

**MINUTES OF JANUARY 28, 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: Commission Chairman Frank Olaivar, Commissioners Tony Vancourt, John Castleberry, Gretchen Loftus, Jacquie Lipski, Tonda Yandell, William "Chip" Williams, Planning Commissioner Advisor Bill Hessel, Building Code Official Earl Levens and Minutes Clerk Veronica Howard.

Commissioner Danny Hansen and Dale Hare were absent the meeting.

* * *

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

* * *

The meeting was called to order and the Commission Chairman stated that all decisions made at this meeting would need to be ratified by the Mayor and Board of Aldermen at their next regularly scheduled meeting of February 2, 2010, and subject to a ten-day appeal in time for a Public Hearing.

* * *

After careful review and consideration Commissioner Vancourt made motion seconded by Commissioner Yandell and unanimously carried to approve the Planning Commission Minutes of January 14, 2010.

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

A work session was scheduled for Tuesday, February 2, 2010, 5:30 p.m., at the City Hall Complex, located at 645 Klondyke Road.

The first item for consideration under NEW BUSINESS was a Certificate of Resubdivision submitted by Nancy Shroyer on behalf of David Desorcy 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	_____
Zoning	_____
Agenda Date	_____
Check Number	_____

APPLICATION FOR CASE REVIEW

- I. TYPE OF CASE: PLANNING COMMISSION APPROVAL
 DECISION OF THE BUILDING OFFICIAL IS ALLEGED TO BE IN ERROR
 INTERPRETATION OF THE ZONING ORDINANCE
 Certificate of Resubdivision
- II. Advalorem Tax Parcel Number(s): 0612E-03-038.000
- III. Address of Property Involved: 0 Hwy 90, Long Beach
- IV. Statement clearly explaining the request being made for case review. (Attach supplemental pages if necessary.)
Resubdivision of parcel 0612E-03-038.000 into parcel one & two;
is to issue a certificate of resubdivision of parcel one & two

- 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/or Site Plan. A site plan showing the land area which would be affected, if required a general layout drawing of the development, 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. 250.00
- D. Fee. Attach a check in the amount of ~~\$50.00~~. 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.**

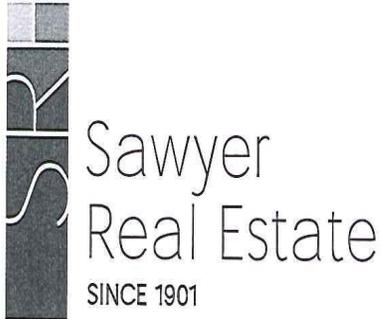
- VI. OWNERSHIP AND CERTIFICATION:
READ BEFORE EXECUTING. Attendance by the applicant(s) at the public hearing is mandatory; however, the applicant may designate a representative to attend the public hearing on his/her behalf, provided said representative has been properly designated to speak on the 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.

DAVID E. DESOREY
 Name of Rightful Owner (PRINT)
3604 Spawz Drive
 Owner's Mailing Address
Myrtle Beach, SC 29511
 City State Zip
843-283-0511
 Phone
[Signature]
 Signature of Rightful Owner Date

Nancy Shroyer
 Name of Agent (PRINT)
PO Box 951
 Agent's Mailing Address
Camden, MS 39402
 City State Zip
228-547-6161
 Phone
[Signature] 1/14/10
 Signature of Agent Date

**MINUTES OF JANUARY 28, 2010
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LONG BEACH PLANNING COMMISSION**



January 6, 2009

City of Long Beach

Planning Department

TO WHOM IT MAY CONCERN:

Please allow Nancy Shroyer, Broker with Sawyer Real Estate, to represent me through the ReSubdivision Process on my Parcel #0612E-03-038.000 on Hwy 90 in Long Beach.

