

AGENDA
GAUTIER PLANNING COMMISSION
MARCH 5, 2026
5:30 P.M.

I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE (VOLUNTEER)

III. APPROVAL OF AGENDA

IV. APPROVAL OF MINUTES (FEBRUARY 5, 2026)

**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 variance to lot width requirements to split a corner lot. A **TWENTY-FOOT (20') VARIANCE** to lot width requirements is required for the corner lot and a **TEN FOOT (10') VARIANCE** is required for the other lot. The property is in a R-1 Low Density Single-Family Residential Zoning District. Corner of Hastings Road & Shirley Drive, PID #85433015.000, (GPC #26-04-VAR)
2. Consider a request for a two-foot (2') variance to fence height in a front yard in a R-1 Low Density Single-Family Residential Zoning District. 4835 Old Spanish Trail, PID #82438110.075, (GPC #26-05-VAR)

VIII. GENERAL DISCUSSION

A. PREVIOUS CASE UPDATES

B. PERMIT & TRC REPORTS

IX. ADJOURN

**FEBRUARY 5, 2026
GAUTIER, MISSISSIPPI**

BE IT REMEMBERED that a meeting of the Gautier Planning Commission of The City of Gautier, Mississippi, was held on February 5, 2026, 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, 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.

AGENDA

GAUTIER PLANNING COMMISSION

FEBRUARY 5, 2026

5:30 P.M.

- I. CALL TO ORDER**
- II. PLEDGE OF ALLEGIANCE (VOLUNTEER)**
- III. APPROVAL OF AGENDA**
- IV. APPROVAL OF MINUTES (DECEMBER 4, 2025)**
- V. PUBLIC COMMENTS
(MATTERS OF THE PLANNING COMMISSION NOT LISTED ON THE
AGENDA)**
- VI. OLD BUSINESS**
- VII. NEW BUSINESS**
 - 1. Presentation of the Larry Moran Award of Excellence to Wendy Martin, owner of Walker's Steel Mill
 - 2. Consider a request for a two-foot (2') variance to fence height in a front yard in a R-1 Low Density Single-Family Residential Zoning District. 3408 Raintree Drive, PID #82434071.001, #82434071.000 & #82434071.005, (GPC #26-01-VAR)

3. Consider a City-Initiated Rezoning of the six (6) properties listed from I-Industrial to AG Agricultural. PID #82420290.000, 82420270.100, 82420270.050, 82420270.000, 82420270.020, and 82420270.125, C Byrd Road. (GPC CASE #26-02-RZ)
4. Consider a City-Initiated Rezoning of the two (2) properties listed from TCMU Town Center Mixed Use to I-Industrial. PID #82435150.000, and 82435240.001, Old Spanish Trail. (GPC CASE #26-03-RZ)

VIII. GENERAL DISCUSSION

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

IX. ADJOURN

Chairman Ward 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
 Marquitta Buxton
 Greg Canada
 Ricky Decoteau

Motion Passed

Commissioner Buxton made a motion to approve December 4, 2025, minutes.

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

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

Motion Passed.

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

OLD BUSINESS - None

NEW BUSINESS

1. Presentation of the Larry Moran Award of Excellence to Wendy Martin, owner of Walker's Steel Mill

Chairman Ward explained that he had asked Commissioner Hudson to present the Larry Moran Award of Excellence since Commissioner Hudson had made the nomination and had known the recipient and her brother for many years.

Commissioner Hudson explained the history behind the Larry Moran Award of Excellence.

Mr. Larry Moran served as a Planning Commissioner for 11 years from 1997 to 2008. He served as Chairman of the Planning Commission for the last 10 years of his service. During his Planning Commission service, Mr. Moran was diagnosed with cancer. While undergoing treatment, Mr. Moran still fulfilled his duties as Planning Commissioner. When he could not attend the meetings in person, due to his declining health, he would phone into the meeting and would be present via conference call.

In 2008 Mr. Moran lost his battle with cancer. The Planning Commission created the Larry Moran Excellence Award to honor the memory of Mr. Larry Moran and his dedicated service to the City of Gautier. The first award was presented in 2009.

The Larry Moran Excellence Award is presented annually by the Gautier Planning Commission to a deserving Gautier business or business leader who has exhibited planning and/or zoning excellence.

Commissioner Hudson then congratulated Wendy Martin, owner of Walker's Steel Mill Gym, for being the 2025 award winner and gave some history about the owner and her business. When she and her brother, Johnny Walker, took over the gym they made some much-needed improvements, both inside and out. Although Dr. Walker passed away suddenly last year, Ms. Martin continued to complete their plans for the gym.

Wendy Walker Martin is a lifelong resident of Jackson County. After attending Mississippi College School of Law, she received her Juris Doctor in 1994 and dedicated herself to serving the community through law.

Wendy has held various positions over her career, including Assistant District Attorney for Jackson County, Public Defender for Harrison County, and Municipal Judge for the City of D'Iberville. She has also served as a special master for the Jackson County Chancery Court and clerked for the Mississippi Supreme Court. Since founding her private practice in Pascagoula in 2004, she has successfully managed her own law firm.

Wendy has always been passionate about sports and fitness. Her very first job was at Elite Fitness Center in Gautier, where she taught gymnastics, cheerleading, and aerobics during her high school and college years. She coached her baby brother, the late Dr. Johnny Walker, in gymnastics, and upon her departure for college, he succeeded her as one of the coaches at Elite. Johnny followed Wendy to Mississippi State where they both served as cheerleaders for the Bulldogs, and worked at or managed various fitness centers, gymnastics and dance studios throughout Mississippi and Texas over many years. Clearly, the sister/brother duo were destined to own their own gym one day.

Throughout her life, Ms. Martin has contributed to the community by volunteering as a youth coach for t-ball, Little League, soccer, and cheerleading, and by serving as a licensed foster parent, opening her heart and home to numerous Jackson County children in need.

In June 2024, Wendy and Johnny purchased Bodyquest Gym, preventing its closure and realizing their dream of operating a large-scale fitness center together. After significant renovations and a lot of hard work, Walker's Steel Mill was established. Despite the loss of her brother soon after its opening, Wendy has diligently continued their shared vision. Among her accomplishments, Wendy considers her role as a mother to be her greatest achievement, having provided care and guidance to over a dozen children who are now all adults.

Commissioner Hudson then presented the award to Wendy Martin, owner of Walker's Steel Mill. Ms. Martin, Mr. Moran's widow, and his daughter were presented with a bouquet of flowers.

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2. Consider a request for a two-foot (2') variance to fence height in a front yard in a R-1 Low Density Single-Family Residential Zoning District. 3408 Raintree Drive, PID #82434071.001, #82434071.000 & #82434071.005, (GPC #26-01-VAR)

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

REQUEST:

The Planning Department has received a request from Henry Davis for a two-foot (2') variance to fence height in a front yard in a R-1 Low Density Single-Family Residential

Zoning District at 3408 Raintree Drive, PID #82434071.001, #82434071.000 & #82434071.005. (GPC #26-01-VAR) The application fee of \$175 was paid on October 27, 2025. All public notice requirements have been met.

BACKGROUND:

The applicant would like to put a six-foot (6') fence around his two adjacent lots. His house is located on one lot, and the other lot is vacant. His plans are to put a shop on the vacant lot at a later date. The proposed fence would not come in front of the building line of the house on one lot but would come twenty-seven feet (27') in front of the building line on the other lot. The Unified Development Ordinance (UDO) Section 11.10.2 (D) states that fences shall not exceed four (4) feet in height within a designated front yard. The applicant is asking for a two-foot (2') variance to fence height within a front yard.

DISCUSSION:

The applicant is asking for a two-foot (2') variance to fence height within a front yard. He would like to place a six-foot (6') fence around the lot his house is on and his adjacent lot. He would like to put the fence twenty-seven feet (27') in front of the front building line on the adjacent lot. The fence would not come in front of the house on the other lot. The UDO states that a fence shall not exceed four feet (4') in height within a designated front yard.

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.

Henry Davis, the applicant, stated that having the fence at six feet would give his family more of a back yard, and give them more protection.

Commissioner Hudson asked if he intended to dress up the culvert because there was a lot of debris on the east side of the property along where the fence was going.

Mr. Davis said he was going to clean that up and that it was left from when he bought the property. He said it would be cleaned up and grass planted from his property line back. He will still have 30' of property from the fence to the front property line.

Chairman Ward noted that when you talk about the fence jogging out 27' it may seem excessive, but the house is 57' from the property line. One of the reasons for having fences only 4' in the front yard is so people can see down the road when coming out of their driveways, but there will be 30' of property in front of the fence and no line-of-sight issues.

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

ACTION TAKEN:

Commissioner Hudson made a motion to recommend approval of the Variance as presented.

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

AYES:

- Josh Ward**
- Maurice Hudson**
- Robert Williams**
- Herman Green**
- Marquitta Buxton**
- Greg Canada**
- Ricky Decoteau**

Motion passed.

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3. Consider a City-Initiated Rezoning of the six (6) properties listed from I-Industrial to AG Agricultural. PID #82420290.000, 82420270.100, 82420270.050, 82420270.000, 82420270.020, and 82420270.125, C Byrd Road. (GPC CASE #26-02-RZ)

Scott Ankerson, Planning Director, gave a brief overview of the case. He explained that the owner of the larger, most southern parcel, which has a home on it, contacted him about wanting to parcel it off so one of their children could build a house on the property. After looking into the request, he realized that the listed parcels were zoned Industrial and each one has had a home on it since the 70's, 80's, or 90's. After doing some research as to why this was, he found that when the Comprehensive rezoning was done in 2010 these parcels were rezoned to Industrial even though they had homes on them. It seems that these specific parcels were included by mistake and changed to Industrial. There are Industrial zoned parcels around these parcels, but these obviously should have been included in the Agricultural zone. The houses that are on the parcels are legal non-conforming and could not expand their use because they are in the Industrial district.

REQUEST:

The Planning Department has requested a City-initiated rezoning of six (6) contiguous parcels located at PID #82420290.000, 82420270.100, 82420270.050, 82420270.000, 82420270.020, and 82420270.125, C Byrd Road, from I-Industrial to AG Agricultural. (GPC Case #26-02-RZ). All public notice requirements have been met.

The purpose of this city-initiated rezoning is to rezone these parcels based on a mistake in the original zoning designation.

BACKGROUND:

Section 4.15 of the City's Unified Development Ordinance (UDO) establishes the procedure to amend the City's Official Zoning Map. The Gautier Planning Commission (GPC) shall review a proposal for a rezoning and shall make an advisory recommendation to the City Council as to the need and justification for the change when the public welfare justifies such action. The GPC shall include in its recommendation to the City Council findings that the required rezoning criteria have been met.

DISCUSSION:

1. Location: C Byrd Road, PID #82420290.000, 82420270.100, 82420270.050, 82420270.000, 82420270.020, and 82420270.125. (See Exhibit A)
2. Existing Zoning: I-Industrial. (See Exhibit B)

UDO 5.3.10 I, Industrial District - Purpose and intent. The purpose of the industrial district is to provide land where light manufacturing and assembly plants, processing, storage, warehousing, wholesaling, distribution centers and industrial

parks for such uses can be located by right. All industrial, warehousing or manufacturing uses permitted by right should be conducted in such a manner so that noise, odor, dust, and glare of each operation are completely confined within an enclosed building. It is the intent of this Ordinance that heavy industrial and manufacturing uses be reviewed to ensure compatibility with conditions. Any outdoor industrial, storage or manufacturing use shall be appropriately screened and buffered to mitigate the effect on adjacent property.

UDO 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.

DATA AND ANALYSIS:

Property requested for Rezoning: C Byrd Road, PID #82420290.000, 82420270.100, 82420270.050, 82420270.000, 82420270.020, and 82420270.125.

Location: Ward 1

Current Zoning of the Request Property: I-Industrial

Existing Land Use: Very low to low density residential. (See Exhibit C)

Future Land Use: Industrial. (See Exhibit D)

Surrounding Zoning: I-Industrial to west and south, AG-Agricultural to east and north

HISTORY:

The subject properties have homes on them. These structures were built between the years of 1979 and 1999 with the majority of them being built in the 1980's.

