

AGENDA
GAUTIER PLANNING COMMISSION
November 6, 2025
5:30 PM

I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE (VOLUNTEER)

III. APPROVAL OF AGENDA

IV. APPROVAL OF MINUTES

1. Approval of Minutes from September 4, 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 three-foot (3') variance to the front yard setback requirement for an accessory structure in a R-1 Low Density Single-Family Residential Zoning District. 2400 Santa Cruz, PID #86302003.000, (GPC #25-47-VAR)

VIII. GENERAL DISCUSSION

1. PREVIOUS CASE UPDATES
2. PERMIT & TRC REPORTS

IX. ADJOURN

**SEPTEMBER 4, 2025
GAUTIER, MISSISSIPPI**

BE IT REMEMBERED that a meeting of the Gautier Planning Commission of The City of Gautier, Mississippi, was held on September 4, 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 Josh Ward, Commissioners Maurice Hudson, Robert Williams, Herman Green, and Ricky Decoteau. Also present were Scott Ankerson, Planning Director, Josh Danos, City Attorney (by phone), and Babs Logan, Planning Technician. Absent was Greg Canada and Marquitta Buxton.

AGENDA

GAUTIER PLANNING COMMISSION

SEPTEMBER 4, 2025

5:30 P.M.

- I. CALL TO ORDER**
- II. PLEDGE OF ALLEGIANCE (VOLUNTEER)**
- III. APPROVAL OF AGENDA**
- IV. APPROVAL OF MINUTES (AUGUST 7, 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 five-foot (5') variance to minimum lot width requirements in a R-1 Low Density Single-Family Residential Zoning District. Martin Bluff Road, PID #85433002.000, (GPC #25-38-VAR)
- VIII. GENERAL DISCUSSION**
 - A. PREVIOUS CASE UPDATES
 - B. PERMIT & TRC REPORTS

IX. ADJOURN

Commissioner Hudson made a motion to approve the Agenda.

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

AYES: **Josh Ward**
 Maurice Hudson
 Robert Williams
 Herman Green
 Ricky Decoteau

ABSENT: **Marquitta Buxton**
 Greg Canada

Motion Passed

Commissioner Decoteau made a motion to approve August 7, 2025, minutes.

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

AYES: **Josh Ward**
 Maurice Hudson
 Robert Williams
 Herman Green
 Ricky Decoteau

ABSENT: **Marquitta Buxton**
 Greg Canada

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 five-foot (5') variance to minimum lot width requirements in a R-1 Low Density Single-Family Residential Zoning District. Martin Bluff Road, PID #85433002.000, (GPC #25-38-VAR)

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

Chairman Ward noted that if the lots were 75' wide instead of 80', they would still meet the 9600 square foot minimum lot area requirement for R-1.

REQUEST:

The Planning Department has received a request from David Penton dba DAP Enterprises LLC for a five-foot (5') variance to minimum lot width requirements in a R-1 Low Density Single-Family Residential Zoning District, at Martin Bluff Road, PID #85433002.000, (GPC #25-38-VAR). The application fee of \$175 was paid on August 15, 2025. All public notice requirements have been met.

BACKGROUND:

The applicant would like to subdivide the subject property into four (4) lots that would be 75' wide and 225' deep. The Unified Development Ordinance requires that lots in a R-1 Low Density Single-Family Residential District be 80' in width. The applicant would need a five-foot (5') variance to minimum lot width requirements in a R-1 District.

DISCUSSION:

The applicant is asking for a five-foot (5') variance to minimum lot width requirements in a R-1 District. He would like to subdivide the subject property, which is 300' wide and 225' deep, into four (4) lots. Each lot would be 75' wide and 225' deep.

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.

Chairman Ward asked the applicant to present his case.

David Penton, the applicant, said he has an opportunity to sell the four lots to an investor to put modern affordable housing. Dividing the property into four lots would make the lot price more lucrative and affordable. Three lots that were 100' wide wouldn't fit affordable housing. He noted that he has kept the underbrush cleared to keep the property neat.

Commissioner Williams noted that the applicant was trying to get the split to balance out.

Mr. Penton said that was what he was trying to do. He said the parcel was originally divided into 50' wide lots for trailers.

Commissioner Williams asked Mr. Ankerson if the applicant wanted to, could he put trailers on the property.

Mr. Ankerson said that he could not. Jackson County shows the property as one parcel. He said it is possible that someone could have dropped the lot lines in order to make the lots one parcel. As it sits right now, County records show it as one parcel.

Mr. Penton stated that it was made into one parcel for tax purposes. There were originally six 50' wide lots that you really couldn't do anything with. He said he has had the property for about three years. This proposed split would make four tax-based properties which would be good for everybody.

Commissioner Hudson stated that 75' wide lots go along with most of the housing in south Gautier, such as De La Forest, and College Park subdivisions.

Commissioner Decoteau asked Mr. Penton if the person he intends to sell to wants to put houses there.

Mr. Penton said the buyer did intend to build four modern homes that would meet the required square footage in Gautier.

Chairman Ward said he had one resident call him because they saw the six original lots and were concerned about that but were more accepting of just four lots. The other concern they expressed, and he has the same concern, is backing out onto Martin Bluff Road because the traffic on that road is heavy. He said it would make things safer if the houses would have a circular drive or something.

Mr. Ankerson said there is nothing in the Ordinance that he could use to enforce that, but he would like to think that the people that are going to build new houses there would consider the issue.

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

ACTION TAKEN:

Commissioner Decoteau made a motion to recommend approval of the Variance because the evidence presented meets the criteria for approval from the UDO as listed.

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

AYES: **Josh Ward**
 Maurice Hudson
 Robert Williams
 Herman Green
 Ricky Decoteau

ABSENT: **Marquitta Buxton**
 Greg Canada

Motion passed.



GENERAL DISCUSSION

A. PREVIOUS CASE UPDATES

Mr. Ankerson advised Commissioners that City Council had approved the following cases presented to them from the August 7, 2025, meeting: GPC #25-30-SE, GPC #25-34-SE, GPC #25-35-VAR. GPC #25-36-RZ was placed on a later Council meeting so the applicant could revise the layout to show the Planning Commission stipulations.

