

AGENDA
GAUTIER PLANNING COMMISSION
April 3, 2025
5:30 PM

I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE (VOLUNTEER)

III. APPROVAL OF AGENDA

IV. APPROVAL OF MINUTES

1. Approve Minutes from December 5, 2024, February 6, 2025, March 6, 2025, & March 18, 2025

**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 twenty-nine point seven foot (29.7') variance to front yard setback requirements for an accessory structure in a R-3 Mobile/Manufactured Home Residential Zoning District at 3556 Mackerel Drive. (GPC #25-11-VAR)
2. Consider a request for a Special Exception that would allow a tire shop in a MURC-1 Mixed Use Recreation Commercial Zoning District, 3000 Ladnier Road, PID #82502180.100. (GPC #25-12-SE)

VIII. GENERAL DISCUSSION

1. PREVIOUS CASE UPDATES
2. PERMIT & TRC REPORTS

IX. ADJOURN

DECEMBER 5, 2024
GAUTIER, MISSISSIPPI

BE IT REMEMBERED that a meeting of the Gautier Planning Commission of The City of Gautier, Mississippi, was held on December 5, 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, and William Davis. Also present were Scott Ankersen, Planning Director, Josh Danos, City Attorney (by phone), and Babs Logan, Planning Technician. Absent were DeAnna McManus, Chris Hoover, and Ricky Decoteau.

AGENDA

GAUTIER PLANNING COMMISSION

DECEMBER 5, 2024

5:30 P.M.

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

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

IX. ADJOURN

Commissioner Ward made a motion to approve the Agenda.

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

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

ABSENT: DeAnna McManus
Chris Hoover
Ricky Decoteau

Motion Passed

Commissioner Ward made a motion to approve the November 7, 2024, minutes.

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

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

ABSENT: DeAnna McManus
Chris Hoover
Ricky Decoteau

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 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)

Scott Ankerson, Planning Director, gave a brief overview of the case. He reminded the Commissioners that the applicant had received a one-foot (1') height variance for a fence in his front yard a couple of months ago. The applicant has decided he would like to modify the original variance and extend the fence to the front property line. Mr. Ankerson wanted to bring the request back to the Planning Commission because of the change in the location of the fence.

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 **Variations** 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 variations);
- (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. Variations for uses permitted will not be considered in as much as "use Variations" are not legal in the State of Mississippi.

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

4.18.1 Who May Initiate

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

4.18.2 Application for Variance

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

4.18.3 Administrative Variances

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

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

4.18.4 Criteria for Approval

The Variance application shall demonstrate the following:

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

RECOMMENDATION & CONCLUSION:

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

The Planning Commission may:

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

Chairman Jamison asked the applicant to present his case.

Roger Dulcich, the applicant, said he wanted to change the location of the fence that was approved in September. It would be the same fence, he just wanted to bring it out further to the property line.

Chairman Jamison asked Mr. Dulcich if he still intended to keep the angle at the corner.

Mr. Dulcich said he was going to keep the angle only it would be a little closer to the property line.

Commissioner Davis asked Mr. Ankerson if a fence that was over four feet (4') high, in a secondary front yard, was required to meet a twenty-five feet (25') setback per the UDO.

Mr. Ankerson said that secondary front yard requirements did not apply to fences, only for accessory structures.

Commissioner Ward asked if Mr. Dulcich was still going to use the same fencing as presented at the September meeting.

Mr. Dulcich replied that he was still using the same fencing.

Commissioner Davis noted the applicant's drawing showed the property line in front to be eighteen feet (18') from the road.

Mr. Dulcich said that was correct.

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

ACTION TAKEN:

Chairman Jamison made a motion to recommend that the City Council approve the variance as presented and ensure that the same conditions as the previous variance still apply.

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

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

ABSENT: **DeAnna McManus**
 Chris Hoover
 Ricky Decoteau

Motion passed.

-
- 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)

Scott Ankersen, Planning Director, gave a brief overview of the case. He explained that the applicant was asking for a cigar lounge which would not require a Conditional Use but since he wanted to serve alcohol it would have to be considered a bar which does require a Conditional Use.

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.

Chairman Jamison asked the applicant to present the case.

Josh Rose, one of the applicants, said they are wanting to have a cigar lounge with a bar. He said the total area of the suite is about 1000 square feet with about 250 square feet of that being upstairs. They are looking to do a four person “belly up” bar with a limited drink menu. Each drink would accompany a specific cigar, like a pairing. This would allow people to come in and lounge and have their cigars with a drink. Mr. Rose said he thought the ATF and ABC would only allow them to be open until 10:00 PM. He said because they would be in a resort area, they might have different hours. Once ABC and ATF make their inspections, they will tell him what the restrictions on hours of operation will be.

Chairman Jamison asked if there would be any kind of music or bands.

Mr. Rose said there would be no bands, no pool tables, no dart boards, no foosball tables. Nothing of that nature.

Commissioner Davis stated that the Fire Department would have a limit on their capacity. He asked if Mr. Rose knew the capacity limit for the space.

Mr. Rose said he thought the limit was about 56 people, but there was no way they could sit that many. He thought their maximum would be about 22 people.

Chairman Jamison asked if there would be tables upstairs also.

Mr. Rose said they were going to have a larger round table upstairs with nice chairs geared more towards meetings.

Commissioner Davis asked what Mr. Rose how he would handle it if they were full, with 22 people, and others were wanting to come in. Would he turn them away or what?

Mr. Rose said if that were to start happening, they would probably have a waiting list or reservation list.

Commissioner Davis clarified that he was wondering if they would have people hanging around outside waiting for a seat if the lounge was full.

Mr. Rose said that would not happen.

Commissioner Hudson said he was concerned with the parking. He asked if the parking for the lounge would work with the other businesses there.

Mr. Rose said there was overflow parking just to the south of the space he would be located in.

Chairman Jamison asked what time Mr. Rose planned to open the cigar lounge. She noted that the other business usually close around 5:00 or 6:00 PM.

Mr. Rose said he planned to open around 3:00 PM.

Commissioner Ward said his biggest concern was whether there were any letters sent to the city in objection to the request.

Babs Logan, Planning Technician, advised that she had not received any objections or questions regarding the request.

Mr. Ankerson asked if letters went to just the property owner or did they also go to the separate renters in the shopping centers.

Ms. Logan said that letters were sent to the owner of the shopping center and everyone within 250 feet of the property, which included many residences in the area. They were not sent to the individual businesses within the shopping center. The UDO only requires that notification be sent to property owners listed on the Jackson County Mapping Website.

Commissioner Ward asked what the plan was for ventilation because he has been places with cigar shops next door and the smoke blends over to the other businesses. He asked how Mr. Rose planned to stop that from happening.

Mr. Rose said the way that you mitigate that correctly is with a smoke eater. This is a filtration system that utilizes multistage filtration and UV lights, like what you would find in a hospital to stabilize the air. The cigar smoke stays within the lounge. It is pulled into the unit, filtered, and expelled back into the building. This is not generally a requirement for a cigar lounge, but the owner of the building is requiring something to take care of the smoke from the cigars.

Commissioner Ward asked Mr. Ankerson if there were any ventilation requirements for the smoke absorber.

Mr. Ankerson said Mr. Rose would have to turn in mechanical plans that would show what kind of ventilation was needed per his engineer.

Chairman Jamison asked if he planned to be open 7 days a week and would he allow cigarette smoking besides the cigars.

Mr. Rose said he did not plan on being open 7 days a week. It would probably be closed on Sundays and Mondays. He said he didn't plan on allowing cigarette smoking. Most people don't go to a cigar lounge unless they plan on smoking cigars because it is a very traditional, old-school kind of thing, and you usually smoke a pipe or cigars.

Chairman Jamison asked about employees other than bartenders. She also asked if there would be security or cameras.

Mr. Rose said there would just be a bartender, and there would absolutely be cameras.

Commissioner Hudson asked Mr. Ankerson what the rule was about leaving a bar with alcohol in a cup, etc.

Mr. Ankerson said the Council had just approved for this to be a Leisure District. He said there are regulations as to what you can leave with. It can't be in a glass, and it can only be a certain number of ounces. Also, most places are not going to want to let you in with something you bought at another establishment. He advised that the Minutes from the last Council meeting have all the regulations for the Leisure District if anyone wanted to see exactly what they were.

Mr. Rose said as far as leaving his establishment with drinks, it would have to be something his employees would be comfortable with. He would definitely not want someone leaving his bar with a drink if they seemed drunk.

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 Conditional Use – Major with the requirements that ventilation is met by a licensed engineer, and that smoke containment is in place.

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

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

ABSENT: **DeAnna McManus**
 Chris Hoover
 Ricky Decoteau

Motion passed.

GENERAL DISCUSSION

A. PREVIOUS CASE UPDATES

Mr. Ankerson advised Commissioners that City Council had approved both cases from the November meeting.

B. PERMIT & TRC REPORT

Mr. Ankerson told Commissioners the November monthly report was not completed in time for the meeting and would be emailed to them upon completion.

Commissioner Ward made a motion to adjourn the meeting.

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

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

ABSENT: DeAnna McManus
Chris Hoover
Ricky Decoteau

Motion Passed.

APPROVED BY:

Scott Ankerson
Planning Director/Building Official

DATE: _____

Kay C. Jamison, Chairman
Gautier Planning Commission

DATE: _____

BACKUP DOCUMENTATION

Gautier Planning Commission

Regular Meeting Agenda

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

GAUTIER, MISSISSIPPI

PLANNING DEPARTMENT
PUBLIC HEARING APPLICATION

Public Hearing Number

24.52-VAR

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

Name of Applicant: Roger Dulcich

Name of Business: _____ Phone: 541-441-4460

Property Address: 1715 Piney Lane Mailing Address (if Different): _____

E-Mail Address: RDULC007@yahoo.com

Reason 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 Dulcich Date of Application: 10/18/24

FOR OFFICE USE ONLY	
Date Received <u>10/18/24</u>	Verify as Complete <u>Bals</u>
Fee Amount Received <u>176.00</u>	Initials of Employee Receiving Application <u>Bals</u>

VARIANCE

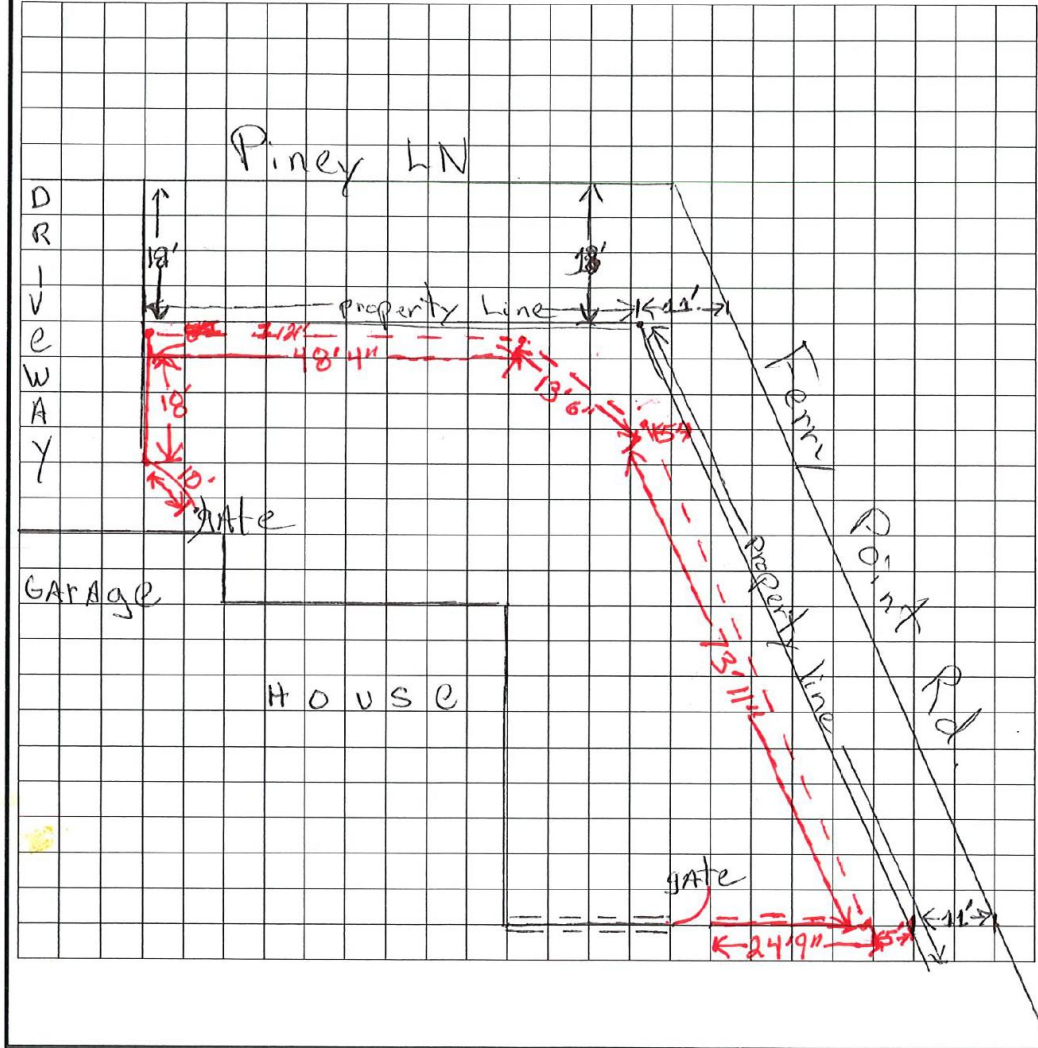
Criteria for Approval

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

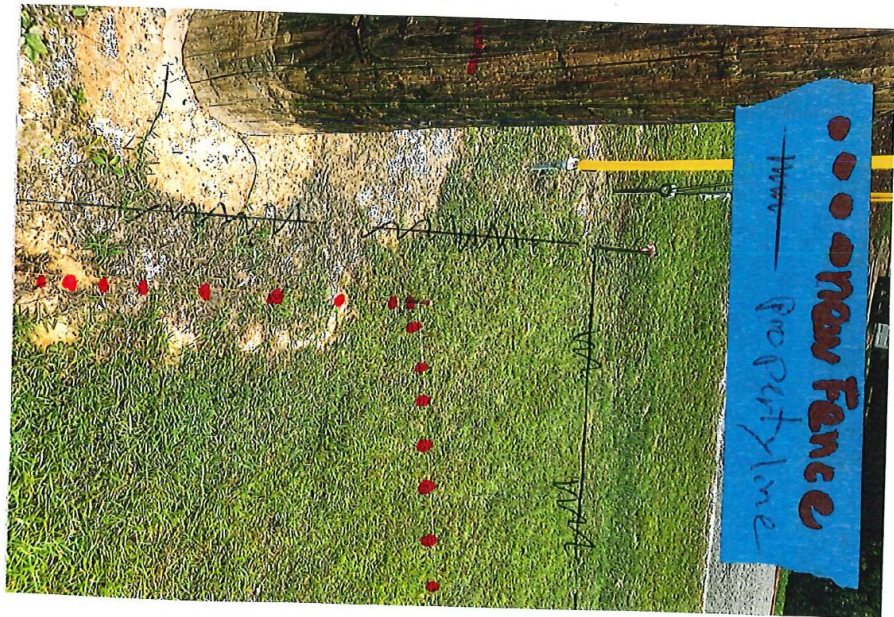
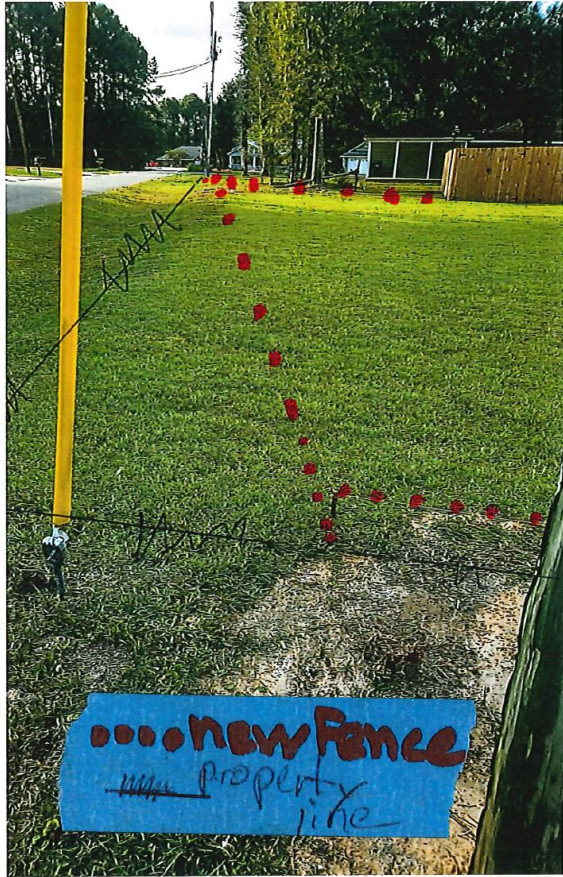
On August 26, 2024 my wife and I attended a Application Hearing #GPC 24-35-VAR for a 6' variance for side yard for an accessory building and a 1' variance for a fence post height in my front yard. On Sept 5th our motion for these 2 items was approved. I would like to change the fence layout in my front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

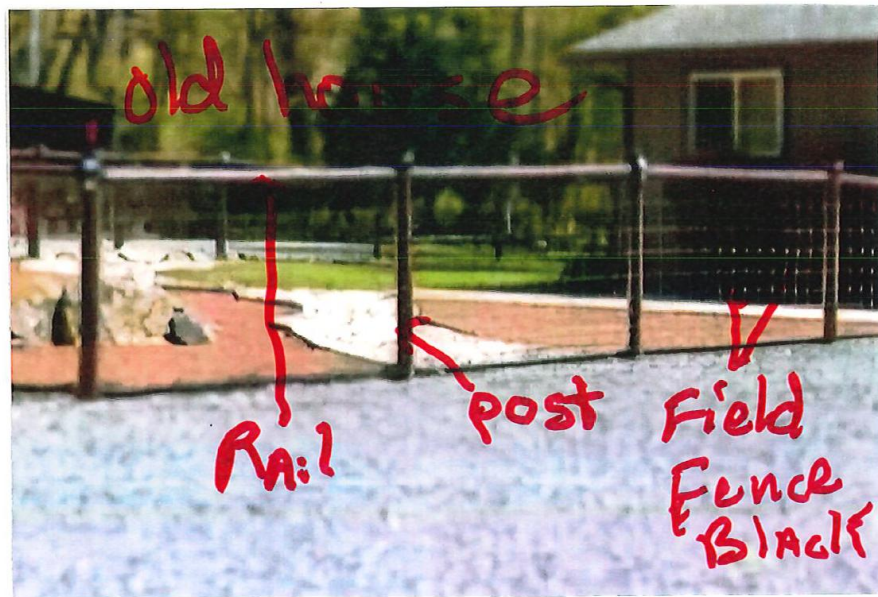
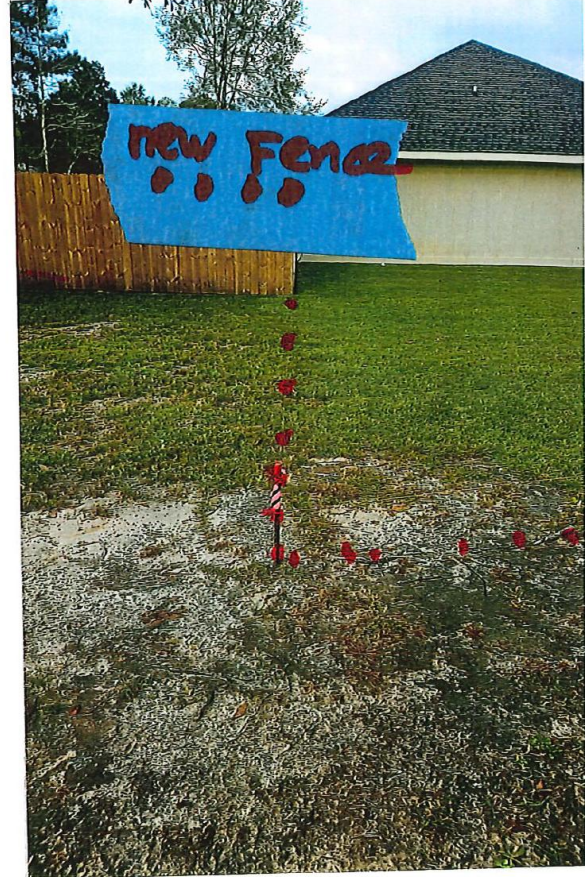
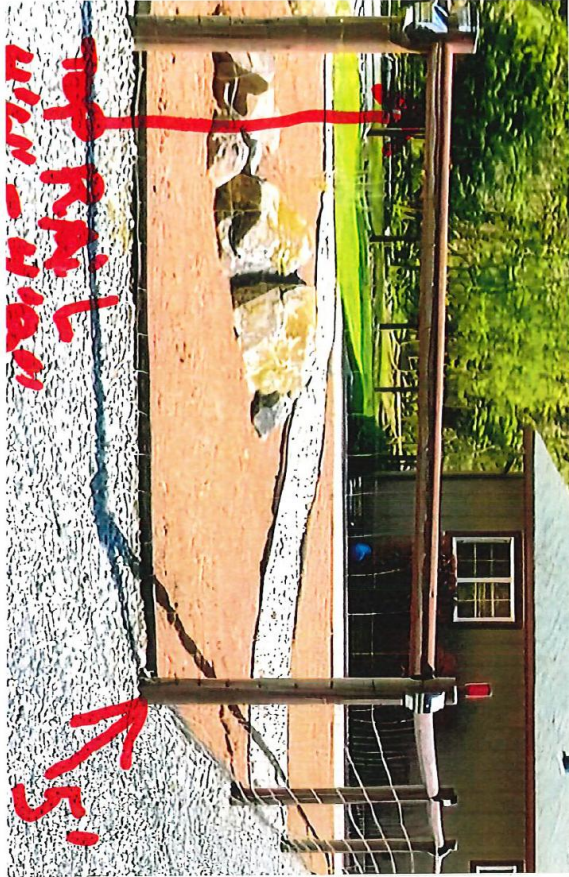
DIAGRAM



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

New Fence Layout

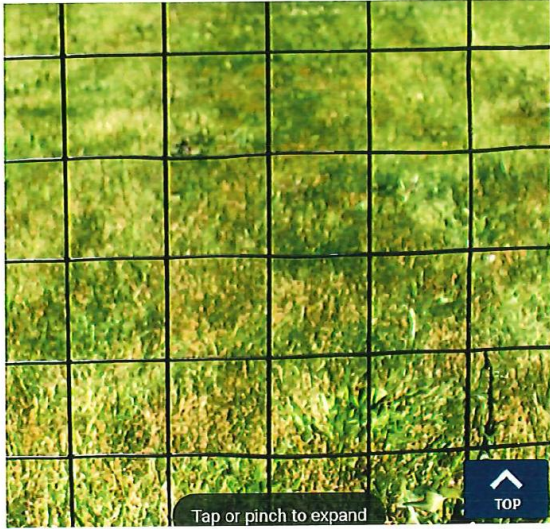




5' x 100' Welded Wire Fence- 12.5 ga. galvanized steel core; 10.5ga after Black PVC- Coating, 4" x 4" Mesh

In Stock
& Ready To Ship!

User Rating Avg.
★★★★★
6 Reviews



Tap or pinch to expand

★★★★★ (+/8K)

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...

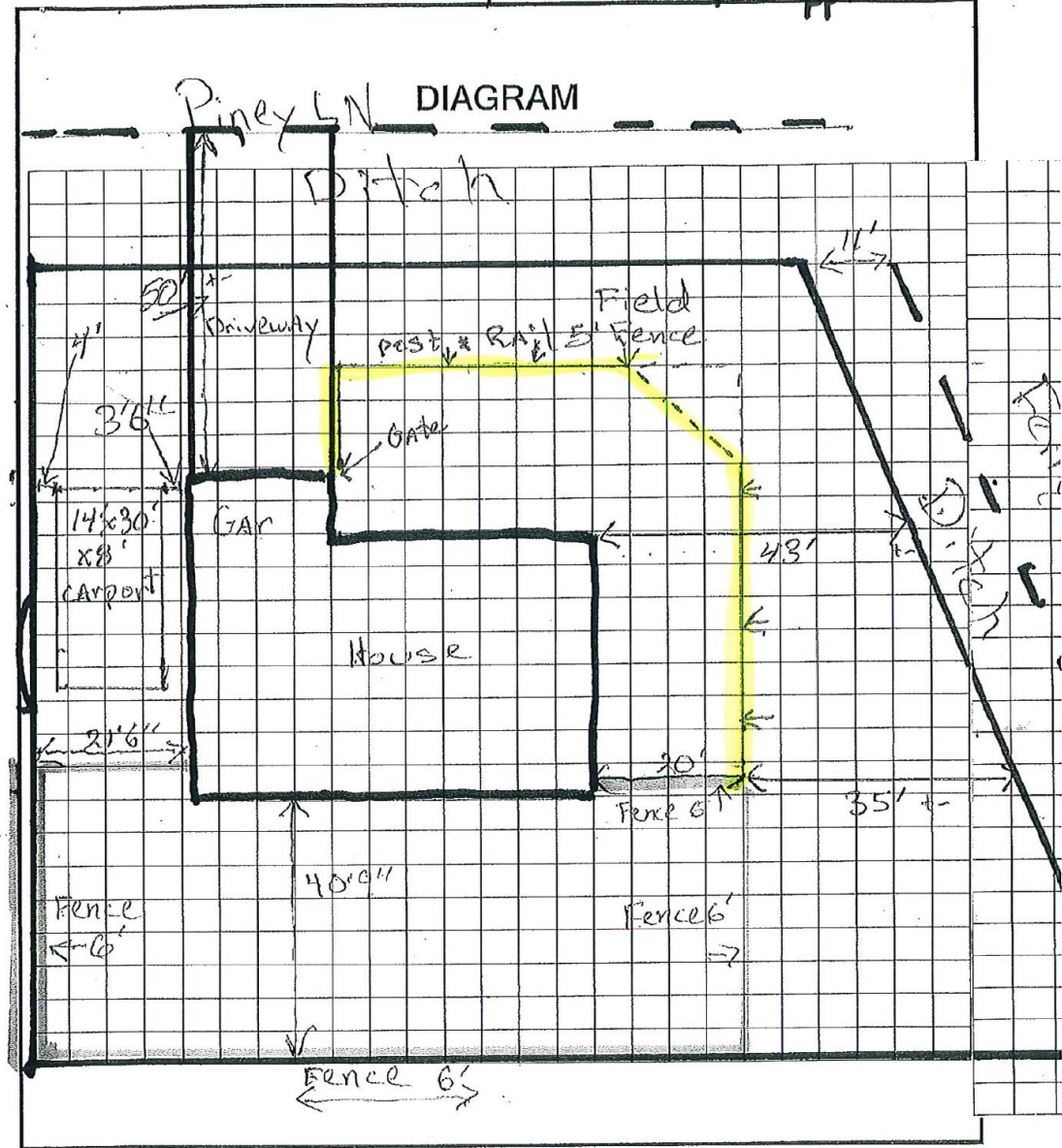
Item #202773 | Model #RP378T40N

Shop Severe Weather ★★★★★ 344

85440148.000 DULCICH DEBRA



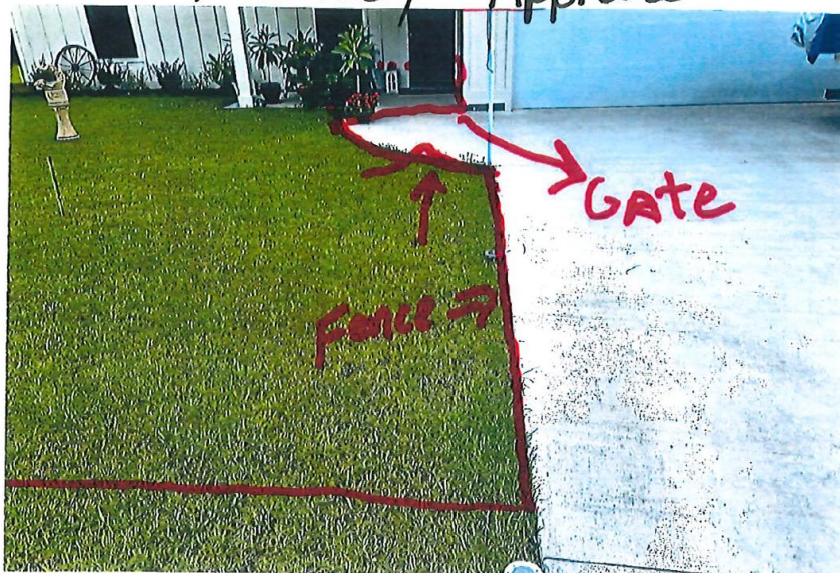
* Previously Approved *



Legend - each square represents 5'

)

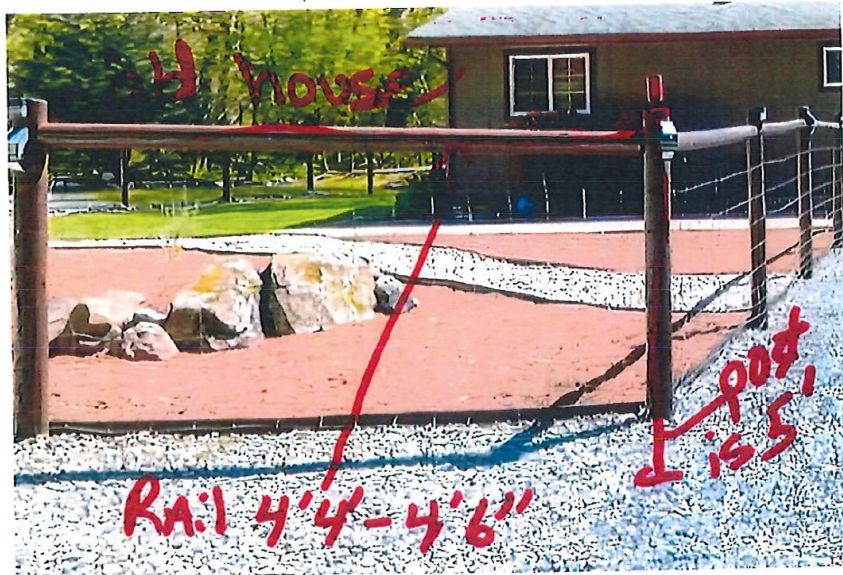
* Previously Approved *



* 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

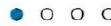
Top Severe Weather ★★★★★ 344

** Previously Approved **

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

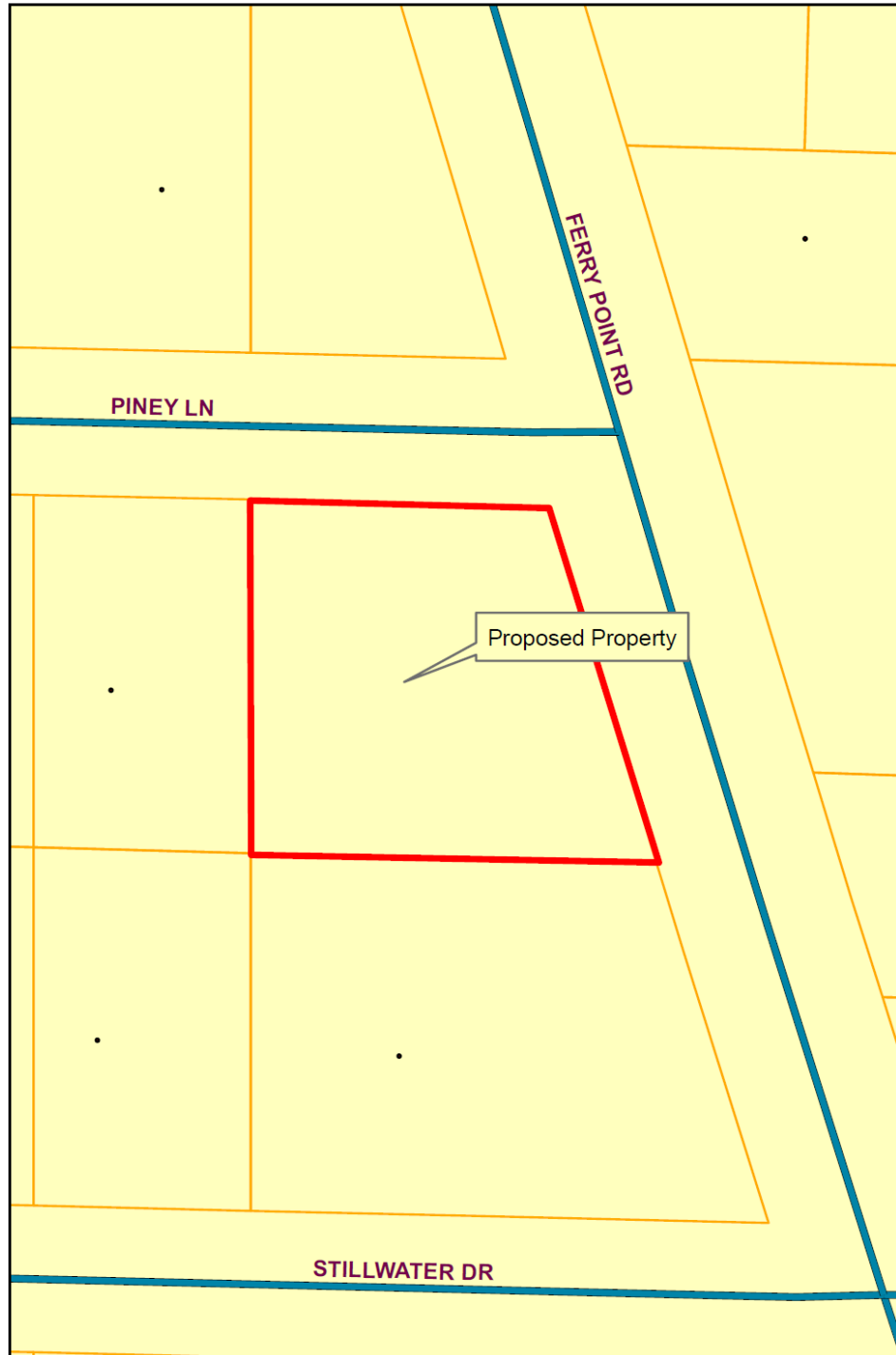


Exhibit C Existing Land-Use

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

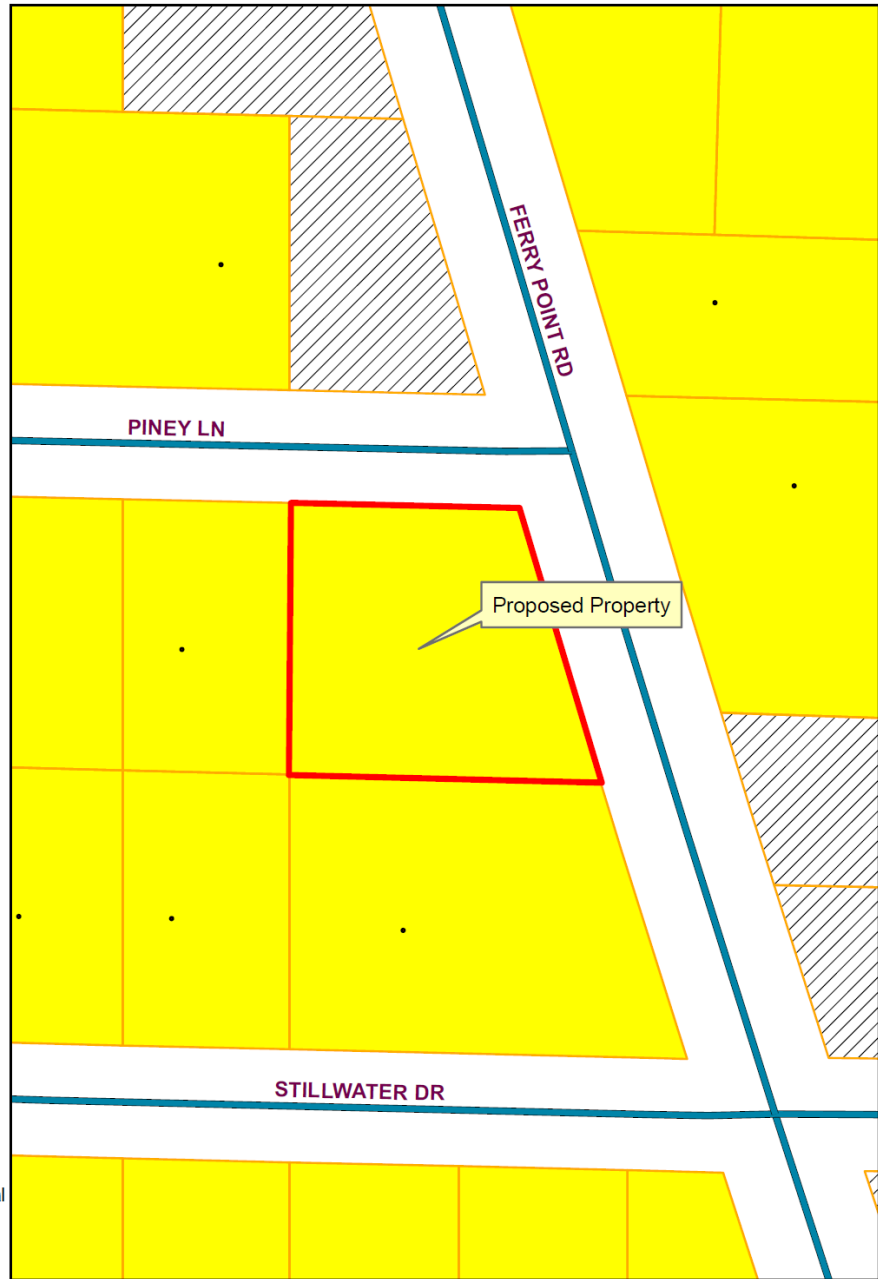


Exhibit D Future Land-Use

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 Vanleave 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 Vanleave 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 Vanleave 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

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

Name of

Applicant: Josh Rose, Courtney Sangster

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

Property Address: 3880 Gautier Vancleave Rd. Ste9 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>Bals</u>
Fee Amount Received <u>25.00</u>	Initials of Employee Receiving Application <u>BJ</u>

OWNERS CONSENT AND DESIGNATION OF AGENT - CONDITIONAL USE

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

Address: 3880 Gautier Vandevue 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.

