

**MINUTES OF DECEMBER 10, 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, John Castleberry, Gretchen Loftus, Jacquie Lipski, Tonda Yandell, Dale Hare, Planning Commission Advisor Bill Hessell, Building Code Official Earl Levens and Minutes Clerk Veronica Howard.

Commissioner Danny Hansen and William "Chip" Williams 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 December 15, 2009, and subject to a ten-day appeal in time for a Public Hearing.

* * *

After careful review and consideration Commissioner Yandell made motion seconded by Commissioner Hare and unanimously carried to approve the Planning Commission Minutes of November 12, 2009 as submitted.

The first agenda item was a public hearing for a six inch (6") front yard setback Variance submitted by Ronald David Long as follows:

**MINUTES OF DECEMBER 10, 2009
REGULAR MEETING
LONG BEACH PLANNING COMMISSION**

Dec. 3, 2009 Planning Commission / Dec 8, 2009 City Council

	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: <i>11/18/09</i>		
Name of Rightful Owner: <i>Ronald David Long</i>		Name of Applicant (if different than Owner)		
Property Address: <i>6021 Red Gate Dr. Long Beach, MS 39560</i>			Ward Number <i>6</i>	
Tax Parcel Identification Number(s): <i>0611E-01-024.011</i>				
Mailing Address of Property Owner: <i>115 Warwick St</i>		Mailing Address of Applicant (if different than owner):		
City <i>Long Beach</i>		City		
State <i>MS</i>		State		
Zip <i>39560</i>		Zip		
County <i>Harrison</i>		County		
Telephone: () <i>(228) 868-2988</i>		Telephone: ()		
PROPERTY INFORMATION:				
Property Size (Please give in acres or by dimension): <i>.39 acres or 17,121 sq ft.</i>				
Present Zoning Classification <i>R-1</i>				
Flood Zone(s) of Property:				
	<u>North</u>	<u>South</u>	<u>East</u>	<u>West</u>
Property is most nearly bounded by what streets?	<i>Red Gate Dr.</i>	<i>Commission Rd</i>	<i>Red Gate Dr.</i>	<i>Calhoun Dr.</i>
If property directly fronts or is adjacent one of the streets above please indicate with a X.	<i>X</i>		<i>X</i>	
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 checked="" type="checkbox"/> Variance Request (\$100.00 + administrative fees)				
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 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:

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.

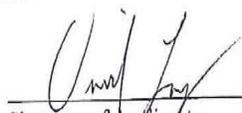
Fees: Attach a check in the amount appropriated for applicable request. This check is to be made payable to the **City of Long Beach** to cover administrative costs. You will also be responsible for actual costs, such as advertising and mailing incurred with the processing of your application.

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



Signature of Applicant

11/17/09

Date

**MINUTES OF DECEMBER 10, 2009
REGULAR MEETING
LONG BEACH PLANNING COMMISSION**

David Long
C/O 115 Warwick Street
Long Beach, MS 39560

November 17, 2009

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

Re: VARIANCE REQUEST
6021 RED GATE DR.
LONG BEACH, MS 39560

Planning Commission:

A Variance is requested for 6021 Red Gate Drive Lot 11 for the 25' front yard set back.

The survey performed by Knesal Engineering Services, Inc. notes that the south side of my front porch has a set back of 24' 6" from the property line and the north side has a set back of 24' 7" from the property line. (See Attached).

The utility easement in the front yard measured from the curb to the property line is 11' 6" on the south side and 11' 5" on the north side of the front porch.

If you add the two measurements from the curb to the front porch, the measurement would be 36'. This will allow me to meet the set back requirements for the City of Long Beach.

The demolition and re-construction of the front porch would cause me a great financial hardship and significant set backs in the construction schedule. I respectfully request that consideration be given to the Variance Request for 6021 Red gate Drive Lot 11.

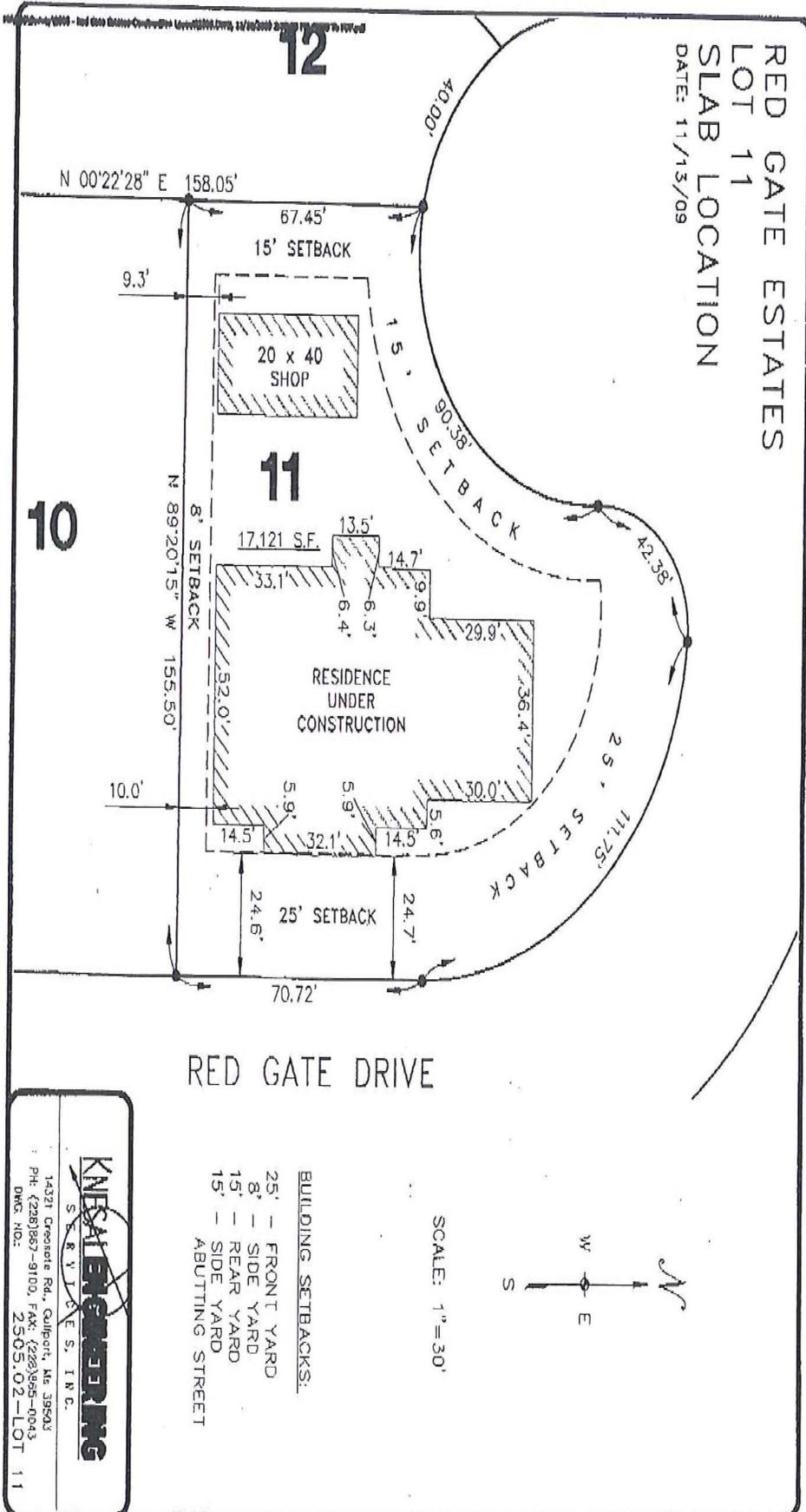
Respectfully,

David Long

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LONG BEACH PLANNING COMMISSION**

11-16-'09 16:32 FROM-

T-356 P001/001 F-443



**MINUTES OF DECEMBER 10, 2009
REGULAR MEETING
LONG BEACH PLANNING COMMISSION**

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 and sufficiency of all of which is hereby acknowledged, the undersigned, ALLEN & LONG REAL ESTATE INVESTMENT LLC, a Mississippi limited liability company, 19128 Commission Road, Long Beach, MS 39560, (228) 660-4121, does hereby sell, convey and warrant unto RONALD DAVID LONG and KRISTY L. LONG, 115 Warwick Street, Long Beach, MS 39560, 228-860-9842, , as joint tenants with full rights of survivorship and not as tenants in common, the following described land and property being located in First Judicial District of Harrison County, Mississippi, being more particularly described as follows, to-wit:

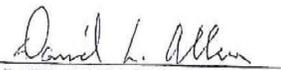
Lot Eleven (11), RED GATE ESTATES, a subdivision according to the official map or plat thereof on file and of record in the office of the Chancery Clerk of the First Judicial District of Harrison County, Mississippi, in Plat Book 52 at Page 16 thereof, reference to which is hereby made in aid of and as a part of this description.

THIS CONVEYANCE is subject to any and all recorded 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.

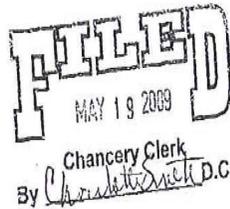
TAXES for the current year have been pro-rated as of this date and are hereby assumed by the Grantees herein.

IN WITNESS WHEREOF, ALLEN & LONG REAL ESTATE INVESTMENT LLC, a Mississippi limited liability company has caused this conveyance to be executed by its duly authorized officers, they having been first duly authorized to do so on this the 19th day of May, 2009.

ALLEN & LONG REAL ESTATE
INVESTMENT LLC, a Mississippi limited
liability company


By: DAVID ALLEN, CO-MANAGER


By: LEON D. LONG, CO-MANAGER



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LONG BEACH PLANNING COMMISSION**

The Clerk reported further that twelve (12) notices of Public Hearing were sent by Certified Mail, Return Receipt Requested, to property owners within two hundred feet (200') 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. Schuff

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.

Ronald David Long, 6021 Red Gate Drive, Long Beach, MS, has filed an application for a variance in accordance with the Comprehensive Zoning Ordinance. Applicant is requesting a six inch (6") front yard setback variance to allow him to build a single family home. The minimum setback per Ordinance #344 Article VI, Table 1. Area, Yard and Height Requirements, is twenty-five feet (25'). The tax Parcel Number for the subject property is 0611E-01-024.011. The property is generally described as being

Lot Eleven (11), RED GATE, 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, Mississippi, in Plat Book 52 at Page 16 thereof, reference to which is hereby made in aid of and as a part of this description.

