

AGENDA
GAUTIER PLANNING COMMISSION
July 11, 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 June 6, 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 four hundred seventy-seven (477) square foot variance for a dwelling in an AG Agricultural Zoning District. 5900 Brown Road, (GPC #24-17-VAR)
**Tabled from June 6 meeting.*
2. Consider a request for a Special Exception that would allow a mobile home in a R-1 Low Density Single-Family Residential Zoning District. 2132 Dailey Road, (GPC #24-20-SE)
3. Consider a request for a Conditional Use-Major that would allow a Recreational Vehicle (RV) in a Mobile Home Park in the MURC-MW Mixed Use Recreation Commercial – Mary Walker Zoning District. 3101 Oak Street (GPC #24-21-CU)
4. Consider a request for a two-foot (2') variance to fence height requirements in a R-1 Low Density Single-Family Residential Zoning District. 1801 Seacliffe Drive, PID #82513460.060, (GPC #24-22-VAR)
5. Consider a request for a Conditional Use-Major that would allow a Recreational Vehicle (RV) on an individual lot in the MURC-MW Mixed Use Recreation Commercial – Mary Walker Zoning District. 3224 & 3228 Willis Drive (GPC #24-23-CU)

6. Consider a request for a Special Exception that would allow an accessory building on a lot without a primary structure in a R-1 Low Density Single-Family Residential Zoning District. 913 Roys Road, (GPC #24-24-SE)
7. Consider a request for a seventeen (17) square foot variance to sign square footage requirements previously approved as a Special Exception located in a R-1 Low Density Single-Family Residential Zoning District. 3001 Ladnier Road, (GPC #24-25-VAR)

VIII. GENERAL DISCUSSION

1. PREVIOUS CASE UPDATES
2. PERMIT & TRC REPORTS

IX. ADJOURN

JUNE 6, 2024
GAUTIER, MISSISSIPPI

BE IT REMEMBERED that a meeting of the Gautier Planning Commission of The City of Gautier, Mississippi, was held on June 6, 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, DeAnna McManus, Maurice Hudson, William Davis, and Ricky Decoteau. Also present were Scott Ankerson, Planning Director, Josh Danos, City Attorney (by phone), and Babs Logan, Planning Technician. Absent was Chris Hoover.

AGENDA

GAUTIER PLANNING COMMISSION

JUNE 6, 2024

5:30 P.M.

- I. CALL TO ORDER**
- II. PLEDGE OF ALLEGIANCE (VOLUNTEER)**
- III. APPROVAL OF AGENDA**
- IV. APPROVAL OF MINUTES (APRIL 4, 2024)**
- V. PUBLIC COMMENTS
(MATTERS OF THE PLANNING COMMISSION NOT LISTED ON THE AGENDA)**
- VI. OLD BUSINESS**
- VII. NEW BUSINESS**
 - 1. Consider a request for a Conditional Use-Major that would allow a Recreational Vehicle (RV) on an individual lot in the MURC-MW Mixed Use Recreation Commercial – Mary Walker Zoning District. 3309 Gatti Place (GPC #24-13-CU)
 - 2. Consider a request for a Special Exception that would allow an accessory structure to be located on a lot without a primary structure in the MURC-MW Mixed Use Recreation Commercial – Mary Walker Zoning District. 3216 Willis Street, (GPC #24-14-SE)

3. Consider a request for a Property Owner Initiated Rezoning of Property located at 900 Hickory Hill Drive, PID #82000001.000, #85700001.000, #85700001.050, & #85700002.000, from an existing PUD Planned Unit Development to a new PUD Planned Unit Development (GPC Case No. 24-15-RZ) (WITHDRAWN BY APPLICANT)
4. Consider a request for a Property Owner Initiated Rezoning of Property located at 304 De La Pointe, PID #87010076.000, from R-2 High Density Multi-Family Residential to C-3 Highway Commercial (GPC Case No. 24-16-RZ)
5. Consider a request for a four hundred seventy-seven (477) square foot variance for a dwelling in an AG Agricultural Zoning District. 5900 Brown Road, (GPC #24-17-VAR)

VIII. GENERAL DISCUSSION

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

IX. ADJOURN

Chairman Jamison announced that Item #3 on the Agenda, GPC #24-15-RZ, had been withdrawn by the applicant.

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
	DeAnna McManus
	Maurice Hudson
	William Davis
	Ricky Decoteau

ABSENT:	Chris Hoover
----------------	---------------------

Motion Passed

Commissioner Ward made a motion to approve the April 4, 2024, minutes.

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

AYES: Kay C. Jamison
Josh Ward
DeAnna McManus
Maurice Hudson

ABSTAINED: William Davis
Ricky Decoteau

ABSENT: Chris Hoover

Motion Passed.

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

OLD BUSINESS - None

NEW BUSINESS

1. Consider a request for a Conditional Use-Major that would allow a Recreational Vehicle (RV) on an individual lot in the MURC-MW Mixed Use Recreation Commercial – Mary Walker Zoning District. 3309 Gatti Place (GPC #24-13-CU)

Scott Ankerson, Planning Director, gave a brief overview of the case. He reminded the Planning Commission that a Conditional Use does run with the land if approved.

REQUEST:

The Planning Department has received a request from William and Stacey Herrington for a Conditional Use-Major that would allow a Recreational Vehicle (RV) on an individual lot in the MURC-MW Mixed Use Recreation Commercial – Mary Walker Zoning District at 3309 Gatti Place, PID #85380204.000 (GPC #24-13-CU). The application fee of \$250 was paid on March 19, 2024. All public notice requirements have been met.

BACKGROUND:

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

1. Location: 3309 Gatti Place, PID #85380204.000 (See Exhibit A)
2. General features of the proposed project:
Total Area: Approximately 1.42 Acres
3. Existing Zoning – MURC-MW Mixed Use Recreation Commercial – Mary Walker (See Exhibit B)
4. Existing Land Use – Vacant (See Exhibit C)
5. Comprehensive Plan Future Land Use Designation – Recreational Commercial (See Exhibit D)

DISCUSSION:

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

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

Applicant Response: Yes.

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

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

Applicant Response: Property is already next to a mobile home/RV park.

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

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

Applicant Response: No, property is already next to a mobile home/RV park.

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

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

Applicant Response: No, we are at the end of the road and not for full time use.

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

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

Applicant Response: Yes.

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

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

Applicant Response: Yes.

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

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

Applicant Response: No.

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

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

Applicant Response: Yes, only parking it for part time use and everything is mobile.

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

DETERMINATION OF APPLICABLE LAW:

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

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

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

RECOMMENDATION & CONCLUSION:

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

The Planning Commission may:

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

ATTACHMENTS:

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

Chairman Jamison asked the applicant to present his case.

William Herrington, the applicant, stated that he and his wife live in Dockside RV Park at 413 River Oaks which is approximately 100 yards from the property where they want to put the camper. The camper is currently located at Dockside RV Park. They are paying \$425 a month for lot rent and their daughter and her family only come down about 5 times a year to stay the weekend. They would like to move the camper to their property at 3309

Gatti Place which already has a temporary power pole and sewer hook-up. He said the people who own the house next to the property live out of town and use their house as a recreational home. They also have a privacy fence between their house and the applicant's property. Mr. Herrington said that you can see all the boats sitting on the hill at Pitalos from the neighbor's property, as well as sunken boats, and the campers at Dockside RV Park. When he purchased the property, he intended to build but then Covid hit and building material prices went sky high so he hasn't been able to afford to build.

Chairman Jamison asked if the camper would be left on the property permanently.

Mr. Herrington said that it would be but there would not be anyone there on a permanent basis and the camper would be able to be moved in case of a storm.

Chairman Jamison reminded the Commissioners that a Conditional Use remains with the property so if the request was approved and the property was sold the next owner could have a camper there.

Commissioner Ward asked Mr. Ankerson why the request was a Conditional Use and not a Special Exception.

Mr. Ankerson explained that although an RV park was allowed by right in a MURC-MW Zoning District an RV on an individual lot was listed as a Conditional Use-Major. The MURC-MW District is a mixed-use district. It may have one street that has residential homes, one street that is an RV park and a boat yard, and it might have a street that has both. So, looking at it on a case-by-case basis is probably why it is listed as a Conditional Use – Major.

Robert Herrington, the applicant's son, stated that it was in his parents' will that he would be getting the property when they passed, and he intended on building a home there when it was passed on to him.

Will White, who has property on Willis Street, said he was very familiar with the area, and he feels that it conforms to the area and with the atmosphere of the area.

Jeannie Reeves, who lives on Gatti Place, said she has lived there almost twenty years and pays a lot of taxes. She is concerned about a decrease in her property value if the camper is allowed to go there. She is also concerned that because there are two other vacant lots next to the applicant's that there is a chance the lots could turn into an RV park.

Chairman Jamison asked Mr. Ankerson if an RV park could go there by right.

Mr. Ankerson stated that an RV park could be built in an MURC-MW District by right if it meets the criteria in the UDO for an RV park. He explained that "by right" means that someone could make application for an RV park and as long as they met the criteria listed in the UDO, they would be allowed to put it there without a public hearing.

David Simmons, who lives on Mawaka Drive, said he owns five lots in the area and is opposed to the camper. He said the neighborhood (Mawaka Drive and Gatti Place) has been residential the whole time and he would like to see it stay that way. He said that maybe later on he might file to have that area rezoned as residential.

Anthony McCaffrey, who lives at 3301 Gatti Place, is opposed to the camper going on the property. He said there are currently no RV's or trailers on Mawaka Drive or Gatti Place and he would like to see it remain just houses. He also stated that the property was smaller than 1.42 acres as was said earlier.

Mr. Ankerson addressed the error and said the property was .42 acres.

Angela Desportes, who lives at 3340 Gatti Place, opposes the camper. She said the area is all houses and she hates to see any more trailers going there. She said there are already more golf carts coming around the area.

Stacy Scott, who owns 3313 Gatti Place, said he opposes the camper because of it decreasing property values and setting a precedence for other trailers to come in. He would rather keep it all houses.

Stacy Herrington, the applicant's wife, stated that she had lived in the area since she was eight years old. She stated that most of the people saying they didn't want their land value to go down built their homes next to a marina, the Tiki Restaurant and Bar, and a trailer park. She said there is also a piece of property owned by Mary Walker where they are piling broken piers, and trash from Mary Walker. These homeowners have to pass this trashy lot every single day on their way to their house. How is that okay but her camper parked at the end of the road that can't be seen is devaluing their property?

Graham Reeves, who lives at 3320 Gatti Place, said he built his house three years ago and opposes the camper.

Robert Herrington said that most people who have houses on Gatti Place can step out their front door and have a perfect view of a trailer or RV park. They pass RV's, trailers, and campers to get to their house. Why is it a problem for one more camper in the area that will not be there permanently?

Chairman Jamison explained that the problem is that a Conditional Use goes with the property and though the intent is not for the camper to be permanent there is a possibility that it could be.

Commissioner Davis as Mr. Danos, the City Attorney, if there was a way to make it a temporary placement.

Mr. Danos stated that if it is approved future owners will be able to conduct the same use.

Commissioner Davis asked Mr. Ankerson if the zoning of the area had been mixed use since the incorporation of the city.

Mr. Ankerson said he knew it had been since the 2010 Comprehensive Plan.

Ms. Reeves asked if there would be codes on a camper as strict as the codes on their homes.

Mr. Ankerson stated that codes applied to building an RV are applied at the manufacturer when it is built. City codes would be things such as setbacks from property lines. In accordance with the city's Flood Ordinance, the camper would have to remain on its wheels and be ready to move at all times. The power pole would have to be inspected to make sure it meets code. Code Enforcement would address other things like unsightly appearance, overgrown property, or if the camper were dilapidated.

Commissioner McManus said she had a problem with the use staying with the property because you didn't know what might happen next. She stated there wasn't exactly a mixed use on Gatti Place because the harmony of the area has been established that the values in that area are all higher than RV areas.

Commissioner Hudson stated that putting RV's in areas around other homes is setting a precedence and he is concerned with decreasing property values. He said nothing can be done about things that were grandfathered in but they can stop things from continuing.

Commissioner Decoteau stated that he didn't see how it would decrease the value of other properties because there are RVs stored at houses in the area. One RV on a vacant lot wasn't going to change how the neighborhood looked.

Commissioner Ward stated that Conditional Uses are put on things so each case can be looked at on a conditional basis. One criteria of a Conditional Use that should be considered is the characteristic of the neighborhood. Even though this is a mixed-use district, this particular area is a pocket area with very high value homes on the water. RVs have been approved on individual lots in the district, but those areas do not have the caliber of homes that are present in this area. He said he does not think the RV meets the characteristics of this particular area.

Chairman Jamison stated that property was bought for these high value homes where RVs were located. This one street is about 5% of what she considers the neighborhood. She said she considers that neighborhood to consist of the properties from Mary Walker Drive to the water to the Tiki to Willis Street. She doesn't think that one camper on this property is going to impact the properties where these homes are.

ACTION TAKEN:

Commissioner McManus made a motion to recommend that City Council deny the Conditional Use-Major due to the request not being compatible with the existing area.

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

AYES: **DeAnna McManus**
 Maurice Hudson
 Josh Ward

NAYS: **Kay C. Jamison**
 William Davis
 Ricky Decoteau

ABSENT: **Chris Hoover**

Motion failed. (No recommendation to City Council)

2. Consider a request for a Special Exception that would allow an accessory structure to be located on a lot without a primary structure in the MURC-MW Mixed Use Recreation Commercial – Mary Walker Zoning District. 3216 Willis Street, (GPC #24-14-SE)

Scott Ankerson, Planning Director, gave a brief overview of the case. He reminded Commissioners that Special Exceptions do not run with the land. They expire with a change of ownership.

REQUEST:

The Planning Department has received a request from James W. White for a Special Exception that would allow an accessory structure to be located on a lot without a primary structure in the MURC-MW Mixed Use Recreation Commercial – Mary Walker Zoning District at 3216 Willis Street, PID #87420022.000 (GPC #24-14-SE). The application fee of \$250 was paid on March 18, 2024. All public notice requirements have been met.

BACKGROUND:

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

1. Location: 3216 Willis Street, PID #87420022.000 (See Exhibit A)
2. General features of the proposed project:
Lot Size: 0.43 acres
3. Potable Water and Wastewater Services: Available at current location
4. Current Zoning (See Exhibit B): MURC-MW Mixed Use Recreation Commercial – Mary Walker
5. Current Surrounding Zoning (See Exhibit B): MURC-MW Mixed Use Recreation Commercial
6. Current Surrounding Existing Land Use (See Exhibit C): Residential, Vacant, Fish Camps, Marina
7. Comprehensive Plan Future Land Use Designation (See Exhibit D): Recreational 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 MURC-MW zoning district implements Future Land Use Section 7.3, Mixed Use Recreation Commercial of the Comprehensive Plan. It states: The Mixed-Use Recreation Commercial-MW zoning district is a special planning area that recognizes the special character and operation of the area generally described as the Mary Walker community. The district is intended to protect a mix of uses that includes permanent single-family residences, seasonal single-family detached residences, and tourist-oriented uses including recreation vehicles, seasonal cabins, marinas, dry boat storage, dinner clubs and restaurants. These regulations are intended to create a mixed-use waterfront district with residential and limited commercial development that is compatible in use and scale with the single-family neighborhood; to encourage water-related and water-dependent uses and activities that are compatible with the residential component of the neighborhood and to provide access and enjoyment of the Pascagoula Bay. Allowing power to 3216 Willis Street will allow the owner to utilize the property and take full advantage of what the waters of Gautier have to offer.

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: The property in question is 3216 Willis Street, Gautier, MS 39553. I have recently been improving the property and had 260 ft. of new bulkhead and a 30'x30' double boathouse installed. My request is to allow power to the property so a boat lift can be installed, along with accent and security lighting to the property. I am retired and caring for an elderly parent. My legal address is 1808 Seacliffe Drive, Gautier, MS 39553, which is less than 2 miles from the said property. I believe that allowing power to the property would be in harmony with the UDO and the neighborhood. I have spoken with all neighbors and have not received any verbal objections from anyone.

Staff Finding: A boathouse and boat lift are in keeping with the purpose and intent of the MURC-MW as defined in the UDO. Staff's opinion is that approval of the request will not negatively affect the neighborhood.

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

Applicant Response: *I purchased the property at 3216 Willis Street 3 years ago. The property hasn't had power since I have owned it.*

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.

Chairman Jamison asked the applicant to present his case.

James W. White, the applicant, began by apologizing for doing work without getting permission or a permit from the city. He thought he only needed authorization from the Mississippi Department of Marine Resources. He said he has basically installed 243' of new bulkhead and a double boathouse. The property consists of three lots that have had nothing done to them in about 15 years. He bought the property 3 years ago. He said the boat lift was just installed and he would like to get power so that he can continue developing it into a nice piece of property and increasing the value of the neighborhood.

Chairman Jamison noted that there was an RV parked on the property that was not allowed.

Mr. White said his brother's boat and three utility trailers were also on the property.

Commissioner Davis asked for clarification that this request was not to ask for permission to have these things on the property.

Mr. White said his request was so he could have power on the property to utilize the boat lift. He said he would remove the boat and trailers.

Commissioner McManus asked what will happen to the new accessory structure if the Planning Commission denies the request.

Mr. Ankerson said the case would go to court and the judge would decide if it had to be torn down. He explained that Staff found out about the accessory structure being built without a permit, or approval for a Special Exception, when the applicant came to get power for the boat lift.

Commissioner Davis asked Mr. Ankerson if there were any problems with the structure other than there being no primary structure on the property.

Mr. Ankerson said he wouldn't know the answer to that until a permit was pulled and an inspection was made. Mr. White would have to correct any problems found during the

inspection as well as any Code Enforcement problems, such as the trailers and RV on the property, before power would be released.

Commissioner Ward asked Mr. Ankerson what the delineation line was as far as Department of Marine Resources (DMR) and the City since this is over water.

Mr. Ankerson explained that DMR's jurisdiction is over water, and they are looking at things that affect plant life and fish life. It still has to be permitted by the City.

Commissioner McManus asked Mr. White if he planned to build on the property later.

Mr. White said he was currently taking care of his mother and did not plan to do anything until she passes, but he did plan to build after that time. He would like to build a workshop and a pole barn before he builds his house.

Commissioner Ward asked if approving this request for an accessory structure would include a workshop and a pole barn since they are accessory structures.

Mr. Ankerson said that if this was approved it would only be for the boathouse/boatlift. The applicant would have to ask for another Special Exception if he wanted to build the workshop or pole barn before he built a primary structure.

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

ACTION TAKEN:

Commissioner Decoteau made a motion to recommend approval of the Special Exception provided that all conditions of the UDO are met in the future, and a primary structure is built on the property within 10 years.

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

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

ABSENT: **Chris Hoover**

Motion passed.

-
3. Consider a request for a Property Owner Initiated Rezoning of Property located at 900 Hickory Hill Drive, PID #82000001.000, #85700001.000, #85700001.050, & #85700002.000, from an existing PUD Planned Unit Development to a new PUD Planned Unit Development (GPC Case No. 24-15-RZ) (WITHDRAWN BY APPLICANT)

This request was withdrawn by the applicant several days before the meeting.

4. Consider a request for a Property Owner Initiated Rezoning of Property located at 304 De La Pointe, PID #87010076.000, from R-2 High Density Multi-Family Residential to C-3 Highway Commercial (GPC Case No. 24-16-RZ)

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

REQUEST:

The Planning Department has received a request from James Lee dba Roughwater Marine for a rezoning of property known as 304 De La Pointe, PID #87010076.000, from R-2 High Density Multi-Family Residential to C3 Highway Commercial. The parcel is approximately 1.03 acres. The application fee of \$300 was paid on April 10, 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: 304 De La Pointe, PID #87010076.000. (See Exhibit A)
2. Existing Zoning: R-2 High Density Multi-Family Residential. (See Exhibit B)

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

UDO 5.3.9 C-3, Highway Commercial District - Purpose and intent. The purpose of this district is to provide for areas where relatively high intensity

commercial and retail uses, office buildings, medical facilities, automobile car lots and regional shopping areas may be located. C-3 Districts are to be located along major highways or major arterials. Due to the high intensity of some of the permitted uses and the variety of uses, most C-3 uses are not compatible with low-to medium-density residential uses, but may be adjacent to high-density residential uses if adequately buffered.

DATA AND ANALYSIS:

Property requested for Rezoning: 304 De La Pointe, PID #87010076.000.

Location: Ward 3

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

Existing Land Use: Vacant. (See Exhibit C)

Future Land Use: Low Density Residential. (See Exhibit D)

Surrounding Zoning: C-3 Highway Commercial to the North and West, R-2 High Density Multi-Family Residential to the South and East.

HISTORY:

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

REVIEW CRITERIA:

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

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

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

STAFF RECOMMENDATION:

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

CONCLUSION:

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

1. Recommend that City Council approve to Rezone the subject area from R-2 High Density Multi-Family Residential to C3 Highway Commercial; or
2. Recommend that City Council deny the Rezoning.

Chairman Jamison asked the applicant to present his case.

James Lee, the applicant, explained that he has a chance to be a distributor for EZ Loader boat trailers. The closet distributor to Gautier is in Port St. Lucie, Florida. To be a distributor, his business will need more land to store these boat trailers. Mr. Lee owns the R-2 High Density Multi-Family Residential property that abuts his C-3 Highway Commercial property where his business is located. He would like to have the R-2 property rezoned to C-3 in order to expand and become a distributor. There is currently an abandoned house on the property he wants to rezone. The house has been abandoned for 5 years and is falling in and he plans on demolishing it. He plans to put a 6 foot privacy fence along the property where it adjoins the other R-2 property. He will also put a fence that adjoins his existing fence so he can store the trailers.

Mr. Lynn, who lives at 300 De La Pointe Drive, which is next door to the subject property, said that he has no problem with what Mr. Lee wants to do. He said there is an existing 8-to-10-foot metal privacy fence between his property and Mr. Lee's property that he would like to see stay there. He asked what would happen if the property was rezoned Commercial and later Mr. Lee sold his business to someone that wanted to build a gas station on the property.

Mr. Ankerson said that once it is rezoned to C-3 anything that is allowed in a C-3 zone could be put there. He reminded the Commissioners that R-2 is High Density Residential which means someone could buy the property and build apartments or town houses.

Commissioner Ward noted that no new homes have been built to continue the property as residential. The 3 lots there that are zoned R-2 High Density Multi-Family Residential were probably zoned R-2 because there were houses on them. If those houses had not been there the property would probably have been zoned commercial.

Mr. Ankerson reminded the Commissioners that R-2 zoning is for multi-family not single family residential so you could possibly establish there was a mistake in the original zoning, but that decision is up to the Planning Commission.

Commissioner McManus said that because of the way it is written in the UDO you would almost have to say it was a mistake in the zoning because the UDO says that the character of the surrounding area has changed but it has not changed.

Commissioner Ward said since they were only talking about an acre, it would be really hard to build a multi-family anything there.

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

ACTION TAKEN:

Commissioner Davis made a motion to recommend approval of the rezoning request because there was a mistake in the original zoning.

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

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

ABSENT: **Chris Hoover**

Motion passed.

-
-
5. Consider a request for a four hundred seventy-seven (477) square foot variance for a dwelling in an AG Agricultural Zoning District. 5900 Brown Road, (GPC #24-17-VAR)

Scott Ankerson, Planning Director, gave a brief overview of the case. He explained that for the applicants to occupy the existing apartment, the applicants would need a four hundred seventy-seven (477) square foot variance. The UDO requires a minimum of thirteen hundred twenty-five (1325) square feet for a primary structure in an AG Agricultural District. A four hundred seventy-seven (477) square foot variance would allow them to have power to the structure and to occupy the existing apartment.

Chairman Jamison asked if the applicants made the garage part of the existing garage apartment into living area would it not meet the required square footage.

Mr. Ankerson said if they planned to do that, this request wouldn't be needed, but the narrative sounded like they planned to maybe do that in the future. The applicants would have to tell the Commissioners exactly what the plan was.

Commissioner Davis asked, if the variance was approved, could the structure be sold and then the buyer could live there with it being only 848 square feet.

Mr. Ankerson explained that as long as that structure was there it could be.

REQUEST:

The Planning Department has received a request from Crystal Viera and Steven Brown for a four hundred seventy-seven (477) square foot variance for a dwelling in an AG Agricultural Zoning District at 5900 Brown Road, PID #82429350.000 (GPC #24-17-VAR). The application fee of \$175 was paid on April 15, 2024. All public notice requirements have been met.

BACKGROUND:

There currently is a house and a separate garage apartment on the property. The house was heavily damaged during Hurricane Katrina and is in the process of being demolished. The garage apartment was not damaged. The applicants would like to live in the garage apartment until they can build a new home. The apartment is 848 square feet. The garage area is 875 square feet and can also be converted into living space. In order to occupy the existing apartment, the applicants will need a 477 square foot variance. The Unified Development Ordinance (UDO) requires a minimum of 1325 square feet of living area in an AG Agricultural District.

DISCUSSION:

The applicants are asking for a 477 square foot variance to the minimum square footage for a dwelling in an AG Agricultural District. Although the house on the property was heavily damaged in Hurricane Katrina and is in the process of being demolished, the garage apartment on the property was not damaged. The applicants would like to live in the garage apartment until they can build a new home. The garage apartment has 848 square feet of living area. The Unified Development Ordinance (UDO) requires a minimum of 1325 square feet of living area in an AG Agricultural District. The applicants are requesting a 477 square foot variance.

DETERMINATION OF APPLICABLE LAW:

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

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

The UDO defines **Hardship** as:

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

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

UDO SECTION 4.18: Variance

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

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

4.18.1 Who May Initiate

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

4.18.2 Application for Variance

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

4.18.3 Administrative Variances

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

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

4.18.4 Criteria for Approval

The Variance application shall demonstrate the following:

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

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

RECOMMENDATION & CONCLUSION:

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

The Planning Commission may:

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

Chairman Jamison asked the applicants to present their case.

Crystal Viera, the applicant, said she was just trying to get temporary power to the apartment. She wanted to build a retirement home on the property. She said there is a structure already on the property but that was not going to be her home. She said they didn't stay there. They have a place somewhere else where they stay, but they have equipment there that needs electricity so they can do what they want to do.

Commissioner Davis asked Ms. Viera if she was planning on living in the apartment.

Ms. Viera said they weren't planning on living in it. They just planned to stay a couple days at a time here and there while they were working on it.

Chairman Jamison asked if they planned to start building on the house soon.

Ms. Viera said they were and that they had already demolished the old house that was on the property and were trying to get the debris hauled off now.

Commissioner Ward asked Mr. Ankerson if they didn't want to live there and just wanted temporary power, could they just be given temporary power.

Mr. Ankerson explained that they were demolishing the primary structure so there would be an accessory structure without a primary structure, but Staff was told that their intention was to live in the apartment while they built the house. That is the reason they are asking for a Variance instead of a Special Exception.

Commissioner McManus asked where the applicant lived currently and why did they want to live there now instead of finishing it and then living there.

Ms. Viera said she currently lived at 11310 Hazel Bounds Road in Vancleave. She said she didn't want to live there right now, she just wanted to stay there two or three days a week while they were working on the property.

Commissioner Davis said there seemed to be some confusion because Mr. Ankerson was told that she wanted to live in the structure while she was constructing her retirement home. He asked if she intended to stay at the property for any length of time.

Ms. Viera said she wanted to stay on the property two or three days here and there while they worked on it.

Commissioner Davis noted that temporary power would not help her because she wanted to stay on the property overnight some.

Chairman Jamison asked if she planned to start building as soon as she cleaned up the property.

Ms. Viera said she did.

Commissioner Ward asked if there was a way to put a time frame on the request since it was a Variance.

Mr. Danos advised that there wasn't.

Commissioner McManus stated that she was not hearing an actual need for the variance because the applicant currently had a place to live.

Chairman Jamison asked if the apartment was livable at this time.

Ms. Viera said that it had needed drywall & insulation and she had done that.

Commissioner Ward explained to Ms. Viera that the Planning Commission had recently denied other variance requests for smaller square footage in the same area.

Ms. Viera said she doesn't have to stay there but there would be some days when they had worked hard on the property and would just like to stay there instead of making the drive to where they are currently staying.

Chairman Jamison stated that if the request was approved, Ms. Viera would be able to stay in the apartment forever even though her original intent was to build. She said that unforeseen things happen. Financial and health situations can change unexpectedly.

Mr. Ankerson explained that if the variance was denied or the applicant didn't intend to live there the applicant could turn in plans to build a home, get a permit, and power could be released to a temporary power pole for construction. This would still not allow the applicants to live in the apartment.

Commissioner Decoteau noted that Ms. Viera seemed confused about everything.

Ms. Viera said that she was confused, and this was all new to her and that she didn't even know what it took to build a house. She said her fiancé was the one who understood

everything, but he couldn't be at the meeting because he was in South Carolina for a closing. She said he would be back on June 18th.

Chairman Jamison asked Mr. Ankerson if this was approved, which would make it a primary structure, how could the applicant build a house on the same property. That would make two primary structures on one lot.

Mr. Ankerson said that she could build a house as long as she made the apartment back into an accessory structure of some type and didn't live in it. She could turn it back into a garage with storage over the top of it or if she reduced the square footage to seven hundred fifty (750) square feet she could make it a guest house.

Commissioner McManus asked if there were other houses in Gautier that are less than 1325 square feet and if so, how small are they.

Mr. Ankerson said he has looked at houses in the Martin Bluff area that are 950 to 1000 square feet but most of those houses were already existing when these stipulations were adopted with the UDO.

Commissioner Hudson noted that after Hurricane Katrina a few Special Exceptions were allowed for some smaller houses.

Commissioner Decoteau asked if the Commission could table the request since the primary spokesperson was not present to answer some of their questions. He said he doesn't think the Commissioners have all the information.

Mr. Danos said the request could be tabled.

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

ACTION TAKEN:

Commissioner Decoteau made a motion to table the request until the July 11, 2024, meeting.

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

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

ABSENT: **Chris Hoover**

Motion passed.

GENERAL DISCUSSION

A. PREVIOUS CASE UPDATES

Mr. Ankerson advised Commissioners that City Council approved GPC #24-07-VAR, GPC #24-09-VAR, and GPC #24-10-RZ as recommended by Planning Commission. The City Council denied GPC #24-11-RZ rezoning on Carter Road from AG to PUD.

B. PERMIT & TRC REPORT

Mr. Ankerson presented the monthly reports from April 2024. May's monthly report was not complete and will be presented at the next meeting.

Commissioner Ward made a motion to adjourn the meeting.

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

AYES: **Kay C. Jamison**
 Josh Ward
 DeAnna McManus
 Marcus Hudson
 William Davis
 Ricky Decotuean

ABSENT: **Chris Hoover**

Motion Passed.

APPROVED BY:

Scott Ankerson
Planning Director/Building Official

DATE: _____

Kay C. Jamison, Chairman
Gautier Planning Commission

DATE: _____

BACKUP DOCUMENTATION

Gautier Planning Commission

Regular Meeting Agenda

June 6, 2024

GPC #24-13-CU

William & Stacey Herrington

3309 Gatti Place

VII. NEW BUSINESS

1. Consider a request for a Conditional Use-Major that would allow a Recreational Vehicle (RV) on an individual lot in the MURC-MW Mixed Use Recreation Commercial – Mary Walker Zoning District. 3309 Gatti Place (GPC #24-13-CU)

**CITY OF GAUTIER
STAFF REPORT**

To: Chairman and Members, Planning Commission

From: Scott Ankerson, Planning Director

Date: May 23, 2024

Subject: Consider a request for a Conditional Use-Major that would allow a Recreational Vehicle (RV) on an individual lot in the MURC-MW Mixed Use Recreation Commercial – Mary Walker Zoning District. 3309 Gatti Place. (GPC #24-13-CU)

REQUEST:

The Planning Department has received a request from William and Stacey Herrington for a Conditional Use-Major that would allow a Recreational Vehicle (RV) on an individual lot in the MURC-MW Mixed Use Recreation Commercial – Mary Walker Zoning District at 3309 Gatti Place, PID #85380204.000 (GPC #24-13-CU). The application fee of \$250 was paid on March 19, 2024. All public notice requirements have been met.

BACKGROUND:

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

1. Location: 3309 Gatti Place, PID #85380204.000 (See Exhibit A)
2. General features of the proposed project:
Total Area: Approximately 1.42 Acres
3. Existing Zoning – MURC-MW Mixed Use Recreation Commercial – Mary Walker (See Exhibit B)
4. Existing Land Use – Vacant (See Exhibit C)
5. Comprehensive Plan Future Land Use Designation – Recreational Commercial (See Exhibit D)

DISCUSSION:

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

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

Applicant Response: Yes.

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

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

Applicant Response: Property is already next to a mobile home/RV park.

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

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

Applicant Response: No, property is already next to a mobile home/RV park.

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

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

Applicant Response: No, we are at the end of the road and not for full time use.

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

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

Applicant Response: Yes.

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

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

Applicant Response: Yes.

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

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

Applicant Response: No.

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

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

Applicant Response: Yes, only parking it for part time use and everything is mobile.

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

DETERMINATION OF APPLICABLE LAW:

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

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

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

RECOMMENDATION & CONCLUSION:

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

The Planning Commission may:

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

ATTACHMENTS:

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

GAUTIER, MISSISSIPPI
PLANNING DEPARTMENT
CONDITIONAL USE APPLICATION

Public Hearing Number

24-13-CU

TO BE HEARD BY GAUTIER PLANNING COMMISSION AND CITY COUNCIL:

Conditional Use - Major _____

FEE:

\$251.00

TO BE HEARD BY PLANNING DIRECTOR:

Conditional Use - Minor _____

FEE:

\$251.00

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

Name of Applicant: William Herrington & Stacy Herrington

Name of Business: _____ Phone: _____

Property Address: 3309 Gatti Place, Gautier Mailing Address (if Different): 413 River Oaks Dr, Gautier

E-Mail Address: sherrington sherrington1@gmail.com

Proposed Use Requiring Conditional Use: RV on MURC-MW (Refer to Article V, UDO)

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

ATTACHMENTS REQUIRED AS APPLICABLE:

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

Signature of Applicant(s): William Herrington Date of Application: _____
Stacy Herrington

FOR OFFICE USE ONLY

Date Received 3/19/24 Verify as Complete Scott & Babs

Fee Amount Received 251.00 Initials of Employee Receiving Application Babs

MURC-MW

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

MAJOR CONDITIONAL USE CRITERIA FOR APPROVAL

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

MINOR CONDITIONAL USE CRITERIA FOR APPROVAL

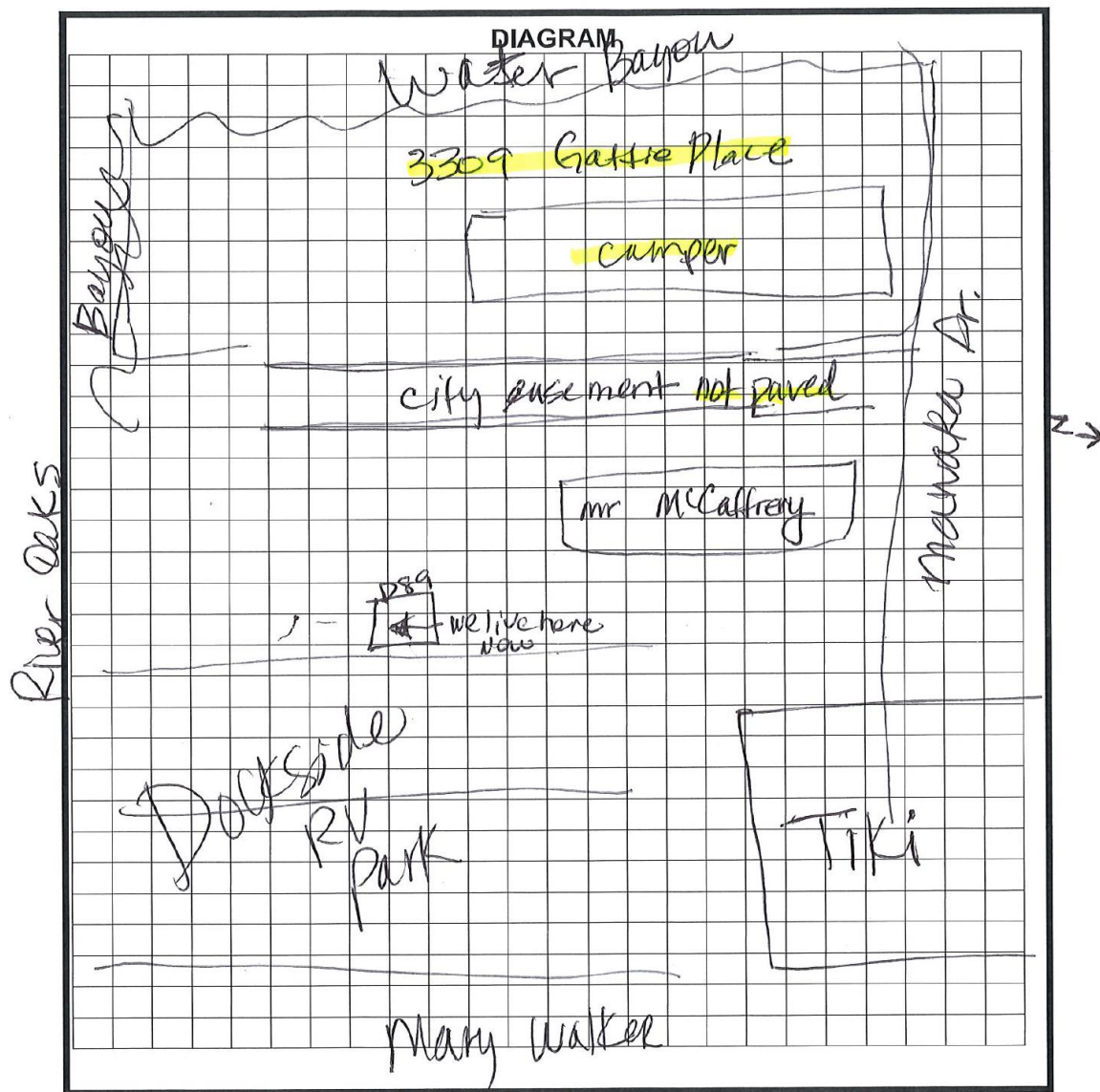
1. Is the proposed use substantially compatible with other uses in the area, including factors relating to the nature of its location, operation, building design, site design, traffic characteristics, and environmental impacts? Explain.
2. Will the proposed use be materially detrimental to the health,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

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

NARRATIVE

Our daughter lives out of town and they like to have somewhere to come visit, but only come 5-6 times a year. They are currently paying to keep camper at Dockside RV Park and it's getting too expensive to pay for something they hardly get to use. So we would like to park our camper on our property and hook up water and electric. Nothing will be a permanent structure and it can easily be moved during floods or inclement weather. We live in Dockside RV Park and ~~can~~ actually see our property. It's probably approx 100 yards from our mobile home we live in.

CONDITIONAL USE DIAGRAM – Provide a diagram of the project site. In cases where certain requirements such as parking are triggered by aspects of the interior of the building, the interior building layout will need to be provided also. Include location and dimensions of property lines, buildings, parking spaces, outdoor storage areas, outdoor seating areas, signage, landscape areas, driveways, loading/unloading areas, limits of paving, exterior elevations (if changes are proposed), entrance/exit locations. Include the whole site. Use the space below or provide separate drawings. Staff will provide guidance as needed on additional information needed on the diagram.



85380204.000 HERRINGTON WILLIAM E &

PIDN: 85380204.000
GISP: 769.32-03-0049.00

Owner Information

Percent of Ownership: 100
Name: HERRINGTON WILLIAM E &
Name 2: HERRINGTON STACEY N
Mailing Address: 413 RIVER OAKS #D89
GAUTIER MS
39553

Site Address: 3309 GATTI PL GAUTIER

Land Information

Section: 32 Acreage: 0
Township: 7
Range: 6
Street Name GATTI
PL

Value and Tax Information

Total Assessed Value: 2757	Total Appraised Value: 18380
Improvement Value: 0	Land Value: 18380
Tax Amount: 396	SQ FT: 0 Year Built: 0

Legal Description

Description: LOT 4 GATTI PLACE S/D DB 1974-49
6 (49 MAP769.32-03)

Deed Book / Page: 1974 / 496

85380204.000 HERRINGTON WILLIAM E &



Exhibit A Location Map

■

Prepared by:
City of Gautier
Planning Department



Exhibit B

Existing Zoning

Prepared by:
City of Gautier
Planning Department

Legend

Zoning

ZONECODE

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



Exhibit C Existing Land-Use

Prepared by:
City of Gautier
Planning Department

Legend

EXISTING LAND USE

ELU_08

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

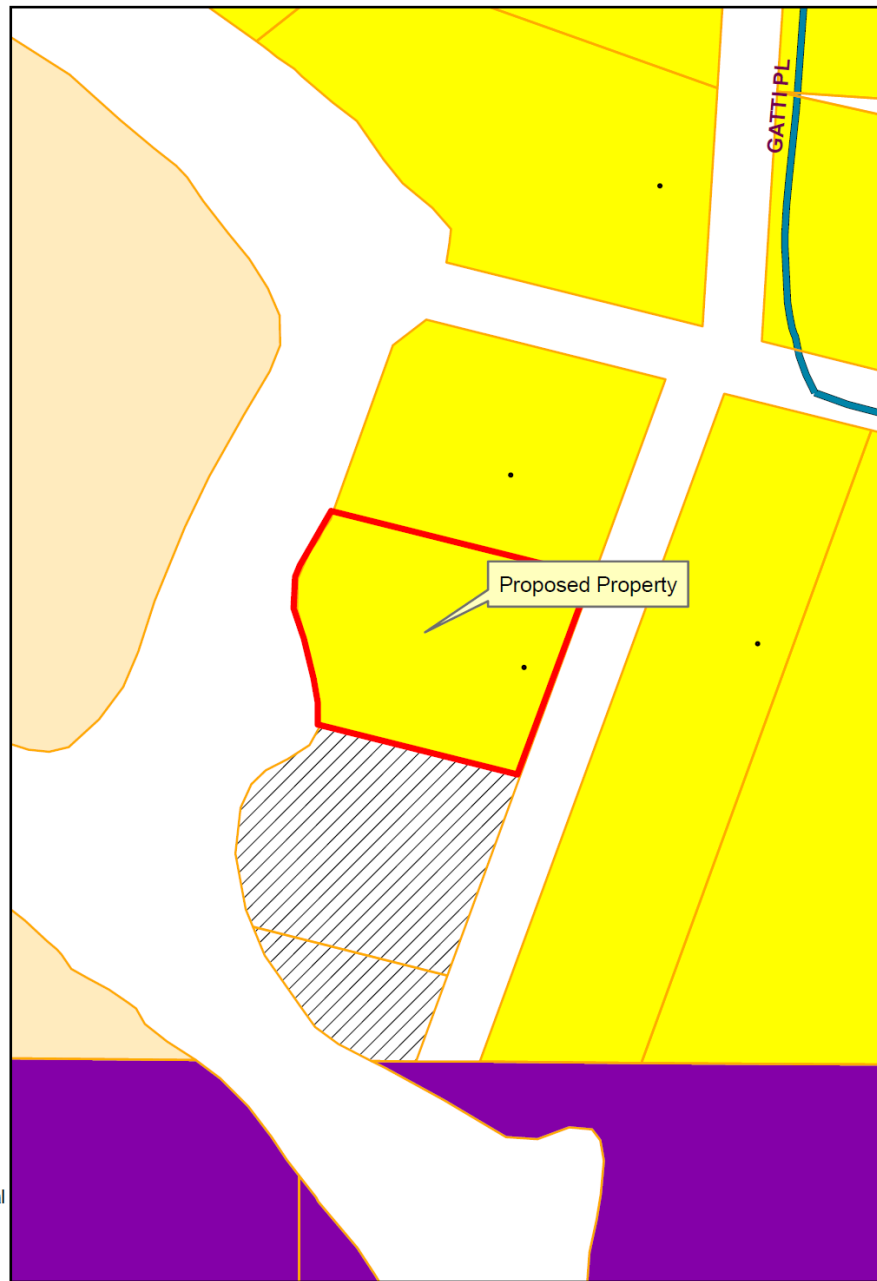


Exhibit D

Future Land-Use

Prepared By:
City of Gautier
Planning Department

Legend

FUTURE LAND USE

FLU_Class

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



Gautier Planning Commission

Regular Meeting Agenda

June 6, 2024

GPC #24-14-SE

James W. White

3216 Willis Street

VII. NEW BUSINESS

2. Consider a request for a Special Exception that would allow an accessory structure to be located on a lot without a primary structure in the MURC-MW Mixed Use Recreation Commercial – Mary Walker Zoning District. 3216 Willis Street, (GPC #24-14-SE)

CITY OF GAUTIER STAFF REPORT

To: Chairman and Members, Planning Commission

From: Scott Ankerson, Planning Director

Date: May 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 the MURC-MW Mixed Use Recreation Commercial – Mary Walker Zoning District, 3216 Willis Street. (GPC #24-14-SE)

REQUEST:

The Planning Department has received a request from James W. White for a Special Exception that would allow an accessory structure to be located on a lot without a primary structure in the MURC-MW Mixed Use Recreation Commercial – Mary Walker Zoning District at 3216 Willis Street, PID #87420022.000 (GPC #24-14-SE). The application fee of \$250 was paid on March 18, 2024. All public notice requirements have been met.

