

AGENDA
ZONING BOARD OF ADJUSTMENT AND APPEALS
CITY HALL COUNCIL CHAMBERS
THURSDAY, JUNE 20, 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 - May 16, 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 2406ZB085:

Variance 2406ZB085, by agent David Johnston Jr., seeking approval for a 2400 square-foot accessory structure where 2000 square feet is the size limit, Tax Parcel 0908I-01-002.001, 12146 Dedeaux Road, Zoned R-1-10 (Single-Family), Ward 6

2. Variance 2406ZB087:(Withdrawn by Applicant)

Variance 2406ZB087, by agent Charlotte Distefano, seeking approval for 16 square foot retail sign that exceeds the size limit, Tax Parcel 0710P-03-028.000, 4002 28th Street, Zoned B-1 (Neighborhood Business), Ward 1

3. Variance 2406ZB088:

Variance 2406ZB088, by agent Bruce Mathes Jr., seeking approval for a 2400 square-foot accessory structure where 2000 square feet is the size limit, Tax Parcel 0707I-01-002.000, 16048 Duckworth Road, Zoned R-1-15 (Single-family), Ward 7

H. Other Business

1. Variance 2403ZB043:

Discussion regarding Variance case# 2403ZB043, regarding the applicant withdrawing their case before the appeal was heard at the June 4th City Council meeting.

I. Adjournment

MINUTES

ZONING BOARD OF ADJUSTMENT AND APPEALS MEETING

Thursday, May 16, 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 3:00 pm.
- D. **Determination of a Quorum**:

BOARD MEMBERS PRESENT:

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

BOARD MEMBERS ABSENT:

STAFF MEMBERS PRESENT:

MATILDA WELCH
SU-LIN FEATHERSTON
LESLIE ERVIN
BRYCE CLUGH

COURT REPORTER:

NORMA SOROE

E. Confirmation of Agenda:

F. Approval of Minutes:

Motion by Mr. Boddie and seconded by Mr. Kaigler to approve Minutes of the April 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 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

Speaking for the Petition: Michael Bogan

Speaking against the Petition: None

Motion: Mr. Boddie – to approve the applicant’s request.

Second: Mr. Daniels

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

2. Variance 2405ZB059:

Variance 2405ZB059, by owners OMT, LLC and FTO, LLC, seeking approval for parking that pulls out into right of way, Tax Parcel 0811B-05-012.000, 1602 26th Street, Zoned B-2 (General Business), Ward 3

Speaking for the Petition: John Daniel

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

3. Variance 2405ZB060:

Variance 2405ZB060, by agent Jonathan Fernandez, seeking approval for parking that pulls out into right of way, Tax Parcel 0910M-03-072.000, 1015 Pass Road, Zoned B-2 (General Business), Ward 3

Speaking for the Petition: Jonathan Fernandez

Speaking against the Petition: None

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

Second: Mr. Kaigler

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 2405ZB061:

Variance 2405ZB061, by owners Tim and Tracie Bruni, seeking approval for a eight-foot tall fence where the height limit is six feet, Tax Parcel 1010D-03-014.000, 51 Shoreline Lane, Zoned R-1-7.5 (Single-family), Ward 4

Speaking for the Petition: Tim Bruni

Speaking against the Petition: None

Motion: Mr. Pharr – 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. Variance 2405ZB063:

Variance 2405ZB063, by owner Michael Bogan, seeking approval for a 4-foot rear yard setback where 8 feet is required, Tax Parcel 0811G-04-116.000, 2011 17th Ave, Zoned R-2 (Single-family), Ward 3

Speaking for the Petition: Michael Bogan

Speaking against the Petition: None

Motion: Mr. Boddie – 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

6. Variance 2405ZB064:

Variance 2405ZB064, by agent Morgan Speranzo Hado, seeking approval for a 22-foot and one-inch front yard setback where 25 feet is required, Tax Parcels 1009N-01-002.061, 1009N-01-002.062, Georgian Way, Zoned R-2 (Single-family), Ward 5

Speaking for the Petition: Morgan Hado

Speaking against the Petition: None

Motion: Mr. Boddie – to approve the applicant’s request.

Second: Mr. Kaigler

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

7. Variance 2405SE067:

Special Exception 2405SE067, by agent Frankie Jackson, seeking approval for a tattoo parlor, Tax Parcel 1010G-03-003.002, 2033 E Pass Road Unit B, Zoned B-2 (General-business), Ward 2

Speaking for the Petition: Frankie Jackson

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

**8. Variance 2405ZB070:
(Removed by Planning Staff)**

Variance 2405ZB070, by agent Jon D. Storonsky, application request a variance for one additional roof sign where there is no street frontage, Tax Parcel 0808K-03-113.001, 15142 Dedeaux Road, Zoned R-B (Residence-business), Ward 7

Speaking for the Petition:

Speaking against the Petition:

Motion:

Second:

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

Action: Motion carried unanimously

9. Variance 2405ZB071:

Variance 2405ZB071, by agent Amanda Crose and designated agent Donovan Scruggs, seeking approval for a 21-foot and 3.5-inch setback on a second frontage where 25 feet is required, Tax Parcel 0908E-01-001.001, 11030 Alphabet Road Zoned R-1-10 (Single-family), Ward 6

Speaking for the Petition: Donovan Scruggs

Speaking against the Petition: None

Motion: Mr. Boddie – 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

10. Variance 2405ZB072:

Variance 2405ZB072, by agent Amanda Crose and designated agent Donovan Scruggs, seeking approval for a 23-foot and 2-inch setback on a second frontage where 25 feet is required, Tax Parcel 0908C-01-001.000, 11102 Alphabet Road, Zoned R-1-10 (Single-family), Ward 6

Speaking for the Petition: Donovan Scruggs

Speaking against the Petition: None

Motion: Mr. Kaigler – 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

11. Variance 2405ZB073:

Variance 2405ZB073, by agent Amanda Crose and designated agent Donovan Scruggs, seeking approval for a 21-foot and 2-inch setback on a second frontage where 25 feet is required, Tax Parcel 0908C-01-001.000, 11041 Alphabet Road, Zoned R-1-10 (Single-family), Ward 6

Speaking for the Petition: Donovan Scruggs

Speaking against the Petition: None

Motion: Mrs. Wiginton – 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

12. Variance 2405ZB075:

Variance 2405ZB075, by owner Diane Myers, seeking approval for a gravel driveway where asphalt or concrete is required, Tax Parcel 0909O-02-029.000, 21 50th Street, Zoned R-1-7.5 (Single-family), Ward 4

Speaking for the Petition: Diane Myers

Speaking against the Petition: None

Motion: Mr. Boddie – to approve the applicant’s request.

Second: Mr. Kaigler

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

13. Variance 2406ZB078:

Variance 2406ZB078, by agent Bryan Hall, seeking approval for fence columns of 7 feet and 4 inches in height where the height limit is 6 feet, Tax Parcels 1009N-01-002.001, 1009N-01-002.002, 1009N-01-002.003, 1009N-01-002.004, 1009N-01-002.023, 1009N-01-002.024, 1009N-01-002.025, 1009N-01-002.026, 1009N-01-002.027, 1009N-01-002.028, 1009N-01-002.029, 1009N-01-002.030, 1009N-01-002.031, 1009N-01-002.032, 1009N-01-002.033, 1009N-01-002.034, 10881 Lily Lane, 10887 Lily Lane, 10893 Lily Lane, 10899 Lily Lane, 10809 Lily Lane, 10815 Lily Lane, 10821 Lily Lane, 10827 Lily Lane, 10833 Lily Lane, 10839 Lily Lane, 10845 Lily Lane, 10851 Lily Lane, 10857 Lily Lane, 10863 Lily Lane, 10869 Lily Lane, 10875 Lily Lane, Zoned R-2 (Single-family), Ward 5

Speaking for the Petition: Mr. Byan Hall

Speaking against the Petition: None

Motion: Mr. Hahn – 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

Adjournment:

Motion by **Mr. Pharr** to adjourn the meeting was seconded by **Mrs. Wiginton** and carried unanimously. The meeting adjourned **3:47 pm**.

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: June 20, 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: June 20, 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: June 20, 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: June 20, 2024

Re: Variance 2406ZB085:

Variance 2406ZB085, by agent David Johnston Jr., seeking approval for a 2400 square-foot accessory structure where 2000 square feet is the size limit, Tax Parcel 0908I-01-002.001, 12146 Dedeaux Road, Zoned R-1-10 (Single-Family), Ward 6

Technical Report

VARIANCE

GENERAL INFORMATION

Case File Number: 2406ZB085

Hearing Date: June 20, 2024

Current Zoning/Use: R-1-10/ Single Family

Legal: Variance 2406ZB085, by agent David Johnston Jr., seeking approval for a 2400 square-foot accessory structure where 2000 square feet is the size limit, Tax Parcel 0908I-01-002.001, Zoned R-1-10 (Single-Family), Ward 6

TECHNICAL DETAILS

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

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

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

Technical Report

VARIANCE

The applicant requests a variance of 400 square feet for an accessory structure size of 2400 square feet where 2000 square feet is the maximum, for lots greater than or equal to one acre.

- (a) Applicant states the structure will be used “to store [their] equipment.” They also state that the overall size of the property is 11.5 acres and as such, it will be able to accommodate the size of the structure. This does not adequately address the question of whether or not if there are special conditions or circumstances unique to the property in that area.
- (b) The applicant states that [they] “didn’t make the size limit, 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] “need additional space to store equipment. This further demonstrates that there is no hardship related to the property.
- (d) The applicant notes that [they] are “sure there are larger barns in the area.” This does not adequately address how 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 properties. Upon staff review, there were no visible structures in surrounding area that had accessory structures near the requested square footage of this proposed structure. The area is generally mixed-use with a mix between neighborhood businesses and residential subdivisions and most of these properties are much small than the proposed site. Upon further research, there were no properties in the surrounding area that have filed a prior variance for a structure exceeding the allowable square footage and as such, this case would establish precedence for this area.
- (f) This property is zoned R-1-10 Single-family, and an accessory structure is allowed by right.

EXECUTIVE SUMMARY

No legitimate hardships were provided by the applicant in the written request. There are no preexisting non-conforming structures that exist that are over the allowed square footage nor have there been any prior variances requested for a structure exceeding the allowable square footage. As such, this would mean that approval would establish precedence. If approved, the applicant would be able to place the structure in accordance to the setbacks required in the R-1-10 zoning.

Any approval should consider these conditions:

1. Must meet all current building Codes and City of Gulfport Ordinances.
2. The site plan only shows the placement and dimensions of the barn, without color elevations. Approval from the ARC may be required for building material(s).
3. Approval allows for a variance of 400 square feet for an accessory structure size of 2400 square feet where 2000 square feet is the maximum, for lots greater than or equal to one acre.

Technical Report

VARIANCE

DEPARTMENTAL CONDITIONS

<u>Engineering:</u>	No conditions. Memo dated 5/31/24.
<u>Public Works:</u>	No conditions. Memo dated 6/6/24.
<u>Traffic and Safety:</u>	No conditions. Memo dated 6/3/24.
<u>Building Code Services:</u>	Must meet all current building Codes and City of Gulfport Ordinances. Memo dated 5/28/24.
<u>GIS:</u>	No conditions. Memo dated 5/28/24.
<u>Police Department:</u>	No comment as of 6/7/24.
<u>Fire Department:</u>	No conditions. Memo dated 5/29/24.
<u>City Arborist:</u>	No conditions. Memo dated 5/28/24.

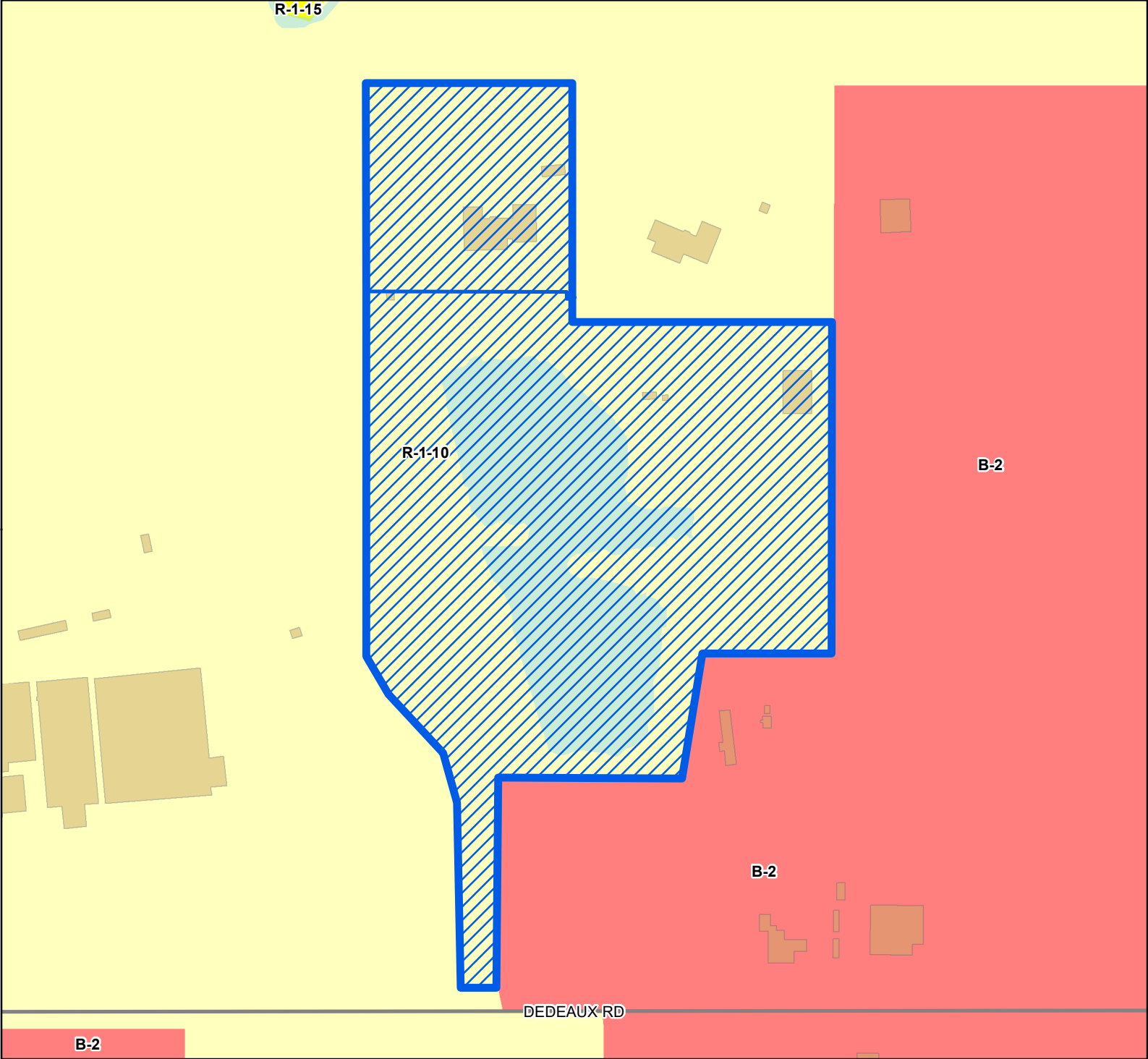
DIRECTOR APPROVAL

This report has been reviewed and approved by:



Greg Holmes
Director of Urban Development Department





 Site

 Street

 Buildings

 Water Features

 City Limit

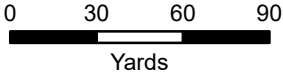
Zoning

 B-2 - General Business District

 R-1-10 - Single Family Residence (Low Density)

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

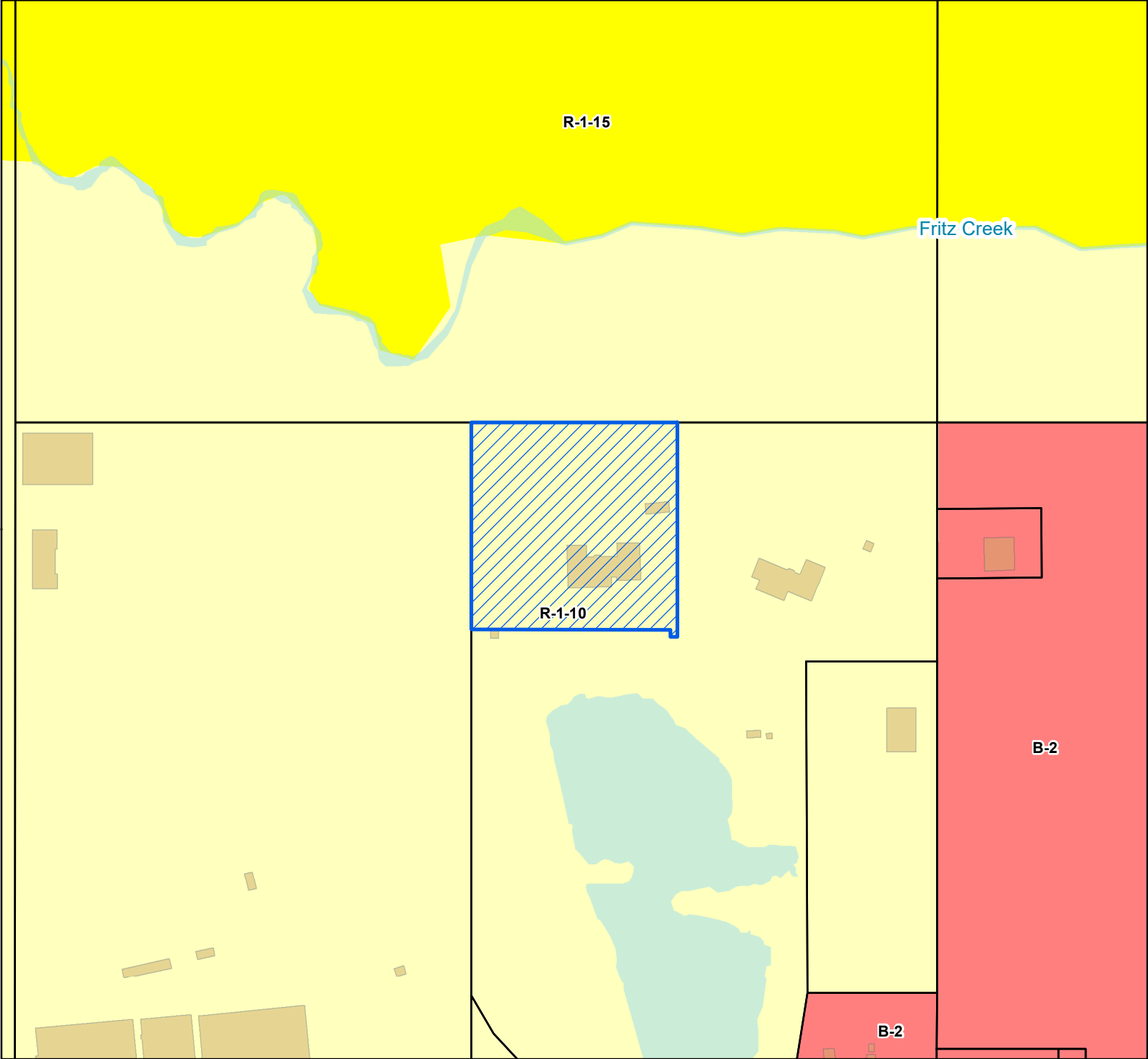
Site Information
0908I-01-002.001
Zoning: R-1-10 (Single-family)
Size: 11.8 acres
Flood: X



