

AGENDA
ZONING BOARD OF ADJUSTMENT AND APPEALS
CITY HALL COUNCIL CHAMBERS
THURSDAY, SEPTEMBER 19, 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 - August 15, 2024

G. Hearing of Cases

G1. Public Declaration of Appeal Process of Chairman

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

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

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

G3. Routine Agenda

- 1. Variance 2408ZB113:(Tabled to September meeting due to applicant's absence)**

Variance 2408ZB113, by owner Land Lady Investments, LLC, seeking approval for parking that backs out into city right-of-way, Tax Parcel 0910N-07-014.000, 512 Pass Road, Zoned B-2 (General Business), Ward 4

2. Variance 2408ZB114:(Tabled to September meeting due to applicant's absence)

Variance 2408ZB114, by owner Land Lady Investments, LLC, seeking approval to have 4 regular parking spaces where 7 is required, Tax Parcel 0910N-07-014.000, 512 Pass Road, Zoned B-2 (General Business), Ward 4

3. Variance 2409ZB127

Variance 2409ZB127, by owner Ancillary Capital LLC, seeking approval for a seven-foot front yard setback where 15 feet is required, Tax Parcel 0811L-03-030.001, 33rd Ave, Zoned T4+ (General Urban Zone "Plus"), Ward 2

4. Variance 2409ZB137

Variance 2409ZB137, by owner Gregory LeBaugh, seeking approval for an accessory structure of 840 square feet in addition to an existing 540 square-foot accessory structure on a property less than an acre, Tax Parcels 0807M-03-030.000, 0807M-03-031.000, 15408 Woody Drive, Zoned R-1-10 (Single-family), Ward 7

5. Variance 2409ZB138:

Variance 2409ZB138, by agent All Sign Inc, seeking approval for an additional wall sign on the northern elevation, Tax Parcel 1010E-01-021.001, 1201 Washington Ave, Zoned T3 (Sub-Urban Zone), Ward 4

6. Variance 2409ZB139:

Variance 2409ZB139, by agent Ian Nushke, seeking approval for parking that pulls out into city right of way, Tax Parcel 0910N-7-006.000, 3320 C Ave, Zoned B-2 (General-Business), Ward 4

7. Special Exception 2409SE140:

Special Exception 2409SE140, by agent Johnathan Tate Jr., seeking approval for a daycare use, Tax Parcel 0810N-04-001.000, 2301 31st Street, Zoned B-2 (General-Business), Ward 3

8. Variance 2409ZB141:

Variance 2409ZB141, by agent J.R. Walsh, seeking approval for 16-foot-tall accessory structure that exceeds the primary structure height, Tax Parcel 1009L-02-009.000, 11172 Creel Circle, Zoned R-1-7.5 (Single-family), Ward 5

9. Variance 2409ZB142:

Variance 2409ZB142, by agent J.R. Walsh, seeking approval of a 1600 square-foot accessory structure in addition to an existing 980 square foot structure on a property that is less than an acre, Tax Parcel 1009L-02-009.000, Zoned R-1-7.5 (Single-family) Ward 5

10. Variance 2409ZB143:

Variance 2409ZB143, by owner Jose Santamaria, seeking approval for a 2-foot side yard setback where 6 feet is required, Tax Parcel 1010E-02-023.000, 1200 College St, Zoned T3 (Sub-Urban Zone), Ward 4

11. Variance 2409ZB147:

Variance 2409ZB147, by owner Queen E. Graves, seeking approval for a 6-foot second frontage setback where 15 feet is required, Tax Parcel 0810F-03-072.000, Alabama Ave, Zoned R-1-5 (Single-Family), Ward 3

12. Variance 2409ZB148:

Variance 2409ZB148, by owner Jose Santamaria, seeking approval for a 196 square foot accessory structure in addition to existing 985 square foot structure on a parcel less than an acre, Tax Parcel 1010E-02-023.000, 1200 College St, Zoned T3 (Sub-Urban Zone), Ward 4

13. Variance 2409ZB149:

Variance 2409ZB149, by owner Jeanette Ladner, seeking approval for a second frontage setback of 15.5 feet where 25 feet is required, Tax Parcel 0811B-04-069.000, 2300 18th Ave, Zoned R-2 (Single-Family), Ward 3

H. Adjournment

MINUTES

ZONING BOARD OF ADJUSTMENT AND APPEALS MEETING

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

GULFPORT CITY COUNCIL CHAMBERS

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

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

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

D. **Determination of a Quorum**:

BOARD MEMBERS PRESENT:

ROBERT PHARR
LESLIE NORTH
NICHOLAS HAHN
MICHAEL DANIELS

BOARD MEMBERS ABSENT:

NATHAN BODDIE
HAL KAIGLER
MARY ANN WIGINTON

STAFF MEMBERS PRESENT:

SU-LIN FEATHERSTON
GREG HOLMES
SAMUEL SWEETING
LESLIE ERVIN

COURT REPORTER:

NORMA SOROE

E. **Confirmation of Agenda**:

F. **Approval of Minutes**:

Motion by Mr. Hahn and seconded by Mr. Pharr to approve Minutes of the **July 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 2408ZB113:

Variance 2408ZB113, by owner Land Lady Investments, LLC, seeking approval for parking that backs out into city right of way, Tax Parcel 0910N-07-014.000, 512 Pass Road, Zoned B-2 (General Business), Ward 4

Speaking for the Petition: None

Speaking against the Petition: None

Motion: Mr. Pharr – to table to the next meeting due to applicant’s absence.

Second: Mr.Hahn

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

Action: Motion carried unanimously

2. Variance 2408ZB114:

Variance 2408ZB114, by owner Land Lady Investments, LLC, seeking approval to have 4 regular parking spaces where 7 is required, Tax Parcel 0910N-07-014.000, 512 Pass Road, Zoned B-2 (General Business), Ward 4

Speaking for the Petition: None

Speaking against the Petition: None

Motion: Mr. Hahn – to table to the next meeting due to applicant’s absence.

Second: Mr. Pharr

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

Action: Motion carried unanimously

3. Variance 2408ZB116:

Variance 2408ZB116, by agent Patricia Tomasello, seeking approval for an 18-foot front yard setback where 25 feet is required, Tax Parcel 0911C-01-199.000, 200 E Railroad Street, Zoned R-2 (Single-family), Ward 3

Speaking for the Petition: Greg Mihalovich

Speaking against the Petition: None

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

Second: Mr. Daniel

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

Action: Motion carried unanimously

4. Variance 2408ZB117:

Variance 2408ZB117, by agent Patricia Tomasello, seeking approval for a side yard setback of 5-feet and 11 inches where 8 feet is required, Tax Parcel 0911C-01-199.000, 200 E Railroad Street, Zoned R-2 (Single-family), Ward 3

Speaking for the Petition: Greg Mihalovich

Speaking against the Petition: None

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

Second: Mr. Pharr

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

Action: Motion carried unanimously

5. Variance 2408ZB120:

Variance 2408ZB120, by agent Timothy Gobble, seeking approval for a 7-foot tall chain link fence where 6-feet is the height limit, Tax Parcel 0811F-02-040.000, 2201 17th Street, Zoned T4+ (General Urban Zone "Plus"), Ward 3

Speaking for the Petition: Timothy Gobble

Speaking against the Petition: None

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

Second: Mr. Pharr

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

Action: Motion carried unanimously

6. Variance 2408ZB122:

Variance 2408ZB122, by agent Jon Storonskyj, seeking approval for an additional wall sign on the west elevation, Tax Parcel 0808K-03-113.001, 15142 Dedeaux Road, Zoned R-B (Residence-business), Ward 7

Speaking for the Petition: Jon Storonskyj

Speaking against the Petition: None

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

Second: Mr. Hahn

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

Action: Motion carried unanimously

7. Variance 2408ZB124:

Variance 2408ZB124, by agent Matt Largen, seeking approval for a front yard setback for a freestanding ground sign of 1-foot where 10 feet is required, Tax Parcel 1008M-01-008.000, 11252 Lorraine Road, Zoned B-2 (General-business), Ward 6

Speaking for the Petition: Matt Largen, Patel Prasant

Speaking against the Petition: None

Motion: Mr. Hahn – with conditions of the Engineering Department requiring the sign be the proper distance from the water line.

Second: Mr. Pharr

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

Action: Motion carried unanimously

8. Variance 2408ZB126:

Variance 2408ZB126, by agent Cross Development CC Gulfport, LLC, seeking approval for 10 regular parking spaces where 18 is required, Tax Parcel 1008L-01-002.000, Dedeaux Road, Zoned B-2 (General-business), Ward 6

Speaking for the Petition: Nathan Spence

Speaking against the Petition: None

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

Second: Mr. Hahn

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

Action: Motion carried 3-1

9. Variance 2409ZB128:

Variance 2409ZB128, by agent Robert Thomas, seeking approval for a 4-foot front yard setback where 25 feet is required, Tax Parcel 0711H-02-023.000, 3521 19th Street, Zoned R-2 (Single-family) & (Sub-Urban zone), Ward 1

Speaking for the Petition: Robert Thomas

Speaking against the Petition: None

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

Second: Mr. Pharr

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

Action: Motion carried unanimously

Adjournment:

Motion by **Mr. Pharr** to adjourn the meeting was seconded by **Mr. Daniels** and carried unanimously. The meeting adjourned **3:42 P.M. .**

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

Michael Daniels, Secretary

Date: _____



URBAN DEVELOPMENT DEPARTMENT | PLANNING & ZONING

PO BOX 1780 | GULFPORT, MS | 1410 24TH AVENUE

P: 228.868.5710 | F: 228.868.5708 | PLANNERS@GULFPORT-MS.GOV

ZONING BOARD OF ADJUSTMENT AND APPEALS CASE # 2408ZB113

Hearing Date: Thursday, September 19, 2024

Variance 2408ZB113:(Tabled to September meeting due to applicant's absence) Variance 2408ZB113, by owner Land Lady Investments, LLC, seeking approval for parking that backs out into city right-of-way, Tax Parcel 0910N-07-014.000, 512 Pass Road, Zoned B-2 (General Business), Ward 4

Technical Report

VARIANCE

GENERAL INFORMATION

Case File Number: 2408ZB113

Hearing Date: September 19, 2024

Current Zoning/Use: B-2 / Commercial Structure

Legal: Variance 2408ZB113, by owner Land Lady Investments, LLC, seeking approval for parking that backs out into city right of way, Tax Parcel 0910N-07-014.000, 512 Pass Road, Zoned B-2 (General Business), Ward 4

TECHNICAL DETAILS

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

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

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

Technical Report

VARIANCE

The applicant requests a variance to allow backing out into city right-of-way for a commercial use. The required parking must be 9' by 18' with an isle width of 25' and any commercial use cannot back out into city right-of-way. The applicant is unable to meet the 25' isle width nor has enough space to avoid using city right-of-way.

- (a) The applicant states that they need approval to back into the city street. The applicant does not properly address the special conditions and circumstances exist which are peculiar to the land. Upon staff review of the property, the existing conditions would not allow for suitable on-site turnaround to prevent backing out into city right of way.
- (b) The applicant claims that the building was preexisting. Upon staff review of archived imagery, the structure has existed on that property since 2006. Since the structure existed prior to the applicant obtaining the property, it is not a hardship that they caused.
- (c) The applicant roughly states that they cannot comply with the on-site turnaround required for the property and because of that they need the variance. The property in question does not have a feasible way of extending the allotted space in order to meet the requirements for having enough on site turnaround and therefore this variance is required.
- (d) The applicant states that the properties near them do not have the required on site turnaround. Upon staff review, there are several properties along Pass Road that do not have enough on site turnaround and have to back out into city right of way.
- (e) The applicant claims that they will not be receiving any special benefit conferred upon them if this request is granted. There are several properties along Pass Road that have gone for variances for backing out into city right-of-way, such as cases 1903ZB032, 2404ZB069, and 2405ZB060. Granting this variance would be in line with the area.
- (f) This property is zoned B-2, and some commercial uses are allowed by right.

EXECUTIVE SUMMARY

The applicant requests a parking variance to allow for backing out of city right of way. Upon staff review, due to the existing structure, the property does not have enough space to accommodate proper on site turnaround. Furthermore, the area has a history of properties being granted variances for backing out into city right of way, such as cases 1903ZB032, 2404ZB069, and 2405ZB060, and thus granting the variance would be in harmony for the area.

Any approval should consider these conditions:

- 1. Approval allows for backing out into the city right-of-way.
- 2. Must adhere to all rules and regulations
- 3. The parking area in front of the building was painted at some point in the past year as shown on the parking plan included in the application, but none of the parking spaces as shown on the plan and as striped back out into Pass Rd. Additionally, the proposed one way routing around the rear of the building is not wide enough to allow for a pickup truck to make the turn at the northwest corner of the building.
- 4. The angle backing out into Pass Road at this location is at an approximate 30 degree angle and creates a hazard to both lanes traveling west. There appears to be enough room on the east side of the building to place several parking places at a 30 degree angle and drive one way around to the west side of the building driving forward onto Pass Road.
- 5. Parking Lot is already striped. See 2408ZB114.

Technical Report

VARIANCE

DEPARTMENTAL CONDITIONS

Engineering:

Disapprove: The parking area in front of the building was painted at some point in the past year as shown on the parking plan included in the application, but none of the parking spaces as shown on the plan and as striped back out into Pass Rd. Additionally, the proposed one way routing around the rear of the building is not wide enough to allow for a pickup truck to make the turn at the northwest corner of the building. Memo dated 7/31/2024.

Public Works:

No comment as of 8/05/2024.

Traffic and Safety:

Disapprove: Parking Lot is already striped. See 2408ZB114. Memo dated 8/02/2024.

Building Code Services:

Disapprove: The angle backing out into Pass Road at this location is at an approximate 30 degree angle and creates a hazard to both lanes traveling west. There appears to be enough room on the east side of the building to place several parking places at a 30 degree angle and drive one way around to the west side of the building driving forward onto Pass Road. Memo dated 7/24/2024.

GIS:

No conditions. Memo dated 7/29/2024.

Police Department:

No comment as of 8/05/2024.

Fire Department:

No conditions. Memo dated 7/24/2024.

City Arborist:

No conditions. Memo dated 7/25/2024.

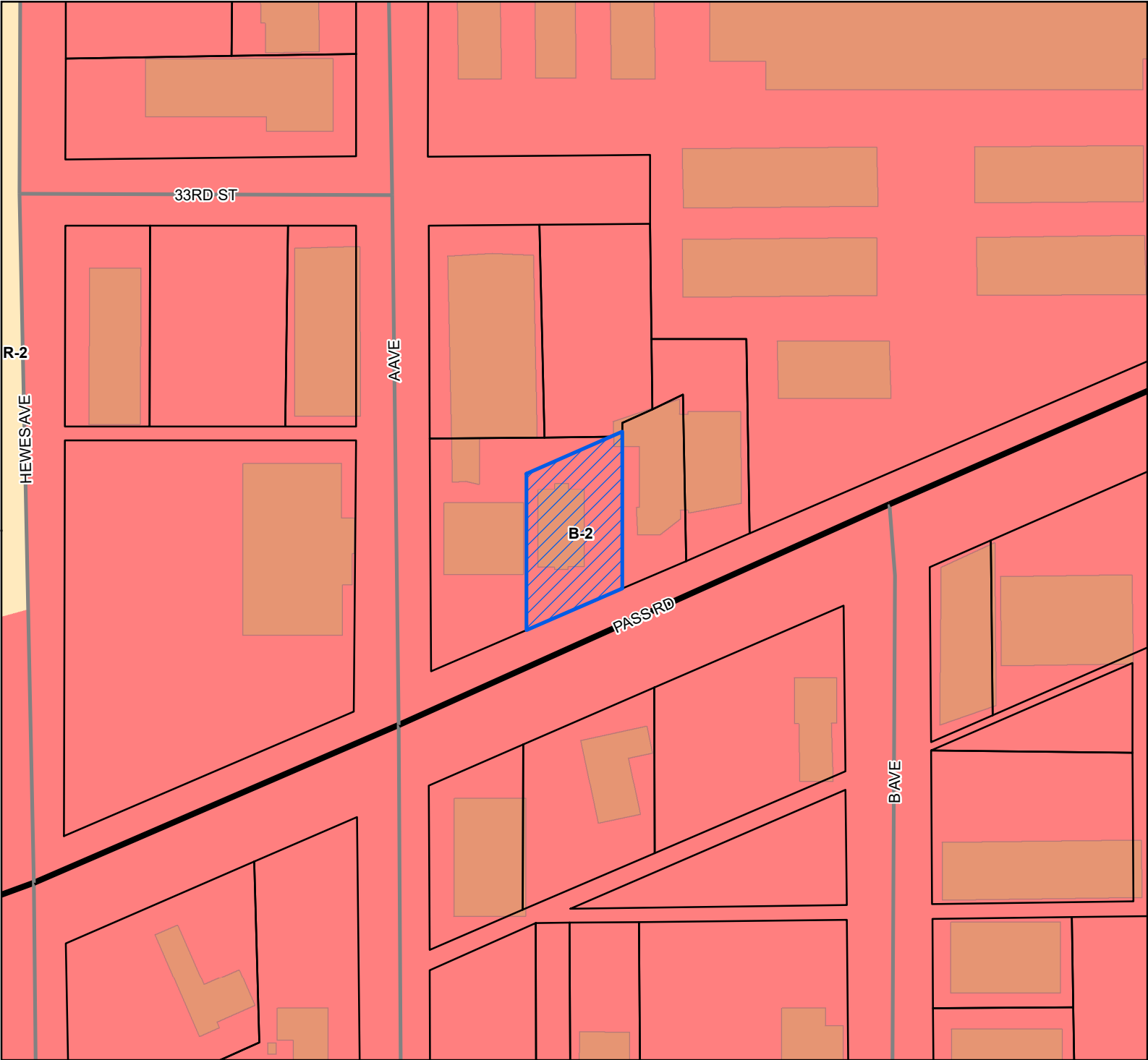
DIRECTOR APPROVAL

This report has been reviewed and approved by:



Greg Holmes

Director of Urban Development Department



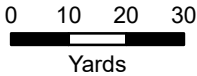
Legend

- Site
- US or State Highway
- Street
- Parcels
- Buildings
- City Limit

Zoning

- B-2 - General Business District
- R-2 - Single Family Residence District (Medium Density)

Site Information
0910N-07-014.000
Zoning: B-2 (General Business)
Size: 7775.81 sqft
Flood: X



1 inch = 100 feet



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



CASE NUMBER
2408ZB113
BC 06/06/2024
ACCP#: 12787239

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

0910M-07-014.000	

Property Address:

572 Pass Rd
Lot(s) _____ Block(s) _____ Subdivision _____

General Description of Request: to back out into city
right of way

OWNERSHIP AND CERTIFICATION:

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

OWNER:

Shakiera LeBlanc
 Printed Name of Owner
115 Thornhill Dr Suite A
 Mailing Address
Hattiesburg MS 39402
 City State Zip Code
601-549-8080
 Home Phone Work/Cell Phone
johnson.shakiera@yahoo
 Email
K LeBlanc
 Signature of Owner

AGENT:

 Printed Name of Agent

 Mailing Address

 City State Zip Code

 Home Phone Work/Cell Phone

 Email

 Signature of Agent

This page must be completed if the property or properties involved have more than one owner. All persons listed as owners to the property or properties listed on page one must complete and sign this part of the application. We can only accept applications with original signatures.

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

Name of Owner (PRINT) Shakiera LeBlanc
 Address (Street, City, State, Zip Code) 115 Thornhill Dr Suite A
 Phone (Home) _____ (Work) 601-336-5260 (Cell) 601-549-8080
 Tax Parcel Number(s) Owned: 09104-07-014.000
 Signature: K LeBlanc

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: _____



COVENANT AFFIDAVIT

I, Shakien LeBlanc being property owner or agent of the property 512 Pass Rd GTP
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.

K. LeBlanc
SIGNATURE

June 6th 2024
DATE

STATE OF MISSISSIPPI | COUNTY OF HARRISON

Given under my hand and seal of office this the 6th day of June, 20 24

Samuel Sweeting
NOTARY PUBLIC

5/22/2027
COMMISSION EXPIRATION



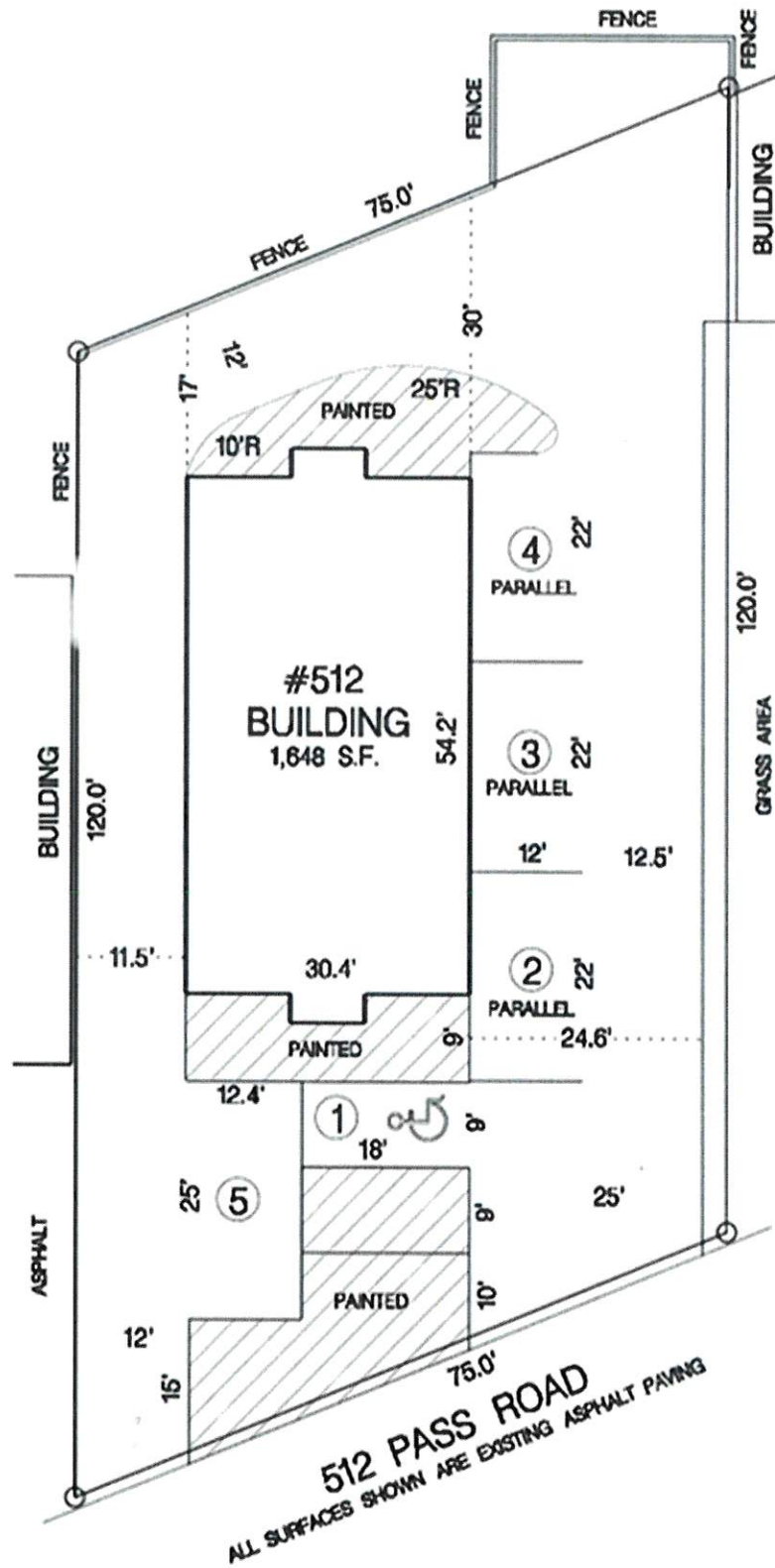
VARIANCE SUBMISSIONS

✓ 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 approval to back into the city street*
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.) *Building was pre existing*
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?) *Building does not meet requirements to back out. need permission to use city street*
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.) *Businesses next to me has to back out into city right way*
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?) *no*
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. *yes Admin office for Health care*



512 PASS ROAD SITE - 2.pdf



PROPOSED PLAN-2





Michael Watson

SECRETARY OF STATE

This is not an official certificate of good standing.

Name History

Name	Name Type
LANDLADY INVESTMENTS LLC	Legal

Business Information

Business Type:	Limited Liability Company
Business ID:	1192101
Status:	Good Standing
Effective Date:	10/25/2019
State of Incorporation:	Mississippi
Principal Office Address:	115 THORNHILL DR, SUITE A HATTIESBURG, MS 39402

Registered Agent

Name
SHAKIEA LEBLANC 115 THORNHILL DR, SUITE A HATTIESBURG, MS 39402

Officers & Directors

Name	Title
SHAKIEA LEBLANC 1318 w pine st HATTIESBURG, MS 39401	Manager, President



SCANNED



Angela Hulse 1st JUDICIAL DISTRICT
Instrument 2024-0006393-D-J1
Filed/Recorded 04/08/2024 9:40:01 AM
Total Fees 26.00
2 Pages Recorded

Prepared by and return to:
Luckett Land Title, Inc.
Joseph M. Gianola, Jr. (MSB No. 101972)
63 98 Place Boulevard
Hattiesburg, Mississippi 39402
(601)450-0065
File No. 24-0458H

INDEXING INSTRUCTIONS: Lot 15, 16, and 17, Block 6, Revision of Magnolia Grove Addition to the City of Gulfport, First Judicial District, Harrison County, Mississippi

**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 and valuable consideration, the receipt, adequacy and sufficiency of all of which is hereby irrevocably acknowledged and confessed, the Grantor,

JOHN W. HOLDEN, JR.
P.O Box 1055
Cleveland, TN 37364
(423)667-1672

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

LAND LADY INVESTMENTS, LLC,
a Mississippi limited liability company
115 Thornhill Dr. Ste A
Hattiesburg, MS 39402
(601)549-8080

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

Lots 15, 16 and 17, Block 6, REVISION OF MAGNOLIA GROVE ADDITION TO THE CITY OF GULFPORT, according to the official map or plat thereof on file and of record in the office of the Chancery Clerk of First Judicial District, Harrison County, Mississippi in Plat Book 3 at page 36.

This conveyance and the warranty hereof is subject to the Final Decree Vacating Part of Plat filed in Book 574 at Page 172 in the office of the Chancery Clerk of Harrison County, Mississippi.

This conveyance and the warranty hereof is subject to any and all prior and outstanding leases, exceptions, reservations and/or conveyances of oil, gas and/or other minerals and any geothermal energy resources lying in, on and under the above described real property.

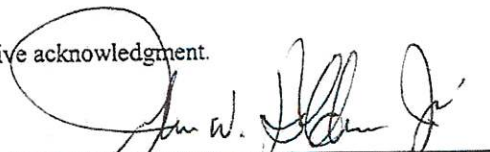
This conveyance and the warranty hereof is subject to any environmental condition existing upon the subject property which would cause said property to be in violation of any State and/or Federal Environmental Protection Act.

This conveyance and the warranty hereof is subject to any and all other easements and rights-of-way, whether of record or of use, which affect the real property hereby conveyed.

This conveyance and the warranty hereof is subject to any and all Covenants and Restrictions of record.

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

WITNESS MY SIGNATURE on the date of my respective acknowledgment.


JOHN W. HOLDEN, JR., GRANTOR

STATE OF 2m

COUNTY OF Bradley

THIS DAY personally came and appeared before me, the undersigned authority in and for the jurisdiction above stated, John W. Holden, Jr., who stated and acknowledged to me that he did execute, sign and deliver the above and foregoing instrument on the date and for the purposes therein stated.

GIVEN UNDER MY HAND AND OFFICIAL SEAL OF OFFICE, this the 3rd of April, 2024.


NOTARY PUBLIC

My Commission Expires: 10/6/27

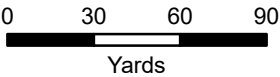


Mail	PPIN	Parcel ID	Name	Address	City	State	ZIP
Y		0910N-07-014.000	LAND LADY INVESTMENTS LLC (OWNER)	115 THORNHILL DR	HATTISBURG	MS	39402
			Adjacent Property Owners (2408ZB113)				
	103379	0910N-07-012.001	MUELLER RICHARD P JR	15384 5TH STREET	GULFPORT	MS	39503
	83972	0910N-07-015.000	DIBS CHEMICAL & SUPPLY CO INC	542 PASS RD	GULFPORT	MS	39501
	31704	0910N-07-014.000	HOLDEN JOHN W JR	P O BOX 1055	CLEVELAND	TN	37364
	83969	0910N-07-012.000	CARR CHARLES D -TRUSTEE-	19400 NORTH POINT COVE	GULFPORT	MS	39503
	31693	0910N-07-018.000	HUNTOON PHILIP C	2471 SOUTH SHORE DRIVE	BILOXI	MS	39532
	31694	0910N-07-017.000	GATES NEVILLE JR	19 51ST ST	GULFPORT	MS	39507
	31709	0910N-06-022.000	HLR PROPERTIES LLC	1115 PASS ROAD	GULFPORT	MS	39501
	31695	0910N-07-016.000	ACE RADIATOR ALIGNMENT & AIR LLC	3221 A AVE	GULFPORT	MS	39507
	31723	0910N-06-015.000	BEATTIES JACK	3206 B AVE	GULFPORT	MS	39501
	31717	0910N-06-019.000	VINTAGE PROPERTIES LLC	19 KIMBELL DR	GULFPORT	MS	39507
	31702	0910N-07-010.000	MUELLER RICHARD P JR	15384 5TH ST	GULFPORT	MS	39503
	31712	0910N-06-020.000	AUTO CASH INC	521 CEDAR AVE	CRESTVIEW	FL	32539
	31724	0910N-06-016.000	VINTAGE PROPERTIES LLC	19 KIMBALL DRIVE	GULFPORT	MS	39507
	107783	0910N-06-026.001	QUIN SHERYL V	24178 LEEWARD DR	GULFPORT	MS	39503
	31714	0910N-06-024.000	BREWER INGLE C JR & LEE MICHEAL	7360 RUSHING ROBINSON RD	BILOXI	MS	39532
	31711	0910N-06-021.000	HLR PROPERTIES LLC	1115 PASS RD	GULFPORT	MS	39501
N	31713	0910N-06-023.000	VINTAGE PROPERTIES LLC	19 KIMBELL DR	GULFPORT	MS	39507
	31706	0910N-06-028.000	QUIN EDWARD E JR ETAL	15701 PARKWOOD DR SOUTH	GULFPORT	MS	39503
N	31700	0910N-07-011.000	MUELLER RICHARD P JR	15384 5TH STREET	GULFPORT	MS	39503
N	31703	0910N-07-013.000	MUELLER RICHARD P JR	15384 5TH STREET	GULFPORT	MS	39503
N	31708	0910N-06-027.000	QUIN SHERYL V	24178 LEEWARD DR	GULFPORT	MS	39503
	31715	0910N-06-025.000	QUIN EDWARD E JR	529 32ND ST	GULFPORT	MS	39501
	31716	0910N-06-026.000	QUIN SHERYL V	12478 LEEWARD DR	GULFPORT	MS	39503
N	83963	0910N-06-018.000	VINTAGE PROPERTIES LLC	19 KIMBALL DRIVE	GULFPORT	MS	39507
	31701	0910N-07-009.000	3K'S LLC ETAL	150 GOVERNMENT ST	MOBILE	AL	36602
		0910N-07-014.000	SHAKIEA LEBLANC	115 THORNHILL DR	HATTISBURG	MS	39402



Legend

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



1 inch = 200 feet



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

RE: Variance 2408ZB113, by owner Land Lady Investments, LLC, seeking approval for parking that backs out into city right of way, Tax Parcel 0910N-07-014.000, 512 Pass Road, Zoned B-2 (General Business), Ward 4

To Applicants and Adjacent Property Owners:

The City of Gulfport Zoning Board of Adjustments and Appeals will hold a public hearing to consider the above application at 3:00 P.M. on **Thursday, August 15, 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, August 15, 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	577293	Print Legal Ad-IPL01856440 - IPL0185644		\$88.90	2	55 L

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

accountspayable@gulfport-ms.gov

LEGAL NOTICE PUBLIC HEARING

In conformance with Section VIII of the Comprehensive Zoning Ordinance of the City of Gulfport, Mississippi, 1979, as amended, notice is hereby given advising that the Zoning Board of Adjustment and Appeals will hold a public hearing in the City of Gulfport, Mississippi at 3:00 P.M., Thursday, August 15, 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 2408ZB113, by owner Land Lady Investments, LLC, seeking approval for parking that backs out into city right of way, Tax Parcel 0910N-07-014.000, 512 Pass Road, Zoned B-2 (General Business), Ward 4

Variance 2408ZB114, by owner Land Lady Investments, LLC, seeking approval to have 4 regular parking spaces where 7 is required, Tax Parcel 0910N-07-014.000, 512 Pass Road, Zoned B-2 (General Business), Ward 4

Variance 2408ZB116, by agent Patricia Tomasello, seeking approval for an 18-foot front yard setback where 25 feet is required, Tax Parcel 0911C-01-199.000, 200 E Railroad Street, Zoned R-2 (Single-family), Ward 3

Variance 2408ZB117, by agent Patricia Tomasello, seeking approval for a side yard setback of 5-feet and 11 inches where 8 feet is required, Tax Parcel 0911C-01-199.000, 200 E Railroad Street, Zoned R-2 (Single-family), Ward 3

Variance 2408ZB120, by agent Timothy Gobble, seeking approval for a 7-foot tall chain link fence where 6-feet is the height limit, Tax Parcel 0811F-02-040.000, 2201 17th Street, Zoned T4+ (General Urban Zone & "Plus"), Ward 3

Variance 2408ZB122, by agent Jon Storonskyj, seeking approval for an additional wall sign on the west elevation, Tax Parcel 0808K-03-113.001, 15142 Dedeaux Road, Zoned R-B (Residence-business), Ward 7

Variance 2408ZB124, by agent Matt Largen, seeking approval for a front yard setback for a freestanding ground sign of 1-foot where 10 feet is required, Tax Parcel 1008M-01-008.000, 11252 Lorraine Road, Zoned B-2 (General-business), Ward 6

Variance 2408ZB126, by agent Cross Development CC Gulfport, LLC, seeking approval for 10 regular parking spaces where 18 is required, Tax Parcel 1008L-01-002.000, Dedeaux Road, Zoned B-2 (General-business), Ward 6

Variance 2408ZB128, by agent Robert Thomas, seeking approval for a 4-foot front yard setback where 25 feet is required, Tax Parcel 0711H-02-023.000, 3521 19th Street, Zoned R-2 (Single-family) & (Sub-Urban zone), Ward 1

This the 24th day of July 2024

A. Leslie North, Chairman
City of Gulfport Zoning Board of Adjustment and Appeals
IPL0185644
Jul 31 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:
07/31/24

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.

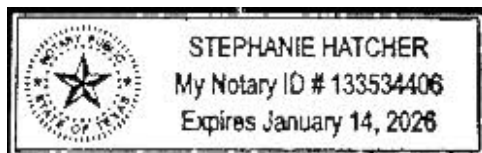
Mary Castro

Sworn to and subscribed before me this 31st day of July 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!



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	588196	Print Legal Ad-IPL01918640 - IPL0191864		\$104.65	2	54 L

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

accountspayable@gulfport-ms.gov

LEGAL NOTICE PUBLIC HEARING

In conformance with Section VIII of the Comprehensive Zoning Ordinance of the City of Gulfport, Mississippi, 1979, as amended, notice is hereby given advising that the Zoning Board of Adjustment and Appeals will hold a public hearing in the City of Gulfport, Mississippi at 3:00 P.M., Thursday, September 19, 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 2408ZB113, by owner Land Lady Investments, LLC, seeking approval for parking that backs out into city right of way, Tax Parcel 0910N-07-014.000, 512 Pass Road, Zoned B-2 (General Business), Ward 4

Variance 2408ZB114, by owner Land Lady Investments, LLC, seeking approval to have 4 regular parking spaces where 7 is required, Tax Parcel 0910N-07-014.000, 512 Pass Road, Zoned B-2 (General Business), Ward 4

Variance 2409ZB127, by owner Ancillary Capital LLC, seeking approval for a seven-foot front yard setback where 15 feet is required, Tax Parcel 0811L-03-030.001, 33rd Ave, Zoned T4+ (General Urban Zone "Plus"), Ward 2

Variance 2409ZB137, by owner Gregory LeBaugh, seeking approval for an accessory structure of 840 square feet in addition to an existing 540 square-foot accessory structure on a property less than an acre, Tax Parcels 0807M-03-030.000, 0807M-03-031.000, 15408 Woody Drive, Zoned R-1-10 (Single-family), Ward 7

Variance 2409ZB138, by agent All Sign Inc, seeking approval for an additional wall sign on the northern elevation, Tax Parcel 1010E-01-021.001, 1201 Washington Ave, Zoned T3 (Sub-Urban Zone), Ward 4

Special Exception 2409SE140, by agent Johnathan Tate Jr., seeking approval for a daycare use, Tax Parcel 0810N-04-001.000, 2301 31st Street, Zoned B-2 (General-Business), Ward 3

Variance 2409ZB141, by agent J.R. Walsh, seeking approval for 16-foot-tall accessory structure that exceeds the primary structure height, Tax Parcel 1009L-02-009.000, 11172 Creel Circle, Zoned R-1-7.5 (Single-family), Ward 5

Variance 2409ZB142, by agent J.R. Walsh, seeking approval of a 1600 square-foot accessory structure in addition to an existing 980 square foot structure on a property that is less than an acre, Tax Parcel 1009L-02-009.000, Zoned R-1-7.5 (Single-family) Ward 5

Variance 2409ZB143, by owner Jose Santamaria, seeking approval for a 2-foot side yard setback where 6 feet is required, Tax Parcel 1010E-02-023.000, 1200 College St, Zoned T3 (Sub-Urban Zone), Ward 4

Variance 2409ZB147, by owner Queen E. Graves, seeking approval for a 6-foot second frontage setback where 15 feet is required, Tax Parcel 0810F-03-072.000, Alabama Ave, Zoned R-1-5 (Single-Family), Ward 3

Variance 2409ZB148, by owner Jose Santamaria, seeking approval for a 196 square foot accessory structure in addition to existing 985 square foot structure on a parcel less than an acre, Tax Parcel 1010E-02-023.000, 1200 College St, Zoned T3 (Sub-Urban Zone), Ward 4

Variance 2409ZB149, by owner Jeanette Ladner, seeking approval for a second frontage setback of 15.5 feet where 25 feet is required, Tax Parcel 0811B-04-069.000, 2300 18th Ave, Zoned R-2 (Single-Family), Ward 3

This the 28th day of August 2024

A. Leslie North, Chairman
City of Gulfport Zoning Board of Adjustment and Appeals
IPL0191864
Sep 4 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:
09/04/24

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.

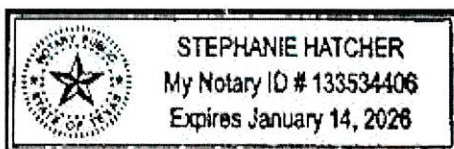
Mary Castro

Sworn to and subscribed before me this 10th day of
September 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!



URBAN DEVELOPMENT DEPARTMENT | PLANNING & ZONING

PO BOX 1780 | GULFPORT, MS | 1410 24TH AVENUE

P: 228.868.5710 | F: 228.868.5708 | PLANNERS@GULFPORT-MS.GOV

ZONING BOARD OF ADJUSTMENT AND APPEALS CASE # 2408ZB114

Hearing Date: Thursday, September 19, 2024

Variance 2408ZB114:(Tabled to September meeting due to applicant's absence) Variance 2408ZB114, by owner Land Lady Investments, LLC, seeking approval to have 4 regular parking spaces where 7 is required, Tax Parcel 0910N-07-014.000, 512 Pass Road, Zoned B-2 (General Business), Ward 4

Technical Report

VARIANCE

GENERAL INFORMATION

Case File Number: 2408ZB114

Hearing Date: September 19, 2024

Current Zoning/Use: B-2 / Commercial Structure

Legal: Variance 2408ZB114, by owner Land Lady Investments, LLC, seeking approval to have 4 regular parking spaces where 7 is required, Tax Parcel 0910N-07-014.000, 512 Pass Road, Zoned B-2 (General Business), Ward 4

TECHNICAL DETAILS

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

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

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

Technical Report

VARIANCE

The applicant requests a variance to allow for 4 parking spaces and 1 handicap space instead of the required 7 parking spaces and 1 handicap space for this property.

- (a) The applicant states that, "Parking is unable to be obtained." The applicant does not properly address the special conditions and circumstances exist which are peculiar to the land. Upon staff review of the property, the available space would not allow for suitable parking on the property.
- (b) The applicant claims that building is preexisting. Upon staff review of archived imagery, the structure has existed on that property since 2006. Since the structure existed prior to the applicant obtaining the property, it is not a hardship that they caused.
- (c) The applicant roughly states that the building does not comply because of the amount of parking spaces. The proposed parking plan only seems to be capable of accommodating 4 parking spaces and a required handicap space.
- (d) The applicant claims that the properties around them have less than the required parking spaces. Upon staff review, there are several properties along Pass Road that do not meet the required parking spaces.
- (e) The applicant claims that they will not be receiving any special benefit conferred upon them if this request is granted. There are several properties along Pass Road that have gone for variances for the amount of allowed parking, such as cases 1903ZB032, 1912ZB164, and 2104ZB069. Thus granting this variance would be in line with the area.
- (f) This property is zoned B-2, and some commercial uses are allowed by right.

EXECUTIVE SUMMARY

The applicant requests a parking variance to allow for backing out of city right of way. Upon staff review, due to the existing structure, the proposed parking plan is only capable of 4 parking spaces and a required handicap space. Furthermore, the area has a history of properties being granted variances for backing out into city right of way, and thus granting the variance would be in harmony for the area.

Any approval should consider these conditions:

- 1. Approval allows for 4 parking spaces and 1 handicap space where 7 parking spaces and 1 handicap space is required.
- 2. Must adhere to all rules and regulations
- 3. The parking area in the front of the building was painted at some point in the past year as shown on the parking plan included in the application, but there are 5 spaces (4 regular spaces plus 1 non-van accessible ADA space) provided. The proposed one way routing around the rear of the building is not wide enough to allow for a pickup truck to make the turn at the northwest corner of the building.
- 4. You may be able to provide 3 30 degree parking spaces on the east side of the building and 2 90 degree parking spaces in the front. 1 handicap van parking space must be provided. 5 total parking spaces
- 5. Parking Lot is already striped before variance is approved. Alleyway between buildings isn't wide enough.

Technical Report

VARIANCE

DEPARTMENTAL CONDITIONS

Engineering:

Disapprove: The parking area in the front of the building was painted at some point in the past year as shown on the parking plan included in the application, but there are 5 spaces (4 regular spaces plus 1 non-van accessible ADA space) provided. The proposed one way routing around the rear of the building is not wide enough to allow for a pickup truck to make the turn at the northwest corner of the building. Memo dated 7/31/2024.

Public Works:

No comment as of 8/05/2024.

Traffic and Safety:

Disapprove: Parking Lot is already striped before variance is approved. Alleyway between buildings isn't wide enough. Memo dated 8/02/2024.

Building Code Services:

You may be able to provide 3 30 degree parking spaces on the east side of the building and 2 90 degree parking spaces in the front. 1 handicap van parking space must be provided. 5 total parking spaces. Memo dated 7/24/2024.

GIS:

No conditions. Memo dated 7/29/2024.

Police Department:

No comment as of 8/05/2024.

Fire Department:

No conditions. Memo dated 7/24/2024.

City Arborist:

No conditions. Memo dated 07/25/2024.

DIRECTOR APPROVAL

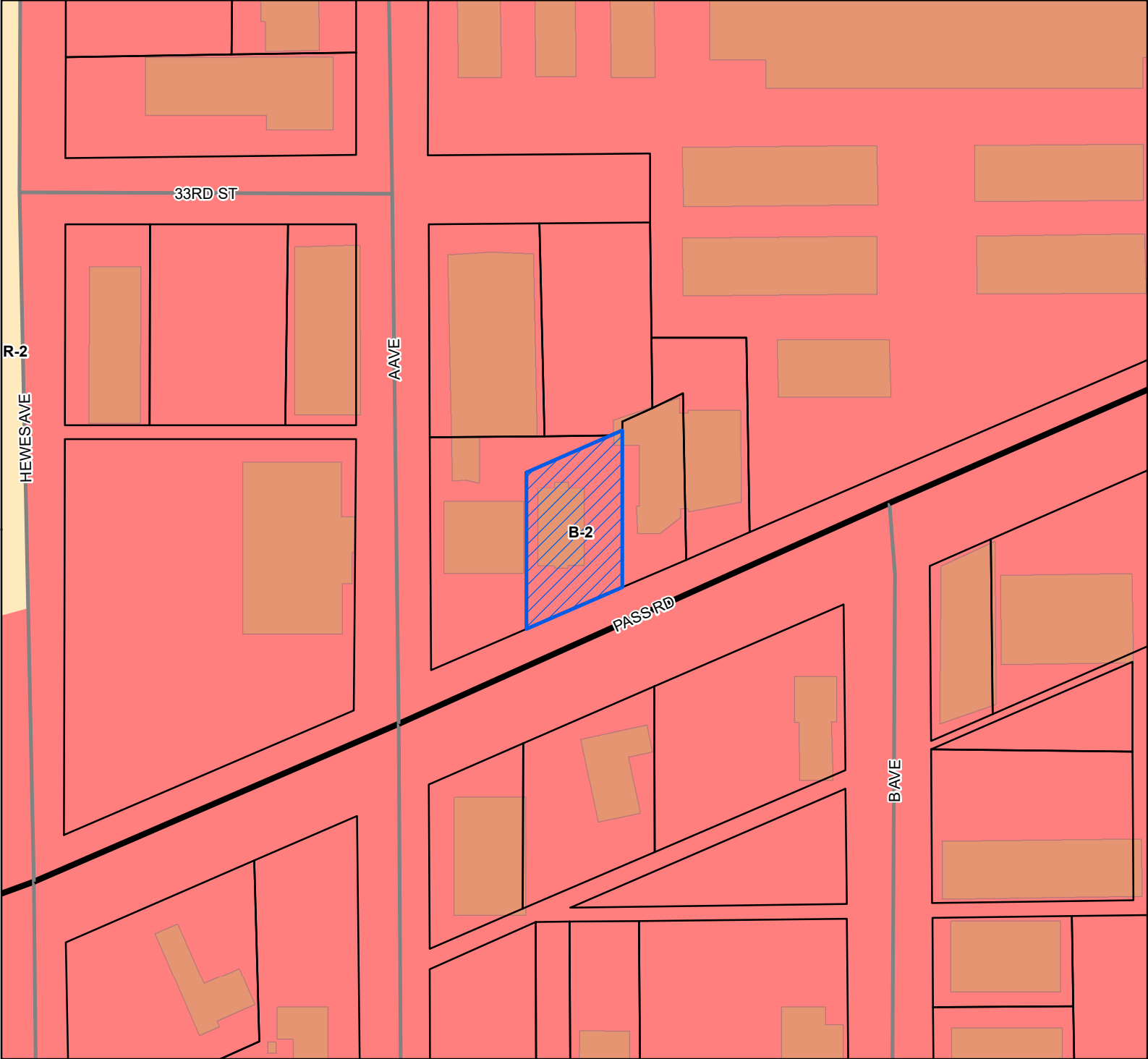
This report has been reviewed and approved by:



Greg Holmes

Director of Urban Development Department





Site

US or State Highway

Street

Parcels

Buildings

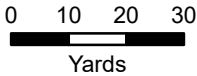
City Limit

Zoning

B-2 - General Business District

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

Site Information
0910N-07-014.000
Zoning: B-2 (General Business)
Size: 7775.81 sqft
Flood: X



1 inch = 100 feet



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

OWNER:Shakiea LeBlanc

Printed Name of Owner

115 Thornhill Dr Suite A

Mailing Address

Hattiesburg MS 39402

City

State

Zip Code

Home Phone

Work/Cell Phone

johnson.shakiea@yahoo.com

Email

K LeBlanc

Signature of Owner

AGENT:

Printed Name of Agent

Mailing Address

City

State

Zip Code

Home Phone

Work/Cell Phone

Email

Signature of Agent

This page must be completed if the property or properties involved have more than one owner. All persons listed as owners to the property or properties listed on page one must complete and sign this part of the application. We can only accept applications with original signatures.

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

Name of Owner (PRINT) Shakiea LeBlancAddress (Street, City, State, Zip Code) 115 Thornhill Dr Suite APhone (Home) _____ (Work) 601-336-5266 (Cell) 601-549-8080Tax Parcel Number(s) Owned: 091011-07-014.000Signature: K LeBlanc

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: _____



COVENANT AFFIDAVIT

I, Shakira Lyles being property owner or agent of the property 512 Pass Rd GPT
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.

K. Lyles
SIGNATURE

June 6th 2024
DATE

STATE OF MISSISSIPPI | COUNTY OF HARRISON

Given under my hand and seal of office this the 6th day of June, 20 24

Samuel Sweeting
NOTARY PUBLIC

05/22/2027
COMMISSION EXPIRATION



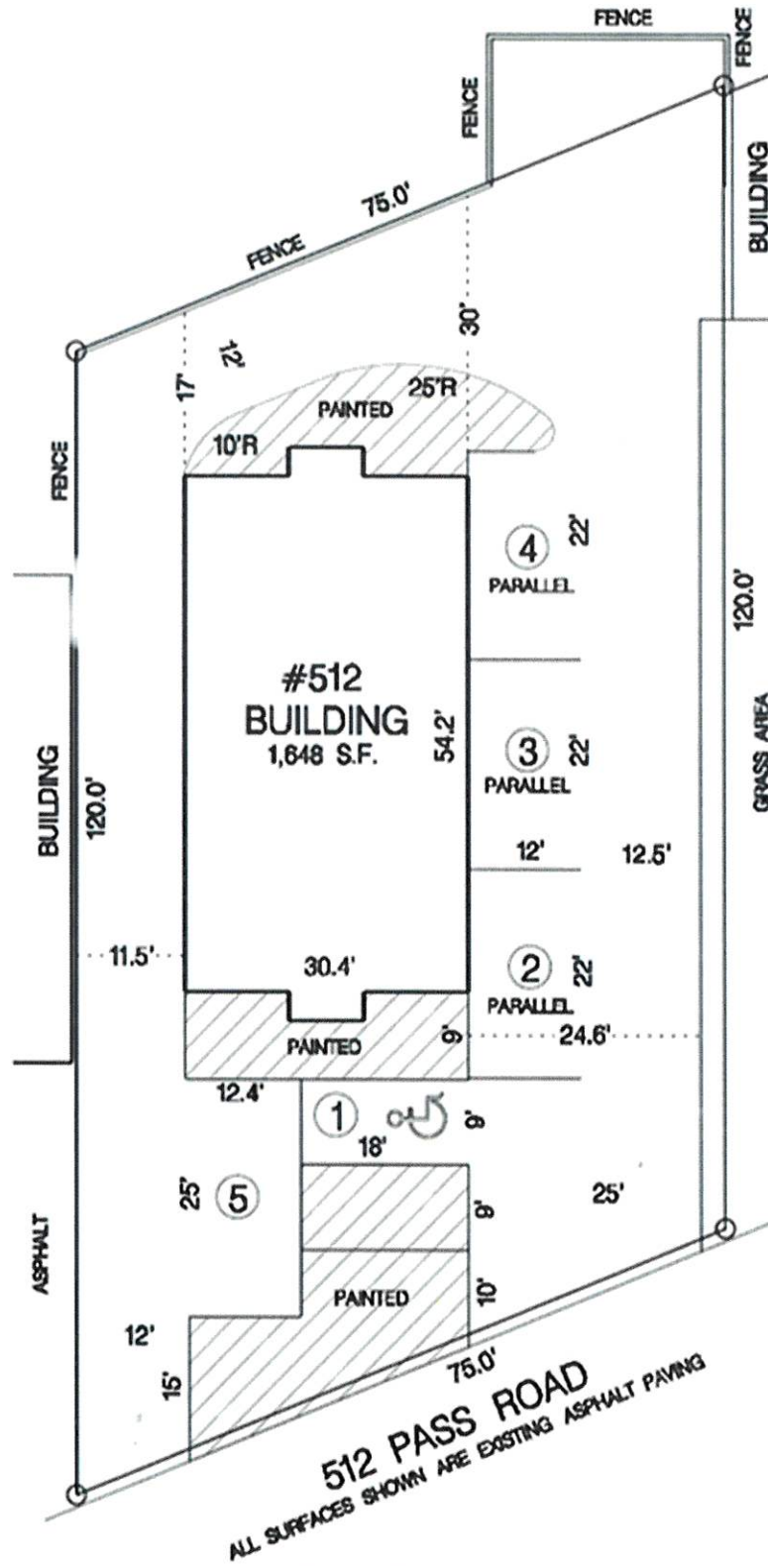
VARIANCE SUBMISSIONS

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?) *Building was pre existing and parking is unable to be obtained*
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.) *Building was pre existing*
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?) *Building doesn't comply b/c of the Amount of parking spaces.*
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.) *Businesses next to mine has less than required parking spaces*
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?) *NO.*
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. *Yes Admin office for Health Care (Home Health)*



512 PASS ROAD SITE - 2.pdf



PROPOSED PLAN-2





Michael Watson

SECRETARY OF STATE

This is not an official certificate of good standing.

