

AGENDA
GAUTIER PLANNING COMMISSION
December 5, 2024
5:30 PM

I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE (VOLUNTEER)

III. APPROVAL OF AGENDA

IV. APPROVAL OF MINUTES

1. Approval of Minutes from November 7, 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 one-foot (1') variance to fence height in a front yard in a R-1 Low Density Single-Family Residential Zoning District. 1715 Piney Lane, (GPC #24-52-VAR)
2. Consider a request for a Conditional Use-Major that would allow a Cigar Lounge with a Bar in a C-2 Community Commercial Zoning District. 3880 Gautier Vancleave Road, Suite #9, (GPC #24-53-CU)

VIII. GENERAL DISCUSSION

1. PREVIOUS CASE UPDATES
2. PERMIT & TRC REPORTS

IX. ADJOURN

NOVEMBER 7, 2024
GAUTIER, MISSISSIPPI

BE IT REMEMBERED that a meeting of the Gautier Planning Commission of The City of Gautier, Mississippi, was held on November 7, 2024, at 5:30 PM in the Council Chambers of the Gautier Municipal Building at 3330 Highway 90, Gautier, Mississippi.

Commission Members present were: Chairman Kay C. Jamison, Commissioners Josh Ward, Maurice Hudson, Chris Hoover, 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 DeAnna McManus.

AGENDA

GAUTIER PLANNING COMMISSION

NOVEMBER 7, 2024

5:30 P.M.

- I. CALL TO ORDER**
- II. PLEDGE OF ALLEGIANCE (VOLUNTEER)**
- III. APPROVAL OF AGENDA**
- IV. APPROVAL OF MINUTES (OCTOBER 3, 2024)**
- V. PUBLIC COMMENTS
(MATTERS OF THE PLANNING COMMISSION NOT LISTED ON THE
AGENDA)**
- VI. OLD BUSINESS**
- VII. NEW BUSINESS**
 - 1. Consider a request for a Special Exception that would allow an accessory structure to be located on a lot without a primary structure in an AG Agricultural Zoning District. 5900 Brown Road, (GPC #24-50-SE)

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

VIII. GENERAL DISCUSSION

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

IX. ADJOURN

Commissioner Ward made a motion to approve the Agenda.

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

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

Motion Passed

Commissioner Ward made a motion to approve the October 3, 2024, minutes.

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

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

Motion Passed.

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

OLD BUSINESS - None

NEW BUSINESS

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

Scott Ankerson, Planning Director, gave a brief overview of the case. He reminded Commissioners that they had heard a request for this property in the past. He noted that the applicant of this request was very specific about what they wanted to use the property for and why they need power. This is an existing accessory structure, and they are asking to have power connected to it. In order for them to get power to the structure, Council has to allow the accessory structure to be on the parcel without a primary structure.

REQUEST:

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

BACKGROUND:

The request property is zoned AG Agricultural.

1. Location: 5900 Brown Road, PID #82429350.000 (See Exhibit A)
2. General features of the proposed project:
Lot Size: approximately 3 acres
3. Potable Water and Wastewater Services: Available at current location
4. Current Zoning (See Exhibit B): AG Agricultural
5. Current Surrounding Zoning (See Exhibit B): AG Agricultural

6. Current Surrounding Existing Land Use (See Exhibit C): Very low to low density residential, Vacant
7. Comprehensive Plan Future Land Use Designation (See Exhibit D): Medium Density Residential

DISCUSSION:

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

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

Applicant Response: *Because there is no power on the property, we cannot charge tools, work after dark, or put up a security system to keep our belongings safe. We currently live on the river in Harrison Co. (Tchoutacabouffa) and would like to leave some items here in case of flooding at our house.*

Staff Finding: *Unsubstantiated*

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

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

Staff Finding: *Unsubstantiated*

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

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

Staff Finding: *Unsubstantiated*

DETERMINATION OF APPLICABLE LAW:

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

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

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

The UDO defines **Hardship** as:

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

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

RECOMMENDATION & CONCLUSION:

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

The Planning Commission may:

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

ATTACHMENTS:

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

Chairman Jamison asked the applicant to present his case.

Matt Ruffin, the applicant, said they currently live 21' off the ground on the Tchoutacabouffa Bluff. They bought the property where they live about two years ago with the plan for it to be their forever home. Every time it rains it floods, so they have a mini storage unit with all of their stuff in it. They started looking several months ago for property and found this property. They intend to build a house on the property within 2 years. The property has an existing structure that consists of a three-car garage with a loft above it. The people they bought it from were actually trying to live there, but this is not their plan. They would like to put their things there while they work on the property. They have pretty much gutted the bottom, and he had an electrician come in and clean everything up so it would be to code. They want power to protect their things that would be stored there. They intend to have a security light out in front and security cameras.

Commissioner Ward asked if there was any intention for the existing accessory building to ever be a dwelling.

Mr. Ruffin said absolutely not. He said they do have water, sewer, and trash at the location, but they do not intend to live there.

Commissioner Ward asked if there was enough property for a new house and the accessory structure regarding UDO requirements.

Mr. Ankerson said there was.

Commissioner Davis noted that this situation was entirely different from the previous request they heard.

Commissioner Hudson asked Mr. Ruffin if he had any intention of putting an RV on the property for any reason.

Mr. Ruffin said he had no intention of doing that.

Commissioner Davis asked since a Special Exception ran with the owner what would happen if the property was sold.

Mr. Ankerson stated that if Mr. Ruffin sold the property, and the new owner wanted to do the same thing Mr. Ruffin is wanting to do, the new owner would have to come back before the Planning Commission and City Council and ask for a new Special Exception. He also explained that the City does not have the authority to make the power company turn the power off. If the City can prove to the power company that the property has become dilapidated to the extent it is a safety hazard, they will turn the power off. Other than that, once the power is on there is nothing else the City can do to have it turned off. He also advised that Code Enforcement could handle any situation regarding anyone staying in an RV on the property because of the Ordinance. He said the biggest problem you would probably have in a situation like this would be open storage on the property, which Code Enforcement could also handle through the court system.

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

ACTION TAKEN:

Commissioner Decoteau made a motion to recommend that City Council approve the Special Exception provided the applicant builds a primary structure within two years.

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

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

ABSENT: **DeAnna McManus**

Motion passed.

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

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

REQUEST:

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

BACKGROUND:

The request property is zoned C-2 Community Commercial.

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

DISCUSSION:

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

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

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

Staff Finding: *Unsubstantiated*

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

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

Staff Finding: *Unsubstantiated*

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

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

Staff Finding: *Unsubstantiated*

DETERMINATION OF APPLICABLE LAW:

1. The UDO defines a Special Exception as a relaxation of the terms of the Unified Development Ordinance where such an exception will not be contrary to the public interest, and where, owing to conditions peculiar to the property, a literal enforcement of the ordinance would result in undue hardship. Special Exceptions are necessary when an applicant seeks to establish or expand a use not ordinarily permitted in a specific zoning district. "Special Exceptions" are not transferable from one (1) owner of land to another.
2. Special Exception requires a public hearing before the Planning Commission and approval by the City Council (Section 4.14 of the UDO).
3. Once an application for a Special Exception is submitted to the Planning Department, the procedures outlined in UDO Section 4.14.1 will be followed. At the appropriate time, The Planning Commission will conduct a public hearing to determine whether the applicant meets all relevant criteria, and make a recommendation to City Council pursuant to UDO Section 4.14.4. City Council, pursuant to UDO Section 4.14.4(C), will then consider the matter at its next regularly scheduled meeting and approve or deny the Special Exception.
4. A Special Exception is required for uses not ordinarily permitted in a specific zoning district. Special Exceptions are not permitted by right, and may only be granted when certain criteria are established. (4.16.4)
5. Special Exceptions do not run with the land, and may be revoked by the Planning Department if any of the following circumstances are discovered:
 - A. The property changes ownership
 - B. The property is being utilized in a manner not permitted under the zoning regulations or the special exception; or
 - C. The property ceases to be used for the purpose allowed in the Special Exception for a period of one hundred eighty (180) days during the existence of the Special Exception.

The UDO defines **Hardship** as:

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

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

RECOMMENDATION & CONCLUSION:

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

The Planning Commission may:

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

ATTACHMENTS:

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

Chairman Jamison asked the applicant to present his case.

Shannon Tresevant, the applicant, said he wanted to open a tattoo shop at 3204 Ladnier, Suite 4, and that he already used the building for a supply store but would like to start doing tattoos at that location. He said he is already licensed to do tattoos but is currently doing them at another location.

Chairman Jamison asked if Ladnier Road was considered heavy commercial.

Mr. Ankerson explained that the Comprehensive Plan called for the Future Land Use of the area to be heavy commercial, but it is currently C-2 Community Commercial which is between C-3 Highway Commercial and C-1 Neighborhood Commercial. C-1 is the least dense commercial area because it is usually right next to residential districts. He noted that there is a tattoo parlor in Baywood Commons that was approved by Council which is also a C-2.

Mr. Tresevant explained that he expected more business with the supply store because he was the only supply store in the area. Buying supplies from overseas is so hard and he wasn't meeting the demand. Tattooing for his own company and selling the supplies would balance everything out rather than him tattooing for someone else. He said there would be three other artists.

Chairman Jamison said she didn't see a problem with parking and asked him what his hours of operation would be.

Mr. Tresevant said it would probably be from 11:00 a.m. until 11:00 p.m.

Commissioner Hudson asked if his business began to pick up and if he became a neighborhood icon would he allow young kids to hang out. He also asked if there was an age limit for getting tattoos.

Mr. Tresevant said no, he didn't let people hang out period because it was a place of business. He said in the state of Mississippi the legal age for tattoos is 18.

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

ACTION TAKEN:

Commissioner Ward made a motion to recommend that City Council approve the Special Exception given the information provided to them.

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

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

ABSENT: **DeAnna McManus**

Motion passed.

GENERAL DISCUSSION

A. PREVIOUS CASE UPDATES

Mr. Ankerson advised Commissioners that City Council had approved all October Planning Commission cases.

B. PERMIT & TRC REPORT

Mr. Ankerson presented the August, September, and October monthly reports.

Commissioner Ward made a motion to adjourn the meeting.

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

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

ABSENT: **DeAnna McManus**

Motion Passed.

APPROVED BY:

Scott Ankerson
Planning Director/Building Official

DATE: _____

Kay C. Jamison, Chairman
Gautier Planning Commission

DATE: _____

BACKUP DOCUMENTATION

Gautier Planning Commission

Regular Meeting Agenda

November 7, 2024

GPC #24-50-SE

Matthew & Hollie Ruffin

5900 Brown Road

VII. NEW BUSINESS

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

CITY OF GAUTIER STAFF REPORT

To: Chairman and Members, Planning Commission

From: Scott Ankerson, Planning Director

Date: October 23, 2024

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

REQUEST:

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

BACKGROUND:

The request property is zoned AG Agricultural.

1. Location: 5900 Brown Road, PID #82429350.000 (See Exhibit A)
2. General features of the proposed project:
Lot Size: approximately 3 acres
3. Potable Water and Wastewater Services: Available at current location
4. Current Zoning (See Exhibit B): AG Agricultural
5. Current Surrounding Zoning (See Exhibit B): AG Agricultural
6. Current Surrounding Existing Land Use (See Exhibit C): Very low to low density residential, Vacant
7. Comprehensive Plan Future Land Use Designation (See Exhibit D): Medium Density Residential

DISCUSSION:

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

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

Applicant Response: *Because there is no power on the property, we cannot charge tools, work after dark, or put up a security system to keep our belongings safe. We currently live on the river in Harrison Co. (Tchoutacabouffa) and would like to leave some items here in case of flooding at our house.*

Staff Finding: *Unsubstantiated*

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

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

Staff Finding: *Unsubstantiated*

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

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

Staff Finding: *Unsubstantiated*

DETERMINATION OF APPLICABLE LAW:

1. The UDO defines a Special Exception as a relaxation of the terms of the Unified Development Ordinance where such an exception will not be contrary to the public interest, and where, owing to conditions peculiar to the property, a literal enforcement of the ordinance would result in undue hardship. Special Exceptions are necessary when an applicant seeks to establish or expand a use not ordinarily permitted in a specific zoning district. "Special Exceptions" are not transferable from one (1) owner of land to another.
2. Special Exception requires a public hearing before the Planning Commission and approval by the City Council (Section 4.14 of the UDO).
3. Once an application for a Special Exception is submitted to the Planning Department, the procedures outlined in UDO Section 4.14.1 will be followed.

At the appropriate time, The Planning Commission will conduct a public hearing to determine whether the applicant meets all relevant criteria, and make a recommendation to City Council pursuant to UDO Section 4.14.4. City Council, pursuant to UDO Section 4.14.4(C), will then consider the matter at its next regularly scheduled meeting and approve or deny the Special Exception.

4. A Special Exception is required for uses not ordinarily permitted in a specific zoning district. Special Exceptions are not permitted by right, and may only be granted when certain criteria are established. (4.16.4)
5. Special Exceptions do not run with the land, and may be revoked by the Planning Department if any of the following circumstances are discovered:
 - A. The property changes ownership
 - B. The property is being utilized in a manner not permitted under the zoning regulations or the special exception; or
 - C. The property ceases to be used for the purpose allowed in the Special Exception for a period of one hundred eighty (180) days during the existence of the Special Exception.

The UDO defines **Hardship** as:

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

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

RECOMMENDATION & CONCLUSION:

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

The Planning Commission may:

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

ATTACHMENTS:

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

PLANNING DEPARTMENT
GAUTIER, MISSISSIPPI

SPECIAL EXCEPTION HEARING APPLICATION

Public Hearing Number

24-50-SE

TYPE OF REQUEST:

Special Exception

FEE:

\$251.00

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

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

Name of Applicant: Matthew Ruffin / Hollie Ruffin

Name of Business: _____

Address: 5900 Brown Rd.