B. PERMIT & TRC REPORT

Mr. Ankerson presented the August 2025 monthly report.

Chairman Ward reminded Commissioners they had voted at the August meeting to not have any cases placed on the agenda for October due to other City events. He then made a motion to adjourn the meeting until November 6.

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

AYES: **Josh Ward**
 Maurice Hudson
 Robert Williams
 Herman Green
 Ricky Decoteau

ABSENT: **Marquitta Buxton**
 Greg Canada

Motion Passed.

APPROVED BY:

Scott Ankersen
Planning Director/Building Official

DATE: _____

Josh Ward, Chairman
Gautier Planning Commission

DATE: _____

BACKUP DOCUMENTATION

Gautier Planning Commission

Regular Meeting Agenda

September 4, 2025

GPC #25-38-VAR

Martin Bluff Road, PID #85433002.000

VII. NEW BUSINESS

1. Consider a request for a five-foot (5') variance to minimum lot width requirements in a R-1 Low Density Single-Family Residential Zoning District. Martin Bluff Road, PID #85433002.000, (GPC #25-38-VAR)

**CITY OF GAUTIER
STAFF REPORT**

To: Chairman and Members, Planning Commission

From: Scott Ankerson, Planning Director

Date: August 21, 2025

Subject: Consider a request for a five-foot (5') variance to minimum lot width requirements in a R-1 Low Density Single-Family Residential Zoning District, at Martin Bluff Road, PID #85433002.000, (GPC #25-38-VAR)

REQUEST:

The Planning Department has received a request from David Penton dba DAP Enterprises LLC for a five-foot (5') variance to minimum lot width requirements in a R-1 Low Density Single-Family Residential Zoning District, at Martin Bluff Road, PID #85433002.000, (GPC #25-38-VAR). The application fee of \$175 was paid on August 15, 2025. All public notice requirements have been met.

BACKGROUND:

The applicant would like to subdivide the subject property into four (4) lots that would be 75' wide and 225' deep. The Unified Development Ordinance requires that lots in a R-1 Low Density Single-Family Residential District be 80' in width. The applicant would need a five-foot (5') variance to minimum lot width requirements in a R-1 District.

DISCUSSION:

The applicant is asking for a five-foot (5') variance to minimum lot width requirements in a R-1 District. He would like to subdivide the subject property, which is 300' wide and 225' deep, into four (4) lots. Each lot would be 75' wide and 225' deep.

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

Publi

c Hearing Number

25-38-VAR

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

Name of Applicant: DAVID A PENTON

Name of Business: DAP ENT LLC Phone: 228217 0027

Property Address: MARTIN BLUFF RD PJD# 85433002.000 Mailing Address (if Different): PO. Box 1321 GAUTIER

E-Mail Address: Pentond@OUTLOOK.COM

Reason for request, location and intended use of Property: VARIANCE on 80' Wide Lot to 75'

X 4 LOTS TO BALANCE A FUTURE OF 4 AFFORDABLE HOUSING

ATTACHMENTS REQUIRED AS APPLICABLE:

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

Signature of Applicant: [Signature] Date of Application: 8/13/25

| | |
|-----------------------------------|---|
| FOR OFFICE USE ONLY | |
| Date Received <u>8/15/25</u> | Verify as Complete <u>Scott</u> |
| Fee Amount Received <u>176.00</u> | Initials of Employee Receiving Application <u>Balis</u> |

(Printed Name of Notary Public)

(Signature of Notary Public)

Commission # 495775
expires 06/09/2029

(Notary's Seal)



. My commission

VARIANCE

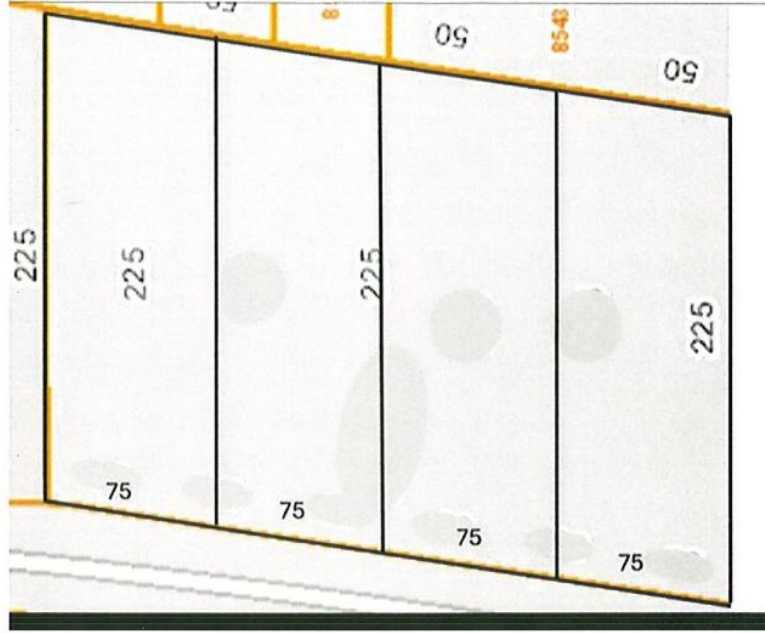
Criteria for Approval

1. What special conditions and circumstances exist which are peculiar to this particular site (lot or parcel), structure or building involved and which are not applicable to other sites (lots or parcels), or structures or buildings in the same district?
The current property is divided in 6 50' Lots - 75' BALANCES OUT FOR 4 Properties AND THE 80' WOULD CAUSE LARGE non occupied LOT/UNUSABLE. 75' IS THE TYPICAL LOT WIDTH IN THE CITY
2. Are these special conditions and circumstances a result of your actions? Explain.
NO. REQUIREMENTS CHANGED BY CITY
3. How will the literal interpretation of the provisions of this Ordinance deprive you of rights commonly enjoyed by other properties in the same district under the provisions of this Ordinance? Explain. *THIS WILL ALLOW A BALANCED 4 PROPERTY LAYOUT AND ACCENT THIS AREA*
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, IT WILL ALLOW THE BEST FOR ALL. 4 PROPERTY HOMESHEED TAXBASED AND DEVEL OP THE AREA.*