1 inch = 200 feet



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



Site

Parcels

Buildings

Water Features

City Limit

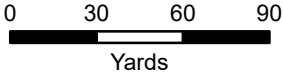
Zoning

B-2 - General Business District

R-1-10 - Single Family Residence (Low Density)

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

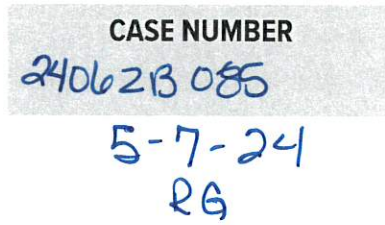
Site Information
0908I-01-002.001
Zoning:R-1-10 (Single-family)
Size: 2 acres
Flood: X



1 inch = 200 feet



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OWNER:David Johnston

Printed Name of Owner

12146 Dedeaux Rd.

Mailing Address

same

City

GULFPORT

State

MS

Zip Code

39503

Home Phone

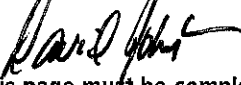
Work/Cell Phone

228 669 6234

Email

david.johnstonjr@gmail.com

Signature of Owner

**AGENT:**David Johnston Jr.

Printed Name of Agent

12146 Dedeaux Rd.

Mailing Address

GulfportMS39503

City

State

Zip Code

228 284 9442

Home Phone

Work/Cell Phone

davidjohnstonjr@gmail.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)** Leslie R. Johnston

Address (Street, City, State, Zip Code)

12146 Dedeaux Rd.

Phone (Home)

(Work)

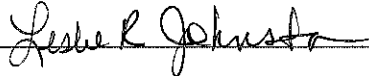
(Cell)

228 669 6235

Tax Parcel Number(s) Owned:

09081-01-002.001

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, David Johnston being property owner of 12146 Dedaux Rd.
PRINT NAME PRIMARY ADDRESS OR PARCEL
which is the subject of this application hereby authorize David Johnston Jr. 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.

David Johnston
SIGNATURE

4/18/24
DATE

STATE OF MISSISSIPPI | COUNTY OF HARRISON

Given under my hand and seal of office this the 18th day of April, 20 24

Samuel Sweeting
NOTARY PUBLIC



2027
COMMISSION EXPIRATION



COVENANT AFFIDAVIT

I, David Johnston being property owner or agent of the property 12146 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.

David Johnston
SIGNATURE

4/18/24
DATE

STATE OF MISSISSIPPI | COUNTY OF HARRISON

Given under my hand and seal of office this the 18th day of April, 20 24

Samuel Sweeting
NOTARY PUBLIC

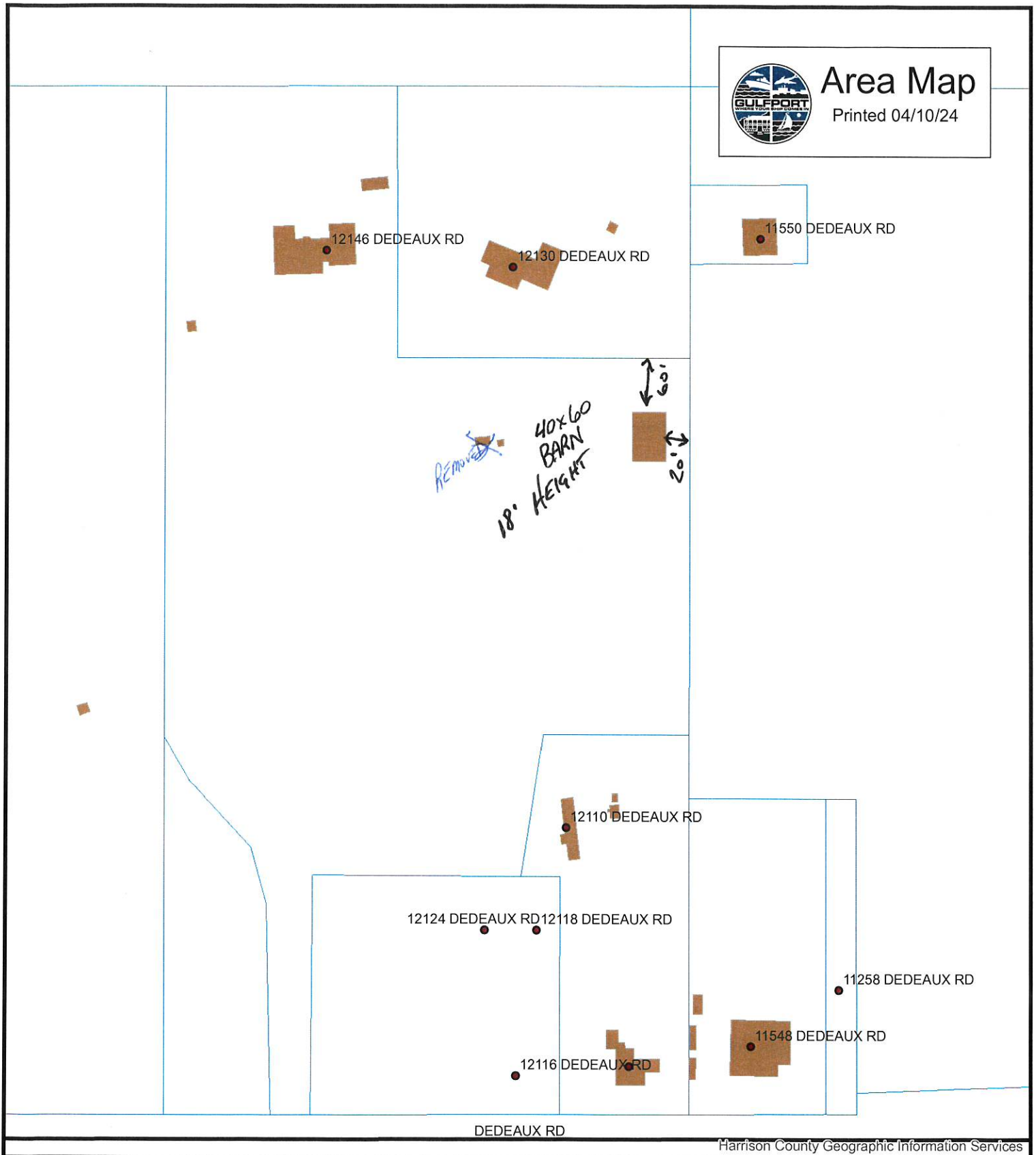
05/22/2027
COMMISSION EXPIRATION





Area Map

Printed 04/10/24



- Addresspoints
- parcel

Initial and date here:

Planner: Samuel Dominguez 4/18/24

Owner: David [Signature] 4/18/24

Contractor: _____



1 inch = 160 feet

DATA DISCLAIMER:

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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?)

I need to be able to store my equipment. It is on 1 1/2 acres and not visible from road.

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.)
I didn't make the size limit

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?)

I need additional space to store equipment

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.)

- I'm sure there are larger barns in the area*
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?)

I will not receive special benefit that others 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.

Allowed by right. Only needing variance for building size



J. L. L. 1st JUDICIAL DISTRICT
Instrument 2023-0025195-D-11
Filed/Recorded 12/15/2023 9:25:01 AM
Total Fees 42.00
11 Pages Recorded

Prepared by:
MATTHEWS & MATTHEWS
Attorneys at Law
125 W. College Avenue
Wiggins, MS 39577
601/928-9997

Return to:
MATTHEWS & MATTHEWS
Attorneys at Law
125 W. College Avenue
Wiggins, MS 39577

INDEX AS FOLLOWS: In the SE1/4 of the NE1/4 of Section 12, Township 7 South, Range 11 West, Harrison County, Mississippi.

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

WARRANTY DEED

For and in consideration of the sum of Ten Dollars (\$10.00) cash in hand paid and other good and valuable considerations passing, the receipt and sufficiency all of which is hereby acknowledged, We,

CLIFTON H. JOHNSTON, JR.
5410 River Landing Drive
Mobile, AL 36619
Telephone Number: 251-751-2479

And

PATTY L. MOHOLLAND
112 Hollis Chapel Road
Fredericksburg, VA 22406
Telephone Number: 207-624-2807

And

JERRY A. JOHNSTON
And
REBECCA J. JOHNSTON
Husband and Wife
12130 Dedeaux Road
Gulfport, MS 39503
Telephone Number: 228-860-8639

And
THERESA JOHNSTON MORGAN
815 Crawley Gin Road
Shelby, NC 28150
Telephone Number: 704-477-4051

And
DAVID N. JOHNSTON
And
LESLIE R. JOHNSTON
Husband and Wife
12146 Dedeaux Road
Gulfport, MS 39503
Telephone Number: 228-669-6234

do hereby grant, bargain, sell, convey and warrant, subject to the exceptions hereinafter set out unto

DAVID N. JOHNSTON
And
LESLIE R. JOHNSTON
Husband and Wife
12146 Dedeaux Road
Gulfport, MS 39503
Telephone Number: 228-669-6234

Not as tenants in common, but as tenants by the entirety with full rights of survivorship, certain real property, together with all improvements, located thereon, located in Harrison County, Mississippi, more particularly described as follows, to-wit:

SEE ATTACHED EXHIBIT "A"

Subject to any and all prior reservations and/or conveyances of any or all oil, gas and other minerals in, on and under the above described property.

The attached described property does not constitute any part of the homestead of the Grantors.

At present, a petition to establish the heirships of Clifton H. Johnston and Rosa L. Johnston is being filed contemporaneously herewith. The Grantors herein constitute the sole and only heirs at law of Clifton H. Johnston and Rosa L. Johnston.

IN WITNESS WHEREOF, We set and subscribe our signatures on the separate dates as set out below:

Clifton H. Johnston, Jr. 8-9-23
CLIFTON H. JOHNSTON, JR. DATE:

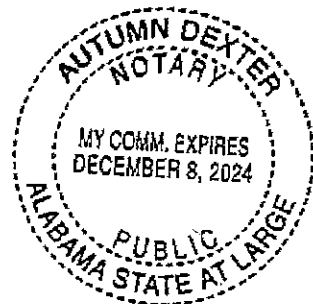
STATE OF ALABAMA

COUNTY OF Mobile

BEFORE ME, the undersigned authority in and for the aforesaid State and County, personally appeared CLIFTON H. JOHNSTON, JR., who acknowledged that he executed, sealed and delivered the above and foregoing Warranty Deed on the day and year therein written as his own free and voluntary act and deed.

GIVEN under my hand and official seal of office on this the 9 day of
August, 2023.

Autumn Dexter
NOTARY PUBLIC



Patty L. Moholland Aug 11, 2023
PATTY L. MOHOLLAND DATE:

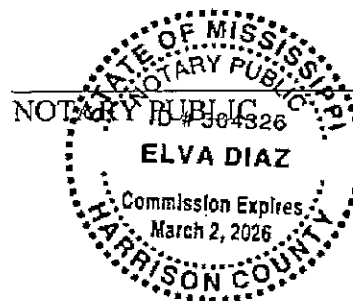
State of Mississippi
~~COMMONWEALTH OF VIRGINIA~~

COUNTY OF Harrison

BEFORE ME, the undersigned authority in and for the aforesaid State and County, personally appeared PATTY L. MOHOLLAND, who acknowledged that she executed, sealed and delivered the above and foregoing Warranty Deed on the day and year therein written as her own free and voluntary act and deed.

GIVEN under my hand and official seal of office on this the 11 day of

Aug, 2023.



Jerry A. Johnston July 13, 2023
JERRY A. JOHNSTON DATE:

Rebecca J. Johnston July 13, 2023
REBECCA J. JOHNSTON DATE:

STATE OF MISSISSIPPI

COUNTY OF Stone

BEFORE ME, the undersigned authority in and for the aforesaid State and County, personally appeared JERRY A. JOHNSTON and REBECCA J. JOHNSTON, who acknowledged that they executed, sealed and delivered the above and foregoing Warranty Deed on the day and year therein written as their own free and voluntary act and deed.

GIVEN under my hand and official seal of office on this the 13th day of
July, 2023.

[Signature]
NOTARY PUBLIC



David N. Johnston July 13, 2023
DAVID N. JOHNSTON DATE:

Leslie R. Johnston July 13, 2023
LESLIE R. JOHNSTON DATE:

STATE OF MISSISSIPPI

COUNTY OF Stone

BEFORE ME, the undersigned authority in and for the aforesaid State and County, personally appeared DAVID N. JOHNSTON and LESLIE R. JOHNSTON, who acknowledged that they executed, sealed and delivered the above and foregoing Warranty Deed on the day and year therein written as their own free and voluntary act and deed.

GIVEN under my hand and official seal of office on this the 13th day of
July, 2023.

[Signature]
NOTARY PUBLIC



Theresa Johnston Morgan 8/11/23
THERESA JOHNSTON MORGAN DATE:

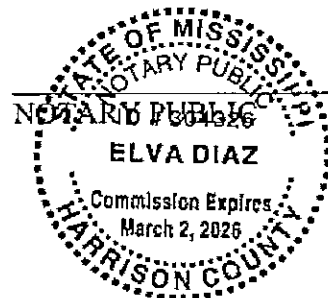
State of Mississippi
~~STATE OF NORTH CAROLINA~~

COUNTY OF Harrison

BEFORE ME, the undersigned authority in and for the aforesaid State and County, personally appeared THERESA JOHNSTON MORGAN, who acknowledged that she executed, sealed and delivered the above and foregoing Warranty Deed on the day and year therein written as her own free and voluntary act and deed.

GIVEN under my hand and official seal of office on this the 11 day of

Aug., 2023.



[Signature]

EXHIBIT "A"

INDEX AS FOLLOWS: In the SE1/4 of the NE1/4 of Section 12, Township 7 South, Range 11 West, Harrison County, Mississippi.

Commence at the Northeast corner of the Southeast Quarter of Northeast Quarter of Section 12, Township 7 South, Range 11 West, Harrison County, Mississippi; thence run South 89 degrees 58 minutes 33 seconds West 371.91 feet, along and with the north line of said forty, to the Point of Beginning; thence run South 00 degrees 10 minutes 00 seconds East for a distance of 344.23 feet to a point; thence run North 89 degrees 58 minutes 52 seconds East for a distance of 371.91 feet to an iron rod found on the East line of said forty; thence run South 00 degrees 14 minutes 54 seconds East 477.61 feet to an iron rod found; thence run South 89 degrees 55 minutes 49 seconds West for a distance of 188.76 feet to an iron rod found; thence run South 09 degrees 44 minutes 04 seconds West 178.39 feet to an iron rod found; thence run South 89 degrees 58 minutes 31 seconds West for a distance of 264.88 feet to an iron rod found; thence run South 00 degrees 10 minutes 00 seconds East for a distance of 300.00 feet to an iron rod found on the north right-of-way line of Dedeaux Road; thence run South 89 degrees 58 minutes 31 seconds West for a distance of 50.00 feet to a found iron pin; thence run North 01 degrees 11 minutes 03 seconds West for a distance of 266.93 feet to a found iron pin; thence run North 15 degrees 34 minutes 45 seconds West for a distance of 73.90 feet to a found iron pin; thence run North 42 degrees 47 minutes 24 seconds West for a distance of 115.93 feet to a found iron pin; thence run North 31 degrees 18 minutes 34 seconds West for a distance of 63.57 feet to a found iron pin; thence run North 00 degrees 10 minutes 00 seconds West 820.86 feet, more or less, to a found iron pin on the north line of said forty; thence run South 89 degrees 58 minutes 33 seconds East, along and with the north line of said forty, for a distance of 297.00 feet, more or less, to the Point of Beginning.

FILED
DEC 15 2023

By [Signature] D.C.

