

AGENDA
ZONING BOARD OF ADJUSTMENT AND APPEALS
CITY HALL COUNCIL CHAMBERS
THURSDAY, MARCH 21, 2024 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 - February 15, 2024

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 2403ZB021:

Variance 2403ZB021, by owner Gregory Woodard, seeking approval for a 1,430 square-foot accessory structure where 600 square feet is the size limit, Tax Parcel 0807K-01-018.017, 13324 Harper Court, Zoned R-1-15 (Single-family), Ward 7

2. Variance 2403ZB022:

Variance 2403ZB022, by owner Gregory Woodard, seeking approval for a side yard setback of 8 feet, where 15 feet is required, Tax Parcel 0807K-01-018.017, 13324 Harper Court, Zoned R-1-15 (Single-family), Ward 7

3. Variance 2403ZB023:

Variance 2403ZB023, by owner Gregory Woodard, seeking approval for a 24-foot tall accessory structure where 14 feet is the height limit, Tax Parcel 0807K-01-018.017, 13324 Harper Court, Zoned R-1-15 (Single-family), Ward 7

4. Variance 2403ZB026: (Deferred to May Meeting)

Variance 2403ZB026, by agent Rebecca Gillum, seeking approval for 5-foot side yard setbacks, where 8 feet is required, Tax Parcel 0811G-04-116.000, 2011 17th Ave, Zoned R-2 (Single-family), Ward 3

5. Variance 2403ZB028: (Withdrawn by Applicant)

Variance 2403ZB028, by agent Michael Hester, seeking approval for a 9-foot tall fence along the rear of the property where six feet is the height limit, Tax Parcel 1010K-03-048.000, 2209 Swetman Blvd, R-1-7.5 (Single-Family), Ward 2

6. Special Exception 2403SC031:

Special Exception 2403SC031, by agent Tyler Hickman, seeking approval for daiquiri shop, Tax Parcels 0908N-04-004.000, 0908N-04-004.001, 13211 Dedeaux Road, Zoned B-1 (Neighborhood business), Ward 5

7. Variance 2403ZB032:(Deferred to April Meeting)

Variance 2403ZB032, by agent Terry Robinson, seeking approval to vary from number of required parking spaces for retail use, Tax Parcel 0910N-06-014.000, 3200 B Ave, Zoned B-2 (General-business), Ward 4

8. Variance 2403ZB033:

Variance 2403ZB033, by owners Joseph and Rebecca Cowart, seeking approval for a 2400 detached accessory structure, Tax Parcel 0811B-01-037.000, 2601 15th Avenue, Zoned B-2 (General Business), Ward 3

9. Variance 2403ZB034:

Variance 2403ZB034, by owner Kevin Myers, seeking approval for a 960 square foot accessory structure, Tax Parcel 0811G-06-026.000, 1625 19th Ave, Zoned T4L (General Urban Zone "Limited"), Ward 2

10. Variance 2403ZB035:

Variance 2403ZB035, by owner Kevin Myers, seeking approval for a rear yard setback of 50 inches (4.17 ft) and a side yard setback of 53 inches (4.42 feet), Tax Parcel 0811G-06-026.000, 1625 19th Ave, Zoned T4L (General Urban Zone "Limited"), Ward 2

11. Variance 2403ZB036:

Variance 2403ZB036, by agent Robert Addison Riemann, seeking approval for an additional wall sign on the eastern elevation, Tax Parcel 0809K-02-002.001, 15223 Creosote Road, Zoned B-4 (Highway-business), Ward 3

12. Variance 2403ZB041:

Variance 2403ZB041, by agent Tiffany Marshall, seeking approval for zero required parking for all future uses, Tax Parcels 0811E-02-042.000, 0811E-02-043.000, 0811E-02-044.000, 1512 30th Ave, 1516 30th Ave, 1518 30th Ave, 1520 30th Ave, 1522 30th Ave, 1528A 30th Ave, 1528B 30th Ave, Zoned T6 (Urban Core Zone), Ward 2

13. Variance 2403ZB042:

Variance 2403ZB042, by agent Tiffany Marshall, seeking approval for backing out into city right of way, Tax Parcels 0811E-02-042.000, 0811E-02-043.000, 0811E-02-044.000, 1512 30th Ave, 1516 30th Ave, 1518 30th Ave, 1520 30th Ave, 1522 30th Ave, 1528A 30th Ave, 1528B 30th Ave, Zoned T6 (Urban Core Zone), Ward 2

14. Variance 2403ZB043:

Variance 2403ZB043, by agent David Machado, seeking approval for a building height of 55 feet and 3 inches where 50 feet is the height limit, Tax Parcel 0710P-01-004.000, 2809 34th Avenue, Zoned I-1 (Light-industry), Ward 1

H. Adjournment

MINUTES

ZONING BOARD OF ADJUSTMENT AND APPEALS MEETING

Thursday, February 15, 2024 3:00 P.M.

GULFPORT CITY COUNCIL CHAMBERS

A. **Prayer**: The Zoning Board led a prayer.

B. **Pledge of Allegiance**: The Pledge of Allegiance was recited.

C. **Call to Order**: The meeting of the Planning Commission was called to order at **3:01 P.M.**

D. **Determination of a Quorum**:

BOARD MEMBERS PRESENT:

MARY ANN WIGINTON
LESLIE NORTH
ROBERT PHARR
NATHAN BODDIE
NICHOLAS HAHN
HAL KAIGLER
MICHAEL DANIELS

BOARD MEMBERS ABSENT:

STAFF MEMBERS PRESENT:

SU-LIN FEATHERSTON
LESLIE ERVIN
SAMUEL SWEETING
GREGORY HOLMES
MATILDA WELCH

COURT REPORTER:

NORMA SOROE

E. **Confirmation of Agenda**:

F. **Approval of Minutes**:

Motion by **Mrs. Wiginton** and seconded by **Mr. Kaigler** to approve Minutes of the **January 18, 2024**, Zoning Board meeting was carried unanimously.

G. **Hearing of cases**:

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

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

G3. Routine Agenda:

**1. Variance 2312ZB137:
(Withdrawn by Applicant during meeting)**

Variance 2312ZB137, by agent J.R. Walsh, seeking approval for an additional accessory structure, at Tax Parcel 0811G-06-011.000, 1511 18th Ave, Zoned T4+ (General Urban Zone "Plus"), Ward 2

Speaking for the Petition: J.R. Walsh

Speaking against the Petition:

Motion:

Second:

Leslie North	- Chairman
Mary Ann Wiginton	-
Michael Daniels	- Recused
Robert Pharr	-
Nathan Boddie	-
Nicholas Hahn	-
Hal Kaigler	-

Action: Withdrawn by Applicant during meeting.

2. Variance 2312ZB138:

Variance 2312ZB138, by agent J.R. Walsh, seeking approval for a 90 inch (7.5 feet) tall stone wall, at Tax Parcel 0811G-06-011.000, 1511 18th Ave, Zoned T4+ (General Urban Zone "Plus"), Ward 2

Speaking for the Petition: J.R. Walsh

Speaking against the Petition: None

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

Second: Mr. Hahn

Leslie North	- Chairman
Mary Ann Wiginton	- Yea
Michael Daniels	- Recused
Robert Pharr	- Yea
Nathan Boddie	- Yea
Nicholas Hahn	- Yea
Hal Kaigler	- Yea

Action: Motion Carried Unanimously

3. Variance 2402ZB009

Variance 2402ZB009, by agent Orin Robinson, seeking approval for additional wall signage on west and east side elevations, Tax Parcel 0809B-02-002.000, 14370 Seaway Rd, Zoned I-2 (Heavy Industry), Ward 5

Speaking for the Petition: Orin Robinson

Speaking against the Petition: Travis Anderson (Spoke against the development on a separate property than what was on the agenda.)

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

Second: Mr. Pharr

Leslie North	- Chairman
Mary Ann Wiginton	- Yea
Michael Daniels	- Yea
Robert Pharr	- Yea
Nathan Boddie	- Yea
Nicholas Hahn	- Yea
Hal Kaigler	- Yea

Action: Motion Carried Unanimously

4. Variance 2402ZB012

Variance 2402ZB012, by agent Steven Carney, seeking approval for wall sign on north elevation, Tax Parcel 1010D-01-008.004, 8813 Lorraine Rd, Zoned R-B (Residence-Business), Ward 4

Speaking for the Petition: Steven Carney

Speaking against the Petition: None

Motion: Mr. Kaigler – to approve the applicant's request

Second: Mrs. Wiginton

Leslie North	- Chairman
Mary Ann Wiginton	- Yea
Michael Daniels	- Yea
Robert Pharr	- Yea
Nathan Boddie	- Yea
Nicholas Hahn	- Yea
Hal Kaigler	- Yea

Action: Motion Carried Unanimously

5. Special Exception 2402SE013

Special Exception 2402SE013, by owner Riaan LLC, seeking approval for liquor store use, Tax Parcel 1008M-01-007.000, 11268 Lorraine Rd, Zoned B-2 (General Business), Ward 6

Speaking for the Petition: Stacy Eleuterius Barber

Speaking against the Petition: None

Motion: Mr. Daniel-to approve the applicant's request

Second: Mrs. Wiginton

Leslie North	- Chairman
Mary Ann Wiginton	- Yea
Michael Daniels	- Yea
Robert Pharr	- Yea
Nathan Boddie	- Yea
Nicholas Hahn	- Yea
Hal Kaigler	- Yea

Action: Motion Carried Unanimously

6. Variance 2402ZB016

Variance 2402ZB016, by agent Geoffrey J. Kneasal, seeking approval for 8-foot fence, Tax Parcel 1010C-01-001.046, 10879 Channelside Dr., Zoned R-2 (Single-family), Ward 5

Speaking for the Petition: Geoffrey Kneasal, John Rester

Speaking against the Petition: None

Motion: Mr. Pharr – to approve the applicant's request.

Second: Mr. Boddie

Leslie North	- Chairman
Mary Ann Wiginton	- Yea
Michael Daniels	- Yea
Robert Pharr	- Yea
Nathan Boddie	- Yea
Nicholas Hahn	- Yea
Hal Kaigler	- Yea

Action: Motion Carried Unanimously

Adjournment:

Motion by **Mrs.Wiginton** to adjourn the meeting was seconded by **Mr.Hahn** and carried unanimously. The meeting adjourned **3:37 P.M.** .

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

Michael Daniels, 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: March 21, 2024

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: March 21, 2024

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: March 21, 2024

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: March 21, 2024

Re: Variance 2403ZB021:

Variance 2403ZB021, by owner Gregory Woodard, seeking approval for a 1,430 square-foot accessory structure where 600 square feet is the size limit, Tax Parcel 0807K-01-018.017, 13324 Harper Court, Zoned R-1-15 (Single-family), Ward 7

Technical Report

VARIANCE

GENERAL INFORMATION

Case File Number: 2403ZB021

Hearing Date: March 21, 2024

Current Zoning/Use: R-1-15/ Single Family

Legal: Variance 2403ZB021, by owner Gregory Woodard, seeking approval for a 1,430 square-foot accessory structure where 600 square feet is the size limit, Tax Parcel 0807K-01-018.017, 13324 Harper Court, Zoned R-1-15 (Single-family), Ward 7

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 for the square footage for an accessory structure totaling 1,430 square feet, 830 square feet over the allowed 600 square feet allowed by ordinance.

- (a) Applicant states that the shape of their property along with the drainage easement at the rear of said property is what is requiring them to build their garage 8 feet from the side property line. They also state that this would allow for a straight path from the entrance to the property, down the side property line, and into the garage. This statement does not adequately address the size of the proposed structure.
- (b) The applicant states that the need for the variance is not a result of their actions, however it should be noted that the size of the structure itself is caused by what the property owners propose to store in the accessory structure, therefore causing the unnecessary hardship.
- (c) There is no definable hardship on this property in relation to the size of this structure. The applicant states that they plan on storing a 30-foot center console boat along with a trailer that is 12-foot in height. This will also be used to store their truck. None of the proposed reasons would equate to a hardship caused by the property itself.
- (d) The applicant submitted an equation that displayed how much square footage is required for their proposed structure. This does not adequately answer how a literal interpretation of the ordinances would deprive the applicant of rights enjoyed by other properties.
- (e) Applicant states that "granting this variance for their property would not allow any special privileges that aren't allowed to any other property." Upon staff review, there were no structures in the neighboring area that had accessory structures near the requested size of this proposed structure.
- (f) This property is zoned R-1-15 Single Family, and an accessory structure is allowed by right.

EXECUTIVE SUMMARY

No legitimate hardships were provided by the applicant in the written request. While the property owners were previously approved for a variance of 275 square feet as per case 2005ZB051, the structure proposed in that variance was never built and the current requested square footage is 555 square feet more than what was requested prior. As such, it would not be reasonable to take into consideration the prior approval.

Any approval should consider these conditions:

1. Must meet all current building codes and City of Gulfport Ordinances.
2. Must maintain drainage and not impede easement.
3. Approval allows for a 1430 square foot accessory structure where 600 square feet is the maximum.

DEPARTMENTAL CONDITIONS

Engineering: Must maintain drainage and not impede easement. Memo dated 03/07/24.

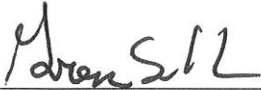
Technical Report

VARIANCE

<u>Public Works:</u>	No comment as of 03/07/24.
<u>Traffic and Safety:</u>	No conditions. Memo dated 03/06/24.
<u>Building Code Services:</u>	Must meet all current building codes and City of Gulfport Ordinances. Memo dated 03/06/24.
<u>GIS:</u>	No conditions. Memo dated 02/28/24.
<u>Police Department:</u>	No comment as of 03/07/24.
<u>Fire Department:</u>	No conditions. Memo dated 02/27/24.
<u>City Arborist:</u>	No conditions. Memo dated 02/27/24.

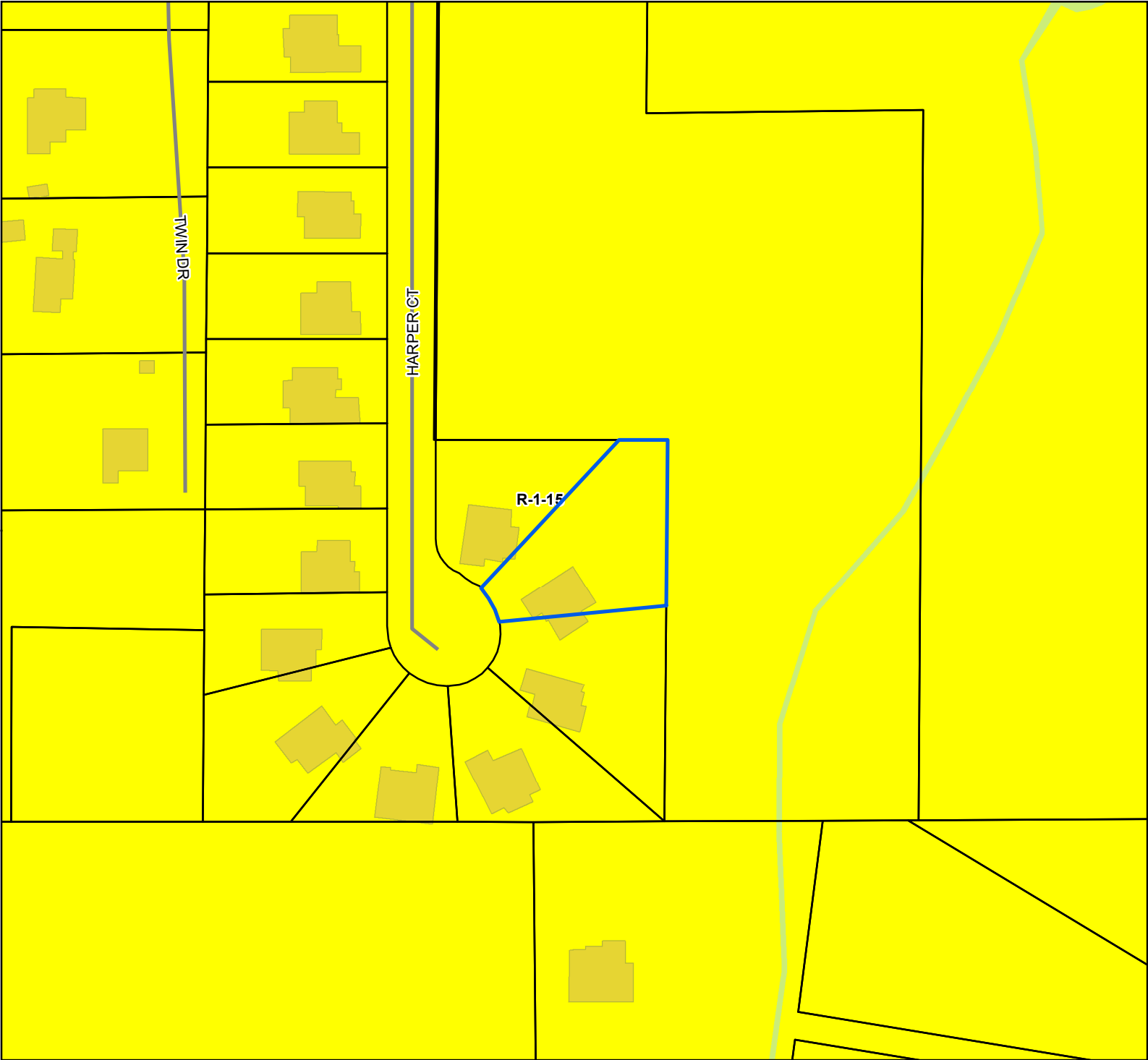
DIRECTOR APPROVAL

This report has been reviewed and approved by:



Greg Holmes
Director of Urban Development Department





Street

Parcels

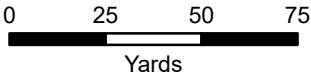
Buildings

Water Features

Zoning

- R-1-15 - Single Family
- Residence District (Low Density)

Site Information
0807K-01-018.017
Zoning:R-1-15 (Single Family)
Size:25549.69 sqft
Flood: X



1 inch = 150 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.

OWNER:

GREGORY A. WOODARD
 Printed Name of Owner
13324 HARPER COURT
 Mailing Address
GULFPORT MS 39503
 City State Zip Code
252 622 8746
 Home Phone Work/Cell Phone
woodardgd@yahoo.com
 Email
Gregory A. Woodard
 Signature of Owner

AGENT:

 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) _____
 Address (Street, City, State, Zip Code) _____
 Phone (Home) _____ (Work) _____ (Cell) _____
 Tax Parcel Number(s) Owned: _____
 Signature: _____

Name of Owner (PRINT) _____
 Address (Street, City, State, Zip Code) _____
 Phone (Home) _____ (Work) _____ (Cell) _____
 Tax Parcel Number(s) Owned: _____
 Signature: _____

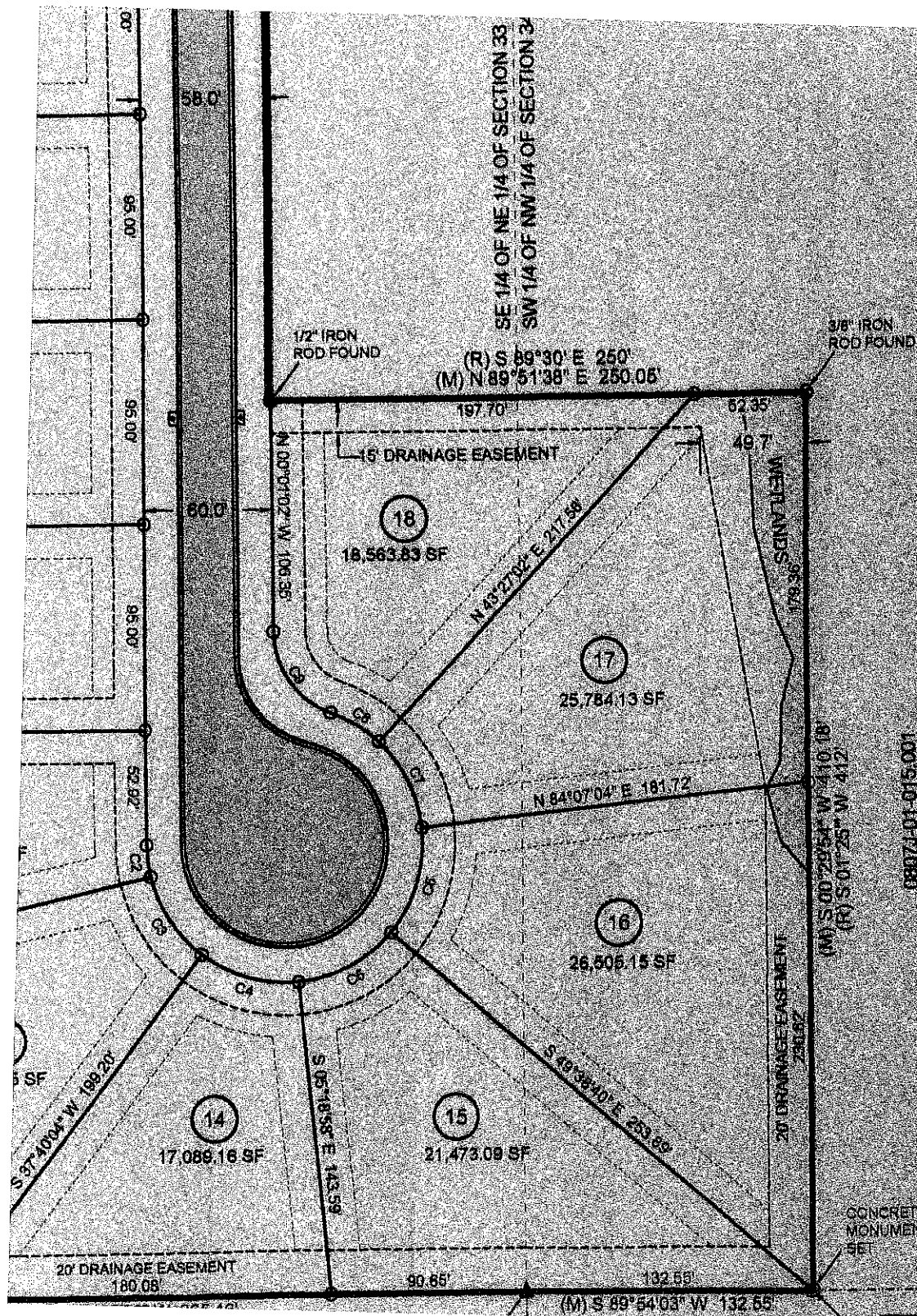
Name of Owner (PRINT) _____
 Address (Street, City, State, Zip Code) _____
 Phone (Home) _____ (Work) _____ (Cell) _____
 Tax Parcel Number(s) Owned: _____
 Signature: _____

Application for Size Limit (SqFt) Variance:

1. Due to the pie shape of our property along with the drainage easement at the rear of our property and our need to build a garage eight feet from the side property line, versus 15 feet exists and would provide us with ease of access to maneuver a boat, camper, and/or any vehicle in and out of the garage. This would allow for a straight path from the entrance to the property, down the side property line, and into the garage.
2. The need for the variance is not a result of our actions, but merely how the property is laid out.
3. We have recently sold our previous boat and are planning to buy a 30-foot center console with a 12-foot height on trailer. The garage will be used to house the boat and trailer on one side and the truck on the other. The garage would need to be 40 feet long, 32 feet wide, and have a 16-foot eave height to provide clearance and room to house the boat, trailer, and truck on our property.
4. Current Zoning:
600 sqft size limit (Asking for a 32' x 40' main garage + 10' x 15' side garage = 1,430 sqft,
a size limit variance of 830 sq ft)
5. By granting this variance on our property it will not show any special privileges, however, it will only allow us to utilize the rear property with a structure that matches the architectural aesthetics of our home and house our boat, trailer, and truck.
6. The proposed structure will be the only structure on the property and is permissible by right, with planning approval.

FLOOD ZONE NOT

BY GRAPHIC PLOTTING ON
THIS PROPERTY IS LOCATED
F.I.R.M. ZONE "X" ACCORD
TO MAP NUMBER 28047C02
DATED 12/21/2017



NOTES:

- 1.) FIELD TOPCON ROBOTIC
- 2.) STAT HEREON OBSERV NETWORK
- 3.) 1/2" X STAMPE CORNER
- 4.) SURV
- 5.) TOT
- 6.) DAT
- 7.) THE RESER
- 8.) SEE









**SITE PLAN ON LOT 17, DUCKWORTH
SOUTH SUBDIVISION, CITY OF
GULFPORT, HARRISON COUNTY,
MISSISSIPPI**

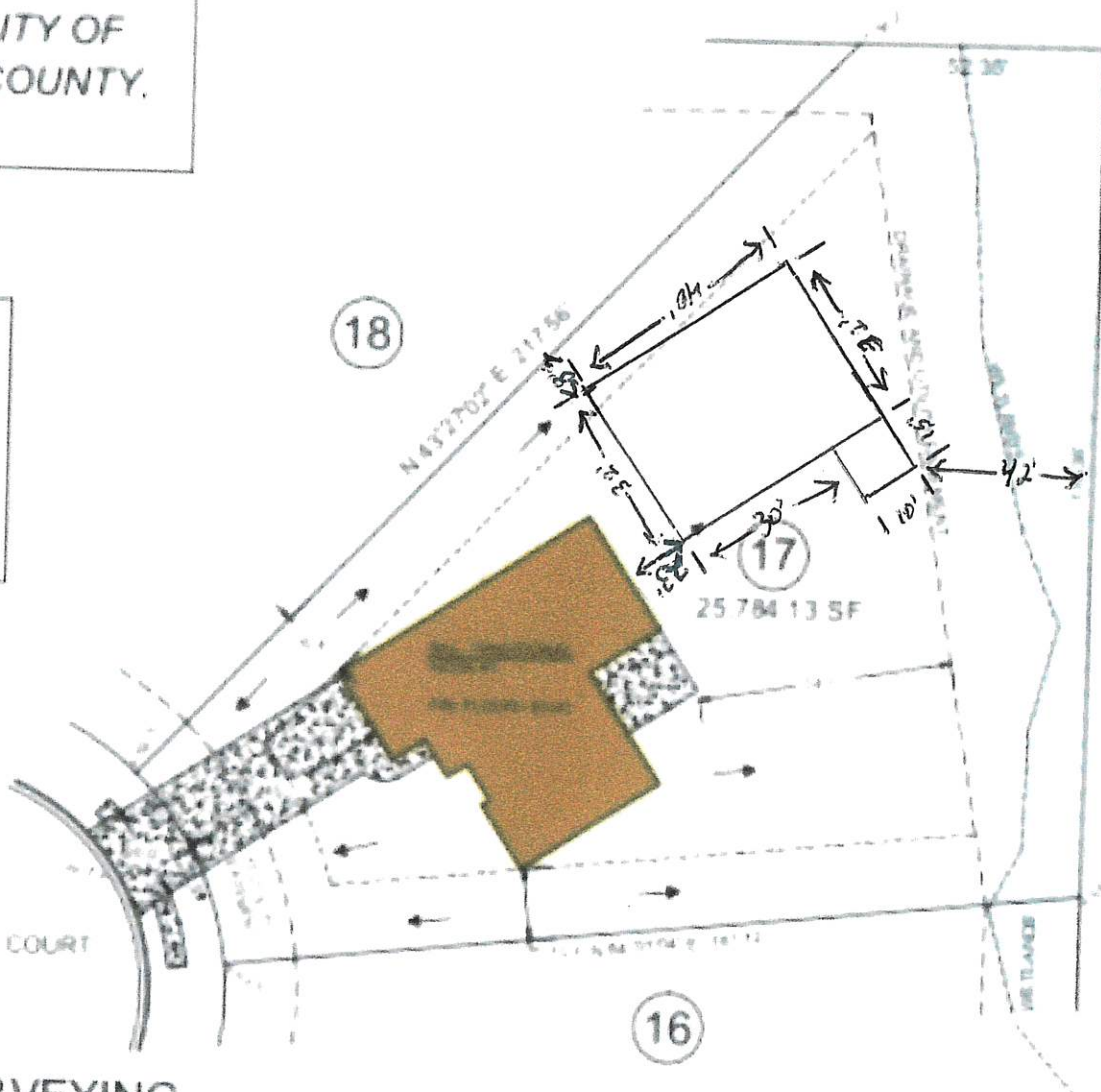
DRIVEWAY AND LEAD
SIDEWALK = 1,299.46 SQ. FT.

ROADSIDE SIDEWALK = 72.84
SQ. FT.

PERVIOUS SURFACE = 18,791
SQ. FT.



HARPER COURT



CROSBY SURVEYING

PROFESSIONAL LAND SURVEYING

716 LIVE OAK DRIVE

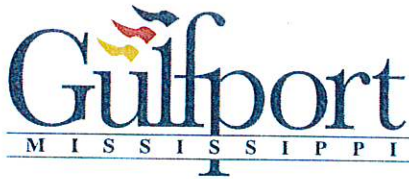
BLOCK 16 MISSISSIPPI 39612

PHONE 228-234-9449

FAX 228-234-9427

EMAIL crosby@croby.com





COVENANT AFFIDAVIT

I, GREGORY D. WOODARD being property owner or agent of the property 13324 HARPER COURT
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.

Gregory D. Woodard
SIGNATURE

12/29/2023
DATE

STATE OF MISSISSIPPI | COUNTY OF HARRISON

Given under my hand and seal of office this the 29th day of December, 20 23

Samuel Sweeting
NOTARY PUBLIC

05/22/2027
COMMISSION EXPIRATION





DEPARTMENT OF
URBAN DEVELOPMENT
PLANNING DIVISION

June 19, 2020

Woodward Gregory and Wendy
(Owner and agent)
13324 Harper Court
Gulfport, MS 39503

P.O. Box 1780
Gulfport, MS 39502
Phone: 228-868-5710
Fax: 228-868-5708

Wm. H. Hardy Building
1410 24th Avenue
Gulfport, MS 39501

RE: Variance 2005ZB051, by agent Wendy Woodard, tax parcel 0807K-01-018.017, Variance for setbacks, size, and accessory structure height, 13324 Harper Ct, Zoned R-1-15 (Single-family), Ward 7

To Whom It May Concern:

At their public hearing on **Thursday, June 18, 2020**, the Gulfport Zoning Board of Adjustment and Appeals **approved** your variance request with the following conditions:

1. Approval grants a variance of 275 square feet to allow an 875-square-foot structure where 600 square feet is the maximum.
2. Approval grants a 7-foot variance to allow an 8-foot north-side yard where 15 feet are required.
3. Approval grants a variance of 2 feet to allow a 16-foot height where 14 feet is the maximum.
4. Must comply with all codes and regulations.

All variances, unless otherwise specified by the Board of Adjustment and Appeals, shall be void if the project has not commenced within one year of approval. Commencement shall include securing and maintaining a building permit, certificate of occupancy, or privilege license for the use in the application and shall generally conform to the site plan as approved. The applicant should keep a copy of this letter with their property records for future reference.

Any person may appeal this decision to the Gulfport City Council within fifteen (15) calendar days of the public hearing. 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 why you are aggrieved.

If you have any questions or comments, please contact this office.

Sincerely,
City of Gulfport Planning Division

c. Agent, Building Code Services



J. Jordan 1st Judicial District
Instrument 2018 5535 D - J1
Filed/Recorded 8/28/2018 01:32 P
Total Fees \$ 32.00
19 Pages Recorded

1

PREPARED by
Taco Bell Corp
1 Glen Bell Way, MD 511
Irvine, CA. 92618
949-863-4500
File # ELLIOTT HOMES

Return to :c/o
Schwartz, Orgler & Jordan, PLLC.
12206 Highway 49
Gulfport, MS. 39503
228-832-8550

Declaration of Restrictive Covenants

dated

July 13, 2018

executed by

Elliott Land Developments, LLC
1402 Pass Road
Gulfport, MS 39501
(228) 257-9914

Indexing:

Lots 1 through 18, inclusive, Duckworth South Subdivision
Harrison County, MS

**DECLARATION OF COVENANTS,
CONDITIONS AND RESTRICTIONS
FOR DUCKWORTH SOUTH SUBDIVISION**

THIS DECLARATION is made this the 13th day of July, 2018, by Elliott Land Developments, LLC, a Mississippi Limited Liability company, for itself, its successors, grantees and assigns, hereinafter collectively referred to as "Declarant".

WITNESSETH:

WHEREAS, Declarant is the owner of certain real property in Harrison County, Mississippi, which is more particularly described as follows, to-wit:

Lots 1 through 18, inclusive, Duckworth South Subdivision Harrison County, Mississippi, according to a plat thereof recorded in Plat Book 58 at page 12 of the Land Deed Records of First Judicial District, Harrison County, Mississippi.

NOW THEREFORE, Declarant does hereby declare that all of the properties described above shall be held, sold and conveyed subject to the following easements, covenants, conditions and restrictions, which are for the purpose of protecting the value and desirability of, and which shall run with, the real property and be binding on all parties having any right, title or interest in the described properties or any part thereof, their heirs, successors and assigns, and shall inure to the benefit of each owner thereof.

**ARTICLE I
DEFINITIONS**

- Section 1.** "Association" shall mean and refer to Duckworth South Subdivision Homeowners Association, INC., a Mississippi non-profit corporation, its successors and assigns.
- Section 2.** "Board" or "Board of Directors" shall mean the Board of Directors of the Duckworth South Subdivision Homeowners Association, Inc.
- Section 3.** "Builder" shall mean any Person or legal entity that purchases one or more Lots for the purpose of constructing improvements for later sale to consumers.
- Section 4.** "Building Site" shall mean those fractional parts of adjacent lots or one or more lots and all or a portion of an adjacent lot within the subdivision, which are more particularly described and defined in Section 2 of Article VI of this Declaration.

- Section 5. "Common Area" shall mean all real property (including improvements thereto) owned by the Association and/or which the Association members have the right to use and enjoy and also all rights of easement and license and shall include any and all other property shown on the recorded plat of Duckworth South Subdivision Phase I, but with the exception of and excluding the platted lots and parcels, and with the exception of and excluding the drainage and utility easements and the streets and/or roads.
- Section 6. "Declarant" shall mean and refer to Elliott Land Developments, LLC, a Mississippi Limited Liability company, and its successors and assigns.
- Section 7. "Director" shall mean a member of the Board of Directors of the Association.
- Section 8. "Home" or "Dwelling" shall mean and refer to any building situated upon a Lot or Building Site which is designated and intended for use and occupancy as a residence by a single family.
- Section 10. "Living Unit" shall mean and refer to a Lot and the Home constructed thereon.
- Section 11. "Lot" shall mean and refer to any numbered lot as illustrated and shown on the plat of Duckworth South Subdivision, Phase 1 as recorded in the public records of the First Judicial District, Harrison County, Mississippi.
- Section 12. "Member" shall mean and refer to all those Owners who are members of the Association as provided in Article II, Section 1 hereof.
- Section 13. "Owner" shall mean and refer to the owner of record, whether one or more persons or entities, of a fee simple title to any Lot which is a part of the Properties, including contract sellers, but excluding those having such interest merely as security for the performance of an obligation.
- Section 14. "Properties" or "Property" shall mean and refer to that certain real property hereinabove described, and such additions thereto as may hereafter be brought within the jurisdiction of the Association.

ARTICLE II

MEMBERSHIP, VOTING RIGHTS, AND GOVERNANCE OF THE ASSOCIATION

- Section 1. Every Owner of a Lot in Phase 1 and all future phases of Duckworth South Subdivision shall be a member of the Association. Membership shall be appurtenant to and may not be separated from ownership of any Lot.
- Section 2. The Association shall have two classes of voting membership and one class of non-voting membership, as follows:
- CLASS A. Class A members shall be all owners, except for the Declarant, and shall be entitled to one vote for each Lot or Building Site owned in any Phase of Duckworth South Subdivision. When more

than one person owns an interest in any Lot of Building Site, all such persons shall be members. The vote for such Lot of Building Site shall be exercised as they determine, but in no event shall more than one vote be cast with respect to any Lot or Building Site.

CLASS B. The Class B member(s) shall include the Declarant and shall be entitled to four votes for each Lot owned in Duckworth South Subdivision.

Section 3. Governing Body: Composition:

The affairs of the Association shall be governed by a Board of Directors, the members of which must own property in Duckworth South Subdivision; provided, however, no Person and his or her spouse may serve on the Board at the same time. The number of Directors shall be either three or five. The Board members shall also serve as the officers of the Association.

ARTICLE III
COVENANT FOR ASSESSMENTS

Section 1. Creation of the Lien and Personal Obligation of Assessments.

The Declarant, for each Building Site and/or Lot owned within the subdivision, hereby covenants, and each Owner of any Building Site and/or Lot by acceptance of a deed therefor, whether or not it shall be so expressed in such deed, is deemed to covenant and agree to pay to the Association: (1) annual assessments or charges, and (2) special assessments for capital improvements; such assessments to be established and collected as hereinafter provided. The annual and special assessments, together with interest, costs, and reasonable attorneys' fees, shall be a charge on the land and shall be a continuing lien upon the property against which each such assessment is made. Each such assessment, together with interest, costs and reasonable attorneys' fees, shall also be the personal obligation of the person who was the owner of such property at the time when the assessment fell due.

Section 2. Purpose of Assessments.

The assessments levied by the Association shall be used for the improvement, landscaping, replacement, maintenance, repair, enhancement, enlargement, and operation of the Common Area, if any, and improvements thereon, if any; for maintaining and lighting the entranceways and fence ways attached to entranceways and appurtenant landscaping; and for maintaining and lighting entranceway signs.

Section 3. Maximum Annual Assessments.

The fiscal year for all Association assessments shall begin January 1st of each year. For the Year 2018, the annual assessment shall be \$250.00. The dues shall be assessed from the time a lot is sold from the Builder to an Owner. Builder's shall pay no dues until the home is sold to an Owner. At this time, dues shall be prorated for the current year on the Settlement Statement at closing.

(a) The maximum annual assessment shall be equal to that specified in the covenants for Phase I of Duckworth South.

(b) The maximum annual assessment may be increased by more than 10% above the maximum annual assessment for the previous year by a vote of two-thirds of the members present and voting who are voting in person or by proxy at a meeting duly called for this purpose.

(c) If the Board of Directors of the Association, by a majority vote, determines that the important and essential functions of the Association may be properly funded by annual assessments less than those set out above, it may levy such lesser assessments. The levy of annual assessments less than the maximum annual assessments in one year shall not affect the Board's right to levy the maximum annual assessments in subsequent years. If the Board of Directors shall levy less than the maximum annual assessments for any assessment year and if thereafter, during such assessment year, the Board of Directors shall determine that the important and essential functions of the Association cannot be funded by such lesser assessments, the Board may levy supplemental annual assessments.

Section 4. Special Assessments for Capital Improvements.

In addition to the annual assessments authorized above, the Association may levy in any assessment year, a special assessment applicable to that year only for the purpose of defraying, in whole or in part, the costs of any construction, reconstruction, repair or replacement of a capital improvement upon the Common Area, if any, or in the subdivision, including fixtures and personal property related thereto, provided that any such assessment shall have the assent of two-thirds of the votes of the members who are voting in person or by proxy at a meeting duly called for this purpose.

Section 5. Notice and Quorum for Any Action Authorized Under Sections 3(b) and 4 of This Article.

Written notice of any meeting called for the purpose of taking any action authorized under Sections 3(b) and 4 of this Article shall be sent to all members not less than 30 days nor more than 60 days in advance of the meeting. At the first such meeting called, the presence of members and/or proxies entitled to cast ten percent plus one vote (10%+1) of all votes shall constitute a quorum. If the required quorum is not present at any such meeting, one (1) or more subsequent meetings may be called for the same purpose, subject to not less than ten (10) days written notice of each such subsequent meeting being provided to all Members, and the required quorum at any subsequent meeting shall be one-half of the required quorum of the preceding meeting. No such subsequent meeting shall be held more than 60 days following the preceding meeting.

Section 6. Uniform Rate of Assessment.

Both annual and special assessments must be fixed at a uniform rate for all Lots and Building Sites.

Section 7. Date of Commencement of Annual Assessments: Due Dates.

The annual assessments provided for herein shall be due July 1, 2018. Declarant and/or Assignees shall not be responsible for annual or special assessments on any Lot while owned by the Declarant or its Assignees until such Lot first contains an occupied residence and the assessment shall then be prorated for the months and days of the fiscal year remaining. The Board of Directors shall fix the amount of the annual assessment against each Lot at least 30 days in advance of each annual assessment period. Written notice of the annual assessment shall be sent to every owner via US mail service or last provided email address subject thereto. The billing cycles and due dates shall be established by the Board of Directors. The Association shall, upon demand, and for a reasonable charge, furnish a certificate signed by an officer of the Association setting forth whether the assessments on a specified Lot have been paid. A properly executed certificate of the Association as to the status of assessments on a Lot is binding upon the Association as of the date of its issuance.

Section 8. Effect of Nonpayment of Assessments: Remedies of the Association.

Any assessment not paid within 30 days after the due date shall bear interest from the due date at the rate of 10% per annum. Through Board resolution, a reasonable late fee shall be established and applied to any Owner who has not paid any assessment 30 days after the due date. The Board may bring action at law against the owner personally obligated to pay the same or foreclose the lien against the property. No Owner may waive or otherwise escape liability for the assessments provided for herein by non- use of the Common Area, if any, or abandonment of his Lot. The Board may suspend the rights of a Member to vote and to use Common Areas in three situations: (1) failure for 30 days after mailing or emailing written notice to remedy a violation of the Covenants; (2) failure to pay an assessment within 30 days after the due date of such assessment; and (3) violation of the Association's rules regarding the use of the Common Areas. Suspension shall be for the period during which the violation occurs except that suspension can be for a period not to exceed 60 days after cure of a violation.

Section 9. Subordination of the Lien to Mortgages.

The lien of the assessments provided for herein shall be subordinate to the lien of any mortgage encumbering any Lot, parcel or Building Site within the subdivision. Sale or transfer of any Lot or Building Site shall not affect the assessment lien. However, the sale or transfer of any Lot or Building Site pursuant to foreclosure of a first mortgage or any proceeding in lieu thereof, shall extinguish the lien of such assessments as to payments which become due prior to such sale or transfer. No sale or transfer shall relieve such Lot or Building Site from liability for any assessments thereafter becoming due or from the lien thereof.

ARTICLE IV
ARCHITECTURAL CONTROL

Section 1. Architectural Control Committee.

The Architectural Control Committee (hereinafter referred to as ACC) shall consist of three or five members, appointed by the Board of Directors for one-year terms coinciding with the fiscal year of the Association. The Association pays the cost of operating the ACC. The Board can remove a member of the ACC at any time. The Board can fill any vacancy whether caused by removal, resignation, or any other reason. The members of the Committee need not be Members of the Association or representatives of Members. Members of the Committee shall not be entitled to any compensation for services performed pursuant to this Article unless compensation is hereafter authorized by the Board. Notwithstanding the aforesaid, Declarant shall be the sole member of the ACC so long as the Declarant owns a lot within said subdivision.

Section 2. Architectural Approval.

No building, conversion of garage area to living area, change in exterior color, driveway, fence, wall, mailbox, pool, decorative objects placed in yards, fence or other structure shall be commenced, erected or maintained upon the Properties, nor shall any exterior addition to or change or alteration therein be made until two (2) copies of the plans and specifications for the proposed project shall have been submitted to and approved in writing as to harmony of external design and location in relation to surrounding structures and topography by, the Architectural Control Committee. The plans shall include, as a minimum: a site plan; a floor plan; exterior elevations of all structures to be constructed or altered; plans for materials, color schemes, exterior lighting schemes and other details that affect the exterior appearance of the structure; and plans for landscaping and grading. Approval of plans is final and cannot be revoked, provided the plans are actually adhered to. Approval of a set of plans does not require the Architectural Control Committee to approve the same set of plans in the future. In the event said committee fails to approve or disapprove such design or changes and location within thirty (30) days after submission of all information and materials reasonably requested, approval will not be required, and this Article will be deemed to have been fully complied with. The Architectural Control Committee, or their agents, have the right, after reasonable notice, to enter upon any Lot and structure to ascertain whether the construction, alteration, or maintenance of a structure or use of a Lot or structure complies with the Covenants and/or plans submitted to the Architectural Control Committee.

Section 3. Granting of Variances.

When a building or other structure has been erected or its construction substantially advanced and the building is located on any lot or building site in a manner that constitutes a violation of these covenants, conditions and restrictions or the building setback lines shown on the recorded plat, or if the committee in its sole discretion determines that, a variance is desirable in order to best accommodate the location of a planned building on a particular lot, the committee may release the lot or building site, or parts of it, from any part of the covenants,

conditions and restrictions, or setback lines, that are violated. The committee shall not give such a release except for a violation that it determines to be a minor or insubstantial violation in its sole discretion. The Committee shall have no authority to grant a variance of a Harrison County subdivision or zoning regulation, including, but not limited to, those that may be contained in these covenants, conditions and restrictions. However, in the event of a violation of these covenants; or the commencement of construction of a plan that had been rejected by the committee or a plan or change not submitted to the committee, the Board shall be empowered to bring any legal action in law or in equity, to seek injunction preventing such violation, or seeking its removal entirely, or both, at the expense of the Owner. In the event of any successful injunction and/or removal order, whether in whole or in part, the Owner shall pay all legal fees, court costs and expenses of the committee in enforcing these covenants, which costs shall become a lien against the property as provided for elsewhere herein.

Section 4. Limitation of Liability.

Review and approval of any plans pursuant to this Article is made on the basis of aesthetic considerations only and the Architectural Control Committee shall bear no responsibility for ensuring the structural integrity or soundness of approved construction or modifications, nor for ensuring compliance with building codes and other governmental requirements. Neither the Declarant, the Association, the Board, any committee, or member of any of the foregoing shall be held liable for any injury, damages, or loss arising out of the manner or quality of approved construction on or modifications to any Lot or improvements thereon.

ARTICLE V

DUTY TO CLEAR A LOT IF OWNER

ELECTS NOT TO REBUILD AFTER DESTRUCTION

In the event of substantial damage to or destruction of any Home on the Properties by fire, windstorm, water, or other cause whatsoever, then the owner shall, within six months after the date of substantial damage to or destruction of the home, be required to either: (1) begin reconstruction, repair and restoration of the home, such work to be completed in a timely manner; or (2) clear the lot and begin construction of a new home, such construction to be completed in a timely manner; or (3) clear the Lot, such clearing to be completed in a timely manner. If the Owner elects to clear the lot and not rebuild, the Owner shall be required to maintain the Lot in a clean and presentable manner, free from all trash and rubble, and to maintain the Lot so that it is in harmony with the surrounding property.

ARTICLE VI
RESTRICTIONS AS TO USE
OCCUPANCY AND APPEARANCE

Section 1. General.

All of the Lots shall be used and occupied as single-family residences and no dwelling shall be erected, altered, placed or permitted to remain other than one single family dwelling with a private garage for at least two (2) but not more than three (3) vehicles. No building, conversion of garage area to living area, change in exterior color, driveway, fence, wall, mailbox, decorative objects placed in yards, or other structure shall be commenced, erected or maintained upon the Properties, nor shall any exterior addition to or change or alteration therein be made until two (2) copies of the plans and specifications for the proposed project shall have been submitted to and approved in writing as to harmony of external design and location in relation to surrounding structures and topography by the Architectural Control Committee. Each Owner shall be responsible for his/her home's own exterior maintenance, landscaping, and maintenance of the landscaping, so long as it does not interfere with the adjoining Lot Owners, and is consistent with these Covenants, Conditions and Restrictions, and harmonious with the surrounding improvements.

Section 2. Adjoining Lots.

If one or more lots, or one lot and all or a portion of an adjacent lot, or two or more fractional parts of adjoining lots, within the subdivision, are utilized for one single family residential purposes, the setback requirements herein shall be measured from the boundary line of the entire building site or plot being then and there utilized and devoted to the single family residence. Two fractional parts of adjacent lots may be utilized as a single family residential building site or plot, provided that no such building site or plot shall contain fewer square feet than the smallest platted lot within the subdivision nor have a width, at the building setback line, of less than the width, at the building setback line, of the smallest platted lot within the subdivision.

Section 3. Animals.

No livestock, animals, chickens or fowl of any kind shall be permitted on the Properties except for dogs and cats owned as personal pets which shall not be kept in such number as to be an annoyance to other Owners of Lots. In addition, no dogs or cats shall be permitted on the Properties except inside a Home or fenced-in area, without being on a leash and under the immediate control of a responsible individual. All such pets must be walked in appropriate areas, and owners of such pets must clean up after their pets. If any such pet owner fails to properly clean up after his pet, the Association may perform such service and shall bill the pet owner accordingly. The Board shall have the right to adopt and enforce such additional pet regulations as are reasonably necessary to ensure that such pets are not and do not become a nuisance. Pets shall be registered, licensed, and inoculated as required by law. No pets other

than service dogs accompanied by a handicapped person are allowed on the premises of recreational areas maintained by the Association.

Section 4. Basketball Goals and Other Recreational Equipment.

Basketball goals, posts or backboards shall not be erected, altered or permitted on any lot or building site in the subdivision or on any street right-of-way, unless the same is in the rear yard and behind a fence. On corner lots placement of basketball goals must be approved by the Architectural Control Committee. All basketball goals and netting shall be in good condition. Recreational and play equipment, other than basketball goals, must be placed in the rear yard and screened from view to the satisfaction of the Architectural Control Committee.

Section 5. Building Condition, General Appearance, Nuisance, and Health Regulations.

All premises shall be maintained in good repair, shall be clean and sanitary at all times, and free of unsightly debris and clutter. All porches, patios, stoops, terraces, etc. that are not screened from the view of surrounding Lots shall be kept clean and uncluttered, and any furnishings placed on such area must be designed for exterior use and be in harmony with the homes in the subdivision. No nuisances and no violation of the rules and regulations of the State Board of Health or any governmental agency shall be permitted.

Section 6. Building Setback Requirements.

All buildings shall comply with the building setback requirements of the Harrison County zoning regulations for the respective Lot or Building Site. Determination of the location of the rear and side yard setbacks for corner lots shall be based on the orientation of the residential building to be built on the lot. For the purpose of these covenants, conditions and restrictions, eaves, steps and open patios shall not be considered a part of the building.

Section 7. Clothes Lines, Garbage Receptacles, Yard Equipment and Screening of Storage Areas.

No outside clothes lines or other items detrimental to the appearance of the Properties shall be permitted on any Lot. All personal garbage and trash receptacles which are to be furnished by the Owners or garbage collection agencies must be hidden from view. Similarly, all yard equipment, and storage areas must be screened so as to conceal them from the view of neighboring lots, streets, or other property. Any material for shielding the garbage can must receive ACC Approval.

Section 8. Driveways.

Driveways shall be constructed of concrete material with a brushed, non-stained finish. Any other type material or finish or the use of pavers or the use of a concrete finish to imitate pavers, bricks, stones, etc. shall require the approval of the Architectural Control Committee.

Section 9. Dwelling Size.

The dwellings must have a minimum of 1200 square feet of heated and cooled living area. For purposes of determining heated and cooled living area, porches (other than glass enclosed porches), garages, and storage areas shall not be included.

Section 10. Fences.

No fence shall be located nearer the front property line than the front sill line of the dwelling. However, on dwellings with a side-entrance garage, the fence on the garage side of the dwelling shall be located between the rear-edge of the garage door and the rear sill line of the dwelling. All fences to be constructed on any lot or building site shall be six (6) feet in height, and constructed with unpainted treated lumber, unless a variance is granted by the Architectural Control Committee. Chain-link or other galvanized metal fencing is strictly prohibited. The bottom of all fencing should be raised a minimum of 2" from the ground. If fence is abutting a drainage easement or ditch the bottom of fence must be a minimum of 4" from the ground. If fencing is not installed to these specifications, Owner shall be solely responsible for the cost of remedying the violation. No fence shall be located within drainage easements and drainage swales: as such fences would obstruct the natural water flow and cause a flooding hazard. If rear or side property line is facing a pond, water feature or golf course, Owner may erect an iron or aluminum black fencing along the back of the property facing the view of said feature.

Section 11. Firearms.

No hunting by any means or the discharge of firearms or air guns of any type shall be allowed on the Property.

Section 12. Flagpoles, Antennas, and Satellite Dishes.

No flagpoles, ham radio antennas, citizen band radio antennas, television antennas, or any other type of antenna shall be allowed or permitted to be erected or located or to remain on any lot or building site at any time. Television satellite dishes shall be erected and properly located on a lot or building site in the subdivision and shall not exceed thirty-six (36) inches in diameter. Satellite dishes shall be mounted or placed in an area that is not visible from the front of the home, unless otherwise approved in writing by the Architectural Control Committee.

Section 13. Garages.

All homes must include a garage designed for at least two but not more than three cars. Garages must have garage doors and in all cases electric automatic door openers/closers shall be installed and used. Any garage visible from the street must be kept closed except when vehicles are entering or exiting garage. Conversion of garage area to living area shall require the

approval of the Architectural Control Committee and shall require the construction of a new garage.

Section 14. Landscaping.

The front yard and side yard areas shall be landscaped before any residence is occupied. Landscaping requirements shall include: (1) grass areas in the front and side yard areas shall be sodded. (2) No trees or shrubs shall be planted in drainage swales, ingress/egress easements and road rights-of-way. Any trees planted after delivery to Owner must receive ACC approval

Section 15. Landscaping Maintenance.

Each Owner shall maintain the appearance of his or her lot or building site, including easement areas, in high quality condition, and shall provide and maintain landscaping on the lot or building site. Grass, flowers and shrubbery must be kept in an orderly fashion. Grass shall be mowed and edged at least bi-weekly during the growing season. Each Owner is responsible for maintaining the area between his/her front property line and the street pavement, including mowing of such area and edging along the pavement. Corner Lot Owners are responsible for maintaining the area between their front and side property lines and the street pavement, including mowing of such area and edging along the pavement. Owners are responsible for mowing easements located within their property boundary lines and easements and drainage ditches from the property line to the curb of the road.

Section 16. Lawful Use.

No immoral, improper, offensive or unlawful use shall be made of the Properties or any part thereof; and all valid laws, zoning ordinances, and regulations of all governmental bodies having jurisdiction shall be observed. The responsibility of meeting the requirements of governmental bodies for maintenance, modification or repair of the Properties shall be the same as the responsibility for the maintenance and repair of the property concerned.

Section 17. Leasing.

Entire Living Units may be rented provided that the Living Unit is used only as a residence; that the lease, or rental period is for not less than thirty (30) consecutive days; that the Living unit is occupied by only one family having no more members than the Living Unit is designed to accommodate; and provided that such use by the tenant or tenants does not create a nuisance. An Owner may lease or rent his own Living Unit himself to any lessee if he furnishes the Association with the names of all the tenants. All lessees are subject to the provisions of the Declaration and the By-Laws and failure to comply with said provisions shall be a default under any lease of any Living Unit whether so stated in said lease. All of the foregoing may be enforced by the Board.

Section 18. Mailboxes.

Mailboxes shall be uniform and of the style and color specified by the Architectural Control Committee. Replacement mailboxes must be approved by the Architectural Control Committee.

Section 19. Maintenance of Vacant Lots or Building Sites.

If construction of a residential dwelling is not commenced forthwith on any lot or building site, then the Owner shall remove all underbrush and mow and maintain the lot on a quarterly basis or as required by local ordinance. If any unimproved lot or building site is not so maintained the Declarant, the Board, or the Association shall be empowered to maintain the lot or building site and file a lien against the property for any and all expenditures in connection with said maintenance.

Section 20. Noxious and Offensive Trade.

No noxious or offensive trade or activity shall be carried out upon the Properties nor shall anything be done thereon which may be or become an annoyance to the other Owners. Floodlights, bells, telephones, music, number or noise level of pets, air pollutants, etc. shall not be such as to constitute a nuisance to or impair the enjoyment of neighboring lots or building sites.

Section 21. Nuisances.

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

Section 22. Parking.

No boat, other watercraft, trailer, mobile home, truck, tractor or commercial vehicle of any kind, or any other vehicle, machine, equipment or apparatus other than operating passenger automobiles, pickups and operating passenger vans (vans are limited to those with a passenger capacity of not more than seven people) shall be parked or stored in any driveway or on any Lot in the subdivision or on the street or road right-of-way in front of or beside any such Lot so as to be visible from the street or be visible to the other residences in the subdivision. Any such vehicles, watercraft, trailers, machines, equipment and apparatus must be parked or stored on the rear of the property behind the dwelling and screened from view to the satisfaction of the

Architectural Control Committee. All vehicles belonging to Owners or tenants occupying any dwelling, building site or lot in the subdivision must be operable and not in storage. Any vehicle in a state of repair must be parked in the garage. No automobile shall be parked in the front building setback area of any Lot except for temporary parking on circular driveways located within the front building setback area. No trailer/tractor, bus, or other commercial vehicle shall be parked on any lot, building site, or adjoining street right-of-way overnight. No other vehicle(s) whatsoever shall be parked on street right-of-way overnight. Any vehicles, boats, equipment or other apparatus under repair must be kept in the garage. Repairs may only be made to vehicles, boats, equipment or apparatus directly owned by the Owner. All other repairs to any other vehicles, boats, equipment or apparatus must be made at a suitable repair facility not located in the subdivision.

Section 23. Regulations.

Reasonable regulations concerning the use of the Properties may be made and amended from time to time by the Association in the manner provided by its Articles of Incorporation and By-Laws. Copies of such regulations and amendments shall be furnished by the Association to all Owners and residents on the Properties upon request.

Section 24. Reservation of Easement.

Deleted

Section 25. Roofs.

All fiberglass shingle roofs shall be architectural thick, butted shingles. However, this shall not preclude other types of roofs which may be approved by the Architectural Control Committee.

Section 26. Sewage and Drainage Control.

No activities shall be permitted that discharge pollutants into the surface drainage system.

Section 27. Siding.

Any siding, trim, or door color not used by the Developer or Builder must be approved by the ACC in writing.

Section 28. Signs.

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

a Builder during any such period of time that Declarant or Builder owns any Lot and is offering any said Lot, Home, or Living Unit for sale.

Section 29. Storage or Outbuildings.

Only one storage or outbuilding shall be placed, permitted, or allowed on each Lot or Building Site, and must be hidden from view from the street. A playhouse that is limited in size, is not constructed on a slab, is movable and is not used for storage or for any purpose other than children's play shall not be considered to be a storage building or outbuilding. The size and design of any such playhouse, storage building or outbuilding must be approved in writing by the Architectural Control Committee and must conform to all building setback requirements of the Harrison County zoning regulations and any other applicable governmental entity.

Section 30. Swimming Pools.

Swimming pools on Lots shall be allowed only in rear yard areas and must be screened from the view of the street and nearby lots. Swimming pools must be constructed, equipped, and screened/fenced in accordance with governmental regulations. It shall be the responsibility of the Lot owner to comply with all governmental regulations. No above ground swimming pools shall be allowed. All pools must be approved by ACC

Section 31. Temporary Structures.

No structure of a temporary nature (trailer, shack, tent or other building) shall be moved to, placed upon or used on any Lot at any time either temporarily or permanently, excepting, however, that during periods of Construction, contractors shall be permitted a single storage structure on each separate construction site. No window units unless not visible from the front of the home. (not sure if it should be here or somewhere else.

Section 32. Trade or Business.

No lot shall at any time be used for the purpose of any trade, business, manufacture, or public amusement.

Section 33. Trespass.

Whenever the Declarant or the Association is permitted by this Declaration to correct, repair, clean, preserve, clear-out, or do any action on any of the Properties or on the easement areas adjacent thereto or included therein, entering such Property and taking such action shall not be deemed a trespass.

Section 34. Visual Obstruction at the Intersection of Public Streets.

Deleted

Section 35. Water and Sewer Utilities.

The Lot owner shall be responsible for the payment of tap fees to the utility company. Tap fees are not included in Lot prices. Grinder pumps where required are not the responsibility of the Declarant, its successors and assigns. Grinder pumps where required shall be installed by Owner or at the direction of the Owner and must be the type, size, and model specified by the utility company. Maintenance and/or replacement of grinder pumps are the responsibility of the applicable Owner.

Section 36. Water Wells.

Any water well located on any lot must be located in the rear yard of such lot and must be screened from view to the satisfaction of the Architectural Control Committee.

Section 37. Wetlands.

Designated wetland areas are not allowed to be cleared, excavated, filled, built upon, sodded, or disturbed in any other way not approved by the U.S. Army Corps of Engineers.

Section 38. Proviso.

Provided, however, that until Declarant has completed all of the contemplated improvements and closed the sale of all of the Lots in Phase I and all future phases of Duckworth South Subdivision, neither the Owners nor the Association nor the use of the Properties shall interfere with the completion of the contemplated improvements and the sale of the Lots by Declarant. Declarant may make such use of the unsold Lots and Common Areas, if any, as may facilitate such completion and sale, including but not limited to maintenance of a sales office, the showing of the Properties and the display of signs.

Section 39. Construction Completion.

From the date of issuance of a building permit to construct a home on a given lot, the Owner will have no more than 18 months to obtain a certificate of occupancy from the applicable governmental building inspection department. If such 18 months period elapses, the Board may charge a reasonable daily fine against such Owner from the day after the period elapses until the certificate of occupancy is obtained. A neat construction site must be maintained at all times during the period of construction. Construction materials, trash and equipment must be confined to the site and not allowed to become a nuisance to neighboring property. Construction materials, dumpsters and equipment shall not be stored on a lot that has not received a building permit; and the construction site must be reasonably clean from all trash and debris at all times. If an Owner fails to adhere to these rules and regulations, then the Board, after 30 days notice to the Owner, may charge the Owner a reasonable daily fine until such failures are rectified.

ARTICLE VII
GENERAL PROVISIONS

Section 1. Enforcement.

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

Section 2. Severability.

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

Section 3. No Liability.

Declarant has, using best efforts and all due diligence, prepared and recorded this Declaration so that each and every Owner shall have the right and the power to enforce the terms and provisions of this Declaration against every other Owner. However, in the event that this Declaration, or any part thereof, is, for any reason whatsoever, unenforceable by an Owner (or any other person) in a court of law or otherwise, Declarant shall have no liability of any kind as a result of such unenforceability, and each and every Owner, by acceptance of a deed conveying a Lot, acknowledges that Declarant shall have no such liability.

Section 4. Indemnification.

The Association shall indemnify every officer, director, and committee member against all damages and expenses, including counsel fees, reasonably incurred in connection with any action, suit, or other proceeding (including settlement of any suit or proceeding, if approved by the then Board of Directors) to which he or she may be a party by reason of being or having been an officer, director or committee member, except that such obligation to indemnify shall be limited to those actions for which liability is limited under this Section and Mississippi law. The officers, directors, and committee members shall not be liable for any mistake of judgement, negligent or otherwise, except for their own individual willful misfeasance,

malfeasance, misconduct, or bad faith. The officers, directors, and committee members shall have no personal liability with respect to any contract or other commitment made or action taken in good faith on behalf of the Association. The Association shall indemnify and forever hold each such officer, director and committee member harmless from any and all liability to others on account of any such contract, commitment or action. This right to indemnification shall not be exclusive of any other rights to which any present or former officer, director, or committee member may be entitled. The Association shall, as a common expense, maintain adequate general liability and officers' and directors' liability insurance to fund this obligation, if such insurance is reasonably available.

All officers and board members having direct control and access to funds of the association shall be bonded, in an amount not less than twice the total amount of all funds of the association. Such amount may be estimated and set by the Board. Any bond fees shall be paid by the Association.

Section 5. Amendment.

- (a) The covenants, conditions and restrictions of this Declaration shall run with and bind the land, for a term of fifteen (15) years from the date this Declaration is recorded, after which time they shall be automatically extended for successive periods of five (5) years.
- (b) This Declaration may be amended anytime during the initial fifteen (15) year period or any extensions thereof by Declarant or its nominees. Beginning at the later of the following: Declarant does not own any Lots within subdivision, including any and all phases that may be incorporated into these Covenants, five (5) years from the date of recordation of the Declaration and for the remainder of the initial fifteen (15) year period or any extensions, the Covenants may also be amended by the written consent of at least seventy-five percent (75%) of the Lot Owners, exclusive of their mortgagees. Any amendment must be recorded in the land Deed Records of the First Judicial District, Harrison County, Mississippi, and shall be supplementary to this Declaration. Notwithstanding any provision herein to the contrary, no amendment to the Declaration, Bylaws, or Articles of Incorporation shall be effective without the written consent of the Class B Member or its successors and assigns, so long as there is a Class B member of the Association.
- (c) Notwithstanding anything herein contained to the contrary, the Declarant reserves and shall have the right for the longer of the following: until Declarant does not have any ownership in any Lot within subdivision, including any additional phases that may be incorporated into these Covenants or five (5) years from the date of the recording of these Covenants, Conditions and Restrictions to unilaterally amend this Declaration in whole or in part in order to (1) conform this Declaration to the requirements of any governmental agency, federal, state or local, (2) to conform to the requirements of any mortgage lender, or (3) to insure the reasonable development of the property.

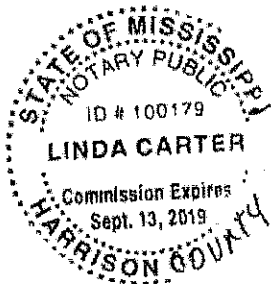
WITNESS ITS SIGNATURE on this the 13th day of July, 2018.

ELLIOTT LAND DEVELOPMENTS, LLC.

BY: [Signature]

STATE OF MISSISSIPPI
COUNTY OF HARRISON

PERSONALLY came and appeared before me, the undersigned authority in and for the jurisdiction aforesaid, on this 13 day of July, 2018, the within named Brandon Elliott, manager of ELLIOTT LAND DEVELOPMENTS, LLC, a Mississippi LLC, who signed, executed and delivered for and on behalf of said LLC, and as its own act and deed, the above and foregoing instrument of writing on the date first above written, he having been first duly authorized so to do.



[Signature]
NOTARY PUBLIC

My Commission Expires 9/13/19



1st Judicial District
Instrument 2019 7097 D - J1
Filed/Recorded 8/21/2019 02:52 P
Total Fees \$ 12.00
2 Pages Recorded

Prepared By & Return To:
Schwartz, Orgler & Jordan, PLLC
12206 Hwy 49
Gulfport, MS 39503
(228) 832-8550
Our File: 191381

Index As:

Indexing: 17 Duckworth South S.D.

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

**Elliott Homes, LLC,
A Mississippi Limited Liability Company
1402 Pass Road
Gulfport, MS 39501
(228) 257-9914**

does hereby sell, convey and warrant unto

**Gregory D. Woodard, A Married Man
13324 Harper Ct.,
Gulfport, MS 39503
(252) 622-8746**

the following described land and property being located in the First Judicial District

Harrison County, Mississippi, being more particularly described as follows, to-wit:

Lot Seventeen (17), DUCKWORTH SOUTH 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 58 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 no part the homestead of the Grantor herein.

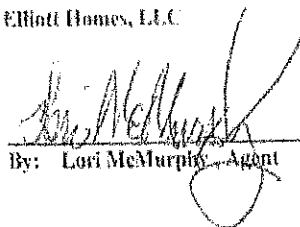
THIS CONVEYANCE is subject to any and all recorded restrictive covenants, rights-of-way and easements applicable to subject property, and subject to any and all prior recorded

2
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.

IN WITNESS WHEREOF, Elliott Homes, LLC has caused this conveyance to be executed by its duly authorized officer, having first been duly authorized to do so, on this the 20th day of August, 2019.

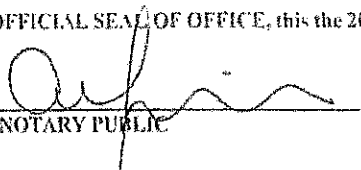
Elliott Homes, LLC


By: Lori McMurphy, Agent

STATE OF MISSISSIPPI
COUNTY OF HARRISON

THIS DAY PERSONALLY CAME AND APPEARED BEFORE ME, the undersigned authority in and for the jurisdiction aforesaid, Lori McMurphy, who acknowledge that she is an Agent of Elliott Homes, LLC, and as its act and deed, signed, sealed and delivered the above and foregoing instrument of writing on the day and in the year therein mentioned, for and on behalf of said entity, having been first duly authorized to do so.

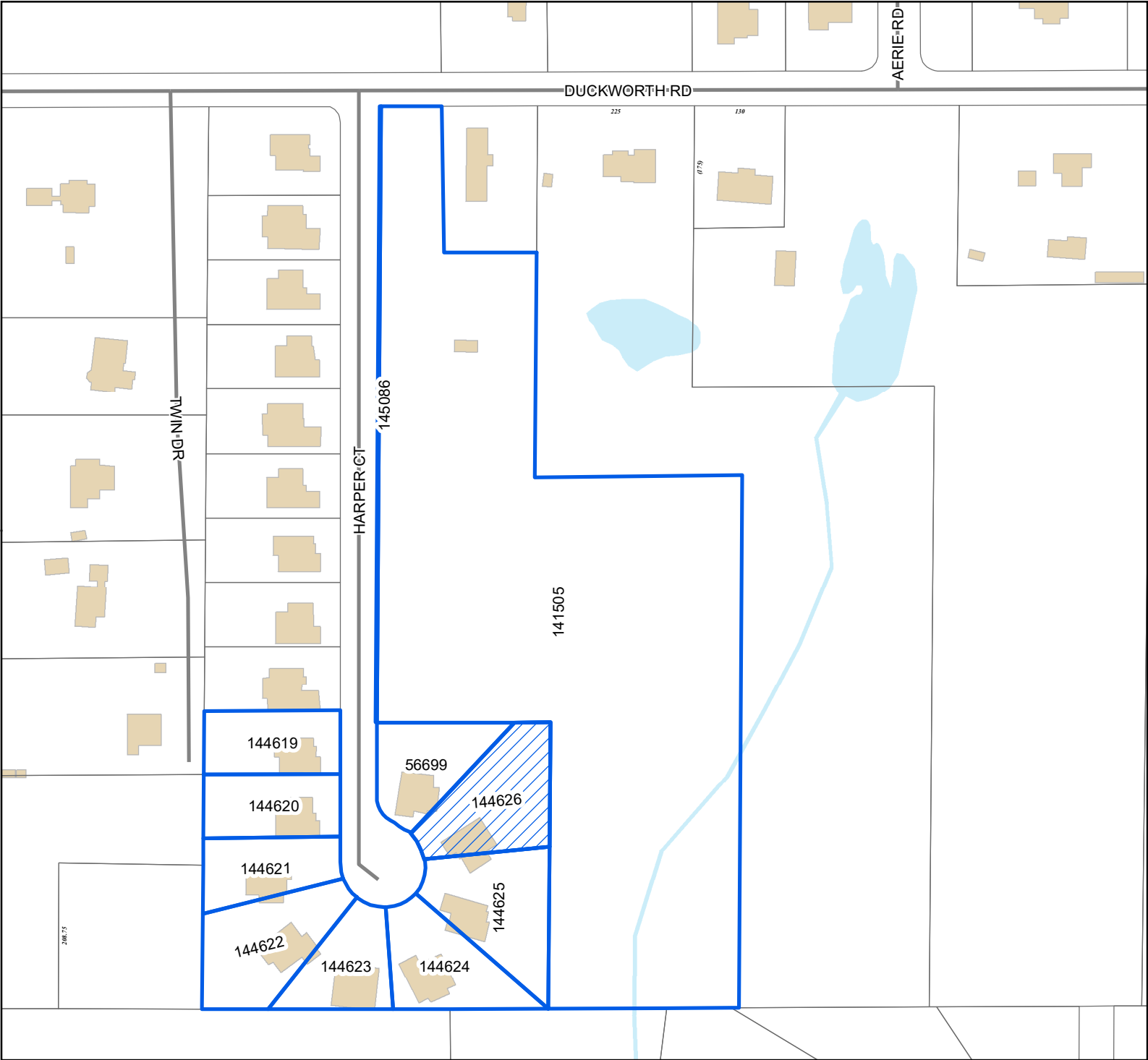
GIVEN UNDER MY HAND AND OFFICIAL SEAL OF OFFICE, this the 20th day of August, 2019.


NOTARY PUBLIC

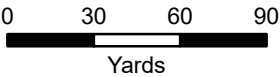
My Commission Expires:



Mail	PPIN	Parcel ID	Name	Address	City	State	ZIP
		0807K-01-018.017	GREGORY D WOODARD	13324 HARPER CT	GULFPORT	MS	39503
			Adjacent Property Owners (2403ZB021)				
141505	0807J-01-015.001		STUCKEY R W & NANCY M -L/E-	14533 DUCKWORTH ROAD	GULFPORT	MS	39503
56699	0807K-01-018.000		MALOY KEVIN J L/E	13336 HARPER CT	GULFPORT	MS	39503
144625	0807K-01-018.016		PETERSEN DOUGLAS E & MARY M	13312 HARPER CT	GULFPORT	MS	39503
144622	0807K-01-018.013		DUDDLESTEN JERRY M & GLORIA W	13313 HARPER CT	GULFPORT	MS	39503
144623	0807K-01-018.014		WERES JOHN STEVEN & MELANIE	13301 HARPER CT	GULFPORT	MS	39503
144621	0807K-01-018.012		GRAY DEERICK & AMANDA JOHNSON	13325 HARPER CT	GULFPORT	MS	39503
144620	0807K-01-018.011		GRIMBALL ELYSE HAND & RAYMOND J	13337 HARPER CT	GULFPORT	MS	39503
144619	0807K-01-018.010		MANUEL ANGELA M	13349 HARPER CT	GULFPORT	MS	39503
144624	0807K-01-018.015		FUTCH GEORGE M & HELEN F	13300 HARPER CT	GULFPORT	MS	39503
145086	0807K-01-018.018		ELLIOTT HOMES LLC	1402 PASS RD	GULFPORT	MS	39501



- Legend**
- Site
 - Adjacent Properties
 - Street
 - 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.

RE: Variance 2403ZB021, by owner Gregory Woodard, seeking approval for a 1,430 square-foot accessory structure where 600 square feet is the size limit, Tax Parcel 0807K-01-018.017, 13324 Harper Court, Zoned R-1-15 (Single-family), Ward 7

To Applicants and Adjacent Property Owners:

The City of Gulfport Zoning Board of Adjustments and Appeals will hold a public hearing to consider the above application at 3:00 P.M. on **Thursday, March 21, 2024**, in the Council Chambers at the Gulfport City Hall located at 2309 15th Street.

For more information, visit <http://www.gulfport-ms.gov/agendas/> then click the City of Gulfport Zoning Board for **Thursday, March 21, 2024**. A map showing the location of the property involved is located at this website. If you have any questions or comments, please contact this office at the phone number 228-868-5710 or email planners@gulfport-ms.gov. The application is available for viewing in the Planning Division office at 1410 24th Avenue.



The Beaufort Gazette
The Belleville News-Democrat
Bellingham Herald
Centre Daily Times
Sun Herald
Idaho Statesman
Bradenton Herald
The Charlotte Observer
The State
Ledger-Enquirer

Durham | The Herald-Sun
Fort Worth Star-Telegram
The Fresno Bee
The Island Packet
The Kansas City Star
Lexington Herald-Leader
The Telegraph - Macon
Merced Sun-Star
Miami Herald
El Nuevo Herald

The Modesto Bee
The Sun News - Myrtle Beach
Raleigh News & Observer
Rock Hill | The Herald
The Sacramento Bee
San Luis Obispo Tribune
Tacoma | The News Tribune
Tri-City Herald
The Wichita Eagle
The Olympian

AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Amount	Cols	Depth
36845	525462	Print Legal Ad-IPL01617860 - IPL0161786		\$112.15	2	76 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 PM., Thursday, March 21, 2024 in the Council Chambers of the Gulfport City Hall located at 2309 15 th Street to consider the following requests. A copy of the requests will be available for public review at the office of the Department of Urban Development-Planning Division located on first floor of the William H. Hardy Building, 1410 24 th Avenue.

Variance 2403ZB021, by owner Gregory Woodard, seeking approval for a 1,430 square-foot accessory structure where 600 square feet is the size limit, Tax Parcel 0807K-01-018.017, 13324 Harper Court, Zoned R-1-15 (Single-family), Ward 7

Variance 2403ZB022, by owner Gregory Woodard, seeking approval for a side yard setback of 8 feet, where 15 feet is required, Tax Parcel 0807K-01-018.017, 13324 Harper Court, Zoned R-1-15 (Single-family), Ward 7

Variance 2403ZB023, by owner Gregory Woodard, seeking approval for a 24-foot tall accessory structure where 14 feet is the height limit, Tax Parcel 0807K-01-018.017, 13324 Harper Court, Zoned R-1-15 (Single-family), Ward 7

Variance 2403ZB026, by agent Rebecca Gillum, seeking approval for 5-foot side yard setbacks, where 8 feet is required, Tax Parcel 0811G-04-116.000, 2011 17th Ave, Zoned R-2 (Single-family), Ward 3

Variance 2403ZB028, by agent Michael Hester, seeking approval for a 9-foot tall fence along the rear of the property where six feet is the height limit, Tax Parcel 1010K-03-048.000, 2209 Swetman Blvd, R-1-7.5 (Single-Family), Ward 2

Special Exception 2403SC031, by agent Tyler Hickman, seeking approval for daiquiri shop, Tax Parcels 0908N-04-004.000, 0908N-04-004.001, 13211 Dedeaux Road, Zoned B-1 (Neighborhood business), Ward 5

Variance 2403ZB033, by owners Joseph and Rebecca Cowart, seeking approval for a 2400 detached accessory structure, Tax Parcel 0811B-01-037.000, 2601 15th Avenue, Zoned B-2 (General Business), Ward 3

Variance 2403ZB034, by owner Kevin Myers, seeking approval for a 960 square foot accessory structure, Tax Parcel 0811G-06-026.000, 1625 19th Ave, Zoned T4L (General Urban Zone "Limited"), Ward 2

Variance 2403ZB035, by owner Kevin Myers, seeking approval for a rear yard setback of 50 inches (4.17 ft) and a side yard setback of 53 inches (4.42 feet), Tax Parcel 0811G-06-026.000, 1625 19th Ave, Zoned T4L (General Urban Zone "Limited"), Ward 2

Variance 2403ZB036, by agent Robert Addison Riemann, seeking approval for an additional wall sign on the eastern elevation, Tax Parcel 0809K-02-002.001, 15223 Creosote Road, Zoned B-4 (Highway-business), Ward 3

Variance 2403ZB041, by agent Tiffany Marshall, seeking approval for zero required parking for all future uses, Tax Parcels 0811E-02-042.000, 0811E-02-043.000, 0811E-02-044.000, 1512 30th Ave, 1516 30th Ave, 1518 30th Ave, 1520 30th Ave, 1522 30th Ave, 1528A 30th Ave, 1528B 30th Ave, Zoned T6 (Urban Core Zone), Ward 2

Variance 2403ZB042, by agent Tiffany Marshall, seeking approval for backing into city right of way, Tax Parcels 0811E-02-042.000, 0811E-02-043.000, 0811E-02-044.000, 1512 30th Ave, 1516 30th Ave, 1518 30th Ave, 1520 30th Ave, 1522 30th Ave, 1528A 30th Ave, 1528B 30th Ave, Zoned T6 (Urban Core Zone), Ward 2

Variance 2403ZB043, by agent David Machado, seeking approval for a building height of 55 feet and 3 inches where 50 feet is the height limit, Tax Parcel 0710P-01-004.000, 2809 34th Avenue, Zoned I-1 (Light-industry), Ward 1

This the 1st day of March 2024
A. Leslie North, Chairman
City of Gulfport Zoning Board of Adjustment and Appeals
PO210200
IPL0161786
Mar 6 2024

STATE OF MISSISSIPPI COUNTY OF HARRISON

Before me, the undersigned Notary of Dallas County, Texas personally appeared Stephanie Hatcher, 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:
03/06/24

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.

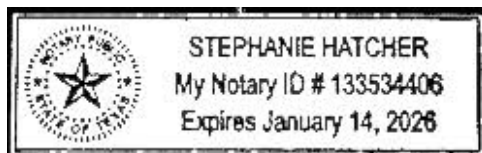
Stephanie Hatcher

Sworn to and subscribed before me this 11th day of
March in the year of 2024

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: March 21, 2024

Re: Variance 2403ZB022:

Variance 2403ZB022, by owner Gregory Woodard, seeking approval for a side yard setback of 8 feet, where 15 feet is required, Tax Parcel 0807K-01-018.017, 13324 Harper Court, Zoned R-1-15 (Single-family), Ward 7

Technical Report

VARIANCE

GENERAL INFORMATION

Case File Number: 2403ZB022

Hearing Date: March 21, 2024

Current Zoning/Use: R-1-15/ Single Family

Legal: Variance 2403ZB022, by owner Gregory Woodard, seeking approval for a side yard setback of 8 feet, where 15 feet is required, Tax Parcel 0807K-01-018.017, 13324 Harper Court, Zoned R-1-15 (Single-family), Ward 7

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 for a detached accessory structure side yard setback of 8 feet, where 15 feet is required by ordinance.

- (a) Applicant states that the shape of their property along with the drainage easement at the rear of said property is what is requiring them to build their garage 8 feet from the side property line. They also state that this would allow for a straight path from the entrance to the property, down the side property line, and into the garage. While there is an easement at the rear of the property, this would not directly cause the need for the requested setback. Ultimately, it is the size of the proposed structure that is causing the need for the side yard setback.
- (b) The applicant states that the need for the variance is not a result of their actions, however it should be noted that side yard setback is needed due to the overall size of the structure and therefore is directly caused by the actions of the applicant.
- (c) There is no definable hardship on this property in relation to the requested setback of the structure. The applicant states that they plan on storing a 30-foot center console boat along with a trailer that is 12-foot in height. This will also be used to store their truck. None of the proposed reasons would equate to a hardship caused by the property itself.
- (d) The applicant submitted a written indication that the current zoning requires 15 feet off the side property line and reaffirmed that they are asking for their structure to be 8 feet from the property line which is a variance of 7 feet. This does not adequately answer how a literal interpretation of the ordinances would deprive the applicant of rights enjoyed by other properties.
- (e) Applicant states that "granting this variance for their property would not allow any special privileges that aren't allowed to any other property." Upon staff review, there was a previous variance case for this property. Case 2005ZB051 requested a variance of 7 feet, which is the same as this variance request. That prior case was approved.
- (f) This property is zoned R-1-15 Single Family, and an accessory structure is allowed by right.

EXECUTIVE SUMMARY

No legitimate hardships were provided by the applicant in the written request. However, it should be noted that as per case 2005ZB051, that this property was previously approved for a variance of 7 feet. As such, it would be reasonable to take into consideration the prior approval.

Any approval should consider these conditions:

1. Must meet all current building codes and City of Gulfport Ordinances.
2. Must maintain drainage and not impede easement.
3. Approval allows for a 8 foot side yard setback where 15 feet is the minimum.

DEPARTMENTAL CONDITIONS

Engineering: Must maintain drainage and not impede easement. Memo dated 03/07/24.

