

AGENDA
GAUTIER PLANNING COMMISSION
November 7, 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 from October 3, 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 accessory structure to be located on a lot without a primary structure in an AG Agricultural Zoning District. 5900 Brown Road, (GPC #24-50-SE)
2. Consider a request for a Special Exception that would allow a tattoo shop in a C-2 Community Commercial Zoning District. 3204 Ladnier Road, Suite 4, (GPC #24-51-SE)

VIII. GENERAL DISCUSSION

1. PREVIOUS CASE UPDATES
2. PERMIT & TRC REPORTS

IX. ADJOURN

**OCTOBER 3, 2024
GAUTIER, MISSISSIPPI**

BE IT REMEMBERED that a meeting of the Gautier Planning Commission of The City of Gautier, Mississippi, was held on October 3, 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, Maurice Hudson, William Davis, and Ricky Decoteau. Also present was Scott Ankerson, Planning Director. Absent were DeAnna McManus and Chris Hoover.

AGENDA

GAUTIER PLANNING COMMISSION

OCTOBER 3, 2024

5:30 P.M.

- I. CALL TO ORDER**
- II. PLEDGE OF ALLEGIANCE (VOLUNTEER)**
- III. APPROVAL OF AGENDA**
- IV. APPROVAL OF MINUTES (SEPTEMBER 5, 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 Property Owner Initiated Rezoning of Property located at John Dailey Drive, PID #82425010.100 & #82424080.200, from R-1 Low Density Single-Family Residential to MURC-2 Mixed Use Recreation Commercial-2 (GPC Case No. 24-37-RZ)
 - 2. Consider a request for a four-foot (4') variance to fence height requirements along the side property line in a front yard and a two-foot (2') variance to fence height requirements along the front property line in a R-1 Low Density Single-Family Residential Zoning District. 6208 Old Spanish Trail, (GPC #24-38-VAR)

3. Consider a request for a four-foot (4') variance to sign height requirements and a one hundred seventy-four (174) square foot variance to sign square footage requirements in a C-3 Highway Commercial Zoning District. 2012 Highway 90, (GPC #24-39-VAR)

VIII. GENERAL DISCUSSION

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

IX. ADJOURN

Commissioner Ward made a motion to approve the Agenda.

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

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

Motion Passed

Commissioner Ward made a motion to approve the September 5, 2024, minutes.

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

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

Motion Passed.

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

Dennis Edwards, resident of 3510 Jo Beth, said he wanted to address the flood issue at his property. He said there were two homes on the street that get water inside the garage and house every time there is a lot of rain because they sit low. He bought his house in 2021, and the real estate agent did not disclose the issue with the water getting in the house. He asked the Commission if something could be done about the drainage.

Chairman Jamison said they could pass his concerns to the City Council, but it was not an issue the Planning Commission could help with.

Mr. Edwards said Councilman Richard Jackson had come and assessed the situation, but nothing has been done.

Commissioner Ward asked if H20 had looked at it.

Mr. Edwards said that a lady supervisor and some other people had come with Councilman Jackson. He said they, as well as the Mayor, had suggested a trench be put between the two houses. He said he understood the City had just received a Grant and he was wondering if this issue fell under the Grant.

Commissioner Ward said the Grant fell under the City Manager and the Planning Commission could not help with that. He said they could pass the information to the City Council if he wanted to leave his information with them.

Chairman Jamison advised Mr. Edwards that the next City Council meeting was October 15 at 6:30 P.M.

OLD BUSINESS - None

NEW BUSINESS

1. Consider a request for a Property Owner Initiated Rezoning of Property located at John Dailey Drive, PID #82425010.100 & #82424080.200, from R-1 Low Density Single-Family Residential to MURC-2 Mixed Use Recreation Commercial-2 (GPC Case No. 24-37-RZ)

Scott Ankerson, Planning Director, gave a brief overview of the case. He noted that the road into the existing RV park comes right through the parcel they are also wanting to rezone to MURC-2. There are two parcels they are wanting to rezone for one use that they are wanting to expand. The Planning Department feels there was a mistake in the original zoning seeing how this use was there in the 1950's and this ordinance and zoning was adopted in 2009 & 2010. The existing use is allowed in a MURC-2.

REQUEST:

The Planning Department has received a request from Sioux Bayou Landing, LLC for a rezoning of property located at John Dailey Drive, PID #82425010.100 & #82424080.200, from R-1 Low Density Single-Family Residential to MURC-2 Mixed Use Recreation Commercial-2 (GPC Case No. 24-37-RZ). The application fee of \$300 was paid on August 9, 2024. 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: John Dailey Drive, PID #82425010.100 & #82424080.200 (See Exhibit A)
2. Existing Zoning: R-1 Low Density Single-Family Residential. (See Exhibit B)

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

UDO 5.3.14 MURC-2, Mixed Use Recreation Commercial-2 - Purpose and intent. The Mixed Use Recreational Commercial-2 zoning district implements Future Land Use Section 7.3, Mixed Use Recreation Commercial of the Comprehensive Plan, and also serves as a buffer between areas of lower and higher intensity. The MURC-2 zoning district shall apply to areas suited for tourist-oriented development. Specifically, lands which are developed, redeveloped and/or maintained and conserved as areas that accommodate permanent or seasonal single-family detached or multi-family attached residential dwelling units; commercial hotel, motel, bed and breakfast establishments and other commercial transient living accommodations; and tourist-oriented uses including recreation

vehicles, travel trailers, seasonal cabins, marinas, dry boat storage, community buildings, public facilities, clubhouses, museums, visual and performance arts buildings, neighborhood retail commercial goods and services not exceeding 7,000 square feet designed primarily to serve the needs of the Mixed Use Recreational Commercial area, offices, medical clinics, laundries and dry cleaning drop off centers, banks, fitness centers, dinner clubs and restaurants. It is the intent of the MURC-2 zoning district to specifically not allow all non-residential uses to be located in the district.

DATA AND ANALYSIS:

Property requested for Rezoning: John Dailey Drive, PID #82425010.100 & #82424080.200.

Location: Ward 4

Current Zoning of the Request Property: R-1 Low Density Single-Family Residential

Existing Land Use: PID #82425010.100 is an RV park. PID #82424080.200 is vacant. (See Exhibit C)

Future Land Use: Conservation. (See Exhibit D)

Surrounding Zoning: R-1 Low Density Single-Family Residential.

HISTORY:

The existing RV park located on PID #82425010.100, 1221 John Dailey Drive, was established around the late 1950's prior to being annexed by the City. The owner wants to expand the RV park on the adjoining parcel, PID #82424080.200. The area and current use of the property fits the intent and purpose of the MURC-2 area and is very similar to other existing MURC-2 zoned areas.

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-1 Low Density Single-Family Residential to MURC-2 Mixed Use Recreation Commercial -2; or
2. Recommend that City Council deny the Rezoning.

Chairman Jamison asked the applicant to present his case.

Bobby Heinrich, agent for the applicant, said the owner is wanting to expand the existing park which currently has 32 existing units with a boat launch and everything you would want for a RV park. They were able to purchase the property just to the north for expansion of the park. There is water and sewer coming from the existing park that runs up John Dailey Road and ties into the city system. They are asking to rezone both parcels in order to make the zoning correct for the existing park and to be able to expand.

Chairman Jamison asked about the lower portion of the parcel that has the existing park on it.

Mr. Heinrich said the portion of the parcel that is south of the existing park is all marsh and you would never be able to expand to the south. He added that the expansion would consist of 27 larger sites that would also have access to the boat launch and everything that is already existing at the current park. They feel there is a need for more places for RV campers.

Commissioner Hudson asked what the acreage was on the expansion parcel.

Marques Thomas, who said he was one of the two owners of the park, said the parcel consisted of 3 acres. He also said his partner lives on the site.

Commissioner Hudson asked if the Commission approved the rezoning would the applicant have to get permission for an RV park.

Commissioner Ward stated that an RV park is allowed in a MURC-2 and that almost all RV parks within the city are either in a MURC-2 or MURC-MW zone. This park just got missed when the City was rezoning.

Mr. Heinrich added that they were going to leave as many trees as they could on the property.

Commissioner Hudson asked about improvement on the age of the campers in the park.

Mr. Thomas said the park has more to offer than most parks in the area so their price kind of brings in better campers. They also have been moving stuff out over the past year. They are beginning to get a more transient population with people coming in for concerts at The Sound Amphitheater. They are pretty much 100 % occupied year-round so there is definitely a need.

Mr. Ankerson advised that the majority of the parcels that surround the parcel and separate it from Louis Alexis Trail are owned either by the City of Gautier or Gautier Utility, which have no plans to ever clear or use them for anything. The big parcel below the subject parcel is owned by the State of Mississippi and most likely deed restricted for conservation or natural function. In other words, the parcels that surround and separate Louis Alexis Trail from the RV park will most likely never be developed and will remain as a buffer.

Commissioner Davis asked if the applicant planned to put a gate up in front.

Mr. Thomas said they did not plan on putting up a gate because they have public access to their boat ramp and bar.

Commissioner Davis also asked about the density of the project.

Mr. Thomas stated that the existing 32 spots and the proposed 27 spots were all they feel is a good fit for the area, and with that number they are under the maximum density per the Ordinance.

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

ACTION TAKEN:

Commissioner Davis made a motion to recommend approval of the rezoning to MURC-2 based on an error in the rezoning based off of the road being down the original piece of property and that the original RV park lies partially on the new zoned property.

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

AYES: **Kay C. Jamison**
 Joshua Ward
 Maurice Hudson
 William Davis
 Ricky Decoteau

ABSENT: **DeAnna McManus**
 Chris Hoover

Motion passed.

2. Consider a request for a four-foot (4') variance to fence height requirements along the side property line in a front yard and a two-foot (2') variance to fence height requirements along the front property line in a R-1 Low Density Single-Family Residential Zoning District. 6208 Old Spanish Trail, (GPC #24-38-VAR)

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

The Planning Department has received a request from Anthony and Armilise Sprague for a four-foot (4') variance to fence height requirements along the side property line in a front yard and a two-foot (2') variance to fence height requirements along the front property line in a R-1 Low Density Single-Family Residential Zoning District at 6208 Old Spanish Trail, PID #82432029.000 (GPC #24-38-VAR). The application fee of \$175 was paid on August 16, 2024. All public notice requirements have been met.

BACKGROUND:

The applicants would like to install an 8' wooden privacy fence along the side property lines of their front yard to keep vehicle lights from shining into their windows. The maximum height allowed for a fence in a designated front yard is 4'. The applicants will need a 4' variance to fence height in a front yard.

The applicant would also like to install a 6' decorative fence with gates along their front property line to keep the public, particularly high school students, from using their circular driveway to make U-turns. As stated above, fences shall not exceed four feet in height within a designated front yard. The applicant will need a 2' variance to fence height in a front yard.

DISCUSSION:

The applicant is asking for a 4' variance to fence height requirements along the side property line of their front yard and a 2' variance to fence height requirements along their front property line.

DETERMINATION OF APPLICABLE LAW:

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

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

The UDO defines **Hardship** as:

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

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

UDO SECTION 4.18: Variance

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

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

4.18.1 Who May Initiate

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

4.18.2 Application for Variance

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

4.18.3 Administrative Variances

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

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

4.18.4 Criteria for Approval

The Variance application shall demonstrate the following:

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

RECOMMENDATION & CONCLUSION:

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

The Planning Commission may:

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

Chairman Jamison asked the applicants to present their case.

Armilise Sprague, the applicant, stated that they wanted to continue their 8' fence from the house to the front property line, then come across the front with a 6' decorative fence. They were wanting the 6' fence in the front because they have been there seven years and every year, all school year long, they have had issues with the high school students cheating through their driveway to make a U-turn. The reason they want the 8' fence along the side of the property is because their house sits higher on their property because of drainage issues and when the new Elliott Home Subdivision, consisting of about one hundred homes, is built across the street from them the headlights of cars coming out of the subdivision will be coming across their house. They feel that with the way their house sits up on their property, an 8' fence is needed so the lights will not shine across their house.

Chairman Jamison asked how a decorative fence in the front would help with the car lights coming out of the Elliott Homes Subdivision.

Ms. Sprague explained that the entrance to the Elliott Homes subdivision is at an angle to her house, so when they turn onto Old Spanish Trail the 8' fence along the side property line will keep the lights from shining on the house.

Chairman Jamison noted that the fence in the front, although on the property line, would still be 35' from the road.

Commissioner Decoteau asked Ms. Sprague why she needed a 6' fence along the front to keep people from using her driveway to turn around. He wanted to know if that was to help keep the lights from shining across her house also.

Ms. Sprague said she didn't think a 4' fence would be sufficient for keeping pets inside her yard.

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

ACTION TAKEN:

Commissioner Decoteau made a motion to recommend that the City Council approve the 4' variance on the side and a 2' variance on the front showing the evidence presented meets all criteria for approval of the UDO.

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

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

Motion passed.

-
3. Consider a request for a four-foot (4') variance to sign height requirements and a one hundred seventy-four (174) square foot variance to sign square footage requirements in a C-3 Highway Commercial Zoning District. 2012 Highway 90, (GPC #24-39-VAR)

Scott Ankerson, Planning Director, gave a brief overview of the case. The applicant is asking to expand the square footage of a legal nonconforming sign. The Ordinance will not allow you to expand a sign that is nonconforming. They are not actually asking to expand the height of the sign, but it is currently 4' higher than what is allowed, so the variance to the height is to bring it into compliance. They are only asking to add 72 square feet to the square footage of the sign, but the existing sign is over the allowed square footage, so they need a 174 square foot variance in order to add to the sign and to bring it into compliance.

REQUEST:

The Planning Department has received a request from GCC, LLC (Gautier Commerce Center) for a four-foot (4') variance to sign height requirements and a one hundred seventy-four (174) square foot variance to sign square footage requirements in a C-3 Highway Commercial Zoning District at 2012 Highway 90, (GPC #24-39-VAR). The application fee of \$175 was paid on September 16, 2024. All public notice requirements have been met.

BACKGROUND:

The applicant would like to add to his existing legal non-conforming sign. Section 12.16 (D) of the Unified Development Ordinance (UDO) states that a legal non-conforming sign loses its status if it is enlarged. The applicant would like to add seventy-two (72) square feet to his existing sign. The existing sign is currently fourteen feet (14') high and consists of two hundred fifty-two (252) square feet. With the additional seventy-two (72) square feet he will need a variance of one hundred seventy-four (174) square feet to sign square footage requirements. Because the maximum sign height allowed at that location is ten feet (10'), he will also need a four-foot (4') variance to sign height requirements.

DISCUSSION:

The applicant is asking for a four-foot (4') variance to sign height requirements, and a one hundred seventy-four (174) square foot variance to sign square footage requirements because he would like to add additional signage to his existing legal non-conforming sign.

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.

Jack Pilger, the applicant, said he bought the 26,000 square foot building at 2012 Highway 90 known as the Gautier Commerce Center in 2018. He said they had put an elevator in and done quite a few renovations. He said for the first time the building is full. The building has 16 tenants but the sign has only 12 places for tenant signage, which is why he is wanting to add to the existing sign.

Commissioner Davis asked if this variance would give him enough spots for a fully occupied building.

Mr. Pilger said it would. 16 units is all they have.

Suzanne Martin, who owns the building next door, said she has no problem with the sign expansion.

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.

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

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

ABSENT: **DeAnna McManus**
 Chris Hoover

Motion passed.

GENERAL DISCUSSION

A. PREVIOUS CASE UPDATES

Mr. Ankerson advised Commissioners that Babs Logan, the Planning Technician, was not at the meeting because of an emergency and was unable to give the updates on the cases that were presented to the City Council from the last Planning Commission meeting. He said the updates would be emailed to them.

B. PERMIT & TRC REPORT

Mr. Ankerson said the August and September monthly report would be presented at the next meeting due to Ms. Logan's absence.

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
	Maurice Hudson
	William Davis
	Ricky Decoteau
ABSENT:	DeAnna McManus
	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

October 3, 2024

GPC #24-37-RZ

Sioux Bayou Landing, LLC

John Dailey Drive

PID #82425010.100 & #82424080.200

VII. NEW BUSINESS

1. Consider a request for a Property Owner Initiated Rezoning of Property located at John Dailey Drive, PID #82425010.100 & #82424080.200, from R-1 Low Density Single-Family Residential to MURC-2 Mixed Use Recreation Commercial-2 (GPC Case No. 24-37-RZ)

CITY OF GAUTIER STAFF REPORT

To: Chairman and Members, Planning Commission

From: Scott Ankerson, Planning Director

Date: September 24, 2024

Subject: Consider a request for a Property Owner Initiated Rezoning of Property located at John Dailey Drive, PID #82425010.100 & #82424080.200, from R-1 Low Density Single-Family Residential to MURC-2 Mixed Use Recreation Commercial-2 (GPC Case No. 24-37-RZ)

REQUEST:

The Planning Department has received a request from Sioux Bayou Landing, LLC for a rezoning of property located at John Dailey Drive, PID #82425010.100 & #82424080.200, from R-1 Low Density Single-Family Residential to MURC-2 Mixed Use Recreation Commercial-2 (GPC Case No. 24-37-RZ). The application fee of \$300 was paid on August 9, 2024. 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: John Dailey Drive, PID #82425010.100 & #82424080.200 (See Exhibit A)
2. Existing Zoning: R-1 Low Density Single-Family Residential. (See Exhibit B)

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

UDO 5.3.14 MURC-2, Mixed Use Recreation Commercial-2 - Purpose and intent. The Mixed Use Recreational Commercial-2 zoning district implements Future Land Use Section 7.3, Mixed Use Recreation Commercial of the Comprehensive Plan, and also serves as a buffer between areas of lower and higher intensity. The MURC-2 zoning district shall apply to areas suited for tourist-oriented development. Specifically, lands which are developed, redeveloped and/or maintained and conserved as areas that accommodate permanent or seasonal single-family detached or multi-family attached residential dwelling units; commercial hotel, motel, bed and breakfast establishments and other commercial transient living accommodations; and tourist-oriented uses including recreation vehicles, travel trailers, seasonal cabins, marinas, dry boat storage, community buildings, public facilities, clubhouses, museums, visual and performance arts buildings, neighborhood retail commercial goods and services not exceeding 7,000 square feet designed primarily to serve the needs of the Mixed Use Recreational Commercial area, offices, medical clinics, laundries and dry cleaning drop off centers, banks, fitness centers, dinner clubs and restaurants. It is the intent of the MURC-2 zoning district to specifically not allow all non-residential uses to be located in the district.

DATA AND ANALYSIS:

Property requested for Rezoning: John Dailey Drive, PID #82425010.100 & #82424080.200.

Location: Ward 4

Current Zoning of the Request Property: R-1 Low Density Single-Family Residential

Existing Land Use: PID #82425010.100 is an RV park. PID #82424080.200 is vacant. (See Exhibit C)

Future Land Use: Conservation. (See Exhibit D)

Surrounding Zoning: R-1 Low Density Single-Family Residential.

HISTORY:

The existing RV park located on PID #82425010.100, 1221 John Dailey Drive, was established around the late 1950's prior to being annexed by the City. The owner wants to expand the RV park on the adjoining parcel, PID #82424080.200. The area and current use of the property fits the intent and purpose of the MURC-2 area and is very similar to other existing MURC-2 zoned areas.

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-1 Low Density Single-Family Residential to MURC-2 Mixed Use Recreation Commercial -2; 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

Revised 2/8/23

GAUTIER, MISSISSIPPI
PLANNING DEPARTMENT
PUBLIC HEARING APPLICATION

Public Hearing Number

24-37-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:

HEINRICH & ASSOCIATES (BOBBY HEINRICH) (agents)

Name of Business:

SIOUX BAYOU LANDING LLC Phone: 228-217-4200

Property Address:

1221 JOHN DAILEY DR. Mailing Address (if Different): 1806 23RD AVE. STE. B
PID # 82425010.100 & # 82424080.200 GULFPORT, MS 39501

E-Mail Address:

bobby.h@heinrichassociates.net
marques4042@gmail.com

Reason for request, location and intended use of Property:

REQUEST TO RE-ZONE PROPERTY
FROM R-1 TO MURC-2 FOR 27 UNIT R.V. PARK EXPANSION AND
1 CABIN.

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:

8-5-24

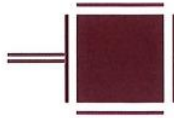
FOR OFFICE USE ONLY

Date Received

8/9/24 Verify as Complete Scott / [Signature]

Fee Amount Received

301.00 Initials of Employee Receiving Application BZ



HEINRICH & ASSOCIATES

RESIDENTIAL & COMMERCIAL DESIGN

September 25, 2024

City of Gautier
Attn: Scott Ankerson
3330 US-90
Gautier, MS 39553

RE: **Public Hearing Application for Rezone**
Parcels – 82425010.000 and 82424080.200
Sioux Bayou Landing – R.V. Park – Phase Two
1221 John Dailey Dr.
Gautier, Mississippi 39553

Dear Mr. Ankerson:

The firm of Heinrich & Associates, LLC is pleased to submit an application requesting a Rezone from R-1 to MURC-2 for the above referenced project. Currently, both parcels are zoned R-1 and Parcel 82425010.100 is an existing R.V. park named Sioux Bayou Landing. Parcel 82424080.200 is adjacent to Sioux Bayou Landing and is vacant. The owners wish to expand the R.V. park and are requesting a rezone due to a mistake in the original zoning and for consistency.

Combined, the properties total approximately 10.57 +/- acres. Sioux Bayou Landing currently has 36 R.V. sites, check-in office, clubhouse, 2 cottages, community bathrooms, laundry room, marina, bar, and deep-water access boat launch.

The purpose of the rezone is to develop the vacant parcel with an additional 27 R.V. spaces and a 2 - unit elevated cabin, known as Sioux Bayou Landing R.V. Park Phase Two. Water, sewer, and electrical hookups will be provided for all sites. Additionally, each site will have a concrete patio and will have access to all of the facilities within the existing park or Phase One.

