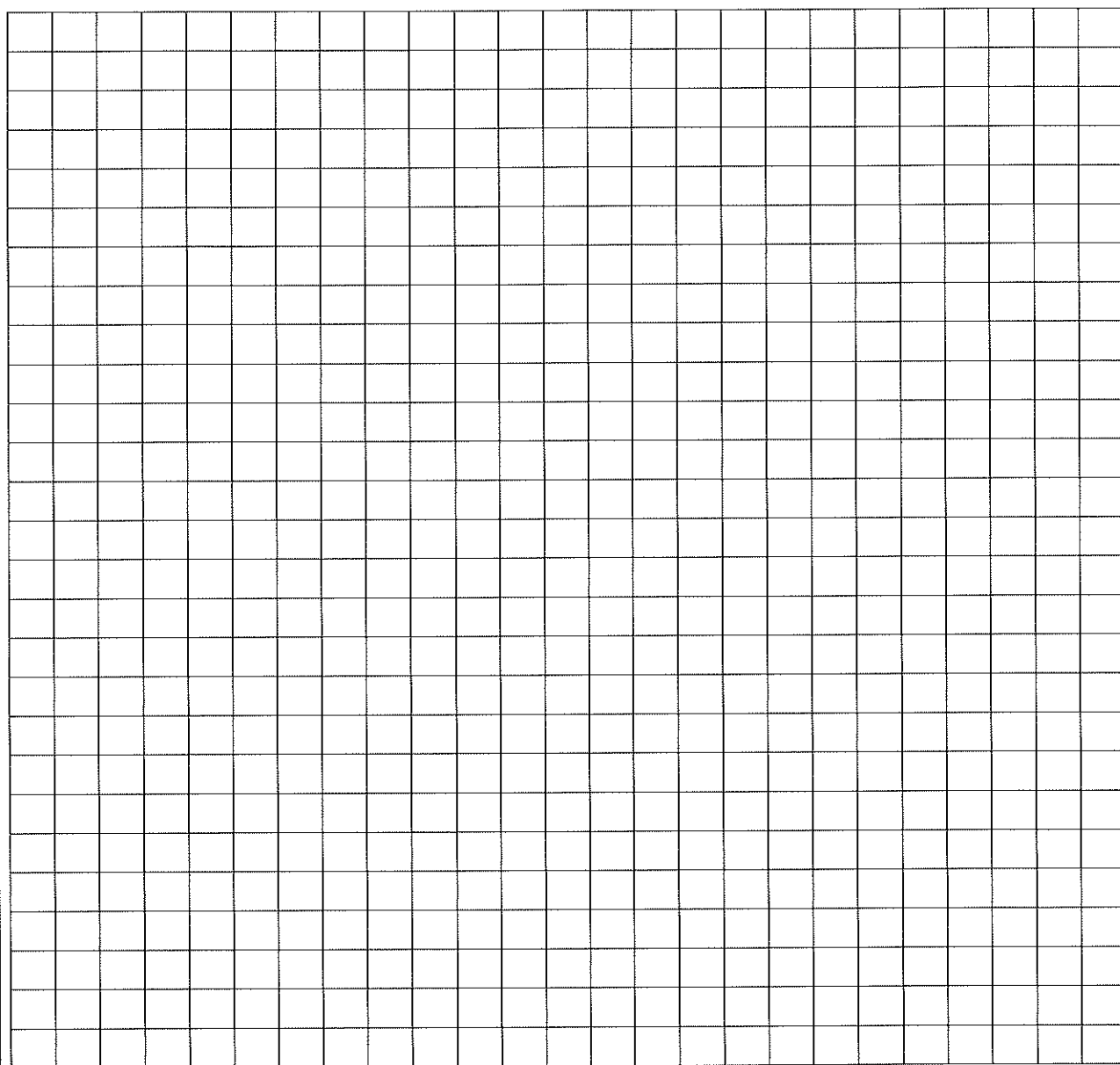
1. What special conditions and circumstances exist which are peculiar to this particular site (lot or parcel), structure or building involved and which are not applicable to other sites (lots or parcels), or structures or buildings in the same district?
NEW FENCE IS CONSISTENT WITH NEIGHBOR'S FENCE THAT IS OPEN IN DESIGN AND DOES NOT OBSTRUCT VIEW. OTHER FENCES IN PROXIMITY ARE SIMILAR AND THE NEIGHBORS ARE IN APPROVAL WITH THIS FENCE.
2. Are these special conditions and circumstances a result of your actions? Explain.
A FENCE IS NEEDED OF THIS HEIGHT BECAUSE OF TRAFFIC ON SAUGELINE TO PROTECT OUR GRAND CHILDREN AND PET DOGS. WE CHOSE A FENCE THAT IS CONSISTENT WITH OUR NEIGHBORS AND DOES NOT OBSTRUCT DRIVERS VIEW FROM THE STREET. FENCE IS SET BACK INSIDE PROPERTY LINE.
3. How will the literal interpretation of the provisions of this Ordinance deprive you of rights commonly enjoyed by other properties in the same district under the provisions of this Ordinance? Explain. WE BELIEVE THE 5 FT FENCE HEIGHT IS A SECURITY MEASURE FOR OUR HOME.
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. NONE KNOWN.

