

**MINUTES OF MAY 22, 2008
RECESSED MEETING
LONG BEACH PLANNING COMMISSION**

Be it remembered that a regular scheduled 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 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 Tony Vancourt, Tonda Yandell, Barney Hill, Jacqui Lipski, Dale Hare, Zoning Enforcement Officer Ken Price, Building/Code Official Earl Levens, and Minute Clerk Veronica Howard.

Commissioners Roderick Rishel, David Serrato, Joseph Sweetapple and Planning Commission Advisor Bill Hessell were absent the meeting.

There being a quorum present sufficient to transact the business of this recessed meeting 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 June 3, 2008, and subject to a ten-day appeal time for a Public Hearing.

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After careful review Commissioner Yandell made motion seconded by Commissioner Vancourt and unanimously carried to approve the Planning Commission minutes of May 8, 2008 regular scheduled meeting as submitted.

The first item of business was a Public Hearing for a Zone Change submitted by Rick Harris as follows:

from the desk of Donald R. Welch

*18161 Lake Vista Drive
Gulfport, Ms 39503
228-297-1710*

April 29, 2008

City of Long Beach Planning Department
645 Klondyke Road
Long Beach, Mississippi 39560
Attn: Veronica Howard

RE: **Request for Zoning Change
Harris Estates, (21 Lots), at 1313 Old Pass Road**

Dear Veronica:

On behalf of Mr. Rick Harris, find attached your standard **Application For Case Review** requesting a Zoning change for the above mentioned project. My client received Preliminary Plat approval at the Planning Commission Meeting on July 12, 2007. Currently the property is zoned R1. My client is requesting a zoning change from R1 to R2. His intentions are to construct duplex homes on these lots.

Due to the economy and the struggling real estate market Mr. Harris postponed the construction of this development. With a demand of more affordable housing still needed here on the coast and had my client gone ahead with construction as it was approved, the construction costs would have driven the asking price of the proposed single family homes at higher levels above affordable. Even though construction costs are still somewhat high, if duplex units were constructed on each lot, the construction cost of the infrastructure would be less on a per unit cost basis. This would factor back into the home cost thus keeping the asking price lower hence more affordable.

Find attached the requested items:

1. Application for Case Review
2. 10 legal size copies of the Lot and Street Plan
3. Agent letter and Deed from client
4. Fee check in the amount of \$100.00.

The agent letter was part of the original submittal last year.

If you have any other questions or need any additional information, please call me at (228) 297-1710.

Sincerely,


Donald R. Welch

cc: Rick Harris

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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

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 ROAD
 House number and street name

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

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 SEE DEED

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.

RICK HARRIS 9612 W. CIELO GRANDE
 Name of Owner(s) Mailing Address

PEQUA AZ 85383 623-825-2609
 City State Zip Telephone (H) Office

[Signature] MAY 1, 08 100.00
 Signature of Owner(s) AGENT 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 REZONING 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 MAY 22, 2008
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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

**MINUTES OF MAY 22, 2008
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LONG BEACH PLANNING COMMISSION**



SCANNED

STATE OF MISSISSIPPI

COUNTY OF HARRISON



[Signature]
1st Judicial District
Instrument 2007 4584 D -J1
Filed/Recorded 5 3 2007 3 25 P
Total Fees 17.00
2 Pages Recorded

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, DENNIE TRAVIS does hereby grant, bargain, sell, convey and warrant, unto RICK HARRIS and CARLA PANACCIONE, joint tenants with full rights of survivorship and not as tenants in common, the following described property, together with the improvements, hereditaments and appurtenances thereunto situated and located in the County of Harrison, State of MS, and more particularly described as follows, to-wit:

A portion of Lots Two (2) through Seven (7) of the Gottschalk Survey in the Claude Ladnier Claim in Section 7, Township 8 South, Range 11 West, Harrison County, Mississippi, and being more particularly described as follows:

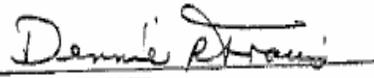
Commencing at a 1 inch iron pipe found at the Southeast corner of Lot 35, Central Beach Addition to the City of Gulfport, said point lying on the North margin of Old Pass Christian Road; thence along the North margin of Old Pass Christian Road, South 62 degrees 04 minutes 44 seconds West 122.81 feet to a flagged fence corner post at the Point of Beginning; thence continue along said North margin, South 62 degrees 40 minutes 39 seconds West 321.81 feet to a iron rod found; thence North 28 degrees 53 minutes 17 seconds West 294.04 feet to a iron rod found; thence South 65 degrees 32 minutes 34 seconds West 254.60 feet to a iron rod found lying on the West boundary line of Lot 2 of the Gottschalk Survey; thence along said West boundary of Lot 2, North 28 degrees 56 minutes 32 seconds West 284.76 feet to a point; thence North 61 degrees 04 minutes 50 seconds East 575.47 feet to a point lying on the East boundary of Lot 7 of the Gottschalk Survey; thence along said East boundary of Lot 7, South 28 degrees 55 minutes 10 seconds East 607.57 feet to the Point of Beginning. Said parcel contains 6.17 acres.

The above described property does not constitute the homestead of the Grantor herein.

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.

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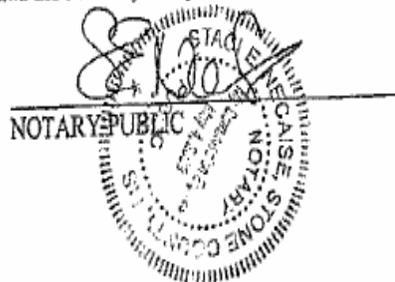
WITNESS THE SIGNATURE of the Grantor on this the 30th day of April, 2007.


DENNIE TRAVIS

STATE OF MISSISSIPPI
COUNTY OF HARRISON

THIS DAY personally appeared before me, the undersigned authority in and for the jurisdiction aforesaid, DENNIE TRAVIS, who acknowledged that he signed, executed and delivered the above and foregoing instrument as his voluntary act and deed on the day and year therein mentioned.

GIVEN under my hand and official seal on this the 30th day of April, 2007.



(SEAL)

My Commission Expires:

ADDRESS OF GRANTOR:
POST OFFICE BOX 1248
VAN, TX 75790
(228) 365-1538

ADDRESS OF GRANTEEES:
9612 W CIELO GRANDE
PEORIA, AZ 85388
(623) 825-2609

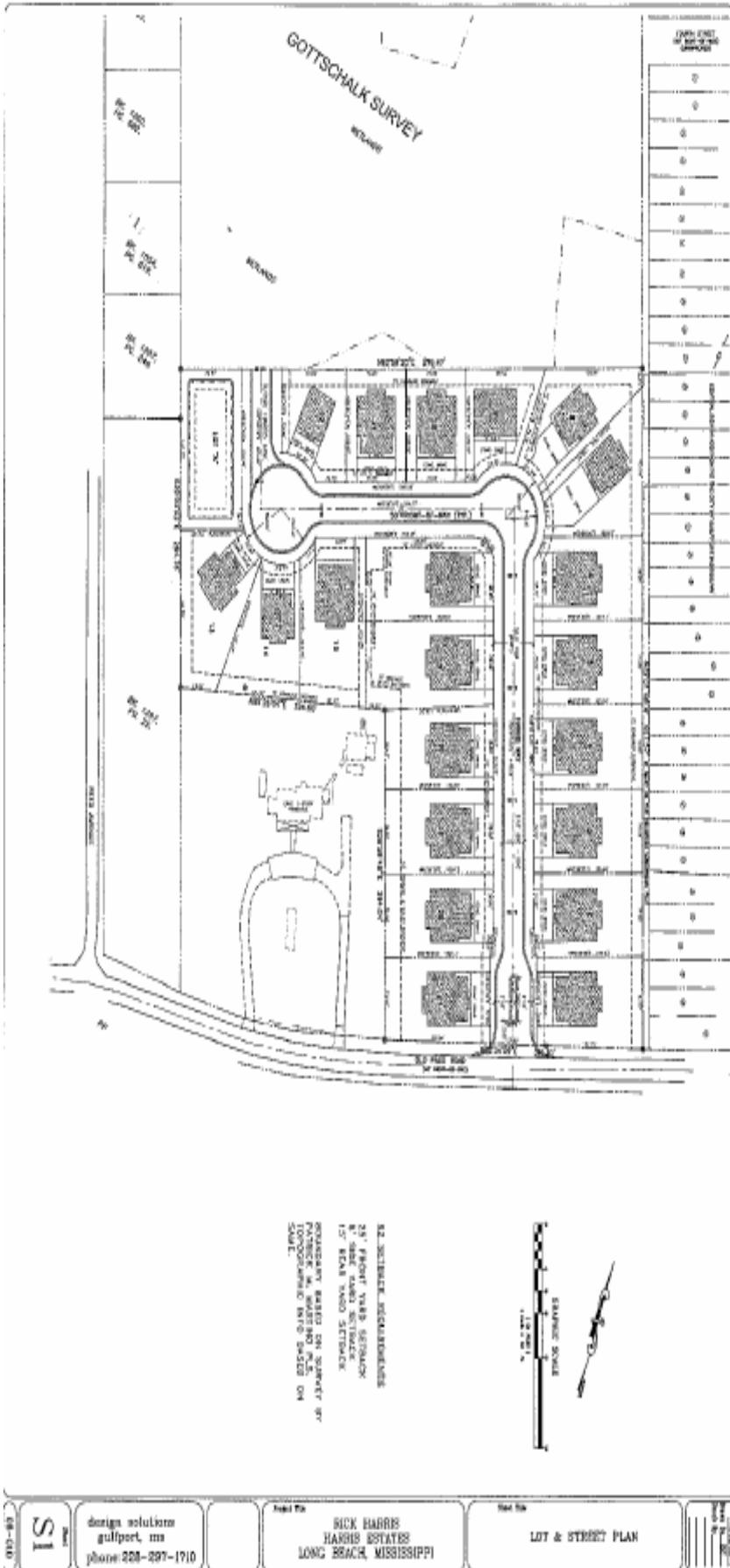
PREPARED BY AND RETURN TO:

FILE# 070182

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

INDEX IN: PART OF Lots 2 through 7 of the Gottschalk Survey in the Claude Ladner Claim in Section 7, Township 8 South, Range 11 West, Harrison County, Mississippi

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**MINUTES OF MAY 22, 2008
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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 evidence by the publisher's Proof of Publication, as follows:

PROOF OF PUBLICATION

LEGAL NOTICE
PUBLIC HEARING
In accordance with Article XII of the Comprehensive Zoning Ordinance (0044) of the City of Long Beach, Mississippi (1997) 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 Zoning Map Change.
Rick Harle, 9612 West Gate Grande, Ponca, Arizona has filed an application for a zoning map change in accordance with the Comprehensive Zoning Ordinance. Applicant is requesting to change the zoning classification from R-1, Single Family Residential to R-2, Medium Density Residential for lot parcel number 0711L-00-001-000. The legal description is as follows:
A portion of Lots Two (2) through Seven (7) of the Gottschalk Survey in the Claude Luster Chain in Section 7, Township 8 South, Range 11 West, Harrison County, Mississippi, and being more particularly described as follows: Commencing at a 1 inch iron pin found at the Southeast corner of Lot 35, Central Beach Addition to the City of Gulfport, said point lying on the North margin of Old Pass Christian Road; thence along the North margin of Old Pass Christian Road, South 62 degrees 54 minutes 44 seconds West 122.01 feet to a flagged iron corner post at the Point of Beginning; thence continue along said North margin, South 62 degrees 40 minutes 33 seconds West 321.01 feet to a iron rod found; thence North 28 degrees 53 minutes 17 seconds West 224.04 feet to a iron rod found; thence South 65 degrees 32 minutes 34 seconds West 284.60 feet to a iron rod found lying on the West boundary line of Lot 2 of the Gottschalk Survey; thence along said West boundary of Lot 2, North 28 degrees 56 minutes 32 seconds West 264.76 feet to a point; thence North 61 degrees 04 minutes 50 seconds East 576.67 feet to a point lying on the East boundary of Lot 7 of the Gottschalk Survey; thence along said East boundary of Lot 7, South 28 degrees 55 minutes 10 seconds East 607.57 feet to the Point of Beginning. Said parcel contains 6.17 acres.
The public hearing to consider the above zoning map change will be held in the City of Long Beach, Mississippi 39260, Thursday, May 22, 2008, at 4:00 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
N95, A506, TTUE
1046026

STATE OF MISSISSIPPI
COUNTY OF HARRISON

Before me, the undersigned Notary of Harrison County, Mississippi personally appeared Julie Garner 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. 124 No. 216 dated 6 day of May, 20 08
- 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 _____

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.

