MINUTES OF AUGUST 9, 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, August 9, 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, Dale Hare, Roderick Rishel, Tony Vancourt, William Owen, David Serrato, Jacquie Lipski, Building/Code Official Earl Levens, and minute clerk Veronica Howard.

Commissioner Joseph Sweetapple and Planning Commissioner Advisor Bill Hessell 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 6:30 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 August 21, 2007 and subject to a ten-day appeal for a Public Hearing.

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Noted for the record the following from the Mayor and Board of Aldermen meeting of August 8, 2007: Alderman Holder made motion seconded by Alderman Lishen and unanimously carried to approve the regular meeting minutes of the Planning Commission dated July 26, 2007, noting for the record that the request submitted By Carol Harmon on behalf of William Kane for construction of a duplex on property located at 1300 Old Pass Road is not a "replacement" since the

pre-existing structure was a single-family dwelling. In addition, the request submitted by Nunzio Carrubba for a mobile office at 580 Klondyke Road depicts a 40'-0" x 11'-8" trailer and the trailer size as requested by Mr. Carrubba is stated as being 20' x 30' trailer.

Commissioner Yandell made motion seconded by Commissioner Hare and unanimously carried to approve Planning Commission Minutes of July 12, 2007, with the following amendments to the minutes: Page 16 1st paragraph should read, "Mr. Carrubba came forward to state his request, he stated he was asking for approval to place a 40' X 8 ½' trailer on a lot located at 580 Klondyke Road to operate his business from for a period of 6 months, until the owner Jerry Paige was able to have a permanent 20' X 30' metal, stucco front building built on the lot.

Commissioner Vancourt made motion seconded by Commissioner Hare to approve the Long Beach Zoning Board of Appeals minutes from the appeal and objection hearing of July 31, 2007.

After considerable discussion the Planning Commission members agreed to a work session scheduled for August 13, 2007 at 5 p.m. at the Central Fire Station in the training room.

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The first item on the agenda under OLD BUSINESS was Planning Commission approval to operate a business out of a trailer on a lot located at 580 Klondyke Road submitted by Nunzio Carrubba as follows:

MINUTES OF AUGUST 9, 2007
LONG BEACH PLANNING COMMISSION

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. 0 Zoning Change
- B. X Planning Commission Approval
- C. 0 Special Exception Use
- D. 0 Variance Request
- E. 0 Change in Use
- F. 0 A Decision of the Building Official is Alleged to be in Error
- G. 0 Interpretation of the Zoning Ordinance
- H. 0 Home Occupation (attach copy of Deed or lease)

II. Property Location: 580 Klondyke RD
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:

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.

Nunzio J. Arcubra	739 E Pass Rd Gulfport MS 39507
Name of Owner(s)	Mailing Address
	861-4555 897-5488
City State Zip	Telephone (H) Office
[signature]	7/18/07 $50.00
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 AUGUST 9, 2007
LONG BEACH PLANNING COMMISSION

VARIANCE SUPPLEMENTAL APPLICATION
PAGE 2

STATE REQUEST

Describe any special condition that justify the granting of this variance request and are peculiar toe 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?

To Operate Coast Fun Machines LLC.
FOR A PERIOD OF 6 months while Building
is Constructed

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.

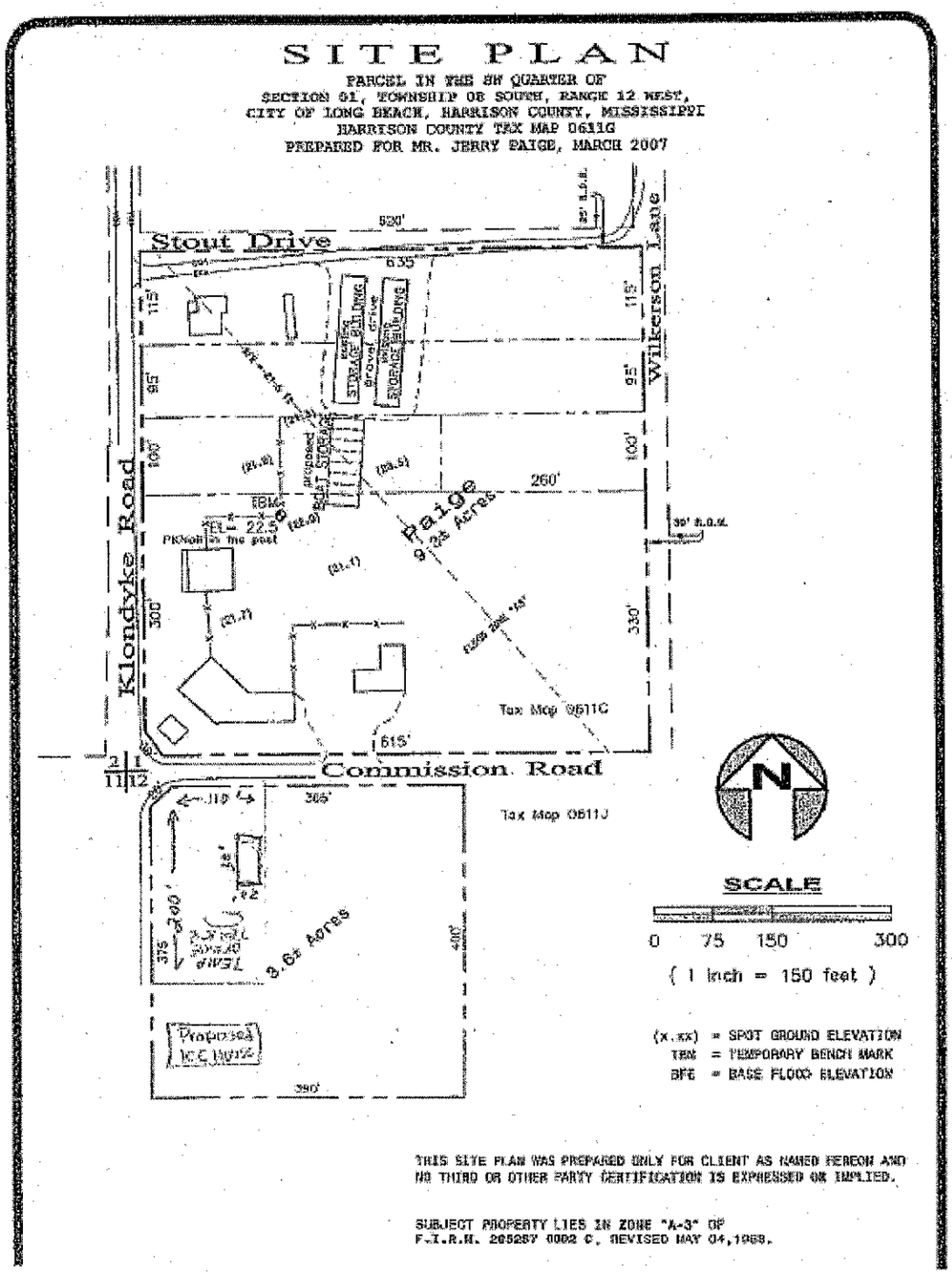
Show that an unnecessary hardship exists due to the character of the property and that this hardship makes the request for the variance necessary. State what hardship is caused if the applicant is required to meet code requirements? What is the result of this hardship? What would result if the Zoning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