Technical Report

VARIANCE

Public Works: No comment as of 03/07/24.

Traffic and Safety: No conditions. Memo dated 03/06/24.

Building Code Services: Must meet all current building codes and City of Gulfport Ordinances. Memo dated 03/06/24.

GIS: No conditions. Memo dated 02/28/24.

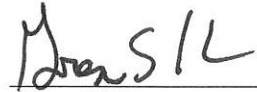
Police Department: No comment as of 03/07/24.

Fire Department: No conditions. Memo dated 02/27/24.

City Arborist: No conditions. Memo dated 02/27/24.

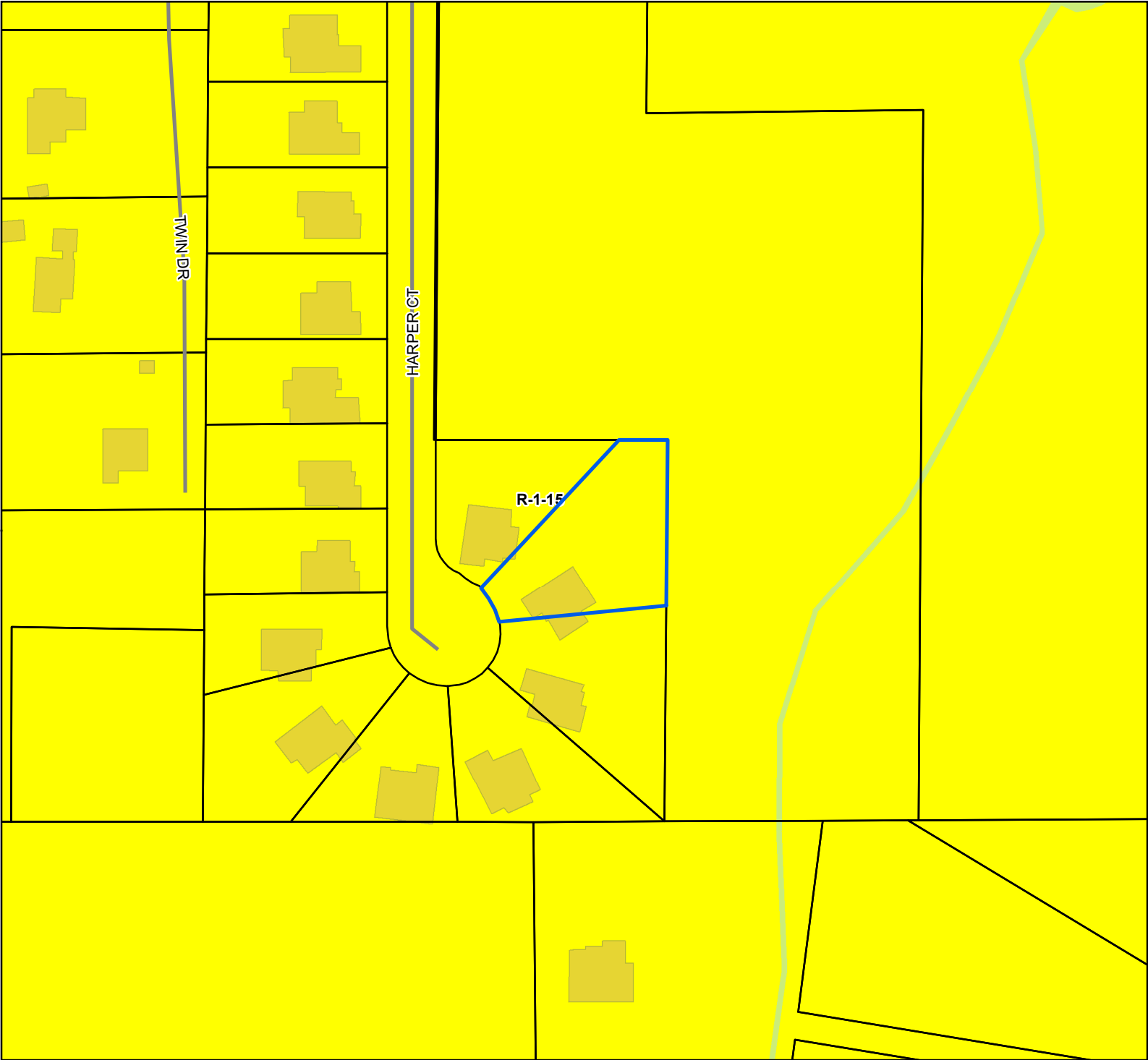
DIRECTOR APPROVAL

This report has been reviewed and approved by:



Greg Holmes
Director of Urban Development Department





Street

Parcels

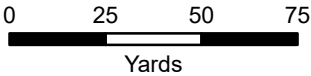
Buildings

Water Features

Zoning

- R-1-15 - Single Family
- Residence District (Low Density)

Site Information
0807K-01-018.017
Zoning:R-1-15 (Single Family)
Size:25549.69 sqft
Flood: X



1 inch = 150 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.

OWNER:

GREGORY A. WOODARD
Printed Name of Owner
13324 HARPER COURT
Mailing Address
GULFPORT MS 39503
City State Zip Code
252-622-8746
Home Phone ~~Work~~/Cell Phone
woodardgd@yahoo.com
Email
Gregory A. Woodard
Signature of Owner

AGENT:

GREGORY A. WOODARD
Printed Name of Agent
13324 HARPER COURT
Mailing Address
GULFPORT MS 39503
City State Zip Code
252-622-8746
Home Phone ~~Work~~/Cell Phone
woodardgd@yahoo.com
Email
Gregory A. Woodard
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) _____
Address (Street, City, State, Zip Code) _____
Phone (Home) _____ (Work) _____ (Cell) _____
Tax Parcel Number(s) Owned: _____
Signature: _____

Name of Owner (PRINT) _____
Address (Street, City, State, Zip Code) _____
Phone (Home) _____ (Work) _____ (Cell) _____
Tax Parcel Number(s) Owned: _____
Signature: _____

Name of Owner (PRINT) _____
Address (Street, City, State, Zip Code) _____
Phone (Home) _____ (Work) _____ (Cell) _____
Tax Parcel Number(s) Owned: _____
Signature: _____

Application for Setback Variance:

1. Due to the pie shape of our property along with the drainage easement of the rear of our property and our need to build a garage eight feet from the side property line, versus 15 feet exists and would provide us with ease of access to maneuver a boat, camper, and/or any vehicle in and out of the garage. This would allow for a straight path from the entrance to the property, down the side property line, and into the garage.
2. The need for the variance is not a result of our actions, but merely how the property is laid out.
3. We have recently sold our previous boat and are planning to buy a 30-foot center console with a 12-foot height on trailer. The garage will be used to house the boat and trailer on one side and the truck on the other. The garage would need to be 40 feet long, 32 feet wide, and have a 16-foot eave height to provide clearance and room to house the boat, trailer, and truck on our property.
4. Current Zoning:
15 ft offside property line (Asking for our structure to be eight feet from property line, a variance of 7 ft)
5. By granting this variance on our property it will not show any special privileges, however, it will only allow us to utilize the rear property with a structure that matches the architectural aesthetics of our home and house our boat, trailer, and truck.
6. The proposed structure will be the only structure on the property and is permissible by right, with planning approval.

C3	64.00'	48.01'	46.90'
C4	64.00'	48.79'	48.54'
C5	64.00'	51.37'	50.01'
C6	64.00'	45.43'	44.48'
C7	64.00'	25.93'	25.75'
C8	40.00'	48.69'	45.74'

2 WIDE STRIP
RESERVED BY
OWNER, NO
ACCESS TO ROAD
BY ADJOINING
PROPERTY
OWNER TO EAST

SE 1/4 OF NE 1/4 OF SECTION 33
SW 1/4 OF NW 1/4 OF SECTION 34

FLOOD ZONE NOT
BY GRAPHIC PLOTTING ON
THIS PROPERTY IS LOCATE
FIRM, ZONE "X" ACCORD
TO MAP NUMBER 28047C02
DATED 12/21/2017

NOTES:

- 1.) FIELD
- 2.) TOPCON
- 3.) ROBOTIC
- 4.) STAT
- 5.) HEREON
- 6.) OBSERV
- 7.) NETWORK
- 8.) 3.) 1/2"
- 9.) STAMPE
- 10.) CORNER
- 11.) 4.) SURV
- 12.) 5.) TOTL
- 13.) 6.) DATE
- 14.) 7.) THE
- 15.) RESER
- 16.) 8.) SEE

0807J-01-015.001
NOW OR FORMERLY OF
R.W. AND NANCY
STUCKEY

(M) S 00°29'54" W 410.18'
(R) S 01°25" W 412'

20' DRAINAGE EASEMENT
230.82'

CONCRETE
MONUMENT
SET

N 355.884.56
E 904.593.52

0807O-01-001.041
NOW OR FORMERLY OF
PAUL AND AYA CRAIG

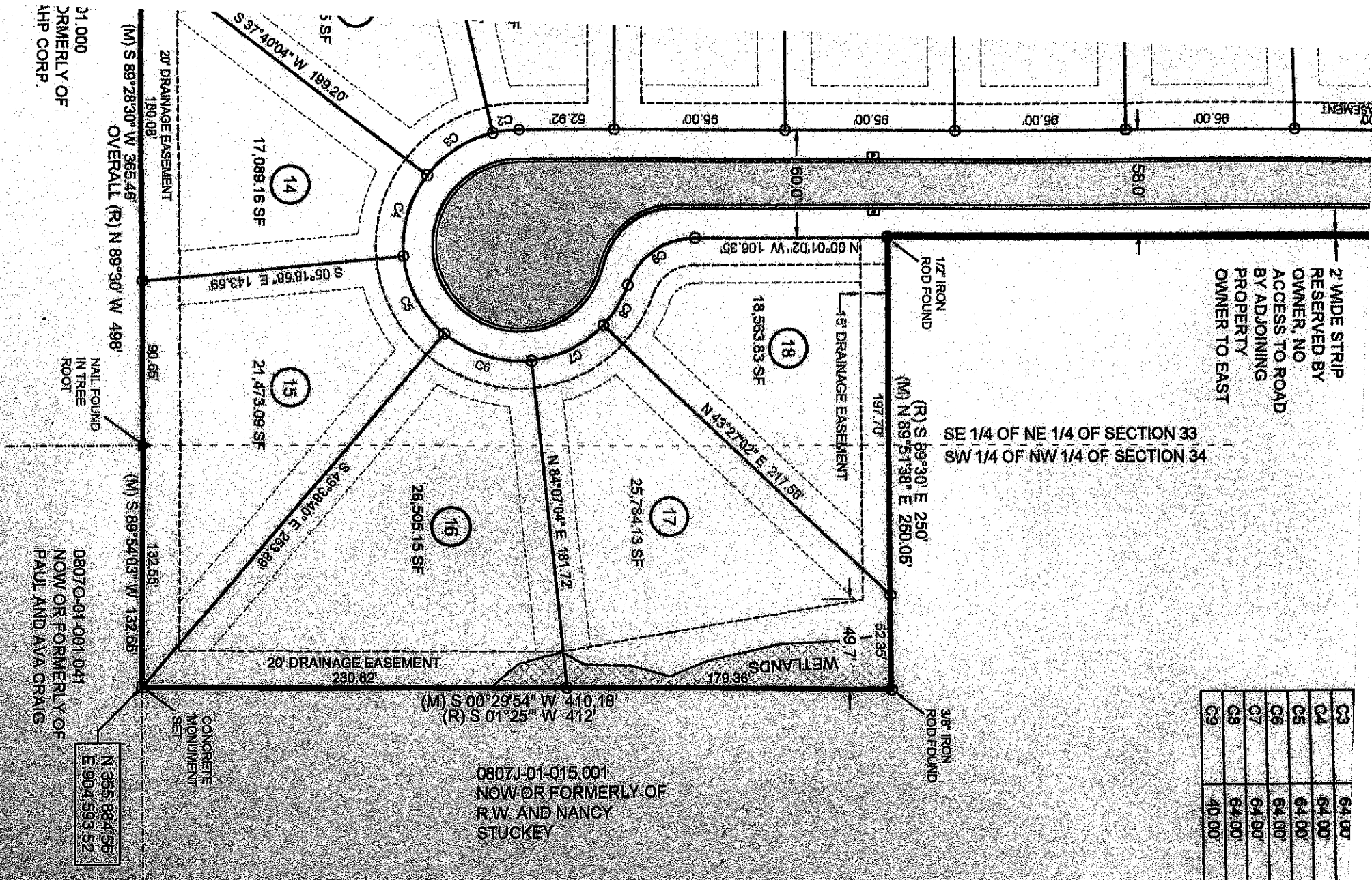
(M) S 89°54'03" W 132.55'
132.55'

NAIL FOUND
IN TREE
ROOT

(M) S 89°28'30" W 365.46'
OVERALL (R) N 89°30' W 498'

20' DRAINAGE EASEMENT
180.08'

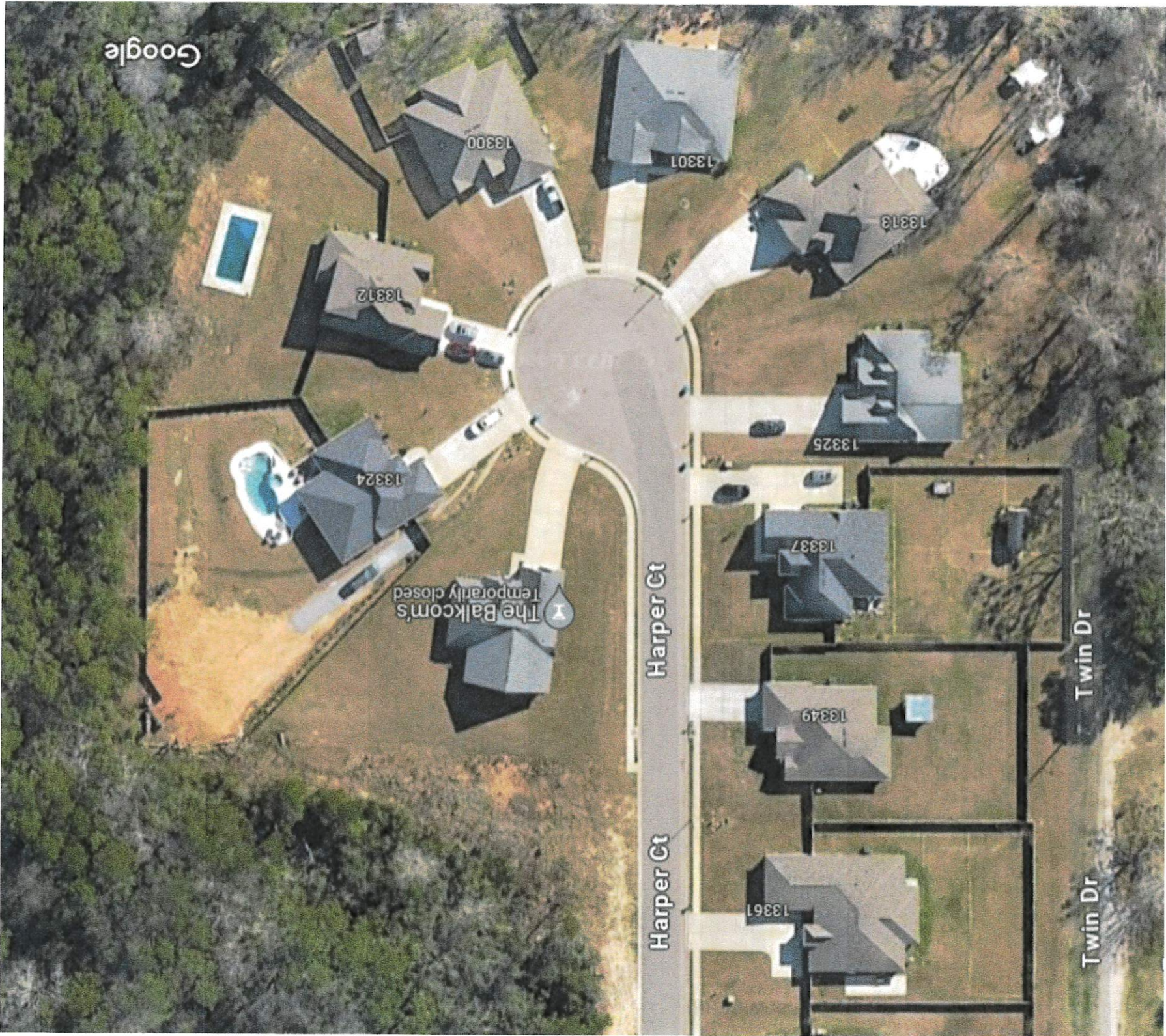
01.000
FORMERLY OF
AHP CORP.











**SITE PLAN ON LOT 17, DUCKWORTH
SOUTH SUBDIVISION, CITY OF
GULFPORT, HARRISON COUNTY,
MISSISSIPPI**

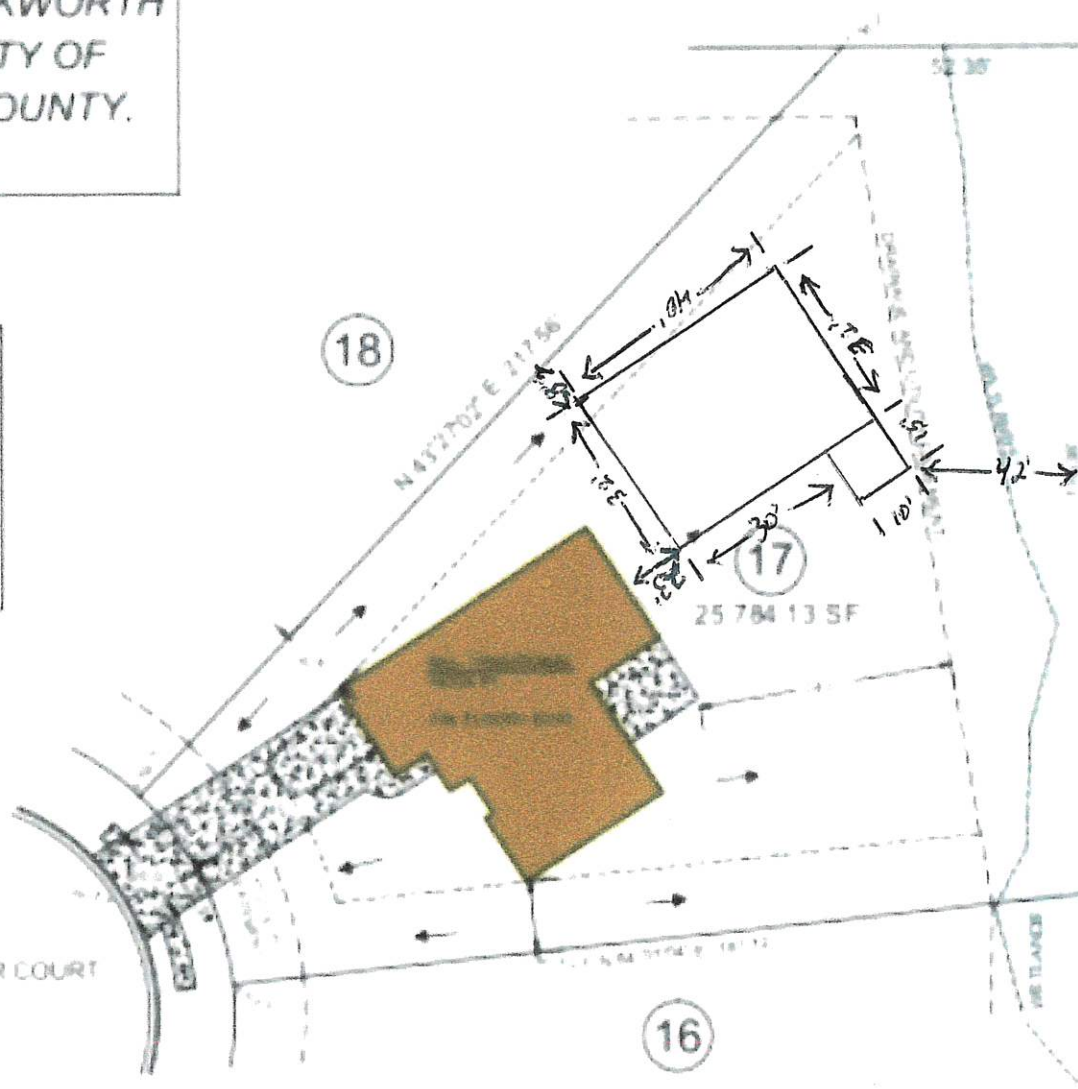
DRIVEWAY AND LEAD
SIDEWALK = 1,299.46 SQ. FT.

ROADSIDE SIDEWALK = 72.84
SQ. FT.

PERVIOUS SURFACE = 18,791
SQ. FT.



HARPER COURT



CROSBY SURVEYING

PROFESSIONAL LAND SURVEYING

716 LIVE OAK DRIVE

BLOOMING MISSISSIPPI 39132

PHONE 228-234-9649

FAX 228-234-9427

EMAIL: crosby@crossby-surveying.com





COVENANT AFFIDAVIT

I, GREGORY D. WOODARD being property owner or agent of the property 13324 HARPER COURT
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.

Gregory D. Woodard
SIGNATURE

12/29/2023
DATE

STATE OF MISSISSIPPI | COUNTY OF HARRISON

Given under my hand and seal of office this the 29th day of December, 20 23

[Signature]
NOTARY PUBLIC

09-10-2027
COMMISSION EXPIRATION





DEPARTMENT OF
URBAN DEVELOPMENT
PLANNING DIVISION

June 19, 2020

P.O. Box 1780
Gulfport, MS 39502
Phone: 228-868-5710
Fax: 228-868-5708

Woodward Gregory and Wendy
(Owner and agent)
13324 Harper Court
Gulfport, MS 39503

Wm. H. Hardy Building
1410 24th Avenue
Gulfport, MS 39501

RE: Variance 2005ZB051, by agent Wendy Woodard, tax parcel 0807K-01-018.017, Variance for setbacks, size, and accessory structure height, 13324 Harper Ct, Zoned R-1-15 (Single-family), Ward 7

To Whom It May Concern:

At their public hearing on **Thursday, June 18, 2020**, the Gulfport Zoning Board of Adjustment and Appeals **approved** your variance request with the following conditions:

1. Approval grants a variance of 275 square feet to allow an 875-square-foot structure where 600 square feet is the maximum.
2. Approval grants a 7-foot variance to allow an 8-foot north-side yard where 15 feet are required.
3. Approval grants a variance of 2 feet to allow a 16-foot height where 14 feet is the maximum.
4. Must comply with all codes and regulations.

All variances, unless otherwise specified by the Board of Adjustment and Appeals, shall be void if the project has not commenced within one year of approval. Commencement shall include securing and maintaining a building permit, certificate of occupancy, or privilege license for the use in the application and shall generally conform to the site plan as approved. The applicant should keep a copy of this letter with their property records for future reference.

Any person may appeal this decision to the Gulfport City Council within fifteen (15) calendar days of the public hearing. 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 why you are aggrieved.

If you have any questions or comments, please contact this office.

Sincerely,
City of Gulfport Planning Division

c. Agent, Building Code Services



John 1st Judicial District
Instrument 2018 5535 D - J1
Filed/Recorded 8/28/2018 01:32 P
Total Fees \$ 32.00
19 Pages Recorded

1

PREPARED by
Taco Bell Corp
1 Glen Bell Way, MD 511
Irvine, CA. 92618
949-863-4500
File # ELLIOTT HOMES

Return to :c/o
Schwartz, Orgler & Jordan, PLLC.
12206 Highway 49
Gulfport, MS. 39503
228-832-8550

Declaration of Restrictive Covenants

dated

July 13, 2018

executed by

Elliott Land Developments, LLC
1402 Pass Road
Gulfport, MS 39501
(228) 257-9914

Indexing:

Lots 1 through 18, inclusive, Duckworth South Subdivision
Harrison County, MS

**DECLARATION OF COVENANTS,
CONDITIONS AND RESTRICTIONS
FOR DUCKWORTH SOUTH SUBDIVISION**

THIS DECLARATION is made this the 13th day of July, 2018, by Elliott Land Developments, LLC, a Mississippi Limited Liability company, for itself, its successors, grantees and assigns, hereinafter collectively referred to as "Declarant".

WITNESSETH:

WHEREAS, Declarant is the owner of certain real property in Harrison County, Mississippi, which is more particularly described as follows, to-wit:

Lots 1 through 18, inclusive, Duckworth South Subdivision Harrison County, Mississippi, according to a plat thereof recorded in Plat Book 58 at page 12 of the Land Deed Records of First Judicial District, Harrison County, Mississippi.

NOW THEREFORE, Declarant does hereby declare that all of the properties described above shall be held, sold and conveyed subject to the following easements, covenants, conditions and restrictions, which are for the purpose of protecting the value and desirability of, and which shall run with, the real property and be binding on all parties having any right, title or interest in the described properties or any part thereof, their heirs, successors and assigns, and shall inure to the benefit of each owner thereof.

ARTICLE I
DEFINITIONS

Section 1. "Association" shall mean and refer to Duckworth South Subdivision Homeowners Association, INC., a Mississippi non-profit corporation, its successors and assigns.

Section 2. "Board" or "Board of Directors" shall mean the Board of Directors of the Duckworth South Subdivision Homeowners Association, Inc.

Section 3. "Builder" shall mean any Person or legal entity that purchases one or more Lots for the purpose of constructing improvements for later sale to consumers.

Section 4. "Building Site" shall mean those fractional parts of adjacent lots or one or more lots and all or a portion of an adjacent lot within the subdivision, which are more particularly described and defined in Section 2 of Article VI of this Declaration.

- Section 5. "Common Area" shall mean all real property (including improvements thereto) owned by the Association and/or which the Association members have the right to use and enjoy and also all rights of easement and license and shall include any and all other property shown on the recorded plat of Duckworth South Subdivision Phase I, but with the exception of and excluding the platted lots and parcels, and with the exception of and excluding the drainage and utility easements and the streets and/or roads.
- Section 6. "Declarant" shall mean and refer to Elliott Land Developments, LLC, a Mississippi Limited Liability company, and its successors and assigns.
- Section 7. "Director" shall mean a member of the Board of Directors of the Association.
- Section 8. "Home" or "Dwelling" shall mean and refer to any building situated upon a Lot or Building Site which is designated and intended for use and occupancy as a residence by a single family.
- Section 10. "Living Unit" shall mean and refer to a Lot and the Home constructed thereon.
- Section 11. "Lot" shall mean and refer to any numbered lot as illustrated and shown on the plat of Duckworth South Subdivision, Phase 1 as recorded in the public records of the First Judicial District, Harrison County, Mississippi.
- Section 12. "Member" shall mean and refer to all those Owners who are members of the Association as provided in Article II, Section 1 hereof.
- Section 13. "Owner" shall mean and refer to the owner of record, whether one or more persons or entities, of a fee simple title to any Lot which is a part of the Properties, including contract sellers, but excluding those having such interest merely as security for the performance of an obligation.
- Section 14. "Properties" or "Property" shall mean and refer to that certain real property hereinabove described, and such additions thereto as may hereafter be brought within the jurisdiction of the Association.

ARTICLE II

MEMBERSHIP, VOTING RIGHTS, AND GOVERNANCE OF THE ASSOCIATION

- Section 1. Every Owner of a Lot in Phase 1 and all future phases of Duckworth South Subdivision shall be a member of the Association. Membership shall be appurtenant to and may not be separated from ownership of any Lot.
- Section 2. The Association shall have two classes of voting membership and one class of non-voting membership, as follows:
- CLASS A. Class A members shall be all owners, except for the Declarant, and shall be entitled to one vote for each Lot or Building Site owned in any Phase of Duckworth South Subdivision. When more

than one person owns an interest in any Lot of Building Site, all such persons shall be members. The vote for such Lot of Building Site shall be exercised as they determine, but in no event shall more than one vote be cast with respect to any Lot or Building Site.

CLASS B. The Class B member(s) shall include the Declarant and shall be entitled to four votes for each Lot owned in Duckworth South Subdivision.

Section 3. Governing Body: Composition:

The affairs of the Association shall be governed by a Board of Directors, the members of which must own property in Duckworth South Subdivision; provided, however, no Person and his or her spouse may serve on the Board at the same time. The number of Directors shall be either three or five. The Board members shall also serve as the officers of the Association.

ARTICLE III
COVENANT FOR ASSESSMENTS

Section 1. Creation of the Lien and Personal Obligation of Assessments.

The Declarant, for each Building Site and/or Lot owned within the subdivision, hereby covenants, and each Owner of any Building Site and/or Lot by acceptance of a deed therefor, whether or not it shall be so expressed in such deed, is deemed to covenant and agree to pay to the Association: (1) annual assessments or charges, and (2) special assessments for capital improvements; such assessments to be established and collected as hereinafter provided. The annual and special assessments, together with interest, costs, and reasonable attorneys' fees, shall be a charge on the land and shall be a continuing lien upon the property against which each such assessment is made. Each such assessment, together with interest, costs and reasonable attorneys' fees, shall also be the personal obligation of the person who was the owner of such property at the time when the assessment fell due.

Section 2. Purpose of Assessments.

The assessments levied by the Association shall be used for the improvement, landscaping, replacement, maintenance, repair, enhancement, enlargement, and operation of the Common Area, if any, and improvements thereon, if any; for maintaining and lighting the entranceways and fence ways attached to entranceways and appurtenant landscaping; and for maintaining and lighting entranceway signs.

Section 3. Maximum Annual Assessments.

The fiscal year for all Association assessments shall begin January 1st of each year. For the Year 2018, the annual assessment shall be \$250.00. The dues shall be assessed from the time a lot is sold from the Builder to an Owner. Builder's shall pay no dues until the home is sold to an Owner. At this time, dues shall be prorated for the current year on the Settlement Statement at closing.

(a) The maximum annual assessment shall be equal to that specified in the covenants for Phase I of Duckworth South.

(b) The maximum annual assessment may be increased by more than 10% above the maximum annual assessment for the previous year by a vote of two-thirds of the members present and voting who are voting in person or by proxy at a meeting duly called for this purpose.

(c) If the Board of Directors of the Association, by a majority vote, determines that the important and essential functions of the Association may be properly funded by annual assessments less than those set out above, it may levy such lesser assessments. The levy of annual assessments less than the maximum annual assessments in one year shall not affect the Board's right to levy the maximum annual assessments in subsequent years. If the Board of Directors shall levy less than the maximum annual assessments for any assessment year and if thereafter, during such assessment year, the Board of Directors shall determine that the important and essential functions of the Association cannot be funded by such lesser assessments, the Board may levy supplemental annual assessments.

Section 4. Special Assessments for Capital Improvements.

In addition to the annual assessments authorized above, the Association may levy in any assessment year, a special assessment applicable to that year only for the purpose of defraying, in whole or in part, the costs of any construction, reconstruction, repair or replacement of a capital improvement upon the Common Area, if any, or in the subdivision, including fixtures and personal property related thereto, provided that any such assessment shall have the assent of two-thirds of the votes of the members who are voting in person or by proxy at a meeting duly called for this purpose.

Section 5. Notice and Quorum for Any Action Authorized Under Sections 3(b) and 4 of This Article.

Written notice of any meeting called for the purpose of taking any action authorized under Sections 3(b) and 4 of this Article shall be sent to all members not less than 30 days nor more than 60 days in advance of the meeting. At the first such meeting called, the presence of members and/or proxies entitled to cast ten percent plus one vote (10%+1) of all votes shall constitute a quorum. If the required quorum is not present at any such meeting, one (1) or more subsequent meetings may be called for the same purpose, subject to not less than ten (10) days written notice of each such subsequent meeting being provided to all Members, and the required quorum at any subsequent meeting shall be one-half of the required quorum of the preceding meeting. No such subsequent meeting shall be held more than 60 days following the preceding meeting.

Section 6. Uniform Rate of Assessment.

Both annual and special assessments must be fixed at a uniform rate for all Lots and Building Sites.

Section 7. Date of Commencement of Annual Assessments: Due Dates.

The annual assessments provided for herein shall be due July 1, 2018. Declarant and/or Assignees shall not be responsible for annual or special assessments on any Lot while owned by the Declarant or its Assignees until such Lot first contains an occupied residence and the assessment shall then be prorated for the months and days of the fiscal year remaining. The Board of Directors shall fix the amount of the annual assessment against each Lot at least 30 days in advance of each annual assessment period. Written notice of the annual assessment shall be sent to every owner via US mail service or last provided email address subject thereto. The billing cycles and due dates shall be established by the Board of Directors. The Association shall, upon demand, and for a reasonable charge, furnish a certificate signed by an officer of the Association setting forth whether the assessments on a specified Lot have been paid. A properly executed certificate of the Association as to the status of assessments on a Lot is binding upon the Association as of the date of its issuance.

Section 8. Effect of Nonpayment of Assessments: Remedies of the Association.

Any assessment not paid within 30 days after the due date shall bear interest from the due date at the rate of 10% per annum. Through Board resolution, a reasonable late fee shall be established and applied to any Owner who has not paid any assessment 30 days after the due date. The Board may bring action at law against the owner personally obligated to pay the same or foreclose the lien against the property. No Owner may waive or otherwise escape liability for the assessments provided for herein by non-use of the Common Area, if any, or abandonment of his Lot. The Board may suspend the rights of a Member to vote and to use Common Areas in three situations: (1) failure for 30 days after mailing or emailing written notice to remedy a violation of the Covenants; (2) failure to pay an assessment within 30 days after the due date of such assessment; and (3) violation of the Association's rules regarding the use of the Common Areas. Suspension shall be for the period during which the violation occurs except that suspension can be for a period not to exceed 60 days after cure of a violation.

Section 9. Subordination of the Lien to Mortgages.

The lien of the assessments provided for herein shall be subordinate to the lien of any mortgage encumbering any Lot, parcel or Building Site within the subdivision. Sale or transfer of any Lot or Building Site shall not affect the assessment lien. However, the sale or transfer of any Lot or Building Site pursuant to foreclosure of a first mortgage or any proceeding in lieu thereof, shall extinguish the lien of such assessments as to payments which become due prior to such sale or transfer. No sale or transfer shall relieve such Lot or Building Site from liability for any assessments thereafter becoming due or from the lien thereof.

ARTICLE IV
ARCHITECTURAL CONTROL

Section 1. Architectural Control Committee.

The Architectural Control Committee (hereinafter referred to as ACC) shall consist of three or five members, appointed by the Board of Directors for one-year terms coinciding with the fiscal year of the Association. The Association pays the cost of operating the ACC. The Board can remove a member of the ACC at any time. The Board can fill any vacancy whether caused by removal, resignation, or any other reason. The members of the Committee need not be Members of the Association or representatives of Members. Members of the Committee shall not be entitled to any compensation for services performed pursuant to this Article unless compensation is hereafter authorized by the Board. Notwithstanding the aforesaid, Declarant shall be the sole member of the ACC so long as the Declarant owns a lot within said subdivision.

Section 2. Architectural Approval.

No building, conversion of garage area to living area, change in exterior color, driveway, fence, wall, mailbox, pool, decorative objects placed in yards, fence or other structure shall be commenced, erected or maintained upon the Properties, nor shall any exterior addition to or change or alteration therein be made until two (2) copies of the plans and specifications for the proposed project shall have been submitted to and approved in writing as to harmony of external design and location in relation to surrounding structures and topography by, the Architectural Control Committee. The plans shall include, as a minimum: a site plan; a floor plan; exterior elevations of all structures to be constructed or altered; plans for materials, color schemes, exterior lighting schemes and other details that affect the exterior appearance of the structure; and plans for landscaping and grading. Approval of plans is final and cannot be revoked, provided the plans are actually adhered to. Approval of a set of plans does not require the Architectural Control Committee to approve the same set of plans in the future. In the event said committee fails to approve or disapprove such design or changes and location within thirty (30) days after submission of all information and materials reasonably requested, approval will not be required, and this Article will be deemed to have been fully complied with. The Architectural Control Committee, or their agents, have the right, after reasonable notice, to enter upon any Lot and structure to ascertain whether the construction, alteration, or maintenance of a structure or use of a Lot or structure complies with the Covenants and/or plans submitted to the Architectural Control Committee.

Section 3. Granting of Variances.

When a building or other structure has been erected or its construction substantially advanced and the building is located on any lot or building site in a manner that constitutes a violation of these covenants, conditions and restrictions or the building setback lines shown on the recorded plat, or if the committee in its sole discretion determines that, a variance is desirable in order to best accommodate the location of a planned building on a particular lot, the committee may release the lot or building site, or parts of it, from any part of the covenants,

conditions and restrictions, or setback lines, that are violated. The committee shall not give such a release except for a violation that it determines to be a minor or insubstantial violation in its sole discretion. The Committee shall have no authority to grant a variance of a Harrison County subdivision or zoning regulation, including, but not limited to, those that may be contained in these covenants, conditions and restrictions. However, in the event of a violation of these covenants; or the commencement of construction of a plan that had been rejected by the committee or a plan or change not submitted to the committee, the Board shall be empowered to bring any legal action in law or in equity, to seek injunction preventing such violation, or seeking its removal entirely, or both, at the expense of the Owner. In the event of any successful injunction and/or removal order, whether in whole or in part, the Owner shall pay all legal fees, court costs and expenses of the committee in enforcing these covenants, which costs shall become a lien against the property as provided for elsewhere herein.

Section 4. Limitation of Liability.

Review and approval of any plans pursuant to this Article is made on the basis of aesthetic considerations only and the Architectural Control Committee shall bear no responsibility for ensuring the structural integrity or soundness of approved construction or modifications, nor for ensuring compliance with building codes and other governmental requirements. Neither the Declarant, the Association, the Board, any committee, or member of any of the foregoing shall be held liable for any injury, damages, or loss arising out of the manner or quality of approved construction on or modifications to any Lot or improvements thereon.

ARTICLE V
DUTY TO CLEAR A LOT IF OWNER
ELECTS NOT TO REBUILD AFTER DESTRUCTION

In the event of substantial damage to or destruction of any Home on the Properties by fire, windstorm, water, or other cause whatsoever, then the owner shall, within six months after the date of substantial damage to or destruction of the home, be required to either: (1) begin reconstruction, repair and restoration of the home, such work to be completed in a timely manner; or (2) clear the lot and begin construction of a new home, such construction to be completed in a timely manner; or (3) clear the Lot, such clearing to be completed in a timely manner. If the Owner elects to clear the lot and not rebuild, the Owner shall be required to maintain the Lot in a clean and presentable manner, free from all trash and rubble, and to maintain the Lot so that it is in harmony with the surrounding property.

ARTICLE VI
RESTRICTIONS AS TO USE
OCCUPANCY AND APPEARANCE

Section 1. General.

All of the Lots shall be used and occupied as single-family residences and no dwelling shall be erected, altered, placed or permitted to remain other than one single family dwelling with a private garage for at least two (2) but not more than three (3) vehicles. No building, conversion of garage area to living area, change in exterior color, driveway, fence, wall, mailbox, decorative objects placed in yards, or other structure shall be commenced, erected or maintained upon the Properties, nor shall any exterior addition to or change or alteration therein be made until two (2) copies of the plans and specifications for the proposed project shall have been submitted to and approved in writing as to harmony of external design and location in relation to surrounding structures and topography by the Architectural Control Committee. Each Owner shall be responsible for his/her home's own exterior maintenance, landscaping, and maintenance of the landscaping, so long as it does not interfere with the adjoining Lot Owners, and is consistent with these Covenants, Conditions and Restrictions, and harmonious with the surrounding improvements.

Section 2. Adjoining Lots.

If one or more lots, or one lot and all or a portion of an adjacent lot, or two or more fractional parts of adjoining lots, within the subdivision, are utilized for one single family residential purposes, the setback requirements herein shall be measured from the boundary line of the entire building site or plot being then and there utilized and devoted to the single family residence. Two fractional parts of adjacent lots may be utilized as a single family residential building site or plot, provided that no such building site or plot shall contain fewer square feet than the smallest platted lot within the subdivision nor have a width, at the building setback line, of less than the width, at the building setback line, of the smallest platted lot within the subdivision.

Section 3. Animals.

No livestock, animals, chickens or fowl of any kind shall be permitted on the Properties except for dogs and cats owned as personal pets which shall not be kept in such number as to be an annoyance to other Owners of Lots. In addition, no dogs or cats shall be permitted on the Properties except inside a Home or fenced-in area, without being on a leash and under the immediate control of a responsible individual. All such pets must be walked in appropriate areas, and owners of such pets must clean up after their pets. If any such pet owner fails to properly clean up after his pet, the Association may perform such service and shall bill the pet owner accordingly. The Board shall have the right to adopt and enforce such additional pet regulations as are reasonably necessary to ensure that such pets are not and do not become a nuisance. Pets shall be registered, licensed, and inoculated as required by law. No pets other

than service dogs accompanied by a handicapped person are allowed on the premises of recreational areas maintained by the Association.

Section 4. Basketball Goals and Other Recreational Equipment.

Basketball goals, posts or backboards shall not be erected, altered or permitted on any lot or building site in the subdivision or on any street right-of-way, unless the same is in the rear yard and behind a fence. On corner lots placement of basketball goals must be approved by the Architectural Control Committee. All basketball goals and netting shall be in good condition. Recreational and play equipment, other than basketball goals, must be placed in the rear yard and screened from view to the satisfaction of the Architectural Control Committee.

Section 5. Building Condition, General Appearance, Nuisance, and Health Regulations.

All premises shall be maintained in good repair, shall be clean and sanitary at all times, and free of unsightly debris and clutter. All porches, patios, stoops, terraces, etc. that are not screened from the view of surrounding Lots shall be kept clean and uncluttered, and any furnishings placed on such area must be designed for exterior use and be in harmony with the homes in the subdivision. No nuisances and no violation of the rules and regulations of the State Board of Health or any governmental agency shall be permitted.

Section 6. Building Setback Requirements.

All buildings shall comply with the building setback requirements of the Harrison County zoning regulations for the respective Lot or Building Site. Determination of the location of the rear and side yard setbacks for corner lots shall be based on the orientation of the residential building to be built on the lot. For the purpose of these covenants, conditions and restrictions, eaves, steps and open patios shall not be considered a part of the building.

Section 7. Clothes Lines, Garbage Receptacles, Yard Equipment and Screening of Storage Areas.

No outside clothes lines or other items detrimental to the appearance of the Properties shall be permitted on any Lot. All personal garbage and trash receptacles which are to be furnished by the Owners or garbage collection agencies must be hidden from view. Similarly, all yard equipment, and storage areas must be screened so as to conceal them from the view of neighboring lots, streets, or other property. Any material for shielding the garbage can must receive ACC Approval.

Section 8. Driveways.

Driveways shall be constructed of concrete material with a brushed, non-stained finish. Any other type material or finish or the use of pavers or the use of a concrete finish to imitate pavers, bricks, stones, etc. shall require the approval of the Architectural Control Committee.

Section 9. Dwelling Size.

The dwellings must have a minimum of 1200 square feet of heated and cooled living area. For purposes of determining heated and cooled living area, porches (other than glass enclosed porches), garages, and storage areas shall not be included.

Section 10. Fences.

No fence shall be located nearer the front property line than the front sill line of the dwelling. However, on dwellings with a side-entrance garage, the fence on the garage side of the dwelling shall be located between the rear-edge of the garage door and the rear sill line of the dwelling. All fences to be constructed on any lot or building site shall be six (6) feet in height, and constructed with unpainted treated lumber, unless a variance is granted by the Architectural Control Committee. Chain-link or other galvanized metal fencing is strictly prohibited. The bottom of all fencing should be raised a minimum of 2" from the ground. If fence is abutting a drainage easement or ditch the bottom of fence must be a minimum of 4" from the ground. If fencing is not installed to these specifications, Owner shall be solely responsible for the cost of remedying the violation. No fence shall be located within drainage easements and drainage swales: as such fences would obstruct the natural water flow and cause a flooding hazard. If rear or side property line is facing a pond, water feature or golf course, Owner may erect an iron or aluminum black fencing along the back of the property facing the view of said feature.

Section 11. Firearms.

No hunting by any means or the discharge of firearms or air guns of any type shall be allowed on the Property.

Section 12. Flagpoles, Antennas, and Satellite Dishes.

No flagpoles, ham radio antennas, citizen band radio antennas, television antennas, or any other type of antenna shall be allowed or permitted to be erected or located or to remain on any lot or building site at any time. Television satellite dishes shall be erected and properly located on a lot or building site in the subdivision and shall not exceed thirty-six (36) inches in diameter. Satellite dishes shall be mounted or placed in an area that is not visible from the front of the home, unless otherwise approved in writing by the Architectural Control Committee.

Section 13. Garages.

All homes must include a garage designed for at least two but not more than three cars. Garages must have garage doors and in all cases electric automatic door openers/closers shall be installed and used. Any garage visible from the street must be kept closed except when vehicles are entering or exiting garage. Conversion of garage area to living area shall require the

approval of the Architectural Control Committee and shall require the construction of a new garage.

Section 14. Landscaping.

The front yard and side yard areas shall be landscaped before any residence is occupied. Landscaping requirements shall include: (1) grass areas in the front and side yard areas shall be sodded. (2) No trees or shrubs shall be planted in drainage swales, ingress/egress easements and road rights-of-way. Any trees planted after delivery to Owner must receive ACC approval

Section 15. Landscaping Maintenance.

Each Owner shall maintain the appearance of his or her lot or building site, including easement areas, in high quality condition, and shall provide and maintain landscaping on the lot or building site. Grass, flowers and shrubbery must be kept in an orderly fashion. Grass shall be mowed and edged at least bi-weekly during the growing season. Each Owner is responsible for maintaining the area between his/her front property line and the street pavement, including mowing of such area and edging along the pavement. Corner Lot Owners are responsible for maintaining the area between their front and side property lines and the street pavement, including mowing of such area and edging along the pavement. Owners are responsible for mowing easements located within their property boundary lines and easements and drainage ditches from the property line to the curb of the road.

Section 16. Lawful Use.

No immoral, improper, offensive or unlawful use shall be made of the Properties or any part thereof; and all valid laws, zoning ordinances, and regulations of all governmental bodies having jurisdiction shall be observed. The responsibility of meeting the requirements of governmental bodies for maintenance, modification or repair of the Properties shall be the same as the responsibility for the maintenance and repair of the property concerned.

Section 17. Leasing.

Entire Living Units may be rented provided that the Living Unit is used only as a residence; that the lease, or rental period is for not less than thirty (30) consecutive days; that the Living unit is occupied by only one family having no more members than the Living Unit is designed to accommodate; and provided that such use by the tenant or tenants does not create a nuisance. An Owner may lease or rent his own Living Unit himself to any lessee if he furnishes the Association with the names of all the tenants. All lessees are subject to the provisions of the Declaration and the By-Laws and failure to comply with said provisions shall be a default under any lease of any Living Unit whether so stated in said lease. All of the foregoing may be enforced by the Board.

Section 18. Mailboxes.

Mailboxes shall be uniform and of the style and color specified by the Architectural Control Committee. Replacement mailboxes must be approved by the Architectural Control Committee.

Section 19. Maintenance of Vacant Lots or Building Sites.

If construction of a residential dwelling is not commenced forthwith on any lot or building site, then the Owner shall remove all underbrush and mow and maintain the lot on a quarterly basis or as required by local ordinance. If any unimproved lot or building site is not so maintained the Declarant, the Board, or the Association shall be empowered to maintain the lot or building site and file a lien against the property for any and all expenditures in connection with said maintenance.

Section 20. Noxious and Offensive Trade.

No noxious or offensive trade or activity shall be carried out upon the Properties nor shall anything be done thereon which may be or become an annoyance to the other Owners. Floodlights, bells, telephones, music, number or noise level of pets, air pollutants, etc. shall not be such as to constitute a nuisance to or impair the enjoyment of neighboring lots or building sites.

Section 21. Nuisances.

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

Section 22. Parking.

No boat, other watercraft, trailer, mobile home, truck, tractor or commercial vehicle of any kind, or any other vehicle, machine, equipment or apparatus other than operating passenger automobiles, pickups and operating passenger vans (vans are limited to those with a passenger capacity of not more than seven people) shall be parked or stored in any driveway or on any Lot in the subdivision or on the street or road right-of-way in front of or beside any such Lot so as to be visible from the street or be visible to the other residences in the subdivision. Any such vehicles, watercraft, trailers, machines, equipment and apparatus must be parked or stored on the rear of the property behind the dwelling and screened from view to the satisfaction of the

Architectural Control Committee. All vehicles belonging to Owners or tenants occupying any dwelling, building site or lot in the subdivision must be operable and not in storage. Any vehicle in a state of repair must be parked in the garage. No automobile shall be parked in the front building setback area of any Lot except for temporary parking on circular driveways located within the front building setback area. No trailer/tractor, bus, or other commercial vehicle shall be parked on any lot, building site, or adjoining street right-of-way overnight. No other vehicle(s) whatsoever shall be parked on street right-of-way overnight. Any vehicles, boats, equipment or other apparatus under repair must be kept in the garage. Repairs may only be made to vehicles, boats, equipment or apparatus directly owned by the Owner. All other repairs to any other vehicles, boats, equipment or apparatus must be made at a suitable repair facility not located in the subdivision.

Section 23. Regulations.

Reasonable regulations concerning the use of the Properties may be made and amended from time to time by the Association in the manner provided by its Articles of Incorporation and By-Laws. Copies of such regulations and amendments shall be furnished by the Association to all Owners and residents on the Properties upon request.

Section 24. Reservation of Easement.

~~Deleted~~

Section 25. Roofs.

All fiberglass shingle roofs shall be architectural thick, butted shingles. However, this shall not preclude other types of roofs which may be approved by the Architectural Control Committee.

Section 26. Sewage and Drainage Control.

No activities shall be permitted that discharge pollutants into the surface drainage system.

Section 27. Siding.

Any siding, trim, or door color not used by the Developer or Builder must be approved by the ACC in writing.

Section 28. Signs.

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

a Builder during any such period of time that Declarant or Builder owns any Lot and is offering any said Lot, Home, or Living Unit for sale.

Section 29. Storage or Outbuildings.

Only one storage or outbuilding shall be placed, permitted, or allowed on each Lot or Building Site, and must be hidden from view from the street. A playhouse that is limited in size, is not constructed on a slab, is movable and is not used for storage or for any purpose other than children's play shall not be considered to be a storage building or outbuilding. The size and design of any such playhouse, storage building or outbuilding must be approved in writing by the Architectural Control Committee and must conform to all building setback requirements of the Harrison County zoning regulations and any other applicable governmental entity.

Section 30. Swimming Pools.

Swimming pools on Lots shall be allowed only in rear yard areas and must be screened from the view of the street and nearby lots. Swimming pools must be constructed, equipped, and screened/fenced in accordance with governmental regulations. It shall be the responsibility of the Lot owner to comply with all governmental regulations. No above ground swimming pools shall be allowed. All pools must be approved by ACC

Section 31. Temporary Structures.

No structure of a temporary nature (trailer, shack, tent or other building) shall be moved to, placed upon or used on any Lot at any time either temporarily or permanently, excepting, however, that during periods of Construction, contractors shall be permitted a single storage structure on each separate construction site. No window units unless not visible from the front of the home. (not sure if it should be here or somewhere else.

Section 32. Trade or Business.

No lot shall at any time be used for the purpose of any trade, business, manufacture, or public amusement.

Section 33. Trespass.

Whenever the Declarant or the Association is permitted by this Declaration to correct, repair, clean, preserve, clear-out, or do any action on any of the Properties or on the easement areas adjacent thereto or included therein, entering such Property and taking such action shall not be deemed a trespass.

Section 34. Visual Obstruction at the Intersection of Public Streets.

Deleted

Section 35. Water and Sewer Utilities.

The Lot owner shall be responsible for the payment of tap fees to the utility company. Tap fees are not included in Lot prices. Grinder pumps where required are not the responsibility of the Declarant, its successors and assigns. Grinder pumps where required shall be installed by Owner or at the direction of the Owner and must be the type, size, and model specified by the utility company. Maintenance and/or replacement of grinder pumps are the responsibility of the applicable Owner.

Section 36. Water Wells.

Any water well located on any lot must be located in the rear yard of such lot and must be screened from view to the satisfaction of the Architectural Control Committee.

Section 37. Wetlands.

Designated wetland areas are not allowed to be cleared, excavated, filled, built upon, sodded, or disturbed in any other way not approved by the U.S. Army Corps of Engineers.

Section 38. Proviso.

Provided, however, that until Declarant has completed all of the contemplated improvements and closed the sale of all of the Lots in Phase I and all future phases of Duckworth South Subdivision, neither the Owners nor the Association nor the use of the Properties shall interfere with the completion of the contemplated improvements and the sale of the Lots by Declarant. Declarant may make such use of the unsold Lots and Common Areas, if any, as may facilitate such completion and sale, including but not limited to maintenance of a sales office, the showing of the Properties and the display of signs.

Section 39. Construction Completion.

From the date of issuance of a building permit to construct a home on a given lot, the Owner will have no more than 18 months to obtain a certificate of occupancy from the applicable governmental building inspection department. If such 18 months period elapses, the Board may charge a reasonable daily fine against such Owner from the day after the period elapses until the certificate of occupancy is obtained. A neat construction site must be maintained at all times during the period of construction. Construction materials, trash and equipment must be confined to the site and not allowed to become a nuisance to neighboring property. Construction materials, dumpsters and equipment shall not be stored on a lot that has not received a building permit; and the construction site must be reasonably clean from all trash and debris at all times. If an Owner fails to adhere to these rules and regulations, then the Board, after 30 days notice to the Owner, may charge the Owner a reasonable daily fine until such failures are rectified.

ARTICLE VII
GENERAL PROVISIONS

Section 1. Enforcement.

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

Section 2. Severability.

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

Section 3. No Liability.

Declarant has, using best efforts and all due diligence, prepared and recorded this Declaration so that each and every Owner shall have the right and the power to enforce the terms and provisions of this Declaration against every other Owner. However, in the event that this Declaration, or any part thereof, is, for any reason whatsoever, unenforceable by an Owner (or any other person) in a court of law or otherwise, Declarant shall have no liability of any kind as a result of such unenforceability, and each and every Owner, by acceptance of a deed conveying a Lot, acknowledges that Declarant shall have no such liability.

Section 4. Indemnification.

The Association shall indemnify every officer, director, and committee member against all damages and expenses, including counsel fees, reasonably incurred in connection with any action, suit, or other proceeding (including settlement of any suit or proceeding, if approved by the then Board of Directors) to which he or she may be a party by reason of being or having been an officer, director or committee member, except that such obligation to indemnify shall be limited to those actions for which liability is limited under this Section and Mississippi law. The officers, directors, and committee members shall not be liable for any mistake of judgement, negligent or otherwise, except for their own individual willful misfeasance,

malfeasance, misconduct, or bad faith. The officers, directors, and committee members shall have no personal liability with respect to any contract or other commitment made or action taken in good faith on behalf of the Association. The Association shall indemnify and forever hold each such officer, director and committee member harmless from any and all liability to others on account of any such contract, commitment or action. This right to indemnification shall not be exclusive of any other rights to which any present or former officer, director, or committee member may be entitled. The Association shall, as a common expense, maintain adequate general liability and officers' and directors' liability insurance to fund this obligation, if such insurance is reasonably available.

All officers and board members having direct control and access to funds of the association shall be bonded, in an amount not less than twice the total amount of all funds of the association. Such amount may be estimated and set by the Board. Any bond fees shall be paid by the Association.

Section 5. Amendment.

- (a) The covenants, conditions and restrictions of this Declaration shall run with and bind the land, for a term of fifteen (15) years from the date this Declaration is recorded, after which time they shall be automatically extended for successive periods of five (5) years.
- (b) This Declaration may be amended anytime during the initial fifteen (15) year period or any extensions thereof by Declarant or its nominees. Beginning at the later of the following: Declarant does not own any Lots within subdivision, including any and all phases that may be incorporated into these Covenants, five (5) years from the date of recordation of the Declaration and for the remainder of the initial fifteen (15) year period or any extensions, the Covenants may also be amended by the written consent of at least seventy-five percent (75%) of the Lot Owners, exclusive of their mortgagees. Any amendment must be recorded in the land Deed Records of the First Judicial District, Harrison County, Mississippi, and shall be supplementary to this Declaration. Notwithstanding any provision herein to the contrary, no amendment to the Declaration, Bylaws, or Articles of Incorporation shall be effective without the written consent of the Class B Member or its successors and assigns, so long as there is a Class B member of the Association.
- (c) Notwithstanding anything herein contained to the contrary, the Declarant reserves and shall have the right for the longer of the following: until Declarant does not have any ownership in any Lot within subdivision, including any additional phases that may be incorporated into these Covenants or five (5) years from the date of the recording of these Covenants, Conditions and Restrictions to unilaterally amend this Declaration in whole or in part in order to (1) conform this Declaration to the requirements of any governmental agency, federal, state or local, (2) to conform to the requirements of any mortgage lender, or (3) to insure the reasonable development of the property.

WITNESS ITS SIGNATURE on this the 13th day of July, 2018.

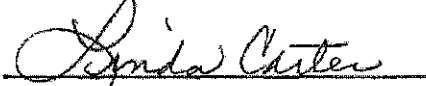
ELLIOTT LAND DEVELOPMENTS, LLC.

BY: 

STATE OF MISSISSIPPI
COUNTY OF HARRISON

PERSONALLY came and appeared before me, the undersigned authority in and for the jurisdiction aforesaid, on this 13 day of July, 2018, the within named Brandon Elliott, manager of ELLIOTT LAND DEVELOPMENTS, LLC, a Mississippi LLC, who signed, executed and delivered for and on behalf of said LLC, and as its own act and deed, the above and foregoing instrument of writing on the date first above written, he having been first duly authorized so to do.




NOTARY PUBLIC

My Commission Expires 9/13/19

From: [Farmer, Maryellen J CIV USARMY CESAM \(USA\)](#)
To: [Patrick Mooney](#)
Cc: danielle.koushel@dmr.ms.gov
Subject: SAM-2017-00676-MJF Mr. Gregory Woodard
Date: Tuesday, September 27, 2022 1:22:33 PM

This email is to notify you that the Nationwide Permit #29 (Residential Development), for the above referenced project, has been verified by default as the process went over the 45-day (from receipt of a complete application) review time period. Please be aware you must still comply with all submitted plans, as well as the nationwide General Conditions, WQC conditions, and regional conditions which can be found on our website at: www.sam.usace.army.mil/Missions/Regulatory.NWP.aspx.

Maryellen J. Farmer
Senior Project Manager
Regulatory Division
Biloxi Field Office
1141 Bayview Avenue, Suite 203
Biloxi, MS 39530
228-523-4116

JOINT APPLICATION AND NOTIFICATION

U.S. ARMY CORPS OF ENGINEERS

MISSISSIPPI DEPARTMENT OF MARINE RESOURCES

MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY/OFFICE OF POLLUTION CONTROL

This form is to be used for proposed activities in waters of the United States in Mississippi and for the erection of structures on suitable sites for water dependent industry. Note that some items, as indicated, apply only to projects located in the coastal area of Hancock, Harrison and Jackson Counties.

1. Date

08/03/2022

month day year

2. Applicant name, mailing address, phone number and email address:

Gregory D Woodard
13324 Harper Court
Gulfport, MS 39503

Agent name, mailing address, phone number and email address:

Patrick Mooney, GIT
Brown, Mitchell, & Alexander, Inc.
401 Cowan Rd STE A
Gulfport, MS 39507

3. Official use only

COE _____

DMR _____

DEQ _____

A95 _____

DATE RECEIVED _____

4. Project location

Street Address 13324 Harper Court City/Community Gulfport / Orange Grove

Name of Waterway N/A Latitude 30.479316° Longitude (if known) -89.086384°

Geographic location: Section 34 Township 6 South Range 11 West County Harrison

5. Project description

New work ☒ Maintenance work _____

Dredging

Channel length _____ width _____ existing depth _____ proposed depth _____

Canal length _____ width _____ existing depth _____ proposed depth _____

Boat Slip length _____ width _____ existing depth _____ proposed depth _____

Marina length _____ width _____ existing depth _____ proposed depth _____

Other-Mooring Basin length _____ width _____ existing depth _____ proposed depth _____

Cubic yards of material to be removed _____ Type of material _____

Location of spoil disposal area _____

Dimensions of spoil area _____ Method of excavation _____

How will excavated material be contained? _____

Construction of structures

Bulkhead Total length _____ Height above water _____

Pier length _____ width _____ height _____

Boat Ramp length _____ width _____ slope _____

Boat House length _____ width _____ height _____

Structures on designed sites for water dependent industry (Coastal area only). Explain in item 11 or include as attachment.

Other (explain) _____

Filling

Dimensions of fill area 40' x 90'

Cubic yards of fill ~100 cu. yd. Type of fill Sandy Clay

Other regulated activities (i.e. Seismic exploration, burning or clearing of marsh) Explain.

6. Additional information relating to the proposed activity

Does project area contain any marsh vegetation? Yes _____ No X

(If yes, explain) _____

Is any portion of the activity for which authorization is sought now complete? Yes _____ No X

(If yes, explain) _____

Month and year activity took place _____

If project is for maintenance work on existing structures or existing channels, describe legal authorization for the existing work. Provide permit number, dates or other form(s) of authorization. _____

Has any agency denied approval for the activity described herein or for any activity that is directly related to the activity described herein?

Yes _____ No X (If yes, explain) _____

7. Project schedule

Proposed start date 10/30/2022

Proposed completion date 12/30/2022

Expected completion date (or development timetable) for any projects dependent on the activity described herein. _____

8. Estimated cost of the project \$3500

9. Describe the purpose of this project. Describe the relationship between this project and any secondary or future development the project is designed to support. The Project will allow for redirecting wayward stormwater effluent from a poorly placed stormwater outfall.

Intended use: Private X Commercial _____ Public _____ Other (Explain) _____

10. Describe the public benefits of the proposed activity and of the projects dependent on the proposed activity. Also describe the extent of public use of the proposed project.

N/A

11. Narrative Project Description:

The Gregory Woodard property (Project) is a proposed fill placement on Lot #17 in the Duckworth South Subdivision in Gulfport, Mississippi. The Project is located near the intersection of Duckworth Rd and Harper Ct. in Harrison County. Project mapping is presented in the Appendix of this report

We request authorization to permanently impact approximately 0.06 acres (2,613.6 sq.ft.) of USACE Jurisdictional wetlands (Wetlands Impact Area A).

The Project will assist in redirecting effluent from a poorly designed stormwater outfall as well as allow for a more useable homesite footprint.

12. Provide the names and addresses of the adjacent property owners. Also identify the property owners on the plan view of the drawing described in Attachment "A". (Attach additional sheets if necessary.)

1. BALKCOM ADAM PATRICK & MELISSA LYNN
13336 HARPER CT
GULFPORT MS 39503

2. PETERSEN DOUGLAS E & MARY M
13312 HARPER CT
GULFPORT MS 39503

13. List all approvals or certifications received or applied for from Federal, State and Local agencies for any structures, construction, discharges, deposits or other activities described in this application. Note that the signature in Item 14 certifies that application has been made to or that permits are not required from the following agencies. If permits are not required, place N/A in the space for Type Approval.

<u>Agency</u>	<u>Type Approval</u>	<u>Application Date</u>	<u>Approval Date</u>
Dept. of Environmental Quality			
Dept. of Marine Resources			
Army Corps of Engineers			
City/County _____			
Other _____			

14. Certification and signatures

Application is hereby made for authorization to conduct the activities described herein. I agree to provide any additional information/data that may be necessary to provide reasonable assurance or evidence to show that the proposed project will comply with the applicable state water quality standards or other environmental protection standards both during construction and after the project is completed. I also agree to provide entry to the project site for inspectors from the environmental protection agencies for the purpose of making preliminary analyses of the site and monitoring permitted works. I certify that I am familiar with and responsible for the information contained in this application, and that to the best of my knowledge and belief, such information is true, complete and accurate. I further certify that I am the owner of the property where the proposed project is located or that I have a legal interest in the property and that I have full legal authority to seek this permit.

U.S.C. Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly and willingly falsifies, conceals, or covers up by any trick, scheme or device a material fact or makes any false, fictitious or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious or fraudulent statement or entry, shall be fined not more than \$10,000 or imprisoned not more than five years, or both.

Mississippi Coastal Program (Coastal area only)

I certify that the proposed project for which authorization is sought complies with the approved Mississippi Coastal Program and will be conducted in a manner consistent with the program.



Signature of Applicant or Agent

8/5/2022

Date

15. Fees

Payable to MS Dept. of Marine Resources
\$50.00 Single-family residential application fee
\$500.00 Commercial application fee
Public notice fee may be required

Please include appropriate fees for all projects proposed in coastal areas of Hancock, Harrison and Jackson Counties.

16. If project is in Hancock, Harrison or Jackson Counties, send one completed copy of this application form and appropriate fees listed in Item 15 to:

Department of Marine Resources
Bureau of Wetlands Permitting
1141 Bayview Avenue
Biloxi, MS 39530
(228) 374-5000

If project IS NOT in Hancock, Harrison or Jackson Counties, send one completed copy of this application form to each agency listed below:

District Engineer
Mobile District
Attn: CESAM-RD
P.O. Box 2288
Mobile, AL 36628-0001

District Engineer
Vicksburg District
Regulatory Branch
Attn: CEMVK-OD-F
4155 Clay Street
Vicksburg, MS 39183-3435

Director
Mississippi Dept. of Environmental Quality
Office of Pollution Control
P.O. Box 10385
Jackson, MS 39289

17. In addition to the completed application form, the following attachments are required:***Attachment "A" Drawings***

Provide a vicinity map showing the location of the proposed site along with a written description of how to reach the site from major highways or landmarks. Provide accurate drawings of the project site with proposed activities shown in detail. All drawings must be to scale or with dimensions noted on drawings and must show a plan view and cross section or elevation. Use 8 1/2 x 11" white paper or drawing sheet attached.

Attachment "B" Authorized Agent

If applicant desires to have an agent or consultant act in his behalf for permit coordination, a signed authorization designating said agent must be provided with the application forms. The authorized agent named may sign the application forms and the consistency statement.

Attachment "C" Environmental Assessment (Coastal Area Only)

Provide an appropriate report or statement assessing environmental impacts of the proposed activity and the final project dependent on it. The project's effects on the wetlands and the effects on the life dependent on them should be addressed. Also provide a complete description of any measures to be taken to reduce detrimental offsite effects to the coastal wetlands during and after the proposed activity. Alternative analysis, minimization and mitigation information may be required to complete project evaluation.

Attachment "D" Variance or Revisions to Mississippi Coastal Program (Coastal area only)

If the applicant is requesting a variance to the guidelines in Section 2, Part III or a revision to the Coastal Wetlands Use Plan in Section 2, Part IV of the Rules, Regulations, Guidelines and Procedures of the Mississippi Coastal Program, a request and justification must be provided.

Attachment A

Gregory Woodard Property

Permit Drawings

MDMR/USACE/MDEQ Joint Application

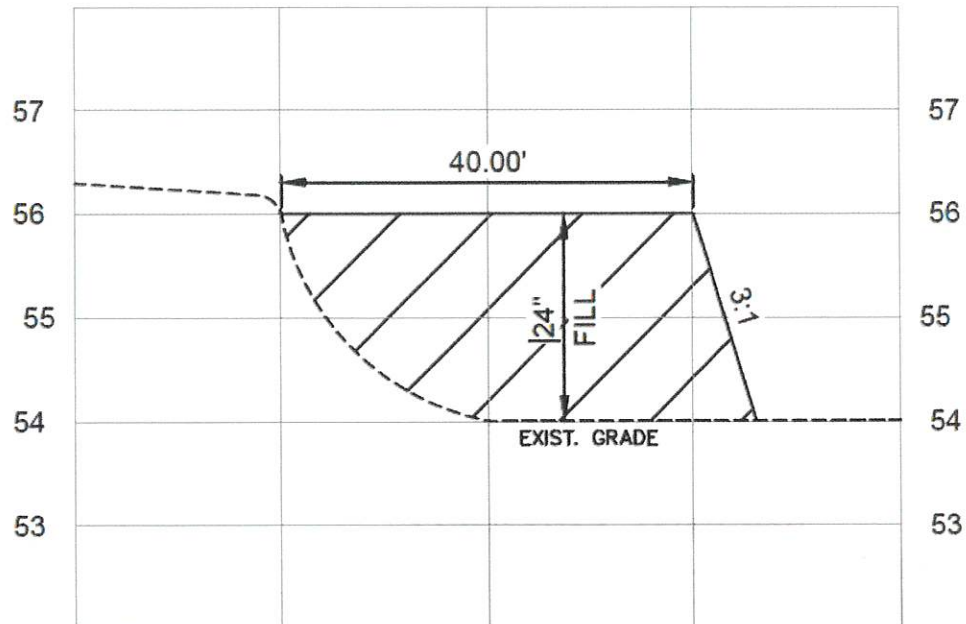
Directions to Project Site From Interstate 10:
Exit 34B for US-49 N toward Hattiesburg
3.7 miles, turn right onto Duckworth Rd
1 mi turn right onto Harper Ct
Continue 0.2 mi to 13324 Harper Ct





SW

NE



**BROWN, MITCHELL
& ALEXANDER, INC.**

CONSULTING ENGINEERS

www.bmaengineers.com

401 Cowan Road,
Suite A,
Gulfport, MS 39507
(228)864-7612

131 Rue Magnolia
Blvd., MS 39530
(228)436-7612

3221 Market Street
Pascagoula, MS 39567
(228)864-7612

Attachment B

Gregory Woodard Property

Authorized Agent Letter

MDMR/USACE/MDEQ Joint Application



Greg Woodard

13324 Harper Court
Gulfport, MS 39503

August 4th, 2022

To Whom it may concern,

Mr. Greg Woodard is proposing development of his property in North Harrison County. In doing so, he will need to apply for regulatory permitting through multiple agencies.

With this letter, Mr. Greg Woodard authorizes Patrick Mooney, GIT, Environmental Geologist at Brown, Mitchell, & Alexander, Inc. to act and sign on his behalf for all regulatory permitting documents.



Greg Woodard, Landowner

Attachment C

Gregory Woodard Property

Environmental Assessment

MDMR/USACE/MDEQ Joint Application

Created by:

Derek Jacobs, MS

Environmental Scientist

Brown, Mitchell, & Alexander, Inc.

401 Cowan Road, STE A

Gulfport, MS 39507

patrick@bmaengineers.com





Gregory Woodard Property

Environmental Assessment

MDMR/USACE/MDEQ Joint Application-Attachment C

USACE Mobile District

Produced by:

Derek Jacobs, MS

Environmental Scientist

Brown, Mitchell, & Alexander, Inc.

401 Cowan Road, STE A

Gulfport, MS 39507

derek@bmaengineers.com

bma BROWN, MITCHELL
& ALEXANDER, INC.
CONSULTING ENGINEERS

1.0 Project Location & Description

Gregory Woodard Property (Project) is a proposed expansion of Lot #17 in the Duckworth South Subdivision in Gulfport, Mississippi. The Project is located near the intersection of Duckworth Rd and Harper Ct. in Harrison County. Project mapping is presented in the Appendix of this report. The Project is located at:

30.479316°, -89.086384°

Section 34, Township 7 South, Range 11 West

We request authorization to permanently impact approximately 0.06 (2613.6 sq.ft.) of wetlands (Wetlands Impact Area A).

2.0 Project Purpose & Need

The proposed fill activities will only be utilized as greenspace as no structure will be constructed on the proposed fill material. The Project serves to not only create a larger more usable backyard for the landowner, but also assist in rerouting effluent from stormwater drains off the homeowner's property.

3.0 Comparison of Alternatives

Alternative analysis is not entirely applicable in this case as the landowner does not own any additional acreage adjacent to his homesite.

The "no action" alternative does exist, however that would eliminate the benefits of channelizing and redirecting stormwater effluent that currently empties onto the homeowner's property.

4.0 Impacted Environment

Geophysical Setting

The Mississippi Gulf Coast is situated in the East Gulf Flatwoods Major Land Resource Area. It is comprised of gently rolling hills leading to coastal plains. Local relief at the Project site ranges from approximately 65 to 54 feet above sea level, NAVD 88.

Harrison County is in the warm-temperate to sub-tropical region. Conditions are generally warm and humid with the occasional drop in air temperature during the winter months. Average air temperatures range from 45 degrees Fahrenheit to 88 degrees Fahrenheit. Annual precipitation is among the highest in the United States, averaging approximately 60".

Hydrologic Resources

The Project site is located approximately 0.47 miles from a tributary of Bayou Bernard – Flat Branch. A stormwater outfall releases effluent at the Project site. The outfall is tangent to the northern property line and creates hydrology at the Project site. A wetlands delineation for the

Project was performed on July 27th, 2022. A total of four field data sample points were collected. Soil, hydrology, and vegetation were all closely addressed and documented via Wetland Determination Data Forms for the Atlantic and Gulf Coastal Plain Region.

The findings of the field delineation included approximately 0.06 acres (2613.6 sq. ft.) of USACE jurisdictional wetlands on the 0.62-acre Project site. All methods and operations were done in accordance with USACE Wetlands Delineation Manual, 1987 and the Gulf Coastal and Atlantic States Regional Supplement to the 1987 USACE Wetlands Delineation Manual, Version 2.0, 2010. All Wetland Determination Data Forms, Wetland Rapid Assessment Procedure (WRAP) data forms, as well as Project mapping are present in the Appendix of this report.

Geologic Resources

Harrison County is underlain by one of America's largest unconfined aquifer systems, the Graham Ferry Formation. The Graham Ferry Formation is mostly present north of Interstate 10 in Harrison County. Bed thickness can exceed 100 feet in the northern end of the county.

South of Interstate 10 is a mix of well-sorted Holocene Epoch deposits. These highly permeable sand-sized sediments mirror the properties of the Graham Ferry Formation but lack the notable oxidized Iron coloring. Bed thickness ranges from 1-30 feet in higher elevations. Both the Holocene and Pleistocene deposits are underlain by the Miocene-aged, Pascagoula Formation. This tenacious clay acts as an aquitard, forcing groundwater to flow laterally, down slope. NRCS Web Soil Survey Maps for the Project are available in the Appendix of this report.

Biological Resources

Wildlife

Signs of wildlife were limited at the Project site. This is potentially due to the Project site's proximity to anthropogenically disturbed areas (i.e., roadways) and the lack of available habitat at the Project site. This immature landscape does not offer the best habitat for species diversity.

All Threatened & Endangered species will be thoroughly discussed in the next section.

Threatened & Endangered Species

There are several threatened and endangered species which occupy the coastal region of Harrison County, Mississippi. Species are usually threatened or endangered by loss of critical habitat. The iPAC Analysis confirms there are no Critical Habitats within the Project Area. A list of threatened and endangered species for Harrison County, Mississippi is shown below in Table A.

Table A: Threatened or Endangered Species

The listed species ranges Include Harrison County, Mississippi. From USFWS iPAC Analysis.

COMMON NAME	SCIENTIFIC NAME
Reptiles	
Alabama Red-Bellied Cooter	<i>Pseudemys alabamensis</i>
Black Pinesnake	<i>Pituophis melanoleucus lodingi</i>
Gopher Tortoise	<i>Gopherus polyphemus</i>
Fish	
Gulf Sturgeon	<i>Acipenser oxyrinchus desotoi</i>
Birds	
Red-cockaded Woodpecker	<i>Picoides borealis</i>
Eastern Black Rail	<i>Laterallus jamaicensis</i>
Wood Stork	<i>Myceteria americana</i>
Ferns and Allies	
Louisiana Quillwort	<i>Isoetes louisianensis</i>

Alabama Red-Bellied Cooters and Wood Storks share similar habitats. Wetland areas with deeper water, open canopy for sun basking & landing, and shelter to avoid predators. These type ecosystems do not exist at the Project site. The Eastern Black Rail and the Red-cockaded Woodpecker were not observed at the Project and can avoid the area during improvements.

The Gopher Tortoise and Black Pinesnake inhabit similar ecological settings. Upland, Pine Forest with heavy herbaceous layer, sandy, quick draining soils that are easy to burrow. The Gopher Tortoise requires a low water table also and generally inhabits South Mississippi at elevations above 50 feet. While the Project site occupies elevations similar to those necessary for the Gopher Tortoise, other edaphic conditions necessary for Gopher Tortoise burrows do not exist at the Gregory Woodard Property. The practice of "no take" guidance will be in place for all snakes. The Gulf Sturgeon travels up rivers of 2nd order magnitude or greater for spawning, and various life stages. Since no 2nd order tributaries are present at the Project site, there is no suitable habitat for the Gulf Sturgeon.

Louisiana Quillwort prefers a mature, bed & bank riparian system of a 1st or 2nd order magnitude. Preferred soil is typically a sandy loam with very little organic matter. Placement in the environment varies, but always in full shade among Sphagnum mosses or bare ground. Standing/ gently flowing water is typical for this plant. It's adaptations of aerenchyma make it perfect for this type of ecosystem. This type of habitat does not exist on the Project Site. The wetland area is a highly impacted residential area with limited lawn vegetation and hydrology provided by an intermittent drainage culvert.

A field survey for the presence of listed species with habitat suitability study was conducted on July 27th, 2022. None of the listed species were observed at the Project location. Unsuitable conditions with encroaching development have limited or prevented establishment of the listed species.

Essential Fish Habitat

Essential Fish Habitat (EFH) is defined by the Magnuson-Stevens Fishery Conservation and Management Act as:

“waters and substrate necessary to fish for spawning, breeding, feeding, or growth to maturity.”

The Gulf of Mexico Fishery Management Council identifies and describes EFH based on areas where various life stages of selected managed species commonly occur. Because these species collectively occur in all estuarine and marine habitats of the Gulf of Mexico, the entire Gulf is considered EFH.

The Mississippi Sound is listed as one of fourteen areas or units designated as critical habitat for the Gulf sturgeon (68 FR 13370, March 19, 2003). The Mississippi Sound is listed in Unit 8 of the Critical Habitat designation. Critical habitat is generally defined as the specific areas occupied by a species, at the time it is listed in accordance with the Endangered Species Act. There is no EFH present at the Project site.

Vegetation

The vegetation at the Project site, in both upland and wetland environments, is generally composed of species associated with anthropogenically disturbed sites i.e., *Typha augustifolia* & various lawn species like *Zoysia spp.* or *Mazus pumilus*. Portions of the Project area were clear cut upon subdivision development, and since maintained via mowing, approximately 2 years ago.

Historical & Cultural

Prior to ground disturbance, Section 106 of the National Historic Preservation Act requires consultation with our State Historic Preservation Office, Mississippi Department of Archives and History (MDAH), if items of questionable significance are found. No areas or items of historical significance were observed at the site.

5.0 Impacts

Hydrologic Resource Impacts

The nature of the Project does not have lasting effects on the hydrologic resources present at the Project site. The stormwater outfall located on the property will not be impacted by the proposed expansion.

Geologic Resource Impacts

No dredging or de-mucking will occur as part of the proposed activities. No impoundments of source sediments are proposed as part of the Project. Therefore, the Project will result in no impacts to Geologic resources.

Biologic Resource Impacts

Limited biological resources will be impacted by the proposed activity at the Project site. Vegetative communities will remain similar to their current composition due to their current disturbed status. The proposed activities at the Project site are scheduled to being in the Fall of 2022, therefore effects to migratory birds and Bald Eagles, will be minimized as suggested in iPAC Analysis.

All proposed activates will be conducted in a way that minimizes lasting effects to Biological Resources present at the Project.

Cumulative Impacts

Cumulative impacts are defined as follows:

“an impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions, regardless of what agency (federal or non-federal) or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time (40 CFR 1508.7).”

In accordance with this definition, the Environmental Assessment provided herein considered the effects of other projects in the vicinity when combined with the Project as proposed. There will be no cumulative effects from the proposed Project. All impacts will be localized to the Project area.

6.0 Mitigation

In an effort to combat the negative effects of filling wetlands, mitigation planning is necessary. The proposed activities include permanent fill of 0.06 acres (2613.6 sq. ft.) of highly disturbed fringe wetlands. The wetlands are listed on the National Wetlands Inventory Map as PFO4B (palustrine, forested by vegetation 6m tall or taller needle-leaf evergreen, seasonally saturated). This mitigation plan is drafted in accordance with 33 CFR 332.4(c).

Baseline Conditions

Wetland Rapid Analysis Procedure (WRAP) was done at the following:

Wetland Area A - 2613.6 sq. ft. of fringe wetland fill for expansion of landowner's yard: WRAP = 24.07%

The proposed impact area has a Wetlands Rapid Assessment Procedure (WRAP) score of approximately 24.07%, making these low quality wetlands. The overall score is expressed as a percentage, ranging from 0% - 100%. Within the USACE Mobile District wetland regulatory realm, WRAP scores of 0-50% are considered low quality wetlands; 51-75% are medium quality; and greater than 75% are high quality. WRAP Condition Forms for Wetland Impact Area A is available in the Appendix of this Assessment.

Determination of Credits

The USACE Mobile Regulatory District recognizes a Mitigation Ratio of 1:1 for low quality wetlands. Due proposed totality of the Project, but the minor nature of the impact (less than 1/10 of an acre), the possibility of onsite habitat restoration and enhancement is unlikely. Compensatory mitigation will be pursued if necessary.

Mr. Gregory Woodard proposes to purchase compensatory mitigation credits from Wetlands Solutions Holdings, LLC Mitigation Bank, Devil's Swamp Phase I. These credits will be purchased at a 1:1 ratio, resulting in 0.06 credits to be purchased.

7.0 Conclusion

Gregory Woodard Property (Project) is a proposed expansion of Lot #17 in the Duckworth South Subdivision in Gulfport, Mississippi. The Project is located near the intersection of Duckworth Rd and Harper Ct. in Harrison County. Project activities include the placement of fill material for not only lot expansion, but to redirect wayward stormwater effluent from the homeowner's property. Compensatory mitigation will be pursued if necessary. All other associated impacts will be temporary.

Appendix to Environmental Assessment

Project Mapping

USGS - Gulfport North Quadrangle, 7.5 min Topographic Map

NWI Map

NRCS Map

Wetland Determination Data Forms

WRAP Assessment



Woodard Property



Google Earth

Woodard Property Project Location Map

Legend
Woodard

bma
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& ALEXANDER, INC.**
CONSULTING ENGINEERS
401 Cowan Road,
Suite 200, MS 39507
(228) 864-7612
131 Rue Magnolia
Biloxi, MS 39530
(228) 456-7612
3221 Market Street
Pascagoula, MS 39567
(228) 864-7612
www.bmaengineers.com

Woodard Property



USGS 7.5 Min Gulfport N Quad



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401 Cowan Road,
Suite A,
Gulfport, MS 39507
(228)864-7612

131 Rue Magnolia
Bldg. MS 39530
(228)436-7612

3221 Market Street
Pascagoula, MS 39567
(228)864-7612

Greg Woodward Property

0.63 acres Total

0.06 acres Wetlands



Woodward Wetlands Map

0.63 ac Total

0.06 ac Wetlands

- Legend**
- ditch
 - Sample Point
 - Woodland
 - WoodwardWET

100 ft



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Suite A,
Gulfport, MS 39507
(228)864-7612
131 Rue Magnolia
Biloxi, MS 39530
(228)434-7612
3221 McKee Street
Pascagoula, MS 39567
(228)864-7612



U.S. Fish and Wildlife Service

National Wetlands Inventory

Greg Woodard



July 18, 2022

Wetlands



Estuarine and Marine Deepwater



Freshwater Emergent Wetland



Freshwater Forested/Shrub Wetland



Freshwater Pond



Lake



Other



Riverine

This map is for general reference only. The U.S. Fish and Wildlife Service is not responsible for the accuracy or currentness of the base data shown on this map. All wetlands related data should be used in accordance with the layer metadata found on the Wetlands Mapper web site.

