

MINUTES OF SEPTEMBER 22, 2016
PLANNING COMMISSION

Be it remembered that a public hearings of the Long Beach Planning Commission of the City of Long Beach, Mississippi, was begun at 5:30 o'clock p.m., Thursday, the 22nd day of September 2016, 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 public hearing.

There was present and in attendance on said Commission and at the public hearing the following named persons: Commission Chairman Frank Olaivar, Commissioners Donald Frazer, Randy Fischer, Jim Heinzl, Chris Carrubba, Jeff Hansen, Nicholas Brown, Ron Robertson, Debra Cook, Planning Commission Advisor/Consultant Bill Hessell and minutes Clerk Veronica Howard.

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

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The public hearing was called to order to consider a zone text amendment, amending Section 102: Official Zoning Map of Ordinance 598 as follows:

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Exhibit A

Legal Descriptions – South of CSX Railroad

R-1, Residential Districts

Description 1: Beginning at the intersection of U. S. Highway 90 and the east boundary of the city limits of Long Beach; thence north along the east boundary of the Long Beach city limits to the centerline of the CSX Railroad; thence westerly along the centerline of the CSX Railroad to a point 159 feet more or less, from the intersection of the centerline of Cleveland Avenue; thence southerly along a line parallel to the centerline of Cleveland Avenue to the intersection of the centerline of 5th Street; thence easterly along the centerline of 5th Street to the intersection of the centerline of Douglas Avenue; thence southerly along the centerline of Douglas Avenue to the centerline of U. S. Highway 90; thence easterly along the centerline of U. S. Highway 90 to the intersection of the centerline of Nicholson Avenue; thence north along the centerline of Nicholson Avenue to the intersection of the centerline of 5th Street; thence easterly along the centerline of 5th Street 570 feet, more or less; thence southerly along a line parallel to the centerline of Nicholson Avenue to the intersection of the centerline of U. S. Highway 90; thence easterly along the centerline of U. S. Highway 90 to point of beginning.

Description 2: Commencing at the intersection of Burke Avenue and 5th Street; thence north along the centerline of Burke Avenue 205 feet, more or less, to point of beginning; thence east along the north property line of parcel #0612-B-02-071, 170 feet, more or less; thence south 25 feet, more or less; thence easterly along a line parallel to the centerline of 5th Street 524 feet, more or less; thence northerly along a line parallel to the centerline of Cleveland Avenue 180 feet, more or less; thence easterly along the centerline of 4th Street 60 feet, more or less; thence northerly along a line parallel to the centerline of Cleveland Avenue to the intersection of the centerline of CSX Railroad; thence westerly along the centerline of CSX Railroad to the intersection of the centerline of the extension of Burke Avenue; thence southerly along the centerline of Burke Avenue to point of beginning.

Description 3: Beginning at the intersection of the centerline of Magnolia Street and the centerline of Church Street; thence northerly along the centerline of Church Street to the intersection of the centerline of CSX Railroad; thence westerly along the centerline of CSX Railroad to the west margin of the West SeaShore Subdivision; thence south along the west margin of West SeaShore Subdivision to the northwest corner of tax parcel #0512I-03-007.000; thence east along the north property line of tax parcel #0512I-03-007.000 to the intersection of the centerline of South Seashore Drive; thence north along the centerline of South Seashore Drive to the extension of tax parcel #0512I-01-051.000; thence east along the north margin of tax parcel #0512I-01-051.000 to the west margin of tax parcel #0512I-01-030.000; thence north along the margin of said parcel to the northwest corner of tax parcel #0512I-01-030.000; thence east to the intersection with the centerline of Buena Vista Drive; thence north along the centerline of Buena Vista Drive to the extension of tax parcel #0512I-01-028.001; thence east along the north margin of said parcel to the northeast corner of tax parcel #0512I-01-028.001, thence south to the intersection of the centerline of U.S. Highway 90; thence east along the centerline of U.S. Highway 90 to the intersection of the centerline of Runnels Avenue; thence north along the centerline of Runnels Avenue to the extension of tax parcel # 0612E-03-039.000; thence east along a line parallel to U.S. Highway 90 to the centerline of Oak Gardens Avenue to the east property line of Oak Gardens Subdivision; thence northerly along the east property line of Oak Gardens Subdivision to the intersection of the centerline of Magnolia Street; thence easterly along the centerline of Magnolia Street to point of beginning,

Description 4: Beginning at the intersection of the centerline of CSX Railroad and the west Long Beach city limit line; thence southerly along the Long Beach city limit line to the intersection of the centerline of 2nd Street; thence easterly along the centerline of 2nd Street 798 feet, more or less; thence southerly along the west boundary of White Harbor Heights Subdivision to the southwest corner of Block 1 of White Harbor Heights Subdivision; thence easterly along the South property line of Lot 1 of White

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Harbor Heights Subdivision to the intersection of the centerline of White Harbor Road; thence southerly along the centerline of White Harbor Road 325 feet, more or less; thence easterly along the south property line of Lot 24 Thomas Subdivision to the southeast corner of Lot 24 Thomas Subdivision; thence northerly along the east property line of Thomas Subdivision to the intersection of the south property line Pitcher Point Subdivision; thence easterly along the south property line of Pitcher Point Subdivision to the intersection of the centerline of Pitcher Point Avenue; thence north and easterly along the margin of said parcel to the northwest corner of tax parcel #0512J-01-035.000; thence east along the north margin of said parcel to the west margin of tax parcel #0512J-01-033.000; thence north along west margin to the northwest corner of said parcel; thence east to the intersection with the centerline of Markham Drive; thence north along the centerline of Markham Drive to the extension of tax parcel #0512J-01-002.000; thence east along the south margin of said parcel to the southeast corner; thence northerly along a straight line to the northwest corner of tax parcel #0512I-03-015.00; thence east along said margin to the west margin of tax parcel #0512I-03-014.000; thence north along the east margin of Marcie Drive Subdivision to the centerline of the CSX Railroad; thence west along the centerline of the CSX Railroad to point of beginning.