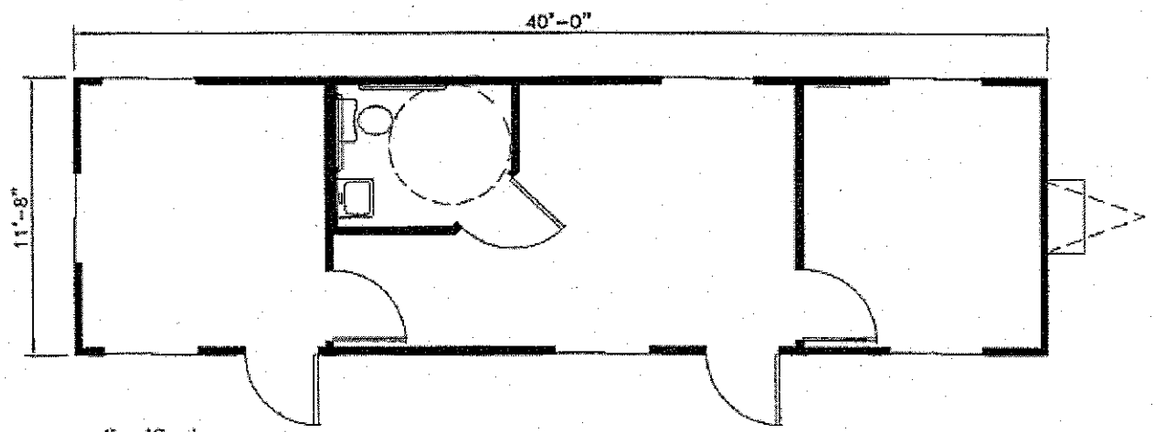
Show that denial of this request will deprive the applicant of rights commonly enjoyed by other properties in the general area and that the granting of this variance request will make possible the reasonable use of land while not conferring any special privilege. Outline how the subject of the variance 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 ORDIANCE NO. 344 SECTION 912. HOME OCCUPATION.

MINUTES OF AUGUST 9, 2007
LONG BEACH PLANNING COMMISSION





Specifications

Size(s)
- 44' Long (including hitch)
- 40' Box size
- 12' Wide
- 8' Ceiling height

Interior Finish
- Paneled walls
- Vinyl tile floors
- Gypsum ceiling
- Wide open sheets available

Electric
- Fluorescent ceiling lights
- Breaker panel

Windows/Door
- Horizontal slider windows
- Vision panel door with standard lock

Heating and Cooling
- Electric heat in Central AC Unit
- Central AC Unit

Exterior Finish/Frame
- Aluminum siding
- I-beam frame
- Standard drip rail gutters

Additional floor plans available. Floor plans and specifications may vary from those shown and are subject to in-stock availability.

WILLIAMS SCOTSMAN
Mobile Offices • Storage Products And More

Mobile Office 44x12 SM

WILLIAMS SCOTSMAN, INC.
8550 Bellingrath Road
Theodore, AL 36582
Phone: 251-653-0510
Fax: 251-653-0599
Toll free: 800-782-1500

MINUTES OF AUGUST 9, 2007
LONG BEACH PLANNING COMMISSION

LONG BEACH RENTALS, LLC
18308-C COMMISSION ROAD - LONG BEACH, MS 39560
(228) 864-6875 (Office) (228) 697-3794 (Cell)

This Rental Agreement made between Long Beach Rentals, LLC, a company doing business in Harrison County, State of Mississippi, hereinafter called "Lessor", and Numpo Carubba (Hereinafter called "Lessee") whose address is _____ SS# 426-92-1647 DL#_____.

Lessor does hereby demise and lease unto Lessee ~~storage no~~ 580 Klondyke Rd size LB MS. 39560 in building known as Long Beach Rentals, LLC, Long Beach, Mississippi to be used as a storage room for storing personal property, to have and to hold for a period of 1 year ~~month~~, beginning on the 1st day of Sept, 2007, Lessee paying unto Lessor the sum of 1500.00 per month, **payable one month in advance to Lessor at 18308-C Commission Road, Long Beach, Mississippi 39560 as rent for the use of said premises. If rent is not paid within 5 days of month due, a 10 percent (10%) late charge will be added to the amount due.**

Lessor will hereby build a 20' by 30' office building upon property. This building will be started as soon as possible and completed by December 31, 2007. Lessor will supply a temporary office trailer in accordance with the lease until office building is completed.