MAY 08 2008 [Signature]
Clerk

Sworn to and subscribed before me this May day of 08, A.D., 20 08

Commission Expires on: 15 October, 2011
[Signature]
Notary Public

Printer's Fee \$ _____
Furnishing proof of publication \$ _____
TOTAL..... \$ _____

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The Clerk further reported that 25 (twenty-five) notices of Public Hearing were sent by Certified Mail, return receipt requested, to property owners within 200 (two hundred) feet of the subject property. Said return receipts were ordered as part of the record of these proceedings as follows:

City of Long Beach

BOARD OF ALDERMEN

Richard Bennett
Charlie Boggs
Richard Burton
Allen D. Holder, Jr.
Mark Lishen
Joe McNary
Richard Notter



WILLIAM SKELLIE, JR.
MAYOR

CITY CLERK
TAX COLLECTOR
Rebecca E. Schruff

CITY ATTORNEY
Frank R. McCreary, III

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 **Zoning Map Change**.

Rick Harris, 9612 West Cielo Grande, Peoria, Arizona has filed an application for a zone map change in accordance with the Comprehensive Zoning Ordinance. Applicant is requesting to change the zoning classification from R-1, Single Family Residential to R-2, Medium Density Residential for tax parcel number 0711L-03-001.000. The legal description is as follows:

A portion of Lots Two (2) through Seven (7) of the Gottschalk Survey in the Claude Ladnier Claim in Section 7, Township 8 South, Range 11 West, Harrison county, Mississippi, and being more particularly described as follows:

Commencing at a 1 inch iron pipe found at the Southeast corner of Lot 35, Central Beach Addition to the City of Gulfport, said point lying on the North margin of Old Pass Christian Road; thence along the North margin of Old Pass Christian Road, South 62 degrees 04 minutes 44 seconds West 122.81 feet to a flagged fence corner post at the Point of Beginning; thence continue along said North margin, South 62 degrees 40 minutes 39 seconds West 321.81 feet to a iron rod found; thence North 28 degrees 53 minutes 17 seconds West 294.04 feet to a iron rod found ; thence South 65 degrees 32 minutes 34 seconds West 254.60 feet to a iron rod found lying on the West boundary line of Lot 2 of the Gottschalk Survey; thence along said West boundary of Lot 2, North 28 degrees 56 minutes 32 seconds West 284.76 feet to a point; thence North 61 degrees 04 minutes 50 seconds East 575.47 feet to a point lying on the East boundary of Lot 7 of the Gottschalk Survey; thence along said East boundary of Lot 7, South 28 degrees 55 minutes 10 seconds East 607.57 feet to the Point of Beginning. Said parcel contains 6.17 acres.

The public hearing to consider the above zoning map change will be held in the City of Long Beach, Mississippi 39560, Thursday, May 22, 2008, at 4:30 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

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Mr. Don Welch came forward to speak on behalf of the applicant.

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

The Commission Chairman called for anyone who wished to speak in opposition of the request and the following people came forward:

Mr. Dennie Travis, previous owner of the property.

Mr. Roll Riley, 1301 Old Pass Rd.

Mr. W.D. Simmons 1216 7th Street.

Mrs. Cheyenne Skinner, 3 lots behind subject property.

Mr. Jeff Hansen, 242 Reed Avenue, read and submitted the following letter and petition for the record:

May 21, 2008

City of Long Beach
Planning Commission
201 Jeff Davis Ave.
Long Beach, MS 39560

Re: Zoning Map Change for tax parcel number 0711L-03-001.000

Dear Chairman and Commissioners:

In response to the zoning request change from R-1, Single Family Residential to R-2, Medium Density Residential, by Rick Harris of Peoria, AZ, we residents of the adjacent area vehemently object to the requested change and register our feelings with you today. We trust that you, as fellow citizens of Long Beach, will look after our concerns and best interests.

If you look back in public record, this is not the first occasion that the commission has been approached with a similar request. It was fought successfully then by the residents of the area. Now, as much as before, we can not find any justification or betterment to the long-time residents of the area. We do, however, find that the requestor will find profitable business endeavors at our expense. It is a proven fact that a development of this proposed type would negatively affect the appraised values of all of the surrounding existing single family residences. Furthermore, at a time when the entire Coast suffers from declining residential property values, this is not viewed as a neighborly gesture.

What would be more appealing to the surrounding property owners and neighbors is a nice, new Single Family Residential development. Surely we ask not too much by honoring this request since this parcel is currently zoned for R-1 and had to be known by the owner at the time of purchase.

We feel that our declination of the requested change is fair and look to the commission to consider the wishes, desires, and valuations of the residents of Long Beach first and foremost.

The attached signatures are those who disapprove of the proposed development.

Sincerely,

**MINUTES OF MAY 22, 2008
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LONG BEACH PLANNING COMMISSION**

Name	Signature	Address
JEFF HANSEN	Jeff Hansen	242 REED AVE.
Dori Hansen	Dori Hansen	242 Reed Ave.
Chris Touchstone	Chris Touchstone	213 Reed Ave
KAYE VEDDER	Kaye Vedder	248 REED AVE
JAMES LYONS	James Lyons	248 REED AVE
LAURA HALE	Laura Hale	246 Reed Ave
James M. Searcy	James M. Searcy	246 Reed Ave
ROBERT GENTRY	Robert Gentry	1211 East Old Pass Rd.
Lucy Gentry	Lucy Gentry	1211 East Old Pass Rd.
Massie Gentry	Massie Gentry	1211 East Old Pass Rd.
Steve Goodrich	Steve Goodrich	244 Reed Ave
Sam Sandoz	Sam Sandoz	404 Holley St.
Jennifer West	Jennifer West	403 Holley St.
FLORENCE Campbell	Florence Campbell	1200 E Old Pass Rd, L.B.
Ronald G Jordan	Ronald G Jordan	1210 E. Old Pass Rd
Carol J. Jordan	CAROL JORDAN	1212 - EST. Old Pass Rd.
Ruth Raif	Ruth Raif	205 Reed Ave, L.B. MS
Candis Raif	Candis Raif	205 Reed Ave. L.B. MS
Riley Stockman	Riley Stockman	1301 E Old Pass Rd. L.B. MS.
Cheyenne Stockman		3 Lots Back of 1301 Old Pass Road.

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Commissioner Yandell made motion seconded by Commissioner Hare and unanimously carried to close the Public Hearing.

After considerable discussion, Commissioner Yandell made motion seconded by Commissioner Hare and unanimously carried to deny the request.

The next item of business was a Public Hearing for Zone Change submitted by American Opportunity for Housing/Mississippi Coast, LLC 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

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)

002222
04/29/08

II. Property Location:

101 Cheri Lane, Long Beach, Mississippi
House number and street name

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

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 See Attached 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. **City officials to supply.**

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. See attached.

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.

American Opportunity for Housing/
Mississippi Coast, LLC
Name of Owner(s)

San Antonio, Texas 78216
City State Zip

David Starr
Signature of Owner(s)

% Mr. David Starr, 7334 Blanco, Suite 200
Mailing Address

210-341-8097
Telephone (H) Office

April 29, 2008 \$100.00
Date Fee

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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?

See attached statement explaining request. The request is peculiar to Mr. Starr's property since the former Gulf Waters Apartments located on the property had retained their non-conforming use and structure status in 2002 when rezoning occurred. With their destruction by Hurricane Katrina, that status was lost. In order to rebuild and expand the former structures to create an aesthetically pleasing, middle income, multi-family replacement (creating a much improved development), Mr. Starr needs the density requirement relaxed.

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.

Hurricane Katrina caused the former apartments' destruction necessitating the rebuilding.

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?

Literal compliance with the Ordinance's density requirement for the proposed R-3 district will result in undue hardship because it will only allow Mr. Starr to build a smaller development that is not economically feasible for him and which will not meet the current residential needs of the City.

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.

The former Gulf Waters Apartments had some seventy-eight (78) units. Due to their destruction through no fault of Mr. Starr, rebuilding is necessary. Without the granting of the variance being requested,

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ATTACHMENT TO APPLICATION FOR REVIEW:

III. STATEMENT EXPLAINING REQUEST

The property owner American Opportunity for Housing/Mississippi Coast, LLC, and developer, David Starr, seeks the rezoning of the subject property from R-2 to R-3 in order to restore its pre-Hurricane Katrina multi-family use. Prior to August 2005, the property was the site of the Gulf Waters Apartments, a multi-family, seventy-eight (78) unit development built in the 1970's. When the City adopted new zoning maps in 2002, the property's zoning was changed to R-2, allowing only low-rise apartments and condominiums with a density requirement of 4,000 square feet per unit. Because of its pre-existing status at the time of the 2002 map adoption by the City, the Gulf Waters Apartments' property was "grandfathered" in under the new zoning.

However, with the apartments' destruction by Hurricane Katrina, the property owner is faced with the new zoning requirements. Under these requirements, he would encounter height and density obstacles to his planned development of an aesthetically improved project consisting of one hundred (100) units. Consequently, Mr. Starr seeks the approval of the Planning Board and the Mayor and Board of Aldermen of his application for rezoning to restore the former apartments' grandfathered zoning requirements to his rebuilding of the property.

Under the desired R-3 zoning, Mr. Starr is required to have a lot area minimum (density) of 3,000 square feet per unit. His development plans include construction of a three-story complex built above ground level parking consisting of some one hundred (100) units. Although Mr. Starr has increased his pre-Katrina acreage by securing the vacation of Cheri Lane running through his property, he needs a variance of the R-3 density requirement. The lot in question contains approximately 134,470 square feet and is slightly larger than three (3) acres in size. Therefore, under R-3 density requirements, Mr. Starr could only construct some forty-five (45) units. Consequently, Mr. Starr needs a variance of the R-3 density requirement in order to construct some one hundred (100) units, a clubhouse and an office. In order to do so, the requested density for which a variance is requested is 1,345 square feet/unit.