The development will be designed using the current City of Gautier's development ordinances and follow the current stormwater ordinance. Water and sewer will be supplied by Gautier Utility District. The entire area is currently zoned R-1 and as stated above, including Sioux Bayou Landing R.V. Park Phase One. The existing park was established in the late 1950's, prior to being annexed by the City of Gautier and it is evident that there was a mistake in the original zoning. The area is very secluded and private for guests who visit there. When the adjacent property became available to purchase, the owners immediately made an offer to purchase the property with the intention of expanding the park because of the public need for additional sites. Additionally, although the existing park is not zoned correctly, the rezone request will allow the R.V. park and expansion to be in the correct zoning.

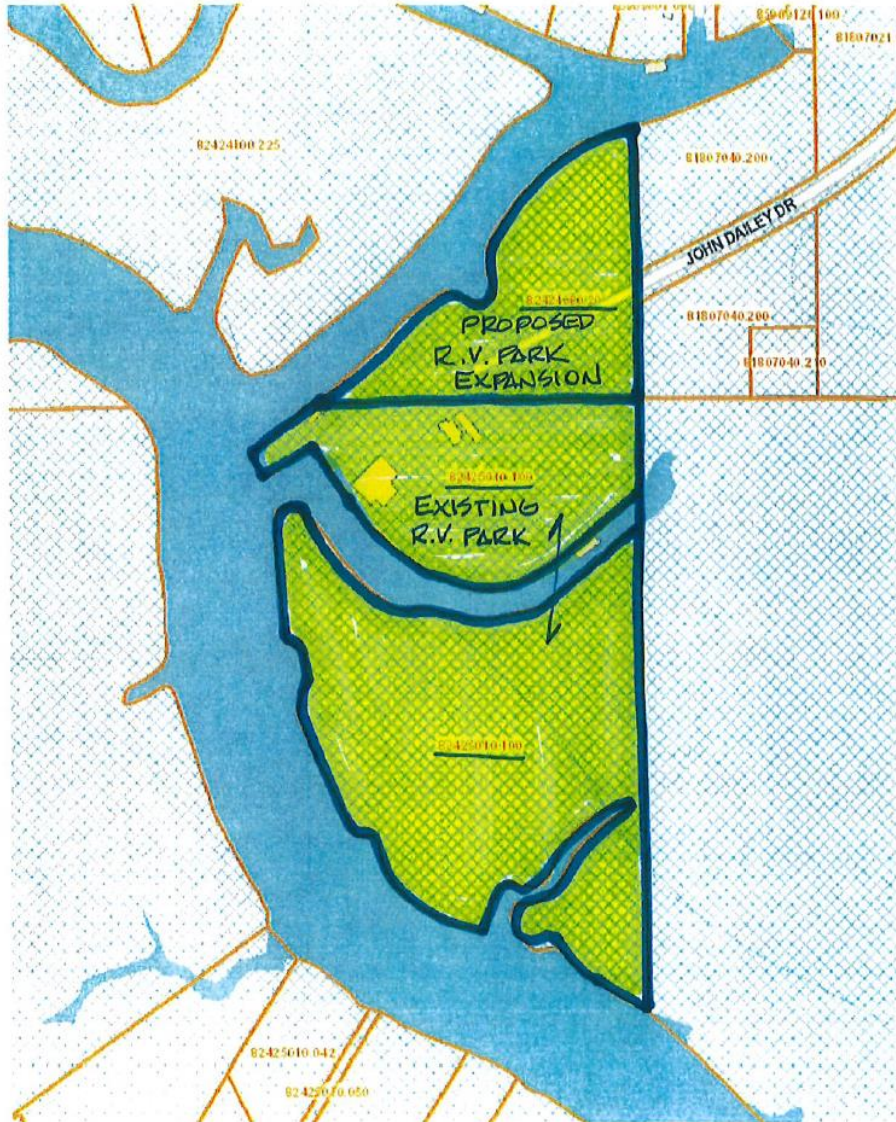
Submitted with this letter is a proposed site plan, a current zoning map, current parcel map, and an aerial map.

We appreciate the opportunity to present this project and look forward to working with the City of Gautier. If you have any questions or need any additional information, please do not hesitate to contact us.

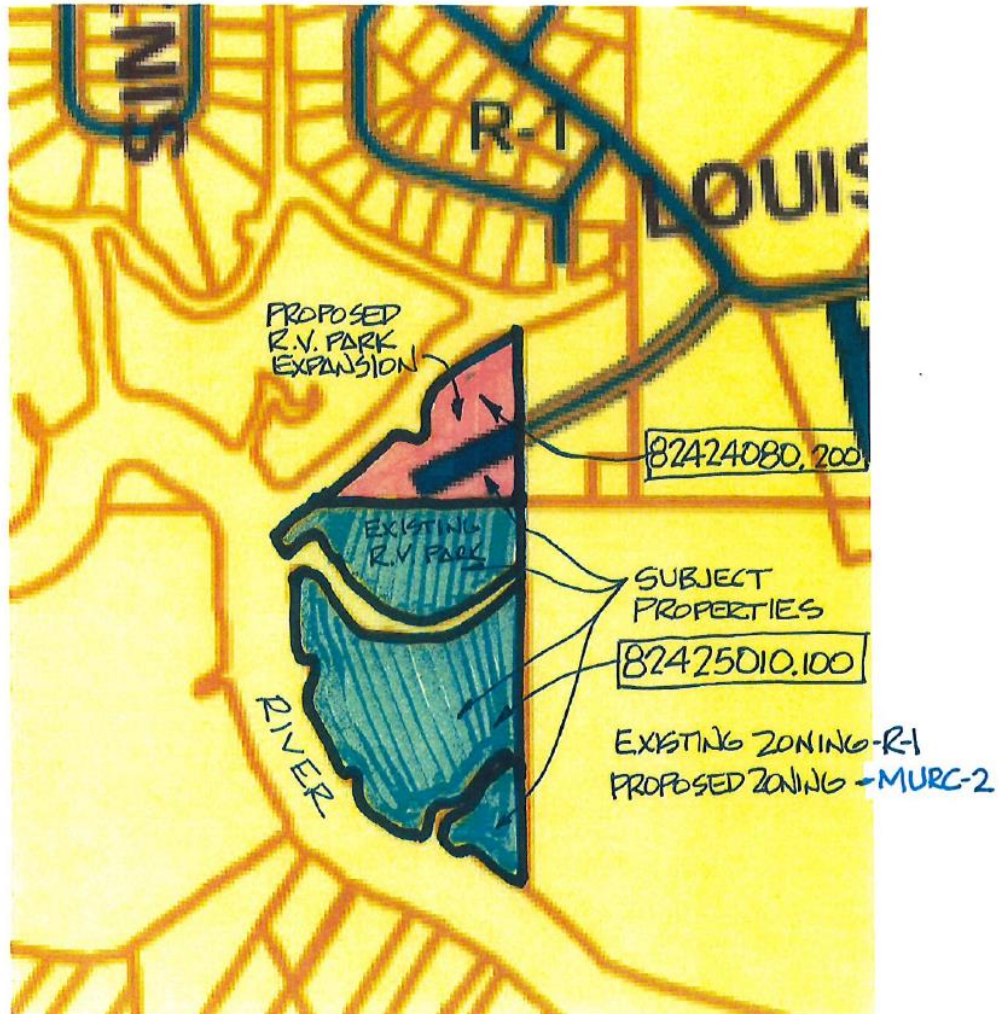
Sincerely,

HEINRICH & ASSOCIATES

Robert B. Heinrich



PARCEL MAP



ZONING MAP

2. ALL INFORMATION SHALL BE PROVIDED TO THE REQUESTING PARTY WITHIN 30 DAYS OF THE DATE OF THE REQUEST.
3. ALL INFORMATION SHALL BE PROVIDED TO THE REQUESTING PARTY WITHIN 30 DAYS OF THE DATE OF THE REQUEST.
4. ALL INFORMATION SHALL BE PROVIDED TO THE REQUESTING PARTY WITHIN 30 DAYS OF THE DATE OF THE REQUEST.
5. ALL INFORMATION SHALL BE PROVIDED TO THE REQUESTING PARTY WITHIN 30 DAYS OF THE DATE OF THE REQUEST.
6. ALL INFORMATION SHALL BE PROVIDED TO THE REQUESTING PARTY WITHIN 30 DAYS OF THE DATE OF THE REQUEST.
7. ALL INFORMATION SHALL BE PROVIDED TO THE REQUESTING PARTY WITHIN 30 DAYS OF THE DATE OF THE REQUEST.
8. ALL INFORMATION SHALL BE PROVIDED TO THE REQUESTING PARTY WITHIN 30 DAYS OF THE DATE OF THE REQUEST.
9. ALL INFORMATION SHALL BE PROVIDED TO THE REQUESTING PARTY WITHIN 30 DAYS OF THE DATE OF THE REQUEST.
10. ALL INFORMATION SHALL BE PROVIDED TO THE REQUESTING PARTY WITHIN 30 DAYS OF THE DATE OF THE REQUEST.

1. WATER AND SEWER - CITY OF GAITHERSBURG 447-7770
2. GAS SERVICE - CENTENECH 866-7500
3. TV CABLE SERVICE - SPECTRUM 866-7506
4. ELECTRIC SERVICE - US POWER CO. 866-6600
5. TELEPHONE SERVICE - ARI 807-6000
6. POST - USPS 800-635-2277-7777

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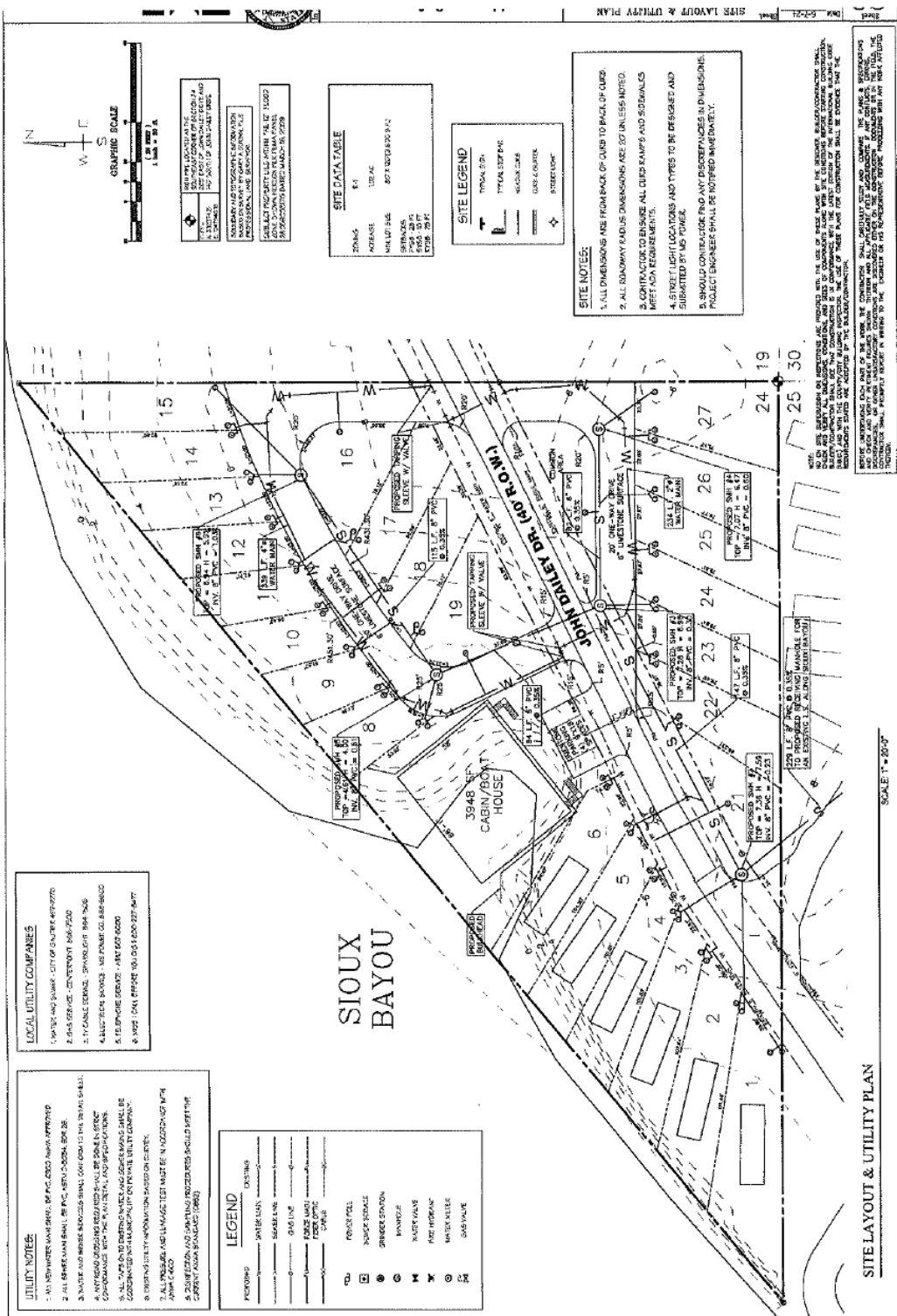
SITE LEGEND

	NORTH ARROW
	BUILDING FOOTPRINT
	FENCE LINE
	PROPERTY LINE
	STREET LIGHT

ZONING E-1
NOTICE UZ AC
MAY 10, 2016 807 S WYOMING ST
SERVICES
PUG - 25 FT
SWS - 10 FT
KTD - 75 FT

10. CONTRACTOR TO ENSURE ALL CURB RAMP AND SIDEWALKS MEET ADA REQUIREMENTS.

SCALE: 1" = 20'-0"



ArcGIS Web Map



82425010.100 SIOUX BAYOU LANDING LLC

PIDN: 82425010.100

GISP: 777.25-01-0065.00

Owner Information

Percent of Ownership: 100

Name: SIOUX BAYOU LANDING LLC

Name 2:

Mailing Address: P O BOX 4598
BILOXI MS
39535

Site Address: 1221 JOHN DAILEY DR GAUTIER

Land Information

Section: 25 Acreage: 8.3

Township: 7

Range: 7

Street Name JOHN DAILEY
DR

Value and Tax Information

Total Assessed Value: 34277

Total Appraised Value: 228507

Improvement Value: 167047

Land Value: 61460

Tax Amount: 4835

SQ FT: 3314

Year Built: 1974

Legal Description

Description: THAT PT NE1/4 NE1/4 N OF SIOUX B
AYOU DB 1975-644 (65 MAP777.25-0
1)

Deed Book / Page: 1975 / 644

82425010.100 SIOUX BAYOU LANDING LLC



82424080.200 SIOUX BAYOU LANDING LLC

PIDN: 82424080.200

GISP: 776.24-04-0117.00

Owner Information

Percent of Ownership: 100

Name: SIOUX BAYOU LANDING LLC

Name 2:

Mailing Address: 1221 JOHN DAILEY DR
GAUTIER MS
39553

Site Address: LOUIS ALEXIS GAUTIER

Land Information

Section: 24 Acreage: 3

Township: 7

Range: 7

Street Name LOUIS ALEXIS

Value and Tax Information

Total Assessed Value: 8457

Total Appraised Value: 56380

Improvement Value: 0

Land Value: 56380

Tax Amount: 1192

SQ FT: 0

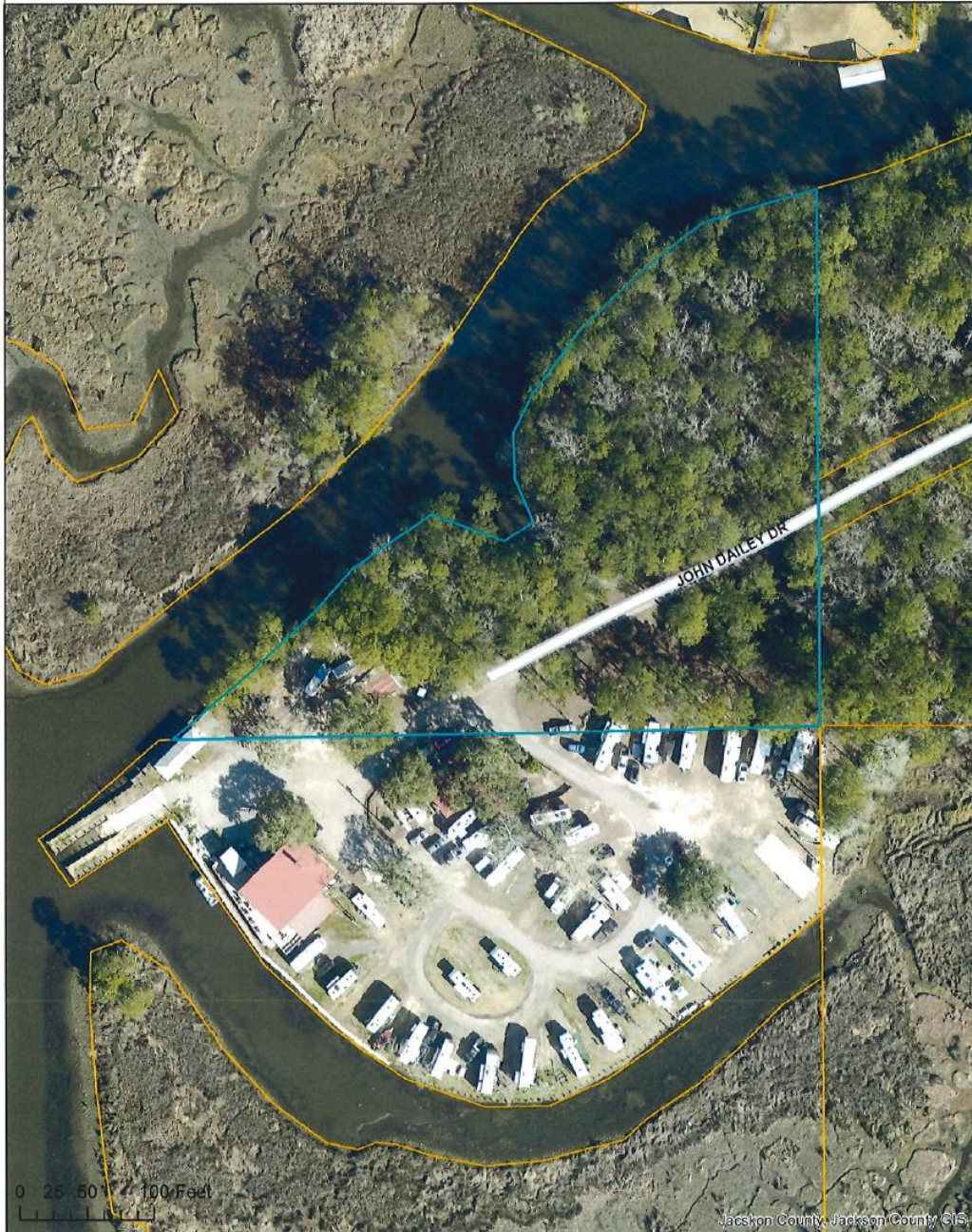
Year Built: 0

Legal Description

Description: 3 AC IN SE1/4 SE1/4 DB 2099-41
(117 MAP776.24-04)

Deed Book / Page: 2165 / 226

82424080.200 SIOUX BAYOU LANDING LLC



82424080.200 SIOUX BAYOU LANDING LLC

PIDN: 82424080.200

GISP: 776.24-04-0117.00

Owner Information

Percent of Ownership: 100

Name: SIOUX BAYOU LANDING LLC

Name 2:

Mailing Address: 1221 JOHN DAILEY DR
GAUTIER MS
39553

Site Address: LOUIS ALEXIS GAUTIER

Land Information

Section: 24 Acreage: 3

Township: 7

Range: 7

Street Name LOUIS ALEXIS

Value and Tax Information

Total Assessed Value: 8457

Total Appraised Value: 56380

Improvement Value: 0

Land Value: 56380

Tax Amount: 1192

SQ FT: 0

Year Built: 0

Legal Description

Description: 3 AC IN SE1/4 SE1/4 DB 2099-41
(117 MAP776.24-04)

Deed Book / Page: 2165 / 226

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

82424080.200 SIOUX BAYOU LANDING LLC



82425010.100 SIOUX BAYOU LANDING LLC

PIDN: 82425010.100
GISP: 777.25-01-0065.00

Owner Information

Percent of Ownership: 100
Name: SIOUX BAYOU LANDING LLC
Name 2:
Mailing Address: P O BOX 4598
BILOXI MS
39535

Site Address: 1221 JOHN DAILEY DR GAUTIER

Land Information

Section: 25 Acreage: 8.3
Township: 7
Range: 7
Street Name JOHN DAILEY
DR

Value and Tax Information

Total Assessed Value: 34277	Total Appraised Value: 228507
Improvement Value: 167047	Land Value: 61460
Tax Amount: 4835	SQ FT: 3314 Year Built: 1974

Legal Description

Description: THAT PT NE1/4 NE1/4 N OF SIOUX B
AYOU DB 1975-644 (65 MAP777.25-0
1)

