

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

Be it remembered that a regular meeting of the Long Beach Planning Commission was begun and held at the Long Beach School District Central Office, 19148 Commission Road, Long Beach, Mississippi on Thursday, July 12, 2007 and 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: Commission Chairman Frank Olaivar, Commissioners Tonda Yandell, Joseph Sweetapple, David Serratto, Dale Hare, Commissioner Bill Owen, Planning Commissioner Advisor Bill Hessel, Zoning Enforcement Officer Kenneth Price, Jennifer Bush and Permit Clerk Veronica Howard.

Commissioner Roderick Rishel, Tony Van Court and Jacki Lipski 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.

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 July 17, 2007 and subject to a ten-day appeal for a Public Hearing.

Commissioner Yandell made a motion seconded by Commissioner Hare and unanimously carried to approve Planning Commission Minutes of June 28, 2007

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Commissioner Sweetapple motioned seconded by Commissioner Hare to move the agenda item "Appeal and Objection filed to building permit #4367" listed under Public Hearing to Old Business.

The first item on the agenda was a Public Hearing for a Variance request submitted by Betty Barker for property located on Reed Avenue as follows:



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



10925

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)

Deed Survey

II. Property Location: *Reed Ave* *Vacant lot north of 205 Reed Ave.*
 House number and street name Parcel No.

III. Statement clearly explaining the request being made for case review. (Attach supplemental pages if necessary.) *Requesting a 5FT. Variance per lot 5FT. on each lot 2 lots. Instead of the required 75 were asking for 70ft per lot.*

IV. Legal Description of Land Involved. (Complete either A or B below.) *70ft per lot, on building tract (2) town homes on R-2 zoned property.*

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.

Betty Barker 905 Hunsbaker Pl
 Name of Owner(s) Mailing Address

Gulfport MS 39507 228-796-3231 228-284-4291
 City State Zip Telephone (H) Office

Betty Barker June 5 07 \$ 100.00
 Signature of Owner(s) Date Fee

- NOTATION: The following attachments must be submitted with application, if applicable:
- A. Please attach a site plan showing the land area which would be affected, easements bounding and intersecting the designated area, the location of existing and proposed structures, off-street parking and other supporting open facilities and the ground area to be provided and continuously maintained for the proposed structure or structures.
 - B. Please attach a development schedule indicating the time schedule for the beginning and completion of development planned in the area. If the development is planned in stages, the time schedule shall indicate the successive stages and the development planned for each stage. (FOR RE ZONING ONLY)
 - C. The setback requirement for all signs is measured from the leading edge of the sign or the portion of the sign close to the property line. If requesting a variance from the setback requirements for a sign, also indicate the elevation and size of the proposed sign.
 - D. Applicant should appear personally or through his/her agent at the scheduled hearing.
 - E. Claims of support or "no objection" from owner(s) of adjoining property should be substantiated in writing or by the appearance of such owner(s) at the hearing. Such support is usually considered material but not conclusive.

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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?

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.

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?