LESSEE EXPRESSLY AGREES AND COVENANTS WITH LESSOR THAT:

1. He will not use the demised premises for an unlawful purpose; that he will pay the rent each month as it becomes due; that he will keep the demised premises in good condition (usual wear and depreciation excepted); that he will not store explosive or highly inflammable material or goods on the demised premises without the written consent of Lessor.

2. Lessee will at his expense obtain insurance on the property stored on the demised premises, and that Lessor shall not be responsible for any damage or loss to said property caused by fire, water, theft, leakage, rodents, or from any hazard or cause whatsoever; that Lessor and Lessee each forfeit and waive any right of action that he may later acquire against the other for loss or damage to his property where such loss is caused by fire or any of the hazards insured by the standard extended coverage endorsement that arises out of or is connected with the leasing of the demised premises.

3. Lessor or its designated agent may enter said premises when deemed necessary for inspection or repair to protect the premises and property of other parties.

4. In addition to such liens and remedies provided by law to secure and collect rent, Lessee hereby grants to Lessor a lien and security interest upon all of Lessee's property, now or at any time hereafter stored on the demised premises, and in case of default in the payment of said rent by Lessee, Lessor is authorized to seize and take possession of said property and place Lessor's lock on the door of the demised premises, and after due notice to Lessee as provided herein, if the rent is not paid within the time specified in said notice, sell the property at public or private sale, according to the notice given, for the payment of said rent, and from the proceeds of such sale may be applied by Lessor against his lien, including the reasonable cost of such sale.

5. Notice shall be in writing setting forth an itemized statement of the amount of the indebtedness, and shall be delivered in person or forwarded by certified or registered mail addressed to Lessee at the address set forth below (or such other address Lessee shall furnish Lessor in writing), and shall contain a demand for the payment of said rent on or before a day mentioned not less than 10 days from delivery of the notice if it be personally delivered or from the time when the notice should reach its destination according to due course of post if sent by mail, and a statement that unless the rent is paid within the time specified, the property will be sold at specified place. Charge incurred by Lessor to deliver/mail such letters will be added to the itemized

statement of indebtedness.

6. Should Lessee hold and retain possession of the demised premises after the expiration of this lease, his occupancy of the demised premises shall be as a tenant from month to month, and that all the covenants and conditions contained herein shall continue in full force and effect so long as Lessee holds over and retains possession of the demised premises.

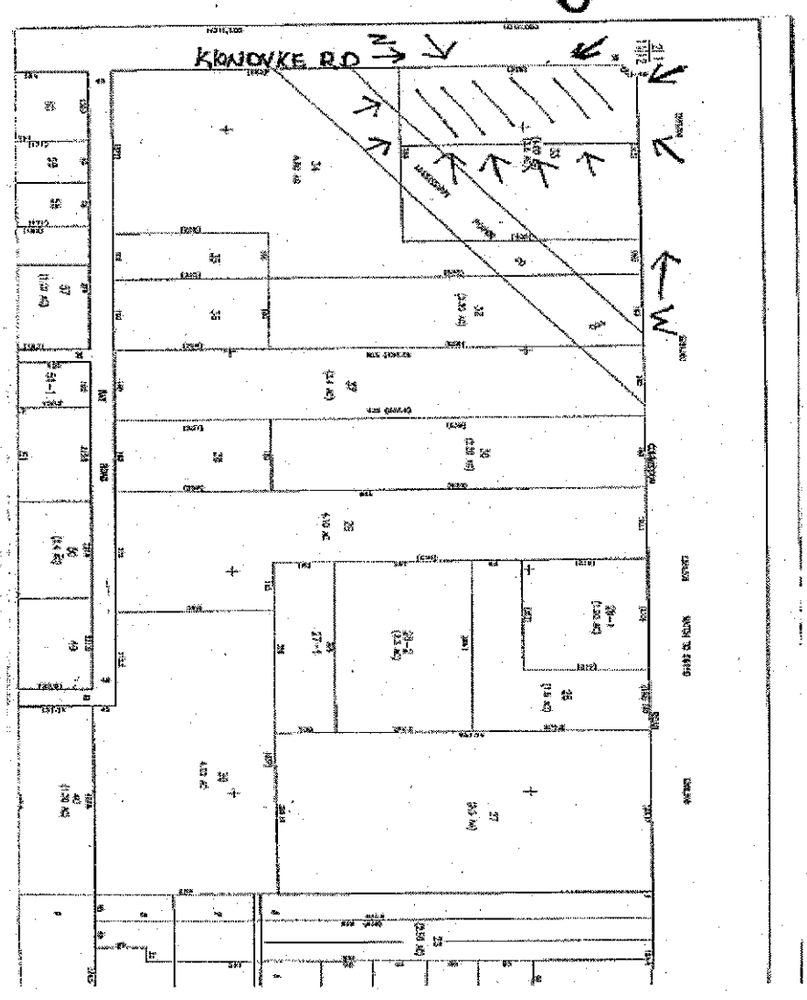
7. In the event of breach of any of the foregoing covenants and conditions by Lessee, Lessor may, at the option of Lessor, terminate this lease. Rental units to be used only for storage.

