

**MINUTES OF OCTOBER 28, 2010  
REGULAR MEETING  
LONG BEACH PLANNING COMMISSION**

Be it remembered that public hearings before the Long Beach Planning Commission of the City of Long Beach, Mississippi, were begun and held, at 6:00 o'clock p.m., Thursday, the 14<sup>th</sup> day of October, in the Long Beach School District Central Office, 19148 Commission Road, in said City, and the same being the time, date and place fixed for holding said public hearing.

There were present and in attendance on said Commission and at the public hearing the following named persons: Commission Chairman Frank Olaivar, Commissioners Tony Vancourt, Jim Heinzl, Gretchen Loftus, George Casey, Tonda Yandell, Dale Hare, Planning Commission Advisor Bill Hessel, and Minutes Clerk Veronica Howard.

Commissioner Jacque Lipski was absent the meeting.

There being a quorum present sufficient to transact the business of this public hearing, the following proceeding were had and done.

\*\*\*\*\*

The PUBLIC HEARING to consider a Variance submitted by John and Thea Gonzales the City of Long Beach Planning Commission was called to order.

Commission Chairman recognized the applicants to state their request. The applicant came forward to reiterate points made in their application as follows:

**MINUTES OF OCTOBER 28, 2010  
REGULAR MEETING  
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	10/5/10
Zoning	R-1
Agenda Date	10/28/10
Check Number	282

APPLICATION FOR CASE REVIEW

- I. TYPE OF CASE:      VARIANCE  
                                   SPECIAL EXCEPTION REQUEST
- II. Advalorem Tax Parcel Number(s): 0511I-02-036.005
- III. Address of Property Involved: # 20031 LOVER'S LANE
- IV. Statement clearly explaining the request being made for case review. (Attach supplemental pages if necessary.)  
APPLICANT IS REQUESTING A VARIANCE OF 5' TO ALLOW EACH PARCEL TO FRONT 70' ON PUBLIC STREET AS OPPOSED TO THE REQUIRED 75'

**\*\*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? To obtain more favorable financing, which would allow us to continue to own the property. Hancock Bank is offering a 4.125% fixed loan for property having 4 or less units. The variance would allow 4 units on one parcel and two on the other parcel. Since our current commercial financing is over 7% (and current loan rates for commercial loans is still at this level), the 4.125% rate would provide a huge cost benefit.
- 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. Due to insurance premiums, which have doubled since Katrina, and due to tax increases, costs to own the property have gotten much higher over the last few years. The depressed rental market has also created less demand and lower rental revenues.
- 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? This property was purchased to provide a retirement income years from now. Without the ability to refinance at a more favorable rate, we may not be able to continue owning the property. After investing years of our own labor and over \$100,000 of our money, we would hate to be forced to sell the property. Our desire is that the investment would at least break even until we pay off the loan by our retirement.
- 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. Denial of the variance will result in our not obtaining a fixed low-interest residential loan, which will make ownership of

**MINUTES OF OCTOBER 28, 2010  
REGULAR MEETING  
LONG BEACH PLANNING COMMISSION**

*the property financially difficult if not impossible in years to come. There will be no change of any kind in terms of use of the property or physical appearance as this request for variance is purely to allow us the ability to avoid high financing costs. The variance serves no other purpose.*

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.**

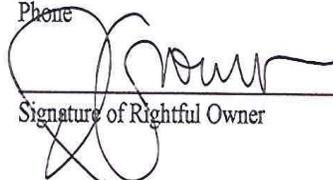
VI. **OWNERSHIP AND CERTIFICATION:**

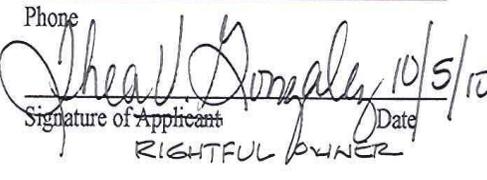
**READ BEFORE EXECUTING.** Attendance by the applicant(s) at the public hearing is mandatory; however, the applicant may designate a representative to attend the public hearing on his/her behalf, provided said representative has been properly designated to speak on the applicant's behalf either by written 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 2<sup>nd</sup> or 4<sup>th</sup> 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.

JOHN S. GONZALEZ  
Name of Rightful Owner (PRINT)  
#24 CEDARWOOD LN.  
Owner's Mailing Address  
GURPORA MS 39503  
City State Zip

THEA V. GONZALEZ  
Name of ~~Agent~~ (PRINT)  
*OWNER*  
#24 CEDARWOOD LN.  
Agent's Mailing Address  
GURPORA MS 39503  
City State Zip

Phone \_\_\_\_\_  
  
Signature of Rightful Owner Date 10/5/10

Phone \_\_\_\_\_  
  
Signature of Applicant *RIGHTFUL OWNER* Date 10/5/10

**MINUTES OF OCTOBER 28, 2010  
REGULAR MEETING  
LONG BEACH PLANNING COMMISSION**

Sep 09 10 02:20p

Thea and John Gonzalez

228-897-5479

p.2

STATE OF MISSISSIPPI  
COUNTY OF HARRISON  
FIRST JUDICIAL DISTRICT

PREPARER OF INSTRUMENT  
AND AFTER RECORDING RETURN TO:

Gillespie Title Company  
Post Office Box 740  
Gulfport, MS 39502  
(228) 864-4542  
File No.: 07-04-0099



*[Signature]*  
1st Judicial District  
Instrument 2007 4998 D JT  
Filed/Recorded 5 15 2007 4 20 P  
Total Fees 13.00  
2 Pages Recorded

WARRANTY DEED

For and in consideration of the sum of TEN AND NO/100THS DOLLARS (\$10.00), cash in hand paid, and other good and valuable consideration, the receipt and sufficiency of all which is hereby acknowledged JOHN S. GONZALEZ, does hereby sell, convey, and warrant unto JOHN S. GONZALEZ and THEA V. GONZALEZ, Husband and Wife, as tenants by the entirety with right of survivorship, not as tenants in common, the following described land and property, lying and being situated in the First Judicial District, Harrison County, Mississippi, to-wit:

A parcel of land located in the Northwest One-fourth of the Northeast One-fourth (NW ¼ of NE ¼), Section 10, Township 8 South, Range 12 West, and being a part of Lot Fifty-two (52), HENDERSON-SHIPMAN-HUGHES SURVEY, City of Long Beach, First Judicial District of Harrison County, Mississippi and being more particularly described as follows, to-wit: Commencing at the intersection of the Westerly margin o Daugherty Road with the southerly margin of Lover's Lane, thence run North 89 degrees 16 minutes West along the Southerly margin of Lover's Lane a distance of 379.9 feet to the Point of Beginning; thence run South 00 degrees 12 minutes West a distance of 251.6 feet; thence run North 88 degrees 39 minutes West a distance of 146.55 feet; thence run North 01 degrees 35 minutes East a distance of 250.0 feet; thence run South 89 degrees 16 minutes East along said Lover's Lane a distance of 140.48 feet to the Point of Beginning.

lbsb 43

This conveyance is subject to all covenants, restrictions, easements, rights of way and other matters of record.

Ad Valorem taxes for the current year are prorated and assumed by the Grantees. It is agreed and understood that the taxes for the current year have been prorated as of this date on an estimated basis, and when said taxes are actually determined, if the proration as of this date is incorrect, the Grantors agree to pay said Grantee or its assigns any deficit on actual proration.

WITNESS the signatures of the Grantors on this the 30<sup>th</sup> day of April, 2007.

*[Signature]*  
JOHN S. GONZALEZ

*[Signature]*

**MINUTES OF OCTOBER 28, 2010  
REGULAR MEETING  
LONG BEACH PLANNING COMMISSION**

The Clerk reported that she did cause to be published in The Sun Herald, a newspaper with general circulation in the City of Long Beach, and published in Harrison County, LEGAL NOTICE, PUBLIC HEARING, as evidence by the Publisher's Proof of Publication as follows:

**PROOF OF PUBLICATION**



STATE OF MISSISSIPPI  
COUNTY OF HARRISON

Before me, the undersigned Notary of Harrison County, Mississippi personally appeared Michelle Gelet 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. 127 No., 9 dated 12 day of Oct, 20 10
- 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.

