

**MINUTES OF APRIL 12, 2007  
LONG BEACH PLANNING COMMISSION**

Be it remembered that a regular meeting of the Long Beach Planning Commission was begun and held in the City of Long Beach, Superintendent of Educations Office in said City at 7:00 p.m. on Thursday the 12th of April 2007. The same being the time and place fixed for holding said meeting.

There were present and in attendance on said Commission and at the meeting the following named persons; Frank Olaivar, Tonda Yandell Dale Stogner, Frank Reed, Joseph Sweetapple Planning Commission Advisor Bill Hessell Minutes Clerk Mimi McMath and Zoning Officer Ken Price.

Commissioners Tony VanCourt, Rod Rishel, and David Serrato were absent the meeting.

There being a quorum present sufficient to transact the business of the Planning Commission, the meeting was called to order at 7:00 p.m. and the following proceedings were had and done.

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The Commission Chairman stated that all decisions made at this meeting would have to be ratified by the Mayor and Board of Aldermen at their next regularly scheduled meeting of April 17th, 2007 and subject to a ten-day appeal for a Public Hearing.

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Commissioner Yandell made motion seconded by Commissioner Stogner and unanimously carried to approve Planning Commission Minutes of March 22nd, 2007.

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**LONG BEACH PLANNING COMMISSION**

Chairman Olaivar stated the Commissioners had a work session prior to tonight's meeting and the progress is almost complete. The Commission will continue meeting every week until further notice. The next meetings will be held at 5:30 on the 19<sup>th</sup> of April, 2007 in the Mayors Office at 645 Klondyke Road. There will be a workshop prior to the next regularly scheduled meeting of the Long Beach Planning Commission

\*\*\*\*\*

Under Old Business there came on for Planning Commission approval a request for Sketch Plan submitted by Rick Harris for a 22 lot subdivision located at 1313 Old Pass Road as follows:

CITY OF LONGBEACH, MISSISSIPPI  
 PO BOX 929  
 201 JEFF DAVIS AVENUE  
 TELEPHONE 228-863-1554  
 FAX 228-865-0822  
 permits@cityoflongbeachms.com

**APPLICATION FOR CASE REVIEW**

I. TYPE OF CASE REQUEST  
 A.  Zoning Change  
 B.  Planning Commission Approval  
 C.  Special Exception Use  
 D.  Variance Request  
 E.  Change in Use  
 F.  A Decision of the Building Official is Alleged to be in Error  
 G.  Interpretation of the Zoning Ordinance  
 H.  Home Occupation (attach copy of Deed or lease)

II. Property Location:  
1313 OLD PASS RD.  
 House number and street name

III. Statement clearly explaining the request being made for case review. (Attach supplemental pages if necessary.) PROPOSED SUBDIVISION.

IV. Legal Description of Land Involved. (Complete either A or B below.)  
 A. If in a subdivision:  
 \_\_\_\_\_  
 Subdivision Name  
 B. If Metes and Bounds: Attach a Legal Description

V. Names and Addresses of all Property Owners within 200 feet of subject land. (If bounded by street or alley, give names and mailing addresses of property directly across from the Subject Street or alley.) This information is necessary only if a Public Hearing is required.

VI. Fees: Attach a check in the amount appropriated for applicable request. This check is to be made payable to the City of Long Beach to cover administrative costs. You will also be responsible for actual costs, such as advertising and mailing incurred with the processing of your application.

VII. Ownership: I the undersigned do hereby agree to all the rules and regulations as set forth in the Long Beach Zoning Ordinance and also agree to pay all fees and charges as stated.

<u>RICK HARRIS</u> Name of Owner(s)	<u>9612 W. CIBOLA GRANDE</u> Mailing Address
<u>PEARL</u> <u>AZ</u> <u>85383</u> City State Zip	<u>623-825-2609</u> Telephone (H) Office
<u>[Signature]</u> Signature of Owner(s) <u>AGENT</u>	<u>MAY. 29, 07</u> \$ <u>10</u> Date Fee

NOTATION: The following attachments must be submitted with application. If applicable:

**MINUTES OF APRIL 12, 2007**  
**LONG BEACH PLANNING CMMISSION**



**Rick Harris**

February 27, 2007

City of Long Beach

Attn: Mimi

Re: 1313 Old Pass Road

Dear Mimi:

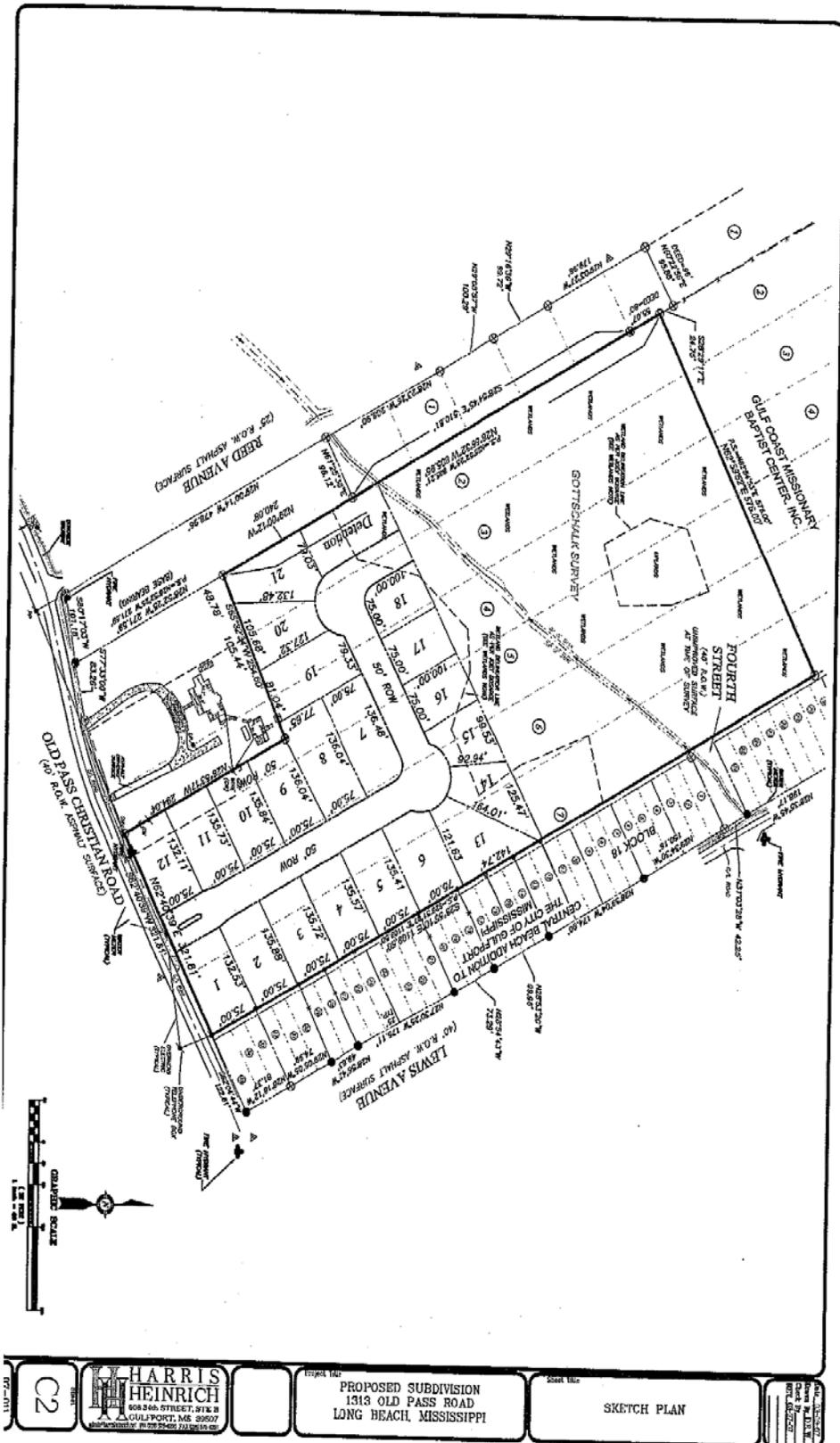
With this letter I am giving permission for Donald Welch, engineer, to speak on my behalf concerning the property located at 1313 Old Pass Road, Long Beach, Mississippi.

Thank you and best regards,

  
Rick Harris

9612 West Cielo Grande Peoria, Arizona 85383 USA Phone: (623) 825-2609 Fax: (623) 825-6350  
Email: rick20013@cox.net Rick's Cell: (602) 284-7454 Carla's Cell: (602) 625-6407

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**LONG BEACH PLANNING COMMISSION**





**MINUTES OF APRIL 12, 2007**  
**LONG BEACH PLANNING COMMISSION**

Mr. Donald Welch came forward to represent Mr. Rick Harris.

After a short discussion Commissioner Yandell made motion seconded by Commissioner Sweetapple and unanimously carried to approve the sketch plan as submitted provided the applicant add lot "22" to the existing larger parcel to the north, to complete the subdivision and satisfy the Subdivision Ordinance. Also, that the applicant complies with all City Engineer, Public Works and Fire Department requirements and all other applicable codes and Ordinances.

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The next item under Old Business was an updated report from Mr. Chuck Ryan pertaining to his temporary office trailer located at 18012 Pineville Road. His extension for trailer removal expired September 26, 2006.