LESSEE: **LESSOR:**

PRINT NAME [illegible] **LONG BEACH RENTALS, LLC**

SIGNATURE [illegible] **By:** [illegible] (office manager)

VACINITY MAP FOR 580 Klondyke RD



MINUTES OF AUGUST 9, 2007
LONG BEACH PLANNING COMMISSION

After considerable discussion Commissioner Serrato made motion seconded by Commissioner Hare and unanimously carried to approve the request submitted pursuant to Zoning Ordinance #344, Article X, Section 1005 TEMPORARY AND PORTABLE BUILDINGS AND STRUCTURES.

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The next agenda item was Planning Commission approval to place an ice vending machine at the SE corner of Klondyke and Commission Road (580 Klondyke Road) submitted by Mark Hunt 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. 0 Zoning Change
B. X Planning Commission Approval
C. 0 Special Exception Use
D. 0 Variance Request
E. 0 Change in Use
F. 0 A Decision of the Building Official is Alleged to be in Error
G. 0 Interpretation of the Zoning Ordinance
H. 0 Home Occupation (attach copy of Deed or lease)

II. Property Location: corner of Klondyke & Commission 580 Klondyke RD
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:
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.

Name of Owner(s): Mark Hunt
Mailing Address: 19322 Deer Park Baton Rouge LA 70817
City: BR State: LA Zip: 70817
Telephone (H): 225-315-2863 Office:
Signature of Owner(s): [signature]
Date: 07/17/07 Fee: $50.00

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.

VARIANCE SUPPLEMENTAL APPLICATION
PAGE 2

Describe any special condition that justify the granting of this variance request and are peculiar toe 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?

* permission to place ice vending machine at the SE corner of Kloedyke & commission

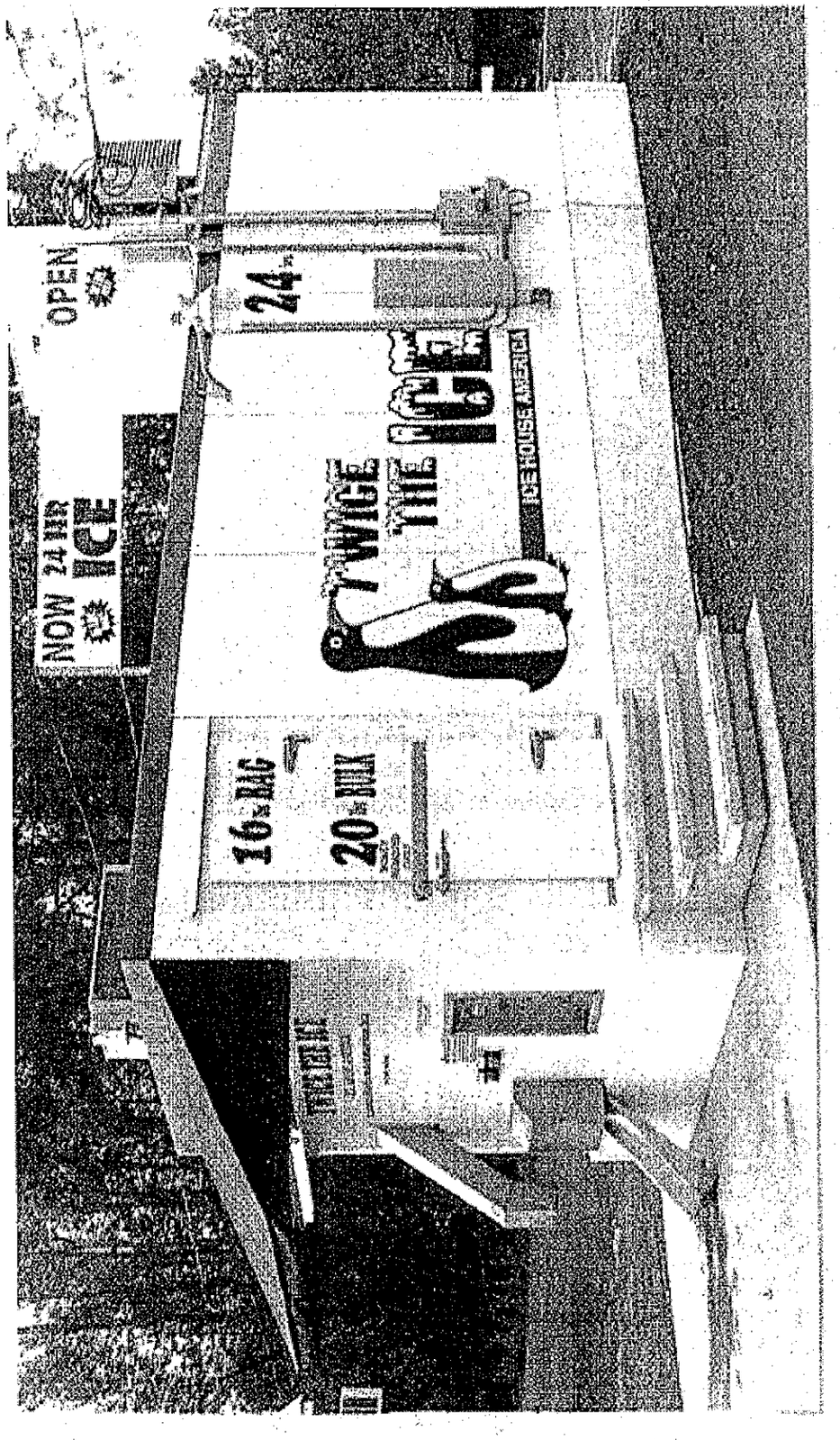
Describe how the special condition discussed in #1 above is not the result of actions taken by the applicant. Show that the applicant did not cause the need for this variance request.

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?

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.

