

**MINUTES OF JANUARY 14, 2010
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: Commissioners Tony Vancourt, John Castleberry, Gretchen Loftus, Jacquie Lipski, Tonda Yandell, Dale Hare, Danny Hansen, William "Chip" Williams, Building Code Official Earl Levens and Minutes Clerk Veronica Howard.

Commission Chairman Frank Olaivar was absent the meeting.

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Commissioner Vancourt in his capacity as Co-Chairman chaired 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 January 19, 2010, and subject to a ten-day appeal in time for a Public Hearing.

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After careful review and consideration Commissioner Hansen made motion seconded by Commissioner Lipski and unanimously carried to approve the Planning Commission Minutes of December 10, 2009 with the following correction: Page 28, 3rd paragraph, the Section referenced should be 1207.3.

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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 131 English Village Drive submitted by Rose Jen Pierce 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 <u>11-30-09</u>
Zoning _____
Agenda Date <u>01-14-10</u>
Check Number <u>300223134</u>

APPLICATION FOR CASE REVIEW

- I. TYPE OF CASE: VARIANCE
 SPECIAL EXCEPTION REQUEST
- II. Advalorem Tax Parcel Number(s): 07120-03-010.000
- III. Address of Property Involved: 131 English Village
- IV. Statement clearly explaining the request being made for case review. (Attach supplemental pages if necessary.)
Please see attached sheet

****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?
Please see attached sheet
- 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.
Please see attached sheet
- 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?
Please see attached sheet
- 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. Please see attached sheet

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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 due 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.

<p><u>Jocelyn U. Turnbough</u> Name of Rightful Owner (PRINT)</p> <p><u>133 English Village</u> Owner's Mailing Address</p> <p><u>Long Beach, MS 39560</u> City State Zip</p> <p><u>228-861-2097</u> Phone</p> <p><u>Jocelyn U. Turnbough 11/20/09</u> Signature of Rightful Owner Date</p>	<p><u>Rose-Jen C. Pierce</u> Name of Agent (PRINT)</p> <p><u>131 English Village</u> Agent's Mailing Address</p> <p><u>Long Beach, MS 39560</u> City State Zip</p> <p><u>228-493-1060</u> Phone</p> <p><u>Rose-Jen C. Pierce 24/10/09</u> Signature of Applicant Date</p>
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**MINUTES OF JANUARY 14, 2010
REGULAR MEETING
LONG BEACH PLANNING COMMISSION**

CITY OF LONG BEACH PLANNING DEPARTMENT

APPLICATION FOR CASE REVIEW

REGARDING:

- I. Request for VARIANCE
- II. Ad valorem Tax Parcel Number: 0712D-03-010.000
- III. Address of Property Involved: 131 English Village
- IV. The applicant (occupant of the MEMA cottage) respectfully requests a variance to be granted to the land owner of parcel #07120-03-010.000 permitting a MEMA cottage of less than the 850 square feet to reside lawfully on the property.

ANSWERS TO APPLICATION QUESTIONS:

- A. The applicant is the occupant of the MEMA cottage and not the land owner of the property the cottage resides upon. As an act of generosity, the land owner allocates a section of parcel #07120-03-010.000 for the applicant's MEMA cottage to reside. The special condition exists in the size and location of the property allocated for the applicant's MEMA cottage which is limited in size and location to accommodate the cottage in its original configuration, while preserving the remaining property for the land owner's use. The size of the allocated section of property would not accommodate a larger structure.
- B. The land owner of parcel # 07120-03-010.000 allocates a portion of this property to accommodate the applicant's MEMA cottage as an act of generosity. The amount of property allocated for the MEMA cottage was determined by the land owner to accommodate the current size of the MEMA cottage, and not a larger structure. Because the applicant (occupant of the MEMA cottage) did not determine and can not control the size of property allocated, the applicant did not cause the need for this variance request.
- C. The applicant (occupant of the MEMA cottage) is limited to the current location of the MEMA cottage on the land owner's property which is confined to the current size of the MEMA cottage and situated where it will have minimal impact upon the land owner's use of the remaining property. The applicant received the cottage from MEMA for shelter due to her financial limitations at the time of Katrina. The applicant's financial limitations do not enable her to purchase property for the MEMA cottage. If the applicant is required to meet code requirements, the applicant will have no home.
- D. Denial of this request would deprive the applicant (occupant of the MEMA cottage) of rights commonly enjoyed by other properties in the general areas. Surrounding properties in the vicinity currently have heated buildings that are less than the minimum 850 square foot requirement, therefore the applicant would not be given special privileges from what is currently enjoyed by neighboring properties, and would continue to remain in harmony with the character of the neighborhood.

