

AGENDA
ZONING BOARD OF ADJUSTMENT AND APPEALS
CITY HALL COUNCIL CHAMBERS
THURSDAY, JULY 20, 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 - July 20, 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 2306ZB062:**
(Tabled from June 15, 2023 meeting)

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

2. Variance 2307ZB073:

Variance 2307ZB073, by owner Rebeca Fairley, is seeking approval for 18 feet in height for a detached accessory structure where 14 feet is the height limit, Tax Parcel 0909J-03-017.000, 20 54th Street, Zoned R-UE (Urban residence estate), Ward 4

3. Variance 2307ZB074:

Variance 2307ZB074, by owner Rebeca Fairley, is seeking approval for an accessory detached structure size of 2,304 square feet where 600 square feet is the size limit, Tax Parcel 0909J-03-017.000, 20 54th Street, Zoned R-UE (Urban residence estate), Ward 4

4. Variance 2307ZB075:

Variance 2307ZB075, by agent C. Roberds General Contractors, LLC, seeking approval for a 57-stone for drives in a boat parking area where only concrete or asphalt is allowed, Tax Parcel 1010F-01-021.000, 1408 Cowan Road, Zone T6 (Urban Core Zone), Ward 4

5. Variance 2307ZB078:

Variance 2307ZB078, by agent Freddie Fountain, is seeking approval for a 5-foot side yard setback for the addition to an existing home where 8-feet is required, Tax Parcel 0811H-04-033.000, 1315 2nd Street, Zoned R-1-7.5 (Single-family), Ward 2

6. Variance 2307ZB080:

Variance 2307ZB080, by agent Freddie Fountain, is seeking approval for a 9-foot and 9-inch front yard setback where 25 feet is required on a second street frontage, Tax Parcel 1010O-02-002.001, 1936 Beach Drive, Zoned R-1-7.5 (Single-family), Ward 2

7. Variance 2307ZB082:

(Withdrawn by Planning Staff)

Variance 2307ZB082, by owners Dalaney Mecham and Hannah Shirley, is seeking approval for a 6-foot wooden fence along the front continuous facade where a 4-foot fence is the height limit, Tax Parcel 0909O-01-007.000, 1 Shady Side Circle, Zoned R-1-7.5 (Single-family), Ward 4

H. Adjournment

MINUTES

ZONING BOARD OF ADJUSTMENT AND APPEALS MEETING

Thursday, June 15, 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 **3:05 pm**.
- D. **Determination of a Quorum**:

BOARD MEMBERS PRESENT:

MARY ANN WIGINTON
NATHAN BODDIE
LESLIE NORTH
ROBERT PHARR

BOARD MEMBERS ABSENT:

JONATHAN MARSHALL
MICHAEL DANIELS

STAFF MEMBERS PRESENT:

SU-LIN FEATHERSTON
LESLIE ERVIN
SAMUEL SWEETING

COURT REPORTER:

NORMA SOROE

E. Confirmation of Agenda:

F. Approval of Minutes:

Motion by **Mrs. Wiginton** and seconded by **Mr. Pharr** to approve Minutes of the **May 18, 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 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

Speaking for the Petition: Terrance Johnson

Speaking against the Petition: None

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

Second: Mr. Pharr

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

Action: Motion carried unanimously.

2. 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.

Speaking for the Petition: None

Speaking against the Petition: None

Motion: Mr. Boddie - to table case until next month’s meeting

Second: Mr. Pharr

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

Action: Motion carried unanimously

3. 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

Speaking for the Petition: Mary A. Barberee, Robert M. Craig

Speaking against the Petition: None

Motion: Mr. Pharr to approve with Engineering’s requirements

Second: Mrs. Wiginton

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

Action: Motion carried unanimously

4. 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

Speaking for the Petition: Maria A. Barberee

Speaking against the Petition: None

Motion: Mrs. Wiginton- to approve the applicant’s request

Second: Mr. Boddie

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

Action: Motion carried unanimously

5. **Variance 2306ZB067: (Withdrawn by Planning Department)**

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

Speaking for the Petition:

Speaking against the Petition:

Motion:

Second:

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

Action:

6. **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

Speaking for the Petition: Maria A. Barberee

Speaking against the Petition: None

Motion: Mr. Pharr- to approve the applicant’s request

Second: Mrs. Wiginton

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

Action: Motion carried unanimously

Adjournment:

Motion by **Mrs. Wiginton** to adjourn the meeting was seconded by **Mr. Pharr** and carried unanimously. The meeting adjourned **3:23 p.m.**

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

Nathan Boddie, Secretary

Date: _____

MEMORANDUM

To: City of Gulfport Zoning Board of Adjustment and Appeals

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

Date of Hearing: July 20, 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: July 20, 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: July 20, 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: July 20, 2023

Re: Variance 2306ZB062:
(Tabled from June 15, 2023 meeting)

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: July 20, 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, "Due 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



Technical Report

VARIANCE

GENERAL INFORMATION

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Hearing Date: June 15, 2023

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- (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;
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- (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.

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- (f) This property is zoned R-B, and a restaurant business use is allowed by right.

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Technical Report

VARIANCE

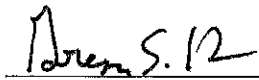
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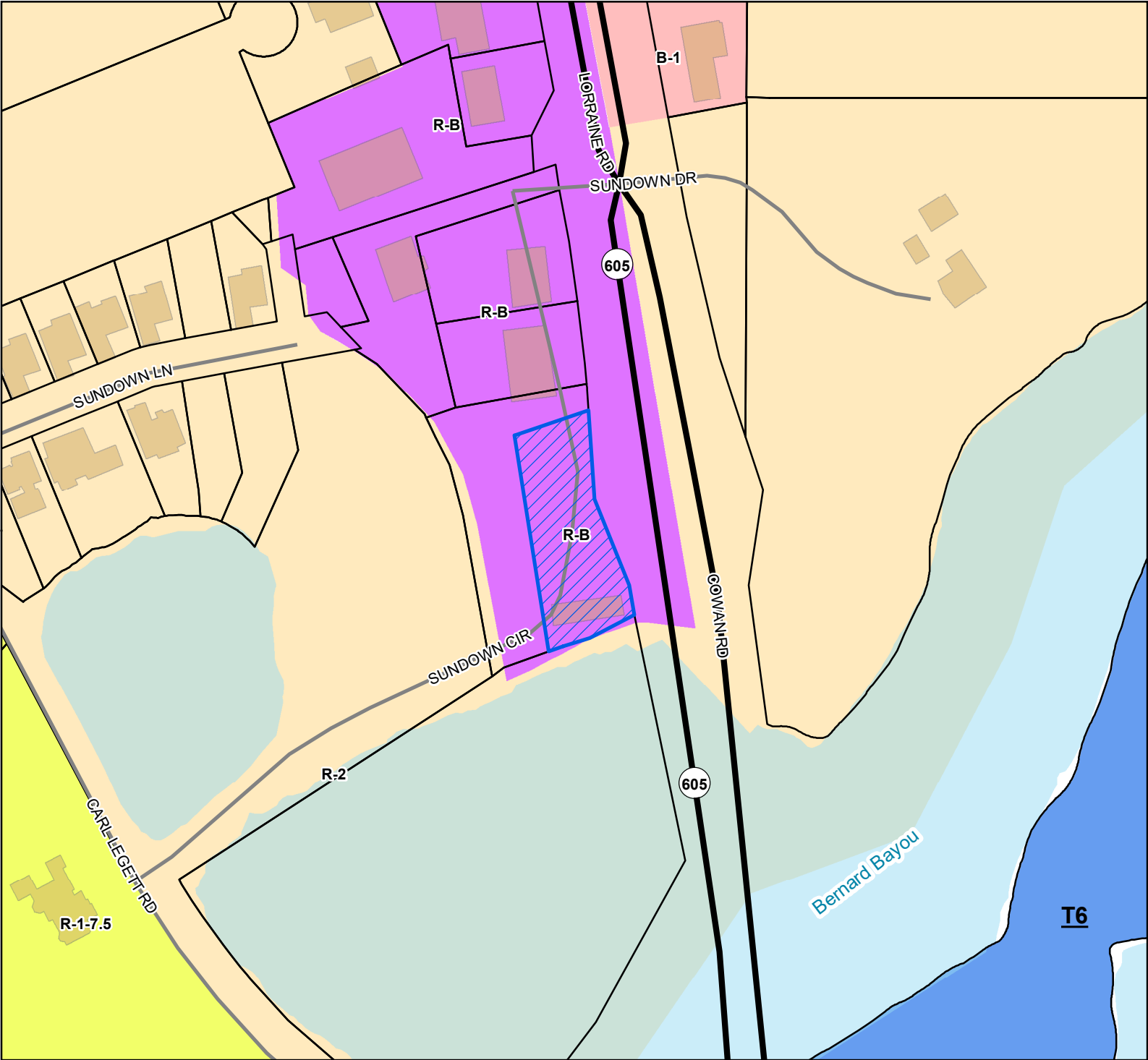
DIRECTOR APPROVAL

This report has been reviewed and approved by:



Greg Holmes
Director of Urban Development Department





Legend

- Site
- US or State Highway
- Street
- Parcels
- Buildings
- Water Features

Smart Code

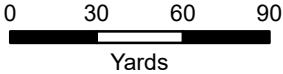
- T6

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



1 inch = 200 feet



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



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
Printed Name of Owner
440 GREEN TEAL CT
Mailing Address
Biloxi MS 39531
City State Zip code
(954) 662-3500
Home Phone Work/Cell Phone
insurance@gmail.com
Email
[Signature]
Signature of Owner

GARLON PEMBERTON
Printed Name of Agent
9591 South Bayou Bend Dr
Mailing Address
Gulfport MS 39503
City State Zip code
228-324-2366
Home Phone Work/Cell Phone
LGTRUCKGROUP@GMAIL.COM
Email
[Signature]
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  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.



Designation of Agent

I, Kelley Spinner, being property owner of 8813 LORRAINE RD
PRINT NAME PRIMARY ADDRESS OR PARCEL
 which is the subject of this application hereby authorize Garlon Pemberton to act as my
PRINT NAME
 representative with the City of Gulfport's Zoning Board of Adjustment and Appeals, and/or Planning Commission, and/or City Council, and/or permitting and licensing, as required by the City.

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

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

Kelley Spinner
 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 23, 2023
 Commission Expiration



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


Notary Public



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.

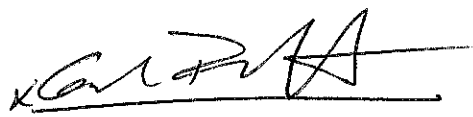
Do to the slope and existing conditions of the property this is the only place we are able to put the stairs and still meet all building code requirements.

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

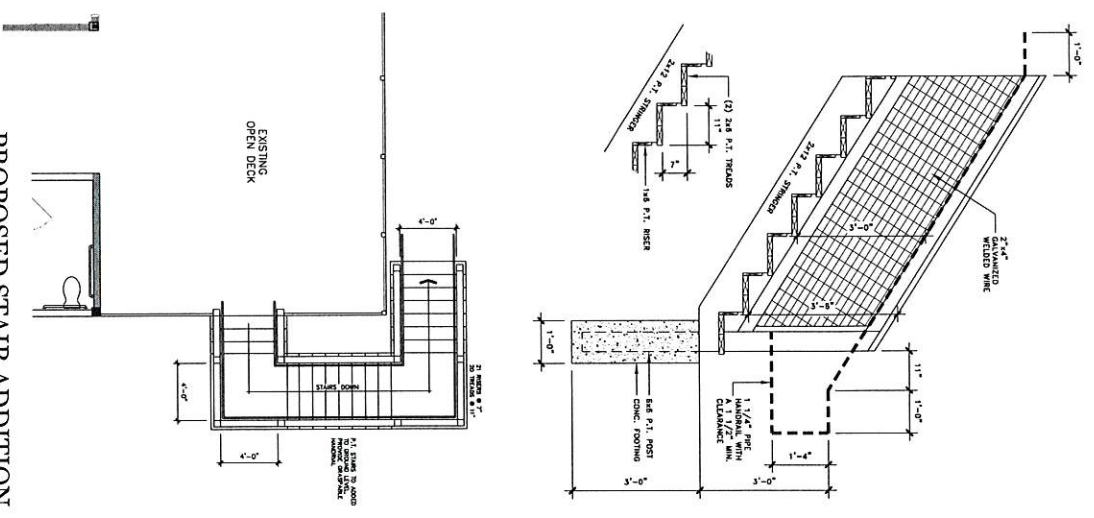
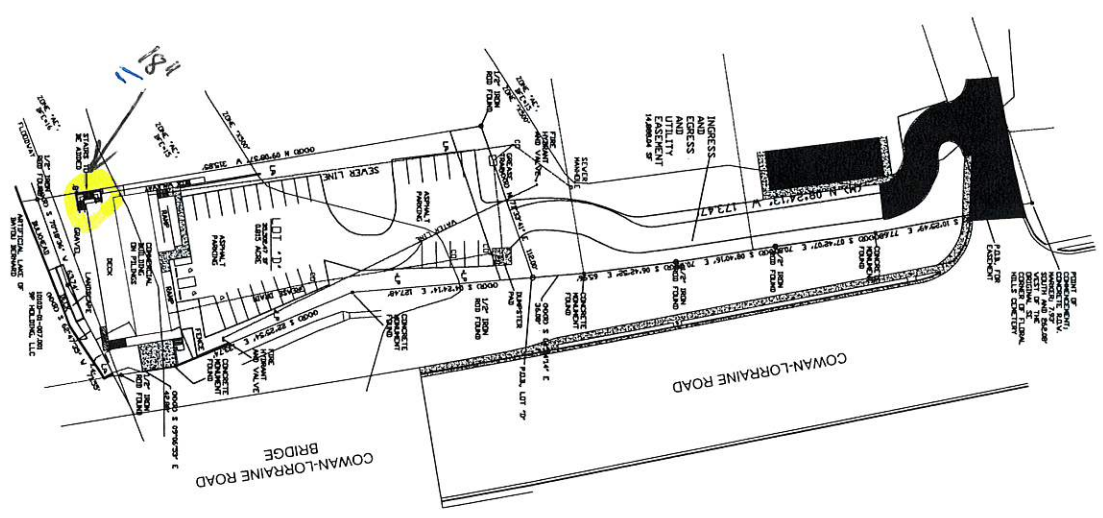
This request does not receive any special benefit that others cannot receive. We have met on site with the neighbors, and city officials and all parties were in agreeance that this would be an acceptable request.

This request would be accepted with planning approval.

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


GARLON PEMBERTON

2A



PROPOSED STAIR ADDITION
SCALE: 1/4" = 1'-0"

SHEET: 1	DRAWN: BD	SCALE: AS NOTED	DATE: 01-13-23	HOUSE PLANS 251-233-5687 b@hnpdesigns.com © 2023 HNP Design, LLC	PROPOSED STAIR ADDITION for Marina Cantina 8813 LORRAINE ROAD GULFPORT, MISSISSIPPI
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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



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.

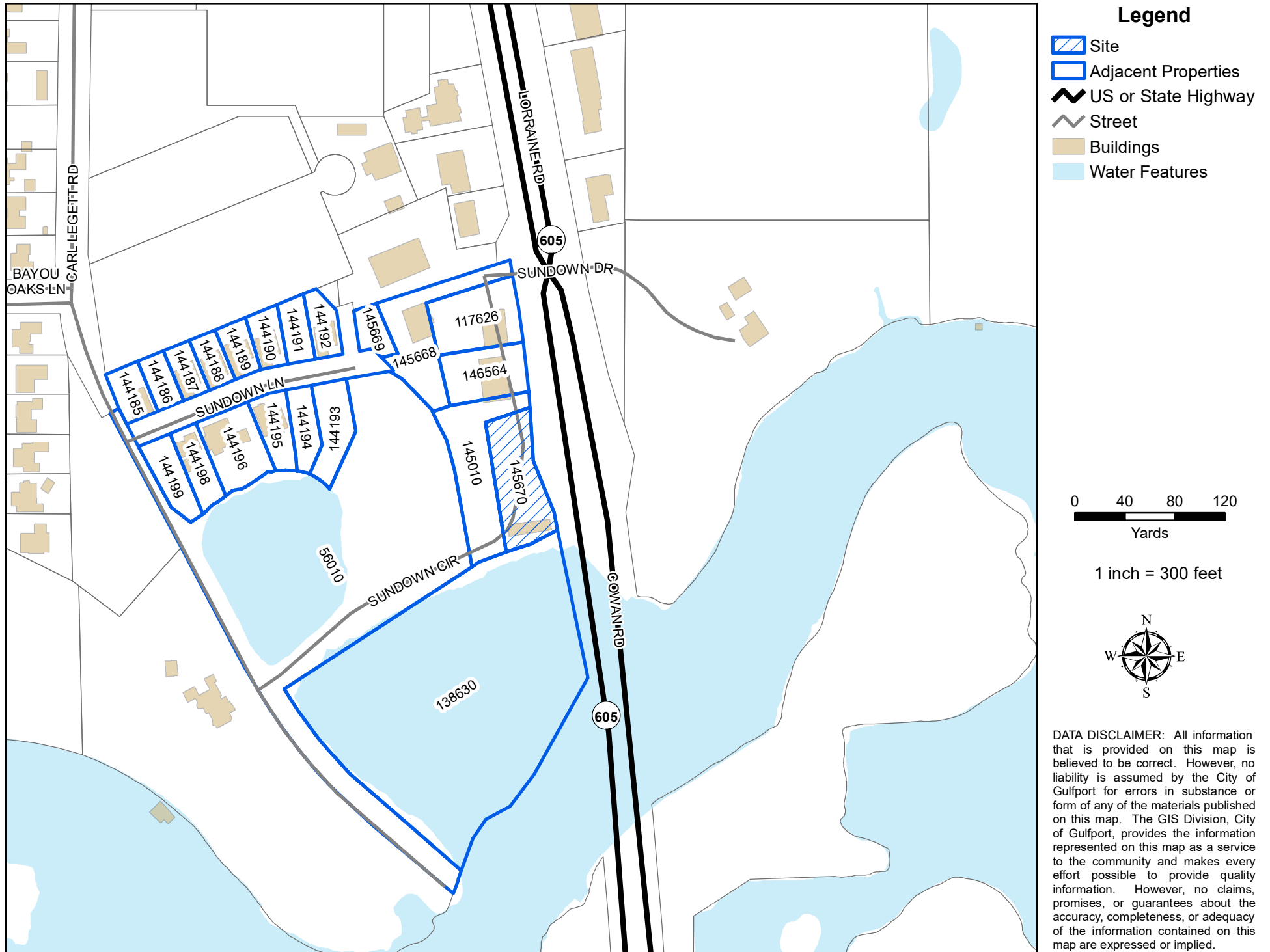
AND ALSO and subject to the following non-exclusive perpetual Easement, described as follows:

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:

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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

Variance



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.

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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 >>](#)

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:
IPL0129144
External Order #:
438155
Order Status:
Submitted
Classification:
Legals & Public Notices
Package:
BLX - Legal Ads
Final Cost:
72.88
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
June 27, 2023 11:49:23 AM EDT
Amount:
72.76
Date
June 28, 2023 11:23:45 PM EDT
Amount:
0.12

SCHEDULE FOR AD NUMBER IPL01291440

July 5, 2023

PREVIEW FOR AD NUMBER IPL01291440**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, July 20, 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 2307ZB082, by owners Dalaney Mecham and Hannah Shirley, is seeking approval for a 6-foot wooden fence along the front continuous facade where a 4-foot fence is the height limit, Tax Parcel 0909O-01-007.000, 1 Shady Side Circle, Zoned R-1-7.5 (Single-family), Ward 4

This the 28th day of June 2023
A. Leslie North, Chairman
City of Gulfport Zoning Board of Adjustment and Appeals
IPL0129144
Jul 5 2023

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

SunHerald (Biloxi)



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

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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.

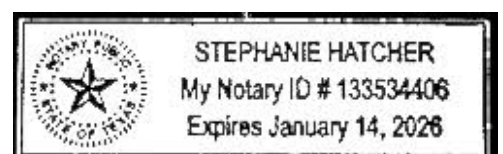
Stefani Beard

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.



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



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	438155	Print Legal Ad-IPL01291440 - IPL0129144		\$72.88	2	50 L

Attention: Matilda Welch
GULFPORT URBAN DEVELOPMENT
PO BOX 1780
GULFPORT, MS 39502

accountspayable@gulfport-ms.gov

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This the 28th day of June 2023
A. Leslie North, Chairman
City of Gulfport Zoning Board of Adjustment and Appeals
IPL0129144
Jul 5 2023

STATE OF MISSISSIPPI COUNTY OF HARRISON

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1 insertion(s) published on:
07/05/23

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.

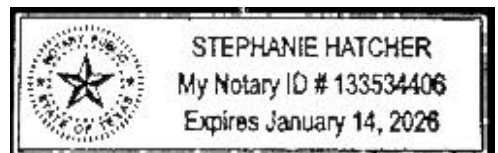
Stefani Beard

Sworn to and subscribed before me this 7th day of July 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.



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: July 20, 2023

Re: Variance 2307ZB073:

Variance 2307ZB073, by owner Rebeca Fairley, is seeking approval for 18 feet in height for a detached accessory structure where 14 feet is the height limit, Tax Parcel 0909J-03-017.000, 20 54th Street, Zoned R-UE (Urban residence estate), Ward 4

Technical Report

VARIANCE

GENERAL INFORMATION

Case File Number: 2307ZB073

Hearing Date: July 20, 2023

Current Zoning/Use: R-UE / Single – family

Legal: Variance 2307ZB073, by owner Rebeca Fairley, is seeking approval for 18 feet in height for a detached accessory structure where 14 feet is the height limit, Tax Parcel 0909J-03-017.000, 20 54th Street, Zoned R-UE (Urban residence estate), 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 4 feet to allow for an 18 foot in height detached accessory structure where 14 feet is the height limit.

- (a) Applicant notes that, “the storage Shop has already been built and they do not want to alter it in any way” and “they do not have storage to store their boat, golf carts, tools, etc.”
- (b) The applicant claims that they were unaware that they needed a work permit to build a shop on their property. Therefore, they did not know there were City requirements nor restrictions of the Bayou View Covenants.
- (c) The applicant claims that, “Bayou View is an older neighborhood, and I believe that is why there have not been many new structures in the area. Most of the residents are older and may not have the need to add on or add additional structures to their property. I, however, needed the space to store my extra vehicles, boats, work trucks, tools and more.” Beyond it being the choice of the applicant to build the detached accessory structure; thus, this hardship condition is not met. The applicant knew the physical character of the property prior to buying it.
- (d) According to the applicant, “this structure will add value to the property and future property owners. It is in compliance to the design of the homes and other shops I have seen in the surrounding area.”
- (e) The applicant claims that approval of this variance will not grant special privileges that any other neighbor could not endure. Granting this variance would provide special privileges and set a precedence in that only one property does not comply with ordinance in regards to accessory building height limits.
- (f) This property is zoned R-UE, and a single-family home with one accessory structure are allowed by right.

EXECUTIVE SUMMARY

Applicant is seeking approval for a variance to allow for an 18 feet in height detached accessory structure where 14 feet is the height limit. The city changed the accessory building ordinance in 2018 with the intent of guiding accessory structures; with hardship requirements when considering a variance. Having an accessory structure would be consistent with the neighborhood. However, a detached accessory structure of this height is not consistent with the neighborhood.

Any approval should consider these conditions:

1. Approval grants a variance of 4 feet to allow for an 18 foot in height accessory structure where 14 feet is the height limit.

DEPARTMENTAL CONDITIONS

Engineering: No comment as of 07/07/2023.

Public Works: No comment as of 07/07/2023.

Traffic and Safety: No conditions. Memo dated 06/27/2023.

Technical Report

VARIANCE

Building Code Services: No conditions. Memo dated 06/30/2023.

GIS: No conditions. Memo dated 06/28/2023.

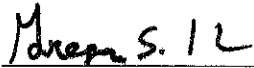
Police Department: No comment as of 07/07/2023.

Fire Department: No conditions. Memo dated 06/27/2023.

City Arborist: No conditions. Memo dated 06/27/2023.

DIRECTOR APPROVAL

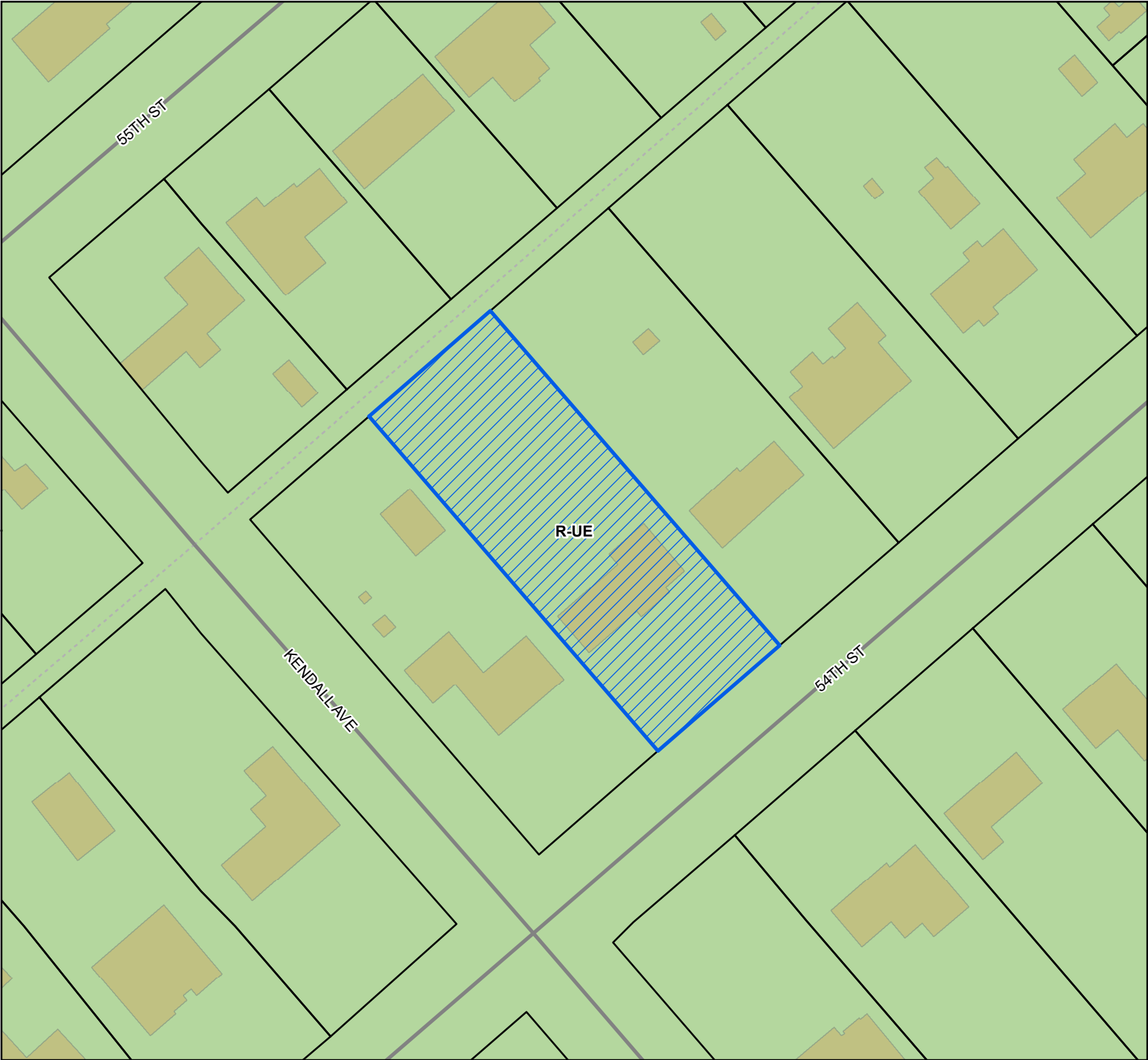
This report has been reviewed and approved by:



Greg Holmes

Director of Urban Development Department





 Site

 Street

 Alley

 Parcels

 Buildings

Zoning

 R-UE - Residential Urban Estate

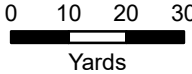
Site Information

0909J-03-017.000

Zoning: R-UE (Urban residence estates districts)

Size: 36964.7 sqft

Flood: X



1 inch = 100 feet



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



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

Case Number
2307ZB073

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

0909J	-03-	017	.000																

Property Address: 20 54th Street Gulfport MS 39507
 Lot(s) 7, Block(s) 1, Subdivision Bayou View

General Description of Request: approval for variance for 18 foot height where 14 is allowed.

