

**MINUTES OF OCTOBER 22, 2015  
PLANNING COMMISSION**

Be it remembered that a regular meeting of Long Beach, Mississippi, was begun at 5:30 o'clock p.m., Thursday, the 22nd day of October 2015, in the Long Beach City Hall Meeting Room, 201 Jeff Davis Avenue, in said City, and the same being the time, date and place fixed for holding said meeting.

There was present and in attendance on said Commission and at the meeting the following named persons Commission Chairman Frank Olaivar, Commissioners Donald Frazer, Randy Fischer, Jim Heinzl, Chris Carrubba, Jeff Hansen, Nicholas Brown, Planning Commission Advisor/consultant Bill Hessel and minutes Clerk Veronica Howard.

Commissioner(s) Ron Robertson and Patricia Bennett were absent the meeting.

There being a quorum present and sufficient to transact the business of this meeting, the following proceedings were had and done.

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Commissioner Carrubba made motion seconded by Commissioner Heinzl and unanimously carried to approve the public hearing and regular meeting minutes of October 8, 2015 as submitted.

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It came for consideration under old business a zone map change, public hearing held October 8, 2015, submitted by Dennis Stieffel on behalf of Huong Henry Le.

After considerable discussion Commissioner Heinzl made motion recommending denying the zone map change stating that a zone map change did not advance the public health, safety or welfare, upon further discussion Commissioner Carrubba seconded the motion and the motion was unanimously carried.

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It came for consideration under new business a variance request from Ordinance No. 587 Sidewalks as follows:

MINUTES OF OCTOBER 22, 2015  
PLANNING COMMISSION



CITY OF LONG BEACH  
201 Jeff Davis Avenue/PO BOX 929  
Long Beach, MS 39560  
(228) 863-1554 office  
(228) 863-1558 fax

APPLICATION FOR  
SPECIAL-USE APPROVAL

Office use only  
Date Received 10/7/15  
Zoning R-1  
Agenda Date 10/22/15  
Check Number \_\_\_\_\_

I. Tax Parcel Number(s): 0611E-01-022.002

II. Address of Property Involved: 6007 HARVEST LANE

III. Statement clearly explaining the request being made. (Attach supplemental pages if necessary.)

The road is very small with a ditch on both sides and no culvert other than the driveway on each property. I would like to request that no sidewalk be required to pass final inspection.

**\*\*PLEASE COMPLETE THE FOLLOWING:**

A. Describe any special condition that justify the granting of this 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 request and why the applicant cannot meet the stated code requirement? The ditch on the front of the property would prevent the sidewalk from looking good. It would also be the only piece of sidewalk on the street.

B. Describe how the special condition discussed above is not the result of actions taken by the applicant. Show that the applicant did not cause the need for this request. The lot has been vacant since Katria or shortly after. There has never been a full home on the lot to my knowledge. It was also one of the last few vacant lots on the street.

C. Show that an unnecessary hardship exists due to the character of the property and that this hardship makes the request 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? No hardships other than it not blending with the existing homes or being pleasing to view.

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. N/A

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**IV. 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.**

**V. 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.

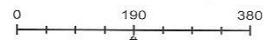
<p><u>Timothy D Holland</u> Name of Rightful Owner (PRINT)</p> <p><u>6007 Harvest Lane</u> Owner's Mailing Address</p> <p><u>LB</u>      <u>MS</u>      <u>39560</u> City                  State                  Zip</p> <p><u>228-861-2676</u> Phone</p> <p><u>Timothy D Holland</u>      <u>10/1/2015</u> 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>
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6007 HARVEST LN - 0611E-01-022.002



**HARRISON COUNTY, MISSISSIPPI**

DISCLAIMER: THIS MAP IS FOR PROPERTY TAX ASSESSMENT PURPOSES ONLY. IT WAS CONSTRUCTED FROM PROPERTY INFORMATION RECORDED IN THE OFFICE OF THE REGISTER OF DEEDS AND IS NOT CONCLUSIVE AS TO LOCATION OF PROPERTY OR LEGAL OWNERSHIP.  
TAL FLURY, TAX ASSESSOR.  
MAP DATE: October 22, 2015



# MINUTES OF OCTOBER 22, 2015 PLANNING COMMISSION

Commissioner Carrubba made motion seconded by Commissioner Frazer and unanimously carried recommending approval of the variance in accordance with the Sidewalk Ordinance No.587 Section 4.1(8), stating the majority of Harvest Lane is developed, and if required this would be the only sidewalk constructed on the street.

