

AGENDA
GAUTIER PLANNING COMMISSION
December 4, 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 November 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 seven hundred eighty (780) square foot variance to the rear yard lot coverage allowance for an accessory structure in a R-1 Low Density Single-Family Residential Zoning District. 2858 Honduras Drive, PID #86303136.000, (GPC #25-55-VAR)
2. Consider a request for a **SPECIAL EXCEPTION** that would allow a temporary on-site food truck during tornado damage repairs in a TCMU Town Center Mixed Use Zoning District. 2405 Highway 90, PID #82435100.110. (GPC #25-56-SE)

VIII. GENERAL DISCUSSION

1. PREVIOUS CASE UPDATES
2. PERMIT & TRC REPORTS

IX. ADJOURN

**NOVEMBER 6, 2025
GAUTIER, MISSISSIPPI**

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

AGENDA

GAUTIER PLANNING COMMISSION

NOVEMBER 6, 2025

5:30 P.M.

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

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

IX. ADJOURN

Commissioner Buxton made a motion to approve the Agenda.

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

AYES: **Josh Ward**
 Robert Williams
 Herman Green
 Marquitta Buxton
 Greg Canada
 Ricky Decoteau

ABSENT: **Maurice Hudson**

Motion Passed

Commissioner Decoteau made a motion to approve September 4, 2025, minutes.

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

AYES: **Josh Ward**
 Robert Williams
 Herman Green
 Marquitta Buxton
 Greg Canada
 Ricky Decoteau

ABSENT: **Maurice Hudson**

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 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)

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

Chairman Ward noted that he had gone by the property and the structure was already there. He asked if the structure was already permitted and said he assumed it wasn't since they needed a variance.

Mr. Ankerson said that it could not be permitted until a variance was approved. It was his understanding that the applicant had come in and talked to staff about what he wanted to do and discussed a variance. Sometime after that the structure was built.

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 **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 Ward asked the applicant to present his case.

Don Frederic, the applicant, said he wanted to build a carport. He said he came to the city and asked what he needed to do. He was originally going to attach it to the house, so he was in the process of building it after having got a permit. He decided he was not going to like it attached to the house, so he came back to the city and told them he needed to change the plans because he no longer wanted to attach the carport to the house. That is when he was told he would need a variance.

Mr. Ankerson advised the Commissioners that had Mr. Frederic attached the carport he would not need a variance because he would just have to meet the front setbacks for a primary structure.

Chairman Ward noted that Mr. Frederic tried to do things the right way, but then he couldn't build it the way he originally wanted to, so now he needs a variance. He said when he went by to look at the property, he noticed there was kind of a drop off behind the structure. It looks like if he moved it back three feet there would be quite an infill or something that would have to be done structurally to be able to support the structure.

Mr. Frederic said that was his approach to the structure too. If he went back too far it was going to go off of the hill and he would have to do some excavating.

Mr. Ankerson noted that most of the property is in a flood zone. No matter where the structure is located it would be in a flood zone, but it would keep it higher up in elevation the further to the front he puts it.

Chairman Ward noted that it was set back about 50' from the road.

Commissioner Williams stated that there were some carports just around the corner from Mr. Frederic that were much closer to the road.

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

ACTION TAKEN:

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

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

AYES: **Josh Ward**
 Robert Williams
 Herman Green
 Marquitta Buxton
 Greg Canada
 Ricky Decoteau

ABSENT: **Maurice Hudson**

Motion passed.

GENERAL DISCUSSION

A. PREVIOUS CASE UPDATES

Mr. Ankerson advised Commissioners that City Council had approved GPC #25-38-VAR from the September 4, 2025, meeting.

B. PERMIT & TRC REPORT

Mr. Ankerson presented the September and October 2025 monthly reports.

Mr. Ankerson asked the Commissioners to think about who they would like to nominate for the Larry Moran Excellence Award for 2025.

Chairman Ward briefly explained to the new Commissioners about the award.

Chairman Ward made a motion to adjourn the meeting.

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

AYES: **Josh Ward**
 Robert Williams
 Herman Green
 Marquitta Buxton
 Greg Canada
 Ricky Decoteau

ABSENT: **Maurice Hudson**

Motion Passed.

APPROVED BY:

Scott Ankerson
Planning Director/Building Official

DATE: _____

Josh Ward, Chairman
Gautier Planning Commission

DATE: _____

BACKUP DOCUMENTATION

Gautier Planning Commission

Regular Meeting Agenda

November 6, 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)

**CITY OF GAUTIER
STAFF REPORT**

To: Chairman and Members, Planning Commission

From: Scott Ankerson, 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:

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

25-47-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: TDRFR4@GMAIL.COM

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

ATTACH TO HOUSE WITH 3' INFRONT OF HOUSE. NO

ATTACHMENTS REQUIRED AS APPLICABLE:

- 1. Diagram of intended use, showing dimensions and distances of property, building with setbacks, parking spaces, entrances and exits. ATTACHMENT TO
- 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: [Signature] 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.

~~STOOD~~ BUT 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

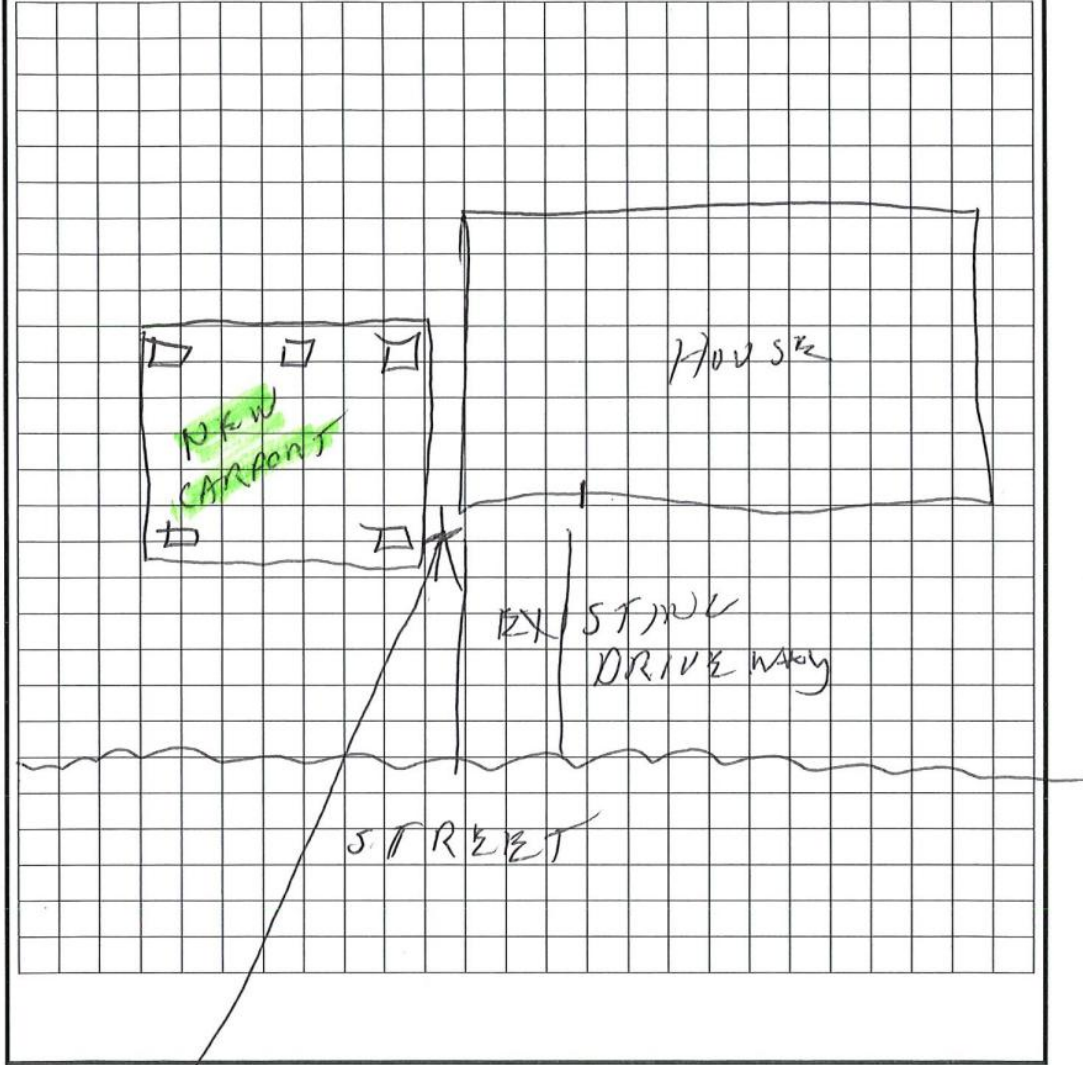
I WANTED A 20 X 20 CARPORT
BUILT NEXT TO HOUSE
AND ATTACH CARPORT TO
HOUSE WITH 3' WIDE BREAKWAY
* APPROVED BY BUILDING DEPT

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.