Deed Book / Page: 1975 / 644

82425010.100 SIOUX BAYOU LANDING LLC

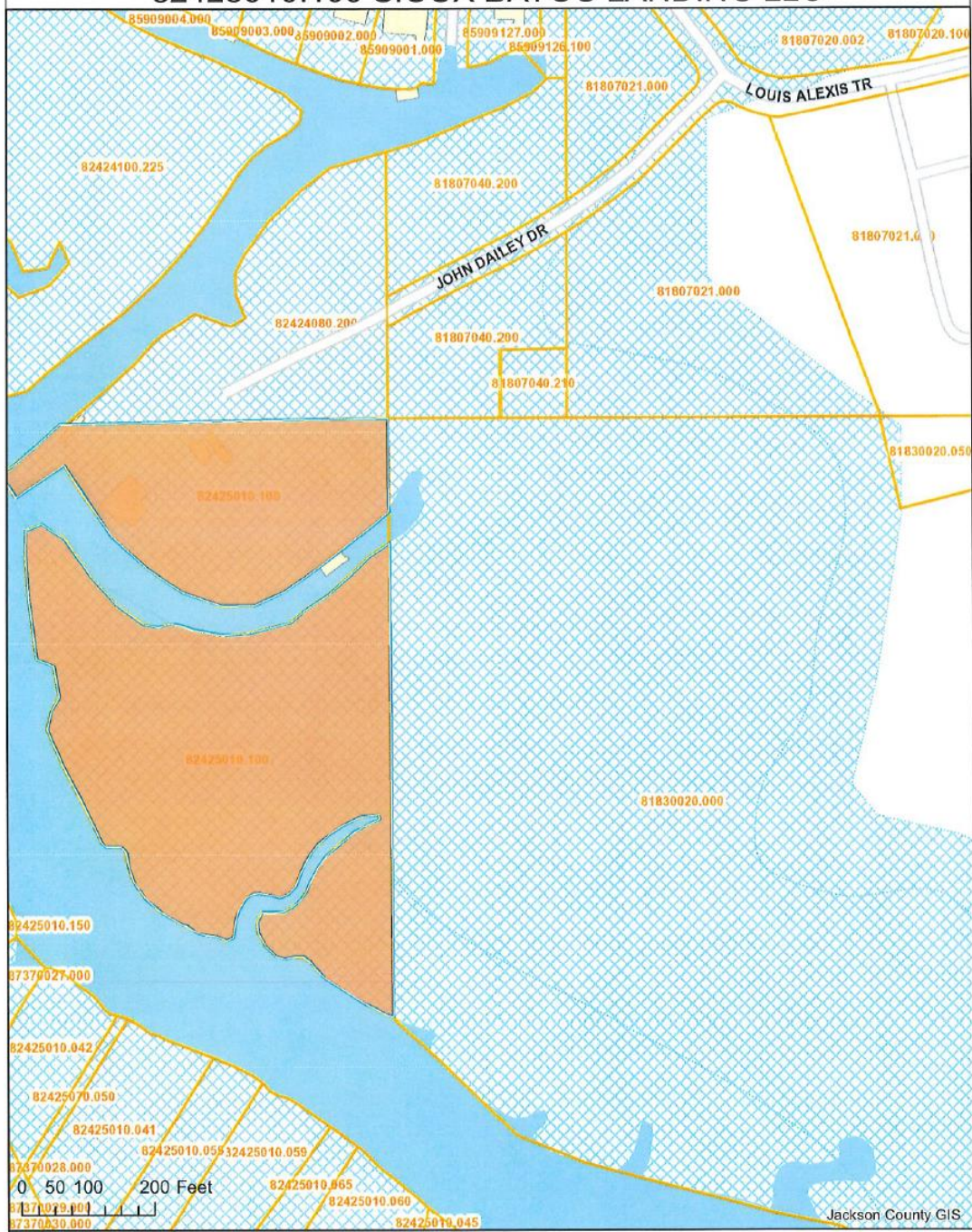


Exhibit A Location Map

Prepared by:
City of Gautier
Planning Department

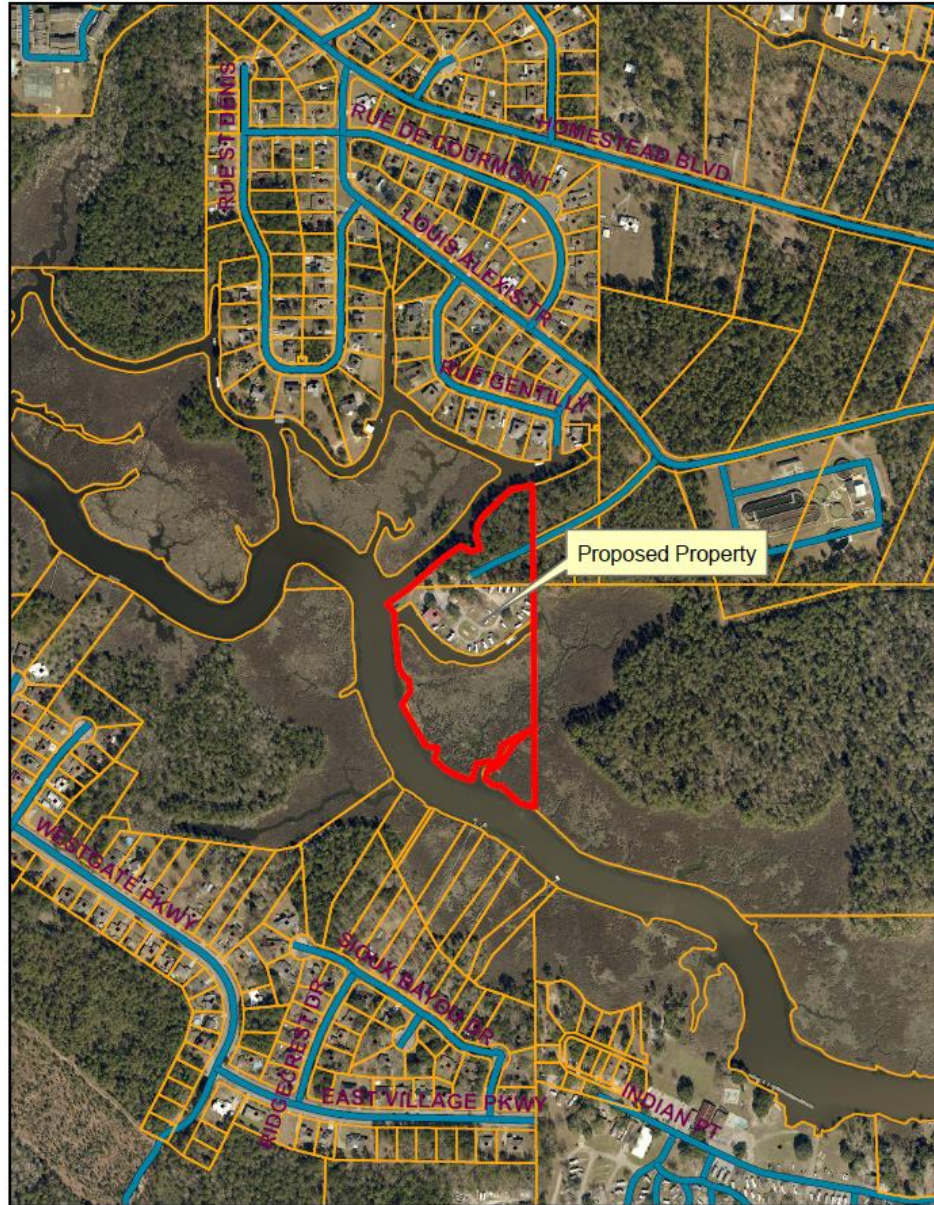


Exhibit B

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

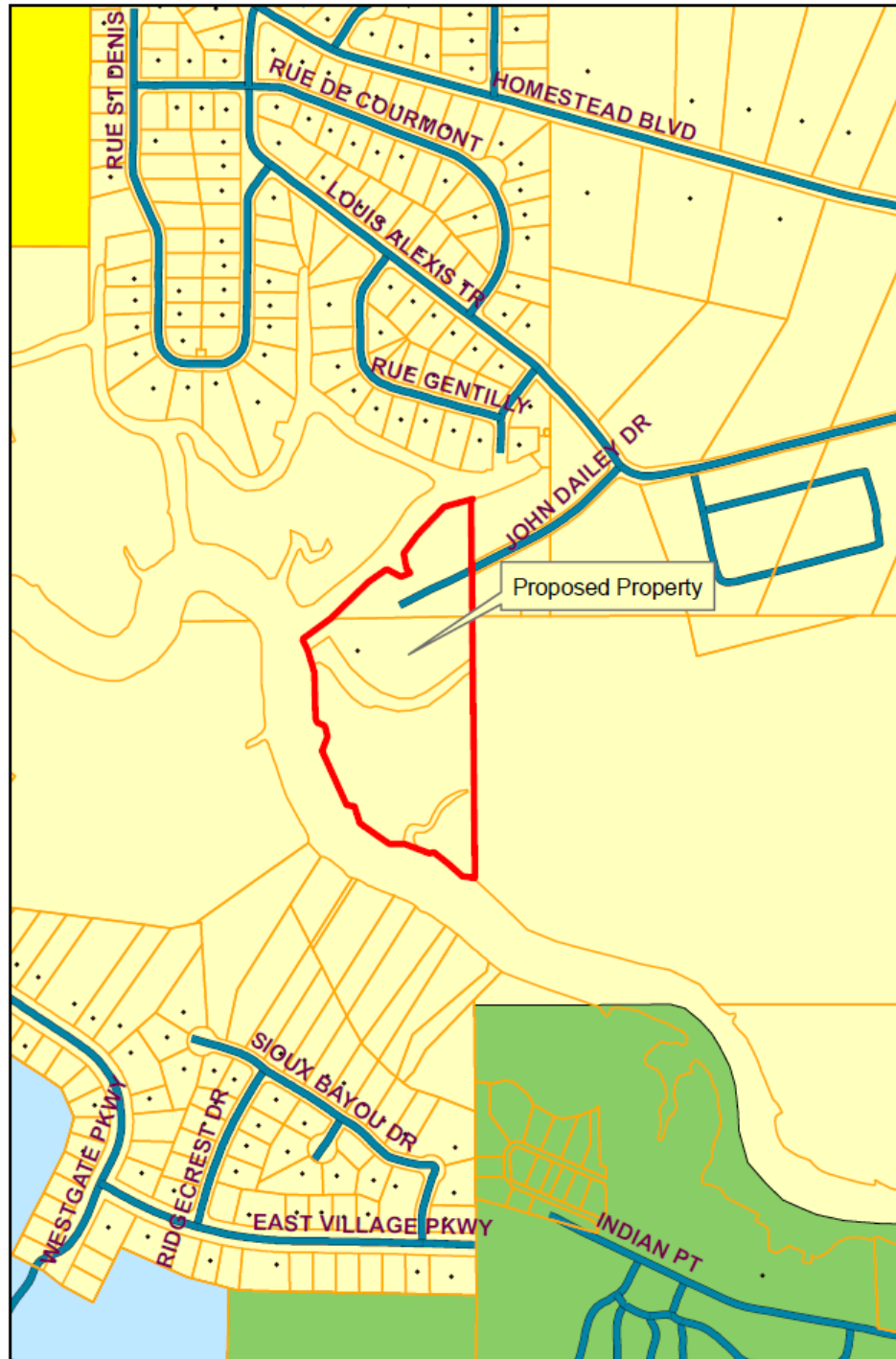


Exhibit C

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

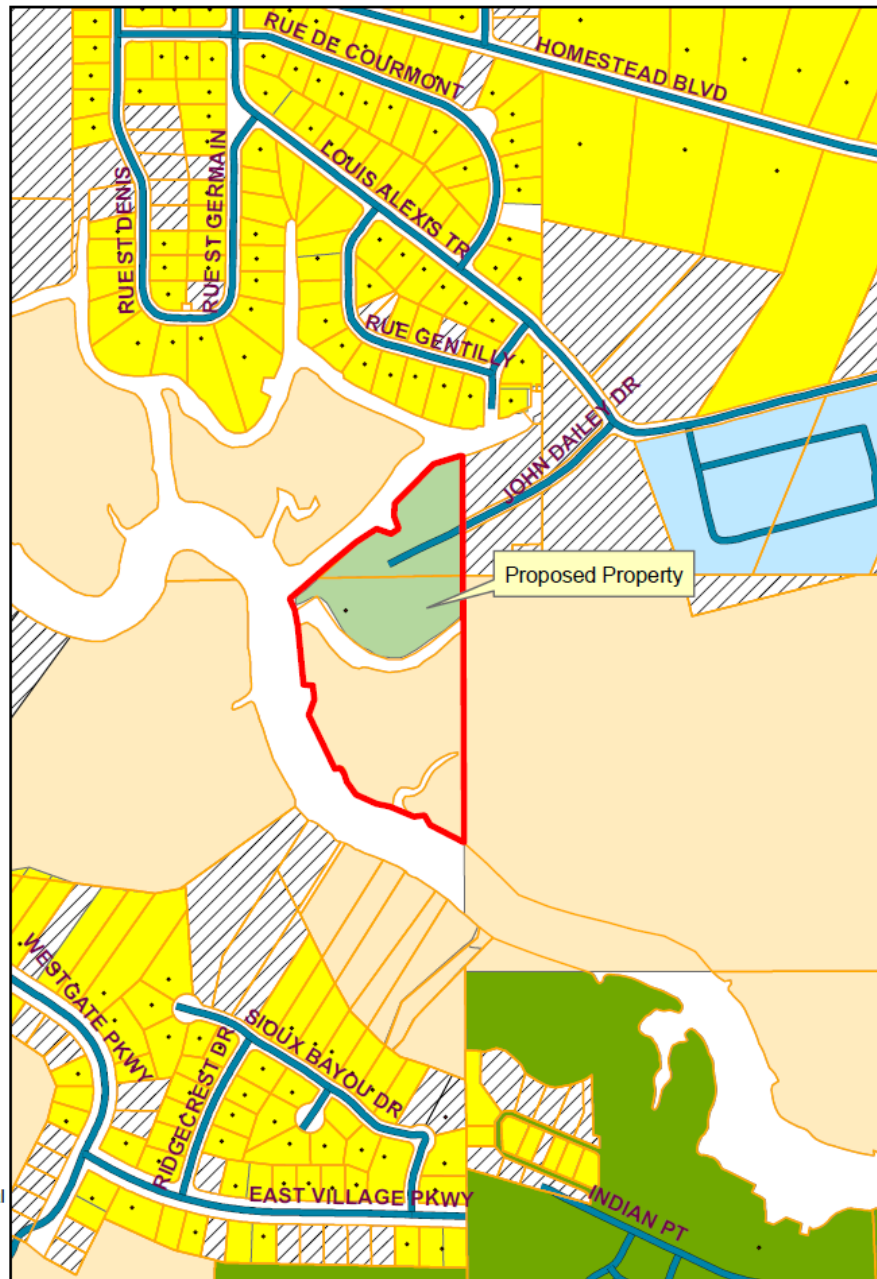


Exhibit D Future Land-Use

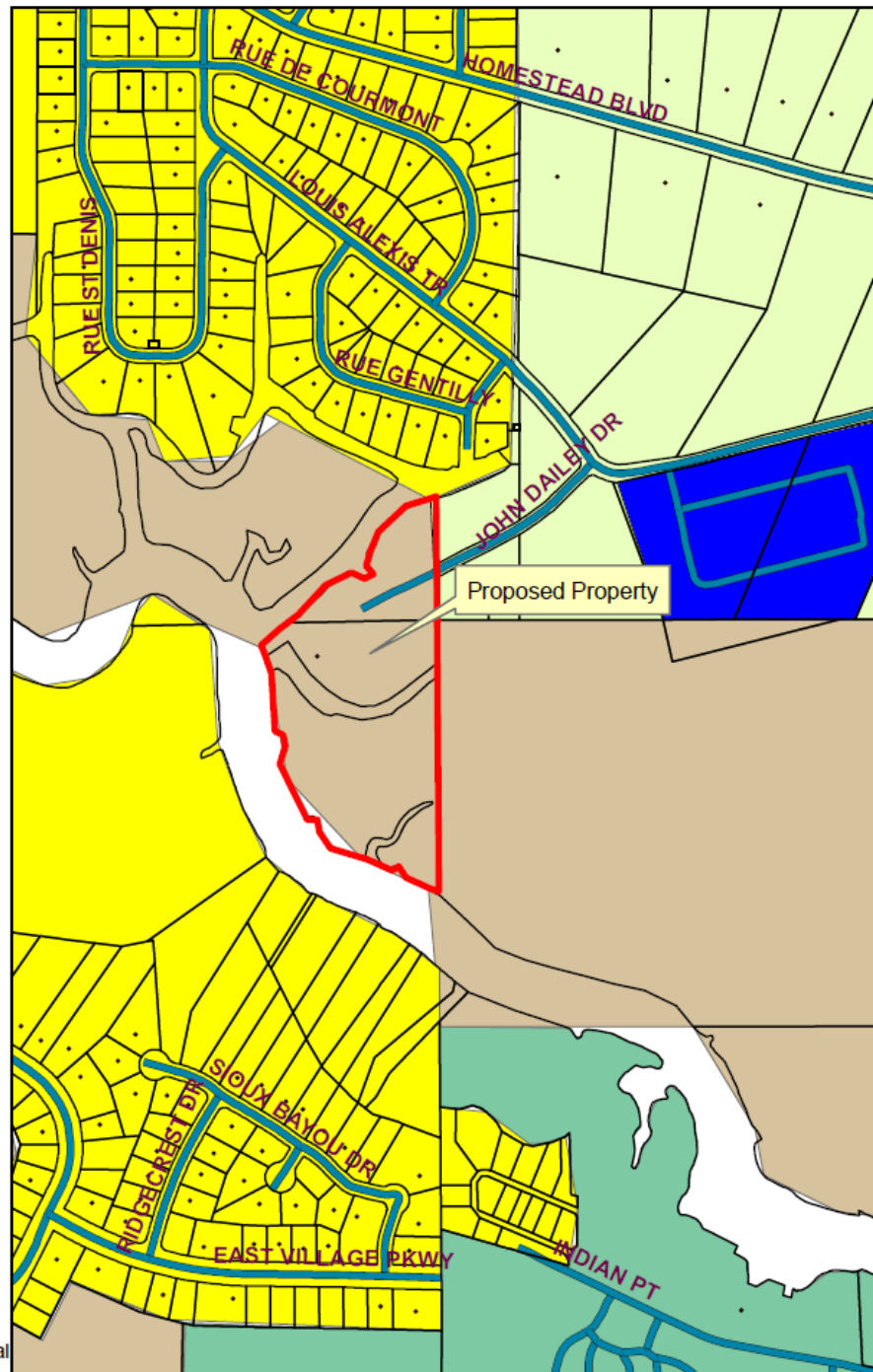
Prepared By:
City of Gautier
Planning Department

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

October 3, 2024

GPC #24-38-VAR

6208 Old Spanish Trail

VII. NEW BUSINESS

2. Consider a request for a four-foot (4') variance to fence height requirements along the side property line in a front yard and a two-foot (2') variance to fence height requirements along the front property line in a R-1 Low Density Single-Family Residential Zoning District. 6208 Old Spanish Trail, (GPC #24-38-VAR)

**CITY OF GAUTIER
STAFF REPORT**

To: Chairman and Members, Planning Commission

From: Scott Ankerson, Planning Director

Date: September 24, 2024

Subject: Consider a request for a four-foot (4') variance to fence height requirements along the side property line in a front yard and a two-foot (2') variance to fence height requirements along the front property line in a R-1 Low Density Single-Family Residential Zoning District at 6208 Old Spanish Trail, (GPC #24-38-VAR)

REQUEST:

The Planning Department has received a request from Anthony and Armilise Sprague for a four-foot (4') variance to fence height requirements along the side property line in a front yard and a two-foot (2') variance to fence height requirements along the front property line in a R-1 Low Density Single-Family Residential Zoning District at 6208 Old Spanish Trail, PID #82432029.000 (GPC #24-38-VAR). The application fee of \$175 was paid on August 16, 2024. All public notice requirements have been met.

BACKGROUND:

The applicants would like to install an 8' wooden privacy fence along the side property lines of their front yard to keep vehicle lights from shining into their windows. The maximum height allowed for a fence in a designated front yard is 4'. The applicants will need a 4' variance to fence height in a front yard.

The applicant would also like to install a 6' decorative fence with gates along their front property line to keep the public, particularly high school students, from using their circular driveway to make U-turns. As stated above, fences shall not exceed four feet in height within a designated front yard. The applicant will need a 2' variance to fence height in a front yard.

DISCUSSION:

The applicant is asking for a 4' variance to fence height requirements along the side property line of their front yard and a 2' variance to fence height requirements along their front property line.

DETERMINATION OF APPLICABLE LAW:

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

A Variance is a relaxation of the terms of the Unified Development Ordinance where such Variance will not be contrary to the public interest and where, owing to conditions peculiar to the property, a literal enforcement of the Ordinance would

result in an unnecessary or undue hardship. As used in this Ordinance, a Variance is authorized only for height, area and size of structure, or size of yards, separation of uses, open spaces, off-street parking spaces and some subdivision of property. The establishment or expansion of a use not permitted shall not be allowed by Variance.

The UDO defines **Hardship** as:

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

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

UDO SECTION 4.18: Variance

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

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

4.18.1 Who May Initiate

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

4.18.2 Application for Variance

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

4.18.3 Administrative Variances

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

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

4.18.4 Criteria for Approval

The Variance application shall demonstrate the following:

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

RECOMMENDATION & CONCLUSION:

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

The Planning Commission may:

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

ATTACHMENTS:

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

GAUTIER, MISSISSIPPI

PLANNING DEPARTMENT
PUBLIC HEARING APPLICATION

Public Hearing Number

24-38-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:

Anthony & Arnilise Sprague

Name of Business:

N/A

Phone:

512-970-6701(mr.)
504-722-6698(mrs.)

Property Address:

6208 Old Spanish Trail
Ocean Springs, MS 39564

Mailing Address (if Different): _____

E-Mail Address:

Lisa Sprague 73@gmail.com

Reason for request, location and intended use of Property:

Installation of fence in front

of house and side (sides 8' wooden up to front property line; 6' decorative

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.
- WIA 3. Copy of protective covenants or deed restrictions, if any.
- MA 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.
- MA 5. Any other information requested by the Planning Director.