Ardelle L Bang
(Printed Name of Notary Public)

Ardelle 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.

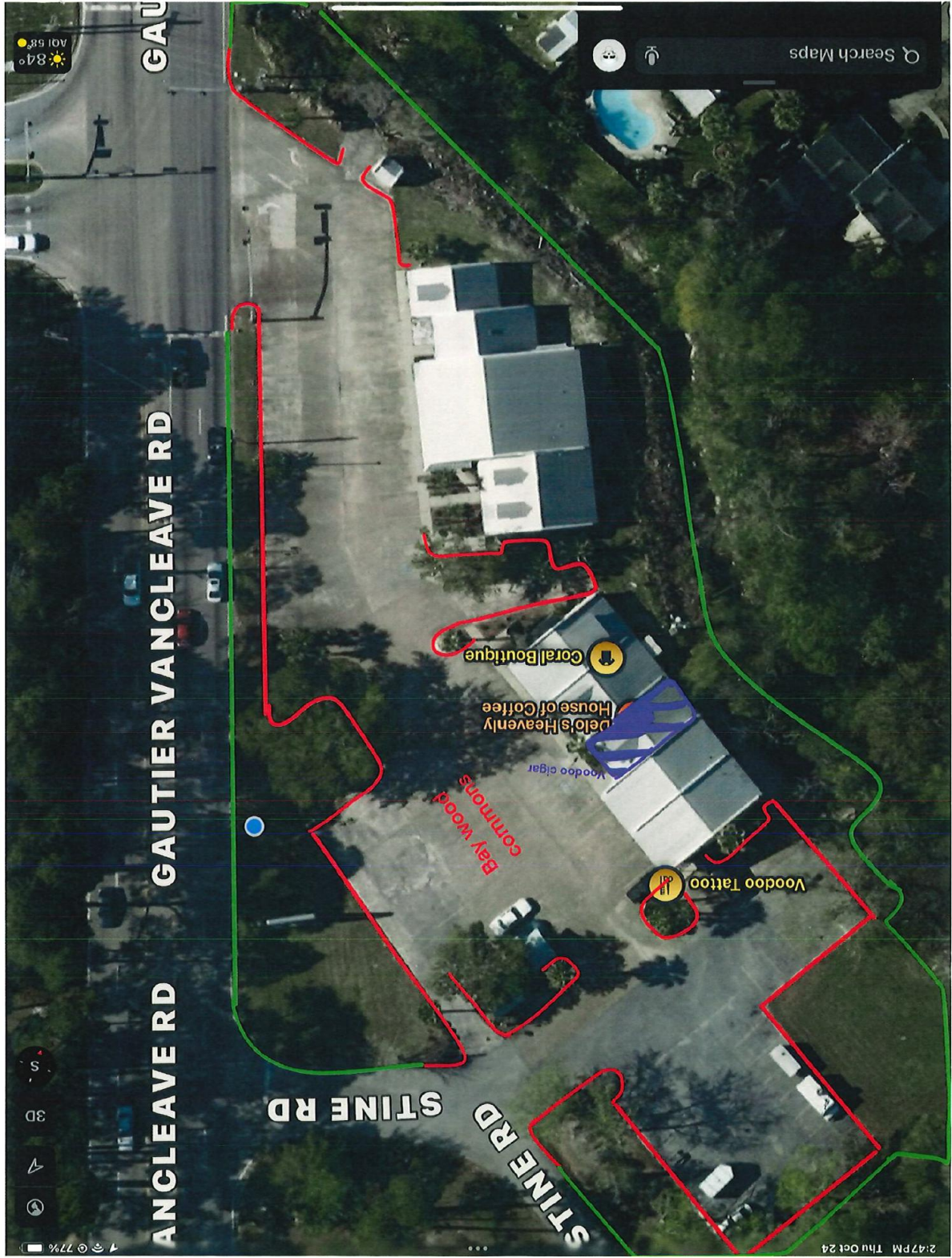
NARRATIVE

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.

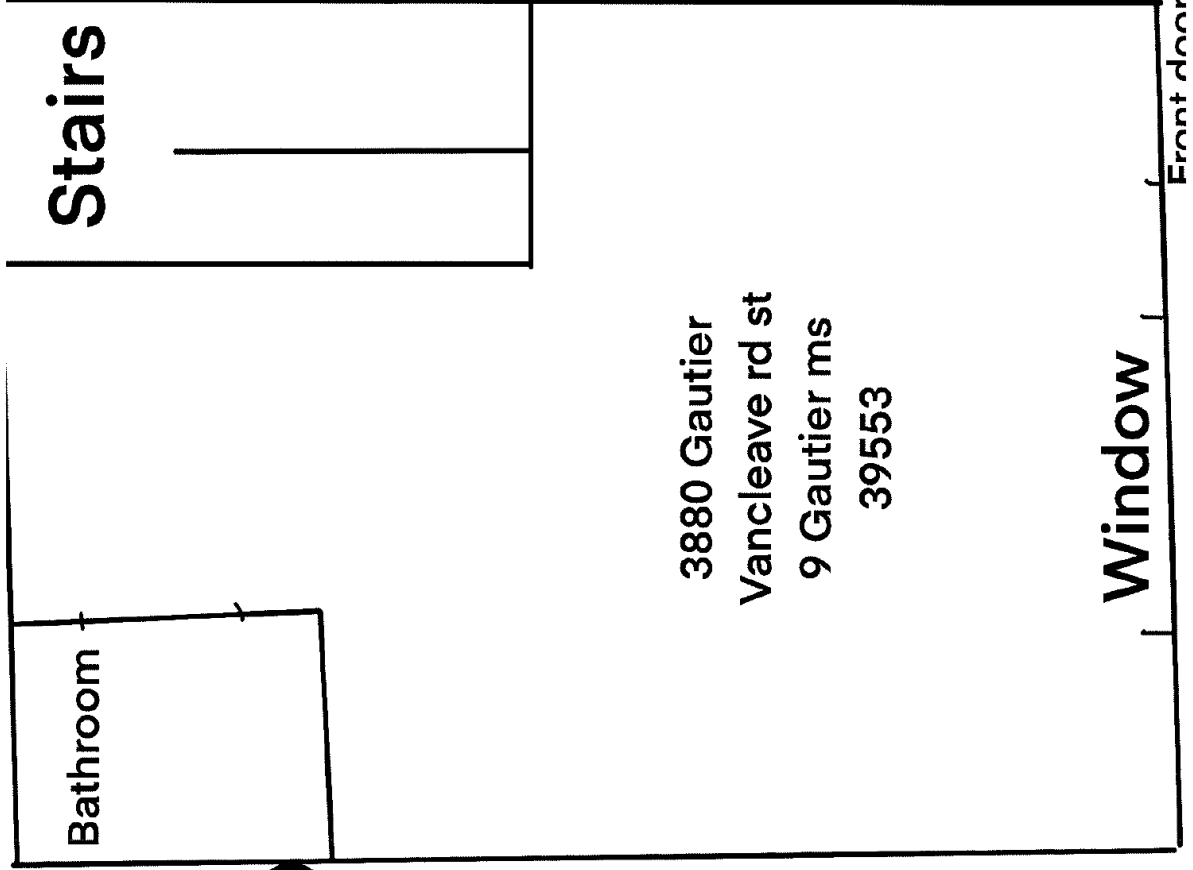
Smoking will be limited to inside of the premises, not to overflow on sidewalk as to not offend passing patrons to surrounding business.

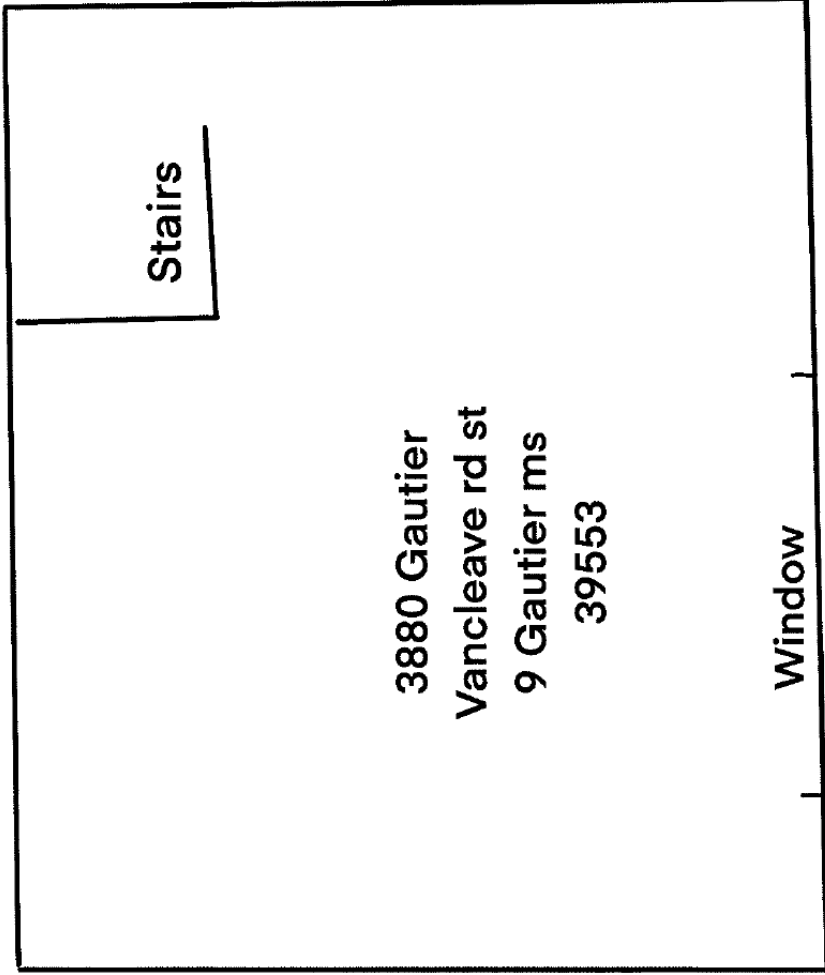
There are no anticipated issues with traffic/parking as the parking lot is sufficient to accomodate any increased traffic and delivery vehicles.

Form with horizontal lines for writing.



30 feet long





19 feet

Second floor

82435010.050 BAYWOOD COMMONS LLC

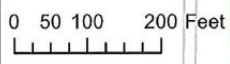
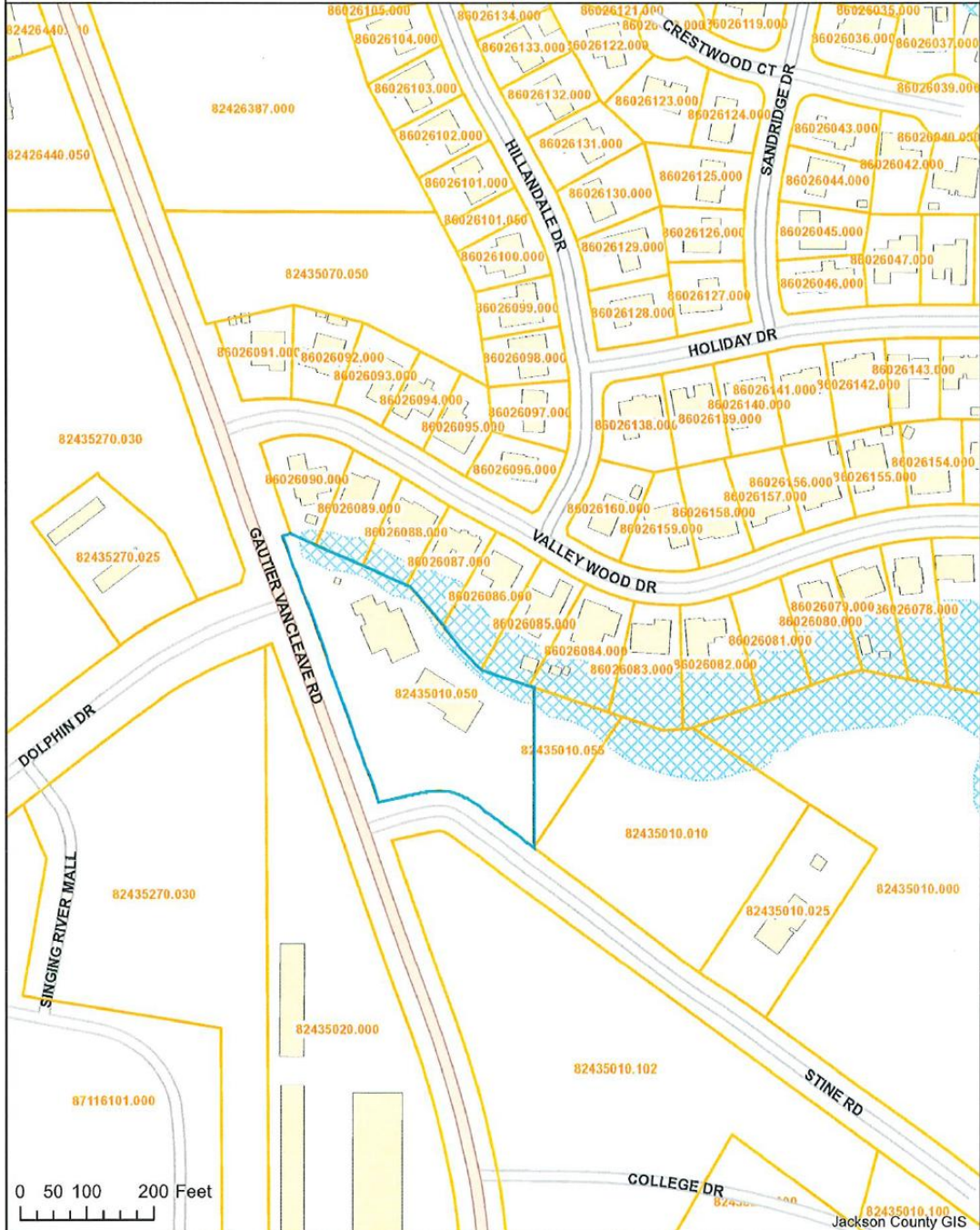


Exhibit A Location Map

Prepared by:
City of Gautier
Planning Department



Exhibit B Existing Zoning

Prepared by:
City of Gautier
Planning Department

Legend

Zoning

ZONECODE

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

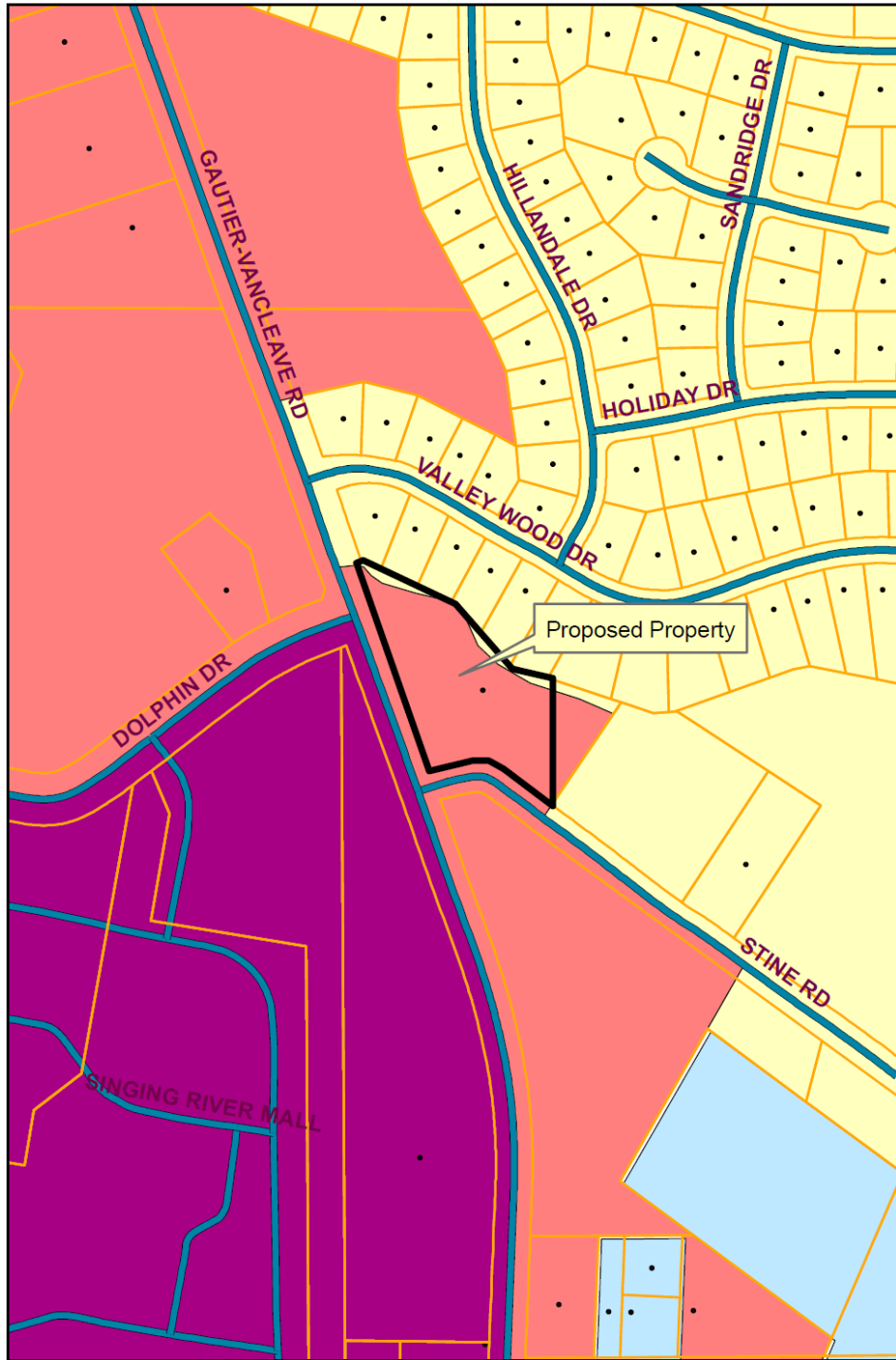


Exhibit C Existing Land-Use

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

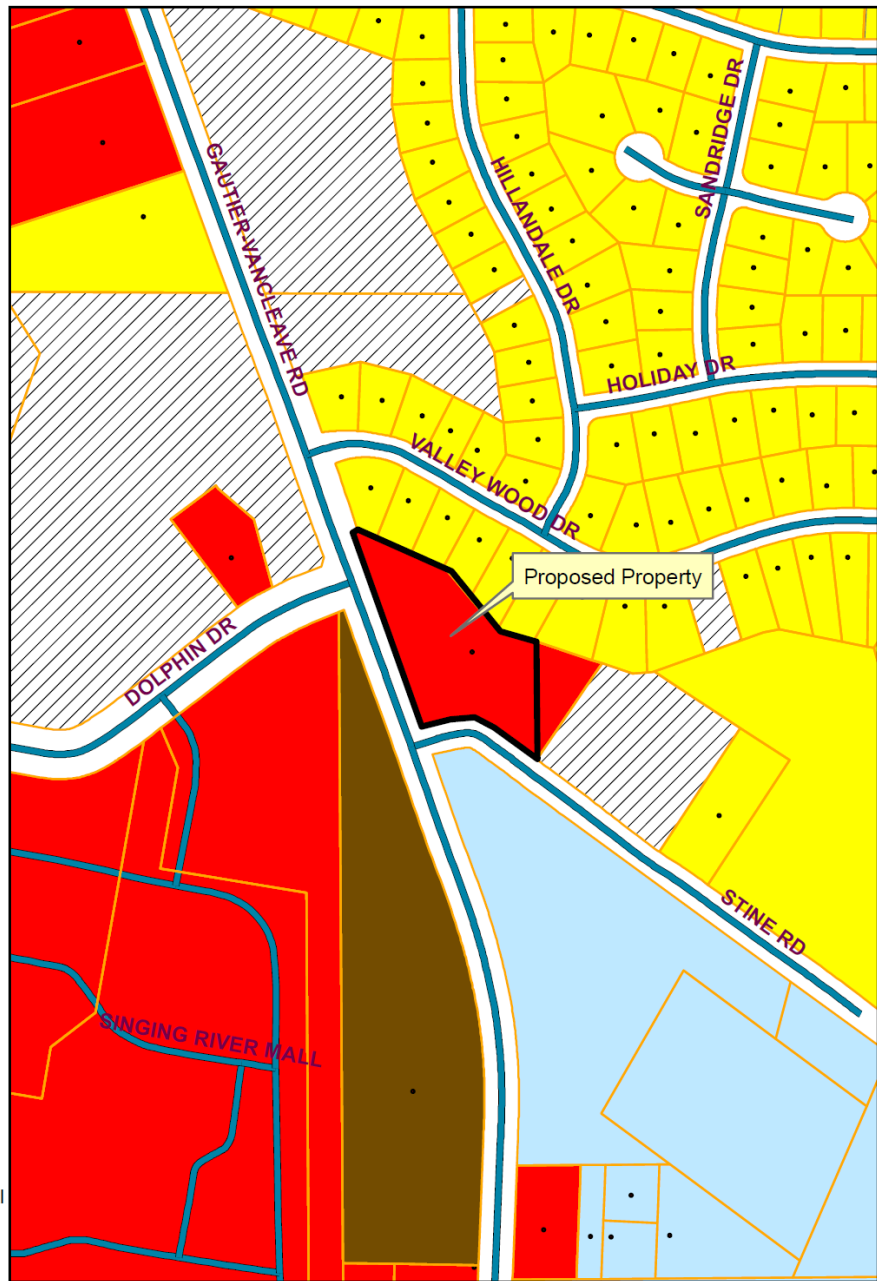


Exhibit D Future Land-Use

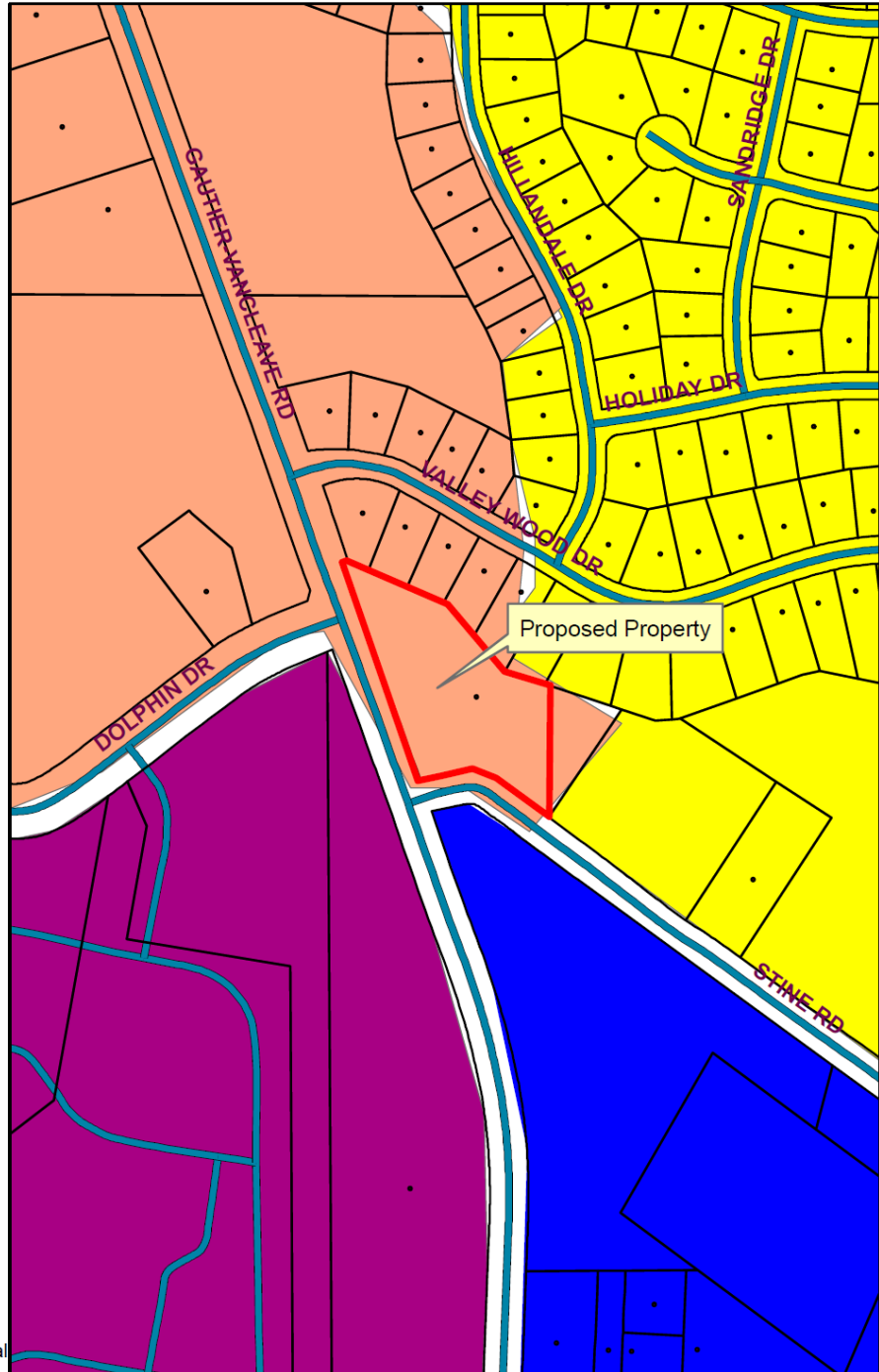
Prepared By:
City of Gautier
Planning Department

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



**FEBRUARY 6, 2025
GAUTIER, MISSISSIPPI**

BE IT REMEMBERED that a meeting of the Gautier Planning Commission of The City of Gautier, Mississippi, was held on February 6, 2025, at 5:30 PM in the Council Chambers of the Gautier Municipal Building at 3330 Highway 90, Gautier, Mississippi.

Commission Members present were: Vice-Chairman Josh Ward, Commissioners DeAnna McManus, Maurice Hudson, Chris Hoover, William Davis, and Ricky Decoteau. Also present were Scott Ankerson, Planning Director, and Babs Logan, Planning Technician. Absent was Chairman Kay C. Jamison.

AGENDA

GAUTIER PLANNING COMMISSION

FEBRUARY 6, 2025

5:30 P.M.

- I. CALL TO ORDER**
- II. PLEDGE OF ALLEGIANCE (VOLUNTEER)**
- III. APPROVAL OF AGENDA**
- IV. APPROVAL OF MINUTES (DECEMBER 5, 2024)**
- V. PUBLIC COMMENTS
(MATTERS OF THE PLANNING COMMISSION NOT LISTED ON THE
AGENDA)**
- VI. OLD BUSINESS**
- VII. NEW BUSINESS**
 - 1. Consider a request for a four-foot five-inch (4'5") variance to side yard setback requirements for an accessory building in a R-1 Low Density Single-Family Residential Zoning District. 8216 Meadowdale Drive, (GPC #25-01-VAR)
 - 2. Consider a request for a Special Exception that would allow a tiny home transitional living development in an AG Agricultural Zoning District. Carter Road, PID #85298083.000, (GPC #25-02-SE)

3. Consider a request for a one thousand five (1005) square foot variance for 10 dwellings in an AG Agricultural Zoning District. Carter Road, PID #85298083.000, (GPC #25-03-VAR)

VIII. GENERAL DISCUSSION

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

IX. ADJOURN

Commissioner Ward made a motion to approve the Agenda.

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

AYES: **Josh Ward**
 DeAnna McManus
 Maurice Hudson
 Chris Hoover
 William Davis
 Ricky Decoteau

ABSENT: **Kay C. Jamison**

Motion Passed

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

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

AYES: **Josh Ward**
 Maurice Hudson
 William Davis

ABSTAINED : **DeAnna McManus**
 Chris Hoover
 Ricky Decoteau

ABSENT: **Kay C. Jamison**

Motion Failed due to lack of quorum from December meeting. Minutes were tabled until next meeting.

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

OLD BUSINESS - None

NEW BUSINESS

1. Consider a request for a four-foot five-inch (4'5") variance to side yard setback requirements for an accessory building in a R-1 Low Density Single-Family Residential Zoning District. 8216 Meadowdale Drive, (GPC #25-01-VAR)

Scott Ankerson, Planning Director, gave a brief overview of the case. He advised Commissioners that the property that abuts the side where the applicant wants to put the accessory building belongs to the City of Gautier and has a lift station on it. It is not occupied by a neighbor.

REQUEST:

The Planning Department has received a request from Robert A. McDonald for a four-foot five-inch (4'5") variance to side yard setback requirements for an accessory building in a R-1 Low Density Single-Family Residential Zoning District at 8216 Meadowdale Drive, PID #85441920.000 (GPC #25-01-VAR). The application fee of \$175 was paid on December 10, 2024. All public notice requirements have been met.

BACKGROUND:

The applicant would like to place an accessory building five feet seven inches (5'7") from his side property line. The Unified Development Ordinance (UDO) requires an accessory building to be ten feet (10') from the side property line. The applicant will need a four-foot five-inch (4'5") variance to side yard setback requirements for an accessory building.

DISCUSSION:

The applicant is asking for a four-foot five-inch (4'5") variance to side yard setback requirements for an accessory building. He is wanting to place the accessory building five feet seven inches (5'7") from the side property line. The UDO requires a minimum of ten (10') for side yard setbacks for accessory buildings.

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.

Vice-Chairman Ward asked the applicant to present his case.

Robert McDonald, the applicant, said he wanted to build a garage/shop but did not want to put it any closer than about six feet from his house because his a/c unit was on that side and he needed to maintain space for maintenance on his a/c unit. He also has plans to put a generator on that side of the house. Besides being a corner lot, the other side of the house slopes. It would cost too much to bring in dirt in order to build there.

Vice-Chairman Ward noted that being 5'7" from the side property line still allows room for maintenance and mowing.

Commissioner Davis said that looking at Mr. McDonald’s drawing, it looked like the accessory building would come in front of the front building line a little.

Mr. McDonald explained that it will not come past the front building line.

Commissioner McManus asked Mr. Ankerson if the variance was granted, would it cause any problems with maintenance of the City’s lift station.

Mr. Ankerson said it would not cause any problems.

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

ACTION TAKEN:

Commissioner Decoteau made a motion to recommend that the City Council approve the variance because it meets all the criteria of the UDO for approval.

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

- AYES:** **Josh Ward**
- DeAnna McManus**
- Maurice Hudson**
- Chris Hoover**
- William Davis**
- Ricky Decoteau**

ABSENT: **Kay C. Jamison**

Motion passed.



- 2. Consider a request for a Special Exception that would allow a tiny home transitional living development in an AG Agricultural Zoning District. Carter Road, PID #85298083.000, (GPC #25-02-SE)

Scott Ankerson, Planning Director, gave a brief overview of the case. He advised that Ms. Bosarge has recently parceled off a portion of the acreage and a permit to build a single-family residential home has been approved for the new parcel.