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

Rebecca Fairley
 Printed Name of Owner
20 54th Street
 Mailing Address
Gulfport MS 39507
 City 228-449-9091 State MS Zip code
 Home Phone panacheoilco.com Work/Cell Phone
 Email [Signature]
 Signature of Owner

 Printed Name of Agent

 Mailing Address

 City _____ State _____ Zip code

 Home Phone _____ Work/Cell Phone

 Email

 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)

Rebecca Fairley

ADDRESS (STREET, CITY, STATE, ZIP CODE)

20 Elm Street

PHONE # (H)

228-444-9091

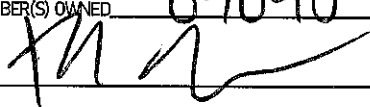
(WK/CELL)

228-822-0120

TAX PARCEL NUMBER(S) OWNED

09090-03-017.000

SIGNATURE



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)
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)

NA ☐ 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.



Covenant Affidavit

I, Rebecca Fairley, being owner or agent of the property 20 5th Street
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] 5-25-23
Signature Date

STATE OF MISSISSIPPI | COUNTY OF HARRISON

Given under my hand and seal of office this the 30 day of May, 20 23

[Signature]

Notary Public

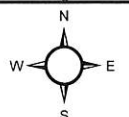
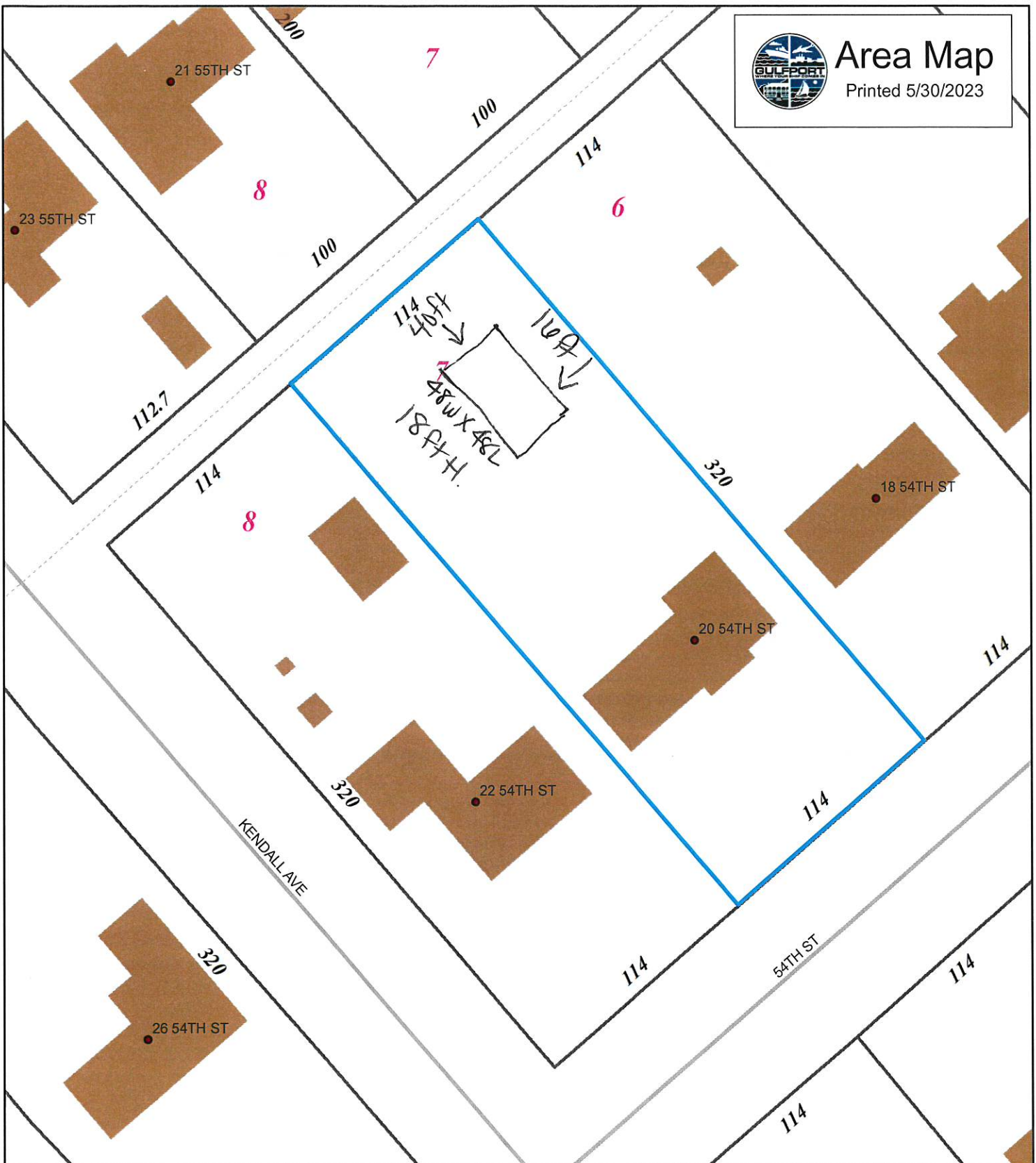


Commission Expiration



Area Map

Printed 5/30/2023



1 inch = 60 feet

- Address points
- Minor/Residential
- Alley
- Parcels

Rebecca J. M.
5-30-23

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Variance Submissions Questions

20 54th Street Gulfport Ms 39507

Seeking Approval of a storage Shop at my place of residence:

1. My property is plenty big enough to support a structure of this size in height and width. I currently do not have storage to store my boat, golf carts, tools etc.... The size and or height of this structure are not affecting any surrounding properties or structures. I am asking for a variance due to the fact it is built, and I would hate to have to alter it in any way.
2. I was unaware that I needed a work permit to build a shop on my property therefore I did not know there were city requirements via the city or restrictions of bayou view. I have only ever lived in the county and was not even aware that a convenience in bayou view.
3. Bayou View is an older neighborhood, and I believe that is why there have not been many new structures in the area. Most of the residents are older and may not have the need to add on or add additional structures to their property. I, however, needed the space to store my extra vehicles, boats, work trucks, tractors, tools and more.
4. This structure will add value to the property and future property owners. It is compliant to the design of the homes and other shops I have seen in the surrounding area. It is a wooden structure, with shingles and hardy siding. It is also tucked away in the back corner of the property, so it is not visible to the street view.
5. This storage shop does not allow any extra benefit that any other neighbor could not endure. I have seen other homes that have multiples storage units in their back yard this is just under one roof instead of several which supports the size. Also, the size and height allows us to store the many items that we own in the back of my property so they are not an eye soar in the front of the property.
6. It seems as if it is my right as a homeowner and property owner that I would be able to have such a structure on my property to keep items stored and keep the front of the home looking presentable. If not, I would have boats, trucks, golf carts, tools, and more in the yard and would destroy our items from weather and elements.

From: Thomas M. Jones MJones@flygpt.com
Subject: Construction of Shed
Date: May 26, 2023 at 8:35:35 AM
To: panache0110@aol.com

Ms. Fairley,

After having internal discussions at the airport and a phone call with the City of Gulfport, it was determined by the Airport Authority that your proposed shed will not impact airport operations and you do not need approval from the airport. We have taken a look at the site where the construction is proposed and determined that, as long as the building stays under 57 feet in height, it will not be endangering any of the airport surfaces. Please feel free to contact me at 228-596-6940 if there is anything else we can help you with.

Thank you.
Michael

Thomas M. Jones
Operations Supervisor
Gulfport-Biloxi International Airport
14035-L Airport Rd. | Gulfport, MS 39503
(228) 863-5951 (o) | (228) 863-1908 (c)
www.FLYGPT.com

We Make Flying Easier.





FIRE DEPARTMENT

P.O. Box 1780
Gulfport, MS 39502
Phone: 228-868-5950
Fax: 228-868-5808

Rebecca Fairley
20 54th St.
Gulfport, MS 39507

Central Station
1515 23rd Avenue
Gulfport, MS 39501

May 25, 2023

Internationally Accredited Gulfport Fire Department (GFD) is a full-spectrum life safety agency protecting a population of more than 72,000 citizens and a metro-population of greater than 416,000 people who live, work and play in Mississippi's second largest city. Gulfport Fire Department is one of only two Mississippi agencies that has an ISO Fire Suppression Rating of 2 out of 10 (with 1 being the highest rating). A total of 160 plus uniformed fire personnel protect life, property and the environment through their direct involvement in fire prevention, firefighting, emergency medical care, technical rescue, hazardous materials mitigation, disaster response, public education and community service. An equally committed non-sworn cadre of professional support personnel provide technical and administrative expertise in their corresponding pursuit of the department's mission. The expansive capabilities of the department include high-angle rescue, special operations response and all-hazards mitigation to include multi-story (High Rise) occupancies. In consideration of the department's capabilities as applied to the proposed development at 20 54th St. Gulfport, Ms., the Gulfport Fire Department Fire Chief approves of this general plan. Compliance with applicable codes and standards assumed.

Sincerely,

A handwritten signature in black ink that reads "Billy Kelley". The signature is fluid and cursive, with the first and last names being clearly legible.

Billy Kelley
Fire Chief City of Gulfport



1st Judicial District
Instrument 2021-11544-D-11
Filed/Recorded 08/10/2021 09:30 AM
Total Fees \$26.00
2 Pages Recorded

Our File #B210707

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

INDEX: Lot 7, Blk 1, Gulfport Bayou View

STATE OF MISSISSIPPI
COUNTY OF HARRISON

WARRANTY DEED

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

Hollis T. Holleman and wife, Lucy Jackson Holleman,

11655 Stanton Circle, Gulfport, MS 39503, (334) 315-077,1

does hereby sell, convey and warrant unto

Rebeca Nichole Fairley,

12481 Preservation Dr, Gulfport, MS 39503, (228) 669-9091,

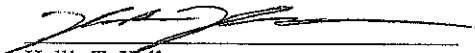
the following described land and property being located in the First Judicial District of Harrison County, Mississippi, being more particularly described as follows, to-wit:

Lot Seven (7), Block One (1) of Gulfport Bayou View Subdivision, a subdivision according to the official map or plat thereof on file and of record in the office of the Chancery Clerk of the First Judicial District of Harrison County, Mississippi, in Plat Book 17 at Page 9 thereof, reference to which is hereby made in aid of and as a part of this description. Together with all improvements thereon and all rights and appurtenances thereunto belonging or in anyway appertaining.

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

TAXES for the current year have been pro-rated as of this date and are hereby assumed by the Grantee herein.

WITNESS OUR SIGNATURES, on this the 9th day of August, 2021.


Hollis T. Holleman


Lucy Jackson Holleman

STATE OF MISSISSIPPI

COUNTY OF HARRISON

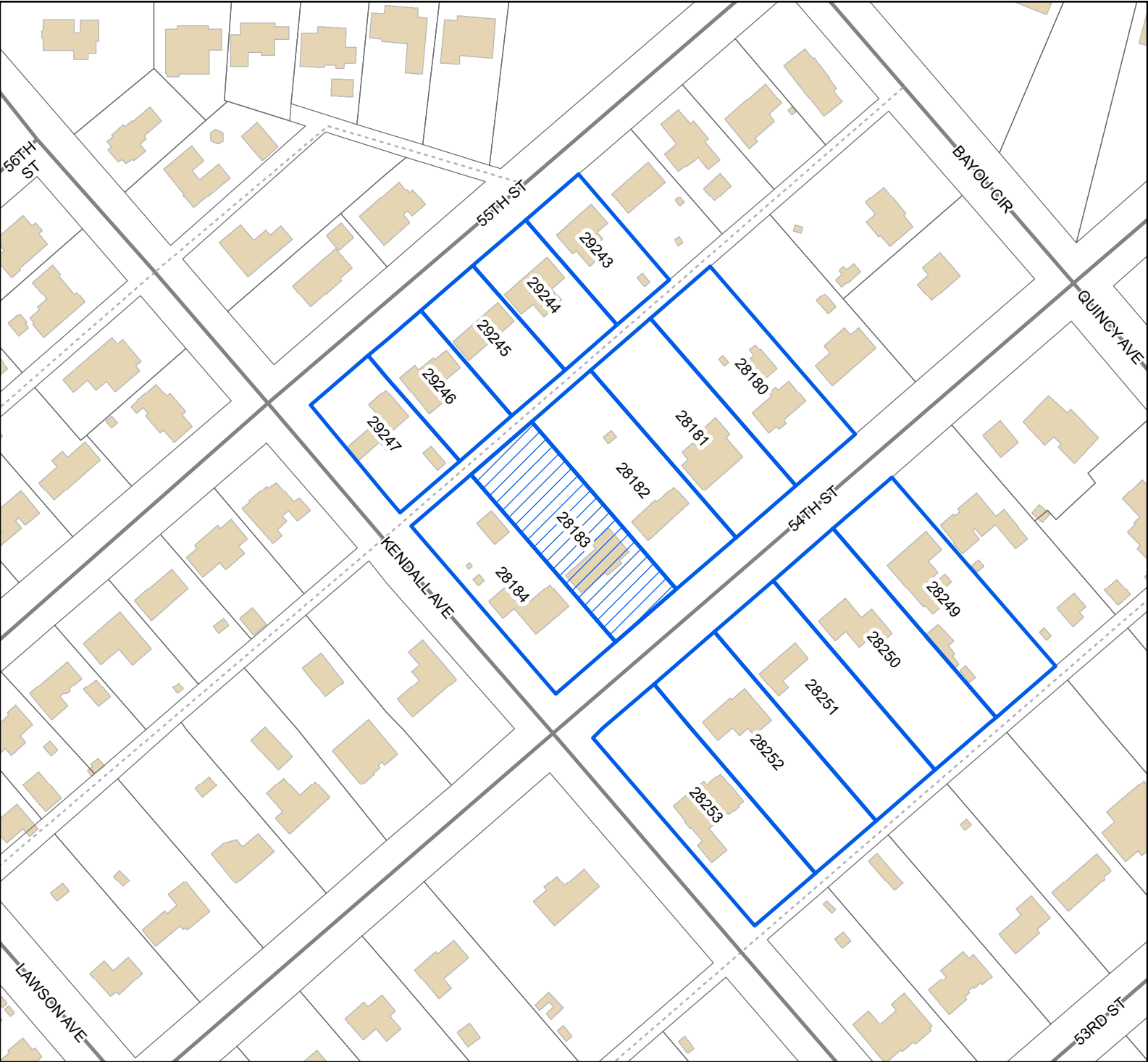
THIS DAY PERSONALLY CAME AND APPEARED BEFORE ME, the undersigned authority in and for the jurisdiction aforesaid, Hollis T. Holleman and wife, Lucy Jackson Holleman, who acknowledged that the above and foregoing instrument was signed and delivered as the free and voluntary act and deed of the Grantors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

GIVEN UNDER MY HAND AND OFFICIAL SEAL OF OFFICE, this the 9th day of August, 2021.

My Commission Expires

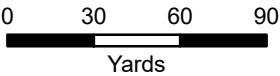



NOTARY PUBLIC



Legend

- Site
- Adjacent Properties
- Street
- Alley
- Buildings



1 inch = 200 feet



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Mail	PPIN	Parcel ID	Name	Address	City	State	ZIP
Y			REBECA FAIRLEY (OWNER)	20 54TH ST	GULFPORT	MS	39507
			Adjacent Property Owners (2307ZB073)				
	29244	0909J-03-005.000	ELLZEY BELINDA M	17 55TH ST	GULFPORT	MS	39507
	28253	0909O-04-063.000	DAVIS JOSEPH P & LEANN	21 54TH ST	GULFPORT	MS	39507
	28250	0909J-03-021.000	SEARCY LYNSI M	15 54TH ST	GULFPORT	MS	39507
	28184	0909J-03-018.000	MCGHEE WILLIAM G & CURRY PATTI A M	205 16TH ST	GULFPORT	MS	39507
	28180	0909J-03-014.000	PEARSON DAVID CHRISTOPHER & ERIN B	14 54TH ST	GULFPORT	MS	39507
	29243	0909J-03-006.000	JONES TERESA	15 55TH STREET	GULFPORT	MS	39507
	28252	0909O-04-064.000	ROSENBLATT LINDSAY M & LAUREN E	19 54TH ST	GULFPORT	MS	39507
	29247	0909K-02-052.000	DAVIDSON ROBERTA O & JOE JR	23 22TH ST	GULFPORT	MS	39501
	28181	0909J-03-015.000	PAPANIA STEPHEN & KATHRYN	16 54TH ST	GULFPORT	MS	39507
	28251	0909J-03-020.000	RESTER RYAN & SHEENA	4918 COURTHOUSE RD	GULFPORT	MS	39507
	28182	0909J-03-016.000	COMPTON SALETA G	18 54TH ST	GULFPORT	MS	39501
	29246	0909J-03-003.000	SHAW LUCILLE Z	21 55TH ST	GULFPORT	MS	39507
	28249	0909J-03-022.000	KLOTZBACH LOUIS S JR & CONNIE B	13 54TH ST	GULFPORT	MS	39507
	29245	0909J-03-004.000	BALTAR HENRY E JR	PO BOX 8722	GULFPORT	MS	39506

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:
IPL0129144
External Order #:
438155
Order Status:
Submitted
Classification:
Legals & Public Notices
Package:
BLX - Legal Ads
Final Cost:
72.88
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
June 27, 2023 11:49:23 AM EDT
Amount:
72.76
Date
June 28, 2023 11:23:45 PM EDT
Amount:
0.12

SCHEDULE FOR AD NUMBER IPL01291440

July 5, 2023

PREVIEW FOR AD NUMBER IPL01291440**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, July 20, 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 2307ZB073, by owner Rebeca Fairley, is seeking approval for 18 feet in height for a detached accessory structure where 14 feet is the height limit, Tax Parcel 0909J-03-017.000, 20 54th Street, Zoned R-UE (Urban residence estate), Ward 4

Variance 2307ZB074, by owner Rebeca Fairley, is seeking approval for an accessory detached structure size of 2,304 square feet where 600 square feet is the size limit, Tax Parcel 0909J-03-017.000, 20 54th Street, Zoned R-UE (Urban residence estate), Ward 4

Variance 2307ZB075, by agent C. Roberds General Contractors, LLC, seeking approval for a 57-stone for drives in a boat parking area where only concrete or asphalt is allowed, Tax Parcel 1010F-01-021.000, 1408 Cowan Road, Zone T6 (Urban Core Zone), Ward 4

Variance 2307ZB078, by agent Freddie Fountain, is seeking approval for a 5-foot side yard setback for the addition to an existing home where 8-feet is required, Tax Parcel 0811H-04-033.000, 1315 2nd Street, Zoned R-1-7.5 (Single-family), Ward 2

Variance 2307ZB080, by agent Freddie Fountain, is seeking approval for a 9-foot and 9-inch front yard setback where 25 feet is required on a second street frontage, Tax Parcel 1010O-02-002.001, 1936 Beach Drive, Zoned R-1-7.5 (Single-family), Ward 2

Variance 2307ZB082, by owners Dalaney Mecham and Hannah Shirley, is seeking approval for a 6-foot wooden fence along the front continuous facade where a 4-foot fence is the height limit, Tax Parcel 0909O-01-007.000, 1 Shady Side Circle, Zoned R-1-7.5 (Single-family), Ward 4

This the 28th day of June 2023
A. Leslie North, Chairman
City of Gulfport Zoning Board of Adjustment and Appeals
IPL0129144
Jul 5 2023

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

SunHerald (Biloxi)



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	438155	Print Legal Ad-IPL01291440 - IPL0129144		\$72.88	2	50 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, July 20, 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 2307ZB073, by owner Rebeca Fairley, is seeking approval for 18 feet in height for a detached accessory structure where 14 feet is the height limit, Tax Parcel 0909J-03-017.000, 20 54th Street, Zoned R-UE (Urban residence estate), Ward 4

Variance 2307ZB074, by owner Rebeca Fairley, is seeking approval for an accessory detached structure size of 2,304 square feet where 600 square feet is the size limit, Tax Parcel 0909J-03-017.000, 20 54th Street, Zoned R-UE (Urban residence estate), Ward 4

Variance 2307ZB075, by agent C. Roberds General Contractors, LLC, seeking approval for a 57-stone for drives in a boat parking area where only concrete or asphalt is allowed, Tax Parcel 1010F-01-021.000, 1408 Cowan Road, Zone T6 (Urban Core Zone), Ward 4

Variance 2307ZB078, by agent Freddie Fountain, is seeking approval for a 5-foot side yard setback for the addition to an existing home where 8-feet is required, Tax Parcel 0811H-04-033.000, 1315 2nd Street, Zoned R-1-7.5 (Single-family), Ward 2

Variance 2307ZB080, by agent Freddie Fountain, is seeking approval for a 9-foot and 9-inch front yard setback where 25 feet is required on a second street frontage, Tax Parcel 1010O-02-002.001, 1936 Beach Drive, Zoned R-1-7.5 (Single-family), Ward 2

Variance 2307ZB082, by owners Dalaney Mecham and Hannah Shirley, is seeking approval for a 6-foot wooden fence along the front continuous facade where a 4-foot fence is the height limit, Tax Parcel 0909O-01-007.000, 1 Shady Side Circle, Zoned R-1-7.5 (Single-family), Ward 4

This the 28th day of June 2023
A. Leslie North, Chairman
City of Gulfport Zoning Board of Adjustment and Appeals
IPL0129144
Jul 5 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:
07/05/23

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.

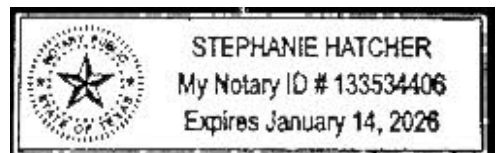
Stefani Beard

Sworn to and subscribed before me this 7th day of July 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.



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: July 20, 2023

Re: Variance 2307ZB074:

Variance 2307ZB074, by owner Rebeca Fairley, is seeking approval for an accessory detached structure size of 2,304 square feet where 600 square feet is the size limit, Tax Parcel 0909J-03-017.000, 20 54th Street, Zoned R-UE (Urban residence estate), Ward 4

Technical Report

VARIANCE

GENERAL INFORMATION

Case File Number: 2307ZB074

Hearing Date: July 20, 2023

Current Zoning/Use: R-UE / Single – family

Legal: Variance 2307ZB074, by owner Rebeca Fairley, is seeking approval for an accessory detached structure size of 2,304 square feet where 600 square feet is the size limit, Tax Parcel 0909J-03-017.000, 20 54th Street, Zoned R-UE (Urban residence estate), 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 1,704 square feet to allow for an accessory structure size of 2,304 square feet where 600 square feet is the size limit.

- (a) Applicant notes that, “the storage Shop has already been built and they do not want to alter it in any way” and “they do not have storage to store their boat, golf carts, tools, etc.”
- (b) The applicant claims that they were unaware that they needed a work permit to build a shop on their property. Therefore, they did not know there were City requirements nor restrictions of the Bayou View Covenants.
- (c) The applicant claims that, “Bayou View is an older neighborhood, and I believe that is why there have not been many new structures in the area. Most of the residents are older and may not have the need to add on or add additional structures to their property. I, however, needed the space to store my extra vehicles, boats, work trucks, tools and more.” Beyond it being the choice of the applicant to build the detached accessory structure; thus, this hardship condition is not met. The applicant knew the physical character of the property prior to buying it.
- (d) According to the applicant, “this structure will add value to the property and future property owners. It is in compliance to the design of the homes and other shops I have seen in the surrounding area.”
- (e) The applicant claims that approval of this variance will not grant special privileges that any other neighbor could not endure. Granting this variance would provide special privileges and set a precedence in that only one property does not comply with ordinance in regards to accessory building height limits.
- (f) This property is zoned R-UE, and a single-family home with one accessory structure are allowed by right.

EXECUTIVE SUMMARY

Applicant is seeking approval for a variance to allow for an accessory structure size of 2,304 square feet where 600 square feet is the size limit. The city changed the accessory building ordinance in 2018 with the intent of guiding accessory structures; with hardship requirements when considering a variance. Having an accessory structure would be consistent with the neighborhood. However, an accessory structure of this size is not consistent with the neighborhood.

Any approval should consider these conditions:

1. Approval grants a variance of 1,704 square feet to allow for a 2,304 square feet accessory structure where 600 square feet is the limit.

DEPARTMENTAL CONDITIONS

Engineering: No comment as of 07/07/2023.

Public Works: No comment as of 07/07/2023.

Traffic and Safety: No conditions. Memo dated 06/27/2023.

Technical Report

VARIANCE

Building Code Services: No conditions. Memo dated 06/30/2023.

GIS: No conditions. Memo dated 06/28/2023.

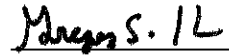
Police Department: No comment as of 07/07/2023.

Fire Department: No conditions. Memo dated 06/27/2023.

City Arborist: No conditions. Memo dated 06/27/2023.

DIRECTOR APPROVAL

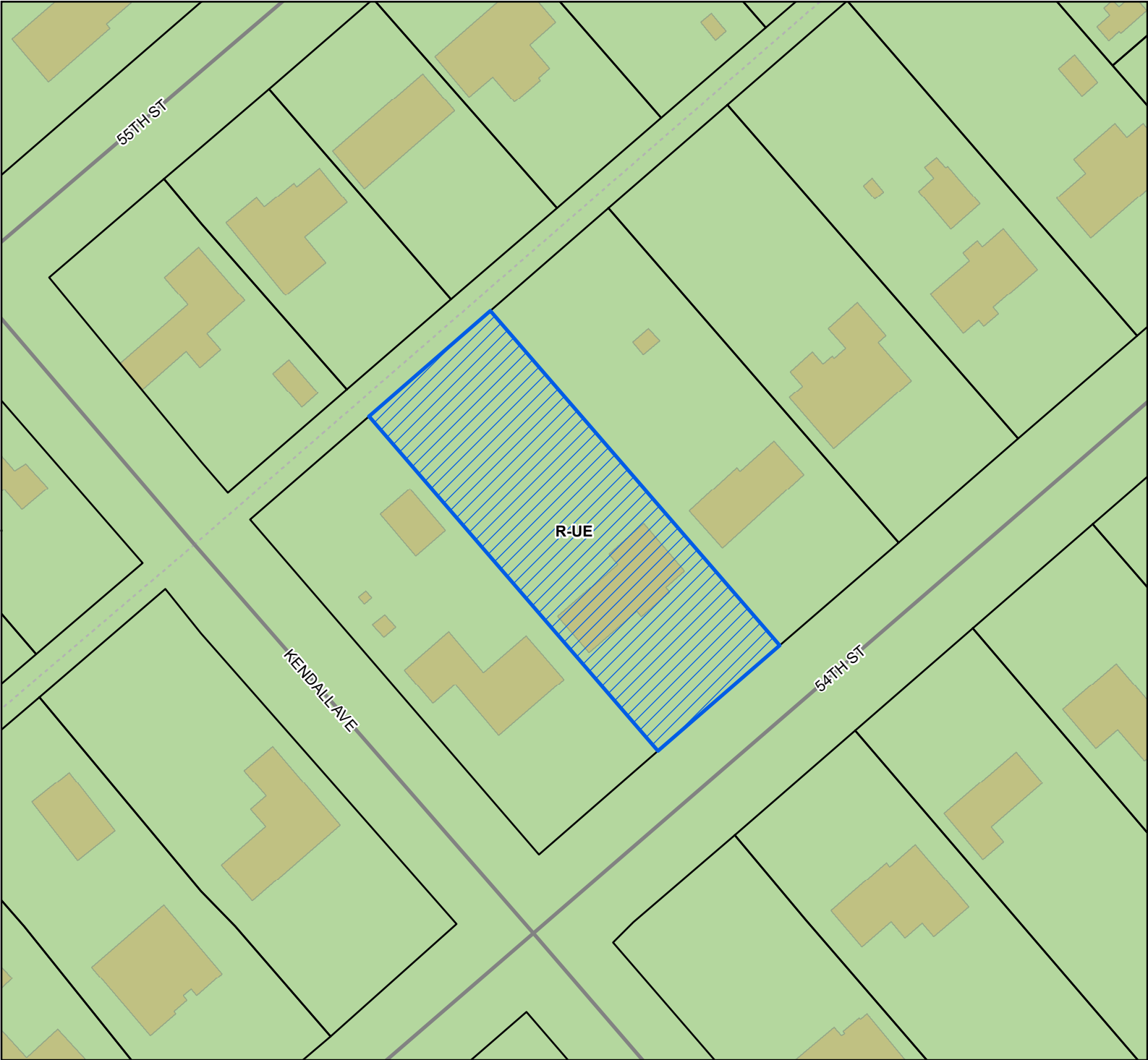
This report has been reviewed and approved by:



Greg Holmes

Director of Urban Development Department





 Site

 Street

 Alley

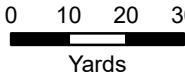
 Parcels

 Buildings

Zoning

 R-UE - Residential Urban Estate

Site Information
0909J-03-017.000
Zoning: R-UE (Urban residence estates districts)
Size: 36964.7 sqft
Flood: X



1 inch = 100 feet



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Case Number
2307 ZB 074

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

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

Tax Parcel Numbers

0	9	0	9	5	-	0	3	-	0	1	7	.	0	0	0					-			-			.		
					-			-				.								-			-			.		
					-			-				.								-			-			.		