Signature of Applicant: _____

Date of Application: _____

FOR OFFICE USE ONLY

Date Received

8/16/24

Verify as Complete

[Signature]

Fee Amount Received

176.00

Initials of Employee Receiving Application

AB/BZ

R-1

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?

The lots along Old Spanish Trail are multiple acres zoned R1 residential and have rules more applicable to houses in close proximity of each other that impede the use of a larger property.

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

No. There are numerous houses along old spanish Trail with fences in front of their house running parallel to the street on their 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.

There are other properties with fences in front of their house. Elliot Homes is building a subdivision on Old Spanish Trail (in Jackson County) that is across the street from our 3.57 acres + house.

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

No. The residential property located at the corner of Old Spanish Trail and Hwy 57 has a privacy fence along both roads at a major intersection which provides privacy from vehicle lights at night-time from penetrating through the windows of their home.

NARRATIVE

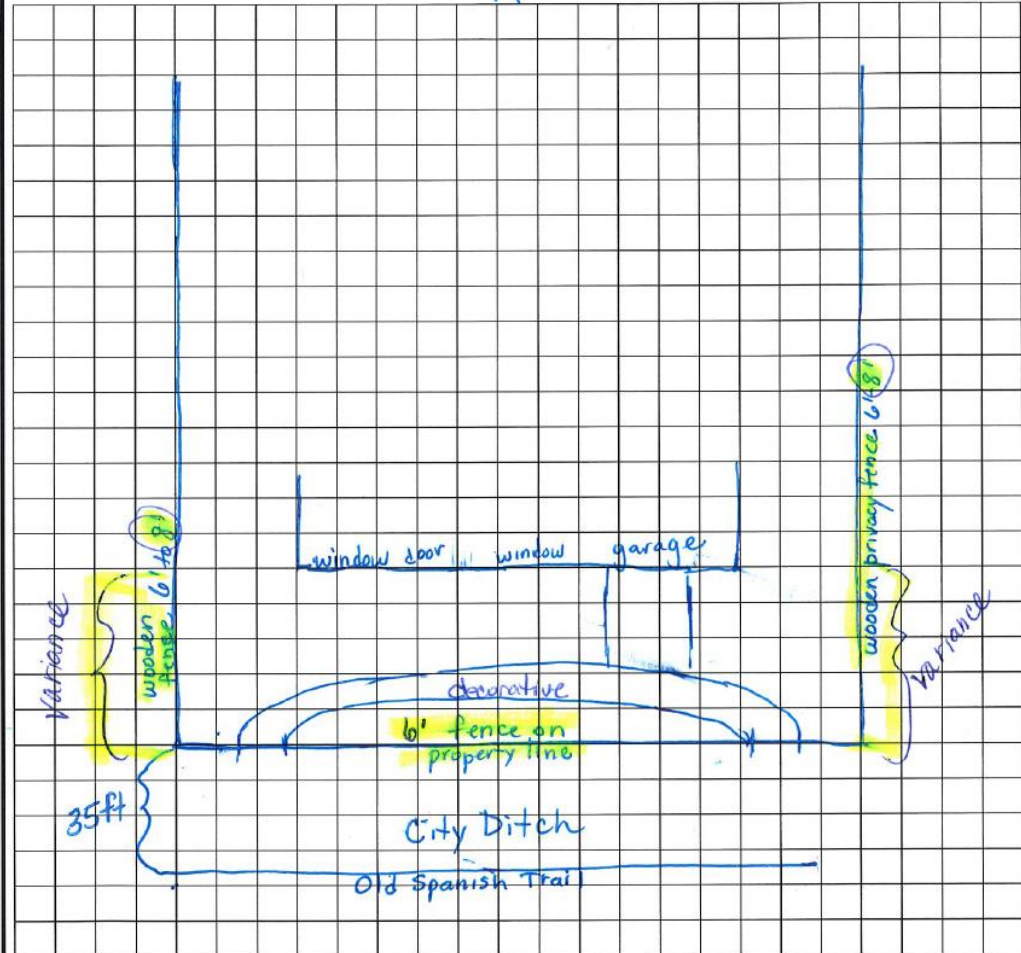
We would like to install a ^{wooden privacy} fence 6' to 8' tall along the ^{property line on} west side of our house to block the vehicle lights from sweeping across a bedroom windows and other windows in the front of our house when the Elliot Homes subdivision is largely populated. The vehicles exiting the subdivision turning right (heading east towards Gautier) will be invasive of our windows with vehicle head lights. The same fence along the east side of the property for lights coming down the street from the east.

We would like to install a 5ft ^{to 6ft} fence w/ gates across the front of our house. The public and in particular the high school students use our private circular driveway to make U-turns. We will anticipate to become even worse when the subdivision cars from the new Elliott Homes neighborhood. This fence will not be a wooden privacy fence. It will be an iron/aluminum style.

DIAGRAM

N

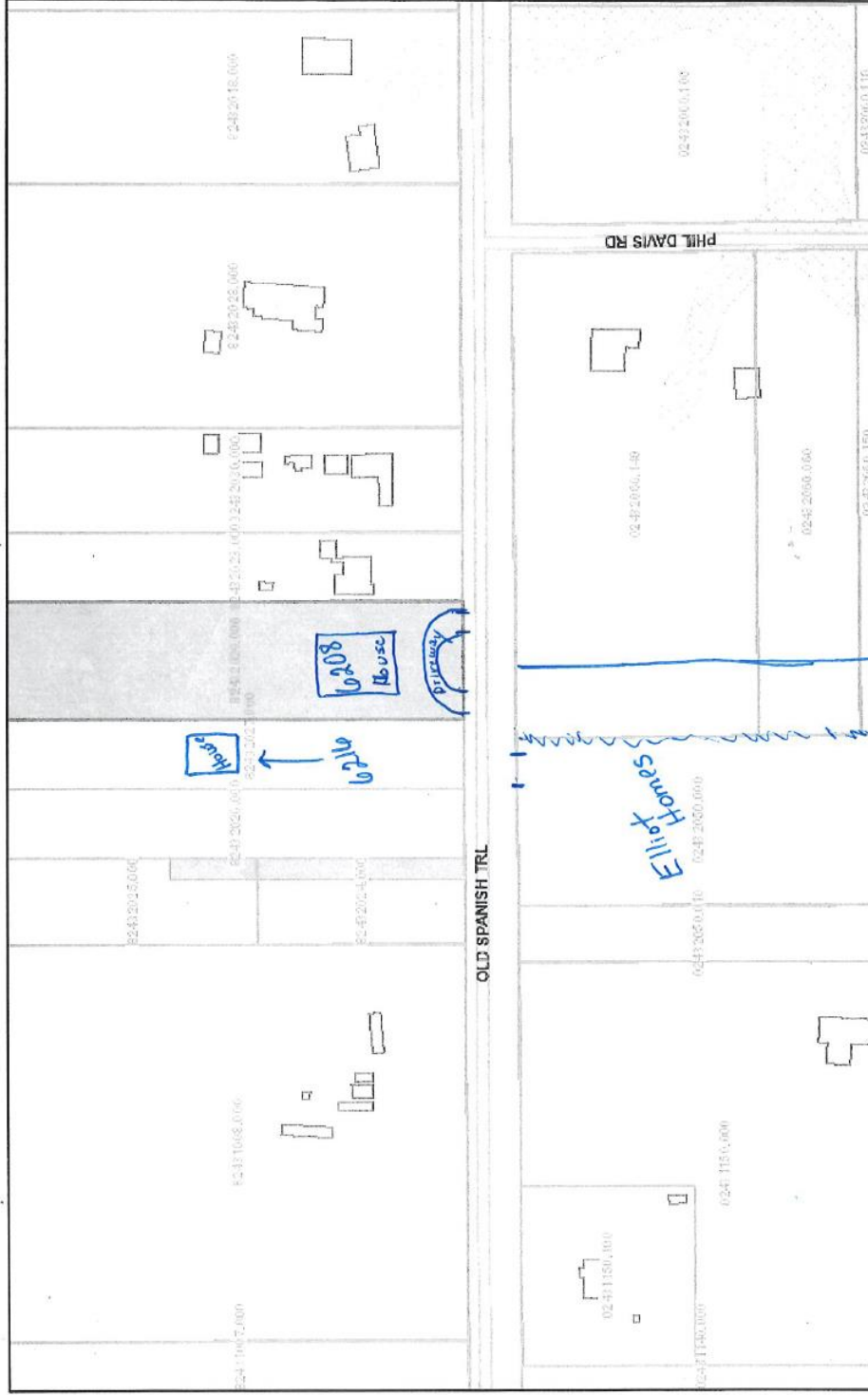
W



Old Spanish Trail

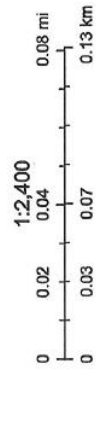
S

ArcGIS Web Map



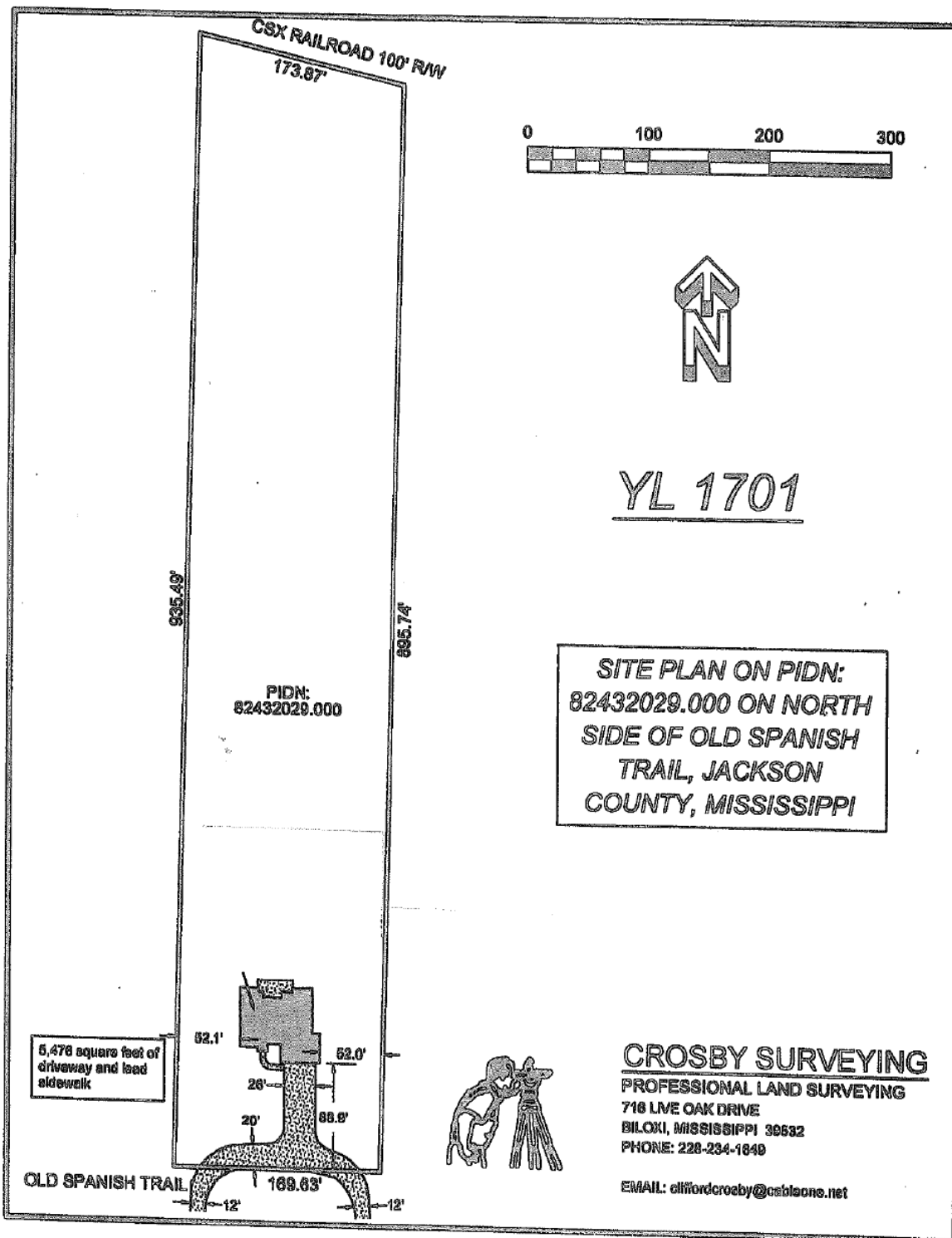
April 8, 2024

- Parcels
- PrimaryRoads
- Major
- CenterLines



Jackson County GIS

Web AppBuilder for ArcGIS
- Jackson County GIS -



82432029.000 GUILLORY ARMILISE ALBERT

PIDN: 82432029.000

GISP: 779.32-00-0025.00

Owner Information

Percent of Ownership: 100

Name: GUILLORY ARMILISE ALBERT

Name 2: SPRAGUE ANTHONY

Mailing Address: 6208 OLD SPANISH TRL
OCEAN SPRINGS MS
39564

Site Address: 6208 OLD SPANISH TRL GAUTIER

Land Information

Section: 32 Acreage: 3.57

Township: 7

Range: 7

Street Name OLD SPANISH
TRL

Value and Tax Information

Total Assessed Value: 32037

Total Appraised Value: 320372

Improvement Value: 268572

Land Value: 51800

Tax Amount: 4816

SQ FT: 3475

Year Built: 2017

Legal Description

Description: E 170' OF W 470' OF LOT 2 N OF O
LD HWY 90 & S OF L&N RAILROAD DB
1842-778 (25 MAP779.32) 'PER SU
RVEY'

Deed Book / Page: 1842 / 778

82432029.000 GUILLORY ARMILISE ALBERT



Exhibit A Location Map

■

Prepared by:
City of Gautier
Planning Department

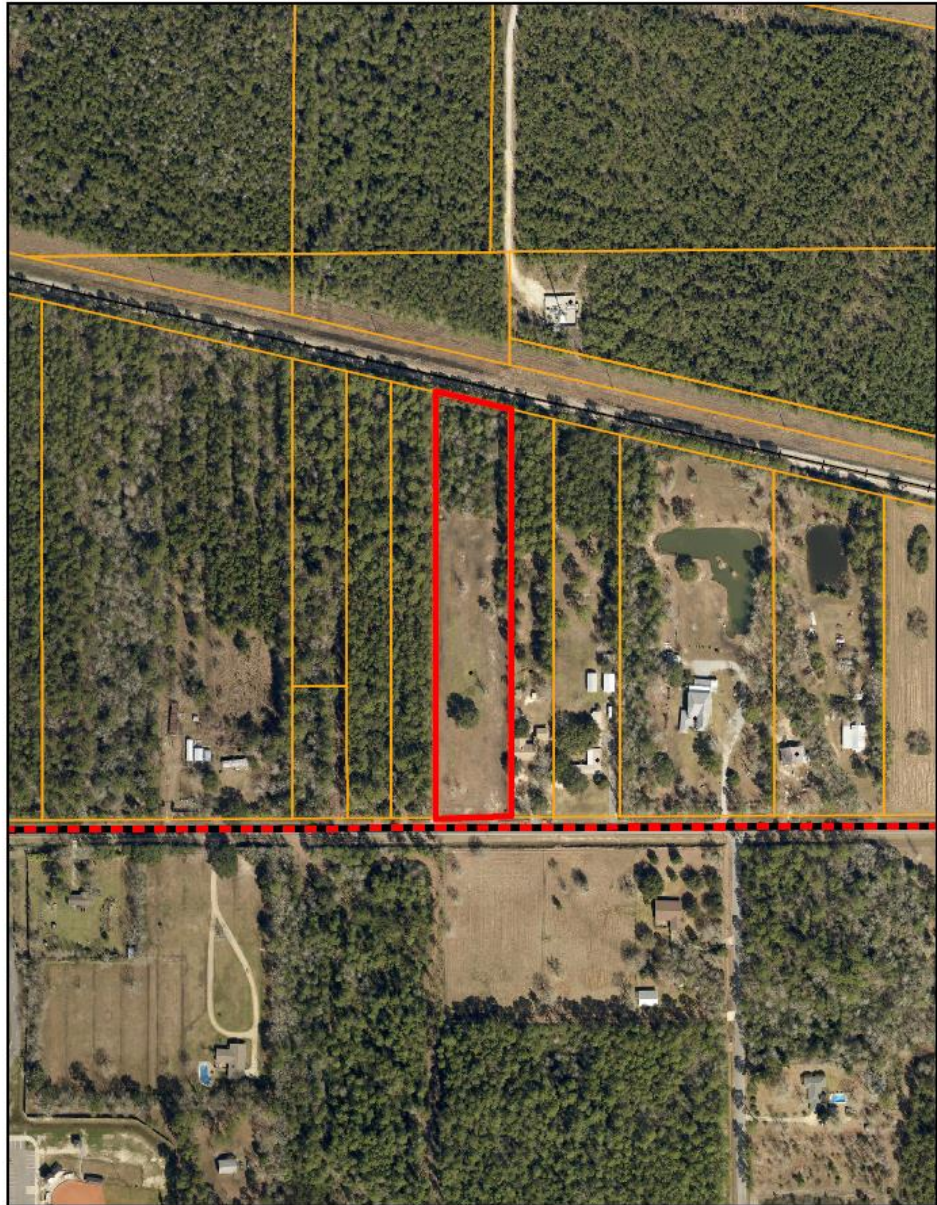


Exhibit B

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

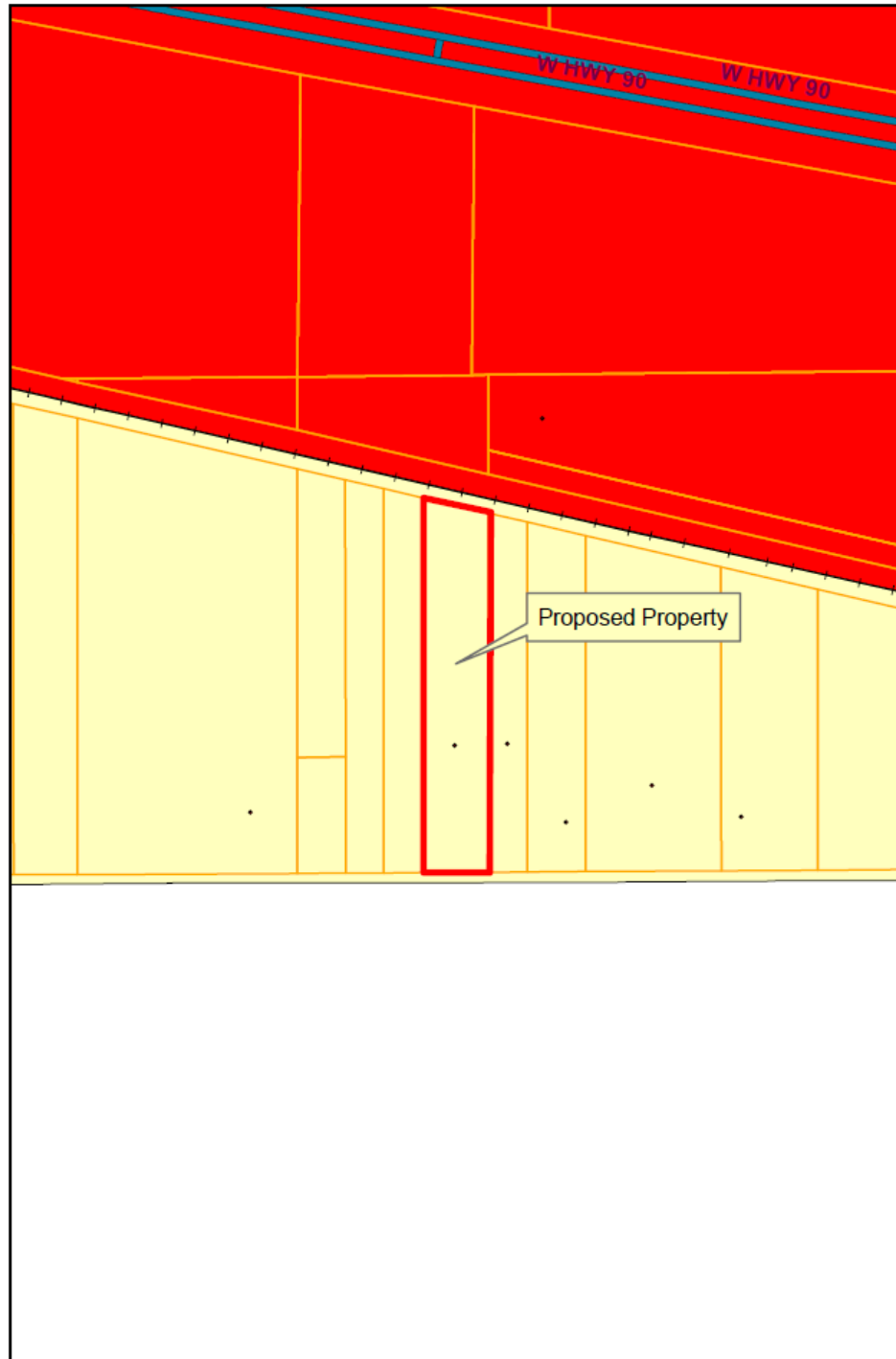


Exhibit C Existing Land-Use

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

October 3, 2024

GPC #24-39-VAR

2012 Highway 90

VII. NEW BUSINESS

3. Consider a request for a four-foot (4') variance to sign height requirements and a one hundred seventy-four (174) square foot variance to sign square footage requirements in a C-3 Highway Commercial Zoning District. 2012 Highway 90, (GPC #24-39-VAR)

CITY OF GAUTIER STAFF REPORT

To: Chairman and Members, Planning Commission

From: Scott Ankerson, Planning Director

Date: September 25, 2024

Subject: Consider a request for a four-foot (4') variance to sign height requirements and a one hundred seventy-four (174) square foot variance to sign square footage requirements in a C-3 Highway Commercial Zoning District at 2012 Highway 90, (GPC #24-39-VAR)

REQUEST:

The Planning Department has received a request from GCC, LLC (Gautier Commerce Center) for a four-foot (4') variance to sign height requirements and a one hundred seventy-four (174) square foot variance to sign square footage requirements in a C-3 Highway Commercial Zoning District at 2012 Highway 90, (GPC #24-39-VAR). The application fee of \$175 was paid on September 16, 2024. All public notice requirements have been met.