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

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

Phone: 228 297-3656 Cell Phone: same

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

ATTACHMENTS REQUIRED AS APPLICABLE:

1. Diagram of intended use, showing dimensions and distances of property, building with setbacks, parking spaces, entrances and exits.
2. Legal descriptions and street address.
3. A detailed project narrative that also addresses the questions on the "Criteria for Approval" page of this application.
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: Matthew Ruffin

FOR OFFICE USE ONLY

Date Received 9/20/24 Verify as Complete Bals

Fee Amount Received 251.00

Initials of Employee Receiving Application Bals

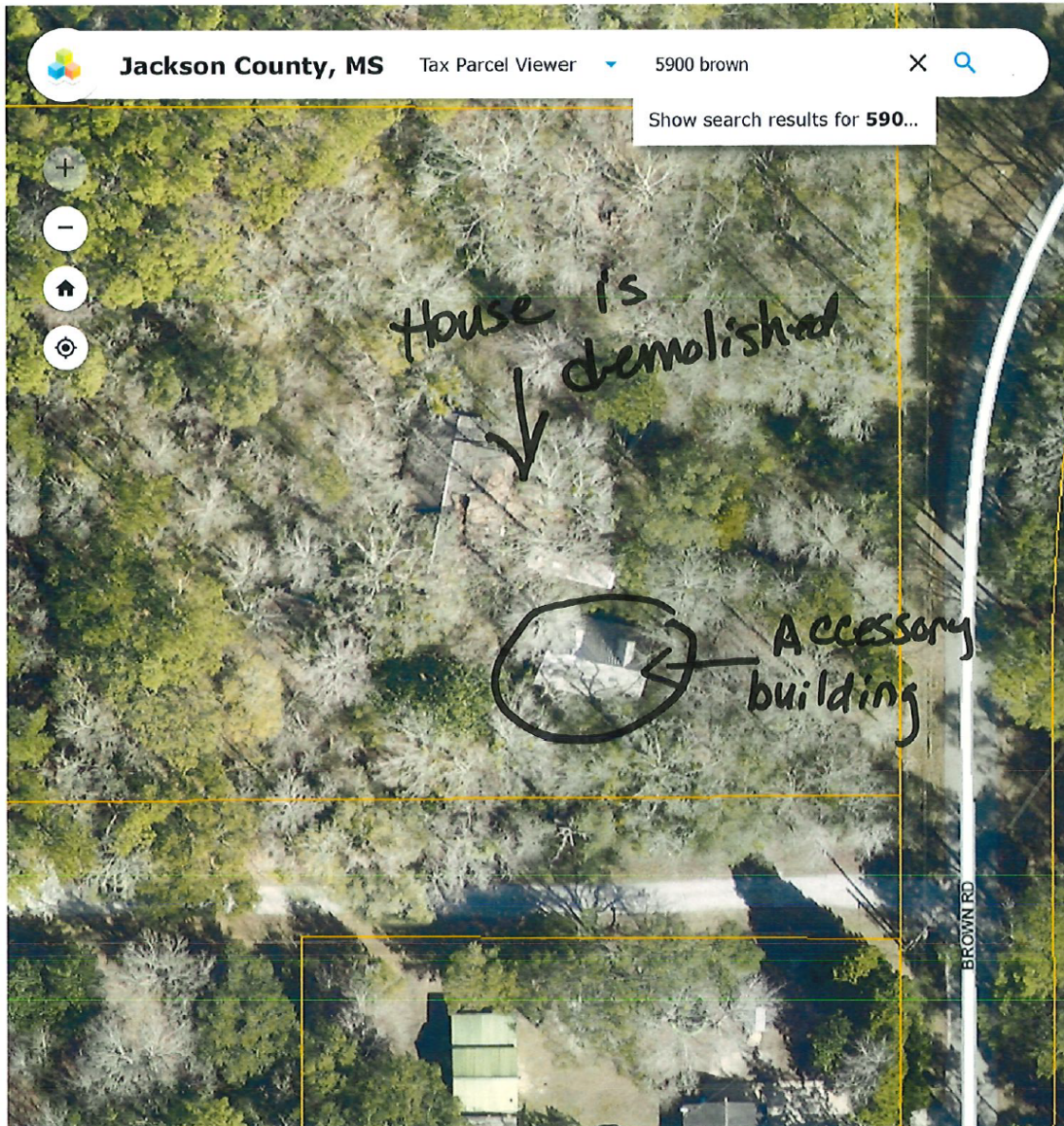
AG

SPECIAL EXCEPTION

Criteria for Approval Special Exception

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

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



1,023,796.505 332,061.905 Feet
60ft



A. Settlement Statement (HUD-1)

B. Type of Loan

1. ☐ FHA 2. ☐ RHS 3. ☐ Conv. Unins.
4. ☐ VA 5. ☐ Conv. Ins. ☐ Other

6. File Number:
24-19879S

7. Loan Number:

8. Mortgage Insurance Case Number:

C. Note:

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

D. Name & Address of Borrower:

Matthew Steven Ruffin, 12441 Old Cypress Creek Cove, D'Iberville, MS 39540
Hollie Henley Ruffin, 12441 Old Cypress Creek Cove, D'Iberville, MS 39540

E. Name & Address of Seller:

Steven L. Brown, 11310 Hazel Bounds Road, Vancleave, MS 39565
Crystal Viera, 11310 Hazel Bounds Road, Vancleave, MS 39565

F. Name & Address of Lender:

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

82429350.000

H. Settlement Agent:

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

Place of Settlement:

1000 North Halstead Road, Suite B, Ocean Springs, MS 39564

I. Settlement Date:

8/23/2024

Proration Date:

8/23/2024

Disbursement Date:

8/23/2024

J. Summary of Borrower's Transaction

100. Gross Amount Due from Borrower

101. Contract sales price \$150,000.00

102. Personal property

103. Settlement charges to borrower (line 1400) \$1,465.00

104.

105.

Adjustments for items paid by seller in advance

106. City/town taxes

107. County taxes

108. Assessments

109.

110.

111.

112.

120. Gross Amount Due from Borrower \$151,465.00

200. Amounts Paid by or In Behalf of Borrower

201. Deposit or earnest money \$500.00

202. Principal amount of new loan(s)

203. Existing loan(s) taken subject to

204.

205.

206.

207.

208.

209.

Adjustments for items unpaid by seller

210. City/town taxes

211. County taxes 1/1/2024 to 8/23/2024 \$873.51

212. Assessments

213.

214.

215.

216.

217.

218.

219.

220. Total Paid by/for Borrower \$1,373.51

300. Cash at Settlement from/to Borrower

301. Gross amount due from borrower (line 120) \$151,465.00

302. Less amounts paid by/for borrower (line 220) (\$1,373.51)

303. Cash $\otimes$ From $\square$ To Borrower \$150,091.49

K. Summary of Seller's Transaction

400. Gross Amount Due to Seller

401. Contract sales price \$150,000.00

402. Personal property

403.

404.

405.

Adjustments for items paid by seller in advance

406. City/town taxes

407. County taxes

408. Assessments

409.

410.

411.

412.

420. Gross Amount Due to Seller \$150,000.00

500. Reductions in Amount Due to Seller

501. Excess deposit (see instructions)

502. Settlement charges to seller (line 1400) \$9,000.00

503. Existing loan(s) taken subject to

504. Payoff of first mortgage loan

505. Payoff of second mortgage loan

506.

507.

508.

509.

Adjustments for items unpaid by seller

510. City/town taxes

511. County taxes 1/1/2024 to 8/23/2024 \$873.51

512. Assessments

513.

514.

515.

516.

517.

518.

519.

520. Total Reduction Amount Due Seller \$9,873.51

600. Cash at Settlement to/from Seller

601. Gross amount due to seller (line 420) \$150,000.00

602. Less reductions in amount due seller (line 520) (\$9,873.51)

603. Cash $\otimes$ To $\square$ From Seller \$140,126.49

82429350.000 BROWN STEVEN L

PIDN: 82429350.000
GISP: 779.29-00-0044.00

Owner Information

Percent of Ownership: 100
Name: BROWN STEVEN L
Name 2: VIERA CRYSTAL
Mailing Address: 11310 HAZEL BOUNDS RD
GAUTIER MS
39553

Site Address: 5900 BROWN RD GAUTIER

Land Information

Section: 29 Acreage: 3
Township: 7
Range: 7
Street Name BROWN
RD

Value and Tax Information

Total Assessed Value:	8940	Total Appraised Value:	59596
Improvement Value:	30626	Land Value:	28970
Tax Amount:	1346	SQ FT:	1226
		Year Built:	1970

