

AGENDA
GAUTIER PLANNING COMMISSION
July 2, 2026
5:30 PM

I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE (VOLUNTEER)

III. APPROVAL OF AGENDA

IV. APPROVAL OF MINUTES

1. Approval of minutes from June 4th Planning Commission Meeting.

**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 Home Occupation for a Tax Preparation Home Office located at 3308 Seagrape Drive, PIDN #85414201.000. (GPC #26-28-HO)
2. Consider a request for a nineteen and a half foot (19' 6") variance to the lot width requirements in a R-1 Low Density Single-Family Residential Zoning District. Lark Drive, PID #85905827.000, 85905826.000 & 85905825.000, (GPC #26-29-VAR)
3. Consider a request for a Conditional Use-Major that would allow the construction of a new sanctuary building as an expansion of an existing church in a TCMU Town Center Mixed Use Zoning District. 2400 Old Spanish Trail, (GPC #26-31-CU)
4. Consider a request for a sixty-foot (60') variance for an accessory structure in front of the rear building line in an RE Residential Estate Zoning District. 9025 Ferry Point Rd, PID #81909514.005, (GPC #26-32-VAR)
5. Consider a request for a Conditional Use-Major that would allow a Package Liquor Store in a TCMU Town Center Mixed Use Zoning District. 2809 HWY 90, (GPC #26-33-CU)

VIII. GENERAL DISCUSSION

1. PREVIOUS CASE UPDATES

2. PERMIT & TRC REPORTS

IX. ADJOURN

June 4, 2026
GAUTIER, MISSISSIPPI

BE IT REMEMBERED that a meeting of the Gautier Planning Commission of The City of Gautier, Mississippi, was held on June 4, 2026, at 5:30 PM in the Council Chambers of the Gautier Municipal Building at 3330 Highway 90, Gautier, Mississippi.

Commission Members present were: Commissioners Maurice Hudson, Robert Williams, Marquitta Buxton, Greg Canada, and Ricky Decoteau. Also present were Scott Ankersen, Planning Director, Perry Kelly, City Attorney, and Eric Patterson, Planning Technician. Absent was Chairman Josh Ward and Commissioner Herman Green.

AGENDA

GAUTIER PLANNING COMMISSION

June 4, 2026

5:30 P.M.

- I. CALL TO ORDER**
- II. PRAYER**
- III. PLEDGE OF ALLEGIANCE (VOLUNTEER)**
- IV. APPROVAL OF AGENDA**
- V. APPROVAL OF MINUTES (May 7, 2026)**
- VI. PUBLIC COMMENTS
(MATTERS OF THE PLANNING COMMISSION NOT LISTED ON THE AGENDA)**
- VII. OLD BUSINESS**
- VIII. NEW BUSINESS**
 - 1. Consider a request for a **SPECIAL EXCEPTION** that would allow the use of three (3) Conex boxes for temporary storage for a period of one (1) year in a C-3 Highway Commercial Zoning District at 321 Hwy 90. PIDN's #87010075.000, 87010069.000 & 87010076.000 (GPC #26-24-SE)
 - 2. Consider a request for a Property Owner Initiated **Rezoning** of Property located at PIDN #85700222.000 Martin Bluff Road from C-2 Community Commercial to R-1 Low Density Single-Family Residential. (GPC #26-25-RZ) **Application withdrawn by applicant**
 - 3. Consider a request for a Property Owner Initiated **Rezoning** of Property located at 7305 Martin Bluff Road, PIDN #85432004.000 & 85432005.000 from split zoning C-2 Community Commercial and R-1 Low Density Single-Family Residential to C-2 Community Commercial. (GPC #26-27-RZ)
- IX. GENERAL DISCUSSION**
 - A. PREVIOUS CASE UPDATES

B. PERMIT & TRC REPORTS

X. ADJOURN

Commissioner Hudson began the meeting with a prayer conducted by Commissioner Buxton.

Commissioner Decoteau lead the assembly in the pledge of allegiance.

Chairman Hudson announced that there was a change to the agenda for tonight. Item number 2, GPC 26-25-RZ has been canceled by the applicant.

Commissioner Canada made a motion to approve the revised Agenda.

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

AYES: **Maurice Hudson**
 Robert Williams
 Marquitta Buxton
 Greg Canada
 Ricky Decoteau

Motion Passed

Commissioner Buxton made a motion to approve May 7, 2026, minutes.

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

AYES: **Maurice Hudson**
 Robert Williams
 Marquitta Buxton
 Greg Canada
 Ricky Decoteau

Motion Passed.

PUBLIC COMMENTS (MATTERS OF THE PLANNING COMMISSION NOT LISTED ON THE AGENDA) –

Camala Smith stated that she was opposed to the rezoning that was originally on the agenda for the corner of Dailey and Martin Bluff Road due to the proximity to her house on Laurel Glenn. Ms. Smith believed that there would be future conflict due to her rescue dogs that she keeps on her property. Ms. Smith also stated that she is not allowed to have a mobile home on her property, so she does not believe that someone else should be able to put homes on a property that was meant for commercial use.

NOTE: That item was removed from the agenda when the applicant withdrew their application.

OLD BUSINESS – None

NEW BUSINESS

1. Consider a request for a **SPECIAL EXCEPTION** that would allow the use of three (3) Conex boxes for temporary storage for a period of one (1) year in a C-3 Highway Commercial Zoning District at 321 Hwy 90. PIDN's #87010075.000, 87010069.000 & 87010076.000 (GPC #26-24-SE)

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

REQUEST:

The Planning Department has received a request from James W. Lee dba Roughwater Marine & Auto LLC for a Special Exception that would allow the use of three (3) Conex boxes for temporary storage for a period of one (1) year in a C-3 Highway Commercial Zoning District at 321 Hwy 90. PIDN's #87010075.000, 87010069.000 & 87010076.000 (GPC #26-24-SE). The application fee of \$250 was paid on April 23, 2026. All public notice requirements have been met.

BACKGROUND:

The request property is zoned C-3 Highway Commercial.

1. Location: 321 Hwy 90, Gautier, MS 39553. PIDN's #87010075.000, 87010069.000 & 87010076.000 (See Exhibit A)
2. General features of the proposed project:
Lot Size: approximately 3.92 acres
3. Potable Water and Wastewater Services: Available at current location
4. Current Zoning (See Exhibit B): C-3 Highway Commercial.
5. Current Surrounding Zoning (See Exhibit B): C-3 Highway Commercial to the north, east, and Northwest. R-2 High Density Multi-Family Residential to the southwest and south.
6. Current Surrounding Existing Land Use Commercial to the West and North, Residential to the East and South (See Exhibit C): (MAP)
7. Comprehensive Plan Future Land Use Designation (See Exhibit D): Low Impact Commercial.

DISCUSSION:

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

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

Applicant Response: *Due to the fact that we cannot add the 3 Connex boxes on the property, Roughwater Marine is having to store parts and equipment outdoors and other areas of the business which has become a hinderance.*

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: *The connex boxes that we are requesting to add on the property will be in front of a fence and tree line to add a level of concealment from the neighboring homes. The boxes would only need to be used as temporary storage for one year while we build an addition to the property to store the parts and items.*

Staff Finding: *Unsubstantiated*

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

Applicant Response: *The need for 3 Connex boxes are due to the rise in customer demand for the products that we offer here at Roughwater Marine. Due to this demand, we have purchased more product to have on hand and therefore need more room on the property for storage. When the business was purchased from its previous owner in October of 2023, there were Connex boxes left on the property that were old and needed to be disposed of. We would like to replace the connex boxes that were on the property to begin with.*

Staff Finding: *Unsubstantiated*

DETERMINATION OF APPLICABLE LAW:

UDO Section 6.8.2 (D) Portable Storage Container (POD)-

"In Industrial and Commercial Districts- One (1) storage container may be permitted per 25,000 square feet of GFA per business or establishment holding a valid business license. Storage containers must be placed in the rear or side yard behind the front building line and shall not be placed on any required designated parking area. Permits for storage containers shall be issued annually, are valid for one hundred eighty (180) days, and may be extended for one (1) additional one hundred eighty (180) day period. Storage containers shall be well kept and free of rust or signs of deterioration. Areas around storage containers shall be kept clear of any overgrown vegetation, debris, and/or any outside storage of materials. If at any time the regulations of this section are not met, permits for storage containers may be revoked by the Planning Director."

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.

Commissioner Hudson asked if there was anyone present who was in opposition to the request for the special exception. There were no residents present that objected.

James Lee advised that his business is growing and it will take about a year to build a new building on site. The goal is to put in three Conex boxes for temporary storage while the lot is under construction.

Commissioner Buxton asked if the new building on site will be completed within a one-year period.

James Lee stated that it is hard to get everyone together to verify the time frame for construction.

Commissioner Buxton asked **Scott Ankerson** if this special exception were to be approved, would the applicant need to come back and get another special exception if the construction is not completed within one year.

Scott Ankerson advised that the applicant would need to get a new special exception for the extended time frame after the one year or he can remove the Conex boxes.

Commissioner Canada asked if Conex Boxes were previously on this site

James Lee advised that in the past there were three Conex Boxes on site, but they were in a state of disrepair, so they were removed.

Scott Ankerson stated that Mr. Lee has been working diligently with the Planning Department to prepare for the new construction that will take place on his property.

Commissioner Hudson advised that he has looked at Mr. Lee's operation and found that it is well maintained and kept in order.

ACTION TAKEN:

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

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

AYES:
Maurice Hudson
Robert Williams
Marquitta Buxton
Greg Canada
Ricky Decoteau

Motion passed.

-
2. Consider a request for a Property Owner Initiated Rezoning of Property located at 7305 Martin Bluff Road, PIDN #85432004.000 & 85432005.000 from split zoning C-2 Community Commercial and R-1 Low Density Single-Family Residential to C-2 Community Commercial. (GPC #26-27-RZ)

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

REQUEST:

The Planning Department has received a request from Henry Zuber III for a proposed Amendment of the Official Zoning Map of the City of Gautier, Mississippi. The request is to rezone 7305 Martin Bluff Road, PIDN #85432004.000 & 85432005.000 from split zoning C-2 Community Commercial and R-1 Low Density Single-Family Residential to C-2 Community Commercial. (GPC #26-27-RZ) The application fee of \$300 was paid on April 29, 2026. 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: 7305 Martin Bluff Road, PIDN #85432004.000 & 85432005.000 (See Exhibit A)
2. Existing Zoning: Split Zoned C-2 Community Commercial & R-1 Low Density Single-Family Residential. (See Exhibit B)

UDO 5.3.8 C-2, Community Commercial - Purpose and intent. The purpose of this district is to provide areas of medium density commercial including a mixture of retail, professional services, and studios which cluster together. Community Commercial Districts are located primarily along transportation collectors such as Gautier-Vancleave. The co-location of professional services and civic uses shall be encouraged to strengthen industry and provide an attractive, pedestrian scale commercial corridor into the City.

UDO 5.3.3 R-1, Low Density Single-Family Residential District - Purpose and intent. The purpose of this district is to provide areas where the principal use of land is for single-family detached dwelling units and related recreational facilities which compliment the area and provide a balanced and attractive residential area. R-1 areas are to be specifically designed to provide for the quiet enjoyment of the uses therein. They should have well defined boundaries and be protected from the encroachment of commercial uses and heavy through traffic.

DATA AND ANALYSIS:

Property requested for Rezoning: 7305 Martin Bluff Road, PIDN's 85432004.000 & 85432005.000.

Location: Ward 5

Current Zoning of the Request Property: Split Zoned C-2 Community Commercial & R-1 Low Density Single-Family Residential.

Existing Land Use: Mobile Home and accessory structures (See Exhibit C)

Future Land Use: Low Density Residential (See Exhibit D)

Surrounding Zoning: C-2 Community Commercial to the north. Split Zoning C-2 Community Commercial & R-1 to the South. R-1 Low Density Single-Family to the east and west.

HISTORY:

Historically, the Planning Commission and City Council have heard rezoning requests from citizens for Split Zoned lots and found that Split Zoning is a mistake. It has been found previously that zoning lines should follow parcel lines. Please see specific case histories listed below starting with the rezoning of the lots immediately north of the lots in question.

- GPC 25-26-RZ (7313 Martin Bluff – split zoned C-2/R-1 – rezoned to C-2)
- GPC 21-14-RZ (PID #82420170.000 & 82420180.000 HWY 57 – split zoned C-3/AG – rezoned to C-3)
- GPC 20-10-RZ (PID #82429240.000 Brown Rd – split zoned C-3/AG – rezoned to AG)

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:

- 4. Recommend that City Council approve to Rezone the entire subject area to C-2 Community Commercial; or
- 5. Recommend that City Council deny the Rezoning.

Commissioner Hudson asked if there was anyone present in opposition to the proposed rezoning.

Camala Smith stated that she was opposed to the rezoning due to the proximity to her house on Laurel Glenn. (mistaking this Rezoning request with the request that was withdrawn before this meeting took place) Ms. Smith believed that there would be future conflict due to her rescue dogs that she keeps on her property. Ms. Smith also stated that she is not allowed to have a mobile home on her property, so she does not believe that someone else should be able to put homes on a property that was meant for commercial use.

Perry Dale Smith stated that he does not like how someone would come in and clear a property and then later come and find out that they needed special permission to put houses on it. (Also mistaking this Rezoning with the request that was withdrawn before this meeting took place)

Scott Ankerson advised that the rezoning that is being discussed right now is to take a property that was split zoned C-2/R-1 and rezone it completely to a C-2 Community Commercial zone. This would not allow homes to be built on the lot.

Perry Dale Smith did not have any further objections after that explanation.

Commissioner Hudson stated that he wanted to give the committee another chance to state their concerns

Commissioner Decoteau advised that for years the city and code enforcement have struggled to keep these properties clean. Now, where the trailer is located on the property is starting to get run down and in need of repair. Commissioner Decoteau stated that he approves and applauds anyone who is willing to put in the effort to clean up the property.

Commissioner Hudson advised that this piece of property was abated and was going

to be cleaned up by the city numerous times.

ACTION TAKEN:

Commissioner Buxton made a motion to recommend that City Council approve the Rezoning to a C-2 Community Commercial.

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

AYES: **Maurice Hudson**
 Robert Williams
 Marquitta Buxton
 Greg Canada
 Ricky Decoteau

Motion passed.

GENERAL DISCUSSION

A. PREVIOUS CASE UPDATES

Scott Ankersen advised the Commission that the application submitted by Brian Walters (GPC 26-21-SE) was withdrawn by the applicant before the City Council Meeting. Mr. Ankersen also stated that the three remaining cases GPC 26-19-CU, GPC 26-22-CU, and GPC 26-23-CU were all approved by the City Council at the May 19th meeting.

B. PERMIT & TRC REPORT

Scott Ankersen presented the May 2026 monthly report.

Commissioner Williams made a motion to adjourn the meeting.

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

AYES: **Maurice Hudson**
 Robert Williams
 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

June 4, 2026

GPC #26-24-SE

James W. Lee II

DBA Roughwater Marine & Auto LLC

321 HWY 90

PIDN #87010075.000, 87010069.000 & 87010076.000

VII. NEW BUSINESS

1. Consider a request for a **SPECIAL EXCEPTION** that would allow the use of three (3) Conex boxes for temporary storage for a period of one (1) year in a C-3 Highway Commercial Zoning District at 321 Hwy 90. PIDN's #87010075.000, 87010069.000 & 87010076.000 (GPC #26-24-SE)

CITY OF GAUTIER
STAFF REPORT

To: Chairman and Members, Planning Commission
From: Scott Ankerson, Planning Director
Date: April 27, 2026
Subject: Consider a request for a Special Exception that would allow the use of three (3) Conex boxes for temporary storage for a period of one (1) year in a C-3 Highway Commercial Zoning District at 321 Hwy 90. PIDN's #87010075.000, 87010069.000 & 87010076.000 (GPC #26-24-SE)

REQUEST:

The Planning Department has received a request from James W. Lee dba Roughwater Marine & Auto LLC for a Special Exception that would allow the use of three (3) Conex boxes for temporary storage for a period of one (1) year in a C-3 Highway Commercial Zoning District at 321 Hwy 90. PIDN's #87010075.000, 87010069.000 & 87010076.000 (GPC #26-24-SE). The application fee of \$250 was paid on April 23, 2026. All public notice requirements have been met.

BACKGROUND:

The request property is zoned C-3 Highway Commercial.

1. Location: 321 Hwy 90, Gautier, MS 39553. PIDN's #87010075.000, 87010069.000 & 87010076.000 (See Exhibit A)
2. General features of the proposed project:
Lot Size: approximately 3.92 acres
3. Potable Water and Wastewater Services: Available at current location
4. Current Zoning (See Exhibit B): C-3 Highway Commercial.
5. Current Surrounding Zoning (See Exhibit B): C-3 Highway Commercial to the north, east, and Northwest. R-2 High Density Multi-Family Residential to the southwest and south.
6. Current Surrounding Existing Land Use Commercial to the West and North, Residential to the East and South (See Exhibit C): (MAP)
7. Comprehensive Plan Future Land Use Designation (See Exhibit D): Low Impact Commercial.

DISCUSSION:

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

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

Applicant Response: *Due to the fact that we cannot add the 3 Connex boxes on the property, Roughwater Marine is having to store parts and equipment outdoors and other areas of the business which has become a hinderance.*

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: *The connex boxes that we are requesting to add on the property will be in front of a fence and tree line to add a level of concealment from the neighboring homes. The boxes would only need to be used as temporary storage for one year while we build an addition to the property to store the parts and items.*

Staff Finding: *Unsubstantiated*

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

Applicant Response: *The need for 3 Connex boxes are due to the rise in customer demand for the products that we offer here at Roughwater Marine. Due to this demand, we have purchased more product to have on hand and therefore need more room on the property for storage. When the business was purchased from its previous owner in October of 2023, there were Connex boxes left on the property that were old and needed to be disposed of. We would like to replace the connex boxes that were on the property to begin with.*

Staff Finding: *Unsubstantiated*

DETERMINATION OF APPLICABLE LAW:

UDO Section 6.8.2 (D) Portable Storage Container (POD)-

"In Industrial and Commercial Districts- One (1) storage container may be permitted per 25,000 square feet of GFA per business or establishment holding a valid business license. Storage containers must be placed in the rear or side yard behind the front building line and shall not be placed on any required designated parking area. Permits for storage containers shall be issued annually, are valid for one hundred eighty (180) days, and may be extended for one (1) additional one hundred eighty (180) day period. Storage containers shall be well kept and free of rust or signs of deterioration. Areas around storage containers shall be kept clear of any overgrown vegetation, debris, and/or any

outside storage of materials. If at any time the regulations of this section are not met, permits for storage containers may be revoked by the Planning Director.”

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:
 - D. The property changes ownership
 - E. The property is being utilized in a manner not permitted under the zoning regulations or the special exception; or
 - F. 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
26-24-SE

TYPE OF REQUEST:	FEE:
Special Exception <input checked="" type="checkbox"/>	\$251.00 <input checked="" type="checkbox"/>
*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: James W. Lee II

Name of Business: Roughwater Marine & Auto LLC

Address: 321 Hwy 90, Gautier MS 39553

Mailing Address (if different): _____

Email Address: roughwater321@gmail.com

Phone: 228-497-2214 Cell Phone: 228-623-3875

Reason for request, location and intended use of Property: 3 Connex Boxes for temporary storage

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.
- N/A 4. Copy of protective covenants or deed restrictions, if any.
- N/A 5. Copies of approvals, or requests for approval, from other agencies, such as, but not limited to, the Mississippi State Department of Health, U.S. Army Corp of Engineers, Mississippi Department of Environmental Quality and Department of Marine Resources.
- 6. Any other information requested by the Planning Director.
- 7. Owner's Consent form if anyone other than 100% sole owner makes application (see attached).

Signature of Applicant: James W. Lee II

FOR OFFICE USE ONLY	
Date Received <u>4/23/26</u>	Verify as Complete <u>Scott + Eric</u>
Fee Amount Received <u>4/23/26</u>	
Initials of Employee Receiving Application <u>EMP</u>	

OWNERS CONSENT AND DESIGNATION OF AGENCY - SPECIAL EXCEPTION

Date of Application: 4-22-26

1. Roughwater Marine & Auto LLC, the fee simple owner of the following described property (give legal description):

Exhibit A
Tax Parcel # - 870-10-075.000
870-10-069.000
870-10-076.000

hereby petition to the City of Gautier to Grant a Special Exception of Roughwater Marine & Auto and affirm that James W Lee II

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.

James W Lee II
(Owner's Signature)

The foregoing instrument was acknowledged before me this 22 day of April, 20 26 by James W. Lee II, who is personally known to me or has produced _____ as identification and who did take an oath.

Patricia Lynn Lear
(Printed Name of Notary Public)

Patricia Lynn Lear
(Signature of Notary Public)

Commission # 32726. My commission expires May 22, 2027.

(Notary's Seal)

* STATE OF MISSISSIPPI *
PATRICIA LYNN LEAR, NOTARY PUBLIC
JACKSON COUNTY
MY COMMISSION EXPIRES MAY 22, 2027
COMMISSION NUMBER 32726

SPECIAL EXCEPTION

Criteria for Approval Special Exception

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

APPROVED FOR THE CITY OF GAUTIER
DATE: 02/14/2014
BY: [Signature]
MAYOR



Roughwater Marine Auto & LLC
321 Hwy 90, Gautier MS

Special Exception Hearing

Name of Applicant: James W. Lee II
Name of Business: Roughwater Marine & Auto LLC

Due to business expansion, I am requesting to add three connex boxes for temporary storage on parcel lot # 87010076.00 at 321 Hwy 90, Gautier MS.

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

- Due the fact that we cannot add the 3 connex boxes on the property, Roughwater Marine is having to store parts and equipment outdoors and other areas of the business which has become a hinderance.

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 be injurious to the neighborhood or the general welfare.

- The connex boxes that we are requesting to add on the property will be in front of a fence and tree line to add a level of concealment from the neighboring homes. The boxes would only need to be used as temporary storage for one year while we build an addition to the property to store the parts and items.

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

- The need for 3 connex boxes are due to the rise in consumer demand for the products that we offer here at Roughwater Marine. Due to this demand, we have purchased more product to have on hand and therefore need more room on the property for storage. When the business was purchased from it's previous owner in October of 2023, there were connex boxes left on the property that were old and needed to be disposed of. We would be replacing the connex boxes that were on the property to begin with.

Thank you for your time and consideration,

James W. Lee II

Special Exception Hearing

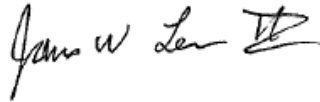
Name of Applicant: James W. Lee II

Name of Business: Roughwater Marine & Auto LLC

Due to business expansion, I am requesting to add three connex boxes for temporary storage on parcel lot # 87010076.00 at 321 Hwy 90, Gautier MS. When the business was purchased, there were three connex boxes on the property. Those have since been removed, and we would like to replace them. I am asking for a one year exception until we can have a building built.

Thank you for your time and consideration,

James W. Lee II

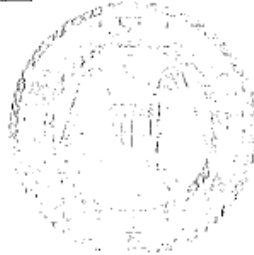
A handwritten signature in black ink, appearing to read "James W. Lee II". The signature is written in a cursive style with a prominent flourish at the end.

State of Mississippi
Jackson County
 Tax Collector Kevin Miller
 2915 Canty Street Suite B, PO Box 998, Pascagoula, MS 39568-0998
 Phone: 228-769-3074 Fax: 228-696-6518

Real Estate Tax Year: 2024

Account 555407 Legacy # 72680		Receipt # 6658514 Invoice # 7155505		Owner Name LEE JAMES W II HADLER ART	
Tax District 3840		Total Acres 1.03		Forest Acres 0.00	
Parcel Number 87010076.000 PROP ADDR: 304 DE LA POINTE			Sec. Twn. Rng. 05 8 6		Legal Description LOT 7 BLK H RIVER OAKS S/D DB 2143-639 (25 Map863.05-01)
True Assessed	Class 1 1.00	Class 2 66,846.00 10,027.00	Total Value 66,847.00 10,027.00		01/14/2025 02:06 PM - JS America/Chicago
Type of Tax		Millage	Gross Tax Amount	Exemption	Net Tax
COUNTY		50.3600	\$ 504.96		COUNTY \$ 504.96
CITY		43.0000	\$ 431.16		CITY \$ 431.16
SCHOOL		51.9100	\$ 520.50		SCHOOL \$ 520.50
TOTAL TAX DUE					TOTAL TAX DUE \$ 1,456.62
TOTAL DUE					TOTAL DUE \$ 1,456.62
ACCOUNT PAID IN FULL					
Receipt #: 6658514 Paid by: LEE JAMES W II Paid Date: 01/14/2025 Postmark/Calculation Date: 01/14/2025 Paid: Check - 2194			Tax Amount Paid Total Paid this Receipt * Grand Total Paid *		\$ 1,456.62 \$ 1,456.62 \$ 1,456.62
Paid: Check - 2194			\$ 1,456.62		

Received by JMS: _____



LEE JAMES W II
 HADLER ART
 321 HWY 90
 GAUTIER, MS 39553

Exhibit "A"

Legal Description

Lot No. 7, Block H of the River Oaks Subdivision, as per plat recorded in Plat Book 1, Page 138 of the Plats on file in the Office of the Chancery Court of Jackson County, Mississippi, and being the same land conveyed by Gordon Penton to R. W. Fuller by Deed dated February 15, 1946, together with a 1/6 interest in and to an artesian well between the Grantors and others, dated June 29, 1945. This also being the same land devised and bequeathed to Charlotte Hutchins, Vardoman Howard, and Beatrice Hobby, pursuant to the Last Will and Testament of J.C. Howard, deceased, probated in Cause NO. P-3709, Chancery Court of Jackson County, Mississippi.

Together with all buildings and improvements situated thereon and the hereinabove described property constitutes no part for the Grantors' homestead.

AND ALSO:

Parcel 1:

That certain tract, piece or parcel of land situated in part of Lots 4, 5 and 6 of Block H, River Oaks Subdivision, as per plat there of recorded in Plat Book 1, Page 138, Record of Plats of Jackson County, Mississippi, being more particularly described as follows:

Commencing at the Southeast corner of Lot 6, Block H, River Oaks Subdivision, as per plat recorded in Plat Book 1, Page 138, in the Office of the Chancery Clerk of Jackson County, Mississippi; run the 49° 51' West along the North margin of Old U.S. Highway 90 100 feet to the Point of Beginning; thence run North 37° 23' East 371.6 feet to the South margin of U. S. Highway 90; thence run North 75° 16' West along said South margin 210 feet; thence run South 40° 19' West 279.88 feet to the North margin of said Old U.S. Highway 90; thence run South 49° 51' East along said North margin 210 feet to the Point of Beginning, containing 1.499 acres, more or less. And being the same property described in that deed recorded in Deed Book 865, Page 582, Land Deed Records of Jackson County, Mississippi.