REVIEW CRITERIA:

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

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

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

STAFF RECOMMENDATION:

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

CONCLUSION:

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

1. Recommend that City Council approve to Rezone C Byrd Road, PID #82420290.000, 82420270.100, 82420270.050, 82420270.000, 82420270.020, and 82420270.125 from I-Industrial to AG Agricultural.
2. Recommend that City Council deny the Rezoning.

Commissioner Decoteau asked if there were any other parcels in the area that this might have happened to.

Mr. Ankersen said he studied the area to see which parcels were an obvious mistake, and these houses have had homes on them for some time. The rest of those Industrial parcels that go out towards Hwy 57 and south were probably designated as Industrial on purpose because it was determined at that time the city needed more Industrial land.

Commissioner Hudson said he didn't think there was a mistake in the zoning back years ago, because Gautier planned on having Industrial in that area but somehow things have changed and industrial uses are moving into the city limits. He noted that surrounding cities have industrial that is mixed in with some of their residential. If we are rezoning some of the city's industrial area, we need to find another area for industry. If we are doing away with our Industrial land, how are we going to get industry to come to Gautier.

Mr. Ankersen explained that we are only proposing to change the zoning on those parcels zoned Industrial that have homes on them. He doesn't think there will be any other parcels in this area that will need to be rezoned Agricultural.

Chairman Ward said he agrees with Mr. Ankersen that there was a mistake in the zoning because when they were rezoned to Industrial there were already houses on the properties. This issue would have come up previously had anyone on these parcels wanted to put a shed on the property or add on to their homes.

Coreen Dean, a C Byrd Road resident, explained how the zoning change had been an issue when they wanted to put a trailer, where one had been previously, on their property in the area. Because of the rezoning that she was unaware of, they lost money having to move the trailer because it was not allowed.

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

ACTION TAKEN:

Commissioner Canada made a motion to recommend approval of the rezoning based on the information given.

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

- AYES:** **Joshua Ward**
- Maurice Hudson**
- Richard Williams**
- Herman Green**
- Marquitta Buxton**
- Greg Canada**
- Ricky Decoteau**

Motion passed.

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- 4. Consider a City-Initiated Rezoning of the two (2) properties listed from TCMU Town Center Mixed Use to I-Industrial. PID #82435150.000, and 82435240.001, Old Spanish Trail. (GPC CASE #26-03-RZ)

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

REQUEST:

The Planning Department has requested a City-Initiated Rezoning of properties located at PID #82435150.000, and 82435240.001, Old Spanish Trail, from TCMU Town Center Mixed Use to I-Industrial. (GPC CASE #26-03-RZ). All public notice requirements have been met.

BACKGROUND:

Section 4.15 of the City’s Unified Development Ordinance (UDO) establishes the procedure to amend the City’s Official Zoning Map. The Gautier Planning Commission (GPC) shall review a proposal for a rezoning and shall make an advisory recommendation to the City Council as to the need and justification for the change when the public welfare justifies such action. The GPC shall include in its recommendation to the City Council findings that the required rezoning criteria have been met.

DISCUSSION:

1. Location: Old Spanish Trail, PID ##82435150.000, and 82435240.001. (See Exhibit (A))
2. Existing Zoning: TCMU. (See Exhibit B)

UDO 5.3.12 TCMU, Town Center Mixed Use District

A. Purpose and Intent - *The purpose of the TCMU Town Center Mixed-Use District is to encourage the development of a new downtown area that offers shopping, entertainment venues, cultural and community uses and specialized types of residential units to serve residents and visitors to Gautier.*

This district will be the core area of the city with quality designed and built structures, streetscapes and amenities. New development and changes to existing buildings should be consistent with recognized pedestrian scale improvements in terms of structural orientation, height, lot dimensional requirements and other site spatial relationships.

B. Design Principals - *The general design principals for the Town Center Mixed Use District are as follows:*

1. *Create a distinctive "Sense of Place": All buildings should incorporate high quality architectural treatments, building materials, and site planning that provides visual interest, reduces building mass impacts, respects local character and provides a distinct sense of place. Developers should establish continuity of design with distinctive signs, banners, pedestrian scale lights and street trees which help identify the district.*
2. *Strong Street Edge: All commercial and civic uses, including big box stores, should provide physical definition to streets and public spaces. This can be accomplished by locating buildings or sections of buildings closer to the street. A strong street edge helps mitigate the negative visual impact of surface parking lots and parking garages.*
3. *Place Focal Points at Major Intersections: Development on the corners of major intersections should frame the corners. Public elements including streetscapes, trees, paving and pedestrian elements should help articulate these areas as major Destination points.*
4. *Provide Quality Public Amenities and Landscaping: Development should provide high quality public amenities and landscaping that promote a positive site appearance, pedestrian activity and social interaction.*
5. *Create Human Scale Development: Entrances into buildings should be at the scale of the pedestrian rather than monolithic or monumental scale, pedestrian linkages should be created from parking lots to building entrances, between buildings and to sidewalks and walking trails.*

UDO 5.3.10 I, Industrial District - Purpose and intent. The purpose of the industrial district is to provide land where light manufacturing and assembly plants, processing, storage, warehousing, wholesaling, distribution centers and industrial parks for such uses can be located by right. All industrial, warehousing or manufacturing uses permitted by right should be conducted in such a manner so that noise, odor, dust, and glare of each operation are completely confined within an enclosed building. It is the intent of this Ordinance that heavy industrial and manufacturing uses be reviewed to ensure compatibility with conditions. Any outdoor industrial, storage or manufacturing use shall be appropriately screened and buffered to mitigate the effect on adjacent property.

DATA AND ANALYSIS:

Property requested for Rezoning: Old Spanish Trail, PID ##82435150.000, and 82435240.001.

Location: Ward 2

Current Zoning of the Request Property: TCMU Town Center Mixed Use

Existing Land Use: Industrial. (See Exhibit C)

Future Land Use: Town Center Mixed Use. (See Exhibit D)

Surrounding Zoning: I-Industrial and C-2 Community Commercial to the south, TCMU Town Center Mixed Use to the north, east and west.

HISTORY:

A 100,000 square foot warehouse is currently being built on PID #82435240.001. The use of the property as a warehouse is not allowed by right in a TCMU district and was approved by City Council through a Special Exception in 2025.

PID #82435150.000 is owned and operated by MOWA Development LLC and contains the uses of “contactor’s office, shop, and the “grandfathered” use of a contractor’s storage yard. Although there are other parcels in the immediate area that are zoned I-Industrial and have industrial uses established on them, the I-Industrial district for the City is relatively small compared to other commercially zoned districts and available parcels for industrial uses is limited.

For the reasons listed, staff feels there is a need to rezone PIDN 82435240.001 and PIDN 82435150.000 from TCMU to I-Industrial based on UDO criteria 4.15.3 B, “The character of the surrounding area has changed to such an extent as to justify rezoning and there is a public need for additional property to be zoned in accordance with this request.”

REVIEW CRITERIA:

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

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

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

STAFF RECOMMENDATION:

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

CONCLUSION:

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

1. Recommend that City Council approve to Rezone Old Spanish Trail, PID #82435150.000, and 82435240.001 from TCMU Town Center Mixed Use to I-Industrial.
2. Recommend that City Council deny the Rezoning.

Mr. Ankerson stated that the warehouse that was approved by Council last year as a Special Exception is one of the things that proves that there is a change in the area. The area is changing and the city is having more requests for more industrial use in that area. Although he said he couldn't prove that MOWA had an industrial use initially, it does now have industrial uses on that parcel. This is the reason for the criteria being met for the change in the area in his opinion. There is a need for more property to be zoned Industrial because most of the Industrial property on Hwy 57 is wetlands. The property on Old Spanish Trail that is out of that jurisdictional wetland area is more appealing.

Chairman Ward stated that there is currently industrial land use just south of that area noting the old Mallette Brothers property and the City's Public Works Department. Although the future land use is for Town Center, the area and the characteristics have changed. Since there is Industrial property to the south of these parcels you will need Industrial property to be adjacent to the other Industrial to be helpful to the industry that is already there. There have also been other requests for Industrial along Old Spanish Trail, not only in this area but in other areas.

Commissioner Hudson asked what direction does the city want to go. Once we head down that industrial road, we are going to get away from the intended purpose. Once we change from Town Center, what other business is going to locate beside an industrial park. The industrial that is currently on Old Spanish Trail should be on Hwy 57, not where it is. That area should be doctor offices, restaurants, hotels, etc. This should be looked at more carefully before committing to Industrial zoning there. We would be getting away from the business aspect of entertainment, eateries, and livelihoods. A functional city cannot have an industrial park in the heart of the city.

Chairman Ward said he understands the concern, but he wants everyone to understand that there are currently industrial businesses on these two parcels of land. These businesses are not likely to move since they have already invested so much in the property and built businesses there. Also, there is already heavy industrial just south of these properties. He doesn't think they are changing Town Center, but that Town Center is changing itself.

Commissioner Canada stated that Gautier needed to have something different than the surrounding cities. We need something to drive new businesses here. He said the question is where will you put the Town Center.

Mr. Ankerson said if you look at the Zoning Map, Town Center Mixed Use is a very large zoning district. It has been expressed to him in the past that it extends much farther east than it should have been extended. He has had people ask him to look at that zoning designation and see about dropping that zoning back more to the west because there were too many parcels to the east that were included. Because this area already has the industrial uses on it, he felt it should be rezoned because of the appropriateness of the buildings that are built on it and the uses that are in those buildings. Also with the big quarry across the road, you already have big trucks coming in and out of that immediate area so it would be better to have these parcels zoned rather than somewhere else down Old Spanish Trail. It keeps the road wear and maintenance closer and tighter and less expensive for the city to keep up.

Commissioner Hudson said he was concerned that the city protect the future of the Town Center district.

Commissioner Williams asked if it would be harder to build on Hwy 57 because of the wetlands.

Mr. Ankerson said it wouldn't be harder, but it could be more expensive.

Commissioner Williams said that what was going to bring money to the city was industry. Gautier would never have what Ocean Springs has with their downtown. He heard that one of the reasons Walmart, etc. won't build in Gautier is because the average income is too low. Industry will eventually bring restaurants, etc. to Gautier.

Neil, vice president of MOWA Industries, said that when they bought the property it was zoned Industrial. The zoning changed to Town Center later. He said they do not plan on going anywhere.

Daniel Taylor, president of Air Masters Mechanical, stated that they already have a long lease contract set up on their property with Ingalls and they do not have any intent on doing anything else with their property. He wants to see Gautier grow, including

Roadhouse Steak houses on Hwy 90. They bought the property when it was Industrial, also. Their business will be bringing about 75 jobs to Gautier, which will bring new homes etc.

Lorenzo Fuller, Ward 4 Councilman, said that the rezoning would be detrimental to Gautier getting businesses. That area is Town Center and if we put Industrial right in the heart of the city, no one is going to come build restaurants, etc. Industry should be taken farther out because something could be put there that would poison the kids if it were industrial. The city needs to take a look at it before it is voted on and made official.

Commissioner Hudson said that you can build on wetlands, you just have to replace it with other land.

ACTION TAKEN:

Chairman Ward made a motion to recommend approval of what was presented based on the evidence that was found by the Planning Director due to the existing use of the parcels of land that were listed and the change in the characteristics of the area since the last zoning. These two parcels should be rezoned from Town Center Mixed Use to Industrial Use.

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

- AYES:** **Joshua Ward**
- Richard Williams**
- Herman Green**
- Marquitta Buxton**
- Greg Canada**
- Ricky Decoteau**

- NAYS:** **Maurice Hudson**

Motion passed.

GENERAL DISCUSSION

A. PREVIOUS CASE UPDATES

Mr. Ankerson advised Commissioners that City Council had approved both cases from the December 4, 2025, meeting.

B. PERMIT & TRC REPORT

Mr. Ankerson presented the December 2025 and January 2026 monthly reports.

Mr. Ankersen stated that he wanted to expand on the reports. He stated that Gautier is currently growing. We have 75 open permits on houses that are being built right now. These houses are not in any one particular subdivision; they are scattered throughout the city. He said he has been here 11 years and in those 11 years the city might have seen 6, to maybe 15, open new house permits at a time. He said he had 5 more sets of plans on his desk waiting for him to review. He also has received a set of plans to review for the PUD that was approved on Old Spanish Trail last year and that consists of 301 houses.