Name History

Name	Name Type
LANDLADY INVESTMENTS LLC	Legal

Business Information

Business Type:	Limited Liability Company
Business ID:	1192101
Status:	Good Standing
Effective Date:	10/25/2019
State of Incorporation:	Mississippi
Principal Office Address:	115 THORNHILL DR, SUITE A HATTIESBURG, MS 39402

Registered Agent

Name
SHAKIEA LEBLANC 115 THORNHILL DR, SUITE A HATTIESBURG, MS 39402

Officers & Directors

Name	Title
SHAKIEA LEBLANC 1318 w pine st HATTIESBURG, MS 39401	Manager, President



SCANNED



Angela J. Hulse 1st JUDICIAL DISTRICT
Instrument 2024-0006393-D-J1
Filed/Recorded 04/08/2024 9:40:01 AM
Total Fees 26.00
2 Pages Recorded

Prepared by and return to:
Lockett Land Title, Inc.
Joseph M. Gianola, Jr. (MSB No. 101972)
63 98 Place Boulevard
Hattiesburg, Mississippi 39402
(601)450-0065
File No. 24-0458H

INDEXING INSTRUCTIONS: Lot 15, 16, and 17, Block 6, Revision of Magnolia Grove Addition to the City of Gulfport, First Judicial District, Harrison County, Mississippi

**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 and valuable consideration, the receipt, adequacy and sufficiency of all of which is hereby irrevocably acknowledged and confessed, the Grantor,

JOHN W. HOLDEN, JR.
P.O Box 1055
Cleveland, TN 37364
(423)667-1672

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

LAND LADY INVESTMENTS, LLC,
a Mississippi limited liability company
115 Thornhill Dr. Ste A
Hattiesburg, MS 39402
(601)549-8080

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

Lots 15, 16 and 17, Block 6, REVISION OF MAGNOLIA GROVE ADDITION TO THE CITY OF GULFPORT, according to the official map or plat thereof on file and of record in the office of the Chancery Clerk of First Judicial District, Harrison County, Mississippi in Plat Book 3 at page 36.

This conveyance and the warranty hereof is subject to the Final Decree Vacating Part of Plat filed in Boook 574 at Page 172 in the office of the Chancery Clerk of Harrison County, Mississippi.

This conveyance and the warranty hereof is subject to any and all prior and outstanding leases, exceptions, reservations and/or conveyances of oil, gas and/or other minerals and any geothermal energy resources lying in, on and under the above described real property.

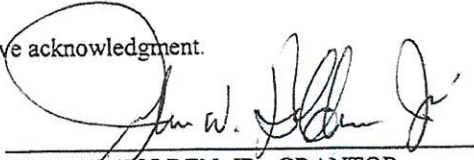
This conveyance and the warranty hereof is subject to any environmental condition existing upon the subject property which would cause said property to be in violation of any State and/or Federal Environmental Protection Act.

This conveyance and the warranty hereof is subject to any and all other easements and rights-of-way, whether of record or of use, which affect the real property hereby conveyed.

This conveyance and the warranty hereof is subject to any and all Covenants and Restrictions of record.

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

WITNESS MY SIGNATURE on the date of my respective acknowledgment.


JOHN W. HOLDEN, JR., GRANTOR

STATE OF 2m

COUNTY OF Bradley

THIS DAY personally came and appeared before me, the undersigned authority in and for the jurisdiction above stated, John W. Holden, Jr., who stated and acknowledged to me that he did execute, sign and deliver the above and foregoing instrument on the date and for the purposes therein stated.

GIVEN UNDER MY HAND AND OFFICIAL SEAL OF OFFICE, this the 3rd of April, 2024.


NOTARY PUBLIC

My Commission Expires: 10/6/27

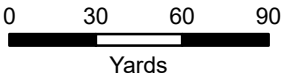


Mail	PPIN	Parcel ID	Name	Address	City	State	ZIP
Y		0910N-07-014.000	LAND LADY INVESTMENTS LLC (OWNER) Adjacent Property Owners (2408ZB114)	115 THORNHILL DR	HATTISBURG	MS	39402
	103379	0910N-07-012.001	MUELLER RICHARD P JR	15384 5TH STREET	GULFPORT	MS	39503
	83972	0910N-07-015.000	DIBS CHEMICAL & SUPPLY CO INC	542 PASS RD	GULFPORT	MS	39501
	31704	0910N-07-014.000	HOLDEN JOHN W JR	P O BOX 1055	CLEVELAND	TN	37364
	83969	0910N-07-012.000	CARR CHARLES D -TRUSTEE-	19400 NORTH POINT COVE	GULFPORT	MS	39503
	31693	0910N-07-018.000	HUNTOON PHILIP C	2471 SOUTH SHORE DRIVE	BILOXI	MS	39532
	31694	0910N-07-017.000	GATES NEVILLE JR	19 51ST ST	GULFPORT	MS	39507
	31709	0910N-06-022.000	HLR PROPERTIES LLC	1115 PASS ROAD	GULFPORT	MS	39501
	31695	0910N-07-016.000	ACE RADIATOR ALIGNMENT & AIR LLC	3221 A AVE	GULFPORT	MS	39507
	31723	0910N-06-015.000	BEATTIES JACK	3206 B AVE	GULFPORT	MS	39501
	31717	0910N-06-019.000	VINTAGE PROPERTIES LLC	19 KIMBELL DR	GULFPORT	MS	39507
	31702	0910N-07-010.000	MUELLER RICHARD P JR	15384 5TH ST	GULFPORT	MS	39503
	31712	0910N-06-020.000	AUTO CASH INC	521 CEDAR AVE	CRESTVIEW	FL	32539
	31724	0910N-06-016.000	VINTAGE PROPERTIES LLC	19 KIMBALL DRIVE	GULFPORT	MS	39507
	107783	0910N-06-026.001	QUIN SHERYL V	24178 LEEWARD DR	GULFPORT	MS	39503
	31714	0910N-06-024.000	BREWER INGLE C JR & LEE MICHEAL	7360 RUSHING ROBINSON RD	BILOXI	MS	39532
	31711	0910N-06-021.000	HLR PROPERTIES LLC	1115 PASS RD	GULFPORT	MS	39501
N	31713	0910N-06-023.000	VINTAGE PROPERTIES LLC	19 KIMBELL DR	GULFPORT	MS	39507
	31706	0910N-06-028.000	QUIN EDWARD E JR ETAL	15701 PARKWOOD DR SOUTH	GULFPORT	MS	39503
N	31700	0910N-07-011.000	MUELLER RICHARD P JR	15384 5TH STREET	GULFPORT	MS	39503
N	31703	0910N-07-013.000	MUELLER RICHARD P JR	15384 5TH STREET	GULFPORT	MS	39503
N	31708	0910N-06-027.000	QUIN SHERYL V	24178 LEEWARD DR	GULFPORT	MS	39503
	31715	0910N-06-025.000	QUIN EDWARD E JR	529 32ND ST	GULFPORT	MS	39501
	31716	0910N-06-026.000	QUIN SHERYL V	12478 LEEWARD DR	GULFPORT	MS	39503
N	83963	0910N-06-018.000	VINTAGE PROPERTIES LLC	19 KIMBALL DRIVE	GULFPORT	MS	39507
	31701	0910N-07-009.000	3K'S LLC ETAL	150 GOVERNMENT ST	MOBILE	AL	36602
		0910N-07-014.000	SHAKIEA LEBLANC	115 THORNHILL DR	HATTISBURG	MS	39402



Legend

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



1 inch = 200 feet



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

RE: Variance 2408ZB114, by owner Land Lady Investments, LLC, seeking approval to have 4 regular parking spaces where 7 is required, Tax Parcel 0910N-07-014.000, 512 Pass Road, Zoned B-2 (General Business), Ward 4

To Applicants and Adjacent Property Owners:

The City of Gulfport Zoning Board of Adjustments and Appeals will hold a public hearing to consider the above application at 3:00 P.M. on **Thursday, August 15, 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, August 15, 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	577293	Print Legal Ad-IPL01856440 - IPL0185644		\$88.90	2	55 L

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

accountspayable@gulfport-ms.gov

LEGAL NOTICE PUBLIC HEARING

In conformance with Section VIII of the Comprehensive Zoning Ordinance of the City of Gulfport, Mississippi, 1979, as amended, notice is hereby given advising that the Zoning Board of Adjustment and Appeals will hold a public hearing in the City of Gulfport, Mississippi at 3:00 P.M., Thursday, August 15, 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 2408ZB113, by owner Land Lady Investments, LLC, seeking approval for parking that backs out into city right of way, Tax Parcel 0910N-07-014.000, 512 Pass Road, Zoned B-2 (General Business), Ward 4

Variance 2408ZB114, by owner Land Lady Investments, LLC, seeking approval to have 4 regular parking spaces where 7 is required, Tax Parcel 0910N-07-014.000, 512 Pass Road, Zoned B-2 (General Business), Ward 4

Variance 2408ZB116, by agent Patricia Tomasello, seeking approval for an 18-foot front yard setback where 25 feet is required, Tax Parcel 0911C-01-199.000, 200 E Railroad Street, Zoned R-2 (Single-family), Ward 3

Variance 2408ZB117, by agent Patricia Tomasello, seeking approval for a side yard setback of 5-feet and 11 inches where 8 feet is required, Tax Parcel 0911C-01-199.000, 200 E Railroad Street, Zoned R-2 (Single-family), Ward 3

Variance 2408ZB120, by agent Timothy Gobble, seeking approval for a 7-foot tall chain link fence where 6-feet is the height limit, Tax Parcel 0811F-02-040.000, 2201 17th Street, Zoned T4+ (General Urban Zone & "Plus"), Ward 3

Variance 2408ZB122, by agent Jon Storonskyj, seeking approval for an additional wall sign on the west elevation, Tax Parcel 0808K-03-113.001, 15142 Dedeaux Road, Zoned R-B (Residence-business), Ward 7

Variance 2408ZB124, by agent Matt Largen, seeking approval for a front yard setback for a freestanding ground sign of 1-foot where 10 feet is required, Tax Parcel 1008M-01-008.000, 11252 Lorraine Road, Zoned B-2 (General-business), Ward 6

Variance 2408ZB126, by agent Cross Development CC Gulfport, LLC, seeking approval for 10 regular parking spaces where 18 is required, Tax Parcel 1008L-01-002.000, Dedeaux Road, Zoned B-2 (General-business), Ward 6

Variance 2408ZB128, by agent Robert Thomas, seeking approval for a 4-foot front yard setback where 25 feet is required, Tax Parcel 0711H-02-023.000, 3521 19th Street, Zoned R-2 (Single-family) & (Sub-Urban zone), Ward 1

This the 24th day of July 2024

A. Leslie North, Chairman
City of Gulfport Zoning Board of Adjustment and Appeals
IPL0185644
Jul 31 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:
07/31/24

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.

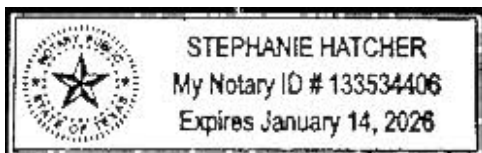
Mary Castro

Sworn to and subscribed before me this 31st day of July 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!



The Beaufort Gazette
The Belleville News-Democrat
Bellingham Herald
Centre Daily Times
Sun Herald
Idaho Statesman
Bradenot 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	588196	Print Legal Ad-IPL01918640 - IPL0191864		\$104.65	2	54 L

Attention: Matilda Welch

GULFPORT URBAN DEVELOPMENT
PO BOX 1780
GULFPORT, MS 39502

accountspayable@gulfport-ms.gov

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Variance 2408ZB113, by owner Land Lady Investments, LLC, seeking approval for parking that backs out into city right of way, Tax Parcel 0910N-07-014.000, 512 Pass Road, Zoned B-2 (General Business), Ward 4

Variance 2408ZB114, by owner Land Lady Investments, LLC, seeking approval to have 4 regular parking spaces where 7 is required, Tax Parcel 0910N-07-014.000, 512 Pass Road, Zoned B-2 (General Business), Ward 4

Variance 2409ZB127, by owner Ancillary Capital LLC, seeking approval for a seven-foot front yard setback where 15 feet is required, Tax Parcel 0811L-03-030.001, 33rd Ave, Zoned T4+ (General Urban Zone "Plus"), Ward 2

Variance 2409ZB137, by owner Gregory LeBaugh, seeking approval for an accessory structure of 840 square feet in addition to an existing 540 square-foot accessory structure on a property less than an acre, Tax Parcels 0807M-03-030.000, 0807M-03-031.000, 15408 Woody Drive, Zoned R-1-10 (Single-family), Ward 7

Variance 2409ZB138, by agent All Sign Inc, seeking approval for an additional wall sign on the northern elevation, Tax Parcel 1010E-01-021.001, 1201 Washington Ave, Zoned T3 (Sub-Urban Zone), Ward 4

Special Exception 2409SE140, by agent Johnathan Tate Jr., seeking approval for a daycare use, Tax Parcel 0810N-04-001.000, 2301 31st Street, Zoned B-2 (General-Business), Ward 3

Variance 2409ZB141, by agent J.R. Walsh, seeking approval for 16-foot-tall accessory structure that exceeds the primary structure height, Tax Parcel 1009L-02-009.000, 11172 Creel Circle, Zoned R-1-7.5 (Single-family), Ward 5

Variance 2409ZB142, by agent J.R. Walsh, seeking approval of a 1600 square-foot accessory structure in addition to an existing 980 square foot structure on a property that is less than an acre, Tax Parcel 1009L-02-009.000, Zoned R-1-7.5 (Single-family) Ward 5

Variance 2409ZB143, by owner Jose Santamaria, seeking approval for a 2-foot side yard setback where 6 feet is required, Tax Parcel 1010E-02-023.000, 1200 College St, Zoned T3 (Sub-Urban Zone), Ward 4

Variance 2409ZB147, by owner Queen E. Graves, seeking approval for a 6-foot second frontage setback where 15 feet is required, Tax Parcel 0810F-03-072.000, Alabama Ave, Zoned R-1-5 (Single-Family), Ward 3

Variance 2409ZB148, by owner Jose Santamaria, seeking approval for a 196 square foot accessory structure in addition to existing 985 square foot structure on a parcel less than an acre, Tax Parcel 1010E-02-023.000, 1200 College St, Zoned T3 (Sub-Urban Zone), Ward 4

Variance 2409ZB149, by owner Jeanette Ladner, seeking approval for a second frontage setback of 15.5 feet where 25 feet is required, Tax Parcel 0811B-04-069.000, 2300 18th Ave, Zoned R-2 (Single-Family), Ward 3

This the 28th day of August 2024

A. Leslie North, Chairman
City of Gulfport Zoning Board of Adjustment and Appeals
IPL0191864
Sep 4 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:
09/04/24

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.

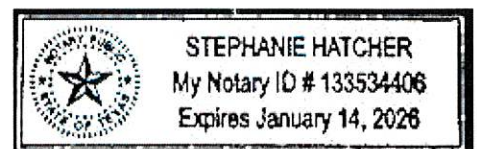
Mary Castro

Sworn to and subscribed before me this 10th day of September 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

Hearing Date: Thursday, September 19, 2024

Variance 2409ZB127 Variance 2409ZB127, by owner Ancillary Capital LLC, seeking approval for a seven-foot front yard setback where 15 feet is required, Tax Parcel 0811L-03-030.001, 33rd Ave, Zoned T4+ (General Urban Zone "Plus"), Ward 2

Technical Report

VARIANCE

GENERAL INFORMATION

Case File Number: 2409ZB127

Hearing Date: September 19, 2024

Current Zoning/Use: T4+/ Vacant Lot

Legal: Variance 2409ZB127, by owner Ancillary Capital LLC, seeking approval for a seven-foot front yard setback where 15 feet is required, Tax Parcel 0811L-03-030.001, 33rd Ave, Zoned T4+ (General Urban Zone "Plus"), Ward 2

TECHNICAL DETAILS

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

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

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

Technical Report

VARIANCE

The applicant requests a variance to allow for a frontage setback of 7 feet where 15 feet is required. The applicant addresses the hardship questions below.

- (a) The applicant roughly states that there are two approximately 42 inch diameter live oak trees on the property, which for the safety and preservation of these trees, "requires a split building footprint pulled towards the front and pushed towards the rear of the property on a concrete block pier foundation." Ultimately, this can be considered a genuine hardship as the preservation of long-standing protected trees is a genuine concern.
- (b) The applicant states that the trees on this property have existed for quite some time and as such, this hardship does not result in the direct actions of the applicant.
- (c) Applicant states that the existence of the trees coupled with the overall size of the property is essentially the cause of the hardship. As such, a variance being granted would be a reasonable way for this hardship to be addressed.
- (d) The applicant states that this area used to be a part of SmartCode zoning, and as such, the front setback that is being requested would have been allowed in the area. Furthermore, there are several properties in that area that were built during that time that adhered to the SmartCode zoning requirements. As such, a denial of this variance would directly deprive the applicant of rights that the area had previously enjoyed.
- (e) Applicant states that granting this variance would not confer upon them any special rights. Upon staff review, there are several properties that do have front setbacks at less than 15 feet. They were built at a time when this area was under SmartCode zoning, and as such they were built within right at the time. Approval of this variance would be in harmony in this area.
- (f) This property is zoned T4+, and a single family home is allowed by right.

EXECUTIVE SUMMARY

The applicant displays a genuine hardship due to the overall size of the property coupled with the existence of two large life oaks on the property. Without this variance, the buildable size on this property would be dramatically reduced. Furthermore, this area had formerly been SmartCode zoning, which would have allowed the desired setback by right formerly. This area already has several properties that were built to those zoning requirements prior, and as such an approval of the variance would be in harmony for the area.

Any approval should consider these conditions:

1. Must comply with all zoning rules and regulations.
2. Approval would allow for a front setback of 7 feet where 15 feet is required.
3. Preserved and protect all protected trees per City Ordinance Chapter 8.
4. Must meet all current building codes and City of Gulfport Ordinances

DEPARTMENTAL CONDITIONS

Engineering:

No conditions. Memo dated 09/05/2024.

Public Works:

No comment as of 09/09/2024

Technical Report

VARIANCE

Traffic and Safety:

No conditions. Memo dated 09/05/2024.

Building Code Services:

Must meet all current building codes and City of Gulfport Ordinances. Memo dated 09/05/2024.

GIS:

No conditions. Memo dated 08/29/2024.

Police Department:

No comment as of 09/09/2024.

Fire Department:

No conditions. Memo dated 08/29/2024.

City Arborist:

Preserved and protect all protected trees per City Ordinance Chapter 8. Memo dated 09/03/2024.

DIRECTOR APPROVAL

This report has been reviewed and approved by:



Greg Holmes
Director of Urban Development Department



2409ZB127

Variance



Legend

- Site
- Street
- Alley
- Parcels
- Buildings
- City Limit

Smart Code

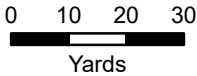
- T4+
- T4L

Zoning

- E-G - Entertainment - Gaming District

Site Information

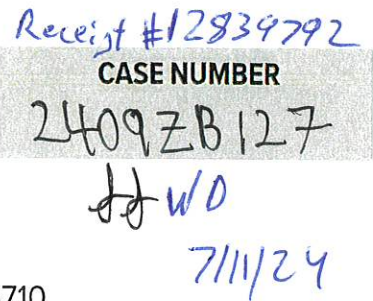
0811L-03-030.001
Zoning: T4+ (General Urban Zone "Plus")
Size: 7520.96 sqft
Flood: X



1 inch = 100 feet



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



OWNER:

Collin Bourgeois
 Printed Name of Owner
384 Park Place
 Mailing Address
Ocean Springs MS 39564
 City State Zip Code
228.334.2370
 Home Phone Work/Cell Phone
bourgeois.collin@gmail.com
 Email
[Signature]
 Signature of Owner

AGENT:

 Printed Name of Agent

 Mailing Address

 City State Zip Code

 Home Phone Work/Cell Phone

 Email

 Signature of Agent

This page must be completed if the property or properties involved have more than one owner. All persons listed as owners to the property or properties listed on page one must complete and sign this part of the application. We can only accept applications with original signatures.

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

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

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

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



COVENANT AFFIDAVIT

I, Collin Bowles being property owner or agent of the property 08111-03-030-001
PRINT NAME PRIMARY ADDRESS OR PARCEL
which is the subject of this application, hereby state that this variance request is not in violation of any
restrictive or protective covenants.

[Signature]
SIGNATURE

07/10/2024
DATE

STATE OF MISSISSIPPI | COUNTY OF HARRISON

Given under my hand and seal of office this the 11 day of July, 20 24

Kristin Johnson
NOTARY PUBLIC



APPLICATION FOR VARIANCE CONT.

Parcel # 0811L-03-030.001 | 33rd Ave. | Collin Bourgeois

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

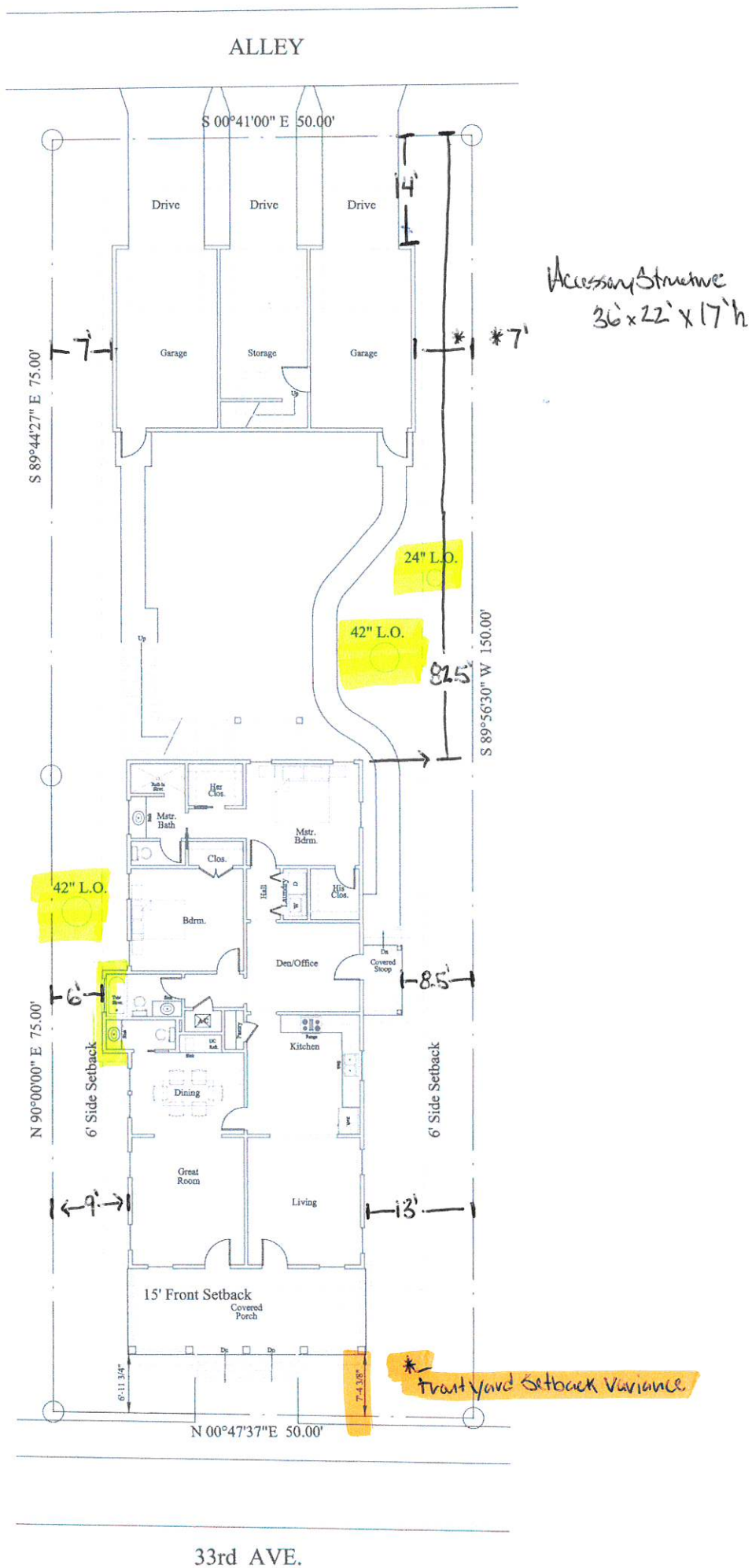
1. *Demonstrate that special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district. (i.e., What is special about your property that you need to request a variance?)*
 - a. There are two special conditions peculiar to this land.
 - i. There are two ~ 42" diameter Live Oak trees estimated to be ~200 years old situated in the middle third of the lot near the north and south property lines.
 1. This unique condition requires a split building footprint pulled towards the front and pushed towards the rear of the property on a concrete block pier foundation.
 2. This is the best, and one of the only, options to avoid root damage that would kill the trees.
 - ii. Multiple adjacent and surrounding homes in the neighborhood maintain front yard setbacks, ranging from 4' to 7', that are non-conforming to the current requirements.
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.)*
 - a. We did not cause the need for this variance because the surrounding homes and these ~ 200 year old live oaks have been here long before us.
 - b. We have gone to great lengths, investing significant time and expense, planning to work within these constraints while fitting in with the historic character of the neighborhood and preserving the natural landmarks.
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?)*
 - a. Our hardship is the lack of buildable space within the current FYSB caused by the position of these two 42" diameter Live Oak trees in the middle third of the lot.
 - b. This is constraining our ability to build our home, match the character of the surrounding homes in the neighborhood and preserve the natural ~ 200 year old landmark Live Oaks.
 - c. This hardship is not commonly found on other properties because of two reasons.
 - i. There are not many 50' lots with multiple ~ 200 year old Live Oaks on them.
 - ii. Closer FYSBs were allowed at different times creating surrounding homes that are set closer to their front property line, ranging from 4' to 7'.
 - d. Not long ago, this would have been allowed by right when Appendix D was in place.

APPLICATION FOR VARIANCE CONT.

Parcel # 0811L-03-030.001 | 33rd Ave. | Collin Bourgeois

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.)*
- a. The literal interpretation of the provisions of the zoning ordinance would deprive me of rights commonly enjoyed by surrounding properties because of several reasons.
 - i. Multiple properties have attributes that are non-conforming to current ordinances.
 - ii. A number of these properties have FYSBs that are non-conforming to the current requirements.
 - b. This request allows reasonable development of my property because:
 - i. It enables my home to have a similar FYSB as other homes in the neighborhood.
 - ii. It allows me to preserve natural landmark Live Oak trees for the benefit of the entire neighborhood.
 - c. Not long ago, this would have been allowed by right when Appendix D was in place.
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?)*
- a. The granting of this variance will not confer any special privileges because it will enable me to build a home that matches the character of the surrounding homes and save two landmark Live Oak trees for the benefit of the neighborhood.
 - b. I will not receive any special benefits.
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.*
- a. My proposed use is residential as my primary residence.
 - b. This use is permissible by right.

B.



PROJECT SPECIFICATIONS:

EARTHWORK:

Fill Shall be Sandy Clay Mix Structural Fill Free From Rocks, Gravel More Than 2 Inches In Any Direction and Free From Debris, Waste, Fossil Material, Vegetation, Loose Organic Material, or Other Deleterious Matter.
Structural Fill Shall be Placed in Max. 8" Lifts and Compacted To 95% of Max. Dry Density in Accordance w/ ASTM D 698.

TERMITE TREATMENT:

Provide an EPA-Registered Termiticide Complying With The Requirements of the State of MS in a Soluble or Emulsible Concentrate that Dilutes w/ Water or Foaming Agent.
Apply at Manufacturer's Recommended Concentration, Volume, and Rate at: Foundations, Under Concrete Slabs, Equipment Pads, and Under Crawl Space.
Strictly Follow Manufacturer's Safety and Disposal Instructions.

CONCRETE:

3 1/2" Min. Thickness @ House slab on compacted fill.
4" Min. Thickness @ Garage Slabs, Driveways & Sidewalks.
3000 PSI Mix Slab / 4000 PSI Mix @ Driveway
Provide Min. 10 MIL Polyethylene Sheet Vapor Barrier Below Slabs of Enclosed Area.
Floor Finish Slabs, and Carpet/Garage Floors
Light Brown Finish on Exterior Porches, Walkways, Drives, Etc.

BRICK:

Brick Selected By Owner
Verify Selection w/ Owner. Running Bond Pattern
Queen 2 1/4" x 3 5/8" x 7 5/8" 3/8" Concave Tooled Joints
Provide Galvanized Corrugated Wall Ties @ Max. 16" o.c.
Provide Membrane Flashings @ Wall Base.

ROUGH CARPENTRY:

All Lumber Shall be S4S 15% Max. Moisture Content and Marked w/ Grade Stamp.
All Framing in Contact w/ Concrete or Masonry or Exposed to Weather Shall be Pressure Treated Material.
All framing materials shall be No. 2 grade or better SYP or other species complying with NIST PS 20, S4S.
Firestop all dropped ceilings, soffits, and partitions, R-0" max.
All framing shall comply with standard load / span tables and as follows:
Exterior Wall Framing: See Drawings.
Interior Wall Anchors: See Drawings.
Interior Wall Framing: 2 x 4 @ 16" except 2 x 6 where required for plumbing chases or otherwise indicated on Drawings.

Roof Rafter Framing: See Drawings
Ceiling Joist Framing: See Drawings

Roof Sheathing: See Drawings.

Wall Sheathing: 1/2" Ext. APA Rated Plywood Exposure I
Subfloor: 3/4" APA Rated Plywood Exposure I
Moisture Barrier: DuPont Tyvek "Homewrap" or Approved Equal.
See Fiberglass Asphalt Shingles for Roof Underlayment.

All nailing and fasteners shall comply with CABO NER - 272 for power driven staples, P - nails, and allied fasteners.
Installation of Structural - Use Panels: Comply with applicable recommendations contained in APA Form No. E30 and as follows:

1. Combination Subflooring - Underlayment Glue and nail to framing.
2. Subflooring: Glue and nail to framing.
3. Sheathing: Nail to framing.
4. Underlayment: Nail or staple to subflooring.

See Sheet S5 for Fastener Schedule & Other Framing Requirements.
Provide hurricane clips at all wall / rafter connections, and gable end sheathing at all plate and top plate / end connections as required.

INSULATION:

Glass Fiber-Blanket Insulation: ASTM C 665, Kraft Faced
Min. R-15 @ 2 x 4 Walls
Min. R-19 @ 2 x 6 Walls
Min. R-38 @ Ceilings.
Cut and Fit Tightly around Obstructions and to Completely Fill Cavities and Voids.

FIBERGLASS ASPHALT SHINGLES:

Laminated, Multilayer, Architectural Profile ASTM D 3018 Type I
40 Yr. Architectural Shingle To Be Selected By Owner
Color To Be Selected By Owner.
Galvanized Metal Drip Flashing and Valley Flashing.
35MM Peel and Stick Continuous Underlayment for Entire Roof w/
Additional 40 MM "Ice & Watershield" @ All Eave Edges, Rips & Valleys.

GYPSUM BOARD:

ASTM C 36 Min. 1/2" Thickness.
ASTM C 630 Water Resistant "Greenboard" @ Bathrooms.
1/2" Cementitious Backer Board @ Tiled Areas.
Level 4 Finish Unless Otherwise Indicated.

HARD-PLANK SIDING:

Lap Siding: "Hard-Plank" 5/16" x 7 1/4" Select Smooth
Primed, Installed for 6" Exposure
Provide 3 1/2" x 3 1/2" "Hard-Trim" @ Corners
Provide 5/4 Trim At All Exterior Door and Window Casings/Trim.
Install w/ Mfg's approved fasteners all fasteners concealed.

EXTERIOR DOORS:

All Exterior Doors Shall be Selected by Owner and Installed by G.C.
See Drawings and Schedules for Number, Location, and Sizes.
Coordinate w/ Door Supplier for Rough Opening Framing.

EXTERIOR WINDOWS:

All Exterior Windows Shall be Selected by Owner and Installed by G.C.
See Drawings and Schedules for Number, Location, and Sizes.

INTERIOR DOORS:

All Interior Doors Shall be Selected by Owner and Installed by G.C.
See Floor Plans & Door Schedule
Coordinate w/ Door Supplier for Rough Opening Framing.

KITCHEN CABINETS & LAUNDRY ROOM CABINETS:

All Kitchen Cabinets and Laundry Room Cabinets and Countertops Shall be Purchased Directly by the Owner, and Installed by the G.C. or Trio-Out Carpenter.
Countertops Shall be Installed by the Countertop Fabricator.
See Drawings for Plans & Elevations of Cabinets to be Installed.

PLUMBING:

Comply w/ Standard Plumbing Code and all other Applicable Codes and Standards.
Performance Requirements:
Service Entrance Piping: 160 psig
Domestic Water Piping: 125 psig
Below Ground Domestic Water Piping: PVC Plastic Pipe Schedule 80.
Below Slab Domestic Water Piping: Type K Soft Copper.
Above Ground Domestic Water Piping: Type L Hard Copper or PEX Tubing.
Sanitary Waste & Vent Piping: PVC DWV Pipe Schedule 40
WH Shall Be Exterior Gas On Demand Type (2 Units Total).
Provide Frostproof Hosebills At Locations Shown on the Drawings.

ELECTRICAL:

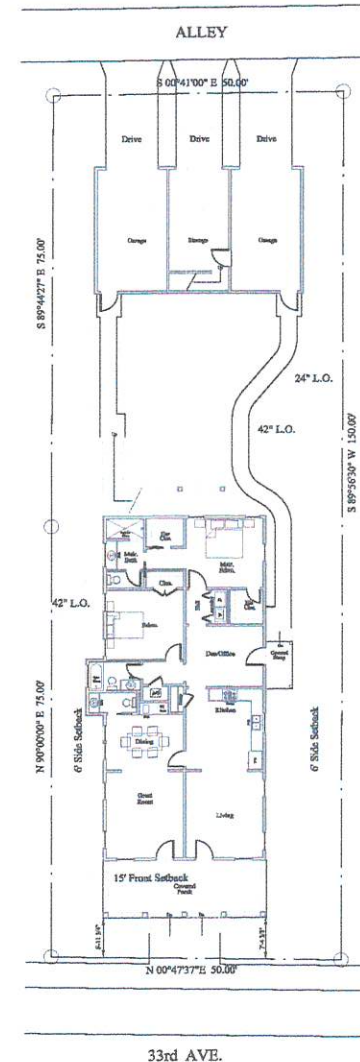
Comply w/ National Electric Code Latest Edition.
Coordinate Service Requirements w/ Power Company.
Coordinate Service Entrance Location and Panel Locations w/ Owner.
Provide GFI Outlets @ Kitchens and Bathrooms.
Provide GFI Outlets w/ Weatherproof Covers @ Exterior Outlets.
Verify and Coordinate Light Fixture Selections, Outlet and Switch Coverplate Colors w/ Owner.

HVAC:

Contractor Shall Provide Sizing and Design for HVAC Systems.
Provide Two (2) New Split Units, One For Each Floor.
Provide a (2)-Head Mini-Split Unit for the 1st Floor Dining/Great Room.
Provide a Mini-Split Unit for the Bonus/Storage Areas @ 2nd Floor Garage.
Provide Programmable Thermostats.
Provide Alternative Systems for Owners Selection:
Split DX System w/ Elec. Strip Heating & Min. SEER Rating of 16.
Heat Pump Units w/ Supplemental Strip Heating.
Provide Air Distribution System & Ceiling Grilles for All Rooms and Spaces Including Bathrooms & Walk-In Closets.

GAS:

Provide New Gas Meter & Service and Piping to Provide Gas to the Following Locations:
Front Entry: Two (2) Gas Lanterns, One Over Each Front Door.
Kitchen Ranges: Gas and Cook for Range Top Unit.
Laundry: Gas Cook for Alternate Gas Dryer Unit.
On Demand Gas WH: Provide Gas to (2) On Demand Water Heater Locations Shown.
Test All Gas Piping w/ Air @ 15" Mercury Column Pressure w/o Drop in 15 Minute Interval. Test All Joints & Valves w/ Water/Soap Mixture.



1 NEW SITE PLAN
A1 1" = 10'-0" N

COWART ARCHITECTS, PC

206 ASHLEY PLACE
OCEAN SPRINGS, MS 39564
(228) 872-1801
COWARTARCHITECTS@GMAIL.COM

REVISIONS:

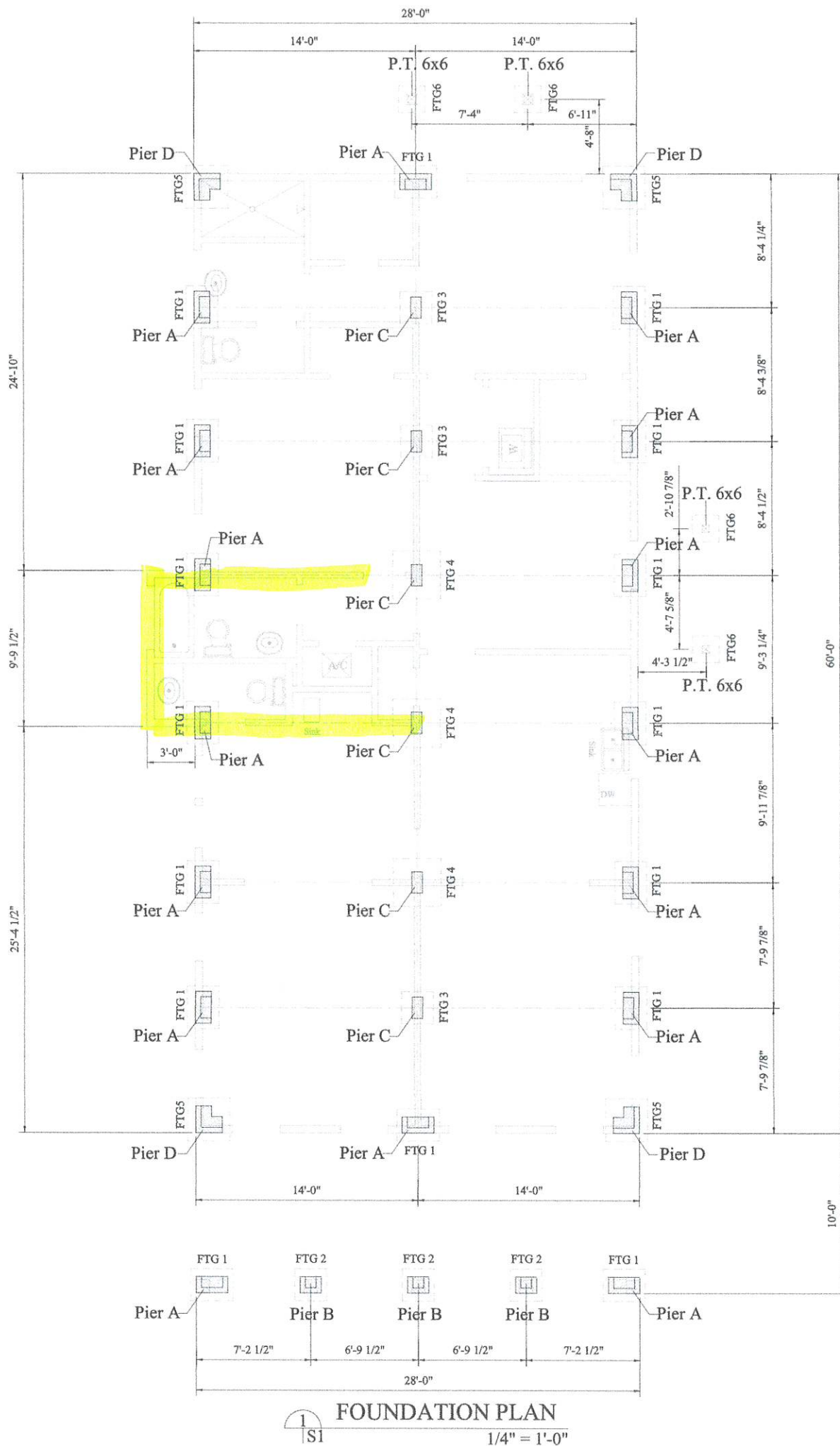
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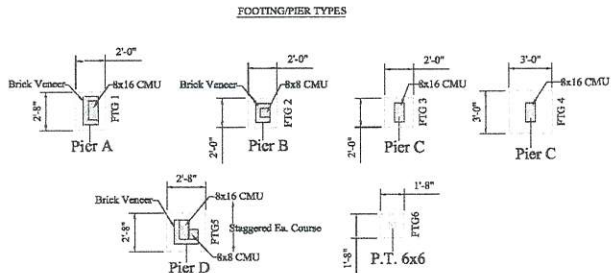
RESIDENTIAL DEVELOPMENT FOR
COLLIN BOURGEOIS
Gulfport, MS

DATE: 07/08/2024
PROJ. NO. 02352-00
DRAWN: JLP/DKC
CHECKED: DKC

SHEET NO.

A1



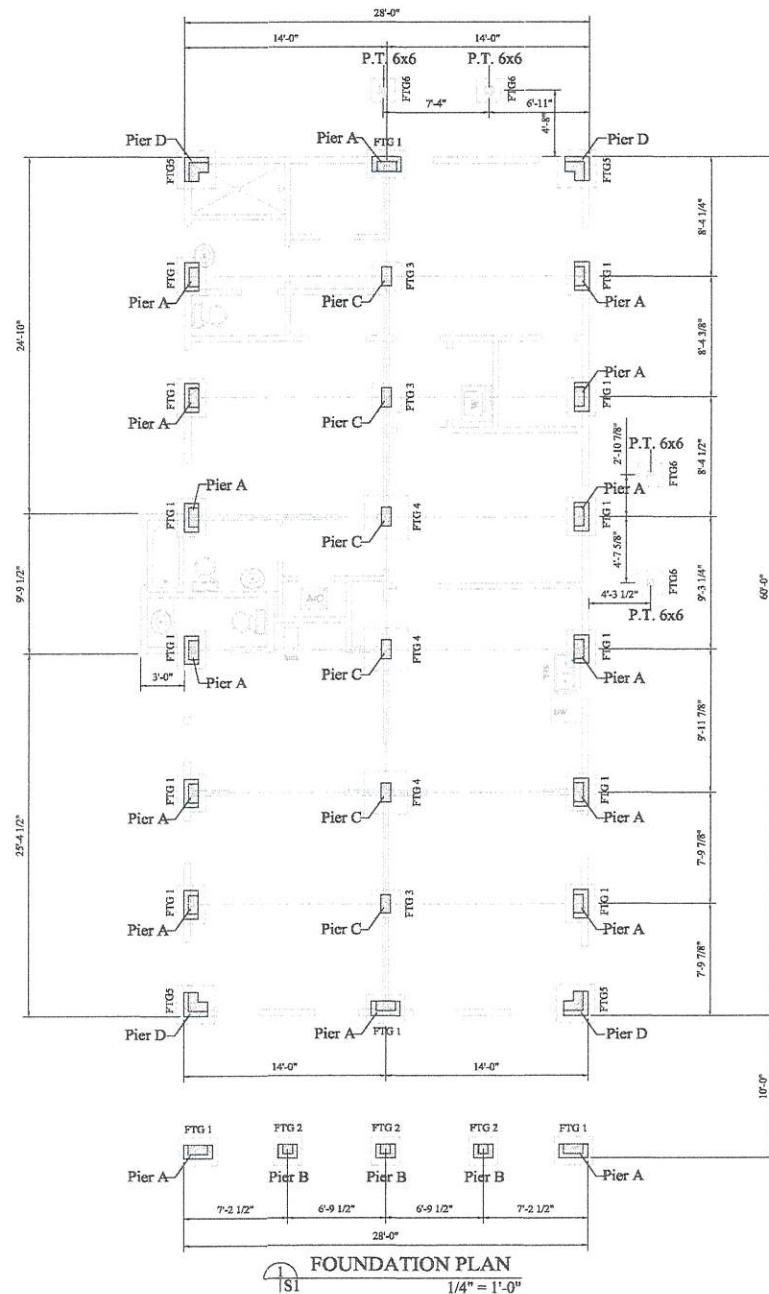


FOOTING SCHEDULE

KEY	SIZE (W X L X D)	REINFORCING
FTG 1	2'-0" X 2'-8" X 1'-4"	(3) #5 @ 8" Ea. Way Bottoms/#5 Vert "L"
FTG 2	2'-0" X 2'-0" X 1'-0"	(3) #5 @ 6" Ea. Way Bottoms/#4 Vert "L"
FTG 3	2'-0" X 2'-0" X 1'-4"	(3) #5 @ 6" Ea. Way Bottoms/#4 Vert "L"
FTG 4	3'-0" X 3'-0" X 1'-4"	(4) #5 @ 7 1/2" Ea. Way Bottoms/#5 Vert "L"
FTG 5	2'-8" X 2'-8" X 1'-4"	(3) #5 @ 8" Ea. Way Bottoms/#5 Vert "L"
FTG 6	1'-8" X 1'-8" X 1'-0"	(3) #4 @ 4 1/2" Ea. Way Bottom

PIER SCHEDULE

KEY	SIZE (W X L X D)	REINFORCING
Pier A	8" x 16" x 8" CMU w/ Brick Veneer	#4 Vert & Filled Cells Full Ht.
Pier B	8" x 8" x 8" CMU w/ Brick Veneer	#4 Vert & Filled Cells Full Ht.
Pier C	8" x 16" x 8" CMU	#4 Vert & Filled Cells Full Ht.
Pier D	8" x 16" x 24" x 8" CMU w/ Brick Veneer	#4 Vert & Filled Cells Full Ht.



COWART ARCHITECTS, PC
206 ABILEY PLACE
OCEAN SPRINGS, MS 39564
(228) 872-1801
COWARTARCHITECTS@GMAIL.COM



REVISIONS:

RESIDENTIAL DEVELOPMENT FOR
COLLIN BOURGEOIS
Gulfport, MS

DATE: 07/08/2024
PROJ. NO.: 02352-00
DRAWN: JLD/DRG
CHECKED: DRG

SHEET NO.
S1

F.

APPLICATION FOR VARIANCE CONT.

Parcel # 0811L-03-030.001 | 33rd Ave. | Collin Bourgeois

Home directly across the street from my property with an approximate 3.5' front yard setback.



APPLICATION FOR VARIANCE CONT.
Parcel # 0811L-03-030.001 | 33rd Ave. | Collin Bourgeois

Home adjacent to the south of my property with an approximate 6.5' front yard setback.





Michael Watson

SECRETARY OF STATE

This is not an official certificate of good standing.

Name History

Name	Name Type
Ancillary Capital, LLC	Legal

Business Information

Business Type:	Limited Liability Company
Business ID:	1074451
Status:	Good Standing
Effective Date:	08/27/2015
State of Incorporation:	Mississippi
Principal Office Address:	384 Park Place Ocean Springs, MS 39564

Registered Agent

Name
Collin David Bourgeois 1107 Halstead Bayou Drive Ocean Springs, MS 39564

Officers & Directors

Name	Title
Collin Bourgeois 384 Park Place Ocean Springs, MS 39564	Manager



J. L. L. 1st JUDICIAL DISTRICT
Instrument 2023-0022486-D-11
Filed/Recorded 11/02/2023 9:52:01 AM
Total Fees 26.00
4 Pages Recorded

Prepared By and Return To:
E. FOLEY RANSON, P.A.
Post Office Box 848
Ocean Springs, MS 39566-0848
Tel: 228-875-8770
Fax: 228-875-9989
MS Bar No. 4629
Our File No. 23-R6004

Indexing Instructions:
Lts 17 & 18, Blk 198, Original Gulfport SD

Grantor:
Big Ridge, L.L.C.
1808 17th Avenue
San Francisco, CA 94122
Telephone: 408-889-3209

Grantee:
Ancillary Capital, LLC
384 Park Place
Ocean Springs, MS 39564
Telephone: 228-334-2370

STATE OF MISSISSIPPI
COUNTY OF HARRISON
FIRST JUDICIAL DISTRICT

WARRANTY DEED

For and in consideration of the sum of Ten and 00/100 Dollars (\$10.00) cash in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, **BIG RIDGE, L.L.C., a Louisiana Limited Liability Company**, does hereby sell, convey and warrant unto **ANCILLARY CAPITAL, LLC, A MISSISSIPPI LIMITED LIABILITY COMPANY**, the following described real property:

LOTS SEVENTEEN (17) and EIGHTEEN (18), of BLOCK 198,

C.

ORIGINAL GULFPORT, a subdivision of the City of Gulfport, as per map or plat thereof which is on file of record in Plat Book 11 at Page 9 and Plat Copy Book 4A, at Page 368 thereof, in the land deed records office of the Chancery Clerk of Harrison County, First Judicial District, Mississippi.

Tax Parcel Number 0811L-03-030.001 (Tax parcel number provided for information purposes only)

Subject property being the same as that described in Warranty Deed dated April 30, 2001 and recorded in Book 1539 at Page 468, in the Land Deed Records of the First Judicial District of Harrison County, Mississippi.

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

This conveyance is made subject to any and all recorded restrictive covenants, rights-of-way, easements and reservations of any oil, gas, minerals and other rights.

WITNESS THE SIGNATURE of the undersigned on this the 27 day of

Oct 27, 2023.

BIG RIDGE, L.L.C.
A LOUISIANA LIMITED LIABILITY COMPANY

By: Denise Mui Chan
DENISE MUI CHAN, MEMBER
Sole Member

C.
STATE OF CALIFORNIA

COUNTY OF San Francisco

PERSONALLY CAME AND APPEARED BEFORE ME, the undersigned authority in and for the aforesaid jurisdiction, the within named **DENISE MUI CHAN, MEMBER of BIG RIDGE, L.L.C., a LOUISIANA LIMITED LIABILITY COMPANY**, who acknowledged that she signed and delivered the foregoing instrument on the day and year therein mentioned for and on behalf of Big Ridge, L.L.C., in her capacity as member, after first being duly authorized so to do.