Michelle Gelet  
Clerk

Sworn to and subscribed before me this 13 day of Oct, A.D., 20 10



Nandy Berkley  
Notary Public

**MINUTES OF OCTOBER 28, 2010  
REGULAR MEETING  
LONG BEACH PLANNING COMMISSION**

The Clerk further reported that Eleven (11) notices of Public Hearing were sent by Certified mail, E-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**.

John and Thea Gonzales, 24 Cedarwood Lane, Gulfport, MS, has filed an application for a variance in accordance with the Comprehensive Zoning Ordinance. Applicant is requesting a five foot (5') variance for each of his two lots, for a total of ten feet (10'). The tax Parcel Number for the subject property is 05111-02-036.005. The property is generally described as being:

A Parcel of land located in the Northwest One-fourth of the Northeast One-fourth (NW ¼ of Ne 1/4), Section 10, Township 8 South, Range 12 West, and being a part of Lot Fifty-two (52), HENDERSON-SHIPMAN-HUGHES SURVEY, City of Long Beach, First Judicial District of Harrison County, Mississippi and being more particularly described as follows, to-wit: Commencing at the intersection of the Westerly margin of Daugherty Road with the southerly margin of Lover's Lane, thence run North 89 degrees 16 minutes West along the Southerly margin of Lover's Lane a distance of 379.9 feet to the Point of Beginning; thence run South 00 degrees 12 minutes West a distance of 251.6 feet; thence run North 88 degrees 39 minutes West a distance of 146.55 feet; thence run North 01 degrees 35 minutes East a distance of 250.0 feet; thence run South 89 degrees 16 minutes East along said Lover's Lane a distance of 140.48 feet to the Point of Beginning.

The public hearing to consider the above Variance will be held in the City of Long Beach, Mississippi, 39560, Thursday, October 28, 2010 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

**MINUTES OF OCTOBER 28, 2010  
REGULAR MEETING  
LONG BEACH PLANNING COMMISSION**

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

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

Commission Chairman recognized Planning Commission Advisor Bill Hessel for his recommendations Mr. Hessel reminded the Commission that financial hardship is not a basis for granting variances, he further stated in his review of the application that street frontage was not the only concern with the request, he stated parking requirements, density and ownership where some of the other issues he reviewed.

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

\* \* \* \* \*

After careful review and discussion regarding if and when Smart Code was adopted would a project like this be in compliance, Commissioner Yandell made motion seconded by Commissioner Vancourt and unanimously carried to DENY the request stating the applicant did not prove that the facts and conditions existed as stated in Zoning Ordinance 344, Section 1207.1 thru 1207.8.

\*\*\*\*\*

The second (2<sup>nd</sup>) PUBLIC HEARING to consider a Zoning Map change submitted by John R. Lankford was called to order.

Commission Chairman recognized the applicant to state his request. The applicant came forward to state his request as follows:

**MINUTES OF OCTOBER 28, 2010  
REGULAR MEETING  
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	10/17/10
Zoning	R-1
Agenda Date	10/28/10
Check Number	804

APPLICATION FOR CASE REVIEW

- I. TYPE OF CASE: ZONE CHANGE REQUEST
- II. Advalorem Tax Parcel Number(s): 0610N-01-004.000
- III. Address of Property Involved: Northwest Corner of Ash Street @ No. Klondyke  
Long Beach, MS.
- IV. Statement clearly explaining the request being made for case review. (Attach supplemental pages if necessary.)  
This property annexed to L.B. June 2008. Request is to re-zone to General Business to Accommodate Convenience Store, Gas Station, Restaurant, Family Dollar, Business Mail, etc.

- 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. If the proposed amendment would require a change in the Zoning Map, 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. Development schedule. The time schedule for the beginning and completion of development planned by the applicant 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.
  - D. Effect of Amendment. A report giving the nature, description and effect of the proposed amendment, if the proposed amendment would require a change in the Zoning Map, description of the probable effect on the surrounding land uses and properties.
  - E. Error. The error in the Ordinance that would be corrected by the proposed amendment, if the intent is to correct an error.
  - F. 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.
  - G. 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 2<sup>nd</sup> or 4<sup>th</sup> 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.

<u>John R. LAKEFORD</u> Name of Rightful Owner (PRINT)	_____ Name of Agent (PRINT)
<u>24389 East DUBUISON Rd</u> Owner's Mailing Address	_____ Agent's Mailing Address
<u>PASS Christian, MS 39571</u> City State Zip	_____ City State Zip
<u>228-806-1155 - Cell</u> Phone	_____ Phone
<u>[Signature]</u> Signature of Rightful Owner	_____ Signature of Agent
<u>Oct. 7, 2010</u> Date	_____ Date

**MINUTES OF OCTOBER 28, 2010  
REGULAR MEETING  
LONG BEACH PLANNING COMMISSION**

STATE OF MISSISSIPPI  
COUNTY OF HARRISON



*[Signature]*  
1st Judicial District  
Instrument 2008 2018 D -J1  
Filed/Recorded 3 6 2008 3 56 P  
Total Fees 13.00  
5 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 consideration, the receipt and sufficiency of all of which is hereby acknowledged, the undersigned, ARTHUR T. BAZZELL, EXECUTOR FOR THE ESTATE OF CECIL RAY BAZZELL A/K/A RAY BAZZELL, DECEASED, 2804 Airport Drive, Panama City, FL 32405, 850-872-7415, does hereby sell, convey and warrant unto JOHN R. LANKFORD, 24389 East Dubuissou Road, Pass Christian, MS 39571, 228-806-1155, the following described land and property being located in the First Judicial District of Harrison County, Mississippi, being more particularly described as follows, to-wit:

Lots Three (3) and Four (4), Block Thirty-Two (32), COX SUBDIVISION, in Section 35, Township 7 South, Range 12 West, 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 9 at Page 6 (Copy Book 4 at Page 277) thereof, reference to which is hereby made in aid of and as a part of this description.

This deed is executed pursuant to the authority granted by that certain Judgement to Sell Real Property, filed on February 12, 2008, Cause Number 02-00441, which is attached hereto as Exhibit "A".

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 Grantee herein.

WITNESS MY SIGNATURE, on this the 4th day of March, 2008.

*Arthur T. Bazzell, Executor*  
ARTHUR T. BAZZELL, EXECUTOR  
FOR THE ESTATE OF CECIL RAY  
BAZZELL A/K/A RAY BAZZELL,  
DECEASED



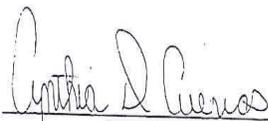
**MINUTES OF OCTOBER 28, 2010  
REGULAR MEETING  
LONG BEACH PLANNING COMMISSION**

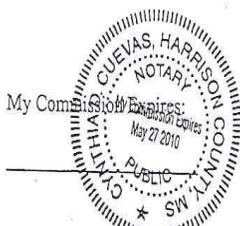
STATE OF MISSISSIPPI

COUNTY OF HARRISON

THIS DAY PERSONALLY CAME AND APPEARED BEFORE ME, the undersigned authority in and for the jurisdiction aforesaid, ARTHUR T. BAZZELL, Executor for the Estate of Cecile Ray Bazzell a/k/a Ray Bazzell, deceased, who acknowledged that the above and foregoing instrument was signed and delivered as the free and voluntary act and deed of the Grantor on the day and in the year therein mentioned.

GIVEN UNDER MY HAND AND OFFICIAL SEAL OF OFFICE, this the 4th day of March, 2008.