BACKGROUND:

The applicant would like to add to his existing legal non-conforming sign. Section 12.16 (D) of the Unified Development Ordinance (UDO) states that a legal non-conforming sign loses its status if it is enlarged. The applicant would like to add seventy-two (72) square feet to his existing sign. The existing sign is currently fourteen feet (14') high and consists of two hundred fifty-two (252) square feet. With the additional seventy-two (72) square feet he will need a variance of one hundred seventy-four (174) square feet to sign square footage requirements. Because the maximum sign height allowed at that location is ten feet (10'), he will also need a four-foot (4') variance to sign height requirements.

DISCUSSION:

The applicant is asking for a four-foot (4') variance to sign height requirements, and a one hundred seventy-four (174) square foot variance to sign square footage requirements because he would like to add additional signage to his existing legal non-conforming sign.

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

24-39-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:

Jack Pilger

Name of Business:

GCC, LLC (Gautier Commerce Center)

Phone: 228-365-1917

Property Address:

2012 Hwy 90

Mailing Address (if Different):

5965 Ridge Rd. Ocean Springs
MS. 39564

E-Mail Address:

Jack Pilger 2@yahoo.com

Reason for request, location and intended use of Property:

Not enough signage for

tenants in this rental building - building is now full for first time

ATTACHMENTS REQUIRED AS APPLICABLE: (enlarge sign)

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

See Attached 2. A detailed project narrative.

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

Done 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:

Jack Pilger

Date of Application:

Sept 6, 2024

FOR OFFICE USE ONLY

Date Received

9/16/24

Verify as Complete

Scott/Bals

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? *Rent A Bldg is largest in area.*
2. Are these special conditions and circumstances a result of your actions? Explain. *yes - I am the rental agent along with my next door neighbor - Caldwell Banker Real Estate.*
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 businesses renting space in the building need to have their name on a marquee sign.*
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. *There are not any similar sites in the neighborhood. Each business will theoretically have a conforming sign.*

Gautier Commerce Center

2012 Hwy 90
Gautier, MS 39563

September 9, 2024

Gautier is growing and so is my demand for rental space. I purchased the building in 2018 and since then have improved the building with an elevator to the 2nd floor. For the first time in 6 years, we will be full as of September 1st, 2024.

Our last tenant was the State of Mississippi and their new childcare operation. I have attached their flyer at the end of my application.

My son, David Pilger has Pilger Title Company in the building, along with his 10 other Title offices here in Mississippi, it is the largest Title Company in the state now. Another prominent one of our tenants is our medical tenant "Mississippi Cardio Vascular Center of Excellence", also Toddler Town a prominent day care center for the children of Gautier. The balance of our tenants are from various industries and signage is very important to them.

Our day care center, Toddler Town has been voted "Best in Gautier" for the 3rd year in a row!

Many of the children's parents are employed by the city of Gautier Fire Department, Police Department and Ingalls Shipyard, just to name a few.

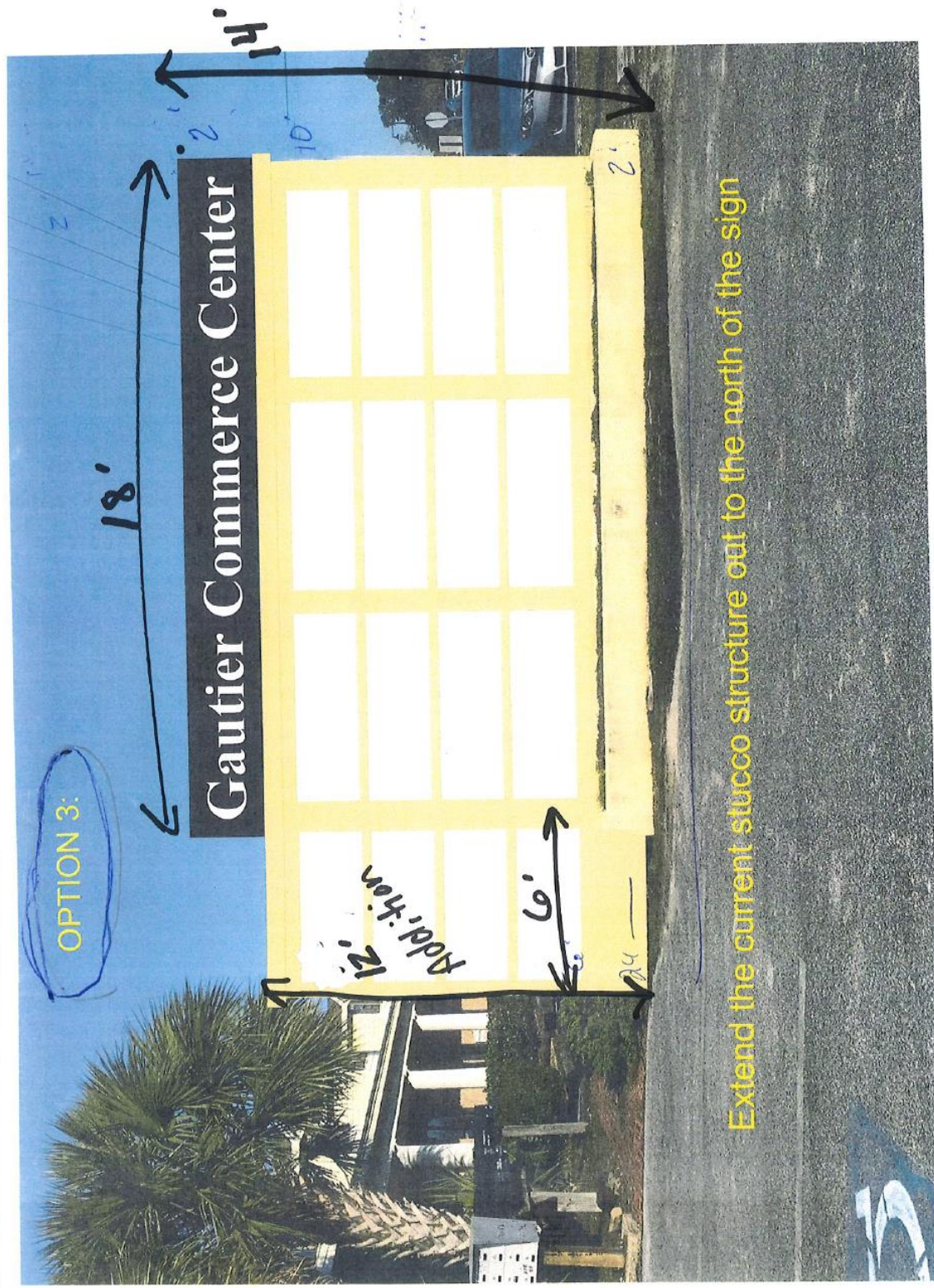
My other son, Jason Pilger is also a business owner in Gautier. He owns Jason Pilger Hyundai on Hwy 90 and has owned this car dealership for some 10 years now.

My preference would be option 3 first, which would make the sign 24' x 10', and then option 2 which would make sign 12' x 18'.

Our next door neighbor Caldwell Banker has their sign about 24' high.



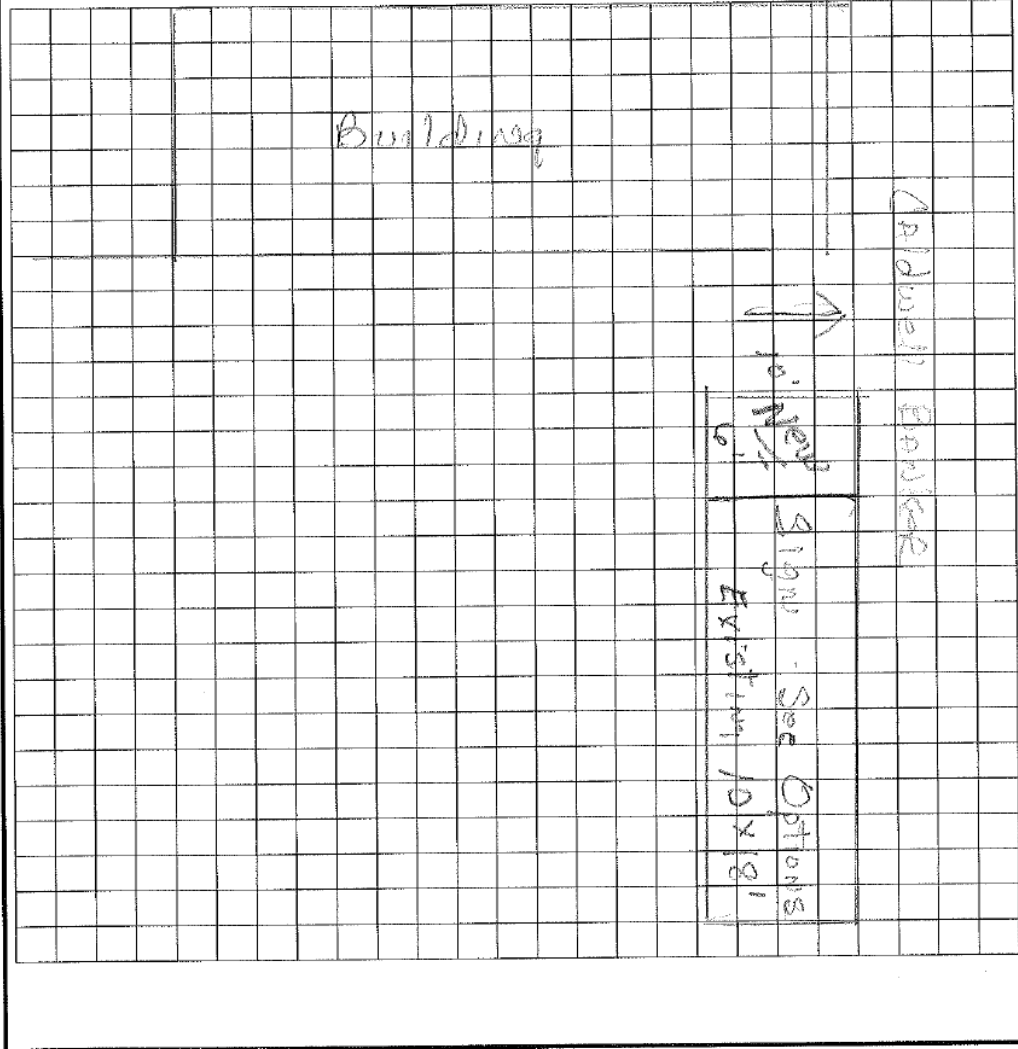
Jack Pilger
GCC, LLC.
Owner, Manager



Extend the current stucco structure out to the north of the sign

view facing east

DIAGRAM



← West

Hwy- 90

East →

Gautier Commerce Center









85380400.000 GCC LLC

PIDN: 85380400.000

GISP: 777.36-02-0002.00

Owner Information

Percent of Ownership: 85

Name: GCC LLC

Name 2:

Mailing Address: 1406 BIENVILLE BLVD
OCEAN SPRINGS MS
39564

Site Address: 2012 HWY 90 GAUTIER

Land Information

Section: 36 Acreage: 0.96

Township: 7

Range: 7

Street Name HWY 90

Value and Tax Information

Total Assessed Value: 145035

Total Appraised Value: 966902

Improvement Value: 816362

Land Value: 150540

Tax Amount: 20458

SQ FT: 26046

Year Built: 1968

Legal Description

Description: COM NWC SW1/4 S89°E1495.75 S89°E
279.64 S89°E141.27 S72.13 N87°E
4.33 S7.77 S87°W3.04 S81.44 S83
* E28.1 S8.9 TO POB S30 E21.3 S2
5 E10.4 S2°W181.6 N79°W196.9 N14
9.34 THENCE ALG CRV N40°W42.4 N
48° E34 E169.15 TO POB PB 24-91
PARCEL 1 GAUTIER COMMERCE CENTER
CONDO PROP (2 MAP777.36-02)

Deed Book / Page: 1884 / 389

85380400.000 GCC 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

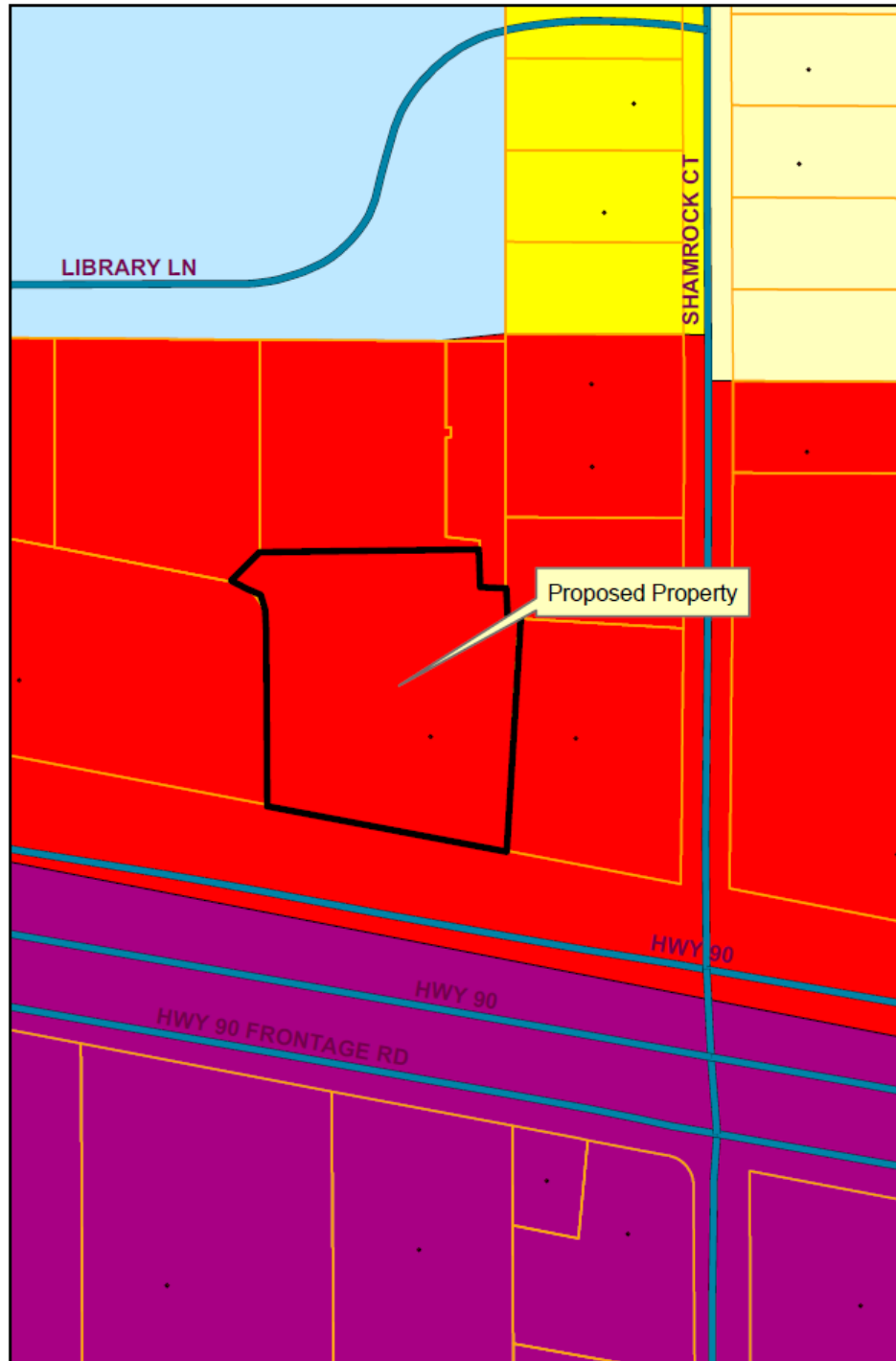


Exhibit C Existing Land-Use

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

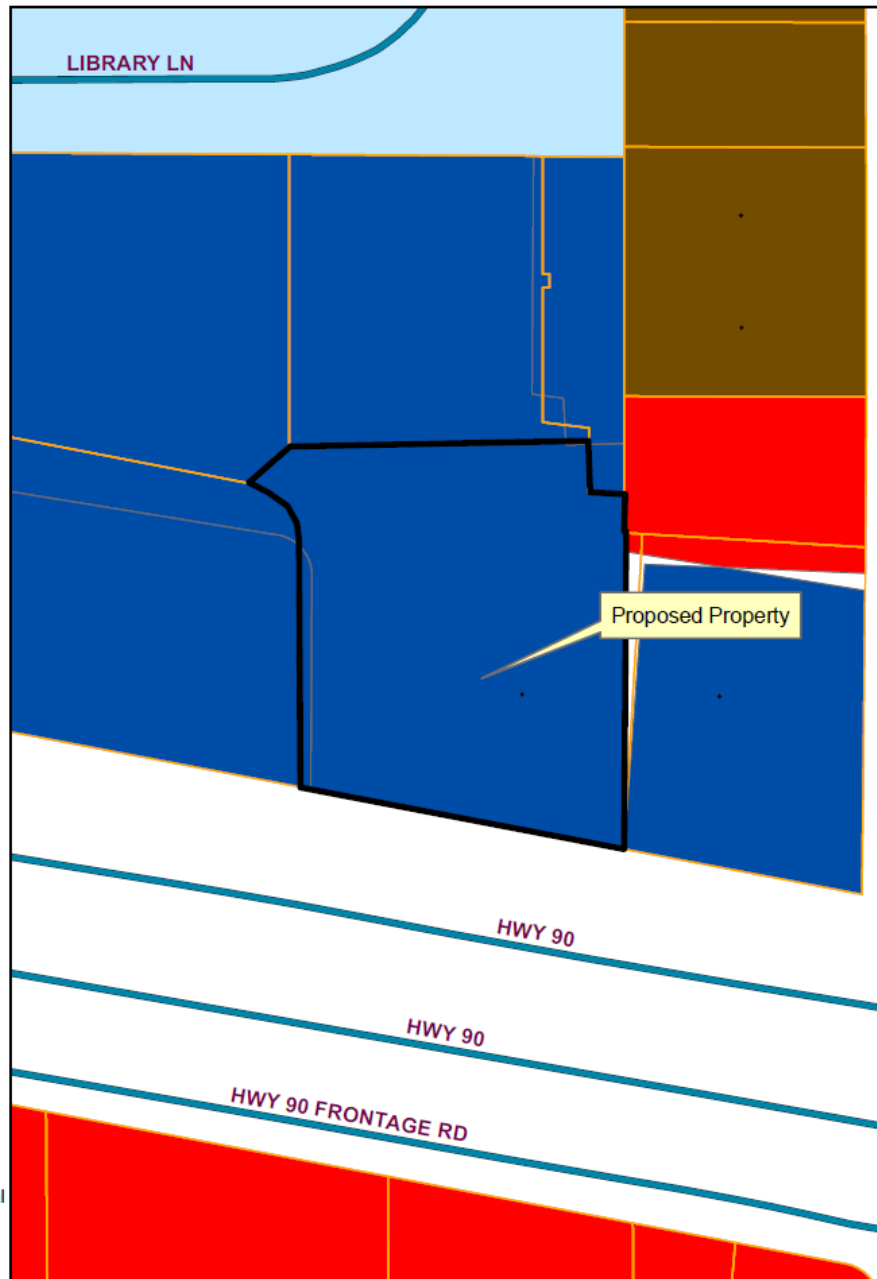


Exhibit D Future Land-Use

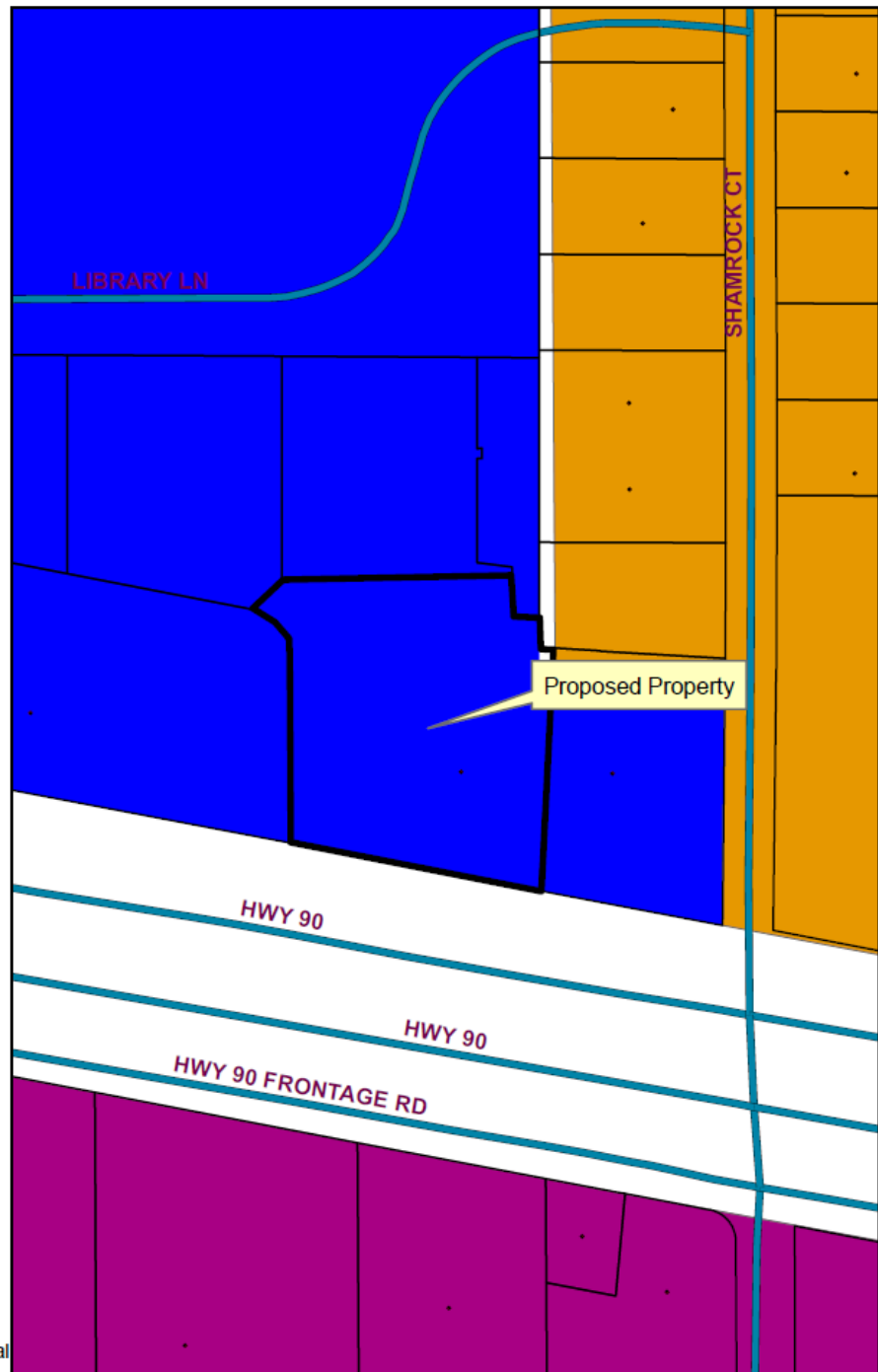
Prepared By:
City of Gautier
Planning Department

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

November 7, 2024

GPC #24-50-SE

Matthew & Hollie Ruffin

5900 Brown Road

VII. NEW BUSINESS

1. Consider a request for a Special Exception that would allow an accessory structure to be located on a lot without a primary structure in an AG Agricultural Zoning District. 5900 Brown Road, (GPC #24-50-SE)

CITY OF GAUTIER STAFF REPORT

To: Chairman and Members, Planning Commission

From: Scott Ankerson, Planning Director

Date: October 23, 2024

Subject: Consider a request for a Special Exception that would allow an accessory structure to be located on a lot without a primary structure in an AG Agricultural Zoning District, 5900 Brown Road. (GPC #24-50-SE)

REQUEST:

The Planning Department has received a request from Matthew and Hollie Ruffin for a Special Exception that would allow an accessory structure to be located on a lot without a primary structure in an AG Agricultural Zoning District at 5900 Brown Road, PID #82429350.000. (GPC #24-50-SE). The application fee of \$250 was paid on September 20, 2024. All public notice requirements have been met.