REQUEST:

The Planning Department has received a request from Brandi Bosarge for a Special Exception that would allow a tiny home transitional living development in an AG

Agricultural Zoning District at Carter Road, PID #85298083.000. (GPC #25-02-SE). The application fee of \$250 was paid on December 19, 2024. All public notice requirements have been met.

BACKGROUND:

The request property is zoned AG Agricultural.

- 1. Location: Carter Road, PID #85298083.000 (See Exhibit A)
- 2. General features of the proposed project:
 Lot Size: approximately 4.14 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, (**NOTE:** The lot to the south of the subject property, shown on Exhibit B as R-2, was rezoned to AG Agricultural in January 2024)
- 6. Current Surrounding Existing Land Use (See Exhibit C): Very low to low density residential to the north, south, and west, Mobile home to northwest., Vacant to the east. (**NOTE:** Homes are currently being built south of the subject property shown on Exhibit C as 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: See attached.

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: See attached.

Staff Finding: Unsubstantiated

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

Applicant Response: *See attached.*

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.

Vice-Chairman Ward asked the applicant to present her case.

Ashley Hawthorne stated that the applicant, Brandi Bosarge, had requested that she and **Stephanie Mathes**, another board member, present the case.

Ms. Mathes said the proposed Transition Boulevard will be a tiny living development whose main purpose will be to serve young adults transitioning out of foster care. It is not a shelter. They have done a lot of research in other states to see how effective the program is. Young people coming out of foster care that are able to live in a community that provides a place for bonding, adult support, and where they can learn workforce development skills do better in the transition from foster care. There is nothing like this on the coast.

Ms. Hawthorne said the purpose of asking for the Special Exception is obviously for the use of the land. Right now, they are limited to the number of structures they can put on the property. Being able to put more structures in a closer area better serves the purpose of the program.

Commissioner Davis said that the packet presented showed much more detail than when Ms. Bosarge first came before the Planning Commission.

Ms. Hawthorne said the applicant had previously been denied a variance on square footage for an individual home on the property, and for a rezoning of the property. This Special Exception for a use was a route that hadn't been explored. They have done more research on the project and gathered more information to present to the board.

Commissioner Ward reminded everyone that a Special Exception goes with the owner, not the land.

Commissioner Hudson was concerned with the size of the homes they wanted to have on the property if approved.

Mr. Ankerson reminded Commissioners that this request was only for the use of the property, not about the size of the homes. The size of the homes would be addressed in a separate case.

Commissioner Ward said that although the request is for a tiny home transitional living development, the Commission is not approving the size of the homes, only the use for the development. There is no definition in this exception as to what a tiny home is.

Mr. Ankerson said the word tiny home is not relevant because it could be said that 1325 square feet is tiny. The next item on the Agenda will be determining the size of the dwellings in the development.

Ms. Mathes said they had been advised by so many people that they weren't sure how to approach getting approval at first. She said that Ms. Bosarge was able to obtain the funds to help get someone to advise them better on how to approach the project.

Commissioner Davis said the city has obviously been approached by something they don't know how to deal with, and it is not something that is clear. He asked if the Commission was being asked to approve the use as well as the number of units.

Mr. Ankerson said there is no use in the UDO for this type of development. The closest thing in the Ordinance would probably be a "halfway house", and this doesn't fit that definition in the Ordinance. This is something entirely different and new. The Special Exception would apply, and it would be specific to what is presented.

Commissioner Davis said they could possibly end up with property that had Conex houses on it that could not be used for the Special Exception because the program did not work out, but the small houses would still be there.

Mr. Ankerson said if the Special Exception ever got revoked for any reason the houses would have to be removed, according to the Ordinance. A variance for homes under 1325 square feet would be specific to the use.

Commissioner McManus asked how the program is actually subsidized or paid for, and how will they maintain it because there will be water bills, power bills, taxes, etc.

Ms. Hawthorne said they have some ideas about making it self-sustaining by creating programs within the program that will also generate income.

Ms. Mathes said they are actively applying for grants, and they will fund raise. Part of independent living is being able to contribute to your cost of living. In making a development plan for each person, some will have a plan that includes the ability to contribute to their cost of living. It will be different depending on the individual. Some will need more guidance in becoming skilled for the workplace.

Ms. Hawthorne said they have a company that will donate the 10 structures at cost, and they have some donors that are slated for sponsorship of the individual units to help with some of the initial costs.

Commissioner McManus said she has heard a lot about donations but nothing about a substantial budget as a nest egg to start building.

Commissioner Hudson asked if the program was non-profit. He was also concerned about the conduct and behavior of the residents, and if there would be security fences around the development. He also asked what the approximate age of the residents was from beginning to end of the program.

Ms. Mathes said that they did have a 501(c)(3). She said that due to liability issues, the youngest would be 18, which is also the age they usually transition out of foster care. The plan is to only have each resident for a year. Some individuals may be there a little longer, so the oldest would be about 20. There would be one unit on the property for someone that would be there all the time. There would also be a unit for security. Ms. Bosarge, the applicant who is also on the board, will be on the adjoining property. There will be one road in and out of the development. Most of the residents will not have transportation and will be driven to where they need to go by case managers. There will be community partners coming in to teach workforce development, resource skills, etc.

Merideth Dees, a resident of Gautier, spoke in approval of the request. She has recently returned to Gautier and is trying to rebuild/repair her family home and property. She said she thinks the development is a great idea.

Donnie Bosarge, the applicant's father, said Ms. Bosarge has been researching and working on this project for 2 or 3 years. The City of Gautier has a unique opportunity to do something good for these foster children, and bring good publicity to the city.

Hunter Budnik, a resident of Carter Road, said he thought the plan was fantastic, but the area is not ready for 10 new residences. He said the roads need to be fixed before the project is allowed. He said there is little Police presence in the area, and they have a long response time.

Commissioner Hudson expressed concern about there being no guaranteed financial backing and little police presence in the area.

Commissioner McManus said she was a little leery about the transparency that Ms. Bosarge has shown. She said there is a container on the property without a permit.

Mr. Ankerson said that as of today Ms. Bosarge has a permit to build her single-family residential structure on the parcel, she parceled off separately from the subject property. The plans she submitted for her home have a Conex box that will be used in the construction of this home. He could not be sure if the container was on the case property or on the new parcel at this time.

Commissioner Hoover said he felt Ms. Bosarge has done her due diligence checking other programs as to what works, and this property needs some life out there. There are some questions, but they won't proceed if they do not have the money to do so.

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

ACTION TAKEN:

Commissioner Davis made a motion to recommend that City Council approve the Special Exception as presented.

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

AYES: **Josh Ward**
 Chris Hoover
 William Davis
 Ricky Decoteau

NAYS: **DeAnna McManus**
 Maurice Hudson

ABSENT: **Kay C. Jamison**

Motion passed.

-
-
- 3. Consider a request for a one thousand five (1005) square foot variance for 10 dwellings in an AG Agricultural Zoning District. Carter Road, PID #85298083.000, (GPC #25-03-VAR)

Scott Ankerson, Planning Director, gave a brief overview of the case. He explained that the applicant was asking for dwellings to be 320 square feet instead of the required 1325 square feet because the dwellings would be part of a tiny home transitional living development she was seeking approval for through a Special Exception Request.

REQUEST:

The Planning Department has received a request from Brandi Bosarge for a one thousand five (1005) square foot variance for 10 dwellings in an AG Agricultural Zoning District at Carter Road, PID #85298083.000. (GPC #25-03-VAR). The application fee of \$175 was paid on December 18, 2024. All public notice requirements have been met.

BACKGROUND:

The applicant would like to build ten 320 square foot tiny homes on a parcel that is approximately 4.14 acres and located in an AG Agricultural District. The tiny homes would be located within a tiny home transitional living development the applicant is currently seeking approval for. The minimum square footage for a dwelling in an Agricultural District is 1,325 square feet. The applicant is requesting a 1005 square foot variance for each of the ten homes.

DISCUSSION:

The applicant is asking for a 1005 square foot variance to minimum square footage for a dwelling in an AG Agricultural District. The variance would apply to 10 homes to be built within a tiny home transitional living development the applicant is currently seeking approval for. Each of the 10 homes would be 320 square feet. The UDO requires a minimum of 1325 square feet for a dwelling in an Agricultural District.

DETERMINATION OF APPLICABLE LAW:

The Unified Development Ordinance (UDO) defines **Variations** 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.

Vice-Chairman Ward explained that the variance is requested by the applicant due to the tiny home transitional living development she is trying to get approval for. The Commission heard the Special Exception request for the development prior to this case. He asked the applicant to present her case.

Stephanie Mathes, board member for Transitional Boulevard, said they are requesting the variance because they are trying to encourage independent living for teens aging out of foster care, and it is easier to do in smaller homes. It is also more affordable to build small homes. The homes' size is based on models of existing tiny homes and the needs of the young people.

Commissioner Davis asked if 320 square feet would be sufficient to accomplish the task for the program.

Ms. Mathes said it would.

Ashley Hawthorne, a board member, said that some of the people that would be in the transitional living program have never even had a room of their own and something too large might be overwhelming. It would be more strategic to use homes on a smaller scale to transition them into independent living.

Commissioner Decoteau asked if the homes would meet construction code requirements, would they be built on site, and would they look like a house.

Mr. Ankerson advised that the plans for the homes would have to be stamped by a licensed architectural engineer saying they would meet codes. He added that adopted code has minimum square footage size requirements for each room, so they would have to meet those requirements with the proposed 320 square feet.

Merideth Dees, a Gautier resident, said that 10 units at 320 square feet would total more square footage than is required for a single-family residence. The development is building separate units instead of putting them all in one building like an apartment. The proposed development would be more aesthetically pleasing.

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

ACTION TAKEN:

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

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

AYES: **Chris Hoover**
 William Davis

NAYS: **Josh Ward**
 DeAnna McManus
 Maurice Hudson
 Ricky Decoteau

ABSENT: **Kay C. Jamison**

Motion failed.

GENERAL DISCUSSION

A. PREVIOUS CASE UPDATES

Mr. Ankersen advised Commissioners that City Council had approved both cases from the December 2024 meeting. There was no January 2025 meeting.

B. PERMIT & TRC REPORT

Mr. Ankersen presented the monthly reports for December 2024, and January 2025.

Commissioner Ward made a motion to adjourn the meeting.

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

AYES: **Josh Ward**
 DeAnna McManus
 Maurice Hudson
 Chris Hoover
 William Davis
 Ricky Decoteau

ABSENT: **Kay C. Jamison**

Motion Passed.

APPROVED BY:

Scott Ankerson
Planning Director/Building Official

DATE: _____

Josh Ward, Vice-Chairman
Gautier Planning Commission

DATE: _____

BACKUP DOCUMENTATION

Gautier Planning Commission

Regular Meeting Agenda

February 6, 2025

GPC #25-01-VAR

8216 Meadowdale Drive

VII. NEW BUSINESS

1. Consider a request for a four-foot five inch (4'5") variance to side yard setback requirements for an accessory building in a R-1 Low Density Single-Family Residential Zoning District. 8216 Meadowdale Drive, (GPC #25-01-VAR)

**CITY OF GAUTIER
STAFF REPORT**

To: Chairman and Members, Planning Commission

From: Scott Ankerson, Planning Director

Date: January 29, 2025

Subject: Consider a request for a four-foot five-inch (4'5") variance to side yard setback requirements for an accessory building in a R-1 Low Density Single-Family Residential Zoning District at 8216 Meadowdale Drive, (GPC #25-01-VAR)

REQUEST:

The Planning Department has received a request from Robert A. McDonald for a four-foot five-inch (4'5") variance to side yard setback requirements for an accessory building in a R-1 Low Density Single-Family Residential Zoning District at 8216 Meadowdale Drive, PID #85441920.000 (GPC #25-01-VAR). The application fee of \$175 was paid on December 10, 2024. All public notice requirements have been met.

BACKGROUND:

The applicant would like to place an accessory building five feet seven inches (5'7") from his side property line. The Unified Development Ordinance (UDO) requires an accessory building to be ten feet (10') from the side property line. The applicant will need a four-foot five-inch (4'5") variance to side yard setback requirements for an accessory building.

DISCUSSION:

The applicant is asking for a four-foot five-inch (4'5") variance to side yard setback requirements for an accessory building. He is wanting to place the accessory building five feet seven inches (5'7") from the side property line. The UDO requires a minimum of ten (10') for side yard setbacks for accessory buildings.

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

25-01-VAR

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

Name of Applicant: Robert A. McDonald

Name of Business: _____ Phone: 910-297-1511

Property Address: 8216 meadowdale Dr
Gautier, MS 39553 Mailing Address (if Different): _____

E-Mail Address: Rob FROM NC 78 @ Yahoo.com

Reason for request, location and intended use of Property: would like to build a

Garage/shop on my property to allow for me to work on my own cars
ATTACHMENTS REQUIRED AS APPLICABLE: need 4'5" variance sideyard

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

Signature of Applicant: [Signature] Date of Application: 12/9/2024

FOR OFFICE USE ONLY	
Date Received <u>12-10-24</u>	Verify as Complete <u>Balance</u>
Fee Amount Received <u>176.00</u>	Initials of Employee Receiving Application <u>AB/BR</u>

Feb. 6 Re.Mtg

R1

VARIANCE

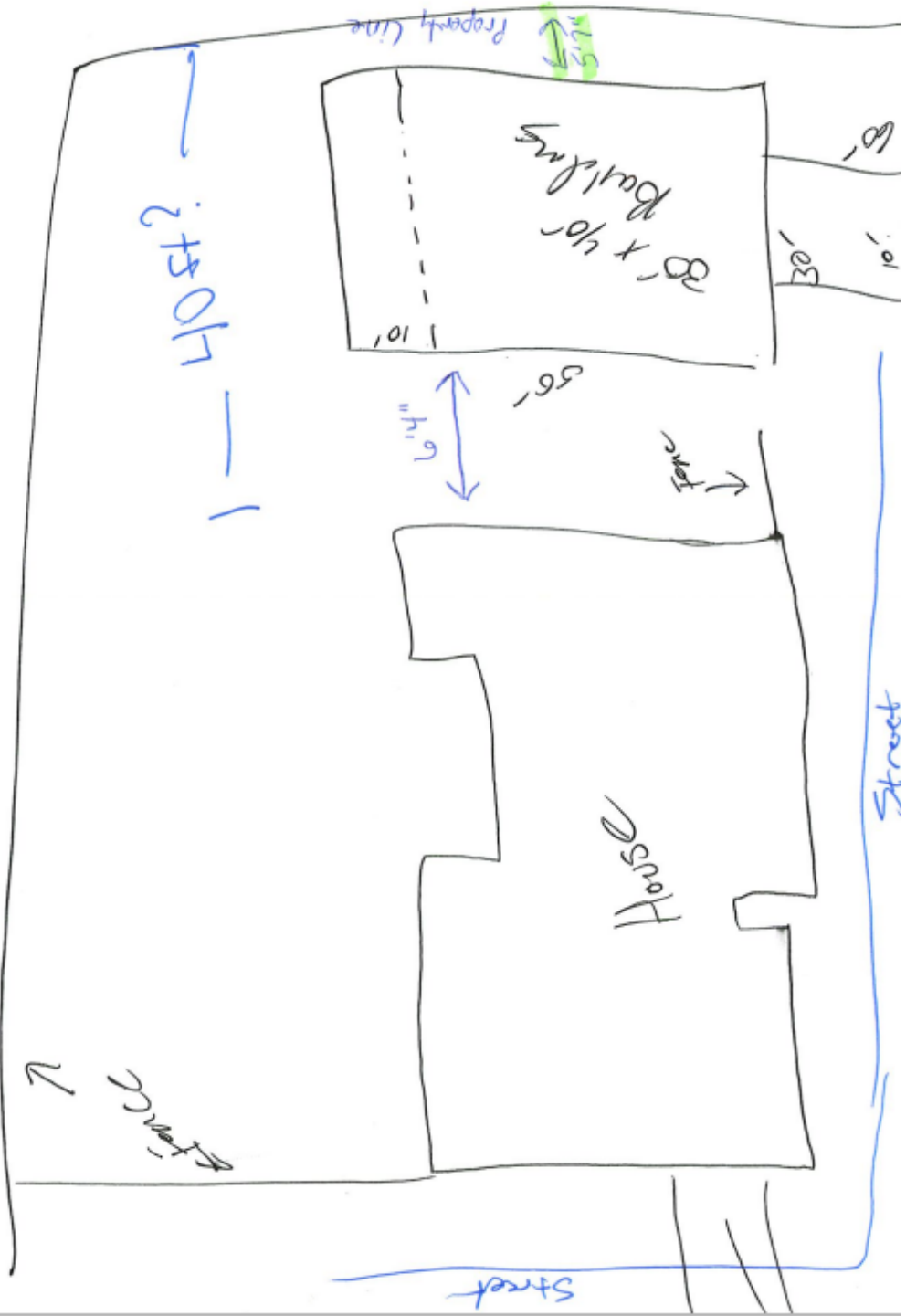
Criteria for Approval

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? *on a corner lot and yard drainage prevents moving buildings to other side*
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. *because of corner lot and drainage*
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*

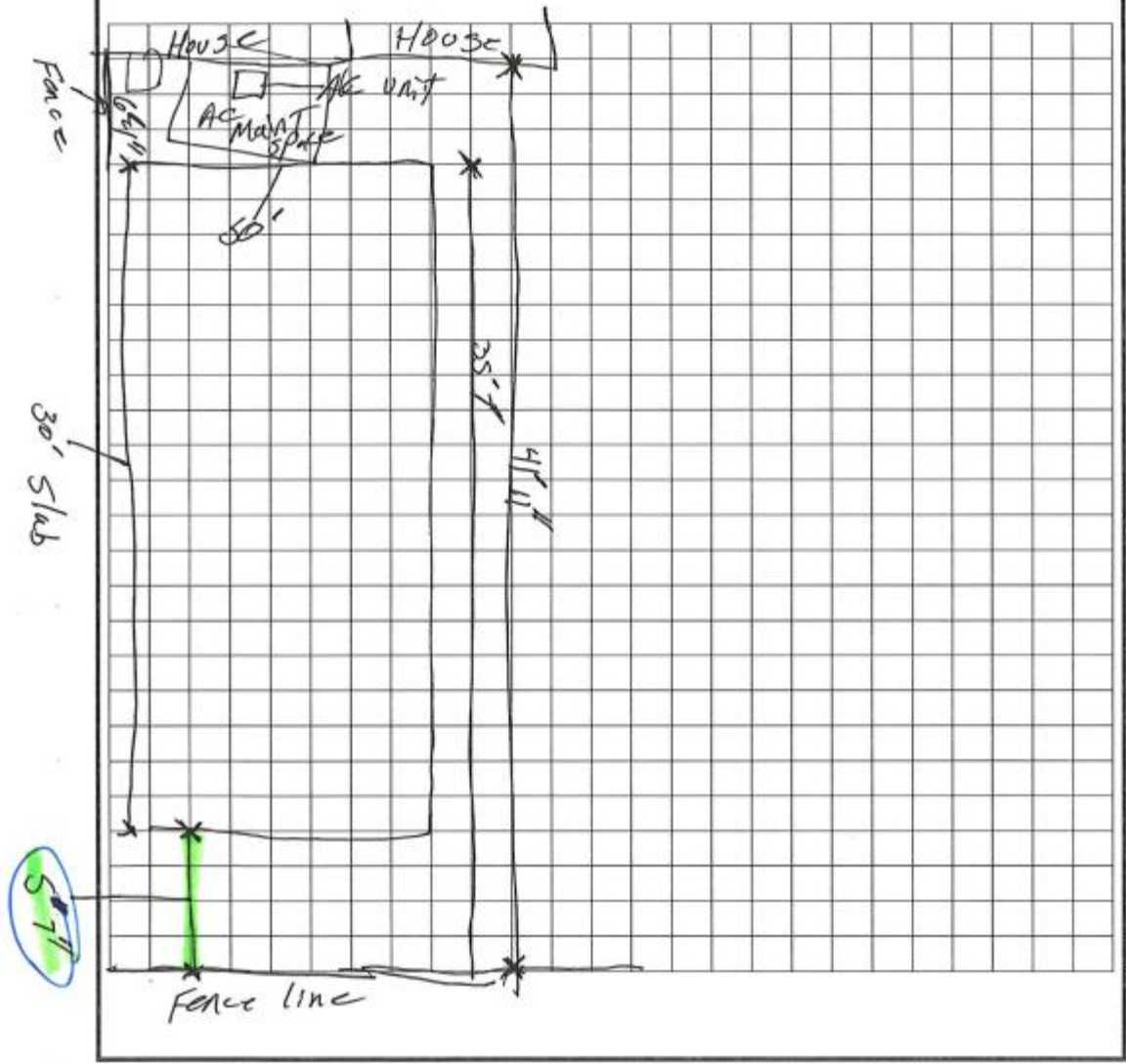
NARRATIVE

I would like to build a Garage/Shop for storage of my 2 Motorcycles ^{one 2 cars} as well as to conduct my hobby of automotive work. I would like to build this shop on the side of my property that borders property owned by the City of Gaither. It is currently used by a pumping station. I am requesting a 4'5" variance.

City Property



DIAGRAM



85441920.000 MCDONALD ROBERT A

PIDN: 85441920.000

GISP: 771.12-02-0218.00M

Owner Information

Percent of Ownership: 100

Name: MCDONALD ROBERT A

Name 2:

Mailing Address: 8216 MEADOWDALE DR
GAUTIER MS
39553

Site Address: 8216 MEADOWDALE DR GAUTIER

Land Information

Section: 12 Acreage: 0

Township: 7

Range: 7

Street Name MEADOWDALE
DR

Value and Tax Information

Total Assessed Value: 16597

Total Appraised Value: 165968

Improvement Value: 153248

Land Value: 12720

Tax Amount: 0

SQ FT: 2532

Year Built: 1999

Legal Description

Description: LOTS 20 & 21 HICKORY HILL EST S/
D UNIT #13 PB 11-20 DB 1981-733
(218M MAP771.12-02)

Deed Book / Page: 1981 / 733

85441920.000 MCDONALD ROBERT A



0 12.5 25 50 Feet

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

75 Jackson County GIS
1/2/2025

Exhibit A Location Map

Prepared by:
City of Gautier
Planning Department



Exhibit B Existing Zoning

Prepared by:
City of Gautier
Planning Department

Legend

Zoning

ZONECODE

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

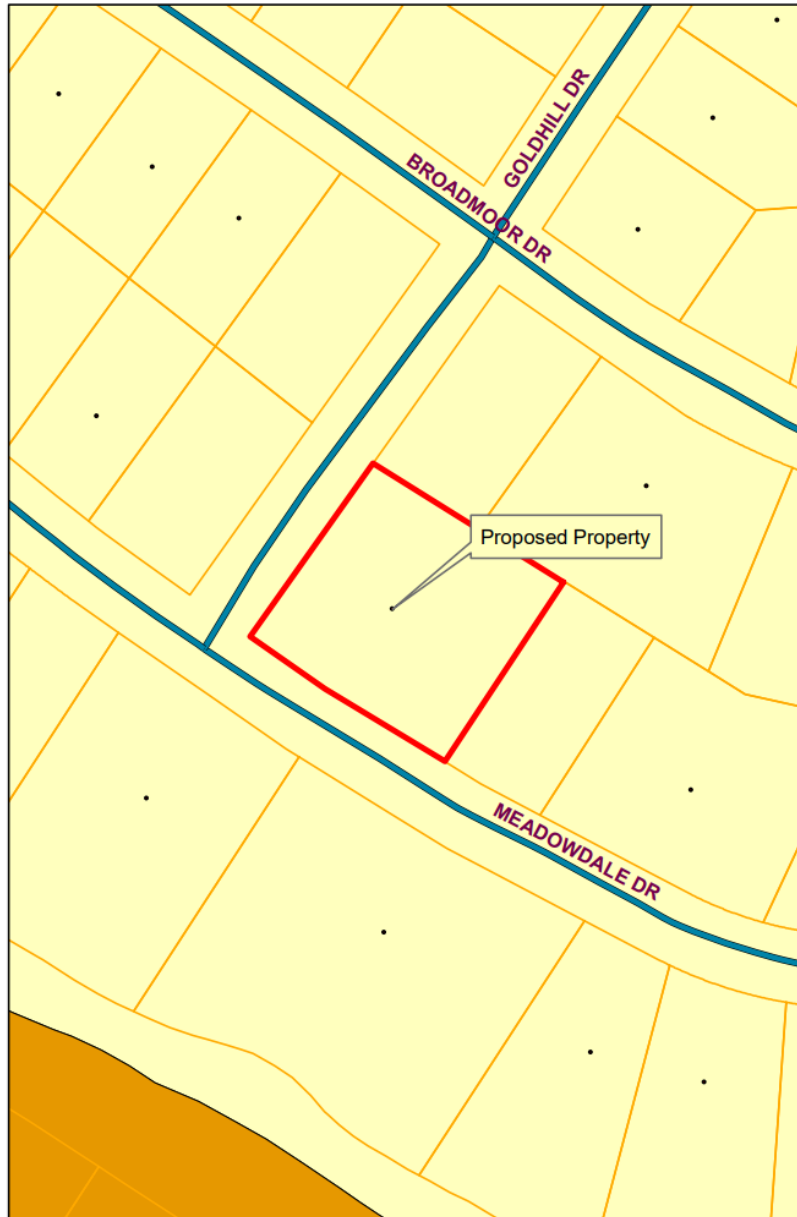


Exhibit C Existing Land-Use

Prepared by:
City of Gautier
Planning Department

Legend

EXISTING LAND USE

ELU_08

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

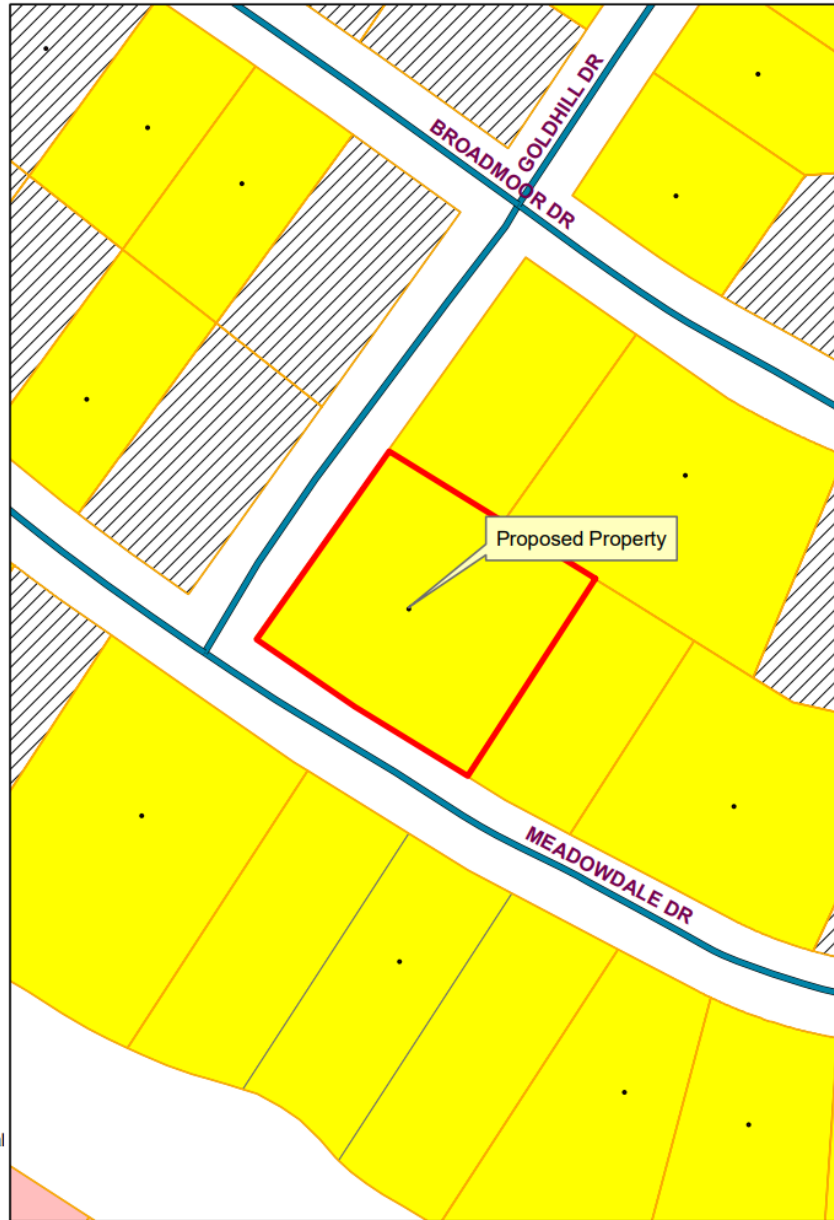

















Exhibit D Future Land-Use

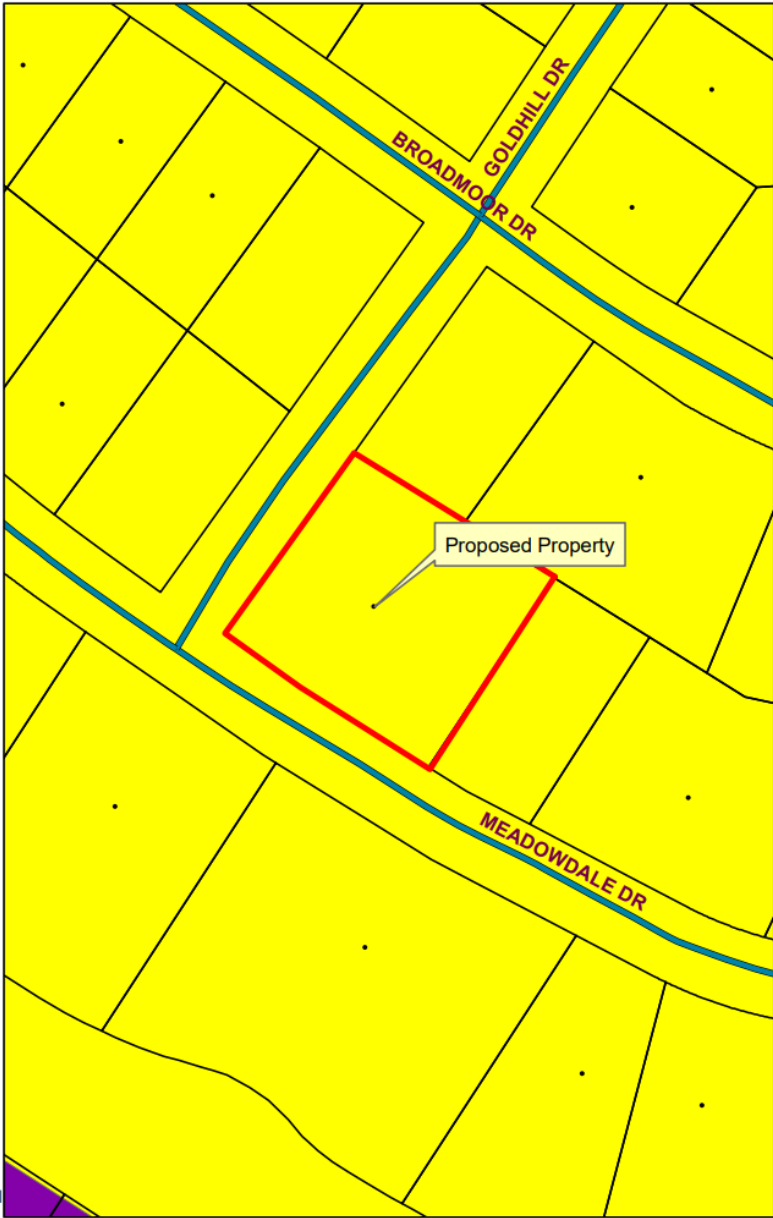
Prepared By:
City of Gautier
Planning Department

Legend

FUTURE LAND USE

FLU_Class

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



Gautier Planning Commission

Regular Meeting Agenda

February 6, 2025

GPC #25-02-SE

Brandi Bosarge

Carter Road, PID #85298083.000

VII. NEW BUSINESS

2. Consider a request for a Special Exception that would allow a tiny home transitional living development in an AG Agricultural Zoning District. Carter Road, PID #85298083.000, (GPC #25-02-SE)

CITY OF GAUTIER STAFF REPORT

To: Chairman and Members, Planning Commission

From: Scott Ankerson, Planning Director

Date: January 29, 2025

Subject: Consider a request for a Special Exception that would allow a tiny home transitional living development in an AG Agricultural Zoning District, Carter Road, PID #85298083.000. (GPC #25-02-SE)

REQUEST:

The Planning Department has received a request from Brandi Bosarge for a Special Exception that would allow a tiny home transitional living development in an AG Agricultural Zoning District at Carter Road, PID #85298083.000. (GPC #25-02-SE). The application fee of \$250 was paid on December 19, 2024. All public notice requirements have been met.

BACKGROUND:

The request property is zoned AG Agricultural.

1. Location: Carter Road, PID #85298083.000 (See Exhibit A)
2. General features of the proposed project:
Lot Size: approximately 4.14 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, (**NOTE:** The lot to the south of the subject property, shown on Exhibit B as R-2, was rezoned to AG Agricultural in January 2024)
6. Current Surrounding Existing Land Use (See Exhibit C): Very low to low density residential to the north, south, and west, Mobile home to northwest., Vacant to the east. (**NOTE:** Homes are currently being built south of the subject property shown on Exhibit C as 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: See attached.

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: See attached.

Staff Finding: Unsubstantiated

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

Applicant Response: See attached.

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
25-02-SE

<u>TYPE OF REQUEST:</u>	<u>FEE:</u>
Special Exception _____	\$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: Brandi Bosarge

Name of Business: Transition Blvd.