  
NOTARY PUBLIC



Prepared by & Return to:  
Gulf Title Company, Inc.  
P. O. Box 280  
Gulfport, MS 39502  
(228) 865-0011  
File #080110

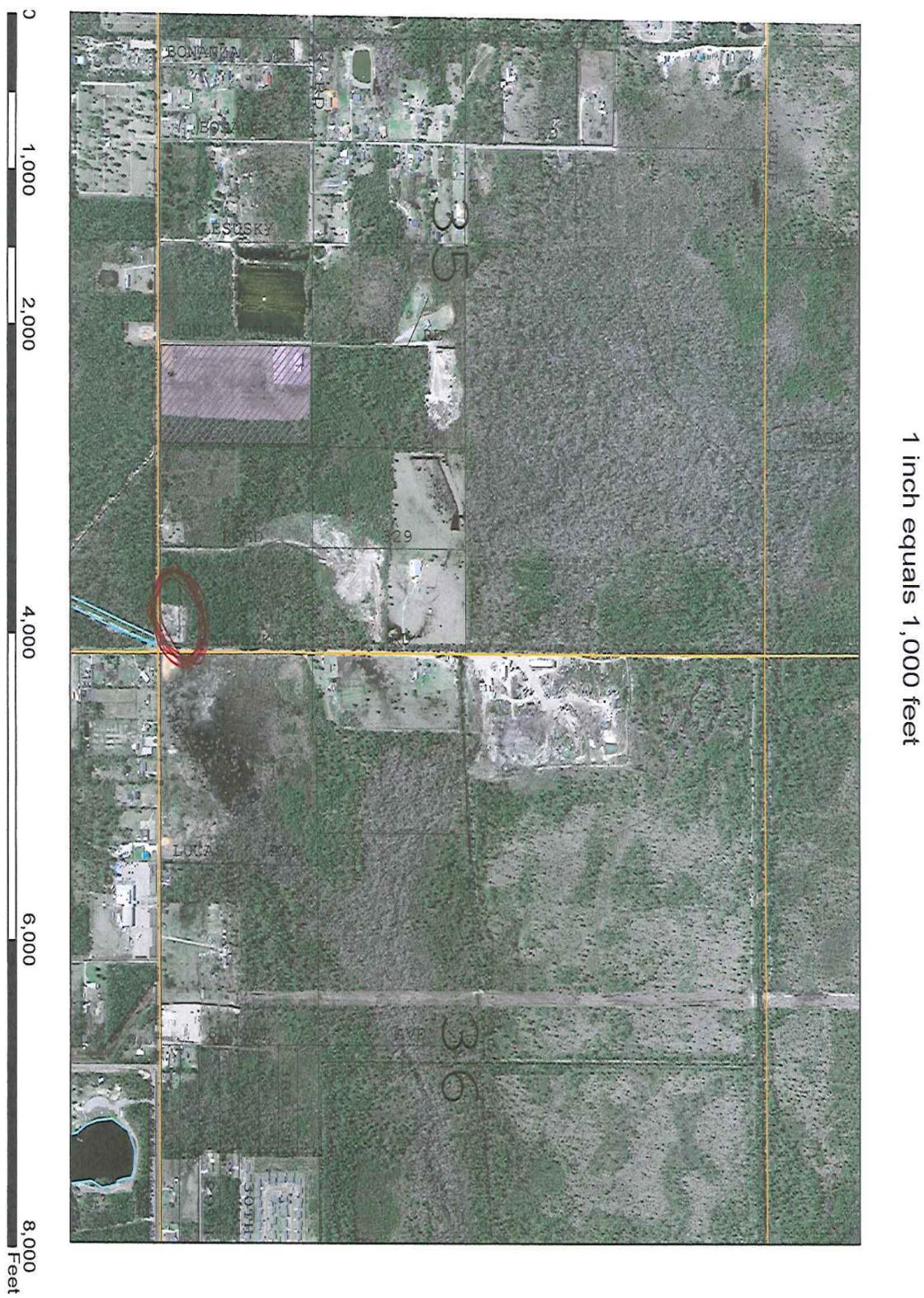
**MINUTES OF OCTOBER 28, 2010  
REGULAR MEETING  
LONG BEACH PLANNING COMMISSION**



*Northwest  
Corner  
of Klondyke  
@ 28th Street*



**MINUTES OF OCTOBER 28, 2010  
REGULAR MEETING  
LONG BEACH PLANNING COMMISSION**



**MINUTES OF OCTOBER 28, 2010  
REGULAR MEETING  
LONG BEACH PLANNING COMMISSION**

The Clerk reported that she did cause to be published in The Sun Herald, a newspaper with general circulation in the City of Long Beach, and published in Harrison County, LEGAL NOTICE, PUBLIC HEARING, as evidence by the Publisher's Proof of Publication as follows:

**PROOF OF PUBLICATION**

**Legal Notices 258**

**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 Zoning Map Change.

John R. Lankford, 24389 East Dubusson Road, Long Beach, Mississippi has filed an application for a zone map change in accordance with the Comprehensive Zoning Ordinance. Applicant is requesting to change the zoning classification from R-1, Single-Family Residential to C-2 General Commercial for property located at the North/West Corner of Konyak Road and 28th Street, tax parcel number 0810N-01-004.000. The legal description is as follows: Lots Three (3) and Four (4), Block Thirty-Two (32), COX SUBDIVISION, in Section 05, Township 7 South, Range 12 West, 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 9 at Page 6 (Copy Book 4 at Page 277) thereof, reference to which is hereby made in aid of and as a part of this description. The public hearing to consider the above zoning map change will be held in the City of Long Beach, Mississippi 39560, Thursday, October 28, 2010, at 8:00 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.

JR signed  
Chairman  
Planning Commission  
ADV13,1WED 1426028

STATE OF MISSISSIPPI  
COUNTY OF HARRISON

Before me, the undersigned Notary of Harrison County, Mississippi personally appeared Michelle Gelet 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. 127 No., 10 dated 13 day of Oct, 20 10
- 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.

Michelle Gelet

Clerk

Sworn to and subscribed before me this 14 day of

Oct, A.D., 20 10



Kandi Berkley  
Notary Public

**MINUTES OF OCTOBER 28, 2010  
REGULAR MEETING  
LONG BEACH PLANNING COMMISSION**

The Clerk further reported that Nine (9) notices of Public Hearing were sent by Certified mail, E-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 **Zoning Map Change**.

John R. Lankford, 24389 East Dubuison Road, Long Beach, Mississippi has filed an application for a zone map change in accordance with the Comprehensive Zoning Ordinance. Applicant is requesting to change the zoning classification from R-1, Single-Family Residential to C-2 General Commercial for property located at the North/West Corner of Klondyke Road and 28t Street, tax parcel number 0610N-01-004.000. The legal description is as follows:

Lots Three (3) and Four (4), Block Thirty-Two (32), COX SUBDIVISION, in Section 35, Township 7 South, Range 12 West, 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 9 at Page 6 (Copy Book 4 at Page 277) thereof, reference to which is hereby made in aid of and as a part of this description.

The public hearing to consider the above zoning map change will be held in the City of Long Beach, Mississippi 39560, Thursday, October 28, 2010, 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

**MINUTES OF OCTOBER 28, 2010  
REGULAR MEETING  
LONG BEACH PLANNING COMMISSION**

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

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

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

\* \* \*

After careful review and consideration Commissioner Vancourt made motion seconded by Commissioner Heinzl and unanimously carried to APPROVE the request for zoning change in accordance with Ordinance 344, Section 1301.2 Change in Conditions and Section 1301.4 Annexation.

\*\*\*\*\*

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 6:00 o'clock p.m., Thursday, the 14<sup>th</sup> day of October, in the Long Beach School District Central Office, 19148 Commission Road, in said City, and the same being the time, date and place fixed for holding said meeting.

Commission Chairman called the meeting to order, there was present and in attendance on said Commission and at the meeting the following named persons: Commission Chairman Frank Olaivar, Commissioners Tony Vancourt, Jim Heinzl, John Castleberry, Gretchen Loftus, George Casey, Tonda Yandell, Dale Hare, Planning Commission Advisor Bill Hessell, and Minutes Clerk Veronica Howard.

Commissioner Jacquie Lipski was 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.

Commissioner Vancourt made motion seconded by Commissioner Hare and unanimously carried to approve the minutes of October 14, 2010, with the following

**MINUTES OF OCTOBER 28, 2010  
REGULAR MEETING  
LONG BEACH PLANNING COMMISSION**

correction: Page 3, 2<sup>nd</sup> paragraph, 5<sup>th</sup> name down under people speaking in favor and/or opposition, and anyone with questions and/or concerns, the correct spelling of the name should be Patrick Hamel.