Legal Description

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

Deed Book / Page: 2160 / 748

82429350.000 BROWN STEVEN L

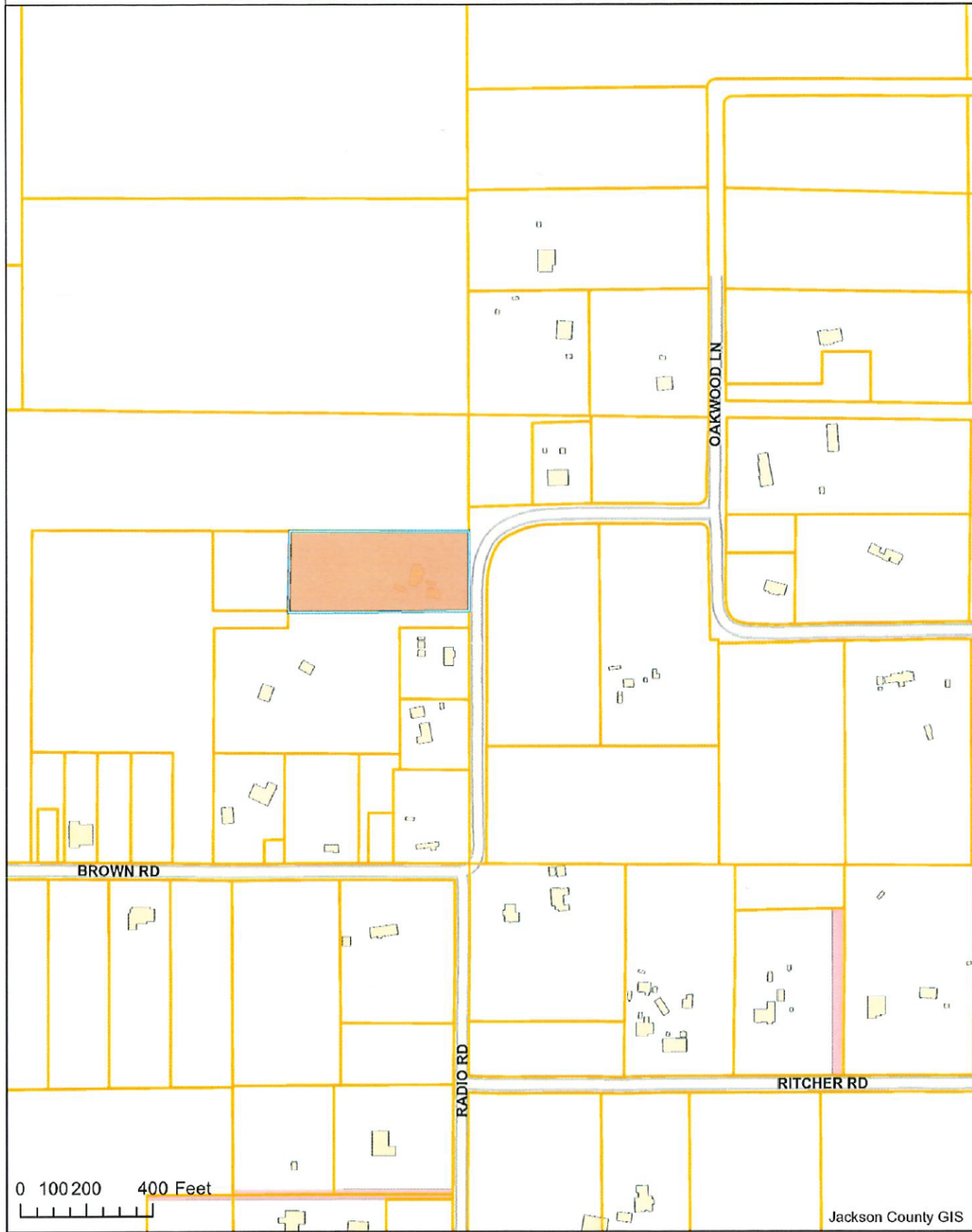


Exhibit A Location Map

Prepared by:
City of Gautier
Planning Department

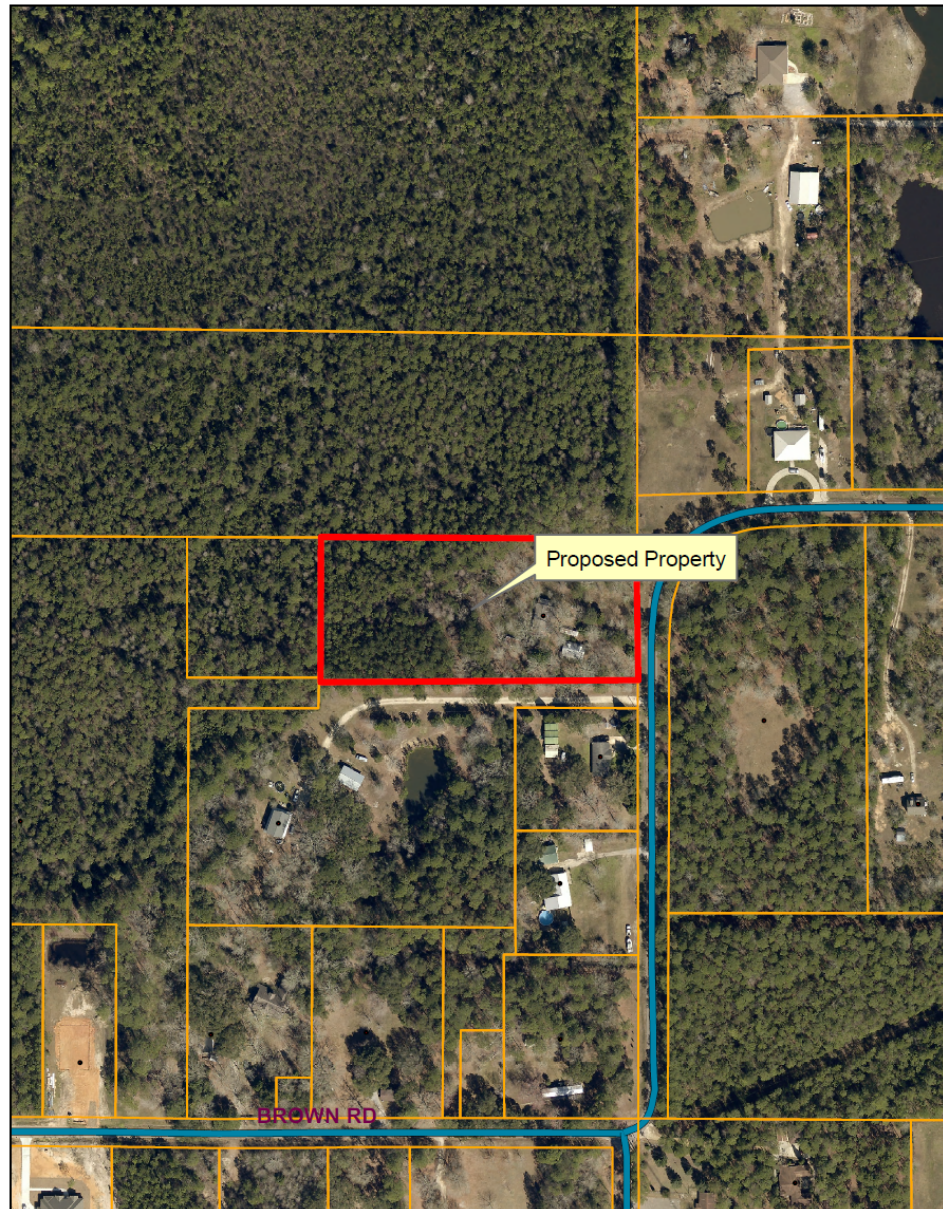


Exhibit B

Existing Zoning

Prepared by:
City of Gautier
Planning Department

Legend

Zoning

ZONECODE

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

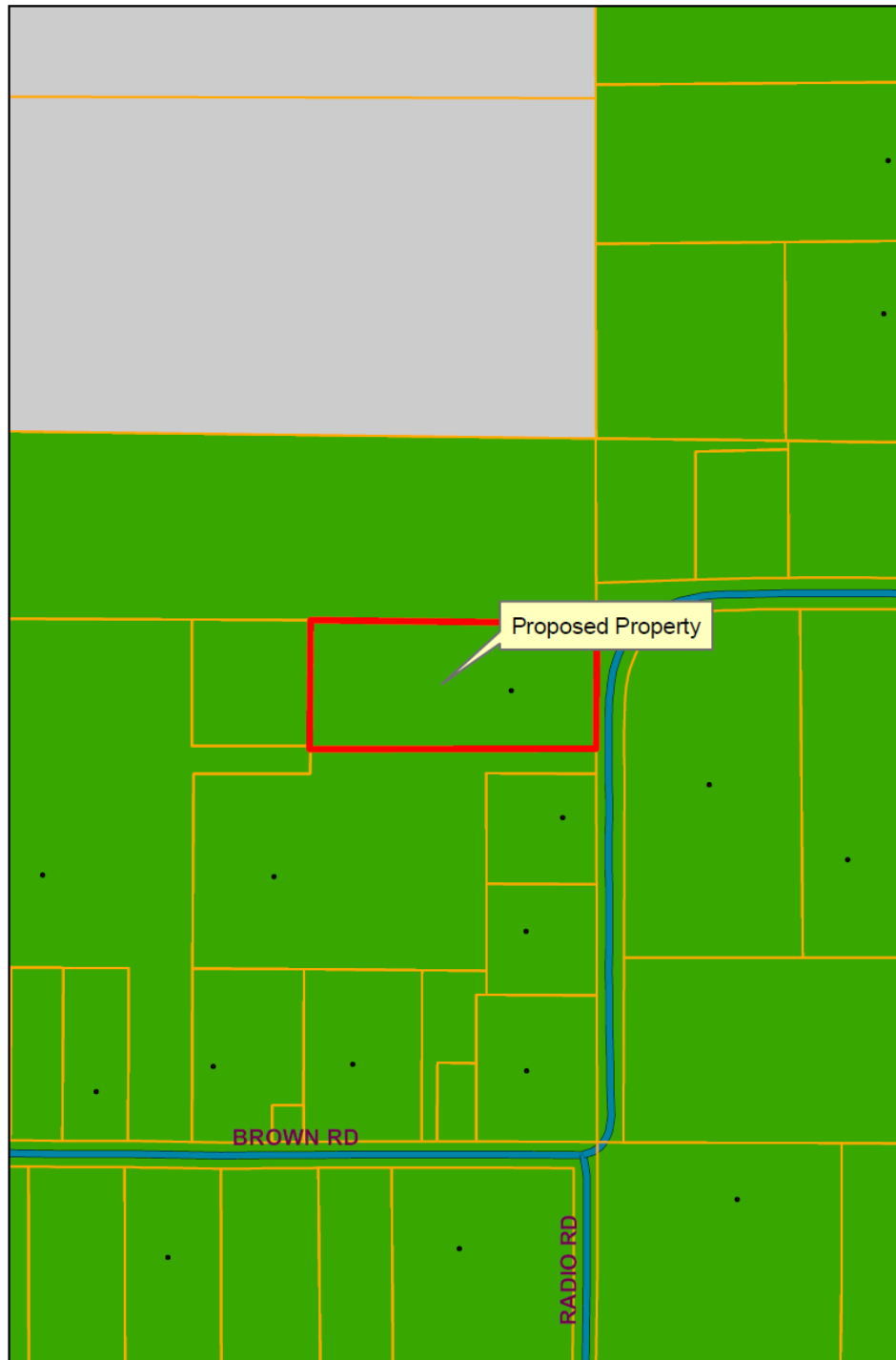


Exhibit C

Existing Land-Use

Prepared by:
City of Gautier
Planning Department

Legend

EXISTING LAND USE

ELU_08

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

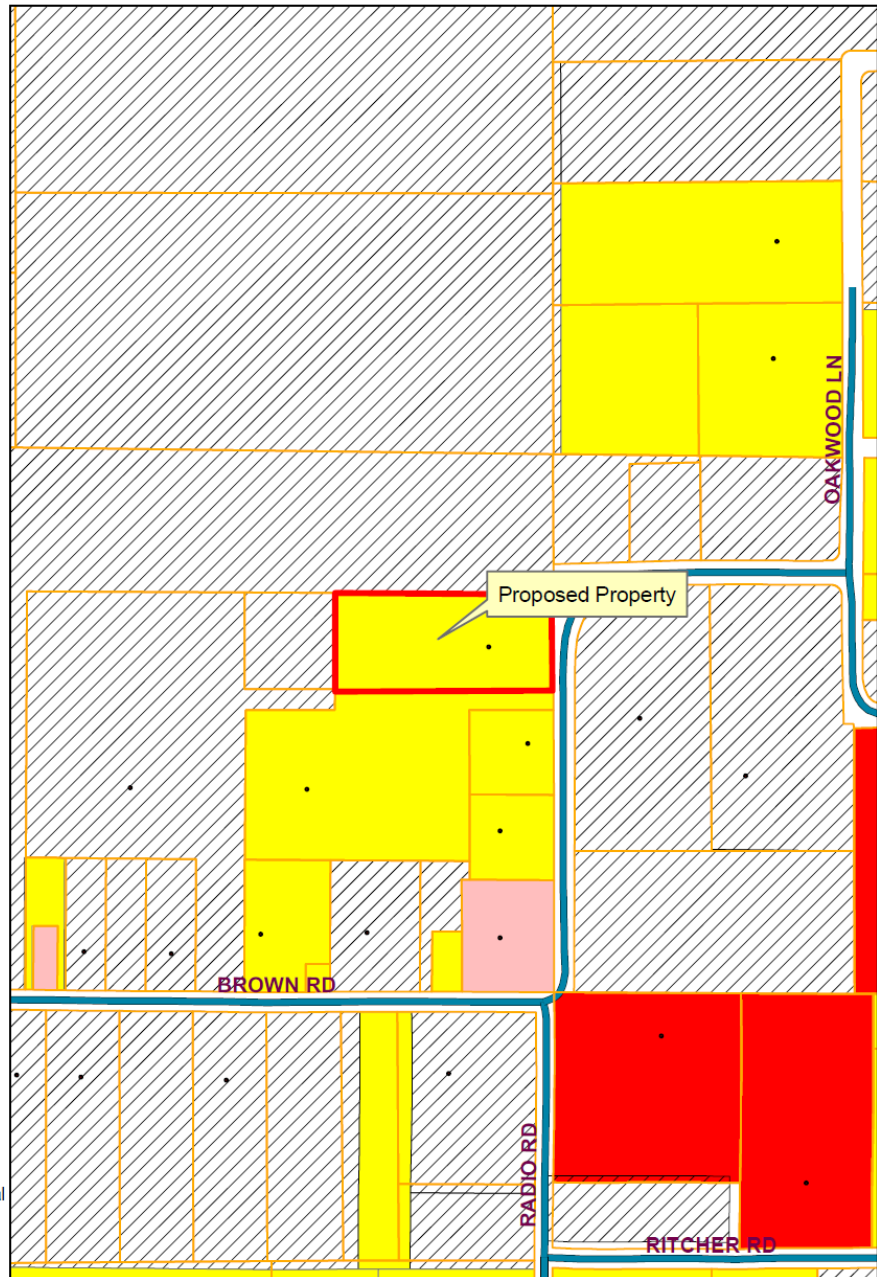


Exhibit D Future Land-Use

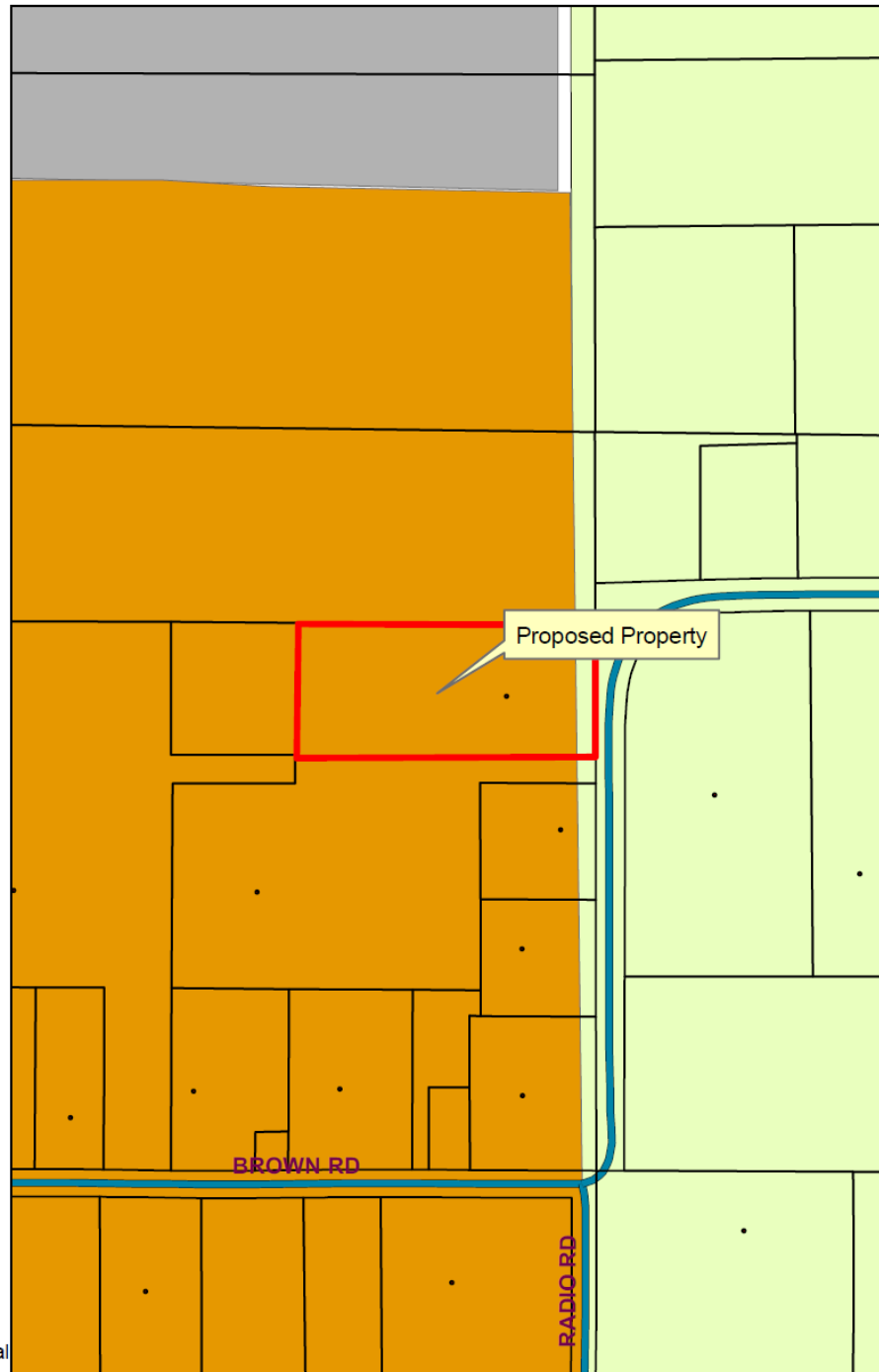
Prepared By:
City of Gautier
Planning Department

Legend

FUTURE LAND USE

FLU_Class

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



Gautier Planning Commission

Regular Meeting Agenda

November 7, 2024

GPC #24-51-SE

Shannon Tresevant

3204 Ladnier Road, Suite 4

VII. NEW BUSINESS

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

CITY OF GAUTIER STAFF REPORT

To: Chairman and Members, Planning Commission

From: Scott Ankerson, Planning Director

Date: October 24, 2024

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

REQUEST:

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

BACKGROUND:

The request property is zoned C-2 Community Commercial.

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

DISCUSSION:

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

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

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

Staff Finding: *Unsubstantiated*

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

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

Staff Finding: *Unsubstantiated*

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

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

Staff Finding: *Unsubstantiated*

DETERMINATION OF APPLICABLE LAW:

1. The UDO defines a Special Exception as a relaxation of the terms of the Unified Development Ordinance where such an exception will not be contrary to the public interest, and where, owing to conditions peculiar to the property, a literal enforcement of the ordinance would result in undue hardship. Special Exceptions are necessary when an applicant seeks to establish or expand a use not ordinarily permitted in a specific zoning district. "Special Exceptions" are not transferable from one (1) owner of land to another.
2. Special Exception requires a public hearing before the Planning Commission and approval by the City Council (Section 4.14 of the UDO).
3. Once an application for a Special Exception is submitted to the Planning Department, the procedures outlined in UDO Section 4.14.1 will be followed. At the appropriate time, The Planning Commission will conduct a public hearing to determine whether the applicant meets all relevant criteria, and make a recommendation to City Council pursuant to UDO Section 4.14.4. City Council,

pursuant to UDO Section 4.14.4(C), will then consider the matter at its next regularly scheduled meeting and approve or deny the Special Exception.