Chairman Ward made a motion to adjourn the meeting.

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

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

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

December 4, 2025

GPC #25-55-VAR

2858 Honduras Drive

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)

**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

GAUTIER, MISSISSIPPI

PLANNING DEPARTMENT
PUBLIC HEARING APPLICATION

Public Hearing Number

25-~~24~~-VAR
55

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: Patrick Reynolds

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

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

E-Mail Address: PATJOSREY@gmail.com

Reason for request, location and intended use of Property: living 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 _____	Verify as Complete <u>Babs</u>
Fee Amount Received _____	Initials of Employee Receiving Application <u>JB/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. home.

If I'm understanding the question correctly, ~~yes~~ no. There are many similar size and style buildings in point clear. One in particular at 2016 Dolphin Drive is the same size shop 30'x50' with a very similar house/land layout.

HONDURAS
FIELD

Limbspace
Drilled
(concrete)

POST
FRAME
BLDG

50' 1500.00

780 sqft
Walls

30'

60'

HOUSE

30'

10'

55'

40'

60'

60'

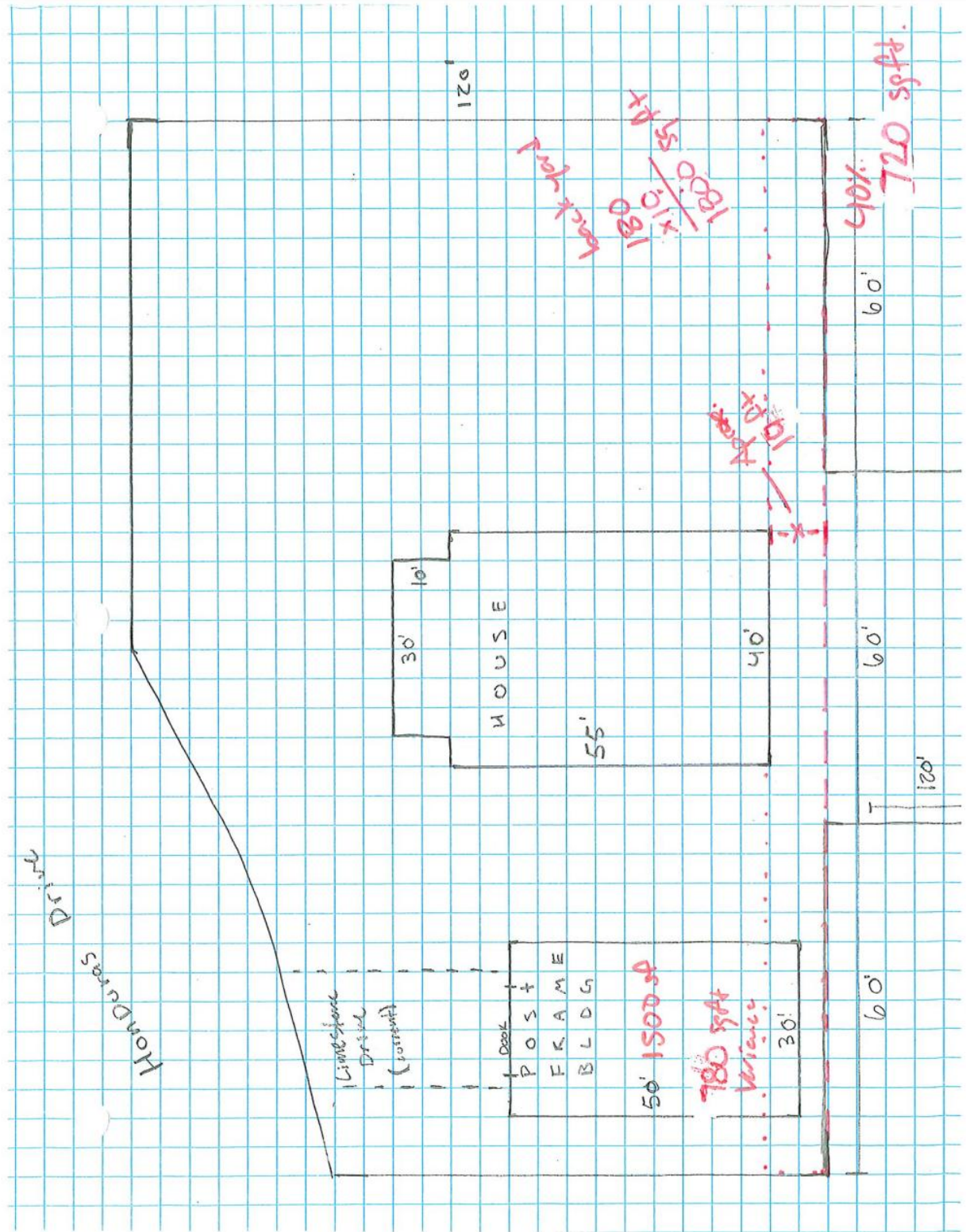
40%

720 sqft

1800.00
+ 110.80
Fence yard

021

021



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

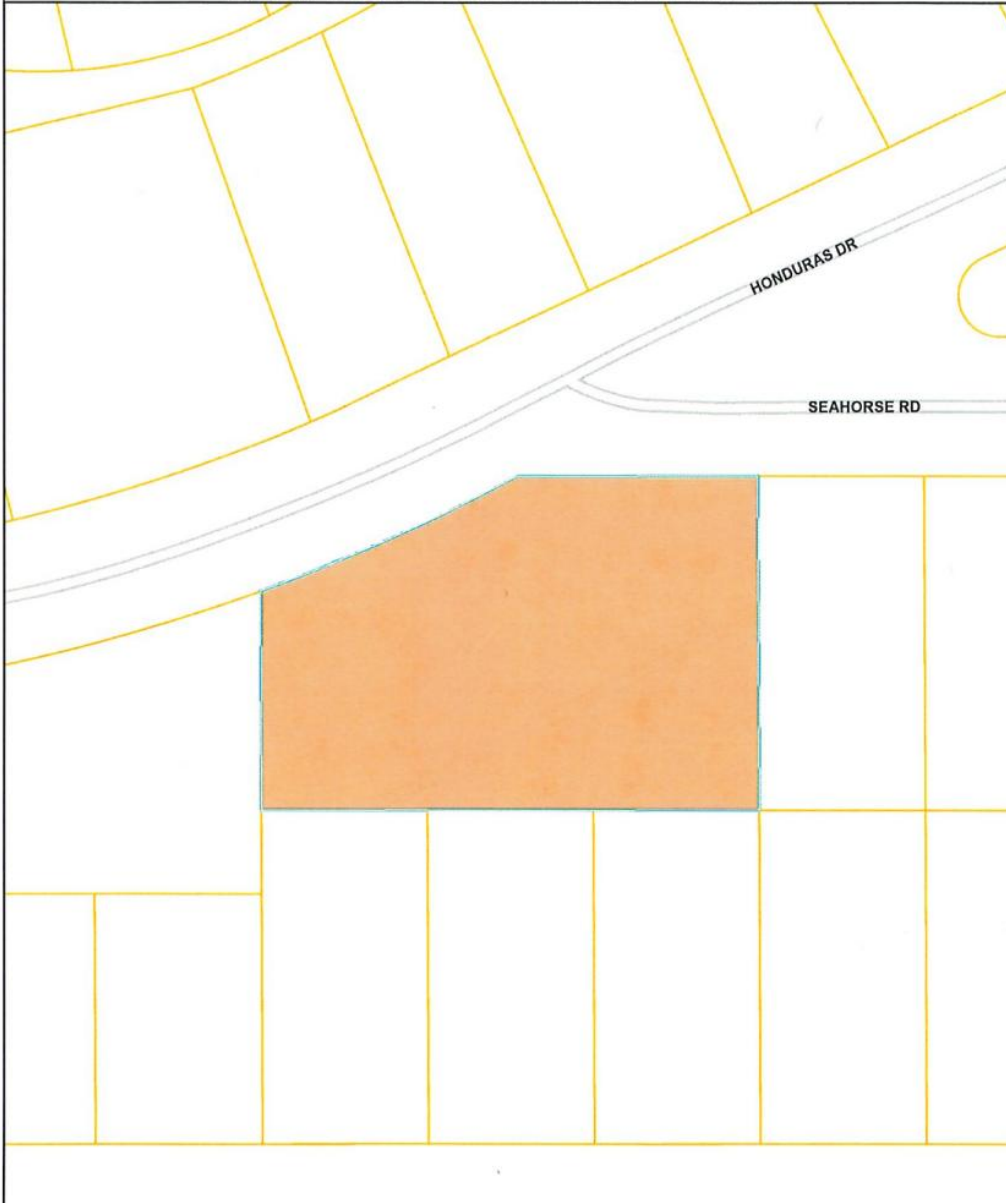
Total Assessed Value: 11146	Total Appraised Value: 111460
Improvement Value: 98990	Land Value: 12470
Tax Amount: 0	SQ FT: 1716 Year Built: 1977

Legal Description

Description: LOTS 129 130 & 131 POINT CLEAR R
VIERA 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
[Scale bar with 5 segments]