NARRATIVE

WE ARE REQUESTING A VARIANCE FOR A 5 FT OPEN ALUMINUM DECORATIVE FENCE TO BE PLACED ON THE FRONT YARD OF OUR PROPERTY OF 725 GRAVELINE. THE FENCE IS CONSISTENT WITH OUR NEIGHBOR'S FENCE AND OUR NEIGHBOR SUPPORTS THIS FENCE. THE DESIGN OF THE FENCE IS OPEN AND WILL NOT IMPED THE VIEW OF THE DRIVERS ON GRAVELINE RD. WE SELECTED THIS FENCE TYPE FOR IT'S EYE APPEAL BUT ALSO IT'S ABILITY TO HELP PROTECT OUR GRANDCHILDREN AND PET DOGS FROM THE BUSY TRAFFIC ON GRAVELINE.

(LETTER FROM ADJACENT NEIGHBOR ATTACHED)

DIAGRAM

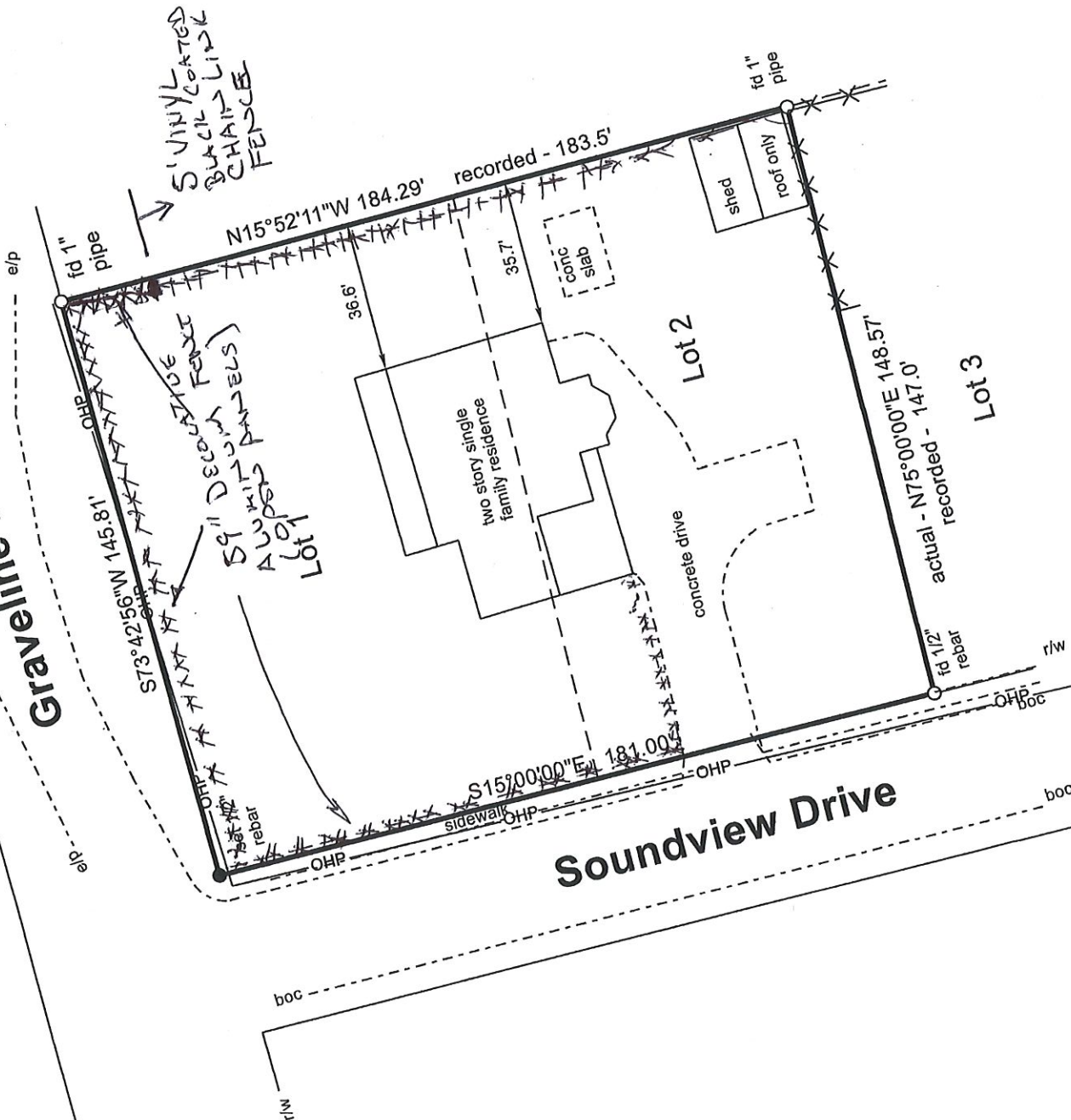


SEE ATTACHED SURVEY
WITH FOWLE LOCATION

e Sea
unity,
age 1,
y

cording
426 G,
r/w

Graveline Road



North
Class B Survey
Date of Field Survey
December 21, 2023

Area - 0.617 acres

e/p - edge of pavement
boc - back of curb
r/w - right-of-way
OHP - overhead power
fence - X-X-X-X

Reference Materials

DB 2105, page 851

All bearings on this plat are based
on the west line of Lot 3

Aldred Surveying Co.
P.O. Box 2201
Pascagoula, Ms 39569
228-762-7374
A23266

[Signature]

Lewis Aldred, Jr. P.L.S.
December 21, 2023

MICHAEL L. FONDREN
ATTORNEY AT LAW
906 CONVENT AVENUE
PASCAGOULA, MS 39567
228-762-5110
mlfondren@hotmail.com

December 28, 2023

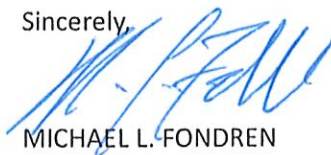
City of Gautier
Planning Commission &
Mayor and City Council

Dear Ladies and Gentlemen,

I have no objection to the variance requested for the fence for my neighbor Steve Chodrick. The house he owns is located on a busy street, Graveline. He is on a corner lot and I think the fence and the variance he is requesting will work good and look very good and tie in with the rest of the neighborhood.

