

**MINUTES OF OCTOBER 23, 2008
REGULAR 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, Jacquie Lipski, Joseph Sweetapple, Roderick Rishel, Tonda Yandell, Planning Commission Advisor Bill Hessell, Building/Code Official Earl Levens, and Minute Clerk Veronica Howard.

Commissioners David Serrato, Tony Vancourt, Dale Hare, and Barney Hill 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 November 4, 2008, and subject to a ten-day appeal time for a Public Hearing.

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After careful review and Commissioner Lipski made motion seconded by Commissioner Sweetapple and unanimously carried to approve the Planning Commission minutes of October 9, 2008 with no amendments.

Motion was made by Commissioner Rishel and seconded by Commissioner Lipski and unanimously carried to suspend the rules and add to the agenda under OLD BUSINESS discussion to amend Article IX, Section 5 COORDINATION WITH SURROUNDING STREETS (C) of the Subdivision Ordinance.

The first item of business was a Public Hearing for a Twelve Hundred foot (1200') street length variance for tax parcel number 0511N-01-015.000 and 0511L-01-010.000 submitted by James Wedworth 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 - Length of Street (From 1000 FT Required)
 - 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: 2110 Pineville 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 do hereby agree to all the rules and regulations as set forth in the Long Beach Zoning Ordinance and also agree to pay all fees and charges as stated.

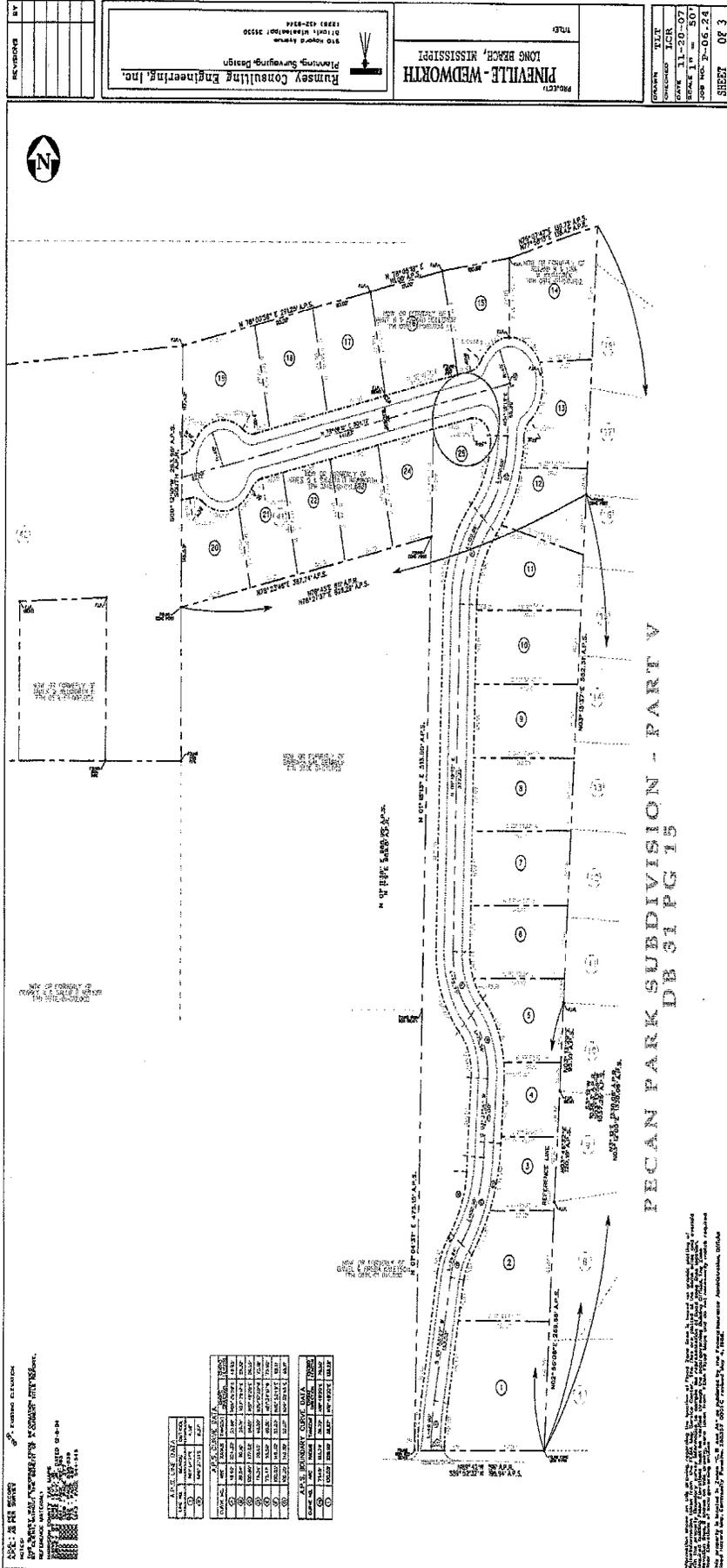
<u>James Wedworth</u> Name of Owner(s)	<u>2110 Pineville Rd</u> Mailing Address
<u>Long Beach MS 39560</u> City State Zip	<u>860-9720</u> Telephone (H) Office
<u>James Wedworth</u> Signature of Owner(s)	<u>9/25/08</u> <u>\$100.00</u> Date Fee