Address:
2012 Magazine Street, Ocean Springs, MS 39564

Mailing Address (if different): _____

Email Address: brandi@transitionblvd.org

Phone: 228-549-3765 Cell Phone: 228-261-1559

Reason for request, location and intended use of Property: PID # 85298083,000

Tiny home project; Carter Road, Gautier MS; Transition living program for aging out youth

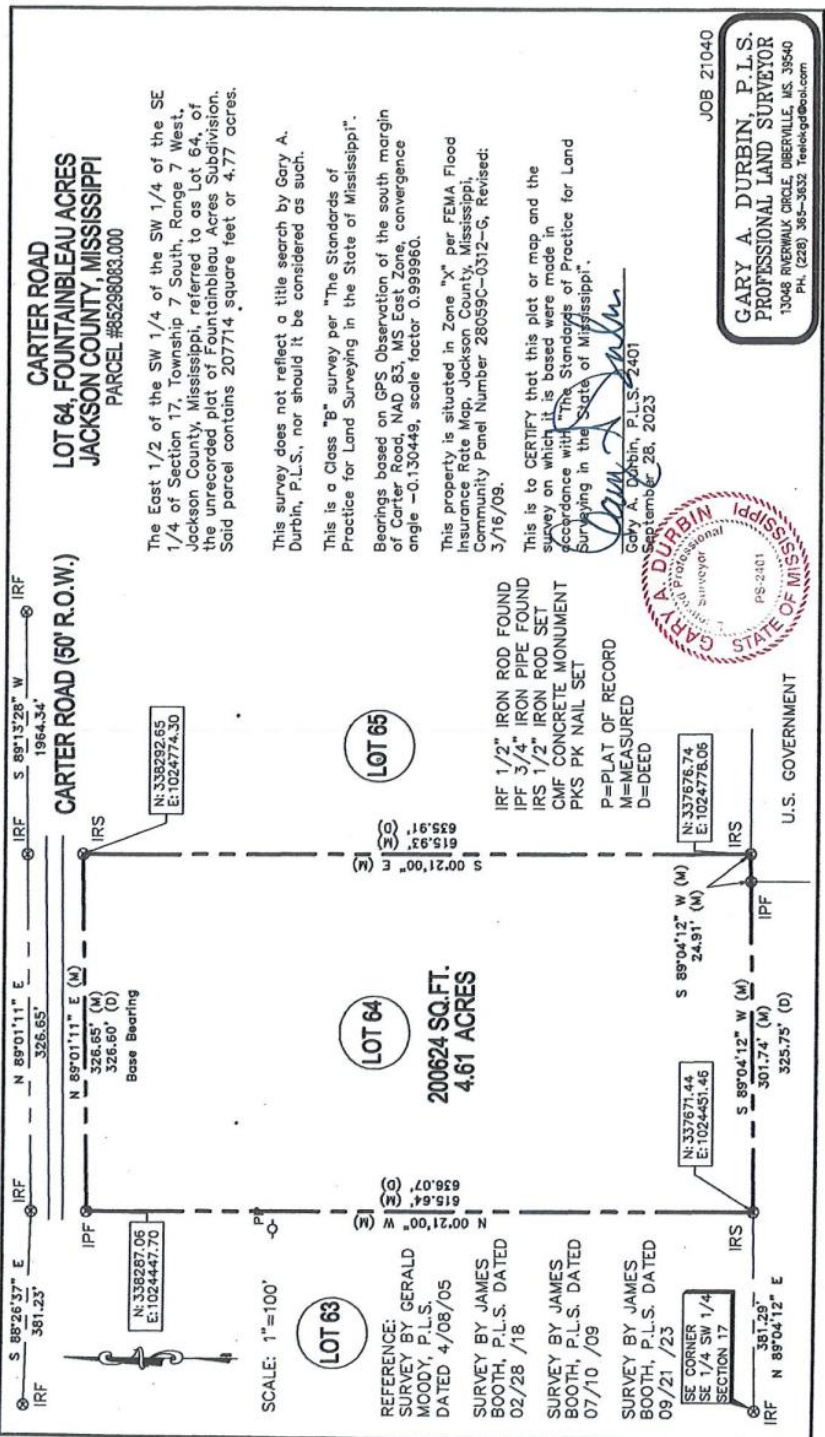
ATTACHMENTS REQUIRED AS APPLICABLE:

- 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.
- 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: Brandi Bosarge

FOR OFFICE USE ONLY	
Date Received <u>12-19-24</u> <u>(8/26/24)</u>	Verify as Complete <u>Scott</u>
Fee Amount Received <u>251.00</u>	
Initials of Employee Receiving Application <u>Bala</u>	

(AG - Brought in 8/26/24 had to wait 1 year from previous request)



SCALE: 1"=100'

REFERENCE:
SURVEY BY GERALD
MOODY, P.L.S.
DATED 4/08/05

SURVEY BY JAMES
BOOTH, P.L.S. DATED
02/28 /18

SURVEY BY JAMES
BOOTH, P.L.S. DATED
07/10 /09

SURVEY BY JAMES
BOOTH, P.L.S. DATED
09/21 /23

IRF 1/2" IRON ROD FOUND
IPF 3/4" IRON PIPE FOUND
IRS 1/2" IRON ROD SET
CMF CONCRETE MONUMENT
PKS PK NAIL SET

P=PLAT OF RECORD
M=MEASURED
D=DEED

The East 1/2 of the SW 1/4 of the SW 1/4 of the SE 1/4 of Section 17, Township 7 South, Range 7 West, Jackson County, Mississippi, referred to as Lot 64, of the unrecorded plot of Fountainbleau Acres Subdivision. Said parcel contains 20771.4 square feet or 4.77 acres.

This survey does not reflect a title search by Gary A. Durbin, P.L.S., nor should it be considered as such.

This is a Class "B" survey per "The Standards of Practice for Land Surveying in the State of Mississippi".

Bearings based on GPS Observation of the south margin of Carter Road, NAD 83, MS East Zone, convergence angle -0.130449, scale factor 0.999960.

This property is situated in Zone "X" per FEMA Flood Insurance Rate Map, Jackson County, Mississippi, Community Panel Number 280590-0312-G, Revised: 3/16/09.

This is to CERTIFY that this plot or map and the survey on which it is based were made in accordance with "The Standards of Practice for Land Surveying in the State of Mississippi".

Gary A. Durbin, P.L.S. 2401
September 28, 2023



JOB 21040

GARY A. DURBIN, P.L.S.
PROFESSIONAL LAND SURVEYOR
13048 RIVERWALK CIRCLE, OBSERVILLE, MS, 38540
PH. (228) 365-3632 Tenokgd@aol.com

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

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

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

Grantee:
Brandi Bosarge

(228) 261-1569

File No. O236008N

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

STATE OF MISSISSIPPI
COUNTY OF JACKSON

WARRANTY DEED

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

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

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

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

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

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

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

WITNESS MY SIGNATURE, on this the _____ day of _____, 2023.

P V & P Farm LLC
a Mississippi Limited Liability Company



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

CORPORATE ACKNOWLEDGMENT

STATE OF MISSISSIPPI
COUNTY OF JACKSON

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



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

Sara E. Givens
NOTARY PUBLIC

My commission expires: 5-7-2027

Enclosed Documents for Transition Blvd. include:

- 1-Proposal
- 2-Strategic Plan for Transition Blvd
- 3-Engineering plans for property
- 4-Screening documents for participants in Transition Blvd.
- 5-Survey of Land-Carter Road, lot 64, Fountainbleau Acres, Jackson County, MS
- 6-Warranty Deed
- 7-501 (c) (3) notification letter from Department of Treasury
- 8-Certificate of Good Standing from Secretary of State
- 9-Example of similar development in Pensacola, FL

INTRODUCTION

Transition Blvd Tiny Home Living Program for development at 0 Carter Rd., Ocean Springs, Mississippi, situated within the agricultural district of Gautier. This 4.6-acre property is conveniently located near Hwy 57 and I-10. The project will consist of twelve tiny with ten designated for students aging out of foster care. Each home will offer a private living space to promote independence. The remaining two homes will be allocated for the Dean and live-in security personnel, ensuring effective oversight and safety. A centrally located commons area will facilitate community interaction and support among students. The development will include a single, one-way access road and perpendicular parking for students to streamline traffic flow and enhance security. Transition Blvd will include vegetable and herb gardens, as well as flower and specialty gardens, reinforcing our commitment to environmental sustainability and providing residents with opportunities for horticultural engagement.



Transition Blvd is committed to empowering these young adults by offering a stable, supportive living environment that facilitates their journey from foster care to independent living. This innovative program not only provides a physical space but also promotes personal growth and self-sufficiency. The benefits extend beyond the individual, serving as a model for similar initiatives nationwide. By combining transitional housing with comprehensive support services, Transition Blvd aims to inspire and create pathways for youth to achieve their full potential.

The concept of tiny homes is central to Transition Blvd's philosophy. These cozy dwellings are more than just shelter; they represent a fresh start and tangible symbol of autonomy for program recipients. The compact dimensions of the homes promote a feeling of accountability and self-sufficiency, motivating residents to assume control over both their living quarters and their personal journeys without feeling overburdened. Transition Blvd represents more than just a collection of tiny homes; it is a beacon of hope and opportunity for youth transitioning to independence. By integrating thoughtful design with comprehensive support services, Transition Blvd enables its residents to restore, transition, and flourish as they embark on the next phase of their lives as no youth should have to navigate life alone.



STANDARD OF REVIEW

The location for Transition Blvd is currently zoned under the Agriculture Zone, subcategory 'Single Residential Agriculture Zone.' The general purpose of an Agriculture Zone is to provide a land use designation that supports both residential living and agricultural activities in a rural or semi-rural setting. This particular zoning encourages the development of low-density residential areas where people can live in a more rural, spacious environment. This often includes larger lot sizes compared to urban areas, offering residents a greater sense of privacy and space. This preserves the scenic and open character of rural areas by limiting the density of development and integrating agricultural land use which helps to maintain the aesthetic and environmental quality of the area.

The Agricultural Zone aims to create a harmonious balance between residential living and agricultural activity, supporting both community development and rural traditions. Transition Blvd perfectly balances residential living with rural traditions.

Gautier Development Ordinances, 5.3.1 AG, Agricultural District Purpose and Intent

The AG District is intended to provide an area for low density residential development and small-scale agricultural uses such as farms and ponds for livestock or fowl. This zoning district is to encourage large lots, open space and single-family detached dwellings in an agricultural environment. The provision of these zoning regulations shall not be exercised so as to require permits with reference to land used for agricultural purposes, or for the maintenance, repair or extension of farm buildings or farm structures.

Gautier Development Ordinances, 5.4.2 AG, Agricultural District

All uses and structures in the AG District shall meet the following development standards, except as otherwise provided by this Ordinance. Conservation subdivisions may be used in this district with the permission of the City Council.

- A. Minimum Lot Area:
 - Single-Family Dwelling — Twenty thousand (20,000) square feet
 - Agricultural Uses --Three (3) acres
 - Country Clubs -- Five (5) acres
 - Golf Course and/or Golf Driving Range — Ten (10) acres
- B. Minimum Lot Width: One hundred (100) feet for both interior and corner lots at front building line and fifty (50) feet on a public or platted street
- C. Minimum Setbacks for Principal structure: Front—Fifty (50) feet Side—Twenty (20) feet for interior lots and thirty-five (35) feet for corner lots Rear—Twenty-five (25) feet

-
1. Minimum Setbacks for Accessory structure(s):
Front—All accessory structures shall be located in the rear yard of the principal use
Side—Ten (10) feet
Rear—Five (5) feet
 2. Maximum Building Height: Thirty-five (35) feet for principal structure and twenty-five (25) feet for accessory structure
 3. Maximum Lot Coverage: Fifteen (15) percent for principal structure and accessory structures and accessory structures shall not exceed twenty (20) percent of the rear yard
 4. Minimum Living Area of Dwelling Units: Thirteen hundred twenty-five (1,325)

The city of Gautier allows conservation subdivisions, which are designed to preserve significant amounts of open space and natural resources. One of the many benefits of conservation subdivisions revolves around clustered homes together on a smaller lot to maximize the amount of preserved open space. Transition Blvd meets the requirements for a conservation subdivision by utilizing only 3 of the 4.6 acres of property. The intended design in the development of Transition Blvd is to offer residents open green spaces and a closer connection to nature for a peaceful haven with a variety of gardens.

Similar Garden



Ordinance 5.3.6 R-3, Mobile/Manufactured Home Residential District Purpose and intent.

The purpose of the R-3 District is to provide for affordable housing including student and artist cooperatives for Gautier. The principal use of land is for manufactured home subdivisions, cottage villages, and/or modular home dwellings. Manufactured and mobile homes may only be placed in existing or new Manufactured and Mobile Home Parks or in platted Manufactured Home Subdivisions which are zoned R-3. It is the intent of this Ordinance that these districts be located in areas where they will not adversely affect low- or medium-density residential neighborhoods. This district, and the developments allowed in it, should be located so as to not interfere with or damage environmentally sensitive lands and must ensure that V - 20 adequate open space and recreational facilities are located within the development to serve the needs of residents in the district. A large amount of land zoned R-3 concentrated within one area should be avoided to prevent crowding and effects of traffic generated by this type of development.

The Transition Blvd Tiny Home Living Program aims to provide a structural and supportive living environment for aging-out youth, similar to the benefits afforded to college students residing in mobile homes. Denying this program not only overlooks the critical support these young individuals need for their transition to independence but also creates an imbalance in housing policy. Just as mobile homes offer college students affordable and practical living solutions, tiny homes can provide. Aging-out youth are mostly college students, so why should they be treated differently?

Current existing neighbors FEMA cottage and double-wide.



Benefits of tiny homes compared to mobile/manufactured homes include:

- Design and Construction Quality- tiny home builds typically focus on maximizing space and efficiency in a well-designed, permanent structure versus mobile homes which are mostly built to a standardized design and might use more cost-effective materials, which can affect long-term durability and customization.
- Durability and Longevity- tiny homes are built on a fixed foundation or trailer and are usually constructed to last longer with a focus on sturdiness and quality versus mobile homes
- Aesthetics- tiny homes offer the aesthetic look of a house but on a smaller scale, whereas mobile homes do not
- Energy Efficiency- structural features such as high-quality insulation, energy-efficient windows, and eco-friendly materials are utilized, which can lead to lower utility bills and a smaller environmental footprint versus mobile homes which may not always have the same level of insulation or energy-saving features as tiny homes, potentially resulting in higher energy costs
- Space Efficiency- Maximizing every inch of square footage, this strategic design ensures efficient use of space and often provides a more comfortable living experience despite the small footprint versus mobile homes where their design do not always utilize space as effectively as tiny homes
- Investment and Property Value- mobile homes often depreciate over time, similar to vehicles, and might not offer the same long-term investment potential as tiny homes.
- Community and Lifestyle- tiny homes promote a minimalist lifestyle that can enhance quality of life and reduce clutter, whereas mobile home parks or standalone units might not offer the same sense of community or permanence.

Examples of Transition Blvd vision:



Reference in Gautier Ordinance Development page II – 17

DEVELOPMENT ORDER: An order granting, denying, or granting with conditions an application for approval of a development permit. A distinction is made between the two distinct types of development permits: final development order and development permit.

DEVELOPMENT PERMIT: For purposes of this code a development permit is that official city document which authorizes the commencement of construction or land alteration without need for further application and approval. Development permits include: all types of construction permits (plumbing, electrical, foundation, mechanical, and so forth, in addition to the building permit itself), grading and clearing permits, permits, tree removal permits, sign permits, development order, zoning permit, subdivision approval, rezoning, certification, conditional use, variance, or any other official city action having the effect of permitting the development of land.

4.1.3 Prerequisites to Issuance of a Development Permit

No development permit shall be issued unless the proposed development activity:

- A. Conforms to the requirements of this Ordinance; and
- B. Conforms to the building codes and fire codes as adopted by the City; and
- C. Conforms to technical construction standards and any other engineering standard for stormwater, sewage, water, streets, traffic and other engineering concerns as may be adopted by the City of Gautier.

If the meeting with the planning commission, our engineer, and the mayor had taken place as initially planned, we would have had the opportunity to discuss and address the only issue identified: the square footage and the underlying reason for it. Although the project conforms to the building and fire codes adopted by the City and aligns with the technical construction standards for stormwater management, sewage systems, water infrastructure, streets, traffic, and other engineering concerns as stipulated by the City of Gautier, the missed meeting prevented us from finalizing these details or making any necessary adjustments. Our goal has always been, and continues to be, to work collaboratively with the city to resolve any issues and ensure full compliance with all requirements. This project is crucial not only for meeting regulatory standards but also for preventing aging-out youth from facing homelessness, highlighting the urgent need for timely resolution and support.

SPECIAL EXCEPTION: 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.

Page II-24

HARDSHIP: 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)
 - **Financial Feasibility:** Tiny homes (320 sq. ft.) are essential for keeping the program financially viable. Adhering to the 1,325 sq. ft. requirement would significantly increase costs, jeopardizing the program's sustainability and diverting funds away from critical support services.
 - **Practicality:** Tiny homes offer a realistic and supportive living environment for these young adults. A larger home would be impractical and overwhelming for this demographic, who benefit from manageable and affordable housing solutions.
 - **Community Integration:** Tiny homes will blend seamlessly with the neighborhood and contribute positively to the community. They provide a practical solution that meets both the students needs and the area's character.
- (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.
- **Complementing Agricultural Use:** The development will include green spaces and community gardens, integrating well with the agricultural setting and enhancing the property's rural character.
 - **Safe and Discreet Design:** The tiny homes will be nestled in a designated nook, creating a secure community with trees lining the perimeter. This design ensures the homes blend seamlessly with the landscape.

A program designed to support aging-out foster youth, is crucial to prevent significant hardship stemming from the current square footage requirements. Transition Blvd seeks this exception to accommodate the unique needs of its residents by allowing a relaxation of the square footage regulations outlined in the Unified Development Ordinance. The proposed development, even with the variance, will not alter the essential character of the locality. The use authorized by the variance will integrate seamlessly into the community, maintaining the area's overall character and contributing positively to local needs. Denying the special exception would impede Transition Blvd's ability to offer essential services, thereby increasing the risk of homelessness among these vulnerable youth.

Special Exemption shall be approved upon finding that the following standards are met:

4.16.4 Criteria for Approval

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 the following criteria are established:

- A. That a literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by others of the district in which the property is located, and that interpretation of this ordinance would work unnecessary hardship upon the applicant;

The denial would impose unnecessary hardship on the applicant by restricting their ability to provide additional affordable housing tailored to students and vulnerable populations, such as aging-out youth. The property currently includes a FEMA cottage and a double-wide mobile home, which already serve as affordable housing options. Denying the proposed tiny homes project would prevent the applicants/students from expanding on these existing affordable housing solutions in a manner consistent with the needs of the community. Denial would impose an undue burden compared to the rights and benefits available to others in the district. Harrison County is number two in the state for the most kids in foster care.

- B. That the requested Special Exception will be in harmony with the purpose and intent of this ordinance and will not be injurious to the neighborhood or the general welfare; and

Alignment with Ordinance Purpose and Intent:

- **Community Integration:** The Transition Blvd Tiny Home Living Program is designed to serve a specific and socially beneficial purpose—providing stable housing for students aging out of foster care. This aligns with the ordinance’s goal of supporting diverse and supportive community developments.
- **Enhancement of Neighborhood Character:** The program aims to create a well-integrated community through the inclusion of a commons area and shared gardens, promoting a sense of community and cooperation which enhances neighborhood cohesion and social fabric.

Non-injurious to Neighborhood or General Welfare:

- **Safe and Controlled Access:** The development includes a single, one-way access road with perpendicular parking, which is designed to streamline traffic flow and enhance safety, reducing potential traffic-related disruptions or hazards in the neighborhood.
- **Environmental Considerations:** The inclusion of vegetable, herb, flower, and specialty gardens demonstrates a commitment to environmental sustainability and provides residents with opportunities for meaningful engagement with their surroundings, benefiting both residents and the broader community.
- **Security and Oversight:** The presence of a Dean and live-in security personnel ensures effective oversight and security for the tiny home community, addressing safety concerns and contributing to the overall well-being of the neighborhood.
- **Minimal Disruption:** The small scale of the development (twelve tiny homes) and its strategic location near major highways (Hwy 57 and I-10) ensure that it will not place undue strain on local infrastructure or resources.

In conclusion, the Transition Blvd Tiny Home Living Program is designed with thoughtful consideration for community integration, safety, environmental sustainability, and minimal neighborhood impact, aligning with the purpose and intent of the ordinance while promoting the general welfare.

C. That the special circumstances are not the result of actions of the applicant

The need for the tiny homes programs specifically addresses the urgent housing and support requirements of aging-out youth from foster care and students in transition. This need arises from broader community challenges and gaps in available resources, rather than from any actions or decisions made by the applicant. The applicant is responding to this critical need within the framework of existing zoning regulations and community objectives, ensuring that the development aligns with the broader goal of providing stable, supportive housing for vulnerable youth, rather than creating special circumstances.

The Transition Blvd project has garnered dedicated support from local neighbors who appreciate its mission and potential benefits. Initial opposition from Clancy Borries was based on incomplete information and was later retracted upon gaining a fuller understanding of the project. Additionally, property mapping confirms that the Owner is Johnie Ward. These points collectively reinforce the project's positive reception and the validity of its proposed benefits.

Potential community concerns related to housing young adults aging out of foster care:

1. 320sq.ft not being adequate living space for an individual.

Studies from organizations like the National Association of Home Builders and various architectural firms show that small apartments and homes can be very livable with efficient design. For example, a survey by the National Multifamily Housing Council found that compact living spaces can be appealing to many individuals due to their affordability and functionality.

2. Increased crime

Stable housing for youth aging out of foster care can lead to significant reductions in crime. By addressing economic instability, providing access to support services, and offering preventive interventions, stable housing helps reduce the likelihood of criminal behavior among former foster youth. Supporting evidence from various studies and programs demonstrates the effectiveness of this approach.

In the broader context, initiatives such as Transition Blvd play a crucial role in reducing crime rates.

In Mississippi, there are currently no dedicated tiny home programs for youth aging out of foster care. Jackson is ranked third in the state for the highest number of children in foster care. The City of Gautier aims to address this gap by contributing to programs that support these transitioning youth. Below, we provide statistics on youth aging out of foster care and outline their potential outcomes in the absence of initiatives such as Transition Blvd.

Family and Social Connections

- **Lack of Support Networks:** Youth aging out of foster care often lack strong family or social support networks. Approximately 40% report having no reliable support system after leaving foster care.

- **Social Isolation:** This lack of a support network can lead to feelings of isolation and difficulties in building meaningful relationships.

Legal and Systemic Issues

- **Legal Barriers:** Many youth aging out of foster care face legal and systemic barriers, including difficulties accessing benefits and navigating complex systems such as healthcare and education.
- **Rights and Services:** Youth in foster care often have limited knowledge about their rights and available services, impacting their ability to access necessary support.

Educational Outcomes

- **High School Graduation:** Only about 50% of youth in foster care graduate from high school, compared to 85% of their peers in the general population.
- **Higher Education:** Approximately 20% of youth aging out of foster care enroll in post-secondary education, and only about 3% complete a college degree.

Employment and Economic Stability

- **Employment Rates:** Around 50% of youth aging out of foster care are employed within a year of leaving the system. However, they often face challenges such as lower wages and less stable employment compared to their peers.
- **Income Levels:** Youth who age out of foster care are more likely to experience poverty. Approximately 50% of former foster youth live below the poverty line.

Housing Stability

- **Homelessness Risk:** Nearly 20% of youth who age out of foster care experience homelessness within the first year of leaving the system. This risk of homelessness is significantly higher than for their peers who have not been in foster care.
- **Housing Instability:** Many former foster youth struggle with housing instability, including frequent moves and inadequate living conditions.

Mental Health and Well-being

- **Mental Health Issues:** Youth aging out of foster care are at a higher risk for mental health issues, including depression and anxiety. Studies indicate that around 50% of youth aging out of foster care experience significant mental health challenges.
- **Trauma and Resilience:** Many of these youth have experienced trauma, which can impact their mental health and overall well-being. Supportive programs and services are crucial for addressing these issues.

Data from local programs, such as those in New York City and California, show that providing stable housing and support services significantly reduces criminal activity. For instance, a study of the “Transitional Living Program” in California found that participants had lower rates of arrest and incarceration compared to non-participants.

3. Decreased property value for existing neighbors

- **Definition and Appeal:** The planned design for Transition Blvd promotes a sense of community and enhances the overall aesthetic appeal of the area. The unique aesthetic will improve property values by creating attractive, clean environments.
- **Increased Value:** Research from the National Association of Home Builders (NAHB) indicates that well-designed residential communities can lead to higher property values and improved neighborhood aesthetics.

Policies and Procedures Transition Blvd has enacted to ensure safety, security, and success for students of the program and to mitigate potential community concerns:

Screening criteria for the Transition Blvd program

1. Age Appropriateness

- **Targeted Support:** Focusing on young adults aged 16-19 ensures that the program addresses individuals at a critical stage of their transition to adulthood, providing them with essential support before they age out of the foster care system.

2. Structured Program Duration

- **Commitment and Growth:** A 24-month program offers a structured timeframe for participants to acquire necessary life skills and adjust to independent living. This extended duration allows for meaningful personal development and a more gradual transition to self-sufficiency.

3. Application Process

- **Intent and Readiness:** The application process helps assess the applicant's motivation and readiness for the program. This ensures that only those who are genuinely interested and committed to making a successful transition are admitted.

4. Criminal History Requirement

- **Safety and Focus:** Excluding individuals with a history of criminal offenses helps maintain a safe and secure environment for all residents. This allows the program to focus on rehabilitation and personal development without the added challenges of managing criminal behavior.

5. Family Status Considerations

- **Focused Resources:** By excluding individuals with children or those who are pregnant, the program can concentrate its resources and support on participants who can fully engage with the program's services without the added complexities of parenting responsibilities.

6. Substance Abuse Screening

- **Healthy Environment:** Requiring no history of drug or alcohol abuse helps create a stable and healthy living environment. This criterion ensures that participants can fully benefit from the program's resources and are less likely to face the additional challenges of substance dependency.

7. Social and Intellectual Abilities

- **Program Success:** Ensuring that applicants have the social and intellectual capabilities necessary to complete the program effectively is crucial for their success. This criterion helps identify individuals who are capable of engaging with and benefiting from the program's offerings.

8. Desire to Participate

- **Motivation and Success:** Requiring a genuine desire to participate and succeed in the program ensures that the individuals admitted are motivated and committed to making the most of the opportunities provided. This increases the likelihood of achieving positive outcomes.

9. Psychologist-Designed Screening

- **Professional Assessment:** A screening process designed by a psychologist ensures that the selection criteria are based on psychological principles and best practices, providing a thorough and professional evaluation of applicants.

10. Board Member Final Decision

- **Diverse Perspectives:** The final decision made by board members, who bring a range of experiences and expertise, ensures that admissions are carefully considered from multiple viewpoints. This collaborative approach enhances the fairness and effectiveness of the selection process.

Conclusion

The screening criteria for the Transition Blvd program are thoughtfully designed to create a supportive and effective environment for youth transitioning out of foster care. By targeting

appropriate age groups, ensuring commitment and readiness, and maintaining a focus on safety, health, and personal capabilities, these criteria are aimed at maximizing the program's impact and success. The involvement of both psychological and board member assessments further ensures that the selection process is rigorous and fair, ultimately fostering a positive and empowering experience for participants.

In the broader context, initiatives such as Transition Blvd play a crucial role in reducing crime rates.

The Transition Blvd Tiny Living Program for aging-out youth from foster care provides a vital and motivating goal, akin to a high school student aspiring to gain admission to a prestigious college. By implementing stringent criteria and a carefully structured program, this initiative offers both aging-out youth and other vulnerable students a clear path to independence and success. Just as a college aspiration drives students to excel, this program gives youth in foster care a concrete objective and the comprehensive support needed to achieve stability and self-sufficiency. This approach not only fosters personal growth and preparedness for long-term success but also addresses critical gaps in resources, empowering these young individuals to build a prosperous future.

How Transition Blvd Will Benefit the City of Gautier

Reduction in Homelessness:

- **Targeted Support for Aging Out Youth:** Transition Blvd will provide stable housing and comprehensive support services for youth aging out of foster care, a group at high risk of homelessness. By addressing their unique needs, the project will directly reduce the likelihood of these individuals becoming homeless.
- **Preventive Approach:** This proactive program aims to prevent homelessness before it starts, reducing the future need for emergency shelters and related services.

Integration and Collaboration:

- **Partnership with City Services:** The project will collaborate with city services to provide comprehensive support, such as job training, educational opportunities, and healthcare. This integration ensures that residents have access to necessary resources, fostering their independence and success.
- **Community Engagement:** Transition Blvd will engage with local residents and stakeholders through outreach and partnership opportunities, fostering community support and involvement in addressing homelessness.

Alignment with City Goals:

- **Support for City's Homelessness Reduction Strategy:** Transition Blvd aligns with the City of Gautier's goal to reduce homelessness through preventative measures rather than

reactive solutions. By addressing the root causes of homelessness, the project supports the city's broader strategy for creating a stable and inclusive community.

- **Positive Community Impact:** The project will contribute to a positive and supportive community environment, reflecting the city's commitment to enhancing the quality of life for all residents.

Data-Driven Outcomes:

- **Monitoring and Evaluation:** Transition Blvd will implement robust data collection and evaluation methods to track its impact on homelessness and community well-being. Regular reporting and analysis will ensure that the program remains effective and aligned with city objectives.

In summary, Transition Blvd will provide significant benefits to the City of Gautier by directly reducing homelessness, stimulating economic growth, integrating with city services, promoting long-term sustainability, and aligning with city goals. The project represents a proactive and collaborative approach to addressing homelessness and enhancing community well-being.

Community impact and reducing homelessness:

1. **Alignment with Ordinance Purpose and Intent:**
 - **Community Integration:** The Transition Blvd Tiny Home Living Program is designed to serve a specific and socially beneficial purpose—providing stable housing for students aging out of foster care. This aligns with the ordinance's goal of supporting diverse and supportive community developments.
 - **Enhancement of Neighborhood Character:** The program aims to create a well-integrated community through the inclusion of a commons area and shared gardens, promoting a sense of community and cooperation which enhances neighborhood cohesion and social fabric.
2. **Non-injurious to Neighborhood or General Welfare:**
 - **Safe and Controlled Access:** The development includes a single, one-way access road with perpendicular parking, which is designed to streamline traffic flow and enhance safety, reducing potential traffic-related disruptions or hazards in the neighborhood.
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In conclusion, the Transition Blvd Tiny Home Living Program is designed with thoughtful consideration for community integration, safety, environmental sustainability, and minimal neighborhood impact, aligning with the purpose and intent of the ordinance while promoting the general welfare.

Summary

In closing, I would like to emphasize our commitment to working collaboratively with the city to ensure the successful implementation and ongoing success of the Transition Blvd Tiny Home Living Program. This initiative is not just a project but a shared opportunity to make a meaningful difference in the lives of young individuals transitioning out of foster care, while also enhancing our community.

Our team is dedicated to maintaining an open and constructive dialogue with the city to address any concerns and to integrate feedback throughout the development and operational phases. We are fully prepared to engage with city officials and stakeholders to ensure that the project aligns with local regulations, enhances community welfare, and reflects the values of Ocean Springs and Gautier.

The Transition Blvd Tiny Home Living Program is designed with the utmost consideration for community impact, safety, and environmental sustainability. The thoughtfully planned layout, including private living spaces, a central commons area, and green gardens, underscores our commitment to creating a supportive and positive environment for residents and the broader community.

We are enthusiastic about the potential for this project to serve as a model for future developments that prioritize social responsibility and environmental stewardship. Your approval of the Special Exception will enable us to move forward with this important initiative, which promises to offer stability and hope to young adults in need, while also contributing positively to our neighborhood.

We appreciate your consideration and support of the Transition Blvd Tiny Home Living Program and look forward to a productive partnership with the city to make this vision a reality. Thank you for your time and commitment to enhancing the welfare of our community.

Strategic Plan for Supporting Youth Aging Out of Foster Care

1. Introduction

Overview of the Program's Mission and Objectives: Our program aims to support youth aging out of foster care by providing comprehensive resources and support systems to ensure their successful transition to independent living.

Importance of Supporting Youth Aging Out of Foster Care: Transitioning out of foster care can be daunting for young adults, often lacking stable support networks and resources. Our program seeks to fill this critical gap by offering tailored assistance to promote stability, resilience, and self-sufficiency.

2. Program Goals and Objectives

Goal 1: Ensure Successful Transition to Independent Living for Youth Aging Out of Foster Care

Objectives:

- Provide stable and supportive housing options, including transitional housing like tiny homes or shared apartments.
- Offer life skills training in essential areas such as budgeting, cooking, and household management.
- Facilitate access to educational and vocational resources to enhance career prospects.

Goal 2: Promote Emotional Well-being and Resilience Among Program Participants

Objectives:

- Provide access to counseling and mental health services to address trauma and emotional challenges.
- Foster a supportive community environment through group activities and peer support.
- Develop coping mechanisms and stress management skills to promote emotional resilience.

Goal 3: Foster Personal Growth and Self-Sufficiency

Objectives:

- Encourage goal-setting and career planning through personalized support and mentorship.
 - Promote financial literacy and responsibility to empower participants in managing their finances effectively.
 - Support personal development through mentorship programs and leadership opportunities within the community.
-

3. Target Population

Demographic and Eligibility Criteria: Our program serves young adults aged 18 to 25 who are aging out of foster care and are in need of support to achieve self-sufficiency.

Unique Needs and Challenges: Participants often face challenges such as housing instability, lack of educational and employment opportunities, and emotional trauma from their experiences in foster care.

4. Strategies and Activities

Housing and Stability:

- Provide transitional housing options such as tiny homes or partnerships with landlords and housing agencies.
- Offer rent subsidies or financial assistance to alleviate housing expenses for participants.

Education and Employment:

- Establish partnerships with educational institutions to provide access to higher education or vocational training programs.
- Offer career counseling, job readiness workshops, and internship opportunities to enhance employability.

Life Skills and Support Services:

- Conduct life skills workshops covering financial management, nutrition, and health.
- Provide access to healthcare services, including physical and mental health care through partnerships with healthcare providers.
- Develop individualized support plans and case management to address participant needs comprehensively.

Community Engagement:

- Foster a sense of community through social events, peer support groups, and community service projects.
- Encourage participation in volunteer opportunities and establish alumni networks to support ongoing engagement and success.

5. Evaluation and Monitoring

- Define measurable outcomes such as housing stability rates, educational attainment, and employment placement.
- Implement regular program evaluations and participant feedback mechanisms to assess effectiveness and identify areas for improvement.
- Utilize data-driven insights to continuously improve program delivery and impact.

6. Partnerships and Collaboration

- Identify key stakeholders including government agencies, nonprofits, and community partners to leverage resources and expertise.
- Form strategic partnerships to access funding opportunities, enhance program sustainability, and expand service reach.
- Collaborate with local businesses for job placement and internship opportunities for program participants.

7. Sustainability and Growth

- Develop a sustainability plan outlining strategies for long-term funding, including grants, donations, and corporate sponsorships.
- Explore opportunities to replicate successful program models in other communities to broaden impact and reach.
- Continuously assess and adapt strategies to ensure scalability and relevance in evolving community needs.

8. Communication and Outreach

- Develop a communication strategy to raise awareness about the program's mission, impact, and success stories.
- Engage stakeholders through newsletters, social media campaigns, and community events to foster support and collaboration.
- Share testimonials and success stories to demonstrate the program's effectiveness in supporting youth aging out of foster care.