The public hearing to consider the above Variance will be held in the City of Long Beach, Mississippi, 39560, Thursday, December 10, 2009 at 6:00 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

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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, and PUBLIC HEARING, as evidence by the Publisher's Proof of Publication.

PROOF OF PUBLICATION

STATE OF MISSISSIPPI
COUNTY OF HARRISON

Before me, the undersigned Notary of Harrison County, Mississippi personally appeared CRISTA LAUX 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., 53 dated 25 day of NOV, 2009
- 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.

DEC 02 2009

Crista Laux

Clerk

Sworn to and subscribed before me this 1 day of December, A.D., 2009

Kandi Berkley
Notary Public

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

LEGAL NOTICE PUBLIC HEARING In accordance with Article XII of the Comprehensive Zoning Ordinance (#344) 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 Variance, Ronald David Long, 6021 Red Gate Drive, Long Beach, MS, has filed an application for a variance in accordance with the Comprehensive Zoning Ordinance. Applicant is requesting a six inch (6") front yard setback variance to allow him to build a single family home. The minimum setback per Ordinance #344 Article VI, Table 1, Area, Yard and Height Requirements, is twenty-five feet (25'). The tax Parcel Number for the subject property is 0611E-01-024.011. The property is generally described as being Lot Eleven (11), RED GATE, 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, Mississippi, in Plat Book 52 at Page 18 thereof, reference to which is hereby made in aid of and as a part of this description. The public hearing to consider the above Variance will be held in the City of Long Beach, Mississippi, 39560, Thursday, December 10, 2009 at 6:00 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 ADV-25;1WED 1357974

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Applicant came forward to state request. He stated that due to an error in the survey of the easement he is asking for a six inch (6") front yard variance to allow him to build his home.

The Chairman opened the floor for public comments in favor of the request and no one came forward to be heard.

The Chairman opened the floor for public comments in opposition of the request and no one came forward to be heard.

There being no further public comments Commissioner Yandell made motion seconded by Commissioner Vancourt 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 as submitted.

The next item for consideration was a Public Hearing for a Variance (from Ordinance 568) to allow a residential dwelling that is less than the required eight hundred and fifty square feet (850 sq ft) of heated living space to be place at 407 South Nicholson Avenue submitted by Betty and George Nazaretian as follows:

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LONG BEACH PLANNING COMMISSION**



CITY OF LONG BEACH
PLANNING DEPARTMENT
645 KLONDYKE ROAD / PO BOX 929
LONG BEACH, MS 39560
(228) 863-1554

Office use only	
Date Received	11-18-09
Zoning	R-
Agenda Date	12-10-09
Check Number	8444

APPLICATION FOR CASE REVIEW

- I. TYPE OF CASE: VARIANCE
 SPECIAL EXCEPTION REQUEST
- II. Advalorem Tax Parcel Number(s): 0612A-01-057.000
- III. Address of Property Involved: 407 S. Nicholson Avenue
- IV. Statement clearly explaining the request being made for case review. (Attach supplemental pages if necessary.)
Katrina Cottage building code was changed

****PLEASE COMPLETE THE FOLLOWING:**

- A. 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 cottage is already on the property the water & sewerage is hooked up. The reason for the variance request is because the city code passing an ordinance rejecting building of 850 sq ft or less.
- B. 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 city pass the ordinance not the resident
- C. 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? The applicant cannot do anything to change the cottage to more than 850sq ft. The hardship would be changing the size of the cottage. The result would be the cottage would have to go to a trailer park.
- D. 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. This property was purchased by my grandfather in the early 50's, my mother was raised

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on this property, & as well as. I will not feel safe in a trailer park. It is close to my work and my garden that need my help from time to time.

V. REQUIRED ATTACHMENTS:

- A. **Interest and Ownership.** The applicant's name, address and interest of every person, firm or corporation represented by the applicant in the application, the name of the owner or owners and their respective addresses of the entire land area proposed to be changed in classification or to be included within the structures then existing thereon, and sufficient evidence to establish that the applicant has the right of possession to the land area and structures, the names and address of all owners of adjacent property (exclusive of the width of intervening streets, alleys, or bodies of water). Claims of support or "no objection" from owners 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.
- B. **Survey and Site Plan.** a site plan showing the land area which would be affected, easements bounding and intersecting the designated area, the locations of existing and proposed structures with supporting open facilities, and the ground area to be provided and continuously maintained for the proposed structure or structures;
- C. **Recorded Warranty Deed.** A deed which includes a legal description of the specific piece of property involved in the request. 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.
- D. **Fee.** Attach a check in the amount of \$100.00. This check should be made payable to the City of Long Beach to cover administrative cost. You will also be responsible to actual costs, such as advertising and mailing incurred with the processing of your application.

*****NOTE*** APPLICATION WILL NOT BE ACCEPTED WITHOUT THE ABOVE LISTED DOCUMENTS.**

VI. OWNERSHIP AND CERTIFICATION:

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.

Betty & George Nazaretian
Name of Rightful Owner (PRINT)

Name of Agent (PRINT)

5013 Live Oak Drive
Owner's Mailing Address

Agent's Mailing Address

Long Beach, Mo. 39560
City State Zip

City State Zip

228-8637046
Phone

Phone

Betty & George Nazaretian Nov 18, 09
Signature of Rightful Owner Date

[Signature] 11-18-09
Signature of Applicant Date

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SITE DESCRIPTION			
	<p>PBSJ This is the best we could do on the survey because the original was lost by FEMA</p>		
<input type="checkbox"/> (PARK), (2BR),(3BR) <input checked="" type="checkbox"/> P POWER <input checked="" type="checkbox"/> S SEWER <input type="checkbox"/> W WATER <input checked="" type="checkbox"/> S <i>MA</i> SEPTIC			
<input checked="" type="checkbox"/> STAY IN <input type="checkbox"/> MOVE OUT		LNFT' NEED POWER IF DROP LINE TO TEMP POLE	
YES NO USE EXISTING POWER POLE & UPGRADE AMPS		GPS COORDINATES FOR MOD LAT: <u>30° 20' 59"</u>	
YES NO INSTALL NEW POWER POLE & METER LOOP		LONG: <u>89° 28' 25"</u>	
YES NO RAMP WITH LANDING			
ELECTRIC LINE TYPE: <input type="checkbox"/> BURIED <input checked="" type="checkbox"/> OVERHEAD			
POWER CO TO CONTACT: <input checked="" type="checkbox"/> MS PWR <input type="checkbox"/> SING. RIVER <input type="checkbox"/> COASTAL			
INSPECTORS COMMENTS: <u>No Ditch enter any were</u>			
ELECTRICAL COMMENTS: <u>No pole onsite</u>			
WATER COMMENTS: <u>good</u>			
SEWER COMMENTS: <u>good</u>			
NAME: <u>Liza Nazerian</u>		ADDRESS: <u>407 S. Nicholson Ave L.P.</u> FEMA#: <u>931174601</u>	
INSPECTOR: <u>Thomas Taylor</u>		PHONE#: _____ DATE: <u>2-1-09</u> APPROVED: _____	

**MINUTES OF DECEMBER 10, 2009
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LONG BEACH PLANNING COMMISSION**

STATE OF MISSISSIPPI
HARRISON COUNTY

WARRANTY DEED

FOR and in consideration of the sum of ten dollars (\$10.00) cash in hand paid herewith, and other good and valuable considerations, the receipt of all is hereby acknowledged, I, George W. Loeffel and Cecil G. Loeffel, husband and wife, do hereby sell, convey and warrant, unto George L. Nazaretian and Betty Jean Nazaretian, husband and wife, as joint tenants in entirety, with full rights of survivorship, the following described property, to wit:

That parcel of land situated in the Town of Long Beach, Harrison County, Mississippi and more particularly described as being, to wit:

The South 150 feet of that property described as follows; Beginning at a stake in the East side of Nicholson Avenue and twenty (20) feet North of the property of J.J. Griffin as a point of beginning; from said point of beginning run North twenty-eight (28) degrees West along the East side of Nicholson Avenue three hundred and thirty (330) feet, more or less, to a stake in the South side of Fourth Street, thence East along Fourth Street a distance of one hundred and seventy five (175) feet to a stake, thence South twenty-eight (28) degrees East and parallel with Nicholson Avenue three hundred and thirty (330) feet, more or less, to a stake, thence West parallel with Fourth Street one hundred and seventy-five (175) feet to the place of beginning, being bounded as follows, to-wit: On the South by Fifth Street, on the West by Nicholson Avenue, on the North by Fourth Street; and on the East by Lots 1 and 8 in block 13 of Long Beach, less the East 55 ft, that faces fifth Street on the South and Montgomery on the North. Together with all improvements, buildings and structures situated thereon.

As a part of the consideration of this conveyance, the grantees do hereby assume and agree to pay the balance of monies due and payable on a certain Note and Deed of Trust dated 3rd day of Feb. 1970 in favor of the Small Business Administration said Deed of Trust being recorded in Book number 566 pages 236 to 239 on record in the Chancery Clerks office and filed the 12th day of Feb. 1970.

**MINUTES OF DECEMBER 10, 2009
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The Clerk reported further that twenty-six (26) notices of Public Hearing were sent by Certified Mail, Return Receipt Requested, to property owners within two hundred feet (200') 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
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Carolyn J. Anderson - Ward 6



WILLIAM SKELLIE, JR.
MAYOR

CITY CLERK
TAX COLLECTOR
Rebecca E. Schruoff

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**.

Betty and George Nazaretian, 2013 Live Oak Drive, Long Beach, Mississippi have filed an application for a Variance from Ordinance No. 568, AN ORDINANCE BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF LONG BEACH, MISSISSIPPI TO AMEND THE INTERNATIONAL BUILDING CODE AS ADOPTED WITHIN THE CITY OF LONG BEACH BY ORDINANCE 518 TO PROVIDE FOR A MINIMUM SIZE OF RESIDENTIAL DWELLING CONSTRUCTION WITHIN THE CITY AND FOR RELATED PURPOSES. The variance is to allow the applicants permission to place a residential dwelling on their lot located at 407 South Nicholson Avenue, which will be less than the 850 square feet of heated living space that is presently required.