Thank you,

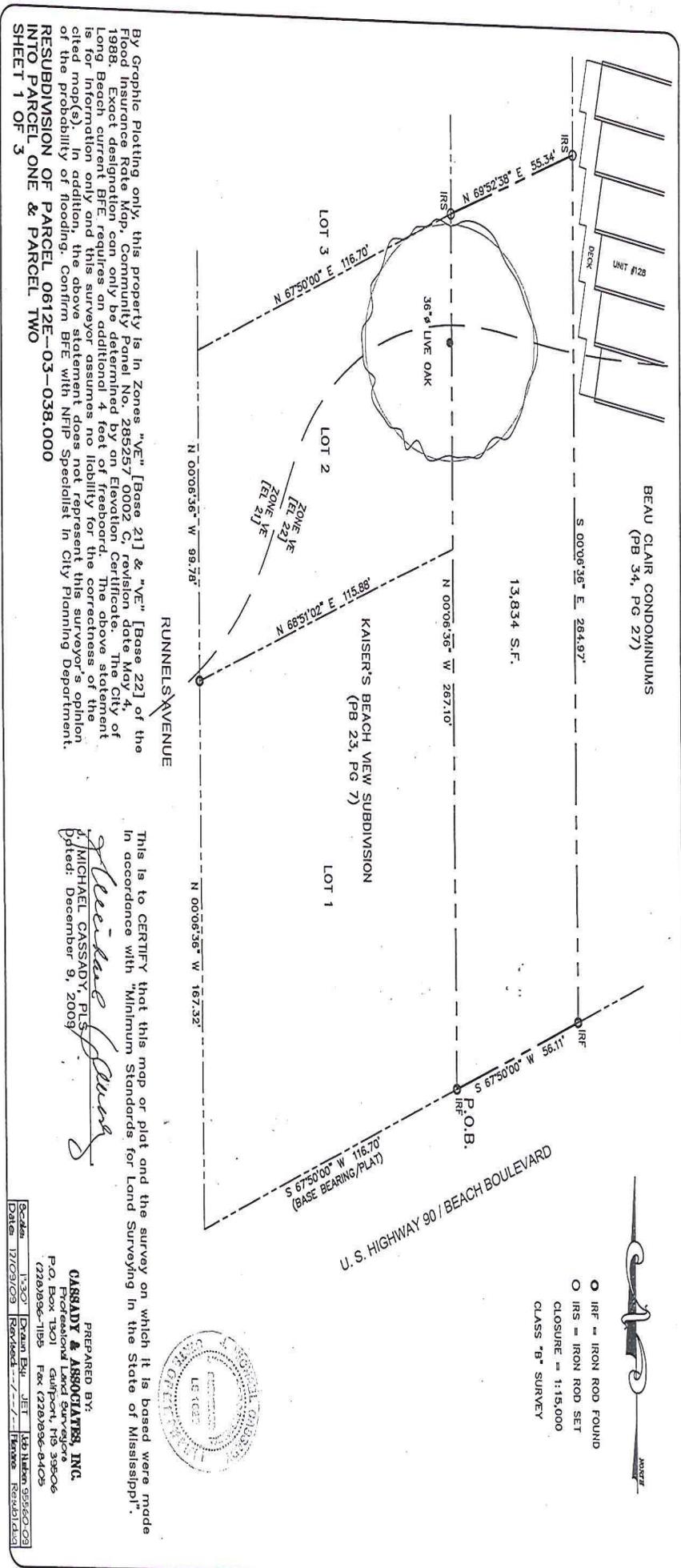


David E. Desorcy

nll

2510 14th Street, Suite 1013, One Hancock Plaza, Gulfport, MS 39501
P.O. Drawer 490, Gulfport, MS 39502
Phone: (228) 863-0232 Fax: (228) 863-0632

**MINUTES OF JANUARY 28, 2010
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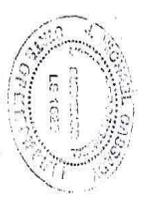


By Graphic Plotting only, this property is in Zones "VE" [Base 21] & "VE" [Base 22] of the Flood Insurance Rate Map, Community Rating System, dated May 4, 1988, Revision date May 4, 1988. Before design BFE requires an additional 4 feet of freeboard. The City of Long Beach design BFE requires an additional 4 feet of freeboard. The above statement is for information only and this surveyor assumes no liability for the correctness of the cited map(s). In addition, this surveyor does not represent this surveyor's opinion of the probability of flooding. Confirm BFE with NFP Specialist in City Planning Department.

RESUBDIVISION OF PARCEL 0612E-03-038,000 INTO PARCEL ONE & PARCEL TWO SHEET 1 OF 3

This is to CERTIFY that this map or plat and the survey on which it is based were made in accordance with "Minimum Standards for Land Surveying in the State of Mississippi".

