

MINUTES OF FEBRUARY 28, 2008
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: Commissioners Jacqui Lipski, Tony Vancourt, Tonda Yandell, Roderick Rishel, Dale Hare, Joseph Sweetapple, and Minute Clerk Veronica Howard. Tony Vancourt, in his capacity as Co-Chairman chaired said meeting.

Commission Chairman Frank Olaivar, Commissioners William Owen, David Serrato, Planning Commission Advisor Bill Hessel, Building/Code Official Earl Levens and Zoning Enforcement Officer Ken Price 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 March 5, 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 Lipski and unanimously carried to approve the Planning Commission minutes of February 14, 2008 Regular scheduled meeting, with the following corrections: on page 1 Commissioner David Serrato was present the meeting; on page 10 the motion made by Commissioner Yandell to approve the amendments to the Long Beach Sign Ordinance Number 533 was seconded by Commissioner Vancourt; on page 46 the motion should have read "After much discussion and consideration Commissioner Yandell made motion seconded by Commission Lipski and unanimously carried to deny the request until the applicant could show appropriate street access to each lot."; on page 2 Commissioner Yandell made motion, seconded by Commissioner Vancourt to approve the minutes of January 24, 2008 regular scheduled meeting; on page 24 concerning the K-Mart property note for the record the Planning Commission requested they construct the exterior of the building to "fit in" with the neighborhood, that they take in consideration landscaping, a pedestrian awning and a buffer/screen for the loading dock and dumpsters. Also, noted for the record was a request for various elevations be forwarded to the minute clerk for distribution to the Commission members.

The first item of business was a Public Hearing for a Variance submitted by ERT Properties as follows:

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02/11/2008 13:12 9858687759
Feb 11 08 12:57p Wayne Q'Neal

GIMC

226-632-2296

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p.1



CITY OF LONG BEACH, MISSISSIPPI
PO BOX 929
201 JEFF DAVIS AVENUE
TELEPHONE 228-632-1554
FAX 228-669-0122
ssm@cityoflongbeach.ms



*Resubmission
Deadline & submit
meeting materials*

APPLICATION FOR CASE REVIEW

*DEED
Survey*

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:

889 E. Beach Blvd (07120-03-08000)
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:
Azalea Hayes Subdivision
Subdivision Name

B. If Metes and Bounds: Attach a Legal Description

V. Names and Addresses of all Property Owners within 500 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. Consent: I, the undersigned, do hereby agree to all the rules and regulations set forth in the Long Beach Zoning Ordinance and also agree to pay all fees and charges as stated.

ERT Properties, Inc. P.O. Box 1225
Name of Owner(s) Mailing Address
Long Beach, MS 39560 (228) 216-1490
City State Zip Telephone (if) Office
Mangalung 2/11/2008 100.00 + Admin
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, accurate bounding and bearing 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.

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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?

*We are preparing to build our home it needs
Address 29 E. Beach it need a 6' 6" variance to meet
the property setback we are under 11' 4" before storm, will still
want a 6' 6" home like before Katrina.*
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. Show how the variance makes reasonable use of the existing land and why the same action cannot be done in a way that does not require a variance. Show that the granting of this variance does not give the applicant any special privileges that the properties in the area would find desirable.

FOR HOME OCCUPATION ONLY!

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

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SURVEYED FOR: ERT PROPERTIES, INC.

DEED DESCRIPTION: (2007-3690-D-0) Lot 1, AZALEA HOMES SUBDIVISION, as per the map or plot thereof on file and of record in the office of the Chancery Clerk of the First Judicial District of Harrison County, Mississippi, in Plat Book 20 at page 34.

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

Kenny L. Alston
 KENNY L. ALSTON
 PROFESSIONAL LAND SURVEYOR INC.
 4602 KENDALL AVE.
 GULFPORT, MS 39507
 (228) 864-2845 VOICE AND FAX
 NO. PLS-2529
 STATE OF MISSISSIPPI



DATE OF FIELD SURVEY: 06/01/2007

This property is subject to all local subdivision planning and zoning ordinances that could affect the above described property.