R-2, Low Density Multi-family Residential

Description 5: Beginning at the intersection of the centerlines of South Girard Avenue and Magnolia Street; thence east along the centerline of Magnolia Street to the northeast corner of the extension of tax parcel # 0612F-02-001.000; thence south along the east margin of said parcel to the north margin of tax parcel #0612F-02-006.000; thence west along the margin of said parcel to the east margin of the Kohler & Russell subdivision; thence south along the east margin of said subdivision to the southeast corner of the Kohler & Russell subdivision; thence west along the south margin of said subdivision to the east margin of tax parcel #0612F-02-031.000; thence follow margin of said parcel to the intersection with the centerline of South Girard Avenue; thence north to the point of beginning.

Description 6: Beginning at the intersection of the centerline of Magnolia Street and the extension of the northeast corner of tax parcel #0612F-02-078.000; thence south along a line parallel to Trautman Avenue to the centerline of U.S. Highway 90; thence west along the centerline of U.S. Highway 90 to the intersection of the centerline of Runnels Avenue; thence north along the centerline of Runnels Avenue to the extension of tax parcel # 0612E-03-039.000; thence east along a line parallel to U.S. Highway 90 to the centerline of Oak Gardens Avenue to the east property line of Oak Gardens Subdivision; thence northerly along the east property line of Oak Gardens Subdivision to the intersection of the centerline of Magnolia Street; thence easterly along the centerline of Magnolia Street to point of beginning.

R-3, High Density Multi-family Residential

Description 7: Beginning at the intersection of the centerline of Magnolia Street and the extension of the northeast corner of tax parcel #0612F-02-078.000; thence south along a line parallel to Trautman Avenue to the centerline of U.S. Highway 90; thence east along the centerline of U.S. Highway 90 to the intersection with the centerline of South Girard Avenue; thence north along the centerline of South Girard Avenue to the intersection with the centerline of Magnolia Street; thence west to point of beginning.

Description 8: All of Seashore Townhomes Subdivision and tax parcels 0512I-01-29.000 thru .003; tax parcel 0512I-01-028.001; tax parcels 0512I-01-030.000 thru .001; and tax parcel 0512I-01-050.000.

Description 9: All of Arbor Station property and tax parcel #0512I-03-035.001.

Description 10: Beginning at the intersection of the west Long Beach city limit line and the centerline of 2nd Street; thence easterly along the centerline of 2nd Street 798 feet, more or less; thence southerly along the west boundary of White Harbor Heights Subdivision to the southwest corner of Block 1 of White Harbor Heights Subdivision; thence west along the south margin of White Harbor Heights Subdivision to

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an extension of said line to the west boundary of the Long Beach City limits; thence north to the point of beginning.

R-O, Residential-Office

Description 11: Beginning at the intersection of the centerline of Burke Avenue and the centerline of 5th Street; thence north along the centerline of Burke Avenue 150 feet, more or less; thence east along a line parallel to the centerline of 5th Street to a point 160 feet, more or less, from the west margin of Cleveland Avenue; thence north along a line parallel to the centerline of Cleveland Avenue to the centerline of 4th Street; thence east along the centerline of 4th Street 60 feet, more or less; thence north along a line parallel to the centerline of Cleveland Avenue to the intersection of the centerline of the L & N Railroad; thence east along the centerline of the L & N Railroad to a point 124 feet, more or less, from the east margin of Cleveland Avenue; thence south along a line parallel to the centerline of Cleveland Avenue to the intersection of the centerline of 5th Street; thence west along the centerline of 5th Street to point of beginning.

C-1, Central Business

Description 12: Beginning at the intersection of the centerline of 5th Street and the centerline of Burke Avenue; thence north along the centerline of Burke Avenue to the intersection of the centerline of the L & N Railroad; thence west along the centerline of L & N Railroad to the intersection of the extension of the centerline of Church Street; thence south along the centerline of Church Street and its extension to a point 195 feet more or less, or the south property line of Parcel #0612G-02-048; thence east along the south property line of Parcels #0612G-02-047 through 044 inclusive; thence southerly along the west boundary line of Parcels #0612G-02-031 and 034 to the intersection of the centerline of 5th Street; thence east along the centerline of 5th Street to the point of beginning. Less all public lands in description.

