

AGENDA
ZONING BOARD OF ADJUSTMENT AND APPEALS
CITY HALL COUNCIL CHAMBERS
THURSDAY, DECEMBER 16, 2021 AT 3:00 PM

- A. Prayer**
- B. Pledge of Allegiance**
- C. Call to Order**
- D. Determination of a Quorum**
- E. Confirmation of Agenda**
- F. Adoption of Minutes**

F1. Zoning Board Meeting - November 18, 2021

- G. Hearing of Cases**

G1. Public Declaration of Appeal Process of Chairman

Any person or any officer, department or agency of the City aggrieved by any decision of the Zoning Board of Adjustment and Appeals may, within fifteen (15) days thereafter appeal there from to the mayor and City Council by filing with the Planning Division a written notice of appeal specifying the decision from which the appeal is taken. In case of such appeal, the Zoning Board shall cause a transcript of the proceedings in the case to be certified to the mayor and City Council, and the matter will be heard on said transcripts. The filing fee for an appeal, is based on the actual cost of the required official transcript and any related miscellaneous charges. Any appeal shall be in writing and submitted to the Department of Urban Development-Planning Division stating what decision is being appealed and detailing how you are aggrieved.

G2. Anyone speaking today is asked to complete a "Speaker's Card".

Please provide the completed card at the time you speak to the Zoning Board. City staff personnel can assist in any questions you may have or in completing the card. This public meeting is open to all for comment.

G3. Routine Agenda

1. Variance 2112PC183:

Variance 2112PC183, by agent Kevin Taylor, tax parcels 0911E-01-050.000, 0911E-01-051.000, Request variance for setbacks, 629 and 617 2nd Street, Zoned R-1-7.5 (Single-family), Ward 2

2. Variance 2112PC186:

Variance 2112PC186, by owner T&D Homes LLC, tax parcel 0911C-02-011.000, Variances for front & side setbacks, Searle Ave, Zoned R-1-7.5 (Single-family), Ward 2

3. Variance 2112PC192:

Variance 2112PC192, by agent Watters Architecture, tax parcel 0910A-03-002.000, Request variance for setback, 18 Kimball Dr, Zoned R-1-7.5 (Single-family), Ward 4

4. Variance 2112PC194:

Variance 2112PC194, by owner Brookestone Gulf Coast, LLC, tax parcel 1009N-01-002.043, Variance for side street setback, Lot 43 (Brookestone), Zoned R-2 (Single-family), Ward 5.

5. Variance 2112ZB195:

Variance 2112ZB195, by owners Christopher & Kathryn Dennis Spear, tax parcel 1010N-01-086.000, Request variance for parking material, 2004 Saint James Blvd., Zoned B-1 (Neighborhood business), Ward 2

6. Variance 2112ZB197:

Variance 2112ZB197, by owners Guy and Doulentha Wells, tax parcel 0811H-05-101.000, Variance for parking reduction, backing into the right-of-way, area requirement, and parking material, 1400 20th St, Zoned R-2 (Single-family), Ward 3

H. Adjournment

MINUTES

ZONING BOARD OF ADJUSTMENT AND APPEALS MEETING

Thursday, November 18, 2021 3:00 P.M.

GULFPORT CITY COUNCIL CHAMBERS

- A. **Prayer**: The Zoning Board led a prayer.
- B. **Pledge of Allegiance**: The Pledge of Allegiance was recited.
- C. **Call to Order**: The meeting of the Planning Commission was called to order at **3:01 pm**
- D. **Determination of a Quorum**: A Roll Call was conducted and a quorum was determined.

BOARD MEMBERS PRESENT:

LEE PALERMO
LESLIE NORTH
MARY ANN WIGINTON
MICHAEL DANIELS
ROBERT PHARR
NATHAN BODDIE
JONATHAN MARSHALL

BOARD MEMBERS ABSENT:

STAFF MEMBERS PRESENT

GREG HOLMES
SU-LIN BOLIN
NELISIA NEWELL
DEREK DUCKWORTH

COURT REPORTER:

NORMA SOROE

E. Confirmation of Agenda:

F. Approval of Minutes:

Motion by **Ms. North** and seconded by **Mr. Marshall** to approve Minutes of the **November 18, 2021**, Zoning Board meeting was carried unanimously.

G. Hearing of cases:

G1. The declaration of appeal process was read by the Chairman of the Zoning Board: Any person or any officer, department, or agency of the city aggrieved by any decision of the Board of Adjustment and appeals may within fifteen (15) days thereafter appeal there from to the mayor and city council by filing with the Planning Division a written notice of appeal specifying the decision from which the appeal is taken. In case of such appeal, the Planning Division shall cause a transcript of the proceedings in the case to be certified to the mayor and city council, and the matter will be heard on said transcript. The filing fee for an appeal is based on the actual cost of the required official transcript and any related miscellaneous charges. Any appeal shall be in writing and submitted to the Department of Urban Development – Planning Division stating what decision is being appealed and detailing how you are aggrieved.

G2. The Chairman asked all individuals speaking at today's meeting to complete a speaker's card.

G3. Routine Agenda:

1. Variance 2110ZB161:

Variance 2110ZB161, by owner Kaleb Fredericks, tax parcel 0810E-02-104.000, Request variance for lot size, Monroe St, Zoned R-1-5 (Single-family), Ward 3

Speaking for the Petition: Kimberly Bass Fredericks

Speaking against the Petition: None

Motion: Mr. Boddie - To approve applicant request.

Second: Mrs. Wiginton – To approve applicant request.

Lee Palermo	- Chairman -
Leslie North	- Yea
Mary Ann Wiginton	- Yea
Michael Daniels	- Yea
Robert Pharr	- Yea
Nathan Boddie	- Yea
Jonathan Marshall	- Yea

Action: Motion carried unanimously.

2. Variance 2112SE181:

Special Exception 2112SE181, by agent Ryan Goldin, tax parcel 0910B-04-025.000, Requests a Day Care use, 55 51st St, Zoned R-1-7.5 (Single-family), Ward 4

Speaking for the Petition: Laurie Whitten, Ryan Goldin

Speaking against the Petition: None

Motion: Ms. North – To approve applicant request.

Second: Mrs. Wiginton- To approve applicant request.

Lee Palermo	- Chairman -
Leslie North	- Yea
Mary Ann Wiginton	- Yea
Michael Daniels	- Yea
Robert Pharr	- Yea
Nathan Boddie	- Yea
Jonathan Marshall	- Yea

Action:

Adjournment:

Motion by **Mr. Pharr** to adjourn the meeting was seconded by **Mrs. Wiginton** and carried unanimously. The meeting adjourned at **3:14 pm** .

THESE MINUTES WERE APPROVED BY A VOTE OF THE ZONING BOARD OF ADJUSTMENT AND APPEALS.

Nathan Boddie, Secretary

Date: _____

MEMORANDUM

To: City of Gulfport Zoning Board of Adjustment and Appeals

From: Greg Holmes, Planning Administrator
Urban Development Department

Date of Hearing: December 16, 2021

Re: Public Declaration of Appeal Process of Chairman

MEMORANDUM

To: City of Gulfport Zoning Board of Adjustment and Appeals

From: Greg Holmes, Planning Administrator
Urban Development Department

Date of Hearing: December 16, 2021

Re: Anyone speaking today is asked to complete a "Speaker's Card".

MEMORANDUM

To: City of Gulfport Zoning Board of Adjustment and Appeals

From: Greg Holmes, Planning Administrator
Urban Development Department

Date of Hearing: December 16, 2021

Re: Routine Agenda

MEMORANDUM

To: City of Gulfport Zoning Board of Adjustment and Appeals

From: Greg Holmes, Planning Administrator
Urban Development Department

Date of Hearing: December 16, 2021

Re: Variance 2112PC183:

Variance 2112PC183, by agent Kevin Taylor, tax parcels 0911E-01-050.000, 0911E-01-051.000,
Request variance for setbacks, 629 and 617 2nd Street, Zoned R-1-7.5 (Single-family), Ward 2

Technical Report

VARIANCE

GENERAL INFORMATION

Case File Number: 2112ZB183

Hearing Date: December 16, 2021

Current Zoning/Use: R-1-7.5 / Vacant

Legal: Variance 2112PC183, by agent Kevin Taylor, tax parcels 0911E-01-050.000, 0911E-01-051.000, Request variance for setbacks, 629 and 617 2nd Street, Zoned R-1-7.5 (Single-family), Ward 2

TECHNICAL DETAILS

Variances involve special cases where unique factors contribute to justify a use of property that does not conform to the City's enforced ordinances. Therefore, variances should not be granted unless they are able to adequately meet the following conditions:

- (a) That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district;
- (b) The special conditions and circumstances do not result from the actions of the applicant;
- (c) That an unnecessary hardship is created by the physical character of the property and is peculiar and unusual to such an extent that it is evidence that amendment of the zoning ordinance does not offer a reasonable solution;
- (d) That literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by properties in the same district under the terms of this ordinance;
- (e) That the granting of the variance will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same district, other than to permit the applicant to use their property in a manner as nearly equivalent to uses generally permitted in the district considering the conditions and circumstances involved and the hardship;
- (f) That the use proposed is permissible by right or with planning approval or by special exception.

(Ord. App. A Sec. VIII (B)(2)(c)(1))

Technical Report

VARIANCE

The applicant requests a variance of 9.6 feet to allow for a front setback of 15.4 feet where 25 feet are required. Due to the height of structure, length of steps will encroach 9.6 feet into the required front setback.

- (a) The applicant notes that the property is located in a flood zone and due to the height of the home causes the steps to be over 3 feet, which is considered a structure, the steps impede within the 25-foot front setback.
- (b) In the application, the applicant cites that the home is approximately 4,000 square feet and designed with parking underneath. The home will meet the 25 feet setback, only the steps will encroach required setback.
- (c) In review of the site plan submitted by the applicant, the plan shows a service alley in the rear to prohibit pushing the house back. Currently, the rear setback of 8 feet meet the required setback at this time.
- (d) The applicant further states that "if the home was built on slab grade, steps would not be necessary. To abide by flood regulations, and best use of property, we would like to elevate the structure." "This concept has been done on case by case bases in the past."
- (e) Similar variances in regards for setbacks has been granted in this particular area in the past.
- (f) This property is zoned R-1-7.5 (Single-family), and a single family home is permitted by right.

EXECUTIVE SUMMARY

In review of the site plan submitted by the applicant, the plan shows a service alley in the rear to prohibit pushing the house back. Currently, the rear setback of 8 feet meet the required setback at this time. Further, similar variances in regards for setbacks has been granted in this particular area in the past

Any approval should consider these conditions:

1. Approval of this variance will allow a front yard setback of 15.4 feet.

DEPARTMENTAL CONDITIONS

<u>Engineering:</u>	No conditions. Memo dated 12/6/2021.
<u>Public Works:</u>	No conditions. Memo dated 12/6/2021.
<u>Traffic and Safety:</u>	No conditions. Memo dated 12/6/2021.
<u>Building Code Services:</u>	Must meet all building Codes and all other city ordinance. Memo dated 11/30/2021
<u>GIS:</u>	No conditions. Memo dated 12/3/2021.
<u>Police Department:</u>	No conditions. Memo dated 12/6/2021.

12.12

Technical Report

VARIANCE

Fire Department: No conditions. Memo dated 11/30/2021.

City Arborist: No conditions. Memo dated 11/30/2021.

DIRECTOR APPROVAL

This report has been reviewed and approved by:



Greg Pietrangelo
Director of Urban Development Department



CITY OF GULFPORT
Urban Development - Planning Division
1410 24th Avenue
Gulfport, MS 39501
(228) 868-5710

APPLICATION FOR VARIANCE

Property Information

TAX PARCEL #

0	9	1	1	E
0	9	1	1	E

 -

0	1
0	1

 -

0	5	0
0	5	1

 .

0	0	0
0	0	0

(If necessary, use separate sheet of paper)

For Staff Use Only

Case File #: 2112PC183

Date Received: 10-22-21

Receipt #: _____

Received By: _____

Zoning: R-1-7.5

Ward: 2 Flood: AE

Size: _____

Address of Property Involved: 629 2nd ST And 617 2nd street

Lot(s) 16, 17, 18, 19, Block(s) _____, Subdivision _____

General Location: _____

GENERAL DESCRIPTION OF REQUEST:

Front Steps into Setback of 25'
Requesting 10' into Setback

OWNERSHIP AND CERTIFICATION:

I hereby certify that I have read and understand this application and that all information and attachments are true and correct. I also certify that I agree to comply with all applicable city codes, ordinances and state laws. Finally, I certify that I am the owner of the property involved in this request or have authorization to act as the owner's agent for the herein described request.

OWNER

Robert and Rebecca Brashier
Printed Name Of Owner

1728 SECOND STREET

Mailing Address

GULFPORT MS 39501

City State Zip code

228-216-3021

Home Phone Work/Cell Phone

BOBBY.BRASHIER@BXSTICOM

Email

R. and A. Brashier

Signature Of Owner

AGENT

Kevin Taylor
Printed Name Of Agent

P.O. Box 8472

Mailing Address

GULFPORT MS 39506

City State Zip code

228-861-3888

Home Phone Work/Cell Phone

plumhomesinc@bellsouth.net

Email

Kevin Taylor

Signature Of Agent

If the property or properties listed above have more than one owner, please check this box. In the case of multiple owners, reverse side must be completed. Each additional owner will need to complete and sign the reverse side of this application. We can only accept applications with original signatures.



SECTIONS A. THROUGH G. MUST BE SUBMITTED FOR A COMPLETE APPLICATION.

This page must be completed if the property or properties involved have more than one owner. All persons listed as owners to the property or properties listed on page one must complete and sign this part of the application.

I hereby certify that I have read and understand this application and that all information and attachments are true and correct. I also certify that I agree to comply with all applicable city codes, ordinances and state laws. Finally, I certify that I am the owner of the property involved in this request or authorized to act as the owner's agent for herein described request.

NAME OF OWNER (PRINT) Robert And Rebecca Blashier

ADDRESS (STREET, CITY, STATE, ZIP CODE) _____

PHONE # (H) _____ (WK/CELL) _____

TAX PARCEL NUMBER(S) OWNED 0911E-01-050.000 + 0911E-01-051.000

SIGNATURE: _____

NAME OF OWNER (PRINT) B

ADDRESS (STREET, CITY, STATE, ZIP CODE) _____

PHONE # (H) _____ (WK/CELL) _____

TAX PARCEL NUMBER(S) OWNED _____

SIGN: _____

NAME OF OWNER (PRINT) _____

ADDRESS (STREET, CITY, STATE, ZIP CODE) _____

PHONE # (H) _____ (WK/CELL) _____

TAX PARCEL NUMBER(S) OWNED _____

SIGNATURE: _____

(Use additional forms as needed)

IN CASES OF MULTIPLE APPLICANTS, PLEASE IDENTIFY THE PERSON WHO WILL BE ACTING AS YOUR SPOKES

PERSON/AGENT FOR YOU: Kevin Taylor



Designation of Agent

I, ROBERTA A. BRASHIER, being owner of the property 629-617 SECOND ST
PRINT NAME PRIMARY ADDRESS OR PARCEL
which is the subject of this application hereby authorize KEVIN TAYLOR to act as my
PRINT NAME
representative with the City of Gulfport's Zoning Board of Adjustment and Appeals, and/or Planning
Commission, and/or City Council, and/or permitting and licensing, as required by the City.

Such representation shall be for all purposes concerning any manner, right, or obligation relating to this
petition. This designation authorizes my agent to make verbal or written representations and/or
declarations on my behalf, and I shall be legally bound by said verbal or written representations and/or
declarations relating to this petition.

The petitioner understands and acknowledges that the City will rely upon the agent's representations in
approval or denial of said petition.

Roberta A. Brasher

Signature

10/22/2021

Date

STATE OF MISSISSIPPI | COUNTY OF HARRISON

Given under my hand and seal of office this the 22nd day of October, 20 21

Brenda S Chapman

Notary Public

03-22-2025

Commission Expiration





Covenant Affidavit

I, Robert Brashier,

PRINT NAME

being owner or agent of the property

0911E-01-050.000
0911E-01-051.000

PRIMARY ADDRESS OR PARCEL

which is the subject of this application, hereby state that this variance request is not in violation of any restrictive or protective covenants.

Robert Brashier

Signature

10-22-2021

Date

STATE OF MISSISSIPPI | COUNTY OF HARRISON

Given under my hand and seal of office this the 22nd day of October, 2021

Brenda S. Chapman

Notary Public



3-22-2025

Commission Expiration

3

3

3

3

Site Plan

Brashier Residence

Gulport MS

PRELIMINARY BID SET

NOT FOR CONSTRUCTION

FORMS (2020) - LOCAL NOTES

1. THE INFORMATION CONTAINED HEREIN IS FOR INFORMATIONAL PURPOSES ONLY AND IS NOT TO BE USED FOR ANY OTHER PURPOSE.

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SCOTT NOTE

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1001 GULFPORT AVENUE, SUITE 200

DAKOTA, NE 68601

PH: 402.334.0018

RJ ELDER

Site Plan

Scale: 1" = 10'-0"

Proposed House Location

Setbacks:

- 8' Setback (Front)
- 8' Setback (Side)
- 25' Setback (Rear)
- 25' Setback (Side)

Streets:

- PLATTED STREET
- SECOND STREET
- PLATTED 15' ALLEY

Other Features:

- Front Porch
- Rear Porch
- Steps
- 131'
- 120'
- 15'-4" (Handwritten note)

Handwritten Note:

Proposed - 15'-4" front of steps to property front

Brushier

- ① Due to height of structure, length of steps will encroach Appx: 10' into A Current 25' Setback Requirement.
- ② Due to the depth of home, depth of property, designer has A home of Appx: 4,000 SF designed And parking underneath. The structure will fit into required setback, steps only encroach.
- ③ There is A Service Alley in rear that Prohibits pushing structure back to Allow steps inside Setback requirements.
- ④ If the home was built on Slab grade, steps would not be necessary. To Abide by Flood regulations, And best use of property, we would like to elevate structure. This Concept has been done on case by case basis in the past.
- ⑤ We do not feel we will have Any benefit, by Approval, that has not been done for other properties in Same Area.
- ⑥ Planning Approval of encroachment of steps only would Allow us to build, best use of property, New home.



J. H. H. 1st Judicial District
Instrument 2019 6785 D -J1
Filed/Recorded 8/15/2019 03:00 P
Total Fees \$ 16.00
2 Pages Recorded

Prepared by and after recording return to:
Michael B. McDermott, MS Bar No. 2379
Page, Mannino, Peresich & McDermott, P.L.L.C.
759 Howard Avenue
Biloxi, MS 39530
(228) 374-2100

STATE OF MISSISSIPPI
COUNTY OF HARRISON
FIRST JUDICIAL DISTRICT

INDEXING INSTRUCTIONS: EXEMPT

WARRANTY DEED

FOR AND IN CONSIDERATION of the sum of Ten and no/100 Dollars (\$10.00), cash in hand paid, and other good and valuable considerations, the receipt and sufficiency of which is hereby acknowledged, the undersigned,

JAMES K. WETZEL AND GARNETTE ANN WETZEL
P. O. Drawer I
Gulfport, MS 39502
(228)864-6400

do hereby sell, convey and warrant unto

ROBERT A. BRASHIER AND REBECCA D. BRASHIER
2523 Provence Place
Biloxi, MS 39531
(228)374-2000

as tenants in common and not as joint tenants with full rights of survivorship, the following described real property, together with all improvements thereon, located in the First Judicial District of Harrison County, Mississippi, more particularly and certainly described as follows:

The West 12 feet off of LOT 15 and all of LOT 16, BLOCK TWO (2) MISSISSIPPI LAND AND ABSTRACT COMPANY SUBDIVISION A PART OF HEWES ADDITION, to City of Gulfport, as shown on the official map or plat thereof on file and of record in the First Judicial District office of the Chancery Clerk of Harrison County, Mississippi.

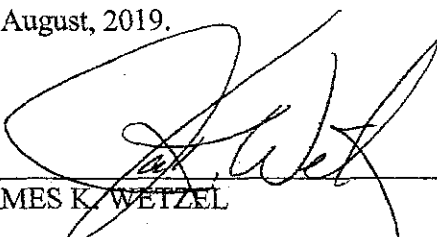
AND

LOTS 17, 18, and 19 inclusive, BLOCK 2, Mississippi Land Abstract Company's Subdivision of Hewes Addition to the City of Gulfport in accordance with the map or plat thereof on file and of record in the office of the Chancery Clerk of said County and State, being the same property conveyed to Marion Elizabeth Davis by Nona L. Hornor by deed dated December 12, 1983, and recorded in Book 1006, at Page 80, of the Land Deed Records for the First Judicial District of Harrison County, Mississippi.

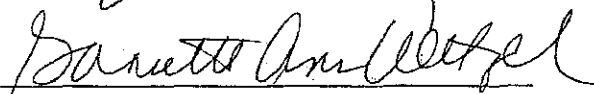
This conveyance is subject to all restrictions, reservations and easements affecting said property on file and of record in the Office of the Chancery Clerk of the First Judicial District of Harrison County, Mississippi.

Ad valorem taxes for the year 2019 have been prorated between the parties hereto and the obligation to pay same is assumed by the Grantees herein, who will pay same when due.

WITNESS our signatures on this the 9th day of August, 2019.



JAMES K. WETZEL



GARNETTE ANN WETZEL

STATE OF MISSISSIPPI
COUNTY OF HARRISON

PERSONALLY APPEARED BEFORE ME, the undersigned authority, a notary public in and for the aforesaid jurisdiction, the within named JAMES K. WETZEL AND GARNETTE ANN WETZEL, who acknowledged that he/she/they signed and delivered the above and foregoing instrument on the day and year therein set forth and mentioned.

GIVEN UNDER MY HAND, and official seal of office, this 9th day of August, 2019.

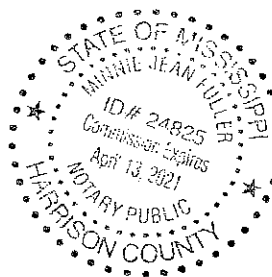


NOTARY PUBLIC

My Commission Expires:

(SEAL)

56259



TAX YEAR 20 22



LAND ROLL CHANGE REQUEST FORM

The Tax Assessor's office will no longer combine or split parcels upon request unless there is a deed or other legal document filed of record in the Chancery Clerk's office within the proper legal time frame and which meets the statutory requirements, or unless there is an official written request given to this office by a governing entity.

Owner: ROBERT ALLEN BRASHIER Date: 10-27-21
AND REBECCA D. BRASHIER
Address: 1728 2ND STREET, GULFPORT, MS 39501

Phone # (228) 216-3021 Request taken by: KL

BEFORE THIS REQUEST CAN BE COMPLETED BY THE TAX ASSESSOR'S OFFICE THE FOLLOWING MUST BE CHECKED BY A DEPUTY FOR EACH PARCEL INVOLVED AND MUST BE SIGNED BY THE PROPERTY OWNER.

Parcel Numbers Involved
0911E-01-050.000 0911E-01-051.000

- ☐ SPLIT
- ☒ COMBINATION (PARCEL # TO KEEP) _____
- | | | | | |
|---|-----|-------------------------------------|----|-------------------------------------|
| ☒ ARE PARCELS CONTIGUOUS | YES | ☒ | NO | ☐ |
| ☒ ARE PARCELS MIXED TITLE | YES | ☐ | NO | ☒ |
| ☒ ARE THERE IMPROVEMENTS INVOLVED | YES | ☐ | NO | ☒ |
- ☐ IF THERE ARE IMPROVEMENTS, WHICH PARCEL OR PARCELS ARE THE IMPROVEMENTS LOCATED ON _____
-
- | | | | | |
|---|-----|--------------------------|----|-------------------------------------|
| ☒ IS THERE A HOMESTEAD INVOLVED | YES | ☐ | NO | ☒ |
|---|-----|--------------------------|----|-------------------------------------|
- ☐ IF THERE IS A HOMESTEAD INVOLVED, WHICH PARCEL HAS THE PRIMARY HOME ON IT _____
- | | | | | |
|---|-----|-------------------------------------|----|--------------------------|
| ☒ ARE PARCELS IN SAME TAXING DIST | YES | ☒ | NO | ☐ |
|---|-----|-------------------------------------|----|--------------------------|
- ☐ IF THIS IS A SPLIT FOR A MOBILE HOME, HAS THE SPLIT BEEN APPROVED BY ZONING
- | | | | |
|-----|--------------------------|----|--------------------------|
| YES | ☐ | NO | ☐ |
|-----|--------------------------|----|--------------------------|
- ☒ ARE ALL APPLICABLE GOVERNMENTAL REQUESTS ATTACHED
- | | | | |
|-----|-------------------------------------|----|--------------------------|
| YES | ☒ | NO | ☐ |
|-----|-------------------------------------|----|--------------------------|

PROPERTY OWNER

If a mortgage company pays the taxes on any of the parcels involved in this request, it is up to you, the property owner, to notify the mortgage company of the change that may result from this request if approved.

Signature of property owner: Robert Allen Brashier

If not signed in front of a Deputy Tax Assessor this form must be notarized.



Site

US or State Highway

Street

Alley

Parcels

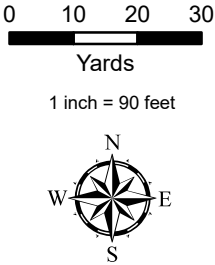
Buildings

Zoning

R-1-7.5 - Single Family Residence District (Low Density)

Site Information

0911E-01-050.000
0911E-01-051.000
Zoning: R-1-7.5 (Single Family)
Size: 15,206 sq ft.
Flood: AE



DATA DISCLAIMER: All information that is provided on this map is believed to be correct. However, no liability is assumed by the City of Gulfport for errors in substance or form of any of the materials published on this map. The GIS Division, City of Gulfport, provides the information represented on this map as a service to the community and makes every effort possible to provide quality information. However, no claims, promises, or guarantees about the accuracy, completeness, or adequacy of the information contained on this map are expressed or implied.

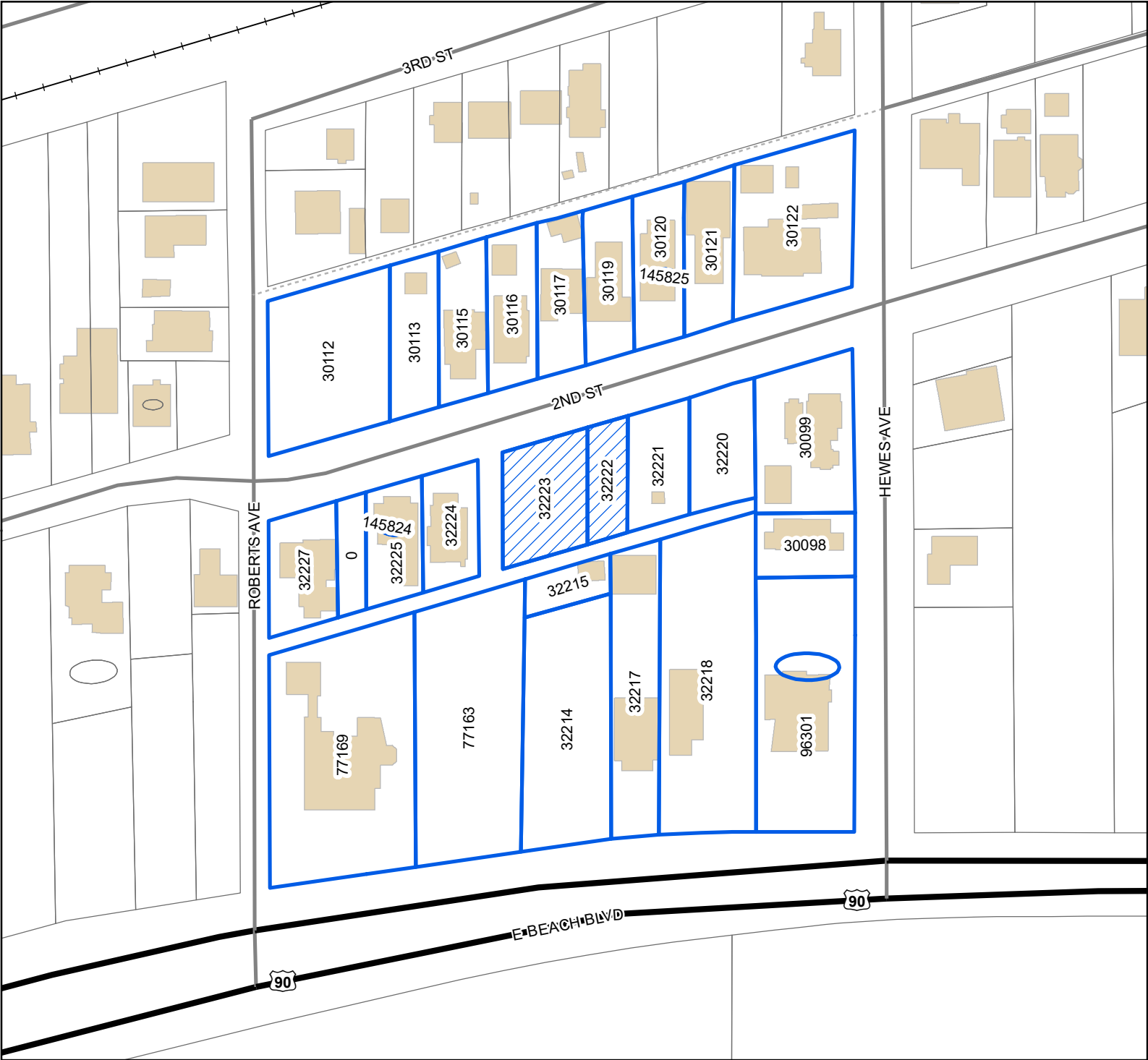
RE: Variance 2112PC183, by agent Kevin Taylor, tax parcels 0911E-01-050.000, 0911E-01-051.000, Request variance for setbacks, 629 and 617 2nd Street, Zoned R-1-7.5 (Single-family), Ward 2

To Applicants and Adjacent Property Owners:

The City of Gulfport Zoning Board of Adjustments and Appeals will hold a public hearing to consider the above application at 3:00 P.M. on **Thursday, December 16, 2021**, in the Council Chambers at the Gulfport City Hall located at 2309 15th Street.

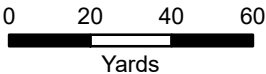
For more information, visit <http://www.gulfport-ms.gov/agendas.shtml> then click the City of Gulfport Zoning Board for **Thursday, December 16, 2021**. A map showing the location of the property involved is located at this website. If you have any questions or comments, please contact this office at the phone number 228-868-5710 or email planners@gulfport-ms.gov. The application is available for viewing in the Planning Division office at 1410 24th Avenue.

Mail	PPIN	Parcel ID	Name	Address	City	State	ZIP
Y			Robert & Rebecca Brashier (Owner)	1728 Second Street	Gulfport	MS	39501
Y			Kevin Taylor (Agent)	PO Box 8472	Gulfport	MS	39506
Adjacent Property Owners							
	77163	0911E-01-059.000	BARRETT BRISTER BALDWIN	4238 MONTROSE DR	MEMPHIS	TN	38117
	30117	0911E-01-005.000	BETHEA BEATRICE M -EST-	622 2ND ST	GULFPORT	MS	39501
N	32221	0911E-01-052.000	BETHEA JACK R	622 2ND ST	GULFPORT	MS	39501
	30098	0911F-01-020.000	BISHOP KENNETH O & BETTY	1515 HEWES AVE	GULFPORT	MS	39507
	32215	0911E-01-058.000	BRUNET HEIDI	10 PEPPERVINE TRAIL	BALD HEAD	NC	28461
N	32214	0911E-01-057.000	BRUNET HEIDI	10 PEPPERVINE TRAIL	BALD HEAD	NC	28461
	30116	0911E-01-006.000	CASSADY JOHN M & SUE L	626 2ND ST	GULFPORT	MS	39501
	30115	0911E-01-007.000	CONERLY JUDITH CAROLYN BARRETT	P O BOX 7486	GULFPORT	MS	39506
	77169	0911E-01-061.000	HAGE PHILIP J	400 PASS RD	GULFPORT	MS	39507
	30121	0911E-01-001.000	HASSIN PATRICIA & KELEAL -TRUSTEES	614 2ND ST	GULFPORT	MS	39501
	96301	0911F-01-021.000	HEWES WILLIAM G III & PAULA M	P O BOX 2867	GULFPORT	MS	39505
	30112	0911E-01-009.000	JONES RONALD E & PEGGY S	33 53RD ST	GULFPORT	MS	39507
N	30113	0911E-01-008.000	JONES RONALD E & PEGGY S	33 53RD STREET	GULFPORT	MS	39507
	32224	0911E-01-049.000	LAJAUNIE DEVON M & STACIE BLOUNT	7500 SAGE MEADOW	DENHAM SPRINGS LA		70726
	30099	0911F-01-019.000	MEDLIN RICKEY DALE	601 2ND ST	GULFPORT	MS	39501
	32227	0911E-01-046.000	MERRITT HERMAN B & LAURA L	645 2ND ST	GULFPORT	MS	39501
	30120	0911E-01-002.000	MILLER DENNIS W & CHERYL S	529 WINDSOR DRIVE	MADISON	MS	39110
N	145825	0911E-01-002.001	MILLER DENNIS W & CHERYL S	529 WINDSOR DR	MADISON	MS	39110
	30122	0911F-01-018.000	MOORE S GEORGE & JUDITH K	606 2ND ST	GULFPORT	MS	39501
	32218	0911E-01-055.000	MURDOCK MARGARET ESTELLE	612 EAST BEACH BLVD	GULFPORT	MS	39501
	32220	0911E-01-053.000	POLOVICH KEITH & MICHELLE R	1703 PASS RD	BILOXI	MS	39531
	30119	0911E-01-003.000	STRAIN FRANCIS & PATRICIA A	620 2ND ST	GULFPORT	MS	39501
	32217	0911E-01-056.000	WETZEL JAMES K & GARNETTE ANN	616 E BEACH BLVD	GULFPORT	MS	39507
	145824	0911E-01-048.001	WILSON MARCI	633 2ND ST	GULFPORT	MS	39501
N	32225	0911E-01-048.000	WILSON MARCI R	633 2ND ST	GULFPORT	MS	39501



Legend

- Site
- Adjacent Properties
- US or State Highway
- Street
- Alley
- Railroad
- Buildings



1 inch = 142 feet



DATA DISCLAIMER: All information that is provided on this map is believed to be correct. However, no liability is assumed by the City of Gulfport for errors in substance or form of any of the materials published on this map. The GIS Division, City of Gulfport, provides the information represented on this map as a service to the community and makes every effort possible to provide quality information. However, no claims, promises, or guarantees about the accuracy, completeness, or adequacy of the information contained on this map are expressed or implied.