I am his adjoining neighbor. If you have any questions, please contact me. Thanks,

Sincerely,



MICHAEL L. FONDREN

PREPARED BY:

Hannah B. Morgan, Esq.
Mississippi Bar No. 105377
2711 University Blvd., Suite 201
Tuscaloosa, Alabama 35401
(205) 633-0279

RETURN TO:

Steve Chodrick
725 Graveline Rd.
Gautier, MS 39553
(417) 850-1511

GRANTOR:

Secretary of Veterans Affairs
Department of Veterans Affairs
810 Vermont Ave. N.W.
Washington, DC 20420
(877) 880-7720

GRANTEE:

Steve Chodrick
3300 Magnolia Lane
Ocean Springs, MS 39564
(417) 850-1511

INDEXING INSTRUCTIONS:

Lots 1 and 2, Sandalwood-by-the-Sea Subdivision, Part A,
Jackson County, MS

**STATE OF MISSISSIPPI
COUNTY OF JACKSON**

SPECIAL WARRANTY DEED

This Indenture, made on the 14th day of December, 2023 by and between the Secretary of Veterans Affairs, an Officer of the United States of America, whose address is Department of Veterans Affairs, 810 Vermont Ave. N.W., Washington, DC 20420, hereinafter

referred to as Grantor, and Steve Chodrick, whose address is 3300 Magnolia Lane, Ocean Springs, MS 39564, hereinafter referred to as Grantee.

FOR AND IN CONSIDERATION of the sum of Ten Dollars (\$10.00) cash in hand paid and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Grantor does hereby grant, bargain, sell, convey, and warrant specially unto Grantee the following described real property situated and being located in Jackson County, Mississippi, as follows, to-wit:

See Exhibit "A" attached hereto and incorporated herein by reference.