Parcel 2:

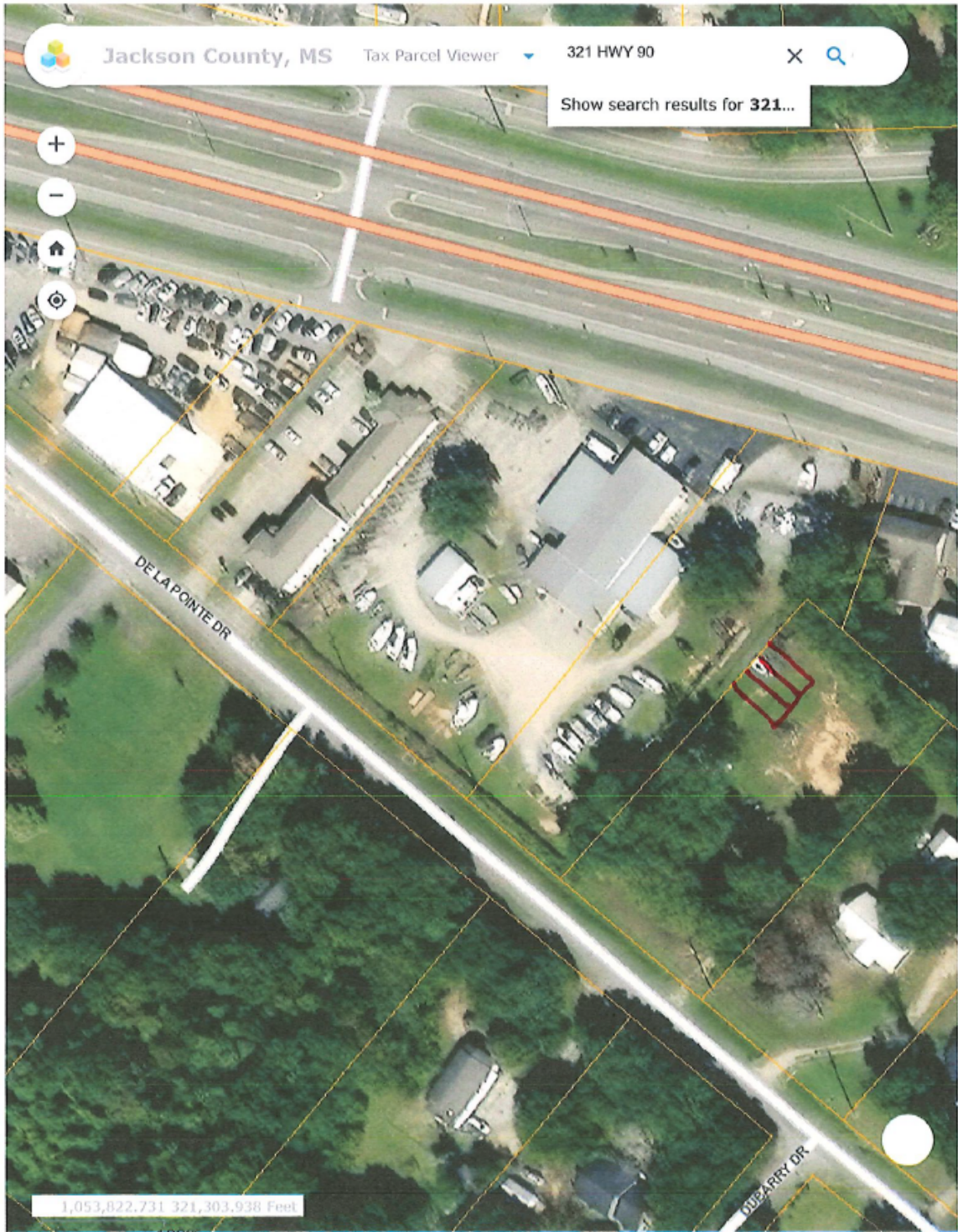
Beginning at the Southeast corner of Lot 6, Block H, River Oaks Subdivision, as per plat recorded in Plat Book 1, Page 138, in the Office of the Chancery Clerk of Jackson County, Mississippi; thence run North 40° 19' East 300.65 feet; thence run South 49° 51' East 45.2 feet; thence run North 75° 16' West along said South margin 118.4 feet; thence run South 37° 23' West 371.6 feet to the North margin of Old U.S. Highway 90; thence run South 49° 51' East along said North margin 100 feet to the Point of Beginning, containing 1.056 acres, more or less. And being the same property described in that deed recorded in Deed Book 889, Page 328, Land Deed Records of Jackson County, Mississippi.

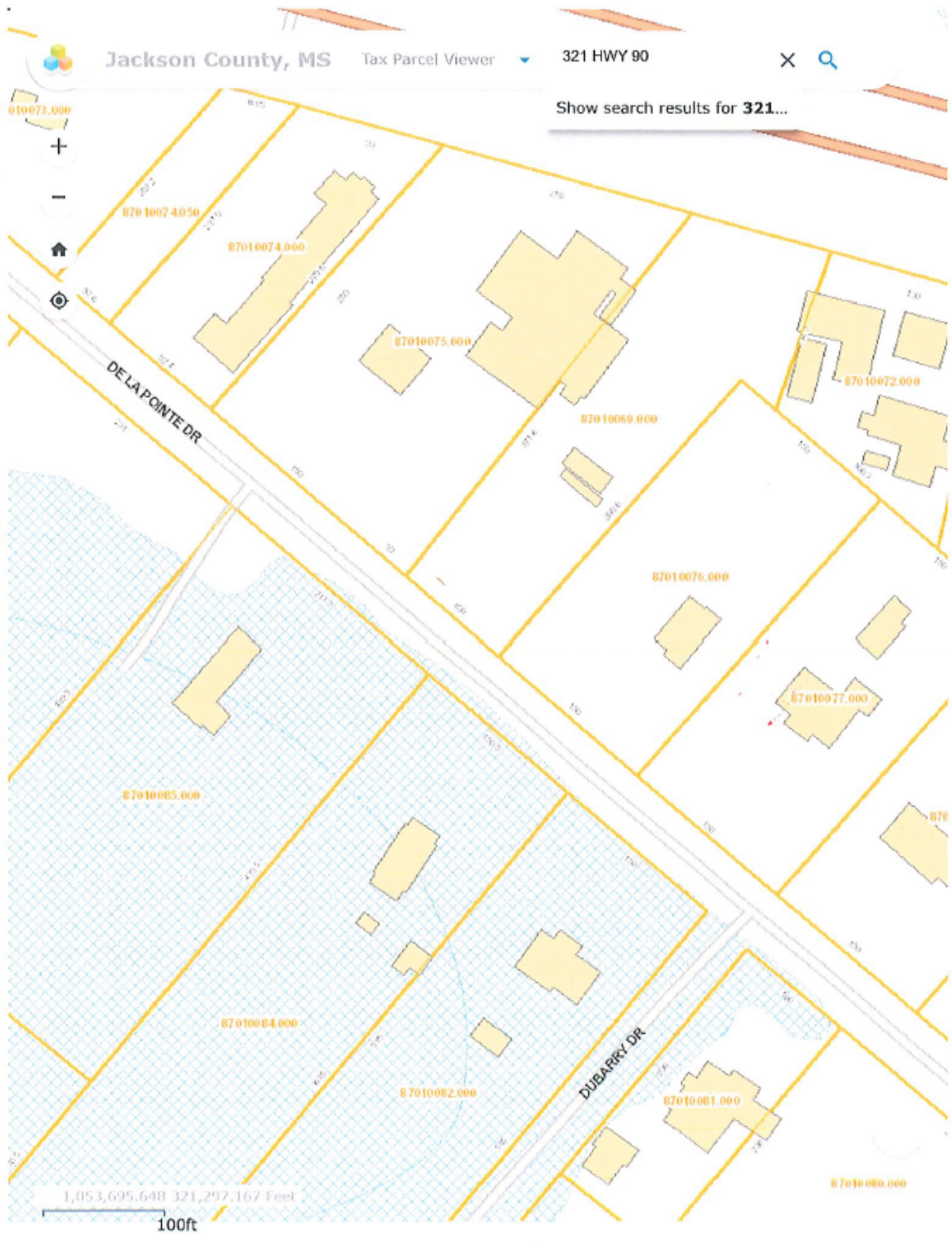
Exhibit "A"

Legal Description

Lot No. 7, Block H of the River Oaks Subdivision, as per plat recorded in Plat Book 1, Page 138 of the Plats on file in the Office of the Chancery Court of Jackson County, Mississippi, and being the same land conveyed by Gordon Penton to R.W. Fuller by Deed dated February 15, 1946, together with a 1/6 interest in and to an artesian well between the Grantors and others, dated June 29, 1945. This also being the same land devised and bequeathed to Charlotte Hutchins, Vardoman Howard and Beatrice Hobby, pursuant to the Last Will and Testament of J.C. Howard, deceased, probated in Cause No. P-3709, Chancery Court of Jackson County, Mississippi.

Together with all buildings and improvements situated thereon and the hereinabove described property constitutes no part for the Grantors' homestead.







Jackson County, MS

Jackson County online map access is provided as a public service, as is, as available and without warranties, expressed or implied. Content published on this website is for informational purposes only, and is not intended to constitute a legal record nor should it be substituted for the advice or services of a licensed professional. Parcel map information is prepared for the inventory of real property found within County jurisdiction and is compiled from recorded deeds, plats, and other public documents in accordance with Land Records Technical Specifications for Base, Cadastral and Digital Mapping Systems. Users are hereby notified that the aforementioned public record sources should be consulted for verification of information. With limited exception, data available on this website originates from Jackson County Land Records GIS and is maintained for the internal use of the County. The County of Jackson and the Website Provider disclaim all responsibility and legal liability for the content published on this website. The user agrees that Jackson County and its Assigns shall be held harmless from all actions, claims, damages or judgments arising out of the use of County data.



Jackson County
291 S Canty St
Pascagoula, MS 39567
(228) 769-3070

Date Printed: 4/22/2026

GISP:	863.05-01-0025.00
PIDN:	87010076.000
NAME:	ROUGH WATER MARINE & AUTO LLC
NAME2:	
ADDRESS:	321 HWY 90
CITY:	GAUTIER MS
ZIP:	39553
LOCATION:	304 DE LA POINTE DR GAUTIER
DESC1:	LOT 7 BLK H RIVER OAKS S/D DB 22
DESC2:	07-225 (25 Map863.05-01)
DESC3:	
DESC4:	
DESC5:	
DESC6:	
DESC7:	
DESC8:	
DESC9:	
DP:	222
DB:	2207
SECTION:	05
TOWN:	8
RANGE:	6
ACREAGE:	1.09
LANDVAL:	9410
IMPROVEVAL:	7732
TOTAL_APPR:	17142
TOTALVAL:	2572
TAXAMOUNT:	372
TOTAL_IMPR:	0
YBLT:	0

Show search results for 321...



Parcels: ROUGH WATER MARINE & AUTO LLC

GISP 863.05-01-0025.00
FIRST_ROUT 0025
FIRST_SUFF 00
FIRST_SHAP 45,146.08
OID_
ID 88,297.00
PIDN 87010076.000
MAPNO 861.05-09-000.00
GISP_1 863.05-01-0025.00
NAME ROUGH WATER MARINE & AUTO LLC
NAME2
ADDRESS 321 HWY 90
CITY GAUTIER MS
ZIP 39553
LOCATION 304 DE LA POINTE DR GAUTIER
DESC1 LOT 7 BLK H RIVER OAKS S/D DB 22
DESC2 07-225 (25 Map863.05-01)
DESC3
DESC4
DESC5
DESC6
DESC7
DESC8
DESC9
DB 2207
DP 222
SECTION 05
TOWN 8
RANGE 6
ACREAGE 1.03
EXEMPT 0
DISTRICT 3840
TYPE VACANT (SUITABLE FOR DEVELOPMENT)
COMMERCIAL
LANDVAL 9,410.00
IMPROVEVAL 7,732.00
TOTALVAL 2,572.00
TAXAMOUNT 372.00

[Zoom to](#) [Print](#)

1,053,469.085 321,158.625 Feet

100ft

Parcels: ROUGH WATER MARINE & AUTO LLC

OBJECTID_1	72546
GISP	863.05-01-0015.00M
FIRST_ROUT	0015
FIRST_SUFF	00M
FIRST_SHAP	67244.4994944
SHAPE_Leng	1090.13046989
ID	88296
PIDN	87010075.000
MAPNO	861.05-09-000.00
GISP_1	863.05-01-0015.00M
NAME	ROUGH WATER MARINE & AUTO LLC
NAME2	
ADDRESS	321 HWY 90
CITY	GAUTIER MS
ZIP	39553
LOCATION	321 HWY 90 GAUTIER
DESC1	COM SEC LOT 6 BLK H RIVER OAKS S
DESC2	/D N 49 DEG W 100' TO POB N 37 D
DESC3	EG E 371.6' TO S/M U S HWY 90 N
DESC4	75 DEG W 210' S 40 DEG W 279.88'
DESC5	TO N/M OLD HWY 90 S 49 DEG E 21
DESC6	0' TO POB PT LOTS 4 5 & 6 BLK H
DESC7	RIVER OAKS S/D DB 2207-225 (15M
DESC8	Map863.05-01)
DESC9	
DB	2207
DP	225
SECTION	05
TOWN	8
RANGE	6
ACREAGE	1.49
EXEMPT	0
DISTRICT	3840
COMMERCIAL	
LANDVAL	173280
IMPROVEVAL	263114
TOTALVAL	65459
TAXAMOUNT	9468

[Zoom to](#)

1,053,790.960 321,569.042 Feet

60ft

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

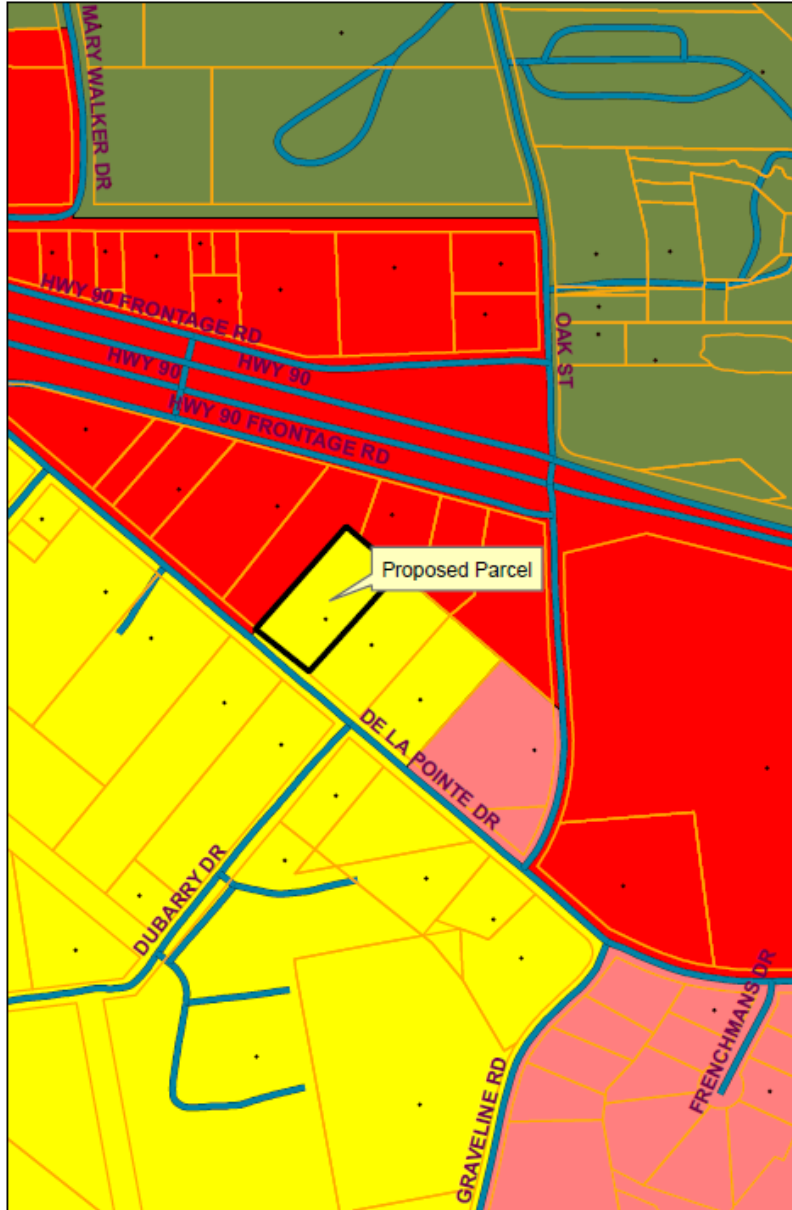


Exhibit C Existing Land-Use

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

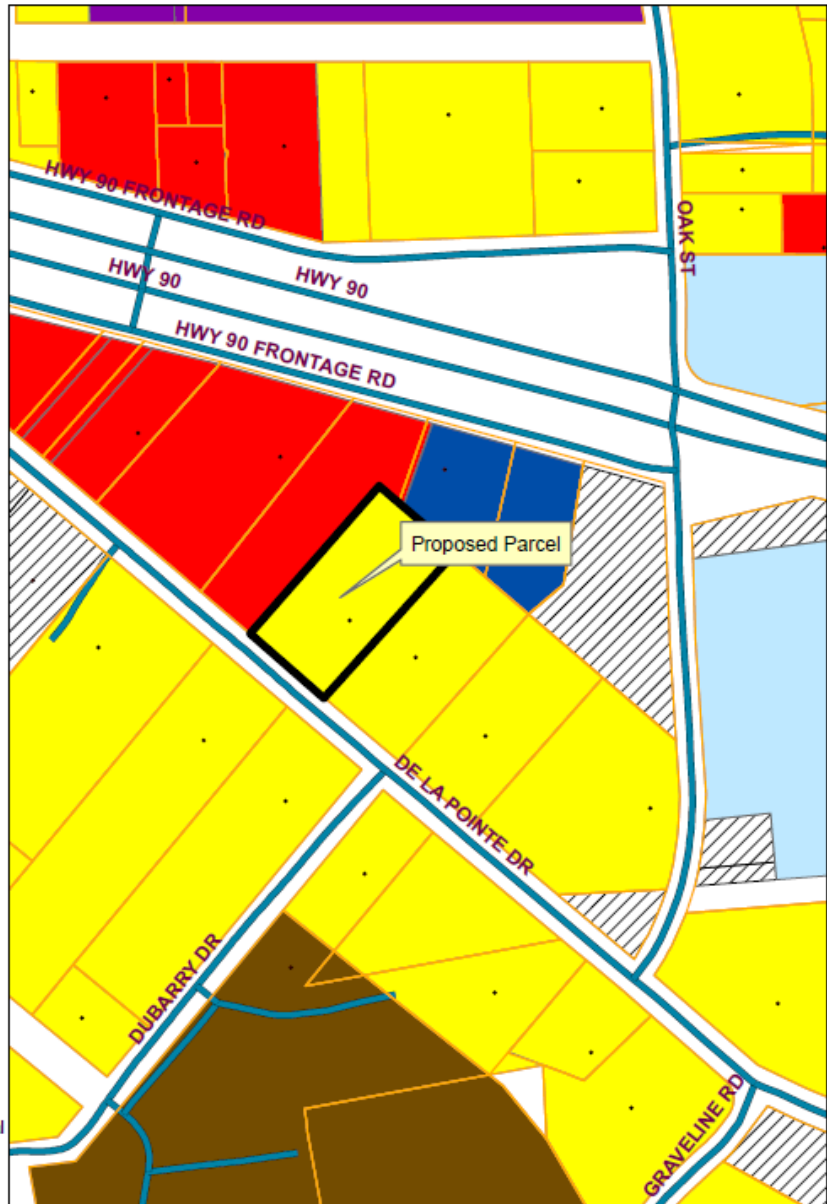


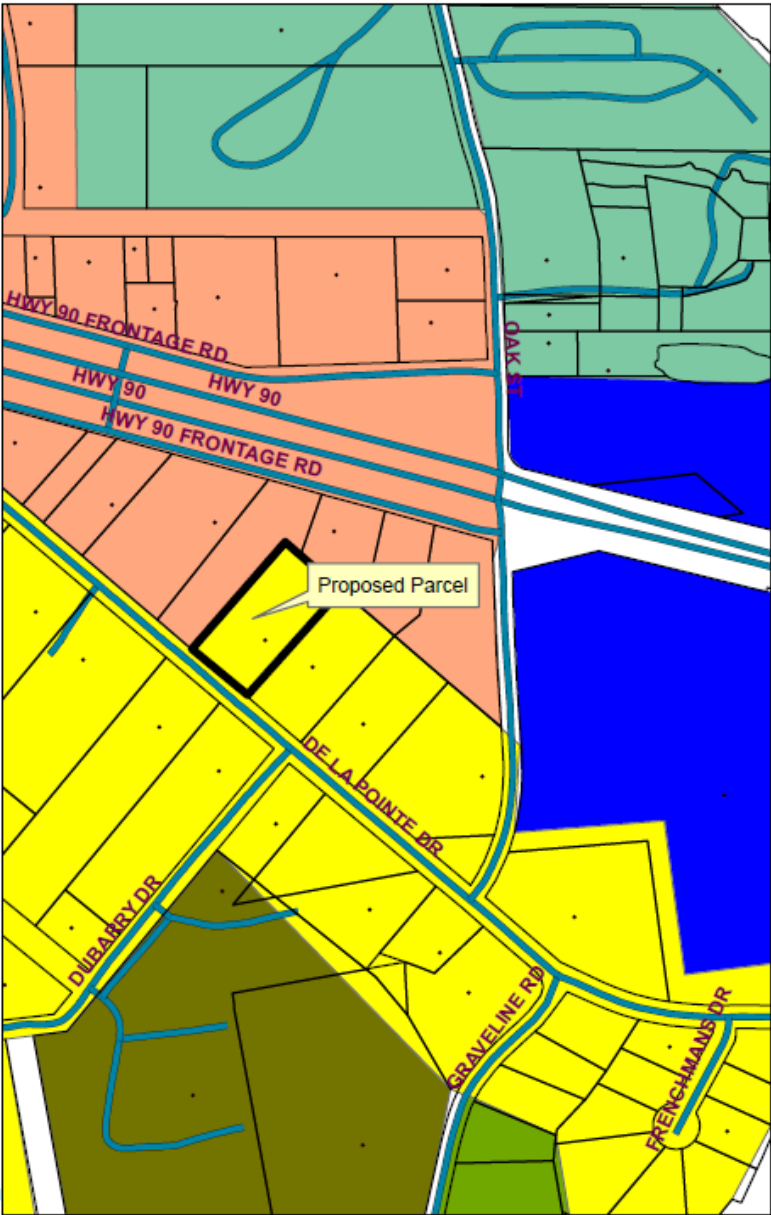
Exhibit D Future Land-Use

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

June 4, 2026

GPC 26-27-RZ

Henry Zuber III

7305 Martin Bluff Road

PIDN #85432004.000 & 85432005.000

VII. NEW BUSINESS

2. Consider a request for a Property Owner Initiated Rezoning of Property located at 7305 Martin Bluff Road, PIDN #85432004.000 & 85432005.000 from split zoning C-2 Community Commercial and R-1 Low Density Single-Family Residential to C-2 Community Commercial. (GPC #26-27-RZ)

**CITY OF GAUTIER
STAFF REPORT**

To: Chairman and Members, Planning Commission

From: Scott Ankersen, Planning Director

Date: April 30, 2026

Subject: Consider a request for a Property Owner Initiated Rezoning of Property located at 7305 Martin Bluff Road, PIDN #85432004.000 & 85432005.000 from split zoning C-2 Community Commercial and R-1 Low Density Single-Family Residential to C-2 Community Commercial. (GPC #26-27-RZ)

REQUEST:

The Planning Department has received a request from Henry Zuber III for a proposed Amendment of the Official Zoning Map of the City of Gautier, Mississippi. The request is to rezone 7305 Martin Bluff Road, PIDN #85432004.000 & 85432005.000 from split zoning C-2 Community Commercial and R-1 Low Density Single-Family Residential to C-2 Community Commercial. (GPC #26-27-RZ) The application fee of \$300 was paid on April 29, 2026. 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: 7305 Martin Bluff Road, PIDN #85432004.000 & 85432005.000 (See Exhibit A)
2. Existing Zoning: Split Zoned C-2 Community Commercial & R-1 Low Density Single-Family Residential. (See Exhibit B)

UDO 5.3.8 C-2, Community Commercial - Purpose and intent. The purpose of this district is to provide areas of medium density commercial including a mixture of retail, professional services, and studios which cluster together. Community Commercial Districts are located primarily along transportation collectors such as Gautier-Vancleave. The co-location of professional services and civic uses shall be encouraged to strengthen industry and provide an attractive, pedestrian scale commercial corridor into the City.

UDO 5.3.3 R-1, Low Density Single-Family Residential District - Purpose and intent. The purpose of this district is to provide areas where the principal use of land is for single-family detached dwelling units and related recreational facilities which compliment the area and provide a balanced and attractive residential area. R-1 areas are to be specifically designed to provide for the quiet enjoyment of the

uses therein. They should have well defined boundaries and be protected from the encroachment of commercial uses and heavy through traffic.

DATA AND ANALYSIS:

Property requested for Rezoning: 7305 Martin Bluff Road, PIDN's 85432004.000 & 85432005.000.

Location: Ward 5

Current Zoning of the Request Property: Split Zoned C-2 Community Commercial & R-1 Low Density Single-Family Residential.

Existing Land Use: Mobile Home and accessory structures (See Exhibit C)

Future Land Use: Low Density Residential (See Exhibit D)

Surrounding Zoning: C-2 Community Commercial to the north. Split Zoning C-2 Community Commercial & R-1 to the South. R-1 Low Density Single-Family to the east and west.

HISTORY:

Historically, the Planning Commission and City Council have heard rezoning requests from citizens for Split Zoned lots and found that Split Zoning is a mistake. It has been found previously that zoning lines should follow parcel lines. Please see specific case histories listed below starting with the rezoning of the lots immediately north of the lots in question.

- GPC 25-26-RZ (7313 Martin Bluff – split zoned C-2/R-1 – rezoned to C-2)
- GPC 21-14-RZ (PID #82420170.000 & 82420180.000 HWY 57 – split zoned C-3/AG – rezoned to C-3)
- GPC 20-10-RZ (PID #82429240.000 Brown Rd – split zoned C-3/AG – rezoned to AG)

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 the entire subject area to C-2 Community Commercial; or
2. Recommend that City Council deny the Rezoning.

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

26-27-RZ

TO BE HEARD BY GAUTIER PLANNING COMMISSION:	FEE:
Zoning Change <input checked="" type="checkbox"/>	\$301.00
*Includes \$1.00 filing fee per MS Code §25-60-5	

Name of Applicant: Henry "Hank" B. Zuber III

Name of Business: HBZ LLC VII Phone: 228-235-1193

Property Address: _____ Mailing Address (if Different): 503 Minor Land Ocean Springs, MS 39564

E-Mail Address: hank@zuberlaw.net

Reason for request, location and intended use of Property: I was contacted to see if I had an interest in buying b/c I purchased + cleaned up the lots. I purchased 2 lots north. These 2 lots are split zoned and I wish for both to be zoned C-2. I've had 2 people thank me for cleaning up the lots north and will do the same for these 2 lots: Lot 7 (\$5432005.000) and Lot 6 (\$5432004.000) (Hunting S/D).

ATTACHMENTS REQUIRED AS APPLICABLE:

1. Diagram of intended use, showing dimensions and distances of property, building with setbacks, parking spaces, entrances and exits. N/A - no project - it is split zone. wish to purchase and clean up now!
2. A detailed project narrative.
3. Copy of protective covenants or deed restrictions, if any. N/A
4. Copies of approvals, or requests for approval, from other agencies, such as, but not limited to, the Mississippi State Department of Health, U.S. Army Corp of Engineers, Mississippi Department of Environmental Quality and Department of Marine Resources. N/A
5. Any other information requested by the Planning Director.