Mr. Ryan Came forward to address the Commissioners and presented the following letter to be submitted into the record as follows:

**MINUTES OF APRIL 12, 2007**  
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**MILLER & SMITH**  
ATTORNEYS AT LAW  
1922 23<sup>rd</sup> Avenue  
Post Office Box 370  
Gulfport, Mississippi 39502

EDWARD O. MILLER  
E-mail: eddymiller@cableone.net  
RICHARD J. SMITH  
E-mail: rjsmithsr@cableone.net

TELEPHONE NUMBERS  
(228) 868-7701  
(228) 864-2515  
FACSIMILE (228) 868-7702

April 12, 2007

Mayor Billy Skellie  
Board of Aldermen  
P.O. Box 929  
Long Beach, MS 39560

Re: 18012 Pineville Road, Long Beach, Mississippi 39560

Dear Mayor and Aldermen:

Gentlemen/Madame please be advised that I represent Mr. Bistes and his sister owners of the above described property. I also represent Chuck Ryan who presently has a contract to purchase the property with the owners. I am in the process, having replaced the attorney of record, the Honorable Wes Teel, of setting the pending case for trial which will hopefully be able to be done in the month of May as the pending litigation is filed for the purpose of clearing certain problems which cause the title to not be clear. I feel that our efforts will be successful. A court date of April 2, 2007, was cancelled due to a death in Judge Steckler's family and Wes Teel was not available.

Should you have any questions concerning this matter, please feel free to call.

Yours truly,



**EDWARD O. MILLER**

**MILLER & SMITH**

EOM/jm

cc: Chuck Ryan  
Mr. Gregory Bistes and Gay Bistes Palmisano  
Frank McCreary  
Long Beach Planning Commission

**MINUTES OF APRIL 12, 2007**

**LONG BEACH PLANNING COMMISSION**

Mr.Chuck Ryan approached the Commissioners.

Discussion was had pertaining to the temporary trailer that Mr. Ryan placed on his property in 2004 and also, Mr. Ryan encroachment into city easements with his used cars.

Commissioner Yandell made the motion seconded by Commissioner Stogner to instruct the Zoning Officer to issue Mr. Ryan a letter which states Mr. Ryan will have to have proof that his legal matters are resolved with purchasing the property located at 18012 Pineville Road no later than the 14<sup>th</sup> day of June, 2007. This will enable Mr. Ryan to continue the purchasing of this property and to build a permanent structure with paving so that his property will be conforming to all City Codes and Ordinances. On this date Mr. Ryan will have to reappear in front of the Commission.

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The first item under New Business to come before the Commission was a Home Occupation request for John Cumberland of 142 Valarie Drive as follows:

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CITY OF LONG BEACH, MISSISSIPPI  
 PO BOX 929  
 201 JEFF DAVIS AVENUE  
 TELEPHONE 228-863-1554  
 FAX 228-865-0822  
[permits@cityoflongbeachms.com](mailto:permits@cityoflongbeachms.com)



**APPLICATION FOR CASE REVIEW**

**I. TYPE OF CASE REQUEST**

- A.  Zoning Change
- B.  Planning Commission Approval
- C.  Special Exception Use
- D.  Variance Request
- E.  Change in Use
- F.  A Decision of the Building Official is Alleged to be in Error
- G.  Interpretation of the Zoning Ordinance
- H.  Home Occupation (attach copy of Deed or lease)

**II. Property Location:**

142 Valarie Dr.  
 House number and street name

**III. Statement clearly explaining the request being made for case review. (Attach supplemental pages if necessary.)**

**IV. Legal Description of Land Involved. (Complete either A or B below.)**

A. If in a subdivision:  
Southern Place Subdivision, LOT 1  
 Subdivision Name

B. If Metes and Bounds: Attach a Legal Description

**V. Names and Addresses of all Property Owners within 200 feet of subject land. (If bounded by street or alley, give names and mailing addresses of property directly across from the Subject Street or alley.) This information is necessary only if a Public Hearing is required.**

**VI. Fees: Attach a check in the amount appropriated for applicable request. This check is to be made payable to the City of Long Beach to cover administrative costs. You will also be responsible for actual costs, such as advertising and mailing incurred with the processing of your application.**

**VII. Ownership: I the undersigned due hereby agree to all the rules and regulations as set forth in the Long Beach Zoning Ordinance and also agree to pay all fees and charges as stated.**

John J Cumberland  
 Name of Owner(s)

142 Valarie Dr.  
 Mailing Address

Long Beach, MS 39560  
 City State Zip

228-697-7710  
 Telephone (H) Office

John J Cumberland 4/2/07  
 Signature of Owner(s) Date

\$ 80.00  
 Fee

**NOTATION: The following attachments must be submitted with application. If applicable:**

1. A site plan showing the land area which would be affected, easements bounding and intersecting the

**MINUTES OF APRIL 12, 2007**  
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VARIANCE SUPPLEMENTAL APPLICATION  
PAGE 2

Describe any special condition that justify the granting of this variance request and are peculiar to the property and do not apply to other properties in the general area. What are the reasons for the variance and why the applicant cannot meet the stated code requirement?

