

**MINUTES OF OCTOBER 22, 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, Tonda Yandell, Jacquie Lipski, Building/Code Official Earl Levens and Minute Clerk Veronica Howard.

Commissioner William "Chip" Williams and Dale Hare were absent the meeting.

* * *

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

* * *

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 November 3, 2009, and subject to a ten-day appeal in time for a Public Hearing.

* * *

After careful review and consideration Commissioner Loftus made motion seconded by Commissioner Hansen and unanimously carried to approve the Planning Commission Minutes of October 8, 2009, with the following correction: Page 1, in the Fourth (4th) paragraph the word transect should be "transact".

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The first item for consideration was a Public Hearing for a Variance request submitted by Bobby and Ann Ryan as follows:

864-LEOU

OCT. 1. 2009 2:36PM

CITY OF LONG BEACH

NO. 617 P. 1

| | | | | |
|--|--|---|-------------|-------------|
|  | 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 from Staff Only Agenda Date | | | | |
| TO BE COMPLETED BY APPLICANT (Front and Back of each page) | | DATE: October 1, 2009 | | |
| Name of Rightful Owner: Bobby and Ann Ryan | | Name of Applicant (if different than Owner) | | |
| Property Address: 210 West Avenue | | | Ward Number | |
| Tax Parcel Identification Number(s): 0612E-03-006.000 | | | | |
| Mailing Address of Property Owner: 2100 Pass Road Gulfport, Ms. 39501 | | Mailing Address of Applicant (if different than owner): | | |
| City | Gulfport | City | | |
| State | Ms. | State | | |
| Zip | 39501 | Zip | | |
| County | Harrison | County | | |
| Telephone: (228) | 617-6000 | Telephone: () | | |
| PROPERTY INFORMATION | | | | |
| Property Size (Please give in acres or by dimension): Front (66.04) Rear(65.70) N.side(134.36) S side (139.93) | | | | |
| Present Zoning Classification | | | | |
| Flood Zone(s) of Property: AB | | | | |
| | North | South | East | West |
| Property is most nearly bounded by what streets? | Magnolia | Hwy 90 | Troutman | West Avenue |
| If property directly fronts or is adjacent one of the streets above please indicate with a X. | | | | X |
| FEES | | | | |
| Zoning Change (\$100.00 + administrative fees) | | | | |
| Planning Commission Approval (\$50.00 application) | | | | |
| Special Exception Use (\$100.00 + administrative fees) | | | | |
| <input checked="" type="checkbox"/> Variance Request (\$100.00 + administrative fees) - 5' Variance each side | | | | |
| 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 | | | | |
| A Decision of the Building Official is Alleged to be in Error (\$50.00 application fee) | | | | |
| Interpretation of the Zoning Ordinance | | | | |
| Home Occupation (attach copy of Deed or lease) (\$80.00 application fee) Skip to page 4 | | | | |

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VARIANCE SUPPLEMENTAL APPLICATION

Describe any special condition that justify the granting of this variance request and that are peculiar to the property and do not apply to other properties in the general area. What are the reasons for the variance and why the applicant cannot meet the stated code requirement?

The width of our property is (66.04') on the west end and directly fronts West Avenue and the rear or east end of the property is (65.70). When The Trautman Wood Subdivision was subdivided all the parcels lots north of our property were divided into wider lots sizes with dimensions of (70') in width. Those lots are (4') wider in width than our lot. Therefore the owners of the lots north of our property have a special condition and option to construct a home on a (70') wide lot verses a (66') wide lot size and utilize an additional (4') in width and the option for a drive way that would allow additional parking to the rear of a structure.

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.

The standard size 2000 sq. ft. home will barely fit on a 50 to 60 ft wide lot. The Bermuda Bluff Cottage plan # C0002 by Allison Ramsey Architects Beaufort, South Carolina. The width of the footprint of the plan is (54.8')

The standard size 2000 sq. ft. will barely fit on a 50 to 60 ft wide lot. Our lot size is 66'. The average space needed for a driveway is about (10'). We are asking for a side setback variance of (3'). The change of variance would allow for an additional (4') of space needed for a (10') wide drive way and access for additional vehicle parking to the rear of the property.

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.

We believe that an unnecessary hardship exists due the character of the property created when the lots were subdivided resulting in the (66.04') width of our lot and (70') widths of neighboring lots. The Bermuda Bluff Cottage Plan C0002 is (54.8') in width. If our lot was (70') in width like the neighboring lots we would have an additional (4') in width and more space to allow for a (10') driveway for additional parking to the rear of the property.