C-1 HD, Central Business High Density

Description 13: Beginning at the intersection of the centerline of 5th Street and the centerline of Burke Avenue; thence east along the centerline of 5th Street to the intersection with the centerline of Douglas Avenue; thence south along the centerline of Douglas Avenue to the intersection with the centerline of U.S. Highway 90; thence west along the centerline of U.S. Highway 90 to the extension of the southeast corner of Long Beach Oaks Subdivision; thence following the margins of said subdivision to the southwest corner of tax parcel #0612F-02-006.000; thence north and east along the margin of said parcel to the southwest corner of tax parcel #0612G-02-048.000; thence east along the south property line of Parcels #0612G-02-047 through 044 inclusive; thence southerly along the west boundary line of Parcels #0612G-02-031 and 034 to the intersection of the centerline of 5th Street; thence east along the centerline of 5th Street to the point of beginning.

C-2B, Beachfront Commercial

Description 14: All of tax parcels #0512I-03-007 through 0512-03-010.

Description 15: Beginning at the intersection of the centerlines of U.S. Highway 90 and Marcie Drive; thence west along the centerline of U.S. Highway 90 to the west Long Beach city limit margin; thence north along the west city limit margin to the southwest corner of the R-3 District described in Description 10; thence east along a line to the Block 1 of White Harbor Heights Subdivision; thence easterly along the South property line of Lot 1 of White Harbor Heights Subdivision to the intersection of the centerline of White Harbor Road; thence southerly along the centerline of White Harbor Road 325 feet, more or less; thence easterly along the south property line of Lot 24 Thomas Subdivision to the southeast corner of Lot 24 Thomas Subdivision; thence northerly along the east property line of Thomas Subdivision to the intersection of the south property line Pitcher Point Subdivision; thence easterly along the south property line of Pitcher Point Subdivision to the intersection of the centerline of Pitcher Point Avenue; thence north and easterly along the margin of said parcel to the northwest corner of tax parcel #0512J-01-

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035.000; thence east along the north margin of said parcel to the west margin of tax parcel #0512J-01-033.000; thence north along west margin to the northwest corner of said parcel; thence east to the intersection with the centerline of Markham Drive; thence north along the centerline of Markham Drive to the extension of tax parcel #0512J-01-002.000; thence east along the south margin of said parcel to the southeast corner; thence northerly along a straight line to the northwest corner of tax parcel #0512I-03-015.00; thence east along said margin to the centerline of Marcie Drive; thence south along said centerline to the Point of Beginning. Also including tax parcels #0512I-03-013 and 0512I-03-014.

C-3, Neighborhood Commercial

Description 16: Beginning at the intersection of the centerlines of U. S. Highway 90 and Nicholson Avenue; thence north along the centerline of Nicholson Avenue to the intersection of the centerline of 5th Street; thence easterly along the centerline of 5th Street 570 feet, more or less; thence southerly along a line parallel to the centerline of Nicholson Avenue to the intersection of the centerline of U. S. Highway 90; thence easterly along the centerline of U. S. Highway 90 to Point of Beginning.

Description 17: All of the Long Beach Oaks Subdivision and tax parcels #0612F-02-017; 0612F-02-031; 0612F-02-031.001 and 0612F-02-032.

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The clerk reported that notices were posted on the bulletin boards at City Hall, the Building Official's office, and the Water Department, 201 Jeff Davis Avenue; Said notice was ordered as part of these proceedings:

City of Long Beach



LEGAL NOTICE

PUBLIC HEARING

In accordance with Article XIX of the Comprehensive Long Beach Unified Land Ordinance of the City of Long Beach, Mississippi (2013) 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 text amendment**.

Long Beach Planning Commission has filed an application to amend the ordinance to create legal descriptions for the zoning map in accordance with the Comprehensive Long Beach Unified Land Ordinance. In addition, the City proposes to adopt the attached legal descriptions (Exhibit A) for said map. The following are the text amendments to be addressed in the public hearing:

Add to Part 2. Zoning Map, Section 102: Official Zoning Map the following:

- (d) The City shall adopt legal descriptions describing each zoning district and such descriptions shall be attached and made part of the Official Zoning Map and used to identify district boundaries. Any amendment to the zoning map shall automatically amend the legal description.

Approve: Legal descriptions in Exhibit A.

The purpose of this proposed change is to promote uniformed development and encourage public safety, thereby enhancing the quality of life for all Long Beach residents. A public hearing to consider the above zoning text amendment will be held in the City of Long Beach, Mississippi 39560, Thursday, September 22, 2016, at 5:30 p.m., in the Long Beach City Hall located on Jeff Davis Avenue.

The City encourages all residents, groups and organizations to contact the City if they have any questions concerning the petition.

/s/ signed
Chairman
Planning Commission

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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, Leal Notice and 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 Crusta Brackett 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 of 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. 132 No., 322 dated 26 day of Aug, 2016
- 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 county for a period of more than twelve months next prior to the first publication of said notice.

Crusta Brackett

Clerk

Sworn to and subscribed before me this 13 day of

Sept A.D., 20 16

Meri A. Jackson

Notary Public

LEGAL NOTICE PUBLIC HEARING
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 The City encourages all residents, groups and organizations to contact the City if they have any questions concerning the petition.
 /s/ signed
 Chairman
 Planning Commission
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 1580020

*The Sun Herald has been deemed eligible for publishing legal notices in Jackson County to meet the requirements of Miss. Code 1972 Section 13-3-31 and 13-3-32



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Commission Chairman asked for anyone speaking in favor of the request no one came forward to be heard.

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Commission Chairman called for anyone speaking in opposition of the request, no one came forward to be heard.

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Commissioner Hansen made motion seconded by Commissioner Heinzl and unanimously carried to close the public hearing.