Signature of Applicant: [Signature] Date of Application: 4/29/26

FOR OFFICE USE ONLY	
Date Received <u>4/29/26</u>	Verify as Complete _____
Fee Amount Received <u>301.00</u>	Initials of Employee Receiving Application <u>Ralis</u>

SECTION 4.15: Zoning Map Change (Rezoning)

A zoning map change involves the rezoning of property from one zoning classification to another or the extension of existing zoning district boundaries on the Official Zoning Map. When the public welfare justifies such action, the City Council may amend the Official Zoning Map.

4.15.1 Who May Initiate

A zoning map change may be initiated by the City Council, the Planning Commission or the property owner or agent of the owner provided that:

- A. Said property has not been denied a previous request for the same property or portion a property within the past twelve (12) months; and
- B. All procedures and provisions for a public hearing have been met.

4.15.2 Requests for Zoning Map Change (rezoning)

Applications for a Zoning Map Change (rezoning) may be filed on the appropriate application available from the Planning Department and shall provide all requested information and provide all requested attachments/submittals.

4.15.3 Criteria for Rezoning of Property

The Planning Commission shall not recommend approval of a rezoning and the City Council shall not rezone property unless the applicant has proven by clear and convincing evidence that either:

- 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.

4.15.4 Three-Fifths Council Vote Needed

In accordance with *Mississippi Code Annotated Section 17-1-17 (1972)*, in case of a protest against such change signed by the owners of twenty (20) percent or more, either of the area of the lots included in such proposed change, or of those immediately adjacent to the rear thereof, extending one hundred sixty (160) feet therefrom or of those directly opposite thereto, extending one hundred sixty (160) feet from the street frontage of such opposite lots, such amendment shall not become effective except by the favorable vote of three-fifths (3/5) of the members of the City Council who are not required by law or ethical considerations to recuse themselves.

4.15.5 Rezoning by Court Order

In the event rezoning is required pursuant to a court order specifically establishing the zoning classification to be applicable to the property which is the subject matter of the suit, the procedural requirements of the Unified Development Ordinance for rezoning property shall not apply. A certified copy of the final court order shall be filed with the Planning Director after all available time for appeal has expired. The Planning Director shall enter the zoning change on the official zoning map and place the certified copy of the court order in the immediate area of the official zoning map, and cause the zoning change to be entered in the minutes of the City Council.

4.15.6 Public Notification

In addition to the required public notices in a newspaper of regular and general circulation in the City at least fifteen (15) days prior to the public hearing, a notice shall be posted at City Hall and the effected property for the benefit of the public prior to a public hearing for a Zoning Map Change (Rezoning).

OWNER'S CONSENT AND DESIGNATION OF AGENT

I, Jackie N. Hill, the fee simple owner of the following described property (address or parcel ID number(s) if no address assigned):

7305 Martin Blvd Rd
Gautier, MS 39553

hereby petition to the City of Gautier to allow Hank Zuber to
take care of the split entry + all C-2 and affirm that (name of person) Hank Zuber 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.

X Jackie Hill
(Owner's Signature)

The foregoing instrument was acknowledged before me this 12th day of December,
2025 by Jackie Hill, who is personally known to me or has produced _____ as identification and who did take an oath.

Jolynda R. Moorer
(Printed Name of Notary Public)

Jolynda R. Moorer
(Signature of Notary Public)

Commission # 98909. My commission expires 8-30-27.

(Notary's Seal)



GAUTIER, MISSISSIPPI
PLANNING DEPARTMENT
PUBLIC HEARING APPLICATION

Public Hearing Number

[Empty box for Public Hearing Number]

<u>TO BE HEARD BY GAUTIER PLANNING COMMISSION:</u>	<u>FEE:</u>
Zoning Change _____	\$301.00
*Includes \$1.00 filing fee per MS Code §25-60-5	

Name of Applicant: Henry "Hank" B. Zuber III

Name of Business: HBZ LLC VII Phone: 228-235-1193

Property Address: _____ Mailing Address (if Different): 503 Minor Land Ocean Springs, MS 39564

E-Mail Address: hank@zuberlaw.net

Reason for request, location and intended use of Property: I was contacted to see if I had an interest in buying b/c I purchased + cleaned up the lots, made it ready north. There 2 lots are split zoned and I wish for both to be zoned C-2. I've had 2 people thank me for cleaning up the lots north and will do the same for the 2 lots: Lot 7 (\$5432005.000) and lot 6 (\$5432004.000) Hastings S/D.

ATTACHMENTS REQUIRED AS APPLICABLE:

- _____ 1. Diagram of intended use, showing dimensions and distances of property, building with setbacks, parking spaces, entrances and exits. N/A - no project - it is split zone. wish to purchase and clean up now!
- _____ 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: 4/29/20

FOR OFFICE USE ONLY	
Date Received <u>4/29/20</u>	Verify as Complete _____
Fee Amount Received <u>301.00</u>	Initials of Employee Receiving Application <u>Rabus</u>

OWNER'S CONSENT AND DESIGNATION OF AGENT

I, Jackie N. Hill, the fee simple owner of the following described property (address or parcel ID number(s) if no address assigned):

7305 Martin Blvd Rd
Gautier, MS 39553

hereby petition to the City of Gautier to allow Hank Zuber to
take care of the split entry traffic and affirm that (name of person) Hank Zuber
Hank Zuber 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.

X Jackie Hill
(Owner's Signature)

The foregoing instrument was acknowledged before me this 12th day of December

20 25 by Jackie Hill, who is personally known to me or has produced _____ as identification and who did take an oath.

Jolynda R. Moorer
(Printed Name of Notary Public)

Jolynda R. Moorer
(Signature of Notary Public)

Commission # 98909. My commission expires 8-30-27.

(Notary's Seal)



Exhibit A Location Map

Prepared by:
City of Gautier
Planning Department

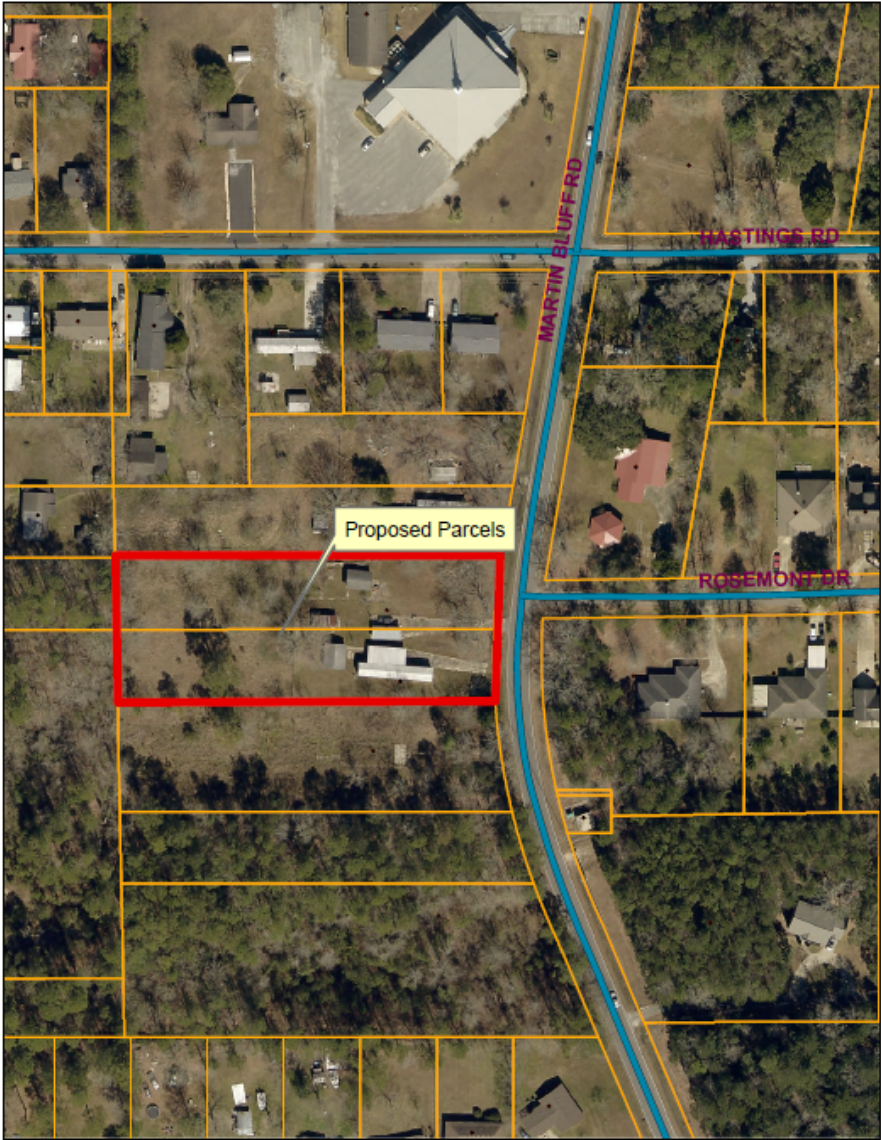


Exhibit B Existing Zoning

Prepared by:
City of Gautier
Planning Department

Legend

Zoning

ZONECODE

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

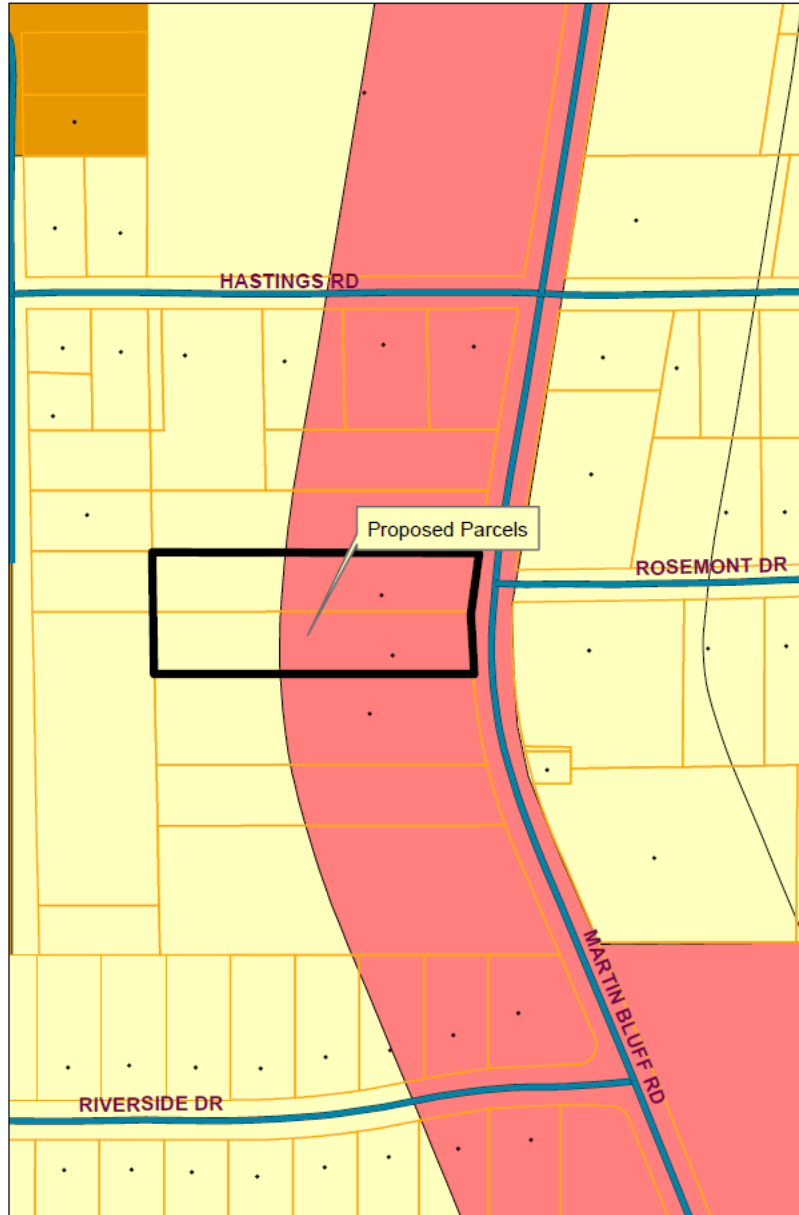


Exhibit C Existing Land-Use

Prepared by:
City of Gautier
Planning Department

Legend

EXISTING LAND USE

ELU_08

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

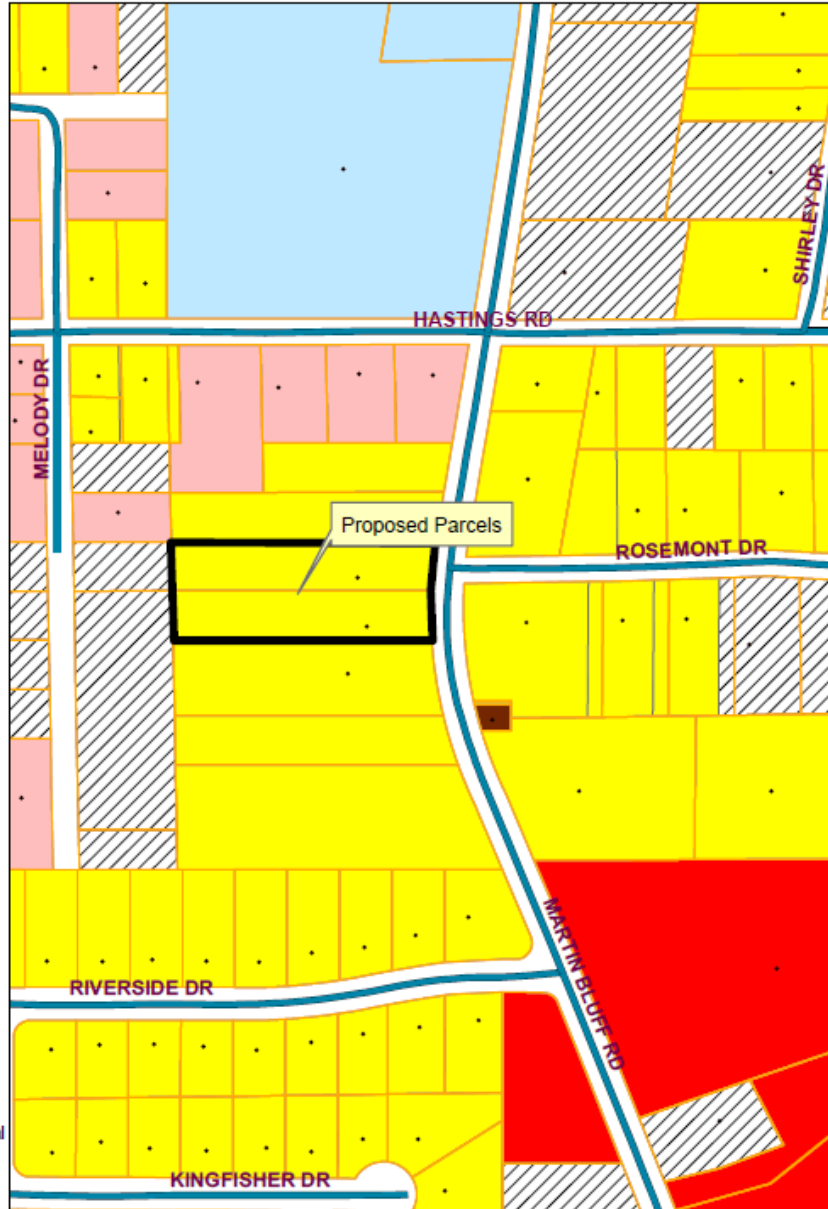


Exhibit D Future Land-Use

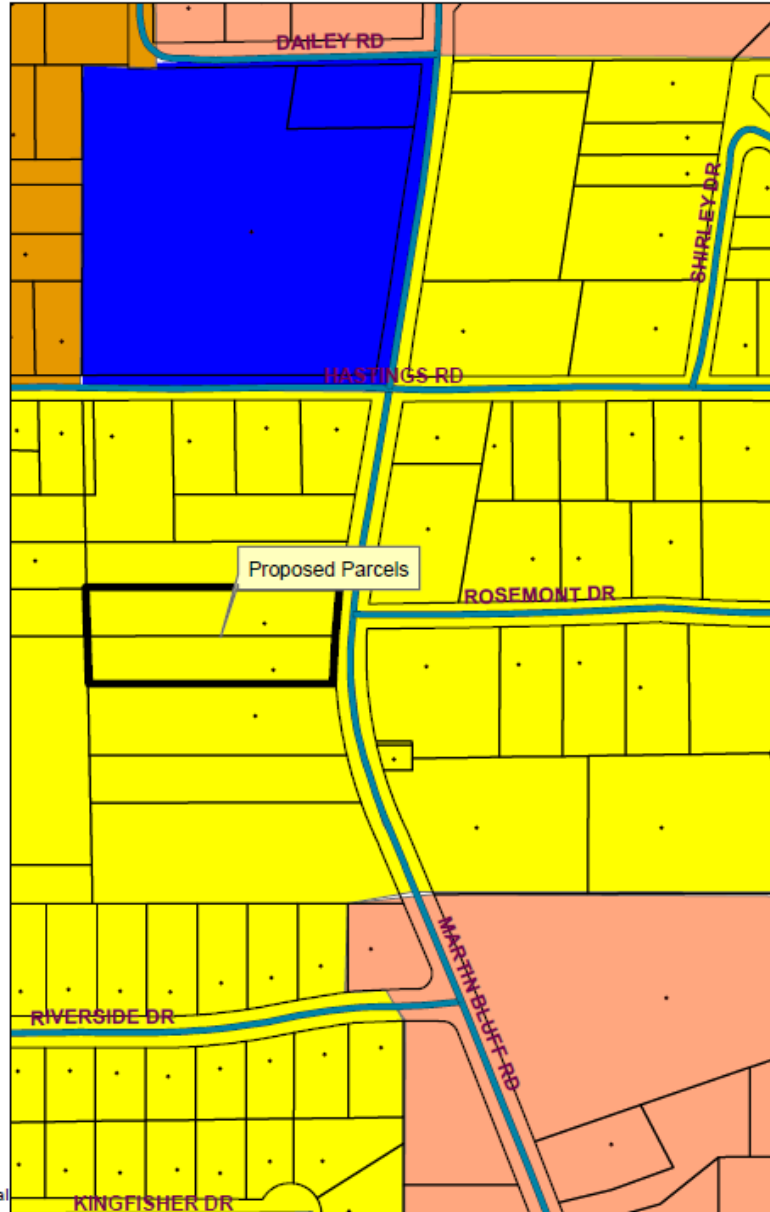
Prepared By:
City of Gautier
Planning Department

Legend

FUTURE LAND USE

FLU_Class

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



Gautier Planning Commission

Regular Meeting Agenda

July 2, 2026

GPC 26-28-HO

GISELLE PEREZ

3308 SEAGRAPE DRIVE

PIDN #85414201.000

VII. NEW BUSINESS

1. Consider a request for a Home Occupation for a Tax Preparation Home Office located at 3308 Seagrape Drive, PIDN #85414201.000. (GPC #26-28-HO)

**CITY OF GAUTIER
STAFF REPORT**

To: Chairman and Members, Planning Commission

From: Scott Ankersen, Planning Director

Date: June 15, 2026

Subject: Request for a Home Occupation for a Tax Preparation Office located at 3308 Seagrape Drive, PIDN #85414201.000. (GPC #26-28-HO)

REQUEST:

The Planning Department has received a request from Giselle Perez dba Giselle Taxes and Services Corp, to allow a home occupation for a tax preparation home office at 3308 Seagrape Drive, PID #85414201.000. The application fee of \$125 was paid on April 30, 2026. All public notice requirements have been met.

BACKGROUND:

The application/request for a Home Occupation was made by Giselle Perez to operate a Tax Preparation home office at 3308 Drive. The application includes a narrative written by the applicant stating that this location is proposed to be a tax preparation and financial home office assisting clients and guests virtually. Public notice requirements in the form of notification letters to adjoining property owners were mailed on April 30, 2026. The notification letter states; written objections must be received by 5:00 P.M. on Monday, May 11, 2021. Written objections must reference the above GPC Public Notice Number, and e-mailed to epatterson@gautier-ms.gov, or be mailed to the Planning Department, P. O. Box 670, Gautier, Mississippi 39553-0670. Objectors will be notified of the results of this review. The Planning Department can be reached at 228-497-1878 should you have any questions.

DISCUSSION:

On May 11, 2026, the Planning Department received a written objection from Mr. Seth Sherman of 3316 Seagrape Drive. Mr. Sherman's objection to the home occupation is due to the traffic that has been generated by this business. Mr. Sherman claimed that there have been cars lining both sides of Seagrape Drive and he has even had Mrs. Perez's clients park on his property.

DETERMINATION OF APPLICABLE LAW:

The Unified Development Ordinance (UDO) defines a **Home Occupation** as: An occupation carried on in a residential dwelling unit by the resident thereof; provided that the use is limited, incidental and secondary to the residential use of the building. A Home Occupation permit is non-transferable to future residents

UDO SECTION 6.7: Home Occupation

6.7.1 General Regulations

A Home Occupation is a gainful occupation conducted in a dwelling unit, for which an annual privilege license must be issued and that:

- A. No stock in trade or commodity shall be sold on the premises.
- B. There shall be no employment of help other than members of the resident family.
- C. Not more than twenty (20) percent of the heated and cooled square footage area of the dwelling unit not to exceed five hundred (500) square feet shall be used in conducting the Home Occupation.
- D. There shall be no change in the outside appearance of the building or premises, no outdoor storage of anything, or any other visible evidence of the conduct of such Home Occupation other than one (1) sign in accordance with regulations of Article XII not exceeding one (1) non-illuminated sign no larger than one (1) square foot, mounted flush against the principal building.
- E. No Home Occupation shall be conducted in any accessory building.
- F. No traffic shall be generated by such Home Occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such Home Occupation shall be off the street and other than in the required front yard.
- G. No equipment or process shall be used in such Home Occupation which increases noise, vibration, glare, fumes, odors, or electrical interference to adjoining properties.
- H. The Planning Director shall periodically examine all businesses operating under a home occupation permit to determine if they are maintained in compliance with regulations set forth herein. The Planning Director is authorized to notify any business found to not be in compliance to cease operations and to revoke said permits.

6.7.2 Home Occupations Permitted

The following occupations, subject to the requirements of the above section, may be permitted as Home Occupations:

- A. Artist, sculptor, author
- B. Catering Service when they are a part of operator's residence

- C. Computer programming and word processing
- D. Cooking and preserving
- E. Dressmaker, seamstress, tailor, interior decorator
- F. Home office
- G. Instructional Studio, Private. Teaching, including tutoring, musical instruction or dancing, but limited to one (1) pupil per teacher at any given time
- H. Private Professional Office
- I. Telephone answering service
- J. Any other similar use which the Planning Director determines is compatible. The Planning Director may elect to take any Home Occupation request to the Planning Commission for consideration.

6.7.3 Prohibited Home Occupations

The following are not permitted as Home Occupations:

- A. Animal hospitals or animal rescue operations
- B. Child Care Facilities including kindergartens
- C. Convalescent homes
- D. Repair Shops requiring outside or major repair to equipment and/or vehicles
- E. Coffee Shops, restaurants or any facility serving beverages or food to the public.
- F. Boarding House

RECOMMENDATION & CONCLUSION:

Staff recommends that Planning Commission, if recommending approval, establish the finding of facts based on UDO Section 6.7.

The Planning Commission may:

1. Recommend that City Council approve the request as presented;
2. Recommend that City Council approve the home occupation with changes; or
3. Recommend that City Council deny home occupation 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
GAUTIER, MISSISSIPPI

HOME OCCUPATION APPLICATION

Public Hearing Number

26-28-170

TYPE OF REQUEST:	FEE:
Home Occupation _____	\$126.00
*Includes \$1.00 filing fee per MS Code §25-60-5	

Name of Applicant: Giselle L. Pérez

Name of Business: Giselle Taxes and Services, LLC

Address: 3308 Seagrape dr. Mailing Address (if different): _____

Email Address: giselle@giselleptaxes.com

Phone: 228 355 7396 Cell Phone: 228 355 7396

Name of Proposed Business: _____

Type of Proposed Business: Financial, Tax Preparation - Home office

ATTACHMENTS REQUIRED AS APPLICABLE:

- _____ 1. Diagram showing dimensions of home and dimensions of area to be used for home occupation.
- _____ 2. Legal description and street address. (This will be provided by City Staff)
- _____ 3. A detailed project narrative.
- _____ 4. Copy of protective covenants or deed restrictions, if any. (Mark as "N/A" if none are known)
- _____ 5. Any other information requested by the Planning Director.
- _____ 6. Owner's Consent form, if anyone other than 100% sole owner makes application (see attached).

Signature of Applicant(s): [Signature]

FOR OFFICE USE ONLY	
Date Received <u>4/30/20</u>	Verify as Complete <u>EP, BL</u>
Fee Amount Received <u>126.00</u>	
Initials of Employee Receiving Application <u>EP, BL</u>	

OWNERS CONSENT AND DESIGNATION OF Agent - HOME OCCUPATION

I, Giselle L. Pérez, the fee simple owner(s) of the following described property:

Address: <u>3308 Seagrape dr. Gautier MS 39553</u>
Parcel ID No.:

hereby petition to the City of Gautier to Grant a Home Occupation for a financial, tax office and affirm that Giselle L. Pérez 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.

(Owner's Signature)

Giselle L. Pérez

(Owner's Signature)

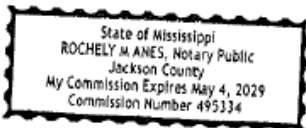
Notary Information:
The foregoing instrument was acknowledged before me this 24 day of April, 2026 by Giselle L. Pérez, who is personally known to me or has produced Driver License as identification and who did take an oath.