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

**IN THE MATTER OF THE ADJUDICATION
OF HEIRSHIP OF CLIFTON H. JOHNSTON and
ROSA L. JOHNSTON, DECEASED**

CAUSE NO. 24CH1: 2023-01812 MA

**BY: PATTY L. MOHOLLAND,
JERRY A. JOHNSTON,
THERESA JOHNSTON MORGAN,
DAVID N. JOHNSTON and
CLIFTON H. JOHNSTON, JR., PETITIONERS**

ORDER

AFTER all unknown heirs at law of the decedent having been called three times in open court without response the matter having come on to be heard on Petition to Establish Heirs at Law and all necessary and proper parties being before the court and Proof of Publication to any and all heirs at law, known, absent or unknown, of CLIFTON H. JOHNSTON and ROSA L. JOHNSTON, being on file in this cause and the court having considered all of same FINDS that it has jurisdiction of the subject matter and of the parties and FURTHER FINDS, ORDERS AND ADJUDGES as follows, to-wit:

I.

That CLIFTON H. JOHNSTON departed this life on June 7, 2017 and was at the time an adult resident citizen of The First Judicial District of Harrison County, Mississippi. That the sole and only heirs at law of the decedent are as follows:

1. Rosa L. Johnston, his wife, whom survived him but who departed this life on
~~October 17, 2022.~~

2. Clifton H. Johnston, Jr., his son
5410 River Landing Drive
Mobile, AL 36619

3. Patty L. Moholland, his daughter
112 Hollis Chapel Road
Fredericksburg, VA 22406

4. Jerry A. Johnston, his son
12130 Dedeaux Road
Gulfport, MS 39503

5. Theresa Johnston Morgan, his daughter
815 Crawley Gin Road
Shelby, NC 28150

6. David N. Johnston, his son
12146 Dedeaux Road
Gulfport, MS 39503

11.

That ROSA L. JOHNSTON departed this life intestate on October 17, 2022 and was at that time an adult resident citizen of The First Judicial District of Harrison County, Mississippi. That the sole and only heirs at law of the decedent are as follows:

1. Clifton H. Johnston, Jr., her son
5410 River Landing Drive
Mobile, AL 36619

2. Patty L. Moholland, her daughter
112 Hollis Chapel Road
Fredericksburg, VA 22406

3. Jerry A. Johnston, her son
12130 Dedeaux Road
Gulfport, MS 39503

- 4. - Theresa Johnston Morgan, her daughter
815 Crawley Gin Road
Shelby, NC 28150
5. David N. Johnston, her son
12146 Dedeaux Road
Gulfport, MS 39503

Any unknown heirs were called in open Court three times and there was no response.

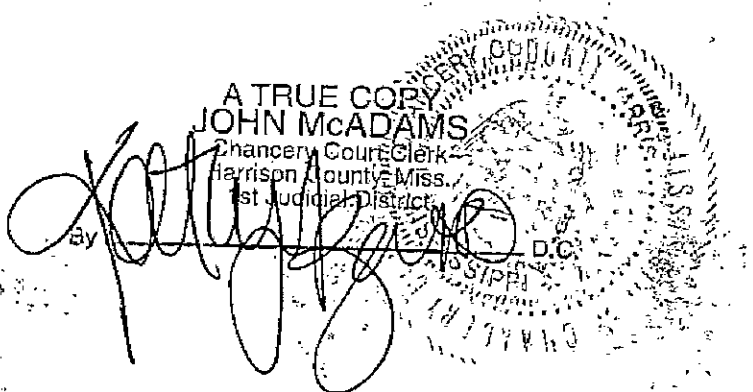
That the summons and petition in this cause of action contained language to the effect that the petitioners made diligent search and inquiry into the names, identities, physical addresses, street addresses, post office addresses, locations, e-mail addresses and telephone numbers of any other persons claiming to be heirs at law, having found no others.

That pursuant to Section 91-1-29, et seq. of the Mississippi Code of 1972, the above-listed persons are established as the sole and only heirs at law of the decedents, CLIFTON H. JOHNSTON and ROSA L. JOHNSTON.

THUS ORDERED AND DONE on this, the 15 day of Dec., 2023.

Margaret Alfonso
CHANCELLOR

Presented to the Court by:
THOMAS M. MATTHEWS, III
Attorney at Law - Bar No. 100769
125 W. College Avenue
Wiggins, MS 39577
Phone: 601/928-9997
Fax: 601/928-6132





J. L. L. 1st JUDICIAL DISTRICT
Instrument 2023-0025195-D-J1
Filed/Recorded 12/15/2023 9:25:01 AM
Total Fees 42.00
11 Pages Recorded

Prepared by:
MATTHEWS & MATTHEWS
Attorneys at Law
125 W. College Avenue
Wiggins, MS 39577
601/928-9997

Return to:
MATTHEWS & MATTHEWS
Attorneys at Law
125 W. College Avenue
Wiggins, MS 39577

INDEX AS FOLLOWS: In the SE1/4 of the NE1/4 of Section 12, Township 7 South, Range 11 West, Harrison County, Mississippi.

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

WARRANTY DEED

For and in consideration of the sum of Ten Dollars (\$10.00) cash in hand paid and other good and valuable considerations passing, the receipt and sufficiency all of which is hereby acknowledged, We,

CLIFTON H. JOHNSTON, JR.
5410 River Landing Drive
Mobile, AL 36619
Telephone Number: 251-751-2479

And

PATTY L. MOHOLLAND
112 Hollis Chapel Road
Fredericksburg, VA 22406
Telephone Number: 207-624-2807

And

JERRY A. JOHNSTON
And
REBECCA J. JOHNSTON
Husband and Wife
12130 Dedeaux Road
Gulfport, MS 39503
Telephone Number: 228-860-8639

And
THERESA JOHNSTON MORGAN
815 Crawley Gin Road
Shelby, NC 28150
Telephone Number: 704-477-4051

And
DAVID N. JOHNSTON
And
LESLIE R. JOHNSTON
Husband and Wife
12146 Dedeaux Road
Gulfport, MS 39503
Telephone Number: 228-669-6234

do hereby grant, bargain, sell, convey and warrant, subject to the exceptions hereinafter set out unto

DAVID N. JOHNSTON
And
LESLIE R. JOHNSTON
Husband and Wife
12146 Dedeaux Road
Gulfport, MS 39503
Telephone Number: 228-669-6234

Not as tenants in common, but as tenants by the entirety with full rights of survivorship, certain real property, together with all improvements, located thereon, located in Harrison County, Mississippi, more particularly described as follows, to-wit:

SEE ATTACHED EXHIBIT "A"

Subject to any and all prior reservations and/or conveyances of any or all oil, gas and other minerals in, on and under the above described property.

The attached described property does not constitute any part of the homestead of the Grantors.

At present, a petition to establish the heirships of Clifton H. Johnston and Rosa L. Johnston is being filed contemporaneously herewith. The Grantors herein constitute the sole and only heirs at law of Clifton H. Johnston and Rosa L. Johnston.

IN WITNESS WHEREOF, We set and subscribe our signatures on the separate dates as set out below:

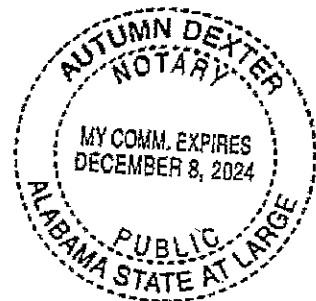
Clifton H. Johnston, Jr. 8-9-23
CLIFTON H. JOHNSTON, JR. DATE:

STATE OF ALABAMA
COUNTY OF Mobile

BEFORE ME, the undersigned authority in and for the aforesaid State and County, personally appeared CLIFTON H. JOHNSTON, JR., who acknowledged that he executed, sealed and delivered the above and foregoing Warranty Deed on the day and year therein written as his own free and voluntary act and deed.

GIVEN under my hand and official seal of office on this the 9 day of
August, 2023.

Autumn Dexter
NOTARY PUBLIC



Patty L. Moholland Aug 11, 2023
PATTY L. MOHOLLAND DATE:

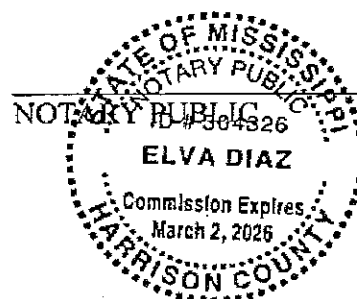
State of Mississippi
~~COMMONWEALTH OF VIRGINIA~~

COUNTY OF Harrison

BEFORE ME, the undersigned authority in and for the aforesaid State and County, personally appeared PATTY L. MOHOLLAND, who acknowledged that she executed, sealed and delivered the above and foregoing Warranty Deed on the day and year therein written as her own free and voluntary act and deed.

GIVEN under my hand and official seal of office on this the 11 day of

Aug, 2023.



ES

Jerry A. Johnston July 13, 2023
JERRY A. JOHNSTON DATE:

Rebecca J. Johnston July 13, 2023
REBECCA J. JOHNSTON DATE:

STATE OF MISSISSIPPI

COUNTY OF Stone

BEFORE ME, the undersigned authority in and for the aforesaid State and County, personally appeared JERRY A. JOHNSTON and REBECCA J. JOHNSTON, who acknowledged that they executed, sealed and delivered the above and foregoing Warranty Deed on the day and year therein written as their own free and voluntary act and deed.

GIVEN under my hand and official seal of office on this the 13th day of

July, 2023.

[Signature]
NOTARY PUBLIC



David N. Johnston July 13, 2023
DAVID N. JOHNSTON DATE:

Leslie R. Johnston July 13, 2023
LESLIE R. JOHNSTON DATE:

STATE OF MISSISSIPPI

COUNTY OF Stone

BEFORE ME, the undersigned authority in and for the aforesaid State and County, personally appeared DAVID N. JOHNSTON and LESLIE R. JOHNSTON, who acknowledged that they executed, sealed and delivered the above and foregoing Warranty Deed on the day and year therein written as their own free and voluntary act and deed.

GIVEN under my hand and official seal of office on this the 13th day of
July, 2023.

[Signature]
NOTARY PUBLIC



Theresa Johnston Morgan 8/11/23
THERESA JOHNSTON MORGAN DATE:

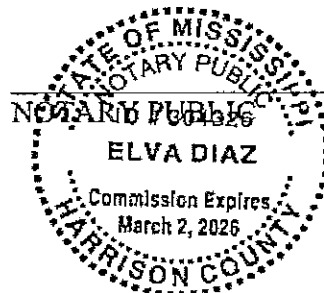
State of Mississippi
~~STATE OF NORTH CAROLINA~~

COUNTY OF Harrison

BEFORE ME, the undersigned authority in and for the aforesaid State and County, personally appeared THERESA JOHNSTON MORGAN, who acknowledged that she executed, sealed and delivered the above and foregoing Warranty Deed on the day and year therein written as her own free and voluntary act and deed.

GIVEN under my hand and official seal of office on this the 11 day of

Aug., 2023.



[Signature]

EXHIBIT "A"

INDEX AS FOLLOWS: In the SE1/4 of the NE1/4 of Section 12, Township 7 South, Range 11 West, Harrison County, Mississippi.

Commence at the Northeast corner of the Southeast Quarter of Northeast Quarter of Section 12, Township 7 South, Range 11 West, Harrison County, Mississippi; thence run South 89 degrees 58 minutes 33 seconds West 371.91 feet, along and with the north line of said forty, to the Point of Beginning; thence run South 00 degrees 10 minutes 00 seconds East for a distance of 344.23 feet to a point; thence run North 89 degrees 58 minutes 52 seconds East for a distance of 371.91 feet to an iron rod found on the East line of said forty; thence run South 00 degrees 14 minutes 54 seconds East 477.61 feet to an iron rod found; thence run South 89 degrees 55 minutes 49 seconds West for a distance of 188.76 feet to an iron rod found; thence run South 09 degrees 44 minutes 04 seconds West 178.39 feet to an iron rod found; thence run South 89 degrees 58 minutes 31 seconds West for a distance of 264.88 feet to an iron rod found; thence run South 00 degrees 10 minutes 00 seconds East for a distance of 300.00 feet to an iron rod found on the north right-of-way line of Dedeaux Road; thence run South 89 degrees 58 minutes 31 seconds West for a distance of 50.00 feet to a found iron pin; thence run North 01 degrees 11 minutes 03 seconds West for a distance of 266.93 feet to a found iron pin; thence run North 15 degrees 34 minutes 45 seconds West for a distance of 73.90 feet to a found iron pin; thence run North 42 degrees 47 minutes 24 seconds West for a distance of 115.93 feet to a found iron pin; thence run North 31 degrees 18 minutes 34 seconds West for a distance of 63.57 feet to a found iron pin; thence run North 00 degrees 10 minutes 00 seconds West 820.86 feet, more or less, to a found iron pin on the north line of said forty; thence run South 89 degrees 58 minutes 33 seconds East, along and with the north line of said forty, for a distance of 297.00 feet, more or less, to the Point of Beginning.

FILED
DEC 15 2023
J. M. Adams, Chancery Clerk
By _____ D.C.

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

IN THE MATTER OF THE ADJUDICATION
OF HEIRSHIP OF CLIFTON H. JOHNSTON and
ROSA L. JOHNSTON, DECEASED

CAUSE NO. 24CH1: 2023-01812 MA

BY: PATTY L. MOHOLLAND,
JERRY A. JOHNSTON,
THERESA JOHNSTON MORGAN,
DAVID N. JOHNSTON and
CLIFTON H. JOHNSTON, JR., PETITIONERS

ORDER

AFTER all unknown heirs at law of the decedent having been called three times in open court without response the matter having come on to be heard on Petition to Establish Heirs at Law and all necessary and proper parties being before the court and Proof of Publication to any and all heirs at law, known, absent or unknown, of CLIFTON H. JOHNSTON and ROSA L. JOHNSTON, being on file in this cause and the court having considered all of same FINDS that it has jurisdiction of the subject matter and of the parties and FURTHER FINDS, ORDERS AND ADJUDGES as follows, to-wit:

I.

That CLIFTON H. JOHNSTON departed this life on June 7, 2017 and was at the time an adult resident citizen of The First Judicial District of Harrison County, Mississippi. That the sole and only heirs at law of the decedent are as follows:

1. Rosa L. Johnston, his wife, whom survived him but who departed this life on
~~October 17, 2022.~~

2. Clifton H. Johnston, Jr., his son
5410 River Landing Drive
Mobile, AL 36619

3. Patty L. Moholland, his daughter
112 Hollis Chapel Road
Fredericksburg, VA 22406

4. Jerry A. Johnston, his son
12130 Dedeaux Road
Gulfport, MS 39503

5. Theresa Johnston Morgan, his daughter
815 Crawley Gin Road
Shelby, NC 28150

6. David N. Johnston, his son
12146 Dedeaux Road
Gulfport, MS 39503

11.

That ROSA L. JOHNSTON departed this life intestate on October 17, 2022 and was at that time an adult resident citizen of The First Judicial District of Harrison County, Mississippi. That the sole and only heirs at law of the decedent are as follows:

1. Clifton H. Johnston, Jr., her son
5410 River Landing Drive
Mobile, AL 36619

2. Patty L. Moholland, her daughter
112 Hollis Chapel Road
Fredericksburg, VA 22406

3. Jerry A. Johnston, her son
12130 Dedeaux Road
Gulfport, MS 39503

- 4. - Theresa Johnston Morgan, her daughter
815 Crawley Gin Road
Shelby, NC 28150
5. David N. Johnston, her son
12146 Dedeaux Road
Gulfport, MS 39503

Any unknown heirs were called in open Court three times and there was no response.

That the summons and petition in this cause of action contained language to the effect that the petitioners made diligent search and inquiry into the names, identities, physical addresses, street addresses, post office addresses, locations, e-mail addresses and telephone numbers of any other persons claiming to be heirs at law, having found no others.

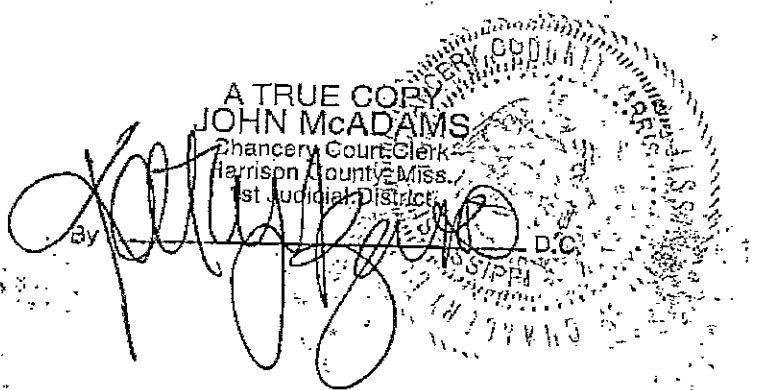
That pursuant to Section 91-1-29, et seq. of the Mississippi Code of 1972, the above-listed persons are established as the sole and only heirs at law of the decedents, CLIFTON H. JOHNSTON and ROSA L. JOHNSTON.

THUS ORDERED AND DONE on this, the 15 day of Dec., 2023.