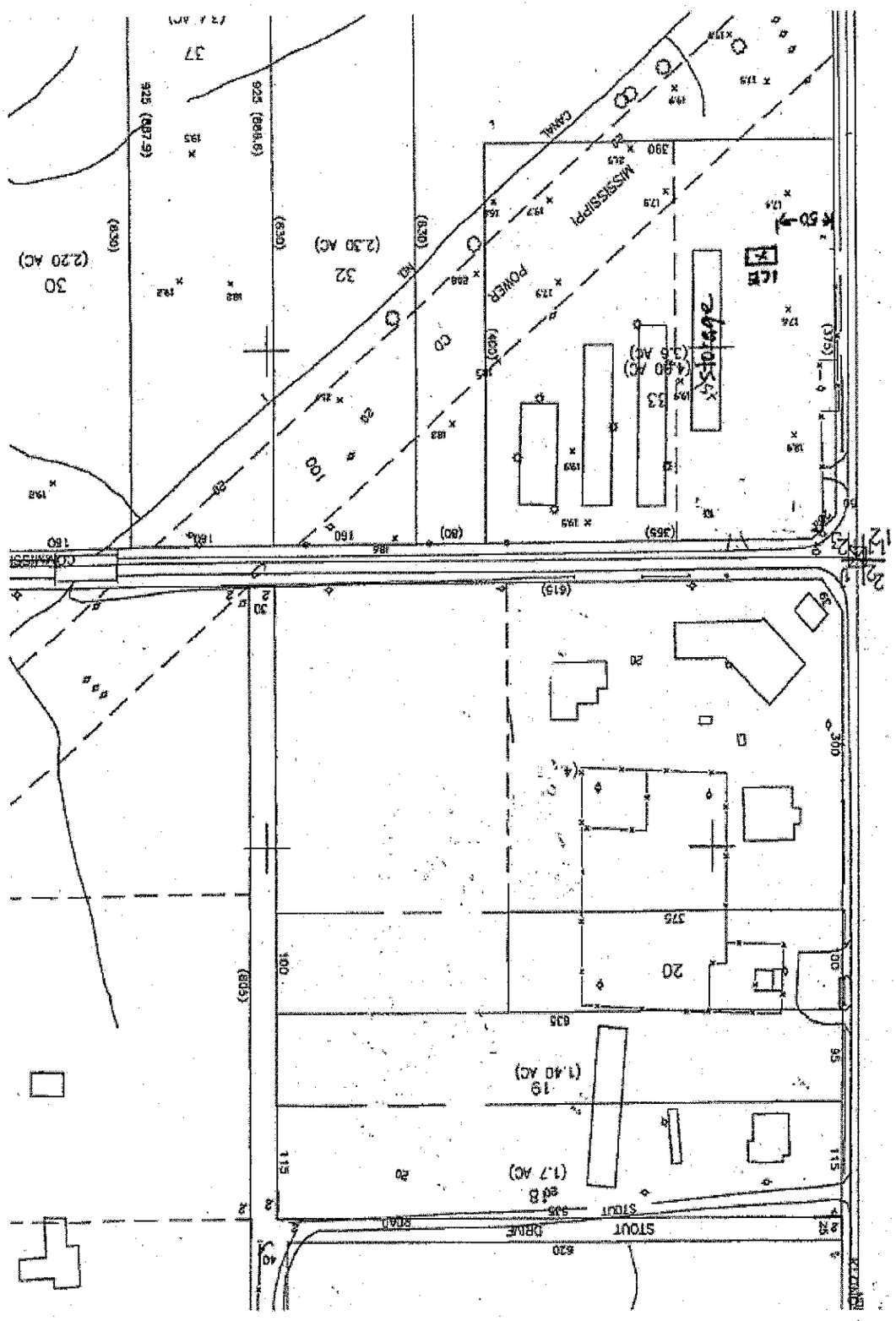
FOR HOME OCCUPATION ONLY!

I_____HAVE READ, UNDERSTAND AND AM WILLING TO COMPLY WITH ZONING ORDIANCE NO. 344 SECTION 912. HOME OCCUPATION.


OPEN
NOW 24 HR
ICE
24
TWICE
THE
ICE
ICE HOUSE AMERICA
16 BAG
20 BULK

MINUTES OF JULY 26, 2007

LONG BEACH PLANNING COMMISSION



MINUTES OF JULY 26, 2007

LONG BEACH PLANNING COMMISSION

LEASE AGREEMENT

This Lease Agreement (the "Lease") is made and entered into this 20 day of June, 20 07, by and between Long Beach Realty, hereinafter referred to as "Landlord," and MA Hunt LLC, hereinafter referred to as "Tenant", sometimes collectively referred to as the "Parties."

WITNESSETH:

For and in consideration of the rent to be paid by Tenant to Landlord, and other good and valuable consideration, the Parties hereto do hereby understand and agree as follows:

1. **PREMISES.** Landlord hereby rents to Tenant and Tenant rents from Landlord that certain area constituting approximately 700 square feet (hereinafter referred to as the "Premises") and located within the parking lot areas of SE corner of Paradise & Commission (hereinafter sometimes referred to as the "Shopping Center"); the approximate location of the Premises is designated on Exhibit A-1 attached hereto and made a part hereof.

2. **TERM.** Landlord does hereby lease to Tenant and Tenant rents from Landlord the Premises for a period commencing on the earlier of N/A, or the date the Tenant's business has been fully and completely installed by Tenant (herein the "Commencement Date"), and said period unless sooner terminated as herein provided, shall end on the 31st day of Dec, 20 22 (the "Lease Term"). Tenant shall use the Premises solely for the purpose of installing, maintaining and operating the business of a retail ice manufacturing, sale and distribution (the "Business"). Tenant has the absolute right to cancel this lease with thirty (30) days written notice to the Landlord.Tenant shall have evergreen options to renew this Lease for a term of one (1) year for each option, upon all the terms, covenants, and conditions set for herein.

