AGENDA

ZONING BOARD OF ADJUSTMENT AND APPEALS

CITY HALL COUNCIL CHAMBERS

THURSDAY, JUNE 15, 2023 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 - May 18, 2023

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 2305ZB048:
(Withdrawn By Planning Staff)

2. **Special Exception 2305SE050:**

Special Exception 2305SE050, by agent Twila Johnson, seeking approval for a child day care use, Tax Parcel 0808E-04-001.001, 12259 Hwy 49 Suite A, Zoned B-4 (Highway Business), Ward 7

3. **Variance 2306ZB062:**

Variance 2306ZB062, by agent Garlon Pemberton, is seeking approval for a 1.5-foot (18-inch) side setback where 8 feet is required, Tax Parcel 1010D-01-008.004, 8813 Lorraine Rd, Zoned R-B (Residence-business), Ward 4

4. **Variance 2306ZB065:**

Variance 2306ZB065, by owner 4TheLoveofFreedom, LLC, is seeking approval of a gravel driveway where asphalt or concrete is required, Tax Parcel 0911B-01-012.000, 457 Texas Avenue, Zoned T4L (General Urban Zone "Limited"), Ward 4

5. **Variance 2306ZB066:**

Variance 2306ZB066, by owner 4TheLoveofFreedom, LLC, is seeking approval for a 12-foot front setback where 15 feet is required, Tax Parcel 0911B-01-012.000, Zoned T4L (General Urban Zone "Limited"), Ward 4

6. **Variance 2306ZB067:**

Variance 2306ZB067, by owner 4TheLoveofFreedom, LLC, is seeking permission to deviate from parking location requirements, Tax Parcel 0911B-01-012.000, Zoned T4L (General Urban Zone "Limited"), Ward 4

7. **Variance 2306ZB068:**

Variance 2306ZB068, by owner 4TheLoveofFreedom,LLC, is seeking approval to deviate from minimum lot size requirements, Tax Parcel 0911B-01-012.000, Zoned T4L (General Urban Zone "Limited"), Ward 4

H. Adjournment

MINUTES

ZONING BOARD OF ADJUSTMENT AND APPEALS MEETING

Thursday, May 18, 2023 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:

BOARD MEMBERS PRESENT:
MARY ANN WIGINTON
NATHAN BODDIE
LESLIE NORTH
JONATHAN MARSHALL
MICHAEL DANIELS
ROBERT PHARR

BOARD MEMBERS ABSENT:
NONE

STAFF MEMBERS PRESENT:
SU-LIN FEATHERSTON
KEVIN BROWN
RHONDA GADDIS

COURT REPORTER:
NORMA SOROE

E. Confirmation of Agenda:

F. Approval of Minutes:

Motion by **Jonathan Marshall** and seconded by **Robert Pharr** to approve Minutes of the **April 20, 2023,** 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. **Special Exception 2304SE038:**

Special Exception 2304SE038, by agent Kenyetter Johnson, is seeking approval for day care use, Tax Parcel 0808L-04-001.001, 15487 Oak Ln, Zoned B-4 (Highway Business), Ward 7

Speaking for the Petition: Kenyetter Johnson

Speaking against the Petition: None

Motion: Mr. Boddie-to approve applicant's request

Second: Ms. Wiginton

Leslie North	- **Acting Chair -**
Mary Ann Wiginton	-Yea
Michael Daniels	-Absent
Robert Pharr	-Yea
Nathan Boddie	-Yea
Jonathan Marshall	-Yea

Action: **Motion carried unanimously.**

2. **Variance 2305ZB044:**

Variance 2305ZB044, by owner Lori West, seeking approval to allow for a 11-foot front yard setback where 25-feet is required, Tax Parcel 0811C-05-018.000, 2615 25th ave, Zoned B-2 (General business), Ward 3.

Speaking for the Petition: Lori West

Speaking against the Petition: None

Motion: Mr. Boddie-to approve applicant's request

Second: Mr. Pharr

Leslie North	- **Acting Chair -**
Mary Ann Wiginton	-Yea
Michael Daniels	-Absent
Robert Pharr	-Yea
Nathan Boddie	-Yea
Jonathan Marshall	-Yea

Action: **Motion carried unanimously.**

3. **Variance 2304ZB045:**

Variance 2305ZB045, by owner David Ray Roundtree, seeking approval for an additional accessory structure, Tax Parcel 0911D-07-044.000, 2222 Cypress Ave, Zoned R-1-7.5(Single family) Ward 2

Speaking for the Petition: Donald Roundtree

Speaking against the Petition: None

Motion: Ms. Wiginton

Second: Mr. Pharr

Leslie North	-**Acting Chair -**
Mary Ann Wiginton	-Yea
Michael Daniels	-Absent
Robert Pharr	-Yea
Nathan Boddie	-Yea

Jonathan Marshall -Yea

Action: **Motion carried unanimously.**

4. <u>Special Exception 2305SE050:</u>

Special Exception 2305SE050, by agent Twila Johnson, seeking approval for a child day care use, Tax Parcel 0808E-04-001.001, 12259 Hwy 49 Suite A, Zoned B-4 (Highway Business), Ward 7

Speaking for the Petition: None

Speaking against the Petition: None

Motion: Mr. Boddie- Tabled to next month's meeting due to applicant not being present at the meeting

Second: Ms. Wiginton

Leslie North	-**Acting Chair -**
Mary Ann Wiginton	-Yea
Michael Daniels	-Absent
Robert Pharr	-Yea
Nathan Boddie	-Yea
Jonathan Marshall	-Recused Himself

Action: Motion carried unanimously.

Adjournment:

Motion by **<u>Ms. Wiginton</u>** to adjourn the meeting was seconded by **<u>Mr. Pharr</u>** and carried unanimously. The meeting adjourned **<u>3:19 p.m.</u>**

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

_____ Date: _____

Nathan Boddie, Secretary

MEMORANDUM

To: City of Gulfport Zoning Board of Adjustment and Appeals

From: Su-Lin Featherston, Planning Administrator
Urban Development Department

Date of Hearing: June 15, 2023

Re: Public Declaration of Appeal Process of Chairman

MEMORANDUM

To: City of Gulfport Zoning Board of Adjustment and Appeals

From: Su-Lin Featherston, Planning Administrator
Urban Development Department

Date of Hearing: June 15, 2023

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

MEMORANDUM

To: City of Gulfport Zoning Board of Adjustment and Appeals

From: Su-Lin Featherston, Planning Administrator
Urban Development Department

Date of Hearing: June 15, 2023

Re: Routine Agenda

MEMORANDUM

To: City of Gulfport Zoning Board of Adjustment and Appeals

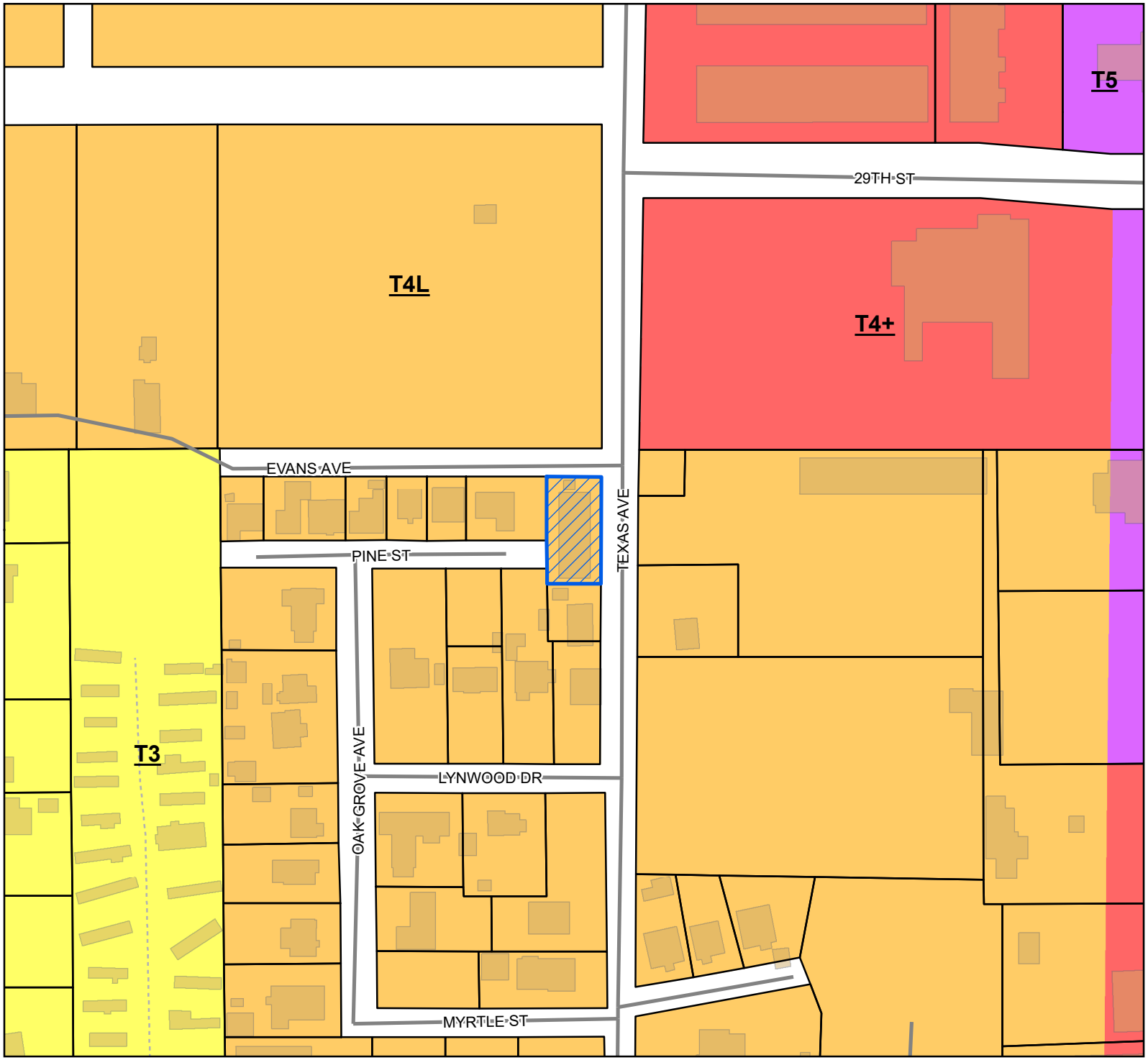
From: Su-Lin Featherston, Planning Administrator
Urban Development Department

Date of Hearing: June 15, 2023

Re: <u>Variance 2305ZB048:</u>
(Withdrawn By Planning Staff)

2305ZB048

Variance



Site
Street
Alley
Parcels
Buildings

Smart Code

T5
T4+
T4L
T3

Site Information

0911B-01-012.000
Zoning: T4L (General Urban Zone)
Size: 6,840 SqFt.
Flood: X

0 25 50 75
Yards

1 inch = 150 feet

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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

Case Number
23052B048

Zoning Board of Adjustments and Appeals Application

REQUESTED ACTION BY THE ZONING BOARD OF ADJUSTMENTS AND APPEALS

(A separate submission form is required for each request):

	Appeal of Planning Administrator
	Excessive Height
	Fence Variance
	Special Exception
X	**Variance**

Tax Parcel Numbers

0911B-01-012.000	

Property Address: 457 Texas Avenue, Gulfport, MS 39507
Lot(s) 1,2,3 ,Block(s) One (1) ,Subdivision East Lynwood Place

General Description of Request: (1) Asking for variance that exceeds minimum lot requirement (2) Asking for permission to deviate from parking dimension requirements (3) Request driveway apron (4) For a non-conforming, pre-existing duplex

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. We can only accept applications with original signatures.

OWNER	AGENT
4 The love of freedom, LLC	
Printed Name of Owner	Printed Name of Agent
2400 Cypress Avenue	
Mailing Address	Mailing Address
Gulfport MS 39501	
City State Zip code	City State Zip code
228. 669. 4443	
Home Phone Work/Cell Phone	Home Phone Work/Cell Phone
4mbfreedom@gmail.com	
Email	Email
Mani A. Barbere	
Signature of Owner	Signature of Agent

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. We can only accept applications with ***original signatures***.

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) 4 the love of freedom, LLC

ADDRESS (STREET, CITY, STATE, ZIP CODE 457 Texas Avenue, Gulfport, MS 39507

PHONE # (H) 228. 669. 4443 (C) (WK/CELL)

TAX PARCEL NUMBER(S) OWNED 0911B-01 - 012. 000

SIGNATURE: Maria A. Barberee, Managing Member

NAME OF OWNER (PRINT) (Maria A. Barberee, Managing Member

ADDRESS (STREET, CITY, STATE, ZIP CODE

PHONE # (H) (WK/CELL)

TAX PARCEL NUMBER(S) OWNED

SIGNATURE:

NAME OF OWNER (PRINT)

ADDRESS (STREET, CITY, STATE, ZIP CODE

PHONE # (H) (WK/CELL)

TAX PARCEL NUMBER(S) OWNED

SIGNATURE:

1. The property/structure was never properly permitted back in the 1960's for duplex use. I am asking for a variance of the property due to this hardship because the front setback requirements and lot size requirement do not meet the minimum lot requirement.

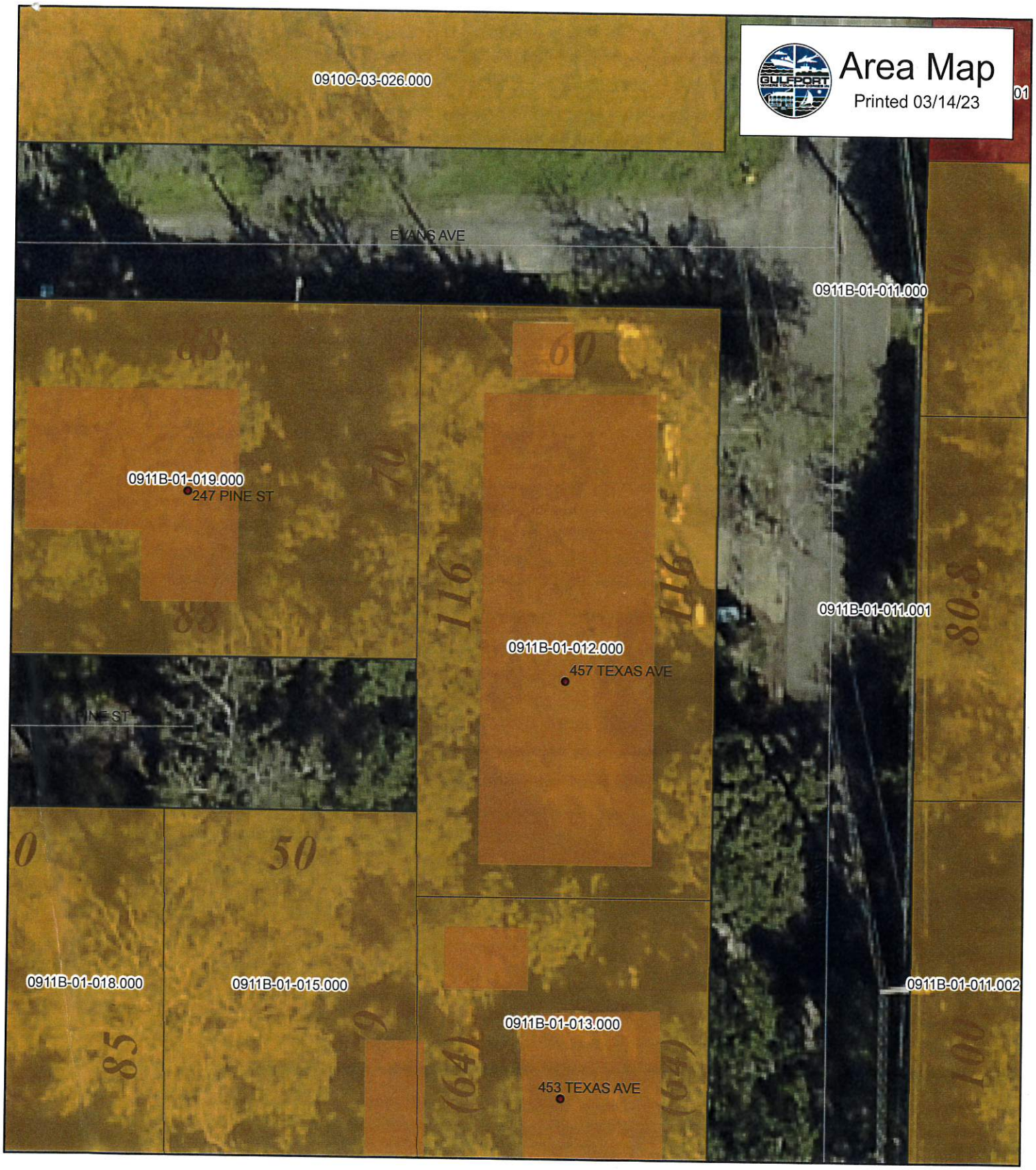
2. I am asking this permission in variances because when I purchased the property, I was not aware that the property was not permitted at the time it was built (circa 1960's).

3. The present hardship is because the property has a 14' setback from the road & holds the setback for proper parking dimensions presently required.

4. I cannot make the property aesthetically pleasing to the community without the proper non-conforming permits that are needed. I'm having to bring the non-conforming of the property to conformity through the process of allowed variances.

5. I am not asking for anymore special privilege's that any other owner would require when inheriting a property that was not properly permitted.

6. The zoning is T4L & is allowed for duplex use.



N
W E
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1 inch = 25 feet

- Addresspoints
- Minor/Residential
- WaterFeatures
- Parcels

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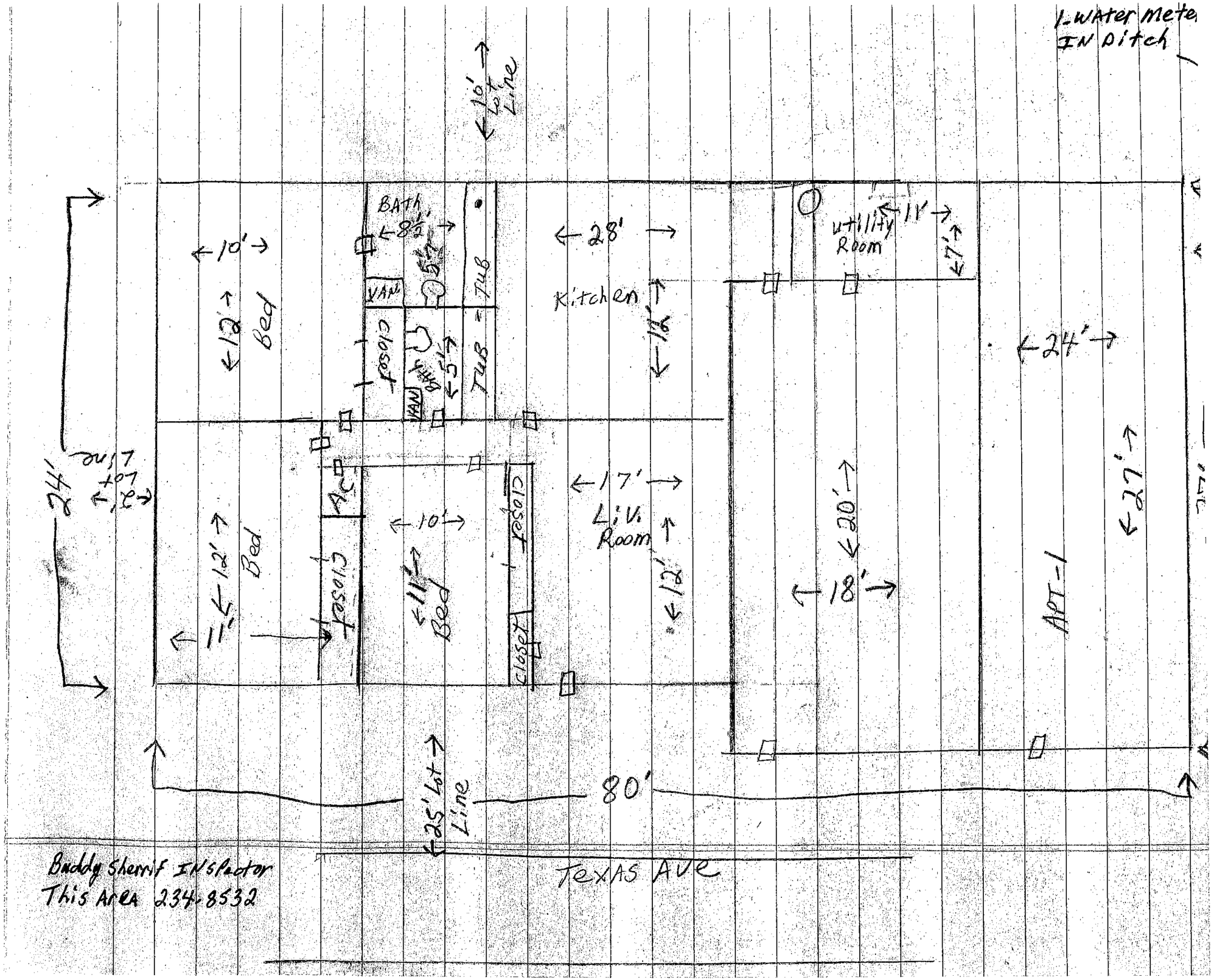
1-Water Meter
IN Ditch
10' Lot Line
BATH
8½'
VAN
TUB
Closet
Bath
5½'
TUB
10'
12'
Bed
28'
Kitchen
12'
Utility
Room
11'
7'
24'
24'
Out
lot
1'
12'
Bed
11'
AC
Closet
10'
11'
Bed
Closet
Closet
17'
Liv.
Room
12'
20'
18'
APT-1
27'
25' Lot Line
80'
TEXAS AVE
Buddy Sherrif Inspector
This Area 234-8532

1st JUDICIAL DISTRICT
Instrument 2022-0030430-D-J1
Filed/Recorded 12/27/2022 12:12:01 PM
Total Fees 28.00
7 Pages Recorded

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

Grantor:
The Estate of Lemon Mendall Williams, III
10206 Humphreys Green Dr.
Arcola, TX 77583
(228) 313-4245

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

Grantee:
4theloveoffreedom, LLC,
a Mississippi limited liability company
2400 Cypress Ave.
Gulfport, MS 39506
(228) 669-4443

File No. Z221930S

INDEXING INSTRUCTIONS: **A parcel of land situated in Sec. 1, T8S, R11W, 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, **The Estate of Lemon Mendall Williams, III**, does hereby sell, convey and warrant unto **4theloveoffreedom, 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:

Legal Description attached hereto as Exhibit "A"

This being the same property as that conveyed to Lisa Renee Taylor Williams and Lemon Mendall Williams, by Life Estate Warranty Deed recorded in Instrument No. 2005-21651-D-J1, Land Deed Records of Harrison County, Mississippi.

Unofficial

Exhibit "B"

FILED
NOV 15 2022
John McAdams Chancery Clerk
By Ella Brown D.C.

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

IN THE MATTER OF THE ESTATE
OF LEMON MENDALL WILLIAMS, III, DECEASED

CAUSE NO.: 20-303(4)

DIANE NEWMAN ADMINISTRATRIX/PETITIONER

Unofficial

AMENDED ORDER

This cause having come on to be heard on this day on the Motion of Diane Newman, Administratrix, for approval of the sale of real estate owned by the Decedent at the time of his death, and the instant Amended Order is meant to correct the previously entered Order dated and filed on November 2, 2022 in this matter, and the Court having read and considered said Motion filed herein, and being duly advised in the premises, finds as follows:

1. That LEMON MENDALL WILLIAMS, III, a late resident of Gulfport, Mississippi, departed this life intestate on or about December 14, 2019. That Administratrix was appointed by this Court, and that Letters of Administration were issued to her on May 11, 2020.

2. That Decedent's Estate owns real property located at 457 Texas Avenue, Gulfport, MS 39507, Parcel # 0911B-01-012.000, and that there is an offer to purchase said real property for $16,500.00, wherein the contract was attached to the filed Motion.

3. The legal description for said property is as follows:

> A parcel of land situated and being located in Section 1, Township 8 South, Range 11 West, City of Gulfport, First Judicial District of Harrison County, Mississippi; and being more particularly described as follows: For the Point of Beginning, Commence a the Northeast corner of Lot One (1), Block One (1), EAST LYNWOOD PLACE (now vacated), said point being located at the intersection of the South margin of Evans Street (formerly Section Line Road) with the West margin of Texas Avenue (formerly Texas Street); thence run South a distance of 116.0 feet along the West margin of Texas Avenue; thence run South 89 degrees 57 minutes 15 seconds West a distance of 60.0 feet; thence run North a distance of 116.0 feet to the South margin of Evans Street; thence run North 89 degrees 57 minutes 15 seconds East a distance of 60.0 feet along

the South margin of Evans Street, to the said Point of Beginning. Said parcel of land contains 0.160 acres, more or less; and being part of Lots One (1), Two (2), and Three (3), Block One (1), EAST LYNWOOD PLACE (now vacated), on file in the office of Chancery Clerk of the First Judicial District of Harrison County, Mississippi.

Said tract also being the same tract as formerly described in Warranty Deed Book 1198, Pages 613-615, on file in the office of the Chancery Clerk of the First Judicial District of Harrison County, Mississippi.

The North Five (5) feet of the above described parcel of land is subject to an Easement for Drainage and Utilities.

4. That Administratrix believes that this is a fair and reasonable offer to purchase the property and the offer meets the fair market value of the property.

5. That Administratrix's Motion for Authority to Sell Real estate is well-taken and shall be granted.

IT IS THEREFORE:

ORDERED AND ADJUDGED that Administratrix is authorized, pursuant to Miss. Code Ann. § 91-7-187, to sell Decedent's interest in the property located at 457 Texas Avenue, Gulfport, MS 39507, Parcel # 0911B-01-012.000, with the legal description described herein, and Administratrix is hereby authorized to execute all documents necessary to effectuate said sale, and after payment of any fees associated with the closing, the attorney for the Estate shall deposit said any net proceeds into the registry of the Court for the benefit of said Estate until further Order of the Court.

SO ORDERED AND ADJUDGED, this the 15 day of Nov, 2022.

CHANCELLOR

Prepared By:
MARK V. WATTS, MS BAR 102204
HORNSBY WATTS, PLLC
1025 HOWARD AVENUE
BILOXI, MISSISSIPPI 39530
TELEPHONE: (228) 207-2990
FACSIMILE (866) 271-4393

A TRUE COPY
JOHN McADAMS
Chancery Court Clerk
Harrison County, Miss.
1st Judicial District
By _____ D.C.

CHANCERY COURT of HARRISON COUNTY * MISSISSIPPI *

Unofficial

1st JUDICIAL DISTRICT
Instrument 2022-0030430-D-J1
Filed/Recorded 12/27/2022 12:12:01 PM
Total Fees 28.00
7 Pages Recorded

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

Grantor:
The Estate of Lemon Mendall Williams, III
10206 Humphreys Green Dr.
Areola, TX 77583
(228) 313-4245

Return To:
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Attorney at Law
1406 Bienville Blvd., Suite 101
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Grantee:
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2400 Cypress Ave.
Gulfport, MS 39506
(228) 669-4443

File No. Z221930S

INDEXING INSTRUCTIONS: **A parcel of land situated in Sec. 1, T8S, R11W, 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, **The Estate of Lemon Mendall Williams, III**, does hereby sell, convey and warrant unto **4theloveoffreedom, 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:

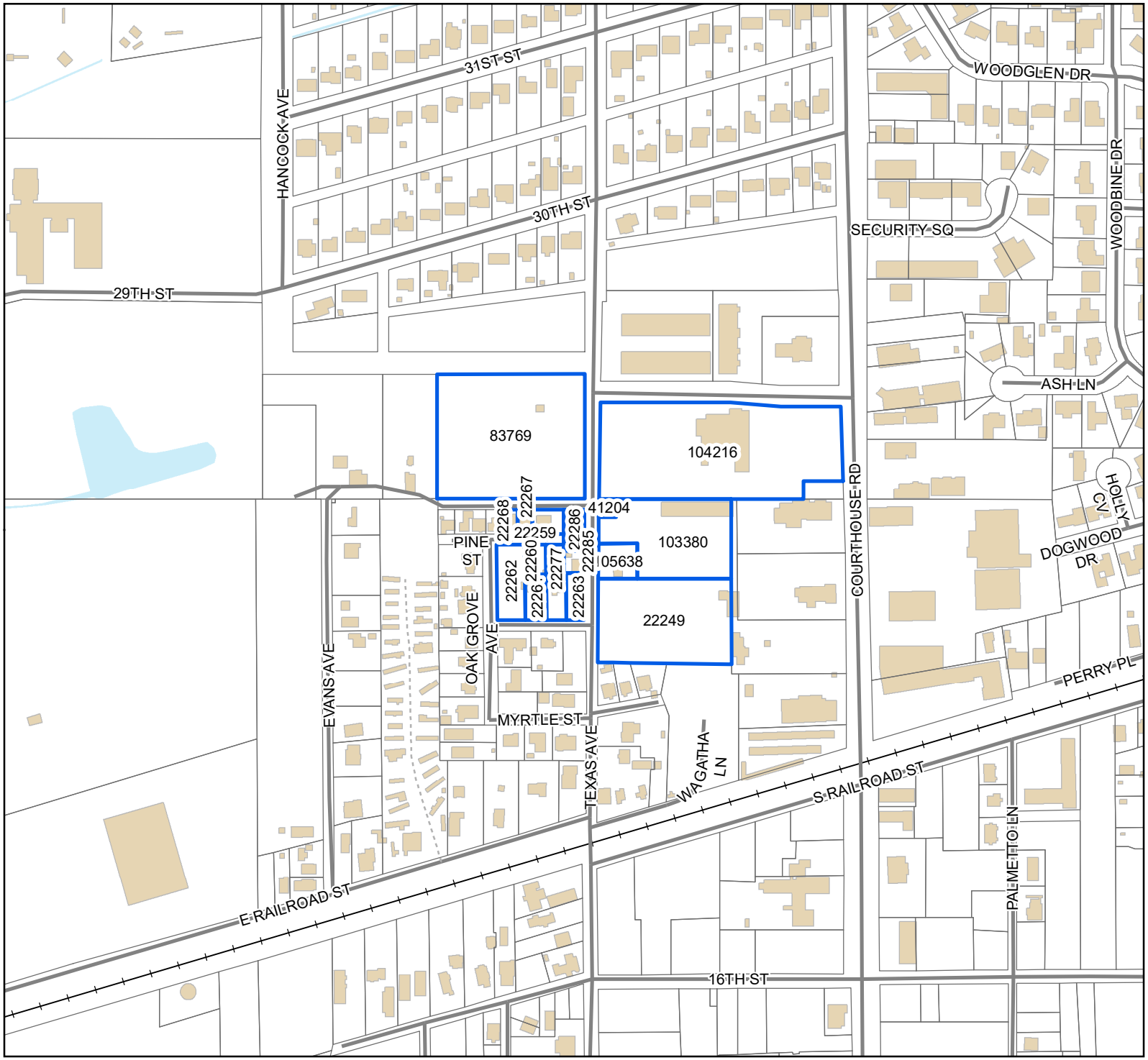
Legal Description attached hereto as Exhibit "A"

This being the same property as that conveyed to Lisa Renee Taylor Williams and Lemon Mendall Williams, by Life Estate Warranty Deed recorded in Instrument No. 2005-21651-D-J1, Land Deed Records of Harrison County, Mississippi.

Unofficial

2305ZB048

Variance



Legend

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

0 60 120 180

Yards

1 inch = 390 feet

N
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Mail	PPIN	Parcel ID	Name	Address	City	State	ZIP
Y			4 THE LOVE OF FREEDOM,LLC (OWNERS)	2400 CYPRESS AVE	GULFPORT	MS	39501
			Adjacent Property Owners(2305ZB048)				
	22267	0911B-01-020.000	MITCHELL HILDA RAE CHAFFIN -L/E-	245 PINE ST	GULFPORT	MS	39507
	22286	0911B-01-012.000	WILLIAMS LEMON MENDALL -ESTATE-	457 TEXAS AVE	GULFPORT	MS	39507
	22268	0911B-01-021.000	KT HOMES LLC	P O BOX 972	FREDERICK	CO	80504
	105638	0911B-01-011.002	KOTSAKOS JAMES C SR	452 TEXAS AVE	GULFPORT	MS	39507
	22277	0911B-01-015.000	BOB'S CONTRACTING SERVICES INC DBA	4851 FALCON DR	FREDERICK	CO	80504
	22261	0911B-01-016.000	HIGDON JO LYNN	P O BOX 6428	GULFPORT	MS	39506
N	22249	0911B-01-010.000	BOB FALER LLC	205 CAMPBELL RD	COLLINS	MS	39428
	41204	0911B-01-011.000	BOB FALER LLC	205 CAMPBELL RD	COLLINS	MS	39428
	22259	0911B-01-019.000	WALLEN DALE L	3204 17TH ST	GULFPORT	MS	39501
N	103380	0911B-01-011.001	BOB FALER LLC	205 CAMPBELL RD	COLLINS	MS	39428
	22262	0911B-01-017.000	SMITH RANDI MICHELLE & H ADAM	452 OAK GROVE AV	GULFPORT	MS	39507
	22260	0911B-01-018.000	HIGDON JO LYNN	P O BOX 6428	GULFPORT	MS	39506
	22263	0911B-01-014.000	RACE CODY D & ANDREA SUE	255 LYNWOOD DR	GULFPORT	MS	39507
	104216	0910O-03-023.001	UNITED STATES POSTAL SERVICE	4000 DEKALB TECH PARKWAY	ATLANTA	GA	30340
	83769	0910O-03-026.000	MISS POWER CO				0
	22285	0911B-01-013.000	HERRIN JEANNIE L	453 TEXAS AVE	GULFPORT	MS	39507

MEMORANDUM

To: City of Gulfport Zoning Board of Adjustment and Appeals

From: Su-Lin Featherston, Planning Administrator
Urban Development Department

Date of Hearing: June 15, 2023

Re: **Special Exception 2305SE050:**

Special Exception 2305SE050, by agent Twila Johnson, seeking approval for a child day care use, Tax Parcel 0808E-04-001.001, 12259 Hwy 49 Suite A, Zoned B-4 (Highway Business), Ward 7

Technical Report
SPECIAL EXCEPTION

GENERAL INFORMATION

Case File Number: 2305SE050

Hearing Date:	Zoning Board	May 18, 2023
	Planning Commission	May 25, 2023

Current Zoning/Use: B-4 / Commercial Structure

Legal: Special Exception

TECHNICAL DETAILS

The applicant requests special exception for a day care use located at 12259 HWY 49. Hours of operation will be Monday thru Friday from 6:00 a.m. to 6:00 p.m. As proposed, the site plan accommodates ample off-street turn-around space. In addition, there are established commercial buildings at this location, and the applicant states that there are no issues with utilities, access, or parking.