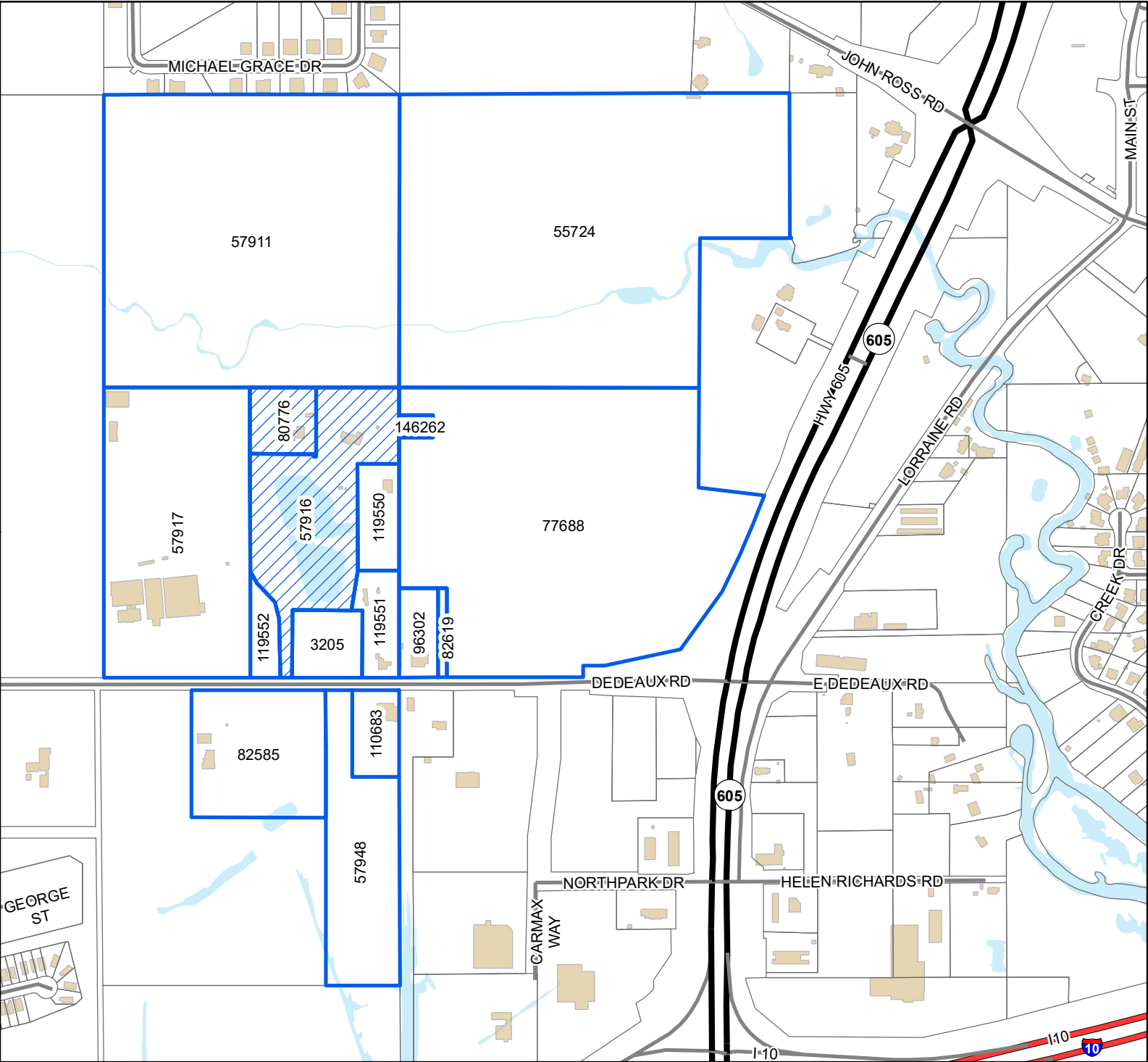


CHANCELLOR

Presented to the Court by:
THOMAS M. MATTHEWS, III
Attorney at Law - Bar No. 100769
125 W. College Avenue
Wiggins, MS 39577
Phone: 601/928-9997
Fax: 601/928-6132

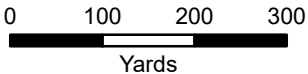


Mail	PPIN	Parcel ID	Name	Address	City	State	ZIP
Y	80776	0908I-01-002.001	JOHNSTON DAVID N & LESLIE R-TRUSTEE	12146 DEDEAUX RD	GULFPORT	MS	39503
Y	77688	1008L-01-002.000	JOHNSTON DAVID N & LESLIE R	12130 DEDEAUX RD	GULFPORT	MS	39503
N	119550	0908I-01-002.003	JOHNSTON DAVID N & LESLIE R-TRUSTEE	12130 DEDEAUX RD	GULFPORT	MS	39503
N			Adjacent Property Owners (2406ZB085)				
	57917	0908I-01-005.000	BIBLE BAPTIST CHURCH OF BILOXI	12200 DEDEAUX RD	GULFPORT	MS	39503
	57911	0908I-01-001.000	MURDOCK RUTH T -TRUSTEE-	11816 LORRAINE RD	GULFPORT	MS	39503
	119552	0908I-01-002.005	BIBLE BAPTIST CHURCH OF BILOXI	12200 DEDEAUX RD	GULFPORT	MS	39503
	96302	1008L-01-003.001	BOYETTE PROPERTIES LLC	11548 DEDEAUX RD	GULFPORT	MS	39503
N	82619	1008L-01-003.000	BOYETTE PROPERTIES LLC	11548 DEDEAUX RD	GULFPORT	MS	39503
	3205	0908I-01-003.000	MARSHALL ANTHONY L	825 DIVISION ST	BILOXI	MS	39530
	55724	1008L-01-001.000	MURDOCK RUTH T -TRUSTEE-	11816 LORRAINE RD	GULFPORT	MS	39503
	82585	0908P-01-002.001	RODKEY WARREN G & DOROTHY-TRUSTEES-	12085 DEDEAUX RD	GULFPORT	MS	39503
	57916	0908I-01-002.000	JOHNSTON CLIFTON H JR -TRUSTEE-	5410 RIVER LANDING DR	GULFPORT	MS	39503
	119551	0908I-01-002.004	JOHNSTON JERRY A & REBECCA J	12110 DEDEAUX RD	GULFPORT	MS	39503
	57948	0908P-01-001.000	SMITH D C	29400 DESMAL SMITH RD	PERKINSTON	MS	39573
N	110683	0908P-01-001.001	GULFPORT CITY OF	2309 15TH ST	GULFPORT	MS	39502
N	146262	1008L-01-002.003	GULFPORT CITY OF	P O BOX 1780	GULFPORT	MS	39502



Legend

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



1 inch = 625 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 2406ZB085, by agent David Johnston Jr., seeking approval for a 2400 square-foot accessory structure where 2000 square feet is the size limit, Tax Parcel 0908I-01-002.001, 12146 Dedeaux Road, Zoned R-1-10 (Single-Family), Ward 6

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, June 20, 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, June 20, 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	557185	Print Legal Ad-IPL01752940 - IPL0175294		\$54.70	1	42 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, June 20, 2024 in the Council Chambers of the Gulfport City Hall located at 2309 15th Street to consider the following requests. A copy of the requests will be available for public review at the office of the Department of Urban Development-Planning Division located on first floor of the William H. Hardy Building, 1410 24th Avenue.

Variance 2406ZB085, by agent David Johnston Jr., seeking approval for a 2400 square-foot accessory structure where 2000 square feet is the size limit, Tax Parcel 09081-01-002.001, 12146 Dedeaux Road, Zoned R-1-10 (Single-Family), Ward 6

Variance 2406ZB088, by agent Bruce Mathes Jr., seeking approval for a 2400 square-foot accessory structure where 2000 square feet is the size limit, Tax Parcel 07071-01-002.000, 16048 Duckworth Road, Zoned R-1-15 (Single-family), Ward 7

This the 24th day of May 2024
A. Leslie North, Chairman
City of Gulfport Zoning Board of Adjustment and Appeals
IPL0175294
Jun 5 2024

STATE OF MISSISSIPPI COUNTY OF HARRISON

Before me, the undersigned Notary of Dallas County, Texas personally appeared Mary Castro, 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:
06/05/24

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.

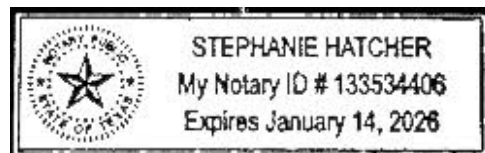
Mary Castro

Sworn to and subscribed before me this 5th day of June 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: June 20, 2024

Re: Variance 2406ZB087:(Withdrawn by Applicant)

Variance 2406ZB087, by agent Charlotte Distefano, seeking approval for 16 square foot retail sign that exceeds the size limit, Tax Parcel 0710P-03-028.000, 4002 28th Street, Zoned B-1 (Neighborhood Business), Ward 1



CASE NUMBER

24062B087
RG 5/7/24

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

07109-03-028.000	

Property Address:

4002 28th St., Gulfport, MS 39501

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

General Description of Request:

Platent of for Sale Sign on
Real Estate,

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:

Valerie Malley
 Printed Name of Owner
24018 E. Duboisson Road
 Mailing Address
Pass Christian MS 39571
 City N/A State MS Zip Code 39571
 Home Phone 228-669-6808 Work/Cell Phone
valerie.malley@gmail.com
 Email
valerie L. Malley
 Signature of Owner

AGENT:

Charlotte Distefano
 Printed Name of Agent
11272 Peyton Dr.
 Mailing Address
Gulfport, MS 39503
 City 228-806-1425 State MS Zip Code (Both)
 Home Phone Charlotte.rocks.realestate@gmail.com Work/Cell Phone
 Email
Charlotte Distefano
 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, Valerie Malley being property owner of 4018 28th St., Gulfport, MS, 39501
PRINT NAME PRIMARY ADDRESS OR PARCEL
which is the subject of this application hereby authorize Charlotte DiStefano 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.

Valerie L. Malley
SIGNATURE

5/3/2024
DATE

STATE OF MISSISSIPPI | COUNTY OF HARRISON

Given under my hand and seal of office this the 3rd day of May, 20 24

M. Neaise
NOTARY PUBLIC





COVENANT AFFIDAVIT

I, Valerie Malley being property owner or agent of the property 4618 28th St Gulfport, MS
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.

Valerie L. Malley
SIGNATURE

5/3/2024
DATE

STATE OF MISSISSIPPI | COUNTY OF HARRISON

Given under my hand and seal of office this the 3rd day of May, 20 24

P. Necaise
NOTARY PUBLIC

COMMISSION EXPIRATION



VARIANCE SUBMISSIONS

CMD

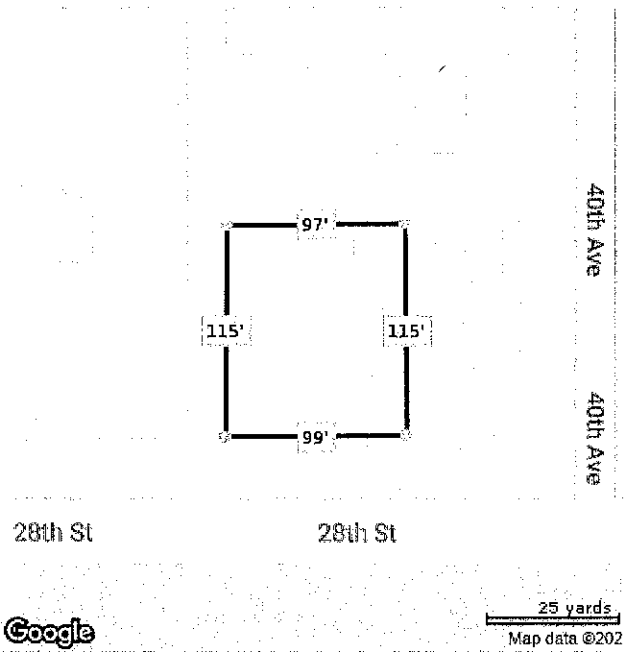
Answer the following six questions individually and thoroughly as a separate attachment.

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.

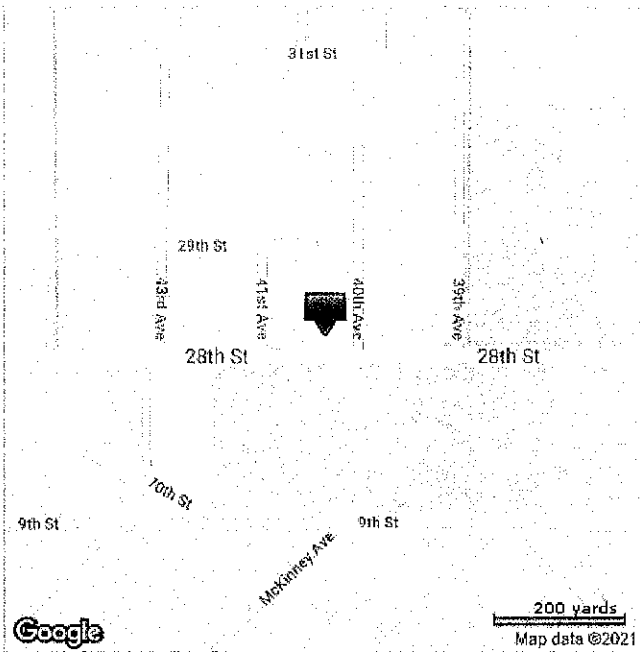
Variance Submissions

- 1) Vacant Land Actively Listed with a Real Estate Agent . This property is in need of a For Sale sign bigger than a 2 x 3 to better promote the sale of the property.
- 2) This property has a larger tree on it preventing any traffic passing by to see the property is for sale with the current sign placed.
- 3) This property is not visually seen by potential buyers as for sale with the current 2 x 3 For Sale sign that is posted now and approved by the City without Variance or Permit.
- 4) N/A - Request for Variance for sign placement only.
- 5) N/A - This Variance request is strictly being requested for sign placement only .
- 6) This use being proposed is permissible by right to the property owner , with planning approval /permit application acceptance.

PROPERTY MAP



*Lot Dimensions are Estimated





qty of (1) single sided 36"h x 48"w
 3mil polymetal FOR SALE sign
 \$147 + tax

qty of (1) single sided 12"h x 48"w
 3mil polymetal COMMERCIAL rider
 \$49 + tax

installation in Gulfport on two 8'
 black 4x4 wood posts - \$225

total after tax = **\$450.47**

Sign will Be Professionally Placed
 by Dunaway Signs
 10ft front Set-back
 5ft Side Set-backs

JOHN McADAMS

CHANCERY CLERK

HARRISON COUNTY, MISSISSIPPI
Post Office Drawer CC
Gulfport, Mississippi 39502

Telephone: (228) 865-4117
Facsimile: (228) 214-1583

June 3, 2009

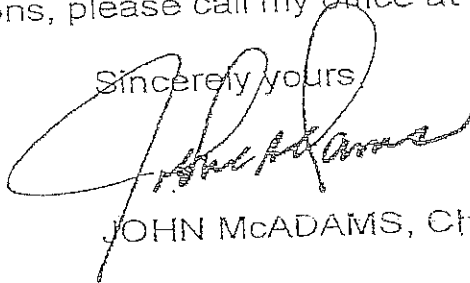
TO WHOM IT MAY CONCERN:

On July 1, 2009, Section 89-5-24, Miss. Code of 1972, Annotated, as amended, Uniform Real Estate Document Formatting (first page indexing), will become effective. All real estate recordings will fall under the guidelines of this code section.

For a view of the sample format, please visit Harrison County's website at www.co.harrison.ms.us. Click on "Elected Officials," then "Chancery Clerk," then the link to "Format for Deeds," where you will find a sample of a deed, a deed of trust, and code section 89-5-24.

If you have any questions, please call my office at 865-4036.

Sincerely yours,



JOHN McADAMS, Chancery Clerk

hc

WS. SWETMAN III
SUPERVISOR, DISTRICT 1

KIM B. SAVANT
SUPERVISOR, DISTRICT 2

MARLIN R. LADNER
SUPERVISOR, DISTRICT 3

WILLIAM W. MARTIN
SUPERVISOR, DISTRICT 4

CONNIE M. ROCKCO
SUPERVISOR, DISTRICT 5

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

IN THE MATTER OF THE ESTATE OF
LELAND LOUIS LADNER, SR., Deceased

CAUSE NO. 24CH1: 18-cv-623(4)

VALERIE L. MALLEY

PETITIONER

**DECREE APPROVING FIRST ANNUAL AND FINAL ACCOUNTING AND PETITION
TO CLOSE ESTATE AND ORDERING THE CLOSING OF DECEDENT'S ESTATE**

THERE CAME ON, to be heard and considered by this Court the Petition of Valerie L. Malley, duly appointed and acting administratrix of her deceased father, Leland Louis Ladner, Sr., and the Court, having carefully considered all issues, having reviewed the First Annual and Final Accounting, having jurisdiction of all parties and being duly advised in the premises does hereby find as follows:

I

On March 26, 2018 this Court appointed Valerie L. Malley to serve as administratrix of the estate of her deceased father, Leland Louis Ladner, Sr. Upon said appointment the Petitioner commenced the process of administering the estate of her decedent father and it appears to the Court that the administratrix has done any and all acts necessary and required of her in discovering the assets of the estate as well as conserving said assets to the extent possible. That as by law required, on March 26, 2018, the administratrix filed her affidavit attesting to the fact that she had knowledge of the debts of her deceased father and knew about the affairs of the estate and that to her knowledge, with such familiarity as to the decedent's financial affairs with the exception of incidental living expenses the decedent was not indebted to anyone. This affidavit is filed and of record in the instant cause.

II

The Court further finds that the administratrix has filed the necessary required publication to any would be creditors and all parties having any claim against the estate of the decedent and such publication was made on May 15, 2018, May 22, 2018 and May 29, 2018. As of this date no claims have been filed by anyone claiming to be owed any money by the decedent's estate. The Court finds that the time for the filing of such claims is now long expired and any and all claims there may be are now and forever barred. Proof of the filing of such publication is attached as Exhibit "A".

III

The Court further finds that on April 26, 2018 the administratrix filed her inventory setting forth all properties that she knew of, that she considered to be the assets of the estate and same has been filed of record and has been approved by the Court.

IV

The Court further finds that thereafter, on March 26, 2019, the administratrix filed the necessary pleadings and the Court subsequently adjudicated, after publication being made for any and all unknown heirs at law of the decedent, the Court concluded in its order that the Petitioner, Valerie L. Malley, Catherine Patrice Torricelli, Leland L. Ladner, Jr., Sabine E. Ladner and Lovell M. Ladner were declared by this Court that such named individuals were the sole heirs at law of the decedent. Said five (5) named individuals are declared by this Court to share and share alike in all assets of the estate of the decedent whether or not same be personal, real or mixed with each party to receive an equal share.