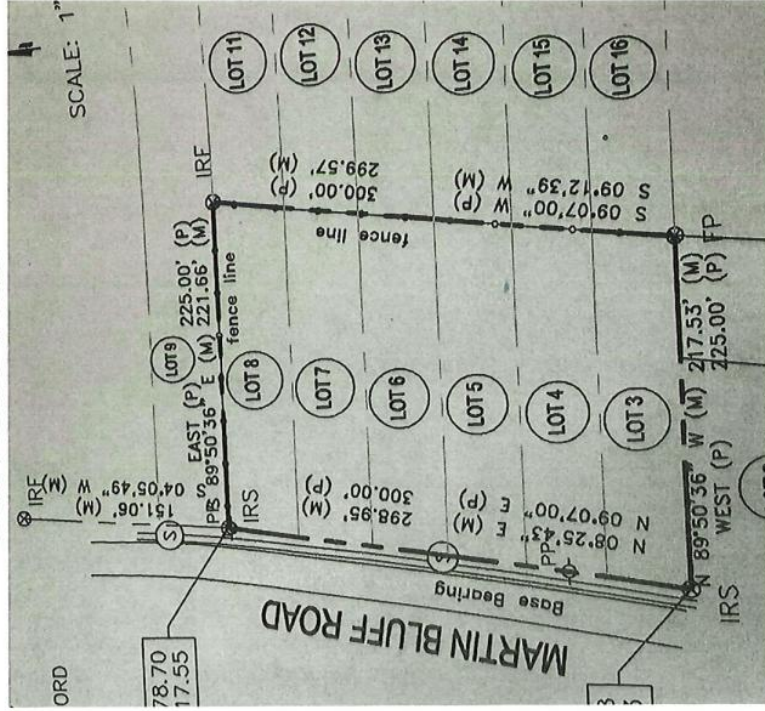
NARRATIVE

Current plot is a 1.49 ACRES Property WITH ^{under brush} ~~underbrush~~ removed
that was divide in 6 50' Lots in 1997 AND STILL IS AT THIS
Time. To Balance the 300' Road FRONTAGE TO 4 75'
Lots, this will on be 2.5' on EACH side OF EACH LOT
AND WILL NOT LEAVE A UNUSABLE Wooded Property