Rochely M. Anes
(Printed Name of Notary Public)

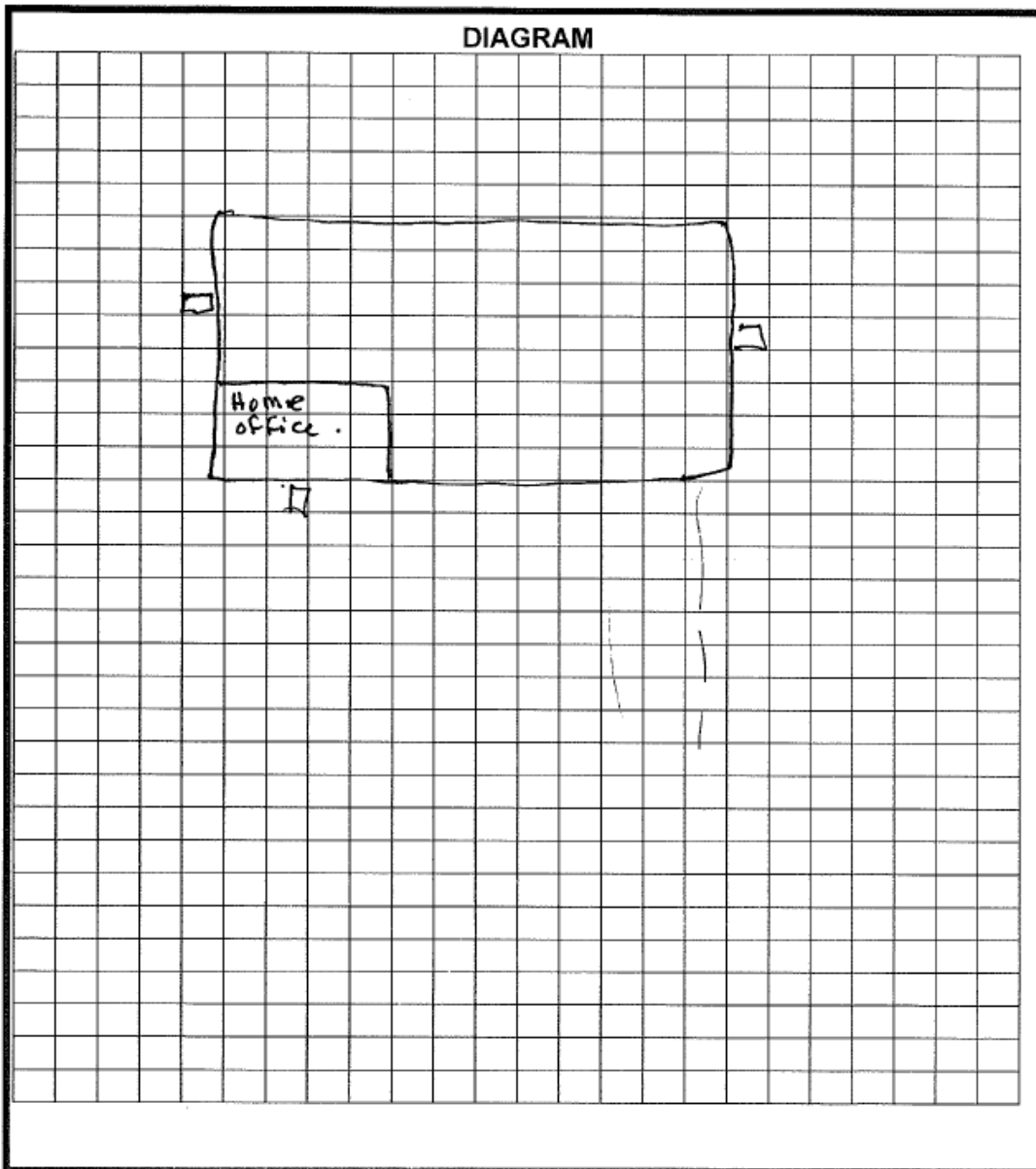
[Signature]
(Signature of Notary Public)

Commission # 495334. My commission expires May 4, 2029.

(Notary's Seal)



HOME OCCUPATION DIAGRAM – Provide a diagram showing the dimensions of your house and show how much of the house will be used for your Home Occupation (give room measurements or square footage). Use the space below or provide a separate sheet with diagram. Staff will provide guidance as needed on additional information needed on the diagram



HOME OCCUPATION NARRATIVE – Describe the proposed Home Occupation. Include what type of business (such as online, off site sales, mobile, etc.). Use the space below or provide a separate sheet of paper and attach. Staff will provide guidance as needed on additional information needed in the narrative.

NARRATIVE

is a present tax preparation and financial office.
assisting clients and guest virtually
we have another location to receive and
assist client and guest.

Exhibit A Location Map

Prepared by:
City of Gautier
Planning Department

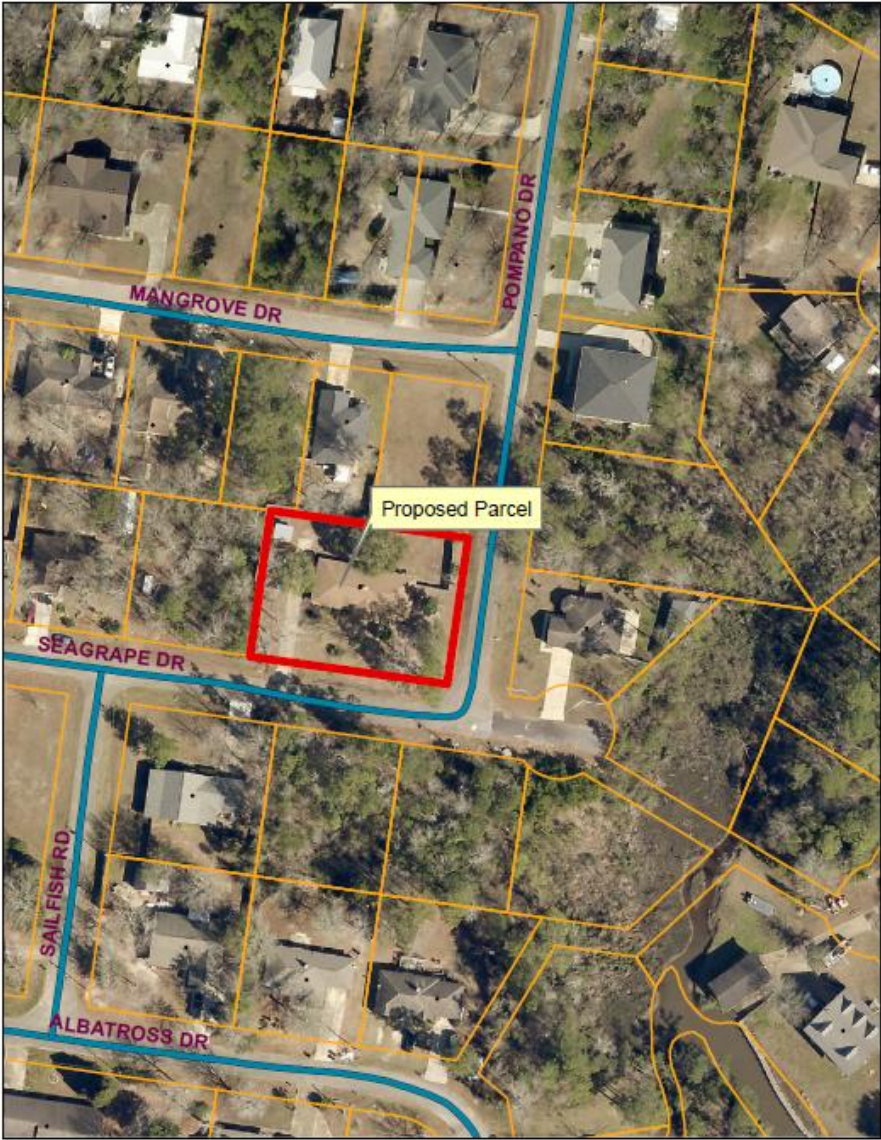


Exhibit B Existing Zoning

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

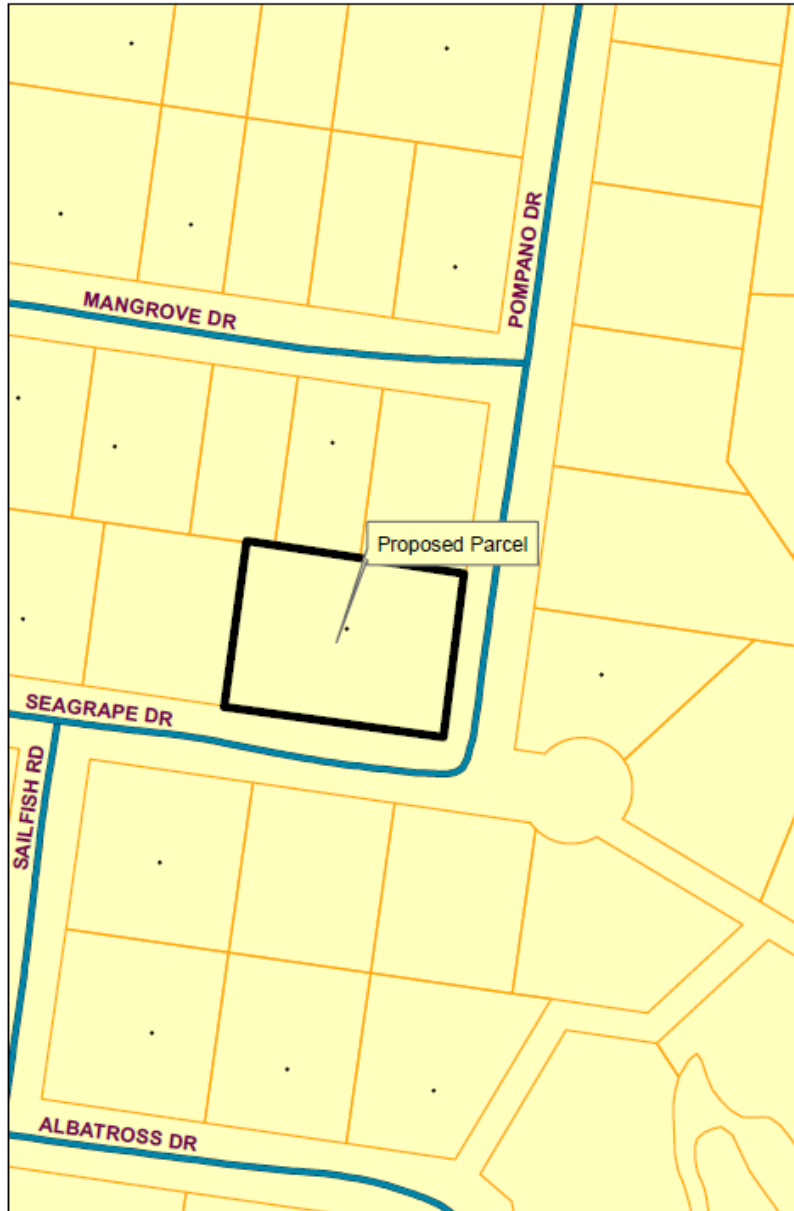


Exhibit C Existing Land-Use

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

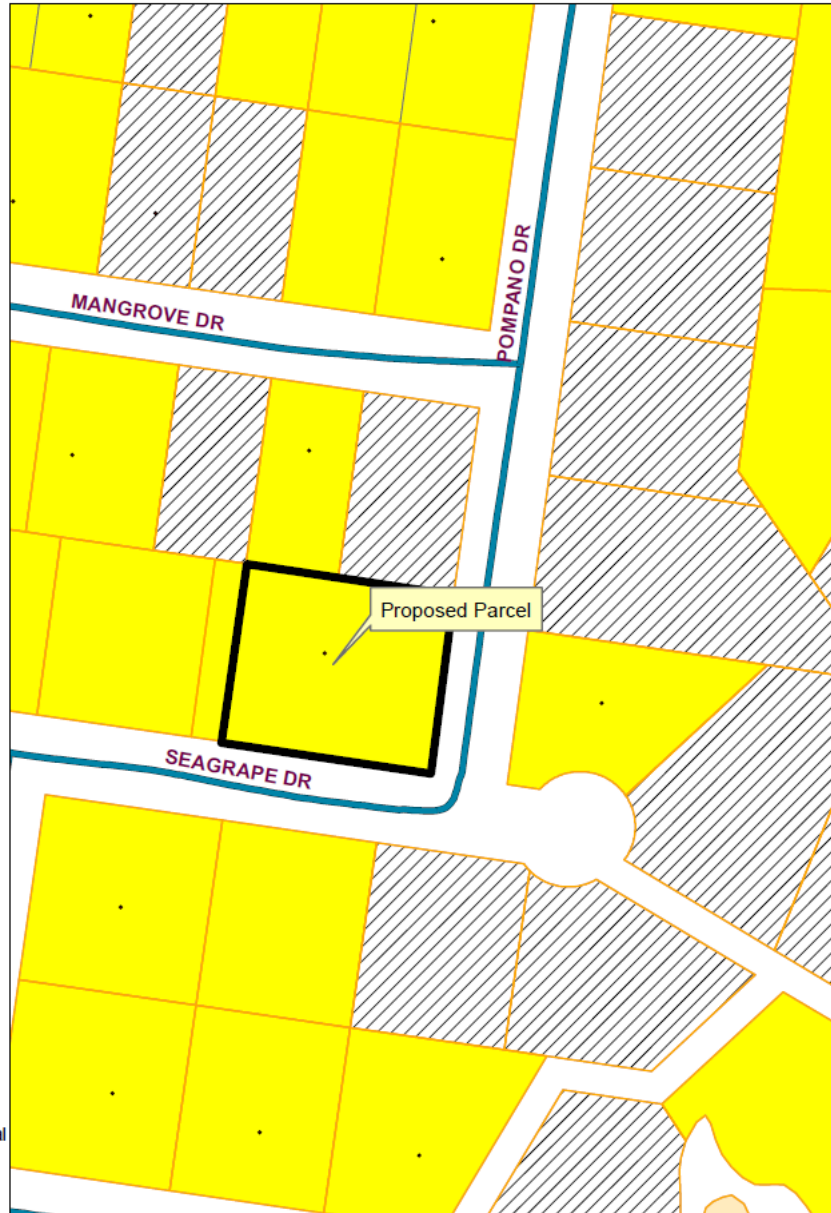
















Exhibit D Future Land-Use

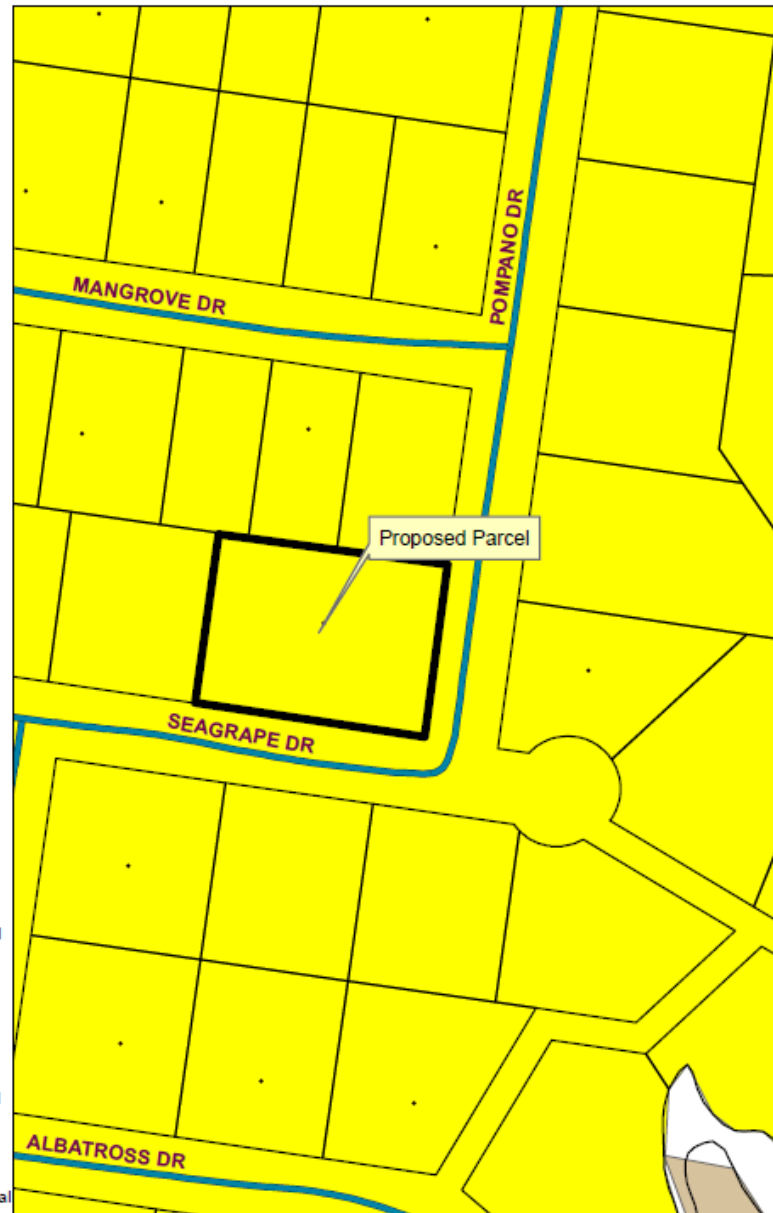
Prepared By:
City of Gautier
Planning Department

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

July 2, 2026

GPC #26-29-VAR

Lark Drive

PIDN #'s: 85905827.000, 85905826.000 & 85905825.000

VII. NEW BUSINESS

2. Consider a request for a nineteen and a half foot (19' 6") variance to the lot width requirements in a R-1 Low Density Single-Family Residential Zoning District. Lark Drive, PID #85905827.000, 85905826.000 & 85905825.000, (GPC #26-29-VAR)

**CITY OF GAUTIER
STAFF REPORT**

To: Chairman and Members, Planning Commission

From: Scott Ankersen, Planning Director

Date: June 15, 2026

Subject: Consider a request for a nineteen and a half foot (19' 6") variance to the lot width requirements in a R-1 Low Density Single-Family Residential Zoning District. Lark Drive, PID #85905827.000, 85905826.000 & 85905825.000, (GPC #26-29-VAR)

REQUEST:

The Planning Department has received a request from Kevin Carter for a Nineteen-foot six-inch (19' 6") variance to the lot width requirements in a R-1 Low Density Single-Family Residential Zoning District on Parcel ID numbers 85905827.000, 85905826.000 & 85905825.000 on Lark Drive, (GPC #26-29-VAR). The application fee of \$175 was paid on May 7, 2026. All public notice requirements have been met.

BACKGROUND:

The applicant would like to subdivide his three (3) existing lots with a lot width and road frontage of 101 ft into five (5) lots with a lot width and road frontage of 60 feet 6 inches. Per the Unified Development Ordinance (UDO), required lot width in an R-1 Low Density Single-Family Residential district is 80 feet at the building line and a minimum of 40 feet on a public or platted street. The applicant is asking for a nineteen-foot, six-inch (19' 6") variance to minimum lot width in an R-1 Low Density Single-Family Residential Zone.

DISCUSSION:

The lots on this application are adjacent to Buddy Davis Ball Park located at 2000 Lark Drive. The applicant is attempting to obtain a Variance to subdivide three (3) parcels into five (5) parcels. The existing parcels are currently 101 feet wide with 101 feet of road frontage. The applicant's plan calls for lowering the lot width to 60 feet 6 inches. This would be a Variance of 19 feet six inches. This variance would allow the existing parcels to be split into five (5) lots.

The applicant has included two options with this application. The first option is the Variance listed above. The second option included in the application would be for a 4 feet

six inch variance to transform the three (3) lots at 101 feet into four (4) lots at 75.75 feet. This option was included by the applicant in case the initial variance of 19 ft six inches is unacceptable to the commission for recommendation of approval.

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.

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

GPC 26-29-VAR

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

Name of Applicant: Kevin Carter

Name of Business: _____ Phone: 757-327-2160

Property Address: Dark Dr Gautier, MS 39553 Mailing Address (if Different): 2910 Walker Dr Pascagoula MS 39581

E-Mail Address: Kevindeancarter@gmail.com

Reason for request, location and intended use of Property: Make my 3 lots ^{60.6} 75 sq ft of road frontage. Make my 3 lots 5 lots

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.
- N/A 3. Copy of protective covenants or deed restrictions, if any.
- N/A 4. Copies of approvals, or requests for approval, from other agencies, such as, but not limited to, the Mississippi State Department of Health, U.S. Army Corp of Engineers, Mississippi Department of Environmental Quality and Department of Marine Resources.
- N/A 5. Any other information requested by the Planning Director.

Signature of Applicant: Kevin Carter Date of Application: 5-7-26

FOR OFFICE USE ONLY	
Date Received	<u>5/7/26</u> Verify as Complete <u>EP</u> <u>5/13/26</u>
Fee Amount Received	<u>5/7/26</u> Initials of Employee Receiving Application <u>EMP</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?

less road frontage

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

N/A

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. Enforcement of the Ordinance would prevent development similar to other nearby properties that have been granted variances for comparable road frontage

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.

Yes instead of building on 80 sq ft of road frontage it will be ~~75~~ 60.6 sq ft.

Please see attached

OWNERS CONSENT AND DESIGNATION OF AGENCY - VARIANCE

I, Tammy Sambrano & Kevin Carter, the fee simple owner of the following described property (give legal description):

See attached for PIDW & legal descriptions of Lot 25, 26 & 27

hereby petition to the City of Gautier to Grant a Variance of 60' ft of Rd frontage instead of 80 ft in Gautier

and affirm that Kevin Carter 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.

Tammy Sambrano & Kevin Carter
(Owner's Signature)

The foregoing instrument was acknowledged before me this 12th day of May, 2026 by Tammy Sambrano & Kevin Carter who is personally known to me or has produced personally known as identification and who did take an oath.

Amy E. Gager
(Printed Name of Notary Public)


Amy E. Gager
(Signature of Notary Public)

Commission # 86355 My commission expires 7-29-27
(Notary's Seal)



8-59-05-827.000, Gautier, MS, Jackson County

APN: 8-59-05-827.000 CLIP: 8491652096

	Beds N/A	Full Baths N/A	Half Baths N/A	Sale Price N/A	Sale Date 10/28/2021
	Bldg Sq Ft N/A	Lot Sq Ft 58,806	Yr Built N/A	Type VCNT LND-NEC	

OWNER INFORMATION

Owner Name	Carter Kevin Deonte	Tax Billing City & State	Pascagoula, MS
Owner Name 2	Sambrano Tammy A	Tax Billing Zip	39581
Tax Billing Address	2916 Walker Dr	Tax Billing Zip+4	2762

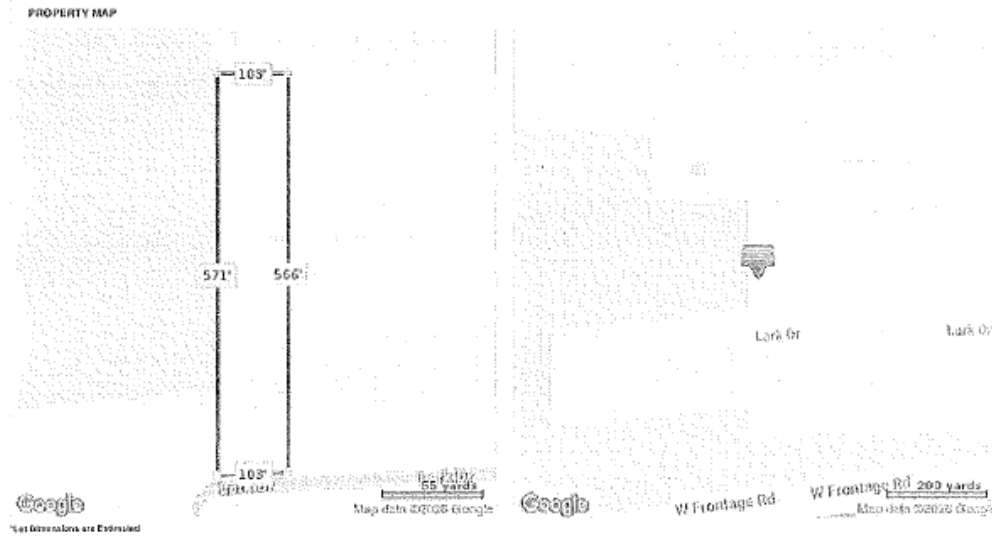
TAX INFORMATION

Tax Parcel Number	8-59-05-827.000	Lot	27
Parcel ID	85905827.000	Tax Area	3840
Alt APN	776.13-00-0027.24		
Legal Description	LOT 27 LARK DRIVE S/D PB 23-72 (27.24 MAP776.13)		

ASSESSMENT & TAX

	2025	2024	2023
Assessment Year	2025	2024	2023
Assessed Value - Total	\$2,864	\$2,879	\$2,879
Assessed Value - Land	\$2,864	\$2,879	\$2,879
Market Value - Total	\$19,760	\$19,190	\$19,190
Market Value - Land	\$19,760	\$19,190	\$19,190
YOY Assessed Change (\$)	585	\$0	
YOY Assessed Change (%)	2.95%	0%	

Tax Year	Total Tax	Change (\$)	Change (%)
2023	\$406		
2024	\$418	\$12	2.98%
2025	\$420	\$11	2.51%



8-59-05-826.000, Gautier, MS, Jackson County

APN: 8-59-05-826.000 CLIP: 9152699543

	Beds N/A	Full Baths N/A	Half Baths N/A	Sale Price N/A	Sale Date 10/26/2021
	Bldg Sq Ft N/A	Lot Sq Ft 56,628	Yr Built N/A	Type VCNT LND-NEC	

OWNER INFORMATION

Owner Name	Carter Kevin Deonte	Tax Billing City & State	Pascagoula, MS
Owner Name 2	Sambrano Tammy A	Tax Billing Zip	39581
Tax Billing Address	2910 Walker Dr	Tax Billing Zip+4	2762

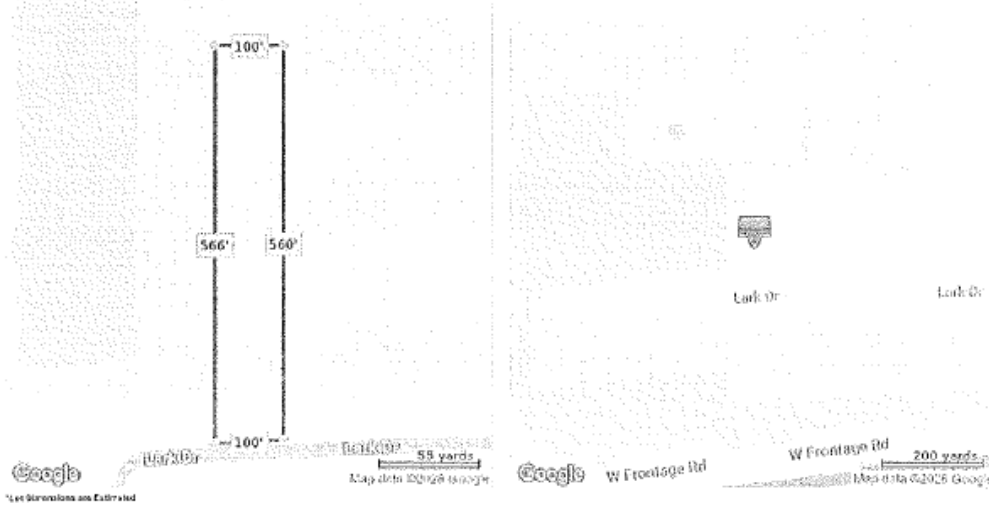
TAX INFORMATION

Tax Parcel Number	8-59-05-826.000	Lot	26
Parcel ID	85905826.000	Tax Area	3840
All APN	776.13-00-0027.23		
Legal Description	LOT 26 LARK DRIVE S/D PB 23-72 (27.23 MAP 776.13)		

ASSESSMENT & TAX

Assessment Year	2025	2024	2023
Assessed Value - Total	\$2,855	\$2,772	\$2,772
Assessed Value - Land	\$2,855	\$2,772	\$2,772
Market Value - Total	\$19,030	\$18,480	\$18,480
Market Value - Land	\$10,030	\$10,480	\$10,480
YOY Assessed Change (\$)	583	\$0	
YOY Assessed Change (%)	2.99%	0%	
Tax Year	Total Tax	Change (\$)	Change (%)
2023	\$391		
2024	\$403	\$12	2.98%
2025	\$413	\$10	2.68%

PROPERTY MAP



Property Details | Courtesy of TASCAP BARBER AND, MLS UNLINK, LLC

This data and this report is compiled by CoreLogic from public and private sources. If desired, the accuracy of the data and this report can be independently verified by the recipient of this report with the applicable county or municipality.