BACKGROUND:

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

1. Location: 3216 Willis Street, PID #87420022.000 (See Exhibit A)
2. General features of the proposed project:
Lot Size: 0.43 acres
3. Potable Water and Wastewater Services: Available at current location
4. Current Zoning (See Exhibit B): MURC-MW Mixed Use Recreation Commercial – Mary Walker
5. Current Surrounding Zoning (See Exhibit B): MURC-MW Mixed Use Recreation Commercial
6. Current Surrounding Existing Land Use (See Exhibit C): Residential, Vacant, Fish Camps, Marina
7. Comprehensive Plan Future Land Use Designation (See Exhibit D): Recreational 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 MURC-MW zoning district implements Future Land Use Section 7.3, Mixed Use Recreation Commercial of the Comprehensive Plan. It states: The Mixed-Use Recreation Commercial-MW zoning district is a special planning area that recognizes the special character and operation of the area generally described as the Mary Walker community. The district is intended to protect a mix of uses that includes permanent single-family residences, seasonal single-family detached residences, and tourist-oriented uses including recreation vehicles, seasonal cabins, marinas, dry boat storage, dinner clubs and restaurants. These regulations are intended to create a mixed-use waterfront district with residential and limited commercial development that is compatible in use and scale with the single-family neighborhood; to encourage water-related and water-dependent uses and activities that are compatible with the residential component of the neighborhood and to provide access and enjoyment of the Pascagoula Bay. Allowing power to 3216 Willis Street will allow the owner to utilize the property and take full advantage of what the waters of Gautier have to offer.*

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: *The property in question is 3216 Willis Street, Gautier, MS 39553. I have recently been improving the property and had 260 ft. of new bulkhead and a 30'x30' double boathouse installed. My request is to allow power to the property so a boat lift can be installed, along with accent and security lighting to the property. I am retired and caring for an elderly parent. My legal address is 1808 Seacliffe Drive, Gautier, MS 39553, which is less than 2 miles from the said property. I believe that allowing power to the property would be in harmony with the UDO and the neighborhood. I have spoken with all neighbors and have not received any verbal objections from anyone.*

Staff Finding: *A boathouse and boat lift are in keeping with the purpose and intent of the MURC-MW as defined in the UDO. Staff's opinion is that approval of the request will not negatively affect the neighborhood.*

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

Applicant Response: *I purchased the property at 3216 Willis Street 3 years ago. The property hasn't had power since I have owned it.*

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

24-14-SG

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: James W. White

Name of Business:

Address: 3216 Willis Street Gautier, MS 39553

Mailing Address (if different): 1808 Seacliffe Drive Gautier, MS 39553

Email Address: willwhite82@live.com

Phone: 228-497-3239

Cell Phone: PRIMARY - 405-837-7589

Reason for request, location and intended use of Property: Request to have an accessory building on a lot without a primary structure

ATTACHMENTS REQUIRED AS APPLICABLE:

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

Signature of Applicant: James W White

FOR OFFICE USE ONLY

Date Received 3/18/24 Verify as Complete BL & SA

Fee Amount Received 251.00

Initials of Employee Receiving Application BL

MURP-MW

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?

Response to A. The MURC-MW zoning district implements Future Land Use Section 7.3, Mixed Use Recreation Commercial of the Comprehensive Plan. states: The Mixed-Use Recreation Commercial-MW zoning district is a special planning area that recognizes the special character and operation of the area generally described as the Mary Walker community. The district is intended to protect a mix of uses that includes permanent single-family residences, seasonal single-family detached residences, and tourist-oriented uses including recreation vehicles, seasonal cabins, marinas, dry boat storage, dinner clubs and restaurants. These regulations are intended to create a mixed-use waterfront district with residential and limited commercial development that is compatible in use and scale with the single-family neighborhood; to encourage water-related and water-dependent uses and activities that are compatible with the residential component of the neighborhood and to provide access and enjoyment of the Pascagoula Bay. Allowing power to 3216 Willis Street will allow the owner to utilize the property and take full advantage of what the waters of Gautier have to offer.

Response to B. The property in question is 3216 Willis Street Gautier, MS 39553. I have recently been improving the property and had 260 ft of new bulkhead and a 30'x30' double boathouse installed. My request is to allow power to the property so a boat lift can be installed, along with accent and security lighting to the property. I am retired and caring for an elderly parent, my legal address is 1808 Seacliffe Drive Gautier, MS 39553, which is less than 2 miles from the said property. I believe that allowing power to the property would be in harmony with the UDO and the neighborhood. I have spoken with all neighbors and have not received any verbal objections from anyone.

Response to C: I purchased the property at 3216 Willis Street 3 years ago, the property hasn't had power since I have owned it.

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

NARRATIVE

3216 WILLIS STREET, GAUTIER MS. CURRENTLY RECEIVED AUTHORIZATION FROM MOMR (CERT # OMR23-000796) TO REPLACE 270' OF NEW BULKHEAD, WIDEN EXISTING 15'X 36' BOAT SLIP TO 30'X 36' AND ADD A 30'X 30' SUP ROOF. I AM REQUESTING TO ADD POWER TO THE LOT ~~AND ALSO TO BE CONSIDERED~~. THE EXISTING DRIVEWAY HAS AMPLE ^{PARKING} ~~SPACE~~ FOR THE PROPERTY. I WILL NOT RESIDE AT THE PROPERTY, I AM CURRENTLY RETIRED AND AM CARING FOR AN ELDERLY FAMILY MEMBER. I CURRENTLY RESIDE @ 1808 SEACLIFF DRIVE GAUTIER, MS AND THIS IS MY LEGAL ADDRESS.



STATE OF MISSISSIPPI

Tate Reeves
Governor

MISSISSIPPI DEPARTMENT OF MARINE RESOURCES

Joe Spraggins, Executive Director

Mississippi Regional General Permit Program

Certification Number: DMR23-000796

Date: February 23, 2024

Issued to: James White
3216 Willis Street
Gautier, MS 39553

Project Description: Debris Removal, Excavation, Bulkhead, Pier, and Boathouse

Project Location: Unnamed canal adjacent to Mary Walker Bayou
3216 Willis Street
Gautier, MS 39553

DMR Project Manager: Thomas Butera
228-523-4065
thomas.butera@dmr.ms.gov

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

This document serves as certification that the subject activity has been reviewed by the Mississippi Department of Marine Resources (MDMR) and is found to be in compliance with the Mississippi Coastal Wetlands Protection Act, MS Code § 49-27-1 et seq., as amended, and United States Army Corps of Engineers (USACE), Mobile District, Mississippi General Permits* MSGP-01, MSGP-02, MSGP-10 dated May 17, 2023. It is issued under the provisions of federal and state laws for the protection of coastal wetlands within the State of Mississippi. **This certification does not relieve you of other federal, state, or local authorizations that may be required.**

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

1. Widening of an existing keyhole slip 30 feet in length and 15 feet in width to 30 feet in width as indicated by attached approved diagram
2. Reconstruction of a bulkhead 270 feet in length in the same footprint or landward of the existing bulkhead
3. Construction of a pier 50 feet in length and 5 feet in width over unvegetated waterbottoms

4. Construction of an open-sided boathouse 30 feet in length, 30 feet in width, and no more than 25 feet above mean high tide in height over unvegetated waterbottoms
5. Construction of one or more enclosed storage area(s) within the footprint(s) of the pier(s) and boathouse(s) authorized above or any previously permitted or existing pier(s) and boathouse(s) not to exceed a combined total of 100 square feet in area
6. Removal of debris from an area approximately 270 feet in length and 6 feet in width. Debris includes, but is not limited to, non-imbedded stumps, tree limbs, appliances, lumber, metal objects, etc.

The applicant must abide by specific conditions as listed below in addition to general conditions as found in the USACE, Mobile District, Mississippi General Permits* dated May 17, 2023.

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

The specific conditions of this certification are as follows:

1. Bulkheads must:
 - a. Have appropriate filter fabric installed on their landward faces
 - b. Be constructed from steel, concrete, plastic, vinyl, or timber treated to meet appropriate marine conditions
 - c. Use only clean material free of waste, metal and organic trash, unsightly debris, petroleum products (asphalt), etc., as backfill
 - d. Be constructed in a manner designed to avoid creating areas of still or stagnant water
 - e. Not result in fill of or adverse impacts to wetlands, submerged aquatic vegetation, or shellfish beds
 - f. Not be constructed further waterward than indicated on the attached approved diagram as shown by measurements to fixed objects
2. All authorized structures (including mooring pilings) must:
 - a. Be marked with reflectors and/or lights to avoid navigational hazards
 - b. Be constructed from steel, concrete, plastic, vinyl, or timber treated to meet appropriate marine conditions
 - c. Be open-sided except for the above-described enclosed storage area(s) no more than 100 square feet in area
 - d. Not be more than 25 feet above mean high tide in height
 - e. Not extend further than 25% of the distance across the waterbody, as measured from the mean high water or ordinary high water line, or from the waterward limits of emergent vegetation
 - f. Not be a hazard to navigation
 - g. Not provide more than 5 boat berthing areas (including those for personal watercraft)
 - h. Not provide for the permanent mooring of houseboats
 - i. Not include fueling facilities, toilets, habitable structures, or activities that produce "gray water" unless specifically authorized
 - j. Not be constructed from materials containing creosote
3. Debris removed must:
 - a. Be properly disposed of in a Mississippi Department of Environmental Quality (MDEQ) approved/permitted facility; Alternative sites for the disposal of natural woody debris may be authorized on a case-by-case basis
 - b. Not consist of debris that is itself historic (e.g., shipwrecks)
 - c. Not be burned without prior approval from the MDEQ's Air Division
 - d. Not consist of gravel, sand, silt, hazardous materials, or trees or stumps (living or dead) snagged from a stream bank (imbedded trees may be cut off, but their stumps must not be removed from the bank)
 - e. Not result in reshaping of the channel or its side slopes or redistribution of material in the channel
 - f. Not result in removal of natural woody debris from the bank or shoreline unless the debris is located within a man-made canal or extends into a navigational channel and is specifically authorized above
4. All authorized activities must:
 - a. Use Best Management Practices (BMPs) at all times during construction, including, but not limited to, the use of staked hay bales; staked filter cloth; sodding, seeding, and mulching; staged construction; and the installation of

- turbidity screens around the immediate project site
 - b. Be conducted in a manner that minimizes the discharge of turbid waters into Waters of the State (Turbidity outside the limits of a 750-foot mixing zone must not exceed the ambient turbidity by more than 50 Nephelometric Turbidity Units)
 - c. Have appropriate wastewater permits and/or approvals for the proposed activity in place prior to the commencement of construction activities
 - d. Have appropriate stormwater permits, approvals, and/or measures in place prior to the commencement of construction activities (For projects greater than five acres of total ground disturbances including clearing, grading, excavating, or other construction activities, the applicant shall obtain the necessary coverage under the State of Mississippi's Large Construction Storm Water General NPDES Permit; For projects greater than one to less than five acres of total ground disturbance including clearing, grading, excavating or other construction activities, the applicant shall follow the conditions and limitations of the State of Mississippi's Small Construction Storm Water General NPDES Permit)
 - e. Not result in construction debris, sewage, oil, refuse, other pollutants, or unauthorized fill material entering Coastal Wetlands or Waters of the State
 - f. Not impact wetlands, submerged aquatic vegetation, or shellfish beds unless specifically authorized
5. All dredging and excavation (maintenance dredging, creation of a new channel, or creation of an indented boat slip or boat ramp) must:
 - a. Maintain a minimum distance of 10 feet between the dredge area and any wetlands or submerged aquatic vegetation
 - b. Result in areas that gradually increase in depth toward open water
 - c. Result in areas that have a minimum 3:1 (horizontal: vertical) side slope unless protected by separately authorized low-profile, flow-through, or solid bulkhead structures
 - d. Minimize turbidity at the dredge site by methods such as using staked filter cloth, staged construction, and/or the use of turbidity screens around the immediate project site
 - e. Not result in sinks or sumps
 - f. Not exceed the controlling navigational depth of the receiving waters
 - g. Not impact wetlands, submerged aquatic vegetation, or shellfish beds (for maintenance dredging or new channel dredging in man-made waterbodies, exceptions may be made for noxious, invasive, or exotic vegetation, as determined or verified by staff)
 6. All dredged or excavated material must:
 - a. Be placed in on-site uplands or another approved placement or disposal site (For on-site placement, the placement area shall have side slopes of at least 3:1 (horizontal:vertical) or equivalent measures, shall be immediately seeded and/or stabilized, and appropriate Best Management Practices (BMPs) shall be utilized to prevent the movement of sediment off-site and into adjacent Waters of the State, wetlands, or drainage areas. These BMPs include, but are not limited to, the use of staked hay bales; staked filter cloth; sodding, seeding, and mulching; staged construction; and the installation of turbidity screens around the immediate project site. Any effluent from the placement area shall be routed through a return swale system and filtered through a series of hay bales and silt fences so as to reduce the turbidity of the effluent.)
 - b. Not be placed on sand beaches or be used to raise the elevation of any wetlands unless specifically authorized
 7. Completion of the above-authorized activities and impacts must be reported to the MDMR through one of the methods listed below within 30 days of completion so that compliance checks may be conducted by MDMR staff:
 - a. By visiting your account at <https://www.citizenserve.com/Portal/?installationid=309>
 - b. By calling or emailing the MDMR Project Manager listed on the first page of this authorization

Work authorized by this certification must be completed on or before: May 16, 2028.

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

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

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

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

THIS CERTIFICATION IS EFFECTIVE IMMEDIATELY.

 2024.02.23
15:17:00 -06'00'

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

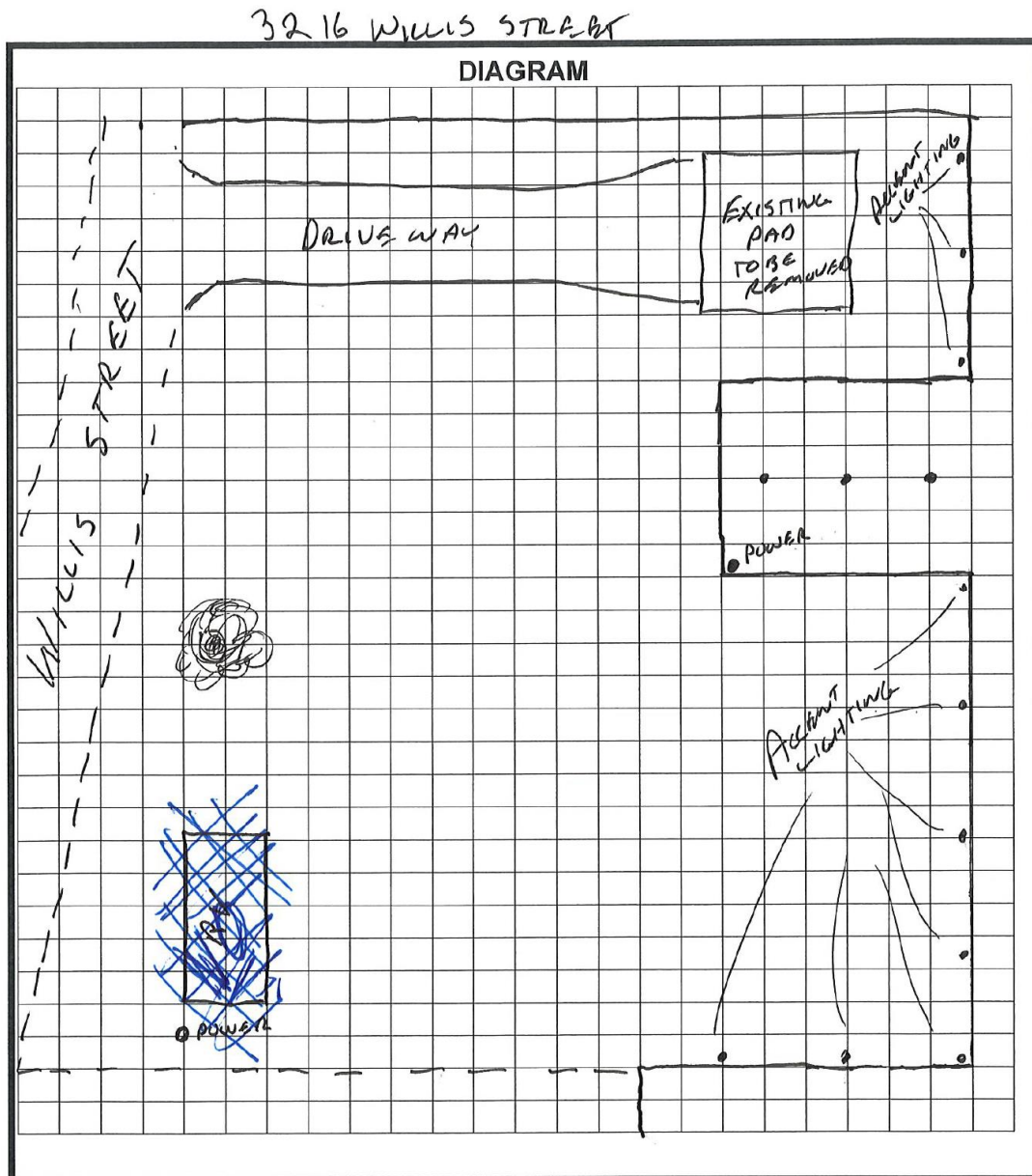
WJB / tb

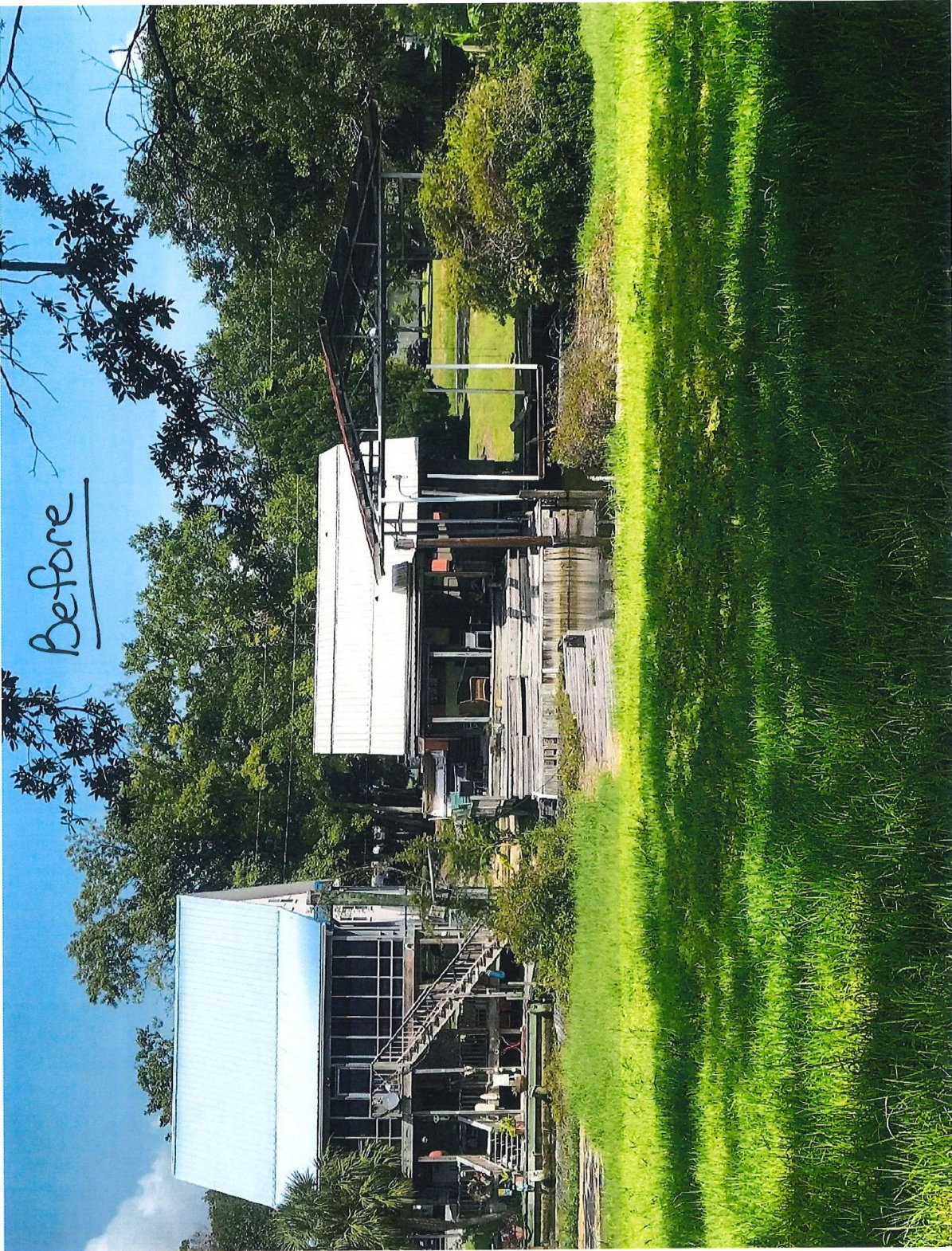
Attachments: Approved Diagrams
General Permits
MS Code Annotated - 49-15-9

CC: MS Team Leader USACE
Ms. Florance Bass, OPC
Mr. Raymond Carter, SOS
Mr. Dyke Parnell, Parnell Construction, Authorized Agent

* General Permits for Minor Structures and Activities in the State of Mississippi and Outer Continental Shelf Waters off the Coast of Mississippi Within the Regulatory Boundaries of the Mobile District and Within the Regulatory Boundaries of the Vicksburg District in Hancock County, U.S. Army Corps of Engineers (This document can be accessed on the MDMR website at <https://dmr.ms.gov/wp-content/uploads/2023/05/2023-MS-General-Permit-Guidelines.pdf>)

CONDITIONAL USE DIAGRAM – Provide a diagram of the project site. In cases where certain requirements such as parking are triggered by aspects of the interior of the building, the interior building layout will need to be provided also. Include location and dimensions of property lines, buildings, parking spaces, outdoor storage areas, outdoor seating areas, signage, landscape areas, driveways, loading/unloading areas, limits of paving, exterior elevations (if changes are proposed), entrance/exit locations. Include the whole site. Use the space below or provide separate drawings. Staff will provide guidance as needed on additional information needed on the diagram.



















87420022.000 WHITE JAMES WILLIAM

PIDN: 87420022.000

GISP: 769.32-04-0091.00M

Owner Information

Percent of Ownership: 100

Name: WHITE JAMES WILLIAM

Name 2:

Mailing Address: 234 HOLT ST
MERIDIANVILLE AL
35759

Site Address: 3216 WILLIS DR GAUTIER

Land Information

Section: 32 Acreage: 0.43

Township: 7

Range: 6

Street Name WILLIS
DR

Value and Tax Information

Total Assessed Value: 12880

Total Appraised Value: 85860

Improvement Value: 12230

Land Value: 73630

Tax Amount: 1852

SQ FT: 0

Year Built: 0

Legal Description

Description: LOTS 21;22;23 WILLIS HGTS S/D PB
2-53 DB 2029-895 (91M MAP769.32
-04)

Deed Book / Page: 2029 / 895

87420022.000 WHITE JAMES WILLIAM

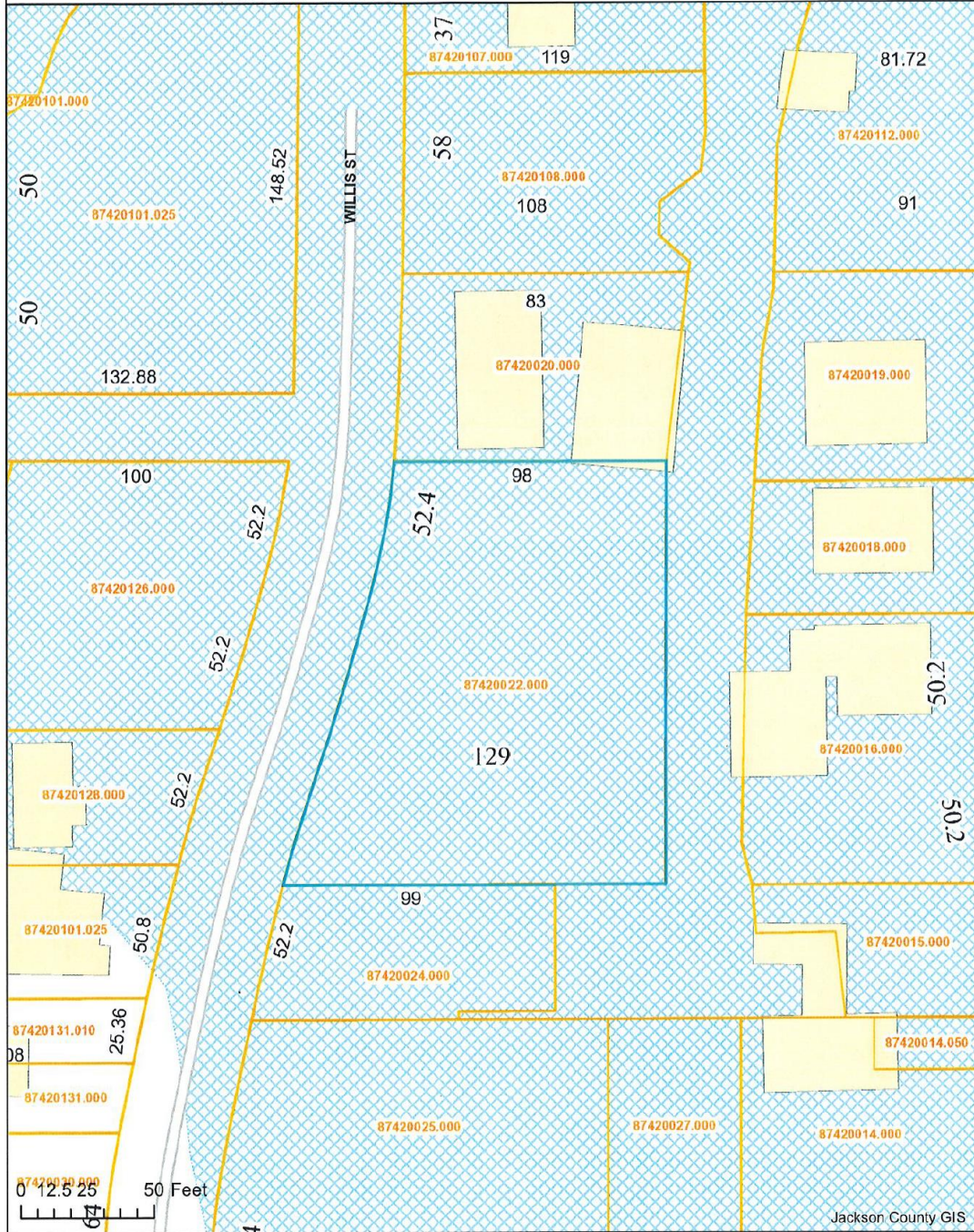


Exhibit A Location Map

Prepared by:
City of Gautier
Planning Department

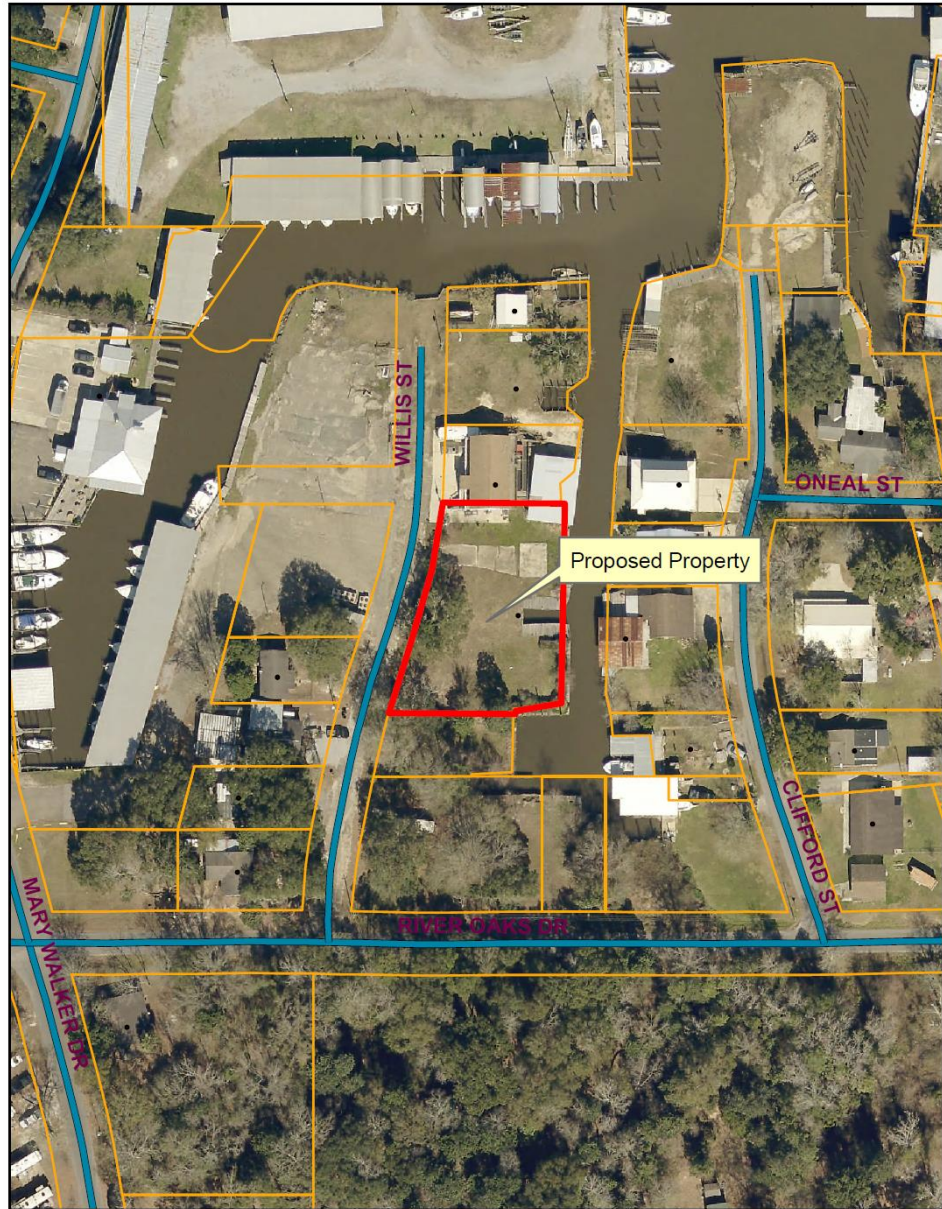


Exhibit B

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

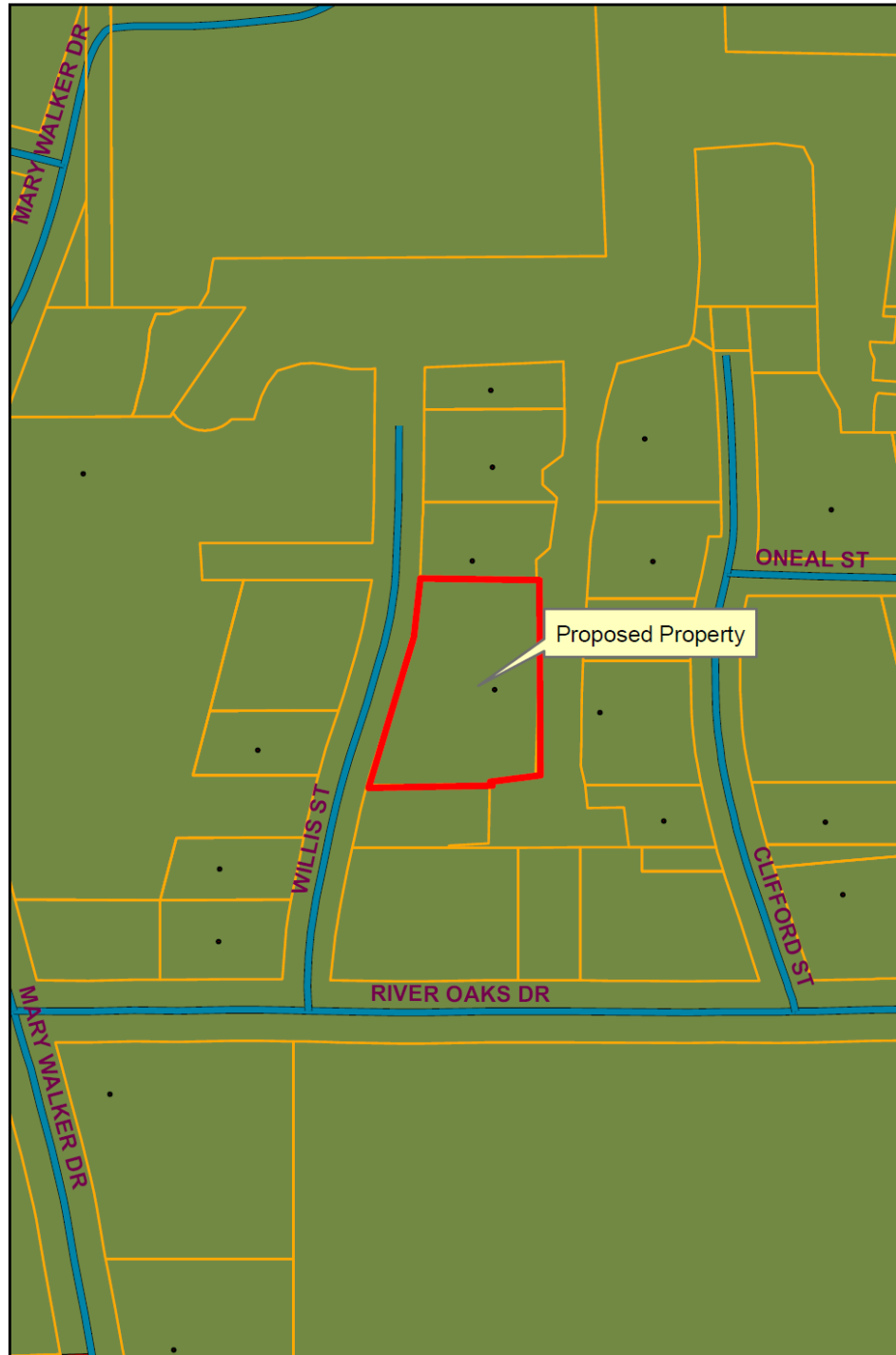


Exhibit C

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

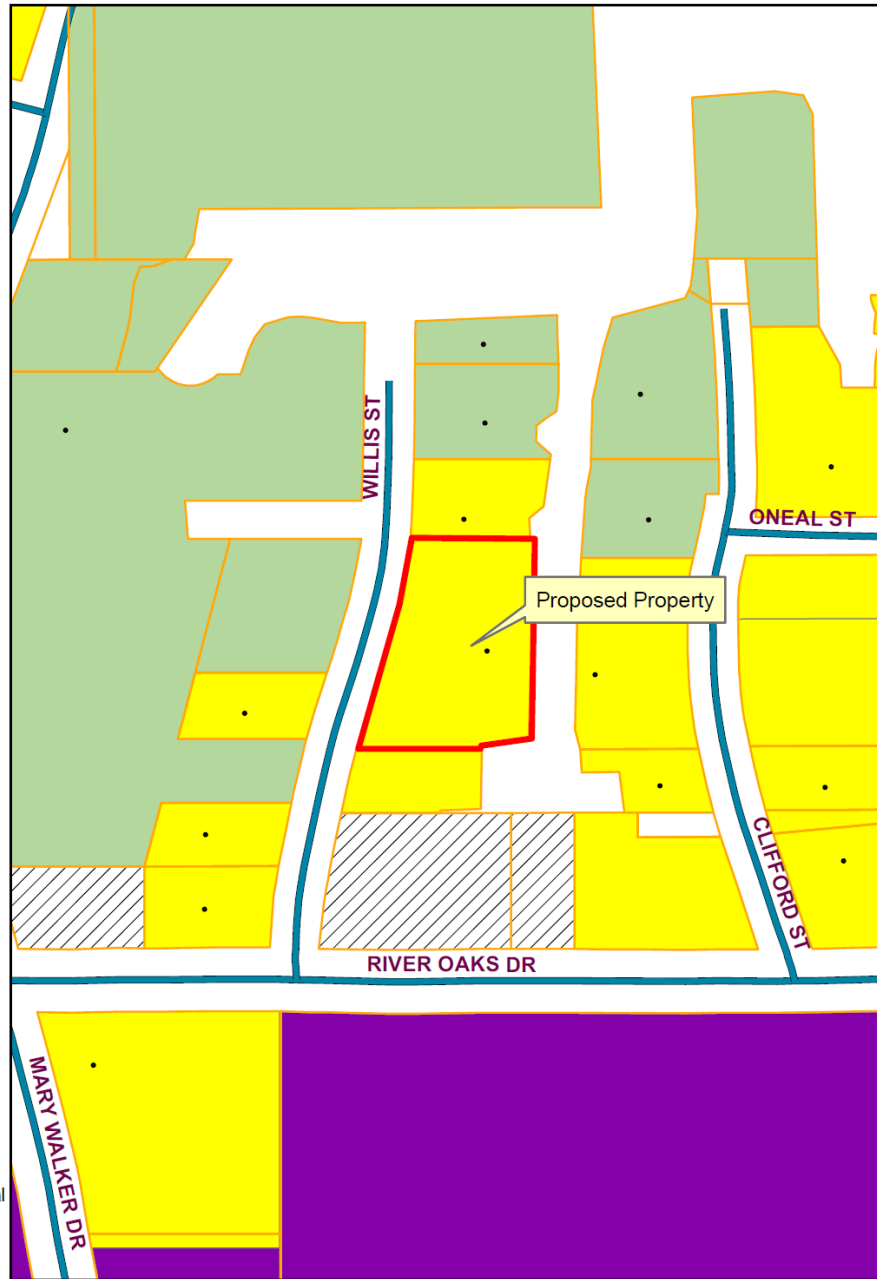


Exhibit D Future Land-Use

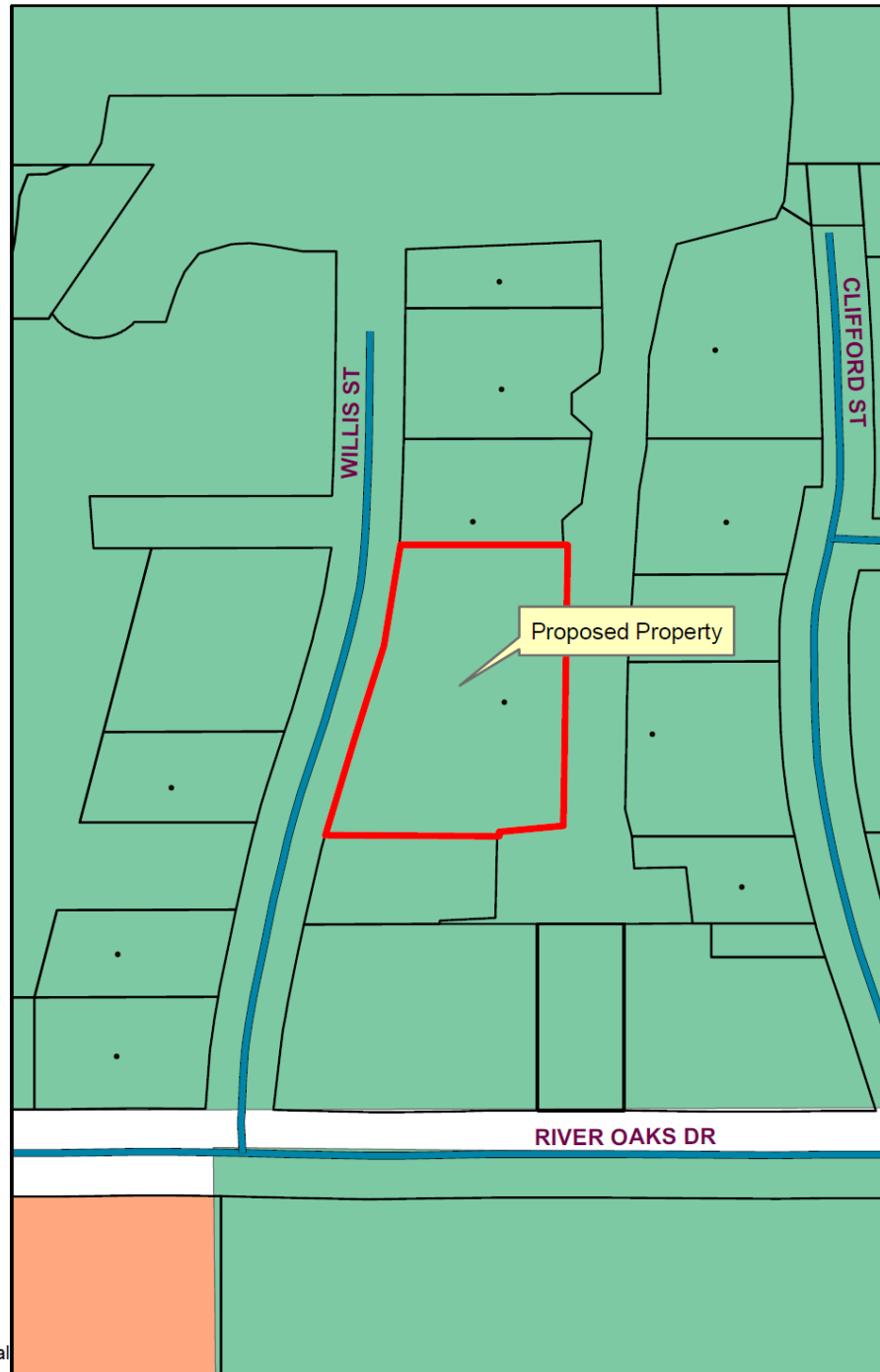
Prepared By:
City of Gautier
Planning Department

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

June 6, 2024

GPC #24-16-RZ

James Lee dba Roughwater Marine

304 De La Pointe

PID #87010076.000

VII. NEW BUSINESS

4. Consider a request for a Property Owner Initiated Rezoning of Property located at 304 De La Pointe, PID #87010076.000, from R-2 High Density Multi-Family Residential to C-3 Highway Commercial (GPC Case No. 24-16-RZ)

**CITY OF GAUTIER
STAFF REPORT**

To: Chairman and Members, Planning Commission

From: Scott Ankerson, Planning Director

Date: May 28, 2024

Subject: Consider a request for a Property Owner Initiated Rezoning of Property located at 304 De La Pointe, PID #87010076.000, from R-2 High Density Multi-Family Residential to C-3 Highway Commercial. (GPC Case No. 24-16-RZ)

REQUEST:

The Planning Department has received a request from James Lee dba Roughwater Marine for a rezoning of property known as 304 De La Pointe, PID #87010076.000, from R-2 High Density Multi-Family Residential to C3 Highway Commercial. The parcel is approximately 1.03 acres. The application fee of \$300 was paid on April 10, 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: 304 De La Pointe, PID #87010076.000. (See Exhibit A)
2. Existing Zoning: R-2 High Density Multi-Family Residential. (See Exhibit B)

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

UDO 5.3.9 C-3, Highway Commercial District - Purpose and intent. The purpose of this district is to provide for areas where relatively high intensity commercial and retail uses, office buildings, medical facilities, automobile car lots and regional shopping areas may be located. C-3 Districts are to be located along major highways or major arterials. Due to the high intensity of some of the permitted uses and the variety of uses, most C-3 uses are not compatible with low-to medium-density residential uses, but may be adjacent to high-density residential uses if adequately buffered.

