

**MINUTES OF OCTOBER 8, 2009
REGULAR MEETING
LONG BEACH PLANNING COMMISSION**

Be it remembered that a regular meeting of the Long Beach Planning Commission of the City of Long Beach, Mississippi, was begun and held at the Long Beach School District Central Office, 19148 Commission Road, in said City 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, Danny Hansen, Barney Hill, Gretchen Loftus, William "Chip" Williams, Jacquie Lipski, Dale Hare, and Minute Clerk Veronica Howard.

Commissioner Tonda Yandell was absent the meeting.

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There being a quorum present and sufficient to transact the business of this regular scheduled meeting the following proceeding were had and done.

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The meeting was called to order and the Commission Chairman stated that all decisions made at this meeting would need to be ratified by the Mayor and Board of Aldermen at their next regularly scheduled meeting of October 20, 2009, and subject to a ten-day appeal in time for a Public Hearing.

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After careful review and consideration Commissioner Vancourt made motion seconded by Commissioner Hansen and unanimously carried to approve the Planning Commission Minutes of September 24, 2009 as submitted.

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It came for consideration under OLD BUSINESS approval / review of the Comprehensive, Smart Code Plan and Architectural guidelines.

Commission submitted final revisions to Consultant Group Ayers, Saint, Gross, the Commission is waiting final draft with the final revision completed.

The next agenda item under NEW BUSINESS was a Home Occupation approval for 112 Park Lane Avenue with the use of a trailer and/or vehicle submitted by Eric Coludrovich as follows:

1294
2009-4970

		APPLICATION FOR CASE REVIEW City of Long Beach, PO Box 929/201 Jeff Davis Avenue 39560 (228)863-1554 Fax (228)865-0822		
Shaded Areas for Staff ONLY		Agenda Date:		
TO BE COMPLETED BY APPLICANT (Front and Back of each page)		DATE: 7-20-09		
Name of Rightful Owner: Krester Federal Credit Union		Name of Applicant (if different than Owner) Eric Coludrovich		
Property Address: 112 Park Lane Long Beach, Ms. 39560		Ward Number		
Tax Parcel Identification Number(s):				
Mailing Address of Property Owner:		Mailing Address of Applicant (if different than owner): 112 Park Lane		
City		City Long Beach		
State		State Mississippi		
Zip		Zip 39560		
County		County Harrison		
Telephone: ()		Telephone: (228) 265-3068		
PROPERTY INFORMATION:				
Property Size (Please give in acres or by dimension):				
Present Zoning Classification				
Flood Zone(s) of Property:				
	North	South	East	West
Property is most nearly bounded by what streets?				
If property directly fronts or is adjacent one of the streets above please indicate with a X.				
		X		
TYPE OF CASE REQUEST (A separate supplement form is required for each):				
<input type="checkbox"/> Zoning Change (\$100.00 + administrative fees)				
<input type="checkbox"/> Planning Commission Approval (\$50.00 application)				
<input type="checkbox"/> Special Exception Use (\$100.00 + administrative fees)				
<input type="checkbox"/> Variance Request (\$100.00 + administrative fees)				
<input type="checkbox"/> Plat Approval - () Sketch (\$50.00 application fee) () Preliminary () Final - Please provide a blue line of the proposed plat. FEES for Preliminary & Final plat approval as follows: 2-3 lots \$100 / 4-10 lots \$150 / 11-50 lots \$300 / 50-100 lots \$400 / 100+ lots \$500				
<input type="checkbox"/> A Decision of the Building Official is Alleged to be in Error (\$50.00 application fee)				
<input type="checkbox"/> Interpretation of the Zoning Ordinance				
<input checked="" type="checkbox"/> Home Occupation (attach copy of Deed or lease) (\$80.00 application fee) Skip to page 4				

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APPLICATION FOR CASE REVIEW (continued)

Please attach the following. If applicable:
<ol style="list-style-type: none"> 1. A deed which includes a legal description of the specific piece of property involved in the request. 2. If several parcels are included in a request, individual parcel deeds AND a composite legal description of all parcels involved in the request must be provided. 3. Survey 4. 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. A complete site plan of the property shall also be submitted with the application, to include any existing structures, easements, or other significant physical features. 5. 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) 6. 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. 7. Applicant should appear personally or through his/her agent at the scheduled hearing. 8. 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. <p>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.</p>

GENERAL INFORMATION, READ BEFORE EXECUTING, Attendance by the applicant(s) at the public hearing is mandatory; however, the applicant may designate a representative to attend the public hearing on his/her behalf, provided said representative has been properly designated to speak on the applicant's behalf either by written permission or oral designation by the applicant at the Public Hearing. If a continuance is to be granted, the applicant must request same in writing, a minimum of seven (7) days in advance of the scheduled public hearing. The applicant acknowledges that, in signing this application, all conditions and requirements inherent in the process have been fully explained and understood, including the timetable for processing the application; the completed application with all necessary documents and payments must be returned to the Planning office not later than 21 days before the 2nd or 4th Thursday of each month. Receipt of fee(s) does not constitute receipt of a completed application.