V

Accordingly, Valerie L. Malley, Catherine Patrice Torricelli, Leland L. Ladner, Jr., Sabine E. Ladner and Lovell M. Ladner are hereby declared by this Court to each be entitled to a one-fifth (1/5) interest in and to all assets of the estate of Leland Louis Ladner, Sr., whether real, personal or mixed.

VI

The Court further finds that during the course of the administration of said estate the administratrix received certain funds in various amounts which amounts have been deposited in the estate account and the Court has examined the bank account analysis and bank statements marked Exhibit "B" and finds that there is a total receipt of \$65,823.53, disbursements in the total sum and amount of \$37,282.94 and that there is remaining in the estate account as of this date the total sum and amount of \$28,540.59. Records of the estate bank account are attached hereto reflecting monies received and spent during the administration of this estate.

VII

The Court further finds that the five (5) established heirs at law of the decedent met and agreed to an in-kind division of all firearms contained in the estate of the deceased and such issue has been disposed satisfactory to all parties as witnessed by the attached statement marked Exhibit "C".

VIII

The Court further finds that the bulk of the assets of the estate of the decedent were made payable on death to each of the heirs of the decedent and that there are no federal estate taxes due and owing and that all state taxes, including income taxes, have been filed, as provided by law

and that there currently is no amount owed to the federal or to the state government for any purpose whatsoever.

IX

The Court finds that with the exception of the personalty located in the decedent's home as well as tools and other personal property in the outbuildings the parties have agreed, and the Court orders, that the five (5) heirs named in the preceding paragraph of this order shall receive and divide all such remaining personal property equally between the five (5) heirs.

X

The Court finds that the estate is still the owner of an RV and a 2011 Lincoln Town Car as reflected in the inventory and that these two (2) items will be placed for sale and sold for a price agreeable to all of the heirs and the proceeds of said sale shall be distributed in equal parts to the five (5) heirs of the decedent, namely, Valerie L. Malley, Catherine Patrice Torricelli, Leland L. Ladner, Jr., Sabine E. Ladner and Lovell M. Ladner.

XI

That additionally, the decedent, at the time of his demise owned a piece of property in the State of Florida and all five (5) heirs are held by this Court to be a one-fifth (1/5) undivided owner of said property in the State of Florida as well as a one-fifth (1/5) interest each in all other real estate located in Harrison County, Mississippi.

XII

The Court finds that on December 9, 2019 this Court approved an order at the request of all the heirs for authority to sell a five (5) acre tract, more particularly described as follows:

Parcel 1:

Beginning at the NE corner of the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 15, Township 7 South, Range 13 West, Harrison County, First Judicial District, Mississippi, and run South 466

feet to the point of beginning; thence run West 1667 feet, more or less, to the East line of a county road; thence run South 130 feet to a point; thence run East 1667 feet, more or less, to the East line of the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of said Section 15, Township 7 South, Range 13 West; thence run North along said line 130 feet to the Point of Beginning. Containing 5 acres, more or less.

Such sale is scheduled to take place on March 20, 2020 and the net proceeds will be deposited into the trust account and shall be distributed to the five (5) heirs in equal shares after payment of the attorney's fees.

XIII

The Court finds that in addition to the parcel of property in the State of Florida and in addition to the five (5) acre tract previously alluded to in the preceding paragraphs hereof the decedent owned the following different parcels of property which the Court determines passes to the individual heirs equally in one-fifth ($\frac{1}{5}$) undivided interest, said parcels of property being more particularly described as follows:

Parcel 2:

Lots 2 & 3, Block 11, MONTGOMERY ADDITION to the City of Gulfport, Harrison County, Mississippi, per map or plat on file in the office of the Chancery Clerk.

Parcel 3:

Lots One (1) and Four (4), Block Eleven (11), MONTGOMERY ADDITION to the City of Gulfport, according to the official plat hereof of record in Plat Book 2 at page 22 of the Plat Book records of Harrison County, Mississippi.

Parcel 4:

East $\frac{1}{2}$ of Lot 1 in Block 10 of MONTGOMERY ADDITION, a subdivision of the City of Gulfport, 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, Mississippi, in Plat Book 2, page 22; together with all improvements situated thereon and all appurtenances thereunto belonging or in anywise appertaining.

Parcel 5:

Lot Two (2), Block Ten (10), MONTGOMERY ADDITION, Harrison County, Mississippi, in accordance with the official map or plat thereof on file and of record in the office of the Chancery Clerk of said County and State; together with all improvements situated thereon and all appurtenances in anywise appertaining thereto.

Parcel 6:

Lot 3 in Block 10 of MONTGOMERY ADDITION to the City of Gulfport, Harrison County, Mississippi, as per map or plat thereof on file and of record in the office of the Chancery Clerk of said Harrison County, Mississippi.

Parcel 7:

Lot 4, Block 10, MONTGOMERY ADDITION to the City of Gulfport, as per map or plat thereof on file and of record in the Office of the Chancery Clerk of Harrison County, Mississippi.

Parcel 8:

Lot 5, Block 10; said lot is 80 feet in width by 160 feet in depth and bounded as follows: East by 40th Avenue (originally known as Elliott Avenue), South by Lot 8, North by Alley, West by an alley twenty (20) feet in width, in MONTGOMERY'S ADDITION to the City of Gulfport, as shown and amended by the official map or plat thereof on file and of record in the office of the Chancery Clerk of Harrison County, Mississippi, page 22, Plat Book No. 2.

Parcel 9:

All of Lots SIX (6) and SEVEN (7), Block TEN (10) of MONTGOMERY ADDITION to the City of Gulfport, Mississippi, according to the map or plat thereof on file and of record in Book 2 at Page 22 of the Plat Records of Harrison County, Mississippi, First Judicial District;

AND ALSO: That certain strip of land described as: BEGINNING at the Southeast corner of Lot SEVEN (7), Block TEN (10) of MONTGOMERY ADDITION to the City of Gulfport; thence run South 35 feet; thence run West 160 feet; thence run North 35 feet to the South line of Lot SEVEN (7) a distance of 160 feet to the point of beginning, being a part of North 35 feet of Montgomery Street vacated by the City of Gulfport, Mississippi, by Ordinance No. 752.

Parcel 10:

The East 60 feet of Lot 8 in Block 10, MONTGOMERY'S ADDITION to the City of Gulfport, Mississippi, as shown by the official map or plat of said Addition on file and of record in the office of the Chancery Clerk of Harrison County, Mississippi.

Parcel 11:

The West 100 feet off of Lot 8 in Block 10 of MONTGOMERY ADDITION to the City of Gulfport, Mississippi, as shown by the official map or plat of said Addition on file and of record in the office of the Chancery Clerk of Harrison County, Mississippi.

And

That certain strip of land described as beginning at the SW corner of Lot 8, Block 10, MONTGOMERY ADDITION to the City of Gulfport, Mississippi, thence run South 35 feet, thence East 100 feet, thence North 35 feet, thence West along the South line of said Lot 8, a distance of 100 feet to the point of beginning. Said strip of land being a 35 foot strip off the North side of Montgomery (28th) Street, as shown by the map or plat of Montgomery Addition on file and of record in the office of the Chancery Clerk of Harrison County, Mississippi, which strip of land has been duly vacated by order of Ordinance 752 of the City of Gulfport, Mississippi.

Parcel 12:

Lot 12, Block 120 of 8th ADDITION TO PORT CHARLOTTE SUBDIVISION, a Subdivision according to the Plat thereof, as recorded in Plat Book 12, Page 20, of the Public records of Sarasota County, Florida.

Parcel 13:

The Court further orders and adjudges that at the time of the decedent's demise he was the owner of a one-sixth (1/6) interest in the property owned by his wife, Emily Ladner, who left said property at her demise. Said property is more particularly described as follows:

The West ½ of Lot 1 of Block 10 of MONTGOERY ADDITION, being a subdivision located in the First Judicial District of Harrison County, Mississippi, as per the map or plat thereof on file and of record in the office of the Chancery Clerk of Harrison County, Mississippi.

XIV

All personal property owned by the estate has been accounted for, divided by agreement with the exception of the furniture, furnishings and tools contained in the family home and outbuildings which the parties have agreed to divide equally between the five (5) individual heirs. The Court orders the parties to abide by the terms of their agreement in dividing said property equally.

XV

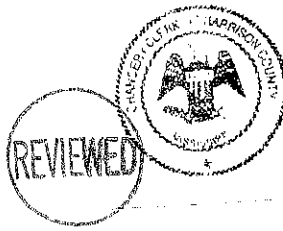
The Court finds that Honorable Herbert J. Stelly, Sr. has served as attorney for the administratrix, Valerie Ladner, and has provided valuable services in the administration of said estate and is thus entitled to be paid for his services. The Court has examined the statement of attorney's fees attached hereto as Exhibit "D" and finds that it is fair and does hereby approve the payment by the administratrix to Honorable Herbert J. Stelly, Sr. the total sum and amount of \$10,397.87.

THUS ORDERED AND ADJUDGED on this the 6 day of April,
2020.

Carter Bise
CHANCELLOR

HERBERT J. STELLY, SR.
ATTORNEY AT LAW
POST OFFICE BOX 1204
TELEPHONE NO.: (228) 864-2418
FACSIMILE NO.: (228) 863-7170
MS BAR NO.: 7835

SCANNED



1st Judicial District

Instrument 2009 4802 D -J1

Filed/Recorded 7 10 2009 3 P

Total Fees 12 00

3 Pages Recorded

1

INDEXING INSTRUCTIONS:

Block 10 of Montgomery Addition,
City of Gulfport, Harrison County, Mississippi

STATE OF MISSISSIPPI
COUNTY OF HARRISON
FIRST JUDICIAL DISTRICT

QUITCLAIM 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 which is hereby
acknowledged, I, **Marilyn J. Crowley**, do hereby sell, convey and quitclaim unto **Leland L.
Ladner and Emilie C. Ladner**, with rights of survivorship, all of my rights, title and interest
in and to the following-described property located and situated in the First Judicial District
of Harrison County, State of Mississippi, to-wit:

The West 100 feet off of Lot 8 in Block 10 of Montgomery Addition to the City
of Gulfport, Mississippi, as shown by the official map or plat of said Addition
on file and of record in the office of the Chancery Clerk of Harrison County,
Mississippi.

And

That certain strip of land described as beginning at the SW corner of Lot 8,
Block 10, Montgomery Addition to the City of Gulfport, Mississippi, thence run
South 35 feet, thence East 100 feet, thence North 35 feet, thence West along
the South line of said Lot 8, a distance of 100 feet to the point of beginning.
Said strip of land being a 35 foot strip off the North side of Montgomery (28th)
Street, as shown by the map or plat of Montgomery Addition on file and of
record in the office of the Chancery Clerk of Harrison County, Mississippi,
which strip of land has been duly vacated by order of Ordinance No. 752 of
the City of Gulfport, Mississippi.

Ad valorem taxes for the current year are assumed by the Grantees.

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

WITNESS MY SIGNATURE on this 28TH day of MAY, 2009.

Marilyn J. Crowley
MARILYN J. CROWLEY

TITLE NOT CHECKED BY OFFICE OF ALLEN, COBB, HOOD & ATKINSON, P.A.

STATE OF MISSISSIPPI

COUNTY OF HARRISON

PERSONALLY came and appeared before me, the undersigned authority in and for the said county and state within my jurisdiction, the within named **Marilyn J. Crowley**, who acknowledged that she executed the above and foregoing Quitclaim Deed on the day and year therein mentioned.

Given under my hand and official seal on the 28TH day of MAY, 2009.

[Signature]
NOTARY PUBLIC

My Commission Expires:

12-17-2010

GRANTOR:

Marilyn Crowley
215 Clower Ave.
Long Beach, MS 39560
(228) 863-2778

GRANTEES:

Leland L. Ladner
Emilie C. Ladner
2803 40th Avenue
Gulfport, MS 39501
(228) 864-3434

Prepared by ~~Attorney~~ to:

David L. Cobb, Esq.
Allen, Cobb, Hood & Atkinson, P.A.
2510 14th Street, Suite 1212
PO Drawer 4108
Gulfport, MS 39502
(228) 864-4011

0710P-03-028.001
PIN# 116472

NOTICE TO PURCHASERS

CONGRATULATIONS!!!! YOUR DEED HAS BEEN REGISTERED
IN HARRISON COUNTY, MISSISSIPPI.

You should do the following things immediately to protect your property:

1. Be sure to pay your taxes each year, even if it is assessed in another name. The first year after acquiring your property, it may still be assessed in someone else's name. Property taxes are due every January. Remember, the first year you own your property, the tax bill will still be in the name of the former owner, as of January 1 of the previous year. If your mortgage company is not paying your taxes through an escrow account and you do not get a tax bill, contact the Harrison County Tax Collector's office about possible taxes owed.
2. You may qualify for Homestead Exemption if you are living on the property. This would give you a substantial reduction on your taxes. You must apply for this between January 1st and April 1st of the upcoming year in the Harrison County Tax Assessor's office. Contact the Harrison County Tax Assessor's office to obtain information on what is required for applying for Homestead Exemption.

The following offices will be happy to assist you in any questions that you may have concerning your property.

COUNTY OFFICES

Harrison County Chancery Clerk
Harrison County Tax Assessor
Harrison County Tax Collector

GULFPORT OFFICE

(228) 865-4032
(228) 865-4043
(228) 865-4039

BILOXI OFFICE

(228) 435-8220
(228) 435-8264
(228) 435-8241

Thank you for doing business with Harrison County, Mississippi. It is always a pleasure to serve the citizens of the Mississippi Gulf Coast.

Sincerely,



John McAdams, Chancery Clerk
Harrison County, Mississippi

MEMORANDUM

To: City of Gulfport Zoning Board of Adjustment and Appeals

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

Date of Hearing: June 20, 2024

Re: Variance 2406ZB088:

Variance 2406ZB088, by agent Bruce Mathes Jr., seeking approval for a 2400 square-foot accessory structure where 2000 square feet is the size limit, Tax Parcel 0707I-01-002.000, 16048 Duckworth Road, Zoned R-1-15 (Single-family), Ward 7

Technical Report

VARIANCE

GENERAL INFORMATION

Case File Number: 2406ZB088

Hearing Date: June 20, 2024

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

Legal: Variance 2406ZB088, by agent Bruce E Mathes Jr., seeking approval for a 2400 square-foot accessory structure where 2000 square feet is the size limit, Tax Parcel 0707I-01-002.000, 16048 Duckworth Road, 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 of 400 square feet for an accessory structure size of 2400 square feet where 2000 square feet is the maximum for a lot size greater than or equal to one acre.

- (a) Applicant states that the size of the structure will be used “to house an RV, a tractor and [various] tools [they] have accumulated in 83 years.” They also state that the overall size of the property is 6 acres and as such, it will be able to accommodate the size. This does not adequately address the question of whether or not if there are special conditions or circumstances unique to the property in that area.
- (b) The applicant fully states that there are no special conditions or circumstances related to this property. This request is a result of a personal desire to construct a larger than allowed accessory structure on the property.
- (c) There is no definable hardship on this property in relation to the size of this structure. The applicant states that property would allow for the requested accessory structure due to the overall size of the property. This further demonstrates that there is no hardship related to the property.
- (d) The applicant indicates that the ordinance allows for a 2000 square foot building and that the building that they are requesting is going to be 2400 square feet. They also state that they “believe it is a reasonable request because it will sit on 6 acres of land and will not impede or affect anyone in [their] ‘neighborhood.’” They also follow up this statement with an additional statement that “although this property sits in the city, it is a generally rural area.” 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 visible structures in surrounding area that had accessory structures near the requested square footage of this proposed structure. The area is generally very rural and most of these properties are covered with trees and foliage. Upon further research, there were no properties in the surrounding area that have filed a prior variance for a structure exceeding the allowable square footage and as such, this case would establish precedence for this area.
- (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. There are no preexisting non-conforming structures that exist that are over the allowed square footage nor have there been any prior variances pulled for a structure exceeding the allowable square footage. As such, this would mean that approval would establish precedence. If approved, the applicant would be able to place the structure in accordance to the setbacks required in the R-1-15 zoning.

Technical Report

VARIANCE

Any approval should consider these conditions:

1. Approval allows for a variance of 400 sqft for a 2400 sqft accessory structure where 2000 sqft is the maximum size.
2. Must meet all current building Codes and City of Gulfport Ordinances.

DEPARTMENTAL CONDITIONS

<u>Engineering:</u>	No conditions. Memo dated 05/31/24.
<u>Public Works:</u>	No comment as of 06/05/24.
<u>Traffic and Safety:</u>	No conditions. Memo dated 06/03/24.
<u>Building Code Services:</u>	Must meet all current building codes and City of Gulfport Ordinances. Memo dated 05/28/24.
<u>GIS:</u>	No conditions. Memo dated 05/28/24.
<u>Police Department:</u>	No comment as of 06/05/24.
<u>Fire Department:</u>	No conditions. Memo dated 05/29/24.
<u>City Arborist:</u>	No conditions. Memo dated 05/28/24.