9. Risk Management

- Identify potential risks such as funding fluctuations, policy changes, and legal compliance issues related to youth services.
- Develop contingency plans and mitigation strategies to address risks proactively and ensure program continuity.
- Maintain compliance with legal and regulatory requirements to uphold standards of care and support for program participants.

10. Conclusion

In conclusion, our strategic plan outlines a holistic approach to supporting youth aging out of foster care, emphasizing stability, resilience, and self-sufficiency through comprehensive housing, education, and support services. By implementing these strategies and collaborating with stakeholders, we aim to empower young adults to thrive and succeed in their transition to independent living.

This strategic plan provides a structured framework to address the unique needs of youth aging out of foster care, ensuring a comprehensive and impactful approach to supporting their transition into adulthood.



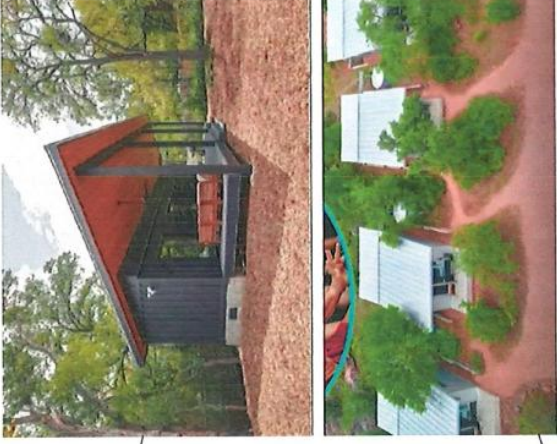
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North Arrow	
Project Name	BRANDI BOSARGE
Address	0 CARTER RD, MS 39564
City	OCEAN SPRINGS, MS
County	
State	MS
Country	USA

PRELIMINARY SITE PLAN
 TRANSITION BOULEVARD

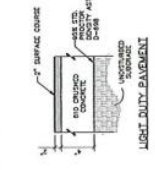
BRANDI BOSARGE
 0 CARTER RD, MS 39564
 OCEAN SPRINGS, MS

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 1979 DAVIS DR
 1009 ACADIANA DR
 MEMPHIS, TN 38117
 (901) 521-1313

PROJECT NO. 150000
 SHEET C1

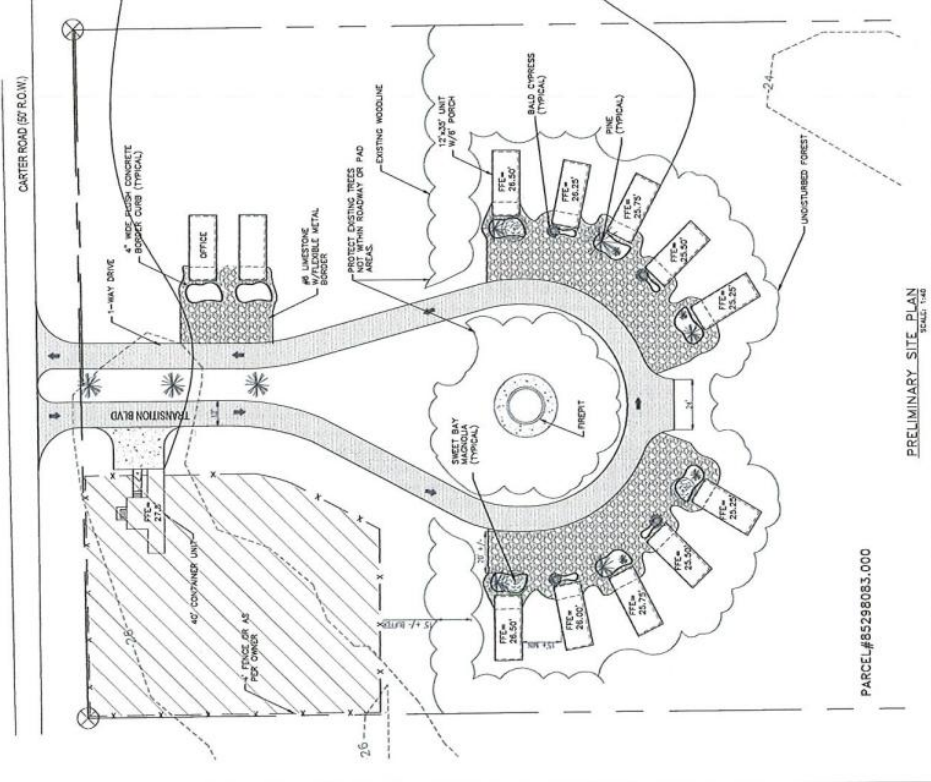


SIMILAR BUILDS
 SOURCE: N/A



ASPHALT PAVEMENT DETAILS
 IN U.S.

TOURING	AG	4.5' AC
ADJACENT	50 FT	
POINT W/D	20 FT	
EDGE W/D	0 FT	
BUFFER ZONE	12 FT	
MIN. ROAD WIDTH	24 FT	
LANE WIDTH	12 FT	
PARKING SPACES W/D	14 DA	
PARKING SPACES W/D	24 DA	
IMPERVIOUS COVER	0.5'	
DW	0.5'	
PREVIOUS COVER	0.5'	
SIZE LEGEND		
1\"/>		



PARCEL#85298083.000

PRELIMINARY SITE PLAN
 SCALE: 1/8" = 1'-0"



UNIVERSAL SCREENING

Date of Engagement: _____ Time: _____ Interviewer:

Client's Name:

Full Address:

Phone #(s):

Full Social Security #: _____ - _____ - _____ DOB: ____/____/____ Age: _____

Do you identify as: Male Female Transgendered Female to Male Transgendered Male to Female Gender Non-Conforming

Primary Race: Asian Black or African American White or Caucasian Native American or American Indian
 Native Hawaiian or other Pacific Islander Other: _____

Secondary Race (if applicable): N/A Asian Black or African American White or Caucasian
 Native American or American Indian Native Hawaiian or other Pacific Islander Other:

Ethnicity: Hispanic Non-Hispanic

Have you ever volunteered for the military? If yes, what is your current status? _____

Language Preference: English Spanish Other: _____

Referral Sources:

Parent/Guardian/Worker Name:

Section I: Essential Program Qualifications

Do you have any children or other dependents? Yes No If yes, what is the relationship?

Are you currently pregnant? Yes No If yes, due date:

Substance Abuse Screening

Any history of drug/alcohol use, risk? Yes No If yes,

Substance Used Used Date	Amount Used	Frequency	Age of 1 st Use	Last
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Legal Issues / Legal Status

Have you ever been arrested? Yes No If yes, how many times? _____

What were you arrested for?

Are you court involved? Yes No If yes, with: DHS Juvenile Bureau Office of Juvenile Affairs
Municipal Court

If yes, Worker Name & Phone#:

How many different homes, shelters or group homes have you stayed in? (Must be a # i.e., 3)

Are you now or have you ever been gang involved or gang associated? Yes No

If yes, what gang?

Are you currently considered a runaway? Yes No

Education

Last/highest grade completed: _____

Are you currently in school? Yes No N/A

If yes, where? _____ Current
grade: _____

Are you able to read on grade level? Yes No If no, what grade level? _____

Current school status: attending school regularly attending school irregularly graduated high school
 expelled obtained GED dropped out suspended

Are you passing all classes? Yes No If no, which are you not passing?

Are you on an IEP? Yes No If yes, what for?

Are you experiencing any barriers? Behind on credits Other:

If not in school, what is your educational plan?

What are your future educational goals? College Trade School Career-tech Other

Other educational issues:

Employment/Vocational

Which of the of the following best describes your employment situation?

Employed, full-time Employed, part-time Actively looking Seasonal/sporadic (*including day labor*)
 Unemployed

If not employed, why: Unable to work, reason: _____ Not looking, reason:

other: _____

What are your employment goals?

Tell me about the jobs you have had in the past:

What barriers do you feel you face in achieving employment goals?

Interpersonal Skills

In general, how do you get along with other people? _____

Over the past year, what problems have you had at home, at school, or at work? _____

Are you involved in any activities, groups, organizations? (*i.e., band, sports, clubs at school, church youth group, etc.*)

Yes No If yes, what activities/groups/organizations?

If applicant meets all qualifications in Section I, please proceed to Section II questions. If not, please stop here.

Section II: Housing and Basic Needs – Current Situation

Do you have stable housing? Yes No

If yes, who do you live with? Alone w/Family/Relatives w/Non-Related Persons Foster Care
 Other

If yes, skip to "Do you have needs in the following area?" on pg. 2

If no, where did you sleep last night: *(select only one)*

Homeless situation:

- Place not meant for habitation
- Emergency shelter, incl. hotel/motel paid for w/ ES voucher or RHY-funded Host Home shelter
- Safe Haven

Institutional situation:

- Foster care home or foster care group home
- Hospital or other residential non-psychiatric medical facility
- Jail, prison, or juvenile detention facility or detox center
- Long term care facility
- Psychiatric hospital or other psychiatric facility
- Substance abuse treatment facility

Temporary and permanent housing situation:

- Residential project or halfway house
- Hotel/motel paid for w/o ES voucher
- Transitional housing for homeless persons
- Staying or living in a friend's room, apartment, or house
- Staying or living in a family member's room, apartment, or house
- Rental by client, with GPD TIP housing subsidy

(incl. homeless youth or Host Home non-crisis)

If you don't have stable housing, what was the length of stay where you slept last night: 1 night or less 2-6 nights 1 week or more, but less than 1 month 1 month or more, but less than 90 days 90 days or more, but less than 1 year 1 year or longer

If you don't have stable housing, what is the approximate start date of homelessness: ____/____/____ *(need actual date i.e., 1/1/21)*

Of times on the streets in the past 3 years *(in emergency shelter ES or street homeless SH)*:

- 1 time
- 2 times
- 3 times
- 4 or more times

Total # of months in the past 3 years: 1 month 2 months 3 months 4 months

- 5 months
- 6 months
- 7 months
- 8 months
- 9 months
- 10 months
- 11 months
- 12 months
- more than 12 months

Do you feel safe in your living situation? Yes, tell me more:

No, tell me why:

Do you have needs in the following area? No needs at this time

food (*access/availability*) hygiene products clothing transportation other needs:

Do you receive:

I do NOT receive ANY non-cash benefits

WIC- \$_____ Amount of non-cash benefits

TANF (*Transportation Services*)- \$_____ Amount of non-cash benefits

TANF (*Child Care Services*)- \$_____ Amount of non-cash benefits

SNAP/Food Stamps - \$_____ Amount of non-cash benefits

Other Sources: _____ \$_____ Amount of non-cash benefits

TOTAL AMOUNT OF NON-CASH BENEFITS: \$_____

Are you covered by Health Insurance? Yes No Need assistance with applying

Medicaid (*aka Sooner Care*) If yes Policy/Medicaid # _____

Policy Holder Name (*as it appears on the insurance card*) _____

Title 19 (*TXIX*) Mental Health/Substance Abuse Only Child Custody Only

Private pay insurance If yes, with whom? _____

Policy Holder Name (*as it appears on the insurance card*) _____

Employer provided insurance If yes, with whom? _____

Policy Holder Name (*as it appears on the insurance card*) _____

Cobra insurance

Indian Health Services

Other: _____

Do you have a Monthly Income: Yes No

Alimony or other Spousal Support-Monthly Amount \$ _____
Amount \$ _____

Private Disability Insurance-Monthly

Child Support-Monthly Amount \$ _____

SSDI-Monthly Amount \$ _____

Earned Income (*currently have a job*)-Monthly Amount \$ _____

SSI-Monthly Amount \$ _____

Pension/Retirement from another job-Monthly Amount \$ _____

TANF-Monthly Amount \$ _____

Unemployment Insurance-Monthly Amount \$ _____
Amount \$ _____

Worker's Compensation-Monthly

Do you have a disability? Yes No

If yes, is it expected to be long continued & indefinite duration & substantially impairs ability to live independently? Yes No

If you have a disability, do you receive SSI or SSDI for that disability? Yes No

If yes, how much monthly? \$ _____ Start date of disability:

Disability type: Alcohol Abuse Both Alcohol and Drug Abuse Chronic Health Condition
Developmental Drug Abuse Dual Diagnosis Hearing Impaired HIV/AIDS Mental
Health Problem Physical Physical/Medical Vision Impaired Other: Cognitive Other: Learning
 Other: Speech

Section III: Health and Wellness

Physical Health

Do you have any specific medical conditions/diagnosis/injuries/illnesses/allergies? Yes No

If yes, describe description of problem(s) and client's ability to adjust to reported disorders or disabilities:

Are there any conditions in the environment that have affected your wide range of health, functioning, or quality of life? Yes No

(Social determinants of health - i.e., lack of economic stability, lack of quality education, lack of access & quality of healthcare, lack of food, lack of safe affordable housing, lack of transportation, neighborhood violence, different kinds of pollution or exposure to toxins like 2nd hand smoke or loud noises)

If yes, describe:

Do you have any medication allergies or adverse reactions? Yes No

If yes, note what medication & the reaction it causes:

If you have allergies or adverse reactions, do you have an EpiPen (*auto injector*) in their possession? Yes No N/A

If you have asthma, do you have an inhaler? Yes No N/A

Does you have an official advanced directive document: Yes No

If yes, describe:

Please list any food allergies:

Please list any dietary requirements:

Do you have regular eating habits? Yes No If no, please describe:

In the past 90 days, how often have you had access to an adequate amount of food from the major food groups approximately?

25% of the time 50% of the time 75% of the time Over 75% of the time

How often do you exercise or do something physical at least 20 minutes a day?

Daily Every other day Sometimes Never

Other: _____

How would you describe the following areas?

Overall Health:
(dental) Health:

- Excellent
Excellent
 Very Good
Good
 Good
 Fair
 Poor

Mental Health:

- Excellent
 Very Good
 Good
 Fair
 Poor

Oral

- Very
 Good
 Fair
 Poor

Do you have any needs in the following health areas?

Vision Dietary Sexual health (birth control, STD testing, education, etc.)

Hearing Exercise

Do you have any other health needs? Yes No If yes, explain:

If yes, what referrals need to be made?

Do you have a Dr.? Yes No If yes, who & phone #:

If not, what do you do when you are sick?

Are you now or have you ever been sexually active? Yes No

If sexually active, do you use protection? Yes No If yes, what kind?

What is your sexual preference? Bisexual Heterosexual Homosexual Gay Lesbian
 Pansexual Demisexual Asexual Questioning/Unsure Other:

Do you identify as: He She Transgendered Gender Fluid
Gender Neutral

Has your gender identity or sexual orientation caused any difficulties/discrimination? (i.e., housing, family or peer conflict, employment, etc.)

Yes No If yes, how?

Suicide Assessment

Over the past three months, have you been thinking about doing something to end your life? Yes No

If yes, take immediate action by following agency procedures and document steps taken below:

Homicidal (harm to others) Assessment

Over the past three months, have you been thinking about homicide or hurting someone else? Yes No

If yes, take immediate action by following agency procedures and document steps taken below:

Mental Health

In your lifetime, have you ever been subjected to any forms of abuse or neglect? This includes emotional, physical, and/or sexual abuse. Yes No

If yes, when, and what type? _____

If yes, have you received any mental health services related to these experiences? Yes No

Are you currently receiving mental health services anywhere else? Yes No

If yes, where? _____

Have you received mental health services, including counseling, therapy, or medicine for mental health, in the past?

Yes No

If yes, where? _____

Emotional Indicators Behavior Checklist – CHECK ALL THAT APPLY None

Lies, cheats, or steals	Eating Difficulties/Change in appetite
Stubborn, Negative or Defiant	Weight loss/gain
Shows lack of consideration for others	Displays self-abusive/self-injurious behavior (i.e., cutting)
Defiant of authority figures	Engages in inappropriate sexual behavior
Defiant of parent	Overly active
Unresponsive to redirection by caregiver/parent	Overly impulsive
Temper Tantrums	Obsessive/compulsive behavior
Intentionally destroys property of own/others	Appears sad, unhappy, depressed
Physically aggressive toward others	Exhibits anxiety/Panic attacks
Kicked out of home	Mood Swings
Runs away - If yes, # of times _____	Exhibits facial/body tics
Exhibits peculiar mannerisms /habits, stereotypical behavior	Intentionally setting fires
Difficulty completing class work	Intentionally harming animals
Inability to follow simple instructions	Enuresis/Encopresis (bed-wetting/bed soiling)
Poor attention span	Unaware of happenings in immediate environment
Isolation/Classroom withdrawal	Expresses thoughts that are not sensible/Delusional
Disruptive classroom behavior	Appears to be attending/responding to internal stimuli, (e.g., hallucinat
Refusal to do work or homework assignments	Sexual abuse victim
Conflicts/fights with peers	Sexual abuse/rape perpetrator
Conflicts/fights with school personnel	Physical abuse

Teases/Bullies others	Emotional abuse
Violation of school rules	Domestic violence victim
Poor eye contact	Domestic violence witness
Withdraws from contact with others/isolates	Family history of mental illness and/or substance abuse
Refuses scheduled activities	Neglect/Abandonment
Sleeping Disturbances/Insomnia/Hypersomnia	Significant loss/trauma/grief issues
Nightmares	DHS involvement/placement to include foster care
Grinds Teeth	

Section IV: Permanent Connections

What are your sources of support? *(client's supports that assist in achieving goals of independence & productivity and facilitate integration into the community)*

- Parent Guardian Other family Friends Self Other:

Who do you rely on the most for support?

Family critical issues: has your family experienced any of the following *(check all that apply)*: None

- Unemployment Incarcerated parent Mental health issues
- Physical disability
- Alcohol or other SA Insufficient income

Strengths, Needs, Abilities (and/or Interest), Preferences, & Liabilities

Describe the client's perceptions concerning their personal strengths, needs, abilities, & preferences as they relate to their overall functioning in the community. Include any liabilities in these areas that needs to be addressed in the client's treatment, as well as preferences for treatment.

Strengths:

(i.e., personality characteristics – i.e., trustworthy, caring, giving, confident, etc.)

Needs:

(i.e., what they need to work on or need in their life)

Abilities:

(i.e., talents/skills – i.e., sports, singing, dancing, video games, etc.)

Preferences:

(i.e., preferences towards treatment – i.e., male/female provider, race of therapist, individual, group, family, etc.)

Liabilities:

(i.e., things that hold them back or stand in the way – i.e., being on probation, neg. peers, etc.)

Action Taken:

Preferred date and Appointment time:

Fees Assigned: (Intake \$20.00) Session Fee: \$

For OPBH Counseling Center	
Requesting Counseling?	___ Yes ___ No
Medicaid Eligible?	___ Yes ___ No
Intake Date?	_____

Referrals/resources provided:

Client Signature _____

Staff

Signature _____



Department of the Treasury
Internal Revenue Service
Tax Exempt and Government Entities
P.O. Box 2508
Cincinnati, OH 45201

TRANSITION BLVD
2012 MAGAZINE STREET
OCEAN SPRINGS, MS 39564

Date:
02/13/2024
Employer ID number:
99-1160393
Person to contact:
Name: Customer Service
ID number: 31954
Telephone: 877-829-5500
Accounting period ending:
December 31
Public charity status:
509(a)(2)
Form 990 / 990-EZ / 990-N required:
Yes
Effective date of exemption:
January 07, 2024
Contribution deductibility:
Yes
Addendum applies:
No
DLN:
26053438005624

Dear Applicant:

We're pleased to tell you we determined you're exempt from federal income tax under Internal Revenue Code (IRC) Section 501(c)(3). Donors can deduct contributions they make to you under IRC Section 170. You're also qualified to receive tax deductible bequests, devises, transfers or gifts under Section 2055, 2106, or 2522. This letter could help resolve questions on your exempt status. Please keep it for your records.

Organizations exempt under IRC Section 501(c)(3) are further classified as either public charities or private foundations. We determined you're a public charity under the IRC Section listed at the top of this letter.

If we indicated at the top of this letter that you're required to file Form 990/990-EZ/990-N, our records show you're required to file an annual information return (Form 990 or Form 990-EZ) or electronic notice (Form 990-N, the e-Postcard). If you don't file a required return or notice for three consecutive years, your exempt status will be automatically revoked.

If we indicated at the top of this letter that an addendum applies, the enclosed addendum is an integral part of this letter.

For important information about your responsibilities as a tax-exempt organization, go to www.irs.gov/charities. Enter "4221-PC" in the search bar to view Publication 4221-PC, Compliance Guide for 501(c)(3) Public Charities, which describes your recordkeeping, reporting, and disclosure requirements.

Sincerely,

Stephen A. Martin
Director, Exempt Organizations
Rulings and Agreements



Michael Watson
SECRETARY OF STATE

Office of the Secretary of State
Jackson, Mississippi

Certificate of Good Standing

I, MICHAEL WATSON, Secretary of State of the State of Mississippi, and as such, the legal custodian of the records as required by the laws of Mississippi, to be filed in my office, do hereby certify:

That on the 8th day of January, 2024, the State of Mississippi issued a Charter/ Certificate of Authority to:

TRANSITION BLVD

That the state of incorporation is Mississippi.

That the period of duration is perpetual.

That according to the records of this office, Articles of Dissolution or a Certificate of Withdrawal have not been filed.

I further certify that all fees, taxes and penalties owed to this state, as reflected in the records of the Secretary of State, have been paid and that the corporation is in existence or has authority to transact business in Mississippi.

That insofar as the records of this office are concerned, the said Transition Blvd is in good standing at this time.

Given under my hand and seal of office
the 5th day of February, 2024

Certificate Number: CN24181554

Verify this certificate online at <http://corp.sos.ms.gov/corpcnv/verifycertificate.aspx>



Two of "Fresh Start Village" tiny homes at the corner of West Blount Street and North Pace Boulevard in Pensacola on Thursday, August 8, 2024. The development has seven tiny homes for people aging out of foster care and transitioning into adulthood.

85298083.000 BOSARGE BRANDI

PIDN: 85298083.000

GISP: 774.17-00-0107.00

Owner Information

Percent of Ownership: 100

Name: BOSARGE BRANDI

Name 2:

Mailing Address: 2012 MAGAZINE ST
OCEAN SPRINGS MS
39564

Site Address: CARTER RD GAUTIER

Land Information

Section: 17 Acreage: 0

Township: 7

Range: 7

Street Name CARTER
RD

Value and Tax Information

Total Assessed Value: 5694

Total Appraised Value: 37960

Improvement Value: 0

Land Value: 37960

Tax Amount: 857

SQ FT: 0

Year Built: 0

Legal Description

Description: LOT 64 FOUNTAINEBLEAU ACRES (E1/
2 SW1/4 SW1/4 SE1/4) DB 2141-829
(107 MAP774.17)

Deed Book / Page: 2141 / 829

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

85298083.000 BOSARGE BRANDI



Exhibit A Location Map

Prepared by:
City of Gautier
Planning Department

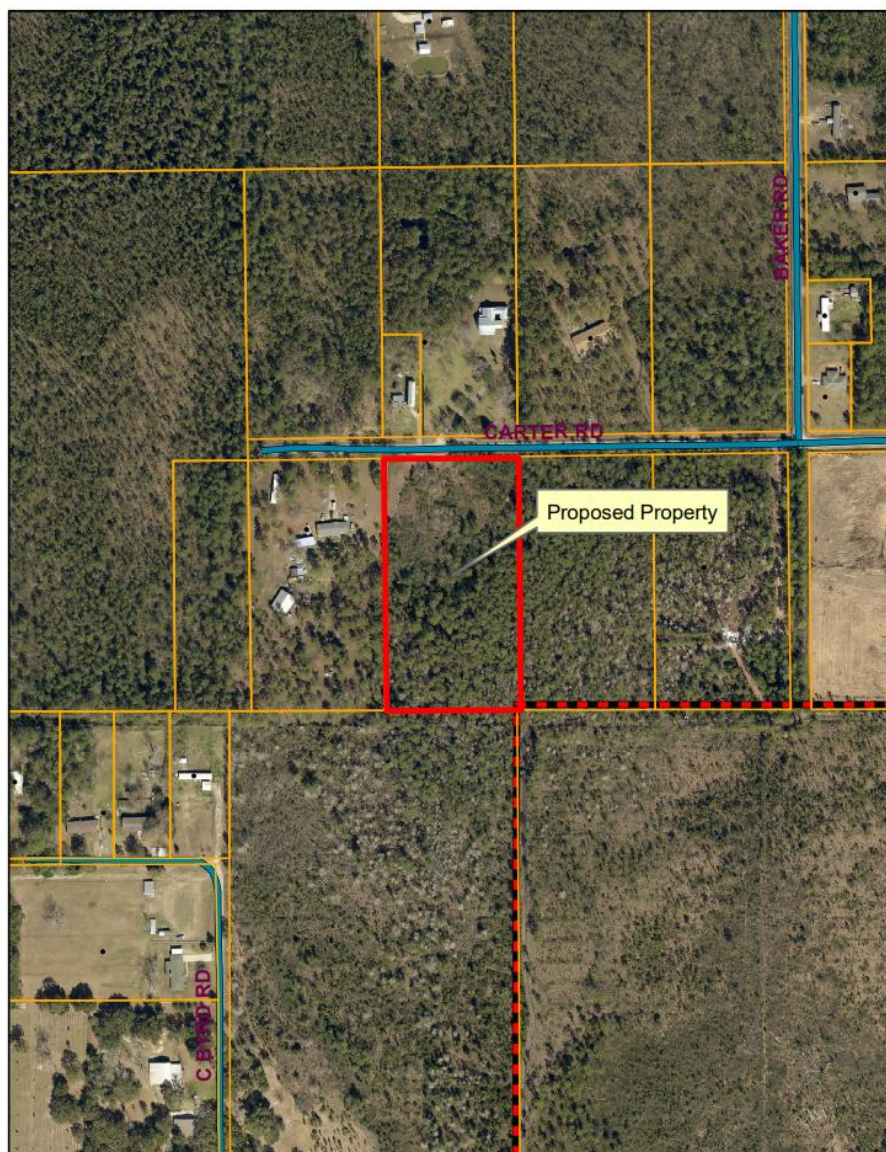


Exhibit B Existing Zoning

Prepared by:
City of Gautier
Planning Department

Legend

Zoning ZONECODE

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

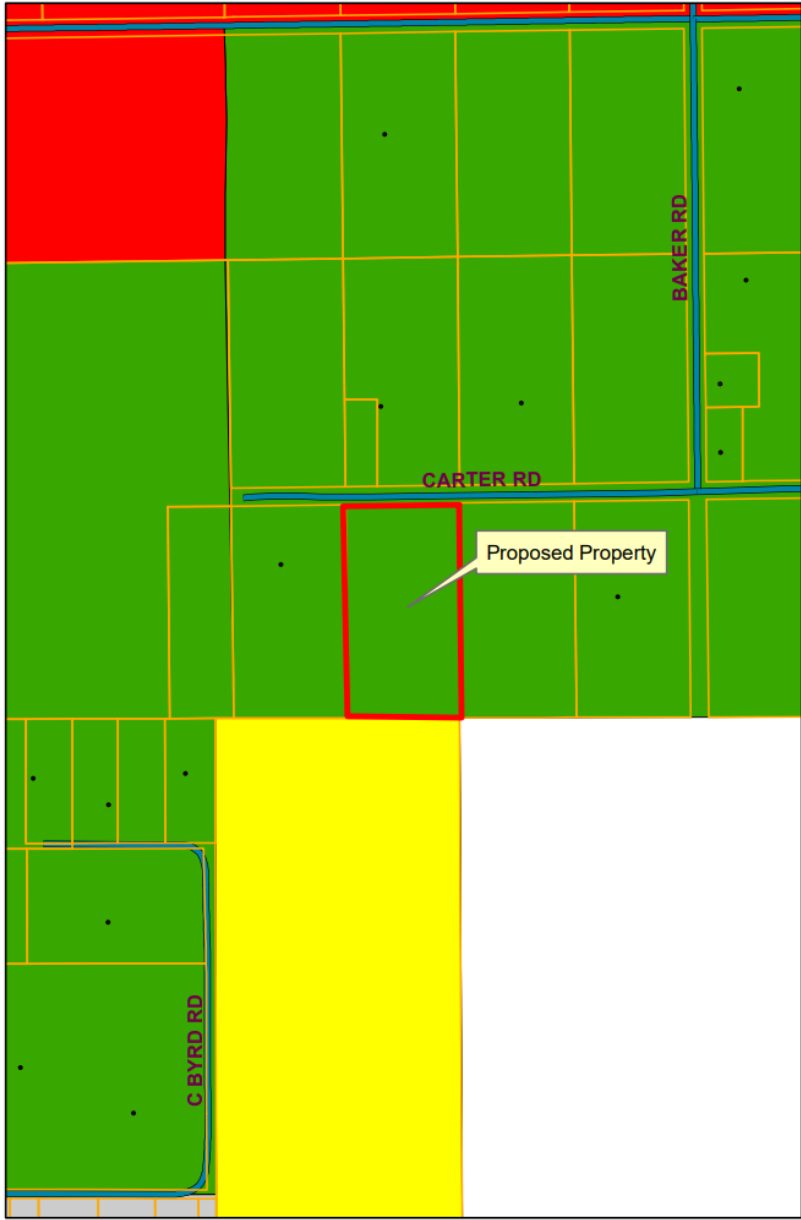


Exhibit C Existing Land-Use

Prepared by:
City of Gautier
Planning Department

- Legend**
- EXISTING LAND USE**
- ELU_08**
- commercial-retail
 - conservation
 - civic
 - industrial
 - marina/fish camps
 - high density residential
 - mobile home
 - mobile home park
 - medium density residential
 - office
 - recreation
 - very low to low density residential
 - utility
 - vacant

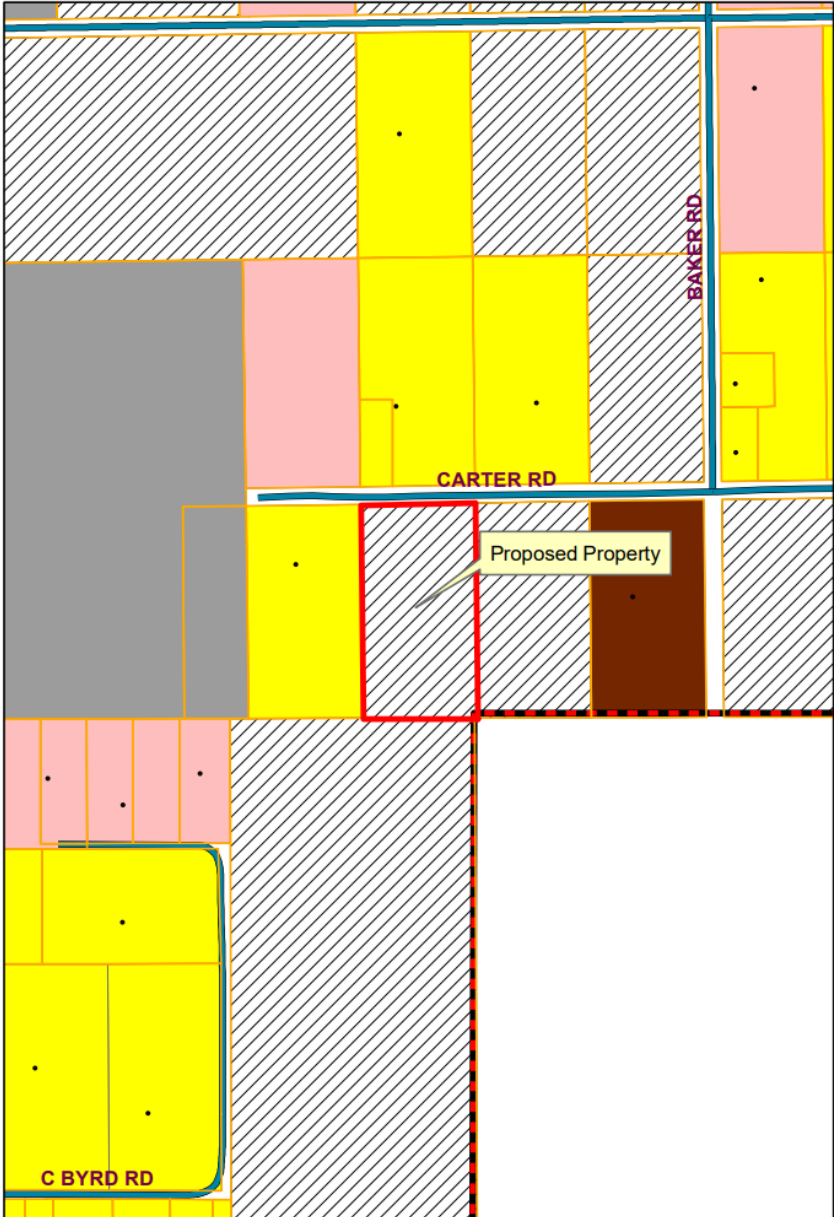
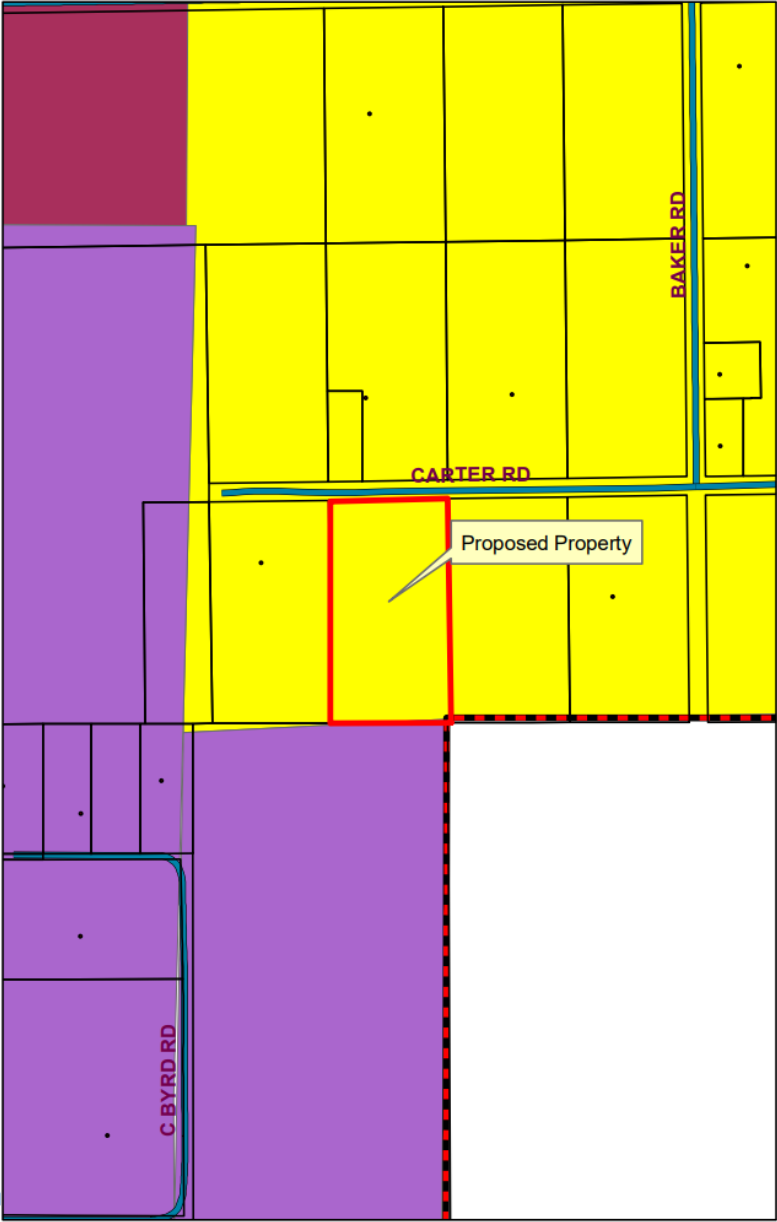


Exhibit D Future Land-Use

Prepared By:
City of Gautier
Planning Department

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



Gautier Planning Commission

Regular Meeting Agenda

February 6, 2025

GPC #25-03-VAR

Carter Road, PID #85298083.000

VII. NEW BUSINESS

3. Consider a request for a one thousand five (1005) square foot variance for 10 dwellings in an AG Agricultural Zoning District. Carter Road, PID #85298083.000, (GPC #25-03-VAR)

**CITY OF GAUTIER
STAFF REPORT**

To: Chairman and Members, Planning Commission

From: Scott Ankerson, Planning Director

Date: January 29, 2025

Subject: Consider a request for a one thousand five (1005) square foot variance for 10 dwellings in an AG Agricultural Zoning District at Carter Road, PID #85298083.000. (GPC #25-03-VAR)

REQUEST:

The Planning Department has received a request from Brandi Bosarge for a one thousand five (1005) square foot variance for 10 dwellings in an AG Agricultural Zoning District at Carter Road, PID #85298083.000. (GPC #25-03-VAR). The application fee of \$175 was paid on December 18, 2024. All public notice requirements have been met.