Hurricane Katrina in August 2005 created a substantial change in the character of many, if not most, neighborhoods along the Mississippi Gulf Coast. The City of Long Beach suffered terrible losses of residential property, both single and multi-family. To date, the residential needs of the City's and area residents, especially those of middle income families, is not being met. This substantial change of circumstances and character of the City's formerly residential neighborhoods justifies the rezoning sought in order to restore the much needed and improved multi-family development in question. There is an obvious public need for residential redevelopment along the Gulf Coast to house residents who desire to live and work in the City and surrounding areas. Consequently, the criteria for rezoning sought by the applicant have been met.

Pursuant to Section 1203.3 of the Zoning Ordinance of the City, Mr. Starr seeks an adjustment of the R-3 district's density requirement of 3000 square feet per unit in order to

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accommodate his plan to construct approximately one hundred (100) units, a clubhouse and an office in the new multi-family development. Finally, Mr. Star plans to construct an aesthetically pleasing development to be topped by a pitched roof. The height of the planned building is approximately forty-six (46) feet from the top of the parking deck to the ridge of the roof. If measured from the ground to the roof's ridge, the building height will be approximately fifty-six (56) feet. Mr. Starr seeks approval of the City's Fire Chief since the planned roof will exceed 45 feet by one (1) foot or eleven (11) feet, depending upon the starting point for the measurement.

The request for a variance outlined above satisfies the ordinance's test for its approval. Owing to extraordinary circumstances pertinent to this property and others brought about by the 2005 destruction of Hurricane Katrina, the applicant's property, the former Gulf Waters Apartments, was destroyed. In order to rebuild in the current economic climate without benefit of certain federal government tax incentives, Mr. Starr needs to include a larger number of units than are allowed by the Ordinance's R-3 density requirement. A literal enforcement of the Ordinance's R-3 density requirement will result in a practical difficulty and unnecessary hardship for Mr. Starr as he will be unable to move forward with the middle income rental units planned for and needed by the City. The granting of this variance request is not inconsistent with the spirit and purposes of the Ordinance and will advance and preserve the public health, safety and welfare by providing attractive, well built and much needed multi-family housing for middle income residents of the area. Finally, the granting of this variance request will not have the effect of permitting any prohibited use in the R-3 district and the conditions giving rise to this variance request are not the result of the applicant's actions.

**MINUTES OF MAY 22, 2008
RECESSED MEETING
LONG BEACH PLANNING COMMISSION**

DEVELOPMENT SCHEDULE

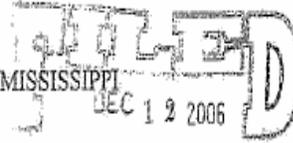
Because this project will go forward as planned only if the applicant receives favorable zoning/variance action from the City, a detailed schedule for development has not been prepared. The applicant can supply the Project Time Line below and once zoning issues are resolved, he will supplement this with an accurate, detailed Development Schedule.

1. Achieve necessary zoning approvals from City.
2. Develop A/E plans for submission to City for building permit review (120 days).
3. Achieve building permit from City.
4. Construction of project (14 months).

**MINUTES OF MAY 22, 2008
RECESSED MEETING
LONG BEACH PLANNING COMMISSION**

IN THE CHANCERY COURT OF HARRISON COUNTY, MISSISSIPPI

FIRST JUDICIAL DISTRICT



JUDICIAL CHANCERY CLERK
Glenn Daan
D.C.

AMERICAN OPPORTUNITY FOR HOUSING/
MISSISSIPPI COAST, LLC

PLAINTIFF

VS.

SCANNED

NO. 06-01838(4)



CITY OF LONG BEACH, MISSISSIPPI,
MISSISSIPPI POWER COMPANY,
ENTEX, INC., and BELLSOUTH
TELECOMMUNICATIONS, INC.

DEFENDANTS

DECREE FOR VACATION OF STREET

THIS MATTER came on to be heard on Complaint for Vacation of Street, and summons to all defendants, and the Court being fully advised in the premises, finds as follows:

1. That the Plaintiff is the owner of real property in the First Judicial District of Harrison County, Mississippi, in Long Beach, Mississippi, commonly and formerly known as Gulf Waters Apartments and being more particularly described in Exhibit "A" hereto.
2. Defendants, City of Long Beach, Mississippi, Mississippi Power Company, Entex, Inc. and BellSouth Telecommunications, Inc, have all been properly served with summons in this matter and are before the Court and within its jurisdiction.
3. That attached as Exhibit "B" to this Decree is the Harrison County tax assessor's map showing the property owned by Plaintiff known as Gulf Waters Apartments and showing a street known as Cheri Lane, 40 feet in width and approximately 420 feet in length, running north and south through the center of Plaintiff's property and being bounded on the east and on the west by the property of Plaintiff, and terminating on the south at a drainage canal known as Trautman Bayou. Described in an alternate manner the portion of Cheri Lane here



John... 1st Judicial District
Instrument 2006 12850 D -JI
Filed/Recorded 12 12 2006 3 23 P
Total Fees 16.00
5 Pages Recorded

**MINUTES OF MAY 22, 2008
RECESSED MEETING
LONG BEACH PLANNING COMMISSION**

2

sought to be vacated is that portion of Cheri Lane lying and being immediately west of Lots 2-6 inclusive of Cheri Lane Subdivision. That this portion of Cheri Lane is not now opened, is not used for vehicular traffic, nor is there a need for it to be used for vehicular traffic. Its use only benefits Plaintiff due to its proximity to Plaintiff's property.

4. That Defendants, Mississippi Power Company and Entex, Inc., were served with summons in the manner provided by law, but no responsive pleading has been filed, and the time for filing same as expired, and judgment of default should be entered against them. BellSouth Telecommunications, Inc., filed its response admitting no interest or easements in the portion of the street here sought to be vacated. The City of Long Beach, Mississippi filed its response having no objection to the street vacation, but requesting that any relocation of City improvements within the vacated portion of the street, be at the cost of Plaintiff.

5. That service of summons by publication for all unknown persons having any object to the vacation of said street was made in the manner and for the time required by law, and no such unknown persons appeared, and the time of appearance has expired.

6. That the vacation of this portion of Cheri Lane will not adversely affect any public interest, and Plaintiff is entitled to an Order of this Court vacating this portion of Cheri Lane and vesting in Plaintiff as abutting land owner the title to the property platted as Cheri Lane. It is therefore

ORDERED AND ADJUDGED that default judgment is hereby entered against Mississippi Power Company and Entex, Inc. for all relief sought by Plaintiff in the Complaint. It is further

3

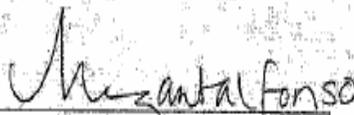
**MINUTES OF MAY 22, 2008
RECESSED MEETING
LONG BEACH PLANNING COMMISSION**

ORDERED AND ADJUDGED that the following described portion of Cheri Lane in Long Beach, Mississippi is hereby vacated and the title thereto vested in American Opportunity for Housing/Mississippi Coast, LLC:

All that portion of Cheri Lane lying and being immediately west of Lots 2-6 inclusive of Cheri Lane Subdivision, and being a part of Lot 54 of Henderson-Shipman-Hughes Survey, City of Long Beach, First Judicial District of Harrison County Mississippi.

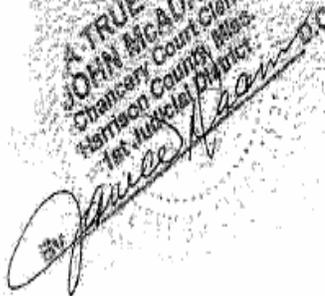
ORDERED AND ADJUDGED that in the event there are City of Long Beach improvements located within the portion of Cheri Lane here vacated, which improvements are required to be relocated, the cost of such relocation shall be the responsibility of American Opportunity for Housing/Mississippi Coast, LLC.

SO ORDERED on this the 12 day of December, 2006.


CHANCELLOR

Submitted by:
John Galloway, #4385
Butler, Snow, O'Mara, Stevens & Cannada, PLLC
1300 25th Avenue, Suite 204
Gulfport, MS 39501
228-864-1170

Gulfport 149820v.1

A TRUE COPY
JOHN MCADAMS
Chancery Court Clerk
Harrison County, Miss.
1st Judicial District


**MINUTES OF MAY 22, 2008
RECESSED MEETING
LONG BEACH PLANNING COMMISSION**

4

Commencing at the intersection of the South line of Magnolia St., and the West line of Cheri Lane; thence Southerly along the West line of Cheri Lane a distance of 99.86 ft. (Deed 96 ft.) to an iron pipe, being the POINT OF BEGINNING; thence S20° E along the West line of Cheri Lane a distance of 410.1 ft., to a point on the North line of a drainage ditch; thence S54° 40' 36" W along said North line a distance of 124.2 ft. to a point; thence N20° 01' 26" W a distance of 442.73 ft. to a point; thence N69° 54' 33" E a distance of 119.97 ft. to the point of beginning.