DATA AND ANALYSIS:

Property requested for Rezoning: 304 De La Pointe, PID #87010076.000.

Location: Ward 3

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

Existing Land Use: Vacant. (See Exhibit C)

Future Land Use: Low Density Residential. (See Exhibit D)

Surrounding Zoning: C-3 Highway Commercial to the North and West, R-2 High Density Multi-Family Residential to the South and East.

HISTORY:

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

REVIEW CRITERIA:

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

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

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

STAFF RECOMMENDATION:

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

CONCLUSION:

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

1. Recommend that City Council approve to Rezone the subject area from R-2 High Density Multi-Family Residential to C3 Highway Commercial; 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

24-16-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: James Lee

Name of Business: Roughwater Marine Phone: 228-623-3875

Property Address: 304 De La Pointe Mailing Address (if Different): 321 Hwy 90 Gautier

E-Mail Address: Roughwater321@gmail.com

Reason for request, location and intended use of Property: To Have the Property

to Join Roughwater from R-1 to C-3

ATTACHMENTS REQUIRED AS APPLICABLE: For Expansion of Business

- ☐ 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: James Lee Date of Application: 4-10-24

FOR OFFICE USE ONLY

Date Received 4/10/24 Verify as Complete SL/SA

Fee Amount Received 301.00 Initials of Employee Receiving Application BS

Barbara Logan

From: James Lee <roughwater321@gmail.com>
Sent: Tuesday, May 14, 2024 2:07 PM
To: Barbara Logan
Subject: Re: Rezoning Application

We would like to use the area for storage of New Trailers and Boats waiting to come into our shop for repair.

James Lee

Phone: 228-497-2214

Email: roughwater321@gmail.com

Roughwater Marine & Auto LLC

On Mon, May 13, 2024 at 10:03 AM Barbara Logan <blogan@gautier-ms.gov> wrote:

I need a narrative explaining how you intend to use the parcel you want to rezone. I know you want it for expansion of your business but I need a little more detail.

You can bring the narrative to the office or you can email it.

Thank you and have a great day!

Babs Logan

Prepared by:
David B. Pilger
Attorney at Law
1406 Bienville Blvd., Suite 101
Ocean Springs, MS 39564
(228) 215-0011

Grantor:
Gordon L. Spafford
20933 County Road 49
Silverhill, AL 36576
(251) 802-8865

Return To:
David B. Pilger
Attorney at Law
1406 Bienville Blvd., Suite 101
Ocean Springs, MS 39564
(228) 215-0011

Grantees:
James W. Lee, II
Art Hadler, Jr.
321 Highway 90
Gautier, MS 39553
(228) 623-3875

File No. G239527N

INDEXING INSTRUCTIONS: 2 parcels of land in Sec. 5, T8, R6 & Lot 7, Blk. H, River Oaks S/D,
Jackson County, MS

STATE OF MISSISSIPPI
COUNTY OF JACKSON

WARRANTY DEED

FOR AND IN CONSIDERATION OF the price and sum of TEN AND NO/100 DOLLARS (\$10.00), cash in hand paid, and other good and valuable consideration, the receipt and sufficiency of all of which is hereby acknowledged, I, **Gordon L. Spafford**, do hereby sell, convey and warrant unto **James W. Lee, II and Art Hadler, Jr.**, as tenants in common, all of that certain tract, piece or parcel of land situated in Jackson County, Mississippi, together with all improvements, buildings, fixtures, and appurtenances thereunto belonging, and being more particularly described as follows, to-wit:

Legal Description attached hereto as Exhibit "A"

This being the same property as that conveyed to Gordon L. Spafford and Amy W. Spafford, by Deed recorded in Deed Book 1054, Page 673 and Deed Book 1033, Page 55, Deed Book Land Deed Records of Jackson County, Mississippi.

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

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

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

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

This conveyance is not part of the Grantor(s) homestead.

The death certificate of Amy W. Spafford is attached hereto as Exhibit "B".

WITNESS MY SIGNATURE, on this the 19th day of October, 2023.

Gordon L. Spafford

ACKNOWLEDGMENT

STATE OF MISSISSIPPI
COUNTY OF JACKSON

PERSONALLY APPEARED BEFORE ME, the undersigned authority in and for the jurisdiction aforesaid, **Gordon L. Spafford**, who acknowledged before me that he signed, executed and delivered the above and foregoing instrument on the day and year thereof, for the use and purposes therein mentioned.

GIVEN UNDER MY HAND AND OFFICIAL SEAL, on this the 19th day of October, 2023.

(AFFIX SEAL)



My commission expires

Nickol Carron
NOTARY PUBLIC

DEED ACCEPTED BY:

James W. Lee, II
James W. Lee, II

Art Hadler, Jr.
Art Hadler, Jr.

304 De La Pointe Dr, Gautier, MS 39553-6306, Jackson County

APN: 8-70-10-076.000 CLIP: 5354298460

Beds	Full Baths	Half Baths	Sale Price	Sale Date
N/A	1	N/A	N/A	N/A
Bldg Sq Ft	Lot Sq Ft	Yr Built	Type	
1,196	44,867	1940	SFR	

OWNER INFORMATION

Owner Name	Spafford Gordon L	Tax Billing Zip	39553
Owner Name 2	Spafford Amy W	Tax Billing Zip+4	6340
Tax Billing Address	321 Highway 90	Owner Occupied	No
Tax Billing City & State	Gautier, MS		

LOCATION INFORMATION

Census Tract	410.01	Township Range Sect	8S-6W-5
Carrier Route	H063	Within 250 Feet of Multiple Flood Zone	Yes (Ae, X500)
Subdivision	River Oaks Sub		

TAX INFORMATION

Tax Parcel Number	8-70-10-076.000	% Improved	86%
Lot	7	Tax Area	3840
Block	H		
Legal Description	LOT 7 BLK H RIVER OAKS S/D DB 1054-673 (25 MAP853.05-01)		

ASSESSMENT & TAX

Assessment Year	2022	2021	2020
Assessed Value - Total	\$10,027	\$10,116	\$9,456
Assessed Value - Land	\$1,371	\$1,371	\$1,371
Assessed Value - Improved	\$8,656	\$8,745	\$8,085
Market Value - Total	\$66,046	\$67,438	\$63,040
Market Value - Land	\$9,140	\$9,140	\$9,140
Market Value - Improved	\$57,706	\$58,298	\$53,900
YOY Assessed Change (\$)	-\$89	\$660	
YOY Assessed Change (%)	-0.88%	6.98%	
Tax Year	Total Tax	Change (\$)	Change (%)
2020	\$1,376		
2021	\$1,455	\$79	5.72%
2022	\$1,442	-\$13	-0.68%

CHARACTERISTICS

Land Use - CoreLogic	SFR	Building Sq Ft	1,196
Land Use - State	One Family Unit	# of Buildings	1
Lot Area	44,867	Cooling Type	Yes
Lot Acres	1.03	Heat Type	Electric Baseboard
Total Baths	1	Roof Material	Asphalt Shingle
Full Baths	1	Roof Type	Gable
Year Built	1940	Roof Shape	Gable
Stories	1	Floor Cover	Carpet

SELL SCORE

Rating	Moderate	Value As Of	2023-08-13 04:39:14
Sell Score	587		

LAST MARKET SALE & SALES HISTORY

Owner Name	Spafford Gordon L	Document Number	1054-673
Owner Name 2	Spafford Amy W	Deed Type	Deed (Reg)
Seller	Owner Record		

Buyer Name	Spafford Gordon L & Amy W
Seller Name	Owner Record

Property Details Courtesy of Phil Torjussen, MLS United, LLC.

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

Generated on: 08/17/23

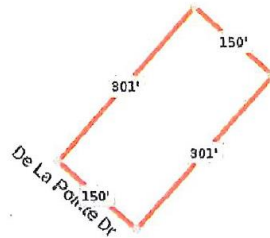
Page 1/2

Document Number
Document Type

1054-673
Deed (Reg)

PROPERTY MAP

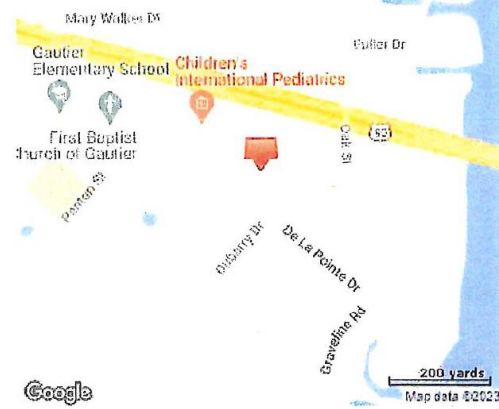
Children's
International Pediatrics



Google
*Lot Dimensions are Estimated

55 yards
Map data ©2023

Google



87010076.000 SPAFFORD GORDON L & AMY W

PIDN: 87010076.000

GISP: 863.05-01-0025.00

Owner Information

Percent of Ownership: 100

Name: SPAFFORD GORDON L & AMY W

Name 2:

Mailing Address: 321 HWY 90
GAUTIER MS
39553

Site Address: 304 DE LA POINTE DR GAUTIER

Land Information

Section: 5 Acreage: 1.03

Township: 8

Range: 6

Street Name DE LA POINTE
DR

Value and Tax Information

Total Assessed Value: 10027

Total Appraised Value: 66846

Improvement Value: 57706

Land Value: 9140

Tax Amount: 1441

SQ. FT: 1196

Year Built: 1940

Legal Description

Description: LOT 7 BLK H RIVER OAKS S/D DB 10
54-673 (25 Map863.05-01)

Deed Book / Page: 1054 / 673

87010076.000 SPAFFORD GORDON L & AMY W

90

87010074.000

210

87010075.000

87010069.000

87010072.000

87010070.000

87010071.000

87010076.000

87010077.000

87010078.000

87010079.000

87010084.000

87010082.000

87010081.000

87010080.000

DE LA POINTE DR

DUBARRY DR

0 25 50 100 Feet

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

Jackson County GIS

4/11/2024

Exhibit A Location Map

Prepared by:
City of Gautier
Planning Department

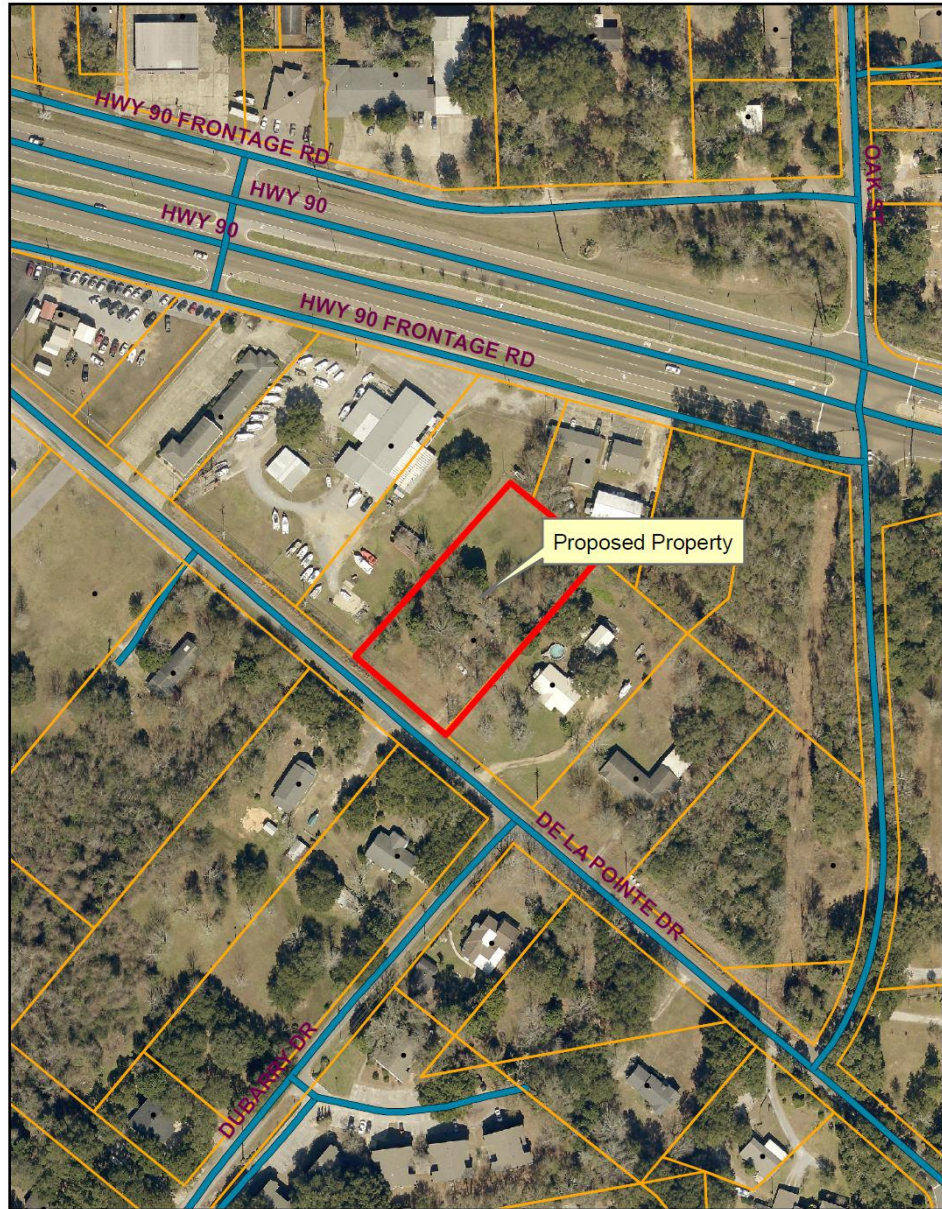


Exhibit B Existing Zoning

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

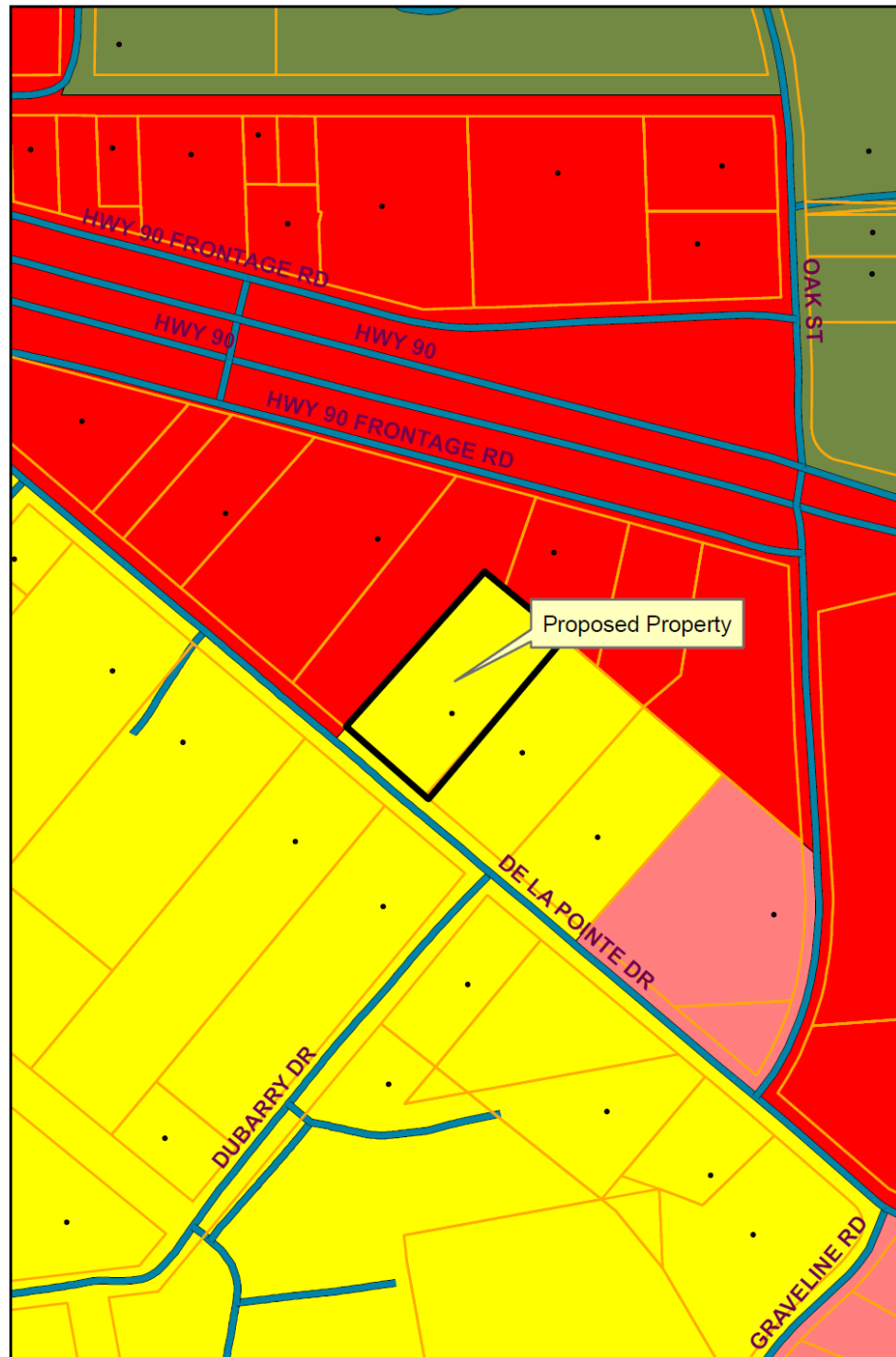


Exhibit C

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

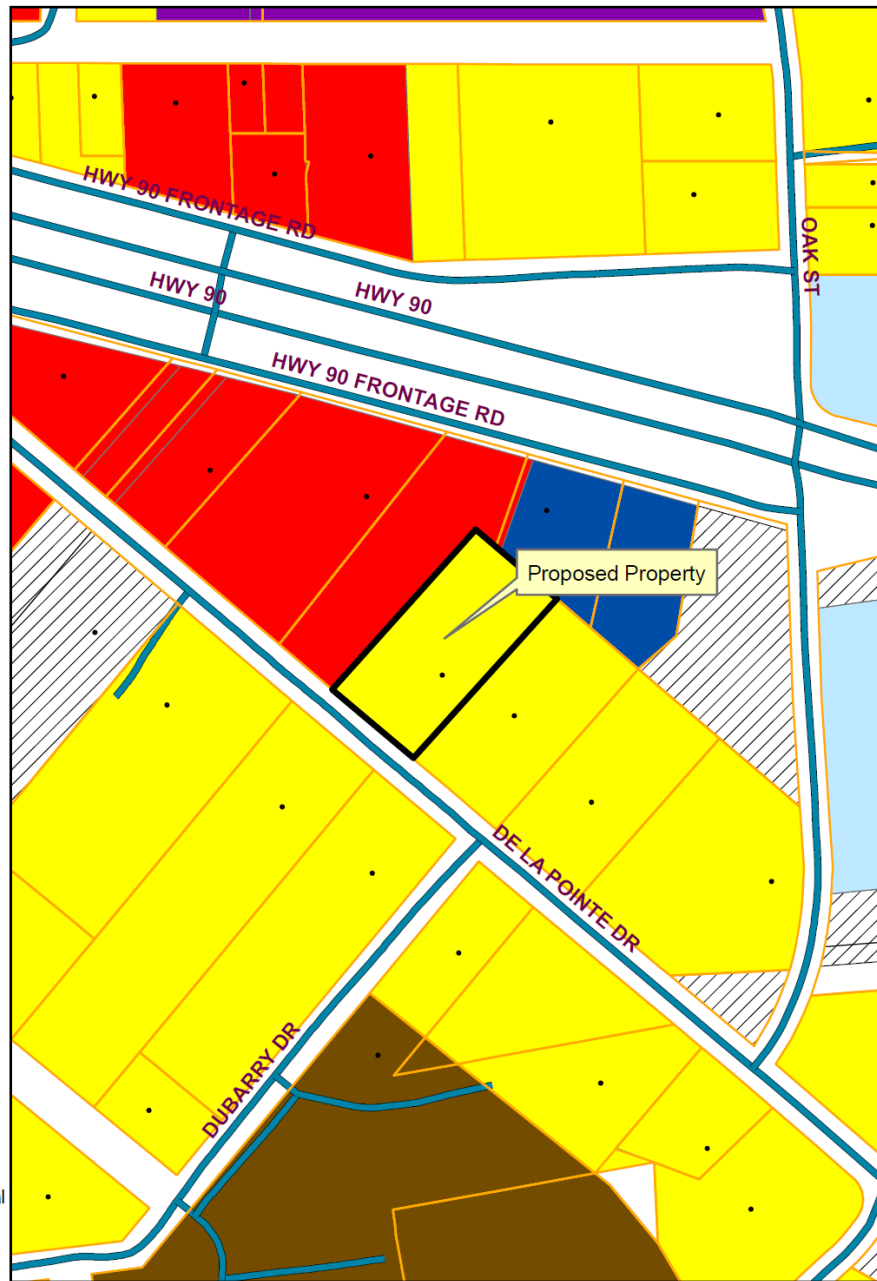


Exhibit D

Future Land-Use

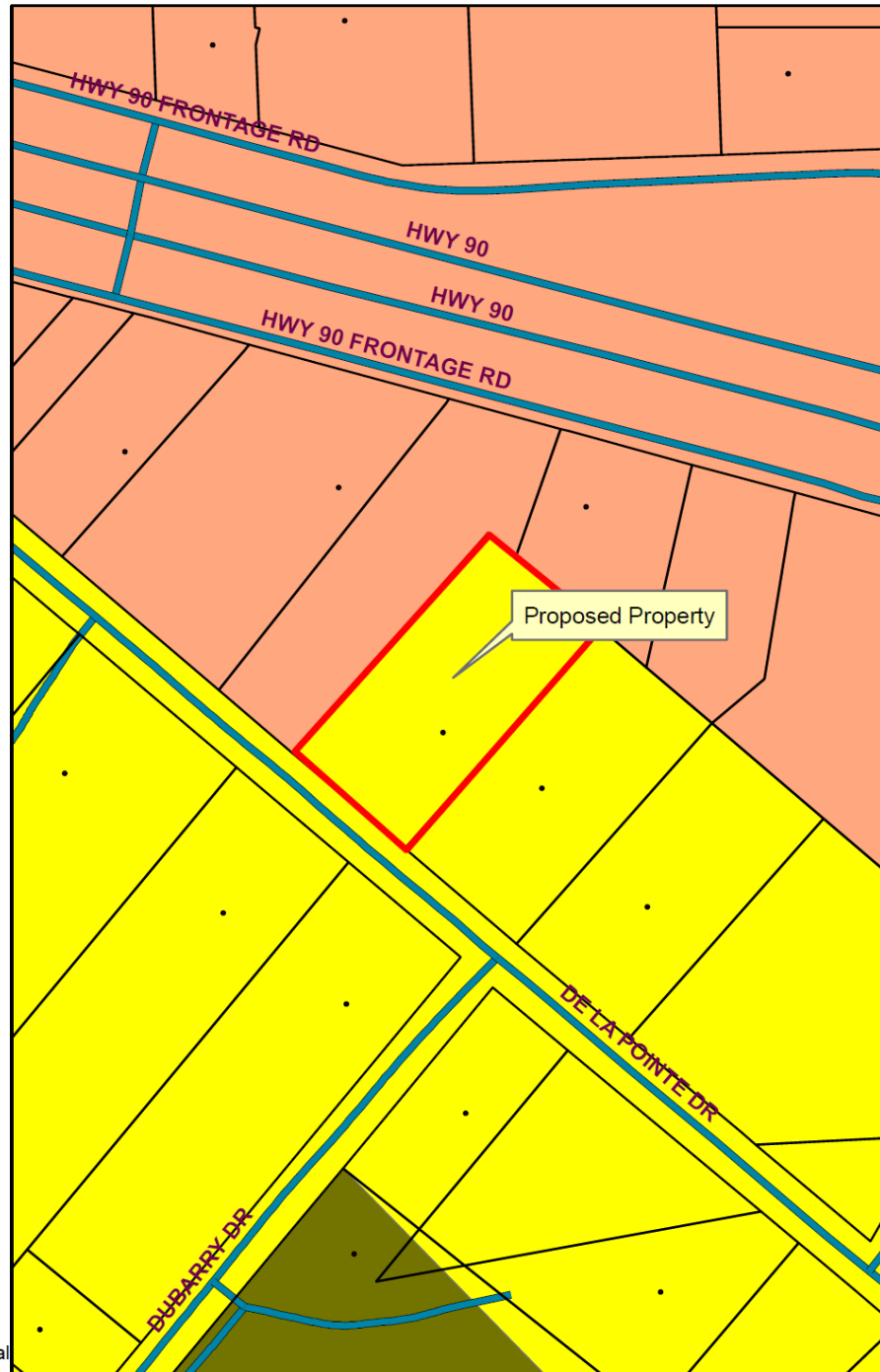
Prepared By:
City of Gautier
Planning Department

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

June 6, 2024

GPC #24-17-VAR

5900 Brown Road

VII. NEW BUSINESS

5. Consider a request for a four hundred seventy-seven (477) square foot variance for a dwelling in an AG Agricultural Zoning District. 5900 Brown Road, (GPC #24-17-VAR)

**CITY OF GAUTIER
STAFF REPORT**

To: Chairman and Members, Planning Commission

From: Scott Ankerson, Planning Director

Date: May 28, 2024

Subject: Consider a request for a four hundred seventy-seven (477) square foot variance for a dwelling in an AG Agricultural Zoning District. 5900 Brown Road, (GPC #24-17-VAR)

REQUEST:

The Planning Department has received a request from Crystal Viera and Steven Brown for a four hundred seventy-seven (477) square foot variance for a dwelling in an AG Agricultural Zoning District at 5900 Brown Road, PID #82429350.000 (GPC #24-17-VAR). The application fee of \$175 was paid on April 15, 2024. All public notice requirements have been met.

BACKGROUND:

There currently is a house and a separate garage apartment on the property. The house was heavily damaged during Hurricane Katrina and is in the process of being demolished. The garage apartment was not damaged. The applicants would like to live in the garage apartment until they can build a new home. The apartment is 848 square feet. The garage area is 875 square feet and can also be converted into living space. In order to occupy the existing apartment, the applicants will need a 477 square foot variance. The Unified Development Ordinance (UDO) requires a minimum of 1325 square feet of living area in an AG Agricultural District.

DISCUSSION:

The applicants are asking for a 477 square foot variance to the minimum square footage for a dwelling in an AG Agricultural District. Although the house on the property was heavily damaged in Hurricane Katrina and is in the process of being demolished, the garage apartment on the property was not damaged. The applicants would like to live in the garage apartment until they can build a new home. The garage apartment has 848 square feet of living area. The Unified Development Ordinance (UDO) requires a minimum of 1325 square feet of living area in an AG Agricultural District. The applicants are requesting a 477 square foot variance.

DETERMINATION OF APPLICABLE LAW:

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

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

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

The UDO defines **Hardship** as:

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

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

UDO SECTION 4.18: Variance

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

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

4.18.1 Who May Initiate

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

4.18.2 Application for Variance

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

4.18.3 Administrative Variances

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

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

4.18.4 Criteria for Approval

The Variance application shall demonstrate the following:

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

RECOMMENDATION & CONCLUSION:

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

The Planning Commission may:

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

ATTACHMENTS:

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

GAUTIER, MISSISSIPPI

PLANNING DEPARTMENT
PUBLIC HEARING APPLICATION

Public Hearing Number

24-17-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:

Crystal Viera - Steven Brown

Name of Business:

Phone:

803-904-9890

Property Address:

5900 BROWN Rd

Mailing Address (if Different):

11310 HAZEL bounded rd
Vandenberg MS 39565

E-Mail Address:

CrystalViera36@gmail.com

Reason for request, location and intended use of Property:

Home Variance 477 sq ft

in AG

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

Crystal Viera / Steven Brown

Date of Application:

05-16-24

FOR OFFICE USE ONLY

Date Received

4/15/24

Verify as Complete

Babs

Fee Amount Received

176.00

Initials of Employee Receiving Application

Babs

Pol. #251.00 for SE
Refund \$15

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?

House destroyed during Hurricane
Apartment garage still existing

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

No

3. How will the literal interpretation of the provisions of this Ordinance deprive you of rights commonly enjoyed by other properties in the same district under the provisions of this Ordinance? Explain.

garage apartment still existing
and undamaged

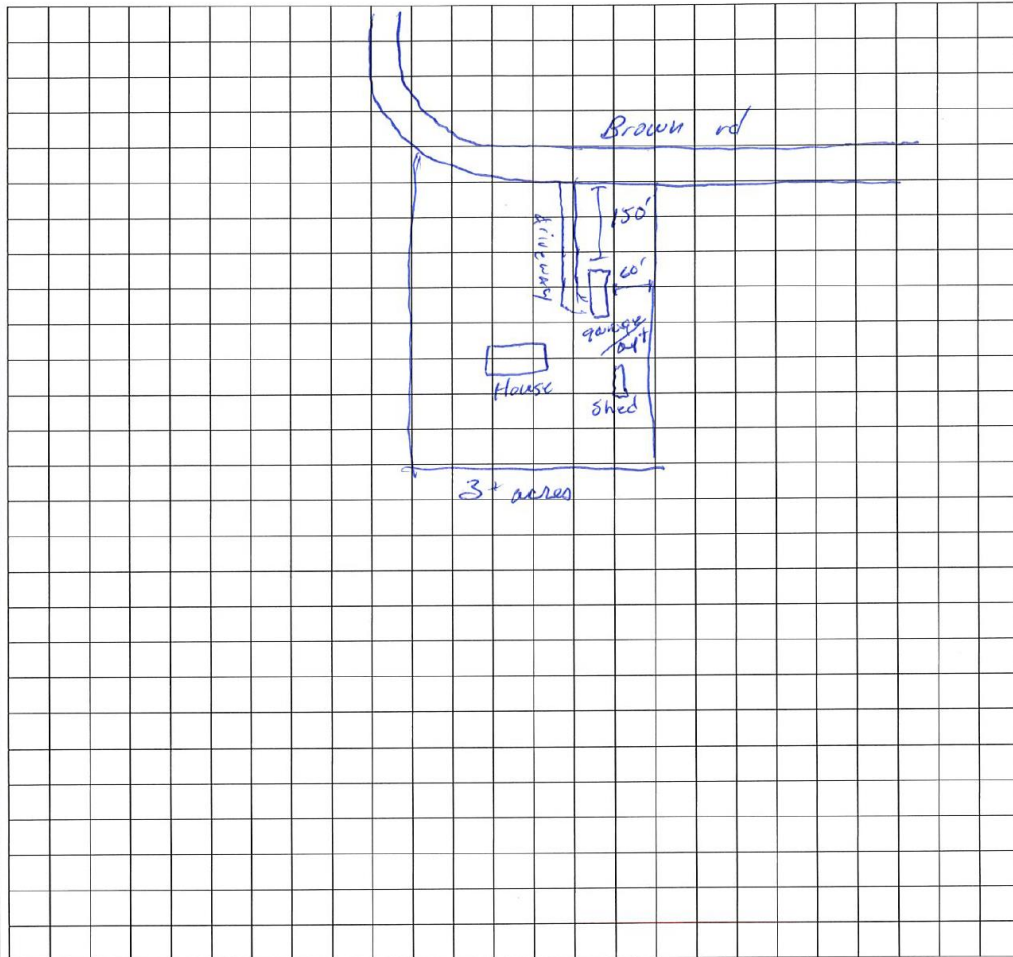
4. Will the granting of the Variance requested confer upon you any special privilege that is denied by this Ordinance to other similar sites (lots or parcels), structures or buildings in the same district? Explain.

No

NARRATIVE

Property is 3+ acres with house and 3 car garage apartment above garage. Property is fenced in. House is in the process of being demolished due to damage by Katrina, garage is intact and was not affected. We would like to get temporary power for apartment and what necessary needs to clear & cleanup until we rebuild our future home, also the garage can be converted into temporary living space. Apartment is 845 sq. ft. garage is 875 sq. ft. We are hoping to accomplish this project within 2 months, approximately 8-31-24

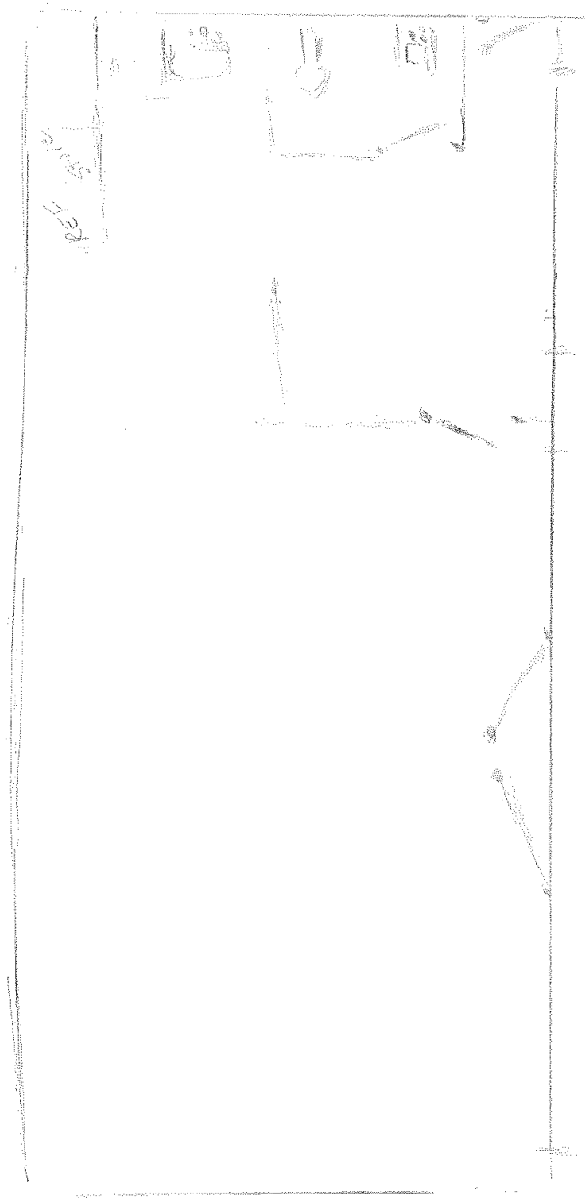
DIAGRAM





848 sq Ft.
existing apt.

875 sq Ft.





INDEXING INSTRUCTIONS: Section 29, T7S, R7W (3 acres +/-)

Prepared By:
Andy J. Alfonso, III
Attorney at Law
2112 Bienville Blvd., Suite H1
Ocean Springs, MS 39564
(228) 818-5552

Return to:
Andy J. Alfonso, III
Attorney at Law
2112 Bienville Blvd., Suite H1
Ocean Springs, MS 39564
(228) 818-5552

STATE OF MISSISSIPPI
COUNTY OF JACKSON

WARRANTY DEED

FOR AND CONSIDERATION of the sum of TEN AND NO/100 DOLLARS (\$10.00), cash in hand paid and other good, legal and valuable considerations, the receipt of all of which is hereby acknowledged, the undersigned

Janet L. Shaw
174 Deakins Rd., Jonesobough, TN 37659
c/o (228) 818-5552

does hereby sell, convey and warrant unto

Steven L. Brown and Crystal Viera
11310 Hazel Bounds Rd., Vancleave, MS 39553
c/o (228) 818-5552

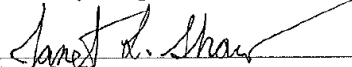
as joint tenants with full right of survivorship and not as tenants in common the land and property situated in the County of Jackson, State of Mississippi, described as follows, to-wit:

SEE EXHIBIT "A"

THIS CONVEYANCE is made subject to all applicable building restrictions, restrictive covenants, easements and mineral reservations of record.

IT IS AGREED and understood that the taxes for the current year have been prorated as of this date on an estimated basis. When said taxes are actually determined, if the proration as of this date is incorrect, the Grantor agrees to pay to the Grantee or his/her assigns any amount which is a deficit on an actual proration and likewise, the Grantee agrees to pay to the Grantor any amount overpaid by the Grantor.

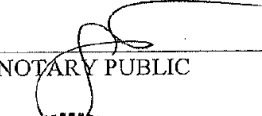
WITNESS THE SIGNATURE of the Grantor, this the 5th day of April, 2024.


Janet L. Shaw

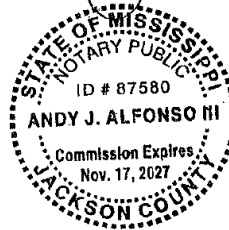
STATE OF MISSISSIPPI
COUNTY OF JACKSON

PERSONALLY appeared before me, the undersigned authority in and for the said county and state on this 5th day of April, 2024, within my jurisdiction, the within named Janet L. Shaw, who acknowledged that she executed the above and foregoing instrument.

GIVEN under my hand and the official seal of my office.


NOTARY PUBLIC

File #240175



DECLARATION OF ACCEPTANCE

PROPERTY ADDRESS: 5900 Brown Road
Gautier, MS, 39553

All warranties and statements, expressed or implied, as to property condition, financing terms, and all representations of all parties, including seller, buyer, and cooperating brokers, contained in the Contract for Sale and Purchase of Real Estate have been complied with to our satisfaction. The structure(s) on this property are not habitable, and they are dangerous. Purchasers and sellers absolve all parties to this transaction including but not limited to each other, the agent and broker, closing attorney and staff from any injuries or damages incurred by themselves, their property or guests related to any and all structures on this property above or below ground level.

We, the undersigned, do hereby declare that without any reservations we hereby accept the property as to the condition of the house, other improvements, fixtures and equipment, decoration, suitability and readiness for use as our home, as well as financing terms, and all other representations of buyers and sellers and cooperating brokers, and any other statements or representations contained in the contract or any addendum attached hereto. We do further declare that the consideration paid is acceptable to us, and that we understand that market conditions change, and that property values therefore change, and that we release Sellers, Sellers' Agents, and any Broker in this transaction from any responsibility resulting from changes in market conditions.

We understand that with the acceptance of the Deed, the Sellers will have no further responsibility or liability for any repairs to the property. Buyers and Sellers hold harmless the cooperating brokers for any representations, both expressed and implied, in the aforementioned contract or in any other form, not thus merged in the Deed.

Steven Brown 4/5/24
BUYER DATE

Janet Shaw 04/05/24
SELLER DATE

Crystal Viera 04-05-24
BUYER DATE

SELLER DATE

LIMITED POWER OF ATTORNEY

For and in consideration of the closing of the real estate transaction for property located at 5900 Brown Road, Gautier, MS 39553, the undersigned, hereby grants, Andy J. Alfonso, III, Attorney at Law, as settlement agent, limited power of attorney to correct and/or execute or initial all of the closing documentation required to be executed by the undersigned at settlement including, but not limited to, the correction and/or execution and/or initialing of closing statements, notes, deeds of trusts, deeds, affidavits, legal descriptions and any and all other closing documents required by the lender or for the closing of this real estate transaction. The Borrower also specifically grants the settlement agent the authority to execute corrections including, but not limited to, the Deed of Trust in connection with the loan closing and/or any confirmatory Deed of Trust necessary in connection with this closing. The Seller also specifically grants the settlement agent the authority to execute corrective instruments including but not limited to any deed of conveyance associated with the transaction herein described, or future instruments as relate to the condition of the property.

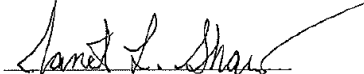
THIS LIMITED POWER OF ATTORNEY MAY NOT BE USED TO INCREASE THE INTEREST RATE THE UNDERSIGNED IS PAYING, INCREASE THE TERM OF THE UNDERSIGNED'S LOAN, INCREASE THE UNDERSIGNED'S OUTSTANDING PRINCIPAL BALANCE OR INCREASE THE UNDERSIGNED'S MONTHLY PRINCIPAL AND INTEREST PAYMENTS. Any of these specified changes must be executed directly by the undersigned.

This Limited Power of Attorney may not be revoked and shall not be affected by the subsequent disability or incompetence of the Principal.

IN WITNESS WHEREOF, the undersigned have executed this Limited Power of Attorney on this the 5th day of April, 2024.


Steven L. Brown


Crystal Viera


Janet L. Shaw

STATE OF MISSISSIPPI
COUNTY OF JACKSON

Personally appeared before me, the undersigned authority in and for the said county and state, on this 5th day of April, 2024, within my jurisdiction, the within named Steven L. Brown, Crystal Viera, and Janet L. Shaw who acknowledged that they executed and delivered the above and foregoing instrument.

WITNESS OUR SIGNATURES AND OFFICIAL SEAL OF OFFICE, this 5th day of April, 2024.

NOTARY PUBLIC



OMB Approval No. 2502-0265

A. Settlement Statement (HUD-1)

B. Type of Loan					
1. ☐ FHA	2. ☐ RHS	3. ☐ Conv. Unins.	6. File Number 240175	7. Loan Number	8. Mortgage Insurance Case Number
4. ☐ VA	5. ☐ Conv. Ins.				
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 "(p.o.c.)" were paid outside the closing; they are shown here for information purposes and are not included in the totals.					
D. Name and Address of Borrower Steven L. Brown Crystal Viera 11310 Hazel Bounds Rd. Vandeeve, MS 39553		E. Name and Address of Seller Janet L. Shaw 174 Deakins Rd. Jonesbough, TN 37659		F. Name and Address of Lender	
G. Property Location 5900 Brown Road Gaulier, MS 39553			H. Settlement Agent ((228) 818-5552) Andy J. Alfonso, III, Attorney at Law 2112 Blenville Blvd, H1, Ocean Springs, MS 39564		
			I. Settlement Date 04/05/2024		
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 70,000.00			401. Contract sales price 70,000.00		
102. Personal property			402. Personal property		
103. Settlement charges to borrower (line 1400) 979.00			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 to			406. City/town taxes to		
107. County taxes to			407. County taxes to		
108. Assessments to			408. Assessments to		
109.			409.		
110.			410.		
111.			411.		
112.			412.		
120. GROSS AMOUNT DUE FROM BORROWER 70,979.00			420. GROSS AMOUNT DUE TO SELLER 70,000.00		
200. AMOUNTS PAID BY OR IN BEHALF OF BORROWER			500. REDUCTIONS IN AMOUNT TO SELLER		
201. Deposit or earnest money 1,000.00			501. Excess Deposit (see instructions)		
202. Principal amount of new loan(s)			502. Settlement charges to seller (line 1400) 4,900.00		
203. Existing loan(s) taken subject to			503. Existing loans taken subject to		
204.			504. Payoff of first mortgage loan		
205.			505. Payoff of second mortgage loan		
206.			506.		
207.			507. Deposit being disbursed as proceeds (1,000.00)		
208.			508.		
209.			509.		
Adjustments for items unpaid by seller			Adjustments for items unpaid by seller		
210. City/town taxes to			510. City/town taxes to		
211. County taxes 01/01/2024 to 04/05/2024 366.84			511. County taxes 01/01/2024 to 04/05/2024 366.84		
212. Assessments to			512. Assessments to		
213.			513.		
214.			514.		
215.			515.		
216.			516.		
217.			517.		
218.			518.		
219.			519.		
220. TOTAL PAID BY / FOR BORROWER 1,366.84			520. TOTAL REDUCTION AMOUNT DUE SELLER 5,259.84		
300. CASH AT SETTLEMENT FROM OR TO BORROWER			600. CASH AT SETTLEMENT TO OR FROM SELLER		
301. Gross amount due from borrower (line 120) 70,979.00			601. Gross amount due to seller (line 420) 70,000.00		
302. Less amounts paid by/for borrower (line 220) 1,366.84			602. Less reduction amount due to seller (line 520) 5,259.84		
303. CASH FROM BORROWER 69,612.16			603. CASH TO SELLER 64,740.16		

SUBSTITUTE FORM 1099 SELLER STATEMENT: The information contained herein is important tax information and is being furnished to the Internal Revenue Service. If you are required to file a return, a negligence penalty or other sanction will be imposed on you if this item is required to be reported and the IRS determines that it has not been reported. The Contract Sales Price described on Line 401 above constitutes the Gross Proceeds of this transaction.