GIVEN UNDER MY HAND AND OFFICIAL SEAL OF OFFICE, this the 27 day of October, 2023.

Please See Attachment for CA Acknowledgment
NOTARY PUBLIC

My Commission Expires:

CALIFORNIA CERTIFICATE OF ACKNOWLEDGMENT

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

State of California)

County of San Francisco)

On October 27, 2023 before me, NGOC NGUYEN, Notary Public
(here insert name and title of the officer)

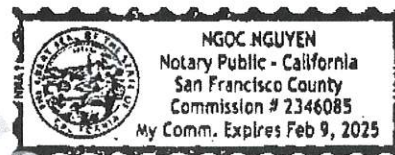
personally appeared DENISE MUI CHAN

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

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

WITNESS my hand and official seal.

Signature



(Seal)

Optional Information

Although the information in this section is not required by law, it could prevent fraudulent removal and reattachment of this acknowledgment to an unauthorized document and may prove useful to persons relying on the attached document.

Description of Attached Document

The preceding Certificate of Acknowledgment is attached to a document titled/for the purpose of Warranty Deed

containing 03 pages, and dated 10/27/2023

The signer(s) capacity or authority is/are as:

- ☐ Individual(s)
☐ Attorney-in-Fact
☐ Corporate Officer(s) _____ Title(s) _____

☐ Guardian/Conservator
☐ Partner - Limited/General
☐ Trustee(s)
☐ Other: _____

representing: _____
Name(s) of Person(s) or Entity(ies) Signer is Representing

Additional Information

Method of Signer Identification

Proved to me on the basis of satisfactory evidence:
☒ form(s) of identification ☐ credible witness(es)

Notarial event is detailed in notary journal on:
Page # _____ Entry # _____

Notary contact: _____

Other

☐ Additional Signer(s) ☐ Signer(s) Thumbprint(s)

☐

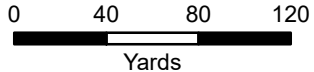
Mail	PPIN	Parcel ID	Name	Address	City	State	ZIP
Y		0811L-03-030.001	COLLIN BOURGEOIS (OWNER)	384 PARK PLACE	OCEAN SPRINGS	MS	39564
			Adjacent Property Owners(2409ZB127)				
	20443	0811L-04-092.000	CHAPMAN BERNICE	3220 12TH ST	GULFPORT	MS	39501
	20456	0811L-04-081.000	TRIUNE CAPITAL MS LLC	2028 E BEN WHITE BLVD STE 240-287	AUSTIN	TX	78741
	90100	0811L-03-030.000	LVS & LCCC GP PROPERTIES LLC	11503 MAGNOLIA ESTATE LANE	GULFPORT	MS	39503
	20444	0811L-04-093.000	DAIGLE DIANA M	3214 12TH ST	GULFPORT	MS	39501
	90089	0811L-03-040.000	LARSEN ALLISON	1035 TREME ST	NEW ORLEANS	LA	70116
	20492	0811L-03-023.000	CENTENO FAYE	1116 32ND AVE	GULFPORT	MS	39501
	20491	0811L-03-022.001	MADARY MARK A	11 BRITTANY PL	ARABI	LA	70032
	115141	0811L-03-030.001	BIG RIDGE LLC	C/O DENISE MUI	MORGAN HILL	CA	95037
	20493	0811L-03-025.000	ALLRED LINDA C	132 LAKEVIEW RD	BRANDON	MS	39047
	20494	0811L-03-024.000	ERICKSON JOHN TODD & ETAL	262 VALLETTE ST	NEW ORLEANS	LA	70114
	20469	0811L-03-026.001	HARRELL LARRY E & BARBARA W	8022 BRANDON DRIVE	BATON ROUGE	LA	70809
	90104	0811L-03-085.000	GULFSIDE CASINO PARTNERSHIP	P O BOX 1600	GULFPORT	MS	39502
	20464	0811L-03-036.000	WALTON JUSTIN H & CRYSTAL F ETAL	14118 WOODLAND HILLS DR	BILOXI	MS	39532
	20480	0811L-03-032.000	WOOD MARY M W & WILLIAM T JR-TRUSTE	P O BOX 7024	GULFPORT	MS	39506
N	20457	0811L-04-082.000	TRIUNE CAPITAL MS LLC	2028 E BEN WHITE BLVD STE 240-287	AUSTIN	TX	78741
N	26311	0711L-02-086.000	GULFSIDE CASINO PARTNERSHIP	POST OFFICE BOX 1600	GULFPORT	MS	39502
	20455	0811L-04-080.000	KINGSLEY PAUL	1615 WESTWARD AVE	GULFPORT	MS	39501
	90097	0811L-03-026.002	COAST HOME BUYERS LLC	296 BEAUVOIR RD, STE 100-259	BILOXI	MS	39531
	20441	0811L-04-095.000	LILES DUSTIN & SARAH	1205 32ND AVE	GULFPORT	MS	39501
	20442	0811L-04-094.000	HAWK LINDA MADDEN & THOMAS EUGENE	217 ROBINSON SPRINGS RD	FLORA	MS	39071
	20468	0811L-03-026.000	COLA GORDON WAYNE	1123 32ND AVE	GULFPORT	MS	39501
	20460	0811L-03-034.000	HA LOC V & NHUNG T TRAN	3102 DONNIE BROOK LANE	MOSS POINT	MS	39562
	20463	0811L-03-037.000	FLORA M ONE LLC	4021 TULANE AVE	NEW ORLEANS	LA	70119
	20477	0811L-03-029.000	PORT ISLAND VIEW DEVELOPMENTS LLC	481 32ND ST	GULFPORT	MS	39507
	90099	0811L-03-028.000	RESTER JOHN K ETAL	P O BOX 1842	GULFPORT	MS	39502
	20461	0811L-03-035.000	D S LADNER HOLDINGS LLC	P O BOX 6546	GULFPORT	MS	39506
N	20539	0811L-03-063.000	GULFSIDE CASINO PARTNERSHIP	PO BOX 1600	GULFPORT	MS	39502
N	90087	0811L-03-039.000	GULFSIDE CASINO PARTNERSHIP	P O BOX 1600	GULFPORT	MS	39502
N	91052	0711L-02-074.000	GULFSIDE CASINO PARTNERSHIP	POST OFFICE BOX 1600	GULFPORT	MS	39502
	20490	0811L-03-022.000	GULF COAST RENTAL PROPERTIES LLC	164 BALMORAL AVE	BILOXI	MS	39531
	140425	0811L-03-020.001	ST ALPHONSUS CATHOLIC ELEMENTARY SC	504 JACKSON AVE	OCEAN SPRINGS	MS	39564
	20488	0811L-03-020.000	ST JAMES CATHOLIC ELEMENTARY SCHOOL	603 WEST AVE	GULFPORT	MS	39507
	20489	0811L-03-021.000	KINAL ADAM & JO	1106 32ND AVE	GULFPORT	MS	39501
N	20459	0811L-03-033.000	HA LOC V & NHUNG T TRAN	3102 DONNIE BROOK LANE	MOSS POINT	MS	39562

Mail	PPIN	Parcel ID	Name	Address	City	State	ZIP
	20479	0811L-03-031.000	BONNOT JAMES L III & DOROTHY D	4717 TAFT PARK	METAIRIE	LA	70002
	121529	0811L-03-027.001	RIVER ROAD ACQUISITIONS LLC	8729 25TH ST	METAIRIE	LA	70003
N	20470	0811L-03-027.000	RIVER ROAD ACQUISITIONS LLC	8729 25TH STREET	METAIRIE	LA	70003



Legend

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



1 inch = 250 feet



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



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

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

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

AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Amount	Cols	Depth
36845	588196	Print Legal Ad-IPL01918640 - IPL0191864		\$104.65	2	54 L

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

accountspayable@gulfport-ms.gov

LEGAL NOTICE PUBLIC HEARING

In conformance with Section VIII of the Comprehensive Zoning Ordinance of the City of Gulfport, Mississippi, 1979, as amended, notice is hereby given advising that the Zoning Board of Adjustment and Appeals will hold a public hearing in the City of Gulfport, Mississippi at 3:00 P.M., Thursday, September 19, 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 2408ZB113, by owner Land Lady Investments, LLC, seeking approval for parking that backs out into city right of way, Tax Parcel 0910N-07-014.000, 512 Pass Road, Zoned B-2 (General Business), Ward 4

Variance 2408ZB114, by owner Land Lady Investments, LLC, seeking approval to have 4 regular parking spaces where 7 is required, Tax Parcel 0910N-07-014.000, 512 Pass Road, Zoned B-2 (General Business), Ward 4

Variance 2409ZB127, by owner Ancillary Capital LLC, seeking approval for a seven-foot front yard setback where 15 feet is required, Tax Parcel 0811L-03-030.001, 33rd Ave, Zoned T4+ (General Urban Zone "Plus"), Ward 2

Variance 2409ZB137, by owner Gregory LeBaugh, seeking approval for an accessory structure of 840 square feet in addition to an existing 540 square-foot accessory structure on a property less than an acre, Tax Parcels 0807M-03-030.000, 0807M-03-031.000, 15408 Woody Drive, Zoned R-1-10 (Single-family), Ward 7

Variance 2409ZB138, by agent All Sign Inc, seeking approval for an additional wall sign on the northern elevation, Tax Parcel 1010E-01-021.001, 1201 Washington Ave, Zoned T3 (Sub-Urban Zone), Ward 4

Special Exception 2409SE140, by agent Johnathan Tate Jr., seeking approval for a daycare use, Tax Parcel 0810N-04-001.000, 2301 31st Street, Zoned B-2 (General-Business), Ward 3

Variance 2409ZB141, by agent J.R. Walsh, seeking approval for 16-foot-tall accessory structure that exceeds the primary structure height, Tax Parcel 1009L-02-009.000, 11172 Creel Circle, Zoned R-1-7.5 (Single-family), Ward 5

Variance 2409ZB142, by agent J.R. Walsh, seeking approval of a 1600 square-foot accessory structure in addition to an existing 980 square foot structure on a property that is less than an acre, Tax Parcel 1009L-02-009.000, Zoned R-1-7.5 (Single-family) Ward 5

Variance 2409ZB143, by owner Jose Santamaria, seeking approval for a 2-foot side yard setback where 6 feet is required, Tax Parcel 1010E-02-023.000, 1200 College St, Zoned T3 (Sub-Urban Zone), Ward 4

Variance 2409ZB147, by owner Queen E. Graves, seeking approval for a 6-foot second frontage setback where 15 feet is required, Tax Parcel 0810F-03-072.000, Alabama Ave, Zoned R-1-5 (Single-Family), Ward 3

Variance 2409ZB148, by owner Jose Santamaria, seeking approval for a 196 square foot accessory structure in addition to existing 985 square foot structure on a parcel less than an acre, Tax Parcel 1010E-02-023.000, 1200 College St, Zoned T3 (Sub-Urban Zone), Ward 4

Variance 2409ZB149, by owner Jeanette Ladner, seeking approval for a second frontage setback of 15.5 feet where 25 feet is required, Tax Parcel 0811B-04-069.000, 2300 18th Ave, Zoned R-2 (Single-Family), Ward 3

This the 28th day of August 2024
A. Leslie North, Chairman
City of Gulfport Zoning Board of Adjustment and Appeals
IPL0191864
Sep 4 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:
09/04/24

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.

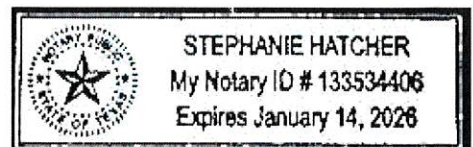
Mary Castro

Sworn to and subscribed before me this 10th day of September 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

Hearing Date: Thursday, September 19, 2024

Variance 2409ZB137 Variance 2409ZB137, by owner Gregory LeBaugh, seeking approval for an accessory structure of 840 square feet in addition to an existing 540 square-foot accessory structure on a property less than an acre, Tax Parcels 0807M-03-030.000, 0807M-03-031.000, 15408 Woody Drive, Zoned R-1-10 (Single-family), Ward 7

Technical Report

VARIANCE

GENERAL INFORMATION

Case File Number: 2409ZB137

Hearing Date: September 19, 2024

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

Legal: Variance 2409ZB137, by owner Gregory LeBaugh, seeking approval for an accessory structure of 840 square feet in addition to an existing 540 square-foot accessory structure on a property less than an acre, Zoned R-1-10 (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 to allow for the construction of an accessory structure of 840 square feet in addition to an existing 540 square foot accessory structure for a variance of 380 square feet where 1000 square feet is the maximum allowed.

- (a) The applicant does not adequately address the question with their statement. The applicant states that the property is “larger than a normal residential lot in Gulfport.” However, the property is 34318.97 square feet and as such does not meet the 1 acre requirement in order to allow up to 2000 square feet for accessory structures. The property itself does not have a hardship relating to the square footage other than the applicant’s desire to have two accessory structures exceeding the allowed total of 1000 square feet for their property size.
- (b) The applicant states that the property was purchased as is and that they made no other improvements to the property other than removal of a “dilapidated gazebo.” While the overall size of the property is not the fault of the property owner, the desire for an additional accessory structure exceeding the allowed squared footage does stem from the owner, indicating that they are causing their own hardship.
- (c) Applicant states that reducing the size of the workshop “will preclude me from being able to safely establish a minimal workshop to fit my needs.” This does not adequately address the question of whether or not the property is the cause of the hardship. As stated prior, this is caused the applicants plans for the property.
- (d) The applicant states that the ordinance does not account for properties of larger size. This is incorrect, as the ordinance does account for properties that exceed 1 acre by granting them the ability to have up to 2000 square feet for accessory structures. This property however does not meet that requirement.
- (e) Applicant believes that granting this variance would not confer special rights upon them. Upon staff review, there are no nearby structures that exceed the allowed 1000 square feet for accessory structures. There were no variances were applied for in that surrounding area either. Approval of this variance would establish a precedence for this area.
- (f) This property is zoned R-1-10, and two accessory structures are allowed by right.

EXECUTIVE SUMMARY

The applicant does not display a genuine hardship at this property. While having two accessory structures are allowed by right, this property does not meet the required size to allow for those structures to exceed 1000 square feet. If this variance is approved, it would establish precedence for this area, as there are no nearby properties that have gone for a variance for structure size in this area.

Any approval should consider these conditions:

1. Must comply with all zoning rules and regulations.
2. Approval would allow for an additional accessory structure of 840 square feet in addition to an existing 540 square foot accessory structure where 1000 square feet is the maximum.
3. Must meet all current building codes and City of Gulfport Ordinances

Technical Report

VARIANCE

DEPARTMENTAL CONDITIONS

<u>Engineering:</u>	No conditions. Memo dated 09/05/2024.
<u>Public Works:</u>	No comment as of 09/09/2024
<u>Traffic and Safety:</u>	No conditions. Memo dated 09/05/2024.
<u>Building Code Services:</u>	Must meet all current building codes and City of Gulfport Ordinances. Memo dated 09/05/2024.
<u>GIS:</u>	No conditions. Memo dated 08/29/2024.
<u>Police Department:</u>	No comment as of 09/09/2024.
<u>Fire Department:</u>	No conditions. Memo dated 08/29/2024.
<u>City Arborist:</u>	No conditions. Memo dated 08/29/2024.

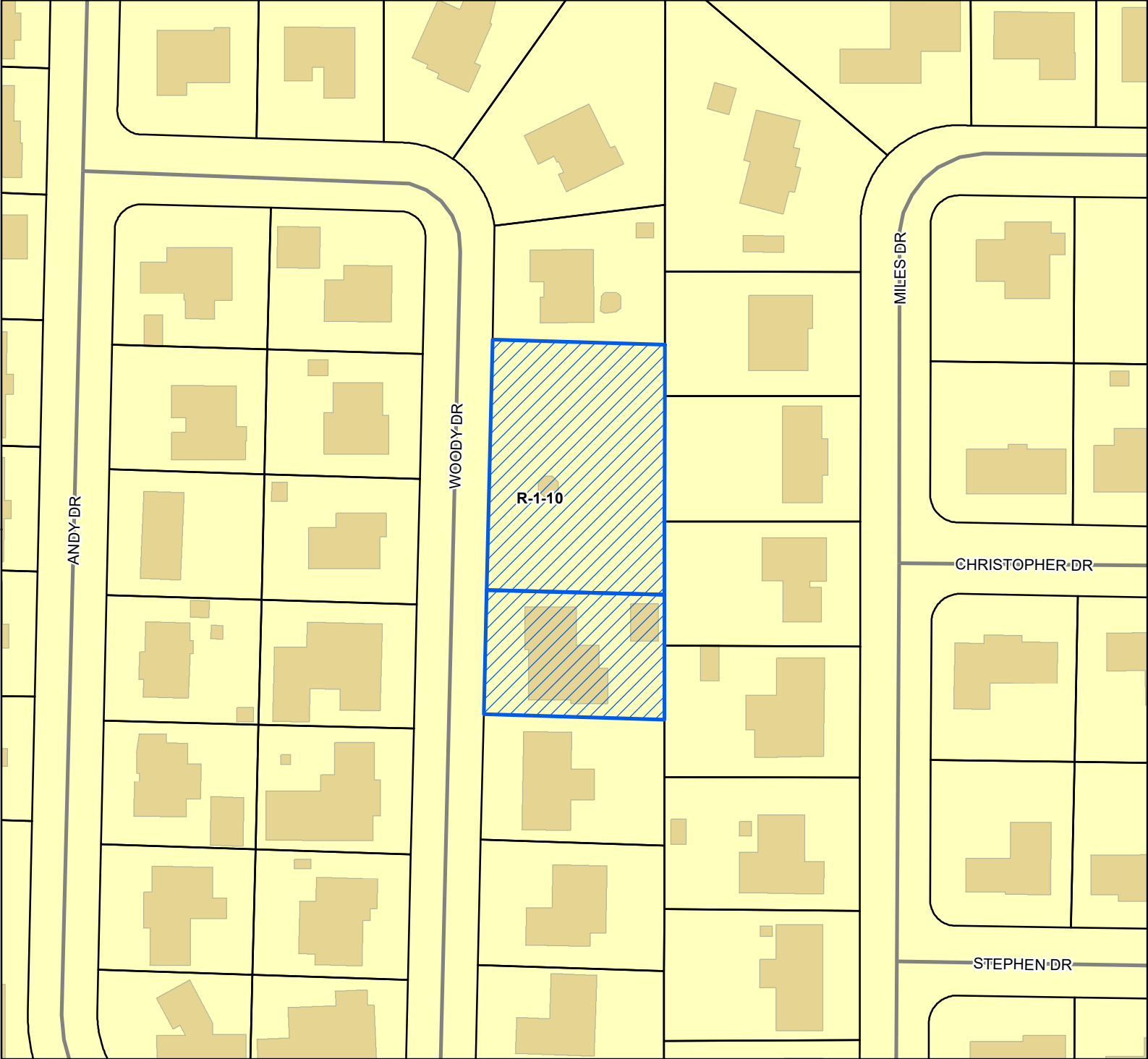
DIRECTOR APPROVAL

This report has been reviewed and approved by:



Greg Holmes

Director of Urban Development Department



Site

Street

Parcels

Buildings

City Limit

Zoning

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

Site Information

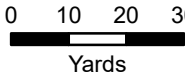
0807M-03-030.000

0807M-03-031.000

Zoning: R-1-10 (Single Family)

Size: 34318.97 sqft

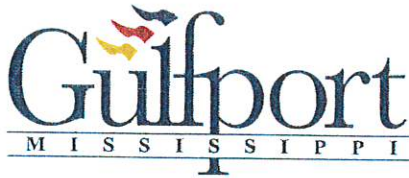
Flood: X, AE



1 inch = 100 feet



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CASE NUMBER

240920137
08/05/2024 BC
Recpt #12872103Urban 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

0807M	-03-	030	.000	0807M	-03-	031	.000

Property Address:

15408 Woody Drive Gulfport Ms. 39503

Lot(s) _____ Block(s) _____ Subdivision Northwood Hills North

General Description of Request:

Contract A NEW ~~REAR~~ METAL
Building 35' X 24' X 10' IN ADDITION TO existing
Structure

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**.

Revision Date 11/02/2020

OWNER:Gregory J Le Baugh

Printed Name of Owner

15408 Woody Drive

Mailing Address

Gulfport MS 39503

City

State

Zip Code

217-419-2216

Home Phone

Work/Cell Phone

gregsautobody@yahoo.com

Email

Greg Le Baugh

Signature of Owner

AGENT:

Printed Name of Agent

Mailing Address

City

State

Zip Code

Home Phone

Work/Cell Phone

Email

Signature of Agent

This page must be completed if the property or properties involved have more than one owner. All persons listed as owners to the property or properties listed on page one must complete and sign this part of the application. We can only accept applications with original signatures.

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

Name of Owner (PRINT)

Christine A. Pruett

Address (Street, City, State, Zip Code)

15408 Woody Dr Gulfport MS 39503

Phone (Home)

217-419-2815

(Work)

(Cell)

Tax Parcel Number(s) Owned:

Signature:

Christine A. Pruett

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)

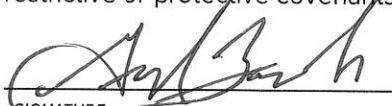
Tax Parcel Number(s) Owned:

Signature:



COVENANT AFFIDAVIT

I, Gregory LeBaugh PRINT NAME being property owner or agent of the property 15408 Woody Drive Gulfport MS 39503 PRIMARY ADDRESS OR PARCEL which is the subject of this application, hereby state that this variance request is not in violation of any restrictive or protective covenants.


SIGNATURE

8/5/2024
DATE

STATE OF MISSISSIPPI | COUNTY OF HARRISON

Given under my hand and seal of office this the 5th day of August, 20 24


NOTARY PUBLIC

05/22/2027
COMMISSION EXPIRATION



1. This property overall is larger than a normal residential lot in Gulfport. When I purchased this property, it was three separate lots, average .23 acres each or about .7 acres total. Code would have originally allowed for up to 1000 sq ft of additional building space per lot. As part of the permitting process, these lots were consolidated into one, resulting in 1000 sq ft available for the overall .7 acre property. One lot has an existing 16' x 22' (352 sq ft) garage that was original to the property. My requested 24' x 35' (840 sq ft) workshop would not require a variance if it were not included on an adjacent, formerly separate lot with the garage.
2. Property was purchased as is, applicant has made no improvements other than clearing brush from the lot and removing a dilapidated gazebo.
3. Reducing the size of the workshop to stay under the 1000 sq ft overall limit will preclude me from being able to safely establish a minimal workshop to fit my needs.
4. The ordinance limit of 1000 sq ft of additional building space per property does not account for properties of larger size and scope and limits the ability to improve and further develop the property for my uses.
5. If this variance is approved, I will have a total of less than 1200 sq ft of outbuilding space over .7 acres, which is the approximate size of three lots in many of the newer developments going on in this area today. Three lots would be able to support an 840 sq ft building on one and a 352 sq ft building on another. I don't believe this variance would be affording special or unreasonable privileges compared to what others enjoy.
6. ~~Use is permissible by special exception.~~

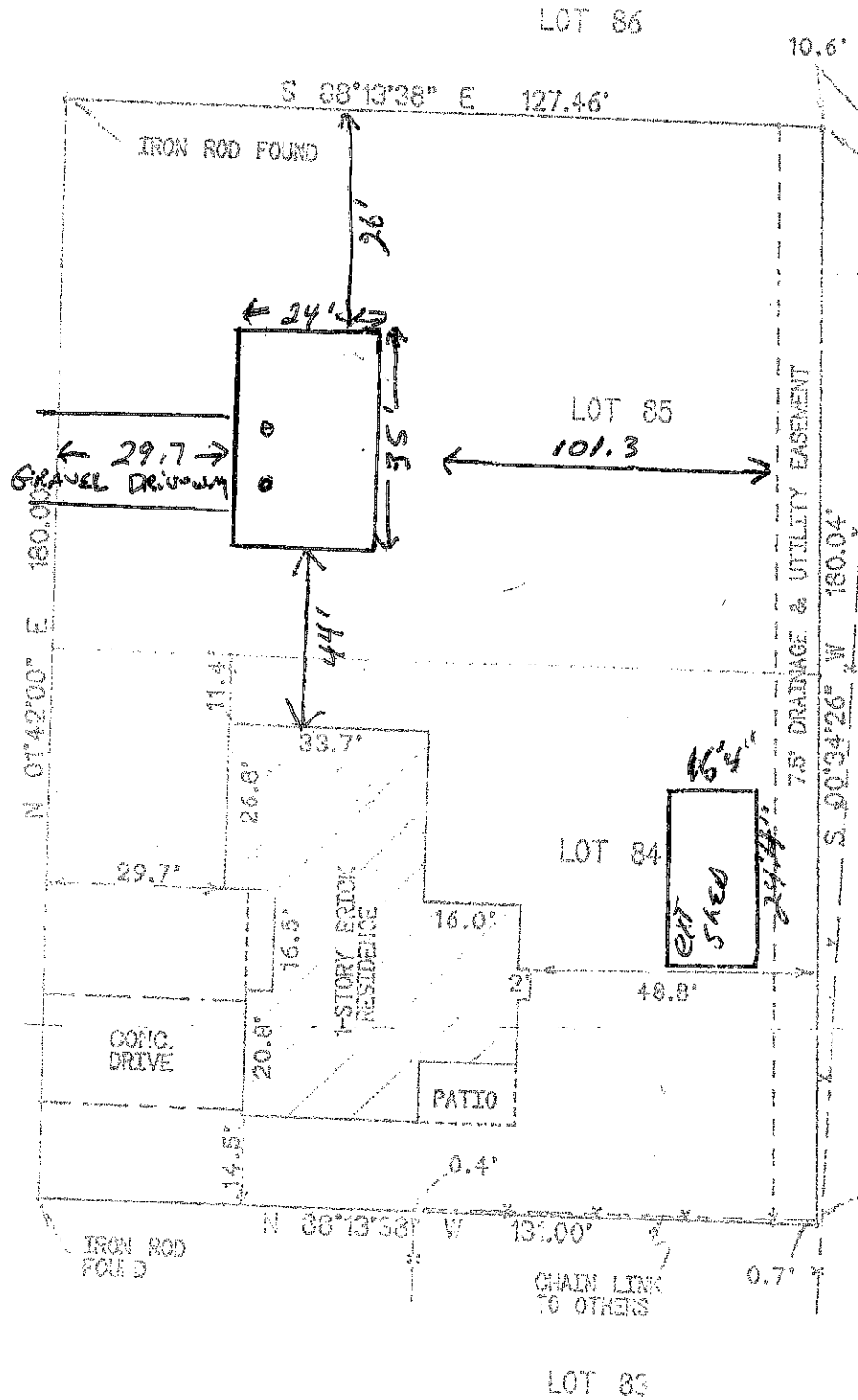
USE IS ALLOWED BY RIGHT

N

By Graphic Plotting only, this property is in Zone "C" of the Flood Insurance Rate Map, Community Panel No. 285255 0120 E, dated August 4, 1988. Exact designation can only be determined by an Elevation Certificate.

Roof will be 10' IN height

WOODY DRIVE



S



FRONT

四六

RIGHT SIDE

SYMBOL LEGEND

1991年12月 第1期



Wichtigste Ergebnisse:

12/12/2009



Cheng-Hsiung Wang

REF ID: A614788832849238

CLIENT: Gregory LeBough

DEALER ID # 00011612-MAAM

2011年12月11日

STAFF

2008年12月15日

DISCLAIMER

If building does not meet proper compliance and verification for wind/snow rating, your request will be screened by our team and you will be made aware of the necessary changes.

HARRISON COUNTY TAX ASSESSOR

1801 23RD AVENUE · P.O. BOX 462 · GULFPORT, MS 39502
(228) 865-4043 · (228) 865-4077 · FAX (228) 865-4076



LAND ROLL CHANGE REQUEST FORM TAX YEAR 20

A Deed describing split/combine or the respective city/county approval or lot line re-arrangement describing split/combine should be filed with Chancery Land Records to be made of record.

Owner: Gary LeBaugh Date: 7/9/2024

Address: 15408 WOODY DRIVE
GULFPORT MS. 39503

Phone #: 217-419-2216 Email: garysautobody1@yahoo.com Deputy: 802

The following must be checked by a deputy clerk and signed by the property owner.

PARCEL NUMBERS INVOLVED: 0807M-03-030.000
0807M-03-031.000

- ☐ SPLIT ☒ COMBINE: Parcel # to keep _____
- ☐ Are Parcels **CONTIGUOUS** (Touching) YES ☒ NO ☐
- ☐ Are Parcels titled in **SAME NAME(s)** & NOT MIXED TITLE YES ☒ NO ☐
- ☐ Are **IMPROVEMENTS**(buildings) INVOLVED YES ☒ NO ☐
If YES, which Parcel(s) has the IMPROVEMENTS: 0807M-03-030.000
- ☐ Is there **HOMESTEAD** involved YES ☐ NO ☐
If YES, which Parcel has the **Primary Home**: _____
- ☐ Are Parcels in the same **Tax District**: 60 YES ☒ NO ☐
- ☐ If this is a Split for a **MOBILE HOME**, has it been approved by **ZONING**:
N/A ☒ YES ☐ NO ☐
- ☐ Are all applicable **supporting documents** attached:
Document Type: ☒ DEED# 2024-12338 ☒ SURVEY ☐ CITY/COUNTY
Has above document been **RECORDED**: YES ☒ NO ☐ WILL DO ☐
- ☐ Have Taxes been **PAID***: YES ☐ NO ☐ WILL DO ☐

*taxes for parcels being combined still need to be paid until parcel is deleted off land roll

PROPERTY OWNER

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

Signature of Property Owner: [Signature]
If not signed in front of a Deputy Tax Assessor this form must be notarized.

Prepared by and Return to:
Coastline Title & Escrow, LLC
5405 Indian Hill Blvd.
Diamondhead, MS 39525
Phone: 228-220-4349
Fax: 228-678-2215

File #: 2024-51

Indexing Instructions: **EXEMPT**



1st JUDICIAL DISTRICT
INSTRUMENT 2024-0012338-D-J1
FILED/RECORDED 7/1/2024 12:58:01 PM
TOTAL FEES \$26.00
4 PAGES RECORDED

STATE OF MISSISSIPPI
COUNTY OF HARRISON
1ST JUDICIAL DISTRICT

WARRANTY DEED

For and in consideration of the sum of TEN DOLLARS (\$10.00) cash in hand paid, and other good and valuable considerations, the receipt and sufficiency of which are hereby acknowledged,

Harold A. and Roberta M. Hill Joint Revocable Trust (Grantor)
1800 Beach Blvd., Unit 413
Gulfport, MS 39507
(228) 229-3684

do hereby sell, convey, bargain and warrant to

Greg LeBaugh and Christine Ann Pruett (Grantees)
15408 Woody Drive
Gulfport, MS 39503
(217) 419-2216

As joint tenants with full rights of survivorship and not as tenants in common, the following described real property situated and located in Harrison County, State of Mississippi, more particularly and certainly described as:

Lot 84, NORTHWOOD HILLS NORTH SUBDIVISION, being a subdivision located in the First Judicial District of Harrison County, Mississippi, as per map or plat thereof on file and of record in the office of the Chancery Clerk of Harrison County, Mississippi.

and

Lot #85, NORTHWOOD HILLS NORTH, as per map or plat thereof on file and of record in the office of the Chancery Clerk of the First Judicial District of Harrison County, Mississippi, in Plat Book 29 Page 26.

and

Lot 86, NORTHWOOD HILLS NORTH, a subdivision according to the official map or plat thereof on file and of record in the office of the Chancery Clerk of the First Judicial District of Harrison County, Mississippi in Plat Book 29 at Page 26.

Being the property obtained by Grantor under Warranty Deed filed for record on May 10, 2005, in the office of the Chancery Clerk of the First Judicial District of Harrison County, as Instrument #2005 15081 D-J1.

The conveyance herein is subject to all easements, roadways, servitudes, restrictive covenants and oil, gas and other mineral reservations, exceptions, conveyances and leases of record or obvious on reasonable inspection of the subject property.

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

The parties agree that the Ad Valorem taxes for 2024 tax year are being prorated as of this day and are assumed by the Grantees herein.

THIS SPACE IS INTENTIONALLY LEFT BLANK

WITNESSED on this the 26th day of June, 2024.

GRANTOR:

Harold A. and Roberta M. Hill Joint Revocable Trust

By: *Harold A. Hill, Trustee*
Harold A. Hill, Trustee

State of Mississippi
County of Harrison

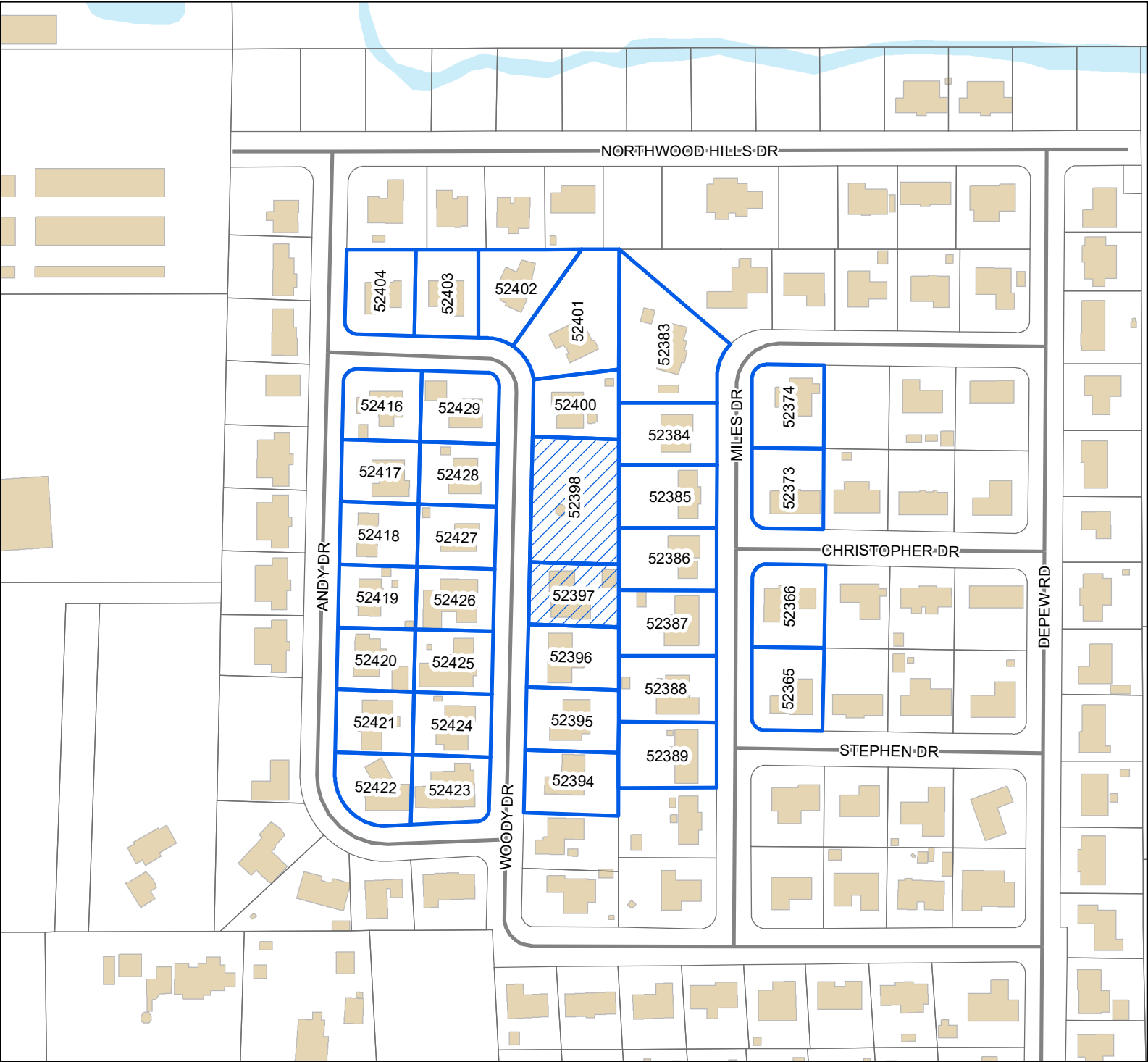
Personally appeared before me, the undersigned authority in and for said county and state, on this 26th day of June, 2024, within my jurisdiction, the within named **Harold A. Hill**, who acknowledged that he is **Trustee of the Harold A. and Roberta M. Hill Joint Revocable Trust**, and that for and on behalf of the said trust, and as its act and deed he executed the above and foregoing instrument, after first having been duly authorized so to do.

Melissa Nunley Reso
Notary Public
My Commission Expires: 10/23/24

TAX NOTICES: Grantees are responsible for the property taxes.

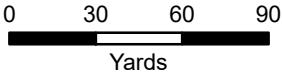


Mail	PPIN	Parcel ID	Name	Address	City	State	ZIP
Y		0807M-03-030.000	GREGORY LEBAUGH (OWNER)	15408 WOODY DRIVE	GULFPORT	MS	39503
			Adjacent Property Owners (2409ZB137)				
	52402	0807M-03-035.000	DAHL MICHAEL J & KAREN L	15444 WOODY DR	GULFPORT	MS	39503
	52404	0807M-03-037.000	GIFT ANGELA T & MCCOMMON RICHARD A	15460 WOODY DR	GULFPORT	MS	39503
	52394	0807M-03-027.000	JEFFERSON GLORIA JUNE	15378 WOODY DR	GULFPORT	MS	39503
	52383	0807M-03-054.000	BURRIL CASEY J	20265 HWY 189	ELBA	AL	36323
	52401	0807M-03-034.000	WRIGHT JEFFERY A & BERNEDETT J	15440 WOODY DR	GULFPORT	MS	39503
	52400	0807M-03-033.000	KEYS CARLOS E & APRIL Y	15428 WOODY DR	GULFPORT	MS	39503
	52429	0807M-03-018.000	R & R PROPERTY LLC	11992 MICHAEL GRACE DR	GULFPORT	MS	39503
	52421	0807M-03-012.000	RYERSON ROBERT R & PERLA	13034 ANDY DR	GULFPORT	MS	39503
	52385	0807M-03-056.000	WILLIAMS JOHN S	13063 MILES DR	GULFPORT	MS	39503
	52398	0807M-03-031.000	HILL HAROLD A & ROBERTA M-TRUSTEES-	15408 WOODY DR	GULFPORT	MS	39503
	52417	0807M-03-016.000	COWSERT JOHN T	13064 ANDY DR	GULFPORT	MS	39503
	52365	0807M-02-025.000	ROBINSON HOLLIS & AICHA	15314 STEPHENS DR	GULFPORT	MS	39503
	52420	0807M-03-013.000	DUBRA CHARLES E & MARIE A	13040 ANDY DR	GULFPORT	MS	39503
	52386	0807M-03-057.000	DLG ENTERPRISES	21435 MENNONITE RD	GULFPORT	MS	39503
	52366	0807M-02-026.000	BASS BARBARA D GRIFFIN	15313 CHRISTOPHER DR	GULFPORT	MS	39503
	52373	0807M-02-033.000	LANE RHONDA ANN	15314 CHRISTOPHER DR	GULFPORT	MS	39503
	52426	0807M-03-021.000	CHARLTON CATHERINE V	15407 WOODY DR	GULFPORT	MS	39503
	52416	0807M-03-017.000	JOHNSON GRALYN DENNIS JR & VALERIE	15457 WOODY DR	GULFPORT	MS	39503
	52418	0807M-03-015.000	TROPHY FISH LLC	2347 LOST CHANNEL	BILOXI	MS	39531
	52427	0807M-03-020.000	RIDDLE BRETT J & JESSICA M	15415 WOODY DR	GULFPORT	MS	39503
	52419	0807M-03-014.000	HEBRON ANGELITO E	13048 ANDY DR	GULFPORT	MS	39503
N	52423	0807M-03-024.000	HANDY CAMPGROUND INC THE	C/O DEBRON KING	GULFPORT	MS	39503
	52425	0807M-03-022.000	SQUIRES ALAN HUNTER	15397 WOODY DR	GULFPORT	MS	39503
	52403	0807M-03-036.000	AVENA JEFFREY V	1369 CUTTER COVE	SLIDELL	LA	70548
	52374	0807M-02-034.000	EILERMANN KEITH & JANET & TOLAR T	14352 CHESTWOOD COVE	GULFPORT	MS	39503
	52388	0807M-03-059.000	BARNEY KENNETH C & LOLA M	13033 MILES DR	GULFPORT	MS	39503
	52395	0807M-03-028.000	GASPARRINI MARTHA S DODD -TRUSTEE-	306 EASTVIEW DR	BILOXI	MS	39531
	52389	0807M-03-060.000	YOUNG LINDA G	13025 MILES DR	GULFPORT	MS	39503
	52384	0807M-03-055.000	LONG DAVID & BARBARA	13073 MILES DR	GULFPORT	MS	39503
	52428	0807M-03-019.000	MCCOY JASON CARROLL	15425 WOODY DR	GULFPORT	MS	39503
	52387	0807M-03-058.000	MIGUES ERNEST T III & BERNADETTE	13043 MILES DRIVE	GULFPORT	MS	39503
	52396	0807M-03-029.000	BLACKWELL PAULINE	15398 WOODY DR	GULFPORT	MS	39503
	52424	0807M-03-023.000	ALEMAN TROY	15387 WOODY DR	GULFPORT	MS	39503
	52422	0807M-03-011.000	BAKER PATRICIA W -TRUSTEE-	14162 EAST MARCIE RD	GULFPORT	MS	39503



Legend

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



1 inch = 200 feet



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The Sacramento Bee
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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	588196	Print Legal Ad-IPL01918640 - IPL0191864		\$104.65	2	54 L

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

accountspayable@gulfport-ms.gov

LEGAL NOTICE PUBLIC HEARING

In conformance with Section VIII of the Comprehensive Zoning Ordinance of the City of Gulfport, Mississippi, 1979, as amended, notice is hereby given advising that the Zoning Board of Adjustment and Appeals will hold a public hearing in the City of Gulfport, Mississippi at 3:00 P.M., Thursday, September 19, 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 2408ZB113, by owner Land Lady Investments, LLC, seeking approval for parking that backs out into city right of way, Tax Parcel 0910N-07-014.000, 512 Pass Road, Zoned B-2 (General Business), Ward 4

Variance 2408ZB114, by owner Land Lady Investments, LLC, seeking approval to have 4 regular parking spaces where 7 is required, Tax Parcel 0910N-07-014.000, 512 Pass Road, Zoned B-2 (General Business), Ward 4

Variance 2409ZB127, by owner Ancillary Capital LLC, seeking approval for a seven-foot front yard setback where 15 feet is required, Tax Parcel 0811L-03-030.001, 33rd Ave, Zoned T4+ (General Urban Zone "Plus"), Ward 2

Variance 2409ZB137, by owner Gregory LeBaugh, seeking approval for an accessory structure of 840 square feet in addition to an existing 540 square-foot accessory structure on a property less than an acre, Tax Parcels 0807M-03-030.000, 0807M-03-031.000, 15408 Woody Drive, Zoned R-1-10 (Single-family), Ward 7

Variance 2409ZB138, by agent All Sign Inc, seeking approval for an additional wall sign on the northern elevation, Tax Parcel 1010E-01-021.001, 1201 Washington Ave, Zoned T3 (Sub-Urban Zone), Ward 4

Special Exception 2409SE140, by agent Johnathan Tate Jr, seeking approval for a daycare use, Tax Parcel 0810N-04-001.000, 2301 31st Street, Zoned B-2 (General-Business), Ward 3

Variance 2409ZB141, by agent J.R. Walsh, seeking approval for 16-foot-tall accessory structure that exceeds the primary structure height, Tax Parcel 1009L-02-009.000, 11172 Creel Circle, Zoned R-1-7.5 (Single-family), Ward 5

Variance 2409ZB142, by agent J.R. Walsh, seeking approval of a 1600 square-foot accessory structure in addition to an existing 980 square foot structure on a property that is less than an acre, Tax Parcel 1009L-02-009.000, Zoned R-1-7.5 (Single-family) Ward 5

Variance 2409ZB143, by owner Jose Santamaria, seeking approval for a 2-foot side yard setback where 6 feet is required, Tax Parcel 1010E-02-023.000, 1200 College St, Zoned T3 (Sub-Urban Zone), Ward 4

Variance 2409ZB147, by owner Queen E. Graves, seeking approval for a 6-foot second frontage setback where 15 feet is required, Tax Parcel 0810F-03-072.000, Alabama Ave, Zoned R-1-5 (Single-Family), Ward 3

Variance 2409ZB148, by owner Jose Santamaria, seeking approval for a 196 square foot accessory structure in addition to existing 985 square foot structure on a parcel less than an acre, Tax Parcel 1010E-02-023.000, 1200 College St, Zoned T3 (Sub-Urban Zone), Ward 4

Variance 2409ZB149, by owner Jeanette Ladner, seeking approval for a second frontage setback of 15.5 feet where 25 feet is required, Tax Parcel 0811B-04-069.000, 2300 18th Ave, Zoned R-2 (Single-Family), Ward 3

This the 28th day of August 2024

A. Leslie North, Chairman
City of Gulfport Zoning Board of Adjustment and Appeals
IPL0191864
Sep 4 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:
09/04/24

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.

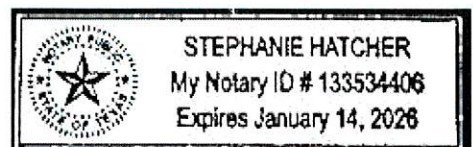
Mary Castro

Sworn to and subscribed before me this 10th day of September 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!



URBAN DEVELOPMENT DEPARTMENT | PLANNING & ZONING

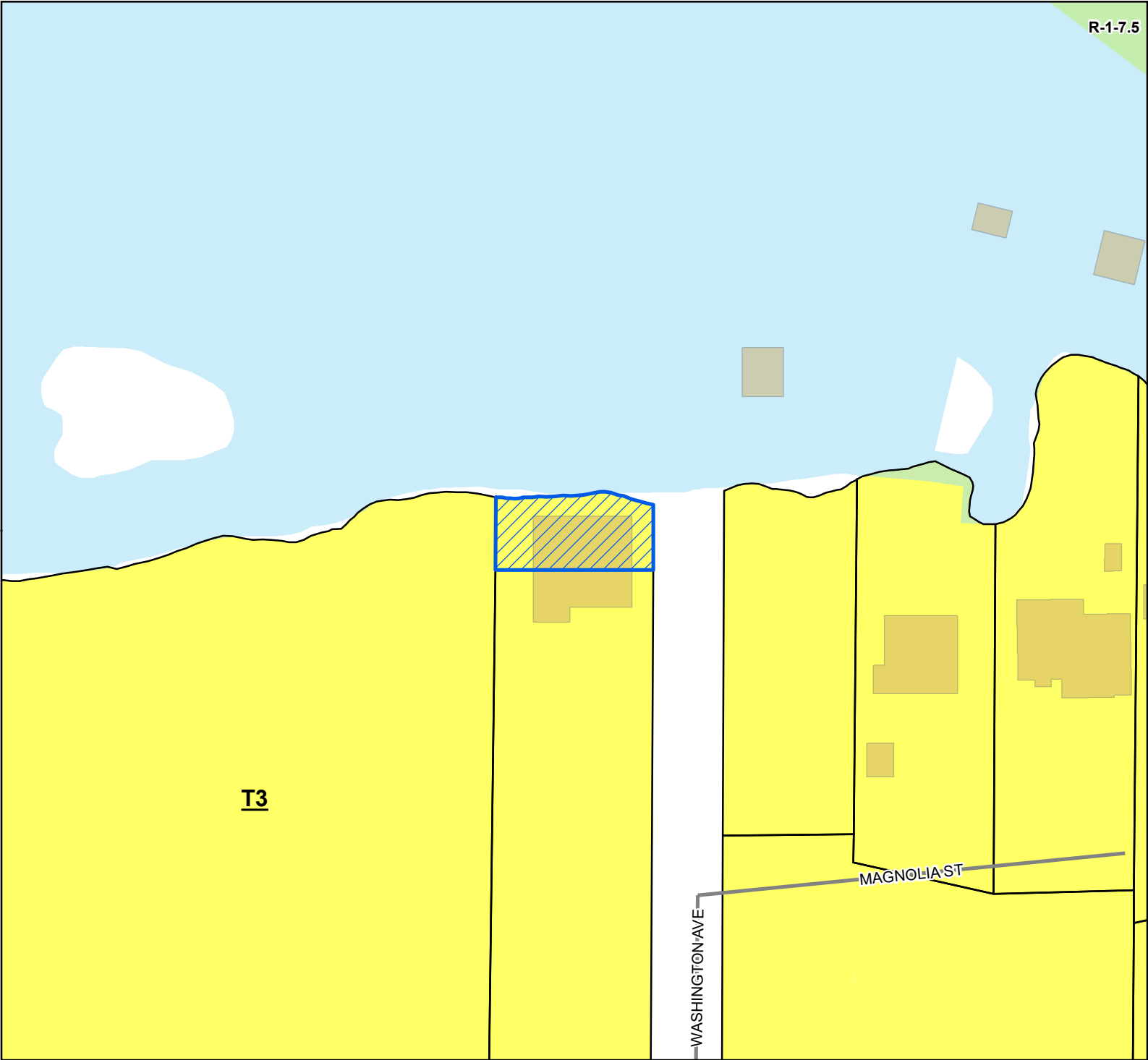
PO BOX 1780 | GULFPORT, MS | 1410 24TH AVENUE

P: 228.868.5710 | F: 228.868.5708 | PLANNERS@GULFPORT-MS.GOV

ZONING BOARD OF ADJUSTMENT AND APPEALS CASE # 2024-738

Hearing Date: Thursday, September 19, 2024

Variance 2409ZB138: Variance 2409ZB138, by agent All Sign Inc, seeking approval for an additional wall sign on the northern elevation, Tax Parcel 1010E-01-021.001, 1201 Washington Ave, Zoned T3 (Sub-Urban Zone), Ward 4



Site

Street

Parcels

Buildings

Water Features

City Limit

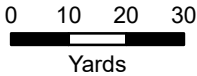
Smart Code

T3

Zoning

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

Site Information
1010E-01-021.001
Zoning: T-3 (Sub-Urban Zone)
Size: 5978.36 sqft
Flood: AE



1 inch = 100 feet



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Technical Report

VARIANCE

GENERAL INFORMATION

Case File Number: 2409ZB138

Hearing Date: September 19, 2024

Current Zoning/Use: T3/ Restaurant

Legal: Variance 2409ZB138, by agent All Sign Inc, seeking approval for an additional wall sign on the northern elevation, Tax Parcel 1010E-01-021.001, 1201 Washington Ave, Zoned T3 (Sub-Urban Zone), Ward 4

TECHNICAL DETAILS

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

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

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

Technical Report

VARIANCE

The applicant is requesting a variance for an additional wall sign on the northern elevation of their existing restaurant, where the sign ordinance would allow for only wall sign facing a dedicated right of way.