\*\*\*\*\*

It came for consideration under old business the recommendation of the Smart Code Plan and Transect Map (Public Hearing held October 14, 2010.)

Commission Chairman stated an agreement was made in a conference call between Ayer Saint Gross and the City of Long Beach to allow the City access to an editable copy of the Smart Code plan allowing necessary changes to be made expeditiously.

\*\*\*\*\*

The next item for consideration under New Business was a certificate of resubdivision submitted by John and Thea Gonzalez as follows:

**MINUTES OF OCTOBER 28, 2010  
REGULAR MEETING  
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	10/15/10
Zoning	
Agenda Date	10/28/10
Check Number	

APPLICATION FOR CASE REVIEW

- I. TYPE OF CASE: CERTIFICATE OF RESUBDIVISION
- II. ADVALOREM TAX PARCEL NUMBER(S): 0511I-02-036.005
- III. GENERAL LOCATION OF PROPERTY INVOLVED: SOUTH OF LOVERS LANE, WEST OF DAUGHERTY RD, EAST OF BEAT LINE RD, NORTH OF PINEVILLE RD
- IV. ADDRESS OF PROPERTY INVOLVED: #20031 LOVERS LANE
- V. GENERAL DESCRIPTION OF REQUEST: Resubdivision of ONE PARCEL  
Into TWO PARCELS OF 18,285 SQ.FT & 17,702 SQ.FT.

- VI. REQUIRED ATTACHMENTS:
  - A. Resubdivision Survey and Certificate (see attached example)
  - B. Cash or Check payable to the City of Long Beach in the amount of \$250.00
  - C. Proof of ownership (copy of recorded warranty deed), if applicable proof of authority to act as agent for owner.

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

VII. OWNERSHIP AND CERTIFICATION:  
**READ BEFORE EXECUTING.** 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 fifteen (15) days before the 2<sup>nd</sup> or 4<sup>th</sup> 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.

JOHN S. GONZALEZ  
Name of Rightful Owner (PRINT)  
#24 CEDARWOOD LN.  
Owner's Mailing Address  
GULFPORT MS 39503  
City State Zip

THEA V. GONZALEZ  
Name of ~~agent~~ (PRINT)  
OWNER  
#24 CEDARWOOD LN.  
Agent's Mailing Address  
OWNERS  
GULFPORT MS 39503  
City State Zip

Phone \_\_\_\_\_  
[Signature] 10/5/10  
Signature of Rightful Owner Date

Phone \_\_\_\_\_  
\_\_\_\_\_  
Signature of Applicant Date  
RIGHTFUL OWNER

**MINUTES OF OCTOBER 28, 2010  
REGULAR MEETING  
LONG BEACH PLANNING COMMISSION**

Sep 09 10 02:20p

Thea and John Gonzalez

228-897-5479

p.2

STATE OF MISSISSIPPI  
COUNTY OF HARRISON  
FIRST JUDICIAL DISTRICT

PREPARER OF INSTRUMENT  
AND AFTER RECORDING RETURN TO:

Gillespie Title Company  
Post Office Box 740  
Gulfport, MS 39502  
(228) 864-4542  
File No.: 07-04-0059



*[Signature]*  
1st Judicial District  
Instrument: 2007 4998 D JT  
Filed/Recorded 5 15 2007 4 20 P  
Total Fees 13.00  
2 Pages Recorded

WARRANTY DEED

For and in consideration of the sum of TEN AND NO/100THS DOLLARS (\$10.00), cash in hand paid, and other good and valuable consideration, the receipt and sufficiency of all which is hereby acknowledged JOHN S. GONZALEZ, does hereby sell, convey, and warrant unto JOHN S. GONZALEZ and THEA V. GONZALEZ, Husband and Wife, as tenants by the entirety with right of survivorship, not as tenants in common, the following described land and property, lying and being situated in the First Judicial District, Harrison County, Mississippi, to-wit:

A parcel of land located in the Northwest One-fourth of the Northeast One-fourth (NW ¼ of NE ¼), Section 10, Township 8 South, Range 12 West, and being a part of Lot Fifty-two (52), HENDERSON-SHIPMAN-HUGHES SURVEY, City of Long Beach, First Judicial District of Harrison County, Mississippi and being more particularly described as follows, to-wit: Commencing at the intersection of the Westerly margin of Daugherty Road with the southerly margin of Lover's Lane, thence run North 89 degrees 16 minutes West along the Southerly margin of Lover's Lane a distance of 379.9 feet to the Point of Beginning; thence run South 00 degrees 12 minutes West a distance of 251.6 feet; thence run North 88 degrees 39 minutes West a distance of 146.55 feet; thence run North 01 degrees 35 minutes East a distance of 250.0 feet; thence run South 89 degrees 16 minutes East along said Lover's Lane a distance of 140.48 feet to the Point of Beginning.

lbsb 43

This conveyance is subject to all covenants, restrictions, easements, rights of way and other matters of record.

Ad Valorem taxes for the current year are prorated and assumed by the Grantees. It is agreed and understood that the taxes for the current year have been prorated as of this date on an estimated basis, and when said taxes are actually determined, if the proration as of this date is incorrect, the Grantors agree to pay said Grantee or its assigns any deficit on actual proration.

WITNESS the signatures of the Grantors on this the 30<sup>th</sup> day of April, 2007.

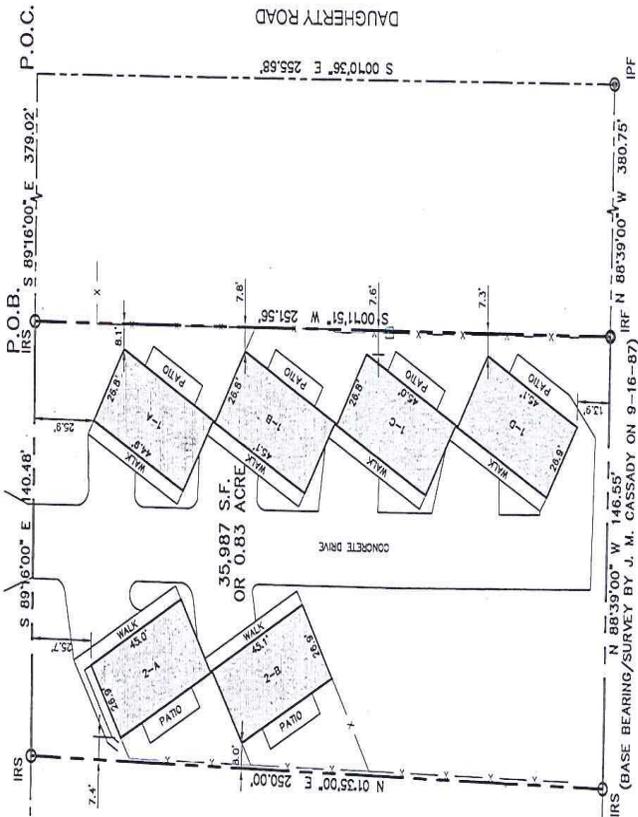
*[Signature]*  
JOHN S. GONZALEZ

*[Signature]*

# MINUTES OF OCTOBER 28, 2010 REGULAR MEETING LONG BEACH PLANNING COMMISSION

RESUBDIVISION OF PARCEL  
05111-02-036.005 INTO  
PARCEL ONE & PARCEL TWO  
SHEET 1 OF 4

#20031 LOVERS LANE



**REFERENCES:**

- SURVEY BY J. M. CASSADY  
DATE: SEPTEMBER 16, 1987
- SURVEY BY L. A. MARKS  
DATE: MARCH 22, 1978
- SURVEY BY L. E. JERMYN  
DATE: JUNE 26, 1972
- SURVEY BY E. P. CASSADY  
DATE: SEPTEMBER 21, 1965



- ⊙ IPF = IRON PIPE FOUND
  - IRF = IRON ROD FOUND
  - ⊗ CXF = CHISELED "X" FOUND
  - IRS = IRON ROD SET
  - x — = FENCE LINE
- CLOSURE = 1:15,000  
CLASS "B" SURVEY

By Graphic Plotting only, this property is in Zone "X" of the Flood Insurance Rate Map, Community Panel No. 28047C0356G, revision date June 16, 2009. Exact designation can only be determined by an Elevation Certificate. The City of Long Beach current 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, the above statement does not represent this surveyor's opinion of the probability of flooding. Confirm ABFE with NFIP Specialist in City Planning Department.