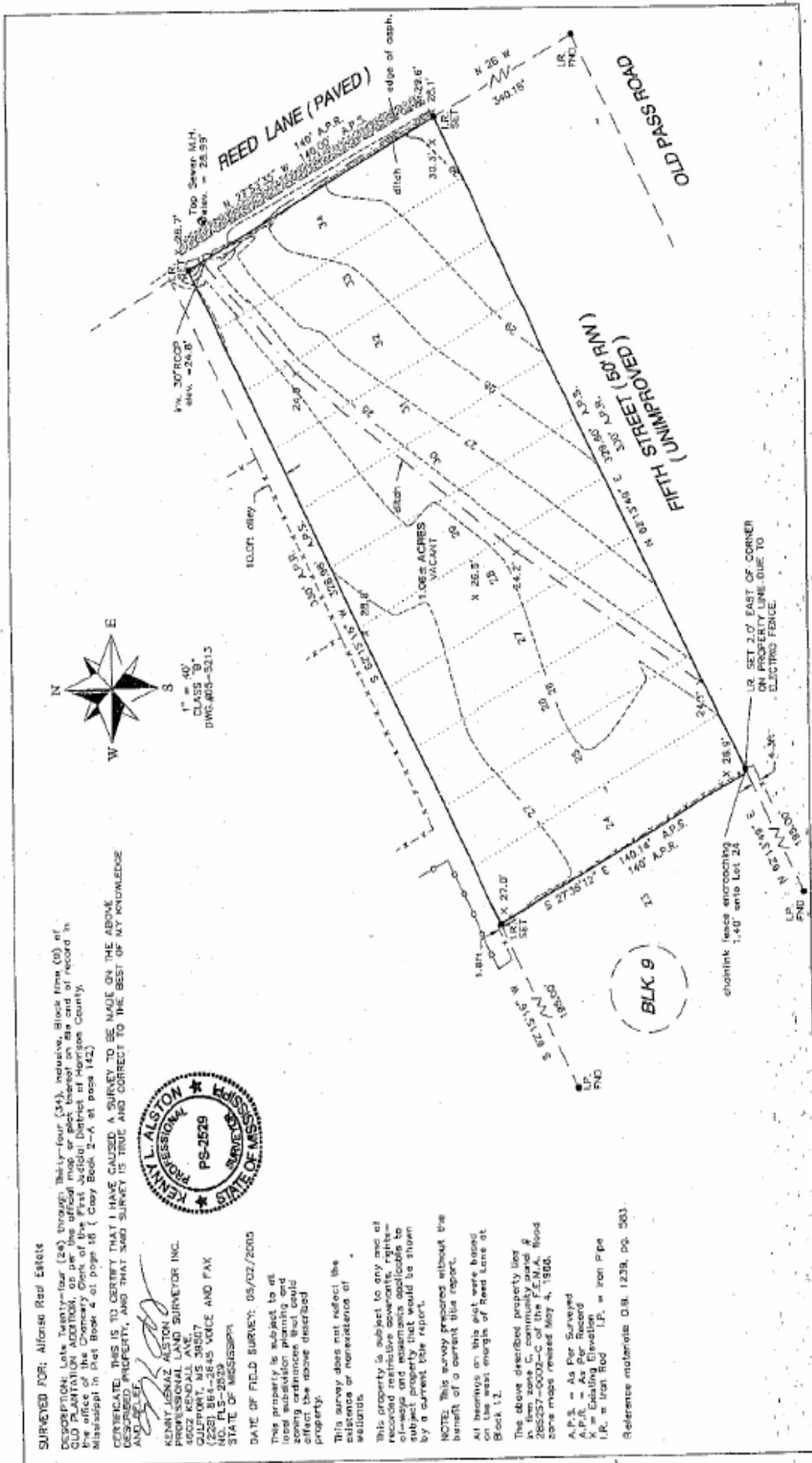
Requesting a 5ft. Variance per lot a total of two lots,
instead of the required 75 per lot street frontage were as King For
70 ft. per lot. building (2) two town homes on R-2 Zoned
Property.

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. States 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.

FOR HOME OCCUPATION ONLY!

I _____ HAVE READ,
UNDERSTAND AND AM WILLING TO COMPLY WITH ZONING
ORDINANCE NO. 344 SECTION 912. HOME OCCUPATION.

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SURVEYED FOR: Alfonso Red Estele
 DESCRIPTION: Lots Twenty-four (24) through Thirty-four (34), inclusive, Block Nine (9) of Old Pass Road, a subdivision, as per the official map or plat thereof on file and of record in the Office of the County Clerk of the First Judicial District of Harrison County, Mississippi in Plat Book 4 of page 18 (Copy Book 2-A at page 142).

CERTIFICATE: THIS IS TO CERTIFY THAT I HAVE CAUSED A SURVEY TO BE MADE ON THE ABOVE DESCRIBED PROPERTY, AND THAT SAID SURVEY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.



KENNETH L. ALSTON
 PROFESSIONAL LAND SURVEYOR INC.
 4602 KENDALL AVE.
 GULFPORT, MS 39507
 (601) 836-4545 VOICE AND FAX
 (601) 836-5929
 STATE OF MISSISSIPPI

DATE OF FIELD SURVEY: 05/02/2005

This property is subject to all local subdivisions, restrictions, easements and encumbrances that could affect the above described property.

This survey does not reflect the existence or nonexistence of easements.

This property is subject to any and all recorded restrictive covenants, rights-of-way and easements applicable to subject property that would be shown by a current title report.

NOTE: This survey prepared without the benefit of a current title report.

All bearings on this plat were based on the east margin of Reed Lane at Block 12.

The above described property lies in firm zone C, community and # 285237-0002-C of the F.E.M.A. flood zone maps revised May 4, 1990.

A.P.S. = As Per Surveyed
 A.P.R. = As Per Record
 E.L. = Existing Elevation
 I.P. = Iron Rod

Reference materials O.B. 1239, pg. 563.

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1st Judicial District
Instrument 2006 4058 D -J1
Filed/Recorded 5 9 2006 9 57 A
Total Fees 22.00



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

3 Pages Recorded
Prepared by or return to:
U.S. Title Company, PLLC
400 Security Square, Ste. B
Gulfport, MS 39507
228-604-3561
File Number: 200600129

SCANNED

[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, **Lowell J. Coleson**, does hereby sell, convey and warrant unto **Betty Lynn Barker, an unmarried person**, the following described land and property situated in Harrison County, Mississippi, to wit:

Lots Twenty-four (24) through Thirty-four (34), inclusive, Block Nine (9) of OLD PLANTATION ADDITION, as per 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 4 at page 16.