Proposed Plat



Current Plat



85433002.000 DAP ENTERPRISES 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

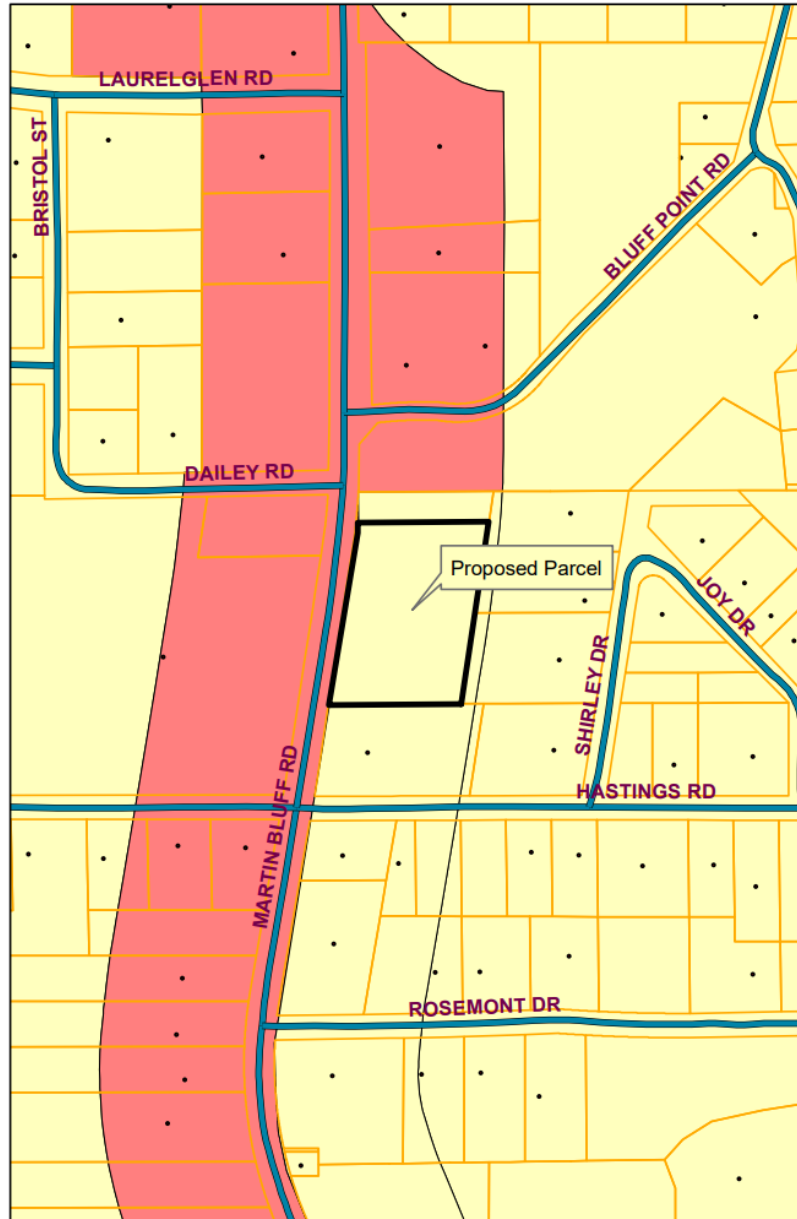


Exhibit C Existing Land-Use

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

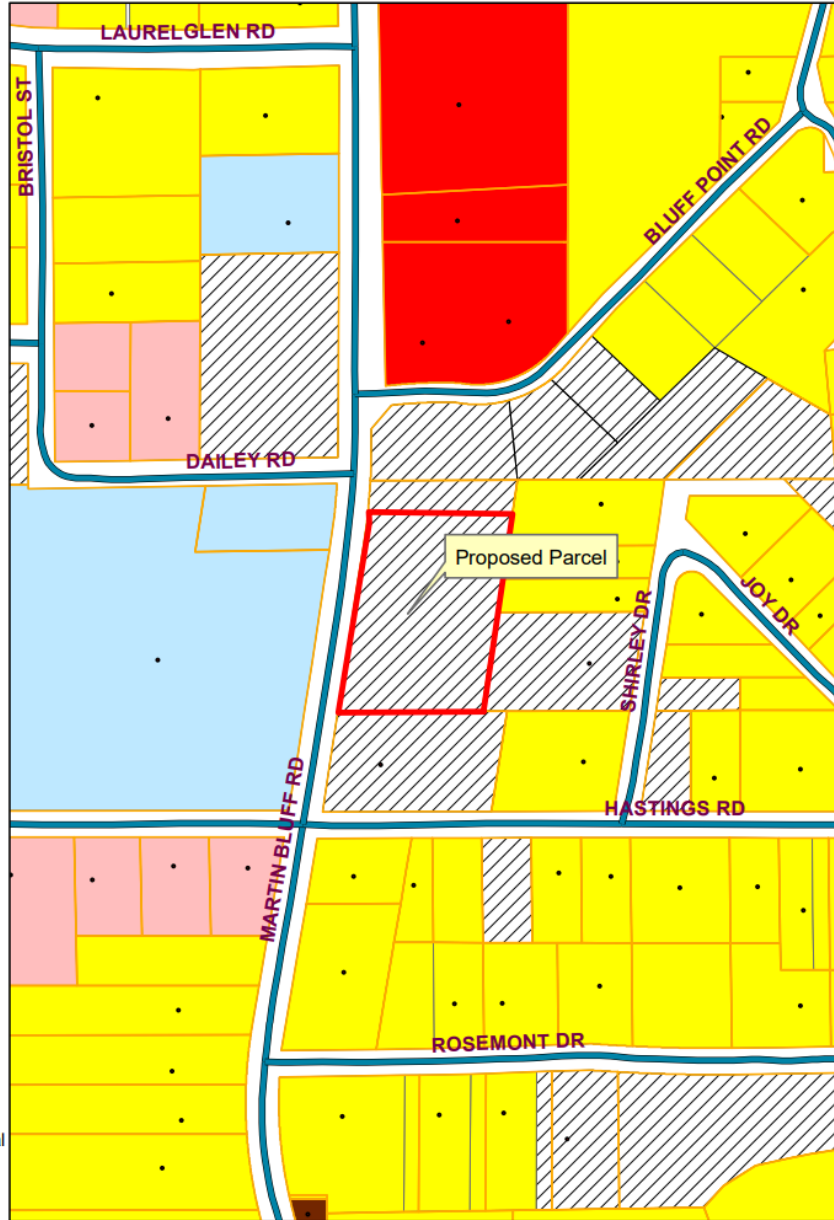


Exhibit D Future Land-Use

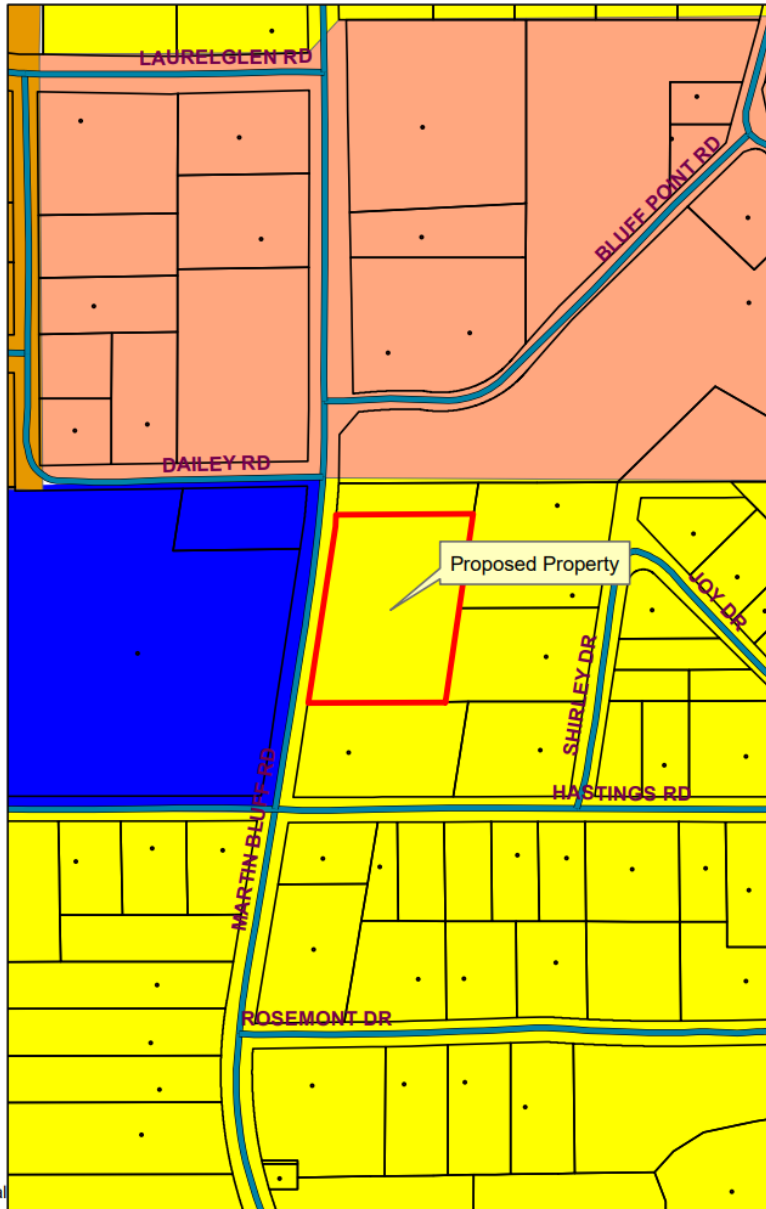
Prepared By:
City of Gautier
Planning Department