and also

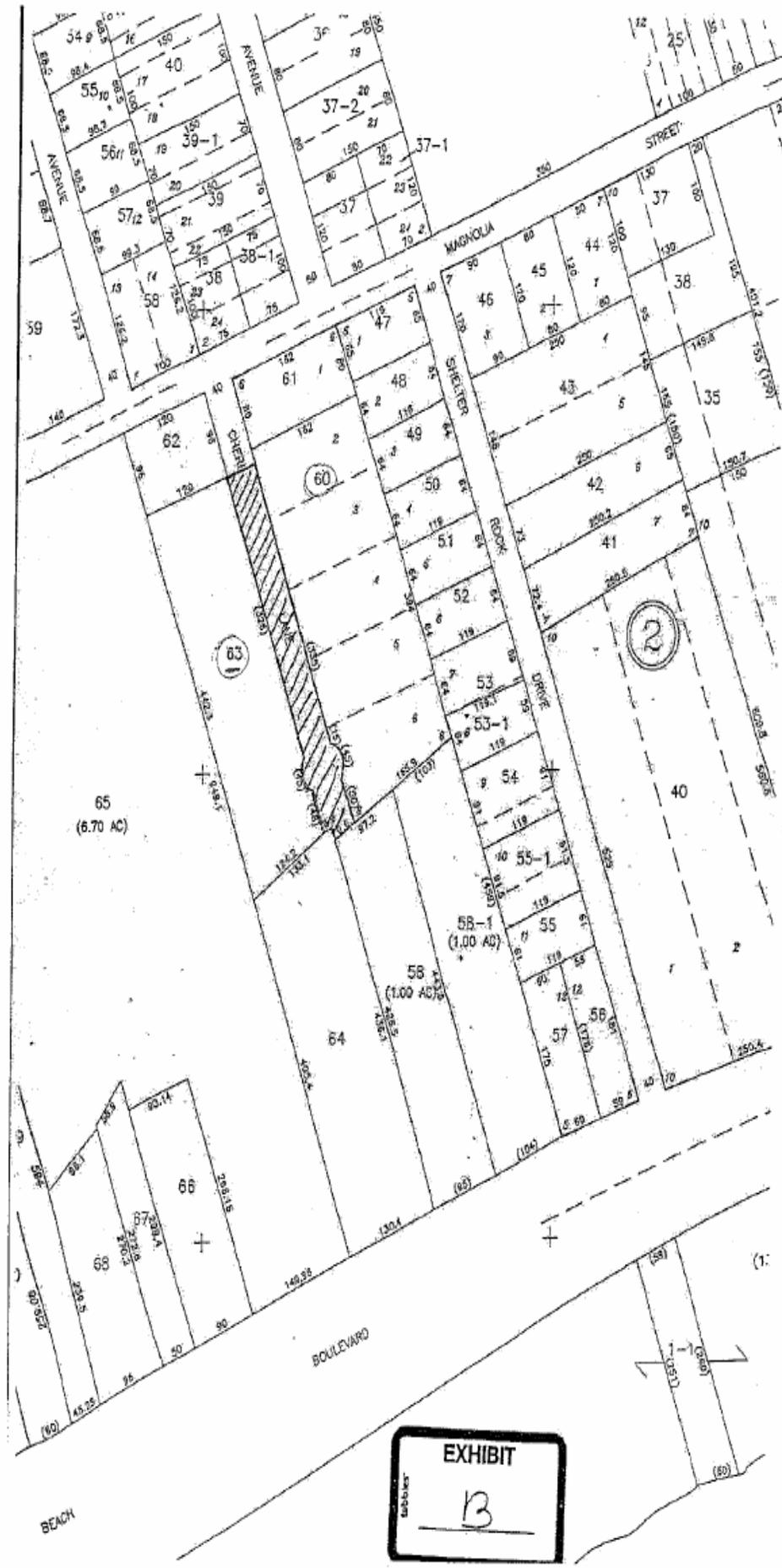
A 20 ft. wide sewer easement being situated in a portion of Lot 54 of the Henderson-Shipman-Hughes Survey, City of Long Beach, Harrison Co., MS, as shown hereon, and described as follows:

Commencing at the Southwest corner of the above described parcel of land; thence Southerly and parallel with Cheri Lane a distance of 405.58 ft. to a point on the North line of U.S. Highway 90; thence Southwesterly along the North line of U.S. Highway 90 a distance of 20.03 ft. to a point; thence Northerly and parallel with Cheri Lane a distance of 406.58 ft., more or less, to a point; thence Easterly a distance of 20.0 ft. to the point of beginning.

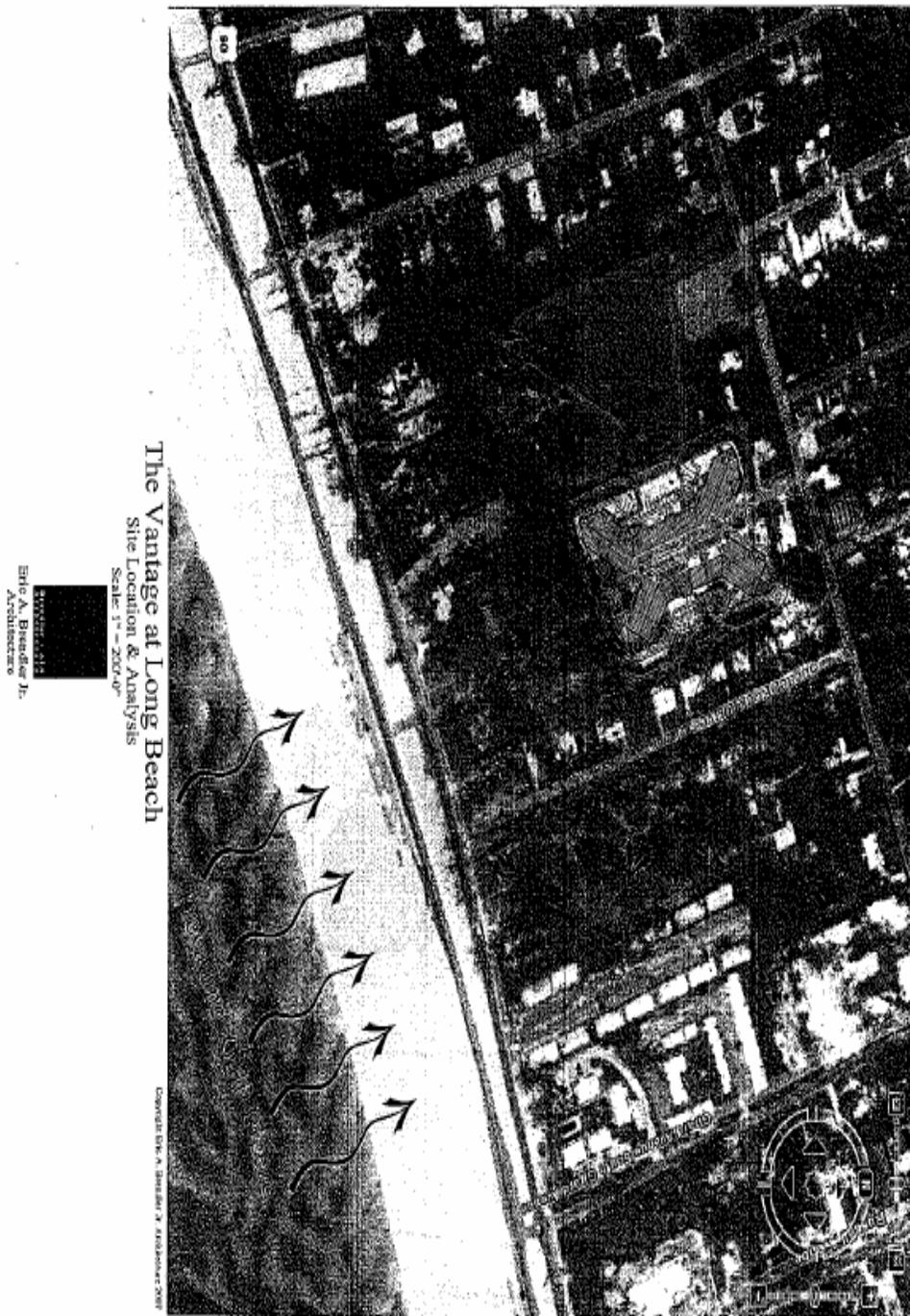
Parcel 2: Lots 2,3,4,5, and 6, CHERI LAND SUBDIVISION, a subdivision according to the official map or plat thereof on file and of record in the office of the Chancery Clerk of the First Judicial District of Harrison County in Plat Book 23 at Page 12.