~~WALTER~~

DIAGRAM



3 FEET IN FRONT OF HOUSE

86302003.000 FREDERIC DONALD E JR (LE)

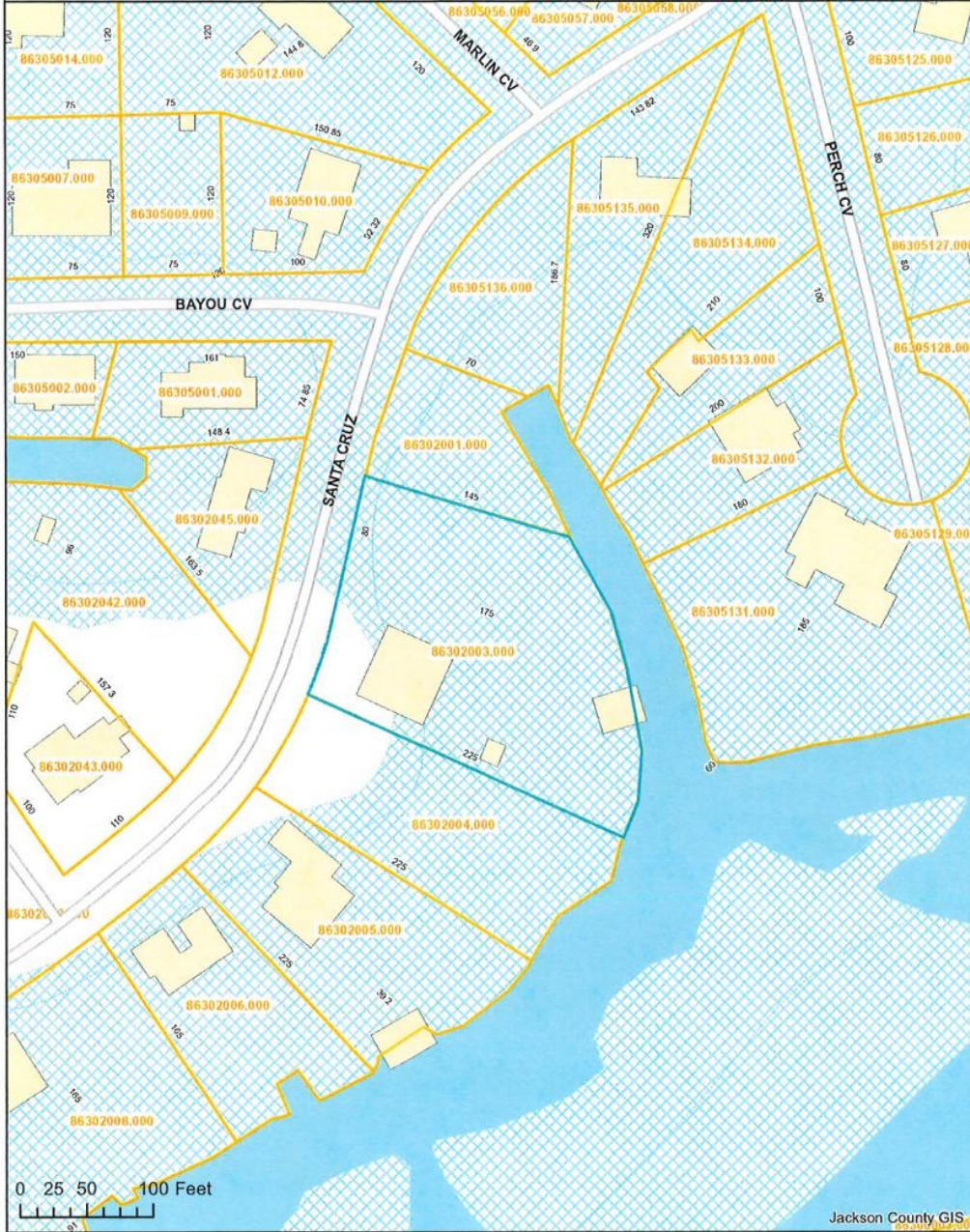


Exhibit A Location Map

Prepared by:
City of Gautier
Planning Department

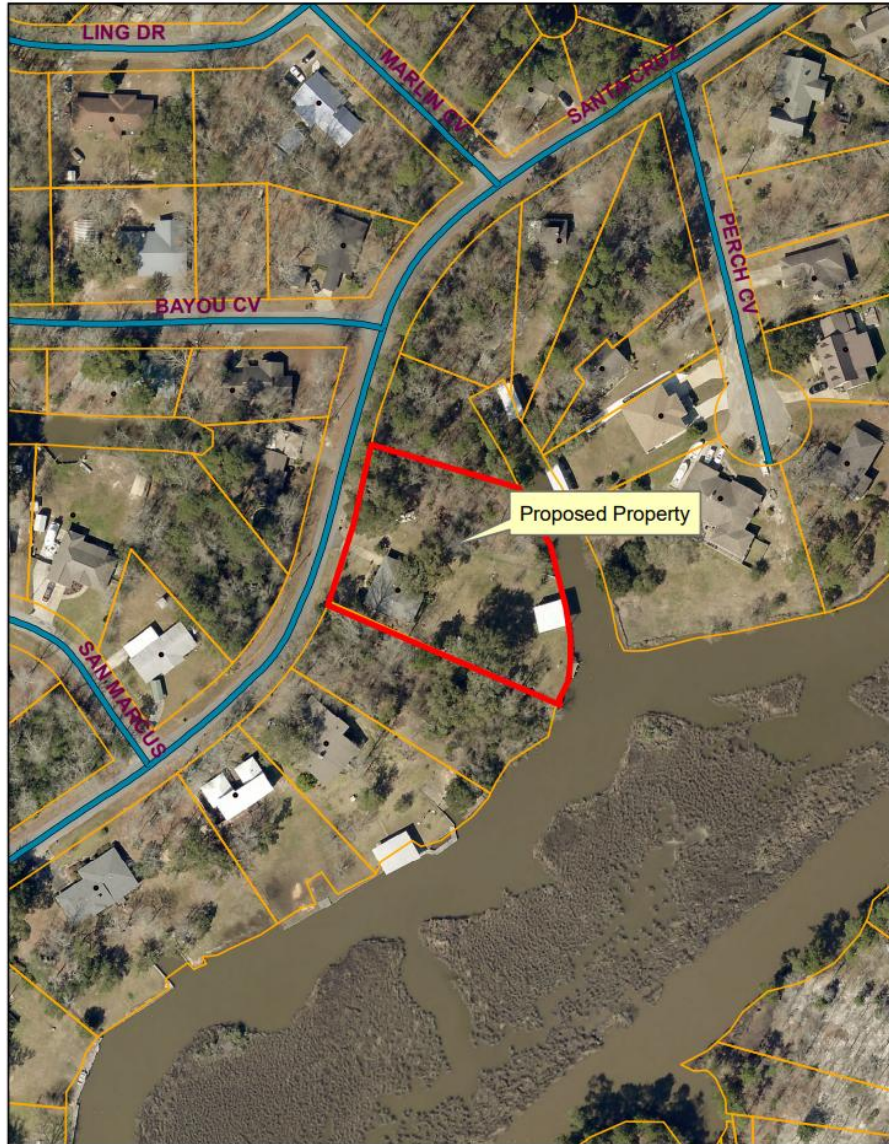


Exhibit B Existing Zoning

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

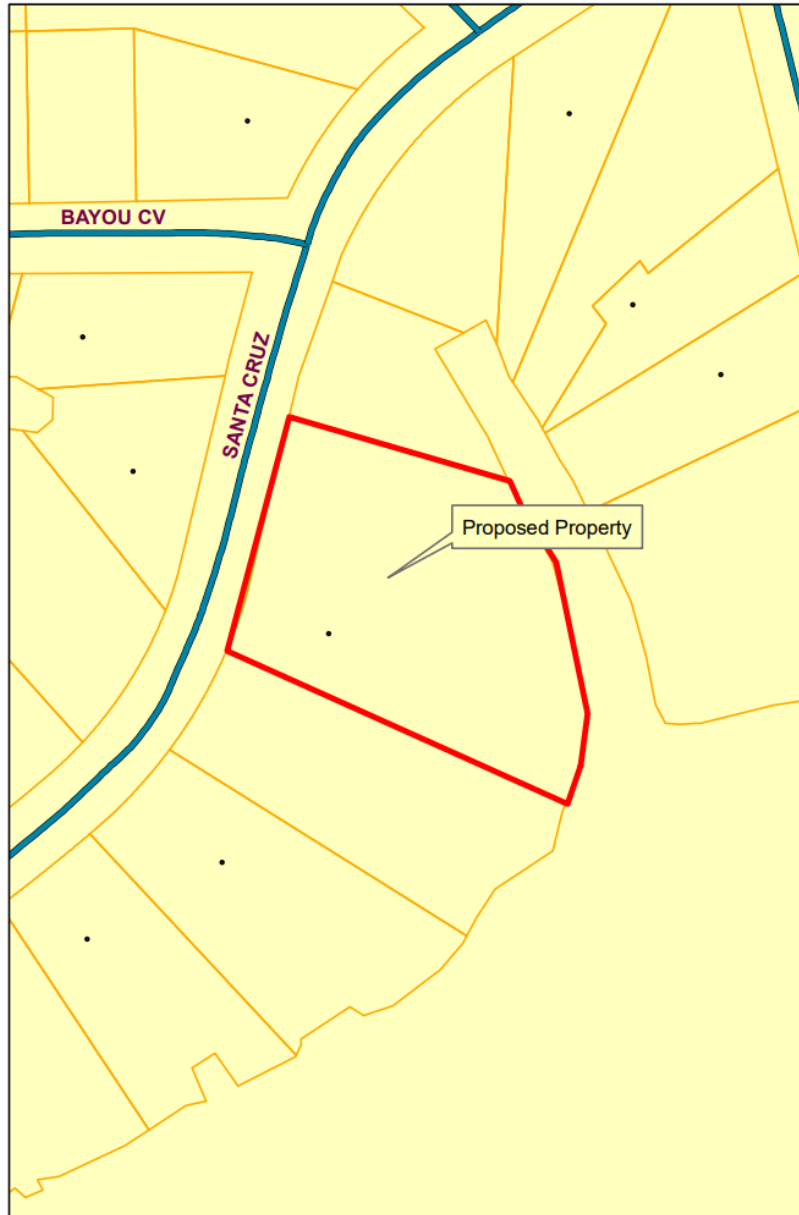


Exhibit C Existing Land-Use

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

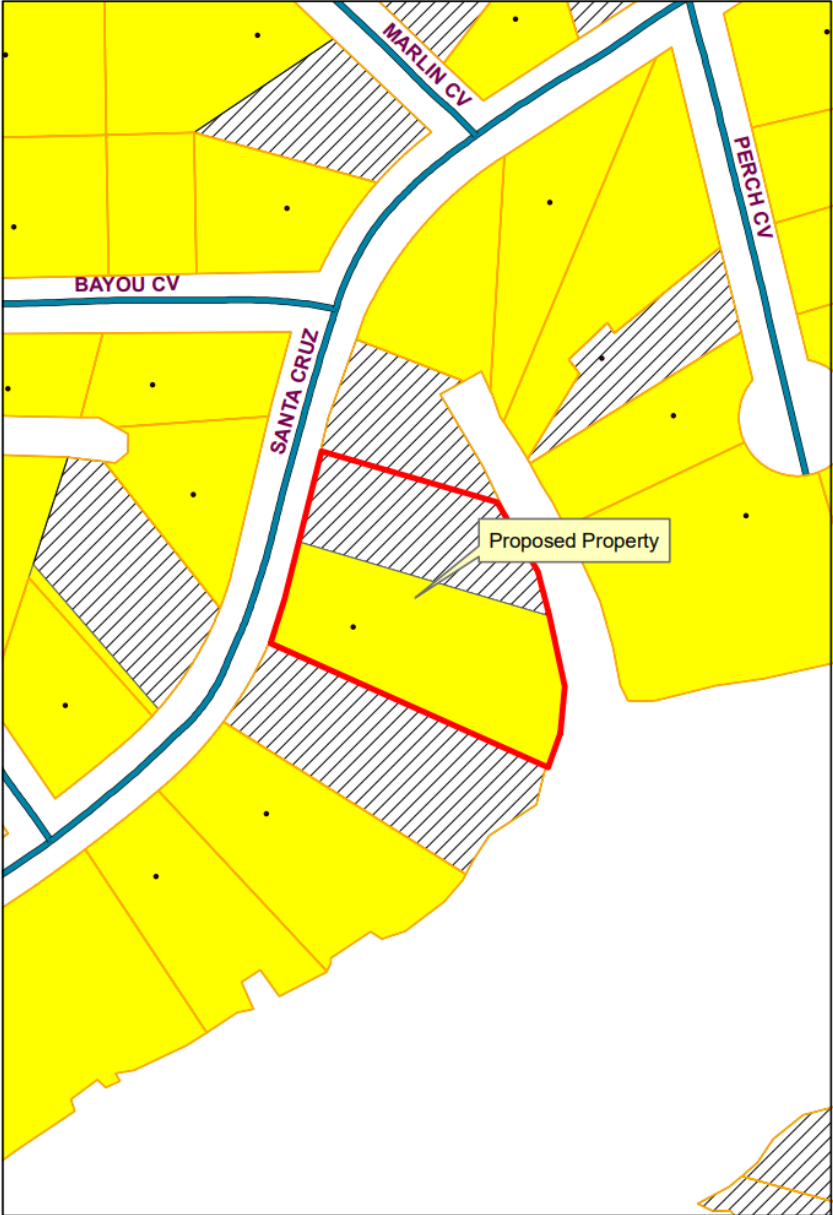


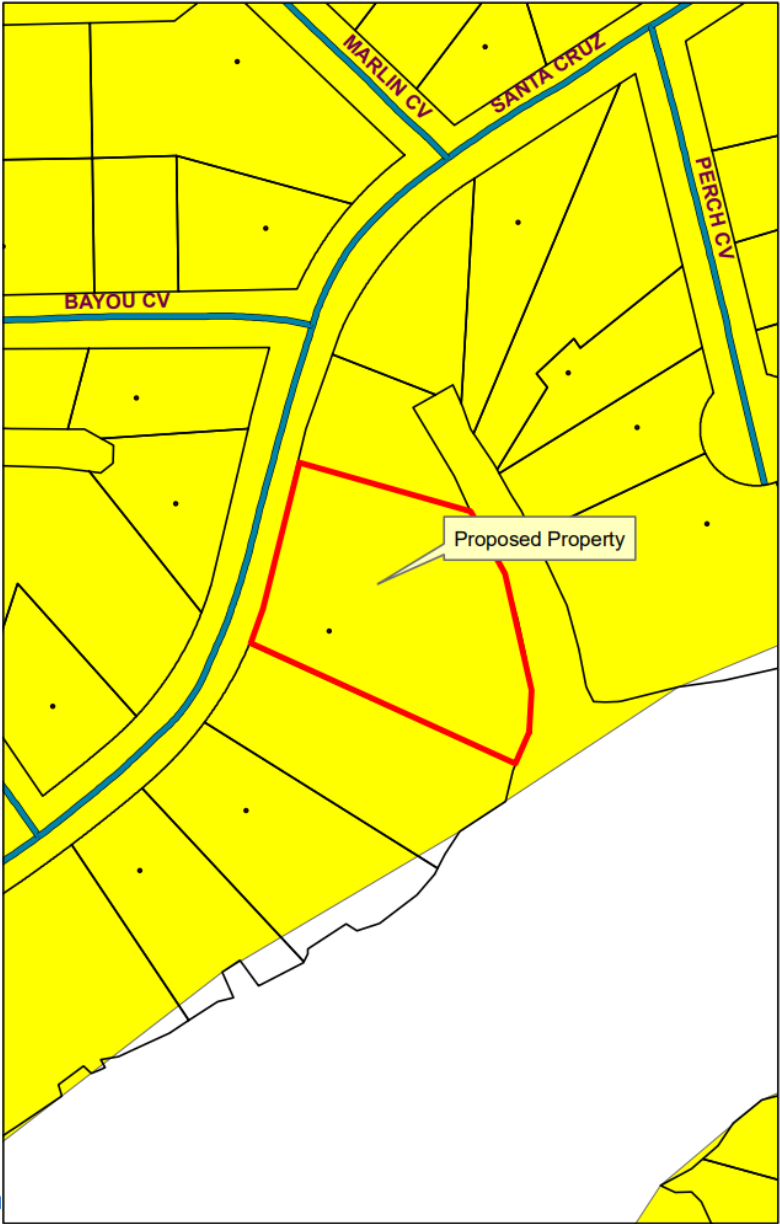
Exhibit D Future Land-Use

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 4, 2025

GPC #25-55-VAR

2858 Honduras Drive

VII. NEW BUSINESS

2. Consider a request for a seven hundred eighty (780) square foot variance to the rear yard lot coverage allowance for an accessory structure in a R-1 Low Density Single-Family Residential Zoning District. 2858 Honduras Drive, PID #86303136.000, (GPC #25-55-VAR)

**CITY OF GAUTIER
STAFF REPORT**

To: Chairman and Members, Planning Commission

From: Scott Ankerson, Planning Director

Date: November 18, 2025

Subject: Consider a request for a seven hundred eighty (780) square foot variance to the rear yard lot coverage allowance for an accessory structure in a R-1 Low Density Single-Family Residential Zoning District. 2858 Honduras Drive, PID #86303136.000, (GPC #25-55-VAR)

REQUEST:

The Planning Department has received a request from Patrick Reynolds for a seven hundred eighty (780) square foot variance to the rear yard lot coverage allowance for an accessory structure in a R-1 Low Density Single-Family Residential Zoning District at 2858 Honduras Drive, PID #86303136.000, (GPC #25-55-VAR). The application fee of \$175 was paid on October 24, 2025. All public notice requirements have been met.

BACKGROUND:

The applicant would like to build a 50' x 30' (1500 square feet) shop. The square footage of his rear yard is 1800 square feet. The Unified Development Ordinance (UDO) Section 5.4.4 (F) states that accessory structures shall not exceed forty (40) percent of the rear lot area in an R-1 Low Density Single-Family Residential District. Forty percent (40%) of his rear lot area would be seven hundred twenty (720) square feet. The applicant is asking for a variance of seven hundred eighty (780) square feet.

DISCUSSION:

The applicant is asking for a 780 square foot variance to the rear yard lot coverage allowance for an accessory structure in a R-1 Low Density Single-Family Residential Zoning District. He would like to build a 1500 square foot shop. The square footage of his rear lot area is 1800 square feet. The UDO only allows 40% of the rear lot area to be used for accessory structures. Forty percent of his rear lot area is 720 square feet.

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

25-24-VAR
55

<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: Patrick Reynolds

Name of Business: _____ Phone: 228-327-1428

Property Address: 2858 Honduras Drive Mailing Address (if Different): _____

E-Mail Address: _____

Reason for request, location and intended use of Property: going over square footage

Allowance, West side of property, using building to store boat, tools, and hobbies.

ATTACHMENTS REQUIRED AS APPLICABLE:

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

Signature of Applicant: Patrick Reynolds Date of Application: 10-24-2025

FOR OFFICE USE ONLY	
Date Received <u>10/24/25</u>	Verify as Complete <u>Babs</u>
Fee Amount Received <u>176.00</u>	Initials of Employee Receiving Application <u>AB/Babs</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?

My home was built 11' from rear property line.
I do not have much square footage behind rear
plane of home.

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

No. The house was built in 1977. I purchased it
in 2012.

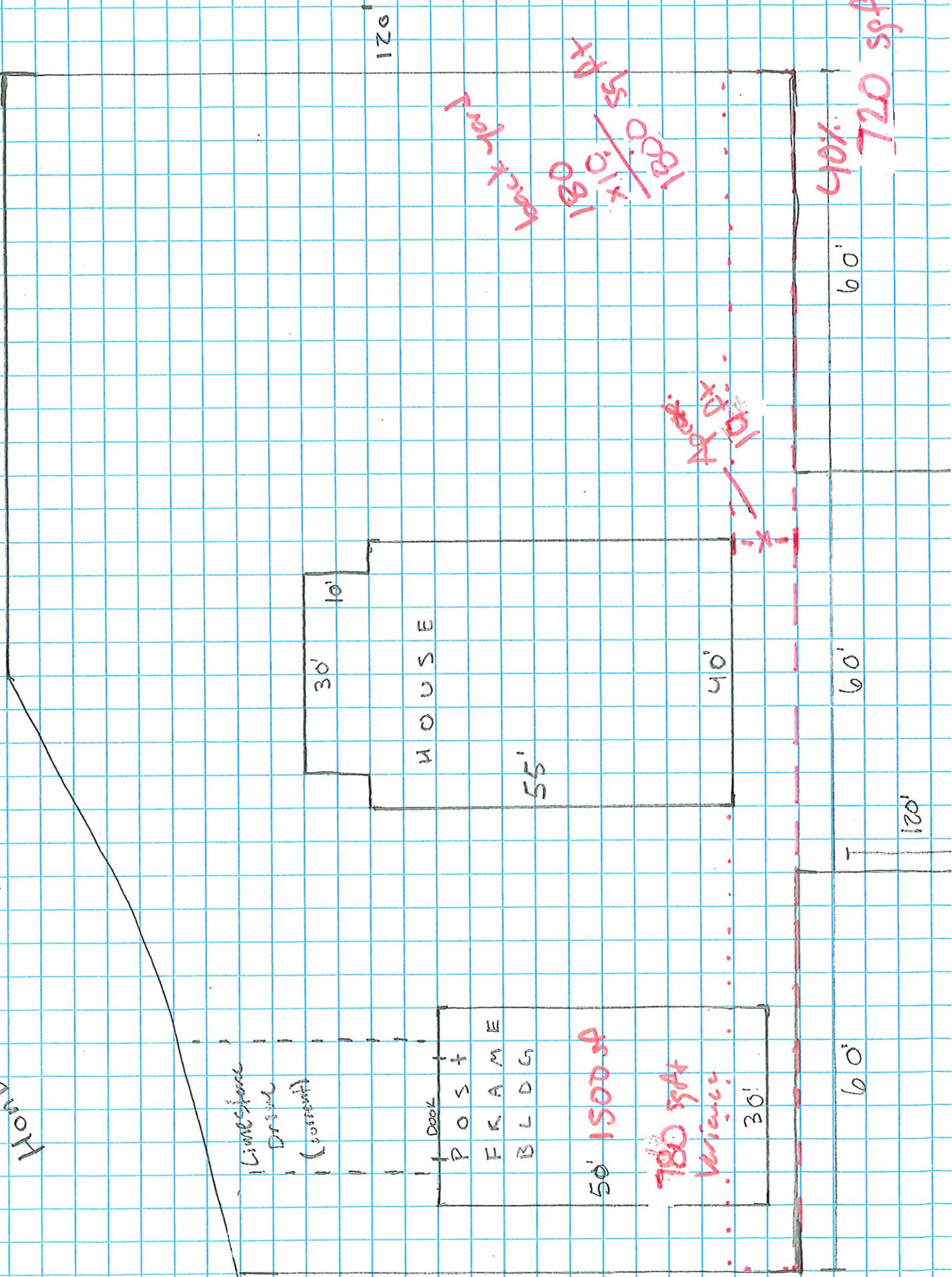
3. How will the literal interpretation of the provisions of this Ordinance deprive you of rights commonly enjoyed by other properties in the same district under the provisions of this Ordinance? Explain.