Soil Map—Harrison County, Mississippi
(Greg Woodard)



Soil Map may not be valid at this scale.

Map Scale: 1:714 if printed on A portrait (8.5" x 11") sheet.

0 10 20 40 60 Meters

0 30 60 120 180 Feet

Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 16N WGS84



Natural Resources
Conservation Service

Web Soil Survey
National Cooperative Soil Survey

MAP LEGEND

	Area of Interest (AOI)		Spoil Area
	Area of Interest (AOI)		Stony Spot
	Soils		Very Stony Spot
	Soil Map Unit Polygons		Wet Spot
	Soil Map Unit Lines		Other
	Soil Map Unit Points		Special Line Features
	Special Point Features		
	Blowout		Water Features
	Borrow Pit		Streams and Canals
	Clay Spot		Transportation
	Closed Depression		Rails
	Gravel Pit		Interstate Highways
	Gravelly Spot		US Routes
	Landfill		Major Roads
	Lava Flow		Local Roads
	Marsh or swamp		Background
	Mine or Quarry		Aerial Photography
	Miscellaneous Water		
	Perennial Water		
	Rock Outcrop		
	Saline Spot		
	Sandy Spot		
	Severely Eroded Spot		
	Sinkhole		
	Slide or Slip		
	Sodic Spot		

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:20,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL:
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Harrison County, Mississippi
Survey Area Data: Version 18, Sep 16, 2021

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Nov 12, 2021—Dec 22, 2021

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
PoC	Poarch fine sandy loam, 5 to 12 percent slopes	0.9	59.2%
St	Smithton fine sandy loam	0.6	40.8%
Totals for Area of Interest		1.5	100.0%

WETLAND DETERMINATION DATA FORM – Atlantic and Gulf Coastal Plain Region

Project/Site: Woodard City/County: Harrison Sampling Date: 07/27/22
 Applicant/Owner: Greg Woodard State: _____ Sampling Point: SP-1
 Investigator(s): Derek Jacobs Section, Township, Range: 34, 6 South, 11 West
 Landform (hillslope, terrace, etc.): Hillslope Local relief (concave, convex, none): Convex Slope (%): 8-10%
 Subregion (LRR or MLRA): T Lat: 30.479316° Long: -89.086384° Datum: NAVD88
 Soil Map Unit Name: Poarch fine sandy loam NWI classification: N/A

Are climatic / hydrologic conditions on the site typical for this time of year? Yes X No _____ (If no, explain in Remarks.)
 Are Vegetation Y, Soil Y, or Hydrology N significantly disturbed? Are "Normal Circumstances" present? Yes X No _____
 Are Vegetation N, Soil N, or Hydrology N naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present? Yes _____ No <u>X</u>	Is the Sampled Area within a Wetland? Yes _____ No <u>X</u>
Hydric Soil Present? Yes _____ No <u>X</u>	
Wetland Hydrology Present? Yes _____ No <u>X</u>	
Remarks: Area vegetation (lawn grasses) highly disturbed with transplanted tree saplings. Soil disturbed from previous construction.	

HYDROLOGY

Wetland Hydrology Indicators:		Secondary Indicators (minimum of two required)	
Primary Indicators (minimum of one is required; check all that apply)			
☐ Surface Water (A1)	☐ Aquatic Fauna (B13)	☐ Surface Soil Cracks (B6)	
☐ High Water Table (A2)	☐ Marl Deposits (B15) (LRR U)	☐ Sparsely Vegetated Concave Surface (B8)	
☐ Saturation (A3)	☐ Hydrogen Sulfide Odor (C1)	☐ Drainage Patterns (B10)	
☐ Water Marks (B1)	☐ Oxidized Rhizospheres along Living Roots (C3)	☐ Moss Trim Lines (B16)	
☐ Sediment Deposits (B2)	☐ Presence of Reduced Iron (C4)	☐ Dry-Season Water Table (C2)	
☐ Drift Deposits (B3)	☐ Recent Iron Reduction in Tilled Soils (C6)	☐ Crayfish Burrows (C8)	
☐ Algal Mat or Crust (B4)	☐ Thin Muck Surface (C7)	☐ Saturation Visible on Aerial Imagery (C9)	
☐ Iron Deposits (B5)	☐ Other (Explain in Remarks)	☐ Geomorphic Position (D2)	
☐ Inundation Visible on Aerial Imagery (B7)		☐ Shallow Aquitard (D3)	
☐ Water-Stained Leaves (B9)		☐ FAC-Neutral Test (D5)	
		☐ Sphagnum moss (D8) (LRR T, U)	
Field Observations:			
Surface Water Present? Yes _____ No <u>X</u>	Depth (inches): _____	Wetland Hydrology Present? Yes _____ No <u>X</u>	
Water Table Present? Yes _____ No <u>X</u>	Depth (inches): <u>> 30"</u>		
Saturation Present? (includes capillary fringe) Yes _____ No <u>X</u>	Depth (inches): _____		
Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:			
Remarks:			

VEGETATION (Four Strata) – Use scientific names of plants.

 Sampling Point: SP-1

Tree Stratum (Plot size: <u>25' x 25'</u>)	Absolute % Cover	Dominant Species?	Indicator Status	
1. _____	_____	_____	_____	
2. _____	_____	_____	_____	
3. _____	_____	_____	_____	
4. _____	_____	_____	_____	
5. _____	_____	_____	_____	
6. _____	_____	_____	_____	
7. _____	_____	_____	_____	
8. _____	_____	_____	_____	
0% = Total Cover				
50% of total cover: 0% 20% of total cover: 0%				
Sapling/Shrub Stratum (Plot size: <u>25' x 25'</u>)				
1. <u>Fagus spp.</u>	15%	Y	FACU	
2. <u>Salix niagra</u>	10%	N	OBL	
3. _____	_____	_____	_____	
4. _____	_____	_____	_____	
5. _____	_____	_____	_____	
6. _____	_____	_____	_____	
7. _____	_____	_____	_____	
8. _____	_____	_____	_____	
25% = Total Cover				
50% of total cover: 12.5% 20% of total cover: 5%				
Herb Stratum (Plot size: <u>25' x 25'</u>)				
1. <u>Mazus pumilus</u>	50%	N	FACU	
2. <u>Zoysia spp.</u>	100%	Y	UPL	
3. _____	_____	_____	_____	
4. _____	_____	_____	_____	
5. _____	_____	_____	_____	
6. _____	_____	_____	_____	
7. _____	_____	_____	_____	
8. _____	_____	_____	_____	
9. _____	_____	_____	_____	
10. _____	_____	_____	_____	
11. _____	_____	_____	_____	
12. _____	_____	_____	_____	
150% = Total Cover				
50% of total cover: 75% 20% of total cover: 30%				
Woody Vine Stratum (Plot size: <u>25' x 25'</u>)				
1. _____	_____	_____	_____	
2. _____	_____	_____	_____	
3. _____	_____	_____	_____	
4. _____	_____	_____	_____	
5. _____	_____	_____	_____	
0% = Total Cover				
50% of total cover: 0% 20% of total cover: 0%				

Dominance Test worksheet:
 Number of Dominant Species That Are OBL, FACW, or FAC: 0 (A)
 Total Number of Dominant Species Across All Strata: 2 (B)
 Percent of Dominant Species That Are OBL, FACW, or FAC: 0% (A/B)

Prevalence Index worksheet:

Total % Cover of:	Multiply by:
OBL species _____	x 1 = _____
FACW species _____	x 2 = _____
FAC species _____	x 3 = _____
FACU species _____	x 4 = _____
UPL species _____	x 5 = _____
Column Totals: _____	(A) _____ (B) _____

Prevalence Index = B/A = _____

Hydrophytic Vegetation Indicators:
☐ 1 - Rapid Test for Hydrophytic Vegetation
☒ 2 - Dominance Test is >50%
☐ 3 - Prevalence Index is ≤3.0¹
☐ Problematic Hydrophytic Vegetation¹ (Explain)

¹Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

Definitions of Four Vegetation Strata:
Tree – Woody plants, excluding vines, 3 in. (7.6 cm) or more in diameter at breast height (DBH), regardless of height.
Sapling/Shrub – Woody plants, excluding vines, less than 3 in. DBH and greater than 3.28 ft (1 m) tall.
Herb – All herbaceous (non-woody) plants, regardless of size, and woody plants less than 3.28 ft tall.
Woody vine – All woody vines greater than 3.28 ft in height.

Hydrophytic Vegetation Present? Yes _____ No X

Remarks: (If observed, list morphological adaptations below).

SOIL

Sampling Point: SP-1

[illegible]

WETLAND DETERMINATION DATA FORM – Atlantic and Gulf Coastal Plain Region

Project/Site: Woodard City/County: Harrison Sampling Date: 07/27/22
 Applicant/Owner: Greg Woodard State: _____ Sampling Point: SP-2
 Investigator(s): Derek Jacobs Section, Township, Range: 34, 6 South, 11 West
 Landform (hillslope, terrace, etc.): Terrace Local relief (concave, convex, none): None Slope (%): < 1%
 Subregion (LRR or MLRA): T Lat: 30.479455° Long: -89.086258° Datum: NAVD88
 Soil Map Unit Name: Poarch fine sandy loam NWI classification: N/A

Are climatic / hydrologic conditions on the site typical for this time of year? Yes X No _____ (If no, explain in Remarks.)
 Are Vegetation Y, Soil Y, or Hydrology Y significantly disturbed? Are "Normal Circumstances" present? Yes X No _____
 Are Vegetation N, Soil N, or Hydrology Y naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present?	Yes <u>X</u> No _____	Is the Sampled Area within a Wetland? Yes <u>X</u> No _____
Hydric Soil Present?	Yes <u>X</u> No _____	
Wetland Hydrology Present?	Yes <u>X</u> No _____	
Remarks: Area vegetation (lawn grasses) highly disturbed. Soil disturbed from previous construction. Anthropogenic alteration of hydrology: culvert constructed recently may alter hydrology by increasing hydro-period		

HYDROLOGY

Wetland Hydrology Indicators: Primary Indicators (minimum of one is required; check all that apply) ☒ Surface Water (A1) ☐ Aquatic Fauna (B13) ☐ High Water Table (A2) ☐ Marl Deposits (B15) (LRR U) ☒ Saturation (A3) ☐ Hydrogen Sulfide Odor (C1) ☐ Water Marks (B1) ☒ Oxidized Rhizospheres along Living Roots (C3) ☐ Sediment Deposits (B2) ☒ Presence of Reduced Iron (C4) ☐ Drift Deposits (B3) ☐ Recent Iron Reduction in Tilled Soils (C6) ☐ Algal Mat or Crust (B4) ☐ Thin Muck Surface (C7) ☐ Iron Deposits (B5) ☐ Other (Explain in Remarks) ☐ Inundation Visible on Aerial Imagery (B7) ☐ Water-Stained Leaves (B9)		Secondary Indicators (minimum of two required) ☐ Surface Soil Cracks (B6) ☐ Sparsely Vegetated Concave Surface (B8) ☒ Drainage Patterns (B10) ☐ Moss Trim Lines (B16) ☐ Dry-Season Water Table (C2) ☐ Crayfish Burrows (C8) ☐ Saturation Visible on Aerial Imagery (C9) ☒ Geomorphic Position (D2) ☒ Shallow Aquitard (D3) ☐ FAC-Neutral Test (D5) ☐ Sphagnum moss (D8) (LRR T, U)
Field Observations: Surface Water Present? Yes <u>X</u> No _____ Depth (inches): <u>6"</u> Water Table Present? Yes <u>X</u> No _____ Depth (inches): <u>8"</u> Saturation Present? Yes <u>X</u> No _____ Depth (inches): <u>0"</u> (includes capillary fringe)		Wetland Hydrology Present? Yes <u>X</u> No _____
Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:		
Remarks: Surface water present in intermittent stream created by culvert. Saturation to soil surface. Water table contacted at ~8". alpha alpha dipyrindyl positive ~12" in soil column along clayey layer		

VEGETATION (Four Strata) – Use scientific names of plants.

Sampling Point: SP-2

Tree Stratum (Plot size: 25' x 25')			
	Absolute % Cover	Dominant Species?	Indicator Status
1. <i>Magnolia virginiana</i>	15%	N	FACW
2. <i>Pinus palustris</i>	20%	N	FACU
3. <i>Triadica sebifera</i>	5%	N	FAC
4. <i>Acer rubrum</i>	15%	N	FAC
5. <i>Salix nigra</i>	30%	Y	OBL
6. _____			
7. _____			
8. _____			

85% = Total Cover

50% of total cover: 42.5% 20% of total cover: 17%

Sapling/Shrub Stratum (Plot size: 25' x 25')			
	Absolute % Cover	Dominant Species?	Indicator Status
1. <i>Magnolia virginia</i>	5%	N	FACW
2. <i>Ilex vomitoria</i>	5%	N	FAC
3. <i>Baccharis halimifolia</i>	20%	Y	FAC
4. _____			
5. _____			
6. _____			
7. _____			
8. _____			

20% = Total Cover

50% of total cover: 10% 20% of total cover: 7%

Herb Stratum (Plot size: 25' x 25')			
	Absolute % Cover	Dominant Species?	Indicator Status
1. <i>Juncus effusus</i>	2%	N	OBL
2. <i>Typha</i> spp.	20%	N	OBL
3. <i>Phyllanthus urinaria</i>	35%	Y	FAC
4. _____			
5. _____			
6. _____			
7. _____			
8. _____			
9. _____			
10. _____			
11. _____			
12. _____			

57% = Total Cover

50% of total cover: 27.5% 20% of total cover: 11.4%

Woody Vine Stratum (Plot size: 25' x 25')			
	Absolute % Cover	Dominant Species?	Indicator Status
1. <i>Lygodium japonicum</i>	35%	Y	FAC
2. <i>Rubus</i> spp.	30%	N	FACU
3. _____			
4. _____			
5. _____			

65% = Total Cover

50% of total cover: 32.5% 20% of total cover: 13%

Dominance Test worksheet:

Number of Dominant Species That Are OBL, FACW, or FAC: 4 (A)

Total Number of Dominant Species Across All Strata: 4 (B)

Percent of Dominant Species That Are OBL, FACW, or FAC: 100% (A/B)

Prevalence Index worksheet:

Total % Cover of:	Multiply by:
OBL species _____	x 1 = _____
FACW species _____	x 2 = _____
FAC species _____	x 3 = _____
FACU species _____	x 4 = _____
UPL species _____	x 5 = _____
Column Totals: _____ (A)	_____ (B)

Prevalence Index = B/A = _____

Hydrophytic Vegetation Indicators:

☐ 1 - Rapid Test for Hydrophytic Vegetation

☒ 2 - Dominance Test is >50%

☐ 3 - Prevalence Index is ≤3.0¹

☐ Problematic Hydrophytic Vegetation¹ (Explain)

¹Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

Definitions of Four Vegetation Strata:

Tree – Woody plants, excluding vines, 3 in. (7.6 cm) or more in diameter at breast height (DBH), regardless of height.

Sapling/Shrub – Woody plants, excluding vines, less than 3 in. DBH and greater than 3.28 ft (1 m) tall.

Herb – All herbaceous (non-woody) plants, regardless of size, and woody plants less than 3.28 ft tall.

Woody vine – All woody vines greater than 3.28 ft in height.

Hydrophytic Vegetation Present?

Yes ☒ No _____

Remarks: (If observed, list morphological adaptations below).

Hypertrophied buttresses

SOIL

Sampling Point: SP-2

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (inches)	Matrix		Redox Features				Texture	Remarks
	Color (moist)	%	Color (moist)	%	Type ¹	Loc ²		
0-1	3/2 10 YR	100%					Sandy Loam	
1-10	7/8 10 YR	90%	5/8 7.5 YR	10%	RM	M	Sandy Clay Loam	
10-18+	2/1 10 YR	100%					Sandy Mucky Clay	AAD+ > 10"

¹Type: C=Concentration, D=Depletion, RM=Reduced Matrix, MS=Masked Sand Grains.²Location: PL=Pore Lining, M=Matrix.

Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)

- ☐ Histosol (A1)
☐ Histic Epipedon (A2)
☐ Black Histic (A3)
☐ Hydrogen Sulfide (A4)
☐ Stratified Layers (A5)
☐ Organic Bodies (A6) (LRR P, T, U)
☐ 5 cm Mucky Mineral (A7) (LRR P, T, U)
☒ Muck Presence (A8) (LRR U)
☐ 1 cm Muck (A9) (LRR P, T)
☐ Depleted Below Dark Surface (A11)
☐ Thick Dark Surface (A12)
☐ Coast Prairie Redox (A16) (MLRA 150A)
☒ Sandy Mucky Mineral (S1) (LRR O, S)
☐ Sandy Gleyed Matrix (S4)
☐ Sandy Redox (S5)
☐ Stripped Matrix (S6)
☐ Dark Surface (S7) (LRR P, S, T, U)

- ☐ Polyvalue Below Surface (S8) (LRR S, T, U)
☒ Thin Dark Surface (S9) (LRR S, T, U)
☒ Loamy Mucky Mineral (F1) (LRR O)
☐ Loamy Gleyed Matrix (F2)
☐ Depleted Matrix (F3)
☐ Redox Dark Surface (F6)
☐ Depleted Dark Surface (F7)
☐ Redox Depressions (F8)
☐ Marl (F10) (LRR U)
☐ Depleted Ochric (F11) (MLRA 151)
☐ Iron-Manganese Masses (F12) (LRR O, P, T)
☐ Umbric Surface (F13) (LRR P, T, U)
☐ Delta Ochric (F17) (MLRA 151)
☐ Reduced Vertic (F18) (MLRA 150A, 150B)
☐ Piedmont Floodplain Soils (F19) (MLRA 149A)
☐ Anomalous Bright Loamy Soils (F20) (MLRA 149A, 153C, 153D)

Indicators for Problematic Hydric Soils³:

- ☐ 1 cm Muck (A9) (LRR O)
☐ 2 cm Muck (A10) (LRR S)
☐ Reduced Vertic (F18) (outside MLRA 150A,B)
☐ Piedmont Floodplain Soils (F19) (LRR P, S, T)
☐ Anomalous Bright Loamy Soils (F20)
 (MLRA 153B)
☐ Red Parent Material (TF2)
☐ Very Shallow Dark Surface (TF12)
☒ Other (Explain in Remarks)

³Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Restrictive Layer (if observed):

Type: _____

Depth (inches): _____

Hydric Soil Present? Yes X No _____

Remarks:

Reduced iron present and verified via alpha alpha dipyrityl

WETLAND DETERMINATION DATA FORM – Atlantic and Gulf Coastal Plain Region

Project/Site: Woodard City/County: Harrison Sampling Date: 07/27/22
 Applicant/Owner: Greg Woodard State: _____ Sampling Point: SP-3
 Investigator(s): Derek Jacobs Section, Township, Range: 34, 6 South, 11 West
 Landform (hillslope, terrace, etc.): Hillslope Local relief (concave, convex, none): Convex Slope (%): 3%
 Subregion (LRR or MLRA): T Lat: 30.479009° Long: -89.086204° Datum: NAVD88
 Soil Map Unit Name: Smithton NWI classification: N/A

Are climatic / hydrologic conditions on the site typical for this time of year? Yes X No _____ (If no, explain in Remarks.)
 Are Vegetation Y, Soil Y, or Hydrology N significantly disturbed? Are "Normal Circumstances" present? Yes X No _____
 Are Vegetation N, Soil N, or Hydrology N naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present?	Yes _____ No <u>X</u>	Is the Sampled Area within a Wetland? Yes _____ No <u>X</u>
Hydric Soil Present?	Yes _____ No <u>X</u>	
Wetland Hydrology Present?	Yes _____ No <u>X</u>	
Remarks: Area vegetation (lawn grasses) highly disturbed. Soil disturbed from previous construction.		

HYDROLOGY

Wetland Hydrology Indicators:		Secondary Indicators (minimum of two required)
Primary Indicators (minimum of one is required; check all that apply)		
☐ Surface Water (A1)	☐ Aquatic Fauna (B13)	☐ Surface Soil Cracks (B6)
☐ High Water Table (A2)	☐ Marl Deposits (B15) (LRR U)	☐ Sparsely Vegetated Concave Surface (B8)
☐ Saturation (A3)	☐ Hydrogen Sulfide Odor (C1)	☐ Drainage Patterns (B10)
☐ Water Marks (B1)	☐ Oxidized Rhizospheres along Living Roots (C3)	☐ Moss Trim Lines (B16)
☐ Sediment Deposits (B2)	☐ Presence of Reduced Iron (C4)	☐ Dry-Season Water Table (C2)
☐ Drift Deposits (B3)	☐ Recent Iron Reduction in Tilled Soils (C6)	☐ Crayfish Burrows (C8)
☐ Algal Mat or Crust (B4)	☐ Thin Muck Surface (C7)	☐ Saturation Visible on Aerial Imagery (C9)
☐ Iron Deposits (B5)	☐ Other (Explain in Remarks)	☐ Geomorphic Position (D2)
☐ Inundation Visible on Aerial Imagery (B7)		☐ Shallow Aquitard (D3)
☐ Water-Stained Leaves (B9)		☐ FAC-Neutral Test (D5)
		☐ Sphagnum moss (D8) (LRR T, U)
Field Observations:		
Surface Water Present? Yes _____ No <u>X</u>	Depth (inches): _____	Wetland Hydrology Present? Yes _____ No <u>X</u>
Water Table Present? Yes _____ No <u>X</u>	Depth (inches): <u>> 30"</u>	
Saturation Present? Yes _____ No <u>X</u>	Depth (inches): _____	
(includes capillary fringe)		
Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:		
Remarks: Water table not contacted, but moisture present ~24". Well drained sandy soil with clay content increasing ~ 24"		

VEGETATION (Four Strata) – Use scientific names of plants.

 Sampling Point: SP-3

<u>Tree Stratum</u> (Plot size: <u>25' x 25'</u>)			
	Absolute % Cover	Dominant Species?	Indicator Status
1. <u>Magnolia virginiana</u>	<u>15%</u>	<u>N</u>	<u>FACW</u>
2. <u>Pinus palustris</u>	<u>30%</u>	<u>Y</u>	<u>FACU</u>
3. _____	_____	_____	_____
4. _____	_____	_____	_____
5. _____	_____	_____	_____
6. _____	_____	_____	_____
7. _____	_____	_____	_____
8. _____	_____	_____	_____

45% = Total Cover

50% of total cover: 22.5% 20% of total cover: 9%

<u>Sapling/Shrub Stratum</u> (Plot size: <u>25' x 25'</u>)			
	Absolute % Cover	Dominant Species?	Indicator Status
1. <u>Ilex glabra</u>	<u>15%</u>	<u>Y</u>	<u>FACW</u>
2. <u>Ilex vomitoria</u>	<u>5%</u>	<u>N</u>	<u>FAC</u>
3. _____	_____	_____	_____
4. _____	_____	_____	_____
5. _____	_____	_____	_____
6. _____	_____	_____	_____
7. _____	_____	_____	_____
8. _____	_____	_____	_____

20% = Total Cover

50% of total cover: 10% 20% of total cover: 7%

<u>Herb Stratum</u> (Plot size: <u>25' x 25'</u>)			
	Absolute % Cover	Dominant Species?	Indicator Status
1. <u>Mazus pumilus</u>	<u>15%</u>	<u>N</u>	<u>FACU</u>
2. <u>Zoysia spp.</u>	<u>5%</u>	<u>N</u>	<u>UPL</u>
3. <u>Eupatorium capillifolium</u>	<u>30%</u>	<u>N</u>	<u>FACU</u>
4. <u>Pteridium ssp</u>	<u>35%</u>	<u>Y</u>	<u>FACU</u>
5. <u>Solidago altissima</u>	<u>20%</u>	<u>N</u>	<u>FACU</u>
6. _____	_____	_____	_____
7. _____	_____	_____	_____
8. _____	_____	_____	_____
9. _____	_____	_____	_____
10. _____	_____	_____	_____
11. _____	_____	_____	_____
12. _____	_____	_____	_____

100% = Total Cover

50% of total cover: 50% 20% of total cover: 20%

<u>Woody Vine Stratum</u> (Plot size: <u>25' x 25'</u>)			
	Absolute % Cover	Dominant Species?	Indicator Status
1. <u>Smilax smallii</u>	<u>20%</u>	_____	<u>FACU</u>
2. <u>Rubus spp.</u>	<u>30%</u>	_____	<u>FACU</u>
3. _____	_____	_____	_____
4. _____	_____	_____	_____
5. _____	_____	_____	_____

50% = Total Cover

50% of total cover: 25% 20% of total cover: 10%

Dominance Test worksheet:

 Number of Dominant Species That Are OBL, FACW, or FAC: 1 (A)

 Total Number of Dominant Species Across All Strata: 4 (B)

 Percent of Dominant Species That Are OBL, FACW, or FAC: 25% (A/B)

Prevalence Index worksheet:

Total % Cover of:	Multiply by:
OBL species _____	x 1 = _____
FACW species _____	x 2 = _____
FAC species _____	x 3 = _____
FACU species _____	x 4 = _____
UPL species _____	x 5 = _____
Column Totals: _____	(A) _____ (B) _____

Prevalence Index = B/A = _____

Hydrophytic Vegetation Indicators:

- ☐ 1 - Rapid Test for Hydrophytic Vegetation
☒ 2 - Dominance Test is >50%
☐ 3 - Prevalence Index is ≤3.0¹
☐ Problematic Hydrophytic Vegetation¹ (Explain)

¹Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

Definitions of Four Vegetation Strata:

Tree – Woody plants, excluding vines, 3 in. (7.6 cm) or more in diameter at breast height (DBH), regardless of height.

Sapling/Shrub – Woody plants, excluding vines, less than 3 in. DBH and greater than 3.28 ft (1 m) tall.

Herb – All herbaceous (non-woody) plants, regardless of size, and woody plants less than 3.28 ft tall.

Woody vine – All woody vines greater than 3.28 ft in height.

Hydrophytic Vegetation Present?

 Yes _____ No X

Remarks: (If observed, list morphological adaptations below).

SOIL

Sampling Point: SP-3

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (inches)	Matrix		Redox Features				Texture	Remarks
	Color (moist)	%	Color (moist)	%	Type ¹	Loc ²		
0-6	3/1 10 YR	100%					Fine Sandy Loam	
6-10	4/2 10 YR	100%					Fine Sandy Loam	
10-30	7/8 10 YR	100%					Loamy Sand	

¹Type: C=Concentration, D=Depletion, RM=Reduced Matrix, MS=Masked Sand Grains.²Location: PL=Pore Lining, M=Matrix.

Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)

- ☐ Histosol (A1)
☐ Histic Epipedon (A2)
☐ Black Histic (A3)
☐ Hydrogen Sulfide (A4)
☐ Stratified Layers (A5)
☐ Organic Bodies (A6) (LRR P, T, U)
☐ 5 cm Mucky Mineral (A7) (LRR P, T, U)
☐ Muck Presence (A8) (LRR U)
☐ 1 cm Muck (A9) (LRR P, T)
☐ Depleted Below Dark Surface (A11)
☐ Thick Dark Surface (A12)
☐ Coast Prairie Redox (A16) (MLRA 150A)
☐ Sandy Mucky Mineral (S1) (LRR O, S)
☐ Sandy Gleyed Matrix (S4)
☐ Sandy Redox (S5)
☐ Stripped Matrix (S6)
☐ Dark Surface (S7) (LRR P, S, T, U)

- ☐ Polyvalue Below Surface (S8) (LRR S, T, U)
☐ Thin Dark Surface (S9) (LRR S, T, U)
☐ Loamy Mucky Mineral (F1) (LRR O)
☐ Loamy Gleyed Matrix (F2)
☐ Depleted Matrix (F3)
☐ Redox Dark Surface (F6)
☐ Depleted Dark Surface (F7)
☐ Redox Depressions (F8)
☐ Marl (F10) (LRR U)
☐ Depleted Ochric (F11) (MLRA 151)
☐ Iron-Manganese Masses (F12) (LRR O, P, T)
☐ Umbric Surface (F13) (LRR P, T, U)
☐ Delta Ochric (F17) (MLRA 151)
☐ Reduced Vertic (F18) (MLRA 150A, 150B)
☐ Piedmont Floodplain Soils (F19) (MLRA 149A)
☐ Anomalous Bright Loamy Soils (F20) (MLRA 149A, 153C, 153D)

Indicators for Problematic Hydric Soils³:

- ☐ 1 cm Muck (A9) (LRR O)
☐ 2 cm Muck (A10) (LRR S)
☐ Reduced Vertic (F18) (outside MLRA 150A,B)
☐ Piedmont Floodplain Soils (F19) (LRR P, S, T)
☐ Anomalous Bright Loamy Soils (F20)
 (MLRA 153B)
☐ Red Parent Material (TF2)
☐ Very Shallow Dark Surface (TF12)
☐ Other (Explain in Remarks)

³Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Restrictive Layer (if observed):

Type: _____

Depth (inches): _____

Hydric Soil Present? Yes _____ No X

Remarks:

Moisture noted ~ 26" down soil column

WETLAND DETERMINATION DATA FORM – Atlantic and Gulf Coastal Plain Region

Project/Site: Woodard City/County: Harrison Sampling Date: 07/27/22
 Applicant/Owner: Greg Woodard State: _____ Sampling Point: SP-4
 Investigator(s): Derek Jacobs Section, Township, Range: 34, 6 South, 11 West
 Landform (hillslope, terrace, etc.): Hillslope Local relief (concave, convex, none): Convex Slope (%): 3%
 Subregion (LRR or MLRA): T Lat: 30.479213° Long: -89.086230° Datum: NAVD88
 Soil Map Unit Name: Poarch fine sandy loam NWI classification: N/A

Are climatic / hydrologic conditions on the site typical for this time of year? Yes X No _____ (If no, explain in Remarks.)
 Are Vegetation Y, Soil Y, or Hydrology N significantly disturbed? Are "Normal Circumstances" present? Yes X No _____
 Are Vegetation Y, Soil N, or Hydrology N naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present? Yes _____ No <u>X</u>	Is the Sampled Area within a Wetland? Yes _____ No <u>X</u>
Hydric Soil Present? Yes _____ No <u>X</u>	
Wetland Hydrology Present? Yes _____ No <u>X</u>	
Remarks: Area vegetation (lawn grasses) highly disturbed. Soil disturbed from previous construction. Hydrophytes creeping uphill into disturbed upland	

HYDROLOGY

Wetland Hydrology Indicators: Primary Indicators (minimum of one is required; check all that apply) ☐ Surface Water (A1) ☐ Aquatic Fauna (B13) ☐ High Water Table (A2) ☐ Marl Deposits (B15) (LRR U) ☐ Saturation (A3) ☐ Hydrogen Sulfide Odor (C1) ☐ Water Marks (B1) ☐ Oxidized Rhizospheres along Living Roots (C3) ☐ Sediment Deposits (B2) ☐ Presence of Reduced Iron (C4) ☐ Drift Deposits (B3) ☐ Recent Iron Reduction in Tilled Soils (C6) ☐ Algal Mat or Crust (B4) ☐ Thin Muck Surface (C7) ☐ Iron Deposits (B5) ☐ Other (Explain in Remarks) ☐ Inundation Visible on Aerial Imagery (B7) ☐ Water-Stained Leaves (B9)		Secondary Indicators (minimum of two required) ☐ Surface Soil Cracks (B6) ☐ Sparsely Vegetated Concave Surface (B8) ☐ Drainage Patterns (B10) ☐ Moss Trim Lines (B16) ☐ Dry-Season Water Table (C2) ☐ Crayfish Burrows (C8) ☐ Saturation Visible on Aerial Imagery (C9) ☐ Geomorphic Position (D2) ☐ Shallow Aquitard (D3) ☐ FAC-Neutral Test (D5) ☐ Sphagnum moss (D8) (LRR T, U)
Field Observations: Surface Water Present? Yes _____ No <u>X</u> Depth (inches): _____ Water Table Present? Yes _____ No <u>X</u> Depth (inches): <u>> 18"</u> Saturation Present? Yes _____ No <u>X</u> Depth (inches): _____ (includes capillary fringe)		Wetland Hydrology Present? Yes _____ No <u>X</u>
Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:		
Remarks: Water table not contacted, well drained sandy soil		

VEGETATION (Four Strata) – Use scientific names of plants.

 Sampling Point: SP-4

Tree Stratum (Plot size: <u>25' x 25'</u>)	Absolute % Cover	Dominant Species?	Indicator Status	
1. <u>Magnolia virginiana</u>	<u>15%</u>	<u>N</u>	<u>FACW</u>	Dominance Test worksheet: Number of Dominant Species That Are OBL, FACW, or FAC: <u>1</u> (A) Total Number of Dominant Species Across All Strata: <u>4</u> (B) Percent of Dominant Species That Are OBL, FACW, or FAC: <u>25%</u> (A/B)
2. <u>Pinus palustris</u>	<u>50%</u>	<u>Y</u>	<u>FACU</u>	
3. _____	_____	_____	_____	
4. _____	_____	_____	_____	
5. _____	_____	_____	_____	
6. _____	_____	_____	_____	
7. _____	_____	_____	_____	
8. _____	_____	_____	_____	
<u>65%</u> = Total Cover 50% of total cover: <u>32.5%</u> 20% of total cover: <u>13%</u>				Prevalence Index worksheet: Total % Cover of: _____ Multiply by: _____ OBL species _____ x 1 = _____ FACW species _____ x 2 = _____ FAC species _____ x 3 = _____ FACU species _____ x 4 = _____ UPL species _____ x 5 = _____ Column Totals: _____ (A) _____ (B) Prevalence Index = B/A = _____
Sapling/Shrub Stratum (Plot size: <u>25' x 25'</u>)				
1. <u>Ilex glabra</u>	<u>25%</u>	<u>Y</u>	<u>FACW</u>	
2. <u>Ilex vomitoria</u>	<u>10%</u>	<u>N</u>	<u>FAC</u>	
3. _____	_____	_____	_____	
4. _____	_____	_____	_____	
5. _____	_____	_____	_____	
6. _____	_____	_____	_____	
<u>35%</u> = Total Cover 50% of total cover: <u>17.5%</u> 20% of total cover: <u>7%</u>				
Herb Stratum (Plot size: <u>25' x 25'</u>)				Hydrophytic Vegetation Indicators: ☐ 1 - Rapid Test for Hydrophytic Vegetation ☒ 2 - Dominance Test is >50% ☐ 3 - Prevalence Index is ≤3.0 ¹ ☐ Problematic Hydrophytic Vegetation ¹ (Explain)
1. <u>Mazus pumilus</u>	<u>50%</u>	<u>N</u>	<u>FACU</u>	
2. <u>Zoysia spp.</u>	<u>100%</u>	<u>Y</u>	<u>UPL</u>	
3. _____	_____	_____	_____	
4. _____	_____	_____	_____	
5. _____	_____	_____	_____	
6. _____	_____	_____	_____	
7. _____	_____	_____	_____	
<u>_____</u> = Total Cover 50% of total cover: _____ 20% of total cover: _____				
Woody Vine Stratum (Plot size: <u>25' x 25'</u>)				Definitions of Four Vegetation Strata: Tree – Woody plants, excluding vines, 3 in. (7.6 cm) or more in diameter at breast height (DBH), regardless of height. Sapling/Shrub – Woody plants, excluding vines, less than 3 in. DBH and greater than 3.28 ft (1 m) tall. Herb – All herbaceous (non-woody) plants, regardless of size, and woody plants less than 3.28 ft tall. Woody vine – All woody vines greater than 3.28 ft in height.
1. <u>Smilax smallii</u>	<u>40%</u>	<u>Y</u>	<u>FACU</u>	
2. <u>Rubus spp.</u>	<u>15%</u>	<u>N</u>	<u>FACU</u>	
3. _____	_____	_____	_____	
4. _____	_____	_____	_____	
5. _____	_____	_____	_____	
<u>55%</u> = Total Cover 50% of total cover: <u>27.5%</u> 20% of total cover: <u>11%</u>				
Hydrophytic Vegetation Present? Yes _____ No <u>X</u>				
Remarks: (If observed, list morphological adaptations below).				

SOIL

Sampling Point: **SP-4****Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)**

Depth (inches)	Matrix		Redox Features				Texture	Remarks
	Color (moist)	%	Color (moist)	%	Type ¹	Loc ²		
0-4	3/1 10 YR	100%					Fine Sandy Loam	
4-18	7/8 10 YR	100%					Loamy Sand	

¹Type: C=Concentration, D=Depletion, RM=Reduced Matrix, MS=Masked Sand Grains.²Location: PL=Pore Lining, M=Matrix.**Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)**

- ☐ Histosol (A1)
☐ Histic Epipedon (A2)
☐ Black Histic (A3)
☐ Hydrogen Sulfide (A4)
☐ Stratified Layers (A5)
☐ Organic Bodies (A6) (LRR P, T, U)
☐ 5 cm Mucky Mineral (A7) (LRR P, T, U)
☐ Muck Presence (A8) (LRR U)
☐ 1 cm Muck (A9) (LRR P, T)
☐ Depleted Below Dark Surface (A11)
☐ Thick Dark Surface (A12)
☐ Coast Prairie Redox (A16) (MLRA 150A)
☐ Sandy Mucky Mineral (S1) (LRR O, S)
☐ Sandy Gleyed Matrix (S4)
☐ Sandy Redox (S5)
☐ Stripped Matrix (S6)
☐ Dark Surface (S7) (LRR P, S, T, U)

- ☐ Polyvalue Below Surface (S8) (LRR S, T, U)
☐ Thin Dark Surface (S9) (LRR S, T, U)
☐ Loamy Mucky Mineral (F1) (LRR O)
☐ Loamy Gleyed Matrix (F2)
☐ Depleted Matrix (F3)
☐ Redox Dark Surface (F6)
☐ Depleted Dark Surface (F7)
☐ Redox Depressions (F8)
☐ Marl (F10) (LRR U)
☐ Depleted Ochric (F11) (MLRA 151)
☐ Iron-Manganese Masses (F12) (LRR O, P, T)
☐ Umbric Surface (F13) (LRR P, T, U)
☐ Delta Ochric (F17) (MLRA 151)
☐ Reduced Vertic (F18) (MLRA 150A, 150B)
☐ Piedmont Floodplain Soils (F19) (MLRA 149A)
☐ Anomalous Bright Loamy Soils (F20) (MLRA 149A, 153C, 153D)

Indicators for Problematic Hydric Soils³:

- ☐ 1 cm Muck (A9) (LRR O)
☐ 2 cm Muck (A10) (LRR S)
☐ Reduced Vertic (F18) (outside MLRA 150A,B)
☐ Piedmont Floodplain Soils (F19) (LRR P, S, T)
☐ Anomalous Bright Loamy Soils (F20)
 (MLRA 153B)
☐ Red Parent Material (TF2)
☐ Very Shallow Dark Surface (TF12)
☐ Other (Explain in Remarks)

³Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Restrictive Layer (if observed):

Type: _____

Depth (inches): _____

Hydric Soil Present? Yes _____ No **X**

Remarks:

☐ PROPOSED
☒ EXISTING CONDITIONS

WETLAND RAPID ASSESSMENT PROCEDURE

COUNTY: **Harrison** PROJECT: **Woodard** DATE: **7/19/2022** REVIEWER: **Derek Jacobs** FLUCCS CODE: **615**
APP. #: **N/A** WETLAND TYPE: ☐ FORESTED ☒ Non-Forested

LAND USE CATEGORY	WETLAND AREA	SECONDARY IMPACTS	MELALEUCA INVASION >50%
Residential	0.06 ACRES	☒ NO ☐ YES % =	☒ NO ☐ YES
	0.06 ACRES OF IMPACT		

WILD LIFE UTILIZATION

0

WETLAND CANOPY

0.5

WETLAND GROUND COVER

1

HABITAT SUPPORT / BUFFER

0.37

BUFFER TYPE	SCORE	% AREA	SUB TOTAL
residential lawn	1	37	0.37
			0
			0
			0
			0

FIELD HYDROLOGY

2

WATER QUALITY INPUT & TREATMENT

0.4625

LAND USE CATEGORY	SCORE	% AREA	SUB TOTAL
single family residential	1.5	37	0.555
			0
			0
			0
			0
LU TOTAL			0.555

PRETREATMENT CATEGORY

PRETREATMENT CATEGORY	SCORE	% AREA	SUB TOTAL
grass swells/ veg buffer	1	37	0.37
			0
			0
			0
			0
PT TOTAL			0.37

WILDLIFE UTILIZATION

No signs of wildlife usage, as well as little potential habitat for wetland wildlife species

WETLAND CANOPY

Vegetation disturbed, little to no habitat support from trees present.

WETLAND GROUND COVER

Ground cover primarily undesirable grass ssp. With invasive forbaceous species

HABITAT SUPPORT/BUFFER

Very little space, or opportunity, for wetland species to feed, nest, etc. Contains minimal desirable species.

FIELD HYDROLOGY

Field hydrology generally provided by precipitation as well as culvert draining adjacent roads.

WQ INPUT & TREATMENT

No swales or other forms of pre-treatment apart at site. Transitions from manicured residential lawn to wetland terrace.

WRAP SCORE

24.07%

Attachment D

Gregory Woodard Property

Variance or Revisions to MS Coastal Program

MDMR/USACE/MDEQ Joint Application

No Variance Requested





**BROWN, MITCHELL
& ALEXANDER, INC.**

CONSULTING ENGINEERS

June 30, 2022

VIA E-MAIL: woodardgd@yahoo.com

401 Cowan Road, Suite A
Gulfport, MS 39507
228-864-7612

131 Rue Magnolia
Biloxi, MS 39530
228-436-7612

Mr. Greg Woodard

3221 Market Street
Pascagoula, MS 39567
228-436-7612

**RE: Professional Environmental Services
Parcel #0807K-01-018.017
13324 Harper Court Gulfport, Harrison County, MS (Lot 17)**

www.bmaengineers.com

Dear Mr. Woodard:

Brown, Mitchell & Alexander, Inc. (BMA) is pleased to submit this proposal for professional environmental services for the above referenced parcel in Gulfport, Harrison County, MS. Tasks and associated fees are as follows:

Environmental Services:

BMA will verify the wetlands delineation performed by others and prepare and submit a Jurisdictional Determination Application to the USACE based on the confirmed findings. BMA will coordinate with this agency as necessary. In addition, BMA will prepare a Nationwide Permit #18 Application for fill of less than ½ acre of USACE Jurisdictional Wetlands.

Fees for services are based in accordance with the attached Standard Hourly Rate Schedule (Attachment A) for a total lump sum amount of **\$1,900.00**. Attachment B, "General Conditions for Engineering, Surveying & Environmental Activities" is attached to and a part of this agreement. Reimbursable expenses are in addition to fees for service and will be billed accordingly. Invoices are submitted monthly and payment shall be made upon receipt of and in accordance with BMA's itemized invoice.

If this letter satisfactorily sets forth our agreement, please execute in the space designated below and return to this office via email. If you have any questions or need additional information, please contact Patrick Mooney, Environmental Geologist, in our office at (228) 864-7612.

Thank you for considering us for this work and we look forward to working with you on this project.

Sincerely,

Dax Alexander, P.E.
President

Attachments

ACCEPTED AND AGREED TO ON THIS 15TH DAY OF JULY, 2022

Greg Woodard



1st Judicial District
Instrument 2019 7607 D -J1
Filed/Recorded 9/21/2019 02:52 P
Total Fees \$ 12.00
2 Pages Recorded

Prepared By & Return To:
Schwartz, Orgler & Jordan, PLLC
12206 Hwy 49
Gulfport, MS 39503
(228) 832-8550
Our File: 191381

Index As:

Indexing: 17 Duckworth South S D

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

**Elliott Homes, LLC,
A Mississippi Limited Liability Company
1402 Pass Road
Gulfport, MS 39501
(228) 257-9914**

does hereby sell, convey and warrant unto

**Gregory D. Woodard, A Married Man
13324 Harper Ct.,
Gulfport, MS 39503
(252) 622-8746**

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

Lot Seventeen (17), DUCKWORTH SOUTH 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 58 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 no part the homestead of the Grantor herein.

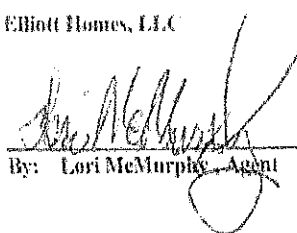
THIS CONVEYANCE is subject to any and all recorded restrictive covenants, rights-of-way and easements applicable to subject property, and subject to any and all prior recorded

2
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.

IN WITNESS WHEREOF, Elliott Homes, LLC has caused this conveyance to be
executed by its duly authorized officer, having first been duly authorized to do so, on this the
20th day of August, 2019.

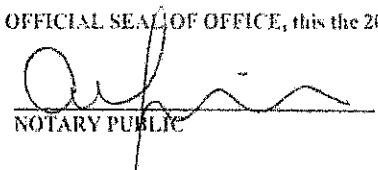
Elliott Homes, LLC


By: Lori McMurphy, Agent

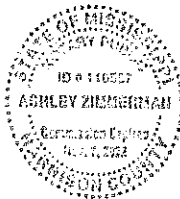
STATE OF MISSISSIPPI
COUNTY OF HARRISON

THIS DAY PERSONALLY CAME AND APPEARED BEFORE ME, the
undersigned authority in and for the jurisdiction aforesaid, Lori McMurphy, who
acknowledge that she is an Agent of Elliott Homes, LLC, and as its act and deed,
signed, sealed and delivered the above and foregoing instrument of writing on the day
and in the year therein mentioned, for and on behalf of said entity, having been first
duly authorized to do so.

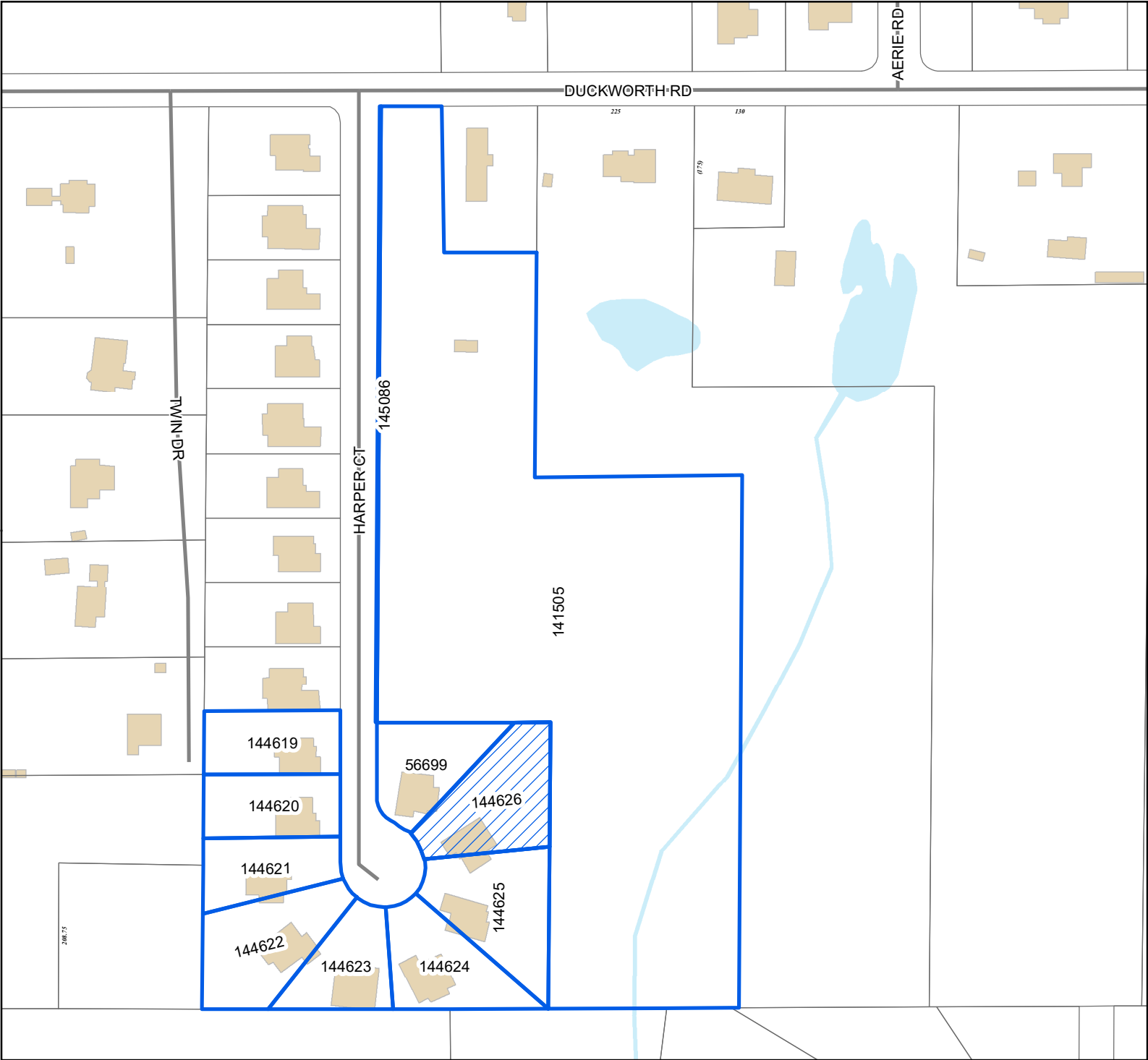
GIVEN UNDER MY HAND AND OFFICIAL SEAL OF OFFICE, this the 20th
day of August, 2019.


NOTARY PUBLIC

My Commission Expires:

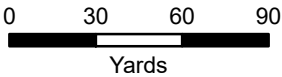


Mail	PPIN	Parcel ID	Name	Address	City	State	ZIP
		0807K-01-018.017	GREGORY D WOODARD	13324 HARPER CT	GULFPORT	MS	39503
			Adjacent Property Owners (2403ZB022)				
141505	0807J-01-015.001		STUCKEY R W & NANCY M -L/E-	14533 DUCKWORTH ROAD	GULFPORT	MS	39503
56699	0807K-01-018.000		MALOY KEVIN J L/E	13336 HARPER CT	GULFPORT	MS	39503
144625	0807K-01-018.016		PETERSEN DOUGLAS E & MARY M	13312 HARPER CT	GULFPORT	MS	39503
144622	0807K-01-018.013		DUDDLESTEN JERRY M & GLORIA W	13313 HARPER CT	GULFPORT	MS	39503
144623	0807K-01-018.014		WERES JOHN STEVEN & MELANIE	13301 HARPER CT	GULFPORT	MS	39503
144621	0807K-01-018.012		GRAY DEERICK & AMANDA JOHNSON	13325 HARPER CT	GULFPORT	MS	39503
144620	0807K-01-018.011		GRIMBALL ELYSE HAND & RAYMOND J	13337 HARPER CT	GULFPORT	MS	39503
144619	0807K-01-018.010		MANUEL ANGELA M	13349 HARPER CT	GULFPORT	MS	39503
144624	0807K-01-018.015		FUTCH GEORGE M & HELEN F	13300 HARPER CT	GULFPORT	MS	39503
145086	0807K-01-018.018		ELLIOTT HOMES LLC	1402 PASS RD	GULFPORT	MS	39501



Legend

- Site
- Adjacent Properties
- Street
- 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.

RE: Variance 2403ZB022, by owner Gregory Woodard, seeking approval for a side yard setback of 8 feet, where 15 feet is required, Tax Parcel 0807K-01-018.017, 13324 Harper Court, Zoned R-1-15 (Single-family), Ward 7

To Applicants and Adjacent Property Owners:

The City of Gulfport Zoning Board of Adjustments and Appeals will hold a public hearing to consider the above application at 3:00 P.M. on **Thursday, March 21, 2024**, in the Council Chambers at the Gulfport City Hall located at 2309 15th Street.

For more information, visit <http://www.gulfport-ms.gov/agendas/> then click the City of Gulfport Zoning Board for **Thursday, March 21, 2024**. A map showing the location of the property involved is located at this website. If you have any questions or comments, please contact this office at the phone number 228-868-5710 or email planners@gulfport-ms.gov. The application is available for viewing in the Planning Division office at 1410 24th Avenue.



The Beaufort Gazette
The Belleville News-Democrat
Bellingham Herald
Centre Daily Times
Sun Herald
Idaho Statesman
Bradenton Herald
The Charlotte Observer
The State
Ledger-Enquirer

Durham | The Herald-Sun
Fort Worth Star-Telegram
The Fresno Bee
The Island Packet
The Kansas City Star
Lexington Herald-Leader
The Telegraph - Macon
Merced Sun-Star
Miami Herald
El Nuevo Herald

The Modesto Bee
The Sun News - Myrtle Beach
Raleigh News & Observer
Rock Hill | The Herald
The Sacramento Bee
San Luis Obispo Tribune
Tacoma | The News Tribune
Tri-City Herald
The Wichita Eagle
The Olympian

AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Amount	Cols	Depth
36845	525462	Print Legal Ad-IPL01617860 - IPL0161786		\$112.15	2	76 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 PM., Thursday, March 21, 2024 in the Council Chambers of the Gulfport City Hall located at 2309 15 th Street to consider the following requests. A copy of the requests will be available for public review at the office of the Department of Urban Development-Planning Division located on first floor of the William H. Hardy Building, 1410 24 th Avenue.

Variance 2403ZB021, by owner Gregory Woodard, seeking approval for a 1,430 square-foot accessory structure where 600 square feet is the size limit, Tax Parcel 0807K-01-018.017, 13324 Harper Court, Zoned R-1-15 (Single-family), Ward 7

Variance 2403ZB022, by owner Gregory Woodard, seeking approval for a side yard setback of 8 feet, where 15 feet is required, Tax Parcel 0807K-01-018.017, 13324 Harper Court, Zoned R-1-15 (Single-family), Ward 7

Variance 2403ZB023, by owner Gregory Woodard, seeking approval for a 24-foot tall accessory structure where 14 feet is the height limit, Tax Parcel 0807K-01-018.017, 13324 Harper Court, Zoned R-1-15 (Single-family), Ward 7

Variance 2403ZB026, by agent Rebecca Gillum, seeking approval for 5-foot side yard setbacks, where 8 feet is required, Tax Parcel 0811G-04-116.000, 2011 17th Ave, Zoned R-2 (Single-family), Ward 3

Variance 2403ZB028, by agent Michael Hester, seeking approval for a 9-foot tall fence along the rear of the property where six feet is the height limit, Tax Parcel 1010K-03-048.000, 2209 Swetman Blvd, R-1-7.5 (Single-Family), Ward 2

Special Exception 2403SC031, by agent Tyler Hickman, seeking approval for daiquiri shop, Tax Parcels 0908N-04-004.000, 0908N-04-004.001, 13211 Dedeaux Road, Zoned B-1 (Neighborhood business), Ward 5

Variance 2403ZB033, by owners Joseph and Rebecca Cowart, seeking approval for a 2400 detached accessory structure, Tax Parcel 0811B-01-037.000, 2601 15th Avenue, Zoned B-2 (General Business), Ward 3

Variance 2403ZB034, by owner Kevin Myers, seeking approval for a 960 square foot accessory structure, Tax Parcel 0811G-06-026.000, 1625 19th Ave, Zoned T4L (General Urban Zone "Limited"), Ward 2

Variance 2403ZB035, by owner Kevin Myers, seeking approval for a rear yard setback of 50 inches (4.17 ft) and a side yard setback of 53 inches (4.42 feet), Tax Parcel 0811G-06-026.000, 1625 19th Ave, Zoned T4L (General Urban Zone "Limited"), Ward 2

Variance 2403ZB036, by agent Robert Addison Riemann, seeking approval for an additional wall sign on the eastern elevation, Tax Parcel 0809K-02-002.001, 15223 Creosote Road, Zoned B-4 (Highway-business), Ward 3

Variance 2403ZB041, by agent Tiffany Marshall, seeking approval for zero required parking for all future uses, Tax Parcels 0811E-02-042.000, 0811E-02-043.000, 0811E-02-044.000, 1512 30th Ave, 1516 30th Ave, 1518 30th Ave, 1520 30th Ave, 1522 30th Ave, 1528A 30th Ave, 1528B 30th Ave, Zoned T6 (Urban Core Zone), Ward 2

Variance 2403ZB042, by agent Tiffany Marshall, seeking approval for backing into city right of way, Tax Parcels 0811E-02-042.000, 0811E-02-043.000, 0811E-02-044.000, 1512 30th Ave, 1516 30th Ave, 1518 30th Ave, 1520 30th Ave, 1522 30th Ave, 1528A 30th Ave, 1528B 30th Ave, Zoned T6 (Urban Core Zone), Ward 2

Variance 2403ZB043, by agent David Machado, seeking approval for a building height of 55 feet and 3 inches where 50 feet is the height limit, Tax Parcel 0710P-01-004.000, 2809 34th Avenue, Zoned I-1 (Light-industry), Ward 1

This the 1st day of March 2024
A. Leslie North, Chairman
City of Gulfport Zoning Board of Adjustment and Appeals
PO210200
IPL0161786
Mar 6 2024

STATE OF MISSISSIPPI COUNTY OF HARRISON

Before me, the undersigned Notary of Dallas County, Texas personally appeared Stephanie Hatcher, 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:
03/06/24

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.

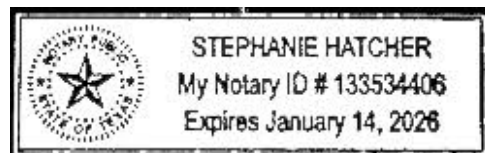
Stephanie Hatcher

Sworn to and subscribed before me this 11th day of March in the year of 2024

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: March 21, 2024

Re: Variance 2403ZB023:

Variance 2403ZB023, by owner Gregory Woodard, seeking approval for a 24-foot tall accessory structure where 14 feet is the height limit, Tax Parcel 0807K-01-018.017, 13324 Harper Court, Zoned R-1-15 (Single-family), Ward 7

Technical Report

VARIANCE

GENERAL INFORMATION

Case File Number: 2403ZB023

Hearing Date: March 21, 2024

Current Zoning/Use: R-1-15/ Single Family

Legal: Variance 2403ZB023, by owner Gregory Woodard, seeking approval for a 24-foot tall accessory structure where 14 feet is the height limit, Tax Parcel 0807K-01-018.017, 13324 Harper Court, Zoned R-1-15 (Single-family), Ward 7

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 for a 24 foot high accessory structure where 14 feet is the maximum allowed.

- (a) Applicant states that the shape of their property along with the drainage easement at the rear of said property is what is requiring them to build their garage 8 feet from the side property line. They also state that this would allow for a straight path from the entrance to the property, down the side property line, and into the garage. This statement does not adequately address the height of the proposed structure.
- (b) The applicant states that the need for the variance is not a result of their actions, however it should be noted that the height of the structure itself is caused by what the property owners propose to store in the accessory structure, therefore causing the unnecessary hardship.
- (c) There is no definable hardship on this property in relation to the size of this structure. The applicant states that they plan on storing a 30-foot center console boat along with a trailer for it that is 12-foot in height. This will also be used to store their truck. None of the proposed reasons would equate to a hardship caused by the property itself.
- (d) The applicant submitted written indication that the current zoning has a 14 foot height limit for accessory structures and reaffirmed that they are asking for their structure to be 24 feet in height which is a variance of 10 feet. This does not adequately answer how a literal interpretation of the ordinances would deprive the applicant of rights enjoyed by other properties.
- (e) Applicant states that granting this variance for their property would not allow any special privileges that aren't allowed to any other property. Upon staff review, there were no structures in the neighboring area that had accessory structures near the requested height of this proposed structure. Consideration of approval should be taken with extreme discretion as an approval would establish the precedence for 24 foot high accessory structures in that area, a height of which is typically reserved for primary structures.
- (f) This property is zoned R-1-15 Single Family, and an accessory structure is allowed by right.

EXECUTIVE SUMMARY

No legitimate hardships were provided by the applicant in the written request. While the property owners were previously approved for a variance of 2 feet in height as per case 2005ZB051, the structure proposed in that variance was never built and the current requested height is 8 feet more than what was requested prior. As such, it would not be reasonable to take into consideration the prior approval.

Any approval should consider these conditions:

1. Must meet all current building codes and City of Gulfport Ordinances.
2. Approval allows for a 24 foot high accessory structure where 14 feet is the maximum.

DEPARTMENTAL CONDITIONS

Engineering:

No conditions. Memo dated 03/07/24.

Technical Report

VARIANCE

Public Works: No comment as of 03/07/24.

Traffic and Safety: No conditions. Memo dated 03/06/24.

Building Code Services: Must meet all current building codes and City of Gulfport Ordinances. Memo dated 03/06/24.

GIS: No conditions. Memo dated 02/28/24.

Police Department: No comment as of 03/07/24.

Fire Department: No conditions. Memo dated 02/27/24.

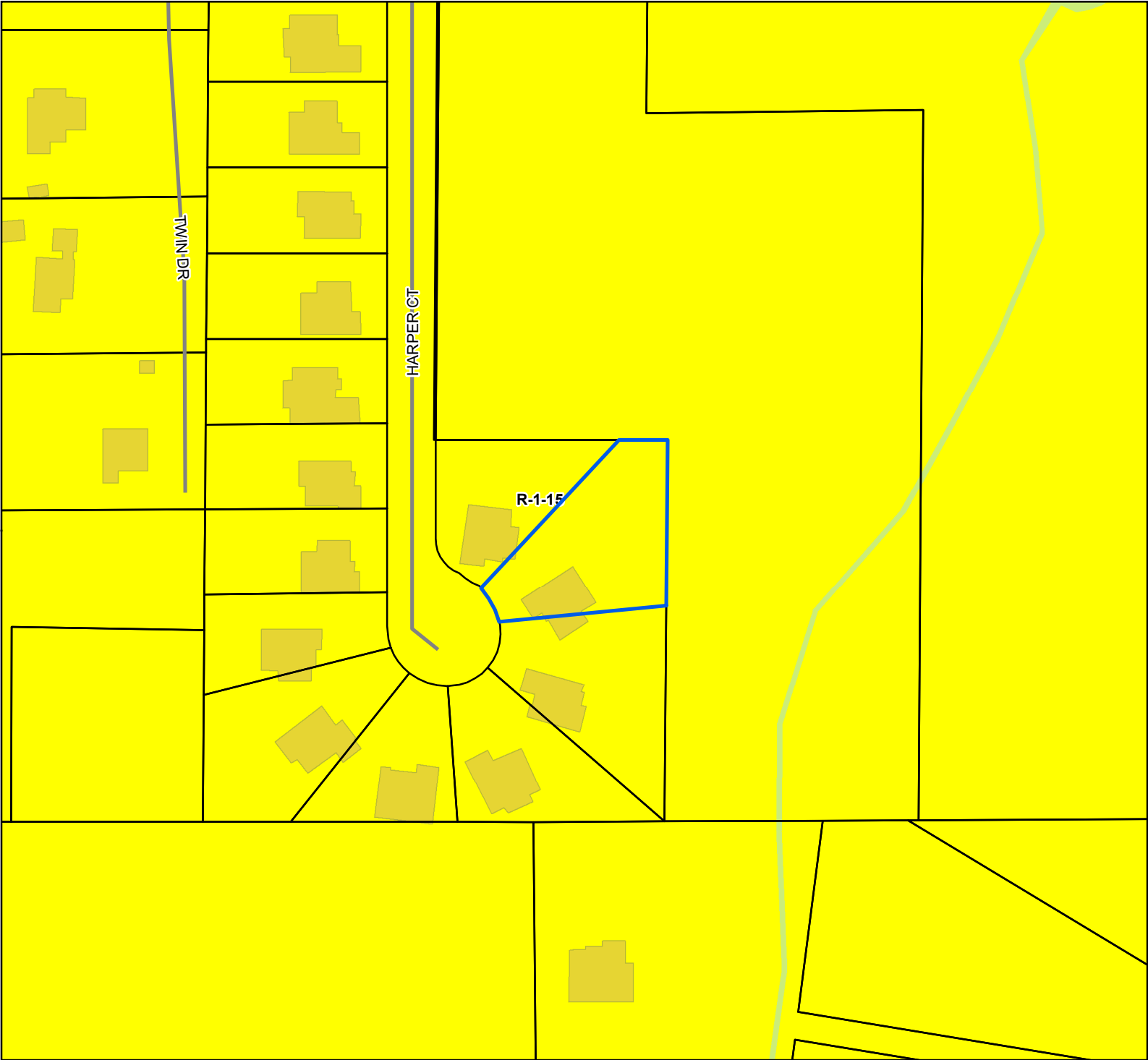
City Arborist: No conditions. Memo dated 02/27/24.

DIRECTOR APPROVAL

This report has been reviewed and approved by:



Greg Holmes
Director of Urban Development Department



Street

Parcels

Buildings

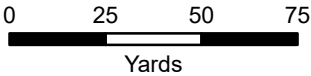
Water Features

Zoning

R-1-15 - Single Family

Residence District (Low Density)

Site Information
0807K-01-018.017
Zoning:R-1-15 (Single Family)
Size:25549.69 sqft
Flood: X



1 inch = 150 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.

OWNER:

GREGORY WOODARD
 Printed Name of Owner
13324 HARPER COURT
 Mailing Address
GULFPORT MS 39503
 City State Zip Code
2526228746
 Home Phone ~~Work/Cell Phone~~
woodardgd@yahoo.com
 Email
Gary Woodard
 Signature of Owner

AGENT:

 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.

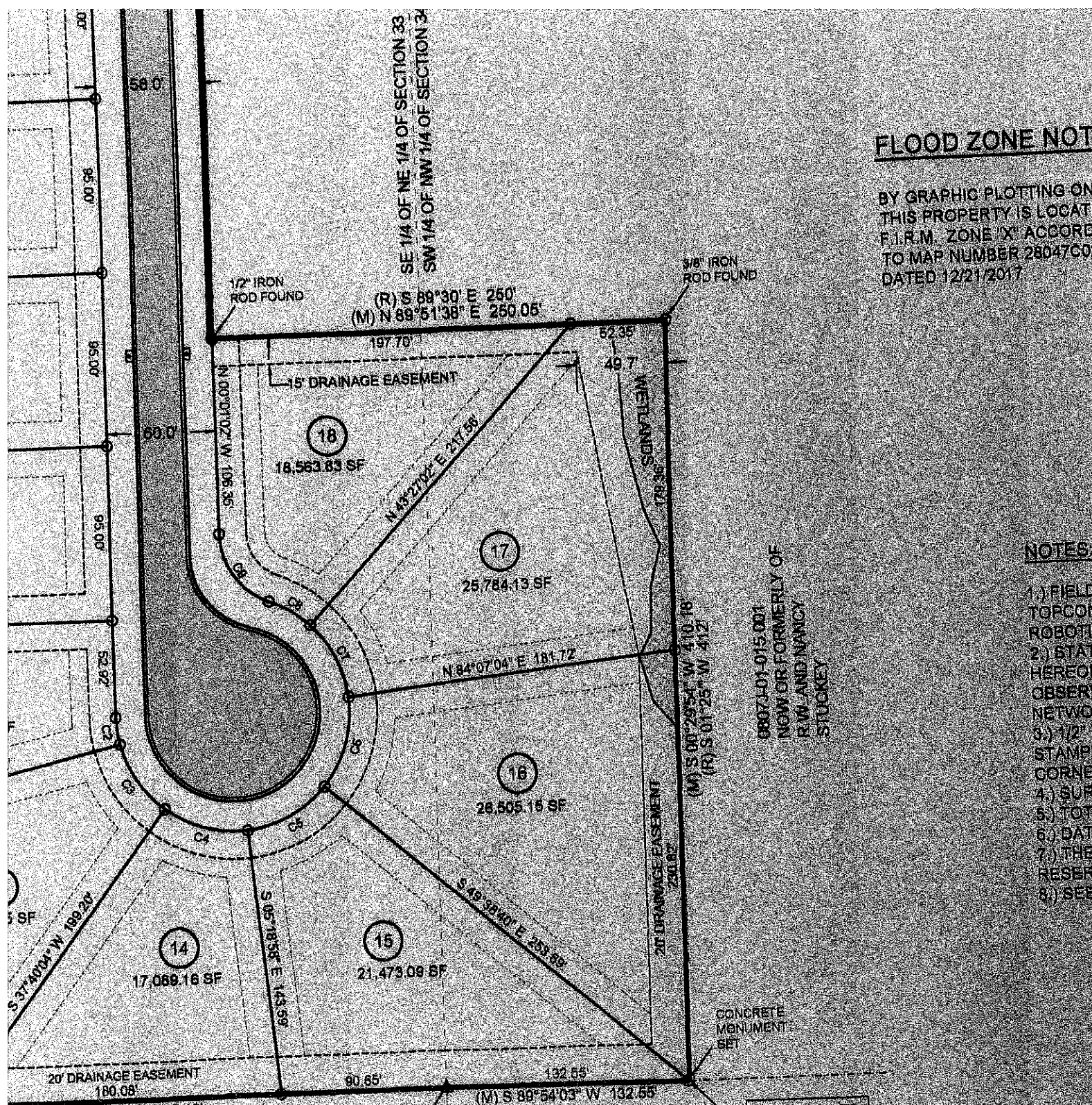
Name of Owner (PRINT) _____
 Address (Street, City, State, Zip Code) _____
 Phone (Home) _____ (Work) _____ (Cell) _____
 Tax Parcel Number(s) Owned: _____
 Signature: _____

Name of Owner (PRINT) _____
 Address (Street, City, State, Zip Code) _____
 Phone (Home) _____ (Work) _____ (Cell) _____
 Tax Parcel Number(s) Owned: _____
 Signature: _____

Name of Owner (PRINT) _____
 Address (Street, City, State, Zip Code) _____
 Phone (Home) _____ (Work) _____ (Cell) _____
 Tax Parcel Number(s) Owned: _____
 Signature: _____

Application for Height Limit Variance:

1. Due to the pie shape of our property along with the drainage easement at the rear of our property and our need to build a garage eight feet from the side property line, versus 15 feet exists and would provide us with ease of access to maneuver a boat, camper, and/or any vehicle in and out of the garage. This would allow for a straight path from the entrance to the property, down the side property line, and into the garage.
2. The need for the variance is not a result of our actions, but merely how the property is laid out.
3. We have recently sold our previous boat and are planning to buy a 30-foot center console with a 12-foot height on trailer. The garage will be used to house the boat and trailer on one side and the truck on the other. The garage would need to be 40 feet long, 32 feet wide, and have a 16-foot eave height to provide clearance and room to house the boat, trailer, and truck on our property.
4. Current Zoning:
14 ft height limit (Asking for 24 ft height limit, a variance of 10 ft)
5. By granting this variance on our property it will not show any special privileges, however, it will only allow us to utilize the rear property with a structure that matches the architectural aesthetics of our home and house our boat, trailer, and truck.
6. The proposed structure will be the only structure on the property and is permissible by right, with planning approval.



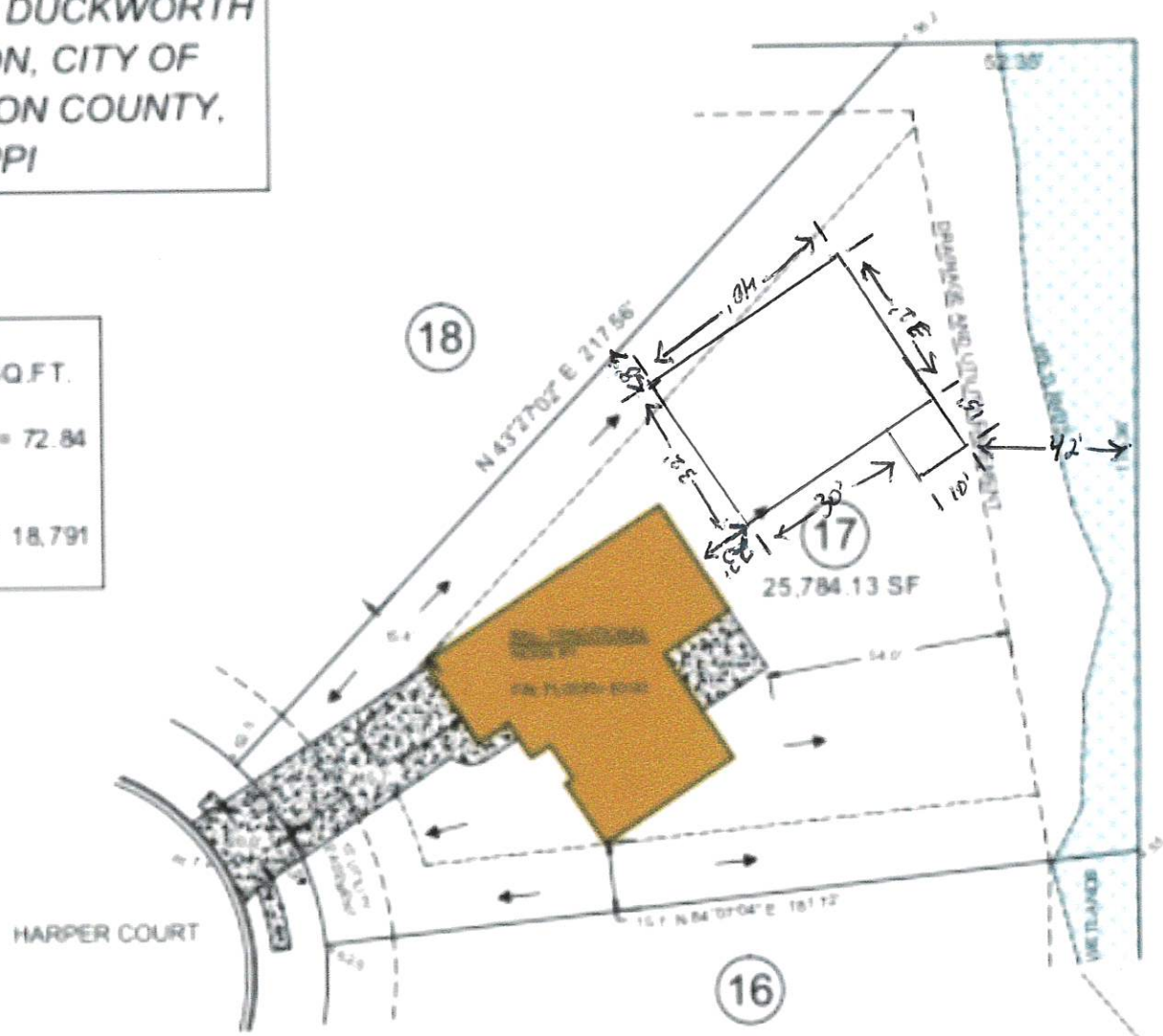








DRIVEWAY AND LEAD
SIDEWALK = 1,299.46 SQ.FT.
ROADSIDE SIDEWALK = 72.84
SQ.FT.
PERVIOUS SURFACE = 18,791
SQ.FT.



PROFESSIONAL LAND SURVEYING

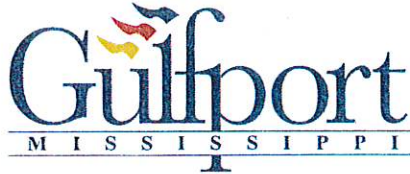
716 LIVE OAK DRIVE
BILLOX, MISSISSIPPI 39532

PHONE 228-234-1849

FAX 228-594-9427

EMAIL: d.ford@cityofchicago.net





COVENANT AFFIDAVIT

I, GREGORY D. WOODARD being property owner or agent of the property 13324 HARPER COURT
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.

Gregory D. Woodard
SIGNATURE

12/29/2023
DATE

STATE OF MISSISSIPPI | COUNTY OF HARRISON

Given under my hand and seal of office this the 29th day of December, 20 23

Samuel Sweeting
NOTARY PUBLIC

05/22/2027
COMMISSION EXPIRATION





DEPARTMENT OF
URBAN DEVELOPMENT
PLANNING DIVISION

June 19, 2020

Woodward Gregory and Wendy
(Owner and agent)
13324 Harper Court
Gulfport, MS 39503

P.O. Box 1780
Gulfport, MS 39502
Phone: 228-868-5710
Fax: 228-868-5708

Wm. H. Hardy Building
1410 24th Avenue
Gulfport, MS 39501

RE: **Variance 2005ZB051**, by agent Wendy Woodard, tax parcel 0807K-01-018.017, Variance for setbacks, size, and accessory structure height, 13324 Harper Ct, Zoned R-1-15 (Single-family), Ward 7

To Whom It May Concern:

At their public hearing on **Thursday, June 18, 2020**, the Gulfport Zoning Board of Adjustment and Appeals **approved** your variance request with the following conditions:

1. Approval grants a variance of 275 square feet to allow an 875-square-foot structure where 600 square feet is the maximum.
2. Approval grants a 7-foot variance to allow an 8-foot north-side yard where 15 feet are required.
3. Approval grants a variance of 2 feet to allow a 16-foot height where 14 feet is the maximum.
4. Must comply with all codes and regulations.

All variances, unless otherwise specified by the Board of Adjustment and Appeals, shall be void if the project has not commenced within one year of approval. Commencement shall include securing and maintaining a building permit, certificate of occupancy, or privilege license for the use in the application and shall generally conform to the site plan as approved. The applicant should keep a copy of this letter with their property records for future reference.

Any person may appeal this decision to the Gulfport City Council within fifteen (15) calendar days of the public hearing. 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 why you are aggrieved.

If you have any questions or comments, please contact this office.

Sincerely,
City of Gulfport Planning Division

c. Agent, Building Code Services



J. Jordan 1st Judicial District
Instrument 2018 5535 D - J1
Filed/Recorded 8/28/2018 01:32 P
Total Fees \$ 32.00
19 Pages Recorded

1

PREPARED by
Taco Bell Corp
1 Glen Bell Way, MD 511
Irvine, CA. 92618
949-863-4500
File # ELLIOTT HOMES

Return to :c/o
Schwartz, Orgler & Jordan, PLLC.
12206 Highway 49
Gulfport, MS. 39503
228-832-8550

Declaration of Restrictive Covenants

dated

July 13, 2018

executed by

Elliott Land Developments, LLC
1402 Pass Road
Gulfport, MS 39501
(228) 257-9914

Indexing:

Lots 1 through 18, inclusive, Duckworth South Subdivision
Harrison County, MS

**DECLARATION OF COVENANTS,
CONDITIONS AND RESTRICTIONS
FOR DUCKWORTH SOUTH SUBDIVISION**

THIS DECLARATION is made this the 13th day of July, 2018, by Elliott Land Developments, LLC, a Mississippi Limited Liability company, for itself, its successors, grantees and assigns, hereinafter collectively referred to as "Declarant".

WITNESSETH:

WHEREAS, Declarant is the owner of certain real property in Harrison County, Mississippi, which is more particularly described as follows, to-wit:

Lots 1 through 18, inclusive, Duckworth South Subdivision Harrison County, Mississippi, according to a plat thereof recorded in Plat Book 58 at page 12 of the Land Deed Records of First Judicial District, Harrison County, Mississippi.

NOW THEREFORE, Declarant does hereby declare that all of the properties described above shall be held, sold and conveyed subject to the following easements, covenants, conditions and restrictions, which are for the purpose of protecting the value and desirability of, and which shall run with, the real property and be binding on all parties having any right, title or interest in the described properties or any part thereof, their heirs, successors and assigns, and shall inure to the benefit of each owner thereof.

ARTICLE I
DEFINITIONS

- Section 1.** "Association" shall mean and refer to Duckworth South Subdivision Homeowners Association, INC., a Mississippi non-profit corporation, its successors and assigns.
- Section 2.** "Board" or "Board of Directors" shall mean the Board of Directors of the Duckworth South Subdivision Homeowners Association, Inc.
- Section 3.** "Builder" shall mean any Person or legal entity that purchases one or more Lots for the purpose of constructing improvements for later sale to consumers.
- Section 4.** "Building Site" shall mean those fractional parts of adjacent lots or one or more lots and all or a portion of an adjacent lot within the subdivision, which are more particularly described and defined in Section 2 of Article VI of this Declaration.

- Section 5. "Common Area" shall mean all real property (including improvements thereto) owned by the Association and/or which the Association members have the right to use and enjoy and also all rights of easement and license and shall include any and all other property shown on the recorded plat of Duckworth South Subdivision Phase I, but with the exception of and excluding the platted lots and parcels, and with the exception of and excluding the drainage and utility easements and the streets and/or roads.
- Section 6. "Declarant" shall mean and refer to Elliott Land Developments, LLC, a Mississippi Limited Liability company, and its successors and assigns.
- Section 7. "Director" shall mean a member of the Board of Directors of the Association.
- Section 8. "Home" or "Dwelling" shall mean and refer to any building situated upon a Lot or Building Site which is designated and intended for use and occupancy as a residence by a single family.
- Section 10. "Living Unit" shall mean and refer to a Lot and the Home constructed thereon.
- Section 11. "Lot" shall mean and refer to any numbered lot as illustrated and shown on the plat of Duckworth South Subdivision, Phase 1 as recorded in the public records of the First Judicial District, Harrison County, Mississippi.
- Section 12. "Member" shall mean and refer to all those Owners who are members of the Association as provided in Article II, Section 1 hereof.
- Section 13. "Owner" shall mean and refer to the owner of record, whether one or more persons or entities, of a fee simple title to any Lot which is a part of the Properties, including contract sellers, but excluding those having such interest merely as security for the performance of an obligation.
- Section 14. "Properties" or "Property" shall mean and refer to that certain real property hereinabove described, and such additions thereto as may hereafter be brought within the jurisdiction of the Association.

ARTICLE II

MEMBERSHIP, VOTING RIGHTS, AND GOVERNANCE OF THE ASSOCIATION

- Section 1. Every Owner of a Lot in Phase 1 and all future phases of Duckworth South Subdivision shall be a member of the Association. Membership shall be appurtenant to and may not be separated from ownership of any Lot.
- Section 2. The Association shall have two classes of voting membership and one class of non-voting membership, as follows:
- CLASS A. Class A members shall be all owners, except for the Declarant, and shall be entitled to one vote for each Lot or Building Site owned in any Phase of Duckworth South Subdivision. When more

conditions and restrictions, or setback lines, that are violated. The committee shall not give such a release except for a violation that it determines to be a minor or insubstantial violation in its sole discretion. The Committee shall have no authority to grant a variance of a Harrison County subdivision or zoning regulation, including, but not limited to, those that may be contained in these covenants, conditions and restrictions. However, in the event of a violation of these covenants; or the commencement of construction of a plan that had been rejected by the committee or a plan or change not submitted to the committee, the Board shall be empowered to bring any legal action in law or in equity, to seek injunction preventing such violation, or seeking its removal entirely, or both, at the expense of the Owner. In the event of any successful injunction and/or removal order, whether in whole or in part, the Owner shall pay all legal fees, court costs and expenses of the committee in enforcing these covenants, which costs shall become a lien against the property as provided for elsewhere herein.