Property Address: 20 Elm Street Gulfport MS 39507
 Lot(s) 1, Block(s) 1, Subdivision BAYVIEW

General Description of Request: approval for variance for 2304
sq ft where 1600 sq ft is allowed

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

Patricia Fairley
Printed Name of Owner

Printed Name of Owner 20 54 M Street

Mailing Address Gulfport MS 39507

City 228-449-9091 State _____ Zip code _____

Home Phone _____ Work/Sell Phone Dunach 0110 @ aol. com

Email _____

Signature of Owner _____

Printed Name of Agent

Mailing Address

City State Zip code

Home Phone Work/Cell Phone

Email

Signature of Agent

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)

Rebecca Finkler

ADDRESS (STREET, CITY, STATE, ZIP CODE)

20 131 WA Street Guilford MS 39507

PHONE # (H)

228 822-0120

(WK/CELL)

228-669-9041

TAX PARCEL NUMBER(S) OWNED

09095-03-017.000

SIGNATURE: _____

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)
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 about 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.



Covenant Affidavit

I, Rebecca Fairley, being owner or agent of the property 20 SAM ST.
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]
Signature

5-30-23
Date

STATE OF MISSISSIPPI | COUNTY OF HARRISON

Given under my hand and seal of office this the 30 day of May, 2023

Rhonda Gaddis
Notary Public

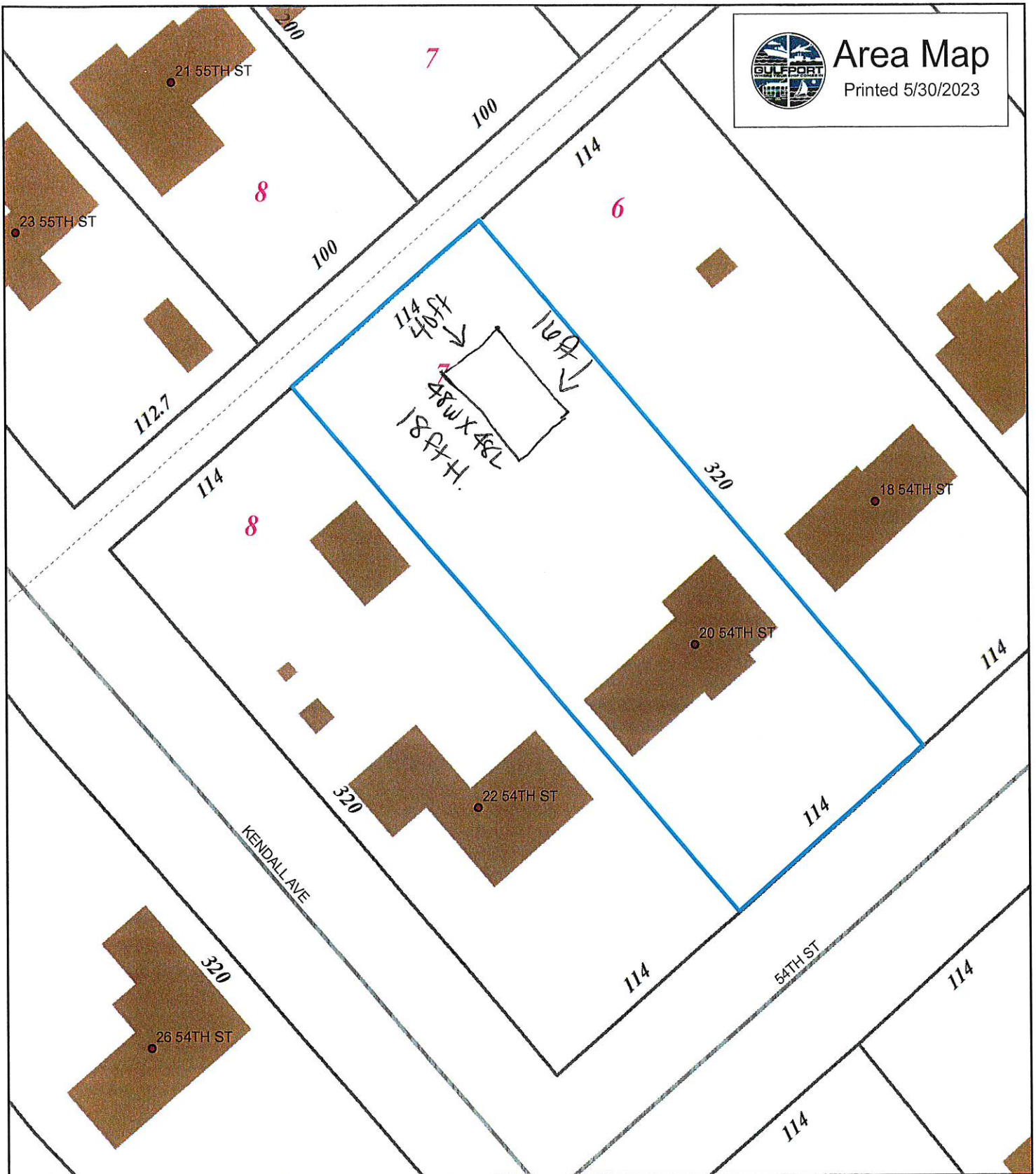


Commission Expiration

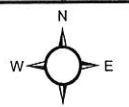


Area Map

Printed 5/30/2023



- Addresspoints
- ~ Minor/Residential
- Alley
- Parcels



1 inch = 60 feet

DATA DISCLAIMER:

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Variance Submissions Questions

20 54th Street Gulfport Ms 39507

Seeking Approval of a storage Shop at my place of residence:

1. My property is plenty big enough to support a structure of this size in height and width. I currently do not have storage to store my boat, golf carts, tools etc.... The size and or height of this structure are not affecting any surrounding properties or structures. I am asking for a variance due to the fact it is built, and I would hate to have to alter it in any way.
2. I was unaware that I needed a work permit to build a shop on my property therefore I did not know there were city requirements via the city or restrictions of bayou view. I have only ever lived in the county and was not even aware that a convenance in bayou view.
3. Bayou View is an older neighborhood, and I believe that is why there have not been many new structures in the area. Most of the residents are older and may not have the need to add on or add additional structures to their property. I, however, needed the space to store my extra vehicles, boats, work trucks, tractors, tools and more.
4. This structure will add value to the property and future property owners. It is compliant to the design of the homes and other shops I have seen in the surrounding area. It is a wooden structure, with shingles and hardy siding. It is also tucked away in the back corner of the property, so it is not visible to the street view.
5. This storage shop does not allow any extra benefit that any other neighbor could not endure. I have seen other homes that have multiples storage units in their back yard this is just under one roof instead of several which supports the size. Also, the size and height allows us to store the many items that we own in the back of my property so they are not an eye soar in the front of the property.
6. It seems as if it is my right as a homeowner and property owner that I would be able to have such a structure on my property to keep items stored and keep the front of the home looking presentable. If not, I would have boats, trucks, golf carts, tools, and more in the yard and would destroy our items from weather and elements.

From: Thomas M. Jones MJones@flygpt.com
Subject: Construction of Shed
Date: May 26, 2023 at 8:35:35 AM
To: panache0110@aol.com

Ms. Fairley,

After having internal discussions at the airport and a phone call with the City of Gulfport, it was determined by the Airport Authority that your proposed shed will not impact airport operations and you do not need approval from the airport. We have taken a look at the site where the construction is proposed and determined that, as long as the building stays under 57 feet in height, it will not be endangering any of the airport surfaces. Please feel free to contact me at 228-596-6940 if there is anything else we can help you with.

Thank you.
Michael

Thomas M. Jones
Operations Supervisor
Gulfport-Biloxi International Airport
14035-L Airport Rd. | Gulfport, MS 39503
(228) 863-5951 (o) | (228) 863-1908 (c)
www.FLYGPT.com

We Make Flying Easier.





FIRE DEPARTMENT

P.O. Box 1780
Gulfport, MS 39502
Phone: 228-868-5950
Fax: 228-868-5808

Rebecca Fairley
20 54th St.
Gulfport, MS 39507

Central Station
1515 23rd Avenue
Gulfport, MS 39501

May 25, 2023

Internationally Accredited Gulfport Fire Department (GFD) is a full-spectrum life safety agency protecting a population of more than 72,000 citizens and a metro-population of greater than 416,000 people who live, work and play in Mississippi's second largest city. Gulfport Fire Department is one of only two Mississippi agencies that has an ISO Fire Suppression Rating of 2 out of 10 (with 1 being the highest rating). A total of 160 plus uniformed fire personnel protect life, property and the environment through their direct involvement in fire prevention, firefighting, emergency medical care, technical rescue, hazardous materials mitigation, disaster response, public education and community service. An equally committed non-sworn cadre of professional support personnel provide technical and administrative expertise in their corresponding pursuit of the department's mission. The expansive capabilities of the department include high-angle rescue, special operations response and all-hazards mitigation to include multi-story (High Rise) occupancies. In consideration of the department's capabilities as applied to the proposed development at 20 54th St. Gulfport, Ms., the Gulfport Fire Department Fire Chief approves of this general plan. Compliance with applicable codes and standards assumed.

Sincerely,

A handwritten signature in black ink that reads "Billy Kelley".

Billy Kelley
Fire Chief City of Gulfport



1st Judicial District
Instrument 2021-11544-D-11
Filed/Recorded 08/10/2021 09:30 AM
Total Fees \$26.00
2 Pages Recorded

Our File #B210707

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

INDEX: Lot 7, Blk 1, Gulfport Bayou View

STATE OF MISSISSIPPI
COUNTY OF HARRISON

WARRANTY DEED

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

Hollis T. Holleman and wife, Lucy Jackson Holleman,

11655 Stanton Circle, Gulfport, MS 39503, (334) 315-077,1

does hereby sell, convey and warrant unto

Rebeca Nichole Fairley,

12481 Preservation Dr, Gulfport, MS 39503, (228) 669-9091,

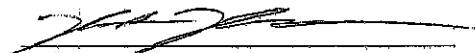
the following described land and property being located in the First Judicial District of Harrison County, Mississippi, being more particularly described as follows, to-wit:

Lot Seven (7), Block One (1) of Gulfport Bayou View Subdivision, a subdivision according to the official map or plat thereof on file and of record in the office of the Chancery Clerk of the First Judicial District of Harrison County, Mississippi, in Plat Book 17 at Page 9 thereof, reference to which is hereby made in aid of and as a part of this description. Together with all improvements thereon and all rights and appurtenances thereunto belonging or in anyway appertaining.

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

TAXES for the current year have been pro-rated as of this date and are hereby assumed by the Grantee herein.

WITNESS OUR SIGNATURES, on this the 9th day of August, 2021.


Hollis T. Holleman


Lucy Jackson Holleman

STATE OF MISSISSIPPI

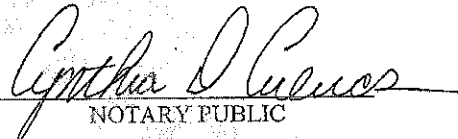
COUNTY OF HARRISON

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

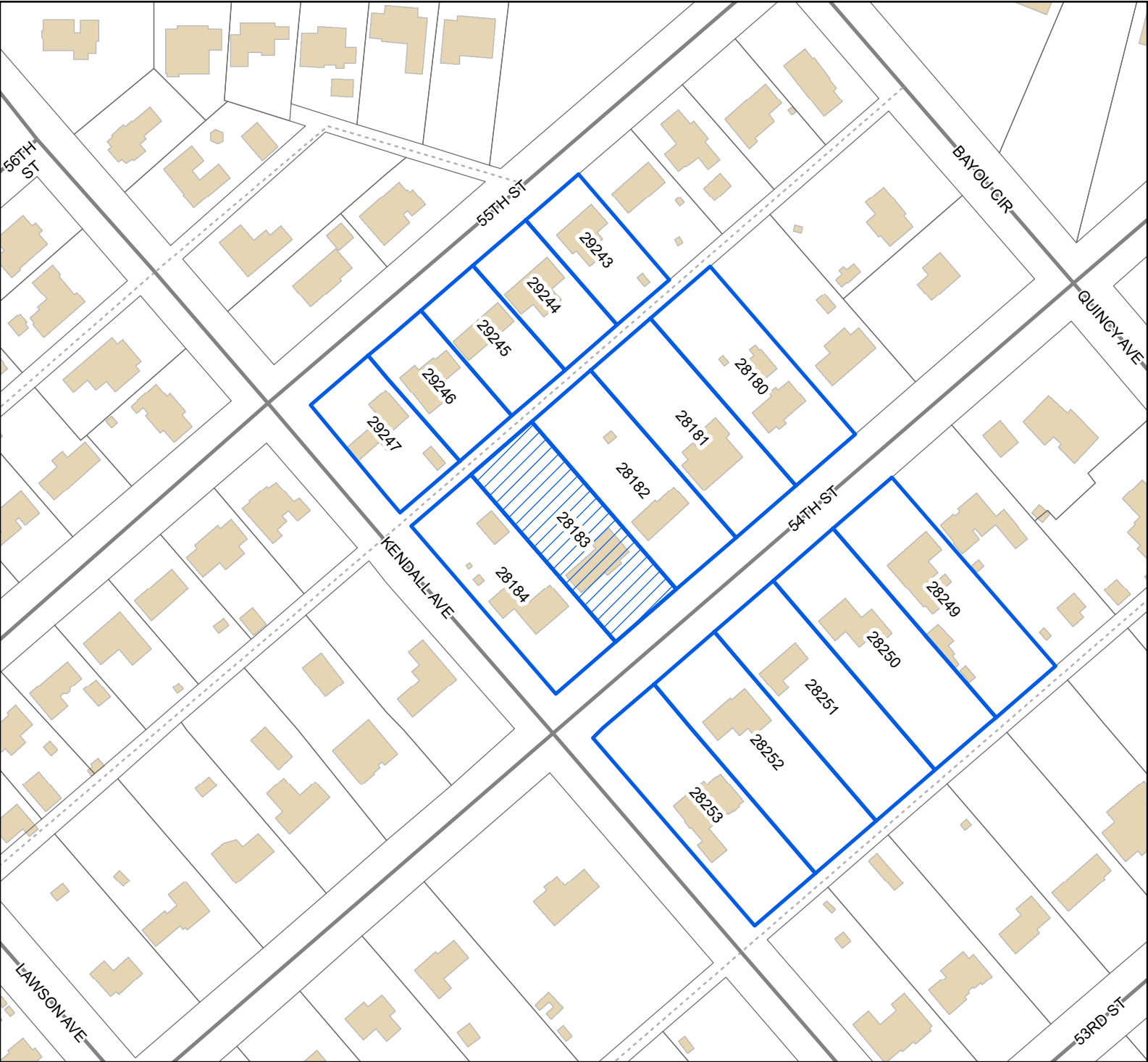
GIVEN UNDER MY HAND AND OFFICIAL SEAL OF OFFICE, this the 9th day of August, 2021.

My Commission Expires



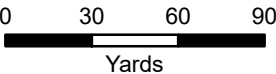

NOTARY PUBLIC

Mail	PPIN	Parcel ID	Name	Address	City	State	ZIP
Y			REBECA FAIRLEY (OWNER)	20 54TH ST	GULFPORT	MS	39507
			Adjacent Property Owners (2307ZB074)				
	29244	0909J-03-005.000	ELLZEY BELINDA M	17 55TH ST	GULFPORT	MS	39507
	28253	0909O-04-063.000	DAVIS JOSEPH P & LEANN	21 54TH ST	GULFPORT	MS	39507
	28250	0909J-03-021.000	SEARCY LYNSI M	15 54TH ST	GULFPORT	MS	39507
	28184	0909J-03-018.000	MCGHEE WILLIAM G & CURRY PATTI A M	205 16TH ST	GULFPORT	MS	39507
	28180	0909J-03-014.000	PEARSON DAVID CHRISTOPHER & ERIN B	14 54TH ST	GULFPORT	MS	39507
	29243	0909J-03-006.000	JONES TERESA	15 55TH STREET	GULFPORT	MS	39507
	28252	0909O-04-064.000	ROSENBLATT LINDSAY M & LAUREN E	19 54TH ST	GULFPORT	MS	39507
	29247	0909K-02-052.000	DAVIDSON ROBERTA O & JOE JR	23 22TH ST	GULFPORT	MS	39501
	28181	0909J-03-015.000	PAPANIA STEPHEN & KATHRYN	16 54TH ST	GULFPORT	MS	39507
	28251	0909J-03-020.000	RESTER RYAN & SHEENA	4918 COURTHOUSE RD	GULFPORT	MS	39507
	28182	0909J-03-016.000	COMPTON SALETA G	18 54TH ST	GULFPORT	MS	39501
	29246	0909J-03-003.000	SHAW LUCILLE Z	21 55TH ST	GULFPORT	MS	39507
	28249	0909J-03-022.000	KLOTZBACH LOUIS S JR & CONNIE B	13 54TH ST	GULFPORT	MS	39507
	29245	0909J-03-004.000	BALTAR HENRY E JR	PO BOX 8722	GULFPORT	MS	39506



Legend

- Site
- Adjacent Properties
- Street
- Alley
- Buildings



1 inch = 200 feet



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THANK YOU for your legal submission!

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

ORDER DETAILS

Order Number:
IPL0129144
External Order #:
438155
Order Status:
Submitted
Classification:
Legals & Public Notices
Package:
BLX - Legal Ads
Final Cost:
72.88
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
June 27, 2023 11:49:23 AM EDT
Amount:
72.76
Date
June 28, 2023 11:23:45 PM EDT
Amount:
0.12

SCHEDULE FOR AD NUMBER IPL01291440

July 5, 2023

PREVIEW FOR AD NUMBER IPL01291440**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, July 20, 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 2307ZB073, by owner Rebeca Fairley, is seeking approval for 18 feet in height for a detached accessory structure where 14 feet is the height limit, Tax Parcel 0909J-03-017.000, 20 54th Street, Zoned R-UE (Urban residence estate), Ward 4

Variance 2307ZB074, by owner Rebeca Fairley, is seeking approval for an accessory detached structure size of 2,304 square feet where 600 square feet is the size limit, Tax Parcel 0909J-03-017.000, 20 54th Street, Zoned R-UE (Urban residence estate), Ward 4

Variance 2307ZB075, by agent C. Roberds General Contractors, LLC, seeking approval for a 57-stone for drives in a boat parking area where only concrete or asphalt is allowed, Tax Parcel 1010F-01-021.000, 1408 Cowan Road, Zone T6 (Urban Core Zone), Ward 4

Variance 2307ZB078, by agent Freddie Fountain, is seeking approval for a 5-foot side yard setback for the addition to an existing home where 8-feet is required, Tax Parcel 0811H-04-033.000, 1315 2nd Street, Zoned R-1-7.5 (Single-family), Ward 2

Variance 2307ZB080, by agent Freddie Fountain, is seeking approval for a 9-foot and 9-inch front yard setback where 25 feet is required on a second street frontage, Tax Parcel 1010O-02-002.001, 1936 Beach Drive, Zoned R-1-7.5 (Single-family), Ward 2

Variance 2307ZB082, by owners Dalaney Mecham and Hannah Shirley, is seeking approval for a 6-foot wooden fence along the front continuous facade where a 4-foot fence is the height limit, Tax Parcel 0909O-01-007.000, 1 Shady Side Circle, Zoned R-1-7.5 (Single-family), Ward 4

This the 28th day of June 2023
A. Leslie North, Chairman
City of Gulfport Zoning Board of Adjustment and Appeals
IPL0129144
Jul 5 2023

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

SunHerald (Biloxi)



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Sacramento Bee
Fort Worth Star-Telegram
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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	438155	Print Legal Ad-IPL01291440 - IPL0129144		\$72.88	2	50 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 28th day of June 2023
A. Leslie North, Chairman
City of Gulfport Zoning Board of Adjustment and Appeals
IPL0129144
Jul 5 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:
07/05/23

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.

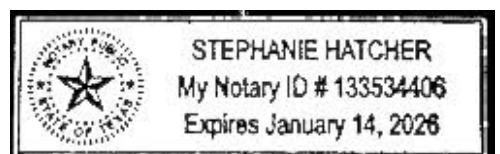
Stefani Beard

Sworn to and subscribed before me this 7th day of July 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.



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: July 20, 2023

Re: Variance 2307ZB075:

Variance 2307ZB075, by agent C. Roberds General Contractors, LLC, seeking approval for a 57-stone for drives in a boat parking area where only concrete or asphalt is allowed, Tax Parcel 1010F-01-021.000, 1408 Cowan Road, Zone T6 (Urban Core Zone), Ward 4

Technical Report

VARIANCE

GENERAL INFORMATION

Case File Number: 2307ZB075

Hearing Date: July 20, 2023

Current Zoning/Use: T6 / Commercial Use

Legal: Variance 2307ZB075, by agent C. Roberds General Contractors, LLC, seeking approval for 57-stone for drives where only concrete or asphalt is allowed, Tax Parcel 1010F-01-021.000, 1408 Cowan Road, Zone T6 (Urban Core Zone), Ward 4

TECHNICAL DETAILS

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

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

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

Technical Report

VARIANCE

The applicant requests a variance in order to use type 57-stone gravel for proposed drives for approved marina use, where ordinances allow for only either concrete or asphalt.

- (a) Applicant states that “the drives around the covered boat parking are in a private gated location,” and that “there is no potential of gravel/stone tracking or washing to any main roadways.” Upon staff review of location, entry to the subject site is gated and proposed location for 57-stone drives is far from accessible public roadways. Any claims regarding potential gravel/stone tracking or washing would not be under jurisdiction of the planning division. Subject site was approved for a Marina use, case# 2202PC027.
- (b) Applicant claims that the reason they wish to use type 57-stone gravel is due to the number of interlocking pavers and oyster shells needed is not readily available. Applicant believes that the property is within jurisdiction of Traditional Smartcode (Appendix D), which lists interlocking paver and oyster shells as acceptable parking materials. The site is actually under Hybrid Smartcode (Appendix A), which allows only for concrete or asphalt without a variance.
- (c) Applicant’s claims are the cost for “actual hard surface paving” is too high for this development. Cost of materials is does not meet the merit to be counted as a hardship. However materials listed by applicant are a part of Traditional Smartcode, while the subject site is under Hybrid Smartcode, which allows for only asphalt or concrete.
- (d) Applicant claims that the variance will “allow for the development of the property and future developments.”
- (e) According to applicant the proposed request will not grant any special benefits or privileges that other properties in the same district would be denied by ordinance. There have been other properties in the same zoning district that have been granted approval for gravel drives via variances, setting a precedence for the subject site.
- (f) This property is zoned T6, and a Marina use is allowed per Planning Commission Approval.

EXECUTIVE SUMMARY

Upon staff review of the submitted application, the six hardship criteria had not been met, and hardships listed do not meet merit. Applicant claims that materials they would need, listing interlocking pavers and oyster shells, are too expensive and not readily available for use. Materials listed by applicant are allowed materials in Traditional Smartcode (Appendix D), applicant’s subject site is under Hybrid Smartcode (Appendix A), which allows only for concrete and asphalt without a variance. If the subject site was under Traditional Smartcode the subject site could be in harmony with other marinas.

Any approval should consider these conditions:

- 1. Must be a surface capable of supporting the imposed load of fire apparatus weighing up to 75,000 pounds.
- 2. Approval allows for type 57-stone gravel where ordinance allows only concrete or asphalt.

Technical Report

VARIANCE

DEPARTMENTAL CONDITIONS

Engineering: No comment as of 7/7/2023.

Public Works: No comment as of 7/7/2023.

Traffic and Safety: No conditions. Memo dated 7/7/2023.

Building Code Services: No conditions. Memo dated 6/30/2023.

GIS: No conditions. Memo dated 6/27/2023.

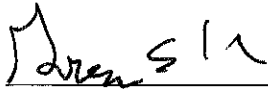
Police Department: No comment as of 7/7/2023.

Fire Department: Must be a surface capable of supporting the imposed load of fire apparatus weighing up to 75,000 pounds. Memo dated 6/27/2023.

City Arborist: No conditions. Memo dated 6/27/2023.

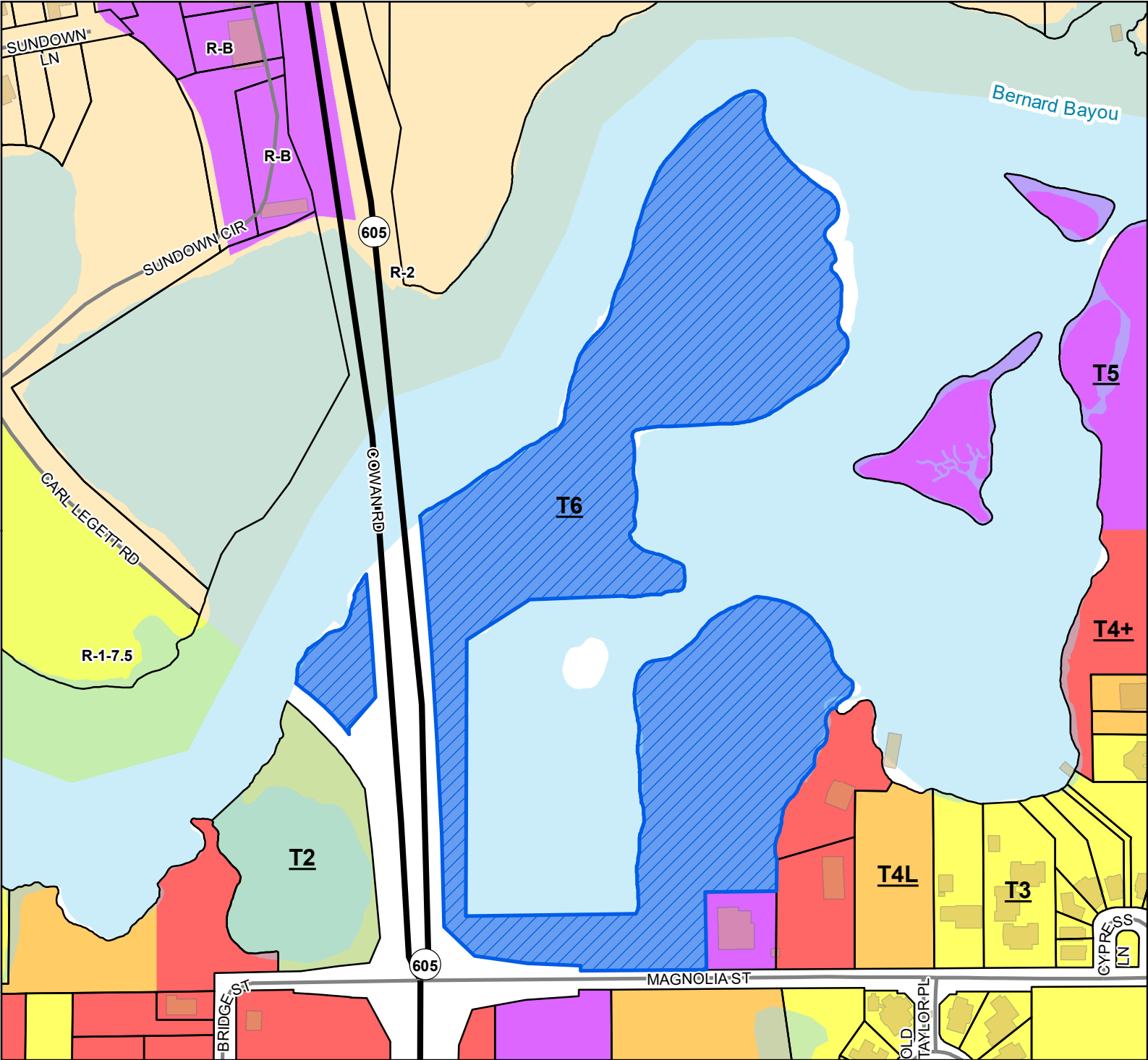
DIRECTOR APPROVAL

This report has been reviewed and approved by:



Greg Holmes
Director of Urban Development Department





Site

US or State Highway

Street

Parcels

Buildings

Water Features

Smart Code

T6

T5

T4+

T4L

T3

T2

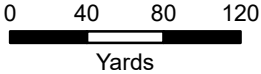
Zoning

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
1010F-01-021.000
Zoning: T6 (Urban Core Zone)
Size: 17.8 acres
Flood: AE



1 inch = 300 feet



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

Case Number
2307 ZB075

REQUESTED ACTION BY THE ZONING BOARD OF ADJUSTMENTS AND APPEALS

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

1	0	1	0	F	-	0	1	-	0	2	1	.	0	0	0						-			-				.			
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					-			-				.									-			-			.				