EXECUTIVE SUMMARY

There are established commercial buildings at this location, and the applicant states that there are no issues with utilities, access, or parking. The use would be in harmony with the existing neighborhood due to there is currently a real estate academy, pediatric care clinic, and other businesses within the same complex. Based on the site & surrounding area this use would be valuable to the existing neighborhood and meet the minimum requirements for the site.

Any approval should consider these conditions:

1. Must meet all current building Codes and City of Gulfport Ordinances.
2. Facility to meet requirements of State of Mississippi "Uniform Fire Safety for childcare." Fire Alarm w/ smoke detection throughout (All Childcare Rooms). Fire Sprinkler – Group I occupancy requires sprinkler except I-4 daycare facilities (1-story) where every room providing care has an exterior door.

DEPARTMENTAL CONDITIONS

Engineering: No conditions. Memo dated 05/05/2023.

Public Works: No conditions. Memo dated 05/01/2023.

Traffic and Safety: No conditions. Memo dated 05/05/2023.

Building Code Services: Must meet all current building Codes and City of Gulfport Ordinances. Memo dated 05/01/2023.

Technical Report
SPECIAL EXCEPTION

GIS: No comment. Memo dated 05/05/2023.

Police Department: No conditions. Memo dated 05/01//2023.

Fire Department: Facility to meet requirements of State of Mississippi "Uniform Fire Safety for childcare." Fire Alarm w/ smoke detection throughout (All Childcare Rooms). Fire Sprinkler – Group I occupancy requires sprinkler except I-4 daycare facilities (1-story) where every room providing care has an exterior door. Memo dated 05/01/2023.

City Arborist: No conditions. Memo dated 05/01/2023.

DIRECTOR APPROVAL

This report has been reviewed and approved by:

Greg Holmes
Director of Urban Development Department

Technical Report
SPECIAL EXCEPTION

GENERAL INFORMATION

Case File Number: 2305SE050

Hearing Date:	Zoning Board	June 15, 2023
	Planning Commission	May 25, 2023

Current Zoning/Use: B-4 / Commercial Structure

Legal: Special Exception

TECHNICAL DETAILS

The applicant requests special exception for a day care use located at 12259 HWY 49. Hours of operation will be Monday thru Friday from 6:00 a.m. to 6:00 p.m. As proposed, the site plan accommodates ample off-street turn-around space. In addition, there are established commercial buildings at this location, and the applicant states that there are no issues with utilities, access, or parking.

EXECUTIVE SUMMARY

There are established commercial buildings at this location, and the applicant states that there are no issues with utilities, access, or parking. The use would be in harmony with the existing neighborhood due to there is currently a real estate academy, pediatric care clinic, and other businesses within the same complex. Based on the site & surrounding area this use would be valuable to the existing neighborhood and meet the minimum requirements for the site. Applicant did receive approval from the Planning Commission for the daycare use at 12259 HWY 49.

Any approval should consider these conditions:

1. Must meet all current building Codes and City of Gulfport Ordinances.
2. Facility to meet requirements of State of Mississippi "Uniform Fire Safety for childcare." Fire Alarm w/ smoke detection throughout (All Childcare Rooms). Fire Sprinkler – Group I occupancy requires sprinkler except I-4 daycare facilities (1-story) where every room providing care has an exterior door.
3. Approval allows for a daycare use at 12259 HWY 49.

DEPARTMENTAL CONDITIONS

Engineering: No conditions. Memo dated 05/05/2023.

Public Works: No conditions. Memo dated 05/01/2023.

Traffic and Safety: No conditions. Memo dated 05/05/2023.

Technical Report

SPECIAL EXCEPTION

Building Code Services: Must meet all current building Codes and City of Gulfport Ordinances. Memo dated 05/01/2023.

GIS: No comment. Memo dated 05/05/2023.

Police Department: No conditions. Memo dated 05/01//2023.

Fire Department: Facility to meet requirements of State of Mississippi "Uniform Fire Safety for childcare." Fire Alarm w/ smoke detection throughout (All Childcare Rooms). Fire Sprinkler – Group I occupancy requires sprinkler except I-4 daycare facilities (1-story) where every room providing care has an exterior door. Memo dated 05/01/2023.

City Arborist: No conditions. Memo dated 05/01/2023.

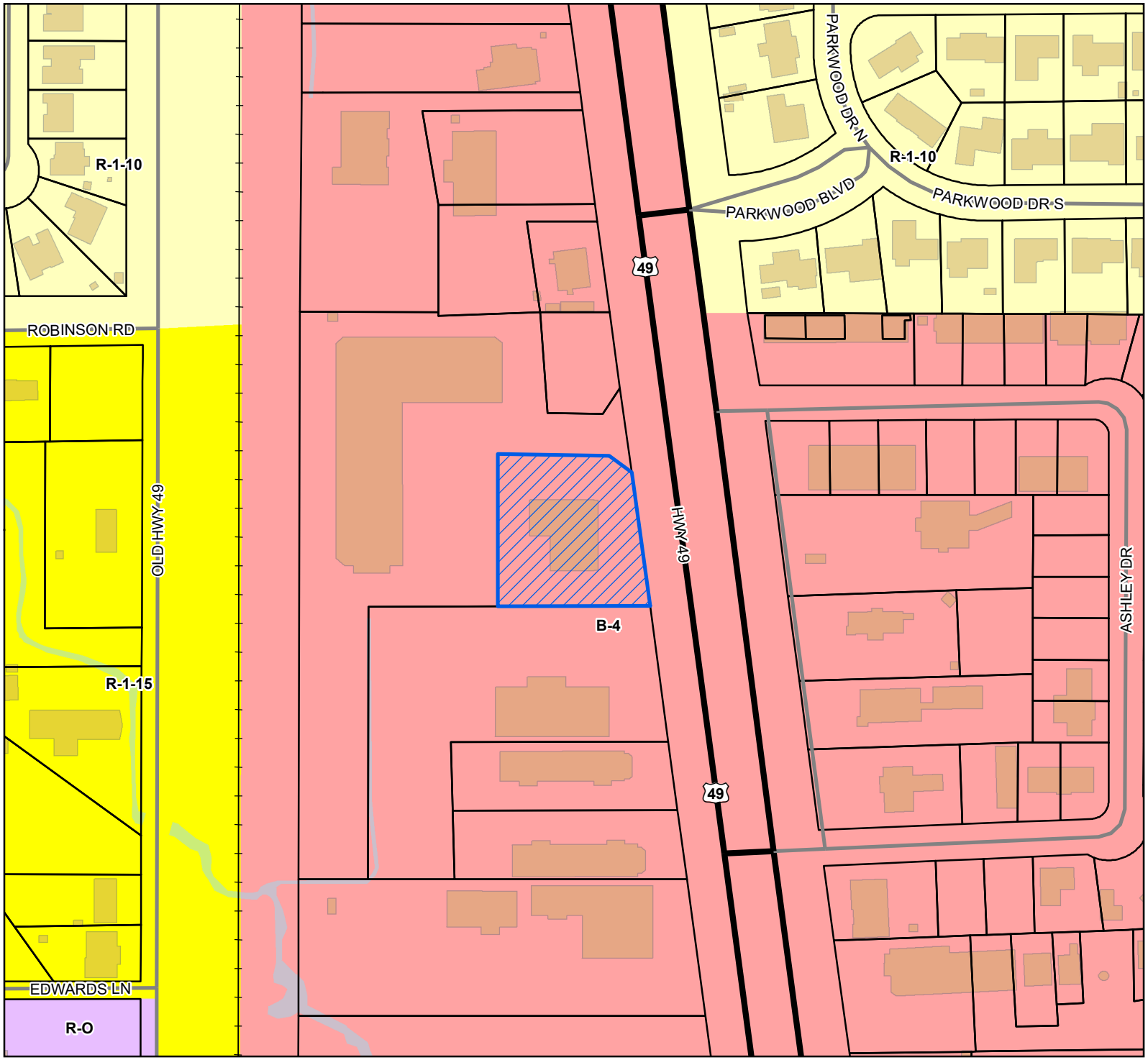
DIRECTOR APPROVAL

This report has been reviewed and approved by:

Greg Holmes
Director of Urban Development Department

2305SE050

Special Exception



Site
US or State Highway
Street
Railroad
Parcels
Buildings
Water Features

Zoning

B-4 - Highway Business District
R-1-10 - Single Family Residence (Low Density)
R-1-15 - Single Family Residence District (Low Density)
R-O - Residence-Office

Site Information

0808E-04-001.001
Zoning: B-4 (Highway Business)
Size: 1.02 acres
Flood: X

0 30 60 90
Yards

1 inch = 200 feet

N
W E
S

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

Case Number
2305SE050

Zoning Board of Adjustments and Appeals Application

REQUESTED ACTION BY THE ZONING BOARD OF ADJUSTMENTS AND APPEALS

(A separate submission form is required for each request):

	Appeal of Planning Administrator
	Excessive Height
	Fence Variance
✓	**Special Exception**
	Variance

Tax Parcel Numbers

0808E-04-001.001	

Property Address: 12259 Hwy 49 Gulfport, MS 39503 (Suite A)

Lot(s)_____, Block(s)_____, Subdivision_____

General Description of Request: Child Care Center

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. We can only accept applications with original signatures.

OWNER	AGENT
Mamie Street Properties, LLC Richard Marshall	Twila & Terrance Johnson
Printed Name of Owner	Printed Name of Agent
16 Rivers Bend Drive	15895 Walker Farm Lane
Mailing Address	Mailing Address
Gulfport MS 39507	Gulfport MS 39503
City State Zip code	City State Zip code
228-596-4855	(228) 731-7333 (228) 731-4332
Home Phone Work/Cell Phone	Home Phone Work/Cell Phone
Rmars23@gmail.com	Twilam Jackson81@yahoo.com
Email	Email
Signature of Owner	Signature of Agent

Adressing the Zoning Board Requirments!!

Special Exception for Day Care Usage

Hours of operation 6:30am 6:00pm

1. There is already existing Entrance & exit Driveways on site, with a side walk in Front of the Building.

2. Parking spaces for Clients are existing on site.

3. There is existing Dumpsters Located in the rear of the Properties.

4. Utilities are already Located in the united.

5. The Special Exception with harmony, with general Purpose of intent. Being that there is a Children's Clinic in Place.

1. There is Already existing Entrance or exit driveways on site with side walk in front of the Building

2. Utilities are Already Provided.

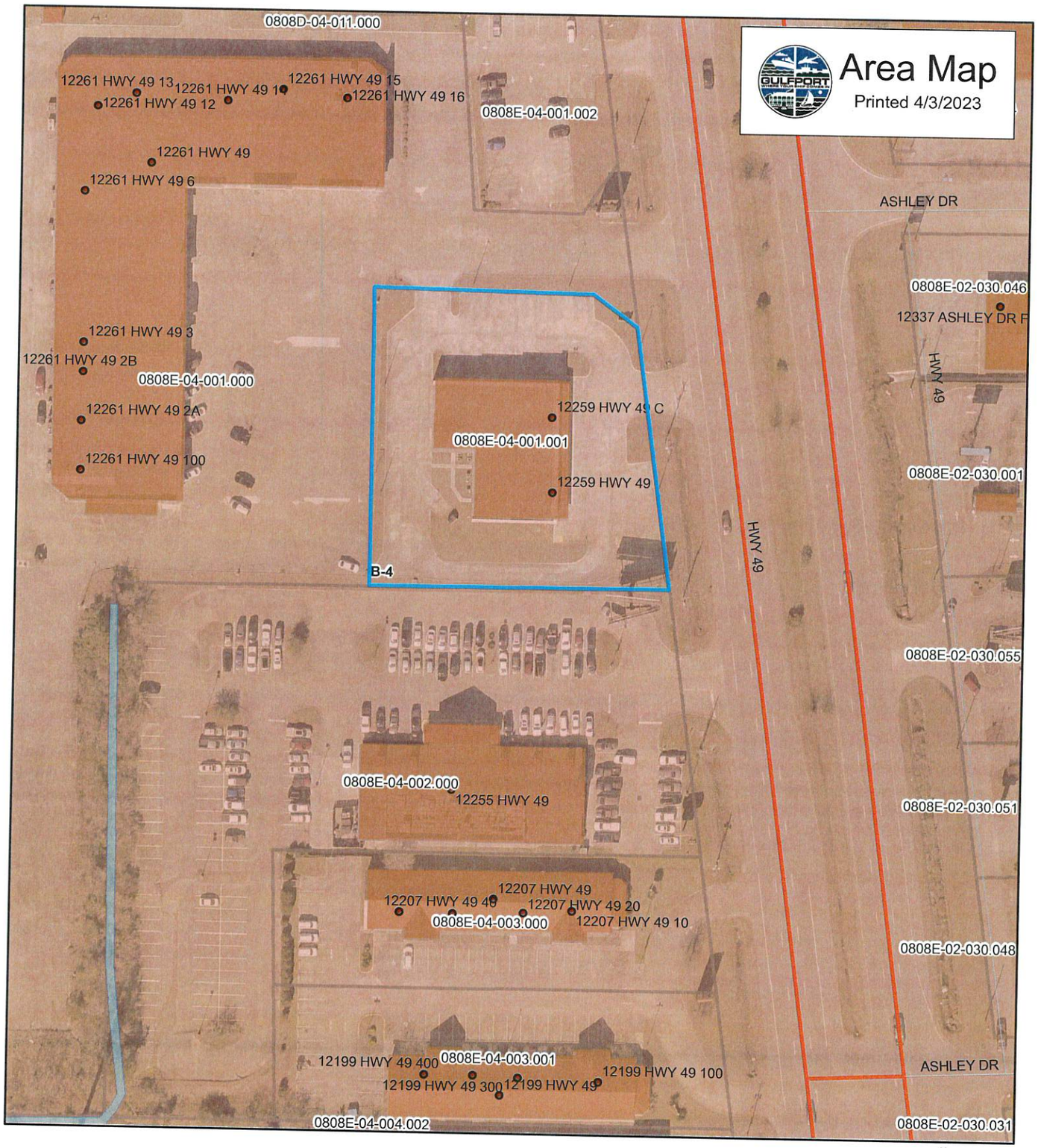
3. I'm not Asking for anything that's Already Available to the site.

4. There is Already A Parking Lot In Place withe entrance and exit Points.

I am requesting a special exception for a Childcare use.
The hours of operation will be Monday thru Friday 6:00am-6:00pm

4-12-23

T G Johnson



Addresspoints
Principal Arterial
Minor/Residential
WaterFeatures
Parcels

N
W E
S

1 inch = 92 feet

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Designation of Agent

I, Richard Marshall Mamie Street Properties, LLC being property owner of 12259 Hwy 49, Gpt. MS 39503
PRINT NAME PRIMARY ADDRESS OR PARCEL
which is the subject of this application hereby authorize Twila Mamie ~~Williams~~ Johnson to act as my
Elestor Williams 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.

Signature

4/12/2023
Date

STATE OF MISSISSIPPI | COUNTY OF HARRISON

Given under my hand and seal of office this the 12 day of April, 20 23

Dominique Reverse
Notary Public

Commission Expiration

STATE OF MISSISSIPPI NOTARY PUBLIC DOMINIQUE E. REVERSE Commission Expires Nov. 4, 2025 HARRISON COUNTY

Gulfport MISSISSIPPI ONE COAST

Covenant Affidavit

I, Mamie Street Properties, LLC Richard Marshall, being owner or agent of the property 12259 Hwy 49, Gulfport

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.

Richard Marshall 4/3/23

Signature *Date*

STATE OF MISSISSIPPI | COUNTY OF HARRISON

Given under my hand and seal of office this the 3rd day of April, 2023

Maxwell C Peck

Notary Public

MAXWELL C. PECK, JR. Commission Expires May 30, 2024 HARRISON COUNTY

May 30, 2024

Commission Expiration

Gulfport MISSISSIPPI ONE COAST

Covenant Affidavit

I, Twila m Johnson, being owner or agent of the property 12259 Hwy 49 Gpt MS 39503

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.

Tila Johnson 4-3-2023

Signature *Date*

STATE OF MISSISSIPPI | COUNTY OF HARRISON

Given under my hand and seal of office this the 3 day of April, 2023

Karen Parker

Notary Public

STATE OF MISSISSIPPI NOTARY PUBLIC ID # 118387 KAREN PARKER Commission Expires 06-23-2024 HARRISON COUNTY

Commission Expiration

Michael Watson
SECRETARY OF STATE

This is not an official certificate of good standing.

Name History

Name	Name Type
Mamie Street Properties LLC	Legal

Business Information

Business Type:	Limited Liability Company
Business ID:	982541
Status:	Good Standing
Effective Date:	04/28/2011
State of Incorporation:	Mississippi
Principal Office Address:	16 Rivers Bend Drive, 16 Rivers Bend Drive Gulfport, MS 39507

Registered Agent

Name

Marshall, Richard
17 Rivers Bend Dr
Gulfport, MS 39507

Officers & Directors

Name	Title
Elizabeth Marshall 16 Rivers Bend Dr Gulfport, MS 39507	Member
Richard V Marshall 16 Rivers Bend Drive Gulfport, MS 39507	President

CERTIFIED RESOLUTION OF

MAMIE STREET PROPERTIES, LLC

The undersigned, being the President of MAMIE STREET PROPERTIES, LLC (a Mississippi Corporation) hereby certifies that the following is a true extract of a resolution duly adopted at a legally convened meeting of the members of Mamie Street Properties, LLC on the 27th day of April, 2023.

BE IT RESOLVED that **Richard Marshall**, as President and **Elizabeth Marshall**, as Member of Mamie Street Properties, LLC, are hereby authorized and directed to execute any and all documents necessary for property at 12259 Hwy 49, Gulfport, MS 39503 or Parcel ID# 0808E-04-001.001.

SO CERTIFIED this the 27th day of April, 2023.

Mamie Street Properties, LLC

BY: _____
Richard Marshall, President

BY: _____
Elizabeth Marshall, Member

STATE OF MISSISSIPPI
COUNTY OF HARRISON

PERSONALLY, appeared before me, the undersigned authority in and for the jurisdiction aforesaid, and while within my official jurisdiction, the within named **Richard Marshall and Elizabeth Marshall** who acknowledged that he signed and delivered the foregoing on the day and year therein mentioned.

GIVEN under my hand and official seal this the 27th day of April, 2023.

(S E A L)

_____
NOTARY PUBLIC

STATE OF MISSISSIPPI
NOTARY PUBLIC
ID # 290631
LESLIE ERVIN
Commission Expires
April 19, 2025
HARRISON COUNTY

My Commission Expires:

1st Judicial District
Instrument 2011 4434 D -J1
Filed/Recorded 7/11/2011 11:05 A
Total Fees $ 12.00
2 Pages Recorded

Prepared by:

Alfred R. Koenenn
Perry, Murr, Teel & Koenenn
Post Office Box 7158
Gulfport, MS 39506
(228)896-0020
State Bar #4237

Return to:

Alfred R. Koenenn
Perry, Murr, Teel & Koenenn
Post Office Box 7158
Gulfport, MS 39506
(228)896-0020
State Bar #4237

Indexing information:

Located in the NW 1/4 of the SW 1/4 of Section 4, Township 7 South, Range 11 West

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 consideration, the receipt and sufficiency of all of which is hereby acknowledged, the undersigned

TACO SOUTH, LLC,
a Mississippi Limited Liability Company
Post Office Box 3226
Gulfport, MS 39505
(228)832-8302

does hereby sell, convey and warrant unto,

MAMIE STREET PROPERTIES, LLC
a Mississippi Limited Liability Company
17 Rivers Bend Drive
Gulfport, MS 39507
(228)596-4855

the following described land and property located and being situated in the First Judicial District of Harrison County, Mississippi, and more particularly described as follows, to-wit:

A parcel of land situated and being located in the NW 1/4 of the SW 1/4 of Section 4, Township 7 South, Range 11 West, City of Gulfport, First Judicial District of Harrison County, Mississippi, and being more particularly described as follows

Commence at an old iron pipe located at the northwest corner of the NW 1/4 of the SW 1/4 of Section 4; thence South 89 degrees 54 minutes 56 seconds East 22.07 feet along the north line of said NW 1/4 of the SW 1/4, to the intersection with the east right-of-way of Midsouth Rail Corp. (formerly Gulf & Ship Island Railroad) thence

continue South 89 degrees 54 minutes 56 seconds East 445.00 feet along said north line of the NW 1/4 of the SW 1/4, to the intersection with the west right-of-way of U.S. Highway 49; thence South 07 degrees 22 minutes 00 seconds East 232.15 feet along said west right-of-way of U.S. Highway 49, to the POINT OF BEGINNING; thence continue along said West right of Way South 07 degrees 22 minutes 00 seconds East a distance of 198.65 feet; thence North 89 degrees 54 minutes 56 seconds West 220.38 feet; thence North 00 degrees 05 minutes 04 seconds East a distance of 220.28 feet; thence South 89 degrees 54 minutes 56 seconds East a distance of 161.25 feet; thence South 54 degrees 58 minutes 29 seconds East a distance of 40.70 feet to the POINT OF BEGINNING. Said parcel of land contains 1.03 acres more or less.

THIS CONVEYANCE is subject to any and all recorded restrictive covenants, rights of way, easements and the prior reservation of any oil, gas and other minerals.

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 this date is incorrect, then the Grantors agree to pay to the Grantee, or its assigns, any deficit on an actual proration, and likewise, the Grantee agrees to pay to the Grantors, or its assigns, any amount overpaid by it.

EXECUTED, this the 16th day of July, 2011.

Taco South, LLC
A Mississippi Limited Liability Company

BY_____
Dave Gordon, Manager

STATE OF MISSISSIPPI

COUNTY OF HARRISON

PERSONALLY appeared before me, the undersigned authority in and for the said County and State, on this 16th day of July, 2011, within my jurisdiction, the within named, DAVE GORDON, who acknowledged that he is the Manager of TACO SOUTH, LLC, a Mississippi Limited Liability Company, and acknowledged that for and on behalf of the said company and as its act and deed, he signed, executed and delivered the above and foregoing instrument, after first having been duly authorized by said limited liability company so to do.

Notary Public

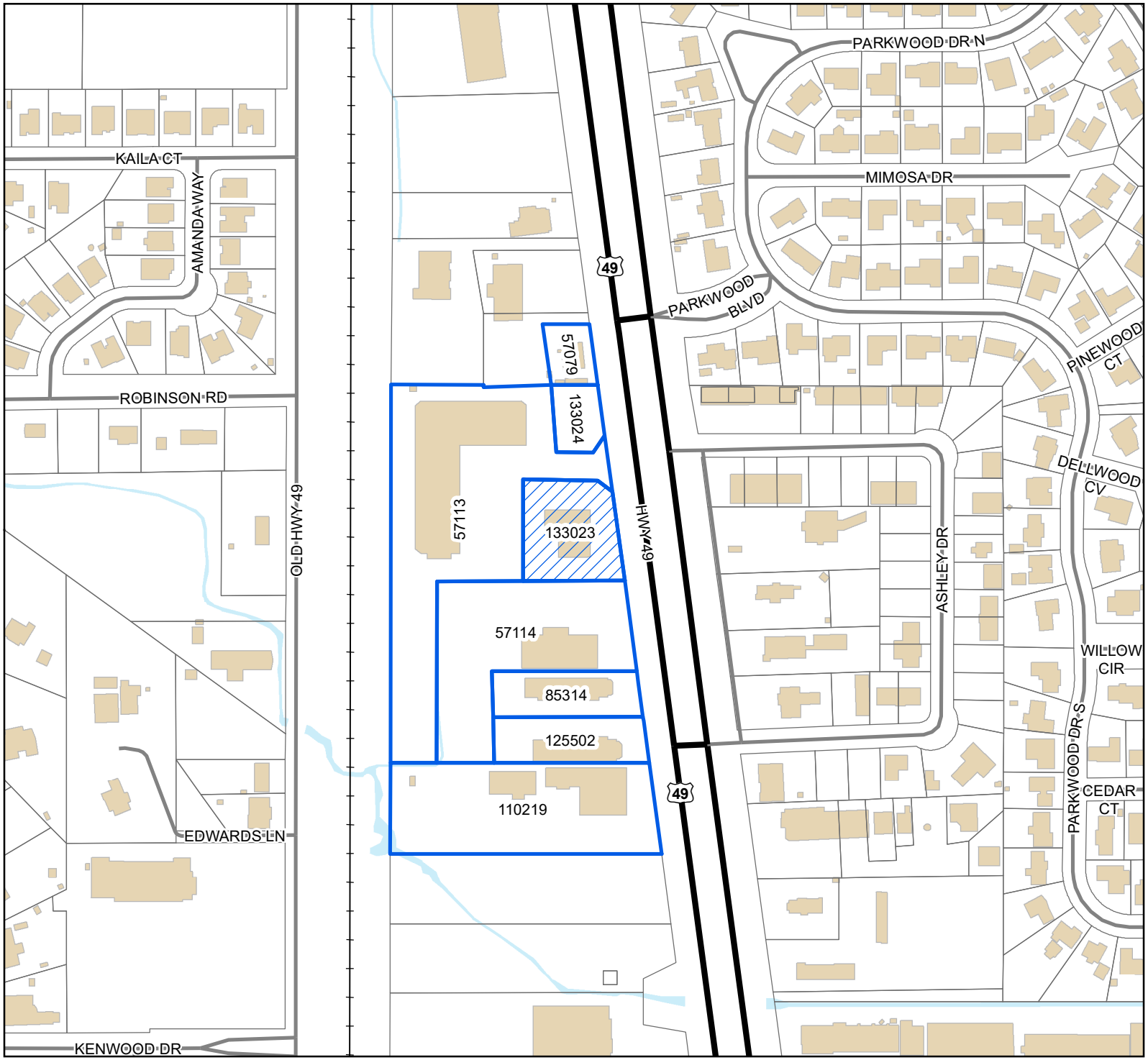
My Commission Expires:

STATE OF MISSISSIPPI
ANNETTE MCKEMA
NOTARY PUBLIC
ID No. 5359
Commission Expires
February 10, 2015
HARRISON COUNTY

Mail	PPIN	Parcel ID	Name	Address	City	State	ZIP
Y			MAMIE STREET PROPERTIES LLC(OWNER)	16 RIVERS BEND DRIVE	GULFPORT	MS	39507
			TWILA & TERRANCE JOHNSON(AGENT)	15895 WALKER FARM LANE	GULFPORT	MS	39503
			Adjacent Property Owners(2305SE050)				
	57114	0808E-04-002.000	STORE MASTER FUNDING II LLC	8501 E PRINCESS DR STE 1910	SCOTTSDALE	AZ	85255
	110219	0808E-04-004.002	RHODES RENTAL OF GULFPORT INC	13216 SEYMOUR LN	OCEAN SPRINGS	MS	39564
N	133023	0808E-04-001.001	MAMIE STREET PROPERTIES LLC	16 RIVERS BEND DRIVE	GULFPORT	MS	39507
	125502	0808E-04-003.001	E&B ENTERPRISES LLC	12207 HWY 49	GULFPORT	MS	39503
	85314	0808E-04-003.000	CRB HOLDINGS LLC	12199 HIGHWAY 49	GULFPORT	MS	39503
	133024	0808E-04-001.002	TACO SOMBRERO INC	12275 HIGHWAY 49	GULFPORT	MS	39503
N	57079	0808D-04-012.000	TACO SOMBRERO INC	12275 HWY 49 N	GULFPORT	MS	39503
	57113	0808E-04-001.000	TACO SOUTH LLC	P O BOX 3226	GULFPORT	MS	39505

2305SE050

Special Exception



Legend

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

0 40 80 120

Yards

1 inch = 300 feet

N W E S

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RE: Special Exception 2305SE050, by agent Twila Johnson, seeking approval for a child day care usage, Tax Parcel 0808E-04-001.001, 12259 Hwy 49, Zoned B-4(Highway Business), Ward 7

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, May 18, 2023**, in the Council Chambers at the Gulfport City Hall located at 2309 15th Street.

For more information, visit http://www.gulfport-ms.gov/agendas/ then click the City of Gulfport Zoning Board for **Thursday, May 18, 2023.** 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.

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:
IPL0120452
Order Status:
Submitted
Classification:
Legals & Public Notices
Package:
BLX - Legal Ads
Final Cost:
53.68
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
April 27, 2023 10:11:08 AM EDT
Amount:
53.68

SCHEDULE FOR AD NUMBER IPL01204520

May 3, 2023
SunHerald (Biloxi)

PREVIEW FOR AD NUMBER IPL01204520

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 P.M., Thursday, May 18, 2023 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.

Special Exception 2304SE038, by agent Kenyetter Johnson, is seeking approval for day care use, Tax Parcel 0808L-04-001.001, 15487 Oak Ln, Zoned B-4 (Highway Business), Ward 7

Variance 2305ZB044, by owner Lori West, seeking approval to allow for a 11-foot front yard setback where 25-feet is required, Tax Parcel 0811C-05-018.000, 2615 25th Avenue Zoned B-2 (General business), Ward 3.

Variance 2305ZB045, by owner David Ray Roundtree, seeking approval for an additional accessory structure, Tax Parcel 0911D-07-044.000, 2222 Cypress Ave, Zoned R-1-7.5(Single family) Ward 2

Special Exception 2305SE050, by agent Twila Johnson, seeking approval for a child day care usage, Tax Parcel 0808E-04-001.001, 12259 Hwy 49, Zoned B-4(Highway Business), Ward 7
This the 26th day of April 2023
A. Leslie North, 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: Su-Lin Featherston, Planning Administrator
Urban Development Department

Date of Hearing: June 15, 2023

Re: <u>Variance 2306ZB062:</u>

Variance 2306ZB062, by agent Garlon Pemberton, is seeking approval for a 1.5-foot (18-inch) side setback where 8 feet is required, Tax Parcel 1010D-01-008.004, 8813 Lorraine Rd, Zoned R-B (Residence-business), Ward 4

Technical Report

VARIANCE

GENERAL INFORMATION

Case File Number: 2306ZB062

Hearing Date: June 15, 2023

Current Zoning/Use: R-B / Commercial Structure

Legal: Variance 2306ZB062, by agent Garlon Pemberton, is seeking approval for a 1.5-foot (18-inch) side setback where 8 feet is required, Tax Parcel 1010D-01-008.004, 8813 Lorraine Rd, Zoned R-B (Residence-business), 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 is seeking approval for a variance of 6.5 feet to allow for a 1.5-foot (18-inch) side setback where 8 feet is required.

(a) The applicant notes, "We are needing this variance to allow a set of stairs for egress and life safety. This variance is needed to meet the code requirements of egress."
(b) In the application, the applicant cites that the hardship was not caused by their actions due to it being "necessary for life safety." "This is the only place on the property that the stairs can come out and land on a safe flat surface that meets both fire code and building code."
(c) This variance is requested in order to allow the applicant to deviate from the required 8 feet setback for a 1.5 foot side setback for stairs. A hardship of needing to deviate from the city's ordinance setback, it is stated by the applicant, "Do to the slope and existing conditions of the property this is the only place we are able to put the stairs and still meet all building code requirements."
(d) Applicant states that, "This requirement meets the reasonable development requirements and does not harm our neighborhood and or the character of the property."
(e) The applicant claims that they will not be receiving any special privileges that others cannot receive. There are other properties throughout Gulfport that have been approved for variances for side yard setbacks, including those within the R-B zoning districts.
(f) This property is zoned R-B, and a restaurant business use is allowed by right.