Section 4. Limitation of Liability.

Review and approval of any plans pursuant to this Article is made on the basis of aesthetic considerations only and the Architectural Control Committee shall bear no responsibility for ensuring the structural integrity or soundness of approved construction or modifications, nor for ensuring compliance with building codes and other governmental requirements. Neither the Declarant, the Association, the Board, any committee, or member of any of the foregoing shall be held liable for any injury, damages, or loss arising out of the manner or quality of approved construction on or modifications to any Lot or improvements thereon.

ARTICLE V

DUTY TO CLEAR A LOT IF OWNER

ELECTS NOT TO REBUILD AFTER DESTRUCTION

In the event of substantial damage to or destruction of any Home on the Properties by fire, windstorm, water, or other cause whatsoever, then the owner shall, within six months after the date of substantial damage to or destruction of the home, be required to either: (1) begin reconstruction, repair and restoration of the home, such work to be completed in a timely manner; or (2) clear the lot and begin construction of a new home, such construction to be completed in a timely manner; or (3) clear the Lot, such clearing to be completed in a timely manner. If the Owner elects to clear the lot and not rebuild, the Owner shall be required to maintain the Lot in a clean and presentable manner, free from all trash and rubble, and to maintain the Lot so that it is in harmony with the surrounding property.

ARTICLE VI
RESTRICTIONS AS TO USE
OCCUPANCY AND APPEARANCE

Section 1. General.

All of the Lots shall be used and occupied as single-family residences and no dwelling shall be erected, altered, placed or permitted to remain other than one single family dwelling with a private garage for at least two (2) but not more than three (3) vehicles. No building, conversion of garage area to living area, change in exterior color, driveway, fence, wall, mailbox, decorative objects placed in yards, or other structure shall be commenced, erected or maintained upon the Properties, nor shall any exterior addition to or change or alteration therein be made until two (2) copies of the plans and specifications for the proposed project shall have been submitted to and approved in writing as to harmony of external design and location in relation to surrounding structures and topography by the Architectural Control Committee. Each Owner shall be responsible for his/her home's own exterior maintenance, landscaping, and maintenance of the landscaping, so long as it does not interfere with the adjoining Lot Owners, and is consistent with these Covenants, Conditions and Restrictions, and harmonious with the surrounding Improvements.

Section 2. Adjoining Lots.

If one or more lots, or one lot and all or a portion of an adjacent lot, or two or more fractional parts of adjoining lots, within the subdivision, are utilized for one single family residential purposes, the setback requirements herein shall be measured from the boundary line of the entire building site or plot being then and there utilized and devoted to the single family residence. Two fractional parts of adjacent lots may be utilized as a single family residential building site or plot, provided that no such building site or plot shall contain fewer square feet than the smallest platted lot within the subdivision nor have a width, at the building setback line, of less than the width, at the building setback line, of the smallest platted lot within the subdivision.

Section 3. Animals.

No livestock, animals, chickens or fowl of any kind shall be permitted on the Properties except for dogs and cats owned as personal pets which shall not be kept in such number as to be an annoyance to other Owners of Lots. In addition, no dogs or cats shall be permitted on the Properties except inside a Home or fenced-in area, without being on a leash and under the immediate control of a responsible individual. All such pets must be walked in appropriate areas, and owners of such pets must clean up after their pets. If any such pet owner fails to properly clean up after his pet, the Association may perform such service and shall bill the pet owner accordingly. The Board shall have the right to adopt and enforce such additional pet regulations as are reasonably necessary to ensure that such pets are not and do not become a nuisance. Pets shall be registered, licensed, and inoculated as required by law. No pets other

a Builder during any such period of time that Declarant or Builder owns any Lot and is offering any said Lot, Home, or Living Unit for sale.

Section 29. Storage or Outbuildings.

Only one storage or outbuilding shall be placed, permitted, or allowed on each Lot or Building Site, and must be hidden from view from the street. A playhouse that is limited in size, is not constructed on a slab, is movable and is not used for storage or for any purpose other than children's play shall not be considered to be a storage building or outbuilding. The size and design of any such playhouse, storage building or outbuilding must be approved in writing by the Architectural Control Committee and must conform to all building setback requirements of the Harrison County zoning regulations and any other applicable governmental entity.

Section 30. Swimming Pools.

Swimming pools on Lots shall be allowed only in rear yard areas and must be screened from the view of the street and nearby lots. Swimming pools must be constructed, equipped, and screened/fenced in accordance with governmental regulations. It shall be the responsibility of the Lot owner to comply with all governmental regulations. No above ground swimming pools shall be allowed. All pools must be approved by ACC

Section 31. Temporary Structures.

No structure of a temporary nature (trailer, shack, tent or other building) shall be moved to, placed upon or used on any Lot at any time either temporarily or permanently, excepting, however, that during periods of Construction, contractors shall be permitted a single storage structure on each separate construction site. No window units unless not visible from the front of the home. (not sure if it should be here or somewhere else.

Section 32. Trade or Business.

No lot shall at any time be used for the purpose of any trade, business, manufacture, or public amusement.

Section 33. Trespass.

Whenever the Declarant or the Association is permitted by this Declaration to correct, repair, clean, preserve, clear-out, or do any action on any of the Properties or on the easement areas adjacent thereto or included therein, entering such Property and taking such action shall not be deemed a trespass.

Section 34. Visual Obstruction at the Intersection of Public Streets.

Deleted

Section 35. Water and Sewer Utilities.

The Lot owner shall be responsible for the payment of tap fees to the utility company. Tap fees are not included in Lot prices. Grinder pumps where required are not the responsibility of the Declarant, its successors and assigns. Grinder pumps where required shall be installed by Owner or at the direction of the Owner and must be the type, size, and model specified by the utility company. Maintenance and/or replacement of grinder pumps are the responsibility of the applicable Owner.

Section 36. Water Wells.

Any water well located on any lot must be located in the rear yard of such lot and must be screened from view to the satisfaction of the Architectural Control Committee.

Section 37. Wetlands.

Designated wetland areas are not allowed to be cleared, excavated, filled, built upon, sodded, or disturbed in any other way not approved by the U.S. Army Corps of Engineers.

Section 38. Proviso.

Provided, however, that until Declarant has completed all of the contemplated improvements and closed the sale of all of the Lots in Phase I and all future phases of Duckworth South Subdivision, neither the Owners nor the Association nor the use of the Properties shall interfere with the completion of the contemplated improvements and the sale of the Lots by Declarant. Declarant may make such use of the unsold Lots and Common Areas, if any, as may facilitate such completion and sale, including but not limited to maintenance of a sales office, the showing of the Properties and the display of signs.

Section 39. Construction Completion.

From the date of issuance of a building permit to construct a home on a given lot, the Owner will have no more than 18 months to obtain a certificate of occupancy from the applicable governmental building inspection department. If such 18 months period elapses, the Board may charge a reasonable daily fine against such Owner from the day after the period elapses until the certificate of occupancy is obtained. A neat construction site must be maintained at all times during the period of construction. Construction materials, trash and equipment must be confined to the site and not allowed to become a nuisance to neighboring property. Construction materials, dumpsters and equipment shall not be stored on a lot that has not received a building permit; and the construction site must be reasonably clean from all trash and debris at all times. If an Owner fails to adhere to these rules and regulations, then the Board, after 30 days notice to the Owner, may charge the Owner a reasonable daily fine until such failures are rectified.

ARTICLE VII
GENERAL PROVISIONS

Section 1. Enforcement.

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

Section 2. Severability.

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

Section 3. No Liability.

Declarant has, using best efforts and all due diligence, prepared and recorded this Declaration so that each and every Owner shall have the right and the power to enforce the terms and provisions of this Declaration against every other Owner. However, in the event that this Declaration, or any part thereof, is, for any reason whatsoever, unenforceable by an Owner (or any other person) in a court of law or otherwise, Declarant shall have no liability of any kind as a result of such unenforceability, and each and every Owner, by acceptance of a deed conveying a Lot, acknowledges that Declarant shall have no such liability.

Section 4. Indemnification.

The Association shall indemnify every officer, director, and committee member against all damages and expenses, including counsel fees, reasonably incurred in connection with any action, suit, or other proceeding (including settlement of any suit or proceeding, if approved by the then Board of Directors) to which he or she may be a party by reason of being or having been an officer, director or committee member, except that such obligation to indemnify shall be limited to those actions for which liability is limited under this Section and Mississippi law. The officers, directors, and committee members shall not be liable for any mistake of judgement, negligent or otherwise, except for their own individual willful misfeasance,

malfeasance, misconduct, or bad faith. The officers, directors, and committee members shall have no personal liability with respect to any contract or other commitment made or action taken in good faith on behalf of the Association. The Association shall indemnify and forever hold each such officer, director and committee member harmless from any and all liability to others on account of any such contract, commitment or action. This right to indemnification shall not be exclusive of any other rights to which any present or former officer, director, or committee member may be entitled. The Association shall, as a common expense, maintain adequate general liability and officers' and directors' liability insurance to fund this obligation, if such insurance is reasonably available.

All officers and board members having direct control and access to funds of the association shall be bonded, in an amount not less than twice the total amount of all funds of the association. Such amount may be estimated and set by the Board. Any bond fees shall be paid by the Association.

Section 5. Amendment.

- (a) The covenants, conditions and restrictions of this Declaration shall run with and bind the land, for a term of fifteen (15) years from the date this Declaration is recorded, after which time they shall be automatically extended for successive periods of five (5) years.
- (b) This Declaration may be amended anytime during the initial fifteen (15) year period or any extensions thereof by Declarant or its nominees. Beginning at the later of the following: Declarant does not own any Lots within subdivision, including any and all phases that may be incorporated into these Covenants, five (5) years from the date of recordation of the Declaration and for the remainder of the initial fifteen (15) year period or any extensions, the Covenants may also be amended by the written consent of at least seventy-five percent (75%) of the Lot Owners, exclusive of their mortgagees. Any amendment must be recorded in the land Deed Records of the First Judicial District, Harrison County, Mississippi, and shall be supplementary to this Declaration. Notwithstanding any provision herein to the contrary, no amendment to the Declaration, Bylaws, or Articles of Incorporation shall be effective without the written consent of the Class B Member or its successors and assigns, so long as there is a Class B member of the Association.
- (c) Notwithstanding anything herein contained to the contrary, the Declarant reserves and shall have the right for the longer of the following: until Declarant does not have any ownership in any Lot within subdivision, including any additional phases that may be incorporated into these Covenants or five (5) years from the date of the recording of these Covenants, Conditions and Restrictions to unilaterally amend this Declaration in whole or in part in order to (1) conform this Declaration to the requirements of any governmental agency, federal, state or local, (2) to conform to the requirements of any mortgage lender, or (3) to insure the reasonable development of the property.

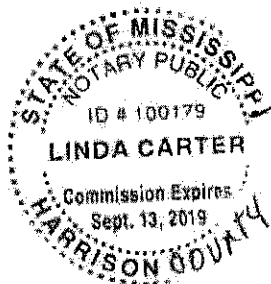
WITNESS ITS SIGNATURE on this the 13th day of July, 2018.

ELLIOTT LAND DEVELOPMENTS, LLC.

BY: [Signature]

STATE OF MISSISSIPPI
COUNTY OF HARRISON

PERSONALLY came and appeared before me, the undersigned authority in and for the jurisdiction aforesaid, on this 13 day of July, 2018, the within named Brandon Elliott, manager of ELLIOTT LAND DEVELOPMENTS, LLC, a Mississippi LLC, who signed, executed and delivered for and on behalf of said LLC, and as its own act and deed, the above and foregoing instrument of writing on the date first above written, he having been first duly authorized so to do.



[Signature]
NOTARY PUBLIC

My Commission Expires 9/13/19

SCANNED



1st Judicial District
Instrument 2018 7007 D -J1
Filed/Recorded 6/21/2018 02:52 P
Total Fees \$ 12.00
2 Pages Recorded

Prepared By & Return To:
Schwartz, Orgler & Jordan, PLLC
12206 Hwy 49
Gulfport, MS 39503
(228) 832-8550
Our File: 191381

Index As:

Indexing: 17 Duckworth South S/D

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

**Elliott Homes, LLC,
A Mississippi Limited Liability Company
1402 Pass Road
Gulfport, MS 39501
(228) 257-9914**

does hereby sell, convey and warrant unto

**Gregory D. Woodard, A Married Man
13324 Harper Ct.,
Gulfport, MS 39503
(252) 622-8746**

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

Lot Seventeen (17), DUCKWORTH SOUTH 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 58 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 no part the homestead of the Grantor herein.

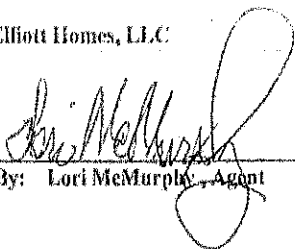
THIS CONVEYANCE is subject to any and all recorded restrictive covenants, rights-of-way and easements applicable to subject property, and subject to any and all prior recorded

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 Grantee herein.

IN WITNESS WHEREOF, Elliott Homes, LLC has caused this conveyance to be executed by its duly authorized officer, having first been duly authorized to do so, on this the 20th day of August, 2019.

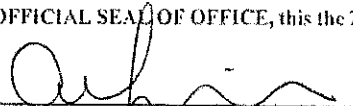
Elliott Homes, LLC


By: Lori McMurphy, Agent

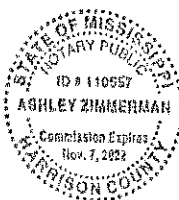
STATE OF MISSISSIPPI
COUNTY OF HARRISON

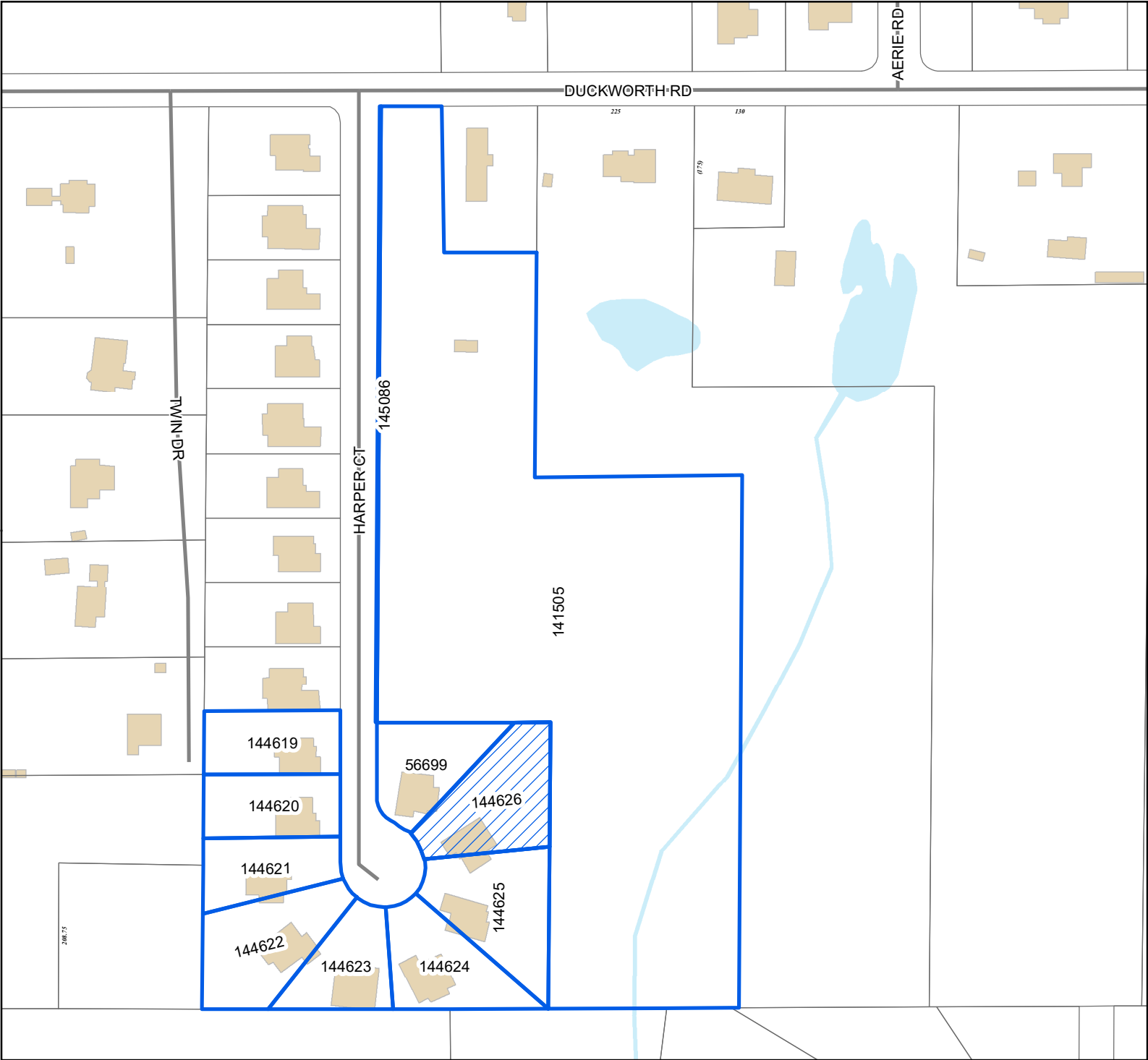
THIS DAY PERSONALLY CAME AND APPEARED BEFORE ME, the undersigned authority in and for the jurisdiction aforesaid, Lori McMurphy, who acknowledge that she is an Agent of Elliott Homes, LLC, and as its act and deed, signed, sealed and delivered the above and foregoing instrument of writing on the day and in the year therein mentioned, for and on behalf of said entity, having been first duly authorized to do so.

GIVEN UNDER MY HAND AND OFFICIAL SEAL OF OFFICE, this the 20th day of August, 2019.


NOTARY PUBLIC

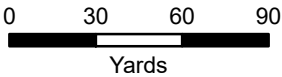
My Commission Expires:





Legend

- Site
- Adjacent Properties
- Street
- 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.

Mail	PPIN	Parcel ID	Name	Address	City	State	ZIP
		0807K-01-018.017	GREGORY D WOODARD	13324 HARPER CT	GULFPORT	MS	39503
			Adjacent Property Owners (2403ZB023)				
141505	0807J-01-015.001		STUCKEY R W & NANCY M -L/E-	14533 DUCKWORTH ROAD	GULFPORT	MS	39503
56699	0807K-01-018.000		MALOY KEVIN J L/E	13336 HARPER CT	GULFPORT	MS	39503
144625	0807K-01-018.016		PETERSEN DOUGLAS E & MARY M	13312 HARPER CT	GULFPORT	MS	39503
144622	0807K-01-018.013		DUDDLESTEN JERRY M & GLORIA W	13313 HARPER CT	GULFPORT	MS	39503
144623	0807K-01-018.014		WERES JOHN STEVEN & MELANIE	13301 HARPER CT	GULFPORT	MS	39503
144621	0807K-01-018.012		GRAY DEERICK & AMANDA JOHNSON	13325 HARPER CT	GULFPORT	MS	39503
144620	0807K-01-018.011		GRIMBALL ELYSE HAND & RAYMOND J	13337 HARPER CT	GULFPORT	MS	39503
144619	0807K-01-018.010		MANUEL ANGELA M	13349 HARPER CT	GULFPORT	MS	39503
144624	0807K-01-018.015		FUTCH GEORGE M & HELEN F	13300 HARPER CT	GULFPORT	MS	39503
145086	0807K-01-018.018		ELLIOTT HOMES LLC	1402 PASS RD	GULFPORT	MS	39501

RE: Variance 2403ZB023, by owner Gregory Woodard, seeking approval for a 16-foot tall accessory structure where 14 feet is the height limit, Tax Parcel 0807K-01-018.017, 13324 Harper Court, Zoned R-1-15 (Single-family), Ward 7

To Applicants and Adjacent Property Owners:

The City of Gulfport Zoning Board of Adjustments and Appeals will hold a public hearing to consider the above application at 3:00 P.M. on **Thursday, March 21, 2024**, in the Council Chambers at the Gulfport City Hall located at 2309 15th Street.

For more information, visit <http://www.gulfport-ms.gov/agendas/> then click the City of Gulfport Zoning Board for **Thursday, March 21, 2024**. A map showing the location of the property involved is located at this website. If you have any questions or comments, please contact this office at the phone number 228-868-5710 or email planners@gulfport-ms.gov. The application is available for viewing in the Planning Division office at 1410 24th Avenue.



The Beaufort Gazette
The Belleville News-Democrat
Bellingham Herald
Centre Daily Times
Sun Herald
Idaho Statesman
Bradenton Herald
The Charlotte Observer
The State
Ledger-Enquirer

Durham | The Herald-Sun
Fort Worth Star-Telegram
The Fresno Bee
The Island Packet
The Kansas City Star
Lexington Herald-Leader
The Telegraph - Macon
Merced Sun-Star
Miami Herald
El Nuevo Herald

The Modesto Bee
The Sun News - Myrtle Beach
Raleigh News & Observer
Rock Hill | The Herald
The Sacramento Bee
San Luis Obispo Tribune
Tacoma | The News Tribune
Tri-City Herald
The Wichita Eagle
The Olympian

AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Amount	Cols	Depth
36845	525462	Print Legal Ad-IPL01617860 - IPL0161786		\$112.15	2	76 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 PM., Thursday, March 21, 2024 in the Council Chambers of the Gulfport City Hall located at 2309 15 th Street to consider the following requests. A copy of the requests will be available for public review at the office of the Department of Urban Development-Planning Division located on first floor of the William H. Hardy Building, 1410 24 th Avenue.

Variance 2403ZB021, by owner Gregory Woodard, seeking approval for a 1,430 square-foot accessory structure where 600 square feet is the size limit, Tax Parcel 0807K-01-018.017, 13324 Harper Court, Zoned R-1-15 (Single-family), Ward 7

Variance 2403ZB022, by owner Gregory Woodard, seeking approval for a side yard setback of 8 feet, where 15 feet is required, Tax Parcel 0807K-01-018.017, 13324 Harper Court, Zoned R-1-15 (Single-family), Ward 7

Variance 2403ZB023, by owner Gregory Woodard, seeking approval for a 24-foot tall accessory structure where 14 feet is the height limit, Tax Parcel 0807K-01-018.017, 13324 Harper Court, Zoned R-1-15 (Single-family), Ward 7

Variance 2403ZB026, by agent Rebecca Gillum, seeking approval for 5-foot side yard setbacks, where 8 feet is required, Tax Parcel 0811G-04-116.000, 2011 17th Ave, Zoned R-2 (Single-family), Ward 3

Variance 2403ZB028, by agent Michael Hester, seeking approval for a 9-foot tall fence along the rear of the property where six feet is the height limit, Tax Parcel 1010K-03-048.000, 2209 Swetman Blvd, R-1-7.5 (Single-Family), Ward 2

Special Exception 2403SC031, by agent Tyler Hickman, seeking approval for daiquiri shop, Tax Parcels 0908N-04-004.000, 0908N-04-004.001, 13211 Dedeaux Road, Zoned B-1 (Neighborhood business), Ward 5

Variance 2403ZB033, by owners Joseph and Rebecca Cowart, seeking approval for a 2400 detached accessory structure, Tax Parcel 0811B-01-037.000, 2601 15th Avenue, Zoned B-2 (General Business), Ward 3

Variance 2403ZB034, by owner Kevin Myers, seeking approval for a 960 square foot accessory structure, Tax Parcel 0811G-06-026.000, 1625 19th Ave, Zoned T4L (General Urban Zone "Limited"), Ward 2

Variance 2403ZB035, by owner Kevin Myers, seeking approval for a rear yard setback of 50 inches (4.17 ft) and a side yard setback of 53 inches (4.42 feet), Tax Parcel 0811G-06-026.000, 1625 19th Ave, Zoned T4L (General Urban Zone "Limited"), Ward 2

Variance 2403ZB036, by agent Robert Addison Riemann, seeking approval for an additional wall sign on the eastern elevation, Tax Parcel 0809K-02-002.001, 15223 Creosote Road, Zoned B-4 (Highway-business), Ward 3

Variance 2403ZB041, by agent Tiffany Marshall, seeking approval for zero required parking for all future uses, Tax Parcels 0811E-02-042.000, 0811E-02-043.000, 0811E-02-044.000, 1512 30th Ave, 1516 30th Ave, 1518 30th Ave, 1520 30th Ave, 1522 30th Ave, 1528A 30th Ave, 1528B 30th Ave, Zoned T6 (Urban Core Zone), Ward 2

Variance 2403ZB042, by agent Tiffany Marshall, seeking approval for backing into city right of way, Tax Parcels 0811E-02-042.000, 0811E-02-043.000, 0811E-02-044.000, 1512 30th Ave, 1516 30th Ave, 1518 30th Ave, 1520 30th Ave, 1522 30th Ave, 1528A 30th Ave, 1528B 30th Ave, Zoned T6 (Urban Core Zone), Ward 2

Variance 2403ZB043, by agent David Machado, seeking approval for a building height of 55 feet and 3 inches where 50 feet is the height limit, Tax Parcel 0710P-01-004.000, 2809 34th Avenue, Zoned I-1 (Light-industry), Ward 1

This the 1st day of March 2024
A. Leslie North, Chairman
City of Gulfport Zoning Board of Adjustment and Appeals
PO210200
IPL0161786
Mar 6 2024

STATE OF MISSISSIPPI COUNTY OF HARRISON

Before me, the undersigned Notary of Dallas County, Texas personally appeared Stephanie Hatcher, 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:
03/06/24

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.

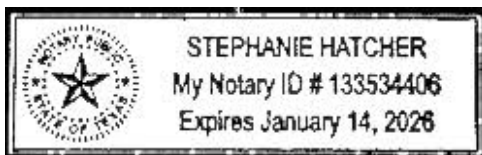
Stephanie Hatcher

Sworn to and subscribed before me this 11th day of
March in the year of 2024

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

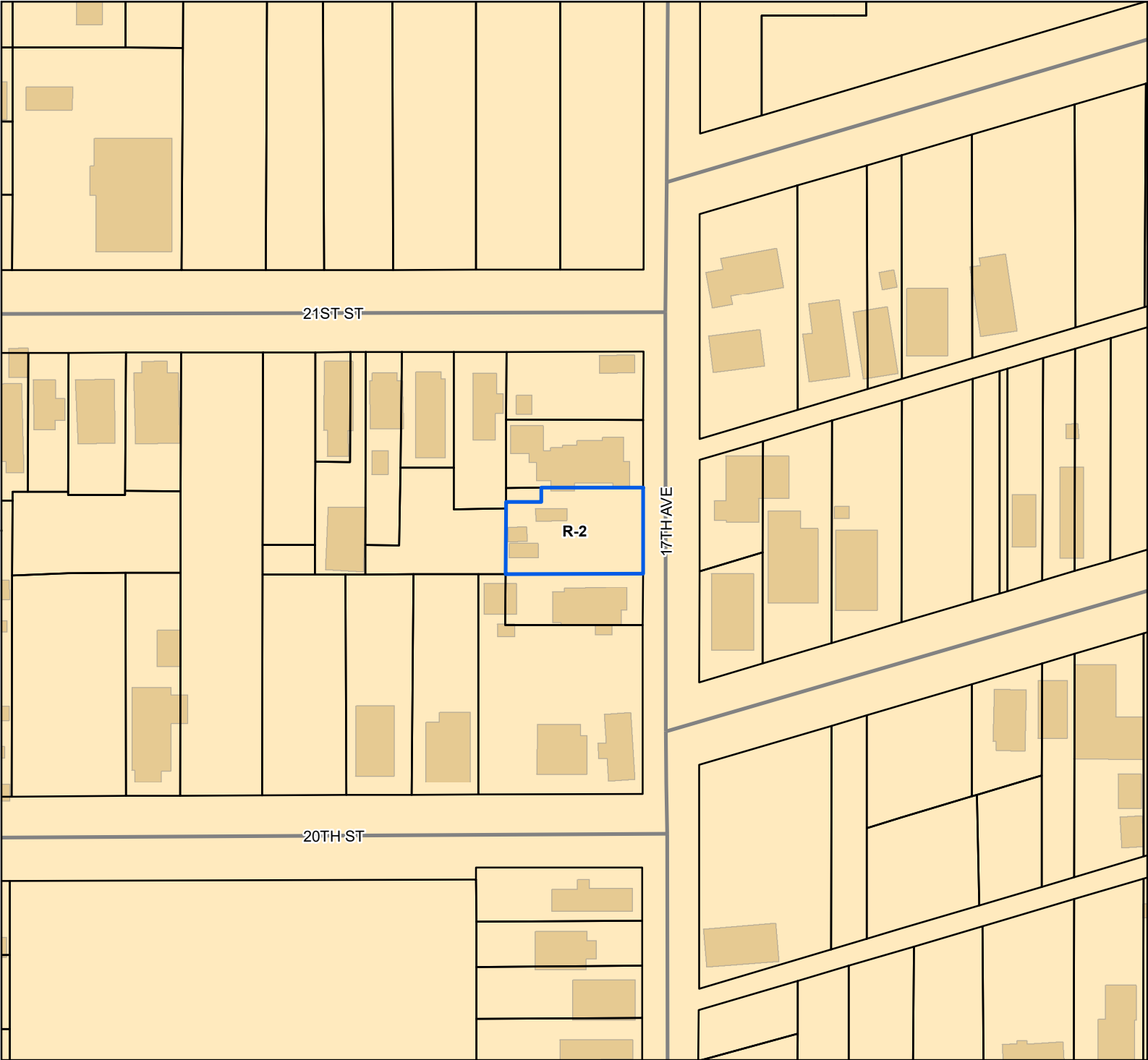
To: City of Gulfport Zoning Board of Adjustment and Appeals

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

Date of Hearing: March 21, 2024

Re: Variance 2403ZB026: (Deferred to May Meeting)

Variance 2403ZB026, by agent Rebecca Gillum, seeking approval for 5-foot side yard setbacks, where 8 feet is required, Tax Parcel 0811G-04-116.000, 2011 17th Ave, Zoned R-2 (Single-family), Ward 3



Street

Parcels

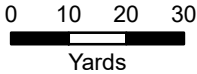
Buildings

Zoning

R-2 - Single Family

Residence District (Medium Density)

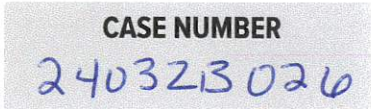
Site Information
0811G-04-116.000
Zoning:R-2 (Single Family)
Size:5889.78 sqft
Flood:X



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.



OWNER:Michael Bogan

Printed Name of Owner

2005 17th Ave.

Mailing Address

Gulfport, MS 39501

City

State

Zip Code

228-261-0721

Home Phone

Work/Cell Phone

MBogan98@gmail.com

Email

Michael Bogan

Signature of Owner

AGENT:Rebecca Gilum

Printed Name of Agent

921 Monet St.

Mailing Address

Gulfport, MS 39507

City

State

Zip Code

228-806-9788

Home Phone

Work/Cell Phone

Rebeccagilum1023@yahoo

Email

Rebecca Gilum

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) N/A

Address (Street, City, State, Zip Code) _____

Phone (Home) _____ (Work) _____ (Cell) _____

Tax Parcel Number(s) Owned: _____

Signature: _____

Name of Owner (PRINT) N/A

Address (Street, City, State, Zip Code) _____

Phone (Home) _____ (Work) _____ (Cell) _____

Tax Parcel Number(s) Owned: _____

Signature: _____

Name of Owner (PRINT) N/A

Address (Street, City, State, Zip Code) _____

Phone (Home) _____ (Work) _____ (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 **11" by 17"** 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**
- ☒ **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.

Variance Submissions

From: Rebecca Gillum (rebeccagillum1023@yahoo.com)

To: rebeccagillum1023@yahoo.com

Date: Thursday, January 18, 2024 at 10:39 AM CST

1.) Mr. Bogan's property located at 2011 17th Ave. Gulfport, MS. 39501 and his request for a 5' side setback. I would like to present the relevant details in a clear and concise manner.

Mr. Bogan's property, with a width of 60', poses a challenge given the dimensions of the home he intends to build. The proposed home, measuring 30' in width, and including a garage of 20', totals 50'. As per zoning regulations, the setbacks for the property mandate 25' at the front, 8' on the sides, and 8' at the rear. Under these constraints, the intended home does not conform to the prescribed dimensions.

However, with a 5' side setback, Mr. Bogan can align the construction within the specified regulations, allowing the home to fit seamlessly within the property boundaries. This adjustment addresses the current non-compliance and ensures adherence to the zoning requirements.

Mr. Bogan recognizes the significance of complying with zoning regulations and has carefully considered the implications of the proposed variance. The modest adjustment of a 5' side setback would accommodate the construction without compromising the integrity of the neighborhood or causing any inconvenience to neighboring properties.

We kindly request the Zoning Board's consideration and approval of the 5' side variance for 2011 17th Street. We believe that this adjustment is a reasonable solution, aligning with the spirit of the zoning regulations while allowing Mr. Bogan to proceed with his construction plans.

2.) Mr. Bogan's property has specific setback requirements, including 8' on the sides. However, the dimensions of his property, coupled with the proposed home and garage, create a situation where the prescribed setbacks cannot be met without the requested 5' side setback variance.

Mr. Bogan did not cause this discrepancy; rather, it is a result of the existing dimensions of his property and the intended construction.

3.) Without the requested variance, Mr. Bogan would face significant limitations in designing a home that meets his needs and adheres to the aesthetic and functional requirements of the neighborhood. The denial of the variance would impose a considerable hardship on Mr. Bogan, hindering his ability to make reasonable use of his property within the confines of the existing regulations.

It is essential to recognize that granting the 5' side setback variance would not only alleviate the potential hardship for Mr. Bogan but also contribute to the reasonable development of the property.

4.) Mr. Bogan is the proud owner of the lot adjacent to the property for which the variance is being sought. This ownership not only demonstrates his vested interest in the neighborhood but also signifies responsible land management. By having control over both lots, Mr. Bogan aims to enhance the overall aesthetics and functionality of the area.

5.) Mr. Bogan wishes to emphasize that his request for a 5' side variance is meticulously planned to avoid causing any discomfort or inconvenience to neighboring properties. He is committed to maintaining the harmony and character of the neighborhood. The variance, as requested, would have minimal impact on the surrounding environment, ensuring that the property remains in harmony with the existing homes in the neighborhood.

6.), Mr. Bogan respectfully requests the Zoning Board's approval for the 5' side setback variance, taking into account his ownership of the adjacent lot and the careful planning to avoid any discomfort to others. We trust that the Zoning Board will weigh these factors judiciously and make a decision that aligns with the best interests of the community.



Gillum Group

LIFESTYLE
REAL ESTATE

Rebecca Gillum
Associate Broker
228-806-9788(C) 228-990-6600(O)
rebeccagillum1023@yahoo.com





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 OWNER. TALL FURRY, TAX ASSESSOR.

MAP DATE: January 18, 2024



My Map

mobile home on right - being relocated
shed (directly behind)
trailer in FAR left corner no longer there

Garage
20'-0" x 19'-4"

20'-0" x 19'-4"
Garage

50' WIDE

Owner's Bedroom
12'-6" x 13'-4"

Owner's Bath

Bath 2

WIC

Kitchen
14'-4" x 10'-0"

Dining Room
14'-4" x 8'-7"

Bedroom 2
11'-0" x 10'-0"

Bedroom 3
11'-0" x 10'-0"

Great Room
14'-4" x 10'-8"

Utility

Front Porch

Mr. Michael Bogan

From: Dan McGinn (dan@mcmurphyhomes.com)

To: rebeccagillum1023@yahoo.com

Cc: rod@mcmurphyhomes.com

Date: Tuesday, January 16, 2024 at 10:59 AM CST

Rebecca,

Good morning, I was just thinking more about it and they will most likely want you to go there and "wet sign" a variance application.

Thanks,

Dan McGinn
919-623-0762
dan@mcmurphyhomes.com



WE BUILD ON YOUR LAND

From: Rebecca Gillum <rebeccagillum1023@yahoo.com>
Sent: Tuesday, January 16, 2024 9:43 AM
To: Dan McGinn <dan@mcmurphyhomes.com>
Subject: Re: Mr. Michael Bogan

Yes, I most certainly will give you a call if needed. Thank you.



Gillum Group

LIFESTYLE
REAL ESTATE

Rebecca Gillum
Associate Broker
228-806-9788(C) 228-990-6600(O)
rebeccagillum1023@yahoo.com



On Monday, January 15, 2024 at 10:24:06 AM CST, Dan McGinn <dan@mcmurphyhomes.com> wrote:

Rebecca,

Please reach out to planning and zoning with the city of Gulfport. Their phone number is (228) 868-5710. Let them know that you are requesting a variance to encroach into the side setbacks. Let me know if you have any trouble connecting with them.

Thanks,

Dan McGinn
919-623-0762
dan@mcmurphyhomes.com

MCMURPHY
— HOMES —
SINCE 1955

WE BUILD ON YOUR LAND

From: Rod Barbee <rod@mcmurphyhomes.com>
Sent: Monday, January 15, 2024 10:19 AM
To: Rebecca Gillum <rebeccagillum1023@yahoo.com>
Cc: Dan McGinn <dan@mcmurphyhomes.com>; Mac McMurphy <mac@mcmurphyhomes.com>
Subject: Re: Mr. Michael Bogan

 Rebecca,

Re: Mr. Michael Bogan | Eleanore Built Sideways W/4 Car Tandem
Garage

Please feel free to reach out to Dan McGinn or Mac McMurphy if you have any questions about getting a variance for the side setbacks for Mr. Bogan. Mac and Dan are both copied on this email. A quick synopsis of this project is shown below.

Rebecca (Agent) and Michael (Buyer) will need to get the variance from the municipality to change the side setbacks from 8' to 5'. Mr. Bogan's site is 60' wide and the home being built is 30' wide plus the garage is 20' = 50'. We can build this with 5' side setbacks.

We want to get this agreement completed as soon as possible as our base pricing will definitely go up on February 1, 2024. The below is just a rough draft. Dan and I will go through this and clean it up but I went over all the details with Mr. Bogan and showed him the plans of a similar home like this that we are building in Gulfport.

In the below picture I was showing this as a carport upfront and a garage directly behind the carport. Mr. Bogan wants this to be a tandem garage that can hold 4 cars.

cc: Mac
Dan

Re: Michael Bogan

From: Rod Barbee (rod@mcmurphyhomes.com)

To: rebeccagillum1023@yahoo.com; sunny.miceli@ccm.com

Date: Thursday, January 11, 2024 at 06:54 PM CST

To: Rebecca and Sunny

Re: Mr. Michael Bogan

I have been working on this and I think I have a possible option for Mr. Bogan. It gives him a space for 4 cars (1 two car garage and a two car carport) while Keeping this price reasonable. He really wants this type of space.

Rebecca would only have to get the zoning board to get the side setbacks down to 5' vs currently at 8'. When Dan and I spoke with them, they did not seem closed at all to this possibility. This way we are not asking for a rear setback variance also. I will review the possible option with Dan on Friday.

If we turn the Eleanor plan sideways which we have done already for a buyer and then add the garage and carport then this makes the home 50' wide which works on the 60' frontage with 5' setbacks for the rear. No rear setback variance needed.

We definitely can not build this home without a \$10,000 minimum deposit.

Eleanor plan:	\$166,899	(Turning the plan sideways and adding a garage & carport)
Add 2 Car Garage:	\$24,000	
Add 2 Car Carport:	\$14,000	
Site Prep Estimate:	\$7,500	(This is an estimate only – This could be lower or slightly higher)
Design Fee:	\$1,200	
Total:	\$213,599	

Re: 2011 17th Avenue - Gulfport

From: Rod Barbee (rod@mcmurphyhomes.com)

To: rebeccagillum1023@yahoo.com

Date: Wednesday, January 10, 2024 at 06:12 PM CST

Re: 2011 17th Avenue – Michael Bogan

Dan McGinn (Head of Construction) contacted the Gulfport zoning department. The setbacks for the property are 25' Front, 8' Sides and 8' Rear. At these metrics the home does not fit.

Dan asked for a variance and they stated that they are open to looking at allowing a variance where the side setbacks are 5' but this would have to be approved by the board. At 5' side setback then the home will fit.

Rebecca as Michael's agent can contact the zoning department and complete the application needed to get this completed. <https://www.gulfport-ms.gov/planning/>

- Click on: [Zoning Board of Adjustments and Appeals Application](#)

The option of allowing Michael to quit claim the land to McMurphy Homes and let us build the home without an initial down-payment of \$10,000 was not approved.

Please don't hesitate to contact me as needed.

NOTE: The tandem garage does not work with the above metrics. We can build the home as is if Michael approves.

Thanks,

Rod Barbee – Head of Sales | McMurphy Homes
919-641-8109



Variance Submission Questions / Response

- 1.) Mr. Bogan's site is 60' wide and the home being built is 30' wide plus the garage is 20' = 50'.

The setbacks for the property are 25' Front, 8' Sides and 8' Rear. At these metrics the home he is wanting to have built does not fit. With A 5' side setback, then the home will fit.

- 2.) The special conditions that are being requested are not a result of the actions of Mr. Bogan. He is requesting a 5' side setback. With Mr. Bogan owning the lot next to the one he is wanting to obtain the variance for
- 3.) Mr. Bogan is currently living in the home located next to this lot. The home he wants to have built that is in his budget does not fit the property. The builder has come up with a solution to have the home built, however he needs the 5' side setback.

First and foremost, Mr. Bogan is the proud owner of the lot adjacent to the property for which the variance is being sought. This ownership not only demonstrates his vested interest in the neighborhood but also signifies responsible land management. By having control over both lots, Mr. Bogan aims to enhance the overall aesthetics and functionality of the area.

Furthermore, Mr. Bogan wishes to emphasize that his request for a 5' side variance is meticulously planned to avoid causing any discomfort or inconvenience to neighbor properties. He is committed to maintaining the harmony and character of the neighborhood. The variance, as requested, would have minimal impact on the surrounding environment, ensuring that the property remains in harmony with the existing structures.

- 4.)



DESIGNATION OF AGENT

I, Michael Bogan being property owner of 2011 17th Ave. Gulfport ms 39501
PRINT NAME PRIMARY ADDRESS OR PARCEL
which is the subject of this application hereby authorize Rebecca Gillum to act as
PRINT NAME
my representative with the City of Gulfport's Zoning Board of Adjustment and Appeals, and/or Planning
Commission, and/or City Council, and/or permitting and licensing, as required by the City.

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

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

Michael Bogan
SIGNATURE

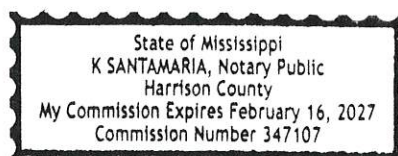
1/17/24
DATE

STATE OF MISSISSIPPI | COUNTY OF HARRISON

Given under my hand and seal of office this the 17 day of January, 20 24

K Santamaria
NOTARY PUBLIC

February 16 2027
COMMISSION EXPIRATION





COVENANT AFFIDAVIT

I, Michael Boyce being property owner or agent of the property 201 17th Ave. Gulfport, MS 39501
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.

Michael Boyce
SIGNATURE

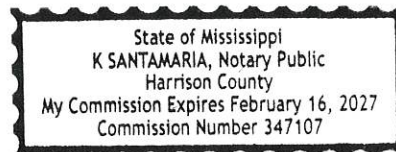
1/17/24
DATE

STATE OF MISSISSIPPI | COUNTY OF HARRISON

Given under my hand and seal of office this the 17 day of January, 20 24

K Santamaria
NOTARY PUBLIC

February 16 2027
COMMISSION EXPIRATION



SCANNED

PREPARED BY:

MARLENE MISKELL
106 CARSON DRIVE
GULFPORT, MS 39503
Ph. (228) 328-7249

RECORDING REQUESTED BY

AND WHEN RECORDED MAIL TO:

MICHAEL BOGAN
2005 17TH AVENUE
GULFPORT, MS 39501
Ph. (228) 261-0721

MAIL TAX STATEMENTS TO:

MICHAEL BOGAN
2005 17TH AVENUE
GULFPORT, MS 39501



Recorded by: [Signature]
Instrument 2015-1045 to - 31
Filed/Recorded 2/20/2015 11:25 AM
Total Fees \$ 12.00
Pages Recorded

SPACE ABOVE THIS LINE FOR RECORDER'S USE ONLY

QUITCLAIM DEED

KNOW ALL MEN BY THESE PRESENTS THAT:

THIS QUITCLAIM DEED, made and entered into on the 23 day of February, 20 15, between GREATER MOUNT REST BAPTIST CHURCH, a single person, whose address is 3725 34TH AVENUE, GULFPORT, Mississippi 39501, ph. (228) 328-7249 ("Grantor"), and MICHAEL BOGAN, a married person, whose address is 2005 17TH AVENUE, GULFPORT, Mississippi 39501, ph. (228) 261-0721 ("Grantee").

For and in consideration of the sum of \$6,500.00, the receipt and sufficiency of which is hereby acknowledged, Grantor hereby Remises, Releases, AND FOREVER Quitclaims to Grantee, the property located in Harrison County, Mississippi, described as:

2

COM ON S MAR 21ST ST. & W MAR OF 17TH AVE S 100 FT TO POB W 75 FT S 10 FT W 25 FT S 50 FT E 100 FT N 60 FT TO POB PART OF LOT 13 DAY BAKER DIV SEC 3-8-11 DAY BAKER DIVISION DISALLOWED HE 2001 BLOCK 000 DEED BOOK -1402 PAGE 8

Prior instrument reference: Quitclaim Deed, Volume/Book DEED BOOK-1402, Page 8, Document No. DAY BAKER DIVISION, of the Recorder of HARRISON, Mississippi, recorded _____.

SUBJECT TO all, if any, valid easements, rights of way, covenants, conditions, reservations and restrictions of record.

Grantor grants all of the Grantor's rights, title and interest in and to all of the above described property and premises to the Grantee, and to the Grantee's heirs and assigns forever in fee simple, so that neither Grantor nor Grantor's heirs legal representatives or assigns shall have, claim, or demand any right or title to the property, premises, or appurtenances, or any part thereof.

Tax/Parcel ID Number: 0811G-04-116.000

IN WITNESS WHEREOF the Grantor has executed this deed on the 23rd day of February, 2015.

2-23-2015
Date

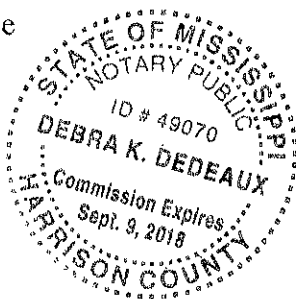
Greater Mount Rest Baptist Church
GREATER MOUNT REST BAPTIST CHURCH, Grantor
Marlene Miskell (Church Clerk)

STATE OF Mississippi
COUNTY OF Harrison

Personally appeared before me, the undersigned authority in and for the said county and state, on this the 23rd day of February, 2015 within my jurisdiction, the within named Marlene Miskell, who acknowledged that they executed the above and foregoing instrument.

Debra K. DeDeaux NOTARY PUBLIC
My Commission expires: Sept. 9, 2018

(Affix official seal, if applicable)



IN WITNESS WHEREOF the Grantee has executed this deed on the 23 day of February, 20 15.

2-23-15
Date

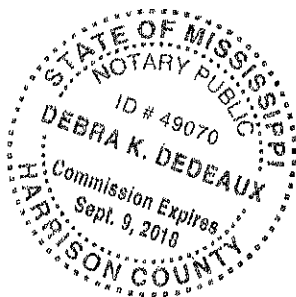
Michael Bogan
MICHAEL BOGAN Grantee

STATE OF Mississippi
COUNTY OF Harrison

Personally appeared before me, the undersigned authority in and for the said county and state, on this the 23rd day of February, 20 15 within my jurisdiction, the within named Michael Bogan, who acknowledged that they executed the above and foregoing instrument.

Debra K. DeDeaux NOTARY PUBLIC
My Commission expires: Sept. 9, 2018

(Affix official seal, if applicable)

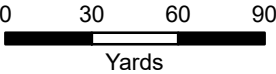


Mail	PPIN	Parcel ID	Name	Address	City	State	ZIP
		0811G-04-116.000	MICHEAL BOGAN (OWNER)	2005 17TH AVE	GULFPORT	MS	39501
			REBECCA GILLUM (AGENT)	921 MONET ST	GULFPORT	MS	39507
			Adjacent Property Owners (2403ZB026)				
25534	0811G-04-119.000		MCCLENDON HELEN L -TRUSTEE-	5107 QUINCY AVE	GULFPORT	MS	39507
25565	0811G-04-121.000		WILBERT RANDY	1711 22ND ST	GULFPORT	MS	39501
25567	0811G-04-123.000		FOSTER VERN G	1713 22ND ST	GULFPORT	MS	39501
34812	0811G-04-009.000		LAKE ORA MAE	1634 21ST ST	GULFPORT	MS	39501
25541	0811G-04-117.000		DUNLAP ALBERT LEON & GWENDOLYN L	P O BOX 1477	GULFPORT	MS	39502
25573	0811G-04-115.000		DUNNIGAN GARY LEWIS	11089 N RIVERVUE CIRCLE	BILOXI	MS	39532
88014	0811G-04-027.000		JONES NATALINE	3507 NUNNALLY ST	GULFPORT	MS	39501
100973	0811G-04-116.004		BABIN TODD	617 CARMADELLE ST	MARRERO	LA	70072
88390	0811G-04-100.000		QUINCE MARGIE F	1619- 20TH STREET	GULFPORT	MS	39501
88389	0811G-04-096.000		HOOKER EDITH	150 JAMES DRIVE	GULFPORT	MS	39503
25574	0811G-04-098.000		MONROE MARCUS HAYES	503 MAGNOLIA LANE	GULFPORT	MS	39507
25576	0811G-04-099.000		WATSON BEVERLY A	3252 FLAMINGO WAY	SIERRA VISTA	AZ	85650
103376	0811G-04-028.001		FOXWORTH JOHN A JR	1231-28TH ST	GULFPORT	MS	39501
34814	0811G-04-007.000		ANDERSON WILLIE C -ESTATE-	2020 17TH AVE	GULFPORT	MS	39501
34813	0811G-04-008.000		HOLMES GLADYS & EBB -EST-	ATTN: MARCELLUS HOLMES	GULFPORT	MS	39501
34793	0811G-04-025.000		WILLIAMS PHYLIS YVONNE -L/E-	1634 20TH ST	GULFPORT	MS	39501
100972	0811G-04-116.003		BARKER VELMA J	2548 W GEORGE ST	GULFPORT	MS	39503
25569	0811G-04-113.000		TYLER HENRY PROPERTIES LLC	P O BOX 2009	GULFPORT	MS	39505
25575	0811G-04-111.000		JOHNSON ALLEN K & TAYLOR JOAN F J	13201 TYLER CIRCLE	GULFPORT	MS	39503
25566	0811G-04-122.000		FOSTER WANDA LYNN	1713 22ND ST	GULFPORT	MS	39501
99134	0811G-04-116.002		DUNNIGAN JACQULINE	13060 WINDCREST LN	GULFPORT	MS	39503
25539	0811G-04-097.000		BOGAN MICHEAL A	2005 17TH AVE	GULFPORT	MS	39501
34792	0811G-04-026.000		TROUTMAN TERREL G	1638 20TH ST	GULFPORT	MS	39501
25535	0811G-04-120.000		BOB'S CONTRACTING SERVICES INC	82 DAVIS RD	BROOKLYN	MS	39425
25571	0811G-04-112.000		BRYANT CARRIE K	621 25TH ST	GULFPORT	MS	39501



Legend

- Site
- Adjacent Properties
- Street
- Alley
- Buildings



1 inch = 200 feet



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RE: Variance 2403ZB026, by agent Rebecca Gillum, seeking approval for 5-foot side yard setbacks, where 8 feet is required, Tax Parcel 0811G-04-116.000, 2011 17th Ave, Zoned R-2 (Single-family), Ward 3

To Applicants and Adjacent Property Owners:

The City of Gulfport Zoning Board of Adjustments and Appeals will hold a public hearing to consider the above application at 3:00 P.M. on **Thursday, March 21, 2024**, in the Council Chambers at the Gulfport City Hall located at 2309 15th Street.

For more information, visit <http://www.gulfport-ms.gov/agendas/> then click the City of Gulfport Zoning Board for **Thursday, March 21, 2024**. A map showing the location of the property involved is located at this website. If you have any questions or comments, please contact this office at the phone number 228-868-5710 or email planners@gulfport-ms.gov. The application is available for viewing in the Planning Division office at 1410 24th Avenue.



The Beaufort Gazette
The Belleville News-Democrat
Bellingham Herald
Centre Daily Times
Sun Herald
Idaho Statesman
Bradenton Herald
The Charlotte Observer
The State
Ledger-Enquirer

Durham | The Herald-Sun
Fort Worth Star-Telegram
The Fresno Bee
The Island Packet
The Kansas City Star
Lexington Herald-Leader
The Telegraph - Macon
Merced Sun-Star
Miami Herald
El Nuevo Herald

The Modesto Bee
The Sun News - Myrtle Beach
Raleigh News & Observer
Rock Hill | The Herald
The Sacramento Bee
San Luis Obispo Tribune
Tacoma | The News Tribune
Tri-City Herald
The Wichita Eagle
The Olympian

AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Amount	Cols	Depth
36845	525462	Print Legal Ad-IPL01617860 - IPL0161786		\$112.15	2	76 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 PM., Thursday, March 21, 2024 in the Council Chambers of the Gulfport City Hall located at 2309 15 th Street to consider the following requests. A copy of the requests will be available for public review at the office of the Department of Urban Development-Planning Division located on first floor of the William H. Hardy Building, 1410 24 th Avenue.

Variance 2403ZB021, by owner Gregory Woodard, seeking approval for a 1,430 square-foot accessory structure where 600 square feet is the size limit, Tax Parcel 0807K-01-018.017, 13324 Harper Court, Zoned R-1-15 (Single-family), Ward 7

Variance 2403ZB022, by owner Gregory Woodard, seeking approval for a side yard setback of 8 feet, where 15 feet is required, Tax Parcel 0807K-01-018.017, 13324 Harper Court, Zoned R-1-15 (Single-family), Ward 7

Variance 2403ZB023, by owner Gregory Woodard, seeking approval for a 24-foot tall accessory structure where 14 feet is the height limit, Tax Parcel 0807K-01-018.017, 13324 Harper Court, Zoned R-1-15 (Single-family), Ward 7

Variance 2403ZB026, by agent Rebecca Gillum, seeking approval for 5-foot side yard setbacks, where 8 feet is required, Tax Parcel 0811G-04-116.000, 2011 17th Ave, Zoned R-2 (Single-family), Ward 3

Variance 2403ZB028, by agent Michael Hester, seeking approval for a 9-foot tall fence along the rear of the property where six feet is the height limit, Tax Parcel 1010K-03-048.000, 2209 Swetman Blvd, R-1-7.5 (Single-Family), Ward 2

Special Exception 2403SC031, by agent Tyler Hickman, seeking approval for daiquiri shop, Tax Parcels 0908N-04-004.000, 0908N-04-004.001, 13211 Dedeaux Road, Zoned B-1 (Neighborhood business), Ward 5

Variance 2403ZB033, by owners Joseph and Rebecca Cowart, seeking approval for a 2400 detached accessory structure, Tax Parcel 0811B-01-037.000, 2601 15th Avenue, Zoned B-2 (General Business), Ward 3

Variance 2403ZB034, by owner Kevin Myers, seeking approval for a 960 square foot accessory structure, Tax Parcel 0811G-06-026.000, 1625 19th Ave, Zoned T4L (General Urban Zone "Limited"), Ward 2

Variance 2403ZB035, by owner Kevin Myers, seeking approval for a rear yard setback of 50 inches (4.17 ft) and a side yard setback of 53 inches (4.42 feet), Tax Parcel 0811G-06-026.000, 1625 19th Ave, Zoned T4L (General Urban Zone "Limited"), Ward 2

Variance 2403ZB036, by agent Robert Addison Riemann, seeking approval for an additional wall sign on the eastern elevation, Tax Parcel 0809K-02-002.001, 15223 Creosote Road, Zoned B-4 (Highway-business), Ward 3

Variance 2403ZB041, by agent Tiffany Marshall, seeking approval for zero required parking for all future uses, Tax Parcels 0811E-02-042.000, 0811E-02-043.000, 0811E-02-044.000, 1512 30th Ave, 1516 30th Ave, 1518 30th Ave, 1520 30th Ave, 1522 30th Ave, 1528A 30th Ave, 1528B 30th Ave, Zoned T6 (Urban Core Zone), Ward 2

Variance 2403ZB042, by agent Tiffany Marshall, seeking approval for backing into city right of way, Tax Parcels 0811E-02-042.000, 0811E-02-043.000, 0811E-02-044.000, 1512 30th Ave, 1516 30th Ave, 1518 30th Ave, 1520 30th Ave, 1522 30th Ave, 1528A 30th Ave, 1528B 30th Ave, Zoned T6 (Urban Core Zone), Ward 2

Variance 2403ZB043, by agent David Machado, seeking approval for a building height of 55 feet and 3 inches where 50 feet is the height limit, Tax Parcel 0710P-01-004.000, 2809 34th Avenue, Zoned I-1 (Light-industry), Ward 1

This the 1st day of March 2024
A. Leslie North, Chairman
City of Gulfport Zoning Board of Adjustment and Appeals
PO210200
IPL0161786
Mar 6 2024

STATE OF MISSISSIPPI COUNTY OF HARRISON

Before me, the undersigned Notary of Dallas County, Texas personally appeared Stephanie Hatcher, 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:
03/06/24

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.

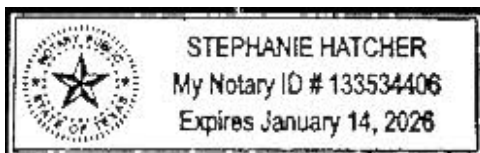
Stephanie Hatcher

Sworn to and subscribed before me this 11th day of March in the year of 2024

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

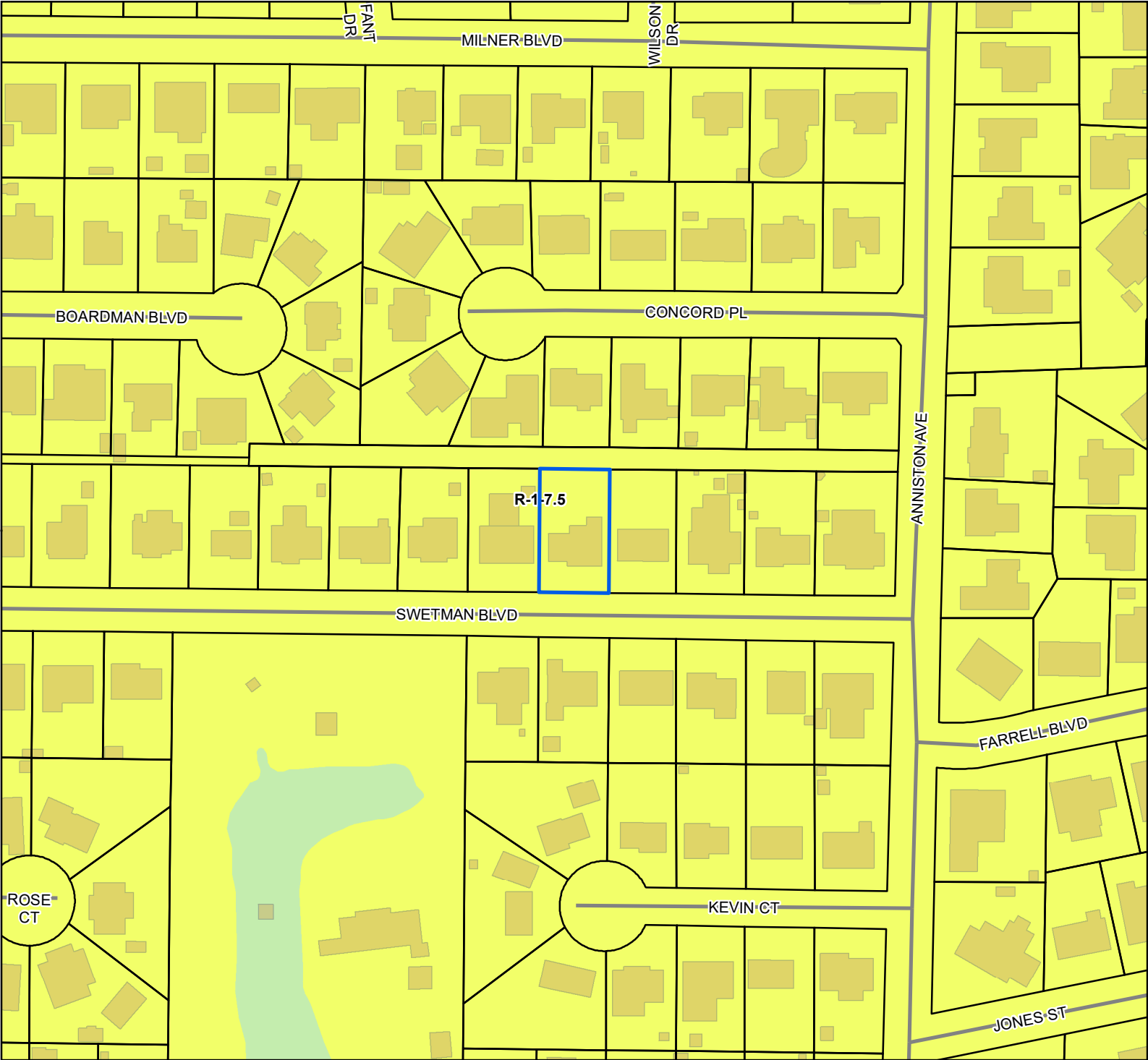
To: City of Gulfport Zoning Board of Adjustment and Appeals

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

Date of Hearing: March 21, 2024

Re: Variance 2403ZB028: (Withdrawn by Applicant)

Variance 2403ZB028, by agent Michael Hester, seeking approval for a 9-foot tall fence along the rear of the property where six feet is the height limit, Tax Parcel 1010K-03-048.000, 2209 Swetman Blvd, R-1-7.5 (Single-Family), Ward 2



Street

Parcels

Buildings

Water Features

Zoning

R-1-7.5 - Single Family

Residence District (Low Density)

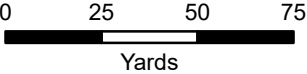
Site Information

1010K-03-048.000

Zoning: R-1-7.5 (Single Family)

Size: 10101.6 sqft

Flood: X



1 inch = 150 feet



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OWNER:JOHN Forrest

Printed Name of Owner

Mailing Address

2209 Sweetman Blvd.

City

State

Zip Code

QUIPportMS.39507

Home Phone

Work/Cell Phone

954-508-1540

Email

Signature of Owner

**AGENT:**Michael Hester

Printed Name of Agent

2032 45th Ave

Mailing Address

GulfportMS39501

City

State

Zip Code

228 669 3003

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)

JOHN P. Forrest

Address (Street, City, State, Zip Code)

2209 Sweetman Blvd.

Phone (Home)

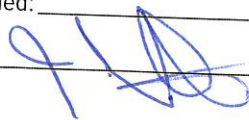
954-508-1540

(Work)

(Cell)

Tax Parcel Number(s) Owned:

Signature:



Name of Owner (PRINT)

Address (Street, City, State, Zip Code)

Phone (Home)

(Work)

(Cell)

Tax Parcel Number(s) Owned:

Signature:

Name of Owner (PRINT)

Address (Street, City, State, Zip Code)

Phone (Home)

(Work)

(Cell)

Tax Parcel Number(s) Owned:

Signature:

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;

1. Keeps my kids in and all others out. Fence Variance Submissions

2. Cant be seen from street.

3. Neighbor has nice 9 ft fence we are wanting to match height

4. Doesnt impact

5. Hides neighbor ugly yard and falling down fence

6. Yes will be same height as neighbors

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.

- 1) my neighbor lot is built up. & existing fence is 9 ft tall I want to match it.
- 2) I just moved in, bought the house was already there
- 3) Has 2 young girls wants property secure and safe for family
- 4) makes property safe and increases property value
- 5.) No
- 6) Yes it is permissible



DESIGNATION OF AGENT

I, JONU FOREST being property owner of 2209 SWEETMAN BLVD. GULFPORT MS
PRINT NAME PRIMARY ADDRESS OR PARCEL
which is the subject of this application hereby authorize Michael Foster to act as
PRINT NAME
my representative with the City of Gulfport's Zoning Board of Adjustment and Appeals, and/or Planning
Commission, and/or City Council, and/or permitting and licensing, as required by the City.

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

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

[Signature]
SIGNATURE

1/23/2024
DATE

STATE OF MISSISSIPPI | COUNTY OF HARRISON

Given under my hand and seal of office this the 23RD day of January, 20 24

[Signature]
NOTARY PUBLIC



5/22/27
COMMISSION EXPIRATION



COVENANT AFFIDAVIT

I, John Forrester being property owner or agent of the property 2209 Sweetman Blvd. Gulfport MS. 39507
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

1/23/2024
DATE

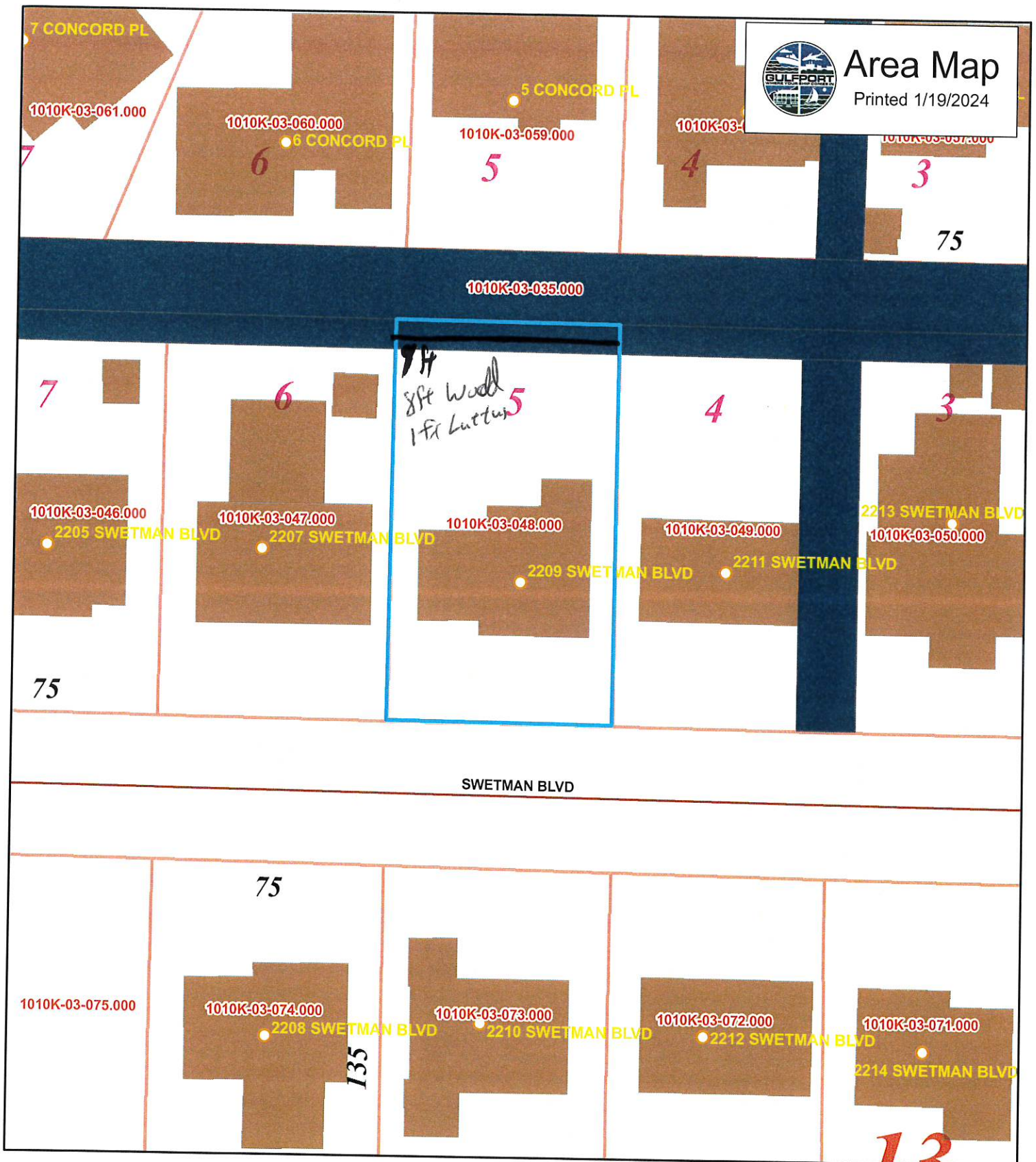
STATE OF MISSISSIPPI | COUNTY OF HARRISON

Given under my hand and seal of office this the 23rd day of January, 20 24

[Signature]
NOTARY PUBLIC

5/22/27
COMMISSION EXPIRATION



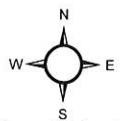


Initial and date here:

Planner: _____

Owner: _____

Contractor: _____

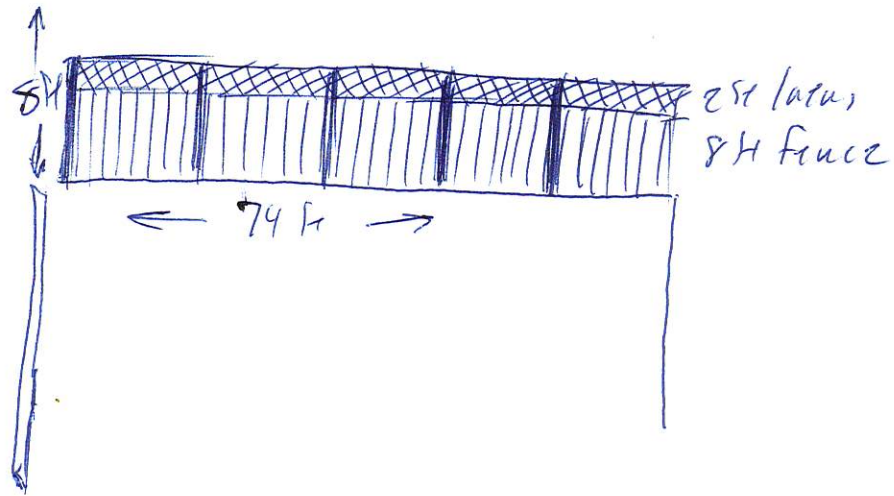


1 inch = 42 feet

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neighbor
has 9 ft
fence





[Signature] 1st JUDICIAL DISTRICT
Instrument 2023-0023298-D-J1
Filed/Recorded 11/16/2023 4:36:01 PM
Total Fees 26.00
5 Pages Recorded

Indexing: Lot 5, Block 14, Lake Forest S/D, Unit 2

STATE OF MISSISSIPPI

COUNTY OF HARRISON

FIRST JUDICIAL DISTRICT

Prepared by and return to:
David B. Estes
MS Bar No. 101404
Integrity Land Title, LLC
1806 23rd Avenue, Suite A
Gulfport, MS 39501
(228)896-8962
File#4812

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,

SANDRA ATCHISON
11497 BRIARSTONE PLACE
GULFPORT, MS 39503
(228)861-0247

does hereby SELL, CONVEY and WARRANT unto

JOHN P. FORREST REVOCABLE TRUST
13617 MARIPOSA AVENUE
GARDENA, CA 90247
(954)508-1540

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

SEE EXHIBIT "A"

THE ABOVE described property is no part of the homestead of the Grantors nor any part thereof.

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 2023 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 this the 16 day of November, 2023.


SANDRA ATCHISON

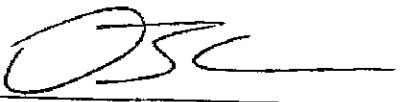
STATE OF MISSISSIPPI

COUNTY OF HARRISON

Personally appeared before me, the undersigned authority in and for the said county and state on this the 16 day of November, 2023 within my jurisdiction, the within named SANDRA ATCHISON, who acknowledged that she executed the above and foregoing instrument.

(SEAL)




NOTARY PUBLIC

My Commission Expires:

* 1 5 6 4 2 3 6 4 *

52N-3799236-1-6

FILED
DATE 02/23/2021

STATE FILE 123-2023-020789 * 1 5 6 4 2 3 6 4 *

1. DECEASED'S NAME (First, Middle, Last, Initial) MARY MOORE		2. GENDER FEMALE		3. HOUR OF DEATH UNKNOWN		4. DATE OF DEATH (Month, Day, Year) 02/21/2023	
5. RACE (Check one or more races to indicate what the decedent considered himself or herself to be) ☐ White ☐ Black or African American ☐ Chinese ☐ Filipino ☐ Japanese ☐ Korean ☐ Vietnamese ☐ Native Hawaiian ☐ Samoan ☐ Asian Indian ☐ Other (Specify) _____ ☐ American Indian or Alaska Native (Name of the enrolled tribe or tribes on file) ☐ Other (Specify) _____							
6. AGE AT LAST BIRTHDAY 94		7. ONLY IF UNDER 18 YEARS 7a. MONTH 21 7b. DAYS 07 7c. HOURS 00 7d. MINUTES 00		8. DATE OF BIRTH (Month, Day, Year) 07/01/1929		9. BIRTH PLACE (State or Foreign Country) MISSISSIPPI	
10. PLACE OF DEATH (Check only one box) ☐ Hospital ☐ Home ☐ Other (Specify) _____		11. DEATH OCCURRED IN A HOSPITAL ☐ Hospital ☐ Nursing Home/Long term care facility ☐ Decedent's home ☐ Other (Specify) _____		12. DEATH OCCURRED SOMEWHERE OTHER THAN A HOSPITAL ☐ Home ☐ Nursing Home/Long term care facility ☐ Decedent's home ☐ Other (Specify) _____		13. COUNTY OF DEATH HARRISON	
14. FACILITY NAME (If not a facility, give street address, room number, or suite number) 2209 SWEETMAN BLVD							
15. DECEASED'S EDUCATION (Check the box that best describes the highest degree or level of school completed at time of death) ☐ 8th grade or less ☐ 9th - 12th grade, no diploma ☐ High school graduate or GED completed ☐ Some college, no degree ☐ Associate degree (e.g., AA, AS) ☐ Bachelor's degree (e.g., BA, BS, BS) ☐ Master's degree (e.g., MA, MS, MEd, MDiv, MBA) ☐ Doctorate (e.g., PhD, EdD or Professional degree (e.g., MD, DDS, DVM, LL.S., JD) ☐ Unknown							
16. MARITAL STATUS AT TIME OF DEATH ☐ Married ☐ Married, but separated ☐ Widowed ☐ Divorced ☐ Never married ☐ Unknown							
17. DECEASED'S CURRENT CHECK the box that best describes whether the decedent is Spanish/Hispanic/Latino (Check the "Yes" box if decedent is not Spanish/Hispanic/Latino) ☐ No, not Spanish/Hispanic/Latino ☐ Yes, Mexican, Mexican American, Chicano ☐ Yes, Puerto Rican ☐ Yes, Cuban ☐ Yes, Other Spanish/Hispanic/Latino (Specify) _____							
18. SOCIAL SECURITY NUMBER 427-50-4276		19. USUAL OCCUPATION (List all ways done during working life) HOME MAKER		20. KIND OF BUSINESS OR INDUSTRY DOMESTIC		21. WAS DECEASED EVER IN U.S. ARMED FORCES (If so, for how long) NO	
22. RESIDENCE - STATE MISSISSIPPI		23. COUNTY HARRISON		24. CITY OR TOWN GULFPORT		25. ZIP CODE 39507	
26. STREET AND NUMBER OR RURAL LOCATION (Include apartment number) 2209 SWEETMAN BLVD		27. INSIDE CITY LIMITS (Yes or No) YES		28. ADDRESS OF DECEASED'S HOME (If not home, give address of residence) 2209 SWEETMAN BLVD		29. ADDRESS OF DECEASED'S HOME (If not home, give address of residence) 2209 SWEETMAN BLVD	
30. FATHER'S OR PARENT'S NAME PRIOR TO FIRST MARRIAGE (First, Middle, Last, Initial) WILEY FACE		31. MOTHER'S OR PARENT'S NAME PRIOR TO FIRST MARRIAGE (First, Middle, Last, Initial) JOSEPHINE PRESTAGE		32. MARITAL ADDRESS (Name and number, City or town, State, ZIP Code) 1417 BRIARSTONE PLACE, GULFPORT, MS 39503		33. FUNERAL HOME (Name and number, City or town, State, ZIP Code) RIEMANN FAMILY CREMATORY	
34. INFORMATION - NAME (Type as on ID) SANDRA ATCHISON		35. RELATIONSHIP TO DECEASED DAUGHTER		36. MARITAL ADDRESS (Name and number, City or town, State, ZIP Code) 1417 BRIARSTONE PLACE, GULFPORT, MS 39503		37. FUNERAL HOME (Name and number, City or town, State, ZIP Code) RIEMANN FAMILY CREMATORY	
38. INFORMATION - NAME (Type as on ID) CEBECIO		39. RELATIONSHIP TO DECEASED DAUGHTER		40. MARITAL ADDRESS (Name and number, City or town, State, ZIP Code) 1417 BRIARSTONE PLACE, GULFPORT, MS 39503		41. FUNERAL HOME (Name and number, City or town, State, ZIP Code) RIEMANN FAMILY CREMATORY	
42. FUNERAL HOME (Name and number, City or town, State, ZIP Code) RIEMANN FUNERAL HOME - GULFPORT (200)		43. FUNERAL HOME (Name and number, City or town, State, ZIP Code) RIEMANN FUNERAL HOME - GULFPORT (200)		44. MARITAL ADDRESS (Name and number, City or town, State, ZIP Code) 1417 BRIARSTONE PLACE, GULFPORT, MS 39503		45. FUNERAL HOME (Name and number, City or town, State, ZIP Code) RIEMANN FAMILY CREMATORY	
46. MARITAL ADDRESS (Name and number, City or town, State, ZIP Code) 1417 BRIARSTONE PLACE, GULFPORT, MS 39503		47. FUNERAL HOME (Name and number, City or town, State, ZIP Code) RIEMANN FAMILY CREMATORY		48. MARITAL ADDRESS (Name and number, City or town, State, ZIP Code) 1417 BRIARSTONE PLACE, GULFPORT, MS 39503		49. FUNERAL HOME (Name and number, City or town, State, ZIP Code) RIEMANN FAMILY CREMATORY	
50. MARITAL ADDRESS (Name and number, City or town, State, ZIP Code) 1417 BRIARSTONE PLACE, GULFPORT, MS 39503		51. FUNERAL HOME (Name and number, City or town, State, ZIP Code) RIEMANN FAMILY CREMATORY		52. MARITAL ADDRESS (Name and number, City or town, State, ZIP Code) 1417 BRIARSTONE PLACE, GULFPORT, MS 39503		53. FUNERAL HOME (Name and number, City or town, State, ZIP Code) RIEMANN FAMILY CREMATORY	
54. MARITAL ADDRESS (Name and number, City or town, State, ZIP Code) 1417 BRIARSTONE PLACE, GULFPORT, MS 39503		55. FUNERAL HOME (Name and number, City or town, State, ZIP Code) RIEMANN FAMILY CREMATORY		56. MARITAL ADDRESS (Name and number, City or town, State, ZIP Code) 1417 BRIARSTONE PLACE, GULFPORT, MS 39503		57. FUNERAL HOME (Name and number, City or town, State, ZIP Code) RIEMANN FAMILY CREMATORY	
58. MARITAL ADDRESS (Name and number, City or town, State, ZIP Code) 1417 BRIARSTONE PLACE, GULFPORT, MS 39503		59. FUNERAL HOME (Name and number, City or town, State, ZIP Code) RIEMANN FAMILY CREMATORY		60. MARITAL ADDRESS (Name and number, City or town, State, ZIP Code) 1417 BRIARSTONE PLACE, GULFPORT, MS 39503		61. FUNERAL HOME (Name and number, City or town, State, ZIP Code) RIEMANN FAMILY CREMATORY	
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This is a true and correct reproduction of the document officially registered and placed on file with the Mississippi Bureau of Vital Records and Public Health Statistics.

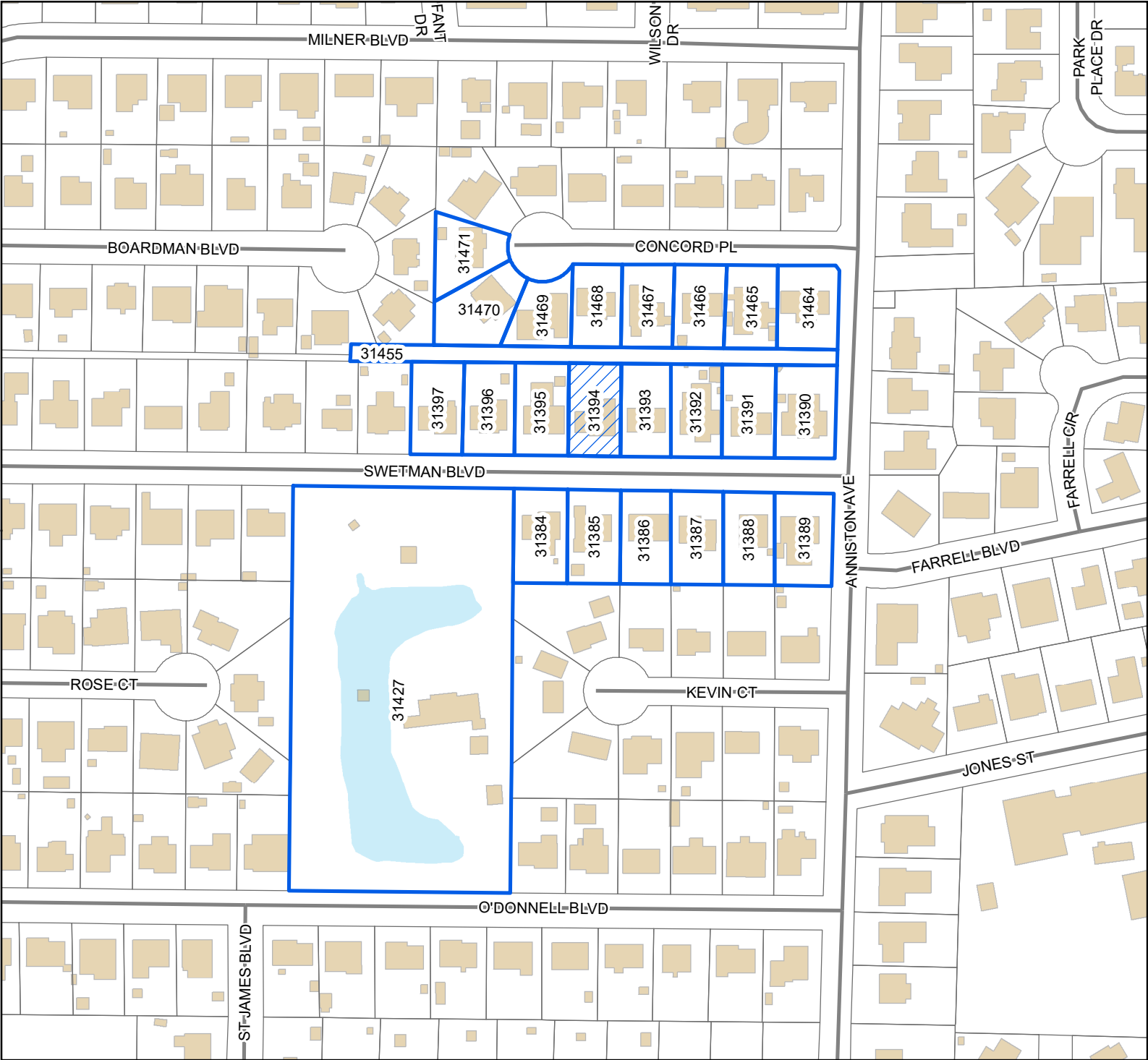
DATE ISSUED: AUGUST 24, 2023

ISSUED:

This copy not valid unless prepared on engraved border displaying state seal and signature of the Registrar.