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.

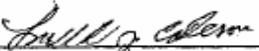
If bounded by water, the warranty granted herein shall not extend to any part of the above described property which is tideland or coastal wetlands as defined in the Mississippi Coastal Wetlands Protection Act and this conveyance includes any natural accretion and is subject to any erosion due to the 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 proration as of this date is incorrect, the parties herein agree to pay on a basis of an actual proration. All subsequent years taxes are specifically assumed by Grantees herein.

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WITNESS our signatures, this the 2nd day of May, 2006.



Lowell J. Coleson

State of Mississippi

County of Harrison

Personally came and appeared before me, the undersigned authority in and for the aforesaid County and State on this the 2nd day of May, 2006, Lowell J. Coleson, who acknowledged that he signed and delivered the foregoing instrument of writing on the day and year therein mentioned.



Notary Public
My Commission Expires:

Address of Grantors:
408 Oaklawn Place
Biloxi, MS 39530
(228)604-3561

Address of Grantees:
905 Handsboro Drive
Gulfport, MS 39502
(228)697-3231



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The Clerk reported that she did cause to be published in The Sun Herald, a newspaper with a general circulation in the City of Long Beach and published in Harrison County, LEGAL NOTICE PUBLIC HEARING, as evidenced by the Publisher's Proof of Publication as follows:

PROOF OF PUBLICATION

STATE OF MISSISSIPPI
 COUNTY OF HARRISON

Before me, the undersigned Notary of Harrison County, Mississippi personally appeared Casey Pearson who, being by me first duly sworn, did depose and say that she is a clerk of The Sun Herald, a newspaper published in the city Gulfport, in Harrison County, Mississippi, and the publication of the notice, a copy of which is hereto attached, has been made in said paper 1 times in the following numbers and on the following dates of such paper, viz:

- Vol. 123 No., 264 dated 26 day of June, 20 07
- Vol. _____ No., _____ dated _____ day of _____, 20 _____
- Vol. _____ No., _____ dated _____ day of _____, 20 _____
- Vol. _____ No., _____ dated _____ day of _____, 20 _____
- Vol. _____ No., _____ dated _____ day of _____, 20 _____
- Vol. _____ No., _____ dated _____ day of _____, 20 _____
- Vol. _____ No., _____ dated _____ day of _____, 20 _____

LEGAL NOTICE
 PUBLIC HEARING
 In accordance with Article XII of the Comprehensive Zoning Ordinance (#344) of the City of Long Beach, Mississippi (1987) as amended, notice is hereby given advising that the Planning Commission for the City of Long Beach will hold a public hearing for the purpose of considering a Variance. Betty Barker, 505 Mansboro Place, Gulfport, Mississippi has filed an application for a Variance from the Comprehensive Zoning Ordinance. The request is to allow a five foot (5') front yard Variance on two lots. Each lot would need a Variance of 5' totaling ten feet (10'). The legal description is as follows: PLANTATION ADDITION, as per 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 4 at page 18. The public hearing to consider the above Variance will be held in the City of Long Beach, Mississippi 38580, Thursday, July 12, 2007 at 7:00 p.m. in the Long Beach. W18.a0925.1106 1571787

Affiant further states on oath that said newspaper has been established and published continuously in said country for a period of more than twelve months next prior to the first publication of said

notice JUN 27 2007

Casey Pearson
 Clerk

Sworn to and subscribed before me this 27 day of June, A.D., 20 07

Commission Expires on:
 October 15, 2007

Harold Shook
 Notary Public

Printer's Fee \$ 20.76
 Furnishing proof of publication \$ 3.00
 TOTAL 23.76

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The Clerk reported further that twenty (20) notices of Public Hearing were sent by Certified mail, return receipt requested, to property owners within two hundred (200') feet of the subject property. Said return receipts were ordered as part of the record of these proceedings.

City of Long Beach



LEGAL NOTICE

PUBLIC HEARING

In accordance with Article XII of the Comprehensive Zoning Ordinance (# 344) of the City of Long Beach, Mississippi (1987) as amended, notice is hereby given advising that the Planning Commission for the City of Long Beach will hold a public hearing for the purpose of considering a **Variance**.