After review and discussion Commissioner Robertson made motion seconded by Commissioner Hansen and unanimously carried, recommending approval of the text change.

The 2nd public hearing was called to order to consider a variance request for a reduction in side yard setback requirements for property located at U.S. Highway 90 and Seashore Avenue, tax parcel #0512I-01-051.011 as follows:

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

Office use only	
Date Received	8/26/16
Zoning	R-C
Agenda Date	9/22/2016
Check Number	1007

VARIANCE REQUEST

I. Tax Parcel Number(s): 0512I-01-051.011

II. Address of Property Involved: _____

III. Statement clearly explaining the request being made. (Attach supplemental pages if necessary.)
Four foot variance on Eastern side of lot, allowing a Ten foot side yard set back instead of a fourteen foot side yard set back pursuant to Article XI, Part I, section 123(d) of Ordinance 598 see attached Exhibit 1.

****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 property was initially 3 zero lot-line town homes which require a 10-foot side yard set back on Lot 3. Applicant cannot build on Lot 2 as it is too narrow. So he intends to build a zero lot line detached dwelling on Lot 3 using the same side yard set back (in 10 feet) as he he built a row house. A town home previously existed on that lot with a 10 foot side yard set back.

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.

This property was platted prior to Katrina. All dwellings were completely destroyed and applicant wants to rebuild as before but without building on Lot 2.

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?

If denied, Applicant would have to move his building 4 feet into Lot 2, obtain a survey and re-draw all the plans. Lot 2 is too small as is to build a town home - it is too narrow, the current code will not allow him to build on Lot 2 because it is less than 20 feet wide.

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.

A house previously existed on that lot with a ten foot side yard set back. The only reason he cannot meet code is because the current code will not allow him to build on Lot 2, thereby increasing the side yard set back from 10 feet to 14 feet. Applicant simply wants to build back what was on Lot 3

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IV. REQUIRED ATTACHMENTS:

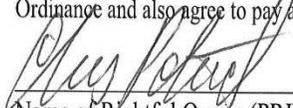
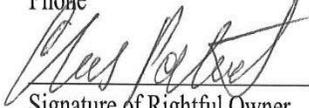
- A. **Interest and Ownership.** The applicant's name, address and interest of every person, firm or corporation represented by the applicant in the application, the name of the owner or owners and their respective addresses of the entire land area proposed to be changed in classification or to be included 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 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> Name of Rightful Owner (PRINT)</p> <p><u>830 West Pearl Blvd</u> Owner's Mailing Address</p> <p><u>Long Beach WA 99560</u> City State Zip</p> <p><u>601-906-7409</u> Phone</p> <p> <u>8-26-16</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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EXHIBIT 1

Some time ago the City of Long Beach issued a building permit to Mr. Patrick (“Applicant”) to build a zero-lot line detached dwelling on his western-most lot having parcel no. 0512I-01-051.009, i.e. on the corner of Seashore and Hwy 90. Applicant built that house and is currently living in it as his residence. Applicant now wants to build a zero lot line detached dwelling on eastern-most lot having parcel no. 0512I-01-051.011.

Two maps are provided. The first map comes from the Harrison County GIS mapping system showing the three lots owned by Applicant (See attachment 1). As state above, Applicant lives in the house on the corner of Seashore and Hwy 90. The middle lot will remain green space. Applicant wants to build another house on the eastern-most lot as shown on the other map (See attachment 2) provided which is a site plan for that house and for which the variance is requested.

The property is zoned R3. City Ordinance 598 reveals the following:

1. Article X – Chart of Uses - allows a single family residence in an R3 zone by RIGHT (See attachment 3);
2. Article XI – Supplemental Use Regulations – must be considered when building a zero-lot-line, detached single family dwelling;
3. Article XI, Part I – General Provisions – Section 123: Townhouses and Zero Lot Line Residential Uses specifically addresses the issues presented by Applicant.
4. Section 123 allows for a zero lot-line detached single family dwelling with certain conditions (See attachment 4):
 - a. Minimum lot area – 3000 sq. ft. - Applicant’s lot is 3530 square feet and he meets this requirement;
 - b. Minimum lot width – 30 ft. – Applicant’s lot is 35.27 at his narrowest and he meets this requirement;
 - c. Minimum front yard - 25 ft. - Applicant meets this requirement;
 - d. Minimum side yard - 14 feet - Applicant’s proposed house does not meet this requirement. As drawn, the side-yard setback is only 10 feet which is why he will need a 4-foot variance;
 - e. Minimum rear yard – 10 feet - Applicant meets this requirement;
 - f. Maximum height – 35 feet - Applicant meets this requirement;
 - g. Maximum lot coverage – 75% - Applicant’s coverage is 35% and he meets this requirement;
 - h. N/A
 - i. N/A
 - j. N/A as there will be no building on the middle lot (Lot 2);
 - k. Applicant understands this will require P&Z approval