DIRECTOR APPROVAL

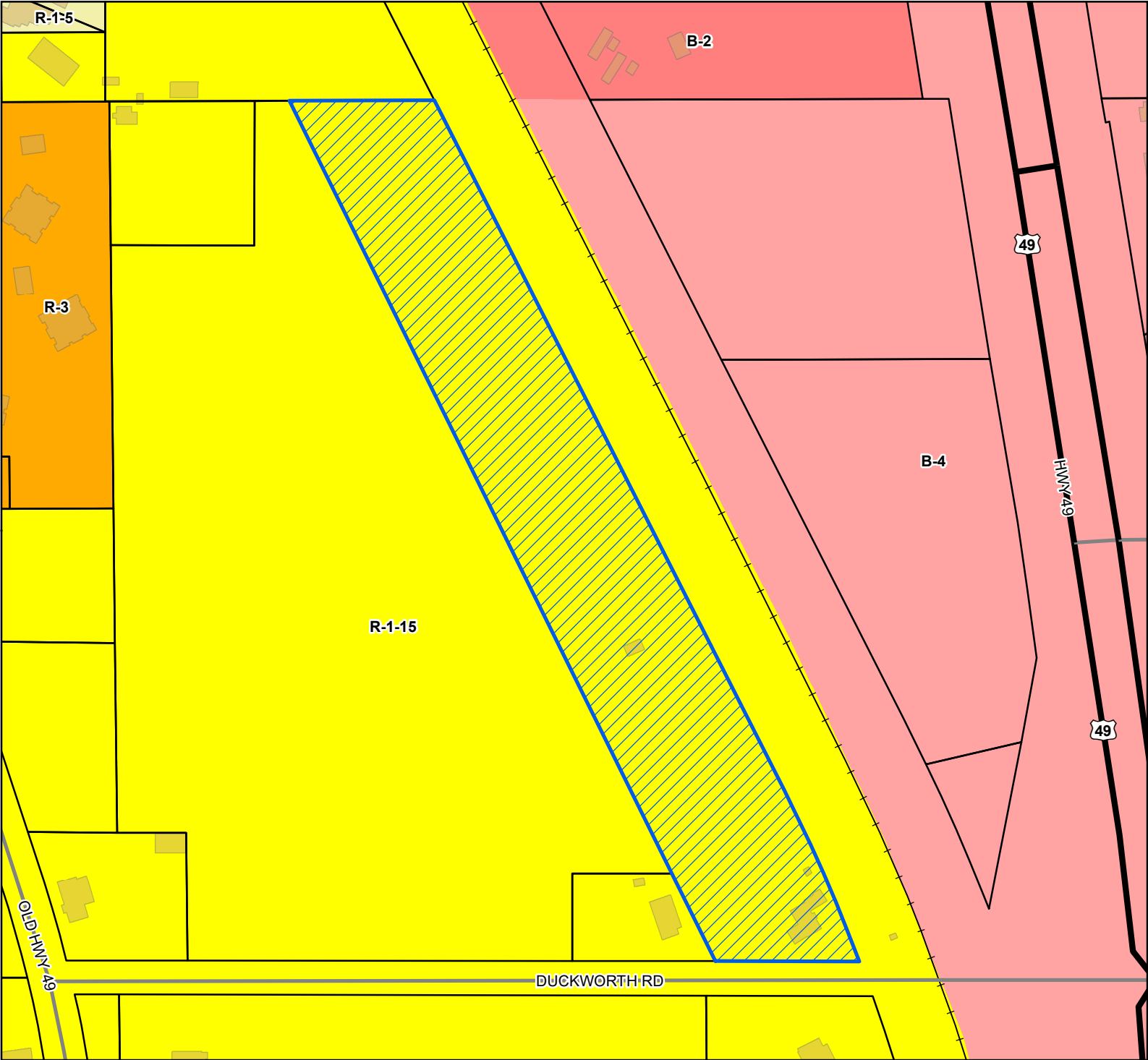
This report has been reviewed and approved by:



Greg Holmes

Director of Urban Development Department





 Site

 US or State Highway

 Street

 Railroad

 Parcels

 Buildings

Zoning

 B-2 - General Business District

 B-4 - Highway Business District

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

 R-1-5 - Single Family Residence District (Medium Density)

 R-3 - General Residence (High Density)

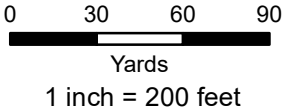
Site Information

0707I-01-002.000

Zoning: R-1-15 (Single-Family)

Size: 6.3 AC

Flood: X



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size



CASE NUMBER

240623088

Rg 5/1/24

June

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

0707E	-	01	-	002	.	000											

Property Address:

16048 Duckworth Rd Gulfport, MS

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

General Description of Request:

60x40 metal building on
concrete slab.

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:

Bruce E. MATHES SR
 Printed Name of Owner
16048 Duckworth Rd
 Mailing Address
Gulfport MS 39503
 City State Zip Code
 Home Phone Work/Cell Phone
 Email
[Signature]
 Signature of Owner

AGENT:

Bruce E. MATHES JR
 Printed Name of Agent
20029 Lovers Ln
 Mailing Address
Long Beach MS 39560
 City State Zip Code
228-342-9130
 Home Phone Work/Cell Phone
MATHESJAN@yahoo.com
 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) Carol Ann Wentworth
 Address (Street, City, State, Zip Code) 3601 Catalpa Dr. Wylie TX 75098
 Phone (Home) _____ (Work) _____ (Cell) 469.321-9238
 Tax Parcel Number(s) Owned: 07071-01-002.000
 Signature: [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: _____

VARIANCE SUBMISSIONS

4

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.

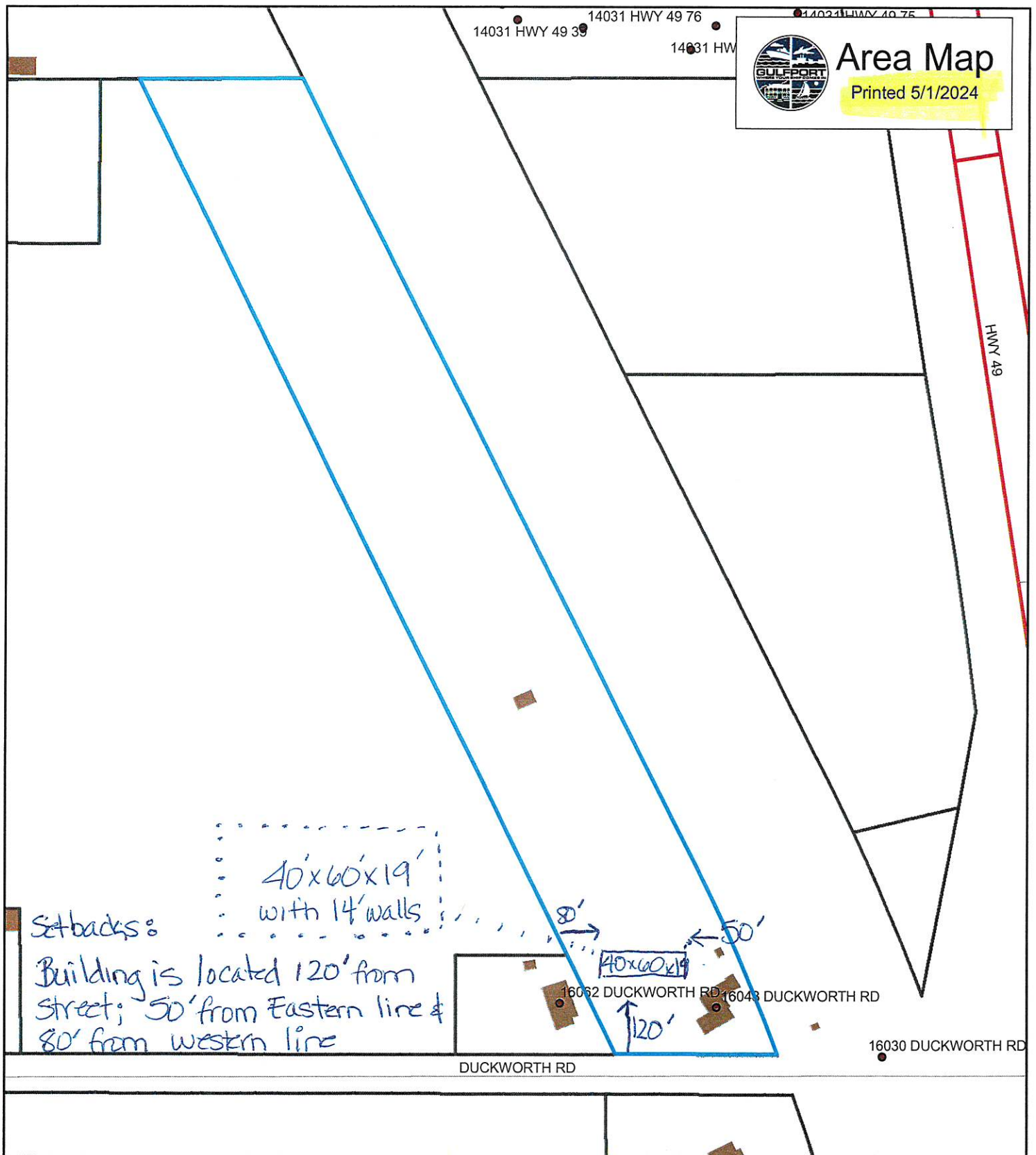
Bruce Mathes Sr.

16408 Duckworth Rd, Gulfport, MS 39503

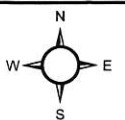
Parcel #: 07071-01-002.000

Variance Submission

1. This variance is being requested because of the size of the structure which is intended to be 40Ft by 60Ft. This size is needed to house an RV, a tractor and variance tools I have accumulated in 83 years. My property is 6 acres and will accommodate this size.
2. There is no special condition or circumstance other than personal desire to build a building on my property that accommodates the RV, tractor, lawn mower, utility trailer and various belongings.
3. I am not sure how to respond to this question because the physical character of the property does allow for a building this size. The variance is being requested because the square footage of the building exceeds the zoning ordinance by 400 square feet.
4. The ordinance allows for a 2000 square foot building and the metal building I am requested be erected is 2400. I believe it is a reasonable request because it will sit on 6 acres of land and will not impede or affect anyone in my 'neighborhood'. Although this property sits in the city, it is a generally rural area.
5. I do not believe I will receive a special benefit that others with the same amount of rural property should be allowed if requested.
6. With all due respect of law and necessity of ordinances, I feel it is a reasonable request to erect a building of this size on my property when it has no detrimental effect on anyone near or far. It will allow me to organize and hold my belongings on the property as intended when recently purchased.



- Addresspoints
- Principal Arterial
- Minor/Residential
- WaterFeatures
- Parcels



1 inch = 163 feet

DATA DISCLAIMER:
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COVENANT AFFIDAVIT

I, Bruce MATHEWS Jr being property owner or agent of the property 16048 Duckwater 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.

Bruce E Mathews Jr
SIGNATURE

4-23-24
DATE

STATE OF MISSISSIPPI | COUNTY OF HARRISON

Given under my hand and seal of office this the 23rd day of April, 20 24

Freda M Blaine
NOTARY PUBLIC

April 13, 2028
COMMISSION EXPIRATION





DESIGNATION OF AGENT

I, BRUCE MATHES SR. being property owner of 16048 Dockworth Rd
PRINT NAME PRIMARY ADDRESS OR PARCEL
which is the subject of this application hereby authorize BRUCE MATHES JR 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.

Bruce Mathes Sr.
SIGNATURE

5-10-24
DATE

STATE OF MISSISSIPPI | COUNTY OF HARRISON

Given under my hand and seal of office this the 10 day of May, 20 24

Rhonda Gaddis
NOTARY PUBLIC

COMMISSION EXPIRATION





SCANNED



Angela Sims 1st JUDICIAL DISTRICT
Instrument 2024-0003148-D-J1
Filed/Recorded 02/19/2024 2:12:01 PM
Total Fees 26.00
2 Pages Recorded

Prepared by:
Donald R. Jones, #3197
Attorney at Law
P. O. Box 7555
Gulfport, MS 39506
(228) 864-8965
File #245008

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

Index: Parcel in NE1/4 of NE1/4, Section 32-6-11

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, ANTHONIE L. EDWARDS, an unmarried person, P. O. Box 82, Provincetown, MA 02657, 508-487-0441, does hereby sell, convey and warrant unto BRUCE E. MATHES and CAROL ANN WENTWORTH, 16048 Duckworth Road, Gulfport, MS 39503, 228-806-2439, as joint tenants with full rights of survivorship and not as tenants in common, the following described land and property being located in the First Judicial District of Harrison County, Mississippi, being more particularly described as follows, to-wit:

A parcel of land situated in the Northeast One-fourth of the Northeast One-fourth (NE1/4 of NE1/4) of Section 32, Township 6 South, Range 11 West, City of Gulfport, First Judicial District of Harrison County, Mississippi, and being more particularly described as follows with the bearings based on State Plane Grid North (MS East Zone 2301): Beginning at an iron rod set at the point of intersection of the North margin of Duckworth Road and the West margin of the railroad right-of-way, thence along a curve of said West margin of railroad right-of-way to the left, having a radius of 3345.70', an arc length of 389.43' and a chord bearing and distance of North 24 degrees 49 minutes 22 seconds West 389.21' to an iron rod set, thence further along said West margin of Railroad right-of-way, North 26 degrees 48 minutes 15 seconds West 993.45' to an iron rod found on the North line of said Section 32, thence along said North line, South 89 degrees 45 minutes 00 seconds West 209.00' to an iron rod set,

thence South 26 degrees 20 minutes 46 seconds East 1243.03' to an iron rod found at the Northeast corner of property now or formerly of Fricke, thence along the East line of said property, South 26 degrees 20 minutes 46 seconds East 140.50' to an iron rod set on the North margin of Duckworth Road; thence along said North margin, North 89 degrees 47 minutes 05 seconds East 206.38' to the Point of Beginning, containing 6.111 acres. Herein described property being designated County parcel number 0707I-01-002.000 and being the same property as described in Instrument Number 2002-8386-D-J1 of the land records of the First Judicial District of Harrison County, Mississippi.

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

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

WITNESS MY SIGNATURE, on this the 19th day of February, 2024.

ANTHONIE L. EDWARDS

STATE OF MISSISSIPPI

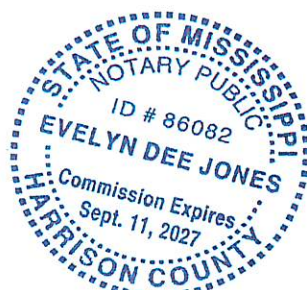
COUNTY OF HARRISON

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

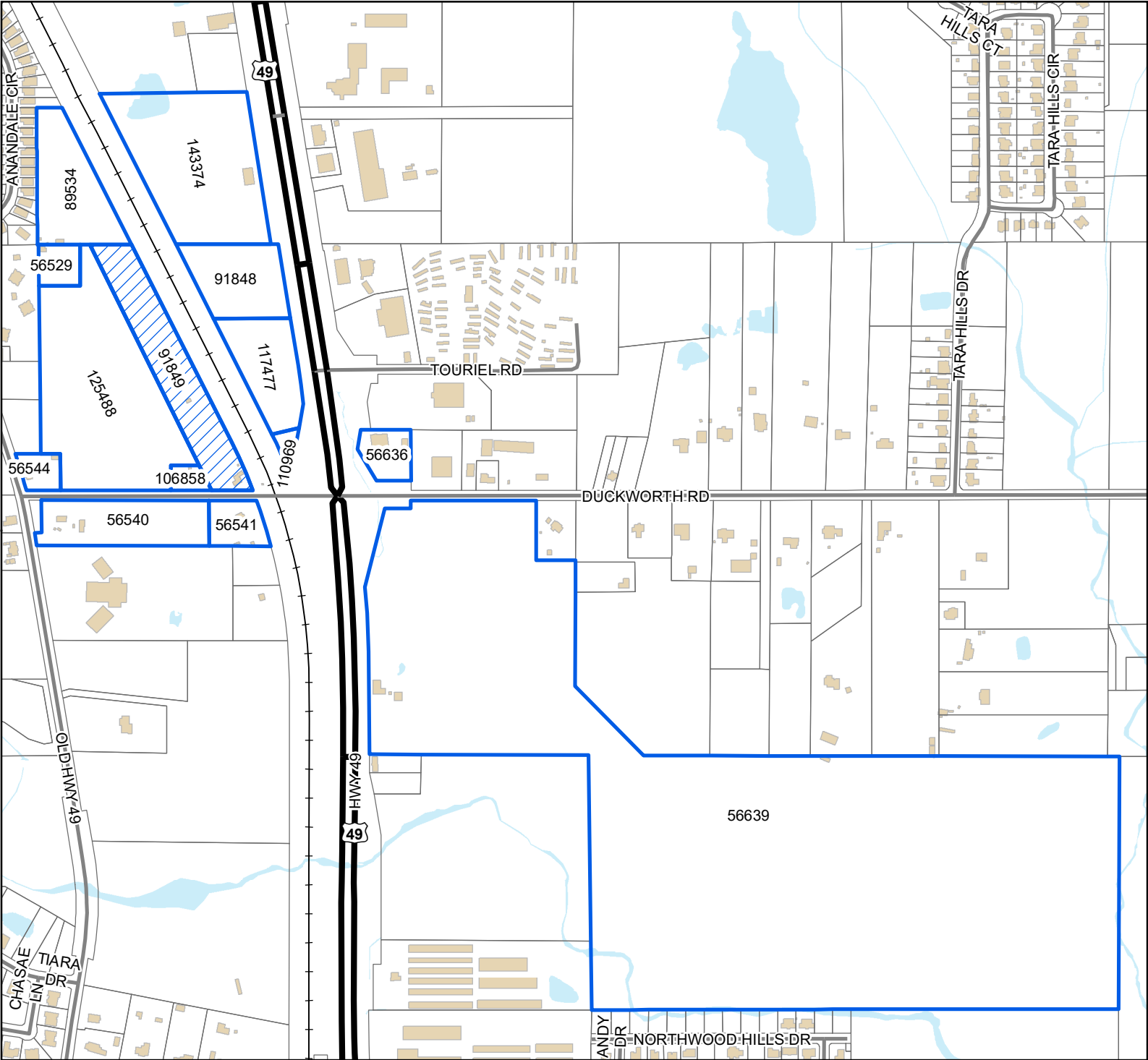
GIVEN UNDER MY HAND AND OFFICIAL SEAL OF OFFICE, this the 19th day of February, 2024.