Michael Cassady
MICHAEL CASSADY, PLS
Dated: December 9, 2009



PREPARED BY:
CASSADY & ASSOCIATES, INC.
Professional Land Surveyors
P.O. Box 1301 Gulfport, MS 39506
(228)996-7195 Fax (228)996-8405

Scale	1"=30'	Drawn By	JET	1st Edition	05/26/09
Date	12/09/09	Reviewed		Revised	

MINUTES OF JANUARY 28, 2010 REGULAR MEETING LONG BEACH PLANNING COMMISSION

CERTIFICATE OF RESUBDIVISION

In accordance with Article II, Section 3 of the Code of Ordinances (Subdivision Regulations) of the City of Long Beach as amended, it is hereby certified that the following subdivision of land in the City of Long Beach, Mississippi, which property is within the subdivision jurisdiction of the City of Long Beach, and that I freely adopt this plan of subdivision:

LEGAL DESCRIPTION OF LAND PRIOR TO THIS RESUBDIVISION:
PARCEL NO. 0612E-03-038.000

A parcel of land situated and being located in part of Lot 53, Henderson-Shipman-Hewes Partition of the Pelican Claim, Fractional Section 14, Township 8 South, Range 12 West, City of Long Beach, First Judicial District of Harrison County, Mississippi and being more particularly described as follows, to-wit:

Beginning at the Southeast corner of Lot 1, KAISER'S BEACH VIEW SUBDIVISION (Plot Book 23, Page 7), said point being on the northerly right-of-way of U. S. Highway 90 / Beach Boulevard; thence run North 00 degrees 08 minutes 38 seconds East 55.34 feet to a point on the east line of BEAU CLAIR CONDOMINIUMS (Plot Book 34, Page 27); thence run South 00 degrees 08 minutes 36 seconds East 264.97 feet along the west line of BEAU CLAIR CONDOMINIUMS to the Southwest corner of BEAU CLAIR CONDOMINIUMS (Plot Book 34, Page 27); thence run South 00 degrees 08 minutes 36 seconds East 55.34 feet to a point on the west line of BEAU CLAIR CONDOMINIUMS (Plot Book 34, Page 27); thence run South 09 degrees 09 minutes 28 seconds West 58.11 feet along the northerly right-of-way of U. S. Highway 90 / Beach Boulevard to the Point of Beginning. Said parcel contains 13,434 square feet.

LEGAL DESCRIPTIONS OF THE (2) NEW PARCELS READ AS FOLLOWS:

LEGAL DESCRIPTION OF PARCEL ONE:
A parcel of land situated and being located in part of Lot 53, Henderson-Shipman-Hewes Partition of the Pelican Claim, Fractional Section 14, Township 8 South, Range 12 West, City of Long Beach, First Judicial District of Harrison County, Mississippi and being more particularly described as follows, to-wit:

Commencing at the Southeast corner of Lot 1, KAISER'S BEACH VIEW SUBDIVISION (Plot Book 23, Page 7), said point being on the northerly right-of-way of U. S. Highway 90 / Beach Boulevard; thence run North 00 degrees 08 minutes 36 seconds West 227.10 feet along the east line of said Lot 1 and Lot 2 to the Point of Beginning of the parcel herein described; thence continue from said Point of Beginning to the Southeast corner of said Lot 2; thence run North 69 degrees 52 minutes 38 seconds East 55.34 feet to a point on the west line of BEAU CLAIR CONDOMINIUMS (Plot Book 34, Page 27); thence run South 00 degrees 08 minutes 36 seconds East 58.94 feet along the west line of BEAU CLAIR CONDOMINIUMS (Plot Book 34, Page 27); thence run South 09 degrees 09 minutes 28 seconds West 57.00 feet to the Point of Beginning. Said parcel contains 2,572 square feet.

LEGAL DESCRIPTION OF PARCEL TWO:
A parcel of land situated and being located in part of Lot 53, Henderson-Shipman-Hewes Partition of the Pelican Claim, Fractional Section 14, Township 8 South, Range 12 West, City of Long Beach, First Judicial District of Harrison County, Mississippi and being more particularly described as follows, to-wit:

Beginning at the Southeast corner of Lot 1, KAISER'S BEACH VIEW SUBDIVISION (Plot Book 23, Page 7), said point being on the northerly right-of-way of U. S. Highway 90 / Beach Boulevard; thence run North 00 degrees 08 minutes 36 seconds West 227.10 feet along the east line of said Lot 1 and Lot 2; thence run North 69 degrees 52 minutes 38 seconds East 55.34 feet to a point on the west line of BEAU CLAIR CONDOMINIUMS (Plot Book 34, Page 27); thence run South 00 degrees 08 minutes 36 seconds East 58.94 feet along the west line of BEAU CLAIR CONDOMINIUMS (Plot Book 34, Page 27); thence run South 09 degrees 09 minutes 28 seconds West 57.00 feet to the Point of Beginning. Said parcel contains 11,261 square feet.