Property Address: 725 Graveline Rd., Gautier, MS 39553

This conveyance is subject to any and all restrictive covenants and conditions, easements, rights-of-way, and prior reservations of oil, gas and other minerals of record pertaining to the above subject property.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

[SIGNATURE PAGE TO FOLLOW]

IN WITNESS WHEREOF I have hereunto set my hand and seal this the 14th day of December, 2023.

THE SECRETARY OF VETERANS AFFAIRS,
An officer of the United States of America
by the Secretary's duly authorized property
management contractor, Vendor Resource
Management, pursuant to a delegation of authority
found at 38 C.F.R. 36.4345(f)



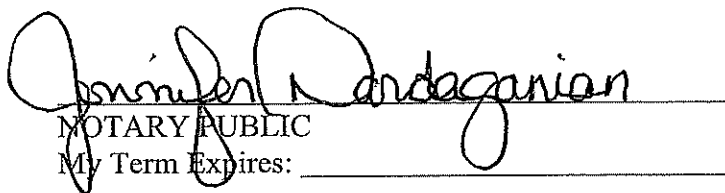
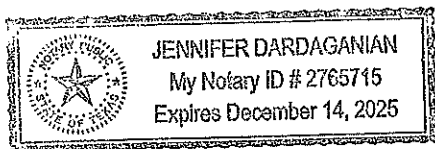
Printed Name: Brenda Garcia

Title: AVP

STATE OF Texas
Denton COUNTY

On this date, before me personally appeared Brenda Garcia, pursuant to a delegation of authority contained in 38 C.F.R. 36.4345(f), to me known to be the person who executed the foregoing instrument on behalf of the Secretary of Veterans Affairs, and acknowledged that he executed the same as the free act and deed of said Secretary.

In Witness Whereof, I have hereunto set my hand and affixed my official seal in the State of Texas aforesaid, this 14th day of December, 2023.



NOTARY PUBLIC
My Term Expires: _____

This deed was prepared by Hannah B. Morgan, Mississippi Bar No. 105377, who certifies that it is in a form that is in accordance with applicable local, state, and Federal law.

EXHIBIT "A"

Legal Description of Property

Lots 1 and 2, Sandalwood-by-the-Sea Subdivision, Part A, as per map or plat thereof on file and of record in the Office of the Chancery Clerk of Jackson County, Mississippi in Plat Book 7, Page 1.

Said parcel of property carries the County Parcel Number 87100002.000.

Said parcel of property is the same recorded in Deed Book 1800, Page 715 Land Deed Records of Jackson County, Mississippi.

Physical Address: 725 Graveline Road, Gautier, MS 39553

Prepared by:
The Casano Law Firm, P.A.
4403 West Aloha Drive
Diamondhead, MS 39525
(228) 255-0035
23-0825

Return to:
The Casano Law Firm, P.A.
4403 West Aloha Drive
Diamondhead, MS 39525
(228) 255-0035

-----[Space Above This Line For Recording Data]-----

**State of Mississippi
County of Jackson**

QUITCLAIM DEED

For and in consideration of the sum of Ten Dollars (\$10.00), cash in hand, paid, and other good and valuable considerations, the receipt and sufficiency of which are hereby acknowledged, it

**Steve Chodrick, Grantor
3300 Magnolia Lane,
Ocean Springs, MS 39564
Phone: 417-850-1511**

Do hereby, convey, and quitclaim to

**Stephen Chodrick and Micki Lynn Robbins, Grantee(s)
3300 Magnolia Lane,
Ocean Springs, MS 39564
Phone: 417-850-1511**

As joint tenants with right of survivorship and not as tenants in common, the following described land and property situated in **Jackson** County, Mississippi to wit:

Lots 1 & 2, Sandalwood-by-the-Sea Subdivision, Part A, as per map or plat thereof on file and of record in the Office of the Chancery Clerk of Jackson County, Mississippi in Plat Book 7, Page 1.

Together with all and singular the rights, privileges, improvements and appurtenances to the same belonging or in any wise appertaining.

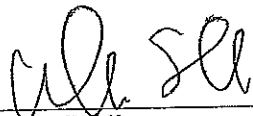
WITNESS my signature, this the 21st day of December, 2023.