The Harrison County tax parcel number is 0612A-01-057.000. The legal description for the lots as follows:

The South 150 feet of that property described as follows: Beginning at a stake in the East side of Nicholson Avenue and twenty (20) feet North of the property of J.J. Griffin as a point of beginning; from said point of beginning run North twenty-eight (28) degrees West along the East side of Nicholson Avenue three hundred and thirty (330) feet, more or less, to a stake in the South side of Fourth Street, thence East along Fourth Street a distance of one hundred and seventy five (175) feet to a stake, thence South twenty-eight (28) degrees East and parallel with Nicholson Avenue three hundred and thirty (330) feet, more or less, to a stake, thence West parallel with Fourth Street one hundred and seventy-five (175) feet to the place of beginning, being bounded as follows, to-wit; on the South by Fifth Street; on the West by Nicholson Avenue; on the North by Fourth Street; and on the East by Lots 1 and 8 in block 13 of Long Beach, less the East 55 ft, that faces fifth Street on the South and Montgomery on the North. Together with all improvements, building and structures situated thereon.

The public hearing to consider the above Variance will be held in the City of Long Beach, Mississippi 39560, Thursday, December 10, 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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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, and PUBLIC HEARING, as evidence by the Publisher's Proof of Publication.

PROOF OF PUBLICATION



STATE OF MISSISSIPPI
COUNTY OF HARRISON

Before me, the undersigned Notary of Harrison County, Mississippi personally appeared CRISTA LAUX 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., 53 dated 25 day of 1200, 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.

DEC 02 2009

Crista Laux

Clerk

Sworn to and subscribed before me this 1 day of

December, A.D., 20 09

Kandi Berkley
Notary Public

KANDI A. BERKLEY
Notary Public, State of Mississippi
Harrison County
My Commission Expires
April 03, 2010

**MINUTES OF DECEMBER 10, 2009
REGULAR MEETING
LONG BEACH PLANNING COMMISSION**

Due to the applicant's late arrival Commission Chairman decided to move to the next agenda item.

The next item for consideration was a Public Hearing for a Variance (from Ordinance 568) to allow a residential dwelling that is less than the required eight hundred and fifty square feet (850 sq ft) of heated living space to be place at 20048 Watts Road submitted by William Bruce Watts as follows:

	<p>CITY OF LONG BEACH PLANNING DEPARTMENT 645 KLONDYKE ROAD / PO BOX 929 LONG BEACH, MS 39560 (228) 863-1554</p>	<p style="text-align: right; margin: 0;">Office use only</p> <p>Date Received <u>10/28/09</u> Zoning <u>R-1</u> Agenda Date <u>12/10/09</u> Check Number <u>348</u></p>
APPLICATION FOR CASE REVIEW		
I.	TYPE OF CASE: <input checked="" type="checkbox"/> VARIANCE <input type="checkbox"/> SPECIAL EXCEPTION REQUEST	
II.	Advalorem Tax Parcel Number(s): <u>0511-01-017.001</u>	
III.	Address of Property Involved: <u>20048 WATTS RD.</u>	
IV.	Statement clearly explaining the request being made for case review. (Attach supplemental pages if necessary.) <u>TO LEAVE COTTAGE ON LAND OWNED BY APPLICANT.</u>	
<p>**PLEASE COMPLETE THE FOLLOWING:</p> <p>A. 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? <u>COTTAGE HAS 480 SQ. FT. NEW LONG BEACH ORDINANCE NEEDS 850 SQ. FT.</u></p> <p>B. 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. <u>APPLICANT IS A SINGLE PERSON. MEMA WILL NOT ALLOW A SINGLE PERSON WITH NO CHILDREN AT HOME A LARGER COTTAGE.</u></p> <p>C. 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? <u>APPLICANT IS ON 100% DISABILITY AND CANNOT AFFORD RENT.</u></p> <p>D. 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. <u>THIS VARIANCE WOULD</u></p>		
<p>Page 1 of 2 Application for Case Review - Variance OR Special Exception Request</p>		

**MINUTES OF DECEMBER 10, 2009
REGULAR MEETING
LONG BEACH PLANNING COMMISSION**

ALLOW APPLICANT TO STAY ON PROPERTY THAT
HAS BEEN IN THE FAMILY FOR AT LEAST
4 GENERATIONS.

V. REQUIRED ATTACHMENTS:

- A. **Interest and Ownership.** The applicant's name, address and interest of every person, firm or corporation represented by the applicant in the application, the name of the owner or owners and their respective addresses of the entire land area proposed to be changed in classification or to be included within the structures then existing thereon, and sufficient evidence to establish that the applicant has the right of possession to the land area and structures, the names and address of all owners of adjacent property (exclusive of the width of intervening streets, alleys, or bodies of water). Claims of support or "no objection" from owners 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.
- B. **Survey and Site Plan.** a site plan showing the land area which would be affected, easements bounding and intersecting the designated area, the locations of existing and proposed structures with supporting open facilities, and the ground area to be provided and continuously maintained for the proposed structure or structures;
- C. **Recorded Warranty Deed.** A deed which includes a legal description of the specific piece of property involved in the request. 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.
- D. **Fee.** Attach a check in the amount of \$100.00. This check should be made payable to the City of Long Beach to cover administrative cost. You will also be responsible to actual costs, such as advertising and mailing incurred with the processing of your application.

*****NOTE*** APPLICATION WILL NOT BE ACCEPTED WITHOUT THE ABOVE LISTED DOCUMENTS.**

VI. OWNERSHIP AND CERTIFICATION:

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.

WILLIAM BRUCE WATTS _____
Name of Rightful Owner (PRINT) Name of Agent (PRINT)

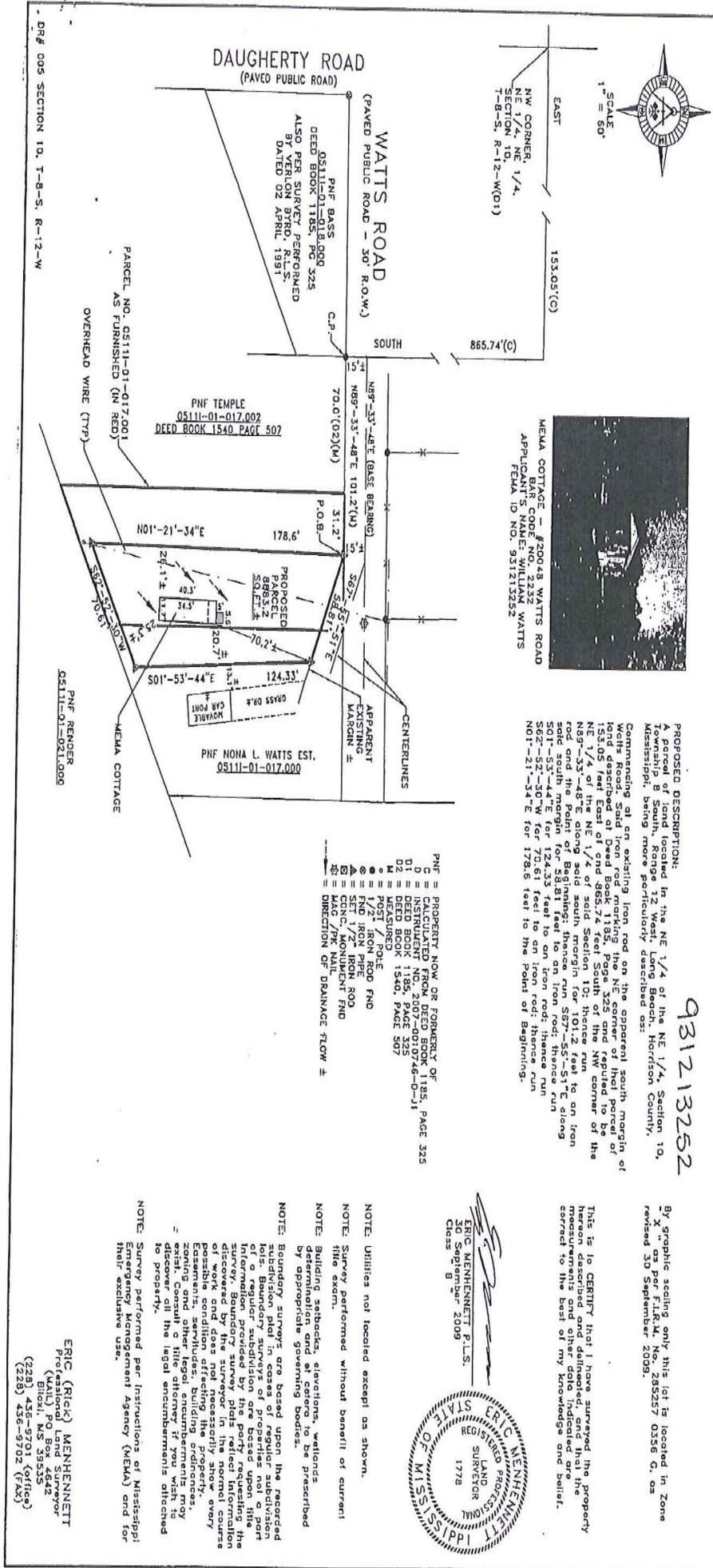
20048 WATTS RD. _____
Owner's Mailing Address Agent's Mailing Address

LONG BEACH, MS. 39560 _____
City State Zip City State Zip

228-669-9752 _____
Phone Phone

William B. Watts 10-28-09
Signature of Rightful Owner Date Signature of Applicant Date

**MINUTES OF DECEMBER 10, 2009
REGULAR MEETING
LONG BEACH PLANNING COMMISSION**



PROPOSED DESCRIPTION:
A parcel of land located in the NE 1/4 of the NE 1/4, Section 10, T-8-S, R-12-W, Mississippi County, Missouri, being more particularly described as:
Commencing at an existing iron rod on the apparent south margin of land described in Deed Book 1185, the NE corner of that parcel of land described in Deed Book 1185, the N 22° 22' 00" E 153.05 feet to the NE 1/4 of the NE 1/4 of said Section 10; thence run N 1° 14' 00" E 101.2 feet to an iron rod and the Point Beginning; thence run S 67° 55' 51" E along said south margin for 101.2 feet to an iron rod; thence run S 81° 11' 00" E 178.6 feet to an iron rod; thence run S 01° 53' 44" E for 124.33 feet to an iron rod; thence run S 02° 52' 30" W for 704.33 feet to an iron rod; thence run N 01° 21' 34" E for 178.6 feet to the Point of Beginning.

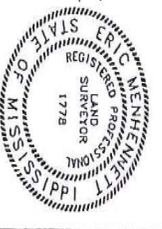
931213252

- PNF = PROPERTY NOW OR FORMERLY OF
- D = DEED BOOK 1185, PAGE 325
- D1 = INSTRUMENT NO. 2009-048-0-21
- D2 = DEED BOOK 1540, PAGE 507
- POST = POST
- POLE = POLE
- 1/2" IRON ROD FND = 1/2" IRON ROD FND
- EXISTING = EXISTING
- CONC. MONUMENT ROD = CONC. MONUMENT ROD
- MAF / PPK WALL = MAF / PPK WALL
- DIRECTION OF DRAINAGE FLOW =

By graphic scaling only this lot is located in Zone 2 of the Mississippi County, Missouri, as revised 30 September 2009.