SELLER INSTRUCTIONS: To determine if you have to report the sale or exchange of your primary residence on your tax return, see the Schedule D (Form 1040) instructions. If the real estate was not your primary residence, complete the applicable parts of Form 4797, Form 6252, and for Schedule D (Form 1040).

TIN#

Janet L. Shaw
Janet L. Shaw

L. SETTLEMENT CHARGES:		File Number: 240175		
700. Total Real Estate Broker Fees	4,900.00			
Division of commission (line 700) as follows:				
701. \$	4,900.00	to Coldwell Banker Alfonso Realty		
702. \$		to		
703. Commission paid at Settlement				4,900.00
704.				
705.				
800. Items Payable in Connection with Loan		P.O.C.		
801. Our origination charge	\$	(from GFE#1)		
802. Your credit or charge (points) for the specific interest rate chosen	\$	(from GFE#2)		
803. Your adjusted origination charges		(from GFE A)		
804. Appraisal fee		(from GFE#3)		
805. Credit report		(from GFE#3)		
806. Tax service		(from GFE#3)		
807. Flood certification		(from GFE#3)		
808.				
809.				
810.				
811.				
812.				
813.				
814.				
900. Items Required by Lender to Be Paid in Advance				
901. Daily interest charges	from	to	@ \$	iday (from GFE#10)
902. Mortgage insurance premium	for	to		(from GFE#3)
903. Homeowner's insurance	for	to		(from GFE#11)
904. Flood Insurance Premium				
905. Windstorm Insurance Premium				
1000. Reserves Deposited with Lender				
1001. Initial deposit for your escrow account				(from GFE#9)
1002. Homeowner's insurance	mo. @ \$		per mo. \$	
1003. Mortgage insurance	mo. @ \$		per mo. \$	
1004. City property taxes	mo. @ \$		per mo. \$	
1005. County property taxes	mo. @ \$		per mo. \$	
1006. Annual Assessments	mo. @ \$		per mo. \$	
1007.	mo. @ \$		per mo. \$	
1008.	mo. @ \$		per mo. \$	
1009. Aggregate Adjustment			\$	
1100. Title Charges	SECURITY TITLE EXP OWN/STD LOAN 2010-03-01			
1101. Title services and lender's title insurance				(from GFE#4)
1102. Settlement or closing fee	Andy J. Alfonso, III, Attorney at Law	\$	350.00	(from GFE#4)
1103. Owner's title insurance	Andy J. Alfonso, III, Attorney at Law/Se			(from GFE#5)
1104. Lender's title insurance				
1105. Lender's title policy limit				
1106. Owner's title policy limit	70,000.00 -- 308.00			
1107. Agent's portion of the total title insurance premium	Andy J. Alfonso, III, Attorney at Law	\$	248.40	
1108. Underwriter's portion of the total title insurance premium	Security Title Guarantee Corp. of Baltimore(S	\$	61.60	
1109. Title Search/Abstract	Andy J. Alfonso, III, Attorney at Law			(from GFE#4)
1110. Overnight/Writing	Andy J. Alfonso, III, Attorney at Law			(from GFE#4)
1111. IDPL Fee	Security Title Guarantee of Baltimore			(from GFE#4)
1112.				
1113.				
1200. Government Recording and Transfer Charges				
1201. Government recording charges				(from GFE#7)
1202. Deed \$	31.00	Mortgage \$		Releases \$
1203. Transfer taxes				(from GFE#8)
1204. City/county tax/stamps	Deed \$		Mortgage \$	
1205. State tax/stamps	Deed \$		Mortgage \$	
1206.				
1207.				
1208.				
1300. Additional Settlement Charges				
1301. Required services that you can shop for				(from GFE#6)
1302. Pest Inspection				
1303.				
1304.				
1305.				
1306.				
1307.				
1308.				
1400. Total Settlement Charges (enter on lines 103, Section J and 502, Section K)			979.00	4,900.00

I have carefully reviewed the HUD-1 Settlement Statement and to the best of my knowledge and belief, it is a true and accurate statement of all receipts and disbursements made on my account or by me in the transaction. I further certify that I have received a copy of the HUD-1 Settlement Statement.

Steven Brown
 Steven L. Brown
 Crystal Vires

Janet L. Shaw
 Janet L. Shaw

The HUD-1 Settlement Statement which I have prepared is a true and accurate account of this transaction. I have caused or will cause the funds to be disbursed in accordance with this statement.

Andy J. Alfonso, III
 Andy J. Alfonso, III, Attorney at Law

DATE

4/5/24

82429350.000 SHAW JANET L

PIDN: 82429350.000
GISP: 779.29-00-0044.00

Owner Information

Percent of Ownership: 100
Name: SHAW JANET L
Name 2:
Mailing Address: 16912 EMILY CAULEY RD
MOSS POINT MS
39562

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: 1322	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: 936 / 109

82429350.000 SHAW JANET L



Exhibit A Location Map

Prepared by:
City of Gautier
Planning Department

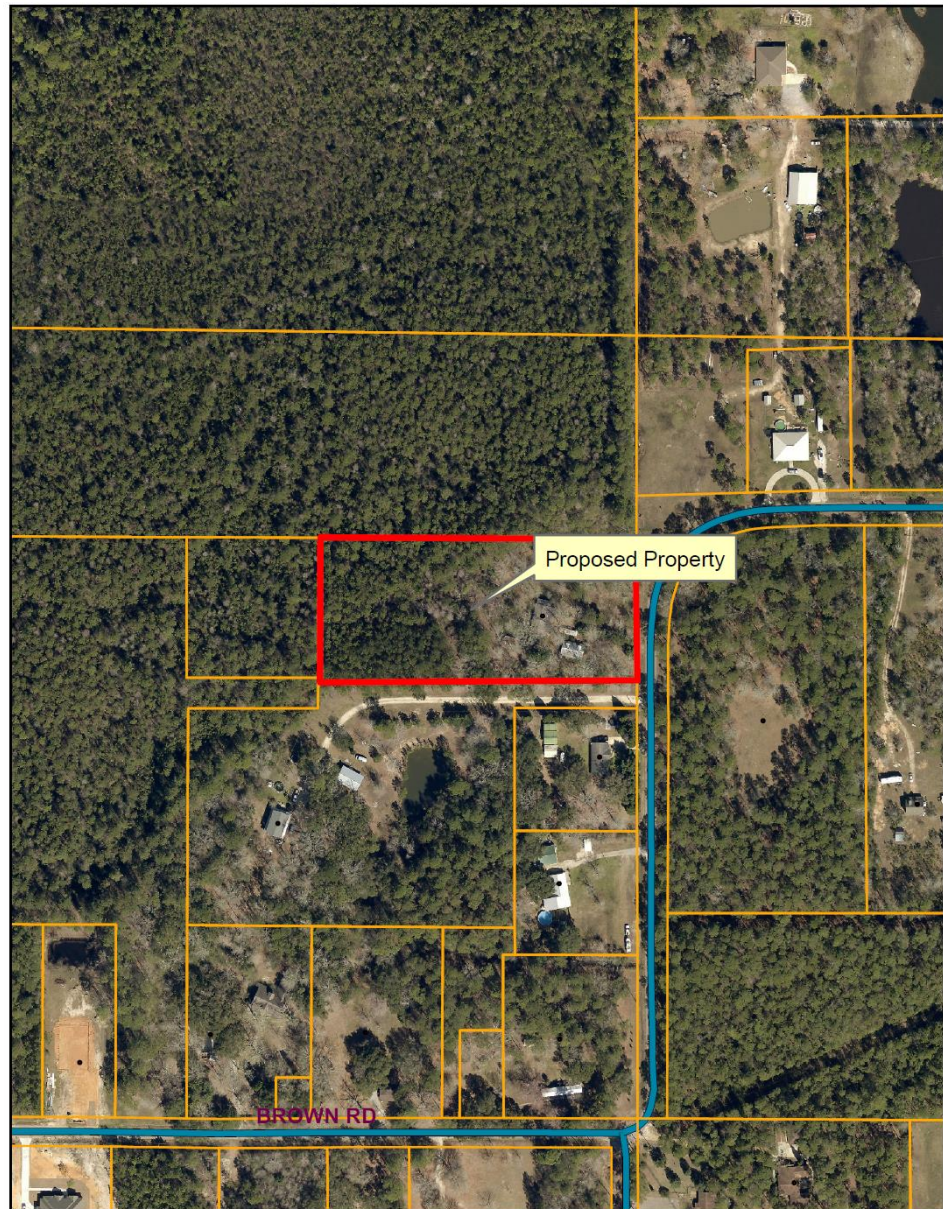


Exhibit B

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

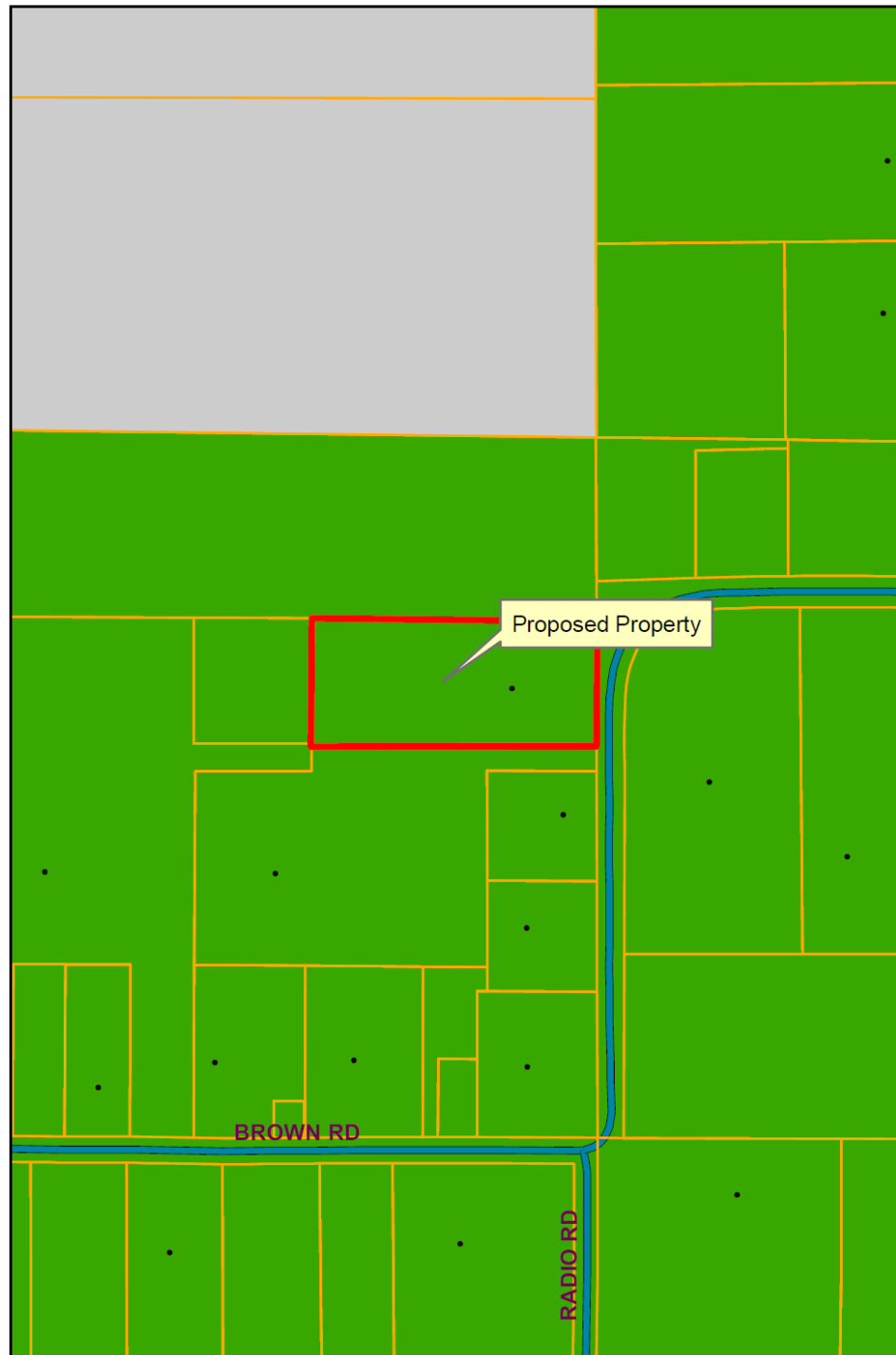


Exhibit C

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

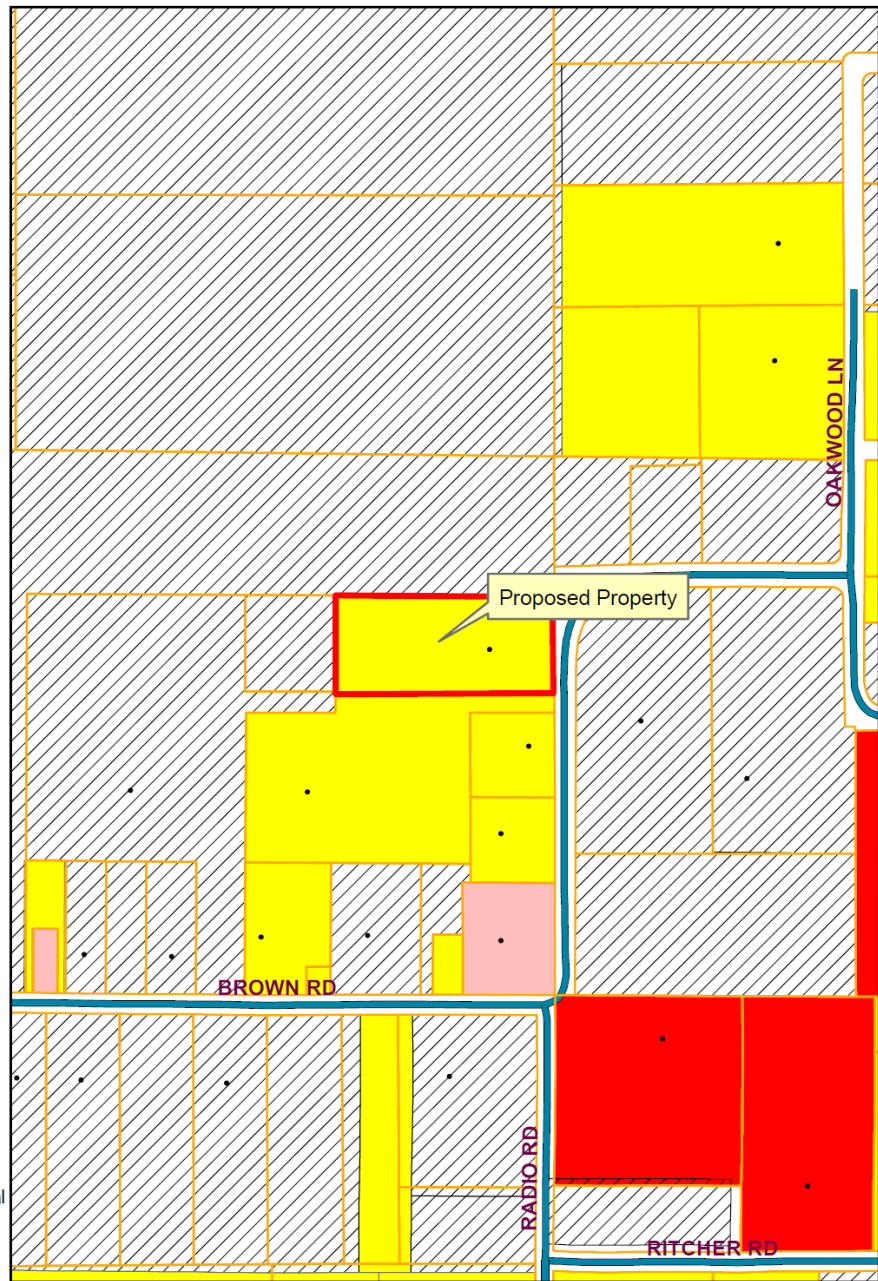


Exhibit D

Future Land-Use

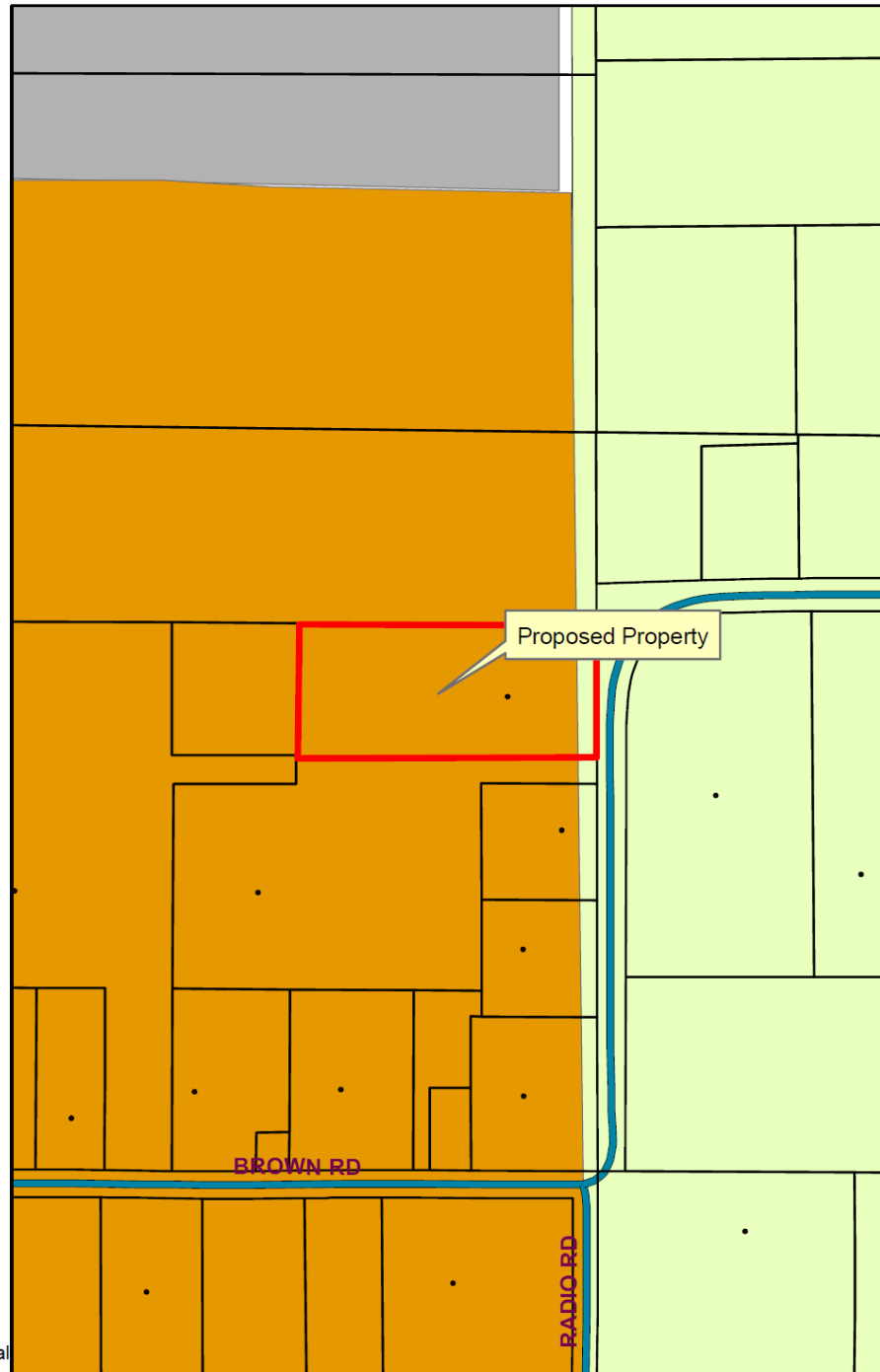
Prepared By:
City of Gautier
Planning Department

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

July 11, 2024

GPC #24-17-VAR

5900 Brown Road

VII. NEW BUSINESS

1. Consider a request for a four hundred seventy-seven (477) square foot variance for a dwelling in an AG Agricultural Zoning District. 5900 Brown Road, (GPC #24-17-VAR)

**NOTE: This case was tabled at the June 6, 2024, meeting.*

GAUTIER PUBLIC HEARING PROCESS (PLANNING COMMISSION)

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

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

**CITY OF GAUTIER
STAFF REPORT**

To: Chairman and Members, Planning Commission

From: Scott Ankerson, Planning Director

Date: May 28, 2024

Subject: Consider a request for a four hundred seventy-seven (477) square foot variance for a dwelling in an AG Agricultural Zoning District. 5900 Brown Road, (GPC #24-17-VAR)

REQUEST:

The Planning Department has received a request from Crystal Viera and Steven Brown for a four hundred seventy-seven (477) square foot variance for a dwelling in an AG Agricultural Zoning District at 5900 Brown Road, PID #82429350.000 (GPC #24-17-VAR). The application fee of \$175 was paid on April 15, 2024. All public notice requirements have been met.

BACKGROUND:

There currently is a house and a separate garage apartment on the property. The house was heavily damaged during Hurricane Katrina and is in the process of being demolished. The garage apartment was not damaged. The applicants would like to live in the garage apartment until they can build a new home. The apartment is 848 square feet. The garage area is 875 square feet and can also be converted into living space. In order to occupy the existing apartment, the applicants will need a 477 square foot variance. The Unified Development Ordinance (UDO) requires a minimum of 1325 square feet of living area in an AG Agricultural District.

DISCUSSION:

The applicants are asking for a 477 square foot variance to the minimum square footage for a dwelling in an AG Agricultural District. Although the house on the property was heavily damaged in Hurricane Katrina and is in the process of being demolished, the garage apartment on the property was not damaged. The applicants would like to live in the garage apartment until they can build a new home. The garage apartment has 848 square feet of living area. The Unified Development Ordinance (UDO) requires a minimum of 1325 square feet of living area in an AG Agricultural District. The applicants are requesting a 477 square foot variance.

DETERMINATION OF APPLICABLE LAW:

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

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

The UDO defines **Hardship** as:

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

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

UDO SECTION 4.18: Variance

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

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

4.18.1 Who May Initiate

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

4.18.2 Application for Variance

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

4.18.3 Administrative Variances

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

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

4.18.4 Criteria for Approval

The Variance application shall demonstrate the following:

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

RECOMMENDATION & CONCLUSION:

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

The Planning Commission may:

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

ATTACHMENTS:

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

PLANNING DEPARTMENT
PUBLIC HEARING APPLICATION

Public Hearing Number

24-17-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:

Crystal Viera - Steven Brown

Name of Business: _____

Phone: 803-904-9840

Property Address:

5900 BROWN Rd

Mailing Address (if Different):

11310 HAZEL bounded rd
Vandenberg, MS 39565

E-Mail Address:

CrystalViera36@gmail.com

Reason for request, location and intended use of Property:

Home Variance 477 sq ftin AG

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.
- ☒ 3. Copy of protective covenants or deed restrictions, if any.
- ☐ 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:

Crystal Viera / Steven Brown

Date of Application:

05-16-24

FOR OFFICE USE ONLY

Date Received

4/15/24

Verify as Complete

Bals

Fee Amount Received

176.00

Initials of Employee Receiving Application

Bals

Pol. #251.00 for SE
Refunding 1575

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?

House destroyed during Hurricane
Apartment garage still existing

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

No

3. How will the literal interpretation of the provisions of this Ordinance deprive you of rights commonly enjoyed by other properties in the same district under the provisions of this Ordinance? Explain.

garage apartment still existing
and undamaged

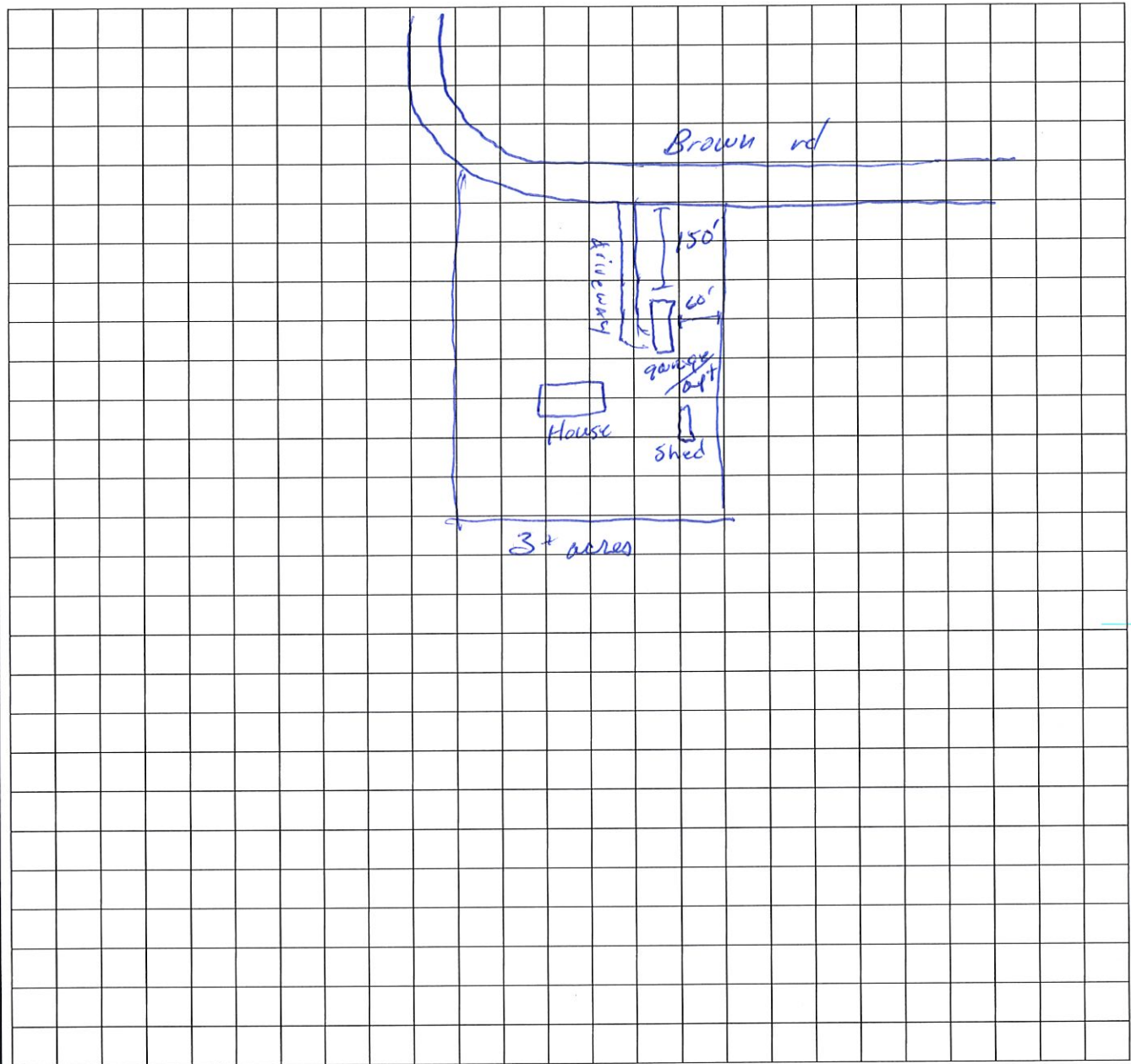
4. Will the granting of the Variance requested confer upon you any special privilege that is denied by this Ordinance to other similar sites (lots or parcels), structures or buildings in the same district? Explain.

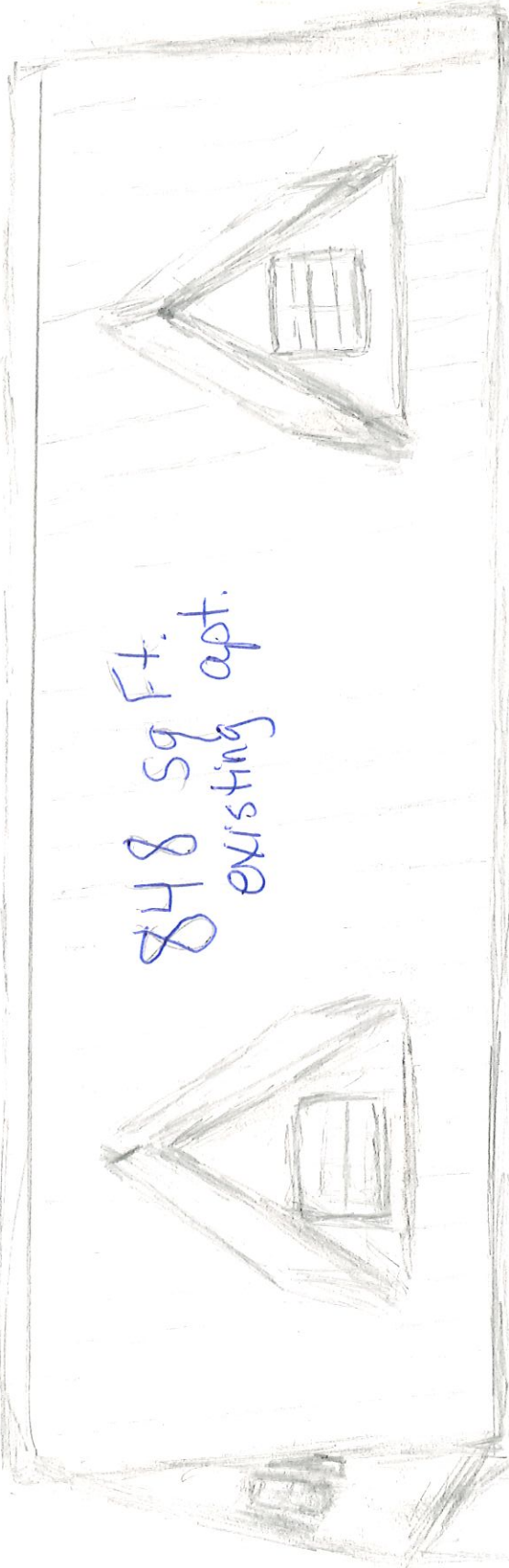
No

NARRATIVE

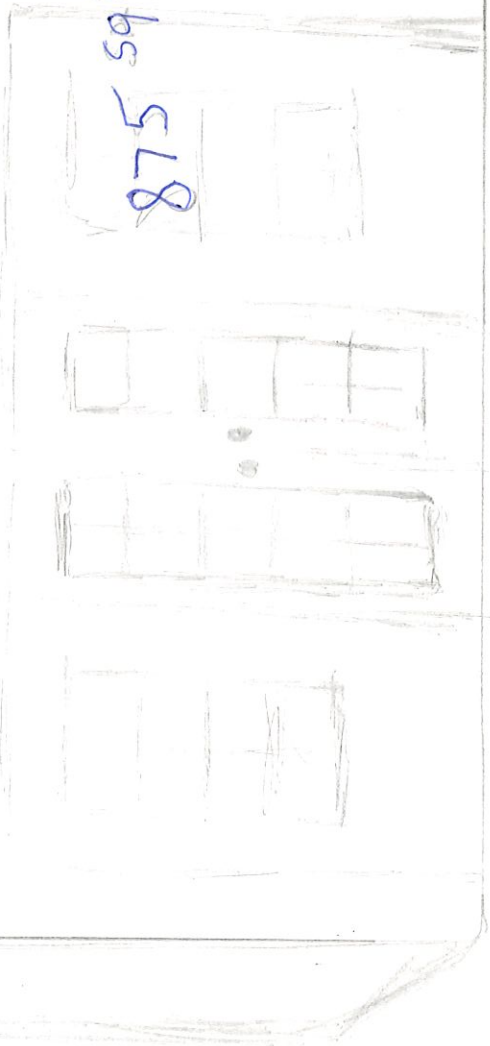
Property is 3+ acres with house and 3 car garage apartment above garage. Property is fenced in. House is in the process of being demolished due to damage by Katrina, garage is intact and was not affected. We would like to get temporary power for apartment and what necessary needs to clear & cleanup. Until we rebuild our future home, also the garage can be converted into temporary living space. Apartment is 845 sq. ft. garage is 875 sq. ft. We are hoping to accomplish this project within 2 months, approximately 8-31-24.

DIAGRAM

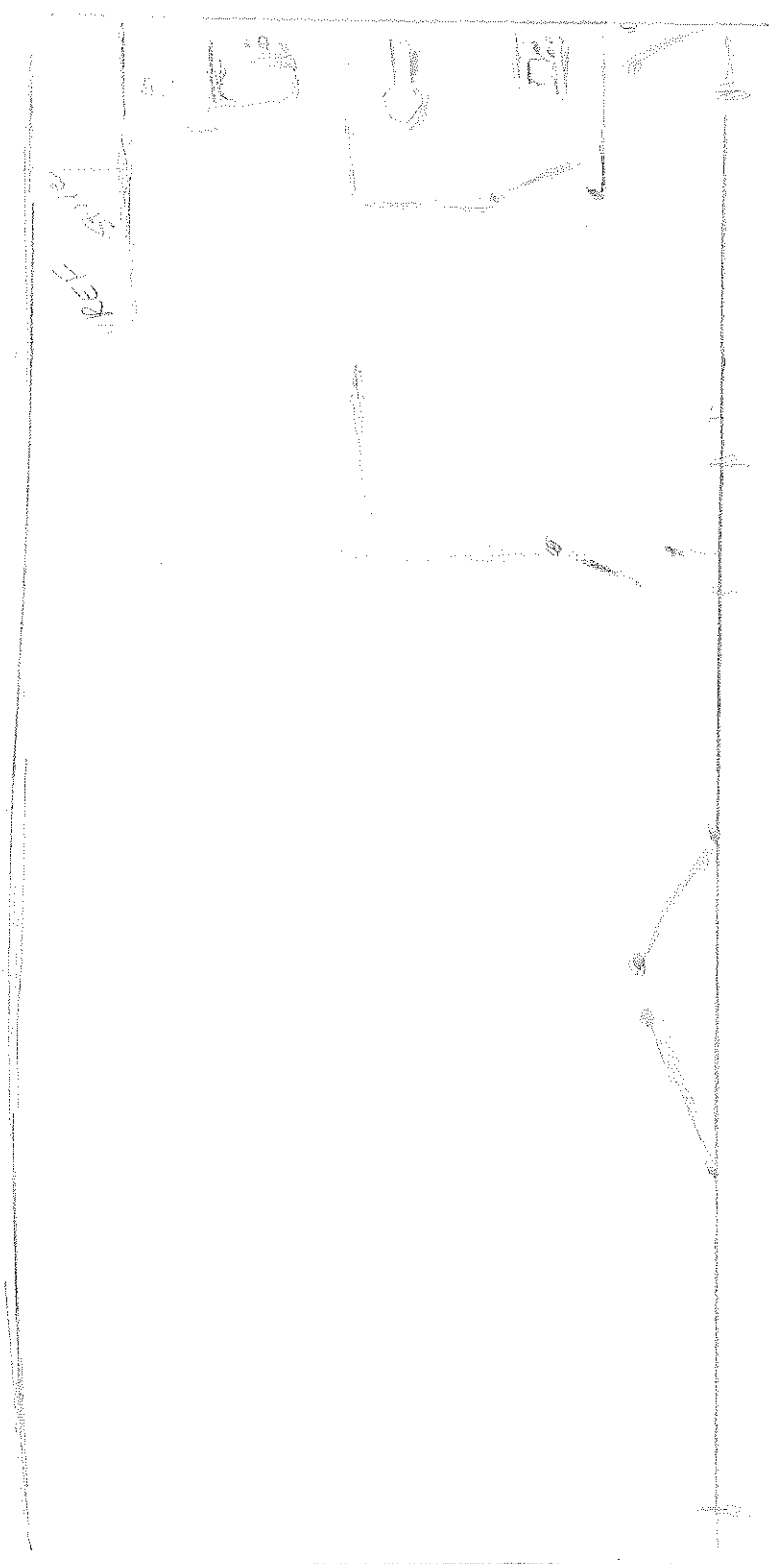




848 sq Ft.
existing apt.



875 sq Ft.





INDEXING INSTRUCTIONS: Section 29, T7S, R7W (3 acres +/-)

Prepared By:
Andy J. Alfonso, III
Attorney at Law
2112 Bienville Blvd., Suite H1
Ocean Springs, MS 39564
(228) 818-5552

Return to:
Andy J. Alfonso, III
Attorney at Law
2112 Bienville Blvd., Suite H1
Ocean Springs, MS 39564
(228) 818-5552

STATE OF MISSISSIPPI
COUNTY OF JACKSON

WARRANTY DEED

FOR AND CONSIDERATION of the sum of TEN AND NO/100 DOLLARS (\$10.00), cash in hand paid and other good, legal and valuable considerations, the receipt of all of which is hereby acknowledged, the undersigned

Janet L. Shaw
174 Deakins Rd., Jonesobough, TN 37659
c/o (228) 818-5552

does hereby sell, convey and warrant unto

Steven L. Brown and Crystal Viera
11310 Hazel Bounds Rd., Vancleave, MS 39553
c/o (228) 818-5552

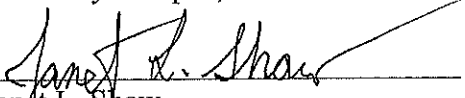
as joint tenants with full right of survivorship and not as tenants in common the land and property situated in the County of Jackson, State of Mississippi, described as follows, to-wit:

SEE EXHIBIT "A"

THIS CONVEYANCE is made subject to all applicable building restrictions, restrictive covenants, easements and mineral reservations of record.

IT IS AGREED and understood that the taxes for the current year have been prorated as of this date on an estimated basis. When said taxes are actually determined, if the proration as of this date is incorrect, the Grantor agrees to pay to the Grantee or his/her assigns any amount which is a deficit on an actual proration and likewise, the Grantee agrees to pay to the Grantor any amount overpaid by the Grantor.

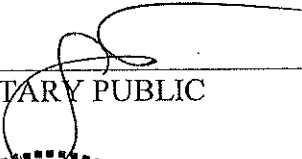
WITNESS THE SIGNATURE of the Grantor, this the 5th day of April, 2024.


Janet L. Shaw

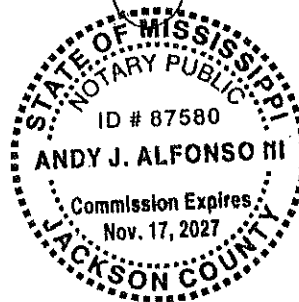
STATE OF MISSISSIPPI
COUNTY OF JACKSON

PERSONALLY appeared before me, the undersigned authority in and for the said county and state on this 5th day of April, 2024, within my jurisdiction, the within named Janet L. Shaw, who acknowledged that she executed the above and foregoing instrument.

GIVEN under my hand and the official seal of my office.


NOTARY PUBLIC

File #240175



DECLARATION OF ACCEPTANCE

PROPERTY ADDRESS: 5900 Brown Road
Gautier, MS, 39553

All warranties and statements, expressed or implied, as to property condition, financing terms, and all representations of all parties, including seller, buyer, and cooperating brokers, contained in the Contract for Sale and Purchase of Real Estate have been complied with to our satisfaction. The structure(s) on this property are not habitable, and they are dangerous. Purchasers and sellers absolve all parties to this transaction including but not limited to each other, the agent and broker, closing attorney and staff from any injuries or damages incurred by themselves, their property or guests related to any and all structures on this property above or below ground level.

We, the undersigned, do hereby declare that without any reservations we hereby accept the property as to the condition of the house, other improvements, fixtures and equipment, decoration, suitability and readiness for use as our home, as well as financing terms, and all other representations of buyers and sellers and cooperating brokers, and any other statements or representations contained in the contract or any addendum attached hereto. We do further declare that the consideration paid is acceptable to us, and that we understand that market conditions change, and that property values therefore change, and that we release Sellers, Sellers' Agents, and any Broker in this transaction from any responsibility resulting from changes in market conditions.

We understand that with the acceptance of the Deed, the Sellers will have no further responsibility or liability for any repairs to the property. Buyers and Sellers hold harmless the cooperating brokers for any representations, both expressed and implied, in the aforementioned contract or in any other form, not thus merged in the Deed.

Steven Brown 4/5/24
BUYER DATE

Janet Shaw 04/05/24
SELLER DATE

Cyotol Viera 04-05-24
BUYER DATE

SELLER DATE

LIMITED POWER OF ATTORNEY

For and in consideration of the closing of the real estate transaction for property located at 5900 Brown Road, Gautier, MS 39553, the undersigned, hereby grants, Andy J. Alfonso, III, Attorney at Law, as settlement agent, limited power of attorney to correct and/or execute or initial all of the closing documentation required to be executed by the undersigned at settlement including, but not limited to, the correction and/or execution and/or initialing of closing statements, notes, deeds of trusts, deeds, affidavits, legal descriptions and any and all other closing documents required by the lender or for the closing of this real estate transaction. The Borrower also specifically grants the settlement agent the authority to execute corrections including, but not limited to, the Deed of Trust in connection with the loan closing and/or any confirmatory Deed of Trust necessary in connection with this closing. The Seller also specifically grants the settlement agent the authority to execute corrective instruments including but not limited to any deed of conveyance associated with the transaction herein described, or future instruments as relate to the condition of the property.

THIS LIMITED POWER OF ATTORNEY MAY NOT BE USED TO INCREASE THE INTEREST RATE THE UNDERSIGNED IS PAYING, INCREASE THE TERM OF THE UNDERSIGNED'S LOAN, INCREASE THE UNDERSIGNED'S OUTSTANDING PRINCIPAL BALANCE OR INCREASE THE UNDERSIGNED'S MONTHLY PRINCIPAL AND INTEREST PAYMENTS. Any of these specified changes must be executed directly by the undersigned.

This Limited Power of Attorney may not be revoked and shall not be affected by the subsequent disability or incompetence of the Principal.

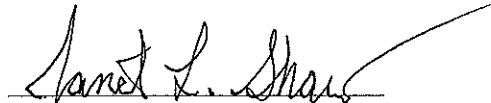
IN WITNESS WHEREOF, the undersigned have executed this Limited Power of Attorney on this the 5th day of April, 2024.



Steven L. Brown



Crystal Viera



Janet L. Shaw

STATE OF MISSISSIPPI
COUNTY OF JACKSON

Personally appeared before me, the undersigned authority in and for the said county and state, on this 5th day of April, 2024, within my jurisdiction, the within named Steven L. Brown, Crystal Viera, and Janet L. Shaw who acknowledged that they executed and delivered the above and foregoing instrument.