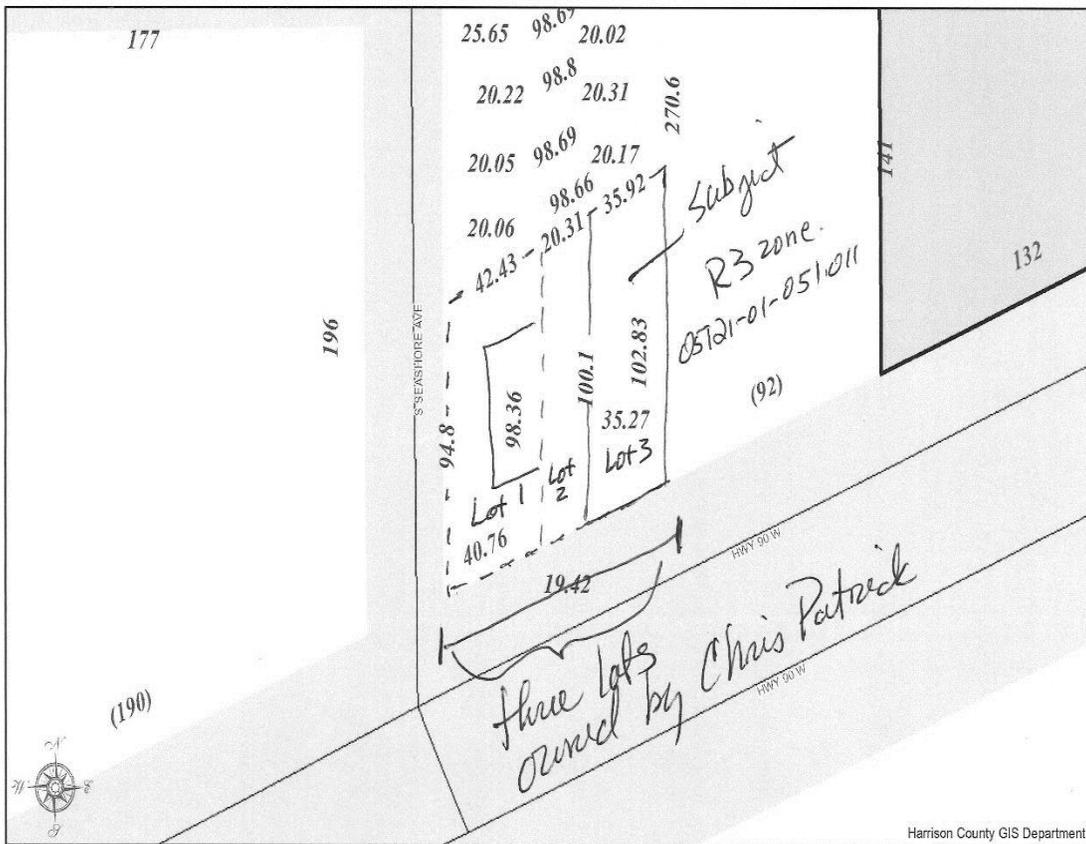
NOTE: Prior to Katrina there were 3 townhomes on the property prior to Katrina. The town home on Lot 3 had a 10 foot side-yard setback. This was previously allowed because there was a “row of town houses” (See Section 123 (d)).

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Under the current code, the minimum lot width for a town home or zero lot line detached dwelling is 20 feet (See Section 123 (b)). Lot 2 is not a minimum width of 20 feet and cannot be built on. So, a “row of town houses” cannot be rebuilt under the current ordinance. However, Applicant intends to keep Lot 2 as green space and build a zero lot line detached dwelling on Lot 3 the same size as the previous town home on that lot. In other words, the new zero lot line detached dwelling proposed for Lot 3 no different than the townhome located on Lot 3 prior to Katrina. The need for the variance is based solely on the fact that Applicant cannot build on Lot 2 because it does not meet the minimum width and, therefore a “row” of town homes cannot be built by ordinance. The ordinance requires a 14 foot side-yard setback solely because there is no longer a “row” of homes.

In actuality, Applicant is asking to build nothing more than what was on Lot 3 prior to Katrina and which had the same side-yard setback as now shown on the site plan.

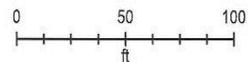
Chris Patrick



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 FLURRY, TAX ASSESSOR.