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

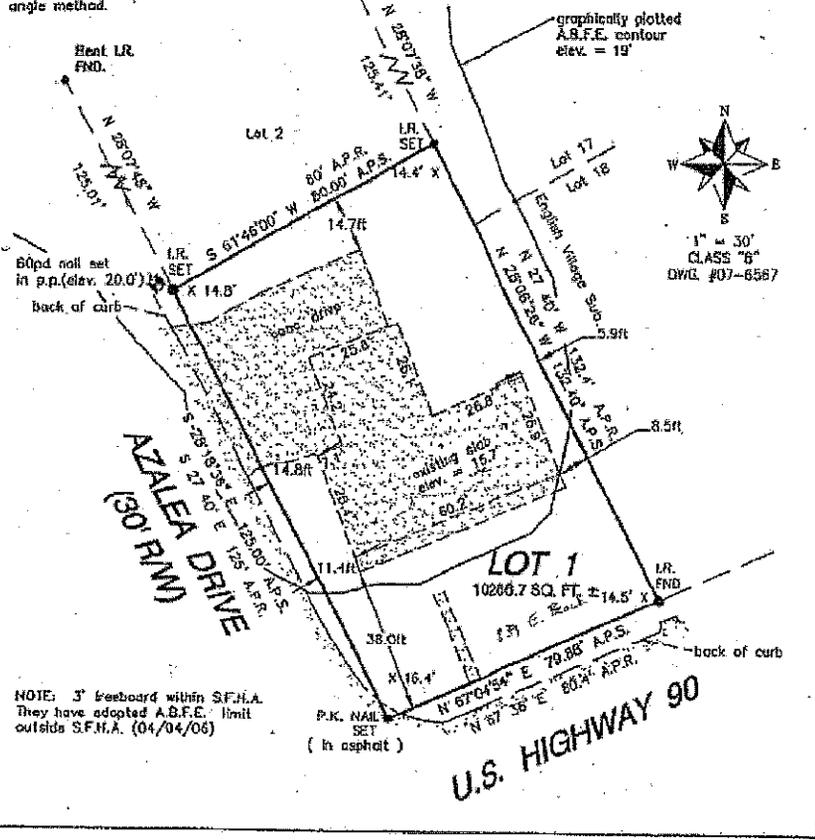
This property is subject to any and all recorded restrictive covenants, rights-of-ways and easements applicable to subject property that would be shown by a current title report.

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

The property shown hereon appears to lie within zone B, community pond #285257-0004-D revised November 16, 1983 and does not imply that this property will or will not be free from flooding or damage. Flood zone information was scaled from F.E.M.A. flood maps. Kenny L. Alston Land Surveyor Inc. is not a party in determining the requirements for flood insurance on the property shown hereon.

A.P.S. = As Per Surveyed
 A.P.R. = As Per Record
 X = Existing Elevation
 I.R. = Iron Rod I.P. = Iron Pipe

All bearings on this plot were based on a solar observation by the hour-angle method.



NOTE: 3' freeboard within SFHA. They have adopted A.S.F.E. limit outside SFHA. (04/04/06)

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STATE OF MISSISSIPPI
COUNTY OF HARRISON

SCANNED

REVIEWED



Kathleen S. Spence
1st Judicial District
Instrument 2007 3880 D -J1
Filed/Recorded 4 4 2007 11 47 A
Total Fees 12.00
8 Pages Recorded

WARRANTY DEED

FOR AND IN CONSIDERATION of the sum of Ten Dollars (\$10.00) cash in hand paid, and other good and valuable consideration, the receipt and sufficiency of all of which is hereby acknowledged, I, the undersigned KATHLEEN S. SPENCE (formerly known as Kathleen S. Niehaus), do hereby sell, convey and warrant unto ERT PROPERTIES, INC., the following described land and property lying and being situated in the First Judicial District of Harrison County, Mississippi, being more particularly described as follows, to-wit:

Lot 1, AZALEA HOMES SUBDIVISION, as per map or plat thereof on file and of record in the office of the Chancery Clerk of the First Judicial District of Harrison County, Mississippi, in Plat Book 20 at Page 34.

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

AD VALOREM TAXES for the current year have been prorated and are assumed by the grantee herein.

The above described property constitutes no part of the homestead of the grantor, nor is it contiguous thereto.

Witness my signature, this, the 30 day of March, 2007.

Kathleen S. Spence
KATHLEEN S. SPENCE

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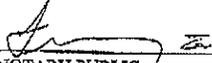
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STATE OF MISSISSIPPI

COUNTY OF HARRISON

PERSONALLY appeared before me, the undersigned authority in and for the said county and state, on this 30th day of March, 2007, within my jurisdiction, the within named KATHLEEN S. SPENCE, who acknowledged that she executed the above and foregoing instrument.