**MINUTES OF JANUARY 14, 2010
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LONG BEACH PLANNING COMMISSION**

STATE OF MISSISSIPPI
COUNTY OF HARRISON
FIRST JUDICIAL DISTRICT

WARRANTY DEED

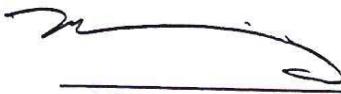
FOR AND IN CONSIDERATION of Ten Dollars [\$10.00] cash-in-hand paid, and other good and valuable consideration, the receipt and sufficiency of all of which is hereby acknowledged, We, Michael S. Williams and Wendy Williams, Grantors, do hereby warrant, sell, and convey unto, Jocelyn U. Turnbough, the following described real property situated in the First Judicial District of Harrison County, Mississippi, and being more fully described as follows:

Lot 4, English Village Subdivision, a subdivision 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 above-described property is subject to any and all applicable restrictions, declarations, assessments, easements, or encumbrances, on file and of record in the Office of the Chancery Clerk of the First Judicial District of Harrison County, Mississippi.

Taxes on the subject property are pro-rated as of the date of this instrument and are assumed by the Grantee for the year 2007 and subsequent years.

WITNESS OUR SIGNATURES, this the 3rd day of April, 2007.



Michael S. Williams


Wendy Williams

STATE OF MISSISSIPPI
COUNTY OF HARRISON

PERSONALLY APPEARED BEFORE ME, the undersigned authority in and for the said county and state, on this 3rd day of April, 2007, within my jurisdiction, the within named Michael

**MINUTES OF JANUARY 14, 2010
REGULAR MEETING
LONG BEACH PLANNING COMMISSION**

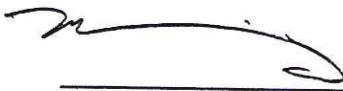
FOR AND IN CONSIDERATION of Ten Dollars [\$10.00] cash-in-hand paid, and other good and valuable consideration, the receipt and sufficiency of all of which is hereby acknowledged, We, Michael S. Williams and Wendy Williams, Grantors, do hereby warrant, sell, and convey unto, Jocelyn U. Turnbough, the following described real property situated in the First Judicial District of Harrison County, Mississippi, and being more fully described as follows:

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Taxes on the subject property are pro-rated as of the date of this instrument and are assumed by the Grantee for the year 2007 and subsequent years.

WITNESS OUR SIGNATURES, this the 3rd day of April, 2007.



Michael S. Williams


Wendy Williams

STATE OF MISSISSIPPI

COUNTY OF HARRISON

PERSONALLY APPEARED BEFORE ME, the undersigned authority in and for the said county and state, on this 3rd day of April, 2007, within my jurisdiction, the within named Michael S. Williams and Wendy Williams, who acknowledged that they executed and delivered the above and foregoing instrument.