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Next agenda item for consideration was a tree removal request for a Magnolia tree located at 409 Meadowwood Circle submitted by Michael Weede as follows:



CITY OF LONG BEACH, MISSISSIPPI  
201 Jeff Davis Avenue  
P.O. Box 929  
Long Beach, MS 39560  
(228) 863-1554  
(228) 863-1558 fax  
**APPLICATION FOR TREE PERMIT**

OFFICE USE ONLY	
Date Received	10/08/15
Zoning	R-1
Agenda Date	10/22/15
Check Number	CASH

(Initial on the line that you've read each)

\_\_\_\_\_ Routine trimming does not require a permit. The reason for pruning may include, but are not limited to, reducing risk, maintaining or improving tree health and structure, improving aesthetics, or satisfying a specific need. The City of Long Beach does recommend you obtain a licensed Arborist for your and the tree protection.

Any single-family Residential, Multi-Family Residential, Commercial or Industrial Zoned areas need a permit to remove a Live Oak or Magnolia tree with its root system, growing upon the earth usually with one trunk or at least eighteen (18) inches in circumference or larger, measured four and one-half (4 1/2) feet above the surface of the ground, or a multi-stemmed trunk system with a definitely formed crown.

\_\_\_\_\_ Any person desiring a permit for removal of any Live Oak or Magnolia tree, shall submit this application and a filing fee of \$25.00 per parcel of land to which such application pertains.

TODAY'S DATE: 10/8/15

**PROPERTY INFORMATION**

TAX PARCEL # 06010-04-036.000  
Address of Property Involved: 409 Meadowwood Cir  
Property owner name: Michael Weede  
Are you the legal owner of the above property? Yes  No  If No, written consent from the owner is needed. Please provide a statement that no person, not listed on this application, has any interest in the title in or to the property.  
Property owner address: 409 Meadowwood Cir, LB-  
Phone No. (228) 297-6456

**CONTRACTOR OR APPLICANT INFORMATION**

Company Name: \_\_\_\_\_  
Phone No. \_\_\_\_\_ Fax: \_\_\_\_\_  
Name \_\_\_\_\_  
Address \_\_\_\_\_

**PERMIT INFORMATION**

Permit for: Removal  Trimming \_\_\_\_\_ Pruning \_\_\_\_\_  
What is the reason the tree needs to be removed? Be specific ex. Construction, street or roadway, recreational area, patio, parking lot, diseased tree not worthy of preservation, etc.:  
Dead/dying. (use separate sheet if needed)

Number of Trees:  
\_\_\_\_\_ Live Oak 1 Southern Magnolia

I hereby certify that I have read this application and that all information contained herein is true and correct; that I agree to comply with all applicable codes, ordinances and state laws regulation construction; that I am the owner or authorized to act as the owner's agent for the herein described work.

M Weede 10/8/15  
Signature Date

**ADDITIONAL INFORMATION REQUIRED FROM APPLICANT**

(Initial on the line that you've read each)

\_\_\_\_\_ TREE SITE PLAN: Please provide a map or diagram of the parcel of land, specifically designating the area or areas of proposed tree removal and the proposed use of such area. Please include the following: 1) location of all trees on the property, their size and species 2) Designate which are disease/or damaged, 3) designate which are endangering any roadway, pavement, or utility line, 4) any proposed grade changes that might adversely affect or endanger any trees on the site and specify how to maintain them 5) designate the trees to be removed and the trees to be maintained, and 5) location of existing and/or proposed structures.