- (a) The applicant claims that the current sign ordinance “only allows for a sign on the front of the building facing the street” and that due to the property being hidden by the tree coverage towards the south, a variance would be needed for the sign to place the sign on the northern elevation where the restaurant is more visible from the Cowan-Lorraine build. Per the current zoning ordinance, wall signs would need to face a dedicated right of way. Upon a site visit by staff, staff noted an existing wall sign on the southern elevation of the structure, facing the right of way, in addition to a pre-existing existing ground sign. While the property does not much of tree cover on its own, it is surrounded by properties that have significant tree cover leaving most of the building’s visibility to the northern side, facing the waterway.
- (b) Applicant claims that the building had been located at this location for many years, and claims that the sign ordinance never addressed whether signage on the northern side of the building would be permissible. Applicant notes that there are other businesses that about the waterway that have signage facing the waterway. Upon staff review of past imagery, the building was constructed prior to 2007. Regarding the applicant’s claim regarding other businesses having signage facing the waterway, the only notable example for this would be the former “Marina Cantina”, which is now the “Flamingo Landing”, which has a non-conforming roof sign facing the waterway.
- (c) The applicant states that their hardship is due to the sign ordinance not allowing for a wall sign on the northern side of the building due to it not facing a dedicated right of way. While the sign ordinance does require wall signs to face a dedicated right of way, additional signage not facing a public right of way is allowable through variances.
- (d) The applicant does not directly address the question regarding the literal interpretation of the provisions of the zoning ordinance. Upon staff review of the surrounding area, the proposed sign would allow the existing restaurant business to enjoy the same privileges as the previously mentioned “Flamingo Landing.”
- (e) The applicant states that granting the variance request would not confer special privileges, as it would be continuing the precedent set by “Flamingo Landing”, which has a wall sign on its northern elevation and a roof sign on its southern elevation, facing the waterway. It should be noted however that the mentioned roof sign is pre-existing non-conforming, and the wall sign was approved through variance case# 2402ZB012.
- (f) This property is zoned T3, and the Restaurant Use is pre-existing non-conforming.

EXECUTIVE SUMMARY

The applicant is seeking approval for an additional wall sign on the northern elevation where the current sign ordinance requires the wall sign to face a dedicated right of way. The applicant states the reason for their hardship is due to both the sign ordinance not allowing for a wall sign on the northern elevation, due to it not facing a dedicated right of way, and the abundance of tree coverage blocking visibility of the restaurant from public view. While the current sign ordinance does require wall sign to face a public right of way, it does allow for additional wall signs on elevations not abutting a public right of way through variances. One example for such a wall sign

Technical Report

VARIANCE

is one that was approved through variance 2402ZB012, for “Flamingo Landing” formerly “Marina Cantina.” This variance set a precedent in this area for allowing signage that did not face a dedicated right of way, meaning the applicant’s request would be following a already set precedent.

Any approval should consider these conditions:

1. Approval allows for an additional wall sign on the northern elevation.

DEPARTMENTAL CONDITIONS

<u>Engineering:</u>	No conditions. Memo dated 08/30/24.
<u>Public Works:</u>	No conditions. Memo dated 09/05/24.
<u>Traffic and Safety:</u>	No conditions. Memo dated 09/05/24.
<u>Building Code Services:</u>	No conditions. Memo dated 2/28/2018.
<u>GIS:</u>	No conditions. Memo dated 08/29/24.
<u>Police Department:</u>	No comment as of 09/06/24.
<u>Fire Department:</u>	No conditions. Memo dated 08/29/24.
<u>City Arborist:</u>	No conditions. Memo dated 08/29/24.

DIRECTOR APPROVAL

This report has been reviewed and approved by:



Greg Holmes
Director of Urban Development Department

OWNER:

Jonathan Allen
 Printed Name of Owner
9461 Oak Pointe Ln.
 Mailing Address
Gulfport MS 39503
 City State Zip Code
(228) 669-9105
 Home Phone Work/Cell Phone
ja@jallen.com
 Email
[Signature]
 Signature of Owner

AGENT:

All Signs, Inc.
 Printed Name of Agent
PO Box 6265
 Mailing Address
Gulfport MS 39506-6265
 City State Zip Code
228-897-9100 228-897-9100
 Home Phone Work/Cell Phone
mhage@allsignsgulfport.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) Jonathan Allen
 Address (Street, City, State, Zip Code) 9461 Oak Pointe Ln., Gulfport, MS 39503
 Phone (Home) _____ (Work) _____ (Cell) (228) 669-9105
 Tax Parcel Number(s) Owned: 1010E-01-021.001
 Signature: [Signature]

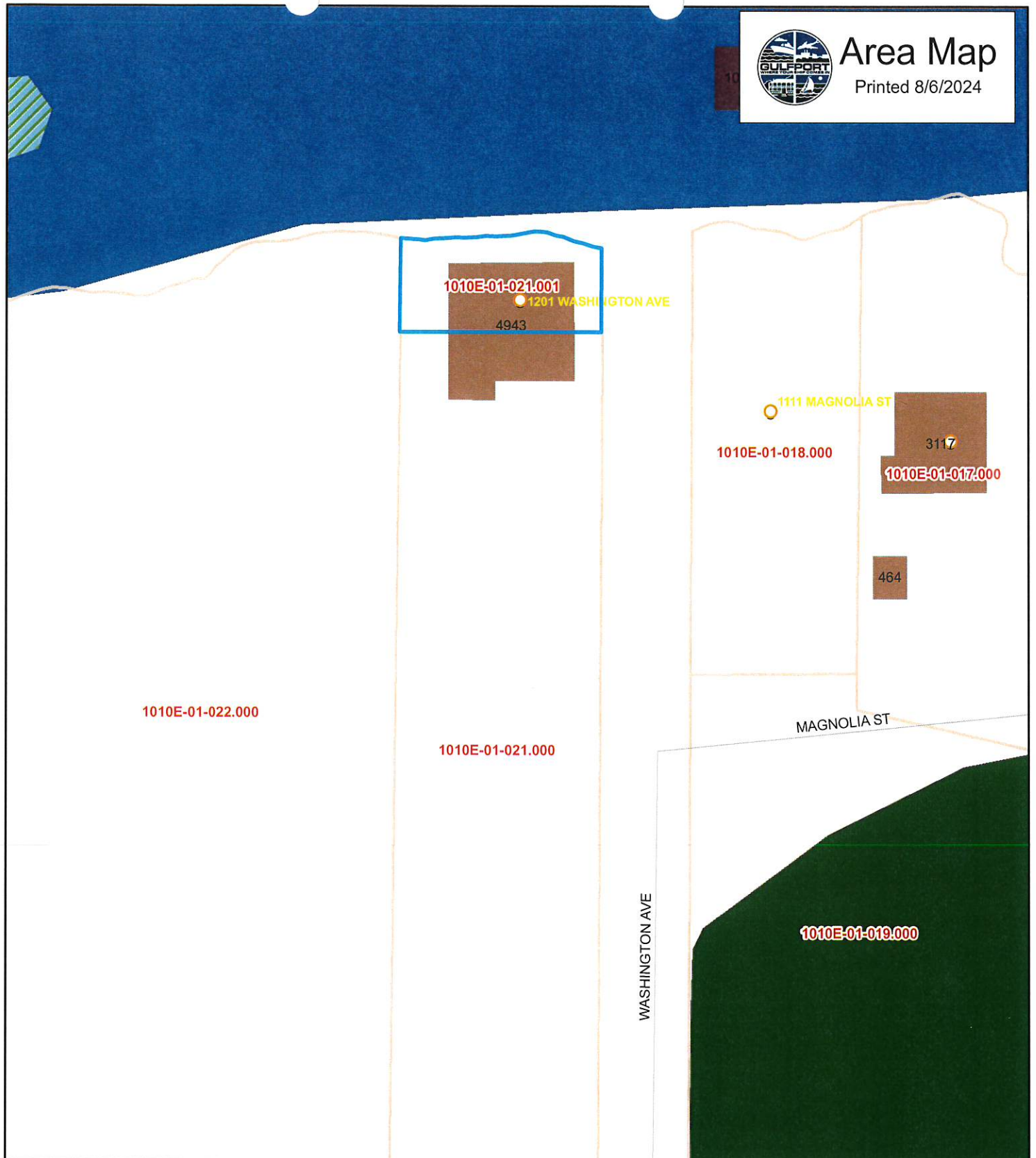
Name of Owner (PRINT) _____
 Address (Street, City, State, Zip Code) _____
 Phone (Home) _____ (Work) _____ (Cell) _____
 Tax Parcel Number(s) Owned: _____
 Signature: _____

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



Area Map

Printed 8/6/2024

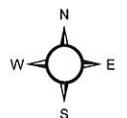


Initial and date here:

Planner: _____

Owner: _____

Contractor: _____



1 inch = 72 feet



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IMPORTANT NOTICE:

1. Please be advised that failure to submit a complete application, with all supporting documents, could **delay your hearing date**. The Zoning Board will not consider a request until all information is submitted and accurate.
2. Please be advised that the application deadline dates posted are designed to allow the staff time to review the application and receive required comments from coordinating agencies. The application is not considered complete until all required information from the applicant is available for review by the staff and coordinating agencies.
3. **The following supplement pages are required per application type. Select one of the following:**
 - ☐ Appeal of Planning Administrator (see page 4)
 - ☐ Excessive Height (see page 5)
 - ☐ Fence Variance (see page 6)
 - ☐ Special Exception (see page 7)
 - ☒ Variance (See page 8)
4. All _____ will need to be **initialed by applicant** with required documentation before application can be accepted.

Submission Requirements:

JA

Page one of this application, completed and signed.

JA

Site plan. Please note that approval of your request, in part, is based on your **11" by 17"** site plan.

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

JA

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

JA

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

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

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

JA

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

JA

I the owner/agent acknowledge this is a complete application



DESIGNATION OF AGENT

I, Jonathan Allen being property owner of 1201 Washington Ave
PRINT NAME PRIMARY ADDRESS OR PARCEL
which is the subject of this application hereby authorize Michael G. Hage with All Signs, Inc. to act as
PRINT NAME
my representative with the City of Gulfport's Zoning Board of Adjustment and Appeals, and/or Planning
Commission, and/or City Council, and/or permitting and licensing, as required by the City.

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

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

[Signature]
SIGNATURE

8-5-24
DATE

STATE OF MISSISSIPPI | COUNTY OF HARRISON

Given under my hand and seal of office this the 5 day of August, 20 2024

Danette M Souder
NOTARY PUBLIC



August 20, 2025
COMMISSION EXPIRATION

VARIANCE SUBMISSIONS

JA

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.

All questions answered on
separate pages in back of
packet



COVENANT AFFIDAVIT

I, Michael G. Hage being property owner or agent of the property 1201 Washington Avenue
PRINT NAME PRIMARY ADDRESS OR PARCEL

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

Michael G. Hage
SIGNATURE

August 6th, 2024
DATE

STATE OF MISSISSIPPI | COUNTY OF HARRISON

Given under my hand and seal of office this the 6 day of August, 20 2024

Lori L. Croal
NOTARY PUBLIC

9-6-25
COMMISSION EXPIRATION





Michael Watson

SECRETARY OF STATE

This is not an official certificate of good standing.

Name History

Name	Name Type
J. Park Investments, LLC	Legal

Business Information

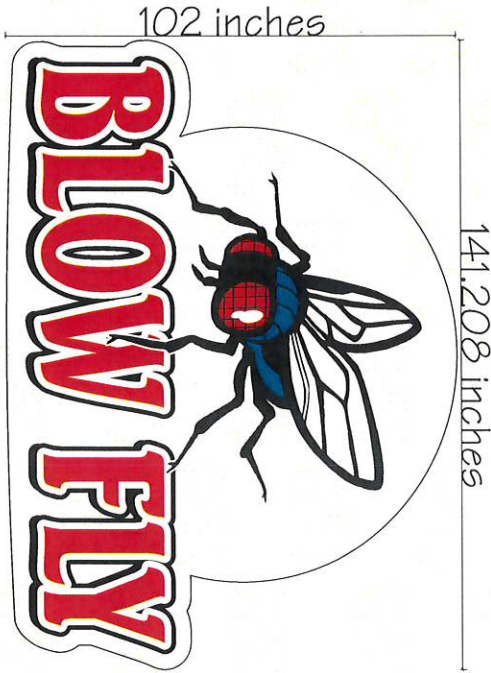
Business Type:	Limited Liability Company
Business ID:	1111454
Status:	Good Standing
Effective Date:	02/13/2017
State of Incorporation:	Mississippi
Principal Office Address:	11397 Helen Richards Dr, 11397 Helen Richards Dr Gulfport, MS 39503

Registered Agent

Name
Jonathan P. Allen 11397 Helen Richards Drive Gulfport, MS 39503

Officers & Directors

Name	Title
J. William Williams 2409 14th Street Gulfport, MS 39501	Organizer
Jonathan P Allen 11397 Helen Richards Drive Gulfport, MS 39503	Manager



NOTES:



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designer:bret

customer:Geoffrey

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ADDRESS
1201 Washington Ave
Gulfport, MS 39507

BUSINESS OWNER

BUILDING FRONTAGE
60 ft

SQ. FT. OF SIGNAGE
100 sq ft

TYPE OF SIGNAGE
Lighted
Channel Cabinet

OWNER'S INFORMATION

1010E-01-021.001
TAX PARCEL ID #

558 Courthouse Road
Gulfport, MS 39507
P: (228) 897-9100
btuner@AllSignsGulfport.com
www.AllSignsGulfport.com

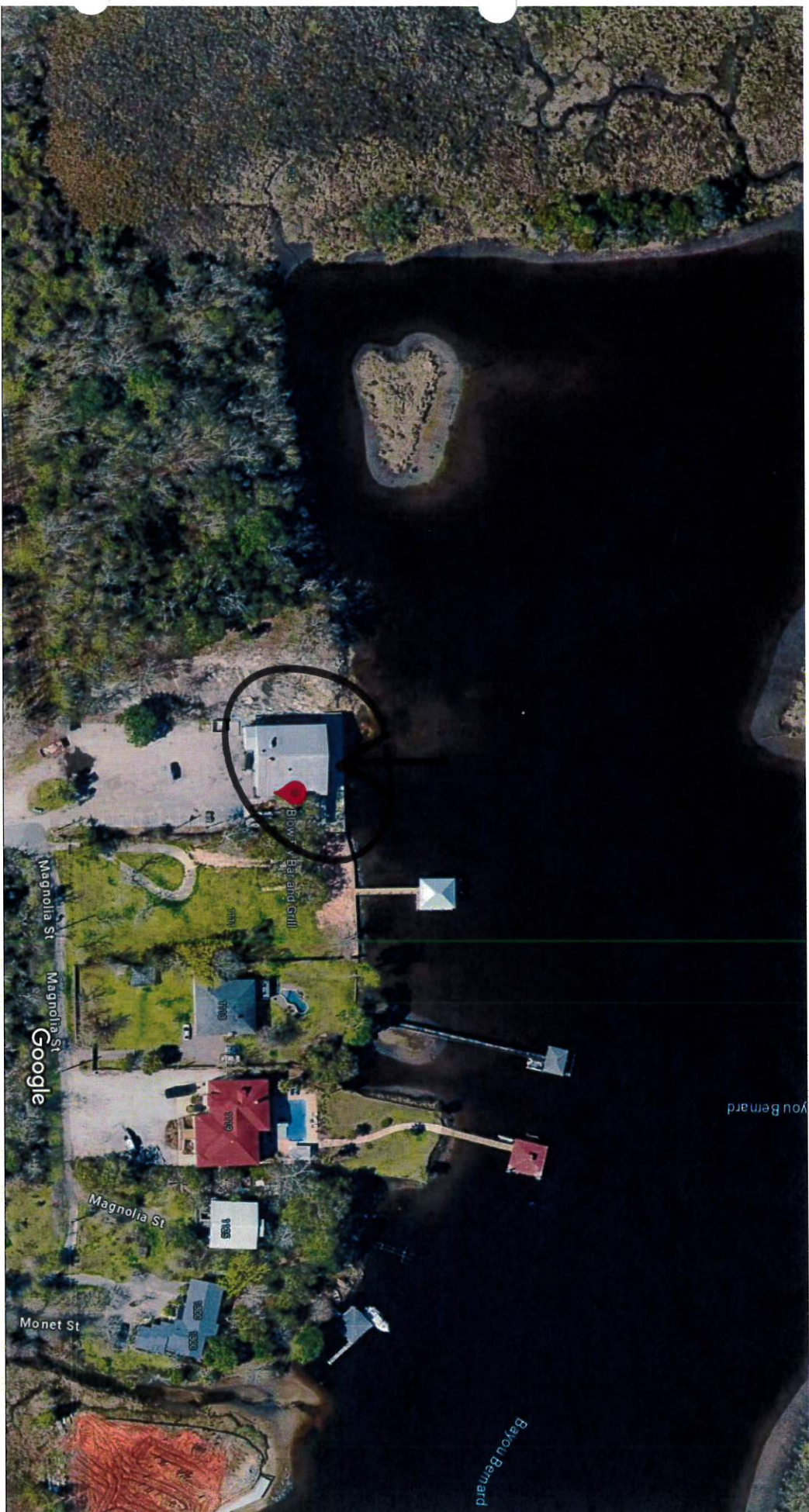


Imagery ©2024 Airbus, Maxar Technologies, Map data ©2024 200 ft

200 ft

South
↓

Google Maps Blow Fly Bar and Grill



Proposed sign to go on
bayou side of bldg. circled

Imagery ©2024 Maxar Technologies, Map data ©2024 Google 50 ft

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?)

Because the sign ordinance for this location, only allows for a sign on the front of the building facing the street and because this building is situated on the very north end of the property and is hidden by all of the tree cover on the south side, and because this building is more visible from the Cowan-Lorraine Rd Bridge and Bayou Bernard, that's why a variance is needed.

2. Demonstrate that 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)

This building has been located in this area for many years now and the sign ordinance never addressed permissible signage on the north side of the building which would face Bayou Bernard, where other businesses in the area who face the bayou are allowed to display signage which attracts customers via vehicle traffic and boat traffic.

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?)

The hardship is that the sign code does not allow for signage on the north side of this building which faces the Cowan-Lorraine Rd Bridge and Bayou Bernard which is where the majority of the vehicle / boat traffic occurs.

This is one of the few commercial properties in the area that has both street frontage in addition to waterfront frontage. There is a restaurant across the bayou (Flamingo Landing and it's predecessor Marina Cantina) that has large signage on the bayou side of the building in addition to signage on the opposite side of their building facing north (parking lot side). Both of these locations are accessible by water and right now only one of them can advertise to boaters and vehicle traffic on the bridge. The city has already set a precedent by allowing Flamingo Landing to have signage which faces the bayou in addition to their signage which faces their parking lot.

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.)

As it stands right now, this building, viewed from the Cowan-Lorraine Rd Bridge, is commonly mistaken for residential home. By allowing signage on this elevation, the business owner would get to enjoy the same economic returns that the other restaurants in the areas are experiencing because they are already allowed by the city to have signage on both of their elevations. This would just be in keeping with what the city has already set a precedent to do.

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?)

The answer is NO. Right now, the city has allowed the restaurant across the bayou (Flamingo Landing and its predecessor Marina Cantina) to enjoy signage on the bayou side of their property which give them exposure to the traffic on Cowan-Lorraine Rd Bridge as well as the boat traffic on Bayou Bernard.

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

The use of this establishment is a restaurant and has been for the last 40+ years and is allowed by the planning and zoning department.

E-RECORDED

simplifile®

ID: 2022-00239080-JT

County: Harrison 150

Date: 9/21/2022 Time: 1:39 PM

Prepared by and after recording return to:

J. WILLIAM WILLIAMS, MBN 99709
WILLIAMS LAW FIRM, PA
2409 14th Street
Gulfport, Mississippi 39501
Telephone No.: (228) 206-7900
Facsimile No.: (228) 206-7911

File No.: 00844

Grantor's Name, Address and Telephone Number:

VICTOR T. BAZZONE
10051 Lorraine Road
Gulfport, Mississippi 39503
Telephone No.: (228) 604-4546

Grantee's Name, Address and Telephone Number:

J. PARK INVESTMENTS, LLC, a Mississippi limited
liability company
11397 Helen Richards Drive
Gulfport, Mississippi 39503
Telephone No.: (228) 669-9105

Indexing Instructions:

NW 1/4 of SW 1/4, Section 30, Township 7 South, Range
10 West, First Judicial District of Harrison County,
Mississippi

**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 which is hereby acknowledged, the undersigned, **VICTOR T. BAZZONE** ("**Grantor**"), does hereby sell, grant, convey, and warrant unto **J. PARK INVESTMENTS, LLC**, a Mississippi limited liability company ("**Grantee**"), the real property, together with all improvements thereon, situated in the First Judicial District of Harrison County, Mississippi, and more particularly described on **Exhibit "A,"** which is hereby incorporated by reference.



1st JUDICIAL DISTRICT
INSTRUMENT 2022-0023908-D-J1
FILED/RECORDED 9/21/2022 1:39:01 PM
TOTAL FEES \$26.00
3 PAGES RECORDED

Prepared by and after recording return to:
J. WILLIAM WILLIAMS, MBN 99709
WILLIAMS LAW FIRM, PA
2409 14th Street
Gulfport, Mississippi 39501
Telephone No.: (228) 206-7900
Facsimile No.: (228) 206-7911

File No.: 00844

Grantor's Name, Address and Telephone Number:
VICTOR T. BAZZONE
10051 Lorraine Road
Gulfport, Mississippi 39503
Telephone No.: (228) 604-4546

Grantee's Name, Address and Telephone Number:
J. PARK INVESTMENTS, LLC, a Mississippi limited
liability company
11397 Helen Richards Drive
Gulfport, Mississippi 39503
Telephone No.: (228) 669-9105

Indexing Instructions:
NW 1/4 of SW 1/4, Section 30, Township 7 South, Range
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**STATE OF MISSISSIPPI
COUNTY OF HARRISON**

WARRANTY DEED

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The conveyance is made subject to all protective covenants, rights of way, easements, and oil, gas or mineral reservations or conveyances of record pertaining to the subject property. Taxes for the current year are assumed by the Grantee.

The property described on Exhibit "A" does not constitute the homestead of the Grantor herein.

WITNESS, the Grantor has caused this instrument to be executed, this the 21st day of September, 2022.

GRANTOR:


VICTOR T. BAZZONE

**STATE OF MISSISSIPPI
COUNTY OF HARRISON**

PERSONALLY APPEARED BEFORE ME, the undersigned authority in and for the said county and state, on this the 21st day of September, 2022, within my jurisdiction, the within named, VICTOR T. BAZZONE, who acknowledges that he executed the above and foregoing instrument.

SWORN TO AND SUBSCRIBED before me this, the 21st day of September, 2022.



NOTARY PUBLIC

My Commission Expires:



EXHIBIT "A"

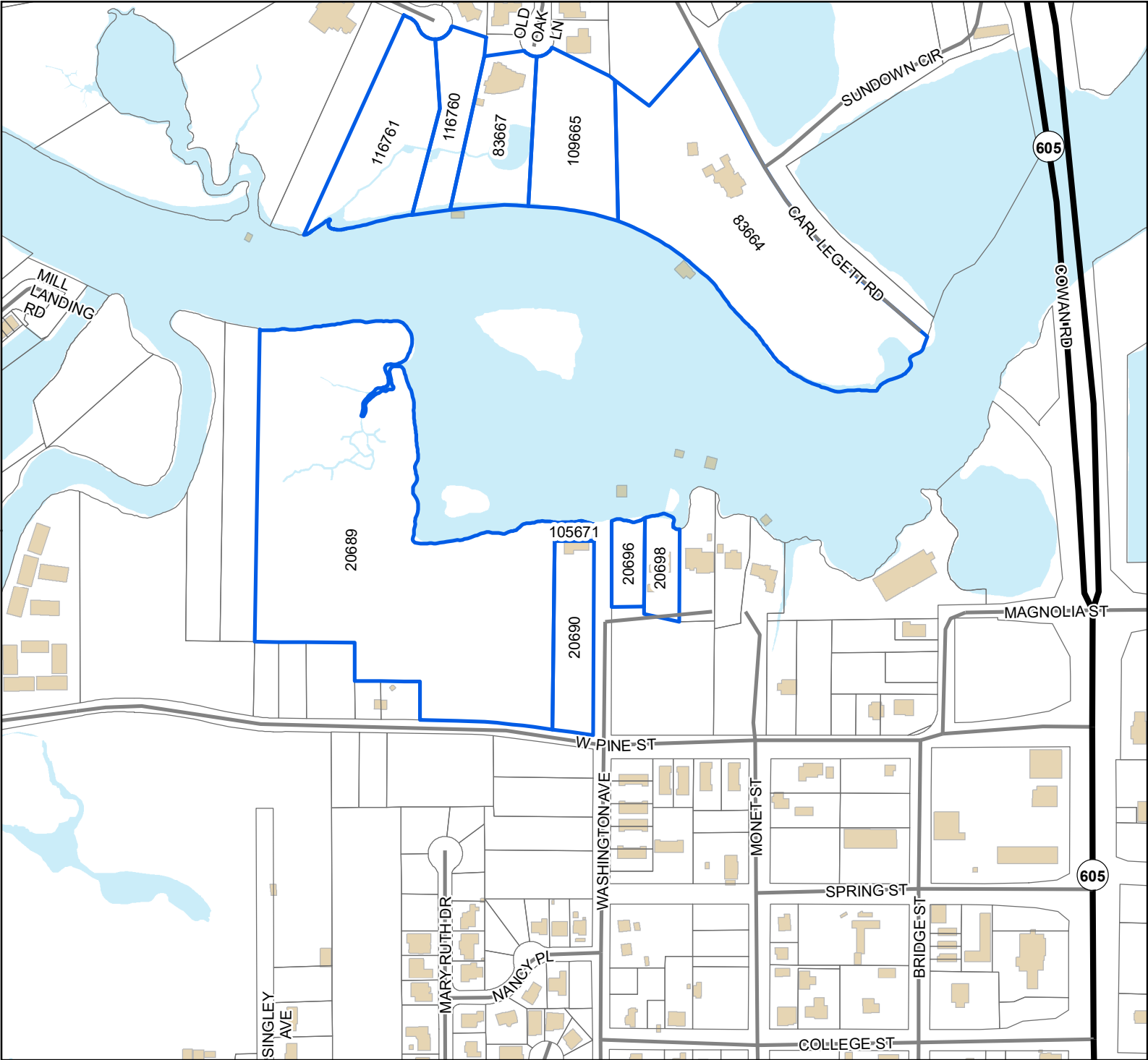
Legal Description

A parcel of land located in the Northwest One-Quarter of the Southwest One-Quarter (NW 1/4 of the SW 1/4) of Section 30, Township 7 South, Range 10 West, Harrison County, Mississippi, and being more particularly described as follows to-wit:

BEGINNING at the intersection of the East line of the Northwest Quarter of the Southwest Quarter of Section 30, Township 7 South, Range 10 West with the Northerly margin of Pine Street; thence run North a distance of 615.53 feet to a point on the South line of Bayou Bernard; thence run Westerly along the South line of Bayou Bernard to a point that is South 89 degrees 11 minutes 58 seconds a distance of 111.06 feet from the aforementioned point; thence run South 00 degrees 02 minutes 07 seconds West a distance of 595.36 feet to the Northerly margin of Pine Street; thence run South 80 degrees 34 minutes 00 seconds East a distance of 113.55 feet along the Northerly margin of Pine Street to the Point of Beginning.

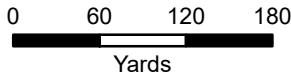
Being the same property conveyed to Grantor by virtue of the certain Warranty Deed filed September 21, 2007, and recorded as Instrument No. 2007 9552D-J1.

Mail	PPIN	Parcel ID	Name	Address	City	State	ZIP
Y		1010E-01-021.001	JOHNATHAN ALLEN (OWNER)	9461 OAK POINTE LANE	GULFPORT	MS	39503
			ALL SIGNS, INC. (AGENT)	P.O. BOX 6265	GULFPORT	MS	39506
			Adjacent Property Owners (2409ZB138)				
	109665	1010D-03-003.014	WILEM FRANK J JR & MARY C	7 OLD OAK LN	GULFPORT	MS	39503
	116761	1010D-03-003.021	ORANGE GROVE UTILITIES INC	P O BOX 2969	GULFPORT	MS	39505
	83664	1010D-03-002.000	MAVAR GERALD MICHAEL SR & DIANNE	8001 CARL LEGETT RD	GULFPORT	MS	39503
N	83667	1010D-03-003.003	WILEM FRANK J JR & MARY C	7 OLD OAK LN	GULFPORT	MS	39503
N	116760	1010D-03-003.020	WILEM FRANK J JR & MARY C	#7 OLD OAK LANE	GULFPORT	MS	39503
	20698	1010E-01-017.000	SCHLOEGEL MICHAEL J & ASHELY D	1113 MAGNOLIA ST	GULFPORT	MS	39507
	20696	1010E-01-018.000	DAVIS SHERMON F & NANCY P EDENFIELD	P O BOX 1436	WIGGONS	MS	39466
	20690	1010E-01-021.000	J PARK INVESTMENTS LLC	11397 HELEN RICHARDS DR	GULFPORT	MS	39503
N	105671	1010E-01-021.001	J PARK INVESTMENTS LLC	11397 HELEN RICHARDS DR	GULFPORT	MS	39503
	20689	1010E-01-022.000	BAZZONE VICTOR T	166 BAYOU VIEW DR	GULFPORT	MS	39507



Legend

- Site
- Adjacent Properties
- US or State Highway
- 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.



The Beaufort Gazette
The Belleville News-Democrat
Bellingham Herald
Centre Daily Times
Sun Herald
Idaho Statesman
Bradenot Herald
The Charlotte Observer
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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	588196	Print Legal Ad-IPL01918640 - IPL0191864		\$104.65	2	54 L

Attention: Matilda Welch

GULFPORT URBAN DEVELOPMENT
PO BOX 1780
GULFPORT, MS 39502

accountspayable@gulfport-ms.gov

LEGAL NOTICE PUBLIC HEARING

In conformance with Section VIII of the Comprehensive Zoning Ordinance of the City of Gulfport, Mississippi, 1979, as amended, notice is hereby given advising that the Zoning Board of Adjustment and Appeals will hold a public hearing in the City of Gulfport, Mississippi at 3:00 P.M., Thursday, September 19, 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 2408ZB113, by owner Land Lady Investments, LLC, seeking approval for parking that backs out into city right of way, Tax Parcel 0910N-07-014.000, 512 Pass Road, Zoned B-2 (General Business), Ward 4

Variance 2408ZB114, by owner Land Lady Investments, LLC, seeking approval to have 4 regular parking spaces where 7 is required, Tax Parcel 0910N-07-014.000, 512 Pass Road, Zoned B-2 (General Business), Ward 4

Variance 2409ZB127, by owner Ancillary Capital LLC, seeking approval for a seven-foot front yard setback where 15 feet is required, Tax Parcel 0811L-03-030.001, 33rd Ave, Zoned T4+ (General Urban Zone "Plus"), Ward 2

Variance 2409ZB137, by owner Gregory LeBaugh, seeking approval for an accessory structure of 840 square feet in addition to an existing 540 square-foot accessory structure on a property less than an acre, Tax Parcels 0807M-03-030.000, 0807M-03-031.000, 15408 Woody Drive, Zoned R-1-10 (Single-family), Ward 7

Variance 2409ZB138, by agent All Sign Inc, seeking approval for an additional wall sign on the northern elevation, Tax Parcel 1010E-01-021.001, 1201 Washington Ave, Zoned T3 (Sub-Urban Zone), Ward 4

Special Exception 2409SE140, by agent Johnathan Tate Jr., seeking approval for a daycare use, Tax Parcel 0810N-04-001.000, 2301 31st Street, Zoned B-2 (General-Business), Ward 3

Variance 2409ZB141, by agent J.R. Walsh, seeking approval for 16-foot-tall accessory structure that exceeds the primary structure height, Tax Parcel 1009L-02-009.000, 11172 Creel Circle, Zoned R-1-7.5 (Single-family), Ward 5

Variance 2409ZB142, by agent J.R. Walsh, seeking approval of a 1600 square-foot accessory structure in addition to an existing 980 square foot structure on a property that is less than an acre, Tax Parcel 1009L-02-009.000, Zoned R-1-7.5 (Single-family) Ward 5

Variance 2409ZB143, by owner Jose Santamaria, seeking approval for a 2-foot side yard setback where 6 feet is required, Tax Parcel 1010E-02-023.000, 1200 College St, Zoned T3 (Sub-Urban Zone), Ward 4

Variance 2409ZB147, by owner Queen E. Graves, seeking approval for a 6-foot second frontage setback where 15 feet is required, Tax Parcel 0810F-03-072.000, Alabama Ave, Zoned R-1-5 (Single-Family), Ward 3

Variance 2409ZB148, by owner Jose Santamaria, seeking approval for a 196 square foot accessory structure in addition to existing 985 square foot structure on a parcel less than an acre, Tax Parcel 1010E-02-023.000, 1200 College St, Zoned T3 (Sub-Urban Zone), Ward 4

Variance 2409ZB149, by owner Jeanette Ladner, seeking approval for a second frontage setback of 15.5 feet where 25 feet is required, Tax Parcel 0811B-04-069.000, 2300 18th Ave, Zoned R-2 (Single-Family), Ward 3

This the 28th day of August 2024

A. Leslie North, Chairman
City of Gulfport Zoning Board of Adjustment and Appeals
IPL0191864
Sep 4 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:

09/04/24

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.

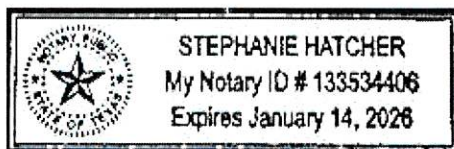
Mary Castro

Sworn to and subscribed before me this 10th day of September 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!



URBAN DEVELOPMENT DEPARTMENT | PLANNING & ZONING

PO BOX 1780 | GULFPORT, MS | 1410 24TH AVENUE

P: 228.868.5710 | F: 228.868.5708 | PLANNERS@GULFPORT-MS.GOV

ZONING BOARD OF ADJUSTMENT AND APPEALS CASE # 2024-739

Hearing Date: Thursday, September 19, 2024

Variance 2409ZB139: (Postponed by Planning Staff to October meeting) Variance 2409ZB139, by agent Ian Nushke, seeking approval for parking that pulls out into city right of way, Tax Parcel 0910N-7-006.000, 3320 C Ave, Zoned B-2 (General-Business), Ward 4

Technical Report

VARIANCE

GENERAL INFORMATION

Case File Number: 2409ZB139

Hearing Date: September 19, 2024

Current Zoning/Use: B-2 / Commercial Structures

Legal: Variance 2409ZB139, by agent Ian Nushke, seeking approval for parking that pulls out into city right of way, Tax Parcel 0910N-07-006.000, 3320 C Ave, Zoned B-2 (General-Business), Ward 4

TECHNICAL DETAILS

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

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

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

Technical Report

VARIANCE

The applicant requests a variance in order to pull out into the city right of way. Per the ordinance, the City of Gulfport requires 25 feet of isle width for perpendicular parking starting from the end of the 9 feet by 18 feet required parking dimensions. As it stands, the site has a total of 6 and a half feet of isle, per their site plan which was done with a survey. The site in question is adjacent to pass road where many of these variances have been required and granted by the City of Gulfport.

- (a) The applicant notes that the property and pre-existing building only has 24.5 feet of room in order to fit the required parking. Upon staff review, while this issue is not special to the property, it does affect many of the properties in the surrounding area and presents a genuine hardship.
- (b) The applicant states that the building and its setbacks are pre-existing. While the applicant does not fully answer the question, many of these buildings have been grandfathered in and are now having to be brought up to code. It is clear that the applicant's actions did not cause the need for the variance.
- (c) In regards to an unnecessary hardship created by the physical character of the property the applicant states "pre-existing setbacks won't allow for current parking requirements to be met". The applicant does not mention if amending the zoning ordinance offers a reasonable solution. It is clear that the applicant faces a genuine hardship because of this pre-existing condition, an issue that is faced by many in the surrounding area.
- (d) The applicant notes that without variance approval they will face a hardship in regards to their business sales. Upon staff review of the site, it is clear that many in the area currently pull out into the city right of way and that the literal interpretation of the ordinance would deprive them of being able to operate in the way that many in the surrounding area do.
- (e) The applicant states "we won't be receiving any special privilege that others cannot receive". While the applicant notes that they will be receiving a special privilege, it is clear to the staff that granting this variance will in no way grant any special privilege to this site. The granting of this variance would allow for reasonable development of the property and they would be in harmony with the surrounding area.
- (f) This property is zoned B-2 and boat sales are allowed by right.

EXECUTIVE SUMMARY

The applicant requests a variance for pulling out into the city right of way. Upon site review, it is clear that many in the area currently pull out into the city right of way either by way of variance or because they are operating in a "grand-fathered" in status. Granting this variance will in no way grant a special privilege to the applicant and will only allow for reasonable development of the property that is in harmony with the surrounding area. The applicant faces a genuine hardship in regards to parking and will be bringing the site up to code. Per Traffic and Safety, the existing striping will need to be upgraded to city's construction standards. It should be noted that engineering conditionally approves of the parking on the C ave side of the building stating that the ADA required handicap parking space, access aisle, and accessible route to the building be brought up to current standards. Engineering has also disapproved of the back out parking shown on the site plan on the 34th street side. It should be noted, if the 34th street side parking is denied, the site would no longer meet the amount of parking required for the intended use of boat sales

Technical Report

VARIANCE

going into the building. The intended use would require 19 parking spots including the handicap and the denial of the 34th street side parking would leave them with 8 including the handicap. A variance for the amount of parking would then need to be given for the intended use of the site to be permissible.

Any approval should consider these conditions:

1. Approval would allow for backing out into the city right of way.
2. The existing striping will need to be upgraded to the city's construction standards
3. Site only has pre-existing parking on the C ave side that backs out into the right-of-way. Engineering recommends approval of that portion of the application with the condition that the ADA required handicap parking space access aisle, and accessible route to the building be brought up to current standards.
4. Back out parking as shown on the application on the 34th St side does not currently exist. Engineering recommends disapproval of that portion of the application.

DEPARTMENTAL CONDITIONS

Engineering:

Site only has pre-existing parking on the C ave side that backs out into the right-of-way. Engineering recommends approval of that portion of the application with the condition that the ADA required handicap parking space access aisle, and accessible route to the building be brought up to current standards. Back out parking as shown on the application on the 34th St side does not currently exist. Engineering recommends disapproval of that portion of the application. Memo dated 9/6/2024.

Public Works:

No conditions. Memo dated 9/6/2024.

Traffic and Safety:

The existing striping will need to be upgraded to the city's construction standards. Memo dated 9/5/2024.

Building Code Services:

No conditions. Memo dated 9/5/2024.

GIS:

No conditions. Memo dated 8/29/2024.

Police Department:

No comment as of 9/6/2024.

Fire Department:

No conditions. Memo dated 8/29/2024.

City Arborist:

No conditions. Memo dated 9/3/2024.

Technical Report

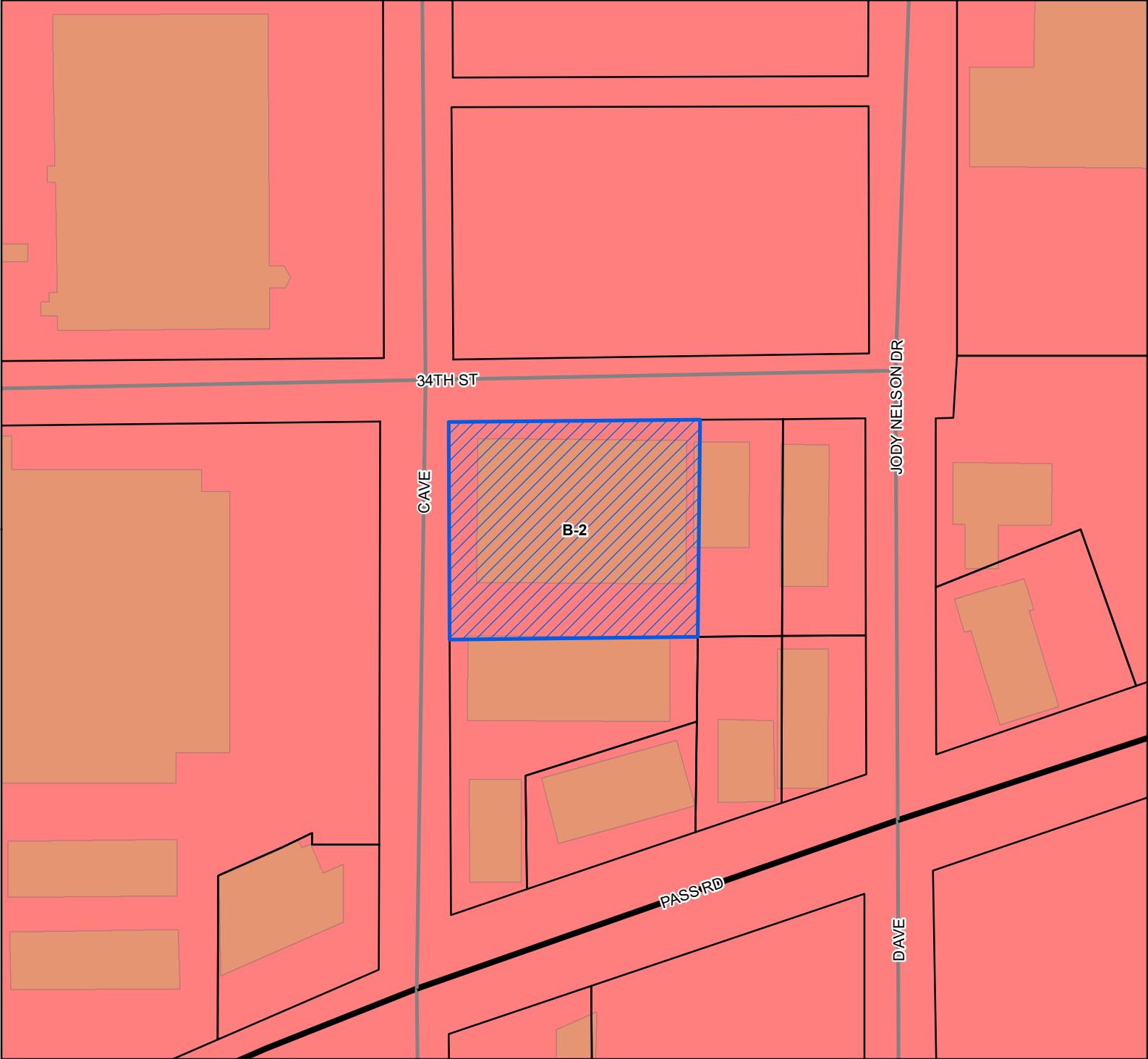
VARIANCE

DIRECTOR APPROVAL

This report has been reviewed and approved by:



Greg Holmes
Director of Urban Development Department



Site

US or State Highway

Street

Parcels

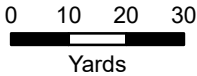
Buildings

City Limit

Zoning

B-2 - General Business District

Site Information
0910N-07-006.000
Zoning: B-2 (General business)
Size: 28112.82 sqft
Flood: X



1 inch = 100 feet



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



CASE NUMBER
2409 ZB138
AJ 08/06/2024
Recpt # 1287300

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

ZONING BOARD OF ADJUSTMENTS AND APPEALS APPLICATION

REQUESTED ACTION BY THE ZONING BOARD OF ADJUSTMENTS AND APPEALS
(A separate submission form is required for each request)

- ☐ Appeal of Planning Administrator
- ☐ Excessive Height
- ☐ Fence Variance
- ☐ Special Exception
- ☒ Variance

TAX PARCEL NUMBERS

0910N	-	07	-	006	.	000											

Property Address:

3220 C. Ave Gulfport

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

General Description of Request:

Backing out into city
right of way

OWNERSHIP AND CERTIFICATION:

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

OWNER:

Duke Middleton
 Printed Name of Owner
846 3410 A Ave
 Mailing Address
Gulfport MS 39507
 City State Zip Code
228-864-2300 228-323-1512
 Home Phone Work/Cell Phone
duke@jetblastms.com
 Email
[Signature]
 Signature of Owner

AGENT:

Tom Mischke
 Printed Name of Agent
24080 Ann Sancier Rd
 Mailing Address
Gulfport MS 39507
 City State Zip Code
Gulfport 228-236-7717
 Home Phone Work/Cell Phone
advancedcontractingservices@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) _____
 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: _____

IMPORTANT NOTICE:

1. Please be advised that failure to submit a complete application, with all supporting documents, could **delay your hearing date**. The Zoning Board will not consider a request until all information is submitted and accurate.
2. Please be advised that the application deadline dates posted are designed to allow the staff time to review the application and receive required comments from coordinating agencies. The application is not considered complete until all required information from the applicant is available for review by the staff and coordinating agencies.
3. **The following supplement pages are required per application type. Select one of the following:**
 - ☐ Appeal of Planning Administrator (see page 4)
 - ☐ Excessive Height (see page 5)
 - ☐ Fence Variance (see page 6)
 - ☐ Special Exception (see page 7)
 - ☐ Variance (See page 8)
4. All _____ will need to be **initialed by applicant** with required documentation before application can be accepted.

Submission Requirements:

- _____ **Page one of this application**, completed and signed.
- _____ **Site plan**. Please note that approval of your request, in part, is based on your **11" by 17"** site plan.
 - The property lines and dimensions have been provided on the drawing.
 - All buildings and structures located on the property have been identified.
 - All dimensions of buildings and structures have been noted on the site plan.
 - All distances from the property lines to all the buildings and structures have been identified and noted on the site plan.
 - Street names have been provided which abut the property.
 - Traffic flow, parking and driveways have been identified.
 - If required buffer strips have been identified
 - Other pertinent information as needed to pictorially demonstrate the proposed development/use.
- _____ **Proof of ownership** (Copy of deed i.e., Warranty Deed or Quitclaim Deed)
- _____ If applicable, notarized proof of **authority to act as agent** for owner (board resolution, etc.) (see page 9)

The City of Gulfport Planning Division Staff will notify, by letter, property owners adjacent to the requested action identified in this application using the Land Roll database from the County Tax Office. If you would like to have additional persons or property owners notified, please provide a list of **additional persons to be notified**.
- _____ An **affidavit** stating the request is not in violation of restrictive or protective covenants. (See page 10)
- _____ **Cash or check** payable to the City of Gulfport in the amount of **\$75.00**
- _____ **I the owner/agent acknowledge this is a complete application**

Appeal of Planning Administrator Submissions

- _____ Written request stating the nature of appeal, the specific ordinances and sections being appealed, and any permit numbers involved.
- _____ Denied permit application being appealed and all supporting documentation including but not limited to any site plans and elevations. The maximum size for any documentation is 11 inches by 17 inches and may be submitted in digital pdf format on CD.

Excessive Height Variance Submissions

- _____ Provide certification by the Chief of Gulfport Fire Department that the necessary facilities and equipment are available for protection of the higher structure.
- _____ Provide FAA approval for the excessive height structure.
- _____ Provide Airport Authority approval for any structure in excess of forty (40') feet. (Contact Don Shepley, Director of Planning Authority - Phone (228) 863-5951 ext. 11)
- _____ Provide the following two horizontal drawings:
 1. **"Overall Proposed Height"** overall total height of the building/structure on front, rear and both sides for mean sea level; and
 2. **"Overall Proposed Height for District"** showing district height regulations, and proposed height for the front, rear and both sides

Building Height: The vertical distance in all zones shall be measured from the finish (final) grade to the highest finished roof surface. In the case of flat (or nearly flat) roofs, or to a point at the average height of roofs having a pitch of greater than one foot in four and one-half (4 1/2') feet.

For each excess height structure each dimension provided herein for required front, side and rear yard is increased one foot every two feet of such excess height; provided, further, where no yard is required, the part of the structure exceeding the height specified for the district shall be set back from the vertical line of the adjacent building site line one foot for every two (2') feet of such excess height.

Height exceptions: The height limitation contained in the district regulations do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, parapet walls, cornices or necessary mechanical appurtenances usually required to be placed above the roof level and not intended for human occupancy.

Fence Variance Submissions

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

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

Special Exception Submissions

NOTE: The criteria below outlines each Board's requirements. Each Board does not need to be addressed separately; you may consolidate these responses when appropriate. Keep in mind, however, each item must be thoroughly addressed.

A WRITTEN STATEMENT MUST BE SUBMITTED TO THE ZONING BOARD OF ADJUSTMENT AND APPEALS ADDRESSING THE FOLLOWING:

_____ The following, where applicable must be addressed:

- Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.
- Off-street parking and loading areas where required, with particular attentino to those items listed in the above bullet statement and the economic, noise, glare or odor effects of the special exception on adjoining properties and properties generally in the district.
- Refuse and service areas, with particular reference to the two items in the above.
- Utilities, with reference to the location, availability, and compatibility.
- Screening and buffering with reference to type, dimensions, and character.
- Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properites in the district.
- Required yards and other open space.
- General compatiblty with adjacent properties and other property in the district.
- Over view of why the special exception will be in harmony with the general purpose and intent of the Zoning Ordinance.

A WRITTEN STATEMENT MUST BE SUBMITTED TO THE PLANNING COMMISSION ADDRESSING THE FOLLOWING:

NOTE: The uses listed below are permitted upon approval of location and the site plan thereof by the Planning Commission as being appropriate.

_____ The following, where applicable must be addressed:

- Transportation and access
- Water supply and waste disposal
- Fire, police protection and other public facilities
- Not causing undue traffic congestion for creating a traffic hazard, as as being in harmony wit the orderly and appropriate development of the district in which the use is located.

VARIANCE SUBMISSIONS

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

1. Demonstrate that special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district. (i.e., What is special about your property that you need to request a variance?)
2. Demonstrate that the special conditions and circumstances do not result from the actions of the applicant. (i.e., Show that you did not cause the need for the variance.)
3. Demonstrate that an unnecessary hardship is created by the physical character of the property and is peculiar and unusual to such an extent that it is evidence that amendment of the zoning ordinance does not offer a reasonable solution. (i.e., Explain what your hardship is and why the property cannot comply with the zoning ordinance. Further, explain why this hardship is not commonly found on other properties?)
4. Demonstrate how the literal interpretation of the provisions of the zoning ordinance would deprive the applicant of rights commonly enjoyed by properties in the same district under the terms of the zoning ordinance. (i.e., Explain how the request meets the right of reasonable economic return and/or the right to reasonable development of your property which might generally be expected in your district.)
5. Demonstrate that the granting of the variance will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same district, other than to permit the applicant to use their property in a manner as nearly equivalent to uses generally permitted in the district considering the conditions and circumstances involved and hardship. (i.e., Will you receive any special benefit that others who follow the Zoning Ordinance cannot receive?)
6. State whether the use proposed is permissible by right, with planning approval or by special exception with respect to uses of land or structures.



DESIGNATION OF AGENT

I, Duke Middleton being property owner of 3320 C Ave Gulfport
PRINT NAME PRIMARY ADDRESS OR PARCEL
which is the subject of this application hereby authorize Ian Nuschke to act as
PRINT NAME
my representative with the City of Gulfport's Zoning Board of Adjustment and Appeals, and/or Planning
Commission, and/or City Council, and/or permitting and licensing, as required by the City.

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

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

[Signature] 8/6/24
SIGNATURE DATE

STATE OF MISSISSIPPI | COUNTY OF HARRISON

Given under my hand and seal of office this the 6th day of August, 20 24

Samuel Sweeting 05/22/2027
NOTARY PUBLIC COMMISSION EXPIRATION





COVENANT AFFIDAVIT

I, Duke Middleton being property owner or agent of the property 3320 C Ave
PRINT NAME PRIMARY ADDRESS OR PARCEL
which is the subject of this application, hereby state that this variance request is not in violation of any
restrictive or protective covenants.