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

OWNERSHIP AND CERTIFICATION

OWNER

AGENT

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*

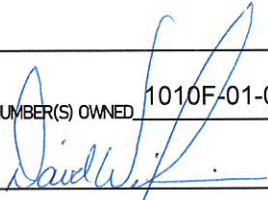
I hereby certify that I have read and understand this application and that all information and attachments are true and correct. I also certify that I agree to comply with all applicable city codes, ordinances and state laws. Finally, I certify that I am the owner of the property involved in this request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

NAME OF OWNER (PRINT) David Weinstein

ADDRESS (STREET, CITY, STATE, ZIP CODE) 1247 Stanford Ave Baton Rouge, LA 70808

PHONE # (H) _____ (WK/CELL) 225-324-6556

TAX PARCEL NUMBER(S) OWNED 1010F-01-021.000

SIGNATURE: 

NAME OF OWNER (PRINT) John Haas Weinstein

ADDRESS (STREET, CITY, STATE, ZIP CODE) 194 N Southlawn Dr Lafayette, LA 70503

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

TAX PARCEL NUMBER(S) OWNED 1010F-01-021.000

SIGNATURE: _____

NAME OF OWNER (PRINT) _____

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

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

TAX PARCEL NUMBER(S) OWNED _____

SIGNATURE: _____

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) David Weinstein

ADDRESS (STREET, CITY, STATE, ZIP CODE) 1247 Stanford Ave Baton Rouge, LA 70808

PHONE # (H) _____ (WK/CELL) 225-327-6556

TAX PARCEL NUMBER(S) OWNED 1010F-01-021.000

SIGNATURE: see attached

NAME OF OWNER (PRINT) John Haas Weinstein

ADDRESS (STREET, CITY, STATE, ZIP CODE) 194 N Southlawn Dr Lafayette, LA 70503

PHONE # (H) _____ (WK/CELL) 337-945-3632

TAX PARCEL NUMBER(S) OWNED 1010F-01-021.000

SIGNATURE: John Haas Weinstein

NAME OF OWNER (PRINT) Robert T. Schwartz attorney only

ADDRESS (STREET, CITY, STATE, ZIP CODE) 2355 Pass Rd Gulfport, MS 39531

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

TAX PARCEL NUMBER(S) OWNED 1010F-01-021.000

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 ***initiated 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.

See attached

1. The drives around the covered boat parking are in a private gated location. There is no potential of gravel/stone tracking or washing to any main roadways. The said property is surrounded by water and non-pervious paving would just add runoff in the adjacent bayous.
2. Due to the large size of the boat parking and docks, the number of interlocking pavers and oyster shells needed is not readily available.
3. Actual hard surface paving costs are just too high for this development to be feasible. This location is unique as it's surrounded by water and not accessible by the public.
4. The variance request will allow for the development of the property and future further developments. The request for a variance is reasonable for development and is within all with standing weights for emergency personnel.
5. Granting the variance will not confer or give any special benefit or privilege.
6. The proposed variance is permissible by right with planning approval.



Designation of Agent

I, David Weinstein, being property owner of 1408 Cowan Rd, Gulf Port, MS 39507
PRINT NAME PRIMARY ADDRESS OR PARCEL
 which is the subject of this application hereby authorize C. Roberts General Contractors to act as my
PRINT NAME
 representative with the City of Gulfport's Zoning Board of Adjustment and Appeals, and/or Planning Commission, and/or City Council, and/or permitting and licensing, as required by the City.

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

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

Signature

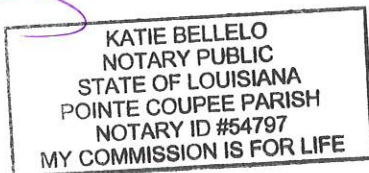
Date

Louisiana Parish of East Baton Rouge
 STATE OF MISSISSIPPI | COUNTY OF HARRISON

Given under my hand and seal of office this the 10th day of May, 20 23

Notary Public

Commission Expiration





~~David Weinstein~~

Designation of Agent

~~Robert T. Schwartz~~

I, John Haas Weinstein, being property owner of 1408 Cowan Rd Gulfport, MS 39507
PRINT NAME PRIMARY ADDRESS OR PARCEL
 which is the subject of this application hereby authorize C. Roberds General Contractors, LLC to act as my
PRINT NAME
 representative with the City of Gulfport's Zoning Board of Adjustment and Appeals, and/or Planning Commission, and/or City Council, and/or permitting and licensing, as required by the City.

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

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

John Haas Weinstein
 Signature

May 23, 2023
 Date

Signature

Date

Signature

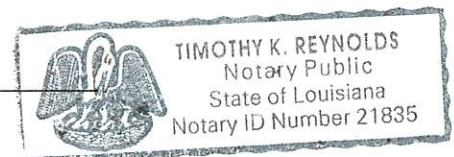
Date

STATE OF LOUISIANA PARISH OF EAST BATON ROUGE

Given under my hand and seal of office this the 23 day of May, 2023

Timothy K. Reynolds
 Notary Public

At Death
 Commission Expiration



**Covenant Affidavit**

I, David Weinstein, being owner or agent of the property 1408 Cowan Rd, Gulf Port, MS 39507
PRINT NAME PRIMARY ADDRESS OR PARCEL

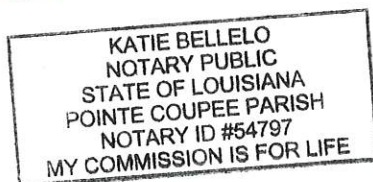
which is the subject of this application, hereby state that this variance request is not in violation of any restrictive or protective covenants.

David Weinstein 05.10.23
Signature Date

Louisiana / Parish of East Baton Rouge
STATE OF MISSISSIPPI | COUNTY OF HARRISON

Given under my hand and seal of office this the 10th day of May, 20 23

Katie Bellelo
Notary Public



Life
Commission Expiration



Michael Watson

SECRETARY OF STATE

This is not an official certificate of good standing.

Name History

Name	Name Type
Wein-Air Holdings LLC	Legal

Business Information

Business Type:	Limited Liability Company
Business ID:	1023343
Status:	Good Standing
Effective Date:	06/21/2013
State of Incorporation:	Mississippi
Principal Office Address:	194 north Southlawn Drive, 194 north Southlawn Drive Lafayette, LA 70503

Registered Agent

Name
Schwartz, Robert T.
2355 Pass Road
Biloxi, MS 39531

Officers & Directors

Name	Title
John Haas Weinstein 194 North Southlawn Drive Lafayette, LA 70503	Manager, Member, President
Robert T Schwartz 2355 Pass Road Biloxi, MS 39531	Other attorney
David Weinstein 1247 Stanford Ave Baton Rouge, LA 70808	Manager

T6 DISTRICT ZONING INFORMATION

URBAN CORE ZONE: CONSISTS OF THE HIGHEST DENSITY, WITH THE GREATEST VARIETY OF USES, AND CIVIL BUILDINGS OF REGIONAL IMPORTANCE. IT MAY HAVE LARGER BLOCKS; STREETS HAVE STEADY STREET TREE PLANTING AND BUILDINGS SET CLOSE TO THE FRONTS.

PERMITTED USES, (USES LISTED HAVE BEEN LIMITED TO THE PROPOSED IN THIS LAYOUT)

WATER RELATED -

RECREATIONAL USES,
HARBORS AND THEIR CUSTOMARY ACCESSORY USES,
PIERS,
BOAT LAUNCHES,
LAND BASED FUELING DOCKS,
LAND BASED BAIT STORES,
LAND BASED CONCESSIONS,
LAND BASED RESTROOMS. (APPROVED BY RIGHT)

MARINA (APPROVED BY RIGHT)

BUILDING SITE AREA.
THERE IS NO MINIMUM REQUIRED BUILDING SITE AREA, EXCEPT THAT FOR MULTIPLE-FAMILY DWELLINGS PERMITTED WITH PLANNING COMMISSION APPROVAL—A MAXIMUM OF FORTY-EIGHT (48) DWELLING UNITS PER ACRE

BUILDING SITE COVERAGE.
THE MAXIMUM BUILDING SITE COVERAGE BY ALL BUILDINGS SHALL BE NINETY (90) PERCENT.

BUILDING SITE COVERAGE:

PHASE 1
MARINA RESTORATION - APPROXIMATELY 1.3 ACRES OF PERVIOUS COVERAGE OF EXISTING DRIVES, PARKING, INCLUDING ELEVATED BUILDING AND PARKING TO SERVE MARINA.

PHASE 2
COVERED BOAT PARKING AND DRIVES - APPROXIMATELY 1.6 ACRES OF PERVIOUS COVERAGE FOR PROPOSED BUILDINGS AND DRIVES

BUILDING HEIGHT LIMIT.
EXCEPT AS PROVIDED IN SECTION IV, NO STRUCTURE SHALL EXCEED ONE HUNDRED AND FIFTY (150) FEET IN HEIGHT.

YARDS REQUIRED.
EXCEPT AS PROVIDED IN SECTION IV, THE MINIMUM DIMENSIONS OF YARDS SHALL BE:
FRONT YARD—15 FEET

(THERE ARE NO MINIMUM REQUIRED SIDE AND REAR YARDS EXCEPT THAT MULTIPLE-FAMILY DWELLINGS PERMITTED WITH PLANNING COMMISSION APPROVAL SHALL HAVE YARDS AS SPECIFIED AS FOLLOWS:.)

FRONT YARD—15 FEET.
SIDE YARD—6
ON 2ND FRONTAGE—6 FEET
REAR YARD—6 FEET

NORTH

GRAPHIC SCALE

(IN FEET)
1 inch = 50 ft.

ENLARGED DEVELOPMENT AREA - LIMITS OF DISTURBANCE

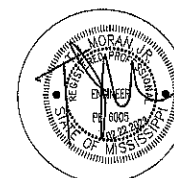


TERRY MORAN
ENGINEERING

P.O. BOX 4076
BILOXI, MS 39895

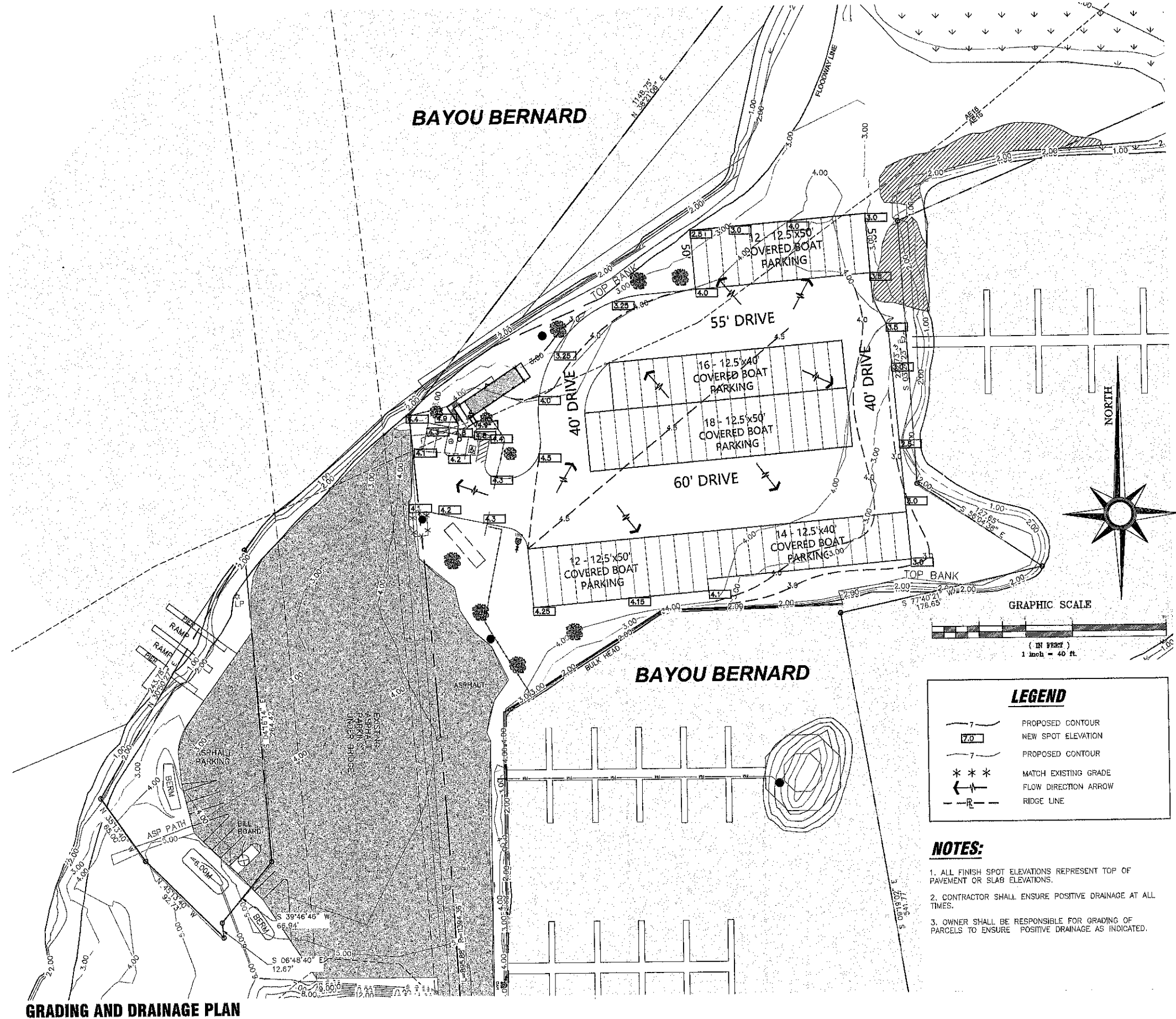
PH 228.898.4733
FAX 228.898.8768

TERRY MORAN,
P.E., P.L.S.



FULL SERVICE MARINA

Parcel: 1010F-01-021.000
1408 COWAN Road, Gulfport, MS

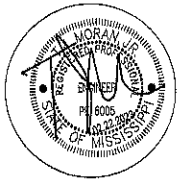


TERRY MORAN
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P.O. BOX 4075
BILLOXI, MS 39636

PH 228.898.4733
FAX 228.898.8798

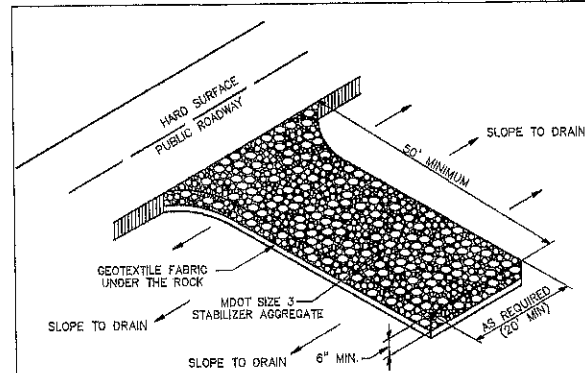
TERRY MORAN,
P.E., P.L.S



FULL SERVICE MARINA

Parcel: 1010F-01-021000

1408 COWAN Road, Gulfport, MS

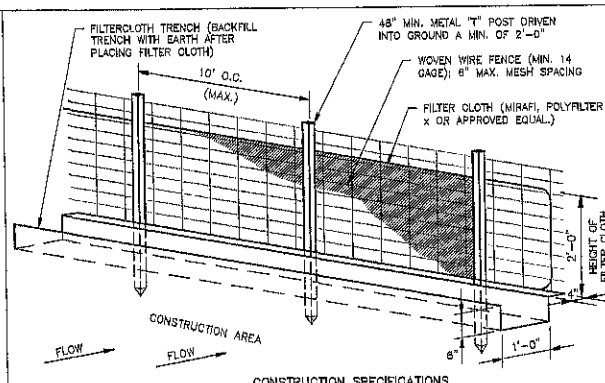


NOTES:

1. THE AREA OF THE CONSTRUCTION ENTRANCE SHALL BE EXCAVATED 8 INCHES DEEP, 50 FEET LONG AND SHALL EXTEND THE FULL WIDTH OF ANY VEHICULAR INGRESS AND EGRESS (MINIMUM 20 FEET) LOCATED ON THE SITE.
2. THE ENTRANCE SHALL BE PROPERLY MAINTAINED FOR THE DURATION OF THE PROJECT TO PREVENT THE TRACKING OF SEDIMENT ONTO PUBLIC RIGHT-OF-WAY. ALL MAINTENANCE AND REPAIRS SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR.
3. THE ENTRANCE SHALL BE CHECKED ON A DAILY BASIS AND BEFORE & AFTER ANY RAINFALL EVENT FOR ANY DAMAGES. ANY DAMAGES FOUND SHALL BE REMEDIATED BEFORE THE DAYS END AT NO ADDITIONAL COST TO THE CITY.
4. THE ENTRANCE SHALL BE PROPERLY GRADED TO PREVENT THE FLOW OF SEDIMENT ONTO PUBLIC RIGHT-OF-WAY. ALL MATERIALS SPILLED, DROPPED, WASHED OR TRACKED FROM VEHICLES ONTO ROADWAYS OR INTO STORM DRAINS SHALL BE REMOVED IMMEDIATELY.
5. MEASURES SHALL BE TAKEN TO PREVENT VEHICULAR TRAFFIC FROM BYPASSING THE CONSTRUCTION ENTRANCE DURING INGRESS AND EGRESS.

LIMESTONE CONSTRUCTION ENTRY DETAIL		
DATE: 5/20/15	APPR. BY: DSA	REVISION
SCALE: N.T.S.	DR. NO.: 02295	
DR. BY:	FILE: CONSTRUCT ENTRY.dwg	
CITY OF GULFPORT		
STANDARD CONSTRUCTION DETAILS		

Gulfport
ENGINEERING & PUBLIC WORKS DEPARTMENT
4000 HENRIE AVENUE, GULFPORT, MS 39507
PH: 228-868-6315 FAX: 228-868-6322



INSTALLATION:

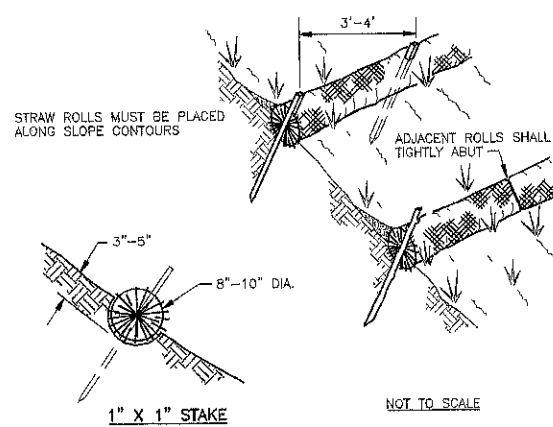
1. USE STEEL 'T' POSTS THAT ARE 5 FEET IN LENGTH.
2. INSTALL POSTS STARTING AT THE CENTER OF THE LOWEST POINT OF THE FENCE LINE. DRIVE POSTS 12 INCHES INTO THE GROUND.
3. INSTALL POSTS ON 10-FOOT CENTERS IF METAL MESH FENCING IS TO BE USED AS ADDITIONAL SUPPORT. IF NO METAL FENCING SUPPORT IS USED, THEN INSTALL POSTS ON 6-FOOT CENTER OR LESS.
4. EXCAVATE A TRENCH 4 INCHES DEEP BY 4 INCHES WIDE ON THE UPHILL SIDE OF THE FENCE POSTS.
5. STAPLE OR TIE SILT FENCE FABRIC TO POSTS ON UPHILL SIDE, LEAVING 8 INCHES ON THE BOTTOM TO EXTEND DOWN AND ACROSS THE BOTTOM OF THE TRENCH.
6. BACKFILL TRENCH AND TAMP DOWN OVER FABRIC.
7. ALLOW 6-INCH OVERLAP AT JOINTS.
8. MULCH BARE GROUND UPHILL OF SILT FENCE OR PROVIDE OTHER EROSION CONTROL MEASURES.

MAINTENANCE:

1. REMOVE ACCUMULATED SEDIMENT ALONG THE FENCE WHEN IT HAS REACHED A THIRD TO A HALF OF THE FENCE HEIGHT. DO NOT PLANT SEDIMENT ON THE DOWNHILL SIDE.
2. INSPECT WEEKLY AND AFTER EACH SIGNIFICANT STORM EVENT (GREATER THAN 1/2 INCH OF RAIN).
3. REMOVE FENCE WHEN AREA ABOVE THE FENCE HAS BEEN STABILIZED.
4. IF FABRIC IS TORN, THEN REPLACE WITH A NEW PIECE THAT STRETCHES TO POST ON EITHER SIDE OF THE TEAR.

SILT FENCE DETAIL		
DATE: 5/20/15	APPR. BY: BCM	REVISION
SCALE: N.T.S.	DR. NO.: 02295 DWS-1	
DR. BY:	FILE: SILT FENCE	
CITY OF GULFPORT		
STANDARD CONSTRUCTION DETAILS		

Gulfport
ENGINEERING & PUBLIC WORKS DEPARTMENT
4000 HENRIE AVENUE, GULFPORT, MS 39507
PH: 228-868-6315 FAX: 228-868-6322



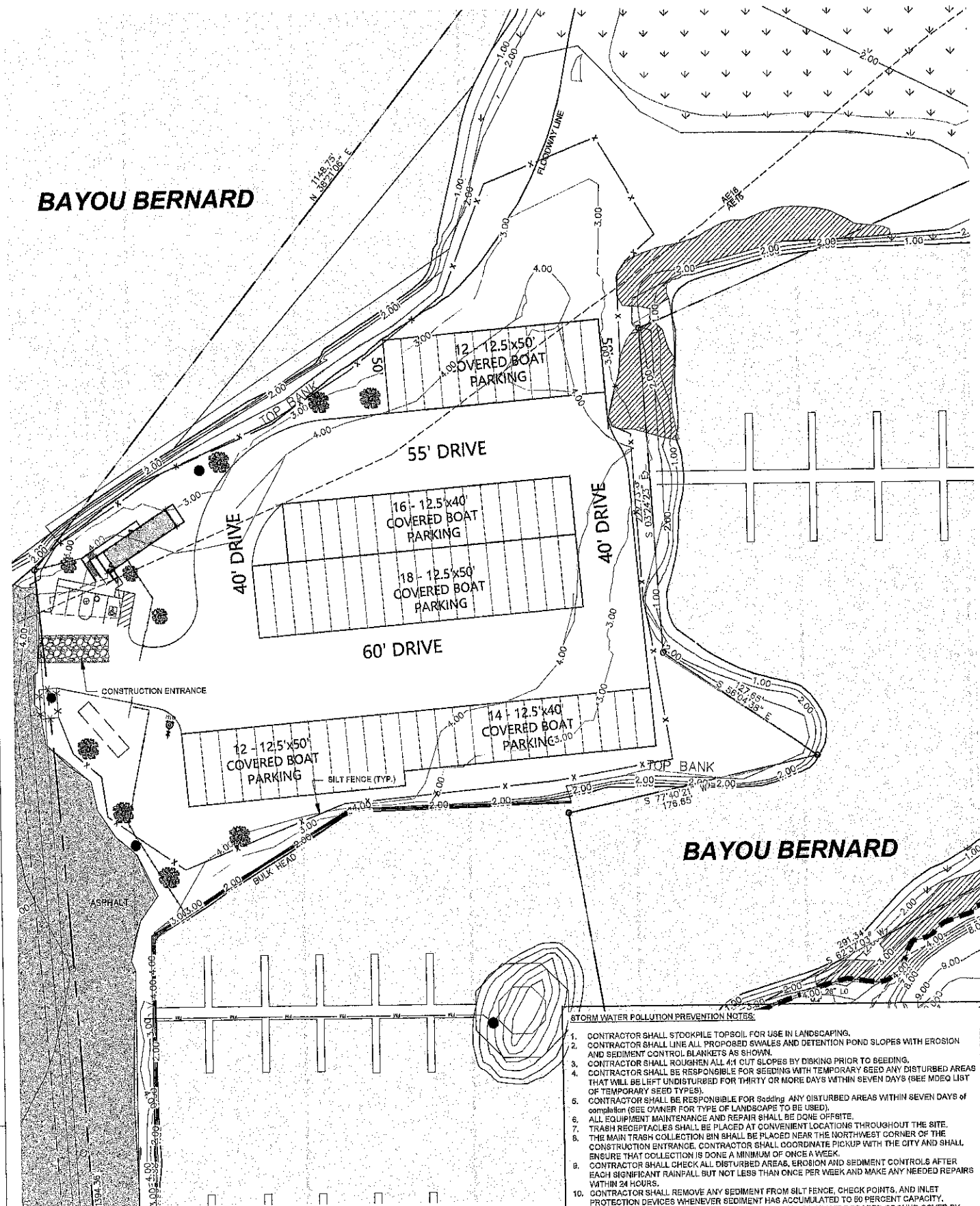
NOTE:

1. STRAW ROLL INSTALLATION REQUIRES THE PLACEMENT AND SECURE STAKING OF THE ROLL IN A TRENCH, 3'-5" DEEP, DUG ON CONTOUR. RUNOFF MUST NOT BE ALLOWED TO RUN UNDER OR AROUND ROLL.

STRAW ROLL WATTLE DETAIL		
DATE: 5/20/15	APPR. BY: BCM	REVISION
SCALE: N.T.S.	DR. NO.: 02295-B	
DR. BY:	FILE: STRAWWATTLE	
CITY OF GULFPORT		
STANDARD CONSTRUCTION DETAILS		

Gulfport
ENGINEERING & PUBLIC WORKS DEPARTMENT
4000 HENRIE AVENUE, GULFPORT, MS 39507
PH: 228-868-6315 FAX: 228-868-6322

BAYOU BERNARD

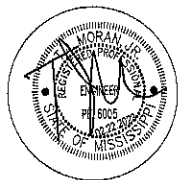


STORM WATER POLLUTION PREVENTION NOTES:

1. CONTRACTOR SHALL STOCKPILE TOPSOIL FOR USE IN LANDSCAPING.
2. CONTRACTOR SHALL LINE ALL PROPOSED SWALES AND DETENTION POND SLOPES WITH EROSION AND SEDIMENT CONTROL BLANKETS AS SHOWN.
3. CONTRACTOR SHALL ROUGHEN ALL 4:1 CUT SLOPES BY DISKING PRIOR TO SEEDING.
4. CONTRACTOR SHALL BE RESPONSIBLE FOR SEEDING WITH TEMPORARY SEED ANY DISTURBED AREAS THAT WILL BE LEFT UNDISTURBED FOR THIRTY OR MORE DAYS WITHIN SEVEN DAYS (SEE MDEQ LIST OF TEMPORARY SEED TYPES).
5. CONTRACTOR SHALL BE RESPONSIBLE FOR SEEDING ANY DISTURBED AREAS WITHIN SEVEN DAYS OF COMPLETION (SEE OWNER FOR TYPE OF LANDSCAPE TO BE USED).
6. ALL EQUIPMENT MAINTENANCE AND REPAIR SHALL BE DONE OFFSITE.
7. TRASH RECEPTACLES SHALL BE PLACED AT CONVENIENT LOCATIONS THROUGHOUT THE SITE.
8. THE MAIN TRASH COLLECTION BIN SHALL BE PLACED NEAR THE NORTHWEST CORNER OF THE CONSTRUCTION ENTRANCE. CONTRACTOR SHALL COORDINATE PICKUP WITH THE CITY AND SHALL ENSURE THAT COLLECTION IS DONE A MINIMUM OF ONCE A WEEK.
9. CONTRACTOR SHALL CHECK ALL DISTURBED AREAS, EROSION AND SEDIMENT CONTROLS AFTER EACH SIGNIFICANT RAINFALL BUT NOT LESS THAN ONCE PER WEEK AND MAKE ANY NEEDED REPAIRS WITHIN 24 HOURS.
10. CONTRACTOR SHALL REMOVE ANY SEDIMENT FROM SILT FENCE, CHECK POINTS, AND INLET PROTECTION DEVICES WHENEVER SEDIMENT HAS ACCUMULATED TO 50 PERCENT CAPACITY.
11. CONTRACTOR SHALL MAINTAIN ALL VEGETATED AREAS TO PROVIDE PROPER GROUND COVER BY RE-SEEDING, FERTILIZATION, OR MULCHING AS NEEDED.
12. PORTABLE TOILET BUILDINGS SHALL BE LOCATED AT THE NORTH ENTRANCE TO THE SITE AND AT LOCATIONS SO THAT NO PART OF THE PROJECT IS MORE THAN 1,000 FEET FROM A TOILET FACILITY. THESE STRUCTURES WILL BE MAINTAINED ON A REGULAR SCHEDULE BY A LICENSED DISPOSAL COMPANY.