CERTIFICATE OF OWNERSHIP:

I hereby certify that I am one of the owners of the property described herein, which property is within the subdivision jurisdiction of the City of Long Beach, and that I freely adopt this plan of subdivision.

Subscribed and sworn to before me, in my presence this 11 day of January, 2010, a Notary Public in and for the County of Harrison, State of Mississippi.

My Commission Expires: 12/5/13

Michael Cassidy, Notary Public

I hereby certify that this map drawn by me or drawn under my supervision from actual survey made by me or actual survey made under my supervision and was prepared in accordance with applicable codes and ordinances. Witness my original signature, registration number and seal this 17th day of Dec, 2009.

Subscribed and sworn to before me, in my presence this 17th day of Dec, 2009, a Notary Public in and for the County of Harrison, State of Mississippi.

Robert R. Donald, Notary Public

My Commission Expires: _____

CERTIFICATE OF APPROVAL:

I hereby certify that the Minor Subdivision shown on this plot does not involve the creation of new parcels, the change in existing public streets, the extension of public utility lines, or the subdivision shown in all respects in compliance with the ordinances of Long Beach and that therefore this plot has been approved by the administrator subject to its being recorded in the Harrison County Courthouse within sixty (60) days of the date below.

Administrator: _____ Date: _____

PLANNING COMMISSION:

Submitted to and approved by the City of Long Beach Planning Commission at the regularly scheduled meeting on the 28th day of January, 2010.

Planning Commission Chairman: _____

APPROVAL:

Submitted to and accepted by the City of Long Beach, Board of Aldermen, at the regular meeting of said Board of Aldermen held on _____ day of _____, 2010.

ADOPTED: _____

City Clerk: _____ Mayor: _____

Prepared by: _____
City of Long Beach
Planning Commission
1401 E. 17th Street
Long Beach, MS 39560
228-853-1554

PREPARED BY:
GASBARDY & ASSOCIATES, INC.
P.O. Box 1195
Long Beach, MS 39560
FAX (228) 853-8409

**MINUTES OF JANUARY 28, 2010
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A. GARNER RUSSELL & ASSOCIATES, INC. / CONSULTING ENGINEERS

520 33RD STREET, GULFPORT, MS 39507
P.O. BOX 1677, GULFPORT, MS 39502

TEL (228) 863-0667
FAX (228) 863-5232



January 26, 2010

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

RE: Certificate of Resubdivision – Tax Parcel No. 0612E-03-038.000

Ladies and Gentlemen:

I have received a Certificate of Resubdivision for the referenced parcel. The subdivision will divide the existing parcel into two new parcels: Parcel 1 will have no street frontage, and will be immediately adjacent to Beau Clair Condominiums; and Parcel 2 will have approximately 52 feet of frontage on Highway 90. At minimum, the proposed subdivision does not meet the minimum requirements of the Zoning and Subdivision Ordinances on the following grounds:

1. The existing parcel is a non-conforming lot which does not conform to the Zoning Ordinance in terms of width. The parcel is only ~52 feet wide; therefore, proposed Parcels 1 and 2 will be only ~52 feet wide. The Zoning Ordinance requires a minimum lot width of 60 feet.
2. Parcel One will have no street frontage and will be landlocked. The Subdivision Ordinance requires a minimum frontage of 35 feet on a street.

In my understanding, Parcel One is intended to be conveyed to an owner of the one of the units in the Beau Clair Condo development for their use as a backyard. Certainly, Parcel One as proposed now is not a "buildable" lot under the current City Ordinance, and no building permit should be issued for it. Furthermore, even construction on proposed Parcel Two would probably require a variance or special-use exception because of the non-conforming lot width. However, the existing parcel appears to have been a non-conforming lot at the time of the adoption of the Zoning Ordinance, so special conditions may apply.

The Certificate itself appears to be in order and has the appropriate attachments and Certifications. I see no reason to withhold approval of the Subdivision, provided that Parcel One is indeed intended for use as described herein.

Sincerely,

David Ball, P.E.

DB:539

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Nancy Shroyer came forward to state the request, she stated that PARCEL ONE would be used to provide a backyard to Condominiums owner's at Beau Clair.