Generated on: 6/3/2026

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8-59-05-825.000, Gautier, MS, Jackson County
 APN: 8-59-05-825.000 CLIP: 8842468702



Beds	N/A	Full Baths	N/A	Half Baths	N/A	Sale Price	N/A	Sale Date	10/28/2021
Bldg Sq Ft	N/A	Lot Sq Ft	56,192	Yr Built	N/A	Type	VCNT LND-NEC		

OWNER INFORMATION

Owner Name	Carter Kevin Deonte	Tax Billing City & State	Pascagoula, MS
Owner Name 2	Sambrano Tammy A	Tax Billing Zip	39581
Tax Billing Address	2910 Walker Dr	Tax Billing Zip+4	2762

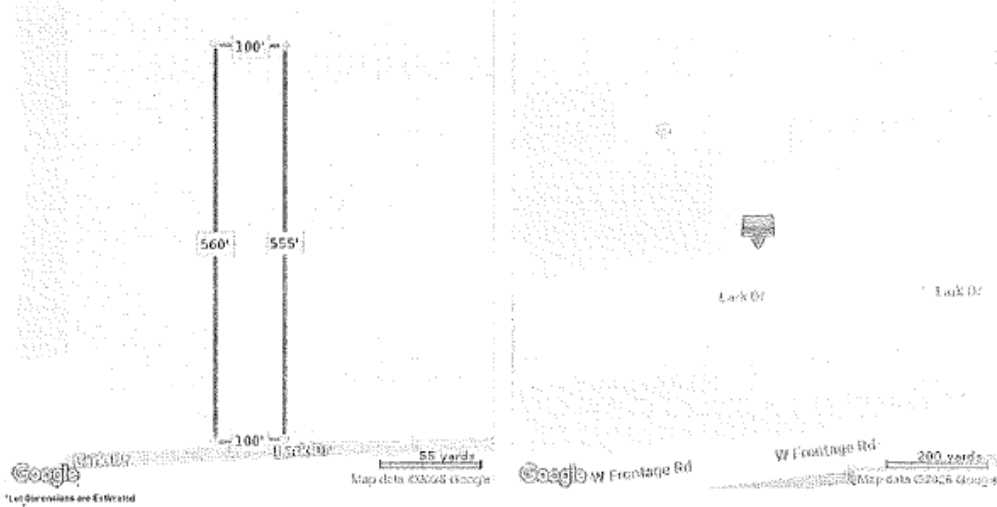
TAX INFORMATION

Tax Parcel Number	8-59-05-825.000	Lot	25
Parcel ID	88905825.000	Tax Area	3840
All APN	778.13-00-0027.22		
Legal Description	LOT 25 LARK DRIVE S/D PB 23-72 (27.22 MAP 778.13)		

ASSESSMENT & TAX

Assessment Year	2025	2024	2023
Assessed Value - Total	\$2,832	\$2,751	\$2,751
Assessed Value - Land	\$2,832	\$2,751	\$2,751
Market Value - Total	\$18,880	\$18,340	\$18,340
Market Value - Land	\$18,880	\$18,340	\$18,340
YOY Assessed Change (\$)	\$81	\$0	
YOY Assessed Change (%)	2.94%	0%	
Tax Year	Total Tax	Change (\$)	Change (%)
2023	\$388		
2024	\$400	\$12	2.98%
2025	\$410	\$10	2.51%

PROPERTY MAP



Property Details | Courtesy of TAMMY SAMBRANO, MS, United, LLC.

The data within this report is compiled by CoreLogic from public and private sources. It is provided as a courtesy and its accuracy is not guaranteed. It is recommended that you verify the information of this report with the applicable entity as their primary source.

Generated on: 05/12/20

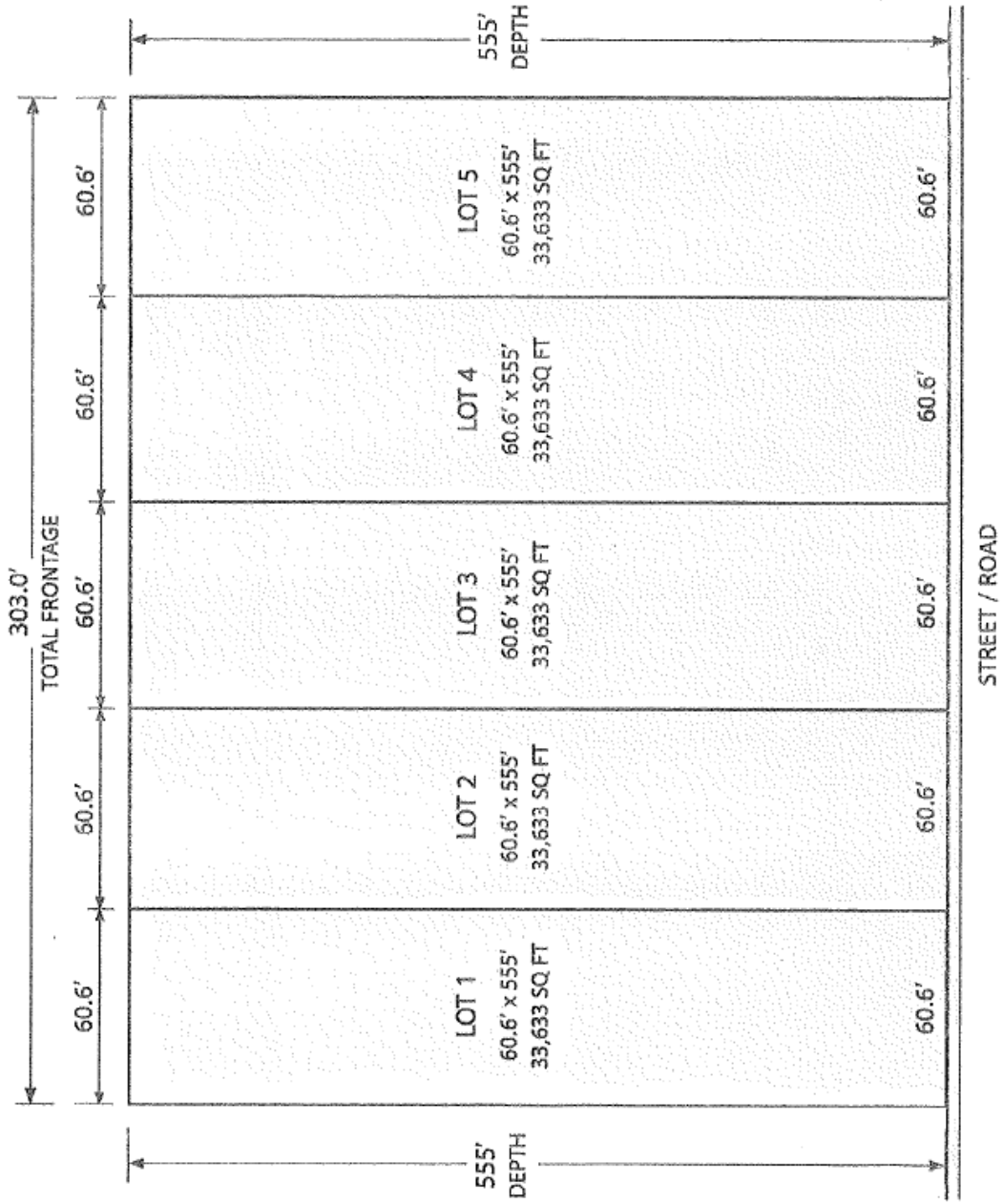
Page 1/1

To whom it may concern,

I currently own (3) contiguous lots with a combined total of approximately 303 feet of road frontage. Each lot extends approximately 555 feet in depth.

I would like to subdivide the property into (5) lots. The intent is to divide the existing frontage in a manner that creates 5 buildable lots each approx. 60.0+ Sq ft of road frontage.

5 LOTS - 60.6' x 555'



EXCERPT FROM GAUTIER'S UNIFIED DEVELOPMENT ORDINANCE CONCERNING VARIANCES

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 Planning Commission; 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 a 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 "*Public Hearing Application*" available from the Planning and Economic Development Department and shall contain:

- A. Diagram of intended use, showing dimensions and distances of property, building with setbacks, parking spaces, entrances and exits.
- B. Legal descriptions and street address
- C. Copy of Protective covenants or deed restrictions, if any
- D. Copies of approval, or requests for approval from other agencies such as, but not limited to the MS State Department of Health, Mississippi DEQ, Corp of Engineers, and Department of Marine Resources
- E. A Detailed Project Narrative
- F. Any other information requested by the Economic Development Director and/or members of the Technical Review Committee

4.18.3 Administrative Variances

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 8.6. The following dimensional variances may be granted by the ED Director at his/her discretion:

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.

Applicant Kevin Carter, with permission from co-owner Tammy Sambrano, is asking for a 19.5-foot Variance to transform 3 parcels with 80-foot road frontage into 5 parcels with 60.6-foot road frontage.

Mr. Carter has presented two options for the variance he is applying for if his first option is not acceptable.

Option 1)

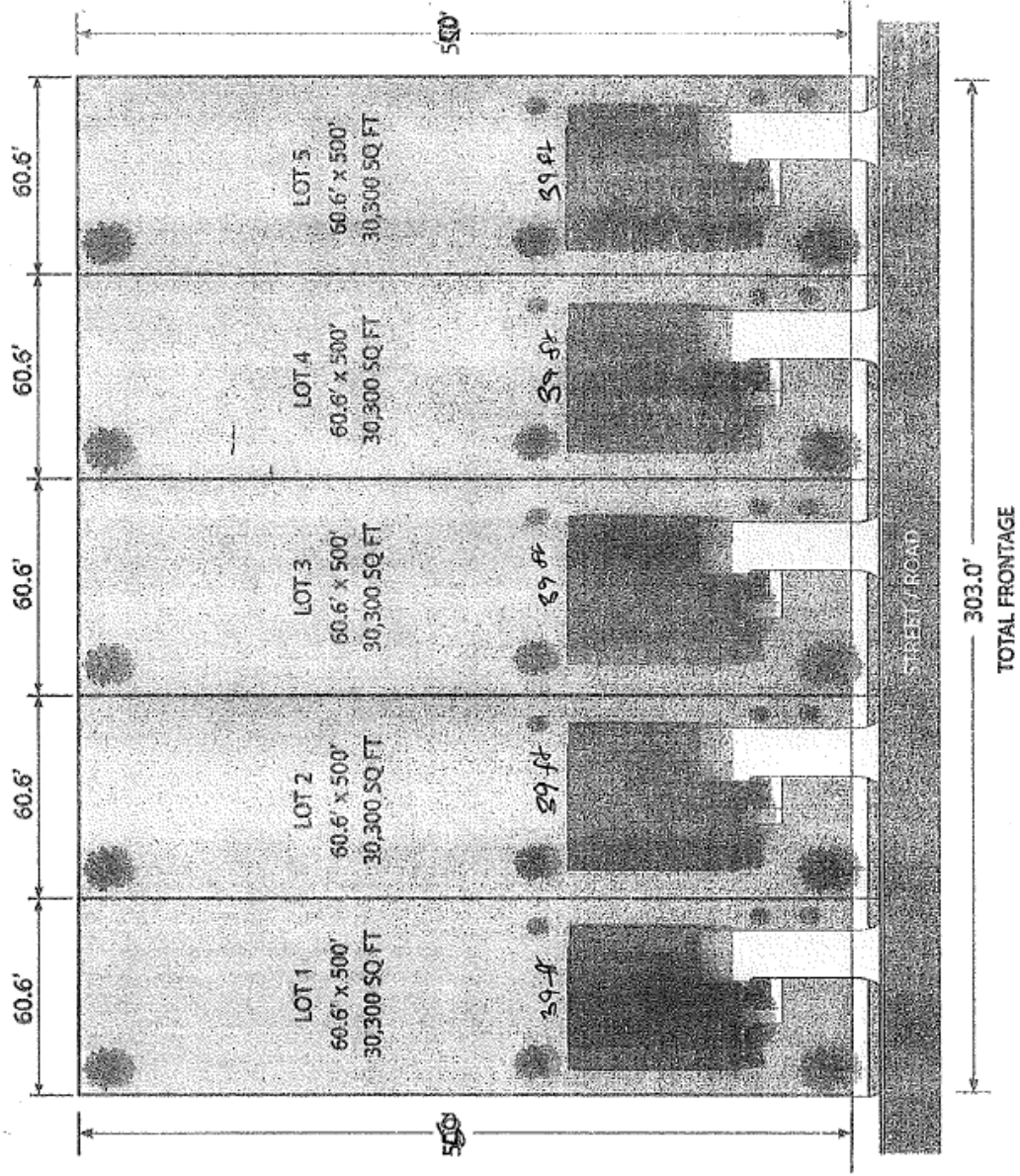
Mr. Carter is asking to transform 3 lots at 80-foot road frontage into 5 lots with 60.6-foot road frontage.

Option 2)

If option 1 is not acceptable, Mr. Carter will accept transforming 3 lots with 80-foot road frontage into 4 lots with 75.75-foot road frontage.

11

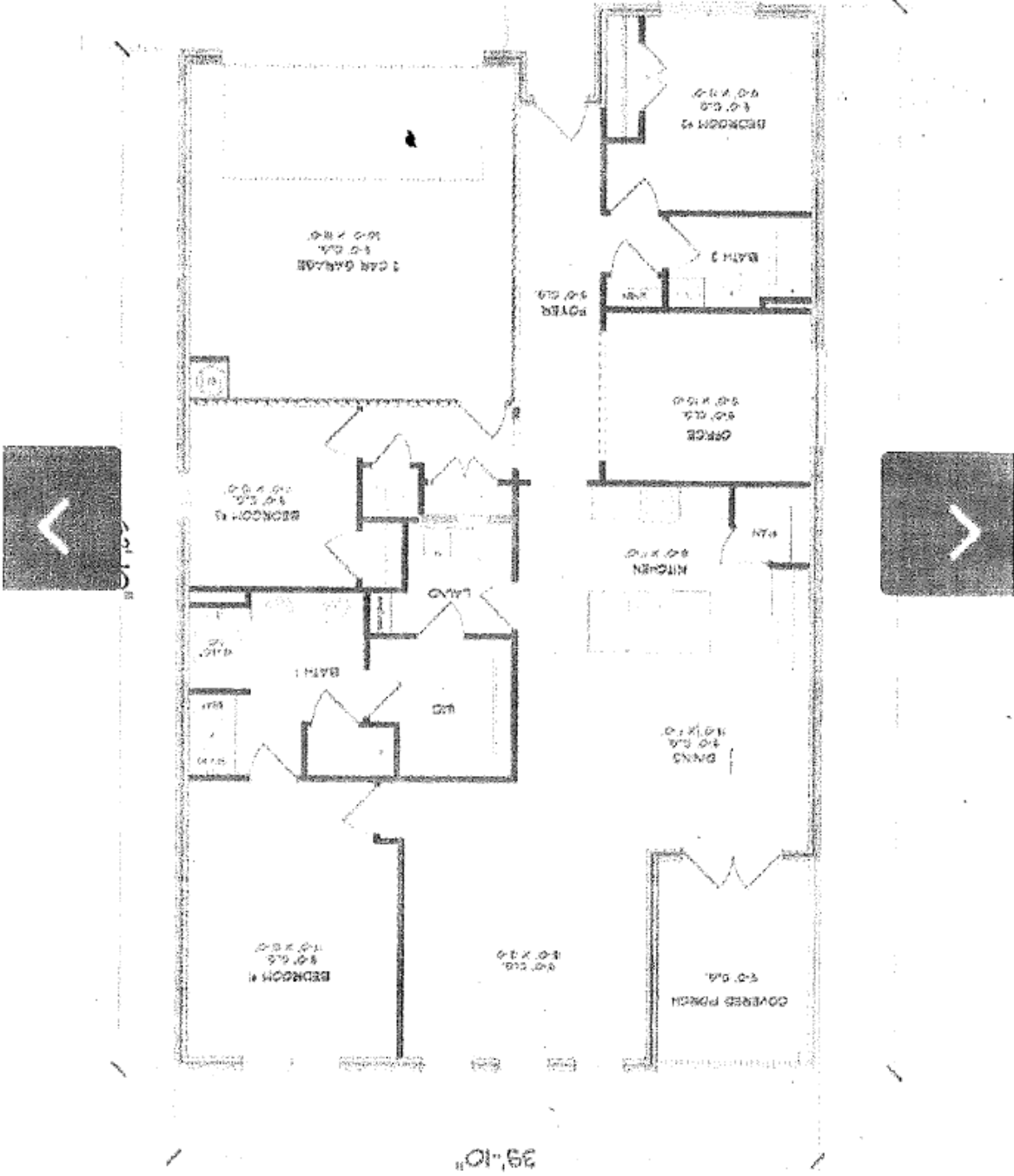
5 LOTS - 60.6' x 500'



LOT SIZE:
60.6' WIDE
500' DEEP

EACH LOT:
60.6' x 500'
30,300 SQ FT

1st option



39'10"

4 LOTS - 303' x 550'

*2nd
OPTION*

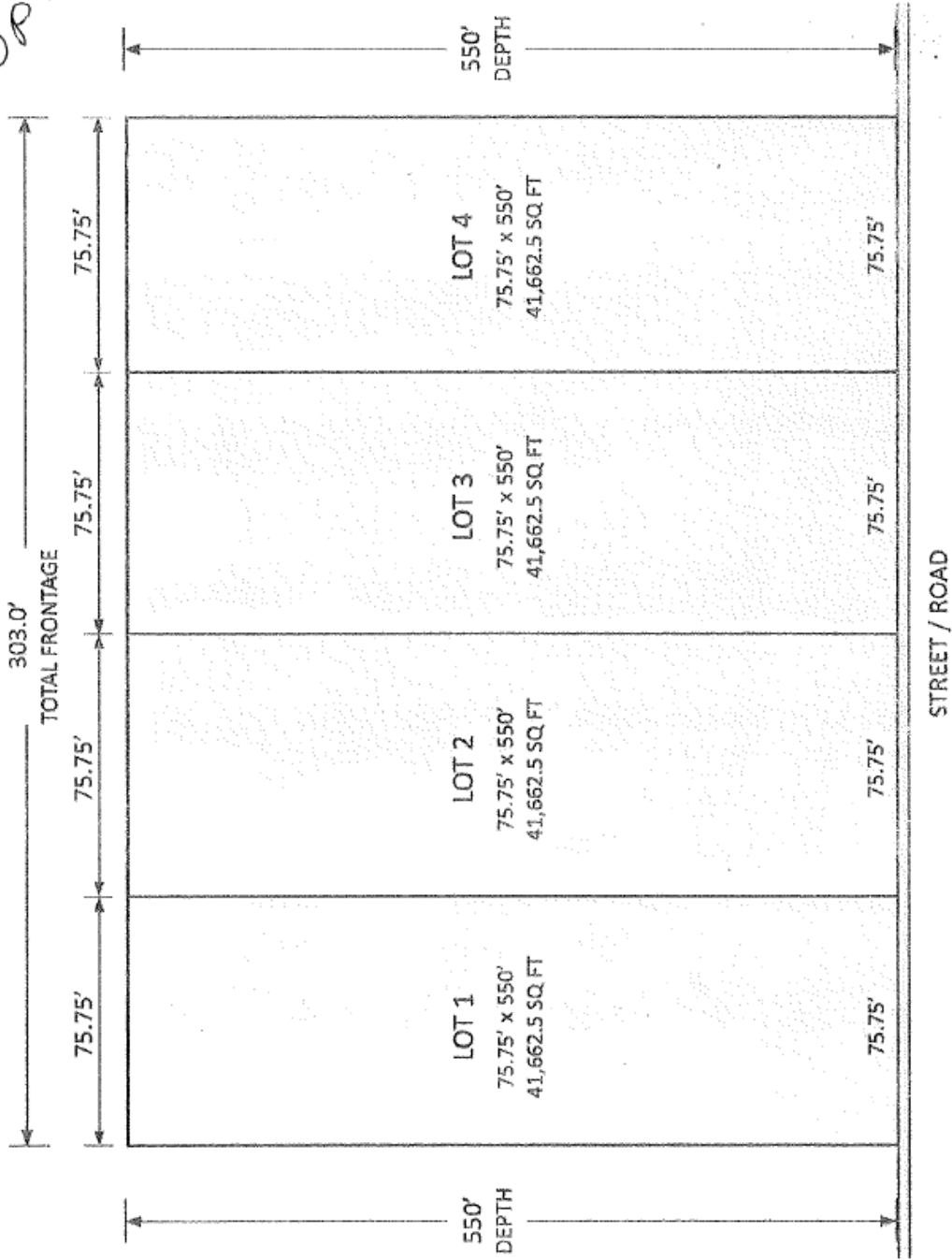


Exhibit A Location Map

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

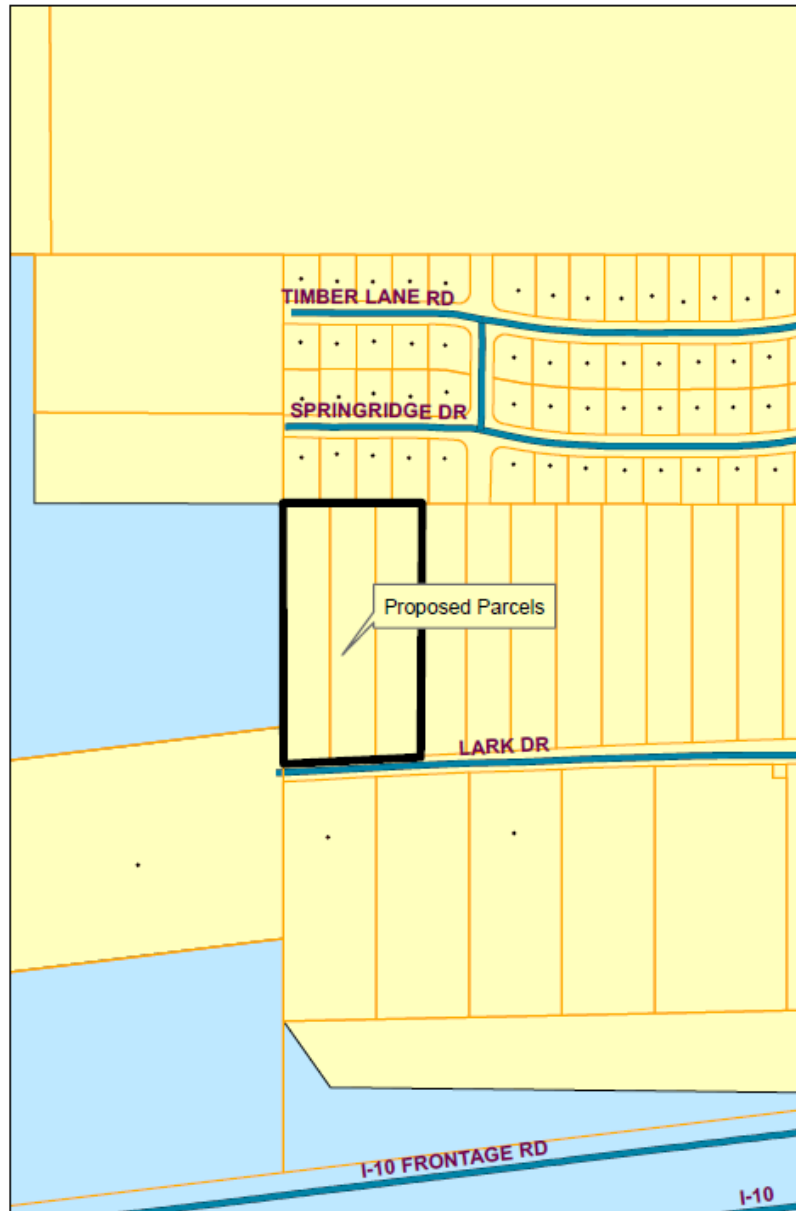


Exhibit C Existing Land-Use

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

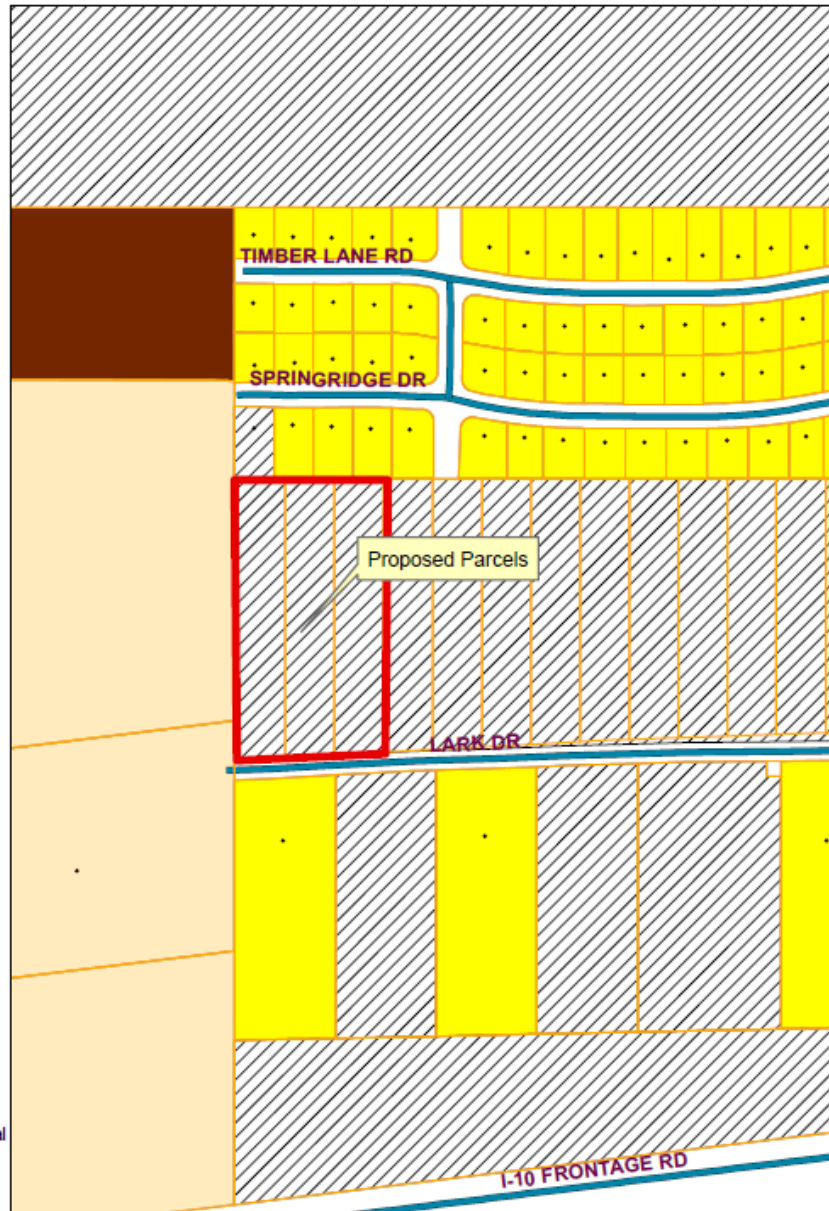


Exhibit D Future Land-Use

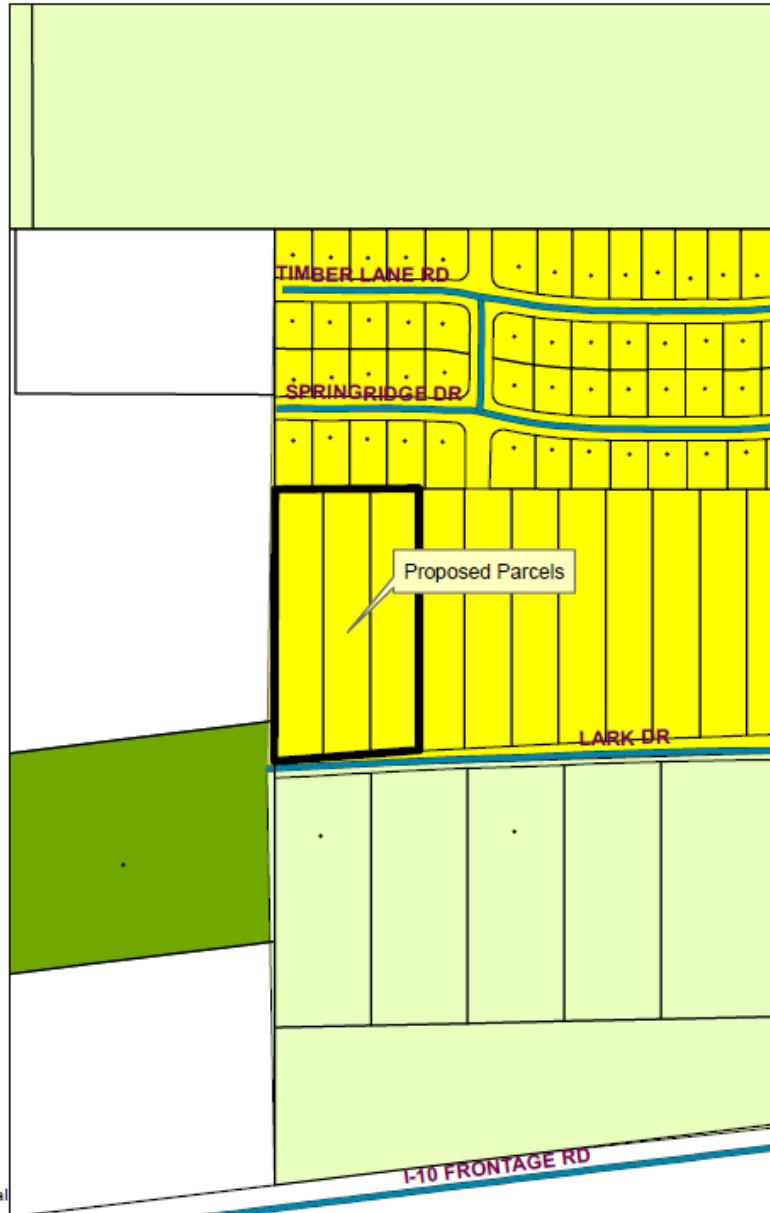
Prepared By:
City of Gautier
Planning Department

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

July 2, 2026

GPC #26-31-CU

Christopher Webb dba Spanish Trail Baptist Church

2400 Old Spanish Trail

VII. NEW BUSINESS

5. Consider a request for a Conditional Use-Major that would allow the construction of a new sanctuary building as an expansion of an existing church in a TCMU Town Center Mixed Use Zoning District. 2400 Old Spanish Trail, (GPC #26-31-CU)

**CITY OF GAUTIER
STAFF REPORT**

To: Chairman and Members, Planning Commission

From: Scott Ankersen, Planning Director

Date: June 15, 2026

Subject: Consider a request for a Conditional Use-Major that would allow the construction of a new sanctuary building as an expansion of an existing church in a TCMU Town Center Mixed Use Zoning District. 2400 Old Spanish Trail, (GPC #26-31-CU)

REQUEST:

The Planning Department has received a request from Christopher Webb dba Spanish Trail Baptist Church for a Conditional Use-Major that would allow the construction of a new sanctuary building as an expansion of an existing church in a TCMU Town Center Mixed Use Zoning District. 2400 Old Spanish Trail, PID #82435110.000 (GPC #26-31-CU) The application fee of \$250 was paid on May 18, 2026. All public notice requirements have been met.