Steve Chodrick AKA Stephen Chodrick

State of Mississippi
County of Hancock

Personally, came and appeared before me, the undersigned authority in and for the aforesaid
County and State on this the 21 day of December, 2023, **Steve Chodrick AKA**
Stephen Chodrick who acknowledged that he signed and delivered the foregoing instrument of
writing on the day and year therein mentioned:




Notary Public
My Commission Expires:

87100002.000 SECRETARY OF VETERANS AFFAIRS

PIDN: 87100002.000

GISP: 863.05-03-0146.00M

Owner Information

Percent of Ownership: 100

Name: SECRETARY OF VETERANS AFFAIRS

Name 2:

Mailing Address: 3401 WEST END AVE STE 760W
NASHVILLE TN
37203

Site Address: 725 GRAVELINE RD GAUTIER

Land Information

Section: 5 Acreage: 0

Township: 8

Range: 6

Street Name GRAVELINE
RD

Value and Tax Information

Total Assessed Value: 23550

Total Appraised Value: 235500

Improvement Value: 221270

Land Value: 14230

Tax Amount: 1928

SQ FT: 3476

Year Built: 1994

Legal Description

Description: LOTS 1 & 2 SANDALWOOD BY THE SEA
S/D PT A DB 2105-851 (146M Map8
63.05-03)