This is to CERTIFY that I have surveyed the property hereinafter described and that the measurements and other data indicated on the contract to the best of my knowledge and belief.

Eric Rick Mennhennett
ERIC RICK MENNHENNETT P.L.S.
REGISTERED LAND SURVEYOR
1778
30 September 2009
Class B



NOTE: Utilities not located except as shown.
NOTE: Survey performed without benefit of current title exam.
NOTE: Building setbacks, elevations, wetlands determination and all cetera to be prescribed by appropriate governing bodies.
NOTE: Boundary surveys are based upon the recorded subdivision plat in cases of regular subdivision of a regular subdivision or plat. The plat is a part of the public record and is available for public inspection. Information provided by the party requesting the survey, boundary survey plats reflect information of work and does not represent any warranty, very possible condition affecting the property, easements, servitudes, building ordinances, zoning, etc. Consult a title attorney if you wish to discover all the legal encumbrances attached to property.
NOTE: Survey performed per Instructions of Mississippi Emergency Management Agency (MEMA) and for their exclusive use.

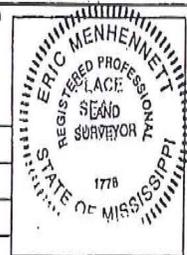
ERIC (RICK) MENNHENNETT
Professional Land Surveyor
(MAIL) P.O. Box 4642
Briekli, MS 39535
(228) 435-9701 (office)
(228) 435-9702 (fax)

**MINUTES OF DECEMBER 10, 2009
REGULAR MEETING
LONG BEACH PLANNING COMMISSION**

SITE DESCRIPTION			
<input checked="" type="checkbox"/> (PARK), (2BR), (3BR)	P 30' POWER	S 10' SEWER	W 10' WATER
<input checked="" type="checkbox"/> STAY IN <input type="checkbox"/> MOVE OUT		S <u>MA</u> SEPTI	
LNFT' 60'	NEED POWER TF DROP LINE TO TEMP POLE	GPS COORDINATES FOR MOD	
YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	USE EXISTING POWER POLE & UPGRADE AMPS	LAT: 30° 41' 59"	
YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	INSTALL NEW POWER POLE & METER LOOP	LONG: 89° 10' 24"	
YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	RAMP WITH LANDING		
ELECTRIC LINE TYPE: <input type="checkbox"/> BURIED <input checked="" type="checkbox"/> OVERHEAD			
POWER CO TO CONTACT: <input checked="" type="checkbox"/> MS PWR <input type="checkbox"/> SING. RIVER <input type="checkbox"/> COASTAL			
INSPECTORS COMMENTS:			
ELECTRICAL COMMENTS: <u>Set new pole north of site</u>			
WATER COMMENTS: <u>App. will run to flag. App. has to get city to install water tap.</u>			
SEWER COMMENTS: <u>App. will run underground to flag</u>			
NAME: <u>William Watts</u>	ADDRESS: <u>20047 Watts Rd</u>	FEMA#: <u>93/213 252</u>	
INSPECTOR: <u>Thomas Taylor</u>	PHONE#: _____	DATE: <u>1-9-08</u>	APPROVED: _____

**MINUTES OF DECEMBER 10, 2009
REGULAR MEETING
LONG BEACH PLANNING COMMISSION**

U.S. DEPARTMENT OF HOMELAND SECURITY Federal Emergency Management Agency National Flood Insurance Program		ELEVATION CERTIFICATE	OMB No. 1660-0008 Expires March 31, 2012
		Important: Read the instructions on pages 1-9.	93213257
SECTION A - PROPERTY INFORMATION			For Insurance Company Use
A1. Building Owner's Name WILLIAMS WATTS		Policy Number	
A2. Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No. #20048 WATTS ROAD		Company NAIC Number	
City LONG BEACH State MS ZIP Code 39560			
A3. Property Description (Lot and Block Numbers, Tax Parcel Number, Legal Description, etc.) TAX PARCEL NO. 0511-01-017.001, SECTION 10, T-8-S, R-12-W			
A4. Building Use (e.g., Residential, Non-Residential, Addition, Accessory, etc.) RESIDENTIAL			
A5. Latitude/Longitude: Lat. 30.386417 Long. 89.1735		Horizontal Datum: <input type="checkbox"/> NAD 1927 <input checked="" type="checkbox"/> NAD 1983	
A6. Attach at least 2 photographs of the building if the Certificate is being used to obtain flood insurance.			
A7. Building Diagram Number 5			
A8. For a building with a crawlspace or enclosure(s):		A9. For a building with an attached garage:	
a) Square footage of crawlspace or enclosure(s) NA sq ft		a) Square footage of attached garage NA sq ft	
b) No. of permanent flood openings in the crawlspace or enclosure(s) within 1.0 foot above adjacent grade NA		b) No. of permanent flood openings in the attached garage within 1.0 foot above adjacent grade NA	
c) Total net area of flood openings in A8.b NA sq ft		c) Total net area of flood openings in A9.b NA sq ft	
d) Engineered flood openings? <input type="checkbox"/> Yes <input type="checkbox"/> No		d) Engineered flood openings? <input type="checkbox"/> Yes <input type="checkbox"/> No	
SECTION B - FLOOD INSURANCE RATE MAP (FIRM) INFORMATION			
B1. NFIP Community Name & Community Number LONG BEACH 285257		B2. County Name HARRISON COUNTY	B3. State MS
B4. Map/Panel Number 285257 0356	B5. Suffix G	B6. FIRM Index Date 16 JUNE 09	B7. FIRM Panel Effective/Revised Date 16 JUNE 09
		B8. Flood Zone(s) X	B9. Base Flood Elevation(s) (Zone AO, use base flood depth) NA
B10. Indicate the source of the Base Flood Elevation (BFE) data or base flood depth entered in Item B9. <input type="checkbox"/> FIS Profile <input checked="" type="checkbox"/> FIRM <input type="checkbox"/> Community Determined <input type="checkbox"/> Other (Describe) _____			
B11. Indicate elevation datum used for BFE in Item B9: <input type="checkbox"/> NGVD 1929 <input checked="" type="checkbox"/> NAVD 1888 <input type="checkbox"/> Other (Describe) _____			
B12. Is the building located in a Coastal Barrier Resources System (CBRS) area or Otherwise Protected Area (OPA)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Designation Date _____ <input type="checkbox"/> CBRS <input type="checkbox"/> OPA			
SECTION C - BUILDING ELEVATION INFORMATION (SURVEY REQUIRED)			
C1. Building elevations are based on: <input checked="" type="checkbox"/> Construction Drawings* <input type="checkbox"/> Building Under Construction* <input type="checkbox"/> Finished Construction *A new Elevation Certificate will be required when construction of the building is complete.			
C2. Elevations - Zones A1-A30, AE, AH, A (with BFE), VE, V1-V30, V (with BFE), AR, AR/A, AR/AE, AR/A1-A30, AR/AH, AR/AO. Complete items C2 a-h below according to the building diagram specified in Item A7. Use the same datum as the BFE. Benchmark Utilized GPS Vertical Datum NAVD 88 Conversion/Comments NA			
		Check the measurement used.	
a) Top of bottom floor (including basement, crawlspace, or enclosure floor) 32.0		<input checked="" type="checkbox"/> feet	<input type="checkbox"/> meters (Puerto Rico only)
b) Top of the next higher floor NA		<input checked="" type="checkbox"/> feet	<input type="checkbox"/> meters (Puerto Rico only)
c) Bottom of the lowest horizontal structural member (V-Zones only) NA		<input checked="" type="checkbox"/> feet	<input type="checkbox"/> meters (Puerto Rico only)
d) Attached garage (top of slab) NA		<input checked="" type="checkbox"/> feet	<input type="checkbox"/> meters (Puerto Rico only)
e) Lowest elevation of machinery or equipment servicing the building (Describe type of equipment and location in Comments) NA		<input checked="" type="checkbox"/> feet	<input type="checkbox"/> meters (Puerto Rico only)
f) Lowest adjacent (finished) grade next to building (LAG) 28.3		<input checked="" type="checkbox"/> feet	<input type="checkbox"/> meters (Puerto Rico only)
g) Highest adjacent (finished) grade next to building (HAG) 28.5		<input checked="" type="checkbox"/> feet	<input type="checkbox"/> meters (Puerto Rico only)
h) Lowest adjacent grade at lowest elevation of deck or stairs, including structural support NA		<input checked="" type="checkbox"/> feet	<input type="checkbox"/> meters (Puerto Rico only)
SECTION D - SURVEYOR, ENGINEER, OR ARCHITECT CERTIFICATION			
This certification is to be signed and sealed by a land surveyor, engineer, or architect authorized by law to certify elevation information. I certify that the information on this Certificate represents my best efforts to interpret the data available. I understand that any false statement may be punishable by fine or imprisonment under 18 U.S. Code, Section 1001.			
<input checked="" type="checkbox"/> Check here if comments are provided on back of form. Were latitude and longitude in Section A provided by a licensed land surveyor? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			
Certifier's Name ERIC MENCHENNETT		License Number 1778	
Title PROFESSIONAL LAND SURVEYOR		Company Name MENCHENNETT SURVEYING	
Address PO BOX 4842		City BILOXI	State MS ZIP Code 39535
Signature <i>Eric Menhennett</i>		Date 30 SEPT 09	Telephone (228) 436-9702



MINUTES OF DECEMBER 10, 2009
REGULAR MEETING
LONG BEACH PLANNING COMMISSION

ENTERED
ON
COMPUTER

Quitclaim Deed

This Quitclaim Deed made October 30, 2007, by
Nona L Watts ("Transferor") 228-863-7097 ALL
20044 Watts Road, Long Beach, Mississippi, 39560

REVIEWED

to:
William B Watts ("Transferee") 228-669-9752 ALL
20044 Watts Road, Long Beach, Mississippi, 39560

Transferor, in consideration of Ten Dollars and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, remises, releases, and forever quitclaims to Transferee all of the interest of Transferor, if any, in an to that real property located in the County of

Harrison, and State of Mississippi, and more certainly described as follows:

Section 10, Township 8, Range 12; DR, 0818/0559 00/00/00 00- Com at NW corner of NE 1/4 of NE 1/4 of Section 10 S 1170 feet N 62 Degree E 229 feet to POB N 62 degree E 79.1 feet N 166 feet to S margin of Watts Road W along road 70 feet S 20

To have and to hold, all and singular the described property, together with the tenements, hereditaments, and appurtenances belonging to such property, or in anywise appertaining, and the rents, issues, and profits of such property to Transferee, and Transferee's heirs and assigns forever.