\_\_\_\_\_ PHOTOGRAPH: You must attach a photograph of the tree to be removed, the photo must show any damage the tree is causing.

\_\_\_\_\_ OWNERSHIP: Please provide a recorded warranty deed.

\_\_\_\_\_ PERMIT FEES: Upon issuance of a Tree Removal Permit, the permit fee will be as follows: For removal of a tree or trees where such removal of such tree or trees is necessitated by material damage caused by such tree or trees to permanent improvement or improvements on the parcel where such tree or trees are situated a fee of \$1.00 per tree permitted to be removed. For removal of all other trees, a fee of \$45.00 per tree permitted to be removed. As per City of Long Beach Tree Ordinance (#364) any person removing any Live Oak or Magnolia tree within the City of Long Beach, Mississippi, without a valid tree removal permit, shall be guilty of a misdemeanor; and upon conviction thereof shall be sentenced to pay a fine not less than \$500.00 nor more than \$1000.00. The removal of each tree without having first secured a valid tree removal permit shall constitute a separate offense and shall be punishable as such.

\_\_\_\_\_ REPLANTING: As a condition of granting the tree removal permit, the City, acting by and through its Mayor and Board of Aldermen, may require the applicant to relocate or replace trees, but may not require the replacement of trees in a number greater than the number of Live Oak or Magnolia trees removed; trees to be of Four (4) inches caliper deciduous trees or five (5) feet in height of evergreen or Live Oak or Magnolia trees.

\_\_\_\_\_ MEETING: You must attend the Planning Commission meeting, not attending may cause your permit for tree removal to be denied or withheld.

MINUTES OF OCTOBER 22, 2015  
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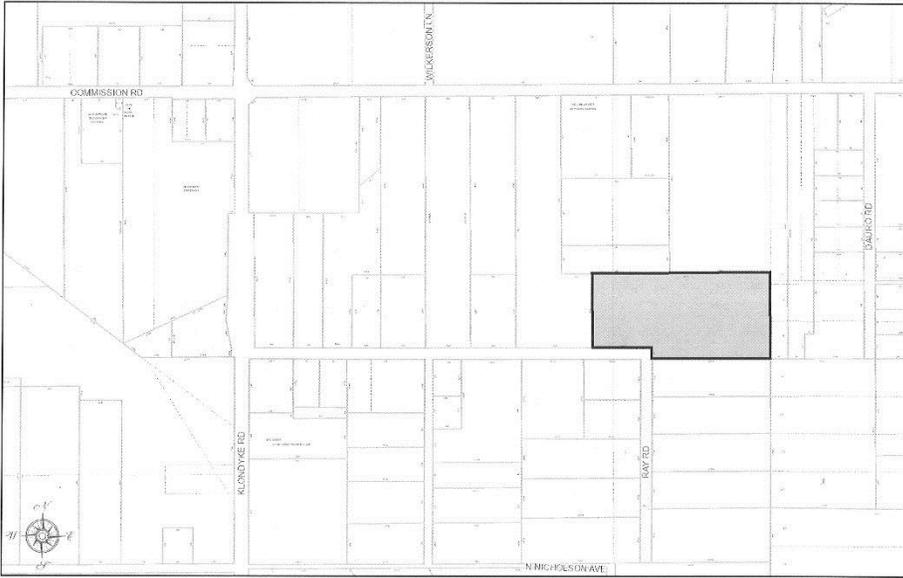
MINUTES OF OCTOBER 22, 2015  
PLANNING COMMISSION





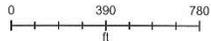
# MINUTES OF OCTOBER 22, 2015 PLANNING COMMISSION

0 RAY RD - TAX PARCEL - 0611J-01-039.000



**HARRISON COUNTY, MISSISSIPPI**

DISCLAIMER: THIS MAP IS FOR PROPERTY TAX ASSESSMENT PURPOSES ONLY. IT WAS CONSTRUCTED FROM PROPERTY INFORMATION RECORDED IN THE OFFICE OF THE REGISTER OF DEEDS AND IS NOT CONCLUSIVE AS TO LOCATION OF PROPERTY OR LEGAL OWNERSHIP. THE PLURRY TAX ASSESSOR.