[Signature]
SIGNATURE

8/6/23
DATE

STATE OF MISSISSIPPI | COUNTY OF HARRISON

Given under my hand and seal of office this the 6th day of August, 20 24

[Signature]
NOTARY PUBLIC

05/22/2027
COMMISSION EXPIRATION



1. - Pre existing building with 24.5' pre-existing setbacks

2. Pre existing building and set backs

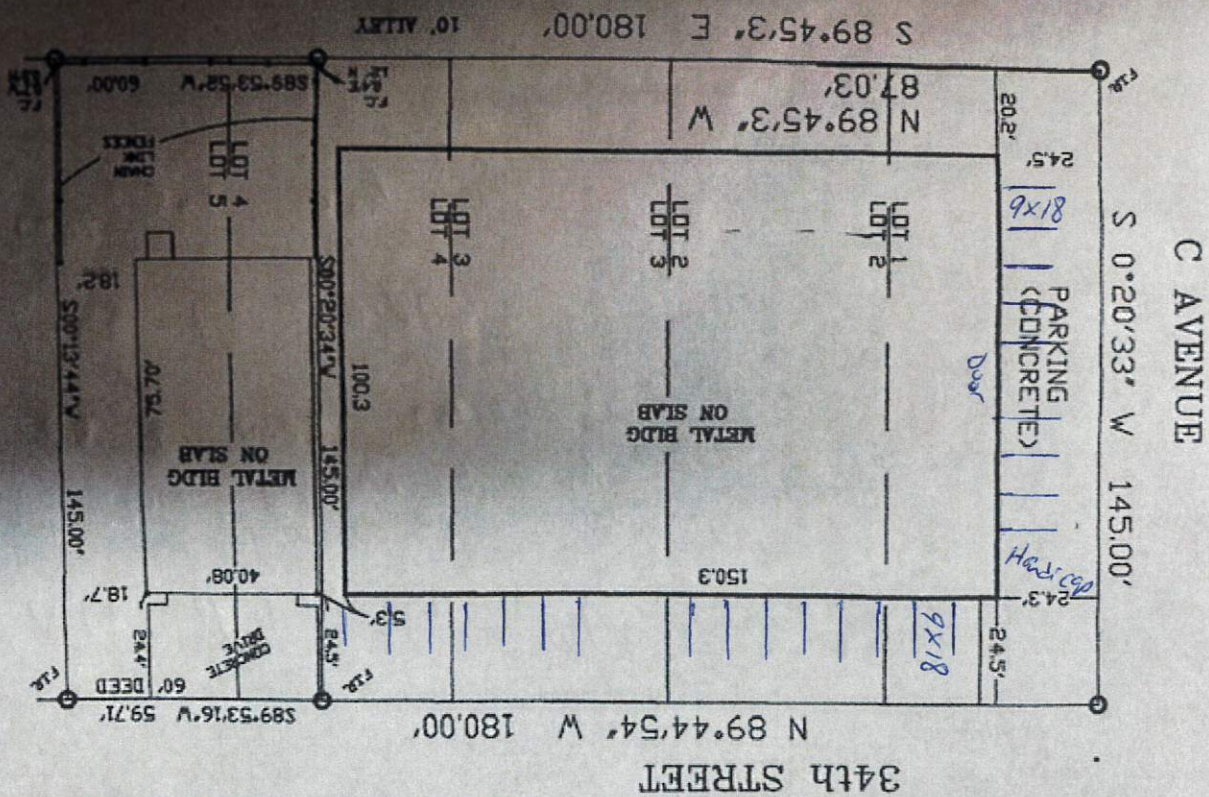
3. Pre existing setbacks won't allow for current parking requirements to be met

4. Without variance approval a hardship to business sales will be affected

5. We won't be receiving any special privilege that others cannot receive

6. Boat Sales are allowed by right in B2

AT OF MAGNOLIA GROVE REVISION



SCANNED



J. Henderson 1st Judicial District
Instrument 2019 9415 D - J1
Filed/Recorded 10/31/2019 02:55 P
Total Fees \$ 15.00
2 Pages Recorded

Prepared By & Return To:
Schwartz, Orgler & Jordan, PLLC
12206 Hwy 49
Gulfport, MS 39503
(228) 832-8550
Our File: 191830

Index As:

REVIEWED

STATE OF MISSISSIPPI

COUNTY OF HARRISON

SPECIAL 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,

**The James M Oberlies Revocable Trust dated July 23, 2008,
1611 24th Avenue, suite B
Gulfport, MS 39501
228-863-6727**

does hereby sell, convey and specially warrant unto

**DUKE MIDDLETON
3410 A. AVENUE,
GULFPORT, MS 39507
228-323-1512**

the following described land and property being located in Harrison County, Mississippi,

being more particularly described as follows, to-wit:

Lots One (1), Two (2), and Three (3), and West 30 feet of Lot Four (W 30' of Lot 4) Block 4, REVISION OF MAGNOLIA GROVE, according to the official map or plat thereof on file and of record in the Office of the Chancery Clerk of Harrison County, First Judicial District, Mississippi.

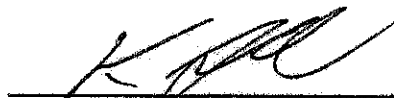
THE ABOVE described property is no part the homestead of the Grantor herein.

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

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

IN WITNESS WHEREOF, The James M Oberlies Revocable Trust dated July 23, 2008 has caused this conveyance to be executed by its duly authorized Trustee, he having first been duly authorized to do so, on this the 30th day of October, 2019.

The James M Oberlies Revocable Trust
dated July 23, 2008


By: Kaleel "Teal" Salloum Jr, Trustee

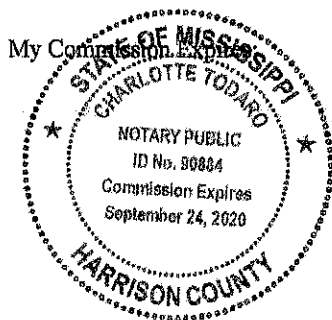
STATE OF MISSISSIPPI

COUNTY OF HARRISON

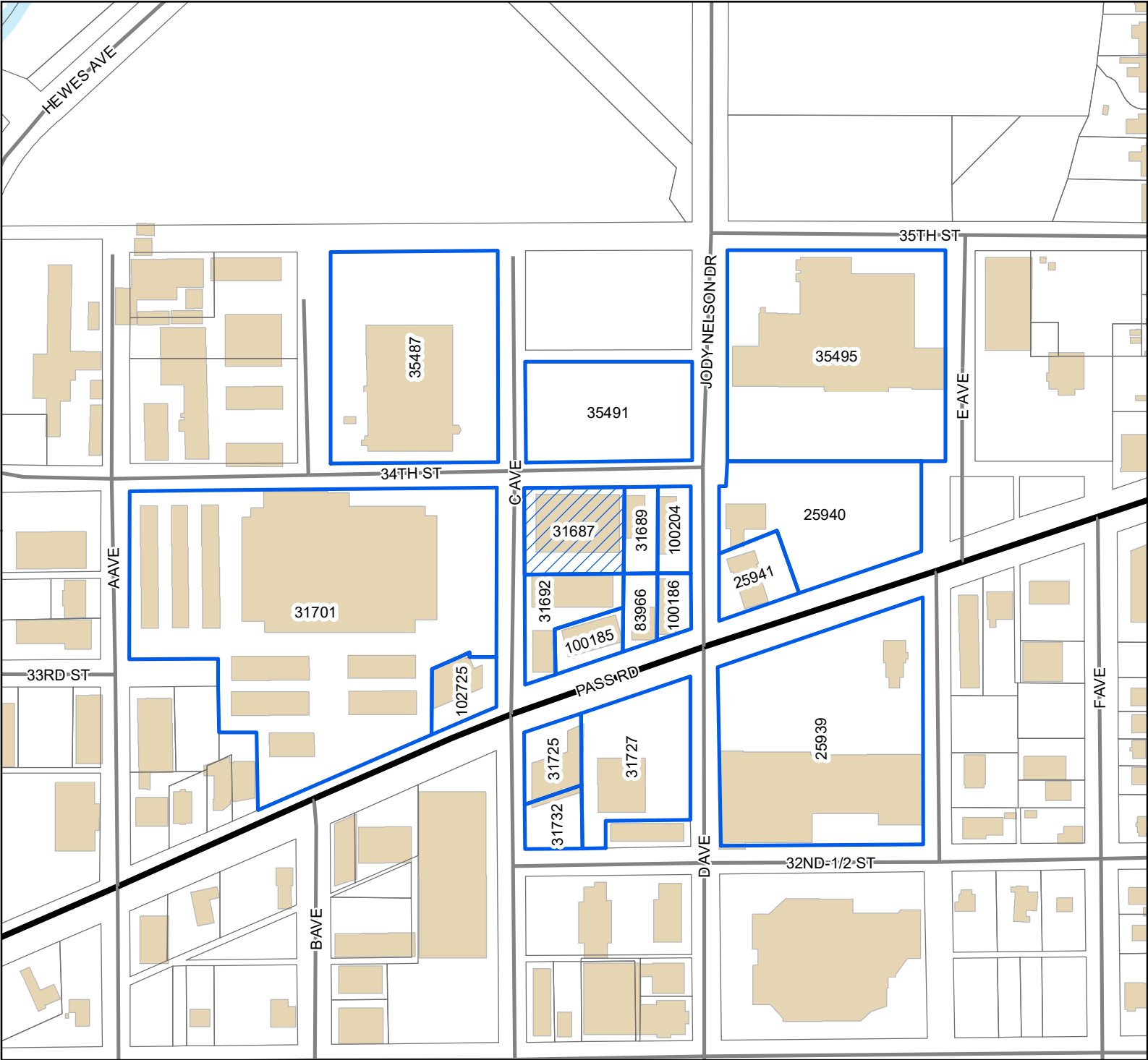
THIS DAY PERSONALLY CAME AND APPEARED BEFORE ME, the undersigned authority in and for the jurisdiction aforesaid, Kaleel "Teal" Salloum Jr, who acknowledge that he is the Trustee of The James M Oberlies Revocable Trust dated July 23, 2008, and as its act and deed, he signed, sealed and delivered the above and foregoing instrument of writing on the day and in the year therein mentioned, for and on behalf of said entity, having been first duly authorized to do so.

30th GIVEN UNDER MY HAND AND OFFICIAL SEAL OF OFFICE, this the
-day of October, 2019.


NOTARY PUBLIC

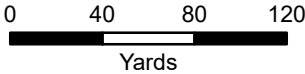


Mail	PPIN	Parcel ID	Name	Address	City	State	ZIP
Y		0910N-07-006.000	DUKE MIDDLETON (OWNER)	3410 A AVE	GULFPORT	MS	39507
			IAN NUSCHKE (AGENT)	24080 ANNO SAUCIER RD	GULFPORT	MS	39503
			Adjacent Property Owners (2409ZB139)				
35491	0910K-02-018.000		GPT-BILOXI REGIONAL AIRPORT AUTH	14035-L AIRPORT RD	GULFPORT	MS	39503
25940	0910N-07-003.000		PRIME CAPITAL INVESTMENTS LLC	7421 PLACID LAKE DR APT 207	MASON	OH	45040
35487	0910K-02-011.000		LIGHTHOUSE FOR THE BLIND -LESSEE-	CITY OF GULFPORT -LESSOR-	GULFPORT	MS	39507
100185	0910N-07-007.002		HAGE LIMITED PARTNERSHIP	400 PASS RD	GULFPORT	MS	39507
100204	0910N-07-007.004		HAGE LIMITED PARTNERSHIP	400 PASS RD	GULFPORT	MS	39507
102725	0910N-07-008.001		ANEDEE HOLDING LLC	P O BOX 1925	GULFPORT	MS	39502
35495	0910K-02-008.000		PRIME CAPITAL INVESTMENTS LLC	4445 SKYLARK LN	CUMMING	GA	30041
31727	0910N-06-001.000		SAGAN DISTRIBUTORS LLC	3210 WYNNFIELD DR W	MOBILE	AL	36695
25941	0910N-07-004.000		CLARK PROPERTIES LLC	720 STATION ST	WAYNESBORO	MS	39363
31732	0910N-06-004.000		MARBY HOLDINGS LLC	PO BOX 6212	GULFPORT	MS	39506
83966	0910N-07-007.000		HAGE LIMITED PARTNERSHIP	400 PASS RD	GULFPORT	MS	39507
31692	0910N-07-007.001		HAGE LIMITED PARTNERSHIP	400 PASS ROAD	GULFPORT	MS	39507
25939	0910N-01-024.000		MS GULF COAST YOUTH FOR CHRIST INC	111 PASS RD	GULFPORT	MS	39507
31689	0910N-07-005.000		MIDDLETON SHANNON DUKE	3410 A AVE	GULFPORT	MS	39507
31687	0910N-07-006.000		MIDDLETON DUKE	3410 A AVE	GULFPORT	MS	39507
100186	0910N-07-007.003		HAGE LIMITED PARTNERSHIP	400 PASS RD	GULFPORT	MS	39507
31725	0910N-06-003.000		MARBY HOLDINGS LLC	PO BOX 6212	GULFPORT	MS	39506
31701	0910N-07-009.000		3K'S LLC ETAL	150 GOVERNMENT ST	MOBILE	AL	36602



Legend

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



1 inch = 250 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.



URBAN DEVELOPMENT DEPARTMENT | PLANNING & ZONING

PO BOX 1780 | GULFPORT, MS | 1410 24TH AVENUE

P: 228.868.5710 | F: 228.868.5708 | PLANNERS@GULFPORT-MS.GOV

ZONING BOARD OF ADJUSTMENT AND APPEALS CASE # 2024-740

Hearing Date: Thursday, September 19, 2024

Special Exception 2409SE140: Special Exception 2409SE140, by agent Johnathan Tate Jr., seeking approval for a daycare use, Tax Parcel 0810N-04-001.000, 2301 31st Street, Zoned B-2 (General-Business), Ward 3

Technical Report

SPECIAL EXCEPTION

GENERAL INFORMATION

Case File Number: 2409SE140

Hearing Date: Zoning Board September 19, 2024
Planning Commission September 26, 2024

Current Zoning/Use: B-2/ Commercial Building

Legal: Special Exception 2409SE140, by agent Johnathan Tate Jr., seeking approval for a daycare use, Tax Parcel 0810N-04-001.000, 2301 31st Street, Zoned B-2 (General-Business), Ward 3

TECHNICAL DETAILS

The applicant is seeking approval for a daycare use at an existing commercial building located in a B-2 (General Business) zoning district. Proposed site plan indicates the site would be able to accommodate 15 regular 9 feet by 18 feet parking spaces, with two handicap parking spaces with van accessibility, and utilize a proposed 25-foot-wide concrete driveway to allow for ingress and egress for the off the street drive requirement. According to current parking ordinance: one parking space is needed for each five children, plus adequate loading and unloading space in an “off the street” drive, which would indicate that the number of proposed parking spaces would be able to accommodate for the 35 to 40 children mentioned in the applicant’s application.

Applicant mentions in their application about the proposed use being in harmony with the existing apartments, church, and a nearby city park. Upon staff review of the surrounding area, staff noted that there were existing apartments, a church use, a park with fenced in playground equipment, and single-family homes in the nearby area. Staff also noted an existing fence surrounding the parking area with barbed wire on top. Applicant does not list the hours of operation for the proposed daycare use in their application, but does indicate that the site will have adequate access to water and sewage, and will not require anymore police patrol than what is currently provided.

EXECUTIVE SUMMARY

The applicant is seeking approval for a daycare use in an existing commercial building at 2301 31st Street. Applicants states in the application that their proposed parking can accommodate between 35 to 40 children for off street drop off and pick up. Proposed parking plan indicates the site to have 15 regular 9-feet by 18-feet parking spaces, with two handicap spaces with van accessibility and a 25-foot-wide driveway to allow for ingress and egress. According to current parking ordinance: one parking space is needed for each five children, plus adequate loading and unloading space in an “off the street” drive, which would require up to 8 regular parking spaces and one handicap space to accommodate for the number of children mentioned. Applicant notes that the use would be in harmony with the existing apartments, church, and city park nearby. Upon a staff visit, staff noted there are existing apartments, a church use, a public park with fenced in playground equipment, and single-family homes nearby. Staff also noted that there is an existing fence surrounding the proposed parking area with barbed wire on top. Should any

Technical Report

SPECIAL EXCEPTION

approval be granted, staff recommends that the existing barbed wire be removed from the fence before a business license can be issued. Fire Department and Building Code have also stated conditions for any approval of the applicant's request.

Any approval should consider these conditions:

1. The barbed wire on the existing fence being removed before a business license can be issued.
2. Facility does not currently comply with adopted fire code. IAW the 2018 IFC 903.26 – Group I occupancy bldgs. Require automatic sprinkler system – except those that are located at the level of exit discharge & where every room providing care has no fewer than one exit door.
3. Must have Fire Alarm with total smoke detector coverage.
4. Occupancy shall comply with all Building Codes and City Ordinances.
5. Approval allows for a daycare use at 1201 31st Street.

DEPARTMENTAL CONDITIONS

Engineering: No conditions. Memo dated 09/06/24.

Public Works: No conditions. Memo dated 09/05/24.

Traffic and Safety: No conditions. Memo dated 09/05/24.

Building Code Services: Occupancy shall comply with all Building Codes and City Ordinances. Memo dated 09/05/24.

GIS: No conditions. Memo dated 08/29/24.

Police Department: No comment as of 09/06/24.

Fire Department: Facility does not currently comply with adopted fire code. IAW the 2018 IFC 903.26 – Group I occupancy bldgs. Require automatic sprinkler system – except those that are located at the level of exit discharge & where every room providing care has no fewer than one exit door. Must have Fire Alarm with total smoke detector coverage. Memo dated 8/29/24.

City Arborist: No conditions. Memo dated 8/29/24.

Technical Report
SPECIAL EXCEPTION

DIRECTOR APPROVAL

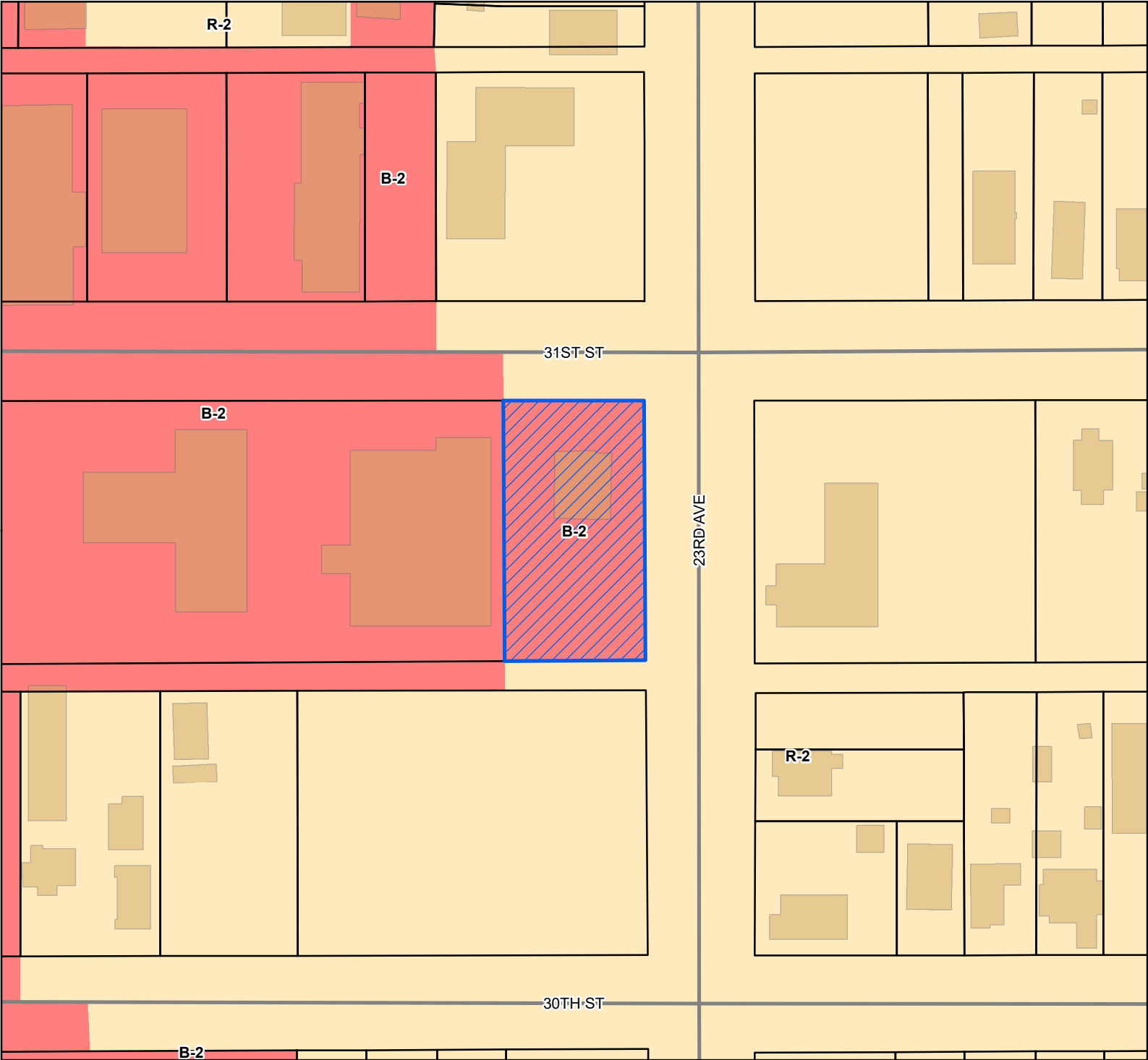
This report has been reviewed and approved by:



Greg Holmes
Director of Urban Development Department

2409SE140

Special Exception



Site

Street

Parcels

Buildings

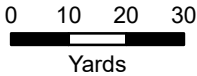
City Limit

Zoning

B-2 - General Business District

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

Site Information
0810N-04-001.000
Zoning: B-2 (General business)
Size: 19013.23 sqft
Flood: X



1 inch = 100 feet



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

08/06/24
R# 1287 3922

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

0810N-04-001.000	

Property Address:

Property Address: 2301 31st Gulfport ms 39501

Lot(s) 1 and 2 Block(s) 7 Subdivision _____

General Description of Request: Day care

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:Blue Diamond Energy, Inc.

Printed Name of Owner

700 Milam, Ste 1300

Mailing Address

Houston, Texas 77002

City

State

Zip Code

410 350 1839

Home Phone

Work/Cell Phone

Draw P. Macco. group

Email

[Signature]

Signature of Owner

Draw McManigle,
Chapter 11, Trustee**AGENT:**Jonathan Tate Jr

Printed Name of Agent

12360 Brittany Blvd

Mailing Address

Gulfport MS 39503

City

State

Zip Code

228-609-0950

Home Phone

Work/Cell Phone

brilliantchildcare123@gmail.com

Email

Jonathan Tate Jr

Signature of Agent

Jonathan Tate Jr

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) 2301 31st St, Gulfport, MS 39501

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

Tax Parcel Number(s) Owned: 0810N-04-001.000

Signature: _____

Name of Owner (PRINT) _____

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

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

Tax Parcel Number(s) Owned: _____

Signature: _____

Name of Owner (PRINT) Blue Diamond Energy, IncAddress (Street, City, State, Zip Code) 700 Milam, Ste 1300, Houston, TX 77002Phone (Home) _____ (Work) _____ (Cell) 410 350 1839

Tax Parcel Number(s) Owned: _____

Signature: [Signature]Draw McManigle,
Chapter 11 Trustee



DESIGNATION OF AGENT

I, Drew McManigal* PRINT NAME being property owner of 2301 31st St. Gulfport Ms 39501 PRIMARY ADDRESS OR PARCEL
which is the subject of this application hereby authorize Jonathan Tate PRINT NAME to act as
my representative with the City of Gulfport's Zoning Board of Adjustment and Appeals, and/or Planning
Commission, and/or City Council, and/or permitting and licensing, as required by the City.

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

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

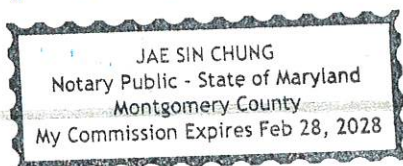
[Signature] SIGNATURE Drew McManigal,
Chairman of Trustees
Maryland Howard
8/5/24 DATE

STATE OF ~~MISSISSIPPI~~ COUNTY OF ~~HARRISON~~

Given under my hand and seal of office this the 5th day of August, 20 24

[Signature] NOTARY PUBLIC 02/28/2028 COMMISSION EXPIRATION

* in my capacity as Chairman of Trustees of Blue Diamond Energy, Inc.





COVENANT AFFIDAVIT

Drew McManigle, the Chapter 11
Trustee of
I, Blue Diamond Exports, Inc.
PRINT NAME

2301 31st St. Gulfport, MS 39501
PRIMARY ADDRESS OR PARCEL

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

[Signature]
SIGNATURE

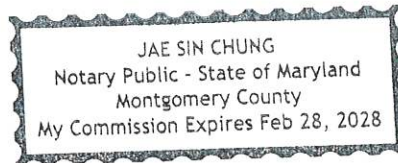
7/27/2024
DATE

Drew McManigle,
Chapter 11 Trustee

^{JSC}
STATE OF ~~MISSISSIPPI~~ ^{Maryland} | COUNTY OF ~~HARRISON~~ ^{Howard}

Given under my hand and seal of office this the 29th day of July, 20 24

[Signature]
NOTARY PUBLIC



02/28/2028
COMMISSION EXPIRATION



Michael Watson

SECRETARY OF STATE

This is not an official certificate of good standing.

Name History

Name	Name Type
Blue Diamond Energy, Inc.	Legal

Business Information

Business Type:	Profit Corporation
Business ID:	1259950
Status:	Good Standing
Effective Date:	02/10/2021
State of Incorporation:	Mississippi
Principal Office Address:	1261 Pass Road Gulfport, MS 39501

Registered Agent

Name
Thomas Swarek 1261 Pass Road Gulfport, MS 39501

Officers & Directors

Name	Title
Michael Boothe 1261 Pass Road Gulfport, MS 39501	Incorporator
Thomas Swarek 1261 Pass Road Gulfport, MS 39501	President



SO ORDERED,

Jamie A. Wilson

Judge Jamie A. Wilson
United States Bankruptcy Judge
Date Signed: March 11, 2024

The Order of the Court is set forth below. The docket reflects the date entered.

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF MISSISSIPPI

IN RE:	BLUE DIAMOND ENERGY, INC.	CASE NO. 23-50490-JAW
	DEBTOR(S)	CHAPTER 11

ORDER

THIS DAY THIS CAUSE came on for consideration of the Acting United States Trustee for Region 5's ("UST") Application for Approval of Appointment of Chapter 11 Trustee (DKT. # 558). The UST advised the Court that he has appointed Drew McManigle, Founder and CEO of MACCO Restructuring Group, LLC, as the chapter 11 Trustee in the above-styled and numbered case; therefore

IT IS ORDERED that the United States Trustee's appointment of Drew McManigle, as the chapter 11 Trustee in the above-styled and numbered case is hereby approved.

IT IS FURTHER ORDERED that Drew McManigle, as the chapter 11 Trustee, has full corporate power and authority over all assets and business of the Debtor, Blue Diamond Energy, Inc., without the need of a corporate resolution.

IT IS FURTHER ORDERED that per Drew McManigle's representations to the Court, he has agreed, and it is hereby acknowledged, that as the chapter 11 Trustee of Debtor, Blue Diamond Energy, Inc., his trustee fees are waived. This waiver shall have no effect on fees of professionals hired by McManigle in his capacity as chapter 11 Trustee for this debtor.

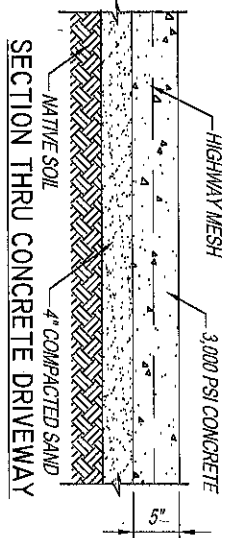
##END OF ORDER##

ORDER SUBMITTED BY:

/s/ Abigail M. Marbury
Abigail M. Marbury (MSB #99626)
Assistant U.S. Trustee
United States Department of Justice
501 East Court Street, Suite 6-430
Jackson, MS 39201
Telephone: (601) 965-5245
Email: abigail.m.marbury@usdoj.gov

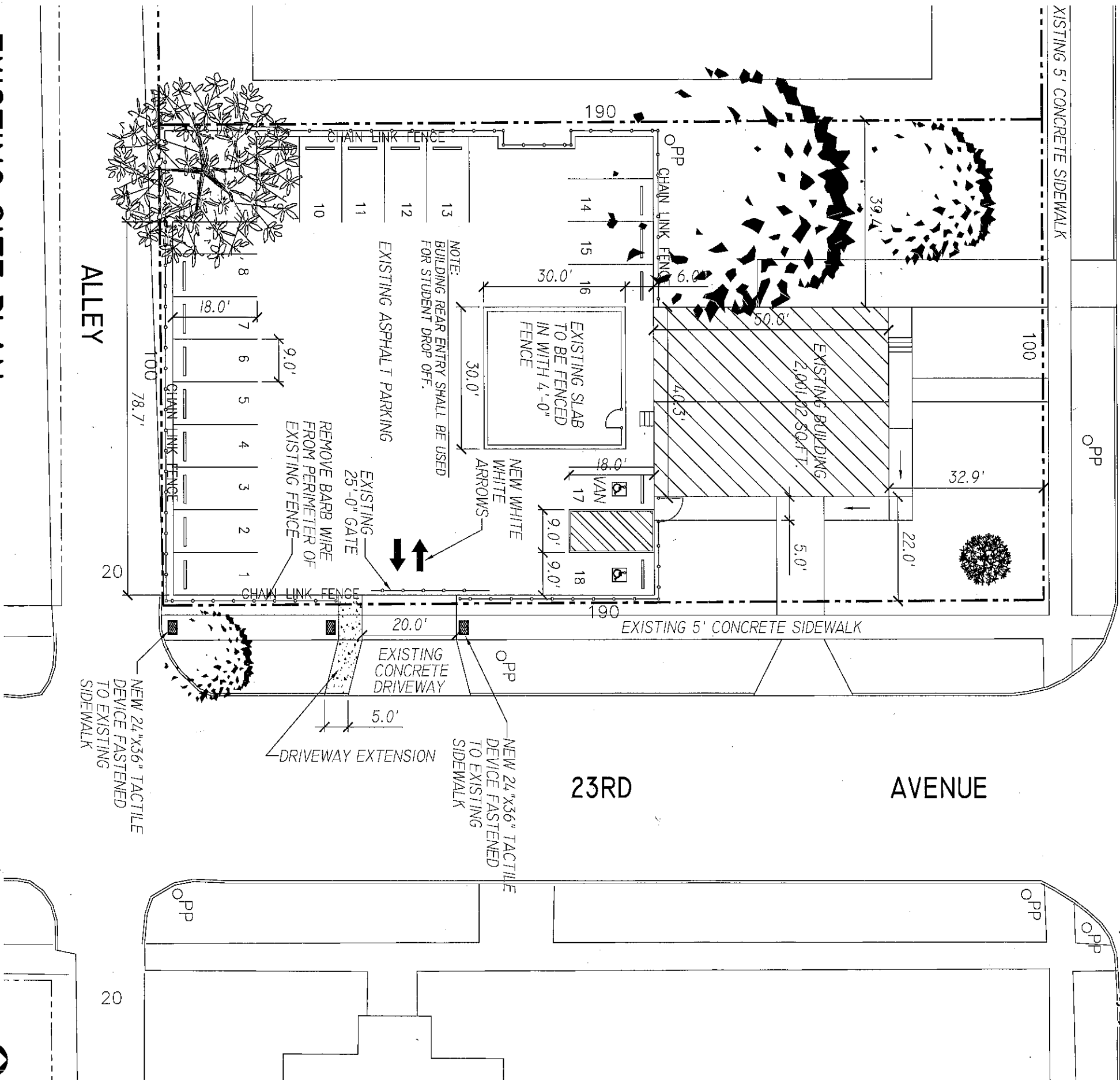
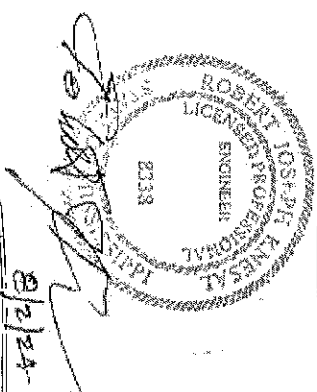
This is a request for property located at 2301 31st Street Gulfport MS 39501. The request is to allow property in a B2 zoning to be used As a Daycare Facility. The gated driveway will have the required opening stated by City Engineers. The property has the required parking spaces to accommodate 35 to 45 children for drop-off and pick-up. There will be no excessive noise or decrease value to adjoining properties. The property will be for childcare use only. Which will not require any additional services from the City of Gulfport. The existing normal water and sewage attachments and police patrol will be sufficient. We feel that this exception will enhance this particular city block. We believe this will only compliment the apartments, church and nearby city park. This is an existing building that will require minor adjustments or extension that will have no impact to adjoining properties. This location is ideal for daycare use with easy ingress and egress not causing any interruptions to traffic flow. The existing building and property were inspected and approved by the Bureau of Childcare Licensure on August 2,2024. This application and exception request is to allow daycare in a B2 zoning. The submission is from current daycare owners located at 4320 West Railroad St Gulfport MS 39501. Brilliant Childcare and Learning Center has been established since 2015.

Jonathan Tate



31ST

STREET



EXISTING SITE PLAN

SCALE: 1" = 30'





John 1st Judicial District
Instrument 2021 6533 D -J1
Filed/Recorded 5/14/2021 02:39 P
Total Fees \$ 26.00
3 Pages Recorded

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

Return to:
Andrew Marion, PLLC
Attorney-at-Law
1919 23rd Ave.
P.O. Box 863
Gulfport, MS 39502
(228)-865-9047
File # 21-126

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

WARRANTY DEED

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

Mississippi Goodworks, Inc., a Mississippi Non Profit Corporation
1955 Pass Road
Biloxi, MS 39531
(228)-863-2323

does hereby sell, convey and warrant unto

Blue Diamond Energy, Inc., a Mississippi Corporation
1261 Pass Road
Gulfport, MS 39501
(228)-236-6508

that certain tract, piece or parcel of land situated and being located in Harrison County, State of Mississippi, more particularly described as follows, to-wit:

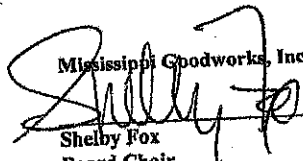
(See Exhibit A attached, Page 3)

INDEXING INSTRUCTIONS: Exempt

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

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

WITNESS MY SIGNATURE as authorized representatives of Mississippi Goodworks, Inc. after being duly authorized so to execute and deliver the same, this the 14th day of May, 2021.

Mississippi Goodworks, Inc.

Shelby Fox
Board Chair

STATE OF MISSISSIPPI
COUNTY OF HARRISON

PERSONALLY APPEARED BEFORE ME, the undersigned authority in and for the above stated jurisdiction, the within named Shelby Fox, Board Chair, who acknowledged that she is the authorized representatives of Mississippi Goodworks, Inc., A Mississippi Non Profit Corporation and that for and on behalf of said corporation, and as its act and deed, she executed the above the foregoing Warranty Deed, after first having been duly authorized by said corporation so to do.

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

NOTARY PUBLIC

MY COMMISSION EXPIRES

July 5, 2024

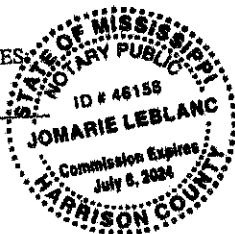




Exhibit "A"

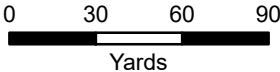
**Lots 1 and 2, Block 7, STANDARD LAND COMPANY'S ADDITION to the City of Gulfport,
Harrison County, Mississippi.**

Mail	PPIN	Parcel ID	Name	Address	City	State	ZIP
Y		0810N-04-001.000	BLU DIAMOND ENERGY INC (OWNER)	760 MILAM, STE 1300	HOUSTON	TX	77002
			JONATHAN TATE JR. (AGENT)	12360 BRITTANY BLVD	GULFPORT	MS	3950
			Adjacent Property Owners (2409SE140)				
	35004	0810N-04-002.000	GOODWILL INDUSTRIES OF SOUTH MS INC	2407 31ST ST	GULFPORT	MS	39501
N	35014	0810N-04-020.000	GULFPORT CITY OF				0
N	35003	0810N-04-001.000	BLUE DIAMOND ENERGY INC	1261 PASS RD	GULFPORT	MS	39501
	25783	0810N-05-050.000	DS LADNER HOLDINGS LLC	9366 STONE RD	GULFPORT	MS	39503
	35228	0810N-01-024.000	TRUMPET IN ZION FELLOWSHIP INC	P O BOX 5515	SLIDELL	LA	70469
	34994	0810N-03-010.000	FABACHER SAMANTHA	11556 AZALEA TRACE	GULFPORT	MS	39503
	34995	0810N-03-009.000	SIGNATURE HOME SOLUTIONS LLC	1715 21ST AVE	GULFPORT	MS	39501
	34993	0810N-03-012.000	TRAVIS ELON CARNELL	24880 KNOLLWOOD DR	PASS CHRSTIAN	MS	39571
	34992	0810N-03-011.000	MICHUA AUSENCIO	3000-23RD AVE	GULFPORT	MS	39501
N	35015	0810N-04-021.000	GULFPORT CITY OF				0
	25782	0810N-05-049.000	MARLIN LLC	3100 25TH AVE	GULFPORT	MS	39501
N	25781	0810N-05-048.000	MARLIN LLC	3100 25TH AVE	GULFPORT	MS	39501
	34990	0810N-03-007.000	TRUMPET IN ZION FELLOWSHIP INC	P O BOX 933	AUGUSTA	GA	30903
	106444	0810N-01-023.001	WALKER JOHN J JR & JEANEL	2230 31ST ST	GULFPORT	MS	39501
	34996	0810N-03-013.000	COLEMAN BETTY A	9146 LOBUOY RD	PASS CHRISTIAN	MS	39571



Legend

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



1 inch = 200 feet



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



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

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

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

AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Amount	Cols	Depth
36845	588196	Print Legal Ad-IPL01918640 - IPL0191864		\$104.65	2	54 L

Attention: Matilda Welch

GULFPORT URBAN DEVELOPMENT
PO BOX 1780
GULFPORT, MS 39502

accountspayable@gulfport-ms.gov

LEGAL NOTICE PUBLIC HEARING

In conformance with Section VIII of the Comprehensive Zoning Ordinance of the City of Gulfport, Mississippi, 1979, as amended, notice is hereby given advising that the Zoning Board of Adjustment and Appeals will hold a public hearing in the City of Gulfport, Mississippi at 3:00 P.M., Thursday, September 19, 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 2408ZB113, by owner Land Lady Investments, LLC, seeking approval for parking that backs out into city right of way, Tax Parcel 0910N-07-014.000, 512 Pass Road, Zoned B-2 (General Business), Ward 4

Variance 2408ZB114, by owner Land Lady Investments, LLC, seeking approval to have 4 regular parking spaces where 7 is required, Tax Parcel 0910N-07-014.000, 512 Pass Road, Zoned B-2 (General Business), Ward 4

Variance 2409ZB127, by owner Ancillary Capital LLC, seeking approval for a seven-foot front yard setback where 15 feet is required, Tax Parcel 0811L-03-030.001, 33rd Ave, Zoned T4+ (General Urban Zone "Plus"), Ward 2

Variance 2409ZB137, by owner Gregory LeBaugh, seeking approval for an accessory structure of 840 square feet in addition to an existing 540 square-foot accessory structure on a property less than an acre, Tax Parcels 0807M-03-030.000, 0807M-03-031.000, 15408 Woody Drive, Zoned R-1-10 (Single-family), Ward 7

Variance 2409ZB138, by agent All Sign Inc, seeking approval for an additional wall sign on the northern elevation, Tax Parcel 1010E-01-021.001, 1201 Washington Ave, Zoned T3 (Sub-Urban Zone), Ward 4

Special Exception 2409SE140, by agent Johnathan Tate Jr., seeking approval for a daycare use, Tax Parcel 0810N-04-001.000, 2301 31st Street, Zoned B-2 (General-Business), Ward 3

Variance 2409ZB141, by agent J.R. Walsh, seeking approval for 16-foot-tall accessory structure that exceeds the primary structure height, Tax Parcel 1009L-02-009.000, 11172 Creel Circle, Zoned R-1-7.5 (Single-family), Ward 5

Variance 2409ZB142, by agent J.R. Walsh, seeking approval of a 1600 square-foot accessory structure in addition to an existing 980 square foot structure on a property that is less than an acre, Tax Parcel 1009L-02-009.000, Zoned R-1-7.5 (Single-family) Ward 5

Variance 2409ZB143, by owner Jose Santamaria, seeking approval for a 2-foot side yard setback where 6 feet is required, Tax Parcel 1010E-02-023.000, 1200 College St, Zoned T3 (Sub-Urban Zone), Ward 4

Variance 2409ZB147, by owner Queen E. Graves, seeking approval for a 6-foot second frontage setback where 15 feet is required, Tax Parcel 0810F-03-072.000, Alabama Ave, Zoned R-1-5 (Single-Family), Ward 3

Variance 2409ZB148, by owner Jose Santamaria, seeking approval for a 196 square foot accessory structure in addition to existing 985 square foot structure on a parcel less than an acre, Tax Parcel 1010E-02-023.000, 1200 College St, Zoned T3 (Sub-Urban Zone), Ward 4

Variance 2409ZB149, by owner Jeanette Ladner, seeking approval for a second frontage setback of 15.5 feet where 25 feet is required, Tax Parcel 0811B-04-069.000, 2300 18th Ave, Zoned R-2 (Single-Family), Ward 3

This the 28th day of August 2024

A. Leslie North, Chairman
City of Gulfport Zoning Board of Adjustment and Appeals
IPL0191864
Sep 4 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:
09/04/24

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.

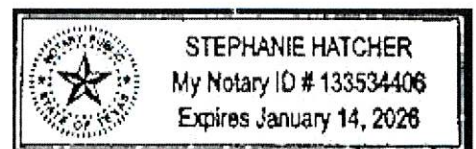
Mary Castro

Sworn to and subscribed before me this 10th day of
September 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!



URBAN DEVELOPMENT DEPARTMENT | PLANNING & ZONING

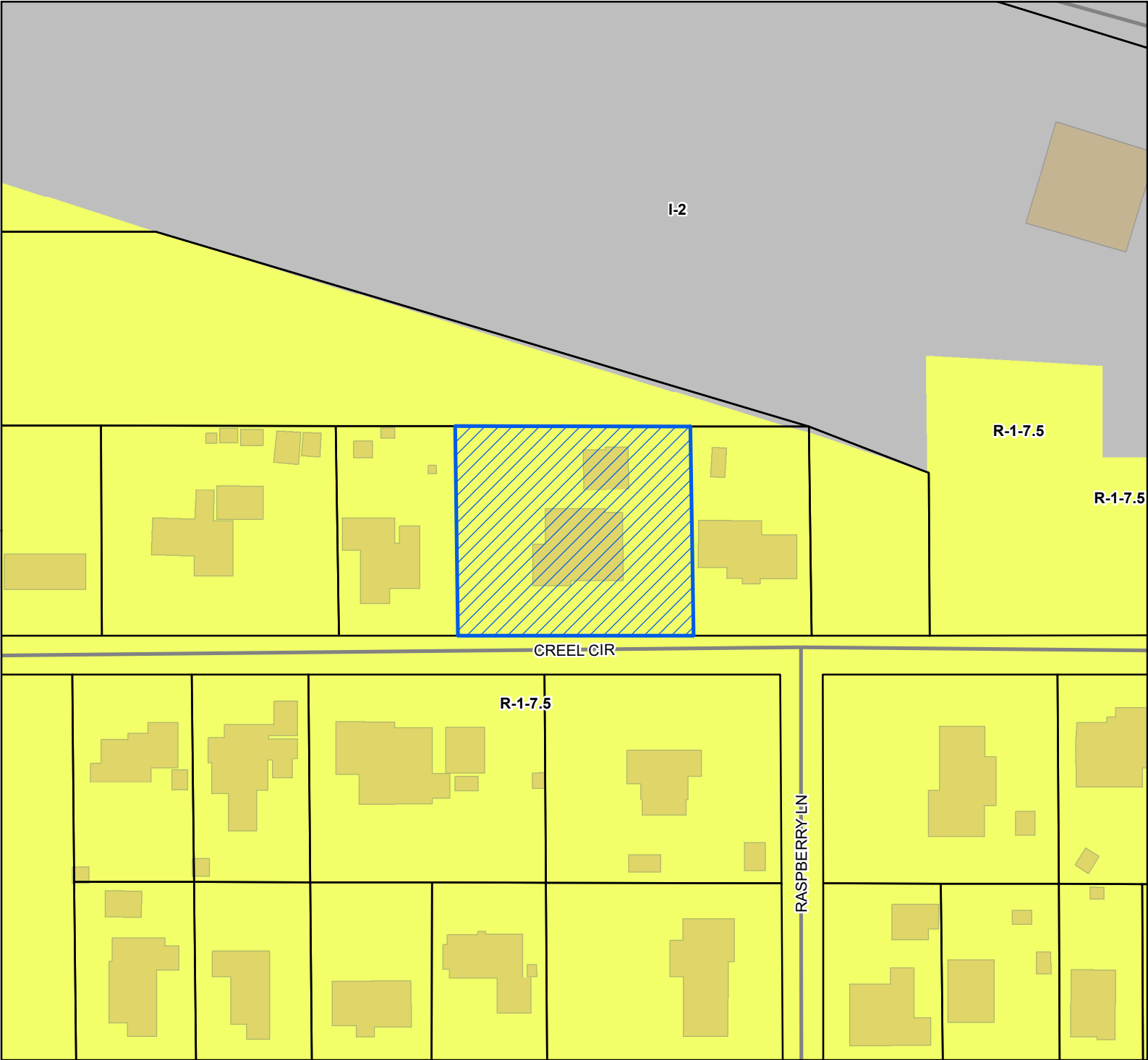
PO BOX 1780 | GULFPORT, MS | 1410 24TH AVENUE

P: 228.868.5710 | F: 228.868.5708 | PLANNERS@GULFPORT-MS.GOV

ZONING BOARD OF ADJUSTMENT AND APPEALS CASE # 2024-741

Hearing Date: Thursday, September 19, 2024

Variance 2409ZB141: Variance 2409ZB141, by agent J.R. Walsh, seeking approval for 16-foot-tall accessory structure that exceeds the primary structure height, Tax Parcel 1009L-02-009.000, 11172 Creel Circle, Zoned R-1-7.5 (Single-family), Ward 5



Site

Street

Parcels

Buildings

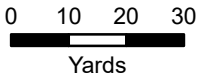
City Limit

Zoning

I-2 - Heavy Industry District

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

Site Information
1009L-02-009.000
Zoning: R-1-7.5 (Single Family)
Size: 25571.15 sqft
Flood: X



1 inch = 100 feet



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

Technical Report

VARIANCE

GENERAL INFORMATION

Case File Number: 2409ZB141

Hearing Date: September 19, 2024

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

Legal: Variance 2409ZB141, by agent J.R. Walsh, seeking approval for 16-foot-tall accessory structure that exceeds the primary structure height, Tax Parcel 1009L-02-009.000, 11172 Creel Circle, Zoned R-1-7.5 (Single-family), Ward 5.

TECHNICAL DETAILS

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

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

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

Technical Report

VARIANCE

The applicant requests a variance in order to exceed the height of the primary structure. The primary structure on the parcel is approximately 13 feet and the proposed accessory structure is 16 feet in height. The height of an accessory structure is limited to 20 feet or no higher than the primary structure, whichever is the more restrictive will be applied, per the ordinance. It should be noted that the construction of this accessory structure was started before pulling a permit and was stopped by inspectors.

- (a) The applicant notes that the neighborhood including Creel Circle, Raspberry lane, and Old Lorraine Road is unique to the immediate area. The applicant states “the entrance to the neighborhood is of a commercial nature featuring an auto repair, title company, and a nursery”. The applicant implies that because of the “above average sized lots” it leads to many of the residential properties building accessory structures. The applicant states that many in the neighborhood have boats and trailers parked in their front yard and that they would like to maintain a proper street view by building this structure to cover their boats in their backyard. The size of their boats constitutes the uniqueness which requires them to build this structure.
- (b) The applicant states “it would be fair to say that since we have larger boats with bimini tops and riggings that can reach approximately 12 foot above grade when trailered, we have created our own need for the variance”. Th applicant notes that they are just trying to protect their boats.
- (c) The applicant fails to address an unnecessary hardship that is created by the physical character of the property. They further explain that the size of their boat is the main issue and that is specifically the reasoning for the request. They note that it may be possible to bring the ridge height down to 15 foot however they are asking for permission for the 4’ in excess of the existing residence ridge height. It should be noted that, upon staff visit of the location, there are houses in the neighborhood that would not require a variance for a 16-foot accessory structure because of the height of their primary structure.
- (d) The applicant states that they are not exceeding the maximum building coverage for their parcel. They note that there are new homes being built in this old neighborhood due to the sizes of the parcels in the area and that they are being built to accommodate their lifestyles. The applicant feels that this new addition would not detract from the neighborhood and would not be viewed negatively by those who seek to move there. The literal interpretation of the ordinance would deprive this property from building accessory structures to the height that many in the area could.
- (e) The applicant notes that they do not feel they are asking for any kind of special privilege outside the realm of reason and that they are simply asking for a safe shelter for their boats. It should be noted that, upon staff review, there are no other accessory structures in the neighborhood that are taller than the primary structure.
- (f) This property is zoned R-1-7.5 and an accessory structure is permitted.

EXECUTIVE SUMMARY

The applicant is seeking a variance for an accessory structure that exceeds the height of the primary structure. The height of the proposed accessory structure is 16 feet and the height of the primary structure is 13 feet. Per the ordinance, the height limit for an accessory structure is 20 feet or no higher than the height of the primary dwelling structure. It should be noted that, upon

Technical Report

VARIANCE

staff review, it is clear that there is a real hardship here when compared to the rest of the neighborhood due to the height of the primary structure. It is clear that the primary structure is smaller in height than many of the surrounding primary structures. However, as admitted by the applicant, they have created their own need for a variance by purchasing boats that would require an accessory structure taller than the primary structure to be protected. It should also be taken into consideration that despite the initial hardship they face, there are no other accessory structures in the surrounding area that are taller than the primary structure and they also started this construction prior to getting a permit. They were stopped by inspectors.

Any approval should consider these conditions:

1. Approval would allow for a 16' accessory structure where the primary structure height is 13'.
2. The property owners may need to modify the driveways and driveway drain pipes to allow for larger boat trailers to be able to turn in and out of the property.
3. Shall comply with all building codes.

DEPARTMENTAL CONDITIONS

<u>Engineering:</u>	The property owners may need to modify the driveways and driveway drain pipes to allow for larger boat trailers to be able to turn in and out of the property. Memo dated 9/6/2024.
<u>Public Works:</u>	No comment as of 9/6/2024.
<u>Traffic and Safety:</u>	No conditions. Memo dated 9/5/2024.
<u>Building Code Services:</u>	Shall comply with all building codes. Memo dated 9/5/2024.
<u>GIS:</u>	No conditions. Memo dated 8/29/2024.
<u>Police Department:</u>	No comment as of 9/6/2024.
<u>Fire Department:</u>	No conditions. Memo dated 8/29/2024.
<u>City Arborist:</u>	No conditions. Memo dated 8/29/2024.

DIRECTOR APPROVAL

This report has been reviewed and approved by:



Greg Holmes

Director of Urban Development Department

R#12876072

CASE NUMBER

240923141

8/5/24

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

10096-02-009.000	

Property Address:

11172 CREEL CIRCLE, 6PT

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

General Description of Request: REQUESTING HEIGHT VARIANCE
FOR REAR GARAGE STRUCTURE. PRIMARY RESIDENCE
RIDGE HEIGHT IS 12'-1", ADD'L STRUCTURE TO BE 16'

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**.