BACKGROUND:

The request property is zoned AG Agricultural.

1. Location: 5900 Brown Road, PID #82429350.000 (See Exhibit A)
2. General features of the proposed project:
Lot Size: approximately 3 acres
3. Potable Water and Wastewater Services: Available at current location
4. Current Zoning (See Exhibit B): AG Agricultural
5. Current Surrounding Zoning (See Exhibit B): AG Agricultural
6. Current Surrounding Existing Land Use (See Exhibit C): Very low to low density residential, Vacant
7. Comprehensive Plan Future Land Use Designation (See Exhibit D): Medium 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: *Because there is no power on the property, we cannot charge tools, work after dark, or put up a security system to keep our belongings safe. We currently live on the river in Harrison Co. (Tchoutacabouffa) and would like to leave some items here in case of flooding at our house.*

Staff Finding: *Unsubstantiated*

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: *We want to continue to improve the land and clean up the property to make it more aesthetically pleasing to the neighborhood. We need proper lighting to help us complete our property. We also need temporary power to complete projects inside the accessory structure.*

Staff Finding: *Unsubstantiated*

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

Applicant Response: *We purchased the property "as is" with intent to remove debris and unwanted materials in order to build in the future. Since we do not dwell at this location (5900 Brown Road) we would like our things to stay safe and protected while we are not there. A power pole and temporary power will help us achieve our goals.*

Staff Finding: *Unsubstantiated*

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

24-50-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: Matthew Ruffin / Hollie Ruffin

Name of Business: _____

Address: 5900 Brown Rd.

Mailing Address (if different): 12441 Old Cypress Creek Cove

Email Address: matr@bellsouth.net matr@chemtreat.com

Phone: 228 297-3656 Cell Phone: same

Reason for request, location and intended use of Property: Initially store items in 3 car garage and security system. Will eventually build a home (accessory structure w/o primary structure)

ATTACHMENTS REQUIRED AS APPLICABLE:

- _____ 1. Diagram of intended use, showing dimensions and distances of property, building with setbacks, parking spaces, entrances and exits.
- ☒ 2. Legal descriptions and street address.
- ☒ 3. A detailed project narrative that also addresses the questions on the "Criteria for Approval" page of this application.
- N/A 4. Copy of protective covenants or deed restrictions, if any.
- N/A 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.
- N/A 6. Any other information requested by the Planning Director.
- N/A 7. Owner's Consent form if anyone other than 100% sole owner makes application (see attached).

Signature of Applicant: Matthew Ruffin

FOR OFFICE USE ONLY

Date Received 9/20/24 Verify as Complete Bals

Fee Amount Received 251.00

Initials of Employee Receiving Application Bals

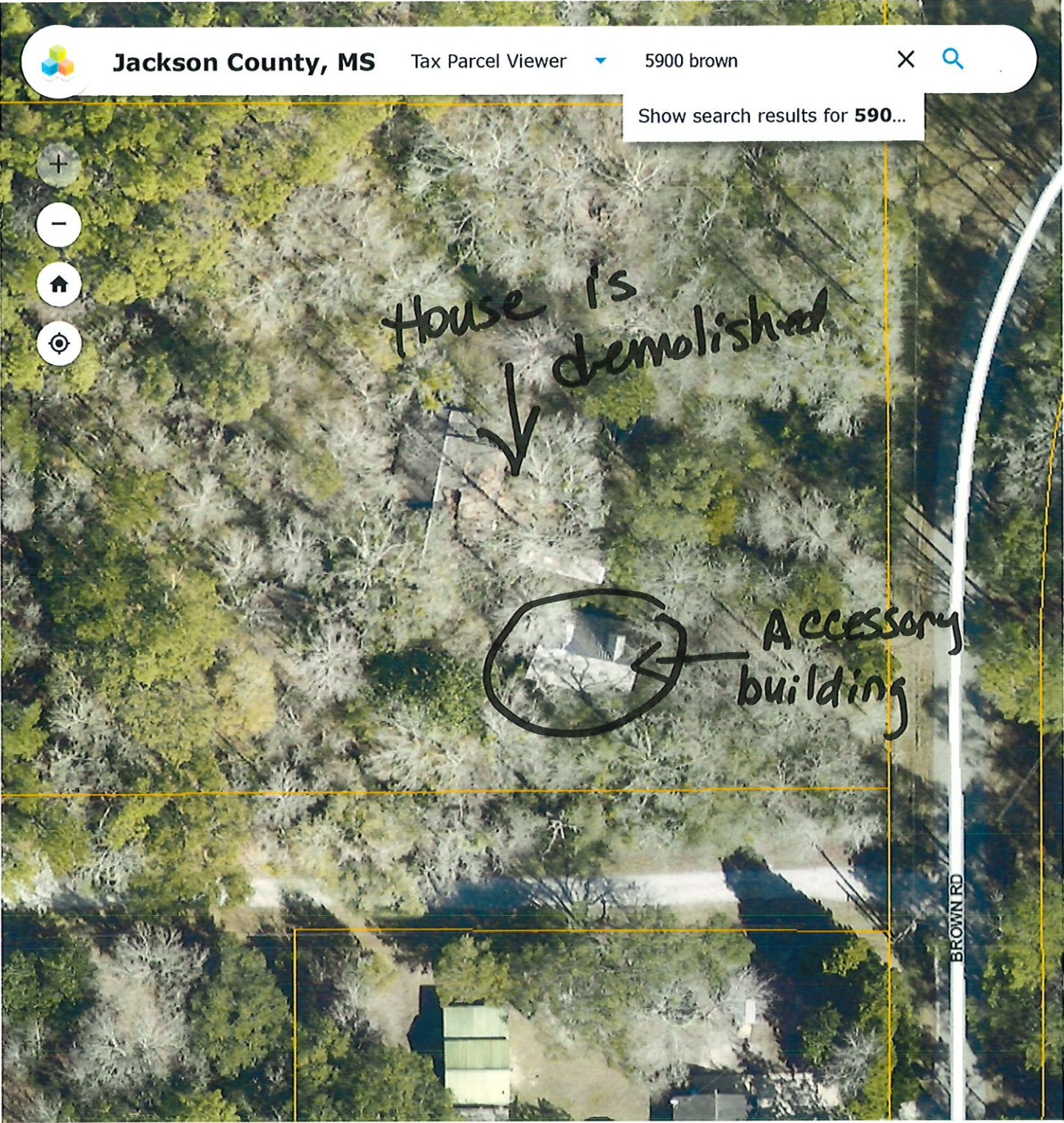
AG

SPECIAL EXCEPTION

Criteria for Approval Special Exception

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

- A. Because there is no power on the property, we cannot charge tools, work after dark, or put up a security system to keep our belongings safe. We currently live on the river in Harrison Co. (Tchoutacabouffa) and would like to leave some items here in case of flooding at our house.
- B. We want to continue to ~~continue~~ to improve the land and clean up the property to make it more aesthetically pleasing to the neighborhood. We need proper lighting to help us complete our property. We also need temporary power to complete projects inside the accessory structure.
- C. We purchased the property "as is" with intent to remove debris and unwanted materials in order to build in the future. Since we do not dwell at this location (5900 Brawley Rd) we would like our things to stay safe and protected while we are not there. A power pole and temporary power will help us achieve our goals.



1,023,796.505 332,061.905 Feet

60ft



A. Settlement Statement (HUD-1)

B. Type of Loan

1. ☐ FHA	2. ☐ RHS	3. ☐ Conv. Unins.	6. File Number: 24-19879S
4. ☐ VA	5. ☐ Conv. Ins.	☐ Other	7. Loan Number:
			8. Mortgage Insurance Case Number:

C. Note: This form is furnished to give you a statement of actual settlement costs. Amounts paid to and by the settlement agent are shown. Items marked "(POC)" were paid outside the closing; they are shown here for informational purposes and are not included in the totals.

D. Name & Address of Borrower: Matthew Steven Ruffin, 12441 Old Cypress Creek Cove, D'Iberville, MS 39540
Hollie Henley Ruffin, 12441 Old Cypress Creek Cove, D'Iberville, MS 39540

E. Name & Address of Seller: Steven L. Brown, 11310 Hazel Bounds Road, Vancleave, MS 39565
Crystal Viera, 11310 Hazel Bounds Road, Vancleave, MS 39565

F. Name & Address of Lender:

G. Property Location: 5900 Brown Rd. Ocean Springs, Mississippi 39564

82429350.000

H. Settlement Agent: Signature Title of Mississippi, LLC d/b/a Delta Title & Escrow Company, 1000 North Halstead Road, Suite B, Ocean Springs, MS 39564, (228) 875-2307

Place of Settlement: 1000 North Halstead Road, Suite B, Ocean Springs, MS 39564

I. Settlement Date: 8/23/2024

Proration Date: 8/23/2024

Disbursement Date: 8/23/2024

Certified True
and Correct Copy

J. Summary of Borrower's Transaction		K. Summary of Seller's Transaction	
100. Gross Amount Due from Borrower		400. Gross Amount Due to Seller	
101. Contract sales price	\$150,000.00	401. Contract sales price	\$150,000.00
102. Personal property		402. Personal property	
103. Settlement charges to borrower (line 1400)	\$1,465.00	403.	
104.		404.	
105.		405.	
Adjustments for items paid by seller in advance		Adjustments for items paid by seller in advance	
106. City/town taxes		406. City/town taxes	
107. County taxes		407. County taxes	
108. Assessments		408. Assessments	
109.		409.	
110.		410.	
111.		411.	
112.		412.	
120. Gross Amount Due from Borrower	\$151,465.00	420. Gross Amount Due to Seller	\$150,000.00
200. Amounts Paid by or in Behalf of Borrower		500. Reductions in Amount Due to Seller	
201. Deposit or earnest money	\$500.00	501. Excess deposit (see instructions)	
202. Principal amount of new loan(s)		502. Settlement charges to seller (line 1400)	\$9,000.00
203. Existing loan(s) taken subject to		503. Existing loan(s) taken subject to	
204.		504. Payoff of first mortgage loan	
205.		505. Payoff of second mortgage loan	
206.		506.	
207.		507.	
208.		508.	
209.		509.	
Adjustments for items unpaid by seller		Adjustments for items unpaid by seller	
210. City/town taxes		510. City/town taxes	
211. County taxes 1/1/2024 to 8/23/2024	\$873.51	511. County taxes 1/1/2024 to 8/23/2024	\$873.51
212. Assessments		512. Assessments	
213.		513.	
214.		514.	
215.		515.	
216.		516.	
217.		517.	
218.		518.	
219.		519.	
220. Total Paid by/for Borrower	\$1,373.51	520. Total Reduction Amount Due Seller	\$9,873.51
300. Cash at Settlement from/to Borrower		600. Cash at Settlement to/from Seller	
301. Gross amount due from borrower (line 120)	\$151,465.00	601. Gross amount due to seller (line 420)	\$150,000.00
302. Less amounts paid by/for borrower (line 220)	(\$1,373.51)	602. Less reductions in amount due seller (line 520)	(\$9,873.51)
303. Cash From To Borrower	\$150,091.49	603. Cash To From Seller	\$140,126.49

82429350.000 BROWN STEVEN L

PIDN: 82429350.000

GISP: 779.29-00-0044.00

Owner Information

Percent of Ownership: 100

Name: BROWN STEVEN L

Name 2: VIERA CRYSTAL

Mailing Address: 11310 HAZEL BOUNDS RD
GAUTIER MS
39553

Site Address: 5900 BROWN RD GAUTIER

Land Information

Section: 29 Acreage: 3

Township: 7

Range: 7

Street Name BROWN
RD

Value and Tax Information

Total Assessed Value: 8940

Total Appraised Value: 59596

Improvement Value: 30626

Land Value: 28970

Tax Amount: 1346

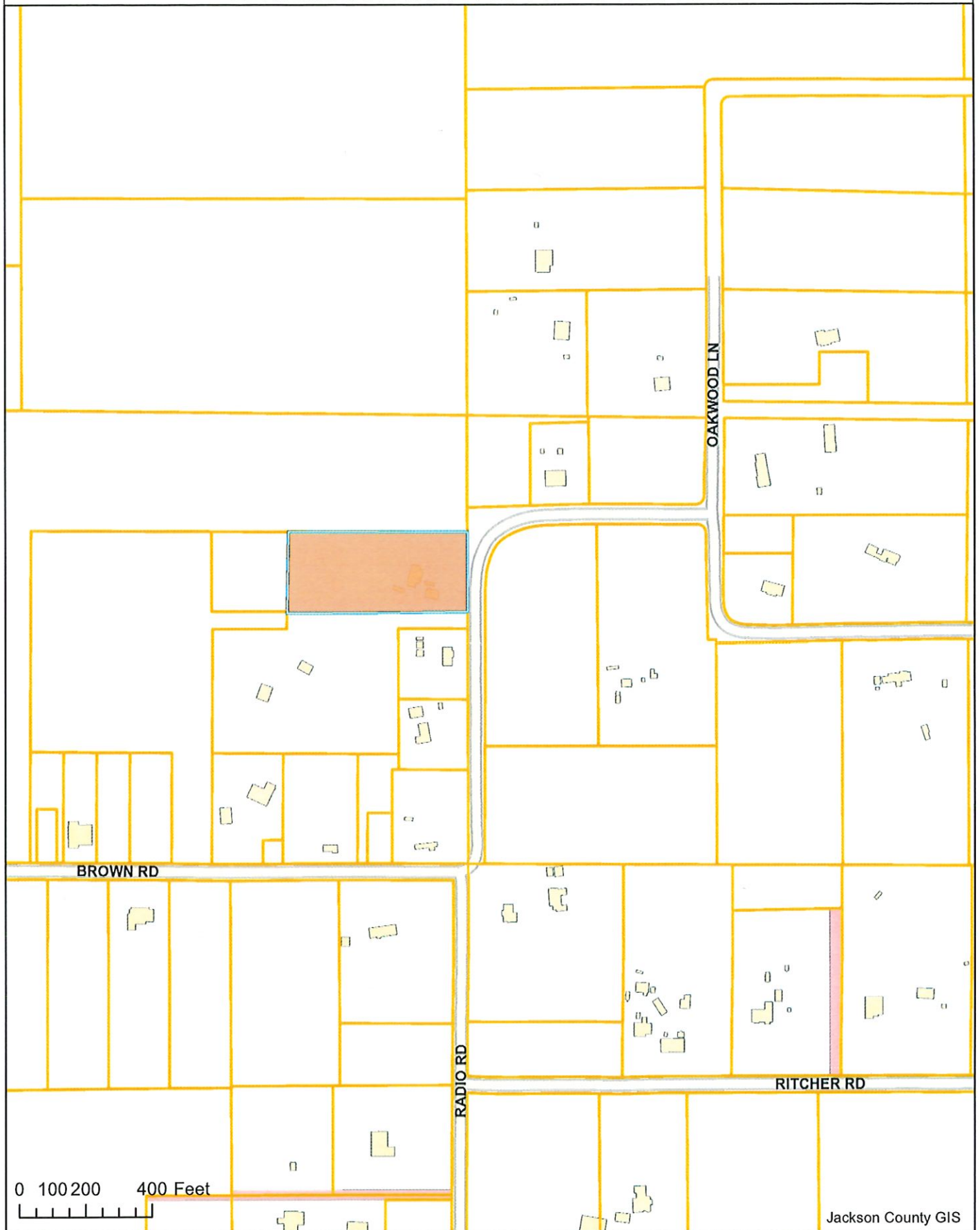
SQ FT: 1226 Year Built: 1970

Legal Description

Description: COM NE COR NE1/4 NW1/4 S 330' TO
POB W 544' S 240' E 544' N 240'
TO POB SEC 29-7-7 DB 936-109 (4
4 Map779.29)

Deed Book / Page: 2160 / 748

82429350.000 BROWN STEVEN L



0 100 200 400 Feet

Jackson County GIS

Exhibit A Location Map

■

Prepared by:
City of Gautier
Planning Department

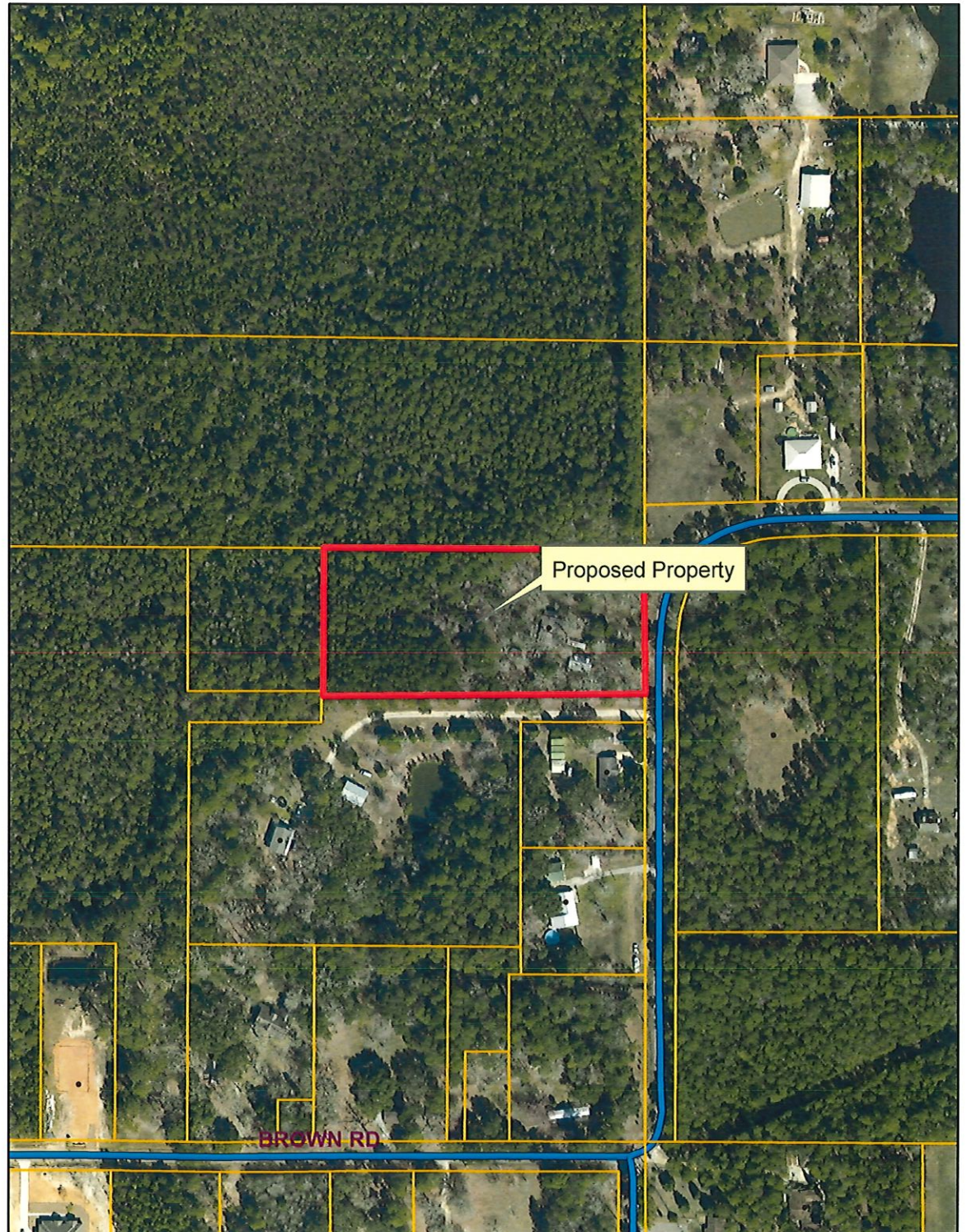


Exhibit B

Existing Zoning

Prepared by:

City of Gautier
Planning Department

Legend

Zoning

ZONECODE

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

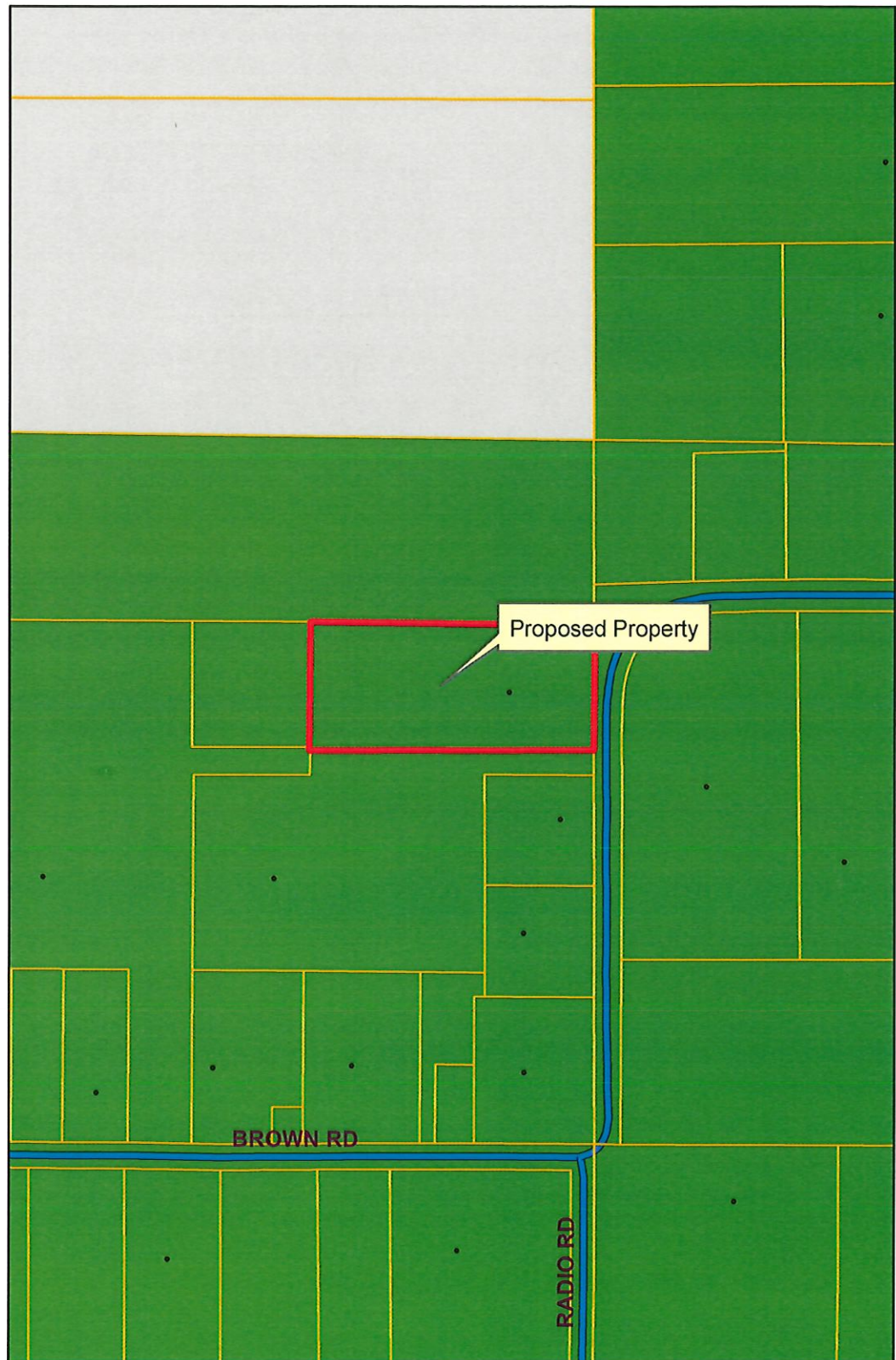


Exhibit C

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

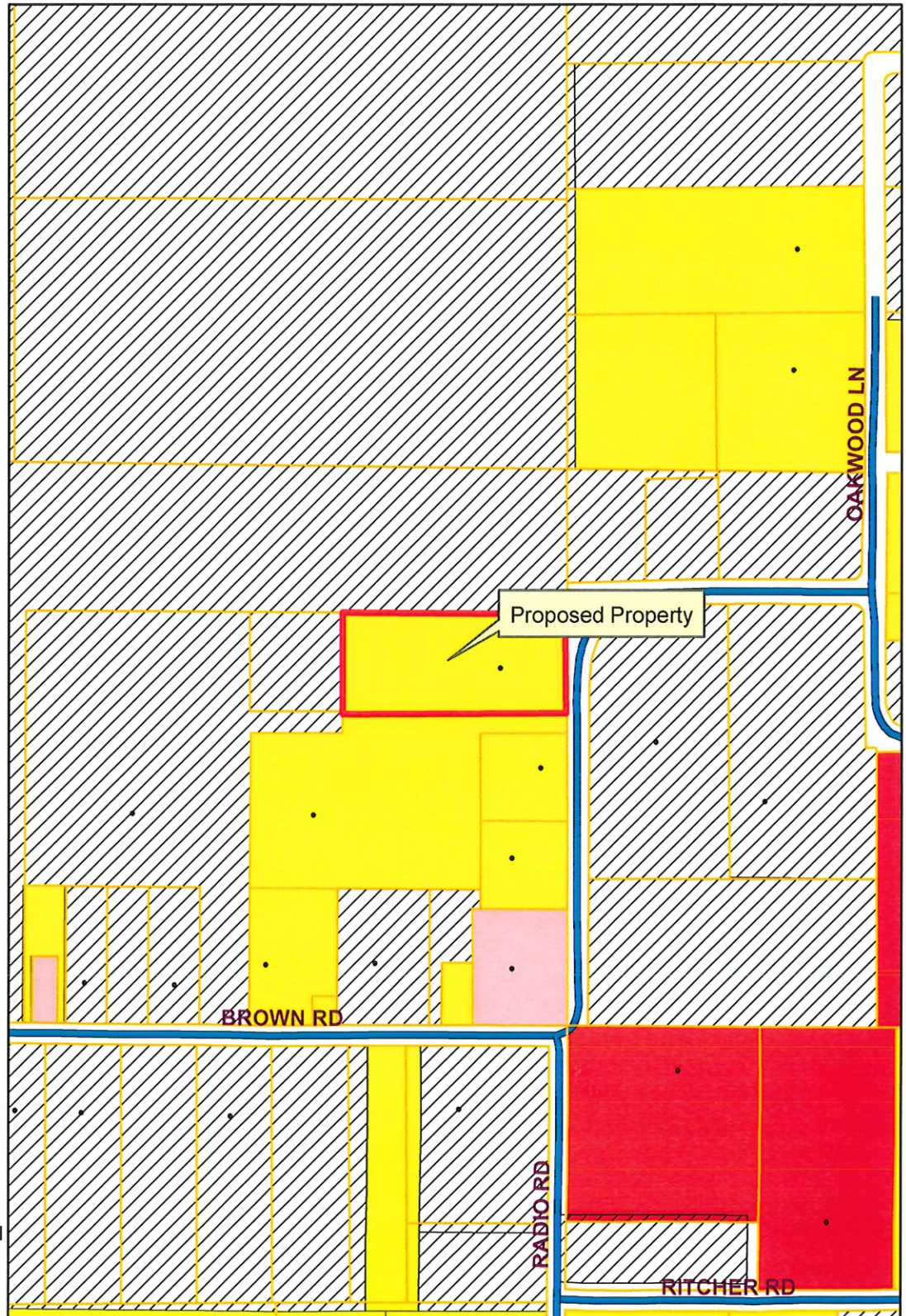


Exhibit D

Future Land-Use

Prepared By:

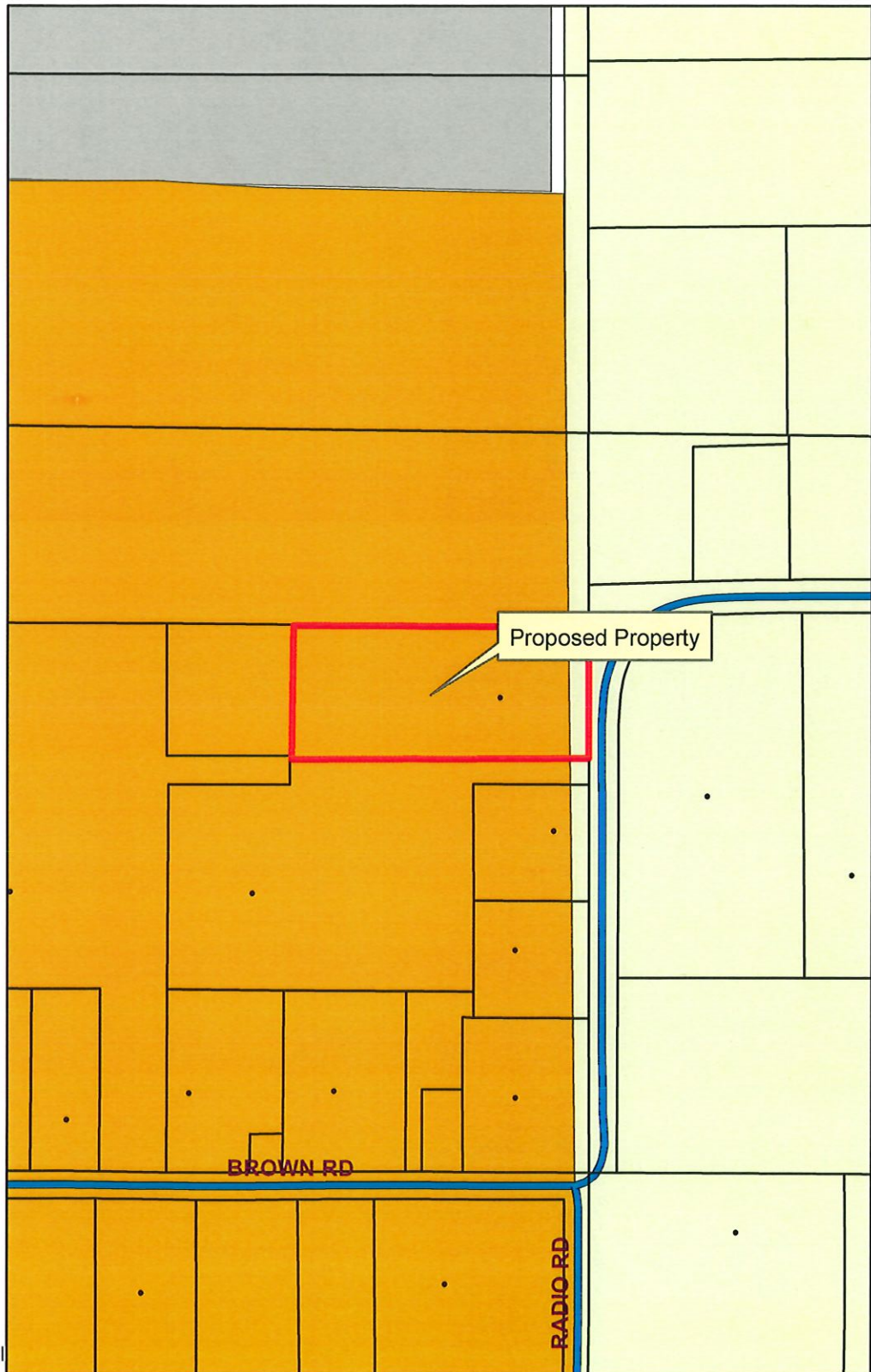
City of Gautier
Planning Department

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

November 7, 2024

GPC #24-51-SE

Shannon Tresevant

3204 Ladnier Road, Suite 4

VII. NEW BUSINESS

2. Consider a request for a Special Exception that would allow a tattoo shop in a C-2 Community Commercial Zoning District. 3204 Ladnier Road, Suite 4, (GPC #24-51-SE)

CITY OF GAUTIER STAFF REPORT

To: Chairman and Members, Planning Commission

From: Scott Ankerson, Planning Director

Date: October 24, 2024

Subject: Consider a request for a Special Exception that would allow a tattoo shop in a C-2 Community Commercial Zoning District, 3204 Ladnier Road, Suite 4. (GPC #24-51-SE)

REQUEST:

The Planning Department has received a request from Shannon Tresevant for a Special Exception that would allow a tattoo shop in a C-2 Community Commercial Zoning District at 3204 Ladnier Road, Suite 4, PID #82436075.050 & #82436075.052. (GPC #24-51-SE). The application fee of \$250 was paid on September 26, 2024. All public notice requirements have been met.

BACKGROUND:

The request property is zoned C-2 Community Commercial.

1. Location: 3204 Ladnier Road, Suite 4, PID #82436075.050 & #82436075.052 (See Exhibit A)
2. General features of the proposed project:
Lot Size: approximately 0.6 acres
Existing shopping center
3. Potable Water and Wastewater Services: Available at current location
4. Current Zoning (See Exhibit B): C-2 Community Commercial
5. Current Surrounding Zoning (See Exhibit B): C-2 Community Commercial
6. Current Surrounding Existing Land Use (See Exhibit C): Restaurant to the North, Self-storage mini warehouses to the South, Vacant to the east and west.
7. Comprehensive Plan Future Land Use Designation (See Exhibit D): High Impact Commercial

DISCUSSION:

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

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

Applicant Response: *The people of Gautier will have to go outside the city to get tattoos and supplies.*

Staff Finding: *Unsubstantiated*

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: *It will not be of any harm to the community or any neighboring businesses. If anything, it brings business and money to the area.*

Staff Finding: *Unsubstantiated*

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

Applicant Response: *This business is just moving to the area and therefore, the exceptions are not results of this business.*

Staff Finding: *Unsubstantiated*

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.

DISCUSSION:

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

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

Applicant Response: *The people of Gautier will have to go outside the city to get tattoos and supplies.*

Staff Finding: *Unsubstantiated*

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: *It will not be of any harm to the community or any neighboring businesses. If anything, it brings business and money to the area.*

Staff Finding: *Unsubstantiated*

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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.

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

24-51-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: SHANNON Tresevant

Name of Business: SPITIN INK KREATIONS LLC

Address: 3204 ^{Suite 4} Cadnier Rd GAUTIER MS

Mailing Address (if different): _____

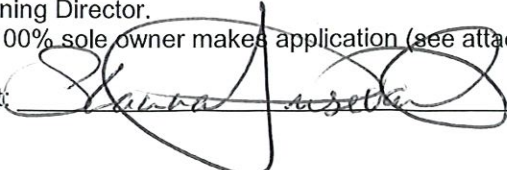
Email Address: SPITINinkLLC@gmail.com

Phone: 228 205 2474 Cell Phone: 228 227 6564

Reason for request, location and intended use of Property: TATTOO SHOP

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: 

FOR OFFICE USE ONLY

Date Received 9/26/24 Verify as Complete Bals

Fee Amount Received 251.00

Initials of Employee Receiving Application Bals

C2

Date of Application: 09/25/24

I, C. Samantha Turner, the fee simple owner of the following described property (give legal description): 3204 Ladnier Rd

A group of (retail) stores and services that are built together occupying one building to serve community.

hereby petition to the City of Gautier to Grant a Special Exception of

Spittin Ink and affirm that Shannon T Rosehart

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.

C. Samantha Turner
(Owner's Signature)

The foregoing instrument was acknowledged before me this 25th day of September, 2024 by Morgan S. Holloway Jr., who is personally known to me or has produced MSDL as identification and who did take an oath.

Morgan S. Holloway Jr.
(Printed Name of Notary Public)

Morgan S. Holloway Jr.
(Signature of Notary Public)

Commission # 102520. My commission expires 6-14-28.



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? *The people of Gautier will have to go outside the city to get tattoos and supplies.*
- 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? *it will not be of any harm to the community or neighboring businesses*
- C. Explain how the special circumstances requiring the proposed Special Exception are not results of actions of the applicant? *This business is just moving to the area and therefore, the exceptions are not results of this business. If anything, it brings business and money to the area.*

36075.050 THE ETTA YOUNG SAXTON REVOCABLE TRUST AGREEMENT

PIDN: 82436075.050
GISP: 777.36-03-0004.00

Owner Information

Percent of Ownership: 100
Name: THE ETTA YOUNG SAXTON REVOCABLE TRUST AGREEMENT
Name 2:
Mailing Address: 3204 LADNIER RD STE 1
GAUTIER MS
39553

Site Address: 3204 LADNIER RD GAUTIER

Land Information

Section: 36 Acreage: 0.3
Township: 7
Range: 7
Street Name LADNIER
RD

Value and Tax Information

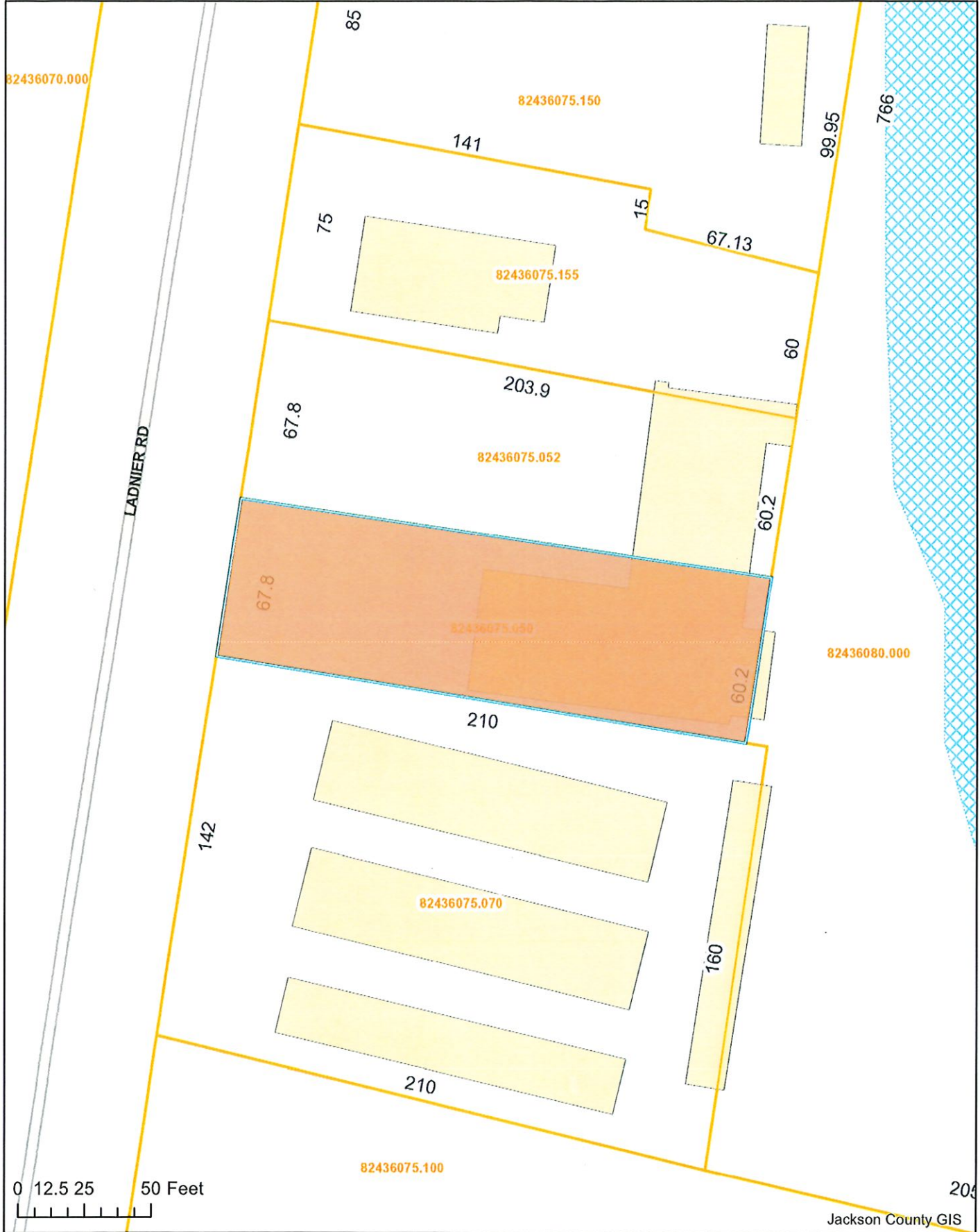
Total Assessed Value:	23629	Total Appraised Value:	157528
Improvement Value:	142908	Land Value:	14620
Tax Amount:	3333	SQ FT:	4600
		Year Built:	1974

Legal Description

Description: COM SWC SEC 36 N 73DEG E 551' TO
NE INTERS L&N RR & LADNIER RD N
8 DEG E 562' S 81 DEG E 43' TO
POB N 8 DEG E ALG E/M RD 67.83'
E 204' S 7 DEG W 60.25' N 81 DEG
W 205.13' TO POB DB 932-30 THRU
35 DB 2007-528 DB 2139-531 DB 2
139-534 (4 MAP777.36-03)