THANK YOU for your legal submission!

Your legal has been submitted for publication. Below is a confirmation of your legal placement. You will also receive an email confirmation.

ORDER DETAILS**Order Number:****IPL0050927****Order Status:**

Submitted

Classification:

Legals & Public Notices

Package:

BLX - Legal Ads

Final Cost:

40.56

Payment Type:

Account Billed

User ID:

IPL0024925

ACCOUNT INFORMATION

GULFPORT URBAN DEVELOPMENT IP

PO BOX 1780

GULFPORT, MS 39502

228-868-5705

AccountsPayable@gulfport-ms.gov

GULFPORT URBAN DEVELOPMENT

TRANSACTION REPORT**Date**

November 24, 2021 11:29:33 AM EST

Amount:

40.56

SCHEDULE FOR AD NUMBER IPL00509270

December 1, 2021

SunHerald (Biloxi)

PREVIEW FOR AD NUMBER IPL00509270**LEGAL NOTICE
PUBLIC HEARING**

In conformance with Section VII of the Comprehensive Zoning Ordinance of the City of Gulfport, Mississippi, 1979, as amended, notice is hereby given advising that the Zoning Board of Adjustment and Appeals will hold a public hearing in the City of Gulfport, Mississippi at 3:00 PM., Thursday, December 16, 2021, in the Council Chambers of the Gulfport City Hall located at 2309 15th Street to consider the following requests. A copy of the requests will be available for public review at the office of the Department of Urban Development-Planning Division located on first floor of the William H. Hardy Building, 1410 24th Avenue.

Variance 2112PC183, by agent Kevin Taylor, tax parcels 0911E-01-050.000, 0911E-01-051.000, Request variance for setbacks, 629 and 617 2nd Street, Zoned R-1-7.5 (Single-family), Ward 2.

Variance 2112B185, by agent Kris Lafleur, tax parcel 1010N-01-081.000, Variance for multiple accessory buildings, construction of an RV cover pole barn, 2014 St James Blvd, Zoned R-1-7.5 (Single-family), Ward 2.

Variance 2112PC186, by owner T&D Homes LLC, tax parcel 0911C-02-011.000, Variances for front & side setbacks, Searle Ave, Zoned R-1-7.5 (Single-family), Ward 2.

Variance 2112PC192, by agent Watters Architecture, tax parcel 0910A-03-002.000, Request variance for setback, 18 Kimball Dr, Zoned R-1-7.5 (Single-family), Ward 4.

Variance 2112PC194, by owner Brookstone Gulf Coast, LLC, tax parcel 1009N-01-002.043, Variance for side street setback, Lot 43 (Brookstone), Zoned R-2 (Single-family), Ward 5.

Variance 2112B195, by owners Christopher & Kathryn Dennis Spear, tax parcel 1010N-01-086.000, Request variance for parking material, 2004 Saint James Blvd, Zoned B-1 (Neighborhood business), Ward 2.

Variance 2112B197, by owners Guy and Doulantha Wells, tax parcel 0811H-05-101.000, Variance for parking reduction, backing into the right-of-way, area requirement, and parking material, 1400 20th St, Zoned R-2 (Single-family), Ward 3.

This the 23rd day of November 2021
A. Lee Palermo, Chairman
City of Gulfport Zoning Board of Adjustment and Appeals
WC00000000
Publication Dates

[<< Click here to print a printer friendly version >>](#)

MEMORANDUM

To: City of Gulfport Zoning Board of Adjustment and Appeals

From: Greg Holmes, Planning Administrator
Urban Development Department

Date of Hearing: December 16, 2021

Re: Variance 2112PC186:

Variance 2112PC186, by owner T&D Homes LLC, tax parcel 0911C-02-011.000, Variances for front & side setbacks, Searle Ave, Zoned R-1-7.5 (Single-family), Ward 2

Technical Report

VARIANCE

GENERAL INFORMATION

Case File Number: 2112PC186

Hearing Date: December 16, 2021

Current Zoning/Use: R-1-7.5 / Vacant property

Legal: Variance 2112PC186, by owner T&D Homes LLC, tax parcel 0911C-02-011.000, Variances for front & side setbacks, Searle Ave, Zoned R-1-7.5 (Single-family), Ward 2

TECHNICAL DETAILS

Variances involve special cases where unique factors contribute to justify a use of property that does not conform to the City's enforced ordinances. Therefore, variances should not be granted unless they are able to adequately meet the following conditions:

- (a) That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district;
- (b) The special conditions and circumstances do not result from the actions of the applicant;
- (c) That an unnecessary hardship is created by the physical character of the property and is peculiar and unusual to such an extent that it is evidence that amendment of the zoning ordinance does not offer a reasonable solution;
- (d) That literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by properties in the same district under the terms of this ordinance;
- (e) That the granting of the variance will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same district, other than to permit the applicant to use their property in a manner as nearly equivalent to uses generally permitted in the district considering the conditions and circumstances involved and the hardship;
- (f) That the use proposed is permissible by right or with planning approval or by special exception.

(Ord. App. A Sec. VIII (B)(2)(c)(1))

Technical Report

VARIANCE

The applicant requests variances in order to build a new home on an existing property. Specifically, the applicant requests: 1) a 10-foot variance to allow a 15-foot front yard setback where 25 feet are required, 2) a 10-foot variance to allow a 15-foot side yard setback where 25 feet are required for a second frontage.

- (a) The applicant notes that the property "is too small to put the house on it." While the property does have limited land space, the city has a zoning district that would allow properties of that size to be created. The major difference is the zoning yard requirements for this property that matches the surrounding properties. With the property being vacant, the situation is uncommon but not unique.
- (b) In the application, it is stated that the applicant could not build a home under the current setbacks. They may not be able to build the home they currently have planned; however, a buildable envelope is present and the home may need to be redesigned to have a smaller footprint or to have a second story. As such, the applicant creates the hardship.
- (c) These variances would not be needed with more lenient setbacks requirements. Additionally, there are already small lot exceptions in the code that the applicant can utilize.
- (d) The applicant provides a statement about not being able to utilize a back porch with the property size. With a rear yard requirement, this statement is only accurate to the size of the rear yard that is desired.
- (e) When looking at the surrounding blocks, there are a few structures that are closer than the standard setback, but not many.
- (f) This property is zoned R-1-7.5, and single-family home is a permitted use.

EXECUTIVE SUMMARY

Considering the size of the property and the existing small lot exceptions in the code, the hardship is the result of the applicant.

Any approval should consider these conditions:

- 1. Approval grants a 10-foot variance to allow a 15-foot front yard setback where 25 feet are required.
- 2. Approval grants a 10-foot variance to allow a 15-foot side yard setback where 25 feet are required for a second frontage
- 3. Contain roof runoff. Cannot adversely impact adjacent properties with drainage.
- 4. Must meet all current building codes and all other City of Gulfport Ordinances

DEPARTMENTAL CONDITIONS

Engineering: Cannot adversely impact adjacent properties with drainage. Memo dated 12/06/2021.

Public Works: Contain roof runoff. Cannot adversely impact adjacent properties with drainage. Memo dated 12/6/2021.

Traffic and Safety: No conditions. Memo dated 12/06/2021.

Technical Report

VARIANCE

Building Code Services: Must meet all current building codes and all other City of Gulfport Ordinances. Memo dated 11/30/2021.

GIS: No conditions. Memo dated 12/03/2021.

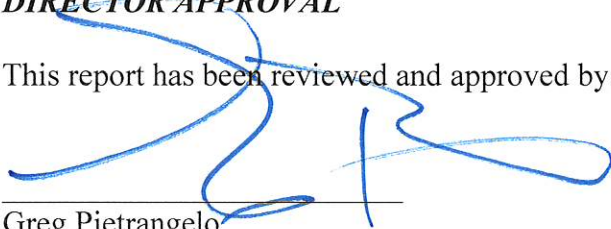
Police Department: No conditions. Memo dated 12/06/2021.

Fire Department: No conditions. Memo dated 11/30/2021.

City Arborist: No conditions. Memo dated 11/30/2021.

DIRECTOR APPROVAL

This report has been reviewed and approved by:



Greg Pietrangelo
Director of Urban Development Department



CITY OF GULFPORT
Urban Development - Planning Division
1410 24th Avenue
Gulfport, MS 39501
(228) 868-5710

For Staff Use Only

Case File #: 2112PC186Date Received: 10-29-21

Receipt #: _____

Received By: _____

Zoning: R-1-7.5Ward: 2 Flood: XSize: 5,050 sqft

(If necessary, use separate sheet of paper)

TAX PARCEL #

0	9	1	1	C

 -

0	2

 -

0	1	1

 .

0	0	0

Address of Property Involved: 1620 Searle AvenueLot(s) 47 + 48, Block(s) BLK 7, Subdivision HEWES ADD

General Location: _____

GENERAL DESCRIPTION OF REQUEST:

15' set back from property line of the road.

OWNERSHIP AND CERTIFICATION:

I hereby certify that I have read and understand this application and that all information and attachments are true and correct. I also certify that I agree to comply with all applicable city codes, ordinances and state laws. Finally, I certify that I am the owner of the property involved in this request or have authorization to act as the owner's agent for the herein described request.

OWNER

AGENT

T & D Homes LLC Thomas McNair

Printed Name Of Owner

16786 Ty Ridge Road

Mailing Address

Gulfport Ms 39503

City

State

Zip code

(228) 617-2158

Home Phone

Work/Cell Phone

Same as above

Email

Thomasmcnair@bellsouth.net

Signature Of Owner

Printed Name Of Agent

Mailing Address

City

State

Zip code

Home Phone

Work/Cell Phone

Email

Signature Of Agent

If the property or properties listed above have more than one owner, please check this box. In the case of multiple owners, reverse side must be completed. Each additional owner will need to complete and sign the reverse side of this application. We can only accept applications with original signatures.



SECTIONS A. THROUGH G. MUST BE SUBMITTED FOR A COMPLETE APPLICATION.



Covenant Affidavit

I, Thomas McNair, being owner or agent of the property 0911C-02-001.000
PRINT NAME PRIMARY ADDRESS OR PARCEL

which is the subject of this application, hereby state that this variance request is not in violation of any restrictive or protective covenants.

Thomas C. McNair Sr. 10-29-21
Signature Date

STATE OF MISSISSIPPI | COUNTY OF HARRISON

Given under my hand and seal of office this the 29th day of October, 2022

Brenda S Chapman
Notary Public



03-22-2025
Commission Expiration

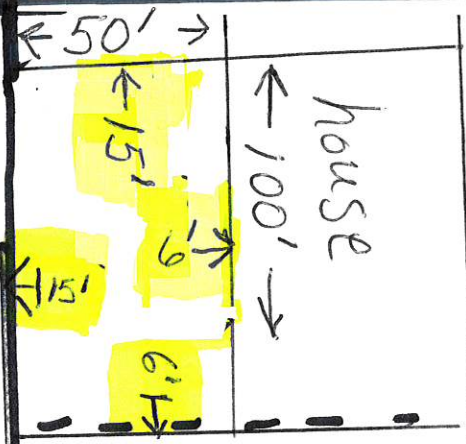
- ① The lot is only 50^{ft} by 100^{ft} so the lot is too small to put the house on it.
- ② I would like to build a house with the width of 29^{ft} and the 25' set back will not allow me to build the house.
- ③ It would be much easier for the city to change the set back to 15^{ft} because it's very little traffic on the street, and the footprint of the lot is so small,
- ④ by not allowing the 15^{ft} variance it won't allow me to enjoy a back porch and outside area.
- ⑤ I think if someone was in my situation I think that they should be granting the same.
- ⑥ yes.

TAX Parcel #
0911C-02-011.000
1620 Searle Ave.
Lot 47 + 48
BLK 7

Gravel Road

empty lot
empty lot

1620
Searle Ave.



3 Rd. Alley

3 Rd Alley

house

Searle Ave.

house

house

2nd St

Prepared by:
David B. Pilger
Attorney at Law
1406 Bienville Blvd., Suite 101
Ocean Springs, MS 39564
(228) 215-0011

Grantors:
Allen D. Moss, Jr.
Tina M. Moss
12261 Amanda Way
Gulfport, MS 39503
(228) 669-1785

Return To:
David B. Pilger
Attorney at Law
1406 Bienville Blvd., Suite 101
Ocean Springs, MS 39564
(228) 215-0011

Grantee:
T & D Homes, LLC, a Mississippi limited liability company
16786 Ty Ridge Rd.
Gulfport, MS 39503
(228) 617-2158

File No. Z210505S

INDEXING INSTRUCTIONS: Part of Lots 47 & 48, Blk 7, Hewes Add to the city of Gulfport, MS,
1st JD, Harrison County, MS

STATE OF MISSISSIPPI
COUNTY OF HARRISON
FIRST JUDICIAL DISTRICT

WARRANTY DEED

FOR AND IN CONSIDERATION OF the price and sum of TEN AND NO/100 DOLLARS (\$10.00), cash in hand paid, and other good and valuable consideration, the receipt and sufficiency of all of which is hereby acknowledged, we, **Allen D. Moss, Jr. and Tina M. Moss**, do hereby sell, convey and warrant unto **T & D Homes, LLC, a Mississippi limited liability company**, all of that certain tract, piece or parcel of land situated in Harrison County, Mississippi, together with all improvements, buildings, fixtures, and appurtenances thereunto belonging, and being more particularly described as follows, to-wit:

The North 100 feet of Lots 47 and 48, Block 7, of Hewes Addition to the City of Gulfport, Mississippi, a subdivision according to the map or plat thereof on file and of record in the office of the Chancery Clerk in the First Judicial District of Harrison County, Mississippi, in Plat Book 3, at Page 10.

This being the same property as that conveyed to Allen D. Moss, Jr. and Tina M. Moss, by instrument recorded in 1352, at Page 77, Land Deed Records of Harrison County, Mississippi.

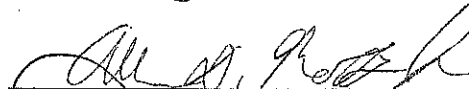
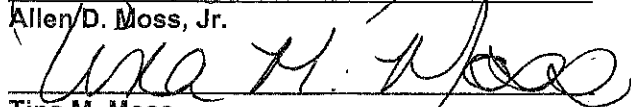
If this property is bounded by water, this conveyance includes any natural accretion, and is subject to any erosion due to the action of the elements. Such riparian and littoral rights as exist are conveyed herewith but without warranty as to their nature or extent. If any portion of the property is below the mean high tide watermark, or is coastal wetlands as defined in the Mississippi Coastal Wetlands Protection Act it is conveyed by quitclaim only.

Grantor(s) quitclaim any and all oil, gas, and other minerals owned, if any, to Grantee(s). No mineral search was requested or performed by preparer.

This conveyance is subject to any and all covenants, rights of way, easements, restrictions and reservations of record in the office of the Chancery Clerk in the First Judicial District of Harrison County, Mississippi.

It is agreed and understood that the taxes for the current year have been pro-rated 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 Parties hereto agree to make all necessary adjustments on the basis of an actual proration.

WITNESS OUR SIGNATURES, on this the 29th day of October, 2021.


Allen D. Moss, Jr.

Tina M. Moss

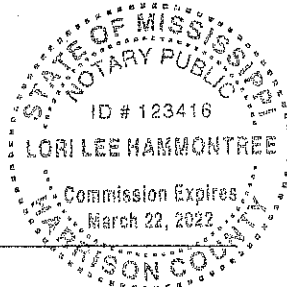
ACKNOWLEDGEMENT

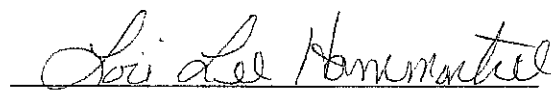
STATE OF MISSISSIPPI
COUNTY OF HARRISON

PERSONALLY APPEARED BEFORE ME, the undersigned authority in and for the jurisdiction aforesaid, **Allen D. Moss, Jr. and Tina M. Moss**, who acknowledged before me that they signed, executed and delivered the above and foregoing instrument on the day and year thereof, for the use and purposes therein mentioned.

GIVEN UNDER MY HAND AND OFFICIAL SEAL, on this the 29th day of October, 2021.

(AFFIX SEAL)

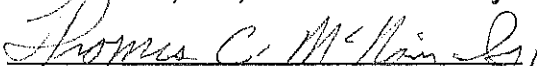



NOTARY PUBLIC

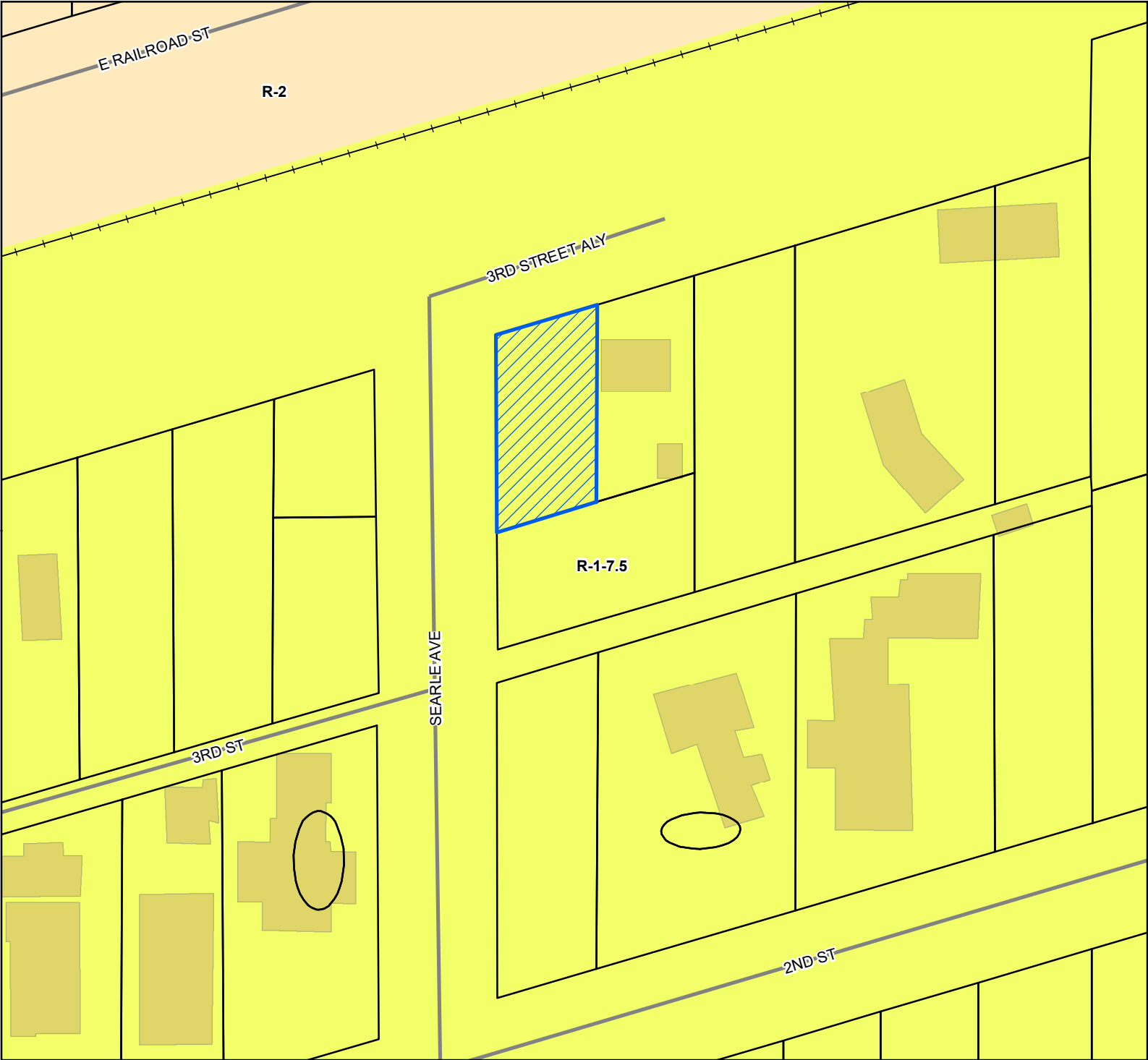
My commission expires: _____

DEED ACCEPTED BY:

T & D Homes, LLC, a MS limited liability company,



By: Thomas Curtis McNair, Sr.,
Sole Member



Site

Street

Railroad

Parcels

Buildings

Zoning

R-1-7.5 - Single Family Residence District (Low Density)

R-2 - Single Family Residence District (Medium Density)

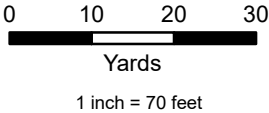
Site Information

0911C-02-011.000

Zoning: R-1-7.5 (Single Family Zone)

Size: 5,050 sq ft.

Flood: X



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RE: Variance 2112PC186, by owner T&D Homes LLC, tax parcel 0911C-02-011.000, Variances for front & side setbacks, Searle Ave, Zoned R-1-7.5 (Single-family), Ward 2

To Applicants and Adjacent Property Owners:

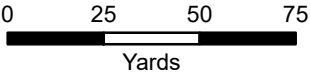
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For more information, visit <http://www.gulfport-ms.gov/agendas.shtml> then click the City of Gulfport Zoning Board for **Thursday, December 16, 2021**. A map showing the location of the property involved is located at this website. If you have any questions or comments, please contact this office at the phone number 228-868-5710 or email planners@gulfport-ms.gov. The application is available for viewing in the Planning Division office at 1410 24th Avenue.



Legend

- Site
- Adjacent Properties
- Street
- Railroad
- Buildings



1 inch = 150 feet



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Mail	PPIN	Parcel ID	Name	Address	City	State	ZIP
	30175	0911C-02-011.000	T&D Homes LLC	16786 Ty Ridge Rd	GULFPORT	MS	39503
n			Adjacent Property Owners				
	129175	0911C-02-035.002	ALLEN MISSY K	11498 BRIARSTONE PLACE	GULFPORT	MS	39503
n	129174	0911C-02-035.001	ALLEN MISSY K	11498 BRIARSTONE PLACE	GULFPORT	MS	39503
	30160	0911C-02-033.000	ANDERSON ROY IV & LESSIE R THOMAS	424 2ND STREET	GULFPORT	MS	39507
	30192	0911C-01-188.000	BAUMANN DONALD DOUGLAS	5482 CLUBB DR	SAN JOSE	CA	95127
	30190	0911C-01-186.000	BRYANT RICHARD E	506 E RAILROAD ST	GULFPORT	MS	39501
	30148	0911C-02-013.000	BULEY KAREN	2412 BURKE ST	GULFPORT	MS	39507
n	55611	0911C-02-015.000	BULEY KAREN	2412 BURKE ST	GULFPORT	MS	39507
	30174	0911C-02-012.000	HORY PAUL & JUDITH	111 WOODHAVEN DR	GULFPORT	MS	39507
	55470	0911C-01-190.000	LAND TRUST FOR MISS COASTAL PLAIN	PO BOX 245	BILOXI	MS	39533
	30151	0911C-02-016.000	LINDSAY LISA L	511 3RD ST	GULFPORT	MS	39507
	55384	0911C-01-187.000	NETTLES MATHILDA G	218 PERRY ST	GULFPORT	MS	39507
	30147	0911C-02-014.000	PEDEN ASHLEY A & LOVELESS PENNY N	24 47TH ST	GULFPORT	MS	39507
	30176	0911C-01-189.000	PEDERSEN TIA SAUCIER	2216 SEARLE AVE	GULFPORT	MS	39503
	30161	0911C-02-034.000	PHILLIPS DANIEL S & ERIN DEANNE	410 SECOND STREET	GULFPORT	MS	39501
	30173	0911C-02-010.000	ROBERTSON THERESA JONES & CHADWICK	431- 3RD STREET	GULFPORT	MS	39507
	30145	0911C-02-030.000	RYLAND CHARLES G & RHODA L	911 2ND STREET	GULFPORT	MS	39501
n	130554	0911C-02-016.001	RYLAND CHARLES G & RHODA L	911 2ND STREET	GULFPORT	MS	39501
	30189	0911C-01-185.000	TAYLOR LAWRENCE N & JACQUELINE Y	512 EAST RAILROAD ST	GULFPORT	MS	39507
	30159	0911C-02-032.000	TERINGO FRANCES S -LIFE EST-	859 2ND STREET	GULFPORT	MS	39501
	30146	0911C-02-031.000	VANKIRK F WILLIAM III & LAUREN HIAT	500 2ND ST	GULFPORT	MS	39507

THANK YOU for your legal submission!

Your legal has been submitted for publication. Below is a confirmation of your legal placement. You will also receive an email confirmation.

ORDER DETAILS**Order Number:****IPL0050927****Order Status:**

Submitted

Classification:

Legals & Public Notices

Package:

BLX - Legal Ads

Final Cost:

40.56

Payment Type:

Account Billed

User ID:

IPL0024925

ACCOUNT INFORMATION

GULFPORT URBAN DEVELOPMENT IP

PO BOX 1780

GULFPORT, MS 39502

228-868-5705

AccountsPayable@gulfport-ms.gov

GULFPORT URBAN DEVELOPMENT

TRANSACTION REPORT**Date**

November 24, 2021 11:29:33 AM EST

Amount:

40.56

SCHEDULE FOR AD NUMBER IPL00509270

December 1, 2021

SunHerald (Biloxi)

PREVIEW FOR AD NUMBER IPL00509270**LEGAL NOTICE
PUBLIC HEARING**

In conformance with Section VII of the Comprehensive Zoning Ordinance of the City of Gulfport, Mississippi, 1979, as amended, notice is hereby given advising that the Zoning Board of Adjustment and Appeals will hold a public hearing in the City of Gulfport, Mississippi at 3:00 PM., Thursday, December 16, 2021, in the Council Chambers of the Gulfport City Hall located at 2309 15th Street to consider the following requests. A copy of the requests will be available for public review at the office of the Department of Urban Development-Planning Division located on first floor of the William H. Hardy Building, 1410 24th Avenue.

Variance 2112PC183, by agent Kevin Taylor, tax parcels 0911E-01-050.000, 0911E-01-051.000, Request variance for setbacks, 629 and 617 2nd Street, Zoned R-1-7.5 (Single-family), Ward 2.

Variance 2112B185, by agent Kris Lafleur, tax parcel 1010N-01-081.000, Variance for multiple accessory buildings, construction of an RV cover pole barn, 2014 St James Blvd, Zoned R-1-7.5 (Single-family), Ward 2.

Variance 2112PC186, by owner T&D Homes LLC, tax parcel 0911C-02-011.000, Variances for front & side setbacks, Searle Ave, Zoned R-1-7.5 (Single-family), Ward 2.

Variance 2112PC192, by agent Watters Architecture, tax parcel 0910A-03-002.000, Request variance for setback, 18 Kimball Dr, Zoned R-1-7.5 (Single-family), Ward 4.

Variance 2112PC194, by owner Brookstone Gulf Coast, LLC, tax parcel 1009N-01-002.043, Variance for side street setback, Lot 43 (Brookstone), Zoned R-2 (Single-family), Ward 5.

Variance 2112B195, by owners Christopher & Kathryn Dennis Spear, tax parcel 1010N-01-086.000, Request variance for parking material, 2004 Saint James Blvd, Zoned B-1 (Neighborhood business), Ward 2.

Variance 2112B197, by owners Guy and Doulantha Wells, tax parcel 0811H-05-101.000, Variance for parking reduction, backing into the right-of-way, area requirement, and parking material, 1400 20th St, Zoned R-2 (Single-family), Ward 3.

This the 23rd day of November 2021

A. Lee Palermo, Chairman

City of Gulfport Zoning Board of Adjustment and Appeals

WC0000000

Publication Dates

[<< Click here to print a printer friendly version >>](#)

MEMORANDUM

To: City of Gulfport Zoning Board of Adjustment and Appeals

From: Greg Holmes, Planning Administrator
Urban Development Department

Date of Hearing: December 16, 2021

Re: Variance 2112PC192:

Variance 2112PC192, by agent Watters Architecture, tax parcel 0910A-03-002.000, Request variance for setback, 18 Kimball Dr, Zoned R-1-7.5 (Single-family), Ward 4

Technical Report

VARIANCE

GENERAL INFORMATION

Case File Number: 2112PC192

Hearing Date: December 16, 2021

Current Zoning/Use: R-1-7.5 / Single-family house

Legal: Variance 2112PC192, by agent Watters Architecture, tax parcel 0910A-03-002.000, Request variance for setback, 18 Kimball Dr, Zoned R-1-7.5 (Single-family), Ward 4

TECHNICAL DETAILS

Variances involve special cases where unique factors contribute to justify a use of property that does not conform to the City's enforced ordinances. Therefore, variances should not be granted unless they are able to adequately meet the following conditions:

- (a) That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district;
- (b) The special conditions and circumstances do not result from the actions of the applicant;
- (c) That an unnecessary hardship is created by the physical character of the property and is peculiar and unusual to such an extent that it is evidence that amendment of the zoning ordinance does not offer a reasonable solution;
- (d) That literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by properties in the same district under the terms of this ordinance;
- (e) That the granting of the variance will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same district, other than to permit the applicant to use their property in a manner as nearly equivalent to uses generally permitted in the district considering the conditions and circumstances involved and the hardship;
- (f) That the use proposed is permissible by right or with planning approval or by special exception.

(Ord. App. A Sec. VIII (B)(2)(c)(1))

Technical Report

VARIANCE

The applicant requests a variance in order to place a studio on the property. Specifically, the request is for a variance to allow a 1-foot 6- inch side yard setback where 8 feet are required. This request is to place a non-dwelling outbuilding outside of the AE flood zone and avoid damage to a Live Oak tree.

- (a) The applicant states, “with very limited clearing amongst soaring Live Oaks and within the favorable flood plain, the area is quite small.” With regards to the Live Oaks and flood plain, the majority of the Live Oaks are in the front of the property outside of the AE flood zone. In addition, the vast open parcel would allow the accessory structure to meet side setback requirements.
- (b) In the application, the applicant cites that the special condition is due to wanting to place the studio so that it protects the tree from damage. It is notable to want to save a Live Oak. However, there is ample room to place the proposed elevated structure on the property that is outside of the trees footprint.
- (c) The applicant cites that since most of the Live Oaks are located in the 0.2% flood on the lot, which is a small area, creates an unnecessary hardship because they would be forced to place the studio in an AE flood plain. There are parcels in the city’s limits that are entirely in a flood plain and structures are still placed on the property. Furthermore, the city is constantly adding new lots in flood zones. Accessory structures in a flood zone aren’t heavily regulated.
- (d) All structures should meet ordinance. While there are exceptions in the neighborhood, none of the structures are new.
- (e) Granting this variance would provide special privileges and set a precedence as no other properties in the surrounding neighborhood have accessory structures that do not comply with the City ordinance.
- (f) This property is zoned R-1-7.5, and single-family home with one accessory structure are allowed by right.

EXECUTIVE SUMMARY

No legitimate hardships were provided by the applicant in the written request. City ordinance requires 6 hardship conditions to be met in order to justify a variance.

Any approval should consider these conditions:

1. Approval grants a variance to allow a 1 foot 6 inch side yard setback where 8 feet is required.
2. Must meet all current building codes and all other City of Gulfport Ordinances.
3. Drainage cannot adversely impact adjacent property.