BACKGROUND:

The request property is zoned TCMU Town Center Mixed Use.

1. Location: 2400 Old Spanish Trail, PID #82435110.000 (See Exhibit A)
2. General features of the proposed project:
Total Area: Approximately 3 Acres
Existing Church
3. Existing Zoning – TCMU Town Center Mixed Use (See Exhibit B)
4. Existing Land Use – currently an established Church/Place of Worship (See Exhibit C)
5. Comprehensive Plan Future Land Use Designation – Town Center (See Exhibit D)

DISCUSSION:

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

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

Applicant Response: Yes

Staff Finding: Yes. A Church or Place of Worship is listed as a Conditional Use-Major in a TCMU Town Center Mixed Use District.

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

Applicant Response: Expanding current church to allow greater community assistance. See attached plan.

Staff Finding: The proposed use is allowed in a TCMU zoning district with a Major Conditional Use.

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

Applicant Response: No, the current church is expanding.

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

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

Applicant Response: No, an additional entrance and parking will be provided.

Staff Finding: There is no evidence that the proposed use will have any adverse effect on vehicular or pedestrian traffic.

5. Can the proposed use be accommodated by existing or proposed public services and facilities including, but not limited to, water, sanitary sewer, streets, drainage, police and fire protection, and schools?

Applicant Response: Yes.

Staff Finding: The proposed use can be accommodated by existing public services and facilities.

6. Is the proposed use in harmony with the Comprehensive Plan? Explain how.

Applicant Response: Yes, a church is allowed by conditional use in a Town Center zone.

Staff Finding: The Comprehensive Plan calls out "Town Center" for future land use of this property.

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

Applicant Response: No

Staff Finding: There is no evidence that the proposed use poses a hazardous, detrimental, or disturbing effect to present surrounding uses.

8. Does the use conform to all district regulations for the applicable district in which it is located, or have other provisions been provided for? Explain.

Applicant Response: Yes

Staff Finding: The proposed use will conform to all current district regulations.

DETERMINATION OF APPLICABLE LAW:

1. The UDO defines conditional uses as specific uses which are enumerated in each zoning district and which because of their nature are not allowed by right but may be allowed after the required review process. The City may specify certain conditions as necessary to make the use compatible with other uses in the same district. Conditional uses are issued for uses of land and uses designated "Conditional Uses-Major" are transferable from one (1) owner of land to another.

The UDO further defines Conditional Uses-Major as uses that are not allowed by right but require a recommendation by the Planning Commission and the approval of the City Council. Additionally, if the conditional use is transferred to

a new owner, the new owner must submit a letter to the Planning Director agreeing to the current terms and condition.

2. Conditional Uses-Major requires a public hearing before the Planning Commission and approval by the City Council (Section 4.14 of the UDO).

RECOMMENDATION & CONCLUSION:

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

The Planning Commission may:

1. Recommend that City Council approve the Conditional Use-Major
2. Recommend that City Council approve the Conditional Use-Major with changes;
or
3. Recommend that City Council deny the Conditional Use-Major.

ATTACHMENTS:

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

GAUTIER, MISSISSIPPI
PLANNING DEPARTMENT
CONDITIONAL USE APPLICATION

Public Hearing Number

26-31-CU

TO BE HEARD BY GAUTIER PLANNING COMMISSION AND CITY COUNCIL:		FEE:
Conditional Use - Major	<input checked="" type="checkbox"/>	\$251.00
TO BE HEARD BY PLANNING DIRECTOR:		FEE:
Conditional Use - Minor	<input type="checkbox"/>	\$251.00

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

Name of Applicant: Christopher Webb
Name of Business: Spanish Trail Baptist Church Phone: 662-279-9305
Property Address: 2400 Old Spanish Trail Mailing Address (if Different): P.O. Box 377 Gautier MS.
E-Mail Address: spanishtrailmbc@gmail.com
Proposed Use Requiring Conditional Use: Spanish Trail Baptist Church (Refer to Article V, UDO)
Proposed Location is: New Build Existing (with no modifications) Existing (with proposed modifications)

ATTACHMENTS REQUIRED AS APPLICABLE:

1. Answers to the Criteria for Approval (see attached).
2. Project Narrative (see attached).
3. Diagram of intended use (see attached).
- N/A 4. Copy of protective covenants or deed restrictions, if any.
- N/A 5. Copies of approvals, or requests for approval, from other agencies, such as, but not limited to, the Mississippi State Department of Health, U.S. Army Corp of Engineers, Mississippi Department of Environmental Quality and Department of Marine Resources.
6. Any other information requested by the Planning Director.
7. Owner's Consent form if anyone other than 100% sole owner makes application (see attached).

Signature of Applicant(s): Christopher Webb Date of Application: 5-18-2026

FOR OFFICE USE ONLY	
Date Received	<u>5/18/26</u> Verify as Complete <u>EMP 5/18/26</u>
Fee Amount Received	<u>251.00</u> Initials of Employee Receiving Application <u>EMP</u>

OWNERS CONSENT AND DESIGNATION OF AGENT – CONDITIONAL USE

I, BOARD OF TRUSTEES, the fee simple owner(s) of the following described property:

Address:	<u>2400 OLD SPANISH TRAIL</u>
	<u>GAUTIER, MS 39553</u>
Parcel ID No.:	<u>82435110.000</u>

hereby petition to the City of Gautier to Grant a Conditional Use Major or Minor of SPANISH TRAIL BAPTIST CHURCH (state proposed use from Article V of the Unified Development Ordinance) at the above reference property and affirm that CHRISTOPHER WEBB (name of agent) is hereby designated to act as agent on my behalf to accomplish the above.

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

[Signature]
(Owner's Signature)

(Owner's Signature)

Notary Information:

The foregoing instrument was acknowledged before me this 18th day of May, 2020 by Christopher Webb, who is personally known to me or has produced Know by me as identification and who did take an oath.

Juanita J. Memphis
(Printed Name of Notary Public)

Juanita J. Memphis
(Signature of Notary Public)

Commission # 80499 commission expires 3/26/2030

(Notary's Seal)





SPANISH TRAIL BAPTIST CHURCH

PO Box 377 2400 Old Spanish Trail Gautier, MS 39553 (228)471-5049

spanishtrailbc@gmail.com

www.spanishtrailbc.org

www.facebook.com/spanishtrailbaptist

May 15, 2026

Gautier City Hall
3330 US-90
Gautier, MS 39553

To Whom It May Concern:

The Board of Trustees of Spanish Trail Baptist Church hereby grants Pastor Chris Webb the authority to sign documents related to the building project for a new sanctuary, parking lot, and any other matters associated with this project on the church's property.

This authorization is given on behalf of the Board of Trustees of Spanish Trail Baptist Church and shall remain in effect unless otherwise revoked by the Board.

Sincerely,

Pastor Christopher Webb, Trustee

H. Carrol Lewallen, Trustee

Richard Montague, Trustee

James H. Morgan, Trustee

Timothy Suttles, Trustee

Prepared by and Return to:
E. Foley Ranson, P.A.
P. O. Box 848
Ocean Springs, MS 39566
Telephone: 228-875-8770
MS Bar No. 4629
File No: 26-R6968

Indexing Instructions:
Lot 210, Point Clear Riviera, Sec. J
Jackson County, Mississippi

TITLE NOT EXAMINED

Grantor:
Spanish Trail Baptist Church
FKA Gautier Baptist Church
2400 Spanish Trail
Gautier, MS 39553
Telephone: 228-471-5049

Grantee:
Spanish Trail Baptist Church, Inc.
2400 Spanish Trail
Gautier, MS 39553
Telephone: 228-471-5049

STATE OF MISSISSIPPI
COUNTY OF JACKSON

QUITCLAIM DEED

For and in consideration of the sum of Ten Dollars, cash in had paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, **SPANISH TRAIL BAPTIST CHURCH, FORMERLY KNOWN AS GAUTIER BAPTIST CHURCH**, does hereby sell, convey and quitclaim unto **SPANISH TRAIL BAPTIST CHURCH, INC.**, a **Mississippi Corporation**, the following described property, situated in the County Jackson, State of Mississippi, as follows, to-wit:

**Lot 210, POINT CLEAR RIVIERA, SECTION J, as per plat thereof
recorded in Plat Book 10, Page 37, Records of Plats on file in the Office of the**

Chancery Clerk of Jackson County, Mississippi.

Subject property being the same as that conveyed to H. Carrol Lewallen, Chester W. Yocom, James H. Morgan, Larry W. Benefield and Austin W. McKenzie, and/or their successors in Office, Trustees of Gautier Baptist Church by Special Warranty Deed from the Secretary of Veterans Affairs, an Officer of the United States of America, and recorded in Deed Book 1640 at Page 604 in the Land Records of Jackson County, Mississippi.

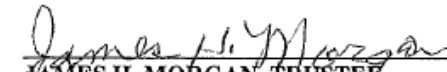
A Name Change Resolution changing the name of Gautier Baptist Church to Spanish Trail Baptist Church is recorded in Book 42 at Page 524 in the Office of the Chancery Clerk of Jackson County, Mississippi.

This conveyance is made subject to any and all recorded restrictive covenants, rights of way, easements and reservations of any oil, gas, minerals and other rights.

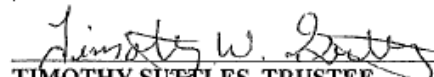
WITNESS THE SIGNATURES of the undersigned on this the 17th day of

May, 2026.


CHRISTOPHER WEBB, TRUSTEE


JAMES H. MORGAN, TRUSTEE


H. CARROL LEWALLEN, TRUSTEE


TIMOTHY SUTTLES, TRUSTEE


RICHARD MONTAGUE, TRUSTEE

STATE OF MS
COUNTY OF Jackson

PERSONALLY appeared before me, the undersigned authority in and for the aforesaid jurisdiction, the within named CHRISTOPHER WEBB, TRUSTEE OF SPANISH TRAIL BAPTISH CHURCH, FORMERLY KNOWN AS GAUTIER BAPTISH CHURCH, who acknowledged that he executed and delivered the above and foregoing instrument on behalf of and as the act and deed of said Church, after first being authorized so to do.

GIVEN UNDER MY HAND AND OFFICIAL SEAL OF OFFICE, this the 17th day of May, 2026.

Juanita J. Morphis
NOTARY PUBLIC

My Commission Expires: March 26, 2030



STATE OF MS
COUNTY OF Jackson

PERSONALLY appeared before me, the undersigned authority in and for the aforesaid jurisdiction, the within named **JAMES H. MORGAN, TRUSTEE OF SPANISH TRAIL BAPTISH CHURCH, FORMERLY KNOWN AS GAUTIER BAPTISH CHURCH**, who acknowledged that he executed and delivered the above and foregoing instrument on behalf of and as the act and deed of said Church, after first being authorized so to do.

GIVEN UNDER MY HAND AND OFFICIAL SEAL OF OFFICE, this the 14th day of May, 2026.

Juanita J. Morphis
NOTARY PUBLIC

My Commission Expires: March 26, 2030



STATE OF ms

COUNTY OF Jackson

PERSONALLY appeared before me, the undersigned authority in and for the aforesaid jurisdiction, the within named **H. CARROL LEWALLEN, TRUSTEE OF SPANISH TRAIL BAPTISH CHURCH FORMERLY KNOWN AS GAUTIER BAPTISH CHURCH**, who acknowledged that he executed and delivered the above and foregoing instrument on behalf of and as the act and deed of said Church, after first being authorized so to do.

GIVEN UNDER MY HAND AND OFFICIAL SEAL OF OFFICE, this the 17th day of June, 2026.

Juanita J. Morphis
NOTARY PUBLIC

My Commission Expires: March 26, 2030



STATE OF ms

COUNTY OF Jackson

PERSONALLY appeared before me, the undersigned authority in and for the aforesaid jurisdiction, the within named **TIMOTHY SUTTLES, TRUSTEE OF SPANISH TRAIL BAPTISH CHURCH FORMERLY KNOWN AS GAUTIER BAPTISH CHURCH**, who acknowledged that he executed and delivered the above and foregoing instrument on behalf of and as the act and deed of said Church, after first being authorized so to do.

GIVEN UNDER MY HAND AND OFFICIAL SEAL OF OFFICE, this the 1st day of May, 2026.

Juanita J. Morphis
NOTARY PUBLIC

My Commission Expires: March 26, 2030



STATE OF ms

COUNTY OF Jackson

PERSONALLY appeared before me, the undersigned authority in and for the aforesaid jurisdiction, the within named RICHARD MONTAGUE, TRUSTEE OF SPANISH TRAIL BAPTISH CHURCH FORMERLY KNOWN AS GAUTIER BAPTISH CHURCH, who acknowledged that he executed and delivered the above and foregoing instrument on behalf of and as the act and deed of said Church, after first being authorized so to do.

GIVEN UNDER MY HAND AND OFFICIAL SEAL OF OFFICE, this the 17th day of May, 2026.

Juanita J. Morphis
NOTARY PUBLIC

My Commission Expires: March 26, 2030



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

MAJOR CONDITIONAL USE CRITERIA FOR APPROVAL

1. Is the proposed use listed in the list of possible Conditional Uses in the particular Zoning District?
yes.
2. Please describe how the project is compatible with the character of development in the vicinity relative to (a) density, bulk, and intensity of structures, (b) parking, and (c) other uses. Please attach parking plan, site plan, architectural rendering, or other plans. *expanding current Church to allow greater community assistance. see attached*
3. Will your project negatively affect neighboring property values or pose a real or perceived threat to citizens? Explain. *NO, current church is expanding.*
4. Will your project adversely affect vehicular or pedestrian traffic in the vicinity? Explain. *NO, additional entrance and parking will be provided.*
5. Can the proposed use be accommodated by existing or proposed public services and facilities including, but not limited to, water, sanitary sewer, streets, drainage, police and fire protection, and schools? *yes.*
6. Is the proposed use in harmony with the Comprehensive Plan? Explain how. *yes, churches are allowed by conditional use in a town center zone.*
7. Does the proposed use pose a hazardous, detrimental, or disturbing affect, either real or perceived, to present surrounding land uses due to noises, glare, smoke, dust, odor, fumes, water pollution, vibration, electrical interference, or other nuisances? Explain. *NO.*
8. Does the use conform to all district regulations for the applicable district in which it is located, or have other provisions been provided for? Explain. *yes.*

MINOR CONDITIONAL USE CRITERIA FOR APPROVAL

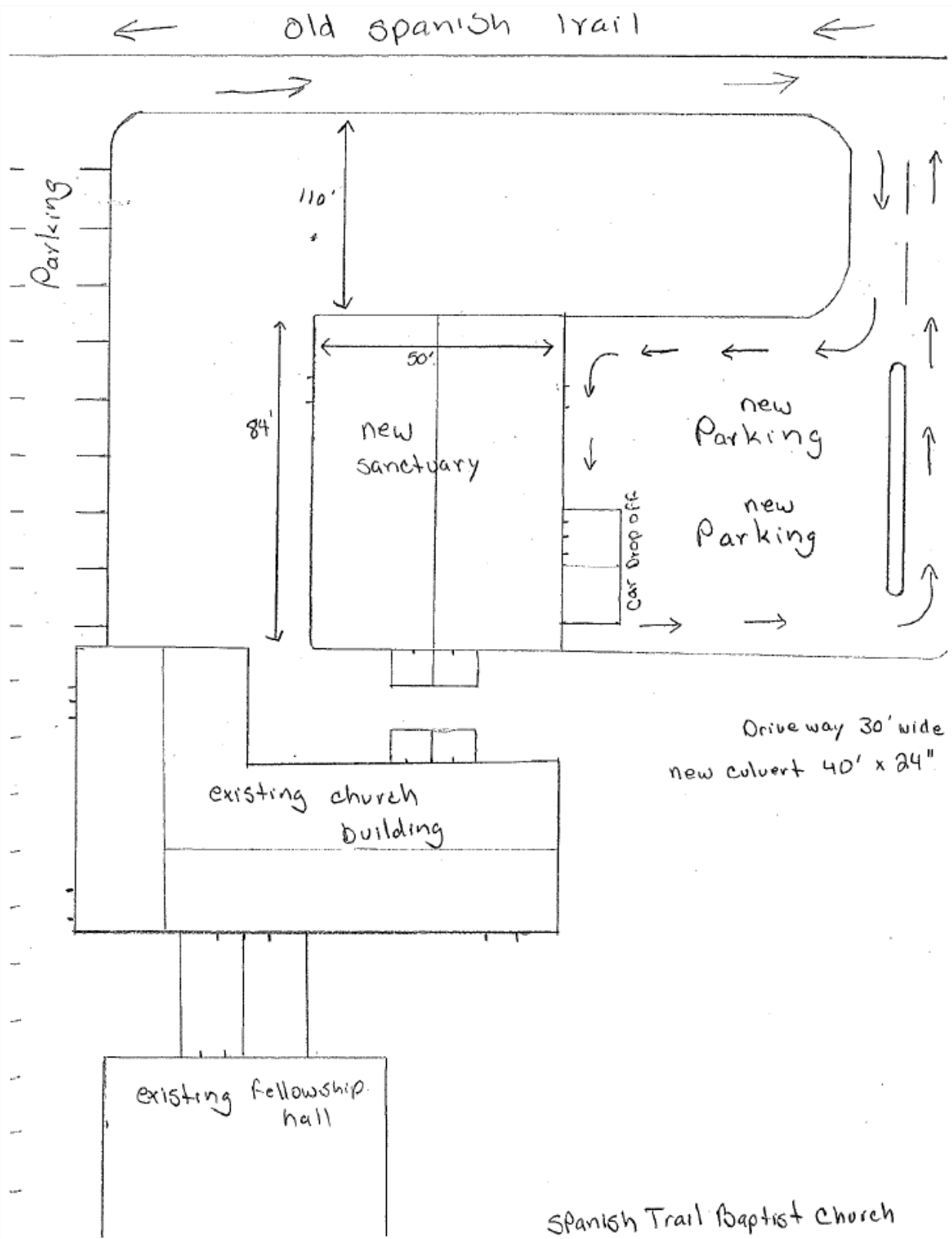
1. Is the proposed use substantially compatible with other uses in the area, including factors relating to the nature of its location, operation, building design, site design, traffic characteristics, and environmental impacts? Explain.
2. Will the proposed use be materially detrimental to the health, safety, and general welfare of the public or otherwise injurious to the environment or to the property or improvements within the area? Explain.
3. Is the proposed use consistent with the Comprehensive Plan? Explain how.
4. Is the proposed use in conformance with specific site location, development, and operation standards as required by this Ordinance? Explain.

CONDITIONAL USE NARRATIVE – Describe the proposed project in detail. Include all types of business activities that will be conducted on-site, any out-door storage or seating proposed, anticipated traffic, access for pick-up/delivery vehicles, proposed improvements, etc. Use the space below or provide a separate type written sheet of paper and attach. Staff will provide guidance as needed on additional information needed in the narrative.

NARRATIVE

STBC has decided the need to build a bigger auditorium because of the lack of space inside our existing building. God has been moving and we have been growing in number at Spanish Trail Baptist Church. The plan is to build a new sanctuary detached from the existing building. The building will be 100' from the road and approx 84' long and 50' wide. Seating that will hold around 240 people. We will also build a new drive way on the west side of the property and a new parking lot and pull through to accommodate the bigger sanctuary. The new sanctuary will be bricked the same color as the existing building. The new building will be placed in front of the existing building as per the drawing attached.

Pastor Chris Webb



Spanish Trail Baptist Church

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

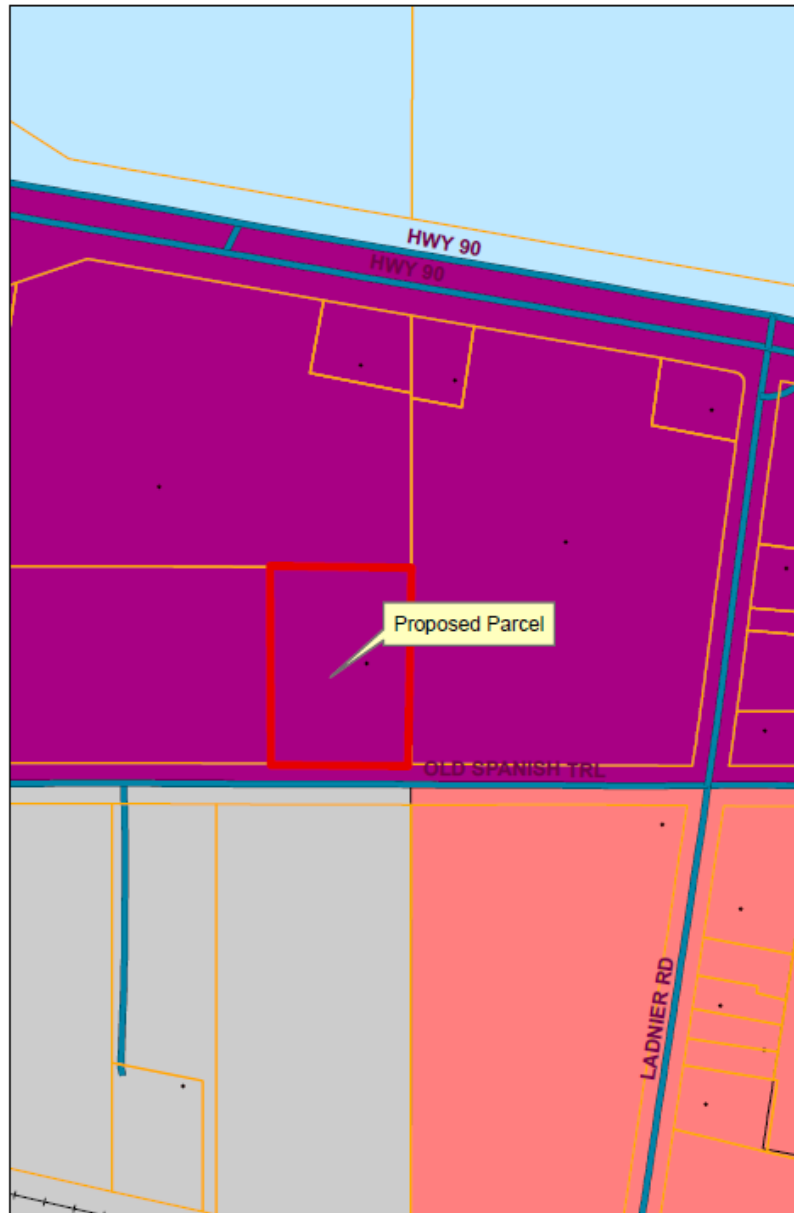


Exhibit C Existing Land-Use

Prepared by:
City of Gautier
Planning Department

Legend

EXISTING LAND USE ELU_08

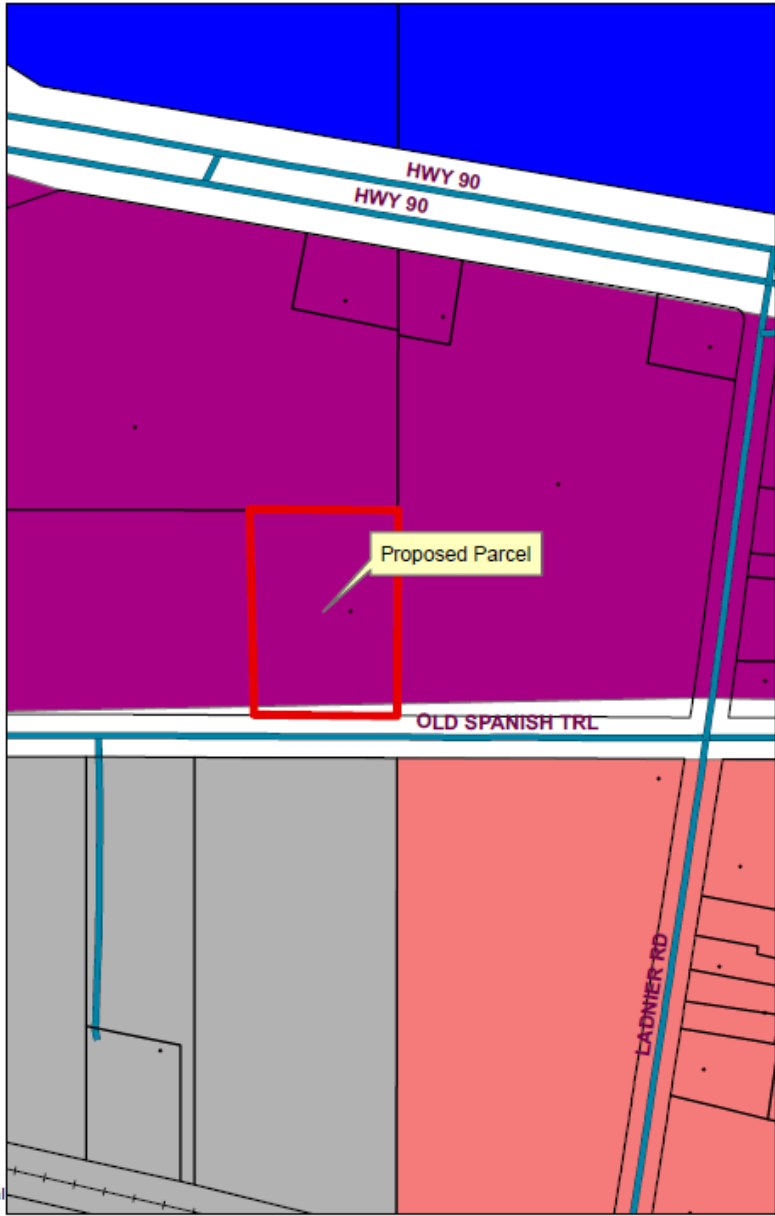
- commercial-retail
- conservation
- civic
- industrial
- marina/fish camps
- high density residential
- mobile home
- mobile home park
- medium density residential
- office
- recreation
- very low to low density residential
- utility
- vacant



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

JULY 2, 2026

GPC #26-32-VAR

9025 FERRY POINT RD

VII. NEW BUSINESS

2. Consider a request for a sixty-foot (60') variance for an accessory structure in front of the rear building line in an RE Residential Estate Zoning District. 9025 Ferry Point Rd, PID #81909514.005, (GPC #26-32-VAR)

CITY OF GAUTIER
STAFF REPORT

To: Chairman and Members, Planning Commission

From: Scott Ankerson, Planning Director

Date: June 15, 2026

Subject: Consider a request for a sixty-foot (60') variance for an accessory structure in front of the rear building line in an RE Residential Estate Zoning District. 9025 Ferry Point Rd, PID #81909514.005, (GPC #26-32-VAR)

REQUEST:

The Planning Department has received a request from Jeff Carey for a sixty-foot (60') variance for an accessory structure in front of the rear building line in an RE Residential Estate Zoning District at 9025 Ferry Point Rd, PID #81909514.005. (GPC #26-32-VAR) The application fee of \$175 was paid on May 19, 2025. All public notice requirements have been met.