IN WITNESS WHEREOF, Transferor has executed this Quitclaim Deed on the date first above written.

SCANNED

1st Judicial District
Instrument: 2007 10746 D -J1
Filed/Recorded 10 30 2007 11 A
Total Fees: 12.00
1 Pages Recorded



Prepared By:
Addie Lee Ladner
Po Box 3922
Gulfport ms 39505
228-860-7047

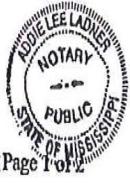
Nona L Watts
Nona L Watts

Acknowledgment

State of Mississippi
County of Harrison

On this October 30, 2007, before me personally appeared Nona L Watts, to me know to be the person described in and who executed the foregoing Quitclaim Deed and acknowledged to me that Nona L Watts executed the same as her free act and deed.

Addie Lee Ladner
Notary Public



MISSISSIPPI STATEWIDE NOTARY PUBLIC
MY COMMISSION EXPIRES FEB. 2, 2008
BONDED THRU STEGALL NOTARY SERVICE Page 1 of 2

**MINUTES OF DECEMBER 10, 2009
REGULAR MEETING
LONG BEACH PLANNING COMMISSION**

The Clerk reported further that fourteen (14) notices of Public Hearing were sent by Certified Mail, Return Receipt Requested, to property owners within two hundred feet (200') 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. Schruoff

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**.

William Bruce Watts, 20048 Watts Road, Long Beach, Mississippi has filed an application for a Variance from Ordinance No. 568, AN ORDINANCE BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF LONG BEACH, MISSISSIPPI TO AMEND THE INTERNATIONAL BUILDING CODE AS ADOPTED WITHIN THE CITY OF LONG BEACH BY ORDINANCE 518 TO PROVIDE FOR A MINIMUM SIZE OF RESIDENTIAL DWELLING CONSTRUCTION WITHIN THE CITY AND FOR RELATED PURPOSES. The variance is to allow the applicant permission to place a residential dwelling on his lot, which will be less than the 850 square feet of heated living space that is presently required.

The property is located North of Will Street, East of Daugherty Road and South of Commission Road. The Harrison County tax parcel number is 0511I-01-017.001. The legal description for the lots as follows:

Section 10, Township 8, Range 12; DR, 0818/0559 00/00/00 00 Com at NW corner of NE ¼ of NE ¼ of Section 10 S 1170 feet N 62 Degree E 229 feet to POB N 62 degree E 79.1 feet N 166 feet to S margin of Watts Road along road 70 feet S 20.

The public hearing to consider the above Variance will be held in the City of Long Beach, Mississippi 39560, Thursday, December 10, 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

**MINUTES OF DECEMBER 10, 2009
REGULAR 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, and PUBLIC HEARING, as evidence by the Publisher's Proof of Publication.

PROOF OF PUBLICATION

STATE OF MISSISSIPPI
COUNTY OF HARRISON

Before me, the undersigned Notary of Harrison County, Mississippi personally appeared CRISTA LANK 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., 48 dated 20 day of November, 2009
- 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.

DEC 01 2009 CRISTA LANK
Clerk

Sworn to and subscribed before me this 20 day of November, A.D., 2009

Kandi A. Berkley
Notary Public

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

LEGAL NOTICE
PUBLIC HEARING
In accordance with Article XII of the Comprehensive Zoning Ordinance (#244) 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, William Bruce Watts, 20048 Watts Road, Long Beach, Mississippi has filed an application for a Variance from Ordinance No. 589, AN ORDINANCE BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF LONG BEACH, MISSISSIPPI TO AMEND THE INTERNATIONAL BUILDING CODE AS ADOPTED WITHIN THE CITY OF LONG BEACH BY ORDINANCE 618 TO PROVIDE FOR A MINIMUM SIZE OF RESIDENTIAL DWELLING CONSTRUCTION WITHIN THE CITY AND FOR RELATED PURPOSES. The variance is to allow the applicant permission to place a residential dwelling on his lot, which will be less than the 850 square feet of heated living space that is presently required. The property is located North of Wil Street, East of Daugherty Road and South of Commission Road. The Harrison County tax parcel number is 05111-01-017.001. The legal description for the lots as follows:
Section 10, Township 8, Range 12, DR, 0818/0559 00/0000 00 Corn at NW corner of NE 1/4 of Section 10 S 1170 feet N 62 Degree E 229 feet to POB N 62 degree E 79.1 feet N 168 feet to S margin of Watts Road along road 70 feet S 20.
The public hearing to consider the above Variance will be held in the City of Long Beach, Mississippi 35560, Thursday, December 10, 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
ADV20,1FRI
1357216

**MINUTES OF DECEMBER 10, 2009
REGULAR MEETING
LONG BEACH PLANNING COMMISSION**

Applicant came forward to state request he stated he is currently living in on his property in the cottage, living on a fixed income and would like to permanently place the cottage on his lot.

The Chairman opened the floor for public comments in favor of the request and no one came forward to be heard.

The Chairman opened the floor for public comments in opposition of the request and no one came forward to be heard.

Discussion was had pertaining to whether the Planning Commission had the authority to act on the Variances due to the fact that the request were being requested from Ordinance 568, which is part of the International Building Code and not Zoning Ordinance.

After discussion Commissioner Yandell made motion seconded by Commissioner Vancourt and unanimously carried to take no action on the request until an answer could be obtained from legal counsel as to whether the Planning Commission had authority to act on the request.

Chairman moved back to the first agenda item, submitted by Betty and George Nazaretian.

Applicants came forward to state request, they stated that they were the owners of the lot and the cottage was for their daughter.

The Chairman opened the floor for public comments in favor of the request and no one came forward to be heard.

The Chairman opened the floor for public comments in opposition of the request as follows:

**MINUTES OF DECEMBER 10, 2009
REGULAR MEETING
LONG BEACH PLANNING COMMISSION**

Veronica Howard

From: Francis Hall [fdhall@msn.com]
Sent: Monday, December 07, 2009 12:33 PM
To: veronica@cityoflongbeachms.com
Subject: Public Hearing

I will be out of town on December 10, 2009. My Long Beach address is 409 Gulf View Ave. I want to express my concern and to vote AGAINST the variance to allow the applicants permission to place a residential dwelling on the lot located 407 South Nicholson Ave. which will be less than 850 square feet of heated living space. I feel that this would have a negative impact on the value of the property in the immediate area and set an unwanted precedent for future request of this nature. Please accept my NO vote for this request. Sincerely, Francis D. Hall.

Windows LiveT Hotmail is faster and more secure than ever. [Learn more.](#)

**MINUTES OF DECEMBER 10, 2009
REGULAR MEETING
LONG BEACH PLANNING COMMISSION**



2009-12-10

12:15

520

2-3 east int

P 1/2

Page 1 of 2

Letter Of Public Input

12/10/09

To: City of Long Beach, Mississippi
Planning Commission

From: J. Palmer
Owner: 406 South Nicholson Ave
Long Beach, Ms. 39560

E. L. Perdue
Owner: 405 South Nicholson Ave
Long Beach, Ms. 39560

Re: Zoning Waiver / Variance Hearing for property Located at 407 South Nicholson Ave, Long Beach MS.
39560 – December 10th, 2009 @ 6PM.

We are not able to attend due to prior out of town commitments. Please have the Planning Commission Chair (or his / her designee) read aloud at the Hearing in our absence. Thank You.

We are not in favor of the Variance Request based on the following observation(s):

* As the Application For Variance was submitted to the Planning Commission after Ordinance # 568 was passed, it should not be considered as a candidate for any type of "Grandfathering".

*No preliminary foundation / structural tie in plans have been submitted for public review along with the Variance Request. Therefore, public safety concerns during extreme wind and water weather conditions remain in question. This especially, as the property borders a Flood Zone.

In reference to owner occupancy:

*The MEMA cottage, which has now sits on the said property has never been observed to be occupied by the Applicants.

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2009-12-10

12:15

520

2-3 east int

P 2/2

Page 2 of 2

*Per Harrison County Tax Roles, the Applicants currently take a Homestead Exemption on a residence they state to occupy on Live Oak Drive, in Long Beach, Mississippi.

The Applicants do not have a history of being "good" neighbors:

*Their swimming pool still lies open, filled with water and debris from Hurricane Katrina. Despite verbal requests from neighboring property owners and the potential for West Nile Virus problems; no actions to rectify the situation, have been taken to date by the applicants.

*The Applicants do not mow and / or maintain their lot on a regular schedule. Weeds and grasses have reached 2-3 feet numerous times during the past 5 years, harboring vermin. In order to keep the vermin in check, neighboring property owners, have taken on the cost and time of cutting the Applicant's lot on those occasions.

*In the past, the Applicants have taken an "acquisition by prescription" mentality with the public servitudes surrounding their property. During Holidays, they have refused to let guests of their neighbors park their vehicles along the servitude, claiming it was "their" property. During the debris cleanup after Katrina, the same stance was taken with any debris placed along the curbside by neighboring /adjoining property owners and/or their designees.

Therefore, based upon the afore-mentioned facts and/or observed past behaviors of the Applicant(s), we believe it is not in the best interest (or safety) of this neighborhood for the Planning Commission to recommend a Variance to the City Council on their behalf.

Respectfully Submitted,


J. Palmer


E.L. Perdue

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Suzane Deblanc, 401 East 1st Street, stated the property is currently not being maintained, there's a swimming pool left from Katrina on the lot that's not cleaned.

Suzanne Woodard, 411 East 4th Street, stated there are people that have fought the battle to rebuild their homes and placing the trailers on the lots will decrease the land value surrounding them.

* * *

Commission Advisor Bill Hessel stated that after speaking with the City's attorney by phone that the Planning Commission did have the authority to act on the request from Ordinance 568, and to proceed with the public hearings in accordance with Zoning Ordinance 344, Section 1203.3.3 VARIANCES.