Deed Book / Page: 2105 / 851

87100002.000 SECRETARY OF VETERANS AFFAIRS

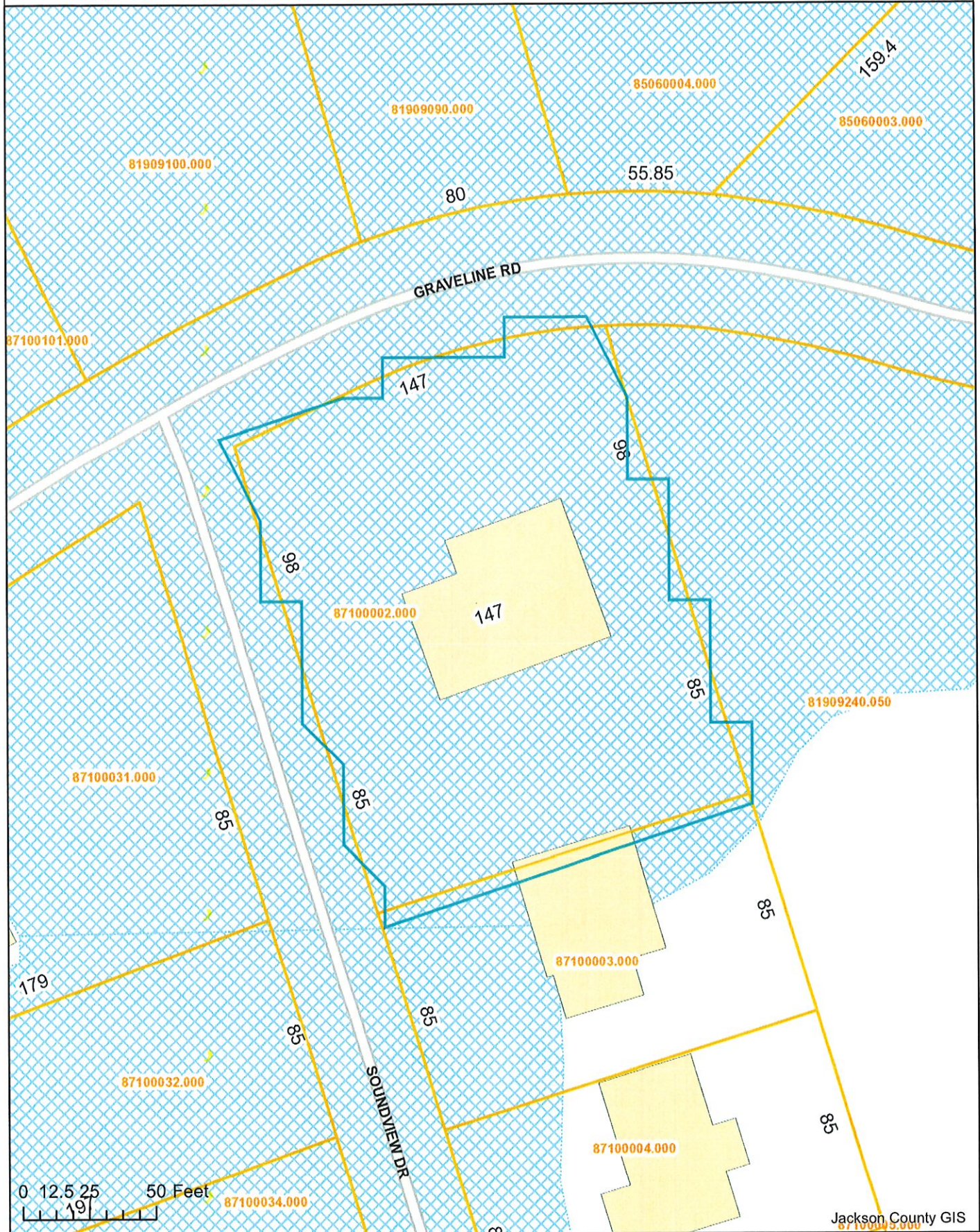


Exhibit A Location Map

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

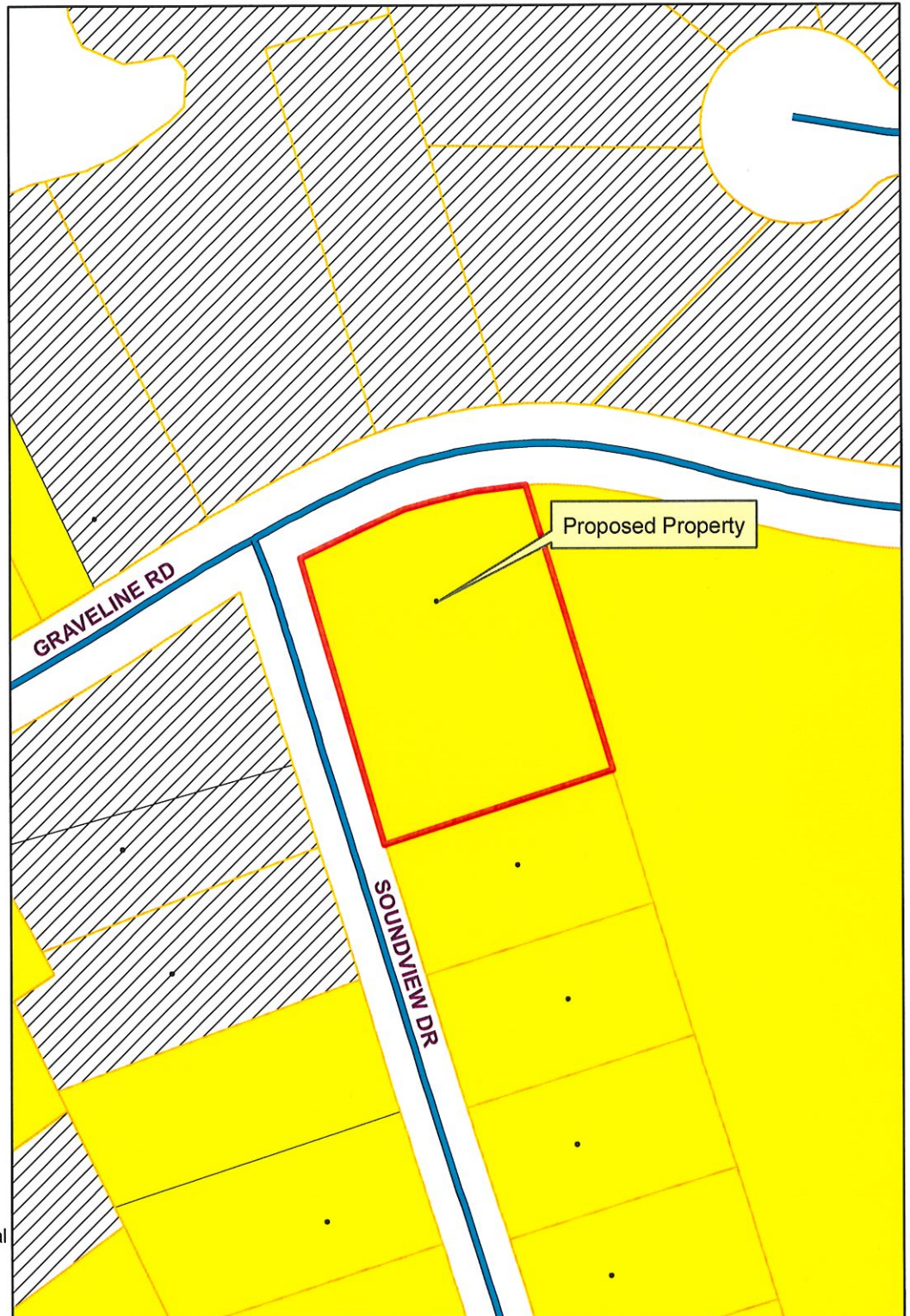


Exhibit D

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