I own 4 adjoining lots. I was told
that I can build a structure $\frac{1}{2}$ the square footage
of yard behind rear plane of home. My home is
set back so far that I only have 1980 sqft behind

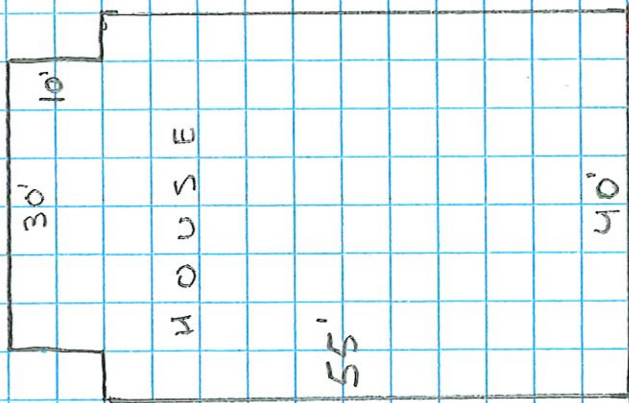
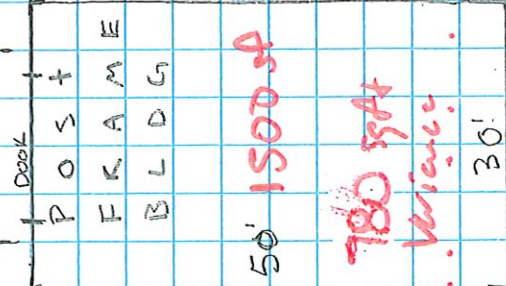
4. Will the granting of the Variance requested confer upon you any special privilege that is denied by this Ordinance to other similar sites (lots or parcels), structures or buildings in the same district? Explain.

If I'm understanding the question correctly,
~~yes~~ no. There are many similar size and
style buildings in point clear. One in particular
at 2066 Dolphin Drive is the same size
shop 30' x 50' with a very similar house/land
layout.

Handwritten: *Handwritten*



Limestone Driveway (10m wide)



Backyard
180' x 15' = 2700
1800 / 15 = 120

410' x 720 sqft

60'

60'

60'

1201

NARRATIVE

I've been at 2858 Honouras for 13 years. I've consistently improved the home and property. I'm wanting to build a larger shop to consolidate my smaller sheds and have a place to store my boats, golf cart, vehicles etc. The way my ~~3 lots~~ home is set back on my 3 honouras drive parcels does not give me enough sq ft of yard to build the size shop that I am needing. I also own the 60' x 120 lot directly behind my home but I was told that wouldnt be considered as it is not deeded together with the other 3 lots.

I take pride in my home and I respect my neighbors. I'm not going to build an industrial looking shed. My shop will have a roll up door, windows, and will match the house as closely as possible.

Thank you & I appreciate your time!

86303136.000 REYNOLDS PATRICK

PIDN: 86303136.000

GISP: 872.03-01-0051.00M

Owner Information

Percent of Ownership: 100

Name: REYNOLDS PATRICK

Name 2:

Mailing Address: 2858 HONDURAS DR
GAUTIER MS
39553

Site Address: 2858 HONDURAS DR GAUTIER

Land Information

Section: 03 Acreage: 0

Township: 8

Range: 7

Street Name HONDURAS
DR

Value and Tax Information

Total Assessed Value: 11146

Total Appraised Value: 111460

Improvement Value: 98990

Land Value: 12470

Tax Amount: 0

SQ FT: 1716

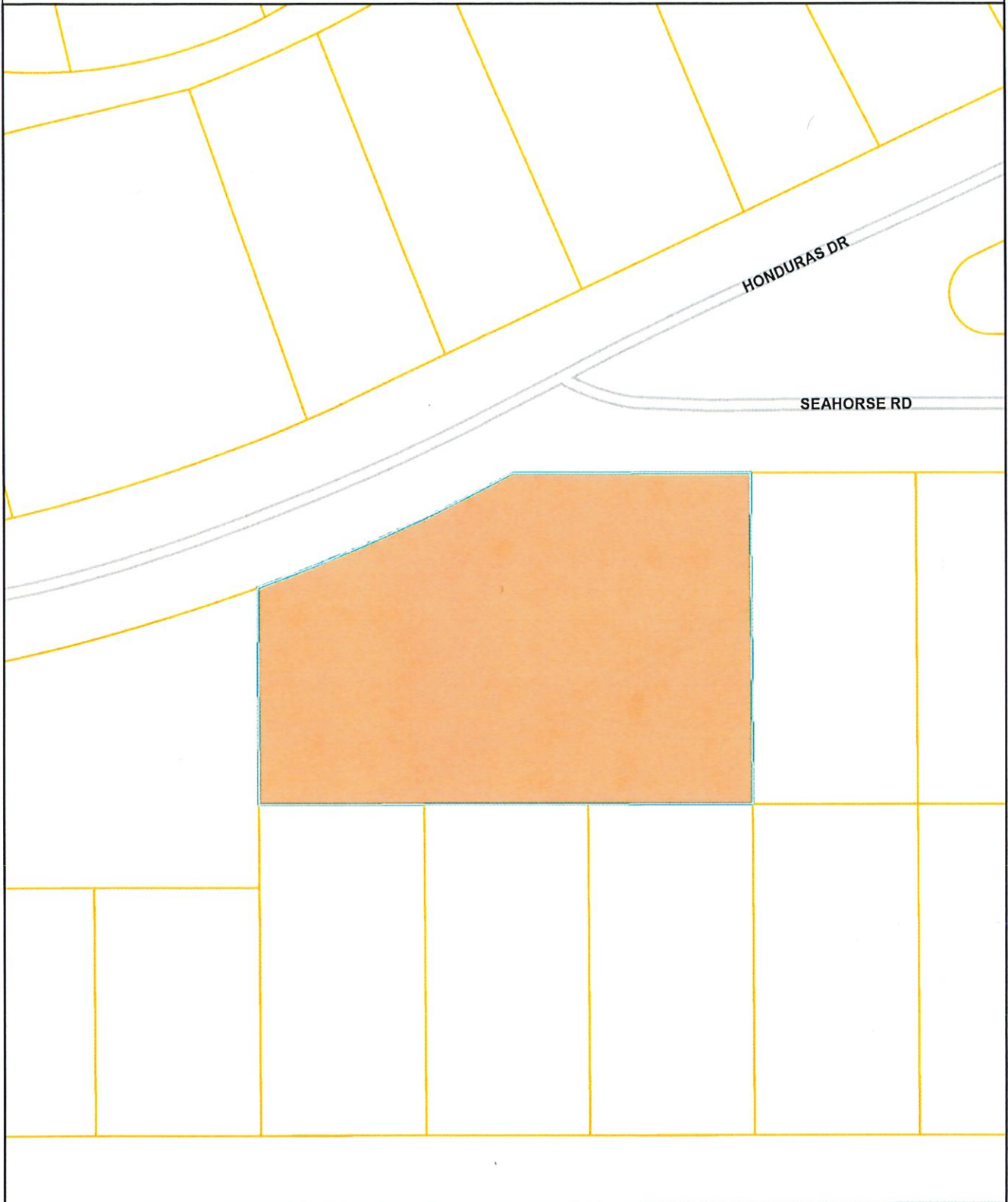
Year Built: 1977

Legal Description

Description: LOTS 129 130 & 131 POINT CLEAR R
IVIERA S/D SEC H PB 10-16&17 DB
1639-830 DB 1925-173 (51M MAP872
.03-01)