* * *

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

After discussion Commissioner Vancourt made motion seconded by Commissioner Hare to Deny the Variance request from Ordinance 568, making reference to Zoning Ordinance 344, Section 1207.3, stating that the variance would not be in harmony with the purpose and intent of the ordinance and would be injurious to the neighborhood or the general welfare, the question being put to a roll call vote by the Chairman, the results were as follows:

Commissioner Vancourt	Aye
Commissioner Castleberry	Present, abstained
Commissioner Loftus	Present, abstained
Commissioner Lipski	Present, abstained
Commissioner Yandell	Aye
Commissioner Hare	Aye

Upon continued discussion regarding the validity of an abstained vote the Chairman determined his vote was needed, the aforementioned motion being put to a roll call vote again the motion was as follows:

Chairman Frank Olaivar	Aye
Commissioner Tony Vancourt	Aye
Commissioner Castleberry	Present, Abstained

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Commissioner Loftus	Present, Abstained
Commissioner Lipski	Present, Abstained
Commissioner Yandell	Aye
Commissioner Hare	Aye

The question having received the affirmative vote of all the Commissioners, present and voting, the Chairman declared the motion carried to deny the request.

Commissioner Vancourt made motion seconded by Commissioner Yandell and unanimously carried to CLOSE the aforementioned WATTS public hearing.

Commissioner Yandell made motion seconded by Commissioner Hare to RESCIND the motion to take no action on the aforementioned public hearing, and the question being put to a roll call vote by the Chairman, the results were as follows:

Commissioner Vancourt	Aye
Commissioner Castleberry	Present, abstained
Commissioner Loftus	Present, abstained
Commissioner Lipski	Present, abstained
Commissioner Yandell	Aye
Commissioner Hare	Aye

Due to the previous discussion regarding the validity of an abstained vote the Chairman determined his vote was needed, the aforementioned motion being put to a roll call vote again the motion was as follows:

Chairman Frank Olaivar	Aye
Commissioner Tony Vancourt	Aye
Commissioner Castleberry	Present, Abstained
Commissioner Loftus	Present, Abstained
Commissioner Lipski	Present, Abstained
Commissioner Yandell	Aye
Commissioner Hare	Aye

The question having received the affirmative vote of all the Commissioners, present and voting, the Chairman declared the motion carried to RESCIND the aforementioned motion.

*

*

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After discussion Commissioner Vancourt made motion seconded by Commissioner Hare to Deny the Variance request from Ordinance 568, making reference to Zoning Ordinance 344, Section 1207.3, stating that the variance would not be in harmony with the purpose and intent of the ordinance and would be injurious to the neighborhood or the general welfare, the question being put to a roll call vote by the Chairman, the results were as follows:

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Commissioner Castleberry	Present, abstained
Commissioner Loftus	Present, abstained
Commissioner Lipski	Present, abstained
Commissioner Yandell	Aye
Commissioner Hare	Aye

Due to the previous discussion regarding the validity of an abstained vote the Chairman determined his vote was needed, the aforementioned motion being put to a roll call vote again the motion was as follows:

Chairman Frank Olaivar	Aye
Commissioner Tony Vancourt	Aye
Commissioner Castleberry	Present, Abstained
Commissioner Loftus	Present, Abstained
Commissioner Lipski	Present, Abstained
Commissioner Yandell	Aye
Commissioner Hare	Aye

The question having received the affirmative vote of all the Commissioners, present and voting, the Chairman declared the motion carried to deny the request.

The next item for consideration was a Public Hearing for a Variance (from Ordinance 568) to allow a residential dwelling that is less than the required eight hundred and fifty square feet (850 sq ft) of heated living space to be place at 607 Lynn Avenue submitted by Ronnie Rhea as follows:

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CITY OF LONG BEACH
PLANNING DEPARTMENT
645 KLONDYKE ROAD / PO BOX 929
LONG BEACH, MS 39560
(228) 863-1554

Office use only
Date Received 11-5-09
Zoning R-2
Agenda Date 12-10-09
Check Number 2971

APPLICATION FOR CASE REVIEW

- I. TYPE OF CASE: X VARIANCE
 SPECIAL EXCEPTION REQUEST
- II. Advalorem Tax Parcel Number(s): 0611P-03-086,000
- III. Address of Property Involved: 607 Lynn Ave
- IV. Statement clearly explaining the request being made for case review. (Attach supplemental pages if necessary.)
Requesting to leave memo Cottage on
607 Lynn Ave For Disabled son Chadrick Rhea
Due to Katrina & limited funds

****PLEASE COMPLETE THE FOLLOWING:**

- A. 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? 1 Bedroom Cottage 400 sq ft
My son is Disabled & Has limited money to
survive DAY BY DAY The Cottage has been
approved by the state with the consideration to
the area
- B. 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. Chad was living in
a apartment on the beach when Katrina hit
and lost everything we had everything was
destroyed & washed away clothes vehicle & more
insurance etc.
- C. 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? AS This Property is already in our possession and
we have no other means to obtain other property
or funds to move if he becomes homeless
he is most likely to be awarded to the state
- D. 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. It is my understanding that
other cottages are being allowed to stay in the area

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If allowed The City would Reimburse City and Property Taxes

V. REQUIRED ATTACHMENTS:

- A. **Interest and Ownership.** The applicant's name, address and interest of every person, firm or corporation represented by the applicant in the application, the name of the owner or owners and their respective addresses of the entire land area proposed to be changed in classification or to be included within the structures then existing thereon, and sufficient evidence to establish that the applicant has the right of possession to the land area and structures, the names and address of all owners of adjacent property (exclusive of the width of intervening streets, alleys, or bodies of water). Claims of support or "no objection" from owners 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.
- B. **Survey and Site Plan.** a site plan showing the land area which would be affected, easements bounding and intersecting the designated area, the locations of existing and proposed structures with supporting open facilities, and the ground area to be provided and continuously maintained for the proposed structure or structures;
- C. **Recorded Warranty Deed.** A deed which includes a legal description of the specific piece of property involved in the request. 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.
- D. **Fee.** Attach a check in the amount of \$100.00. This check should be made payable to the City of Long Beach to cover administrative cost. You will also be responsible to actual costs, such as advertising and mailing incurred with the processing of your application.

*****NOTE*** APPLICATION WILL NOT BE ACCEPTED WITHOUT THE ABOVE LISTED DOCUMENTS.**

VI. OWNERSHIP AND CERTIFICATION:

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.

Ronnie Rheg
Name of Rightful Owner (PRINT)

Name of Agent (PRINT)

612 S Forest Ave
Owner's Mailing Address

Agent's Mailing Address

Long Beach ms 39560
City State Zip

City State Zip

228 864-4106
Phone

Phone

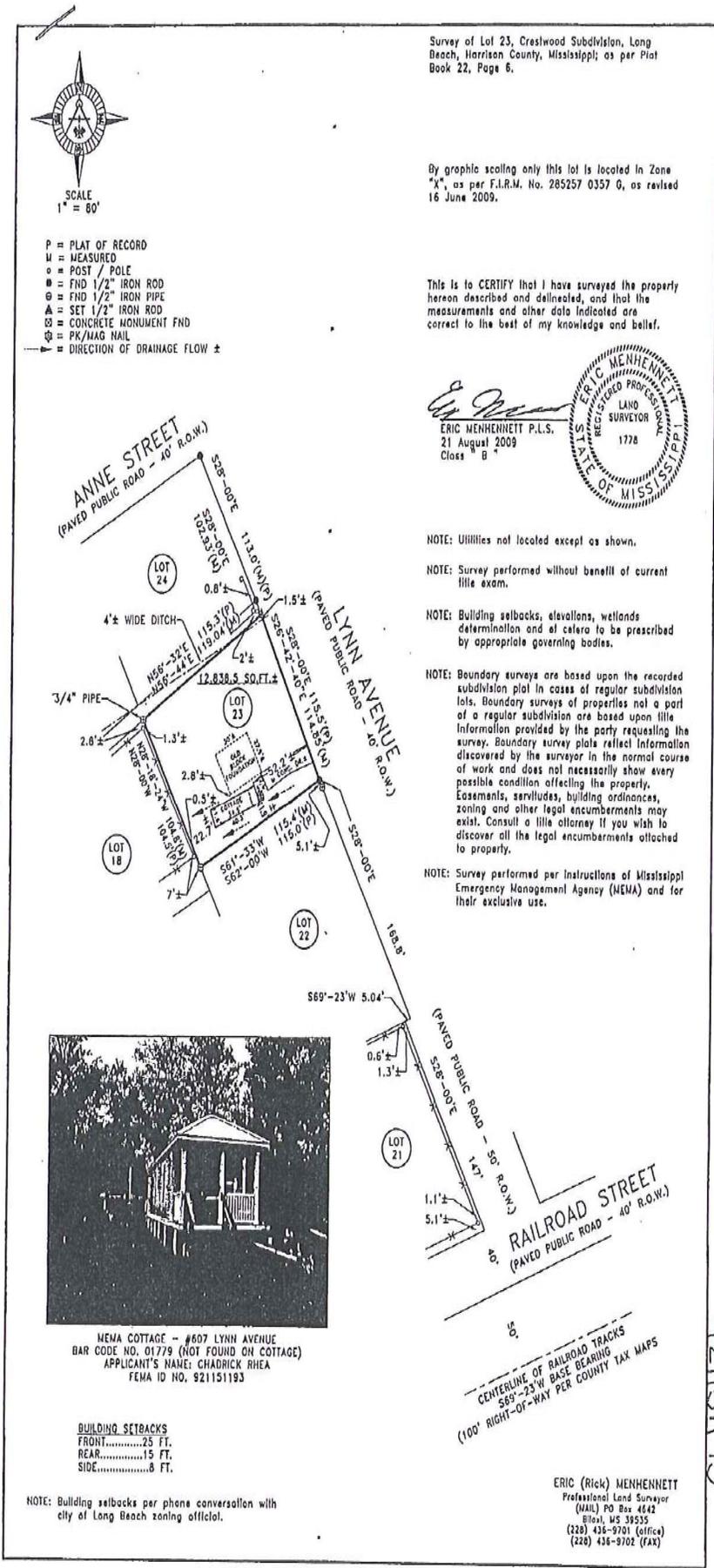
Ronnie Rheg
Signature of Rightful Owner

Signature of Applicant

Date

Date

**MINUTES OF DECEMBER 10, 2009
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**MINUTES OF DECEMBER 10, 2009
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AOL Mail (337)

Page 1 of 1

AOL Mail Tools Home AOL My Home Page

HOT BUNS
Zhu Zhu Hamster Carrots and...
AS LOW AS \$0.99
TWO LEFT \$3.99
FIND IT

Hi, rhea711 Sign Out

Check Mail Compose Search The Web Search

Search Mail Keep as New Reply Forward Action Delete Spam

Mortgage Rate Drops to 4.0% FIXED! **variance** Add to Favorites

John rhea to you and john rhea - yesterday [More Details](#)

Today on AOL

New Mail (337) **IV. I request that the MEMA cottage located at 607 Lynn Lane Ave. in Long Beach**

Old Mail **Which I have already paid for be allowed to stay thereon my property. The cottage is**

Drafts **400 sq.ft. and kept in good shape.**

Sent **A. The MEMA cottage has been approved by the state with consideration to the area.**

IMs **My son Chadrick Rhea whom is living there is disabled and on social security with a**

Spam (143) **Small monthly check that only comes to enough for food and some of the utilities.**

Recently Deleted **Chad is unable to work as he is handicapped and by no means can afford any other**

Contacts **Place to live.**

Calendar **B. Chadrick was living in an apartment in Long Beach when Katrina hit and lost everything he owned; clothes, vehicle, furniture and food. The apart**

My Folders **Was totally destroyed and washed away.**

Saved Mail **C. As this property is already in our position and we have no other means to obtain**

Instantly Thicker Hair **Other property or funds to move to another location if this request is denied Chadrick would become homeless and more than likely a ward of the st**

am out of work and have been for quite some time and am unable to help my son Chadrick.