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.

Signature of Rightful Owner

Eric L. Lubrovich

Signature of Applicant

7/21/09

Date

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HOME OCCUPATION APPLICANTS:

Home Occupation is any occupation within a dwelling and clearly incidental thereto, carried on by a member of the family residing on the premises provided that no other person not a resident of premises is employed, that no stock in trade is kept or commodities sold, no mechanical equipment is used except such that is normally used for family, domestic or household purposes, and there is no exterior indication other than a sign permitted by the district regulations, that the building is being used for any purpose other than a dwelling. The following home occupations are permitted by right but if any vehicle or trailer is used, then approval must be granted by the Planning Commission pursuant to Zoning Ordinance #344, Article IX, Section 913.0 Vehicles and Trailers:

- (a) Artist and sculptors; (b) Authors and composers; (c) Dressmakers, seamstresses, and tailors; (d) Family day (e) care home, limited to not more than three (3) children; (f) Office facility of a minister, rabbi or priest; (g) Office facility of a salesman, sales representative, provided that no retail or wholesale transactions are made on the premises; (h) Individual tutoring; (i) Individual stringed instrument instructions (j) Maid or home cleaning service for other dwellings. (k) Lawn care service and gardening. (l) Home office in which work for compensation or without compensation is undertaken, including, but not limited to receiving or initiating correspondence, such as phone calls, mail, faxes, or e-mail; preparing or maintaining business records; and word and data processing or personal services. (m) personal instructions or personal services in which customers or students visit the home by appointment only, and service is provided on a one-on-one basis. No adult entertainment activities shall be allowed as a home based business/occupation (n) Sales of a specific product in which members of the immediate family are employed, but which offer for sale stock in trade which is obtained from national franchise entity. Sales of products may be by delivery only. Examples of this type of home occupation include Amway, Tupperware, Mary Kay Make-up and similar products.

However, a home occupation shall not in any event be deemed to include auto repairs, minor or major, barber/beauty shops, dance instructions, upholstery, stables/kennels, restaurants, tourist homes, veterinary clinics/hospitals, private schools w/organized classes, gift shops, medical/dental clinics, medical offices, painting of vehicles, trailers or boats photo developing, photo studios, radio/television repair, or cabinet shops, Escort dating services, adult bookshop, adult imaging (electronic or otherwise) shop or outlet, Electrician, Plumber or Welding Contractor.

SPECIAL NOTE: an \$80.00 application fee and a copy of the owner's recorded warranty deed must be included with this application in addition if such dwelling is being leased, written permission from the landlord will need to be provided also.

Please give description of business (be specific): <u>Lawn Care, Building, Lot Clearing, Framing, Decks, Porches, Additions, Gazebos, Custom Interiors, Privacy Fences, Chain Link, Cabins, Garages, Barns.</u>	
Will there be any equipment stored at the home, IF YES WHAT TYPE? (BE SPECIFIC)	
How many employees will you have? <u>None</u>	Social Security Number or Tax ID Number: <u>[REDACTED]</u>
How is the property zoned? <input type="checkbox"/> R-1 <input type="checkbox"/> R-2 <input checked="" type="checkbox"/> R-3 <input type="checkbox"/> R-4 <input type="checkbox"/> R-O <input type="checkbox"/> C-1 <input type="checkbox"/> C-2 <input type="checkbox"/> C-3 <input type="checkbox"/> I-1	
Name of Business: <u>EST Handworks and Lawn Care</u>	

**I have read, understand and am willing to comply with Zoning Ordinance No. 344 Article IX, SECTION 912. HOME OCCUPATION.