Legend

FUTURE LAND USE

FLU_Class

- Conservation
- Civic
- high impact commercial
- 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

September 4, 2025

GPC #25-47-VAR

2400 Santa Cruz

VII. NEW BUSINESS

1. Consider a request for a three-foot (3') variance to the front yard setback requirement for an accessory structure in a R-1 Low Density Single-Family Residential Zoning District. 2400 Santa Cruz, PID #86302003.000, (GPC #25-47-VAR)

GAUTIER PUBLIC HEARING PROCESS (PLANNING COMMISSION)

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

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

**CITY OF GAUTIER
STAFF REPORT**

To: Chairman and Members, Planning Commission

From: Scott Ankersen, Planning Director

Date: October 8, 2025

Subject: Consider a request for a three-foot (3') variance to the front yard setback requirement for an accessory structure in a R-1 Low Density Single-Family Residential Zoning District at 2400 Santa Cruz, PID #86302003.000, (GPC #25-47-VAR)

REQUEST:

The Planning Department has received a request from Don Frederic for a three-foot (3') variance to the front yard setback requirement for an accessory structure in a R-1 Low Density Single-Family Residential Zoning District at 2400 Santa Cruz, PID #86302003.000, (GPC #25-47-VAR). The application fee of \$175 was paid on October 3, 2025. All public notice requirements have been met.

BACKGROUND:

The applicant would like to build a 20' x 20' unattached carport to be located on the side of his house. The carport would be three feet (3') 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 applicant is asking for a 3' variance to front yard setback requirements for an accessory building.

DISCUSSION:

The applicant is asking for a 3' variance to front yard setback requirements for an accessory structure in a R-1 Low Density Single-Family Residential District. He would like to put an unattached carport on the side of his house, but it would be located 3' past the front building line of the house. The UDO requires that an accessory structure 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:

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- (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.

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- 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

25-47-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: DON FREDERIC

Name of Business: _____ Phone: 925 895 6851

Property Address: 2400 SANTA CRUZ ST. Mailing Address (if Different): _____

E-Mail Address: _____

Reason for request, location and intended use of Property: DESIGNED CAR PORT TO

ATTACH TO HOUSE WITH 3' IN FRONT OF HOUSE. NO

- ATTACHMENTS REQUIRED AS APPLICABLE: NO ATTACHMENTS
- 1. Diagram of intended use, showing dimensions and distances of property, building with setbacks, parking spaces, entrances and exits. NO
 - 2. A detailed project narrative. NO
 - MA 3. Copy of protective covenants or deed restrictions, if any.
 - MA 4. Copies of approvals, or requests for approval, from other agencies, such as, but not limited to, the Mississippi State Department of Health, U.S. Army Corp of Engineers, Mississippi Department of Environmental Quality and Department of Marine Resources.
 - MA 5. Any other information requested by the Planning Director.

Signature of Applicant: Don Frederic Date of Application: 9/24/25

| | |
|-----------------------------------|--|
| FOR OFFICE USE ONLY | |
| Date Received <u>10/3/25</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?

NEW CARPORT IS 3 FEET IN FRONT OF HOUSE

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

DESIGNED WITH 3' EASEMENT FOR ATTACHMENT TO HOUSE NOT NEEDED

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.

~~SHOULD~~ BE NO EFFECT
WILL

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, CARPORT A HEAD OF HOUSE
BY 3 FEET. BARELY NOTICEABLE

NARRATIVE

I WANTED A 20 X 20 CARPORT
BUILT NEXT TO HOUSE.