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".

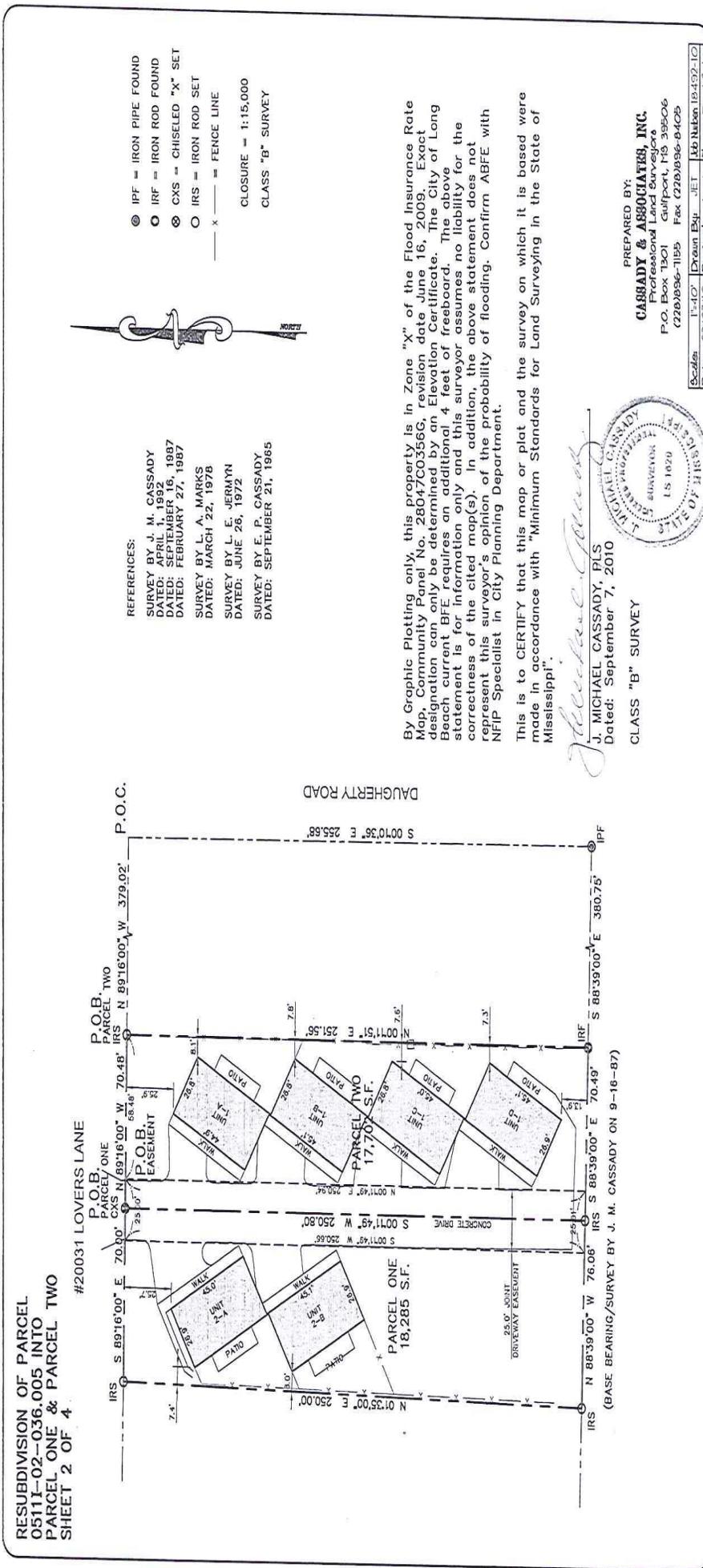
*J. Michael Cassady*  
J. MICHAEL CASSADY, PLS  
Dated: September 7, 2010  
CLASS "B" SURVEY



PREPARED BY:  
**CASSADY & ASSOCIATES, INC.**  
Professional Land Surveyors  
P.O. Box 1301 Gulfport, MS 39506  
(228)896-1195 Fax (228)896-8405

Scale: 1"=40' Datum: BLM - NAD 83  
Date: 09/07/10 Rechecked: JMC/JSB  
Job Number: 104192-10  
Revision: 01/01/10

# MINUTES OF OCTOBER 28, 2010 REGULAR MEETING LONG BEACH PLANNING COMMISSION



**MINUTES OF OCTOBER 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 property has been subdivided from Harrison County ad valorem tax parcel number 05111-02-036.005 into two new parcels. The subject properties are generally described as being located adjacent to Lovers Lane.

**LEGAL DESCRIPTION OF LAND PRIOR TO THIS RESUBDIVISION:**

PARCEL NO. 05111-02-036.005 (JOHN S. & THEA V. GONZALEZ)

A parcel of land located in the Northwest One-fourth of the Northeast One-fourth (NW ¼ of NE ¼), Section 10, Township 8 South, Range 12 West, and being a part of Lot Fifty-two (52), HENDERSON-SHIPMAN-HUGHES SURVEY, City of Long Beach, First Judicial District of Harrison County, Mississippi and being more particularly described as follows, to-wit:

Commencing at the intersection of the westerly margin of Daugherty Road with the southerly margin of Lovers Lane; thence run North 89 degrees 16 minutes West along the southerly margin of Lovers Lane a distance of 379.02 feet to the Point of Beginning; thence run North 01 degrees 35 minutes East a distance of 250.00 feet; thence run South 89 degrees 16 minutes East along said Lovers Lane a distance of 146.55 feet; thence run North 01 degrees 35 minutes East a distance of 250.00 feet; thence run South 89 degrees 16 minutes East along said Lovers Lane a distance of 140.48 feet to the Point of Beginning. Said parcel contains 35,987 square feet.

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

**LEGAL DESCRIPTION OF PARCEL ONE:**

A parcel of land located in the Northwest ¼ of the Northeast ¼ of Section 10, Township 8 South, Range 12 West, and being a part of Lot 52, HENDERSON-SHIPMAN-HUGHES SURVEY, City of Long Beach, First Judicial District of Harrison County, Mississippi and being more particularly described as follows, to-wit:

Commencing at the intersection of the westerly margin of Daugherty Road with the southerly margin of Lovers Lane; thence run North 89 degrees 16 minutes 00 seconds West along the southerly margin of Lovers Lane to the Point of Beginning of the parcel herein described; thence run from said Point of Beginning, South 00 degrees 11 minutes 49 seconds West 250.80 feet; thence run North 88 degrees 39 minutes 00 seconds West 76.06 feet; thence run North 01 degrees 35 minutes 00 seconds East 250.00 feet to the southerly margin of Lovers Lane; thence run South 89 degrees 16 minutes 00 seconds East 70.00 feet along the southerly margin of Lovers Lane to the Point of Beginning. Said parcel contains 18,285 square feet.

**LEGAL DESCRIPTION OF PARCEL TWO:**

A parcel of land located in the Northwest One-fourth of the Northeast One-fourth (NW ¼ of NE ¼), Section 10, Township 8 South, Range 12 West, and being a part of Lot Fifty-two (52), HENDERSON-SHIPMAN-HUGHES SURVEY, City of Long Beach, First Judicial District of Harrison County, Mississippi and being more particularly described as follows, to-wit:

Commencing at the intersection of the westerly margin of Daugherty Road with the southerly margin of Lovers Lane; thence run North 89 degrees 16 minutes 00 seconds West 379.02 feet along the southerly margin of Lovers Lane to the Point of Beginning of the parcel herein described; thence run from said Point of Beginning, North 88 degrees 39 minutes 00 seconds West 250.80 feet; thence run South 88 degrees 39 minutes 00 seconds East 70.49 feet; thence run North 00 degrees 11 minutes 51 seconds East 251.56 feet to the Point of Beginning. Said parcel contains 17,702 square feet.