GROUPER RD

Jackson County GIS

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

11/10/2025

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

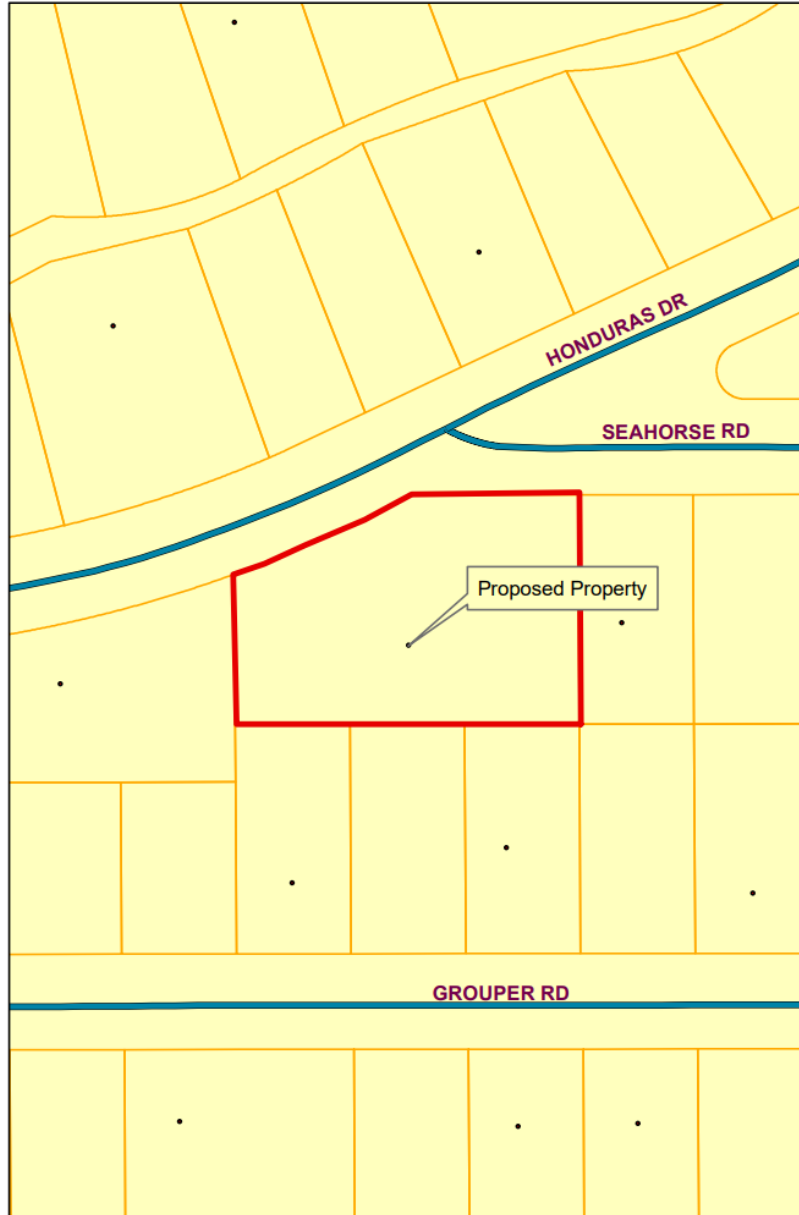


Exhibit C Existing Land-Use

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

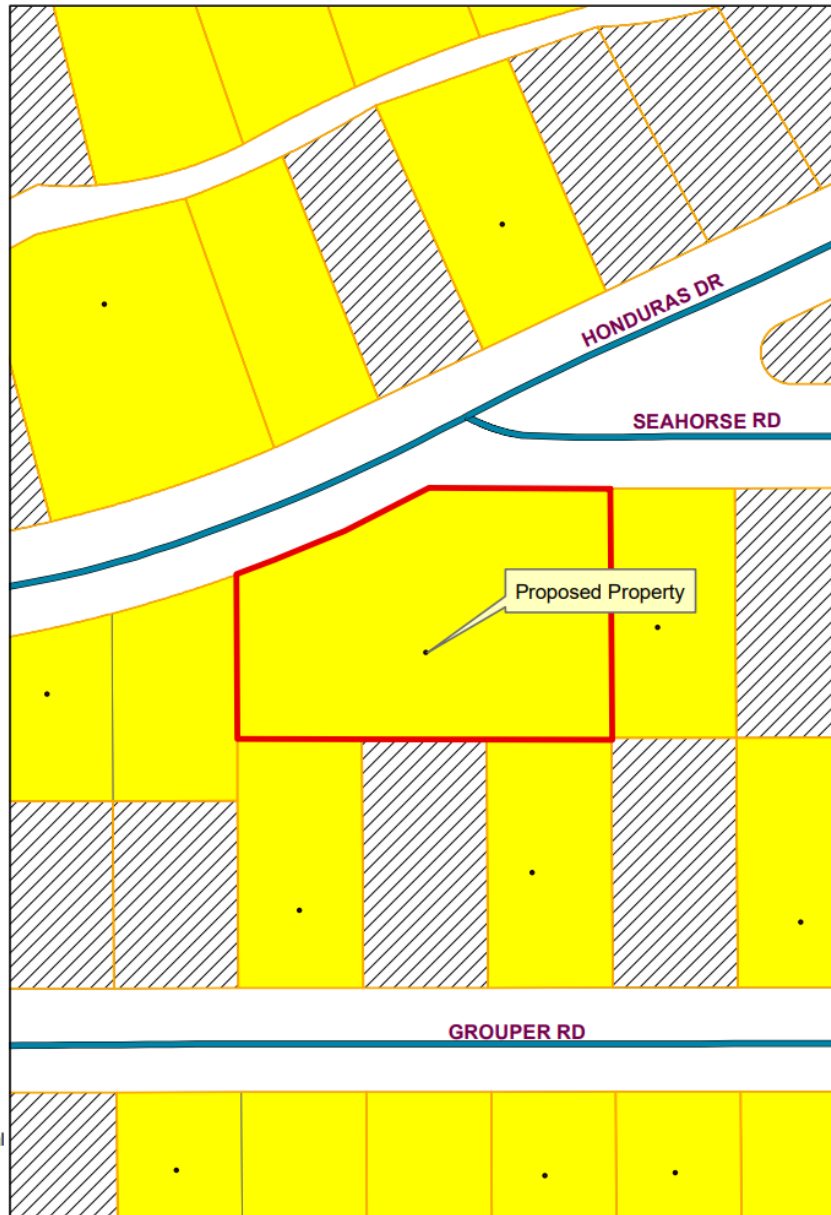


Exhibit D Future Land-Use

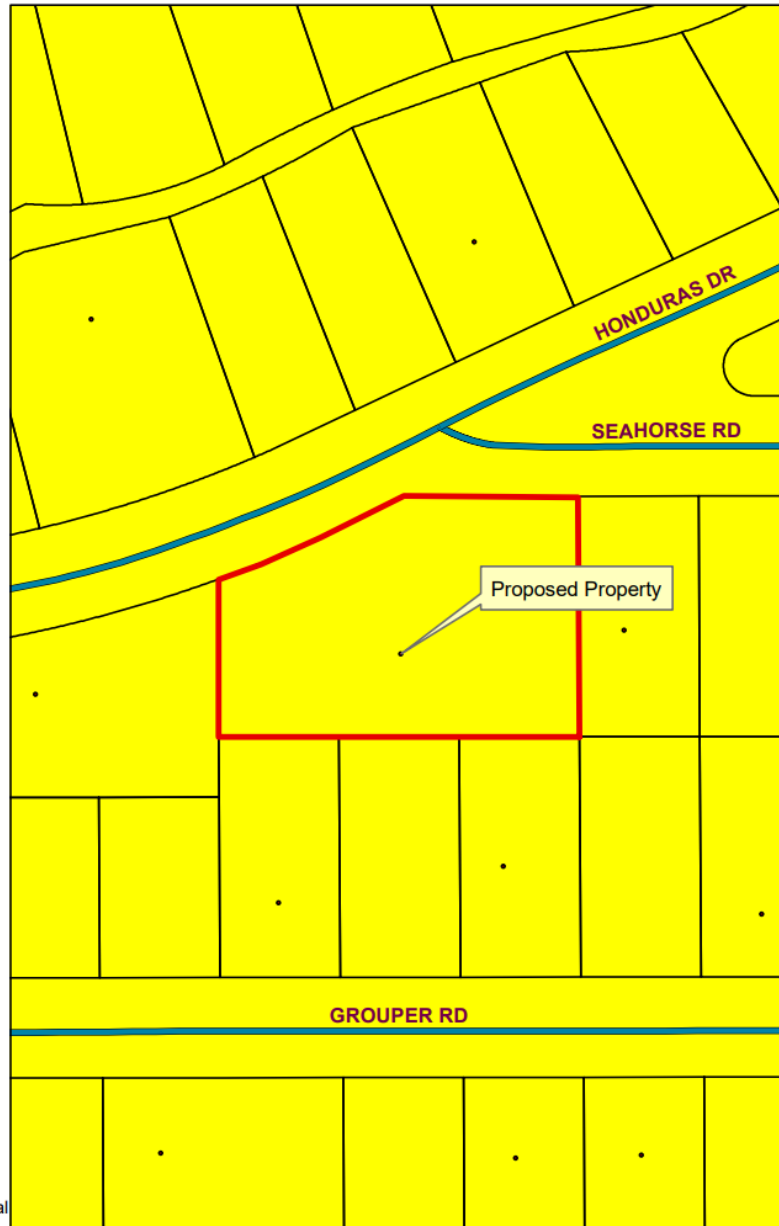
Prepared By:
City of Gautier
Planning Department

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

December 4, 2025

GPC #25-56-SE

Aztecas Restaurant & Cantina – Durango LLC

2405 Highway 90

VII. NEW BUSINESS

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)

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: lmendoza@aztecasrestaurante.com

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>Bales</u>
Fee Amount Received <u>waived - for auto damage</u>	
Initials of Employee Receiving Application <u>Bales</u>	

OWNERS CONSENT AND DESIGNATION OF AGENCY – SPECIAL EXCEPTION

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

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.

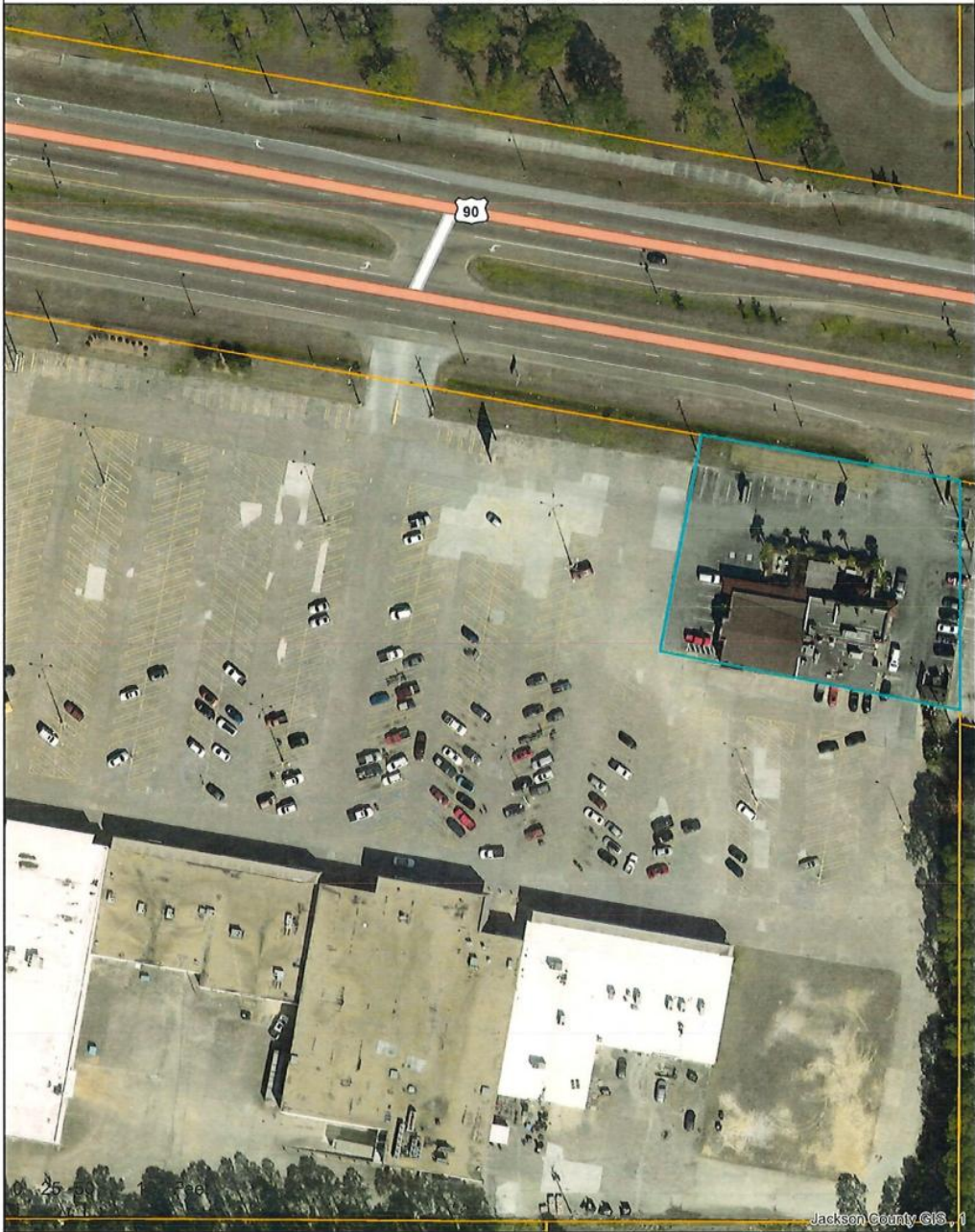
The requested Special Exception supports the intent of the City's Unified Development Ordinance by allowing continued economic activity and employment within an existing commercial corridor while the business undergoes reconstruction. The temporary use of a food truck on-site will ensure that Aztecas 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.