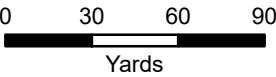
ANY ALTERATION OR ERASURE VOIDS THIS CERTIFICATE





Legend

- Site
- Adjacent Properties
- Street
- 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.

Mail	PPIN	Parcel ID	Name	Address	City	State	ZIP
Y		1010K-03-048.000	JOHN FORREST (OWNER)	2209 SWETMAN BLVD	GULFPORT	MS	39507
			MICHEAL HESTER (AGENT)	2032 45TH AVE	GULFPORT	MS	39501
			Adjacent Property Owners (2401ZB028)				
	31388	1010K-03-070.000	CROSBY RICHARD G & LUCILE M	2216 SWETMAN BLVD	GULFPORT	MS	39507
	31389	1010K-03-069.000	CROSBY RICHARD G SR & LUCILE	2218 SWETMAN BLVD	GULFPORT	MS	39507
	31384	1010K-03-074.000	KUHN KRISTIN	2208 SWETMAN BLVD	GULFPORT	MS	39507
	31427	1010K-03-075.000	GULFPORT CITY OF	P O BOX 1780	GULFPORT	MS	39502
	31386	1010K-03-072.000	SECURE PROPERTIES LLC	180 DELANEY ST	BILOXI	MS	39530
	31385	1010K-03-073.000	MALLEY JERRY CHRISTOPHER & NHUNG	2210 SWETMAN BLVD	GULFPORT	MS	39507
	31387	1010K-03-071.000	COAST PROPERTIES LLC	1447 EAST PASS RD	GULFPORT	MS	39507
	31466	1010K-03-057.000	CUSTER FREDERIC & KATHRYN -TRUSTEES	3 CONCORD PL	GULFPORT	MS	39507
	31465	1010K-03-056.000	JOHNSON GERTRUDE C	4025 SOUTHERN OAKS DR	GULFPORT	MS	39507
	31468	1010K-03-059.000	BODIE CHARLES EDWARD	10 CONCORD PL	GULFPORT	MS	39507
	31467	1010K-03-058.000	DAVIS JAMES	4 CONCORD PL	GULFPORT	MS	39507
	31469	1010K-03-060.000	HEPPEL JOHN EDWARD & MELODY LYNN	3121 SUSSEX ROAD	AUGUSTA	GA	30909
	31396	1010K-03-046.000	MIGUES MELANIE	2205 SWETMAN BLVD	GULFPORT	MS	39507
	31471	1010K-03-062.000	HICKMAN ALLEN W SR -TRUSTEE-	2028 TUILLERIES DR	BILOXI	MS	39531
	31394	1010K-03-048.000	MOORE MARY L & ATCHISON SANDRA	2209 SWETMAN BLVD	GULFPORT	MS	39507
	31393	1010K-03-049.000	GAGNE CONSTANCE	1447 E PASS RD	GULFPORT	MS	39507
	31392	1010K-03-050.000	TAPPER ALFRED H & DORIS FAYE	2213 SWETMAN BLVD	GULFPORT	MS	39501
	31391	1010K-03-051.000	AGARDI WILLIAM R	2215 SWETMAN BLVD	GULFPORT	MS	39507
	31470	1010K-03-061.000	ANDING JACQUELINE T	7 CONCORD PLACE	GULFPORT	MS	39507
	31397	1010K-03-045.000	BH INVESTMENTS LLC	13084 OLD HWY 49	GULFPORT	MS	39503
	31395	1010K-03-047.000	HARSHBARGER STEVEN & LINH VUONG	50 CAMDEN VILLAGE DR	NEWNAN	GA	30265
	31464	1010K-03-055.000	D S LADNER HOLDINGS LLC	P O BOX 6546	GULFPORT	MS	39506
	31390	1010K-03-052.000	WEIDNER MENDON	2217 SWETMAN BLVD	GULFPORT	MS	39507

RE: Variance 2403ZB028, by agent Michael Hester, seeking approval for a 9-foot tall fence along the rear of the property where six feet is the height limit, Tax Parcel 1010K-03-048.000, 2209 Swetman Blvd, R-1-7.5 (Single-Family), Ward 2

To Applicants and Adjacent Property Owners:

The City of Gulfport Zoning Board of Adjustments and Appeals will hold a public hearing to consider the above application at 3:00 P.M. on **Thursday, March 21, 2024**, in the Council Chambers at the Gulfport City Hall located at 2309 15th Street.

For more information, visit <https://www.gulfport-ms.gov/agendas/> then click the City of Gulfport Zoning Board for **Thursday, March 21, 2024**. A map showing the location of the property involved is located at this website. If you have any questions or comments, please contact this office at the phone number 228-868-5710 or email planners@gulfport-ms.gov. The application is available for viewing in the Planning Division office at 1410 24th Avenue.



The Beaufort Gazette
The Belleville News-Democrat
Bellingham Herald
Centre Daily Times
Sun Herald
Idaho Statesman
Bradenton Herald
The Charlotte Observer
The State
Ledger-Enquirer

Durham | The Herald-Sun
Fort Worth Star-Telegram
The Fresno Bee
The Island Packet
The Kansas City Star
Lexington Herald-Leader
The Telegraph - Macon
Merced Sun-Star
Miami Herald
El Nuevo Herald

The Modesto Bee
The Sun News - Myrtle Beach
Raleigh News & Observer
Rock Hill | The Herald
The Sacramento Bee
San Luis Obispo Tribune
Tacoma | The News Tribune
Tri-City Herald
The Wichita Eagle
The Olympian

AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Amount	Cols	Depth
36845	525462	Print Legal Ad-IPL01617860 - IPL0161786		\$112.15	2	76 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 PM., Thursday, March 21, 2024 in the Council Chambers of the Gulfport City Hall located at 2309 15 th Street to consider the following requests. A copy of the requests will be available for public review at the office of the Department of Urban Development-Planning Division located on first floor of the William H. Hardy Building, 1410 24 th Avenue.

Variance 2403ZB021, by owner Gregory Woodard, seeking approval for a 1,430 square-foot accessory structure where 600 square feet is the size limit, Tax Parcel 0807K-01-018.017, 13324 Harper Court, Zoned R-1-15 (Single-family), Ward 7

Variance 2403ZB022, by owner Gregory Woodard, seeking approval for a side yard setback of 8 feet, where 15 feet is required, Tax Parcel 0807K-01-018.017, 13324 Harper Court, Zoned R-1-15 (Single-family), Ward 7

Variance 2403ZB023, by owner Gregory Woodard, seeking approval for a 24-foot tall accessory structure where 14 feet is the height limit, Tax Parcel 0807K-01-018.017, 13324 Harper Court, Zoned R-1-15 (Single-family), Ward 7

Variance 2403ZB026, by agent Rebecca Gillum, seeking approval for 5-foot side yard setbacks, where 8 feet is required, Tax Parcel 0811G-04-116.000, 2011 17th Ave, Zoned R-2 (Single-family), Ward 3

Variance 2403ZB028, by agent Michael Hester, seeking approval for a 9-foot tall fence along the rear of the property where six feet is the height limit, Tax Parcel 1010K-03-048.000, 2209 Swetman Blvd, R-1-7.5 (Single-Family), Ward 2

Special Exception 2403SC031, by agent Tyler Hickman, seeking approval for daiquiri shop, Tax Parcels 0908N-04-004.000, 0908N-04-004.001, 13211 Dedeaux Road, Zoned B-1 (Neighborhood business), Ward 5

Variance 2403ZB033, by owners Joseph and Rebecca Cowart, seeking approval for a 2400 detached accessory structure, Tax Parcel 0811B-01-037.000, 2601 15th Avenue, Zoned B-2 (General Business), Ward 3

Variance 2403ZB034, by owner Kevin Myers, seeking approval for a 960 square foot accessory structure, Tax Parcel 0811G-06-026.000, 1625 19th Ave, Zoned T4L (General Urban Zone "Limited"), Ward 2

Variance 2403ZB035, by owner Kevin Myers, seeking approval for a rear yard setback of 50 inches (4.17 ft) and a side yard setback of 53 inches (4.42 feet), Tax Parcel 0811G-06-026.000, 1625 19th Ave, Zoned T4L (General Urban Zone "Limited"), Ward 2

Variance 2403ZB036, by agent Robert Addison Riemann, seeking approval for an additional wall sign on the eastern elevation, Tax Parcel 0809K-02-002.001, 15223 Creosote Road, Zoned B-4 (Highway-business), Ward 3

Variance 2403ZB041, by agent Tiffany Marshall, seeking approval for zero required parking for all future uses, Tax Parcels 0811E-02-042.000, 0811E-02-043.000, 0811E-02-044.000, 1512 30th Ave, 1516 30th Ave, 1518 30th Ave, 1520 30th Ave, 1522 30th Ave, 1528A 30th Ave, 1528B 30th Ave, Zoned T6 (Urban Core Zone), Ward 2

Variance 2403ZB042, by agent Tiffany Marshall, seeking approval for backing into city right of way, Tax Parcels 0811E-02-042.000, 0811E-02-043.000, 0811E-02-044.000, 1512 30th Ave, 1516 30th Ave, 1518 30th Ave, 1520 30th Ave, 1522 30th Ave, 1528A 30th Ave, 1528B 30th Ave, Zoned T6 (Urban Core Zone), Ward 2

Variance 2403ZB043, by agent David Machado, seeking approval for a building height of 55 feet and 3 inches where 50 feet is the height limit, Tax Parcel 0710P-01-004.000, 2809 34th Avenue, Zoned I-1 (Light-industry), Ward 1

This the 1st day of March 2024
A. Leslie North, Chairman
City of Gulfport Zoning Board of Adjustment and Appeals
PO210200
IPL0161786
Mar 6 2024

STATE OF MISSISSIPPI COUNTY OF HARRISON

Before me, the undersigned Notary of Dallas County, Texas personally appeared Stephanie Hatcher, 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:
03/06/24

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.

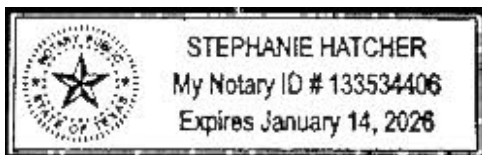
Stephanie Hatcher

Sworn to and subscribed before me this 11th day of
March in the year of 2024

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: March 21, 2024

Re: Special Exception 2403SC031:

Special Exception 2403SC031, by agent Tyler Hickman, seeking approval for daiquiri shop, Tax
Parcels 0908N-04-004.000, 0908N-04-004.001, 13211 Dedeaux Road, Zoned B-1
(Neighborhood business), Ward 5

Technical Report

SPECIAL EXCEPTION

GENERAL INFORMATION

Case File Number: 2403SC031

Hearing Date: Zoning Board March 21, 2024
Planning Commission March 28, 2024

Current Zoning/Use: B-1 / Commercial Structure

Legal: Special Exception 2403SC031, by agent Tyler Hickman, seeking approval for daiquiri shop, Tax Parcels 0908N-04-004.000, 0908N-04-004.001, 13211 Dedeaux Road, Ste 4, Zoned B-1 (Neighborhood business), Ward 5

TECHNICAL DETAILS

The applicant is requesting a Special Exception to be granted to open a daiquiri shop at 13211 Dedeaux, Rd Ste 4. The applicant has provided certification they are meeting the states distance regulations as per Ordinance 3158. The proposed daiquiri shop would still be required to go through Special Exception for Zoning Board and Planning Commission approval.

EXECUTIVE SUMMARY

The applicant would like to open a daiquiri shop at the above-mentioned location. This location is located in Dedeaux Plaza on Dedeaux Rd. The plaza currently houses a liquor store (Davis Liquor and Wine), a restaurant (Mama's Seafood), a market (Tienda Los Amigos), and a laundry mat (Supersudz). The parking appears sufficient. There is sufficient room for proper ingress and egress to safely operate this type of business at this location. It does not appear that this use will adversely impact the adjacent properties.

Any approval should consider these conditions:

1. Special exception use of daiquiri shop must be approved by the Zoning Board and the Planning Commission.
2. Must meet all current Codes and City of Gulfport ordinances.

DEPARTMENTAL CONDITIONS

Engineering: No conditions. Memo dated 03/07/2024.

Public Works: No conditions. As of 07/11/2024.

Traffic and Safety: No conditions. Memo dated 03/06/2024.

Building Code Services: Must meet all current building Codes and City of Gulfport Ordinances. Memo dated 02/27/2024.

Technical Report

SPECIAL EXCEPTION

GIS: No conditions. Memo dated 02/28/2024.

Police Department: No comment as of 03/07/2024.

Fire Department: No conditions. Memo dated 02/27/2024.

City Arborist: No conditions. Memo dated 02/27/2024.

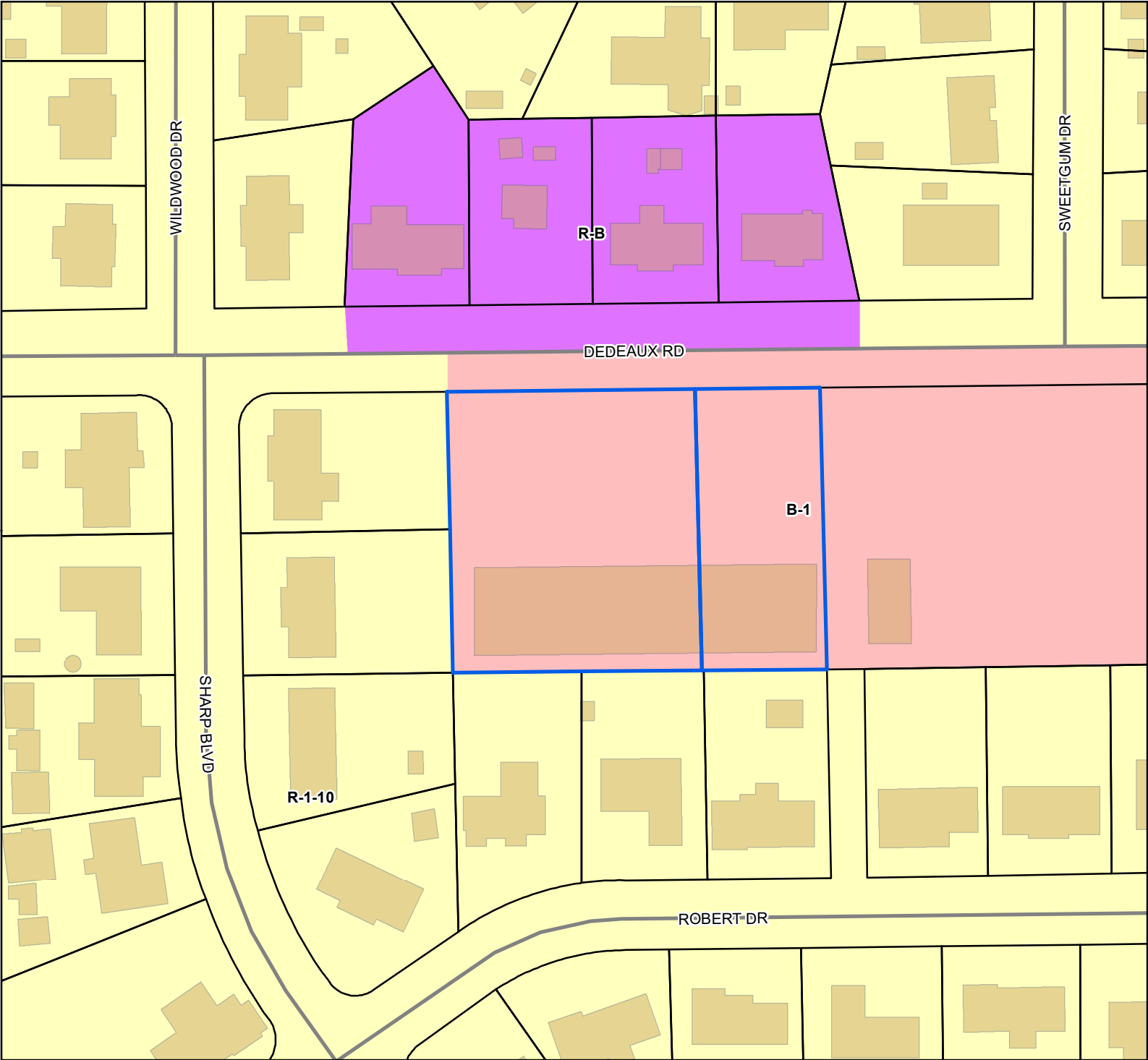
DIRECTOR APPROVAL

This report has been reviewed and approved by:



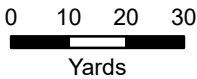
Greg Holmes
Director of Urban Development Department





 Street
 Parcels
 Buildings
Zoning
 B-1 - Neighborhood Business District
 R-1-10 - Single Family Residence (Low Density)
 R-B - Residence-Business District

Site Information
 0908N-04-004.000
 0908N-04-004.001
 Zoning B-1 (Neighborhood Business)
 Size: 1.24 AC
 Flood: X



1 inch = 100 feet



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CASE NUMBER

2403SC031

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

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	8	N	-	0	4	-	0	0	4	.	0	0	0		0	9	0	8	N	-	0	4	-	0	0	4	.	0	0	1
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					-			-				.										-			-				.			

Property Address:

13211 Dedeaux Rd. Gulfport, MS 39503 Suite 4

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

General Description of Request: Daquiri Shop - Daquiri to

Go / Liquor Use

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:DE NGUYEN

Printed Name of Owner

10233 HUTTER RD.

Mailing Address

GULFPORT MS 39503

City

State

Zip Code

Home Phone

Work/Cell Phone

Sathitran@yahoo.com

Email

[Signature]

Signature of Owner

AGENT:Tyler Hickman

Printed Name of Agent

21431 Pete Hickman

Mailing Address

6045 Savier, MS. 39579

City

State

Zip Code

Home Phone

Work/Cell Phone

Email

[Signature]

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) DE NGUYEN

Address (Street, City, State, Zip Code) _____

Phone (Home) _____ (Work) 228-832-2275 (Cell) 228-265-4239

Tax Parcel Number(s) Owned: _____

Signature: [Signature]X Name of Owner (PRINT) HOANG TRANAddress (Street, City, State, Zip Code) 15068 LOVELESS DRPhone (Home) _____ (Work) 228-832-2275 (Cell) 228-265-4239

Tax Parcel Number(s) Owned: _____

Signature: [Signature]

Name of Owner (PRINT) _____

Address (Street, City, State, Zip Code) _____

Phone (Home) _____ (Work) _____ (Cell) _____

Tax Parcel Number(s) Owned: _____

Signature: _____



DESIGNATION OF AGENT

I, DE NGUYEN being property owner of 13211 Deddox Rd
PRINT NAME PRIMARY ADDRESS OR PARCEL
which is the subject of this application hereby authorize Tyler Hickman to act as
PRINT NAME
my representative with the City of Gulfport's Zoning Board of Adjustment and Appeals, and/or Planning Commission, and/or City Council, and/or permitting and licensing, as required by the City.

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

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

[Signature]
SIGNATURE

1/24/24
DATE

STATE OF MISSISSIPPI | COUNTY OF HARRISON

Given under my hand and seal of office this the 24 day of January, 20 24

[Signature]
NOTARY PUBLIC

August 28, 2027
COMMISSION EXPIRATION





COVENANT AFFIDAVIT

I, Tyler M. Hickman being property owner or agent of the property 13211 Dedeaux 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.

Tyler M. Hickman
SIGNATURE

2/1/24
DATE

STATE OF MISSISSIPPI | COUNTY OF HARRISON

Given under my hand and seal of office this the 2 day of February, 20 24

Kaleigh Weber
NOTARY PUBLIC

Oct 2, 2027
COMMISSION EXPIRATION



Special Exception Submissions

NOTE: The criteria below outlines each Board's requirements. Each Board does not need to be addressed separately; you may consolidate these responses when appropriate. Keep in mind, however, each item must be thoroughly addressed.

A WRITTEN STATEMENT MUST BE SUBMITTED TO THE ZONING BOARD OF ADJUSTMENT AND APPEALS ADDRESSING THE FOLLOWING:



The following, where applicable must be addressed:

- Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.
- Off-street parking and loading areas where required, with particular attentino to those items listed in the above bullet statement and the economic, noise, glare or odor effects of the special exception on adjoining properties and properties generally in the district.
- Refuse and service areas, with particular reference to the two items in the above.
- Utilities, with reference to the location, availability, and compatibility.
- Screening and buffering with reference to type, dimensions, and character.
- Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properites in the district.
- Required yards and other open space.
- General compatibility with adjacent properties and other property in the district.
- Over view of why the special exception will be in harmony with the general purpose and intent of the Zoning Ordinance.

A WRITTEN STATEMENT MUST BE SUBMITTED TO THE PLANNING COMMISSION ADDRESSING THE FOLLOWING:

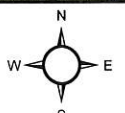
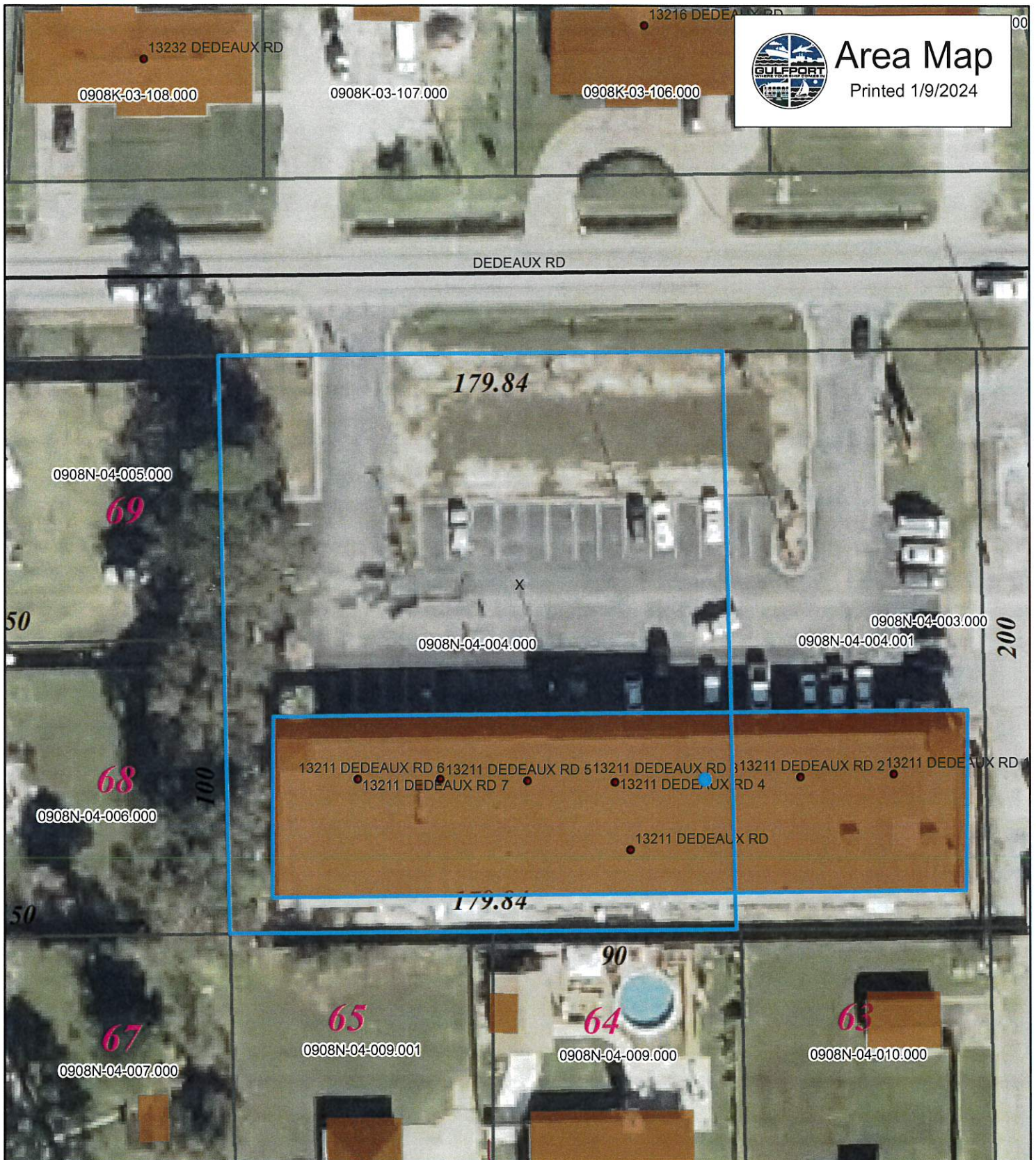
NOTE: The uses listed below are permitted upon approval of location and the site plan thereof by the Planning Commission as being appropriate.



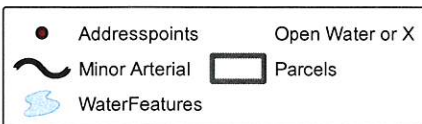
The following, where applicable must be addressed:

- Transportation and access
- Water supply and waste disposal
- Fire, police protection and other public facilities
- Not causing undue traffic congestion for creating a traffic hazard, as as being in harmony wit the orderly and appropriate development of the district in which the use is located.

- There is ingress and egress to the property and proposed structures with direct access to Dedeaux Rd. There are separate entrance and exits for this structure.
- There is plenty of on site parking for this property structure in accordance with zoning laws.
- The refuse and service areas are located in the front west area of the structure.
- There are utilities for the structure in compatible with the City of Gulfport and there are no other utilities needed.
- There is a buffer in between the ingress and egress and also separating the parking lot from Dedeaux Rd.
- There is one sign needed in accordance with the structure on the front of the building.
- There is an open space in between the parking lot and Dedeaux Rd. (Grass).
- The special exemption being applied for as a To Go Dqlquiri/liquor use will be in harmony with the general purpose and intent of the zoning ordinance due to a liquor store being on site already.
- Transportation and access is and will be used by Dedeaux Rd.
- Water suppl and waste disposal is at the location and is in accordance with the City of Gulfport utilities and there is no other utilities needed for this special exemption.
- Gulfport Fire Department station 10 is the closest Fire station and the area is patrolled by Gulfport Police Department.
- The use will not cause any traffic congestion as the structure has applicable parking for the structure and has ingress and egress to Dedeaux Rd.



1 inch = 45 feet



DATA DISCLAIMER:
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INDEXING INSTRUCTION:
Index in NW1/4 of SE1/4 of Section 11, Township 7 South, Range 11 West,
First Judicial District of Harrison County, Mississippi

STATE OF MISSISSIPPI
COUNTY OF HARRISON
FIRST JUDICIAL DISTRICT



1st Judicial District
Instrument 2006 1764 D ~J1
Filed/Recorded 3 2 2006 10 A
Total Fees 12.00
2 Pages Recorded

WARRANTY DEED

For and in consideration of the sum of Ten and No/100 Dollars, cash in hand paid, and other good and valuable considerations, the receipt and sufficiency of all of which are hereby acknowledged, the undersigned, **Lee Brothers, LLC**, does hereby sell, convey and warrant to **De V. Nguyen and Hoang V. Tran**, as joint tenants with full rights of survivorship and not as tenants in common, the following described real property, with improvements thereon, situated and being in the First Judicial District of Harrison County, Mississippi, to-wit:

Commencing at the intersection of the south line of Dedeaux Road and the west line of the Southeast Quarter (SE 1/4), Section 11, Township 7 South, Range 11 West, Harrison County, First Judicial District, Mississippi; thence North 89 degrees 10 minutes East a distance of 620 feet to the Point of Beginning; thence South 00 degrees 50 minutes East a distance of 200 feet; thence South 89 degrees 10 minutes West a distance of 270 feet; thence North 00 degrees 50 minutes West a distance of 200 feet to the South line of Dedeaux Road; thence North 89 degrees 10 minutes East a distance of 270 feet to the Point of Beginning.

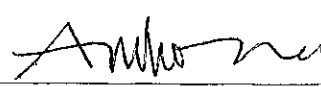
This conveyance is made subject to the lien for ad valorem taxes for the current year, as well as such restrictions, reservations, easements and other matters affecting the title thereto (with the exception of printed exclusions from the coverage of any title insurance commitment or policy) as are revealed to Grantees by any survey, title opinion, title insurance commitment or title insurance policy delivered to Grantee(s) contemporaneously with sale.

Estimated city and 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 Grantees agree 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.

Witness my signature, this 10th day of February, 2006.

Lee Brothers, LLC

BY:


Anthony Lee, Member/Manager

STATE OF CALIFORNIA

COUNTY OF ORANGE

Personally appeared before me, the undersigned authority in and for the said county and state, on this 10th day of February, 2006, within my jurisdiction, the within named Anthony Lee, who acknowledged that he is the Manager of Lee Brothers, LLC, and that for and on behalf of the said limited liability company, and as its act and deed, he executed the above and foregoing instrument, after first having been duly authorized by said company so to do.



(SEAL)


NOTARY PUBLIC

My commission expires:

4/20/2007

Grantor(s) address:

Lee Brothers, LLC
1936 W. Meadowbrook Dr.
Santa Ana, CA 92704

Telephone No. 714-371-6280

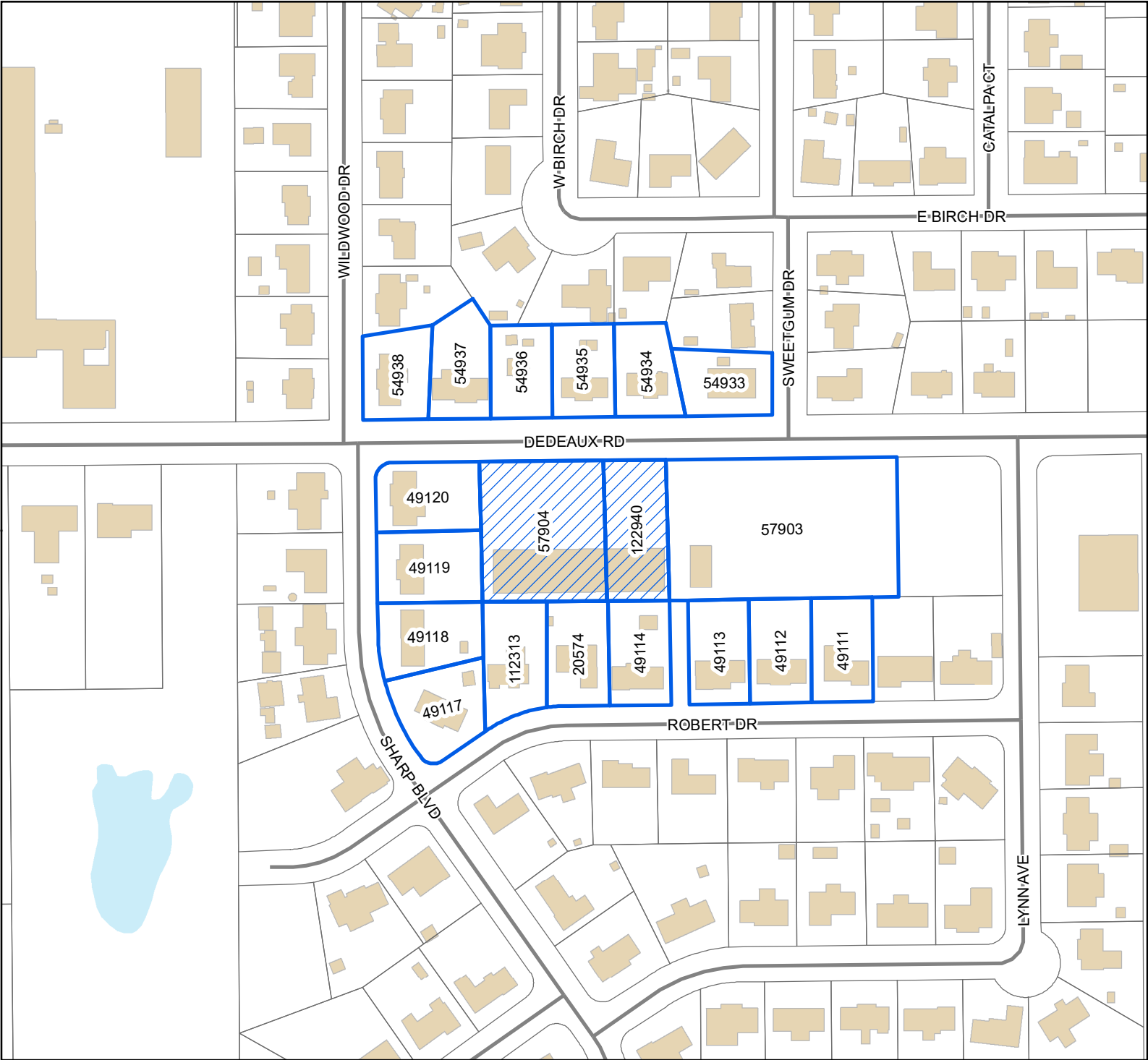
Grantee(s) address:

De V. Nguyen and Hoang V. Tran
15068 Lovelee Drive
Gulfport, MS 39523

Telephone No. 812-525-8308

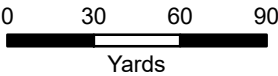
Prepared by:
DAVID S. RAINES
Post Office Box 7618
Gulfport, MS 39506-7618
Telephone: (228) 897-2201

Mail	PPIN	Parcel ID	Name	Address	City	State	ZIP
Y		0908N-04-004.000	DE NGUYEN (OWNER)	10233 HUTTER RD	GULFPORT	MS	39503
			TYLER HICKMAN (AGENT)	21431 PETE HICKMAN	SAUCIER	MS	39574
			Adjacent Property Owners (2403SC031)				
54936		0908K-03-107.000	THOMAS WALTER JR & VERA L	13232 DEDEAUX RD	GULFPORT	MS	39503
54933		0908K-03-104.000	MOEINI MOHAMMAD -ESTATE-	P O BOX 8833	GULFPORT	MS	39506
57903		0908N-04-003.000	NGUYEN DE VAN & JOE T	10233 HUTTER RD	GULFPORT	MS	39503
49120		0908N-04-005.000	BH INVESTMENTS LLC	13084 OLD HWY 49	GULFPORT	MS	39503
54934		0908K-03-105.000	EICHENBERG RICHARD L & SARAH N	24406 LINDA LN	GULFPORT	MS	39503
49117		0908N-04-008.000	RICHARDSON CARL & PEARLIE	507 SHARP BLVD	GULFPORT	MS	39503
54935		0908K-03-106.000	LOUVIERE DYLAN & STRAHAN KELLY	13216 DEDEAUX RD	GULFPORT	MS	39503
49112		0908N-04-012.000	DELAHUNT ROBERT & VANESSA D	2314 ROBERT DR	GULFPORT	MS	39503
49111		0908N-04-013.000	TRAN JOHN	13688 HIDDEN OAKS DR	GULFPORT	MS	39503
49114		0908N-04-010.000	DIVYNE PROPERTY LLC	2308 ROBERT DR	GULFPORT	MS	39503
112313		0908N-04-009.001	LEVY TIFFANY	2041 SHADY LANE RD	PICKENS	MS	39146
49118		0908N-04-007.000	WENG QICAI	4282 TUX RIVER CIR	D'IBERVILLE	MS	39540
54938		0908K-03-071.000	COBLENTZ ALEXIS DENISE	800 WILDWOOD DR	GULFPORT	MS	39503
49119		0908N-04-006.000	DEDEAUX JOSHUA & BRITTANY L	503 SHARP BLVD	GULFPORT	MS	39503
49113		0908N-04-011.000	JEFFRIES PATRICIA ANN	2312 ROBERTS DR	GULFPORT	MS	39503
20574		0908N-04-009.000	BALL ALVANETTA & DEWITT	2308 ROBERT DRIVE	GULFPORT	MS	39501
122940		0908N-04-004.001	NGUYEN DE V & TRAN HOANG V	15068 LOVELESS DR	GULFPORT	MS	39503



Legend

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



1 inch = 200 feet



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RE: Special Exception 2403SC031, by agent Tyler Hickman, seeking approval for daiquiri shop, Tax Parcels 0908N-04-004.000, 0908N-04-004.001, 13211 Dedeaux Road, Zoned B-1 (Neighborhood business), Ward 5

To Applicants and Adjacent Property Owners:

The City of Gulfport Zoning Board of Adjustments and Appeals will hold a public hearing to consider the above application at 3:00 P.M. on **Thursday, March 21, 2024**, in the Council Chambers at the Gulfport City Hall located at 2309 15th Street.

For more information, visit <http://www.gulfport-ms.gov/agendas/> then click the City of Gulfport Zoning Board for **Thursday, March 21, 2024**. A map showing the location of the property involved is located at this website. If you have any questions or comments, please contact this office at the phone number 228-868-5710 or email planners@gulfport-ms.gov. The application is available for viewing in the Planning Division office at 1410 24th Avenue.



The Beaufort Gazette
The Belleville News-Democrat
Bellingham Herald
Centre Daily Times
Sun Herald
Idaho Statesman
Bradenton Herald
The Charlotte Observer
The State
Ledger-Enquirer

Durham | The Herald-Sun
Fort Worth Star-Telegram
The Fresno Bee
The Island Packet
The Kansas City Star
Lexington Herald-Leader
The Telegraph - Macon
Merced Sun-Star
Miami Herald
El Nuevo Herald

The Modesto Bee
The Sun News - Myrtle Beach
Raleigh News & Observer
Rock Hill | The Herald
The Sacramento Bee
San Luis Obispo Tribune
Tacoma | The News Tribune
Tri-City Herald
The Wichita Eagle
The Olympian

AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Amount	Cols	Depth
36845	525462	Print Legal Ad-IPL01617860 - IPL0161786		\$112.15	2	76 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 PM., Thursday, March 21, 2024 in the Council Chambers of the Gulfport City Hall located at 2309 15 th Street to consider the following requests. A copy of the requests will be available for public review at the office of the Department of Urban Development-Planning Division located on first floor of the William H. Hardy Building, 1410 24 th Avenue.

Variance 2403ZB021, by owner Gregory Woodard, seeking approval for a 1,430 square-foot accessory structure where 600 square feet is the size limit, Tax Parcel 0807K-01-018.017, 13324 Harper Court, Zoned R-1-15 (Single-family), Ward 7

Variance 2403ZB022, by owner Gregory Woodard, seeking approval for a side yard setback of 8 feet, where 15 feet is required, Tax Parcel 0807K-01-018.017, 13324 Harper Court, Zoned R-1-15 (Single-family), Ward 7

Variance 2403ZB023, by owner Gregory Woodard, seeking approval for a 24-foot tall accessory structure where 14 feet is the height limit, Tax Parcel 0807K-01-018.017, 13324 Harper Court, Zoned R-1-15 (Single-family), Ward 7

Variance 2403ZB026, by agent Rebecca Gillum, seeking approval for 5-foot side yard setbacks, where 8 feet is required, Tax Parcel 0811G-04-116.000, 2011 17th Ave, Zoned R-2 (Single-family), Ward 3

Variance 2403ZB028, by agent Michael Hester, seeking approval for a 9-foot tall fence along the rear of the property where six feet is the height limit, Tax Parcel 1010K-03-048.000, 2209 Swetman Blvd, R-1-7.5 (Single-Family), Ward 2

Special Exception 2403SC031, by agent Tyler Hickman, seeking approval for daiquiri shop, Tax Parcels 0908N-04-004.000, 0908N-04-004.001, 13211 Dedeaux Road, Zoned B-1 (Neighborhood business), Ward 5

Variance 2403ZB033, by owners Joseph and Rebecca Cowart, seeking approval for a 2400 detached accessory structure, Tax Parcel 0811B-01-037.000, 2601 15th Avenue, Zoned B-2 (General Business), Ward 3

Variance 2403ZB034, by owner Kevin Myers, seeking approval for a 960 square foot accessory structure, Tax Parcel 0811G-06-026.000, 1625 19th Ave, Zoned T4L (General Urban Zone "Limited"), Ward 2

Variance 2403ZB035, by owner Kevin Myers, seeking approval for a rear yard setback of 50 inches (4.17 ft) and a side yard setback of 53 inches (4.42 feet), Tax Parcel 0811G-06-026.000, 1625 19th Ave, Zoned T4L (General Urban Zone "Limited"), Ward 2

Variance 2403ZB036, by agent Robert Addison Riemann, seeking approval for an additional wall sign on the eastern elevation, Tax Parcel 0809K-02-002.001, 15223 Creosote Road, Zoned B-4 (Highway-business), Ward 3

Variance 2403ZB041, by agent Tiffany Marshall, seeking approval for zero required parking for all future uses, Tax Parcels 0811E-02-042.000, 0811E-02-043.000, 0811E-02-044.000, 1512 30th Ave, 1516 30th Ave, 1518 30th Ave, 1520 30th Ave, 1522 30th Ave, 1528A 30th Ave, 1528B 30th Ave, Zoned T6 (Urban Core Zone), Ward 2

Variance 2403ZB042, by agent Tiffany Marshall, seeking approval for backing into city right of way, Tax Parcels 0811E-02-042.000, 0811E-02-043.000, 0811E-02-044.000, 1512 30th Ave, 1516 30th Ave, 1518 30th Ave, 1520 30th Ave, 1522 30th Ave, 1528A 30th Ave, 1528B 30th Ave, Zoned T6 (Urban Core Zone), Ward 2

Variance 2403ZB043, by agent David Machado, seeking approval for a building height of 55 feet and 3 inches where 50 feet is the height limit, Tax Parcel 0710P-01-004.000, 2809 34th Avenue, Zoned I-1 (Light-industry), Ward 1

This the 1st day of March 2024
A. Leslie North, Chairman
City of Gulfport Zoning Board of Adjustment and Appeals
PO210200
IPL0161786
Mar 6 2024

STATE OF MISSISSIPPI COUNTY OF HARRISON

Before me, the undersigned Notary of Dallas County, Texas personally appeared Stephanie Hatcher, 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:
03/06/24

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.

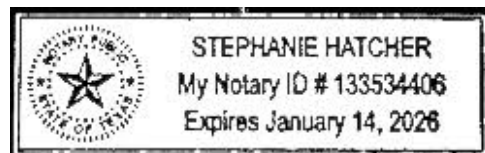
Stephanie Hatcher

Sworn to and subscribed before me this 11th day of
March in the year of 2024

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

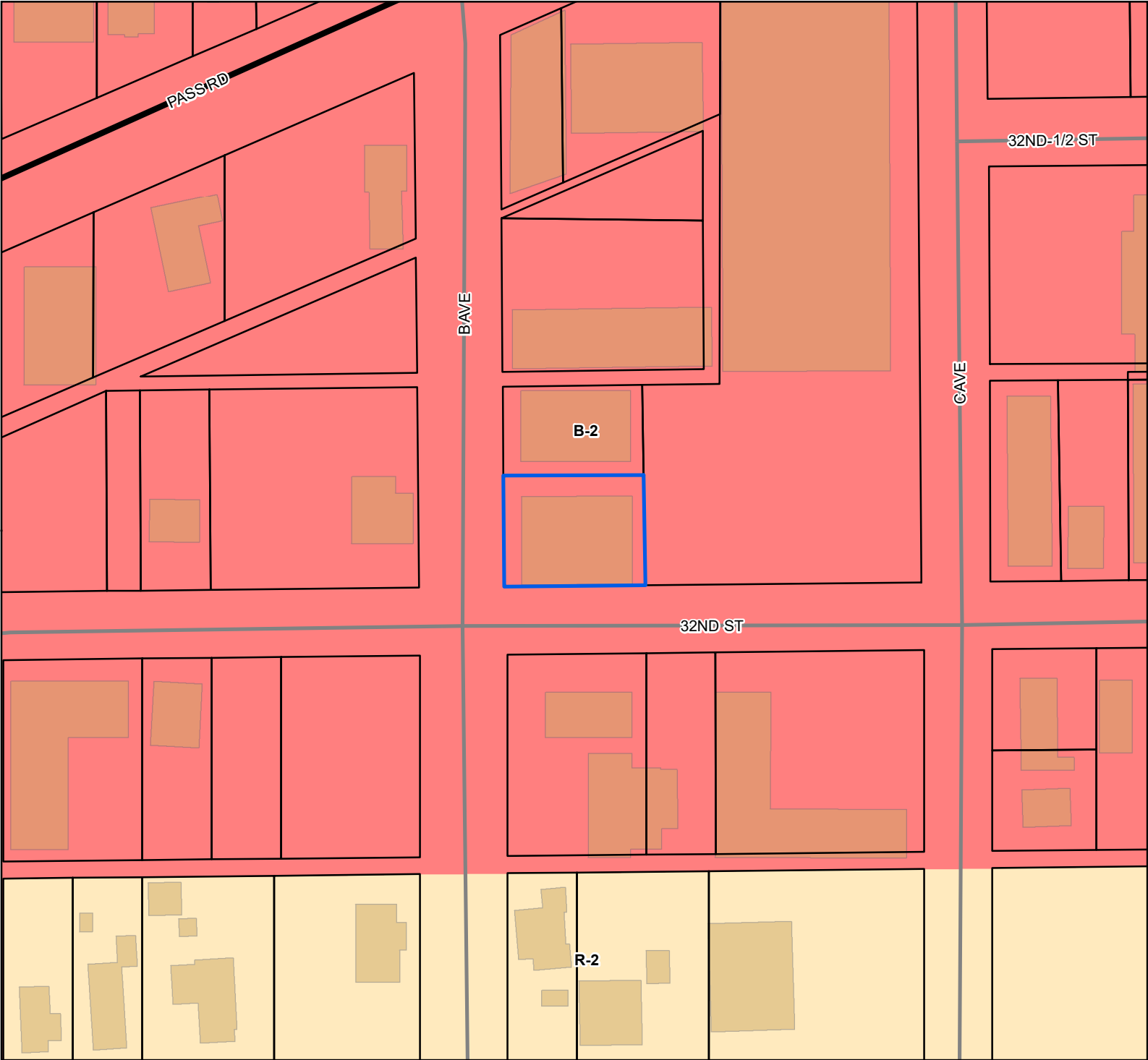
To: City of Gulfport Zoning Board of Adjustment and Appeals

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

Date of Hearing: March 21, 2024

Re: Variance 2403ZB032:(Deferred to April Meeting)

Variance 2403ZB0032, by agent Terry Robinson, seeking approval to vary from number of required parking spaces for retail use, Tax Parcel 0910N-06-014.000, 3200 B Ave, Zoned B-2 (General-business), Ward 4



US or State Highway

Street

Parcels

Buildings

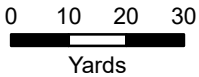
Zoning

B-2 - General Business District

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

Site Information

0910N-06-014.000
Zoning B-2 (General Business)
Size: 8099.47 sqft
Flood: X



1 inch = 100 feet



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Backing
out into City Right
of way
Warrenty Deed



CASE NUMBER

24032B032

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

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

0910N-06-014.000																							

Property Address:

3200 B Ave - Gulfport, MS 39507

Lot(s) 24 & 25

Block(s) 9

Subdivision

General Description of Request:

Asking for a variance on 17 parking
places to require only 7 that currently exist. And Backing
out into City Right of Way.

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:JKA Properties, LLC

Printed Name of Owner

729 E. Pass Rd.

Mailing Address

Gulfport MS 39507

City

N/A

State

228-860-0171

Zip Code

Home Phone

Work/Cell Phone

jkapropertiesllc@hotmail.com

Email

Signature of Owner

AGENT:Terry Robinson

Printed Name of Agent

1311 Spring St, Ste C

Mailing Address

Gulfport MS 39507

City

State

Zip Code

(228) 861-9107

Home Phone

Work/Cell Phone

terry@robrow.com

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) _____

Address (Street, City, State, Zip Code) _____

Phone (Home) _____

(Work) _____

(Cell) _____

Tax Parcel Number(s) Owned: _____

Signature: _____

Name of Owner (PRINT) _____

Address (Street, City, State, Zip Code) _____

Phone (Home) _____

(Work) _____

(Cell) _____

Tax Parcel Number(s) Owned: _____

Signature: _____

Name of Owner (PRINT) _____

Address (Street, City, State, Zip Code) _____

Phone (Home) _____

(Work) _____

(Cell) _____

Tax Parcel Number(s) Owned: _____

Signature: _____

VARIANCE SUBMISSIONS

SS

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.

- The building is 5000 square feet.
- Located in a section of town where structures take up most of lot.
- Asking for variance on 17 parking places to require only 7 that exist currently.
- No alternate location to add parking.
- The existing car park is more than adequate for thrift store tenant that will be renting space.
- We respectfully ask the Board to consider this hardship and approve the existing car park.

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 IS 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.

IS **Site plan**. Please note that approval of your request, in part, is based on your **11" by 17"** 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)

N/A 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**.

N/A An **affidavit** stating the request is not in violation of restrictive or protective covenants. (See page 10)

IS **Cash or check** payable to the City of Gulfport in the amount of **\$75.00**

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



DESIGNATION OF AGENT

I, JOSE SANTAMARIA being property owner of 3200 B AV
PRINT NAME PRIMARY ADDRESS OR PARCEL
which is the subject of this application hereby authorize Terry Robinson to act as
PRINT NAME
my representative with the City of Gulfport's Zoning Board of Adjustment and Appeals, and/or Planning Commission, and/or City Council, and/or permitting and licensing, as required by the City.

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

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

[Signature]
SIGNATURE

2/2/24
DATE

STATE OF MISSISSIPPI | COUNTY OF HARRISON

Given under my hand and seal of office this the 2nd day of February, 20 24

K. Jacobs
NOTARY PUBLIC



5/22/27
COMMISSION EXPIRATION



COVENANT AFFIDAVIT

I, Jose Santamaria being property owner or agent of the property 3200 B AV
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

DATE

STATE OF MISSISSIPPI | COUNTY OF HARRISON

Given under my hand and seal of office this the 2nd day of February, 20 24

NOTARY PUBLIC

5/22/27

COMMISSION EXPIRATION





Michael Watson

SECRETARY OF STATE

This is not an official certificate of good standing.

Name History

Name	Name Type
JKA Properties, LLC	Legal

Business Information

Business Type:	Limited Liability Company
Business ID:	1093623
Status:	Good Standing
Effective Date:	05/24/2016
State of Incorporation:	Mississippi
Principal Office Address:	1200 College Street Gulfport, MS 39507

Registered Agent

Name
Jose Santamaria 1200 College Street Gulfport, MS 39507

Officers & Directors

Name	Title
Jose Santamaria 1200 College Street Gulfport, MS 39507	Manager

2023 Official Landroll Information

FENNELL SAMUEL J -ESTATE-
3200 B AVE GULFPORT, MS 39507

Physical Street Address:
0 TALLEY SHAW RD

Parcel #:	PPIN	Tax District	Homestead Exp.	Judicial Dist.
0102 -07- 025.000	77189	2M		1

Supervisor District:	Subdivision:
2	

Exemption Code
Non-Exempt

Section	Township	Range
07	05	13

Instrument Number(s)
2011-0008449-D-J1, 1651/0260, 1651/0258, 0723/0044

Acres	Land Value	Improvements	Total Value	Assessed Value
9.5	25360	0	25360	3805 0 / 3804

Legal Description
9.3 AC BEG 315 FT W OF SE COR OF SW 1/4 OF NW 1/4 OF SEC 7 N 300 FT W 520 FT N 217 FT W 451 FT S 56 DG W 58 FT S 485 FT E 1016 FT TO POB PART OF SW 1/4 OF NW 1/4 OF SEC 7-5-13

There are 0 building description records attached to this parcel.







3200 B AVENUE

Legend

- 3200 B Ave
- Feature 1
- Feature 2
- Mississippi Aviation Heritage Museum
- Old Mississippi Millwork & Cabinet Co
- Shell

Pass Road Mini Storage

AMX Aut

Mississippi Aviation Heritage Museum

L & M Package Store

Autoca\$h Title & Payday Loans

Jack Beattie's House of Carpet

Jamison Auto Group

3200 B Ave
Snell's Custom Sheet Metal

EMSI TSA Eligibility

32nd St

B Ave

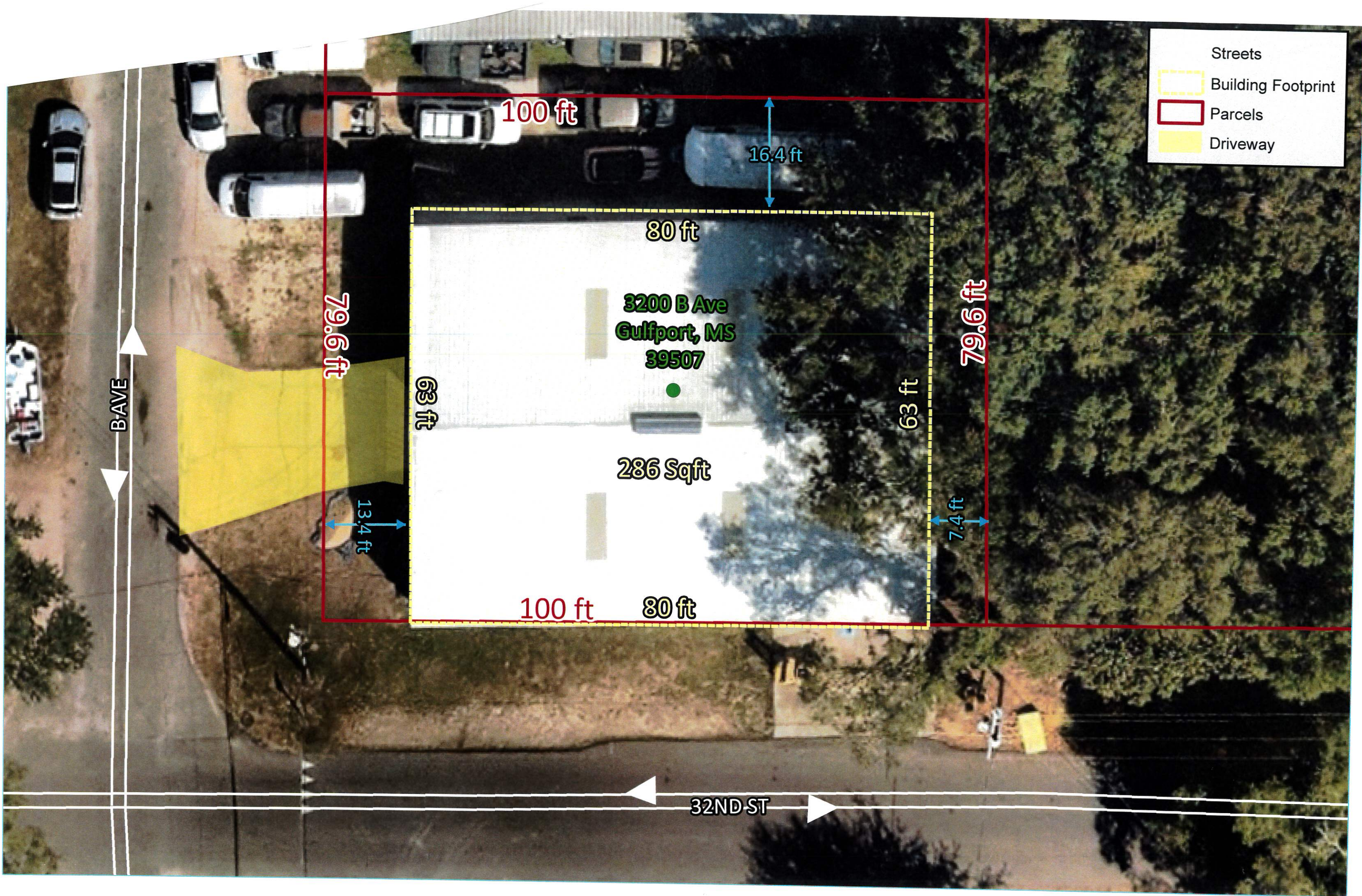
B Ave

200 ft

N

Google Earth

Image Landsat / Copernicus



SCANNED



[Signature] 1st JUDICIAL DISTRICT
Instrument 2023-0017932-D-11
Filed/Recorded 09/05/2023 4:05:01 PM
Total Fees 26.00
4 Pages Recorded

**Indexing: Revision of Magnolia Grove, Blk 9 S 79.6' of
Lots 24 & 25**

STATE OF MISSISSIPPI

COUNTY OF HARRISON

FIRST JUDICIAL DISTRICT

**Prepared by and return to:
David B. Estes**

MS Bar No. 101404

Integrity Land Title, LLC

1806 23rd Avenue, Suite A

Gulfport, MS 39501

(228)896-8962

File#4740

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,

**ALEX S. FENNELL
3200 13 AVENUE
GULFPORT, MS 39507
(228)265-8986**

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

**JKA PROPERTIES, LLC
A MISSISSIPPI LIMITED LIABILITY COMPANY
1200 COLLEGE STREET
GULFPORT, MS 39507
(228) 860-0171**

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

SEE EXHIBIT "A"

THE ABOVE described property is no part of the homestead of the Grantors nor any part thereof.

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 2023 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 this the 5th day of September, 2023.



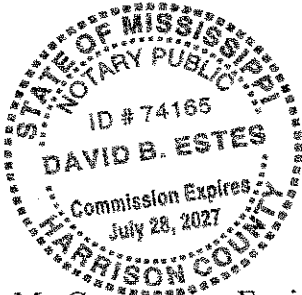
ALEX S. FENNELL

STATE OF MISSISSIPPI

COUNTY OF HARRISON

Personally appeared before me, the undersigned authority in and for the said county and state on this the 5 day of September, 2023 within my jurisdiction, the within named **ALEX S. FENNELL**, who acknowledged that he executed the above and foregoing instrument.

(SEAL)



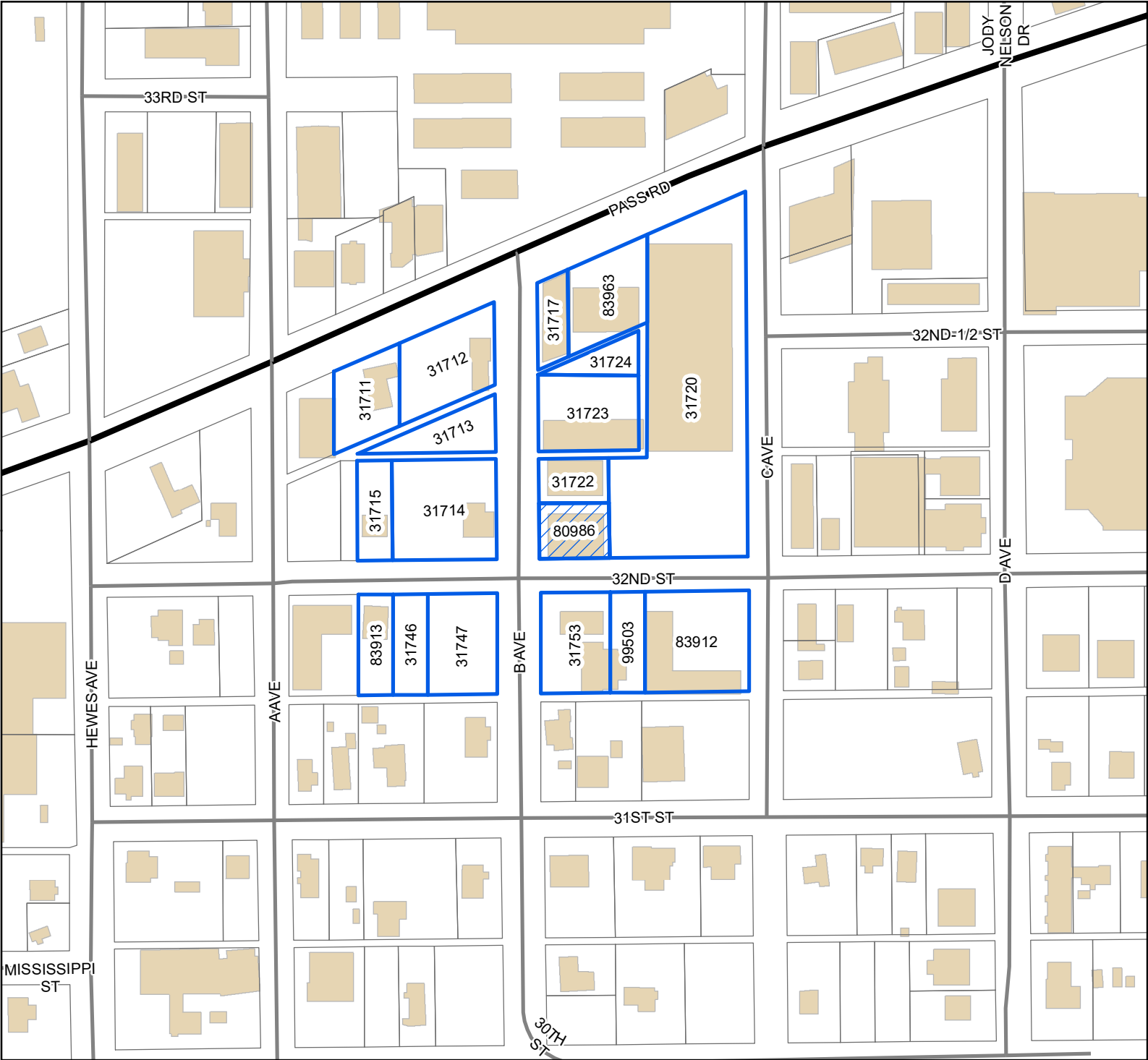
My Commission Expires:


NOTARY PUBLIC

EXHIBIT "A"

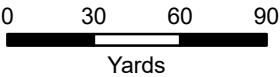
South 79.6 feet of Lots Twenty-four (24) and Twenty-five (25), Block Nine (9), Revision of Magnolia Grove in Gulfport, Harrison County, Mississippi, First Judicial District, according to the map or plat thereof recorded in Book 3 at Page 36 of the Plat Book Records of Harrison County, Mississippi. Being part of the same property conveyed in Book 732 at Page 461 and in book 538 at Page 367 and Book 599 at Page 167 and Book 598 at Page 299 and Book 591 at Page 505 of the Land Deed Records of Harrison County, Mississippi, First Judicial District and being part of the same land confirmed in Chancery Cause No. 54,118, Chancery Court of Harrison County, Mississippi and commonly known as 3200 B Avenue, Gulfport, First Judicial District, Harrison County, Mississippi.

Mail	PPIN	Parcel ID	Name	Address	City	State	ZIP
Y		0910N-06-014.000	JKA PROPERTIES LLC (OWNER)	729 E PASS ROAD	GULFPORT	MS	39507
			TERRY ROBINSON (AGENT)	1311 SPRING STREET	GULFPORT	MS	39507
			Adjacent Property Owners (2403ZB032)				
	31723	0910N-06-015.000	BEATTIES JACK	3206 B AVE	GULFPORT	MS	39501
	31717	0910N-06-019.000	VINTAGE PROPERTIES LLC	19 KIMBELL DR	GULFPORT	MS	39507
	31720	0910N-06-017.000	JOHN C ROBINSON BROWN CONDOR ASSN	PO BOX 7914	GULFPORT	MS	39506
	31712	0910N-06-020.000	AUTO CASH INC	521 CEDAR AVE	CRESTVIEW	FL	32539
	31746	0910N-05-008.000	LUNDY WANDA R	214 LEBOURGEOIS LN	BRANDON	MS	39047
	80986	0910N-06-014.000	FENNELL SAMUEL J -ESTATE-	11371 PETON DR	GULFPORT	MS	39503
	99503	0910N-05-005.001	RICHMOND CONSTRUCTION LLC	481 32ND ST	GULFPORT	MS	39507
	31722	0910N-06-014.001	EARTH INC	P O BOX 1842	GULFPORT	MS	39501
	31714	0910N-06-024.000	BREWER INGLE C JR & LEE MICHEAL	7360 RUSHING ROBINSON RD	BILOXI	MS	39532
	31711	0910N-06-021.000	HLR PROPERTIES LLC	1115 PASS RD	GULFPORT	MS	39501
	31747	0910N-05-007.000	BREWER INGLE C SR ETAL	7360 RUSHING ROBINSON RD	BILOXI	MS	39532
	31715	0910N-06-025.000	QUIN EDWARD E JR	529 32ND ST	GULFPORT	MS	39501
	83912	0910N-05-005.000	WARREN LARRY	11005 STIGLOR HILL RD	VANCLEAVE	MS	39565
	83913	0910N-05-009.000	PELEAZ LOIS JUANITA -EST-	507 32ND ST	GULFPORT	MS	39507
	83963	0910N-06-018.000	VINTAGE PROPERTIES LLC	19 KIMBALL DRIVE	GULFPORT	MS	39507



Legend

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



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.



The Beaufort Gazette
The Belleville News-Democrat
Bellingham Herald
Centre Daily Times
Sun Herald
Idaho Statesman
Bradenton Herald
The Charlotte Observer
The State
Ledger-Enquirer

Durham | The Herald-Sun
Fort Worth Star-Telegram
The Fresno Bee
The Island Packet
The Kansas City Star
Lexington Herald-Leader
The Telegraph - Macon
Merced Sun-Star
Miami Herald
El Nuevo Herald

The Modesto Bee
The Sun News - Myrtle Beach
Raleigh News & Observer
Rock Hill | The Herald
The Sacramento Bee
San Luis Obispo Tribune
Tacoma | The News Tribune
Tri-City Herald
The Wichita Eagle
The Olympian

AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Amount	Cols	Depth
36845	525462	Print Legal Ad-IPL01617860 - IPL0161786		\$112.15	2	76 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 PM., Thursday, March 21, 2024 in the Council Chambers of the Gulfport City Hall located at 2309 15 th Street to consider the following requests. A copy of the requests will be available for public review at the office of the Department of Urban Development-Planning Division located on first floor of the William H. Hardy Building, 1410 24 th Avenue.

Variance 2403ZB021, by owner Gregory Woodard, seeking approval for a 1,430 square-foot accessory structure where 600 square feet is the size limit, Tax Parcel 0807K-01-018.017, 13324 Harper Court, Zoned R-1-15 (Single-family), Ward 7

Variance 2403ZB022, by owner Gregory Woodard, seeking approval for a side yard setback of 8 feet, where 15 feet is required, Tax Parcel 0807K-01-018.017, 13324 Harper Court, Zoned R-1-15 (Single-family), Ward 7

Variance 2403ZB023, by owner Gregory Woodard, seeking approval for a 24-foot tall accessory structure where 14 feet is the height limit, Tax Parcel 0807K-01-018.017, 13324 Harper Court, Zoned R-1-15 (Single-family), Ward 7

Variance 2403ZB026, by agent Rebecca Gillum, seeking approval for 5-foot side yard setbacks, where 8 feet is required, Tax Parcel 0811G-04-116.000, 2011 17th Ave, Zoned R-2 (Single-family), Ward 3

Variance 2403ZB028, by agent Michael Hester, seeking approval for a 9-foot tall fence along the rear of the property where six feet is the height limit, Tax Parcel 1010K-03-048.000, 2209 Swetman Blvd, R-1-7.5 (Single-Family), Ward 2

Special Exception 2403SC031, by agent Tyler Hickman, seeking approval for daiquiri shop, Tax Parcels 0908N-04-004.000, 0908N-04-004.001, 13211 Dedeaux Road, Zoned B-1 (Neighborhood business), Ward 5

Variance 2403ZB033, by owners Joseph and Rebecca Cowart, seeking approval for a 2400 detached accessory structure, Tax Parcel 0811B-01-037.000, 2601 15th Avenue, Zoned B-2 (General Business), Ward 3

Variance 2403ZB034, by owner Kevin Myers, seeking approval for a 960 square foot accessory structure, Tax Parcel 0811G-06-026.000, 1625 19th Ave, Zoned T4L (General Urban Zone "Limited"), Ward 2

Variance 2403ZB035, by owner Kevin Myers, seeking approval for a rear yard setback of 50 inches (4.17 ft) and a side yard setback of 53 inches (4.42 feet), Tax Parcel 0811G-06-026.000, 1625 19th Ave, Zoned T4L (General Urban Zone "Limited"), Ward 2

Variance 2403ZB036, by agent Robert Addison Riemann, seeking approval for an additional wall sign on the eastern elevation, Tax Parcel 0809K-02-002.001, 15223 Creosote Road, Zoned B-4 (Highway-business), Ward 3

Variance 2403ZB041, by agent Tiffany Marshall, seeking approval for zero required parking for all future uses, Tax Parcels 0811E-02-042.000, 0811E-02-043.000, 0811E-02-044.000, 1512 30th Ave, 1516 30th Ave, 1518 30th Ave, 1520 30th Ave, 1522 30th Ave, 1528A 30th Ave, 1528B 30th Ave, Zoned T6 (Urban Core Zone), Ward 2

Variance 2403ZB042, by agent Tiffany Marshall, seeking approval for backing into city right of way, Tax Parcels 0811E-02-042.000, 0811E-02-043.000, 0811E-02-044.000, 1512 30th Ave, 1516 30th Ave, 1518 30th Ave, 1520 30th Ave, 1522 30th Ave, 1528A 30th Ave, 1528B 30th Ave, Zoned T6 (Urban Core Zone), Ward 2

Variance 2403ZB043, by agent David Machado, seeking approval for a building height of 55 feet and 3 inches where 50 feet is the height limit, Tax Parcel 0710P-01-004.000, 2809 34th Avenue, Zoned I-1 (Light-industry), Ward 1

This the 1st day of March 2024
A. Leslie North, Chairman
City of Gulfport Zoning Board of Adjustment and Appeals
PO210200
IPL0161786
Mar 6 2024

STATE OF MISSISSIPPI COUNTY OF HARRISON

Before me, the undersigned Notary of Dallas County, Texas personally appeared Stephanie Hatcher, 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:
03/06/24

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.

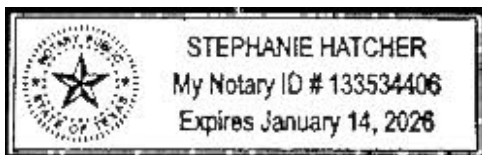
Stephanie Hatcher

Sworn to and subscribed before me this 11th day of
March in the year of 2024

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: March 21, 2024

Re: Variance 2403ZB033:

Variance 2403ZB033, by owners Joseph and Rebecca Cowart, seeking approval for a 2400 detached accessory structure, Tax Parcel 0811B-01-037.000, 2601 15th Avenue, Zoned B-2 (General Business), Ward 3

Technical Report

VARIANCE

GENERAL INFORMATION

Case File Number: 2403ZB033

Hearing Date: March 21, 2024

Current Zoning B-2 / Commercial Structure

Legal: Variance 2403ZB033, by owners Joseph and Rebecca Cowart, seeking approval for a 2400 sq-ft detached accessory structure, Tax Parcel 0811B-01-037.000, 2601 15th Avenue, Zoned B-2 (General Business), Ward 3

TECHNICAL DETAILS

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

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

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

Technical Report

VARIANCE

The applicant requests a variance to expand the existing accessory structure by 1200 square feet. The existing accessory structure is 1200 square-feet. The expansion will result in a 2400 square foot accessory structure at this location.

- (a) The applicant explains that the existing storage facility is not large enough to store all of his business equipment in an enclosed area. Without the additional structure his equipment will be left exposed and risks theft. He further explains that the larger storage structure will allow all business equipment to be stored in an enclosed space. Applicant believes that the additional accessory will improve functionality of the property.
- (b) Applicant states that the existing building is not large enough to store all of his business equipment. Even though the parking and the storage is limited on this parcel, the applicant's actions do directly result in these special conditions as they are adding an additional 1200 square-foot detached accessory structure; growing the structure to four times the required size of 600 square-feet.
- (c) Applicant does not appropriately address the hardship in regards to the physical land. The applicant believes enlarging the structure will shield their property from theft or damage. Applicant continues to state that the property simply is not large enough to use it how he would like to. Applicant does not suffer any hardship.
- (d) Applicant does not adequately address the hardship. They state that granting the variance will improve the functionality of the property to suit his business need. He also believes it will increase the value of his property as well as surrounding properties.
- (e) Applicant does not adequately address the hardship. The applicant states that the requested variance is reasonable and necessary.
- (f) This property is zoned B-2 (General Business) and an accessory structure is allowed by right.

EXECUTIVE SUMMARY

The hardship questions were not adequately addressed. True hardship was not identified. The applicant selected that location, as it exists, for his business. Adding the additional 1200 square-feet to the existing accessory structure will add cohesiveness to the property. The adjacent building is for sale and vacant. The business directly across the street from the applicants' address is Horne Custom Jewelry and Coastal Credit Inc. The location of this business is in an awkward location, situated on the corner of 15th street and 26th street. It has minimal parking, however, the applicant has provided a site plan showing where the required parking will be located.

Any approval should consider these conditions:

1. Must meet all current building codes and City of Gulfport Ordinances.
2. Approval allows a 2400 square-foot accessory structure, where the size limit is 600 square-feet.

DEPARTMENTAL CONDITIONS

Engineering: No conditions. 03/07/2024.

Technical Report

VARIANCE

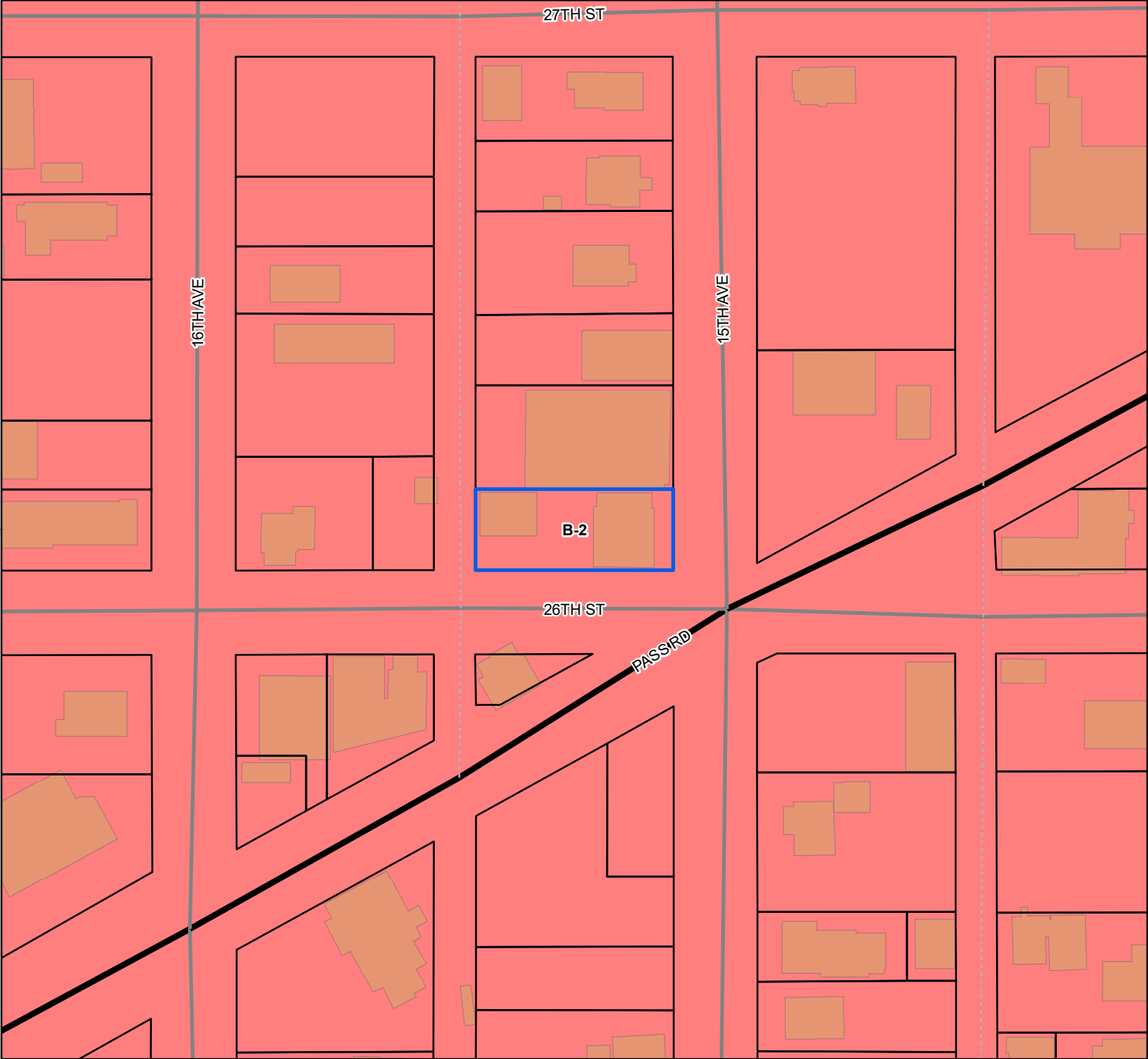
<u>Public Works:</u>	No conditions. As of 11/30/2023.
<u>Traffic and Safety:</u>	No conditions. Memo dated 3/06/2024.
<u>Building Code Services:</u>	Must meet all current building codes and City of Gulfport Ordinances. 2/27/2024.
<u>GIS:</u>	No conditions. Memo dated 2/28/2024.
<u>Police Department:</u>	No comment as of 3/7/2024.
<u>Fire Department:</u>	No conditions. Memo dated 2/27/2024.
<u>City Arborist:</u>	No conditions. Memo dated 2/27/2024.

DIRECTOR APPROVAL

This report has been reviewed and approved by:



Greg Holmes
Director of Urban Development Department



- US or State Highway
- Street
- Alley

Parcels

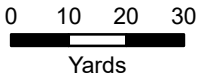
Buildings

Zoning

B-2 - General Business District

Site Information

0811B-01-037.000
Zoning B-2 (General Business)
Size: 8298.82 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.

OWNER:Joseph and Rebecca Cowart

Printed Name of Owner

20 54th Street

Mailing Address

Gulfport MS 39507

City

State

Zip Code

228-860-3003same

Home Phone

Work/Cell Phone

Joel 57 cheneyand.com

Email

Signature of Owner

AGENT:

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 Cowart

Address (Street, City, State, Zip Code)

20 54th Street Gulfport MS 39507

Phone (Home)

228-860-9091

(Work)

(Cell)

Tax Parcel Number(s) Owned:

0811B-01-037.000

Signature:

Name of Owner (PRINT)

Address (Street, City, State, Zip Code)

Phone (Home)

(Work)

(Cell)

Tax Parcel Number(s) Owned:

Signature:

Name of Owner (PRINT)

Address (Street, City, State, Zip Code)

Phone (Home)

(Work)

(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 SC 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 **11" by 17"** 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.

Variance Submissions for 2601 15th Ave. Gulfport MS 39501

1. The existing building on my property is not large enough to store all my business' equipment. This expansion is necessary to house all my business' equipment in an enclosed space. This expansion will not only allow for all my business equipment to be stored in an enclosed space but will improve the look and functionality of my property. Otherwise, I would be forced to store some of my equipment outside of the building, risking theft and damage to my equipment.
2. The existing building is not large enough to store all my business' equipment. Expansion is necessary to do so. Approval of expansion of the existing 1200 sq foot building by 1200 additional sq feet is necessary for my business.
3. As stated in question #1, I will be forced to store most of my business equipment outdoors, risking theft and damage. The existing building is not large enough. Most of the businesses nearby do not have the amount of equipment my business does, as far as I'm aware.
4. This ordinance variance will improve the functionality of the property to suit my business, increase the value of not only my property, but the surrounding properties. And improve the all over appearance of the property.
5. I believe this request for ordinance variance is reasonable and necessary.
6. The proposed ordinance variance is permissible by right.



COVENANT AFFIDAVIT

I, Joseph Cowart being property owner or agent of the property 2601 15th AVE
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.

Joseph Cowart
SIGNATURE

Feb, 5, 2024
DATE

STATE OF MISSISSIPPI | COUNTY OF HARRISON

Given under my hand and seal of office this the 5th day of February, 20 24

Angela B. Coggins
NOTARY PUBLIC



2/5/24
COMMISSION EXPIRATION

0811B-01-035.001

2615 15TH AVE

0811B-01-044.000

0811B-01-036.000

2607 15TH AVE

0811B-01-042.000

0811B-01-037.000

2601 15TH AVE

0811B-01-039.000

0811B-01-038.000

1500 PASS RD

Address: 2612-E
Coords: 30.38214, -89.080805

Address: 2612-F
Coords: 30.382102, -89.080806

0811B-01-044.000

Address: 1522-
Coords: 30.381836, -89.080722

0811B-01-042.000

28047C0264G
eff. 6/16/2009

Address: 2615-
0811B-01-035.001 Coords: 30.382104, -89.080278

Address: 2607-
0811B-01-036.000 Coords: 30.381946, -89.080289

Proposed
1200 sq ft
Addition

0811B-01-037.000

39501

Address: 2601-
Coords: 30.381761, -89.080278

15TH AVE

15TH AVE

26TH ST

26TH ST

PASS RD

PASS RD

0811B-01-038.000

0811B-01-039.000

0811B-02-029.000

0811B-02-030.001

Indexing: Lots 13 & 14, Block 12, Arlington Heights

STATE OF MISSISSIPPI

COUNTY OF HARRISON

FIRST JUDICIAL DISTRICT

**Prepared by and return to:
David B. Estes
MS Bar No. 101404
Integrity Land Title, LLC
1806 23rd Avenue, Suite A
Gulfport, MS 39501
(228)896-8962
File#4767**

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,

**MARSHA J. DOSER, EXECUTRIX of
THE ESTATE OF CHRISTOPHER S. HEBERT
2307 E JOYCE TERRACE
MUSTANG, OK 73064
(405)415-5275**

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

**JOSEPH COWART AND WIFE, REBECA COWART
AS JOINT TENANTS WITH FULL RIGHTS OF SURVIVORSHIP AND NOT AS
TENANTS IN COMMON
20 54TH STREET
GULFPORT, MS 39507
(228)669-9091**

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

SEE EXHIBIT "A"

THE ABOVE described property is no part of the homestead of the Grantors nor any part thereof.