12

OWNER:MULTIPLE OWNERS

Printed Name of Owner

SEE BELOW

Mailing Address

City

State

Zip Code

Home Phone

Work/Cell Phone

Email

Signature of Owner

AGENT:J.R. WALSH

Printed Name of Agent

715 2ND STREET

Mailing Address

GulfportMS39501

City

State

Zip Code

317-509-1333

Home Phone

Work/Cell Phone

JR WALSH.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) DUOC THACHAddress (Street, City, State, Zip Code) 11172 CREEL CIRCLE GPTPhone (Home) 228-617-2885 (Work) _____ (Cell) _____Tax Parcel Number(s) Owned: 1009 L - 02 - 009.000Signature: Duoc ThachName of Owner (PRINT) MINH TRANAddress (Street, City, State, Zip Code) 11172 CREEL CIRCLE GPTPhone (Home) 228-617-2885 (Work) _____ (Cell) _____Tax Parcel Number(s) Owned: 1009 L - 02 - 009.000Signature: Minh TranName of Owner (PRINT) HUNG VAN TRANAddress (Street, City, State, Zip Code) 11172 CREEL CIRCLE GPTPhone (Home) 228-617-2885 (Work) _____ (Cell) _____Tax Parcel Number(s) Owned: 1009 L - 02 - 009.000Signature: HVT



DESIGNATION OF AGENT

I, HUNG VAN TRAN
MINH TRAN
DUOC THACH being property owner of 11172 CREEL CIRCLE
PRINT NAME PRIMARY ADDRESS OR PARCEL
which is the subject of this application hereby authorize J. R. WALSH 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.

Duoc Thach, Hung Tran, Minh Tran 8.5.24
SIGNATURE DATE

STATE OF MISSISSIPPI | COUNTY OF HARRISON

Given under my hand and seal of office this the 5th day of August, 2024

[Signature]
NOTARY PUBLIC





COVENANT AFFIDAVIT

I, J. B. WALSH being property owner or agent of the property 11172 CREEL CIRCLE
PRINT NAME PRIMARY ADDRESS OR PARCEL

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

[Signature] 8.5.24
SIGNATURE DATE

STATE OF MISSISSIPPI | COUNTY OF HARRISON

Given under my hand and seal of office this the 5th day of August, 20 24

[Signature]
NOTARY PUBLIC

12/10/24
COMMISSION EXPIRATION



VARIANCE SUBMISSION FOR
11172 CREEL CIRCLE, GULFPORT 39503
PARCEL NUMBER: 10096-02-009-000
EXCESSIVE HEIGHT VARIANCE

1. The neighborhood including Creel Circle, Raspberry lane and Old Lorraine Road is unique to the immediate area. The entrance to the neighborhood is of a commercial nature featuring an auto repair, title company and a nursery. While all of the more recent development is of a commercial nature, this is an old residential Gulfport neighborhood on the Island that has above average size lots. This large lot size leads to many properties having secondary structures. Many of these homes have multiple boats and trailers parked in the front of the residence. We are trying to maintain a proper street view by having a large enough structure in the rear of our property that can accommodate our taller boats and trailers.
2. I guess it would be fair to say that since we have larger boats with bimini tops and riggings that can reach approximately 12' above grade when trailered, we have created our own need for the variance. We are just trying to protect our boats.
3. Most of the other properties in the neighborhood have smaller boats that would not require 12' clearance of a structural cross-member. We are asking for an exception as to allow for a 2:12 pitch on our roof. It may be possible to reduce the overall height at the ridge of the roof to 15' but we are asking permission for 4' in excess of the existing residence ridge height, not including the power lines.
4. I think that with a parcel of approximately .6 acres, we are not pushing the maximum building coverage area of our lot. The roof system would be a gable running in the same direction as the existing residence that would not create a visual detractor. There are newer homes being built in this older neighborhood due to the larger lot sizes as to accommodate the lifestyles of the new residents. We feel an addition of this nature to our property will not be a detractor to neighborhood values nor will it be viewed negatively by those that seek to move into an established neighborhood with the intentions of building new or renovating existing homes, there by increasing tax values and generating more property tax revenue.
5. We don't feel that we are asking for a special privilege outside of the realm of reason. We are simply asking for a roof line that allows for safe shelter for our boats.
6. This purpose of the structure is one for a personal conforming residential use.

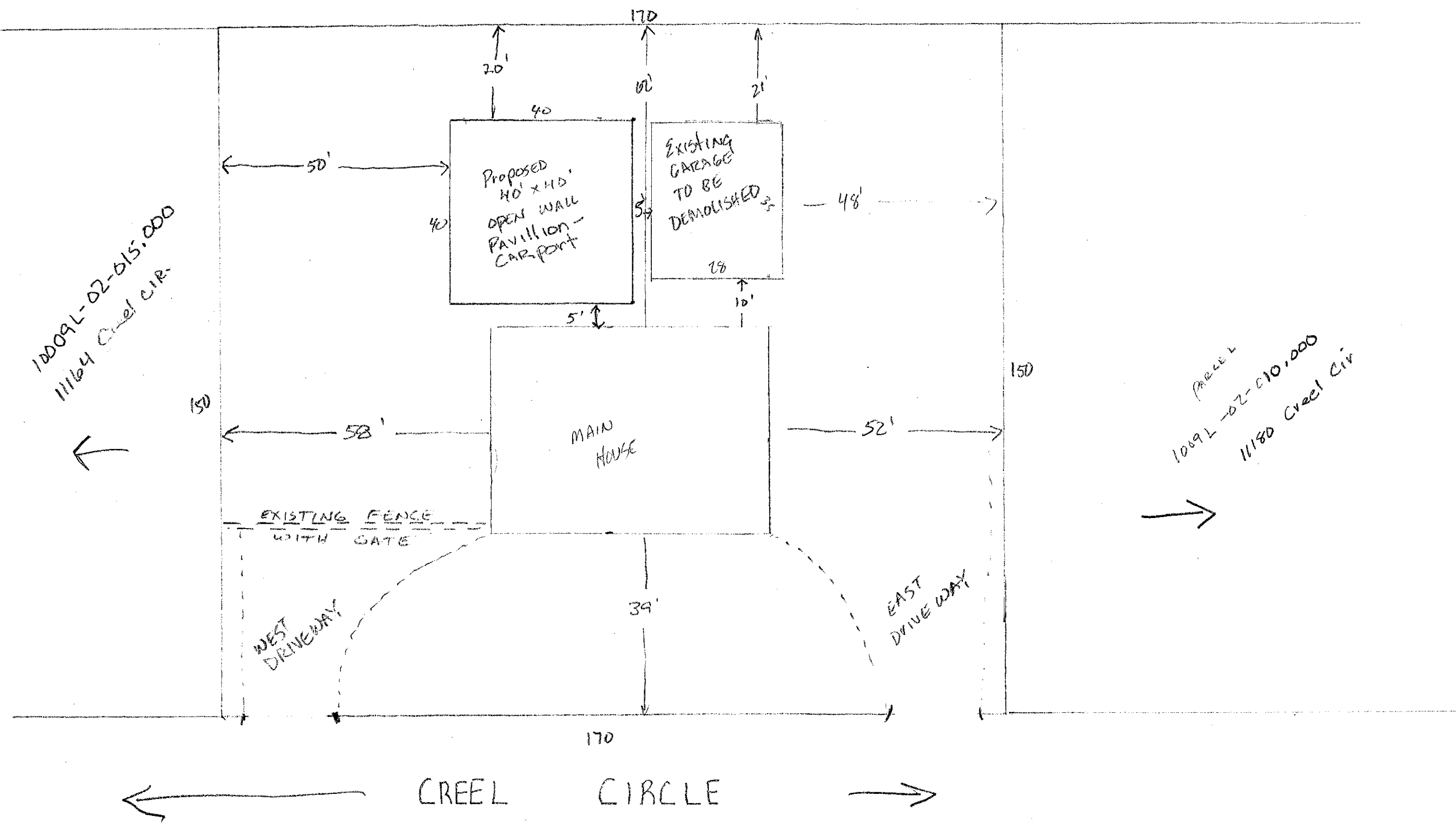
PAGE 5 SUBMISSION NOTES:

- This is not a structure for residential dwelling, only exterior open-walled storage of boats, trailers and or vehicles
- The proposed maximum ridge height is lower than neighborhood power lines and will not have FAA impact
- Drawings attached

11121 CREEL CIRCLE, GPT

1/2" = 10'

PARCEL 1009L-02-009.000



$\frac{1}{2}" = 5'$

11172 CREEL CIRCLE

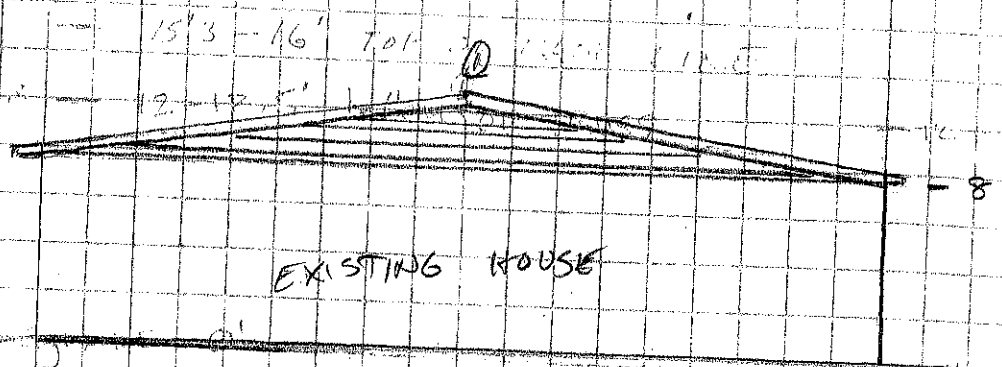
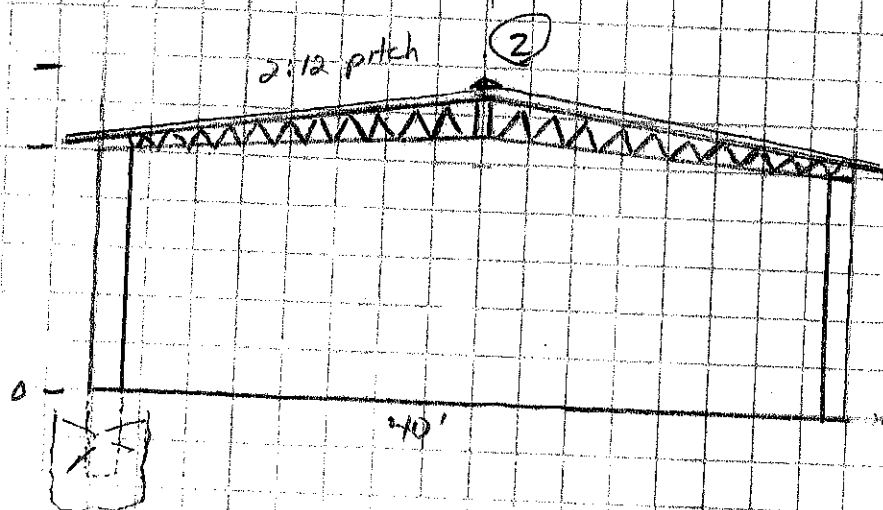
- WEST ELEVATION VIEW

←
REAR OF PROPERTY

→
FRONT OF PROPERTY

FRONT + REAR ELEVATION

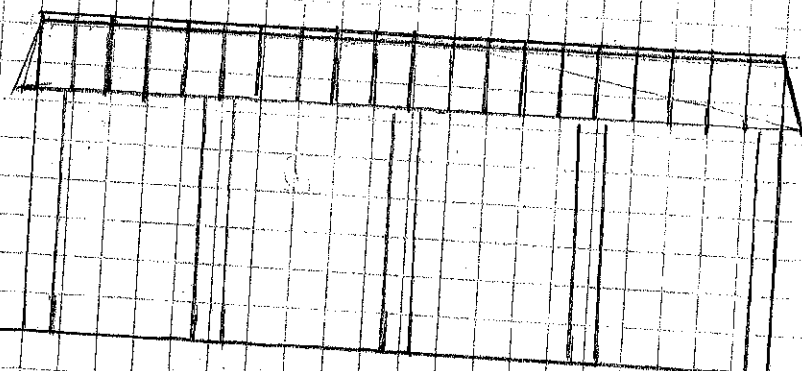
- ① EXISTING HOME RIDGE HEIGHT @ 13' +/-
- ② PROPOSED OUT BLDG
RIDGE HEIGHT @ 16' MAXIMUM



11172 CREEP CIRCLE

SIDE ELEVATION

$\frac{1}{2}'' = 5'$



— MAX 16' ABOVE GRADE
— 12 1/2' +/-

0

1009K-03-001.001



Area Map

Printed 7/29/2024

1009L-02-002.000

170

24

62' 49' 48' 62'

1009L-02-008.000

11164 CREEL CIR

1009L-02-009.000

11172 CREEL CIR

1009L-02-010.000

11180 CREEL CIR

58' 39' 52'

CREEL CIR

1009L-02-015.000

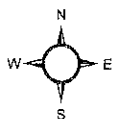
1009L-02-014.000

Initial and date here:

Planner: _____

Owner: _____

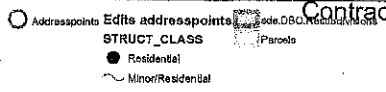
Contractor: _____



1 inch = 33 feet

DATA DISCLAIMER:

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J. K. K. 1st Judicial District
Instrument 2020 11532 D - J1
Filed/Recorded 9/ 2/2020 10:00 A
Total Fees \$ 26.00
3 Pages Recorded

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

Grantor:
Minh Tran
1192 Loreleen Street
Garden Grove, CA 92841
(714) 936-0404

Return To:
David B. Pilger
Attorney at Law
1406 Bienville Blvd., Suite 101
Ocean Springs, MS 39564
(228) 215-0011
File #O198274X

Grantee:
Hung Van Tran
Minh Tran
4825 Keywood Lane
Santa Ana, CA 92703
(714) 936-0404

INDEXING INSTRUCTIONS: A parcel of land situated in Sec. 19, T7S, R10W,
1st Judicial District, Harrison County, MS

STATE OF MISSISSIPPI
COUNTY OF HARRISON
FIRST JUDICIAL DISTRICT

QUITCLAIM DEED

FOR AND IN CONSIDERATION OF the price and sum of TEN AND NO/100 DOLLARS (\$10.00), cash in hand paid, and other good and valuable consideration, the receipt and sufficiency of all of which is hereby acknowledged, I, **Minh Tran**, do hereby sell, convey and quitclaim unto **Minh Tran and Hung Van Tran**, as joint tenants with full rights of survivorships and not as tenants in common, all of that certain tract, piece or parcel of land situated in the First Judicial District of Harrison County, Mississippi, together with all improvements, buildings, fixtures, and appurtenances thereunto belonging, and being more particularly described as follows, to-wit:

As per Exhibit "A" attached hereto.

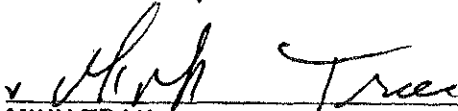
No title exam was performed and no title examination was requested. The description used on this deed was provided by the Client. No search was made of public records to determine the accuracy of said description and said attorney, in preparing this deed, has relied, at the request of the Client, on the representation of the Grantor that the description provided is proper and accurate.

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

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

It is agreed and understood that the taxes for the current year have been assumed by Grantees.

WITNESS MY SIGNATURE, on this the 25 day of August, 2020.


MINH TRAN

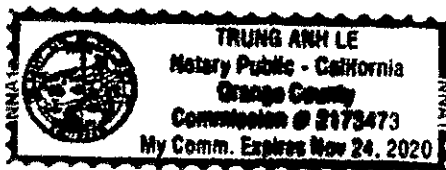
ACKNOWLEDGEMENT

STATE OF MISSISSIPPI
COUNTY OF HARRISON

PERSONALLY APPEARED BEFORE ME, the undersigned authority in and for the jurisdiction aforesaid, Minh Tran, who acknowledged before me that she signed, executed and delivered the above and foregoing instrument on the day and year thereof, for the use and purposes therein mentioned.

GIVEN UNDER MY HAND AND OFFICIAL SEAL, on this the 25 day of August 2020 2020.

(AFFIX SEAL)



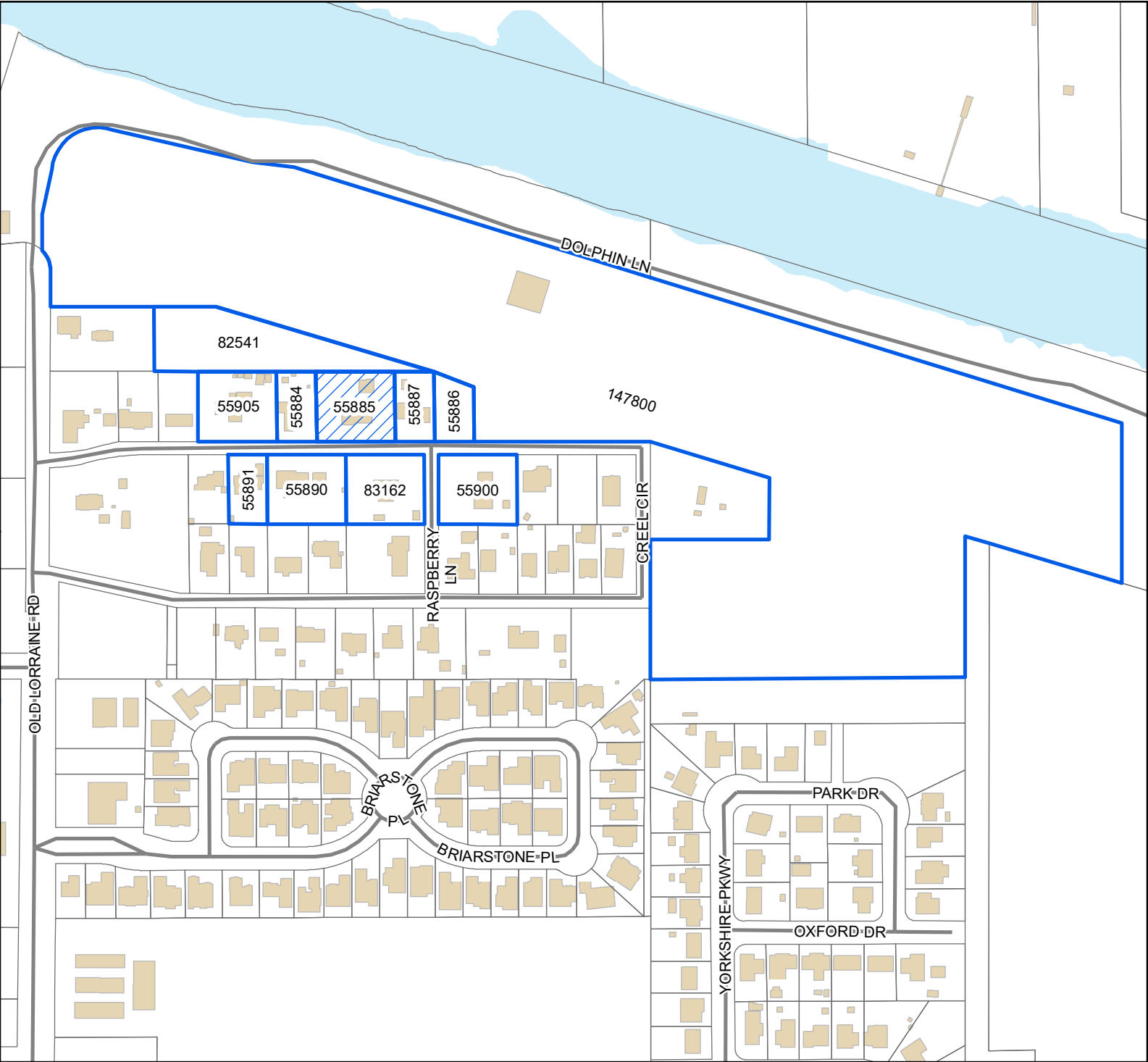

NOTARY PUBLIC

My commission expires: 11/24/2020

Exhibit "A"
Legal Description

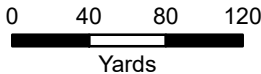
Commencing at the Northwest corner of the South One-Half ($S \frac{1}{2}$) of the Southeast One-Quarter of the Northwest One-Quarter ($NW \frac{1}{4}$), Section 19, Township 7 South, Range 10 West, Harrison County, Mississippi and run thence East a distance of 645 feet to the Point of Beginning. From said point run thence East a distance of 170 feet; thence South a distance of 150 feet; thence West a distance of 170 feet; thence North a distance of 150 feet to the point of beginning.

Mail	PPIN	Parcel ID	Name	Address	City	State	ZIP
Y		1009L-02-009.000	DUOC THACH (OWNER)	11172 CREEL CIRCLE	GULFPORT	MS	39503
		1009L-02-009.000	MINH TRAN (OWNER)	11172 CREEL CIRCLE	GULFPORT	MS	39503
		1009L-02-009.000	HUNG VAN TRAN (OWNER)	11172 CREEL CIRCLE	GULFPORT	MS	39503
			J.R. WALSH (AGENT)	715 2ND STREET	GULFPORT	MS	39501
			Adjacent Property Owners (2409ZB141)				
55886		1009L-02-011.000	FORE TRUDY DIANE ETAL	12146 DEDEAUX RD	GULFPORT	MS	39503
55884		1009L-02-008.000	GREER DERONDA L	11164 CREEL CIRLCE	GULFPORT	MS	39503
55885		1009L-02-009.000	TRAN MINH & HUNG VAN TRAN	4825 KEYWOOD LANE	SANTA ANA	CA	92703
55887		1009L-02-010.000	WOODS CHADE & HUDSON CASSIE	11180 CREEL CIR	GULFPORT	MS	39503
55905		1009L-02-007.000	RUSSELL KIM D	11154 CREEL CIR	GULFPORT	MS	39503
55891		1009L-02-016.000	GARNER JUDY L	11157 CREEL CIR	GULFPORT	MS	39507
55890		1009L-02-015.000	BULLOCK JERRY H & FELICIA S	11167 CREEL CIR	GULFPORT	MS	39503
55900		1009L-02-013.000	BRUCE CURTIS W JR & TAMARA A	408 HIDDEN ISLAND DR	PANAMA CITY BCH FL		32408
83162		1009L-02-014.000	DEHM MICHAEL W	11187 CREEL CIR	GULFPORT	MS	39503
82541		1009L-02-002.000	CLARK V A	P O BOX 3327	GULFPORT	MS	39505
147800		1009K-03-001.001	BALD EAGLE DEVELOPMENTS LLC	6010 VISTA CIRCLE	GULFPORT	MS	39503



Legend

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



1 inch = 300 feet



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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	588196	Print Legal Ad-IPL01918640 - IPL0191864		\$104.65	2	54 L

Attention: Matilda Welch

GULFPORT URBAN DEVELOPMENT
PO BOX 1780
GULFPORT, MS 39502

accountspayable@gulfport-ms.gov

LEGAL NOTICE PUBLIC HEARING

In conformance with Section VIII of the Comprehensive Zoning Ordinance of the City of Gulfport, Mississippi, 1979, as amended, notice is hereby given advising that the Zoning Board of Adjustment and Appeals will hold a public hearing in the City of Gulfport, Mississippi at 3:00 P.M., Thursday, September 19, 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 2408ZB113, by owner Land Lady Investments, LLC, seeking approval for parking that backs out into city right of way, Tax Parcel 0910N-07-014.000, 512 Pass Road, Zoned B-2 (General Business), Ward 4

Variance 2408ZB114, by owner Land Lady Investments, LLC, seeking approval to have 4 regular parking spaces where 7 is required, Tax Parcel 0910N-07-014.000, 512 Pass Road, Zoned B-2 (General Business), Ward 4

Variance 2409ZB127, by owner Ancillary Capital LLC, seeking approval for a seven-foot front yard setback where 15 feet is required, Tax Parcel 0811L-03-030.001, 33rd Ave, Zoned T4+ (General Urban Zone "Plus"), Ward 2

Variance 2409ZB137, by owner Gregory LeBaugh, seeking approval for an accessory structure of 840 square feet in addition to an existing 540 square-foot accessory structure on a property less than an acre, Tax Parcels 0807M-03-030.000, 0807M-03-031.000, 15408 Woody Drive, Zoned R-1-10 (Single-family), Ward 7

Variance 2409ZB138, by agent All Sign Inc, seeking approval for an additional wall sign on the northern elevation, Tax Parcel 1010E-01-021.001, 1201 Washington Ave, Zoned T3 (Sub-Urban Zone), Ward 4

Special Exception 2409SE140, by agent Johnathan Tate Jr., seeking approval for a daycare use, Tax Parcel 0810N-04-001.000, 2301 31st Street, Zoned B-2 (General-Business), Ward 3

Variance 2409ZB141, by agent J.R. Walsh, seeking approval for 16-foot-tall accessory structure that exceeds the primary structure height, Tax Parcel 1009L-02-009.000, 11172 Creel Circle, Zoned R-1-7.5 (Single-family), Ward 5

Variance 2409ZB142, by agent J.R. Walsh, seeking approval of a 1600 square-foot accessory structure in addition to an existing 980 square foot structure on a property that is less than an acre, Tax Parcel 1009L-02-009.000, Zoned R-1-7.5 (Single-family) Ward 5

Variance 2409ZB143, by owner Jose Santamaria, seeking approval for a 2-foot side yard setback where 6 feet is required, Tax Parcel 1010E-02-023.000, 1200 College St, Zoned T3 (Sub-Urban Zone), Ward 4

Variance 2409ZB147, by owner Queen E. Graves, seeking approval for a 6-foot second frontage setback where 15 feet is required, Tax Parcel 0810F-03-072.000, Alabama Ave, Zoned R-1-5 (Single-Family), Ward 3

Variance 2409ZB148, by owner Jose Santamaria, seeking approval for a 196 square foot accessory structure in addition to existing 985 square foot structure on a parcel less than an acre, Tax Parcel 1010E-02-023.000, 1200 College St, Zoned T3 (Sub-Urban Zone), Ward 4

Variance 2409ZB149, by owner Jeanette Ladner, seeking approval for a second frontage setback of 15.5 feet where 25 feet is required, Tax Parcel 0811B-04-069.000, 2300 18th Ave, Zoned R-2 (Single-Family), Ward 3

This the 28th day of August 2024
A. Leslie North, Chairman
City of Gulfport Zoning Board of Adjustment and Appeals
IPL0191864
Sep 4 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:
09/04/24

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.

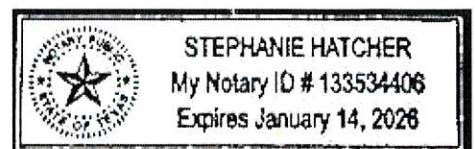
Mary Castro

Sworn to and subscribed before me this 10th day of
September 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!



URBAN DEVELOPMENT DEPARTMENT | PLANNING & ZONING

PO BOX 1780 | GULFPORT, MS | 1410 24TH AVENUE

P: 228.868.5710 | F: 228.868.5708 | PLANNERS@GULFPORT-MS.GOV

ZONING BOARD OF ADJUSTMENT AND APPEALS CASE # 2024-742

Hearing Date: Thursday, September 19, 2024

Variance 2409ZB142: Variance 2409ZB142, by agent J.R. Walsh, seeking approval of a 1600 square-foot accessory structure in addition to an existing 980 square foot structure on a property that is less than an acre, Tax Parcel 1009L-02-009.000, Zoned R-1-7.5 (Single-family) Ward 5

Technical Report

VARIANCE

GENERAL INFORMATION

Case File Number: 2409ZB142

Hearing Date: September 19, 2024

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

Legal: Variance 2409ZB142, by agent J.R. Walsh, seeking approval of a 1600 square-foot accessory structure in addition to an existing 980 square foot structure on a property that is less than an acre, Tax Parcel 1009L-02-009.000, Zoned R-1-7.5 (Single-family) Ward 5

TECHNICAL DETAILS

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

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

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

Technical Report

VARIANCE

The applicant requests a variance to exceed the 1000 square foot limit for accessory structures on a property that is under 1 acre. The proposed accessory structure is 1600 square feet. The property currently has an additional accessory structure on site with a square footage of approximately 980 however the applicant has noted in the site plan that this structure will be demolished after the completion of the proposed structure. It should be noted that the construction of this accessory structure was started before pulling a permit and was stopped by inspectors.

- (a) The applicant notes that the neighborhood including Creel Circle, Raspberry lane, and Old Lorraine Road is unique to the immediate area. The applicant explains “the entrance to the neighborhood is of a commercial nature featuring an auto repair, title company, and a nursery”. The applicant states that because of the “above average sized lots” it leads to many of the residential properties building accessory structures. The applicant notes that many in the neighborhood have boats and trailers parked in their front yard and that they would like to maintain a proper street view by building this structure to cover their boats in their backyard. The size of their boats constitutes the uniqueness which requires them to build this structure. The applicant fails to explain anything special or unique to the land and the reasons given are actually quite common. Upon site review as well as GIS data, it should be noted that there are properties with accessory structures that exceed the 1000 square foot limit set by the ordinance. These structures in question have no variances or permits on record.
- (b) The applicant states, “it would be fair to say that since we have larger boats with bimini tops and riggings that can reach approximately 12 foot above grade when trailered, we have created our own need for the variance”. The applicant notes that they are just trying to protect their boats. While the applicant states they have created their own hardship, it should be noted many in the area currently exceed the 1000 square foot limit.
- (c) The applicant fails to address an unnecessary hardship that is created by the physical character of the property. They further explain that the size of their boat is the main issue and that is specifically the reasoning for the request.
- (d) The applicant states that they are not exceeding the maximum building coverage for their parcel. They note that there are new homes being built in this old neighborhood due to the sizes of the parcels in the area and that they are being built to accommodate their lifestyles. The applicant feels that this new addition would not detract from the neighborhood and would not be viewed negatively by those who seek to move there. Upon staff review, it is clear that the additional square footage would be in harmony with the surrounding area as many in the area have large or multiple accessory structure that exceed 1000 square feet.
- (e) The applicant notes that they do not feel they are asking for any kind of special privilege outside the realm of reason and that they are simply asking for a safe shelter for their boats. The granting of this variance would be in harmony with the neighborhood. However, it is clear that many of the structures in the area were grandfathered in and variances would be needed by other parcels to build these accessory structures over 1000 square feet.
- (f) This property is zoned R-1-7.5 and an accessory structure is permitted.

Technical Report

VARIANCE

EXECUTIVE SUMMARY

The applicant is seeking a variance for exceeding the 1000 square foot limit for accessory structures on a property that is under 1 acre. The proposed structure will be approximately 1600 square feet and vary from the ordinance by 600 square feet. It should be noted that there is currently an accessory structure on the property that is 980 square feet and is set to be demolished after the construction of the proposed structure. Upon staff review, it is clear that the square footage of the proposed accessory structure would be in harmony with the neighborhood and no special allowances would be granted upon approval of this variance. It should be taken into consideration that construction of this structure was started before pulling a permit and was stopped by inspectors.

Any approval should consider these conditions:

1. Existing structure to be demolished before getting a permit for new accessory structure.
2. Approval would allow for a 1600 square foot structure where 1000 square feet is the limit.
3. The property owners may need to modify the driveways and driveway drain pipes to allow for larger boat trailers to be able to turn in and out of the property

DEPARTMENTAL CONDITIONS

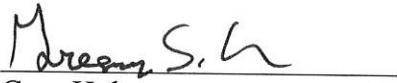
<u>Engineering:</u>	The property owners may need to modify the driveways and driveway drain pipes to allow for larger boat trailers to be able to turn in and out of the property. Memo dated 9/6/2024.
<u>Public Works:</u>	No comment as of 9/6/2024.
<u>Traffic and Safety:</u>	No conditions. Memo dated 9/5/2024.
<u>Building Code Services:</u>	No conditions. Memo dated 9/5/2024.
<u>GIS:</u>	No conditions. Memo dated 8/29/2024.
<u>Police Department:</u>	No comment as of 9/6/2024.
<u>Fire Department:</u>	No conditions. Memo dated 08/29/2024.
<u>City Arborist:</u>	No conditions. Memo dated 9/3/2024.

Technical Report

VARIANCE

DIRECTOR APPROVAL

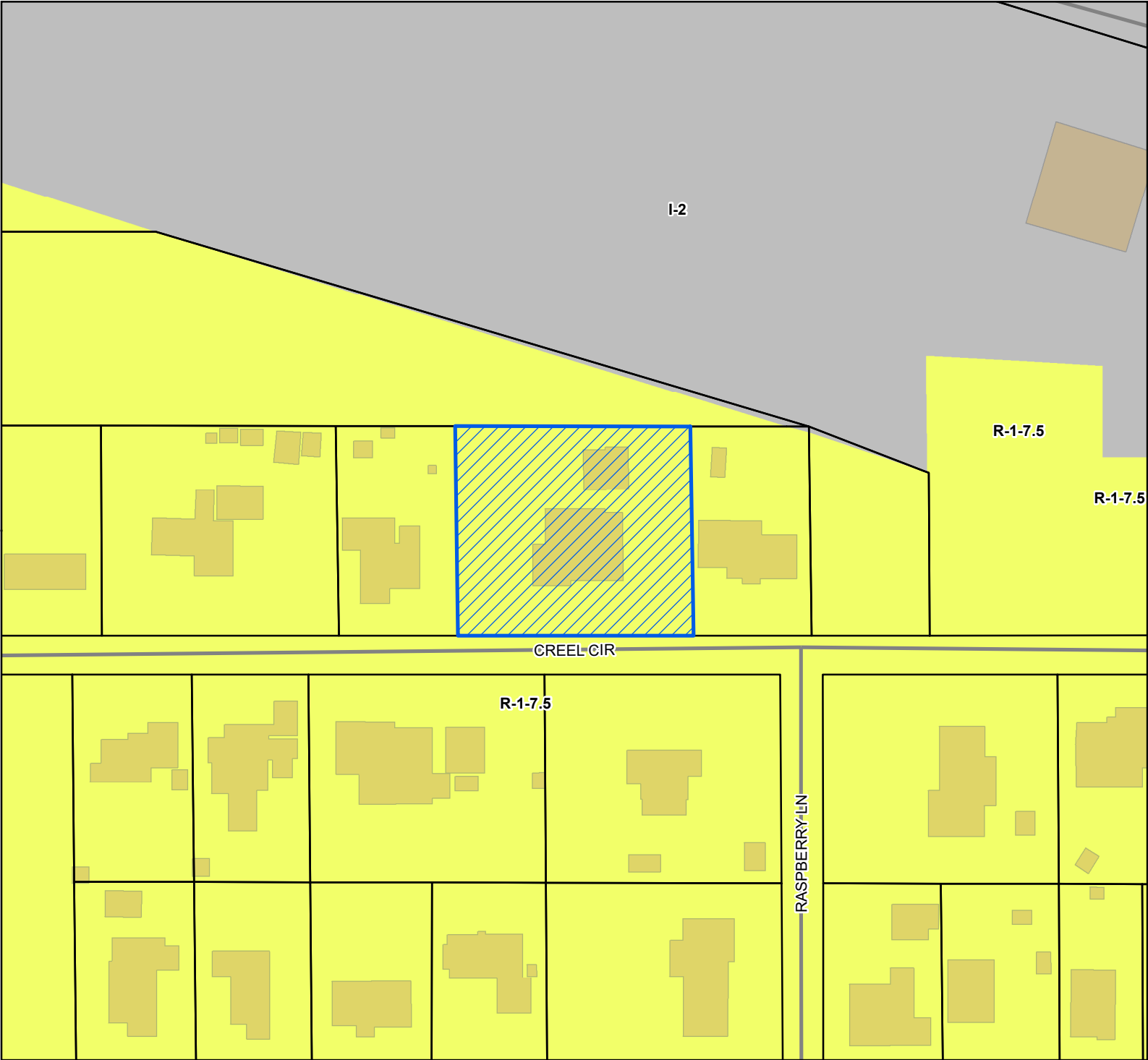
This report has been reviewed and approved by:



Greg Holmes

Director of Urban Development Department





Site

Street

Parcels

Buildings

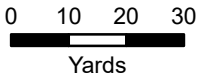
City Limit

Zoning

I-2 - Heavy Industry District

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

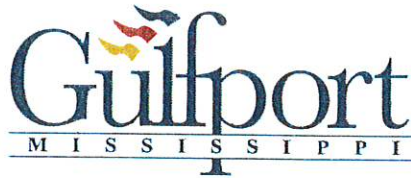
Site Information
1009L-02-009.000
Zoning: R-1-7.5 (Single Family)
Size: 25571.15 sqft
Flood: X



1 inch = 100 feet



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R# 12876068

CASE NUMBER

24092B142

df 8/6/24

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

1	0	0	9	2	-	0	2	-	0	0	9	.	0	0	0														
					-			-				.																	
					-			-				.																	

Property Address:

11172 CREEL CIRCLE

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

General Description of Request: REQUESTING VARIANCE FOR A
SECONDARY STRUCTURE OF 1600' SQ ON A
PARCEL & 1 ACRE WITH A MAX OF 1000' SQ
A IN ADDITION TO 980' ACCESSORY STRUCTURE WHICH
WILL BE DEMOLISHED UPON COMPLETION OF 1600' structure.

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: Multiple OWNERS
DUOC THACH "COON"

Printed Name of Owner
11172 CREEL CIRCLE

Mailing Address
Gulfport MS 39503

City State Zip Code
228-617-2885

Home Phone Work/Cell Phone

Email

Signature of Owner
See below

AGENT:
J.R. WALSH

Printed Name of Agent
715 2nd St.

Mailing Address
Gulfport MS 39501

City State Zip Code

Home Phone Work/Cell Phone

317-509-1333

Email
JR@JRWALSH.COM

Signature of Agent
JRWALSH

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) DUOC THACH

Address (Street, City, State, Zip Code) 11172 CREEL CIRCLE GPT

Phone (Home) 228-617-2885 (Work) (Cell)

Tax Parcel Number(s) Owned: 1009 L-02-009.000

Signature: Duoc Thach

Name of Owner (PRINT) MINH TRAN

Address (Street, City, State, Zip Code) 11172 CREEL CIRCLE GPT

Phone (Home) 228-617-2885 (Work) (Cell)

Tax Parcel Number(s) Owned: 1009 L-02-009.000

Signature: Minh Tran

Name of Owner (PRINT) HUNG VAN TRAN

Address (Street, City, State, Zip Code) 11172 CREEL CIRCLE GPT

Phone (Home) 228-617-2885 (Work) (Cell)

Tax Parcel Number(s) Owned: 1009 L-02-009.000

Signature: HVT



DESIGNATION OF AGENT

HUNG VAN TRAN
MINH TIZAN
I, DUOC THACH being property owner of 11172 Creel Circle
PRINT NAME PRIMARY ADDRESS OR PARCEL
which is the subject of this application hereby authorize J. R. WALSH 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.

Duoc Thach, Hung Van Tran, Minh Tizan 8.5.24
SIGNATURE DATE

STATE OF MISSISSIPPI | COUNTY OF HARRISON

Given under my hand and seal of office this the 5th day of August, 20 24

[Signature]
NOTARY PUBLIC





COVENANT AFFIDAVIT

I, J. B. WALSH being property owner or agent of the property 1172 Creel Circle
PRINT NAME PRIMARY ADDRESS OR PARCEL
which is the subject of this application, hereby state that this variance request is not in violation of any
restrictive or protective covenants.

[Signature]
SIGNATURE

8.5.24
DATE

STATE OF MISSISSIPPI | COUNTY OF HARRISON

Given under my hand and seal of office this the 5th day of August, 20 24

[Signature]
NOTARY PUBLIC



12/10/24
COMMISSION EXPIRATION

VARIANCE SUBMISSION FOR
11172 CREEL CIRCLE, GULFPORT 39503
PARCEL NUMBER: 10096-02-009-000

EXCESSIVE HEIGHT VARIANCE + VARIANCE Pg 5 response

1. The neighborhood including Creel Circle, Raspberry lane and Old Lorraine Road is unique to the immediate area. The entrance to the neighborhood is of a commercial nature featuring an auto repair, title company and a nursery. While all of the more recent development is of a commercial nature, this is an old residential Gulfport neighborhood on the Island that has above average size lots. This large lot size leads to many properties having secondary structures. Many of these homes have multiple boats and trailers parked in the front of the residence. We are trying to maintain a proper street view by having a large enough structure in the rear of our property that can accommodate our taller boats and trailers.
2. I guess it would be fair to say that since we have larger boats with bimini tops and riggings that can reach approximately 12' above grade when trailered, we have created our own need for the variance. We are just trying to protect our boats.
3. Most of the other properties in the neighborhood have smaller boats that would not require 12' clearance of a structural cross-member. We are asking for an exception as to allow for a 2:12 pitch on our roof. It may be possible to reduce the overall height at the ridge of the roof to 15' but we are asking permission for 4' in excess of the existing residence ridge height, not including the power lines.
4. I think that with a parcel of approximately .6 acres, we are not pushing the maximum building coverage area of our lot. The roof system would be a gable running in the same direction as the existing residence that would not create a visual detractor. There are newer homes being built in this older neighborhood due to the larger lot sizes as to accommodate the lifestyles of the new residents. We feel an addition of this nature to our property will not be a detractor to neighborhood values nor will it be viewed negatively by those that seek to move into an established neighborhood with the intentions of building new or renovating existing homes, there by increasing tax values and generating more property tax revenue.
5. We don't feel that we are asking for a special privilege outside of the realm of reason. We are simply asking for a roof line that allows for safe shelter for our boats.
6. This purpose of the structure is one for a personal conforming residential use.

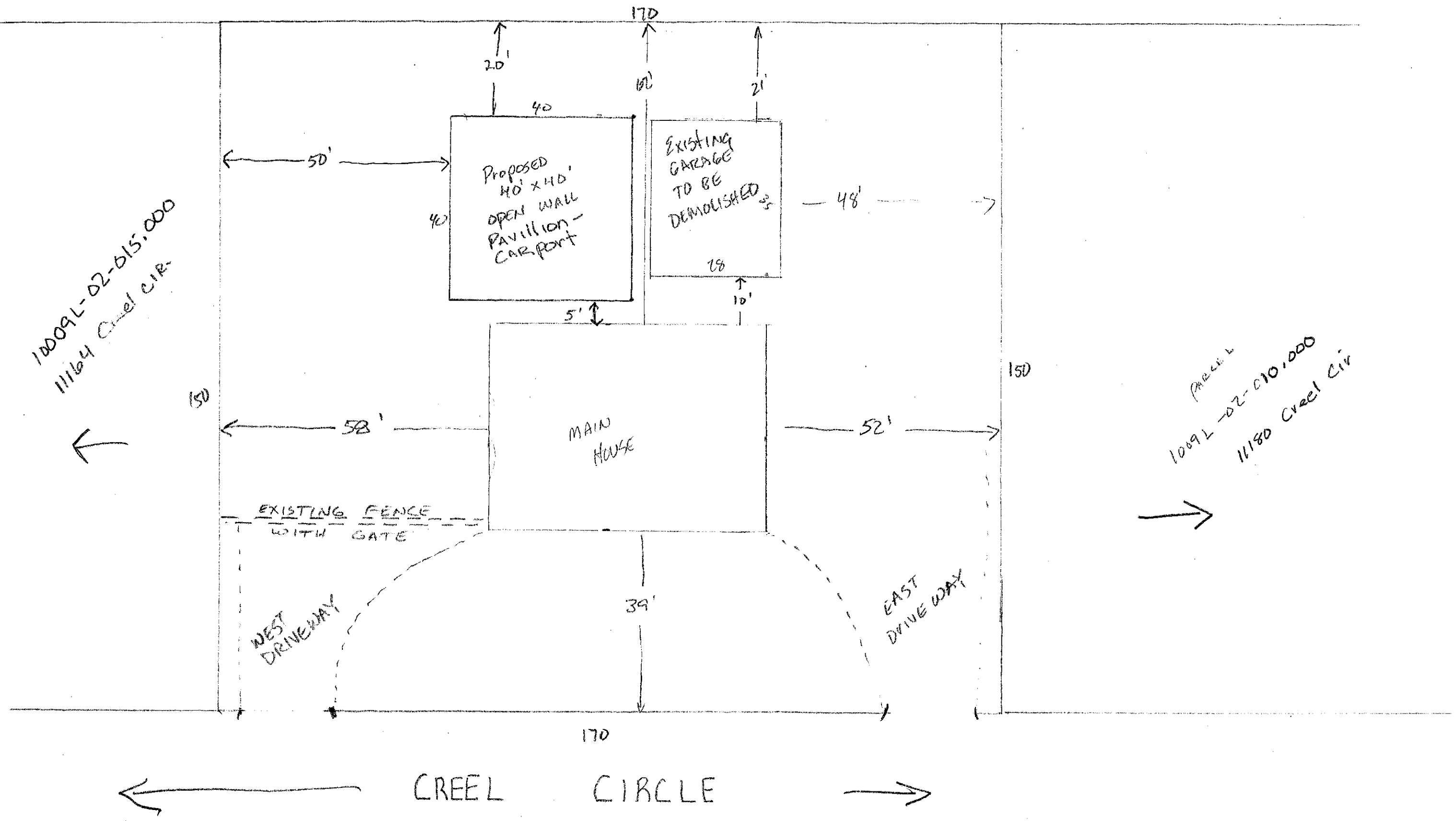
PAGE 5 SUBMISSION NOTES:

- This is not a structure for residential dwelling, only exterior open-walled storage of boats, trailers and or vehicles
- The proposed maximum ridge height is lower than neighborhood power lines and will not have FAA impact
- Drawings attached

11121 CREEL CIRCLE, GPT

1/2" = 10'

PARCEL 1009L-02-009.000



$\frac{1}{2}'' = 5'$

11172 CREEP CIRCLE

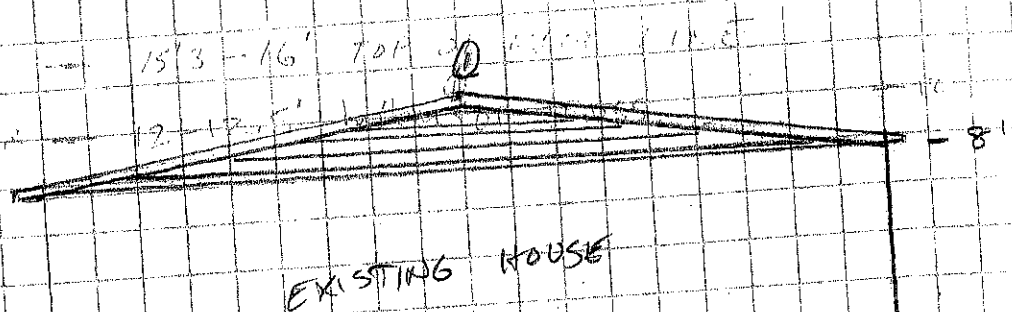
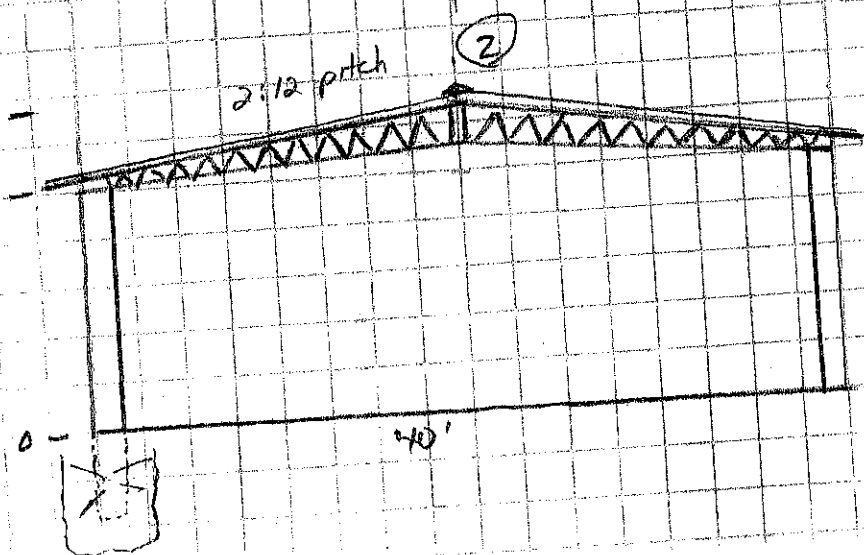
- WEST ELEVATION VIEW

← REAR OF PROPERTY

→ FRONT OF PROPERTY

FRONT + REAR ELEVATION

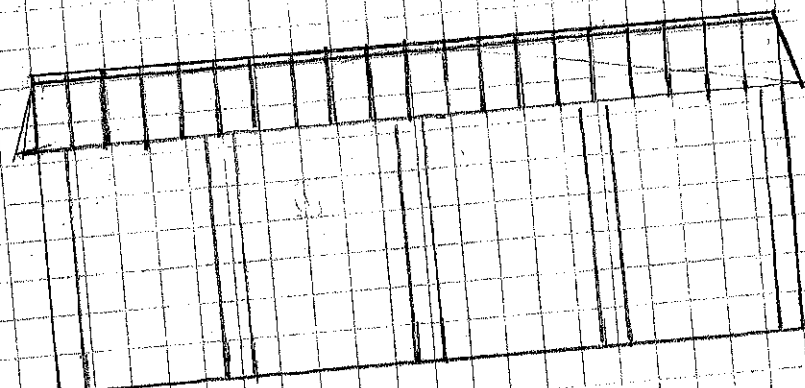
- ① EXISTING HOME RIDGE HEIGHT @ 13' +/-
- ② PROPOSED OUT BLDG
RIDGE HEIGHT @ 16' MAXIMUM



11172 CREEP CIRCLE

SIDE ELEVATION

1/2" = 5'



— MAX 16' ABOVE GRADE
— 12 1/6" +/-

○



Area Map

Printed 7/29/2024

1009K-03-001.001

1009L-02-002.000

75

34

221

1009L-02-008.000

2566

11164 CREEL CIR

1009L-02-009.000

3169

11172 CREEL CIR

1009L-02-010.000

2566

11180 CREEL CIR

CREEL CIR

1009L-02-015.000

3879

922

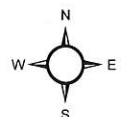
1009L-02-014.000

Initial and date here:

Planner: _____

Owner: _____

Contractor: _____



1 inch = 33 feet



DATA DISCLAIMER:

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J. K. ... 1st Judicial District
Instrument 2020 11532 D - J1
Filed/Recorded 9/ 2/2020 10:00 A
Total Fees \$ 26.00
3 Pages Recorded

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

Grantor:
Minh Tran
1192 Loreleen Street
Garden Grove, CA 92841
(714) 936-0404

Return To:
David B. Pilger
Attorney at Law
1406 Bienville Blvd., Suite 101
Ocean Springs, MS 39564
(228) 215-0011
File #O198274X

Grantee:
Hung Van Tran
Minh Tran
4825 Keywood Lane
Santa Ana, CA 92703
(714) 936-0404

INDEXING INSTRUCTIONS: A parcel of land situated in Sec. 19, T7S, R10W,
1st Judicial District, Harrison County, MS

STATE OF MISSISSIPPI
COUNTY OF HARRISON
FIRST JUDICIAL DISTRICT

QUITCLAIM DEED

FOR AND IN CONSIDERATION OF the price and sum of TEN AND NO/100 DOLLARS (\$10.00), cash in hand paid, and other good and valuable consideration, the receipt and sufficiency of all of which is hereby acknowledged, I, **Minh Tran**, do hereby sell, convey and quitclaim unto **Minh Tran** and **Hung Van Tran**, as joint tenants with full rights of survivorships and not as tenants in common, all of that certain tract, piece or parcel of land situated in the First Judicial District of Harrison County, Mississippi, together with all improvements, buildings, fixtures, and appurtenances thereunto belonging, and being more particularly described as follows, to-wit:

As per Exhibit "A" attached hereto.