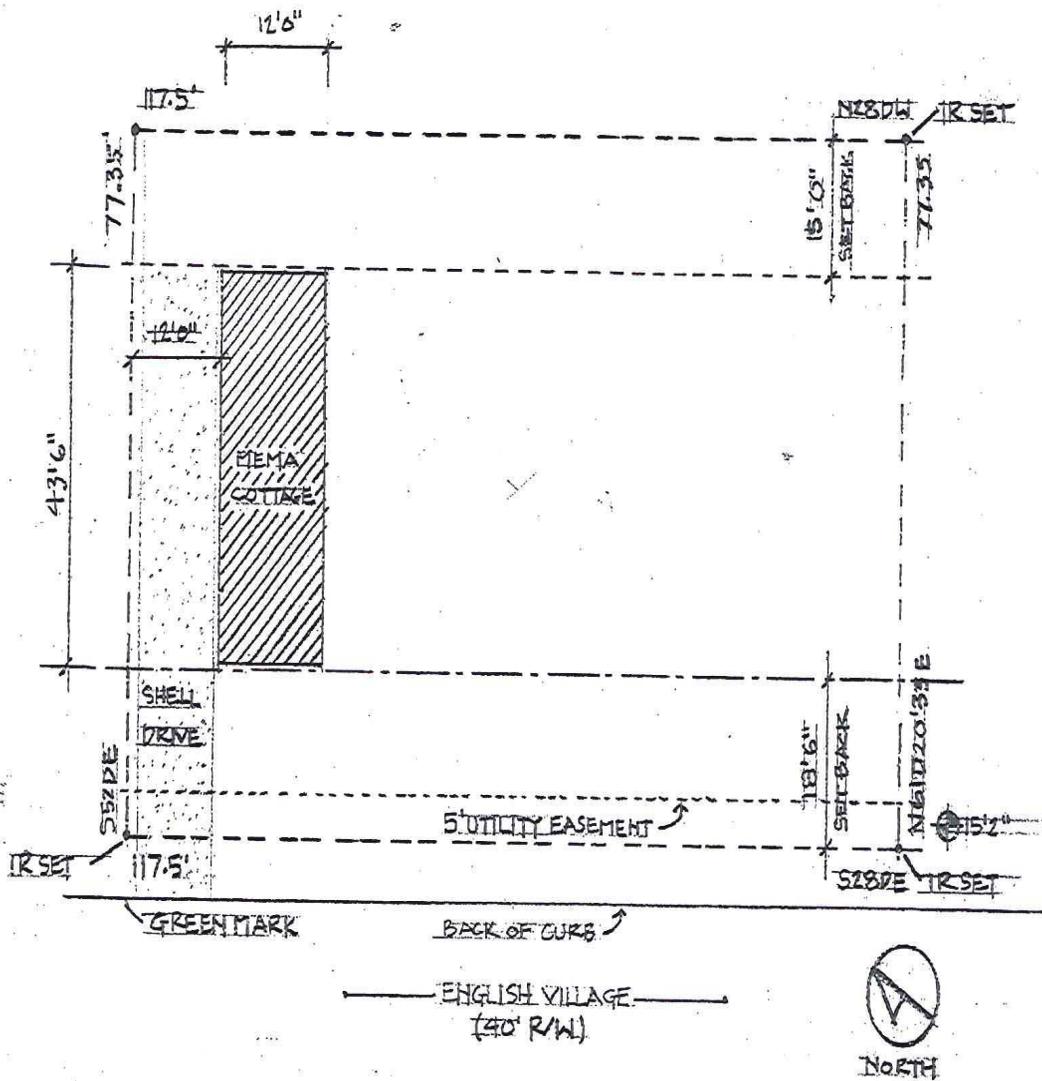


NOTARY PUBLIC

My Commission Expires:

12/12/07

**MINUTES OF JANUARY 14, 2010
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LONG BEACH PLANNING COMMISSION**



SITE PLAN

PARCEL # 0712D - 03-010.000

LOT 4

131 ENGLISH VILLAGE DR

SUBD SEC 11-8-12

RESIDENTIAL SINGLE FAMILY ZONE DIST R-1

SET BACKS ALLOWED/ROAD:

MIN FRONT YARD 25/15' FT

MIN SIDE YARD 8' FT EACH

MIN REAR YARD 15' FT

BUILDING HEIGHT 2 STORIES (35')

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The Clerk reported further that twenty (20) 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**.

Rose-Jen Pierce, 133 English Village Drive, 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, which will be less than the 850 square feet of heated living space that is presently required, on a lot.