BACKGROUND:

The applicant would like to build ten 320 square foot tiny homes on a parcel that is approximately 4.14 acres and located in an AG Agricultural District. The tiny homes would be located within a tiny home transitional living development the applicant is currently seeking approval for. The minimum square footage for a dwelling in an Agricultural District is 1,325 square feet. The applicant is requesting a 1005 square foot variance for each of the ten homes.

DISCUSSION:

The applicant is asking for a 1005 square foot variance to minimum square footage for a dwelling in an AG Agricultural District. The variance would apply to 10 homes to be built within a tiny home transitional living development the applicant is currently seeking approval for. Each of the 10 homes would be 320 square feet. The UDO requires a minimum of 1325 square feet for a dwelling in an Agricultural District.

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

25-03-VAR

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

Name of Applicant: Brandi Bosarge

Name of Business: Transition Blvd Phone: 228 261 1559

Property Address: Ocarter Rd. P.O. # 85298083.000 Mailing Address (if Different): P.O. Box 1164 Ocean Springs 39504

E-Mail Address: Brandi@transition Blvd

Reason for request, location and intended use of Property: Tiny Home Independence

Program Square Footage 1005 sq. ft variance to home's
Size

ATTACHMENTS REQUIRED AS APPLICABLE:

- 1. Diagram of intended use, showing dimensions and distances of property, building with setbacks, parking spaces, entrances and exits.
- 2. A detailed project narrative.
- NA 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: Bosarge Date of Application: 12/15/24

FOR OFFICE USE ONLY	
Date Received <u>12-18-24</u>	Verify as Complete <u>Bals</u>
Fee Amount Received <u>176.00</u>	Initials of Employee Receiving Application <u>Bals</u>

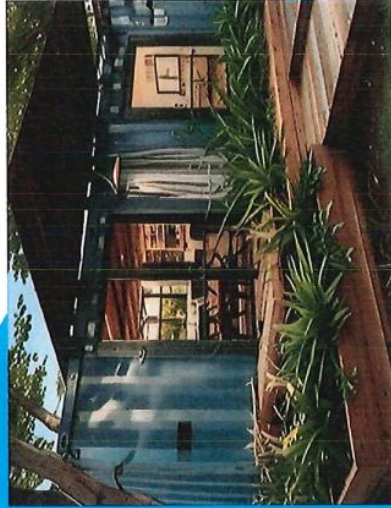
AG

Building Homes, Empowering Futures

Each year, thousands of young adults are displaced from housing once they are too old to remain in the foster system. Transition Blvd offers a safe haven for those by providing stable housing and the support they need to transition into independent adulthood. Through the use of tiny homes, life skills training, and a nurturing community, we empower these young adults to build a bright future, fostering their personal growth and development.



For many, tiny homes offer a transformative, safe space to heal, build confidence, and plan for the future. Our program inspires long-term self-sufficiency and personal growth.



Join our cause

There are several ways you can make a difference:

- Volunteers are always encouraged and welcomed. Please contact us to learn how you can help!
- Promote our program by spreading the word in our community.
- Advocate for policy change to ensure a better support system for youth transitioning out of foster care.
- Make a tax-deductible donation

TRANSITION BLVD

Contact us

Phone: 228-549-3765

Email: brandi@transitionblvd.org

PO Box 1664

Ocean Springs, MS 39564

Visit us on the Web:

www.transitionblvd.org

Transition Blvd

Restore, dream, transition

Empowering Independence



PayPal

Our mission

Our mission is to empower young adults transitioning out of foster care by providing stable, supportive housing through innovative tiny homes. We aim to foster independence and personal growth by offering valuable life skills training and creating a nurturing community where meaningful relationships can flourish.

About us

Transition Blvd is a 501(c)3 approved organization serving Mississippi. At the heart of Transition Blvd is our use of tiny homes. These carefully designed, sustainable dwellings offer more than just shelter; they symbolize a new beginning and personal autonomy. Each tiny home includes a cozy living area, kitchenette, bathroom, and sleeping space, all crafted to maximize efficiency and promote independence.

Teenagers and young adults transitioning from foster care to independent living. Our program utilizes tiny homes to promote individual life skills necessary to achieve a successful transition to adulthood. We believe no youth should have to navigate life alone.

What we offer:

- Stable housing
- Sense of community
- Employment and education resources
- Development of essential life skills

Who we serve

Teenagers and young adults transitioning from foster care to independent living. Our program utilizes tiny homes to promote individual life skills necessary to achieve a successful transition to adulthood. We believe no youth should have to navigate life alone.



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 conditions for this site are:

- **Tiny Homes as Part of a Housing Program:** The proposed tiny homes are part of a **program to house young adults**, empowering them towards **independence** and working to **prevent homelessness**. This specific use is a unique circumstance for the site, which sets it apart from other properties in the district. The tiny homes offer a solution that is tailored to the specific needs of young adults at risk of homelessness, which is not typical for most sites in the district.
- **Existing Non-traditional Housing:** The site currently includes a **double-wide trailer** and a **FEMA cottage**. FEMA cottages are smaller structures that are not in line with the square footage typically required by zoning ordinances. These existing conditions make the site suitable for alternative, smaller housing types like tiny homes.
- **Transitional Nature of the Area:** The area is in a **transitional phase**, with a mix of temporary and non-traditional housing. The need for affordable housing options, especially those designed to support young adults transitioning to independence, makes the site unique compared to others in the district.

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

No, these special conditions and circumstances are **not a result of the applicant's actions**. The presence of a **double-wide trailer** and **FEMA cottage** pre-existed the variance request. These structures were likely installed due to past recovery or temporary housing needs. The **tiny homes program** was designed to address the needs of young adults, empowering them with housing that supports their independence and reduces the risk of homelessness. The applicant is seeking the variance to align the site with the program's objectives, rather than creating these conditions.

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

A **literal interpretation of the square footage requirements** would deprive the applicant of the ability to provide housing that meets the specific needs of the program. Specifically:

NARRATIVE

The property located at 0 Carter Rd is being developed for the **Transition Blvd Independent Tiny Home Program**, a project designed to support young adults transitioning out of foster care. These individuals often face significant challenges in securing stable housing, making them particularly vulnerable to homelessness. The program aims to provide them with a safe, supportive, and affordable living environment in the form of 10 tiny homes, each measuring 320 square feet.

Due to the unique needs of this program, the applicant is requesting a variance to reduce the required square footage from 1,325 square feet per home to 320 square feet per unit. This reduction is essential to ensure that the program provides a safe, affordable, and economical home for the young adults. By providing these young adults with a stable place to live, the program will help prevent homelessness and facilitate their successful transition into independent adulthood.

The variance will not have a negative impact on the surrounding area. The tiny homes will be designed to be functional, safe, and aesthetically compatible with the neighborhood. The project is a vital community resource that addresses a critical need, and granting the variance will help ensure its success in providing lasting, positive outcomes for these young individuals.

85298083.000 BOSARGE BRANDI



Exhibit A Location Map

Prepared by:
City of Gautier
Planning Department

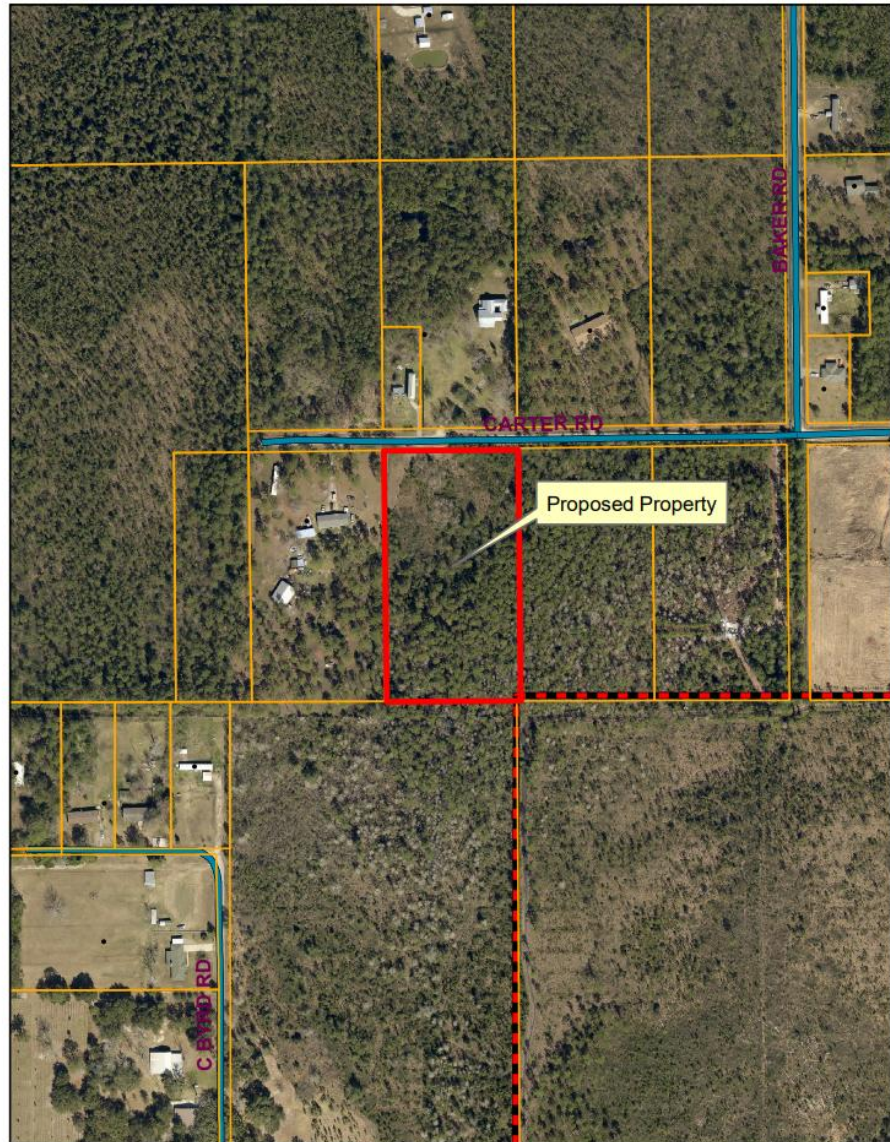


Exhibit B Existing Zoning

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

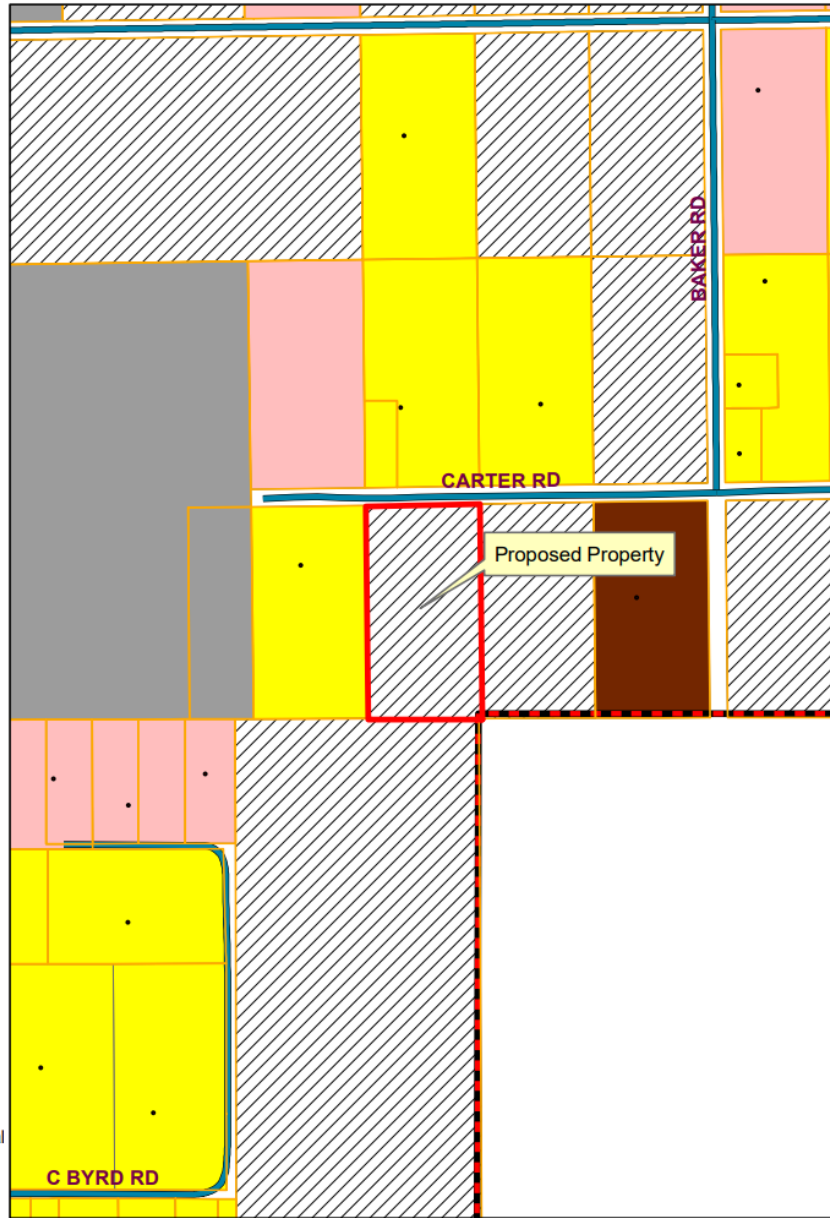
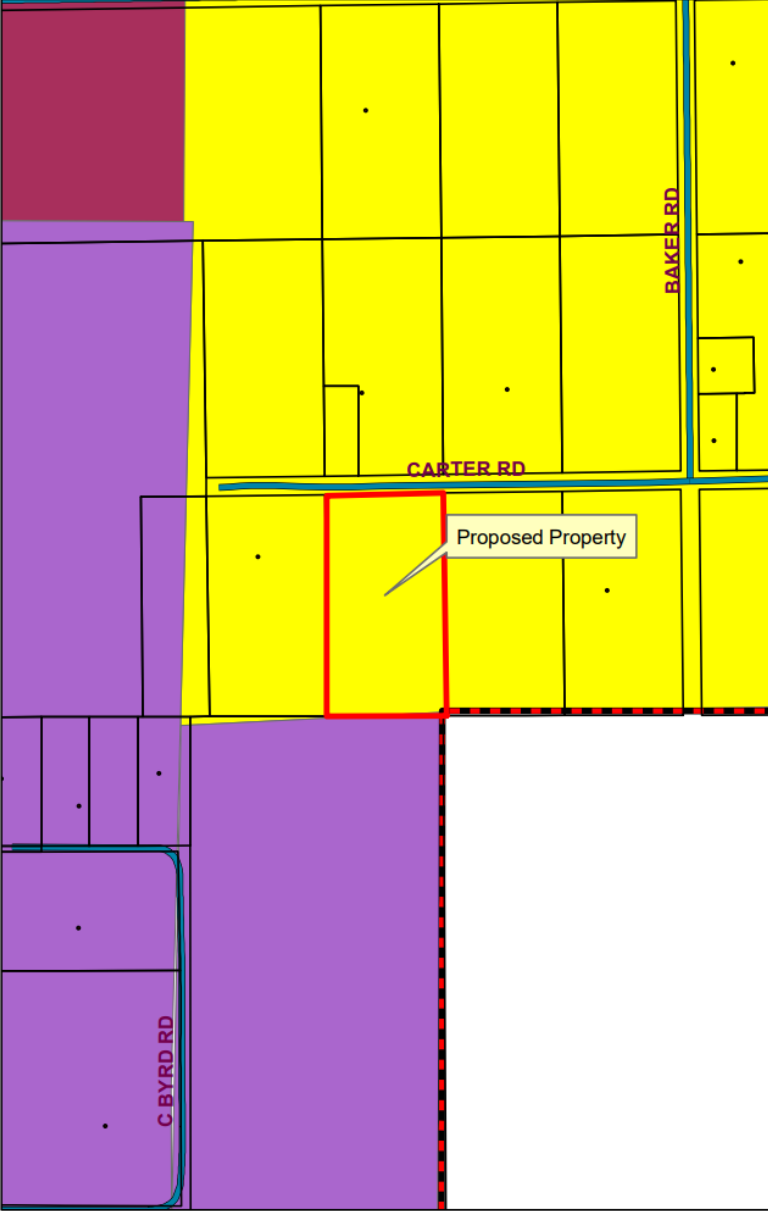


Exhibit D Future Land-Use

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



MARCH 6, 2025
GAUTIER, MISSISSIPPI

BE IT REMEMBERED that a meeting of the Gautier Planning Commission of The City of Gautier, Mississippi, was held on March 6, 2025, at 5:30 PM in the Council Chambers of the Gautier Municipal Building at 3330 Highway 90, Gautier, Mississippi.

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

AGENDA

GAUTIER PLANNING COMMISSION

MARCH 6, 2025

5:30 P.M.

- I. CALL TO ORDER**
- II. PLEDGE OF ALLEGIANCE (VOLUNTEER)**
- III. APPROVAL OF AGENDA**
- IV. APPROVAL OF MINUTES (DECEMBER 5, 2024, & FEBRUARY 6, 2025)**
- 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 fifty-one foot (51') variance to front yard setback requirements for an accessory building in a R-1 Low Density Single-Family Residential Zoning District. 2115 Poinciana Cove, PID #85414397.000, (GPC #25-06-VAR)
- VIII. GENERAL DISCUSSION**
 - A. PREVIOUS CASE UPDATES

B. PERMIT & TRC REPORTS

IX. ADJOURN

Commissioner Ward made a motion to approve the Agenda.

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

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

ABSENT: **DeAnna McManus**
 Maurice Hudson
 Chris Hoover

Motion Passed

Chairman Jamison made a motion to table the December 5, 2024, and the February 6, 2025, minutes because there was not a quorum present from those meetings to vote on approval.

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

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

ABSENT: **DeAnna McManus**
 Maurice Hudson
 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 fifty-one foot (51') variance to front yard setback requirements for an accessory building in a R-1 Low Density Single-Family Residential Zoning District. 2115 Poinciana Cove, PID #85414397.000, (GPC #25-06-VAR)

Scott Ankerson, Planning Director, gave a brief overview of the case. He explained that the applicant owns the property his house sits on and the adjacent lot where he wants to put his garage. Not only is the applicant's house in a cul-de-sac, but it also sits at an angle on the lot. Because of the angle of the front building line of the house, there is little room for the accessory building in the back corner of the adjacent lot.

Chairman Jamison stated that if the house were turned 45 degrees, then the front building line of the house would go straight across more and the location of the garage would be fine.

Mr. Ankerson agreed that if the house were turned a certain angle then it would probably be fine. He noted that the proposed location of the accessory building still meets the 25 foot setback from the front property line.

Chairman Jamison asked if there were any other rules since this was 2 lots being used for a house and an accessory building.

Mr. Ankerson advised that the Unified Development Ordinance (UDO) states that both lots must be owned by the same person.

REQUEST:

The Planning Department has received a request from Mike Blake for a fifty-one foot (51') variance to front yard setback requirements for an accessory building in a R-1 Low Density Single-Family Residential Zoning District at 2115 Poinciana Cove, PID #85414397.000. (GPC #25-06-VAR). The application fee of \$175 was paid on January 29, 2025. All public notice requirements have been met.

BACKGROUND:

The applicant would like to build a 24' x 35' garage on his adjoining lot. His home sits at the end of a cul-de-sac. Because of the angle of the front building line of the house, it would be hard for him to have the accessory building behind the front building line as required by the UDO for accessory buildings. The accessory building would still be 25'

from the front property line. The applicant is asking for a 51' variance to front yard setback requirements for an accessory building.

DISCUSSION:

The applicant is asking for a 51' variance to front yard setback requirements for an accessory building in a R-1 Low Density Single-Family Residential District. The applicant lives at the end of a cul-de-sac and his home sits at an angle. Because of the angle of the front building line of his house it would be hard for him to have the accessory building behind the front building line as required by the UDO.

DETERMINATION OF APPLICABLE LAW:

The Unified Development Ordinance (UDO) defines **Variations** 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 variations);
- (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. Variations for uses permitted will not be considered in as much as "use Variations" are not legal in the State of Mississippi.

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

4.18.1 Who May Initiate

A request for a Variance may be initiated by the property owner or agent of the owner provided that said property has not been denied a previous request for a

Variance for the same property or portion of property within the past twelve (12) months.

4.18.2 Application for Variance

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

4.18.3 Administrative Variances

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

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

4.18.4 Criteria for Approval

The Variance application shall demonstrate the following:

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

RECOMMENDATION & CONCLUSION:

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

The Planning Commission may:

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

Chairman Jamison asked the applicant to present his case.

Mike Blake, the applicant, said the lot slopes down 7.5' for drainage, so if he has to move the garage back 25' that would already be a 7.5' build up on the west end of the garage. He also wants to keep it further from the bayou because of hurricanes. He doesn't want to build it any closer to the house in case he decides to sell the property later. By not putting the garage on the property line, or closer to the house, he could sell either property with the structure on it without problems.

Mr. Ankerson explained that if Mr. Blake built the garage closer than 10' from the property line then he would be creating a non-compliant situation for later if he ever wanted to sell the lot. If he meets the setback requirements with the proposed structure, and he later decides he wants to sell this lot off separately, someone could buy the lot and convert the structure to a house by adding square footage and making sure the entire structure meets building codes. By building 10' from the side property line, the structure could be converted and still meet side setbacks.

Mr. Davis asked Mr. Ankerson if the accessory building would have to be converted into a residence if the lots were sold separately.

Mr. Ankerson said if the applicant were to sell the lot with just an accessory building, the new buyer would not be able to put power to the structure because it would be an accessory structure on a parcel without a primary structure. The new owner would have to submit plans for additional square footage and proof that the entire structure would meet codes.

Commissioner Ward noted that the proposed setback for the accessory structure basically lines up with the front of the neighbor's house, even though it comes in front of the applicant's front building line.

Mr. Blake said he spoke with the neighbor, and he has no problem with the proposed location of the garage. He said the neighbor would rather have the bayou view than a better road view.

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

ACTION TAKEN:

Commissioner Ward made a motion to recommend that the City Council approve the variance based on the unique characteristics of the lot and position of the primary structure.

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

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

**ABSENT: DeAnna McManus
Maurice Hudson
Chris Hoover**

Motion passed.

GENERAL DISCUSSION

A. PREVIOUS CASE UPDATES

Mr. Ankerson advised Commissioners that City Council had approved GPC 25-01-VAR for an accessory building but had denied both GPC 25-02-SE and GPC 25-03-VAR regarding a tiny home transitional living development and variances to square footage requirements for the development.

B. PERMIT & TRC REPORT

Mr. Ankerson advised the Commissioners that the February 2025 monthly report had not been completed and would be presented at the March meeting.

Commissioner Decoteau made a motion to recess the meeting until March 18.

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

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

**ABSENT: DeAnna McManus
Maurice Hudson
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

March 6, 2025

GPC #25-06-VAR

2115 Poinciana Cove

PID #85414397.000

VII. NEW BUSINESS

1. Consider a request for a fifty-one foot (51') variance to front yard setback requirements for an accessory building in a R-1 Low Density Single-Family Residential Zoning District. 2115 Poinciana Cove, PID #85414397.000, (GPC #25-06-VAR)

**CITY OF GAUTIER
STAFF REPORT**

To: Chairman and Members, Planning Commission

From: Scott Ankerson, Planning Director

Date: February 24, 2025

Subject: Consider a request for a fifty-one foot (51') variance to front yard setback requirements for an accessory building in a R-1 Low Density Single-Family Residential Zoning District at 2115 Poinciana Cove, PID #85414397.000. (GPC #25-06-VAR)

REQUEST:

The Planning Department has received a request from Mike Blake for a fifty-one foot (51') variance to front yard setback requirements for an accessory building in a R-1 Low Density Single-Family Residential Zoning District at 2115 Poinciana Cove, PID #85414397.000. (GPC #25-06-VAR). The application fee of \$175 was paid on January 29, 2025. All public notice requirements have been met.

BACKGROUND:

The applicant would like to build a 24' x 35' garage on his adjoining lot. His home sits at the end of a cul-de-sac. Because of the angle of the front building line of the house, it would be hard for him to have the accessory building behind the front building line as required by the UDO for accessory buildings. The accessory building would still be 25' from the front property line. The applicant is asking for a 51' variance to front yard setback requirements for an accessory building.

DISCUSSION:

The applicant is asking for a 51' variance to front yard setback requirements for an accessory building in a R-1 Low Density Single-Family Residential District. The applicant lives at the end of a cul-de-sac and his home sits at an angle. Because of the angle of the front building line of his house it would be hard for him to have the accessory building behind the front building line as required by the UDO.

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

25-06-VAR

<u>TO BE HEARD BY GAUTIER PLANNING COMMISSION:</u>		<u>FEE:</u>
Zoning Change	_____	\$300.00
Major Development	_____	\$100.00
Variance	<u>✓</u>	\$175.00
Appeal to Staff Decision	_____	\$100.00

Name of Applicant: MIKE BLAKE
Name of Business: _____ Phone: 740-225-1737
Property Address: LOT-460-PINCIANA CV Mailing Address (if Different): _____
E-Mail Address: DEANN BLAKE @ LIVE.COM

Reason for request, location and intended use of Property: VARIANCE REQUEST DUE TO IF IT WAS BUILT PARALLEL TO HOUSE IT WOULD BE IN BAYOU

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

Signature of Applicant: Mike Blake Date of Application: 1-28-25

FOR OFFICE USE ONLY	
Date Received	<u>1/29/25</u> Verify as Complete <u>Bales/Scott</u>
Fee Amount Received	<u>176.00</u> Initials of Employee Receiving Application <u>Bales</u>

VARIANCE CRITERIA for APPROVAL – Please answer the questions below to establish that you meet the Criteria for Approval for a Variance. If more room is needed, answers can be provided on a separate sheet of paper.

- A. Do 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? If yes, please explain.

YES- WE ARE ASKING FOR THIS VARIANCE DUE TO THE FACT IT WOULD BE IMPOSSIBLE TO BUILD GARAGE ANY CLOSER TO WATER, LOT HAS A PRETTY GOOD SLOPE. WE ARE MEETING 25' SETBACK.

- B. Would the literal interpretation of the provisions of this Ordinance deprive the applicant (you) of rights commonly enjoyed by other properties in the same district under the provisions of this Ordinance? If yes, please explain.

NO

- C. Do the special conditions and circumstances result from actions of the applicant (you)?

NO

- D. Does granting the Variance requested confer upon the applicant (you) any special privilege that is denied by this Ordinance to other similar sites (lots or parcels) structures or buildings in the same district?

NO

NARRATIVE

WE ARE ASKING FOR A VARIANCE BECAUSE
IT WOULD BE IMPOSSIBLE TO BUILD GARAGE
IN LINE (PARALLEL) TO EXISTING HOUSE
AS WE LIVE AT END OF A CULDE SAC,
WE ARE STILL MEETING THE 25'
SET BACK FROM ROAD.

ONE OF THE REASONS WE WANT TO BUILD
A GARAGE IS TO ENHANCE THE
OVERALL LOOK OF THE NEIGHBORHOOD
BY STORING BOAT, LAWN BLOWERS,
KAYAKS, TRASH CANS, AND OTHER
ACCESSORIES THAT PEOPLE ACCUMULATE
THAT WOULD LOOK BETTER UNSEEN.