82435100.110 DURANGO LLC



Jackson County GIS, 1

Exhibit A Location Map

Prepared by:
City of Gautier
Planning Department

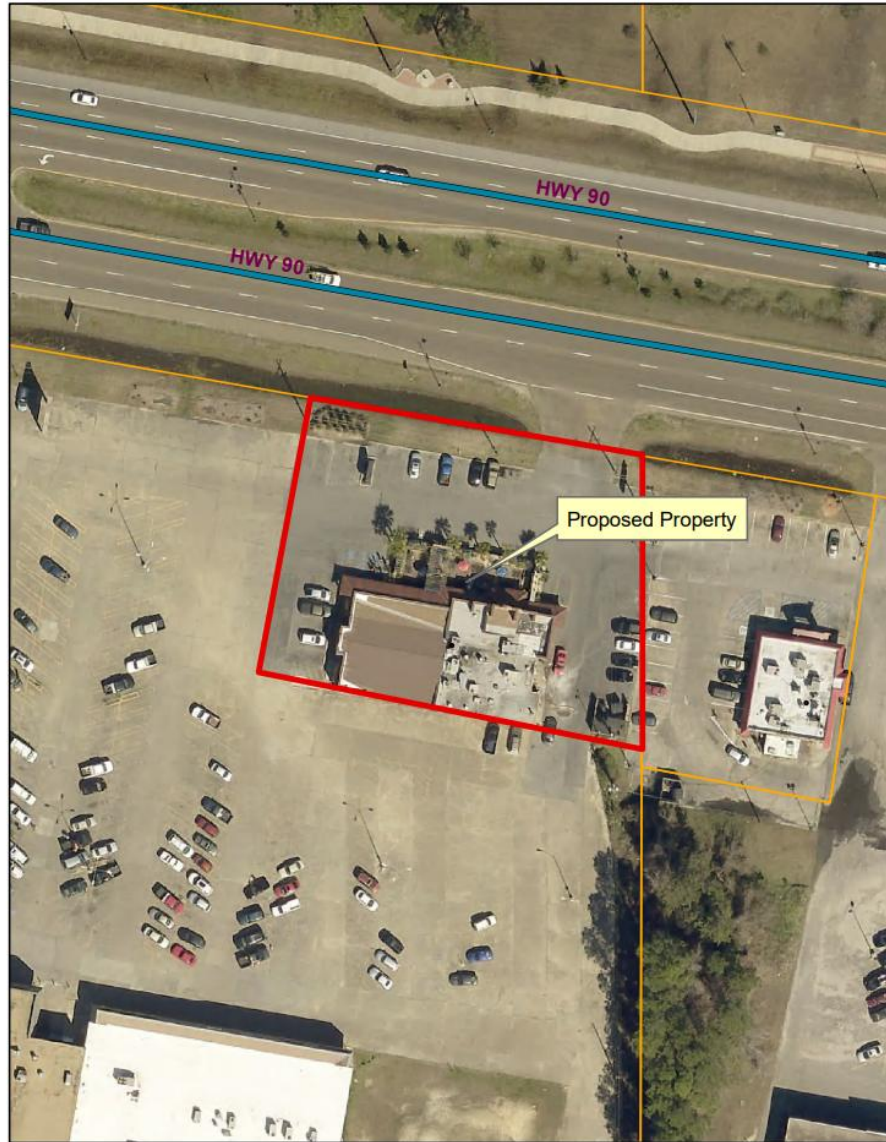


Exhibit B Existing Zoning

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

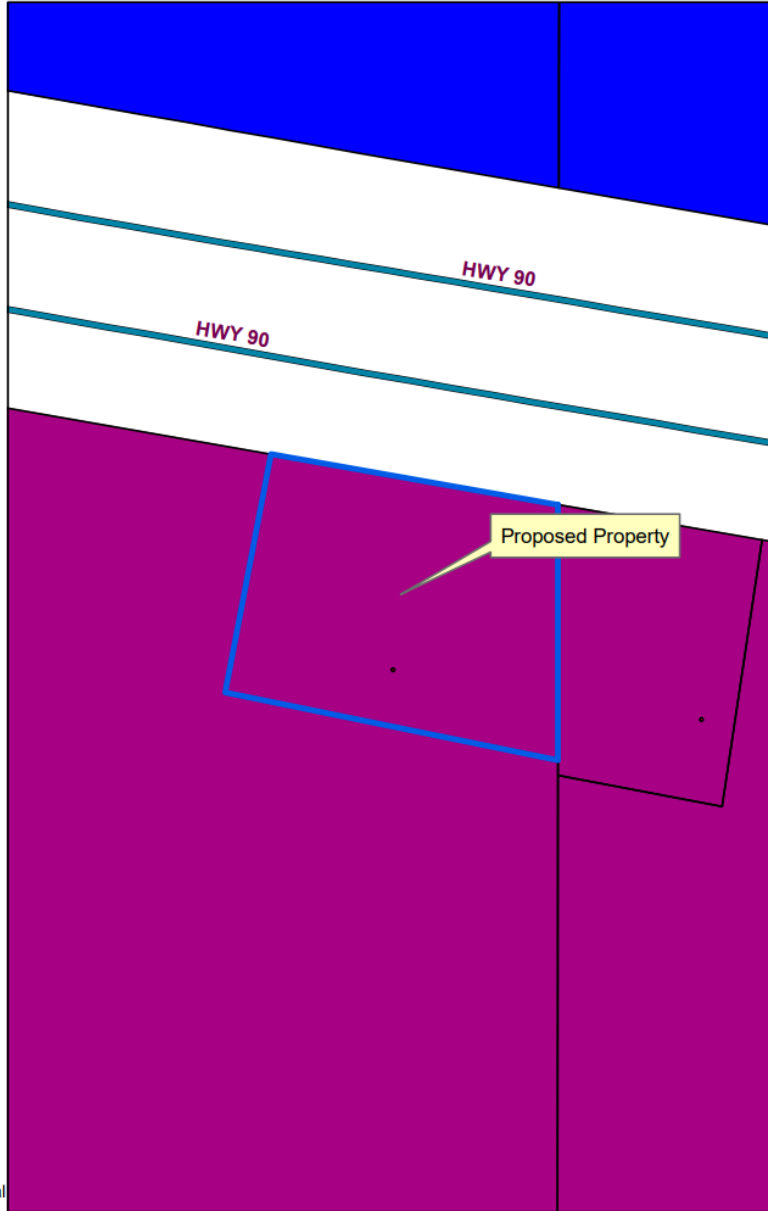
Prepared By:
City of Gautier
Planning Department

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

March 5, 2026

GPC #26-04-VAR

Corner of Hastings Road & Shirley Drive

VII. NEW BUSINESS

1. Consider a request for a variance to lot width requirements to split a corner lot. A **TWENTY-FOOT (20') VARIANCE** to lot width requirements is required for the corner lot and a **TEN FOOT (10') VARIANCE** is required for the other lot. The property is in a R-1 Low Density Single-Family Residential Zoning District. Corner of Hastings Road & Shirley Drive, PID #85433015.000, (GPC #26-04-VAR)

**CITY OF GAUTIER
STAFF REPORT**

To: Chairman and Members, Planning Commission

From: Scott Ankerson, Planning Director

Date: February 25, 2026

Subject: Consider a request for a variance to lot width requirements for a proposed lot split. A **TWENTY-FOOT (20') VARIANCE** to lot width requirements is required for the proposed corner lot and a **TEN FOOT (10') VARIANCE** is required for the proposed interior lot. The lot is in a R-1 Low Density Single-Family Residential Zoning District. Corner of Hastings Road & Shirley Drive, PID #85433015.000. (GPC #26-04-VAR)

REQUEST:

The Planning Department has received a request from Tyler Ridgdell, owner of RBI Properties LLC, for a variance to lot width requirements to split a corner lot. A **TWENTY-FOOT (20') VARIANCE** to lot width requirements is required for the corner lot and a **TEN FOOT (10') VARIANCE** is required for the other lot. The lot is in a R-1 Low Density Single-Family Residential Zoning District located at the corner of Hastings Road & Shirley Drive, PID#85433015.000. (GPC #26-04-VAR). The application fee of \$175 was paid on January 20, 2026. All public notice requirements have been met.

BACKGROUND:

The applicant would like to split a parcel into two lots. He would like to split the parcel so the corner lot is eighty feet (80') wide at the front building line and the interior lot is seventy feet (70') wide at the front building line. The Unified Development Ordinance (UDO) section 5.4.4 (B) states that the minimum lot width for interior lots in an R-1 District is eighty feet (80') at the front building line and the minimum lot width for a corner lot is one hundred feet (100'). The applicant is asking for a twenty-foot (20') variance to lot width on the corner lot and a ten-foot (10') variance on the interior lot.

DISCUSSION:

The applicant is asking for a twenty-foot (20') variance to lot width on a corner lot and a ten-foot (10') variance to lot width on the adjoining interior lot. If approved, the corner lot would be eighty feet (80') wide at the front building line and the interior lot would be seventy feet (70') wide. The UDO requires a corner lot in an R-1 District to be one hundred feet (100') wide at the front building line and an interior lot to be eighty feet (80') wide.

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

26-04-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: Tyler Ridgell

Name of Business: RBI Properties LLC. Phone: 228-217-0405

Property Address: Parcel # 85433015.000 Mailing Address (if Different): 12215 Hwy 57, Vardave ms, 39265

E-Mail Address: RBI.ms.us@gmail.com

Reason for request, location and intended use of Property: 20' variance to lot width for lot split in R-1

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: 1/20/2026

FOR OFFICE USE ONLY	
Date Received <u>1/20/26</u>	Verify as Complete <u>Scott</u>
Fee Amount Received <u>176.00</u>	Initials of Employee Receiving Application <u>Labs</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?

Corner lots require a greater width.

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

Yes, to be able to build a home and have the required setbacks enforced by the 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.

Corner lots require a greater width.

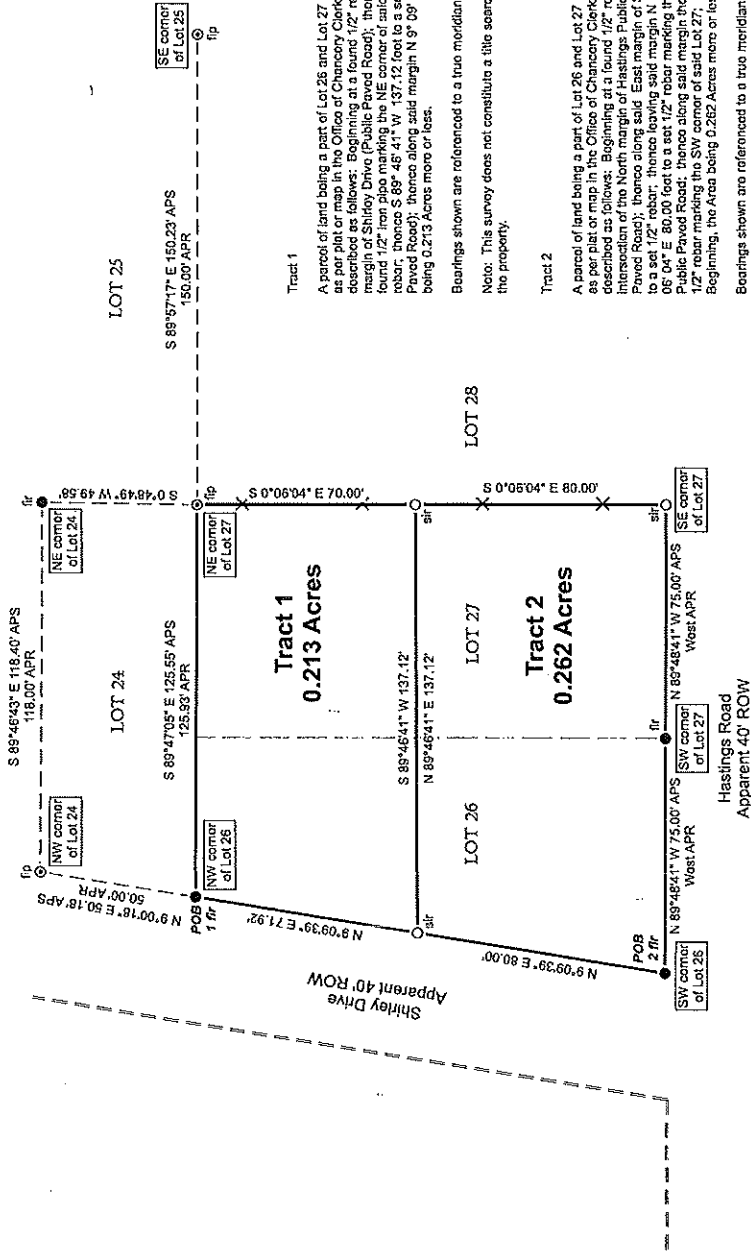
4. Will the granting of the Variance requested confer upon you any special privilege that is denied by this Ordinance to other similar sites (lots or parcels), structures or buildings in the same district? Explain.

No.

NARRATIVE

This lot was originally two lots. I would like to make it back into two lots and build two nice homes there to continue to help Caatier thrive.