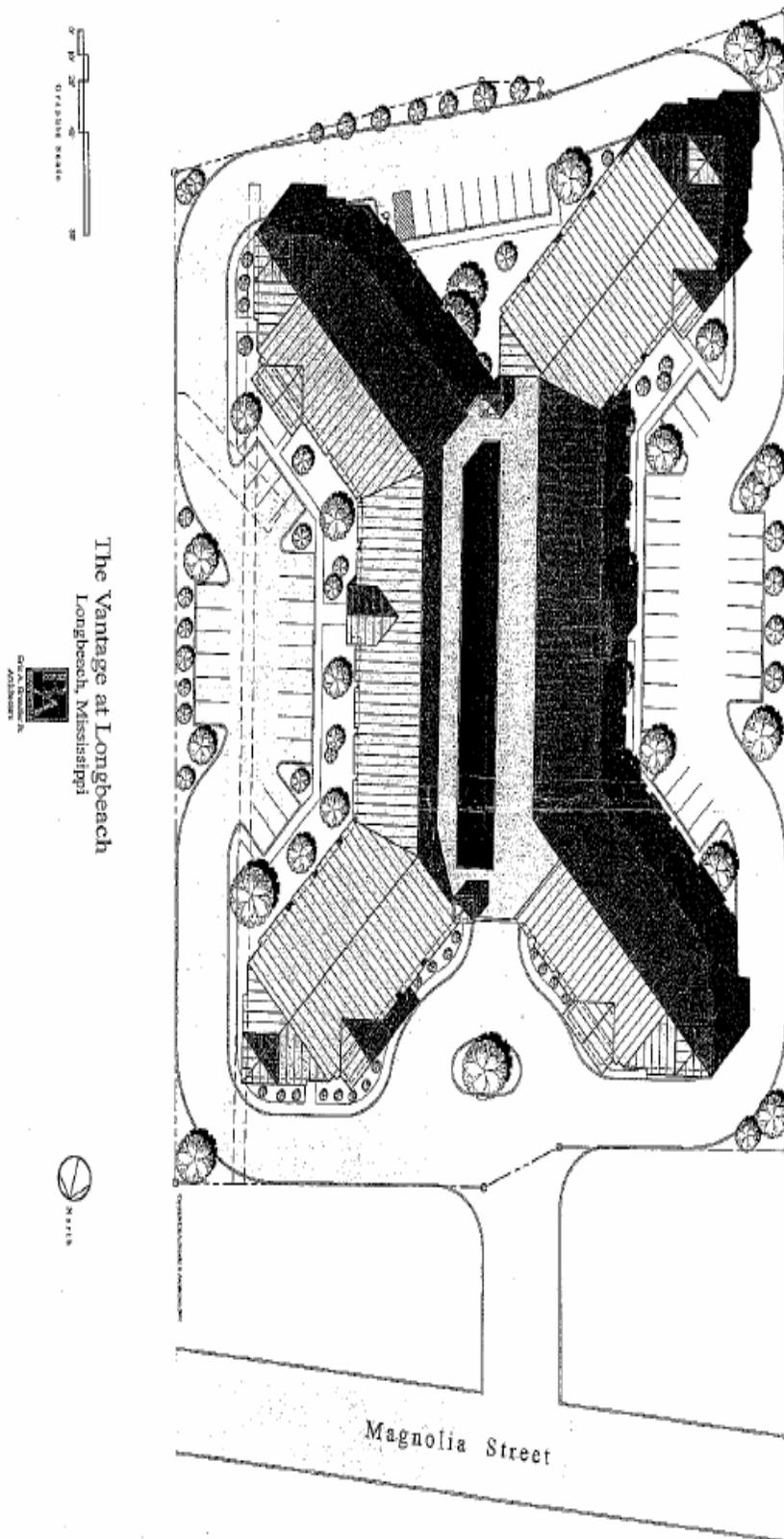
MINUTES OF MAY 22, 2008
RECESSED MEETING
LONG BEACH PLANNING COMMISSION



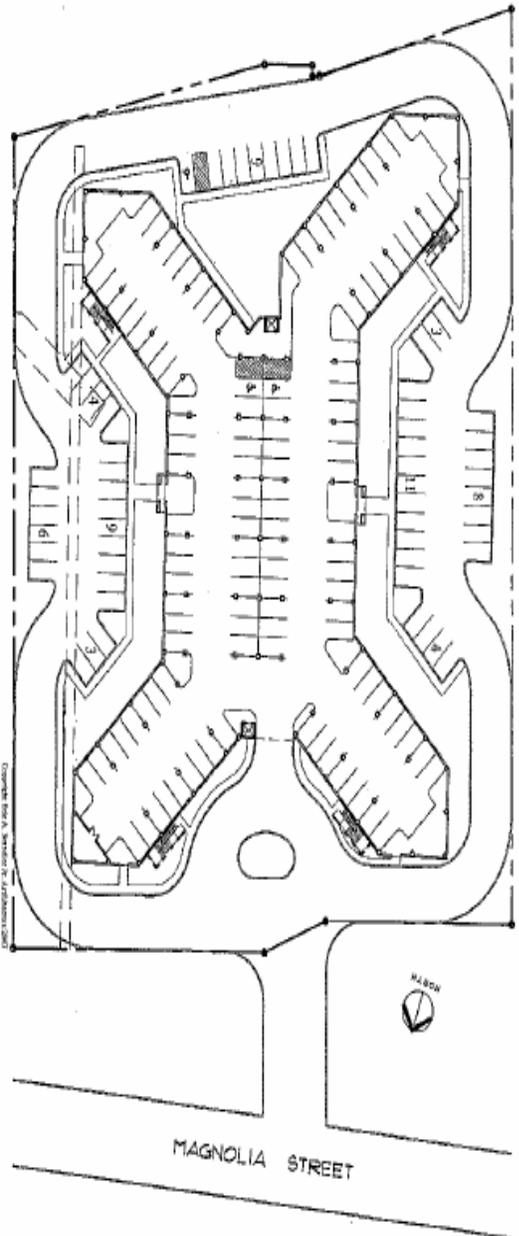
**MINUTES OF MAY 22, 2008
RECESSED MEETING
LONG BEACH PLANNING COMMISSION**



**MINUTES OF MAY 22, 2008
RECESSED MEETING
LONG BEACH PLANNING COMMISSION**



**MINUTES OF MAY 22, 2008
RECESSED MEETING
LONG BEACH PLANNING COMMISSION**



The Vantage at Longbeach Project Matrix

Unit Type	2nd Floor	3rd Floor	4th Floor	Totals
A1 - 508 S.F.	15	45	45	105
B1 - 1,162 S.F.	7	7	7	21
B2 - 1,513 S.F.	4	4	4	12
C1 - 1,857 S.F.	1	1	1	3
C2 - 1,246 S.F.	0	1	1	2
C3 - 1,578 S.F.	0	1	1	2
Totals	32	34	34	100
	Public Spaces			
CHDS - 1,708 S.F.	1	0	0	1
LABORING - 1,278 S.F.	1	0	0	1

The Vantage at Longbeach

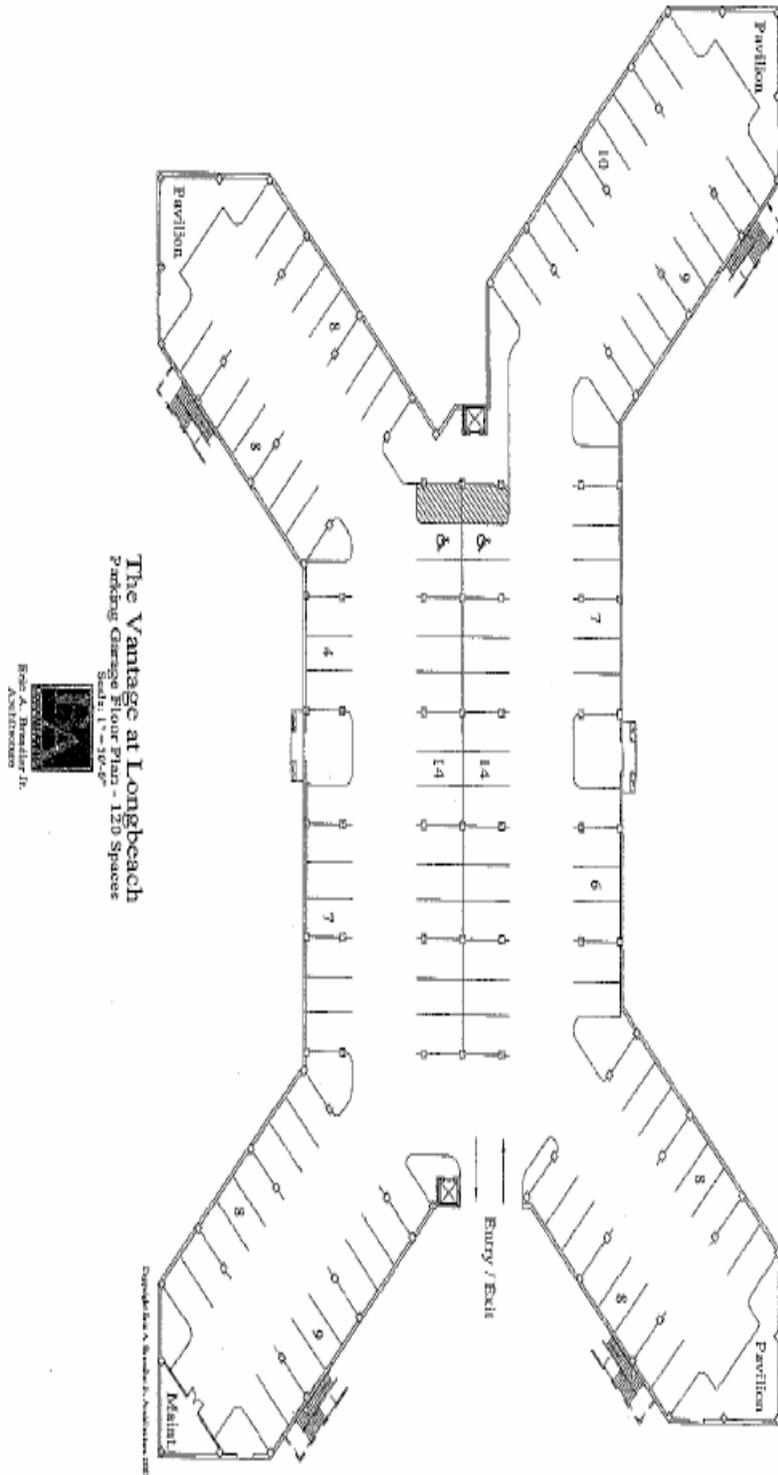


Eric A. Reuder & Associates
Architects

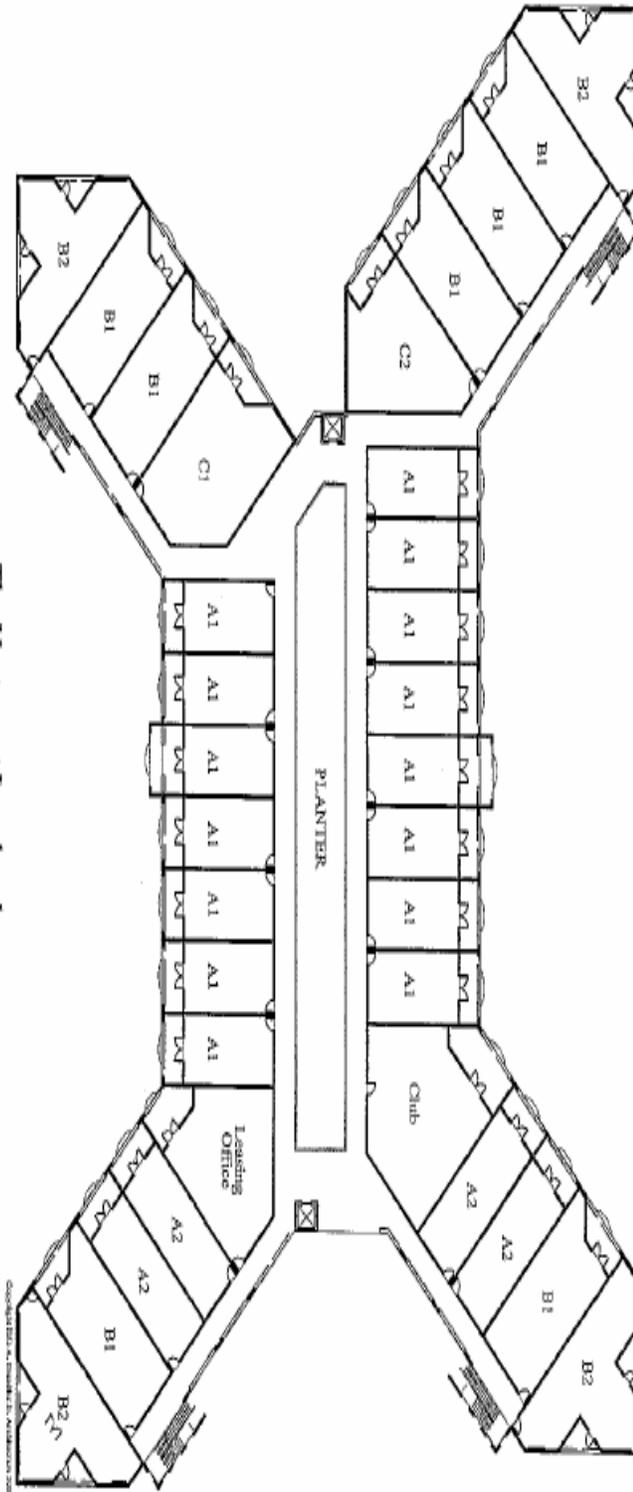
Parking Requirements

Number of Units	Parking Required at Leased	Permitted	Parking for Unit Ratio
100	150	177	1.77