PLEASE. SEE PLOT
PLAN FOR DESCRIPTION

THANKS - MIKE

85414397.000 BLAKE MIKE W &

PIDN: 85414397.000
GISP: 872.10-01-0153.00

Owner Information

Percent of Ownership: 100
Name: BLAKE MIKE W &
Name 2: BLAKE DEEANN
Mailing Address: P O BOX 228
LONDON OH
43140

Site Address: POINCIANA CV GAUTIER

Land Information

Section: 10 Acreage: 0
Township: 8
Range: 7
Street Name POINCIANA
CV

Value and Tax Information

Total Assessed Value: 3911 Total Appraised Value: 26070
Improvement Value: 3890 Land Value: 22180
Tax Amount: 551 SQ FT: 0 Year Built: 0

Legal Description

Description: LOT 460 GULF SPRINGS EST S/D SEC
B DB 2010-100 (153 MAP872.10-01
)

Deed Book / Page: 2010 / 100

85414397.000 BLAKE MIKE W &



85414398.000 BLAKE MIKE W & DEANN



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

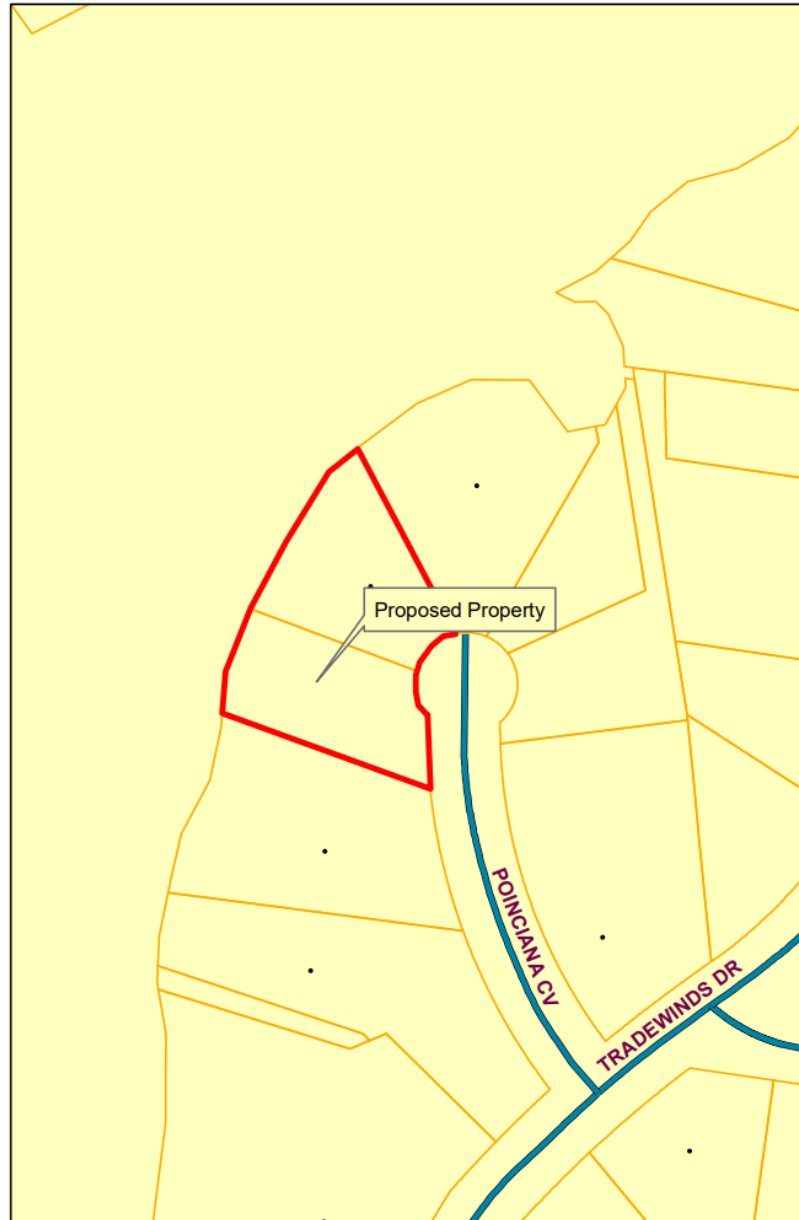


Exhibit C

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

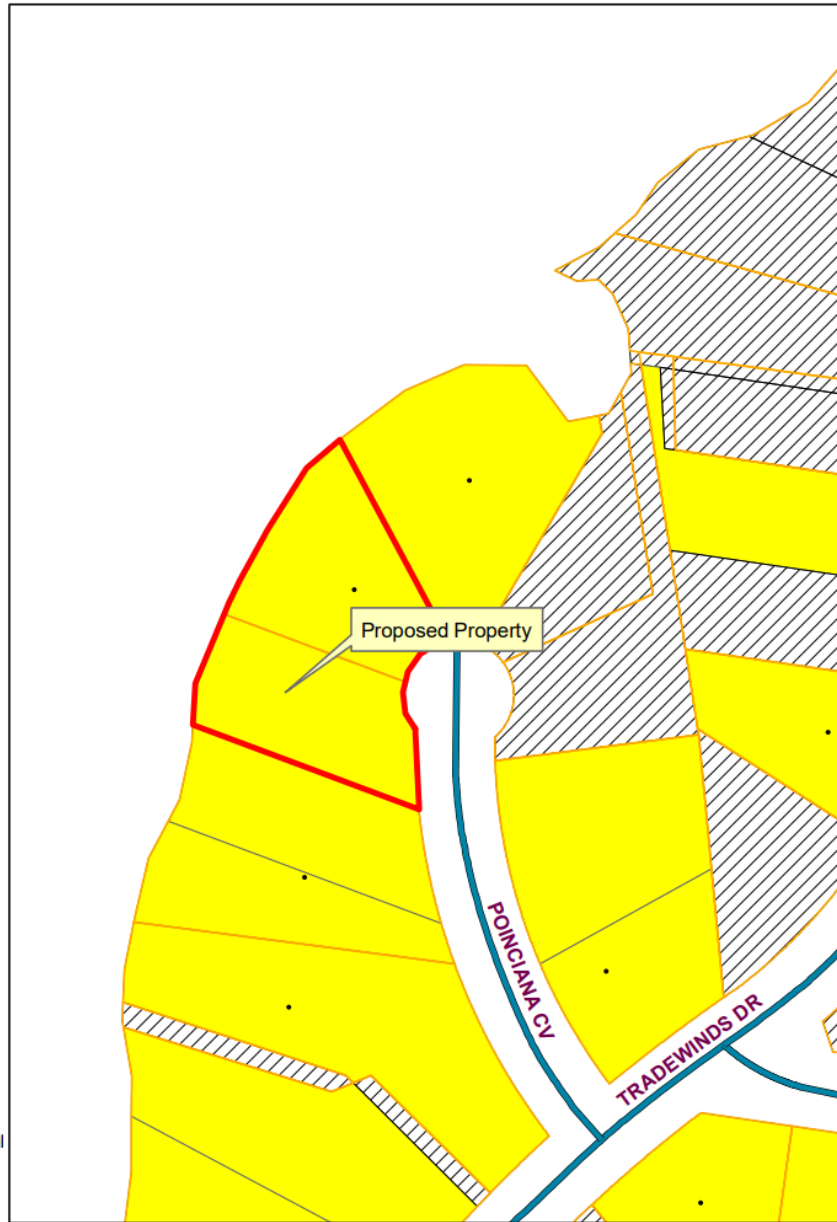


















Exhibit D Future Land-Use

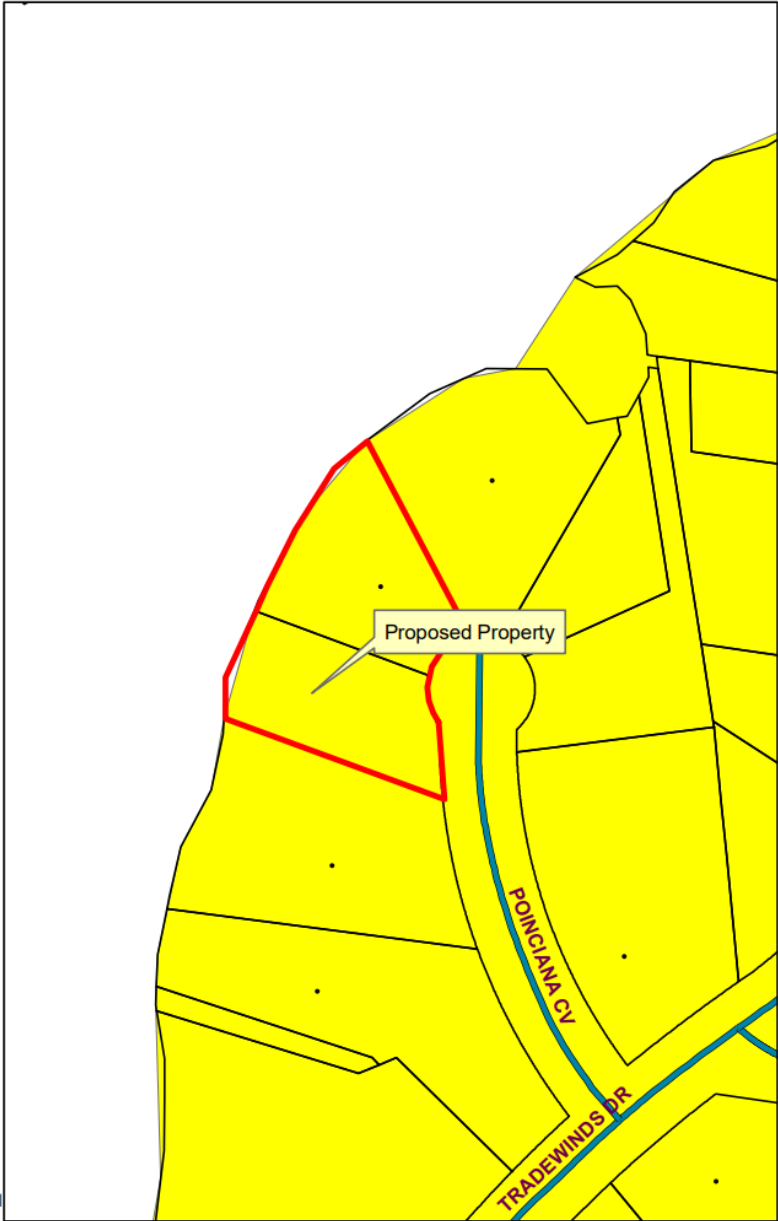
Prepared By:
City of Gautier
Planning Department

Legend

FUTURE LAND USE

FLU_Class

-  Conservation
-  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



MARCH 18, 2025
GAUTIER, MISSISSIPPI

BE IT REMEMBERED that a recessed meeting of the Gautier Planning Commission of The City of Gautier, Mississippi, was held on March 18, 2025, 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, and William Davis. Also present were Scott Ankersen, Planning Director, Josh Danos, City Attorney, and Babs Logan, Planning Technician. Absent were Commissioners DeAnna McManus, and Ricky Decoteau.

AGENDA

GAUTIER PLANNING COMMISSION

MARCH 18, 2025

5:30 P.M.

- I. CALL TO ORDER**
 - II. PLEDGE OF ALLEGIANCE (VOLUNTEER)**
 - III. APPROVAL OF AGENDA**
 - IV. NEW BUSINESS**
 - 1. Consider a request to amend the UDO to reflect text changes to Section 12.2 (C) Exempt Signs (City initiated) (GPC #25-07-UDO)
 - V. ADJOURN**
-
-

Commissioner Hudson made a motion to approve the Agenda.

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

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

**ABSENT: DeAnna McManus
Ricky Decoteau**

Motion Passed.

NEW BUSINESS

1. Consider a request to amend the UDO to reflect text changes to Section 12.2 (C) Exempt Signs (City initiated) (GPC #25-07-UDO)

Scott Ankeron, Planning Director, turned the meeting over to **Josh Danos, City Attorney**, to explain the proposed amendment to the Commissioners. He advised that a few years ago the United States Supreme Court considered a case where the City of Gilbert, Arizona had almost the same identical language in their ordinance saying that political signs could not be put out until it was getting close to the election, and they had to be picked up within a certain amount of time after the election. They decided that political speech is free speech and there was no compelling reason why the city should be able to limit political speech in this way. The US Supreme Court ruled that limiting the time period for political signs was unconstitutional. When the ruling came out, Mr. Danos said he advised the council that Gautier's Ordinance regarding the time period that political signs could be up could not be enforced. This year it was decided to change the Ordinance so the candidates would know there was no restriction on the time frame the signs could be up. The amendment will eliminate the unconstitutional part of the ordinance.

REQUEST:

The Planning Director has requested an amendment to the Unified Development Ordinance (UDO) pursuant to Section 4.20, that would remove the restrictions regarding when political signs can be erected and when they must be removed. (Section 12.2 (C) Exempt Signs)

BACKGROUND:

The Unified Development Ordinance (UDO) currently has restrictions on political signs regarding when they can be put out and when they must be removed. It states that they cannot be erected more than sixty (60) days before an election or referendum it pertains to, and they must be removed within ten (10) days after an election or referendum it pertains to.

DISCUSSION:

Section 12.2 (C) of the Unified Development Ordinance (UDO) regarding political signs needs to be amended in order to comply with mandates from the United States Supreme Court. The restrictions on when political signs can be erected, and when they must be removed, should be removed from Section 12.2 (C) of the UDO.

The Planning Director requests that the UDO Section 12.2 (C) reflect the following changes:

Section 12.2: Exempt Signs

The following signs are exempt from the permit requirements of this Ordinance:

C. Any political sign erected on a site by the owner or with owner consent, ~~provided that any such sign shall not be erected more than sixty (60) days before the election or referendum it pertains to or, if a series thereof, the first such, and provided further that it shall be removed within ten (10) days after such election or referendum, or, if a series thereof, after the last of which the message of the sign pertains to.~~

STAFF FINDINGS:

Staff finds that the Planning Director's request for an amendment to the UDO to remove restrictions on political signs in order to comply with mandates from the United States Supreme Court is a relevant amendment.

RECOMMENDATIONS:

Staff recommends that Planning Commission recommend the approval of the UDO amendment as presented.

Planning Commission may:

1. Recommend that City Council approve the UDO Amendment;
2. Recommend that City Council approve the UDO Amendment with changes; or
3. Recommend that City Council deny the UDO Amendment.

Chairman Jamison said she hopes that everyone will be considerate enough to pick up their signs within a reasonable time frame after the election, although she isn't sure how the city will be able to make sure that happens.

Mr. Danos said that where the signs are placed can still be limited. If a sign is placed on the right-of-way, the sign can be picked up by the city and the owner notified that we have them and they can pick them up. There is still a requirement that they must have permission from the property owner or own the property where the sign is placed. The property owner can tell them when to remove it from their property or the owner can remove it.

Chairman Jamison said she had noticed a lot of signs on empty lots and wondered whether the candidate had permission from the owner to put them there. She was concerned that these signs might not be picked up in an orderly fashion and asked Mr. Danos if something could be put in the Ordinance regarding those type of situations.

Mr. Danos stated that because of the political nature of the signs the city can't mandate that they remove them.

Mr. Ankerson said if a sign was on private property, and it was a safety issue, such as they had it within the site triangle and it was obstructing the view of traffic, the city could send them a letter and tell them the sign needed to be moved.

There were none in attendance speaking in opposition of the proposed amendments.

ACTION TAKEN:

Commissioner Ward made a motion to recommend that City Council approve the amendments to the UDO as presented.

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

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

ABSENT: **DeAnna McManus**
 Ricky Decoteau

Motion passed.

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

**ABSENT: DeAnna McManus
Ricky Decoteau**

Motion Passed.

APPROVED BY:

**Scott Ankerson
Planning Director/Building Official**

DATE: _____

**Kay C. Jamison, Chairman
Gautier Planning Commission**

DATE: _____

BACKUP DOCUMENTATION

Gautier Planning Commission

Special Meeting Agenda

March 18, 2025

Text Change

UDO Amendment

VII. NEW BUSINESS

1. Consider a request to amend the UDO to reflect text changes to Section 12.2 (C) Exempt Signs (City initiated) (GPC #25-07-UDO)

CITY OF GAUTIER STAFF REPORT

To: Chairman and Members, Planning Commission
From: Scott Ankerson, Planning Director
Date: March 12, 2025
Subject: Consider a request to amend the UDO to reflect text changes to Section 12.2 (C) Exempt Signs. (City initiated) (GPC #25-07-UDO)

REQUEST:

The Planning Director has requested an amendment to the Unified Development Ordinance (UDO) pursuant to Section 4.20, that would remove the restrictions regarding when political signs can be erected and when they must be removed. (Section 12.2 (C) Exempt Signs)

BACKGROUND:

The Unified Development Ordinance (UDO) currently has restrictions on political signs regarding when they can be put out and when they must be removed. It states that they cannot be erected more than sixty (60) days before an election or referendum it pertains to, and they must be removed within ten (10) days after an election or referendum it pertains to.

DISCUSSION:

Section 12.2 (C) of the Unified Development Ordinance (UDO) regarding political signs needs to be amended in order to comply with mandates from the United States Supreme Court. The restrictions on when political signs can be erected, and when they must be removed, should be removed from Section 12.2 (C) of the UDO.

The Planning Director requests that the UDO Section 12.2 (C) reflect the following changes:

Section 12.2: Exempt Signs

The following signs are exempt from the permit requirements of this Ordinance:

C. Any political sign erected on a site by the owner or with owner consent, ~~provided that any such sign shall not be erected more than sixty (60) days before the election or referendum it pertains to or, if a series thereof, the first such, and provided further that it shall be removed within ten (10) days after such election or referendum, or, if a series thereof, after the last of which the message of the sign pertains to.~~

STAFF FINDINGS:

Staff finds that the Planning Director's request for an amendment to the UDO to remove restrictions on political signs in order to comply with mandates from the United States Supreme Court is a relevant amendment.

RECOMMENDATIONS:

Staff recommends that Planning Commission recommend the approval of the UDO amendment as presented.

Planning Commission may:

1. Recommend that City Council approve the UDO Amendment;
2. Recommend that City Council approve the UDO Amendment with changes; or
3. Recommend that City Council deny the UDO Amendment.

ATTACHMENTS:

1. UDO Excerpt with proposed changes

PROPOSED

Section 12.2 (C)

Section 12.2: Exempt Signs

The following signs are exempt from the permit requirements of this Ordinance:

C. Any political sign erected on a site by the owner or with owner consent. ~~provided that any such sign shall not be erected more than sixty (60) days before the election or referendum it pertains to or, if a series thereof, the first such, and provided further that it shall be removed within ten (10) days after such election or referendum, or, if a series thereof, after the last of which the message of the sign pertains to.~~

There came for consideration of the Mayor and Members of the Council of the City of Gautier, Mississippi, the following:

ORDINANCE NUMBER 000-2025

AN ORDINANCE OF THE CITY COUNCIL OF GAUTIER, MISSISSIPPI, PROVIDING AUTHORITY & INTENT; AMENDING ARTICLE XII, OF THE UNIFIED DEVELOPMENT ORDINANCE, BY AMENDING SIGNAGE PROVISIONS TO REMOVE RESTRICTIONS ON POLITICAL SIGNAGE; AND SETTING AN EFFECTIVE DATE.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GAUTIER, MISSISSIPPI, THAT THE CHANGES TO THE UNIFIED DEVELOPMENT ORDINANCE OF THE CITY OF GAUTIER BE ADOPTED AS FOLLOWS:

Section 1. Authority & Intent

- A. The authority for enactment of this ordinance is contained in Mississippi Code Annotated, Section 17-1-11.
- B. City Council finds the need for changes to the Unified Development Ordinance in order to comply with mandates from the United States Supreme Court; and
- C. The Gautier Planning Commission held a public hearing, and after giving due public notice, recommended approval of this amendment on March 18, 2025. The City Council considered the amendments on March 18, 2025.

Section 2. Adoption of Clarification Text Changes to the Unified Development Ordinance

The City of Gautier hereby adopts the following changes to the Unified Development Ordinance by removing certain restrictions on political signage, and amending supporting articles and sections, as follows:

ARTICLE XII. SIGNS, BILLBOARDS, AND ADVERTISING MATERIAL

Section 12.2: Exempt Signs

The following signs are exempt from the permit requirements of this Ordinance:

- C. **Any political sign erected on a site by the owner or with owner consent, ~~provided that any such sign shall not be erected more than sixty (60) days before the election or referendum it pertains to or, if a series thereof, the first such, and provided further that it shall be removed within ten (10) days after such election or referendum, or, if a series thereof, after the last of which the message of the sign pertains to.~~**

Section 3. Conflicts

All ordinances or parts of ordinances in conflict with this ordinance are repealed to the extent of such conflict.

Section 4. Severability

If any word, phrase, sentence, paragraph or provision of this ordinance or the application thereof to any person or circumstance is held invalid or unconstitutional, such finding shall not affect the other provisions or applications of this ordinance which can be given effect without the invalid or unconstitutional provision or application, and to this end the provisions of this ordinance are declared severable.

Section 5. Effective Date

This Ordinance shall take effect immediately upon completion of the statutory requirements.

Motion to approve the amended ordinance was made by Councilman _____, and seconded by Councilman _____ and the following vote was recorded:

AYES:

NAYS:

Adopted: _____
Casey Vaughan, Mayor

Attest:

Teresa Montgomery, City Clerk

Gautier Planning Commission

Regular Meeting Agenda

April 3, 2025

GPC #25-11-VAR

3556 Mackerel Drive

VII. NEW BUSINESS

1. Consider a request for a twenty-nine point seven foot (29.7') variance to front yard setback requirements for an accessory structure in a R-3 Mobile/Manufactured Home Residential Zoning District. 3556 Mackerel Drive, (GPC #25-11-VAR)

**CITY OF GAUTIER
STAFF REPORT**

To: Chairman and Members, Planning Commission

From: Scott Ankerson, Planning Director

Date: March 24, 2025

Subject: Consider a request for a twenty-nine point seven foot (29.7') variance to front yard setback requirements for an accessory structure in a R-3 Mobile/Manufactured Home Residential Zoning District at 3556 Mackerel Drive. (GPC #25-11-VAR)

REQUEST:

The Planning Department has received a request from Paul Brayfield for a twenty-nine point seven foot (29.7') variance to front yard setback requirements for an accessory structure in a R-3 Mobile/Manufactured Home Residential Zoning District at 3556 Mackerel Drive. (GPC #25-11-VAR). The application fee of \$175 was paid on February 13, 2025. All public notice requirements have been met.

BACKGROUND:

The applicant would like to build a 24' x 24' carport over an existing concrete slab in front of his house. The proposed location would put the carport 29.7' past the front building line of his house. The Unified Development Ordinance (UDO) requires accessory structures to be behind the front building line of the primary structure. The carport would still be 34.8' from the front property line. The applicant is asking for a 29.7' variance to front yard setback requirements for an accessory structure.

DISCUSSION:

The applicant is asking for a 29.7' variance to front yard setback requirements for an accessory structure in a R-3 Mobile/Manufactured Home Residential Zoning District. He would like to put the carport in front of his house on an existing concrete slab. The carport would be 34.8' from the front property line. The Unified Development Ordinance (UDO) requires accessory structures to be behind the front building line of the primary structure.

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

25-11-VAR

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

Name of Applicant: PAUL BRAYFIELD

Name of Business: _____ Phone: _____

Property Address: 3556 MACKENZIE DR Mailing Address (if Different): _____

E-Mail Address: PAULZEBUS@NETSCAPE.NET

Reason for request, location and intended use of Property: WOULD LIKE TO BUILD A

CARPORT OVER MY EXISTING CONCRETE SLAB IN FRONT OF HOUSE
ATTACHMENTS REQUIRED AS APPLICABLE: 29.7' VARIANCE

- 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: [Signature]

Date of Application: 2/13/25

FOR OFFICE USE ONLY	
Date Received <u>2/13/25</u>	Verify as Complete <u>Bals</u>
Fee Amount Received <u>176.00</u>	Initials of Employee Receiving Application <u>Bals</u>

VARIANCE

Criteria for Approval

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

WANT TO BUILD A CARPORT IN FRONT OF HOUSE

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.

WILL NOT BE ABLE TO BUILD THE CARPORT

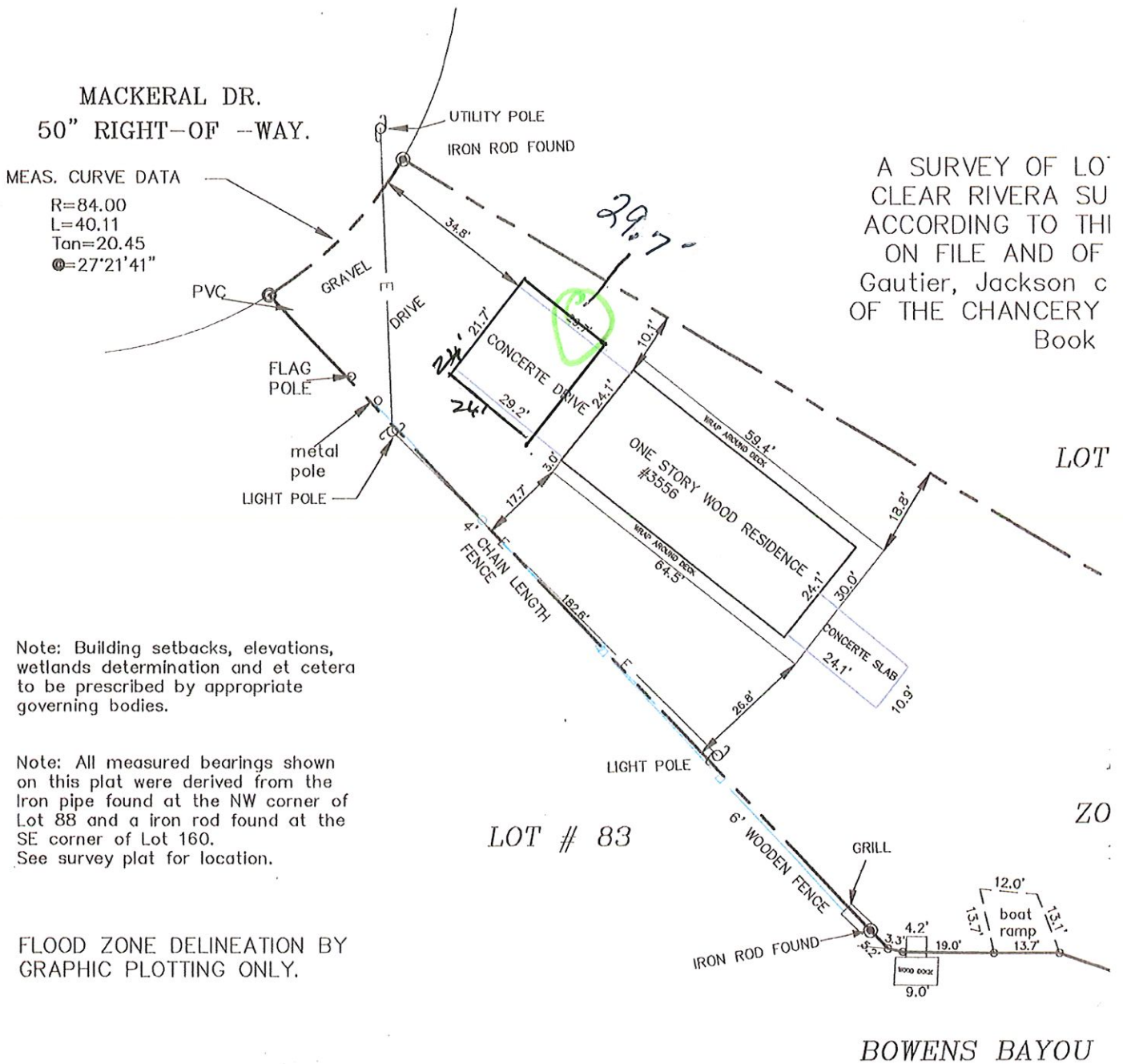
4. Will the granting of the Variance requested confer upon you any special privilege that is denied by this Ordinance to other similar sites (lots or parcels), structures or buildings in the same district? Explain.

NO

NARRATIVE

BUILD A CURB IN FRONT OF HOUSE
OVER CONCRETE DRIVEWAY

Note: This survey has been prepared by information provided by the client and without the benefit of a current title report other restrictions of record. Surveyor will be made available to add such features to this survey if a current title report authority. This survey does not warrant present ownership.

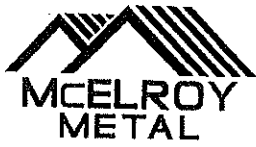


Note: Building setbacks, elevations, wetlands determination and et cetera to be prescribed by appropriate governing bodies.

Note: All measured bearings shown on this plat were derived from the Iron pipe found at the NW corner of Lot 88 and a iron rod found at the SE corner of Lot 160. See survey plat for location.

FLOOD ZONE DELINEATION BY GRAPHIC PLOTTING ONLY.

Note: By Graphic Plotting only, this property is in Zone "AE" (16) of the Flood Insurance Rate Map 28059C03189G, Community Panel No. 280332-0318-G, revision date June 16, 2009. Check with Building Official for community determined base flood elevation. Exact designation can only be determined by an Elevation Certificate. The above statement is for information only and this surveyor assumes no liability for the correctness of the cited map(s). In addition the above statement does not represent this surveyor's opinion of the probability of flooding.



Quote #99623004, 2/12/2025

Building Type

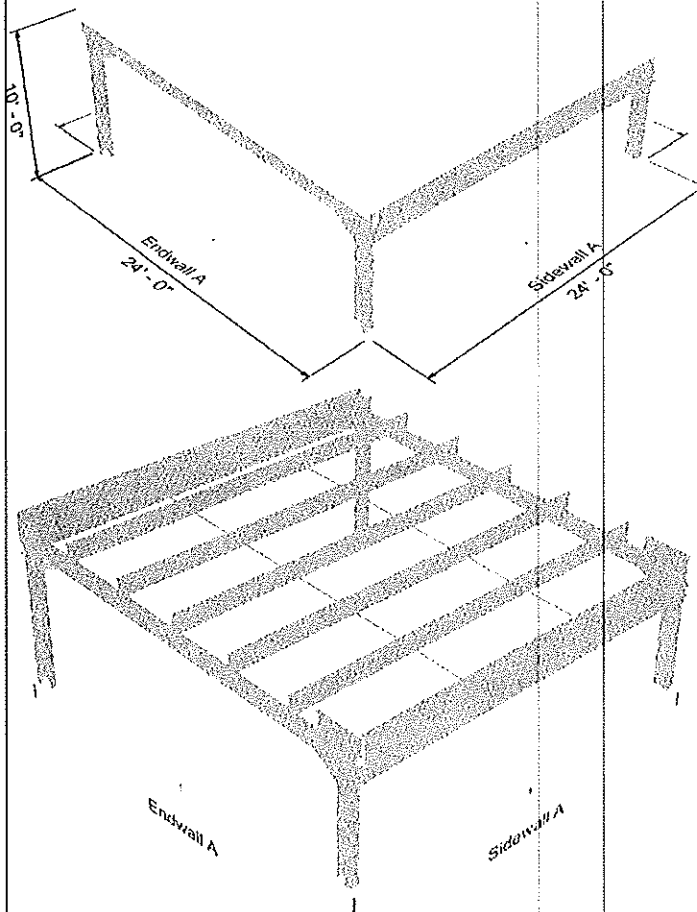
24' - 0" wide x 24' - 0" long x 8' - 0" high building
with roof pitch of Single Slope 1:12

Building Options

N/A
Roof finish: 26G painted
Wall finish: 26G painted

Stamped Engineering Plans

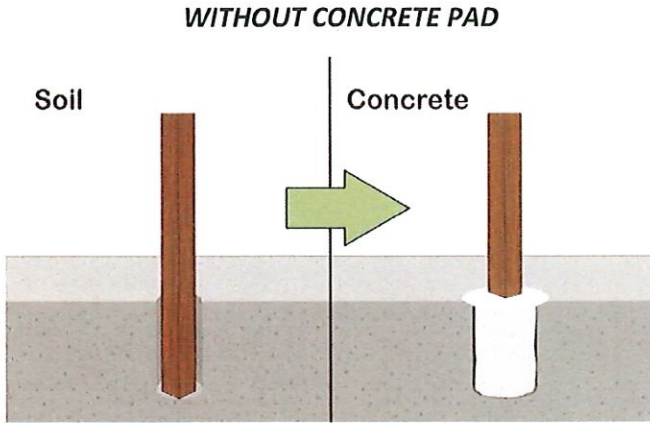
Slab foundation plans included
No snow load
163 mph (Jobsite is in a hurricane-prone region.)
wind speed,
Exposure 'C'
2021 IBC



STEP BY STEP RECOMMENDATION FOR INSTALLATION OF SINGLE SLOPE CARPORT

STEP 1 – SET POSTS

ACCOUNT FOR SLOPE WHEN SETTING POSTS. FRONT POSTS SHOULD BE TALLER THAN BACK POSTS. POSTS SHOULD BE SET ON THE OUTSIDE EDGE OF WIDTH MEASUREMENT AND NO MORE THAN 1 TO 2 FEET INSIDE DEPTH MEASUREMENT ON FRONT AND BACK. ENSURE THAT POSTS ARE LEVEL AND LINED UP BEFORE MOVING TO STEP 2.

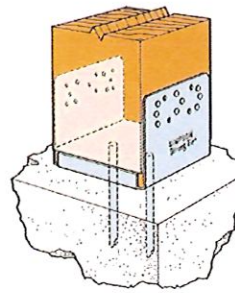


BURY ALL POSTS A MINIMUM OF 2 FEET UNDER GROUND. SET IN CONCRETE FOR ADDED STABILITY. CONCRETE SHOULD CURE FOR A MINIMUM OF 24 TO 36 HOURS BEFORE COMPLETING INSTALLATION.

WITH CONCRETE PAD



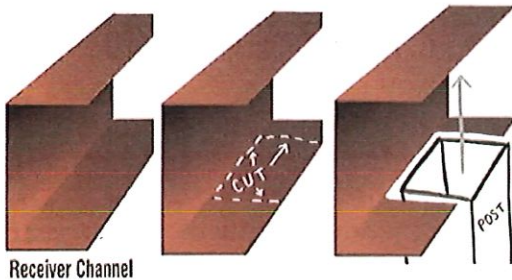
ATTACH BASE BRACKET TO CONCRETE WITH BOLTS OR DRIVE PINS. SET POST IN/ON BRACKET AND SECURE ON SIDES WITH FRAMING SCREWS.



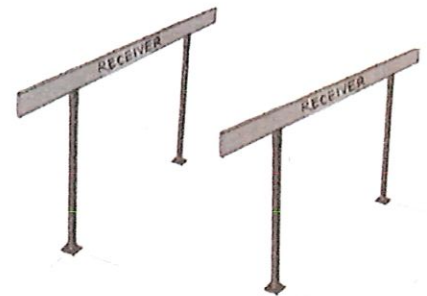
FRAMING SCREW

STEP 2 – INSTALL RECEIVER CHANNEL

NOTCH RECEIVER CHANNEL TO SIT ON POST AS SHOWN. RUN RECEIVER BETWEEN POSTS ON BOTH SIDES. THE CHANNELS SHOULD BE FACING TOWARD THE CENTER. MEASURE TO ENSURE THEY ARE EVEN AND STRAIGHT IN RELATION TO EACH OTHER, THEN SECURE WITH FRAMING SCREWS.

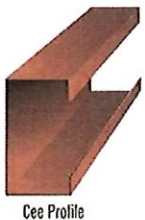


Receiver Channel

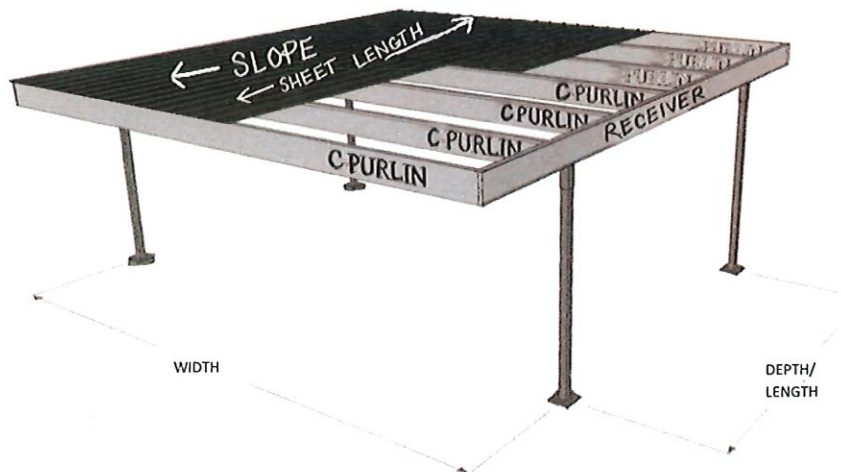


STEP 3 – INSTALL CEE PURLIN

CEE PURLIN WILL SIT INSIDE OF RECEIVER CHANNEL. ONE CEE PURLIN SHOULD BE ON EACH END OF RECEIVER CHANNEL TO FORM A CONTINUOUS BOX AROUND THE PEREMETER. RUN THE REST OF THE CEE PURLIN FACING THE SAME DIRECTION AS THE FRONT EVENLY SPACED. SECURE EACH WITH FRAMING SCREWS.



Cee Profile



STEP 4 – INSTALL PANELS



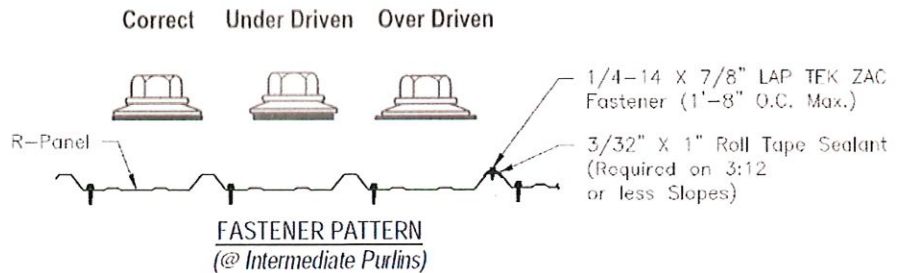
PANELS WILL RUN THE SAME DIRECTION AS YOUR RECEIVER CHANNEL ACROSS THE TOP OF THE CEE PURLIN. SCREW LINES FOR SECURING THE PANELS WILL RUN ALONG THE CEE PURLIN. SELF DRILL SCREWS WILL TAP THROUGH THE SHEET PANELS AND INTO THE CEE PURLIN UNDERNEATH. LAP/STITCH SCREWS AND SEALANT TAPE WILL BE USED WHERE THE SHEETS OVERLAP, AS WELL AS INSTALLING YOUR TRIM IN THE NEXT STEP. SEE DIAGRAM BELOW FOR RECOMMENDED SCREW PATTERNS.