D. It is my understanding that other cottages are being allowed to stay on other

Properties. If allowed to stay the city of Long Beach would receive City and property taxes.

Basic Version | Accessible Version | Mail Blog | Feedback © 2009

**MINUTES OF DECEMBER 10, 2009
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LONG BEACH PLANNING COMMISSION**

RECORD FIRST

SCANNED

STATE OF MISSISSIPPI
COUNTY OF HARRISON
FIRST JUDICIAL DISTRICT



Handwritten signature
1st Judicial District
Instrument 2008 1683 D -J1
Filed/Recorded 2 27 2008 11 35 A
Total Fees 12.00
3 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 considerations, the receipt and sufficiency of all of which is hereby acknowledged, I, CHARLES J. COMMANDER, III (Death Certificate on PATRICIA W. COMMANDER Attached as Exhibit "A" hereunto), AS GRANTOR do hereby sell, convey and warrant unto RONNIE A. RHEA, AS GRANTEE the following described property situated in HARRISON County, Mississippi, to-wit:

LOT 23, CRESTWOOD, A SUBDIVISION ACCORDING TO THE OFFICIAL MAP OR PLAT THEREOF ON FILE AND OF RECORD IN THE OFFICE OF THE FIRST JUDICIAL DISTRICT OF HARRISON COUNTY, MISSISSIPPI, IN PLAT BOOK 22 AT PAGE 6 THEREOF.

THIS CONVEYANCE is subject to any and all recorded restrictive covenants, rights of way, easements and the prior reservations of any oil, gas and other minerals.

IT IS AGREED and understood that the taxes for the current year have been pro-rated as of this date on an estimated basis. When said taxes are actually determined, if the pro-ration as of this date is incorrect, then the Grantor(s) agrees to pay to the Grantee(s), or its assigns, any deficit on an actual pro-ration, and likewise, the Grantee(s) agrees to pay to the Grantor(s), or its assigns, any amount overpaid by it.

Witness the execution HEREOF on this the 20th day of February, 2008.

Charles J. Commander, III
CHARLES J. COMMANDER, III Individually

**MINUTES OF DECEMBER 10, 2009
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LONG BEACH PLANNING COMMISSION**

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State of Mississippi
County of HARRISON

PERSONALLY came and appeared before me, the undersigned authority in and for the county and state aforesaid, the within named CHARLES J. COMMANDER, III, who acknowledged that he signed and delivered the above and foregoing Warranty Deed on the day and year therein set out.

WITNESS my hand and official seal of office on this the 22nd day of February, 2008.


NOTARY PUBLIC

My Commission Expires



GRANTOR:
1510 BTH AVE.
Franklinton, LA 70438

Phone No. ()
985-373-5264

GRANTEE: 612 Stivers Ave
Long Beach, MS 39200

Phone No. (228) 864-4100
601-6850

PREPARED BY AND RETURN TO:

PRESTIGE TITLE, INC.
15476 Dedeaux Road, Suite C
Gulfport, MS 39503
228-868-0031 (phone)
228-868-7399 (fax)
gulfport@prestigetitleinc.com

FILE# 02-08-36 RHEA

**MINUTES OF DECEMBER 10, 2009
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The Clerk reported further that twenty-three (23) notices of Public Hearing were sent by Certified Mail, Return Receipt Requested, to property owners within two hundred feet (200') 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. Schruff

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**.

Ronnie Rhea, 612 South Forest Avenue, Long Beach, Mississippi has filed an application for a Variance from Ordinance No. 568, AN ORDINANCE BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF LONG BEACH, MISSISSIPPI TO AMEND THE INTERNATIONAL BUILDING CODE AS ADOPTED WITHIN THE CITY OF LONG BEACH BY ORDINANCE 518 TO PROVIDE FOR A MINIMUM SIZE OF RESIDENTIAL DWELLING CONSTRUCTION WITHIN THE CITY AND FOR RELATED PURPOSES. The variance is to allow the applicant permission to place a residential dwelling on his lot located at 607 Lynn Avenue, Long Beach, MS, which will be less than the 850 square feet of heated living space that is presently required.

The property is located North of Railroad Street, East of Harris Avenue and South of Ann Street. The Harrison County tax parcel number is 0611P-03-086.000. The legal description for the lots as follows:

Lot 23, Crestwood, a subdivision according to the official map or plat thereof on file and of record in the office of the first judicial district of Harrison County, Mississippi, in plat book 22 at page 6 thereof.

The public hearing to consider the above Variance will be held in the City of Long Beach, Mississippi 39560, Thursday, December 10, 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

**MINUTES OF DECEMBER 10, 2009
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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, and PUBLIC HEARING, as evidence by the Publisher's Proof of Publication.

PROOF OF PUBLICATION

**LEGAL NOTICE
PUBLIC HEARING**

In accordance with Article XII of the Comprehensive Zoning Ordinance (8344) 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.

Ronnie Rhea, 612 South Forest Avenue, Long Beach, Mississippi has filed an application for a Variance from Ordinance No. 868, AN ORDINANCE BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF LONG BEACH, MISSISSIPPI TO AMEND THE INTERNATIONAL BUILDING CODE AS ADOPTED WITHIN THE CITY OF LONG BEACH BY ORDINANCE 818 TO PROVIDE FOR A MINIMUM SIZE OF RESIDENTIAL DWELLING CONSTRUCTION WITHIN THE CITY AND FOR RELATED PURPOSES. The variance is to allow the applicant permission to place a residential dwelling on his lot located at 607 Lynn Avenue, Long Beach, MS, which will be less than the 850 square feet of heated living space that is presently required.

The property is located North of Railroad Street, East of Harris Avenue and South of Ann Street. The Harrison County tax parcel number is 0811P-03-058.000. The legal description for the lots as follows:

Lot 23, Crestwood, a subdivision according to the official map or plat thereof on file and of record in the office of the first judicial district of Harrison County, Mississippi, in plat book 22 at page 6 thereof.

The public hearing to consider the above Variance will be held in the City of Long Beach, Mississippi 39560, Thursday, December 10, 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.

As signed
Chairman
Planning Commission
ADV20,1FRI

-1357213

STATE OF MISSISSIPPI
COUNTY OF HARRISON

Before me, the undersigned Notary of Harrison County, Mississippi personally appeared CRISTA LAIX 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., 48 dated 20 day of November, 2009
- 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.

DEC 01 2009 Crista Laix
Clerk

Sworn to and subscribed before me this 20 day of November, A.D., 2009

Kandi Berkley
Notary Public

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

**MINUTES OF DECEMBER 10, 2009
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LONG BEACH PLANNING COMMISSION**

Applicant came forward to state request, he stated he was present to represent his disabled son, whose house was destroyed during Hurricane Katrina, he stated that MEMA was in the process of issuing his son a handicapped accessible cottage that would be eight hundred twelve square feet (812 sq ft) under roof, and that he is willing to add the additional square footage to meet or exceed the required eight hundred fifty square feet (850 sq ft), submitted for the record as follows:



Gulf Coast Community Resource Center
Housing Resource Center of Harrison County
Housing Resource Center of Jackson County
1223 30th Ave, Gulfport MS 39501 · 228-864-6677 ~ 228-864-6979 fax
P O Box 729, Pascagoula, MS 39568 · 228-218-6025

Dec. 10, 2009

To: The City of Long Beach

Re: Variance hearing for Chadrick Rhea

Mr. Rhea is in the process of applying for an upgrade from a one bedroom MS cottage to an ADA two bedroom MS cottage due to his disability and the need for a caretaker to spend nights with him. The living space square footage for the two bedroom is 728 while the total under roof footage is 812. The issue request has been forwarded to MEMA and we anticipate no problems or delays in the request being granted. All codes will be followed and proper permits pulled in accordance with city regulations. If more information is needed, feel free to contact me at 228 864-6677.

Sincerely,

David Hancock
Case Manager
Mississippi Alternative Housing Program

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Building Code Official Earl Levens stated that a permit would be issued to the applicant and/or his son once plans were submitted showing the additional square footage.

Applicant withdrew his request.

The next item for consideration was a Public Hearing for a Variance (from Ordinance 568) to allow a residential dwelling that is less than the required eight hundred and fifty square feet (850 sq ft) of heated living space to be place at 220 Church Lane submitted by Darrell Savoy as follows:

	<p>CITY OF LONG BEACH PLANNING DEPARTMENT 645 KLONDYKE ROAD / PO BOX 929 LONG BEACH, MS 39560 (228) 863-1554</p>	<p style="text-align: center; margin: 0;">Office use only</p> <p>Date Received <u>11-16-09</u> Zoning <u>R-1</u> Agenda Date <u>12-10-09</u> Check Number <u>CASH</u></p>
APPLICATION FOR CASE REVIEW		
<p>I. TYPE OF CASE: <input checked="" type="checkbox"/> VARIANCE <input type="checkbox"/> SPECIAL EXCEPTION REQUEST</p> <p>II. Advalorem Tax Parcel Number(s): <u>051214-01-039.000</u></p> <p>III. Address of Property Involved: <u>220 Church Lane</u></p> <p>IV. Statement clearly explaining the request being made for case review. (Attach supplemental pages if necessary.) <u>I am a lifelong Long Beach resident AND has NO desire to live anywhere other in Long Beach.</u></p>		
<p>**PLEASE COMPLETE THE FOLLOWING:</p> <p>A. 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? <u>I own my property AND before Katrina had a house on the location that was destroyed by Katrina.</u></p> <p>B. 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. <u>Katrina destroyed my home.</u></p> <p>C. 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? <u>I CANNOT AFFORD to rebuild a New house.</u></p> <p>D. 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. <u>I am presently living in a Mobile Cottage that I enjoy very much. ON LAND which I own. This is</u></p>		
<p>Page 1 of 2 Application for Case Review - Variance OR Special Exception Request</p>		

**MINUTES OF DECEMBER 10, 2009
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the same property which my house was on.