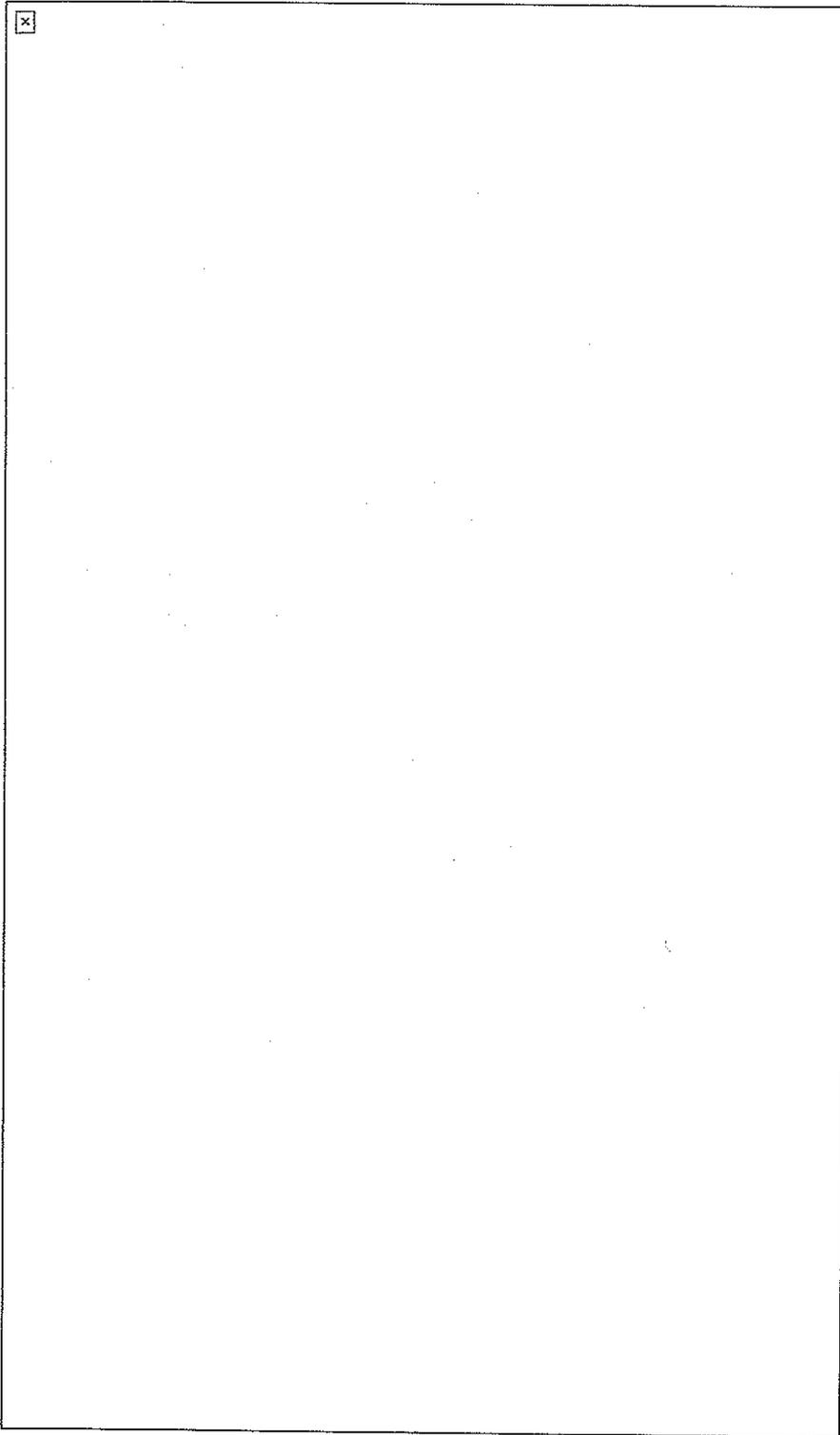

NOTARY PUBLIC

Grantor: #2 Rivers Bend Drive, Gulfport, MS 39507; Tel: 228/896-8657

Grantee: P.O. Box 1225, Long Beach, MS 39560; Tel: 228/216-1490