Betty Barker, 905 Hansboro Place, Gulfport, Mississippi has filed an application for a variance from the Comprehensive Zoning Ordinance. The request is to allow a five feet variance from the minimum lot width of 75 feet on two new lots. The general location of the property is adjacent to Reed Lane and north of Old Pass Road. Tax parcel number 0711L-03-011. The legal description is as follows:

Lots twenty-four (24) through thirty-four (34), inclusive, Block Nine (9), Old Plantation Addition, 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.

The public hearing to consider the above variance will be held in the City of Long Beach, Mississippi, 39560, Thursday, July 12, 2007 at 7:00 p.m., in the Long Beach School District Administration Office located on Commission Road. The city encourages all residents, groups and organizations to contact the City if they have any questions concerning the petition.

/s/ signed
Chairman
Planning Commission

201 Jeff Davis • P.O. Box 929 • Long Beach, MS 39560 • 863-1556 • FAX 865-0822
www.cityoflongbeachms.com

Chris Scarborough came forward to represent Ms. Barker he stated his request was for a five foot variance from the minimum lot width on two new lots.

The Commission Chairman called for anyone who wished to speak in favor of the request and no one came forward.

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The Commission Chairman called for anyone who wished to speak in opposition to the request and the following persons came forward: David Patton, Riley Stockman, and Jack Hoyle.

Commissioner Serrato made motion seconded by Commissioner Owen and unanimously carried to close the public hearing.

After considerable discussion was had Commissioner Yandell made motion seconded by Commissioner Owen and unanimously carried to approve the request for a variance as submitted.

Planning Commissioner Advisor Bill Hessel recommended notifying, as a courtesy, all individuals who spoke in opposition as to the date Ms. Barker was to appear before the Commission for the Certificate to Resubdivision process.

After considerable discussion Commissioner made motion seconded by Commissioner and unanimoulsy carried to approve the request for a Variance.

After considerable discussion Commissioner Yandell made motion seconded by Commissioner Hare and unamiously carried to forward to the Mayor and Board of Aldermen for their approval of the mixed use district map and Pattern book for the downtown area, as requested, while the Planning Commission continues to work on the calibration i.e., setbacks, details of each district, chart of uses, etc.

The motion being put to a roll call by the Chairman, the results were as follows:

Commissioner Yandell	voted	Aye
Commissioner Sweetapple	voted	Aye
Commissioner Serrato	voted	Nay
Commissioner Hare	voted	Aye
Commissioner Owen	voted	Aye

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Commissioner Van Court	voted	Absent, Not Voting
Commissioner Rishel	voted	Absent, Not Voting
Commissioner Lipski	voted	Absent, Not Voting

The motion having received the Affirmative vote of a majority of Commissioners present and voting, the Chairman declared the motion carried.

Noted for the record Commissioner Serrato's concern of spot zoning, in the MUR-2, district which in his opinion, the City of Long Beach is not in favor of and is trying to avoid.

The next item to come before the Commisison was an appeal and objection to Building Permit #4367 for Jerry Lawnmower located at 406 Seal Avenue submitted by Deutsch, Kerrigan, and stiles on behalf of their client Peggy Joyce Blakeney as follows:

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DK&S
DEUTSCH,
KERRIGAN
& STILES

1203 Broad Avenue, Suite A
Gulfport, MS 39501
Main (228) 864-0161
Fax (228) 863-5278
vfrankiewicz@dkslaw.com
www.dkslaw.com

VICTOR J. FRANCKIEWICZ, JR.
Counselor at Law

March 6, 2007

VIA FAX: 228/865-0822
AND CERTIFIED MAIL
Office of the Building Official
c/o Ms. Mimi McMath
Zoning and Planning Commission
City of Long Beach
P.O. Box 929
Long Beach, MS 39560

VIA FAX: 228/865-0822
The Honorable William Skellie, Jr.
Mayor, City of Long Beach
P.O. Box 929
Long Beach, MS 39560

VIA FAX: 228/367-1084
James C. Simpson, Esq.
Montgomery, Barnett, Brown, Read,
Hammond, and Mintz, L.L.P.
2304 19th Street, Suite 203
Gulfport, MS 39501

VIA FAX: 228/868-8900
Frank McCreary, Esq.
City Attorney, City of Long Beach
P.O. Box 987
Long Beach, MS 39550

BY MAIL
Ms. Conchetta L. Favre
406 Seal Avenue
Long Beach, MS 39560

BY MAIL
Mr. Johnny Favre
Jerry's Lawnmower
406 Seal Avenue
Long Beach, MS 39560

Re: Appeal and Objection to #4367 Building Permit
Jerry's Lawnmower
DKS File: 00824-00001

Ladies and Gentlemen:

On behalf of our client, Peggy Joyce Blakency, and pursuant to the Long Beach Zoning Ordinance, including but not limited to Section 1204, this letter is Ms. Blakency's

Deutsch, Kerrigan & Stiles, L.L.P.