DEPARTMENTAL CONDITIONS

Engineering: Do not adversely impact adjacent property with drainage. Memo dated 12/6/2021.

Public Works: Drainage cannot adversely impact adjacent property. Memo dated 12/6/2021.

Technical Report

VARIANCE

Traffic and Safety: No conditions. Memo dated 12/6/2021.

Building Code Services: Must meet all current building codes and all other City of Gulfport Ordinances. Memo dated 11/30/2021.

GIS: No conditions. Memo dated 12/3/2021.

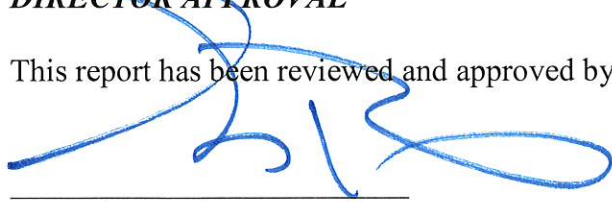
Police Department: No conditions. Memo dated 12/6/2021.

Fire Department: No conditions. Memo dated 11/30/2021.

City Arborist: No conditions. Memo dated 11/30/2021.

DIRECTOR APPROVAL

This report has been reviewed and approved by:



Greg Pietrangelo
Director of Urban Development Department



CITY OF GULFPORT
Urban Development - Planning Division
1410 24th Avenue
Gulfport, MS 39501
(228) 868-5710

For Staff Use Only

Case File #: 2112PC192Date Received: 11-02-21

Receipt #: _____

Received By: _____

Zoning: R-1-7.5Ward: 4 Flood: XSize: 3.44 acres

APPLICATION FOR VARIANCE

Property Information

TAX PARCEL #

0	9	1	0	A

 -

0	3

 -

0	0	2

 •

0	0	0

(If necessary, use separate sheet of paper)

Address of Property Involved: 18 Kimball Drive, Gulfport MS 39507

Lot(s) _____, Block(s) _____, Subdivision _____

General Location: _____

GENERAL DESCRIPTION OF REQUEST:

• 18" South side yard set back

Request to reduce side setback for studio (non-dwelling ancillary structure) to avoid damage to mature Live Oaks.

OWNERSHIP AND CERTIFICATION:

I hereby certify that I have read and understand this application and that all information and attachments are true and correct. I also certify that I agree to comply with all applicable city codes, ordinances and state laws. Finally, I certify that I am the owner of the property involved in this request or have authorization to act as the owner's agent for the herein described request.

OWNER

AGENT

Kevin + Terry Steckler
Printed Name Of Owner
1012 East Adams Avenue
Mailing Address
Orange CA 92867
City State Zip code
(714) 240-0479
Home Phone Work/Cell Phone
rpgkevin@aol.com
Email

Signature Of Owner

Leah Watters, Watters Architecture
Printed Name Of Agent
133 Davis Ave., Suite K
Mailing Address
Pass Christian MS 39571
City State Zip code
(228) 222-5672 (228) 276-9006
Home Phone Work/Cell Phone
leah@wattersarch.com
Email
Leah Wth

Signature Of Agent

If the property or properties listed above have more than one owner, please check this box. In the case of multiple owners, reverse side must be completed. Each additional owner will need to complete and sign the reverse side of this application. We can only accept applications with original signatures.



SECTIONS A. THROUGH G. MUST BE SUBMITTED FOR A COMPLETE APPLICATION.

11.02.2021

Gulfport Variance Request - Supplemental Sheet

at: 18 Kimball Avenue, Gulfport MS 39507

for: Kevin and Terry Steckler
% Leah Watters, Watters Architecture
228.222.5672 office
228.276.9006 cell
leah@wattersarch.com

General Description of Request:

Variance request to reduce side yard setback for Studio (non-dwelling outbuilding) from 8' to 1'-6" in order to avoid damage to mature Live Oak roots.

F. Questions:

1. *Demonstrate that special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district. (i.e., What is special about your property that you need to request a variance?)*
 - **Answer: The lot is complicated by a very limited clearing amongst soaring Live Oaks and within the favorable flood plain. The lot contains 24 mature Live Oak trees - all of which will be protected. The X500 area is quite small.**
2. *Demonstrate that the special conditions and circumstances do not result from the actions of the applicant. (i.e., Show that you did not cause need for the variance.)*
 - **Answer: The Studio location has been selected so that it is within a clearing in order to protect trees from damage.**
3. *Demonstrate that an unnecessary hardship is created by the physical character of the property and is peculiar and unusual to such an extent that it is evidence that amendment of the zoning ordinance does not offer a reasonable solution.*

(i.e., Explain what your hardship is and why the property cannot comply with the zoning ordinance. Further, explain why this hardship is not commonly found on other properties?)

- **Answer: The most mature Live Oaks are in the X500 flood plain, which is a very small portion of the total lot. Without this variance, the Studio would be forced to be built too close to a mature tree, or would be forced to be located in an AE flood plain.**

4. *Demonstrate how the literal interpretation of the provisions of the zoning ordinance would deprive the applicant of rights commonly enjoyed by properties in the same district under the terms of the zoning ordinance. (i.e., Explain how the request meets the right of reasonable economic return and/or the right to reasonable development of your property which might generally be expected in your district.)*

- **Answer: The Studio as an outbuilding is fitting to the overall size of the lot. The constraint of the lot is the small portion that is in the X500 and that is filled with mature trees. As such, the least harmful act to the Live Oaks and that enables building within the X500 is to reduce the side yard setback.**

5. *Demonstrate that the granting of the variance will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same district, other than to permit the applicant to use their property in a manner as nearly equivalent to uses generally permitted in the district considering the conditions and circumstances involved and hardship. (i.e., Will you receive any special benefit that others who follow the Zoning Ordinance cannot receive?) special privilege is being requested.*

- **Answer: This variance will serve only to protect the Live Oak trees while extending the right to build an outbuilding.**

6. *State whether the use proposed is permissible by right, with planning approval or by special exception with respect to uses of land or structures.*

- **Answer: No change in use is requested.**

Timothy Haller
14 Kimball Dr
Gulfport, MS 39507
228-324-1262

11-1-21

To Whom It May Concern:

My wife and I have spoken to Terry and Kevin Steckler, 18 Kimball Dr, and discussed their plans to construct a detached building near our adjoining property line. I have no objections to the construction of this building.

Regards,

Timothy Haller
Timothy Haller

WATTERS

ARCHITECTURE

133 Davis Avenue, Suite K
Pass Christian MS 39571
228.222.5672 office

October 11, 2021

TO: Department of Urban Development
The City of Gulfport
1410 24th Avenue
Gulfport MS 39501

LETTER OF AUTHORIZATION

Please be advised that Kevin Steckler authorizes Watters Architecture
To act as an agent on my (our) behalf relating to obtaining all Variance, Planning and
Historical Commission Approvals.

Our Agent is designated and responsible for the following:

- ☒ Deliver payment for fees and deposits.
- ☒ Provide payment of fees and deposits.
- ☒ Submit drawings and applications.
- ☒ Represent I(us) at meetings that we can't attend.
- ☐ Other: _____

I(we) further understand and agree that I(we) shall remain responsible for all permit
conditions, permit provisions, fees, deposits, additional charges and collections resulting
from application processing and approval issuing.

Signature: _____

Date: _____

Name: _____

Kevin Steckler

WATTERS

ARCHITECTURE

133 Davis Avenue, Suite K
Pass Christian MS 39571
228.222.5672 office

October 11, 2021

TO: Department of Urban Development
The City of Gulfport
1410 24th Avenue
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conditions, permit provisions, fees, deposits, additional charges and collections resulting
from application processing and approval issuing.

Signature: _____

Date: _____

Name: _____

18 Kimball Drive
Gulfport, MS 39503

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of Orange

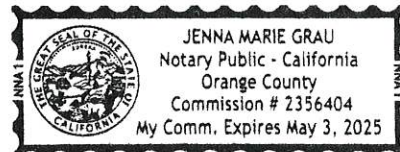
On November 2, 2021 before me, Jenna Marie Grau, Notary Public
(insert name and title of the officer)

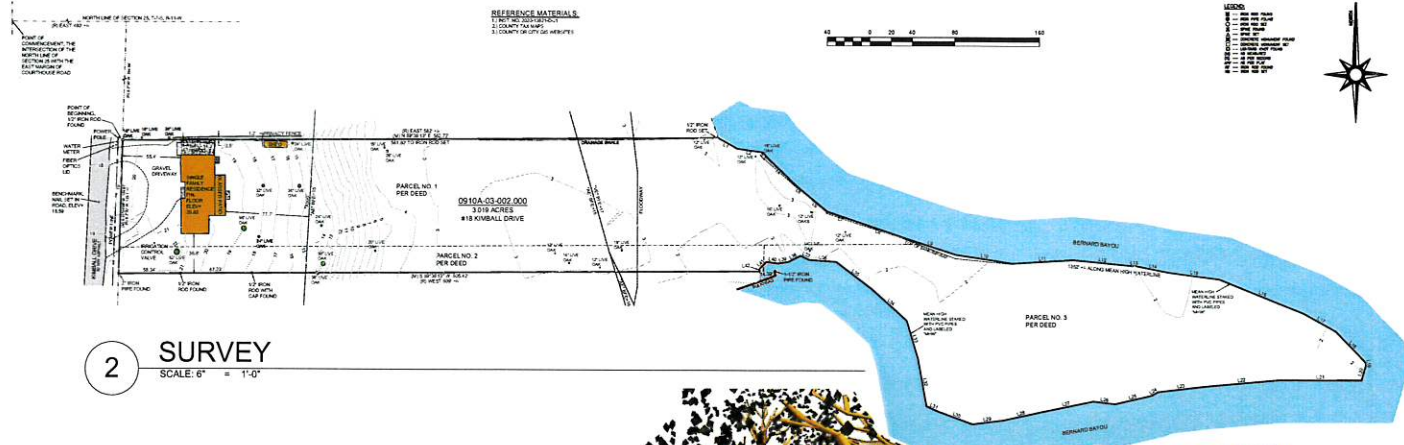
personally appeared Kevin Steckles
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Jenna Marie Grau (Seal)

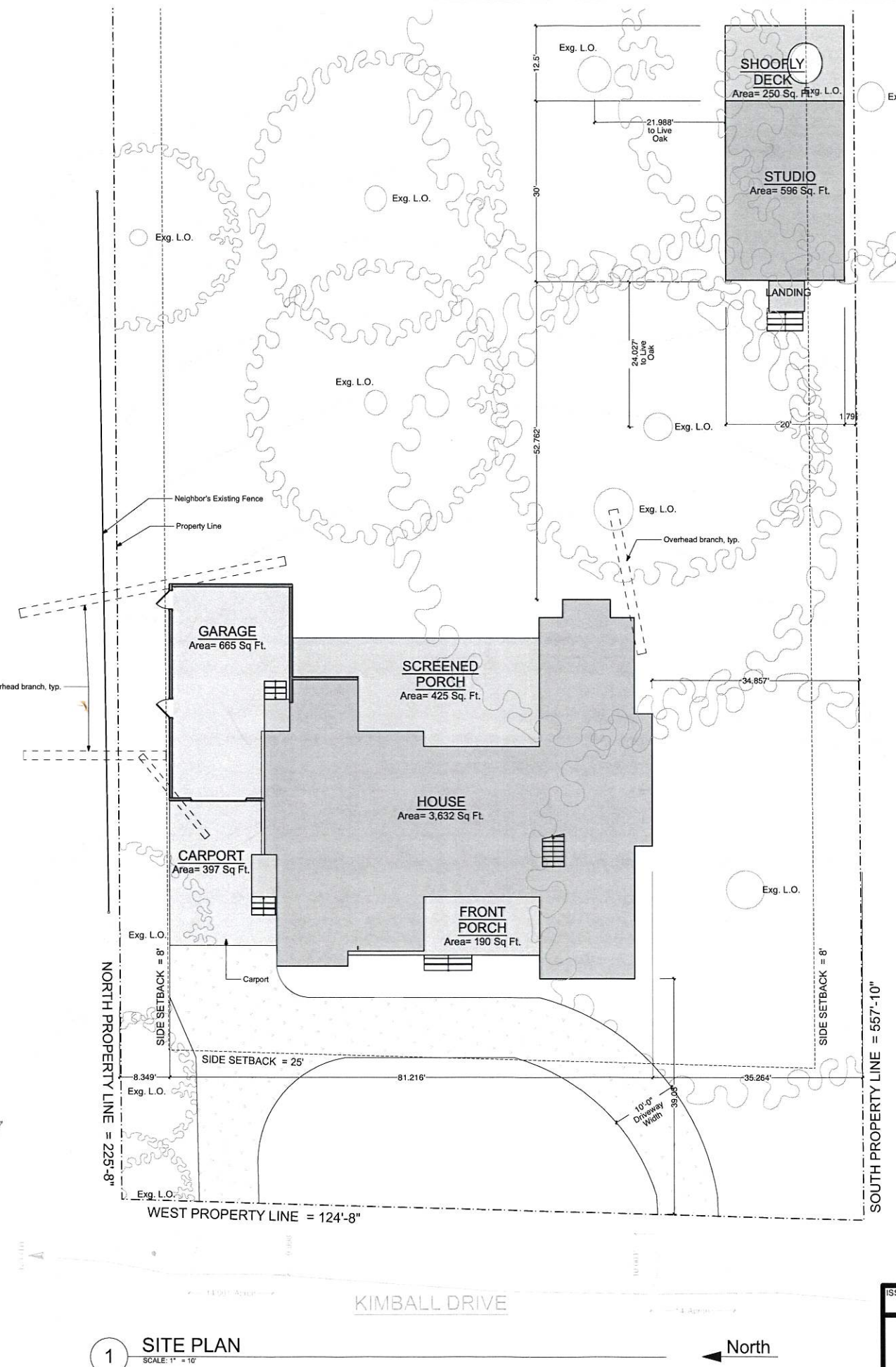


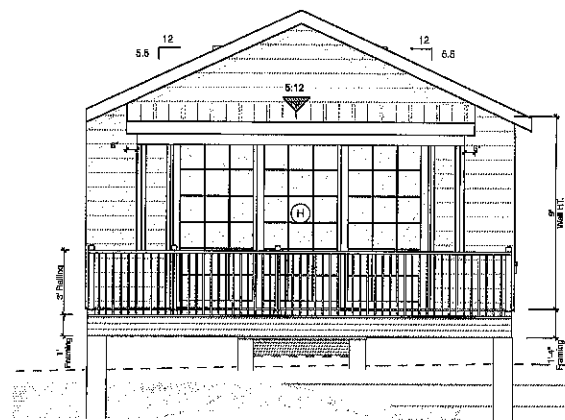


Steckler Residence

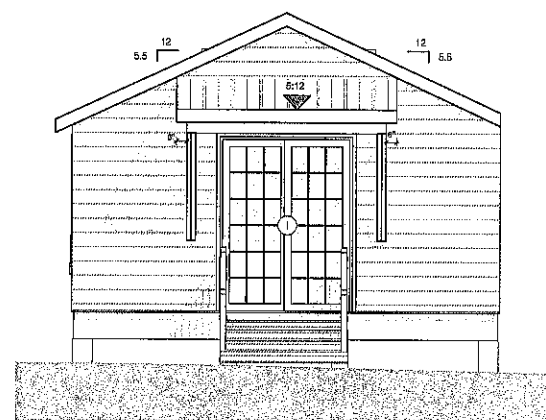
18 Kimball Drive Gulfport MS 39507

ABBREVIATIONS	PROJECT INFO	SHEET INDEX	AREAS
APP. ABOVE FLOOR FLOOR	SITE ADDRESS: 18 Kimball Drive Gulfport, MS	A.1 Title & Site Plan	Heated/Cooled
APP. ALUM. ALUMINUM	PARCEL ID: 0910A-03-002.000	A.2 Studio Drawings	House - 1st Floor 2,626.99
APP. BED. BEDROOM	ZONING: R1-7.5		Garage 664.78
APP. CLO. CLOSET	FRONT SETBACK: 25' min.		House - 2nd Floor 1,005.39
APP. CO. COOLING	SIDE SETBACK: 8' min.		Studio 595.83
APP. DR. DRIVEWAY	REAR SETBACK: 8' min.		4,892.99 ft²
APP. ELEC. ELECTRICAL	BUILDING HEIGHT: 35' (or 3 stories)		
APP. EX. EXTERIOR			Unconditioned Space
APP. F. FLOOR			Carport 396.56
APP. GAS. GAS			Studio Shoofly Porch 249.99
APP. HEAT. HEATING			Screened Porch 424.56
APP. H. H. HOUSE			Front Porch 190.16
APP. I. I. INTERIOR			Studio Sloop 42.63
APP. J. J. JUNCTION			1,393.90 ft²
APP. K. K. KITCHEN			6,196.89 ft²
APP. L. L. LIVING			
APP. M. M. MASTER			
APP. N. N. NEST			
APP. O. O. OUTDOOR			
APP. P. P. PORCH			
APP. R. R. ROOF			
APP. S. S. SIDE			
APP. T. T. TERRACE			
APP. U. U. UNDER			
APP. V. V. VENTILATION			
APP. W. W. WATER			
APP. X. X. X-RAY			
APP. Y. Y. YARD			
APP. Z. Z. ZONE			

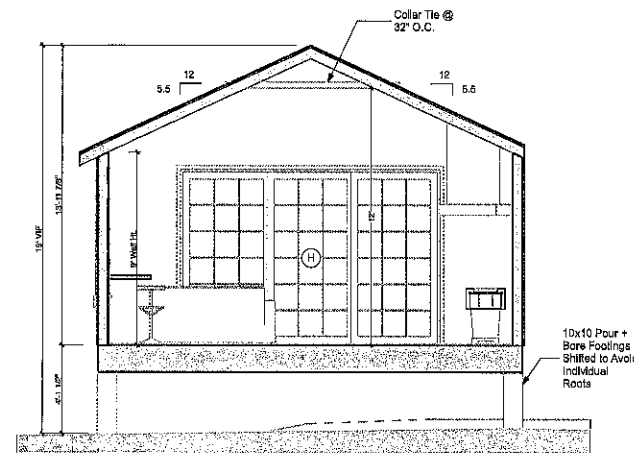




4 WEST ELEVATION (MAN HOUSE)
SCALE: 1/4" = 1'-0"



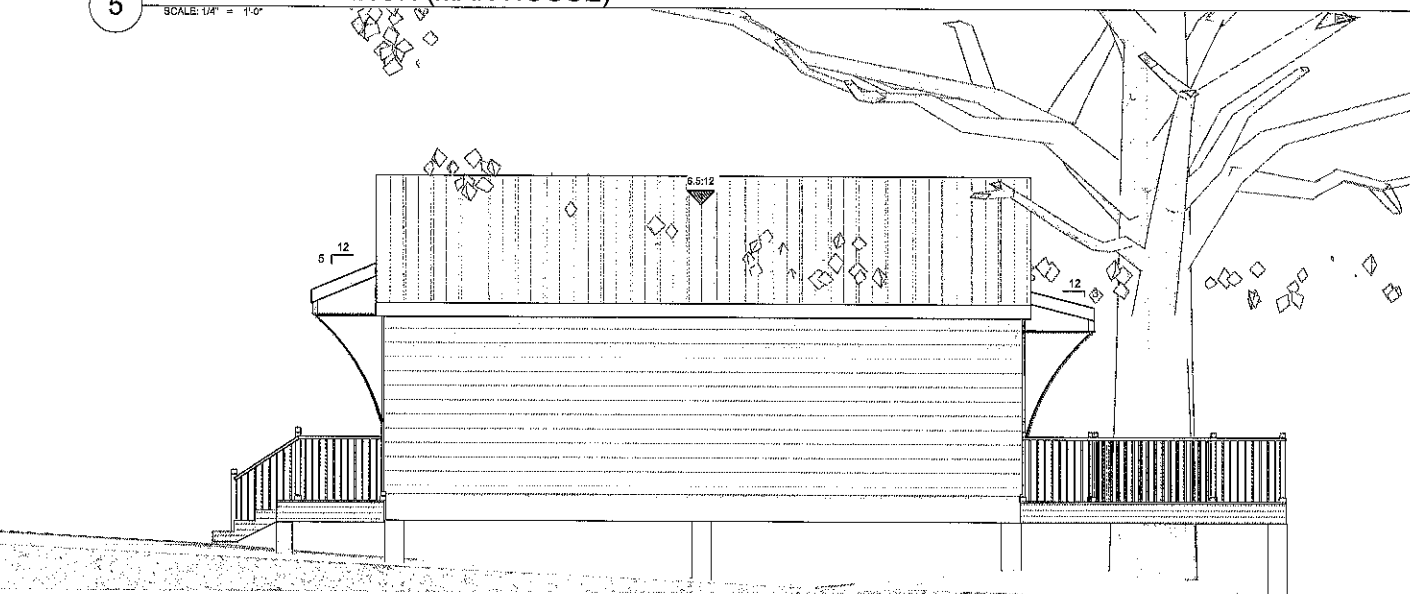
3 EAST ELEVATION (MAN HOUSE)
SCALE: 1/4" = 1'-0"



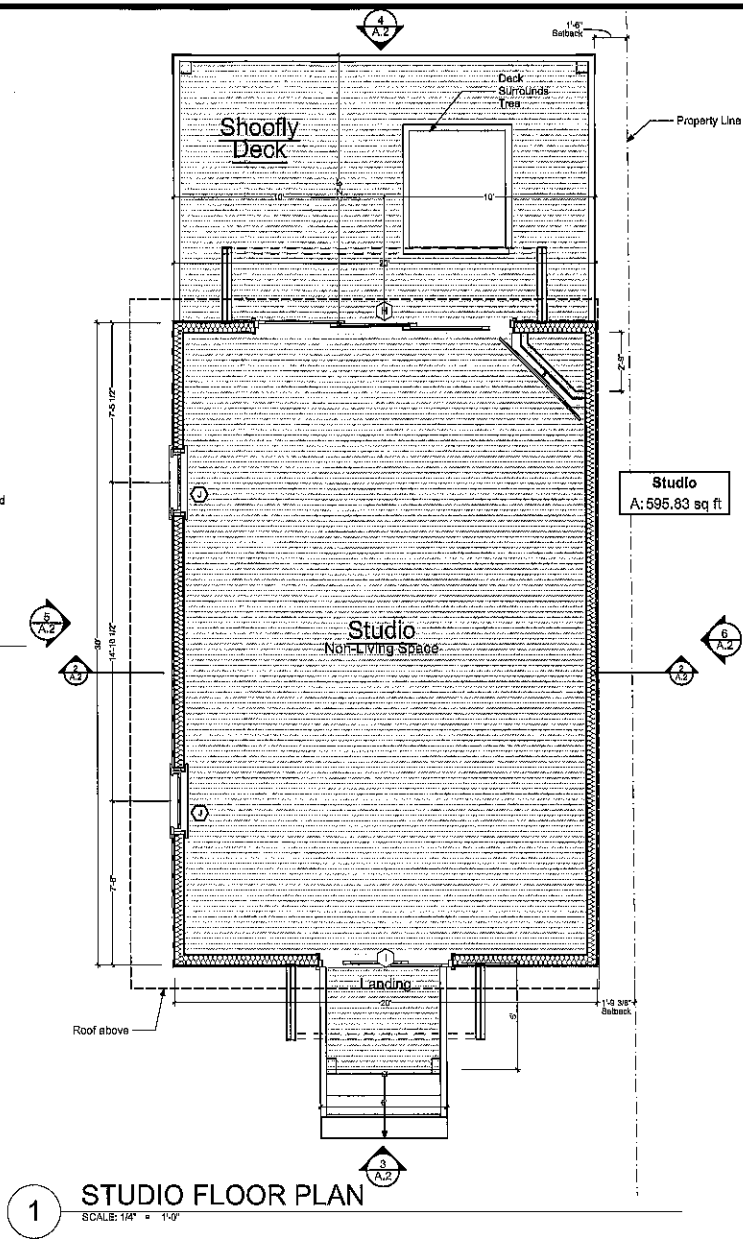
2 Building Section C
SCALE: 1/4" = 1'-0"



5 SOUTH ELEVATION (MAN HOUSE)
SCALE: 1/4" = 1'-0"



6 NORTH ELEVATION (MAN HOUSE)
SCALE: 1/4" = 1'-0"



1 STUDIO FLOOR PLAN
SCALE: 1/4" = 1'-0"

MH1	MH1	MH3
1	1	2
12x8	6x8	2x10x6
		manhouse

DOOR/WINDOW TYPES

Our File #B201010

Prepared by & Return To: Schwartz, Orgler & Jordan, PLLC
PO Box 4682 Biloxi MS 39535, 228-388-7441

STATE OF MISSISSIPPI
COUNTY OF HARRISON

Index: 3 pels in NE1/4 of Sec. 25, T7S, R11W, Harrison County, MS, 1st
JD.

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,

Janet W. Marshall, Robert C. Wessler and William P. Wessler,

45 Shoreline Lane, Gulfport, MS 39503, 228-863-3686

do hereby sell, convey and warrant unto

Kevin L. Steckler and Terry H. Steckler,

1012 East Adams Avenue, Orange, CA 92867, 714-240-0479,

as tenants by the entirety with full rights of survivorship and not as tenants in common, 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:

See Attached 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 Grantees herein.

WITNESS MY SIGNATURE, on this the 14 day of October, 2020.

Janet W. Marshall
Janet W. Marshall

STATE OF Louisiana

PARISH/COUNTY OF Orleans

THIS DAY PERSONALLY CAME AND APPEARED BEFORE ME, the undersigned authority in and for the jurisdiction aforesaid, Janet W. Marshall, who acknowledged that the above and foregoing instrument was signed and delivered as the free and voluntary act and deed of the Grantors on the day and in the year therein mentioned.

GIVEN UNDER MY HAND AND OFFICIAL SEAL OF OFFICE, this the 14th day of October, 2020.

Constance C. Waguespack
NOTARY PUBLIC

My Commission Expires:

CONSTANCE C. WAGUESPACK
Notary Public
LA Bar No. 36416 - ID No. 145232
Parish of Orleans, State of Louisiana
My Commission is for Life

WITNESS MY SIGNATURE, on this the 16 day of October, 2020.

William P. Wessler
William P. Wessler

STATE OF Ms

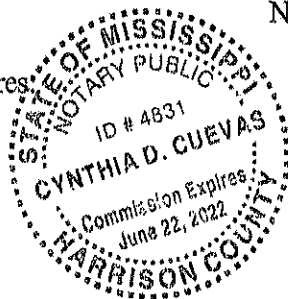
PARISH/COUNTY OF HARRISON

THIS DAY PERSONALLY CAME AND APPEARED BEFORE ME, the undersigned authority in and for the jurisdiction aforesaid, William P. Wessler, who acknowledged that the above and foregoing instrument was signed and delivered as the free and voluntary act and deed of the Grantors on the day and in the year therein mentioned.

GIVEN UNDER MY HAND AND OFFICIAL SEAL OF OFFICE, this the 16 day of October, 2020.

Cynthia D. Cuevas
NOTARY PUBLIC

My Commission Expires



WITNESS MY SIGNATURE, on this the 15th day of October, 2020.



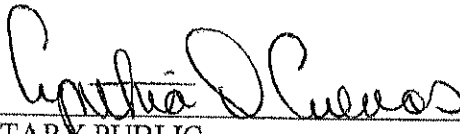
Robert C. Wessler

STATE OF Ms

PARISH/COUNTY OF Harrison

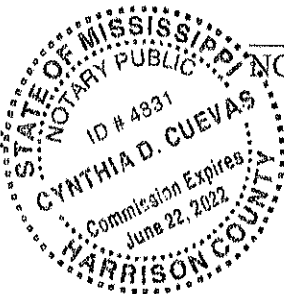
THIS DAY PERSONALLY CAME AND APPEARED BEFORE ME, the undersigned authority in and for the jurisdiction aforesaid, Robert C. Wessler, who acknowledged that the above and foregoing instrument was signed and delivered as the free and voluntary act and deed of the Grantors on the day and in the year therein mentioned.

GIVEN UNDER MY HAND AND OFFICIAL SEAL OF OFFICE, this the 16 day of October, 2020.



NOTARY PUBLIC

My Commission Expires



PERMITS/INSP PAYMENT RECPT#: 10970118
CITY OF GULFPORT
GULFPORT MS 39501

DATE: 11/02/21 TIME: 14:13
CLERK: sg111 DEPT:
CUSTOMER#: 0

COMMENT:

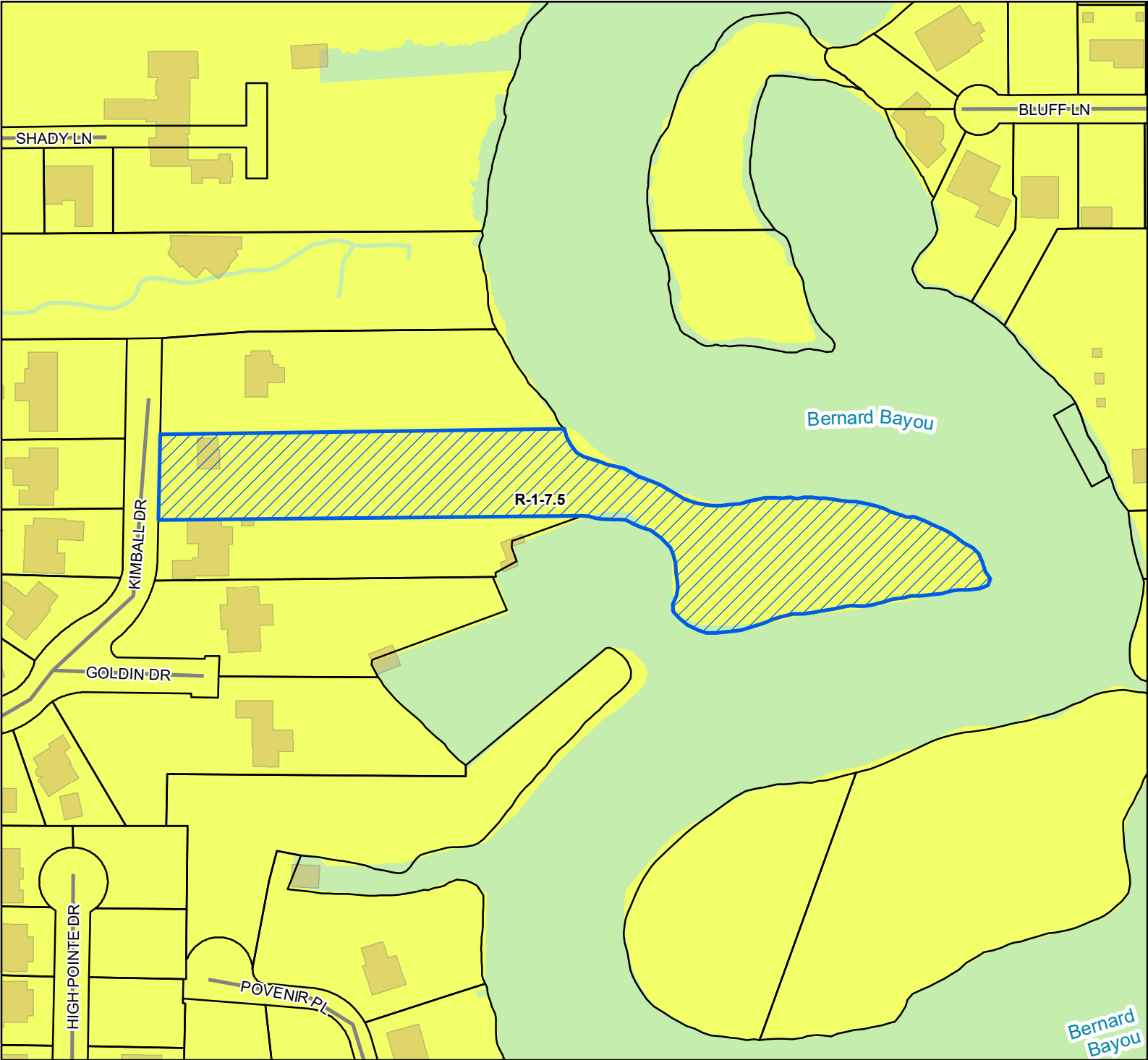
CHG: PZD PLANNING AND ZO 75.00

AMOUNT PAID: 75.00

PAID BY:
PAYMENT METH: CHECK
2482

REFERENCE:

AMT TENDERED: 75.00
AMT APPLIED: 75.00
CHANGE: .00



Site

Street

Parcels

Buildings

Water Features

Zoning

R-1-7.5 - Single Family

Residence District (Low Density)

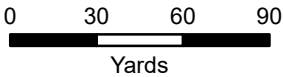
Site Information

0910A-03-002.000

Zoning: R-1-7.5(Single Family)

Size: 3.45 acres

Flood: X



1 inch = 200 feet



DATA DISCLAIMER: All information that is provided on this map is believed to be correct. However, no liability is assumed by the City of Gulfport for errors in substance or form of any of the materials published on this map. The GIS Division, City of Gulfport, provides the information represented on this map as a service to the community and makes every effort possible to provide quality information. However, no claims, promises, or guarantees about the accuracy, completeness, or adequacy of the information contained on this map are expressed or implied.