Deed Book / Page: 1925 / 173

86303136.000 REYNOLDS PATRICK



0 12.5 25 50 Feet
|-----|-----|-----|-----|-----|

GROUPE RD

Jackson County GIS

Exhibit A Location Map

Prepared by:
City of Gautier
Planning Department

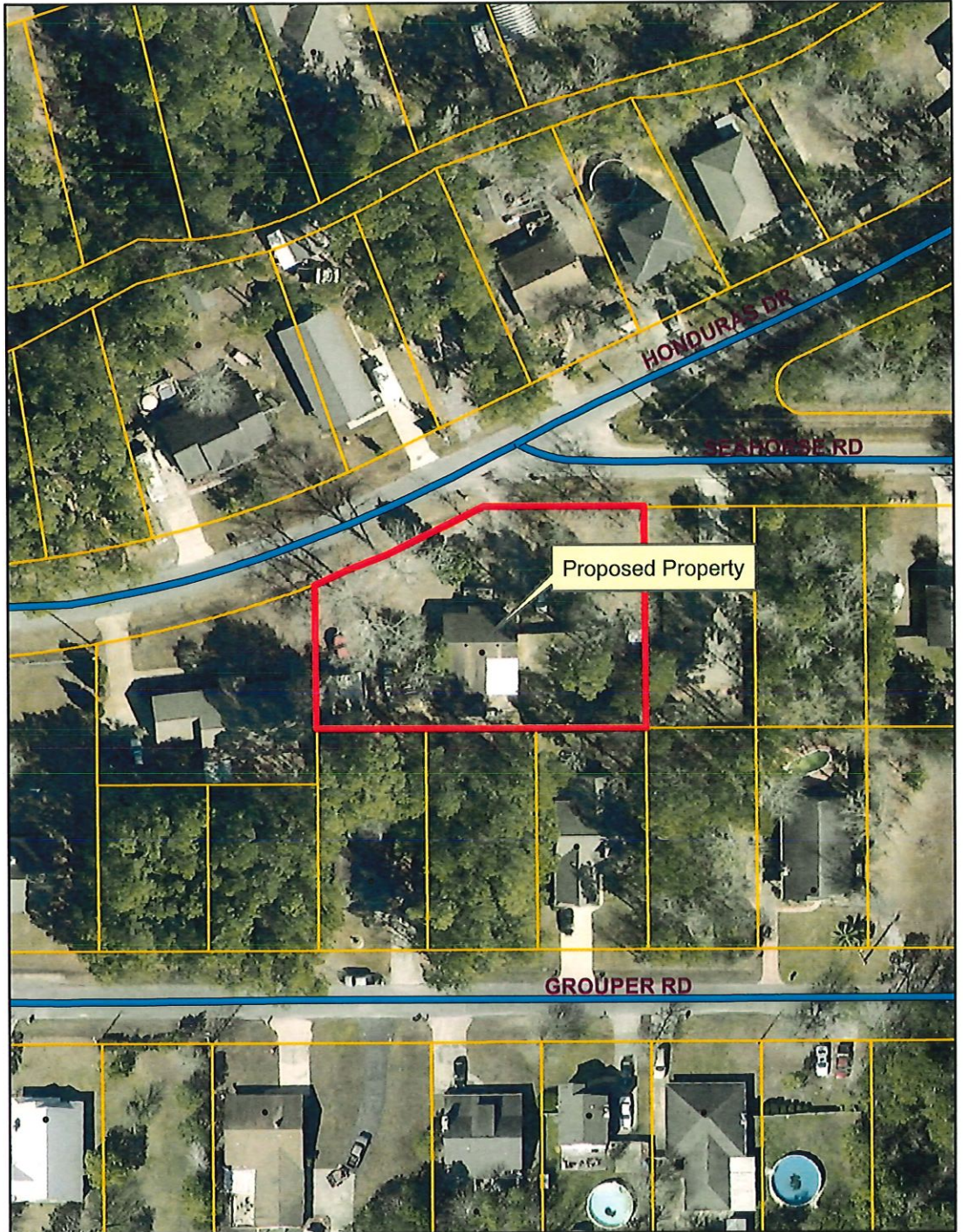


Exhibit B Existing Zoning

Prepared by:
City of Gautier
Planning Department

Legend

Zoning

ZONECODE

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

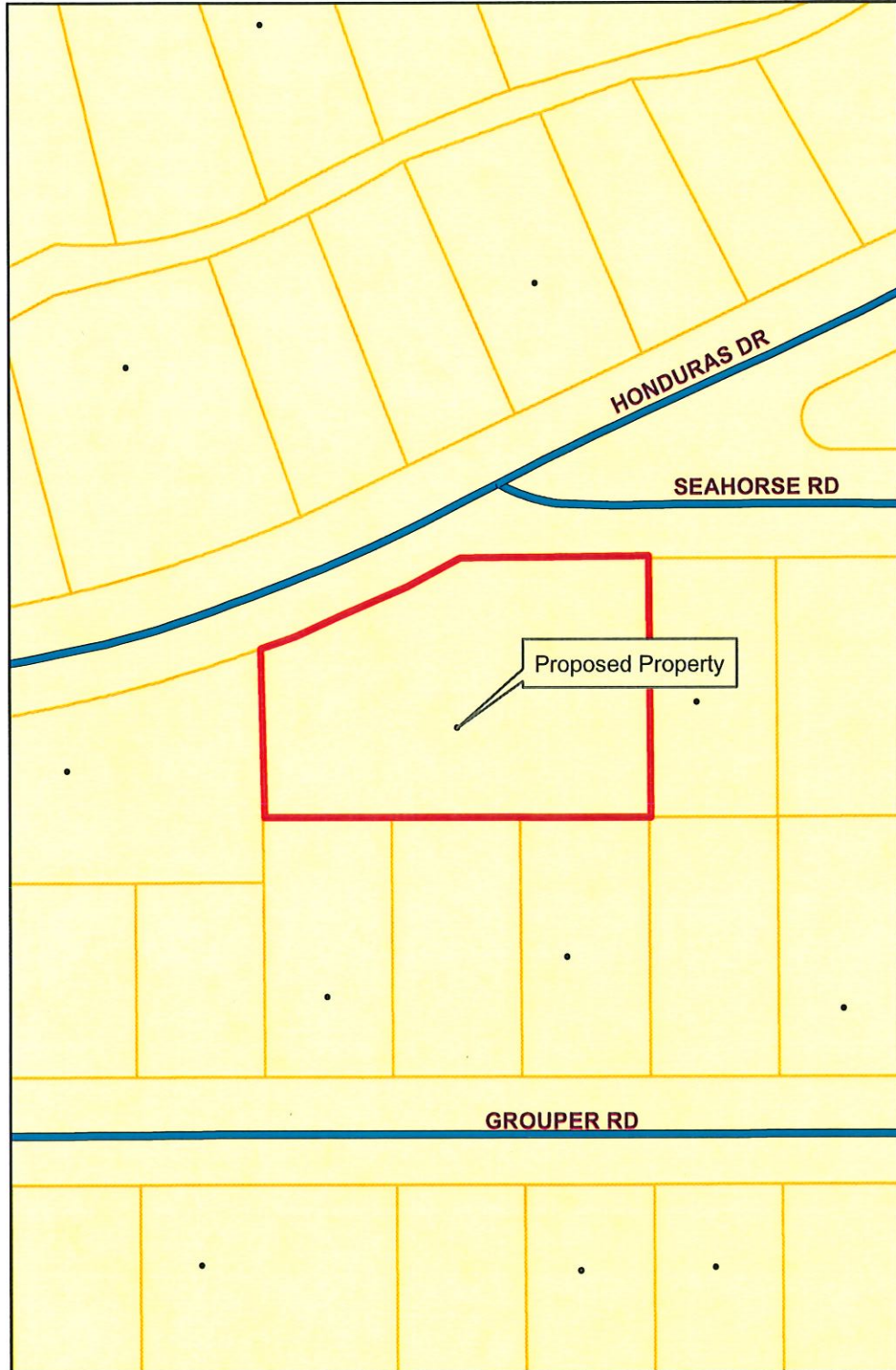


Exhibit C Existing Land-Use

Prepared by:
City of Gautier
Planning Department

Legend

EXISTING LAND USE

ELU_08

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

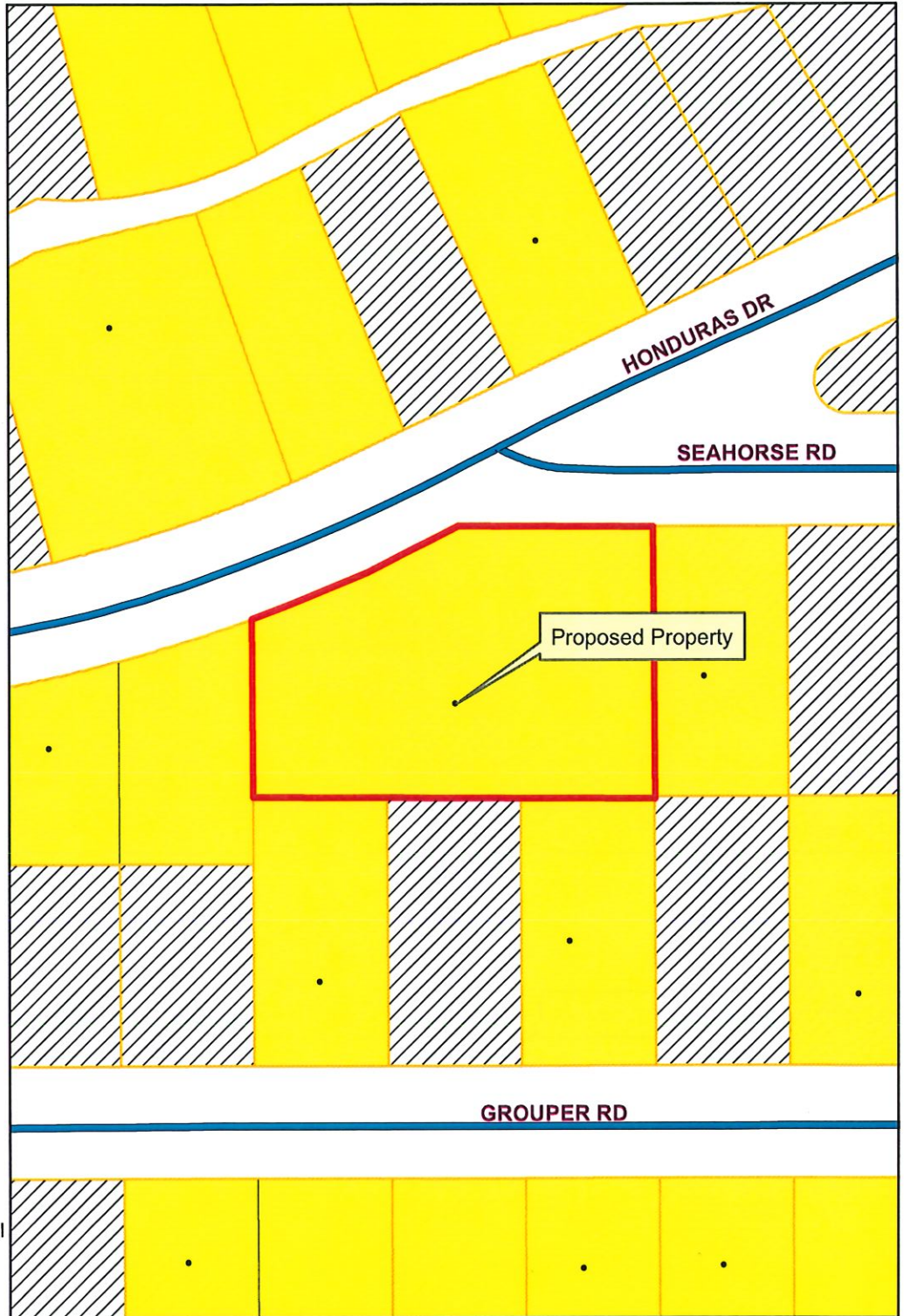


Exhibit D Future Land-Use

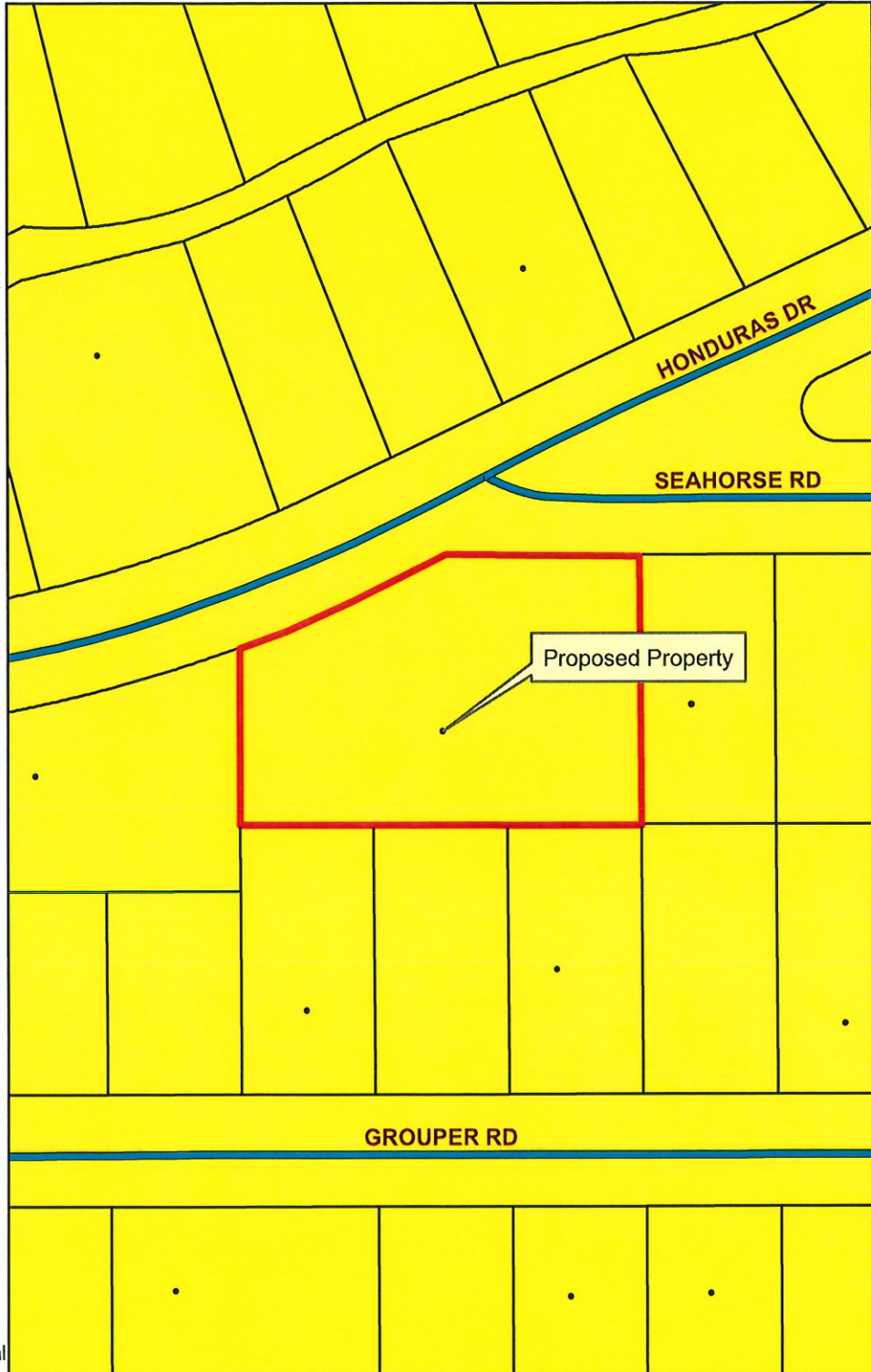
Prepared By:
City of Gautier
Planning Department

Legend

FUTURE LAND USE

FLU_Class

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



Gautier Planning Commission

Regular Meeting Agenda

December 4, 2025

GPC #25-56-SE

Aztecas Restaurant & Cantina – Durango LLC

2405 Highway 90

VII. NEW BUSINESS

1. Consider a request for a **SPECIAL EXCEPTION** that would allow a temporary on-site food truck during tornado damage repairs in a TCMU Town Center Mixed Use Zoning District. 2405 Highway 90, PID #82435100.110. (GPC #25-56-SE)

CITY OF GAUTIER STAFF REPORT

To: Chairman and Members, Planning Commission

From: Scott Ankerson, Planning Director

Date: November 18, 2025

Subject: Consider a request for a Special Exception that would allow a temporary on-site food truck during tornado damage repairs in a TCMU Town Center Mixed Use Zoning District. 2405 Highway 90, PID #82435100.110. (GPC #25-56-SE)

REQUEST:

The Planning Department has received a request from Aztecas Restaurant & Cantina – Durango LLC for a Special Exception that would allow a temporary on-site food truck during tornado damage repairs in a TCMU Town Center Mixed Use Zoning District at 2405 Highway 90, PID #82435100.110. (GPC #25-56-SE). The application fee of \$250 was waived by the City Council. All public notice requirements have been met.

BACKGROUND:

The request property is zoned TCMU Town Center Mixed Use.

1. Location: 2405 Highway 90, PID #82435100.110 (See Exhibit A)
2. General features of the proposed project:
Existing restaurant being repaired due to tornado damage
3. Potable Water and Wastewater Services: Available at current location
4. Current Zoning (See Exhibit B): TCMU Town Center Mixed Use
5. Current Surrounding Zoning (See Exhibit B): TCMU Town Center Mixed Use to the east, south, and west; PL Public Land to the north.
6. Current Surrounding Existing Land Use (See Exhibit C): Commercial - Retail to the east, south, and west; Civic to the north.
7. Comprehensive Plan Future Land Use Designation (See Exhibit D): Town center

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: It is staff's opinion that this will not be injurious to the neighborhood or the general welfare.

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: The request was made due to the tornado damage to the existing restaurant. The Special Exception would allow them to continue to bring in revenue while the restaurant is being repaired.

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

25-56-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: Luis Mendoza, Manager & Orlando Godoy, Owner

Name of Business: Aztecas Restaurant & Cantina - Durango LLC

Address: 2405 Highway 90, Gautier, Mississippi 39553

Mailing Address (if different): _____

Email Address: _____

Phone: 228-497-2100 Cell Phone: 228-249-3898