**MINUTES OF MAY 22, 2008
RECESSED MEETING
LONG BEACH PLANNING COMMISSION**



**MINUTES OF MAY 22, 2008
RECESSED MEETING
LONG BEACH PLANNING COMMISSION**



The Vantage at Long Beach

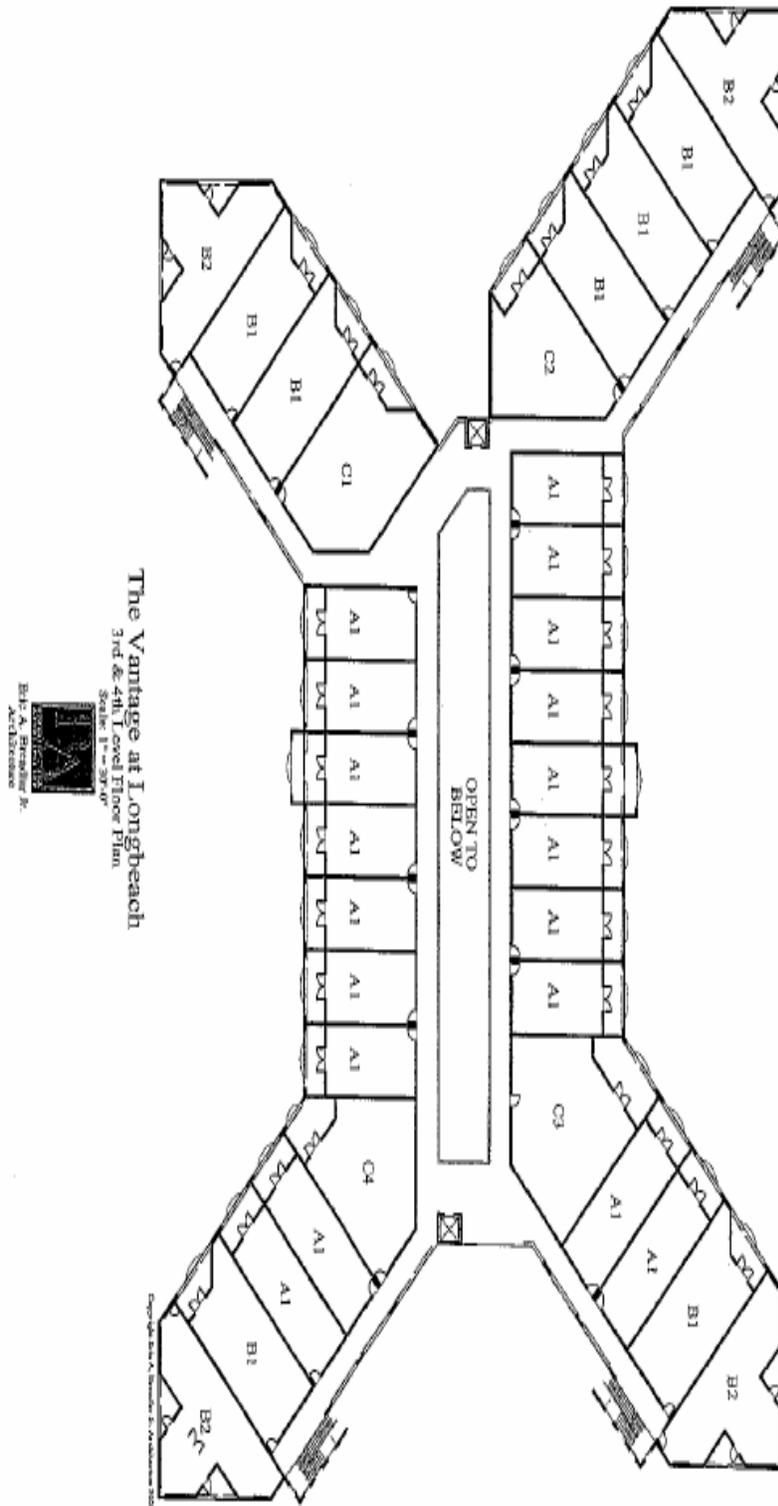
2nd Level Floor Plan

Scale: 1" = 50'-0"

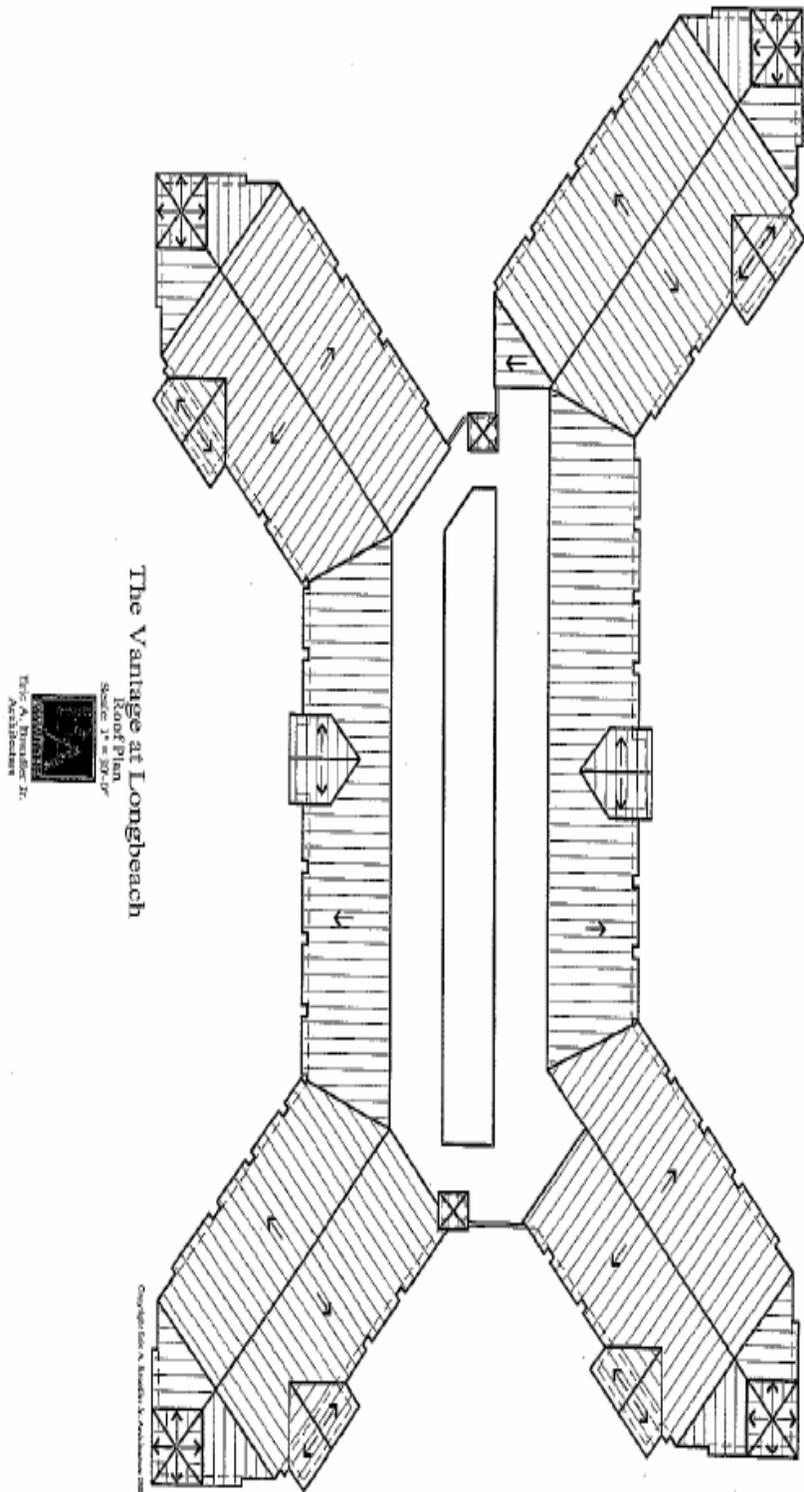
Eric A. Branstetter Jr.
Architect



**MINUTES OF MAY 22, 2008
RECESSED MEETING
LONG BEACH PLANNING COMMISSION**

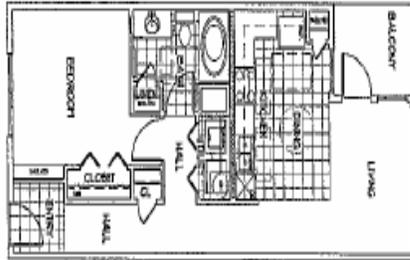


**MINUTES OF MAY 22, 2008
RECESSED MEETING
LONG BEACH PLANNING COMMISSION**

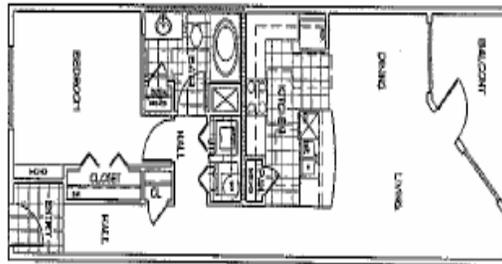


**MINUTES OF MAY 22, 2008
RECESSED MEETING
LONG BEACH PLANNING COMMISSION**

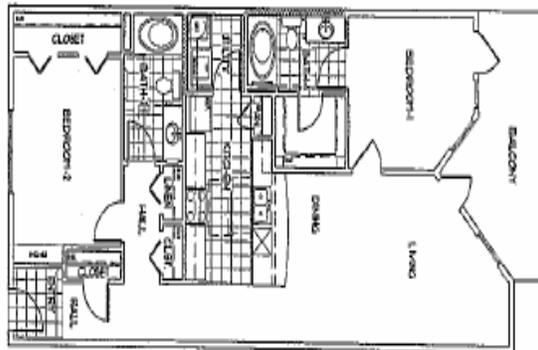
UNIT A-1



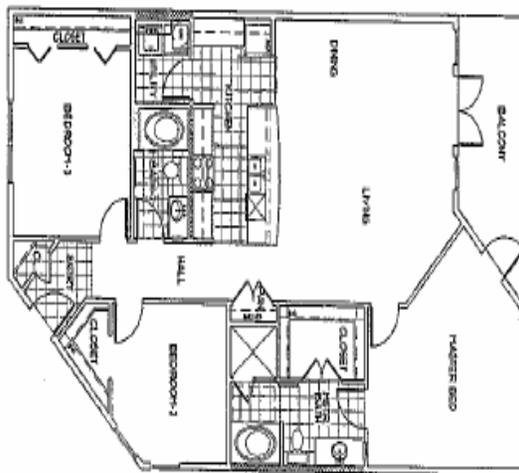
UNIT A-2



UNIT B-1



UNIT C-1



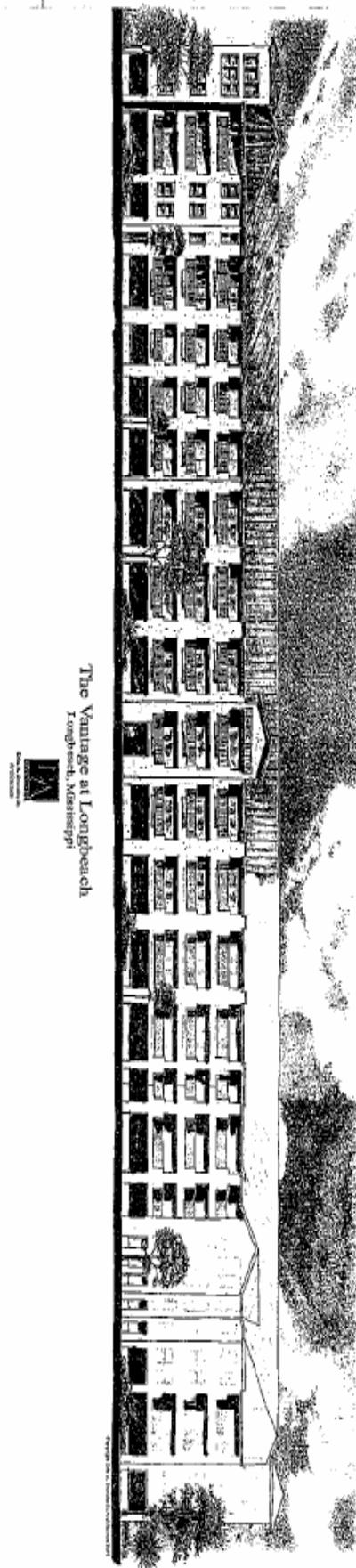
The Vantage at Longbeach
UNIT FLOOR PLANS
SCALE: 1/8" = 1'-0"