TERRY MORAN
ENGINEERING

P.O. BOX 4075
BILLOXI, MS 39536
PH 228.868.4733
FAX 228.868.6768
TERRY MORAN,
P.E., P.L.S.



FULL SERVICE MARINA

Parcel: 1010F-01-021000
1408 COWAN Road, Gulfport, MS

B130519



1st Judicial District
Instrument 2013 5023 D - J1
Filed/Recorded 7/23/2013 01:45 P
Total Fee \$ 47.00
50 Pages Recorded

Prepared by & return to:
Robert T. Schwartz, Esq.
Schwartz, Orgler & Jordan, PLLC
P.O. Box 4682
Biloxi MS 39535
228-388-7441
MSB # 10482
robert@sojlaw.net

STATE OF MISSISSIPPI
COUNTY OF HARRISON
FIRST JUDICIAL DISTRICT

Index in : NW 1/4 of SE 1/4; SE 1/4 of NE 1/4; and SW 1/4 of NE 1/4 of Section 30, Township 7 South,
Range 10 West, Harrison County, Mississippi.

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,

GSW Holdings, LLC, a Mississippi Limited Liability Company,

c/o whose address is c/o Stephen L. Shivers, P.O. Box 81368, Lafayette, LA 70598, 504-299-3300,

does hereby sell, convey and warrant unto

Wein-Air Holdings, LLC, a Mississippi Limited Liability Company,

194 North Southlawn, Lafayette, LA 70503, 337-456-4946,

the following described land and property being located in the First Judicial District of Harrison County,
Mississippi, including all improvements located thereon, being more particularly described on the
attached Exhibit "A".

This conveyance is subject to and Grantor specifically excepts from its warranty of title the
following to wit:

1. Taxes for year 2013, which are not yet due and payable;
2. All recorded easements and recorded rights of way.
3. Any current laws and zoning ordinances of record;
4. Any easements, encroachments, overlaps, boundary line disputes or other matters that would
be disclosed by an accurate survey and inspection of the property;
5. Prior reservations and conveyances of oil, gas and mineral rights by others.
6. Excepting any and all right, title and interest of the State of Mississippi along the shore of
Bayou Bernard and Taylor Lake below the ordinary high water mark as established as of the date the

State was admitted to the Union, and also, excepting any artificial accretions waterward of said line of ordinary high tide, which were determined to be public tidelands in that Certificate of Public Trust Tidelands Boundary Certificate No. 32089, recorded in the office of the aforesaid Chancery Clerk as Instrument # 2007 8870 D-J1. Notwithstanding the foregoing exception, Grantor conveys to Grantee all of its rights, title and interest in and to any such properties abutting or adjoining any body of water including all of Grantor's rights in and to such bottomlands, bodies of water, shores, and specifically all rights, title and interest the Grantor maintains in and to Bayou Bernard, Taylor Lake, and the former Kremer Marina which constitutes a portion of the subject property.

7. Notice of Land Use Restrictions which are a covenant running with that portion of the effected land and which continue in perpetuity unless otherwise ordered by the Mississippi Commission on Environmental Quality, as described and set forth in Instrument # 2006 7964 D-J1.

The parties acknowledge that taxes for the current year, 2013, have been pro-rated as of this date and are hereby assumed by the Grantee herein.

This Deed is being executed pursuant to that certain Order Confirming Chapter 11 Amended Plan of Reorganization for GSW Holdings, LLC, dated as of June 21, 2013, bearing Case No. 11-52338, filed 07/08/13 as Doc #221 in the United States Bankruptcy Court, Southern District of Mississippi. Said order confirms that the property described herein is conveyed to the Grantee free and clear of all liens and encumbrances, and a copy of which Order is attached hereto and marked as Exhibit "B".

IN WITNESS WHEREOF, GSW Holdings, LLC, has caused this conveyance to be executed by its duly authorized Manager, after having first been duly authorized to do so, on this the 15 day of July, 2013.

GSW Holdings, LLC,
A Mississippi Limited Liability Company
BY: 
Stephen L. Shivers, Sr., Designated Manager

STATE OF MISSISSIPPI
COUNTY OF HARRISON

THIS DAY PERSONALLY CAME AND APPEARED BEFORE ME, the undersigned authority in and for the jurisdiction aforesaid, Stephen L. Shivers, Sr., who acknowledges that he is the Designated Manager of GSW Holdings, LLC, a Mississippi Limited Liability Company, and as its act and deed, he signed, sealed, executed and delivered, the above and foregoing instrument of writing on the day and in the year therein mentioned, for and on behalf of said limited liability company after having been first duly authorized to do so.

GIVEN UNDER MY HAND AND OFFICIAL SEAL OF OFFICE, this the 15 day of July, 2013.

My Commission Expires:

NOTARY PUBLIC



3

Exhibit "A"
Legal Description

PARCEL 1

A parcel of land situated in part in the Southeast 1/4 of the Northwest 1/4, in the Northeast 1/4 of the Southwest 1/4, and in the Northwest 1/4 of the Southwest 1/4 of Section 30, Township 7 South, Range 10 West, City of Gulfport, First Judicial District of Harrison County, Mississippi, being more particularly described as follows, to-wit:

Commencing at a 2" iron pipe at the Northeast corner of the Northeast 1/4 of Section 30, Township 7 South, Range 10 West, City of Gulfport, First Judicial District of Harrison County, Mississippi, thence S 00°09'30" E along the east line of said Section 30, 3549.51 feet, thence S 88°34'45" W 2059.43 feet to an iron rod on the north margin of Magnolia Street and the Point of Beginning, thence continue S 88°34'45" W along said north margin of Magnolia Street 303.73 feet, thence N 00°37'22" W 11.19 feet to a concrete monument, thence N 86°52'53" W 114.08 feet to a concrete monument, thence N 82°43'02" W 114.45 feet to a concrete monument, thence N 45°59'22" W 58.13 feet to a railroad spike in the asphalt and the east margin of Cowan Lorraine Road, thence along a curve concave to the west having a radius of 11394.36 feet for a distance of 897.39 feet, having a chord bearing of N 03°11'19" W and a chord distance of 897.16 feet to the south shoreline of Bernard Bayou, thence northeasterly along the south shore of said Bernard Bayou to a point being N 38°21'06" E 1148.75 feet from the last mentioned point, thence southeasterly along the shore of Bernard Bayou to a point being S 17°55'20" E 580.66 feet from the last mentioned point, thence southwesterly along the shoreline of Taylor Lake to a point being S 66°57'39" W 506.25 feet, thence southerly along said shoreline to a point being S 03°24'23" E 222.73 feet from the last mentioned point, thence southeast along said shore to a point being S 56°04'38" E 127.65 feet, thence southwest along said shore to a bulkhead being S 77°40'21" W 176.65 feet from the last mentioned point, thence along said bulkhead, southwest, south, east, and north to a point being S 09°19'02" E 541.77 feet from the last mentioned point, thence north along the shoreline to a point being N 03°07'01" E 384.40 feet from the last mentioned point, thence northeast along the south shore of Taylor Lake to a point being N 62°37'03" E 291.34 feet from the last mentioned point, thence southeast along said shore to the mouth of a drainage ditch or tidal creek said point being S 39°27'31" E 272.96 feet from the last mentioned point, thence north ^{SOUTH} along the centerline of said creek or ditch to a point being S 18°54'59" W 339.03 feet from the last mentioned point, thence S 74°29'00" W 25.65 feet to an iron rod, thence S 00°55'40" E 73.50 feet to an iron pipe, thence S 89°18'20" W 132.56 feet to an iron pipe, thence S 89°37'38" W 20.13 feet to an iron rod, thence S 01°18'05" E 168.78 feet to an iron rod on the north margin of Magnolia Street and the Point of Beginning. Said parcel contains 16.12 acres.

AND ALSO

A marsh island lying N 23°01'42" E 1230 feet from above said Point of Beginning.

AND ALSO

An island lying N 24°38'27" W 720 feet from above said Point of Beginning.

PARCEL 2

A parcel of land situated in part in the Southeast 1/4 of the Northeast 1/4, in the Northeast 1/4 of the Southeast 1/4, and in the Northwest 1/4 of the Southeast 1/4 of Section 30, Township 7 South, Range 10 West, City of Gulfport, First Judicial District of Harrison County, Mississippi, being more particularly described as follows, to-wit:

Commencing at a 2" iron pipe at the Northeast corner of the Northeast 1/4 of Section 30, Township 7 South, Range 10 West, City of Gulfport, First Judicial District of Harrison County, Mississippi, thence S 00°09'30" E along the east line of said Section 30, 1661.46 feet to an iron rod on the south shoreline of Bernard Bayou and the Point of Beginning, thence continue S 00°09'30" E along said east line of Section 30, 942.11 feet to an iron rod on the North margin of Switzer road, thence S 88°16'06" W along said North Margin 723.03 feet to an iron rod, thence S 01°11'25" E 359.23 feet along the west margin of Pine Street to an iron pipe, thence departing said west margin run S 89°39'10" W 243.51 feet to an iron pipe, thence S 00°20'44" W 17.00 feet to an iron pipe, thence S 89°49'16" W 287.92 feet to a fence post, thence S 01°01'42" E 230.80 feet to an axle, thence N 52°59'49" W 43.61 feet, more or less, to a point on the south shoreline of Taylor Lake, thence Northerly along the meanderings of

4

said shoreline of Taylor Lake to a point on the south shoreline of Bernard Bayou said point being N 03°26'28" E 1129.13 feet from the last mentioned point, thence easterly along the meanderings of said south shoreline of Bernard Bayou to an iron rod being N 72°06'27" E 1269.10 feet from the last mentioned point, said point being the Point of Beginning. Said parcel contains 27.5 acres, more or less.

AND ALSO

A marsh island lying S 77°20'53" W 1341 feet from above said Point of Beginning.

AND ALSO

A marsh island lying S 64°45'32" W 1391 feet from above said Point of Beginning.

PARCEL 3

A parcel of land situated in part in the Northeast 1/4 of the Northeast 1/4 of the Southwest 1/4, of Section 30, Township 7 South, Range 10 West, City of Gulfport, First Judicial District of Harrison County, Mississippi, being more particularly described as follows, to-wit:

Commencing at a 2" iron pipe at the Northeast corner of the Northeast 1/4 of Section 30, Township 7 South, Range 10 West, City of Gulfport, First Judicial District of Harrison County, Mississippi, thence S 00°00'00" E 2751.65 feet, thence S 90°00'00" W 2815.55 feet to a point on the south shoreline of Bernard Bayou, said point being N 04°54'59" W 10.00 feet from a railroad spike, said point also being on the west margin of the new right of way of Cowan Lorraine Road and the Point of Beginning, thence continue along a curve concave to the west having a radius of 11242.75 feet for a distance of 264.43 feet, having a chord bearing of S 04°16'14" E and a chord distance of 264.42 feet to a railroad spike in the asphalt, thence S 39°46'46" W 66.94 feet to an iron rod, thence S 06°48'40" E 12.67 feet to an iron rod on the old right of way of Cowan Road, thence along said old right of way N 45°13'40" W a distance of 92.73 feet to an iron rod, thence continue along said right of way N 35°13'40" W 65.00 feet to an iron rod at the south shoreline of Bernard Bayou, thence northeast along said shoreline to a point being N 30°50'27" E 243.78 feet from the last mentioned point and the Point of Beginning. Said parcel contains 0.51 acres, more or less.

BOTTOM LANDS (KREMER MARINA & TAYLOR LAKE)

A parcel situated in part in the South 1/2 of the Northeast 1/4, and the North 1/2 of the Southeast 1/4 of Section 30, Township 7 South, Range 10 West, City of Gulfport, First Judicial District of Harrison County, Mississippi, also known as the Kremer Marina and Taylor Lake, and being more particularly described as follows, to-wit:

Commencing at a 2" iron pipe at the Northeast corner of the Northeast 1/4 of Section 30, Township 7 South, Range 10 West, City of Gulfport, First Judicial District of Harrison County, Mississippi, thence S 00°00'00" E 1738.60 feet, thence N 90°00'00" W 1960.73 feet to a point on the head of tidewater on the south shoreline of Bernard Bayou and at the mouth of the entrance to Taylor Lake, said point also being the Point of Beginning, thence southeasterly along the western shore of Taylor Lake to a point being S 17°55'20" E 560.66 feet from the last mentioned point, thence southwesterly along the shoreline of Taylor Lake to a point being S 66°57'39" W 506.25 feet, thence southerly along said shoreline to a point being S 03°24'23" E 222.73 feet from the last mentioned point, thence southeast along said shore to a point being S 56°04'38" E 127.65 feet, thence southwest along said shore to a bulkhead being S 77°40'21" W 176.65 feet from the last mentioned point, thence along said bulkhead, southwest, south, east, and north to a point being S 09°19'02" E 541.77 feet from the last mentioned point, thence north along the shoreline to a point being N 03°07'01" E 384.40 feet from the last mentioned point, thence northeast along the south shore of Taylor Lake to a point being N 62°37'03" E 291.34 feet from the last mentioned point, thence southeast along said shore to the mouth of a drainage ditch or tidal creek said point being S 39°27'31" E 272.96 feet from the last mentioned point, thence northeast along the said shoreline to a point being N 88°22'26" E 41.70 feet from the last mentioned point, thence S 19°14'55" E 119.75 feet, thence southeast along said shoreline to a point being S 53°58'38" E 185.93 feet from the last mentioned point, thence easterly along said shoreline to a point being N 75°33'16" E 273.19 feet said point being an iron rod, thence northerly along said shoreline to a point being N 03°26'28" E 1129.13 feet from the last mentioned point, thence northeasterly along said shoreline to a point being N 72°06'27" E 207.51 feet from the last mentioned point, said point being at the mouth of Taylor lake, thence N 75°23'15" W 987.03 feet to a point on the west mouth of

Taylor Lake and the south shoreline of Bernard Bayou, said point also being the Point of Beginning.

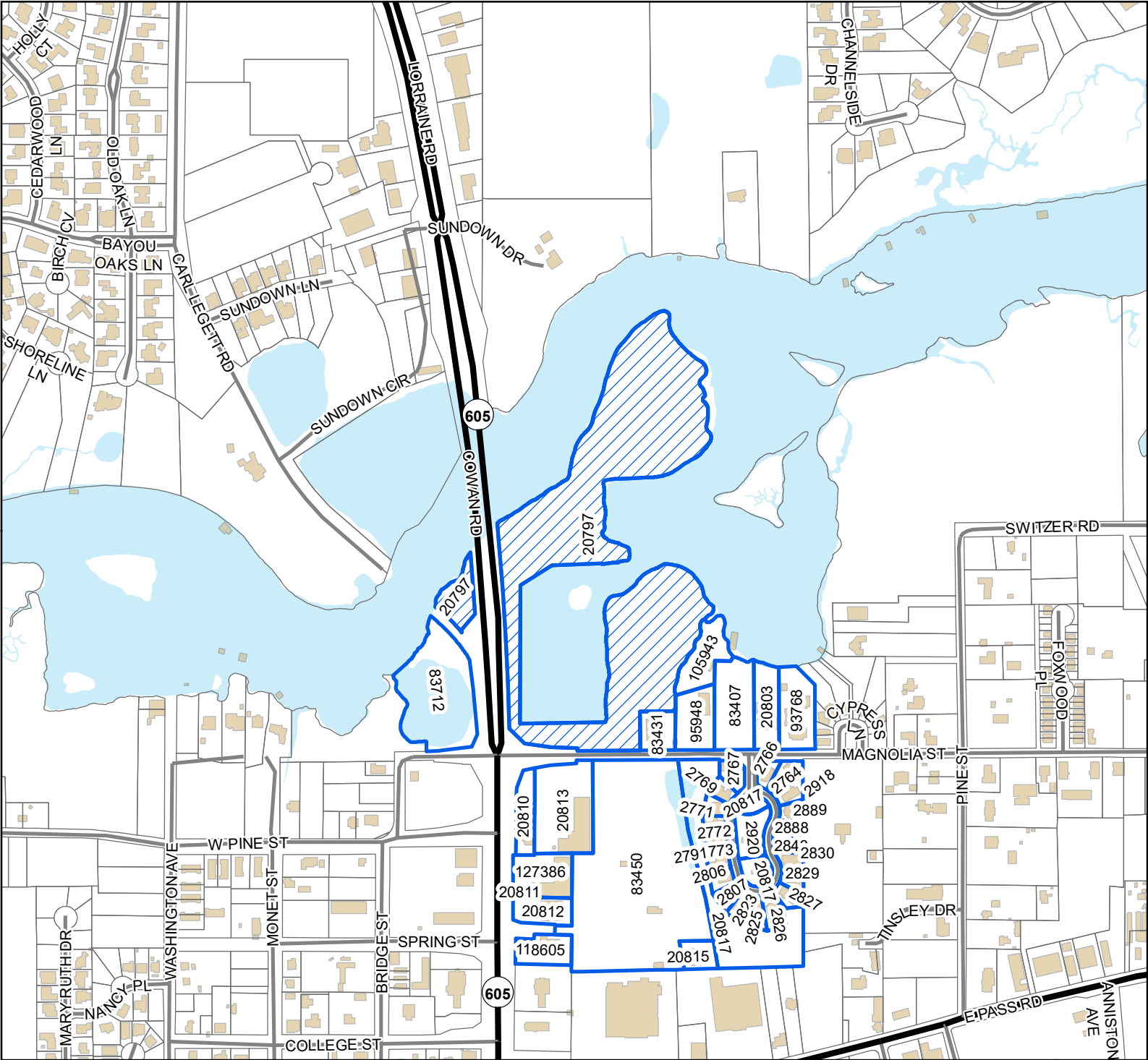
Said parcel contains 27.1 acres, more or less, less 2.2 acres for islands designated as Islands "A", "B", "C", and "D", net acreage being 24.9 acres, more or less.

Being the same property conveyed to GSW Holdings, LLC, by deeds recorded as Instrument Number 2006-5736DJ1, 2006-5739DJ1, 2006-5740DJ1, 2006-5741DJ1 and 2006-5908DJ1.

Less and except those certain properties determined to be Public Trust Tidelands as set forth in that certain Public Trust Tidelands Boundary Certificate Number 32089, recorded as Instrument Number 2007-8870DJ1.

Mail	PPIN	Parcel ID	Name	Address	City	State	ZIP
Y			WEIN-AIR HOLDINGS LLC(OWNER) C. ROBERDS GENERAL CONTRACTORS LLC(AGENT)	1458 MAGNOLIA ST 2211 GOVERNMENT ST	GULFPORT OCEAN SPRINGS	MS MS	39507 39564
N			Adjacent Property Owners (2307ZB075)				
	2827	1010F-02-044.014	MITCHELL WILLIAM H	1529 MAGNOLIA STREET #9	GULFPORT	MS	39507
	2807	1010F-02-044.010	HOPKINS DONALD A & CYNTHIA R	1529 MAGNOLIA ST #13	GULFPORT	MS	39507
	83407	1010F-01-019.000	BRAUN ROBERT A	P O BOX 171	BILOXI	MS	39533
	2889	1010F-02-044.019	REYNOLDS CLYDE D & CARRIE K	5800 DAHOON DR	PENSACOLA	FL	32526
	93768	1010F-01-017.000	DINSMORE MYRTLE LUCILLE -L/E-	166 B LAKEVIEW DR	SLIDELL	LA	70458
	95948	1010F-01-021.001	R A BRAUN CONST INC	P O BOX 171	BILOXI	MS	39533
	2920	1010F-02-044.021	RILEY NANCY W	1529 MAGNOLIA ST #21	GULFPORT	MS	39507
	2823	1010F-02-044.011	TAYLOR WORD G	1529 MAGNOLIA ST #12	GULFPORT	MS	39507
	20813	1010F-02-041.000	605 HOLDINGS LLC	1116 COWAN RD STE H	GULFPORT	MS	39503
	2918	1010F-02-044.020	GADDY GERALD C	#3 1529 MAGNOLIA ST	GULFPORT	MS	39507
	83712	1010E-01-002.000	MAGNOLIA PLEX LLC	1414 25TH AVE	GULFPORT	MS	39501
	2843	1010F-02-044.017	LONG DOROTHY T -L/E-	1529 MAGNOLIA ST #6	GULFPORT	MS	39507
	2771	1010F-02-044.005	CLARK BRENDA D	1529 OLD TAYLOR PL #18	GULFPORT	MS	39507
	83431	1010F-01-020.000	CAPT AL'S STEAK & SEAFOOD LLC	1458 MAGNOLIA ST	GULFPORT	MS	39507
	20811	1010F-02-036.000	WENTWORTH JUDY	1226 W PINE ST	GULFPORT	MS	39507
	20815	1010F-02-043.000	WILLIAMS MARSHAL J & SANDRA JEAN	12506 LORRAINE RD	BILOXI	MS	39532
	2766	1010F-02-044.002	FARRELL ANDREA MISITA	1529 MAGNOLIA ST #1	GULFPORT	MS	39507
	2764	1010F-02-044.001	CULLER DEBORAH LACKIE -TRUSTEE-	1529 MAGNOLIA ST #2	GULFPORT	MS	39507
	83450	1010F-02-042.000	BAYWOOD CAMP GROUNDS INC	12506 LORRAINE RD	BILOXI	MS	39532
	2769	1010F-02-044.004	KALIL ELAINE KOURY -TRUSTEE-	1529 MAGNOLIA #19	GULFPORT	MS	39507
	2772	1010F-02-044.006	DOUGHERTY WILLIAM JOHN & MARY M	1529 MAGNOLIA STREET #17	GULFPORT	MS	39507
	20810	1010F-02-037.000	PLATTS MARY KATE -TRUSTEE-	65 54TH STREET	GULFPORT	MS	39507
	2773	1010F-02-044.007	BAILEY SHERWOOD R JR & BETTY C	1529 MAGNOLIA ST #16	GULFPORT	MS	39503
	20803	1010F-01-018.000	HILL FREIDA R	1530 MAGNOLIA ST	GULFPORT	MS	39507
	2806	1010F-02-044.009	HALLE DONALD E & LINDA B	1529 MAGNOLIA ST #14	GULFPORT	MS	39507
	20812	1010F-02-035.000	KROHN PROPERTIES LLC	1110 COWAN ROAD	GULFPORT	MS	39507
	2826	1010F-02-044.013	KAIGLER DELIA H	1529 MAGNOLIA ST #10	GULFPORT	MS	39507
	2830	1010F-02-044.016	WALKER WARREN K JR & SUSAN N	1529 MAGNOLIA ST #7	GULFPORT	MS	39507
	2767	1010F-02-044.003	OLIVIER MICHAEL & PENELOPE-TRUSTEES	1529 MAGNOLIA ST #20	GULFPORT	MS	39507
	2888	1010F-02-044.018	CULLINAN GEORGE W & PAULA PRESTWOOD	1529 MAGNOLIA ST #5	GULFPORT	MS	39507
	2829	1010F-02-044.015	MCCARTHY MARTHA	1529 MAGNOLIA ST #8	GULFPORT	MS	39507
	2791	1010F-02-044.008	ALLEN EMILY ANN	1529 MAGNOLIA ST #15	GULFPORT	MS	39507

Mail	PPIN	Parcel ID	Name	Address	City	State	ZIP
	2825	1010F-02-044.012	PALAZZO MURIEL M & STEVEN M	11530 TREELAWN STREET	GULFPORT	MS	39503
	118605	1010F-02-034.002	PSGC PROPERTIES LLC	729 DESTINY PLANTATION BLVD	BILOXI	MS	39532
	20817	1010F-02-044.000	OLD TAYLOR PROPERTIES INC	1529 MAGNOLIA STREET	GULFPORT	MS	39507
	20797	1010F-01-021.000	WEIN-AIR HOLDINGS LLC	194 NORTH SOUTHLAWN DR	LAFAYETTE	LA	70503
	127386	1010F-02-036.001	DAK HOLDINGS LLC	2472 PASS ROAD STE A	BILOXI	MS	39531



Legend

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

0 90 180 270
Yards

1 inch = 600 feet



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

THANK YOU for your legal submission!

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

ORDER DETAILS

Order Number:
IPL0129144
External Order #:
438155
Order Status:
Submitted
Classification:
Legals & Public Notices
Package:
BLX - Legal Ads
Final Cost:
72.88
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
June 27, 2023 11:49:23 AM EDT
Amount:
72.76
Date
June 28, 2023 11:23:45 PM EDT
Amount:
0.12

SCHEDULE FOR AD NUMBER IPL01291440

July 5, 2023

PREVIEW FOR AD NUMBER IPL01291440**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, July 20, 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 2307ZB073, by owner Rebeca Fairley, is seeking approval for 18 feet in height for a detached accessory structure where 14 feet is the height limit, Tax Parcel 0909J-03-017.000, 20 54th Street, Zoned R-UE (Urban residence estate), Ward 4

Variance 2307ZB074, by owner Rebeca Fairley, is seeking approval for an accessory detached structure size of 2,304 square feet where 600 square feet is the size limit, Tax Parcel 0909J-03-017.000, 20 54th Street, Zoned R-UE (Urban residence estate), Ward 4

Variance 2307ZB075, by agent C. Roberds General Contractors, LLC, seeking approval for a 57-stone for drives in a boat parking area where only concrete or asphalt is allowed, Tax Parcel 1010F-01-021.000, 1408 Cowan Road, Zone T6 (Urban Core Zone), Ward 4

Variance 2307ZB078, by agent Freddie Fountain, is seeking approval for a 5-foot side yard setback for the addition to an existing home where 8-feet is required, Tax Parcel 0811H-04-033.000, 1315 2nd Street, Zoned R-1-7.5 (Single-family), Ward 2

Variance 2307ZB080, by agent Freddie Fountain, is seeking approval for a 9-foot and 9-inch front yard setback where 25 feet is required on a second street frontage, Tax Parcel 1010O-02-002.001, 1936 Beach Drive, Zoned R-1-7.5 (Single-family), Ward 2

Variance 2307ZB082, by owners Dalaney Mecham and Hannah Shirley, is seeking approval for a 6-foot wooden fence along the front continuous facade where a 4-foot fence is the height limit, Tax Parcel 0909O-01-007.000, 1 Shady Side Circle, Zoned R-1-7.5 (Single-family), Ward 4

This the 28th day of June 2023
A. Leslie North, Chairman
City of Gulfport Zoning Board of Adjustment and Appeals
IPL0129144
Jul 5 2023

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

SunHerald (Biloxi)



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	438155	Print Legal Ad-IPL01291440 - IPL0129144		\$72.88	2	50 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 28th day of June 2023
A. Leslie North, Chairman
City of Gulfport Zoning Board of Adjustment and Appeals
IPL0129144
Jul 5 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:
07/05/23

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.

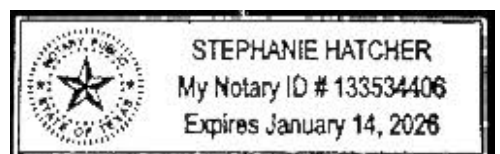
Stefani Beard

Sworn to and subscribed before me this 7th day of July 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.



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: July 20, 2023

Re: Variance 2307ZB078:

Variance 2307ZB078, by agent Freddie Fountain, is seeking approval for a 5-foot side yard setback for the addition to an existing home where 8-feet is required, Tax Parcel 0811H-04-033.000, 1315 2nd Street, Zoned R-1-7.5 (Single-family), Ward 2

Technical Report

VARIANCE

GENERAL INFORMATION

Case File Number: 2307ZB078

Hearing Date: June 20, 2023

Current Zoning/Use: R-1-7.5 / Single-Family Residence

Legal: Variance 2307ZB078, by agent Freddie Fountain, is seeking approval for a 5-foot side yard setback for the addition to an existing home where 8-feet is required, Tax Parcel 0811H-04-033.000, 1315 2nd Street, Zoned R-1-7.5 (Single-family), Ward 2

TECHNICAL DETAILS

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

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

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

Technical Report

VARIANCE

Applicant is seeking a 3-foot variance to allow for a 5-foot setback where 8 feet is required in order to build an addition to the existing house.

- (a) The applicant states that the lot is narrower than the surrounding lots in the zoning district and apparently was created by a subdivision of the lot from the south in order to have access to 2nd street. Upon review of the property, parcel does seem narrower than neighboring properties. As the subdivision may have been done as a civil matter, there are no accessible records to verify this statement.
- (b) The applicant states that they intend to build an addition to the home, but due to the lot size the proposed addition would build into the side yard setbacks.
- (c) Applicant claims that the hardship is due to the width of the property not allowing for the addition of the master bedroom, without building into the setbacks. Upon review of the property, the existing house abuts right against the side yard setbacks on both sides.
- (d) The applicant states that there are many of other properties within this zoning district that have been built on similar lot sizes, and have been granted variances for what the applicant is requesting. Upon review of the surrounding properties, there are other homes that have been built on lots of a similar size, with approved variances for similar requests.
- (e) The applicant claims that granting them this variance would not offer them special privileges that other properties in the same zoning district would be denied from. Upon review of the surrounding properties, the applicant's request would be in harmony with other properties within this zoning district.
- (f) This property is zoned R-1-7.5, and a single family residence is allowed by right.