MAP DATE: September 22, 2015

VARIOUS OTHER... ATTENTION IS CALLED TO THE FENCE ENCROACHMENT... ALONG A PORTION OF THE SOUTH PROPERTY LINE AND TO... THE OPEN SHED ALONG A PORTION OF THE WEST PROPERTY... THE FRAME RESIDENCE IS WITHIN THE 40 FT. ROADWAY EASEMENT.

THIS SURVEY WAS MADE AT THE REQUEST OF AL WEAVER, JULY 23, 16, 21, 5 23, 2004.

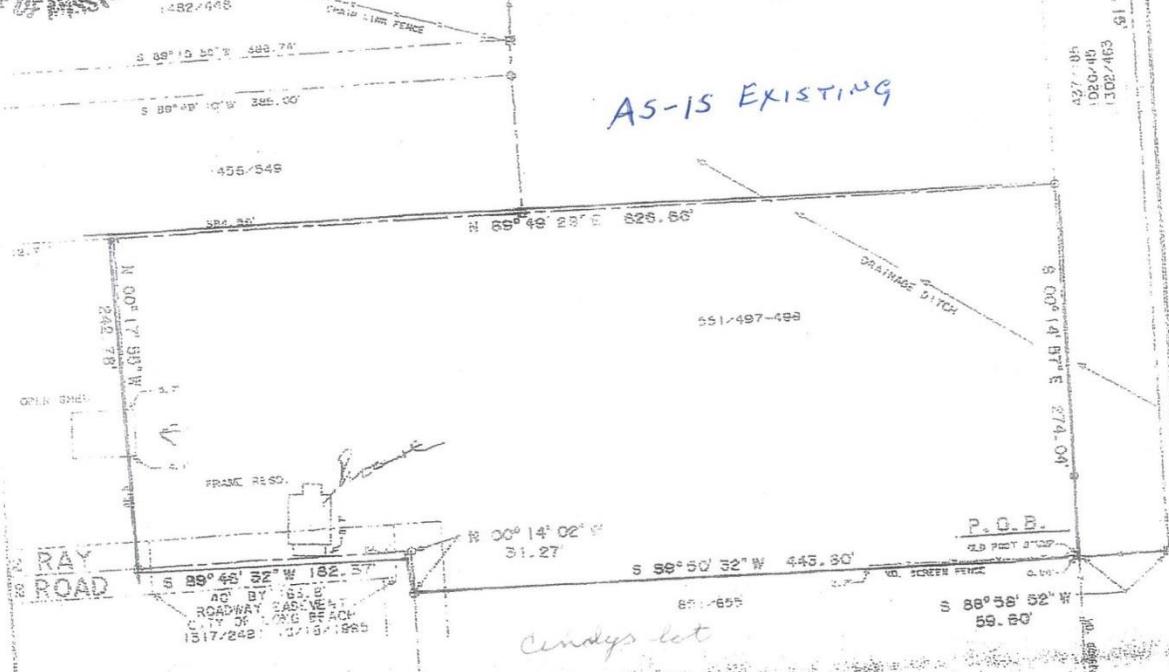
**JAMES R. CLARKE**  
REGISTERED  
No. 1653  
LAND SURVEYOR  
STATE OF MISSISSIPPI

*James R. Clarke*  
JAMES R. CLARKE, P.L.S.  
P.O. BOX 4105  
GULFPORT, MS, 39502  
MS. L.S. 3  
REV. 8-10-2004

*What is left of Auntie's land  
Wanted to Morgan, Shirley + Marjorie  
Described as parcel # 2  
on judgement*