**LEGAL DESCRIPTION OF JOINT DRIVEWAY EASEMENT:**

A parcel of land located in the Northwest One-fourth of the Northeast One-fourth (NW ¼ of NE ¼), Section 10, Township 8 South, Range 12 West, and being a part of Lot Fifty-two (52), HENDERSON-SHIPMAN-HUGHES SURVEY, City of Long Beach, First Judicial District of Harrison County, Mississippi and being more particularly described as follows, to-wit:

Commencing at the intersection of the westerly margin of Daugherty Road with the southerly margin of Lovers Lane; thence run North 89 degrees 16 minutes 00 seconds West 379.02 feet along the southerly margin of Lovers Lane; thence continue North 89 degrees 16 minutes 00 seconds West 58.48 feet along the southerly margin of Lovers Lane to the Point of Beginning of the parcel herein described; thence continue from said Point of Beginning, North 88 degrees 39 minutes 00 seconds West 250.80 feet to the southerly margin of Lovers Lane; thence run South 88 degrees 39 minutes 00 seconds East 250.94 feet to the Point of Beginning. Said parcel contains 6,270 square feet.

**RESUBDIVISION OF PARCEL  
05111-02-036.005 INTO  
PARCEL ONE & PARCEL TWO  
SHEET 3 OF 4**

PREPARED BY:  
**GABBY & ASSOCIATES, INC.**  
Professional Land Surveyors  
P.O. Box 1301 Gulfport, MS 39506  
(228)956-1195 Fax (228)956-8405

Scale: 1" = 50' Date: 09/07/10  
Drawn By: JET  
Reviewed: JET  
Litho: Hubert 10-19-10  
Hess: 10/23/10



**MINUTES OF OCTOBER 28, 2010  
REGULAR MEETING  
LONG BEACH PLANNING COMMISSION**

City Engineer, David Ball, submitted for the record his recommendation as follows:



A. GARNER RUSSELL & ASSOCIATES, INC. / CONSULTING ENGINEERS  
520 33<sup>RD</sup> STREET, GULFPORT, MS 39507      TEL (228) 863-0667  
P.O. BOX 1677, GULFPORT, MS 39502      FAX (228) 863-5232



October 28, 2010

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

RE: Certificate of Resubdivision – Tax Parcel No. ~~0542B-01-005 & 006~~ <sup>0512I-02-036.005</sup>

Ladies and Gentlemen:

We have reviewed the Certificate of Resubdivision for the referenced parcel. This subdivision creates two parcels from one existing parcel on Lovers Lane, which currently has six apartment buildings on this parcel. The subdivision will create two similarly sized parcels, with approximately 70' of frontage on Lovers Lane.

The City has water and sewer service available and currently in use on the existing parcel. The form of the Certificate appears to be in order and to have all appropriate certifications and descriptions.

However, there are some problems:

1. The proposed parcels will only be ~70' in width; the current zoning requires 75' minimum lot width.
2. The resulting "density" of the proposed parcels will be ~9100 sq. ft per unit and ~4400 sq. ft per unit for Parcels One and Two, respectively. The current zoning requires 7500 sq. ft. Of course, the existing property is already below the minimum zoning requirement at ~6000 sq. ft. per unit.

In short, approval of this Certificate or Resubdivision would require a variance or other such authorization. The Certificate itself appears to be in order and we find no reason to withhold approval, apart from the issues listed above.

Sincerely,

David Ball, P.E.

DB:539

**MINUTES OF OCTOBER 28, 2010  
REGULAR MEETING  
LONG BEACH PLANNING COMMISSION**

Noted for the record no action was taken on this item.

\*\*\*\*\*

The next item for consideration was a certificate of resubdivision submitted by Daniel Frisella as follows:

	<p><b>CITY OF LONG BEACH PLANNING DEPARTMENT 645 KLONDYKE ROAD / PO BOX 929 LONG BEACH, MS 39560 (228) 863-1554</b></p>	<p style="text-align: center; margin: 0;">Office use only</p> <p>Date Received <u>10/18/10</u> Zoning <u>R-1</u> Agenda Date <u>10/28/10</u> Check Number <u>2974</u></p>
<p><u>APPLICATION FOR CASE REVIEW</u></p>		
<p>I. TYPE OF CASE: CERTIFICATE OF RESUBDIVISION</p>		
<p>II. ADVALOREM TAX PARCEL NUMBER(S): <u>0512B-01-006.000 / 0512B-01-005.000</u></p>		
<p>III. GENERAL LOCATION OF PROPERTY INVOLVED: <u>northern side of Johnson Road - just west of cul-de-sac</u></p>		
<p>IV. ADDRESS OF PROPERTY INVOLVED: <u>20542 + 20544 Johnson Rd</u></p>		
<p>V. GENERAL DESCRIPTION OF REQUEST: Resubdivision of <u>front 75' of 20544 Johnson</u> Into <u>additional backyard of 20542 Johnson Rd homesteaded parcel</u></p>		
<p>VI. REQUIRED ATTACHMENTS:</p> <p>A. Resubdivision Survey and Certificate (see attached example)</p> <p>B. Cash or Check payable to the City of Long Beach in the amount of \$250.00</p> <p>C. Proof of ownership (copy of recorded warranty deed), if applicable proof of authority to act as agent for owner.</p>		
<p><b>***NOTE*** APPLICATION WILL NOT BE ACCEPTED WITHOUT THE ABOVE LISTED DOCUMENTS.</b></p>		
<p>VII. OWNERSHIP AND CERTIFICATION:</p> <p><b>READ BEFORE EXECUTING.</b> 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 fifteen (15) days before the 2<sup>nd</sup> or 4<sup>th</sup> Thursday of each month. Receipt of fee(s) does not constitute receipt of a completed application.</p>		
<p><b>Ownership:</b> 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>Daniel Frisella</u> Name of Rightful Owner (PRINT)</p> <p><u>20542 Johnson Rd</u> Owner's Mailing Address</p> <p><u>Long Beach MS 39560</u> City State Zip</p> <p><u>228-547-7572</u> Phone</p> <p><u>[Signature]</u> <u>10/10</u> Signature of Rightful Owner Date</p>	<p>_____ Name of Agent (PRINT)</p> <p>_____ Agent's Mailing Address</p> <p>_____ City State Zip</p> <p>_____ Phone</p> <p>_____ Signature of Applicant Date</p>	

**MINUTES OF OCTOBER 28, 2010  
REGULAR MEETING  
LONG BEACH PLANNING COMMISSION**



1st Judicial District  
Instrument Number 20010009071D  
Filed 12 13 2001 3 29 P  
Total Fees 8.00  
Book 1565 Page 477-479 Recorded 12-14-01

Index Instructions (Mississippi Code ANN. §§5-5-33):  
Pt. L3, INGLIS S/D, 15-8-12, Harrison Co., MS

Prepared by & Return to:  
Southern Title Company  
827 Highway 90  
Bay Saint Louis, Mississippi 39520  
228.467.3422  
File Number: 5337-52501



BOOK 1565 PAGE 477

[Space Above This Line For Recording Data]

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, I, Everette Orjala Alexander, do hereby sell, convey and warrant unto Daniel Frisella and Mary Ann Frisella, as joint tenants with full rights of survivorship and not as tenants in common, the following described land and property situated in Harrison County, Mississippi, to wit:

Beginning on W line of Lot 3 at a Point 635 feet S of NW corner for Beginning E 130 feet S to N Margin of County Road SW along Road 43 feet NW 210 feet to W line of Lot 3 N to Beginning. Part of Lot 3 INGLIS SUBDIVISION Sec. 15-8-12.

Together with all and singular the rights, privileges, improvements and appurtenances to the same belonging or in any wise appertaining.