Deed Book / Page: 2139 / 534

36075.050 THE ETTA YOUNG SAXTON REVOCABLE TRUST AGREEMENT



82436075.052 TAYLOR BOBBIE J

PIDN: 82436075.052

GISP: 777.36-03-0005.00

Owner Information

Percent of Ownership: 100

Name: TAYLOR BOBBIE J

Name 2:

Mailing Address: 3108 NEPTUNE DR
GAUTIER MS
39553

Site Address: 3204 LADNIER RD GAUTIER

Land Information

Section: 36 Acreage: 0.3

Township: 7

Range: 7

Street Name LADNIER
RD

Value and Tax Information

Total Assessed Value: 16764

Total Appraised Value: 111762

Improvement Value: 97142

Land Value: 14620

Tax Amount: 2364

SQ FT: 2400

Year Built: 1974

Legal Description

Description: COM SW COR SEC 36 N 73 DEG E 551
TO NE INTERS L&N RR & LADNIER R
D N 8 DEG E 562' S 81 DEG E 43'
N 8 DEG E ALG E/M RD 67.83' TO P
OB N 8 DEG E ALG E/M RD 67.83' S
77 DEG E 203.93' S 7 DEG W 60.2
5' W 204' M/L TO POB DB 932-30 T
HRU 35 DB 1065-205 (5 Map777.36-
03)

Deed Book / Page: 932 / 30

82436075.052 TAYLOR BOBBIE J

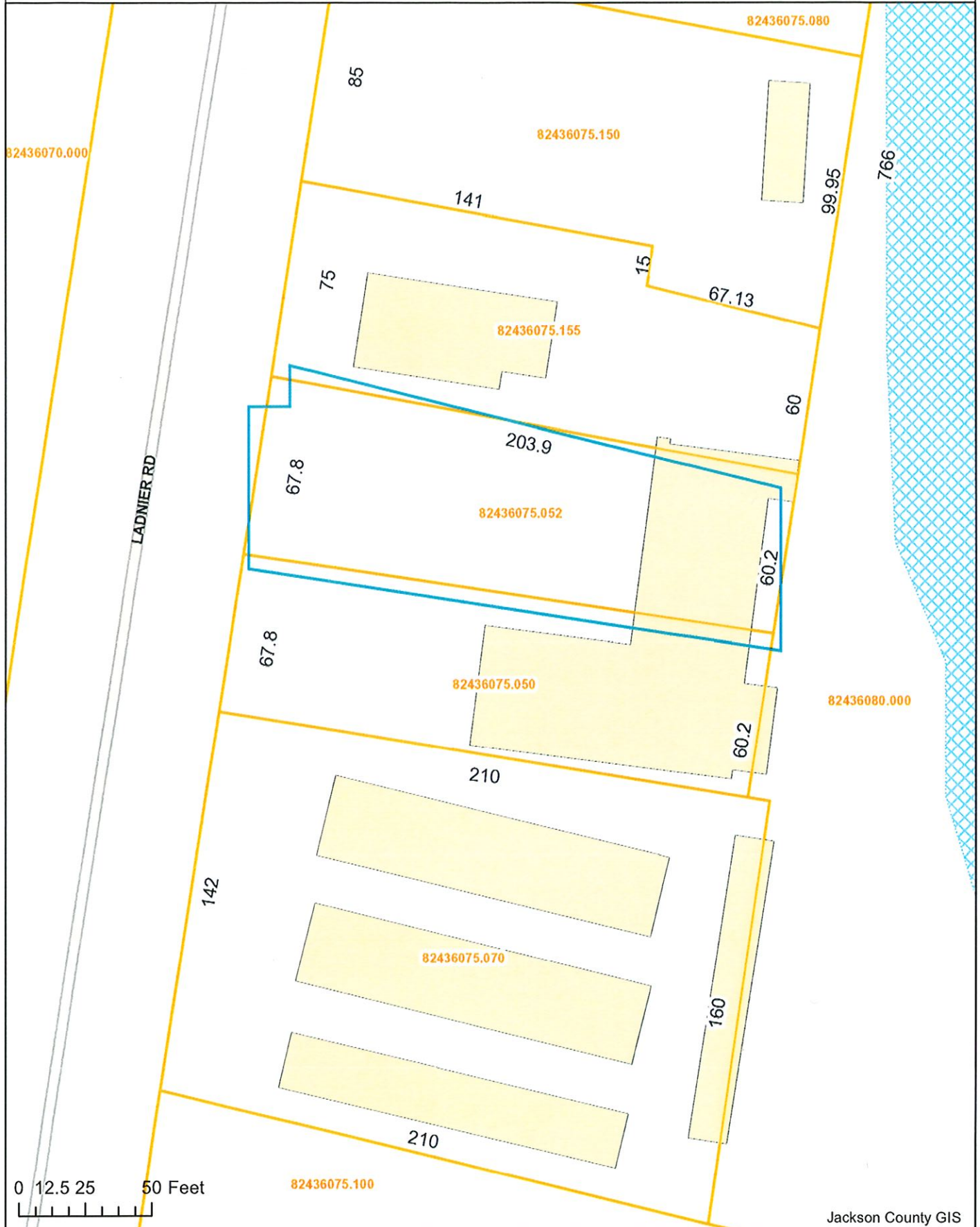


Exhibit A Location Map

Prepared by:
City of Gautier
Planning Department

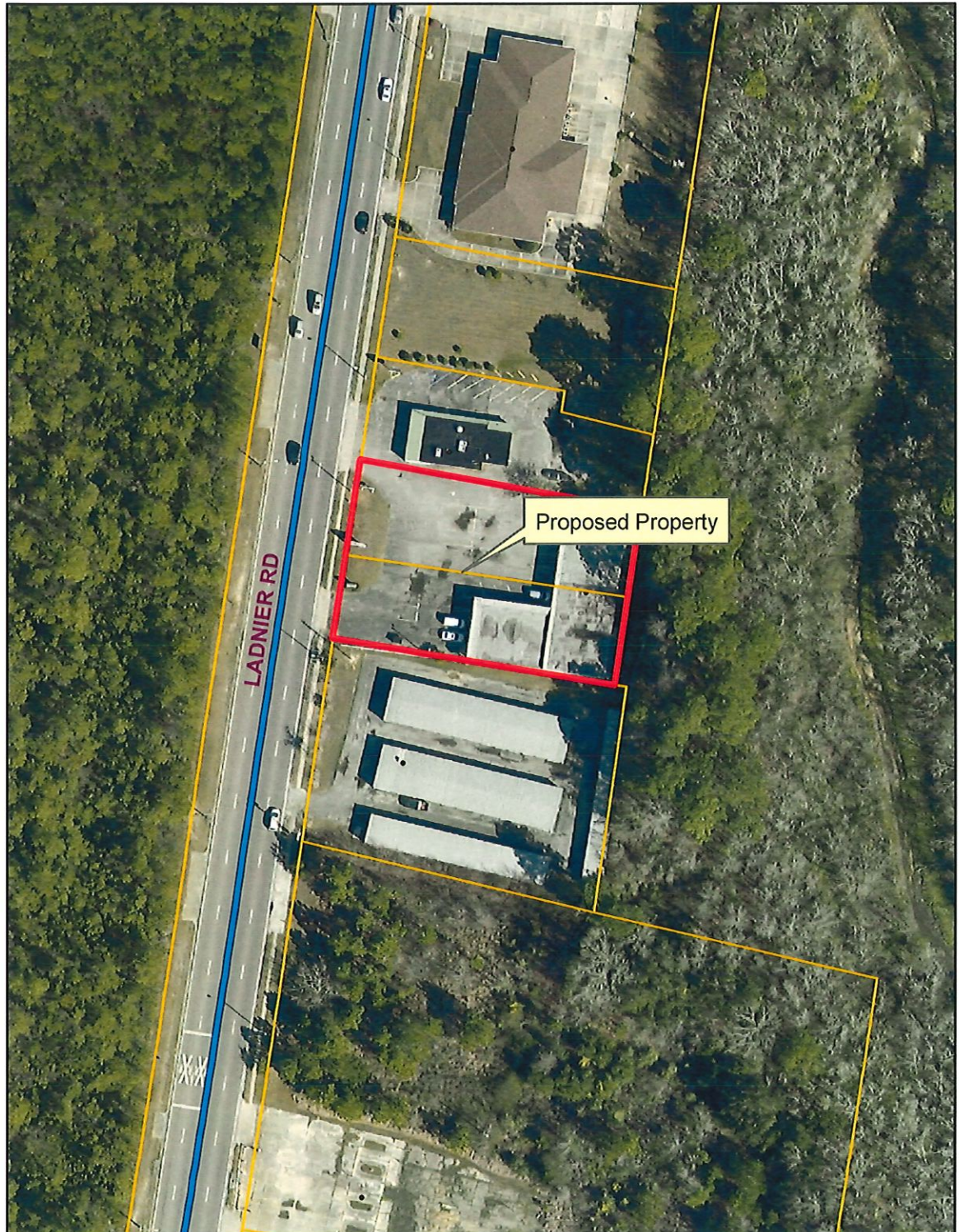


Exhibit B

Existing Zoning

Prepared by:
City of Gautier
Planning Department

Legend

Zoning

ZONECODE

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

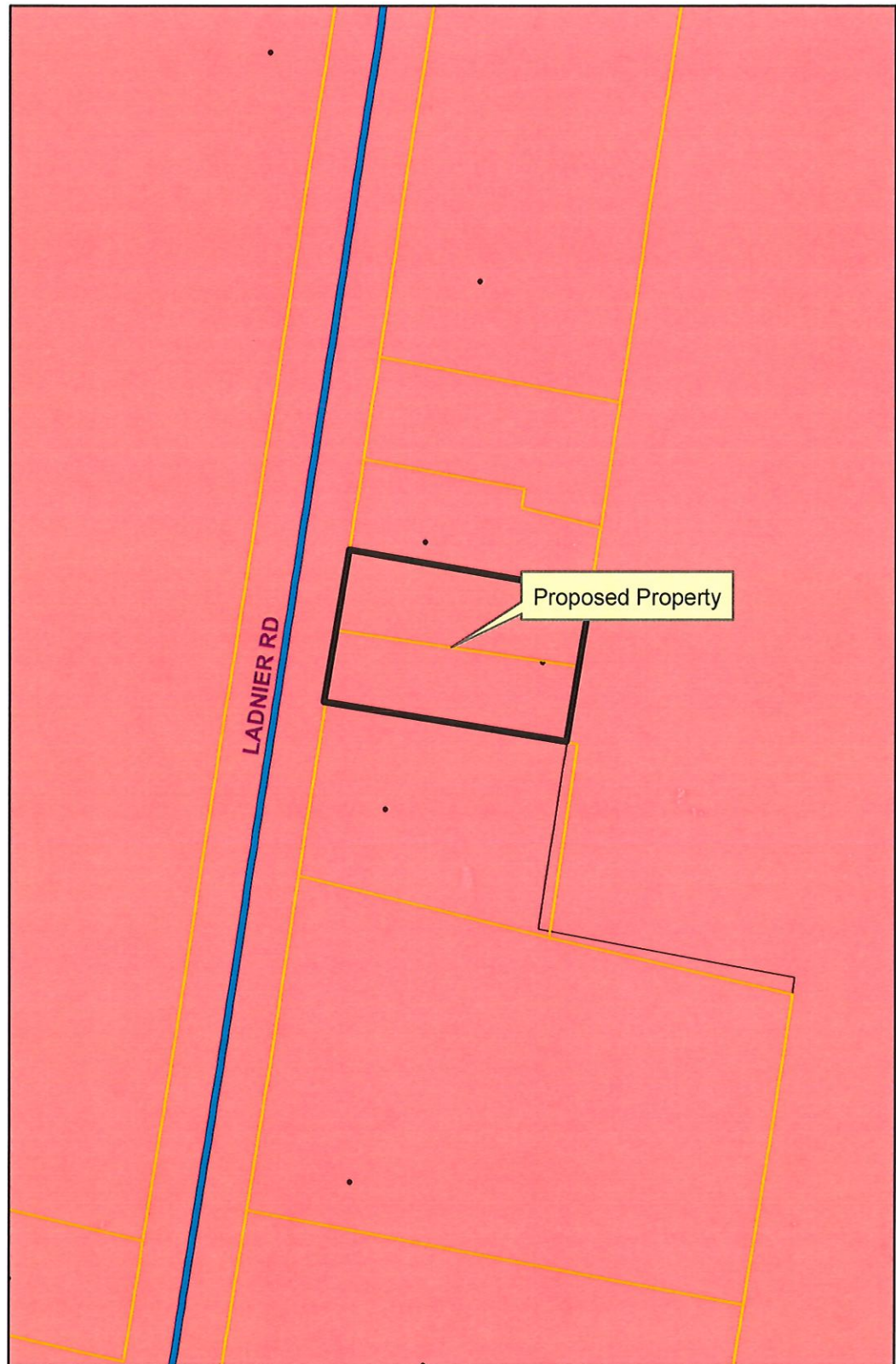


Exhibit C

Existing Land-Use



Prepared by:
City of Gautier
Planning Department

Legend

EXISTING LAND USE

ELU_08

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

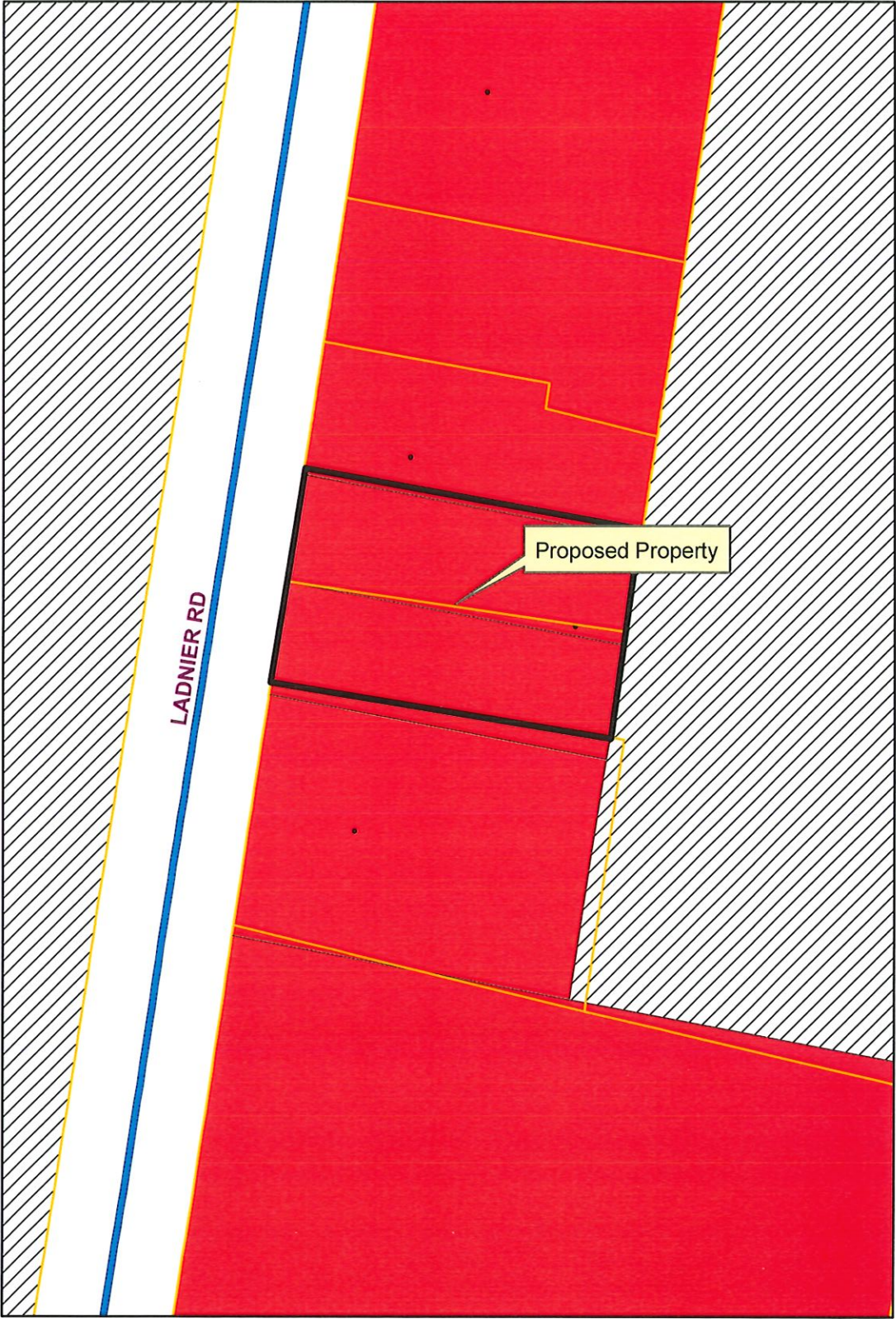


Exhibit D

Future Land-Use



Prepared By:

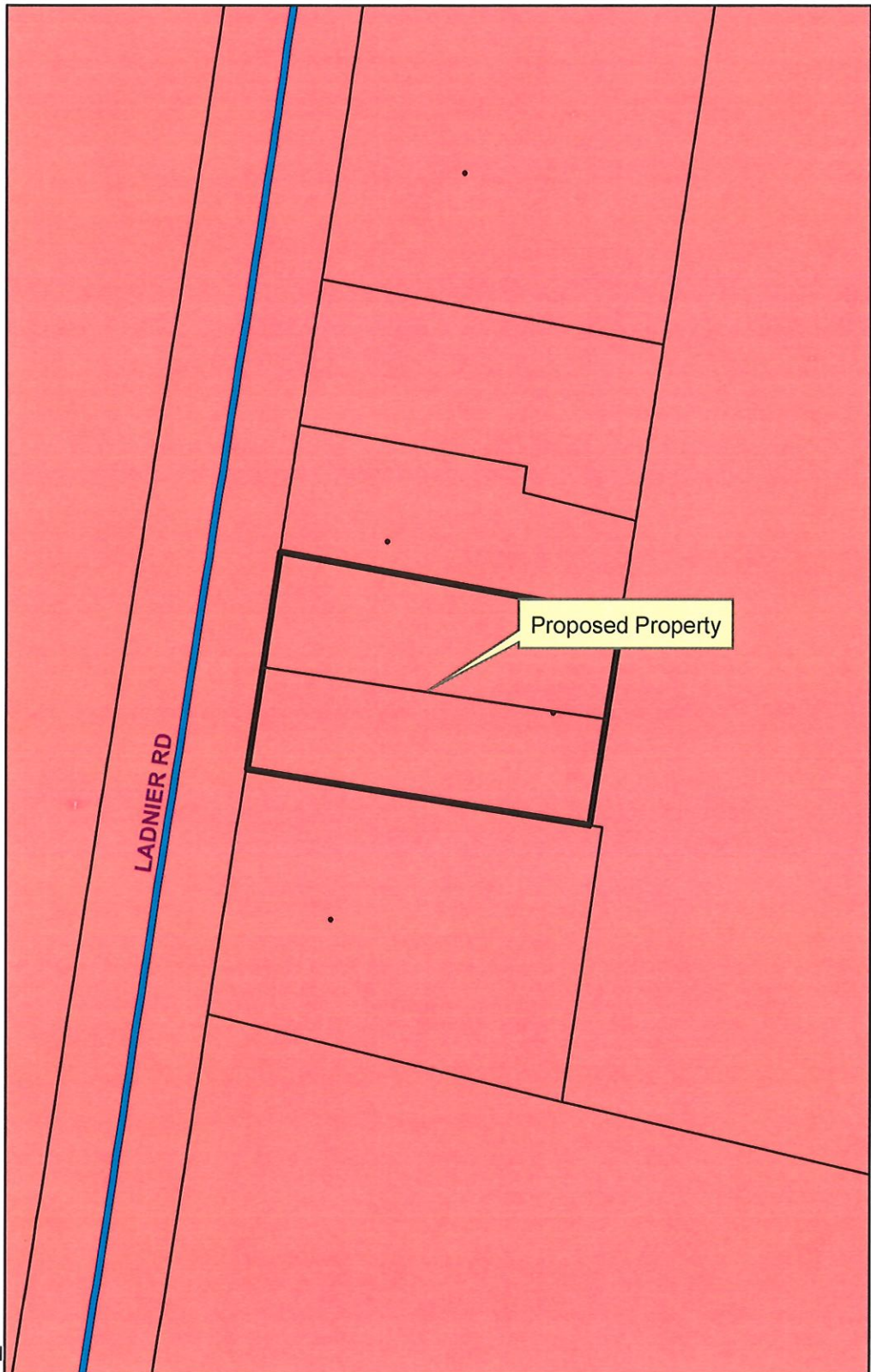
City of Gautier
Planning Department

Legend

FUTURE LAND USE

FLU_Class

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



CITY OF GAUTIER STAFF REPORT

To: Chairman and Members, Planning Commission

From: Scott Ankerson, Planning Director

Date: October 24, 2024

Subject: Consider a request for a Special Exception that would allow a tattoo shop in a C-2 Community Commercial Zoning District, 3204 Ladnier Road, Suite 4. (GPC #24-51-SE)

REQUEST:

The Planning Department has received a request from Shannon Tresevant for a Special Exception that would allow a tattoo shop in a C-2 Community Commercial Zoning District at 3204 Ladnier Road, Suite 4, PID #82436075.050 & #82436075.052. (GPC #24-51-SE). The application fee of \$250 was paid on September 26, 2024. All public notice requirements have been met.

BACKGROUND:

The request property is zoned C-2 Community Commercial.

1. Location: 3204 Ladnier Road, Suite 4, PID #82436075.050 & #82436075.052 (See Exhibit A)
2. General features of the proposed project:
 - Lot Size: approximately 0.6 acres
 - Existing shopping center
3. Potable Water and Wastewater Services: Available at current location
4. Current Zoning (See Exhibit B): C-2 Community Commercial
5. Current Surrounding Zoning (See Exhibit B): C-2 Community Commercial
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