The business will be a plumbing and remodeling business specializing in  
Kitchens and Bathrooms. My home will be used <sup>for</sup> office purposes only. My goal  
is to acquire a licence for my business. The business will have no employees.  
my wife will be helping me at times with the business.

Describe how the special condition discussed in #1 above is not the result of actions taken by the applicant. Show that the applicant did not cause the need for this variance request.

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Show that an unnecessary hardship exists due to the character of the property and that this hardship makes the request for the variance necessary. State what hardship is caused if the applicant is required to meet code requirements? What is the result of this hardship? What would result if the Zoning Board denied this request?

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Show that denial of this request will deprive the applicant of rights commonly enjoyed by other properties in the general area and that the granting of this variance request will make possible the reasonable use of land while not conferring any special privilege. Outline how the subject of the variance is common in the area and if the applicant were to be denied this variance a right would be taken away which was granted to other properties. State how the variance makes reasonable use of the existing land and why the same action cannot be done in a way that does not require a variance. Show that the granting of this variance does not give the applicant any special privileges that the properties in the area would find desirable.

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**FOR HOME OCCUPATION ONLY!**

John S. Rubenel HAVE READ,  
UNDERSTAND AND AM WILLING TO COMPLY WITH ZONING  
ORDINANCE NO. 344 SECTION 912. HOME OCCUPATION. (COPY ATTACHED)

**MINUTES OF APRIL 12, 2007**  
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1st Judicial District  
Instrument Number 2002 1249 D  
Filed 2 21 2002 11 10 A  
Total Fees 8.00  
Book 1573 page 12-13 Recorded 2/22/02

BOOK 1573 PAGE 12

Index Instructions (Mississippi Code ANN. §89-5-33):

Prepared by & Return to:  
U.S. Title & Real Estate Closing Services, Inc.  
114 West Third Street  
Long Beach, MS 39560  
228-822-0120  
File Number: 0402-1478

[Space Above This Line For Recording Data]

State of Mississippi

County of Harrison

WARRANTY DEED

For and in consideration of the sum of Ten Dollars (\$10.00) cash in hand paid and other good and valuable consideration, the receipt and sufficiency of all of which is hereby acknowledged, We, Charles J. Lovvorn, III and Carolyn H. Lovvorn, do hereby sell, convey and warrant unto John J. Cumberland, and Anna Marie Cumberland as joint tenants with full rights to survivorship and not as tenants in common the following described land and property situated in Harrison County, Mississippi, to wit:

Lot 1, SOUTHERN PLACE SUBDIVISION, a subdivision according to the official map or plat thereof on file and of record in the office of the Chancery Clerk of the First Judicial District of Harrison County, Mississippi in Plat Book 39 at Page 38.

Together with all and singular the rights, privileges, improvements and appurtenances to the same belonging or in any wise appertaining.

This conveyance is made subject to any and all reservations, restrictions, easements, exceptions, covenants and conditions of record, including any mineral, oil or gas reservations and any covenants or restrictions of record.

If bounded by water, the warranty granted herein shall not extend to any part of the above described property which is tideland or coastal wetlands as defined in the Mississippi Coastal Wetlands Protection Act and this conveyance includes any natural accretion and is subject to any erosion due to the action of the elements.

The Grantors herein certify that the property hereinabove conveyed forms no part of the homestead of said Grantors.

It is agreed and understood that the taxes for the current year have been prorated as of this date on an estimated basis, and that when said taxes are actually determined, if the

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Mr. Cumberland came forward to state his request. After a short discussion Commissioner Yandell made motion seconded by Commissioner Reed and unanimously carried to deny the Home Occupation based on the applicant not conforming to Section 912 of the City of Long Beach Zoning Ordinance and having employees or partners.

\*\*\*\*\*

There came on for Planning Commission approval to convert apartments located at 404 Russell Avenue into Condominiums. This is an R-2 zone and condos are allowed with Board Approval.