New Orleans • Monroe • Gulfport • Hattiesburg

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formal appeal and objection to the decision of the Long Beach Building Official to issue a building permit for a new structure for Jerry's Lawnmower on Willow Lane. Our understanding is that the permit was released or granted to the applicant on February 7, 2007. On behalf of Ms. Blakeney, I faxed an objection to the permit and a notion of our intent to appeal. This letter provides the particulars of the appeal and objection.

According to the Zoning Ordinance, this appeal stays all proceedings in furtherance of the issuance of that permit, and therefore construction on the property of Jerry's Lawnmower must cease. Please advise us as soon as possible whether the city agrees to require work on the building to cease while this appeal is pending, so that Ms. Blakeney can determine whether further legal action by way of injunction will be necessary.

In accordance with Section 1205 of the Zoning Ordinance, Ms. Blakeney requests that the Zoning Board of Appeals fix a time for a hearing of this objection and appeal, and that the appropriate proceedings be had as required by law.

Section 1103 of the Zoning Ordinance requires certain information to be included in an application for a building permit. By a public records request dated February 8, 2007, we sought a copy of the permit application and the actual permit issued. We received the written response to that request on February 22, 2007. From the information provided, it is clear that the permit issued violates the Zoning Ordinance in at least the particulars described in this objection and appeal. It may violate other aspects of the Zoning Ordinance, or other city ordinances, in ways that are not disclosed by the application. Ms. Blakeney reserves her right to object and appeal on other grounds if more information is eventually provided. Nonetheless, Ms. Blakeney objects and appeals on the following non-exclusive defects in the permit:

1. The current application violates Section 1103 of the Zoning Ordinance because it does not provide the necessary information to determine whether the ordinance will be complied with. As described in more particulars below, information on off-street parking, off-street loading and unloading spaces, and green space is completely missing.
2. A commercial building is not allowed on Lot 6 because of the pendency of Ms. Blakeney's appeal of the city's

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interpretation that Lot 6 is zoned as commercial. Ms. Blakeney timely appealed and filed a bill of exceptions with respect to that determination, and because of the pendency of that appeal and bill of exceptions, it was improper to issue a building permit for any commercial structure on Lot 6.

3. The building violates the setbacks required in Section 901 of the Zoning Ordinance. That section requires a 25' setback from Willow Lane. The plan submitted for the Jerry's Lawnmower permit only shows 14'. Further, Section 901 requires a minimum 15' buffer area for commercial use along the property line adjoining a residential district, and requires a fence. The boundary of the R-1 Single Family Residential district north of the Jerry's Lawnmower site is along the southern right-of-way of Willow Lane. Therefore, even if the 25' setback from the street were not required, the 15' setback from this district would kick in, and a fence as a visual barrier must be erected along the north property line of the Jerry's Lawnmower property. The plans do not show such a fence.
4. The permit issued violates the off-street parking requirements in Section 801 of the Zoning Ordinance. The permit provides for a 7,500-square-foot building. The Zoning Ordinance's off-street parking regulations require one off-street space for every 300 square feet of gross floor area, which translates to 25 parking spaces for the proposed building. The ordinance requires that all spaces be paved, provided with wheel stops or curbs, and located off the right-of way. The building permit does not require any of this parking and therefore violates the Zoning Ordinance. Further, the layout of the building shown on the plan submitted by Jerry's Lawnmower suggests that parking may be located in front of the building on Willow Lane. The plan shows only a 14' setback off of Willow

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Lane, which is not enough to provide the required parking area and aisle space off of the right-of-way, and cars would therefore back directly onto the roadway, which is specifically prohibited by Section 801.2.1 of the Zoning Ordinance.

5. The permit violates the off-street loading and unloading space requirements of Section 802 of the Zoning Ordinance. For a 7,500-square-foot building, Section 802.2 of the Zoning Ordinance requires three loading spaces at least 12'x50', exclusive of maneuvering area, all of which must be located off of the street right-of-way, and arranged so that vehicles are not required to back from the loading area into the street. No provisions are made in the permit for this loading and unloading space. Therefore, the permit violates the ordinance.