EXECUTIVE SUMMARY

Applicant is seeking approval for a variance to allow for a 1.5-foot (18-inch) side setback where 8 feet is required. Applicant is wishing to bring the property to conformity through a variance requests. Upon staff review of the surrounding properties, neighboring structures appear to have side yard setbacks which creates harmony in the neighborhood for the property in question.

Any approval should consider these conditions:

1. Lighted/Fire Protection
2. Construction materials must be non-combustible or have a 1-hour fire resistance rating.
3. Approval grants a variance of 6.5 feet to all 1.5-foot (18-inch) side setback where 8 feet is required.

DEPARTMENTAL CONDITIONS

Engineering:	No conditions. Memo dated 06/02/2023.
Public Works:	No comment as of 06/02/2023.
Traffic and Safety:	No conditions. Memo dated 06/02/2023.
Building Code Services:	Construction materials must be non-combustible or have a 1-hour fire resistance rating. Memo dated 05/25/2023.
GIS:	No conditions. Memo dated 05/26/2023.

Technical Report
VARIANCE

Police Department: No comment as of 06/02/2023.

Fire Department: Lighted/Fire Protection. Memo dated 05/24/2023.

City Arborist: No conditions. Memo dated 05/25/2023.

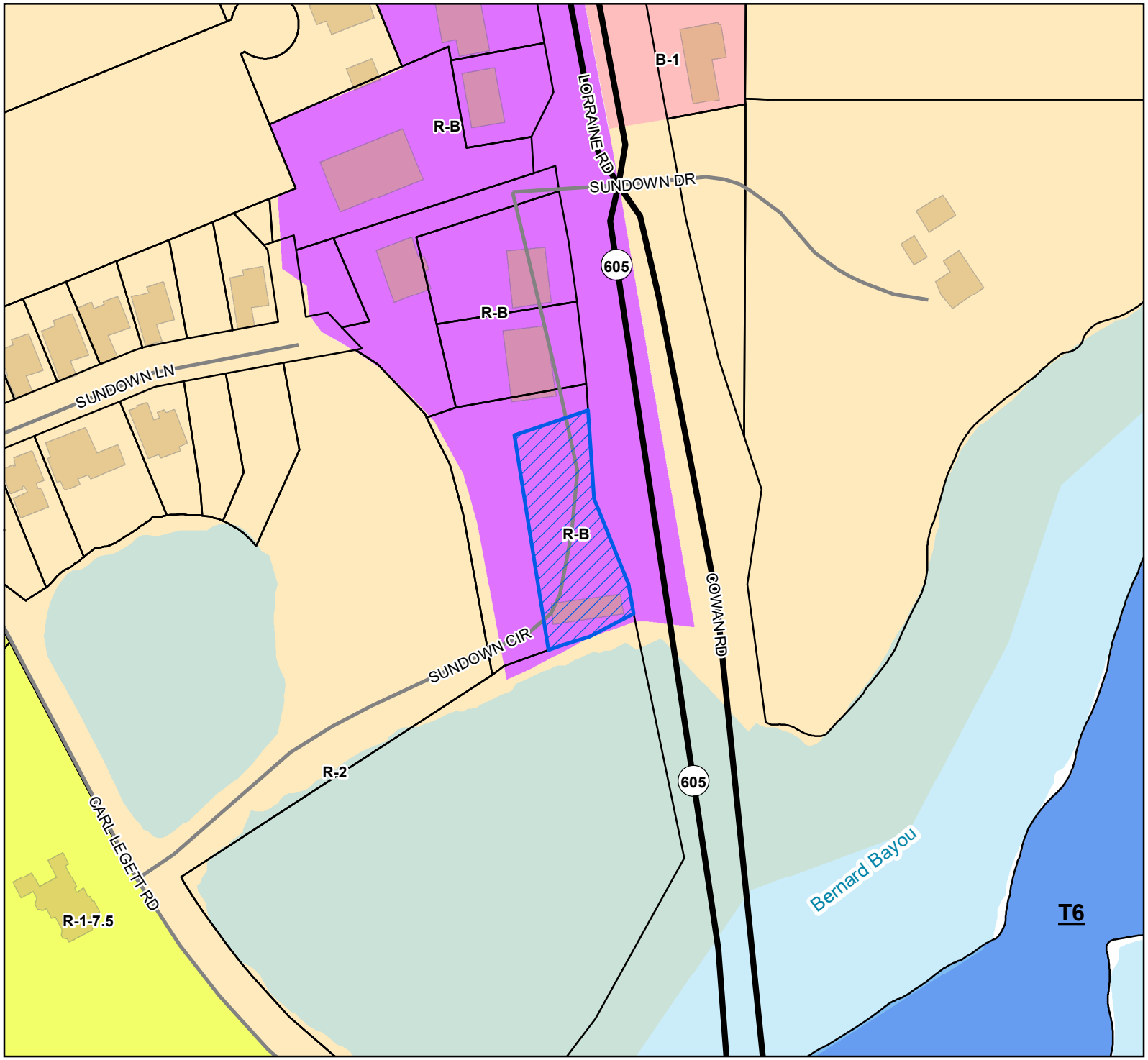
DIRECTOR APPROVAL

This report has been reviewed and approved by:

Greg Holmes
Director of Urban Development Department

2306ZB062

Variance



Site
US or State Highway
Street
Parcels
Buildings
Water Features

Smart Code

T6

Zoning

B-1 - Neighborhood Business District

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

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

R-B - Residence-Business District

Site Information

1010D-01-008.004
Zoning: R-B (Residence-Business)
Size: 35351.87 sqft
Flood: AE

0 30 60 90
Yards

1 inch = 200 feet

N W E S

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

Case Number
2306 ZB 062

Zoning Board of Adjustments and Appeals Application

REQUESTED ACTION BY THE ZONING BOARD OF ADJUSTMENTS AND APPEALS

(A separate submission form is required for each request):

	Appeal of Planning Administrator
	Excessive Height
	Fence Variance
	Special Exception
✓	**Variance**

Tax Parcel Numbers

1	0	1	0	0	-	0	1	-	0	0	8	.	0	0	4						-			-				.			
					-			-				.									-			-				.			
					-			-				.									-			-				.			

Property Address: 8813 LORRAINE RD

Lot(s)_____, Block(s)_____, Subdivision_____

General Description of Request: ADDITION OF STAIRS FOR EGRESS WITHIN SETBACKS

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. We can only accept applications with original signatures.

OWNER	AGENT
Kellspin Holdings, LLC	GARLON PEMBERTON
Printed Name of Owner	Printed Name of Agent
440 GREEN TEAL CT	9591 South Bayou Bend Dr
Mailing Address	Mailing Address
Biloxi MS 39531	Gulfport MS 39503
City State Zip code	City State Zip code
(954) 662-3500	228-324-2366
Home Phone Work/Cell Phone	Home Phone Work/Cell Phone
insurance@gmail.com	LGTRUCKGROUP@GMAIL.COM
Email	Email
Signature of Owner	Signature of Agent

Important Notice

1. Please be advised that failure to submit a complete application, with all supporting documents, could **delay your hearing date**. The Zoning Board will not consider a request until all information is submitted and accurate.

2. Please be advised that the application deadline dates posted are designed to allow the staff time to review the application and receive required comments from coordinating agencies. The application is not considered complete until all required information from the applicant is available for review by the staff and coordinating agencies.

3. **The following supplement pages are required per application type. Select one of the following:**

- ☐ Appeal of Planning Administrator (see page 4)
- ☐ Excessive Height (see page 5)
- ☐ Fence Variance (see page 6)
- ☐ Special Exception (see page 7)
- ☑ Variance (see page 8)

4. All GP will need to be ***initialed by applicant*** with required documentation before application can be accepted.

Submission Requirements

GP **Page one of this application,** completed and signed.

GP **Site plan.** Please note that approval of your request, in part, is based on your site plan.

- The property lines and dimensions have been provided on the drawing.
- All buildings and structures located on the property have been identified.
- All dimensions of buildings and structures have been noted on the site plan.
- All distances from the property lines to all the buildings and structures have been identified and noted on the site plan.
- Street names have been provided which abut the property.
- Traffic flow, parking and driveways have been identified.
- If required buffer strips have been identified
- Other pertinent information as needed to pictorially demonstrate the proposed development/use.

GP **Proof of ownership** (Copy of deed i.e., Warranty Deed or Quitclaim Deed)

GP If applicable, notarized proof of **authority to act as agent** for owner (board resolution, etc.) (see page 9)

The City of Gulfport Planning Division Staff will notify, by letter, property owners adjacent to the requested action identified in this application using the Land Roll database from the County Tax Office. If you would like to have additional persons or property owners notified, please provide a list of **additional persons to be notified.**

GA An **affidavit** stating the request is not in violation of restrictive or protective covenants. (see page 10)

GP **Cash or check** payable to the City of Gulfport in the amount of **$75.00**.

GP **I the owner/agent acknowledge this is a complete application**

Variance Submissions

☑ **Answer the following six questions** individually and thoroughly as a separate 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?)

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.)

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?)

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.)

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?)

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.

Designation of Agent

I, Kelley Spinner (PRINT NAME), being property owner of 8813 Lorraine Rd (PRIMARY ADDRESS OR PARCEL) which is the subject of this application hereby authorize Garlon Pemberton (PRINT NAME) to act as my 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.

Signature 4-21-2023 *Date*

STATE OF MISSISSIPPI | COUNTY OF HARRISON

Given under my hand and seal of office this the 21st day of April, 20 23

Dawn Parker *Notary Public* Sept 9, 2023 *Commission Expiration*

STATE OF MISSISSIPPI
DAWN PARKER
NOTARY PUBLIC
Harrison County
Commission Expires
September 23, 2023
COMMISSION NUMBER 158285

Gulfport MISSISSIPPI ONE COAST

Covenant Affidavit

I, Kelley Spinner, being owner or agent of the property 8813 Lorraine Rd

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.

Signature — 4-21-2023 *Date*

STATE OF MISSISSIPPI | COUNTY OF HARRISON

Given under my hand and seal of office this the 21 day of April, 20 23

Dawn Parker

Notary Public

STATE OF MISSISSIPPI
DAWN PARKER
NOTARY PUBLIC
Harrison County
Commission Expires
September 23, 2023
COMMISSION NUMBER 158285

Sept 23 2023

Commission Expiration

8813 Lorraine Rd

We are needing this variance to allow a set of stairs for egress and life safety. This variance is needed to meet the code requirements of egress.

We did not cause the need for variance but is necessary for life safety. This is the only place on the property that the stairs can come out and land on a safe flat surface that meets both fire code and building code.

Do to the slope and existing conditions of the property this is the only place we are able to put the stairs and still meet all building code requirements.

This request meets the reasonable development requirements and does not harm our neighbor and or the character of the property.

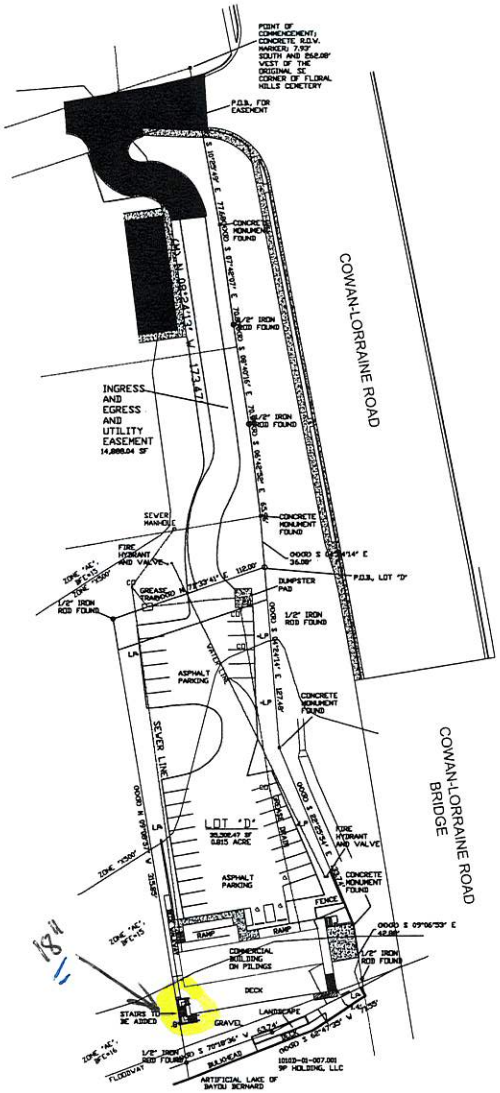
This request does not receive any special benefit that others cannot receive. We have met on site with the neighbors, and city officials and all parties were in agreeance that this would be an acceptable request.

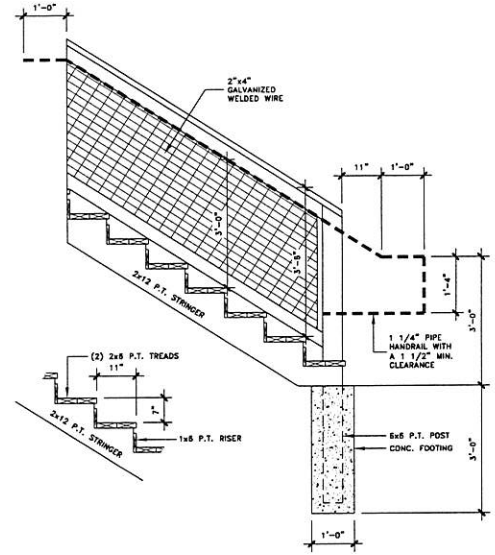
This request would be accepted with planning approval.

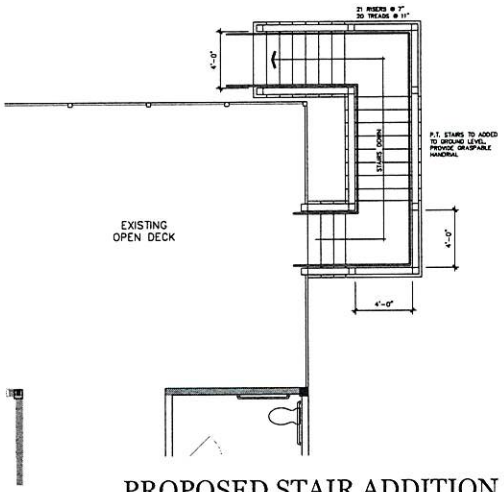
This request is NOT a violation of restrictive or protective covenants.

x

GARLON PEMBERTON







PROPOSED STAIR ADDITION

SCALE: 1/4" = 1'-0"

PROPOSED STAIR ADDITION
for
Marina Cantina
8813 LORRAINE ROAD
GULFPORT, MISSISSIPPI

HOUSE PLANS
GULF COAST LLC

251-233-5687
brian.hpgc@gmail.com

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HOUSE PLANS GULF COAST LLC IS NOT RESPONSIBLE FOR ERRORS WITHIN CONSTRUCTION SPECIFICATIONS AND DETAILS OR ANY OTHER MATTER RELATED TO GENERAL DEVELOPMENT OR CONSTRUCTION OF THE PROJECT AND WE ASSUME NO RESPONSIBILITY FOR ANY DAMAGE, INCLUDING STRUCTURAL FAILURES, DUE TO ANY DEVIATIONS FROM THESE PLANS OR NOT IN THE DETAILED PLANS. THESE PLANS. EACH CONTRACTOR MUST REVIEW THE PLANS AND CHECK ALL DIMENSIONAL QUANTITIES, SPACING AND STRUCTURAL MEMBERS PRIOR TO CONSTRUCTION AND ORDERING MATERIALS. WE MAKE NO WARRANTIES, EXPRESS OR IMPLIED IN CONNECTION WITH OUR SERVICES.

DATE: 01-13-23

SCALE: AS NOTED

DRAWN: BD

SHEET: 1

Michael Watson
SECRETARY OF STATE

This is not an official certificate of good standing.

Name History

Name	Name Type
Kelspin Holdings II, LLC	Legal

Business Information

Business Type:	Limited Liability Company
Business ID:	1263350
Status:	Good Standing
Effective Date:	03/02/2021
State of Incorporation:	Mississippi
Principal Office Address:	440 Green Teal CT Biloxi, MS 39531

Registered Agent

Name

Kelly Spinner
440 Green Teal Ct
Biloxi, MS 39531

Officers & Directors

Name	Title
Kelly Spinner 440 Green Teal Ct Biloxi, MS 39531	Manager

Prepared By and Return To:
Schwartz, Orgler & Jordan, PLLC
12206 Hwy 49
Gulfport, MS 39503
(228) 832-8550
File #192364

Index as follows:
Part of the SE 1/4 of the NE 1/4, Section 30
T7S, R10W, Harrison County, 1st JD, MS

STATE OF MISSISSIPPI
COUNTY OF HARRISON
FIRST JUDICIAL DISTRICT

QUITCLAIM 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,

SPINNER REAL ESTATE HOLDINGS, LLC
A Mississippi Limited Liability Company
440 GREEN TEAL COURT
BILOXI, MS 39531
(954) 662-3500

do hereby grant, bargain, sell, convey and quitclaim, unto

KELSPIN HOLDINGS, LLC
A Mississippi Limited Liability Company
440 GREEN TEAL COURT
BILOXI, MS 39531
(561) 350-8328

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

Attached hereto as Exhibit "A"

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

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 SIGNATURES of the Grantors on this the 3rd day of September, 2020.

SPINNER REAL ESTATE HOLDINGS, LLC

BY:_____

IVAN M. SPINNER, Manager/Member

STATE OF MISSISSIPPI
COUNTY OF HARRISON

PERSONALLY appeared before me, the undersigned authority of law in and for this jurisdiction, the within named **IVAN M. SPINNER**, who acknowledged to me that he is the **Manager/Member** of **SPINNER REAL ESTATE HOLDINGS, LLC, A Mississippi Limited Liability Company,** who acknowledged that he signed and delivered the above and foregoing instrument of writing on the day and year therein mentioned, for and on behalf of said company, having been duly authorized so to do.

WITNESS my signature and official seal of office on this the 3rd day of September, 2020.

Celeste Paige

NOTARY PUBLIC

STATE OF MISSISSIPPI NOTARY PUBLIC ID # 32174 CELESTE PAIGE Commission Expires March 22, 2023 HARRISON COUNTY

My Commission Expires:

EXHIBIT A
LEGAL DESCRIPTION

A parcel of land situated in the Southeast Quarter of the Northwest Quarter (SE 1/4 of the NW 1/4) of Section 30, Township 7 South, Range 10 West, City of Gulfport, First Judicial District of Harrison County, Mississippi, and being more particularly described as follows:

Commencing at a concrete Right-of-Way marker found on the West margin of Cowan-Lorraine Road, said marker being 262.08 feet West and 7.93 feet South of an iron pipe found at the original Southeast Corner of the Floral Hills Memorial Cemetery, said marker having the following State Plane Coordinates (MS East Zone, NAD83 in feet) North 330838.92, East 922924.85; thence along said West margin of Cowan-Lorraine Road, South 10 degrees 25 minutes 49 seconds East 35.00 feet; thence further along said West margin, South 10 degrees 25 minutes 49 seconds East 77.68 feet to a concrete Right-of-Way marker found; thence further along said West margin, South 07 degrees 42 minutes 07 seconds East 70.80 feet to an iron rod found; thence further along said West margin, South 08 degrees 40 minutes 16 seconds East 70.99 feet to an iron rod found; thence further along said West margin, South 06 degrees 42 minutes 52 seconds East 65.96 feet to a concrete Right-of-Way marker found; thence further along said West margin, South 04 degrees 24 minutes 14 seconds East 36.08 feet to the Point of Beginning; thence further along said West margin, South 04 degrees 24 minutes 14 seconds East 127.48 feet to a concrete Right-of-Way marker found; thence further along said West margin, South 22 degrees 25 minutes 54 seconds East 133.74 feet to a concrete Right-of-Way marker found; thence further along said West margin, South 09 degrees 06 minutes 53 seconds East 42.88 feet to the North margin of an artificial lake of Bayou Bernard; thence along said North margin, South 62 degrees 47 minutes 35 seconds West 71.55 feet; thence further along said North margin, South 70 degrees 18 minutes 36 seconds West 63.74 feet; thence North 09 degrees 08 minutes 57 seconds West 315.85 feet; thence North 71 degrees 33 minutes 41 seconds East 112.00 feet to the Point of Beginning, containing 35,502.47 square feet or 0815 acre, more or less.

AND ALSO and subject to the following non-exclusive perpetual Easement, described as follows:

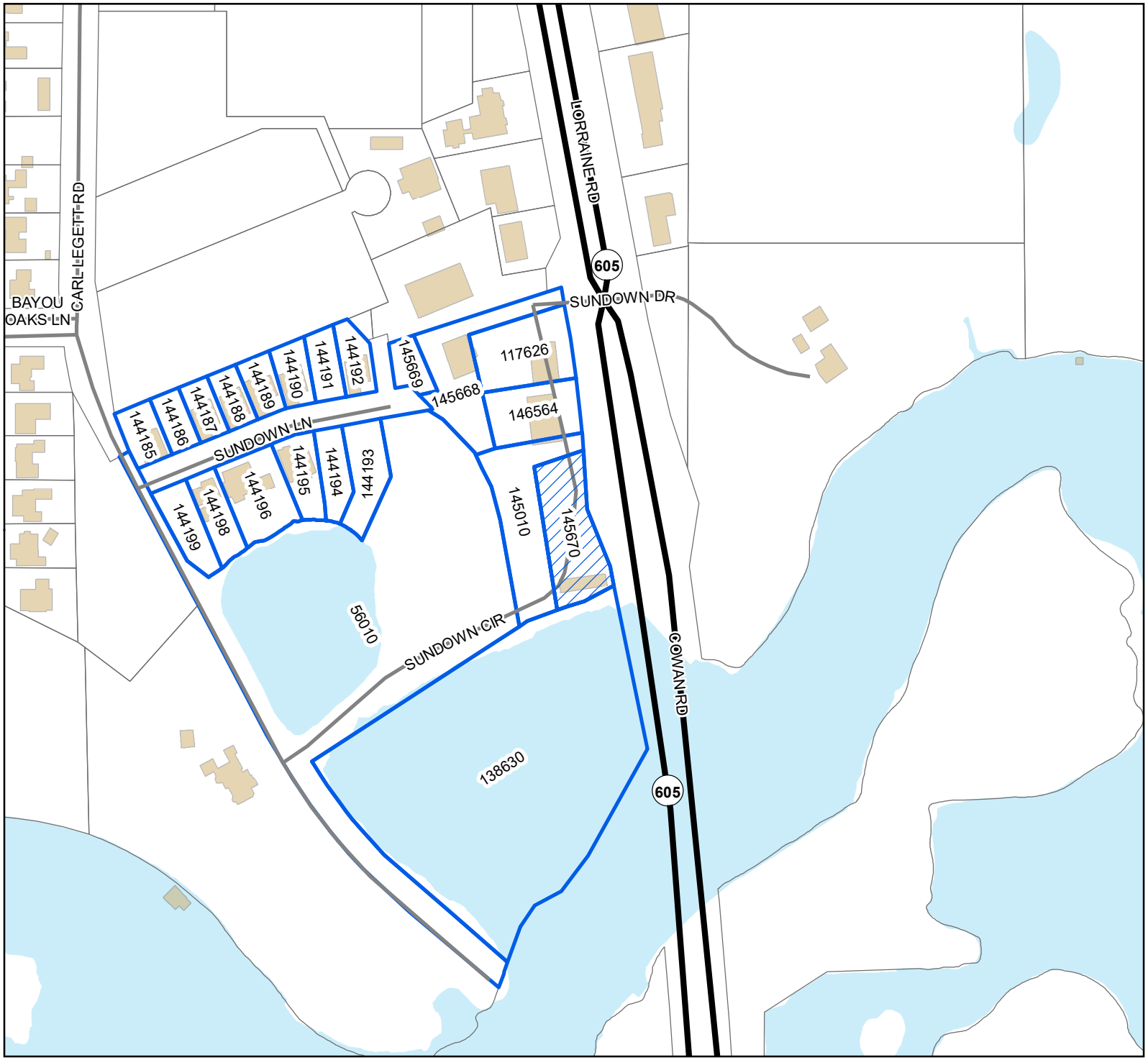
Being subject to a 25 feet wide ingress and egress and utility easement across the East 25 feet of herein described property situated in the Southeast Quarter of the Northwest Quarter (SE 1/4 of the NW 1/4) of Section 30, Township 7 South, Range 10 West, City of Gulfport, First Judicial District of Harrison County, Mississippi, and being more particularly described as follows, to-wit:

Commencing at a concrete Right-of-Way marker found on the West margin of Cowan-Lorraine Road, said marker being 262.08 feet West and 7.93 feet South of an iron pipe found at the original Southeast Corner of the Floral Hills Memorial Cemetery, said marker having the following State Plane Coordinates (MS East Zone, NAD83 in Feet) North 330838.92, East 922924.85; thence along said West margin of Cowan-Lorraine Road, South 10 degrees 25 minutes 49 seconds East 35.00 feet to the Point of Beginning; thence further along said West margin, South 10 degrees 25 minutes 49 seconds East 77.68 feet to a concrete Right-of-Way marker found; thence further along said West margin, South 07 degrees 42 minutes 07 seconds East 70.80 feet to an iron rod found; thence further along said West margin South 08 degrees 40 minutes 16 seconds East 70.99 feet to an iron rod found; thence further along said West margin South 06 degrees 42 minutes 52 seconds East 65.96 feet to a concrete Right-of-Way marker found; thence further along said West margin, South 04 degrees 24 minutes 14 seconds East 36.08 feet; thence further along said West margin South 04 degrees 24 minutes 14 seconds East 22.68 feet; thence South 71 degrees 33 minutes 41 seconds West 110.10 feet; thence North 09 degrees 08 minutes 57 seconds West 22.29 feet; thence North 71 degrees 33 minutes 41 seconds East 62.20 feet; thence along a curve to the right, having a radius of 94.00 feet, an arc length of 88.10 feet and a chord bearing and distance of North 05 degrees 05 minutes 51 seconds East 84.91 feet; thence along a curve to the left, having a radius of 30.00 feet, an arc length of 21.13 feet and a chord bearing and distance of North 11 degrees 46 minutes 20 seconds East 20.69 feet; thence North 08 degrees 24 minutes 13 seconds West 173.47 feet; thence along a curve to the left, having a radius of 5.00 feet, an arc length of 7.12 feet and a chord bearing and distance of North 49 degrees 12 minutes 06 seconds West 6.53 feet; thence South 81 degrees 39 minutes 03 seconds West 46.33 feet; thence North 17 degrees 55 minutes 17 seconds West 36.51 feet; thence North 72 degrees 05 minutes 26 seconds East 82.09 feet to the Point of Beginning, containing 14,888.04 square feet.

Mail	PPIN	Parcel ID	Name	Address	City	State	ZIP
Y			KELLSPIN HOLDINGS, LLC(OWNER)	440 GREEN TEAL COURT	BILOXI	MS	39531
			GARLON PEMBERTON(AGENT)	9591 SOUTH BAYOU BEND DR	GULFPORT	MS	39503
			Adjacent Property Owners(2306ZB062)				
	56010	1010D-01-007.000	9P HOLDING LLC	8927 LORRAINE RD SUITE 204-A	GULFPORT	MS	39503
	144193	1010D-01-005.009	RILEY J KEVIN	3125 25TH AVE	GULFPORT	MS	39501
	144185	1010D-01-005.001	MCMAHON JAMES R & LAURA K	8794 SUNDOWN LANE	GULFPORT	MS	39507
	144186	1010D-01-005.002	HULETT JAMES J	18457 ROBINSON ROAD	GULFPORT	MS	39503
	144187	1010D-01-005.003	TAYLOR PRESTON C & JESSICA ELLEN	8782 SUNDOWN LANE	GULFPORT	MS	39503
	144188	1010D-01-005.004	LEACH ROBERT & GERARDINE J FRANS	8776 SUNDOWN LANE	GULFPORT	MS	39503
	144189	1010D-01-005.005	ROBERTSON RONALD WADE JR & AIMEE	8770 SUNDOWN LANE	GULFPORT	MS	39503
	144190	1010D-01-005.006	BLAKENEY STEVEN P	8764 SUNDOWN LN	GULFPORT	MS	39503
	144192	1010D-01-005.008	YOUNG STEPHANIE H & DAVID M	8752 SUNDOWN LN	GULFPORT	MS	39503
	144199	1010D-01-005.015	MURRAY JOHN M	2916 CONWAY DR	BATON ROUGE	LA	70809
	144198	1010D-01-005.014	HARKINS MATTHEW T & STEPHANIE	8787 SUNDOWN LANE	GULFPORT	MS	39503
	144196	1010D-01-005.012	STAFFORD DONALD & DEE ANN	8775 SUNDOWN LN	GULFPORT	MS	39503
	144195	1010D-01-005.011	GADDY IRA E III & SONJA D	8769 SUNDOWN LN	GULFPORT	MS	39507
	117626	1010D-01-008.001	9P HOLDING LLC	8927 LORRAINE RD SUTIE 204-A	GULFPORT	MS	39503
	145010	1010D-01-008.002	9P HOLDING LLC	P O BOX 10080	GULFPORT	MS	39505
	145668	1010D-01-008.003	9P HOLDING LLC	8927 LORRAINE DR SUITE 204-A	GULFPORT	MS	39503
	145669	1010D-01-008.005	PUCHEU JACQUES HENRI	12152 KENCREST DR	GULFPORT	MS	39503

2306ZB062

Variance



Legend

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

0 40 80 120
Yards

1 inch = 300 feet

N
W E
S

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:
IPL0124410
Order Status:
Submitted
Classification:
Legals & Public Notices
Package:
BLX - Legal Ads
Final Cost:
58.24
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
May 24, 2023 2:02:20 PM EDT
Amount:
58.24

SCHEDULE FOR AD NUMBER IPL01244100

May 31, 2023
SunHerald (Biloxi)

PREVIEW FOR AD NUMBER IPL01244100

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 P.M., Thursday, June 15, 2023 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 2306ZB062, by agent Garlon Pemberton, is seeking approval for a 1.5-foot (18-inch) side setback where 8 feet is required, Tax Parcel 1010D-01-008.004, 8813 Lorraine Rd, Zoned R-B (Residence-business), Ward 4

Variance 2306ZB065, by owner 4TheLoveofFreedom, LLC, is seeking approval of a gravel driveway where asphalt or concrete is required, Tax Parcel 0911B-01-012.000, 457 Texas Avenue, Zoned T4L (General Urban Zone "Limited"), Ward 4

Variance 2306ZB066, by owner 4TheLoveofFreedom, LLC, is seeking approval for a 12-foot front setback where 15 feet is required, Tax Parcels 0911B-01-012.000, Zoned T4L (General Urban Zone "Limited"), Ward 4

Variance 2306ZB067, by owner 4TheLoveofFreedom, LLC, is seeking permission to deviate from parking location requirements, Tax Parcel 0911B-01-012.000, Zoned T4L (General Urban Zone "Limited"), Ward 4

Variance 2306ZB068, by owner 4TheLoveofFreedom, LLC, is seeking approval to deviate from minimum lot size requirements, Tax Parcel 0911B-01-012.000, Zoned T4L (General Urban Zone "Limited"), Ward 4

This the 24th day of May 2023
A. Leslie North, Chairman
City of Gulfport Zoning Board of Adjustment and Appeals
W00000000
Publication Dates

<< Click here to print a printer friendly version >>

McCLATCHY

Beaufort Gazette
Belleville News-Democrat
Bellingham Herald
Bradenton Herald
Centre Daily Times
Charlotte Observer
Columbus Ledger-Enquirer
Fresno Bee
The Herald - Rock Hill
Herald Sun - Durham
Idaho Statesman
Island Packet
Kansas City Star
Lexington Herald-Leader
Merced Sun-Star
Miami Herald
el Nuevo Herald - Miami
Modesto Bee
Raleigh News & Observer
The Olympian
Sacramento Bee
Fort Worth Star-Telegram
The State - Columbia
Sun Herald - Biloxi
Sun News - Myrtle Beach
The News Tribune Tacoma
The Telegraph - Macon
San Luis Obispo Tribune
Tri-City Herald
Wichita Eagle

AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Amount	Cols	Depth
36845	425592	Print Legal Ad-IPL01244100 - IPL0124410		$58.24	2	37 L

Attention: Matilda Welch

GULFPORT URBAN DEVELOPMENT
PO BOX 1780
GULFPORT, MS 39502

accountspayable@gulfport-ms.gov

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 P.M., Thursday, June 15, 2023 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.