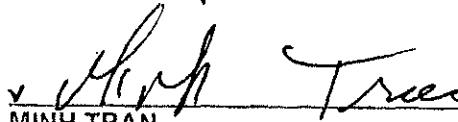
No title exam was performed and no title examination was requested. The description used on this deed was provided by the Client. No search was made of public records to determine the accuracy of said description and said attorney, in preparing this deed, has relied, at the request of the Client, on the representation of the Grantor that the description provided is proper and accurate.

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

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

It is agreed and understood that the taxes for the current year have been assumed by Grantees.

WITNESS MY SIGNATURE, on this the 25 day of August, 2020.


MINH TRAN

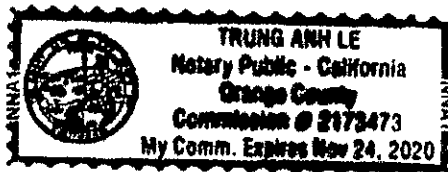
ACKNOWLEDGEMENT

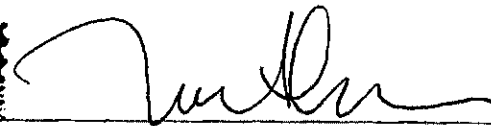
STATE OF MISSISSIPPI
COUNTY OF HARRISON

PERSONALLY APPEARED BEFORE ME, the undersigned authority in and for the jurisdiction aforesaid, Minh Tran, who acknowledged before me that she signed, executed and delivered the above and foregoing instrument on the day and year thereof, for the use and purposes therein mentioned.

GIVEN UNDER MY HAND AND OFFICIAL SEAL, on this the 25 day of August 2020 2020.

(AFFIX SEAL)



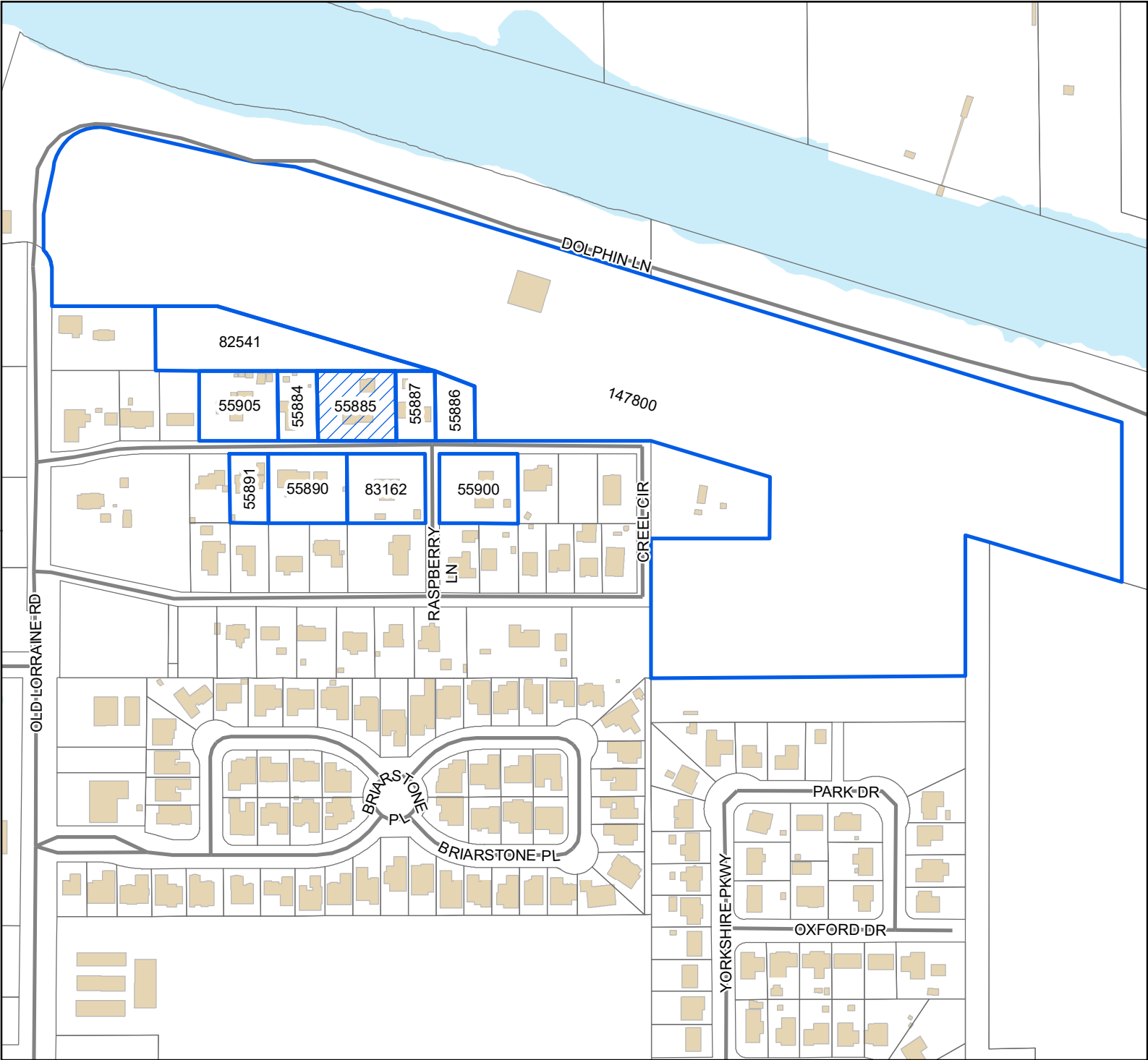

NOTARY PUBLIC

My commission expires: 11/24/2020

Exhibit "A"
Legal Description

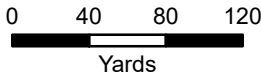
Commencing at the Northwest corner of the South One-Half ($S \frac{1}{2}$) of the Southeast One-Quarter of the Northwest One-Quarter ($NW \frac{1}{4}$), Section 19, Township 7 South, Range 10 West, Harrison County, Mississippi and run thence East a distance of 645 feet to the Point of Beginning. From said point run thence East a distance of 170 feet; thence South a distance of 150 feet; thence West a distance of 170 feet; thence North a distance of 150 feet to the point of beginning.

Mail	PPIN	Parcel ID	Name	Address	City	State	ZIP
Y		1009L-02-009.000	DUOC THACH (OWNER)	11172 CREEL CIRCLE	GULFPORT	MS	39503
		1009L-02-009.000	MINH TRAN (OWNER)	11172 CREEL CIRCLE	GULFPORT	MS	39503
		1009L-02-009.000	HUNG VAN TRAN (OWNER)	11172 CREEL CIRCLE	GULFPORT	MS	39503
			J.R. WALSH (AGENT)	715 2ND STREET	GULFPORT	MS	39501
			Adjacent Property Owners (2409ZB142)				
55886		1009L-02-011.000	FORE TRUDY DIANE ETAL	12146 DEDEAUX RD	GULFPORT	MS	39503
55884		1009L-02-008.000	GREER DERONDA L	11164 CREEL CIRLCE	GULFPORT	MS	39503
55885		1009L-02-009.000	TRAN MINH & HUNG VAN TRAN	4825 KEYWOOD LANE	SANTA ANA	CA	92703
55887		1009L-02-010.000	WOODS CHADE & HUDSON CASSIE	11180 CREEL CIR	GULFPORT	MS	39503
55905		1009L-02-007.000	RUSSELL KIM D	11154 CREEL CIR	GULFPORT	MS	39503
55891		1009L-02-016.000	GARNER JUDY L	11157 CREEL CIR	GULFPORT	MS	39507
55890		1009L-02-015.000	BULLOCK JERRY H & FELICIA S	11167 CREEL CIR	GULFPORT	MS	39503
55900		1009L-02-013.000	BRUCE CURTIS W JR & TAMARA A	408 HIDDEN ISLAND DR	PANAMA CITY BCH FL		32408
83162		1009L-02-014.000	DEHM MICHAEL W	11187 CREEL CIR	GULFPORT	MS	39503
82541		1009L-02-002.000	CLARK V A	P O BOX 3327	GULFPORT	MS	39505
147800		1009K-03-001.001	BALD EAGLE DEVELOPMENTS LLC	6010 VISTA CIRCLE	GULFPORT	MS	39503



Legend

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



1 inch = 300 feet



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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	588196	Print Legal Ad-IPL01918640 - IPL0191864		\$104.65	2	54 L

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

accountspayable@gulfport-ms.gov

LEGAL NOTICE PUBLIC HEARING

In conformance with Section VIII of the Comprehensive Zoning Ordinance of the City of Gulfport, Mississippi, 1979, as amended, notice is hereby given advising that the Zoning Board of Adjustment and Appeals will hold a public hearing in the City of Gulfport, Mississippi at 3:00 P.M., Thursday, September 19, 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 2408ZB113, by owner Land Lady Investments, LLC, seeking approval for parking that backs out into city right of way, Tax Parcel 0910N-07-014.000, 512 Pass Road, Zoned B-2 (General Business), Ward 4

Variance 2408ZB114, by owner Land Lady Investments, LLC, seeking approval to have 4 regular parking spaces where 7 is required, Tax Parcel 0910N-07-014.000, 512 Pass Road, Zoned B-2 (General Business), Ward 4

Variance 2409ZB127, by owner Ancillary Capital LLC, seeking approval for a seven-foot front yard setback where 15 feet is required, Tax Parcel 0811L-03-030.001, 33rd Ave, Zoned T4+ (General Urban Zone "Plus"), Ward 2

Variance 2409ZB137, by owner Gregory LeBaugh, seeking approval for an accessory structure of 840 square feet in addition to an existing 540 square-foot accessory structure on a property less than an acre, Tax Parcels 0807M-03-030.000, 0807M-03-031.000, 15408 Woody Drive, Zoned R-1-10 (Single-family), Ward 7

Variance 2409ZB138, by agent All Sign Inc, seeking approval for an additional wall sign on the northern elevation, Tax Parcel 1010E-01-021.001, 1201 Washington Ave, Zoned T3 (Sub-Urban Zone), Ward 4

Special Exception 2409SE140, by agent Johnathan Tate Jr., seeking approval for a daycare use, Tax Parcel 0810N-04-001.000, 2301 31st Street, Zoned B-2 (General-Business), Ward 3

Variance 2409ZB141, by agent J.R. Walsh, seeking approval for 16-foot-tall accessory structure that exceeds the primary structure height, Tax Parcel 1009L-02-009.000, 11172 Creel Circle, Zoned R-1-7.5 (Single-family), Ward 5

Variance 2409ZB142, by agent J.R. Walsh, seeking approval of a 1600 square-foot accessory structure in addition to an existing 980 square foot structure on a property that is less than an acre, Tax Parcel 1009L-02-009.000, Zoned R-1-7.5 (Single-family) Ward 5

Variance 2409ZB143, by owner Jose Santamaria, seeking approval for a 2-foot side yard setback where 6 feet is required, Tax Parcel 1010E-02-023.000, 1200 College St, Zoned T3 (Sub-Urban Zone), Ward 4

Variance 2409ZB147, by owner Queen E. Graves, seeking approval for a 6-foot second frontage setback where 15 feet is required, Tax Parcel 0810F-03-072.000, Alabama Ave, Zoned R-1-5 (Single-Family), Ward 3

Variance 2409ZB148, by owner Jose Santamaria, seeking approval for a 196 square foot accessory structure in addition to existing 985 square foot structure on a parcel less than an acre, Tax Parcel 1010E-02-023.000, 1200 College St, Zoned T3 (Sub-Urban Zone), Ward 4

Variance 2409ZB149, by owner Jeanette Ladner, seeking approval for a second frontage setback of 15.5 feet where 25 feet is required, Tax Parcel 0811B-04-069.000, 2300 18th Ave, Zoned R-2 (Single-Family), Ward 3

This the 28th day of August 2024
A. Leslie North, Chairman
City of Gulfport Zoning Board of Adjustment and Appeals
IPL0191864
Sep 4 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:
09/04/24

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.

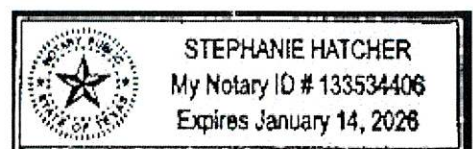
Mary Castro

Sworn to and subscribed before me this 10th day of
September 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!



URBAN DEVELOPMENT DEPARTMENT | PLANNING & ZONING

PO BOX 1780 | GULFPORT, MS | 1410 24TH AVENUE

P: 228.868.5710 | F: 228.868.5708 | PLANNERS@GULFPORT-MS.GOV

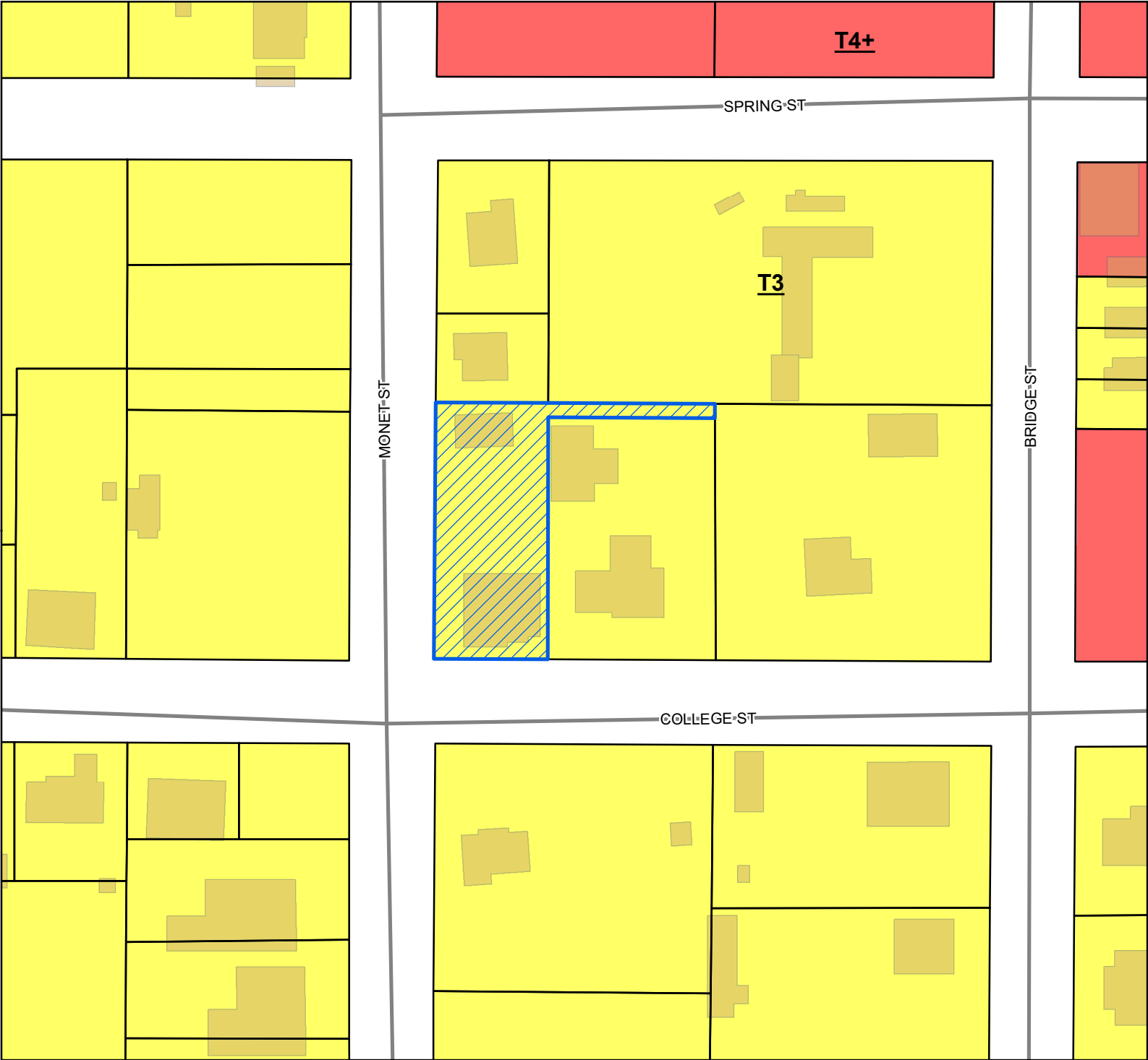
ZONING BOARD OF ADJUSTMENT AND APPEALS CASE # 2024-743

Hearing Date: Thursday, September 19, 2024

Variance 2409ZB143: Variance 2409ZB143, by owner Jose Santamaria, seeking approval for a 2-foot side yard setback where 6 feet is required, Tax Parcel 1010E-02-023.000, 1200 College St, Zoned T3 (Sub-Urban Zone), Ward 4

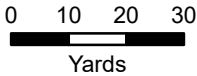
2409ZB143

Variance



- Site
- Street
- Parcels
- Buildings
- City Limit
- Smart Code**
 - T4+
 - T3

Site Information
1010E-02-023.000
Zoning: T3 (Sub-Urban Zone)
Size: 16310.92 sqft
Flood: X



1 inch = 100 feet



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Technical Report

VARIANCE

GENERAL INFORMATION

Case File Number: 2409ZB143

Hearing Date: September 19, 2024

Current Zoning/Use: T3 / Single-family home

Legal: Variance 2409ZB143, by owner Jose Santamaria, seeking approval for a 2-foot side yard setback where 6 feet is required, Tax Parcel 1010E-02-023.000, 1200 College St, Zoned T3 (Sub-Urban Zone), Ward 4.

TECHNICAL DETAILS

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

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

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

Technical Report

VARIANCE

The applicant is requesting a side yard setback variance of 2 feet for a proposed 196 square-foot accessory structure where ordinance would require 6 feet.

- (a) The applicant claims in the application that there is no other room to build the proposed gazebo, as any other location available would block access to the existing garage entrance. Upon a staff visit, staff noted that should the proposed gazebo be placed between the house and the existing garage it would potentially block access to the garage.
- (b) Applicant states in their application that they are wishing to preserve an oak tree on the property, which placing the proposed gazebo within the setbacks may impact the tree. Based upon a site visit to the site, staff confirmed the presence of the mentioned tree on site. If the mentioned tree is a protected tree, any work being done to the tree would need an approved tree permit from the Tree Protection Advisor. However, the applicant also notes that a new pool is being installed and they are wishing to place the gazebo between the existing garage and fence in order to have it close to the pool. Upon staff review, the applicant has pulled a permit for a swimming pool to be placed south of the proposed gazebo. As the alternative placement for the proposed gazebo would potentially require an approved tree permit to remove the mentioned oak tree, or block access to the detached garage, the applicant's hardship is caused by the unique character of the property.
- (c) The applicant explains that their hardship is due to the preservation of an oak tree on the property, which would require approval from the Tree Protection Advisor through an approved tree permit for removal. Outside of being able to remove the mentioned tree, or a variance granting the applicant approval to place their proposed gazebo within the required setbacks, the only other reasonable solution would require changes to the side yard setback requirements for this particular zoning district.
- (d) The applicant does not address this question, instead stating that the designed backyard will bring more value to the property and bring an example to the neighborhood. Due to the literal interpretations of the current district regulations, and the accessory structure ordinance, the applicant is deprived of building the additional accessory structure on their property.
- (e) The applicant claims that other houses nearby have more space to design their yards. Upon staff review of the surrounding area, while there are some properties that have more space for their yards there are nearly as many properties that have even less space than the subject property. Staff noted that there are neighboring properties that have existing accessory structures that are built within the required setbacks. However, according to available imagery, these existing accessory structures have existed prior to 2007, predating City of Gulfport's district regulation ordinance and the current accessory structure ordinance.
- (f) This property is zoned T3, and an accessory structure alongside a single-family home is allowed by right.

EXECUTIVE SUMMARY

The applicant is seeking approval for a 2-foot side yard setback variance for their proposed 196 square-foot accessory structure where the district regulations require 6 feet. The applicant claims that their hardship for their variance is due to the oak tree on the property and the existing garage

Technical Report

VARIANCE

limiting the plausible locations for the proposed gazebo. Applicant also notes that they have pulled a permit to install a swimming pool on the property and are wanting to place the gazebo nearby. Upon staff review, the applicant has pulled a permit to place a swimming pool directly south of the proposed gazebo. Staff conducted a site visit to the site and noted that other possible locations for the proposed structure would potentially impact the oak tree, or would have blocked access to the existing detached garage. If the oak tree is a healthy protected tree, it may be unlikely for the applicant to receive an approved tree permit, meaning the hardship would not result from the applicant's actions, but from the character of the property. While the applicant claims that other properties have more space for their yards, staff noted that a few of the other nearby properties are larger in size than the subject site while others are actually smaller in size. Staff also noted other properties, such as the neighboring property, that have pre-existing accessory structures that were built within the required setback for this zoning district. According to the earliest available imagery, these structures were already existing prior to 2007.

Any approval should consider these conditions:

1. Shall comply with all Building Codes.
2. Approval allows for the proposed accessory structure to be placed 2 feet from the east side property line.

DEPARTMENTAL CONDITIONS

<u>Engineering:</u>	No conditions. Memo dated 09/06/24.
<u>Public Works:</u>	No conditions. Memo dated 09/05/24.
<u>Traffic and Safety:</u>	No conditions. Memo dated 09/05/24.
<u>Building Code Services:</u>	Shall comply with all Building Codes. Memo dated 09/05/24.
<u>GIS:</u>	No conditions. Memo dated 08/29/24.
<u>Police Department:</u>	No comment as of 09/06/24.
<u>Fire Department:</u>	No conditions. Memo dated 08/29/24.
<u>City Arborist:</u>	No conditions. Memo dated 09/03/24.

DIRECTOR APPROVAL

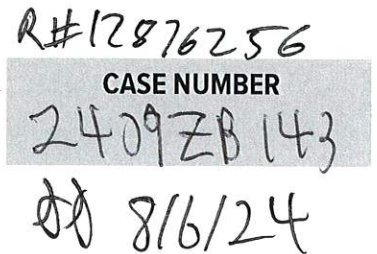
This report has been reviewed and approved by:



Greg Holmes

Director of Urban Development Department





OWNER:

Printed Name of Owner

JOSE SANTAMARIA

Mailing Address

1200 COLLEGE ST

City

State

Zip Code

GULFPORTMS39507

Home Phone

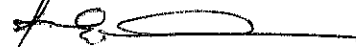
Work/Cell Phone

228-860-0171

Email

J-G.PAINTING.COM

Signature of Owner

**AGENT:**

Printed Name of Agent

Mailing Address

City

State

Zip Code

Home Phone

Work/Cell Phone

Email

Signature of Agent

This page must be completed if the property or properties involved have more than one owner. All persons listed as owners to the property or properties listed on page one must complete and sign this part of the application. We can only accept applications with original signatures.

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

Name of Owner (PRINT) JOSE SANTAMARIAAddress (Street, City, State, Zip Code) 1200 COLLEGE ST. MS 39507Phone (Home) _____ (Work) _____ (Cell) 228-860-0171Tax Parcel Number(s) Owned: 10105-02-023-000Signature: 

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: _____



COVENANT AFFIDAVIT

I, JOSE SANTAMARIA being property owner or agent of the property 10105-02-023-000
PRINT NAME PRIMARY ADDRESS OR PARCEL

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

[Signature]
SIGNATURE

8/6/24
DATE

STATE OF MISSISSIPPI | COUNTY OF HARRISON

Given under my hand and seal of office this the 6th day of August, 20 24

[Signature]
NOTARY PUBLIC

05/22/2027
COMMISSION EXPIRATION



① - ITS NOT MORE ROOM TO BUILT THE GAZEBO IF BUILT ON OTHER PLACE AVAILABLE AT THE PROPERTY WILL BLOCK THE GARAGE ENTRANCE

② - A NEW POOL IS BEING BUILT AND WGED A GAZEBO AND READY EXIST A GARAGE, WANT TO BUILT BETWEEN THE GARAGE AND FENCE IN FRONT OF THE POOL.

③ BECAUSE OF A NICE OAK TREE IN THE YARD AND EXISTING GARAGE IS NOT ANOTHER PLACE TO BUILT THE POOL, THAS IS BILT AND A GAZEBO SHOULD BE CLOSET BY THE POOL FOR CONVENIENCE AND MAKE A BEATI'FULL DESIGNED FOR THE PROPERTY,

④ BUILT AS DESIGNED BACK YARD WILL BRING MORE VALUE FOR THE PROPERTY ALSO BRING AN EXEMPLE FOR THE NEIGHBORHOOD.

⑤ - THE OTHER HOUSES HAVE MORE SPACE TO DESIGNED THEIR YARD, I DONT BECAUSE IS A BIG OAK TREE AND THE EXISTING GARAGE.

⑥ - ~~THE~~ ACCESS STRUCTURE
ACCESSORY STRUCTURE IS ALLOWED BY RIGHT.

1010E-02-020.000

65

1208 1022 MONET ST

65

1010E-02-025.000



Area Map

Printed 8/6/2024

1010E-02-019.000

1010E-02-018.000

MONET ST

985

Handwritten: 24x14, 8', 2'

Handwritten: 10' Fitt Hy

1010E-02-023.000

Handwritten: 80'

2100

1010E-02-024.000

1010E-02-023.001

2829 1208 COLLEGE ST

2827 1200 COLLEGE ST

COLLEGE ST

1010E-02-041.000

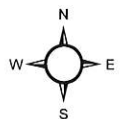
1010E-02-038.000

Initial and date here:

Planner: _____

Owner: _____

Contractor: _____



1 inch = 33 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.



J. Warren 1st Judicial District
Instrument 2010 4922 D - J1
Filed/Recorded 7/22/2010 10:50 A
Total Fees \$ 12.00
3 Pages Recorded

Prepared by:
Gerald M. Warren, Attorney
P. O. Box 1506
Gulfport, MS 39502
(228) 897-9975
MS Bar No. 06963

Return to:
Gerald M. Warren, Attorney
P. O. Box 1506
Gulfport, MS 39502
(228) 897-9975

INDEXING INSTRUCTIONS: Parcel in SE 1/4 of SW 1/4, Sec. 30-7-10, Bounded on the North by property now or formerly of Dambrino, on the East by property now or formerly of Carl L. Pierce and Mildred L. Pierce, on the South by College Street and on the West by Monet Street

SPECIAL WARRANTY DEED

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

FEDERAL NATIONAL MORTGAGE ASSOCIATION

14221 International Parkway, Ste. 1000
Dallas, TX 75254
(972) 773-7551

does hereby sell, convey and warrant specially unto

JOSE SANTAMARIA
1200 College Street
Gulfport, MS 39507
(228) 860-0171

the following land and property, lying and being situated in the County of Harrison, State of Mississippi, and more particularly described as follows, to-wit:

2

That certain piece or parcel of land commencing at a point 320 feet West of the Southeast corner of Square Five of the Monet Survey of the Town of Handsboro; as per plat of said survey and on file in the office of the Chancery Clerk of Harrison County, Mississippi, and running thence in a Westerly direction a distance of 80 feet; thence in a Northerly direction a distance of 185 feet; thence in an Easterly direction a distance of 80 feet; thence in a Southerly direction a distance of 185 feet to the point of beginning.

Said parcel being further described as being bound on the North by property now or formerly of Dambrino, on the East by property now or formerly of Carl L. Pierce and Mildred L. Pierce, on the South by College Street and on the West by Monet Street.

MORE COMMONLY KNOWN AS 1200 COLLEGE STREET, GULFPORT, MS 39507

THIS CONVEYANCE and the warranty hereof are made subject to all building restrictions, restrictive covenants, easements, rights of way, and mineral reservations of record, if any, pertaining to the above described property.

IT IS AGREED AND UNDERSTOOD that the ad valorem taxes for the current year have been prorated as of this date on an estimated basis or actual taxes from the previous year and that the prorations are final and any difference will not be adjusted by the Seller after closing.

TO HAVE AND TO HOLD the above described premises, together with all and singular the rights and appurtenances thereto in any wise belonging, unto the said GRANTEE, his heirs or assigns forever, subject to, an excepting, current taxes and other assessments, reservations in patents, and all easements, rights of way, encumbrances, liens, covenants, conditions, restrictions, obligations and liabilities as may appear of record. GRANTOR does hereby bind itself and its successors and assigns, against every person whomsoever lawfully claiming or to claim the same, or any part thereof, through, or under Grantor, but not otherwise.

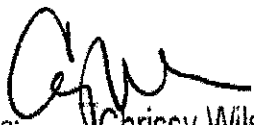
WITNESS the signature of the Grantor on this the 20th day of July, 2010.



FEDERAL NATIONAL MORTGAGE ASSOCIATION

BY:

Name & Title:

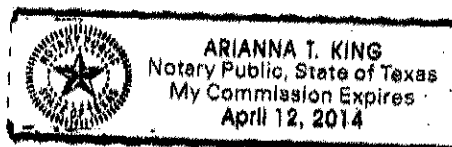

Chrissy Wilson
Assistant Vice President

STATE OF
COUNTY OF

TX
Dallas

PERSONALLY appeared before me, the undersigned authority in and for said county and state, on this 20th day of July, 2010, within my jurisdiction, the within named **Chrissy Wilson**, who acknowledged to me that (he)(she) is **Assistant Vice President** of FEDERAL NATIONAL MORTGAGE ASSOCIATION, and that for and on behalf of Federal National Mortgage Association and as its act and deed (he)(she) signed and delivered the foregoing instrument of writing, after having been first duly authorized to do so.

NOTARY PUBLIC
My Commission Expires:

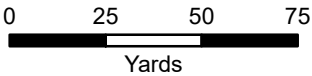


Mail	PPIN	Parcel ID	Name	Address	City	State	ZIP
Y		1010E-02-023.000	JOSE SANTAMARIA	1200 COLLEGE ST	GULFPORT	MS	39507
			Adjacent Property Owners (2409ZB143)				
	20747	1010E-02-024.000	TYSON ROBERT C & KIMBERLY A	1005 BRIDGE ST	GULFPORT	MS	39507
	83739	1010E-02-018.000	CONNER BESSIE ETAL	1114 COLLEGE HB STA	GULFPORT	MS	39501
	20746	1010E-02-023.001	PIERCE MILDRED L -L/E-	1208 COLLEGE STREET	GULFPORT	MS	39507
	20750	1010E-02-020.000	LIZANA OREN KEITH	2290 WESTWIND WAY	SIGNAL HILL	CA	90755
	115011	1010E-02-042.001	GILLUM SEAN P	921 MONET ST	GULFPORT	MS	39507
N	83740	1010E-02-023.000	SANTAMARIA JOSE	1200 COLLEGE ST	GULFPORT	MS	39507
	20756	1010E-02-043.000	GILLUM SEAN PAUL	921 MONET STREET	GULFPORT	MS	39507
	83745	1010E-02-041.000	MOEINI MOHAMMAD -ESTATE-	P O BOX 8833	GULFPORT	MS	39506
N	20757	1010E-02-042.000	GILLUM SEAN P	921 MONET ST	GULFPORT	MS	39507
	20743	1010E-02-022.000	SEMETIS RICK A	1201 SPRING ST	GULFPORT	MS	39507
	20748	1010E-02-021.000	MCBRIDE CHRISTINE D	109 SOUTH KERNS DR	GULFPORT	MS	39503
N	20749	1010E-02-019.000	SANTAMARIA JOSE	1200 COLLEGE ST	GULFPORT	MS	39507
	105446	1010E-02-025.001	WILLIAMS EARL	4436 WARES FERRY ROAD	MONTGOMERY	AL	36109
	20742	1010E-02-025.000	GEOTES JOHNNY W & THOMPSON DONALD	1751 MAGNOLIA STREET	GULFPORT	MS	39507
	20771	1010E-02-038.000	MORSE REILLY & CHRISTINA B	929 BRIDGE ST	GULFPORT	MS	39507
	20760	1010E-02-044.000	GILLUM PATRICIA A C	P O BOX 6327	GULFPORT	MS	39506
	20759	1010E-02-045.000	FIRST MISSIONARY BAPTIST CHURCH	1100 E PASS RD	GULFPORT	MS	39507



Legend

- Site
- Adjacent Properties
- Street
- Buildings



1 inch = 150 feet



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



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	588196	Print Legal Ad-IPL01918640 - IPL0191864		\$104.65	2	54 L

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

accountspayable@gulfport-ms.gov

LEGAL NOTICE PUBLIC HEARING

In conformance with Section VIII of the Comprehensive Zoning Ordinance of the City of Gulfport, Mississippi, 1979, as amended, notice is hereby given advising that the Zoning Board of Adjustment and Appeals will hold a public hearing in the City of Gulfport, Mississippi at 3:00 P.M., Thursday, September 19, 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 2408ZB113, by owner Land Lady Investments, LLC, seeking approval for parking that backs out into city right of way, Tax Parcel 0910N-07-014.000, 512 Pass Road, Zoned B-2 (General Business), Ward 4

Variance 2408ZB114, by owner Land Lady Investments, LLC, seeking approval to have 4 regular parking spaces where 7 is required, Tax Parcel 0910N-07-014.000, 512 Pass Road, Zoned B-2 (General Business), Ward 4

Variance 2409ZB127, by owner Ancillary Capital LLC, seeking approval for a seven-foot front yard setback where 15 feet is required, Tax Parcel 0811L-03-030.001, 33rd Ave, Zoned T4+ (General Urban Zone "Plus"), Ward 2

Variance 2409ZB137, by owner Gregory LeBaugh, seeking approval for an accessory structure of 840 square feet in addition to an existing 540 square-foot accessory structure on a property less than an acre, Tax Parcels 0807M-03-030.000, 0807M-03-031.000, 15408 Woody Drive, Zoned R-1-10 (Single-family), Ward 7

Variance 2409ZB138, by agent All Sign Inc, seeking approval for an additional wall sign on the northern elevation, Tax Parcel 1010E-01-021.001, 1201 Washington Ave, Zoned T3 (Sub-Urban Zone), Ward 4

Special Exception 2409SE140, by agent Johnathan Tate Jr., seeking approval for a daycare use, Tax Parcel 0810N-04-001.000, 2301 31st Street, Zoned B-2 (General-Business), Ward 3

Variance 2409ZB141, by agent J.R. Walsh, seeking approval for 16-foot-tall accessory structure that exceeds the primary structure height, Tax Parcel 1009L-02-009.000, 11172 Creel Circle, Zoned R-1-7.5 (Single-family), Ward 5

Variance 2409ZB142, by agent J.R. Walsh, seeking approval of a 1600 square-foot accessory structure in addition to an existing 980 square foot structure on a property that is less than an acre, Tax Parcel 1009L-02-009.000, Zoned R-1-7.5 (Single-family) Ward 5

Variance 2409ZB143, by owner Jose Santamaria, seeking approval for a 2-foot side yard setback where 6 feet is required, Tax Parcel 1010E-02-023.000, 1200 College St, Zoned T3 (Sub-Urban Zone), Ward 4

Variance 2409ZB147, by owner Queen E. Graves, seeking approval for a 6-foot second frontage setback where 15 feet is required, Tax Parcel 0810F-03-072.000, Alabama Ave, Zoned R-1-5 (Single-Family), Ward 3

Variance 2409ZB148, by owner Jose Santamaria, seeking approval for a 196 square foot accessory structure in addition to existing 985 square foot structure on a parcel less than an acre, Tax Parcel 1010E-02-023.000, 1200 College St, Zoned T3 (Sub-Urban Zone), Ward 4

Variance 2409ZB149, by owner Jeanette Ladner, seeking approval for a second frontage setback of 15.5 feet where 25 feet is required, Tax Parcel 0811B-04-069.000, 2300 18th Ave, Zoned R-2 (Single-Family), Ward 3

This the 28th day of August 2024
A. Leslie North, Chairman
City of Gulfport Zoning Board of Adjustment and Appeals
IPL0191864
Sep 4 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:
09/04/24

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.

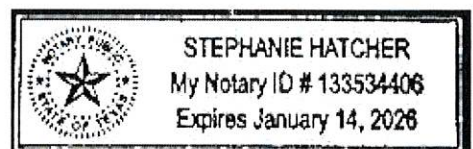
Mary Castro

Sworn to and subscribed before me this 10th day of September 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!



URBAN DEVELOPMENT DEPARTMENT | PLANNING & ZONING

PO BOX 1780 | GULFPORT, MS | 1410 24TH AVENUE

P: 228.868.5710 | F: 228.868.5708 | PLANNERS@GULFPORT-MS.GOV

ZONING BOARD OF ADJUSTMENT AND APPEALS CASE # 2024-744

Hearing Date: Thursday, September 19, 2024

Variance 2409ZB147: Variance 2409ZB147, by owner Queen E. Graves, seeking approval for a 6-foot second frontage setback where 15 feet is required, Tax Parcel 0810F-03-072.000, Alabama Ave, Zoned R-1-5 (Single-Family), Ward 3

Technical Report

VARIANCE

GENERAL INFORMATION

Case File Number: 2409ZB147

Hearing Date: September 19, 2024

Current Zoning/Use: R-1-5 / Single Family Home

Legal: Variance 2409ZB147, by owner Queen E. Graves, seeking approval for a 6-foot second frontage setback where 15 feet is required, Tax Parcel 0810F-03-072.000, Alabama Ave, Zoned R-1-5 (Single-Family), Ward 3

TECHNICAL DETAILS

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

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

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

Technical Report

VARIANCE

The applicant requests a variance in order to have a 6-foot second frontage setback where 15 feet is required. Because the R-1-5 zone does not call out a second frontage setback, the second frontage must also meet the front setback outlined in the ordinance. Due to the size and shape of the parcel, it would not be possible to build a single-family home that would meet both the secondary frontage set back and the side yard setback on Lot 30 of this parcel. Without a variance, there is approximately 4 feet of width for the home to be built within. It should be noted that it would be possible to build the proposed structure on Lots 31 and 32 of the parcel without variances, although, it would front a different street.

- (a) The applicant notes that Lot 30 of her property is situated on the corner of Alabama Ave and Monroe St and that the total size of the lot is "25 feet by 85 feet". The applicant states that meeting the current setback requirements of 15 feet from the secondary frontage and 6 feet from the side yard causes an unnecessary hardship for a lot that is only 25 feet wide. Upon site visit, it is clear that not many homes in the area are built within the secondary frontage setback, however, this being a lot of record and the size and shape of the parcel present a real hardship if intending to front Alabama Ave.
- (b) The applicant states "The size, location, and shape of the lot in question was already pre-determined at the time the property was acquired". The applicant notes that the property was purchased with the intent to develop for residential living purposes. Lot 30 is an existing lot of record. The hardship is inherent to the lot and no hardship was caused by the applicant. However, the applicant could build on the other two lots and front Monroe street and would not need any variances. The hardship only applies to development on Lot 30 and does not apply to the parcel as a whole.
- (c) The applicant states "adherence to a 15-foot front yard setback and a 6-foot side yard setback form a 25-foot wide property would only leave 4 foot of working space which would ultimately render the lot useless.". The applicant notes that it may not be commonly found on other properties because other properties may not be situated on a corner lot and would not have to meet a 15-foot setback on both frontages. Although having a corner lot is not rare as the applicant states, it is rare to only have one lot to build on one of your frontages.
- (d) The applicant notes that the requested secondary frontage variance would allow for reasonable development of their property for residential use. Because of the size and shape of the parcel, the literal interpretation of the ordinance would prevent reasonable development on Lot 30. However, the applicant has adequate space for the intended home on Lots 31 and 32.
- (e) The applicant states "the granting of this variance will not confer any special privileges to me that others who follow the zoning ordinance cannot receive. On the other hand, the granting of the variance will allow for equitable and fair use of my property, given the size, shape, and location of the lot". Because of the size and shape of the property, the granting of this variance will not give any special privilege to the applicant. It is clear that the parcel has a particular shape and size that other parcels in the area do not thus creating the need for the variance.
- (f) This property is zoned R-1-5 and a single-family home is allowed by right.

Technical Report

VARIANCE

EXECUTIVE SUMMARY

The applicant is requesting a variance for a secondary frontage setback of 6 feet where 15 feet is required. Per the ordinance, if a secondary frontage setback is not specifically listed for the zone, the secondary frontage must meet the same measurement as the front yard setback. The required front yard setback for an R-1-5 zone is 15 feet thus requiring the secondary frontage setback to be 15 feet. Because of the size and shape of the parcel, a real hardship is faced when developing on Lot 30 where the proposed single-family home would be. The shape and size of the parcel presents a unique hardship that ultimately will need an approval for a variance to build a livable structure onto Lot 30. However, it should be noted that the hardship is only faced when intending to front Alabama Ave and adequate space for the intended structure is present on Lots 31 and 32 but would require the applicant to front Monroe Street.

Any approval should consider these conditions:

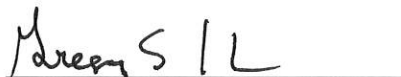
1. Shall comply with all building codes.
2. Approval would allow for a 6-foot setback where 15 is required.

DEPARTMENTAL CONDITIONS

<u>Engineering:</u>	No conditions. Memo dated 9/6/2024.
<u>Public Works:</u>	No comment as of 9/6/2024.
<u>Traffic and Safety:</u>	No conditions. Memo dated 9/5/2024.
<u>Building Code Services:</u>	Shall comply with all building codes. Memo dated 9/5/2024.
<u>GIS:</u>	No conditions. Memo dated 8/29/2024.
<u>Police Department:</u>	No comment as of 9/6/2024.
<u>Fire Department:</u>	No conditions. Memo dated 08/29/2024.
<u>City Arborist:</u>	No conditions. Memo dated 9/3/2024.

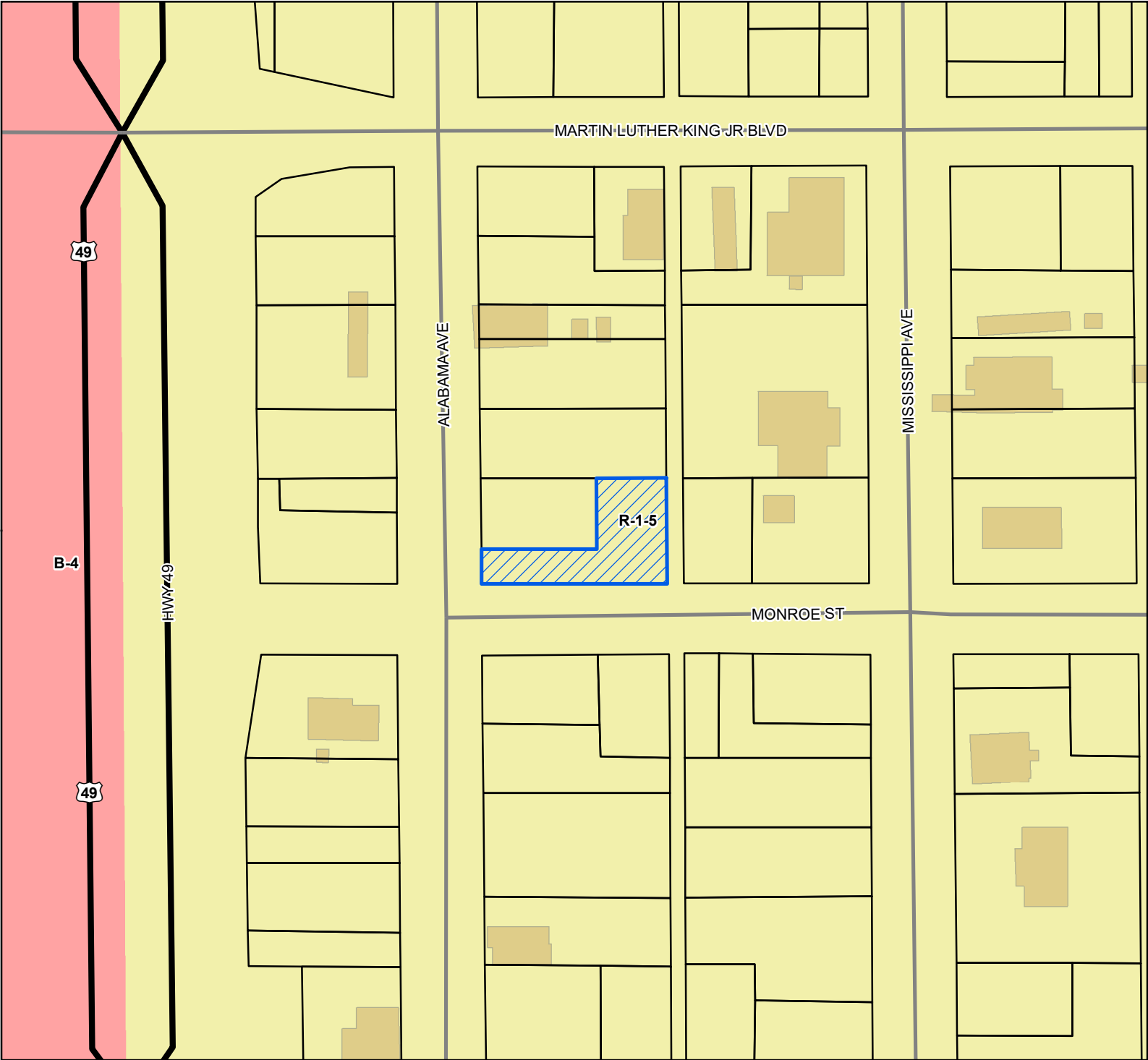
DIRECTOR APPROVAL

This report has been reviewed and approved by:



Greg Holmes

Director of Urban Development Department



Site

US or State Highway

Street

Parcels

Buildings

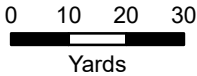
City Limit

Zoning

B-4 - Highway Business District

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

Site Information
0810F-03-072.000
Zoning: R-1-5 (Single Family)
Size: 5911.39 sqft
Flood: X



1 inch = 100 feet



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



CASE NUMBER

2409 Z0147
BC 08/08/24
Recpt #12879634Urban 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

08	10	F	-	03	-	072	.	000											

Property Address:

4502 Alabama Avenue Gulfport, MS 39501
Lot(s) 30-32 Block(s) 271 Subdivision North Gulfport

General Description of Request:

Requesting a 6' side set back
where 15' is required. Second frontage

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:Queen E. Graves

Printed Name of Owner

2616 George Street

Mailing Address

GPT, MS 39503

City

State

Zip Code

(228) 343-2064

Home Phone

Work/Cell Phone

QLIZGraves@yahoo.com

Email

Signature of Owner

AGENT:

Printed Name of Agent

Mailing Address

City

State

Zip Code

Home Phone

Work/Cell Phone

Email

Signature of Agent

This page must be completed if the property or properties involved have more than one owner. All persons listed as owners to the property or properties listed on page one must complete and sign this part of the application. We can only accept applications with original signatures.

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

Name of Owner (PRINT)

Queen Elizabeth Graves

Address (Street, City, State, Zip Code)

2616 George Street Gulfport, MS 39503

Phone (Home)

(228) 343-2064

(Work)

(Cell)

Tax Parcel Number(s) Owned:

0810F-03-072-000

Signature:

Queen Elizabeth Graves

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:



COVENANT AFFIDAVIT

I, Queen E. Graves being property owner or agent of the property 0810F-03-072.000
PRINT NAME PRIMARY ADDRESS OR PARCEL
which is the subject of this application, hereby state that this variance request is not in violation of any
restrictive or protective covenants.

Queen E. Graves
SIGNATURE

August 8, 2024
DATE

STATE OF MISSISSIPPI | COUNTY OF HARRISON

Given under my hand and seal of office this the 8th day of August, 20 24

Samuel Sweeting
NOTARY PUBLIC

05/22/2027
COMMISSION EXPIRATION



Variance Submissions

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?)

Lot 30 of my property is situated at the corner of the block and adjacent to two separate cross streets, Alabama Ave on the WEST property line and Monroe St on the SOUTH property line. The total size of the lot is 25' x 85'. Meeting the current requirement of a 15' setback from the South Property line (Monroe St) and a 6' side yard setback would cause unnecessary hardship as the lot is only 25' wide and the setback requirements would take up 21' of the available space leaving only a 4' wide property to work with.

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

The size, location, and shape of the lot in question was already pre-determined at the time the property was acquired. The property was purchased with the intent to develop for residential living purposes.

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?)

Adherence to a 15' front yard setback and 6' side yard setback from a 25' wide property would only leave 4' of working space which would ultimately render the lot useless. This issue may not be commonly found on other properties as other properties may not be situated on a corner lot and thus will not have to meet a 15' front yard setback from multiple directions.

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.)

The requested side yard setback variance will allow for me to exercise my right of reasonable economic return by allowing for reasonable development of my property for use as a residential property.

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?)

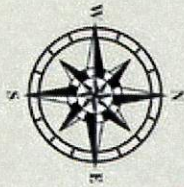
The granting of this variance will not confer any special privileges to me that others who follow the zoning ordinance cannot receive. On the other hand, the granting of the variance will allow for equitable and fair use of my property, given the size, shape, and location of the lot.

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

The proposed use of the property as a primary residence is permissible by right and should be encouraged and supported as the land is currently situated in a subdivision that was originally meant to accommodate at least one single family residence on each sub-divided lot. My hope is to use the land as it was originally intended.

ALABAMA AVABAMA AVE

Alabama Ave



25

15 ft

6 ft

6 ft

8 ft

85

Monroe St

MONROE ST

50

85

29

28

135

31

32

75

50

50

135

27

26

50

85
19

75

75

50



1st Judicial District
Instrument 2010 7092 D -J1
Filed/Recorded 10/25/2010 09:32 A
Total Fees \$ 14.00
1 Pages Recorded

State of Mississippi, Harrison
First Judicial District

CONVEYANCE OF LAND SOLD FOR TAXES Conveyance Number 2044

Parcel 0810F-03-072.000
PPIN 51056 2007

Be it known, that DAVID V. LAROSA, SR. tax collector of said county
of HARRISON, did, on the 25TH day of AUGUST, A.D. 2008,
according to law, sell the following land, situated in said county and
assessed to PITTMAN ROWLIE to wit:

tax Description: Section Township Range Acres TDF
28 07 11 4GO
DR: 1367/0058 04/07/1997-
MORGAN, WILTON SR-DC-
LOTS 30 TO 32 INC. BLK 271 NORTH
GULFPORT, SECS. 27/28-7-11
BLOCK 271
NORTH GULFPORT BLKS 251-325

for the taxes assessed thereon for the year 2007, when
QUEEN E GRAVES became the best bidder therefor, at
and for the sum of 61.86; and the same not having been redeemed
therefore sell and convey said land to the said
QUEEN E GRAVES

Witness my hand and seal, this 19TH day of OCTOBER 2010
JOHN MCADAMS CHANCERY CLERK, Chancery Clerk
by

P. O. DRAWER CC
GULFPORT, MS 39502
228-865-4033

Identify Owners	Chancery Fees	
Clerks Release Fee	50.00 Clerks Recording Fee	10.00
Clerks Indexing Fee	1.00 Certify Redemption Amount	1.00
1st Mail to Owner	1.00 1st Issue to Owner	4.00
2nd Mail to Owner	3.00 2nd Issue to Owner	15.00
	10.00	

Total Chancery Fees 95.00
Total Sheriff Fees 8.00
Grand Total \$103.00

Prepared By (Grantor):
JOHN MCADAMS CHANCERY CLERK
P. O. DRAWER CC
GULFPORT, MS 39502
GULFPORT MS 39502
228-865-4033

Return To (Grantee):
QUEEN E GRAVES
2616 W GEORGE STREET
GULFPORT MS 39503
228-832-7827

State of Mississippi, Harrison

Personally appeared before me, the undersigned authority of law in and for
the county and state, aforesaid the within named, John McAdams, Chancery
Clerk in and for said county and state, who acknowledged that he signed and
delivered the foregoing instrument on the day and year therein mentioned.
Given under my hand and official seal of office at my office this 19th day of
October, 2010.