MAP DATE: August 19, 2016



**MINUTES OF SEPTEMBER 22, 2016
PLANNING COMMISSION**

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Chart of Use													
	R1	R2	R3	R4	RO	CI	CIHD	C2	C2B	C3	I-1	I-2	WD
Agricultural													
Greenhouse Commercial				R									
Crops / Forestry				R									
Riding Stable				X									
Livestock				X									
Wildlife Refuge				X									
Forest Preserve				R									
	R1	R2	R3	R4	RO	CI	CIHD	C2	C2B	C3	I-1	I-2	WD
Residential													
Single Family	R	R	R	R	R	X		X	X	X			
Accessory Unit	X	X	X	X	X	X		X	X	X	X	X	
Duplex / 2 Family Dwelling		R	R		X								
Townhouse			R			X	X	X	X	X			
Condominium			R			X	R	X	X	X			X
Apartment Building <i>Low Rise</i>			R			X	X	X	X	X			
Apartment Building <i>High Rise</i>			X			X	X	X	X	X			
Mobile Home Park				S									
	R1	R2	R3	R4	RO	CI	CIHD	C2	C2B	C3	I-1	I-2	WD
Special Care Homes													
Homes for Handicapped or Infirm			X	X				R		X			
Nursing Care, Intermediate Care Homes			X	X				R		X			
Halfway Houses								S					
	R1	R2	R3	R4	RO	CI	CIHD	C2	C2B	C3	I-1	I-2	WD
Lodging													
Hotel / Motel (12+ rooms)						X	R	X	R	X			X
Inn (up to 12 rooms)						X	X	X	R	X			
Bed and Breakfast (1-5 rooms)		X	X			X		X	R	X			
Tourist Homes (renting by the day or week)	X	X	X	X	X	X		X	X	X			
	R1	R2	R3	R4	RO	CI	CIHD	C2	C2B	C3	I-1	I-2	WD
Office, Clerical, Research and Services (Not primarily related to goods and merchandise)													
Home Occupation (No customer/ client traffic generation)	R	R	R	R	R	R	R	R	R	R			
Operations designed to attract and serve customers or clients on the premises					X	R		R	R	R	R	R	X
Operations designed to attract little or no customers or client traffic other than employees of the entity					R	R		R	R	R			
Office building (multiple offices)					X	R		R	R	X	R	R	
Operations with drive up window					X	X		R	X	X			X
Work / Live Unit					R	R		R	R	R			
	R1	R2	R3	R4	RO	CI	CIHD	C2	C2B	C3	I-1	I-2	WD
Services and Enterprises Relating to Animals													
Veterinarian (small animals only)					X	X		R	X	X			
Veterinarian (small / large animals)				S				X		X	X		
Boarding Kennel				S				X		X	X		
Note: R = permitted by right X = permitted with Planning Commission Approval S = permitted as Special-use (hearing)													

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MINUTES OF SEPTEMBER 22, 2016

PLANNING COMMISSION

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Section 122: Excess Height

In any district, any main structure may be erected or altered to a height in excess of that specified for the district in which the structure is located provided that each dimension provided herein for required front, side and rear yard is increased one foot for each two (2) feet of such excess height; provided, further, that where no yard is required the part of the structure exceeding the height specified for the district shall be set back from the vertical plane of the adjacent building site line one foot for each two (2) feet of such excess height. In addition, the developer shall provide proof that the fire chief has approved of the increased height.

Section 123: Townhouse and Zero Lot Line Residential Uses

The purpose of this use is to provide for the development of moderate to high-density residential uses and structures in moderately spacious surroundings but so designed as to protect the health, safety and welfare of the public. In fulfilling the purpose of this use, the townhouse or row house concept may be used which permits the construction of single-family dwellings immediately adjacent to one another without side yards between the individual units. The purpose of this use may also be fulfilled by the use of the zero lot line concepts which permits the construction of detached single-family dwellings on lots without a side yard requirement on at least one side of the lot. In order to allow any deviation from the following minimum requirements for these types of development, the developer must show evidence that such deviation is in the benefit of the public.

- (a) Minimum lot area: The first 2 townhouse lots shall equal 4,000 square feet and each additional unit shall have 1,500 square feet. Zero lot line dwelling units shall have 3,000 square feet.
- (b) Minimum lot width: Twenty (20) feet for townhouses and thirty (30) feet for zero lot line houses, except that for corner lots the minimum shall be determined based on the minimum requirement for said district.
- (c) Minimum front yard: The same as required for each district, except where the development contains units located on both sides of a street constructed by developer to the city's specifications. In this case the minimum front yard setback may be reduced to fifteen (15) feet.
- (d) Minimum side yard: None for townhouses except on corner lots. Also, the minimum side yard required for the townhouse unit located at the end of a row of town houses shall be ten (10) feet from the exterior lot line. In zero lot line developments there shall be no minimum side yard required on one side and fourteen (14) feet on the opposite side. However, for corner lots the minimum side yard required shall be fourteen (14) feet. Also, the minimum side yard required for the dwelling located adjacent to a lot that is not a part of the zero lot line development shall be fourteen (14) feet.
- (e) Minimum rear yard: Use district rear yard minimum.
- (f) Maximum height: The maximum height is thirty-five (35) feet.
- (g) Maximum lot coverage: Coverage is limited to seventy-five (75%) percent for all structures.
- (h) Maximum length of row: A row of townhouses shall not exceed two hundred twenty-five (225) feet. An open space of twenty (20) feet shall be provided between adjacent rows.
- (i) Townhouses shall be constructed up to side lot lines without side yards and no windows, doors or other opening shall face a side lot line except that the outside wall of end units may contain such openings.
- (j) Zero lot line dwelling shall be constructed against the lot line on one side of a lot and no windows, doors or other openings shall be permitted on this side. Where adjacent zero lot line dwellings are not constructed against a common lot line, the building or developer must provide for a perpetual wall maintenance easement of five (5) feet in width along the adjacent lot and parallel with such wall.
- (k) All townhouse and zero lot line developments shall be subject to review and approval by the planning commission.

Section 124: Temporary Emergency, Construction or Repair

- (a) Temporary residences used on construction sites of nonresidential premises shall be removed immediately upon the completion of the project.