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

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05117-01-015.000



LOT NO.	AREA (SQ. FT.)	AREA (AC.)
1	10,000	0.23
2	10,000	0.23
3	10,000	0.23
4	10,000	0.23
5	10,000	0.23
6	10,000	0.23
7	10,000	0.23
8	10,000	0.23
9	10,000	0.23
10	10,000	0.23
11	10,000	0.23
12	10,000	0.23
13	10,000	0.23
14	10,000	0.23
15	10,000	0.23
16	10,000	0.23
17	10,000	0.23
18	10,000	0.23
19	10,000	0.23
20	10,000	0.23
21	10,000	0.23
22	10,000	0.23
23	10,000	0.23
24	10,000	0.23
25	10,000	0.23
26	10,000	0.23
27	10,000	0.23
28	10,000	0.23
29	10,000	0.23
30	10,000	0.23

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*Back 5 acres
where David & Carolyn
lived on beach*

DEED OF TRUST

**STATE OF MISSISSIPPI,
COUNTY OF HARRISON
FIRST JUDICIAL DISTRICT**

Whereas, We, DAVID BROOKS and CAROLYN LANGFORD BROOKS, husband and wife, of Long Beach, Mississippi

hereafter called the Grantors, are justly indebted unto MISSISSIPPI HIGHWAY SAFETY PATROL FEDERAL CREDIT UNION of Jackson, Mississippi,

hereafter called the Beneficiary, for the purchase price of a parcel of real property in the First Judicial District, Harrison County, Miss., in the sum of SIX THOUSAND AND NO/100-----(\$6,000.00)----- DOLLARS

evidenced by one promissory note, dated November 8, 1972, due and payable commencing on the 5th day of December, 1972 and continuing thereafter on the 5th day of each succeeding month, David Brooks and Carolyn Langford Brooks, wife, will pay to Mississippi Highway Safety Patrol Federal Credit Union the sum of \$124.55 for a total of Sixty (60) months, such that at the expiration of 60 months, Brooks and wife will pay to Credit Union the sum of \$7,473.60, which includes interest on the principal sum of \$6,000.00 at the rate of 3/4 of 1% per month.

Whereas, _____ desire to secure the payment of said indebtedness, or any renewals thereof, as the same falls due, and the faithful performance of all other terms and conditions hereafter set out.

Now therefore, in consideration of the above as well as Five Dollars (\$5.00) cash in hand paid, receipt of which is hereby acknowledged, We do hereby convey and warrant unto Patricia Bishop, Treasurer, as Trustee, the following described property in the

County of Harrison, State of Mississippi, to-wit:

A parcel of land beginning at the NW corner of Lot 41 of the Andrews Land Company Subdivision in Section 10, Township 8 South, Range 12 West, and running thence South 430 feet; thence North 76° 45' East 611 feet; thence North 3° East 290 feet; thence West 630.25 feet to the point of beginning, being located in Section 10, Township 8 South, Range 12 West.

This instrument also conveys a perpetual easement in favor of Grantees, their successors, heirs and assigns as follows:

An easement beginning at a point 3,315 feet West of the East line of Section 10 in the North line of the Pineville Road and running thence North 912 feet; thence East 20 feet; thence South 912 feet; thence West 20 feet, to the point of beginning; being in Section 10, Township 8 South, Range 12 West.