4. A Special Exception is required for uses not ordinarily permitted in a specific zoning district. Special Exceptions are not permitted by right, and may only be granted when certain criteria are established. (4.16.4)
5. Special Exceptions do not run with the land, and may be revoked by the Planning Department if any of the following circumstances are discovered:
 - A. The property changes ownership
 - B. The property is being utilized in a manner not permitted under the zoning regulations or the special exception; or
 - C. The property ceases to be used for the purpose allowed in the Special Exception for a period of one hundred eighty (180) days during the existence of the Special Exception.

The UDO defines **Hardship** as:

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

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

RECOMMENDATION & CONCLUSION:

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

The Planning Commission may:

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

ATTACHMENTS:

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

PLANNING DEPARTMENT
GAUTIER, MISSISSIPPI

SPECIAL EXCEPTION HEARING APPLICATION

Public Hearing Number

24-51-SE

TYPE OF REQUEST:

Special Exception

FEE:

\$251.00

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

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

Name of Applicant: SHANNON TRESEVANT

Name of Business: SPITTING INK KREATIONS LLC

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

Mailing Address (if different): _____

Email Address: SPITTINGINKLLC@gmail.com

Phone: 228 205 2474 Cell Phone: 228 227 6564

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

ATTACHMENTS REQUIRED AS APPLICABLE:

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

Signature of Applicant: [Signature]

FOR OFFICE USE ONLY

Date Received 9/26/24 Verify as Complete Bals

Fee Amount Received 251.00 Bals

Initials of Employee Receiving Application _____

C2

Date of Application: 09/25/24I, C. Semerino, the fee simple owner of the followingdescribed property (give legal description): 3204 Ladhier Rd

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

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

Spittin Ink and affirm that Shannon T Roseant

is hereby designated to act as agent on my behalf to accomplish the above.

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

C. Semerino
(Owner's Signature)

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

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

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

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

SPECIAL EXCEPTION

Criteria for Approval Special Exception

- A. Explain how a literal interpretation of the City of Gautier's Unified Development Ordinance would deprive the applicant of rights commonly enjoyed by others of the district in which the property is located, and would work unnecessary hardship upon the applicant? *The people of Gautier will have to go outside the city to get tattoos and supplies.*
- B. Explain how the requested Special Exception will be in harmony with the purpose and intent of the City of Gautier's Unified Development Ordinance and will not be injurious to the neighborhood or the general welfare? *it will not be of any harm to the community or neighboring businesses*
- C. Explain how the special circumstances requiring the proposed Special Exception are not results of actions of the applicant? *This business is just moving to the area and therefore, the exceptions are not results of this business. If anything, it brings business and money to the area.*

36075.050 THE ETTA YOUNG SAXTON REVOCABLE TRUST AGREEMENT

PIDN: 82436075.050

GISP: 777.36-03-0004.00

Owner Information

Percent of Ownership: 100

Name: THE ETTA YOUNG SAXTON REVOCABLE TRUST AGREEMENT

Name 2:

Mailing Address: 3204 LADNIER RD STE 1

GAUTIER MS

39553

Site Address: 3204 LADNIER RD GAUTIER

Land Information

Section: 36 Acreage: 0.3

Township: 7

Range: 7

Street Name LADNIER
RD

Value and Tax Information

Total Assessed Value: 23629

Total Appraised Value: 157528

Improvement Value: 142908

Land Value: 14620

Tax Amount: 3333

SQ FT: 4600

Year Built: 1974

Legal Description

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

Deed Book / Page: 2139 / 534

36075.050 THE ETTA YOUNG SAXTON REVOCABLE TRUST AGREEMENT



82436075.052 TAYLOR BOBBIE J

PIDN: 82436075.052
GISP: 777.36-03-0005.00

Owner Information

Percent of Ownership: 100
Name: TAYLOR BOBBIE J
Name 2:
Mailing Address: 3108 NEPTUNE DR
GAUTIER MS
39553

Site Address: 3204 LADNIER RD GAUTIER

Land Information

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

Value and Tax Information

Total Assessed Value: 16764	Total Appraised Value: 111762
Improvement Value: 97142	Land Value: 14620
Tax Amount: 2364	SQ FT: 2400 Year Built: 1974

Legal Description

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

Deed Book / Page: 932 / 30

82436075.052 TAYLOR BOBBIE J

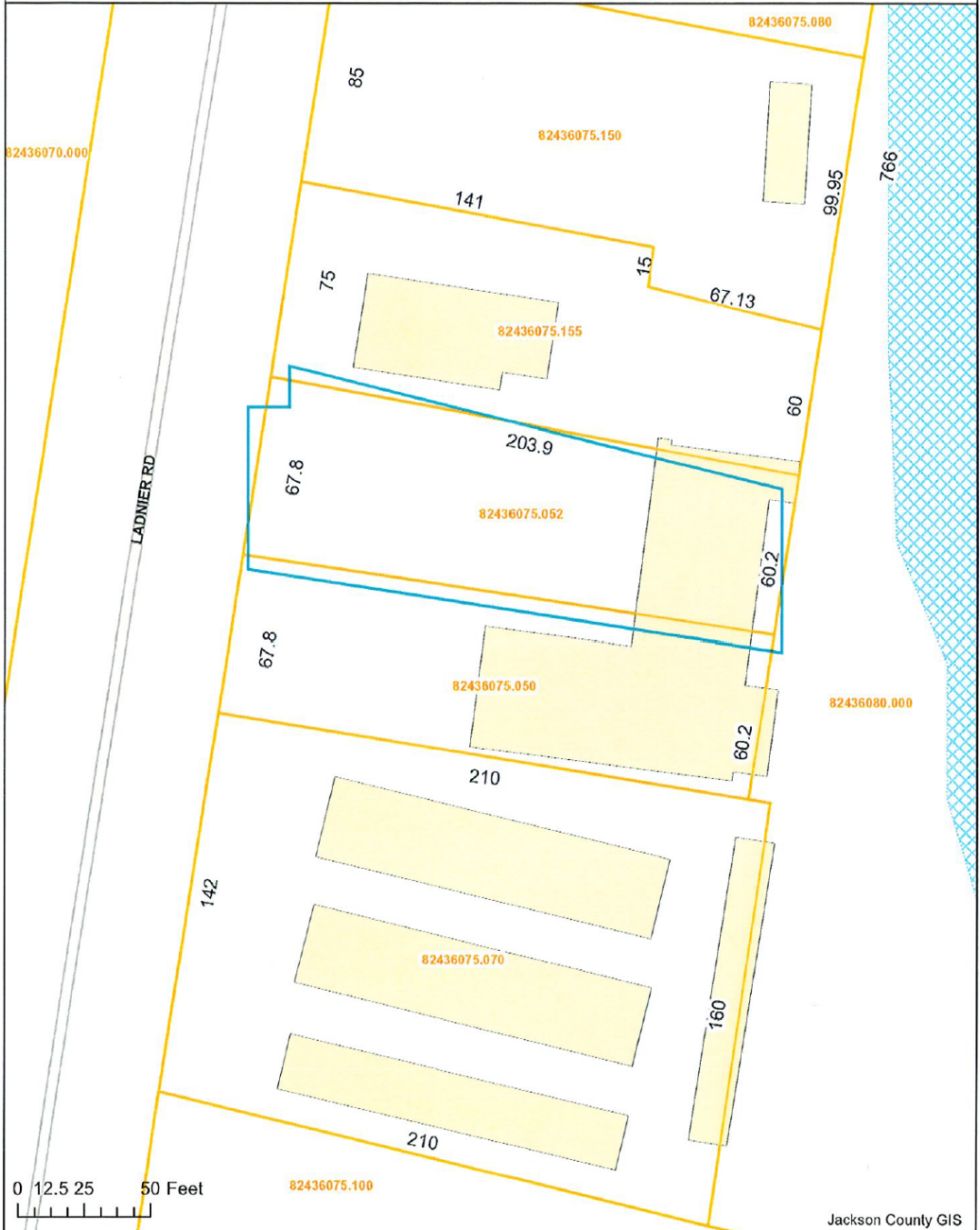


Exhibit A Location Map

Prepared by:
City of Gautier
Planning Department



Exhibit B

Existing Zoning

Prepared by:
City of Gautier
Planning Department

Legend

Zoning

ZONECODE

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



Exhibit C

Existing Land-Use

Prepared by:
City of Gautier
Planning Department

Legend

EXISTING LAND USE

ELU_08

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

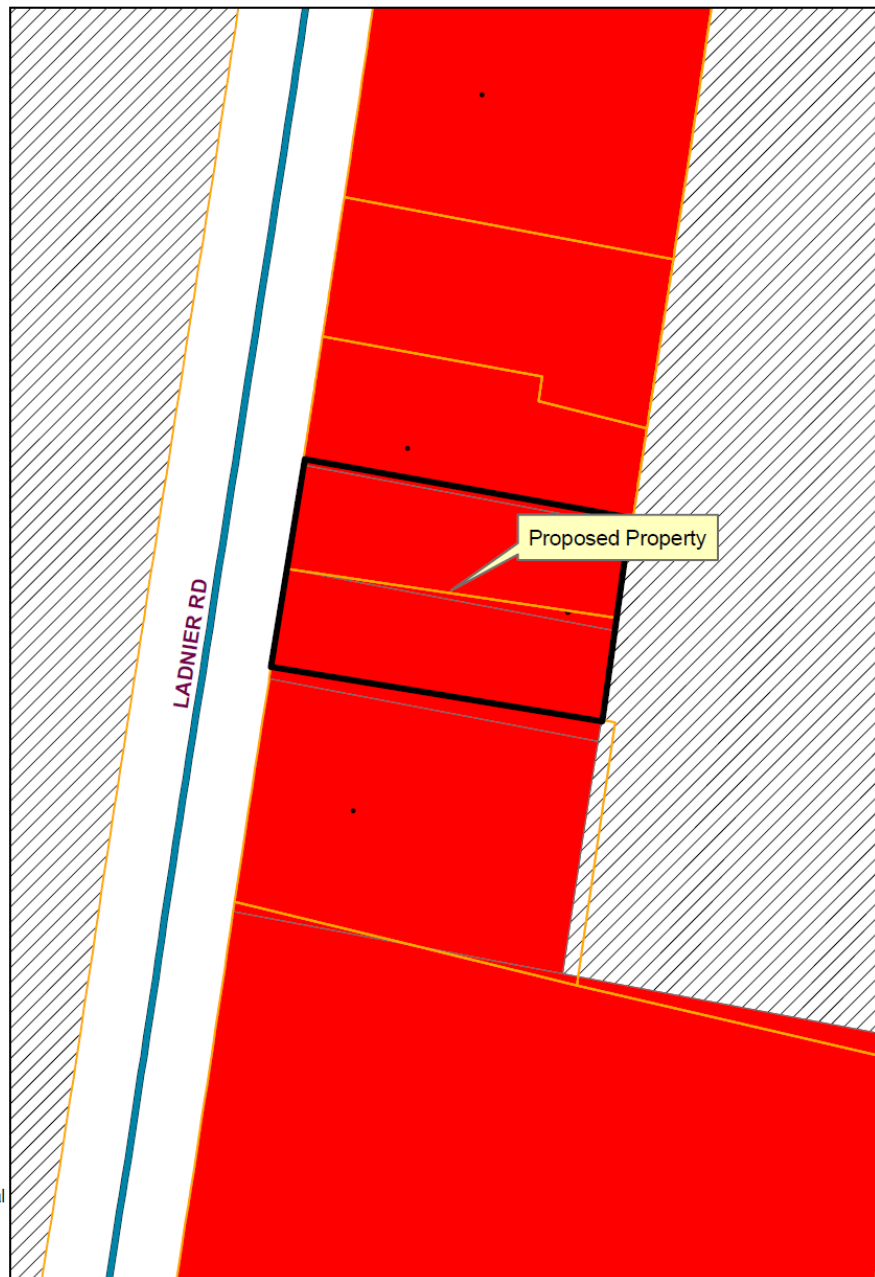


Exhibit D Future Land-Use

Prepared By:
City of Gautier
Planning Department

Legend

FUTURE LAND USE

FLU_Class

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



Gautier Planning Commission

Regular Meeting Agenda

December 5, 2024

GPC #24-52-VAR

1715 Piney Lane

VII. NEW BUSINESS

1. Consider a request for a one-foot (1') variance to fence height in a front yard in a R-1 Low Density Single-Family Residential Zoning District. 1715 Piney Lane, (GPC #24-52-VAR)

**CITY OF GAUTIER
STAFF REPORT**

To: Chairman and Members, Planning Commission

From: Scott Ankerson, Planning Director

Date: November 19, 2024

Subject: Consider a request for a one-foot (1') variance to fence height in a front yard in a R-1 Low Density Single-Family Residential Zoning District at 1715 Piney Lane, (GPC #24-52-VAR)

REQUEST:

The Planning Department has received a request from Roger Dulcich for a one-foot (1') variance to fence height in a front yard in a R-1 Low Density Single-Family Residential Zoning District at 1715 Piney Lane, PID #85440148.000 (GPC #24-52-VAR). The application fee of \$175 was paid on October 18, 2024. All public notice requirements have been met.

BACKGROUND:

On September 17, 2024, the City Council approved a one-foot (1') variance to fence height requirements in a front yard for the applicant. The applicant would like to change the location of the fence that was approved in September and place it closer to the front and secondary front property lines than was originally approved. Per the Unified Development Ordinance (UDO), fences shall not exceed four feet in height within a designated front yard. The applicant will need a 1' variance to fence height in a front yard.

DISCUSSION:

The applicant is asking for a one-foot (1') variance to fence height in a front and secondary front yard. Although he was previously approved for a one-foot (1') height variance for a fence in his front and secondary front yard, the approval was based on the location presented at the September meetings of the Planning Commission and City Council.

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

24.52-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: Roger DulcichName of Business: _____ Phone: 541-441-4460Property Address: 1715 Piny Lane Mailing Address (if Different): _____E-Mail Address: RDUL007@yahoo.comReason for request, location and intended use of Property: change fence layout in
Front yard - 1' height 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.
- x 5. Any other information requested by the Planning Director.