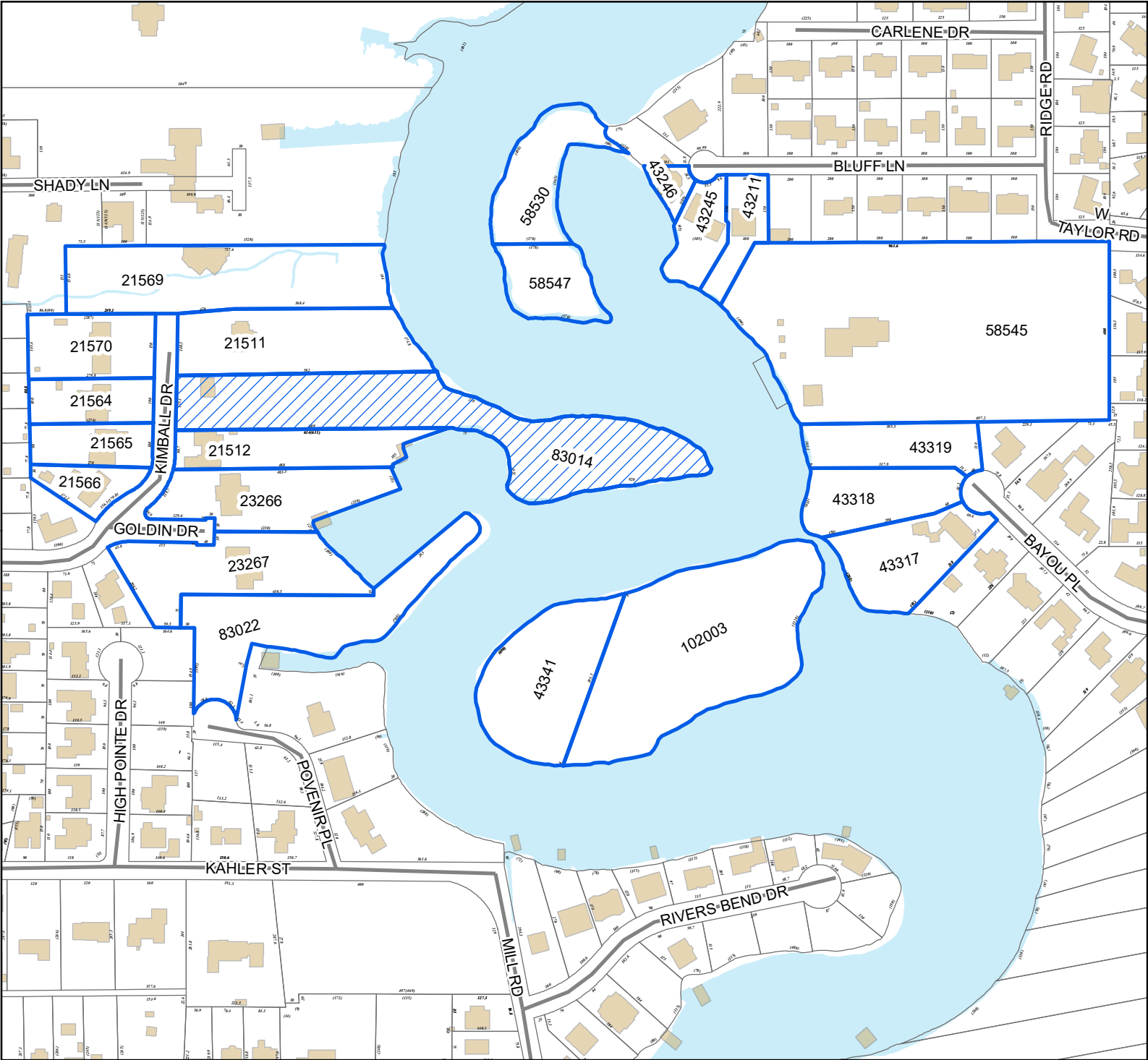
RE: Variance 2112PC192, by agent Watters Architecture, tax parcel 0910A-03-002.000, Request variance for setback, 18 Kimball Dr, Zoned R-1-7.5 (Single-family), Ward 4

To Applicants and Adjacent Property Owners:

The City of Gulfport Zoning Board of Adjustments and Appeals will hold a public hearing to consider the above application at 3:00 P.M. on **Thursday, December 16, 2021**, in the Council Chambers at the Gulfport City Hall located at 2309 15th Street.

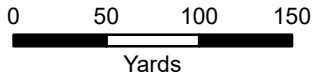
For more information, visit <http://www.gulfport-ms.gov/agendas.shtml> then click the City of Gulfport Zoning Board for **Thursday, December 16, 2021**. A map showing the location of the property involved is located at this website. If you have any questions or comments, please contact this office at the phone number 228-868-5710 or email planners@gulfport-ms.gov. The application is available for viewing in the Planning Division office at 1410 24th Avenue.

Mail	PPIN	Parcel ID	Name	Address	City	State	ZIP
Y			Kevin & Terry Steckler (Owner)	1012 East Adams Ave.	Orange	CA	92867
Y			Leah Watters - Watters Architecture (Agent)	133 Davis Ave., Suite K	Pass Christian	MS	39571
Adjacent Property Owners							
	58545	0910A-01-004.000	BAYOU BLUFF TENNIS CLUB INC	P O BOX 6205	GULFPORT	MS	39501
	43245	0909P-01-054.000	BORDEAUX FRANK W	11633 BLUFF LN	GULFPORT	MS	39503
	83022	0910A-03-036.000	DAY STEVEN H	110 S WILSON BLVD	GULFPORT	MS	39503
	23267	0910A-03-005.000	GOLDIN ALAN H	12223 PRESERVATION DRIVE	GULFPORT	MS	39503
	23266	0910A-03-004.000	GOLDIN FLORENCE & JACK -EST-	12200 PRESERVATION DR	GULFPORT	MS	39503
	43317	0910A-01-008.000	GRAVES THOMAS A MD -TRUSTEE-	7 BAYOU PL	GULFPORT	MS	39503
	21512	0910A-03-003.000	HALLER TIMOTHY HENRY ETAL	14 KIMBALL DR	GULFPORT	MS	39507
	21570	0910A-03-011.000	KEATING HUGH DENNIS JR & JANIN LOVE	21 KIMBALL DR	GULFPORT	MS	39507
	43319	0910A-01-006.000	KOSKAN IRENE	19247 CHAMPION CIRCLE	GULFPORT	MS	39503
N	43318	0910A-01-007.000	KOSKAN IRENE	19247 CHAMPION CIRCLE	GULFPORT	MS	39503
	21569	0910A-03-012.000	LEHMAN THOMAS W MD	25 KIMBALL DR	GULFPORT	MS	39507
	21564	0910A-03-010.000	MENSI MICHAEL J & PAULINE G-TRUSTEE	19 KIMBALL DR	GULFPORT	MS	39507
	43341	0910A-01-010.000	MUTHS PROPERTIES LP	116 SEASHORE TRAIL	GULFPORT	MS	39503
N	102003	0910A-01-009.003	MUTHS PROPERTIES LP ETAL	116 SEASHORE TRAIL	GULFPORT	MS	39503
	43211	0909P-01-053.000	PAPANIA JASON C	11625 BLUFF LN	GULFPORT	MS	39507
	21565	0910A-03-009.000	SLAUGHTER CATHERINE R G	17 KIMBALL DR	GULFPORT	MS	39501
	21566	0910A-03-008.000	WALLEN BRADLEY	7209 YELLOW CREEK DR	POLAND	OH	44514
	58530	0909P-01-058.000	WESSLER ROBERT C & BARRI B	111643 BLUFF LN	GULFPORT	MS	39503
N	58547	0910A-01-005.000	WESSLER ROBERT C & BARRI B	11643 BLUFF LANE	GULFPORT	MS	39507
N	43246	0909P-01-055.000	WESSLER ROBERT C & BARRI BRENT	11643 BLUFF LN	GULFPORT	MS	39503
	21511	0910A-03-001.000	WESTBROOK PATRICIA L	20 KIMBALL DR	GULFPORT	MS	39507



Legend

- Site
- Adjacent Properties
- Street
- Buildings
- Water Features



1 inch = 310 feet



DATA DISCLAIMER: All information that is provided on this map is believed to be correct. However, no liability is assumed by the City of Gulfport for errors in substance or form of any of the materials published on this map. The GIS Division, City of Gulfport, provides the information represented on this map as a service to the community and makes every effort possible to provide quality information. However, no claims, promises, or guarantees about the accuracy, completeness, or adequacy of the information contained on this map are expressed or implied.

THANK YOU for your legal submission!

Your legal has been submitted for publication. Below is a confirmation of your legal placement. You will also receive an email confirmation.

ORDER DETAILS**Order Number:**

IPL0050927

Order Status:

Submitted

Classification:

Legals & Public Notices

Package:

BLX - Legal Ads

Final Cost:

40.56

Payment Type:

Account Billed

User ID:

IPL0024925

ACCOUNT INFORMATION

GULFPORT URBAN DEVELOPMENT IP

PO BOX 1780

GULFPORT, MS 39502

228-868-5705

AccountsPayable@gulfport-ms.gov

GULFPORT URBAN DEVELOPMENT

TRANSACTION REPORT**Date**

November 24, 2021 11:29:33 AM EST

Amount:

40.56

SCHEDULE FOR AD NUMBER IPL00509270

December 1, 2021

SunHerald (Biloxi)

PREVIEW FOR AD NUMBER IPL00509270**LEGAL NOTICE
PUBLIC HEARING**

In conformance with Section VIII of the Comprehensive Zoning Ordinance of the City of Gulfport, Mississippi, 1979, as amended, notice is hereby given advising that the Zoning Board of Adjustment and Appeals will hold a public hearing in the City of Gulfport, Mississippi at 3:00 PM., Thursday, December 16, 2021, in the Council Chambers of the Gulfport City Hall located at 2309 15th Street to consider the following requests. A copy of the requests will be available for public review at the office of the Department of Urban Development-Planning Division located on first floor of the William H. Hardy Building, 1410 24 th Avenue.

Variance 2112PC183, by agent Kevin Taylor, tax parcels 0911E-01-050.000, 0911E-01-051.000, Request variance for setbacks, 629 and 617 2nd Street, Zoned R-1-7.5 (Single-family), Ward 2

Variance 2112ZB185, by agent Kris Lafleur, tax parcel 1010N-01-081.000, Variance for multiple accessory buildings, construction of an RV cover pole barn, 2014 St. James Blvd, Zoned R-1-7.5 (Single-family), Ward 2.

Variance 2112PC186, by owner T&D Homes LLC, tax parcel 0911C-02-011.000, Variances for front & side setbacks, Searle Ave, Zoned R-1-7.5 (Single-family), Ward 2

Variance 2112PC192, by agent Watters Architecture, tax parcel 0910A-03-002.000, Request variance for setback, 18 Kimball Dr, Zoned R-1-7.5 (Single-family), Ward 4

Variance 2112PC194, by owner Brookestone Gulf Coast, LLC, tax parcel 1009N-01-002.043, Variance for side street setback, Lot 43 (Brookestone), Zoned R-2 (Single-family), Ward 5.

Variance 2112ZB195, by owners Christopher & Kathryn Dennis Spear, tax parcel 1010N-01-086.000, Request variance for parking material, 2004 Saint James Blvd., Zoned B-1 (Neighborhood business), Ward 2

Variance 2112ZB197, by owners Guy and Doulentha Wells, tax parcel 0811H 05-101.000, Variance for parking reduction, backing into the right-of-way, area requirement, and parking material, 1400 20th St, Zoned R-2 (Single-family), Ward 3

This the 23rd day of November 2021

A. Lee Palermo, Chairman

City of Gulfport Zoning Board of Adjustment and Appeals

W00000000

Publication Dates

[<< Click here to print a printer friendly version >>](#)

MEMORANDUM

To: City of Gulfport Planning Commission

From: Greg Holmes, Planning Administrator
Urban Development Department

Date of Hearing: December 16, 2021

Re: Variance 2112PC194:

Variance 2112PC194, by owner Brookestone Gulf Coast, LLC, tax parcel 1009N-01-002.043, Variance for side street setback, Lot 43 (Brookestone), Zoned R-2 (Single-family), Ward 5.

Technical Report

VARIANCE

GENERAL INFORMATION

Case File Number: 2112PC194

Hearing Date: December 16, 2021

Current Zoning/Use: R-2/Vacant Property

Legal: by owner Brookestone Gulf Coast, LLC, tax parcel 1009N-01-002.043, Variance for side street setback, Lot 43 (Brookestone), Zoned R-2 (Single-family), Ward 5.

TECHNICAL DETAILS

Variances involve special cases where unique factors contribute to justify a use of property that does not conform to the City's enforced ordinances. Therefore, variances should not be granted unless they are able to adequately meet the following conditions:

- (a) That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district;
- (b) The special conditions and circumstances do not result from the actions of the applicant;
- (c) That an unnecessary hardship is created by the physical character of the property and is peculiar and unusual to such an extent that it is evidence that amendment of the zoning ordinance does not offer a reasonable solution;
- (d) That literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by properties in the same district under the terms of this ordinance;
- (e) That the granting of the variance will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same district, other than to permit the applicant to use their property in a manner as nearly equivalent to uses generally permitted in the district considering the conditions and circumstances involved and the hardship;
- (f) That the use proposed is permissible by right or with planning approval or by special exception.

(Ord. App. A Sec. VIII (B)(2)(c)(1))

Technical Report

VARIANCE

The applicant requests a variance to exceed the required setbacks in an R-2 (Single-family) zoning district. Specifically, the applicant requests a variance of 10 feet to allow a side yard setback of 15 feet where 25 feet is required.

- (a) The City of Gulfport's ordinance states a minimum 25-foot side street setback is required for corner lots in this specific zoning area. The applicant notes that where the property is located, the 25-foot setback for side yard requirements restricts the buildable area of the proposed home because the property is located on a corner lot. This applicant does not list any special conditions which are directly related to their land, structure, or building which are not special conditions to any other piece of land, structure, or building within the same district. Furthermore, the applicant will later state that this specific variance has been granted to other properties in the district, but provides no evidence of such.
- (b) In the application, the applicant cites this setback variance is necessary to construct the home desired by the perspective lot owner. Furthermore, the applicant states that a corner lot is necessary for the proposed home. The applicant provided no site plan(s) for the specific prospective home, new development; without this provided, we are not sure if the dwelling will fit within this piece of property with or without the variance for setbacks. This special condition was created by the applicant, when they began creating the aforementioned subdivision and housing projects. The applicant and whomever were involved with the subdivision's creation was aware of the setbacks and other ordinances involved with an R-2 zoned district; the applicant chose to divide the parcels in the manner which has caused the request for variance of side yard setbacks.
- (c) These variances are requested in order to allow the applicant to build a single-family home on the proposed parcel of land. Due to the square footage of the land and the setbacks included, the potential house to be built would exceed the 25-foot setback required in the City of Gulfport's ordinance. The applicant cites the 25-foot setback is a burden for side yard requirements because it is a corner lot compared to the 8-foot setbacks required on lots who do not abut two streets (corner lot). Being located upon a corner lot is not a pertinent statement to factor that an ordinance change would be more appropriate for this property and city wide.
- (d) The applicant cites that without this variance the proposed lot buyer cannot construct the home they desire. The variance will have reasonable use for the parcel in question. This request for variance is not granting the applicant any special privileges, because the setbacks are permissible with variance; with this lot setting the precedence for side yard (corner lot) setbacks, it may be more applicable to the next applicant who is seeking a similar variance.
- (e) The applicant states that specific variance has been allowed for other lots within this subdivision. Upon review, no other properties in this district were found to have used this specific variance for side street setbacks.
- (f) This property is zoned R-2, a single-family home and is allowed by right.

EXECUTIVE SUMMARY

While the applicant did not meet any of the 6 hardships required by the City of Gulfport's code and ordinance, there is some merit to their request regarding setbacks in the neighborhood. With the district being in an area of the community with minimal traffic, there are no obtrusive

Technical Report

VARIANCE

impediments that would not allow this house the variance of 15-foot side yard setbacks rather than the required 25-foot side yard setbacks. The neighborhood will not be impacted by this variance.

Any approval should consider these conditions:

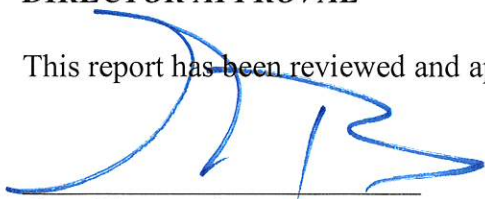
1. Must meet all current building codes and all other City of Gulfport ordinances.
2. Approval grants a variance of 10 feet to allow a setback of 15 feet where 25 feet is required.

DEPARTMENTAL CONDITIONS

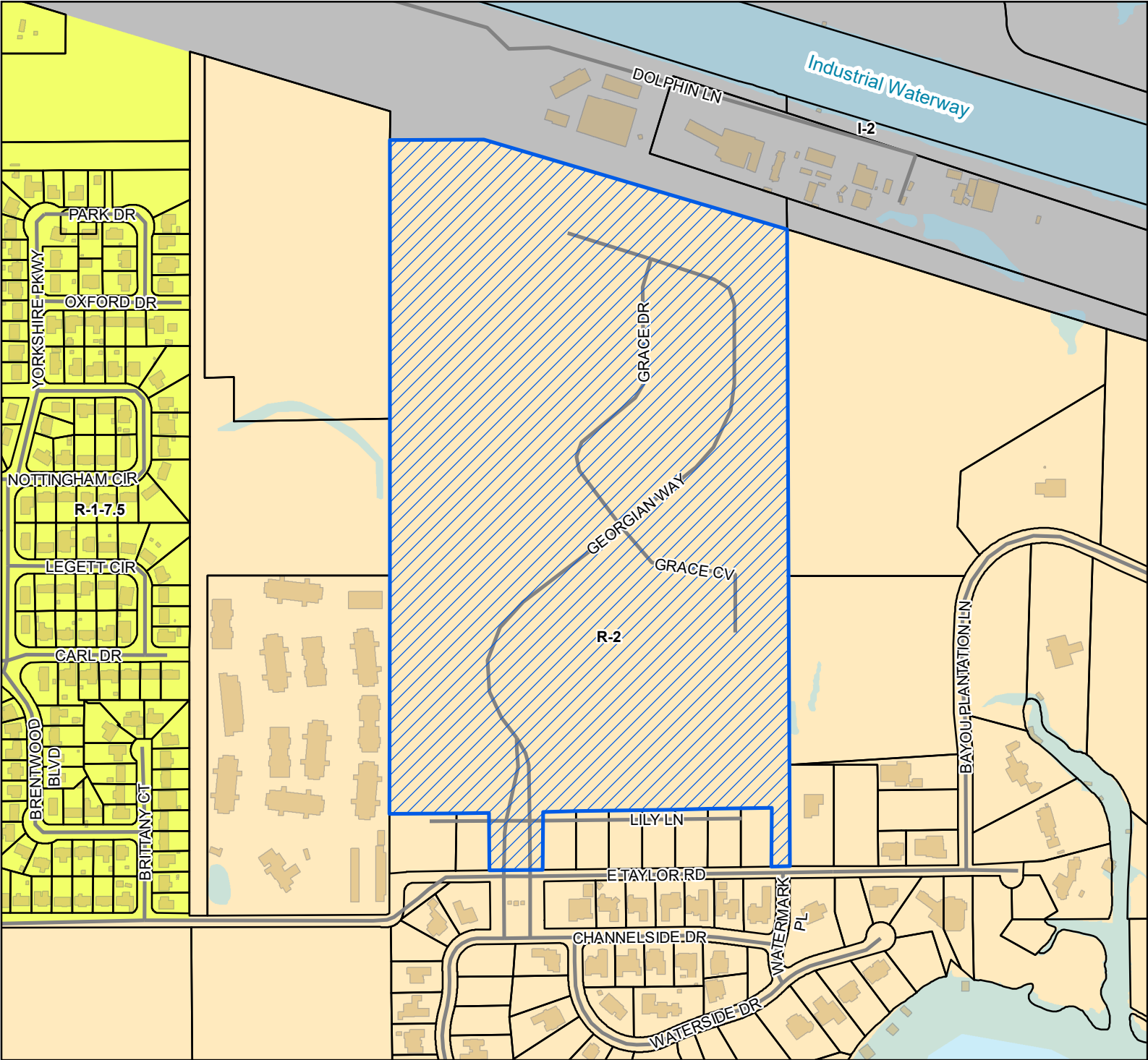
<u>Engineering:</u>	No conditions. Memo dated 12/06/2021.
<u>Public Works:</u>	No conditions. Memo dated 12/06/2021.
<u>Traffic and Safety:</u>	No conditions. Memo dated 12/06/2021.
<u>Building Code Services:</u>	Must meet all current building codes and all other City of Gulfport ordinances. Memo dated 11/30/2021.
<u>GIS:</u>	No conditions. Memo dated 12/03/2021.
<u>Police Department:</u>	No conditions. Memo dated 12/06/2021.
<u>Fire Department:</u>	No conditions. Memo dated 11/30/2021.
<u>City Arborist:</u>	No conditions. Memo dated 11/30/2021.

DIRECTOR APPROVAL

This report has been reviewed and approved by:



Greg Pietrangelo
Director of Urban Development Department



Legend

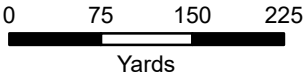
- Site
- Street
- Parcels
- Buildings
- Water Features

Zoning

- I-2 - Heavy Industry District
- R-1-7.5 - Single Family Residence District (Low Density)
- R-2 - Single Family Residence District (Medium Density)

Site Information

1009N-01-002.043
Zoning: R-2(Single-family)
Size: 0.34 acres
Flood: X



1 inch = 472 feet



DATA DISCLAIMER: All information that is provided on this map is believed to be correct. However, no liability is assumed by the City of Gulfport for errors in substance or form of any of the materials published on this map. The GIS Division, City of Gulfport, provides the information represented on this map as a service to the community and makes every effort possible to provide quality information. However, no claims, promises, or guarantees about the accuracy, completeness, or adequacy of the information contained on this map are expressed or implied.



CITY OF GULFPORT
Urban Development - Planning Division
1410 24th Avenue
Gulfport, MS 39501
(228) 868-5710

APPLICATION FOR VARIANCE

Property Information

TAX PARCEL #

1	0	0	9	N	-	0	1	-	0	0	2	●	0	4	3
					-			-				●			
					-			-				●			

For Staff Use Only

Case File #: 2112PL194Date Received: 11-2-21

Receipt #: _____

Received By: D²Zoning: R-2Ward: 5 Flood: XSize: 0.34 ACRES

(If necessary, use separate sheet of paper)

Address of Property Involved: Lot 43Lot(s) 43, Block(s) N/A, Subdivision BrookestoneGeneral Location: North of E Taylor Rd., West of Bayou Plantation Ln., So. of and adjacent to Grace Cove, E. of Hwy 605

GENERAL DESCRIPTION OF REQUEST:

We request a side street setback variance for corner lot 43 from the required 25' to 15'

OWNERSHIP AND CERTIFICATION:

I hereby certify that I have read and understand this application and that all information and attachments are true and correct. I also certify that I agree to comply with all applicable city codes, ordinances and state laws. Finally, I certify that I am the owner of the property involved in this request or have authorization to act as the owner's agent for the herein described request.

OWNER

AGENT

Brookestone Gulf Coast, LLC

Printed Name Of Owner

111 Lundgren Lane

Mailing Address

Gulfport

MS

39507

City

State

Zip code

228-860-5318

228-860-5318

Home Phone

Work/Cell Phone

Bobbyknes@aol.com

Email

Signature Of Owner

Printed Name Of Agent

Mailing Address

City

State

Zip code

Home Phone

Work/Cell Phone

Email

Signature Of Agent

If the property or properties listed above have more than one owner, please check this box. In the case of multiple owners, reverse side must be completed. Each additional owner will need to complete and sign the reverse side of this application. We can only accept applications with original signatures.

☐

SECTIONS A. THROUGH G. MUST BE SUBMITTED FOR A COMPLETE APPLICATION.

AFFIDAVIT

I hereby testify that the proposed variance for Lot 43 listed in the Variance Application for Brookestone Subdivision dated November 1, 2021 is not in violation of any current restrictive or protective covenants associated with the existing lots as described on the proposed plat.

WITNESS ITS SIGNATURE on this the 2nd day of NOVEMBER, 2021.

BROOKESTONE GULF COAST, LLC, Owner

BY: Robert J Knesal
Robert J Knesal, Co-Managing Member

STATE OF MISSISSIPPI
COUNTY OF HARRISON

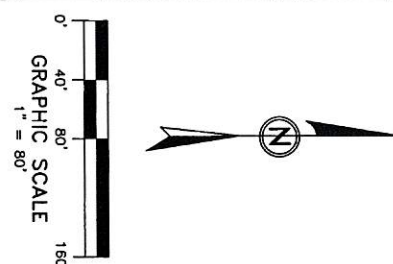
PERSONALLY, came and appeared before me, the undersigned authority in and for the jurisdiction aforesaid, the within named Robert J Knesal, who acknowledged to and before me that he is a Managing Member of Brookestone Gulf Coast, LLC a Mississippi limited liability company, and for and on behalf of said company, and as its act and deed he signed, executed and delivered the above and foregoing instrument of writing on the date first above written, he having been first duly authorized so to do.

GIVEN under my hand and official seal, this the 2nd day of November, 2021.



Hannah Pritchett
NOTARY PUBLIC

My Commission expires: Feb 3, 2025



DOUGLAS F. MONTE
INST. NO. 2011-2

SITUATED PARTIALLY IN THE SOUTHEAST QUARTER OF SECTION 19 AND THE SOUTHWEST QUARTER OF SECTION 20, TOWNSHIP 7 SOUTH, RANGE 10 WEST,
CITY OF GULFPORT, FIRST JUDICIAL DISTRICT, HARRISON COUNTY, MISSISSIPPI

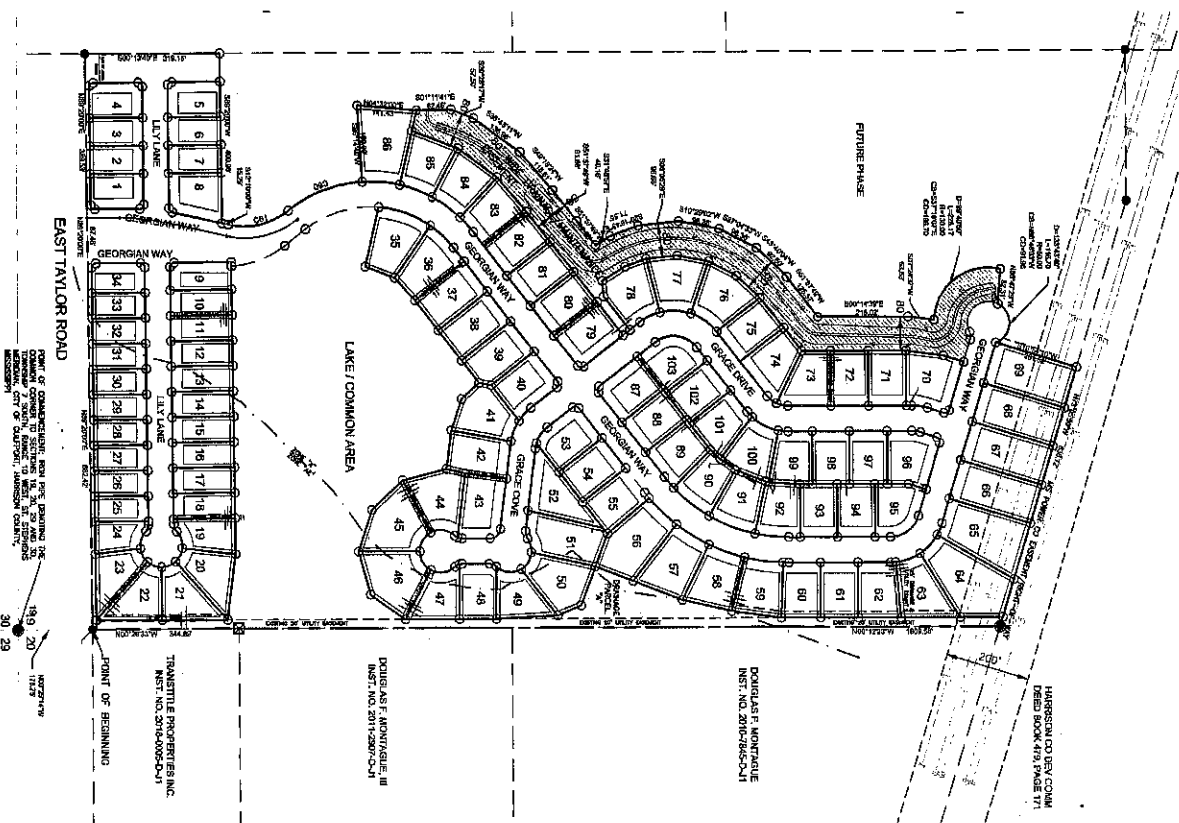
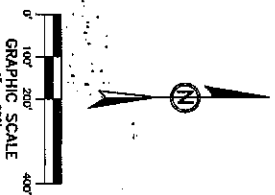
CITY OF GULFPORT, FIRST JUDICIAL DISTRICT, HARRISON COUNTY, MISSISSIPPI

●	1/2" IRON ROD FOUND
●	IRON PIPE FOUND
○	1/2" IRON ROD SET
(MEAS)	MEASURED THIS SURVEY

HANSSON COUNTY JURY BOX KEYS
 INSTRUMENT NUMBER 2020-0312-D-0-1
 INSTRUMENT NUMBER 2019-0005-D-0-1
 INSTRUMENT NUMBER 2011-2907-D-0-1
 INSTRUMENT NUMBER 2010-7846-D-0-1
 INSTRUMENT NUMBER 2010-8537-D-0-1
 INSTRUMENT NUMBER 2010-7925-D-0-1
 INSTRUMENT NUMBER 2016-1112-D-0-1

DEED BOOK 428, PAGE 171

BEARINGS SHOWN ON THE FACE OF THIS SURVEY ARE TRUE BEARINGS
BASED UPON GPS OBSERVATION (USNA FADL DUDLEY WAS RTK INET
GPS NETWORK.



A PARCEL OF LAND BEING SITUATED IN PART OF SECTIONS 19 AND 20, TOWNSHIP 7 SOUTH, RANGE 40 WEST, ST. STEPHENS MERIDIAN, CITY OF DALLFORTH, HARRISON COUNTY, MISSISSIPPI AND BEING FURTHER DESCRIBED AS FOLLOWS:

[illegible]

BY GRAPHIC PLOTTING ONLY. THE PROPERTY IS LOCATED IN THE FOLLOWING FLOOD ZONES:

ZONE "X" (SHADE) - AREAS OF 0.25 ANNUAL CHANCE FLOOD; AREAS OF 1% ANNUAL CHANCE FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT OR WITH DRAINAGE AREAS LESS THAN 1 SQUARE MILE; AND AREAS PROTECTED BY FLOOD OR WITH 1% ANNUAL CHANCE FLOOD (NO BASE ELEVATION REQUIREMENT)

ZONE "AE" - BASE FLOOD ELEVATION DETERMINED (SEE 10)

AS PUBLISHED BY THE FEDERAL INSURANCE ADMINISTRATION, OFFICE OF HAZARDOUS MATERIALS, 1215 K STREET, N.W., WASHINGTON, D.C. 20548. CIRCULAR 100-114200. MAY COMMUNITY PLAN, NUMBER 295933 0267 G, REVISED 05/16/2009. CHECK WITH BUILDING OFFICIALS OR LOCAL CONSTRUCTION AUTHORITY FOR COMMUNITY DETERMINED BASE FLOOD ELEVATION. AN EXACT DETERMINATION CAN ONLY BE DETERMINED BY AN ELEVATION CERTIFICATE. THE ABOVE STATEMENT IS FOR INFORMATION ONLY, AND DOES NOT REPRESENT THE SURVEYOR'S/BENGINEER'S OPINION OF THE PROBABILITY OF FLOODING. IN ADDITION, THIS SURVEYOR/BENGINEER ASSUMES NO LIABILITY FOR THE CORRECTNESS OF THE CITED MAP.