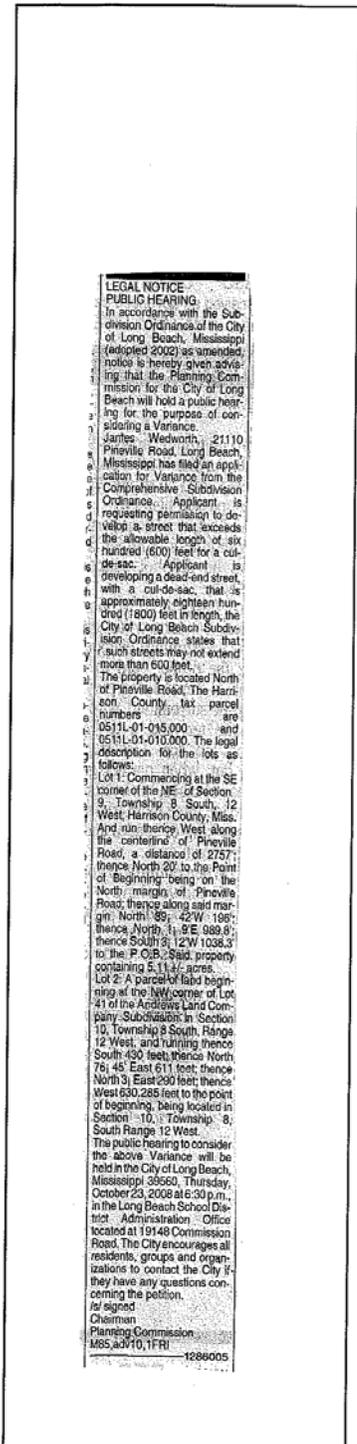
This conveyance is made in trust however, to secure the payment of the above mentioned note or any renewals thereof at maturity; and if this note is duly paid and all of the other items, covenants and conditions herein are duly and faithfully observed, then this instrument shall be and become null and void.

In the event of the failure of the Grantor to pay said note, or any installment thereof, as the same falls due or to pay the accrued interest thereon at its maturity dates, or to perform faithfully all the other terms, covenants and conditions as hereinafter set out, then the entire unpaid balance of said note and the interest accrued thereon shall immediately become due and payable for all purposes, whether or not due according to the maturity date or dates thereof; and all other indebtedness, the payment of which is secured hereby, shall likewise become due and payable; and at the request of the Beneficiary herein, or of the owner and holder of said note, the Trustee herein or his successor shall sell the above described land and all improvements thereon at public outcry to the highest and best bidder for cash, within legal hours on any secular day of the week, in front of the Northwest front door of the Court House of Harrison County, Mississippi, after having first given notice of said sale for the length of time and the manner required by law. The proceeds of said sale shall be used first to pay all costs thereof including a reasonable Trustee's fee then to pay the entire amount remaining due on said note together with interest and attorneys fees as therein provided, and likewise to pay any other sum, or sums, the Grantor may be owing the Beneficiary, or the owner and holder of the above described note, the payment of which is secured hereby, and the remainder of such proceeds shall then be paid to the Grantor.

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The Clerk reported that she did cause to be published in The Sun Herald, a newspaper with 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



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 7 times in the following numbers and on the following dates of such paper, viz:

- Vol. 125 No., 8 dated 10 day of Oct, 2008
- 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.

OCT 13 2008 Julie Garner
Clerk

Sworn to and subscribed before me this 10 day of Oct, A.D., 2008

KANDI A. BERKLEY
Notary Public, State of Mississippi
Harrison County
My Commission Expires
April 05, 2010
Kandi Berkley
Notary Public

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

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The Clerk reported that Forty-Three (43) notices of Public Hearing were sent by certified mail, return receipt requested, to property owners within two hundred (200') feet of the subject property. Said return receipts were ordered as part of the record of these proceedings.

City of Long Beach

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 the Subdivision Ordinance of the City of Long Beach, Mississippi (adopted 2002) as amended, notice is hereby given advising that the Planning Commission for the City of Long Beach will hold a public hearing for the purpose of considering a **Variance**.

James Wedworth, 21110 Pineville Road, Long Beach, Mississippi has filed an application for Variance from the Comprehensive Subdivision Ordinance. Applicant is requesting permission to develop a street that exceeds the allowable length of six hundred (600) feet for a cul-de-sac. Applicant is developing a dead-end street, with a cul-de-sac, that is approximately eighteen hundred (1800) feet in length, the City of Long Beach Subdivision Ordinance states that '.....such streets may not extend more than 600 feet.