3. **RENT.** Beginning with the Commencement Date and continuing during the Lease Term and any extensions thereof, Tenant shall pay to Landlord monthly rent (the "Rent") in the amount of [redacted]. Said Rent payments shall be made by Tenant on or before the first day of each month and shall be delivered to the Landlord's address as set forth in Section ___.

4. **PARKING.** Tenant is granted the non-exclusive rights to a reasonable number of parking places around the Premises and the exclusive right to two (2) parking spaces for delivery and/or other activities to fulfill the Tenant's business needs.

5. **CONSTRUCTION.** The Parties understand and agree that Tenant, at Tenant's sole cost and expense, shall construct and/or install Tenant's Business at the Premises. Any special construction or alterations which are needed to or within the Shopping Center in or around the Premises, which construction or alterations are necessary for the installation and operation of said Business, shall be done by Tenant at Tenant's sole cost and expense.

6. **SIGNS AND LIGHTING.** Tenant may install and maintain at Tenant's sole cost, such signage or lighting which the Business requires or which is desired by Tenant, in its discretion.

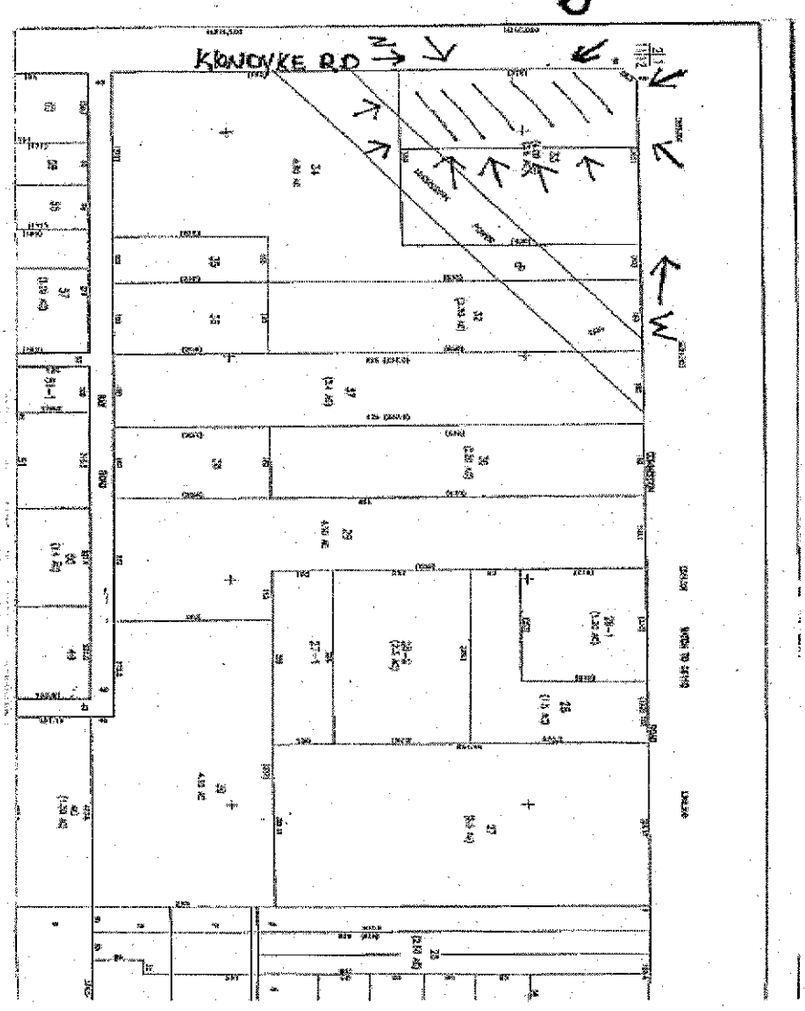
7. **UTILITIES.** Tenant shall be responsible for obtaining and paying for all utilities

RESPECT TO THE PREMISES. TENANT HEREBY ACKNOWLEDGES THAT IT HAS READY THIS LEASE THOROUGHLY AND FULLY UNDERSTANDS THE TERMS, COVENANTS AND CONDITIONS OF THIS LEASE.

IN WITNESS WHEREOF, Landlord and Tenant have caused this Lease to be executed in their names by their duly authorized officers therein.

Landlord:	Tenant:
By: DRA	By:
Its: Long Beach Realty LLC	Its:

VACINITY MAP FOR 580 Klondyke RD



MINUTES OF AUGUST 9, 2007
LONG BEACH PLANNING COMMISSION

After careful discussion Commissioner Yandell made motion seconded by Commissioner Owen and unanimously carried to approve the ice vending machine contingent upon their sign conforming to the Sign ordinance #533.

The next agenda item was Planning Commission approval to build a church in a C-2 zone district submitted by St. Patrick's Episcopal Church as follows:

CITY OF LONGBEACH, MISSISSIPPI
PO BOX 529
201 JEFF DAVIS AVENUE
TELEPHONE 228-863-1554
FAX 228-865-0822
[illegible]

JOINDER IN APPLICATION FOR CASE REVIEW

I. TYPE OF CASE REQUEST
A. 0 Zoning Change
B. 0 Planning Commission Approval
C. SX Special Exception Use
D. 0 Variance Request
E. 0 Change in Use
F. 0 A Decision of the Building Official is Alleged to be in Error
G. 0 Interpretation of the Zoning Ordinance
H. 0 Home Occupation (attach copy of Deed or lease)

II. Property Location: Klondyke Road
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: Lots 1, 2, 3, 4, 5 and 6, Block 4, Cox's 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.