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**MINUTES OF SEPTEMBER 22, 2016
PLANNING COMMISSION**

Indexing: Lot 3, Seashore Townhomes

STATE OF MISSISSIPPI

COUNTY OF HARRISON

FIRST JUDICIAL DISTRICT

**Prepared by and return to:
David B. Estes
MS Bar No. 101404
Estes and Estes, P.A.
P.O. Box 88
Gulfport, MS 39502
(228)863-5582**

******TITLE NOT EXAMINED******

WARRANTY DEED

FOR AND IN CONSIDERATION of the sum of Ten Dollars (\$10.00) cash in hand paid,
and other good and valuable considerations, the receipt and sufficiency of all of which is hereby
acknowledged, the undersigned,

**AMANDA HOLT
7585 Old Jackson Rd.
Forest, MS 39704
(601)-720-2000**

does hereby **SELL, CONVEY and WARRANT** unto

**CHRISTOPHER E. PATRICK
7585 Old Jackson Road
Forest, MS 39074
(601)906-7404**

the following described land together with all improvements thereon located in Harrison County,

MINUTES OF SEPTEMBER 22, 2016
PLANNING COMMISSION

Mississippi, more particularly described as follows, to-wit:

Lot 3, Seashore Townhomes, City of Long Beach, Mississippi, a subdivision according to the official map or plat on file and of record in the Office of the Chancery Clerk of the First Judicial District of Harrison County, Mississippi, in Plat Book 38 at Page 25, reference to which is hereby made in aid and as a part of this description.

ALSO, any and all easements, including but not limited to, ingress and egress as shown in Plat Book 38 at Page 25.

Subject to a five foot (5') sideyard easement along the East side of subject property as shown on survey of James R. Clark, R.L.S.

THIS PROPERTY constitutes no part of the Grantors homestead.

THIS CONVEYANCE is subject to any and all easements, restrictive or protective covenants, rights-of-way, zoning ordinances and reservations affecting said property of record.

TAXES for the year 2016 are hereby prorated and the same are hereby assumed by the Grantee herein. 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 Grantee herein.

WITNESS my signature on this the 25th day of March, 2016.

Amanda Holt
AMANDA HOLT

STATE OF Mississippi

COUNTY OF Harrison

Personally appeared before me, the undersigned authority in and for the said county and state on this 25 day of March, 2016, within my jurisdiction, the within named **AMANDA HOLT**, who acknowledged that she executed the above and foregoing instrument.

[Signature]
NOTARY PUBLIC

SEAL

My Commission Expires:



**MINUTES OF SEPTEMBER 22, 2016
PLANNING COMMISSION**

The clerk reported that twenty-two (22) notices of public hearing were sent by regular mail, to property owners within one hundred sixty feet (160') of the subject property. Notices were also posted on the bulletin boards at City Hall, the Building Official's office, and the Water Department, 201 Jeff Davis Avenue; Said notice was ordered as part of these proceedings:

City of Long Beach



LEGAL NOTICE

PUBLIC HEARING

In accordance with Article XIX of the Comprehensive Long Beach Unified Land Ordinance 598 of the City of Long Beach, Mississippi (2013) 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**.

Chris Patrick, 830 West Beach Boulevard, Long Beach, Mississippi 39560 has filed an application for a variance in accordance with the Comprehensive Long Beach Unified Land Ordinance **the applicant is requesting a reduction in the side yard setback requirement**. The tax parcel number is 05121-01-051.011. The legal description is as follows:

Lot 3, Seashore Townhomes, City of Long Beach, Mississippi, a subdivision according to the official map or plat on file and of record in the Office of the Chancery Clerk of the First Judicial District of Harrison County, Mississippi, in Plat Book 38 at Page 25, reference to which is hereby made in aid and as a part of this description.

A public hearing to consider the above variance will be held in the City of Long Beach, Mississippi 39560, Thursday, September 22, 2016, at 5:30 p.m., in the Long Beach City Hall Meeting Room located at 201 Jeff Davis Avenue. 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 SEPTEMBER 22, 2016
PLANNING COMMISSION**

AFFIDAVIT

STATE OF MISSISSIPPI
COUNTY OF HARRISON
CITY OF LONG BEACH

BEFORE ME, the under signed legal authority authorized to administer oaths in and for the jurisdiction aforesaid, on this day personally appeared before me, VERONICA HOWARD, known to me to be the Minutes Clerk of the City of Long Beach, Mississippi, Planning Commission, who being by me first duly sworn, deposes and says on oath as follows, to-wit:

1. That she is the duly appointed and acting Minutes Clerk of the City of Long Beach, Mississippi, Planning Commission;
2. That in such capacity, she is responsible for mailing Notices of Public Hearing for the purpose of notifying property owners within One Hundred Sixty Feet (160') of the subject property, when applications for zoning map changes, variances, appeals, etc., are filed, all as stipulated in The Zoning Ordinance Number 598 of the City of Long Beach; and other matters pertaining to such public hearings and the business of the Planning Commission in and for the City of Long Beach;
3. That on August 30, 2016, she did cause to be mailed, Notice of Public Hearing, a copy of which is attached hereto, to 22 property owners within 160' of U.S. Highway 90 and Seashore Avenue – Tax Parcel No. 0512I-01-051.011 notifying them that a public hearing will be held, September 22, 2016, to consider an application for Variance request filed by Chris Patrick.

Given under my hand this the 21st of September, 2016.


REBECCA E. SCHRUFF, AFFIANT

SWORN TO AND SUBSCRIBED before me on this the 21st day of September, 2016.