The property is located North of Pineville Road, The Harrison County tax parcel numbers are 0511L-01-015.000 and 0511L-01-010.000. The legal description for the lots as follows:

Lot 1: Commencing at the SE corner of the NE ¼ of Section 9, Township 8 South, 12 West, Harrison County, Miss. And run thence West along the centerline of Pineville Road, a distance of 2757'; thence North 20' to the Point of Beginning being on the North margin of Pineville Road; thence along said margin North 89° 42'W 196'; thence North 1° 9'E 989.8'; thence South 3° 12'W 1038.3' to the P.O.B. Said property containing 5.11 +/- acres.

Lot 2: A parcel of land beginning at the NW corner of Lot 41 of the Andrews Land Company Subdivision in Section 10, Township 8 South, Range 12 West, and running thence South 430 feet; thence North 76° 45' East 611 feet; thence North 3° East 290 feet; thence West 630.285 feet to the point of beginning, being located in Section 10, Township 8, South Range 12 West.

The public hearing to consider the above Variance will be held in the City of Long Beach, Mississippi 39560, Thursday, October 23, 2008 at 6:30 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

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The applicant came forward to state request he stated that he was asking for a variance of 1200 square feet that would allow him to develop an 1800 square foot Road.

Commission Chairman called for anyone wishing to speak in favor of the request and no one came forward to be heard.

Commission Chairman called for anyone wishing to speak in opposition of the request and no one came forward to be heard.

Commissioner Yandell made motion seconded by Commissioner Sweetapple and unanimously carried to close the public hearing.

After considerable discussion Commissioner Yandell made motion seconded by Commissioner Lipski and unanimously carried to approve the Variance request in accordance with Zoning Ordinance 344, Section 1207.

FINDINGS, as follows:

1207.1 There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography that are not applicable to other lands or structures in the same district.

1207.2 A literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other residents of the district in which the property is located.

1207.3 The requested variance will be in harmony with the purpose and intent of this Ordinance and will not be injurious to the neighborhood or to the general welfare.

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1207.4 The special circumstances are not the result of the actions of the applicant.

1207.5 The existence of a nonconforming use of neighboring land, buildings, or structures in the same district or permitted or nonconforming uses in other districts shall not constitute a reason for the requested variance.

1207.6 The variance requested is the minimum variance that will make possible the legal use of the land, building, or structure.

1207.7 The variance is not a request to permit a use of land, buildings, or structures which are not permitted by right or by special exception in the district involved.

1207.8 Notice of public hearing shall be given as in Article XII, Section 1205

And also noting Article IV STREETS AND SIDEWALKS Section 11 PUBLIC STREETS AND PRIVATE ROADS IN SUBDIVISIONS (b) A subdivision in which the access requirement of Section 2 is satisfied by a private road that meets neither the public street standards nor the standards set forth in Section 2 may be developed so long as, since the effective date of this ordinance, not more than three lots have been created out of the same tract.

It came for consideration under Old Business discussion to amend the Subdivision Ordinance Article IX, Section 5 COORDINATION WITH SURROUNDING STREETS (C) of the Subdivision Ordinance.:

After considerable discussion the Commission directed Planning Commissioner Bill Hessell to draft the language for review to make a text change to that section of the Ordinance.

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It came for consideration under New Business Planning Commission approval to build low rise apartments in an R-2, Zone District submitted by Vincent Depaolo as follows:



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 *to build condos in R-2 zone*

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: G VIA DONWAY
House number and street name