CITY OF LONG BEACH, MISSISSIPPI  
 PO BOX 929  
 201 JEFF DAVIS AVENUE  
 TELEPHONE 228-863-1554  
 FAX 228-865-0822  
 permits@cityoflongbeachms.com



**APPLICATION FOR CASE REVIEW**

I. TYPE OF CASE REQUEST

A.  Zoning Change  
 B.  Planning Commission Approval  
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 D.  Variance Request  
 E.  Change in Use  
 F.  A Decision of the Building Official is Alleged to be in Error  
 G.  Interpretation of the Zoning Ordinance  
 H.  Home Occupation (attach copy of Deed or lease)

II. Property Location: 404 Russell Ave, Long Beach 193125-02-022  
 House number and street name

III. Statement clearly explaining the request being made for case review. (Attach supplemental pages if necessary.) BOARD APPROVAL FOR CONDOMINIUMS

IV. Legal Description of Land Involved. (Complete either A or B below.)

A. If in a subdivision:  
 Subdivision Name \_\_\_\_\_

B. If Metes and Bounds: Attach a Legal Description

V. Names and Addresses of all Property Owners within 200 feet of subject land. (If bounded by street or alley, give names and mailing addresses of property directly across from the Subject Street or alley.) This information is necessary only if a Public Hearing is required.

VI. Fees: Attach a check in the amount appropriated for applicable request. This check is to be made payable to the City of Long Beach to cover administrative costs. You will also be responsible for actual costs, such as advertising and mailing incurred with the processing of your application.

VII. Ownership: I the undersigned do hereby agree to all the rules and regulations as set forth in the Long Beach Zoning Ordinance and also agree to pay all fees and charges as stated.

Don J. Kazian Parkin 404 Russell Ave  
 Name of Owner(s) Mailing Address

Long Beach, MS 39560 228-297-1114  
 City State Zip Telephone (H) Office

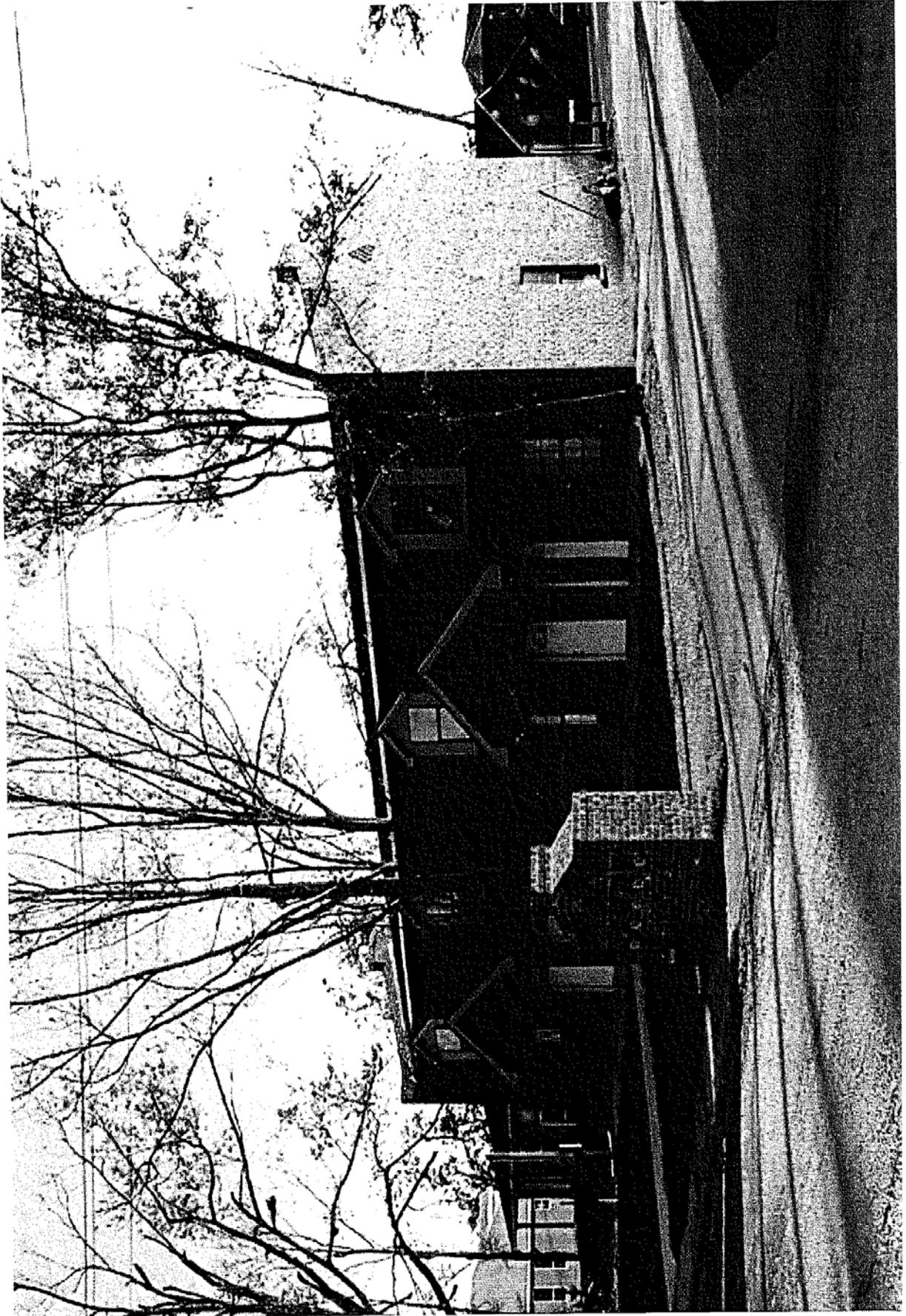
[Signature] 02/19/07 \$ 50.00  
 Signature of Owner(s) Date Fee