Amacker Surveying, LLC
 41 Meadow Hill, Poplarville, MS 39470
 601-550-0050 601-795-5645
 bryanamacker@gmail.com
 grayson.amacker@gmail.com



Tract 1

A parcel of land being a part of Lot 26 and Lot 27 in the Hastings Singing River Gardens Annex Subdivision, as per plat or map in the Office of Chancery Clerk, Jackson County, Mississippi, and being more particularly described as follows: Beginning at a found 1/2" rebar marking the NW corner of said Lot 26 on the East margin of Shirley Drive (Public Paved Road); thence leaving said margin S 89° 47' 05" E 125.55 feet to a found 1/2" iron pipe marking the NE corner of said Lot 27; thence S 00° 06' 04" E 70.00 feet to a set 1/2" Paved Road; thence S 89° 48' 41" W 137.12 feet to a set 1/2" rebar on the East margin of Shirley Drive (Public Paved Road); thence along said margin N 89° 09' 39" E 71.92 feet back to the Point of Beginning, the Area being 0.213 Acres more or less.

Bearings shown are referenced to a true meridian as determined by G. P. S. observation (RTK) Solution.
 Note: This survey does not constitute a title search. There may be other documents of record that may affect the property.

Tract 2

A parcel of land being a part of Lot 26 and Lot 27 in the Hastings Singing River Gardens Annex Subdivision, as per plat or map in the Office of Chancery Clerk, Jackson County, Mississippi, and being more particularly described as follows: Beginning at a found 1/2" rebar marking the SW corner of said Lot 26 on the intersection of the North margin of Hastings Public Paved Road and the East margin of Shirley Drive (Public Paved Road); thence along said East margin of Shirley Drive (Public Paved Road) N 89° 09' 39" E 80.00 feet to a set 1/2" rebar; thence leaving said margin N 89° 48' 41" E 137.12 feet to a set 1/2" rebar; thence S 00° 06' 04" E 80.00 feet to a set 1/2" rebar marking the SE corner of said Lot 27 on the North margin of Hastings Public Paved Road; thence along said margin these following courses: N 89° 48' 41" W 75.00 feet to a found 1/2" rebar marking the SW corner of said Lot 27; thence N 89° 48' 41" W 75.00 feet back to the Point of Beginning, the Area being 0.262 Acres more or less.

Bearings shown are referenced to a true meridian as determined by G. P. S. observation (RTK) Solution.
 Note: This survey does not constitute a title search. There may be other documents of record that may affect the property.

LEGEND	
○	Set 1/2" Rebar
●	Found 1/2" Rebar
⊙	Found Iron Pipe
✕	Fence

A Survey for RBI Properties LLC			
SCALE	DATE	DRAWN BY	
40 Ft/in	1/14/2026	GA	
JOB	Reference:		
26-008	DB 2225 P. 583		



This map drawn with TRAVERSE PC, Software

(original split) before someone combined lots

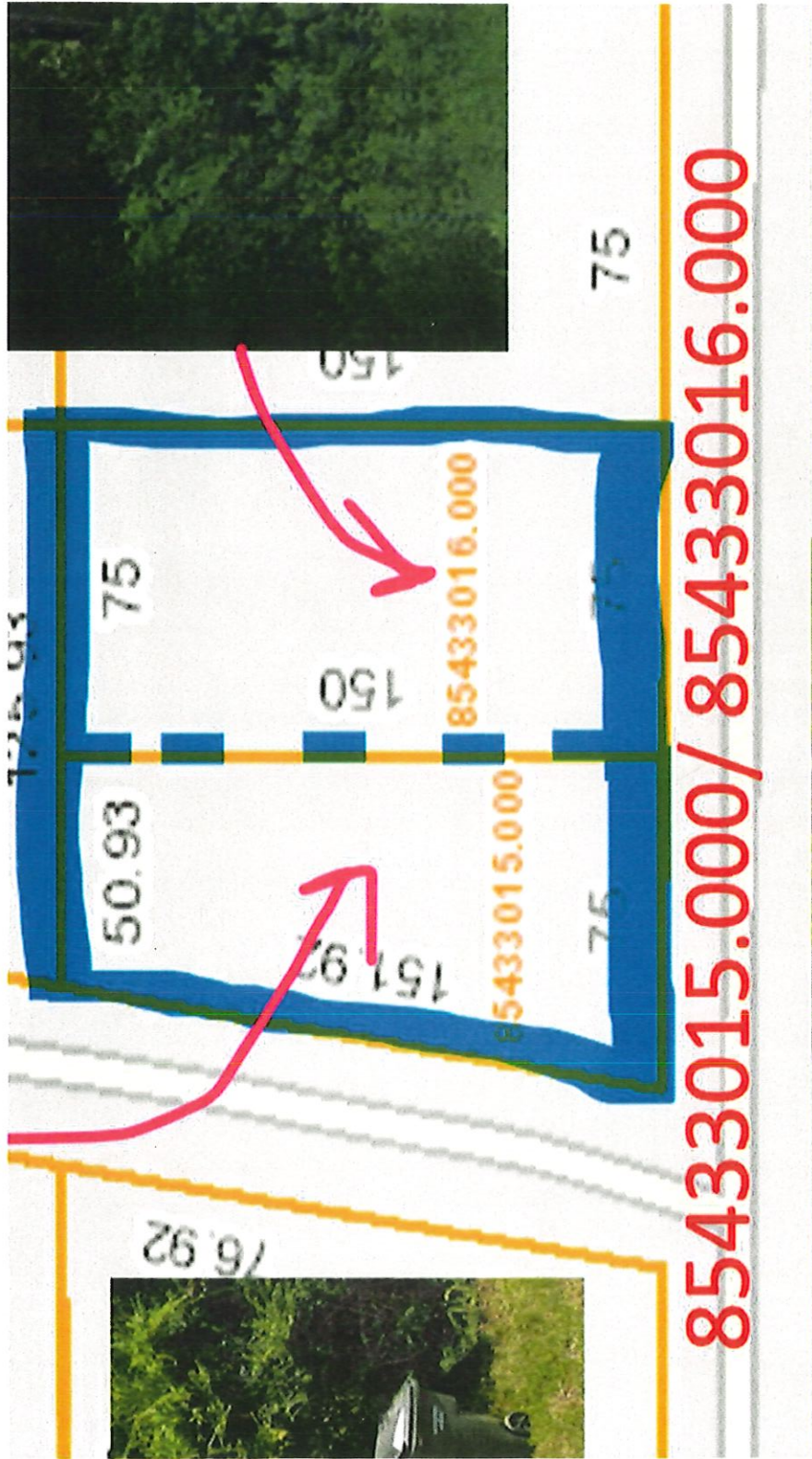


Exhibit A Location Map



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

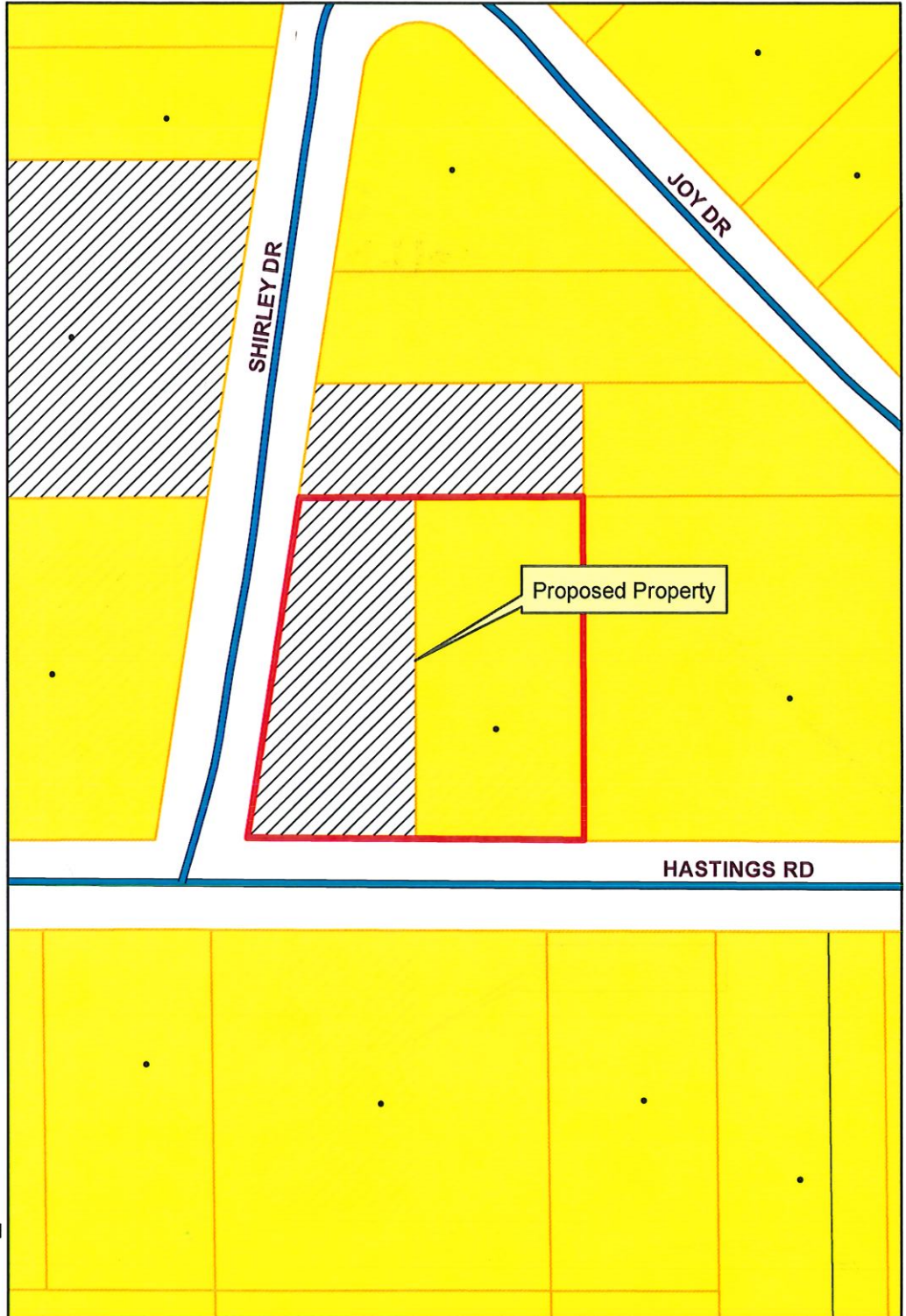


Exhibit D Future Land-Use



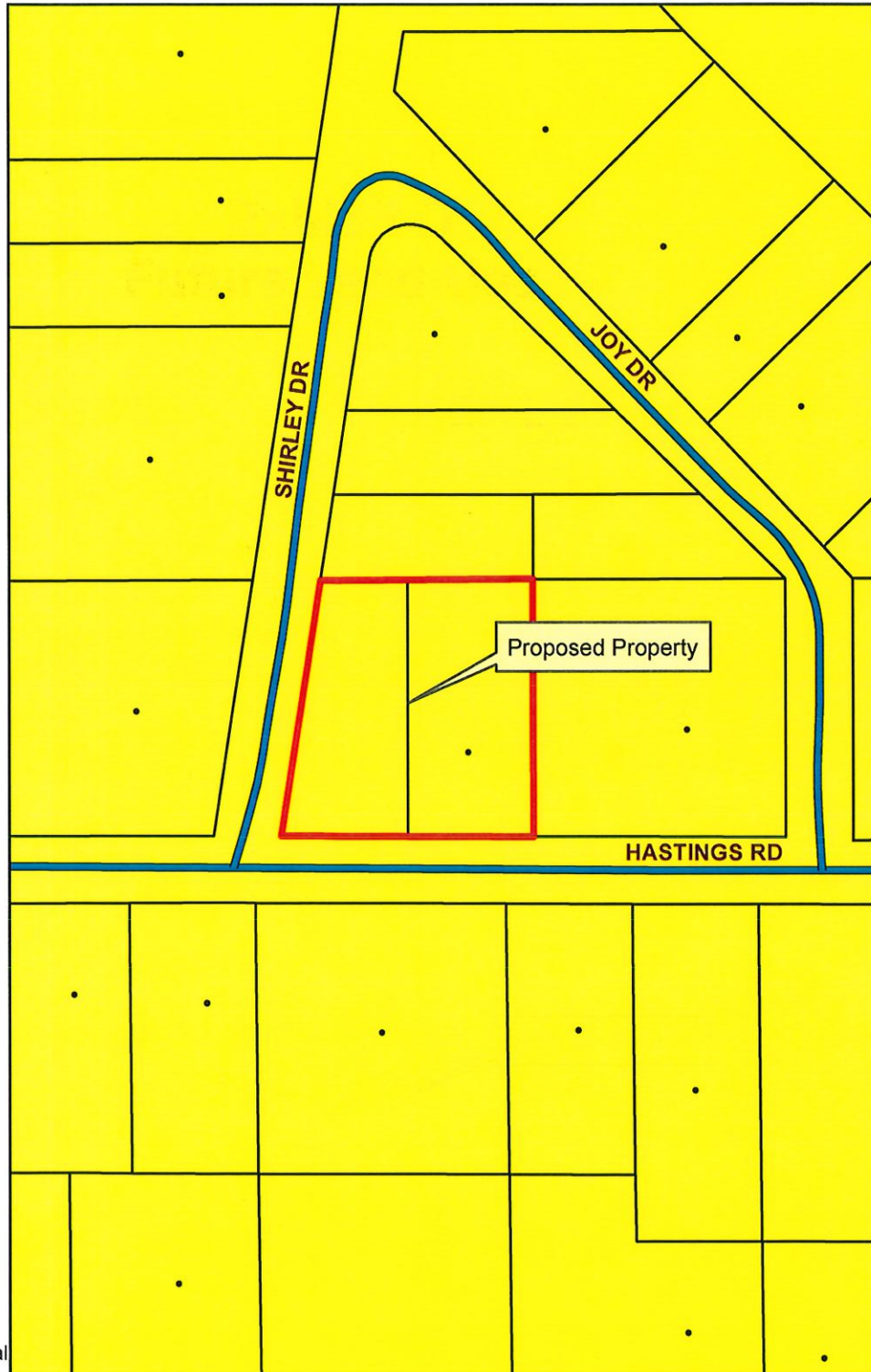
Prepared By:
City of Gautier
Planning Department