WITNESS OUR SIGNATURES AND OFFICIAL SEAL OF OFFICE, this 5th day of April, 2024.

NOTARY PUBLIC

**A. Settlement Statement (HUD-1)**

B. Type of Loan			
1. ☐ FHA	2. ☐ RHS	3. ☐ Conv. Unlins.	6. File Number 240175
4. ☐ VA	5. ☐ Conv. Ins.		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 "(p.o.c.)" were paid outside the closing; they are shown here for information purposes and are not included in the totals.			
D. Name and Address of Borrower Steven L. Brown Crystal Viera 11310 Hazel Bounds Rd. Vanceleave, MS 39553		E. Name and Address of Seller Janet L. Shaw 174 Deakins Rd. Jonesobough, TN 37659	
		F. Name and Address of Lender	
G. Property Location 5900 Brown Road Gautier, MS 39553		H. Settlement Agent ((228) 818-5552) Andy J. Alfonso, III, Attorney at Law 2112 Bienville Blvd, H1, Ocean Springs, MS 39564	
		Place of Settlement 2112 Bienville Blvd Suite H-1 Ocean Springs, MS 39564	I. Settlement Date 04/05/2024
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	70,000.00	401. Contract sales price	70,000.00
102. Personal property		402. Personal property	
103. Settlement charges to borrower (line 1400)	979.00	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 to		406. City/town taxes to	
107. County taxes to		407. County taxes to	
108. Assessments to		408. Assessments to	
109.		409.	
110.		410.	
111.		411.	
112.		412.	
120. GROSS AMOUNT DUE FROM BORROWER	70,979.00	420. GROSS AMOUNT DUE TO SELLER	70,000.00
200. AMOUNTS PAID BY OR IN BEHALF OF BORROWER		500. REDUCTIONS IN AMOUNT TO SELLER	
201. Deposit or earnest money	1,000.00	501. Excess Deposit (see instructions)	
202. Principal amount of new loan(s)		502. Settlement charges to seller (line 1400)	4,900.00
203. Existing loan(s) taken subject to		503. Existing loans taken subject to	
204.		504. Payoff of first mortgage loan	
205.		505. Payoff of second mortgage loan	
206.		506.	
207.		507. Deposit being disbursed as proceeds (1,000.00)	
208.		508.	
209.		509.	
Adjustments for items unpaid by seller		Adjustments for items unpaid by seller	
210. City/town taxes to		510. City/town taxes to	
211. County taxes 01/01/2024 to 04/05/2024	356.84	511. County taxes 01/01/2024 to 04/05/2024	356.84
212. Assessments to		512. Assessments to	
213.		513.	
214.		514.	
215.		515.	
216.		516.	
217.		517.	
218.		518.	
219.		519.	
220. TOTAL PAID BY / FOR BORROWER	1,356.84	520. TOTAL REDUCTION AMOUNT DUE SELLER	5,256.84
300. CASH AT SETTLEMENT FROM OR TO BORROWER		600. CASH AT SETTLEMENT TO OR FROM SELLER	
301. Gross amount due from borrower (line 120)	70,979.00	601. Gross amount due to seller (line 420)	70,000.00
302. Less amounts paid by/for borrower (line 220)	1,356.84	602. Less reduction amount due to seller (line 520)	5,256.84
303. CASH FROM BORROWER	69,622.16	603. CASH TO SELLER	64,743.16

SUBSTITUTE FORM 1099 SELLER STATEMENT: The information contained herein is important tax information and is being furnished to the Internal Revenue Service. If you are required to file a return, a negligence penalty or other sanction will be imposed on you if this item is required to be reported and the IRS determines that it has not been reported. The Contract Sales Price described on Line 401 above constitutes the Gross Proceeds of this transaction.

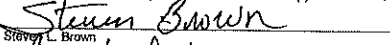
SELLER INSTRUCTIONS: To determine if you have to report the sale or exchange of your primary residence on your tax return, see the Schedule D (Form 1040) instructions. If the real estate was not your primary residence, complete the applicable parts of Form 4797, Form 6252, and for Schedule D (Form 1040).

TIN#

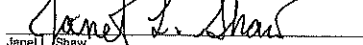
Janet L. Shaw

L. SETTLEMENT CHARGES:		File Number: 240175		
700. Total Real Estate Broker Fees	4,900.00			
Division of commission (line 700) as follows:				
701. \$	4,900.00 to Coldwell Banker Alfonso Realty			
702. \$	to			
703. Commission paid at Settlement				4,900.00
704.				
705.				
800. Items Payable in Connection with Loan	P.O.C.			
801. Our origination charge	\$ (from GFE#1)			
802. Your credit or charge (points) for the specific interest rate chosen	\$ (from GFE#2)			
803. Your adjusted origination charges	(from GFE A)			
804. Appraisal fee	(from GFE#3)			
805. Credit report	(from GFE#3)			
806. Tax service	(from GFE#3)			
807. Flood certification	(from GFE#3)			
808.				
809.				
810.				
811.				
812.				
813.				
814.				
900. Items Required by Lender to Be Paid In Advance				
901. Daily interest charges from to @ \$ /day	(from GFE#10)			
902. Mortgage Insurance premium for to	(from GFE#3)			
903. Homeowner's Insurance for to	(from GFE#11)			
904. Flood Insurance Premium				
905. Windstorm Insurance Premium				
1000. Reserves Deposited with Lender				
1001. Initial deposit for your escrow account	(from GFE#9)			
1002. Homeowner's Insurance mo. @ \$ per mo. \$				
1003. Mortgage Insurance mo. @ \$ per mo. \$				
1004. City property taxes mo. @ \$ per mo. \$				
1005. County property taxes mo. @ \$ per mo. \$				
1006. Annual Assessments mo. @ \$ per mo. \$				
1007. mo. @ \$ per mo. \$				
1008. mo. @ \$ per mo. \$				
1009. Aggregate Adjustment \$				
1100. Title Charges	SECURITY TITLE EXP OWN/STD LOAN 2019-03-01			
1101. Title services and lender's title insurance	(from GFE#4)	350.00		
1102. Settlement or closing fee Andy J. Alfonso, III, Attorney at Law \$	350.00 (from GFE#4)			
1103. Owner's title insurance Andy J. Alfonso, III, Attorney at Law/Se	(from GFE#5)	308.00		
1104. Lender's title insurance				
1105. Lender's title policy limit				
1106. Owner's title policy limit 70,000.00 --- 308.00				
1107. Agent's portion of the total title insurance premium Andy J. Alfonso, III, Attorney at Law \$	246.40			
1108. Underwriter's portion of the total title insurance premium Security Title Guarantee Corp. of Baltimore(S \$	61.60			
1109. Title Search/Abstract Andy J. Alfonso, III, Attorney at Law	(from GFE#4)	290.00		
1110. Overnight/Wiring Andy J. Alfonso, III, Attorney at Law	(from GFE#4)			
1111. ICPL Fee Security Title Guarantee of Baltimore	(from GFE#4)			
1112.				
1113.				
1200. Government Recording and Transfer Charges				
1201. Government recording charges	(from GFE#7)	31.00		
1202. Deed \$ 31.00 Mortgage \$ Releases \$				
1203. Transfer taxes	(from GFE#8)			
1204. City/county tax/stamps Deed \$ Mortgage \$				
1205. State tax/stamps Deed \$ Mortgage \$				
1206.				
1207.				
1208.				
1300. Additional Settlement Charges				
1301. Required services that you can shop for	(from GFE#6)			
1302. Pest Inspection				
1303.				
1304.				
1305.				
1306.				
1307.				
1308.				
1400. Total Settlement Charges (enter on lines 103, Section J and 502, Section K)		979.00		4,900.00

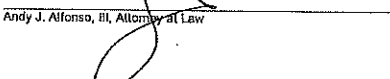
I have carefully reviewed the HUD-1 Settlement Statement and to the best of my knowledge and belief, it is a true and accurate statement of all receipts and disbursements made on my account or by me in the transaction. I further certify that I have received a copy of the HUD-1 Settlement Statement.


Steven L. Brown


Crystal Viera


Janet L. Shaw

The HUD-1 Settlement Statement which I have prepared is a true and accurate account of this transaction. I have caused or will cause the funds to be disbursed in accordance with this statement.


Andy J. Alfonso, III, Attorney at Law

DATE

4/5/24

82429350.000 SHAW JANET L

PIDN: 82429350.000

GISP: 779.29-00-0044.00

Owner Information

Percent of Ownership: 100

Name: SHAW JANET L

Name 2:

Mailing Address: 16912 EMILY CAULEY RD

MOSS POINT MS

39562

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: 1322

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: 936 / 109

[illegible]

Exhibit A Location Map

Prepared by:
City of Gautier
Planning Department

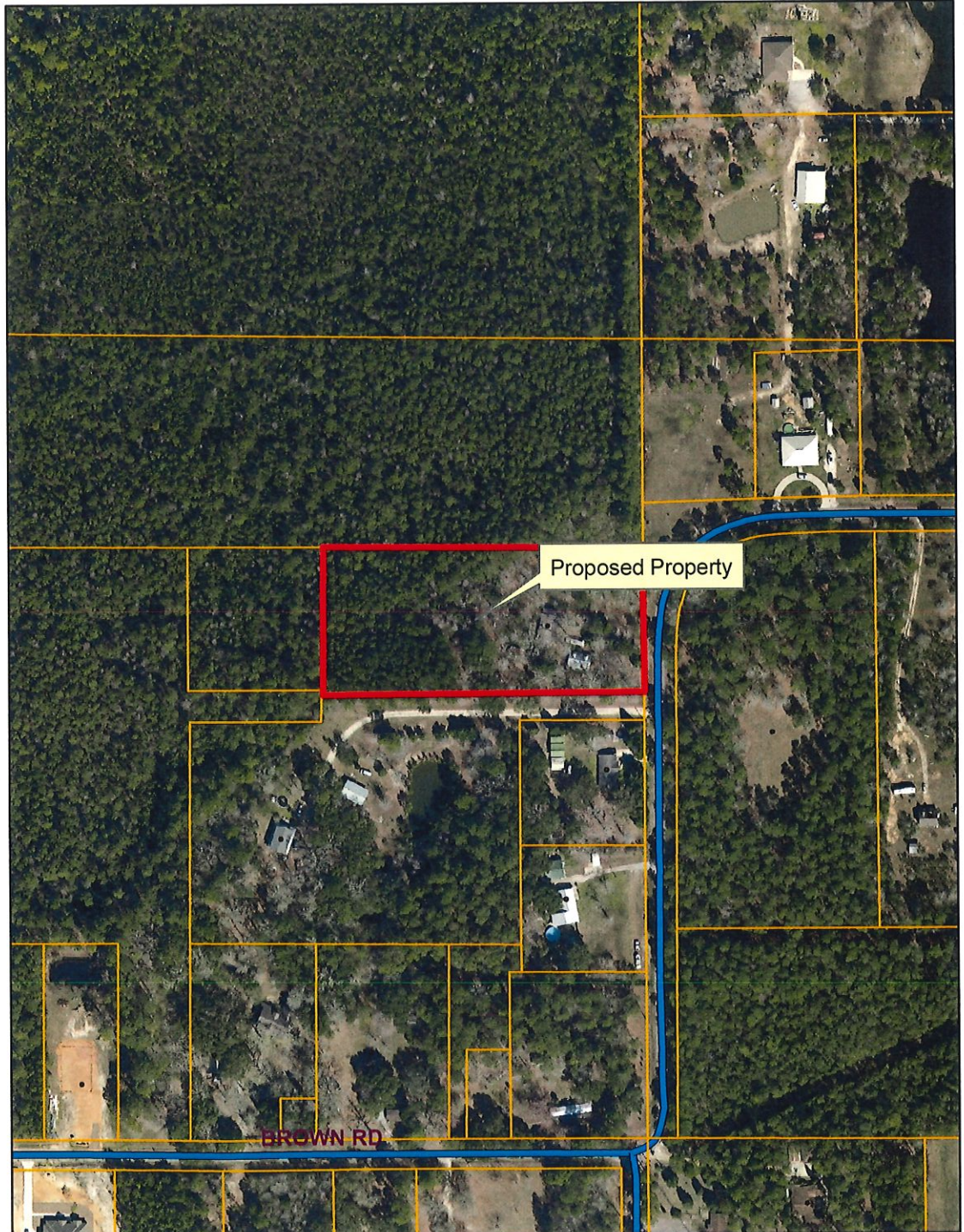


Exhibit B

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

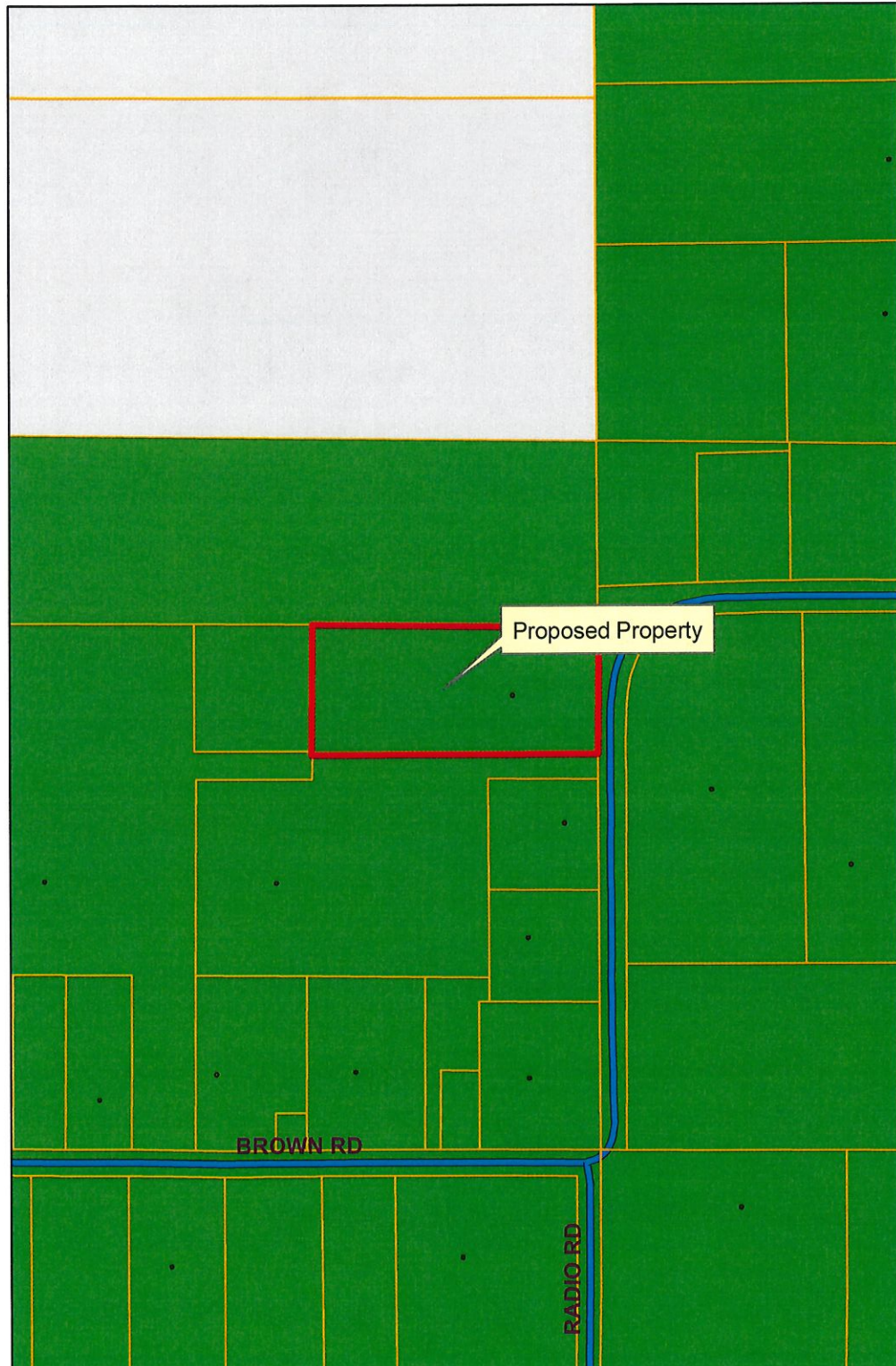


Exhibit C

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

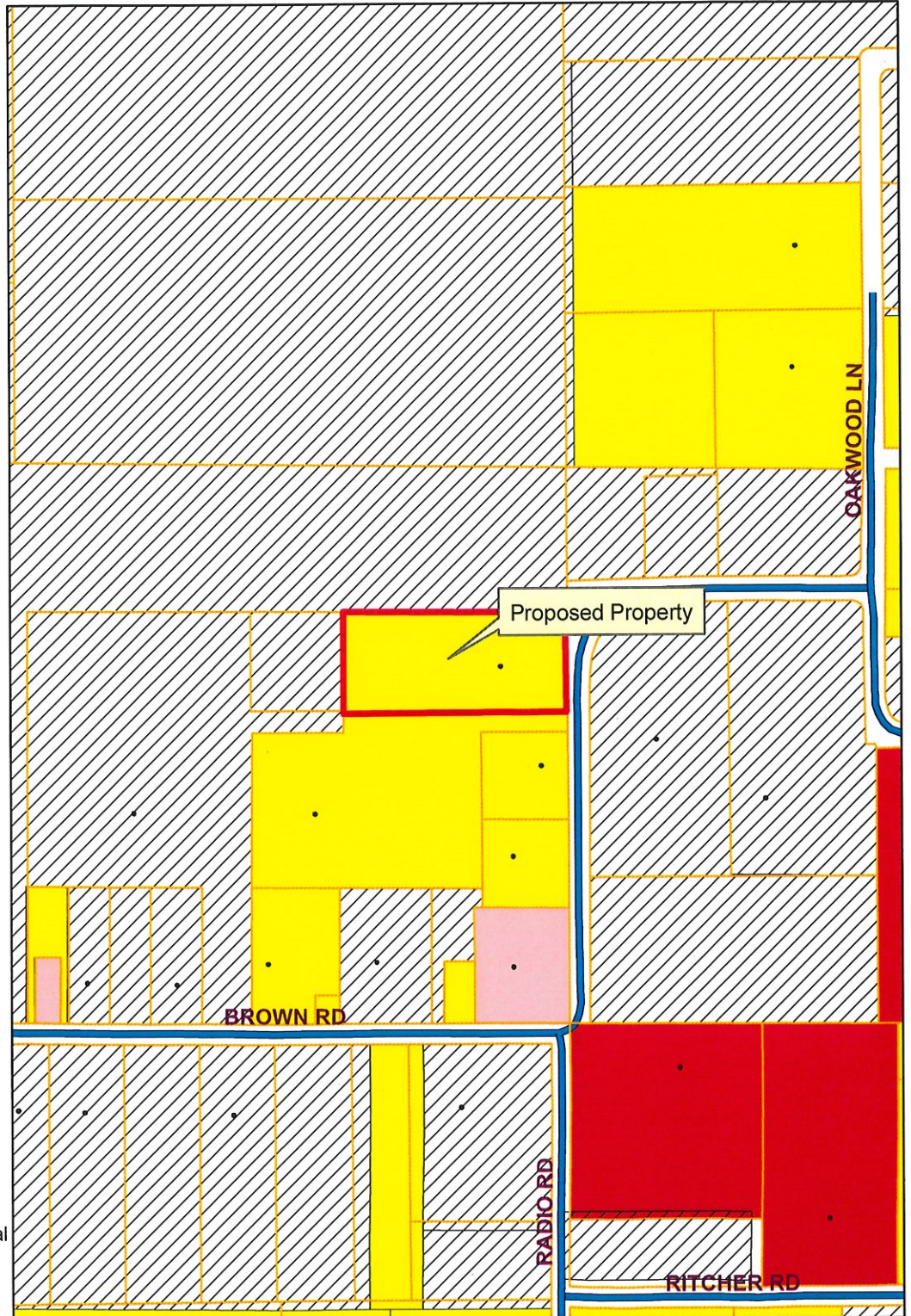


Exhibit D

Future Land-Use

Prepared By:

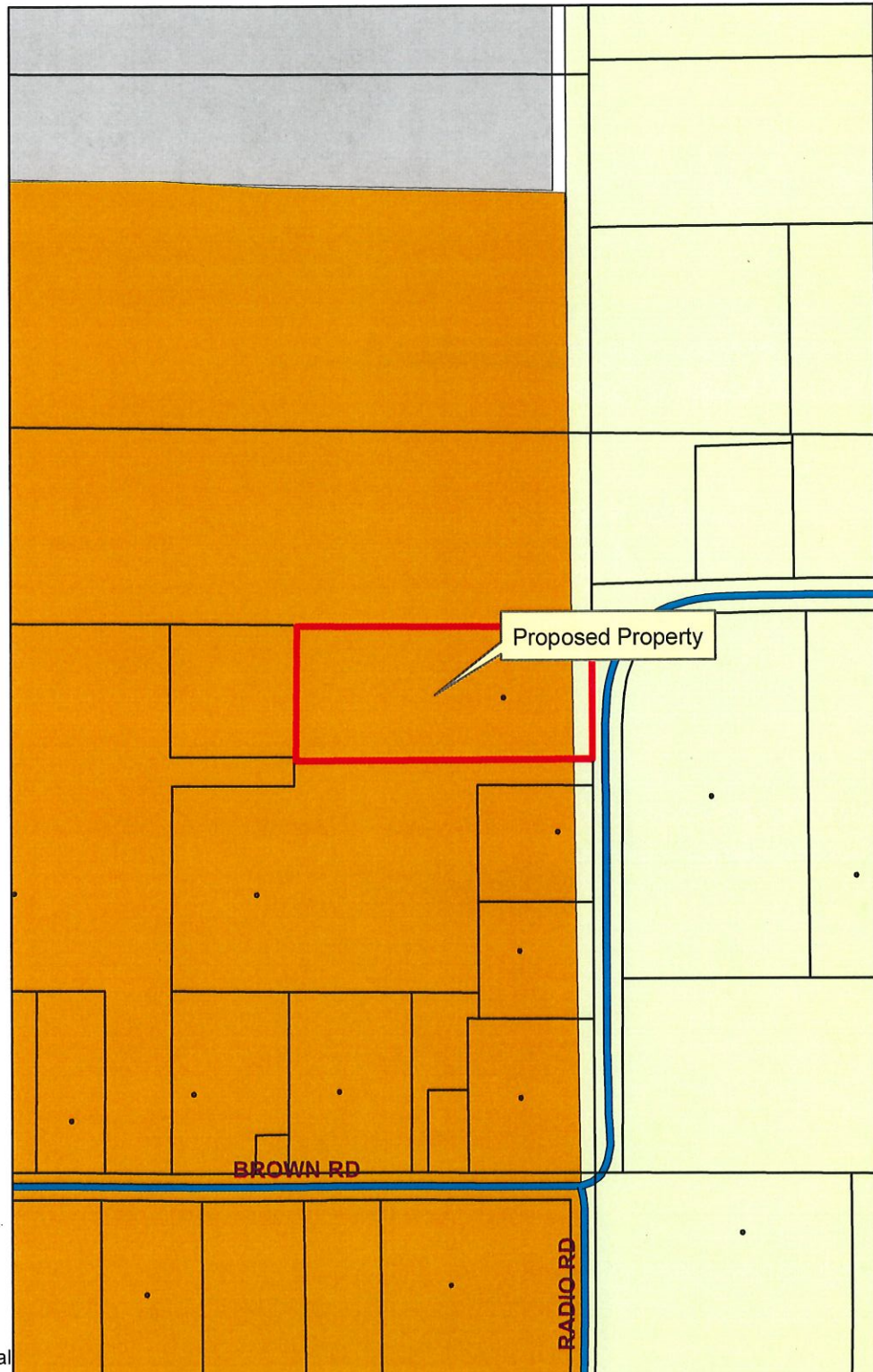
City of Gautier
Planning Department

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



Barbara Logan

From: Lee Bond
Sent: Thursday, May 30, 2024 8:51 AM
To: Barbara Logan
Subject: Brown Road apartment application

Good morning,

I would like it to be known that I would **oppose** individuals living in a makeshift garage/ apartment while waiting to build a house.

Lee Bond
5701 Brown Road

Get [Outlook for iOS](#)

Excerpt from June 6, 2024, Planning Commission Meeting:

The Planning Department has received a request for a four hundred seventy-seven (477) square foot variance for a dwelling in an AG Agricultural Zoning District at 5900 Brown Road. (GPC #24-17-VAR)

Scott Ankerson, Planning Director, gave a brief overview of the case. He explained that for the applicants to occupy the existing apartment, the applicants would need a four hundred seventy-seven (477) square foot variance. The UDO requires a minimum of thirteen hundred twenty-five (1325) square feet for a primary structure in an AG Agricultural District. A four hundred seventy-seven (477) square foot variance would allow them to have power to the structure and to occupy the existing apartment.

Chairman Jamison asked if the applicants made the garage part of the existing garage apartment into living area would it not meet the required square footage.

Mr. Ankerson said if they planned to do that, this request wouldn't be needed, but the narrative sounded like they planned to maybe do that in the future. The applicants would have to tell the Commissioners exactly what the plan was.

Commissioner Davis asked, if the variance was approved, could the structure be sold and then the buyer could live there with it being only 848 square feet.

Mr. Ankerson explained that as long as that structure was there it could be.

REQUEST:

The Planning Department has received a request from Crystal Viera and Steven Brown for a four hundred seventy-seven (477) square foot variance for a dwelling in an AG Agricultural Zoning District at 5900 Brown Road, PID #82429350.000 (GPC #24-17-VAR). The application fee of \$175 was paid on April 15, 2024. All public notice requirements have been met.

BACKGROUND:

There currently is a house and a separate garage apartment on the property. The house was heavily damaged during Hurricane Katrina and is in the process of being demolished. The garage apartment was not damaged. The applicants would like to live in the garage apartment until they can build a new home. The apartment is 848 square feet. The garage area is 875 square feet and can also be converted into living space. In order to occupy the existing apartment, the applicants will need a 477 square foot variance. The Unified Development Ordinance (UDO) requires a minimum of 1325 square feet of living area in an AG Agricultural District.

DISCUSSION:

The applicants are asking for a 477 square foot variance to the minimum square footage for a dwelling in an AG Agricultural District. Although the house on the property was heavily damaged in Hurricane Katrina and is in the process of being demolished, the garage apartment on the property was not damaged. The applicants would like to live in the garage apartment until they can build a new home. The garage apartment has 848 square feet of living area. The Unified Development Ordinance (UDO) requires a minimum of 1325 square feet of living area in an AG Agricultural District. The applicants are requesting a 477 square foot variance.

DETERMINATION OF APPLICABLE LAW:

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

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

The UDO defines **Hardship** as:

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

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

UDO SECTION 4.18: Variance

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

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

4.18.1 Who May Initiate

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

4.18.2 Application for Variance

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

4.18.3 Administrative Variances

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

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

4.18.4 Criteria for Approval

The Variance application shall demonstrate the following:

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

RECOMMENDATION & CONCLUSION:

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

The Planning Commission may:

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

Chairman Jamison asked the applicants to present their case.

Crystal Viera, the applicant, said she was just trying to get temporary power to the apartment. She wanted to build a retirement home on the property. She said there is a structure already on the property but that was not going to be her home. She said they didn't stay there. They have a place somewhere else where they stay, but they have equipment there that needs electricity so they can do what they want to do.

Commissioner Davis asked Ms. Viera if she was planning on living in the apartment.

Ms. Viera said they weren't planning on living in it. They just planned to stay a couple days at a time here and there while they were working on it.

Chairman Jamison asked if they planned to start building on the house soon.

Ms. Viera said they were and that they had already demolished the old house that was on the property and were trying to get the debris hauled off now.

Commissioner Ward asked Mr. Ankerson if they didn't want to live there and just wanted temporary power, could they just be given temporary power.

Mr. Ankerson explained that they were demolishing the primary structure so there would be an accessory structure without a primary structure, but Staff was told that their intention was to live in the apartment while they built the house. That is the reason they are asking for a Variance instead of a Special Exception.

Commissioner McManus asked where the applicant lived currently and why did they want to live there now instead of finishing it and then living there.

Ms. Viera said she currently lived at 11310 Hazel Bounds Road in Vancleave. She said she didn't want to live there right now, she just wanted to stay there two or three days a week while they were working on the property.

Commissioner Davis said there seemed to be some confusion because Mr. Ankerson was told that she wanted to live in the structure while she was constructing her retirement home. He asked if she intended to stay at the property for any length of time.

Ms. Viera said she wanted to stay on the property two or three days here and there while they worked on it.

Commissioner Davis noted that temporary power would not help her because she wanted to stay on the property overnight some.

Chairman Jamison asked if she planned to start building as soon as she cleaned up the property.

Ms. Viera said she did.

Commissioner Ward asked if there was a way to put a time frame on the request since it was a Variance.

Mr. Danos advised that there wasn't.

Commissioner McManus stated that she was not hearing an actual need for the variance because the applicant currently had a place to live.

Chairman Jamison asked if the apartment was livable at this time.

Ms. Viera said that it had needed drywall & insulation and she had done that.

Commissioner Ward explained to Ms. Viera that the Planning Commission had recently denied other variance requests for smaller square footage in the same area.

Ms. Viera said she doesn't have to stay there but there would be some days when they had worked hard on the property and would just like to stay there instead of making the drive to where they are currently staying.

Chairman Jamison stated that if the request was approved, Ms. Viera would be able to stay in the apartment forever even though her original intent was to build. She said that unforeseen things happen. Financial and health situations can change unexpectedly.

Mr. Ankerson explained that if the variance was denied or the applicant didn't intend to live there the applicant could turn in plans to build a home, get a permit, and power could be released to a temporary power pole for construction. This would still not allow the applicants to live in the apartment.

Commissioner Decoteau noted that Ms. Viera seemed confused about everything.

Ms. Viera said that she was confused, and this was all new to her and that she didn't even know what it took to build a house. She said her fiancé was the one who understood everything, but he couldn't be at the meeting because he was in South Carolina for a closing. She said he would be back on June 18th.

Chairman Jamison asked Mr. Ankerson if this was approved, which would make it a primary structure, how could the applicant build a house on the same property. That would make two primary structures on one lot.

Mr. Ankerson said that she could build a house as long as she made the apartment back into an accessory structure of some type and didn't live in it. She could turn it back into a garage with storage over the top of it or if she reduced the square footage to seven hundred fifty (750) square feet she could make it a guest house.

Commissioner McManus asked if there were other houses in Gautier that are less than 1325 square feet and if so, how small are they.

Mr. Ankerson said he has looked at houses in the Martin Bluff area that are 950 to 1000 square feet but most of those houses were already existing when these stipulations were adopted with the UDO.

Commissioner Hudson noted that after Hurricane Katrina a few Special Exceptions were allowed for some smaller houses.

Commissioner Decoteau asked if the Commission could table the request since the primary spokesperson was not present to answer some of their questions. He said he doesn't think the Commissioners have all the information.

Mr. Danos said the request could be tabled.

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

ACTION TAKEN:

Commissioner Decoteau made a motion to table the request until the July 11, 2024, meeting.

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

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

ABSENT: **Chris Hoover**

Motion passed.

Gautier Planning Commission

Regular Meeting Agenda

July 11, 2024

GPC #24-20-SE

Fernando Rodriguez

2132 Dailey Road

VII. NEW BUSINESS

2. Consider a request for a Special Exception that would allow a mobile home in a R-1 Low Density Single-Family Residential Zoning District. 2132 Dailey Road, (GPC #24-20-SE)

CITY OF GAUTIER STAFF REPORT

To: Chairman and Members, Planning Commission

From: Scott Ankerson, Planning Director

Date: July 2, 2024

Subject: Consider a request for a Special Exception that would allow a mobile home in a R-1 Low Density Single-Family Residential Zoning District, 2132 Dailey Road. (GPC #24-20-SE)

REQUEST:

The Planning Department has received a request from Fernando Rodriguez for a Special Exception that would allow a mobile home in a R-1 Low Density Single-Family Residential Zoning District at 2132 Dailey Road, PID #85700145.000 (GPC #24-20-SE). The application fee of \$250 was paid on May 3, 2024. All public notice requirements have been met.

BACKGROUND:

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

1. Location: 2132 Dailey Road, PID #85700145.000 (See Exhibit A)
2. General features of the proposed project:
 - Lot Size: 0.34 acres
 - Existing mobile home on property
3. Potable Water and Wastewater Services: Available at current location
4. Current Zoning (See Exhibit B): R-1 Low Density Single-Family Residential
5. Current Surrounding Zoning (See Exhibit B): R-1 Low Density Single-Family Residential
6. Current Surrounding Existing Land Use (See Exhibit C): Residential, Vacant, Mobile Homes

7. Comprehensive Plan Future Land Use Designation (See Exhibit D) Medium Density Residential
8. 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: *I got the property using all my savings with the intention to set my mother in a free and clear of worries environment in the City of Gautier,*

Staff Finding: *There are currently other Mobile Homes existing in the immediate area in the same zoning district.*

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

Applicant Response: *By allowing my mobile home to stay on the property would not affect any neighbors at all. Seems like many of the homes nearby are mobile homes as well.*

Staff Finding: *Future Land Use designation is Medium Density Residential.*

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

Applicant Response: *I am not sure how to respond to that. I did get the property not knowing much about it.*

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

24-20-SE

TYPE OF REQUEST:

Special Exception

FEE:

\$251.00

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

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

Name of Applicant: Fernando Rodriguez

Name of Business: _____

Address: 2132 Dailey Rd Gautier Ms

Mailing Address (if different): 369 West Dr Biloxi Ms 39531

Email Address: Fernando Alameda25@gmail.com

Phone: 228 365 2336 Cell Phone: 228-365-2536

Reason for request, location and intended use of Property: I Bought the place to fix it and give it to my mother

ATTACHMENTS REQUIRED AS APPLICABLE:

For my Mother to live in Mobile Home on R1 Property

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

5/3/24

Verify as Complete

Bals

Fee Amount Received

251.00

Initials of Employee Receiving Application

Bor

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?

(Re) A: I got the Property using all my Savings with the intention to set my mother in a Free and Clear of worries environment in the City of Gautier

(Re) B: By allowing my mobile Home to stay in the property wouldn't affect any neighbors at all, seems like many of the Homes near by are Mobile Homes as well.

(Re) C: ~~I Am~~ Not Sure How to respond to that I did get the property Not ~~Not~~ Knowing much about it.

Addie Bang

From: Fernando Alameda <fernandoalameda23@gmail.com>
Sent: Tuesday, July 2, 2024 11:59 AM
To: Addie Bang
Subject: Fwd: Dailey rd
Attachments: 2024-07-01 19-42.pdf

----- Forwarded message -----

From: Fernando Alameda <fernandoalameda23@gmail.com>
Date: Tue, Jul 2, 2024 at 11:51 AM
Subject: Dailey rd
To: <Blogan@gautier-ms.gov>

When I bought this property was only with the intention of setting my mom free of rent and we didn't know at the time that the mobile home was not allowed
We would love to be able to keep it in the property to be able to fulfill the intention.

OFFICIAL RECORDING - TAX RECEIPT
Receipt # 10447
Date recorded: 07/25/2023
RECEIVED: \$10.00
MINERAL TAX: \$0.00
202314345
BK 2131 PG 262 - 264
07/25/2023 12:28:34 PM 3 PG(S)
Receipt # 10447

PREPARED BY AND RETURN TO:
MICHAEL R. McDERMOTT (228)
PAGE MANNOVA, PIERSON & McDERMOTT, P.L.L.C.
789 HOWARD AVENUE
BLOD, MS 39531
(228)374-2188

STATE OF MISSISSIPPI
COUNTY OF JACKSON

WARRANTY DEED

FOR AND IN CONSIDERATION of the sum of Ten and no/100 Dollars (\$10.00), cash in hand paid, and other good and valuable considerations, the receipt and sufficiency of which is hereby acknowledged, the undersigned,

WILLIAM G. SOLLER, JR. and BRITTANY R. OGLE
Post Office Box 303
Cosby, TN 37722
(423)255-6781

do hereby sell, convey and warrant unto

ALAMEDA RODRIGUEZ FERNANDO
389 West Drive
Blod, MS 39531
(228)365-2536

the following described real property, together with all improvements thereon, located in Jackson County, State of Mississippi, more particularly and certainly described as follows:

SEE EXHIBIT "A" ATTACHED HERETO

INDEXING INSTRUCTIONS: North margin of Dally Road at the SE corner of Lot 23, DELLWOOD HEIGHTS SUBDIVISION; part of Lot 5 James Martin Heins Estates

This conveyance is subject to all restrictions, reservations, easements affecting said property on file and of record in the Office of the Chancery Clerk of Jackson County, Mississippi.

Ad valorem taxes for the current tax year have been prorated between the parties hereto and the obligation to pay same is assumed by the Grantee herein, who will pay same when due.

WITNESSED and signed on this 17th of July 2023.



William G. Soller, Jr.


Brittany R. Ogle

STATE OF MISSISSIPPI
COUNTY OF HARRISON

PERSONALLY APPEARED BEFORE ME, the undersigned authority in and for the said county and state, on this 17th of July 2023, the within named WILLIAM G. SOLLER, JR. and BRITTANY R. OGLE, who acknowledged that they executed and delivered the above and foregoing instrument.

(S&A)



My Commission Expires

7-29-2023

File No: AC0445

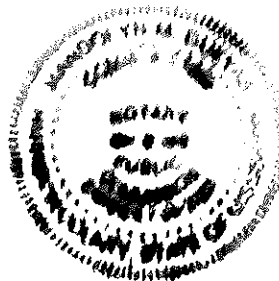


EXHIBIT "A"
LEGAL DESCRIPTION

Commencing on the North margin of Dailey Road at the SE corner of Lot 23 DELLWOOD HEIGHTS SUBDIVISION, as per plat thereof recorded in Plat Book 3, Page 37, in the Office of the Chancery Clerk of Jackson County, Mississippi, thence East along said North margin, a distance of 615.40 feet to the Point of Beginning, thence continuing East along said North margin of Dailey Road a distance of 75.00 feet, thence North, a distance of 195 feet, thence West a distance of 75.00 feet, thence South a distance of 195.00 feet to the Point of Beginning.

This being the same as that conveyed to Maurice Gregory by instrument dated August 18, 1998, recorded in Deed Book 1150, Page 484, Land Deed Records of Jackson County, Mississippi.