6. The permit violates the green space requirements of Section 801.06 of the Zoning Ordinance, as amended by Ordinance No. 402. Section 801.6 requires green space for all non-residential uses. That section defines what green space consists of, and requires that it be located within the parking area, and requires that it cover at least ten percent of the total area of parking, driveways and loading areas, sidewalks, and other circulation areas. Because no parking, loading, or circulation space is shown on the plan or on the permit, we can only estimate the green space requirement, which is as follows:

Description	Square Feet
Parking spaces and aisles (for 25 spaces, assumed to be 90-degree parking)	5,666
Loading and unloading space (three 12'x50' spaces, not including circulation space)	1,800
Total (not including circulation space)	7,466
10% Green Space	747

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In addition to the Zoning Ordinance requirements, Ordinance No. 426 imposes certain green space obligations, and requires a 4'-wide green space between parking aisles. Further, that ordinance requires particular tree spacing. None of this is provided for in either the permit application or the permit as issued.

7. The permit violates Section 908 of the Zoning Ordinance, which prohibits more than one principal building plus its accessory buildings on each lot. It is unclear from the permit just what "lot" has been permitted. The ordinance requires that a structure and all of its required off-street parking, green space, accessory structures, loading area, etc. be located on the same lot or parcel. Judging from the permit application, it appears that the "lot" for purposes of the permit is all of Lots 4 through 12, except the southern 100' of Lots 8 through 12. Assuming this is the configuration, the lot would have two principal structures: the Jerry and Conchetta Favre house, and the Jerry's Lawnmower business. (This assumes that the existing Jerry's Lawnmower facility will be demolished; if it is not, there would be three principal structures on the lot.) If the lot is divided for the purposes of the permit to cure the problem with two principal buildings on the lot, the resulting split of the lot must itself conform to the ordinance, which would require the Favres' residence according to Section 901, the residential use by the Favres' house in the C-2 district would have to comply with the R-3 regulations.
8. The permit does not comply with Ordinance 533, the recent sign ordinance adopted by Long Beach on November 21, 2006. Nothing on the permit application indicates compliance with the sign ordinance, which includes certain setback requirements.

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In addition to the particulars described above, Ms. Blakeney objects to the issuance of any certificate of occupancy for the proposed building until all provisions of the Zoning Ordinance, and other related city ordinances, have been complied with. Section 1104 of the building ordinance prohibits a certificate of occupancy in this situation.

In further support of this objection and appeal, Ms. Blakeney submits the following information and attachments:

1. Name and address of appellant and abutting and opposite property owners of record:

Peggy Joyce Blakeney
109 Willow Lane
Long Beach, MS 39560
(Ms. Blakeney is the property owner opposite on Willow Lane.)

Long Beach Medi-Center Condo
LaRosa Road
Long Beach, MS 39530
c/o Nick B. Roberts, Jr.
Agent for Service
2301 14th Street, #720
P.O. Box 1116
Gulfport, MS 39501
(Abutting property to the south.)

George V. & Elaine Ellers Trustee
105 LaRosa Road
Long Beach, MS 39560
Mailing address:
18106 Allen Road
Long Beach, MS 395360
(Abutting property to the south.)

There are no other abutting property owners except the applicant/owner of the building proposed.

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Upon the recommendation of Planning Commissioner Advisor Bill Hessell it was agreed upon that the Commission could not legally make a decision regarding this matter without the Building Official being present at the meeting.

After considerable discussion Commissioner Owen made motion seconded by Commissioner Serrato and unanimously carried to direct the Building Official to respond in writing to each of the issues listed on the appeal and objection that was filed and provide them with a date of when he is available to address the Planning Commission in a meeting.

The next agenda item was the directions from the Mayor and Board of Aldermen directing the Planning Commission to expedite a rough draft of the “hybrid” smart code plan this decision was discussed in an aforementioned agenda item.

There came on for Planning Commission approval a request for a Home Occupation submitted by Tim and Carrie Harrison of 904 Catherine 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



Recorded Warranty DEED

APPLICATION FOR CASE REVIEW

- I. TYPE OF CASE REQUEST
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 - B. Planning Commission Approval
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 - 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: 904 CATHERINE
 House number and street name

III. Statement clearly explaining the request being made for case review. (Attach supplemental pages if necessary.) CARPET
CLEANING SERVICE INCOMING CALLS ONLY, NO EMPLOYE, NO RETAIL

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 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.

TIM + CARRIE HARRISON 904 CATHERINE Long Beach
 Name of Owner(s) Mailing Address

LONG BEACH, MS. 39560 863-2133
 City State Zip Telephone (H) Office

[Signature] 7-20-07 \$ 80.00
 Signature of Owner(s) Date Fee

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

- A. Please attach a site plan showing the land area which would be affected, easements bounding and intersecting the designated area, the location of existing and proposed structures, off-street parking and other supporting open facilities and the ground area to be provided and continuously maintained for the proposed structure or structures.
- B. Please attach a development schedule indicating the time schedule for the beginning and completion of development planned in the area. If the development is planned in stages, the time schedule shall indicate the successive stages and the development planned for each stage. (FOR RE ZONING ONLY)
- C. The setback requirement for all signs is measured from the leading edge of the sign or the portion of the sign close to the property line. If requesting a variance from the setback requirements for a sign, also indicate the elevation and size of the proposed sign.
- D. Applicant should appear personally or through his/her agent at the scheduled hearing.
- E. Claims of support or "no objection" from owner(s) of adjoining property should be substantiated in writing or by the appearance of such owner(s) at the hearing. Such support is usually considered material but not conclusive.