BACKGROUND:

The applicant would like to put an accessory structure next to his home in a Residential Estate Zoning District. His home is currently under construction, along with an attached garage and a planned detached shop building. The Unified Development Ordinance (UDO) Section 5.4.3 (D) states that accessory structures shall be located in the rear yard of the principal use structure. The applicant is asking for a sixty-foot (60') variance that would allow the shop to be next to the principal use structure.

DISCUSSION:

The applicant requests a sixty-foot (60') variance to allow an accessory structure to be placed beside the home on Ferry Point Drive. Because the parcel is zoned RE Residential Estate, accessory structures are permitted only in the rear yard. In the R-1 Low Density Single-Family Residential, R-1A Medium Density Residential, and R-2 High Density Residential districts, similar accessory structures may be placed beside the principal structure if they are located behind the front building line. As shown on the attached diagrams and maps, the parcel's nearest road frontage is on Castelle Bluff Drive, which establishes the front building line.

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

PLANNING DEPARTMENT

PUBLIC HEARING APPLICATION

Public Hearing Number

26-32-VAR

<u>TO BE HEARD BY GAUTIER PLANNING COMMISSION:</u>		<u>FEE:</u>
Variance	<input checked="" type="checkbox"/>	\$176.00

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

Name of Applicant: Jeff Carey _____

Name of Business: N/A _____ Phone: _____

Property Address: 9025 Ferry Point Rd _____ Mailing Address (if Different): _____

E-Mail Address: _____

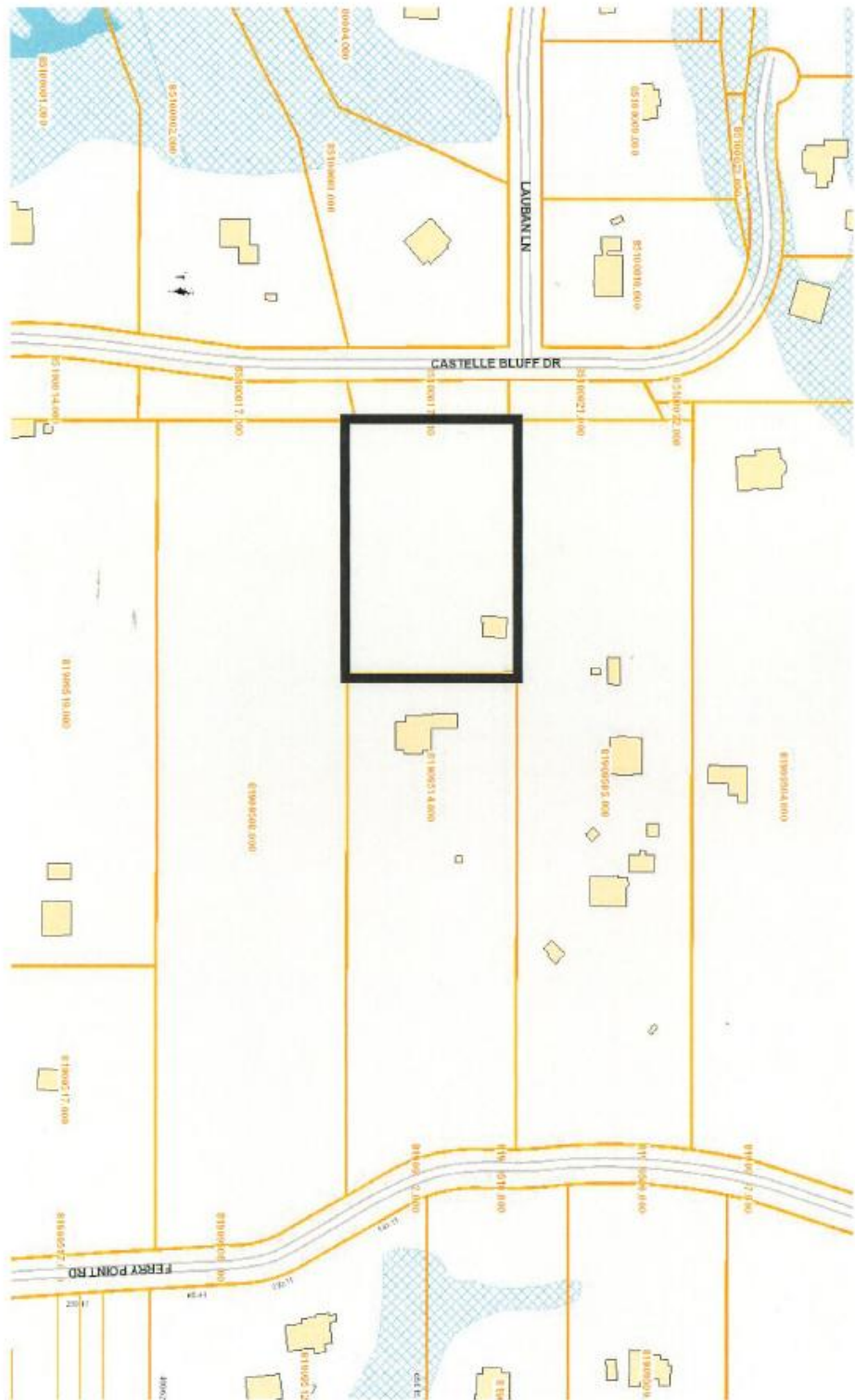
Reason for request, location and intended use of Property: Accessory Building at Family Residence.

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.
- N/A 3. Copy of protective covenants or deed restrictions, if any.
- N/A 4. Copies of approvals, or requests for approval, from other agencies, such as, but not limited to, the Mississippi State Department of Health, U.S. Army Corp of Engineers, Mississippi Department of Environmental Quality and Department of Marine Resources.
- 5. Any other information requested by the Planning Director.

Signature of Applicant: Jeff Carey _____ Date of Application: 5/19/2026

FOR OFFICE USE ONLY	
Date Received <u>5/19/26</u>	Verify as Complete <u>EMP</u>
Fee Amount Received <u>176.00</u>	Initials of Employee Receiving Application <u>EMP</u>



Parcels: CAREY JEFFREY L

G:SP	677.36-00-0057.01
FIRST_ROUT	0057
FIRST_SUFF	01
FIRST_SHAP	140.691.89
O:ID_	
ID	79,711.00
PIDN	81909514.005
MAPNO	
G:SP_1	677.36-00-0057.01
NAME	CAREY JEFFREY L
NAME2	CAREY JILAINE
ADDRESS	57 NAPOLEON CIR
CITY	BRANDON MS
ZIP	39047
LOCATION	9020 CASTELLE BLUFF DR GAUTIER
DESC1	COM SWC US GOV LOT 3 E 33' N 660
DESC2	' TO POB N 37.36 S77°W 54.36' N
DESC3	304.62' E 520' S 329.72' W 465.4
DESC4	1' TO POB DB 2231-119 (57.1 MAP6
DESC5	77.36) 'PER SURVEY'
DESC6	
DESC7	
DESC8	
DESC9	
DB	2231
DP	119
SECTION	36
TOWN	6
RANGE	7
ACREAGE	3.53
EXEMPT	0
DISTRICT	3640
TYPE	SINGLE FAMILY RESIDENTIAL
	COMMERCIAL

OFFICIAL RECORDS JACKSON COUNTY
JEAN ELLIOTT
CHANCERY CLERK \$28.00
RECORDING FEE
#202601390 BK 2244 PG 428-431
01/26/2026 10:57:28 AM 4 PGS
SMELLMAN, DC Ref#2495



202601390 4 PGS

This instrument prepared by:
Halsey Cumbest, MS Bar No. 7949
Cumbest, Cumbest, Hunter & McCormick, PA
P.O. Drawer 1287
Pascagoula, MS 39568-1287
Telephone: 228-762-5422

Return to:
Cumbest, Cumbest, Hunter & McCormick, PA
P.O. Drawer 1287
Pascagoula, MS 39568-1287

Index in: In Gov't Lots 3 and 4 of
Fractional Section 36, T6S, R7W, Jackson
County, MS

Grantor Address:
Jacqueline M. Cumbest
9023 Ferry Point Rd
Gautier, MS 39553
Telephone: 228-219-9023

Grantee Address:
Jeffrey L. Carey
Jilaine R. Carey
57 Napoleon Circle
Brandon, MS 39047
Telephone: 601-209-9065

STATE OF MISSISSIPPI

COUNTY OF JACKSON

WARRANTY DEED

FOR AND IN CONSIDERATION of the price and sum of TEN AND NO/100 (\$10.00) DOLLARS, cash in hand paid and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, I, JACQUELINE M. CUMBEST, a widow, do hereby sell, convey and warrant unto JEFFREY L. CAREY and wife, JILAINÉ R. CAREY, as joint tenants with full rights of survivorship and not as tenants in common, the following described tract, piece or parcel of property, located and situated in Jackson County, Mississippi, being more particularly described as follows, to-wit:

Tract 2:

Being a tract of land situated in Governmental Lots 3 and 4 of Fractional Section 36, Township 6 South, Range 7 West, Jackson County, Mississippi and more particularly described as follows:

Commencing at the Southwest corner of U.S. Governmental Lot 3, Fractional Section 36, Township 6 South, Range 7 West, Jackson County, Mississippi and run South 89 degrees 07 minutes 42 seconds East a distance of 33.00 feet to a point; thence run North 0 degrees 00 minutes 00 seconds East a distance of 660.00 feet to a found 1/2 inch rebar for the POINT OF BEGINNING; thence run North 0 degrees 12 minutes 03 seconds West a distance of 37.36 feet to a set 1/2" rebar; thence run North 0 degrees 18 minutes 05 seconds West a distance of 292.62 feet to a found 1/2 inch rebar; thence run South 89 degrees 27 minutes 53 seconds East a distance of 467.08 feet to a set 1/2 inch rebar; thence run South 0 degrees 00 minutes 00 seconds East a distance of 279.72 feet to a set 1/2 inch rebar; thence run South 89 degrees 27 minutes 53 seconds East a distance of 927.54 feet to a set 1/2 inch rebar on the West margin

of Ferry Point Road; thence run along a curve to the left having a radius of 657.95 feet and a chord length of 57.52 feet which bears South 29 degrees 05 minutes 01 seconds East to a found 1/2 inch rebar; thence run North 89 degrees 27 minutes 53 seconds West a distance of 1420.91 feet back to the Point of Beginning, containing 4.609 acres, more or less, and being shown as Parcel 2 on survey by Duke Land Surveying dated December 29, 2025 attached hereto and made a part hereof.

AND ALSO:

Tract 3:

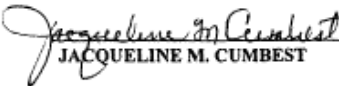
Being a tract of land situated in Governmental Lots 3 and 4 of Fractional Section 36, Township 6 South, Range 7 West, Jackson County, Mississippi and more particularly described as follows:

Commencing at the Southwest corner of U.S. Governmental Lot 3, Fractional Section 36, Township 6 South, Range 7 West, Jackson County, Mississippi and run South 89 degrees 07 minutes 42 seconds East a distance of 33.00 feet to a point; thence run North 0 degrees 00 minutes 00 seconds East a distance of 660.00 feet to a found 1/2 inch rebar; thence run North 0 degrees 12 minutes 03 seconds West a distance of 37.36 feet to a set 1/2" rebar for the POINT OF BEGINNING; thence run South 77 degrees 00 minutes 00 seconds West a distance of 54.39 feet to a set 1/2 inch rebar; thence run North 0 degrees 17 minutes 24 seconds West along the East margin of Castelle Bluff Road a distance of 304.62 feet to a set 1/2" rebar; thence run North 90 degrees 00 minutes East a distance of 53.00 feet to a found 1/2 inch rebar; thence run South 0 degrees 18 minutes 05 seconds East a distance of 292.39 feet back to the Point of Beginning, containing 0.363 acres, more or less, and being shown as Tract 3 on survey by Duke Land Surveying dated December 29, 2025 attached hereto and made a part hereof.

This Deed includes acreage previously conveyed to the Grantees herein by Warranty Deed dated August 19, 2025, recorded in Deed Book 2224, Pages 872-875 and also includes additional acreage encompassed by the conveyance herein.

This conveyance is made subject to any and all oil, gas and other minerals in, on and under the subject property reserved by former owners, and further made subject to any and all covenants, easements and restrictions of record, together with any and all restrictions imposed on subject property by any governmental authority including any portion of the property which may be considered wetlands.

WITNESS MY SIGNATURE, on this the 23 day of January A.D., 2026.


JACQUELINE M. CUMBEST

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?
Response: Special conditions exist due to the existing physical improvements on the property, including a prepared building pad and the location of a water well. The building pad was constructed based on the originally submitted and approved house plans, which indicated the accessory building in its current proposed location. Relocating the structure would create conflicts with the established well location and would require significant alteration of the existing site conditions. These conditions are unique to this property and are not generally applicable to other properties in the same zoning district.
2. Are these special conditions and circumstances a result of your actions? Explain.
Response: No, these conditions are not the result of intentional actions to circumvent ordinance requirements. The building pad and site work were completed in reliance on the originally approved plans for the residence, which included the accessory building in this location. The current need for a variance arises from a subsequent interpretation or clarification of placement requirements, rather than from any deliberate action by the applicant.
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.
Response: Strict application of the ordinance would prevent the applicant from utilizing the property in a manner consistent with other similarly situated residential properties that include accessory buildings. The proposed accessory structure is typical in size, design, and use for the area. Denial of the variance would require relocation despite previously established site improvements, effectively limiting the reasonable use of the property compared to neighboring properties with similar accessory structures.
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.
Response: Granting this variance will not confer any special privilege. The request is limited to accommodating the existing physical constraints of the property while maintaining a design and use consistent with other residential properties in the area. The accessory building will be constructed to match the primary residence and will not be visible from the roadway, ensuring compatibility with surrounding properties and compliance with the overall intent of the ordinance.

NARRATIVE

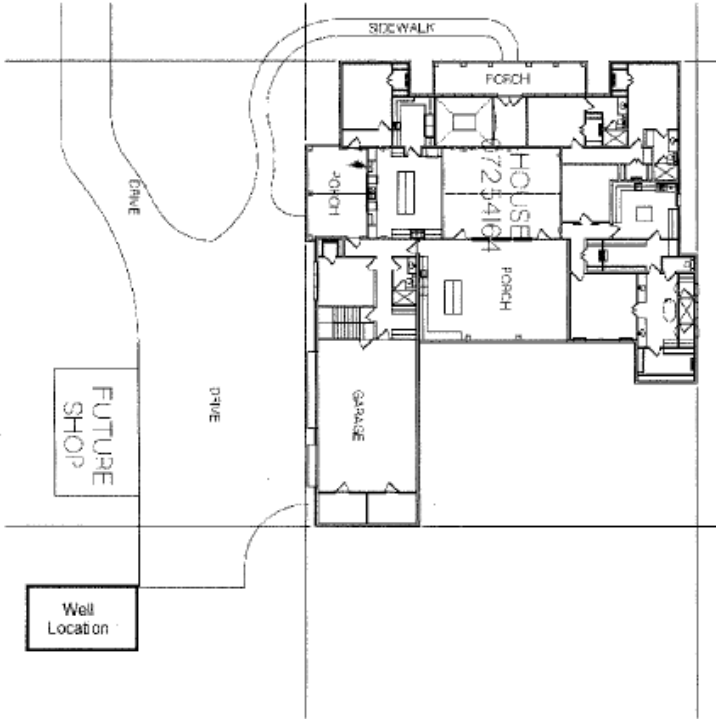
The proposed accessory building location is based on the original site and construction plans submitted and approved for the residence, which indicated the structure in its current position. In reliance on those approved plans, site preparation was completed, including construction of the building pad concurrently with the primary residence.

Unique physical conditions now exist on the property, including the established building pad and the location of a water well, which limit the ability to relocate the accessory structure without significant site disruption. Relocation would require additional land disturbance, potential removal of trees, and could create conflicts with the existing well placement.

The proposed structure is residential in nature, will be constructed with materials consistent with the primary dwelling, and will not be visible from the roadway. The size, design, and use of the accessory building are consistent with similar residential properties in the area.

This request is not intended to circumvent ordinance requirements but rather to accommodate existing site conditions that resulted from reliance on previously approved plans. Approval of the variance will allow reasonable use of the property without granting any special privilege and will remain consistent with the character of surrounding properties and the intent of the ordinance.

DIAGRAM



EXCERPT FROM GAUTIER'S UNIFIED DEVELOPMENT ORDINANCE CONCERNING VARIANCES

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 Planning Commission; 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 a 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 "Public Hearing Application" available from the Planning and Economic Development Department and shall contain:

- A. Diagram of intended use, showing dimensions and distances of property, building with setbacks, parking spaces, entrances and exits.
- B. Legal descriptions and street address
- C. Copy of Protective covenants or deed restrictions, if any
- D. Copies of approval, or requests for approval from other agencies such as, but not limited to the MS State Department of Health, Mississippi DEQ, Corp of Engineers, and Department of Marine Resources
- E. A Detailed Project Narrative
- F. Any other information requested by the Economic Development Director and/or members of the Technical Review Committee

4.18.3 Administrative Variances

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 8.6. The following dimensional variances may be granted by the ED Director at his/her discretion:

- 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.