Reason for request, location and intended use of Property: See Attachment

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.
- NA 5. Copies of approvals, or requests for approval, from other agencies, such as, but not limited to, the Mississippi State Department of Health, U.S. Army Corp of Engineers, Mississippi Department of Environmental Quality and Department of Marine Resources.
- NA 6. Any other information requested by the Planning Director.
- 7. Owner's Consent form if anyone other than 100% sole owner makes application (see attached).

Signature of Applicant:  11.03.2025

FOR OFFICE USE ONLY	
Date Received <u>11/4/25</u>	Verify as Complete <u>Balus</u>
Fee Amount Received <u>waived - tornado damage</u>	
Initials of Employee Receiving Application <u>Balus</u>	

Date of Application: November 3, 2025

I, Ruben Gimenez, the fee simple owner of the following described property (give legal description):

See PIDN: 82435100.110; Durango LLC; 2405 Highway 90, Gautier, Mississippi 39553

hereby petition to the City of Gautier to *Grant a Special Exception of* temporary operation of a food truck on-site and affirm that Orlando Godoy; Luis Mendoza

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)

The foregoing instrument was acknowledged before me this 4 day of November, 2025 by Ruben Gimenez, who is personally known to me or has produced Driver's license as identification and who did take an oath.

Lauren Glenn
(Printed Name of Notary Public)

[Signature]
(Signature of Notary Public)

Commission # 347855. My commission expires April 18, 2027.

(Notary's Seal)

★ STATE OF MISSISSIPPI ★
LAUREN GLENN, NOTARY PUBLIC
JACKSON COUNTY
MY COMMISSION EXPIRES APRIL 18, 2027
COMMISSION NUMBER 347855

OWNERS CONSENT AND DESIGNATION OF AGENCY - SPECIAL EXCEPTION

[Faint circular notary seal]

SPECIAL EXCEPTION

Reason for Request, Location, and Intended Use of Property:

The applicant, Aztecas Restaurant & Cantina, located at 2405 Highway 90, Gautier, Mississippi 39553, is requesting a Special Exception to allow the temporary operation of a food truck on-site in front of the existing restaurant building because of the tornado that hit Gautier, Mississippi on Sunday, October 26, 2025.

This request is due to catastrophic tornado damage sustained by the main restaurant structure, which is currently unusable and under reconstruction. The temporary food truck will allow Aztecas to continue limited operations during the rebuilding process, enabling the business to serve customers, maintain a community presence, and preserve at least 10 full-time jobs while construction is underway.

The intended use is temporary food service for take-out and limited outdoor dining, located north of the damaged building with designated customer parking on the west side of the property. The use will cease immediately upon completion of the restaurant's reconstruction.

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.

A literal interpretation of the ordinance would deprive Aztecas Restaurant & Cantina of the ability to continue limited food service operations while its permanent structure is being rebuilt due to catastrophic damage from the recent tornado. Other businesses within the district are able to operate and serve customers on-site, but the applicant cannot do so because of storm-related destruction outside their control. Without a temporary Special Exception to operate a food truck in front of the property, the business will experience severe financial hardship and be unable to generate revenue needed to recover and retain key staff members.