Signature of Applicant: Roger DulcichDate of Application: 10/18/24

FOR OFFICE USE ONLY

Date Received 10/18/24 Verify as Complete BalsFee Amount Received 176.00 Initials of Employee Receiving Application Bals

VARIANCE

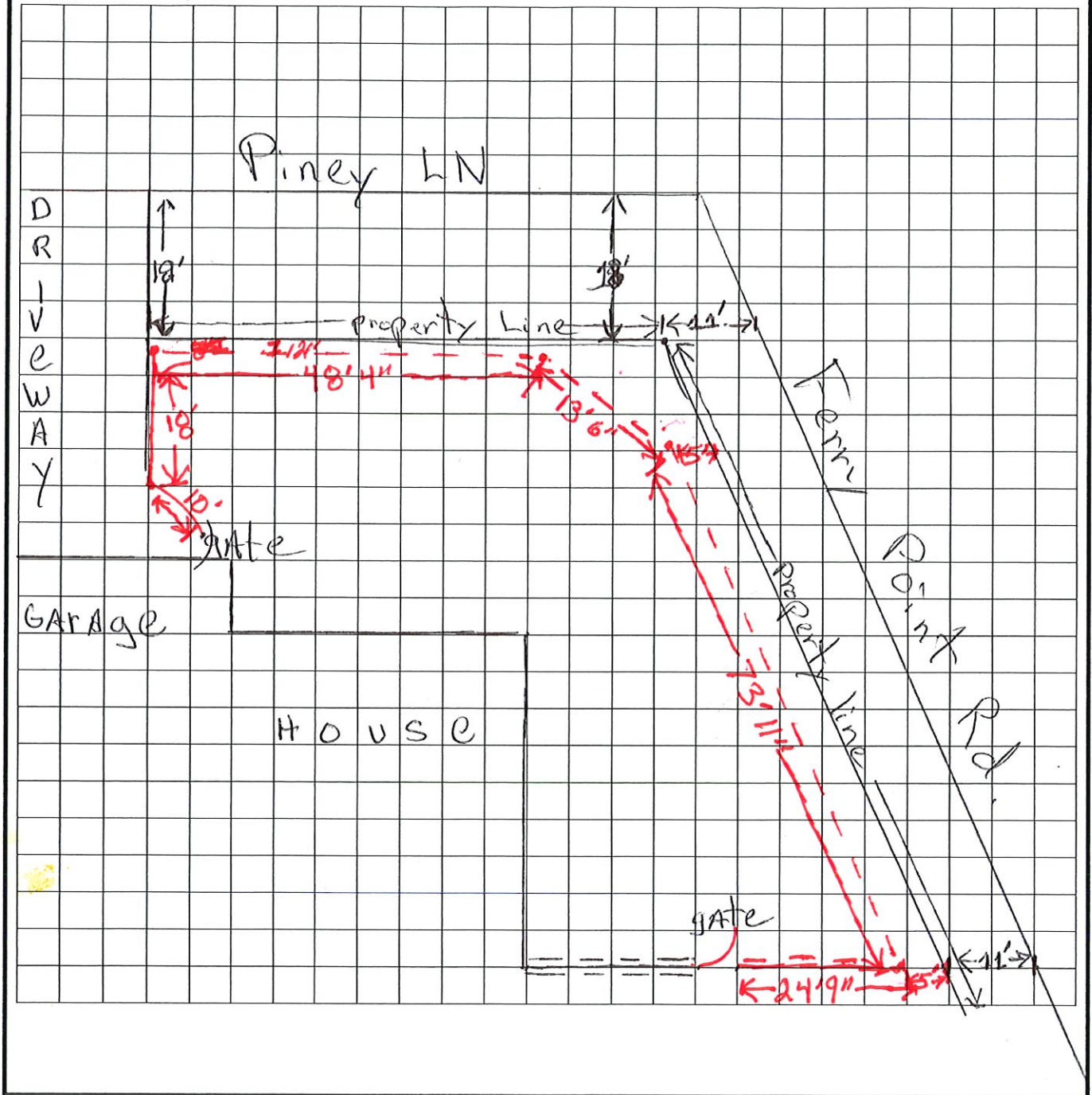
Criteria for Approval

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? *none*
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. *no*
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

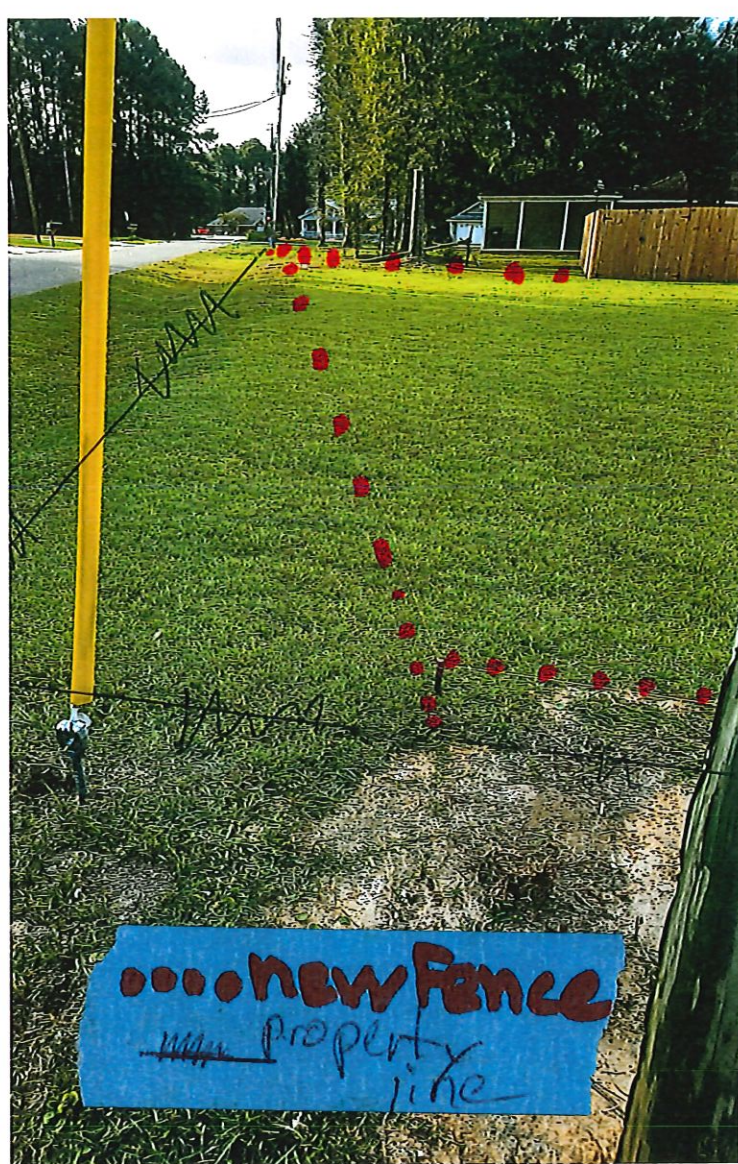
On August 26, 2024 my wife and I attended a Application Hearing #GPC 24-35-VAR for a 6' variance for side yard for an accessory building and a 1' variance for a fence post height in my front yard. On Sept 5th our motion for these 2 items was approved. I would like to change the fence layout in my front yard according to plan in this paperwork. It would be the same fence being built just different location.

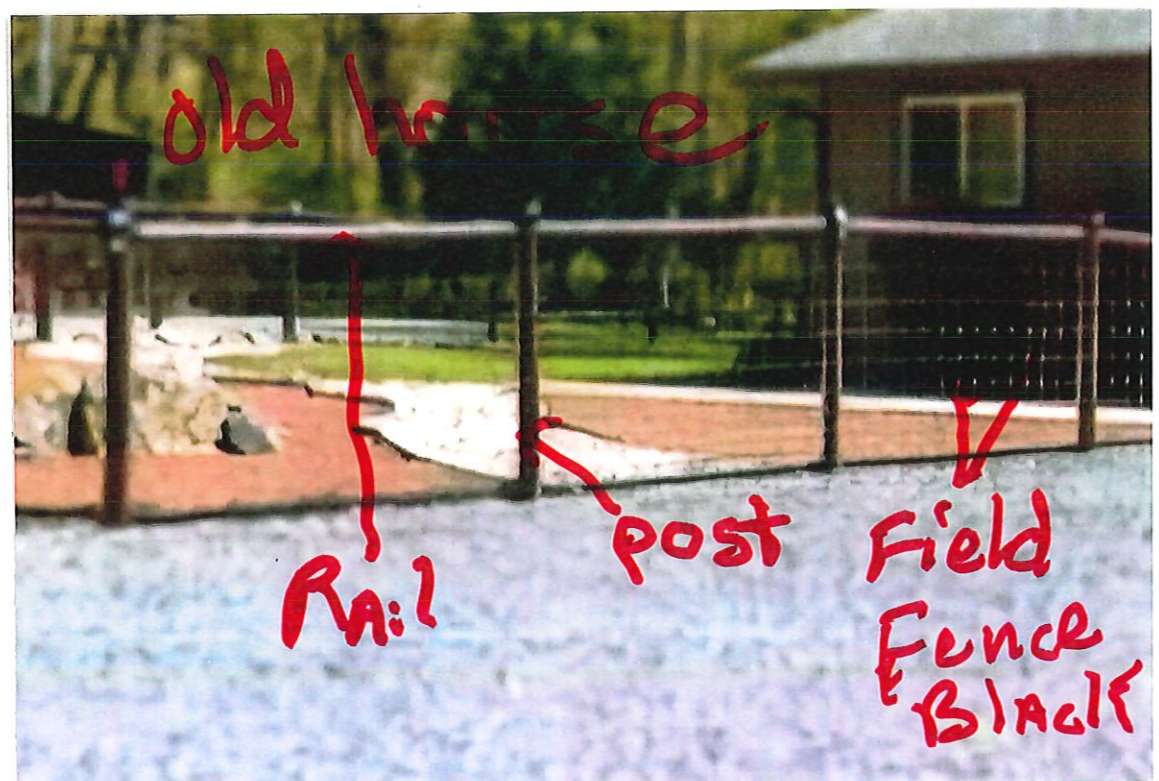
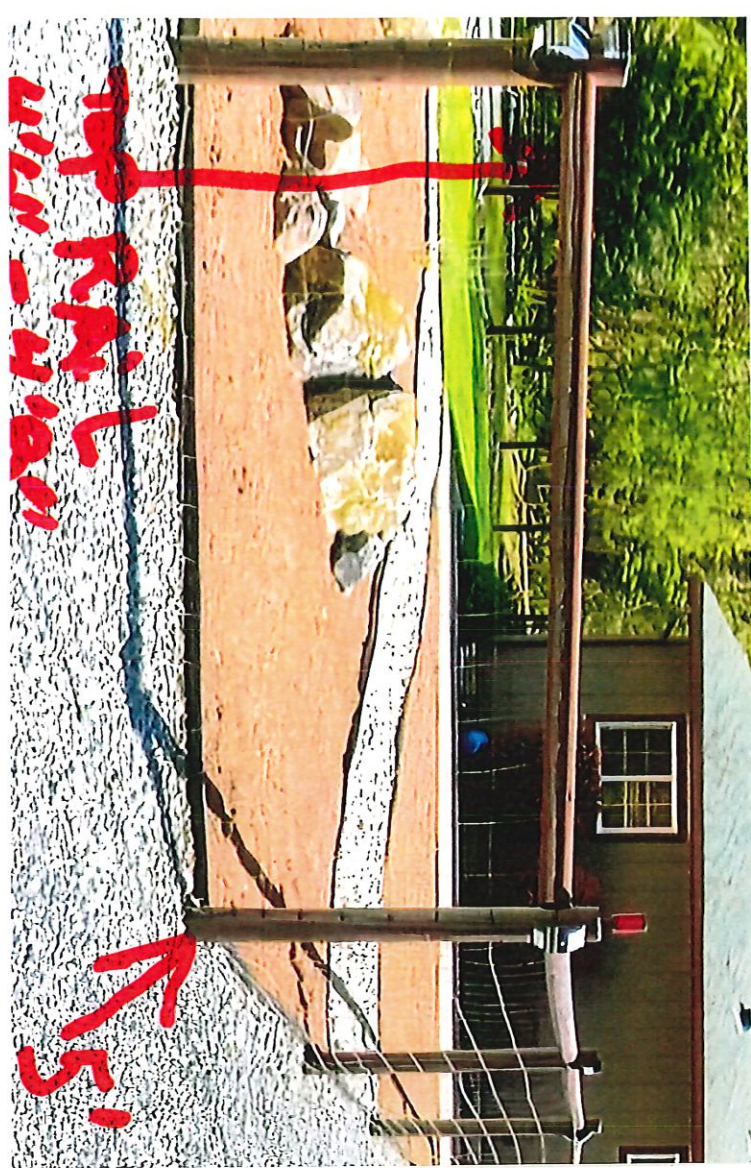
DIAGRAM



- property line
- new fence post & rail
- - - existing 6' fence
-)) gate

New Fence Layout

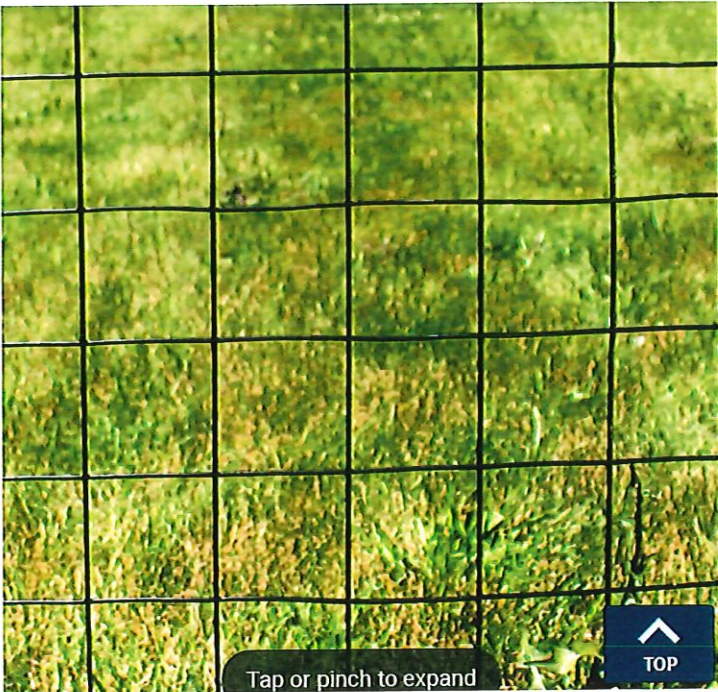




5' x 100' Welded Wire Fence-
12.5 ga. galvanized steel
core; 10.5ga after Black PVC-
Coating, 4" x 4" Mesh

In Stock
& Ready To Ship!