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If we are required to meet code requirements we will not have enough parking space for other family members. As a result vehicles will have to park on the street in front of the property. Parking in the street may be a safety issue. Parking vehicles in the street would also be unsightly to the character neighborhood.

If the zoning board denies this request we will not be not have enough parking space available and we will not be able to rebuild our home back in Long Beach destroyed by Hurricane Katrina.

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 is granted to other properties. State how the variance makes reasonable use of the existing land and why the same action cannot be done in a way that does not require a variance. Show that granting of this variance does not give the applicant any special privileges that the properties in the area would find desirable

The standard size 2000 sq. ft. home will barely fit on a 50 to 60 ft wide lot. Other properties homes were totally destroyed by Hurricane Katrina. There are only two new homes that have been rebuilt on West Avenue. It is difficult to compare this request to other properties in the general area when there are no homes still standing to compare the request too. Variances granted to homeowners and most applicants commonly and not commonly enjoyed by other properties in the general area were destroyed by Hurricane Katrina. Many of the property owners have not built back in Long Beach and there are only (2) new homes on West Avenue. It is hard to make a comparison to the rights commonly enjoyed by other properties in the general area when many homeowners have not built back.

We believe that granting this variance request will allow for a reasonable use of the land by allowing for a (10') driveway and the additional use of parking in the rear of the property and keep other family member and guest vehicles from having to park in the street due to the lack of additional parking space while not conferring any special privilege.

The width of a driveway is on average about (10'). If the variance is not granted we will only have (6') for a driveway. That will be (4') less than the space needed for a driveway. Therefore, the same action cannot be done in a way that does not require a variance.

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BOOK 851 PAGE 831

STATE OF MISSISSIPPI
COUNTY OF HARRISON

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 of which is hereby acknowledged, WE, JOHN P. BROKOWSKI AND THERESA MARIE BROKOWSKI, do hereby sell, convey, and warrant unto ROBERT E. RYAN AND ANN M. RYAN as joint tenants with right of survivorship and not as tenants in common the following described property situated and being in Harrison County, Mississippi, to-wit:

Lot 14 and the North 16 feet of Lot 15, Trautman Woods Subdivision, Long Beach, Harrison County, Mississippi, as per the map or plat thereof on file and of record in Plat Book 17 at Page 35 in the Office of the Chancery Clerk of Harrison County, Mississippi, First Judicial District.

As a part of the consideration of this conveyance and by their acceptance hereof, the Grantees herein hereby assume and agree to pay the balance of that certain indebtedness evidenced by one promissory note in favor of Southern Savings and Loan Association and further hereby assume the obligation of that certain deed of trust on the above described property securing the aforesaid indebtedness dated April 8, 1977, in favor of the said Southern Savings and Loan Association in the original amount of \$25,000.00, which deed of trust is recorded in Deed of Trust Book 776 at Page 361 in the Office of the Chancery Clerk of Harrison County, Mississippi, First Judicial District.

It is expressly understood and agreed that the Grantors herein hereby expressly reserve a Vendor's Lien to secure the prompt and faithful compliance with the terms and provisions and obligations of the aforesaid promissory note and deed of trust, it being further understood and agreed that proper satisfaction and cancellation of the aforesaid deed of trust shall operate as full and complete satisfaction and cancellation of the Vendor's Lien herein retained.

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BOOK 851 PAGE 632

The aforesaid Grantors further and for the same consideration, do hereby convey, set over, assign and deliver unto the Grantees all of their right, title and interest in and to the escrow account in connection with the aforesaid note and deed of trust.

This deed is given subject to any and all prior easements, rights of way, restrictive covenants and mineral reservations of record, if any.

WITNESS OUR SIGNATURES on this the 2nd day of February, 1979.


JOHN P. BROKOWSKI


THERESA MARIE BROKOWSKI

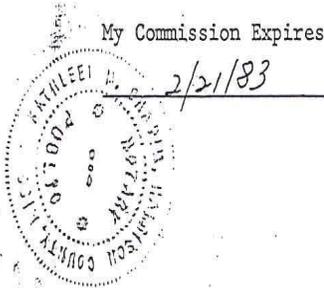
STATE OF MISSISSIPPI
COUNTY OF HARRISON

Personally came and appeared before me, the undersigned authority in and for said county and state, the within named JOHN P. BROKOWSKI AND THERESA MARIE BROKOWSKI, who acknowledged that they signed and delivered the above and foregoing Warranty Deed on the day and year therein shown.

GIVEN UNDER MY HAND AND SEAL on this the 2nd day of February, 1979.