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 2023 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 this the 7 day of NOV., 2023.

THE ESTATE OF CHRISTOPHER S. HEBERT

BY: Marsha J. Doser, Executrix
MARSHA J. DOSER, EXECUTRIX

STATE OF MISSISSIPPI

COUNTY OF HARRISON

Personally appeared before me, the undersigned authority in and for the said county and state on this the 7 day of November, 2023 within my jurisdiction, the within named **MARSHA J. DOSER**, who acknowledged that she is the **EXECUTRIX OF THE ESTATE OF CHRISTOPHER S. HEBERT** executed the above and foregoing instrument and is authorized to do so.


NOTARY PUBLIC

(SEAL)

My Commission Expires: 06/26/2027

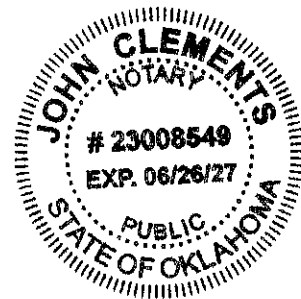


EXHIBIT "A"

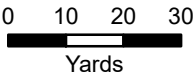
Lots Thirteen (13) and Fourteen (14), in Block Twelve (12) of ARLINGTON HEIGHTS ADDITION, a subdivision according to the official map or plat thereof on file and of record in the Office of the Chancery Clerk of the First Judicial District of Harrison County, Mississippi, in Plat Book 3 at Page 57 (Copy Book 2 at Page 104) thereof, reference to which is hereby made in aid of and as a part of this description.

Mail	PPIN	Parcel ID	Name	Address	City	State	ZIP
Y		0811B-01-037.000	JOSEPH AND REBECCA COWART (OWNER)	20 54TH STREET	GULFPORT	MS	39507
			Adjacent Property Owners (2403ZB033)				
	22920	0811B-01-021.000	THOMAS JACK DELL	2622 15TH AVE	GULFPORT	MS	39501
	87651	0811B-02-028.000	SIMMONS D H PROPERTIES NO 3 LLC	33 OLD OAK LANE	GULFPORT	MS	39503
	22964	0811B-01-040.000	SWEATT DAVID	2612 CAMERON STREET	MOBILE	AL	36607
	22915	0811B-01-047.000	REFUGE TEMPLE CHURCH	P O BOX 3392	GULFPORT	MS	39505
	22904	0811B-01-033.000	SCOFIELD STEPHEN SCOTT	31 40TH ST	GULFPORT	MS	39501
	22919	0811B-01-020.000	SIMMONS D H PROPERTIES NO 1 LLC	33 OLD OAK LANE	GULFPORT	MS	39503
	22905	0811B-01-034.000	MCCLAIN TRAVIS L SR	8424 WEST ST	OCEAN SPRINGS	MS	39564
	87645	0811B-01-041.000	JESUS CHRIST APOSTOLIC CHURCH ETAL	P O BOX 1199	GULFPORT	MS	39502
	100980	0811B-02-030.001	3 HERMANOS PROPERTY LLC	60 S 24TH STREET	WYANDANCH	NY	11798
	22910	0811B-01-043.000	CRAIG KYLE & DROZ AMARILYS MACHADO	630 MAGNOLIA DR	BAY ST LOUIS	MS	39520
	22957	0811B-01-038.000	MPH PROPERTIES LLC	212 47TH ST	GULFPORT	MS	39507
	87642	0811B-01-039.000	TSG REAL ESTATE LLC	440 GREEN TEAL COURT	BILOXI	MS	39531
	22956	0811B-02-029.000	SIMMONS KATHERINE B -ETAL-	33 OLD OAK LANE	GULFPORT	MS	39503
	22908	0811B-01-036.000	ROSSKOPF JEFFREY LEE -ETAL-	199 LOCUST ST	GULFPORT	MS	39507
	22909	0811B-01-037.000	HEBERT CHRISTOPHER S	440 E PASS RD	GULFPORT	MS	39507
	22911	0811B-01-042.000	SHIVLEY LINDA	1522 26TH ST	GULFPORT	MS	39501
	22913	0811B-01-045.000	HUTCHINSON MATHEW	18353 SKY LANE	SAUCIER	MS	39574
	87641	0811B-01-035.000	FREGOSO ANGELA	2617 15TH AVE	GULFPORT	MS	39501
	141174	0811B-01-035.001	SIGNATURE GULF COAST PROPERTIES LLC	1715 21ST AVE	GULFPORT	MS	39501



Legend

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



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.

RE: Variance 2403ZB033, by owners Joseph and Rebecca Cowart, seeking approval for a 2400 detached accessory structure, Tax Parcel 0811B-01-037.000, 2601 15th Avenue, Zoned B-2 (General Business), Ward 3

To Applicants and Adjacent Property Owners:

The City of Gulfport Zoning Board of Adjustments and Appeals will hold a public hearing to consider the above application at 3:00 P.M. on **Thursday, March 21, 2024**, in the Council Chambers at the Gulfport City Hall located at 2309 15th Street.

For more information, visit <http://www.gulfport-ms.gov/agendas/> then click the City of Gulfport Zoning Board for **Thursday, March 21, 2024**. A map showing the location of the property involved is located at this website. If you have any questions or comments, please contact this office at the phone number 228-868-5710 or email planners@gulfport-ms.gov. The application is available for viewing in the Planning Division office at 1410 24th Avenue.



The Beaufort Gazette
The Belleville News-Democrat
Bellingham Herald
Centre Daily Times
Sun Herald
Idaho Statesman
Bradenton Herald
The Charlotte Observer
The State
Ledger-Enquirer

Durham | The Herald-Sun
Fort Worth Star-Telegram
The Fresno Bee
The Island Packet
The Kansas City Star
Lexington Herald-Leader
The Telegraph - Macon
Merced Sun-Star
Miami Herald
El Nuevo Herald

The Modesto Bee
The Sun News - Myrtle Beach
Raleigh News & Observer
Rock Hill | The Herald
The Sacramento Bee
San Luis Obispo Tribune
Tacoma | The News Tribune
Tri-City Herald
The Wichita Eagle
The Olympian

AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Amount	Cols	Depth
36845	525462	Print Legal Ad-IPL01617860 - IPL0161786		\$112.15	2	76 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 PM., Thursday, March 21, 2024 in the Council Chambers of the Gulfport City Hall located at 2309 15 th Street to consider the following requests. A copy of the requests will be available for public review at the office of the Department of Urban Development-Planning Division located on first floor of the William H. Hardy Building, 1410 24 th Avenue.

Variance 2403ZB021, by owner Gregory Woodard, seeking approval for a 1,430 square-foot accessory structure where 600 square feet is the size limit, Tax Parcel 0807K-01-018.017, 13324 Harper Court, Zoned R-1-15 (Single-family), Ward 7

Variance 2403ZB022, by owner Gregory Woodard, seeking approval for a side yard setback of 8 feet, where 15 feet is required, Tax Parcel 0807K-01-018.017, 13324 Harper Court, Zoned R-1-15 (Single-family), Ward 7

Variance 2403ZB023, by owner Gregory Woodard, seeking approval for a 24-foot tall accessory structure where 14 feet is the height limit, Tax Parcel 0807K-01-018.017, 13324 Harper Court, Zoned R-1-15 (Single-family), Ward 7

Variance 2403ZB026, by agent Rebecca Gillum, seeking approval for 5-foot side yard setbacks, where 8 feet is required, Tax Parcel 0811G-04-116.000, 2011 17th Ave, Zoned R-2 (Single-family), Ward 3

Variance 2403ZB028, by agent Michael Hester, seeking approval for a 9-foot tall fence along the rear of the property where six feet is the height limit, Tax Parcel 1010K-03-048.000, 2209 Swetman Blvd, R-1-7.5 (Single-Family), Ward 2

Special Exception 2403SC031, by agent Tyler Hickman, seeking approval for daiquiri shop, Tax Parcels 0908N-04-004.000, 0908N-04-004.001, 13211 Dedeaux Road, Zoned B-1 (Neighborhood business), Ward 5

Variance 2403ZB033, by owners Joseph and Rebecca Cowart, seeking approval for a 2400 detached accessory structure, Tax Parcel 0811B-01-037.000, 2601 15th Avenue, Zoned B-2 (General Business), Ward 3

Variance 2403ZB034, by owner Kevin Myers, seeking approval for a 960 square foot accessory structure, Tax Parcel 0811G-06-026.000, 1625 19th Ave, Zoned T4L (General Urban Zone "Limited"), Ward 2

Variance 2403ZB035, by owner Kevin Myers, seeking approval for a rear yard setback of 50 inches (4.17 ft) and a side yard setback of 53 inches (4.42 feet), Tax Parcel 0811G-06-026.000, 1625 19th Ave, Zoned T4L (General Urban Zone "Limited"), Ward 2

Variance 2403ZB036, by agent Robert Addison Riemann, seeking approval for an additional wall sign on the eastern elevation, Tax Parcel 0809K-02-002.001, 15223 Creosote Road, Zoned B-4 (Highway-business), Ward 3

Variance 2403ZB041, by agent Tiffany Marshall, seeking approval for zero required parking for all future uses, Tax Parcels 0811E-02-042.000, 0811E-02-043.000, 0811E-02-044.000, 1512 30th Ave, 1516 30th Ave, 1518 30th Ave, 1520 30th Ave, 1522 30th Ave, 1528A 30th Ave, 1528B 30th Ave, Zoned T6 (Urban Core Zone), Ward 2

Variance 2403ZB042, by agent Tiffany Marshall, seeking approval for backing into city right of way, Tax Parcels 0811E-02-042.000, 0811E-02-043.000, 0811E-02-044.000, 1512 30th Ave, 1516 30th Ave, 1518 30th Ave, 1520 30th Ave, 1522 30th Ave, 1528A 30th Ave, 1528B 30th Ave, Zoned T6 (Urban Core Zone), Ward 2

Variance 2403ZB043, by agent David Machado, seeking approval for a building height of 55 feet and 3 inches where 50 feet is the height limit, Tax Parcel 0710P-01-004.000, 2809 34th Avenue, Zoned I-1 (Light-industry), Ward 1

This the 1st day of March 2024
A. Leslie North, Chairman
City of Gulfport Zoning Board of Adjustment and Appeals
PO210200
IPL0161786
Mar 6 2024

STATE OF MISSISSIPPI COUNTY OF HARRISON

Before me, the undersigned Notary of Dallas County, Texas personally appeared Stephanie Hatcher, 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:
03/06/24

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.

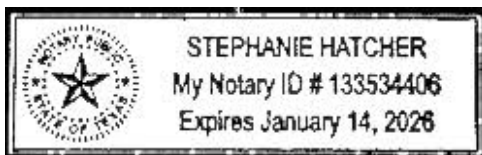
Stephanie Hatcher

Sworn to and subscribed before me this 11th day of
March in the year of 2024

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: March 21, 2024

Re: Variance 2403ZB034:

Variance 2403ZB034, by owner Kevin Myers, seeking approval for a 960 square foot accessory structure, Tax Parcel 0811G-06-026.000, 1625 19th Ave, Zoned T4L (General Urban Zone "Limited"), Ward 2

Technical Report

VARIANCE

GENERAL INFORMATION

Case File Number: 2403ZB034

Hearing Date: March 21, 2024

Current Zoning/Use: T4L / Single-Family Residence

Legal: Variance 2403ZB034, by owner Kevin Myers, seeking approval for a 960 square foot accessory structure, Tax Parcel 0811G-06-026.000, 1625 19th Ave, Zoned T4L (General Urban Zone "Limited"), 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 detached accessory structure size of 960 square feet where 600 square feet is the size limit.

- (a) The applicant notes that, “the property’s lot size is irregular, the property’s width decreases on the north side of the property from the east (street side) to the west (alley side). Additionally, the property does not have access to the alley due to the adjacent property’s “L” shape.” This statement does not adequately address the property being peculiar to the land, because it does have an “L” shape that is not normal.
- (b) The applicant does not address whether or not special conditions and circumstances result from their actions. But, suggests that they made efforts to obtain a permit prior to being cited for doing work without the proper permit. The applicant never requested a detached accessory structure on the application submitted. The City did not give the applicant a permit because he only requested to make interior and exterior repairs and remodel to the home and it was noted on the approved permit that there would be no changes to the footprint of the property. The size of the structure itself is caused by the choice of the applicant, therefore causing the unnecessary hardship.
- (c) The applicant states that, “The building is 90% complete, with a majority of the building being complete when I met with the Chief Building Inspector. I am unable to move the garage. The garage was built in symmetry with the existing historical home to include matching siding/color and metal roof.” Beyond it being the choice of the applicant to build the detached accessory structure; thus, the applicant has not proven that a hardship is present. The applicant knew the physical character of the property prior to buying it.
- (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, “Granting a variance for square footage of the garage provides no special privileges to myself that is denied by the ordinance to other lands, structures or buildings in the same district.” 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 size limits. The applicant built the structure without a permit and did not get a variance from the City.
- (f) This property is zoned T4L, 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 a detached accessory structure size of 960 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. The accessory structure/garage is 90% complete. The applicant did work without proper permits and went beyond the scope of work. There have been complaints made to the building department. Having an accessory structure would be consistent with the neighborhood. However, an accessory structure of this size is not consistent with the neighborhood.

Technical Report

VARIANCE

Any approval should consider these conditions:

1. Approval grants a variance of 360 square feet to allow for a 960 square feet accessory structure where 600 square feet is the limit.
2. Must meet all current building Codes and City of Gulfport Ordinances.

DEPARTMENTAL CONDITIONS

<u>Engineering:</u>	No conditions. Memo dated 3/7/2024.
<u>Public Works:</u>	No comment as of 3/7/2024.
<u>Traffic and Safety:</u>	No conditions. Memo dated 3/7/2024.
<u>Building Code Services:</u>	Must meet all current building Codes and City of Gulfport Ordinances. Memo dated 2/27/2024.
<u>GIS:</u>	No conditions. Memo dated 2/28/2024.
<u>Police Department:</u>	No comment as of 3/7/2024.
<u>Fire Department:</u>	No conditions. Memo dated 02/27/2024.
<u>City Arborist:</u>	No conditions. Memo dated 2/28/2024.

DIRECTOR APPROVAL

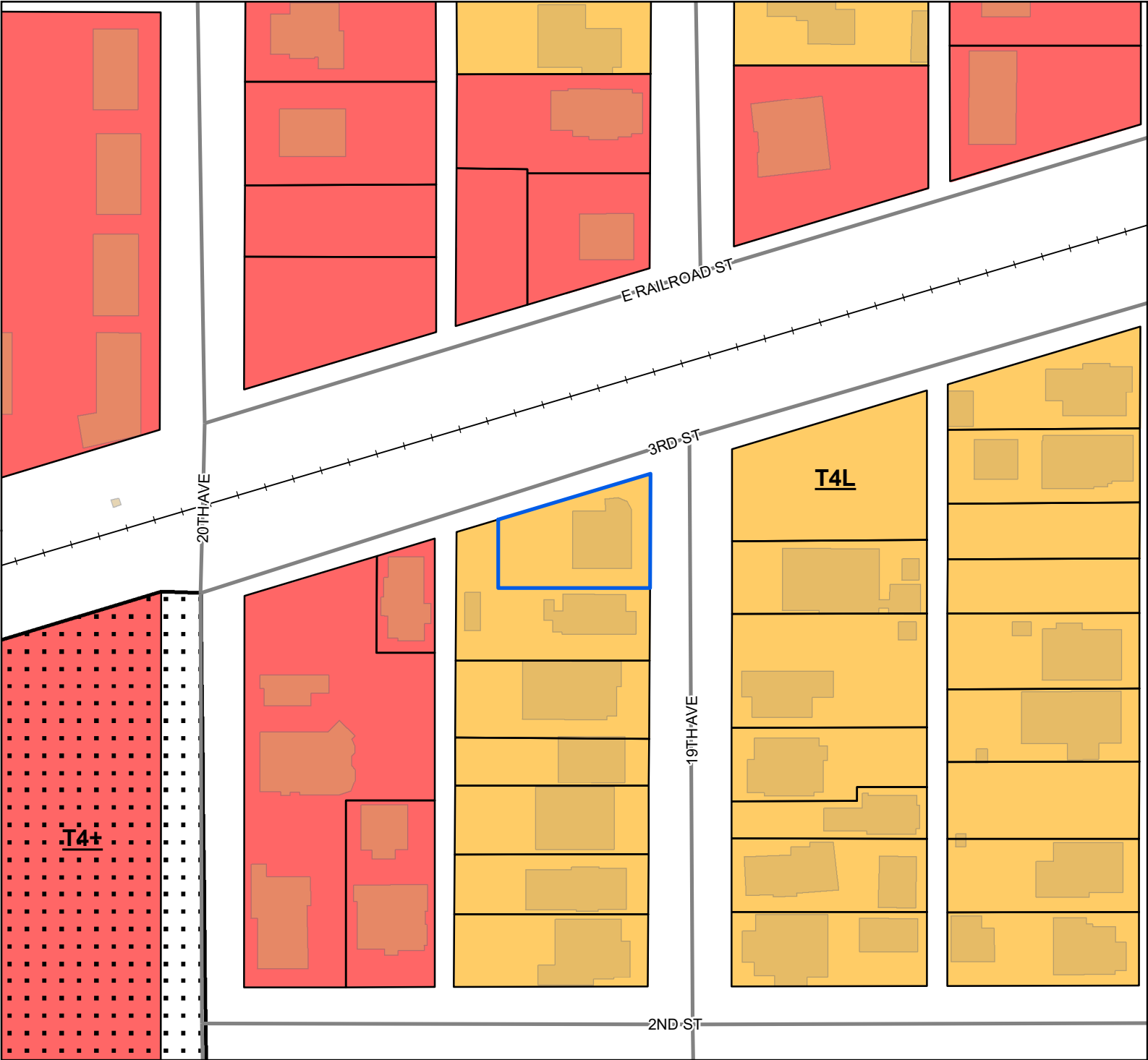
This report has been reviewed and approved by:



Greg Holmes
Director of Urban Development Department

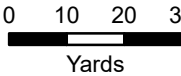
2403ZB034

Variance



- Street
- Railroad
- Parcels
- Buildings
- Smart Code**
 - T4+
 - T4L

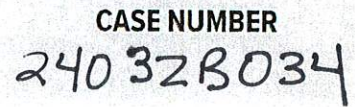
Site Information
0811G-06-026.000
Zoning T4L (General Urban
"Limited")
Size: 7227.02 sqft
Flood: X



1 inch = 100 feet



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OWNER:KEVIN MYERS

Printed Name of Owner

1606 19th AVE

Mailing Address

GULFPORT MS 39501

City

State

Zip Code

228-424-3009

Home Phone

Work/Cell Phone

KMDM 1988 @ G-MAIL.COM

Email



Signature of Owner

AGENT:

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) _____

Address (Street, City, State, Zip Code) _____

Phone (Home) _____ (Work) _____ (Cell) _____

Tax Parcel Number(s) Owned: _____

Signature: _____

Name of Owner (PRINT) _____

Address (Street, City, State, Zip Code) _____

Phone (Home) _____ (Work) _____ (Cell) _____

Tax Parcel Number(s) Owned: _____

Signature: _____

Name of Owner (PRINT) _____

Address (Street, City, State, Zip Code) _____

Phone (Home) _____ (Work) _____ (Cell) _____

Tax Parcel Number(s) Owned: _____

Signature: _____

VARIANCE SUBMISSIONS

VM 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.

5 Feb 2024

MEMORANDUM FOR ZONING BOARD OF ADJUSTMENTS AND APPEALS

FROM: Kevin M. Myers

SUBJECT: 1625 19th Ave Square Feet Accessory Structure Request, PARCEL #08116-06-026.000

1. The property located at 1625 19th Avenue, Gulfport, MS lot's size is irregular, the property's width decreases on the north side of the property from the east (street side) to the west (alley side). Additionally, the property does not have access to the alley due to the adjacent property's "L" shape (please see Area Map).

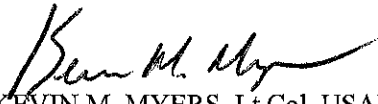
2. On January 27, 2023, I went to obtain a permit for my 1904 Queen Anne for remodeling/garage build. I was told by the front desk which forms I needed to fill out and then proceeded to the customer service representative for permits. I told her that I was renovating the house and building a 24 feet wide by 40 feet long garage (please see attached Area Map with garage footprint). She pulled up the property and printed out the area maps and approved my Building Permit #202302040 (see attached). On January 17, 2024, Chief Building Inspector, Mr. Buddy Sheriff arrived at the property and asked to see my permit. I showed him my Building Permit and he informed me that I needed one for the garage in addition to the house. I was unaware of that requirement. I was under the impression when I spoke with the permit representative on January 27, that I had acquired the necessary permit for renovations and garage build since I had presented her with the 2 applications (please see attached). I explained to him that there was a misunderstanding when I had acquired the initial permit. He understood and directed me to go back to the permit office and obtain a permit for the garage (the foundation, walls, exterior sheathing and trusses were installed by this time on the garage). I went to the permit office where I was told that the garage exceeded the Square Footage limitations for the property. I informed the representative that I was not informed that the square footage exceeded the requirements. I told her that the dimensions for the garage were on the Area Map and application (please see attached). I asked to speak with the permit Supervisor and met with her and explained the circumstances and that I had not been informed that the garage size was excessive and that the size had not been addressed. She understood and spoke with her Director in regards to the situation. He met with me and I explained the aforementioned details. He was very understanding and told me that I could complete the metal roof, finish wrapping the sheathing in Tyvek protective wrap, install the garage door and install the entry door (the roof, Tyvek, and entry door is complete, garage door to be installed on February 14, 2024). He told me to wait on siding the garage until after the Zoning Board meeting on March 21, 2024 pending approval.

3. The delay in building the garage was due to the home having no power and obtaining a temporary power pole, contacting Coast Electric and having underground power run to the house, contacting Centerpoint Gas and having the underground gas re-routed, and the availability of my contractor. The garage is 90% complete, with a majority of the building complete when I met with Mr. Sheriff. I am unable to move the garage. The garage was built in symmetry with the existing historical home to include matching siding/color and metal roof. I was in compliance with setbacks according to what I was told when I applied for my permit on July 27, 2023 by the permit representative.

4. My interpretation of the zoning ordinance came straight from the representative at the permit office. I had no intention of violating the existing code, I put the size of the garage on both the application and area map and told her the size I was planning on building. The right for reasonable development to add a garage to the existing home is for security and storage of vehicles/household items. I live four houses down the street at 1606 19th Avenue and this area to include 2nd Street is prone to theft.

5. Granting a variance for square footage of the garage provides no special privilege to myself that is denied by the ordinance to other lands, structures or buildings in the same district. A square footage waiver does not impede the adjacent property on the south/west side. No special benefit will be received by the homeowner.

6. The use of the structure as a garage is permissible as a land structure and the additional construction after the January 17 meeting with Mr. Sheriff was authorized by the Director and greatly appreciated. There was an honest misunderstanding that resulted from the initial meeting on July 27, 2023 that led to this request for a square footage variance. Thank you for your time and consideration in this matter.



KEVIN M. MYERS, Lt Col, USAF

CITY OF GULFPORT BUILDING PERMIT

BUILDING
CODE SERVICES

PERMIT NO. 202302040

24-Hour Inspection Line
228-868-5717
Customer Service
228-868-5715

Owner: KEVIN MYERS Date Issued: 7.27.2023

Contractor: _____

Lot _____ Block _____ Subdivision _____

Job Location Address: 1625 19TH AVE

This permit conveys no right to occupy any street, alley or sidewalk, or any part thereof, either temporarily or permanently except that specifically provided for in the building code. The issuance of this permit does not release the applicant from the conditions of any applicable subdivision restrictions.

*** REMODELING ***

MINIMUM OF FOUR CALLED INSPECTION REQUIRED FOR ALL CONSTRUCTION WORK.

1. Footing or Foundation
2. Sheathing & Fasteners (Wall/Roof)
3. Framing-Prior to Covering Structural Members
4. Final Inspection for Compliance Prior to Occupancy.

Approved plans MUST be retained on job and this card KEPT POSTED until final inspection has been made. Such building SHALL NOT BE OCCUPIED until FINAL INSPECTION has been made and approved.

POST THIS CARD

**Separate Permits
Required For
Mechanical,
Plumbing, Gas &
Electrical & Fire
Systems Installations**

BUILDING INSPECTION APPROVALS

1. FOOTING OR FOUNDATIONS
FOOTING-Monolithic Slab
DATE _____
INSP. _____
FOUNDATION-Non-Monolithic
DATE _____
INSP. _____
2. SHEATHING & FASTENERS (Wall/Roof)
DATE _____
INSP. _____
3. BRICK TIE
DATE _____
INSP. _____
4. FRAMING-PRIOR TO SHEETROCK OR LATH
DATE _____
INSP. _____
5. FINAL INSPECTION
DATE _____
INSP. _____

PLUMBING INSP. APPROVALS

4. BUILDING SEWER
DATE _____
INSP. _____
5. FINAL INSPECTION
DATE _____
INSP. _____

GAS INSPECTION APPROVALS

1. ROUGH-IN
DATE _____
INSP. _____
2. FINAL INSPECTION
DATE _____
INSP. _____

ELECTRICAL INSPECTION APPROVALS

1. ROUGH-IN
DATE _____
INSP. _____
2. ETM-ELECTRICAL TEMPORARY METER
DATE _____
INSP. _____
3. FINAL INSPECTION
DATE _____
INSP. _____

FIRE ALARM INSPECTION APPROVALS

1. ROUGH-IN FIRE ALARM
DATE _____
BLDG. INSP. _____
2. FINAL INSPECTION-FIRE ALARM
DATE _____
FIRE INSP. _____
DATE _____
BLDG. INSP. _____

WORK SHALL NOT PROCEED
UNTIL EACH DIVISION HAS
APPROVED THE VARIOUS
STAGES OF CONSTRUCTION.

AUTO SPRINKLER INSPECTION APPROVALS

1. FIRE MAIN/HYDRANT INSTALLATION & HYDROSTATIC TEST
DATE _____
BLDG. INSP. _____
2. ROUGH-IN & HYDROSTATIC TEST
DATE _____
BLDG. INSP. _____
3. FINAL INSPECTION
DATE _____
FIRE INSP. _____
DATE _____
BLDG. INSP. _____

RESTAURANT HOOD & DUCT/SUPPRESSION INSPECTION APPROVALS

1. ROUGH-IN HOOD & DUCT
DATE _____
BLDG. INSP. _____
2. FINAL INSPECTION HOOD & DUCT
DATE _____
BLDG. INSP. _____
3. FINAL INSPECTION SUPPRESSION
DATE _____
BLDG. INSP. _____

OTHER OPERATIONAL PERMITS

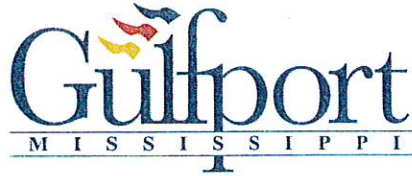
YES _____ NO _____

SITE INSPECTION APPROVALS

1. RESIDENTIAL
DATE _____
BLDG. INSP. _____
2. COMMERCIAL
DATE _____
FIRE INSP. _____
DATE _____
ENG. INSP. _____

COMMENTS

**UNLAWFUL TO REMOVE OR DEFACE THIS CARD
UNTIL CONSTRUCTION IS COMPLETE**



COVENANT AFFIDAVIT

I, KEVIN MYERS being property owner or agent of the property 1625 19th AVE
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.

Kevin Myers 5 FEB 24
SIGNATURE DATE

STATE OF MISSISSIPPI | COUNTY OF HARRISON

Given under my hand and seal of office this the 5 day of February, 20 24

Rhonda Gaddis
NOTARY PUBLIC











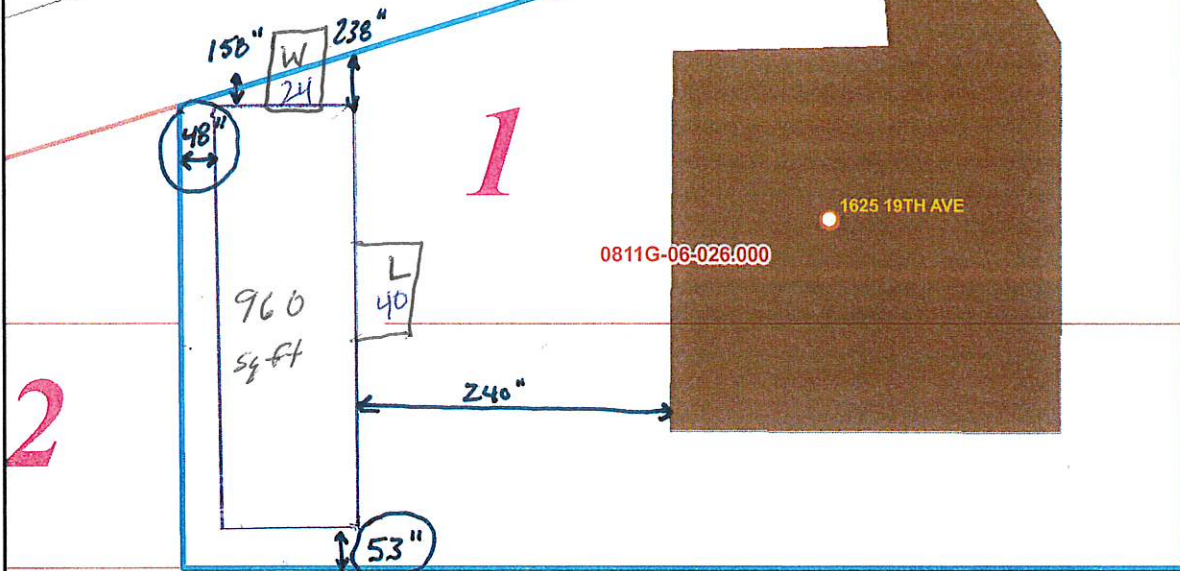


Area Map

Printed 7/27/2023

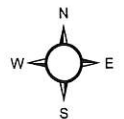
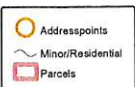
3RD ST

19TH AVE



□ SQ FT L & W HIGHLIGHTED

○ SETBACK HIGHLIGHTED



1 inch = 20 feet

DATA DISCLAIMER:

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Indexing: Lots 1 & 2, LESS W 30', Blk 14, McAlpin Addn,

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

**Prepared by and return to:
David B. Estes
MS Bar No. 101404
Integrity Land Title, LLC
1806 23rd Avenue
Gulfport, MS 39501
(228)896-8962
File# 4245**

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,

**ANN FANT FOREMAN, EXECUTRIX OF THE ESTATE OF
MRS. BETTIE C. FANT, DECEASED and
ANN FANT FOREMAN, INDIVIDUALLY
602 Lawrin Park
Franklin, TN 37069
(615) 772-4918**

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

**KEVIN MICHAEL MYERS
1609 19th Avenue
Gulfport, MS 39501
(228) 424-3009**

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

Lots 1 and 2, LESS the west 30' feet thereof, Block 14, MCALPIN ADDITION
TO GULFPORT, 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 1 at Page 29.

THE ABOVE DESCRIBED property constitutes no part of Grantor's homestead.

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

TAXES for the year 2022 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.

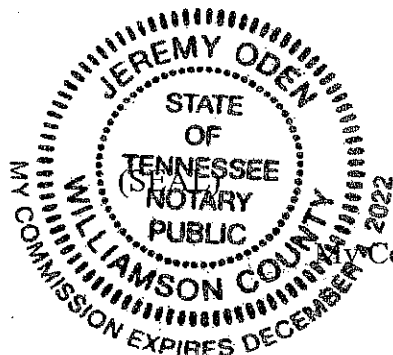
WITNESS my signature on this the 26 day of July, 2022.

THE ESTATE OF MRS. BETTIE C. FANT, DECEASED
And ANN FANT FOREMAN, INDIVIDUALLY

BY: Ann Fant Foreman, Executrix
Ann Fant Foreman, Executrix
Ann Fant Foreman
Ann Fant Foreman, Individually

STATE OF Tennessee
COUNTY OF Williamson

Personally, appeared before me, the undersigned authority in and for the said county and state on this 26th day of July, 2022, within my jurisdiction, the within named Ann Fant Foreman, who as Executrix of The Estate of Mrs. Bette C. Fant, Deceased, and individually, acknowledged that she executed the above and foregoing instrument.



Jeremy Oden
NOTARY PUBLIC

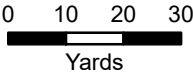
Commission Expires: 12/04/2022

Mail	PPIN	Parcel ID	Name	Address	City	State	ZIP
Y		0811G-06-026.000	KEVIN MYERS (OWNER)	1606 19TH AVE	GULFPORT	MS	39501
			Adjacent Property Owners (2403ZB034)				
	32708	0811G-06-023.000	ROBESON WILLIAM S III & DEROUEN K J	806 CONSTITUTION DR	SLIDELL	LA	70458
	88738	0811G-06-028.000	BRULATOUR MICHAEL J & ROBYN B	1615 19TH AVE	GULFPORT	MS	39501
	32706	0811G-06-021.000	MILLER JIMMIE L	1608 19TH AVE	GULFPORT	MS	39501
	32685	0811G-06-030.000	BUCHANAN HILL LLC	1607 19TH AVE	GULFPORT	MS	39501
	32684	0811G-06-029.000	GOETSCH CODY A	1611 19TH AVE	GULFPORT	MS	39501
	32688	0811G-06-045.000	SECOND STREET CONDOS PH II	402 NORTH ST	UNION	MS	39437
	32676	0811G-05-077.000	JONES ROBERT D III	1724 20TH AVE	GULFPORT	MS	39501
	32659	0811G-05-024.000	KS INVESTMENTS LLC	13440 WOODLAND DR	GULFPORT	MS	39503
	32677	0811G-05-078.000	JONES ROBERT	1724 20TH AVE	GULFPORT	MS	39501
	32681	0811G-06-027.000	MILES CLAIBORNE E	15010 SWAN LAKE BLVD	GULFPORT	MS	39503
	32709	0811G-06-024.000	GEE JEFFERY & MARGARET	1620 19TH AVE	GULFPORT	MS	39501
	32689	0811G-06-044.000	SECOND STREET CONDOS PHASE 1				0
	32710	0811G-06-025.000	MCCAY JOHN M JR	P O BOX 7696	GULFPORT	MS	39507
	32675	0811G-05-075.000	RYAN THOMAS C JR & CHARLOTTE F	18012 PINEVILLE RD	LONG BEACH	MS	39560
	32686	0811G-06-031.000	HILL SAMANTHA EVELYN	1607- 19TH AVENUE	GULFPORT	MS	39501
	32687	0811G-06-032.000	BILLUPS LINDA LAMAR	375 S 3RD STREET, APT 104	BURBANK	CA	91505
	32680	0811G-06-026.000	MYERS KEVIN MICHAEL	1609 19TH AVE	GULFPORT	MS	39501
	32674	0811G-05-076.000	IOWA PROPERTY INVESTMENTS LLC	1715 21ST AVE	GULFPORT	MS	39501
	32678	0811G-05-079.000	JONES ROBERT D III	4100 WASHINGTON AVE	GULFPORT	MS	39501
	32707	0811G-06-022.000	REICKER DANIEL A	P O BOX 1470	SANTA BARBARA	CA	93102
	32673	0811G-05-074.000	TOMOHAWK PROPERTIES LLC	7247 LIVE OAK WAY	PASS CHRISTIAN	MS	39571
	32693	0811G-06-048.000	MORGAN MONA P	1911 3RD ST	GULFPORT	MS	39501
	32704	0811G-06-019.000	HALDERMAN DIANNE	1824 2ND ST	GULFPORT	MS	39503



Legend

- Site
- Adjacent Properties
- Street
- Railroad
- Buildings



1 inch = 100 feet



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RE: Variance 2403ZB034, by owner Kevin Myers, seeking approval for a 960 square foot accessory structure, Tax Parcel 0811G-06-026.000, 1625 19th Ave, Zoned T4L (General Urban Zone "Limited"), Ward 2

To Applicants and Adjacent Property Owners:

The City of Gulfport Zoning Board of Adjustments and Appeals will hold a public hearing to consider the above application at 3:00 P.M. on **Thursday, March 21, 2024**, in the Council Chambers at the Gulfport City Hall located at 2309 15th Street.

For more information, visit <https://www.gulfport-ms.gov/agendas/> then click the City of Gulfport Zoning Board for **Thursday, March 21, 2024**. A map showing the location of the property involved is located at this website. If you have any questions or comments, please contact this office at the phone number 228-868-5710 or email planners@gulfport-ms.gov. The application is available for viewing in the Planning Division office at 1410 24th Avenue.



The Beaufort Gazette
The Belleville News-Democrat
Bellingham Herald
Centre Daily Times
Sun Herald
Idaho Statesman
Bradenton Herald
The Charlotte Observer
The State
Ledger-Enquirer

Durham | The Herald-Sun
Fort Worth Star-Telegram
The Fresno Bee
The Island Packet
The Kansas City Star
Lexington Herald-Leader
The Telegraph - Macon
Merced Sun-Star
Miami Herald
El Nuevo Herald

The Modesto Bee
The Sun News - Myrtle Beach
Raleigh News & Observer
Rock Hill | The Herald
The Sacramento Bee
San Luis Obispo Tribune
Tacoma | The News Tribune
Tri-City Herald
The Wichita Eagle
The Olympian

AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Amount	Cols	Depth
36845	525462	Print Legal Ad-IPL01617860 - IPL0161786		\$112.15	2	76 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 PM., Thursday, March 21, 2024 in the Council Chambers of the Gulfport City Hall located at 2309 15 th Street to consider the following requests. A copy of the requests will be available for public review at the office of the Department of Urban Development-Planning Division located on first floor of the William H. Hardy Building, 1410 24 th Avenue.

Variance 2403ZB021, by owner Gregory Woodard, seeking approval for a 1,430 square-foot accessory structure where 600 square feet is the size limit, Tax Parcel 0807K-01-018.017, 13324 Harper Court, Zoned R-1-15 (Single-family), Ward 7

Variance 2403ZB022, by owner Gregory Woodard, seeking approval for a side yard setback of 8 feet, where 15 feet is required, Tax Parcel 0807K-01-018.017, 13324 Harper Court, Zoned R-1-15 (Single-family), Ward 7

Variance 2403ZB023, by owner Gregory Woodard, seeking approval for a 24-foot tall accessory structure where 14 feet is the height limit, Tax Parcel 0807K-01-018.017, 13324 Harper Court, Zoned R-1-15 (Single-family), Ward 7

Variance 2403ZB026, by agent Rebecca Gillum, seeking approval for 5-foot side yard setbacks, where 8 feet is required, Tax Parcel 0811G-04-116.000, 2011 17th Ave, Zoned R-2 (Single-family), Ward 3

Variance 2403ZB028, by agent Michael Hester, seeking approval for a 9-foot tall fence along the rear of the property where six feet is the height limit, Tax Parcel 1010K-03-048.000, 2209 Swetman Blvd, R-1-7.5 (Single-Family), Ward 2

Special Exception 2403SC031, by agent Tyler Hickman, seeking approval for daiquiri shop, Tax Parcels 0908N-04-004.000, 0908N-04-004.001, 13211 Dedeaux Road, Zoned B-1 (Neighborhood business), Ward 5

Variance 2403ZB033, by owners Joseph and Rebecca Cowart, seeking approval for a 2400 detached accessory structure, Tax Parcel 0811B-01-037.000, 2601 15th Avenue, Zoned B-2 (General Business), Ward 3

Variance 2403ZB034, by owner Kevin Myers, seeking approval for a 960 square foot accessory structure, Tax Parcel 0811G-06-026.000, 1625 19th Ave, Zoned T4L (General Urban Zone "Limited"), Ward 2

Variance 2403ZB035, by owner Kevin Myers, seeking approval for a rear yard setback of 50 inches (4.17 ft) and a side yard setback of 53 inches (4.42 feet), Tax Parcel 0811G-06-026.000, 1625 19th Ave, Zoned T4L (General Urban Zone "Limited"), Ward 2

Variance 2403ZB036, by agent Robert Addison Riemann, seeking approval for an additional wall sign on the eastern elevation, Tax Parcel 0809K-02-002.001, 15223 Creosote Road, Zoned B-4 (Highway-business), Ward 3

Variance 2403ZB041, by agent Tiffany Marshall, seeking approval for zero required parking for all future uses, Tax Parcels 0811E-02-042.000, 0811E-02-043.000, 0811E-02-044.000, 1512 30th Ave, 1516 30th Ave, 1518 30th Ave, 1520 30th Ave, 1522 30th Ave, 1528A 30th Ave, 1528B 30th Ave, Zoned T6 (Urban Core Zone), Ward 2

Variance 2403ZB042, by agent Tiffany Marshall, seeking approval for backing into city right of way, Tax Parcels 0811E-02-042.000, 0811E-02-043.000, 0811E-02-044.000, 1512 30th Ave, 1516 30th Ave, 1518 30th Ave, 1520 30th Ave, 1522 30th Ave, 1528A 30th Ave, 1528B 30th Ave, Zoned T6 (Urban Core Zone), Ward 2

Variance 2403ZB043, by agent David Machado, seeking approval for a building height of 55 feet and 3 inches where 50 feet is the height limit, Tax Parcel 0710P-01-004.000, 2809 34th Avenue, Zoned I-1 (Light-industry), Ward 1

This the 1st day of March 2024
A. Leslie North, Chairman
City of Gulfport Zoning Board of Adjustment and Appeals
PO210200
IPL0161786
Mar 6 2024

STATE OF MISSISSIPPI COUNTY OF HARRISON

Before me, the undersigned Notary of Dallas County, Texas personally appeared Stephanie Hatcher, 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:
03/06/24

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.

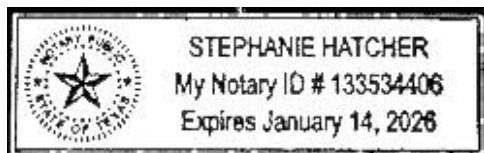
Stephanie Hatcher

Sworn to and subscribed before me this 11th day of
March in the year of 2024

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: March 21, 2024

Re: Variance 2403ZB035:

Variance 2403ZB035, by owner Kevin Myers, seeking approval for a rear yard setback of 50 inches (4.17 ft) and a side yard setback of 53 inches (4.42 feet), Tax Parcel 0811G-06-026.000, 1625 19th Ave, Zoned T4L (General Urban Zone "Limited"), Ward 2

Technical Report

VARIANCE

GENERAL INFORMATION

Case File Number: 2403ZB035

Hearing Date: March 21, 2024

Current Zoning/Use: T4L / Single-Family Residence

Legal: Variance 2403ZB035, by owner Kevin Myers, seeking approval for a rear yard setback of 50 inches (4.17 ft) and a side yard setback of 53 inches (4.42 feet), Tax Parcel 0811G-06-026.000, 1625 19th Ave, Zoned T4L (General Urban Zone "Limited"), 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 to allow a rear yard setback of 50 inches (4.17 ft) and a side yard setback of 53 inches (4.42 feet) for a detached accessory structure.

- (a) The applicant notes that, "the property's lot size irregular, the property's width decreases on the north side of the property from the east (street side) to the west (alley side). Additionally, the property does not have access to the alley due to the adjacent property's "L" shape." This statement does not adequately address the property being peculiar to the land, because it does have an "L" shape that is not normal.
- (b) The applicant does not address whether or not special conditions and circumstances result from their actions. But, suggests that they made efforts to obtain a permit prior to being cited for doing work without the proper permit. The applicant never requested a detached accessory structure on the application submitted. The City did not give the applicant a permit because he only requested to make interior and exterior repairs and remodel to the home and it was noted on the approved permit that there would be no changes to the footprint of the property. The size of the structure itself is caused by the choice of the applicant, therefore causing the unnecessary hardship.
- (c) The applicant states that, "The building is 90% complete, with a majority of the building being complete when I met with the Chief Building Inspector. I am unable to move the garage. The garage was built in symmetry with the existing historical home to include matching siding/color and metal roof." Beyond it being the choice of the applicant to build the detached accessory structure; thus, the applicant has not proven that a hardship is present. The applicant knew the physical character of the property prior to buying it.
- (d) Applicant states that, "I had no intention of violating the existing code, I added more setback than what I was told. The right for reasonable development to add a garage to the existing home is for security and storage of vehicles/household items." He believes that the area is prone to theft. The applicant never came to the City to request permit for the work in question.
- (e) The applicant claims that, "Granting a variance for setbacks on the south and west sides of the garage provide no special privilege to myself that is denied by the ordinance to other of the garage provides no special privileges to myself that is denied by the ordinance to other lands, structures or buildings in the same district." Granting this variance would not provide special privileges to the applicant as other properties in the neighborhood have approved variances for setbacks from this board.
- (f) This property is zoned T4L, and a single-family home with one accessory structure are allowed by right.

EXECUTIVE SUMMARY

Applicant is seeking approval for a variance to allow a rear yard setback of 50 inches (4.17 ft) and a side yard setback of 53 inches (4.42 feet). Beyond it being the choice of the applicant to build the detached accessory structure; thus, the applicant has not proven that a hardship is present for the setbacks. The applicant knew the physical character of the property prior to buying it. The accessory structure/garage is 90% complete. The applicant did work without proper permits and went beyond the scope of work. There have been complaints made to the building department. Having an accessory structure would be consistent with the neighborhood. However, an accessory structure of this size is not consistent with the neighborhood.

Technical Report

VARIANCE

Any approval should consider these conditions:

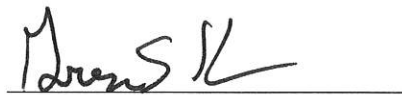
1. Must meet all current building Codes and City of Gulfport Ordinances.
2. Drainage to not adversely impact adjacent parcels
3. Approval grants a variance to allow a rear yard setback of 50 inches (4.17 ft) and a side yard setback of 53 inches (4.42 feet) for a detached accessory structure.

DEPARTMENTAL CONDITIONS

<u>Engineering:</u>	Drainage to not adversely impact adjacent parcels. Memo dated 3/7/2024.
<u>Public Works:</u>	No comment as of 3/7/2024.
<u>Traffic and Safety:</u>	No conditions. Memo dated 3/6/2024.
<u>Building Code Services:</u>	Must meet all current building Codes and City of Gulfport Ordinances. Memo dated 2/27/2024.
<u>GIS:</u>	No conditions. Memo dated 2/28/2024.
<u>Police Department:</u>	No comment as of 3/7/2024.
<u>Fire Department:</u>	No conditions. Memo dated 2/27/2024.
<u>City Arborist:</u>	No conditions. Memo dated 2/27/2024.

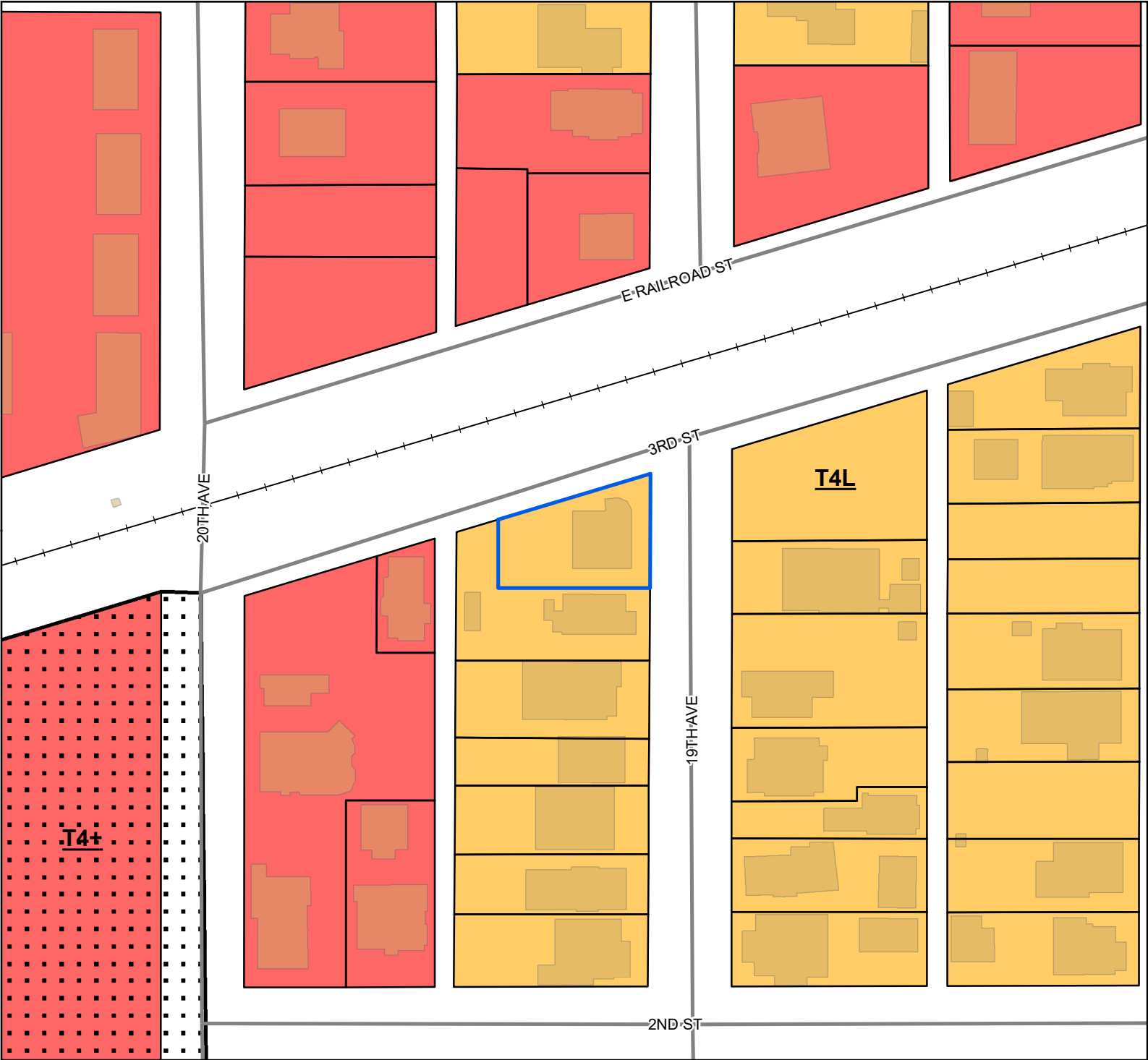
DIRECTOR APPROVAL

This report has been reviewed and approved by:



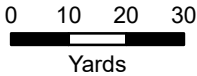
Greg Holmes

Director of Urban Development Department



- Street
- Railroad
- Parcels
- Buildings
- Smart Code**
- T4+
- T4L

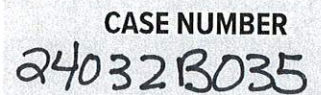
Site Information
0811G-06-026.000
Zoning T4L (General Urban
"Limited")
Size: 7227.02 sqft
Flood: X



1 inch = 100 feet



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OWNER:

KEVIN MYERS
Printed Name of Owner
1606 19TH AVE
Mailing Address
GULFPORT MS 39501
City State Zip Code
228-424-3009 N/A
Home Phone Work/Cell Phone
KMDM1988@GMAIL.COM
Email
Kevin Myers
Signature of Owner

AGENT:

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) _____
Address (Street, City, State, Zip Code) _____
Phone (Home) _____ (Work) _____ (Cell) _____
Tax Parcel Number(s) Owned: _____
Signature: _____

Name of Owner (PRINT) _____
Address (Street, City, State, Zip Code) _____
Phone (Home) _____ (Work) _____ (Cell) _____
Tax Parcel Number(s) Owned: _____
Signature: _____

Name of Owner (PRINT) _____
Address (Street, City, State, Zip Code) _____
Phone (Home) _____ (Work) _____ (Cell) _____
Tax Parcel Number(s) Owned: _____
Signature: _____

VARIANCE SUBMISSIONS

VM

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.

5 Feb 2024

MEMORANDUM FOR ZONING BOARD OF ADJUSTMENTS AND APPEALS

FROM: Kevin M. Myers

SUBJECT: 1625 19th Ave Setback Variance Request, PARCEL #08116-06-026.000

1. The property located at 1625 19th Avenue, Gulfport, MS lot's size is irregular, the property's width decreases on the north side of the property from the east (street side) to the west (alley side). Additionally, the property does not have access to the alley due to the adjacent property's "L" shape (please see Area Map).

2. On January 27, 2023, I went to obtain a permit for my 1904 Queen Anne for remodeling/garage build. I was told by the front desk which forms I needed to fill out and then proceeded to the customer service representative for permits. I told her that I was renovating the house and building a 24 feet wide by 40 feet long garage (please see attached Area Map with garage footprint). I asked her if the setbacks were 3 feet, she said yes and that she had only been working in that department for less than a year. She pulled up the property and printed out the area maps and approved my Building Permit #202302040 (see attached). On January 17, 2024, Chief Building Inspector, Mr. Buddy Sheriff arrived at the property and asked to see my permit. I showed him my Building Permit and he informed me that I needed one for the garage in addition to the house. I was unaware of that requirement. I was under the impression when I spoke with the permit representative on January 27, that I had acquired the necessary permit for renovations and garage build since I had presented her with the 2 applications (please see attached). I explained to him that there was a misunderstanding when I had acquired the initial permit. He understood and directed me to go back to the permit office and obtain a permit for the garage (the foundation, walls, exterior sheathing and trusses were installed by this time on the garage). I went to the permit office where I was told that the garage did not meet the setback requirements of 72" on the west and south side. I informed the representative that I was told they were 36". The current setback for the garage is 50" on the west side, 53" on the south side, 240" on the east side, and 238" and 158" on the north side. I asked to speak with the permit Supervisor and met with her and explained the circumstances and that I had followed the setbacks according to what I was told. She understood and spoke with her Director in regards to the situation. He met with me and I explained the aforementioned details. He was very understanding and told me that I could complete the metal roof, finish wrapping the sheathing in Tyvek protective wrap, install the garage door and install the entry door (the roof, Tyvek, and entry door is complete, garage door to be installed on February 14, 2024). He told me to wait on siding the garage until after the Zoning Board meeting on March 21, 2024 pending approval.

3. The delay in building the garage was due to the home having no power and obtaining a temporary power pole, contacting Coast Electric and having underground power run to the house, contacting Centerpoint Gas and having the underground gas re-routed, and the availability of my contractor. The garage is 90% complete, with a majority of the building complete when I met with Mr. Sheriff. I am unable to move the garage. The garage was built in symmetry with the existing historical home to include matching siding/color and metal roof. I was in compliance with setbacks according to what I was told when I applied for my permit on July 27, 2023 by the permit representative.

4. My interpretation of the zoning ordinance came straight from the representative at the permit office. I had no intention of violating the existing code, I added more setback than what I was told. The right for reasonable development to add a garage to the existing home is for security and storage of vehicles/household items. I live four houses down the street at 1606 19th Avenue and this area to include 2nd Street is prone to theft.

5. Granting a variance for setback on the south and west sides of the garage provide no special privilege to myself that is denied by the ordinance to other lands, structures or buildings in the same district. A variance waiver of 24" does not impede the adjacent property on the south/west side. No special benefit will be received by the homeowner.

6. The use of the structure as a garage is permissible as a land structure and the additional construction after the January 17 meeting with Mr. Sheriff was authorized by the Director and greatly appreciated. There was an honest misunderstanding that resulted from the initial meeting on July 27, 2023 that led to this request for a setback variance. Thank you for your time and consideration in this matter.

A handwritten signature in black ink, appearing to read "Kevin M. Myers", with a stylized, flowing script.

KEVIN M. MYERS, Lt Col, USAF

CITY OF GULFPORT BUILDING PERMIT

BUILDING
CODE SERVICES

PERMIT NO. 202302040

24-Hour Inspection Line
228-868-5717
Customer Service
228-868-5715

Owner: KEVIN MYERS Date Issued: 7.27.2023

Contractor: _____

Lot _____ Block _____ Subdivision _____

Job Location Address: 1625 19TH AVE

This permit conveys no right to occupy any street, alley or sidewalk, or any part thereof, either temporarily or permanently except that specifically provided for in the building code. The issuance of this permit does not release the applicant from the conditions of any applicable subdivision restrictions.

*** REMODELING ***

MINIMUM OF FOUR CALLED INSPECTION REQUIRED FOR ALL CONSTRUCTION WORK.

1. Footing or Foundation
2. Sheathing & Fasteners (Wall/Roof)
3. Framing-Prior to Covering Structural Members
4. Final Inspection for Compliance Prior to Occupancy.

Approved plans MUST be retained on job and this card KEPT POSTED until final inspection has been made. Such building SHALL NOT BE OCCUPIED until FINAL INSPECTION has been made and approved.

POST THIS CARD

**Separate Permits
Required For
Mechanical,
Plumbing, Gas &
Electrical & Fire
Systems Installations**

BUILDING INSPECTION APPROVALS

1. FOOTING OR FOUNDATIONS
FOOTING-Monolithic Slab
DATE _____
INSP. _____
FOUNDATION-Non-Monolithic
DATE _____
INSP. _____
2. SHEATHING & FASTENERS (Wall/Roof)
DATE _____
INSP. _____
3. BRICK TIE
DATE _____
INSP. _____
4. FRAMING-PRIOR TO SHEETROCK OR LATH
DATE _____
INSP. _____
5. FINAL INSPECTION
DATE _____
INSP. _____

PLUMBING INSP. APPROVALS

4. BUILDING SEWER
DATE _____
INSP. _____
5. FINAL INSPECTION
DATE _____
INSP. _____

GAS INSPECTION APPROVALS

1. ROUGH-IN
DATE _____
INSP. _____
2. FINAL INSPECTION
DATE _____
INSP. _____

ELECTRICAL INSPECTION APPROVALS

1. ROUGH-IN
DATE _____
INSP. _____
2. ETM-ELECTRICAL TEMPORARY METER
DATE _____
INSP. _____
3. FINAL INSPECTION
DATE _____
INSP. _____

FIRE ALARM INSPECTION APPROVALS

1. ROUGH-IN FIRE ALARM
DATE _____
BLDG. INSP. _____
2. FINAL INSPECTION-FIRE ALARM
DATE _____
FIRE INSP. _____
DATE _____
BLDG. INSP. _____

WORK SHALL NOT PROCEED
UNTIL EACH DIVISION HAS
APPROVED THE VARIOUS
STAGES OF CONSTRUCTION.

AUTO SPRINKLER INSPECTION APPROVALS

1. FIRE MAIN/HYDRANT INSTALLATION & HYDROSTATIC TEST
DATE _____
BLDG. INSP. _____
2. ROUGH-IN & HYDROSTATIC TEST
DATE _____
BLDG. INSP. _____
3. FINAL INSPECTION
DATE _____
FIRE INSP. _____
DATE _____
BLDG. INSP. _____

RESTAURANT HOOD & DUCT/SUPPRESSION INSPECTION APPROVALS

1. ROUGH-IN HOOD & DUCT
DATE _____
BLDG. INSP. _____
2. FINAL INSPECTION HOOD & DUCT
DATE _____
BLDG. INSP. _____
3. FINAL INSPECTION SUPPRESSION
DATE _____
BLDG. INSP. _____

OTHER OPERATIONAL PERMITS

YES _____ NO _____

SITE INSPECTION APPROVALS

1. RESIDENTIAL
DATE _____
BLDG. INSP. _____
2. COMMERCIAL
DATE _____
FIRE INSP. _____
DATE _____
ENG. INSP. _____

COMMENTS

**UNLAWFUL TO REMOVE OR DEFACE THIS CARD
UNTIL CONSTRUCTION IS COMPLETE**



COVENANT AFFIDAVIT

I, KEVIN MYERS being property owner or agent of the property 1625 19TH AVE
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.

Kevin Myers
SIGNATURE

5 FEB 24
DATE

STATE OF MISSISSIPPI | COUNTY OF HARRISON

Given under my hand and seal of office this the 5 day of February, 20 24

Rhonda Gaddis
NOTARY PUBLIC



COMMISSION EXPIRATION



















D3









FZ







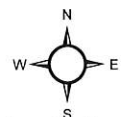
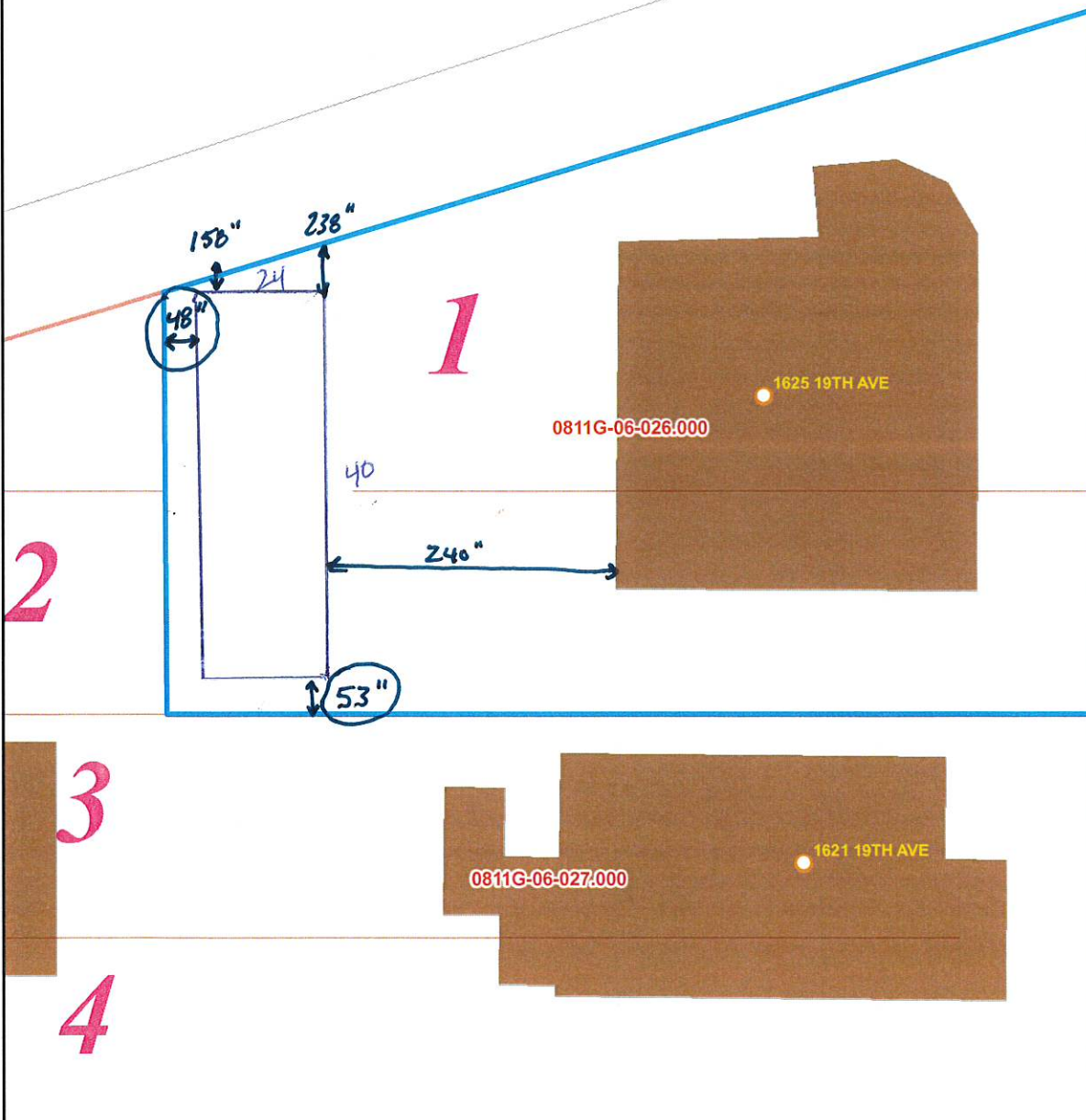


Area Map

Printed 7/27/2023

3RD ST

19TH AVE



1 inch = 20 feet

0 SETBACK HIGHLIGHTED



DATA DISCLAIMER:
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Indexing: Lots 1 & 2, LESS W 30', Blk 14, McAlpin Addn,

STATE OF MISSISSIPPI

COUNTY OF HARRISON

FIRST JUDICIAL DISTRICT

**Prepared by and return to:
David B. Estes
MS Bar No. 101404
Integrity Land Title, LLC
1806 23rd Avenue
Gulfport, MS 39501
(228)896-8962
File# 4245**

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,

**ANN FANT FOREMAN, EXECUTRIX OF THE ESTATE OF
MRS. BETTIE C. FANT, DECEASED and
ANN FANT FOREMAN, INDIVIDUALLY
602 Lawrin Park
Franklin, TN 37069
(615) 772-4918**

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

**KEVIN MICHAEL MYERS
1609 19th Avenue
Gulfport, MS 39501
(228) 424-3009**

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

Lots 1 and 2, LESS the west 30' feet thereof, Block 14, MCALPIN ADDITION
TO GULFPORT, 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 1 at Page 29.

THE ABOVE DESCRIBED property constitutes no part of Grantor's homestead.

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

TAXES for the year 2022 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.

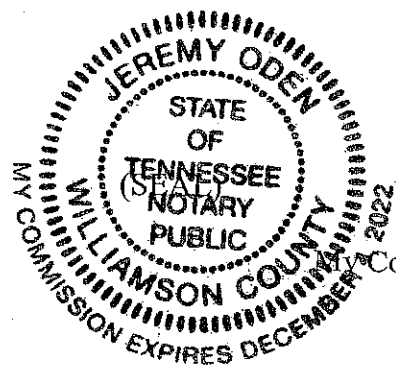
WITNESS my signature on this the 26 day of July, 2022.

THE ESTATE OF MRS. BETTIE C. FANT, DECEASED
And ANN FANT FOREMAN, INDIVIDUALLY

BY: Ann Fant Foreman, Executrix
Ann Fant Foreman, Executrix
Ann Fant Foreman
Ann Fant Foreman, Individually

STATE OF Tennessee
COUNTY OF Williamson

Personally, appeared before me, the undersigned authority in and for the said county and state on this 26th day of July, 2022, within my jurisdiction, the within named Ann Fant Foreman, who as Executrix of The Estate of Mrs. Bette C. Fant, Deceased, and individually, acknowledged that she executed the above and foregoing instrument.



Jeremy Oden
NOTARY PUBLIC

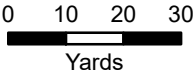
Commission Expires: 12/04/2022

Mail	PPIN	Parcel ID	Name	Address	City	State	ZIP
Y		0811G-06-026.000	KEVIN MYERS (OWNER)	1606 19TH AVE	GULFPORT	MS	39501
			Adjacent Property Owners (2403ZB035)				
	32708	0811G-06-023.000	ROBESON WILLIAM S III & DEROUEN K J	806 CONSTITUTION DR	SLIDELL	LA	70458
	88738	0811G-06-028.000	BRULATOUR MICHAEL J & ROBYN B	1615 19TH AVE	GULFPORT	MS	39501
	32706	0811G-06-021.000	MILLER JIMMIE L	1608 19TH AVE	GULFPORT	MS	39501
	32685	0811G-06-030.000	BUCHANAN HILL LLC	1607 19TH AVE	GULFPORT	MS	39501
	32684	0811G-06-029.000	GOETSCH CODY A	1611 19TH AVE	GULFPORT	MS	39501
	32688	0811G-06-045.000	SECOND STREET CONDOS PH II	402 NORTH ST	UNION	MS	39437
	32676	0811G-05-077.000	JONES ROBERT D III	1724 20TH AVE	GULFPORT	MS	39501
	32659	0811G-05-024.000	KS INVESTMENTS LLC	13440 WOODLAND DR	GULFPORT	MS	39503
	32677	0811G-05-078.000	JONES ROBERT	1724 20TH AVE	GULFPORT	MS	39501
	32681	0811G-06-027.000	MILES CLAIBORNE E	15010 SWAN LAKE BLVD	GULFPORT	MS	39503
	32709	0811G-06-024.000	GEE JEFFERY & MARGARET	1620 19TH AVE	GULFPORT	MS	39501
	32689	0811G-06-044.000	SECOND STREET CONDOS PHASE 1				0
	32710	0811G-06-025.000	MCCAY JOHN M JR	P O BOX 7696	GULFPORT	MS	39507
	32675	0811G-05-075.000	RYAN THOMAS C JR & CHARLOTTE F	18012 PINEVILLE RD	LONG BEACH	MS	39560
	32686	0811G-06-031.000	HILL SAMANTHA EVELYN	1607- 19TH AVENUE	GULFPORT	MS	39501
	32687	0811G-06-032.000	BILLUPS LINDA LAMAR	375 S 3RD STREET, APT 104	BURBANK	CA	91505
	32680	0811G-06-026.000	MYERS KEVIN MICHAEL	1609 19TH AVE	GULFPORT	MS	39501
	32674	0811G-05-076.000	IOWA PROPERTY INVESTMENTS LLC	1715 21ST AVE	GULFPORT	MS	39501
	32678	0811G-05-079.000	JONES ROBERT D III	4100 WASHINGTON AVE	GULFPORT	MS	39501
	32707	0811G-06-022.000	REICKER DANIEL A	P O BOX 1470	SANTA BARBARA	CA	93102
	32673	0811G-05-074.000	TOMOHAWK PROPERTIES LLC	7247 LIVE OAK WAY	PASS CHRISTIAN	MS	39571
	32693	0811G-06-048.000	MORGAN MONA P	1911 3RD ST	GULFPORT	MS	39501
	32704	0811G-06-019.000	HALDERMAN DIANNE	1824 2ND ST	GULFPORT	MS	39503



Legend

- Site
- Adjacent Properties
- Street
- Railroad
- Buildings



1 inch = 100 feet



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RE: Variance 2403ZB035, by owner Kevin Myers, seeking approval for a rear yard setback of 50 inches (4.17 ft) and a side yard setback of 53 inches (4.42 feet), Tax Parcel 0811G-06-026.000, 1625 19th Ave, Zoned T4L (General Urban Zone "Limited"), Ward 2

To Applicants and Adjacent Property Owners:

The City of Gulfport Zoning Board of Adjustments and Appeals will hold a public hearing to consider the above application at 3:00 P.M. on **Thursday, March 21, 2024**, in the Council Chambers at the Gulfport City Hall located at 2309 15th Street.

For more information, visit <https://www.gulfport-ms.gov/agendas/> then click the City of Gulfport Zoning Board for **Thursday, March 21, 2024**. A map showing the location of the property involved is located at this website. If you have any questions or comments, please contact this office at the phone number 228-868-5710 or email planners@gulfport-ms.gov. The application is available for viewing in the Planning Division office at 1410 24th Avenue.



The Beaufort Gazette
The Belleville News-Democrat
Bellingham Herald
Centre Daily Times
Sun Herald
Idaho Statesman
Bradenton Herald
The Charlotte Observer
The State
Ledger-Enquirer

Durham | The Herald-Sun
Fort Worth Star-Telegram
The Fresno Bee
The Island Packet
The Kansas City Star
Lexington Herald-Leader
The Telegraph - Macon
Merced Sun-Star
Miami Herald
El Nuevo Herald

The Modesto Bee
The Sun News - Myrtle Beach
Raleigh News & Observer
Rock Hill | The Herald
The Sacramento Bee
San Luis Obispo Tribune
Tacoma | The News Tribune
Tri-City Herald
The Wichita Eagle
The Olympian

AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Amount	Cols	Depth
36845	525462	Print Legal Ad-IPL01617860 - IPL0161786		\$112.15	2	76 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 PM., Thursday, March 21, 2024 in the Council Chambers of the Gulfport City Hall located at 2309 15 th Street to consider the following requests. A copy of the requests will be available for public review at the office of the Department of Urban Development-Planning Division located on first floor of the William H. Hardy Building, 1410 24 th Avenue.

Variance 2403ZB021, by owner Gregory Woodard, seeking approval for a 1,430 square-foot accessory structure where 600 square feet is the size limit, Tax Parcel 0807K-01-018.017, 13324 Harper Court, Zoned R-1-15 (Single-family), Ward 7

Variance 2403ZB022, by owner Gregory Woodard, seeking approval for a side yard setback of 8 feet, where 15 feet is required, Tax Parcel 0807K-01-018.017, 13324 Harper Court, Zoned R-1-15 (Single-family), Ward 7

Variance 2403ZB023, by owner Gregory Woodard, seeking approval for a 24-foot tall accessory structure where 14 feet is the height limit, Tax Parcel 0807K-01-018.017, 13324 Harper Court, Zoned R-1-15 (Single-family), Ward 7

Variance 2403ZB026, by agent Rebecca Gillum, seeking approval for 5-foot side yard setbacks, where 8 feet is required, Tax Parcel 0811G-04-116.000, 2011 17th Ave, Zoned R-2 (Single-family), Ward 3

Variance 2403ZB028, by agent Michael Hester, seeking approval for a 9-foot tall fence along the rear of the property where six feet is the height limit, Tax Parcel 1010K-03-048.000, 2209 Swetman Blvd, R-1-7.5 (Single-Family), Ward 2

Special Exception 2403SC031, by agent Tyler Hickman, seeking approval for daiquiri shop, Tax Parcels 0908N-04-004.000, 0908N-04-004.001, 13211 Dedeaux Road, Zoned B-1 (Neighborhood business), Ward 5

Variance 2403ZB033, by owners Joseph and Rebecca Cowart, seeking approval for a 2400 detached accessory structure, Tax Parcel 0811B-01-037.000, 2601 15th Avenue, Zoned B-2 (General Business), Ward 3

Variance 2403ZB034, by owner Kevin Myers, seeking approval for a 960 square foot accessory structure, Tax Parcel 0811G-06-026.000, 1625 19th Ave, Zoned T4L (General Urban Zone "Limited"), Ward 2

Variance 2403ZB035, by owner Kevin Myers, seeking approval for a rear yard setback of 50 inches (4.17 ft) and a side yard setback of 53 inches (4.42 feet), Tax Parcel 0811G-06-026.000, 1625 19th Ave, Zoned T4L (General Urban Zone "Limited"), Ward 2

Variance 2403ZB036, by agent Robert Addison Riemann, seeking approval for an additional wall sign on the eastern elevation, Tax Parcel 0809K-02-002.001, 15223 Creosote Road, Zoned B-4 (Highway-business), Ward 3

Variance 2403ZB041, by agent Tiffany Marshall, seeking approval for zero required parking for all future uses, Tax Parcels 0811E-02-042.000, 0811E-02-043.000, 0811E-02-044.000, 1512 30th Ave, 1516 30th Ave, 1518 30th Ave, 1520 30th Ave, 1522 30th Ave, 1528A 30th Ave, 1528B 30th Ave, Zoned T6 (Urban Core Zone), Ward 2

Variance 2403ZB042, by agent Tiffany Marshall, seeking approval for backing into city right of way, Tax Parcels 0811E-02-042.000, 0811E-02-043.000, 0811E-02-044.000, 1512 30th Ave, 1516 30th Ave, 1518 30th Ave, 1520 30th Ave, 1522 30th Ave, 1528A 30th Ave, 1528B 30th Ave, Zoned T6 (Urban Core Zone), Ward 2

Variance 2403ZB043, by agent David Machado, seeking approval for a building height of 55 feet and 3 inches where 50 feet is the height limit, Tax Parcel 0710P-01-004.000, 2809 34th Avenue, Zoned I-1 (Light-industry), Ward 1

This the 1st day of March 2024
A. Leslie North, Chairman
City of Gulfport Zoning Board of Adjustment and Appeals
PO210200
IPL0161786
Mar 6 2024

STATE OF MISSISSIPPI COUNTY OF HARRISON

Before me, the undersigned Notary of Dallas County, Texas personally appeared Stephanie Hatcher, 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:
03/06/24

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.

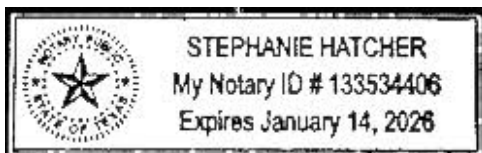
Stephanie Hatcher

Sworn to and subscribed before me this 11th day of March in the year of 2024

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: March 21, 2024

Re: Variance 2403ZB036:

Variance 2403ZB036, by agent Robert Addison Riemann, seeking approval for an additional wall sign on the eastern elevation, Tax Parcel 0809K-02-002.001, 15223 Creosote Road, Zoned B-4 (Highway-business), Ward 3

Technical Report

VARIANCE

GENERAL INFORMATION

Case File Number: 2403ZB036

Hearing Date: March 21, 2024

Current Zoning/Use: B-4 / Medical Cannabis Dispensary

Legal: Variance 2403ZB036, by agent Robert Addison Riemann, seeking approval for an additional wall sign on the eastern elevation, Tax Parcel 0809K-02-002.001, 15223 Creosote Road, Zoned B-4 (Highway-business), Ward 3

TECHNICAL DETAILS

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

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

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

Technical Report

VARIANCE

The applicant requests a variance in order to have an additional wall sign on the eastern elevation.

- (a) Applicant states that they initially planned to have a freestanding ground sign but due to the parcel already having the pre-existing Holiday Inn freestanding ground sign, they are instead seeking for an additional wall sign on the business's eastern elevation. While the ground sign in question is pre-existing, per sign ordinance Sec. 9-91 (b); "One (1) freestanding ground sign for each developed parcel or premises having frontage on a public right-of-way, not to exceed two (2) square feet of sign area for each lineal foot of street frontage abutting the portion of said parcel or premises," only one freestanding ground sign would be allowed for this property.
- (b) In the application, the applicant states that "the reason for the variance is due to the beforementioned Holiday Inn sign preventing them from placing their own freestanding ground sign." Upon staff review, the Holiday Inn freestanding sign appears to pre-date the sign ordinance and was permitted back in 2008, in addition to permits for wall signs on multiple elevations that were also permitted in 2008. Applicant could apply to have the existing freestanding ground sign removed in order to potentially place their own freestanding ground sign on the subject site. Therefore, the applicant is causing their own hardship.
- (c) The applicant does not address this question directly. Applicant goes into detail about the water table being too high to allow for parking due to issues regarding storm water management. Any claims regarding storm water management and flood elevations are not under jurisdiction of the planning division.
- (d) Applicant claims that it is important for their business to have the additional signage facing east so that traffic may easily see their business. While the applicant's claims about the importance cannot be substantiated, there are businesses on the north side of Dedeaux Road that have signs on multiple elevations that were permissible under past variance case# 1803ZB033.
- (e) Applicant claims that granting the variance will not grant any special privileges over other businesses nearby. Upon staff review, nearby properties have multiple signs, some that predate the ordinance and some that have approved variances for multiple signs. In addition, in December 2023 Zoning Board of Adjustments and Appeals approved a similar request, case # 2312ZB149, for this location for an additional wall sign on the southern elevation.
- (f) This property is zoned B-4, and a Medical Cannabis use was approved by Planning Commission under case# 2211PC210, and wall signs are allowed by right.

EXECUTIVE SUMMARY

Applicant is seeking approval for an additional wall sign on the eastern elevation of their building. While the six hardship criteria has not been met, the hardships given do not meet merit, and the applicant has caused their own hardship, there is a precedent already for additional wall signage in the nearby area. The Holiday Inn directly south of the subject site has pre-existing permitted signs on multiple elevations, in addition to the property directly north of the subject site having wall signs on multiple elevations through variance case# 1803ZB033.

Technical Report

VARIANCE

Any approval should consider these conditions:

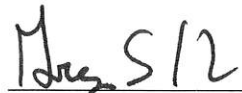
1. Approval allows for an additional wall signage on the eastern elevation.

DEPARTMENTAL CONDITIONS

<u>Engineering:</u>	No conditions. Memo dated 3/7/2024.
<u>Public Works:</u>	No conditions. Memo dated 3/7/2024.
<u>Traffic and Safety:</u>	No conditions. Memo dated 3/6/2024.
<u>Building Code Services:</u>	No conditions. Memo dated 2/27/2024.
<u>GIS:</u>	No conditions. Memo dated 2/28/2024.
<u>Police Department:</u>	No comment as of 3/8/2024.
<u>Fire Department:</u>	No conditions. Memo dated 2/27/2024.
<u>City Arborist:</u>	No conditions. Memo dated 2/27/2024.

DIRECTOR APPROVAL

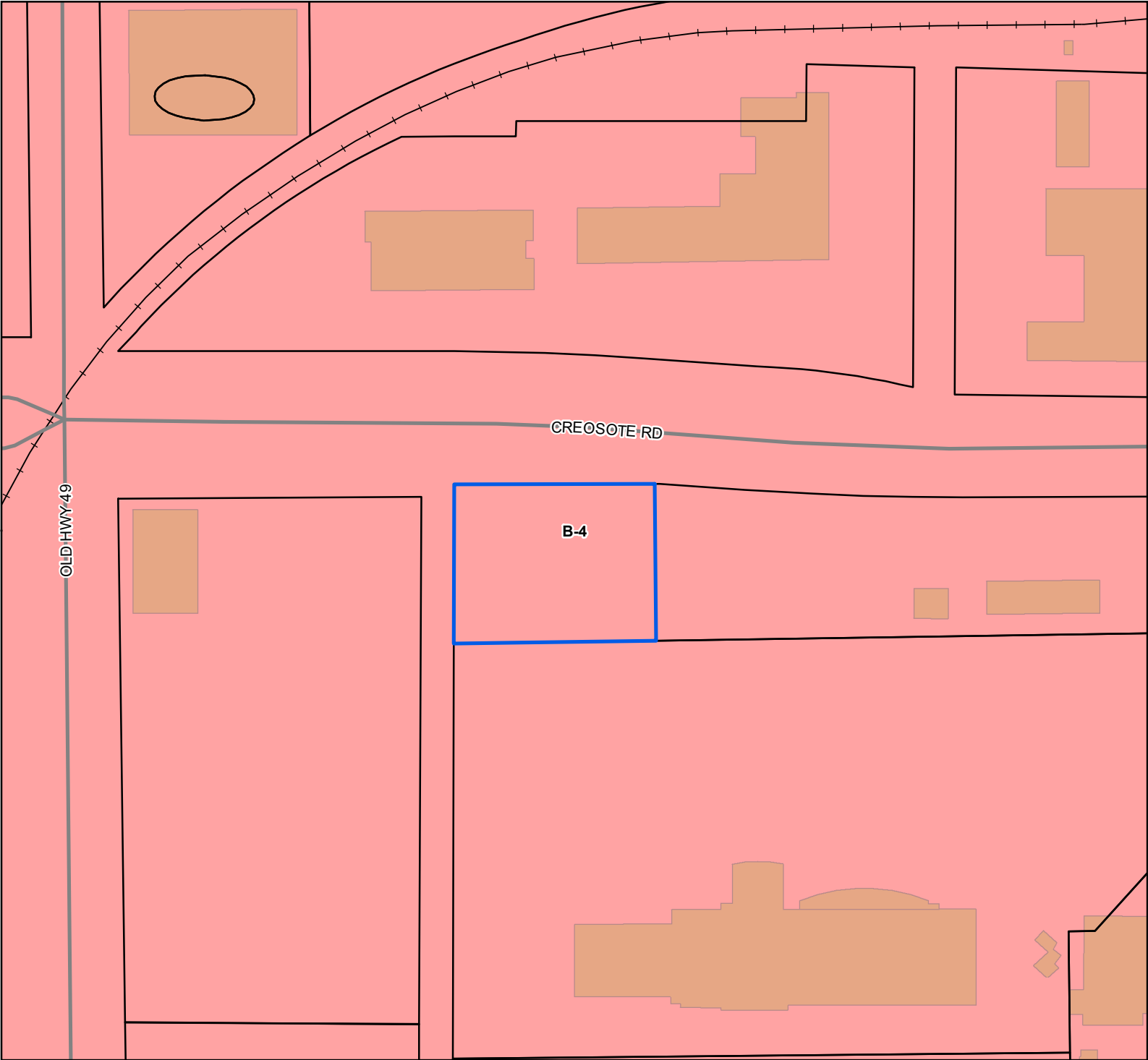
This report has been reviewed and approved by:



Greg Holmes

Director of Urban Development Department





Street

Railroad

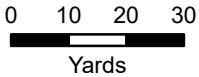
Parcels

Buildings

Zoning

B-4 - Highway Business District

Site Information
0809K-02-002.001
Zoning B-4 (Highway Business)
Size: 16522.95 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.