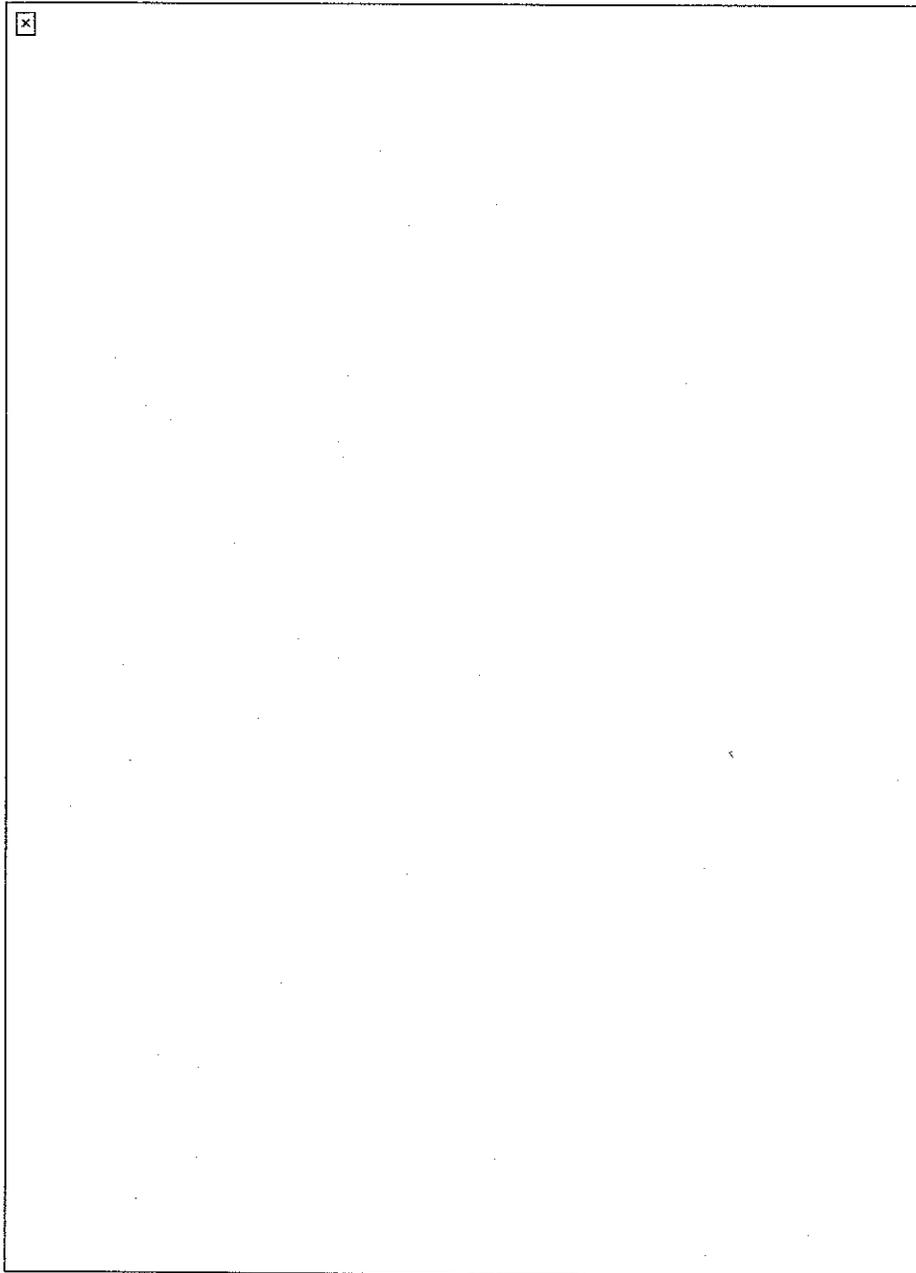
Prepared by and after recording return to:
Frank R. McCreary, III
P.O. Box 987
Long Beach, MS 39560
228/868-6697