85700145.000 SOLLER WILLIAM

PIDN: 85700145.000

GISP: 771.12-02-0011.00

Owner Information

Percent of Ownership: 100

Name: SOLLER WILLIAM

Name 2: OGLE BRITTANY

Mailing Address: P O BOX 303

COSBY TN

37722

Site Address: 2132 DAILEY RD GAUTIER

Land Information

Section: 12

Acreage: 0.34

Township: 7

Range: 7

Street Name DAILEY
RD

Value and Tax Information

Total Assessed Value: 1107

Total Appraised Value: 7380

Improvement Value: 0

Land Value: 7380

Tax Amount: 159

SQ FT: 0

Year Built: 1973

Legal Description

Description: COM SEC LT 23 DELLWOOD HGTS S/D

E 615.4' M/L TO POB E 75' N 195'

W 75' S 195' TO POB PT LOT 5 JA

MES MARTIN EST DB 2092-274 (11 M

ap771.12-02)

Deed Book / Page: 2092 / 274

85700145.000 SOLLER WILLIAM



Exhibit A Location Map

Prepared by:
City of Gautier
Planning Department

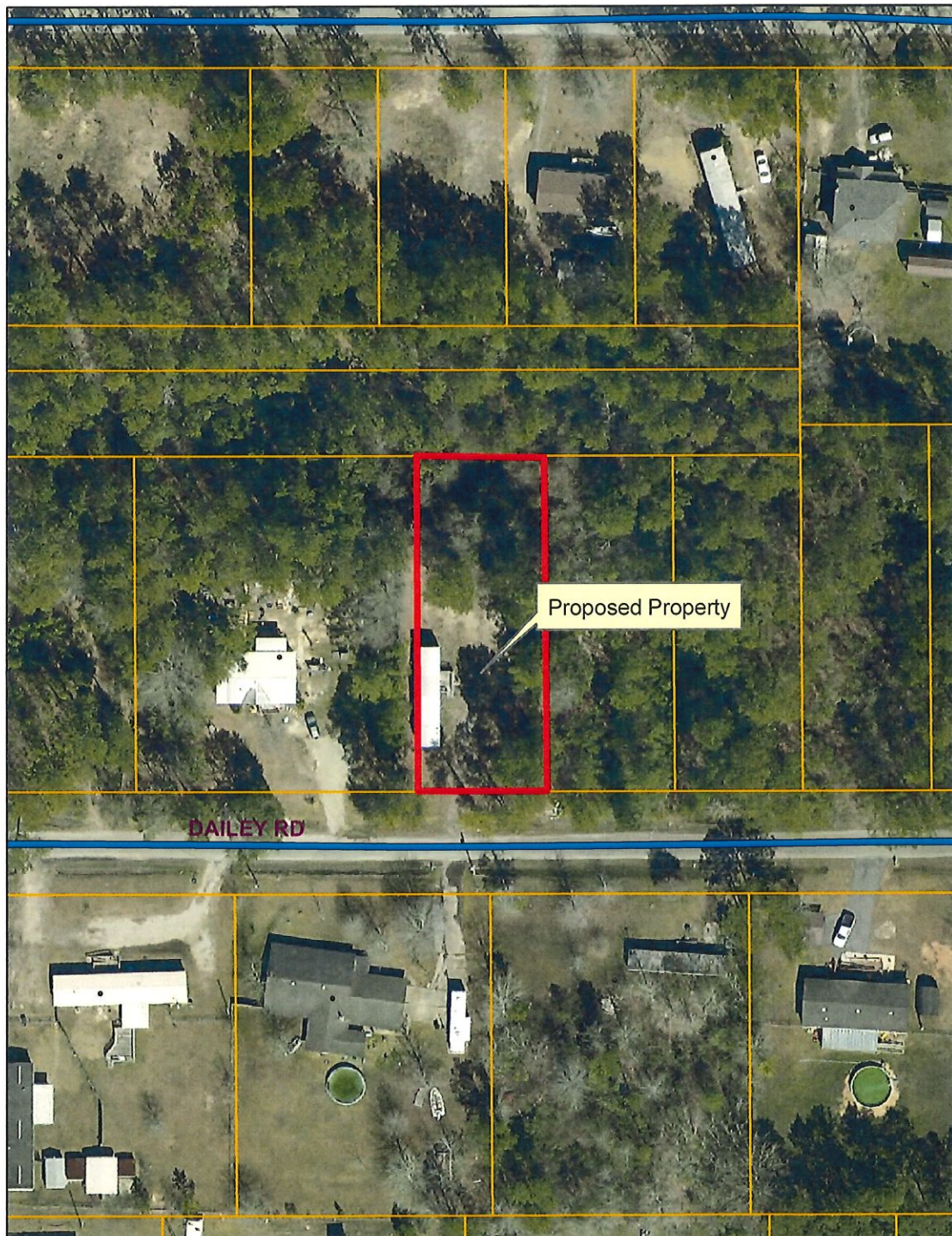


Exhibit B

Existing Zoning

Prepared by:
City of Gautier
Planning Department

Legend

Zoning

ZONECODE

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



Exhibit C

Existing Land-Use

Prepared by:

City of Gautier
Planning Department

Legend

EXISTING LAND USE

ELU_08

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

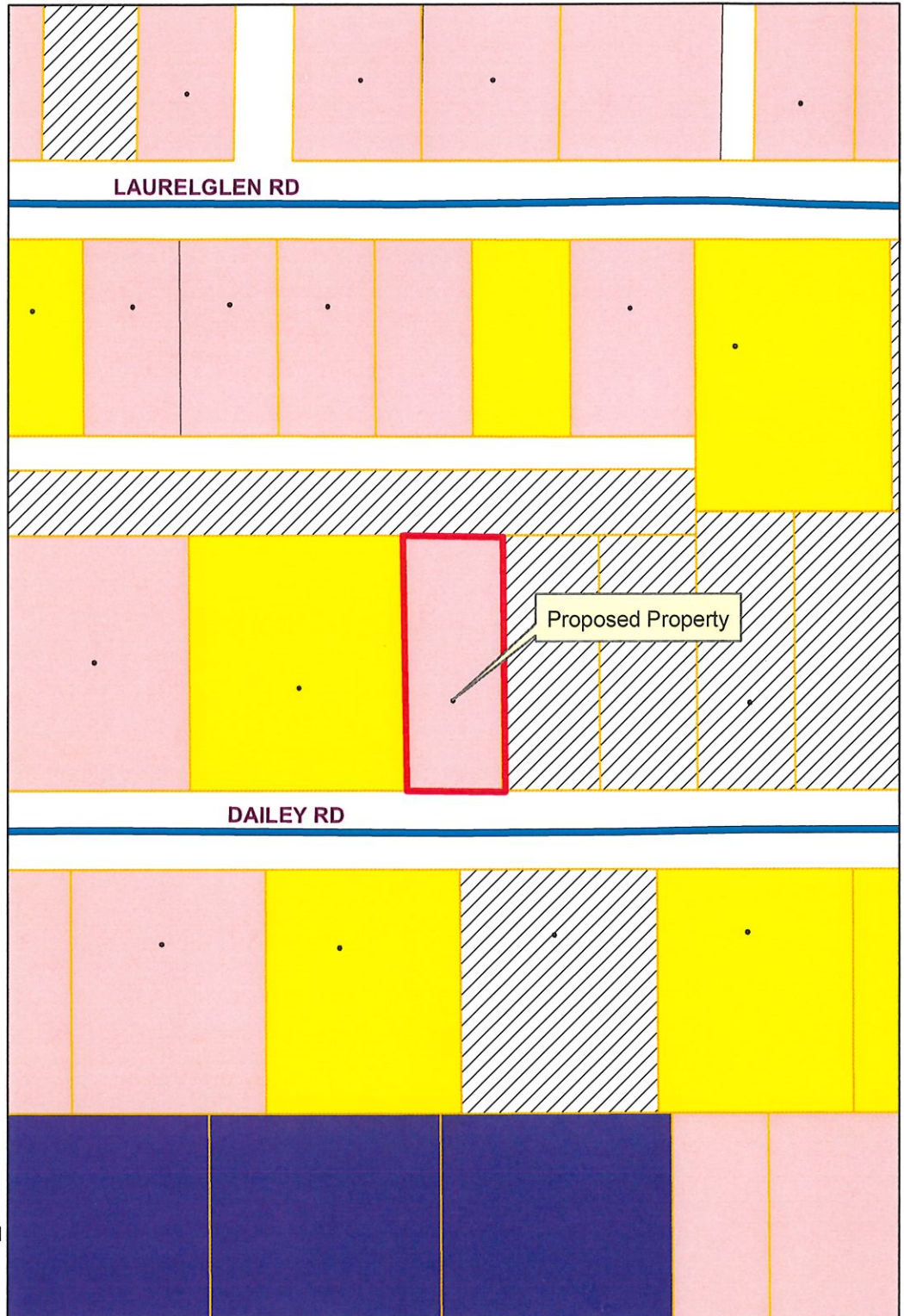


Exhibit D

Future Land-Use

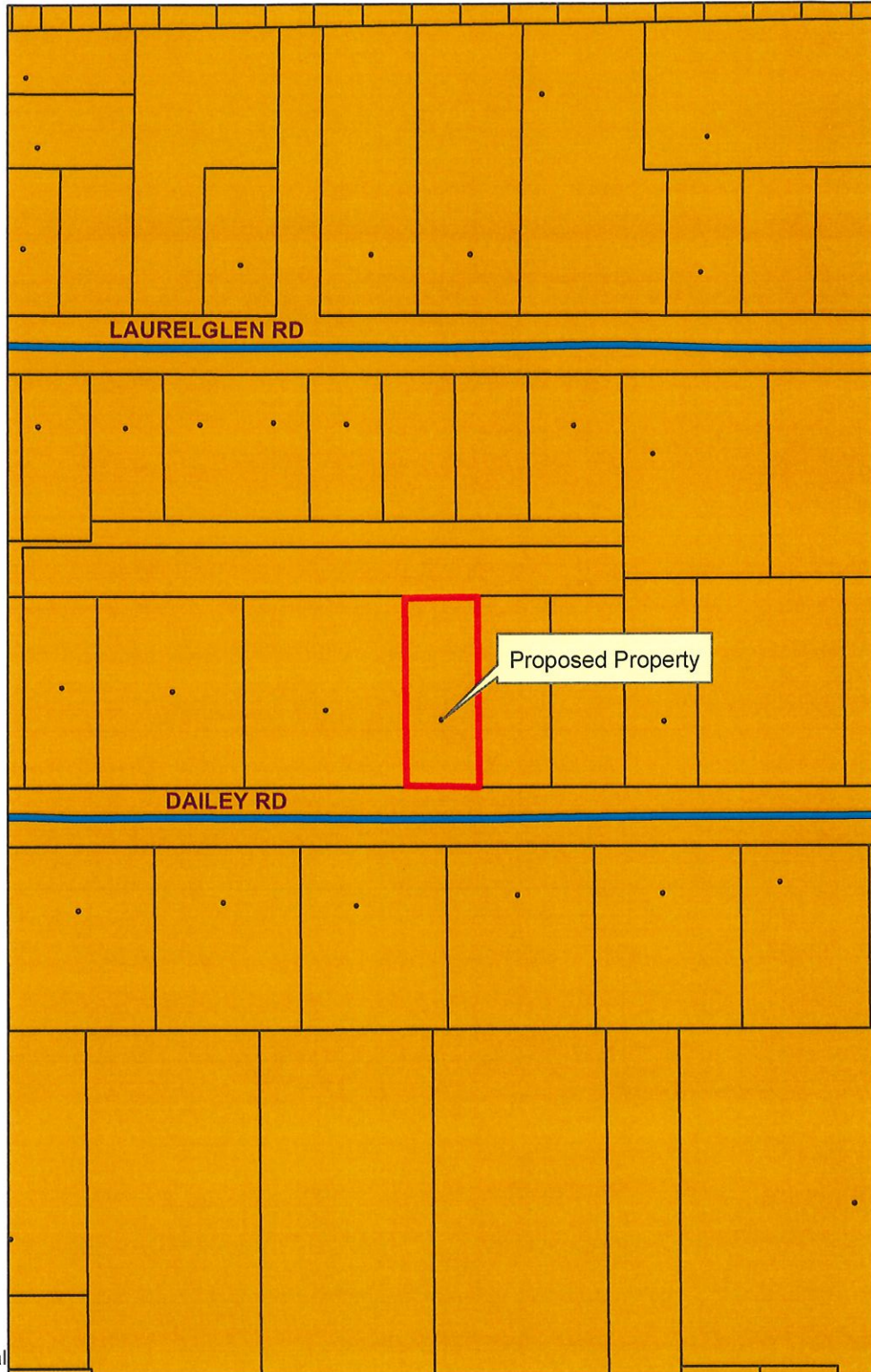
Prepared By:
City of Gautier
Planning Department

Legend

FUTURE LAND USE

FLU_Class

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



Gautier Planning Commission

Regular Meeting Agenda

July 11, 2024

GPC #24-21-CU

Albert Guy Easom, III

3101 Oak Street

VII. NEW BUSINESS

3. Consider a request for a Conditional Use-Major that would allow a Recreational Vehicle (RV) in a Mobile Home Park in the MURC-MW Mixed Use Recreation Commercial – Mary Walker Zoning District. 3101 Oak Street (GPC #24-21-CU)

**CITY OF GAUTIER
STAFF REPORT**

To: Chairman and Members, Planning Commission

From: Scott Ankerson, Planning Director

Date: July 2, 2024

Subject: Consider a request for a Conditional Use-Major that would allow a Recreational Vehicle (RV) in a Mobile Home Park in the MURC-MW Mixed Use Recreation Commercial – Mary Walker Zoning District. 3101 Oak Street (GPC #24-21-CU)

REQUEST:

The Planning Department has received a request from Albert Guy Easom, III for a Conditional Use-Major that would allow a Recreational Vehicle (RV) in a Mobile Home Park in the MURC-MW Mixed Use Recreation Commercial – Mary Walker Zoning District at 3101 Oak Street, PID #87010066.000 (GPC #24-21-CU). The application fee of \$250 was paid on May 8, 2024. All public notice requirements have been met.

BACKGROUND:

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

1. Location: 3101 Oak Street, PID #87010066.000 (See Exhibit A)
2. General features of the proposed project:
Total Area of Mobile Home Park: Approximately 11.47 Acres
3. Existing Zoning – MURC-MW Mixed Use Recreation Commercial – Mary Walker (See Exhibit B)
4. Existing Land Use – Mobile Home Park (See Exhibit C)
5. Comprehensive Plan Future Land Use Designation – Recreational Commercial (See Exhibit D)

DISCUSSION:

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

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

Applicant Response: Yes.

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

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

Applicant Response: Other RVs in area

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

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

Applicant Response: No.

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

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

Applicant Response: No.

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

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

Applicant Response: Yes.

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

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

Applicant Response: Yes.

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

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

Applicant Response: No.

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

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

Applicant Response: Yes.

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

DETERMINATION OF APPLICABLE LAW:

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

designated "Conditional Uses-Major" are transferable from one (1) owner of land to another.

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

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

RECOMMENDATION & CONCLUSION:

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

The Planning Commission may:

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

ATTACHMENTS:

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

GAUTIER, MISSISSIPPI
PLANNING DEPARTMENT
CONDITIONAL USE APPLICATION

Public Hearing Number

24-21-CU

TO BE HEARD BY GAUTIER PLANNING COMMISSION AND CITY COUNCIL:

Conditional Use - Major



FEE:

\$251.00

TO BE HEARD BY PLANNING DIRECTOR:

Conditional Use - Minor



FEE:

\$251.00

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

Name of Applicant: Albert Guy Kason

Name of Business: Southern Kidway Phone: 601-507-0348

Property Address: 3101 Oak St Mailing Address (if Different): P.O. Box 20 Schaefer MS

E-Mail Address: _____

Proposed Use Requiring Conditional Use: RV In Mobile-home (Refer to Article V, UDO)

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

ATTACHMENTS REQUIRED AS APPLICABLE:

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

Signature of Applicant(s): Albert Guy Kason Date of Application: 5-8-24

FOR OFFICE USE ONLY

Date Received 5/8/24 Verify as Complete Babs

Fee Amount Received 251.00 Initials of Employee Receiving Application BL

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

MAJOR CONDITIONAL USE CRITERIA FOR APPROVAL

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

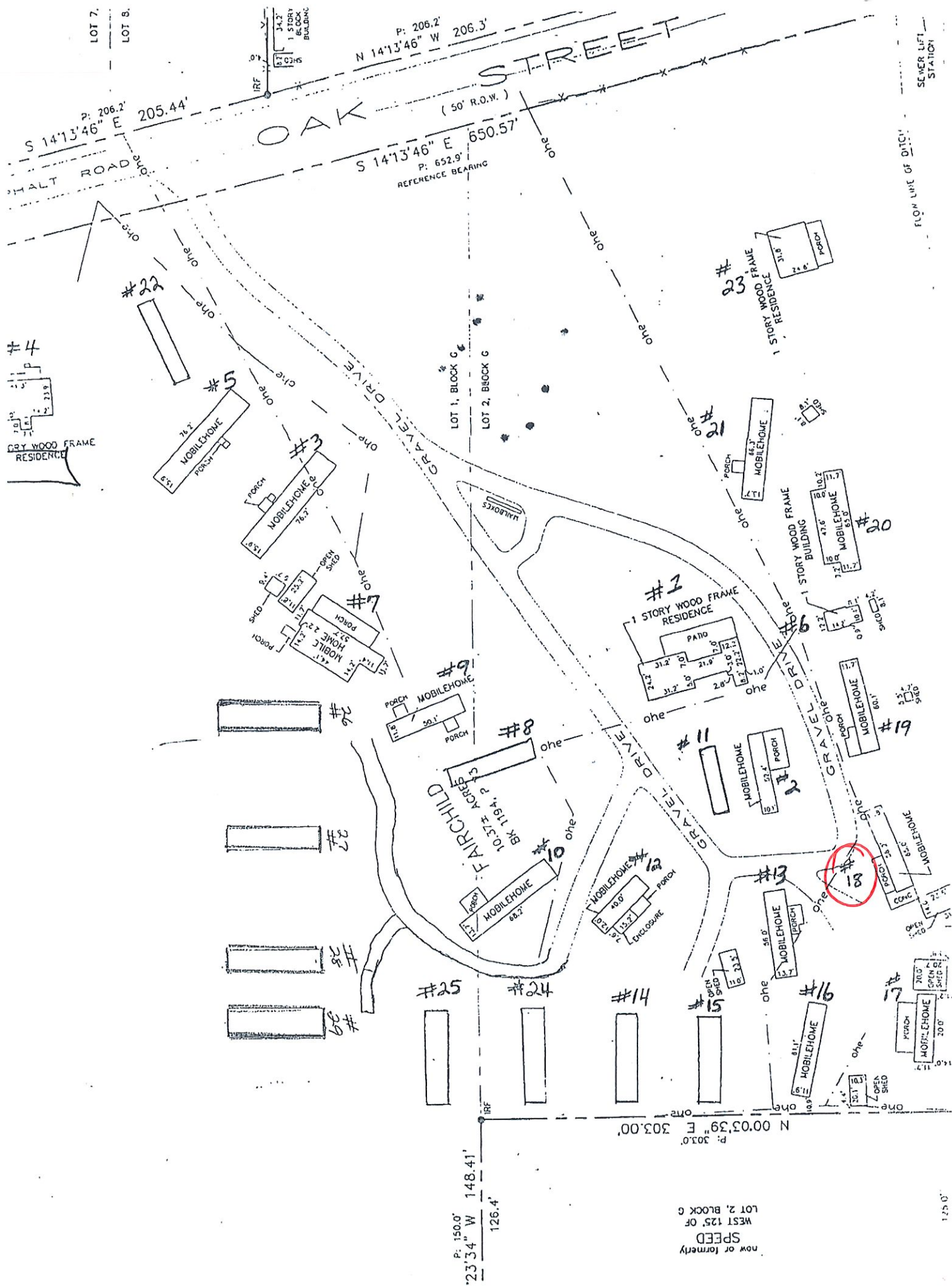
MINOR CONDITIONAL USE CRITERIA FOR APPROVAL

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

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

NARRATIVE

Removed 1974 Mobil Home To
Install RV







87010066.000 SOUTHERN HIDEAWAY ESTATES LLC

PIDN: 87010066.000

GISP: 769.32-04-0124.00

Owner Information

Percent of Ownership: 100

Name: SOUTHERN HIDEAWAY ESTATES LLC

Name 2:

Mailing Address: P O BOX 108
SEBASTOPOL MS
39359

Site Address: 3101 OAK ST GAUTIER

Land Information

Section: 32 Acreage: 4.78

Township: 7

Range: 6

Street Name OAK
ST

Value and Tax Information

Total Assessed Value: 27121

Total Appraised Value: 180806

Improvement Value: 67886

Land Value: 112920

Tax Amount: 3899

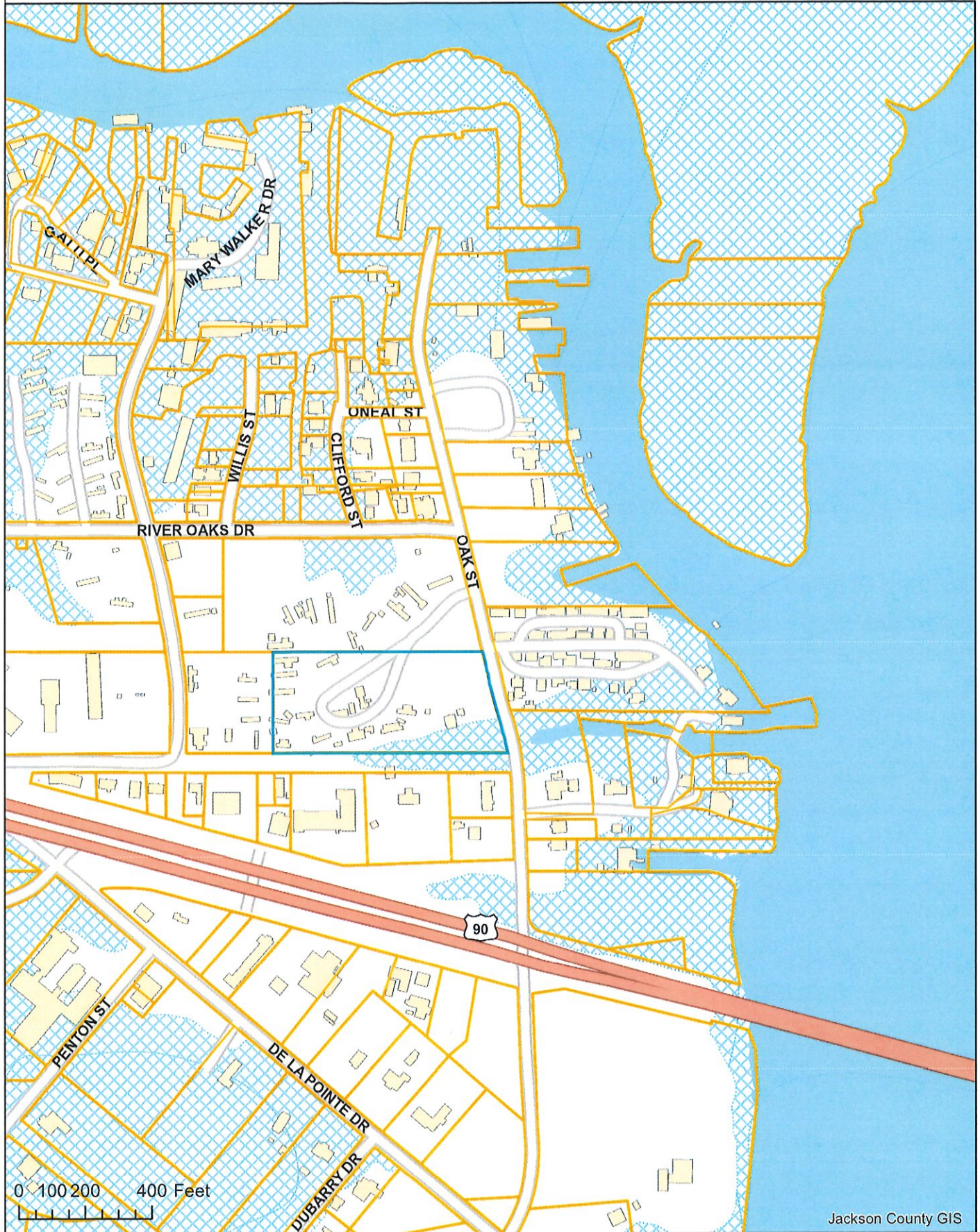
SQ FT: 1008

Year Built: 1960

Legal Description

Description: COM SWC LOT 2 BLK G E 125' FOR P
OB N 303' E 638' SLY 312' W 719
TO POB PT LOT 2 BLK G RIVER OAKS
S/D DB 2095-299 (124 MAP769.32-
04)

87010066.000 SOUTHERN HIDEAWAY ESTATES LLC



Jackson County GIS

Exhibit A

Location Map

Prepared by:
City of Gautier
Planning Department

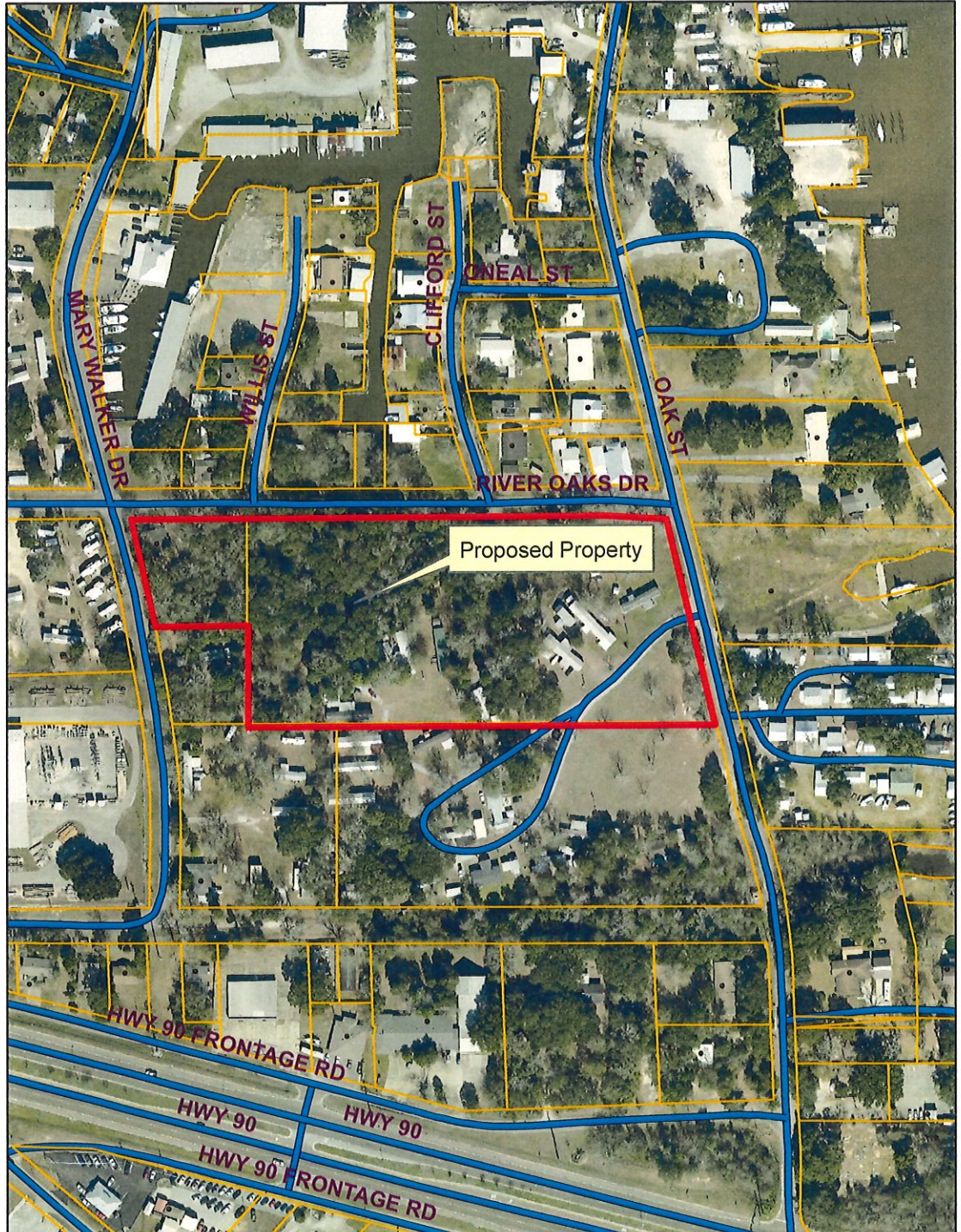


Exhibit B

Existing Zoning

Prepared by:
City of Gautier
Planning Department

Legend

Zoning

ZONECODE

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

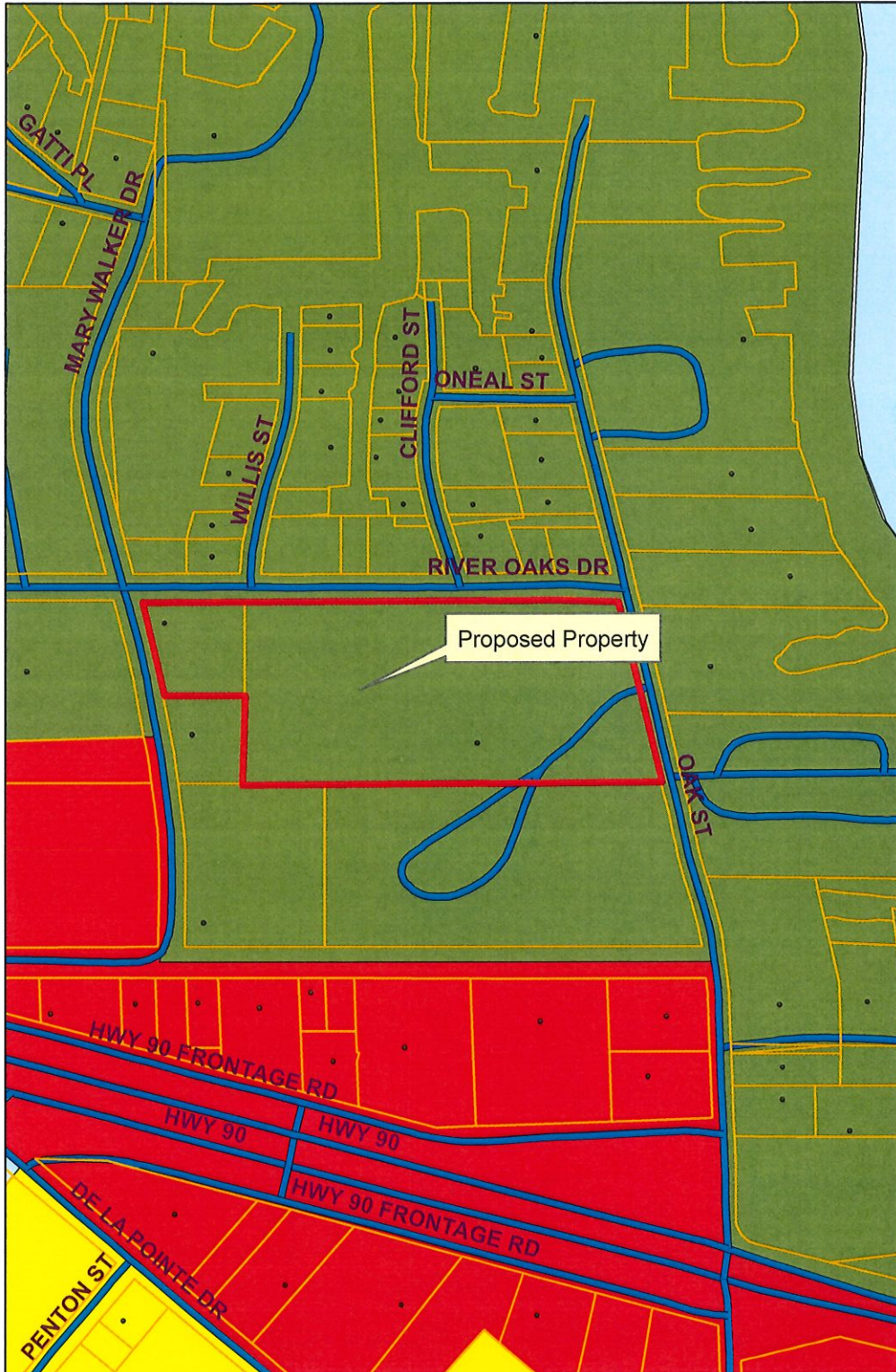


Exhibit C

Existing Land-Use

Prepared by:
City of Gautier
Planning Department

Legend

EXISTING LAND USE

ELU_08

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

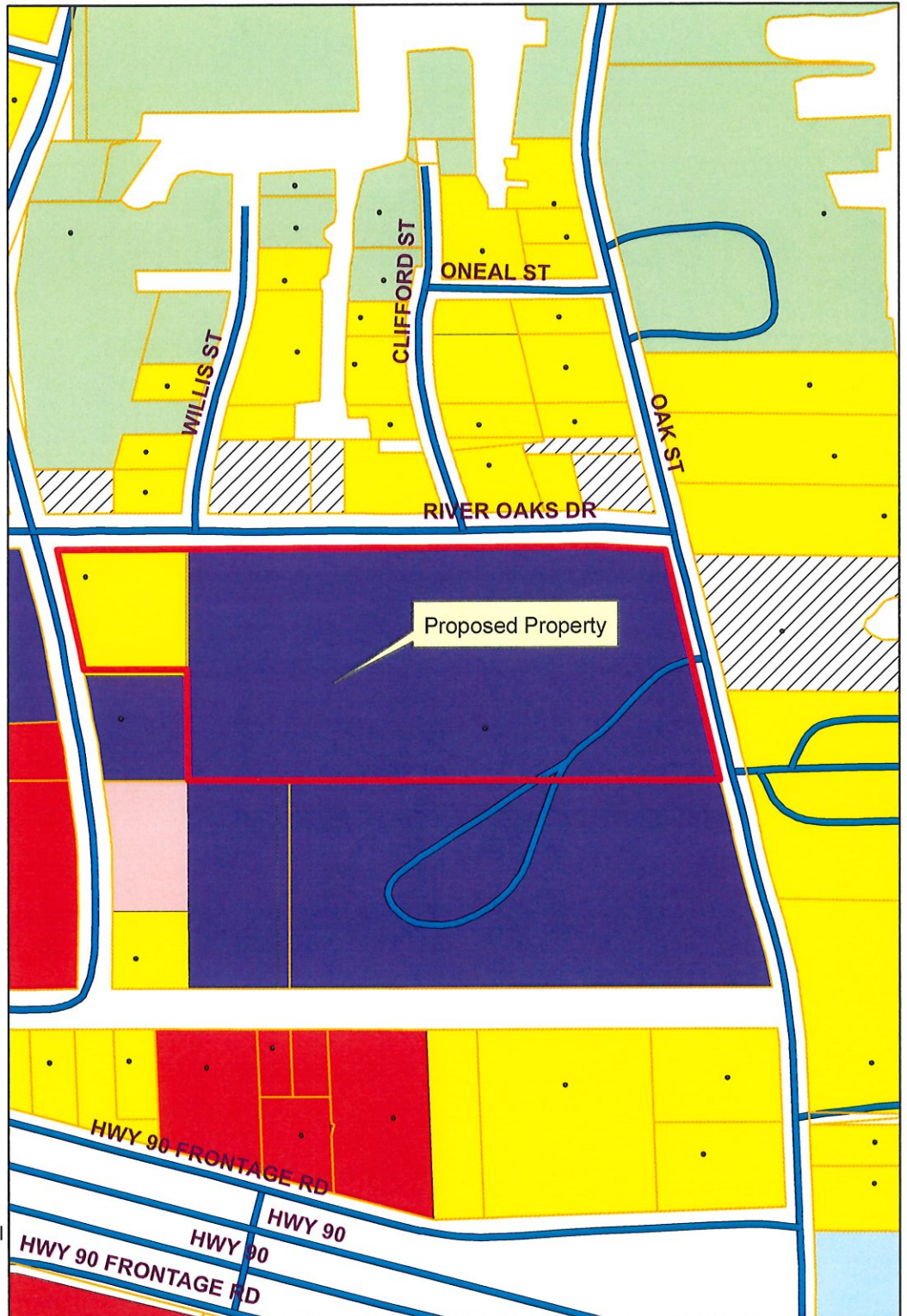


Exhibit D

Future Land-Use

Prepared By:

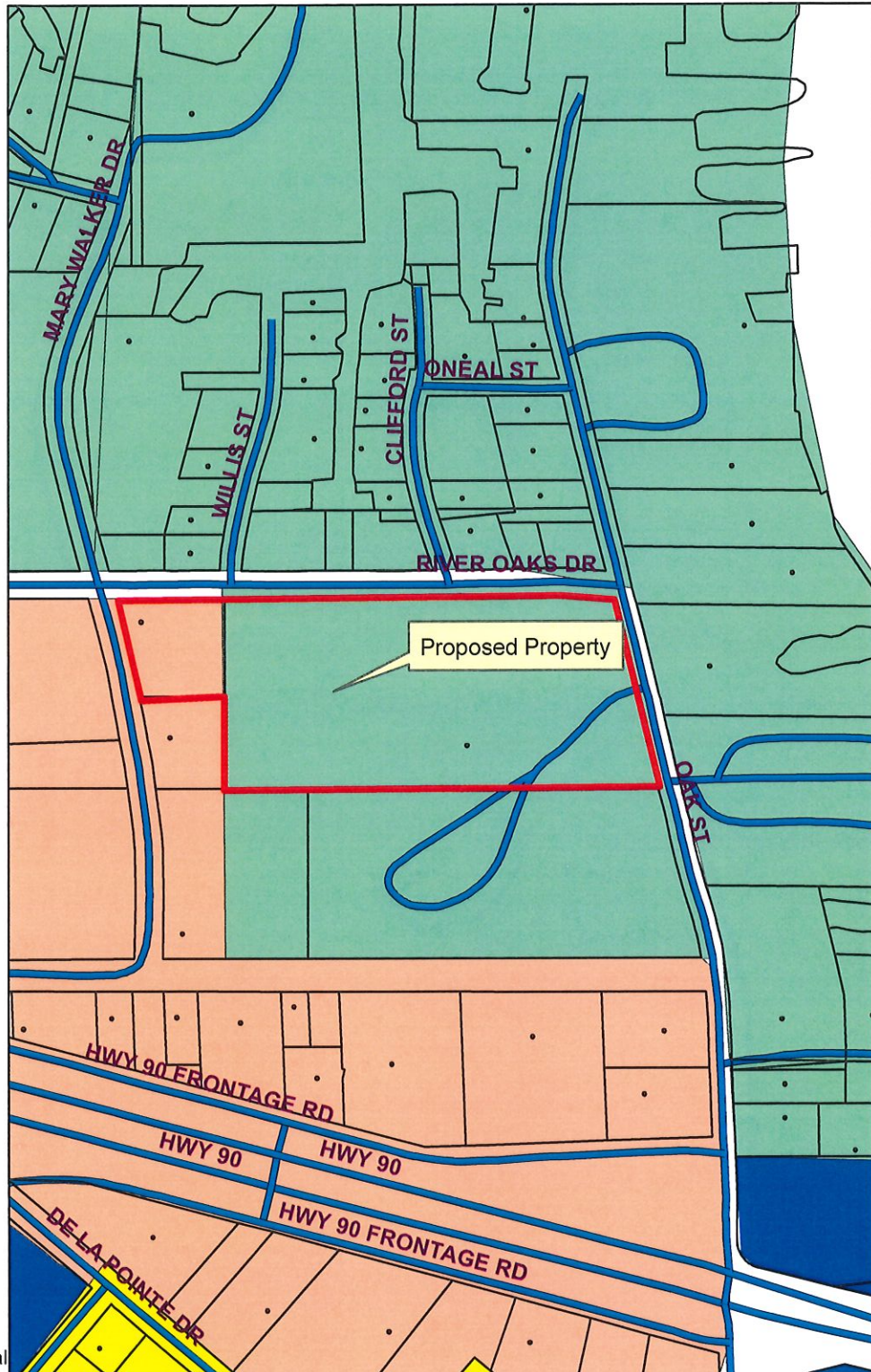
City of Gautier
Planning Department

Legend

FUTURE LAND USE

FLU_Class

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



Gautier Planning Commission

Regular Meeting Agenda

July 11, 2024

GPC #24-22-VAR

1801 Seacliffe Drive

VII. NEW BUSINESS

4. Consider a request for a two-foot (2') variance to fence height requirements in a R-1 Low Density Single-Family Residential Zoning District. 1801 Seacliffe Drive, PID #82513460.060, (GPC #24-22-VAR)

**CITY OF GAUTIER
STAFF REPORT**

To: Chairman and Members, Planning Commission

From: Scott Ankerson, Planning Director

Date: July 3, 2024

Subject: Consider a request for a two-foot (2') Variance to fence height requirements in a R-1 Low Density Single-Family Residential Zoning District. 1801 Seacliffe, PID #82513460.060 (GPC #24-22-VAR)

REQUEST:

The Planning Department has received a request from Kelly Braud for a two-foot (2') Variance to fence height requirements in a secondary front yard in a R-1 Low Density Single-Family Residential Zoning District at 1801 Seacliffe, PID #82513460.060 (GPC #24-22-VAR) The application fee of \$175 was paid on May 13, 2024. All public notice requirements have been met.

BACKGROUND:

The applicant has placed a six-foot (6') privacy fence in a secondary front yard area where the maximum fence height allowed is four feet (4'). The applicant needs a two-foot (2') variance to the fence height requirements in a secondary front yard.

DISCUSSION:

The applicant is requesting a two-foot (2') variance to fence height requirements in a secondary front yard in a R-1 Low Density Single-Family Residential Zoning District. The maximum height for a fence in a front yard or secondary front yard is four feet (4'). (See UDO Article 11, Section 11.10.2) Her fence is six feet (6') in height.

DETERMINATION OF APPLICABLE LAW:

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

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

The UDO defines **Hardship** as:

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

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

UDO SECTION 4.18: Variance

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

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

4.18.1 Who May Initiate

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

4.18.2 Application for Variance

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

4.18.3 Administrative Variances

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

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

4.18.4 Criteria for Approval

The Variance application shall demonstrate the following:

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

RECOMMENDATION & CONCLUSION:

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

The Planning Commission may:

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

ATTACHMENTS:

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

PLANNING DEPARTMENT
PUBLIC HEARING APPLICATION

Public Hearing Number

24-22-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: Kelly BraudName of Business: _____ Phone: 785-840-5871Property Address: 1801 Seacliffe Dr. Mailing Address (if Different): _____E-Mail Address: Kbbraud@yahoo.comReason for request, location and intended use of Property: 2 foot variance on back line ofmy back yard fence (property abuts McVeay Lane)

ATTACHMENTS REQUIRED AS APPLICABLE:

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

Signature of Applicant: Kelly Braud Date of Application: 5-13-24

FOR OFFICE USE ONLY

Date Received 5/13/24 Verify as Complete BLFee 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?

The special circumstance that could arise is a financial one. I have talked to Lowes about moving the fence. The cost will be just over \$4300. At the 25 foot mark is a tree. Removal of the tree is \$2800. To go further up requires removal of an existing deck.

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

I hired Lowes to build the fence and they contracted the job to another company. As a first time homeowner, I naively put my trust in them. They assured me they would get all permits and check all ordinances. They told me they did and all was fine.

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.

See below

4. Will the granting of the Variance requested confer upon you any special privilege that is denied by this Ordinance to other similar sites (lots or parcels), structures or buildings in the same district? Explain. It would allow a fence 13ft closer to a property line

③ The main reason I wanted a 6ft fence was due to numerous incidents of stray dogs leaping over an existing 4ft chain link fence. I was very concerned due to having dogs of my own. One particular incident involved a rather aggressive dog that almost attacked my father. When deciding where to place the fence, I trusted the company that we were ok to place where we did and I was hoping to fence in as much yard as I could. That is another reason I am hoping for the variance. I would very much like to not lose the amount of yard if possible.

NARRATIVE

I am requesting a variance today for my back lot fence. Specifically, I would like a 2 foot variance allowing a 6 foot fence. It would remain 12 feet 11 inches from my property line off of McVeay Lane. I originally moved a 4ft chainlink fence and replaced it with the 6 foot fence due to numerous issues with stray dogs leaping over the fence. This included a very aggressive dog that almost attacked my father. I decided to place the higher fence out of concern for my family and my own dogs. In May of 2022, I hired Lowes to build the fence. They contracted the job out to another company. This company assured me they would check all permits and ordinances. As a first time home owner, I made the mistake of fully trusting them. They informed me they did all the checks and that everything was all good to continue. I have contacted Lowes about moving the fence. The cost would be just over \$4300. At the 25 foot mark is a large tree, which would be \$2800 to remove. If I go up further, it would require the removal of a deck. I am hoping that a variance can be granted to prevent the financial costs and the loss of use of part of my yard. I appreciate your time and your consideration.