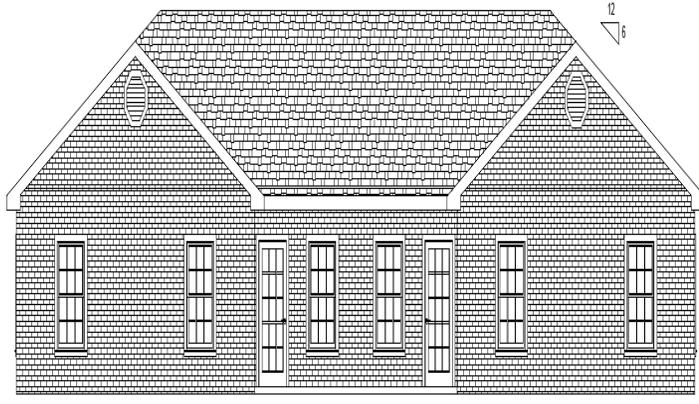
Discussion was had regarding the legality and future problems of creating a non-conforming lot.

Commissioner Yandell made motion seconded by Commissioner Vancourt and unanimously carried to Deny the request as submitted.

The next agenda item was Planning Commission Approval to build low-rise apartments in an R-2, Low Density Multi-Family Residential, Zone District submitted by Bruce Butner as follows:

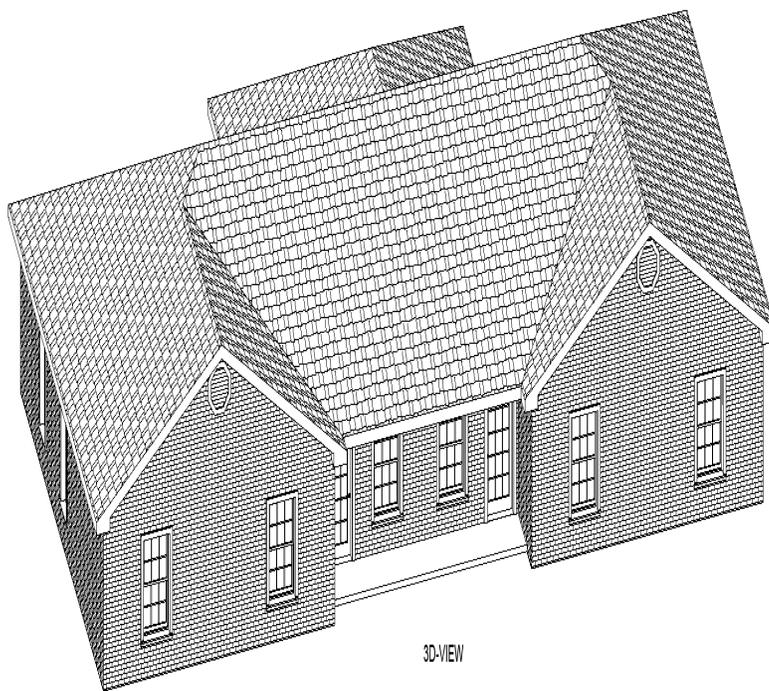
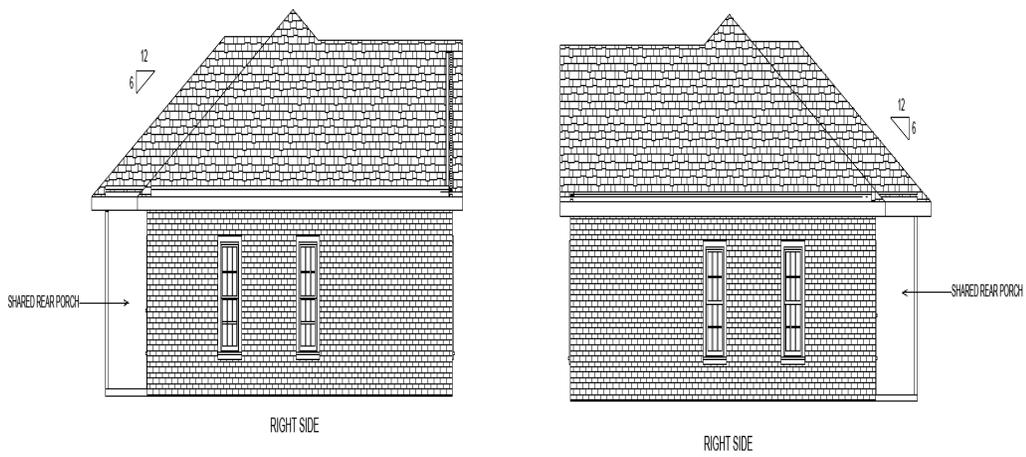
	<p>CITY OF LONG BEACH PLANNING DEPARTMENT 645 KLONDYKE ROAD / PO BOX 929 LONG BEACH, MS 39560 (228) 863-1554</p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="font-size: small;">Office use only</td> </tr> <tr> <td>Date Received <u>1-19-10</u></td> </tr> <tr> <td>Zoning <u>R-2</u></td> </tr> <tr> <td>Agenda Date <u>1-28-10</u></td> </tr> <tr> <td>Check Number _____</td> </tr> </table>	Office use only	Date Received <u>1-19-10</u>	Zoning <u>R-2</u>	Agenda Date <u>1-28-10</u>	Check Number _____
Office use only							
Date Received <u>1-19-10</u>							
Zoning <u>R-2</u>							
Agenda Date <u>1-28-10</u>							
Check Number _____							
APPLICATION FOR CASE REVIEW							
<p>I. TYPE OF CASE: <input checked="" type="checkbox"/> PLANNING COMMISSION APPROVAL <input type="checkbox"/> DECISION OF THE BUILDING OFFICIAL IS ALLEGED TO BE IN ERROR <input type="checkbox"/> INTERPRETATION OF THE ZONING ORDINANCE</p>							
<p>II. Advalorem Tax Parcel Number(s): <u>06110-01-036,000 . 06110-01-035,000</u></p>							
<p>III. Address of Property Involved: <u>741-35³⁵ 745-36 N. Nicholson Ave</u></p>							
<p>IV. Statement clearly explaining the request being made for case review. (Attach supplemental pages if necessary.) <u>PLACE 2 ³ lots, 741 745 N. Nicholson Ave</u> <u>See Plot. LOW-RISE APTS in R-2 Zone District</u></p>							
<p>V. REQUIRED ATTACHMENTS:</p> <p>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.</p> <p>B. Survey and/or Site Plan. A site plan showing the land area which would be affected, if required a general layout drawing of the development, 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;</p> <p>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.</p> <p>D. Fee. Attach a check in the amount of \$50.00. 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.</p> <p style="text-align: center;">***NOTE*** APPLICATION WILL NOT BE ACCEPTED WITHOUT THE ABOVE LISTED DOCUMENTS.</p>							
<p>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.</p>							
<p><u>Bruce Butner</u> Name of Rightful Owner (PRINT) <u>21146 Daugherty Rd</u> Owner's Mailing Address <u>Long Beach ms 39560</u> City State Zip <u>228-383-1982</u> Phone <u>[Signature]</u> Signature of Rightful Owner Date</p>	<p>_____ Name of Agent (PRINT) _____ Agent's Mailing Address _____ City State Zip _____ Phone _____ Signature of Agent Date</p>						