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Variance 2306ZB065, by owner 4TheLoveofFreedom, LLC, is seeking approval of a gravel driveway where asphalt or concrete is required, Tax Parcel 0911B-01-012.000, 457 Texas Avenue, Zoned T4L (General Urban Zone "Limited"), Ward 4

Variance 2306ZB066, by owner 4TheLoveofFreedom, LLC, is seeking approval for a 12-foot front setback where 15 feet is required, Tax Parcels 0911B-01-012.000, Zoned T4L (General Urban Zone "Limited"), Ward 4

Variance 2306ZB067, by owner 4TheLoveofFreedom, LLC, is seeking permission to deviate from parking location requirements, Tax Parcel 0911B-01-012.000, Zoned T4L (General Urban Zone "Limited"), Ward 4

Variance 2306ZB068, by owner 4TheLoveofFreedom, LLC, is seeking approval to deviate from minimum lot size requirements, Tax Parcel 0911B-01-012.000, Zoned T4L (General Urban Zone "Limited"), Ward 4

This the 24th day of May 2023
A. Leslie North, Chairman
City of Gulfport Zoning Board of Adjustment and Appeals
IPL0124410
May 31 2023

STATE OF MISSISSIPPI
COUNTY OF HARRISON

Before me, the undersigned Notary of Dallas County, Texas personally appeared Stefani Beard, who, being by me first duly sworn, did depose and say that she is a clerk of The Sun Herald, a daily newspaper published in the city of Gulfport, in Harrison County, Mississippi and the publication of the notice, a copy of which is hereto attached, has been made in said paper in the issue(s) of:

1 insertion(s) published on:
05/31/23

Affidavit further states on oath that said newspaper has been established and published continuously in said county for a period of more than twelve months next prior to the first publication of said notice.

Stefani Beard

Sworn to and subscribed before me this 5th day of June in the year of 2023

Stephanie Hatcher

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

STEPHANIE HATCHER
My Notary ID # 133534406
Expires January 14, 2026

Extra charge for lost or duplicate affidavits.
Legal document please do not destroy!

MEMORANDUM

To: City of Gulfport Zoning Board of Adjustment and Appeals

From: Su-Lin Featherston, Planning Administrator
Urban Development Department

Date of Hearing: June 15, 2023

Re: <u>Variance 2306ZB065:</u>

Variance 2306ZB065, by owner 4TheLoveofFreedom, LLC, is seeking approval of a gravel driveway where asphalt or concrete is required, Tax Parcel 0911B-01-012.000, 457 Texas Avenue, Zoned T4L (General Urban Zone "Limited"), Ward 4

Technical Report
VARIANCE

GENERAL INFORMATION

Case File Number: 2306ZB065

Hearing Date: June 15, 2023

Current Zoning/Use: T4L / Two Family Dwelling

Legal: Variance 2306ZB065, by owner 4TheLoveofFreedom, LLC, is seeking approval of a gravel driveway where asphalt or concrete is required, Tax Parcel 0911B-01-012.000, 457 Texas Avenue, Zoned T4L (General Urban Zone "Limited"), 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 is seeking approval for a variance to allow for a gravel driveway where asphalt or concrete is required.

(a) The structure on site was built in the 1960's and, according to the applicant, was never permitted for a duplex use. Upon staff review, the earliest permit pulled for this site was in 2013 for residential alterations, permit number 201301851.
(b) Applicant claims that the hardship is due to the property not having been permitted at the time of construction. According to Harrison County Tax Rolls the primary structure was built in 1960s. Earliest recorded permits for the subject site was in 2013 for residential alterations, permit number 201301851. In the application, it is mentioned the structure has existed for quite some time. The applicant is choosing to continue with a non-conforming duplex structure. Therefore, the applicant is the cause of the request for variance by converting uses and the site not being able to meet current district regulations as a duplex use.
(c) The structure on site was built before current ordinances were in place, and the nature of the structure classifies it as pre-existing non-conforming. Upon staff review, according to Harrison County Tax Rolls neighboring structures were built around the same time period, predating current ordinances within the City of Gulfport.
(d) Applicant states that they, "cannot make the property aesthetically pleasing to the community without the proper non-conforming permits that are needed." The variance is needed to allow permits for remodel of a non-permitted duplex use.
(e) The applicant claims that they will not be receiving any special privileges that others cannot receive. There are no other properties in this neighborhood that have been approved for variances for gravel driveways. However, there are a couple that exists without permits.
(f) This property is zoned T4L, and a two family dwelling use is allowed by right.

EXECUTIVE SUMMARY

Applicant is seeking approval for a variance to allow for a gravel driveway where asphalt or concrete is required. According to Harrison County Tax Rolls, the structure on site was built in the 1960's and predates current ordinances. Upon further staff review, Harrison County Tax Rolls show properties in the surrounding area were built around the same time period as the subject site. The applicant purchased the property and claims that they were not aware of its pre-existing non-conforming status until trying to pull permits for the property. Applicant is wishing to bring the property to conformity through variance requests. Having a gravel parking surface would be consistent with the neighborhood. However, approval should require a driveway apron that is asphalt or concrete as stated by Engineering.

Any approval should consider these conditions:

1. Approval allows for a gravel driveway where asphalt or concrete is required.
2. Engineering Disapproves. Driveway apron to be hard paved with concrete or asphalt; from roadway to property line.

Technical Report
VARIANCE

DEPARTMENTAL CONDITIONS

Engineering:	Disapprove. Driveway apron to be hard paved with concrete or asphalt; from roadway to property line. 06/02/2023.
Public Works:	No comment as of 06/02/2023.
Traffic and Safety:	No conditions. Memo dated 06/02/2023.
Building Code Services:	No conditions. Memo dated 05/25/2023.
GIS:	No conditions. Memo dated 05/26/2023.
Police Department:	No comment as of 06/02/2023.
Fire Department:	No conditions. Memo dated 05/24/2023.
City Arborist:	No conditions. Memo dated 05/25/2023.

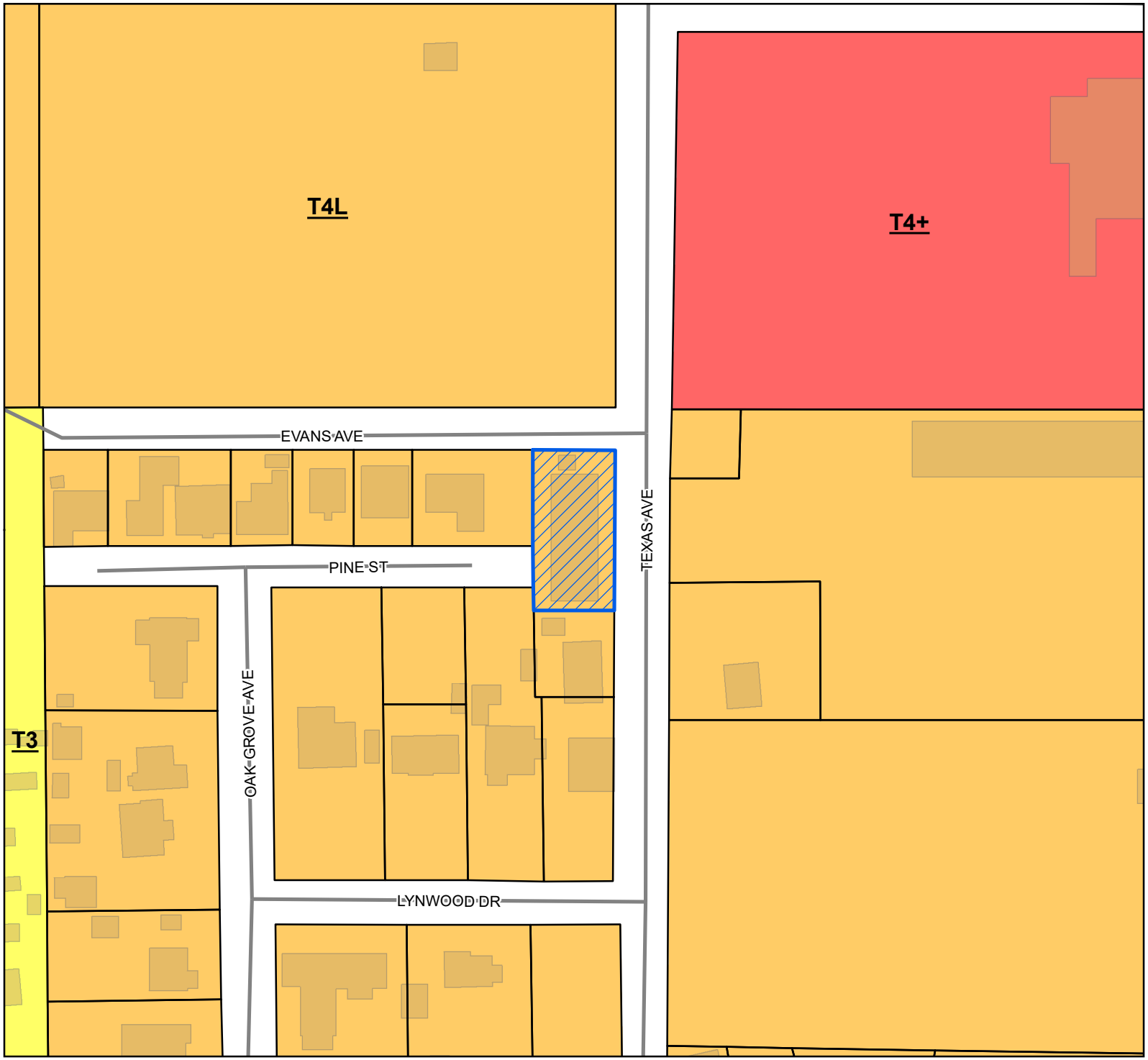
DIRECTOR APPROVAL

This report has been reviewed and approved by:

Greg Holmes
Director of Urban Development Department

2306ZB065

Variance



Site
Street
Parcels
Buildings

Smart Code

T4+
T4L
T3

Site Information

0911B-01-012.000
Zoning: T4L (General Urban Zone "Limited")
Size: 6840 Sqft
Flood: X

0 10 20 30
Yards

1 inch = 100 feet

N
W E
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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

Case Number
2306ZB065

Zoning Board of Adjustments and Appeals Application

REQUESTED ACTION BY THE ZONING BOARD OF ADJUSTMENTS AND APPEALS

(A separate submission form is required for each request):

	Appeal of Planning Administrator
	Excessive Height
	Fence Variance
	Special Exception
X	**Variance**

Tax Parcel Numbers

0911B-01-012.000	

Property Address: 457 Texas Avenue, Gulfport, MS 39507
Lot(s) 1, 2, 3 ,Block(s) one (1) ,Subdivision East Lynwood Place

General Description of Request: (*) Request driveway apron; (asking for gravel where asphalt or concrete is required)

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. We can only accept applications with original signatures.

OWNER	AGENT
4 The love of freedom, LLC	
Printed Name of Owner	Printed Name of Agent
2400 Cypress Avenue	
Mailing Address	Mailing Address
Gulfport, MS 39501	
City State Zip code	City State Zip code
228. 669. 4443	
Home Phone Work/Cell Phone	Home Phone Work/Cell Phone
4mbfreedom@gmail.com	
Email	Email
Signature of Owner	Signature of Agent

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. We can only accept applications with *original signatures.*

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) 4 The love of freedom, LLC

ADDRESS (STREET, CITY, STATE, ZIP CODE 457 Texas. Avenue, Gulfport, MS 39507

PHONE # (H) 228.669.4443 (WK/CELL)

TAX PARCEL NUMBER(S) OWNED 0911 B-01-012.000

SIGNATURE: Maria A. Barberee, Managing Owner

NAME OF OWNER (PRINT) Maria A. Barberee

ADDRESS (STREET, CITY, STATE, ZIP CODE

PHONE # (H) (WK/CELL)

TAX PARCEL NUMBER(S) OWNED

SIGNATURE:

NAME OF OWNER (PRINT)

ADDRESS (STREET, CITY, STATE, ZIP CODE

PHONE # (H) (WK/CELL)

TAX PARCEL NUMBER(S) OWNED

SIGNATURE:

Important Notice

1. Please be advised that failure to submit a complete application, with all supporting documents, could **delay your hearing date**. The Zoning Board will not consider a request until all information is submitted and accurate.

2. Please be advised that the application deadline dates posted are designed to allow the staff time to review the application and receive required comments from coordinating agencies. The application is not considered complete until all required information from the applicant is available for review by the staff and coordinating agencies.

3. **The following supplement pages are required per application type. Select one of the following:**

- ☐ Appeal of Planning Administrator (see page 4)
- ☐ Excessive Height (see page 5)
- ☐ Fence Variance (see page 6)
- ☐ Special Exception (see page 7)
- ☑ Variance (see page 8)

4. All ☐ will need to be ***initialed by applicant*** with required documentation before application can be accepted.

Submission Requirements

☐ **Page one of this application,** completed and signed.

☐ **Site plan.** Please note that approval of your request, in part, is based on your site plan.

- The property lines and dimensions have been provided on the drawing.
- All buildings and structures located on the property have been identified.
- All dimensions of buildings and structures have been noted on the site plan.
- All distances from the property lines to all the buildings and structures have been identified and noted on the site plan.
- Street names have been provided which abut the property.
- Traffic flow, parking and driveways have been identified.
- If required buffer strips have been identified
- Other pertinent information as needed to pictorially demonstrate the proposed development/use.

☐ **Proof of ownership** (Copy of deed i.e., Warranty Deed or Quitclaim Deed)

☐ If applicable, notarized proof of **authority to act as agent** for owner (board resolution, etc.) (see page 9)

The City of Gulfport Planning Division Staff will notify, by letter, property owners adjacent to the requested action identified in this application using the Land Roll database from the County Tax Office. If you would like to have additional persons or property owners notified, please provide a list of **additional persons to be notified.**

☐ An **affidavit** stating the request is not in violation of restrictive or protective covenants. (see page 10)

☐ **Cash or check** payable to the City of Gulfport in the amount of **$75.00**.

☐ **I the owner/agent acknowledge this is a complete application**

Variance Submissions

☑ **Answer the following six questions** individually and thoroughly as a separate 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?)

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.)

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?)

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.)

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?)

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.

Gulfport MISSISSIPPI ONE COAST

Covenant Affidavit

I, Maria A. Barberee, Managing Member, being owner or agent of the property 457 Texas Avenue, Gpt. MS 39507

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.

Maria A. Barberee, M.M. Revised May 4, 2023

Signature *Date*

STATE OF MISSISSIPPI | COUNTY OF HARRISON

Given under my hand and seal of office this the 4th day of May, 20 23

Leslie Ervin

Notary Public

STATE OF MISSISSIPPI NOTARY PUBLIC ID # 290631 LESLIE ERVIN Commission Expires April 19, 2025 HARRISON COUNTY

April 19, 2025

Commission Expiration

Michael Watson
SECRETARY OF STATE

This is not an official certificate of good standing.

Name History

Name	Name Type
4theloveoffreedom,LLC	Legal

Business Information

Business Type:	Limited Liability Company
Business ID:	1271342
Status:	Good Standing
Effective Date:	04/08/2021
State of Incorporation:	Mississippi
Principal Office Address:	2400 CYPRESS AVE GULFPORT, MS 39506

Registered Agent

Name

Maria A. Barberee
2400 Cypress Avenue
Gulfport, MS 39506

Officers & Directors

Name	Title
Maria Anice Barberee PO Box 7043 Gulfport, MS 39506	Manager

1. The property/structure was never properly permitted back in the 1960's for duplex use. I am asking for a variance of the property due to this hardship because the front setback requirements and lot size requirement do not meet the minimum lot requirement.

2. I am asking this permission in variances because when I purchased the property, I was not aware that the property was not permitted at the time it was built (circa 1960's).

3. The present hardship is because the property has a 14' setback from the road & holds the setback for proper parking dimensions presently required.

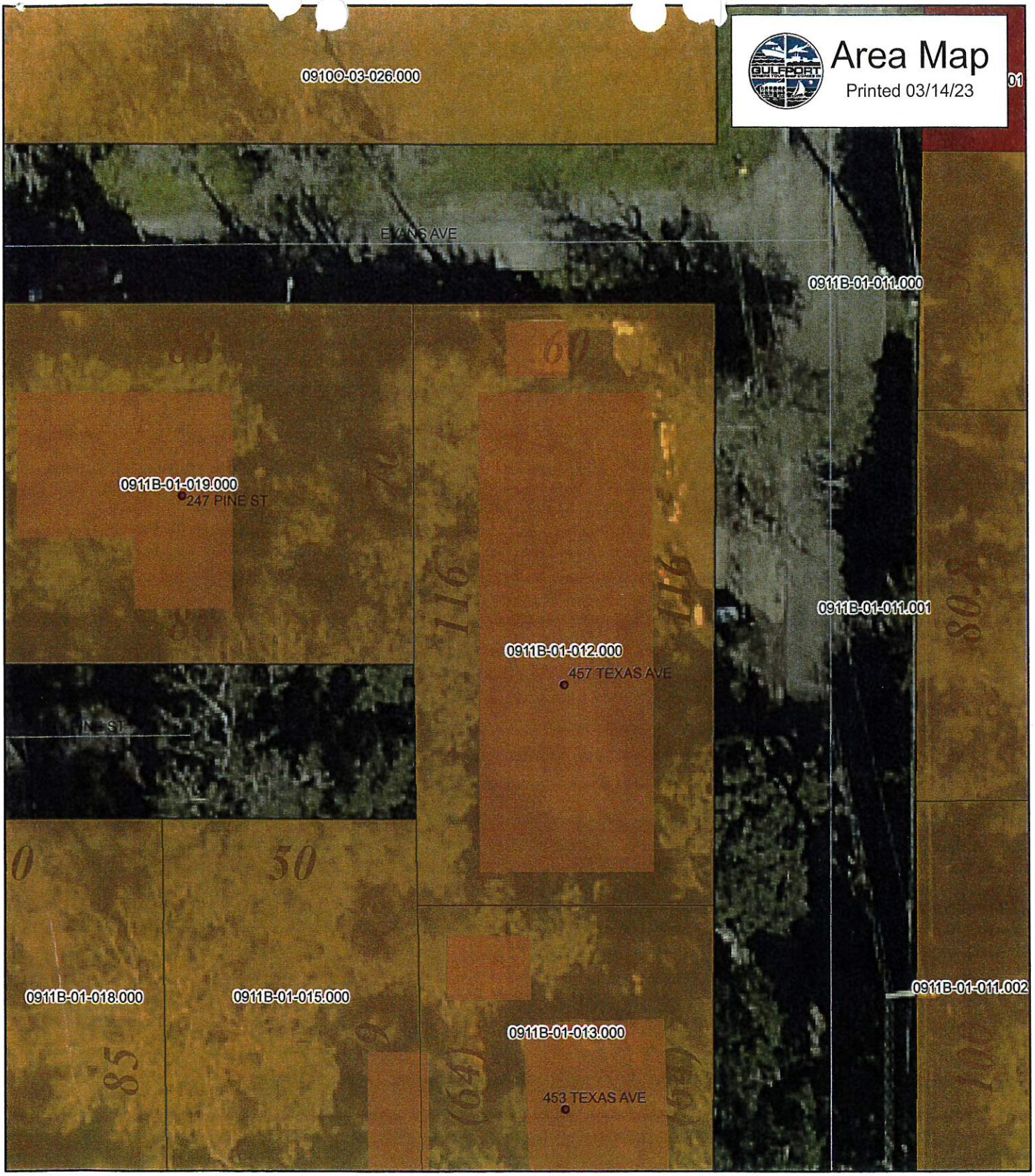
4. I cannot make the property aesthetically pleasing to the community without the proper non-conforming permits that are needed. I'm having to bring the non-conforming of the property to conformity through the process of allowed variances.

5. I am not asking for anymore special privilege's that any other owner would require when inheriting a property that was not properly permitted.

6. The zoning is T4L & is allowed for duplex use.

Area Map

Printed 03/14/23



N
W E
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1 inch = 25 feet

- Addresspoints
- Minor/Residential
- WaterFeatures
- Parcels

DATA DISCLAIMER:
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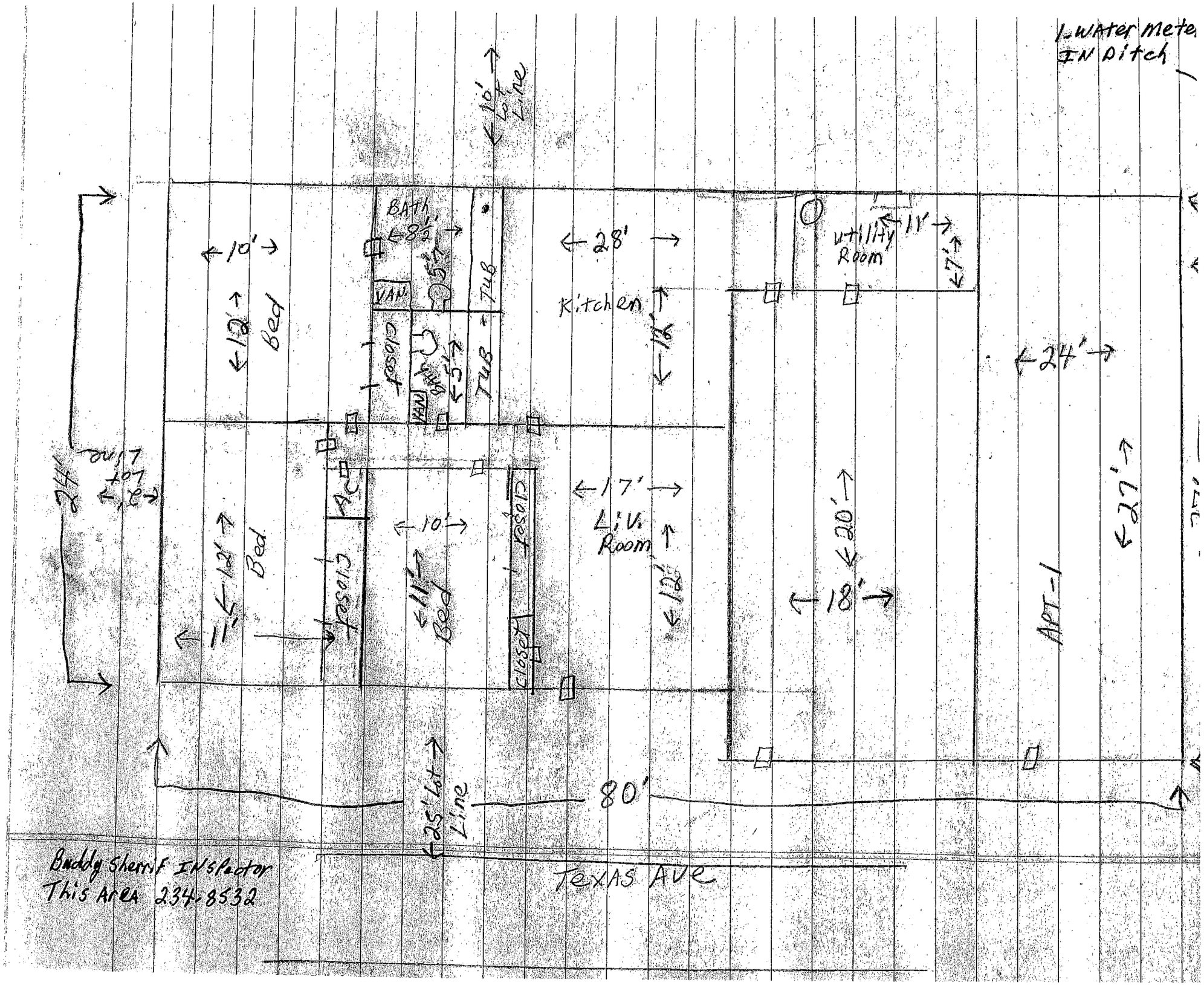
1-Water Meter
IN Ditch
10' Lot Line
BATH
8½'
5½'
TUB
VAN
Closet
Bed
10'
12'
28'
Kitchen
16'
Utility Room
11'
7'
24'
24'
Lot
18'
AC
Bed
12'
11'
Closet
10'
11½'
Bed
17'
Liv. Room
12'
20'
18'
APT-1
27'
25' Lot Line
80'
Buddy Sherrif Inspector
This Area 234-8532
Texas Ave

1st JUDICIAL DISTRICT
Instrument 2022-0030430-D-J1
Filed/Recorded 12/27/2022 12:12:01 PM
Total Fees 28.00
7 Pages Recorded

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

Grantor:
The Estate of Lemon Mendall Williams, III
10206 Humphreys Green Dr.
Areola, TX 77583
(228) 313-4245

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

Grantee:
4theloveoffreedom, LLC,
a Mississippi limited liability company
2400 Cypress Ave.
Gulfport, MS 39506
(228) 669-4443

File No. Z221930S

INDEXING INSTRUCTIONS: **A parcel of land situated in Sec. 1, T6S, R11W, 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, **The Estate of Lemon Mendall Williams, III,** does hereby sell, convey and warrant unto **4theloveoffreedom, 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:

Legal Description attached hereto as Exhibit "A"

This being the same property as that conveyed to Lisa Renee Taylor Williams and Lemon Mendall Williams, by Life Estate Warranty Deed recorded in Instrument No. 2005-21651-D-J1, 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) quitclaims 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.

This conveyance is subject to any and all outstanding tax liens of the deceased, Lemon Mendall Williams, III, including but not limited to those certain Federal Tax liens identified as Serial No. 926691613, Serial No. 951311013, Serial No. 353201919, totaling the amount of $51,010.16.

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.

The order approving sale is attached hereto as Exhibit "B".

Proof of Death for Lisa Renee Taylor Williams is attached hereto as Exhibit "C".

WITNESS MY SIGNATURE, on this the 8th day of December, 2022.

The Estate of Lemon Mendall Williams, III

Diane Newman

By: Diane Newman, Administratrix

CORPORATE ACKNOWLEDGMENT

STATE OF Texas
COUNTY OF Brazoria

PERSONALLY APPEARED BEFORE ME, the undersigned authority in and for the jurisdiction aforesaid, the within named **Diane Newman** the duly appointed Administratrix of **The Estate of Lemon Mendall Williams, III**, who acknowledged before me that she signed, executed and delivered the above and foregoing instrument on the day and year thereof, for the use and purposes therein mentioned, for and on behalf of the aforesaid The Estate of Lemon Mendall Williams, III, first having been duly authorized so to do.

GIVEN UNDER MY HAND AND OFFICIAL SEAL, on this the 8th day of December, 2022.

(AFFIX SEAL)

CYNTHIA G. HENDRICKS NOTARY PUBLIC STATE OF TEXAS ID # 133920668 EXPIRES 08-18-2026

Cynthia G Hendricks
NOTARY PUBLIC

My commission expires: 08/18/2026

Exhibit "A"

Legal Description

A parcel of land situated and being located in Section 1, Township 8 South, Range 11 West, City of Gulfport, First Judicial District of Harrison County, Mississippi: and being more particularly described as follows: For the Point of Beginning, Commence at the Northeast corner of Lot one (1), Block One (1), EAST LYNWOOD PLACE (now vacated), said point being located at the intersection of the South margin of Evans Street (formerly Section Line Road) with the West margin or Texas Avenue (formerly Texas Street); thence run South a distance of 116.0 feet along the West margin of Texas Avenue; thence run South 89 degrees 57 minutes 15 seconds West a distance of 60.0 feet; thence run North a distance of 116.0 feet to the South margin of Evans Street; thence run North 89 degrees 57 minutes 15 seconds East a distance of 60.0 feet along the South margin of Evans Street, to the said Point of Beginning. Said parcel of land contains 0.160 acres, more or less; and being part of Lots One (1), Two (2), and Three (3), Block One (1), EAST LYNWOOD PLACE (now vacated), on file in the office of Chancery Clerk of the First Judicial District of Harrison County, Mississippi.

Said tract also being the same tract as formerly described in Warranty Deed Book 1198, Pages 613-615, on file in the office of the Chancery Clerk of the First Judicial District of Harrison County, Mississippi.

The North Five (5) feet of the above described parcel of land is subject to an Easement for Drainage and Utilities.

Unofficial

Maria A. Barberee, M.M.

4thelove0ffreedom, LLC,
a Mississippi limited liability company
By: Maria Anice Barberee, Managing Member

12/9/22
Date

Exhibit "B"

FILED
NOV 15 2022
John McAdams Chancery Clerk
By [signature] D.C.

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

IN THE MATTER OF THE ESTATE
OF LEMON MENDALL WILLIAMS, III, DECEASED

CAUSE NO.: 20-303(4)

DIANE NEWMAN ADMINISTRATRIX/PETITIONER

AMENDED ORDER

This cause having come on to be heard on this day on the Motion of Diane Newman, Administratrix, for approval of the sale of real estate owned by the Decedent at the time of his death, and the instant Amended Order is meant to correct the previously entered Order dated and filed on November 2, 2022 in this matter, and the Court having read and considered said Motion filed herein, and being duly advised in the premises, finds as follows:

1. That LEMON MENDALL WILLIAMS, III, a late resident of Gulfport, Mississippi, departed this life intestate on or about December 14, 2019. That Administratrix was appointed by this Court, and that Letters of Administration were issued to her on May 11, 2020.

2. That Decedent's Estate owns real property located at 457 Texas Avenue, Gulfport, MS 39507, Parcel # 0911B-01-012.000, and that there is an offer to purchase said real property for $16,500.00, wherein the contract was attached to the filed Motion.

3. The legal description for said property is as follows:

> A parcel of land situated and being located in Section 1, Township 8 South, Range 11 West, City of Gulfport, First Judicial District of Harrison County, Mississippi; and being more particularly described as follows: For the Point of Beginning, Commence a the Northeast corner of Lot One (1), Block One (1), EAST LYNWOOD PLACE (now vacated), said point being located at the intersection of the South margin of Evans Street (formerly Section Line Road) with the West margin of Texas Avenue (formerly Texas Street); thence run South a distance of 116.0 feet along the West margin of Texas Avenue; thence run South 89 degrees 57 minutes 15 seconds West a distance of 60.0 feet; thence run North a distance of 116.0 feet to the South margin of Evans Street; thence run North 89 degrees 57 minutes 15 seconds East a distance of 60.0 feet along

the South margin of Evans Street, to the said Point of Beginning. Said parcel of land contains 0.160 acres, more or less; and being part of Lots One (1), Two (2), and Three (3), Block One (1), EAST LYNWOOD PLACE (now vacated), on file in the office of Chancery Clerk of the First Judicial District of Harrison County, Mississippi.

Said tract also being the same tract as formerly described in Warranty Deed Book 1198, Pages 613-615, on file in the office of the Chancery Clerk of the First Judicial District of Harrison County, Mississippi.

The North Five (5) feet of the above described parcel of land is subject to an Easement for Drainage and Utilities.

4. That Administratrix believes that this is a fair and reasonable offer to purchase the property and the offer meets the fair market value of the property.

5. That Administratrix's Motion for Authority to Sell Real estate is well-taken and shall be granted.

IT IS THEREFORE:

ORDERED AND ADJUDGED that Administratrix is authorized, pursuant to Miss. Code Ann. § 91-7-187, to sell Decedent's interest in the property located at 457 Texas Avenue, Gulfport, MS 39507, Parcel # 0911B-01-012.000, with the legal description described herein, and Administratrix is hereby authorized to execute all documents necessary to effectuate said sale, and after payment of any fees associated with the closing, the attorney for the Estate shall deposit said any net proceeds into the registry of the Court for the benefit of said Estate until further Order of the Court.

SO ORDERED AND ADJUDGED, this the 15 day of Nov, 2022.