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

STATE OF MISSISSIPPI 1573 PAGE 323

COUNTY OF HARRISON
FIRST JUDICIAL DISTRICT



[Signature]
3rd Judicial District
Instrument Number 2002 1380 D
Filed 2 28 2002 8 12 A
Total Fees \$ 8.00
Book 1573 Page 323-324
Recorded 02-27-02



WARRANTY DEED

For and in consideration of the sum of Ten Dollars (\$10.00) cash in hand paid and other good and valuable considerations, the receipt and sufficiency of all of which is hereby acknowledged, I, MARIA M. McFALL, a single person, do hereby sell, convey and warrant unto TIMOTHY R. HARRISON, SR. and wife, CARRIE L. HARRISON, as joint tenants with full rights of survivorship and not as tenants in common, the following described real property situated in Harrison County, Mississippi, described as:

Lot 14, Block 2, REINIKE 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 21 at Page 26.

The above described property is conveyed subject to restrictions, reservations and easements of record.

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 proration as of this date is incorrect, the parties herein agree to pay on a basis of an actual proration. All subsequent years taxes are specifically assumed by the Grantees herein.

WITNESS my signature this 14th day of February, 2002.

[Signature: Maria M. McFall]

MARIA M. McFALL

STATE OF NEW YORK
COUNTY OF New York

BOOK 1573 PAGE 324

Personally came and appeared before me, the undersigned authority in and for the jurisdiction aforesaid, the within named MARIA M. McFALL, who acknowledged that she signed and delivered the above and foregoing instrument of writing on the day and year therein written.

Given under my hand and official seal of office this 14th day of February, 2002.

[Signature: Julius Byrne III]

NOTARY PUBLIC
My commission expires: June 20, 2003

GRANTOR: 60 Pitt Street, Apt. 2C
New York, NY 10002
(212) 982-0017

GRANTEE: 904 Katherine Avenue
Long Beach, MS 39560
(228) 963-2133

Julius Byrne III
Notary Public, State of New York
Qualified in New York County
Commission Expires June 20, 2003

THIS INSTRUMENT PREPARED BY:
Julien K. Byrne III
P.O. Box 179
Pass Christian, MS 39571
(228) 452-9408

INDEX AS FOLLOWS:
Lot 14, Block 2, REINIKE SUBDIVISION,
Harrison County, First Judicial District, Mississippi

02-12120 Harrison

CERTIFIED TRUE COPY
JOHN McADAMS
CLERK CHANCERY COURT
HARRISON COUNTY, MISS.
First Judicial District
By *[Signature]*

MINUTES OF JULY 12, 2007
LONG BEACH PLANNING COMMISSION

Mr. Harrison came forward to state his aforesaid request. He stated he has read and will comply with Section 912 of the City of Long Beach Zoning Ordinance 344.

After discussion Commissioner Serrato made motion seconded by Commissioner Owen and unanimously carried to approve the Home Occupation provided the applicant complies with Section 912 of the Zoning Ordinance and all other applicable sections of the City of Long Beach Zoning Ordinance 344.

It came on for discussion the forty-five foot (45') Height Limit Maximum in a R-2, Medium Density Residential District Commissioner Yandell made motion seconded by Commissioner Hare that the forty-five foot (45') height limit shall begin from the City's adopted BFE when constructing a new residence. The Planning Commission instructed Planning Commission Advisor Bill Hessell to prepare the proper Legal documents to amend the ordinance as mentioned.

There came for Planning Commission approval a request for Preliminary Plat approval for Harris Estates submitted by Rick Harris as follows:

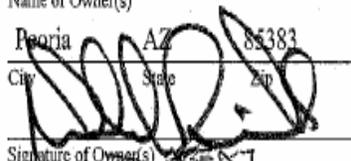
MINUTES OF JULY 12, 2007
LONG BEACH PLANNING COMMISSION

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
 - 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:
Old Pass Christian Rd. & Lewis Ave.
 House number and street name
- III. Statement clearly explaining the request being made for case review. (Attach supplemental pages if necessary.)
 General Plan Approval for New 21 Lot Subdivision
- IV. Legal Description of Land Involved. (Complete either A or B below.) see attached
- 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 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.