This conveyance is made subject to any and all reservations, restrictions, easements, exceptions, covenants and conditions of record, including any mineral, oil or gas reservations and any covenants or restrictions of record.

The Grantor herein covenants and warrants that he is seized of an indefeasible estate in fee simple of the above described property and that the Grantor has the lawful right to sell and convey the same in fee simple; that the said property is free from encumbrances and that the Grantor will forever warrant and defend the title and possession thereof unto the said Grantees, their heirs and assigns, against the lawful claims and demands of all persons whatsoever.

If bounded by water, the warranty granted herein shall not extend to any part of the above described property which is tideland or coastal wetlands as defined in the

**MINUTES OF OCTOBER 28, 2010  
REGULAR MEETING  
LONG BEACH PLANNING COMMISSION**

BOOK 1565 PAGE 478

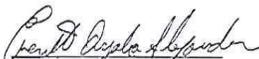
Mississippi Coastal Wetlands Protection Act and this conveyance includes any natural accretion and is subject to any erosion due to the action of the elements.

The Grantor herein certifies that the property hereinabove conveyed forms no part of the homestead of said Grantor.

It is agreed and understood that the taxes for the current year have been prorated as of this date on an estimated basis, and that when said taxes are actually determined, if the proration as of this date is incorrect, the parties herein agree to pay on a basis of an actual proration. All subsequent years taxes are specifically assumed by Grantees herein.

No title examination made and none requested. The description was furnished to the Notary by the parties and the parties hereby hold the Notary harmless for any error or defect therein.

WITNESS my signature, this October 23, 2001

  
Everette Orjala Alexander

**MINUTES OF OCTOBER 28, 2010  
REGULAR MEETING  
LONG BEACH PLANNING COMMISSION**

State of Mississippi BOOK 1565 PAGE 479

County of Hancock

Personally came and appeared before me, the undersigned authority in and for the aforesaid County and State on this the 10-23-01, **Everette Orjala Alexander**, who acknowledged that s/he signed and delivered the foregoing instrument of writing on the day and year therein mentioned.



L. Alexander, Notary Public  
My Commission Expires:

6/21/5

Address of Grantor:  
19580 Doug Lee Road  
Lyman, MS 39574  
228-831-8134

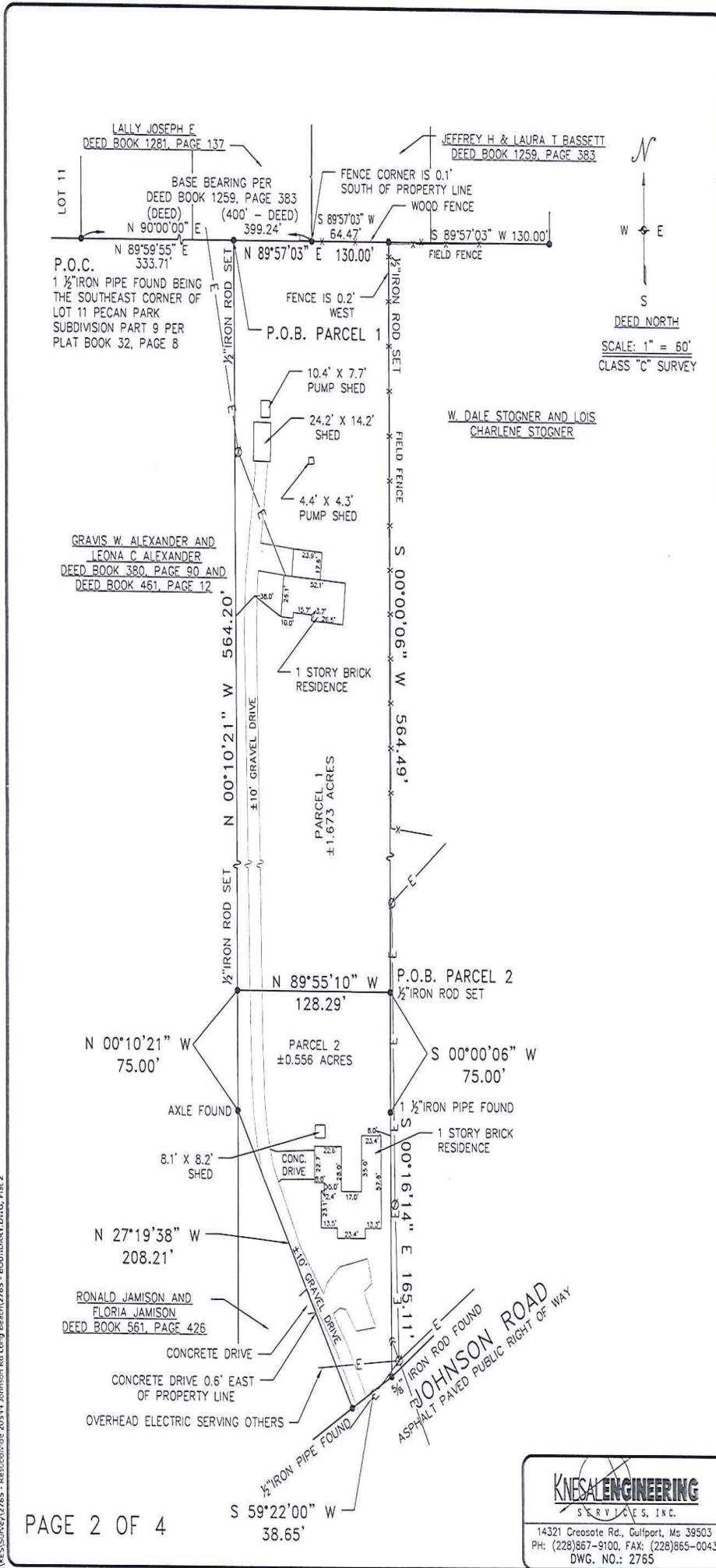
10/24/01

Address of Grantees:  
5318 Lindsey Avenue  
Long Beach, MS 39560  
228-452-0226





**MINUTES OF OCTOBER 28, 2010  
REGULAR MEETING  
LONG BEACH PLANNING COMMISSION**



M:\VES\Survey\2765 - Resubdivide 20514 Johnson Rd Long Beach\2765 - BOUNDARY.DWG, FIG. 2

PAGE 2 OF 4

**KNESAL ENGINEERING**  
SERVICES, INC.

14321 Creosote Rd., Gulfport, Ms 39503  
 PH: (228)867-9100, FAX: (228)865-0043  
 DWG. NO.: 2765

**MINUTES OF OCTOBER 28, 2010  
REGULAR MEETING  
LONG BEACH PLANNING COMMISSION**

M:\KES\Survey\12765 - Beachside 20544 Johnson Rd (Long Beach)\2765 - BOUNDARY DWG - Local

**CERTIFICATE OF SUBDIVISION**

**BOUNDARY DESCRIPTIONS OF THE 2 PARCELS  
CREATED BY THIS SUBDIVISION PER SURVEY:**

**BOUNDARY DESCRIPTION OF PARCEL 1:**

A parcel of land situated in the Northeast ¼ of the Northwest ¼ of Section 15, Township 8 South, Range 12 West, and being a portion of Lot 3 R. Inglis's Subdivision per Copy Plat Book 4A, Page 323, First Judicial District, Harrison County, Mississippi being more particularly described as follows:

Commence at a 1½ inch iron pipe being the southeast corner of Lot 11, Pecan Park Subdivision, Plat Book 32, Page 8, in the office of the Chancery Clerk, First Judicial District, Harrison County, Mississippi; thence North 89 degrees 59 minutes 55 seconds East 333.71 feet along the north line of the property conveyed to Gray W. Alexander and Leono C. Alexander per Deed Book 380, ½ inch iron rod; thence North 89 degrees 59 minutes 55 seconds East 130.00 feet along the south line of the property conveyed to Joseph E. Lilly per Deed Book 1281, Page 137 and Jeffrey H. and Laura T. Bassett per Deed Book 1259, Page 383 to a ½ inch iron rod; thence South 00 degrees 00 minutes 06 seconds West 564.49 feet to a ½ inch iron rod; thence North 89 degrees 55 minutes 10 seconds West 128.29 feet to the East line of said Alexander Property and a ½ inch iron rod; thence North 00 degrees 10 minutes 21 seconds West 564.20 feet along the east line of said Alexander property to the Point of Beginning.