CHANCELLOR

Prepared By:
MARK V. WATTS, MS BAR 102204
HORNSBY WATTS, PLLC
1025 HOWARD AVENUE
BILOXI, MISSISSIPPI 39530
TELEPHONE: (228) 207-2990
FACSIMILE (866) 271-4393

A TRUE COPY
JOHN McADAMS
Chancery Court Clerk
Harrison County, Miss.
1st Judicial District
By D.C.
CHANCERY COURT of HARRISON COUNTY MISSISSIPPI

Exhibit "C"

Unofficial

Search by Name

Lisa Williams

Send Flowers

Share

FUNERAL HOME

Riemann Family Funeral Homes - Gulfport
11280 Three Rivers Road
Gulfport, MS

RECORDS

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Sponsored

LISA WILLIAMS OBITUARY

Lisa Taylor Williams

1960-2012

Gulfport

1st JUDICIAL DISTRICT
Instrument 2022-0030430-D-J1
Filed/Recorded 12/27/2022 12:12:01 PM
Total Fees 28.00
7 Pages Recorded

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

Grantor:
The Estate of Lemon Mendall Williams, III
10206 Humphreys Green Dr.
Areola, TX 77583
(228) 313-4245

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

Grantee:
4theloveoffreedom, LLC,
a Mississippi limited liability company
2400 Cypress Ave.
Gulfport, MS 39506
(228) 669-4443

File No. Z221930S

INDEXING INSTRUCTIONS: **A parcel of land situated in Sec. 1, T8S, R11W, 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, **The Estate of Lemon Mendall Williams, III**, does hereby sell, convey and warrant unto **4theloveoffreedom, 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:

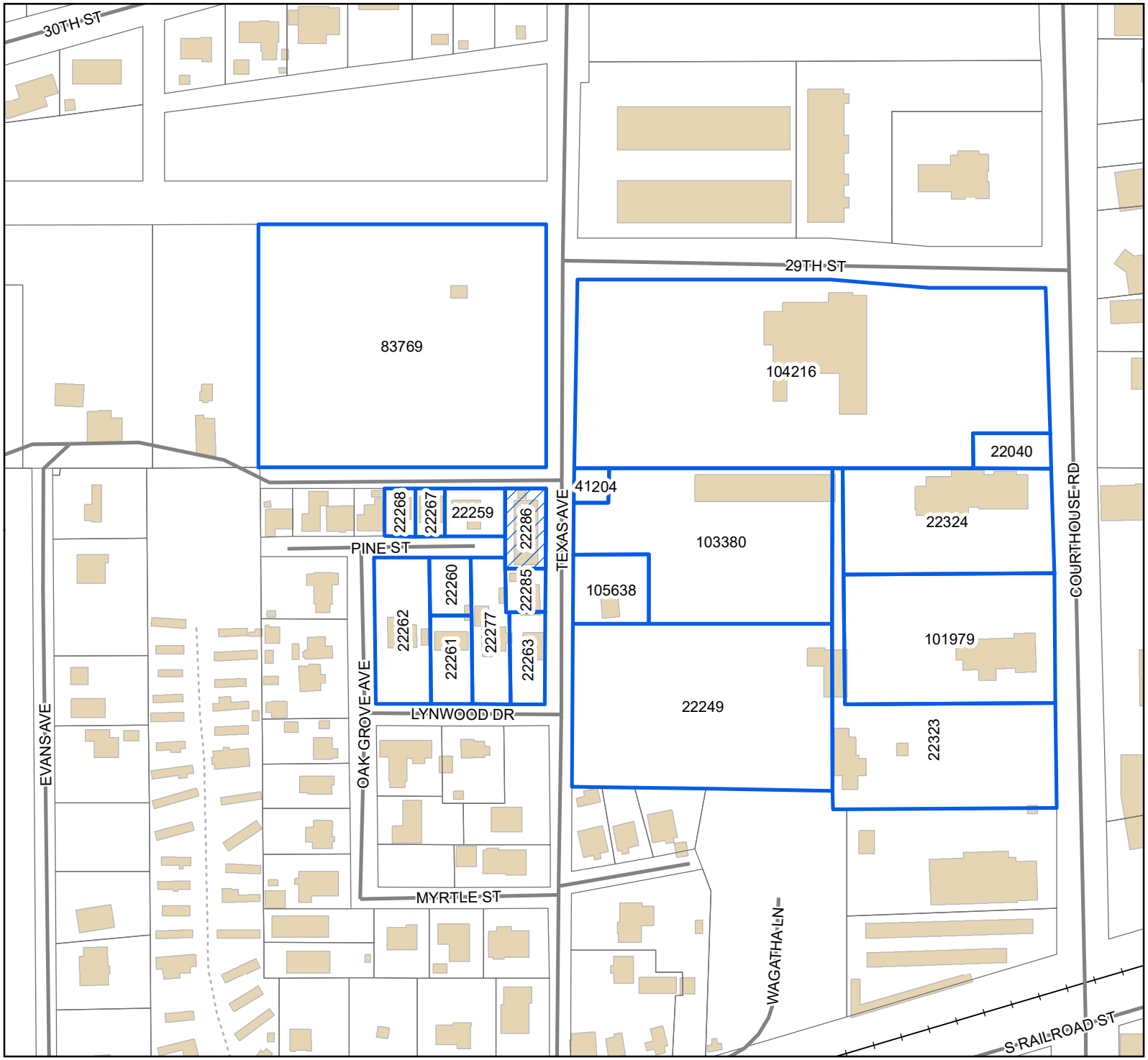
Legal Description attached hereto as Exhibit "A"

This being the same property as that conveyed to Lisa Renee Taylor Williams and Lemon Mendall Williams, by Life Estate Warranty Deed recorded in Instrument No. 2005-21651-D-J1, Land Deed Records of Harrison County, Mississippi.

Mail	PPIN	Parcel ID	Name	Address	City	State	ZIP
Y			4THELOVEOFFREEDOM,LLC(OWNER)	2400 CYPRESS AVE	GULFPORT	MS	39501
			Adjacent Property Owners(2306ZB065)				
	22267	0911B-01-020.000	MITCHELL HILDA RAE CHAFFIN -L/E-	245 PINE ST	GULFPORT	MS	39507
	22286	0911B-01-012.000	WILLIAMS LEMON MENDALL -ESTATE-	457 TEXAS AVE	GULFPORT	MS	39507
	22268	0911B-01-021.000	KT HOMES LLC	P O BOX 972	FREDERICK	CO	80504
	105638	0911B-01-011.002	KOTSAKOS JAMES C SR	452 TEXAS AVE	GULFPORT	MS	39507
	22277	0911B-01-015.000	BOB'S CONTRACTING SERVICES INC DBA	4851 FALCON DR	FREDERICK	CO	80504
	22261	0911B-01-016.000	HIGDON JO LYNN	P O BOX 6428	GULFPORT	MS	39506
	22249	0911B-01-010.000	BOB FALER LLC	205 CAMPBELL RD	COLLINS	MS	39428
	22259	0911B-01-019.000	WALLEN DALE L	3204 17TH ST	GULFPORT	MS	39501
	22323	0911B-01-003.000	BOB FALER LLC	PO BOX 1058	COLLINS	MS	39428
	22324	0911B-01-001.000	YE LAN QING & JIANG DIAN MING	4493 COURTHOUSE RD	GULFPORT	MS	39507
	22262	0911B-01-017.000	SMITH RANDI MICHELLE & H ADAM	452 OAK GROVE AV	GULFPORT	MS	39507
	101979	0911B-01-003.001	FALER BOB	103 MAIN ST	COLLINS	MS	39428
	22263	0911B-01-014.000	RACE CODY D & ANDREA SUE	255 LYNWOOD DR	GULFPORT	MS	39507
	104216	0910O-03-023.001	UNITED STATES POSTAL SERVICE	4000 DEKALB TECH PARKWAY	ATLANTA	GA	30340
	22285	0911B-01-013.000	HERRIN JEANNIE L	453 TEXAS AVE	GULFPORT	MS	39507

2306ZB065

Variance



Legend

- Site
- Adjacent Properties
- Street
- Alley
- Railroad
- Buildings

0 30 60 90
Yards

1 inch = 200 feet

N
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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:
IPL0124410
Order Status:
Submitted
Classification:
Legals & Public Notices
Package:
BLX - Legal Ads
Final Cost:
58.24
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
May 24, 2023 2:02:20 PM EDT
Amount:
58.24

SCHEDULE FOR AD NUMBER IPL01244100

May 31, 2023
SunHerald (Biloxi)

PREVIEW FOR AD NUMBER IPL01244100

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 P.M., Thursday, June 15, 2023 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 2306ZB062, by agent Garlon Pemberton, is seeking approval for a 1.5-foot (18-inch) side setback where 8 feet is required, Tax Parcel 1010D-01-008.004, 8813 Lorraine Rd, Zoned R-B (Residence-business), Ward 4

Variance 2306ZB065, by owner 4TheLoveofFreedom, LLC, is seeking approval of a gravel driveway where asphalt or concrete is required, Tax Parcel 0911B-01-012.000, 457 Texas Avenue, Zoned T4L (General Urban Zone "Limited"), Ward 4

Variance 2306ZB066, by owner 4TheLoveofFreedom, LLC, is seeking approval for a 12-foot front setback where 15 feet is required, Tax Parcels 0911B-01-012.000, Zoned T4L (General Urban Zone "Limited"), Ward 4

Variance 2306ZB067, by owner 4TheLoveofFreedom, LLC, is seeking permission to deviate from parking location requirements, Tax Parcel 0911B-01-012.000, Zoned T4L (General Urban Zone "Limited"), Ward 4

Variance 2306ZB068, by owner 4TheLoveofFreedom, LLC, is seeking approval to deviate from minimum lot size requirements, Tax Parcel 0911B-01-012.000, Zoned T4L (General Urban Zone "Limited"), Ward 4

This the 24th day of May 2023
A. Leslie North, Chairman
City of Gulfport Zoning Board of Adjustment and Appeals
W00000000
Publication Dates

<< Click here to print a printer friendly version >>

McCLATCHY

Beaufort Gazette
Belleville News-Democrat
Bellingham Herald
Bradenton Herald
Centre Daily Times
Charlotte Observer
Columbus Ledger-Enquirer
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Idaho Statesman
Island Packet
Kansas City Star
Lexington Herald-Leader
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el Nuevo Herald - Miami
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Raleigh News & Observer
The Olympian
Sacramento Bee
Fort Worth Star-Telegram
The State - Columbia
Sun Herald - Biloxi
Sun News - Myrtle Beach
The News Tribune Tacoma
The Telegraph - Macon
San Luis Obispo Tribune
Tri-City Herald
Wichita Eagle

AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Amount	Cols	Depth
36845	425592	Print Legal Ad-IPL01244100 - IPL0124410		$58.24	2	37 L

Attention: Matilda Welch

GULFPORT URBAN DEVELOPMENT
PO BOX 1780
GULFPORT, MS 39502

accountspayable@gulfport-ms.gov

LEGAL NOTICE
PUBLIC HEARING

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This the 24th day of May 2023
A. Leslie North, Chairman
City of Gulfport Zoning Board of Adjustment and Appeals
IPL0124410
May 31 2023

STATE OF MISSISSIPPI
COUNTY OF HARRISON

Before me, the undersigned Notary of Dallas County, Texas personally appeared Stefani Beard, who, being by me first duly sworn, did depose and say that she is a clerk of The Sun Herald, a daily newspaper published in the city of Gulfport, in Harrison County, Mississippi and the publication of the notice, a copy of which is hereto attached, has been made in said paper in the issue(s) of:

1 insertion(s) published on:
05/31/23

Affidavit further states on oath that said newspaper has been established and published continuously in said county for a period of more than twelve months next prior to the first publication of said notice.

Stefani Beard

Sworn to and subscribed before me this 5th day of June in the year of 2023

Stephanie Hatcher

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

STEPHANIE HATCHER
My Notary ID # 133534406
Expires January 14, 2026

Extra charge for lost or duplicate affidavits.
Legal document please do not destroy!

MEMORANDUM

To: City of Gulfport Zoning Board of Adjustment and Appeals

From: Su-Lin Featherston, Planning Administrator
Urban Development Department

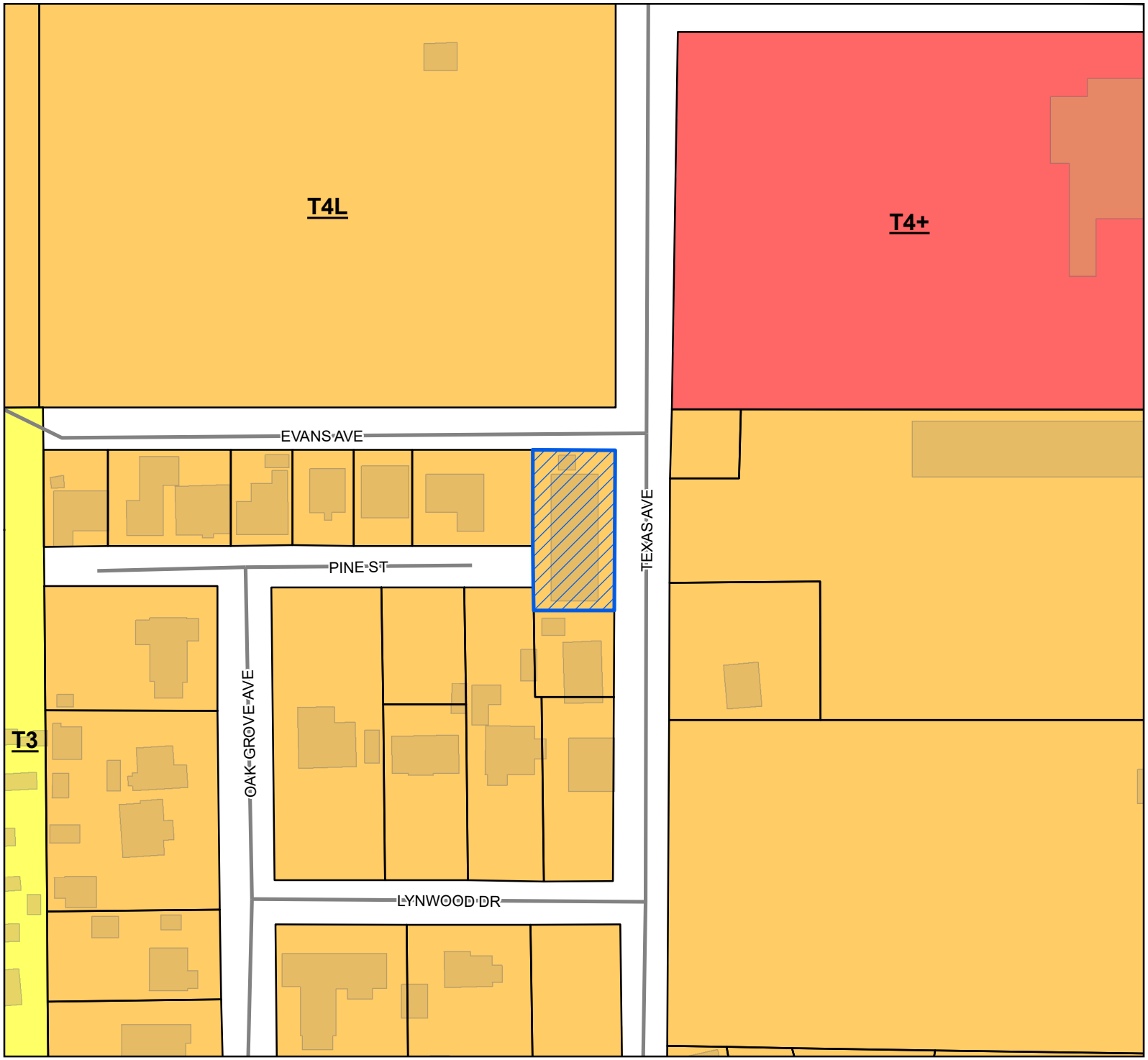
Date of Hearing: June 15, 2023

Re: <u>Variance 2306ZB066:</u>

Variance 2306ZB066, by owner 4TheLoveofFreedom, LLC, is seeking approval for a 12-foot front setback where 15 feet is required, Tax Parcel 0911B-01-012.000, Zoned T4L (General Urban Zone "Limited"), Ward 4

2306ZB066

Variance



Site
Street
Parcels
Buildings

Smart Code

T4+
T4L
T3

Site Information

0911B-01-012.000
Zoning: T4L (General Urban Zone "Limited")
Size: 6840 Sqft
Flood: X

0 10 20 30
Yards

1 inch = 100 feet

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

Case Number
2306ZB066

Zoning Board of Adjustments and Appeals Application

REQUESTED ACTION BY THE ZONING BOARD OF ADJUSTMENTS AND APPEALS

(A separate submission form is required for each request):

	Appeal of Planning Administrator
	Excessive Height
	Fence Variance
	Special Exception
X	**Variance**

Tax Parcel Numbers

0911B-01-012.000	

Property Address: 457 Texas Avenue, Gulfport, MS 39507
Lot(s) 1, 2, 3 ,Block(s) one (1) ,Subdivision East Lynwood Place

General Description of Request: (*) For a non-conforming, pre-existing Variance of 3' to allow for front setback of 12' duplex where 15' feet is required

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. We can only accept applications with original signatures.

OWNER	AGENT
4 The love of freedom, LLC	
Printed Name of Owner	Printed Name of Agent
2407 Cypress Avenue	
Mailing Address	Mailing Address
Gulfport, MS 39501	
City State Zip code	City State Zip code
228.669.4443	
Home Phone Work/Cell Phone	Home Phone Work/Cell Phone
4mbfreedom@gmail.com	
Email	Email
Signature of Owner	Signature of Agent

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. We can only accept applications with ***original signatures.***

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) 4 the love of freedom, LLC

ADDRESS (STREET, CITY, STATE, ZIP CODE 457 Texas Avenue, Gulfport, MS 39507

PHONE # (H) 228. 669. 4443 (C) (WK/CELL)

TAX PARCEL NUMBER(S) OWNED 0911B-01 - 012. 000

SIGNATURE: Maria A. Barberee, Managing Member

NAME OF OWNER (PRINT) (Maria A. Barberee, Managing Member

ADDRESS (STREET, CITY, STATE, ZIP CODE

PHONE # (H) (WK/CELL)

TAX PARCEL NUMBER(S) OWNED

SIGNATURE:

NAME OF OWNER (PRINT)

ADDRESS (STREET, CITY, STATE, ZIP CODE

PHONE # (H) (WK/CELL)

TAX PARCEL NUMBER(S) OWNED

SIGNATURE:

Important Notice

1. Please be advised that failure to submit a complete application, with all supporting documents, could **delay your hearing date**. The Zoning Board will not consider a request until all information is submitted and accurate.

2. Please be advised that the application deadline dates posted are designed to allow the staff time to review the application and receive required comments from coordinating agencies. The application is not considered complete until all required information from the applicant is available for review by the staff and coordinating agencies.

3. **The following supplement pages are required per application type. Select one of the following:**

- ☐ Appeal of Planning Administrator (see page 4)
- ☐ Excessive Height (see page 5)
- ☐ Fence Variance (see page 6)
- ☐ Special Exception (see page 7)
- ☑ Variance (see page 8)

4. All ☑ will need to be ***initialed by applicant*** with required documentation before application can be accepted.

Submission Requirements

☑ **Page one of this application,** completed and signed.

☑ **Site plan.** Please note that approval of your request, in part, is based on your site plan.

- The property lines and dimensions have been provided on the drawing.
- All buildings and structures located on the property have been identified.
- All dimensions of buildings and structures have been noted on the site plan.
- All distances from the property lines to all the buildings and structures have been identified and noted on the site plan.
- Street names have been provided which abut the property.
- Traffic flow, parking and driveways have been identified.
- If required buffer strips have been identified
- Other pertinent information as needed to pictorially demonstrate the proposed development/use.

☑ **Proof of ownership** (Copy of deed i.e., Warranty Deed or Quitclaim Deed)

☐ If applicable, notarized proof of **authority to act as agent** for owner (board resolution, etc.) (see page 9)

The City of Gulfport Planning Division Staff will notify, by letter, property owners adjacent to the requested action identified in this application using the Land Roll database from the County Tax Office. If you would like to have additional persons or property owners notified, please provide a list of **additional persons to be notified**.

☑ An **affidavit** stating the request is not in violation of restrictive or protective covenants. (see page 10)

☑ **Cash or check** payable to the City of Gulfport in the amount of **$75.00**.

☑ **I the owner/agent acknowledge this is a complete application**

Variance Submissions

Answer the following six questions individually and thoroughly as a separate 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?)

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.)

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?)

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.)

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?)

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.

Gulfport MISSISSIPPI ONE COAST

Covenant Affidavit

I, Maria A. Barkoree, Managing Member, being owner or agent of the property 457 Texas Ave, Gulfport, MS 39507

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.

M. A. Barkoree, M.M. Revised May 4, 2023

Signature *Date*

STATE OF MISSISSIPPI | COUNTY OF HARRISON

Given under my hand and seal of office this the 4th day of May, 20 23

Leslie Ervin

Notary Public

STATE OF MISSISSIPPI NOTARY PUBLIC ID # 290631 LESLIE ERVIN Commission Expires April 19, 2025 HARRISON COUNTY

April 19, 2025

Commission Expiration

Michael Watson
SECRETARY OF STATE

This is not an official certificate of good standing.

Name History

Name	Name Type
4theloveoffreedom,LLC	Legal

Business Information

Business Type:	Limited Liability Company
Business ID:	1271342
Status:	Good Standing
Effective Date:	04/08/2021
State of Incorporation:	Mississippi
Principal Office Address:	2400 CYPRESS AVE GULFPORT, MS 39506

Registered Agent

Name

Maria A. Barberee
2400 Cypress Avenue
Gulfport, MS 39506

Officers & Directors

Name	Title
Maria Anice Barberee PO Box 7043 Gulfport, MS 39506	Manager

1. The property/structure was never properly permitted back in the 1960's for duplex use. I am asking for a variance of the property due to this hardship because the front setback requirements and lot size requirement do not meet the minimum lot requirement.

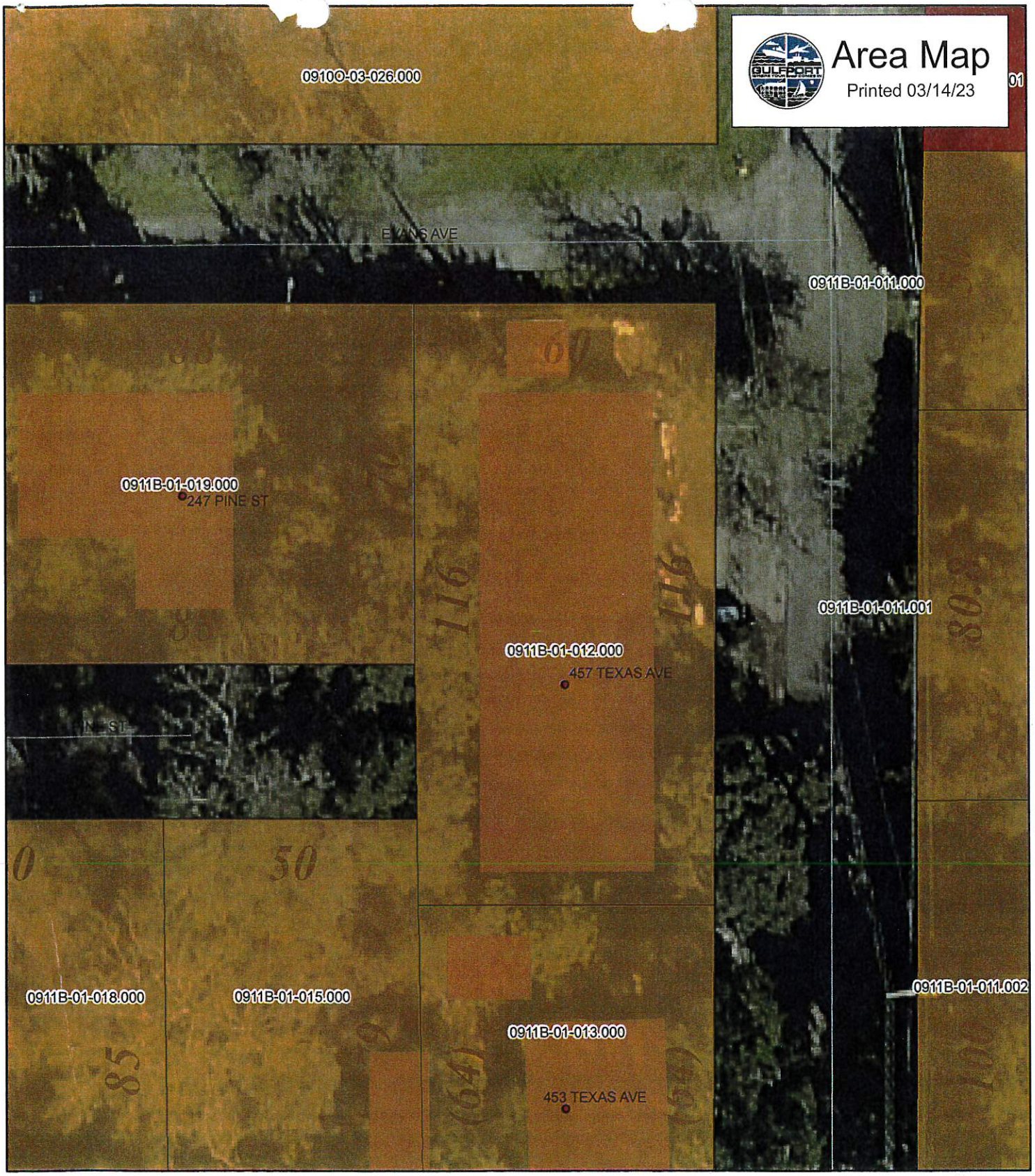
2. I am asking this permission in variances because when I purchased the property, I was not aware that the property was not permitted at the time it was built (circa 1960's).

3. The present hardship is because the property has a 14' setback from the road & holds the setback for proper parking dimensions presently required.

4. I cannot make the property aesthetically pleasing to the community without the proper non-conforming permits that are needed. I'm having to bring the non-conforming of the property to conformity through the process of allowed variances.

5. I am not asking for anymore special privilege's that any other owner would require when inheriting a property that was not properly permitted.

6. The zoning is T4L & is allowed for duplex use.



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1 inch = 25 feet

- Addresspoints
- Minor/Residential
- WaterFeatures
- Parcels

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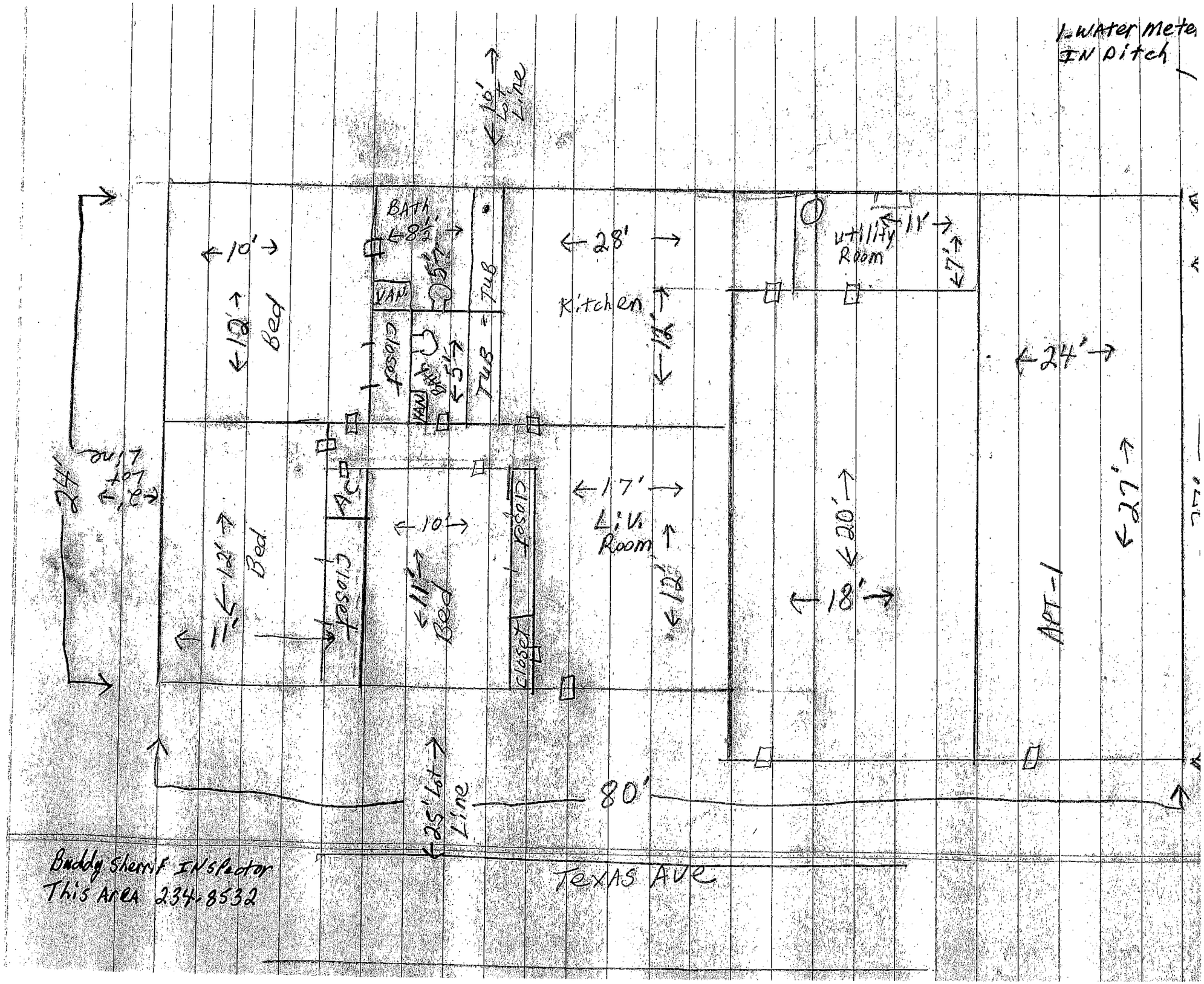

1-Water Meter
IN Ditch
10' Lot Line
BATH
8½'
5½'
VAN
TUB
Closet
10'
12'
Bed
28'
Kitchen
16'
Utility Room
1'
7'
24'
Lot
8'
24'
AC
Closet
10'
11'
Bed
17'
Liv. Room
12'
20'
18'
APT-1
27'
11'
12'
Bed
25' Lot Line
80'
Buddy Sherrif Inspector
This Area 234-8532
Texas Ave

1st JUDICIAL DISTRICT
Instrument 2022-0030430-D-J1
Filed/Recorded 12/27/2022 12:12:01 PM
Total Fees 28.00
7 Pages Recorded

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

Grantor:
The Estate of Lemon Mendall Williams, III
10206 Humphreys Green Dr.
Areola, TX 77583
(228) 313-4245

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

Grantee:
4theloveoffreedom, LLC,
a Mississippi limited liability company
2400 Cypress Ave.
Gulfport, MS 39506
(228) 669-4443

File No. Z2221930S

INDEXING INSTRUCTIONS: **A parcel of land situated in Sec. 1, T8S, R11W, 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, **The Estate of Lemon Mendall Williams, III**, does hereby sell, convey and warrant unto **4theloveoffreedom, 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:

Legal Description attached hereto as Exhibit "A"

This being the same property as that conveyed to Lisa Renee Taylor Williams and Lemon Mendall Williams, by Life Estate Warranty Deed recorded in Instrument No. 2005-21651-D-J1, 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) quitclaims 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.

This conveyance is subject to any and all outstanding tax liens of the deceased, Lemon Mendall Williams, III, including but not limited to those certain Federal Tax liens identified as Serial No. 926691613, Serial No. 951311013, Serial No. 353201919, totaling the amount of $51,010.16.

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.

The order approving sale is attached hereto as Exhibit "B".

Proof of Death for Lisa Renee Taylor Williams is attached hereto as Exhibit "C".

WITNESS MY SIGNATURE, on this the 8th day of December, 2022.

The Estate of Lemon Mendall Williams, III

Diane Newman

By: Diane Newman, Administratrix

CORPORATE ACKNOWLEDGMENT

STATE OF Texas
COUNTY OF Brazoria

PERSONALLY APPEARED BEFORE ME, the undersigned authority in and for the jurisdiction aforesaid, the within named **Diane Newman** the duly appointed Administratrix of **The Estate of Lemon Mendall Williams, III**, who acknowledged before me that she signed, executed and delivered the above and foregoing instrument on the day and year thereof, for the use and purposes therein mentioned, for and on behalf of the aforesaid The Estate of Lemon Mendall Williams, III, first having been duly authorized so to do.

GIVEN UNDER MY HAND AND OFFICIAL SEAL, on this the 8th day of December, 2022.

CYNTHIA G. HENDRICKS NOTARY PUBLIC STATE OF TEXAS ID # 133929868 EXPIRES 08-18-2026

(AFFIX SEAL)

Cynthia G Hendricks
NOTARY PUBLIC

My commission expires: 08/18/2026

Exhibit "A"

Legal Description

A parcel of land situated and being located in Section 1, Township 8 South, Range 11 West, City of Gulfport, First Judicial District of Harrison County, Mississippi: and being more particularly described as follows: For the Point of Beginning, Commence at the Northeast corner of Lot one (1), Block One (1), EAST LYNWOOD PLACE (now vacated), said point being located at the intersection of the South margin of Evans Street (formerly Section Line Road) with the West margin or Texas Avenue (formerly Texas Street); thence run South a distance of 116.0 feet along the West margin of Texas Avenue; thence run South 89 degrees 57 minutes 15 seconds West a distance of 60.0 feet; thence run North a distance of 116.0 feet to the South margin of Evans Street; thence run North 89 degrees 57 minutes 15 seconds East a distance of 60.0 feet along the South margin of Evans Street, to the said Point of Beginning. Said parcel of land contains 0.160 acres, more or less; and being part of Lots One (1), Two (2), and Three (3), Block One (1), EAST LYNWOOD PLACE (now vacated), on file in the office of Chancery Clerk of the First Judicial District of Harrison County, Mississippi.

Said tract also being the same tract as formerly described in Warranty Deed Book 1198, Pages 613-615, on file in the office of the Chancery Clerk of the First Judicial District of Harrison County, Mississippi.

The North Five (5) feet of the above described parcel of land is subject to an Easement for Drainage and Utilities.

Maria A. Barberee, M.M.

4thelove offreedom, LLC,
a Mississippi limited liability company
By: Maria Anice Barberee, Managing Member

12/9/22
Date

Exhibit "R"

FILED
NOV 15 2022
John McAdams Chancery Clerk
By Vla Bruno D.C.

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

IN THE MATTER OF THE ESTATE
OF LEMON MENDALL WILLIAMS, III, DECEASED

CAUSE NO.: 20-303(4)

DIANE NEWMAN ADMINISTRATRIX/PETITIONER

AMENDED ORDER

This cause having come on to be heard on this day on the Motion of Diane Newman, Administratrix, for approval of the sale of real estate owned by the Decedent at the time of his death, and the instant Amended Order is meant to correct the previously entered Order dated and filed on November 2, 2022 in this matter, and the Court having read and considered said Motion filed herein, and being duly advised in the premises, finds as follows:

1. That LEMON MENDALL WILLIAMS, III, a late resident of Gulfport, Mississippi, departed this life intestate on or about December 14, 2019. That Administratrix was appointed by this Court, and that Letters of Administration were issued to her on May 11, 2020.