User Rating Avg.
★★★★★
6 Reviews



Tap or pinch to expand

★★★★★ (+78K)

Search

Waveland Lowe's

Open until 9 PM

Delivery to 39553

Building Supplies / Fencing & Gates / Wood Fencing / Wood

Trending Now

Severe Weather 3-3/4-in x 6-1/2-ft
Pressure Treated Pine Flat-top...
Item #202773 | Model #RP378T40N
[Shop Severe Weather](#) ★★★★★ 344

85440148.000 DULCICH DEBRA

PIDN: 85440148.000

GISP: 771.01-01-0172.00

Owner Information

Percent of Ownership: 100

Name: DULCICH DEBRA

Name 2: DULCICH ROGER

Mailing Address: 1715 PINEY LN
GAUTIER MS
39553

Site Address: 1715 PINEY LN GAUTIER

Land Information

Section: 01 Acreage: 0

Township: 7

Range: 7

Street Name PINEY
LN

Value and Tax Information

Total Assessed Value: 1611

Total Appraised Value: 10740

Improvement Value: 0

Land Value: 10740

Tax Amount: 227

SQ FT: 0

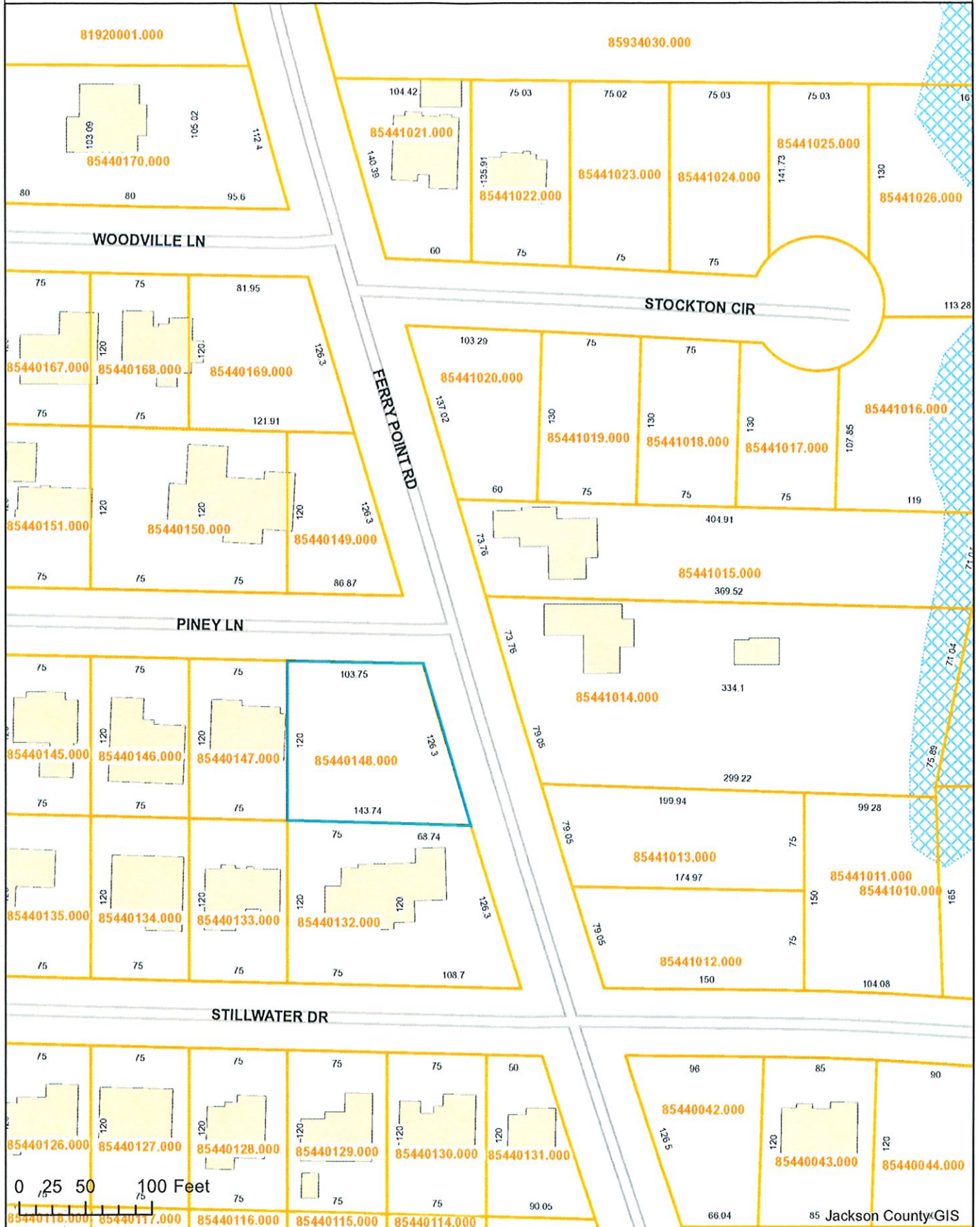
Year Built: 0

Legal Description

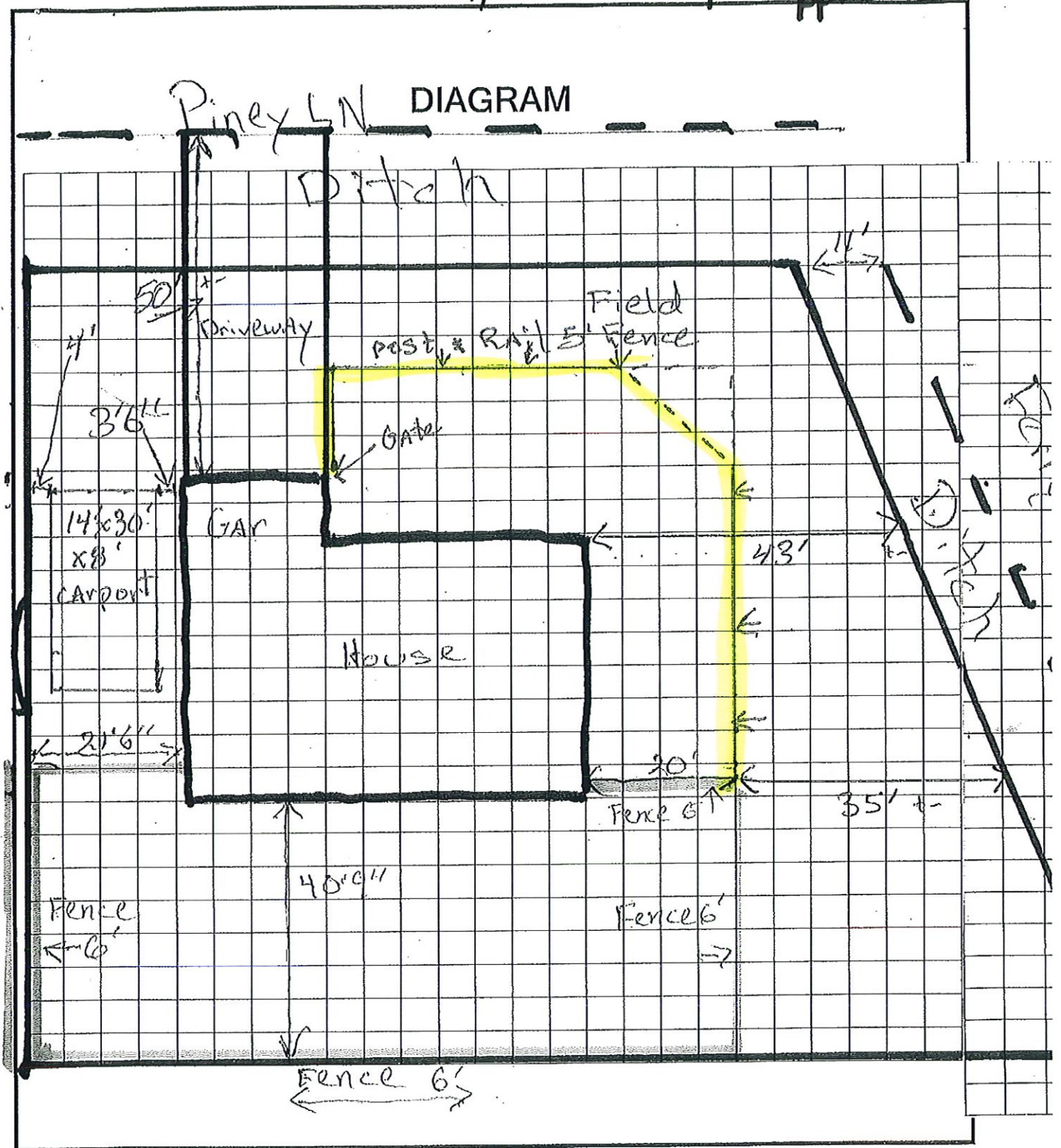
Description: LOT 55 HICKORY HILL EST S/D UNIT
#4 DB 2123-361 (172 Map771. 01-
01)

Deed Book / Page: 2169 / 559

85440148.000 DULCICH DEBRA

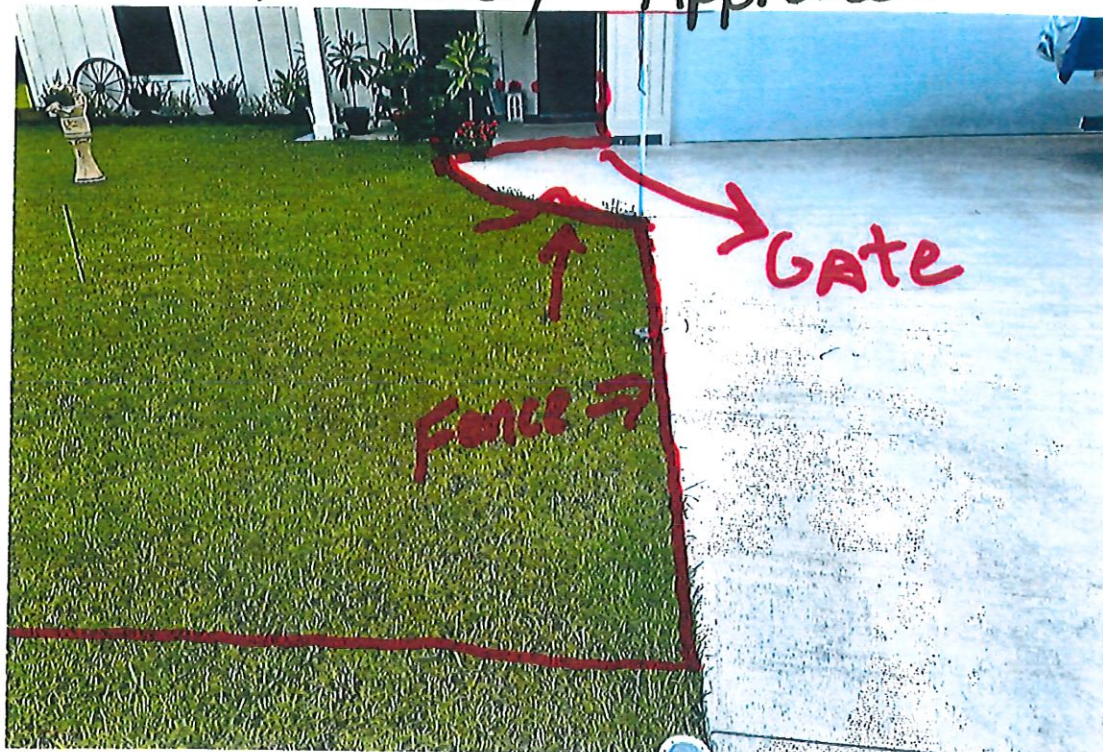


* Previously Approved *

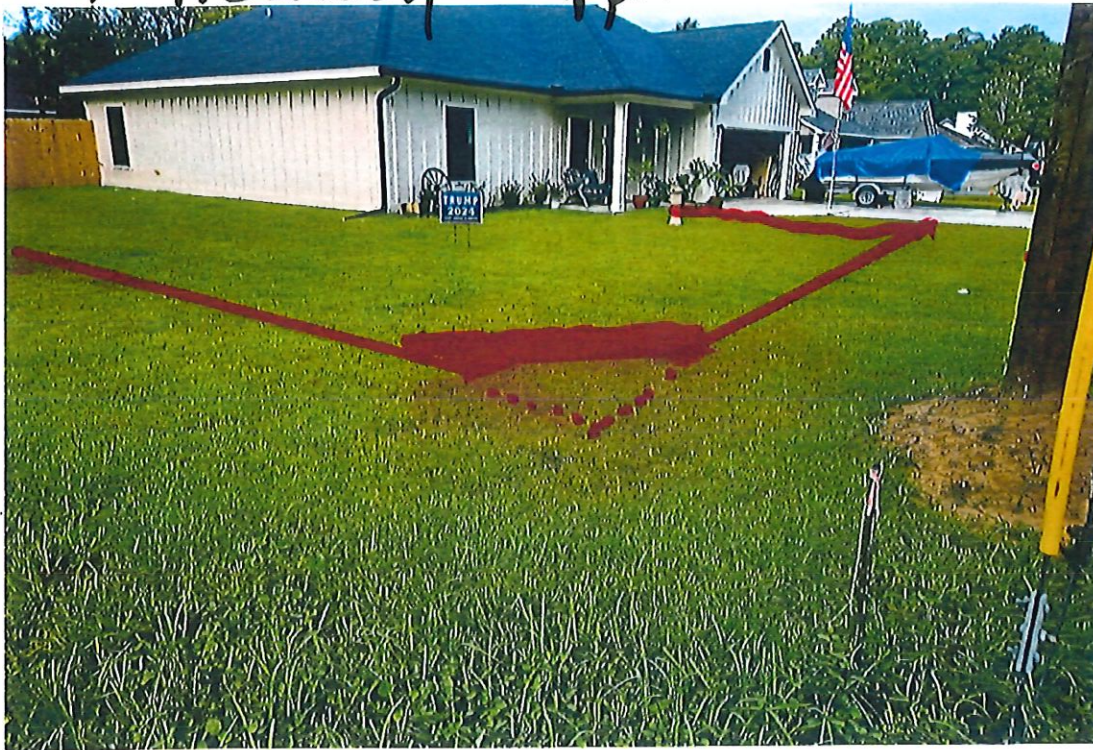


Legend - each square represents 5'