SOUTH
DIAGRAM

25' Fence
Property Line

13'

DECK

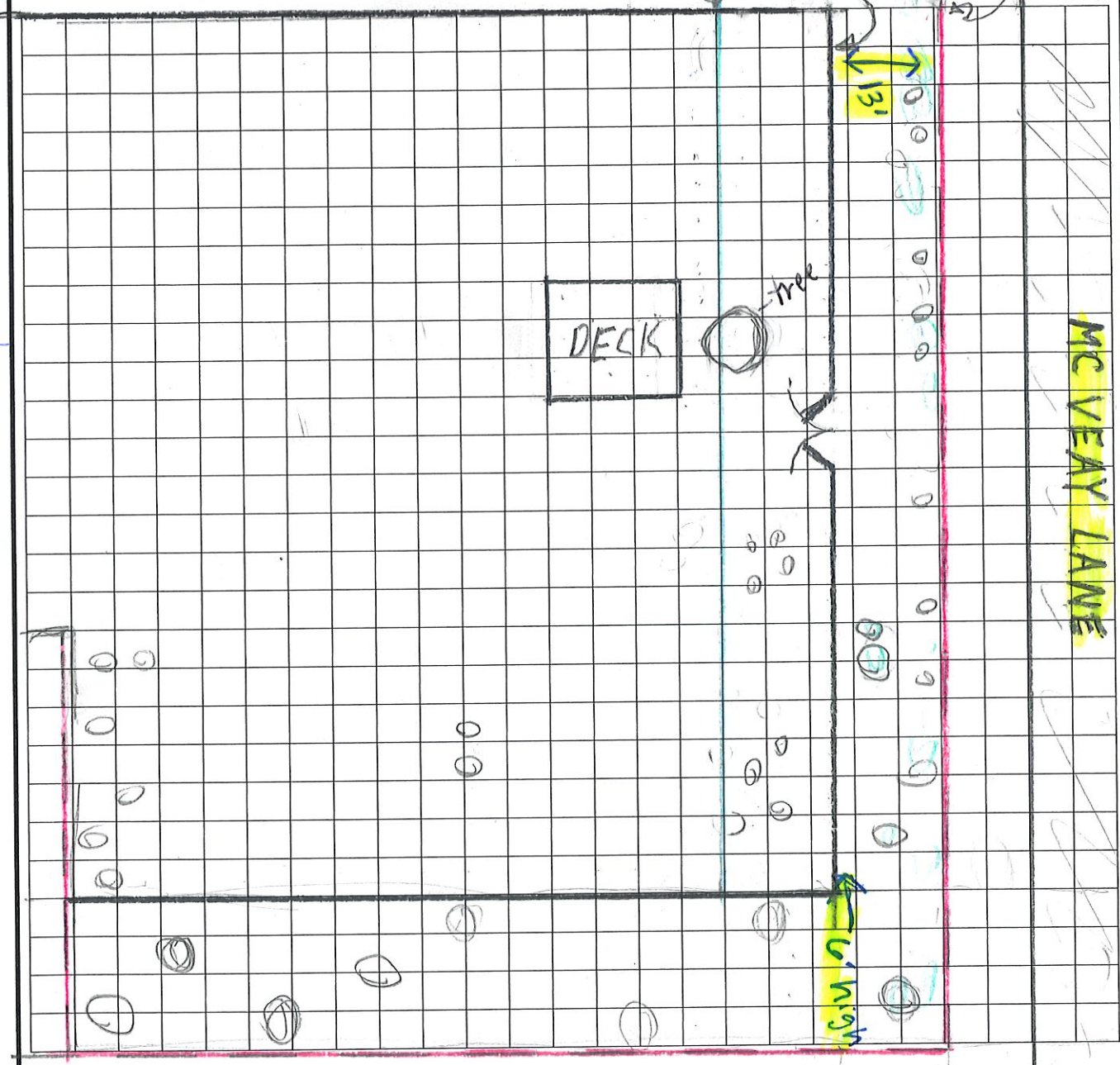
tree

MC VEAY LANE

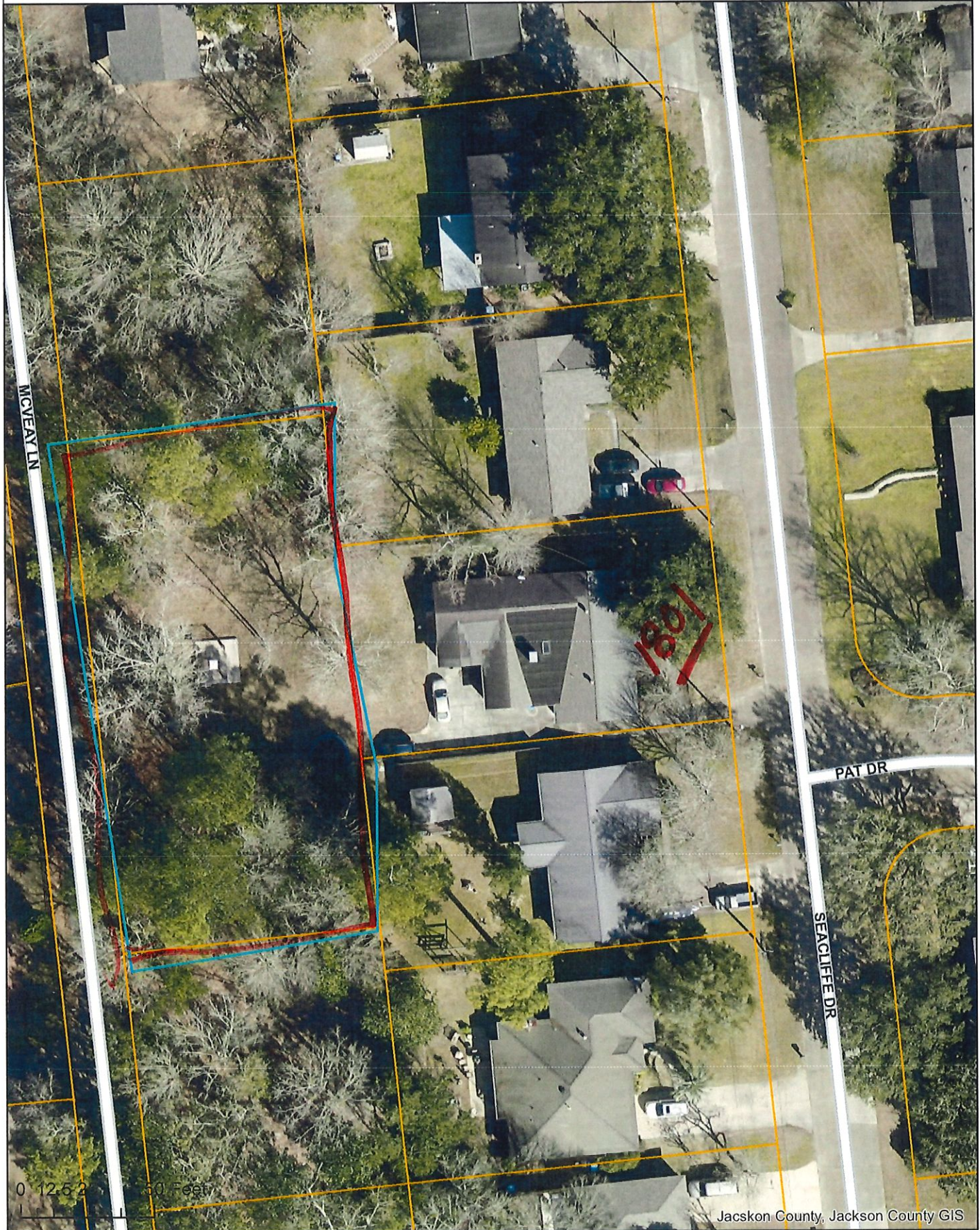
16' high

NORTH

180' SeacLife



82513460.060 BRAUD KELLY



MCVEY LN

PAT DR

SEACLYFFE DR

0 12.5 25 50 Feet

Jackson County, Jackson County GIS

82513460.060 BRAUD KELLY

PIDN: 82513460.060

GISP: 871.12-03-0042.00

Owner Information

Percent of Ownership: 100

Name: BRAUD KELLY

Name 2:

Mailing Address: 1801 SEACLIFFE DR

GAUTIER MS

39553

Site Address: MCVEAY LN GAUTIER

Land Information

Section: 12

Acreage: 0.44

Township: 8

Range: 7

Street Name MCVEAY
LN

Value and Tax Information

Total Assessed Value: 1532

Total Appraised Value: 10210

Improvement Value: 0

Land Value: 10210

Tax Amount: 220

SQ FT: 0

Year Built: 0

Legal Description

Description: COM NW COR LOT 41 SEACLIFF S/D N

6 DEG W 97.48' FOR POB CONT N

6 DEG W 195' S 84 DEG W 99.53' S

6 DEG E 195' N 84 DEG E 99.8' T

O POB DB 2052-222 (42 MAP871.12-
03)

Deed Book / Page: 2052 / 222

82513460.060 BRAUD KELLY



Also Ms. Braud's property

Exhibit A Location Map

Prepared by:
City of Gautier
Planning Department

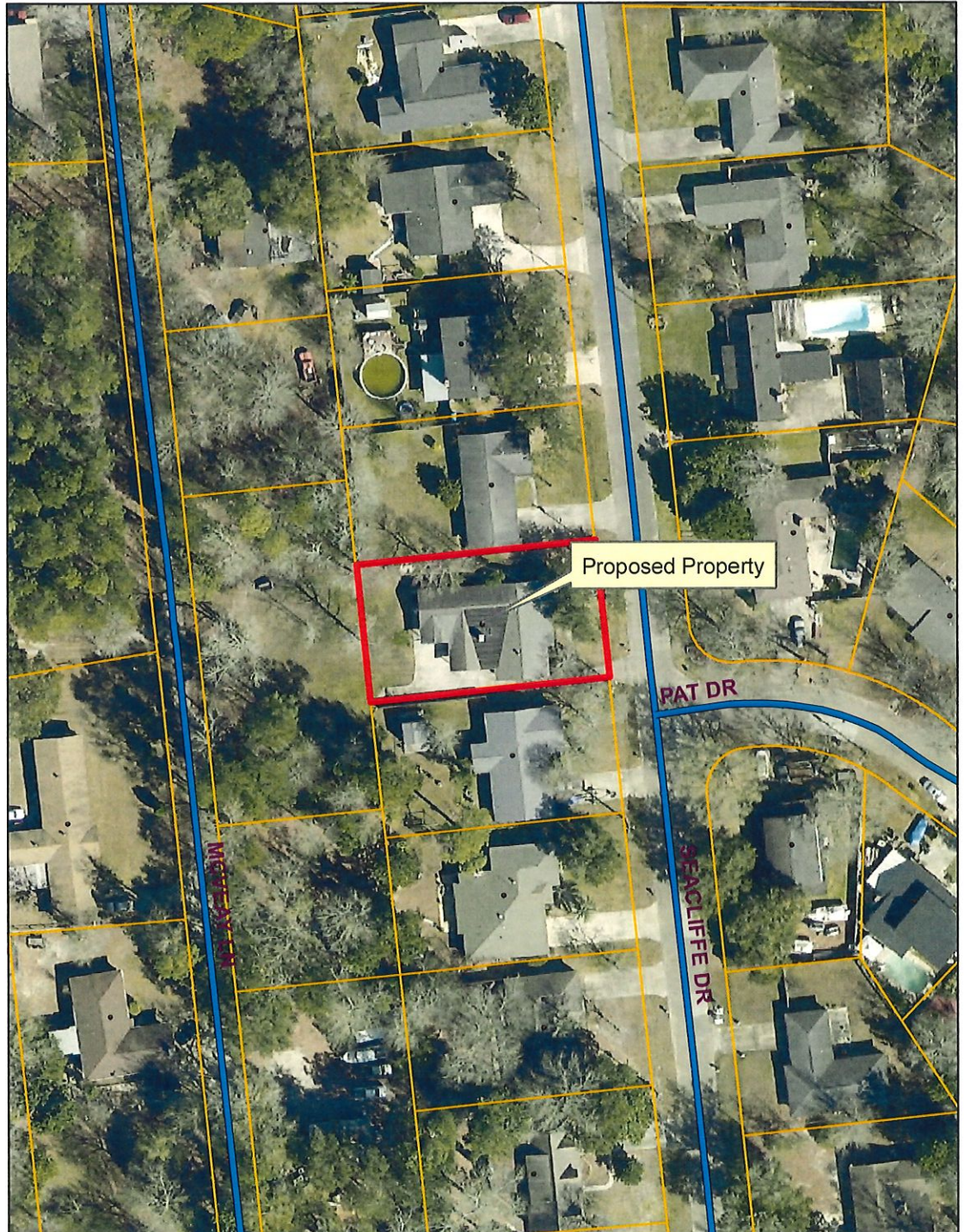


Exhibit B

Existing Zoning

Prepared by:
City of Gautier
Planning Department

Legend

Zoning

ZONECODE

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



Exhibit C

Existing Land-Use

Prepared by:

City of Gautier
Planning Department

Legend

EXISTING LAND USE

ELU_08

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



Exhibit D

Future Land-Use

Prepared By:

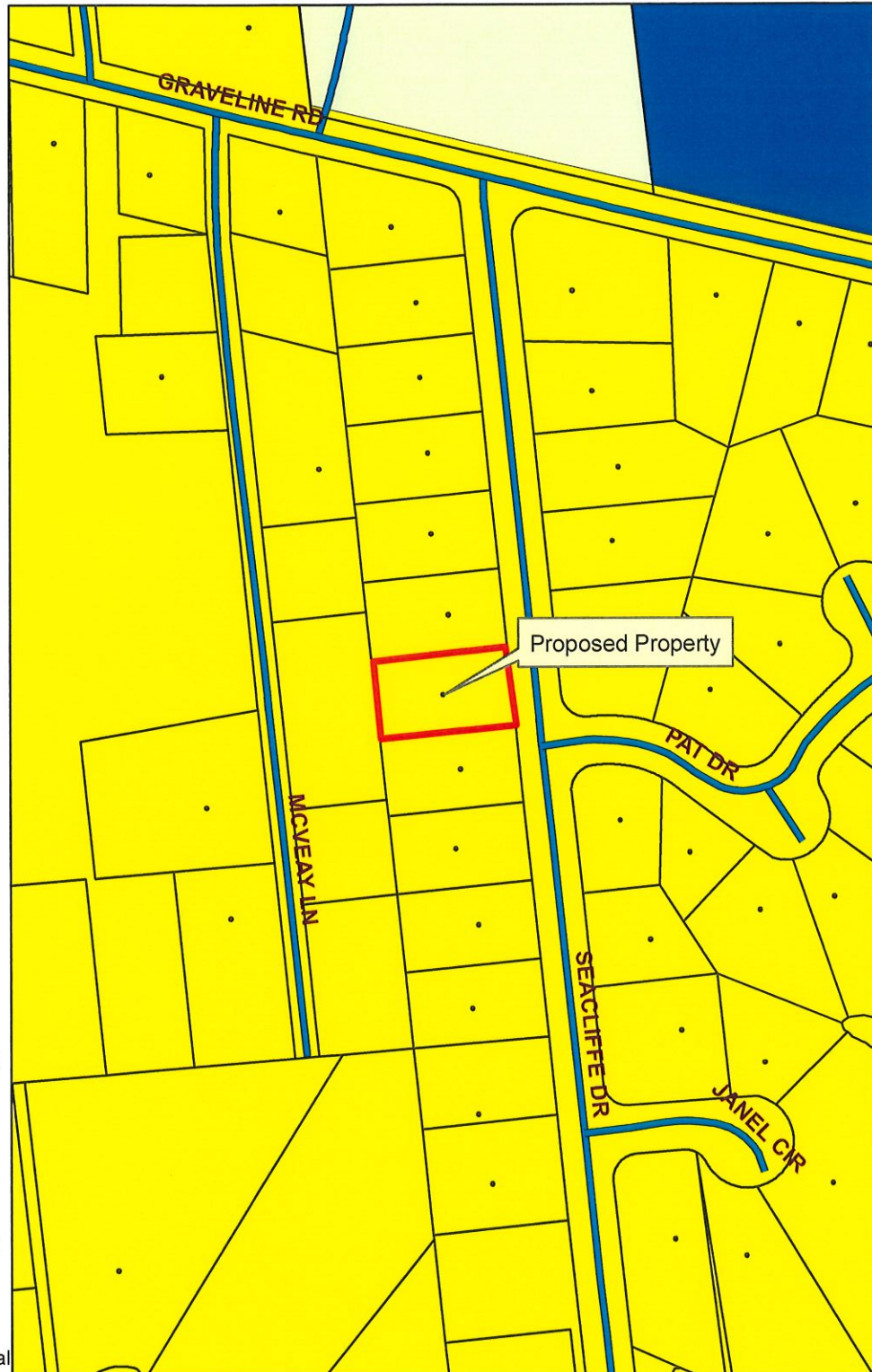
City of Gautier
Planning Department

Legend

FUTURE LAND USE

FLU_Class

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



Gautier Planning Commission

Regular Meeting Agenda

July 11, 2024

GPC #24-23-CU

Karen Cooley

3224 & 3228 Willis Drive

VII. NEW BUSINESS

5. Consider a request for a Conditional Use-Major that would allow a Recreational Vehicle (RV) on an individual lot in the MURC-MW Mixed Use Recreation Commercial – Mary Walker Zoning District. 3224 & 3228 Willis Drive (GPC #24-23-CU)

**CITY OF GAUTIER
STAFF REPORT**

To: Chairman and Members, Planning Commission

From: Scott Ankerson, Planning Director

Date: July 3, 2024

Subject: Consider a request for a Conditional Use-Major that would allow a Recreational Vehicle (RV) on an individual lot in the MURC-MW Mixed Use Recreation Commercial – Mary Walker Zoning District. 3224 & 3228 Willis Drive. (GPC #24-23-CU)

REQUEST:

The Planning Department has received a request from Karen Cooley for a Conditional Use-Major that would allow a Recreational Vehicle (RV) on an individual lot in the MURC-MW Mixed Use Recreation Commercial – Mary Walker Zoning District at 3224 & 3228 Willis Drive, PID #87420108.000 & #87420107.000. The applicant plans to park the RV on the property line between the two lots. (GPC #24-23-CU). The application fee of \$250 was paid on May 15, 2024. All public notice requirements have been met.

BACKGROUND:

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

1. Location: 3224 & 3228 Willis Drive, PID #87420108.000 & #87420107.000 (See Exhibit A)
2. General features of the proposed project:
Total Area of Both Lots: Approximately 0.26 Acres
3. Existing Zoning – MURC-MW Mixed Use Recreation Commercial – Mary Walker (See Exhibit B)
4. Existing Land Use – Vacant (See Exhibit C)
5. Comprehensive Plan Future Land Use Designation – Recreational Commercial (See Exhibit D)

DISCUSSION:

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

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

Applicant Response: Yes.

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

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

Applicant Response: Other RVs in area

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

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

Applicant Response: No.

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

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

Applicant Response: No.

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

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

Applicant Response: Yes.

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

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

Applicant Response: Yes.

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

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

Applicant Response: No.

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

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

Applicant Response: Yes.

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

DETERMINATION OF APPLICABLE LAW:

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

designated "Conditional Uses-Major" are transferable from one (1) owner of land to another.

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

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

RECOMMENDATION & CONCLUSION:

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

The Planning Commission may:

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

ATTACHMENTS:

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

GAUTIER, MISSISSIPPI
PLANNING DEPARTMENT

CONDITIONAL USE APPLICATION

Public Hearing Number

24-23-04

TO BE HEARD BY GAUTIER PLANNING COMMISSION AND CITY COUNCIL:

Conditional Use - Major

FEE:

\$251.00

TO BE HEARD BY PLANNING DIRECTOR:

Conditional Use - Minor

FEE:

\$251.00

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

Name of Applicant:

Karen Cooley

Name of Business:

Phone:

601-947-5091

Property Address:

3224 & 3228 Willis Drive

Gautier MS 39553

Mailing Address (if Different):

134 LaTroy Cooley Rd Ivreche MS 39452

E-Mail Address:

CooleyKaren123@yahoo.com

Proposed Use Requiring Conditional Use:

BV INA MURC-MW ZONE (Refer to Article V, UDO)

Proposed Location is:

☐

New Build

☐

Existing (with no modifications)

☐

Existing (with proposed modifications)

ATTACHMENTS REQUIRED AS APPLICABLE:

✓

1. Answers to the Criteria for Approval (see attached).

✓

2. Project Narrative (see attached).

✓

3. Diagram of intended use (see attached).

NA

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

NA

5. Copies of approvals, or requests for approval, from other agencies, such as, but not limited to, the Mississippi State Department of Health, U.S. Army Corp of Engineers, Mississippi Department of Environmental Quality and Department of Marine Resources.

NA

6. Any other information requested by the Planning Director.

NA

7. Owner's Consent form if anyone other than 100% sole owner makes application (see attached).

Signature of Applicant(s):

Karen M. Cooley

Date of Application:

5-15-24

FOR OFFICE USE ONLY

Date Received

5/15/24

Verify as Complete

Balo/SA

Fee Amount Received

251.00

Initials of Employee Receiving Application

Balo

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

MAJOR CONDITIONAL USE CRITERIA FOR APPROVAL

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

MINOR CONDITIONAL USE CRITERIA FOR APPROVAL

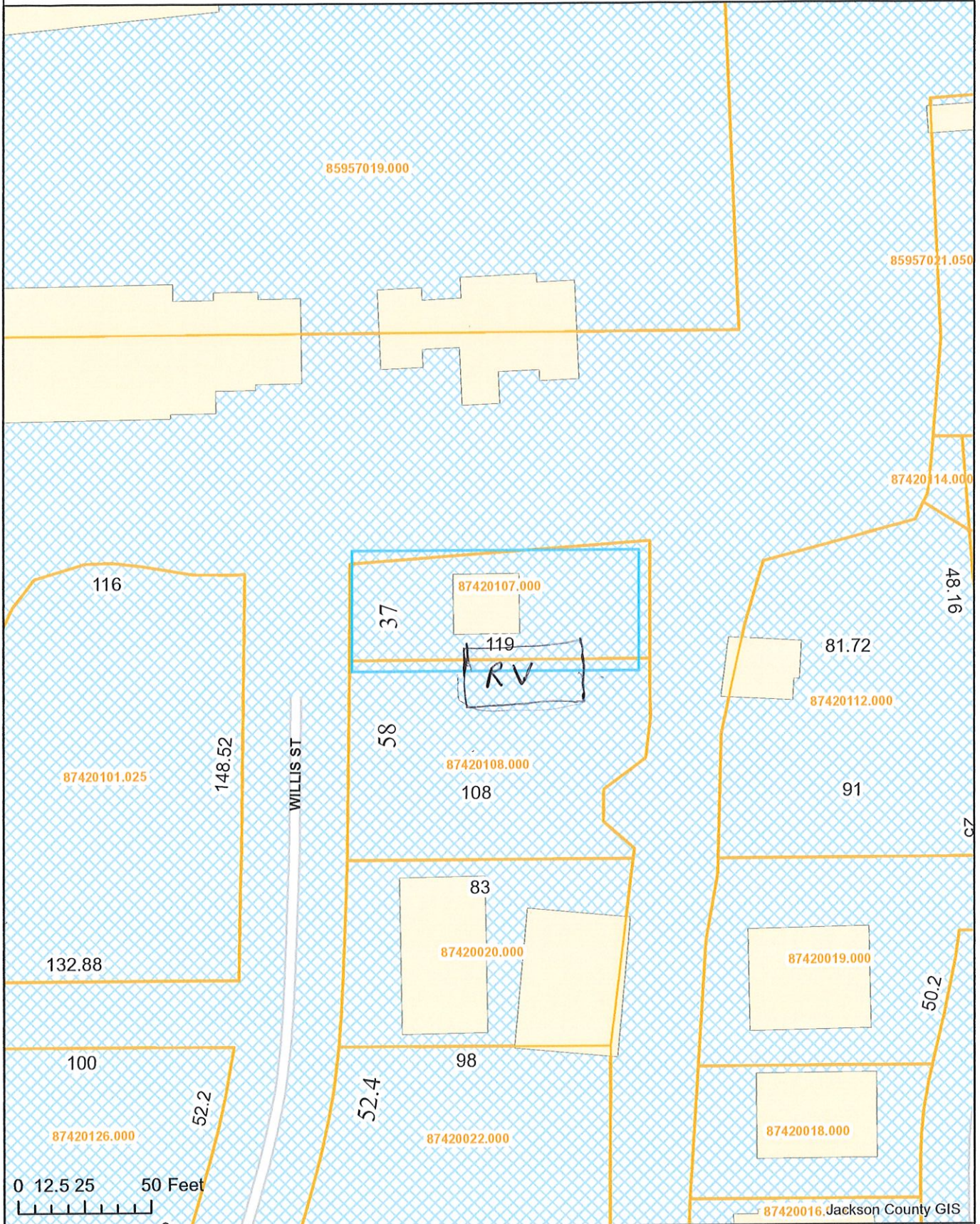
1. Is the proposed use substantially compatible with other uses in the area, including factors relating to the nature of its location, operation, building design, site design, traffic characteristics, and environmental impacts? Explain.
2. Will the proposed use be materially detrimental to the health,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

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

NARRATIVE

I want to park our camper on our property for vacationing.

87420107.000 COOLEY KAREN M



87420108.000 COOLEY KAREN M

PIDN: 87420108.000

GISP: 769.32-04-0094.00M

Owner Information

Percent of Ownership: 100

Name: COOLEY KAREN M

Name 2:

Mailing Address: 134 LATROY COOLEY RD
LUCEDALE MS
39452

Site Address: 3224 WILLIS DR GAUTIER

Land Information

Section: 32 Acreage: 0

Township: 7

Range: 6

Street Name WILLIS
DR

Value and Tax Information

Total Assessed Value: 6113

Total Appraised Value: 40750

Improvement Value: 8320

Land Value: 32430

Tax Amount: 878

SQ FT: 0

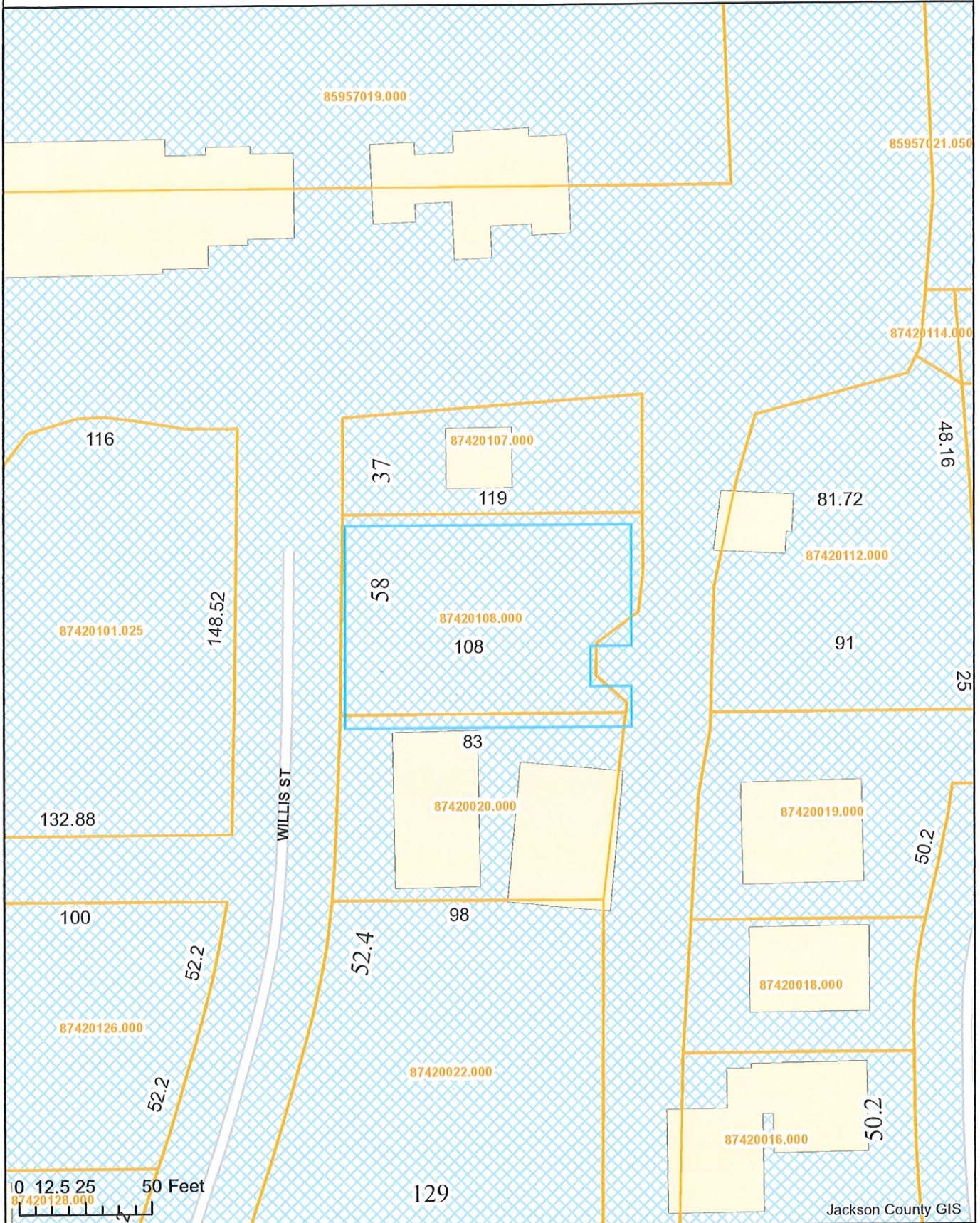
Year Built: 0

Legal Description

Description: LOT 8 & LOT 9 LESS S 25' WILLIS
HGTS S/D #3 DB 1830-99 (94M Map7
69.32-04)

Deed Book / Page: 1830 / 99

87420108.000 COOLEY KAREN M



Jackson County GIS

87420107.000 COOLEY KAREN M

PIDN: 87420107.000

GISP: 769.32-04-0096.00

Owner Information

Percent of Ownership: 100

Name: COOLEY KAREN M

Name 2:

Mailing Address: 134 LATROY COOLEY RD
LUCEDALE MS
39452

Site Address: 3228 WILLIS DR GAUTIER

Land Information

Section: 32 Acreage: 0

Township: 7

Range: 6

Street Name WILLIS
DR

Value and Tax Information

Total Assessed Value: 3696

Total Appraised Value: 24640

Improvement Value: 11340

Land Value: 13300

Tax Amount: 531

SQ FT: 0

Year Built: 0

Legal Description

Description: LOT 7 WILLIS HTS S/D #3 & RESERV
ED AREA ON NORTHERN TERMINUS OF
WILLIS ST DB 2092-405 (96 MAP769
.32-04)

Deed Book / Page: 2092 / 405

87420107.000 COOLEY KAREN M

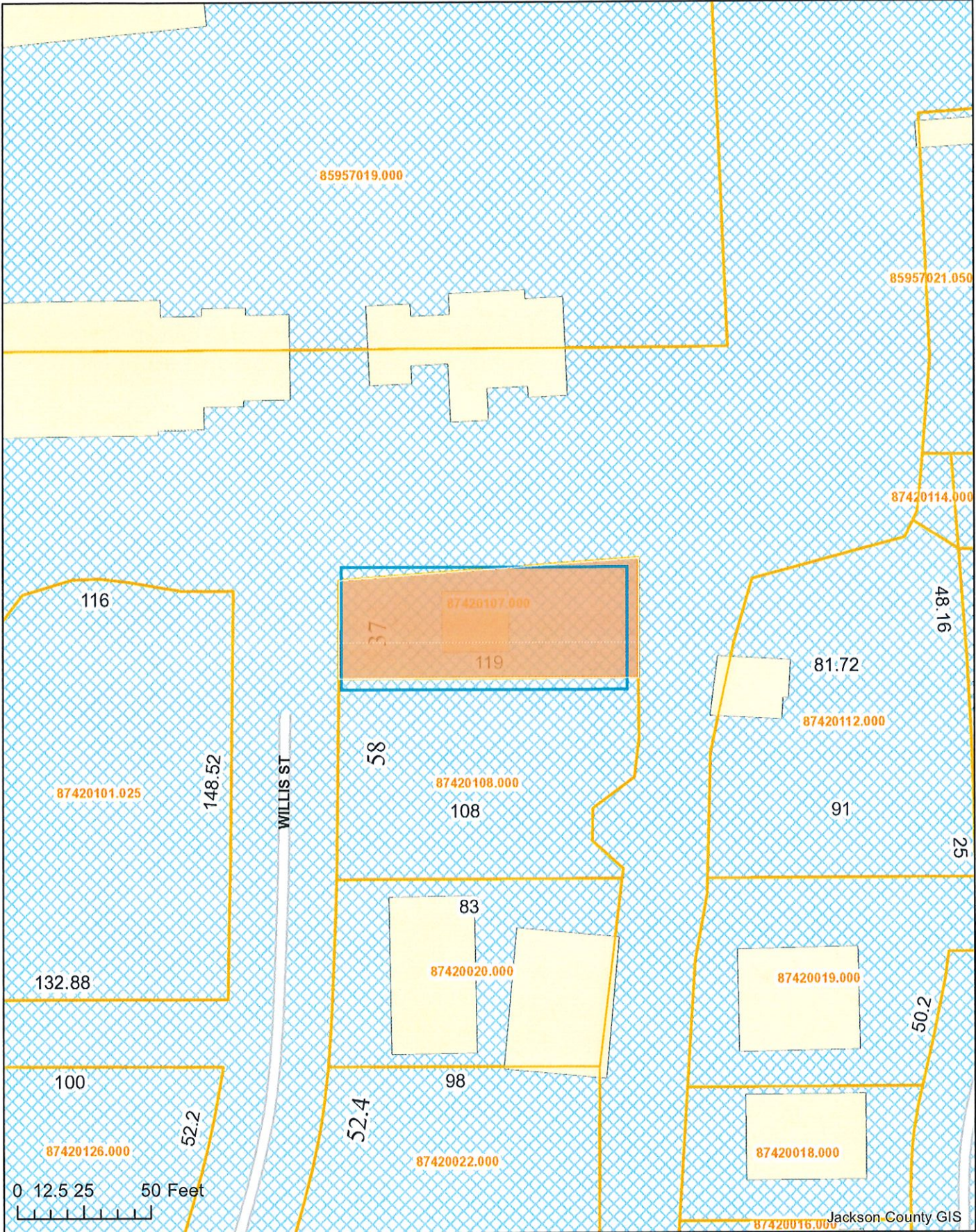


Exhibit A Location Map

Prepared by:
City of Gautier
Planning Department

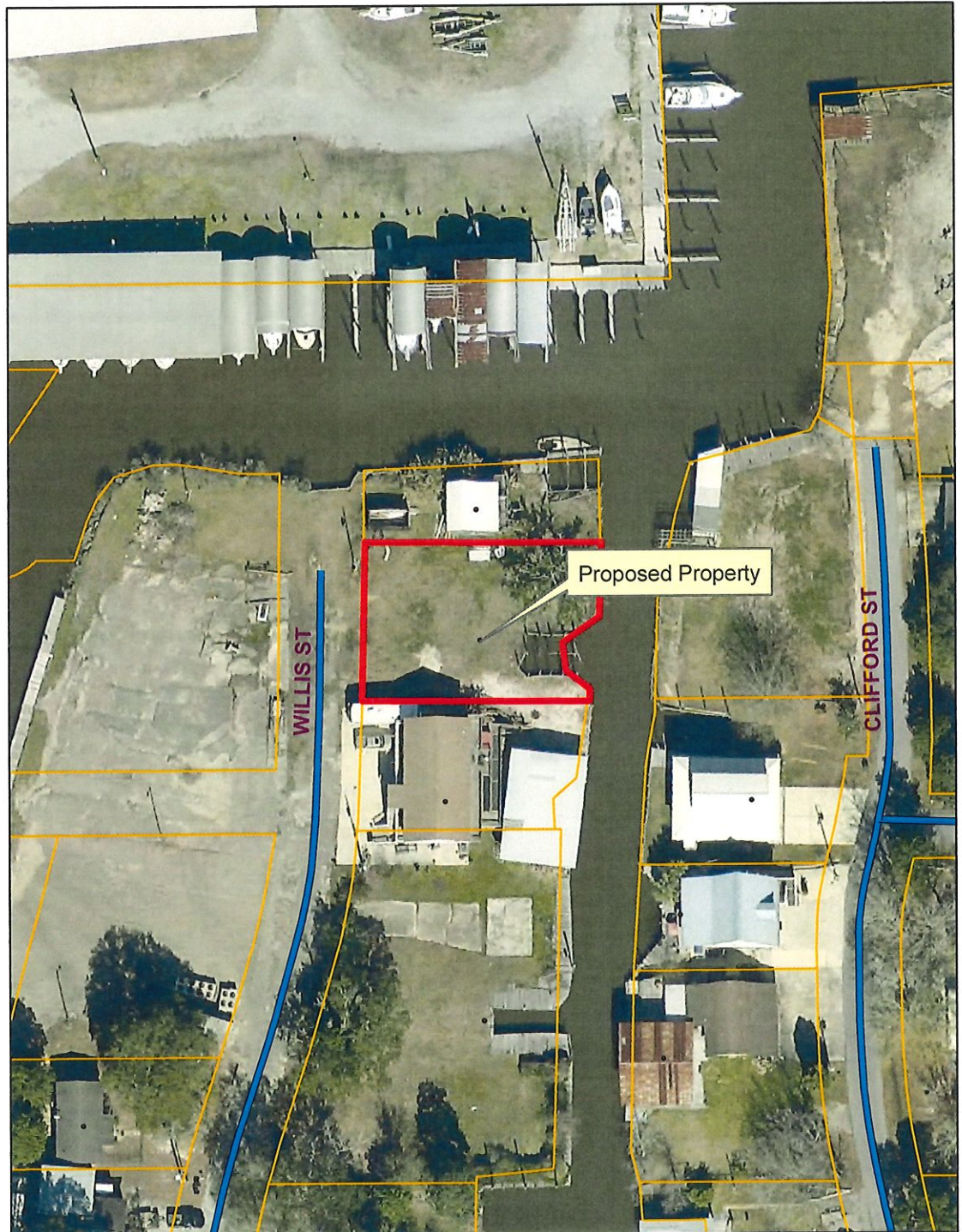


Exhibit B

Existing Zoning

Prepared by:
City of Gautier
Planning Department

Legend

Zoning

ZONECODE

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

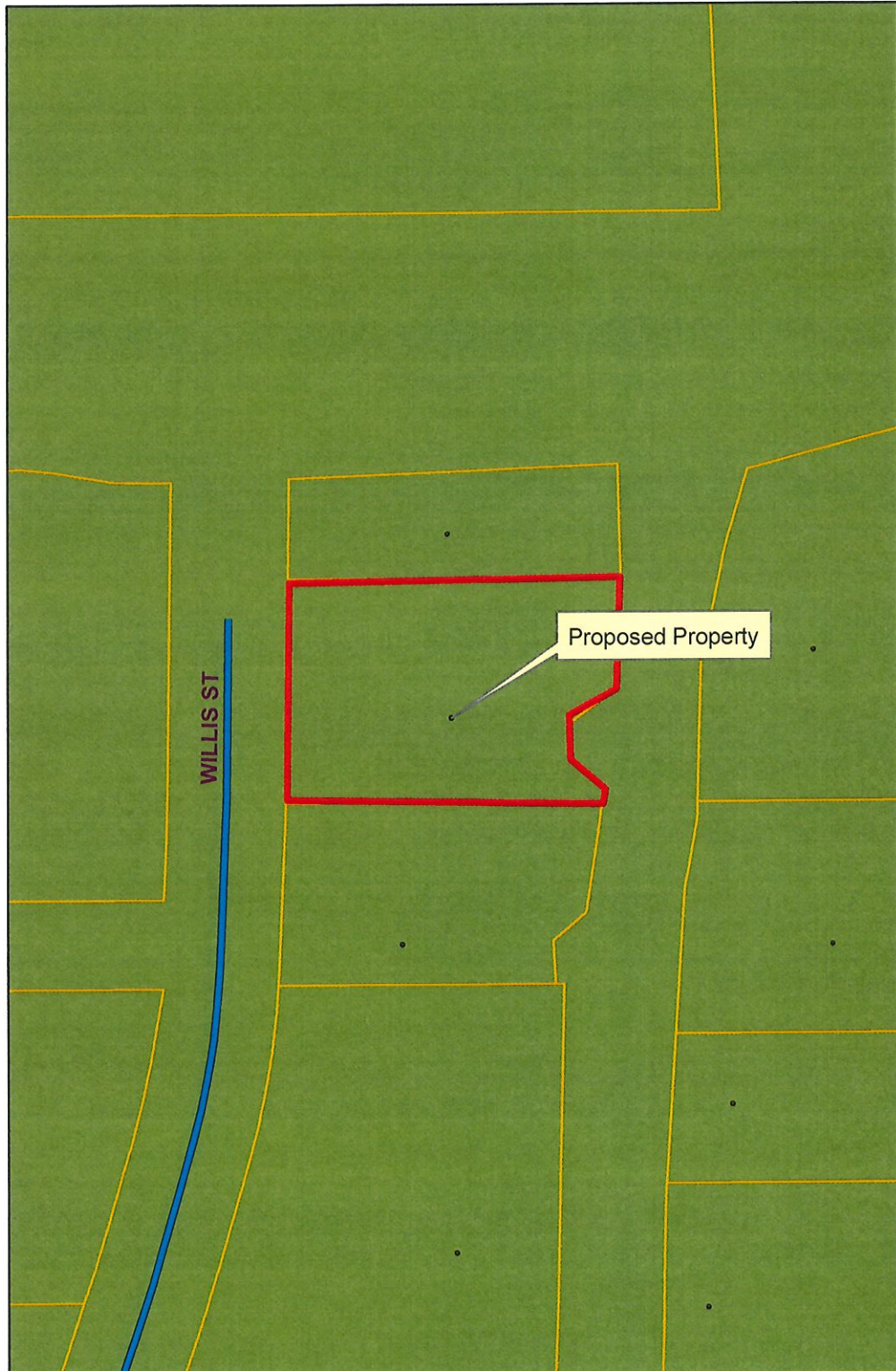


Exhibit C

Existing Land-Use

Prepared by:

City of Gautier
Planning Department

Legend

EXISTING LAND USE

ELU_08

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

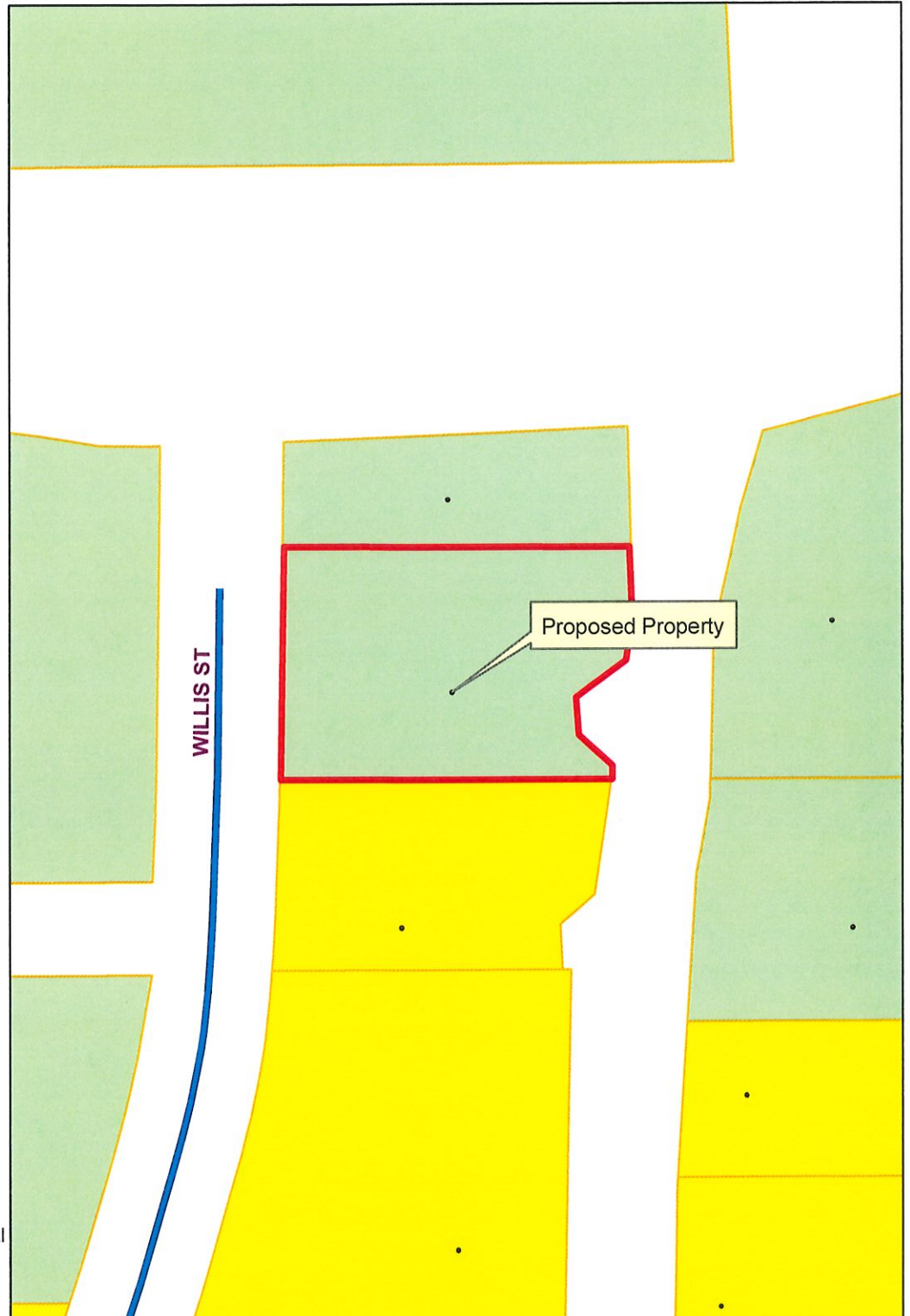


Exhibit D

Future Land-Use

Prepared By:

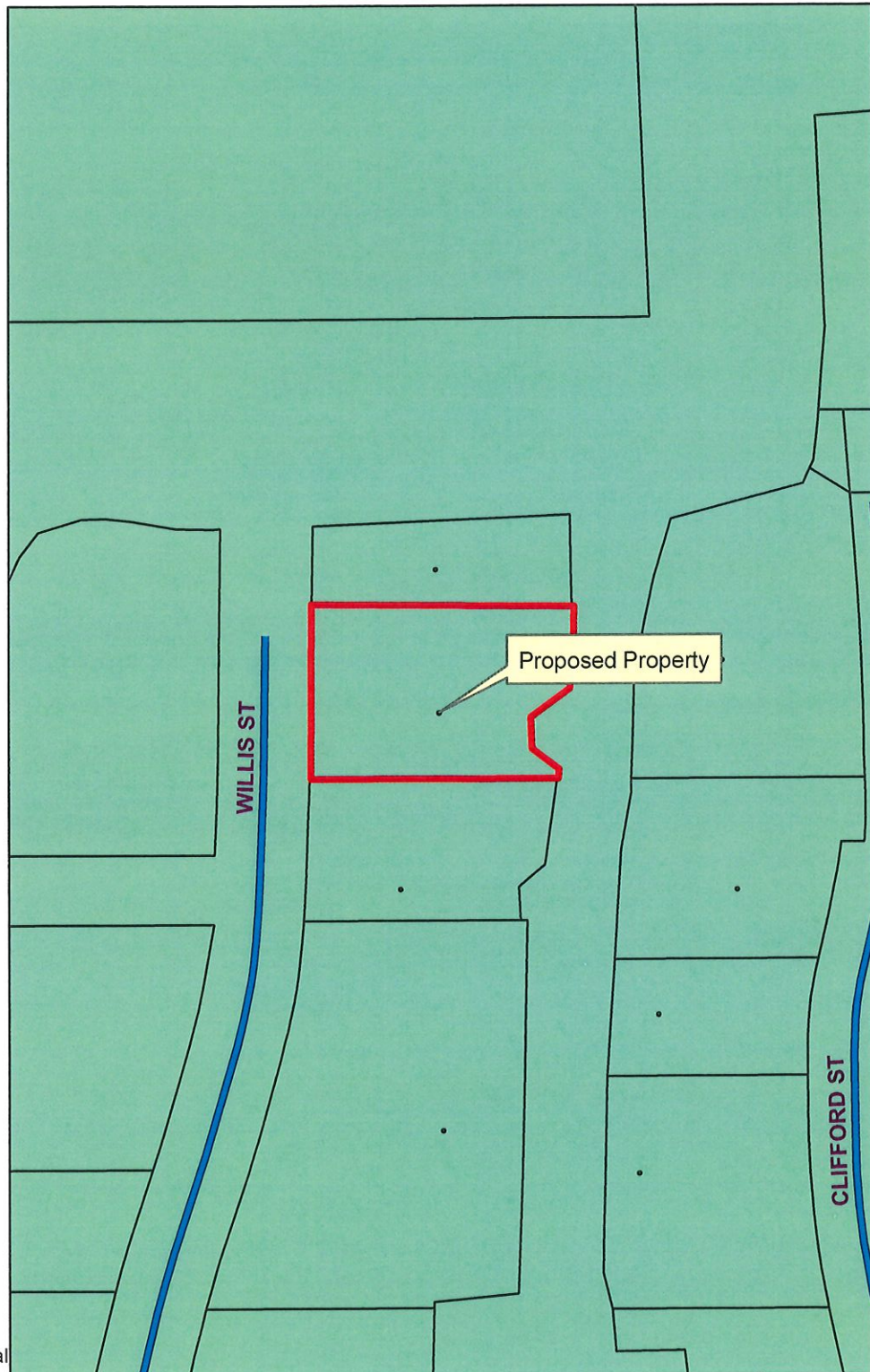
City of Gautier
Planning Department

Legend

FUTURE LAND USE

FLU_Class

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



Gautier Planning Commission

Regular Meeting Agenda

July 11, 2024

GPC #24-24-SE

James Thomas

913 Roys Road

VII. NEW BUSINESS

6. Consider a request for a Special Exception that would allow an accessory building on a lot without a primary structure in a R-1 Low Density Single-Family Residential Zoning District. 913 Roys Road, (GPC #24-24-SE)

CITY OF GAUTIER STAFF REPORT

To: Chairman and Members, Planning Commission

From: Scott Ankerson, Planning Director

Date: July 3, 2024

Subject: Consider a request for a Special Exception that would allow an accessory building on a lot without a primary structure in a R-1 Low Density Single-Family Residential Zoning District, 913 Roys Road. (GPC #24-24-SE)

REQUEST:

The Planning Department has received a request from James Thomas for a Special Exception that would allow an accessory building on a lot without a primary structure in a R-1 Low Density Single-Family Residential Zoning District at 913 Roys Road, PID #81807061.050 (GPC #24-24-SE). The application fee of \$250 was paid on May 15, 2024. All public notice requirements have been met.