EXECUTIVE SUMMARY

Applicant is seeking approval for 5 foot setback where 8 feet is required in order to build an addition to the existing house that would build into the side yard setback. While the six hardship criteria has not been meet, the presented hardship does meet merit. Upon review of the subject site, and the surrounding properties in this zoning district, the applicant's request is in harmony with other properties. There have been other properties in this district that have been granted variances for similar requests, setting a precedence for the applicant's request.

Any approval should consider these conditions:

- 1. Construction of addition shall be in compliance with the International Residential Code, this will include rated walls and limited openings.
- 2. Granting variance will allow for a 5-foot setback where 8 feet is required.

DEPARTMENTAL CONDITIONS

Engineering: No comment as of 7/12/2023.

Public Works: No comment as of 7/12/2023.

Traffic and Safety: No conditions. Memo dated 6/27/2023.

Technical Report

VARIANCE

Building Code Services: Construction of addition shall be in compliance with the International Residential Code, this will include rated walls and limited openings. Memo dated 6/30/2023.

GIS: No conditions. Memo dated 6/29/2018.

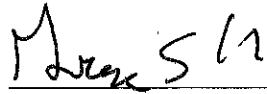
Police Department: No comment as of 7/12/2023.

Fire Department: No conditions. Memo dated 6/27/2023.

City Arborist: No conditions. Memo dated 6/27/2023.

DIRECTOR APPROVAL

This report has been reviewed and approved by:



Greg Holmes

Director of Urban Development Department





Site

US or State Highway

Street

Parcels

Buildings

Zoning

R-1-7.5 - Single Family

Residence District (Low Density)

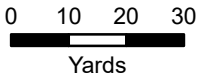
Site Information

0811H-04-033.000

Zoning: R-1-7.5 (Single Family)

Size: 8307.55 sqft

Flood: X



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
2307 EB078

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

0	8	1	1	H	-	0	4	-	0	3	3	.	0	0	0					-										
					-							.								-						.				
					-							.								-						.				

Property Address: 1315 2nd Street

Lot(s) 14, Block(s) 4, Subdivision Soria City Addition

General Description of Request: Request for approval of a side yard setback variance allowing for the building to be placed at 5 feet versus 8 feet that the ordinance requires.

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

Rebecca Mayfield

Printed Name of Owner

1315 2nd Street

Mailing Address

Gulfport MS 39501

City State Zip code

228-697-0618

Home Phone Work/Cell Phone

rebecca@mayfieldis.com

Email

Signature of Owner

Freddie Fountain w/Fountain & Associates

Printed Name of Agent

1315 2nd Street, Ste. 12

Mailing Address

Gulfport MS 39501

City State Zip code

228-861-5209

Home Phone Work/Cell Phone

freddie@fountainllc.com

Email

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  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.



Written Statement for Side Yard Setback Variance for 1315 2nd Street Parcel # - 0808H-04-033.000

Fountain & Associates is making this application on behalf of Rebecca Mayfield. Freddie Fountain is the representative of Fountain & Associates that will be making the presentation. The property is located at 1315 2nd Street in a R-1-7.5 zoning district. The owner is requesting a variance to grant a five-foot side yard setback where eight feet is required. Answers to all the required questions are below and numbered according to the variance submission applications' numbers.

1. The lot in question is on a much narrower lot than the surrounding lots in this zoning district. From the GIS map, it appears that a large portion of the lots on the south side of 2nd Street are around 80 feet wide of frontage except for the lots that have frontage on E Beach Blvd and only have frontage on 2nd Street for access. This lot appears to have been created from the subdivision from the lot to the south for the southern lot to have access from 2nd Street. The width of this lot does not allow for the construction of an addition to create an acceptable master bedroom for this home.
2. The applicant wishes to build an addition to an existing home on an existing lot. The Owner did not have a choice in the size of the lot. This area is made up of mostly older homes that in many cases have been granted variances similar to what is being requested.
3. The width of the property does not allow for the addition of a master bedroom area that would flow well with the existing floor plan and meet the required setbacks. As stated above most of the lots in this area are larger or have been granted similar variances in the past to build on their lots. This addition will be constructed to match the existing home and be harmonious to the surrounding area.
4. There are many lots in the neighborhood that have been built on a similar size parcels or smaller. From aerial imagery, these homes on the smaller lots do not meet the zoning district/s setbacks. Therefore, they have been granted setback variances. The Owner is not asking for anything that has not been approved for other residents in this area.
5. The Owner will not be granted any special permission that other residents in this area haven't been granted to build their homes.
6. The Owner is requesting this variance for an addition to an existing home. Residential use is allowed by right with no additional approvals in this zoning district. With the approval of this variance, there will be no additional required approvals needed other than being granted a building permit.



Designation of Agent

I, Rebecca Mayfield, being property owner of 1315 2nd Street
PRINT NAME PRIMARY ADDRESS OR PARCEL
 which is the subject of this application hereby authorize Freddie Fountain w/Fountain & Associates, LLC to act as my
PRINT NAME
 representative with the City of Gulfport's Zoning Board of Adjustment and Appeals, and/or Planning Commission, and/or City Council, and/or permitting and licensing, as required by the City.

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

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

Signature

6-1-2023

Date

STATE OF MISSISSIPPI | COUNTY OF HARRISON

Given under my hand and seal of office this the 1st day of June, 20 23

Notary Public

May 3, 2026

Commission Expiration





Covenant Affidavit

I, Rebecca Mayfield, being owner or agent of the property 1315 2nd Street
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.

Rebecca Mayfield
Signature

6.1.2023
Date

STATE OF MISSISSIPPI | COUNTY OF HARRISON

Given under my hand and seal of office this the 1st day of June, 2023

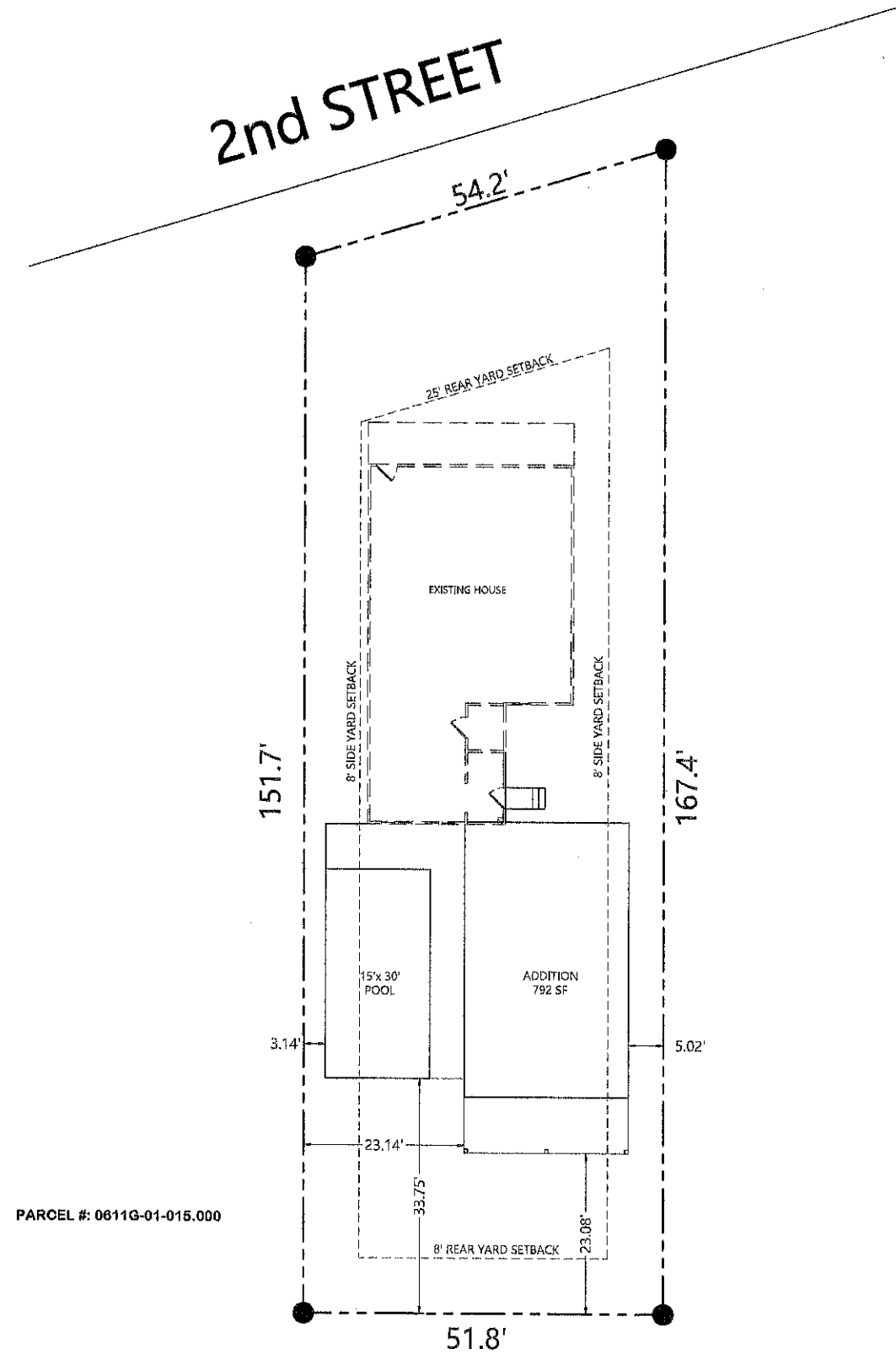
Krysta Rose Robertson

Notary Public



May 3, 2026

Commission Expiration



SITE PLAN

SCALE: 1"=10'-0"



TERRY MORAN
ENGINEERING
P.O. BOX 4076
BILOXI, MS 39236
PH 228.696.4733
TERRY MORAN,
P.E., P.L.S.

21-026

In Association With

FA FOUNTAIN & ASSOCIATES
CIVIL AND COMMERCIAL DESIGN
1822 15th Street, Ste. 12
Gulfport, MS 39501
228-861-5209

Date 06-01-2023
Drawn By C.A.B.
Check By T.J.M.
REV _____

AN ADDITION FOR
REBECCA MAYFIELD
1315 2ND ST
GULFPORT, MS 39501

C1



John 1st Judicial District
Instrument 2021 11599 D - J1
Filed/Recorded 8/10/2021 03:05 P
Total Fees \$ 26.00
2 Pages Recorded

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

File#211662

Indexing Instructions:
**Part of Lot 14, Blk 4, Soria City
Addition to the City of Gulfport,
Harrison County, 1st JD, MS**

**STATE OF MISSISSIPPI
COUNTY OF HARRISON
FIRST JUDICIAL DISTRICT**

WARRANTY DEED

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

**THOMAS BRADSHAW BAILEY, JR. and G. SIOBHAN K. BAILEY
822 WOODWARD AVENUE
GULFPORT, MS 39501
(228) 697-3757**

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

**REBECCA MAYFIELD, an unmarried woman
1315 2nd STREET
GULFPORT, MS 39501
(228) 697-0618**

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

All that part of Lot Fourteen (14), Block Four (4) of SORIA CITY ADDITION to the City of Gulfport, as shown by the Official Map or Plat thereof on file and of record in the Office of the Chancery Clerk of the First Judicial District of Harrison County, Mississippi, and being more particularly described as follows:

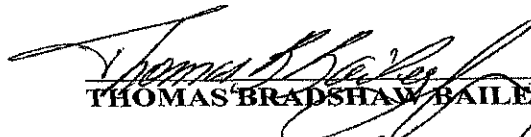
Commencing at an iron pipe found marking the Northwest Corner of Lot Fourteen (14), Block Four (4) of SORIA CITY ADDITION and thence North 73 degrees 08 minutes 48 seconds East along the South margin of Second Street, a distance of 24.03 feet to an iron rod set for the POINT OF BEGINNING; thence from said point of beginning, North 73 degrees 08 minutes 48 seconds East along the South margin of Second Street, a distance of 54.23 feet to an iron pipe found; thence South 00 degrees 01 minutes 22 seconds East, a distance of 167.45 feet to an iron rod set; thence West, a distance of 51.84 feet to an iron rod set; thence North 00 degrees 02 minutes 54 seconds West, a distance of 151.72 feet to the point of beginning, having an area of 8278.7 square feet or 0.190 acres, more or less.

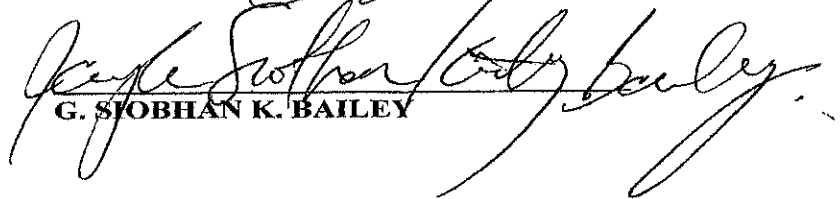
THIS CONVEYANCE is subject to any and all recorded restrictive covenants, rights-of-way and easements applicable to subject property, and any prior recorded reservations, conveyances and leases of oil, gas and minerals by previous owners of subject property.

Estimated county ad valorem taxes have been prorated between the parties as a part of the consideration for this conveyance. In the event the estimates upon which such proration is based prove to be inaccurate for any reason, the Grantee agrees to refund any excess, and the Grantor agrees to pay any deficiency, upon receipt of a copy of the tax statement for the current year and a computation of the true amount due, based on a 365 day year.

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 5th day of August, 2021.


THOMAS BRADSHAW BAILEY, JR.


G. SIOBHAN K. BAILEY

STATE OF MISSISSIPPI
COUNTY OF HARRISON

THIS DAY personally appeared before me, the undersigned authority in and for the jurisdiction aforesaid, **THOMAS BRADSHAW BAILEY, JR. and G. SIOBHAN K. BAILEY**, who acknowledged that they signed, executed and delivered the above and foregoing instrument as their voluntary act and deed on the day and year therein mentioned.

GIVEN under my hand and official seal on this the 5th day of August, 2021.

(SEAL)

My Commission Expires



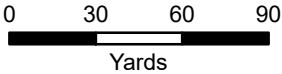

NOTARY PUBLIC

Mail	PPIN	Parcel ID	Name	Address	City	State	ZIP
Y			REBECA MAYFIELD(OWNER)	1315 2ND STREET	GULFPORT	MS	39501
			FREDDIE FOUNTAIN W/ FOUNTAIN & ASSOCIATES	1822 15TH STREET STE 12	GULFPORT	MS	39501
			Adjacent Property Owners (2307ZB078)				
	34509	0811H-04-026.000	MEIER HARRY JR	1318 2ND ST	GULFPORT	MS	39501
	34510	0811H-04-027.000	GARGIULO ROBERT F	1314 2ND ST	GULFPORT	MS	39501
	34452	0811H-04-031.000	WHITE KENNEDY MIAZZA	1525 HILL PLACE	GULFPORT	MS	39501
	34512	0811H-04-029.000	DUBUISSON REBECCA	1304 2ND ST	GULFPORT	MS	39501
	88774	0811H-04-066.000	WERBY HELEN C	1308 E BEACH BLVD	GULFPORT	MS	39501
	88766	0811H-04-030.000	PATE SANDRA J	1302 2ND ST	GULFPORT	MS	39501
	34507	0811H-04-024.000	CASSIDY CASANDRA	1529 SNIPATUIT RD	ROCHESTER	MA	2770
	99985	0811H-02-057.001	ROLAND RONALD P	1524 HILL PL	GULFPORT	MS	39501
	34511	0811H-04-028.000	MIAZZA ELLEN KENNEDY	1208 PASS RD	GULFPORT	MS	39501
	34508	0811H-04-025.000	SAGRERA THOMAS P & LINDA B	1322 2ND ST	GULFPORT	MS	39501
	25802	0811H-02-056.000	KING WILLIAM RAMSAY	1512 HILL PL	GULFPORT	MS	39507
	25804	0811H-02-055.000	SCOTT SOLON JR 2012 FAMILY TRUST	102 MAIN ST	ITTA BENA	MS	38941
	34449	0811H-04-034.000	KEYES CLAUDIA	1319 2ND ST	GULFPORT	MS	39501
	34447	0811H-04-035.000	COTMAN NANCY STONE & TOD H	1325 SECOND ST	GULFPORT	MS	39501
	34448	0811H-04-064.000	STONE BEN H -TRUSTEE-	1320 EAST BEACH BLVD	GULFPORT	MS	39501
	34451	0811H-04-033.000	MAYFIELD REBECCA	1315 2ND ST	GULFPORT	MS	39501
	34453	0811H-04-032.000	POLOVICH L CATHERINE	P O BOX 273	GULFPORT	MS	39502



Legend

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



1 inch = 200 feet



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

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:
IPL0129144
External Order #:
438155
Order Status:
Submitted
Classification:
Legals & Public Notices
Package:
BLX - Legal Ads
Final Cost:
72.88
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
June 27, 2023 11:49:23 AM EDT
Amount:
72.76
Date
June 28, 2023 11:23:45 PM EDT
Amount:
0.12

SCHEDULE FOR AD NUMBER IPL01291440

July 5, 2023

PREVIEW FOR AD NUMBER IPL01291440**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, July 20, 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 2307ZB073, by owner Rebeca Fairley, is seeking approval for 18 feet in height for a detached accessory structure where 14 feet is the height limit, Tax Parcel 0909J-03-017.000, 20 54th Street, Zoned R-UE (Urban residence estate), Ward 4

Variance 2307ZB074, by owner Rebeca Fairley, is seeking approval for an accessory detached structure size of 2,304 square feet where 600 square feet is the size limit, Tax Parcel 0909J-03-017.000, 20 54th Street, Zoned R-UE (Urban residence estate), Ward 4

Variance 2307ZB075, by agent C. Roberds General Contractors, LLC, seeking approval for a 57-stone for drives in a boat parking area where only concrete or asphalt is allowed, Tax Parcel 1010F-01-021.000, 1408 Cowan Road, Zone T6 (Urban Core Zone), Ward 4

Variance 2307ZB078, by agent Freddie Fountain, is seeking approval for a 5-foot side yard setback for the addition to an existing home where 8-feet is required, Tax Parcel 0811H-04-033.000, 1315 2nd Street, Zoned R-1-7.5 (Single-family), Ward 2

Variance 2307ZB080, by agent Freddie Fountain, is seeking approval for a 9-foot and 9-inch front yard setback where 25 feet is required on a second street frontage, Tax Parcel 1010O-02-002.001, 1936 Beach Drive, Zoned R-1-7.5 (Single-family), Ward 2

Variance 2307ZB082, by owners Dalaney Mecham and Hannah Shirley, is seeking approval for a 6-foot wooden fence along the front continuous facade where a 4-foot fence is the height limit, Tax Parcel 0909O-01-007.000, 1 Shady Side Circle, Zoned R-1-7.5 (Single-family), Ward 4

This the 28th day of June 2023
A. Leslie North, Chairman
City of Gulfport Zoning Board of Adjustment and Appeals
IPL0129144
Jul 5 2023

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

SunHerald (Biloxi)



Beaufort Gazette
Belleville News-Democrat
Bellingham Herald
Bradenton Herald
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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	438155	Print Legal Ad-IPL01291440 - IPL0129144		\$72.88	2	50 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 28th day of June 2023
A. Leslie North, Chairman
City of Gulfport Zoning Board of Adjustment and Appeals
IPL0129144
Jul 5 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:
07/05/23

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.

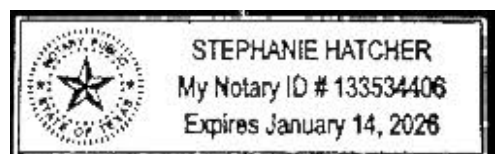
Stefani Beard

Sworn to and subscribed before me this 7th day of July 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.



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: July 20, 2023

Re: Variance 2307ZB080:

Variance 2307ZB080, by agent Freddie Fountain, is seeking approval for a 9-foot and 9-inch front yard setback where 25 feet is required on a second street frontage, Tax Parcel 1010O-02-002.001, 1936 Beach Drive, Zoned R-1-7.5 (Single-family), Ward 2

Technical Report

VARIANCE

GENERAL INFORMATION

Case File Number: 2307ZB080

Hearing Date: July 20, 2023

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

Legal: Vairance 2307ZB080, by agent Freddie Fountain, is seeking approval for a 9-foot and 9-inch front yard setback where 25 feet is required on a second street frontage, Tax Parcel 1010O-02-002.001, 1936 Beach Drive, Zoned R-1-7.5 (Single-family), Ward 2

TECHNICAL DETAILS

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

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

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

Technical Report

VARIANCE

The applicant is seeking approval for a variance of 15.1 feet to allow for a 9-foot and 9-inch front yard setback where 25 feet is required on a second street frontage. The property is on a corner lot, which is subject to a second frontage and must meet a front yard setback of 25 feet from Beach Drive and an west side second frontage setback of 25 feet from Southern Circle. The staff notes that all other setbacks are met as required.

- (a) The applicant notes, they requesting a variance to allow them to be 9-foot and 9-inch off the property line on the west side of the property.
- (b) In the application, the applicant cites that, "this lot was purchased by the applicant at the current size. They were not aware that they would have to meet the front yard setback requirement on both frontages. The home they have designed for this lot will not fit within the allowed building footprint as required."
- (c) It is stated by the applicant, "the lot being a corner lot and being held to the front yard setback of two sides of the property does not allow for the desired home to be constructed." Beyond it being the choice of the applicant to build the home at the desired size; thus, this hardship condition is not met. The applicant knew the physical character of the property prior to buying it.
- (d) According to the applicant, the applicant is asking to be allowed to build their home within the allowed side yard setback set forth in the zoning district. The lot being on a corner requires the setback to be larger than a non-corner lot. Therefore, creating a hardship with the home size.
- (e) The applicant does not address whether or not they will be allowed special privileges. The approval of this variance will grant special privileges that any other neighbor on a second frontage lot does not have by right. Granting this variance would provide special privileges and set a precedence in that only one property does not comply with ordinance in regards to second frontage lots.
- (f) This property is zoned R-1-7.5 (Single-family), and a house is a permitted use by right.

EXECUTIVE SUMMARY

Applicant is seeking approval for a variance to allow for a 9-foot and 9-inch front yard setback where 25 feet is required on a second street frontage. The applicant has not proved or provided information to make this a hardship. The City of Gulfport Zoning Ordinances states minimum front and second frontage setbacks are twenty-five (25) feet for an R-1-7.5 zoning district.

Any approval should consider these conditions:

1. Approval grants a variance of 15.1 feet to allow for a 9-foot and 9-inch front yard setback where 25 feet is required on a second street frontage.

DEPARTMENTAL CONDITIONS

Engineering: No comment as of 07/07/2023.

Public Works: No comment as of 07/07/2023.

Traffic and Safety: No conditions. Memo dated 06/27/2023.

Technical Report

VARIANCE

Building Code Services: No conditions. Memo dated 06/30/2023.

GIS: No conditions. Memo dated 06/28/2023.

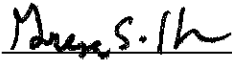
Police Department: No comment as of 07/07/2023.

Fire Department: No conditions. Memo dated 06/27/2023.

City Arborist: No conditions. Memo dated 06/27/2023.

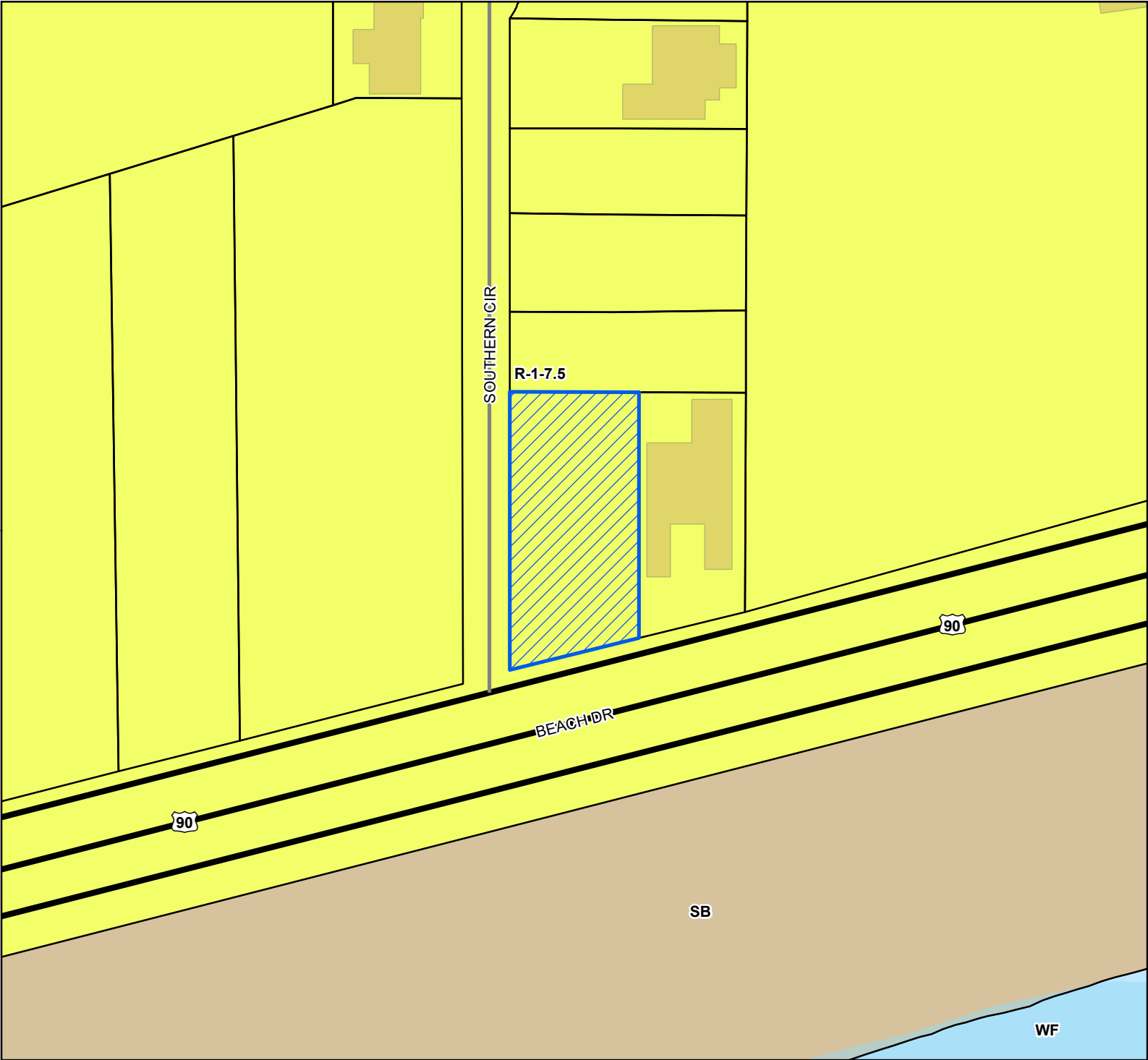
DIRECTOR APPROVAL

This report has been reviewed and approved by:



Greg Holmes

Director of Urban Development Department



Site

US or State Highway

Street

Parcels

Buildings

Water Features

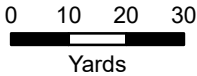
Zoning

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

SB - Sand Beach

WF - Water Front

Site Information
10100-02-002.001
Zoning: R-1-7.5 (Single Family)
Size: 17563.74 acres
Flood: AE



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
2307ZB080

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	2	-	0	0	2	.	0	0	1					-										
					-							.								-										
					-							.								-										

Property Address: 1936 Beach Drive Gulfport, MS 39501
 Lot(s) _____, Block(s) _____, Subdivision _____

General Description of Request: Requesting a variance for a 9'9" setback where 25 feet is required on the corner.

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

Bo Pennington
 Printed Name of Owner
815 Patterson Rd
 Mailing Address
New Orleans LA 70113
 City State Zip code
504-343-3620
 Home Phone Work/Cell Phone
bo@pentekhomes.com
 Email
[Signature]
 Signature of Owner

Freddie Fountain
 Printed Name of Agent
1822 15th St, Ste. 12
 Mailing Address
Gulfport MS 39501
 City State Zip code
228-861-5209
 Home Phone Work/Cell Phone
Freddie@fountainllc.com
 Email
[Signature]
 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 **BP** will need to be initialed by applicant with required documentation before application can be accepted.

Submission Requirements

BP Page one of this application, completed and signed.

BP 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.

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

BP 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.

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

BP Cash or check payable to the City of Gulfport in the amount of \$75.00.

BP 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.