SHEET 2 OF 6

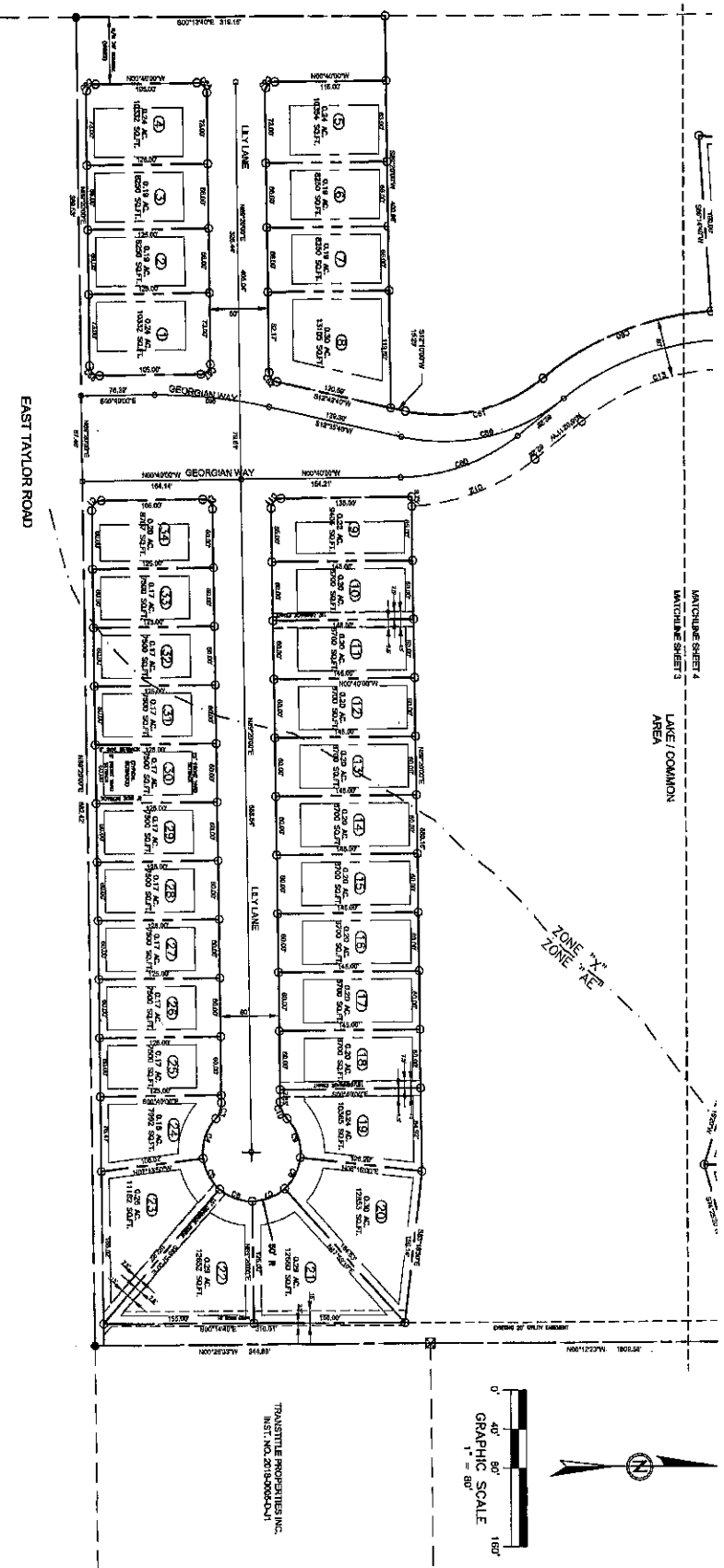
3

WILSON JENNIFER PETERSON

CIVIL
ELECTRICAL
MECHANICAL
SURVEYING

PLAT OF BROOKSTONE

SITUATED PARTIALLY IN THE SOUTHEAST QUARTER OF SECTION 19 AND THE SOUTHWEST QUARTER OF SECTION 20, TOWNSHIP 7 SOUTH, RANGE 10 WEST,
CITY OF GULFPORT, FIRST JUDICIAL DISTRICT, HARRISON COUNTY, MISSISSIPPI



FLOOD ZONE NOTE

BY GRAPHIC FLOODING ONLY, THE PROPERTY IS LOCATED IN THE FOLLOWING FLOOD ZONES:
ZONE "X" (SHADED) - AREAS OF 0.27 ANNUAL CHANCE FLOOD AREAS OF 1% ANNUAL CHANCE FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT OR WITH DRAINAGE AREAS LESS THAN 1 SQUARE MILE, AND AREAS PROTECTED BY ELEVATIONS FROM 1% ANNUAL CHANCE FLOOD (AND BASE ELEVATION REQUIREMENT)
ZONE "AE" - BASE FLOOD ELEVATION DETERMINED (SEE 15)
AS REQUIRED BY THE FEDERAL INSURANCE ADMINISTRATION, OFFICIAL FLOOD HAZARD MAP COMMUNITY PANEL NUMBER 286033 DATED 06/16/2009. CHECK WITH BUILDING OFFICIALS OR LOCAL GOVERNING AUTHORITY FOR COMMUNITY DETERMINED BASE FLOOD ELEVATIONS. AN EXACT DRAINAGE CAN ONLY BE DETERMINED BY AN ELEVATION SURVEY. THE ASSUMPTIONS MADE IN THIS SURVEY ARE BASED ON THE BEST AVAILABLE INFORMATION. THIS SURVEYOR/ENGINEER ASSUMES NO LIABILITY FOR THE CORRECTNESS OF THE CITED MAP.

SURVEY LEGEND

- IRF DENOTES 1/2" IRON ROD FOUND
- IRF DENOTES IRON PIPE FOUND
- OCHRS DENOTES CAPPED 1/2" IRON ROD SET (MEAS)
- DENOTES MEASURED THIS SURVEY

BEARING NOTE

BEARINGS SHOWN ON THE FACE OF THIS SURVEY ARE TRUE BEARINGS BASED UPON GPS OBSERVATION USING REAL TIME KINEMATIC (RTK) GPS NETWORK.

SHEET 3 OF 6

CIVIL
MECHANICAL
ELECTRICAL
PLUMBING
SURVEYING

MICHAEL PITMAN

PHASE I

FLOOD ZONE NOTE

SURVEY | LEGEND

● IRF	DENOTES 1/2" IRON ROD FOUND
● IRP	DENOTES IRON PIPE FOUND
○ ORS	DENOTES CAPPED 1/2" IRON ROD SET
	DENOTES MEASURED THIS SURVEY

BEARING NOTE

BEARINGS SHOWN ON THE FACE OF THIS SURVEY ARE TRUE BEARINGS
BASED UPON GPS OBSERVATION USING EARL DUDLEY VRS RTX INET
GPS NETWORK.

SHEET 4 OF 6

**CIVIL
ELECTRICAL
MECHANICAL
SULFUR**

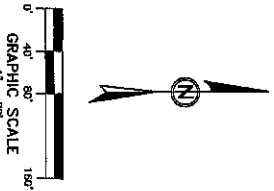
ALFRED HITCHCOCK

0 40 80 160
GRAPHIC SCALE

DOUGLAS F. MON
INST. NO. 2011-25

PLAT OF BROOKESTONE

SITUATED PARTIALLY IN THE SOUTHEAST QUARTER OF SECTION 19 AND THE SOUTHWEST QUARTER OF SECTION 20,
TOWNSHIP 7 SOUTH, RANGE 10 WEST,
CITY OF GULFPORT, FIRST JUDICIAL DISTRICT, HARRISON COUNTY, MISSISSIPPI

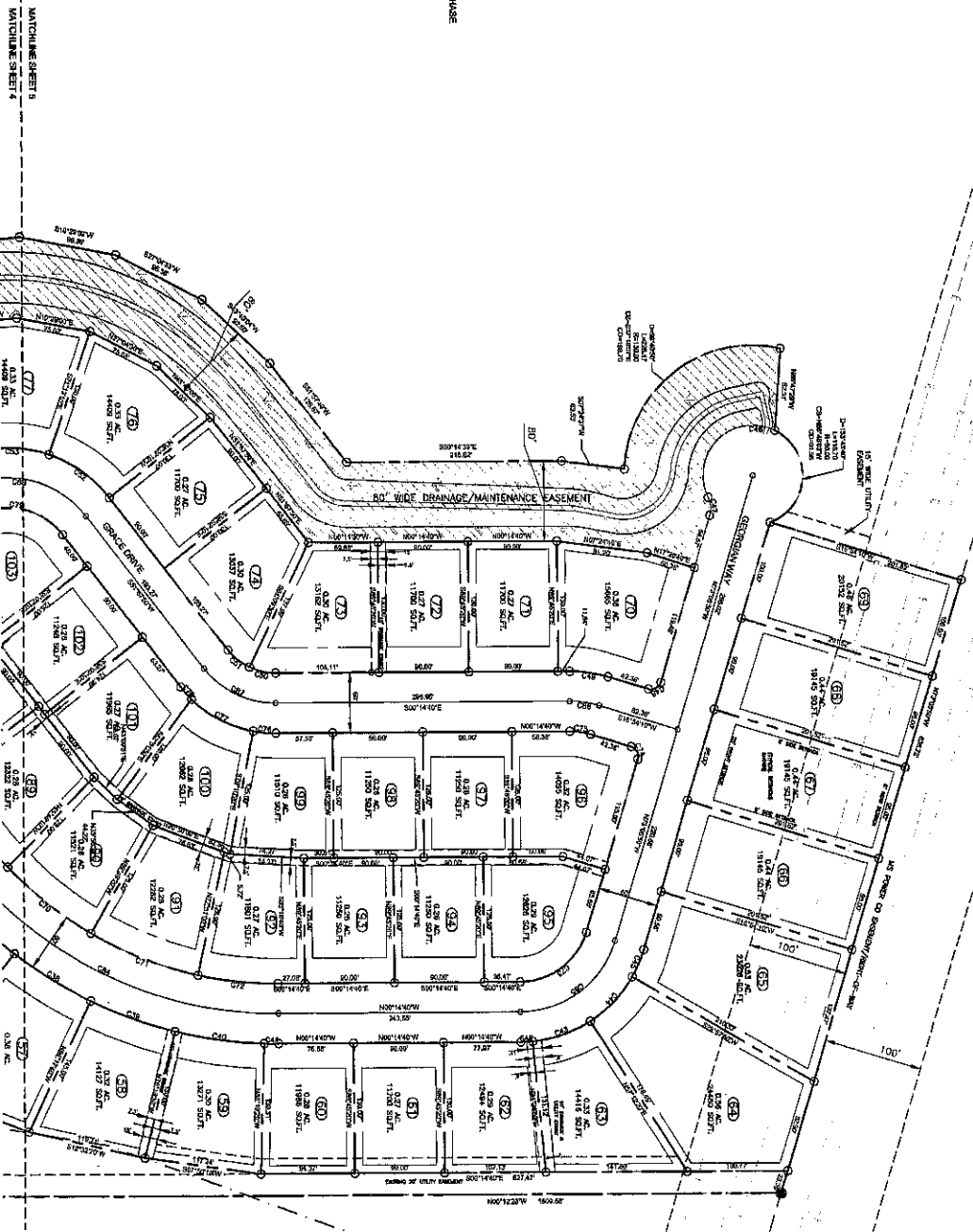


FLOOD ZONE NOTE

BY GRAPHIC FLOODING ONLY, THE PROPERTY IS LOCATED IN THE FOLLOWING FLOOD ZONES:
ZONE "X" (SHADED) - AREAS OF 0.2% ANNUAL CHANCE FLOOD, AREAS OF 1% ANNUAL CHANCE FLOOD WITH AVERAGE DEPTHS OF 1.0' TO 1.5' (BASE ELEVATION DETERMINED BY FEMA 1 ANNUAL CHANCE FLOOD (NO BASE ELEVATION REQUIRED))
ZONE "A" - BASE FLOOD ELEVATION DETERMINED (SEE 15)

AS PREPARED BY THE FEDERAL INSURANCE ADMINISTRATION, ZONE "X" IS BASED ON A FLOOD STUDY CONDUCTED BY THE ARMY OF THE UNITED STATES OF AMERICA, DISTRICT OF MISSISSIPPI, DIVISION OF FLOOD CONTROL, IN 1968/1969. THE ABOVE STATEMENT IS FOR INFORMATION ONLY AND DOES NOT REPRESENT THE SURVEYOR'S/ENGINEER'S OPINION OF THE ACCURACY OF THE FLOOD ZONE MAP OR THE CORRECTNESS OF THE CITED MAP.

FUTURE PHASE



SURVEY LEGEND

- IRP DENOTES 1/2" IRON ROD FOUND
- IRP DENOTES IRON PIPE FOUND
- CIRCLES DENOTES 1/2" IRON ROD SET
- (MNS) DENOTES MEASURED THIS SURVEY

BEARING NOTE

BEARINGS SHOWN ON THE FACE OF THIS SURVEY ARE TRUE BEARINGS BASED UPON GPS OBSERVATION USING EARL BUDLEY VRS FIX (NET GPS KARNING).



MACARDO PATINO

SHEET 5 OF 6

ELECTRICAL
MECHANICAL
SURVEYING

SITUATED PARTIALLY IN THE SOUTHEAST QUARTER OF SECTION 19 AND THE SOUTHWEST QUARTER OF SECTION 20, TOWNSHIP 7 SOUTH, RANGE 10 WEST, CITY OF GULFPORT, FIRST JUDICIAL DISTRICT, HARRISON COUNTY, MISSISSIPPI

CURVE TABLE					
CURVE NO.	DELTA	RADIUS	CHORD BEARING	CHORD DISTANCE	
C63	90°00'00"	10.00'	15.71°	N45°40'02"W	14.14'
C64	90°00'00"	10.00'	15.71°	N44°19'58"E	14.14'
C65	90°00'00"	10.00'	15.71°	N46°40'02"W	14.14'
C66	89°56'30"	10.00'	15.71°	S44°19'58"W	14.14'
C67	89°58'30"	10.00'	15.71°	S45°40'02"E	14.14'
C68	90°00'00"	10.00'	15.71°	N63°02'13"W	14.14'
C69	5°12'52"	370.00'	33.67°	S49°21'23"W	33.68'
C70	16°34'19"	370.00'	107.02°	S38°27'48"W	106.64'
C71	18°01'34"	370.00'	116.41°	S21°09'52"W	115.93'
C72	12°23'44"	370.00'	80.05°	S05°57'13"W	79.89'
C73	7°25'11"	70.00'	89.01°	S36°40'15"E	83.13'
C74	90°00'08"	10.00'	15.71°	N61°54'14"E	14.14'
C75	1°08'50"	70.00'	20.95°	N08°19'45"E	20.87'
C76	11°04'09"	120.03'	23.19°	N05°17'28"E	23.15'
C77	33°15'40"	120.00'	69.66°	N27°27'31"E	68.68'
C78	7°32'27"	120.00'	16.49°	N48°01'36"E	16.48'
C79	90°00'00"	70.00'	109.96°	N06°55'49"E	98.98'
C80	37°22'09"	200.00'	130.44°	N19°21'06"W	128.14'
C81	97°00'00"	280.00'	438.82°	S06°57'49"W	335.98'
C82	47°28'11"	100.02'	82.87°	S60°32'11"E	80.52'
C83	82°47'31"	30.00'	43.35°	N41°38'25"W	39.66'
C84	52°12'39"	400.00'	368.48°	N25°51'33"E	352.00'
C85	77°51'11"	100.00'	127.15°	N35°40'15"W	118.78'
C86	1°08'49"	100.00'	29.93°	S08°19'45"W	29.82'
C87	52°12'39"	90.00'	82.01°	N25°51'33"E	79.20'
C88	57°00'00"	100.00'	157.08°	S06°57'49"W	141.42'
C89	51°24'21"	200.05'	179.46°	N13°06'29"W	173.53'
C90	13°16°04"	523.26'	121.17°	S06°57'39"W	120.90'

BY GRAPHIC LOTTING ONLY. THE PROPERTY IS LOCATED IN THE FOLLOWING FLOOD ZONES:

ZONE "A" (SHADE) - AREAS OF 0.2% ANNUAL CHANCE FLOOD: AREAS OF 1% ANNUAL CHANCE FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT OR WITH DRAINAGE AREAS LESS THAN 1 SQUARE MILE; AND AREAS PROTECTED BY LEVEES FROM 1% ANNUAL CHANCE FLOOD (NO BASE ELEVATION REQUIREMENT)

ZONE "AE" - BASE FLOOD ELEVATION DETERMINED (SHE 15)

AS PUBLISHED BY THE FEDERAL INSURANCE ADMINISTRATION OFFICIAL CATALOG HAZARD AND CATASTROPHIC LOSS PREVENTION DIVISION, 1000 PENNSYLVANIA AVENUE, N.W., WASHINGTON, D.C. 20540. THIS PUBLICATION IS AVAILABLE FOR SALE AT THE FOLLOWING PRICE: \$1.00 PER COPY. ORDER FORMS MAY BE OBTAINED FROM THE FOLLOWING SOURCE: NATIONAL FIRE INSURANCE ASSOCIATION, 1000 PENNSYLVANIA AVENUE, N.W., WASHINGTON, D.C. 20540. THE ABOVE STATEMENT IS FOR INFORMATION ONLY AND DOES NOT REPRESENT THE STATEMENT OF THE PROBABILITY OF FLOODING. IN ADDITION, THIS SURVEYOR/ENGINEER ASSUMES NO LIABILITY FOR THE CORRECTNESS OF THE CATALOG MAP.

● RF	DENOTES 1/2" IRON ROD FOUND
● PF	DENOTES IRON PIPE FOUND
○ CIRS	DENOTES CAPPED 1/2" IRON ROD SEE
(MEAS)	DENOTES MEASURED THIS SURVEY

BEARINGS SHOWN ON THE FACE OF THIS SURVEY ARE TRUE BEARINGS
BASED UPON GPS OBSERVATION USING EARL DUDLEY VMS RTK INET
GPS NETWORK.

CIVIL
507
ELECTRICAL
MECHANICAL
SURVEYING

МАНГО: ПОТЯНУ



J. K. Jordan 1st Judicial District
Instrument 2021 8336 D - J1
Filed/Recorded 6/15/2021 03:45 P
Total Fees \$ 39.00
8 Pages Recorded

DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR BROOKESTONE SUBDIVISION

WHEREAS, Brookstone Gulf Coast, LLC is the owner of certain land and property lying and being situated in the First Judicial District of Harrison County, Mississippi, being BROOKESTONE SUBDIVISION, a subdivision according to a map or plat of which is on file and of record in the office of the Chancery Clerk of Harrison County, First Judicial District, Mississippi in Plat Book 60 at Page 19 thereof.

WHEREAS, said owner, hereinafter referred to and called the "Declarant", desires to impose certain Restrictive and Protective Covenants upon all lots of said subdivision for the protection and benefit of those purchasing lots therein.

NOW THEREFORE, in consideration of the advantages to accrue through such restrictive and protective covenants and for other good and valuable consideration, the Declarant does hereby covenant and agree with all future owners of lots in the aforesaid subdivision that the following restrictive and protective covenants shall apply to all the lots in said subdivision, and to all improvements thereon, and does hereby publish and declare that the following terms, covenants, conditions, easements, restrictions, uses, limitations and obligations shall run with the land and shall be a burden and benefit to Declarant, his successors and assigns, and to any persons acquiring title to or owning an interest in the said real property and improvements, their successors, executors, heirs, administrators devisees and assigns.

ARTICLE I RESTRICTIONS AS TO USE, OCCUPANCY AND APPEARANCE

Section 1. General. All of the Lots shall be used and occupied as single-family residences and no structures shall be erected; altered, placed or permitted to remain other than single family dwellings with a private garage for not more than three (3) vehicles and one (1) storage or outbuilding. No building, fence, wall or other structure shall be erected or placed on any Lot, except in accordance with the provisions of this Declaration, including written permission of the Architectural Control Committee. No alteration to the exterior (appearance) of any dwelling, lot, building, fence, or other structure shall be made without the written permission of the Architectural Control Committee created hereunder. Each Owner shall be responsible for his/her own exterior maintenance, landscaping, and maintenance of the landscaping, so long as it does not interfere with the adjoining Lot Owner, and is consistent with these Covenants, Conditions and Restrictions, and harmonious with the surrounding improvements.

Section 2. Building Setback Requirements. Setbacks for front, side and rear yards shall be governed by the City of Gulfport as set forth in the City Zoning Ordinance and subject to any variances granted by the Zoning Board. For the purpose of these covenants, conditions and



SCANNED

restrictions, eaves, steps and open patios shall not be considered a part of the building.

Section 3. Dwelling Size. All residences constructed on Lots One through Thirty-four (1-34) shall contain a minimum square footage in accordance with the following schedule: all residences shall contain a minimum of 1,800 square feet of heated and cooled floor area (exclusive of decks, porches and garages). All residences constructed on Lots Thirty-five through One hundred and three (35-103) shall contain a minimum square footage in accordance with the following schedule: all residences shall contain a minimum of 2,500 square feet of heated and cooled floor area (exclusive of decks, porches and garages).

Section 4. Fences. All fences constructed on any lot or building site must be approved by the Architectural Control Committee prior to construction in accordance with Section 1 of Article II of these covenants, conditions and restrictions. The Homeowner's Association will be responsible for the maintenance of the fence along East Taylor Road.

Section 5. Temporary Structures. No structure of a temporary nature (trailer, shack, tent or other building), shall be moved to, placed upon or used on any Lot at any time, either temporarily, permanently, excepting, however, that during periods of construction, contractors shall be permitted a single storage shed on each separate construction site.

Section 6. Building Condition, General Appearance. Nuisance, and Health Regulations. All Lots shall be maintained in good repair, shall be clean and sanitary at all times, and no nuisance and no violation of the rules and regulations of the State Board of Health or any governmental agency shall be permitted.

Section 7. Noxious and Offensive Trade. No noxious or offensive trade or activity shall be carried out upon a Lot nor shall anything be done thereon which may be or become an annoyance to the other Lot Owners. Floodlights, bells, telephones, music, number or noise level of pets, air pollutants, etc. shall not be such as to constitute a nuisance to or impair the enjoyment of neighboring Lots.

Section 8. Signs. No professional, commercial or other signs of any kind shall be erected or maintained on any Lot or building by any Owner except with the written permission and direction of the Homeowner's Association, or except as may be required by legal proceedings. It being understood that the Association will not grant permission unless reasonably necessary to avert serious hardship to an Owner. However, an Owner may place a professionally made "For Rent" or "For Sale" sign no larger than three (3) square feet in size on the Lot. This restriction is not applicable to the Declarant during any such period of time that Declarant owns any Lot and is offering any Lot for sale.

Section 9. No Clothes Lines. No outside clothes lines or other items detrimental to the appearance of the Lots shall be permitted on any Lot. All personal garbage and trash receptacles, which are to be furnished by the Owner, must be hidden from view.

Section 10. Animals. No livestock, animals, chickens or fowl of any kind or nature shall be

permitted on a Lot except for dogs and cats owned as personal pets which shall not be kept in such number as to be an annoyance to other Owners of Lots. In addition, no dogs or cats shall be permitted on a Lot except inside a Home or fenced-in area, without being on a leash and under the immediate control of a responsible Lot Owner. All such pets must be walked in appropriate areas, and owners of such pets must clean up after their pets. If any such pet owner fails to properly clean up after his pet, the Homeowner's Association shall perform such service and shall bill the pet owner accordingly. The Homeowner's Association shall have the right to adopt and enforce such additional pet regulations as are reasonably necessary to ensure that such pets are not and do not become a nuisance.

Section 11. Nuisances. No nuisance shall be allowed upon a Lot, nor any use or practice that is the source of annoyance to Lot Owners or which interferes with the peaceful possession and proper use of a Lot by its owners. All parts of a Lot shall be kept in a clean and sanitary condition, and no rubbish, refuse or garbage allowed to accumulate nor any fire hazard allowed to exist. No Owner shall permit clothes, towels, or other items of personal property to be hung, draped, or otherwise displayed on the patio for the purpose of drying or for any other purpose in a manner which would allow said clothing, towel or other personal property to be viewed by any other person occupying or using the Lot. No Owner shall permit any noise to originate from his Lot that would be an annoyance or nuisance to owners of adjoining Lots, including, but not limited to, radios, record players, stereos, musical instruments, singing, barking of dogs, and meowing of cats.

Section 12. Lawful Use. No immoral, improper, offensive or unlawful use shall be made of a Lot nor any part thereof; and all valid laws, zoning ordinances and regulations of all governmental bodies having jurisdiction shall be observed. The responsibility of meeting the requirements of governmental bodies for maintenance, modification or repair of a Lot shall be the same as the responsibility for the maintenance and repair of the Lot concerned.

Section 13. Leasing. Entire single-family dwellings may be rented provided that the single-family dwelling is used only as a single-family residence; that the lease or rental period is for not less than one hundred eighty (180) consecutive days; that the single-family dwelling is occupied by only one family having no more members than the single-family dwelling is designed to accommodate; and provided that such use by the tenant or tenants does not create a nuisance. A Lot Owner may lease or rent his own single-family dwelling to any lessee provided that the Lot Owner furnishes the Association with the names of all the tenants. All lessees are subject to the provisions of the Declaration and the By-Laws and failure to comply with said provisions shall be a default under any lease of any single-family dwelling whether so stated in said lease. All of the foregoing may be enforced by the Association.

Section 14. Parking. No boat trailer, house trailer, commercial truck, tractor or commercial vehicle of any kind, or any other vehicle, machine, equipment or apparatus other than operating passenger automobiles, pickups and operating passenger vans: (vans are limited to those that are no wider than American made family automobiles) shall be parked or stored in any driveway or on any Lot in the subdivision or on the street or road rights-of-way in front of any such Lot so as to be visible from the street or be visible to the other residences in the subdivision. All vehicles

belonging to Owners or tenants occupying any single-family dwelling, building site or Lot in the subdivision must be operable and not in storage and/or being repaired. No trailer/tractor, bus, or other commercial vehicle shall be parked on any Lot, building site, or adjoining street right-of-way overnight. No automobiles or other vehicles shall be parked on the street or rights-of-way overnight or parking in yards at any time.

Section 15. Maintenance of Vacant Lots or Building Sites. If construction of a single-family dwelling is not commenced within two (2) years after the purchase of a Lot, then the Owner shall remove all unsightly debris which is visible from the street. Clearing of the Lot shall not be required except that no underbrush or grass shall be allowed to cover the curbing or sidewalks, if installed. If construction of a single-family dwelling is not started within five (5) years after the purchase of a Lot, it shall be cleared of underbrush up to the building setback lines abutting streets and maintained on a monthly basis during the growing season.

Section 16. Antennas, Satellite Dishes, and Basketball Goals. No ham radio antennas, citizen band radio antennas, television antennas, or any other type of antenna shall be allowed or permitted to be erected or located or to remain on any Lot at any time. Any television satellite dishes erected and properly located on a Lot or building site in the subdivision shall be the RCA type and shall not exceed eighteen (18) inches in diameter. Basketball goals, posts or backboards shall not be erected on any street or right-of-way.

Section 17. Maintenance of Landscaping. Each Owner shall maintain the appearance of his or her Lot or building site in high quality condition and will provide and maintain landscaping on the Lot or building site. Grass, flowers and shrubbery must be kept in an orderly fashion. No bamboo hedges shall be allowed within the required thirteen (13) feet or twenty-five (25) foot front setback area.

Section 18. Sewage and Drainage Control. No activities shall be permitted that discharge pollutants into the surface drainage system or sewage collection system.

Section 19. Adjoining Lots. If one or more Lots, or one Lot and all or a portion of an adjacent Lot, within the subdivision, are utilized for one single family residential purpose, the setback requirements herein shall be measured from the boundary line of the entire building site or plot being then and there utilized and devoted to the single-family residence. Should a property owner in an adjoining subdivision purchase a Lot abutting their existing residence, said Lot in BROOKESTONE SUBDIVISION shall be maintained as required in Section 13, Article I of these Covenants. No fences shall be erected within 50 feet of the front property line nor to a height greater than four feet in the front yard. No accessory structures will be allowed to be constructed which could appear to be servicing the adjacent residence. No automobiles, boats, motor homes, campers or other type vehicles may be stored on the Lots.

Section 20. Subdivision of Lots. No Lot over which these covenants govern may be subdivided so as to reduce the originally platted size or square footage unless the fractional portion of the Lot is added to an adjacent Lot within BROOKESTONE SUBDIVISION. The

remaining fractional portion of the affected Lot shall meet the minimum Lot size (dimensional and area) requirements, unless it is to be added to the adjoining Lot on the opposite side Lot line.

Section 21. Reservation of Easement. Easements are reserved over and across each Lot in the subdivision as shown on the recorded plat for the purpose of installing, repairing and maintaining or conveying to proper parties for the installation, repair or maintenance of utilities for the Lots or building sites in the subdivision, and said easements shown or reserved on the recorded plat of the subdivision, if any, are hereby adopted as part of these restrictions.

Section 22. Sidewalks. Sidewalks must be installed across every Lot prior to occupancy of any single-family dwelling. If construction of a single-family dwelling is not commenced within three (3) years after the purchase of a Lot, then the Owner shall cause to have installed a sidewalk across said Lot. In the event sidewalks are not installed as herein prescribed, the Homeowners Association shall be authorized to cause to have installed said sidewalks, the cost of which shall become a special assessment against the affected Lot. Location of sidewalks shall be consistent with existing sidewalks, if any, on the adjoining Lot. The location of said sidewalk shall be approved by the Architectural Control Committee

Section 23. Storage or Outbuildings. Only one storage or outbuilding, shall be placed, permitted, or allowed on each Lot. The size and design of any such outbuilding must be approved in writing by the Architectural Control Committee and must conform to all set back requirements contained in Section 2 of Article I of these covenants and those set back requirements of the City of Gulfport and any other applicable government entity.

Section 24. Regulations. Reasonable regulations concerning the use of a Lot may be made and amended from time to time by the Homeowner's Association in the manner provided by its Articles of Incorporation and By-Laws. Copies of such regulations and amendments shall be furnished by the Homeowner's Association to all Owners and residents of Lots upon request.

Section 25. Proviso. Provided, however, that until Declarant has completed all of the contemplated improvements and closed the sale of Sixty (60) Lots in BROOKESTONE SUBDIVISION, neither the Owners nor the Homeowner's Association nor the use of the Lots shall interfere with the completion of the contemplated improvements and the sale of Lots by Declarant. Declarant may make such use of the unsold Lots and common areas, if any, as may facilitate such completion and sale, including but not limited to maintenance of a sales office, the showing of Lots and the display of signs.

ARTICLE II

ARCHITECTURAL CONTROL

Section 1. Architectural Approval. Owners of single-family dwellings constructed in this subdivision shall be responsible for making needed repairs in a timely manner and maintaining the landscaping of each individual Lot at least to the standard initially established by the developer. The final building plans and specifications for the construction of any residence, garage, outbuilding, fence, wall and pool (or alteration or repainting of any such structure) shall be submitted for approval in writing by a three (3) member Architectural Control Committee. All plans for residences, garages, outbuildings, pools, and landscaping must be stamped and signed by the Architectural Committee before any construction shall begin. Anyone not abiding by this will subject themselves to penalties, fines, halting construction, and removing any construction that does not meet the Architectural Committee approval. Any owner who wishes to modify or change the color scheme of his home shall be required to submit the change to the Architectural Control Committee for approval. The Committee shall act with all reasonable promptness upon receipt of plans and specifications submitted in accordance with this paragraph to approve or disapprove such plans and specifications. If the committee shall fail to approve or disapprove such plans and specifications within twenty (20) days of receipt of written demand for the approval of such plans and specifications, the Committee shall be deemed to have approved such plans and specifications. The initial Architectural Control Committee shall consist of the Declarant and four (4) other persons appointed by the Declarant.

Section 2. Architectural Control Committee. Upon the death or resignation of a member or members of the committee, the remaining member or members shall have full authority to designate successor members. The Declarant shall have the authority to appoint committee members in addition to the four (4) original members. Neither the members of the committee nor its designated representatives shall be entitled to any type of compensation for services performed pursuant to this covenant. Upon the sale of Sixty (60) Lots in said subdivision, a four (4) member Architectural Control Committee shall be elected by the Homeowner's Association. The Architectural Control Committee shall establish its rules of procedure, including the method of filling vacancies.

Section 3. Granting of Variances. When a single family dwelling or other structure has been erected or its construction substantially advanced and the structure is located on any Lot in a manner that constitutes a violation of these covenants, conditions and restrictions or the building setback lines shown on the recorded plat or if the Architectural Control Committee, in its sole discretion, determines that a variance is desirable in order to best accommodate the location of a planned building on a particular Lot, the Architectural Control Committee may release the Lot, or parts of it, from any part of the covenants, conditions and restrictions, or setback lines that are violated. The Architectural Control Committee shall not give such a release except for a violation that it determines to be a minor or insubstantial violation in its sole discretion. Provided, however, that the Architectural Control Committee shall have no authority to grant a variance of the City of Gulfport Subdivision regulations, including, but not limited to, those that may be contained in these covenants, conditions and restrictions. Neither the Board of Directors of the Homeowner's Association, nor the Architectural Control Committee, nor any of the respective members, shall in any way be liable or be held liable to any Owner, the Homeowner's Association, or any other person or entity resulting from its good faith exercise of the discretionary authority conferred by this Section.