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.

The requested Special Exception supports the intent of the City's Unified Development Ordinance by allowing continued economic activity and employment within an existing commercial corridor while the business undergoes reconstruction. The temporary use of a food truck on-site will ensure that Aztecas can continue to provide food service to the community in a controlled, safe, and health-compliant manner. This temporary operation will maintain customer engagement and contribute to the area's economic vitality without creating noise, traffic, or visual impacts inconsistent with surrounding commercial uses. The food truck will be removed upon completion of the new building construction.

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

The circumstances requiring this request were caused by a natural disaster, a tornado that caused significant structural damage to the restaurant building. These events were beyond the applicant's control. The applicant has acted responsibly and promptly to secure the site, begin insurance and construction planning, and seek lawful permission to operate temporarily through this Special Exception. The purpose of the request is to maintain partial business operations and preserve employment for approximately 10 staff members until the facility can reopen, minimizing further economic hardship to the business and the local community.

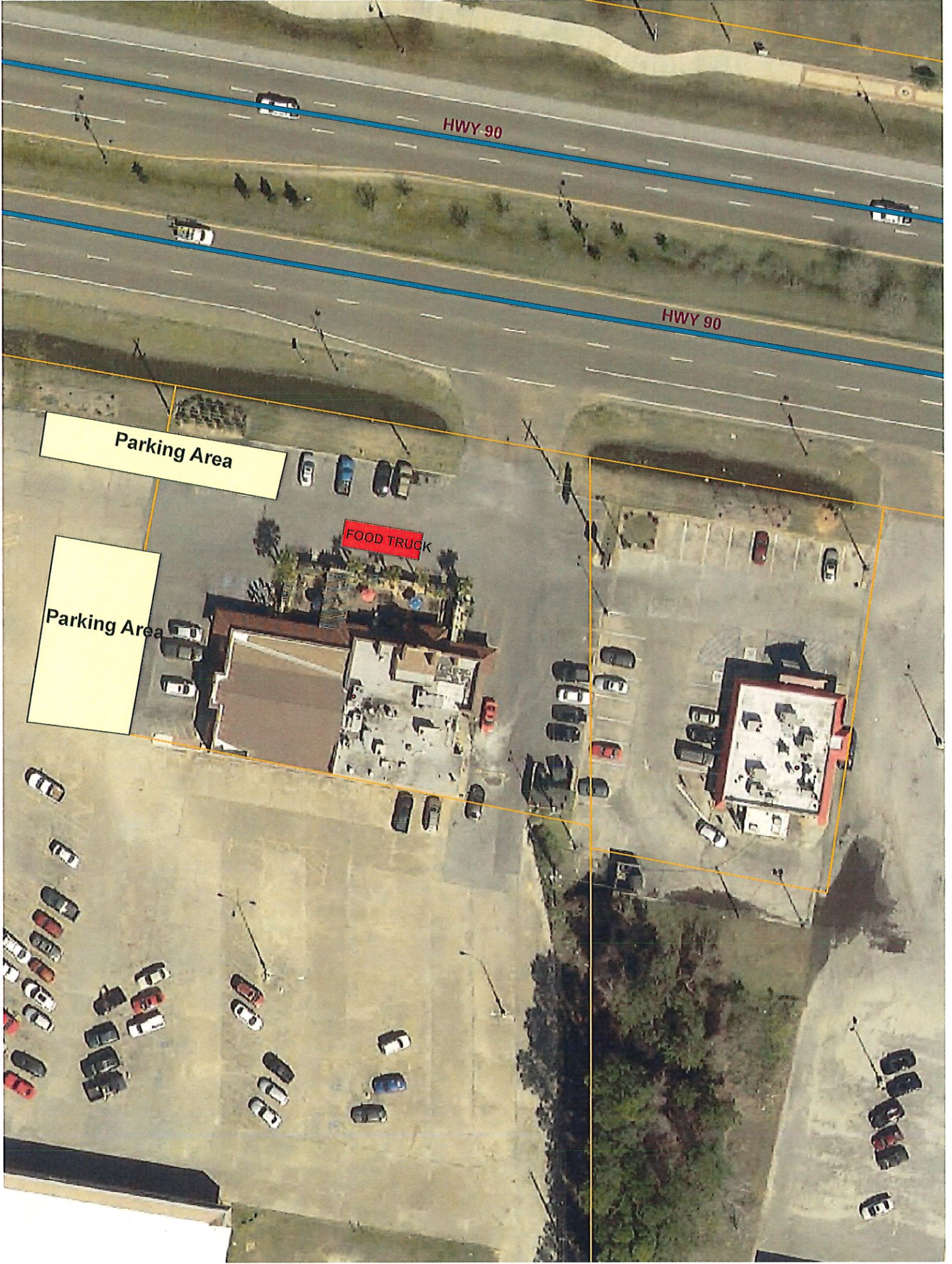
HWY 90

HWY 90

Parking Area

FOOD TRUCK

Parking Area



82435100.110 DURANGO LLC

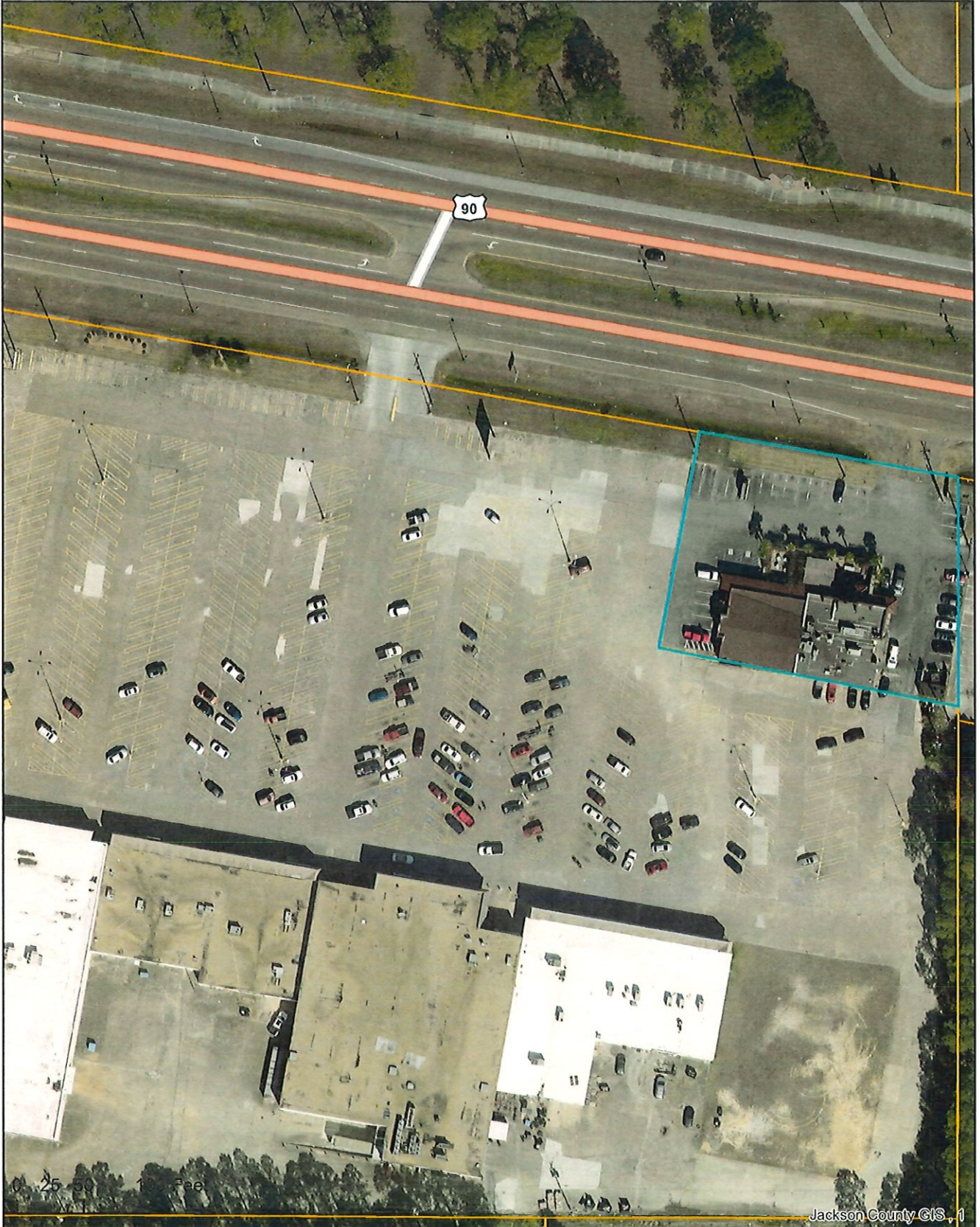
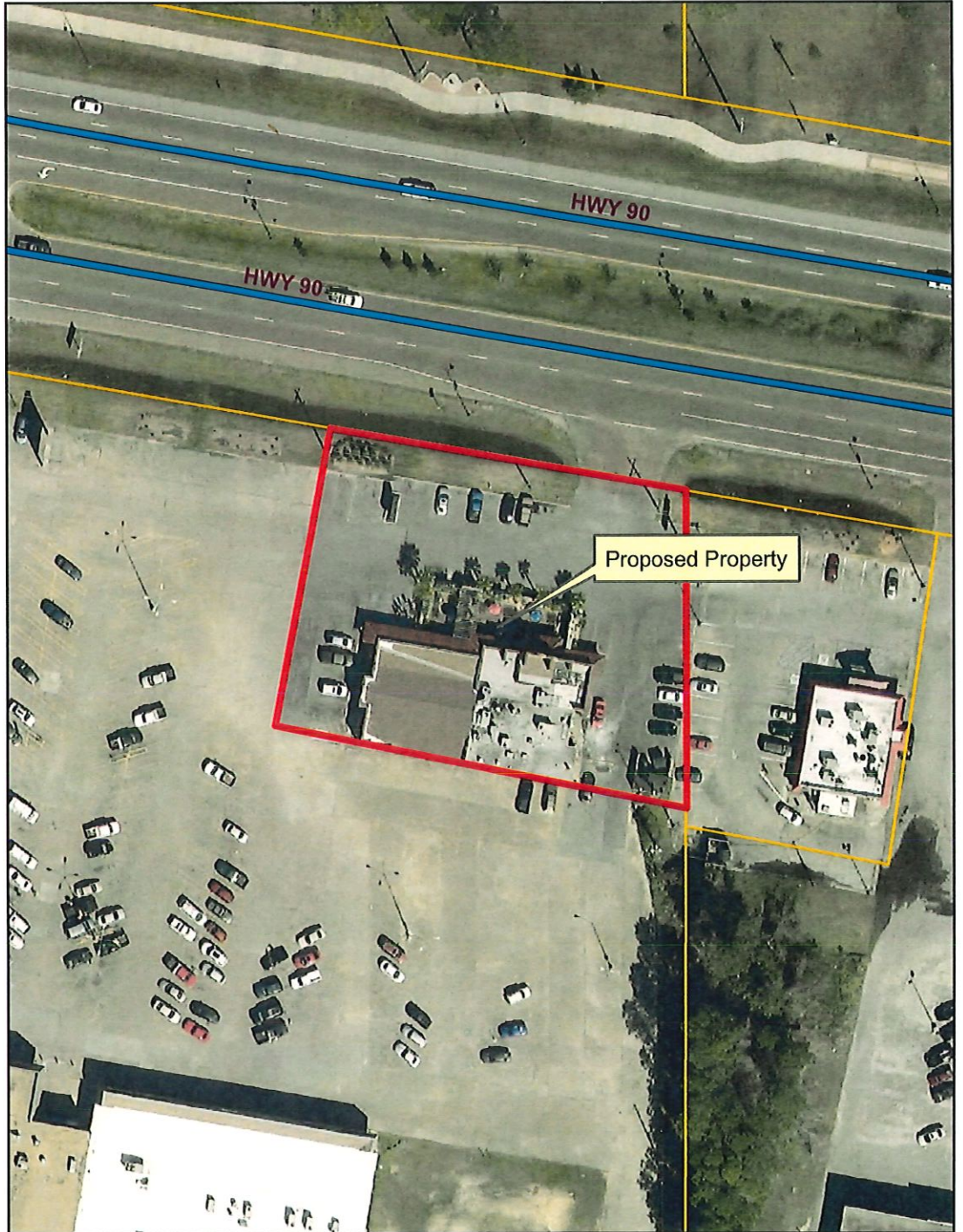