Written Statement for Side Yard Setback Variance

for

1936 Beach Drive

Parcel # - 10100-02-002.001

Fountain & Associates is making this application on behalf of Pentek Design Build, LLC. Freddie Fountain is the representative of Fountain & Associates that will be making the presentation. The property is located at 1942 B Beach Drive in a R-1-7.5 zoning district. The Owner is requesting a variance to grant an eight-foot side yard setback where 25 foot is required. Answers to all the required questions are below and numbered according to the variance submission applications' numbers.

1. The variance being requested is on the west side of the property which would be considered the side yard in this case. This zoning district allows for an eight-foot side yard setback, but because this is a corner lot the setback on this side would be required to be twenty-five feet which is the same as what is required on the south side. The Owner is requesting a variance to allow him to be eight feet off the property line on this side of the property.
2. This lot was purchased by the Owner at the current size. He was not aware that he would have to meet the front yard setback requirement on both frontages. The home he has designed for this lot will not fit within the allowed building footprint as required.
3. The lot being a corner lot and being held to the front yard setback on two sides of the property does not allow for the desired home to be constructed.
4. The Owner is asking to be allowed to build his home within the allowed side yard setback set forth in the zoning district. The lot being on a corner requires the setback to be larger than a non-corner lot. Therefore, creating a hardship with the home size.
5. The home being built on this lot will be a great improvement to the vacant land as it currently sits. The setback being requested is the same as every other non-corner lot in this zoning district.
6. The use for this property is by right with no needed additional approvals other than the side yard setback variance being requested.



Covenant Affidavit

I, Bo Pennington, being owner or agent of the property 1936 Beach Drive
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]
Signature

6/6/23
Date

STATE OF MISSISSIPPI | COUNTY OF HARRISON

Given under my hand and seal of office this the 6th day of June, 20 23

[Signature]

Notary Public



May 3, 2026

Commission Expiration

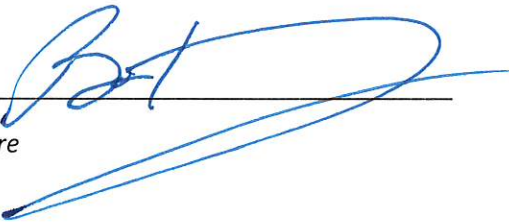


Designation of Agent

I, Bo Pennington, being property owner of 1936 Beach Drive
PRINT NAME PRIMARY ADDRESS OR PARCEL
 which is the subject of this application hereby authorize Fredric Fountain to act as my
PRINT NAME
 representative with the City of Gulfport's Zoning Board of Adjustment and Appeals, and/or Planning Commission, and/or City Council, and/or permitting and licensing, as required by the City.

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

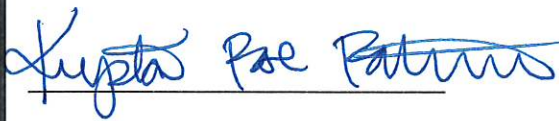
The petitioner understands and acknowledges that the City will rely upon the agent's representations in approval or denial of said petition.


 Signature

6/6/23
 Date

STATE OF MISSISSIPPI | COUNTY OF HARRISON

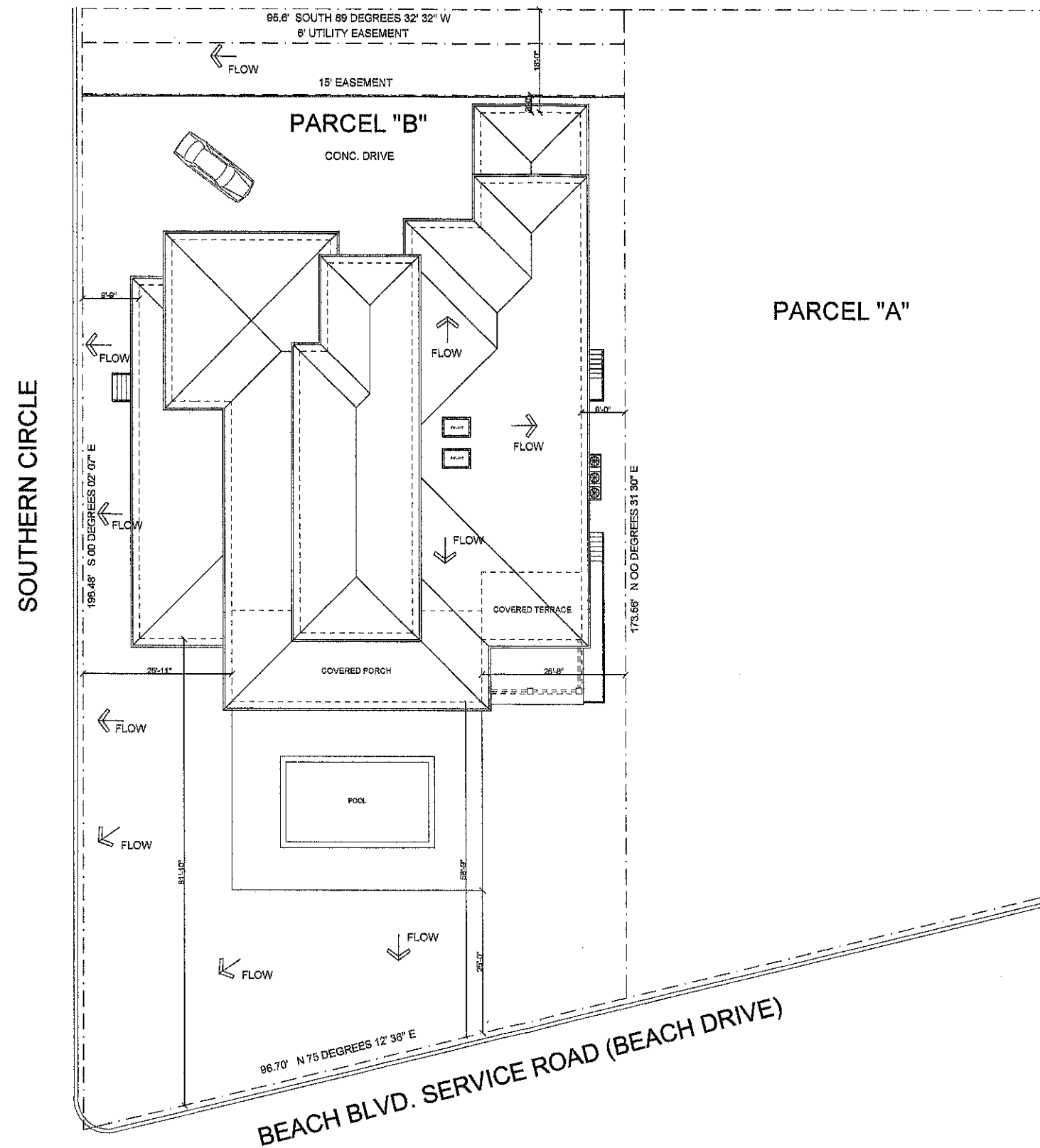
Given under my hand and seal of office this the 6th day of June, 20 23


 Notary Public

May 3, 2026
 Commission Expiration



PARCELS 1010O-02-002.000 & 1010O-02-002.001
CITY OF GULFPORT, HARRISON COUNTY, MISSISSIPPI



SITE & ROOF PLAN

 $3/32'' \approx 1'-0''$

THESE PLANS HAVE BEEN
PREPARED UNDER MY PERSONAL
SUPERVISION & TO THE BEST OF
MY KNOWLEDGE COMPLY WITH THE
IBC 2021 ed & THE IRC 2021 ed
BUILDING CODES. I AM NOT
SUPERVISING CONSTRUCTION.

MARK SCHROEDER, ARCHITECT, AIA
400 HARRISON AVE. SUITE A NO. LA. 70124 (504) 581-1100

1936 BEACH BLVD. RESIDENCE

1936 BEACH BLVD.

SITE PLAN

Scale 3/16" = 1'-0"	SHEET # 1 OF 6
Drawing File BEACHBLVD.dwg	
Date 5/15/2023	
Drawn by E. JACOBS	



Louisiana
**SECRETARY
 OF STATE**
 R. KYLE ARDOIN

(<https://www.sos.la.gov/Pages/default.aspx>)

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Name	Type	City	Status
PENTEK DESIGN BUILD, LLC	Limited Liability Company	NEW ORLEANS	Active

Previous Names

PENTEK HOMES, LLC (Changed: 11/14/2019)

Business: PENTEK DESIGN BUILD, LLC

Charter Number: 41381014K

Registration Date: 12/30/2013

Domicile Address

1139 ORETHA CASTLE HALEY
 NEW ORLEANS, LA 70113

Mailing Address

1139 ORETHA CASTLE HALEY
 NEW ORLEANS, LA 70113

Status

Status: Active

Annual Report Status: In Good Standing

File Date: 12/30/2013

Last Report Filed: 1/10/2023

Type: Limited Liability Company

Registered Agent(s)

Agent:	BO PENNINGTON
Address 1:	1139 ORETHA CASTLE HALEY
City, State, Zip:	NEW ORLEANS, LA 70113
Appointment Date:	12/30/2013

Officer(s)

Additional Officers: No

Officer:	BO PENNINGTON
Title:	Manager
Address 1:	1139 ORETHA CASTLE HALEY
City, State, Zip:	NEW ORLEANS, LA 70113

Amendments on File (3)

Description	Date
Appointing, Change, or Resign of Officer	9/1/2015
Appointing, Change, or Resign of Officer	2/4/2016
Name Change	11/14/2019

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SCANNED



J. K. [Signature] 1st Judicial District
Instrument 2020 1882 D -J1
Filed/Recorded 2/4/2020 03:32 P
Total Fees \$ 26.00
3 Pages Recorded

Prepared by and return to:
David B. Estes
MS Bar No. 101404
Integrity Land Title, LLC
2200 25th Avenue
Gulfport, MS 39501
(228) 896-8962

Indexing: Part of Lot 69, L.A. Frederick
Survey and in Part of Lot 41, Country
Club Estates, Section 32, T7S, R10W,
1st JD, Harrison County, MS.

Our File No. 2836

REVIEWED

**STATE OF MISSISSIPPI
COUNTY OF HARRISON**

WARRANTY DEED

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

RICK CAMARENA, a single person
1511 18th Avenue
Gulfport, MS 39503
(228) 896-5488

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

PENTEK DESIGN BUILD, LLC,
a Louisiana limited liability company
1139 Oretha Castle Haley
New Orleans, LA 70113
(504) 343-3620

the following described land together with all improvements thereon located in Harrison County,
Mississippi, more particularly described as follows, to-wit:

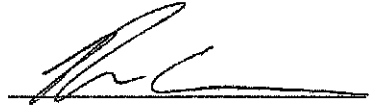
SEE EXHIBIT "A" ATTACHED HERETO

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

TAXES for the year 2020 are hereby prorated and the same are hereby assumed by the
Grantee herein. It is agreed and understood that the taxes for the current year have been prorated

as of this date on an estimated basis, and that when said taxes are actually determined, if the proration as of this date is incorrect, the parties herein agree to pay on a basis of an actual proration. All subsequent years' taxes are specifically assumed by Grantee herein.

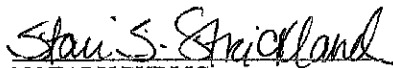
WITNESS my signature on this the 30th day of January, 2020.



RICK CAMARENA

STATE OF MISSISSIPPI
COUNTY OF HARRISON

Personally, appeared before me, the undersigned authority in and for the said county and state on this 30th day of January, 2020, within my jurisdiction, the within named RICK CAMARENA who acknowledged that he executed the above and foregoing instrument.


NOTARY PUBLIC

(SEAL)

My Commission Expires:



EXHIBIT "A"

LEGAL DESCRIPTION OF PARCEL B: AS PER SURVEY

A parcel of land situated and being located in a part of Lot 69, L. A. FREDERICK SURVEY and in a part of Lot 41, COUNTRY CLUB ESTATES (Plat Book 21, Page 35), Section 32, 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:

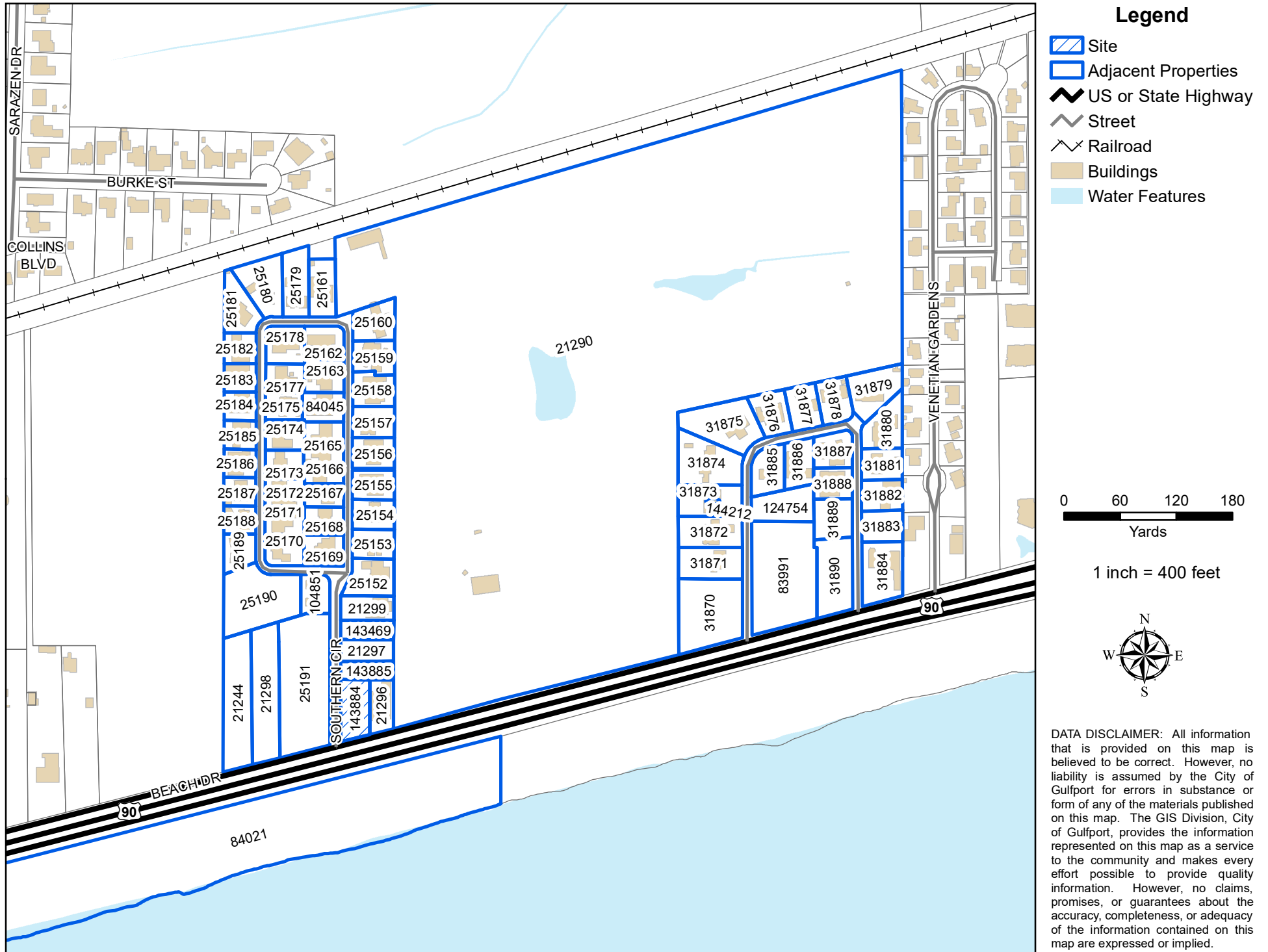
BEGINNING at a chiseled cross in concrete at the intersection of the easterly margin of Southern Circle with the northerly margin of the Service Road to U. S. Highway 90/Beach Boulevard and said POINT OF BEGINNING being on the west line of said Lot 41; thence run from said POINT OF BEGINNING, North 75 degrees 46 minutes 56 seconds East 96.69 feet along the northerly margin of the Service Road to U. S. Highway 90/Beach Boulevard to an iron rod; thence run North 00 degrees 08 minutes 57 seconds East 173.49 feet to an iron rod; thence run South 89 degrees 32 minutes 32 seconds West 95.62 feet to an iron rod on the easterly margin of Southern Circle and the west line of said Lot 41; thence run South 00 degrees 25 minutes 05 seconds East 196.48 feet along the easterly margin of Southern Circle and the west line of said Lot 41 to the POINT OF BEGINNING.

INDEXING INSTRUCTIONS: Part of Lot 69, L. A. FREDERICK SURVEY and in a part of Lot 41, COUNTRY CLUB ESTATES (Plat Book 21, Page 35), Section 32, Township 7 South, Range 10 West, City of Gulfport, First Judicial District of Harrison County, Mississippi.

Mail	PPIN	Parcel ID	Name	Address	City	State	ZIP
Y			BO PENNINGTON(OWNER)	815 PATTERSON RD	NEW ORLEANS	LA	70113
			FREDDIE FOUNTIAN(AGENT)	1822 15TH STREET, SUITE 12	GULFPORT	MS	39501
			Adjacent Property Owners(2307ZB080)				
	25177	10100-02-037.000	JENNER CHRISTIE ELLEN	306 SOUTHERN CIR	GULFPORT	MS	39507
	25189	10100-02-029.000	HANNUM BOB & DEBBIE	351 SOUTHERN CIRCLE	GULFPORT	MS	39507
	25169	10100-02-046.000	WIECK TERESA M & MARTIN JEFFERY R	205 SOUTHERN CIRCLE	GULFPORT	MS	39507
	25170	10100-02-031.000	SMITH LYNN L & MELISSA S	350 SOUTHERN CIRCLE	GULFPORT	MS	39507
	25179	10100-02-019.000	BERTUCCI FELIX J III	282 SOUTHERN CIR	GULFPORT	MS	39507
	31879	1010P-03-020.000	MILLER JOHN H & CAROLYN M	11 MOCKINGBIRD LANE	GULFPORT	MS	39507
	25163	10100-02-040.000	FAERBER DONALD EDWARD -ESTATE-	247 SOUTHERN CIRCLE	GULFPORT	MS	39507
	25184	10100-02-024.000	O'CONNOR SYLVIA J	5337 LOST OAK DR	BATON ROUGE	LA	70817
	25181	10100-02-021.000	JONES DAVID W	291 SOUTHERN CIR	GULFPORT	MS	39507
	31888	1010P-03-034.000	TINDELL SEAN	20 MOCKINGBIRD LANE	GULFPORT	MS	39507
	84045	10100-02-041.000	BRAWDY ANTHONY DUANE & JENNIFER L	239 SOUTHERN CIR	GULFPORT	MS	39507
	31871	1010P-03-028.000	SCHMALZEL MICHAEL & MONICA WENWJOE	3 MOCKINGBIRD LANE	GULFPORT	MS	39507
	31878	1010P-03-021.000	HORTON LARRY C & RITA M	10 MOCKINGBIRD LN	GULFPORT	MS	39507
	31877	1010P-03-022.000	JONES DEBORAH	9 MOCKINGBIRD LN	GULFPORT	MS	39507
	21290	1010P-03-038.000	ARBOR SITES LLC	4910 NORTH MONROE ST	TALLAHASSEE	FL	32303
	25187	10100-02-027.000	CARRELL WILLIAM THOMAS & EMMA SIU	337 SOUTHERN CIRCLE	GULFPORT	MS	39507
	31873	1010P-03-026.000	CRUTHIRDS DOUGLAS C & JULIE P	5 MOCKINGBIRD LN	GULFPORT	MS	39503
	143884	10100-02-002.001	PENTEK DESIGN BUILD LLC	1139 ORETHA CASTLE HALEY	NEW ORLEANS	LA	70113
	25158	10100-02-014.000	LAMEY NANCY	246 SOUTHERN CIRCLE	GULFPORT	MS	39503
	25161	10100-02-018.000	PAGAN ADALBERTO GIRON & TERESA R	264 SOUTHERN CIR	GULFPORT	MS	39507
	25162	10100-02-039.000	GASTON MICHAEL WELD & JUDY COOK	251 SOUTHERN CIRCLE	GULFPORT	MS	39507
	25173	10100-02-034.000	JOHNSON RACHEAL L	334 SOUTHERN CIRCLE	GULFPORT	MS	39507
	31875	1010P-03-024.000	RYAN MICHAEL C & KERRICK M	7 MOCKINGBIRD LANE	GULFPORT	MS	39507
	31885	1010P-03-031.000	RABBITT EDWARD	17 MOCKINGBIRD LAND	GULFPORT	MS	39507
	25172	10100-02-033.000	RADIX PAMELA A	336 SOUTHERN CIR	GULFPORT	MS	39507
	25167	10100-02-044.000	WALLER MARY LOU W ETAL	217 SOUTHERN CIR	GULFPORT	MS	39507
	25188	10100-02-028.000	KENDRICK JAMES L & ELIZABETH C	339 SOUTHERN CIRCLE	GULFPORT	MS	39507
	25185	10100-02-025.000	ROGERS ROSE MARIE	333 SOUTHERN CIR	GULFPORT	MS	39507
	31886	1010P-03-032.000	COLEMAN CECIL C & DOROTHY R	18 MOCKINGBIRD LN	GULFPORT	MS	39507
	25168	10100-02-045.000	PICKETT KELLY M	211 SOUTHERN CIR	GULFPORT	MS	39507
	25171	10100-02-032.000	ORR CHARLOTTE C -TRUSTEE-	338 SOUTHERN CIR	GULFPORT	MS	39501
	25190	10100-02-030.000	SAMUEL BARRY -TRUSTEE-	340 VINCENT AVE	METAIRIE	LA	70005
	104851	10100-02-047.002	COX ELIZABETH STEWART	133 SOUTHERN CIR	GULFPORT	MS	39507

Mail	PPIN	Parcel ID	Name	Address	City	State	ZIP
	31881	1010P-03-018.000	WILSON PATRICIA K	13 MOCKINGBIRD LN	GULFPORT	MS	39507
	25166	1010O-02-043.000	KELTON ROBERT E SR	2230 BEACH DR, UNIT 1208	GULFPORT	MS	39507
	25160	1010O-02-016.000	PAUL MATTHEW GABRIEL & KERRI	7352 MAHONEY DR	PASS CHRISTIAN	MS	39571
	25180	1010O-02-020.000	DELK C DAVID	288 SOUTHERN CIR	GULFPORT	MS	39507
	25182	1010O-02-022.000	LESLIE ANN GWIN -TRUSTEE-	323 SOUTHERN CIRCLE	GULFPORT	MS	39507
	31876	1010P-03-023.000	HILL ELLIS D & MARTHA LYNN	2668 BEACH BLVD #1702	BILOXI	MS	39531
	25165	1010O-02-042.000	MILLER EDWARD O & S DIANE	233 SOUTHERN CIR	GULFPORT	MS	39507
	31874	1010P-03-025.000	KROUPA KENNETH J & BETH A	6 MOCKINGBIRD LN	GULFPORT	MS	39507
	25174	1010O-02-035.000	O'REILLY LOUIS P & JOAN M	332 SOUTHERN CIR	GULFPORT	MS	39507
	25156	1010O-02-012.000	PUCKETT CAMILLE S	230 SOUTHERN CIRCLE	GULFPORT	MS	39507
	31872	1010P-03-027.000	CHAUVIN HOLLY PAULETTE & GREENE RON	4 MOCKINGVIRD LN	GULFPORT	MS	39503
	21297	1010O-02-004.000	WEATHERLY WALLACE W MD	111 S LEFLORE ST	CLEVELAND	MS	38732
	25155	1010O-02-010.000	SPARKS TEFFANIE EVE	220 SOUTHERN CIRCLE	GULFPORT	MS	39507
	84021	1010O-03-001.000	GULFPORT CITY OF	P O BOX 76	JACKSON	MS	39205
	25183	1010O-02-023.000	KILPATRICK LARRY E JR & LAURA F	325 SOUTHERN CIR	GULFPORT	MS	39507
	25175	1010O-02-036.000	ANDERSON JANIS J -TRUSTEE	330 SOUTHERN CIR	GULFPORT	MS	39501
	25178	1010O-02-038.000	OLSEN JOHN KEVIN JR & AMY FORD	304 SOUTHERN CIR	GULFPORT	MS	39507
	31882	1010P-03-017.000	LOVELACE CHERYL H	14 MOCKINGBIRD LN	GULFPORT	MS	39501
	31890	1010P-03-036.000	TAYARA WAKKAS	7059 GREENVIEW COVE	PASS CHRISTIAN	MS	39571
	25152	1010O-02-007.000	CUEVAS RONALD DALE & PATRICIA P	144 SOUTHERN CIRCLE	GULFPORT	MS	39507
	31870	1010P-03-029.000	ANDERSON ROY III	4900 COURTHOUSE RD	GULFPORT	MS	39507
	25159	1010O-02-015.000	ROOSA CHRISTOPHER A	256 SOUTHERN CIRCLE	GULFPORT	MS	39507
	31880	1010P-03-019.000	WARREN GERALD M & PATTYE W	12 MOCKINGBIRD LN	GULFPORT	MS	39507
	25157	1010O-02-013.000	SANDERS BETTY COATS	244 SOUTHERN CIRCLE	GULFPORT	MS	39507
	31887	1010P-03-033.000	TOWNSEND JERREL R & DEBRA K	19 MOCKINGBIRD LN	GULFPORT	MS	39507
	25186	1010O-02-026.000	HANNA HUGH BOYD JR & ELIZABETH LANE	335 SOUTHERN CIRCLE	GULFPORT	MS	39507
	31884	1010P-03-015.000	DAVI JENNIFER	2082 BEACH BLVD	GULFPORT	MS	39507
	21299	1010O-02-005.000	WEATHERLY WILLIAM B & CALLEN	140 SOUTHERN CIR	GULFPORT	MS	39507
	25154	1010O-02-009.000	HUTH GEORGE II	110 MARIKESH DRIVE	DALPHNE	AL	36526
	83991	1010P-03-030.000	FPIR REALTY LLC	1875 I ST NW SUITE 500	WASHINGTON	DC	20005
	124754	1010P-03-030.001	FPIR REALTY LLC	18111 PROCTOR ST	HOUSTON	TX	77038
	21298	1010O-02-048.000	MAVAR KAREN W -TRUSTEE-	2314 N COUNTRY CLUB LANE	BILOXI	MS	39532
	25191	1010O-02-047.000	HERCHENHAHN JERRY T & CHERIE M	45 HARDY CT STE #260	GULFPORT	MS	39507
	21296	1010O-02-002.000	KRONGARD JOHN J & KELLY M	1942 BEACH DR	GULFPORT	MS	39507
	25153	1010O-02-008.000	FLOYD EVELYN P -TOD-	200 SOUTHERN CIR	GULFPORT	MS	39507

Variance



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:
IPL0129144
External Order #:
438155
Order Status:
Submitted
Classification:
Legals & Public Notices
Package:
BLX - Legal Ads
Final Cost:
72.88
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
June 27, 2023 11:49:23 AM EDT
Amount:
72.76
Date
June 28, 2023 11:23:45 PM EDT
Amount:
0.12

SCHEDULE FOR AD NUMBER IPL01291440

July 5, 2023

PREVIEW FOR AD NUMBER IPL01291440**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, July 20, 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 2307ZB073, by owner Rebeca Fairley, is seeking approval for 18 feet in height for a detached accessory structure where 14 feet is the height limit, Tax Parcel 0909J-03-017.000, 20 54th Street, Zoned R-UE (Urban residence estate), Ward 4

Variance 2307ZB074, by owner Rebeca Fairley, is seeking approval for an accessory detached structure size of 2,304 square feet where 600 square feet is the size limit, Tax Parcel 0909J-03-017.000, 20 54th Street, Zoned R-UE (Urban residence estate), Ward 4

Variance 2307ZB075, by agent C. Roberds General Contractors, LLC, seeking approval for a 57-stone for drives in a boat parking area where only concrete or asphalt is allowed, Tax Parcel 1010F-01-021.000, 1408 Cowan Road, Zone T6 (Urban Core Zone), Ward 4

Variance 2307ZB078, by agent Freddie Fountain, is seeking approval for a 5-foot side yard setback for the addition to an existing home where 8-feet is required, Tax Parcel 0811H-04-033.000, 1315 2nd Street, Zoned R-1-7.5 (Single-family), Ward 2

Variance 2307ZB080, by agent Freddie Fountain, is seeking approval for a 9-foot and 9-inch front yard setback where 25 feet is required on a second street frontage, Tax Parcel 1010O-02-002.001, 1936 Beach Drive, Zoned R-1-7.5 (Single-family), Ward 2

Variance 2307ZB082, by owners Dalaney Mecham and Hannah Shirley, is seeking approval for a 6-foot wooden fence along the front continuous facade where a 4-foot fence is the height limit, Tax Parcel 0909O-01-007.000, 1 Shady Side Circle, Zoned R-1-7.5 (Single-family), Ward 4

This the 28th day of June 2023
A. Leslie North, Chairman
City of Gulfport Zoning Board of Adjustment and Appeals
IPL0129144
Jul 5 2023

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SunHerald (Biloxi)



Beaufort Gazette
Belleville News-Democrat
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Fresno Bee

The Herald - Rock Hill
Herald Sun - Durham
Idaho Statesman
Island Packet
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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	438155	Print Legal Ad-IPL01291440 - IPL0129144		\$72.88	2	50 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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Variance 2307ZB080, by agent Freddie Fountain, is seeking approval for a 9-foot and 9-inch front yard setback where 25 feet is required on a second street frontage, Tax Parcel 1010O-02-002.001, 1936 Beach Drive, Zoned R-1-7.5 (Single-family), Ward 2

Variance 2307ZB082, by owners Dalaney Mecham and Hannah Shirley, is seeking approval for a 6-foot wooden fence along the front continuous facade where a 4-foot fence is the height limit, Tax Parcel 0909O-01-007.000, 1 Shady Side Circle, Zoned R-1-7.5 (Single-family), Ward 4

This the 28th day of June 2023
A. Leslie North, Chairman
City of Gulfport Zoning Board of Adjustment and Appeals
IPL0129144
Jul 5 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:
07/05/23

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.