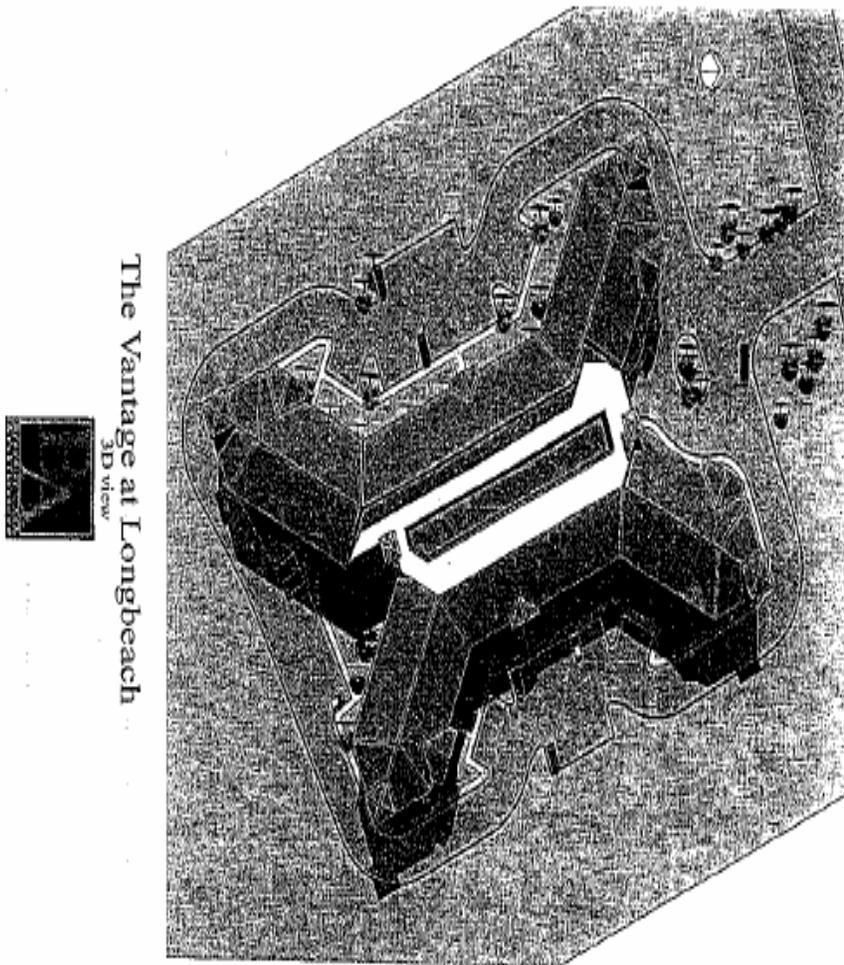
JACOBS ENGINEERING GROUP, INC.
20000 AMERICAN AVENUE
LONG BEACH, CA 90801

Copyright © A. S. S. & Associates, Inc. 2007

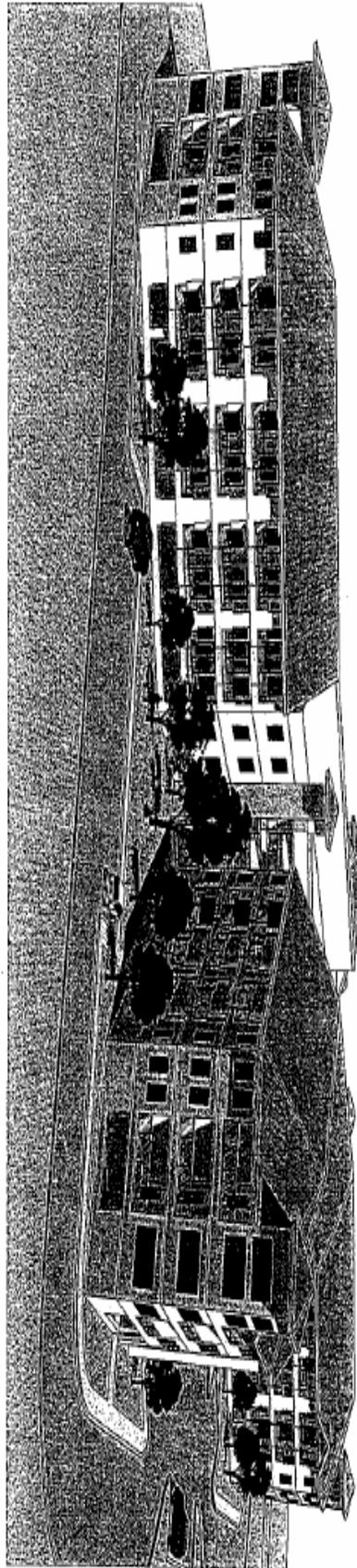
**MINUTES OF MAY 22, 2008
RECESSED MEETING
LONG BEACH PLANNING COMMISSION**



**MINUTES OF MAY 22, 2008
RECESSED MEETING
LONG BEACH PLANNING COMMISSION**



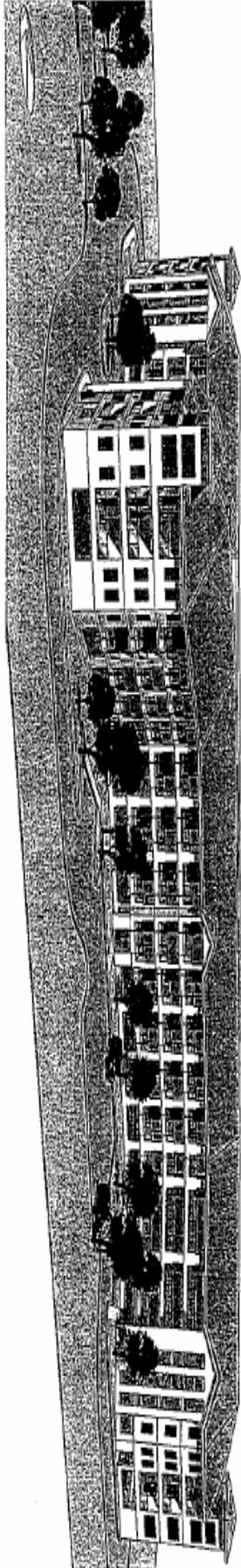
**MINUTES OF MAY 22, 2008
RECESSED MEETING
LONG BEACH PLANNING COMMISSION**



The Vantage at Longbeach



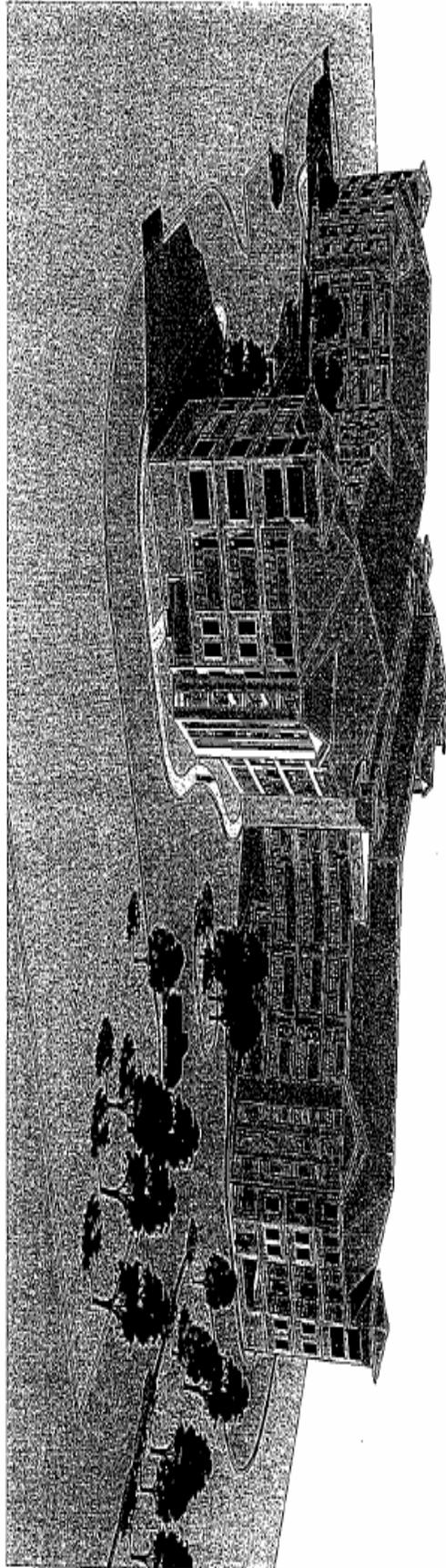
**MINUTES OF MAY 22, 2008
RECESSED MEETING
LONG BEACH PLANNING COMMISSION**



The Vantage at Longbeach
3D view



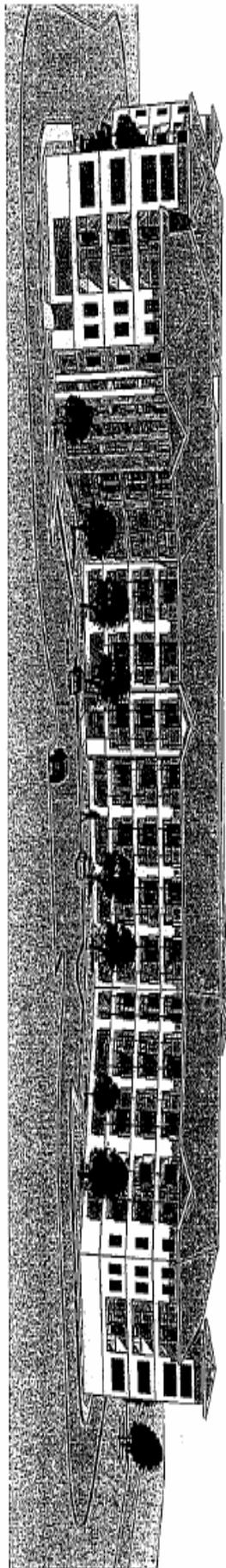
**MINUTES OF MAY 22, 2008
RECESSED MEETING
LONG BEACH PLANNING COMMISSION**



The Vantage at Longbeach
3D view



**MINUTES OF MAY 22, 2008
RECESSED MEETING
LONG BEACH PLANNING COMMISSION**



The Vantage at Longbeach
3D view



**MINUTES OF MAY 22, 2008
RECESSED MEETING
LONG BEACH PLANNING COMMISSION**

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 evidence by the publisher's Proof of Publication, as follows:

PROOF OF PUBLICATION

**LEGAL NOTICE
PUBLIC HEARING**
In accordance with Article XII of the Comprehensive Zoning Ordinance (4544) 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 Zoning Map Change:
American Opportunity for Housing / Mississippi Coast, LLC, 7334 Blanco, Suite 200, San Antonio, Texas has filed an application for a zone map change in accordance with the Comprehensive Zoning Ordinance. Applicant is requesting to change the zoning classification from R-2, Medium Density Residential to R-3, Multi-Family Residential for tax parcel numbers 0512F-02-063,000 and 0512F-02-060,000. The property is generally described as being South of Magnolia Street, West of Shelter Rock Drive, North of Highway 90 and East of Oak View Avenue. The legal description is as follows:
Commencing at the intersection of the South line of Magnolia St, and the West line of Cheril Lane; thence Southerly along the West line of Cheril Lane a distance of 99.86 ft (Deed 86 ft) to an iron pipe, being the POINT OF BEGINNING; thence S20° E along the West line of Cheril Lane a distance of 410.1 ft, to a point on the North line of a drainage ditch; thence S54° 03' 21" W along said North line a distance of 124.2 ft to a point; thence N20° 01' 26" W a distance of 442.73 ft to a point; thence N65° 54' 23" E a distance of 119.67 ft to the point of beginning.
and also
Commencing at the Southwest corner of the above described parcel of land; thence Southerly and parallel with Cheril Lane a distance of 425.58 ft, to a point on the North line of U.S. Highway 90; thence Southwesterly along the North line of U.S. Highway 90 a distance of 20.03 ft to a point; thence Northerly and parallel with Cheril Lane a distance of 406.58 ft, more or less, to a point; thence Easterly a distance of 20.0 ft to the point of beginning.
Parcel 2, Lots 2, 3, 4, 5, and 6 CHERILAND 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 in Plat Book 23 at Page 12.
The public hearing to consider the above zoning map change will be held in the City of Long Beach, Mississippi 32500, Thursday, May 22, 2008, at 4:30 p.m., in the Long Beach School District Administration Office located at 19148 Commission Road. The City encourages all residents, groups and organizations to contact the City if they have any questions concerning the petition.
Signed
Chairman
Planning Commission
N63.edv6.1TUE
1249622

STATE OF MISSISSIPPI
COUNTY OF HARRISON

Before me, the undersigned Notary of Harrison County, Mississippi personally appeared Julie Garner 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. 124 No., 216 dated 6 day of May, 20 08
- 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 _____

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.