V. REQUIRED ATTACHMENTS:

- A. **Interest and Ownership.** The applicant's name, address and interest of every person, firm or corporation represented by the applicant in the application, the name of the owner or owners and their respective addresses of the entire land area proposed to be changed in classification or to be included within the structures then existing thereon, and sufficient evidence to establish that the applicant has the right of possession to the land area and structures, the names and address of all owners of adjacent property (exclusive of the width of intervening streets, alleys, or bodies of water). Claims of support or "no objection" from owners 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.
- B. **Survey and Site Plan.** a site plan showing the land area which would be affected, easements bounding and intersecting the designated area, the locations of existing and proposed structures with supporting open facilities, and the ground area to be provided and continuously maintained for the proposed structure or structures;
- C. **Recorded Warranty Deed.** A deed which includes a legal description of the specific piece of property involved in the request. 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.
- D. **Fee.** Attach a check in the amount of \$100.00. This check should be made payable to the City of Long Beach to cover administrative cost. You will also be responsible to actual costs, such as advertising and mailing incurred with the processing of your application.

*****NOTE*** APPLICATION WILL NOT BE ACCEPTED WITHOUT THE ABOVE LISTED DOCUMENTS.**

VI. OWNERSHIP AND CERTIFICATION:

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.

Darrell Savoy
Name of Rightful Owner (PRINT)

Name of Agent (PRINT)

220 Church Lane
Owner's Mailing Address

Agent's Mailing Address

Long Beach, Ms. 39560
City State Zip

City State Zip

863-1040
Phone

Phone

Darrell Savoy
Signature of Rightful Owner Date

Signature of Applicant Date

**MINUTES OF DECEMBER 10, 2009
REGULAR MEETING
LONG BEACH PLANNING COMMISSION**

STATE OF MISSISSIPPI
COUNTY OF HARRISON



John
1st Judicial District
Instrument 2007 9180 D -J1
Filed/Recorded 9 13 2007 8 56 A
Total Fees 12.00
4 Pages Recorded



Quitclaim Deed

SCANNED

FOR AND IN CONSIDERATION of the sum of ONE DOLLAR (\$1.00), cash in hand paid, and other good and valuable considerations, the receipt of which is hereby acknowledged, DELORES S. SAVOY, by and through her Conservator, JOHN SAVOY, JR., 708 West Railroad, Long Beach, Mississippi, 39560, phone: 228-864-4638, do hereby sell, convey and quitclaim unto DARRELL C. SAVOY, 220 Church Lane, Long Beach, Mississippi, 39560, phone: (228) 863-1040, any and all of my right, title and interest in and to the following described property situated in Harrison County, Mississippi, to wit:

The North 70 feet of Lot 10, WHITE & CALVERT SURVEY, as per 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, Mississippi.

WITNESS MY SIGNATURE, this the 11 day of September, 2007.

John Savoy Jr
JOHN SAVOY, JR.

STATE OF MISSISSIPPI
COUNTY OF HARRISON

PERSONALLY APPEARED before me, the undersigned legal authority in and for the jurisdiction aforesaid, the within named JOHN SAVOY, JR., who acknowledged that she signed and delivered the above and foregoing quitclaim deed on the date set forth therein and for the purposes therein cited.

GIVEN UNDER MY HAND AND OFFICIAL SEAL on this the 11 day of September, 2007.

Karen Kuhn
NOTARY PUBLIC

My commission expires:



Prepared by:
Woodrow W. Pringle, III, Esq.
Attorney at Law
2217 Pass Road
Gulfport, MS 39501
228-868-8355 (phone)
228-863-4433 (fax)

TITLE NOT EXAMINED

**MINUTES OF DECEMBER 10, 2009
REGULAR MEETING
LONG BEACH PLANNING COMMISSION**

TO: CHANCERY CLERK OF HARRISON COUNTY, FIRST JUDICIAL DISTRICT
LAND RECORDS OFFICE

GRANTOR(S): JOHN SAVOY, JR.
708 WEST RAILROAD STREET
LONG BEACH, MS 39560
228-864-4638

GRANTEE(S): DARRELL C. SAVOY
220 CHURCH LANE
LONG BEACH, MS 39560
PHONE: (228) 863-1040

DOCUMENT PREPARED BY: WOODROW W. PRINGLE, III
MSB NUMBER: 4513
2217 PASS ROAD
GULFPORT, MS 39501
(228) 868-8355

DESCRIPTION PREPARED BY: UNKNOWN

INDEXING INSTRUCTIONS: THE NORTH 70 FEET OF LOT 10, WHITE &
CALVERT SURVEY, AS PER THE MAP OR
PLAT THEREOF ON FILE AND OF RECORD IN
THE OFFICE OF THE FIRST JUDICIAL
DISTRICT OF HARRISON COUNTY,
MISSISSIPPI.

AFTER RECORDING, RETURN TO: WOODROW W. PRINGLE, III
MSB NUMBER: 4513
2217 PASS ROAD
GULFPORT, MS 39501
(228) 868-8355

**MINUTES OF DECEMBER 10, 2009
REGULAR MEETING
LONG BEACH PLANNING COMMISSION**

The Clerk reported further that twenty-six (26) notices of Public Hearing were sent by Certified Mail, Return Receipt Requested, to property owners within two hundred feet (200') 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. Schruff

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**.

Darrell Savoy, 220 Church Lane, Long Beach, Mississippi has filed an application for a Variance from Ordinance No. 568, AN ORDINANCE BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF LONG BEACH, MISSISSIPPI TO AMEND THE INTERNATIONAL BUILDING CODE AS ADOPTED WITHIN THE CITY OF LONG BEACH BY ORDINANCE 518 TO PROVIDE FOR A MINIMUM SIZE OF RESIDENTIAL DWELLING CONSTRUCTION WITHIN THE CITY AND FOR RELATED PURPOSES. The variance is to allow the applicant permission to place a residential dwelling on his lot which will be less than the 850 square feet of heated living space that is presently required.

The Harrison County tax parcel number is 0512H-01-039.000. The legal description for the lots as follows:

The North 70 feet of Lot 10, WHITE & CALVERT SURVEY, as per 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, Mississippi.

The public hearing to consider the above Variance will be held in the City of Long Beach, Mississippi 39560, Thursday, December 10, 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

**MINUTES OF DECEMBER 10, 2009
REGULAR 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, and PUBLIC HEARING, as evidence by the Publisher's Proof of Publication.

PROOF OF PUBLICATION

STATE OF MISSISSIPPI
COUNTY OF HARRISON

Before me, the undersigned Notary of Harrison County, Mississippi personally appeared CRISTA LAUX 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., 48 dated 20 day of November, 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.

DEC 01 2009 CRISTA LAUX
Clerk

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

Kandi Berkley
Notary Public

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

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. Derrell Savoy, 220 Church Lane, Long Beach, Mississippi has filed an application for a Variance from Ordinance No. 568, AN ORDINANCE BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF LONG BEACH, MISSISSIPPI TO AMEND THE INTERNATIONAL BUILDING CODE AS ADOPTED WITHIN THE CITY OF LONG BEACH BY ORDINANCE 518 TO PROVIDE FOR A MINIMUM SIZE OF RESIDENTIAL DWELLING CONSTRUCTION WITHIN THE CITY AND FOR RELATED PURPOSES. The variance is to allow the applicant permission to place a residential dwelling on his lot which will be less than the 850 square feet of heated living space that is presently required. The Harrison County tax parcel number is 0512H-01-039.000. The legal description for the lots is as follows:
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/s/ signed
Chairman
Planning Commission
ADV20,1FRI
1357214

**MINUTES OF DECEMBER 10, 2009
REGULAR MEETING
LONG BEACH PLANNING COMMISSION**

Applicant came forward to state request.

The Chairman opened the floor for public comments in favor of the request and no one came forward to be heard.

The Chairman opened the floor for public comments in opposition of the request and no one came forward to be heard.

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

After discussion Commissioner Vancourt made motion seconded by Commissioner Hare to Deny the request for a Variance from Ordinance 568, making reference to Zoning Ordinance 344, Section 1207.3, stating that the variance would not be in harmony with the purpose and intent of the ordinance and would be injurious to the neighborhood or the general welfare, the question being put to a roll call vote by the Chairman, the results were as follows:

Commissioner Vancourt	Aye
Commissioner Castleberry	Present, abstained
Commissioner Loftus	Present, abstained
Commissioner Lipski	Present, abstained
Commissioner Yandell	Aye
Commissioner Hare	Aye

Due to the previous discussion regarding the validity of an abstained vote the Chairman determined his vote was needed, the aforementioned motion being put to a roll call vote again the motion was as follows:

Chairman Frank Olaivar	Aye
Commissioner Tony Vancourt	Aye
Commissioner Castleberry	Present, Abstained
Commissioner Loftus	Present, Abstained
Commissioner Lipski	Present, Abstained
Commissioner Yandell	Aye
Commissioner Hare	Aye

**MINUTES OF DECEMBER 10, 2009
REGULAR MEETING
LONG BEACH PLANNING COMMISSION**

The question having received the affirmative vote of all the Commissioners, present and voting, the Chairman declared the motion carried to deny the request.

* * *

Noted for the record Commissioner Castleberry did not vote Aye or Nay due to fact that he felt that there was not enough information available as to if the Planning Commission had the authority to determine a Variance from the International Building Code and other aspects.

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

Work session was scheduled for Thursday, December 17, 2009, 5:00 p.m., at the City Hall Complex, located at 645 Klondyke Road.

Planning Commission request a work session with the Mayor and Board of Aldermen on either Wednesday, January 6, 2010 or Wednesday, January 13, 2010, and ask that the Mayor and Board of Aldermen reply as to which date is best.

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

APPROVED:

Commission Chairman, Frank Olaivar

Date: _____

ATTEST:

**MINUTES OF DECEMBER 10, 2009
REGULAR MEETING
LONG BEACH PLANNING COMMISSION**

Veronica Howard, Minutes Clerk