504/108  
1808/604

**AS-IS EXISTING**



**LEGAL DESCRIPTION:**  
A PARCEL OF LAND CONTAINING 3.91 ACRES, MORE OR LESS, SITUATED IN THE NW 1/4 OF SECTION 13, T-8-S, R-12-W, CITY OF LONG BEACH, 1ST. JUDICIAL DISTRICT, HARRISON COUNTY, MS. DESCRIBED AS FOLLOWS:  
BEGINNING AT THE NORTHWEST CORNER OF SAID SECTION 13, T-8-S, R-12-W, HARRISON CO., MS.; THENCE N89°46'32"E ALONG THE NORTH LINE OF SAID SECTION 13 1943.26 FT.; THENCE S00°17'55"E 949.15 FT.; THENCE S88°58'32"W 59.60 FT. TO A OLD FENCE POST STUMP BEING THE POINT OF BEGINNING; THENCE S88°50'32"W 443.80 FT.; THENCE N00°14'02"W 31.27 FT.; THENCE S88°46'32"W 182.37 FT.; THENCE N00°17'55"W 242.78 FT.; THENCE N89°48'28"E 326.66 FT.; THENCE S00°14'57"E 274.04 FT. TO THE POINT OF BEGINNING.

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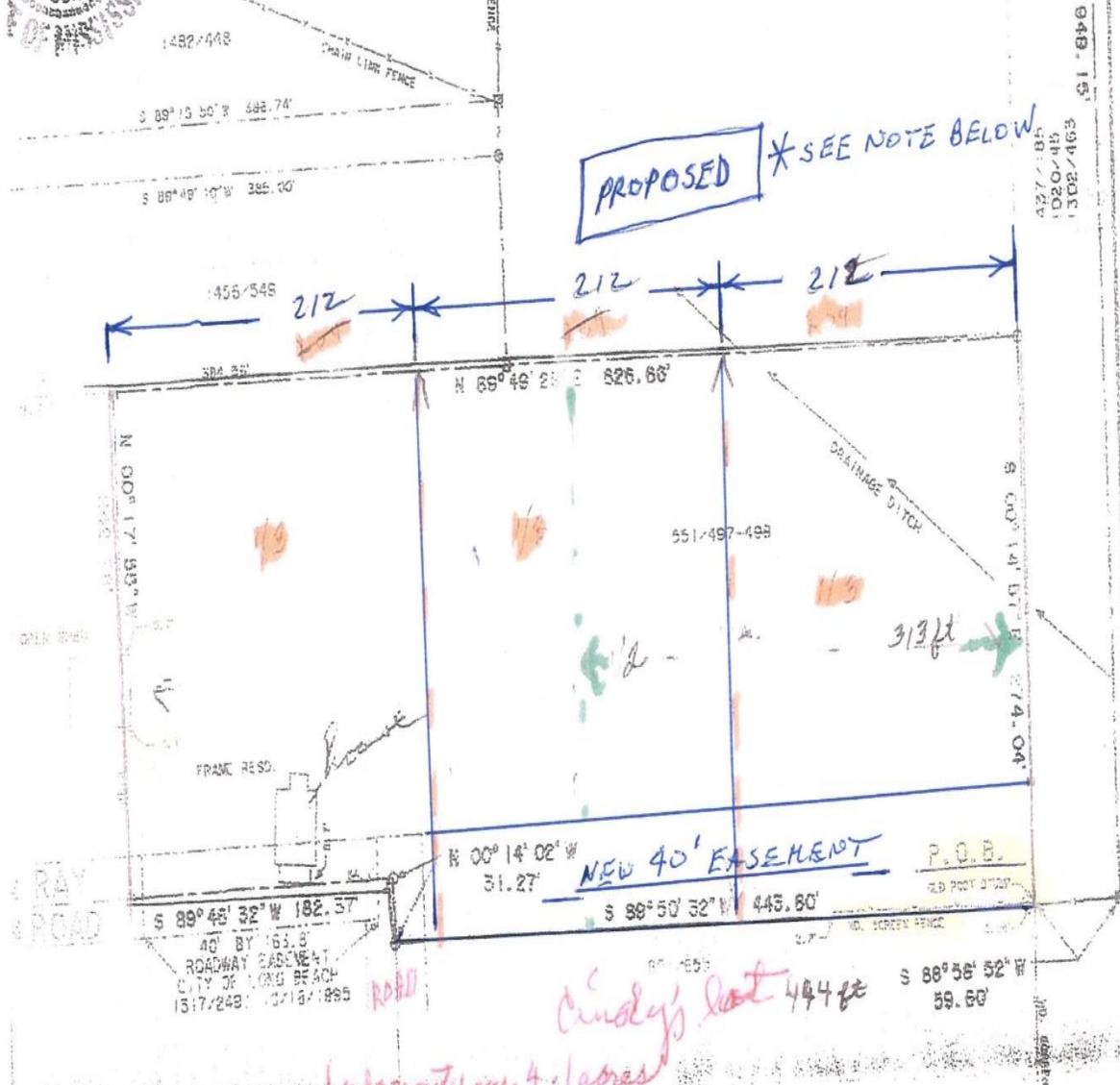
VARIOUS DEED CALLS AND THE CORNERS RECOVERED. ATTENTION IS CALLED TO THE FENCE ENCROACHMENT ALONG A PORTION OF THE SOUTH PROPERTY LINE AND TO THE OPEN SHED ALONG A PORTION OF THE WEST PROPERTY LINE. THE FRAME RESIDENCE IS WITHIN THE 40 FT. ROADWAY EASEMENT.