NOTARY PUBLIC

My Commission Expires:



1279
STATEMENT OF FEES

| | | |
|----------------------|---------------|-----|
| Filing | _____ | .05 |
| Recording | _____ Words @ | |
| | 15¢ per 100 | 250 |
| Certificate | _____ | .50 |
| Indexing 15¢ each | _____ | |
| Separate Subdivision | _____ | 30 |
| Total Fees | _____ | 335 |

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

I hereby certify that this instrument was received and filed for record at 10 o'clock and 19 minutes M. on 5 day of March, A. D. 1979 and recorded March 6, 1979 in Records of Deeds.

Book 851 Pages 631-632

G. N. Crael, Chancery Clerk

By , D. C.

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The clerk reported that Twenty-one (21) notices of Public Hearing were sent by certified mail, return receipt requested, to property owners within a 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
Leonard G. Carrubba, Sr. - At-Large
Gary J. Ponthieux - Ward 1
Bernie Parker - Ward 2
Kaye H. Couvillon - Ward 3
Ronnie Hammons, Jr. - Ward 4
Mark E. Lishen - Ward 5
Carolyn J. Anderson - Ward 6



WILLIAM SKELLIE, JR.
MAYOR

CITY CLERK
TAX COLLECTOR
Rebecca E. Schruiff

CITY ATTORNEY
James C. Simpson, Jr.

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 **Variance**.

Bobby and Ann Ryan, 2100 Pass Road, Gulfport, Mississippi has filed an application for Variance from the Comprehensive Subdivision Ordinance. Applicants are requesting a five foot (5') side yard variance for each side of their lot, a total of 10 feet (10'). The variance is to allow for the applicants to rebuild their home.

The property is located North of U.S Highway 90, East of Oak Gardens Avenue, South of Magnolia Street and West of Trautman Avenue. The Harrison County tax parcel number is 0612E-03-006.000. The legal description for the lots as follows:

Lot 14 and the North 16 feet of Lot 15, Trautman Woods Subdivision, Long Beach, Harrison County, Mississippi, as per the map or plat thereof on file and of record in Plat Book 17 at Page 35 in the Office of the Chancery Clerk of Harrison County, Mississippi, First Judicial District.

The public hearing to consider the above Variance will be held in the City of Long Beach, Mississippi 39560, Thursday, October 22, 2009 at 6:00 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

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The Clerk further 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

**LEGAL NOTICE
PUBLIC HEARING**
In accordance with the Sub-division 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.

Bobby and Ann Ryan, 2100 Pass Road, Gulfport, Mississippi has filed an application for Variance from the Comprehensive Subdivision Ordinance. Applicants are requesting a five foot (5) side yard variance for each side of their lot, a total of 10 feet (10). The variance is to allow for the applicants to rebuild their home.

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/s/ signed
Chairman
Planning Commission
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1350524

STATE OF MISSISSIPPI
COUNTY OF HARRISON

Before me, the undersigned Notary of Harrison County, Mississippi personally appeared CRISTA LAUK 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. 126 No., 5 dated 8 day of OCT, 20 09
- 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 09 2009 CRISTA LAUK
Clerk

Sworn to and subscribed before me this 8 day of OCT, A.D., 20 09

Handwritten Signature
Notary Public

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

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The Chairman recognized Mr. Bobby Ryan. Mr. Ryan came forward to state that he needed a variance of five feet (5') for the South side of his lot, this would allow him to build a house with a width of 54.8' on a lot that is only sixty-six feet (66') in width and to also allow him an additional four feet (4') needed for a ten foot (10') wide driveway for additional parking in the rear of the lot.

* * *

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

The Chairman called for anyone wishing to speak in opposition of the request and the following came forward to be heard:

Bill Little, owner of the next two lots to the north, concerns regarding crowding.

Dianne Lentz, 204 West Avenue.

Anna Berry, 516 Trautman Avenue, concerns regarding run off with the houses being built close together.

* * *

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

* * *

After considerable discussion Commissioner Lipski made motion seconded by Commissioner Yandell and unanimously carried approving a side yard variance of three feet (3') for each side, a total of six feet (6'), in keeping with the previously approved variance of September 11, 2008 and Zoning Ordinance 344, Article XII, Section 1208.2 and In Accordance with Article XII, Section 1207 Findings.

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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.

It came for consideration under NEW BUSINESS an Appeal to Zoning Violations at 19142 Marion Lane submitted by Mr. Don Engle.

Item was removed from agenda it was determined that the sited violations do not have grounds for the appeal process.

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 Olaivar

Date:_____

ATTEST:

Veronica Howard, Planning Commission Minute Clerk