AND ATTACH CARPORT TO

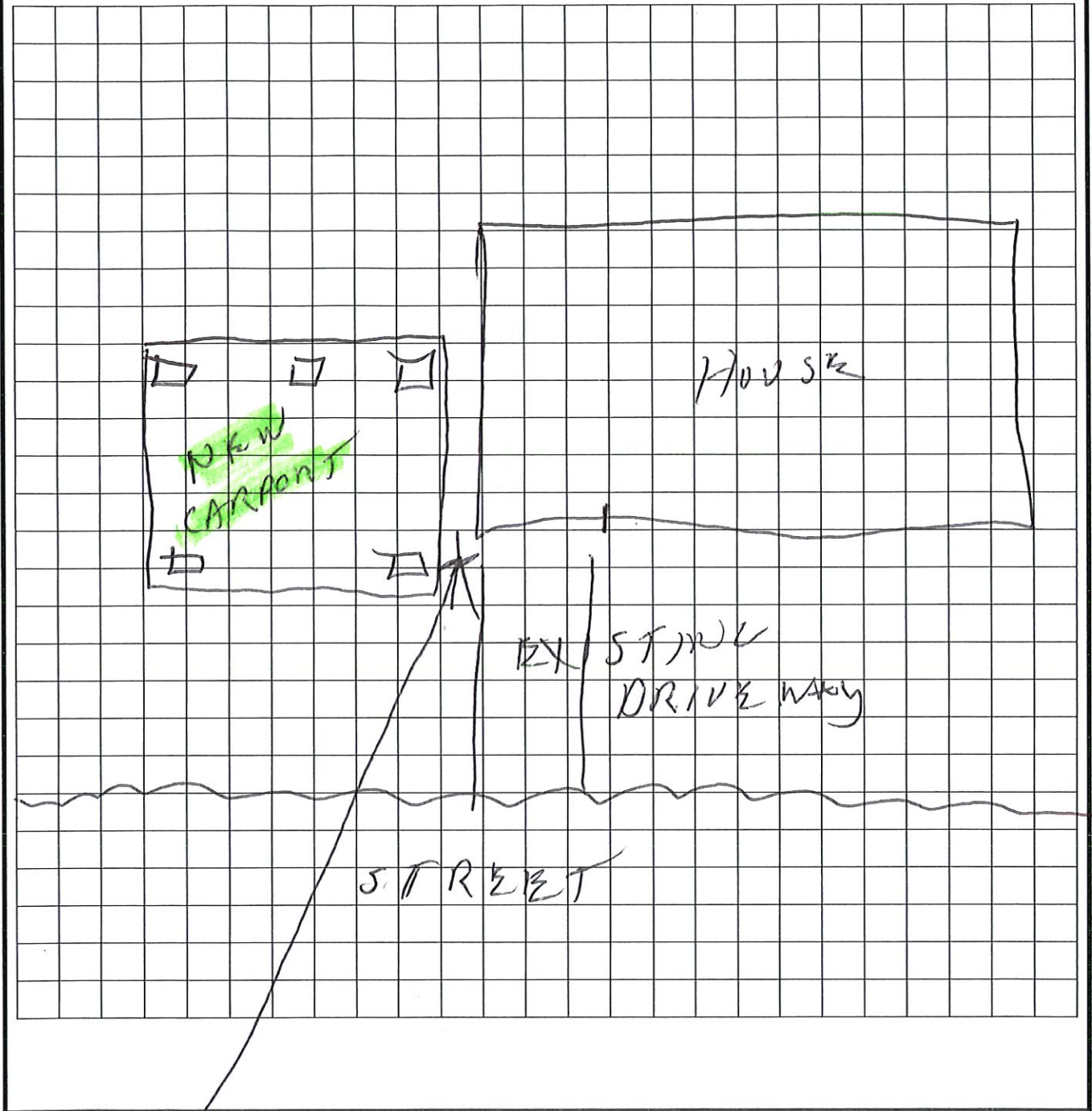
HOUSE WITH 3' WIDE BRASSWAY
& APPROVED BY BUILDING DEPT

AFTER POST PUT IN GROUND
AND DISCUSSIONS WITH MY
BUILDER, I DETERMINED
NOT TO ATTACH IT TO THE
~~HOUSE~~ HOUSE FOR LOOKS
NOTHING STRUCTURAL,

WITHOUT ATTACHING, THE PLANNING
DEPARTMENT INFORMED ME
I NEEDED THIS 3 FOOT EASEMENT
APPROVED BY CITY COUNCIL.