NOTARY PUBLIC

My Commission Expires:

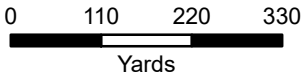


Mail	PPIN	Parcel ID	Name	Address	City	State	ZIP
Y			BRUCE MATHES SR (OWNER)	16048 DUCKWORTH RD	GULFPORT	MS	39503
			CAROL ANN WENTWORTH	3601 CATALPA DR	WYLIE	TX	70598
			BRUCE MATHES JR (AGENT)	20029 LOVERS LN	LONG BEACH	MS	39560
			Adjacent Property Owners (2406ZB088)				
	56529	0707I-01-004.000	WORKMAN RICHARD K	13518 OLD HWY 49	GULFPORT	MS	39503
	56544	0707I-01-009.000	LANIER RUSSELL COLE	16144 DUCKWORTH RD	GULFPORT	MS	39503
	91849	0707I-01-002.000	EDWARDS ANTHONIE L	16048 DUCKWORTH RD	GULFPORT	MS	39503
	56540	0707I-01-019.000	GRACE TEMPLE BAPTIST CHURCH	13344 OLD HWY 49	GULFPORT	MS	39503
	56541	0707I-01-018.000	BISHOP NORMA J	16049 DUCKWORTH RD	GULFPORT	MS	39503
	125488	0707I-01-003.001	JOHNSON CARMINE	2623 WEST ANGELA CIR	GULFPORT	MS	39503
	106858	0707I-01-003.000	SCHLEY DONALD THOMAS	16062 DUCKWORTH ROAD	GULFPORT	MS	39503
	89534	0707H-02-003.000	WORKMAN PAUL R	906 EAST BIRCH DR	GULFPORT	MS	39503
N	110969	0707I-01-001.001	MISS TRANSPORTATION COMMISSION	C/O RIGHT OF WAY DIVISION	GULFPORT	MS	39502
	117477	0707I-01-001.002	POINT AUX CHENES LLC	PO BOX 1078	OCEAN SPRINGS	MS	39566
	56639	0807M-01-001.000	ADAMS CARL	18397 ADAMS RD	GULFPORT	MS	39503
	56636	0807L-01-009.000	WEAVER DAVID W & SUSAN J -TRUSTEES-	21170 D'HERDE RD	GULFPORT	MS	39503
	143374	0707H-01-005.002	LEE DENNIS EUGENE	P O BOX 368	PICAYUNE	MS	39466
	91848	0707I-01-001.000	LEE DENNIS EUGENE	P O BOX 368	PICAYUNE	MS	39466



Legend

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



1 inch = 700 feet



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RE: Variance 2406ZB088, by agent Bruce Mathes Jr., seeking approval for a 2400 square-foot accessory structure where 2000 square feet is the size limit, Tax Parcel 0707I-01-002.000, 16048 Duckworth Road, 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, June 20, 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, June 20, 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	557185	Print Legal Ad-IPL01752940 - IPL0175294		\$54.70	1	42 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, June 20, 2024 in the Council Chambers of the Gulfport City Hall located at 2309 15th Street to consider the following requests. A copy of the requests will be available for public review at the office of the Department of Urban Development-Planning Division located on first floor of the William H. Hardy Building, 1410 24th Avenue.

Variance 2406ZB085, by agent David Johnston Jr., seeking approval for a 2400 square-foot accessory structure where 2000 square feet is the size limit, Tax Parcel 09081-01-002.001, 12146 Dedeaux Road, Zoned R-1-10 (Single-Family), Ward 6

Variance 2406ZB088, by agent Bruce Mathes Jr., seeking approval for a 2400 square-foot accessory structure where 2000 square feet is the size limit, Tax Parcel 07071-01-002.000, 16048 Duckworth Road, Zoned R-1-15 (Single-family), Ward 7

This the 24th day of May 2024
A. Leslie North, Chairman
City of Gulfport Zoning Board of Adjustment and Appeals
IPL0175294
Jun 5 2024

STATE OF MISSISSIPPI COUNTY OF HARRISON

Before me, the undersigned Notary of Dallas County, Texas personally appeared Mary Castro, 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:
06/05/24

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.

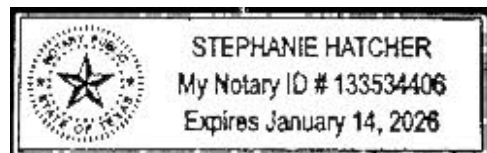
Mary Castro

Sworn to and subscribed before me this 5th day of June 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: June 20, 2024

Re: Variance 2403ZB043:

Discussion regarding Variance case# 2403ZB043, regarding the applicant withdrawing their case before the appeal was heard at the June 4th City Council meeting.

MEMORANDUM

To: Mayor Billy Hewes and
Gulfport City Council

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

Date: March 21, 2024

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

Zoning Board recommendation: To **approve** applicant request.

Motion: Mr. Hahn

Second: Mr. Kaigler

LESLIE NORTH	– Absent
MARY ANN WIGINTON	– Yea
MICHEAL DANIELS	– Yea
ROBERT PHARR	– Yea
NATHAN BODDIE	– Acting Chairman
NICHOLAS HAHN	– Yea
HAL KAIGLER	– Yea

Action: Motion carried unanimously

Speaking for the Petition:

1. David Machado

Speaking against the Petition: None

On March 21, 2024, the Zoning Board of Adjustments and Appeals recommended approval of the above referenced case.

Please place the attached item on the Council agenda for June 4, 2023.

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:

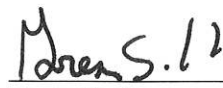
1. Must meet all building Codes and City of Gulfport Ordinances.
2. Approval allows for a 55-foot and 3-inch structure where the height limit is 50 feet.
3. Must have an approved Planned Building Group to allow for another commercial building on site.

DEPARTMENTAL CONDITIONS

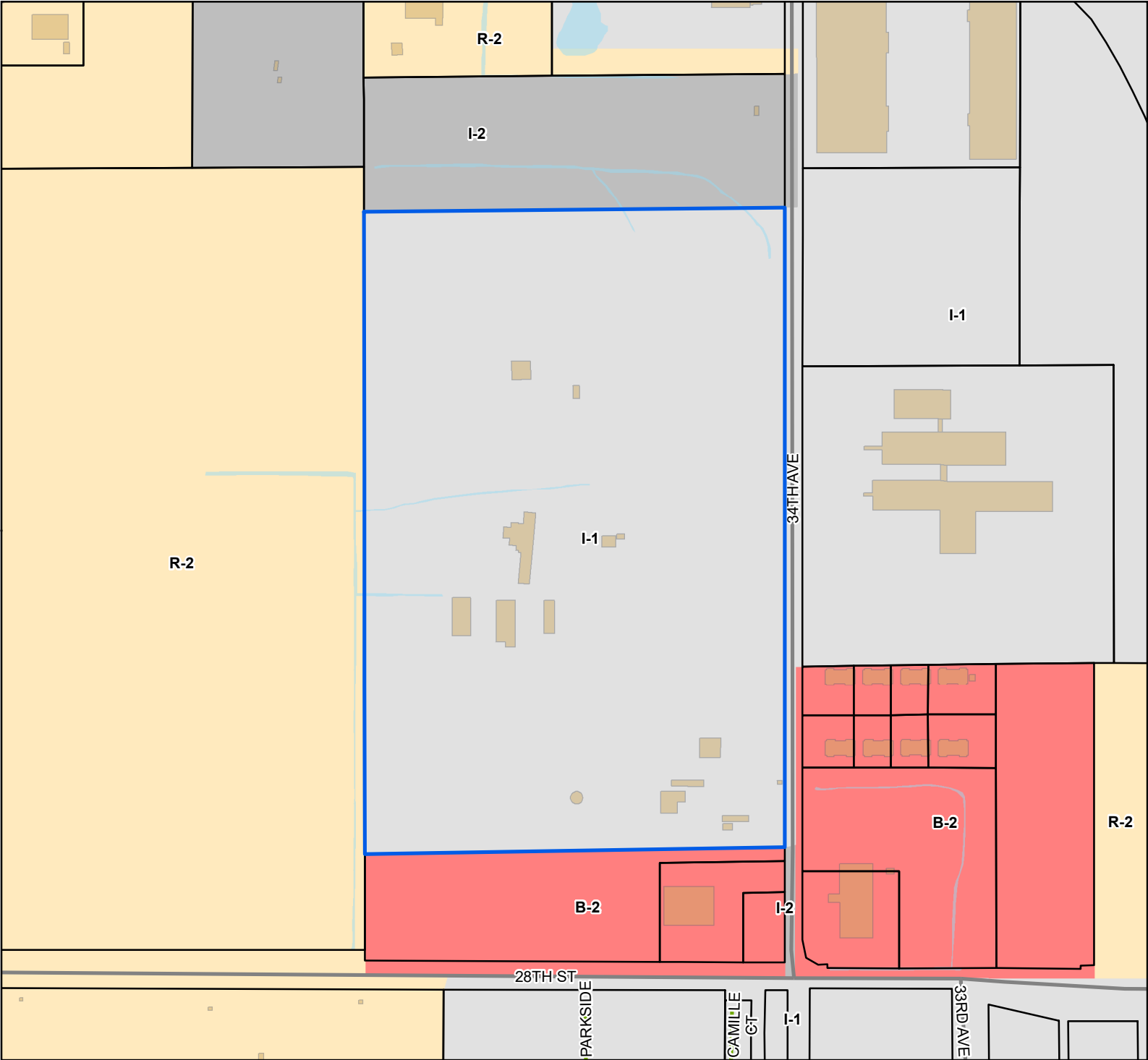
<u>Engineering:</u>	No comment as of 3/11/2024.
<u>Public Works:</u>	No comment as of 3/11/2024.
<u>Traffic and Safety:</u>	No conditions. Memo dated 3/6/2024.
<u>Building Code Services:</u>	Must meet building Codes and City of Gulfport Ordinances. Memo dated 2/27/2024.
<u>GIS:</u>	No conditions. Memo 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



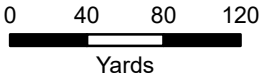
Legend:

- 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)

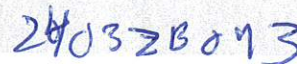
Site Information
0710P-01-004.000
Zoning:I-1 (Light Industry)
Size: 28.7 AC
Flood: X



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	Work/Cell Phone
jnass@shipmspa.com	

Email 

Signature of Owner

AGENT:

David Machado

Printed Name of Agent

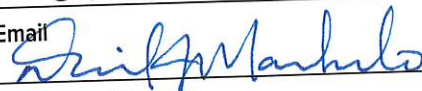
918 Howard Ave. Suite F

Mailing Address

Biloxi MS 39530

City	State	Zip Code
		228-388-1950

Home Phone	Work/Cell Phone
david@mpdesigngroup.us	

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

FAA OE/AAA Offices

Newly Determined Cases

Newly Interim Cases

Newly Proposed Cases

Newly Supplemental Notices
(Form 7460-2)

Newly Circularized Cases

Search Archives

Download Archives

Download Correspondence

Refine Search for Cases

Refine Search for Airports

General FAQs

3D FAQs

Wind Turbine FAQs

Discretionary Review FAQs

Obstruction Criteria Tool

Distance Calculation Tool

FAA Account

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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 instrument
- 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 ATO

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 :

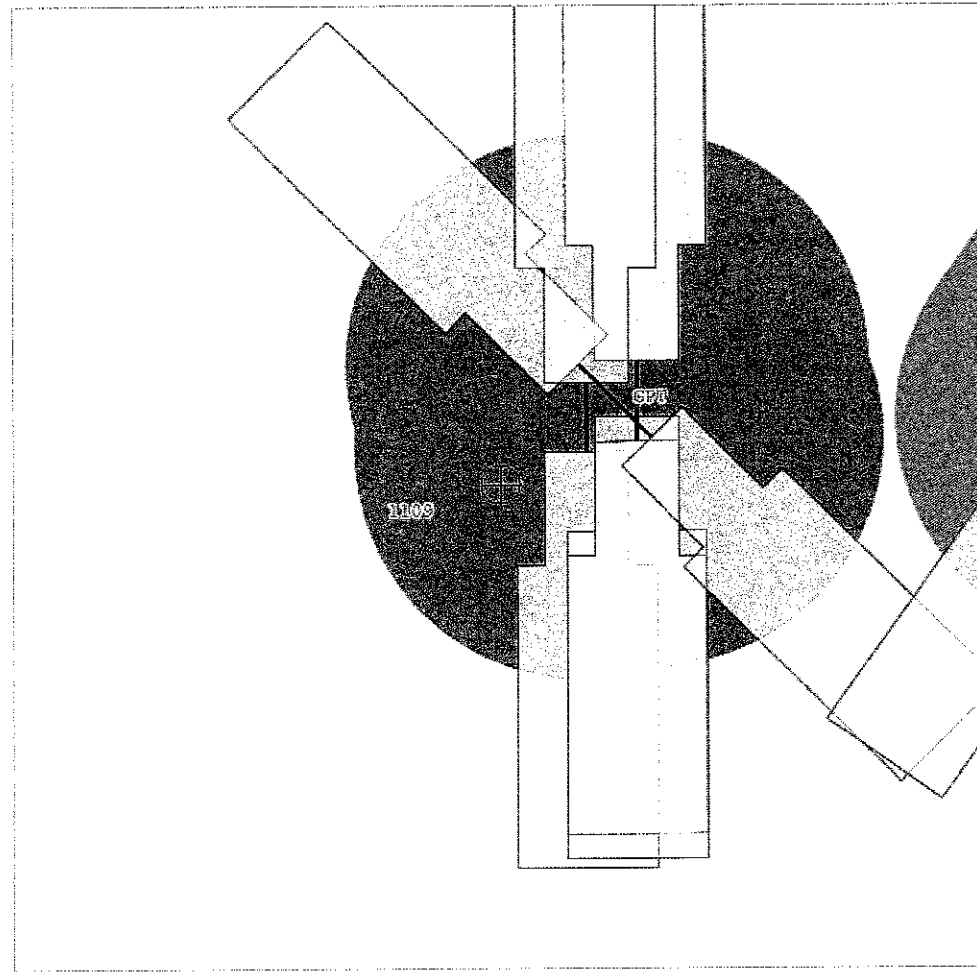
55 (nearest foot)

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

B-2

3428 28TH ST

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

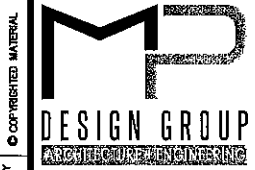
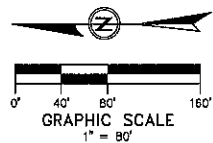
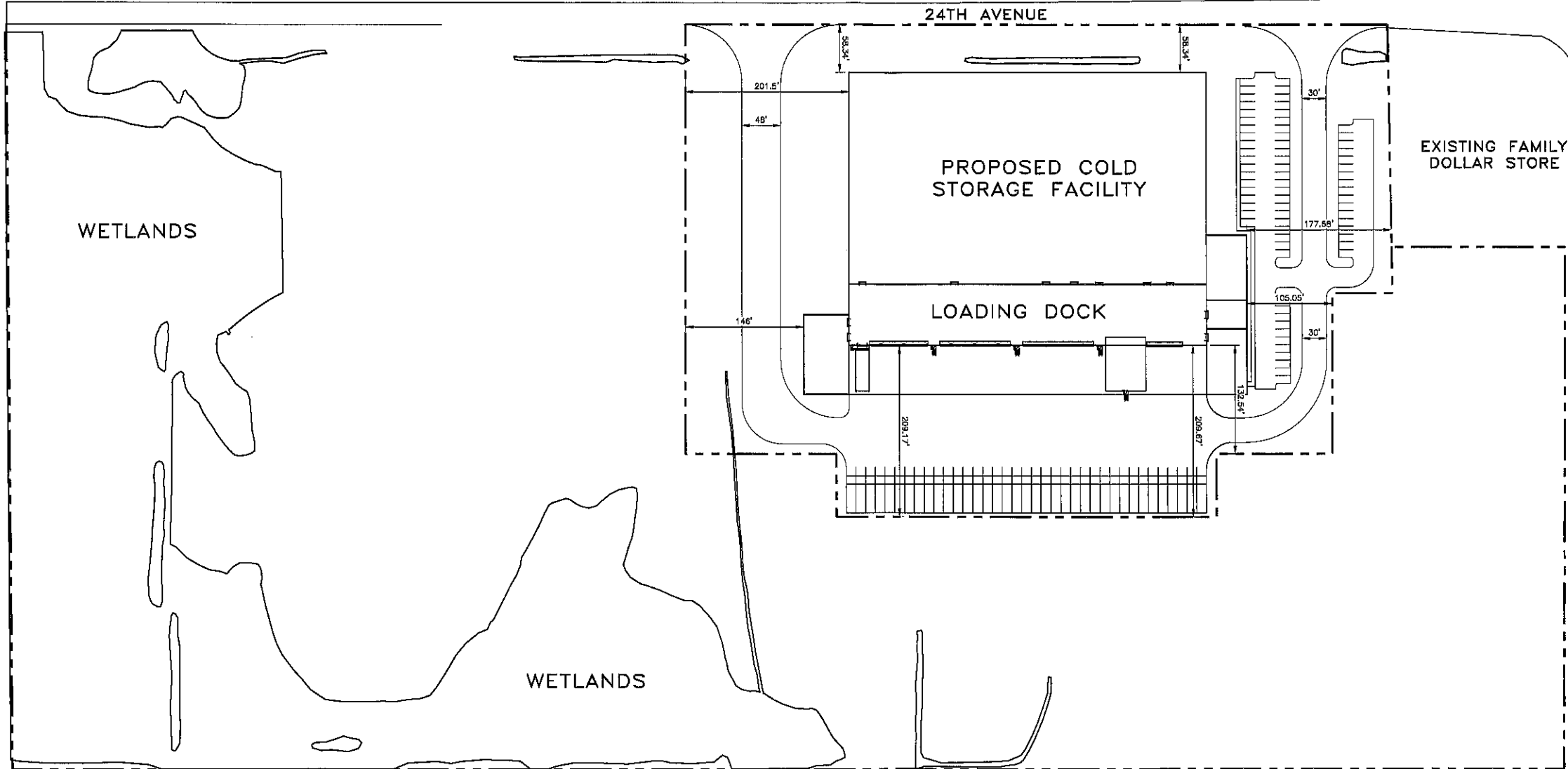
3350 28TH ST

28TH ST

PARKSIDE

28TH ST PARK

PRINTED: 2/6/2024 10:18 AM BY: Nick Moody LAST SAVED: 2/6/2024 9:54 AM BY: Nmoody
m:\0297_mmpa gulport\0297.22.002_work order no 1 - misc eng. & project scope dev\02-civil\03-production drawings\cold storage aita\cold storage facility site plan.dwg



"Designed to Build"
918 Howard Ave Suite F
Biloxi, Mississippi 39530
P: 228.388.1950
www.mpdesigngroup.us

David J. Machado, PE
Brad P. Patano, PE
Gerrod W. Kilpatrick, PE
Bradford A. Jones, AIA

PLANS WITHOUT REGISTERED
ENGINEER/ARCHITECT STAMP
AND SIGNATURE ARE
CONSIDERED "NOT FOR
CONSTRUCTION" AND SHALL
NOT BE USED IN ANY MANNER
FOR CONSTRUCTION OR
PERMITTING OF SAID PROJECT.