The Harrison County tax parcel number is 0712D-03-010.000. The legal description for the lots as follows:

Lot 4, English Village Subdivision, a subdivision 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, January 14, 2010 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 JANUARY 14, 2010
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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 LAOX 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., 607 dated 9 day of Dec, 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 10 2009

Crista Laox
Clerk

Sworn to and subscribed before me this 9 day of December, A.D., 20 09

Kandi Berkeley
Notary Public

KANDI A. BERKLEY
Notary Public, State of Mississippi
Harrison County
My Commission Expires
April 03, 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, Rose-Jen Pierce, 133 English Village Drive, 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 ORDINANCES 18 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, which will be less than the 850 square feet of heated living space that is presently required, on a lot. The Harrison County tax parcel number is 0712D-03-010.000. The legal description for the lots as follows:
Lot 4, English Village Subdivision, a subdivision 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, January 14, 2010 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
ADV9, 1WED 1360200

**MINUTES OF JANUARY 14, 2010
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LONG BEACH PLANNING COMMISSION**

Noted for the record the request is an APPEAL to the Building/Code official's denial of permanent placement of the cottage.

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Applicant came forward to state request. She stated that she is currently residing with friends, due to the fact that MEMA has instructed her to move on several occasions. Mrs. Jocelyn Turnbough allowed her to place the cottage on her lot and is willing to let her keep the cottage there as a permanent structure. She stated that an addition to meet the City's square footage ordinance is not possible due to the size of the lot that Mrs. Turnbough deeded to her.

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

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

**MINUTES OF JANUARY 14, 2010
REGULAR MEETING
LONG BEACH PLANNING COMMISSION**

January 14, 2010

Members of the Long Beach Planning Commission
Long Beach, Mississippi

It is our understanding that you will gather this evening to review an application from a current resident who is asking to keep and maintain a MEMA cottage in our neighborhood. This resident has built and now occupies a stunningly beautiful home that is such a credit to our area and we thank her for her investment and are so pleased she has chosen to rebuild. If this understanding is correct then we would like to take a moment, as residents south of the tracks, to express our concern regarding the MEMA cottage in question. Please consider our concerns and include them in your minutes this evening.

The MEMA cottages were a solution to temporary housing when they began appearing down here. However; homes have been rebuilt, decisions have been made as whether to commit to the area or move on, and we are fast approaching the 5 year anniversary. We have watched our brave and resilient neighbors struggle to rebuild their homes and landscape and hardscape their exterior properties with a hopeful heart to return to the quality of life we all enjoyed pre-Katrina.

The Neighborhood Rental Restoration Project that enables rental owners to access forgivable loans, provided they exclusively serve low and moderate income people, has successfully made the MEMA cottages obsolete. It has been so successful that we are now seeing signs of a dangerously depressed rental market that we feel will continue to sink as our economy here is frozen.

We have had so many negatives to shoulder down here - insurance issues, high property taxes, indecision, and what wearily seems to feel like constant destruction. When considering issues that apply to our fractious neighborhoods we ask that you strip down the clutter and simply apply two questions: is this a positive for these residents or is this a negative? We see this clearly as a negative. The cottage is not needed to supply housing and may effect surrounding property values during an appraisal process.

We thank you for your service to all of us and your commitment to the recovery process. We are excited about our future and appreciate your efforts to keep us moving in a positive direction.

Tommy and Kathy Moulton
100 Shannon Drive

(cc: various neighbors who have available e-mail address, Kaye Couvillion, Leonard Carrubba)

**MINUTES OF JANUARY 14, 2010
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LONG BEACH PLANNING COMMISSION**

January 14, 2010

Gary and Donna Hartness
158 Richards Avenue
Long Beach, Mississippi 39560

City of Long Beach Planning Commission
PO Box 929
Long Beach, Mississippi 39560

SUBJECT: HEARING TRAILER/COTTAGE ENGLISH VILLAGE

Southeast Long Beach, a unique area with, perhaps, the highest elevation point adjacent to Highway 90, slowly moves back to pre-Katrina form. Although much lost through the storm, much gained through the results of the determination to rebuild. Residents of this unique corner of the city near the beach possess high hopes of more new construction to add to the attractiveness of existing homes, however, the integrity of the neighborhood threatened by the invasion of a mobile home. If this one trailer permitted to exist in our R-1 single family residential zone, perhaps, sooner or later others allowed. The so-called MEMA cottages, trailers, not originally intended eventually used as permanent structures R-1 residential.