CASE NUMBER

2403 ZB 036

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

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

0809K	-	02	-	002	.	001													

Property Address:

15223 CREOSOTE ROAD, GULFPORT, MS 39503

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

General Description of Request: REQUESTING WALL SIGN IN LIEU
OF FREE-STANDING SIGN

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:SHULAR MS Holdings, LLC

Printed Name of Owner

9475 Hwy 49.

Mailing Address

Gulfport MS 39503

City

228 868 1888

State

Zip Code

Home Phone

Work/Cell Phone

Email

[Signature]

Signature of Owner

AGENT:Robert (Addison) Rieman

Printed Name of Agent

520 Champlin St

Mailing Address

Gulfport MS 39507

City

228 297 5067

State

Zip Code

Home Phone

Work/Cell Phone

Email

ADDISONRIEMAN@GMAIL.COM

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) _____

Address (Street, City, State, Zip Code) _____

Phone (Home) _____ (Work) _____ (Cell) _____

Tax Parcel Number(s) Owned: _____

Signature: _____

Name of Owner (PRINT) _____

Address (Street, City, State, Zip Code) _____

Phone (Home) _____ (Work) _____ (Cell) _____

Tax Parcel Number(s) Owned: _____

Signature: _____

Name of Owner (PRINT) _____

Address (Street, City, State, Zip Code) _____

Phone (Home) _____ (Work) _____ (Cell) _____

Tax Parcel Number(s) Owned: _____

Signature: _____

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.

Variance Submission

Originally, we planned to have parking and the entrance to the building on the north side facing Creosote Road. However, during the planning process, it was determined that we could NOT have parking and entrance to the building on the north side facing Creosote Road due to the water table being too high which wouldn't allow for under parking storm water management. As such, the entrance to this building is on the south side facing Holiday Inn.

This board granted us a variance to place a wall sign on the south side of the building in December 2023.

Since the meeting, we began the process of designing a free-standing sign that would be positioned on the north side of the building off Creosote Road so that East/West bound traffic would be able to see the free-standing sign. However, due to this parcel owning the boulevard entrance to the Holiday Inn parking lot which has a large Holiday Inn free standing sign, we determined that this parcel is now maxed out for an additional free-standing sign. Since this parcel cannot have an additional free-standing sign, we are asking for a variance that would allow us to place a third wall sign on the East wall of the building.

The proposed sign we are looking at hanging is 24" x 144" or 24 square feet, which is the same size as the current two wall signs. Per the signage ordinance each tenant in this building would be allowed 90 sq feet of wall signage. With three signs we would be at 72 sq feet, which is well below the 90 sq foot threshold. We feel it is extremely important to our business that we have signage facing East / West so that the traffic may easily see the signage.

Granting this variance will not have any impact on property owners near our location as all property has been developed. We do not believe granting this variance will give us any special benefit over other businesses nearby as other businesses have free standing signs in conjunction with their wall signs.

This proposed variance would be by special exemption.



Michael Watson

SECRETARY OF STATE

This is not an official certificate of good standing.

Name History

Name	Name Type
Shular Mississippi Holdings, L.L.C.	Legal

Business Information

Business Type:	Limited Liability Company
Business ID:	1305139
Status:	Good Standing
Effective Date:	09/27/2021
State of Incorporation:	Mississippi
Principal Office Address:	9475 Hwy 49 Gulfport, MS 39503

Registered Agent

Name
Michael L. Shular 9475 Hwy 49 Gulfport, MS 39503

Officers & Directors

Name	Title
Barbara Frierson 759 Howard Avenue Biloxi, MS 39530	Organizer
Michael L Shular 9475 Hwy 49 Gulfport, MS 39503	Manager



DESIGNATION OF AGENT

I, MICHAEL SHULAR being property owner of 0809K - 02 - 002 . 001
PRINT NAME PRIMARY ADDRESS OR PARCEL
which is the subject of this application hereby authorize ADDISON RICHMOND to act as
PRINT NAME
my representative with the City of Gulfport's Zoning Board of Adjustment and Appeals, and/or Planning Commission, and/or City Council, and/or permitting and licensing, as required by the City.

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

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

[Signature]
SIGNATURE

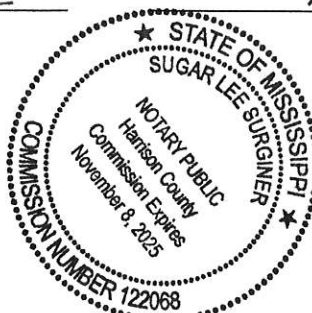
26-2024
DATE

STATE OF MISSISSIPPI | COUNTY OF HARRISON

Given under my hand and seal of office this the 6th day of Feb, 20 24

[Signature]
NOTARY PUBLIC

11-8-2025
COMMISSION EXPIRATION





COVENANT AFFIDAVIT

I, MICHAEL SITLAR being property owner or agent of the property 0809K - 02 - 002.001
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

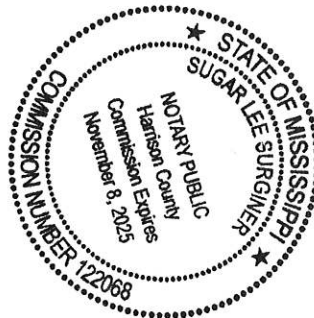
2-6-2021
DATE

STATE OF MISSISSIPPI | COUNTY OF HARRISON

Given under my hand and seal of office this the 6th day of Feb, 20 21

[Signature]
NOTARY PUBLIC

11-8-2025
COMMISSION EXPIRATION



CREOSOTE ROAD SITE DEVELOPMENT PLANS

TAX PARCEL ID 0809K-02-002.001
GULFPORT, MISSISSIPPI

JANUARY 2023

PREPARED FOR
SHULAR MISSISSIPPI HOLDINGS, LLC
9475 HIGHWAY 49
GULFPORT, MISSISSIPPI 39503

SHEET INDEX

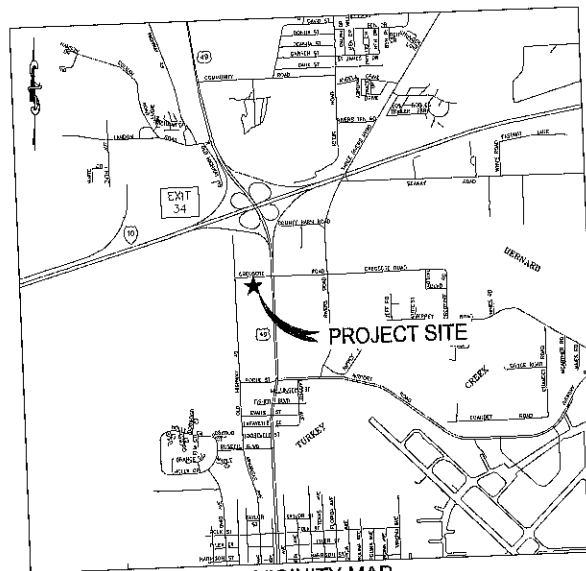
SHEET NO.	DESCRIPTION
C1	TITLE SHEET
C2	GENERAL NOTES
C3	EXISTING CONDITIONS
C4	SITE PLAN
C5	GRADING AND DRAINAGE PLAN
C5.1	GRADING PLAN AND PROFILE
C6	UTILITY PLAN
C7	GEOMETRIC PLAN
C8	EROSION CONTROL PLAN
C9	UTILITY DETAILS
C10	DETENTION DETAILS
C11	CIVIL DETAILS
C12	CIVIL DETAILS

FLOOD ZONE INFORMATION

THE SUBJECT PROPERTY IS SHOWN ON FEMA
FIRM MAP NO. 28047C02691G DATED 06/18/2009.
THIS SITE IS SHOWN TO BE IN FLOOD ZONE "X".

UTILITY WARNING

THE ENGINEER AND SURVEYOR MAKE NO GUARANTEE THAT UNDERGROUND
UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN
SERVICE OR ABANDONED. FURTHER, THE ENGINEER AND SURVEYOR MAKE
NO WARRANTY THAT THE UNDERGROUND UTILITIES ARE IN THE EXACT LOCATION
INDICATED IN THESE PLANS. CONTRACTOR IS TO HAVE ALL UNDERGROUND
UTILITIES FIELD MARKED PRIOR TO EXCAVATION CALL MS-811.



VICINITY MAP

PROPERTY INFORMATION:

MUNICIPALITY	CITY OF GULFPORT
PARCEL ID:	0809K-02-002.001
TOTAL ACREAGE	0.35 AC
ZONING	B-4
BUILDING SETBACKS	FRONT: 50' SIDE: 0' REAR: 0'

OA OVERSTREET & ASSOCIATES
CONSULTING ENGINEERS

151 Lomax St., Suite 203 Bham, MS 38530 228-687-7137
1026 Stanton Road, Suite B Daphne, AL 36526 251-444-7150



OA

CREOSOTE ROAD
COMMERCIAL DEVELOPMENT
SHULAR CONTRACTING INC.

COVER
SHEET

SHEET
NUMBER

C1

SURVEY OF
HARRISON CO. TAX PARCEL 0809K-02-002.001
SITUATED IN THE NORTHEAST 1/4 OF SECTION 21,
TOWNSHIP 7 SOUTH, RANGE 11 WEST,
HARRISON COUNTY, MISSISSIPPI.

DESCRIPTION (DEED BOOK 981 PG 140)
A PARCEL OF LAND SITUATED AND BEING
LOCATED IN THE NORTHEAST 1/4 OF SECTION
21, TOWNSHIP 7 SOUTH, RANGE 11 WEST, FIRST
JUDICIAL DISTRICT OF HARRISON COUNTY,
MISSISSIPPI AND BEING MORE PARTICULARLY
DESCRIBED AS COMMENCING AT THE NORTHWEST
CORNER OF THE SAID NORTHEAST 1/4, THENCE
RUN N89°40'E 3.5 FEET ALONG THE SOUTH
MARGIN OF CREOSOTE ROAD TO THE POINT OF
BEGINNING; THENCE RUN FROM SAID POINT OF
BEGINNING N89°40'E 144.2 FEET ALONG THE
SOUTH MARGIN OF CREOSOTE ROAD; THENCE RUN
S01°20'E 106.10 FEET; THENCE RUN S89°40'W
145.8 FEET; THENCE RUN N00°27'W 106.1 FEET
TO THE POINT OF BEGINNING.

SUBJECT PROPERTY
0809K-02-002.001
SHULAR MICHAEL L
C/O BEST WESTERN INN
(VACANT)

ZONED: B-4
FYSB = 60'
SYSB = 0'
RYSB = 0'

NOTE:
NO SCHOOL, CHURCH OR DAY CARE
IS CURRENTLY OPERATING
WITHIN A 1000 FOOT RADIUS OF THE
ENTRANCE TO SUBJECT PROPERTY.

THE CENTER OF THE 1000' RADIUS BEING:
MS EAST ZONE: 8301
Northing: 337391.37
Easting: 303742.4
LAT: 30°25'38.9421"
LONG: 89°02'59.7734"

SCALE: 1"=120'
CLASS 'B' SURVEY
Base Bearing by
GPS (TRINBLE NET)

Note: This survey was performed without the benefit of a current
title search and may be subject to any and all easements
and restrictions affecting said property.

CERTIFICATION

This is to CERTIFY that I have surveyed the property herein described and
delimited, and that the measurements and other data indicated are correct
to the best of my knowledge and belief.

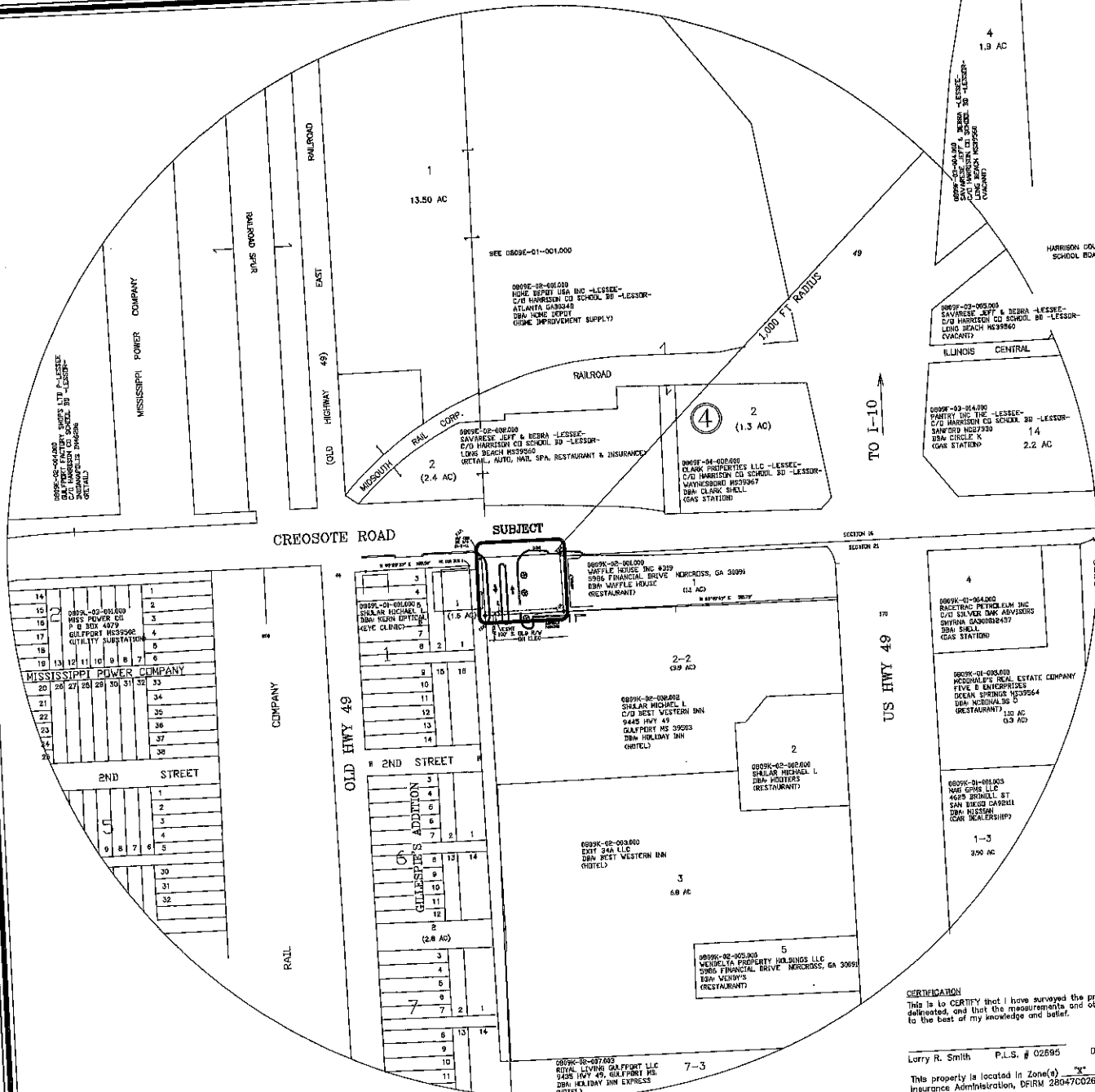
Larry R. Smith P.L.S. # 02895 Dated: 08/24/2022

This property is located in Zone(s) "X" as published by the Federal
Insurance Administration, DIRM 28047C0261G, effective 6/15/09

**LARRY SMITH
LAND SURVEYING**
105 N. KERN DRIVE
GULFPORT MS. 39503

PHONE:
228-669-0419

SHEET: 1 OF 1



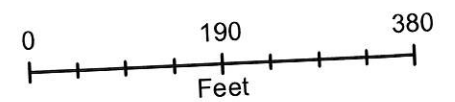
My Map



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: September 30, 2022



UTILITY PLAN NOTES

1. THE CONTRACTOR SHALL NOTIFY OVERSTREET & ASSOCIATES CONSTRUCTION PROJECT REPRESENTATIVE AND LOCAL JURISDICTIONAL INSPECTOR 48 HOURS BEFORE THE BEGINNING OF EACH PHASE OF CONSTRUCTION.
2. ALL WORK SHALL COMPLY WITH APPLICABLE STATE, FEDERAL, AND LOCAL CODES, AND ALL NECESSARY LICENSES AND PERMITS SHALL BE OBTAINED BY THE CONTRACTOR AT HIS EXPENSE UNLESS PREVIOUSLY OBTAINED BY THE OWNER/DEVELOPER.
3. THE CONTRACTOR SHALL IMMEDIATELY INFORM THE ENGINEER OF ANY DISCREPANCIES OR ERRORS HE DISCOVERS IN THE PLAN.
4. DEVIATION FROM THESE PLANS AND NOTES WITHOUT THE PRIOR CONSENT OF THE OWNER OR HIS REPRESENTATIVE OR THE ENGINEER MAY BE CAUSE FOR THE WORK TO BE UNACCEPTABLE.
5. THE CONTRACTOR IS REQUIRED TO USE THE ONE-CALL CENTER TELEPHONE NUMBER FOR THE PURPOSE OF COORDINATING THE MARKING OF UNDERGROUND UTILITIES.
6. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO DETERMINE THE LOCATION OF ALL EXISTING UNDERGROUND UTILITIES AND TO TAKE WHATEVER STEPS ARE NECESSARY TO PROVIDE FOR THEIR PROTECTION. THE ENGINEER HAS DILIGENTLY ATTEMPTED TO LOCATE AND INDICATE ALL EXISTING FACILITIES ON THESE PLANS, HOWEVER, THIS INFORMATION IS SHOWN FOR THE CONTRACTOR'S CONVENIENCE ONLY. THE ENGINEER ASSUMES NO RESPONSIBILITY FOR THE LOCATIONS OF UTILITIES SHOWN OR NOT SHOWN. CONTRACTOR TO CONTACT THE UTILITY COMPANIES FOR EXACT LOCATION OF THEIR UTILITIES PRIOR TO STARTING CONSTRUCTION. ANY AND ALL DAMAGE MADE TO UTILITIES BY THE CONTRACTOR SHALL BE THE SOLE RESPONSIBILITY OF THE CONTRACTOR TO REPAIR AND REPLACE.
7. THE CONTRACTOR SHALL COORDINATE LOCATION AND INSTALLATION OF ALL UNDERGROUND UTILITIES AND APPURTENANCES TO MINIMIZE DISTURBING CURBING, PAVING AND COMPACTED SUBGRADE.
8. UTILITY COORDINATION SHALL BE INCLUDED IN THE PROJECT SCHEDULE AND IT IS THE EXPLICIT RESPONSIBILITY OF THE CONTRACTOR TO ASSURE THAT THE PROJECT SCHEDULE INCLUDES THE NECESSARY RELOCATION. THE CONTRACTOR SHOULD SEEK ASSISTANCE FROM ALL UTILITY COMPANIES TO LOCATE AND PROTECT THEIR FACILITIES.
9. FIRE HYDRANT AND WATER MAINS TO BE INSTALLED AND UNDER PRESSURE BEFORE ANY COMBUSTIBLE CONSTRUCTION IS STARTED.
10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY DAMAGE DONE BY HIS EQUIPMENT TO EXISTING UTILITIES, CROSS-DRAIN PIPES AND HEADWALLS.
11. ALL WATER & SANITARY SEWER CONSTRUCTION METHODS & MATERIALS SHALL CONFORM TO THE CITY OF GULFPORT STANDARD SPECIFICATIONS.
12. UNLESS DUCTILE IRON PIPE IS USED, MINIMUM COVER FOR SANITARY SEWER SHALL BE THREE(3) FEET.
13. ALL MANHOLES WITHIN THE 100-YEAR FLOOD PLAIN SHALL BE CONSTRUCTED THREE(3) FEET ABOVE GRADE.
14. NEOPRENE COUPLINGS WITH STAINLESS STEEL BAND AND SHEAR RINGS ARE REQUIRED FOR JOINING DIFFERENT TYPES OF SANITARY SEWER PIPES.
15. THE CONTRACTOR SHALL EXCAVATE FOR NEW SEWER TO ELEVATIONS SHOWN ON PLANS. THE CONTRACTOR SHALL TAKE EVERY NECESSARY PRECAUTION TO PROTECT EXISTING SEWER DURING CONSTRUCTION OPERATIONS. ALL EXCAVATION, SHORING AND BRACING SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR.
16. THE CONTRACTOR SHALL EXPLORE AHEAD 200 FEET SO ADJUSTMENTS CAN BE MADE IN THE ALIGNMENT OF THE PIPE IN CASE OF CONFLICTS WITH EXISTING OR PROPOSED STRUCTURES, UTILITIES AND PIPING. ANY CONFLICTS EXPERIENCED DUE TO NEGLIGENCE OF THIS PROVISION SHALL BE CORRECTED AT THE CONTRACTOR'S EXPENSE.
17. ALL EXCESS MATERIAL FROM EXCAVATION SHALL BE DISPOSED OF BY THE CONTRACTOR. COST FOR THIS WORK SHALL BE INCLUDED IN OTHER ITEMS OF WORK.
18. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PREVENTING PIPE FROM FLOATING. IF PIPE FLOATS DURING CONSTRUCTION, THE CONTRACTOR SHALL RELAY PIPE TO GRADE AT HIS EXPENSE.
19. THE CONTRACTOR SHALL FIELD VERIFY LOCATION AND INVERT OF SANITARY SEWER FOR CONNECTION TO EXISTING OR PROPOSED SEWER SYSTEM.
20. THE WATER SYSTEM IN THE PUBLIC RIGHT-OF-WAY WILL BECOME THE PROPERTY OF THE LOCAL UTILITIES BOARD UPON COMPLETION ONLY AFTER ACCEPTANCE BY THE CITY OF GULFPORT.
21. BEDDING REQUIREMENTS SPECIFIED HEREIN ARE TO BE CONSIDERED AS MINIMUMS FOR RELATIVELY DRY, STABLE EARTH CONDITIONS. ADDITIONAL BEDDING SHALL BE REQUIRED FOR ROCK, TRENCHED AND WET AREAS. THE CONTRACTOR SHALL HAVE THE RESPONSIBILITY TO PROVIDE SUCH ADDITIONAL BEDDING AS MAY BE REQUIRED TO PROPERLY CONSTRUCT THE WORK.
22. NATURAL GAS REQUIREMENTS SHALL BE PROVIDED TO THE UTILITIES DEPARTMENT ONE(1) MONTH PRIOR TO SERVICE REQUEST.
23. ALL TRAFFIC PLANS SHALL BE COORDINATED WITH THE CITY OF GULFPORT.
24. ALL PROPERTY LINE MARKERS (IRON PINS, CONCRETE MONUMENTS, ETC.) DESTROYED DURING CONSTRUCTION SHALL BE REPLACED IN KIND BY THE CONTRACTOR. THE CONTRACTOR SHALL EMPLOY A LAND SURVEYOR REGISTERED IN THE STATE OF MISSISSIPPI TO RESET PROPERTY MARKERS. THE COST FOR THIS WORK SHALL BE INCLUDED IN OTHER ITEMS OF WORK.

SITE NOTES

1. ALL CONCRETE SHALL BE MOOT CLASS B, 3,000 PSI AT 28 DAYS COMPRESSIVE STRENGTH WITH A MAXIMUM SLUMP OF 4" UNLESS NOTED OTHERWISE. ALL EXPOSED CONCRETE TO HAVE A FINE BROOM FINISH.
2. ALL MATERIALS SHALL BE NEW UNLESS USED OR SALVAGED MATERIALS ARE AUTHORIZED BY THE OWNER OR TENANT.
3. ALL DIMENSIONS ARE FACE OF CURB AND FACE OF BUILDING OR AS NOTED.
4. NECESSARY BARRICADES, SUFFICIENT LIGHTS, SIGNS AND OTHER TRAFFIC CONTROL METHODS AS MAY BE NECESSARY PER MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES, PART VI, SHALL BE PROVIDED AND MAINTAINED THROUGHOUT CONSTRUCTION.
5. NO SEPARATE PAY ITEM FOR REMOVAL OF ASPHALT, CONCRETE, PIPE, INLETS, ETC. WORK TO BE CONSIDERED A SUBSIDIARY ITEM OF CLEARING AND GRUBBING.
6. ALL NEW CONCRETE WORK - SIDEWALKS, CURBING, DRIVEWAYS - TO MATCH EXISTING WHERE THEY JOIN.

GRADING AND DRAINAGE NOTES

1. THE CONTRACTOR SHALL FURNISH AND MAINTAIN ALL NECESSARY BARRICADES AROUND WORK AND SHALL PROVIDE PROTECTION AGAINST WATER DAMAGE AND SOIL EROSION.
2. ALL SILT BARRIERS MUST BE PLACED AS ACCESS IS OBTAINED DURING CLEARING. NO GRADING SHALL BE DONE UNTIL SILT BARRIER AND DETENTION FACILITIES ARE CONSTRUCTED.
3. ALL SEDIMENT CONTROL DEVICES ARE TO BE CONSTRUCTED AND FULLY OPERATIONAL PRIOR TO ANY OTHER CONSTRUCTION OR GRADING.
4. ALL SLOPES SHALL BE STABILIZED AS SOON AS POSSIBLE.
5. COMPACTION OF THE BACKFILL OF ALL TRENCHES SHALL BE FREE OF ORGANIC OR OTHERWISE DESTRUCTIVE MATERIALS AND COMPACTED TO MINIMUM DRY DENSITIES CORRESPONDING TO SIZE OF MAXIMUM DRY DENSITY AS OBTAINED BY STANDARD PROCTOR, ASTM D998 AND AT LEAST 98% OF STANDARD PROCTOR WITHIN 1 FOOT BELOW PAVEMENT SUBGRADE. FILL SHALL BE PLACED IN LIFTS NOT TO EXCEED 8 INCHES IN COMPACTED FILL THICKNESS. A REPORT FROM A GEOTECHNICAL ENGINEER WILL BE REQUIRED BY THE LOCAL JURISDICTIONAL INSPECTOR.
6. ALL FILL MATERIAL TO BE UTILIZED ON THE PROJECT SHALL BE FREE OF ORGANIC OR OTHERWISE DESTRUCTIVE MATERIALS AND COMPACTED TO MINIMUM DRY DENSITIES CORRESPONDING TO SIZE OF MAXIMUM DRY DENSITY AS OBTAINED BY STANDARD PROCTOR, ASTM D998 AND AT LEAST 98% OF STANDARD PROCTOR WITHIN 1 FOOT BELOW PAVEMENT SUBGRADE. FILL SHALL BE PLACED IN LIFTS NOT TO EXCEED 8 INCHES IN COMPACTED FILL THICKNESS. A REPORT FROM A GEOTECHNICAL ENGINEER WILL BE REQUIRED BY THE LOCAL JURISDICTIONAL INSPECTOR.
7. MAXIMUM SLOPE OF EMBANKMENT SHALL BE 3.0 FEET HORIZONTAL TO 1.0 FOOT VERTICAL, UNLESS OTHERWISE SHOWN ON THE PLANS.
8. PROPOSED CONTOUR INTERVALS ARE AS LABELED. ALL PROPOSED CONTOURS ARE FINISHED GRADES.
9. THE CONTRACTOR WILL INSURE THAT POSITIVE AND ADEQUATE DRAINAGE IS MAINTAINED AT ALL TIMES WITHIN THE PROJECT LIMITS. THIS MAY INCLUDE, BUT NOT BE LIMITED TO, REPLACEMENT OR RECONSTRUCTION OF EXISTING DRAINAGE STRUCTURES THAT HAVE BEEN DAMAGED OR REMOVED OR REPAIRING AS REQUIRED BY THE ENGINEER, EXCEPT FOR THOSE DRAINAGE ITEMS SHOWN AT SPECIFIC LOCATIONS IN AND HAVING SPECIFIC PAY ITEMS IN THE DETAILED ESTIMATE. NO SEPARATE PAYMENT WILL BE MADE FOR ANY COSTS INCURRED TO COMPLY WITH THIS REQUIREMENT.
10. EXCESS EARTH CUT MATERIAL, IF ANY, SHALL BECOME THE RESPONSIBILITY OF THE CONTRACTOR AND SHALL BE REMOVED FROM THE SITE UNLESS OTHERWISE APPROVED TO BE PLACED ON SITE BY THE OWNER.
11. ALL STORM DRAINAGE PIPE SHALL BE LAID ON SMOOTH CONTINUOUS GRADES WITH NO VISIBLE BENDS AT JOINTS.
12. ALL STORM DRAINAGE INLET STRUCTURES SHALL HAVE METAL FRAME AND COVER FOR ACCESS.
13. THE CONTRACTOR SHALL PROVIDE ANY EXCAVATION AND MATERIAL SAMPLES NECESSARY TO CONDUCT REQUIRED SOIL TESTS. ALL ARRANGEMENTS AND SCHEDULING FOR THE TESTING SHALL BE THE CONTRACTOR'S RESPONSIBILITY.
14. SOILS TESTING AND ON-SITE INSPECTION SHALL BE PERFORMED BY AN INDEPENDENT GEOTECHNICAL ENGINEER. THE SOILS ENGINEER SHALL PROVIDE COPIES OF TEST REPORTS TO THE CONTRACTOR, THE OWNER AND THE OWNER'S REPRESENTATIVE AND SHALL PROMPTLY NOTIFY THE CONTRACTOR, THE OWNER AND THE CONTRACTOR SHOULD WORK PERFORMED BY THE OWNER, HIS REPRESENTATIVE AND THE CONTRACTOR SHOULD WORK PERFORMED BY THE CONTRACTOR FAIL TO MEET THESE SPECIFICATIONS.

- * ANY DAMAGE TO EXISTING SIDEWALK, CURBING, OR DRAINAGE FACILITIES DURING CONSTRUCTION SHALL BE REPLACED/REPAIRED AT THE EXPENSE OF THE CONTRACTOR.
- ** ANY SAW CUTTING OF RIGID OR FLEXIBLE PAVEMENT TO ALL THE INS SHALL BE A SUBSIDIARY OF ITEM 206-C ASPHALT REMOVAL.

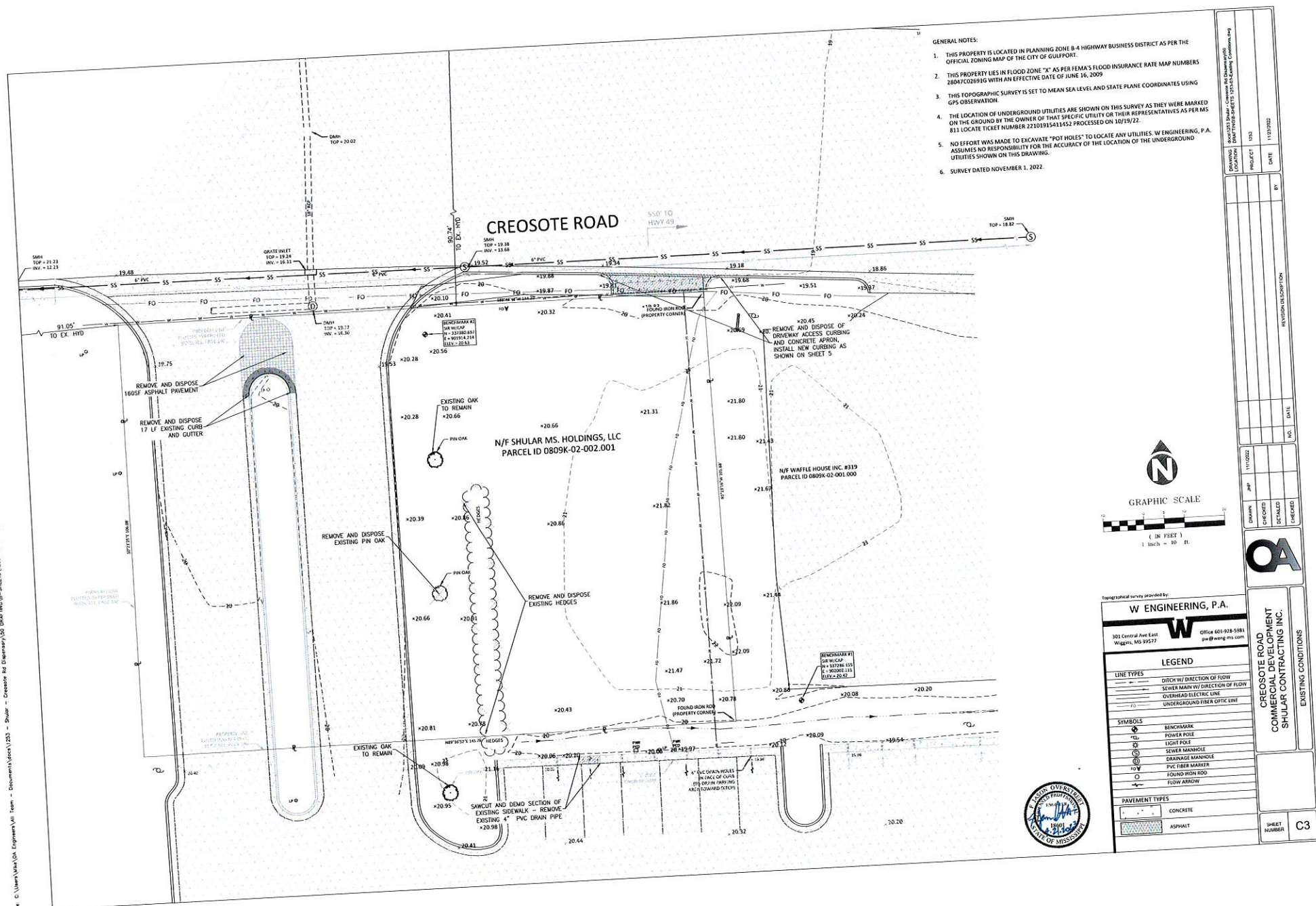
SOIL EROSION AND SEDIMENT CONTROL NOTES

1. ALL DRAINAGE SWALES MUST BE GRASSED AND RIP-RAP MUST BE PLACED AS SHOWN TO CONTROL EROSION.
2. SILT FENCE MUST MEET THE REQUIREMENTS OF LOCAL JURISDICTIONAL AGENCY, SAID REQUIREMENTS AS SHOWN BY THESE PLANS.
3. DISTURBED AREAS SHALL BE VEGETATED AFTER CONSTRUCTION.
4. ADDITIONAL EROSION CONTROL MEASURES OR SILT BARRIERS TO BE PLACED AS SHOWN AND/OR DIRECTED BY THE PROJECT ENGINEER AND/OR LOCAL JURISDICTIONAL INSPECTOR.
5. WHEN ANY CONSTRUCTION BORDERS A DRAINAGE COURSE:
 - A. THE CONTRACTOR IS RESPONSIBLE FOR REMOVING ANY BUILDING OR OTHER EXCAVATION SPOIL DIRT, CONSTRUCTION TRASH OR DEBRIS, ETC., FROM THE DRAINAGE AREA SHOWN HEREON IN AN EXPEDITIOUS MANNER AS CONSTRUCTION PROGRESSES.
 - B. THE CONTRACTOR HEREBY AGREES TO STOP ALL WORK AND RESTORE THESE AREAS IMMEDIATELY UPON NOTIFICATION BY THE LOCAL JURISDICTIONAL INSPECTOR AND/OR PROFESSIONAL ENGINEER.
6. FOR ALL CONSTRUCTION ALONG AND/OR ACROSS WATERWAYS, BANK PROTECTION AND STABILIZATION SHALL BE REQUIRED AS PER LOCAL JURISDICTIONAL EROSION LAWS.
7. ALL EROSION CONTROL MEASURES SHALL BE IN PLACE PRIOR TO COMMENCING CONSTRUCTION AND SHALL BE MAINTAINED IN PROPER WORKING ORDER UNTIL ALL DISTURBED AREAS ARE STABILIZED. CONSTRUCTION ENTRANCE PADS SHALL BE INSTALLED BY THE CONTRACTOR AT CONSTRUCTION ACCESS POINTS PRIOR TO LAND DISTURBANCE AND SHALL BE MAINTAINED FOR DURATION OF THE PROJECT.
8. A COPY OF THE APPROVED LAND DISTURBANCE PLAN SHALL BE PRESENT ON THE SITE WHENEVER LAND DISTURBING ACTIVITY IS IN PROGRESS.
9. CONSTRUCT SILT FENCE ALONG THE DOWNSTREAM SIDE OF ALL PROPOSED FILL CONSTRUCTION.
10. EROSION CONTROL DEVICES SHALL BE INSTALLED IMMEDIATELY PRIOR TO GROUND DISTURBANCE OCCURRING. THE LOCATION OF SOME OF THE EROSION CONTROL DEVICES MAY HAVE TO BE ALTERED FROM THAT SHOWN ON THE APPROVED PLANS IF DRAINAGE PATTERNS DURING CONSTRUCTION ARE DIFFERENT FROM THE FINAL PROPOSED DRAINAGE PATTERNS. IT IS THE CONTRACTOR'S RESPONSIBILITY TO ACCOMPLISH EROSION CONTROL FOR ALL DRAINAGE PATTERNS CREATED AT VARIOUS STAGES DURING CONSTRUCTION. ANY DETAIL IN CONTROLLING EROSION DURING ANY PHASE OF CONSTRUCTION SHALL BE REPORTED TO THE ENGINEER IMMEDIATELY.
11. CONTRACTOR SHALL MAINTAIN ALL EROSION CONTROL MEASURES UNTIL PERMANENT VEGETATION HAS BEEN ESTABLISHED. CONTRACTOR SHALL CLEAN OUT ALL SEDIMENT PONDS WHEN REQUIRED BY THE ENGINEER OR LOCAL JURISDICTIONAL INSPECTOR. CONTRACTOR SHALL INSPECT EROSION CONTROL MEASURES AT THE END OF EACH WORKING DAY TO ENSURE MEASURES ARE FUNCTIONING PROPERLY.
12. THE CONTRACTOR SHALL REMOVE ACCUMULATED SILT WHEN THE SILT IS WITHIN 12" OF THE TOP OF THE SILT FENCE UTILIZED FOR EROSION CONTROL. IN THE DETENTION POND, SILT SHALL BE REMOVED WHEN A DEPTH OF 18" HAS ACCUMULATED AT THE WEIR.
13. ALL EASEMENTS DISTURBED MUST BE DRESSED AND GRASSED TO CONTROL EROSION IN ACCORDANCE WITH EASEMENT PLATS PRIOR ACCEPTANCE.
14. SILT BARRIERS TO BE PLACED AT DOWNSTREAM TOE OF ALL CUT AND FILL SLOPES.
15. THE CONTRACTOR SHALL FURNISH AND MAINTAIN ALL NECESSARY BARRICADES AROUND THE WORK AND SHALL PROVIDE PROTECTION AGAINST WATER DAMAGE AND SOIL EROSION.
16. TREE PROTECTION AND EROSION CONTROL MEASURES ARE TO BE ACCOMPLISHED PRIOR TO ANY OTHER CONSTRUCTION ON THE SITE AND MAINTAINED UNTIL PERMANENT GROUND COVER IS ESTABLISHED.
17. ALL SILT BARRIERS MUST BE PLACED AS ACCESS IS OBTAINED DURING CLEARING. NO GRADING SHALL BE DONE UNTIL SILT BARRIER AND DETENTION FACILITIES ARE CONSTRUCTED.
18. ALL SEDIMENT CONTROL DEVICES ARE TO BE CONSTRUCTED AND FULLY OPERATIONAL PRIOR TO ANY OTHER CONSTRUCTION OR GRADING.
19. ALL DISTURBED AREAS TO BE GRASSED AS SOON AS POSSIBLE.
20. ALL SLOPES SHALL BE STABILIZED AS SOON AS POSSIBLE.
21. GRASS AREAS DISTURBED DURING CONSTRUCTION SHALL BE REPLACED WITH GRASS IN KIND, IN AREAS OF INDECOMPHABLE GRASSES-USE CENTPEDEE.
22. IT IS THE CONTRACTOR'S RESPONSIBILITY TO PERFORM REQUIRED MAINTENANCE OF ALL EROSION AND SEDIMENT CONTROL DEVICES TO ENSURE THEIR FUNCTION AT ALL TIMES.
23. LENGTH OF RIP RAP AREA SHALL BE SIX(6) TIMES THE DIAMETER OF THE STORM DRAIN PIPE. WIDTH OF RIP RAP AREA SHALL BE THREE(3) TIMES THE DIAMETER AT THE MOUTH OF THE PIPE AND TWO(2) TIMES THE DIAMETER AT THE DOWNSTREAM END.
24. THE CONTRACTOR SHALL REMOVE ALL ACCUMULATED SEDIMENT FROM THE DETENTION POND UPON PROJECT COMPLETION.
25. CONTRACTOR SHALL TAKE MEASURES TO KEEP SEDIMENT FROM BEING TRACKED ONTO PUBLIC ROADS AND SHALL PROMPTLY CLEAN UP ANY SEDIMENT TRACKED ONTO PUBLIC ROADS.
26. CONTRACTOR SHALL PROTECT EXISTING STORM DRAIN INLETS FROM SEDIMENT.

NOTE: THE NOTES HEREIN SHALL NOT SUPPERCEDE THOSE ON OTHER DRAWINGS.

PROJECT NAME: CREOSOTE ROAD DEVELOPMENT PROJECT NO: 1253		DATE: 1/17/2022	
DRAWN BY: JAP		CHECKED BY: JAP	
DESIGNED BY: JAP		DETAILS BY: JAP	
CHECKED BY: JAP		CHECKED BY: JAP	
DATE: 1/17/2022		DATE: 1/17/2022	
NO.		DATE	
REVISION DESCRIPTION			
GENERAL NOTES			
CREOSOTE ROAD COMMERCIAL DEVELOPMENT SHULAR CONTRACTING INC.			
SHEET NUMBER		C2	





SITE AREA TABLE	
TOTAL SITE AREA	0.551 ACRES
PRE-DEV IMPERVIOUS AREA	5,474.44 SQ. FT.
PRE-DEV PERVIOUS AREA	9,825.48 SQ.FT.
POST-DEV IMPERVIOUS AREA	10,276.02 SQ.FT.
POST-DEV PERVIOUS AREA	5023.60 SQ.FT.
NET INCREASE IN IMPERVIOUS AREA	4801.58 SQ.FT.

1. Zoning: BA
 The subject shall be verified by the owner, developer and/or contractor prior to any construction. If there is an obstacle that has not been performed by the surveyor, Zoning and other applicable laws are subject to change and should be verified with the local authority's Zoning Department before any design or construction.

2. Books of Elevation:
 The elevations shown hereon are based on the "North American Vertical Datum of 1988" and are located 120' from the "GOCC-IRIN Flood System" on October 18, 2017.

3. Flood Map: The property hereon is not located in a Flood Zone as per FEMA Flood Insurance Risk Map (FIRM) No. 17067C0001, dated 08/01/2017.

4. Flood Insurance Risk Map: The Flood Insurance Risk Map is subject to change and should be verified with the local authority's Flood Insurance Risk Map Department before any design or construction.

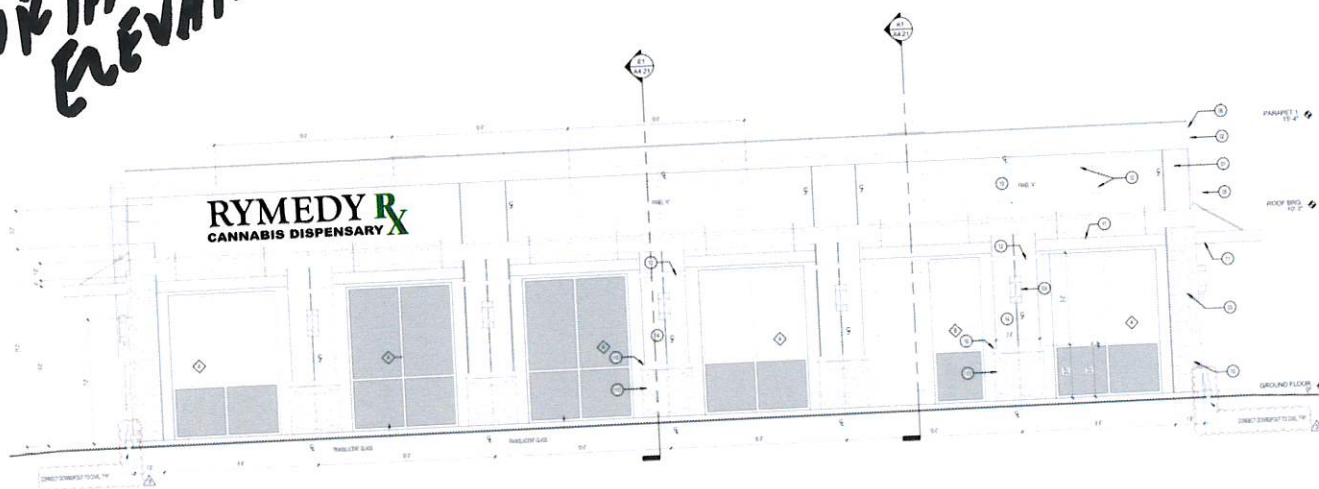
5. Utilities: The utilities shown hereon are based on visible utility features, evidence of buried utilities, and/or utility records. The surveyor makes no guarantee as to the accuracy of the utilities shown, but does warrant that the utilities shown are in the exact location of buried utilities/structures. Excavations were made during the construction of the building.

6. Not Attempt: has been made by the surveyor, engineer, architect or Associates or Engineering to verify title, easements, encroachments, structures, servitudes, easements, appurtenances, or other matters. The surveyor, engineer, architect or Associates or Engineering is not responsible for the burden on the property, or representations that all applicable servitudes and restrictions have been identified. The surveyor has made no title search or public record search in compiling the data for this survey.



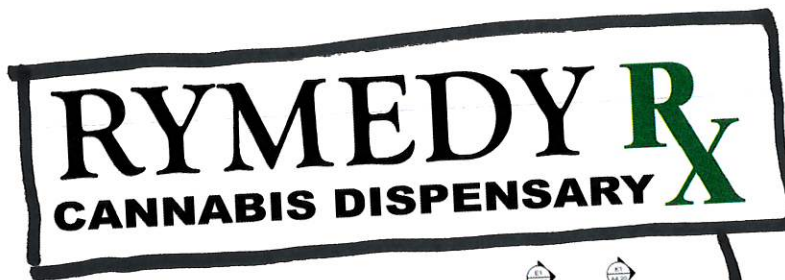
PROPOSED EAST WALL SIGN

NORTH
ELEVATION

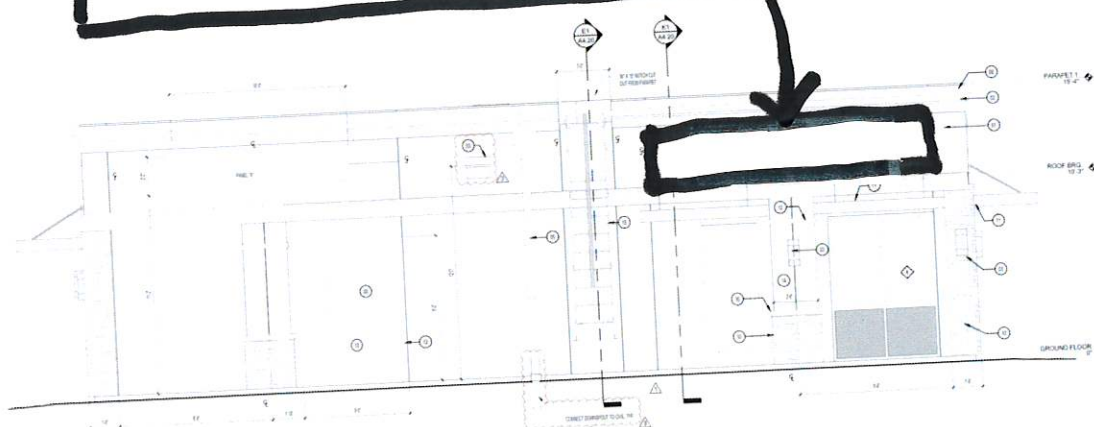


E1 EXTERIOR ELEVATION - REAR
38' x 110'

LIGHTED CHANNEL
LETTERS 29.5" x 144"
29.5 sq. ft.



EAST
ELEVATION
(X)



LIGHTED CHANNEL
LETTERS 29.5" x 144"
29.5 sq. ft. **CANNABIS
DISPENSARY**

K1 EXTERIOR ELEVATION - EAST
38' x 110'



GENERAL NOTES:

1. ALL EXTERIOR WALLS SHALL BE 8" THICK CONCRETE.
2. FLOORING SHALL BE 4" THICK CONCRETE ON 4" REINFORCED CONCRETE SLAB.
3. CONCRETE SHALL BE 4000 PSI STRENGTH WITH 4# REINFORCING.
4. EXTERIOR WALLS SHALL BE 8" THICK CONCRETE.
5. EXTERIOR WALLS SHALL BE 8" THICK CONCRETE.

ELEVATION LEGEND:

1. 1/2" THICK EXTERIOR WALLS OF 8" CONCRETE.
2. 1/2" THICK EXTERIOR WALLS OF 8" CONCRETE.
3. 1/2" THICK EXTERIOR WALLS OF 8" CONCRETE.
4. 1/2" THICK EXTERIOR WALLS OF 8" CONCRETE.
5. 1/2" THICK EXTERIOR WALLS OF 8" CONCRETE.
6. 1/2" THICK EXTERIOR WALLS OF 8" CONCRETE.
7. 1/2" THICK EXTERIOR WALLS OF 8" CONCRETE.
8. 1/2" THICK EXTERIOR WALLS OF 8" CONCRETE.
9. 1/2" THICK EXTERIOR WALLS OF 8" CONCRETE.
10. 1/2" THICK EXTERIOR WALLS OF 8" CONCRETE.

11. 1/2" THICK EXTERIOR WALLS OF 8" CONCRETE.
12. 1/2" THICK EXTERIOR WALLS OF 8" CONCRETE.
13. 1/2" THICK EXTERIOR WALLS OF 8" CONCRETE.

ISSUE HISTORY

No.	Date	Description
1	01/10/2021	PERMIT SET

REVISION HISTORY

No.	Date	Description
1	01/10/2021	GENERAL REVISIONS
2	01/10/2021	REVISIONS



GULFPORT RETAIL SHELL

Drawn	Check	Project #
01/10/2021	01/10/2021	01/10/2021

EXTERIOR ELEVATIONS

A4.02



PROPOSED
SIGN LOCATION

H
Holiday Inn



LIMITED WARRANTY DEED

STATE OF MISSISSIPPI
COUNTY OF HARRISON

BOOK 981 OF 140

For and in consideration of the sum of TEN AND NO/100---(\$10.00)---DOLLARS
AND OTHER GOOD AND VALUABLE CONSIDERATIONS, cash in hand paid, the receipt of
which is hereby acknowledged, WAFFLE HOUSE, INC., a Georgia Corporation (Grantor)
does hereby sell, convey and warrant unto MICHAEL L. SHULAR (Grantee) the following
described land situated and being in Harrison County, Mississippi, described more
particularly as follows:

A parcel of land situated and being located in the Northeast 1/4 of Section
21, Township 7 South, Range 11 West, First Judicial District of Harrison
County, Mississippi and being more particularly described as: Commencing
at the northwest corner of the said Northeast 1/4; thence run North 89
degrees 40 minutes East 3.5 feet along the south margin of Creosote Road
to the Point of Beginning; thence run from said Point of Beginning North
89 degrees 40 minutes East 144.2 feet along the south margin of Creosote
Road; thence run South 01 degrees 20 minutes East 106.1 feet; thence run
South 39 degrees 40 minutes West 145.8 feet; thence run North 00 degrees
27 minutes West 106.1 feet to the Point of Beginning.

Said property is conveyed subject to all covenants, easements and restrictions
of record, to utility easements and to all liens for taxes which are unpaid but not
yet due and to the following restrictive covenants:

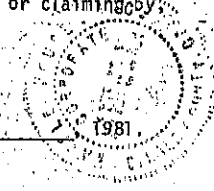
GRANTEE herein warrants and covenants that GRANTEE will not buy, sell, lease
or otherwise make available the demised premises for use for restaurant and
foodservice purposes for a period of 50 years from the date hereof. This
covenant shall be binding upon Grantee, his successors, assigns or beneficiaries.
GRANTEE does further agree that he will not convey any parcel of land within
the restricted area except by lease or deed containing restrictive covenants
equivalent to the above, which fully protect GRANTOR'S interest herein. Any
subsequent purchaser or lessee under the GRANTEE does hereby agree to be bound
by the same provisions and agrees that the foregoing covenant is attached to
and running with the land.

RBK
12/11

TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the proper use and benefit of the GRANTEE, his heirs and assigns forever in Fee Simple.

AND THE SAID GRANTOR, for its successors and assigns will warrant and forever defend the right and title to the above described property, unto GRANTEE, his heirs and assigns, against the claims of all persons owning, holding, or claiming by, through or under the said GRANTOR.

WITNESS my signature this 25th day of August, 1981.



Attest: [Signature]
Secretary/Treasurer

WAFFLE HOUSE, INC., a Georgia Corporation
By: [Signature]
Vice President

STATE OF GEORGIA
COUNTY OF DEKALB

Personally appeared before me, the undersigned Notary Public, the within named R. B. Benjamin and T. G. Henson, who acknowledged that they are the Vice President and ASST. SECRETARY, respectively, of the above named WAFFLE HOUSE, INC., a Georgia Corporation, who severally acknowledged that for and on behalf of said corporation, they signed, sealed and delivered the above and foregoing instrument on the day and year herein mentioned as the act and deed of said corporation, being thereunto first duly authorized so to do.

Given under my hand and official seal this 25th day of August, 1981.

[Signature]
Notary Public, Georgia State at Large

My Commission Expires:

Notary Public, Georgia, State at Large
My Commission Expires May 2, 1983



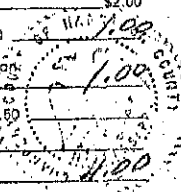
2748

STATEMENT OF FEES

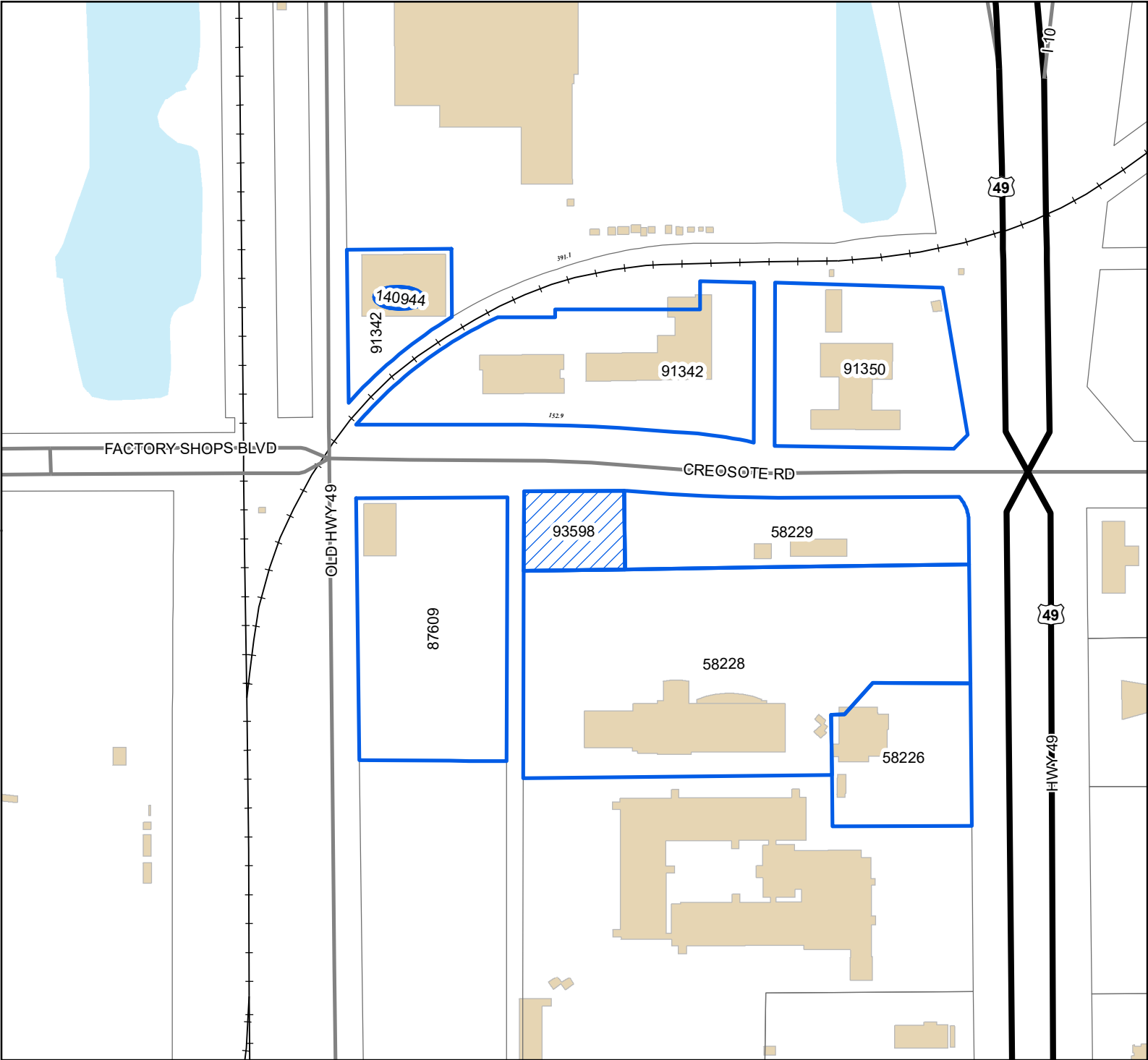
First Page \$2.00
Add. Page at \$1.00
Abstracting/Section at \$1.00
Marginal Entry at \$0.50
Other
Total Fees

STATE OF MISSISSIPPI, COUNTY OF HARRISON, FIRST JUDICIAL DISTRICT:

I hereby certify that this instrument was received and filed for record at 4 o'clock and 21 minutes P. M. on 3 day of MAY, A.D. 19 81 and recorded MAY 8 81 in Records of Deeds Book 981 Pages 140-141
By [Signature] G.N. CREELE, County Clerk, D.C.

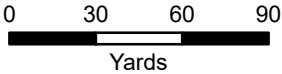


Mail	PPIN	Parcel ID	Name	Address	City	State	ZIP
			SHULAR MS HOLDINGS, LLC (OWNER)	9475 HWY 49	GULFPORT	MS	39503
			ADDISON RIEMANN (AGENT)	520 CHAMPLIN ST	GULFPORT	MS	39507
			Adjacent Property Owners(2403ZB036)				
58229	0809K-02-001.000		WAFFLE HOUSE INC #319	5986 FINANCIAL DRIVE	NORCROSS	GA	30091
91350	0809F-04-002.000		CLARK PROPERTIES LLC -LEASE-	HARRISON CO SCHOOL BOARD	WAYNESBORO	MS	39367
93598	0809K-02-002.001		SHULAR MISSISSIPPI HOLDINGS LLC	9475 HWY 49	GULFPORT	MS	39503
58228	0809K-02-002.002		SHULAR MISSISSIPPI HOLDINGS LLC	9475 HWY 49	GULFPORT	MS	39503
58226	0809K-02-002.000		SHULAR MISSISSIPPI HOLDINGS LLC	9475 HWY 49	GULFPORT	MS	39503
91342	0809E-02-002.000		GULFPORT HOLDINGS LLC -SUBLESSEE-	SAVARESE JEFF & DEBRA -LESSEE-	DESTIN	FL	32541
140944	0809E-02-002.001		GULFPORT HOLDINGS LLC -SUBLESSEE-	SAVARESE JEFF & DEBRA -LESSEE-	DESTIN	FL	32541
87609	0809L-01-001.000		SHULAR MISSISSIPPI HOLDINGS LLC	9475 HWY 49	GULFPORT	MS	39503



Legend

- Site
- Adjacent Properties
- US or State Highway
- Street
- 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.

RE: Variance 2403ZB036, by agent Robert Addison Riemann, seeking approval for an additional wall sign on the eastern elevation, Tax Parcel 0809K-02-002.001, 15223 Creosote Road, Zoned B-4 (Highway-business), Ward 3

To Applicants and Adjacent Property Owners:

The City of Gulfport Zoning Board of Adjustments and Appeals will hold a public hearing to consider the above application at 3:00 P.M. on **Thursday, March 21, 2024**, in the Council Chambers at the Gulfport City Hall located at 2309 15th Street.

For more information, visit <http://www.gulfport-ms.gov/agendas/> then click the City of Gulfport Zoning Board for **Thursday, March 21, 2024**. A map showing the location of the property involved is located at this website. If you have any questions or comments, please contact this office at the phone number 228-868-5710 or email planners@gulfport-ms.gov. The application is available for viewing in the Planning Division office at 1410 24th Avenue.



The Beaufort Gazette
The Belleville News-Democrat
Bellingham Herald
Centre Daily Times
Sun Herald
Idaho Statesman
Bradenton Herald
The Charlotte Observer
The State
Ledger-Enquirer

Durham | The Herald-Sun
Fort Worth Star-Telegram
The Fresno Bee
The Island Packet
The Kansas City Star
Lexington Herald-Leader
The Telegraph - Macon
Merced Sun-Star
Miami Herald
El Nuevo Herald

The Modesto Bee
The Sun News - Myrtle Beach
Raleigh News & Observer
Rock Hill | The Herald
The Sacramento Bee
San Luis Obispo Tribune
Tacoma | The News Tribune
Tri-City Herald
The Wichita Eagle
The Olympian

AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Amount	Cols	Depth
36845	525462	Print Legal Ad-IPL01617860 - IPL0161786		\$112.15	2	76 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 PM., Thursday, March 21, 2024 in the Council Chambers of the Gulfport City Hall located at 2309 15 th Street to consider the following requests. A copy of the requests will be available for public review at the office of the Department of Urban Development-Planning Division located on first floor of the William H. Hardy Building, 1410 24 th Avenue.

Variance 2403ZB021, by owner Gregory Woodard, seeking approval for a 1,430 square-foot accessory structure where 600 square feet is the size limit, Tax Parcel 0807K-01-018.017, 13324 Harper Court, Zoned R-1-15 (Single-family), Ward 7

Variance 2403ZB022, by owner Gregory Woodard, seeking approval for a side yard setback of 8 feet, where 15 feet is required, Tax Parcel 0807K-01-018.017, 13324 Harper Court, Zoned R-1-15 (Single-family), Ward 7

Variance 2403ZB023, by owner Gregory Woodard, seeking approval for a 24-foot tall accessory structure where 14 feet is the height limit, Tax Parcel 0807K-01-018.017, 13324 Harper Court, Zoned R-1-15 (Single-family), Ward 7

Variance 2403ZB026, by agent Rebecca Gillum, seeking approval for 5-foot side yard setbacks, where 8 feet is required, Tax Parcel 0811G-04-116.000, 2011 17th Ave, Zoned R-2 (Single-family), Ward 3

Variance 2403ZB028, by agent Michael Hester, seeking approval for a 9-foot tall fence along the rear of the property where six feet is the height limit, Tax Parcel 1010K-03-048.000, 2209 Swetman Blvd, R-1-7.5 (Single-Family), Ward 2

Special Exception 2403SC031, by agent Tyler Hickman, seeking approval for daiquiri shop, Tax Parcels 0908N-04-004.000, 0908N-04-004.001, 13211 Dedeaux Road, Zoned B-1 (Neighborhood business), Ward 5

Variance 2403ZB033, by owners Joseph and Rebecca Cowart, seeking approval for a 2400 detached accessory structure, Tax Parcel 0811B-01-037.000, 2601 15th Avenue, Zoned B-2 (General Business), Ward 3

Variance 2403ZB034, by owner Kevin Myers, seeking approval for a 960 square foot accessory structure, Tax Parcel 0811G-06-026.000, 1625 19th Ave, Zoned T4L (General Urban Zone "Limited"), Ward 2

Variance 2403ZB035, by owner Kevin Myers, seeking approval for a rear yard setback of 50 inches (4.17 ft) and a side yard setback of 53 inches (4.42 feet), Tax Parcel 0811G-06-026.000, 1625 19th Ave, Zoned T4L (General Urban Zone "Limited"), Ward 2

Variance 2403ZB036, by agent Robert Addison Riemann, seeking approval for an additional wall sign on the eastern elevation, Tax Parcel 0809K-02-002.001, 15223 Creosote Road, Zoned B-4 (Highway-business), Ward 3

Variance 2403ZB041, by agent Tiffany Marshall, seeking approval for zero required parking for all future uses, Tax Parcels 0811E-02-042.000, 0811E-02-043.000, 0811E-02-044.000, 1512 30th Ave, 1516 30th Ave, 1518 30th Ave, 1520 30th Ave, 1522 30th Ave, 1528A 30th Ave, 1528B 30th Ave, Zoned T6 (Urban Core Zone), Ward 2

Variance 2403ZB042, by agent Tiffany Marshall, seeking approval for backing into city right of way, Tax Parcels 0811E-02-042.000, 0811E-02-043.000, 0811E-02-044.000, 1512 30th Ave, 1516 30th Ave, 1518 30th Ave, 1520 30th Ave, 1522 30th Ave, 1528A 30th Ave, 1528B 30th Ave, Zoned T6 (Urban Core Zone), Ward 2

Variance 2403ZB043, by agent David Machado, seeking approval for a building height of 55 feet and 3 inches where 50 feet is the height limit, Tax Parcel 0710P-01-004.000, 2809 34th Avenue, Zoned I-1 (Light-industry), Ward 1

This the 1st day of March 2024
A. Leslie North, Chairman
City of Gulfport Zoning Board of Adjustment and Appeals
PO210200
IPL0161786
Mar 6 2024

STATE OF MISSISSIPPI COUNTY OF HARRISON

Before me, the undersigned Notary of Dallas County, Texas personally appeared Stephanie Hatcher, 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:
03/06/24

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.

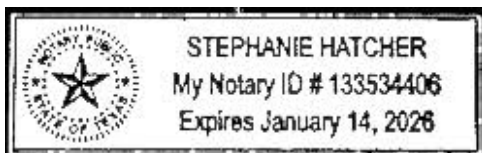
Stephanie Hatcher

Sworn to and subscribed before me this 11th day of
March in the year of 2024

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: March 21, 2024

Re: Variance 2403ZB041:

Variance 2403ZB041, by agent Tiffany Marshall, seeking approval for zero required parking for all future uses, Tax Parcels 0811E-02-042.000, 0811E-02-043.000, 0811E-02-044.000, 1512 30th Ave, 1516 30th Ave, 1518 30th Ave, 1520 30th Ave, 1522 30th Ave, 1528A 30th Ave, 1528B 30th Ave, Zoned T6 (Urban Core Zone), Ward 2

Technical Report

VARIANCE

GENERAL INFORMATION

Case File Number: 2403ZB041

Hearing Date: March 21, 2024

Current Zoning/Use: T6 / Commercial Structures

Legal: Variance 2403ZB041, by agent Tiffany Marshall, seeking approval for zero required parking for all future uses, Tax Parcels 0811E-02-042.000, 0811E-02-043.000, 0811E-02-044.000, 1512 30th Ave, 1516 30th Ave, 1518 30th Ave, 1520 30th Ave, 1522 30th Ave, 1528A 30th Ave, 1528B 30th Ave, Zoned T6 (Urban Core Zone), Ward 2

TECHNICAL DETAILS

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

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

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

Technical Report

VARIANCE

The applicant requests a parking variance to allow for zero parking spaces for all proposed and future uses. Over half of the seven (7) rental spaces are currently vacant. One space is occupied by a consignment store. However, in this T6 zone, industrial and manufacturing use; warehouse and distribution use; creamery and bottling plant services or repair establishments uses; printing; publishing use, plumbing; heating; electrical use and broadcasting use requires one (1) space per two (2) employees. Additionally, a furniture store, appliance store, machinery establishment, equipment establishment, automotive or boat sales and services uses require one (1) parking space per 900 square feet of gross floor area.

- (a) The applicant addresses the hardship by stating, “a variance is necessary to address the unique parking requirements of our property.” They go on to say, “that as a commercial building offering 7 distinct rental spaces, the usage of these spaces may vary at any given time, making it challenging to establish a fixed number of required parking spaces.” Additionally, the property’s occupancy status fluctuates, with businesses occupying the spaces intermittently or the property remaining vacant. These factors prevent us from accurately determining the precise amount of parking needed, hence the need for the variance.
- (b) In the application, the applicant explains that upon the initial completion of this structure, the intended uses for each rental space were unknown. As such, we cannot predict who will occupy the property. We request a variance to maintain its intended use without disruption, allowing flexibility for various tenants to occupy the spaces as needed. The hardship is not clearly addressed by the applicant. While the applicant may be responsible for the structure size, the structure came before the ordinance.
- (c) Applicant states this regarding the physical character; given the uncertainty regarding the future tenants and businesses that will occupy the space, accurately determining the required number of parking spaces is challenging. This commercial property consists of 7 rental spaces, making it distinct from properties with a single business in each structure. The dynamic nature of the tenant turnover and the variety of businesses that may occupy the property further complicates our ability to ascertain the exact parking needs. Our situation is unique due to these factors, warranting consideration for a variance to accommodate the evolving nature of the property. The physical character of the building encompasses the entire parcel leaving no place for parking.
- (d) This request is firmly rooted in the principle of ensuring a reasonable economic return for the property in question. By allowing the property to utilize its parking lot for its intended purpose. We are upholding the fundamental right to conduct business operations efficiently and effectively. This extends not only to the property in question but also to neighboring properties within the district.
- (e) We acknowledge that no special advantage will be gained from seeking this variance. Our sole request is to ensure that future consumers can utilize the parking lot as they have done in the past.
- (f) This property is zoned T6, and some commercial uses are allowed by right.

Technical Report

VARIANCE

EXECUTIVE SUMMARY

In review of this application and documents submitted by the applicant, the requested variance to allow for zero parking requirements, is a reasonable request. Upon visiting the site, staff confirmed that the current location of the parking cannot be altered or improved upon in any way. And the only parking available is in the city right of way. Therefore, since no on site parking is attainable, the request is reasonable.

Any approval should consider these conditions:

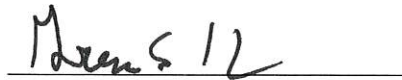
1. Approval allows for zero required parking spaces.
2. Must comply with all rules and regulations.

DEPARTMENTAL CONDITIONS

<u>Engineering:</u>	No conditions. Memo dated 3/7/2024.
<u>Public Works:</u>	No conditions. Memo dated 3/7/2024.
<u>Traffic and Safety:</u>	No conditions. Memo dated 3/7/2024.
<u>Building Code Services:</u>	No conditions. Memo dated 2/27/2024.
<u>GIS:</u>	No conditions. Memo dated 2/28/2024.
<u>Police Department:</u>	No comment as of 3/26/2024.
<u>Fire Department:</u>	No conditions. Memo dated 2/27/2024.
<u>City Arborist:</u>	No conditions. Memo dated 2/27/2024.

DIRECTOR APPROVAL

This report has been reviewed and approved by:



Greg Holmes

Director of Urban Development Department



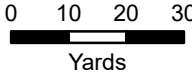
2403ZB041

Variance



- US or State Highway
- Street
- Alley
- Railroad
- Parcels
- Buildings
- Smart Code**
- T6
- T5
- T4+
- T4L

Site Information
0811E-02-042.000
0811E-02-043.000
0811E-02-044.000
Zoning T6 (Urban Core)
Size: 25006.23 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.



CASE NUMBER

2403ZB041

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

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

0811E-02-042.000	
0811E-02-043.000	
0811E-02-044.000	

Property Address:

1512, 1516, 1518, 1520, 1522, 1528A, 1528B 30th Ave
Lot(s) _____ Block(s) _____ Subdivision _____

General Description of Request: Zero required parking spaces
for all purposes / future uses.

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:B Buckle Holdings LLC

Printed Name of Owner

Jeffrey Buck

Mailing Address

19546 Borzik Rd

City

State

Zip Code

Saucier MS39574

Home Phone

228.323.5592

Work/Cell Phone

228.323.5594

Email

Rita@apexgulfpport.com

Signature of Owner

* JBuck**AGENT:**Tiffany Marshall

Printed Name of Agent

P.O. Box 6152

Mailing Address

GulfportMS39506

City

State

Zip Code

228.547.6404

Home Phone

Work/Cell Phone

Tiffany@mapmrents.com

Email

TMarshall

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) Jeffrey S BuckAddress (Street, City, State, Zip Code) 19546 BORZIK RD SAUCIER MS 39574Phone (Home) 228 323 5592 (Work) SAME (Cell) SAMETax Parcel Number(s) Owned: 0811E-02-042.000 0811E-02-043.000Signature: JBuck 0811E-02-044.000Name of Owner (PRINT) Rita BuckAddress (Street, City, State, Zip Code) 19546 Borzik Rd, Saucier, MS 39574Phone (Home) 228-~~323~~-323-5594 (Work) same (Cell) sameTax Parcel Number(s) Owned: 0811E-02-042.000 0811E-02-043.000Signature: Rita Buck 0811E-02-044.000

Name of Owner (PRINT) _____

Address (Street, City, State, Zip Code) _____

Phone (Home) _____ (Work) _____ (Cell) _____

Tax Parcel Number(s) Owned: _____

Signature: _____



DESIGNATION OF AGENT

I, Jeffrey S Buck being property owner of 3th Ave Gulfport Ms 39501
PRINT NAME PRIMARY ADDRESS OR PARCEL
which is the subject of this application hereby authorize Tiffany Marshall to act as
PRINT NAME
my representative with the City of Gulfport's Zoning Board of Adjustment and Appeals, and/or Planning
Commission, and/or City Council, and/or permitting and licensing, as required by the City.

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

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

Jeffrey S Buck
SIGNATURE

2-7-24
DATE

STATE OF MISSISSIPPI | COUNTY OF HARRISON

Given under my hand and seal of office this the 7th day of February, 20 24

Nicole French
NOTARY PUBLIC

March 24, 2024
COMMISSION EXPIRATION





COVENANT AFFIDAVIT

I, Jeffrey S Buck being property owner or agent of the property 30th Ave Gulfport
PRINT NAME PRIMARY ADDRESS OR PARCEL 39501
which is the subject of this application, hereby state that this variance request is not in violation of any
restrictive or protective covenants.

JS Buck
SIGNATURE

2-7-24

DATE

STATE OF MISSISSIPPI | COUNTY OF HARRISON

Given under my hand and seal of office this the 7th day of February, 20 24

Nicole French
NOTARY PUBLIC

March 24, 2024
COMMISSION EXPIRATION





Michael Watson

SECRETARY OF STATE

This is not an official certificate of good standing.

Name History

Name	Name Type
RBUCKLE Holdings, LLC	Legal

Business Information

Business Type:	Limited Liability Company
Business ID:	1086949
Status:	Good Standing
Effective Date:	02/29/2016
State of Incorporation:	Mississippi
Principal Office Address:	1930 31st Street Gulfport, MS 39501

Registered Agent

Name
Jeffrey Buck 1930 31st Street Gulfport, MS 39501

Officers & Directors

Name	Title
JEFFREY BUCK 19546 BORZIK RD SAUCIER, MS 39574	Member
Rita Buck 19546 Borzik Rd Saucier, MS 39574	Member

VARIANCE SUBMISSIONS

DM

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.

Variance Submission Questions

1. A variance is necessary to address the unique parking requirements of our property. As a commercial building offering 7 distinct rental spaces, the usage of these spaces may vary at any given time, making it challenging to establish a fixed number of required parking spaces. Additionally, the property's occupancy status fluctuates, with businesses occupying the spaces intermittently or the property remaining vacant. These factors prevent us from accurately determining the precise amount of parking needed, hence the need for a variance.
2. Upon the initial completion of this structure, the intended uses for each rental space were unknown. As such, we cannot predict who will occupy the property. We request a variance to maintain its intended use without disruption, allowing flexibility for various tenants to occupy the spaces as needed.
3. Given the uncertainty regarding the future tenants and businesses that will occupy the space, accurately determining the required number of parking spaces is challenging. This commercial property consists of 7 rental spaces, making it distinct from properties with a single business in each structure. The dynamic nature of tenant turnover and the variety of businesses that may occupy the property further complicates our ability to ascertain the exact parking needs. Our situation is unique due to these factors, warranting consideration for a variance to accommodate the evolving nature of our property.
4. This request is firmly rooted in the principle of ensuring a reasonable economic return for the property in question. By allowing the property to utilize its parking lot for its intended purpose, we are upholding the fundamental right to conduct business operations efficiently and effectively. This extends not only to the property in question but also to neighboring properties within the district.
5. We acknowledge that no special advantage will be gained from seeking this variance. Our sole request is to ensure that future consumers can utilize the parking lot as they have done in the past.
6. We firmly believe that the proposed use of the property aligns with permissible rights. Given that this property is intended to accommodate functioning businesses, it is essential for their customers to have unimpeded access to a parking lot. This right to access is fundamental to the smooth operation and success of the businesses within the property. Therefore, ensuring such access is not only reasonable but also integral to the intended use of the property.



Prepared By and Return to:
Schwartz, Orgler & Jordan, PLLC
12206 Highway 49
Gulfport, MS 39503
(228) 832-8550
Our File # 160305

STATE OF MISSISSIPPI
COUNTY OF HARRISON

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,

**Jeffery S. Buck and wife Rita R. Buck,
1930 31ST Street
Gulfport, MS 39501
(228) 323-5594**

do hereby grant, bargain, sell, convey and quit claim, unto

**RBUCKLE Holdings, LLC
1930 31ST Street
Gulfport, MS 39501
(228) 323-5594**

30th Ave

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:

Lot Twenty Nine (29), Lot Thirty (30), Lot Thirty One (31), Lot Thirty Two (32), Lot Thirty Three (33), Lot Thirty Four (34), Lot Thirty Five (35), Lot Thirty Six (36), and Lot Thirty Seven (37), inclusive, Block 163, Original Gulfport, a subdivision of Harrison County, Mississippi, as per the official map or plat thereof on file and of record in the office of the Chancery Clerk of Harrison County, First Judicial District, Mississippi.

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.

TITLE NOT EXAMINED NOR REQUESTED

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

WITNESS THE SIGNATURE of the Grantor on this the 4th day of April, 2016.

Jeffery S. Buck
JEFFERY S. BUCK
Rita R. Buck
RITA R. BUCK

STATE OF MS
COUNTY OF HARRISON

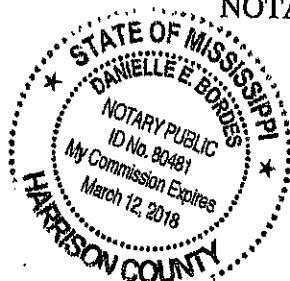
THIS DAY PERSONALLY CAME AND APPEARED BEFORE ME, the undersigned authority in and for the jurisdiction aforesaid, **Jeffery S. Buck and Rita R. Buck**, who acknowledged that the above and foregoing instrument was signed and delivered as the free and voluntary act on the day and in the year therein mentioned.

GIVEN under my hand and official seal on this the 4th day of April, 2016.