Exhibit A Location Map



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

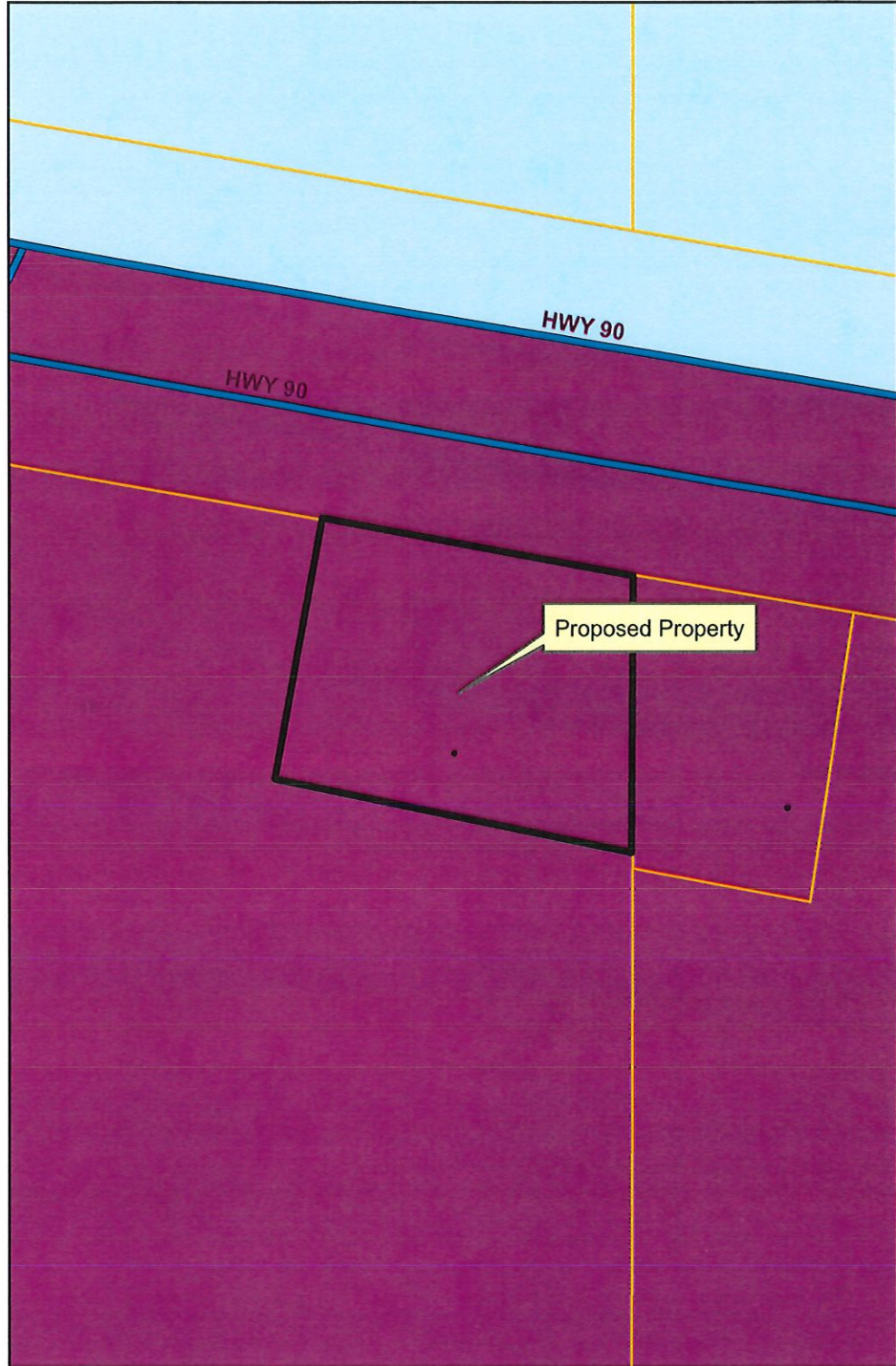


Exhibit C Existing Land-Use

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

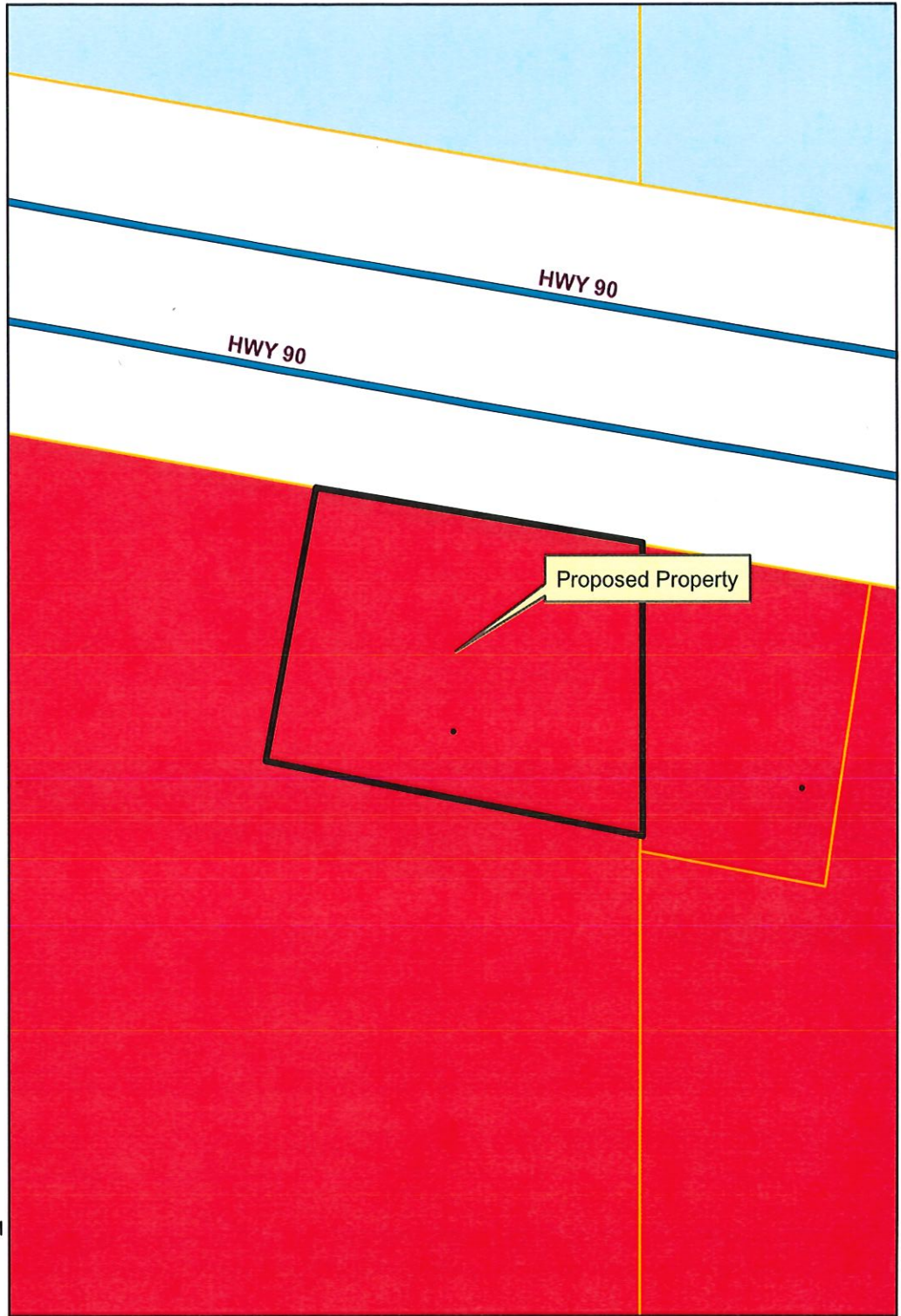


Exhibit D Future Land-Use

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