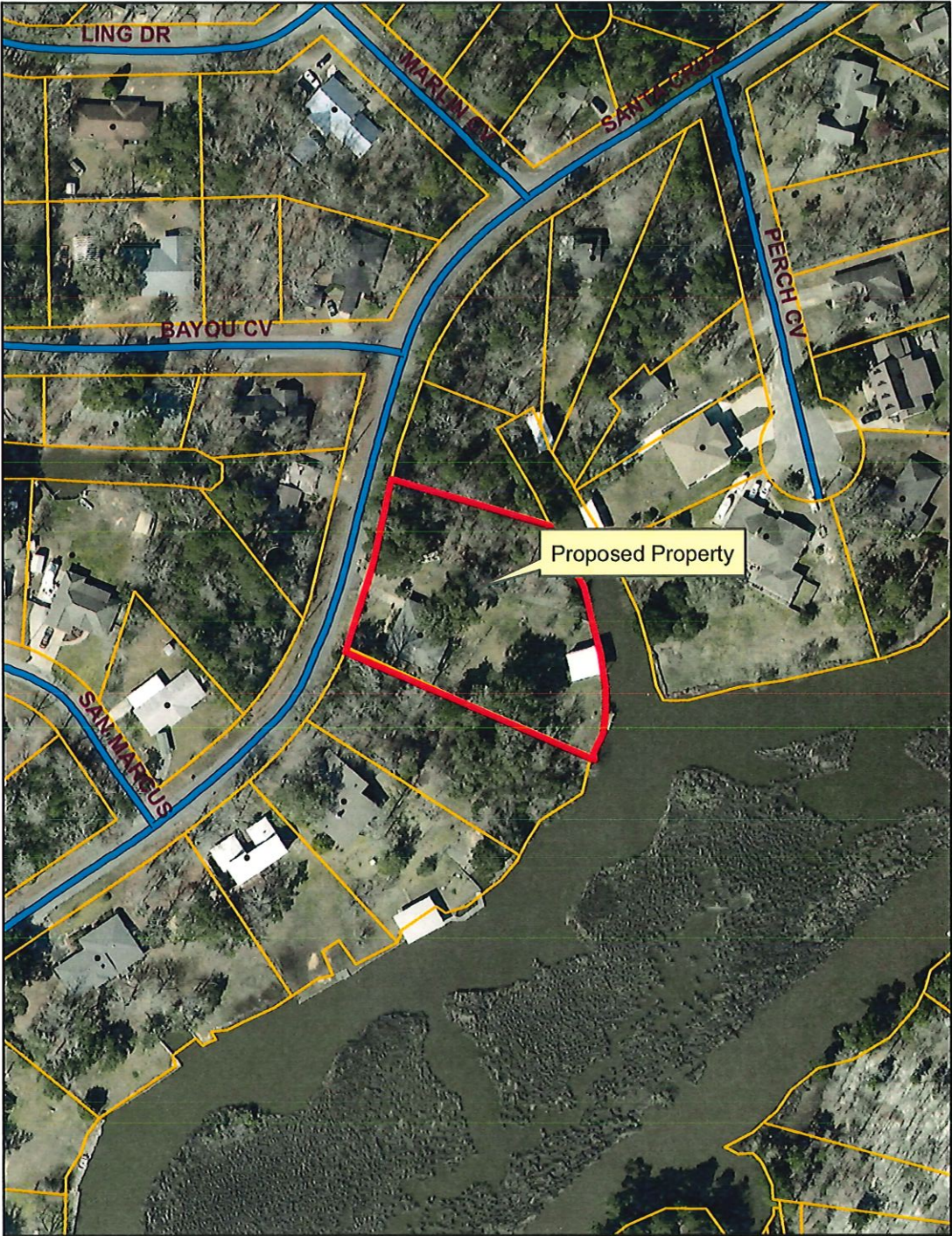
~~W. W. W.~~

DIAGRAM



3 FEET IN FRONT OF HOUSE

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

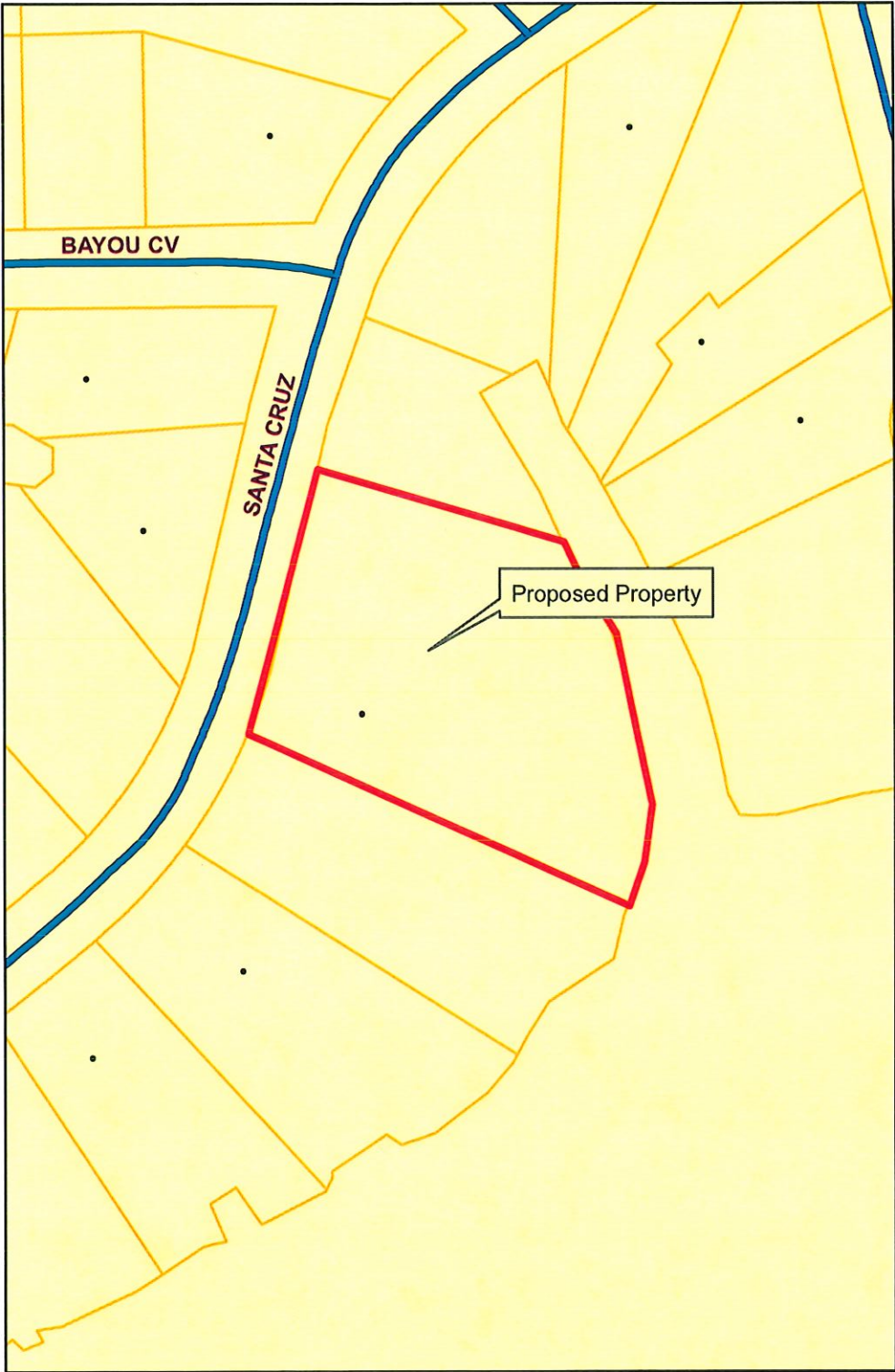


Exhibit C