THIS SURVEY WAS MADE AT THE REQUEST OF AL WEAVER. JULY 13, 14, 16, 21 & 23, 2004.



*James R. Clarke*  
JAMES R. CLARKE, P.L.S.  
P.O. BOX 4106  
GULFPORT, MS. 39502  
MS. WL. 8  
REV. 8/10/2004

*What is left of Auntie's land  
willed to Maggie, Shirley + Marjorie  
Described as parcel # 2  
on judgement*



LEGAL DESCRIPTION:

A PARCEL OF LAND CONTAINING 3.91 ACRES, MORE OR LESS, SITUATED IN THE NW 1/4 OF SECTION 13, T-8-S, R-12-W, CITY OF LONG BEACH, 1ST, JUDICIAL DISTRICT, HARRISON COUNTY, MS. DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SECTION 13, T-8-S, R-12-W, HARRISON CO., MS.; THENCE N89°48'32"E ALONG THE NORTH LINE OF SAID SECTION 13 1943.25 FT.; THENCE S00°17'55"E 949.15 FT.; THENCE S88°58'52"W 59.60 FT. TO A OLD FENCE POST STUMP BEING THE POINT OF BEGINNING; THENCE S89°50'32"W 443.80 FT.; THENCE N00°14'02"W 31.27 FT.; THENCE S89°48'32"W 182.37 FT.; THENCE N00°17'55"W 242.76 FT.; THENCE N89°48'25"E 826.66 FT.; THENCE S00°14'57"E 274.04 FT. TO THE POINT OF BEGINNING.

*\* SUBDIVIDED PROPERTY BOUNDARIES ARE APPROXIMATE, ACTUAL BOUNDARIES EASEMENT WILL BE ESTABLISHED DURING A NEW SURVEY*

MINUTES OF OCTOBER 22, 2015  
PLANNING COMMISSION

R.T.P.