Said parcel containing 1.673 acres, more or less.

Together with an easement across the land lying South of the above described parcel of land for a driveway from the above described parcel to Johnson Road.

**BOUNDARY DESCRIPTION OF PARCEL 2:**

A parcel of land situated in the Northeast ¼ of the Northwest ¼ of Section 15, Township 8 South, Range 12 West, and being a portion of Lot 3 R. Inglis's Subdivision per Copy Plat Book 4A, Page 323, First Judicial District of Harrison County, Mississippi being more particularly described as follows:

Commence at a 1½ inch iron pipe being the southeast corner of Lot 11, Pecan Park Subdivision, Plat Book 32, Page 8, in the office of the Chancery Clerk, First Judicial District, Harrison County, Mississippi; thence North 89 degrees 59 minutes 55 seconds East 333.71 feet along the north line of the property conveyed to Gray W. Alexander and Leono C. Alexander per Deed Book 380, ½ inch iron rod; thence North 89 degrees 57 minutes 03 seconds East 130.00 feet along the south line of the properties conveyed to Joseph E. Lilly per Deed Book 1281, Page 137 and Jeffrey H. and Laura T. Bassett per Deed Book 1259, Page 383 to a ½ inch iron rod; thence South 00 degrees 00 minutes 06 seconds West 564.49 feet to a ½ inch iron rod and the Point of Beginning; thence South 00 degrees 00 minutes 06 seconds West 75.00 feet to a 1½ inch iron pipe; thence South 00 degrees 16 minutes 14 seconds East 165.11 feet to the north margin of Johnson Road and a ½ inch iron rod; thence South 59 degrees 22 minutes 00 seconds West 38.65 feet along the north margin of said Johnson Road to the southeast corner of the property conveyed to Ronald Johnson and Florio Johnson per Deed Book 381, Page 426 and a ½ inch iron pipe; thence North 00 degrees 00 minutes 06 seconds East 128.29 feet along the east line of said property to the northeast corner of said property and on westerly thence North 00 degrees 10 minutes 21 seconds West 75.00 feet along the east line of said Alexander property to a ½ inch iron rod; thence South 89 degrees 55 minutes 10 seconds East 128.29 feet to the Point of Beginning.

Said parcel containing 0.556 acres, more or less.

**BOUNDARY DESCRIPTION OF LAND PRIOR TO THIS SUBDIVISION:**

Tax Parcel Number: 05128-01-005,000

Record description per Instrument Number 2010-2346-D-01 recorded April 13, 2010 in the office of the Recorder, City of Gulfport, First Judicial District of Harrison County, Mississippi. The certain lot of land situated and being in Lot #3 of the R. Inglis Subdivision, as shown by the official plat thereof on file in Plat Book 4 at Page 423 (being in Plat Book 10, Page 28), more particularly described as follows:

Beginning at the Northwest corner of said Lot 3, and from said point of beginning, running thence East a distance of 130 feet; running thence South a distance of 635 feet; running thence West a distance of 130 feet to a point of beginning; running thence West a distance of 635 feet to a point of beginning.

Together with all improvements situated thereon and all appurtenances thereunto belonging or in anywise operating.

Also, an easement across the land lying South of the above parcel of land for a driveway from the above described property to Johnson Road.

Tax Parcel Number: 05128-01-006,000

Record description per Deed Book 1565, Page 477 recorded December 14, 2001 in the office of the Recorder, City of Gulfport, First Judicial District of Harrison County, Mississippi.

Beginning on the W line of Lot 3 at a point 635 feet S of NW corner for Beginning E 130 feet S to N Margin of County Road SW along Road 43 feet NW 210 feet to W line of Lot 3 N to Beginning Part of Lot 3 (NOTS SUBDIVISION Sec. 15-8-12).



**MINUTES OF OCTOBER 28, 2010  
REGULAR MEETING  
LONG BEACH PLANNING COMMISSION**

M:\KES\Survey\2765 - Resubdivide 20544 Johnson Rd Long Beach\2765 - POUNDARY DWG (1.epl) (2)

**CERTIFICATE OF SUBDIVISION**

**CERTIFICATE OF OWNERSHIP:**

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

Aion D. Sternett

Date: 10/11/10

Stello Sternett

Date: 10-11-10

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

NOTARY PUBLIC

My Commission Expires

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

NOTARY PUBLIC

My Commission Expires



Date: 10/11/10

**CERTIFICATE OF OWNERSHIP:**

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

Diane Frisella

Date: 10/11/10

Mary Ann Frisella

Date: 10/11/10

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

NOTARY PUBLIC

My Commission Expires

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

NOTARY PUBLIC

My Commission Expires



Date: 10/11/10

**CERTIFICATE OF APPROVAL:**

I have by certifying that the Minor Subdivision shown on this plat does not involve the creation of new public street, or any change in existing streets, the extension of public water or sewer system or the installation of drainage improvements through one or more lots to serve one or more lots, that the subdivision shown is in all respects in compliance with the City ordinances of Long Beach and that, therefore, this plat has been approved by the administrator subject to its being recorded in the Harrison County Courthouse within sixty (60) days of this 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 \_\_\_\_\_ day of \_\_\_\_\_, 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 the \_\_\_\_\_ day of \_\_\_\_\_, 2010.

ATTEST:

ADOPT:

City Clerk

MAYOR

Prepared by \_\_\_\_\_  
City of Long Beach  
201 Jefferson Avenue  
Long Beach, MS 39580  
228-653-1554

**CERTIFICATE OF SURVEY NAD ACCURACY:**

I hereby certify that this map drawn by me or under my supervision, from actual survey made by me or actual survey under my supervision and was prepared in accordance with all applicable codes and ordinances. Witness my original signature, registration number and seal this the 28 day of September, 2010.

J. Colter Rautiff, P.S.  
Registration No. 3008



**KNESAT ENGINEERING**  
SURVEYING & ENGINEERING S. I. N. C.  
14321 Greenwood Rd., Gulfport, MS 38503  
Ph: (228)365-0001 Fax: (228)365-0043  
DWG. NO.: 2765

**MINUTES OF OCTOBER 28, 2010  
REGULAR MEETING  
LONG BEACH PLANNING COMMISSION**

City Engineer, David Ball, submitted for the record his recommendation as follows:



**A. GARNER RUSSELL & ASSOCIATES, INC. / CONSULTING ENGINEERS**

520 33<sup>RD</sup> STREET, GULFPORT, MS 39507  
P.O. BOX 1677, GULFPORT, MS 39502

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



October 28, 2010

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

**RE: Certificate of Resubdivision – Tax Parcel No. 0512B-01-005 & 006**

Ladies and Gentlemen:

We have reviewed the Certificate of Resubdivision for the referenced parcel. This subdivision only appears to realign a property line between two parcels. No new lots are created. We don't believe the Stennett residence is connected to the City's water or sewer system. Furthermore, the parcel doesn't have any actual frontage on improved City right-of-way. However, both of these conditions exist now, prior to any subdivision, and therefore, may not be in the City's power to correct.

The form of the Certificate appears to be in order and to have all appropriate certifications and descriptions. Furthermore, the City currently has water and sewer services at the right-of-way of Johnson Road, which is available if the Stennett residence ever needs to connect. Based on the above, we see no reason to withhold approval of the subdivision.

Sincerely,

David Ball, P.E.

DB:539

**MINUTES OF OCTOBER 28, 2010  
REGULAR MEETING  
LONG BEACH PLANNING COMMISSION**

After considerable discussion and review Commissioner Yandell made motion seconded by Commissioner Vancourt and unanimously carried to approve the Resubdivision 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 RECESS the meeting to Wednesday, November 10, 2010, at 6:00 o'clock p.m., due to the Veteran's Day Holiday.

APPROVED:

\_\_\_\_\_  
Commission Chairman, Frank Olaivar

Date:\_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Veronica Howard, Minutes Clerk