Merriam-Webster defines a mobile home as a dwelling structure built on a steel chassis fitted with wheels [and] intended to be hauled to a usually permanent site. Regarding the English Village request for variance, the trailer referred to as a structure, but no mention it fitted with wheels. To any casual observer, at a glance, the English Village trailer a trailer no matter what else it called. The only difference in this trailer and trailers with pre-painted aluminum sides, this trailer's sides constructed of Hardi Plank. It also has particle-board floors, wheels, and a hang-on air conditioner fastened to the back wall. It possesses all the features and problems of a trailer with or without wheels. We moved into a partially finished home on our lot to rid ourselves of a MEMA cottage's problems (it was a trailer), as well, remove an eye soar from the neighborhood.

New construction and property values threatened by the permanent presence of the English Village trailer. The trailer, less than 500 square feet heated space under its roof, less than 25 feet from our property line, less than 100 feet from our home, not only an eye soar, but also much smaller than neighboring homes. We believe the English Village trailer, under consideration by the planning commission and BOA for permanent placement on its current site, creates an adverse impact on current property values. If the trailer allowed to remain on English Village Street, no doubt, it will influence property values downward. In addition, if the trailer allowed to remain on the lot long enough, it creates the potential of affecting zoning. Currently, no R-4 zoning (trailers) exists in southeast Long Beach. Under the right circumstances, through time, pressure of change,

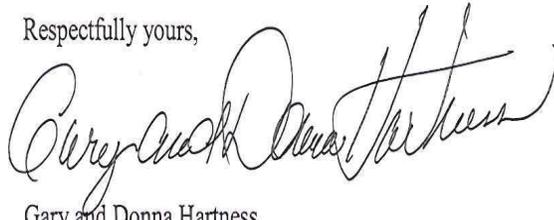
**MINUTES OF JANUARY 14, 2010
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LONG BEACH PLANNING COMMISSION**

and politics the Long Beach ordinance section 911 mobile homes and manufactured homes attempted modified to allow trailers placed inside R-1. If the subject trailer allowed in R-1 residential, surely, other individual cases submitted for variance consideration.

The mobile home evolved from the travel trailer: The manufactured home evolved from the mobile home: The Katrina Cottage evolved from the manufactured home: Logically, the Katrina cottage a trailer. It follows, then, that R-1 can evolve into R-4 under the right circumstances. With one trailer in R-1, the precedent set and zone change requests imminent requesting R-4 zoning inside R-1 single family environments.

We ask that members of the planning commission and BOA enter this letter or its contents into the record of minutes and refer to it while considering the variance for the English Village trailer. Our request: deny the appeal for variance the subject trailer.

Respectfully yours,



Gary and Donna Hartness

**MINUTES OF JANUARY 14, 2010
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LONG BEACH PLANNING COMMISSION**

January 13, 2010

Attention: City of Long Beach

*Regarding: Variance requested by Rose-Jen Pierce for 133
English Village Drive*

I feel that allowing a MIMA cottage to stay permanently on this lot will affect the value of the surrounding property, and set a dangerous precedent that will lower prices in an already struggling market.

The person requesting this variance is not the owner of the property at 133 English Village Drive, nor does she own any property within the City of Long Beach.

The residential dwelling that is being referred to in the requested variance is a MIMA Cottage that has been there for around two years. The actual owner of the property built a designer home worth about a half a million dollars and certainly does not now need a MIMA cottage to live in on said property.

The property owner has already been granted one huge variance that allowed her to build directly on the lot line. If the actual owner of the property wants Ms. Pierce to stay, or wants a guest house for other purposes, she should build one that is within the Building Code that has been adopted by the residents of the City of Long Beach.

I also feel that a big part of recovering and moving forward is putting things back the way they were, or better. It has been a long recovery for many people and I do not think that permanent Katrina Cottages will be anything but painful reminders of a disaster.