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

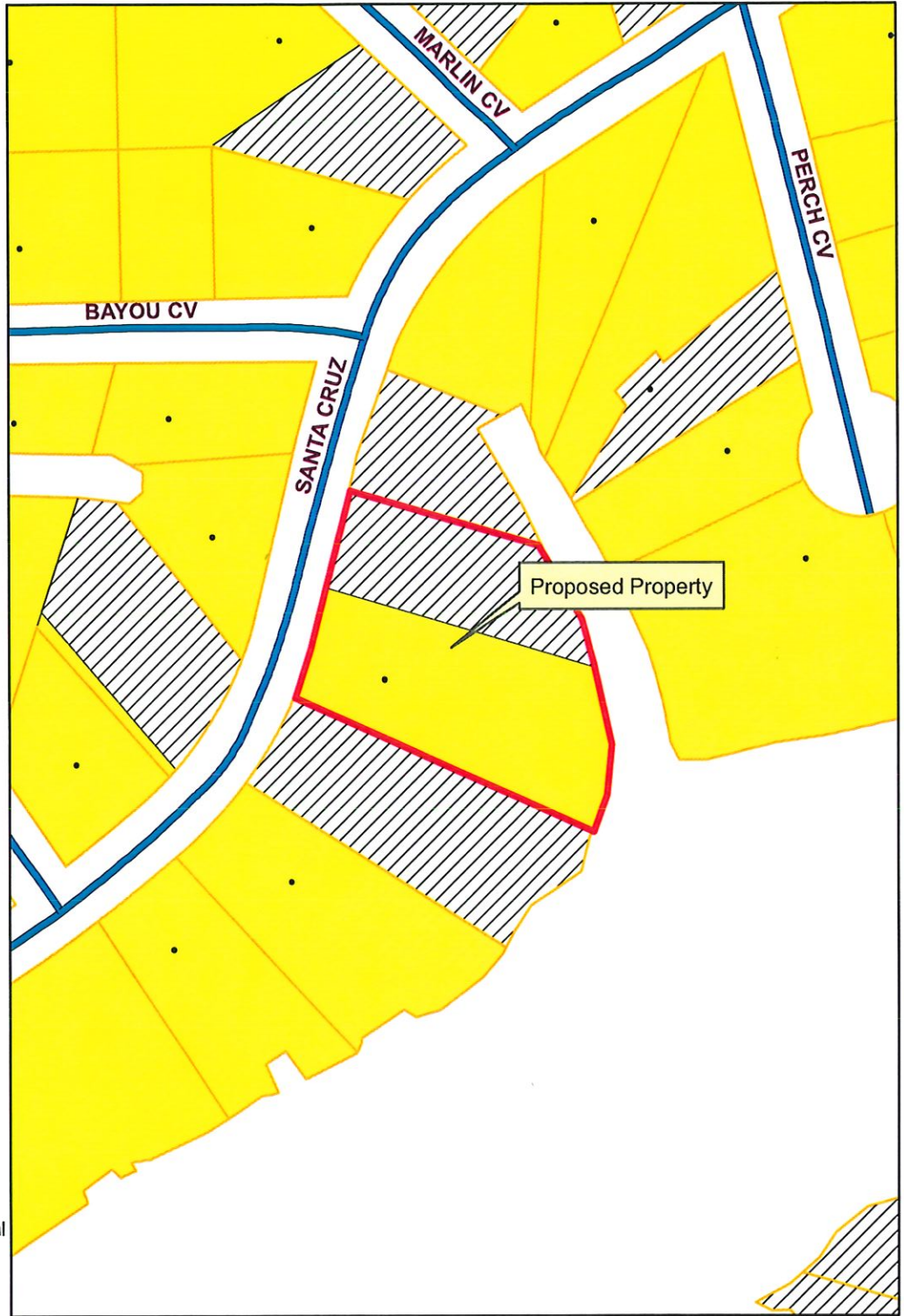
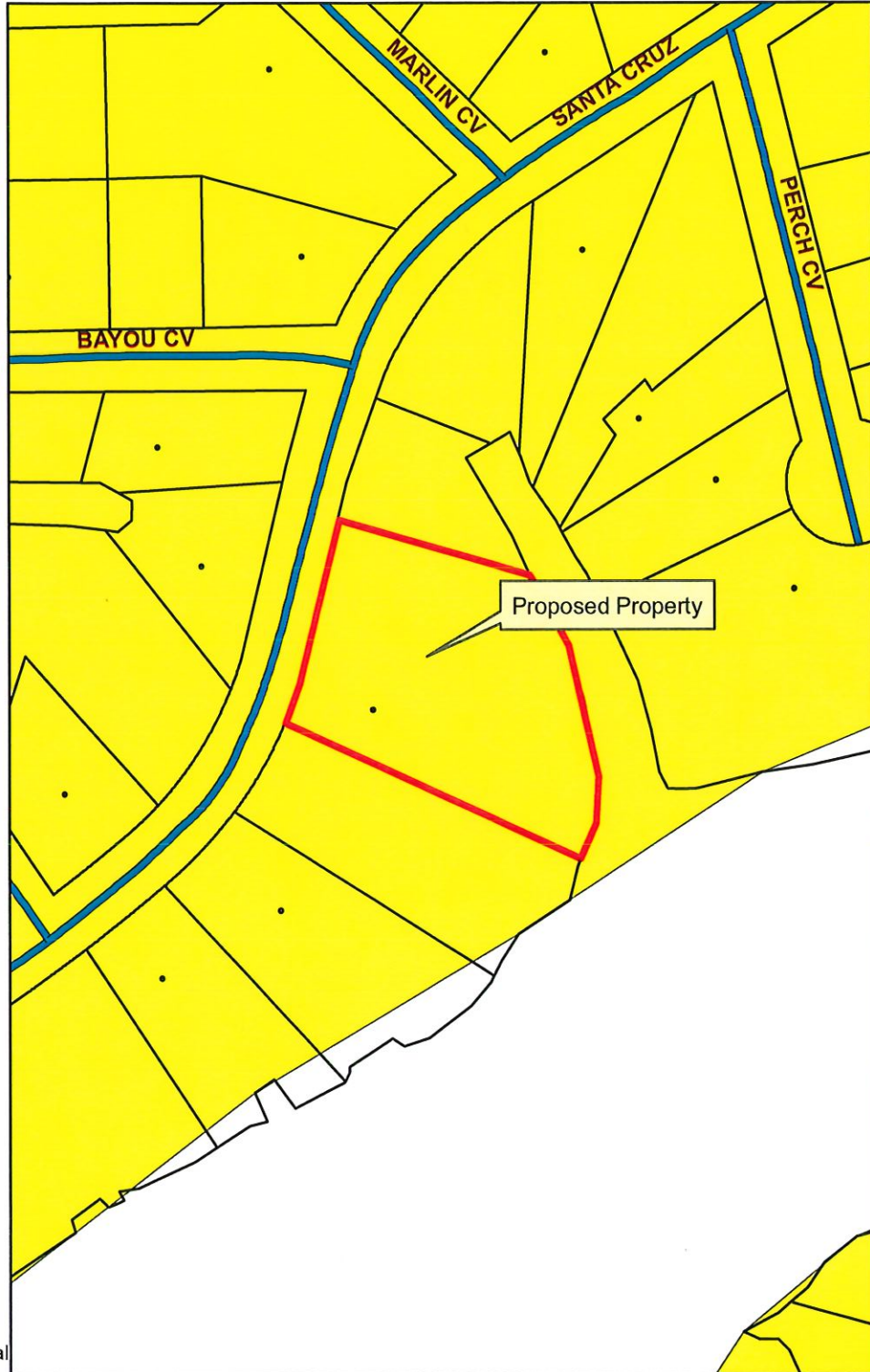


Exhibit D Future Land-Use



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