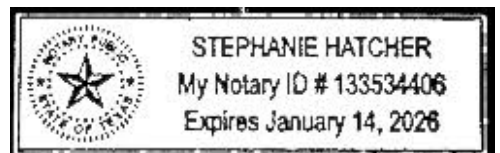
Stefani Beard

Sworn to and subscribed before me this 7th day of July 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.



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

MEMORANDUM

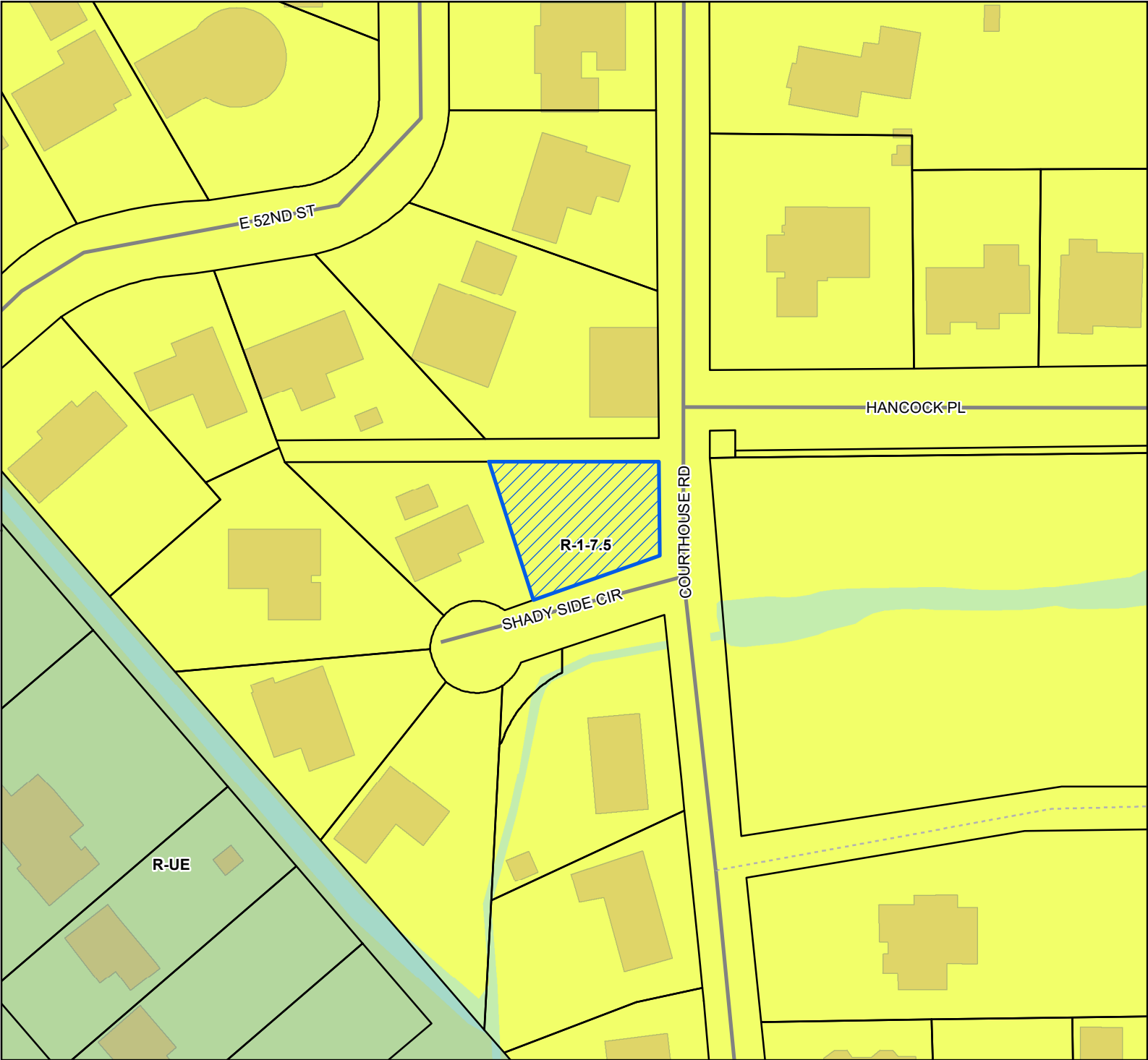
To: City of Gulfport Zoning Board of Adjustment and Appeals

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

Date of Hearing: July 20, 2023

Re: Variance 2307ZB082:
(Withdrawn by Planning Staff)

Variance 2307ZB082, by owners Dalaney Mecham and Hannah Shirley, is seeking approval for a 6-foot wooden fence along the front continuous facade where a 4-foot fence is the height limit, Tax Parcel 0909O-01-007.000, 1 Shady Side Circle, Zoned R-1-7.5 (Single-family), Ward 4



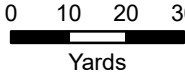
Legend

- Site
- Street
- Alley
- Parcels
- Buildings
- Water Features

Zoning

- R-1-7.5 - Single Family Residence District (Low Density)
- R-UE - Residential Urban Estate

Site Information
09090-01-007.000
Zoning: R-1-7.5 (Single Family)
Size: 9162.9 sqft
Flood: AE



1 inch = 100 feet



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



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

Case Number
2307 ZB082

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

0	9	0	9	0	-	0	1	-	0	0	7	.	0	0	0					-										
					-							.								-										
					-							.								-										

Property Address: 1 Shady Side Cir., Gulfport MS 39507
 Lot(s) 1, Block(s) 3, Subdivision Bayou View

General Description of Request: Would like 6' fence (wood)
Code requires 4' fence in front continuous facade.

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

Dalaney Mecham
 Printed Name of Owner
20 E 52nd St
 Mailing Address
Gulfport MS 39507
 City State Zip code
435 733 0008
 Home Phone Work/Cell Phone
dalaneym@gmail.com
 Email
[Signature]
 Signature of Owner

 Printed Name of Agent

 Mailing Address

 City State Zip code

 Home Phone Work/Cell Phone

 Email

 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) Hannah Shirley

ADDRESS (STREET, CITY, STATE, ZIP CODE) 1 Shady Side Circle Gulfport, MS

PHONE # (H) 4357330004 (WK/CELL) _____

TAX PARCEL NUMBER(S) OWNED 09090-01-007.000

SIGNATURE: _____

NAME OF OWNER (PRINT) Dalaney Mecham

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

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

TAX PARCEL NUMBER(S) OWNED 09090-01-007.000

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 about 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

Fence Variance Submissions



Please explain the nature of the project that requires the variance(s). When determining a variance to fence, wall, and hedge requirements, the zoning board shall consider the following, which must also be addressed by the applicant on a separate sheet of paper:

1. Safety in regard to the subject property, adjacent properties, ingress and egress, streets, alleyways, and water bodies;
2. Visual impact on adjacent properties, streets, alleyways, and water bodies;
3. Design in relation to other structures on the same lot, adjacent properties, and the neighborhood;
4. Impact on ingress and egress, if applicable;
5. Screening, buffering or separation of any nuisance or hazardous feature;
6. Compatibility with adjacent properties;

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.



Covenant Affidavit

I, Dalany Mechem being owner or agent of the property 1 Shady Side Cir

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

[Signature]

Signature

06/06/2023

Date

STATE OF MISSISSIPPI | COUNTY OF HARRISON

Given under my hand and seal of office this the 6th day of June, 2023

[Signature]

Notary Public



September 14, 2025

Commission Expiration

Variance Submissions

1. This is an undesirable lot in a flood plain that adjoins out back yard and is the only property on the east side of courthouse rd north of shady side cir. that is facing the rd. All the other lots are back yards and have tall fences.
2. The special circumstances are a result of the separation of the property by a section of the city which will not allow us to conjoin the properties to formally make this an extension of our back yard.
3. The shorter fence would leave exposed the back yard and it would create an attractive nuisance for children given the area does not have any structures but will be for the primary purpose of recreation.
4. The literal interpretation says this is a front yard whereas this will be an extension of our back yard, or used as such.
5. This will not be a special privilege as we are excluded from using the property behind our house in the same manner as other owners on the same road because of the city ordinance.
6. The ability to have a higher fence will be by special exception.
- 7.

Fence Variance Submissions

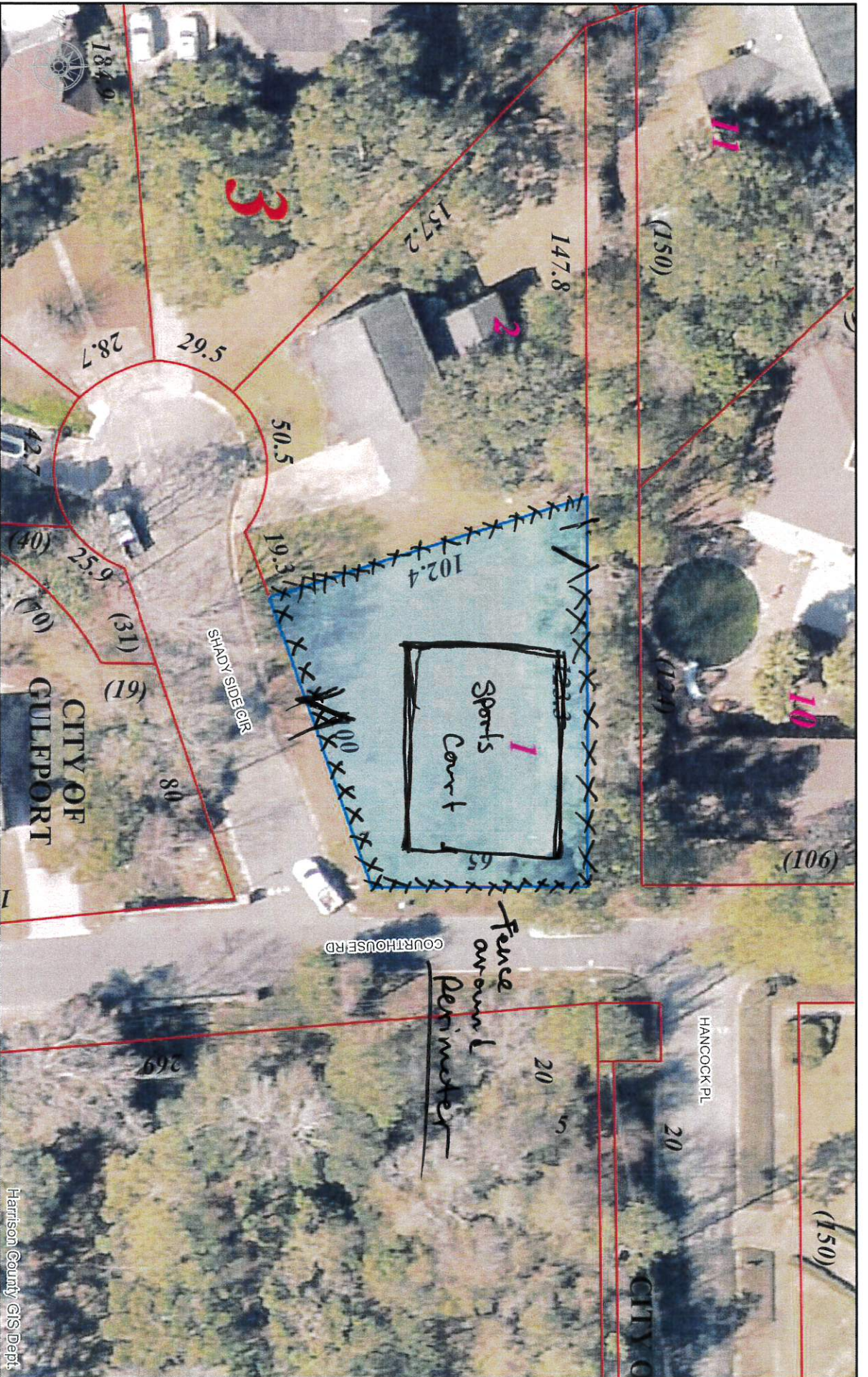
1. The subject lot is a vacant lot with no structures. Apart from the city alleyway, the lot is directly adjacent to the backyard of our home and will function as an expansion of our back yard.

A fence variance is necessary because there is a city easement/alley along the ditch that runs between the new lot and our original lot/home (20 E. 52nd St.). Therefore, the new lot cannot technically adjoin to our original lot, thus becoming an official extension of our back yard. Because the lots are separated, the city deems the new empty lot as a "front yard." Because it is a front yard, the fence regulations are limited to 4ft in height. However, we are submitting this fence variance application because we want to build a fence at least 6ft tall. To surround our "back yard."

2. The visual impact is minimal given the fact that all the other lots begin from shady side Cir. Going north on courthouse road are all back yards with tall fences, except this one lot. It will fit nicely with the continuity of the back yards and fences along the north most section of courthouse rd.
3. In preparation for the fence, we have completed a property survey. We had the appropriate people come to designate the "no-digging" areas. With the new lot, we are extending our backyard. We have poured a concrete pad for basketball. We include a trampoline and a seating area. The lot runs alongside the Courthouse Road and Shady Side Circle. Therefore, we are requesting the approval of a 6foot fence. The houses that are located in the cul de sac of Shady Circle have requested that we build the tallest fence allowed because they "do not want to have to see the basketball court." We have numerous neighborhood children using the court and wish to install the privacy fence as quickly as possible. We believe that if the fence height was restricted to 4 feet, the fence would be ineffective because people will simply climb over the fence to enter our backyard due to the basketball court being an attractive nuisance. The fence will enhance the area because it will provide additional screening, separation, security, and privacy.
4. In regard to ingress and egress, a taller fence will not affect traffic flow or access. Any lighting will most likely be solar and only be positioned within the sight of our backyard. However, if we did have taller court lightning, a taller fence would block any vertical light fixtures.
5. The fact that the lot is used as a back yard and has a basketball /pickleball court, this is an attractive nuisance for many of the children in the area which can ultimately lead to harm to an unattended child, harm to the property, or harm to the neighbors. Ultimately, allowing us to build a fence taller than four feet is what we and the neighbors desire for overall harmony and protection from unwanted use of the lot. It will not be unusual because the average resident will assume that our original lot and the new lot are adjoining because they do not realize that the easement exists.

6. A taller fence will be congruent with other backyards because visually it is apparent that the lot is now a portion of our backyard, as opposed to a front yard. The ditch/easement continues through the line of homes that already exist. In fact, these homes actually have fences constructed directly next to/sometimes along the easement. We have lived in our home since 2017 and the city has never accessed or maintained the easement area.

My Map



HARRISON COUNTY, MISSISSIPPI

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

MAP DATE: June 6, 2023











Prepared by:
Donald R. Jones, #3197
Attorney at Law
P. O. Box 7555
Gulfport, MS 39506
(228) 864-8965
File #235013

Return to:
Donald R. Jones
Attorney at Law
P. O. Box 7555
Gulfport, MS 39506
(228) 864-8965

STATE OF MISSISSIPPI

COUNTY OF HARRISON

WARRANTY DEED

FOR AND IN CONSIDERATION of the sum of Ten Dollars (\$10.00), cash in hand paid, and other good and valuable consideration, the receipt and sufficiency of all of which is hereby acknowledged, the undersigned, LINDA DANA FORE, 17126 Landon Road, Gulfport, MS 39503, 228-832-4978, does hereby sell, convey and warrant unto DALANEY MECHAM and HANNAH SHIRLEY, 20 E 52nd Street, Gulfport, MS 39507, 435-733-0004, as tenants by the entirety, the following described land and property being located in the First Judicial District of Harrison County, Mississippi, being more particularly described as follows, to-wit:

Lot One (1), Block Three (3), FIFTH ADDITION TO GULFPORT BAYOU VIEW SUBDIVISION, Part Two, a subdivision according to the map or plat thereof on file and of record in the office of the Chancery Clerk of the First Judicial District of Harrison County, Mississippi, in Plat Book 25 at Page 12 thereof, reference to which is hereby made in aid of and as a part of this description.

THE ABOVE described property is not now nor has it ever been a part of the homestead of the Grantor herein.

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

TAXES for the current year have been pro-rated as of this date
and are hereby assumed by the Grantees herein.

WITNESS MY SIGNATURE, on this the 8th day of March, 2023.

Linda Dana Fore
LINDA DANA FORE

STATE OF MISSISSIPPI

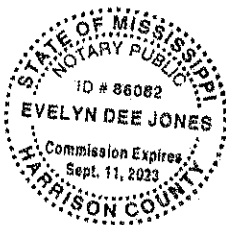
COUNTY OF HARRISON

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

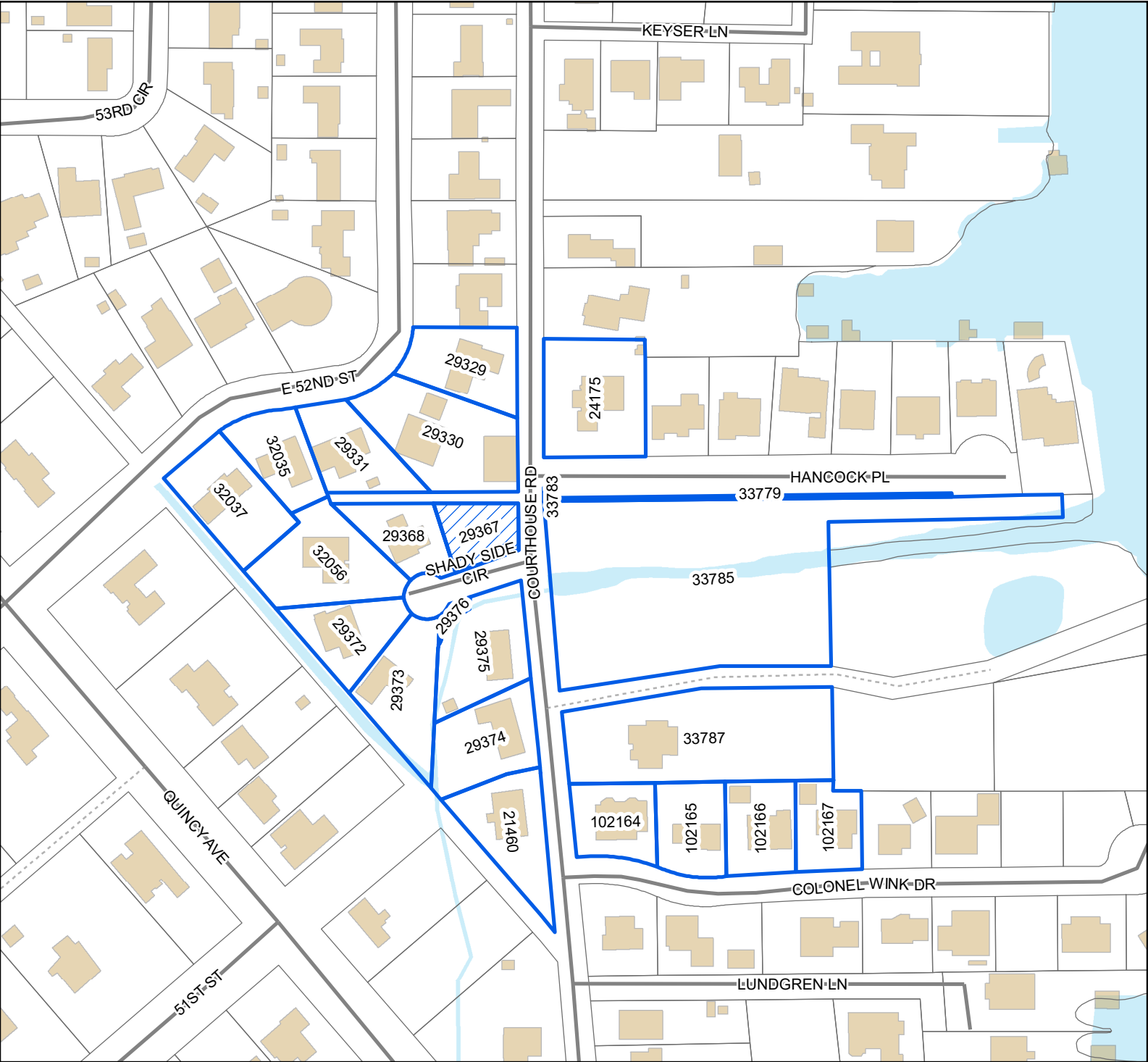
GIVEN UNDER MY HAND AND OFFICIAL SEAL OF OFFICE, this the 8th
day of March, 2023.

Evelyn Dee Jones
NOTARY PUBLIC

My Commission Expires:

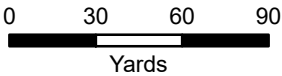


Mail	PPIN	Parcel ID	Name	Address	City	State	ZIP
Y			DALANEY MECHAM(OWNER)	20 E 52ND STREET	GULFPORT	MS	39507
			Adjacent Property Owners(2307ZB082)				
	21460	0909O-01-015.000	TAYLOR RUSSELL & TIFFANY COOPER	5015 COURTHOUSE RD	GULFPORT	MS	39507
	32035	0909O-01-005.000	MAJORS WILLIAM W & ANNELLE M	200 SERENITY LN	MADISON	MS	39110
	29329	0909O-01-002.000	WILLIAMS DONNA HAYNES	18 E 52ND ST	GULFPORT	MS	39507
	33785	0909P-02-012.000	MESSER JUSTIN & KRISTIN COOPER	22 HANCOCK PLACE	GULFPORT	MS	39507
	32056	0909O-01-009.000	STRUSS RICHARD P & JOYCE D	3 SHADYSIDE CIR	GULFPORT	MS	39507
N	29376	0909O-01-012.000	GULFPORT CITY OF	LORRAINE RD	GULFPORT	MS	39501
	29367	0909O-01-007.000	FORE LINDA DANA	17126 LANDON RD	GULFPORT	MS	39503
	102164	0909P-02-018.002	CARANNA ANTHONY J JR & DARLENE	4 COLONEL WINK DR	GULFPORT	MS	39507
	29373	0909O-01-011.000	BRASHER GARY VAUGHN & MERCY LINDA M	5 SHADY SIDE CIR	GULFPORT	MS	39507
	32037	0909O-01-006.000	HUNTER NADINE S	26 E 52ND ST	GULFPORT	MS	39507
	29372	0909O-01-010.000	KING PAULA & PARKER CARL YATES JR	C/O 4 SHADY SIDE BLVD	GULFPORT	MS	39507
	29368	0909O-01-008.000	ANDERSON FRANK M & REBECCA R	2 SHADY SIDE CIR	GULFPORT	MS	39507
	102166	0909P-02-018.004	LOUGHMAN MARK P & LESLIE P	10 COLONEL WINK	GULFPORT	MS	39507
	33787	0909P-02-018.001	WILSON ANTHONY L & TONYA S	5016 COURTHOUSE RD	GULFPORT	MS	39507
	29330	0909O-01-003.000	SHIRLEY HANNAH & DALANEY L MECHAM	14001 THREE RIVERS RD APT 9B	GULFPORT	MS	39503
	33779	0909P-02-011.000	WALKER ROBERT H & DEBBIE C	12 HANCOCK PL	GULFPORT	MS	39506
	29375	0909O-01-013.000	CAYLOR SONYA M	5021 COURTHOUSE RD	GULFPORT	MS	39507
	29374	0909O-01-014.000	WILLIAMS JEREMY W & YELENA Z	5019 COURTHOUSE RD	GULFPORT	MS	39507
	29331	0909O-01-004.000	WILLIAMS JACK J & SARA C	22 E 52ND ST	GULFPORT	MS	39507
	102167	0909P-02-018.005	DAPREMONT EDGAR M JR & CHRISTAL	14 COLONEL WINK DR	GULFPORT	MS	39507
	102165	0909P-02-018.003	CAUDILL RALPH CARL JR	6 COLONEL WINK DR	GULFPORT	MS	39507
	24175	0909P-02-009.000	KAIGLER JAMES S JR & KRISTINE D	8 HANCOCK PLACE	GULFPORT	MS	39507



Legend

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



1 inch = 200 feet



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THANK YOU for your legal submission!

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

ORDER DETAILS

Order Number:
IPL0129144
External Order #:
438155
Order Status:
Submitted
Classification:
Legals & Public Notices
Package:
BLX - Legal Ads
Final Cost:
72.88
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
June 27, 2023 11:49:23 AM EDT
Amount:
72.76
Date
June 28, 2023 11:23:45 PM EDT
Amount:
0.12

SCHEDULE FOR AD NUMBER IPL01291440

July 5, 2023

PREVIEW FOR AD NUMBER IPL01291440**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, July 20, 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 2307ZB073, by owner Rebeca Fairley, is seeking approval for 18 feet in height for a detached accessory structure where 14 feet is the height limit, Tax Parcel 0909J-03-017.000, 20 54th Street, Zoned R-UE (Urban residence estate), Ward 4

Variance 2307ZB074, by owner Rebeca Fairley, is seeking approval for an accessory detached structure size of 2,304 square feet where 600 square feet is the size limit, Tax Parcel 0909J-03-017.000, 20 54th Street, Zoned R-UE (Urban residence estate), Ward 4

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This the 28th day of June 2023
A. Leslie North, Chairman
City of Gulfport Zoning Board of Adjustment and Appeals
IPL0129144
Jul 5 2023

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

SunHerald (Biloxi)



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	438155	Print Legal Ad-IPL01291440 - IPL0129144		\$72.88	2	50 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, July 20, 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 2307ZB073, by owner Rebeca Fairley, is seeking approval for 18 feet in height for a detached accessory structure where 14 feet is the height limit, Tax Parcel 0909J-03-017.000, 20 54th Street, Zoned R-UE (Urban residence estate), Ward 4

Variance 2307ZB074, by owner Rebeca Fairley, is seeking approval for an accessory detached structure size of 2,304 square feet where 600 square feet is the size limit, Tax Parcel 0909J-03-017.000, 20 54th Street, Zoned R-UE (Urban residence estate), Ward 4

Variance 2307ZB075, by agent C. Roberds General Contractors, LLC, seeking approval for a 57-stone for drives in a boat parking area where only concrete or asphalt is allowed, Tax Parcel 1010F-01-021.000, 1408 Cowan Road, Zone T6 (Urban Core Zone), Ward 4

Variance 2307ZB078, by agent Freddie Fountain, is seeking approval for a 5-foot side yard setback for the addition to an existing home where 8-feet is required, Tax Parcel 0811H-04-033.000, 1315 2nd Street, Zoned R-1-7.5 (Single-family), Ward 2

Variance 2307ZB080, by agent Freddie Fountain, is seeking approval for a 9-foot and 9-inch front yard setback where 25 feet is required on a second street frontage, Tax Parcel 1010O-02-002.001, 1936 Beach Drive, Zoned R-1-7.5 (Single-family), Ward 2

Variance 2307ZB082, by owners Dalaney Mecham and Hannah Shirley, is seeking approval for a 6-foot wooden fence along the front continuous facade where a 4-foot fence is the height limit, Tax Parcel 0909O-01-007.000, 1 Shady Side Circle, Zoned R-1-7.5 (Single-family), Ward 4

This the 28th day of June 2023
A. Leslie North, Chairman
City of Gulfport Zoning Board of Adjustment and Appeals
IPL0129144
Jul 5 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:
07/05/23

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.

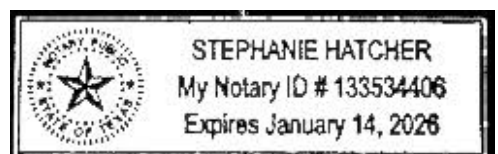
Stefani Beard

Sworn to and subscribed before me this 7th day of July 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.



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