St. Patrick's Episcopal Church — P.O. Box 550
Name of Owner(s) Co-Applicant — Mailing Address

Long Beach, MS 39560 — (228) 863-7882
City State Zip — Telephone (H) Office

Linda McCulloch — 8-1-07 — $50.00
Signature of Owner(s) Co-Applicant, Date Fee

Linda McCulloch, Sr. Warden of the Vestry (Trustees) of St. Patrick's

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

VARIANCE SUPPLEMENTAL APPLICATION
PAGE TWO

Describe any special conditions 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 applicant is under contract to sell the property described on Page 1 of the Application ("Property") to the Trustees of the Diocese of Mississippi ("Trustees") for purposes of re-constructing St. Patrick's Episcopal Church. The contract is conditioned upon the City of Long Beach ("City") granting a special exception such that the property may be used to house the church. The Trustees, as contractual vendee, have an interest in the request and hereby join in this Application. According to the City's Table of Uses, churches are not allowed as a matter of right in any zoning district, but are allowed to build in C-2 (General Commercial) districts upon the approval of a special exception. The original home of St. Patrick's was on Highway 90 in Long Beach and was destroyed by Hurricane Katrina. St. Patrick's is attempting to rebuild its facilities on the Property so that its members, most of which are Long Beach residents, may once again have a safe and convenient place to worship.

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.

As churches are not allowed as a matter of right within any district, it is clear that the applicant did not cause the need for the variance request. Rather, the Planning Commission is required to approve the proposed use, which is permitted in the C-2 district upon the grant of a special exception. The property is bordered by R-1, R-2, and other C-2 zoned parcels. As the Long Beach Middle School and several other churches are located in the immediate vicinity of the Property, the construction of St. Patrick's will be in conformity with the surroundings.

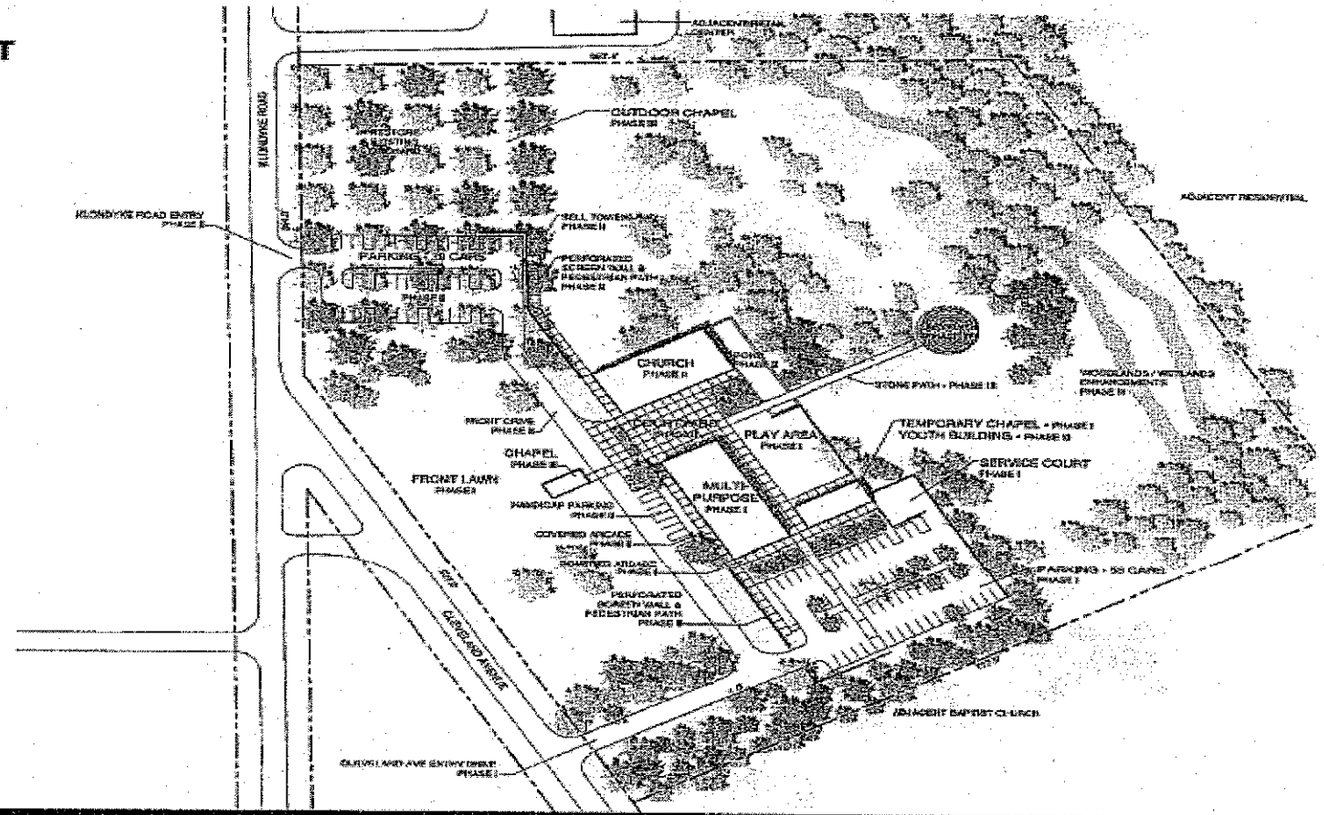
Show that an unnecessary hardship exists due to the character of the property and that this hardship makes the request for the variance necessary. State what hardship is caused if the applicant is required to meet the code requirements. What is the result of this hardship? What would result if the Zoning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

The primary hardship imposed is that absent the grant of a special exception, St. Patrick's will be unable to rebuild its church. The hardship could not be alleviated by simply planning the project for another zone, because it would have to apply for a special exception regardless of the zoning classification. If the Zoning Board was inclined to deny the request, the Trustees would not proceed with the purchase of the Property, and would then have to make a determination as to whether to rebuild in the City of Long Beach.