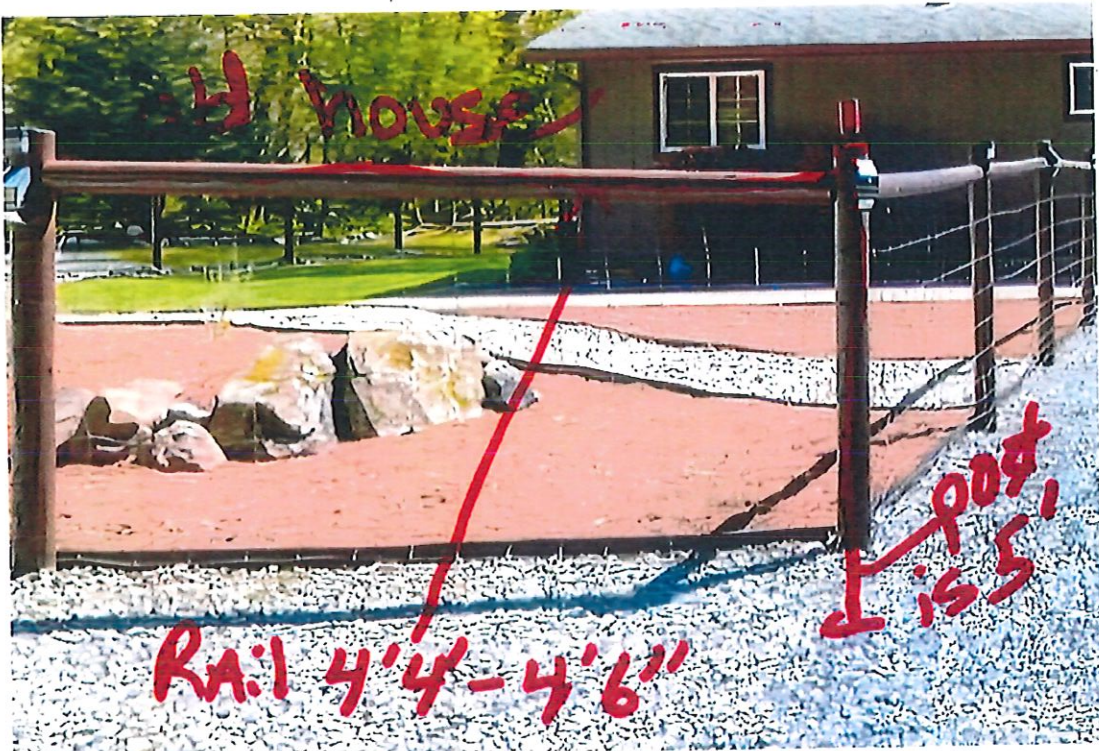
* Previously Approved *



* Previously Approved *



* Previously Approved *



** Previously Approved **

★★★★★ (+78K)

Search



Waveland Lowe's
Open until 9 PM

Delivery to
39553

Building Supplies / Fencing & Gates / Wood Fencing / Wood

Trending Now



Severe Weather 3-3/4-in x 6-1/2-ft
Pressure Treated Pine Flat-top...
Item #202773 | Model #RP378T40N

Top Severe Weather ★★★★★ 344

Brand: Tenax

4.4 ★★★★★ 888

Tenax 2A140075 Pet Fence Select Pet
Fence, Black, 4' x 330'



● ○ ○ ○

50+ bought in past month



Exhibit A Location Map

Prepared by:
City of Gautier
Planning Department



Exhibit B

Existing Zoning

Prepared by:
City of Gautier
Planning Department

Legend

Zoning ZONECODE

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

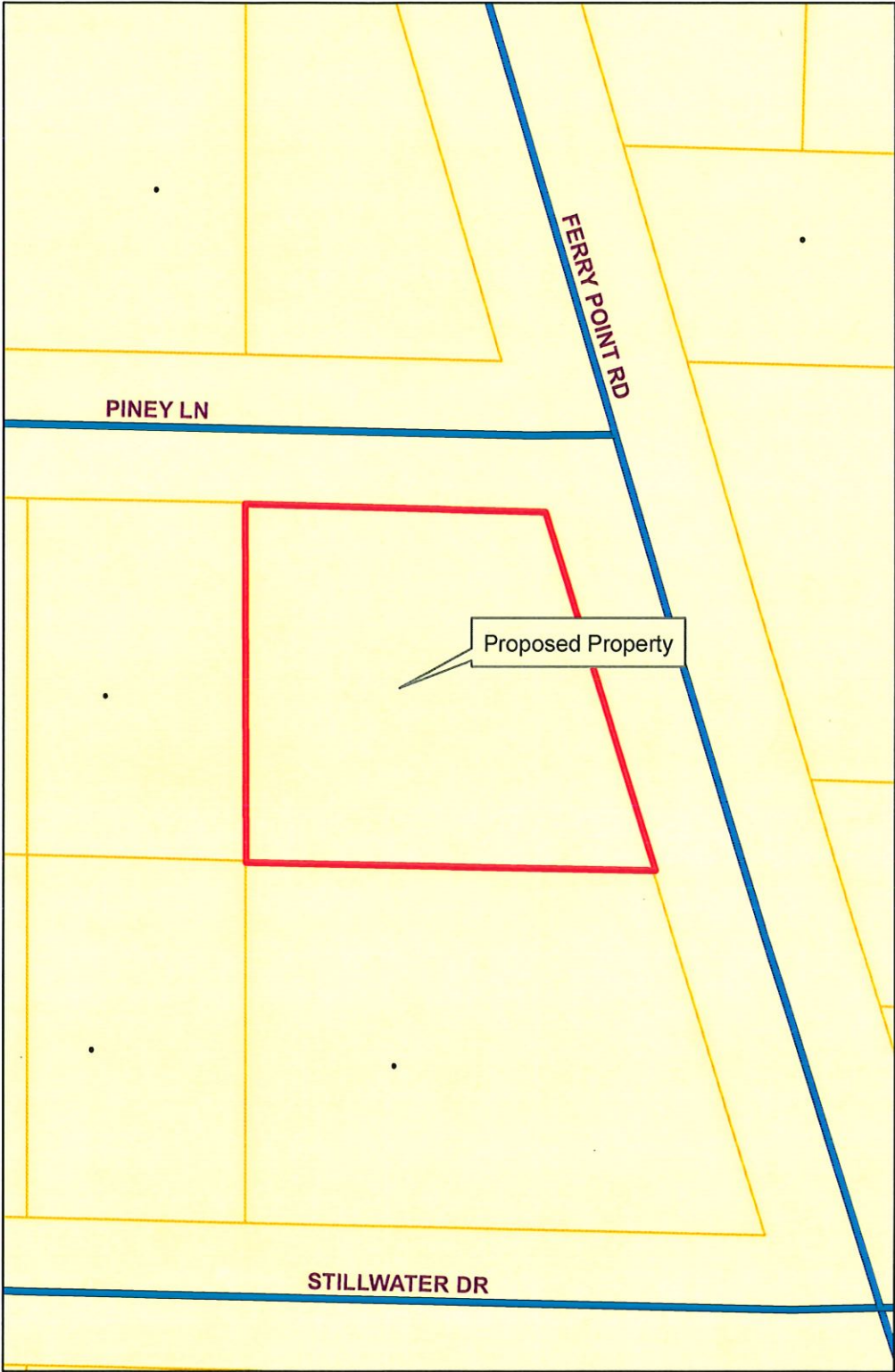


Exhibit C

Existing Land-Use

Prepared by:

City of Gautier
Planning Department

Legend

EXISTING LAND USE

ELU_08

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

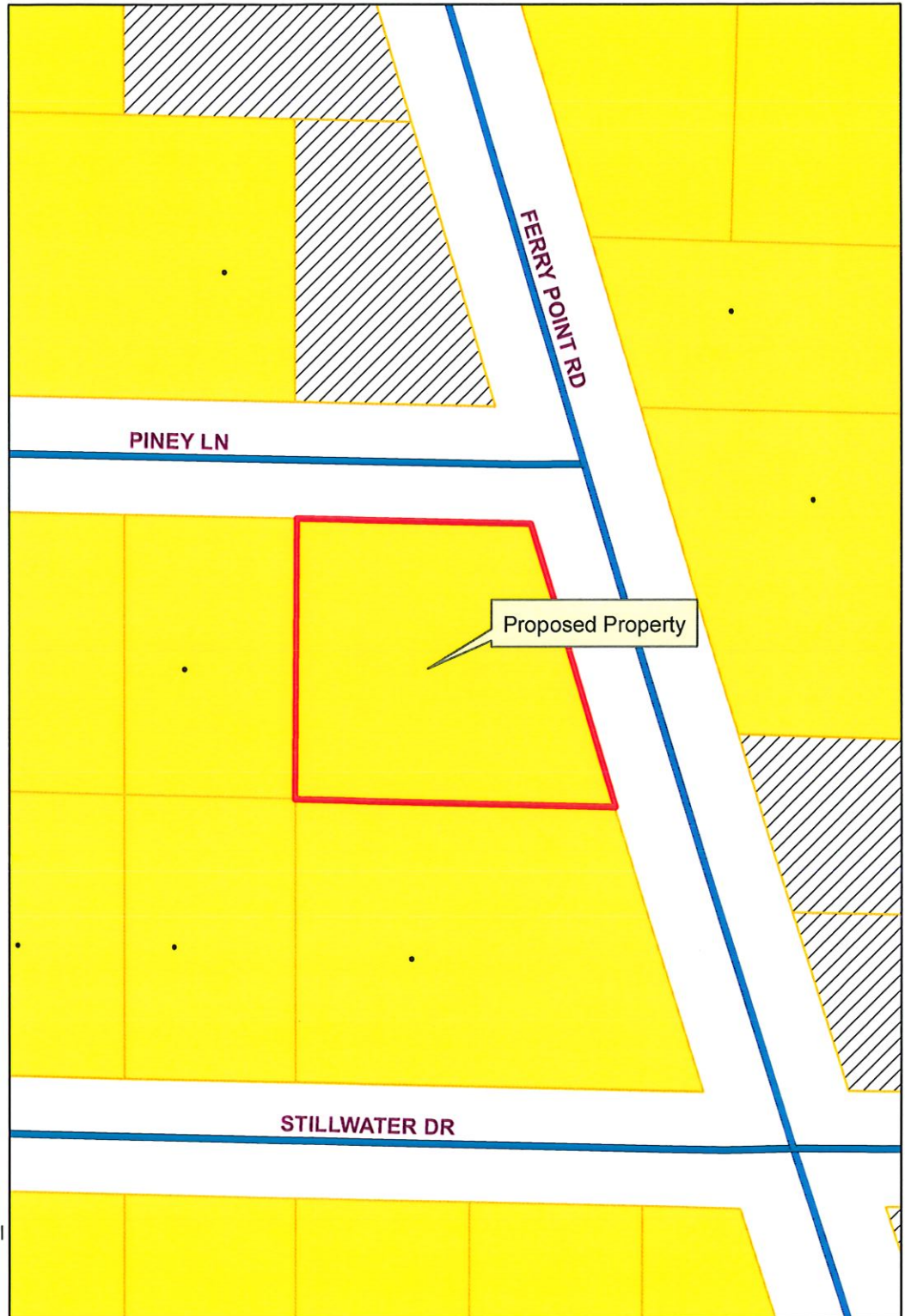


Exhibit D

Future Land-Use

Prepared By:

City of Gautier
Planning Department

Legend

FUTURE LAND USE

FLU_Class

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



Gautier Planning Commission

Regular Meeting Agenda

December 5, 2024

GPC #24-53-CU

Josh Rose & Courtney Sangster

dba

Voodoo Cigar Lounge, LLC

3880 Gautier Vancleave Road, Suite #9

VII. NEW BUSINESS

2. Consider a request for a Conditional Use-Major that would allow a Cigar Lounge with a Bar in a C-2 Community Commercial Zoning District. 3880 Gautier Vancleave Road, Suite #9, (GPC #24-53-CU)

**CITY OF GAUTIER
STAFF REPORT**

To: Chairman and Members, Planning Commission

From: Scott Ankerson, Planning Director

Date: November 20, 2024

Subject: Consider a request for a Conditional Use-Major that would allow a Cigar Lounge with a Bar in a C-2 Community Commercial Zoning District. 3880 Gautier Vancleave Road, Suite #9. (GPC #24-53-CU)

REQUEST:

The Planning Department has received a request from Josh Rose and Courtney Sangster dba Voodoo Cigar Lounge, LLC for a Conditional Use-Major that would allow a Cigar Lounge with a Bar in a C-2 Community Commercial Zoning District at 3880 Gautier Vancleave Road, Suite #9. PID #82435010.050 (GPC #24-53-CU) The application fee of \$250 was paid on October 30, 2024. All public notice requirements have been met.

BACKGROUND:

The request property is zoned C-2 Community Commercial.

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

DISCUSSION:

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

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

Applicant Response: Yes.

Staff Finding: Yes. Bar or Tavern is listed as a Conditional Use-Major in a C-2 Community Commercial District.

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

Applicant Response: Google image attached. No changes proposed.

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

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

Applicant Response: No.

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

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

Applicant Response: No. We hope to bring more traffic from the public that will benefit surrounding business.

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. All current utilities and public services are able to accommodate.

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: We hope to add an additional hospitality based business to our City of Gautier.

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

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

Applicant Response: Smoke eaters to be installed in order to assist in alleviating lingering cigar smoke.

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
ECONOMIC DEVELOPMENT/PLANNING DEPARTMENT
CONDITIONAL USE APPLICATION

Public Hearing Number

24-53 CU

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

Name of

Applicant: Josh Rose, Courtney Sangster

Name of Business: Voodoo Cigar Lounge, LLC Phone: 228-217-4148

3880 Gautier Vancleave Rd. Ste9

Property Address: _____ Mailing Address (if Different): _____

E-Mail Address: joshvoodoorose@gmail.com, csangster2086@gmail.com

Proposed Use Requiring Conditional Use: C-2 Cigar lounge with Bar. (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).

✓ 4. 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 Economic Development/Planning Director and/or members of the Technical Review Committee.

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

Signature of Applicant(s): _____ Date of Application: _____

FOR OFFICE USE ONLY	
Date Received <u>10/30/24</u>	Verify as Complete <u>Bols</u>
Fee Amount Received <u>250.00</u>	Initials of Employee Receiving Application <u>BL</u>

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

Address: 3880 Gautier Vandave Rd # 9

Parcel ID No.:

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

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

[Signature]
(Owner's Signature)

[Signature]
(Owner's Signature)

Notary Information:

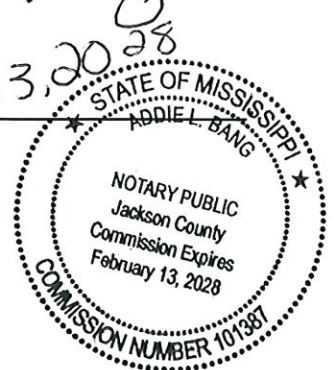
The foregoing instrument was acknowledged before me this 30th day of October, 2024 by Connie West, who is personally known to me or has produced MS. DL. as identification and who did take an oath.