**MINUTES OF JANUARY 28, 2010
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 <p style="text-align: center;">FRONT</p>	<p>SCALE 1/4" = 1'</p> <p>SHEET NO. 1</p>
 <p style="text-align: center;">REAR</p>	<p>Sheet Description Elevations</p>
<p>Duplex Plans For: Bruce Butner</p>	
<p>Builder to comply with 2003 IBC, 2003 IRC, SFD 1099, & Local building codes</p>	

Designs By General Construction Services
R. Marie

**MINUTES OF JANUARY 28, 2010
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LONG BEACH PLANNING COMMISSION**



SCALE
1/4" = 1'
SHEET NO.
2

THIS DRAWING IS THE PROPERTY OF GENERAL CONSTRUCTION SERVICES, R. MARE. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREON. IT IS NOT TO BE REPRODUCED, COPIED, REPRODUCED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF GENERAL CONSTRUCTION SERVICES, R. MARE.

Sheet Description
Elevations

Duplex Plans For:
Bruce Butner

Builder to comply with
2003 IBC, 2003 IRC,
SSD 1099, & Local
building codes

Designs By General Construction Services
R. Mare

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After considerable discussion Commissioner Vancourt made motion seconded by Commissioner Williams and unanimously carried to approve the request as submitted.

There being no further business to come before the Planning Commission at this time Commissioner Yandell made motion seconded by Commissioner Vancourt 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