Show that the 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.

Churches are located on several other parcels in the vicinity of the Property. Placing a church, particularly one formerly located in Long Beach, constitutes a reasonable use of the Property, particularly given the surroundings, which primarily consist of residential homes, schools, and other churches. Presumably, the nearby churches would have received a special exception, as there is no specific zoning classification where churches are allowed by right. The proposed use of the land is reasonable, in that it conforms to both the "general commercial" zoning and the neighboring residential zones. St. Patrick's will not create an appreciative amount of daytime traffic during the week when school is in session, as would businesses which would be allowed as a matter of right. As the privilege of a special exception has been granted to the churches in the vicinity, this request is consistent with those previously granted.

PROGRAM DOCUMENT
DRAFT

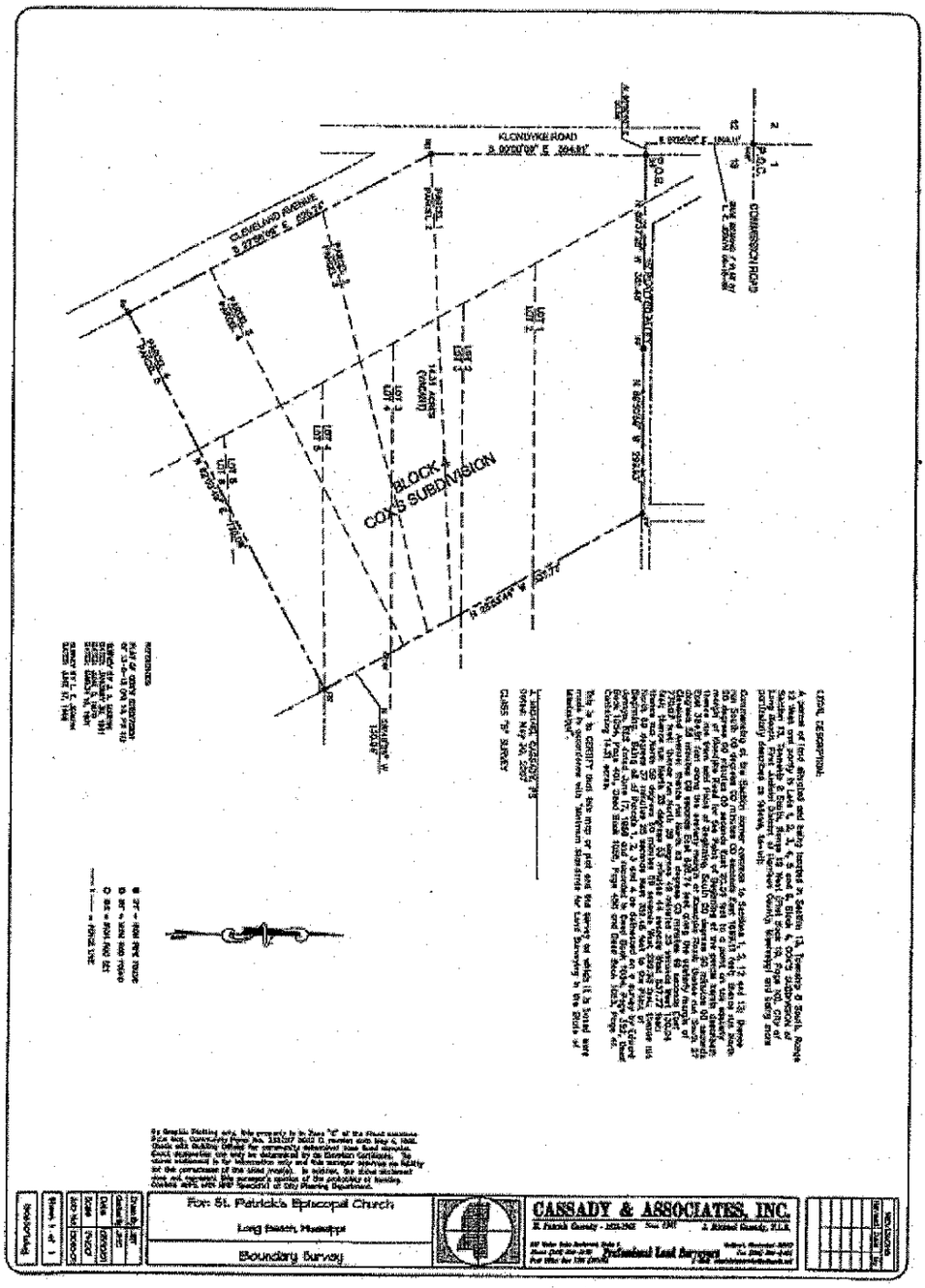


St. Patrick's Episcopal Church

LONG BEACH, MS

Eskew+Dumez+Ripple
Unabridged Architecture

May 2007



After Careful discussion Commissioner Rishel made motion seconded by Commissioner Serrato to approve the request as submitted.

The next item to come before the Commission was the approval for a Home Occupation located at 102 Pittman Drive submitted by Stephen Linhoss.

Commissioner Serrato made motion seconded by Commissioner Yandell to table this item until Mr. Linhoss or someone representing Mr. Linhoss could be present at the meeting.

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

_____

Frank Olaivar, Commission Chairman Date

Attest _____

Veronica Howard Minute Clerk