2. That Decedent's Estate owns real property located at 457 Texas Avenue, Gulfport, MS 39507, Parcel # 0911B-01-012.000, and that there is an offer to purchase said real property for $16,500.00, wherein the contract was attached to the filed Motion.

3. The legal description for said property is as follows:

> A parcel of land situated and being located in Section 1, Township 8 South, Range 11 West, City of Gulfport, First Judicial District of Harrison County, Mississippi; and being more particularly described as follows: For the Point of Beginning, Commence a the Northeast corner of Lot One (1), Block One (1), EAST LYNWOOD PLACE (now vacated), said point being located at the intersection of the South margin of Evans Street (formerly Section Line Road) with the West margin of Texas Avenue (formerly Texas Street); thence run South a distance of 116.0 feet along the West margin of Texas Avenue; thence run South 89 degrees 57 minutes 15 seconds West a distance of 60.0 feet; thence run North a distance of 116.0 feet to the South margin of Evans Street; thence run North 89 degrees 57 minutes 15 seconds East a distance of 60.0 feet along

the South margin of Evans Street, to the said Point of Beginning. Said parcel of land contains 0.160 acres, more or less; and being part of Lots One (1), Two (2), and Three (3), Block One (1), EAST LYNWOOD PLACE (now vacated), on file in the office of Chancery Clerk of the First Judicial District of Harrison County, Mississippi.

Said tract also being the same tract as formerly described in Warranty Deed Book 1198, Pages 613-615, on file in the office of the Chancery Clerk of the First Judicial District of Harrison County, Mississippi.

The North Five (5) feet of the above described parcel of land is subject to an Easement for Drainage and Utilities.

4. That Administratrix believes that this is a fair and reasonable offer to purchase the property and the offer meets the fair market value of the property.

5. That Administratrix's Motion for Authority to Sell Real estate is well-taken and shall be granted.

IT IS THEREFORE:

ORDERED AND ADJUDGED that Administratrix is authorized, pursuant to Miss. Code Ann. § 91-7-187, to sell Decedent's interest in the property located at 457 Texas Avenue, Gulfport, MS 39507, Parcel # 0911B-01-012.000, with the legal description described herein, and Administratrix is hereby authorized to execute all documents necessary to effectuate said sale, and after payment of any fees associated with the closing, the attorney for the Estate shall deposit said any net proceeds into the registry of the Court for the benefit of said Estate until further Order of the Court.

SO ORDERED AND ADJUDGED, this the 15 day of Nov, 2022.

CHANCELLOR

Prepared By:
MARK V. WATTS, MS BAR 102204
HORNSBY WATTS, PLLC
1025 HOWARD AVENUE
BILOXI, MISSISSIPPI 39530
TELEPHONE: (228) 207-2990
FACSIMILE (866) 271-4393

A TRUE COPY
JOHN McADAMS
Chancery Court Clerk
Harrison County, Miss.
1st Judicial District
By D.C.
CHANCERY COURT OF HARRISON COUNTY MISSISSIPPI

Exhibit "C"

Search by Name

Lisa Williams

Send Flowers

Share

FUNERAL HOME

Riemann Family Funeral Homes - Gulfport
11280 Three Rivers Road
Gulfport, MS

RECORDS

View more records for Williams on Ancestry.com®

Sponsored

LISA WILLIAMS OBITUARY

Lisa Taylor Williams

1960-2012

Gulfport

Unofficial Copy

1st JUDICIAL DISTRICT
Instrument 2022-0030430-D-J1
Filed/Recorded 12/27/2022 12:12:01 PM
Total Fees 28.00
7 Pages Recorded

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

Grantor:
The Estate of Lemon Mendall Williams, III
10206 Humphreys Green Dr.
Areola, TX 77583
(228) 313-4245

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

Grantee:
4theloveoffreedom, LLC,
a Mississippi limited liability company
2400 Cypress Ave.
Gulfport, MS 39506
(228) 669-4443

File No. Z221930S

INDEXING INSTRUCTIONS: **A parcel of land situated in Sec. 1, T8S, R11W, 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, **The Estate of Lemon Mendall Williams, III**, does hereby sell, convey and warrant unto **4theloveoffreedom, 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:

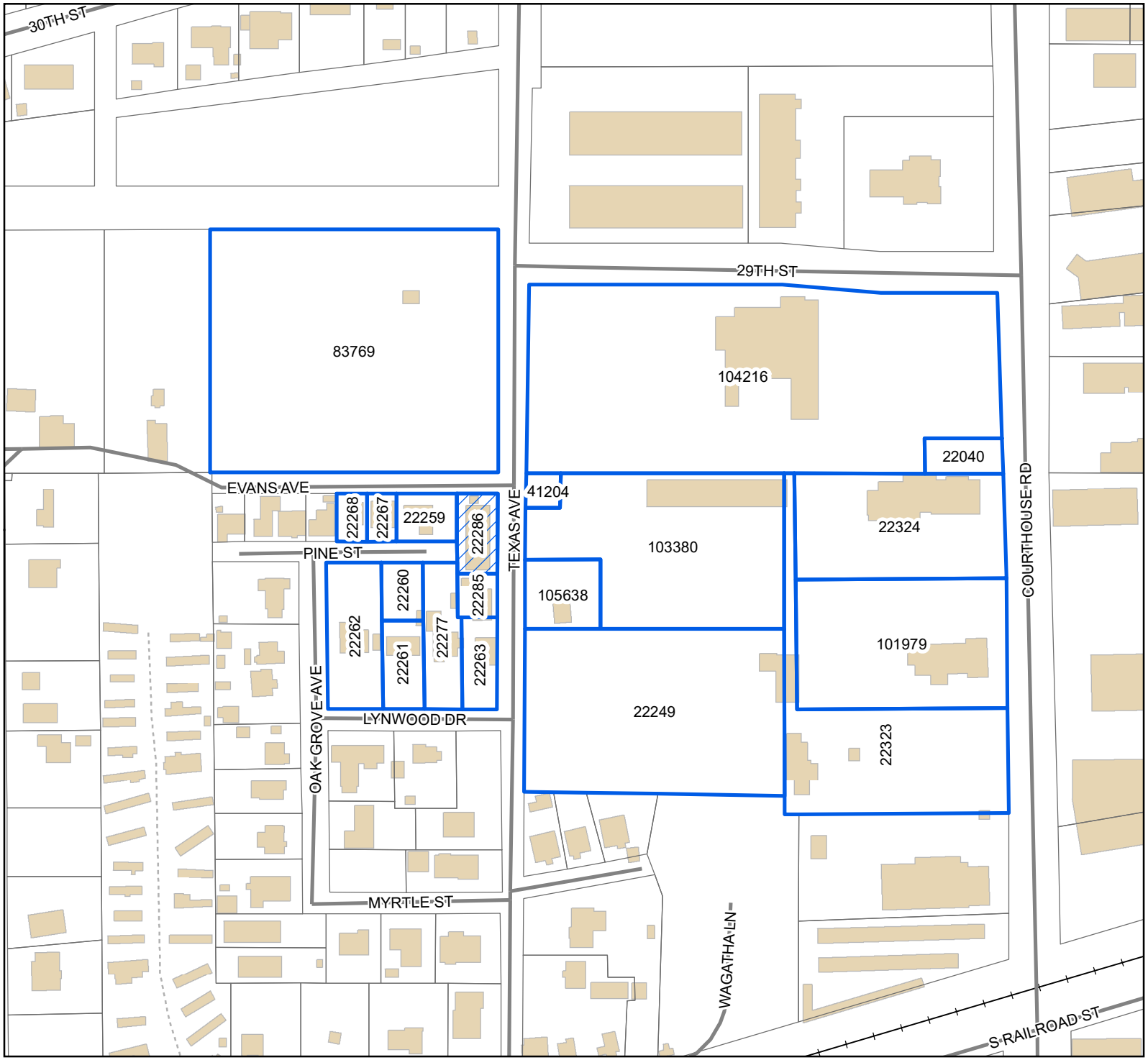
Legal Description attached hereto as Exhibit "A"

This being the same property as that conveyed to Lisa Renee Taylor Williams and Lemon Mendall Williams, by Life Estate Warranty Deed recorded in Instrument No. 2005-21651-D-J1, Land Deed Records of Harrison County, Mississippi.

Mail	PPIN	Parcel ID	Name	Address	City	State	ZIP
Y			4THELOVEOFFREEDOM,LLC(OWNER)	2400 CYPRESS AVE	GULFPORT	MS	39501
			Adjacent Property Owners(2306ZB066)				
	22267	0911B-01-020.000	MITCHELL HILDA RAE CHAFFIN -L/E-	245 PINE ST	GULFPORT	MS	39507
	22286	0911B-01-012.000	WILLIAMS LEMON MENDALL -ESTATE-	457 TEXAS AVE	GULFPORT	MS	39507
	22268	0911B-01-021.000	KT HOMES LLC	P O BOX 972	FREDERICK	CO	80504
	105638	0911B-01-011.002	KOTSAKOS JAMES C SR	452 TEXAS AVE	GULFPORT	MS	39507
	22277	0911B-01-015.000	BOB'S CONTRACTING SERVICES INC DBA	4851 FALCON DR	FREDERICK	CO	80504
	22261	0911B-01-016.000	HIGDON JO LYNN	P O BOX 6428	GULFPORT	MS	39506
	22249	0911B-01-010.000	BOB FALER LLC	205 CAMPBELL RD	COLLINS	MS	39428
	22259	0911B-01-019.000	WALLEN DALE L	3204 17TH ST	GULFPORT	MS	39501
	22323	0911B-01-003.000	BOB FALER LLC	PO BOX 1058	COLLINS	MS	39428
	22324	0911B-01-001.000	YE LAN QING & JIANG DIAN MING	4493 COURTHOUSE RD	GULFPORT	MS	39507
	22262	0911B-01-017.000	SMITH RANDI MICHELLE & H ADAM	452 OAK GROVE AV	GULFPORT	MS	39507
	101979	0911B-01-003.001	FALER BOB	103 MAIN ST	COLLINS	MS	39428
	22263	0911B-01-014.000	RACE CODY D & ANDREA SUE	255 LYNWOOD DR	GULFPORT	MS	39507
	104216	0910O-03-023.001	UNITED STATES POSTAL SERVICE	4000 DEKALB TECH PARKWAY	ATLANTA	GA	30340
	22285	0911B-01-013.000	HERRIN JEANNIE L	453 TEXAS AVE	GULFPORT	MS	39507

2306ZB066

Variance



Legend

- Site
- Adjacent Properties
- Street
- Alley
- Railroad
- Buildings

0 30 60 90
Yards

1 inch = 200 feet

N
W E
S

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:
IPL0124410
Order Status:
Submitted
Classification:
Legals & Public Notices
Package:
BLX - Legal Ads
Final Cost:
58.24
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
May 24, 2023 2:02:20 PM EDT
Amount:
58.24

SCHEDULE FOR AD NUMBER IPL01244100

May 31, 2023
SunHerald (Biloxi)

PREVIEW FOR AD NUMBER IPL01244100

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 P.M., Thursday, June 15, 2023 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 2306ZB062, by agent Garlon Pemberton, is seeking approval for a 1.5-foot (18-inch) side setback where 8 feet is required, Tax Parcel 1010D-01-008.004, 8813 Lorraine Rd, Zoned R-B (Residence-business), Ward 4

Variance 2306ZB065, by owner 4TheLoveofFreedom, LLC, is seeking approval of a gravel driveway where asphalt or concrete is required, Tax Parcel 0911B-01-012.000, 457 Texas Avenue, Zoned T4L (General Urban Zone "Limited"), Ward 4

Variance 2306ZB066, by owner 4TheLoveofFreedom, LLC, is seeking approval for a 12-foot front setback where 15 feet is required, Tax Parcels 0911B-01-012.000, Zoned T4L (General Urban Zone "Limited"), Ward 4

Variance 2306ZB067, by owner 4TheLoveofFreedom, LLC, is seeking permission to deviate from parking location requirements, Tax Parcel 0911B-01-012.000, Zoned T4L (General Urban Zone "Limited"), Ward 4

Variance 2306ZB068, by owner 4TheLoveofFreedom, LLC, is seeking approval to deviate from minimum lot size requirements, Tax Parcel 0911B-01-012.000, Zoned T4L (General Urban Zone "Limited"), Ward 4

This the 24th day of May 2023
A. Leslie North, Chairman
City of Gulfport Zoning Board of Adjustment and Appeals
W00000000
Publication Dates

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Beaufort Gazette
Belleville News-Democrat
Bellingham Herald
Bradenton Herald
Centre Daily Times
Charlotte Observer
Columbus Ledger-Enquirer
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el Nuevo Herald - Miami
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Raleigh News & Observer
The Olympian
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Fort Worth Star-Telegram
The State - Columbia
Sun Herald - Biloxi
Sun News - Myrtle Beach
The News Tribune Tacoma
The Telegraph - Macon
San Luis Obispo Tribune
Tri-City Herald
Wichita Eagle

AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Amount	Cols	Depth
36845	425592	Print Legal Ad-IPL01244100 - IPL0124410		$58.24	2	37 L

Attention: Matilda Welch

GULFPORT URBAN DEVELOPMENT
PO BOX 1780
GULFPORT, MS 39502

accountspayable@gulfport-ms.gov

LEGAL NOTICE
PUBLIC HEARING

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This the 24th day of May 2023
A. Leslie North, Chairman
City of Gulfport Zoning Board of Adjustment and Appeals
IPL0124410
May 31 2023

STATE OF MISSISSIPPI
COUNTY OF HARRISON

Before me, the undersigned Notary of Dallas County, Texas personally appeared Stefani Beard, who, being by me first duly sworn, did depose and say that she is a clerk of The Sun Herald, a daily newspaper published in the city of Gulfport, in Harrison County, Mississippi and the publication of the notice, a copy of which is hereto attached, has been made in said paper in the issue(s) of:

1 insertion(s) published on:
05/31/23

Affidavit further states on oath that said newspaper has been established and published continuously in said county for a period of more than twelve months next prior to the first publication of said notice.

Stefani Beard

Sworn to and subscribed before me this 5th day of June in the year of 2023

Stephanie Hatcher

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

STEPHANIE HATCHER
My Notary ID # 133534406
Expires January 14, 2026

Extra charge for lost or duplicate affidavits.
Legal document please do not destroy!

Technical Report

VARIANCE

GENERAL INFORMATION

Case File Number: 2306ZB066

Hearing Date: June 15, 2023

Current Zoning/Use: T4L / Two Family Dwelling

Legal: Variance 2306ZB066, by owner 4TheLoveofFreedom, LLC, is seeking approval for a 12-foot front setback where 15 feet is required, Tax Parcel 0911B-01-012.000, Zoned T4L (General Urban Zone "Limited"), 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 is seeking approval for a variance of 3 feet to allow for a 12-foot front yard setback where 15 feet is required.

(a) The structure on site was built in the 1960's and, according to the applicant, was never permitted for duplex use. Upon staff review the earliest permit pulled for this site was in 2013 for residential alterations, permit number 201301851.
(b) Applicant claims that when they purchased the property they were not made aware that the site was not permitted. The property was initially built as a single family home and later was converted to a duplex use without permits being pulled.
(c) Applicant states the hardship is due to the property having a shorter setback than what is allowed and "holds the setback for proper parking dimensions presently required." Applicant is wanting to use the property as a duplex use. As the use was changed from single family housing to two-family housing without pulling permits, there is no guarantee that the duplex use meets building code standards.
(d) Applicant states that they "cannot make the property aesthetically pleasing to the community without the proper non-conforming permits that are needed." Applicant is seeking to remodel a property with a non-permitted duplex use and requires variances to bring the property to conformity.
(e) The applicant claims that they will not be receiving any special privileges that others cannot receive. There are other properties throughout Gulfport that have been approved for variances for front yard setbacks, including those within the T4L zoning districts.
(f) This property is zoned T4L, and a two family dwelling use is allowed by right.

EXECUTIVE SUMMARY

Upon staff review of the application, and the site map, the six hardship criteria has not been met, and the hardship stated does not meet merit. Applicant is seeking approval for a variance of 3 feet to allow for a 12-foot front yard setback where 15 feet is required. According to Harrison County Tax Rolls, the structure on site was built in the 1960's and predates current ordinances. Upon further staff review, Harrison County Tax Rolls show properties in the surrounding area were built around the same time period as the subject site. The applicant purchased the property and claims that they were not aware of its nonconforming status until trying to pull permits for the property. Applicant is wishing to use the property as a duplex use instead of the original single family home use. Upon staff review of the surrounding properties, neighboring structures appear to not meet front yard setbacks and the property's current front yard setbacks would be in harmony with the surrounding community.

Any approval should consider these conditions:

1. Must meet all current building Codes and City of Gulfport Ordinances.
2. Approval allows a variance of 3 feet for 12-foot front yard setback where 15 feet is required.

DEPARTMENTAL CONDITIONS

Engineering: No conditions. Memo dated 6/2/2023.

Technical Report

VARIANCE

Public Works:	No comment as of 6/2/2023.
Traffic and Safety:	No conditions. Memo dated 6/2/2023.
Building Code Services:	Must meet all current building Codes and City of Gulfport Ordinances. Memo dated 5/25/2023.
GIS:	No conditions. Memo dated 5/26/2023.
Police Department:	No comment as of 6/2/2023.
Fire Department:	No conditions. Memo dated 5/24/2023.
City Arborist:	No conditions. Memo dated 5/25/2023.

DIRECTOR APPROVAL

This report has been reviewed and approved by:

Greg Holmes
Director of Urban Development Department

MEMORANDUM

To: City of Gulfport Zoning Board of Adjustment and Appeals

From: Su-Lin Featherston, Planning Administrator
Urban Development Department

Date of Hearing: June 15, 2023

Re: **Variance 2306ZB067:**

Variance 2306ZB067, by owner 4TheLoveofFreedom, LLC, is seeking permission to deviate from parking location requirements, Tax Parcel 0911B-01-012.000, Zoned T4L (General Urban Zone "Limited"), Ward 4

Technical Report

VARIANCE

GENERAL INFORMATION

Case File Number: 2306ZB067

Hearing Date: June 15, 2023

Current Zoning/Use: T4L / Two Family Dwelling

Legal: Variance 2306ZB067, by owner 4TheLoveofFreedom, LLC, is seeking permission to deviate from parking location requirements, Tax Parcel 0911B-01-012.000, Zoned T4L (General Urban Zone "Limited"), 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 is seeking approval to deviate from parking location requirements for parking in transect zones by parking in front of the front façade where ordinance states that parking must be beyond the front facade.

(a) The primary structure was built in the 1960's and, according to the applicant, was never permitted for duplex use. Upon staff review the earliest permit for the property was in 2013 for residential alterations for replacing windows and doors. Permit number 201301851.
(b) Applicant claims when they purchased the property they were not aware that the site was not permitted. The property was initially built as a single family home and later was converted to a duplex use without pulling permits.
(c) Applicant states the hardship is due to the property having a shorter setback than what is allowed and "holds the setback for proper parking dimensions presently required." Applicant is wanting to use the property as a duplex use. As the use was changed from single family housing to two-family housing without pulling permits, there is no guarantee that the duplex use meets building code standards.
(d) Applicant states that they "cannot make the property aesthetically pleasing to the community without the proper non-conforming permits that are needed." Applicant is seeking to remodel a property with a non-permitted duplex use and requires variances to bring the property to conformity.
(e) The applicant claims that they will not be receiving any special privileges that others cannot receive. Neighboring properties have parking that does not comply with parking location requirements as stated in ordinance Appendix A, Sec.VI, (A)(2)(a), regarding parking in transect zones.
(f) This property is zoned T4L, and a two family dwelling use is allowed by right.

EXECUTIVE SUMMARY

Upon staff review of the application, and the site map, the six hardship criteria had not been met, and the hardship stated does not meet merit. Applicant is seeking approval for a variance allowing the property to deviate from parking location requirements for parking in transect zones. According to Harrison County Tax Rolls, the structure on site was built in the 1960's and predates current ordinances. Upon further staff review, Harrison County Tax Rolls show properties in the surrounding area were built around the same time period as the subject site. The applicant purchased the property and claims that they were not aware of its nonconforming status until trying to pull permits for the property. Applicant is wishing to use the property as a duplex use instead of the original single family home use. Upon staff review of the surrounding properties, neighboring structures appear to not meet parking location requirements for parking in transect zones, and the property's current parking location would be in harmony with the surrounding community.

Any approval should consider these conditions:

1. Must meet all current building Codes and City of Gulfport Ordinances.
2. Approval allows for parking in front of the front façade where ordinance states that parking must be beyond the front façade.

Technical Report

VARIANCE

DEPARTMENTAL CONDITIONS

Engineering:	No conditions. Memo dated 6/2/2023.
Public Works:	No comment as of 6/5/2023.
Traffic and Safety:	No conditions. Memo dated 6/2/2023.
Building Code Services:	Must meet all current building Codes and City of Gulfport Ordinances. Memo dated 5/25/2023.
GIS:	No conditions. Memo dated 5/26/2023.
Police Department:	No comment as of 6/5/2023.
Fire Department:	No conditions. Memo dated 5/24/2023.
City Arborist:	No conditions. Memo dated 5/25/2023.

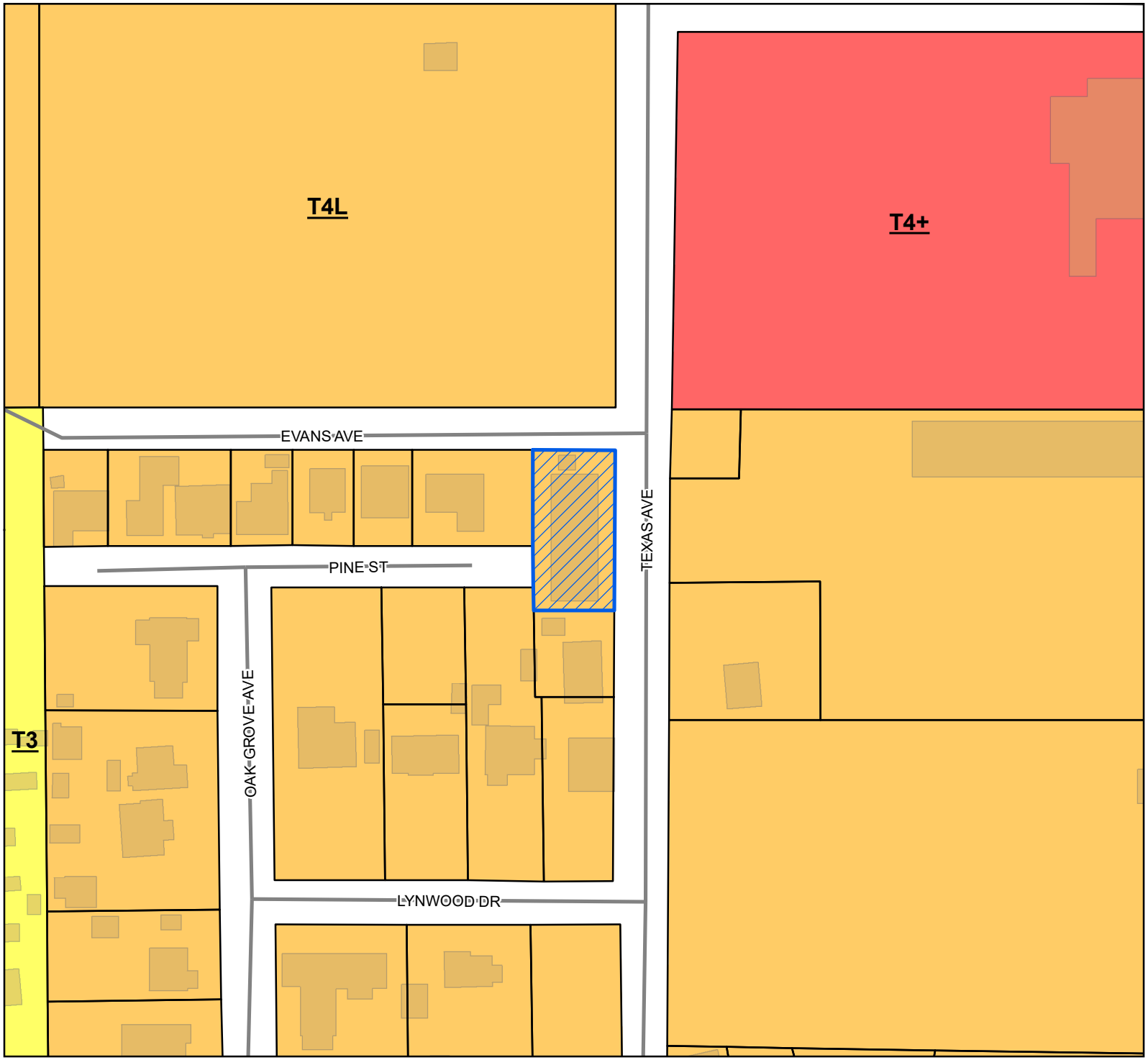
DIRECTOR APPROVAL

This report has been reviewed and approved by:

Greg Holmes
Director of Urban Development Department

2306ZB067

Variance



Site
Street
Parcels
Buildings

Smart Code

T4+
T4L
T3

Site Information

0911B-01-012.000
Zoning: T4L (General Urban Zone "Limited")
Size: 6840 Sqft
Flood: X

0 10 20 30
Yards

1 inch = 100 feet

N
W E
S

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

Case Number
2306ZB067

Zoning Board of Adjustments and Appeals Application

REQUESTED ACTION BY THE ZONING BOARD OF ADJUSTMENTS AND APPEALS

(A separate submission form is required for each request):

	Appeal of Planning Administrator
	Excessive Height
	Fence Variance
	Special Exception
X	**Variance**

Tax Parcel Numbers

6911B-01-012.000	- - .
- - .	- - .
- - .	- - .

Property Address: 457 Texas Avenue, Gulfport, MS 39507
Lot(s) 1, 2, 3, Block(s) One (1), Subdivision East Lynwood Place

General Description of Request: (X) Asking for permission to deviate from parking location requirements

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. We can only accept applications with original signatures.

OWNER	AGENT
4 the love of freedom, LLC	
Printed Name of Owner	Printed Name of Agent
2400 Cypress Ave.	
Mailing Address	Mailing Address
Gulfport, MS 39501	
City State Zip code	City State Zip code
228.669.4443	
Home Phone Work/Cell Phone	Home Phone Work/Cell Phone
4mbfreedom@gmail.com	
Email	Email
Signature of Owner	Signature of Agent

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. We can only accept applications with *original signatures.*

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) 4 The love of freedom, LLC

ADDRESS (STREET, CITY, STATE, ZIP CODE 457 Texas Avenue, Gulfport, MS 39507

PHONE # (H) 228.669.4443(C) (WK/CELL)

TAX PARCEL NUMBER(S) OWNED 0911B-01-012.000

SIGNATURE: Maria. Barber, Managing Member

NAME OF OWNER (PRINT)

ADDRESS (STREET, CITY, STATE, ZIP CODE

PHONE # (H) (WK/CELL)

TAX PARCEL NUMBER(S) OWNED

SIGNATURE:

NAME OF OWNER (PRINT)

ADDRESS (STREET, CITY, STATE, ZIP CODE

PHONE # (H) (WK/CELL)

TAX PARCEL NUMBER(S) OWNED

SIGNATURE:

Important Notice

1. Please be advised that failure to submit a complete application, with all supporting documents, could **delay your hearing date**. The Zoning Board will not consider a request until all information is submitted and accurate.

2. Please be advised that the application deadline dates posted are designed to allow the staff time to review the application and receive required comments from coordinating agencies. The application is not considered complete until all required information from the applicant is available for review by the staff and coordinating agencies.

3. **The following supplement pages are required per application type. Select one of the following:**

- ☐ Appeal of Planning Administrator (see page 4)
- ☐ Excessive Height (see page 5)
- ☐ Fence Variance (see page 6)
- ☐ Special Exception (see page 7)
- ☑ Variance (see page 8) (3)

4. All ☑ will need to be ***initialed by applicant*** with required documentation before application can be accepted.

Submission Requirements

☑ **Page one of this application,** completed and signed.

☑ **Site plan.** Please note that approval of your request, in part, is based on your site plan.

- The property lines and dimensions have been provided on the drawing.
- All buildings and structures located on the property have been identified.
- All dimensions of buildings and structures have been noted on the site plan.
- All distances from the property lines to all the buildings and structures have been identified and noted on the site plan.
- Street names have been provided which abut the property.
- Traffic flow, parking and driveways have been identified.
- If required buffer strips have been identified
- Other pertinent information as needed to pictorially demonstrate the proposed development/use.

☑ **Proof of ownership** (Copy of deed i.e., Warranty Deed or Quitclaim Deed)

☐ If applicable, notarized proof of **authority to act as agent** for owner (board resolution, etc.) (see page 9)

The City of Gulfport Planning Division Staff will notify, by letter, property owners adjacent to the requested action identified in this application using the Land Roll database from the County Tax Office. If you would like to have additional persons or property owners notified, please provide a list of **additional persons to be notified.**

☑ An **affidavit** stating the request is not in violation of restrictive or protective covenants. (see page 10)

☑ **Cash or check** payable to the City of Gulfport in the amount of **$75.00**.

☑ **I the owner/agent acknowledge this is a complete application**

Variance Submissions

N/A MB

AMB

☐ **Answer the following six questions** individually and thoroughly as a separate 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?)

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.)

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?)

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.)

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?)

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.

Covenant Affidavit

I, AMelore of Freedom, LLC, being owner or agent of the property 457 Texas Ave. Gulfport, MS 39507

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.

M. G. Bowlan, M.M. — 5.4.2023

Signature — *Date*

STATE OF MISSISSIPPI | COUNTY OF HARRISON

Given under my hand and seal of office this the 4th day of May, 20 23

Leslie Ervin

Notary Public

STATE OF MISSISSIPPI NOTARY PUBLIC ID # 290631 LESLIE ERVIN Commission Expires April 19, 2025 HARRISON COUNTY

April 19, 2025

Commission Expiration

Michael Watson
SECRETARY OF STATE

This is not an official certificate of good standing.

Name History

Name	Name Type
4theloveoffreedom,LLC	Legal

Business Information

Business Type:	Limited Liability Company
Business ID:	1271342
Status:	Good Standing
Effective Date:	04/08/2021
State of Incorporation:	Mississippi
Principal Office Address:	2400 CYPRESS AVE GULFPORT, MS 39506

Registered Agent

Name

Maria A. Barberee
2400 Cypress Avenue
Gulfport, MS 39506

Officers & Directors

Name	Title
Maria Anice Barberee PO Box 7043 Gulfport, MS 39506	Manager

1. The property/structure was never properly permitted back in the 1960's for duplex use. I am asking for a variance of the property due to this hardship because the front setback requirements and lot size requirement do not meet the minimum lot requirement.

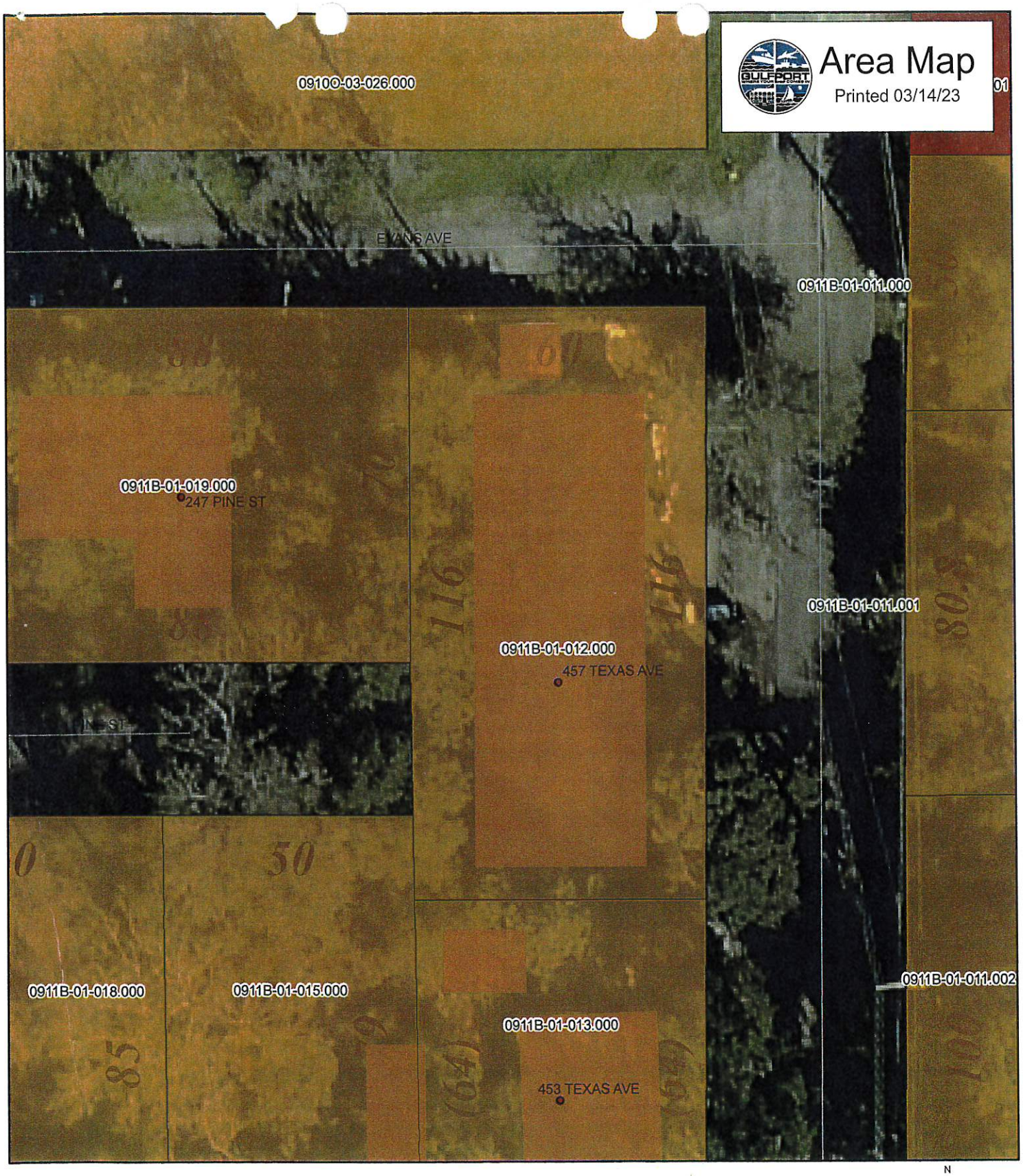
2. I am asking this permission in variances because when I purchased the property, I was not aware that the property was not permitted at the time it was built (circa 1960's).