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536-206

*June K. White*

IN THE CHANCERY COURT OF HARRISON COUNTY, MISSISSIPPI  
FIRST JUDICIAL DISTRICT

IN THE MATTER OF THE ESTATE OF  
EDNA DRELL RAY, DECEASED  
MARGUERITE E. CUEVAS, EXECUTRIX  
CAUSE NO. P-2061

JUDGMENT APPROVING FINAL ACCOUNT

THIS CAUSE came on for hearing this day upon the Final Account of the Executrix and upon Waiver of Process and Entry of Appearance of Shirley Schaeffer Wilson and Merlyn Schaeffer Castiglia, and the Court having duly heard and considered same, and being fully advised in the premises, finds that Edna Drell Ray died on the 22nd day of February, 1981, in the First Judicial District of Harrison County, Mississippi, and at the time of her death was a resident and citizen of the First Judicial District of Harrison County, Mississippi. The Court finds further that on the 27th day of May, 1976, Edna Schaeffer Ray, also known as Edna Drell Ray, made, declared and published her true and genuine Last Will and Testament, which was duly probated in this cause. The Court finds that notice to creditors was given for the time and in the manner provided by law, and was published in the Sun Herald, a newspaper having a general circulation in Harrison County, Mississippi, for more than one year next preceding the date of the first publication of said notice to creditors, in issues of April 19, 1988, April 26, 1988, and May 3, 1988, and that proof of publication of such notice is on file in this cause. The Court finds that the time for probating claims in this cause has expired and that there are no claims probated against the estate. The Court finds that the estate was not of sufficient size to pay any estate tax to the Internal Revenue Service or to the State of Mississippi, and that there is now no reason for the estate remaining open longer. The Court has examined the Final Account and finds it to be correct. The Court finds further that the Executrix should be authorized and directed to pay a fee to her attorney, Lee N. Perry, for his

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536-207

services in the administration of this estate. The Court further finds that Marguerite Schaeffer Cuevas, Shirley Schaeffer Wilson, and Merlyn Schaeffer Castiglia are the only devisees and legatees under the Last Will and Testament of Decedent and that they should be declared the owner of and put in possession of a one-third (1/3) interest in the real property situated, lying and being in the First Judicial District of Harrison County, Mississippi, more particularly described as follows, to-wit:

PARCEL ONE

4.8 acres on Klondyke Road and Ray Road in the NW 1/4 of NW 1/4 of Section 12 Township 8S Range 12W. (Map No. 0611J-01-034.000)

PARCEL TWO

4.1 acres on Ray Road in the N 1/2 of the NW 1/4 of Section 12 Township 8 Range 12. (Map No. 0611J-01-039.000)

The Court finds that, after payment of all costs of administration, including fees and court costs, and filing receipts therefore, the Executrix should stand discharged. It is, therefore,

ORDERED, ADJUDGED AND DECREED that the Final Account be and the same hereby is approved. It is further,

ORDERED, ADJUDGED AND DECREED that Marguerite Schaeffer Cuevas, Shirley Schaeffer Wilson, and Merlyn Schaeffer Castiglia, be and hereby are declared the owners of and put in possession of a one-third (1/3) interest each in the following described real property situated, lying and being in the First Judicial District of Harrison County, Mississippi:

PARCEL ONE

4.8 acres on Klondyke Road and Ray Road in the NW 1/4 of NW 1/4 of Section 12 Township 8S Range 12W. (Map No. 0611J-01-034.000)

PARCEL TWO

4.1 acres on Ray Road in the N 1/2 of the NW 1/4 of Section 12 Township 8 Range 12. (Map No. 0611J-01-039.000)

It is further,

THIS LOT IS NOT PART OF PROPOSED SUBDIVISION

THIS LOT IS REQUESTED TO BE SUBDIVIDED

**MINUTES OF OCTOBER 22, 2015  
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After considerable discussion it was the consensus of the Commission, the applicant would need to apply for and be granted a variance, to have an unimproved and/or substandard right-of-way, from the Subdivision Ordinance, the applicant was also advised to contact the City's engineer regarding acceptable right-of-ways.

\*\*\*\*\*

There being no further business to come before the Planning Commission at this time Commissioner Brown made motion seconded by Commissioner Hansen and unanimously carried to adjourn the meeting until the next regular scheduled meeting in due course.

APPROVED:

\_\_\_\_\_  
Commission Chairman, Frank Olaiivar

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

ATTEST:

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