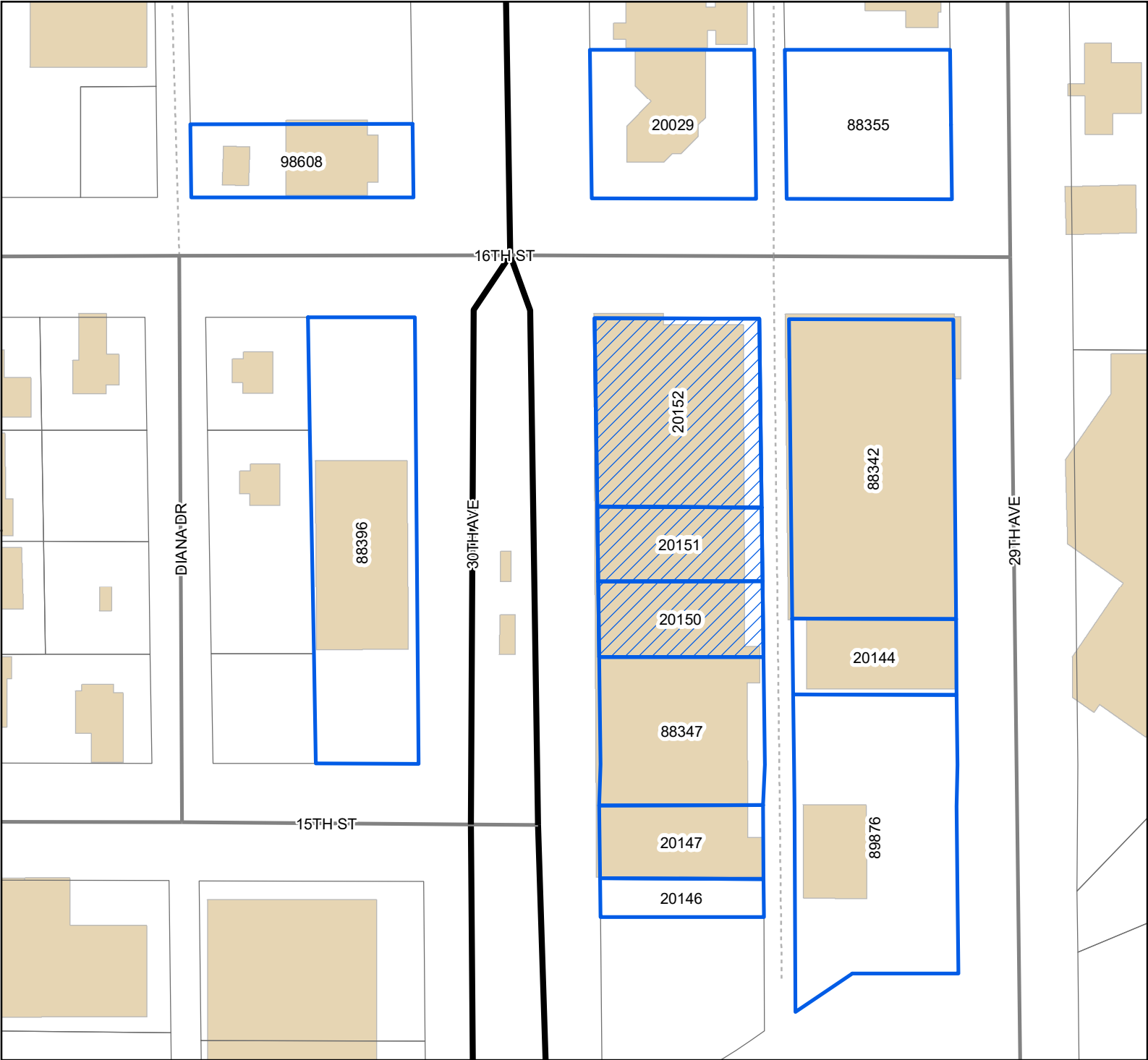
[Signature]
NOTARY PUBLIC

(SEAL)

My Commission Expires:

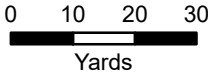


Mail	PPIN	Parcel ID	Name	Address	City	State	ZIP
Y			RBUCKLE HOLDINGS LLC (Owner)	19546 BURZIK RD	SAUCIER	MS	39574
			TIFFANY MARSHALL (AGENT)	P.O. BOX 6152	GULFPORT	MS	39506
			Adjacent Property Owners (2403ZB041)				
88355	0811E-02-031.000		APPLIED BUSINESS CONCEPTS LLC	17991- A OLD PERKINS RD E	BATON ROUGE	LA	70809
20151	0811E-02-043.000		RBUCKLE HOLDINGS LLC	1930 31ST ST	GULFPORT	MS	39501
88347	0811E-02-041.000		CURRIE EDWARD H JR	1533 30TH AVE	GULFPORT	MS	39501
20144	0811E-02-039.000		WAREHOUSE 1928 LLC	1517 29TH AVE	GULFPORT	MS	39507
20146	0811L-01-004.000		COLEMAN CALVIN E JR	18224 DEDEAUX CLAN RD	GULFPORT	MS	39503
20029	0811E-02-033.000		MECHAM LAW FIRM LLC	20 E 52ND ST	GULFPORT	MS	39507
98608	0811E-03-054.002		MSL PROPERTIES LLC	1621 30TH AVE	GULFPORT	MS	39501
88342	0811E-02-038.000		GULFPORT CITY OF	2309 15TH STREET	GULFPORT	MS	39501
89876	0811L-01-002.000		2 FISH INVESTMENTS LLC	1501 29TH ST	GULFPORT	MS	39501



Legend

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



1 inch = 93 feet



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

RE: Variance 2403ZB041, by agent Tiffany Marshall, seeking approval for zero required parking for all future uses, Tax Parcels 0811E-02-042.000, 0811E-02-043.000, 0811E-02-044.000, 1512 30th Ave, 1516 30th Ave, 1518 30th Ave, 1520 30th Ave, 1522 30th Ave, 1528A 30th Ave, 1528B 30th Ave, Zoned T6 (Urban Core Zone), Ward 2

To Applicants and Adjacent Property Owners:

The City of Gulfport Zoning Board of Adjustments and Appeals will hold a public hearing to consider the above application at 3:00 P.M. on **Thursday, March 21, 2024**, in the Council Chambers at the Gulfport City Hall located at 2309 15th Street.

For more information, visit <https://www.gulfport-ms.gov/agendas/> then click the City of Gulfport Zoning Board for **Thursday, March 21, 2024**. A map showing the location of the property involved is located at this website. If you have any questions or comments, please contact this office at the phone number 228-868-5710 or email planners@gulfport-ms.gov. The application is available for viewing in the Planning Division office at 1410 24th Avenue.



The Beaufort Gazette
The Belleville News-Democrat
Bellingham Herald
Centre Daily Times
Sun Herald
Idaho Statesman
Bradenton Herald
The Charlotte Observer
The State
Ledger-Enquirer

Durham | The Herald-Sun
Fort Worth Star-Telegram
The Fresno Bee
The Island Packet
The Kansas City Star
Lexington Herald-Leader
The Telegraph - Macon
Merced Sun-Star
Miami Herald
El Nuevo Herald

The Modesto Bee
The Sun News - Myrtle Beach
Raleigh News & Observer
Rock Hill | The Herald
The Sacramento Bee
San Luis Obispo Tribune
Tacoma | The News Tribune
Tri-City Herald
The Wichita Eagle
The Olympian

AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Amount	Cols	Depth
36845	525462	Print Legal Ad-IPL01617860 - IPL0161786		\$112.15	2	76 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 PM., Thursday, March 21, 2024 in the Council Chambers of the Gulfport City Hall located at 2309 15 th Street to consider the following requests. A copy of the requests will be available for public review at the office of the Department of Urban Development-Planning Division located on first floor of the William H. Hardy Building, 1410 24 th Avenue.

Variance 2403ZB021, by owner Gregory Woodard, seeking approval for a 1,430 square-foot accessory structure where 600 square feet is the size limit, Tax Parcel 0807K-01-018.017, 13324 Harper Court, Zoned R-1-15 (Single-family), Ward 7

Variance 2403ZB022, by owner Gregory Woodard, seeking approval for a side yard setback of 8 feet, where 15 feet is required, Tax Parcel 0807K-01-018.017, 13324 Harper Court, Zoned R-1-15 (Single-family), Ward 7

Variance 2403ZB023, by owner Gregory Woodard, seeking approval for a 24-foot tall accessory structure where 14 feet is the height limit, Tax Parcel 0807K-01-018.017, 13324 Harper Court, Zoned R-1-15 (Single-family), Ward 7

Variance 2403ZB026, by agent Rebecca Gillum, seeking approval for 5-foot side yard setbacks, where 8 feet is required, Tax Parcel 0811G-04-116.000, 2011 17th Ave, Zoned R-2 (Single-family), Ward 3

Variance 2403ZB028, by agent Michael Hester, seeking approval for a 9-foot tall fence along the rear of the property where six feet is the height limit, Tax Parcel 1010K-03-048.000, 2209 Swetman Blvd, R-1-7.5 (Single-Family), Ward 2

Special Exception 2403SC031, by agent Tyler Hickman, seeking approval for daiquiri shop, Tax Parcels 0908N-04-004.000, 0908N-04-004.001, 13211 Dedeaux Road, Zoned B-1 (Neighborhood business), Ward 5

Variance 2403ZB033, by owners Joseph and Rebecca Cowart, seeking approval for a 2400 detached accessory structure, Tax Parcel 0811B-01-037.000, 2601 15th Avenue, Zoned B-2 (General Business), Ward 3

Variance 2403ZB034, by owner Kevin Myers, seeking approval for a 960 square foot accessory structure, Tax Parcel 0811G-06-026.000, 1625 19th Ave, Zoned T4L (General Urban Zone "Limited"), Ward 2

Variance 2403ZB035, by owner Kevin Myers, seeking approval for a rear yard setback of 50 inches (4.17 ft) and a side yard setback of 53 inches (4.42 feet), Tax Parcel 0811G-06-026.000, 1625 19th Ave, Zoned T4L (General Urban Zone "Limited"), Ward 2

Variance 2403ZB036, by agent Robert Addison Riemann, seeking approval for an additional wall sign on the eastern elevation, Tax Parcel 0809K-02-002.001, 15223 Creosote Road, Zoned B-4 (Highway-business), Ward 3

Variance 2403ZB041, by agent Tiffany Marshall, seeking approval for zero required parking for all future uses, Tax Parcels 0811E-02-042.000, 0811E-02-043.000, 0811E-02-044.000, 1512 30th Ave, 1516 30th Ave, 1518 30th Ave, 1520 30th Ave, 1522 30th Ave, 1528A 30th Ave, 1528B 30th Ave, Zoned T6 (Urban Core Zone), Ward 2

Variance 2403ZB042, by agent Tiffany Marshall, seeking approval for backing into city right of way, Tax Parcels 0811E-02-042.000, 0811E-02-043.000, 0811E-02-044.000, 1512 30th Ave, 1516 30th Ave, 1518 30th Ave, 1520 30th Ave, 1522 30th Ave, 1528A 30th Ave, 1528B 30th Ave, Zoned T6 (Urban Core Zone), Ward 2

Variance 2403ZB043, by agent David Machado, seeking approval for a building height of 55 feet and 3 inches where 50 feet is the height limit, Tax Parcel 0710P-01-004.000, 2809 34th Avenue, Zoned I-1 (Light-industry), Ward 1

This the 1st day of March 2024
A. Leslie North, Chairman
City of Gulfport Zoning Board of Adjustment and Appeals
PO210200
IPL0161786
Mar 6 2024

STATE OF MISSISSIPPI COUNTY OF HARRISON

Before me, the undersigned Notary of Dallas County, Texas personally appeared Stephanie Hatcher, 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:
03/06/24

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.

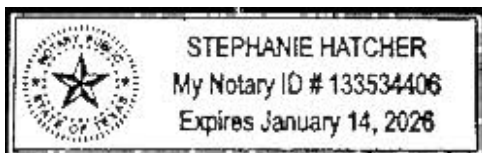
Stephanie Hatcher

Sworn to and subscribed before me this 11th day of March in the year of 2024

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: March 21, 2024

Re: Variance 2403ZB042:

Variance 2403ZB042, by agent Tiffany Marshall, seeking approval for backing out into city right of way, Tax Parcels 0811E-02-042.000, 0811E-02-043.000, 0811E-02-044.000, 1512 30th Ave, 1516 30th Ave, 1518 30th Ave, 1520 30th Ave, 1522 30th Ave, 1528A 30th Ave, 1528B 30th Ave, Zoned T6 (Urban Core Zone), Ward 2

Technical Report

VARIANCE

GENERAL INFORMATION

Case File Number: 2403ZB042

Hearing Date: March 21, 2024

Current Zoning/Use: T6 / Commercial Structures

Legal: Variance 2403ZB042, by agent Tiffany Marshall, seeking approval for backing out into city right of way, Tax Parcels 0811E-02-042.000, 0811E-02-043.000, 0811E-02-044.000, 1512 30th Ave, 1516 30th Ave, 1518 30th Ave, 1520 30th Ave, 1522 30th Ave, 1528A 30th Ave, 1528B 30th Ave, Zoned T6 (Urban Core Zone), Ward 2

TECHNICAL DETAILS

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

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

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

Technical Report

VARIANCE

The applicant requests a parking variance to back out into the city right-of-way. The applicant addresses the hardship questions below.

- (a) The applicant “notes the parking lot of this property aligns directly with the street, necessitating customers to reverse into the street for parking and building access. Hence, we seek a variance to enable future patrons to utilize the parking lot conveniently.” The current parking is located within the city right-of-way. Which creates a special condition because this site has no other attainable parking.
- (b) In the application, the applicant cites that “upon the initial completion of this structure, the law did not prohibit backing out into the street. Given that this building predates the new law, we request a variance to maintain its original use without disruption.” Although new uses are required to meet parking regulations, this site does not accommodate that requirement.
- (c) Adhering to the zoning ordinance would require substantial and costly construction of this property. As the property was in compliance with the code when originally built, we request permission for it to continue its current use without the need for extensive modifications. The physical character of this property encompasses the entire parcel leaving no place for parking.
- (d) This request is firmly rooted in the principle of ensuring a reasonable economic return for the property in question. By allowing the property to utilize its parking lot for its intended purpose. We are upholding the fundamental right to conduct business operations efficiently and effectively. This extends not only to the property in question but also to neighboring properties within the district. Upon staff review, building along this corridor would requires a variance for backing out into the city right-of-way.
- (e) We acknowledge that no special advantage will be gained from seeking this variance. Our sole request is to ensure that future consumers can utilize the parking lot as they have done in the past. Granting the variance would not confer any special privileges to the applicant.
- (f) This property is zoned T6, and commercial uses are permitted uses.

EXECUTIVE SUMMARY

In review of this application and documents submitted by the applicant, the requested variance to allow for backing out of a parking space directly into the city right-of-way, is a reasonable request. Upon visiting the site, staff confirmed that the current location of the parking cannot be altered or improved upon in any way. The current parking is the applicants only option for parking. There is no space in the rear of the building for parking and there is no feasible way to change the current parking meet the ordinance requirements. The applicants face a true ingress/egress hardship.

Any approval should consider these conditions:

- 1. Must comply with all rules and regulations.
- 2. Approval would allow backing out into the city right-of-way.

Technical Report

VARIANCE

DEPARTMENTAL CONDITIONS

Engineering: No conditions. Memo dated 3/7/2024.

Public Works: No conditions. Memo dated 3/7/2024.

Traffic and Safety: No conditions. Memo dated 3/7/2024.

Building Code Services: No conditions. Memo dated 2/27/2024.

GIS: No conditions. Memo dated 2/28/2024.

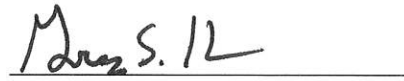
Police Department: No comment as of 3/26/2024.

Fire Department: No conditions. Memo dated 2/27/2024.

City Arborist: No conditions. Memo dated 2/27/2024.

DIRECTOR APPROVAL

This report has been reviewed and approved by:



Greg Holmes
Director of Urban Development Department



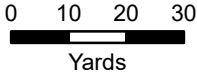
2403ZB042

Variance



- US or State Highway
- Street
- Alley
- Railroad
- Parcels
- Buildings
- Smart Code**
 - T6
 - T5
 - T4+
 - T4L

Site Information
0811E-02-042.000
0811E-02-043.000
0811E-02-044.000
Zoning T6 (Urban Core)
Size: 25006.23 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.



CASE NUMBER

29032B042

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

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

0811E-02-042.000	
0811E-02-043.000	
0811E-02-044.000	

Property Address:

1512, 1516, 1518, 1520, 1522, 1528 A, 1528 B 30th Ave.
Lot(s) N/A Block(s) N/A Subdivision N/A

General Description of Request: parking variance to back out
into the right away to allow businesses to
operate.

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:ABuckle Holdings LLC

Printed Name of Owner

Jeffrey S Buck

Mailing Address

19546 Borzik Rd

City

SAUCIER

State

MS

Zip Code

39574

Home Phone

228 323 5592

Work/Cell Phone

323 5594

Email

rita@apexgulfport.com

Signature of Owner

*JBuck**AGENT:**Tiffany Marshall

Printed Name of Agent

P.O. Box 6152

Mailing Address

Gulfport MS 39506

City

228 547 6404

State

Zip Code

Home Phone

Ttiffany@mcprments.com

Work/Cell Phone

Email

TMarshall

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) Jeffrey S Buck

Address (Street, City, State, Zip Code) 19546 BORZIK Rd Saucier MS

Phone (Home) 323 5592 (Work) 228 323 5592 (Cell) SAME

Tax Parcel Number(s) Owned: 0811E-02-042.00 0811E-02-043.000

Signature: JBuck 0811E-02-044.000

Name of Owner (PRINT) Rita Buck

Address (Street, City, State, Zip Code) 19546 Borzik Rd Saucier, MS

Phone (Home) 228-323-5594 (Work) 228-323-5594 (Cell) same

Tax Parcel Number(s) Owned: 0811E-02-042.00 0811E-02-043.000

Signature: Rita Buck 0811E-02-044.000

Name of Owner (PRINT) _____

Address (Street, City, State, Zip Code) _____

Phone (Home) _____ (Work) _____ (Cell) _____

Tax Parcel Number(s) Owned: _____

Signature: _____

VARIANCE SUBMISSIONS

RM

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.

Variance Submission Questions

1. The parking lot of this property aligns directly with the street, necessitating customers to reverse into the street for parking and building access. Hence, we seek a variance to enable future patrons to utilize the parking lot conveniently.
2. Upon the initial completion of this structure, the law did not prohibit backing out into the street. Given that this building predates the new law, we request a variance to maintain its original use without disruption.
3. Adhering to the zoning ordinance would require substantial and costly construction on this property. As the property was in compliance with the code when originally built, we request permission for it to continue its current use without the need for extensive modifications.
4. This request is firmly rooted in the principle of ensuring a reasonable economic return for the property in question. By allowing the property to utilize its parking lot for its intended purpose, we are upholding the fundamental right to conduct business operations efficiently and effectively. This extends not only to the property in question but also to neighboring properties within the district.
5. We acknowledge that no special advantage will be gained from seeking this variance. Our sole request is to ensure that future consumers can utilize the parking lot as they have done in the past.
6. We firmly believe that the proposed use of the property aligns with permissible rights. Given that this property is intended to accommodate functioning businesses, it is essential for their customers to have unimpeded access to a parking lot. This right to access is fundamental to the smooth operation and success of the businesses within the property. Therefore, ensuring such access is not only reasonable but also integral to the intended use of the property.



DESIGNATION OF AGENT

I, Jeffrey S. Buck being property owner of 30th Ave
PRINT NAME PRIMARY ADDRESS OR PARCEL
which is the subject of this application hereby authorize Tiffany Marshall to act as
PRINT NAME
my representative with the City of Gulfport's Zoning Board of Adjustment and Appeals, and/or Planning Commission, and/or City Council, and/or permitting and licensing, as required by the City.

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

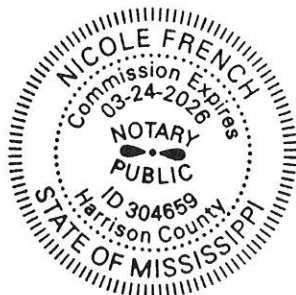
The petitioner understands and acknowledges that the City will rely upon the agent's representations in approval or denial of said petition.

[Signature] 2-6-2024
SIGNATURE DATE

STATE OF MISSISSIPPI | COUNTY OF HARRISON

Given under my hand and seal of office this the 6th day of February, 20 24

Nicole French March 24, 2026
NOTARY PUBLIC COMMISSION EXPIRATION





COVENANT AFFIDAVIT

Jeffrey S Buck being property owner or agent of the property 30th Ave Gulfport MS 39501
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.

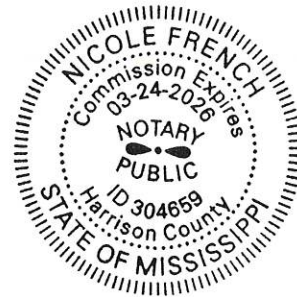
[Signature] 2-6-2024
SIGNATURE DATE

STATE OF MISSISSIPPI | COUNTY OF HARRISON

Given under my hand and seal of office this the 6th day of February, 20 24

[Signature]
NOTARY PUBLIC

March 24, 2024
COMMISSION EXPIRATION





Michael Watson

SECRETARY OF STATE

This is not an official certificate of good standing.

Name History

Name	Name Type
RBUCKLE Holdings, LLC	Legal

Business Information

Business Type:	Limited Liability Company
Business ID:	1086949
Status:	Good Standing
Effective Date:	02/29/2016
State of Incorporation:	Mississippi
Principal Office Address:	1930 31st Street Gulfport, MS 39501

Registered Agent

Name
Jeffrey Buck 1930 31st Street Gulfport, MS 39501

Officers & Directors

Name	Title
JEFFREY BUCK 19546 BORZIK RD SAUCIER, MS 39574	Member
Rita Buck 19546 Borzik Rd Saucier, MS 39574	Member



Prepared By and Return to:
Schwartz, Orgler & Jordan, PLLC
12206 Highway 49
Gulfport, MS 39503
(228) 832-8550
Our File # 160305

STATE OF MISSISSIPPI
COUNTY OF HARRISON

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,

Jeffery S. Buck and wife Rita R. Buck,
1930 31ST Street
Gulfport, MS 39501
(228) 323-5594

do hereby grant, bargain, sell, convey and quit claim, unto

RBUCKLE Holdings, LLC
1930 31ST Street
Gulfport, MS 39501
(228) 323-5594

30th Ave

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:

Lot Twenty Nine (29), Lot Thirty (30), Lot Thirty One (31), Lot Thirty Two (32), Lot Thirty Three (33), Lot Thirty Four (34), Lot Thirty Five (35), Lot Thirty Six (36), and Lot Thirty Seven (37), inclusive, Block 163, Original Gulfport, a subdivision of Harrison County, Mississippi, as per the official map or plat thereof on file and of record in the office of the Chancery Clerk of Harrison County, First Judicial District, Mississippi.

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.

TITLE NOT EXAMINED NOR REQUESTED

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

WITNESS THE SIGNATURE of the Grantor on this the 4th day of April, 2016.

JBuck
JEFFERY S. BUCK

Rita R. Buck
RITA R. BUCK

STATE OF MS
COUNTY OF HARRISON

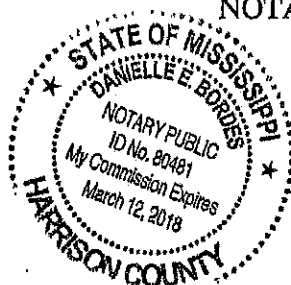
THIS DAY PERSONALLY CAME AND APPEARED BEFORE ME, the undersigned authority in and for the jurisdiction aforesaid, Jeffery S. Buck and Rita R. Buck, who acknowledged that the above and foregoing instrument was signed and delivered as the free and voluntary act on the day and in the year therein mentioned.

GIVEN under my hand and official seal on this the 4th day of April, 2016.

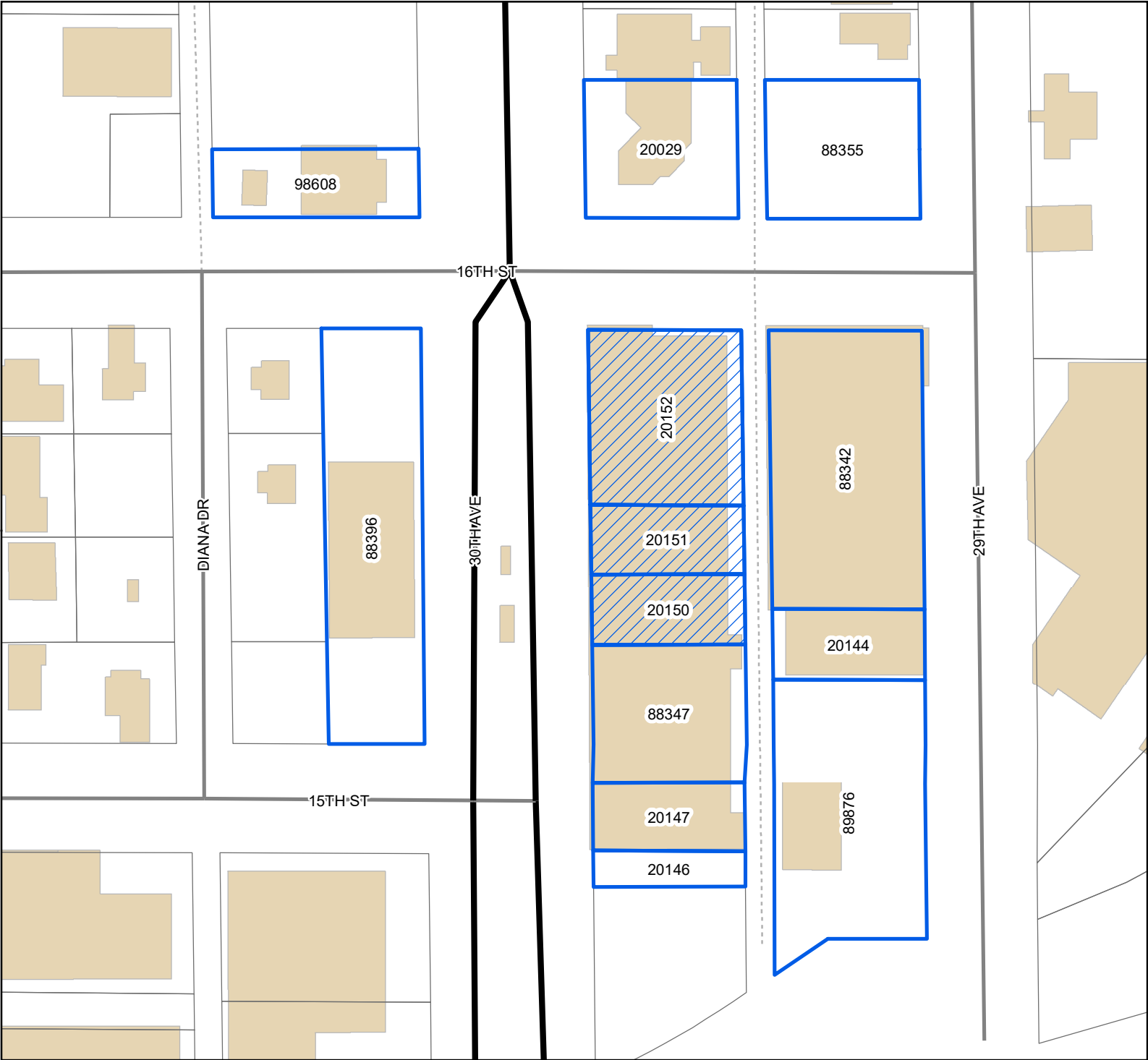
[Signature]
NOTARY PUBLIC

(SEAL)

My Commission Expires:

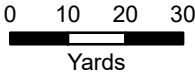


Mail	PPIN	Parcel ID	Name	Address	City	State	ZIP
Y			RBUCKLE HOLDINGS LLC (Owner)	19546 BURZIK RD	SAUCIER	MS	39574
			TIFFANY MARSHALL (AGENT)	P.O. BOX 6152	GULFPORT	MS	39506
			Adjacent Property Owners (2403ZB042)				
88355	0811E-02-031.000		APPLIED BUSINESS CONCEPTS LLC	17991- A OLD PERKINS RD E	BATON ROUGE	LA	70809
20151	0811E-02-043.000		RBUCKLE HOLDINGS LLC	1930 31ST ST	GULFPORT	MS	39501
88347	0811E-02-041.000		CURRIE EDWARD H JR	1533 30TH AVE	GULFPORT	MS	39501
20144	0811E-02-039.000		WAREHOUSE 1928 LLC	1517 29TH AVE	GULFPORT	MS	39507
20146	0811L-01-004.000		COLEMAN CALVIN E JR	18224 DEDEAUX CLAN RD	GULFPORT	MS	39503
20029	0811E-02-033.000		MECHAM LAW FIRM LLC	20 E 52ND ST	GULFPORT	MS	39507
98608	0811E-03-054.002		MSL PROPERTIES LLC	1621 30TH AVE	GULFPORT	MS	39501
88342	0811E-02-038.000		GULFPORT CITY OF	2309 15TH STREET	GULFPORT	MS	39501
89876	0811L-01-002.000		2 FISH INVESTMENTS LLC	1501 29TH ST	GULFPORT	MS	39501



Legend

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



1 inch = 100 feet



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RE: Variance 2403ZB042, by agent Tiffany Marshall, seeking approval for backing out into city right of way, Tax Parcels 0811E-02-042.000, 0811E-02-043.000, 0811E-02-044.000, 1512 30th Ave, 1516 30th Ave, 1518 30th Ave, 1520 30th Ave, 1522 30th Ave, 1528A 30th Ave, 1528B 30th Ave, Zoned T6 (Urban Core Zone), Ward 2

To Applicants and Adjacent Property Owners:

The City of Gulfport Zoning Board of Adjustments and Appeals will hold a public hearing to consider the above application at 3:00 P.M. on **Thursday, March 21, 2024**, in the Council Chambers at the Gulfport City Hall located at 2309 15th Street.

For more information, visit <https://www.gulfport-ms.gov/agendas/> then click the City of Gulfport Zoning Board for **Thursday, March 21, 2024**. A map showing the location of the property involved is located at this website. If you have any questions or comments, please contact this office at the phone number 228-868-5710 or email planners@gulfport-ms.gov. The application is available for viewing in the Planning Division office at 1410 24th Avenue.



The Beaufort Gazette
The Belleville News-Democrat
Bellingham Herald
Centre Daily Times
Sun Herald
Idaho Statesman
Bradenton Herald
The Charlotte Observer
The State
Ledger-Enquirer

Durham | The Herald-Sun
Fort Worth Star-Telegram
The Fresno Bee
The Island Packet
The Kansas City Star
Lexington Herald-Leader
The Telegraph - Macon
Merced Sun-Star
Miami Herald
El Nuevo Herald

The Modesto Bee
The Sun News - Myrtle Beach
Raleigh News & Observer
Rock Hill | The Herald
The Sacramento Bee
San Luis Obispo Tribune
Tacoma | The News Tribune
Tri-City Herald
The Wichita Eagle
The Olympian

AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Amount	Cols	Depth
36845	525462	Print Legal Ad-IPL01617860 - IPL0161786		\$112.15	2	76 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 PM., Thursday, March 21, 2024 in the Council Chambers of the Gulfport City Hall located at 2309 15 th Street to consider the following requests. A copy of the requests will be available for public review at the office of the Department of Urban Development-Planning Division located on first floor of the William H. Hardy Building, 1410 24 th Avenue.

Variance 2403ZB021, by owner Gregory Woodard, seeking approval for a 1,430 square-foot accessory structure where 600 square feet is the size limit, Tax Parcel 0807K-01-018.017, 13324 Harper Court, Zoned R-1-15 (Single-family), Ward 7

Variance 2403ZB022, by owner Gregory Woodard, seeking approval for a side yard setback of 8 feet, where 15 feet is required, Tax Parcel 0807K-01-018.017, 13324 Harper Court, Zoned R-1-15 (Single-family), Ward 7

Variance 2403ZB023, by owner Gregory Woodard, seeking approval for a 24-foot tall accessory structure where 14 feet is the height limit, Tax Parcel 0807K-01-018.017, 13324 Harper Court, Zoned R-1-15 (Single-family), Ward 7

Variance 2403ZB026, by agent Rebecca Gillum, seeking approval for 5-foot side yard setbacks, where 8 feet is required, Tax Parcel 0811G-04-116.000, 2011 17th Ave, Zoned R-2 (Single-family), Ward 3

Variance 2403ZB028, by agent Michael Hester, seeking approval for a 9-foot tall fence along the rear of the property where six feet is the height limit, Tax Parcel 1010K-03-048.000, 2209 Swetman Blvd, R-1-7.5 (Single-Family), Ward 2

Special Exception 2403SC031, by agent Tyler Hickman, seeking approval for daiquiri shop, Tax Parcels 0908N-04-004.000, 0908N-04-004.001, 13211 Dedeaux Road, Zoned B-1 (Neighborhood business), Ward 5

Variance 2403ZB033, by owners Joseph and Rebecca Cowart, seeking approval for a 2400 detached accessory structure, Tax Parcel 0811B-01-037.000, 2601 15th Avenue, Zoned B-2 (General Business), Ward 3

Variance 2403ZB034, by owner Kevin Myers, seeking approval for a 960 square foot accessory structure, Tax Parcel 0811G-06-026.000, 1625 19th Ave, Zoned T4L (General Urban Zone "Limited"), Ward 2

Variance 2403ZB035, by owner Kevin Myers, seeking approval for a rear yard setback of 50 inches (4.17 ft) and a side yard setback of 53 inches (4.42 feet), Tax Parcel 0811G-06-026.000, 1625 19th Ave, Zoned T4L (General Urban Zone "Limited"), Ward 2

Variance 2403ZB036, by agent Robert Addison Riemann, seeking approval for an additional wall sign on the eastern elevation, Tax Parcel 0809K-02-002.001, 15223 Creosote Road, Zoned B-4 (Highway-business), Ward 3

Variance 2403ZB041, by agent Tiffany Marshall, seeking approval for zero required parking for all future uses, Tax Parcels 0811E-02-042.000, 0811E-02-043.000, 0811E-02-044.000, 1512 30th Ave, 1516 30th Ave, 1518 30th Ave, 1520 30th Ave, 1522 30th Ave, 1528A 30th Ave, 1528B 30th Ave, Zoned T6 (Urban Core Zone), Ward 2

Variance 2403ZB042, by agent Tiffany Marshall, seeking approval for backing into city right of way, Tax Parcels 0811E-02-042.000, 0811E-02-043.000, 0811E-02-044.000, 1512 30th Ave, 1516 30th Ave, 1518 30th Ave, 1520 30th Ave, 1522 30th Ave, 1528A 30th Ave, 1528B 30th Ave, Zoned T6 (Urban Core Zone), Ward 2

Variance 2403ZB043, by agent David Machado, seeking approval for a building height of 55 feet and 3 inches where 50 feet is the height limit, Tax Parcel 0710P-01-004.000, 2809 34th Avenue, Zoned I-1 (Light-industry), Ward 1

This the 1st day of March 2024
A. Leslie North, Chairman
City of Gulfport Zoning Board of Adjustment and Appeals
PO210200
IPL0161786
Mar 6 2024

STATE OF MISSISSIPPI COUNTY OF HARRISON

Before me, the undersigned Notary of Dallas County, Texas personally appeared Stephanie Hatcher, 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:
03/06/24

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.

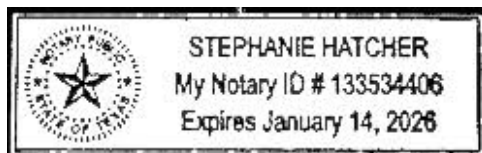
Stephanie Hatcher

Sworn to and subscribed before me this 11th day of March in the year of 2024

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: March 21, 2024

Re: Variance 2403ZB043:

Variance 2403ZB043, by agent David Machado, seeking approval for a building height of 55 feet and 3 inches where 50 feet is the height limit, Tax Parcel 0710P-01-004.000, 2809 34th Avenue, Zoned I-1 (Light-industry), Ward 1

Technical Report

VARIANCE

GENERAL INFORMATION

Case File Number: 2403ZB043

Hearing Date: March 21, 2024

Current Zoning/Use: I-1 / Commercial Structures

Legal: Variance 2403ZB043, by agent David Machado, seeking approval for a building height of 55 feet and 3 inches where 50 feet is the height limit, Tax Parcel 0710P-01-004.000, 2809 34th Avenue, Zoned I-1 (Light-industry), Ward 1

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 building height of 55 feet and 3 inches for a cold-storage facility where 50 feet is the height limit.

- (a) The applicant states “the proposed building is a cold storage facility that is designed to maintain certain environmental conditions to keep temperature sensitive products safe. The building height of 55’-3” is required to provide the necessary internal cold storage volume to regulate the building climate for the type of products that will be stored in the facility.” While the applicant’s statement points to the special conditions of the structure conflicting with city ordinance as being what has caused the need for variance, the statement’s claims regarding the necessary height for a storage facility to maintain internal climate are outside the jurisdiction of the planning division.
- (b) The applicant restates that the reason for the request is a result of the “building height required for this type of facility.” From what the applicant has provided, there is no evidence to illustrate the necessary requirement of the structure height of 55 feet and three inches for the proposed storage cold storage structure. Therefore, the hardship shows to be caused by the applicant wishing to construct the structure higher than the height limit for the I-1 zoning district.
- (c) The applicant claims that the hardship is not created by the physical character of the property but from the building height that is needed to regulate the building’s climate. Any claims regarding the necessary height for a storage facility to maintain internal climate are outside the jurisdiction of the planning division.
- (d) Applicant states that “the current zoning for this property and the adjacent properties are classified as light industry, heavy industry, planned industry, or general business. And this proposed warehouse facility is allowed by right in the current zoning.” The zoning for the subject site is currently just I-1 (Light industry), which while the warehouse use is allowed in I-1 zoning districts, the approval of the warehouse use is not what is in question for the variance. The subject matter for the variance is regarding the height of the proposed structure.
- (e) Applicant claims that the granting of the variance will not confer any special privileges to the applicant. Upon staff review of the nearby area, the only noted existing structures that exceeds the 50-foot height limit for I-1 zoning districts is are two cell existing towers north of the subject site, one being a cell tower that was permitted in 2015 and the other being a pre-existing cell tower. However, said the parcels for both towers are zoned I-2, which has a height limit of 100 feet, and do not have approved excessive height variances applied to them.
- (f) This property is zoned I-1, and a Warehouse use is allowed by right.

EXECUTIVE SUMMARY

The applicant is seeking approval for a building height of 55 feet and 3 inches for a cold-storage facility where the height limit is 50 feet. The six-hardship criteria has not been met, and the listed hardship does not meet merit. Upon staff review of the application, and the applicant’s request, the hardship has been caused by the applicant wishing to construct higher than the building height limit for I-1 zoning district. While there are two nearby cell towers that exceed the height limit for the I-1 zoning district, said cell towers are on parcels zoned I-2, which has a height limit of 100 feet. In addition, neither of said structures have approved height variances applied to

Technical Report

VARIANCE

them. Upon staff review of the subject site, due to there already being existing structures on the property, approval may need to consider a Planned Building Group be applied for in addition of the variance, or the demolition of the existing structures via a demolition permit. While the applicant has provided a note from FAA annotating that they do not exceed the FAA's Notice Criteria, and a certification letter from the Chief of Gulfport Fire Department regarding the necessary facilities and equipment are available for the higher structure, approval of the applicant's request will set a precedence for the nearby area.

Any approval should consider these conditions:

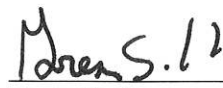
1. Must meet all building Codes and City of Gulfport Ordinances.
2. Approval allows for a 55-foot and 3-inch structure where the height limit is 50 feet.
3. Must have an approved Planned Building Group to allow for another commercial building on site.

DEPARTMENTAL CONDITIONS

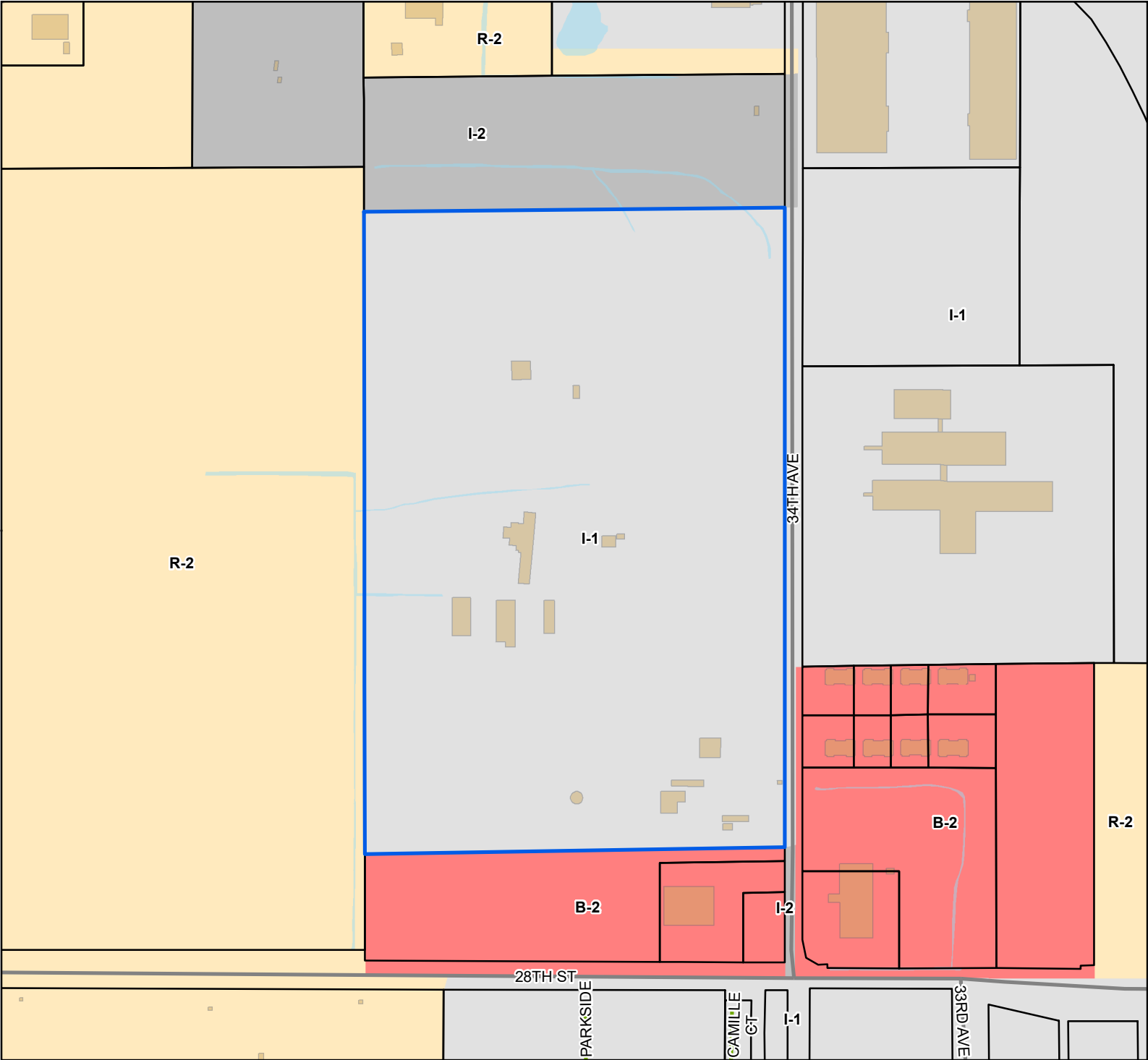
<u>Engineering:</u>	No comment as of 3/11/2024.
<u>Public Works:</u>	No comment as of 3/11/2024.
<u>Traffic and Safety:</u>	No conditions. Memo dated 3/6/2024.
<u>Building Code Services:</u>	Must meet building Codes and City of Gulfport Ordinances. Memo dated 2/27/2024.
<u>GIS:</u>	No conditions. Memo dated 2/28/2024.
<u>Police Department:</u>	No comment as of 3/11/2024.
<u>Fire Department:</u>	No conditions. Memo dated 2/27/2024.
<u>City Arborist:</u>	No conditions. Memo dated 2/27/2024.

DIRECTOR APPROVAL

This report has been reviewed and approved by:



Greg Holmes
Director of Urban Development Department



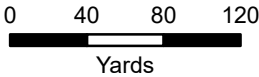
Legend:

- Street
- Military Street
- Parcels
- Buildings
- Water Features

Zoning

- B-2 - General Business District
- I-1 - Light Industry District
- I-2 - Heavy Industry District
- R-2 - Single Family Residence District (Medium Density)

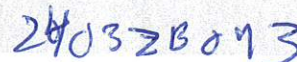
Site Information
0710P-01-004.000
Zoning:I-1 (Light Industry)
Size: 28.7 AC
Flood: X



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.



OWNER:

Jon Nass, MS State Port Authority at Gulfport

Printed Name of Owner

2510 14th Street, Suite 1450

Mailing Address

Gulfport MS 39501

City	State	Zip Code
		228-865-4300

Home Phone

jnass@shipmspa.com

Work/Cell Phone**Email**

Signature of Owner

AGENT:

David Machado

Printed Name of Agent

918 Howard Ave. Suite F

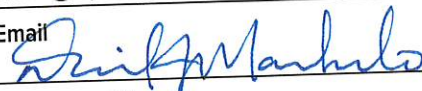
Mailing Address

Biloxi MS 39530

City	State	Zip Code
		228-388-1950

Home Phone

david@mpdesigngroup.us

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) _____

Address (Street, City, State, Zip Code) _____

Phone (Home) _____ (Work) _____ (Cell) _____

Tax Parcel Number(s) Owned: _____

Signature: _____

Name of Owner (PRINT) _____

Address (Street, City, State, Zip Code) _____

Phone (Home) _____ (Work) _____ (Cell) _____

Tax Parcel Number(s) Owned: _____

Signature: _____

Name of Owner (PRINT) _____

Address (Street, City, State, Zip Code) _____

Phone (Home) _____ (Work) _____ (Cell) _____

Tax Parcel Number(s) Owned: _____

Signature: _____



Designation of Agent

I, Jon Nass, MS State Port Authority, being property owner of 070P-01-004.00
PRINT NAME PRIMARY ADDRESS OR PARCEL
which is the subject of this application hereby authorize David Machado, MP Design Group 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.

Jon Nass

2/5/24

Signature

Date

STATE OF MISSISSIPPI | COUNTY OF HARRISON

Given under my hand and seal of office this the 5 day of February, 2024

D. Styron

11-6-24

Notary Public

Commission Expiration





COVENANT AFFIDAVIT

I, David Machado being property owner or agent of the property 0710P-01-004.00
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 Machado
SIGNATURE

2/6/24
DATE

STATE OF MISSISSIPPI | COUNTY OF HARRISON

Given under my hand and seal of office this the 6 day of February, 20 24

[Signature]
NOTARY PUBLIC

11-6-24
COMMISSION EXPIRATION





Cold Storage Facility
2809 34th Ave
Gulfport MS 39503

FIRE DEPARTMENT

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

Central Station
1515 23rd Avenue
Gulfport, MS 39501

February 7, 2024

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 164 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 cold storage facility at 2809 34th Ave 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 blue ink that reads "Billy Kelley". The signature is fluid and cursive, with a long horizontal stroke at the end.

Billy Kelley
Fire Chief City of Gulfport

Nick Moody

From: Nick Moody
Sent: Monday, February 05, 2024 3:21 PM
To: Casey Lyons; Shelby Fox; David Machado
Subject: RE: Cold Storage Facility Mississippi Port Authority
Attachments: Notice Criteria Tool Gulfport Cold Storage Facility.pdf

Thank you, Casey. See attached for the printout from the Notice Criteria Tool. The results state we do not exceed the notice criteria.

Nicholas W. Moody, P.E., LEED AP BD+C

Sr. VP of Design Services
MP Design Group
228.217.6316(c)
nmoody@mpdesigngroup.us



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From: Casey Lyons <CLyons@flygpt.com>
Sent: Monday, February 05, 2024 2:53 PM
To: Shelby Fox <SFox@flygpt.com>; Nick Moody <nmoody@mpdesigngroup.us>; David Machado <david@mpdesigngroup.us>
Subject: RE: Cold Storage Facility Mississippi Port Authority

[EXTERNAL Email: Please verify the sender before clicking any links.]

Nicholas,

Assuming the distance provided is accurate, your calculation appears to be correct with one exception. The 118.66' maximum building height would be reduced by the site's elevation above sea level. Your 55' tall building should still fall well below the FAA's maximum allowable height.

Please utilize the link below and fill in the blanks with the lat/long, site elevation and structure height. Structure type will be “commercial use building”. The location will be plotted on a map showing your proximity to the Airport. It should show that there is no need to file a study (form 7460-1) with the FAA. If there is no need to file a study, then the airport has no objection.

*****It is important to note that if this construction requires the use of a crane(s), concrete pump truck, or similar piece of equipment the maximum boom height also has to be considered. There may be a need to complete the 7460-1 for a crane associated with construction. Fill out the same link below and select “mobile use crane” along with the crane height needed to construct your building.*****

[Notice Criteria Tool \(faa.gov\)](#)

Please let me know if you have any questions.

-Casey



Obstruction Evaluation
Version 2023-08-03

Home

FA OE/AAA Offices

New Determined Cases

New Interim Cases

New Proposed Cases

New Supplemental Notices
(Form 7460-2)

New Circularized Cases

Search Archives

Download Archives

Download Correspondence

Role Search for Cases

Role Search for Airports

General FAQs

3 FAQs

Wind Turbine FAQs

Discretionary Review FAQs

Notice Criteria Tool

Distance Calculation Tool

FAA Account

Login

New User Registration

Instructions

Information Resources

FAA Acronyms

Forms

Regulatory Policy

Relevant Advisory Circulars

Survey Accuracy

Notice Criteria Tool

Notice Criteria Tool - Desk Reference Guide V_2018.2.0

The requirements for filing with the number of factors: height, proximity more details, please reference CFF

You must file with the FAA at least:

- your structure will exceed 200'
- your structure will be in proximity
- your structure involves construction adjusted upward with the appropriate
- your structure will emit frequency
- your structure will be in an installation
- your proposed structure will be in navigation signal reception
- your structure will be on an airport
- filing has been requested by the FAA

If you require additional information contact the appropriate FAA representative for construction, or contact the FAA Airmen

The tool below will assist in applying

* Structure Type:

Latitude:

Longitude:

Horizontal Datum:

Site Elevation (SE):

Structure Height:

Is structure on airport:

Casey Lyons

Director of Operations & Maintenance

Gulfport-Biloxi International Airport

14035-L Airport Rd. | Gulfport, MS 39503

(228) 863-5951 (o) | (228) 863-5953 (f)

www.FLYGPT.com

We Make Flying Easier.



From: Shelby Fox <SFox@flygpt.com>
Sent: Monday, February 5, 2024 10:40 AM
To: Casey Lyons <CLyons@flygpt.com>
Subject: Fw: Cold Storage Facility Mississippi Port Authority

Shelby Fox

Director of Planning and Development
Gulfport-Biloxi International Airport
14035-L Airport Rd. | Gulfport, MS 39503
(228) 863-5951 (o) | (228) 248-3011 (d) | (228) 327-6888 (c)
www.FLYGPT.com

We Make Flying Easier.



From: Nick Moody <nmoody@mpdesigngroup.us>
Sent: Monday, February 5, 2024 10:37 AM
To: Shelby Fox <SFox@flygpt.com>
Cc: David Machado <david@mpdesigngroup.us>
Subject: Cold Storage Facility Mississippi Port Authority

Shelby,

Thank you for taking the time to take my call. As we discussed in our phone conversation, our proposed building height is 55 ft. which exceeds the City's allowable height of 50 ft. We're going to request a variance for the additional 5 ft. and part of the variance submissions an approval from the Airport Authority for any structure in excess of 40 ft is required. The property is located at 2809 34th Avenue and I've attached a FAA exhibit showing the distance from the site to the closest runway, which is 11,866 ft. Based on the distance from runway and FAA requirement (highlighted in attachment), we are allowed a height of 118.66 ft. (see calculation below). The deadline for us to submit our variance application is tomorrow, so if there's any way you can expedite this review and approval it would be greatly appreciated. And if there's any information you need, please let me know.

$$\frac{11,866 \text{ ft}}{100 \text{ ft}} = 118.66 \text{ ft.}$$

Thanks,

Nicholas W. Moody, P.E., LEED AP BD+C

Sr. VP of Design Services

MP Design Group

[228.217.6316](tel:228.217.6316)(c)

[228.388.1950](tel:228.388.1950)(o)

nmoody@mpdesigngroup.us



918 Howard Avenue Suite F, Biloxi, MS 39530 | www.mpdesigngroup.us

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Casey Lyons
Director of Operations & Maintenance
Gulfport-Biloxi International Airport
14035-L Airport Rd. | Gulfport, MS 39503
(228) 863-5951 (o) | (228) 863-5953 (c)
www.FLYGPT.com

We Make Flying Easier.







Notice Criteria Tool

Notice Criteria Tool - Desk Reference Guide V_2018.2.0

The requirements for filing with the Federal Aviation Administration for proposed structures vary based on a number of factors: height, proximity to an airport, location, and frequencies emitted from the structure, etc. For more details, please reference CFR Title 14 Part 77.9.

You must file with the FAA at least 45 days prior to construction if:

- your structure will exceed 200ft above ground level
- your structure will be in proximity to an airport and will exceed the slope ratio
- your structure involves construction of a traverseway (i.e. highway, railroad, waterway etc...) and once adjusted upward with the appropriate vertical distance would exceed a standard of 77.9(a) or (b)
- your structure will emit frequencies, and does not meet the conditions of the FAA Co-location Policy
- your structure will be in an instrument approach area and might exceed part 77 Subpart C
- your proposed structure will be in proximity to a navigation facility and may impact the assurance of navigation signal reception
- your structure will be on an airport or heliport
- filing has been requested by the FAA

If you require additional information regarding the filing requirements for your structure, please identify and contact the appropriate FAA representative using the Air Traffic Areas of Responsibility map for Off Airport construction, or contact the FAA Airports Region / District Office for On Airport construction.

The tool below will assist in applying Part 77 Notice Criteria.

* Structure Type:

BUILDING | Commercial Use Building

Please select structure type and complete location point information.

Latitude:

30 Deg 23 M 8.62 S N

Longitude:

89 Deg 6 M 13.02 S W

Horizontal Datum:

NAD83

Site Elevation (SE):

32 (nearest foot)

Structure Height :

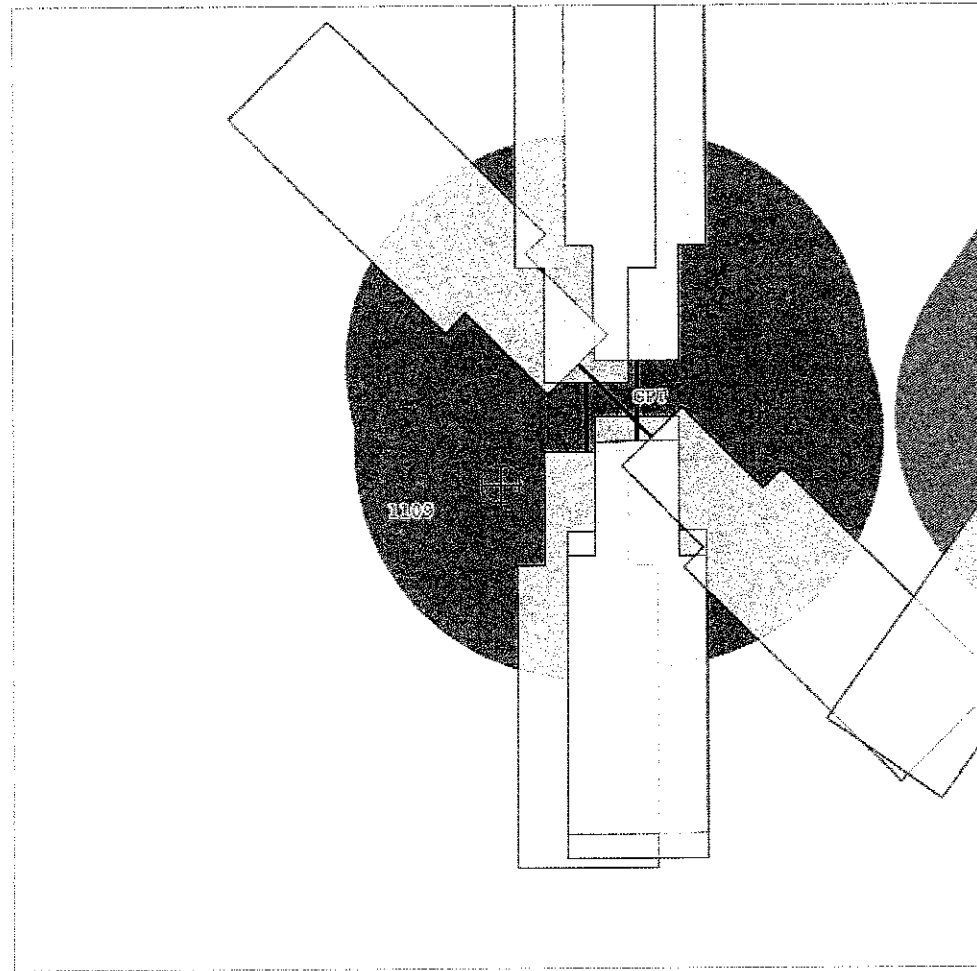
55 (nearest foot)

Is structure on airport:

- ☒ No
☐ Yes

Results

You do not exceed Notice Criteria.



Variance Submissions

1. The proposed building is a cold storage facility that is designed to maintain certain environmental conditions to keep temperature sensitive products safe. The building height of 55'-3" is required to provide the necessary internal cold storage volume to regulate the building climate for the types of products that will be stored in the facility.
2. The building height requirement for this type of facility as explained in the answer above is the sole reason for the variance request.
3. The physical character of the property does not create an unnecessary hardship. The hardship is this type of facility requires a specific building height to regulate the building climate for the types of products being stored as explained in the answer to question #1.
4. The current zoning for this property and the adjacent properties are classified as light industry, heavy industry, planned industry, or general business. And this proposed warehouse type facility is allowed by right for the current zoning. The proposed development is to be a \$73 million investment to the City and provide 73 new jobs.
5. The request for an additional 5'-3" building height variance will not confer any special privilege to the applicant. The building height variance will allow the building to be constructed to the required building height for this type of cold storage facility.
6. This proposed warehouse type facility is permissible by right for the current property zoning.



I-2

I-1

I-1

R-2

2809 34TH AVE J

2809 34TH AVE

2804 34TH AVE
2804 34TH AVE

2804 34TH AVE
2804 34TH AVE

B-2

3428 28TH ST

B-2

I-2

3350 28TH

28TH ST

I-1

PARKSIDE

28TH ST PARK



2809 34TH AVE J

2809 34TH AVE

3428 28TH ST

2804 34TH AVE
2804 34TH AVE

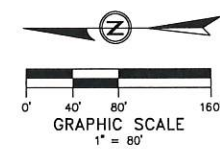
2804 34TH AVE
2804 34TH AVE

3350 28TH ST

28TH ST

PARKSIDE

28TH ST PARK

[illegible]

C201

VERIFY SCALES

BAR IS ONE INCH ON ORIGINAL DRAWING

1"

IF NOT ONE INCH ON THIS SHEET, ADJUST SCALES ACCORDINGLY



[Signature] 1st Judicial District
Instrument 2019 2901 D - J1
Filed/Recorded 5/ 3/2019 03:35 P
Total Fees \$ 12.00
10 Pages Recorded

THIS INSTRUMENT WAS PREPARED BY AND RETURN TO:

Balch & Bingham LLP
Attn: Mark E. Bond, MSB #103992
1310 25th Avenue
Gulfport, MS 39501
(228) 864-9900

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

WARRANTY DEED

**GRANTOR'S ADDRESS AND
TELEPHONE NUMBER:**

Mississippi-Gulfport Compress & Warehouses, Inc.
Attn: S. P. Mellen, Jr.
2809 34th Avenue
Gulfport, MS 39501
(228) 365-4114

GRANTEES' ADDRESS AND TELEPHONE NUMBER:

State of Mississippi
c/o Asst. Secretary of State
Public Lands Division
125 S. Congress Street
Jackson, MS 39205-0136
(601) 359-5156

Mississippi Development Authority
c/o the Executive Director
501 North West Street
Jackson, MS 39201
(601) 359-3449

Mississippi State Port Authority at Gulfport
c/o the Executive Director
2510 14th Street, Suite 1450
Gulfport, MS 39501
(228) 865-4300

Indexing Instructions: SE ¼, Sec. 32-T7S-R11W, 1st J.D., Harrison County, MS

2

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

WARRANTY DEED

FOR AND IN CONSIDERATION of the sum of TEN and NO/100 DOLLARS (\$10.00) cash in hand paid, and other good, legal and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, **MISSISSIPPI-GULFPORT COMPRESS & WAREHOUSES, INC.**, a Delaware corporation, ("Grantor"), hereby GRANTS, BARGAINS, SELLS, CONVEYS AND WARRANTS to the **STATE OF MISSISSIPPI, acting by and through the Mississippi Development Authority and the Mississippi State Port Authority at Gulfport, its agencies**, ("Grantee") subject to all matters, exceptions and reservations hereinafter described, that certain real property situated in the First Judicial District, County of Harrison, State of Mississippi, more particularly described as follows (the "Property"):

SEE EXHIBIT "A" ATTACHED HERETO

together with all improvements located therein and thereon, and together with all rights, easements and appurtenances belonging thereto.

This conveyance is made subject to any and all of the following matters pertaining to the Property which are recorded in the land records in the office of the Chancery Clerk of the First Judicial District of Harrison County, Mississippi: covenants, conditions, restrictions, easements, rights of way, and prior oil, gas and mineral reservations.

Taxes for the year 2019 have been prorated and are assumed by the Grantee. Grantee shall request that the Tax Assessor for Harrison County, Mississippi, recognize the Property as State-owned and remove it from the tax rolls.

The acquisition, use and possession of the Property by the State of Mississippi shall be exercised by and through the Mississippi Development Authority and the Mississippi State Port Authority at Gulfport, agencies of the State of Mississippi, pursuant to Section 59-5-1, *et seq.* of the Mississippi Code Annotated, as amended.

In executing this deed, the Secretary of State is acting in his capacity as Land Commissioner for the State of Mississippi.

Parcels 1 and 2 of the Property, excluding the parcels designated "LESS AND EXCEPT" on Exhibit A, are believed to be one and the same as that depicted and described as the "Survey Description" on the survey prepared by Michael P. Blanchard, P.S., Cassady-Acadia Land Surveying, LLC, dated March 13, 2019 as incorporated herein on Exhibit "B" attached hereto and made a part hereof by reference; and in addition to the general warranty of title to the Property provided hereinabove, Grantor hereby GRANTS, BARGAINS, SELLS, CONVEYS AND FOREVER QUITCLAIMS the real property as described by the "Survey Description" unto Grantee.

This instrument may be executed in any number of counterparts, each of which, when executed and delivered, shall be an original, but all of which shall collectively constitute one and the same instrument.

[See separate signature pages attached]

WITNESS THE SIGNATURE OF GRANTOR made effective this the 16th day of April, 2019, although actually executed on the date set forth in the acknowledgement below.

MISSISSIPPI-GULFPORT COMPRESS &
WAREHOUSES, INC. a Delaware corporation

By: S.P. McIlwain
As Its President

STATE OF MISSISSIPPI

COUNTY OF Harrison

Personally appeared before me, the undersigned authority in and for the said county and state, on this 16th day of April, 2019, within my jurisdiction, the within named S.P. McIlwain, Jr., who acknowledged that he is the President of Mississippi-Gulfport Compress & Warehouses, Inc., a Delaware corporation, and that for and on behalf of the said entity, and as its act and deed he executed the above and foregoing instrument, after first having been duly authorized by said entity so to do.

Martha Katherine Murray
(NOTARY PUBLIC)

My commission expires: 11/5/19

(Affix official seal)



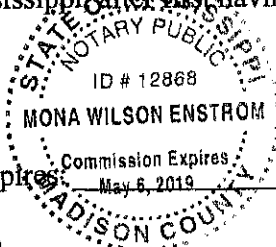
Conveyance accepted by Grantee as of the effective date set forth hereinabove but actually executed on the date set forth in the acknowledgment below.

STATE OF MISSISSIPPI
By and through the Office of the Secretary of State

BY: C. Delbert Hosemann, Jr.
 C. DELBERT HOSEMANN, JR.,
 SECRETARY OF STATE AND
 LAND COMMISSIONER

STATE OF MISSISSIPPI
COUNTY OF HINDS

Personally appeared before me, the undersigned authority in and for the said county and state, on this the 30th day of April, 2019, within my jurisdiction, the within named **C. DELBERT HOSEMANN, JR.**, who acknowledged to me that he is the **SECRETARY OF STATE and LAND COMMISSIONER** of the State of Mississippi and that in said representative capacity he executed the above and foregoing instrument for and on behalf of the State of Mississippi, after first having been duly authorized so to do.



Mona Wilson Enstrom
 (NOTARY PUBLIC)

My commission expires May 6, 2019
 (Affix official seal)

Conveyance accepted by Grantee as of the effective date set forth hereinabove but actually executed on the date set forth in the acknowledgment below.

STATE OF MISSISSIPPI
By and through the Mississippi Development
Authority

By: _____

Glenn McCullough, Jr.
 As Its: Executive Director



STATE OF MISSISSIPPI

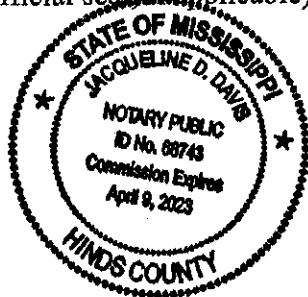
COUNTY OF HINDS

Personally came and appeared before me, the undersigned authority in and for the said county and state, on this the 15th day of April, 2019, within my jurisdiction, the within named Glenn McCullough, Jr., who acknowledged to me that he is the Executive Director of the Mississippi Development Authority, an agency of the State of Mississippi, and that for and on behalf of said agency and as its act and deed, he executed the above and foregoing instrument after first having been duly authorized so to do.

 (NOTARY PUBLIC)

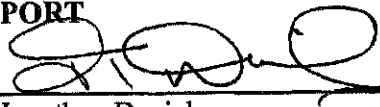
My Commission Expires: 04/09/2023

Affix official seal, if applicable)



Conveyance accepted by Grantee as of the effective date set forth hereinabove but actually executed on the date set forth in the acknowledgment below.

**MISSISSIPPI STATE PORT AUTHORITY AT
GULFPORT**

By: 
Jonathan Daniels
As Its: Executive Director

STATE OF MISSISSIPPI

COUNTY OF HARRISON

Personally came and appeared before me, the undersigned authority in and for the said county and state, on this the 18th day of April, 2019, within my jurisdiction, the within named Jonathan Daniels, who acknowledged to me that he is the Executive Director and Chief Executive Officer of the Mississippi State Port Authority at Gulfport, an agency of the State of Mississippi, and that for and on behalf of said agency and as its act and deed, he executed the above and foregoing instrument after first having been duly authorized so to do.


(NOTARY PUBLIC)

My Commission Expires: _____

Affix official seal, if applicable)



EXHIBIT A**DEED DESCRIPTION OF THE PROPERTY****PARCEL I:**

That tract of ground in the Southeast Quarter of Section 32, Township 7 South, Range 11 West, and more particularly described as follows, to wit: Beginning at the Southeast corner of said Section 32 as now marked by an iron rail and run thence West along South line of said Section a distance of Two Hundred Forty and Seven Tenths feet (240.7 ft.) to an iron pipe; thence North parallel to and Two Hundred Forty and Seven Tenths feet (240.7 ft.) from the East line of said Section, a distance of One Thousand Three Hundred Thirty feet (1,330 ft.) to an iron pipe; thence East Two Hundred Forty and Seven Tenths feet (240.7 ft.) to an iron pipe in the said East line of said Section; thence South along said Section line a distance of One Thousand Three Hundred Thirty feet (1,330 ft.) to the point of beginning, containing Seven and Thirty-Five Hundredths (7.35) acres, together with the improvements constructed thereon.

Being the same property conveyed to Mississippi-Gulfport Compress & Warehouses, Inc. by the City of Gulfport, a municipal corporation in that certain Warranty Deed dated September 16, 1938 and delivered for recording on September 16, 1938 in Deed Book 222, Page 200 in the official records of Harrison County, Mississippi.

AND PARCEL II:

That tract of ground in the Southeast Quarter of Section 32, Township 7 South, Range 11 West, and more particularly described as follows: Beginning at a point in the South boundary of said Section 32, which point is 240.7 feet West of the Southeast corner of said Section, and running from thence North along a line now definitely determined by the West side or face of the existing brick fire wall separating the compress section of the building from the exclusive warehouse section, (and said line being projected South to the point of beginning) a distance of 1,330 feet; thence East a distance of 240.7 feet to an iron pipe on the East boundary of said Section 32; thence North along this East line a distance of 563.9 feet to an iron pipe; thence West a distance of 920 feet; thence South a distance of 1,893.9 feet to an iron pipe in the South boundary of said Section 32; thence East along said boundary of said Section 32 a distance of 679.3 feet to the point of beginning.

Being the same property conveyed to Mississippi-Gulfport Compress and Warehouses, Inc. by the City of Gulfport, Mississippi, a municipal corporation in that certain Corrected Warranty Deed dated July 7, 1955 and delivered for recording on July 7, 1955 in Deed Book 397, Page 116 in the official records of Harrison County, Mississippi.

AND PARCEL III:

Commencing at the Southeast corner of the Southeast 1/4 of Section 32, Township 7 South, Range 11 West; thence South 89°, 47' West a distance of 12 feet, more or less, to an iron rod; thence North 0°, 13' West a distance of 1,893.9 feet, more or less, to an iron rod, said rod being the POINT OF BEGINNING; thence North 0°, 13' West a distance of 46.5 feet, more or less, to an iron rod; thence North 89°, 41' West a distance of 908 feet, more or less, to an iron pipe; thence South 0°, 13' East a distance of 47 feet, more or less, to an iron pipe; thence N 89°, 47' East a distance of 908 feet, more or less, to the POINT OF BEGINNING. All of said land being in the City of Gulfport, Harrison County, Mississippi.

Being the same property conveyed to Mississippi Gulfport-Compress & Warehouses, Inc. by S.P. Mellen in that certain Quitclaim Deed dated May 10, 1991 and filed for record on May 10, 1991 in Deed Book 1186, Page 383 in the First Judicial District of Harrison County, Mississippi.

LESS AND EXCEPT:

That certain parcel of land commencing at the Southeast corner of Section 32, Township 7 South, Range 11 West, and running thence North along the East line of said Section 32 a distance of 1,893.9 feet; thence running West 12 feet; thence running South and parallel with the East line of said Section 32 a distance of 1,893.9 feet to the South line of said Section 32; thence East 12 feet to the point of beginning.

Being the same property conveyed to the City of Gulfport, Mississippi by Mississippi-Gulfport Compress and Warehouses, Inc. in that certain Special Warranty Deed dated July 7, 1955 and filed for record on July 7, 1955 in Deed Book 397, Page 120 in the official records of Harrison County, Mississippi.

ALSO LESS AND EXCEPT:

A parcel of land situated in the Southeast Quarter of Section 32, Township 7 South, Range 11 West, City of Gulfport, First Judicial District, Harrison County, Mississippi and being further described as follows, to wit:

Commencing at the Southeast corner of said Section 32; thence run South 89 degrees 47 minutes 21 seconds West for a distance of 12.00 feet to the intersection of the North margin of 28th Street and the West margin of 34 Avenue and the point of beginning; thence continue along the said North margin of 28th Street South 89 degrees 47 minutes 21 seconds West for a distance of 270.00 feet to a point; thence departing said North margin run North 00 degrees 00 minutes 22 seconds West for a distance of 200.00 feet to a point; thence run North 89 degrees 47 minutes 21 seconds East for a distance of 270.00 feet to a point on the West margin of 34 Avenue; thence run along said West margin South 00 degrees

00 minutes 22 seconds East for a distance of 200.00 feet to the point of beginning, containing 54,000.17 square feet or 1.24 acres, more or less.

Being the same property conveyed to Executive Holdings, LLC by Mississippi Gulfport Compress and Warehouses, Inc. in that certain General Warranty Deed dated August 6, 2012 and filed for record on August 9, 2012 as Instrument No. 2012 4614D-J1 in the First Judicial District of Harrison County, Mississippi.

UNOFFICIAL

EXHIBIT B

SURVEY DESCRIPTION OF THE PROPERTY

A certain tract or parcel of land designated as the "OVERALL PROPERTY" containing +/- 38.25 Acres or 1,666,320 sq. ft., located in Section 32, Township 7 South, Range 11 West, Harrison County, State of Mississippi, being more particularly described as follows:

Commencing at the approximate location of the Southeast corner of Section 32, Township 7 South, Range 11 West, said point being the Point of Commencement,

Then, South 89 degrees 47 minutes 21 seconds West, along the Northerly right of way line of 28th Street, a distance of 282.00 feet to a point, said point being the "POINT OF BEGINNING;"

Then, continuing along the Northerly right-of-way line of 28th Street, South 89 degrees 47 minutes 21 seconds West a distance of 637.33 feet to a point;

Then, departing said right-of-way line, North 00 degrees 00 minutes 10 seconds West a distance of 1,898.38 feet to a point;

Then, South 89 degrees 56 minutes 48 seconds East a distance of 907.22 feet to a point, said point being located along the Westerly right-of-way line of 34th Avenue;

Then, continuing along said right-of-way line, South 00 degrees 00 minutes 22 seconds East a distance of 1,694.20 feet to a point;

Then, departing said right-of-way line, South 89 degrees 47 minutes 21 seconds West a distance of 270.00 feet to a point;

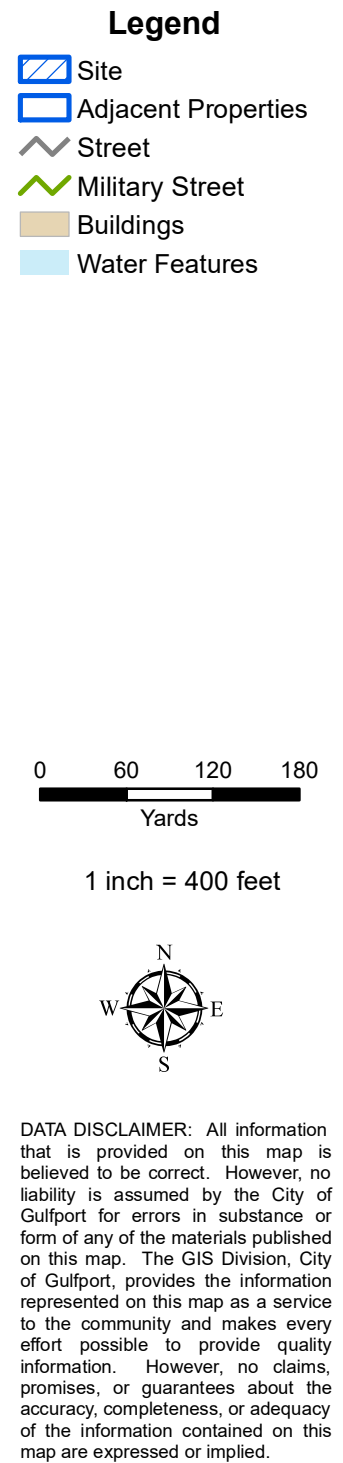
Then, South 00 degrees 00 minutes 22 seconds East a distance of 200.00 feet to the "POINT OF BEGINNING".

The above-described property being the same as that depicted and described as the "Survey Description" on the survey prepared by Michael P. Blanchard, P.S., Cassady-Acadia Land Surveying, LLC, dated March 3, 2019.

Parcels 1 and 2 of the Property described on Exhibit "A," excluding the parcels designated "LESS AND EXCEPT" thereon, and the Survey Description set forth above, are also one and the same as Lots 1A and 1B on that certain Certificate of Re-subdivision, prepared by Machado-Patano, submitted and approved by the Planning Commission of the City of Gulfport on September 3, 2013 and recorded on September 11, 2013 as Instrument No. 2013 6359D-J1 in the official land records of the First Judicial District of Harrison County, Mississippi, together with Lot 2 on that certain Certificate of Re-subdivision, prepared by Machado-Patano, submitted and approved by the Planning Commission of the City of Gulfport on June 19, 2012 and recorded on June 28, 2012 as Instrument No. 2012 3759D-J1 in the aforementioned land records.

Mail	PPIN	Parcel ID	Name	Address	City	State	ZIP
		0710P-01-004.000	MS STATE PORT AUTHORITY AT GULFPORT (OWNER)	2510 14TH STREET, STE 1450	GULFPORT	MS	39501
			DAVID MACHADO (AGENT)	918 HOWARD AVE, STE F	BILOXI	MS	39530
			Adjacent Property Owners (2403ZB043)				
21678	0710P-01-006.000		BLACK JAMES LEWIS & BOBBIE COTTON	318 FAIRVIEW DR	BILOXI	MS	39531
21717	0810M-04-002.000		FAYARD DAVID & KATHY	3305 SUIT A 33 RD ST	GULFPORT	MS	39501
106052	0810M-04-002.001		ACE DATA STORAGE INC	2400 34TH ST	GULFPORT	MS	39501
123837	0810M-04-004.008		JAMES NELSON PROPERTIES INC	111 31ST STREET	GULFPORT	MS	39507
123839	0810M-04-004.009		MEGALOPOLOS THREE LLC	201 GALEN DR, APT 220W	KEY BISCAYNE	FL	33159
87515	0810M-04-004.000		TOLAR TERRY & EILERMANN JANET	2620 RUE PALAFOX	BILOXI	MS	39531
123835	0810M-04-004.006		FORWARD MOVING LLC	270 TRACE COLONY PARK, STE B	RIDGELAND	MS	39157
123836	0810M-04-004.005		PREMIER CONSTRUCTION & REMODEL LLC	6807 YORKWOOD ST	NAVARRE	FL	32566
123838	0810M-04-004.004		MINGOTI SANDRA N	2804 34TH AVE BLDG D	GULFPORT	MS	39502
123840	0810M-04-004.010		HAILU MATIWES SOLOMON	1687 HOWELL DR	INDIANAPOLIS	IN	46231
101470	0810M-04-004.001		ST MARK UNITED METHODIST CHURCH	P O BOX 721	GULFPORT	MS	39502
140461	0710P-01-004.002		ARC FDGPTMSOO2 LLC	ATTN: PM DEPT #9741	SAN DIEGO	CA	92130
140863	0710P-01-004.003		EXECUTIVE HOLDINGS LLC	311 TELLY RD	PICAYUNE	MS	39466

Variance



RE: Variance 2403ZB043, by agent David Machado, seeking approval for a building height of 55 feet and 3 inches where 50 feet is the height limit, Tax Parcel 0710P-01-004.000, 2809 34th Avenue, Zoned I-1 (Light-industry), Ward 1

To Applicants and Adjacent Property Owners:

The City of Gulfport Zoning Board of Adjustments and Appeals will hold a public hearing to consider the above application at 3:00 P.M. on **Thursday, March 21, 2024**, in the Council Chambers at the Gulfport City Hall located at 2309 15th Street.

For more information, visit <https://www.gulfport-ms.gov/agendas/> then click the City of Gulfport Zoning Board for **Thursday, March 21, 2024**. A map showing the location of the property involved is located at this website. If you have any questions or comments, please contact this office at the phone number 228-868-5710 or email planners@gulfport-ms.gov. The application is available for viewing in the Planning Division office at 1410 24th Avenue.



The Beaufort Gazette
The Belleville News-Democrat
Bellingham Herald
Centre Daily Times
Sun Herald
Idaho Statesman
Bradenton Herald
The Charlotte Observer
The State
Ledger-Enquirer

Durham | The Herald-Sun
Fort Worth Star-Telegram
The Fresno Bee
The Island Packet
The Kansas City Star
Lexington Herald-Leader
The Telegraph - Macon
Merced Sun-Star
Miami Herald
El Nuevo Herald

The Modesto Bee
The Sun News - Myrtle Beach
Raleigh News & Observer
Rock Hill | The Herald
The Sacramento Bee
San Luis Obispo Tribune
Tacoma | The News Tribune
Tri-City Herald
The Wichita Eagle
The Olympian

AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Amount	Cols	Depth
36845	525462	Print Legal Ad-IPL01617860 - IPL0161786		\$112.15	2	76 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 PM., Thursday, March 21, 2024 in the Council Chambers of the Gulfport City Hall located at 2309 15 th Street to consider the following requests. A copy of the requests will be available for public review at the office of the Department of Urban Development-Planning Division located on first floor of the William H. Hardy Building, 1410 24 th Avenue.

Variance 2403ZB021, by owner Gregory Woodard, seeking approval for a 1,430 square-foot accessory structure where 600 square feet is the size limit, Tax Parcel 0807K-01-018.017, 13324 Harper Court, Zoned R-1-15 (Single-family), Ward 7

Variance 2403ZB022, by owner Gregory Woodard, seeking approval for a side yard setback of 8 feet, where 15 feet is required, Tax Parcel 0807K-01-018.017, 13324 Harper Court, Zoned R-1-15 (Single-family), Ward 7

Variance 2403ZB023, by owner Gregory Woodard, seeking approval for a 24-foot tall accessory structure where 14 feet is the height limit, Tax Parcel 0807K-01-018.017, 13324 Harper Court, Zoned R-1-15 (Single-family), Ward 7

Variance 2403ZB026, by agent Rebecca Gillum, seeking approval for 5-foot side yard setbacks, where 8 feet is required, Tax Parcel 0811G-04-116.000, 2011 17th Ave, Zoned R-2 (Single-family), Ward 3

Variance 2403ZB028, by agent Michael Hester, seeking approval for a 9-foot tall fence along the rear of the property where six feet is the height limit, Tax Parcel 1010K-03-048.000, 2209 Swetman Blvd, R-1-7.5 (Single-Family), Ward 2

Special Exception 2403SC031, by agent Tyler Hickman, seeking approval for daiquiri shop, Tax Parcels 0908N-04-004.000, 0908N-04-004.001, 13211 Dedeaux Road, Zoned B-1 (Neighborhood business), Ward 5

Variance 2403ZB033, by owners Joseph and Rebecca Cowart, seeking approval for a 2400 detached accessory structure, Tax Parcel 0811B-01-037.000, 2601 15th Avenue, Zoned B-2 (General Business), Ward 3

Variance 2403ZB034, by owner Kevin Myers, seeking approval for a 960 square foot accessory structure, Tax Parcel 0811G-06-026.000, 1625 19th Ave, Zoned T4L (General Urban Zone "Limited"), Ward 2

Variance 2403ZB035, by owner Kevin Myers, seeking approval for a rear yard setback of 50 inches (4.17 ft) and a side yard setback of 53 inches (4.42 feet), Tax Parcel 0811G-06-026.000, 1625 19th Ave, Zoned T4L (General Urban Zone "Limited"), Ward 2

Variance 2403ZB036, by agent Robert Addison Riemann, seeking approval for an additional wall sign on the eastern elevation, Tax Parcel 0809K-02-002.001, 15223 Creosote Road, Zoned B-4 (Highway-business), Ward 3

Variance 2403ZB041, by agent Tiffany Marshall, seeking approval for zero required parking for all future uses, Tax Parcels 0811E-02-042.000, 0811E-02-043.000, 0811E-02-044.000, 1512 30th Ave, 1516 30th Ave, 1518 30th Ave, 1520 30th Ave, 1522 30th Ave, 1528A 30th Ave, 1528B 30th Ave, Zoned T6 (Urban Core Zone), Ward 2

Variance 2403ZB042, by agent Tiffany Marshall, seeking approval for backing into city right of way, Tax Parcels 0811E-02-042.000, 0811E-02-043.000, 0811E-02-044.000, 1512 30th Ave, 1516 30th Ave, 1518 30th Ave, 1520 30th Ave, 1522 30th Ave, 1528A 30th Ave, 1528B 30th Ave, Zoned T6 (Urban Core Zone), Ward 2

Variance 2403ZB043, by agent David Machado, seeking approval for a building height of 55 feet and 3 inches where 50 feet is the height limit, Tax Parcel 0710P-01-004.000, 2809 34th Avenue, Zoned I-1 (Light-industry), Ward 1

This the 1st day of March 2024
A. Leslie North, Chairman
City of Gulfport Zoning Board of Adjustment and Appeals
PO210200
IPL0161786
Mar 6 2024

STATE OF MISSISSIPPI COUNTY OF HARRISON

Before me, the undersigned Notary of Dallas County, Texas personally appeared Stephanie Hatcher, 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:
03/06/24

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.

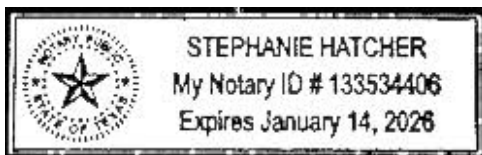
Stephanie Hatcher

Sworn to and subscribed before me this 11th day of
March in the year of 2024

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!