ARTICLE III

GENERAL PROVISIONS

Section 1. Enforcement. The Homeowner's Association, the Declarant or any Owner shall have the right to enforce, by any proceeding at law or in equity, all restrictions, conditions, covenants, reservations, liens and charges now or hereafter imposed by the provisions of this Declaration. Failure by the Homeowner's Association, the Declarant, or by any Owner to enforce any covenant or restriction herein contained shall in no event be deemed a waiver of the right to do so thereafter. In the event that a Court of competent jurisdiction shall determine that any Lot owner shall have violated or have attempted to violate any of the covenants herein, the owner of the Lot or Lots causing the violation upon which the violation occurs shall pay all attorney's fees, court costs, and other necessary expenses incurred by the person instituting such legal proceedings to maintain and enforce the aforesaid covenants. Said attorney's fees, court costs and other expenses allowed and assigned by the Court shall become a lien upon the lot and improvements.

Section 2. Severability. Invalidation of any one of these covenants or restrictions by judgment or court order shall in no way affect any other provisions which shall remain in full force and effect.

Section 3. Amendment.

(a) The covenants, conditions and restrictions of this Declaration shall run with and bind the land, for a term of 25 years from the date this Declaration is recorded, after which time they shall be automatically extended for successive periods of five (5) years.

(b) This Declaration may be amended anytime during the initial 25-year period or any extensions thereof by Declarant or its nominees, provided they own at least fifty-one percent (51%) of the numbered lots in the subdivision. Beginning five (5) years from the date of recordation of the Declaration and for the remainder of the initial 25-year period or any extensions, the Covenants may also be amended by the written consent of at least seventy-five percent (75%) of the Lot Owners, exclusive of their mortgagees. Any amendment must be recorded.

(c) Notwithstanding anything herein contained to the contrary, the developer reserves and shall have the right for a period of three (3) years from the date of the recording of these Covenants, Conditions and Restrictions to unilaterally amend this Declaration in whole or in part in order to (1) conform this Declaration to the requirements of any governmental agency, federal, state or

local, (2) to conform to the requirements of any mortgage lender, or (3) to insure the reasonable development of the property. The developer shall retain total control of any unsold parcels or lots, the development thereof, including, without limitation, plan approval, until the development is complete and eighty (80) of the lots have been sold.

WITNESS ITS SIGNATURE on this the 14th day of JUNE, 2021.

BROOKESTONE GULF COAST, LLC, Owner

BY: [Signature]
Robert J Knesal, Co-Managing Member

Declarants Address and Phone Number

Robert J. Knesal
111 Lundgren Lane
Gulfport, MS 39507
228-860-5318

STATE OF MISSISSIPPI
COUNTY OF HARRISON

PERSONALLY, came and appeared before me, the undersigned authority in and for the jurisdiction aforesaid, the within named Robert J. Knesal, who acknowledged to and before me that he is a Managing Member of Brookestone Gulf Coast, LLC a Mississippi limited liability company, and for and on behalf of said company, and as its act and deed he signed, executed and delivered the above and foregoing instrument of writing on the date first above written, he having been first duly authorized so to do.

GIVEN under my hand and official seal, this the 14th day of JUNE, 2021.

[Signature]
NOTARY PUBLIC

My Commission expires: 2/3/2025

PREPARED BY AND RETURN TO:

Robert J. Knesal
111 Lundgren Lane
Gulfport, MS 39507
228-860-5318



November 1, 2021

City of Gulfport
Urban Development Planning Division
1410 24th Ave
Gulfport, MS 39501

Re: Brookestone Subdivision – Variance Application Lot 43

To whom it may concern:

Please find attached an Application for a side yard setback variance for the referenced Lot 43.

We request the Side yard variance for the following reasons and answer the six questions as follows:

1. The 25' side yard requirement on side streets restricts the buildable area of the home proposed because it is a corner lot. It is a burden for side yard requirements compared to the normal 8' side yard setback.
2. This setback variance is necessary to construct the home desired by the prospective lot owner. A corner lot is necessary for the proposed home.
3. The 25' side street setback is a burden for side yard requirements because it is a corner lot compared to the normal 8' side yard setback.
4. Without this variance the proposed lot buyer cannot construct the home they desire. The variance will provide reasonable use of the corner lot.
5. The approval of this type of variance has been allowed on other lots in this subdivision.
6. The proposed use of a single-family home is allowed by right in the zoning district.

An affidavit stating the request is not in violation of restrictive or protective covenants is included as required.

A copy of our filed covenants is included as required.

Should you have any questions please do not hesitate to contact me at 228-860-5318.

Sincerely yours,



Robert J. Knesal, P. E.



John 1st Judicial District
Instrument 2020 3312 D - J1
Filed/Recorded 3/25/2020 03:06 P
Total Fees \$ 25.00
3 Pages Recorded

Prepared By and Return To:
Schwartz, Orgler & Jordan, PLLC
12206 Hwy 49
Gulfport, MS 39503
(228) 832-8550

File# 162021A

Indexing Instructions:
Pt E 1/2 of SE 1/4 of Section 19-7-10
Harrison County, MS

STATE OF MISSISSIPPI

COUNTY OF HARRISON



WARRANTY DEED

THAT FOR AND IN CONSIDERATION of the sum of Ten and no/100 Dollars (\$10.00), cash in hand paid, and other good and valuable consideration, the receipt and sufficiency of all of which is hereby acknowledged,

BARBARA C. ALLEN
767 DESTINY PLANTATION
BILOXI, MS 39532
228-669-9102

does hereby grant, bargain, sell, convey and warrant, unto

BROOKSTONE GULF COAST, LLC,
a Mississippi limited liability company
111 LUNDGREN LANE
GULFPORT, MS 39503
228-669-9102

the following described property, together with the improvements, hereditaments and appurtenances thereunto situated and located in the County of Harrison, State of Mississippi, and more particularly described as follows, to-wit:

Parcel 1:

That certain parcel of land located North of East Taylor Road and being located in and a part of Section 19 and 20, Township 7 South, Range 10 West, City of Gulfport, Mississippi, and being more particularly described as follows, to-wit: Commencing at the corner common of Section 19, 20, 29 and 30, Township 7 South, Range 10 West; thence run North 00 degrees 31 minute 26 seconds West a distance of 176.7 feet, more or less, along the Section line common to Sections 19 and 20 to a point on the North margin of Taylor Road for the POINT OF BEGINNING of the parcel herein described; thence continue from said Point of Beginning, North 00 degrees 31 minutes 26 seconds West along the Section line common to Sections 19 and 20 a distance of 1,117.21 feet;

Our File Number 162021A,

2

thence North 89 degrees 28 minutes 33 seconds West a distance of 105.72 feet; thence run North 00 degrees 31 minutes 26 seconds West a distance of 1,065.31 feet, more or less, to the South Right-of-way of the property now or formerly of Harrison County Development Commission; thence run North 72 degrees 57 minutes 06 seconds West along the said South Right-of-way of the Harrison County Development Commission property a distance of 933.65 feet; Thence run South 89 degrees 47 minutes 50 seconds West a distance of 355.56 feet to the East line of property now or formerly of Dr. J. T. Taylor; thence run South 00 degrees 21 minutes 44 seconds East along the East line of the Taylor property a distance of 2,481.50 feet, more or less, to the North margin of Taylor Road; thence run North 88 degrees 55 minutes 15 seconds East along the North margin of Taylor Road a distance of 1,358.41 feet, more or less to the Point of Beginning. Said parcel containing 70.77 acres, more or less.

And also:

Parcel II: A parcel of land situated and being located in Section 19, Township 7 South, Range 10 West, City of Gulfport, First Judicial District of Harrison County, Mississippi and being more particularly described as follows, to-wit: COMMENCING at the corner common to Sections 19, 20, 29, and 30, Township 7 South, Range 10 West; thence run North 00 degrees 51 minutes 26 seconds West along the line between Sections 19 and 20, a distance of 176.7 feet, more or less, to a point on the North margin of Taylor Road; thence run North 00 degrees 31 minutes 26 seconds West a distance of 1,117.21 feet along the line common to Section 19 and 20, to the POINT OF BEGINNING; from said Point of Beginning, thence run North 89 degrees 28 minutes 33 seconds West a distance of 105.72 feet; thence run North 00 degrees 31 minutes 26 seconds West a distance of 1,065.31 feet, more or less, to the South Right of Way of the property now or formerly of the Harrison County Development Commission; thence run South 72 degrees 57 minutes 06 seconds East along the South Right of Way of said Harrison County Development Commission property a distance of 116.42 feet, more or less, to the common line between Sections 19 and 20; thence run South 00 degrees 31 minutes 26 seconds East, along the line between Section 19 and 20, a distance of 1,032.49 feet, more or less, back to the Point of Beginning.

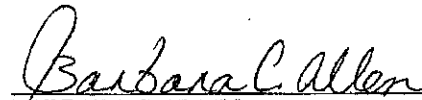
The above described property is not a part of the Homestead of the Grantor herein.

THIS CONVEYANCE is subject to any and all recorded restrictive covenants, rights-of-way and easements applicable to subject property, and any prior recorded reservations, conveyances and leases of oil, gas and minerals by previous owners of subject property.

Taxes for the current year are hereby assumed by the Grantee

THIS CONVEYANCE is also subject to Zoning and/or other land use regulations promulgated by federal, state or local governments affecting the use or occupancy of the subject property.

WITNESS THE SIGNATURE of the Grantor on this the 26th day of March, 2020.


BARBARA C. ALLEN

STATE OF MISSISSIPPI

COUNTY OF HARRISON

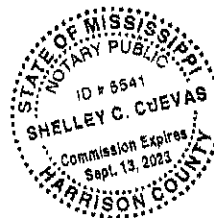
THIS DAY personally appeared before me, the undersigned authority in and for the jurisdiction aforesaid, BARBARA C. ALLEN, who acknowledged that she signed, executed and delivered the above and foregoing instrument as his voluntary act and deed on the day and year therein mentioned.

GIVEN under my hand and official seal on this the 26th day of March, 2020

NOTARY PUBLIC

(SEAL)

My Commission Expires:



Our File Number 162021A,

SC SCHWARTZ, ORGLER, JORDAN & WILLIAMS AMS
Attorneys at Law PLLC
12206 Hwy 49, Gulfport, MS 39503
PO Box 2408, Gulfport, MS 39505

MARK C. ORGLER, ATTORNEY
DUSTIN N. WILLIAMS, ATTORNEY

September 25, 2020

Telephone: 228.832.8550
Fax: 228.832.8518

Barbara C. Allen
767 Destiny Plantation
Biloxi, MS 39532

RE: Our File No. 162021A

Dear Sir / Madame:

In connection with the above referenced transaction, we are enclosing herewith:

- (1) Recorded Land Deed of Trust

Thank you for your attention to this matter. If you should have any questions, please advise.

Sincerely,

Schwartz, Orgler, Jordan & Williams, PLLC

By: _____
Mark C. Orgler, Esq.

:ab

Enclosure

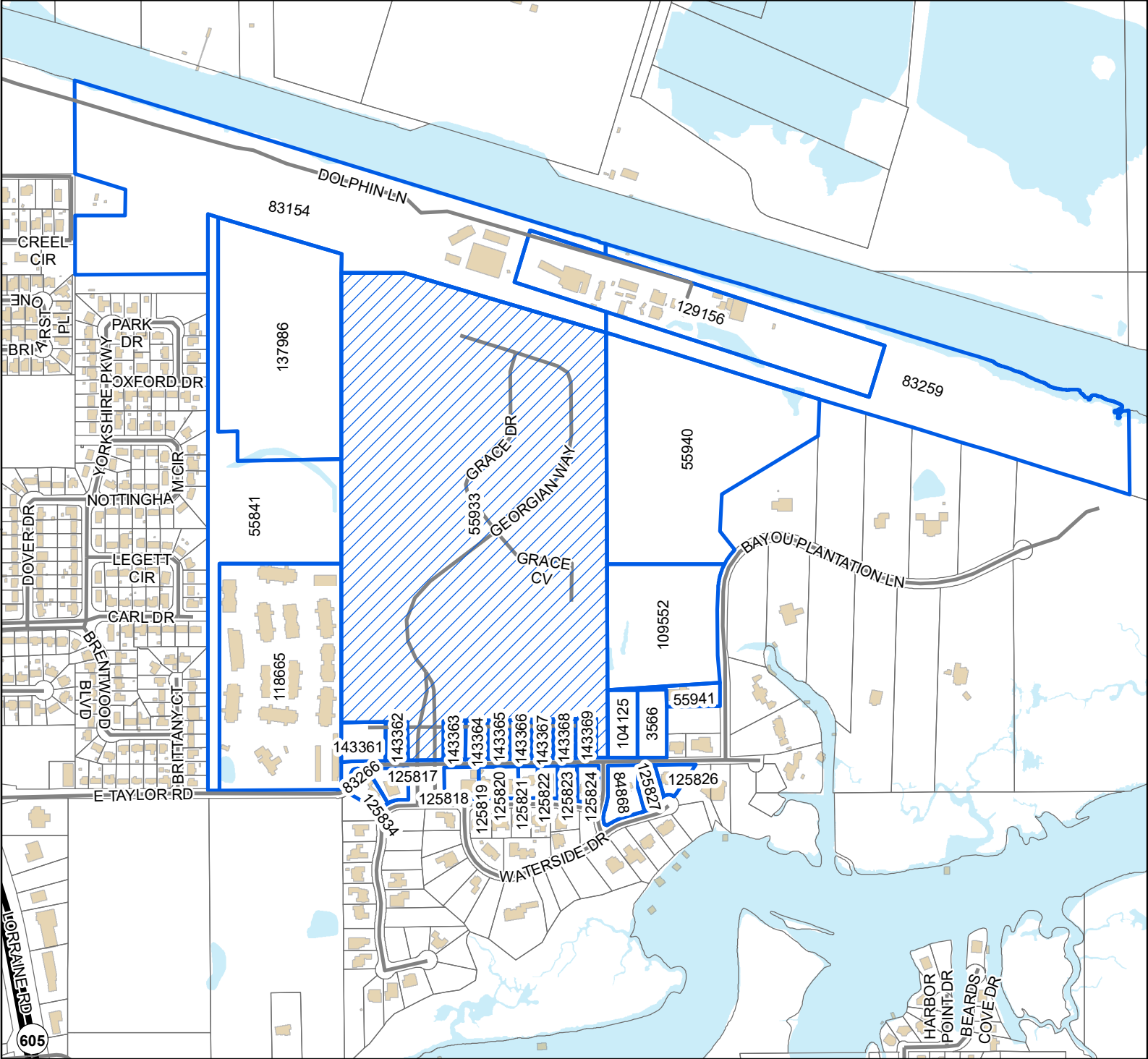
RE: Variance 2112PC194, by owner Brookestone Gulf Coast, LLC, tax parcel 1009N-01-002.043, Variance for side street setback, Lot 43 (Brookestone), Zoned R-2 (Single-family), Ward 5.

To Applicants and Adjacent Property Owners:

The City of Gulfport Zoning Board of Adjustments and Appeals will hold a public hearing to consider the above application at 3:00 P.M. on **Thursday, December 16, 2021**, in the Council Chambers at the Gulfport City Hall located at 2309 15th Street.

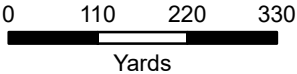
For more information, visit <http://www.gulfport-ms.gov/agendas.shtml> then click the City of Gulfport Zoning Board for **Thursday, December 16, 2021**. A map showing the location of the property involved is located at this website. If you have any questions or comments, please contact this office at the phone number 228-868-5710 or email planners@gulfport-ms.gov. The application is available for viewing in the Planning Division office at 1410 24th Avenue.

Mail	PPIN	Parcel ID	Name	Address	City	State	ZIP
Y			Brookestone Gulf Coast, LLC (Owner)	111 Lundgren Lane	Gulfport	MS	39507
			Adjacent Property Owners				
	125827	1009O-02-005.003	BLACKLIDGE RONALD W & BECKY BROCK	10918 CHANNELSIDE DR	GULFPORT	MS	39507
	3566	1009O-02-004.002	BRANCH SAMUEL D & RACHEL	12203 PRESERVATION DR	GULFPORT	MS	39503
	55941	1009O-02-004.000	BURRELL ANDREW & ASHLEY	12562 LAKE VILLAGE DR	GULFPORT	MS	39503
	125821	1009N-01-003.005	COURTENAY DANIEL & LAURA	10898 CHANNELSIDE DR	GULFPORT	MS	39503
	125824	1009N-01-003.008	FORE PAT H III	10868 CHANNELSIDE DR	GULFPORT	MS	39503
	55841	1009N-01-004.000	GRAHAM ROBERT N	P O BOX 1207	PURVIS	MS	39475
	83266	1009N-01-003.000	GULFPORT CITY OF	P O BOX 1780	GULFPORT	MS	39502
	125822	1009N-01-003.006	HARPER OSWAGO Y & TAMARA WALKER	10888 CHANNELSIDE DR	GULFPORT	MS	39503
N	83154	1009K-03-001.000	HARRISON CO DEV COMM				0
	129156	1009O-02-001.001	INSTITUTE FOR MARINE MAMMAL STUDIES	P O BOX 207	GULFPORT	MS	39502
	125819	1009N-01-003.003	JALAL SHWAN & KURDONYA HAWRAMI	10918 CHANNELSIDE DR	GULFPORT	MS	39503
	137986	1009N-01-004.002	LAND TRUST FOR MISS COASTAL PLAIN	PO BOX 2457	PURVIS	MS	39475
	125823	1009N-01-003.007	LEWAKOWSKI THOMAS J & MELINDA D	10878 CHANNELSIDE DR	GULFPORT	MS	39503
N	118665	1009N-01-004.001	MMP2-HARBIN LLC	C/O LEGACY PROPERTY MANAGEMEN	NASHVILLE	TN	37212
	125818	1009N-01-003.002	MONAHAN STEPHANIE F & LAWRENCE S SR	10928 CHANNELSIDE DR	GULFPORT	MS	39503
N	55940	1009O-02-002.000	NATURES PATH LLC	525 NORTH MAIN ST	HATTIESBURG	MS	39401
	109552	1009O-02-002.015	NATURES PATH LLC	525 NORTH MAIN ST	HATTIESBURG	MS	39401
	125817	1009N-01-003.001	SELLERS BENNIE JAMES JR & KATHRYN L	10968 CHANNELSIDE DRIVE	GULFPORT	MS	39503
	125834	1010C-01-001.001	SHARP MYLES ETHAN & DARIA OCCHI	10978 CHANNELSIDE DR	GULFPORT	MS	39503
	125826	1009O-02-005.002	SMITH TODD M & REBECCA M	10808 WATERSIDE DR	GULFPORT	MS	39503
	125820	1009N-01-003.004	SYMMES COWLES E & MARY E	10908 CHANNELSIDE DRIVE	GULFPORT	MS	39503
	104125	1009O-02-004.001	TOWLES JAMES SETH	10840 E TAYLOR RD	GULFPORT	MS	39503
	84868	1010B-04-003.000	VERRETT KEVIN D	10836 WATERMARK PL	GULFPORT	MS	39503



Legend

- Site
- Adjacent Properties
- US or State Highway
- Street
- Buildings
- Water Features



1 inch = 708 feet



DATA DISCLAIMER: All information that is provided on this map is believed to be correct. However, no liability is assumed by the City of Gulfport for errors in substance or form of any of the materials published on this map. The GIS Division, City of Gulfport, provides the information represented on this map as a service to the community and makes every effort possible to provide quality information. However, no claims, promises, or guarantees about the accuracy, completeness, or adequacy of the information contained on this map are expressed or implied.

THANK YOU for your legal submission!

Your legal has been submitted for publication. Below is a confirmation of your legal placement. You will also receive an email confirmation.

ORDER DETAILS**Order Number:**

IPL0050927

Order Status:

Submitted

Classification:

Legals & Public Notices

Package:

BLX - Legal Ads

Final Cost:

40.56

Payment Type:

Account Billed

User ID:

IPL0024925

ACCOUNT INFORMATION

GULFPORT URBAN DEVELOPMENT IP

PO BOX 1780

GULFPORT, MS 39502

228-868-5705

AccountsPayable@gulfport-ms.gov

GULFPORT URBAN DEVELOPMENT

TRANSACTION REPORT**Date**

November 24, 2021 11:29:33 AM EST

Amount:

40.56

SCHEDULE FOR AD NUMBER IPL00509270

December 1, 2021

SunHerald (Biloxi)

PREVIEW FOR AD NUMBER IPL00509270**LEGAL NOTICE
PUBLIC HEARING**

In conformance with Section VIII of the Comprehensive Zoning Ordinance of the City of Gulfport, Mississippi, 1979, as amended, notice is hereby given advising that the Zoning Board of Adjustment and Appeals will hold a public hearing in the City of Gulfport, Mississippi at 3:00 PM., Thursday, December 16, 2021, in the Council Chambers of the Gulfport City Hall located at 2309 15th Street to consider the following requests. A copy of the requests will be available for public review at the office of the Department of Urban Development-Planning Division located on first floor of the William H. Hardy Building, 1410 24 th Avenue.

Variance 2112PC183, by agent Kevin Taylor, tax parcels 0911E-01-050.000, 0911E-01-051.000, Request variance for setbacks, 629 and 617 2nd Street, Zoned R-1-7.5 (Single-family), Ward 2

Variance 2112ZB185, by agent Kris Lafleur, tax parcel 1010N-01-081.000, Variance for multiple accessory buildings, construction of an RV cover pole barn, 2014 St James Blvd, Zoned R-1-7.5 (Single-family), Ward 2.

Variance 2112PC186, by owner T&D Homes LLC, tax parcel 0911C-02-011.000, Variances for front & side setbacks, Searle Ave, Zoned R-1-7.5 (Single-family), Ward 2

Variance 2112PC192, by agent Watters Architecture, tax parcel 0910A-03-002.000, Request variance for setback, 18 Kimball Dr, Zoned R-1-7.5 (Single-family), Ward 4

Variance 2112PC194, by owner Brookestone Gulf Coast, LLC, tax parcel 1009N-01-002.043, Variance for side street setback, Lot 43 (Brookestone), Zoned R-2 (Single-family), Ward 5.

Variance 2112ZB195, by owners Christopher & Kathryn Dennis Spear, tax parcel 1010N-01-086.000, Request variance for parking material, 2004 Saint James Blvd., Zoned B-1 (Neighborhood business), Ward 2

Variance 2112ZB197, by owners Guy and Doulentha Wells, tax parcel 0811H 05-101.000, Variance for parking reduction, backing into the right-of-way, area requirement, and parking material, 1400 20th St, Zoned R-2 (Single-family), Ward 3

This the 23rd day of November 2021

A. Lee Palermo, Chairman

City of Gulfport Zoning Board of Adjustment and Appeals

W00000000

Publication Dates

[<< Click here to print a printer friendly version >>](#)

MEMORANDUM

To: City of Gulfport Zoning Board of Adjustment and Appeals

From: Greg Holmes, Planning Administrator
Urban Development Department

Date of Hearing: December 16, 2021

Re: Variance 2112ZB195:

Variance 2112ZB195, by owners Christopher & Kathryn Dennis Spear, tax parcel 1010N-01-086.000, Request variance for parking material, 2004 Saint James Blvd., Zoned B-1 (Neighborhood business), Ward 2

Technical Report

VARIANCE

GENERAL INFORMATION

Case File Number: 2112ZB195

Hearing Date: December 16, 2021

Current Zoning/Use: B-1 / Residence

Legal: Variance 2112ZB195, by owners Christopher & Kathryn Dennis Spear, tax parcel 1010N-01-086.000, Request variance for parking material, 2004 Saint James Blvd., Zoned B-1 (Neighborhood business), Ward 2

TECHNICAL DETAILS

Variances involve special cases where unique factors contribute to justify a use of property that does not conform to the City's enforced ordinances. Therefore, variances should not be granted unless they are able to adequately meet the following conditions:

- (a) That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district;
- (b) The special conditions and circumstances do not result from the actions of the applicant;
- (c) That an unnecessary hardship is created by the physical character of the property and is peculiar and unusual to such an extent that it is evidence that amendment of the zoning ordinance does not offer a reasonable solution;
- (d) That literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by properties in the same district under the terms of this ordinance;
- (e) That the granting of the variance will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same district, other than to permit the applicant to use their property in a manner as nearly equivalent to uses generally permitted in the district considering the conditions and circumstances involved and the hardship;
- (f) That the use proposed is permissible by right or with planning approval or by special exception.

(Ord. App. A Sec. VIII (B)(2)(c)(1))

Technical Report

VARIANCE

The applicant requests a variance to allow crushed limestone or other porous stone material on driveway where concrete or asphalt are required. Originally, the existing structure was built as a residence in 1962 and was used as a single-family home zoned B-1 (Neighborhood Business). The applicant purchased the property in November 2020 and would like to use the structure as a real estate brokerage office.

As stated by the applicant, "the Zoning Board granted a parking variance in August 2021 to reduce the number of required parking spaces; various City departments objected to on-street parking and indicated a parking plan should be submitted." The proposed site plan adds parking behind the building, which necessitates a driveway between the existing structure and the western fence.

Therefore, the applicant is requesting to utilize crushed limestone in lieu of concrete or asphalt on the driveway. All other parking, including ADA space and access aisle, and turnaround space would remain concrete or asphalt as required. Thus, the staff conducted a site visit on to the property and confirmed that part of the existing driveway currently contains limestone. In addition, the applicant states in the application that the cost to concrete the driveway along with the required parking in the rear would create a significant hardship and render the property useless for a real estate office. However, the applicant knew that the property has been used for residential for many years and was aware that they would have to bring the property up to commercial code at the time of purchase. If the variance is approved, the decision would be arbitrary and capricious because of the fact that others were made to bring nonconforming sites that are similar to this particular site up to code when changing a use. Further, review of the site plan submitted by the applicant shows that they can meet the required concrete driveway and required parking.

- (a) The applicant notes that they believe the sewer line runs under the proposed new driveway. In the event a sewer line must be repaired, crushed limestone would be more manageable to replace. It also will aid with drainage during rains. Additionally, there is a live oak tree located at the corner of the lot, thus the applicant fear the root system would be adversely impacted by a poured slab of concrete. All parking, including ADA space and access aisle, and turnaround space would remain concrete or asphalt as required. Thus, the staff conducted a site visit on to the property and confirmed that part of the existing driveway currently contains limestone. However, the applicant has not shown or has submitted any proof that sewer lines would be effected at any point. If the variance is approved, the decision would be arbitrary and capricious because of the fact that others were made to bring nonconforming sites up to code when changing the use. Also, proper measurements can be taken to insure protection of the tree. Therefore, for these reasons this is not a true hardship because others have had to endure the cost and other upgrades to similar properties.
- (b) In the application, the applicant cites that all structures, property lines, sewer lines, trees, and setbacks are in the same location from when they purchased the property in 2020. Therefore, the applicant feels that the hardship was created by the land itself. However, the applicant was aware of the nonconforming issues regarding parking requirements when applying for the first variance and was aware that the driveway must be concrete.

Technical Report

VARIANCE

- (c) Further, the applicant states “since on-street parking was denied by the board, we cannot use the carport for ADA parking requirements with a van accessible space and access aisle without eliminating all other on-site parking options.” The rear of the property is the only option to meet all other parking requirements because of the fact that for commercial use, backing out into the city-right-of-way is strictly prohibited. However, the applicant can meet all requirement given by the city, which the applicant has shown on the site plan submitted.
- (d) The applicant notes that if a variance is not granted, the cost to adhere to the parking plan requirements imposed by city departments, in addition to the modifications required for ADA compliance, will make the property essentially unusable as an office or anything other than a non-conforming residence and would create an unnecessary financial burden to our small, family business.
- (e) The applicant would like to use limestone to save the root system of an existing live oak. When the staff conducted a site visit, there was a live oak near the proposed driveway and agreed that the tree should be protected. However, when done correctly the driveway can be concrete and not harm the root system. The staff has sent out our City Arborist and has agreed that steps can be taken to protect the tree while the driveway is being constructed
- (f) This property is zoned B-1, and a real estate office would be allowed by right.

EXECUTIVE SUMMARY

The staff conducted a site visit on to the property and confirmed that part of the existing driveway contains limestone currently. All other parking, including ADA space and access aisle, and turnaround space would remain concrete or asphalt as required. In addition, the applicant states in the application that the cost to concrete the driveway along with the required parking in the rear would create a significant hardship and render the property useless for a real estate office. However, the applicant was aware that the property has been used for residential use for many years and knew that they would have to bring the property up to commercial code from the decision of the first variance. If the variance is approved, the decision would be arbitrary and capricious because of the fact that others was made to bring nonconforming sites that are similar to this particular site up to code when changing a use.

Any approval should consider these conditions:

1. Must meet all current building codes and other city ordinance.
2. Approval of this variance will allow limestone for driveway where concrete or asphalt are required.

DEPARTMENTAL CONDITIONS

Engineering: No conditions. Memo dated 12/6/2021.

Public Works: No conditions. Memo dated 12/6/2021.

Technical Report

VARIANCE

Traffic and Safety: No conditions. Memo dated 12/6/2021.

Building Code Services: Must meet all current building codes and other city ordinances.
Memo dated 11/30/2021.

GIS: No conditions. Memo dated 12/3/2021.

Police Department: No conditions. 12/6/2021.

Fire Department: No conditions. Memo dated 12/30/2021.

City Arborist: No conditions. Memo dated 11/30/2021.