Exhibit A Location Map

Prepared by:
City of Gautier
Planning Department

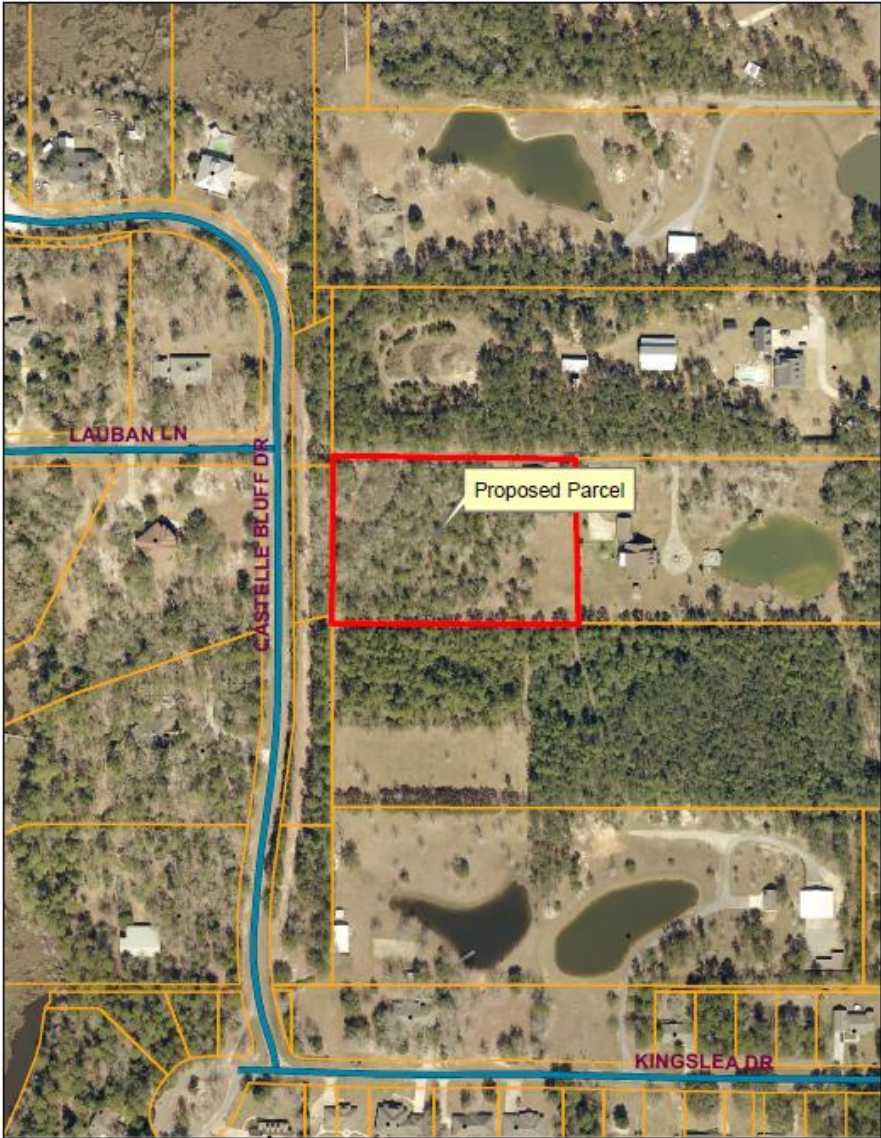


Exhibit B Existing Zoning

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

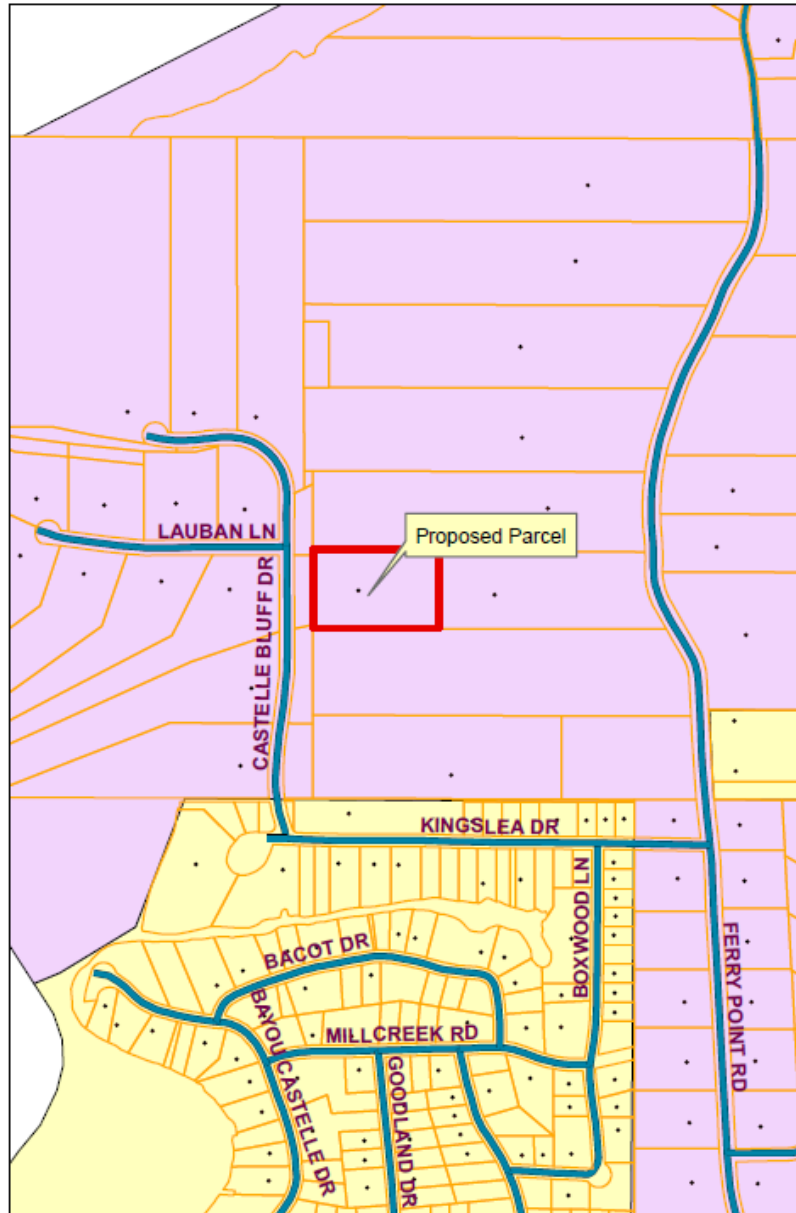


Exhibit C Existing Land-Use

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

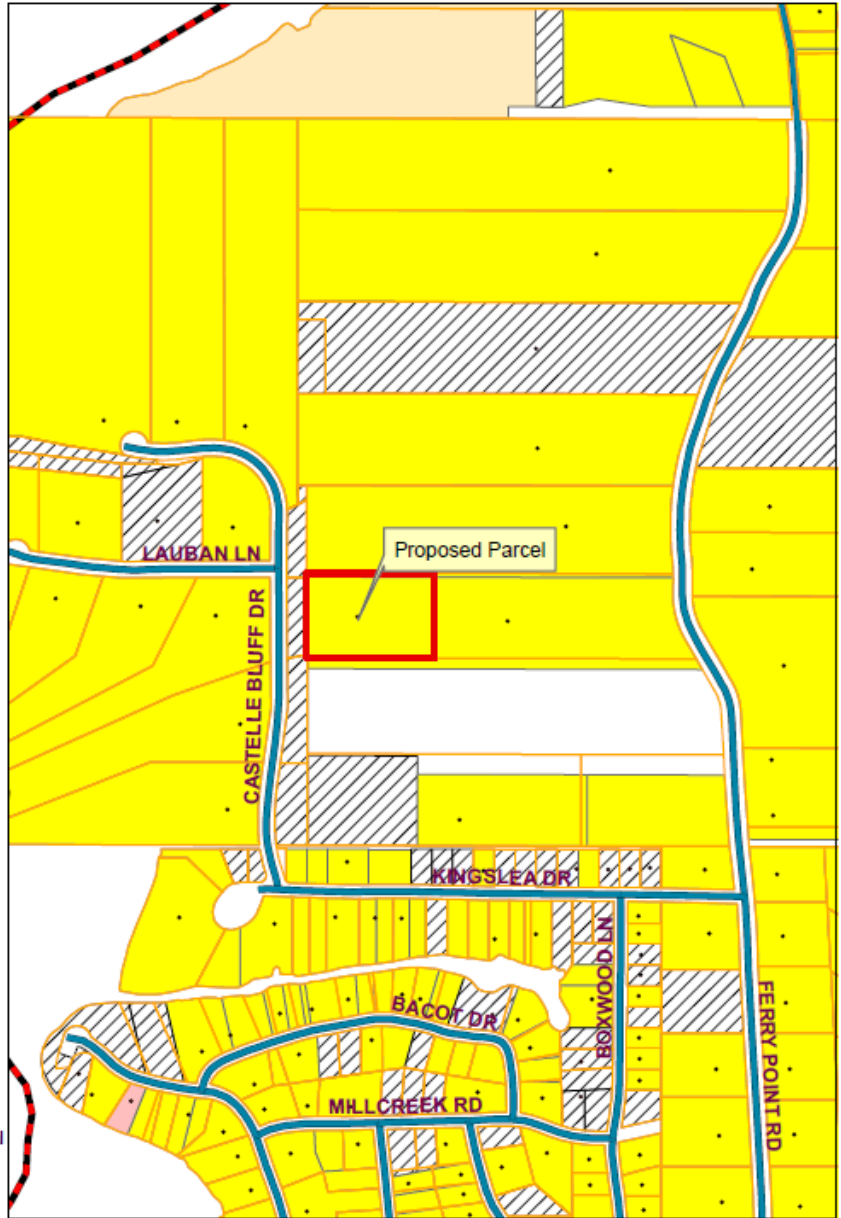


Exhibit D Future Land-Use

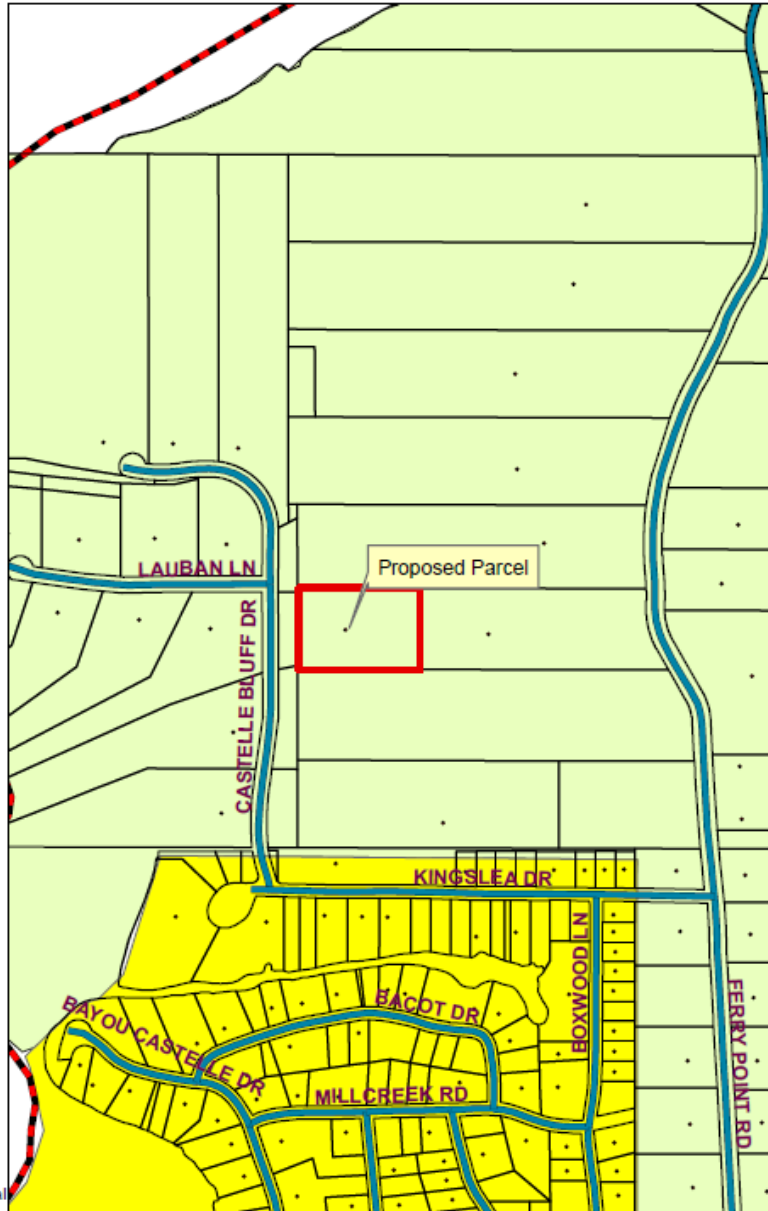
Prepared By:
City of Gautier
Planning Department

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

May 26, 2026

GPC #26-33-CU

DANI H. PATEL dba GALAXY LIQUOR AND WINE

2809 HWY 90

VII. NEW BUSINESS

5. Consider a request for a Conditional Use-Major that would allow a Package Liquor Store in a TCMU Town Center Mixed Use Zoning District. 2809 HWY 90, (GPC #26-33-CU)

**CITY OF GAUTIER
STAFF REPORT**

To: Chairman and Members, Planning Commission

From: Scott Ankerson, Planning Director

Date: June 15, 2026

Subject: Consider a request for a Conditional Use-Major that would allow a Package Liquor Store in a TCMU Town Center Mixed Use Zoning District. 2809 HWY 90, (GPC #26-33-CU)

REQUEST:

The Planning Department has received a request from Dani H. Patel dba Galaxy Liquor and Wine for a Conditional Use-Major that would allow a Package Liquor Store in a TCMU Town Center Mixed Use Zoning District at 2809 HWY 90, PID #82435240.200 (GPC #26-33-CU) The application fee of \$250 was paid on May 26, 2026. All public notice requirements have been met.

BACKGROUND:

The request property is zoned TCMU Town Center Mixed Use.

1. Location: 2809 HWY 90, PID #82435240.200 (See Exhibit A)
2. General features of the proposed project:
Total Area: Approximately 0.46 Acres
Existing commercial building.
3. Existing Zoning – TCMU Town Center Mixed Use (See Exhibit B)
4. Existing Land Use – current commercial building with Hwy 90 road frontage. (See Exhibit C)
5. Comprehensive Plan Future Land Use Designation – Town Center (See Exhibit D)

DISCUSSION:

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

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

Applicant Response: Yes

Staff Finding: Yes. A Package Liquor Store is listed as a Conditional Use-Major in a TCMU Town Center Mixed Use District.

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

Applicant Response: Existing building is a great location for a package store. Building will be cleaned up, and fresh paint job will improve overall looks from the road. No major changes to the structure are needed. Building is located in a nice commercial area making it easy for customers to get in & out of the parking lot.

Staff Finding: The proposed use is allowed in a TCMU zoning district with a Major Conditional Use.

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

Applicant Response: No.

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

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

Applicant Response: No, I don't see any traffic patterns being affected.

Staff Finding: There is no evidence that the proposed use will have any adverse effect on vehicular or pedestrian traffic.

5. Can the proposed use be accommodated by existing or proposed public services and facilities including, but not limited to, water, sanitary sewer, streets, drainage, police and fire protection, and schools?

Applicant Response: Yes, all utilities are currently on site. No major changes are needed.

Staff Finding: The proposed use can be accommodated by existing public services and facilities.

6. Is the proposed use in harmony with the Comprehensive Plan? Explain how.

Applicant Response: Yes, I believe this will help the city grow by adding more revenue.

Staff Finding: The Comprehensive Plan calls out "Town Center" for future land use of this property.

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

Applicant Response: No.

Staff Finding: There is no evidence that the proposed use poses a hazardous, detrimental, or disturbing effect to present surrounding uses.

8. Does the use conform to all district regulations for the applicable district in which it is located, or have other provisions been provided for? Explain.

Applicant Response: Yes.

Staff Finding: The proposed use will conform to all current district regulations.

DETERMINATION OF APPLICABLE LAW:

1. The UDO defines conditional uses as specific uses which are enumerated in each zoning district and which because of their nature are not allowed by right but may be allowed after the required review process. The City may specify certain conditions as necessary to make the use compatible with other uses in the same district. Conditional uses are issued for uses of land and uses designated "Conditional Uses-Major" are transferable from one (1) owner of land to another.

The UDO further defines Conditional Uses-Major as uses that are not allowed by right but require a recommendation by the Planning Commission and the approval of the City Council. Additionally, if the conditional use is transferred to a new owner, the new owner must submit a letter to the Planning Director agreeing to the current terms and condition.

2. Conditional Uses-Major requires a public hearing before the Planning Commission and approval by the City Council (Section 4.14 of the UDO).

RECOMMENDATION & CONCLUSION:

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

The Planning Commission may:

1. Recommend that City Council approve the Conditional Use-Major
2. Recommend that City Council approve the Conditional Use-Major with changes;
or
3. Recommend that City Council deny the Conditional Use-Major.

ATTACHMENTS:

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

GAUTIER, MISSISSIPPI
PLANNING DEPARTMENT
CONDITIONAL USE APPLICATION

Public Hearing Number

26-33-CU

TO BE HEARD BY GAUTIER PLANNING COMMISSION AND CITY COUNCIL:	
Conditional Use - Major <u>X</u>	FEE: \$251.00
TO BE HEARD BY PLANNING DIRECTOR:	
Conditional Use - Minor _____	FEE: \$251.00
*Includes \$1.00 filing fee per MS Code §25-60-5	

Name of Applicant: Dani H. Patel

Name of Business: MS Galaxy LLC DBA Galaxy liquor & wine Phone: 228-249-9257

Property Address: 2809 US-90 Mailing Address (if Different): 2013 Parkview Dr. Gautier

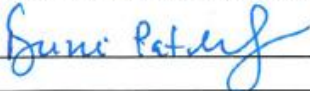
E-Mail Address: DaniPatel5314@gmail.com

Proposed Use Requiring Conditional Use: Package Liquor Store (Refer to Article V, UDO)

Proposed Location is: New Build Existing (with no modifications) Existing (with proposed modifications)

ATTACHMENTS REQUIRED AS APPLICABLE:

1. Answers to the Criteria for Approval (see attached).
2. Project Narrative (see attached).
3. Diagram of intended use (see attached).
- N/A 4. Copy of protective covenants or deed restrictions, if any.
- N/A 5. Copies of approvals, or requests for approval, from other agencies, such as, but not limited to, the Mississippi State Department of Health, U.S. Army Corp of Engineers, Mississippi Department of Environmental Quality and Department of Marine Resources.
6. Any other information requested by the Planning Director.
7. Owner's Consent form if anyone other than 100% sole owner makes application (see attached).

Signature of Applicant(s):  Date of Application: 5-25-2026

FOR OFFICE USE ONLY	
Date Received <u>5/26/26</u>	Verify as Complete <u>EMP</u>
Fee Amount Received <u>\$251.00</u>	Initials of Employee Receiving Application <u>EMP</u>

OWNERS CONSENT AND DESIGNATION OF AGENT - CONDITIONAL USE

I, Shannon Strunk, the fee simple owner(s) of the following described property:

Address: <u>2809 US-90, Gautier, MS 39553</u>
Parcel ID No.: <u>8-24-35-240.200</u>

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

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

[Signature] (Owner's Signature) [Signature] (Owner's Signature)

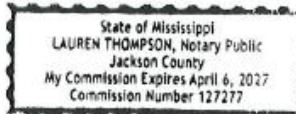
Notary Information:

The foregoing instrument was acknowledged before me this 22nd day of May, 2026 by Shannon Strunk who is personally known to me or has produced Drivers License as identification and who did take an oath.

Lauren Thompson (Printed Name of Notary Public) Lauren Thompson (Signature of Notary Public)

Commission # 127277. My commission expires April 6, 2027.

(Notary's Seal)





Michael Watson

SECRETARY OF STATE

This is not an official certificate of good standing.

Name History

Name	Name Type
C & S RENTALS, INC.	Legal

Business Information

Business Type:	Profit Corporation
Business ID:	675843
Status:	Good Standing
Effective Date:	09/10/1999
State of Incorporation:	Mississippi
Principal Office Address:	3207 Magnolia Street, STE 100 Pascagoula, MS 39567

Registered Agent

Name
CORPORATION SERVICE COMPANY
109 Executive Drive, Suite 3
Madison, MS 39110

Officers & Directors

Name	Title
Shannon R Strunk 3001 Beach Blvd Pascagoula, MS 39567-7515	Incorporator
Shannon Strunk 3207 Magnolia Street, STE 100 Pascagoula, MS 39567	Director, President
Cynthia Baber-Strunk 3207 Magnolia Street, STE 100 Pascagoula, MS 39567	Director, Secretary
Sheldon Strunk 3207 Magnolia St, Ste 100 Pascagoula, MS 39567	Vice President
Kristin Pugh 3207 Magnolia St, Ste 100	Treasurer

5/26/26, 10:54 AM

about:blank

Pascagoula, MS 39567

Lauren Thompson
3207 Magnolia St, Ste 100
Pascagoula, MS 39567

Director

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

MAJOR CONDITIONAL USE CRITERIA FOR APPROVAL

Please see attached for # 1-8 answers.

1. Is the proposed use listed in the list of possible Conditional Uses in the particular Zoning District?
2. Please describe how the project is compatible with the character of development in the vicinity relative to (a) density, bulk, and intensity of structures, (b) parking, and (c) other uses. Please attach parking plan, site plan, architectural rendering, or other plans.
3. Will your project negatively affect neighboring property values or pose a real or perceived threat to citizens? Explain.
4. Will your project adversely affect vehicular or pedestrian traffic in the vicinity? Explain.
5. Can the proposed use be accommodated by existing or proposed public services and facilities including, but not limited to, water, sanitary sewer, streets, drainage, police and fire protection, and schools?
6. Is the proposed use in harmony with the Comprehensive Plan? Explain how.
7. Does the proposed use pose a hazardous, detrimental, or disturbing affect, either real or perceived, to present surrounding land uses due to noises, glare, smoke, dust, odor, fumes, water pollution, vibration, electrical interference, or other nuisances? Explain.
8. Does the use conform to all district regulations for the applicable district in which it is located, or have other provisions been provided for? Explain.

MINOR CONDITIONAL USE CRITERIA FOR APPROVAL

1. Is the proposed use substantially compatible with other uses in the area, including factors relating to the nature of its location, operation, building design, site design, traffic characteristics, and environmental impacts? Explain.
2. Will the proposed use be materially detrimental to the health, safety, and general welfare of the public or otherwise injurious to the environment or to the property or improvements within the area? Explain.
3. Is the proposed use consistent with the Comprehensive Plan? Explain how.
4. Is the proposed use in conformance with specific site location, development, and operation standards as required by this Ordinance? Explain.

Major Conditional Use criteria

1) Yes

2) Existing building is a great location for a Package store. Building will be cleaned up and Fresh Paint job will improve overall looks from the road. No major changes to the structure needed. Building is located in a Nice commercial area making it easy for customers to get in & out of the Parking lot.

3) No.

4) No. I don't see any traffic Patterns being affected.

5) Yes, all utilities are currently on site. No major changes needed.

6) Yes, I believe this will help The City grow by adding more revenue.

7) No.

8) Yes

CONDITIONAL USE NARRATIVE – Describe the proposed project in detail. Include all types of business activities that will be conducted on-site, any out-door storage or seating proposed, anticipated traffic, access for pick-up/delivery vehicles, proposed improvements, etc. Use the space below or provide a separate type written sheet of paper and attach. Staff will provide guidance as needed on additional information needed in the narrative.

NARRATIVE

Proposing to open a retail Package liquor store at 2809 US-90 next to Burger King. We will be stocking & selling alchole beverages approved by the state. Building a very nice & convenient location for local citizens to come & shop. Site has a sufficient entrance & exit for delivery trucks to get in & out of the parking lot. This business will also be locally owned & operated as I have been a resident of City of Grantier for 20 years Plus.

CONDITIONAL USE DIAGRAM – Provide a diagram of the project site. In cases where certain requirements such as parking are triggered by aspects of the interior of the building, the interior building layout will need to be provided also. Include location and dimensions of property lines, buildings, parking spaces, outdoor storage areas, outdoor seating areas, signage, landscape areas, driveways, loading/unloading areas, limits of paving, exterior elevations (if changes are proposed), entrance/exit locations. Include the whole site. Use the space below or provide separate drawings. Staff will provide guidance as needed on additional information needed on the diagram.

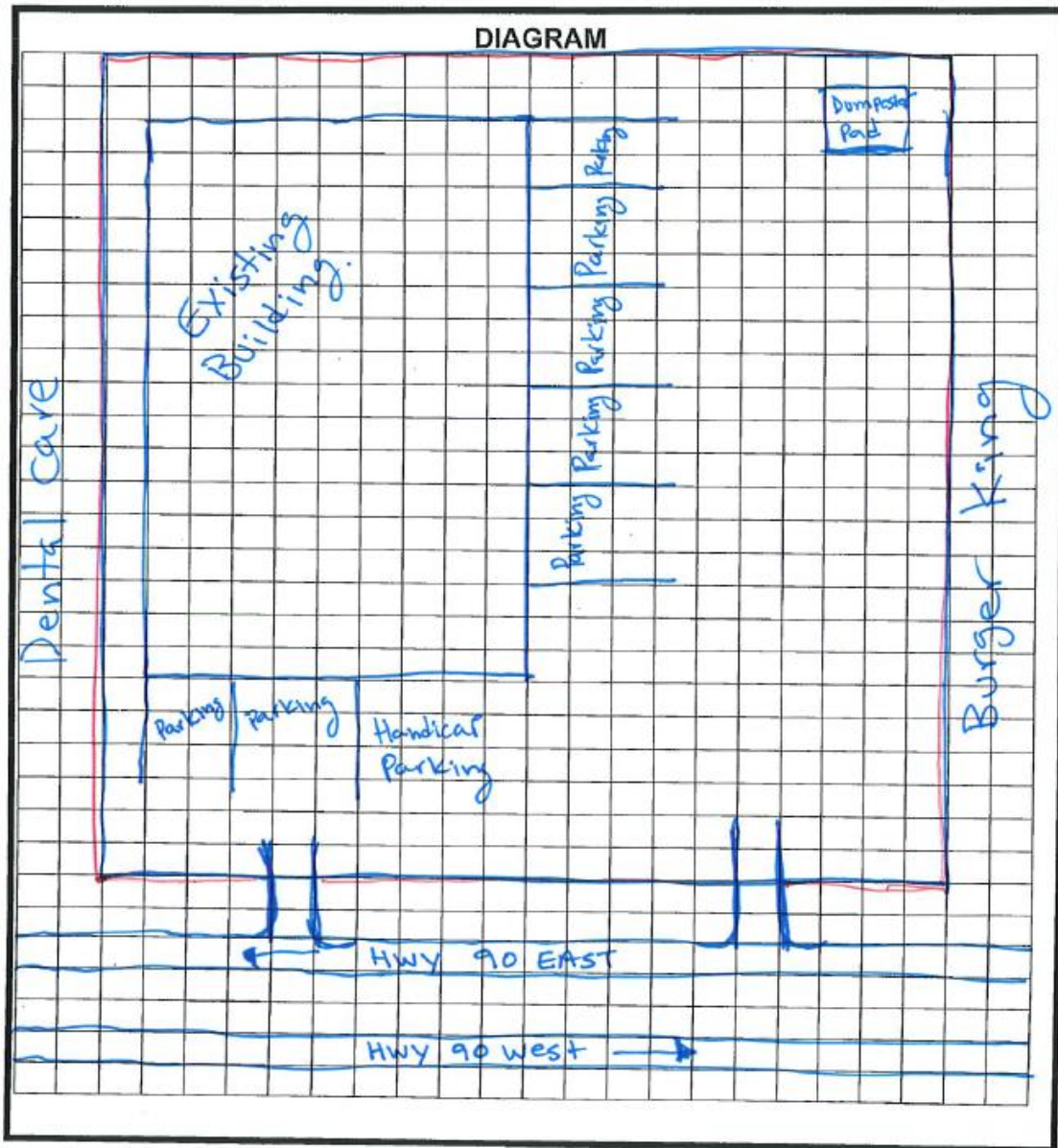


Exhibit A Location Map

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

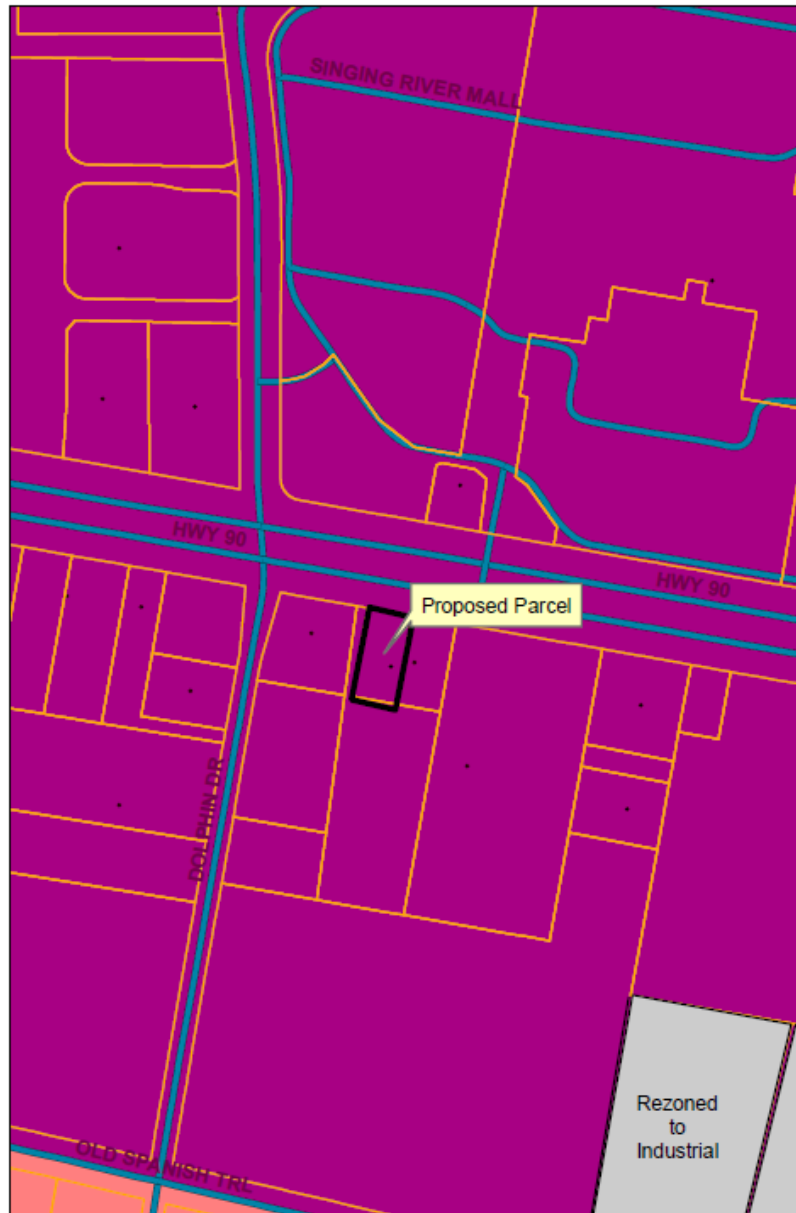
















Exhibit C Existing Land-Use

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

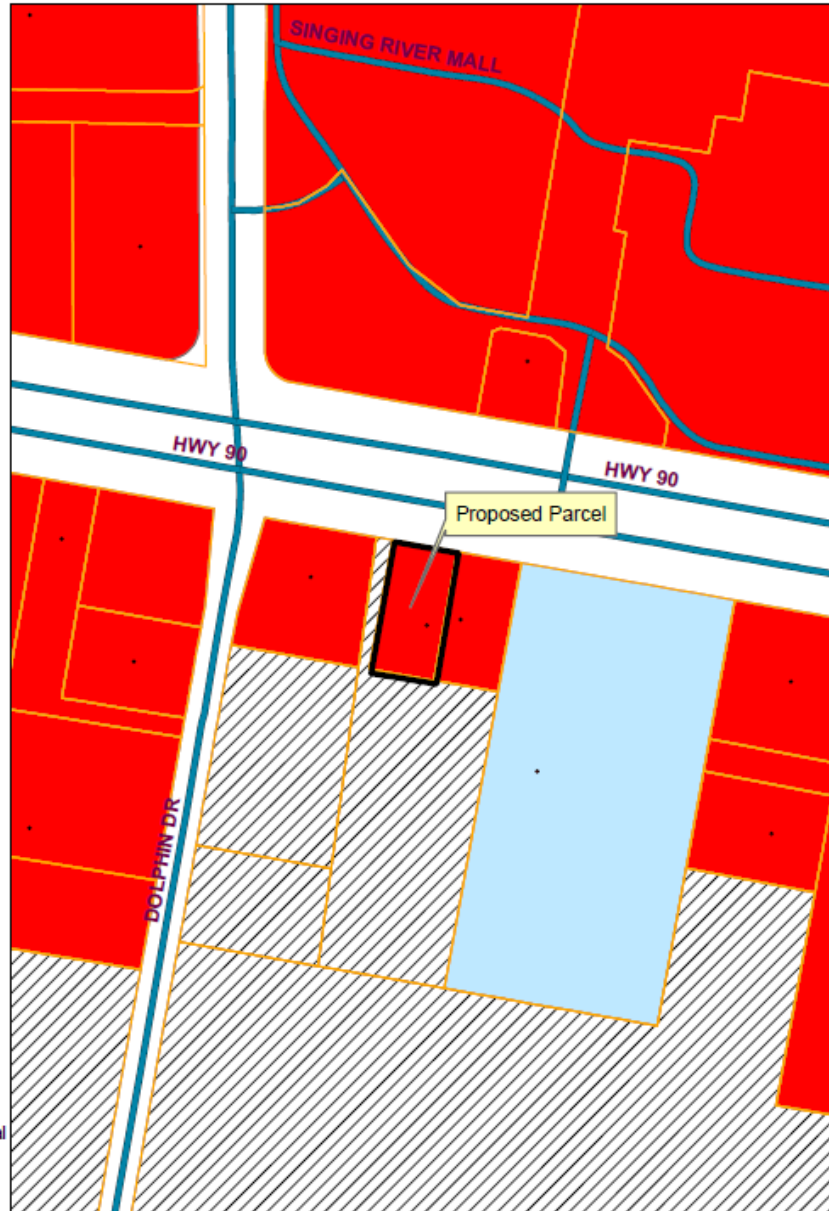

















Exhibit D Future Land-Use

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