Addie L Bang
(Printed Name of Notary Public)

Addie L Bang
(Signature of Notary Public)

Commission # 101387. My commission expires Feb 13, 2028

(Notary's Seal)



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

MAJOR CONDITIONAL USE CRITERIA FOR APPROVAL

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.
Google image attached. No changes proposed.
3. Will your project negatively affect neighboring property values or pose a real or perceived threat to citizens? Explain.
No. We hope to bring more traffic from the public that will benefit surrounding business.
4. Will your project adversely affect vehicular or pedestrian traffic in the vicinity? Explain.
No. There is no change anticipated. Parking lot provided is sufficient.
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. All current utilities and public services are able to accomodate.
6. Is the proposed use in harmony with the Comprehensive Plan? Explain how.
We hope to add an additional hospitality based business to our City of Gautier.
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.
Smoke eaters to be installed in order to assist in alleviating lingering cigar smoke.
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

We propose to open and operate a cigar lounge with bar. This will allow patrons to purchase and consume cigars onsite and enjoy an alcoholic beverage. Smoke eaters will be installed upstairs and downstairs in order to alleviate lingering cigar smoke.

Smoking will be limited to inside of the premises, not to overflow on sidewalk as to not offend passing patrons to surrounding business.

There are no anticipated issues with traffic/parking as the parking lot is sufficient to accommodate any increased traffic and delivery vehicles.



30 feet long

Bathroom

Stairs

3880 Gautier
Vancleave rd st
9 Gautier ms
39553

Window

Front door

19 feet

Stairs

**3880 Gautier
Vancleave rd st
9 Gautier ms
39553**

Window

Second floor

82435010.050 BAYWOOD COMMONS LLC

PIDN: 82435010.050

GISP: 777.35-01-0014.00

Owner Information

Percent of Ownership: 100

Name: BAYWOOD COMMONS LLC

Name 2:

Mailing Address: 4223 COBBLESTONE LN
GAUTIER MS
39553

Site Address: 3880 GAUTIER VANCLEAVE RD GAUTIER

Land Information

Section: 35 Acreage: 1.87

Township: 7

Range: 7

Street Name GAUTIER VANCLEAVE
RD

Value and Tax Information

Total Assessed Value: 94084

Total Appraised Value: 627222

Improvement Value: 506472

Land Value: 120750

Tax Amount: 13271

SQ FT: 12939 Year Built: 1985

Legal Description

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

Deed Book / Page: 2043 / 67

Exhibit A Location Map

Prepared by:
City of Gautier
Planning Department

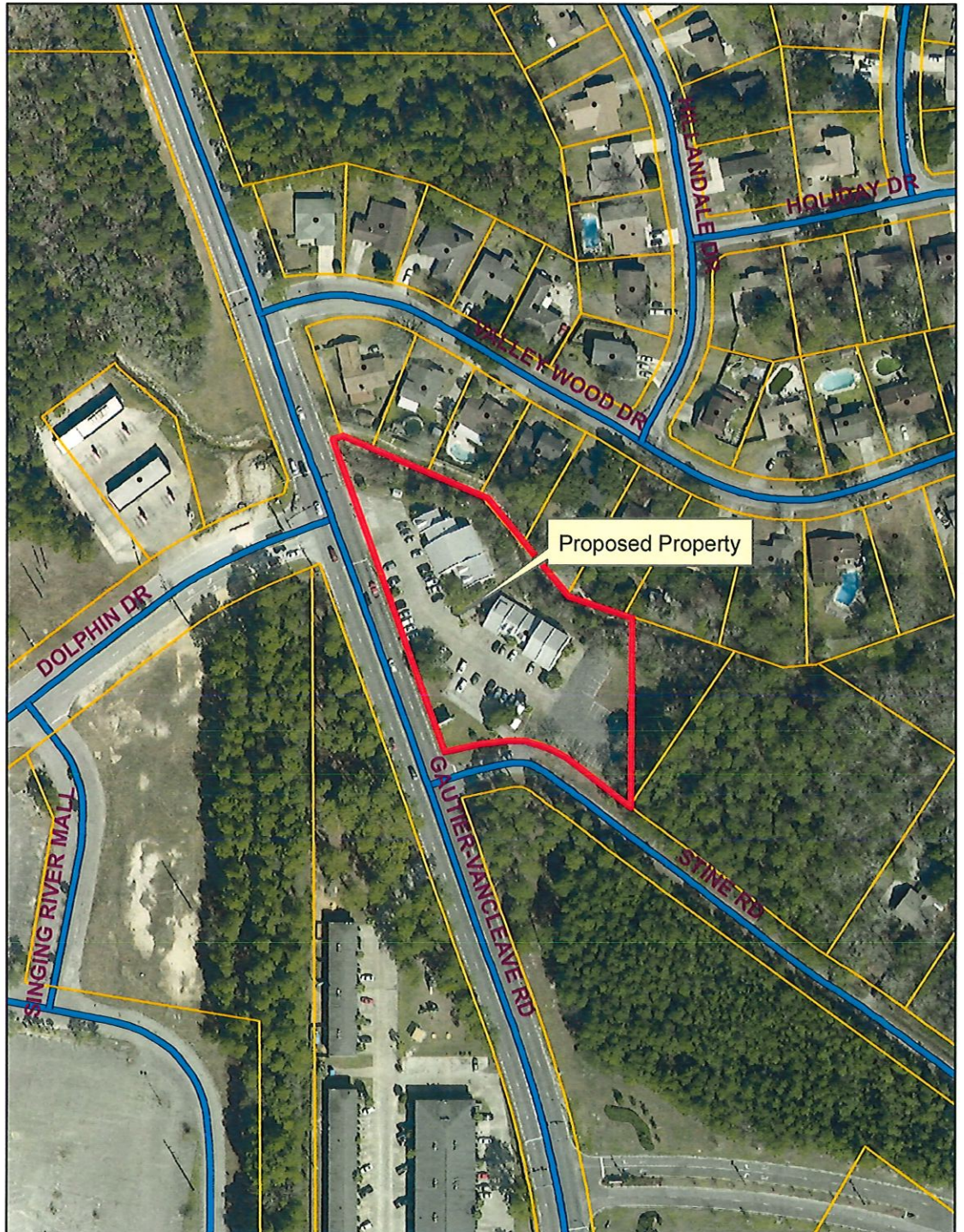


Exhibit B

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

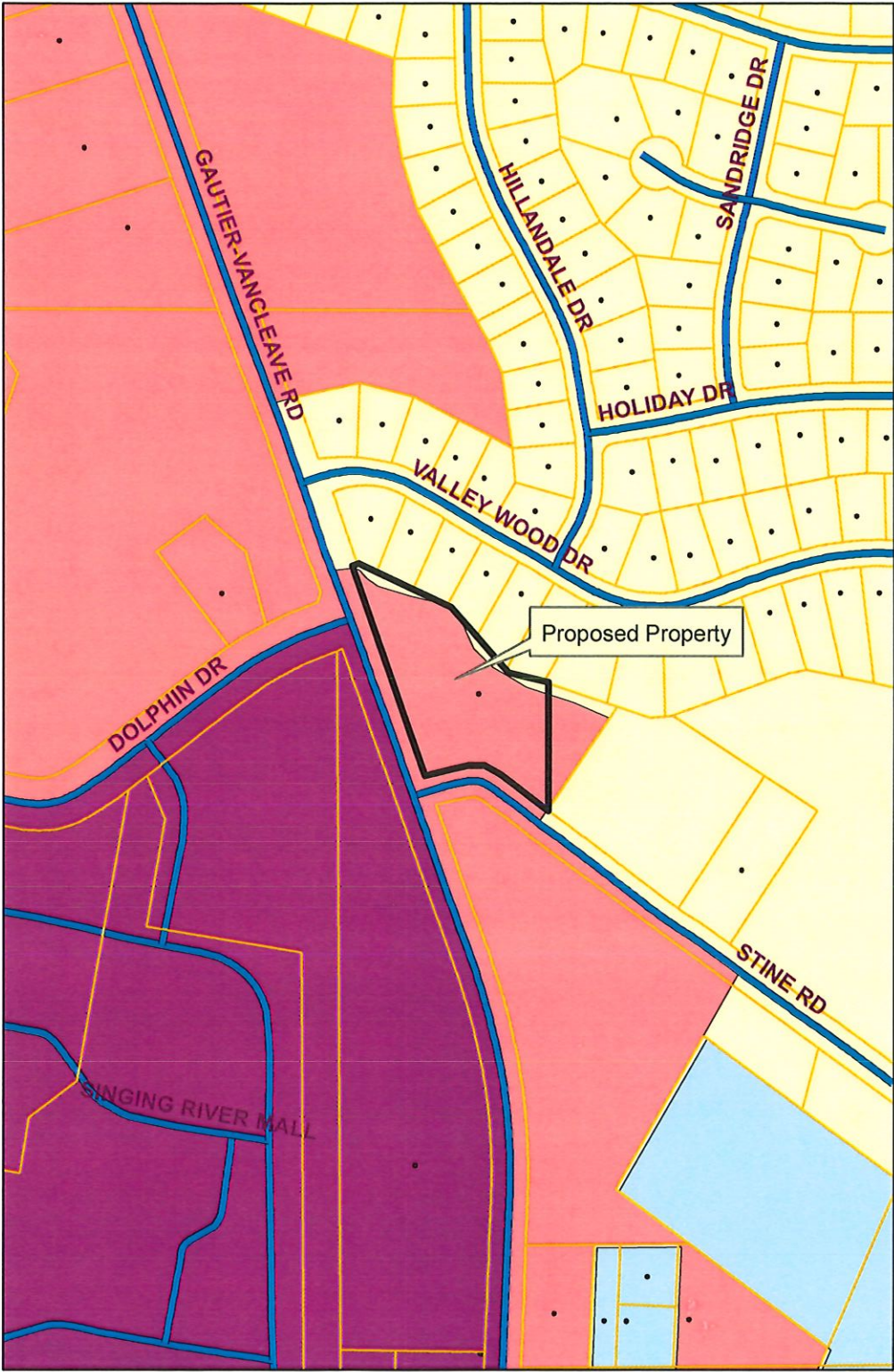


Exhibit C

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

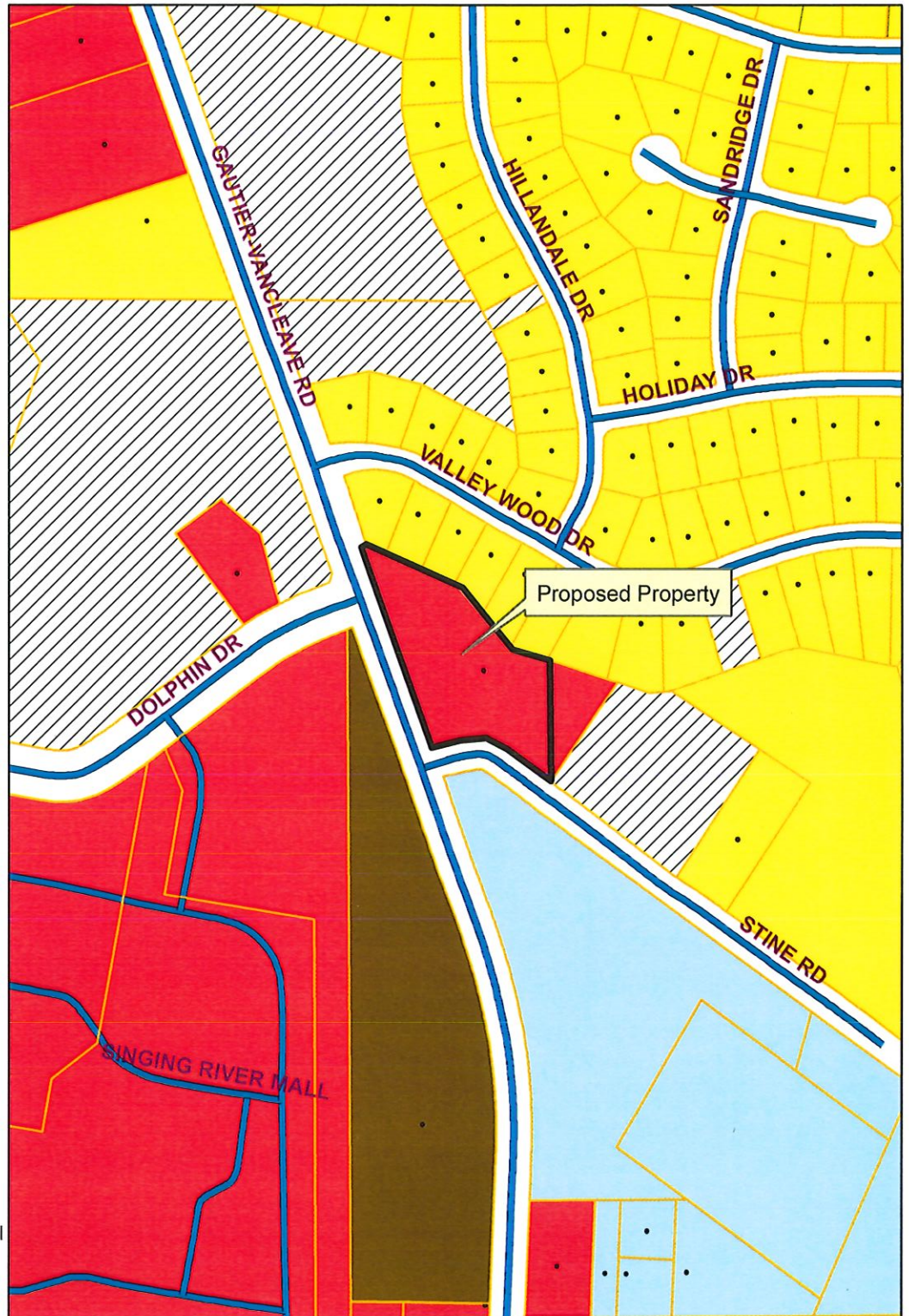


Exhibit D

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