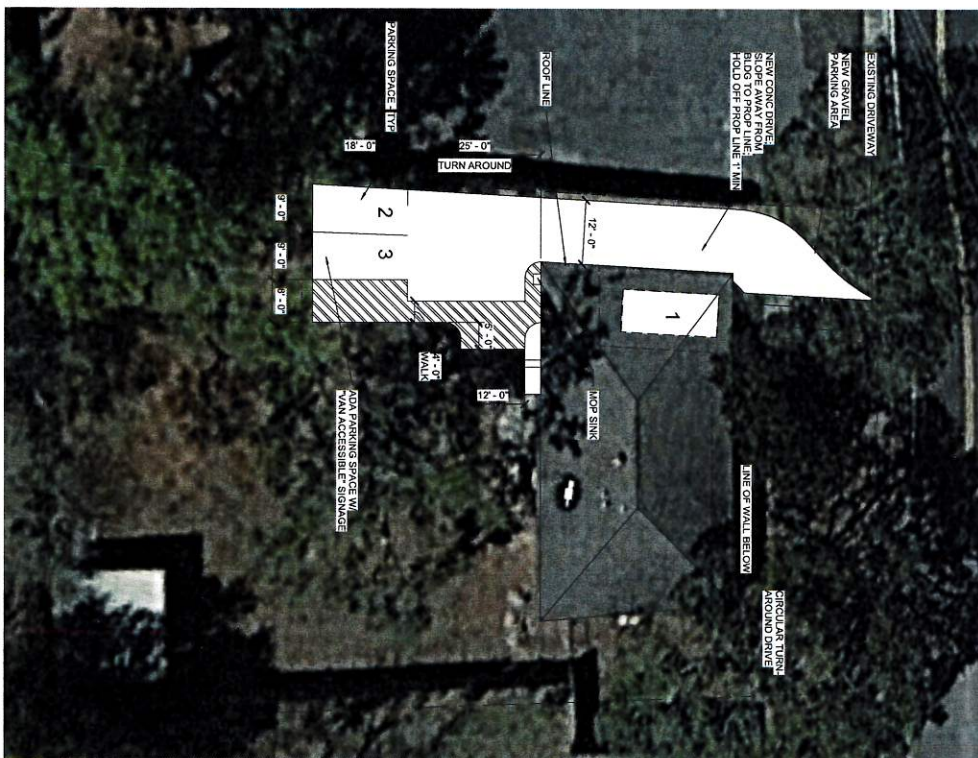
DIRECTOR APPROVAL

This report has been reviewed and approved by:

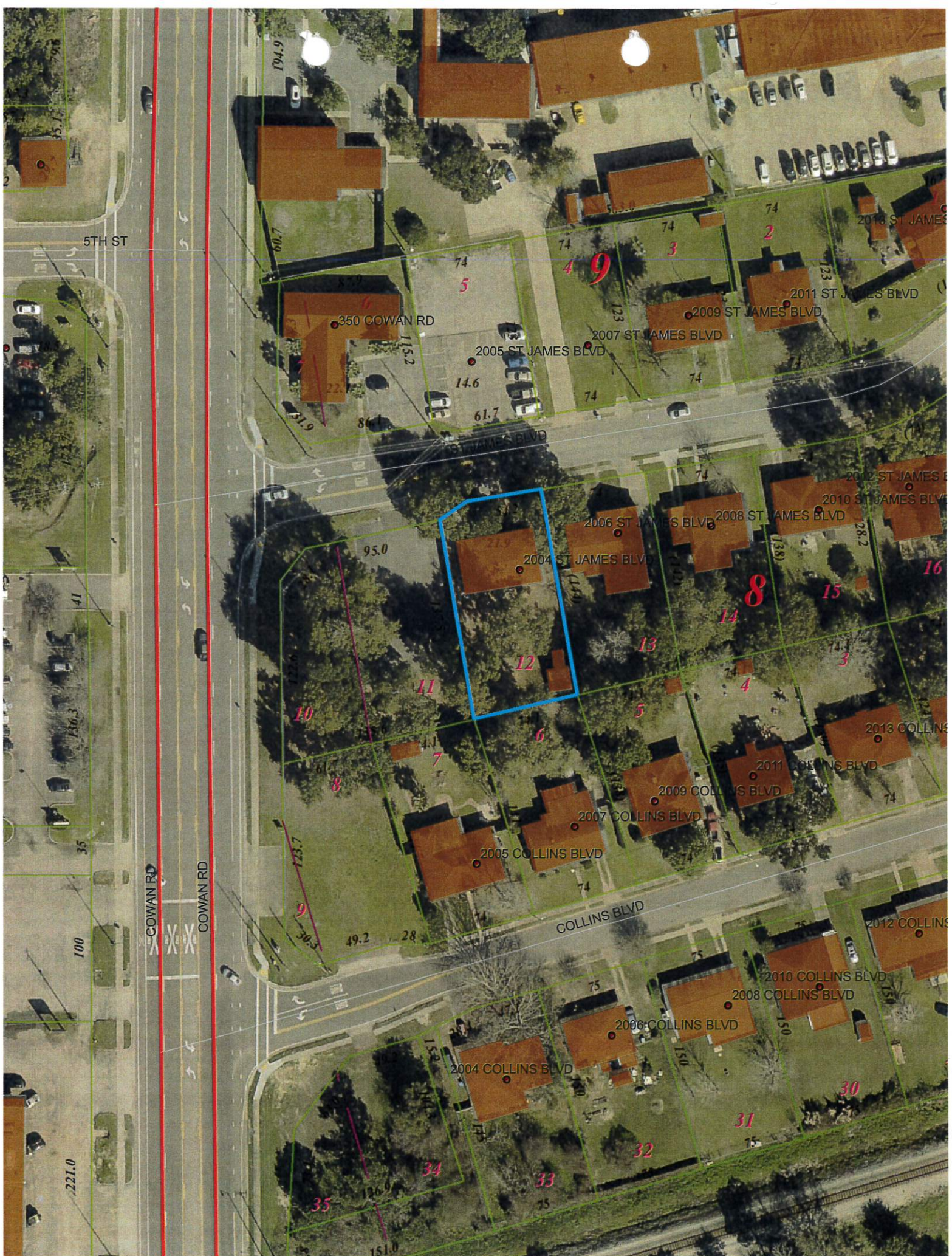
Greg Pietrangelo
Director of Urban Development Department

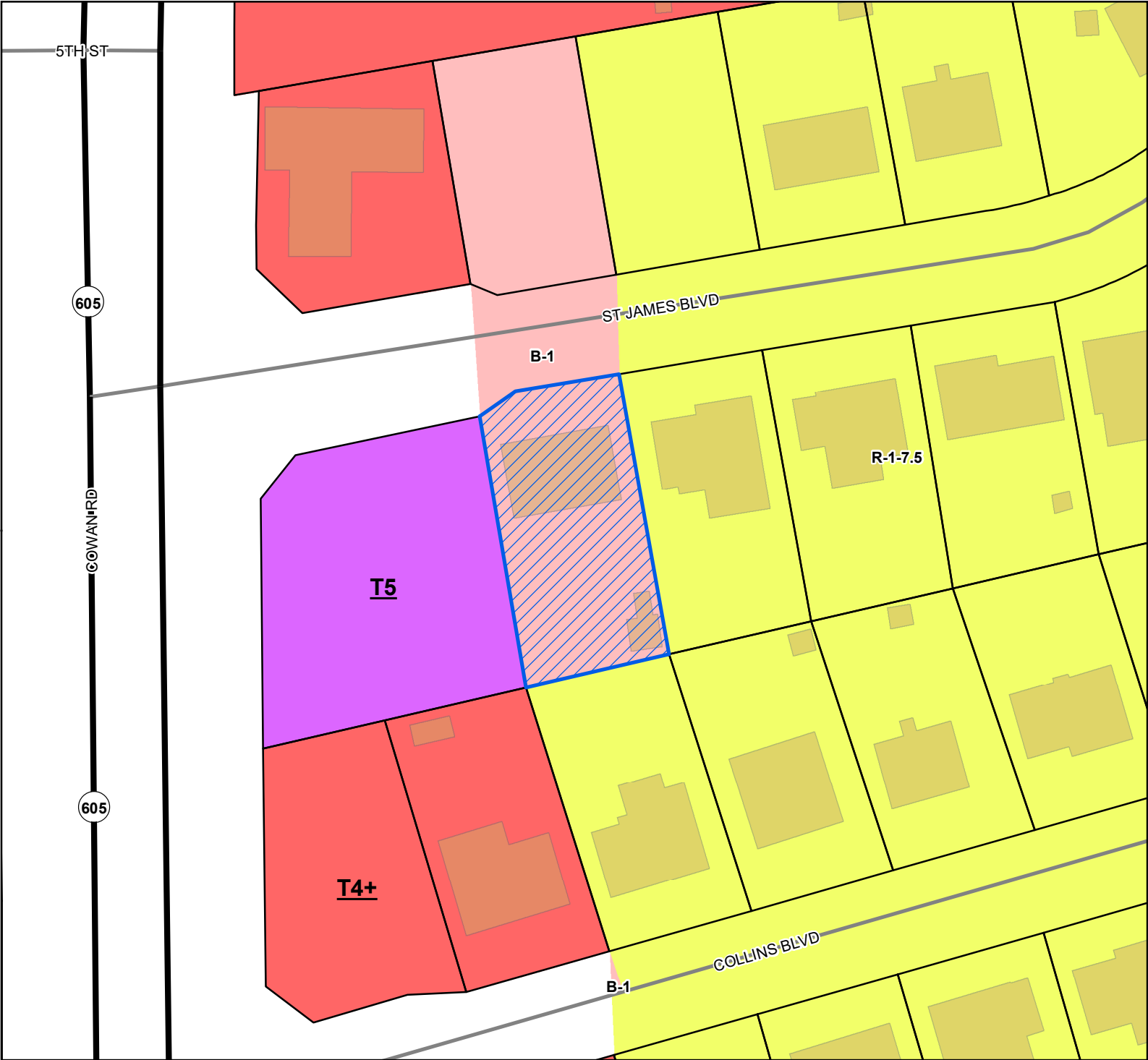
b-2

NOTE: ALL PARKING SPACES SHALL BE 9'X18' MINIMUM



1 SITE PLAN
A100 3/32" = 1'-0"





Site

US or State Highway

Street

Parcels

Buildings

Smart Code

T5

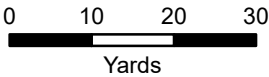
T4+

Zoning

B-1 - Neighborhood Business District

R-1-7.5 - Single Family Residence District (Low Density)

Site Information
1010N-01-086.000
Zoning: B-1 (Neighborhood Business)
Size: 10,586 sq ft.
Flood: X



1 inch = 70 feet



DATA DISCLAIMER: All information that is provided on this map is believed to be correct. However, no liability is assumed by the City of Gulfport for errors in substance or form of any of the materials published on this map. The GIS Division, City of Gulfport, provides the information represented on this map as a service to the community and makes every effort possible to provide quality information. However, no claims, promises, or guarantees about the accuracy, completeness, or adequacy of the information contained on this map are expressed or implied.



CITY OF GULFPORT
Urban Development - Planning Division
1410 24th Avenue
Gulfport, MS 39501
(228) 868-5710

APPLICATION FOR VARIANCE

Property Information

TAX PARCEL #

1	0	1	0	N	-	0	1	-	0	8	6	●	0	0	0
					-			-				●			
					-			-				●			

(If necessary, use separate sheet of paper)

For Staff Use Only

Case File #: 2122B195

Date Received: 11-02-21

Receipt #: _____

Received By: _____

Zoning: B-1

Ward: 2 Flood: X

Size: 10,586 sq ft

Address of Property Involved: 2004 Saint James Blvd; Gulfport, MS 39507

Lot(s) ¹² _____, Block(s) ⁸ _____, Subdivision Cowan Road Homes Annex Subdivision, Unit 4

General Location: Second lot East of Cowan Road on South side of Saint James Blvd.

GENERAL DESCRIPTION OF REQUEST:

Permission to use crushed limestone or other porous stone material on driveway where concrete or asphalt is required.

All back parking and turnaround area will remain concrete.

OWNERSHIP AND CERTIFICATION:

I hereby certify that I have read and understand this application and that all information and attachments are true and correct. I also certify that I agree to comply with all applicable city codes, ordinances and state laws. Finally, I certify that I am the owner of the property involved in this request or have authorization to act as the owner's agent for the herein described request.

OWNER

Christopher & Kathryn Dennis Spear

Printed Name Of Owner

PO Box 6251

Mailing Address

Gulfport, MS 39506

City

State

Zip code

(228) 861-4372

Home Phone

Work/Cell Phone

kate@coastcouple.com

Email

Kathryn Dennis Spear

Signature Of Owner

AGENT

Printed Name Of Agent

Mailing Address

City

State

Zip code

Home Phone

Work/Cell Phone

Email

Signature Of Agent

If the property or properties listed above have more than one owner, please check this box. In the case of multiple owners, reverse side must be completed. Each additional owner will need to complete and sign the reverse side of this application. We can only accept applications with original signatures.



SECTIONS A. THROUGH G. MUST BE SUBMITTED FOR A COMPLETE APPLICATION.

This page must be completed if the property or properties involved have more than one owner. All persons listed as owners to the property or properties listed on page one must complete and sign this part of the application.

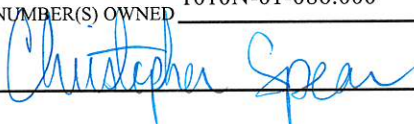
I hereby certify that I have read and understand this application and that all information and attachments are true and correct. I also certify that I agree to comply with all applicable city codes, ordinances and state laws. Finally, I certify that I am the owner of the property involved in this request or authorized to act as the owner's agent for herein described request.

NAME OF OWNER (PRINT) Christopher Spear

ADDRESS (STREET, CITY, STATE, ZIP CODE) PO Box 6251; Gulfport, MS 39506

PHONE # (H) _____ (WK/CELL) (228) 206-2020

TAX PARCEL NUMBER(S) OWNED 1010N-01-086.000

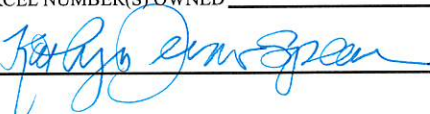
SIGNATURE: 

NAME OF OWNER (PRINT) Kathryn Dennis Spear

ADDRESS (STREET, CITY, STATE, ZIP CODE) PO Box 6251; Gulfport, MS 39506

PHONE # (H) _____ (WK/CELL) (228) 861-4372

TAX PARCEL NUMBER(S) OWNED 1010N-01-086.000

SIGN: 

NAME OF OWNER (PRINT) _____

ADDRESS (STREET, CITY, STATE, ZIP CODE: _____

PHONE # (H) _____ (WK/CELL) _____

TAX PARCEL NUMBER(S) OWNED _____

SIGNATURE: _____

(Use additional forms as needed)

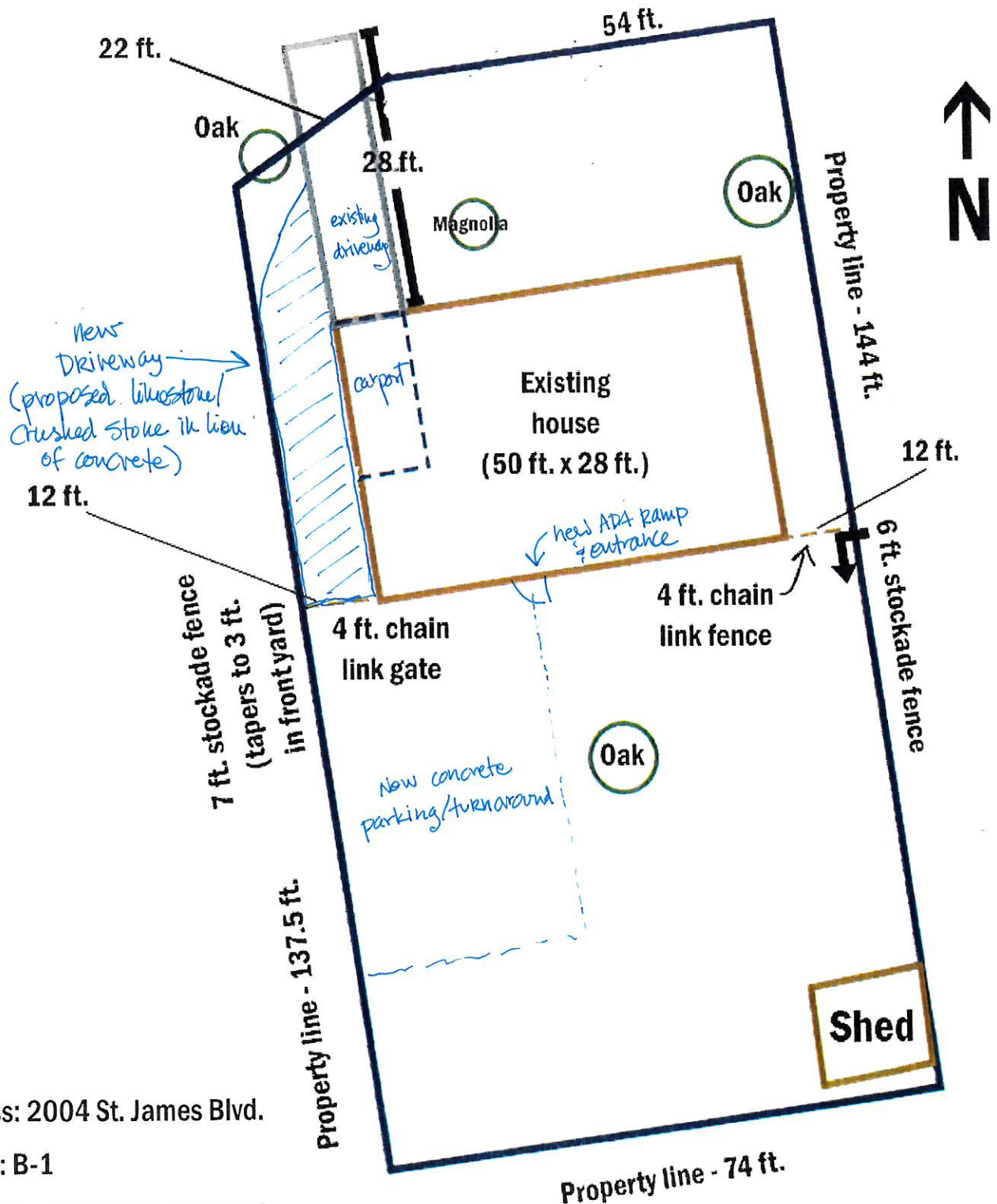
IN CASES OF MULTIPLE APPLICANTS, PLEASE IDENTIFY THE PERSON WHO WILL BE ACTING AS YOUR SPOKES

PERSON/AGENT FOR YOU: _____



Site Plan for New Office

St. James Blvd.



Address: 2004 St. James Blvd.

Zoning: B-1

Parcel No. 1010N-01-086.000

ZONING INFORMATION:
TAX PARCEL: 10708-01-208.000
ZONE: B-1

NOTE: ALL PARKING SPACES SHALL BE 5'x10' MINIMUM



1 SITE PLAN
ASB 3/27 = 1"=0'

SITEPLAN

COAST COUPLE REALTY OFFICE RENOVATION
2004 ST. JAMES BOULEVARD
GULFPORT, MS 39507

**allred
stolarski
architects**

711 Church Street
Ocean Springs, MS 39564

Phone: (228) 762-1975
Email: contact@allredstolarski.com

JOB NUMBER
DATE
7/26/2021
RECEIVED
9/27/2021
DRAWN BY
JES
CHECKED BY
JES



A100



SCANNED



[Signature] 1st Judicial District
Instrument 2020 14576 D - J1
Filed/Recorded 11/10/2020 12:52 N
Total Fees \$ 26.00
3 Pages Recorded

Prepared by:
Andrew Marion, PLLC
Attorney-at-Law
1919 23rd Ave.
P.O. Box 863
Gulfport, MS 39502
(228)-865-9047
MS Bar # 1866

Return to:
Andrew Marion, PLLC
Attorney-at-Law
1919 23rd Ave.
P.O. Box 863
Gulfport, MS 39502
(228)-865-9047
File # 20-311

STATE OF MISSISSIPPI
COUNTY OF HARRISON
FIRST JUDICIAL DISTRICT

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 which is hereby acknowledged,

CPCA HOLDINGS, LLC, a Mississippi Limited Liability Company
27 Keyser Lane
Gulfport, MS 39507
(228)-547-2251

do hereby sell, convey and warrant unto

Kathryn Dennis Spear and Christopher Spear
P.O. Box 6251
Gulfport, MS 39506
(228)-206-2020

as joint tenants with full rights of survivorship and not as tenants in common, that certain tract, piece or parcel of land situated and being located in Harrison County, State of Mississippi, more particularly described as follows, to-wit:

(See Exhibit A attached, Page 3)

INDEXING INSTRUCTIONS: Exempt

THIS CONVEYANCE is subject to any prior reservation or conveyance of oil, gas or other mineral rights and subject to all easement restrictions, reservations and covenants of record.

IT IS AGREED and understood that the taxes for the current year have been pro-rated as of this date on an estimated basis. When said taxes are actually determined, if the proration as of the date is incorrect, then the Grantor(s) agrees to pay the Grantee(s), or its assigns, any deficit on an actual proration, and likewise, the Grantee(s) agrees to pay the Grantor(s), or its assigns, any amount overpaid by it.

WITNESS THE SIGNATURE of the above company by its authorized representatives after being duly authorized so to execute and deliver the same, this the 6th day of November, 2020.

CPCA HOLDINGS, LLC


Christopher L. Arnoult
Manager/Member

STATE OF MISSISSIPPI
COUNTY OF HARRISON

PERSONALLY APPEARED BEFORE ME, the undersigned authority in and for the above stated jurisdiction, the within named **Christopher L. Arnoult**, who acknowledged that he is **Manager/Member of CPCA HOLDINGS, LLC, A Mississippi Limited Liability Company**, and that for and on behalf of said company, and as its act and deed he executed the above the foregoing Warranty Deed, after first having been duly authorized by said company so to do.

GIVEN under my hand and official seal on this the 6th day of November, 2020.

MY COMMISSION EXPIRES:



NOTARY PUBLIC

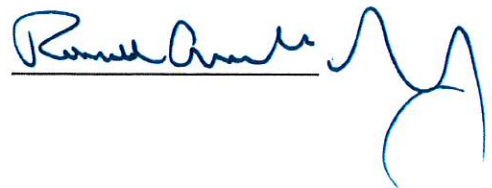


Exhibit "A"

A parcel of land commencing at the Northeast corner of Lot Twelve (12), Block Eight (8), COWAN ROAD HOMES ANNEX SUBDIVISION, Unit Four (4), being the POINT OF BEGINNING; thence run South 10 degrees 24 minutes 00 seconds East a distance of 141.45 feet; thence run South 76 degrees 15 minutes 00 seconds West a distance of 74.13 feet; thence run North 10 degrees 24 minutes 43 seconds West a distance of 136.24 feet; thence run North 53 degrees 54 minutes 55 seconds East a distance of 22.00 feet to the South margin of St. James Avenue; thence run North 79 degrees 36 minutes 00 seconds East along said South margin a distance of 54.20 feet to the POINT OF BEGINNING.

This being Lot Twelve (12), Block Eight (8), COWAN ROAD HOMES ANNEX SUBDIVISION, Unit Four (4) less that sold in deed recorded in Deed Book 1438 at page 271.

2004 St. James Blvd – Driveway Variance Attachment

- 1. Demonstrate that special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district. (i.e., What is special about your property that you need to request a variance?)**

2004 St. James Blvd. was built as a residence in 1962 and was rezoned B-1 for residential business by the City of Gulfport. This Board granted a parking variance in August 2021 to reduce the number of required parking spaces; various City departments objected to on-street parking and indicated a parking plan should be submitted. Our permit application, currently under review, adds parking behind the building, which necessitates a driveway between the existing structure and the western fence. We are requesting to utilize crushed limestone or other porous stone material in lieu of concrete or asphalt on the driveway. All parking, including ADA space and access aisle, and turnaround space would remain concrete/asphalt as required.

We believe the sewer line runs under the proposed new driveway. In the event a sewer line must be repaired, crushed limestone or other porous material would be more manageable to replace. It also will aid with drainage during rains. Additionally, there is a live oak tree located at the corner of the lot; we fear its root system would be adversely impacted by a poured slab of concrete.

- 2. Demonstrate that the special conditions and circumstances do not result from the actions of the applicant. (i.e., Show that you did not cause the need for the variance.)**

All structures, property lines, sewer lines, trees, and setbacks are in the same location as when we purchased the property in November 2020.

- 3. Demonstrate that an unnecessary hardship is created by the physical character of the property and is peculiar and unusual to such an extent that it is evidence that amendment of the zoning ordinance does not offer a reasonable solution. (i.e., Explain what your hardship is and why the property cannot comply with the zoning ordinance. Further, explain why this hardship is not commonly found on other properties?)**

Since on-street parking was denied, we cannot use the carport for ADA parking requirements with a van accessible space and access aisle without eliminating all other on-site parking options. The existing backyard is the only space on the property to accommodate additional parking and comply fully with the parking plan requirement. Adding a driveway along the western side of the structure is necessary to access the back parking. All parking spaces, ADA access aisle, and required turnaround space will be concrete/asphalt. Requiring additional concrete for a driveway – that would have to be destroyed in the event of a sewer line issue and could adversely impact live oak tree roots – would be cost prohibitive.

- 4. Demonstrate how the literal interpretation of the provisions of the zoning ordinance would deprive the applicant of rights commonly enjoyed by properties in the same district under the terms of the zoning ordinance. (i.e., Explain how the request meets the right of reasonable**

economic return and/or the right to reasonable development of your property which might generally be expected in your district.)

If a variance is not granted, the cost to adhere to the parking plan requirements imposed by City departments, in addition to the modifications required for ADA compliance, will make the property essentially unusable as an office or anything other than a nonconforming residence. A giant weight was lifted when this Board granted our parking variance request in August and recognized the overwhelming financial burden of adding additional parking that would rarely be used. However, the cost to add parking in the back – particularly if the driveway also must be concrete – is extensive.

The property is zoned B-1, which by right allows for an office and many other commercial opportunities. The addition of parking in the backyard, which must be concrete, has already added thousands of dollars to the cost of ADA compliance. With a variance, we can maintain the integrity of the property and still accommodate the very few clients that we expect to visit our real estate brokerage on a regular basis. Only the driveway itself will be limestone/rock. The parking spaces, ADA access aisle, and turnaround area will all remain concrete/asphalt. Requiring the use of concrete throughout adds a heavy and unnecessary financial burden to our small, family business.

- 5. Demonstrate that the granting of the variance will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same district, other than to permit the applicant to use their property in a manner as nearly equivalent to uses generally permitted in the district considering the conditions and circumstances involved and hardship. (i.e., Will you receive any special benefit that others who follow the Zoning Ordinance cannot receive?)**

This variance would confer no special benefit, simply the easiest way to permit us to operate the business as closely as possible to city regulations, in a quiet, established neighborhood where our children play and go to school. The costs of using concrete for the full driveway adds a burdensome financial hardship to our small family business.

- 6. State whether the use proposed is permissible by right, with planning approval, or by special exception with respect to uses of land or structures.**

The property is zoned B-1; a real estate brokerage office is permissible by right.

GENERAL AFFIDAVIT

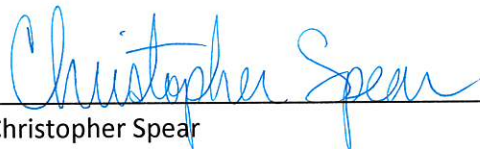
STATE OF MISSISSIPPI

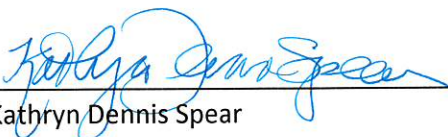
COUNTY OF HARRISON

PERSONALLY came and appeared before me, the undersigned Notary, the within named **Christopher Spear and Kathryn Dennis Spear**, who are residents of **Harrison County, Mississippi**, and made this statement and General Affidavit upon oath and affirmation of belief and personal knowledge that the following matters, facts, and things set forth are true and correct to the best of their knowledge:

To the best of our knowledge and information available, this variance request is not in violation of any restrictive or protective covenants.

DATED this the 1st day of November, 2021.


Christopher Spear


Kathryn Dennis Spear

SWORN and subscribed to me, this 1st day of November, 2021.


NOTARY PUBLIC

My Commission Expires





RE: Variance 2112ZB195, by owners Christopher & Kathryn Dennis Spear, tax parcel 1010N-01-086.000, Request variance for parking material, 2004 Saint James Blvd., Zoned B-1 (Neighborhood business), Ward 2

To Applicants and Adjacent Property Owners:

The City of Gulfport Zoning Board of Adjustments and Appeals will hold a public hearing to consider the above application at 3:00 P.M. on **Thursday, December 16, 2021**, in the Council Chambers at the Gulfport City Hall located at 2309 15th Street.

For more information, visit <http://www.gulfport-ms.gov/agendas.shtml> then click the City of Gulfport Zoning Board for **Thursday, December 16, 2021**. A map showing the location of the property involved is located at this website. If you have any questions or comments, please contact this office at the phone number 228-868-5710 or email planners@gulfport-ms.gov. The application is available for viewing in the Planning Division office at 1410 24th Avenue.

Mail	PPIN	Parcel ID	Name	Address	City	State	ZIP
Y			Christopher & Kathryn Dennis Spear (Owner)	Po Box 6251	Gulfport	MS	39506
			Adjacent Property Owners				
	25454	1010N-01-088.000	BLETHEN SHANNAN & MICHELLE	493 OAK LANE	GULFPORT	MS	39507
	25468	1010N-05-086.000	CATHOLIC DIOCESE OF BILOXI	1790 POPPS FERRY ROAD	BILOXI	MS	39532
N	21216	1010N-05-083.000	CATHOLIC DIOCESE OF BILOXI	1790 POPPS FERRY ROAD	BILOXI	MS	39532
N	21083	1010M-02-002.000	CATHOLIC SOCIAL & COMMUNITY SERVICE	1790 POPPS FERRY RD	BILOXI	MS	39532
	25452	1010N-01-090.000	COOPER JOHNNY H -L/E-	2009 COLLINS BLVD	GULFPORT	MS	39507
	25445	1010N-01-096.000	DALEY ROBERT M & JEREMIA R	P O BOX 4273	GULFPORT	MS	39502
	25441	1010N-01-100.000	GRINDSTAFF KATHY M	2010 COLLINS BLVD	GULFPORT	MS	39501
	25442	1010N-01-099.000	HANNA HUGH B JR -TRUSTEE-	335 SOUTHERN CIR	GULFPORT	MS	39507
	25446	1010N-01-095.000	HENDERSON RONALD D & NAKISHA W	11601 CARLENE DR	GULFPORT	MS	39503
	25461	1010N-01-084.000	HICKS PATRICIA A	2008 ST JAMES BLVD	GULFPORT	MS	39507
	25451	1010N-01-091.000	HILLARD CHRISTOPHER A	2011 COLLINS BLVD	GULFPORT	MS	39507
	117379	1010M-02-002.001	HOGAN PROPERTIES LLC	351 COWAN RD	GULFPORT	MS	39507
N	135037	1010M-02-001.001	HOGAN PROPERTIES LLC	351 COWAN RD	GULFPORT	MS	39507
	21084	1010M-02-003.000	HUONG NGUYEN THI & PHONG LE	312 RODENBURG AVE	BILOXI	MS	39531
	25443	1010N-01-098.000	LUNDQUIST ROBERTA M	2006 COLLINS BLVD	GULFPORT	MS	39503
	25462	1010N-01-083.000	MCNALLY MICHAEL D	2010 ST JAMES BLVD	GULFPORT	MS	39507
	25453	1010N-01-089.000	OSWALT ROBERT A & MARTHA E	2007 COLLINS BLVD	GULFPORT	MS	39507
	25460	1010N-01-085.000	PHILLIPS DIANA	2006 ST JAMES BLVD	GULFPORT	MS	39501
	25444	1010N-01-097.000	ROBERTS QUITMAN C & SYDNEY F	2004 COLLINS BLVD	GULFPORT	MS	39507
	25440	1010N-01-101.000	SELCREST INVESTMENTS LLC	4502 HARRISON AVE	GULFPORT	MS	39507
	25450	1010N-01-092.000	SOMMERS CHARNELL A & ALISSIA MARIE	73 MILSTEAD LANE	MONTEVALLO	AL	35115
	25467	1010N-05-087.000	ST JAMES CATHOLIC CHURCH	366 COWAN RD	GULFPORT	MS	39507
	117266	1010N-01-087.001	UNITED COASTAL PROPERTIES INC	2020 BAYOU LAPORTE BLVD	BILOXI	MS	39531
N	25469	1010N-05-085.000	UNITED COASTAL PROPERTIES INC	2020 BAYOU LAPORTE BLVD	BILOXI	MS	39531
N	84385	1010N-05-084.000	UNITED COASTAL PROPERTIES INC	2020 BAYOU LAPORTE BLVD	BILOXI	MS	39531
N	84077	1010N-01-087.000	UNITED COASTAL PROPERTIES INC	2020 BAYOU LAPORTE BLVD	BILOXI	MS	39531
	25466	1010N-05-088.000	WHITE ROSEMARY L -EST-	2011 ST JAMES BLVD	GULFPORT	MS	39507



Legend

- Site
- Adjacent Properties
- US or State Highway
- Street
- Railroad
- Buildings

0 30 60 90
Yards

1 inch = 192 feet



DATA DISCLAIMER: All information that is provided on this map is believed to be correct. However, no liability is assumed by the City of Gulfport for errors in substance or form of any of the materials published on this map. The GIS Division, City of Gulfport, provides the information represented on this map as a service to the community and makes every effort possible to provide quality information. However, no claims, promises, or guarantees about the accuracy, completeness, or adequacy of the information contained on this map are expressed or implied.

THANK YOU for your legal submission!

Your legal has been submitted for publication. Below is a confirmation of your legal placement. You will also receive an email confirmation.

ORDER DETAILS**Order Number:****IPL0050927****Order Status:**

Submitted

Classification:

Legals & Public Notices

Package:

BLX - Legal Ads

Final Cost:

40.56

Payment Type:

Account Billed

User ID:

IPL0024925

ACCOUNT INFORMATION

GULFPORT URBAN DEVELOPMENT IP

PO BOX 1780

GULFPORT, MS 39502

228-868-5705

AccountsPayable@gulfport-ms.gov

GULFPORT URBAN DEVELOPMENT

TRANSACTION REPORT**Date**

November 24, 2021 11:29:33 AM EST

Amount:

40.56

SCHEDULE FOR AD NUMBER IPL00509270

December 1, 2021

SunHerald (Biloxi)

PREVIEW FOR AD NUMBER IPL00509270**LEGAL NOTICE
PUBLIC HEARING**

In conformance with Section VII of the Comprehensive Zoning Ordinance of the City of Gulfport, Mississippi, 1979, as amended, notice is hereby given advising that the Zoning Board of Adjustment and Appeals will hold a public hearing in the City of Gulfport, Mississippi at 3:00 PM., Thursday, December 16, 2021, in the Council Chambers of the Gulfport City Hall located at 2309 15th Street to consider the following requests. A copy of the requests will be available for public review at the office of the Department of Urban Development-Planning Division located on first floor of the William H. Hardy Building, 1410 24th Avenue.

Variance 2112PC183, by agent Kevin Taylor, tax parcels 0911E-01-050.000, 0911E-01-051.000, Request variance for setbacks, 629 and 617 2nd Street, Zoned R-1-7.5 (Single-family), Ward 2.

Variance 2112B185, by agent Kris Lafleur, tax parcel 1010N-01-081.000, Variance for multiple accessory buildings, construction of an RV cover pole barn, 2014 St James Blvd, Zoned R-1-7.5 (Single-family), Ward 2.

Variance 2112PC186, by owner T&D Homes LLC, tax parcel 0911C-02-011.000, Variances for front & side setbacks, Searle Ave, Zoned R-1-7.5 (Single-family), Ward 2.

Variance 2112PC192, by agent Watters Architecture, tax parcel 0910A-03-002.000, Request variance for setback, 18 Kimball Dr, Zoned R-1-7.5 (Single-family), Ward 4.

Variance 2112PC194, by owner Brookstone Gulf Coast, LLC, tax parcel 1009N-01-002.043, Variance for side street setback, Lot 43 (Brookstone), Zoned R-2 (Single-family), Ward 5.