SELF DRILL SCREW

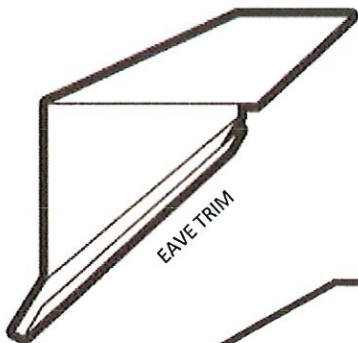


LAP/STITCH SCREW

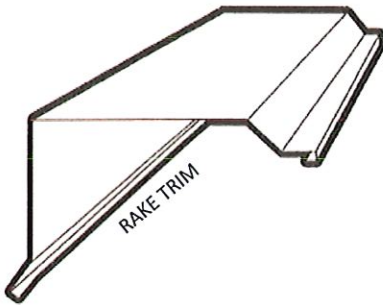


STEP 5 – INSTALL TRIM (OPTIONAL)

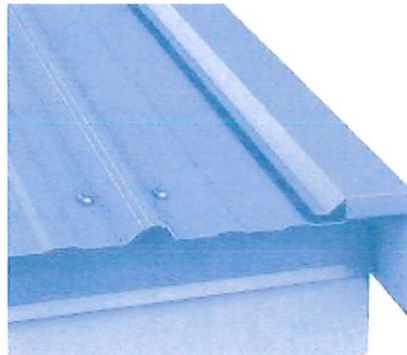
PEEL PROTECTIVE FILM OFF ALL COLORED TRIM BEFORE INSTALLATION! EAVE TRIM WILL BE USED TO COVER THE CEE PURLIN ON THE FRONT AND BACK OF THE STRUCTURE. THE TOP LEG OF THE EAVE WILL BE INSTALLED UNDER THE PANELS ON THE LOWER SIDE. THE TOP LEG OF THE EAVE TRIM ON THE HIGHER SIDE OF THE STRUCTURE WILL BE INSTALLED ON TOP OF THE PANELS. RAKE TRIM WILL BE INSTALLED ON THE LENGTH SIDES OF THE



EAVE TRIM



RAKE TRIM



PANELS TO COVER THE RECEIVER CHANNEL. ALL TRIM INSTALLED OVER THE PANELS SHOULD BE INSTALLED WITH LAP SCREWS WHERE IT TOUCHES THE HIGH RIB OF THE PANELS, OTHERWISE USE SELF DRILL SCREWS TO TAP THROUGH THE STRUCTURAL STEEL.

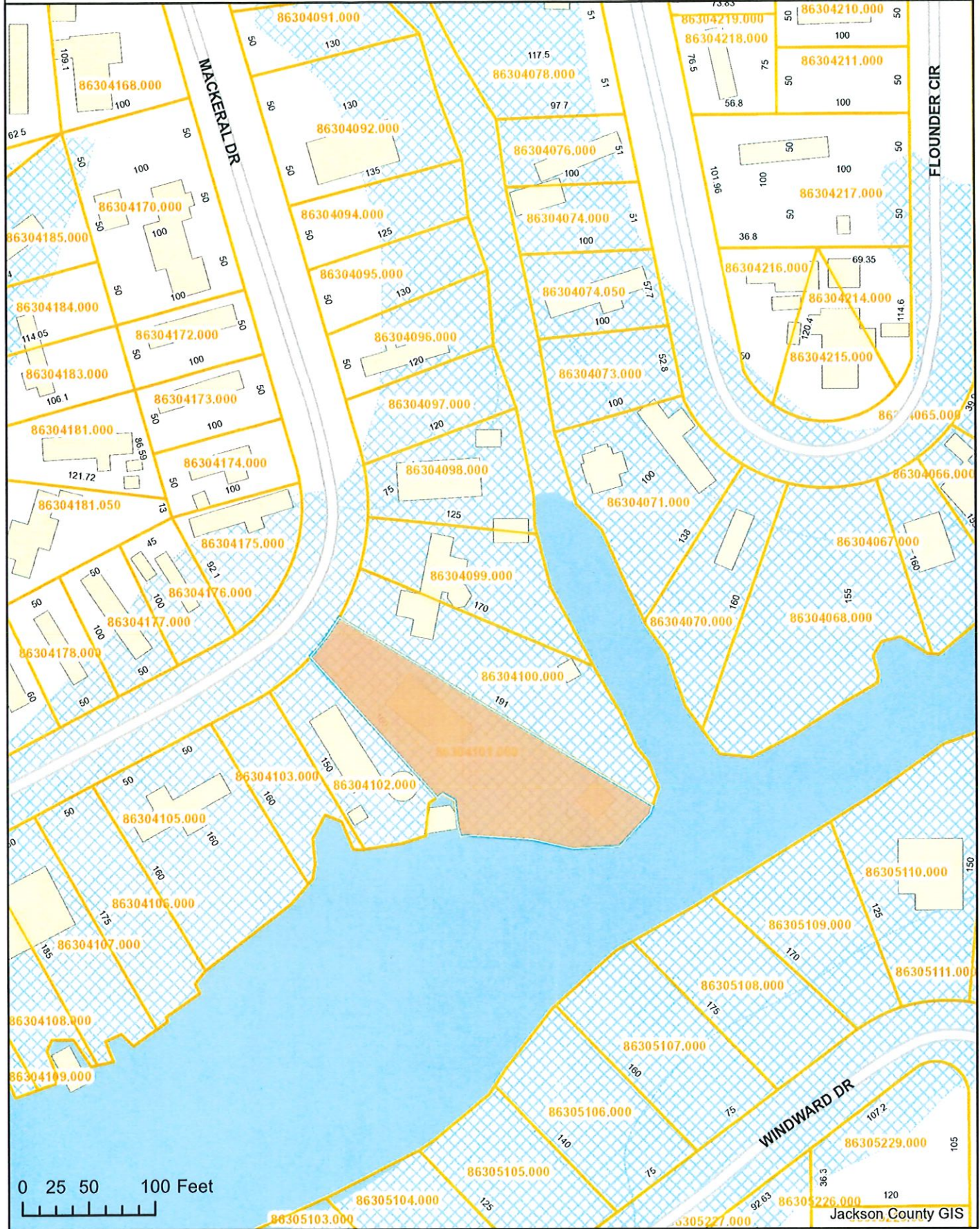
YOU'RE DONE!

IF YOU HAVE ANY QUESTIONS, OR IF WE CAN HELP WITH ANYTHING ELSE, PLEASE LET US KNOW!
THANK YOU FOR CHOOSING METAL MART!

Legal Stuff: This structure has no engineered specifications but has produced excellent results in numerous installations. Building standards vary by location, and as such, always check with local coding and official departments to ensure that a carport/patio structure from Metal Mart will meet minimum codes or requirements in your area. Metal Mart does not make sight visits, as such we cannot ensure that any structure our material may be attached to is built to withstand added weight. It is the customer's responsibility to ensure that any additions to existing structures can be done in a safe and legal manner. Metal Mart is not liable for installation, collateral damage, injury, coding specifications, or contractor workmanship, especially occurring from improper installation. It is always best to consult with an experienced local contractor for proper installation procedure. Always check contractor references before hiring.

COPYRIGHT © 2020 Metal Mart ALL RIGHTS RESERVED.

86304101.000 BRAYFIELD PAUL



0 25 50 100 Feet

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

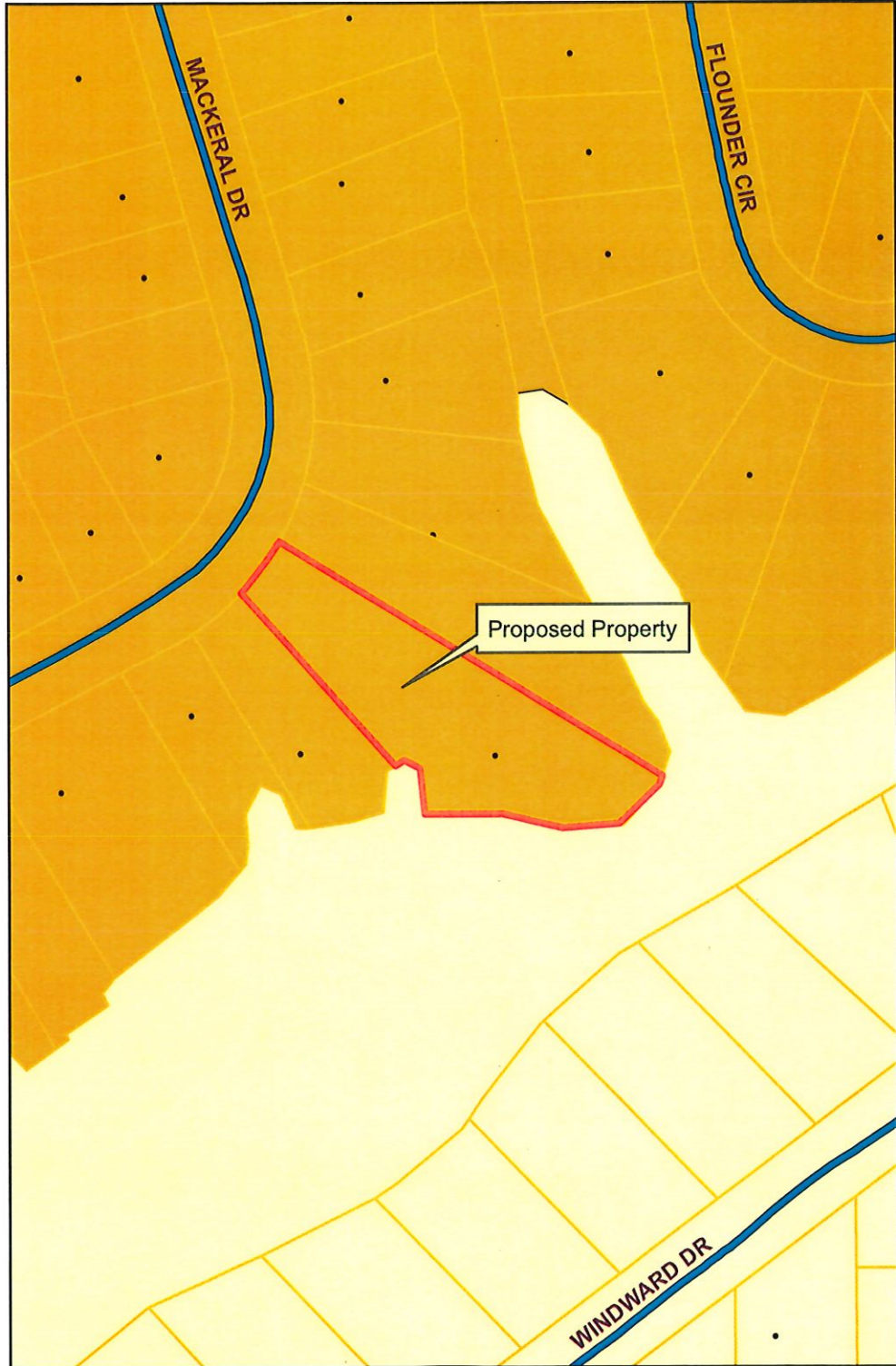


Exhibit C Existing Land-Use

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

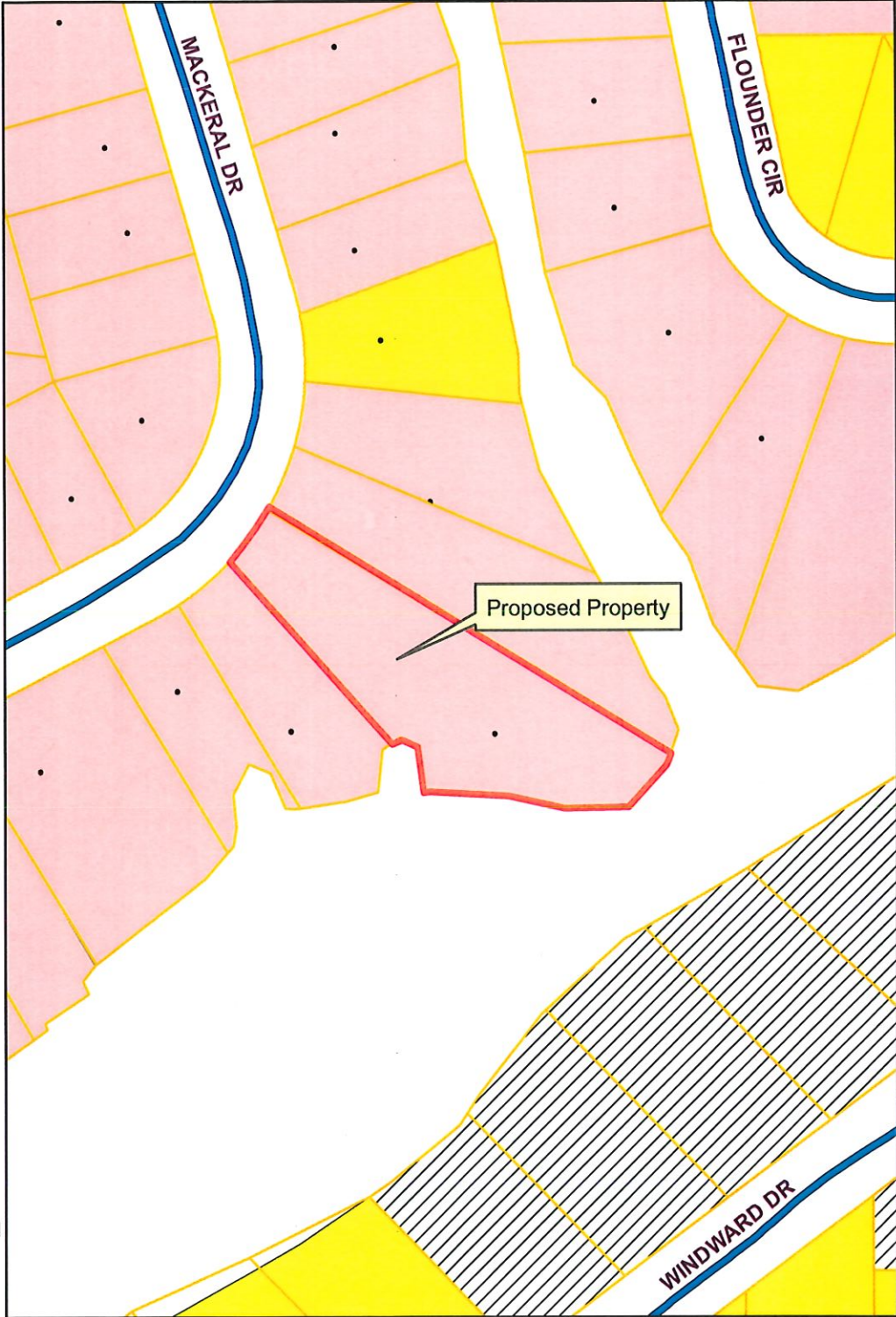

















Exhibit D Future Land-Use

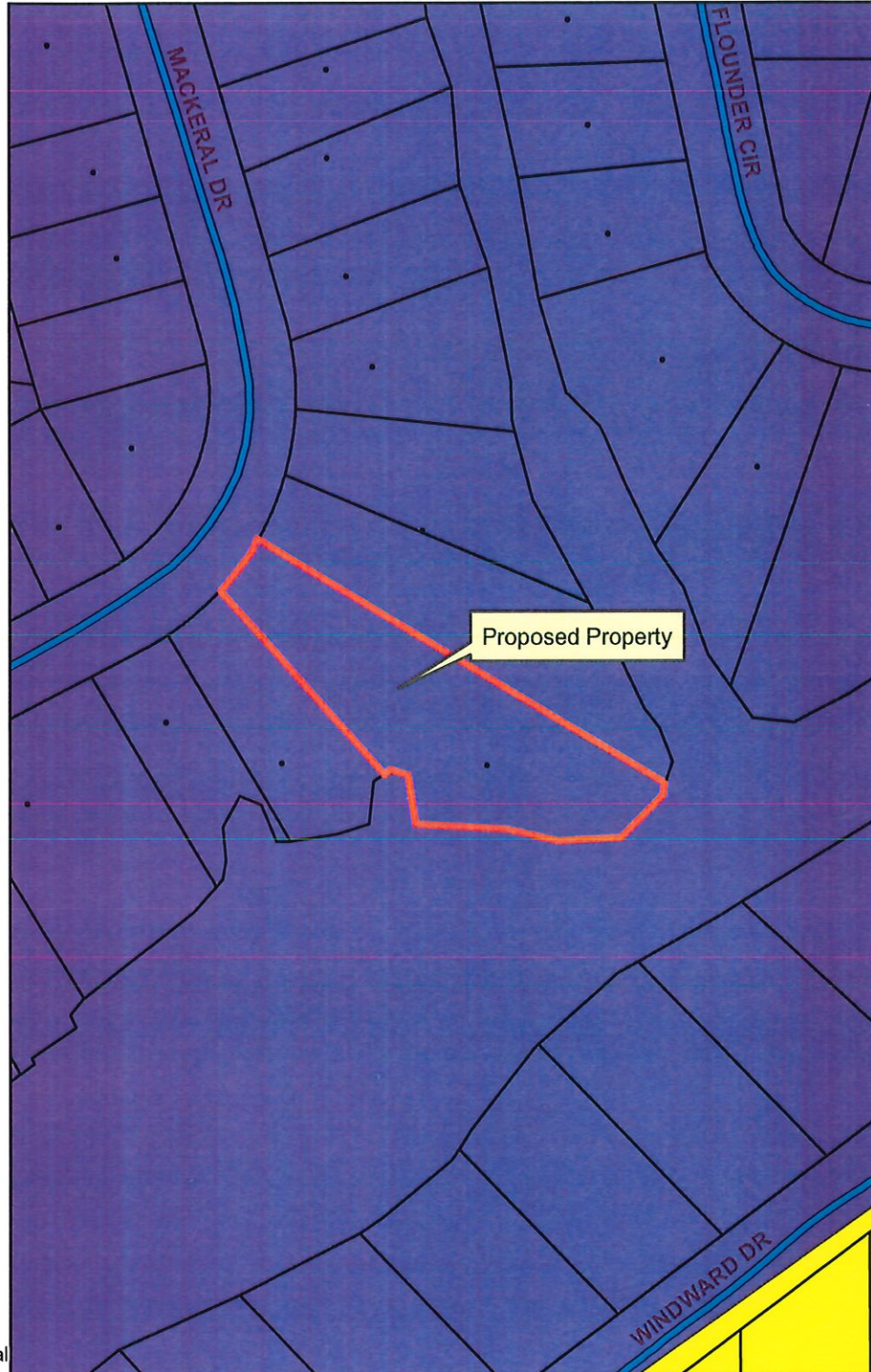
Prepared By:
City of Gautier
Planning Department

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

April 3, 2025

GPC #25-12-SE

Jason Simpson dba E & J Tire & Automotive

3000 Ladnier Road

VII. NEW BUSINESS

2. Consider a request for a Special Exception that would allow a tire shop in a MURC-1 Mixed Use Recreation Commercial Zoning District. 3000 Ladnier Road, PID #82502180.100. (GPC #25-12-SE)

CITY OF GAUTIER STAFF REPORT

To: Chairman and Members, Planning Commission

From: Scott Ankersen, Planning Director

Date: March 24, 2025

Subject: Consider a request for a Special Exception that would allow a tire shop in a MURC-1 Mixed Use Recreation Commercial Zoning District, 3000 Ladnier Road, PID #82502180.100. (GPC #25-12-SE)

REQUEST:

The Planning Department has received a request from Jason Simpson dba E & J Tire and Automotive for a Special Exception that would allow a tire shop in a MURC-1 Mixed Use Recreation Commercial Zoning District at 3000 Ladnier Road, PID #82502180.100. (GPC #25-12-SE). The application fee of \$250 was paid on March 10, 2025. All public notice requirements have been met.

BACKGROUND:

The request property is zoned MURC-1 Mixed Use Recreation Commercial.

1. Location: 3000 Ladnier Road, PID #82502180.100 (See Exhibit A)
2. General features of the proposed project:
Lot Size: approximately 0.76 acres
3. Potable Water and Wastewater Services: Available at current location
4. Current Zoning (See Exhibit B): MURC-1 Mixed Use Recreation Commercial
5. Current Surrounding Zoning (See Exhibit B): MURC-1 Mixed Use Recreation Commercial to the north and south, R-1 Single Family Residential to the east and west.
6. Current Surrounding Existing Land Use (See Exhibit C): Residential to the north and west, (also a Pregnancy Resource Organization to the west that was given special permission by the city to be located in a Residential District), Vacant to the south and east.

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: *This property has been a tire shop for the past 10 plus years. With the exception of a shop out close to 57, there are no others close or even in Gautier at all, that I am aware of. The citizens of Gautier deserve a quality tire installer who operates within the city limit and is known for honesty, integrity and dedication to their customers.*

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, as a business, take pride in our establishment, the property, and surrounding areas. Trash will not pile up, no vehicles in a state of major disrepair will be left outside the building, and noises will be kept to a minimum. We strive to exist in harmony with any and all neighbors and citizens.*

Staff Finding: *Unsubstantiated*

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

Applicant Response: *The building sat vacant for more than 180 days after the last business vacated. We are not affiliated with Martin's Tire in any way.*

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

25-12-SE

SPECIAL EXCEPTION HEARING APPLICATION

Public Hearing Number _____

<u>TYPE OF REQUEST:</u>	<u>FEE:</u>
Special Exception _____	\$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: Jason Simpson

Name of Business: E and J Tire and Automotive

^{New Business}
Address: 3000 Ladnier Rd. Gautier

Mailing Address (if different): _____

Email Address: eandjtire@gmail.com

Phone: 228-234-1742 Cell Phone: 228-304-5193

Reason for request, location and intended use of Property: to put a tire shop in a MURC-1 zone

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	<u>3/10/25</u> Verify as Complete <u>Babs</u>
Fee Amount Received	<u>251.00</u>
Initials of Employee Receiving Application	<u>Babs</u>

MURC-1
April 3

2/2/28

Date of Application: _____

I, Vanderson Chao, the fee simple owner of the following

described property (give legal description):

COM S/M RR & E/M
Ladnier Rd. Sly Alg Rd.
346' for pop. con't Sly
Alg Rd. 160' S 85 Deg E 187'
N 95 Deg E 169' N 87 Deg W 218' to P

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

and affirm that Jason Simpson

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.

Vanderson Chao
(Owner's Signature)

The foregoing instrument was acknowledged before me this 5 day of _____

March, 20 25 by Vanderson Chao, who

is personally known to me or has produced MSDL as identification and who did take an oath.

Bridgett Gager Davis
(Printed Name of Notary Public)

[Signature]
(Signature of Notary Public)

Commission # 114941. My commission expires Feb 2, 2028

(Notary's Seal)



OWNERS CONSENT AND DESIGNATION OF AGENCY - SPECIAL EXCEPTION

Owner of property must fill out sign + notaria

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. This property has been a tire shop for the past 10 plus years. With the exception of a shop out close to 57, there are no others close or even in Gautier at all, that I am aware of. The citizens of Gautier deserve a quality tire installer who operates within the city limit and is known for honesty, integrity and ~~the~~ dedication to their customers.

B. We, as a business, take pride in our establishment, the property, and surrounding areas. Trash will not pile up, no vehicles in a state of major disrepair will be left outside the building, and noises will be kept to a minimum. We strive to exist in harmony with any and all neighbors and citizens.

C. The building sat vacant for more than 180 days after the last business vacated. We are not affiliated with Martin's Tire in any way.

We have already signed a lease for the building as we had to relocate our business very quickly. We previously operated on Highway 90 in Pascagoula, but due to an ongoing city funded project and the unexpected sale of the building we operated out of we were forced to vacate with only 30 days notice. We began working 15-18 hour days in order to get everything out in our allotted time. We understand that the previous tenant left behind a large number of tires, which, we understand, created a number of issues. We want to assure you that we are not like that and we take pride in keeping our business and surroundings clean, organized, and in compliance with all waste management regulations. We will keep waste tires to a minimum and ensure the property remains well maintained. We appreciate your consideration in this matter and look forward to working with the city in the future.

Exhibit A Location Map

Prepared by:
City of Gautier
Planning Department

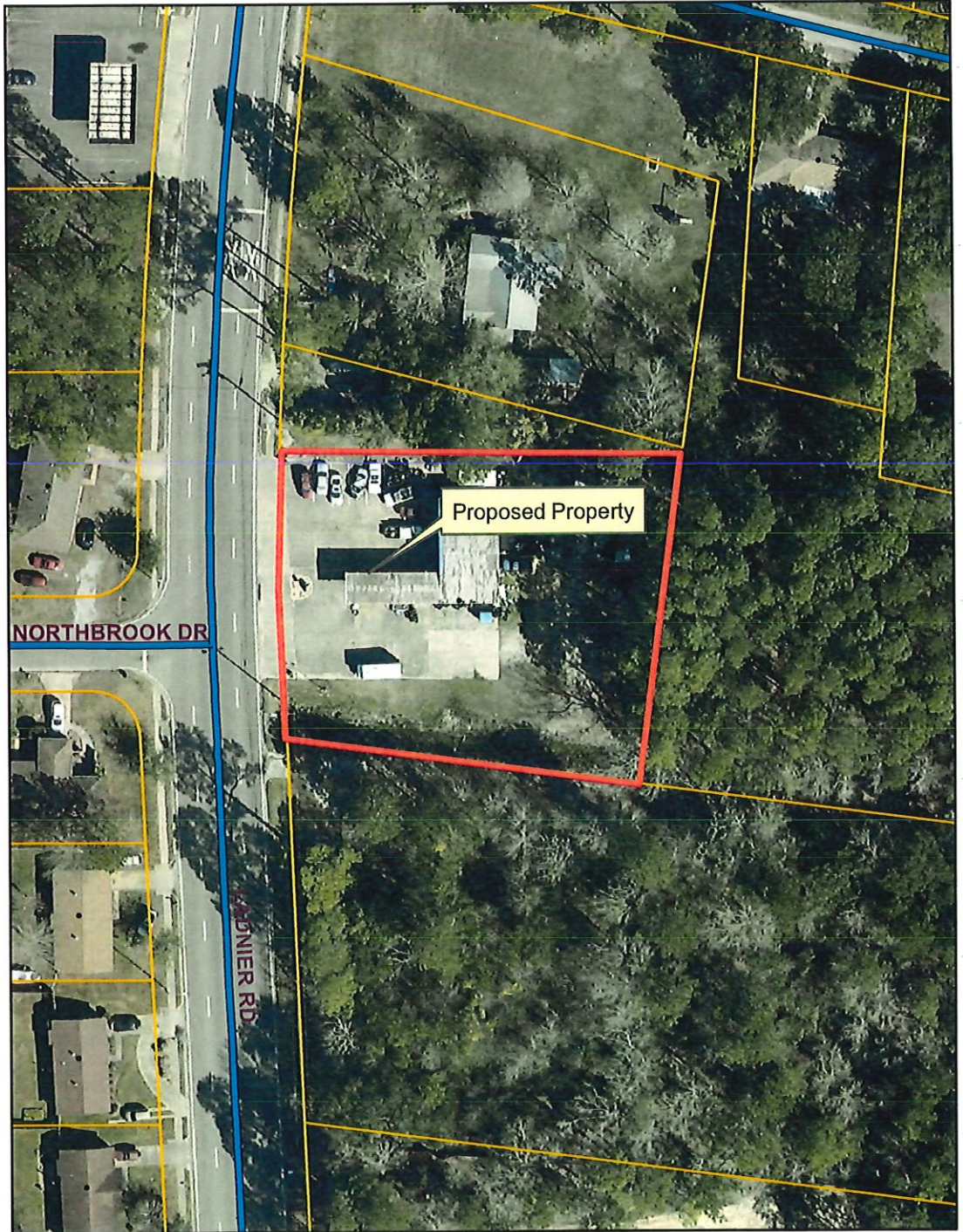


Exhibit B Existing Zoning

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

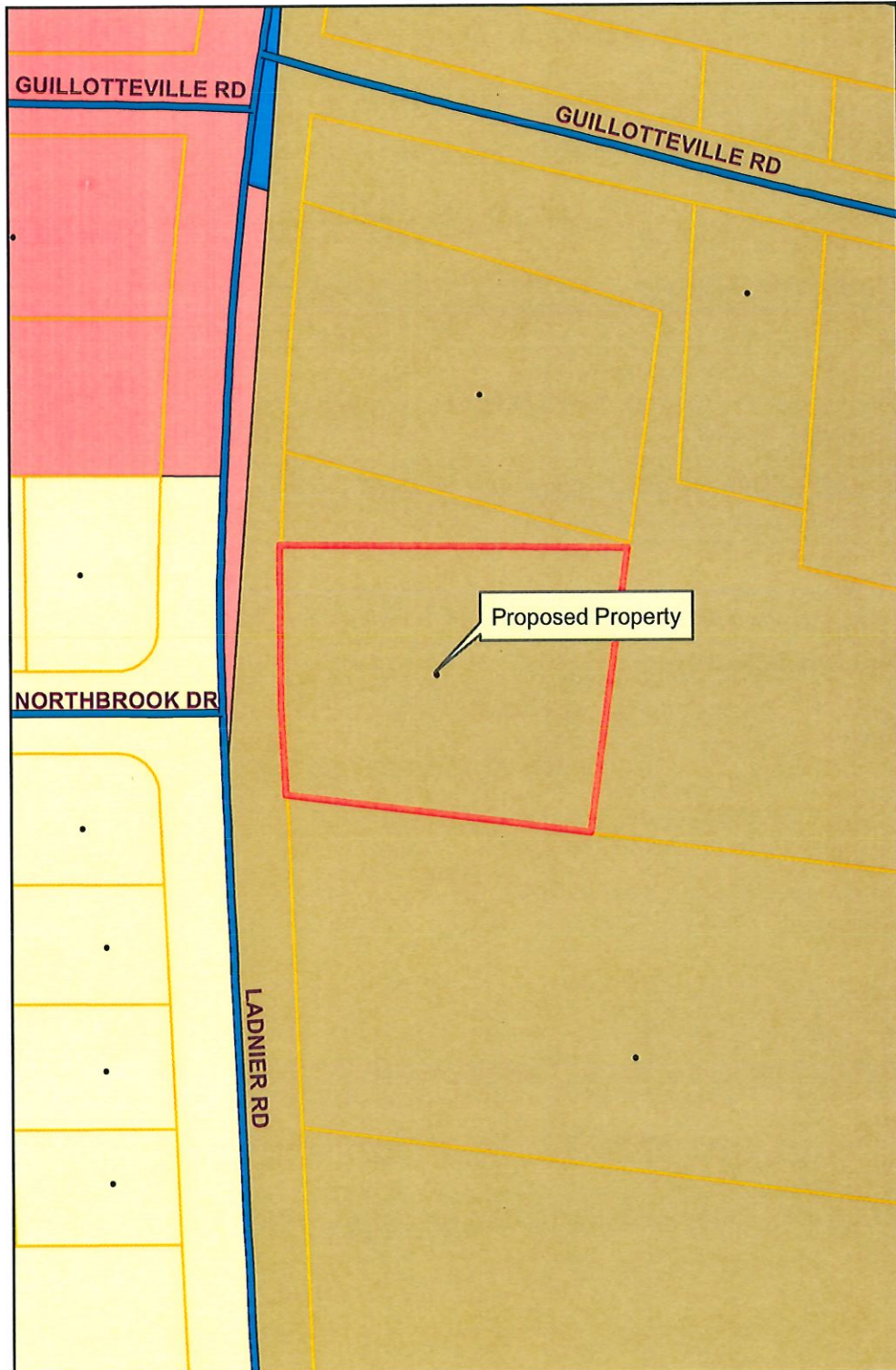


Exhibit C Existing Land-Use

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

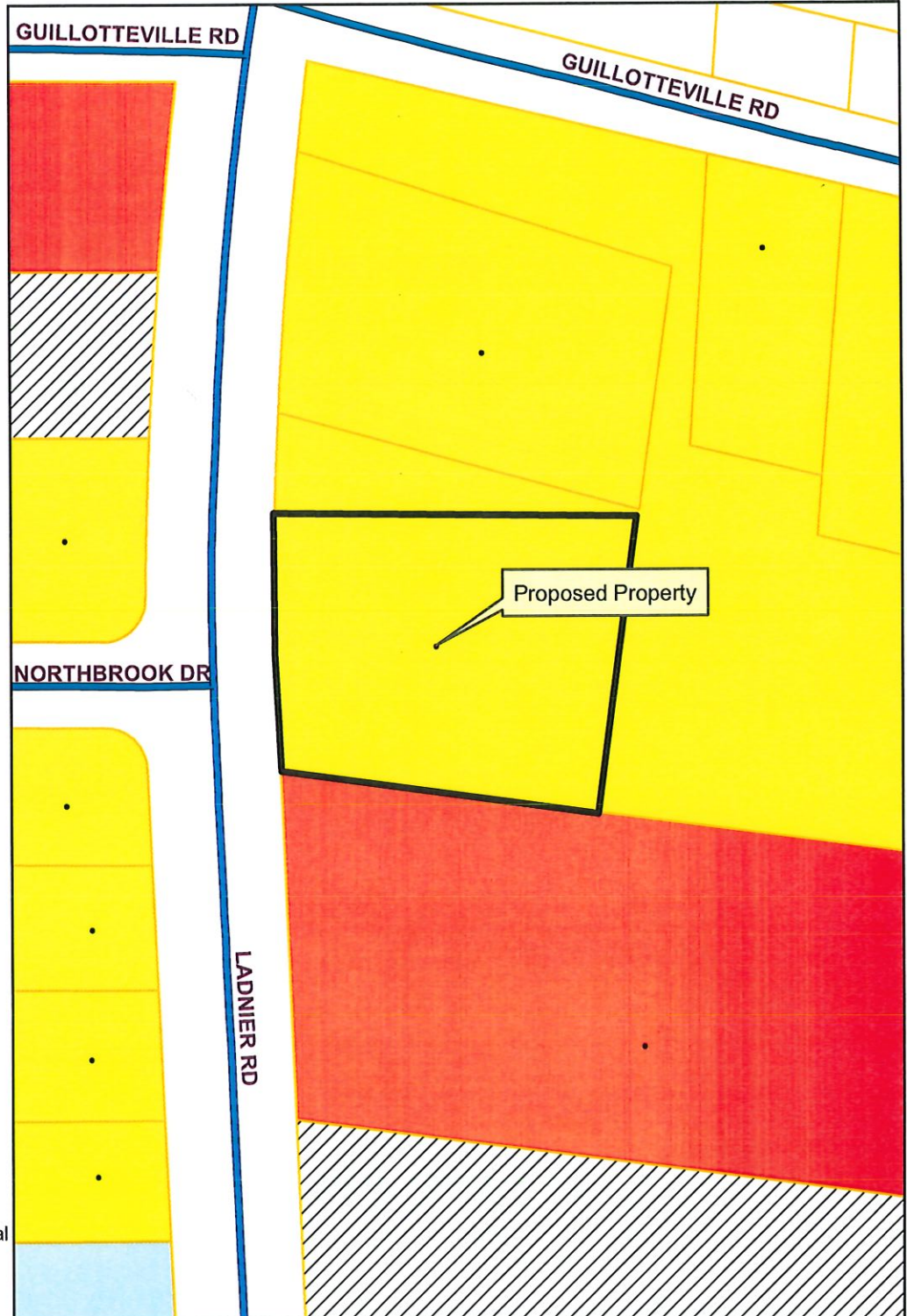


Exhibit D Future Land-Use

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