NOTATION: The following attachments must be submitted with application. If applicable:

**MINUTES OF APRIL 12, 2007**  
**LONG BEACH PLANNING COMMISSION**



**MINUTES OF APRIL 12, 2007**  
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*The Sea Oats condominiums*

The Sea Oats condominiums are located at 404 Russell Ave, Long Beach, MS, less than one block from the beach and in the C Zone. The project is owned by Don and Katherine Parker at 404 Russell Ave, Long Beach, Ms

The Sea Oats was a 5 unit apartment complex build in the mid 70s and were rundown and aging. Due to the post Katrina reconstruction in the neighborhood, the site has been retrofitted to reflect the new construction and will be a positive asset to the area. One unit retained for family.

The Sea Oats offers the distinct combination of what owners need in space and living at its finest! These luxury homes are the perfect blend of relaxed charm with lavish amenities such as:

- Ceramic tile in living room, kitchen and bath
- Ceiling fans in bedroom and living room
- Plush Berber carpeting
- All granite kitchen countertops, bath vanities, window sills
- Pre-wired for high speed telephone, Internet and Cable TV
- Spacious master suite upstairs with two closets
- Linen closet
- Two parking spaces for each unit
- Private fenced patio
- Refrigerator/freezer with icemaker
- Garbage disposal
- All Electric with recessed lighting throughout
- Range with self-cleaning oven
- Dishwasher
- Microwave
- Combination Washer/Dryer
- Decorative mailboxes
- Dramatic building design
- All brick
- Whirlpool tub with shower
- Pre-wired for security
- more

**MINUTES OF APRIL 12, 2007**  
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SCANNED



**Indexing Instructions:**      **Lots 5, 6, 7 & 8, Blk 18, Kohler-Russell S/D, Harrison County, 1<sup>st</sup> JD, MS**

STATE OF MISSISSIPPI  
COUNTY OF HARRISON  
FIRST JUDICIAL DISTRICT

**SPECIAL WARRANTY DEED**

... THAT FOR AND IN CONSIDERATION of the sum of Ten and no/100 Dollars (\$10.00), cash in hand paid, and other good and valuable consideration, the receipt and sufficiency of all of which is hereby acknowledged, HANCOCK BANK does hereby grant, bargain, sell, convey and specially warrant, unto DONALD L. PARKER AND KATHERINE M. PARKER, as joint tenants with full rights of survivorship not as tenants in common, the following described property, together with the improvements, hereditaments and appurtenances thereunto situated and located in the First Judicial District of Harrison County, State of Mississippi, and more particularly described as follows, to-wit:

**Lots 5, 6, 7 and 8, Block 18, KOHLER-RUSSELL  
SUBDIVISION, as per the official map or plat thereof on file  
and of record in the Office of the Chancery Clerk of Harrison  
County, First Judicial District, Mississippi.**

Grantor reserves unto itself all oil, gas and other minerals in, on or under the property, to the extent that Grantor previously acquired such rights, and also reserves the right of ingress and egress over, on and across the property for the purpose of exploration and exploitation of same.

THIS CONVEYANCE is subject to any and all recorded restrictive covenants, rights-of-way and easements applicable to subject property, and any prior recorded reservations, conveyances and leases of oil, gas and minerals by previous owners of subject property.

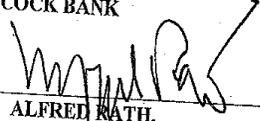
TAXES for the current year have been pro-rated as of this date and are hereby assumed by the Grantee herein.

THIS CONVEYANCE is also subject to Zoning and/or other land use regulations promulgated by federal, state or local governments affecting the use or occupancy of the subject

**MINUTES OF APRIL 12, 2007**  
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2

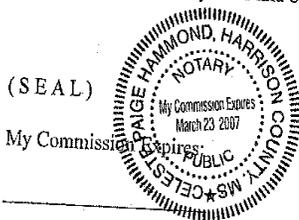
WITNESS THE SIGNATURE OF THE GRANTOR ON THIS THE 15th DAY OF  
FEBRUARY, 2006.