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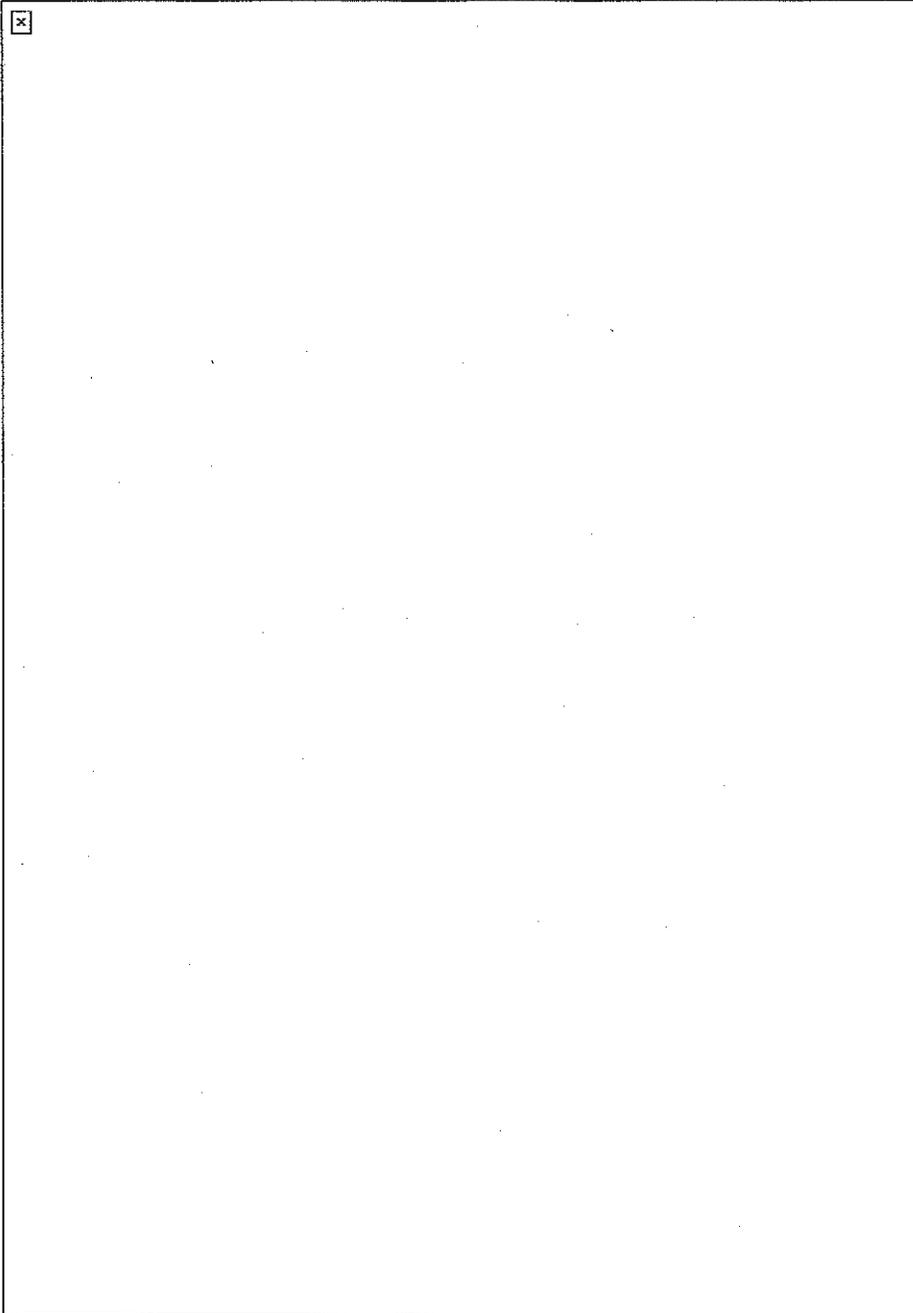
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The Clerk reported that she did cause to be published in The Sun Herald, a newspaper with a general circulation in the City of Long Beach and published in Harrison County, LEGAL NOTICE, PUBLIC HEARING, as evidence by the Publisher's Proof of Publication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



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The Clerk reported that nine (9) legal notices of Public Hearing were sent via certified mail, return receipt requested within two hundred (200) feet of the subject property. The notice mailed to the property owners was as follow:



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Mr. Wayne O'Neal, 11070 Dauro Road, Gulfport, MS came forward to state the request he stated the applicants want to build a house on Lot 1 of Azalea Drive there was a 60 foot wide home there before Katrina and they were requesting to replace that size home.

Commission Co-Chairman, Tony Vancourt opened the floor for public comments in favor of the request and no one came forward to be heard.

Commission Co-Chairman, Tony Vancourt opened the floor for public comments in opposition of the request and no one came forward.

There being no further public comments, Commissioner Yandell made motion seconded by Commissioner Hare and unanimously carried to close the Public Hearing.

After careful discussion Commissioner Lipski made motion seconded by Commissioner Hare and unanimously carried to approve the Variance request as submitted.

Noted for the record the time limit for the temporary trailer located at 580 Klondyke Road has expired.

Noted for the record the time limit for the temporary trailer located at 18012 Railroad Street has expired.

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

APPROVED:

Commission CO-Chairman, Tony Vancourt

Date: _____

ATTEST:

Veronica Howard, Minute Clerk