Variance 2112B195, by owners Christopher & Kathryn Dennis Spear, tax parcel 1010N-01-086.000, Request variance for parking material, 2004 Saint James Blvd, Zoned B-1 (Neighborhood business), Ward 2.

Variance 2112B197, by owners Guy and Doulentha Wells, tax parcel 0811H-05-101.000, Variance for parking reduction, backing into the right-of-way, area requirement, and parking material, 1400 20th St, Zoned R-2 (Single-family), Ward 3.

This the 23rd day of November 2021
A. Lee Palermo, Chairman
City of Gulfport Zoning Board of Adjustment and Appeals
WC00000000
Publication Dates

[<< Click here to print a printer friendly version >>](#)

MEMORANDUM

To: City of Gulfport Zoning Board of Adjustment and Appeals

From: Greg Holmes, Planning Administrator
Urban Development Department

Date of Hearing: December 16, 2021

Re: Variance 2112ZB197:

Variance 2112ZB197, by owners Guy and Doulentha Wells, tax parcel 0811H-05-101.000, Variance for parking reduction, backing into the right-of-way, area requirement, and parking material, 1400 20th St, Zoned R-2 (Single-family), Ward 3

Technical Report

VARIANCE

GENERAL INFORMATION

Case File Number: 2112ZB197

Hearing Date: December 16, 2021

Current Zoning/Use: R-2 / Vacant structure

Legal: Variance 2112ZB197, by owners Guy and Doulentha Wells, tax parcel 0811H-05-101.000, Variance for parking reduction, backing into the right-of-way, area requirement, and parking material, 1400 20th St, Zoned R-2 (Single-family), Ward 3

TECHNICAL DETAILS

Variances involve special cases where unique factors contribute to justify a use of property that does not conform to the City's enforced ordinances. Therefore, variances should not be granted unless they are able to adequately meet the following conditions:

- (a) That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district;
- (b) The special conditions and circumstances do not result from the actions of the applicant;
- (c) That an unnecessary hardship is created by the physical character of the property and is peculiar and unusual to such an extent that it is evidence that amendment of the zoning ordinance does not offer a reasonable solution;
- (d) That literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by properties in the same district under the terms of this ordinance;
- (e) That the granting of the variance will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same district, other than to permit the applicant to use their property in a manner as nearly equivalent to uses generally permitted in the district considering the conditions and circumstances involved and the hardship;
- (f) That the use proposed is permissible by right or with planning approval or by special exception.

(Ord. App. A Sec. VIII (B)(2)(c)(1))

Technical Report

VARIANCE

The applicant requests four variances: 1) A variance to allow backing out into the city's right-of-way, 2) A variance to reduce parking to one handicap space where 7 spaces are required, 3) A variance to allow gravel parking, 4) A variance for building site area of 5,655 square feet where 10,000 square feet is required for a private club located at 1400 20th Street, zoned R-2 (Single-family).

- (a) The applicant notes, "the property has been built since the 1940's and has not changed lot size." At present, the vacant single-family house would not require parking and lot size variance if that use were to continue. However, the applicant wants to operate a private club and the new use has parking requirements and requires a building site area of 10,000 square feet. The special conditions are being created by conversion of a residential property to a commercial use that has qualifications that are more restrictive.
- (b) In the application, the applicant cites that there are special conditions because the property built in 1940 did not require any special requirements. While this may be true, these variance requests are needed due to the change in use by the applicant and now brings about the City's ordinances concerning parking for a private club.
- (c) The applicant states that because of new zoning ordinances and not having the space for the required parking qualifies as an unnecessary hardship created by the physical character of the property. The City's current ordinances were established in 1979 and would allow a single-family house to continue by right. The applicant is choosing to go from residential to a commercial use.
- (d) The applicant mentions that they are not changing the current structure. It should be mentioned that the applicant is requesting to change the use and that is what prompts the parking and building site area.
- (e) Granting this variance would set precedence in the neighborhood consisting of single-family homes. Backing into the right-of-way is not uncommon for residential use, but not allowed for commercial which requires onsite turnaround.
- (f) This property is zoned R-2, and a private club or lodge is allowed with Planning Commission Approval.

EXECUTIVE SUMMARY

Upon staff review of the application, the site plan indicates a rooming house, which is difficult to convert from residential to commercial. This request is asking us to lower the standards. Furthermore, these variances have received disapproval from departments and no legitimate hardships were provided by the applicant in the written request. City ordinance requires 6 hardships to be met in order to justify a variance.

Any approval should consider these conditions:

- 1. Approval grants a variance to allow a commercial business to back into the right-of-way.
- 2. Approval grants a variance to allow one-handicap parking spaces where 7 parking spaces are required.
- 3. Approval grants a variance to allow gravel-parking area where concrete or asphalt is required.
- 4. Approval grants a variance to allow the building site area to be 5,655 square feet where 10,000 square feet is required.

Technical Report

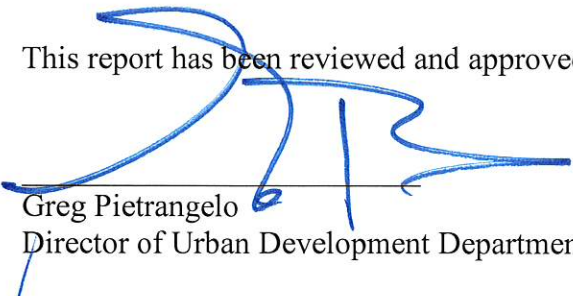
VARIANCE

DEPARTMENTAL CONDITIONS

<u>Engineering:</u>	Disapprove. Need a site plan. Memo dated 12/6/2021.
<u>Public Works:</u>	Disapprove. Need site plan. Memo dated 12/6/2021.
<u>Traffic and Safety:</u>	Disapprove. Need site plans. Memo dated 12/6/2021.
<u>Building Code Services:</u>	Must meet all current building codes and all other City of Gulfport Ordinances. Memo dated 11/30/2021.
<u>GIS:</u>	No conditions. Memo dated 12/3/2021.
<u>Police Department:</u>	No conditions. Memo dated 12/6/2021.
<u>Fire Department:</u>	No conditions. Memo dated 11/30/2021.
<u>City Arborist:</u>	No conditions. Memo dated 11/30/2021.

DIRECTOR APPROVAL

This report has been reviewed and approved by:



Greg Pietrangelo
Director of Urban Development Department



CITY OF GULFPORT
Urban Development - Planning Division
1410 24th Avenue
Gulfport, MS 39501
(228) 868-5710

APPLICATION FOR VARIANCE

Property Information

TAX PARCEL #

0	8	1	1	4	-	0	5	-	1	0	1	•	0	0	0
					-			-				•			
					-			-				•			

(If necessary, use separate sheet of paper)

Address of Property Involved: 1400 20th St. Gulfport, MS. 39501

Lot(s) _____, Block(s) _____, Subdivision _____

General Location: _____

GENERAL DESCRIPTION OF REQUEST:

1) Backing Into Right-of-Way 2) Reduced Parking to 1 handicap Area. 3) Gravel Parking. 4) Business is less than 19,000 sq ft

OWNERSHIP AND CERTIFICATION:

I hereby certify that I have read and understand this application and that all information and attachments are true and correct. I also certify that I agree to comply with all applicable city codes, ordinances and state laws. Finally, I certify that I am the owner of the property involved in this request or have authorization to act as the owner's agent for the herein described request.

OWNER

AGENT

Printed Name Of Owner

Guy A. Wells (churchstreetministries)
1336 20th St

Mailing Address

Gulfport MS. 39501

City

State

Zip code

228 437-1521

Home Phone

Work/Cell Phone

Guy Wells6@gmail.com

Email

Guy A. Wells
Signature Of Owner

Printed Name Of Agent

Mailing Address

City

State

Zip code

Home Phone

Work/Cell Phone

Email

Signature Of Agent

If the property or properties listed above have more than one owner, please check this box. In the case of multiple owners, reverse side must be completed. Each additional owner will need to complete and sign the reverse side of this application. We can only accept applications with original signatures.



SECTIONS A. THROUGH G. MUST BE SUBMITTED FOR A COMPLETE APPLICATION.

This page must be completed if the property or properties involved have more than one owner. All persons listed as owners to the property or properties listed on page one must complete and sign this part of the application.

I hereby certify that I have read and understand this application and that all information and attachments are true and correct. I also certify that I agree to comply with all applicable city codes, ordinances and state laws. Finally, I certify that I am the owner of the property involved in this request or authorized to act as the owner's agent for herein described request.

NAME OF OWNER (PRINT) Doulentha Wells

ADDRESS (STREET, CITY, STATE, ZIP CODE) 1336 20th St. Gpt. MS. 39501

PHONE # (H) 228-383-1638 (WK/CELL) _____

TAX PARCEL NUMBER(S) OWNED 08114-05-101.000

SIGNATURE: Doulentha Wells

NAME OF OWNER (PRINT) _____

ADDRESS (STREET, CITY, STATE, ZIP CODE) _____

PHONE # (H) _____ (WK/CELL) _____

TAX PARCEL NUMBER(S) OWNED _____

SIGN: _____

NAME OF OWNER (PRINT) _____

ADDRESS (STREET, CITY, STATE, ZIP CODE) _____

PHONE # (H) _____ (WK/CELL) _____

TAX PARCEL NUMBER(S) OWNED _____

SIGNATURE: _____

(Use additional forms as needed)

IN CASES OF MULTIPLE APPLICANTS, PLEASE IDENTIFY THE PERSON WHO WILL BE ACTING AS YOUR SPOKES

PERSON/AGENT FOR YOU: _____

- 1) This property has been built since 1940's and has not changed lot's size, but there is enough space to meet variance needs.
- 2) Property in that year built did not require ANY special requirements and were smaller but enough space today to meet ASKING variance needs.
- 3) Because of new zoning ordinances today our hardship is we don't have space needed for addition parking except variance space we are working with, under today's standards.
- 4) Under older ordinances and the year of these properties from 1940's. We need this area because it directly affect this community for their service.
- 5) WE ARE NOT changing current structure that has been there, or creating any new problems against existing property Front ~~3~~ West side because it's a corner lot. We will NOT receive ANY special benefit from this variance.
- 6) WE believe we offer the changes necessary AS a community to change the face of this so called red zone area, WE want easy Access to Resident there for access to mentorship, training christian values to a high Risk community,

FILED
FEB 12 2018

Chancery Clerk

BY *Rebecca Green* D.O.

Prepared by:

Sonishari Bellamy
REO America, Inc
940 Centre Circle, Suite 2005
Altamonte Springs, FL 32714
321-280-8030

Return to:

Church Street Ministry Inc
1336 20th Street
Gulfport MS 39501
228-437-1521

QUITCLAIM DEED AND ASSIGNMENT

STATE OF MISSISSIPPI

COUNTY OF **Harrison-Gulfport**

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, this 1st day of February 2018, **American Pride Properties LLC, 940 Centre Circle, Suite 2005, Altamonte Springs, FL 32714, 321-280-8030** hereinafter referred to as Grantor, do hereby convey, assign and quitclaim unto **Church Street Ministry Inc, 1336 20th Street Gulfport MS 39501, 228-437-1521** hereinafter referred to as Grantee, all of its right, title and interest in that certain parcel situated in **Harrison-Gulfport** County, Mississippi, to wit:

INDEXING INSTRUCTIONS: S ½ of LOTS 21 TO 23 BLK 19 SORIA CITY PER PET 3/1/10

Legal Description: DR: 0666/0499 00/00/0000- S ½ of LOTS 21 TO 23 BLK 19 SORIA CITY PER PET 3/1/10

Parcel No.: 0811H-05-101.000 S-T-R: 03-08-11 PPIN 34758

Also Known As: 1400 20th Street, Gulfport, MS 39501

The purpose of this conveyance is to quitclaim "as is", "where is" any and all interests Grantor may hold in the above described property. Grantee herein assumes responsibility for any and all city and/or county property taxes due for subsequent tax years, as well as for any other taxes and/or assessments and/or special assessments and/or liens which may become due upon the above described parcel.

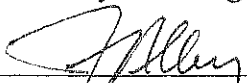
This Quitclaim Deed and Assignment is made subject to any outstanding property assessments, charges, back or current unpaid property taxes, other clouds of title not deriving from the Grantor. This Quitclaim is made subject to any and all valid, outstanding, and surviving oil, gas and mineral leases, exceptions, easements, reservations, conveyances, all power line easements, and/or other easements or rights of way of record in the office of the Chancery Clerk of the aforementioned state and county.

The Grantee accepts the parcel, and its title along with any existing structures, improvements and appurtenances thereunto belonging, if any, and is purchasing same in "as is, "where is" condition, without any warranty whatsoever, except that Grantor has not encumbered the property title. In addition, Grantee understands that Grantor, its agents, successors and/or assigns, have not made any representations or warranties, either expressed or implied, regarding this parcel. Furthermore, Grantee understands that it is purchasing said parcel based on Grantee's sole judgment and diligent inquiry.

Grantor makes no representation, warranty, or certifications to the Grantee of any kind regarding ownership, possession of, title to, and/or suitability or fitness of the above described parcel, except that it was awarded a tax certificate and resulting tax title from the above referenced county and state.

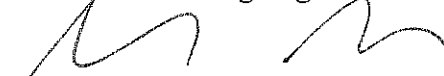
If bounded by water, the quitclaim granted herein shall not extend to any part of the above described property which is tideland or coastal wetlands as defined in the Mississippi Coastal Wetlands Protection Act and this conveyance includes any natural accretion and is subject to any erosion due to the action of the elements.

The preparer of this instrument, as well as Grantor, assumes no liability for the state of the title or any inaccuracy of the legal description.

By: 
John J. Alley, Attorney in fact

**STATE OF FLORIDA
COUNTY OF SEMINOLE**

Personally appeared before me, the undersigned authority in and for the said county and state, on this 1st day of February 2018, within my jurisdiction, the within named John J. Alley, who acknowledged that he is Attorney in Fact for James Doughan, President of American Pride Properties LLC, and that for and on behalf of the said Company, and as its act and deed he executed and delivered the above and foregoing instrument, after first having been authorized so to do.

 (NOTARY PUBLIC)

My commission expires:

11/4/19

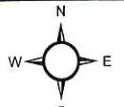
(Affix official seal, if applicable)



Sonlshari T. Bellamy
NOTARY PUBLIC
STATE OF FLORIDA
Comm# FF933831
Expires 11/4/2019



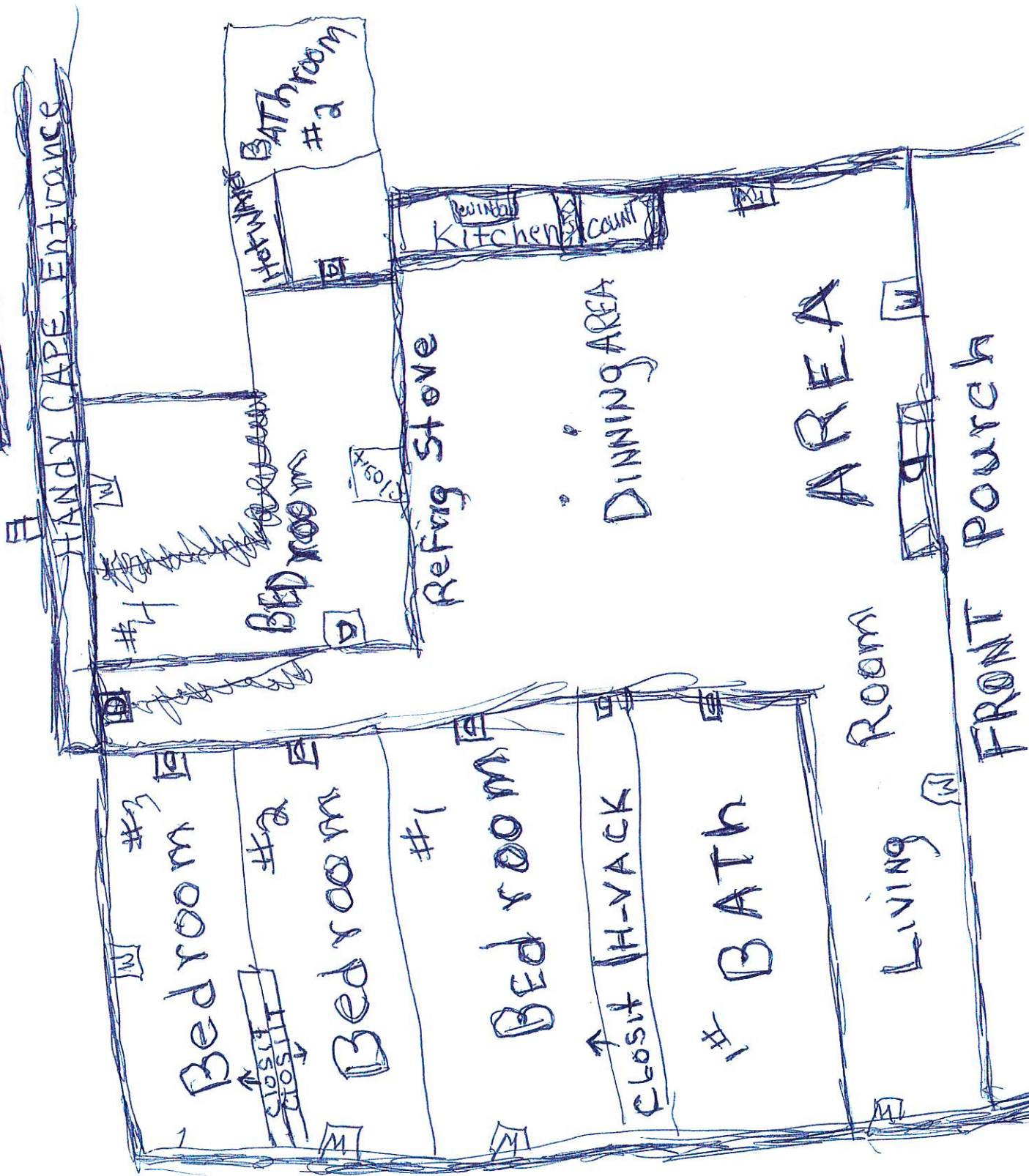
- Addresspoints
- ▭ Parcels



1 inch = 25 feet

DATA DISCLAIMER:
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Wash AREA
laundry





Michael Watson

SECRETARY OF STATE

This is not an official certificate of good standing.

Name History

Name	Name Type
Church Street Ministry. Inc.	Legal

Business Information

Business Type:	Non Profit Corporation
Business ID:	1126335
Status:	Good Standing
Effective Date:	08/23/2017
State of Incorporation:	Mississippi
Principal Office Address:	NO PRINCIPAL OFFICE ADDRESS FOUND

Registered Agent

Name

Doulentha Wells
1336 20th Street
Gulfport, MS 39501

Officers & Directors

Name	Title
Guy Wells 1336 20th Street Gulfport, MS 39501	Incorporator

November 1, 2021

This information is provided to comply with zoning for private club

1. Name of club-Church Street Ministries: Object is to provide spiritual guidance to the communities, outreach street/prison persons.
2. Address: 1400 20th Street, Gulfport, Ms. 39501
3. Doulentha Wells-secretary/vice president
4. (3) three board members:
 1. Guy Wells
 2. Doulentha Wells
 3. Charlie Burgess
5. Monthly calendar is to meet twice monthly with Bible Study, Prayer, and other Special Activites.
6. Rules of the Club:
 1. The election of members is held in January each year, names are submitted prior but the final approval is done by the founder/president.
 2. Terms of membership is 1 year, no fees, and final approval by founder (president) unless otherwise noted.
 3. The membership of a person automatically ends at death or when founder/president terminates the member for any reason.
 4. Monday thru Friday 8 a.m. -4 p.m. closed holidays unless otherwise informed.
 5. All rule changes must be approved by founder/president.
 6. There are no drugs/alcohol allowed on the premises at any time.

Guy A. Wells



McGilvery 11/02/2021

My commission expires on March 5, 2024

This Affidavit is not in violation of restrictive or protective covenants, WE will follow all covenants while we work to change the community.

Gary A. Wells



Covenant Affidavit

I, Guy A. Wells, being owner or agent of the property 08114-05-101.000
PRINT NAME PRIMARY ADDRESS OR PARCEL

which is the subject of this application, hereby state that this variance request is not in violation of any restrictive or protective covenants.

Guy A. Wells 11/2/21
Signature Date

STATE OF MISSISSIPPI | COUNTY OF HARRISON

Given under my hand and seal of office this the 3rd day of November, 20 22

[Signature]
Notary Public



9-24-24
Commission Expiration

PERMITS/INSP PAYMENT RECPT#: 10971810
CITY OF GULFPORT
GULFPORT MS 39501

2112PC198

DATE: 11/03/21 TIME: 12:34
CLERK: sg111 DEPT:
CUSTOMER#: 0

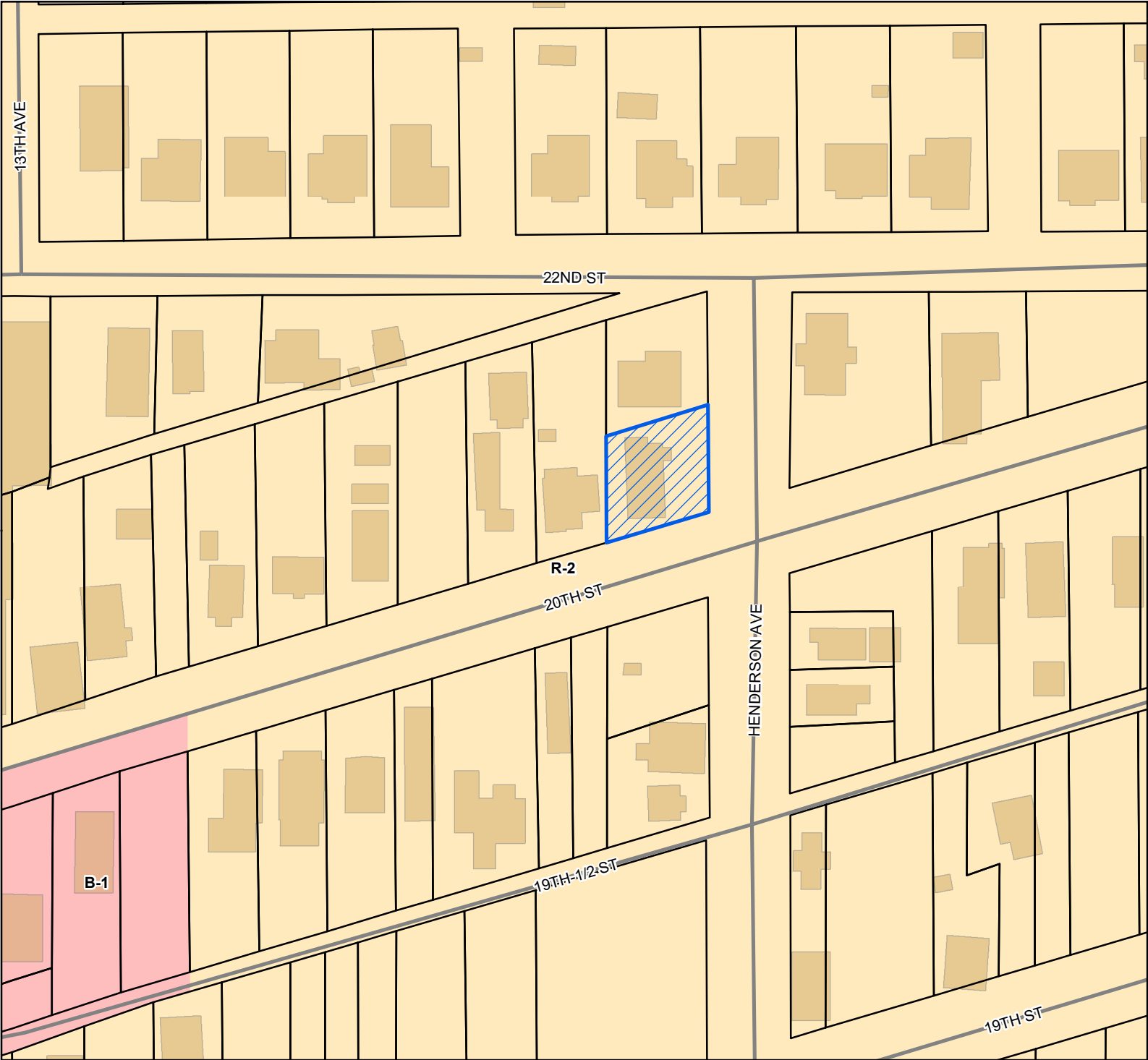
COMMENT:

CHG: PZD PLANNING AND ZO 75.00

AMOUNT PAID: 75.00

PAID BY:
PAYMENT METH: CHECK
REFERENCE: 172

AMT TENDERED: 75.00
AMT APPLIED: 75.00
CHANGE: .00



 Site

 Street

 Parcels

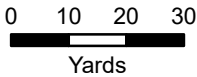
 Buildings

Zoning

 B-1 - Neighborhood Business District

 R-2 - Single Family Residence District (Medium Density)

Site Information
0811H-05-101.000
Zoning: R-2 (Single family)
Size: 0.13 acres
Flood: X



1 inch = 100 feet



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RE: Variance 2112ZB197, by owners Guy and Doulentha Wells, tax parcel 0811H-05-101.000, Variance for parking reduction, backing into the right-of-way, area requirement, and parking material, 1400 20th St, Zoned R-2 (Single-family), Ward 3

To Applicants and Adjacent Property Owners:

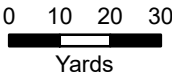
The City of Gulfport Zoning Board of Adjustments and Appeals will hold a public hearing to consider the above application at 3:00 P.M. on **Thursday, December 16, 2021**, in the Council Chambers at the Gulfport City Hall located at 2309 15th Street.

For more information, visit <http://www.gulfport-ms.gov/agendas.shtml> then click the City of Gulfport Zoning Board for **Thursday, December 16, 2021**. A map showing the location of the property involved is located at this website. If you have any questions or comments, please contact this office at the phone number 228-868-5710 or email planners@gulfport-ms.gov. The application is available for viewing in the Planning Division office at 1410 24th Avenue.

Mail	PPIN	Parcel ID	Name	Address	City	State	ZIP
Y			Guy A. Wells (Church Street Ministries) (Owner)	1336 20th St.	Gulfport	MS	39501
			Adjacent Property Owners				
	34759	0811H-05-102.000	AFFORDABLE INVEST PROPERTIES LLC	57 53RD ST	GULFPORT	MS	39507
	34700	0811H-05-094.000	BARKER VELMA J	2548 GEORGE STREET	GULFPORT	MS	39503
	34756	0811H-05-104.000	DEFLANDERS CHARLETTE MARIE	1410 20TH STREET	GULFPORT	MS	39501
	34735	0811H-05-010.000	DEFLANDERS JAMES L	1333 20TH ST	GULFPORT	MS	39501
	23887	0811A-06-057.000	FORTUNE CURTIS L	1314 22ND ST	GULFPORT	MS	39501
	34761	0811H-05-116.000	HALL DELBERT L -EST- & ORA W	1425 22ND ST	GULFPORT	MS	39501
	34757	0811H-05-103.000	HENDERSON MAUDIA	1406 20TH ST	GULFPORT	MS	39501
	34697	0811H-05-097.000	HENRY NELLIE	1318 22ND STREET	GULFPORT	MS	39501
N	23886	0811A-06-056.000	HENRY NELLIE L	1318 22ND STREET	GULFPORT	MS	39501
N	34696	0811H-05-098.000	HENRY NELLIE L	1318 22ND STREET	GULFPORT	MS	39501
N	34698	0811H-05-096.000	HENRY NELLIE L	1318 22ND STREET	GULFPORT	MS	39501
N	23900	0811A-06-055.000	HENRY WILLIE L SR & NELLIE	1318 22ND ST	GULFPORT	MS	39501
	23888	0811A-06-058.000	IDEAS & PROPERTIES LLC	2400 CARTER ROAD	BILOXI	MS	39531
	34754	0811H-05-106.000	JOHNSON JAMES M & EULA P MCCARVER	5924 EDGEFIELD AVE	LAKEWOOD	CA	90713
N	34755	0811H-05-105.000	JOHNSON JAMES M & EULA P MCCARVER	5924 EDGEFIELD AVE	LAKEWOOD	CA	90713
	34699	0811H-05-095.000	KING ROSETTA H -EST-	1417 20TH STREET	GULFPORT	MS	39501
	23889	0811A-06-059.000	KLB REALTY LLC	3483 WOODWARD DR	MOBILE	AL	36695
	34739	0811H-05-007.000	MILLS ARITHA	2212 17TH AVE	GULFPORT	MS	39501
	34736	0811H-05-009.000	PARTHENON INVESTMENTS LLC	9147 HONEYSUCKLE LN	GULFPORT	MS	39503
	34740	0811H-05-008.000	QUINCE MARGIE FAYE	1619 20TH ST	GULFPORT	MS	39501
	34741	0811H-05-004.000	STUBBS MICHELLE IVY	2010 HENDERSON AVE	GULFPORT	MS	39501
	34695	0811H-05-100.000	WARD STEVE	25429 PECAN RD	PASS CHRISTIAN	MS	39571
	34694	0811H-05-099.000	WELLS FREDDIE EARL & TAHIRIH NANCY	1925 HENDERSON AVE	GULFPORT	MS	39501
	88737	0811H-05-002.000	WELLS GUY A & DOULENTHA B	1336 20TH ST	GULFPORT	MS	39501
	34737	0811H-05-005.000	WHITEHEAD CAROLYN	1924 HENDERSON AVE	GULFPORT	MS	39501
N	34738	0811H-05-006.000	WHITEHEAD CAROLYN	1924 HENDERSON AVE	GULFPORT	MS	39501



- Legend**
- Site
 - Adjacent Properties
 - Street
 - Buildings



1 inch = 114 feet



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THANK YOU for your legal submission!

Your legal has been submitted for publication. Below is a confirmation of your legal placement. You will also receive an email confirmation.

ORDER DETAILS**Order Number:****IPL0050927****Order Status:**

Submitted

Classification:

Legals & Public Notices

Package:

BLX - Legal Ads

Final Cost:

40.56

Payment Type:

Account Billed

User ID:

IPL0024925

ACCOUNT INFORMATION

GULFPORT URBAN DEVELOPMENT IP

PO BOX 1780

GULFPORT, MS 39502

228-868-5705

AccountsPayable@gulfport-ms.gov

GULFPORT URBAN DEVELOPMENT

TRANSACTION REPORT**Date**

November 24, 2021 11:29:33 AM EST

Amount:

40.56

SCHEDULE FOR AD NUMBER IPL00509270

December 1, 2021

SunHerald (Biloxi)

PREVIEW FOR AD NUMBER IPL00509270**LEGAL NOTICE
PUBLIC HEARING**

In conformance with Section VIII of the Comprehensive Zoning Ordinance of the City of Gulfport, Mississippi, 1979, as amended, notice is hereby given advising that the Zoning Board of Adjustment and Appeals will hold a public hearing in the City of Gulfport, Mississippi at 3:00 PM., Thursday, December 16, 2021, in the Council Chambers of the Gulfport City Hall located at 2309 15th Street to consider the following requests. A copy of the requests will be available for public review at the office of the Department of Urban Development-Planning Division located on first floor of the William H. Hardy Building, 1410 24th Avenue.

Variance 2112PC183, by agent Kevin Taylor, tax parcels 0911E-01-050.000, 0911E-01-051.000, Request variance for setbacks, 629 and 617 2nd Street, Zoned R-1-7.5 (Single-family), Ward 2

Variance 2112ZB185, by agent Kris Lafleur, tax parcel 1010N-01-081.000, Variance for multiple accessory buildings, construction of an RV cover pole barn, 2014 St. James Blvd, Zoned R-1-7.5 (Single-family), Ward 2.

Variance 2112PC186, by owner T&D Homes LLC, tax parcel 0911C-02-011.000, Variances for front & side setbacks, Searle Ave, Zoned R-1-7.5 (Single-family), Ward 2

Variance 2112PC192, by agent Watters Architecture, tax parcel 0910A-03-002.000, Request variance for setback, 18 Kimball Dr, Zoned R-1-7.5 (Single-family), Ward 4

Variance 2112PC194, by owner Brookestone Gulf Coast, LLC, tax parcel 1009N-01-002.043, Variance for side street setback, Lot 43 (Brookestone), Zoned R-2 (Single-family), Ward 5.

Variance 2112ZB195, by owners Christopher & Kathryn Dennis Spear, tax parcel 1010N-01-086.000, Request variance for parking material, 2004 Saint James Blvd., Zoned B-1 (Neighborhood business), Ward 2

Variance 2112ZB197, by owners Guy and Doulentha Wells, tax parcel 0811H 05-101.000, Variance for parking reduction, backing into the right-of-way, area requirement, and parking material, 1400 20th St, Zoned R-2 (Single-family), Ward 3

This the 23rd day of November 2021

A. Lee Palermo, Chairman

City of Gulfport Zoning Board of Adjustment and Appeals

W00000000

Publication Dates

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