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

March 5, 2026

GPC #26-05-VAR

4835 Old Spanish Trail

VII. NEW BUSINESS

2. Consider a request for a two-foot (2') variance to fence height in a front yard in a R-1 Low Density Single-Family Residential Zoning District. 4835 Old Spanish Trail, PID #82438110.075, (GPC #26-05-VAR)

**CITY OF GAUTIER
STAFF REPORT**

To: Chairman and Members, Planning Commission

From: Scott Ankerson, Planning Director

Date: February 25, 2026

Subject: Consider a request for a two-foot (2') variance to fence height in a front yard in a R-1 Low Density Single-Family Residential Zoning District. 4835 Old Spanish Trail, PID #82438110.075. (GPC #26-05-VAR)

REQUEST:

The Planning Department has received a request from Danny Chieh for a two-foot (2') variance to fence height in a front yard in a R-1 Low Density Single-Family Residential Zoning District at 4835 Old Spanish Trail, PID #82438110.075. (GPC #26-05-VAR) The application fee of \$175 was paid on January 29, 2026. All public notice requirements have been met.

BACKGROUND:

The applicant would like to put a six-foot (6') decorative fence across his front yard. The fence would be approximately twenty-two feet (22') from the road and another eighty feet (80') in front of his house. The Unified Development Ordinance (UDO) Section 11.10.2 (D) states that fences shall not exceed four (4) feet in height within a designated front yard. The applicant is asking for a two-foot (2') variance to fence height within a front yard.

DISCUSSION:

The applicant is asking for a two-foot (2') variance to fence height within a front yard. He would like to place a six-foot (6') fence across his front yard. The fence would be approximately eighty feet (80') in front of his house and another twenty-two feet (22') from the road. The UDO states that a fence shall not exceed four feet (4') in height within a designated front yard. He is asking for the variance due to the property's direct exposure to traffic, vehicle headlights and the roadway activity. He feels the additional height would provide addition safety.

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

26-05-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: Danny Chieh

Name of Business: _____ Phone: 228 217 5078

Property Address: 4835 Old Spanish trail Mailing Address (if Different): _____
PID # 82438110.076

E-Mail Address: Dannychieh@aol.com

Reason for request, location and intended use of Property: Home - ~~6'~~ 6' fence in front yard;
2' variance to fence height

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: [Signature] Date of Application: 1-30-2026

FOR OFFICE USE ONLY	
Date Received <u>1/29/26</u>	Verify as Complete <u>Bz</u>
Fee Amount Received <u>176.00</u>	Initials of Employee Receiving Application <u>Bz</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?
2. Are these special conditions and circumstances a result of your actions? Explain.
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.
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.

1. The front yard is directly exposed to continuous traffic, headlights, and road noise. The decorative fence was constructed to provide increased safety, privacy, and visual screening while maintaining an attractive appearance consistent with the character of the area. Additionally, the fence is decorative in nature, open-style, and not a solid privacy barrier, which minimizes visual obstruction while still providing functional benefits to the property.

2. No. The special conditions are not the result of the property owner's actions. The location of the property along Old Spanish Trail and the associated traffic conditions existed prior to construction and are unique to the site.

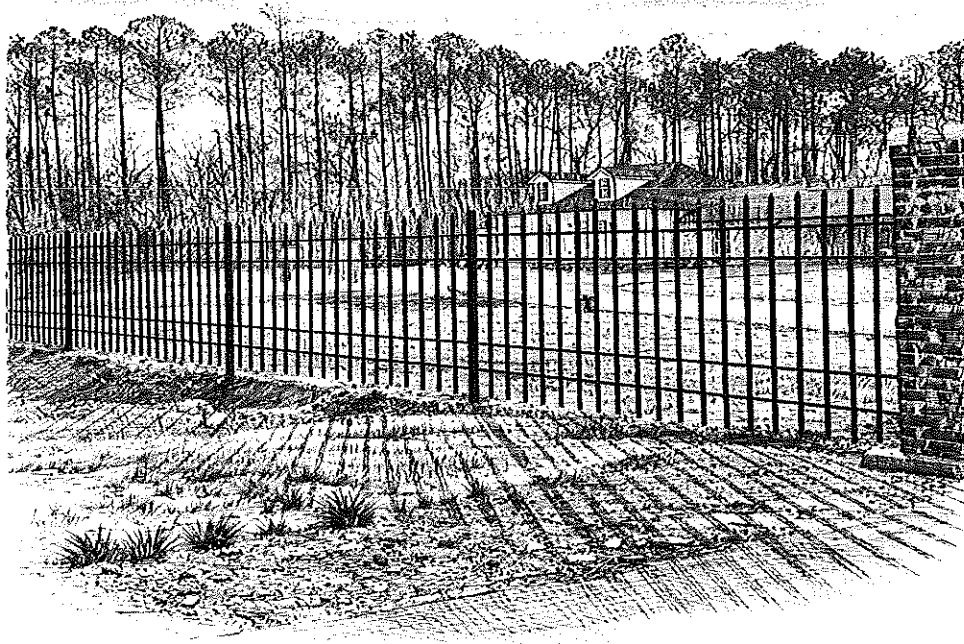
The fence was constructed without knowledge of the specific front-yard height limitation. There was no intent to violate zoning requirements, and Danny is now seeking approval through the proper legal process.

3. Properties on lower-traffic residential streets do not face the same safety, visibility, and exposure concerns. Without the additional height, the property lacks comparable protection and privacy that similarly zoned properties reasonably enjoy.

Granting the variance would allow this property to function similarly to others in the district despite its unique roadway exposure.

4. No. Granting this variance would not confer a special privilege. The request is limited solely to addressing the unique conditions of this property's location along a major roadway.

The fence is decorative, well-maintained, and compatible with surrounding development. Approval would not set an unreasonable precedent, nor would it allow use inconsistent with the zoning district. It would simply provide reasonable relief based on site-specific conditions. Additionally the placement of the fence would not obstruct, place beneath or above any underground utilities or overhead lines



NARRATIVE

1. The subject property is located on Old Spanish Trail in Gautier, Mississippi, a roadway that carries significantly higher traffic volume & speed than a typical residential street.

In an effort to improve safety & define the boundary between the residence & the roadway, a decorative metal fence was installed along the front of the property. The fence is open-style, visually attractive, & consistent with the character of the surrounding area.

At the time of construction, I was not aware that front-yard fencing along this roadway was limited to four feet in height. Upon learning of the requirement, I immediately began the variance process in order to address the matter properly.

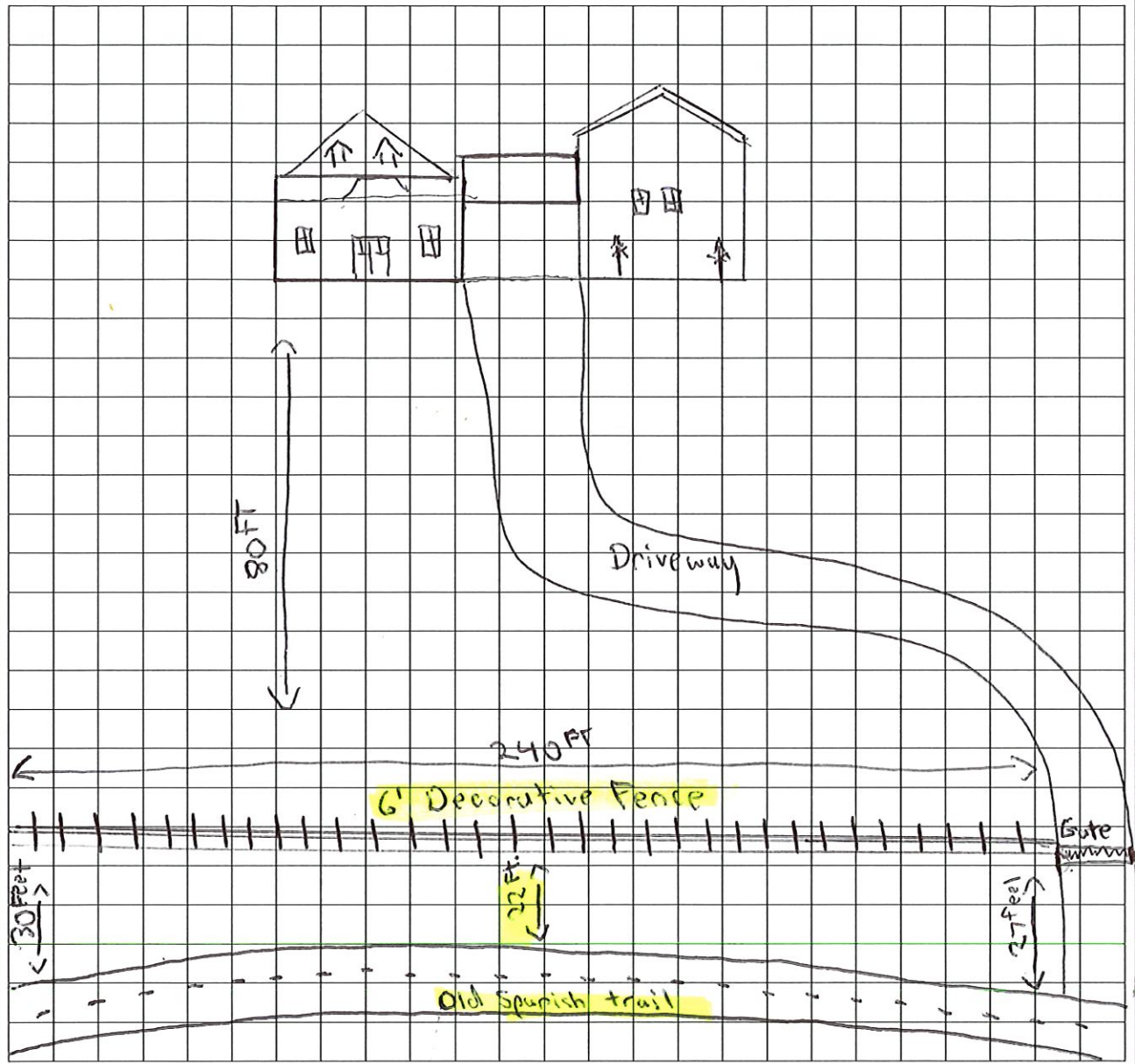
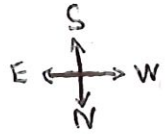
Due to the property's direct exposure to traffic, vehicle headlights, & the roadway activity, the additional height provides meaningful safety benefits. The fence helps establish a clear boundary, reduces headlight glare, & contributes to a safer environment for residents, visitors, & pets.