3. The present hardship is because the property has a 14' setback from the road & holds the setback for proper parking dimensions presently required.

4. I cannot make the property aesthetically pleasing to the community without the proper non-conforming permits that are needed. I'm having to bring the non-conforming of the property to conformity through the process of allowed variances.

5. I am not asking for anymore special privilege's that any other owner would require when inheriting a property that was not properly permitted.

6. The zoning is T4L & is allowed for duplex use.



N
W E
S

1 inch = 25 feet

- Addresspoints
- Minor/Residential
- WaterFeatures
- Parcels

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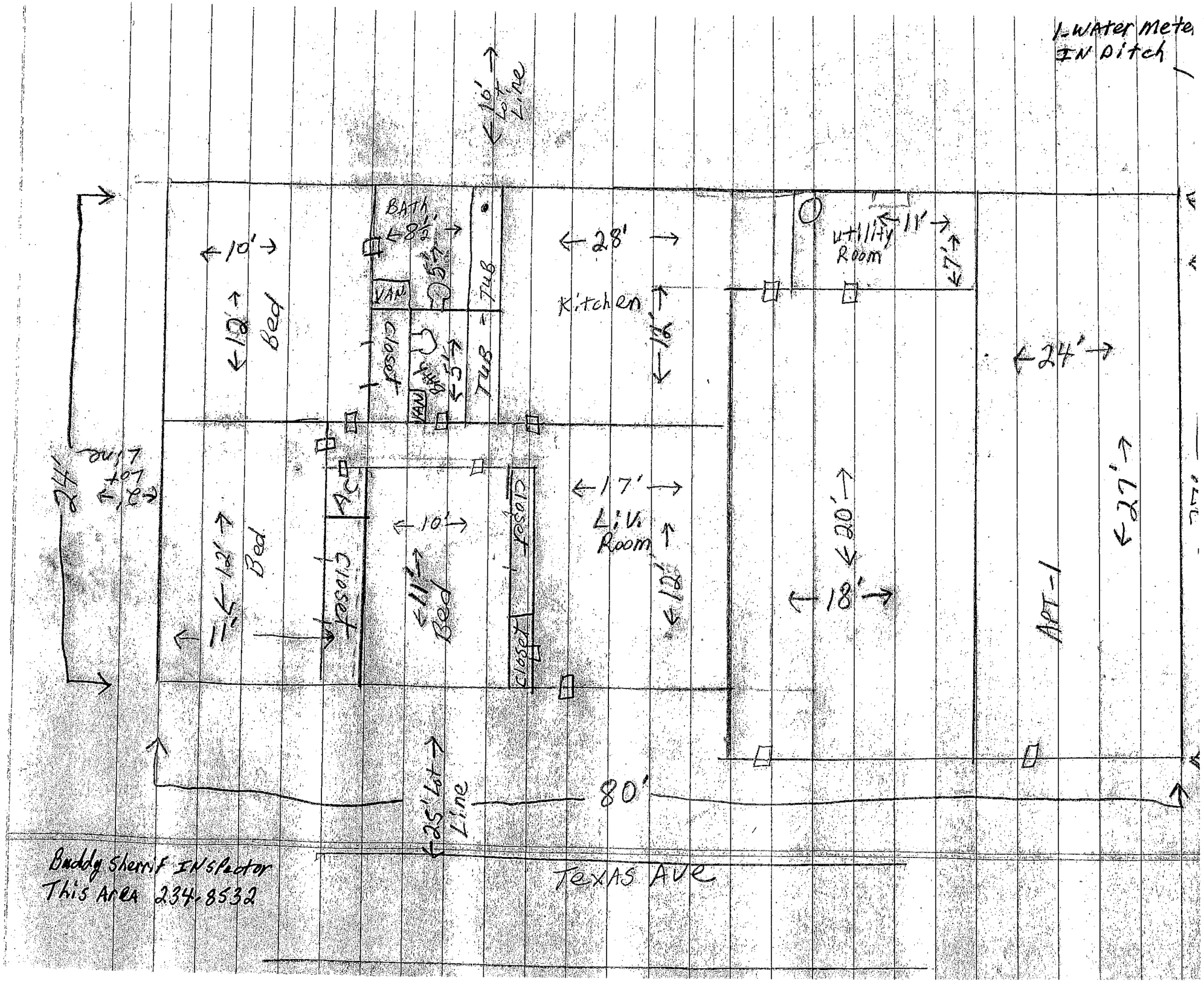
1-water meter
IN ditch
16' Lot Line
BATH
8½'
5½'
VAN
TUB
Closet
Bath
5'
TUB
10'
12'
Bed
28'
Kitchen
16'
Utility Room
11'
7'
24'
24'
Bed
12'
11'
Closet
Closet
Closet
10'
11'
Bed
17'
Liv. Room
12'
20'
18'
27'
APT-1
25' Lot Line
80'
TEXAS AVE
Buddy Sherrif INSpector
This Area 234-8532

1st JUDICIAL DISTRICT
Instrument 2022-0030430-D-J1
Filed/Recorded 12/27/2022 12:12:01 PM
Total Fees 28.00
7 Pages Recorded

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

Grantor:
The Estate of Lemon Mendall Williams, III
10206 Humphreys Green Dr.
Areola, TX 77583
(228) 313-4245

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

Grantee:
4theloveoffreedom, LLC,
a Mississippi limited liability company
2400 Cypress Ave.
Gulfport, MS 39506
(228) 669-4443

File No. Z221930S

INDEXING INSTRUCTIONS: **A parcel of land situated in Sec. 1, T8S, R11W, 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, **The Estate of Lemon Mendall Williams, III,** does hereby sell, convey and warrant unto **4theloveoffreedom, 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:

Legal Description attached hereto as Exhibit "A"

This being the same property as that conveyed to Lisa Renee Taylor Williams and Lemon Mendall Williams, by Life Estate Warranty Deed recorded in Instrument No. 2005-21651-D-J1, 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) quitclaims 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.

This conveyance is subject to any and all outstanding tax liens of the deceased, Lemon Mendall Williams, III, including but not limited to those certain Federal Tax liens identified as Serial No. 926691613, Serial No. 951311013, Serial No. 353201919, totaling the amount of $51,010.16.

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.

The order approving sale is attached hereto as Exhibit "B".

Proof of Death for Lisa Renee Taylor Williams is attached hereto as Exhibit "C".

WITNESS MY SIGNATURE, on this the 8th day of December, 2022.

The Estate of Lemon Mendall Williams, III

Diane Newman

By: Diane Newman, Administratrix

CORPORATE ACKNOWLEDGMENT

STATE OF Texas
COUNTY OF Brazoria

PERSONALLY APPEARED BEFORE ME, the undersigned authority in and for the jurisdiction aforesaid, the within named **Diane Newman** the duly appointed Administratrix of **The Estate of Lemon Mendall Williams, III**, who acknowledged before me that she signed, executed and delivered the above and foregoing instrument on the day and year thereof, for the use and purposes therein mentioned, for and on behalf of the aforesaid The Estate of Lemon Mendall Williams, III, after first having been duly authorized so to do.

GIVEN UNDER MY HAND AND OFFICIAL SEAL, on this the 8th day of December, 2022.

(AFFIX SEAL)

CYNTHIA G. HENDRICKS NOTARY PUBLIC STATE OF TEXAS ID # 133929668 EXPIRES 08-18-2026

Cynthia G Hendricks
NOTARY PUBLIC

My commission expires: 08/18/2026

Exhibit "A"

Legal Description

A parcel of land situated and being located in Section 1, Township 8 South, Range 11 West, City of Gulfport, First Judicial District of Harrison County, Mississippi: and being more particularly described as follows: For the Point of Beginning, Commence at the Northeast corner of Lot one (1), Block One (1), EAST LYNWOOD PLACE (now vacated), said point being located at the intersection of the South margin of Evans Street (formerly Section Line Road) with the West margin or Texas Avenue (formerly Texas Street); thence run South a distance of 116.0 feet along the West margin of Texas Avenue; thence run South 89 degrees 57 minutes 15 seconds West a distance of 60.0 feet; thence run North a distance of 116.0 feet to the South margin of Evans Street; thence run North 89 degrees 57 minutes 15 seconds East a distance of 60.0 feet along the South margin of Evans Street, to the said Point of Beginning. Said parcel of land contains 0.160 acres, more or less; and being part of Lots One (1), Two (2), and Three (3), Block One (1), EAST LYNWOOD PLACE (now vacated), on file in the office of Chancery Clerk of the First Judicial District of Harrison County, Mississippi.

Said tract also being the same tract as formerly described in Warranty Deed Book 1198, Pages 613-615, on file in the office of the Chancery Clerk of the First Judicial District of Harrison County, Mississippi.

The North Five (5) feet of the above described parcel of land is subject to an Easement for Drainage and Utilities.

Unofficial Copy

Maria A. Barberee, M.M.
4thelove of freedom, LLC,
a Mississippi limited liability company
By: Maria Anice Barberee, Managing Member

12/9/22
Date

Exhibit "B"

FILED
NOV 15 2022
John McAdams Chancery Clerk
By [signature] D.C.

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

IN THE MATTER OF THE ESTATE
OF LEMON MENDALL WILLIAMS, III, DECEASED

CAUSE NO.: 20-303(4)

DIANE NEWMAN ADMINISTRATRIX/PETITIONER

AMENDED ORDER

This cause having come on to be heard on this day on the Motion of Diane Newman, Administratrix, for approval of the sale of real estate owned by the Decedent at the time of his death, and the instant Amended Order is meant to correct the previously entered Order dated and filed on November 2, 2022 in this matter, and the Court having read and considered said Motion filed herein, and being duly advised in the premises, finds as follows:

1. That LEMON MENDALL WILLIAMS, III, a late resident of Gulfport, Mississippi, departed this life intestate on or about December 14, 2019. That Administratrix was appointed by this Court, and that Letters of Administration were issued to her on May 11, 2020.

2. That Decedent's Estate owns real property located at 457 Texas Avenue, Gulfport, MS 39507, Parcel # 0911B-01-012.000, and that there is an offer to purchase said real property for $16,500.00, wherein the contract was attached to the filed Motion.

3. The legal description for said property is as follows:

> A parcel of land situated and being located in Section 1, Township 8 South, Range 11 West, City of Gulfport, First Judicial District of Harrison County, Mississippi; and being more particularly described as follows: For the Point of Beginning, Commence a the Northeast corner of Lot One (1), Block One (1), EAST LYNWOOD PLACE (now vacated), said point being located at the intersection of the South margin of Evans Street (formerly Section Line Road) with the West margin of Texas Avenue (formerly Texas Street); thence run South a distance of 116.0 feet along the West margin of Texas Avenue; thence run South 89 degrees 57 minutes 15 seconds West a distance of 60.0 feet; thence run North a distance of 116.0 feet to the South margin of Evans Street; thence run North 89 degrees 57 minutes 15 seconds East a distance of 60.0 feet along

the South margin of Evans Street, to the said Point of Beginning. Said parcel of land contains 0.160 acres, more or less; and being part of Lots One (1), Two (2), and Three (3), Block One (1), EAST LYNWOOD PLACE (now vacated), on file in the office of Chancery Clerk of the First Judicial District of Harrison County, Mississippi.

Said tract also being the same tract as formerly described in Warranty Deed Book 1198, Pages 613-615, on file in the office of the Chancery Clerk of the First Judicial District of Harrison County, Mississippi.

The North Five (5) feet of the above described parcel of land is subject to an Easement for Drainage and Utilities.

4. That Administratrix believes that this is a fair and reasonable offer to purchase the property and the offer meets the fair market value of the property.

5. That Administratrix's Motion for Authority to Sell Real estate is well-taken and shall be granted.

IT IS THEREFORE:

ORDERED AND ADJUDGED that Administratrix is authorized, pursuant to Miss. Code Ann. § 91-7-187, to sell Decedent's interest in the property located at 457 Texas Avenue, Gulfport, MS 39507, Parcel # 0911B-01-012.000, with the legal description described herein, and Administratrix is hereby authorized to execute all documents necessary to effectuate said sale, and after payment of any fees associated with the closing, the attorney for the Estate shall deposit said any net proceeds into the registry of the Court for the benefit of said Estate until further Order of the Court.

SO ORDERED AND ADJUDGED, this the 15 day of Nov, 2022.

CHANCELLOR

Prepared By:
MARK V. WATTS, MS BAR 102204
HORNSBY WATTS, PLLC
1025 HOWARD AVENUE
BILOXI, MISSISSIPPI 39530
TELEPHONE: (228) 207-2990
FACSIMILE (866) 271-4393

A TRUE COPY
JOHN McADAMS
Chancery Court Clerk
Harrison County, Miss.
1st Judicial District
By D.C.
CHANCERY COURT of HARRISON COUNTY * MISSISSIPPI *

Exhibit "C"

Unofficial

Search by Name

Lisa Williams

Send Flowers

Share

FUNERAL HOME

Riemann Family Funeral Homes - Gulfport
11280 Three Rivers Road
Gulfport, MS

RECORDS

View more records for Williams on Ancestry.com®

Sponsored

LISA WILLIAMS OBITUARY

Lisa Taylor Williams

1960-2012

Gulfport

1st JUDICIAL DISTRICT
Instrument 2022-0030430-D-J1
Filed/Recorded 12/27/2022 12:12:01 PM
Total Fees 28.00
7 Pages Recorded

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

Grantor:
The Estate of Lemon Mendall Williams, III
10206 Humphreys Green Dr.
Areola, TX 77583
(228) 313-4245

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

Grantee:
4theloveoffreedom, LLC,
a Mississippi limited liability company
2400 Cypress Ave.
Gulfport, MS 39506
(228) 669-4443

File No. Z221930S

INDEXING INSTRUCTIONS: **A parcel of land situated in Sec. 1, T8S, R11W, 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, **The Estate of Lemon Mendall Williams, III**, does hereby sell, convey and warrant unto **4theloveoffreedom, 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:

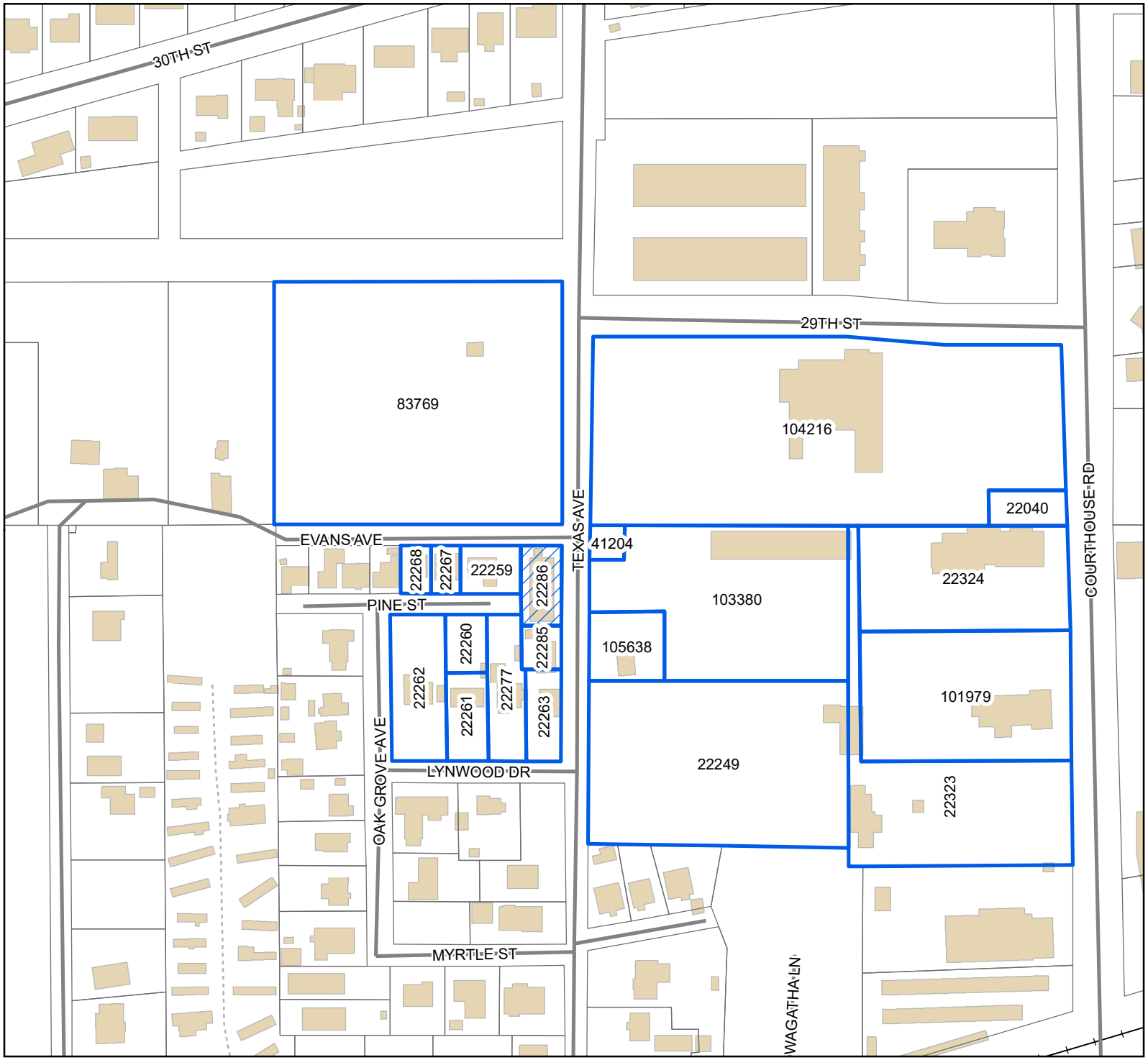
Legal Description attached hereto as Exhibit "A"

This being the same property as that conveyed to Lisa Renee Taylor Williams and Lemon Mendall Williams, by Life Estate Warranty Deed recorded in Instrument No. 2005-21651-D-J1, Land Deed Records of Harrison County, Mississippi.

Mail	PPIN	Parcel ID	Name	Address	City	State	ZIP
Y			4THELOVEOFFREEDOM,LLC(OWNER)	2400 CYPRESS AVE	GULFPORT	MS	39501
			Adjacent Property Owners(2306ZB067)				
	22267	0911B-01-020.000	MITCHELL HILDA RAE CHAFFIN -L/E-	245 PINE ST	GULFPORT	MS	39507
	22286	0911B-01-012.000	WILLIAMS LEMON MENDALL -ESTATE-	457 TEXAS AVE	GULFPORT	MS	39507
	22268	0911B-01-021.000	KT HOMES LLC	P O BOX 972	FREDERICK	CO	80504
	105638	0911B-01-011.002	KOTSAKOS JAMES C SR	452 TEXAS AVE	GULFPORT	MS	39507
	22277	0911B-01-015.000	BOB'S CONTRACTING SERVICES INC DBA	4851 FALCON DR	FREDERICK	CO	80504
	22261	0911B-01-016.000	HIGDON JO LYNN	P O BOX 6428	GULFPORT	MS	39506
	22249	0911B-01-010.000	BOB FALER LLC	205 CAMPBELL RD	COLLINS	MS	39428
	22259	0911B-01-019.000	WALLEN DALE L	3204 17TH ST	GULFPORT	MS	39501
	22323	0911B-01-003.000	BOB FALER LLC	PO BOX 1058	COLLINS	MS	39428
	22324	0911B-01-001.000	YE LAN QING & JIANG DIAN MING	4493 COURTHOUSE RD	GULFPORT	MS	39507
	22262	0911B-01-017.000	SMITH RANDI MICHELLE & H ADAM	452 OAK GROVE AV	GULFPORT	MS	39507
	101979	0911B-01-003.001	FALER BOB	103 MAIN ST	COLLINS	MS	39428
	22263	0911B-01-014.000	RACE CODY D & ANDREA SUE	255 LYNWOOD DR	GULFPORT	MS	39507
	104216	0910O-03-023.001	UNITED STATES POSTAL SERVICE	4000 DEKALB TECH PARKWAY	ATLANTA	GA	30340
	22285	0911B-01-013.000	HERRIN JEANNIE L	453 TEXAS AVE	GULFPORT	MS	39507

2306ZB067

Variance



Legend

- Site
- Adjacent Properties
- Street
- Alley
- Railroad
- Buildings

0 30 60 90
Yards

1 inch = 200 feet

N
W E
S

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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:
IPL0124410
Order Status:
Submitted
Classification:
Legals & Public Notices
Package:
BLX - Legal Ads
Final Cost:
58.24
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
May 24, 2023 2:02:20 PM EDT
Amount:
58.24

SCHEDULE FOR AD NUMBER IPL01244100

May 31, 2023
SunHerald (Biloxi)

PREVIEW FOR AD NUMBER IPL01244100

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 P.M., Thursday, June 15, 2023 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 2306ZB062, by agent Garlon Pemberton, is seeking approval for a 1.5-foot (18-inch) side setback where 8 feet is required, Tax Parcel 1010D-01-008.004, 8813 Lorraine Rd, Zoned R-B (Residence-business), Ward 4

Variance 2306ZB065, by owner 4TheLoveofFreedom, LLC, is seeking approval of a gravel driveway where asphalt or concrete is required, Tax Parcel 0911B-01-012.000, 457 Texas Avenue, Zoned T4L (General Urban Zone "Limited"), Ward 4

Variance 2306ZB066, by owner 4TheLoveofFreedom, LLC, is seeking approval for a 12-foot front setback where 15 feet is required, Tax Parcels 0911B-01-012.000, Zoned T4L (General Urban Zone "Limited"), Ward 4

Variance 2306ZB067, by owner 4TheLoveofFreedom, LLC, is seeking permission to deviate from parking location requirements, Tax Parcel 0911B-01-012.000, Zoned T4L (General Urban Zone "Limited"), Ward 4

Variance 2306ZB068, by owner 4TheLoveofFreedom, LLC, is seeking approval to deviate from minimum lot size requirements, Tax Parcel 0911B-01-012.000, Zoned T4L (General Urban Zone "Limited"), Ward 4

This the 24th day of May 2023
A. Leslie North, Chairman
City of Gulfport Zoning Board of Adjustment and Appeals
W00000000
Publication Dates

<< Click here to print a printer friendly version >>

McCLATCHY

Beaufort Gazette
Belleville News-Democrat
Bellingham Herald
Bradenton Herald
Centre Daily Times
Charlotte Observer
Columbus Ledger-Enquirer
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The Herald - Rock Hill
Herald Sun - Durham
Idaho Statesman
Island Packet
Kansas City Star
Lexington Herald-Leader
Merced Sun-Star
Miami Herald
el Nuevo Herald - Miami
Modesto Bee
Raleigh News & Observer
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Fort Worth Star-Telegram
The State - Columbia
Sun Herald - Biloxi
Sun News - Myrtle Beach
The News Tribune Tacoma
The Telegraph - Macon
San Luis Obispo Tribune
Tri-City Herald
Wichita Eagle

AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Amount	Cols	Depth
36845	425592	Print Legal Ad-IPL01244100 - IPL0124410		$58.24	2	37 L

Attention: Matilda Welch

GULFPORT URBAN DEVELOPMENT
PO BOX 1780
GULFPORT, MS 39502

accountspayable@gulfport-ms.gov

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 P.M., Thursday, June 15, 2023 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 2306ZB062, by agent Garlon Pemberton, is seeking approval for a 1.5-foot (18-inch) side setback where 8 feet is required, Tax Parcel 1010D-01-008.004, 8813 Lorraine Rd, Zoned R-B (Residence-business), Ward 4

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This the 24th day of May 2023
A. Leslie North, Chairman
City of Gulfport Zoning Board of Adjustment and Appeals
IPL0124410
May 31 2023

STATE OF MISSISSIPPI
COUNTY OF HARRISON

Before me, the undersigned Notary of Dallas County, Texas personally appeared Stefani Beard, who, being by me first duly sworn, did depose and say that she is a clerk of The Sun Herald, a daily newspaper published in the city of Gulfport, in Harrison County, Mississippi and the publication of the notice, a copy of which is hereto attached, has been made in said paper in the issue(s) of:

1 insertion(s) published on:
05/31/23

Affidavit further states on oath that said newspaper has been established and published continuously in said county for a period of more than twelve months next prior to the first publication of said notice.

Stefani Beard

Sworn to and subscribed before me this 5th day of June in the year of 2023

Stephanie Hatcher

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

STEPHANIE HATCHER
My Notary ID # 133534406
Expires January 14, 2026

Extra charge for lost or duplicate affidavits.
Legal document please do not destroy!

MEMORANDUM

To: City of Gulfport Zoning Board of Adjustment and Appeals

From: Su-Lin Featherston, Planning Administrator
Urban Development Department

Date of Hearing: June 15, 2023

Re: <u>Variance 2306ZB068:</u>

Variance 2306ZB068, by owner 4TheLoveofFreedom,LLC, is seeking approval to deviate from minimum lot size requirements, Tax Parcel 0911B-01-012.000, Zoned T4L (General Urban Zone "Limited"), Ward 4

Technical Report

VARIANCE

GENERAL INFORMATION

Case File Number: 2306ZB068

Hearing Date: June 15, 2023

Current Zoning/Use: T4L / Two Family Dwelling

Legal: Variance 2306ZB068, by owner 4TheLoveofFreedom, LLC, is seeking approval to deviate from minimum lot size requirements, Tax Parcel 0911B-01-012.000, Zoned T4L (General Urban Zone "Limited"), 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 is seeking approval for a variance allowing for a lot size smaller than what is required for a T4L zoning district.

(a) The primary structure was built in the 1960's and, according to the applicant, was never permitted for duplex use. Upon staff review the earliest permit for the property was in 2013 for residential alterations for replacing windows and doors. Permit number 201301851.
(b) Applicant claims when they purchased the property they were not aware that the site was not permitted. The property was initially built as a single family home and later was converted to a duplex use without pulling permits.
(c) Applicant states the hardship is due to the property having a shorter setback than what is allowed and "holds the setback for proper parking dimensions presently required." Applicant is wanting to use the property as a duplex use. As the use was changed from single family housing to two-family housing without pulling permits, there is no guarantee that the duplex use meets building code standards.
(d) Applicant states that they "cannot make the property aesthetically pleasing to the community without the proper non-conforming permits that are needed." Applicant is seeking to remodel a property with a non-permitted duplex use and requires variances to bring the property to conformity.
(e) The applicant claims that they will not be receiving any special privileges that others cannot receive. Neighboring properties do not meet the lot size requirements for a T4L zoning district.
(f) This property is zoned T4L, and a two family dwelling use is allowed by right.

EXECUTIVE SUMMARY

Upon staff review of the application, and the site map, the six hardship criteria had not been met, and the hardship stated does not meet merit. Applicant is seeking approval for a variance allowing for a lot size smaller than what is required. According to Harrison County Tax Rolls, the structure on site was built in the 1960's and predates current ordinances. Upon further staff review, Harrison County Tax Rolls show properties in the surrounding area were built around the same time period as the subject site. The applicant purchased the property and claims that they were not aware of its nonconforming status until trying to pull permits for the property. Applicant is wishing to use the property as a duplex use instead of the original single family home use. Upon staff review of the surrounding properties, neighboring structures appear to not meet minimum lot size requirements, and the property's current lot size would be in harmony with the surrounding community.

Any approval should consider these conditions:

1. Must meet all current building Codes and City of Gulfport Ordinances.
2. Approval allows for smaller lot size that the minimum lot size requirements for a T4L zoning district.

DEPARTMENTAL CONDITIONS

Engineering: No conditions. Memo dated 6/2/2023.

Technical Report
VARIANCE

Public Works:	No comment as of 6/5/2023.
Traffic and Safety:	No conditions. Memo dated 6/2/2023.
Building Code Services:	Must meet all current Building and City of Gulfport Ordinances. Memo dated 5/25/2023.
GIS:	No conditions. Memo dated 5/26/2023.
Police Department:	No comment as of 6/5/2023.
Fire Department:	No conditions. Memo dated 5/24/2023.
City Arborist:	No conditions. Memo dated 5/25/2023.

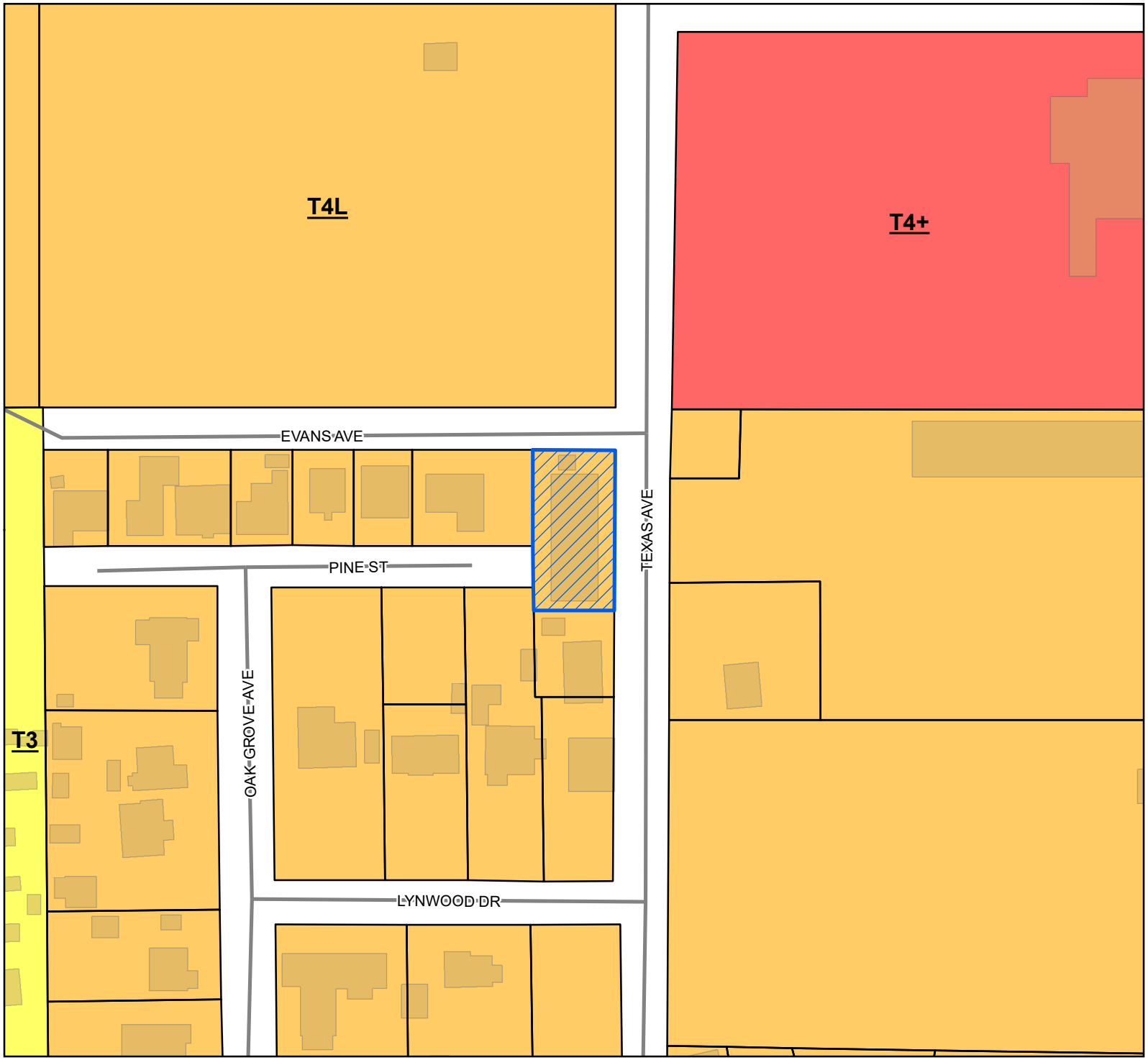
DIRECTOR APPROVAL

This report has been reviewed and approved by:

Greg Holmes
Director of Urban Development Department

2306ZB068

Variance



Site
Street
Parcels
Buildings

Smart Code

T4+
T4L
T3

Site Information

0911B-01-012.000
Zoning: T4L (General Urban Zone "Limited")
Size: 6840 Sqft
Flood: X

0 10 20 30
Yards

1 inch = 100 feet

N
W E
S

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

Case Number 2306ZB068

Zoning Board of Adjustments and Appeals Application

REQUESTED ACTION BY THE ZONING BOARD OF ADJUSTMENTS AND APPEALS

(A separate submission form is required for each request):

	Appeal of Planning Administrator
	Excessive Height
	Fence Variance
	Special Exception
X	**Variance**

Tax Parcel Numbers

0911B-01-012.000	- - .
- - .	- - .
- - .	- - .