Eric L. Lubdovich
Signature

7-21-09
Date

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THIS INSTRUMENT PREPARED BY:
FAYE SPAYDE
ATTORNEY AT LAW
116 EAST THIRD STREET
LONG BEACH, MS 39560
TELEPHONE: 601-863-8675

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, we, the undersigned DAVID LEON FOY, Executor of the Estate of ZEBEDEE ALFRED FOY, Deceased (also know as ZEBEDEE A. FOY), DAVID L. FOY, individually, SLATER A. FOY, MARY F. TARTAVOULLE, and MAMIE F. THOMLEY, sole heirs at law and devisees under the Last Will and Testament of ZEBEDEE ALFRED FOY, Deceased, do hereby sell, convey and warrant unto VETERAN'S HOME PURCHASE BOARD, STATE OF MISSISSIPPI, the following described land and property situated and being in the First Judicial District of Harrison County, Mississippi, to-wit:

That certain lot or parcel of land situated and being in Russell's Subdivision in Section 11, Township 8 South, Range 12 West, and more particularly described as:

That certain parcel of land described as beginning at a point on the North margin of Park Lane Drive which is 260 feet West of the West margin of Klondyke Road, and from said Point of Beginning, running thence North 160 feet; running thence West a distance of 85 feet; running thence South a distance of 160 feet to the North margin of Park Lane Drive, and running thence East along the North margin of said Park Lane Drive, a distance of 85 feet to the Point of Beginning.

Said parcel of land comprises a part of the South one-half of the East 100 feet of Lot 3 of Russell's Subdivision of Lot 4 of Seal's Subdivision as per the official plat of said Russell's Subdivision on file and of record in Plat Book 9 at Page 23 of the Records of Plats of Harrison County, Mississippi.

AD VALOREM TAXES for the year 1994 have been prorated and are assumed by the grantee.

THE ABOVE DESCRIBED PROPERTY is not the homestead of the individual grantors, or any of them. DAVID LEON FOY, Executor of the Estate of ZEBEDEE ALFRED FOY, Deceased, has executed this conveyance in accordance with authority granted to him by Order of the Chancery Court of Forrest County, Mississippi in Cause No. 94-0089-PR-T, styled "In the Matter of the Estate of

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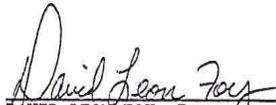


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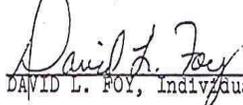
ZEBEDEE ALFRED FOY, Deceased" dated August 8, 1994, a certified copy of which is attached hereto as Exhibit "A" and made a part hereof.

THIS CONVEYANCE is subject to any and all restrictive covenants and conditions, easements, rights of way, and prior reservations of oil, gas and other minerals of record pertaining to the above described property.

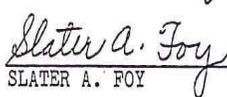
WITNESS our signatures this the 15th day of August, 1994.



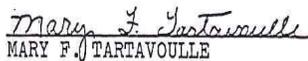
DAVID LEON FOY, Executor of the
of the Estate of ZEBEDEE
ALFRED FOY, Deceased



DAVID L. FOY, Individually



SLATER A. FOY



MARY F. TARTAVOUILLE



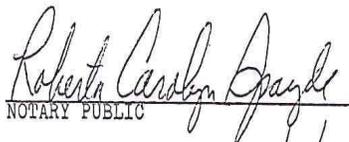
MAMIE F. THOMLEY

STATE OF MISSISSIPPI

COUNTY OF HARRISON

PERSONALLY appeared before me, the undersigned authority in and for the aforesaid County and State, DAVID LEON FOY, Executor of the Estate of ZEBEDEE ALFRED FOY, Deceased, who acknowledged that he signed and delivered the above and foregoing instrument on the day and in the year therein mentioned.

GIVEN under my hand and official seal of office this the 15th day of August, 1994.



ROBERTA CAROLYN SPAYDE
NOTARY PUBLIC

My Commission Expires: 11/13/94

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STATE OF MISSISSIPPI

COUNTY OF HARRISON

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GIVEN under my hand and official seal of office this the 15th day of August, 1994.


NOTARY PUBLIC

My Commission Expires: 11/13/94

GRANTORS' ADDRESS:
51 Mackerel Drive
Hattiesburg, Mississippi 39402
Telephone: (601) 264-7835

GRANTEE'S ADDRESS:
Post Office Box 115
Jackson, Mississippi 39205
Telephone: (601) 354-6300

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The chairman asked Mr. Coludrovich if he had received a copy of the Home Occupation Ordinance he stated that he had.

After care review and consideration Commissioner Vancourt made motion seconded by Commissioner Hansen and unanimously carried to approve the Home Occupation with the stipulation and understanding that Mr. Coludrovich had thirty (30) days to have concrete poured for a driveway in order to move the trailer to the back yard out of view.

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

APPROVED:

Commission Chairman, Frank Olaiivar

Date:_____

ATTEST:

Veronica Howard, Planning Commission Minute Clerk