<u>Rick Harris</u> Name of Owner(s) <u>Peoria AZ 85383</u> City State Zip  Signature of Owner(s)	<u>9612 W. Cielo Grande</u> Mailing Address <u>623-825-2609</u> Telephone (H) Office May 21, 2007 <u>July 6, 2007</u> Date \$ <u>300.00</u> Fee
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- NOTATION: The following attachments must be submitted with application. If applicable:
- A. Please attach a site plan showing the land area which would be affected, easements bounding and intersecting the designated area, the location of existing and proposed structures, off-street parking and other supporting open facilities and the ground area to be provided and continuously maintained for the proposed structure or structures.
 - B. Please attach a development schedule indicating the time schedule for the beginning and completion of development planned in the area. If the development is planned in stages, the time schedule shall indicate the successive stages and the development planned for each stage. (FOR REZONING ONLY)
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 - D. Applicant should appear personally or through his/her agent at the scheduled hearing.
 - E. Claims of support or "no objection" from owner(s) of adjoining property should be substantiated in writing or by the appearance of such owner(s) at the hearing. Such support is usually considered material but not conclusive.

MINUTES OF JULY 12, 2007
LONG BEACH PLANNING COMMISSION



A. GARNER RUSSELL & ASSOCIATES, INC. / CONSULTING ENGINEERS

520 53RD STREET, GULFPORT, MS 39507
P.O. BOX 1677, GULFPORT, MS 39502

TEL (228) 863-0667
FAX (228) 863-6232



July 12, 2007

Planning Commission
City of Long Beach
P.O. Box 929
Long Beach, MS 39560

RE: Harris Estates Subdivision

Gentlemen:

We have received the revised plans for the referenced subdivision and have a few comments, summarized below:

1. The proposed drainage box and swale at the northeast corner of the property does not appear to be at the correct grade to properly drain the surrounding area, which appears lower to the east. There appears to be some drainage that naturally flows to that corner from the surrounding area, which should be collected by the subdivision drainage system.
2. A 15' drainage easement will be required between Lots 14 & 15.
3. The "Sign Installation Detail" should include a note that all signs should conform to MUTCD requirements and to require a galvanized pole.

Although there are still changes required, we recommend approval of the subdivision at this time, contingent upon the submission of revised construction plans before construction begins.

Sincerely,

David Ball, P.E.

DB:539

MINUTES OF JULY 12, 2007
LONG BEACH PLANNING COMMISSION

LONG BEACH FIRE DEPARTMENT

Subdivision/Site Inspection Form

Subdivision and/or Site: Harris Estates

Address or Location: E. Old Pass Rd

Subdivision Site and Acceptance Test

For all new subdivisions located within the City of Long Beach, a minimum of \$80.00 plus \$20.00 per fire hydrant shall be levied. This fee includes initial site plan review, with the inspection and test on each hydrant for the final acceptance test. The fee is payable upon submittal of the initial plans for review to the Long Beach Building Code Office.

Site Plan

Preliminary Site Plan Review Date: 07/09/07

Preliminary Site Plan: Accepted Rejected

Hydrants Test

Water Main Size: 8 Inch

Accepted: Rejected

Hydrant Number: # 1

Location:

Gallons per Minute: Not Tested

Accepted: Rejected:

Hydrant Number:

Location:

Gallons per Minute:

Accepted: Rejected:

Hydrant Number:

Location:

Gallons per Minute:

Accepted: Rejected:

Hydrant Number:

Location:

Gallons per Minute:

Accepted: Rejected:

** All hydrants will be tested before the final acceptance is given on the site plan. Please make sure all water valves are turned on. **

Reviewed by: Mike Brown  Date: 07/09/2007

Fee: \$100.00

Protecting Life and Property

Donald Welch came forward to answer any questions regarding the Subdivision. He stated he was aware of the City Engineer's recommendations and would comply.

Commissioner Serrato made motion seconded by Commissioner Owen and unanimously carried to approve the Preliminary Plats as submitted provided the applicant complies with all recommendations of the City Engineer and Fire Marshall.

MINUTES OF JULY 12, 2007
LONG BEACH PLANNING COMMISSION

After considerable discussion a work session was scheduled for Thursday, July 19, 2007 at 6 p.m. at the City Hall Complex, 645 Klondyke Road, Long Beach, MS to discuss the Master Plan and Smart Code.

There being no further business to come before the Planning Commission at this time Commissioner Yandell made motion seconded by Commissioner Sweetapple and unanimously carried to adjourn until the next regularly scheduled meeting in due course.

Frank Olaivar, Commission Chairman Date

Attest

Veronica Howard

Permit Clerk