Property Address: 457 Texas Avenue

Lot(s) 1, 2, 3, Block(s) One (1), Subdivision East Lynwood Place

General Description of Request: (*) Asking for variance that exceeds minimum lot requirement

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. We can only accept applications with original signatures.

OWNER	AGENT
4 The love of freedom, LLC	
Printed Name of Owner	Printed Name of Agent
2400 Cypress Avenue	
Mailing Address	Mailing Address
Gulfport MS 39501	
City State Zip code	City State Zip code
228. 669. 4443	
Home Phone Work/Cell Phone	Home Phone Work/Cell Phone
4mbfreedom@gmail.com	
Email	Email
Signature of Owner	Signature of Agent

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. We can only accept applications with *original signatures.*

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) 4 The love of freedom, LLC

ADDRESS (STREET, CITY, STATE, ZIP CODE 457 Texas Avenue, Gulfport, MS 39507

PHONE # (H) 228. 669. 4443 (WK/CELL)

TAX PARCEL NUMBER(S) OWNED 0911 B-01-012.000

SIGNATURE: Maria A. Barberee, Managing Member

NAME OF OWNER (PRINT) Maria A. Barberee, Managing Member

ADDRESS (STREET, CITY, STATE, ZIP CODE

PHONE # (H) (WK/CELL)

TAX PARCEL NUMBER(S) OWNED

SIGNATURE:

NAME OF OWNER (PRINT)

ADDRESS (STREET, CITY, STATE, ZIP CODE

PHONE # (H) (WK/CELL)

TAX PARCEL NUMBER(S) OWNED

SIGNATURE:

Important Notice

1. Please be advised that failure to submit a complete application, with all supporting documents, could **delay your hearing date**. The Zoning Board will not consider a request until all information is submitted and accurate.

2. Please be advised that the application deadline dates posted are designed to allow the staff time to review the application and receive required comments from coordinating agencies. The application is not considered complete until all required information from the applicant is available for review by the staff and coordinating agencies.

3. **The following supplement pages are required per application type. Select one of the following:**

- ☐ Appeal of Planning Administrator (see page 4)
- ☐ Excessive Height (see page 5)
- ☐ Fence Variance (see page 6)
- ☐ Special Exception (see page 7)
- ☑ Variance (see page 8)

4. All ☑ will need to be ***initialed by applicant*** with required documentation before application can be accepted.

Submission Requirements

☑ **Page one of this application,** completed and signed.

☑ **Site plan.** Please note that approval of your request, in part, is based on your site plan.

- The property lines and dimensions have been provided on the drawing.
- All buildings and structures located on the property have been identified.
- All dimensions of buildings and structures have been noted on the site plan.
- All distances from the property lines to all the buildings and structures have been identified and noted on the site plan.
- Street names have been provided which abut the property.
- Traffic flow, parking and driveways have been identified.
- If required buffer strips have been identified
- Other pertinent information as needed to pictorially demonstrate the proposed development/use.

☑ **Proof of ownership** (Copy of deed i.e., Warranty Deed or Quitclaim Deed)

☐ If applicable, notarized proof of **authority to act as agent** for owner (board resolution, etc.) (see page 9)

The City of Gulfport Planning Division Staff will notify, by letter, property owners adjacent to the requested action identified in this application using the Land Roll database from the County Tax Office. If you would like to have additional persons or property owners notified, please provide a list of **additional persons to be notified.**

☑ An **affidavit** stating the request is not in violation of restrictive or protective covenants. (see page 10)

☑ **Cash or check** payable to the City of Gulfport in the amount of **$75.00**.

☑ **I the owner/agent acknowledge this is a complete application**

Variance Submissions

MAB

☑ **Answer the following six questions** individually and thoroughly as a separate 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?)

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.)

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?)

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.)

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?)

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.

Gulfport MISSISSIPPI ONE COAST

Covenant Affidavit

I, Marin A. Barberee, being owner or agent of the property 457 Texas Avenue, Gulf. MS 39507

PRINT NAME Managing Owner 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.

Marin A. Barberee, M.M. Revised May 4, 2023

Signature *Date*

STATE OF MISSISSIPPI | COUNTY OF HARRISON

Given under my hand and seal of office this the 4th day of May, 20 23

Leslie Ervin

Notary Public

STATE OF MISSISSIPPI NOTARY PUBLIC ID # 290631 LESLIE ERVIN Commission Expires April 19, 2025 HARRISON COUNTY

April 19, 2025

Commission Expiration

Michael Watson
SECRETARY OF STATE

This is not an official certificate of good standing.

Name History

Name	Name Type
4theloveoffreedom,LLC	Legal

Business Information

Business Type:	Limited Liability Company
Business ID:	1271342
Status:	Good Standing
Effective Date:	04/08/2021
State of Incorporation:	Mississippi
Principal Office Address:	2400 CYPRESS AVE GULFPORT, MS 39506

Registered Agent

Name

Maria A. Barberee
2400 Cypress Avenue
Gulfport, MS 39506

Officers & Directors

Name	Title
Maria Anice Barberee PO Box 7043 Gulfport, MS 39506	Manager

1. The property/structure was never properly permitted back in the 1960's for duplex use. I am asking for a variance of the property due to this hardship because the front setback requirements and lot size requirement do not meet the minimum lot requirement.

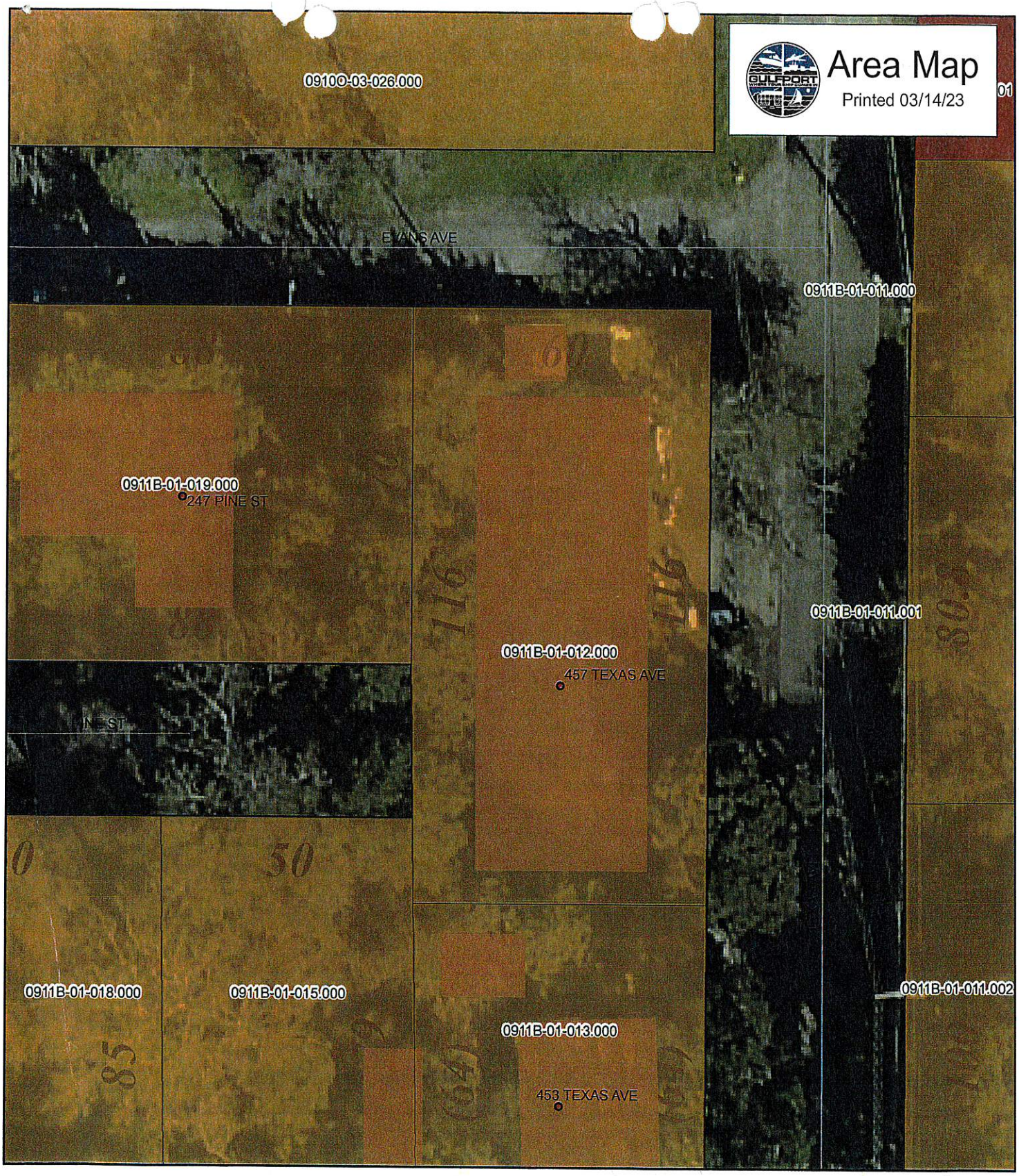
2. I am asking this permission in variances because when I purchased the property, I was not aware that the property was not permitted at the time it was built (circa 1960's).

3. The present hardship is because the property has a 14' setback from the road & holds the setback for proper parking dimensions presently required.

4. I cannot make the property aesthetically pleasing to the community without the proper non-conforming permits that are needed. I'm having to bring the non-conforming of the property to conformity through the process of allowed variances.

5. I am not asking for anymore special privilege's that any other owner would require when inheriting a property that was not properly permitted.

6. The zoning is T4L & is allowed for duplex use.



N
W E
S

1 inch = 25 feet

- Addresspoints
- Minor/Residential
- WaterFeatures
- Parcels

DATA DISCLAIMER:
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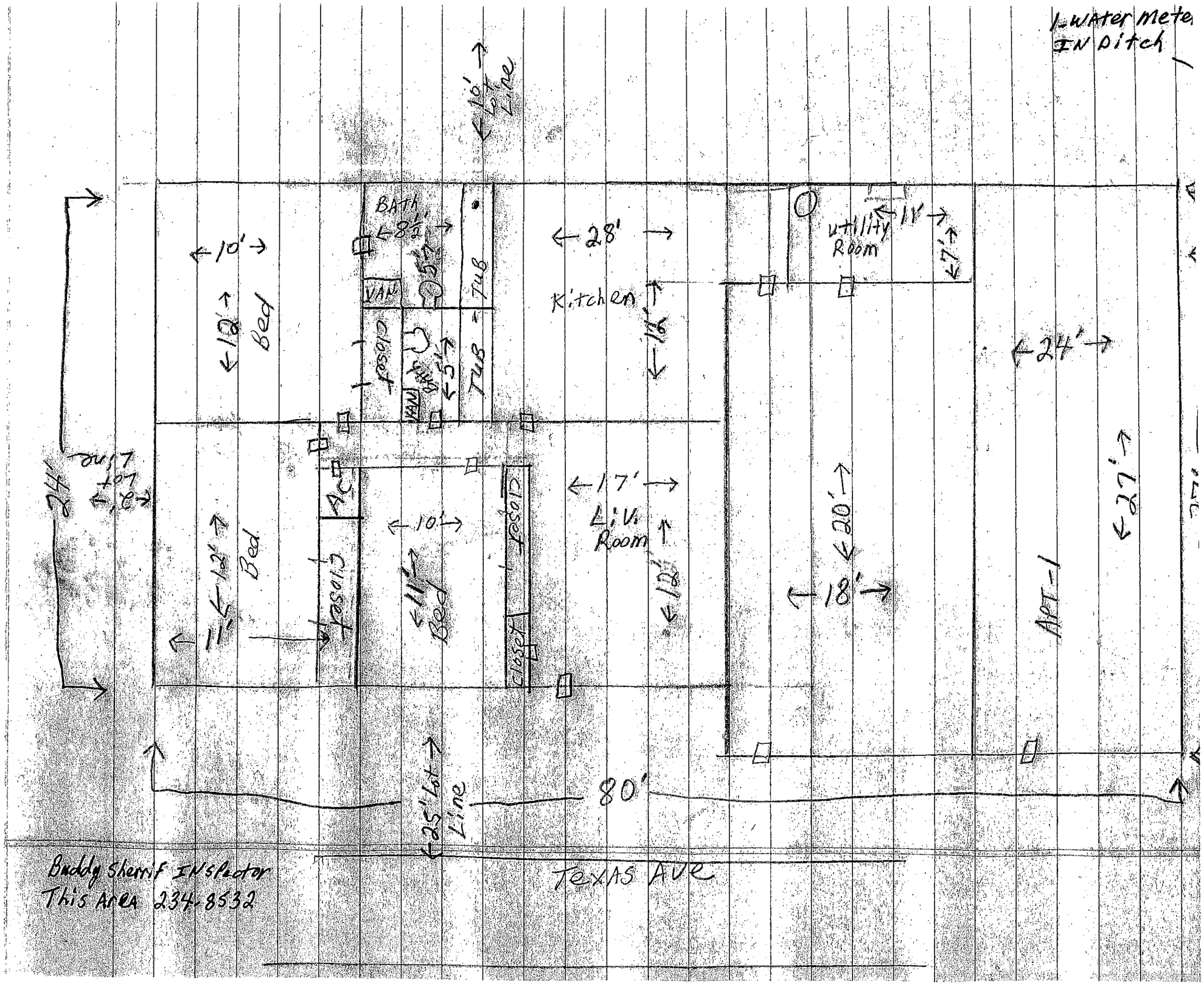

1 water meter
IN Ditch
10' Lot Line
BATH
8½'
10'
12'
Bed
VAN
closet
5½'
TUB
28'
Kitchen
16'
Utility Room
11'
7'
24'
24'
2'
10'
12'
Bed
11'
closet
closet
A/C
10'
17'
Liv. Room
12'
closet
Bed
20'
18'
APT-1
27'
25' Lot Line
80'
Buddy Sherrif Inspector
This Area 234-8532
Texas Ave

1st JUDICIAL DISTRICT
Instrument 2022-0030430-D-J1
Filed/Recorded 12/27/2022 12:12:01 PM
Total Fees 28.00
7 Pages Recorded

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

Grantor:
The Estate of Lemon Mendall Williams, III
10206 Humphreys Green Dr.
Areola, TX 77583
(228) 313-4245

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

Grantee:
4theloveoffreedom, LLC,
a Mississippi limited liability company
2400 Cypress Ave.
Gulfport, MS 39506
(228) 669-4443

File No. Z221930S

INDEXING INSTRUCTIONS: **A parcel of land situated in Sec. 1, T8S, R11W, 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, **The Estate of Lemon Mendall Williams, III**, does hereby sell, convey and warrant unto **4theloveoffreedom, 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:

Legal Description attached hereto as Exhibit "A"

This being the same property as that conveyed to Lisa Renee Taylor Williams and Lemon Mendall Williams, by Life Estate Warranty Deed recorded in Instrument No. 2005-21651-D-J1, Land Deed Records of Harrison County, Mississippi.

Unofficial

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) quitclaims 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.

This conveyance is subject to any and all outstanding tax liens of the deceased, Lemon Mendall Williams, III, including but not limited to those certain Federal Tax liens identified as Serial No. 926691613, Serial No. 951311013, Serial No. 353201919, totaling the amount of $51,010.16.

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.

The order approving sale is attached hereto as Exhibit "B".

Proof of Death for Lisa Renee Taylor Williams is attached hereto as Exhibit "C".

WITNESS MY SIGNATURE, on this the 8th day of December, 2022.

The Estate of Lemon Mendall Williams, III

Diane Newman

By: Diane Newman, Administratrix

CORPORATE ACKNOWLEDGMENT

STATE OF Texas
COUNTY OF Brazoria

PERSONALLY APPEARED BEFORE ME, the undersigned authority in and for the jurisdiction aforesaid, the within named **Diane Newman** the duly appointed Administratrix of **The Estate of Lemon Mendall Williams, III**, who acknowledged before me that she signed, executed and delivered the above and foregoing instrument on the day and year thereof, for the use and purposes therein mentioned, for and on behalf of the aforesaid The Estate of Lemon Mendall Williams, III, after first having been duly authorized so to do.

GIVEN UNDER MY HAND AND OFFICIAL SEAL, on this the 8th day of December, 2022.

(AFFIX SEAL)

CYNTHIA G. HENDRICKS NOTARY PUBLIC STATE OF TEXAS ID # 133929688 EXPIRES 08-18-2026

Cynthia G Hendricks
NOTARY PUBLIC

My commission expires: 08/18/2026

Exhibit "A"

Legal Description

A parcel of land situated and being located in Section 1, Township 8 South, Range 11 West, City of Gulfport, First Judicial District of Harrison County, Mississippi: and being more particularly described as follows: For the Point of Beginning, Commence at the Northeast corner of Lot one (1), Block One (1), EAST LYNWOOD PLACE (now vacated), said point being located at the intersection of the South margin of Evans Street (formerly Section Line Road) with the West margin or Texas Avenue (formerly Texas Street); thence run South a distance of 116.0 feet along the West margin of Texas Avenue; thence run South 89 degrees 57 minutes 15 seconds West a distance of 60.0 feet; thence run North a distance of 116.0 feet to the South margin of Evans Street; thence run North 89 degrees 57 minutes 15 seconds East a distance of 60.0 feet along the South margin of Evans Street, to the said Point of Beginning. Said parcel of land contains 0.160 acres, more or less; and being part of Lots One (1), Two (2), and Three (3), Block One (1), EAST LYNWOOD PLACE (now vacated), on file in the office of Chancery Clerk of the First Judicial District of Harrison County, Mississippi.

Said tract also being the same tract as formerly described in Warranty Deed Book 1198, Pages 613-615, on file in the office of the Chancery Clerk of the First Judicial District of Harrison County, Mississippi.

The North Five (5) feet of the above described parcel of land is subject to an Easement for Drainage and Utilities.

Unofficial

Maria A. Barberee, M.M.
4thelove offreedom, LLC,
a Mississippi limited liability company
By: Maria Anice Barberee, Managing Member

12/9/22
Date

Exhibit "B"

FILED
NOV 15 2022
John McAdams Chancery Clerk
By Ula Brown D.C.

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

IN THE MATTER OF THE ESTATE
OF LEMON MENDALL WILLIAMS, III, DECEASED

CAUSE NO.: 20-303(4)

DIANE NEWMAN ADMINISTRATRIX/PETITIONER

AMENDED ORDER

This cause having come on to be heard on this day on the Motion of Diane Newman, Administratrix, for approval of the sale of real estate owned by the Decedent at the time of his death, and the instant Amended Order is meant to correct the previously entered Order dated and filed on November 2, 2022 in this matter, and the Court having read and considered said Motion filed herein, and being duly advised in the premises, finds as follows:

1. That LEMON MENDALL WILLIAMS, III, a late resident of Gulfport, Mississippi, departed this life intestate on or about December 14, 2019. That Administratrix was appointed by this Court, and that Letters of Administration were issued to her on May 11, 2020.

2. That Decedent's Estate owns real property located at 457 Texas Avenue, Gulfport, MS 39507, Parcel # 0911B-01-012.000, and that there is an offer to purchase said real property for $16,500.00, wherein the contract was attached to the filed Motion.

3. The legal description for said property is as follows:

> A parcel of land situated and being located in Section 1, Township 8 South, Range 11 West, City of Gulfport, First Judicial District of Harrison County, Mississippi; and being more particularly described as follows: For the Point of Beginning, Commence a the Northeast corner of Lot One (1), Block One (1), EAST LYNWOOD PLACE (now vacated), said point being located at the intersection of the South margin of Evans Street (formerly Section Line Road) with the West margin of Texas Avenue (formerly Texas Street); thence run South a distance of 116.0 feet along the West margin of Texas Avenue; thence run South 89 degrees 57 minutes 15 seconds West a distance of 60.0 feet; thence run North a distance of 116.0 feet to the South margin of Evans Street; thence run North 89 degrees 57 minutes 15 seconds East a distance of 60.0 feet along

the South margin of Evans Street, to the said Point of Beginning. Said parcel of land contains 0.160 acres, more or less; and being part of Lots One (1), Two (2), and Three (3), Block One (1), EAST LYNWOOD PLACE (now vacated), on file in the office of Chancery Clerk of the First Judicial District of Harrison County, Mississippi.

Said tract also being the same tract as formerly described in Warranty Deed Book 1198, Pages 613-615, on file in the office of the Chancery Clerk of the First Judicial District of Harrison County, Mississippi.

The North Five (5) feet of the above described parcel of land is subject to an Easement for Drainage and Utilities.

4. That Administratrix believes that this is a fair and reasonable offer to purchase the property and the offer meets the fair market value of the property.

5. That Administratrix's Motion for Authority to Sell Real estate is well-taken and shall be granted.

IT IS THEREFORE:

ORDERED AND ADJUDGED that Administratrix is authorized, pursuant to Miss. Code Ann. § 91-7-187, to sell Decedent's interest in the property located at 457 Texas Avenue, Gulfport, MS 39507, Parcel # 0911B-01-012.000, with the legal description described herein, and Administratrix is hereby authorized to execute all documents necessary to effectuate said sale, and after payment of any fees associated with the closing, the attorney for the Estate shall deposit said any net proceeds into the registry of the Court for the benefit of said Estate until further Order of the Court.

SO ORDERED AND ADJUDGED, this the 15 day of Nov, 2022.

CHANCELLOR

Prepared By:
MARK V. WATTS, MS BAR 102204
HORNSBY WATTS, PLLC
1025 HOWARD AVENUE
BILOXI, MISSISSIPPI 39530
TELEPHONE: (228) 207-2990
FACSIMILE (866) 271-4393

A TRUE COPY
JOHN McADAMS
Chancery Court Clerk
Harrison County, Miss.
1st Judicial District
By D.C.
CHANCERY COURT OF HARRISON COUNTY MISSISSIPPI

Exhibit "C"

Unofficial

Search by Name

Lisa Williams

Send Flowers

Share

FUNERAL HOME

Riemann Family Funeral Homes - Gulfport
11280 Three Rivers Road
Gulfport, MS

RECORDS

View more records for Williams on Ancestry.com®

Sponsored

LISA WILLIAMS OBITUARY

Lisa Taylor Williams

1960-2012

Gulfport

1st JUDICIAL DISTRICT
Instrument 2022-0030430-D-J1
Filed/Recorded 12/27/2022 12:12:01 PM
Total Fees 28.00
7 Pages Recorded

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

Grantor:
The Estate of Lemon Mendall Williams, III
10206 Humphreys Green Dr.
Areola, TX 77583
(228) 313-4245

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

Grantee:
4theloveoffreedom, LLC,
a Mississippi limited liability company
2400 Cypress Ave.
Gulfport, MS 39506
(228) 868-4443

File No. Z221930S

INDEXING INSTRUCTIONS: **A parcel of land situated in Sec. 1, T8S, R11W, 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, **The Estate of Lemon Mendall Williams, III,** does hereby sell, convey and warrant unto **4theloveoffreedom, 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:

Legal Description attached hereto as Exhibit "A"

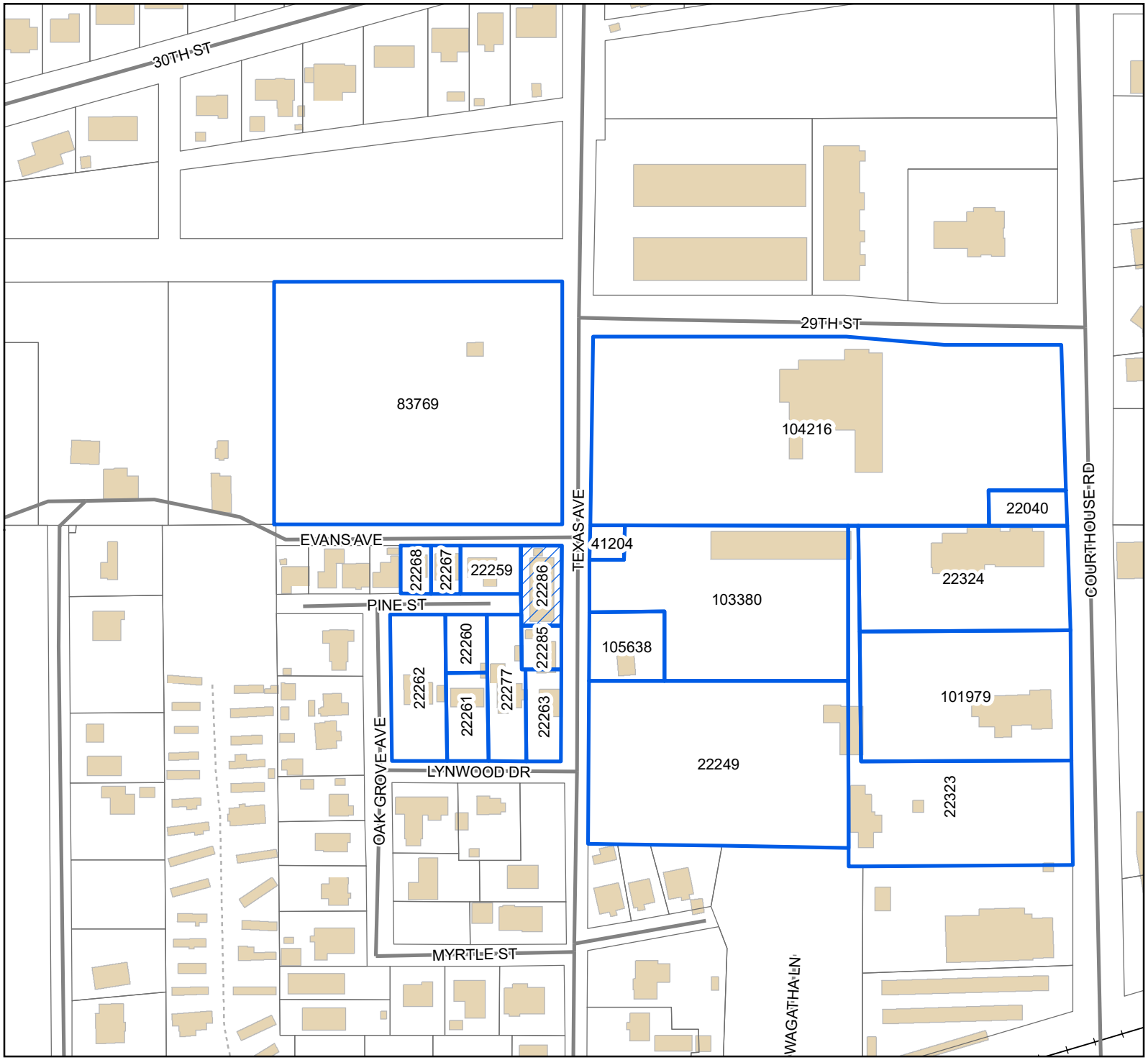
This being the same property as that conveyed to Lisa Renee Taylor Williams and Lemon Mendall Williams, by Life Estate Warranty Deed recorded in Instrument No. 2005-21651-D-J1, Land Deed Records of Harrison County, Mississippi.

Unofficial

Mail	PPIN	Parcel ID	Name	Address	City	State	ZIP
Y			4THELOVEOFFREEDOM,LLC(OWNER)	2400 CYPRESS AVE	GULFPORT	MS	39501
			Adjacent Property Owners(2306ZB068)				
	22267	0911B-01-020.000	MITCHELL HILDA RAE CHAFFIN -L/E-	245 PINE ST	GULFPORT	MS	39507
	22286	0911B-01-012.000	WILLIAMS LEMON MENDALL -ESTATE-	457 TEXAS AVE	GULFPORT	MS	39507
	22268	0911B-01-021.000	KT HOMES LLC	P O BOX 972	FREDERICK	CO	80504
	105638	0911B-01-011.002	KOTSAKOS JAMES C SR	452 TEXAS AVE	GULFPORT	MS	39507
	22277	0911B-01-015.000	BOB'S CONTRACTING SERVICES INC DBA	4851 FALCON DR	FREDERICK	CO	80504
	22261	0911B-01-016.000	HIGDON JO LYNN	P O BOX 6428	GULFPORT	MS	39506
	22249	0911B-01-010.000	BOB FALER LLC	205 CAMPBELL RD	COLLINS	MS	39428
	22259	0911B-01-019.000	WALLEN DALE L	3204 17TH ST	GULFPORT	MS	39501
	22323	0911B-01-003.000	BOB FALER LLC	PO BOX 1058	COLLINS	MS	39428
	22324	0911B-01-001.000	YE LAN QING & JIANG DIAN MING	4493 COURTHOUSE RD	GULFPORT	MS	39507
	22262	0911B-01-017.000	SMITH RANDI MICHELLE & H ADAM	452 OAK GROVE AV	GULFPORT	MS	39507
	101979	0911B-01-003.001	FALER BOB	103 MAIN ST	COLLINS	MS	39428
	22263	0911B-01-014.000	RACE CODY D & ANDREA SUE	255 LYNWOOD DR	GULFPORT	MS	39507
	104216	0910O-03-023.001	UNITED STATES POSTAL SERVICE	4000 DEKALB TECH PARKWAY	ATLANTA	GA	30340
	22285	0911B-01-013.000	HERRIN JEANNIE L	453 TEXAS AVE	GULFPORT	MS	39507

2306ZB068

Variance



Legend

- Site
- Adjacent Properties
- Street
- Alley
- Railroad
- Buildings

0 30 60 90
Yards

1 inch = 200 feet

N
W E
S

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:
IPL0124410
Order Status:
Submitted
Classification:
Legals & Public Notices
Package:
BLX - Legal Ads
Final Cost:
58.24
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
May 24, 2023 2:02:20 PM EDT
Amount:
58.24

SCHEDULE FOR AD NUMBER IPL01244100

May 31, 2023
SunHerald (Biloxi)

PREVIEW FOR AD NUMBER IPL01244100

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 P.M., Thursday, June 15, 2023 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 2306ZB062, by agent Garlon Pemberton, is seeking approval for a 1.5-foot (18-inch) side setback where 8 feet is required, Tax Parcel 1010D-01-008.004, 8813 Lorraine Rd, Zoned R-B (Residence-business), Ward 4

Variance 2306ZB065, by owner 4TheLoveofFreedom, LLC, is seeking approval of a gravel driveway where asphalt or concrete is required, Tax Parcel 0911B-01-012.000, 457 Texas Avenue, Zoned T4L (General Urban Zone "Limited"), Ward 4

Variance 2306ZB066, by owner 4TheLoveofFreedom, LLC, is seeking approval for a 12-foot front setback where 15 feet is required, Tax Parcels 0911B-01-012.000, Zoned T4L (General Urban Zone "Limited"), Ward 4

Variance 2306ZB067, by owner 4TheLoveofFreedom, LLC, is seeking permission to deviate from parking location requirements, Tax Parcel 0911B-01-012.000, Zoned T4L (General Urban Zone "Limited"), Ward 4

Variance 2306ZB068, by owner 4TheLoveofFreedom, LLC, is seeking approval to deviate from minimum lot size requirements, Tax Parcel 0911B-01-012.000, Zoned T4L (General Urban Zone "Limited"), Ward 4

This the 24th day of May 2023
A. Leslie North, Chairman
City of Gulfport Zoning Board of Adjustment and Appeals
W00000000
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AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Amount	Cols	Depth
36845	425592	Print Legal Ad-IPL01244100 - IPL0124410		$58.24	2	37 L

Attention: Matilda Welch

GULFPORT URBAN DEVELOPMENT
PO BOX 1780
GULFPORT, MS 39502

accountspayable@gulfport-ms.gov

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PUBLIC HEARING

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This the 24th day of May 2023
A. Leslie North, Chairman
City of Gulfport Zoning Board of Adjustment and Appeals
IPL0124410
May 31 2023

STATE OF MISSISSIPPI
COUNTY OF HARRISON

Before me, the undersigned Notary of Dallas County, Texas personally appeared Stefani Beard, who, being by me first duly sworn, did depose and say that she is a clerk of The Sun Herald, a daily newspaper published in the city of Gulfport, in Harrison County, Mississippi and the publication of the notice, a copy of which is hereto attached, has been made in said paper in the issue(s) of:

1 insertion(s) published on:
05/31/23

Affidavit further states on oath that said newspaper has been established and published continuously in said county for a period of more than twelve months next prior to the first publication of said notice.

Stefani Beard

Sworn to and subscribed before me this 5th day of June in the year of 2023

Stephanie Hatcher

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

STEPHANIE HATCHER
My Notary ID # 133534406
Expires January 14, 2026

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Legal document please do not destroy!