NOTARY PUBLIC

MINUTES OF SEPTEMBER 22, 2016
PLANNING COMMISSION

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WILLIAM AND JUDITH BARNETT
2248 SHEFFIELD DR
JACKSON MS 39211

COMMUNITY BANK COAST
PO BOX 1227
BILOXI MS 39533

ROBERT & JEREMIA DALEY
PO BOX 4273
GULFPORT MS 39502

SANDRA DALTON
37637 FIVE MILE RD 148
LIVONIA MI 48154

JAMES & KIMBERLY DEMARCO
9839 TUCKAHOE CT
MOBILE AL 36695

PAUL & JODY FERCHAUD
1582 LAUKAHI ST
HONOLULU HI 96821

MARGARET GESLER & JUAN ECHEVERRIA
125 TUSCANY DR
DESTIN FL 32541

ROGER & KAREN GLASS
13251 ROXBURY PL
GULFPORT MS 39503

DOUGLAS MOREAU GOTTSCHALK
124 ENGLISH VILLAGE DR
LONG BEACH MS 39560

FLOYD & RITA GUE
1142 CLIPPER DR
SLIDELL LA 70458

BETTY KING
13432 NEWBURRY DR
GULFPORT MS 39503

SEASHORE TOWNHOME OWNER'S ASSOC
DOUGLAS MORTIMER
PO BOX 1372
ROBBINSVILLE NC 28771

LESLIE ANN OLENJNIK
509 AUTUMN WALK
CANTON GA 30114

CHRISTOPHER PATRICK
7585 OLD JACKSON RD
FOREST MS 39074

KEVIN & CAROL ROACHE
127 HWY 22 APT N17
MADISONVILLE LA 70447

SAND DOLLAR CONDO'S
144 SEGOUIA RD
ST AUGUSTINE FL 32086

WILLIAM FRANK YOST
301 WEST HONORS PT CT
SLIDELL LA 70458

JAMES & SHARON SORENSEN
155 HWY A1A APT 304
SATTELITE BEACH FL 23937

MARGARET SPEARS
73675 DIAMONDHEAD DR N
DIAMONDHEAD MS 39525

LYDIA TASSIN
PO BOX 59
LONG BEACH MS 39560

CHRIS PATRICK
830 W BEACH BLVD
LONG BEACH MS 39560

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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, Leal Notice and Public Hearing, as evidence by the Publisher's Proof of Publication as follows:

**MINUTES OF SEPTEMBER 22, 2016
PLANNING COMMISSION**

Proof of Publication

STATE OF MISSISSIPPI

COUNTY OF HARRISON

Before me, the undersigned Notary of Harrison County, Mississippi personally appeared Crista Brackett 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 of 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. 132 No., 335 dated 2 day of Sept, 20 16
- 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 county for a period of more than twelve months next prior to the first publication of said notice.

Crista Brackett

Clerk

Sworn to and subscribed before me this 6 day of Sept, A.D., 20 16

Meri A. Jackson

Notary Public

*The Sun Herald has been deemed eligible for publishing legal notices in Jackson County to meet the requirements of Miss. Code 1972 Section 13-3-31 and 13-3-32



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PUBLIC HEARING**
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is/ signed
Chairman
Planning Commission
ADV2,1FRI
1580361

Commission Chairman asked for anyone speaking in favor of the request no one came forward to be heard.

**MINUTES OF SEPTEMBER 22, 2016
PLANNING COMMISSION**

* * *

Commission Chairman called for anyone speaking in opposition of the request, no one came forward to be heard.

* * *

Commissioner Carrubba made motion seconded by Commissioner Robertson and unanimously carried to close the public hearing.

Planning Commission Advisor/Consultant Bill Hessel stated that in his opinion the applicant was asking for a variance from a section of the ordinance not applicable to his situation.

It was the consensus of the Commission that the applicant should combine lot 2 with lot 3, to create a 54.69 ft. (approximately) (along HWY 90) wide lot and construct a single-family residential home meeting the setback requirements for R-3 zoning listed in Zoning Ordinance 598, Table 1.

After review and discussion Commissioner Carrubba made motion seconded by Commissioner Hansen and unanimously carried to table this agenda item until the next regular scheduled meeting, Thursday, October 13, 2016, to allow the applicant time to review the recommendations discussed in the public hearing.

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 September 2016, 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, Ron Robertson, Debra Cook, Planning Commission Advisor/Consultant Bill Hessel and minutes Clerk Veronica Howard.

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

Commissioner Frazer made motion seconded by Commissioner Hansen and unanimously carried to approve the regular meeting minutes of September 8, 2016 as submitted.

**MINUTES OF SEPTEMBER 22, 2016
PLANNING COMMISSION**

It came for consideration under old business discussion regarding amending the zoning ordinance to allow special use permits in all zoning districts.

Work Session was scheduled for Monday, October 10, 2016; 5:30 p.m.; City Hall Meeting Room; 201 Jeff Davis avenue.

It came for consideration under new business a tree removal request for one (1) Live Oak tree for property located at 106 East Avenue submitted by E. King Batey.



**MINUTES OF SEPTEMBER 22, 2016
PLANNING COMMISSION**

It was determined by Jim Heinzl, Certified Arborist that the tree in question is not a Live Oak tree, approval is not needed.

It came for discussion rebuilding at 6 Boggs Drive, tax parcel #0612E-03-118.001, Martha Gipson.

No action was taken or needed.

It came for discussion resubdivision of property located on Ray Road, tax parcel # 0611J-01-039.000, Larry Wilson.

No action was taken or needed.

It came for discussion Section 100: Special Use District of Ordinance 598.

No action was taken or needed.

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