BACKGROUND:

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

1. Location: 913 Roys Road, PID #81807061.050 (See Exhibit A)
2. General features of the proposed project:
Lot Size: 0.63 acres
3. Potable Water and Wastewater Services: Available at current location
4. Current Zoning (See Exhibit B): R-1 Low Density Single-Family Residential
5. Current Surrounding Zoning (See Exhibit B): R-1 Low Density Single-Family Residential
6. Current Surrounding Existing Land Use (See Exhibit C): Residential, Vacant

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

DISCUSSION:

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

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

Applicant Response: *There are other accessory structures in the area.*

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 injurious to the neighborhood.*

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

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

Applicant Response: *We would like to move our shed to this lot.*

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

24-24-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: James Thomas

Name of Business: _____

Address: 913 Boys Rd Gautier, ms 39553

Mailing Address (if different): 905 Susan Circle Gautier, ms 39553

Email Address: Tristardipasa10@att.net

Phone: 228-219-6995 Cell Phone: " "

Reason for request, location and intended use of Property: I would like to put an accessory structure on a lot without a primary structure

ATTACHMENTS REQUIRED AS APPLICABLE:

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

Signature of Applicant: _____

FOR OFFICE USE ONLY

Date Received 5/15/24 Verify as Complete Babs / Scott

Fee Amount Received 251.00

Initials of Employee Receiving Application Babs

SPECIAL EXCEPTION

Criteria for Approval Special Exception

- A. Explain how a literal interpretation of the City of Gautier's Unified Development Ordinance would deprive the applicant of rights commonly enjoyed by others of the district in which the property is located, and would work unnecessary hardship upon the applicant? *There are other accessory structures in area*
- 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 injurious to the neighborhood*
- C. Explain how the special circumstances requiring the proposed Special Exception are not results of actions of the applicant? *We would like to move our shed to this lot.*

81807061.050 THOMAS JAMES

PIDN: 81807061.050

GISP: 764.19-02-0156.00

Owner Information

Percent of Ownership: 100

Name: THOMAS JAMES

Name 2:

Mailing Address: 905 SUSAN CIR

GAUTIER MS

39553

Site Address: 913 ROYS RD GAUTIER

Land Information

Section: 7

Acreage: 0.63

Township: 7

Range: 6

Street Name ROYS
RD

Value and Tax Information

Total Assessed Value: 2897

Total Appraised Value: 19310

Improvement Value: 690

Land Value: 18620

Tax Amount: 416

SQ FT: 0

Year Built: 0

Legal Description

Description: BEG INTERS S/M ROY BORRIES RD &
W/M SUSAN CIRCLE SLY ALG SUSAN C
IRCLE 200' SWLY ALG DEAD RIVER R
D 100.8' N 282.1' TO S/M ROY BOR
RIES RD ELY 128.9' BACK TO POB D
B 2002-497 (156 MAP764.19-02)

Deed Book / Page: 2002 / 497

81807061.050 THOMAS JAMES

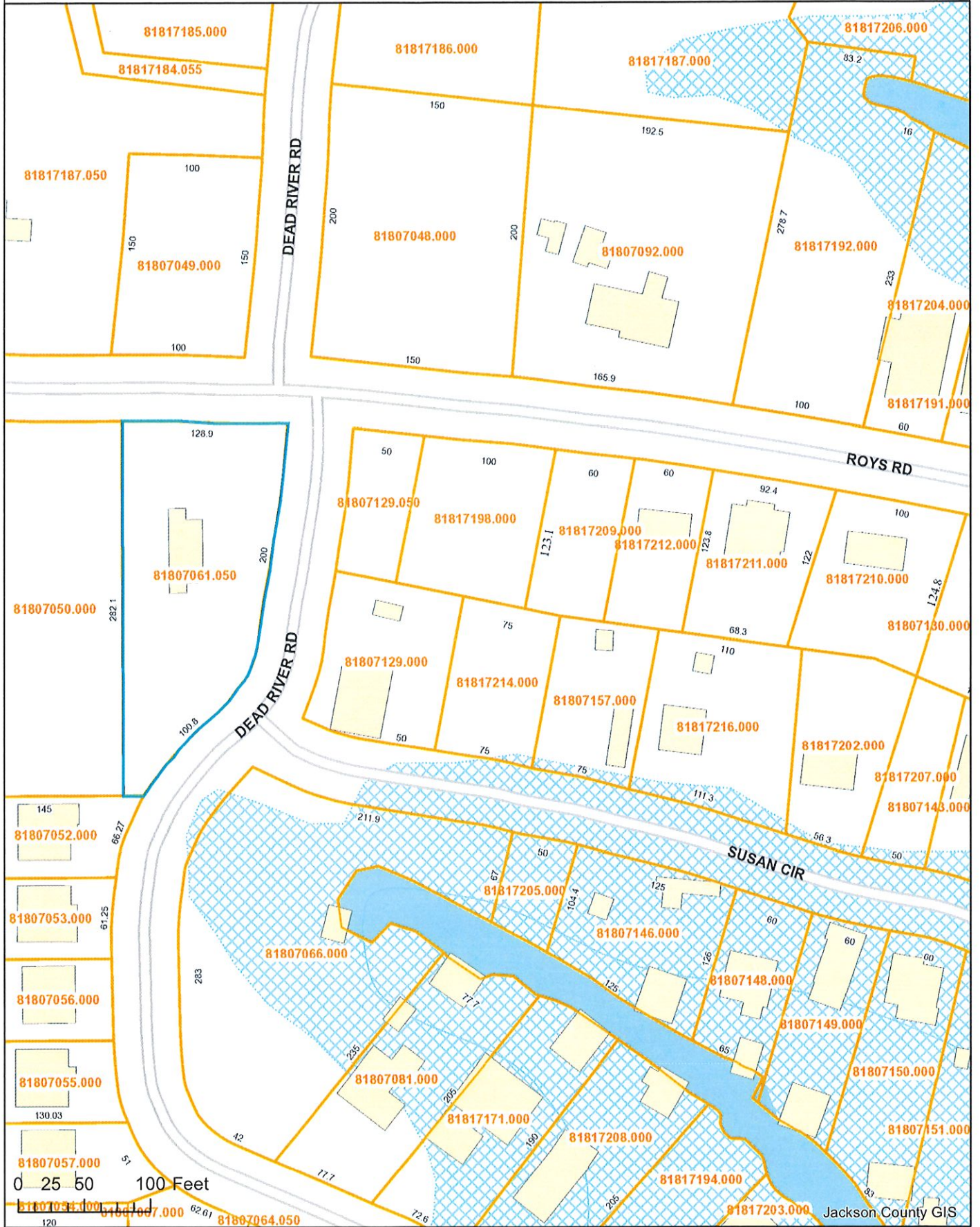


Exhibit A Location Map

Prepared by:
City of Gautier
Planning Department

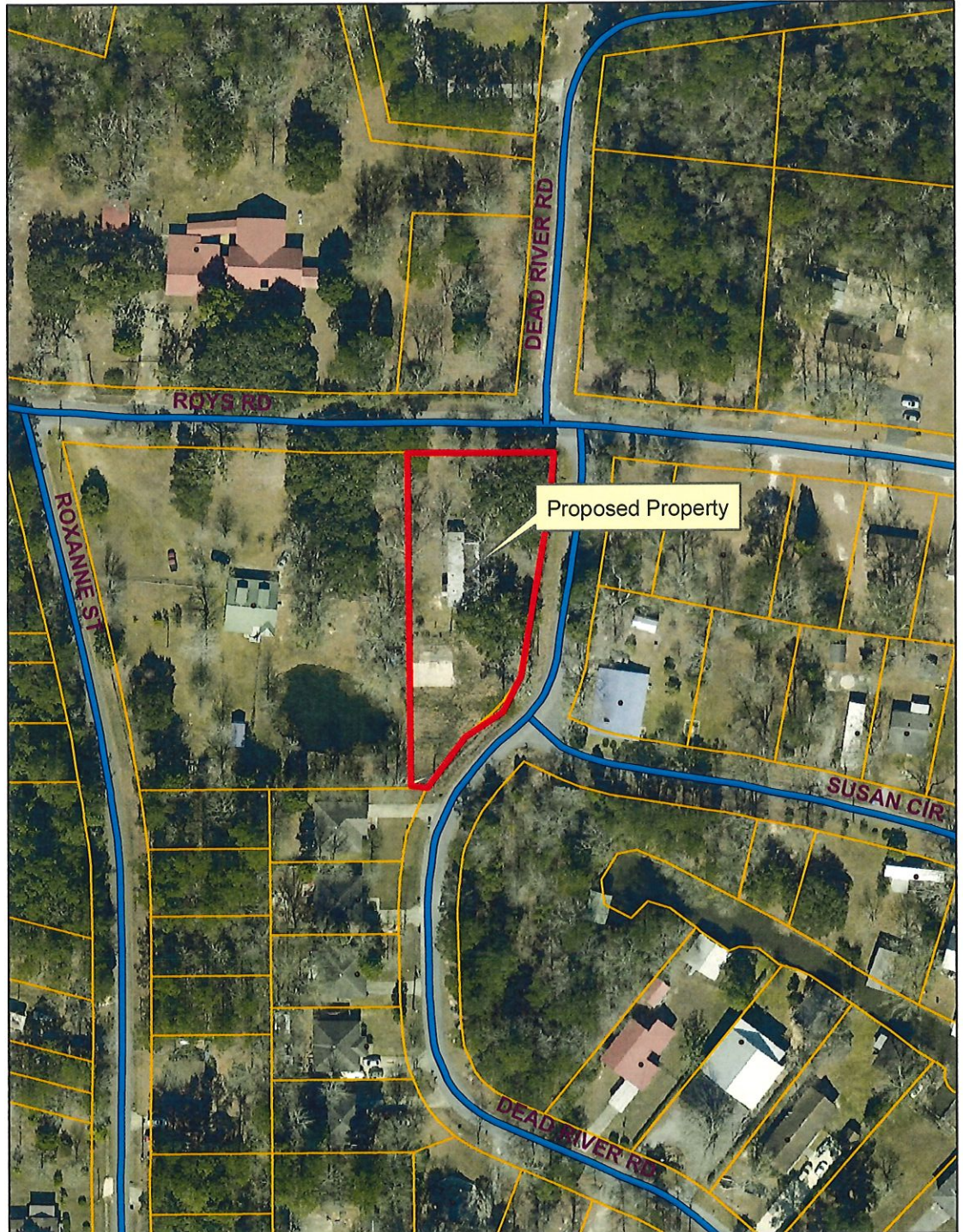


Exhibit B

Existing Zoning

Prepared by:
City of Gautier
Planning Department

Legend

Zoning

ZONECODE

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

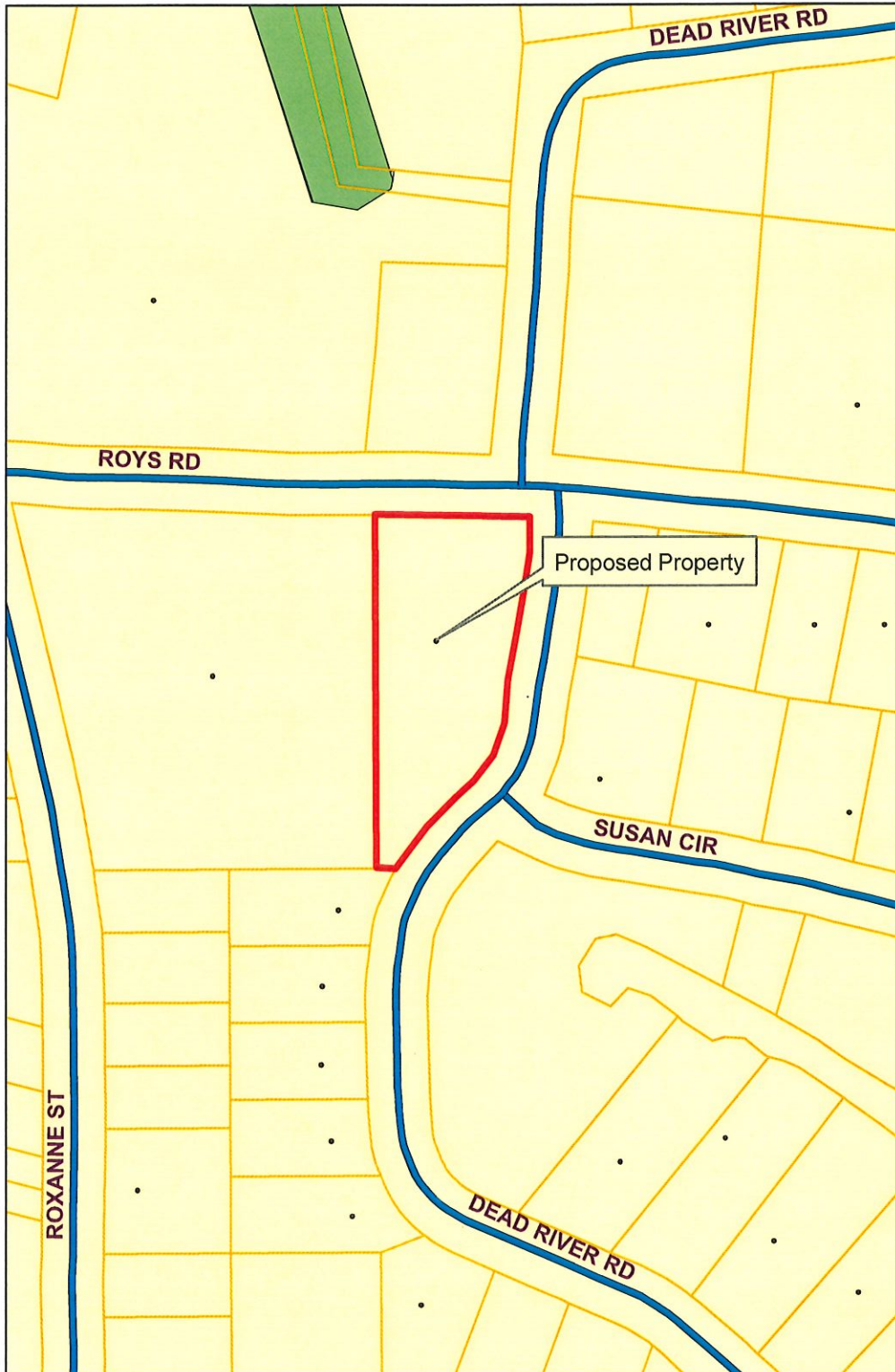


Exhibit C

Existing Land-Use

Prepared by:
City of Gautier
Planning Department

Legend

EXISTING LAND USE

ELU_08

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

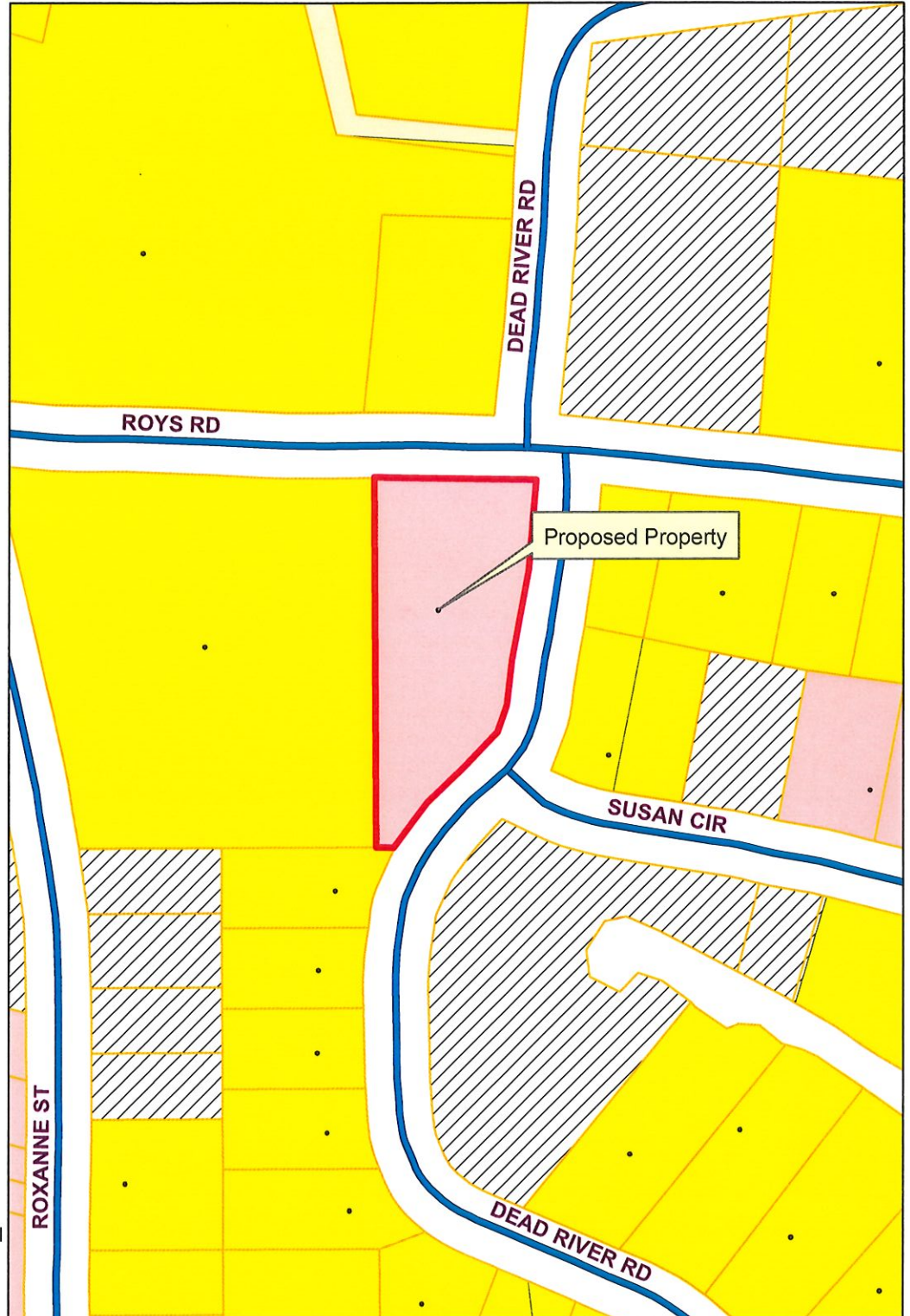


Exhibit D

Future Land-Use

Prepared By:

City of Gautier
Planning Department

Legend

FUTURE LAND USE

FLU_Class

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



Gautier Planning Commission

Regular Meeting Agenda

July 11, 2024

GPC #24-25-VAR

3001 Ladnier Road

VII. NEW BUSINESS

7. Consider a request for a seventeen (17) square foot variance to sign square footage requirements previously approved as a Special Exception located in a R-1 Low Density Single-Family Residential Zoning District. 3001 Ladnier Road, (GPC #24-25-VAR)

**CITY OF GAUTIER
STAFF REPORT**

To: Chairman and Members, Planning Commission

From: Scott Ankerson, Planning Director

Date: July 3, 2024

Subject: Consider a request for a seventeen (17) square foot variance to sign square footage requirements previously approved as a Special Exception located in a R-1 Low Density Single-Family Residential Zoning District at 3001 Ladnier Road, (GPC #24-25-VAR)

REQUEST:

The Planning Department has received a request from PROMISS for a seventeen (17) square foot variance to sign square footage requirements previously approved as a Special Exception located in a R-1 Low Density Single-Family Residential Zoning District at 3001 Ladnier Road, PID #85106184.000 (GPC #24-25-VAR). The application fee of \$175 was paid on May 21, 2024. All public notice requirements have been met.

BACKGROUND:

In August 2006, a Conditional Use was approved for PROMISS, a non-profit Pregnancy Resource Center, that would allow them to be located in an R-1 Single Family Residential Zone at 3001 Ladnier Road. One of the conditions placed on the approval of the Conditional Use was that the only sign allowed would be what was allowed for a Home Occupation which was one unanimated, non-illuminated sign not to exceed one square foot in area mounted flush against the main building. The applicant is asking to be allowed to put up an eighteen square foot sign that would be mounted against the main building.

DISCUSSION:

The applicant is asking for a 17 square foot variance to the signage that was allowed when she was granted the Conditional Use.

DETERMINATION OF APPLICABLE LAW:

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

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

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

The UDO defines **Hardship** as:

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

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

UDO SECTION 4.18: Variance

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

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

4.18.1 Who May Initiate

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

4.18.2 Application for Variance

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

4.18.3 Administrative Variances

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

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

4.18.4 Criteria for Approval

The Variance application shall demonstrate the following:

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

RECOMMENDATION & CONCLUSION:

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

The Planning Commission may:

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

ATTACHMENTS:

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

PLANNING DEPARTMENT
PUBLIC HEARING APPLICATION

Public Hearing Number

24-25-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: Raehele K. NilsenName of Business: PROMISS Phone: 228-297-6477Property Address: 3001 Ladnier Rd. Mailing Address (if Different): P.O. BOX 1226 GautierE-Mail Address: Contactpromiss@gmail.comReason for request, location and intended use of Property: Request Variance for Signage -Advertising of Business, Property Address 17sf Variance

ATTACHMENTS REQUIRED AS APPLICABLE:

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

Signature of Applicant: Raehele K. Nilsen Date of Application: 4-22-24

FOR OFFICE USE ONLY

Date Received 5/21/24 Verify as Complete B2/SAFee Amount Received 176.00 Initials of Employee Receiving Application Balus

OWNERS CONSENT AND DESIGNATION OF AGENCY - VARIANCE

I, Rachel K. Nilsen, Director, the fee simple owner of the following described property (give legal description):

Lot 184 of College Park West Subdivision as per map or plot thereof recorded in Book 12, Page 37, Records of Plats of Jackson County, Mississippi.

hereby petition to the City of Gautier to Grant a Variance of Dimensional Requirements from 1-ft by 1-ft to 6-ft by 8-ft in for sign located at 3001 Lachner Rd. Gaubee.

and affirm that Rachel Nilsen 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.

Rachel K. Nilsen
(Owner's Signature)

The foregoing instrument was acknowledged before me this 21 day of May, 2024 by Rachel Nilsen, who is personally known to me or has produced AL DL as identification and who did take an oath.

Shanta Butler
(Printed Name of Notary Public)

Shanta Butler
(Signature of Notary Public)



168557. My commission expires 11/26/2027

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?
PROMISS provides free support to expectant parents and received a special use permit to operate at property address previously described. Original conditional use says 1ft x 1ft sign. We request larger signage to advertise.
2. Are these special conditions and circumstances a result of your actions? Explain.
PROMISS provides at no cost support that families in Gaubier, Ladner, and Jackson Co. need, including diapers, wipes, and baby clothing for support of their developing babies and toddlers. We wish to have signage that they can see from.
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.
This request is made not because the ordinance deprives PROMISS of any rights, but because we want families in Gaubier who need our services to see that we are available to help them. Thank you!
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.
We are located in a residential zone. We are not aware if our request is a privilege denied by the Ordinance to other parcels. We were just informed that to get larger signage than 7ft by 7ft, we needed to request a variance. Thank you.

NARRATIVE

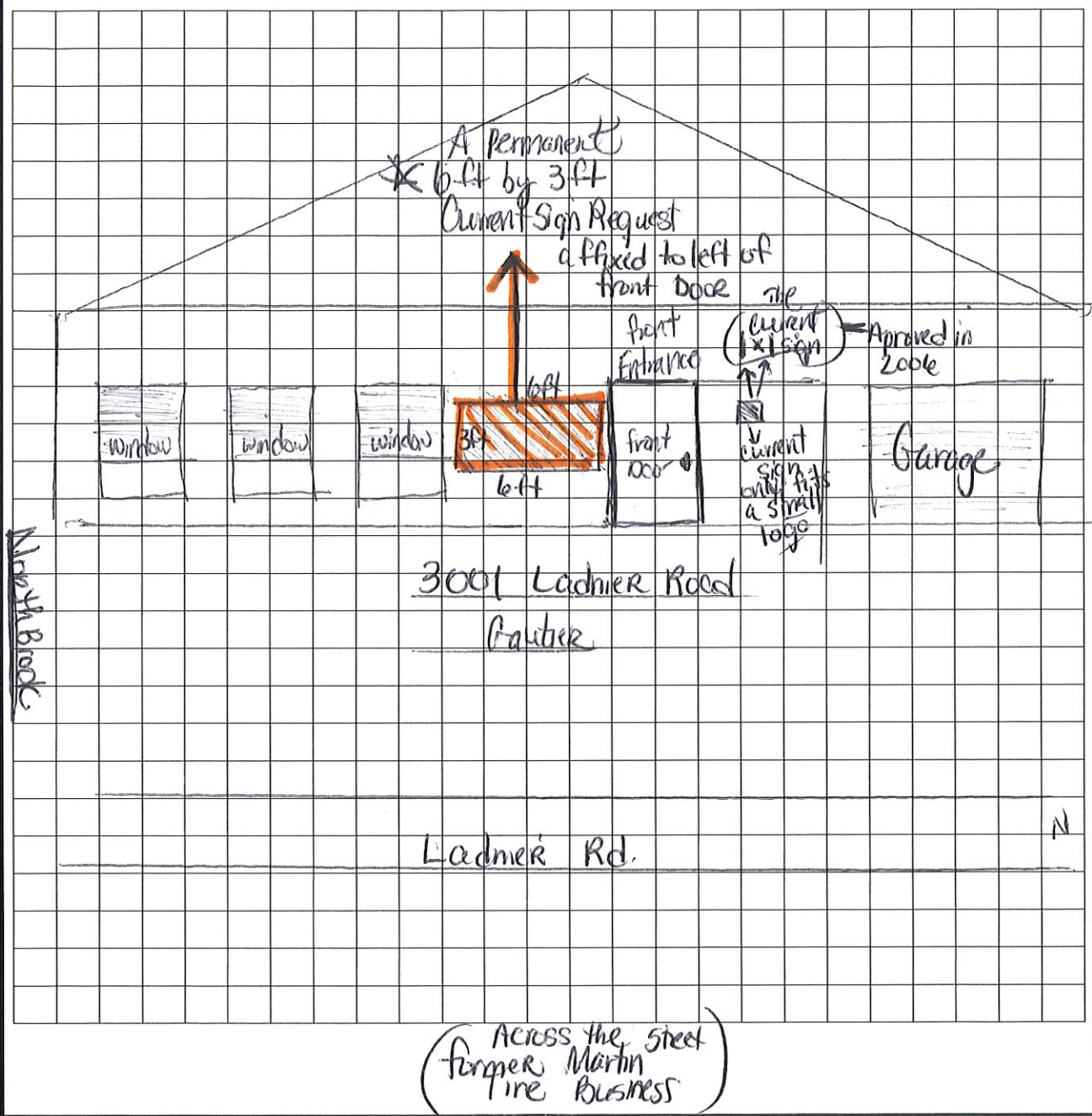
The Promiss Center provides free diapers, wipes, formula, baby clothing, parenting / prenatal lessons, pregnancy tests, and prenatal counseling to families in Gaithersburg and the MS Gulf Coast.

We received a special use permit in 2006 to operate our non-profit program. At the time, since we did not address our signage need during the hearing, we were given approval for a 1ft by 1ft sign since that is the dimension in the ordinance for buildings in a residential ^{zone}. We thought this ordinance applied to permanent signage, not yard signs that are mobile, like small campaign signs that are placed on many residential properties or a banner removed when we are not on site. After being informed by the Code Enforcement officer that we were violating the original 1ft by 1ft signage, we removed all signage from our property to comply. However, families needing free support for their babies can no longer see we are available for them when they travel Ladnier Rd.

We request a permanent 6ft by 3ft sign to be affixed directly to the left of our door, on the brick facing of our center as described in Diagram.

Thank you kindly Rachel Nye

Variance Signage Request DIAGRAM



Aug 90

The Sign would be Affixed Directly to Brick Facing in Space Located to left of front Door Entrance and just right of the first window closest to the front Door. It would provide our Name + PHOISS and Telephone Number in Font Large enough for visibility from Ladner Road.
Thank you.

6/6



See "Diagram"
New
Sign
6ft by 3ft
Variance
Request
(Visible to
Ladnier
Rd.)

(Current
Sign
1ft by 1ft
sign)

85106184.000 PREGNANCY RESOURCES OF MS

PIDN: 85106184.000

GISP: 871.02-01-0274.00

Owner Information

Percent of Ownership: 100

Name: PREGNANCY RESOURCES OF MS

Name 2:

Mailing Address: PO BOX 1226

GAUTIER MS

39553

Site Address: 3001 LADNIER RD GAUTIER

Land Information

Section: 2

Acreage: 0

Township: 8

Range: 7

Street Name LADNIER
RD

Value and Tax Information

Total Assessed Value: 0

Total Appraised Value: 60669

Improvement Value: 58159

Land Value: 2510

Tax Amount: 0

SQ FT: 1194

Year Built: 1970

Legal Description

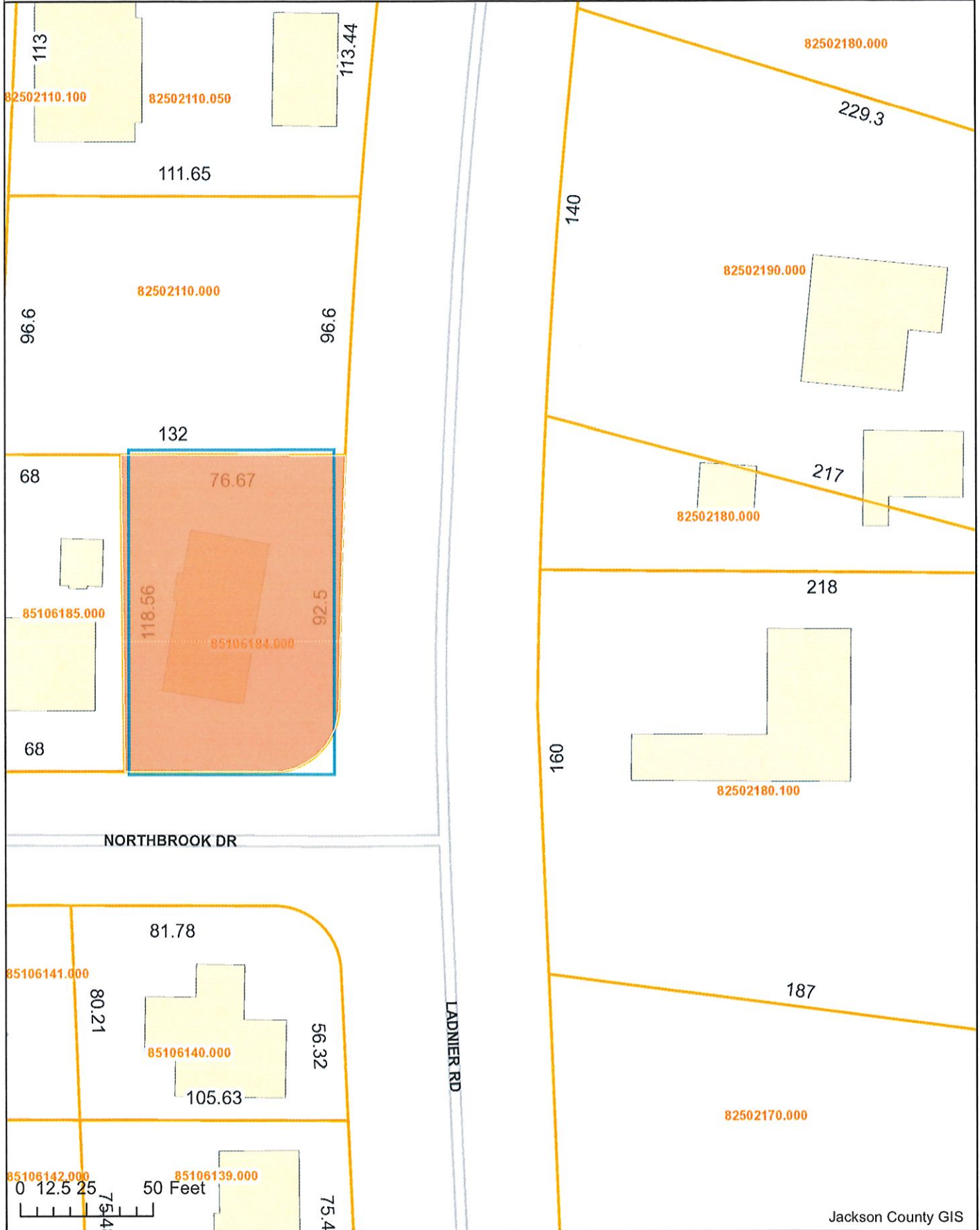
Description: LOT 184 COLLEGE PARK WEST S/D PB

12-37 SEC 13/14-8-7 DB 1448-805

(274 MAP871.02-01)

Deed Book / Page: 1448 / 805

85106184.000 PREGNANCY RESOURCES OF MS



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

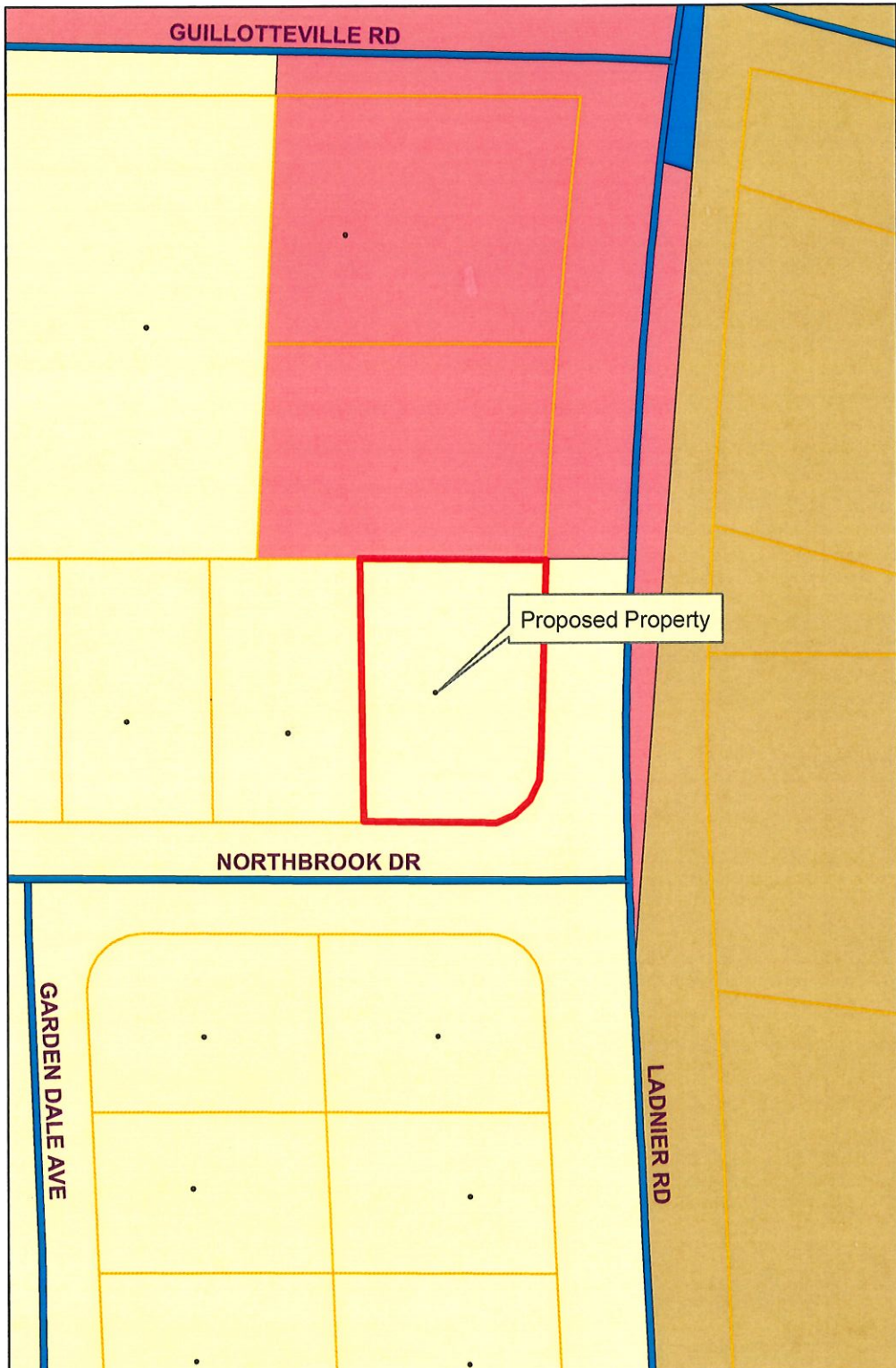


Exhibit C

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

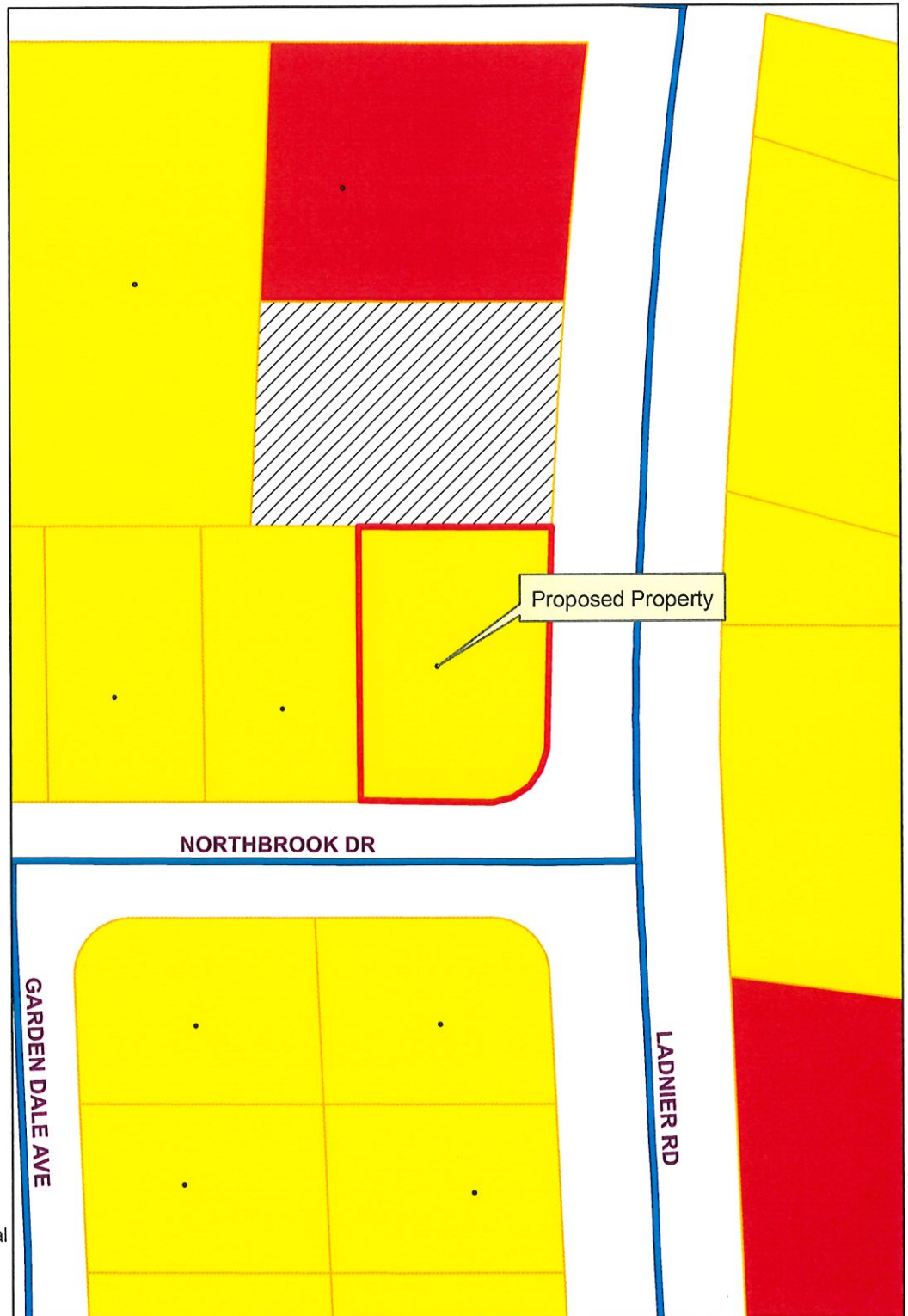


Exhibit D

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