Charlene M. Jenner

Charlene M. Jenner 145 Richards Ave. Long Beach

**MINUTES OF JANUARY 14, 2010
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LONG BEACH PLANNING COMMISSION**

January 14, 2010

Mayor Skellie, Alderman, and The Long Beach Planning Commission
Long Beach, MS

We would like to express our opposition to a variance that would allow a MEMA cottage to remain on English Village. We have been a part of this neighborhood for many years and have a large investment, both emotionally and financially, in seeing it recover from the ravages of Katrina. It is on its way, thanks to our many neighbors who feel the same way and have invested much energy, time and money to come back to some level of normal.

Allowing this cottage to remain would open the wrong door to the continued recovery of this area and diminish the efforts that have been made so far. What would prevent land owners that have not rebuilt to seek this quick and inexpensive fix for their housing? If this variance is allowed for one, others are sure to follow. These cottages were meant to be a temporary solution to provide housing where it was needed, not to remain as a permanent part of the neighborhood.

Thank you for your consideration of our concerns and please include them in your minutes. We greatly appreciate your time and efforts toward our recovery.

Steve and Kathy Roberts
130 Richards Avenue

**MINUTES OF JANUARY 14, 2010
REGULAR MEETING
LONG BEACH PLANNING COMMISSION**

Robert Behling
165 Serene Hills
Hattiesburg, MS

January 14, 2010

City of Long Beach
Planning Commission
Long Beach, MS 39560

Ladies and Gentlemen:

I have received a legal notice of application for a variance for 133 English Village Drive, Long Beach. I own 129 English Village Drive. I do not feel that I can support the variance on a number of grounds:

1. Of the remaining structures standing on English Village Drive, the average tax appraised valuation is \$211,942. The Katrina Cottage structure, while important during the recovery period after the storm, does not fit in to the neighborhood profile. I believe it will lower overall property values for all residents on the street.
2. The original subdivision included deed restrictions as to square footage of structures. I understand that the City does not enforce deed restrictions, however all property owners when the property was developed agreed to abide by the restrictions and preserve the integrity and value of the development. This proposed structure falls far short of the deed restriction square footage requirements. I believe the deed restrictions were put in place to maintain minimum neighborhood standards and to uphold property and home values.
3. We are seeing signs of rebuilding throughout Long Beach, and some rebuilding on English Village Drive and the surrounding neighborhood. From what I can tell, the rebuilt structures generally replicate in size and valuation what was destroyed by the storm, and will support maintaining the local property values. If others are willing and can rebuild, then it would seem prudent for this property to have a conforming structure as well.

Sincerely,
Robert Behling

**MINUTES OF JANUARY 14, 2010
REGULAR MEETING
LONG BEACH PLANNING COMMISSION**

Francis Deblanc, 125 Richards Avenue.

Richard Tilley, English Village Drive.

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

Discussion was had as to if the request should have been made for a variance or an appeal to a decision made by Building Code Official.

Commissioner Hansen made motion to uphold the Building Officials decision to deny the request for permanent placement of the MEMA cottage, for lack of motion being seconded the chairman declared the motion dead.

Upon continued discussion, Commissioner Yandell made motion, seconded by Commissioner Castleberry to take no action on the request, due to the consensus that the applicant came before the Commission using the incorrect process, and the question being put to a roll call vote by the Chairman, the results were as follows:

Commissioner Castleberry	Aye
Commissioner Loftus	Aye
Commissioner Lipski	Aye
Commissioner Yandell	Aye
Commissioner Hare	Aye
Commissioner Hansen	Nay

The question having received the affirmative vote of all Commissioners, present and voting, the Chairman declared the motion carried to take no action on the submitted VARIANCE request.

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

Commissioner Lipski made motion seconded by Commissioner Castleberry and unanimously carried to proceed with the public hearing process with the intent to recommend adoption of the Smart Code plan City wide.

A work session was scheduled for Tuesday, January 19, 2010, 5:30 p.m., at the City Hall Complex, located at 645 Klondyke Road.

**MINUTES OF JANUARY 14, 2010
REGULAR MEETING
LONG BEACH PLANNING COMMISSION**

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

APPROVED:

Commission Chairman, Frank Olaivar

Date: _____

ATTEST:

Veronica Howard, Minutes Clerk