The requested variance is not intended to create a special ~~privilege~~ privilege, but rather to allow reasonable use of the property in light of its unique location along a major roadway. The fence does not obstruct visibility, is not a solid barrier, & does not negatively impact neighboring properties.

For these reasons, approval of the requested variance would represent a reasonable & practical solution consistent with the intent of the zoning ordinance while addressing the unique conditions of the site.

Additionally the placement of the fence would not obstruct, place beneath or above any underground utilities or overhead lines.

DIAGRAM





4835 Old Spanish trail

Exhibit A Location Map



Prepared by:
City of Gautier
Planning Department

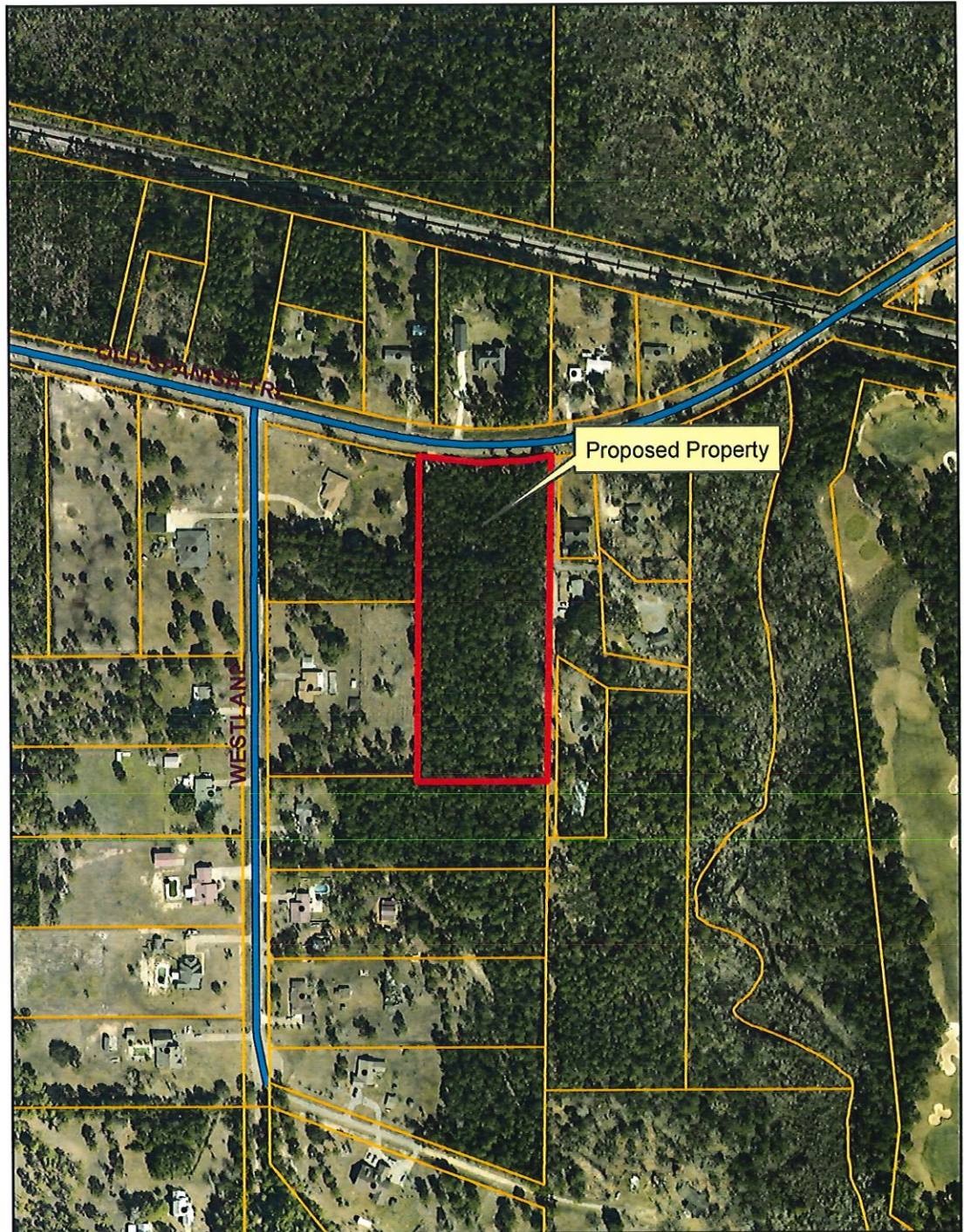


Exhibit B Existing Zoning


















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

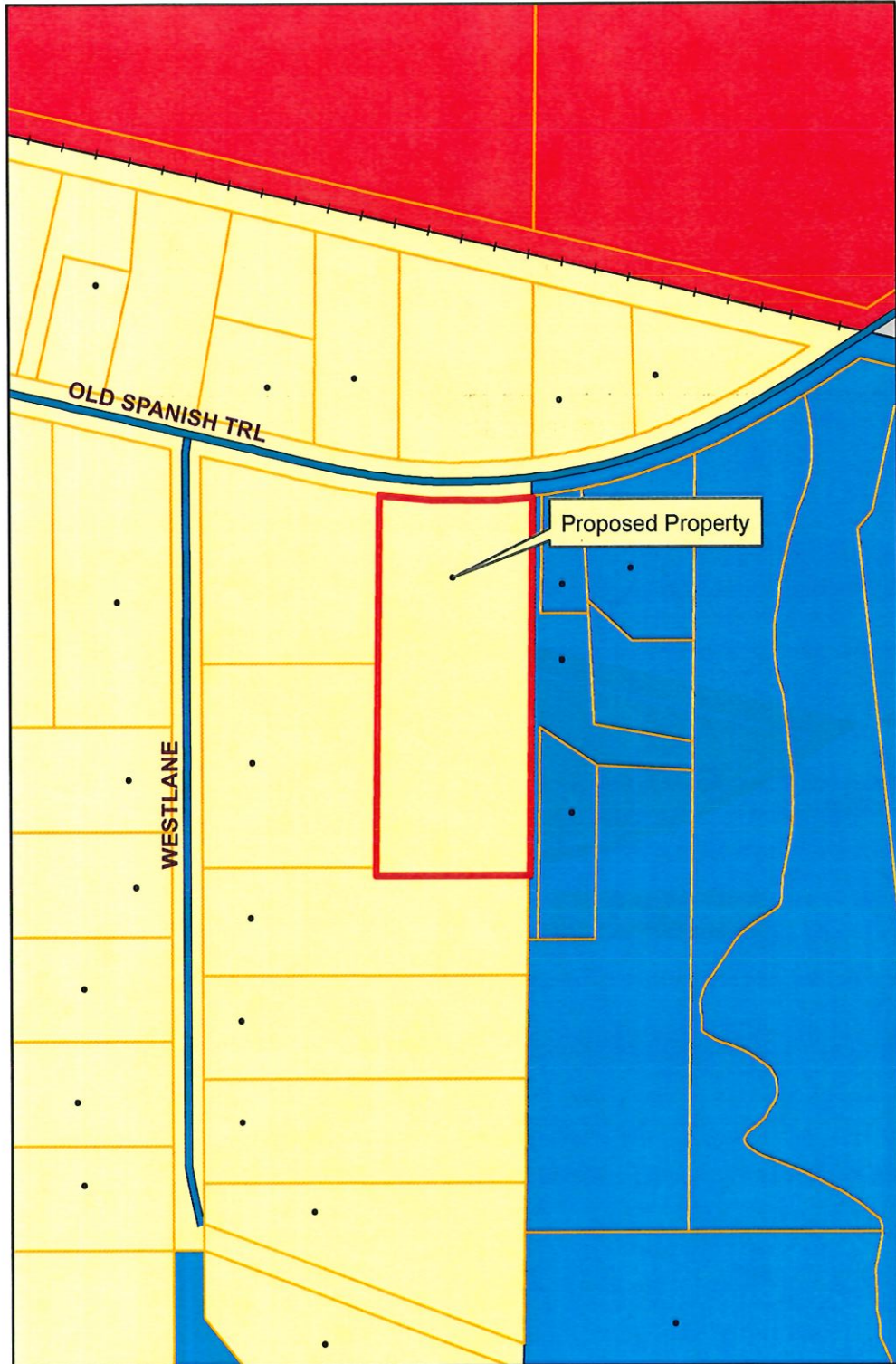


Exhibit C Existing Land-Use



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

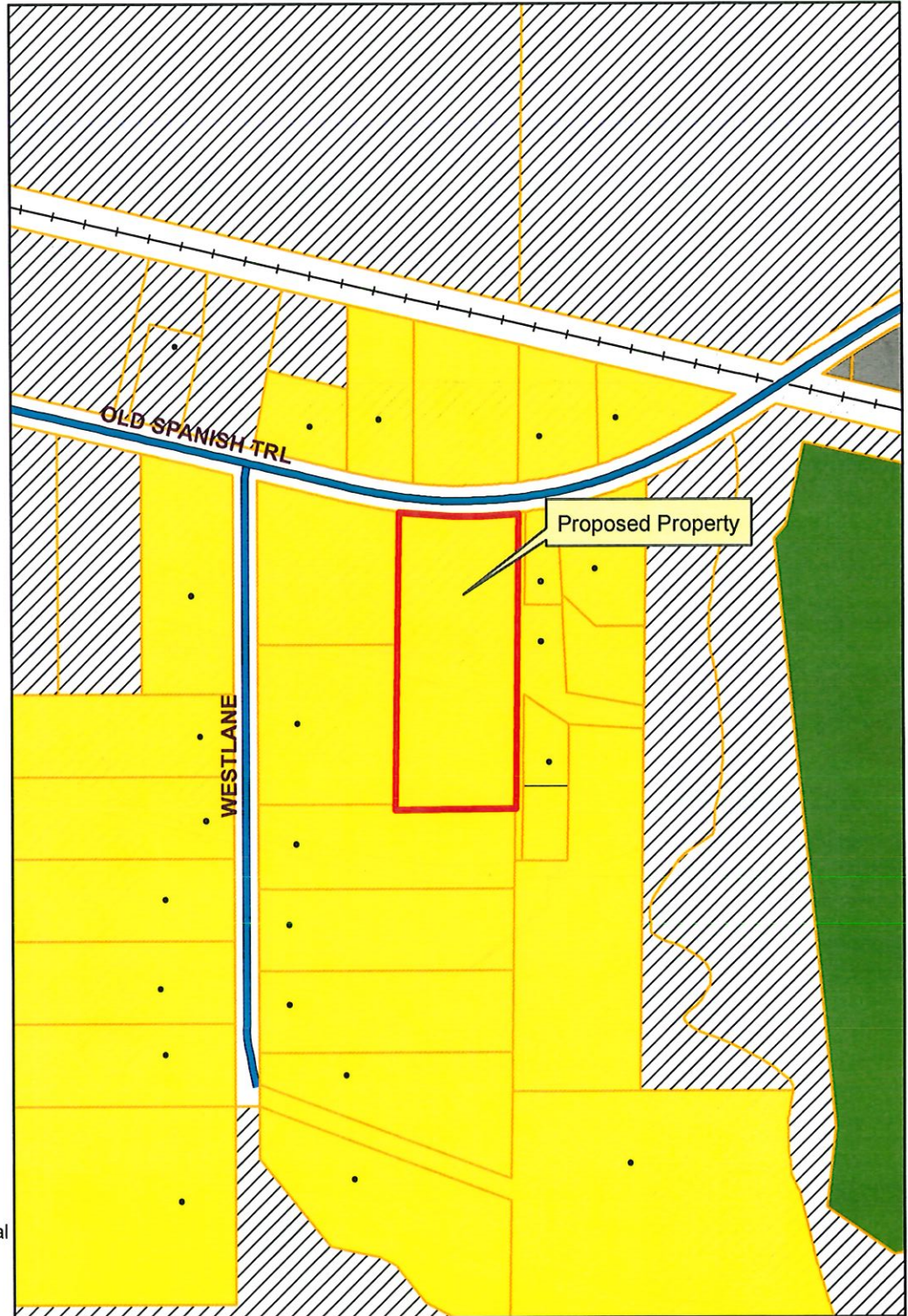


Exhibit D Future Land-Use


















Prepared By:
City of Gautier
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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