J. Garner
MAY 08 2008
Clerk

Sworn to and subscribed before me this May day of 2008, A.D., 2008

Commission Expires on: 15 October, 2011
Karen Shook
Notary Public

Printer's Fee \$ _____
Furnishing proof of publication \$ _____
TOTAL..... \$ _____

**MINUTES OF MAY 22, 2008
RECESSED MEETING
LONG BEACH PLANNING COMMISSION**

The Clerk further reported that 23 (twenty-three) notices of Public Hearing were sent by Certified Mail, return receipt requested, to property owners within 200 (two hundred) feet of the subject property. Said return receipts were ordered as part of the record of these proceedings as follows:

City of Long Beach

BOARD OF ALDERMEN

Richard Bennett
Charlie Boggs
Richard Burton
Allen D. Holder, Jr.
Mark Lishen
Joe McNary
Richard Notter



WILLIAM SKELLIE, JR.
MAYOR

CITY CLERK
TAX COLLECTOR
Rebecca E. Schruff

CITY ATTORNEY
Frank R. McCreary, III

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 **Zoning Map Change**.

American Opportunity for Housing / Mississippi Coast, LLC, 7334 Blanco, Suite 200, San Antonio, Texas has filed an application for a zone map change in accordance with the Comprehensive Zoning Ordinance. Applicant is requesting to change the zoning classification from R-2, Medium Density Residential to R-3, Multi-Family Residential for tax parcel numbers 0612F-02-063.000 and 0612F-02-060.000. The property is generally described as being South of Magnolia Street, West of Shelter Rock Drive, North of Highway 90 and East of Oak View Avenue. The legal description is as follows:

Commencing at the intersection of the South line of Magnolia St, and the West line of Cheri Lane; thence Southerly along the West line of Cheri Lane a distance of 99.86 ft (Deed 96 ft) to an iron pipe, being the POINT OF BEGINNING; thence S20° E along the West line of Cheri Lane a distance of 410.1 ft, to a point on the North line of a drainage ditch; thence S54°40'36" W along said North line a distance of 124.2 ft to a point; thence N20° 01' 26" W a distance of 442.73 ft to a point; thence N69° 54'33" E a distance of 119.97 ft to the point of beginning.

and also

Commencing at the Southwest corner of the above described parcel of land; thence Southerly and parallel with Cheri Lane a distance of 405.58 ft to a point on the North line of U.S. Highway 90; thence Southwesterly along the North line of U.S Highway 90 a distance of 20.03 ft to a point; thence Northerly and parallel with Cheri Lane a distance of 406.58 ft, more or less, to a point; thence Easterly a distance of 20.0 ft to the point of beginning.

Parcel 2: Lots 2, 3, 4, 5, and 6 CHERI LAND 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 in Plat Book 23 at Page 12.

The public hearing to consider the above zoning map change will be held in the City of Long Beach, Mississippi 39560, Thursday, May 22, 2008, at 4:30 p.m., in the Long Beach School District Administration Office located at 19148 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

**MINUTES OF MAY 22, 2008
RECESSED MEETING
LONG BEACH PLANNING COMMISSION**

The Commission Chairman recognized Leslie Scott speaking on behalf of the applicant.

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

The Commission Chairman called for anyone who wished to speak in opposition of the request and the following came forward:

Tom Baudry, 413 West Beach Boulevard

Karen Urban, 510 Magnolia Street

Edward Hinson, 15 Shelter Rock Avenue

Richard Urban, 450 West Beach Boulevard

Terri Lynch, 115 Oak View Avenue

Buddy Ray, 470 West Beach Boulevard

Zachary Klee, 109 Shady Drive

Donna Klee, 109 Shady Drive

Brenda Johns, 100 Shelter Rock Avenue.

Mr. Freddie Welch, 442 Magnolia Street read and submitted for the record the following:

**MINUTES OF MAY 22, 2008
RECESSED MEETING
LONG BEACH PLANNING COMMISSION**

May 20, 2008

Chairman
Planning Commission
City of Long Beach, Mississippi

REFERENCE: American Opportunity for Housing / Mississippi Coast, LLC. Request for Variance and Zoning Change

I am the owner of the property at 442 Magnolia Street. I oppose the referenced request by American Opportunity for Housing / Mississippi Coast, LLC. The request is non-conforming to the neighborhood, and spot zoning a larger project than the one that existed Pre-Katrina would only increase the amount of problems that existed then. My property was crashed into and my shed had been broken into numerous times. Valuable tools, a boat motor, and other items were stolen not to mention the constant noise of tenants. Please check police records. Approval of this variance will only bring back these problems. We have an opportunity to build Long Beach to a better Long Beach. Let's learn from history and not make the same mistakes again. This variance will do nothing but increase crime, threaten the security of my family and decrease the property value of not only my property but all surrounding properties.

Please consider this letter as I and my wife's opposition to the request for variance and zoning change.

Respectfully,



Frederick K. Welch III and Christy M. Welch
442 Magnolia Street
Long Beach, MS. 39560

**MINUTES OF MAY 22, 2008
RECESSED MEETING
LONG BEACH PLANNING COMMISSION**

Mrs. Ruth St Onge, 2579 Bighton Circle, Biloxi, MS read and submitted for the record the following:

May 12, 2008



Chairman
Planning Commission
City of Long Beach
P.O. Box 929
Long Beach, MS39560

REFERENCE: American Opportunity for Housing / Mississippi Coast, LLC. Request for variance.

Gentlemen:

I am the owner of the property at 434 and 436 West Beach. I oppose the variance requested by American Opportunity for Housing / Mississippi Coast, LLC. The Variance Request is non-conforming to the neighborhood, and the spot zoning of this project will subject me to the problems that existed in this area before the storm. My property was crossed by residents on the way to the beach, they left trash and they caused disturbances. Approval of this variance will bring back these problems, no amount of reassurances will change human nature. Ask the Long Beach Police Department how many calls that they received from this location before the storm. I want Long Beach to help property owners improve the city, and I do not want the city to repeat the mistakes of the past. This variance will threaten my security, and this variance will unfairly damage the value of my property.

Please consider this letter as my opposition to the request for variance.

Sincerely yours,

Ruth J. St. Onge

Ruth J. St. Onge
2579 Brighton Circle
Biloxi, MS 39531
Telephone 228 388 3507

**MINUTES OF MAY 22, 2008
RECESSED MEETING
LONG BEACH PLANNING COMMISSION**

The following letters were also read and submitted for the record:



21 08 03:12p SZYMANSKI

228-386-2019

p.1

JOAQUIN M. INCHAUSTEGUI

Phone: (281) 277-7710

14243 INGHAM CT.

E-mail:jinchaustegui@windstream.net

SUGAR LAND, TX. 77478

FAX: (281) 313-2369

Cell Phone: (281) 620-0933

May 19, 2008

GOD BLESS AMERICA

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



RE: American Opportunity for Housing/Mississippi Coast, LLC.
Request for variance.

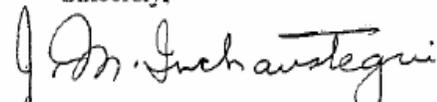
Gentlemen:

We own the property at 464 W. Beach Blvd., Long Beach. I am opposed to the variance requested by American Opportunity for Housing/Mississippi Coast, LLC. We feel that this variance is not in accordance with the neighborhood. Before Katrina, we had several occasions where residents of the Cheri Apartments trespassed onto my property and removed outdoor furniture such as lawn chairs, patio umbrellas, etc. and the Police traced the theft to teenagers living in those apartments but could not recover my property.

On several other occasions, maybe in retaliation, some teenagers again trespassed and threw into the creek my retaining wall stones which were there to prevent erosion. We called the Police and they were caught in the act but since they were minors, nothing was done.

This variance will bring some undesirable, transient residents and the increased foot and vehicular traffic will diminish the value of my property..

Sincerely,


J. M. Inchaustegui

MINUTES OF MAY 22, 2008
RECESSED MEETING
LONG BEACH PLANNING COMMISSION

5/23/08

TO Whom it May Concern:

I, Willie Shook, live at 98 Shelter Rock Dr. but am unable to attend this meeting due to having to attend Gorties High School's graduation.

I am opposed to the apartments being built on the property in question. Previously the apartments on the old property were a source of crime and vandalism in the neighborhood. My neighbors and I have worked too hard rebuilding our property to have it devalued by this project.

Sincerely
Willie Shook

**MINUTES OF MAY 22, 2008
RECESSED MEETING
LONG BEACH PLANNING COMMISSION**

20 MAY 08

TO WHOM IT MAY
CONCERN:

I EDWARD C. HINSON, RESIDE
AND OWN LOT #15 HELTER
ROCK ESTATES LONG BEACH
MS. DO NOT WANT ANY
HOUSING THAT EXCEEDS
A DUPLEX BUILT IN THE
AREA WHERE MY PROPERTY
IS LOCATED.

THANK YOU
Edward C. Hinson

Edward C. Hinson
1245 HELTER ROCK DR
LONG BEACH MS. 39560

228-324-0386

Commissioner Yandell made motion seconded by Commissioner Vancourt and unanimously carried to close the Public Hearing.

After discussion, Commissioner Hill made motion seconded by Commissioner Yandell and unanimously carried to deny the request.

**MINUTES OF MAY 22, 2008
RECESSED MEETING
LONG BEACH PLANNING COMMISSION**

The next item to come before the Commission was a Variance Request submitted by American Opportunity for Housing/Mississippi Coast, LLC:

At the applicants request the request for Variance was withdrawn.

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

APPROVED:

Commission Chairman, Frank Olaivar

Date:_____

ATTEST:

Veronica Howard, Minute Clerk