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

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

A. If in a subdivision:
Subdivision Name _____

B. If Metes and Bounds: Attach a Legal Description

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

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

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

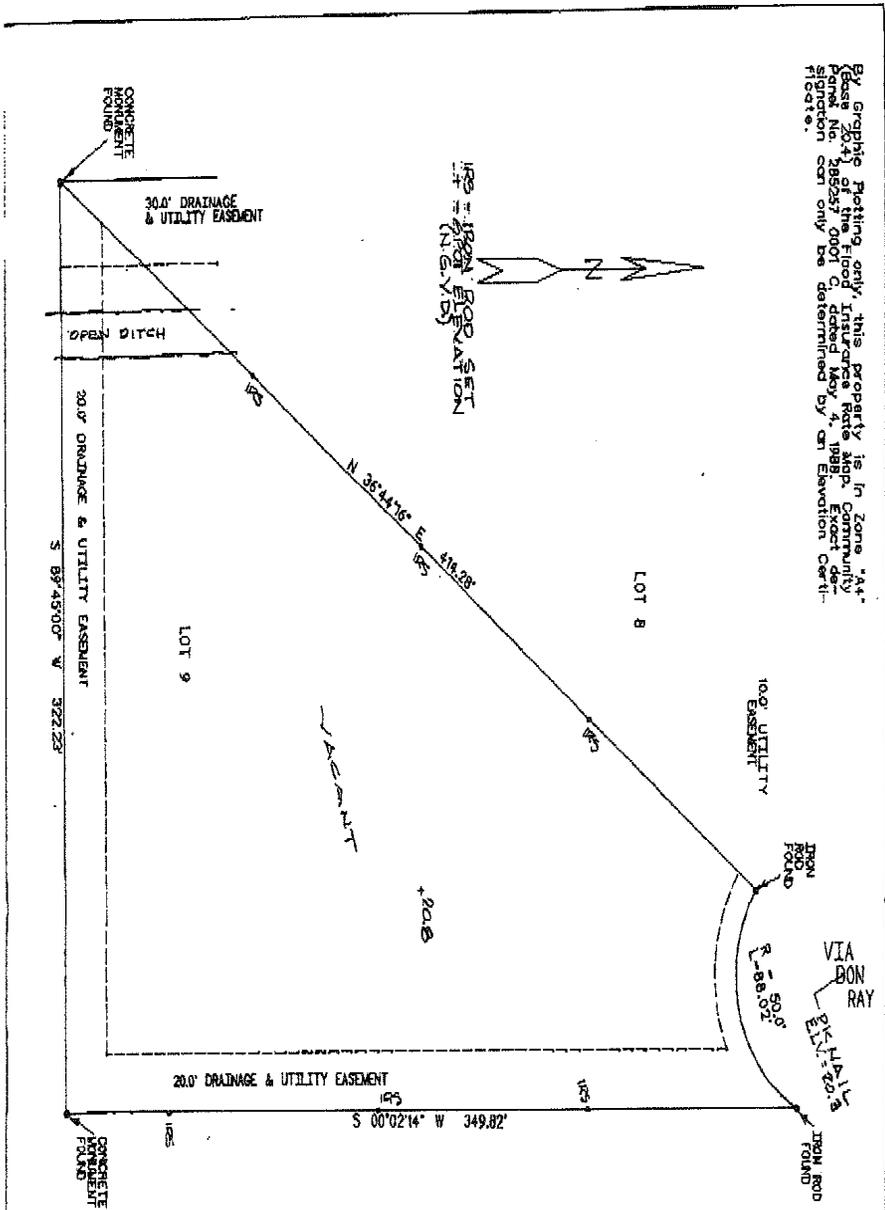
Vincent DePaolo
Name of Owner(s) _____ Mailing Address _____

104 WOOD OAK MS. 38466
City _____ State _____ Zip _____ Telephone (H) _____ Office _____

Vincent DePaolo
Signature of Owner(s) _____ Date 10/17/08 Fee \$ 50

- 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

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By Graphic Plotting only, this property is in Zone "A4" (Base 2041) of the Flood Insurance Rate Map, Community Panel No. 285257 0001 C, dated May 4, 1998. Exact determination can only be determined by an Elevation Certificate.

Lot 9, L'CASE FORESTA SUBDIVISION (Plat Book 34, Page 40), City of Long Beach, First Judicial District of Harrison County, Mississippi.

This is to CERTIFY that this map or plat and the survey and plat thereon were prepared in accordance with Minimum Standards for Land Surveying in the State of Mississippi.

Michael Cassidy
MICHAEL CASSADY, P.L.S.
May 19, 1994

RECORDED:
JUNE 19, 2008



CLASS "B" SURVEY	
SCALE 1" = 30.0'	APPROVED BY:
DATE 5/19/94	DRAWN BY: cdh
	REVISOR:
E. PATRICK CASSADY	
Patterson & ASSOCIATES, INC.	
P.O. Box 7301 Gulfport, MS 39506	
(601) 896-7155	
GRANDFATHER NUMBER	33944-94

Aug. 21, 2008 11:46AM ALFONSO REALTY

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The Commission decided to take no action on this agenda item until the applicant could appear before the Commission.

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