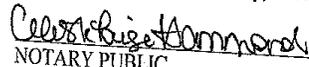
HANCOCK BANK  
BY:   
ALFRED RATH,  
CCO & EXECUTIVE VICE  
PRESIDENT

STATE OF MISSISSIPPI  
COUNTY OF HARRISON

PERSONALLY appeared before me, the undersigned authority of law in and for this jurisdiction, the within named ALFRED RATH, who acknowledged to me that he is the CCO & EXECUTIVE VICE PRESIDENT of the corporation known as HANCOCK BANK, and that for and on behalf of said corporation and as its act and deed he signed and delivered the foregoing instrument of writing on the day and year therein mentioned, having been first duly authorized to do so.

GIVEN under my hand and official seal on this the 15th day of February, 2006.



  
NOTARY PUBLIC

ADDRESS OF GRANTOR:  
POST OFFICE BOX 4019  
GULFPORT, MS 39502  
228-868-4000

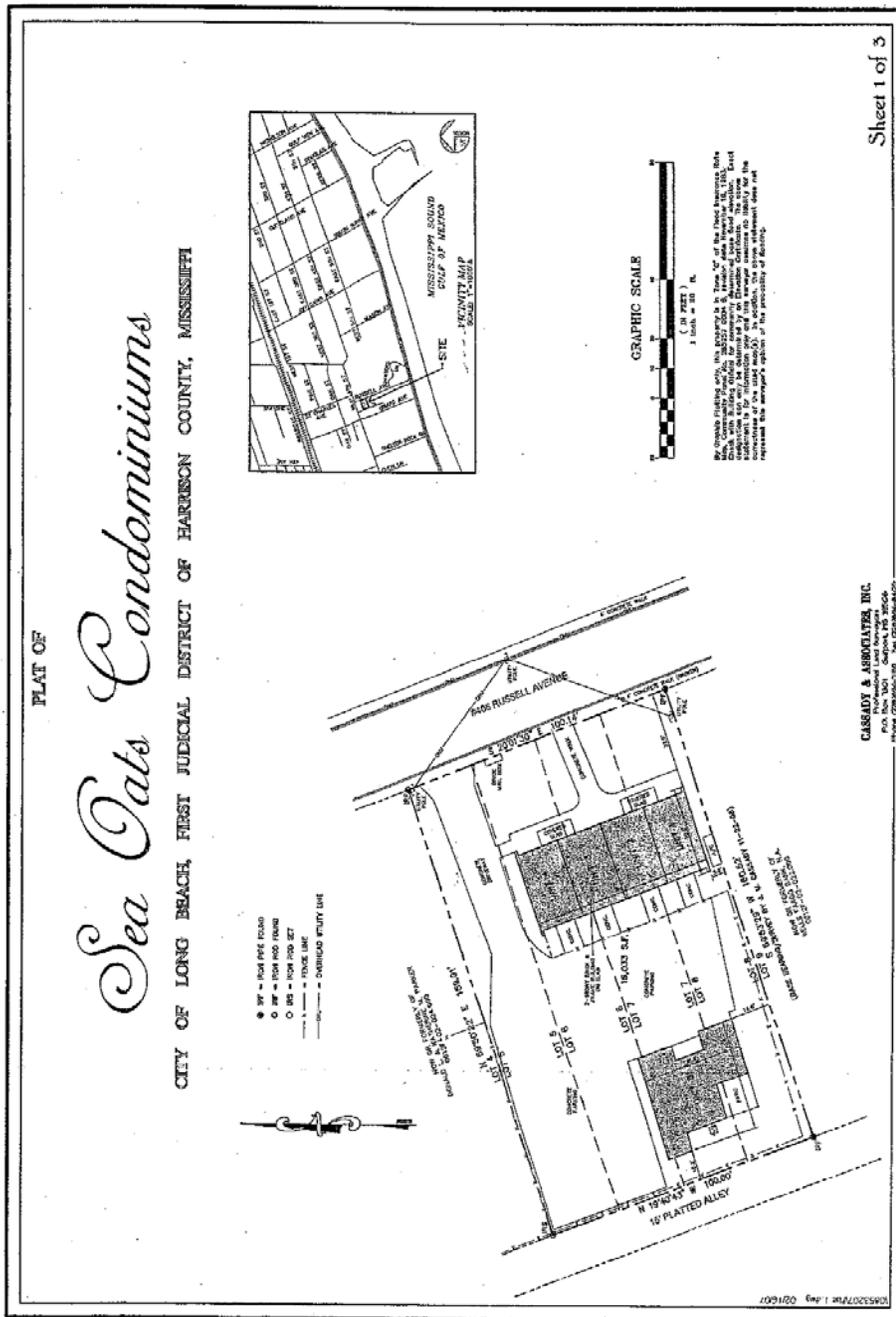
ADDRESS OF GRANTEE:  
404 RUSSELL AVENUE  
LONG BEACH, MS 39560  
228-297-1114

**PREPARED BY AND RETURN TO:**

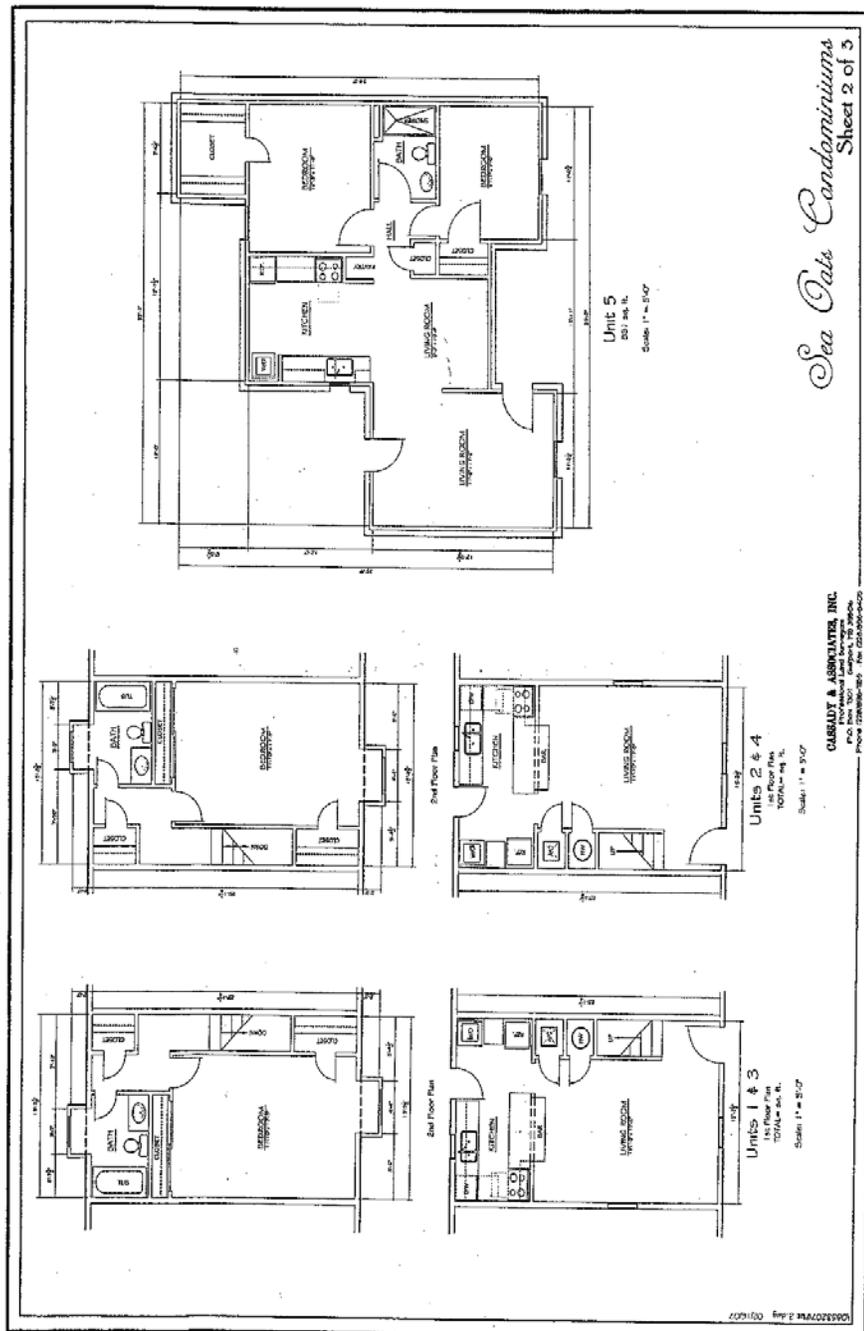
Schwartz, Orgler & Jordan, PLLC  
15487 Oak Lane Drive, Suite 200-I  
Gulfport, MS 39503  
(228) 832-8550

FILE# 060201

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Mr. Don Parker came forward and stated that after the storm he purchased the 5 unit apartment next door on Russell Avenue. He decided to repair them and sell them as Condominiums.

After a short discussion Commissioner Reed made motion seconded by Commissioner Sweetapple and unanimously carried to approve Condominiums in an R-2 district provided the Building Official determines the structure was rebuilt according to current Codes and Ordinances for this particular use.

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There being no further business to come before the Planning Commission at this time Commissioner Stogner made motion seconded Commissioner Sweetapple and unanimously carried to adjourn the meeting until the next regularly scheduled meeting in due course. The meeting was adjourned at 8:15 p.m.

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Commission Chairman

DATE

ATTEST: \_\_\_\_\_

Mimi McMath, Minutes Clerk