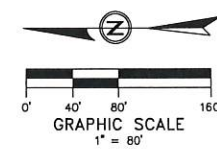
COLD STORAGE FACILITY
PORT OF GULFPORT MISSISSIPPI
STATE PORT AUTHORITY
2809 34TH AVE.
GULFPORT, MS 39501

SCALE: AS INDICATED
PROJECT NO: 0297.24.001
DRAWN BY: NWM
CHECKED BY: NWM

OVERALL SITE PLAN

NO.	DATE	REVISION / SUBMITTAL
REV A	02/05/2024	CITY VARIANCE SUBMITTAL

C200
VERIFY SCALES
BAR IS ONE INCH ON ORIGINAL DRAWING
IF NOT ONE INCH ON THIS SHEET, ADJUST
SCALES ACCORDINGLY

[illegible]

C201

VERIFY SCALES

BAR IS ONE INCH ON ORIGINAL DRAWING

1"

IF NOT ONE INCH ON THIS SHEET, ADJUST SCALES ACCORDINGLY



John 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. Mellen, Jr.
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. Mellen, 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)



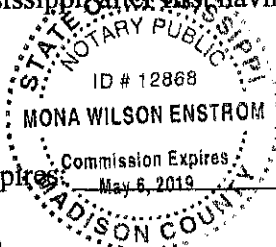
Conveyance accepted by Grantee as of the effective date set forth hereinabove but actually executed on the date set forth in the acknowledgment below.

STATE OF MISSISSIPPI
By and through the Office of the Secretary of State

BY: C. Delbert Hosemann, Jr.
 C. DELBERT HOSEMAN, 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 HOSEMAN, 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

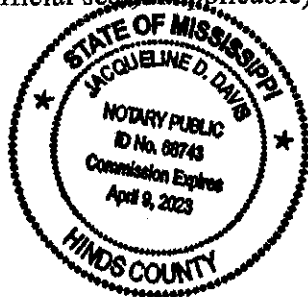
COUNTY OF HINDS

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.

Martha Katherine Murray
(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;

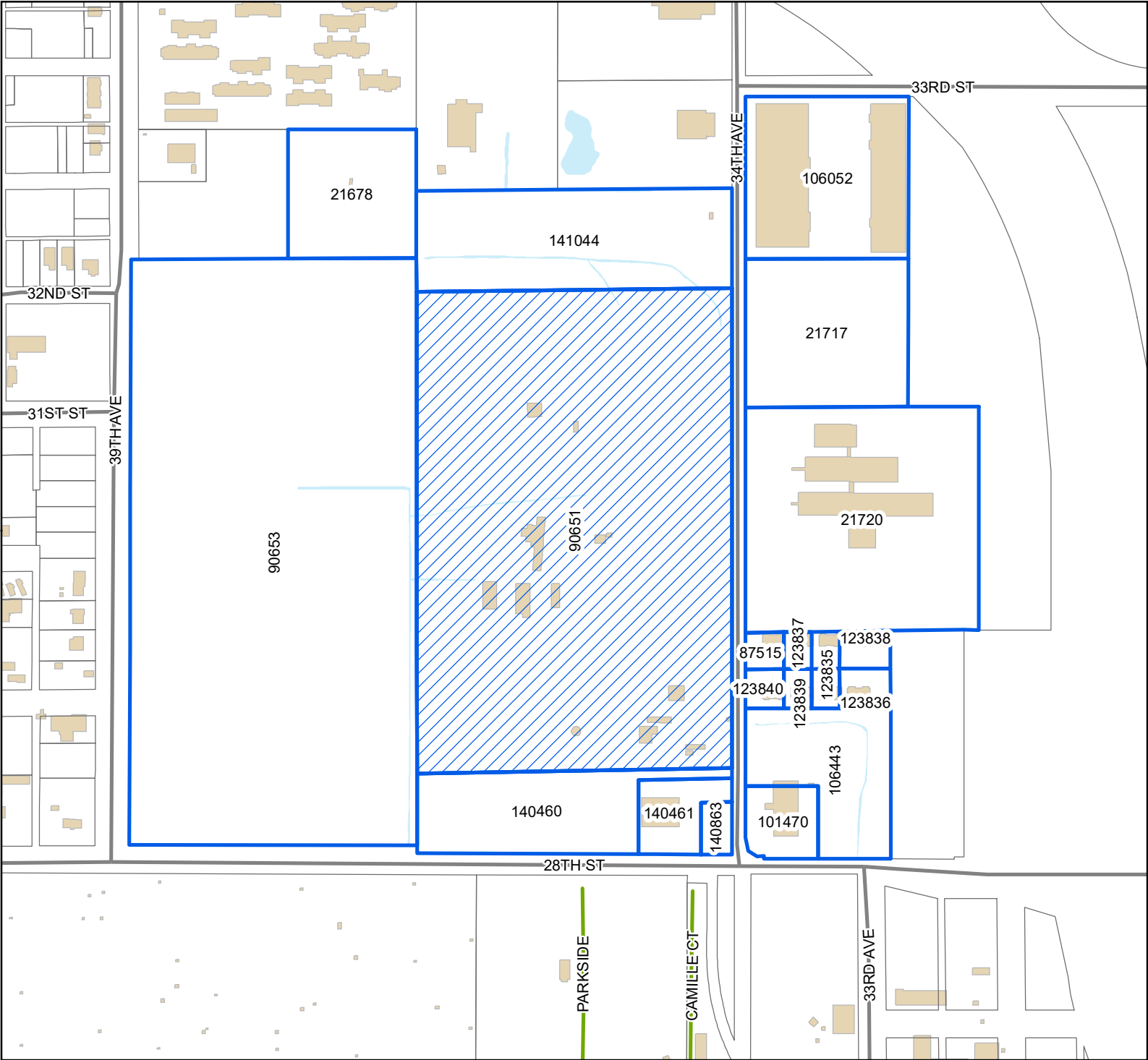
Then, departing said right-of-way line, South 89 degrees 47 minutes 21 seconds West a distance of 270.00 feet to a point;

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.

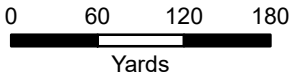
Parcels 1 and 2 of the Property described on Exhibit "A," excluding the parcels designated "LESS AND EXCEPT" thereon, and the Survey Description set forth above, are also one and the same as Lots 1A and 1B on that certain Certificate of Re-subdivision, prepared by Machado-Patano, submitted and approved 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



Legend

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



1 inch = 400 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 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.

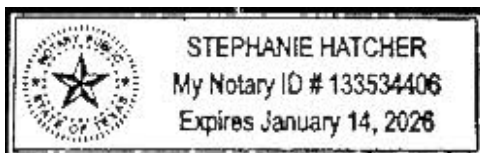
Stephanie Hatcher

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!

Samuel J. Sweeting

RECEIVED
4-7-24 JJ

From: Gregory Holmes
Sent: Friday, April 5, 2024 8:12 AM
To: Su-Lin Featherston; Matilda Welch; Samuel J. Sweeting
Subject: FW: Case # 2403ZB043

FYI

From: Katherine Eglund <912submit@gmail.com>
Sent: Friday, April 5, 2024 12:00 AM
To: Gregory Holmes <GHolmes@gulfport-ms.gov>; Brittany L. Rodgers <brodgers@gulfport-ms.gov>
Cc: Glenn Cobb The Deamons <glenncobb71@gmail.com>
Subject: Re: Case # 2403ZB043

Caution! This message was sent from outside of the City of Gulfport email system. Be careful where you click.

April 4, 2024

From: Glenn Cobb
3709 Reynosa Drive
Gulfport, MS 39501

To: Greg Holmes, Director of Urban Development
GHolmes@gulfport-ms.gov

Brittany Rodgers, Gulfport City Council Clerk
brodgers@gulfport-ms.gov

Re: Case # 2403ZB043

I'm respectfully requesting an appeal of the decision to grant the Port of Gulfport a height zoning variance for its property located at 2809 34th Avenue in Gulfport, Mississippi. I object to this project of the Port's and approval of City of Gulfport's Zoning Board of Adjustment and Appeals Case # 2403ZB043 and Tax Parcel 0710P-001-004.000.

The Port continues to advance environmental injustices to our communities, and I ask for a reconsideration, a hearing and further studies. Thank you for consideration of my request.

Glenn Cobb



Katherine Eglund

WhatsApp and Cell Phone: 1+[228-617-0891](tel:228-617-0891)

Twitter: @katherineegland

“The arc of the moral universe is long, but bends towards justice.”- Dr. MLK. “However, we must keep tugging it forward when others try to redirect it”.-Me

Sent from my iPad- Apologies for Typos

For more information on our Creative Expressions Contest call: 228-617-0891

CITY OF GULFPORT
ZONING BOARD OF ADJUSTMENT AND APPEALS

14. Variance 2403ZB043

TRANSCRIPT OF HEARING

March 21, 2024

TRANSCRIPT OF HEARING HELD BEFORE THE CITY OF GULFPORT
ZONING BOARD OF ADJUSTMENT AND APPEALS HELD IN THE CITY
COUNCIL CHAMBERS, GULFPORT, MISSISSIPPI, ON THE 21ST DAY OF
MARCH 2024 COMMENCING AT 3:00 P.M. AND REPORTED BY
NORMA JEAN LADNER SOROE, CERTIFIED SHORTHAND REPORTER.

COMMISSION MEMBERS PRESENT:

NATHAN BODDIE, Acting President
MARY ANN WIGINTON
ROBERT PHARR, JR.
HAL KAIGLER
NICHOLAS HAHN
MICHAEL DANIELS

STAFF PRESENT:

GREG HOLMES
SU-LIN FEATHERSTON
MATILDA WELCH
SAMUEL SWEETING
BRYCE KLUGH

1 14. Variance 2403ZB043

2 MR. SWEETING: Variance Case 043. The
3 applicant is seeking approval for a building height of 55
4 feet and 3 inches where 50 feet is the height limit at 2809
5 34th Avenue, zoned I-1, Ward 1. A copy of the packet
6 considered is hereby offered to the record.

7 MR. BODDIE: Just state your name and your
8 address.

9 MR. MACHADO: Sure. David Machado, 918
10 Howard Avenue, Biloxi.

11 I'm with MP Design Group, and we are the
12 authorized agent for Mississippi State Port Authority.

13 This is their property.

14 If everyone remembers, you know, during
15 Hurricane Katrina, we had reefer trailers stored on the Port
16 property, and those were cast, you know, all over West
17 Gulfport with frozen chicken and other cold storage
18 products.

19 You know, since that time, the Port has
20 endeavored to, you know, part of their strategic plan, to
21 incorporate a cold storage facility that would serve the
22 Port's needs, as well as some regional needs, for that type
23 of service for the area.

24 You know, a lot of the height restrictions
25 here are tied to the airport and the need for the airport.

1 There's a 50 foot blanket around the Port that -- I mean,
2 I'm sorry -- the airport that for the flight approaches and
3 things like that.

4 When you analyze the location of our site
5 with the FAA site, we're well outside of that concern area
6 for them. Basically it does like a cone; as you go away
7 from the runway, the height gets taller.

8 So that height where we are is roughly 117
9 feet, something like that, for the airport's concerns.
10 We've run through all those FAA clearances and got
11 everything cleared with the airport.

12 You know, there's numerous billboards in this
13 area that are much taller than 50 feet. There's a water
14 tower on this site that's close to 100 feet.

15 This variance request is, you know, about ten
16 percent of outside of what your limit is.

17 And, like I said, it's part of the strategic
18 plan for the Mississippi State Port Authority and what
19 they're doing there and part of the growth and a pretty
20 large obviously economic driver and job creation opportunity
21 here.

22 So I'm happy to answer any technical
23 questions.

24 We do have representatives from Corex who are
25 the -- would be the operators and own the facility. This

1 is Port property, but they would be the ones developing and
2 building the facility. They do this all over the country.

3 So I think it's a great opportunity for
4 Gulfport.

5 MR. BODDIE: Any questions for Mr. Machado?

6 Thank you, sir.

7 Anybody else here to speak for the petition?

8 Anybody to speak against the petition?

9 Any further discussion or questions for the
10 staff?

11 MR. DANIELS: I have a quick question. So
12 you were advised of the limit of 50 feet.

13 MR. MACHADO: Yes.

14 MR. DANIELS: Would that additional five feet
15 matter that much?

16 MR. MACHADO: It does. Unfortunately, it's a
17 driver of the insulation and the properties in the building
18 that basically render it the ability to produce the kind of
19 volume that they need for the cold storage.

20 The eave height right at the eave on the edge
21 is like right at 50 feet 3 inches. So it's really close.

22 And the design of the building and the way it
23 works with the insulation and all that, you know, it's a
24 gabled roof, so by the time you get to the center point of
25 that roof, that's where you get to the five foot three inch

1 variance.

2 But, yes, these are what they build all over
3 the country and serve those different areas and the needs of
4 various customers that they serve. And, yes, that's the
5 requirement.

6 And there's representations they make to
7 their customers on what their capacities are and how they
8 serve those.

9 MR. BODDIE: Any further questions?

10 MS. WIGINTON: Do you have a planned building
11 group? I'm just looking at our technical report, and it
12 says to be considered must have an approved planned building
13 group to allow for another commercial building on the site.

14 Does that apply to this one, or for the
15 future?

16 MR. MACHADO: I don't --

17 MS. FEATHERSTON: Yes. At the time the
18 application was made, it was conveyed to the person that
19 came to speak to our office about it that in order to do
20 another commercial building on site, a planned building
21 group would be required. And that allows for commercial
22 growth on one property.

23 MR. MACHADO: I understand what you're -- I'm
24 sorry. I get it now.

25 Yeah, in the event that there's other

1 development.

2 MS. WIGINTON: Is this the cotton compress
3 property?

4 MR. MACHADO: Yes, ma'am, it sure is.

5 MS. WIGINTON: I'm familiar with it.

6 MR. MACHADO: Yes, ma'am.

7 So and to that point, this is -- there are
8 some wetlands issues -- or not issues -- there's some
9 existing wetlands on this site. Right now this pretty well
10 encompasses the available footprint of developable property
11 at the cotton compress site.

12 But surely in the event that there's another,
13 you know, then we would come back for that as part of the
14 Port's master plan.

15 But at this time, there's no other plans for
16 this property.

17 MR. BODDIE: Any additional questions?

18 Thank you, sir.

19 MR. MACHADO: Thank you.

20 MR. BODDIE: Any further discussion or
21 questions for the staff?

22 I'll ask for a motion.

23 MR. PHARR: I make a motion to approve.

24 MR. BODDIE: We've got a motion to approve.

25 MR. KAIGLER: Second.

1 MR. BODDIE: Mr. Pharr?
2 MR. PHARR: Yea.
3 MR. KAIGLER: Yea.
4 MS. WIGINTON: Yea.
5 MR. DANIELS: Yea.
6 MR. KAIGLER: Yea.
7 MR. BODDIE: Motion passes.
8 MR. MACHADO: Thank you.

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BEFORE THE CITY OF GULFPORT
ZONING BOARD OF ADJUSTMENT AND APPEALS

Variance 2403ZB043

COURT REPORTER'S CERTIFICATE

I, Norma Jean Ladner Soroe, Certified Shorthand Reporter, do hereby certify that to the best of my skill and ability I have reported the hearing held before the City of Gulfport Zoning Board of Adjustment and Appeals and that the foregoing 7 pages constitute a true and correct transcription of said hearing held on the 21st day of March 2024.

I do further certify that my certificate annexed hereto applies only to the original and certified transcript. The undersigned assumes no responsibility for the accuracy of any reproduced copies not made under my control and direction.

Witness my signature this the 15th day of May 2024.

NORMA JEAN LADNER SOROE, CSR #1297
Certified Shorthand Reporter