TITLE: NOTARY



This is
Queen Graves
deed. This shows she
is the owner.
Emily
228-865-4121

LRMINQ01 APPRINQ44
Library 2024
GRAVES QUEEN E
2616 W GEORGE ST

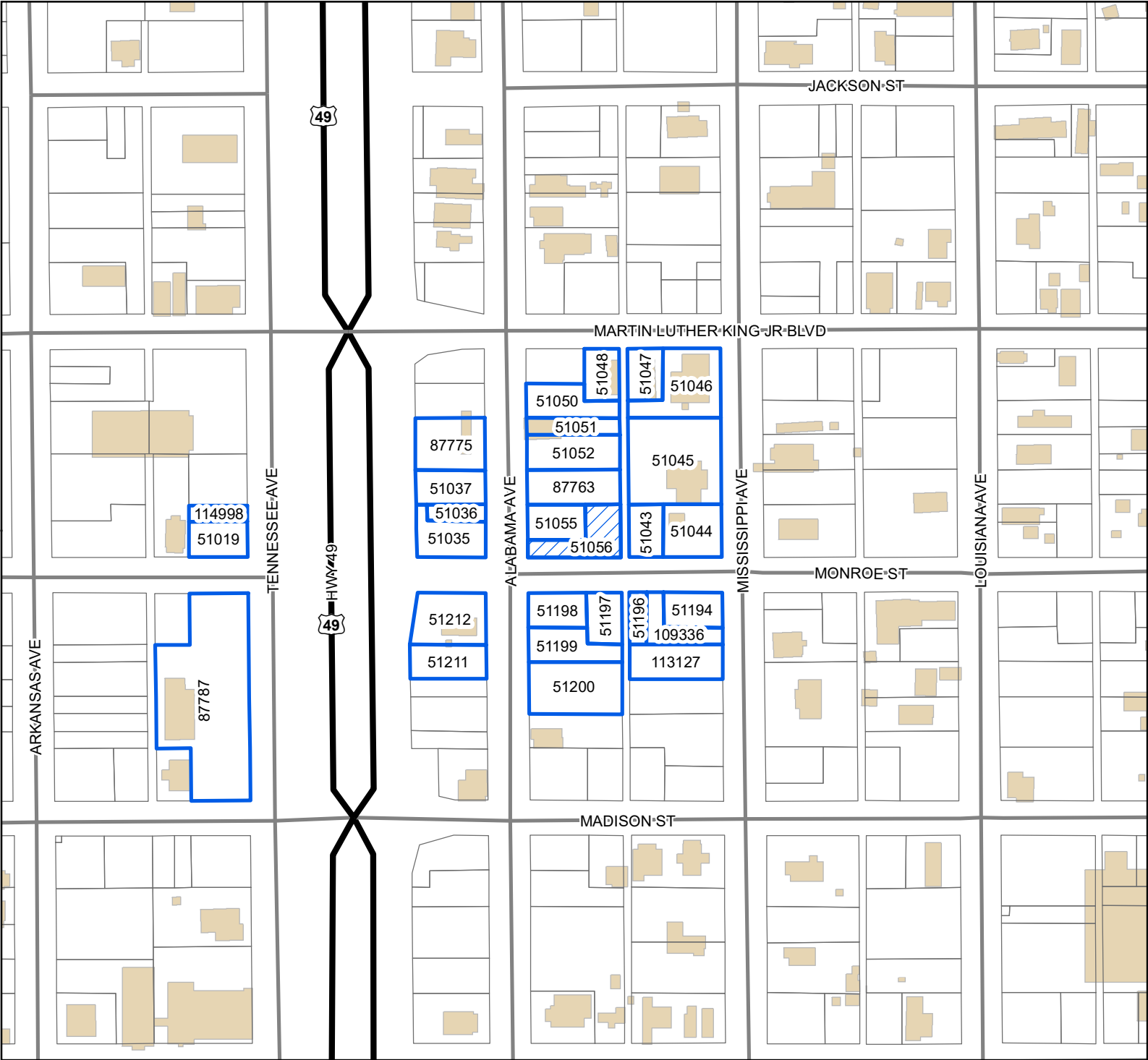
LAND ROLL MAINTENANCE

LRWINQ01/HC

Parcel 0810F-03-072.000 PPIN 51056
Alt Parcel 0810F-03-072.000
Exempt Code Tax District 4G0
Subdivision 01799
NORTH GULFPORT BLKS 251-325
Neighborhood

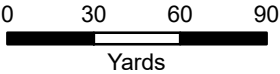
C/S/Z GULFPORT MS 39503
Sect/Twn/Rng 28 07 11 Blk 271 St 4502 ALABAMA AVE
Cls C-Acres C-Value U-Acres U-Value T-Acres Improved True Assessed
1
2 3865 3865 580
3865 580
Homestead Type 1=065 2=DAV 3=DIS 4=Reg Reg 100 DAV
Mtg Eligible for Class 1 N (Y/N)
New Value Added F-Fire 0-Override Deed Ref. 2010-0007092-D-J1
Drainage Code Benefit Price Total Deed Date 10 / 25 / 2010
Roll: Page Line Added
County 6582 1 By
City Changed 4 4 2011
School By LSC
Levee Benefits X .05 =
F3-NEXT PARCEL, F5-LEGAL, F6-ADDENDUM, F7-DEEDS, F8-FLAGS, F9-OPTIONS F10-PRINT

Mail	PPIN	Parcel ID	Name	Address	City	State	ZIP
Y		0810F-03-072.000	QUEEN E. GRAVES (OWNER)	2616 GEORGE STREET	GULFPORT	MS	39503
			Adjacent Property Owners (2409ZB147)				
	109336	0810F-03-065.002	JOHNSON LEVIE G III	P O BOX 2912	GULFPORT	MS	39505
N	51197	0810F-03-071.000	JOHNSON LEVIE G III	P O BOX 2912	GULFPORT	MS	39505
N	51198	0810F-03-070.000	JOHNSON LEVIE G III	P O BOX 2912	GULFPORT	MS	39505
N	51196	0810F-03-063.000	JOHNSON LEVIE G III	P O BOX 2912	GULFPORT	MS	39505
	51212	0810F-03-109.000	JASPER EVA JEAN ETAL	8163 ALABAMA AVE	GULFPORT	MS	39501
	87787	0810F-04-013.000	DONAHOO JAMES W	P O BOX 694	BELZONI	MS	39038
	87763	0810F-03-074.000	POWELL NATHANIEL M & RANDALL B	P O BOX 1863	GULFPORT	MS	39502
	51037	0810F-03-106.000	LAURIANO GREER	1222 PACIFIC ST	BROOKLYN	NY	11216
N	51194	0810F-03-064.000	JOHNSON LEVIE G III	P O BOX 2912	GULFPORT	MS	39505
	51048	0810F-03-079.000	DRAUGHN MAXINE	15171 M L KING JR BLVD	GULFPORT	MS	39501
	51046	0810F-03-059.000	WORD OF POWER MINISTRIES	P O BOX 3537	GULFPORT	MS	39505
	51047	0810F-03-058.000	JOHNSON JERRY L & JERRY L JR	2734 17TH AVE	GULFPORT	MS	39501
	51036	0810F-03-107.000	LAURIANO JAMES C	1222 PACIFIC ST	BROOKLYN	NY	11216
N	51055	0810F-03-073.000	LAURIANO JAMES C	1222 PACIFIC ST	BROOKLYN	NY	11216
	51035	0810F-03-108.000	BABIN TODD J	617 CARMADELLE ST	MARRERO	LA	70072
	51044	0810F-03-061.000	EVANS SAMUEL L	14417 AUTUMN CHASE	GULFPORT	MS	39503
N	51043	0810F-03-062.000	GRAVES QUEEN E	2616 W GEORGE ST	GULFPORT	MS	39503
	51199	0810F-03-069.000	JONES TIMOTHY & SONJA K	155 WALNUT COURT	GULFPORT	MS	39501
	114998	0810F-04-009.003	MABIE HOLDINGS LLC	P O BOX 2081	GULFPORT	MS	39505
	51050	0810F-03-077.000	MCNAIR JAMES JR & SHIRLEY ANN	6 AVOYELLES PL	NEW ORLEANS	LA	70129
	51211	0810F-03-110.000	NORTH GULFPORT COMMUNITY LAND	CONSERVANCY INC	GULFPORT	MS	39501
N	51052	0810F-03-075.000	JOHNSON LEVIE G III	P O BOX 2912	GULFPORT	MS	39505
	51045	0810F-03-060.000	PATTON JOE WILLIE ETAL	3504 NUNNALLY ST	GULFPORT	MS	39501
	87775	0810F-03-105.000	PITTMAN GREGORY F	3601 MEADOWLARK DR	GULFPORT	MS	39501
	51051	0810F-03-076.000	WARD KEITH S & TINA M	8192 ALABAMA AVE	GULFPORT	MS	39501
	51200	0810F-03-068.000	NICHOLSON CHESSIE -EST- ETAL	144 PENNSYLVANIA AVE	BROOKLYN	NY	11207
N	51056	0810F-03-072.000	GRAVES QUEEN E	2616 W GEORGE ST	GULFPORT	MS	39503
N	51019	0810F-04-010.000	MABIE HOLDINGS LLC	P O BOX 2081	GULFPORT	MS	39505
N	113127	0810F-03-065.003	JOHNSON LEVIE G III	P O BOX 2912	GULFPORT	MS	39505



Legend

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



1 inch = 200 feet



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The Beaufort Gazette
The Belleville News-Democrat
Bellingham Herald
Centre Daily Times
Sun Herald
Idaho Statesman
Bradenot 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	588196	Print Legal Ad-IPL01918640 - IPL0191864		\$104.65	2	54 L

Attention: Matilda Welch

GULFPORT URBAN DEVELOPMENT
PO BOX 1780
GULFPORT, MS 39502

accountspayable@gulfport-ms.gov

LEGAL NOTICE PUBLIC HEARING

In conformance with Section VIII of the Comprehensive Zoning Ordinance of the City of Gulfport, Mississippi, 1979, as amended, notice is hereby given advising that the Zoning Board of Adjustment and Appeals will hold a public hearing in the City of Gulfport, Mississippi at 3:00 P.M., Thursday, September 19, 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 2408ZB113, by owner Land Lady Investments, LLC, seeking approval for parking that backs out into city right of way, Tax Parcel 0910N-07-014.000, 512 Pass Road, Zoned B-2 (General Business), Ward 4

Variance 2408ZB114, by owner Land Lady Investments, LLC, seeking approval to have 4 regular parking spaces where 7 is required, Tax Parcel 0910N-07-014.000, 512 Pass Road, Zoned B-2 (General Business), Ward 4

Variance 2409ZB127, by owner Ancillary Capital LLC, seeking approval for a seven-foot front yard setback where 15 feet is required, Tax Parcel 0811L-03-030.001, 33rd Ave, Zoned T4+ (General Urban Zone "Plus"), Ward 2

Variance 2409ZB137, by owner Gregory LeBaugh, seeking approval for an accessory structure of 840 square feet in addition to an existing 540 square-foot accessory structure on a property less than an acre, Tax Parcels 0807M-03-030.000, 0807M-03-031.000, 15408 Woody Drive, Zoned R-1-10 (Single-family), Ward 7

Variance 2409ZB138, by agent All Sign Inc, seeking approval for an additional wall sign on the northern elevation, Tax Parcel 1010E-01-021.001, 1201 Washington Ave, Zoned T3 (Sub-Urban Zone), Ward 4

Special Exception 2409SE140, by agent Johnathan Tate Jr., seeking approval for a daycare use, Tax Parcel 0810N-04-001.000, 2301 31st Street, Zoned B-2 (General-Business), Ward 3

Variance 2409ZB141, by agent J.R. Walsh, seeking approval for 16-foot-tall accessory structure that exceeds the primary structure height, Tax Parcel 1009L-02-009.000, 11172 Creel Circle, Zoned R-1-7.5 (Single-family), Ward 5

Variance 2409ZB142, by agent J.R. Walsh, seeking approval of a 1600 square-foot accessory structure in addition to an existing 980 square foot structure on a property that is less than an acre, Tax Parcel 1009L-02-009.000, Zoned R-1-7.5 (Single-family) Ward 5

Variance 2409ZB143, by owner Jose Santamaria, seeking approval for a 2-foot side yard setback where 6 feet is required, Tax Parcel 1010E-02-023.000, 1200 College St, Zoned T3 (Sub-Urban Zone), Ward 4

Variance 2409ZB147, by owner Queen E. Graves, seeking approval for a 6-foot second frontage setback where 15 feet is required, Tax Parcel 0810F-03-072.000, Alabama Ave, Zoned R-1-5 (Single-Family), Ward 3

Variance 2409ZB148, by owner Jose Santamaria, seeking approval for a 196 square foot accessory structure in addition to existing 985 square foot structure on a parcel less than an acre, Tax Parcel 1010E-02-023.000, 1200 College St, Zoned T3 (Sub-Urban Zone), Ward 4

Variance 2409ZB149, by owner Jeanette Ladner, seeking approval for a second frontage setback of 15.5 feet where 25 feet is required, Tax Parcel 0811B-04-069.000, 2300 18th Ave, Zoned R-2 (Single-Family), Ward 3

This the 28th day of August 2024

A. Leslie North, Chairman
City of Gulfport Zoning Board of Adjustment and Appeals
IPL0191864
Sep 4 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:
09/04/24

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.

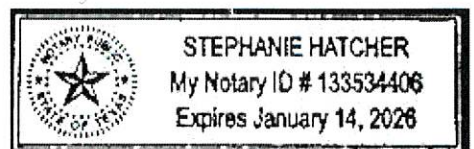
Mary Castro

Sworn to and subscribed before me this 10th day of September 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!



URBAN DEVELOPMENT DEPARTMENT | PLANNING & ZONING

PO BOX 1780 | GULFPORT, MS | 1410 24TH AVENUE

P: 228.868.5710 | F: 228.868.5708 | PLANNERS@GULFPORT-MS.GOV

ZONING BOARD OF ADJUSTMENT AND APPEALS CASE # 2024-745

Hearing Date: Thursday, September 19, 2024

Variance 2409ZB148: Variance 2409ZB148, by owner Jose Santamaria, seeking approval for a 196 square foot accessory structure in addition to existing 985 square foot structure on a parcel less than an acre, Tax Parcel 1010E-02-023.000, 1200 College St, Zoned T3 (Sub-Urban Zone), Ward 4

Technical Report

VARIANCE

GENERAL INFORMATION

Case File Number: 2409ZB148

Hearing Date: September 19, 2024

Current Zoning/Use: T3/ Single-Family Home

Legal: Variance 2409ZB148, by owner Jose Santamaria, seeking approval for a 196 square foot accessory structure in addition to existing 985 square foot structure on a parcel less than an acre, Tax Parcel 1010E-02-023.000, 1200 College St, Zoned T3 (Sub-Urban Zone), Ward 4

TECHNICAL DETAILS

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

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

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

Technical Report

VARIANCE

The applicant requests a variance to allow for the construction of an accessory structure of 196 square feet in addition to an existing 985 square foot accessory structure for a variance of 181 square feet where 1000 square feet is the maximum allowed.

- (a) The applicant does not adequately address the question with their statement. The applicant roughly states that there is no reasonable spot to build the intended accessory structure that wouldn't require a variance. This statement does not address a hardship related to the structure's overall square footage. However, the property itself does not have a hardship relating to the square footage other than the applicant's desire to have two accessory structures exceeding the allowed total of 1000 square feet for their property size.
- (b) The applicant states that due to the construction of a new pool, a gazebo is needed for it. This is not a sufficient answer. For all intents and purposes, the desire for an additional accessory structure with the exceeding square footage indicates that the applicant is the direct cause of their hardship.
- (c) Applicant states that because there is an existing tree on the property, there is not a suitable place to build the planned gazebo. This statement does not seem to pertain to the square footage of the property.
- (d) The applicant states this project will bring more value for the property as well as "bring an example for the neighborhood." Overall, value for a property is not a suitable reason for a variance. Upon staff review, there are not any surrounding properties with applicable variances that would establish that this request would be in harmony with the area.
- (e) Applicant believes that granting this variance would not confer special rights upon them. Upon staff review, there are no nearby structures that exceed the allowed 1000 square feet for accessory structures. There were no variances were applied for in that surrounding area either. Approval of this variance would establish a precedence for this area.
- (f) This property is zoned T3, and an accessory structure is allowed by right.

EXECUTIVE SUMMARY

The applicant does not display a genuine hardship at this property. While having two accessory structures are allowed by right, this property does not meet the required size to allow for those structures to exceed 1000 square feet. If this variance is approved, it would establish precedence for this area, as there are no nearby properties that have gone for a variance for structure size in this area.

Any approval should consider these conditions:

1. Must comply with all zoning rules and regulations.
2. Approval would allow for an additional accessory structure of 196 square feet in addition to an existing 985 square foot accessory structure where 1000 square feet is the maximum.
3. Must meet all current building codes and City of Gulfport Ordinances

Technical Report

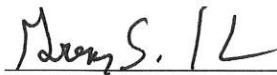
VARIANCE

DEPARTMENTAL CONDITIONS

<u>Engineering:</u>	No conditions. Memo dated 09/06/2024.
<u>Public Works:</u>	No comment as of 09/09/2024
<u>Traffic and Safety:</u>	No conditions. Memo dated 09/05/2024.
<u>Building Code Services:</u>	Must meet all current building codes and City of Gulfport Ordinances. Memo dated 09/05/2024.
<u>GIS:</u>	No conditions. Memo dated 08/29/2024.
<u>Police Department:</u>	No comment as of 09/09/2024.
<u>Fire Department:</u>	No conditions. Memo dated 09/29/2024.
<u>City Arborist:</u>	No conditions. Memo dated 08/29/2024.

DIRECTOR APPROVAL

This report has been reviewed and approved by:

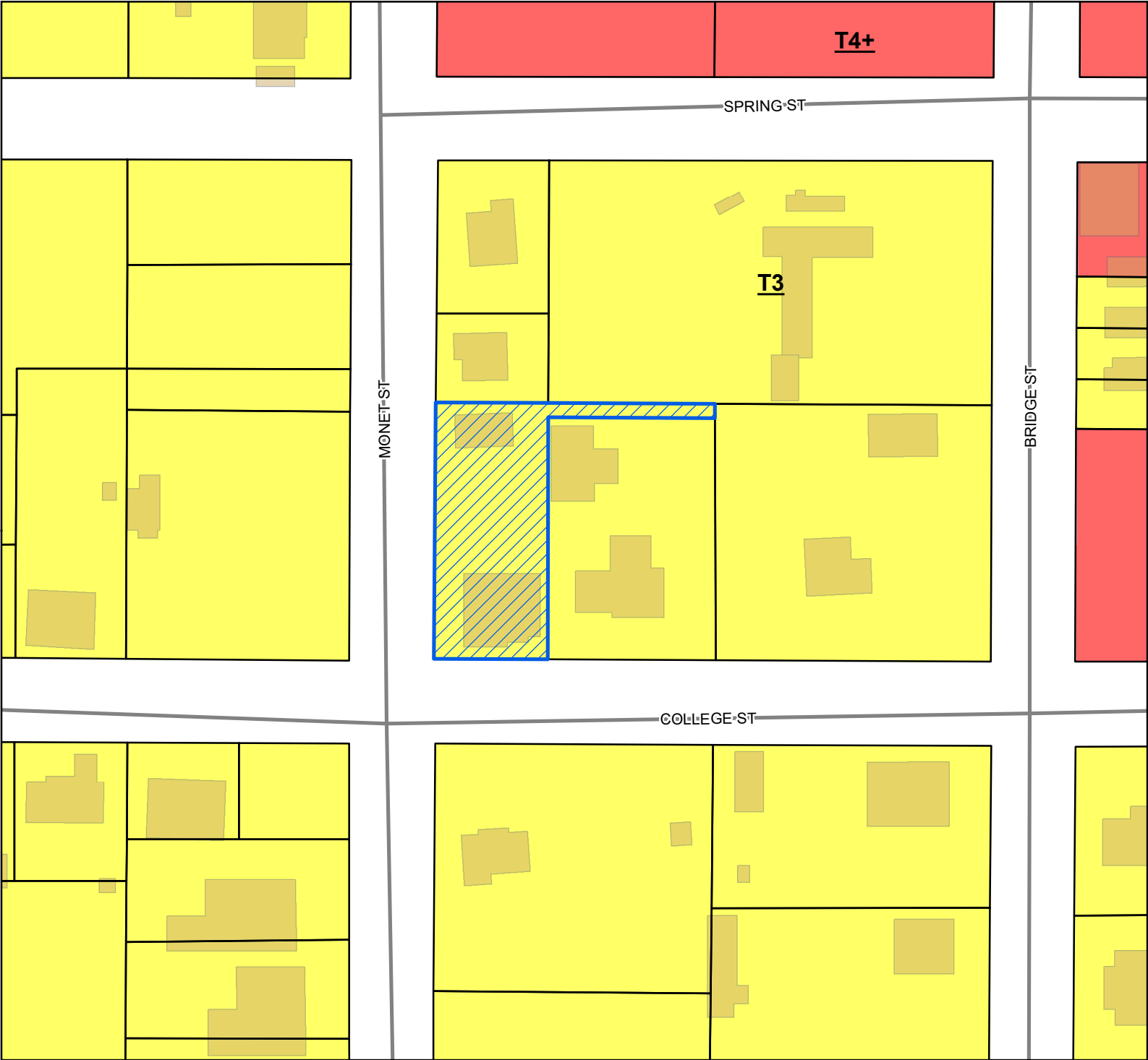


Greg Holmes

Director of Urban Development Department

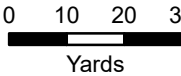
2409ZB148

Variance



- Site
- Street
- Parcels
- Buildings
- City Limit
- Smart Code
 - T4+
 - T3

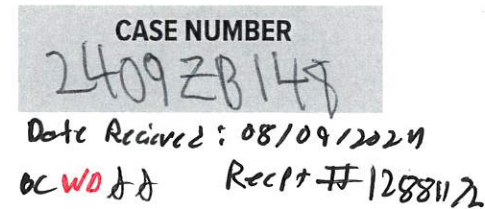
Site Information
1010E-02-023.000
Zoning: T3 (Sub-Urban Zone)
Size: 16310.92 sqft
Flood: X



1 inch = 100 feet



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



OWNER:Jose Santamaria

Printed Name of Owner

1200 College St

Mailing Address

Gulfport MS 39507

City

State

Zip Code

228-860-0171

Home Phone

Work/Cell Phone

Jcpainting@hotmail.com

Email

[Signature]
Signature of Owner**AGENT:**

Printed Name of Agent

Mailing Address

City

State

Zip Code

Home Phone

Work/Cell Phone

Email

Signature of Agent

This page must be completed if the property or properties involved have more than one owner. All persons listed as owners to the property or properties listed on page one must complete and sign this part of the application. We can only accept applications with original signatures.

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

Name of Owner (PRINT) _____

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

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

Tax Parcel Number(s) Owned: _____

Signature: _____

Name of Owner (PRINT) _____

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

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

Tax Parcel Number(s) Owned: _____

Signature: _____

Name of Owner (PRINT) _____

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

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

Tax Parcel Number(s) Owned: _____

Signature: _____

1010E-02-020.000

1010E-02-019.000

1010E-02-018.000

MONET ST

65

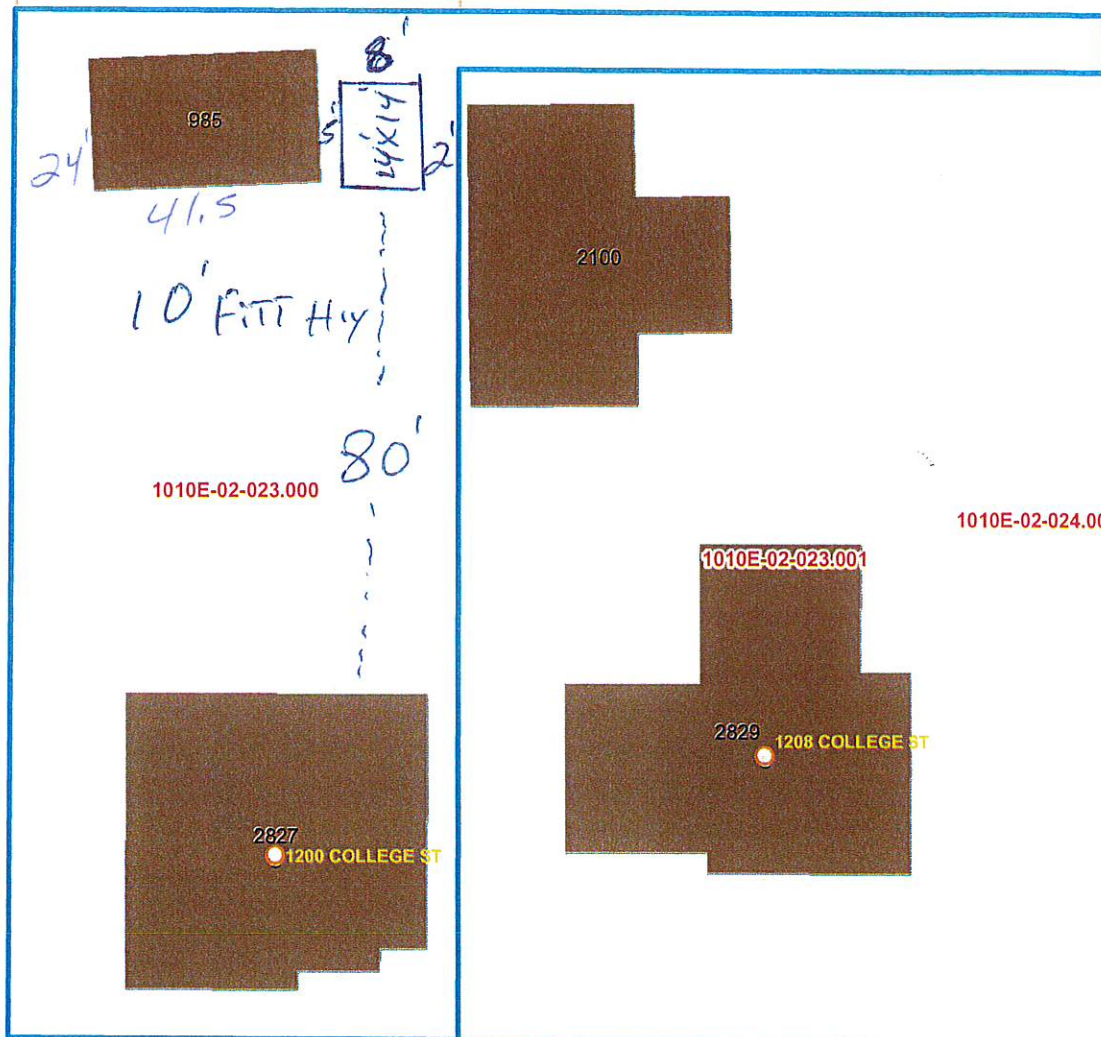
1208 1022 MONET ST
1010E-02-025.000

65



Area Map

Printed 8/6/2024



[Signature]
8/6/24

COLLEGE ST

1010E-02-041.000

1010E-02-024.000

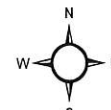
1010E-02-038.000

Initial and date here:

Planner: _____

Owner: _____

Contractor: _____



1 inch = 33 feet



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① - ITS NOT MORE ROOM TO BUILT THE GAZEBO IF BUILT ON OTHER PLACE AVAILABLE AT THE PROPERTY WILL BLOCK THE - GARAGE ENTRANCE

② - A NEW POOL IS BEING BUILT AND NEED A GAZEBO AND READY EXIST A GARAGE, WANT TO BUILT BETWEEN THE GARAGE AND FENCE IN FRONT OF THE POOL.

③ BECAUSE OF A NICE OAK TREE IN THE YARD AND EXISTING GARAGE IS NOT ANOTHER PLACE TO BUILT THE POOL, THAS IS BILT AND A GAZEBO SHOULD BE CLOSET. BY THE POOL FOR CONVENIENCE AND MAKE A BEATI'FULL DESIGNED FOR THE PROPERTY,

④ BUILT AS DESIGNED BACK YARD WILL BRING MORE VALUE FOR THE PROPERTY ALSO BRING AN EXEMPLE FOR THE NEIGHBORHOOD.

⑤ - THE OTHER HOUSES HAVE MORE SPACE TO DESIGNED THEIR YARD, I DONT BECAUSE IS A BIG OAK TREE AND THE EXISTING GARAGE.

⑥ - ~~THE~~ ACCESS STRUCTURE

ACCESSORY STRUCTURE IS ALLOWED BY RIGHT.

Requesting Variance to exceed allowable square footage for accessory structure due to existing structure being approximately 985 square feet



COVENANT AFFIDAVIT

I, JOSE Santamaria being property owner or agent of the property 1200 College ST 6PT. 39507
PRINT NAME PRIMARY ADDRESS OR PARCEL

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

[Signature]
SIGNATURE

08/09/24
DATE

STATE OF MISSISSIPPI | COUNTY OF HARRISON

Given under my hand and seal of office this the 9th day of August, 20 24

[Signature]
NOTARY PUBLIC

05/22/2027
COMMISSION EXPIRATION





J. H. H. H. 1st Judicial District
Instrument 2010 4922 D -J1
Filed/Recorded 7/22/2010 10:50 A
Total Fees \$ 12.00
3 Pages Recorded

Prepared by:
Gerald M. Warren, Attorney
P. O. Box 1506
Gulfport, MS 39502
(228) 897-9975
MS Bar No. 06963

Return to:
Gerald M. Warren, Attorney
P. O. Box 1506
Gulfport, MS 39502
(228) 897-9975

INDEXING INSTRUCTIONS: Parcel in SE 1/4 of SW 1/4, Sec. 30-7-10, Bounded on the North by property now or formerly of Dambrino, on the East by property now or formerly of Carl L. Pierce and Mildred L. Pierce, on the South by College Street and on the West by Monet Street

SPECIAL WARRANTY DEED

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

FEDERAL NATIONAL MORTGAGE ASSOCIATION

14221 International Parkway, Ste. 1000
Dallas, TX 75254
(972) 773-7551

does hereby sell, convey and warrant specially unto

JOSE SANTAMARIA

1200 College Street
Gulfport, MS 39507
(228) 860-0171

the following land and property, lying and being situated in the County of Harrison, State of Mississippi, and more particularly described as follows, to-wit:

2

That certain piece or parcel of land commencing at a point 320 feet West of the Southeast corner of Square Five of the Monet Survey of the Town of Handsboro; as per plat of said survey and on file in the office of the Chancery Clerk of Harrison County, Mississippi, and running thence in a Westerly direction a distance of 80 feet; thence in a Northerly direction a distance of 185 feet; thence in an Easterly direction a distance of 80 feet; thence in a Southerly direction a distance of 185 feet to the point of beginning.

Said parcel being further described as being bound on the North by property now or formerly of Dambrino, on the East by property now or formerly of Carl L. Pierce and Mildred L. Pierce, on the South by College Street and on the West by Monet Street.

MORE COMMONLY KNOWN AS 1200 COLLEGE STREET, GULFPORT, MS 39507

THIS CONVEYANCE and the warranty hereof are made subject to all building restrictions, restrictive covenants, easements, rights of way, and mineral reservations of record, if any, pertaining to the above described property.

IT IS AGREED AND UNDERSTOOD that the ad valorem taxes for the current year have been prorated as of this date on an estimated basis or actual taxes from the previous year and that the prorations are final and any difference will not be adjusted by the Seller after closing.

TO HAVE AND TO HOLD the above described premises, together with all and singular the rights and appurtenances thereto in any wise belonging, unto the said GRANTEE, his heirs or assigns forever, subject to, an excepting, current taxes and other assessments, reservations in patents, and all easements, rights of way, encumbrances, liens, covenants, conditions, restrictions, obligations and liabilities as may appear of record. GRANTOR does hereby bind itself and its successors and assigns, against every person whomsoever lawfully claiming or to claim the same, or any part thereof, through, or under Grantor, but not otherwise.

WITNESS the signature of the Grantor on this the 20th day of July, 2010.



FEDERAL NATIONAL MORTGAGE ASSOCIATION

BY:

Name & Title:

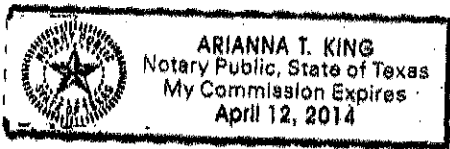

Chrissy Wilson
Assistant Vice President

STATE OF
COUNTY OF

TX
Dallas

PERSONALLY appeared before me, the undersigned authority in and for said county and state, on this 20th day of July, 2010, within my jurisdiction, the within named **Chrissy Wilson**, who acknowledged to me that (he)(she) is **Assistant Vice President** of FEDERAL NATIONAL MORTGAGE ASSOCIATION, and that for and on behalf of Federal National Mortgage Association and as its act and deed (he)(she) signed and delivered the foregoing instrument of writing, after having been first duly authorized to do so.

NOTARY PUBLIC
My Commission Expires:

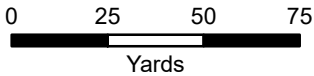


Mail	PPIN	Parcel ID	Name	Address	City	State	ZIP
Y		1010E-02-023.000	JOSE SANTAMARIA	1200 COLLEGE ST	GULFPORT	MS	39507
			Adjacent Property Owners (2409ZB148)				
	20747	1010E-02-024.000	TYSON ROBERT C & KIMBERLY A	1005 BRIDGE ST	GULFPORT	MS	39507
	83739	1010E-02-018.000	CONNER BESSIE ETAL	1114 COLLEGE HB STA	GULFPORT	MS	39501
	20746	1010E-02-023.001	PIERCE MILDRED L -L/E-	1208 COLLEGE STREET	GULFPORT	MS	39507
	20750	1010E-02-020.000	LIZANA OREN KEITH	2290 WESTWIND WAY	SIGNAL HILL	CA	90755
	115011	1010E-02-042.001	GILLUM SEAN P	921 MONET ST	GULFPORT	MS	39507
N	83740	1010E-02-023.000	SANTAMARIA JOSE	1200 COLLEGE ST	GULFPORT	MS	39507
	20756	1010E-02-043.000	GILLUM SEAN PAUL	921 MONET STREET	GULFPORT	MS	39507
	83745	1010E-02-041.000	MOEINI MOHAMMAD -ESTATE-	P O BOX 8833	GULFPORT	MS	39506
N	20757	1010E-02-042.000	GILLUM SEAN P	921 MONET ST	GULFPORT	MS	39507
	20743	1010E-02-022.000	SEMETIS RICK A	1201 SPRING ST	GULFPORT	MS	39507
	20748	1010E-02-021.000	MCBRIDE CHRISTINE D	109 SOUTH KERNS DR	GULFPORT	MS	39503
N	20749	1010E-02-019.000	SANTAMARIA JOSE	1200 COLLEGE ST	GULFPORT	MS	39507
	105446	1010E-02-025.001	WILLIAMS EARL	4436 WARES FERRY ROAD	MONTGOMERY	AL	36109
	20742	1010E-02-025.000	GEOTES JOHNNY W & THOMPSON DONALD	1751 MAGNOLIA STREET	GULFPORT	MS	39507
	20771	1010E-02-038.000	MORSE REILLY & CHRISTINA B	929 BRIDGE ST	GULFPORT	MS	39507
	20760	1010E-02-044.000	GILLUM PATRICIA A C	P O BOX 6327	GULFPORT	MS	39506
	20759	1010E-02-045.000	FIRST MISSIONARY BAPTIST CHURCH	1100 E PASS RD	GULFPORT	MS	39507



Legend

- Site
- Adjacent Properties
- Street
- Buildings



1 inch = 150 feet



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The Beaufort Gazette
The Belleville News-Democrat
Bellingham Herald
Centre Daily Times
Sun Herald
Idaho Statesman
Bradenot 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	588196	Print Legal Ad-IPL01918640 - IPL0191864		\$104.65	2	54 L

Attention: Matilda Welch

GULFPORT URBAN DEVELOPMENT
PO BOX 1780
GULFPORT, MS 39502

accountspayable@gulfport-ms.gov

LEGAL NOTICE PUBLIC HEARING

In conformance with Section VIII of the Comprehensive Zoning Ordinance of the City of Gulfport, Mississippi, 1979, as amended, notice is hereby given advising that the Zoning Board of Adjustment and Appeals will hold a public hearing in the City of Gulfport, Mississippi at 3:00 P.M., Thursday, September 19, 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 2408ZB113, by owner Land Lady Investments, LLC, seeking approval for parking that backs out into city right of way, Tax Parcel 0910N-07-014.000, 512 Pass Road, Zoned B-2 (General Business), Ward 4

Variance 2408ZB114, by owner Land Lady Investments, LLC, seeking approval to have 4 regular parking spaces where 7 is required, Tax Parcel 0910N-07-014.000, 512 Pass Road, Zoned B-2 (General Business), Ward 4

Variance 2409ZB127, by owner Ancillary Capital LLC, seeking approval for a seven-foot front yard setback where 15 feet is required, Tax Parcel 0811L-03-030.001, 33rd Ave, Zoned T4+ (General Urban Zone "Plus"), Ward 2

Variance 2409ZB137, by owner Gregory LeBaugh, seeking approval for an accessory structure of 840 square feet in addition to an existing 540 square-foot accessory structure on a property less than an acre, Tax Parcels 0807M-03-030.000, 0807M-03-031.000, 15408 Woody Drive, Zoned R-1-10 (Single-family), Ward 7

Variance 2409ZB138, by agent All Sign Inc, seeking approval for an additional wall sign on the northern elevation, Tax Parcel 1010E-01-021.001, 1201 Washington Ave, Zoned T3 (Sub-Urban Zone), Ward 4

Special Exception 2409SE140, by agent Johnathan Tate Jr, seeking approval for a daycare use, Tax Parcel 0810N-04-001.000, 2301 31st Street, Zoned B-2 (General-Business), Ward 3

Variance 2409ZB141, by agent J.R. Walsh, seeking approval for 16-foot-tall accessory structure that exceeds the primary structure height, Tax Parcel 1009L-02-009.000, 11172 Creel Circle, Zoned R-1-7.5 (Single-family), Ward 5

Variance 2409ZB142, by agent J.R. Walsh, seeking approval of a 1600 square-foot accessory structure in addition to an existing 980 square foot structure on a property that is less than an acre, Tax Parcel 1009L-02-009.000, Zoned R-1-7.5 (Single-family) Ward 5

Variance 2409ZB143, by owner Jose Santamaria, seeking approval for a 2-foot side yard setback where 6 feet is required, Tax Parcel 1010E-02-023.000, 1200 College St, Zoned T3 (Sub-Urban Zone), Ward 4

Variance 2409ZB147, by owner Queen E. Graves, seeking approval for a 6-foot second frontage setback where 15 feet is required, Tax Parcel 0810F-03-072.000, Alabama Ave, Zoned R-1-5 (Single-Family), Ward 3

Variance 2409ZB148, by owner Jose Santamaria, seeking approval for a 196 square foot accessory structure in addition to existing 985 square foot structure on a parcel less than an acre, Tax Parcel 1010E-02-023.000, 1200 College St, Zoned T3 (Sub-Urban Zone), Ward 4

Variance 2409ZB149, by owner Jeanette Ladner, seeking approval for a second frontage setback of 15.5 feet where 25 feet is required, Tax Parcel 0811B-04-069.000, 2300 18th Ave, Zoned R-2 (Single-Family), Ward 3

This the 28th day of August 2024

A. Leslie North, Chairman
City of Gulfport Zoning Board of Adjustment and Appeals
IPL0191864
Sep 4 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:
09/04/24

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.

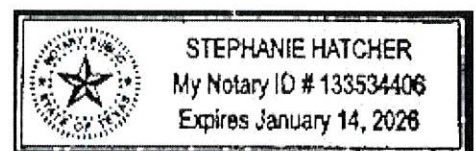
Mary Castro

Sworn to and subscribed before me this 10th day of September 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!



URBAN DEVELOPMENT DEPARTMENT | PLANNING & ZONING

PO BOX 1780 | GULFPORT, MS | 1410 24TH AVENUE

P: 228.868.5710 | F: 228.868.5708 | PLANNERS@GULFPORT-MS.GOV

ZONING BOARD OF ADJUSTMENT AND APPEALS CASE # 2024-746

Hearing Date: Thursday, September 19, 2024

Variance 2409ZB149: Variance 2409ZB149, by owner Jeanette Ladner, seeking approval for a second frontage setback of 15.5 feet where 25 feet is required, Tax Parcel 0811B-04-069.000, 2300 18th Ave, Zoned R-2 (Single-Family), Ward 3

Technical Report

VARIANCE

GENERAL INFORMATION

Case File Number: 2409ZB149

Hearing Date: September 19, 2024

Current Zoning/Use: R-2/ Vacant Lot

Legal: Variance 2409ZB149, by owner Jeanette Ladner, seeking approval for a second frontage setback of 15.5 feet where 25 feet is required, Tax Parcel 0811B-04-069.000, 2300 18th Ave, Zoned R-2 (Single-Family), Ward 3

TECHNICAL DETAILS

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

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

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

Technical Report

VARIANCE

The applicant requests a variance to allow for a second frontage setback of 15.5 feet where 25 feet is required. The applicant addresses the hardship questions below.

- (a) The applicant states that property is a corner lot. The intended use of this corner lot will be a duplex use. While a second frontage setback requirement would not be considered a hardship, as the square footage of the lot is 10652.48 sqft. If the applicant had decided to instead build a single-family home, the second frontage requirement could more than likely be met. This hardship results directly from the applicant's desire to build a duplex on this corner lot.
- (b) The applicant states that the property is R-2 zoning and in ordinance, it states that "corner lots for residential use shall be increased in width over the minimum specified herein so that the front yard distance can be provided on both streets, and the building setback line shall be so located." This means that a building on a corner lot under normal circumstances must have its second frontage setback match the front setback requirement. If the applicant were to instead decide to build a single-family home, the requirement the second frontage setback requirement could be achieved.
- (c) Applicant states that the hardship results from the property being a corner lot. Because this property fronts two public right of ways, this results in the applicant having to adhere to the front setback of 25 feet. However, if the applicant were building a single-family home, they could achieve this requirement without having to apply for a variance.
- (d) The applicant does not adequately address the question with the supplied definition. Upon staff review, the surrounding areas do have structures that do not adhere to 25 foot setback requirement. Despite this, it does appear that none of these existing structures had achieved any prior variances and as such, these structures are pre-existing non-conforming structures. Approval of this variance would establish precedence in this area.
- (e) Applicant states that "there houses in the area do face the intersecting street and are setback correctly in accordance with the code." Upon staff review, there are very few properties that adhere to the current ordinance. Furthermore, no properties in this area has gone before the board for a variance for second frontage setbacks.
- (f) This property is zoned R-2, and a single family home is allowed by right.

EXECUTIVE SUMMARY

The applicant does not display a genuine hardship. If the applicant had decided to build a single-family home instead of a duplex, they could meet the second frontage requirement. While there are several properties that do not meet the second frontage requirement in that area, the existing properties appear to be preexisting non-conforming. Granting this variance would establish a precedence in that area.

Any approval should consider these conditions:

- 1. Must comply with all zoning rules and regulations.
- 2. Approval would allow for a second frontage setback of 15.5 feet where 25 feet is allowed.
- 3. Must meet all current building codes and City of Gulfport Ordinances

Technical Report

VARIANCE

DEPARTMENTAL CONDITIONS

<u>Engineering:</u>	No conditions. Memo dated 09/06/2024.
<u>Public Works:</u>	No comment as of 09/09/2024
<u>Traffic and Safety:</u>	No conditions. Memo dated 09/05/2024.
<u>Building Code Services:</u>	Must meet all current building codes and City of Gulfport Ordinances. Memo dated 09/05/2024.
<u>GIS:</u>	No conditions. Memo dated 08/30/2024.
<u>Police Department:</u>	No comment as of 09/09/2024.
<u>Fire Department:</u>	No conditions. Memo dated 08/29/2024.
<u>City Arborist:</u>	No conditions. Memo dated 09/03/2024.

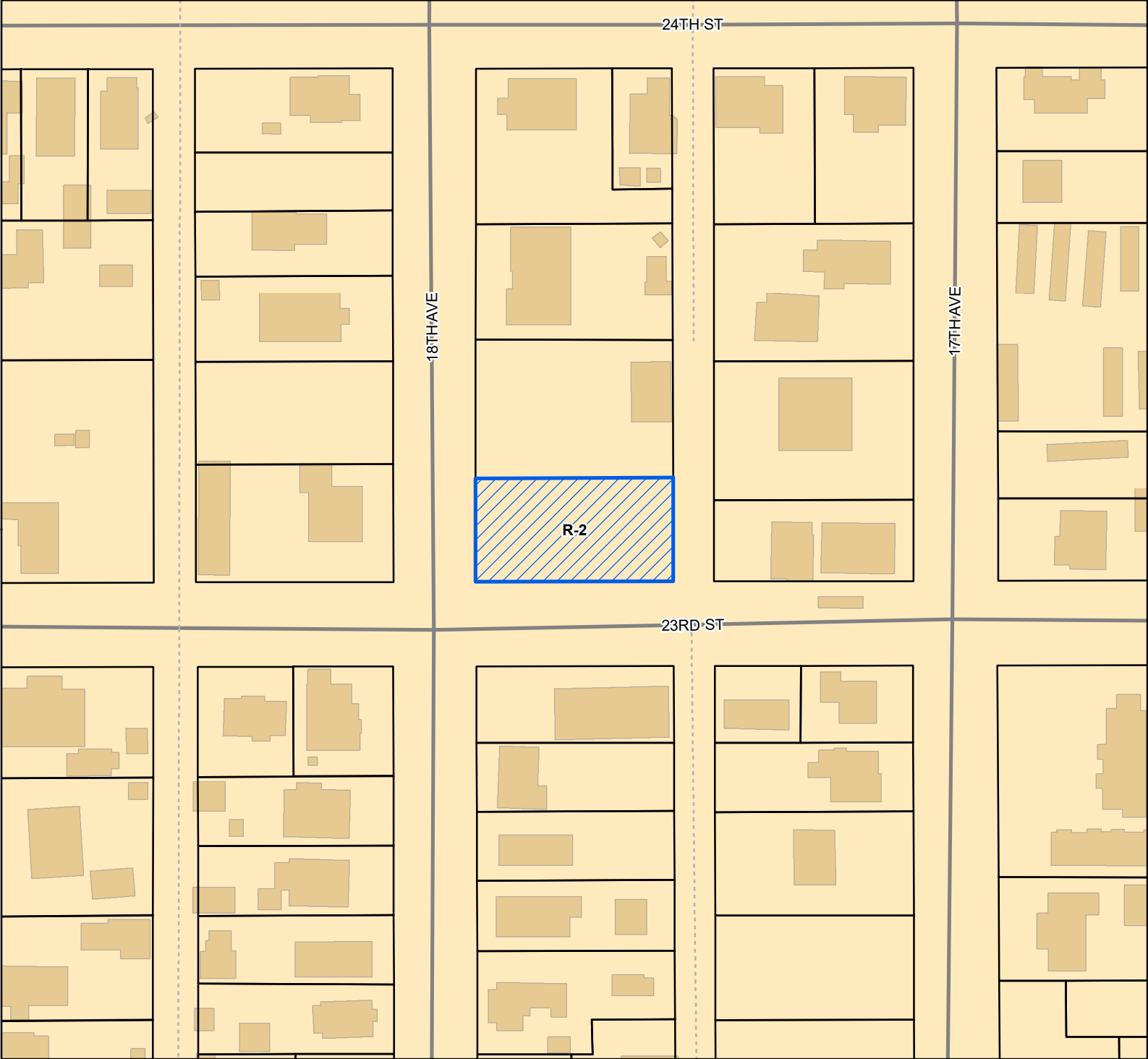
DIRECTOR APPROVAL

This report has been reviewed and approved by:



Greg Holmes

Director of Urban Development Department



 Site

 Street

 Alley

 Parcels

 Buildings

 City Limit

Zoning

R-2 - Single Family

Residence District (Medium Density)

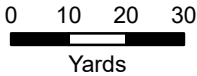
Site Information

0811B-04-069.000

Zoning: R-2 (Single Family)

Size: 10652.48 sqft

Flood: A



1 inch = 100 feet



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Ret # 122881227

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

ZONING BOARD OF ADJUSTMENTS AND APPEALS APPLICATION

REQUESTED ACTION BY THE ZONING BOARD OF ADJUSTMENTS AND APPEALS
(A separate submission form is required for each request)

- ☐ Appeal of Planning Administrator
 - ☐ Excessive Height
 - ☐ Fence Variance
 - ☐ Special Exception
 - ☒ Variance

TAX PARCEL NUMBERS

0	8	1	1	B	-	0	4	-	0	6	9	.	0	0	0				-			-			.			
					-			-				.								-			-			.		
					-			-				.								-			-			.		

Property Address;

Property Address: 2300 18th Ave Gulfport, MS 39501

Lot(s) 19-17 Block(s) 33 Subdivision Arlington Heights

General Description of Request: I am asking for a side "secondary frontage" setback of 15.50'.

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***.

[Handwritten signature]

OWNER:Jeanette Ladner

Printed Name of Owner

PO Box 6496

Mailing Address

Gulfport, MS 39506

City

State

Zip Code

228-861-3279

Home Phone

Work/Cell Phone

jeanetteladner1@gmail.com

Email

Signature of Owner

AGENT:

Printed Name of Agent

Mailing Address

City

State

Zip Code

Home Phone

Work/Cell Phone

Email

Signature of Agent

This page must be completed if the property or properties involved have more than one owner. All persons listed as owners to the property or properties listed on page one must complete and sign this part of the application. We can only accept applications with original signatures.

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

Name of Owner (PRINT)

Wallace Ladner II

Address (Street, City, State, Zip Code)

PO Box 6496 Gulfport, MS 39506

Phone (Home)

(Work)

(Cell)

Tax Parcel Number(s) Owned:

0811B-04-069.000

Signature:

Name of Owner (PRINT)

Address (Street, City, State, Zip Code)

Phone (Home)

(Work)

(Cell)

Tax Parcel Number(s) Owned:

Signature:

Name of Owner (PRINT)

Address (Street, City, State, Zip Code)

Phone (Home)

(Work)

(Cell)

Tax Parcel Number(s) Owned:

Signature:

IMPORTANT NOTICE:

1. Please be advised that failure to submit a complete application, with all supporting documents, could **delay your hearing date**. The Zoning Board will not consider a request until all information is submitted and accurate.
2. Please be advised that the application deadline dates posted are designed to allow the staff time to review the application and receive required comments from coordinating agencies. The application is not considered complete until all required information from the applicant is available for review by the staff and coordinating agencies.
3. **The following supplement pages are required per application type. Select one of the following:**
 - ☐ Appeal of Planning Administrator (see page 4)
 - ☐ Excessive Height (see page 5)
 - ☐ Fence Variance (see page 6)
 - ☐ Special Exception (see page 7)
 - ☒ Variance (See page 8)
4. All _____ will need to be **initialed by applicant** with required documentation before application can be accepted.

Submission Requirements:

Page one of this application, completed and signed.

Site plan. Please note that approval of your request, in part, is based on your **11" by 17"** site plan.

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

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

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

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

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

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

I the owner/agent acknowledge this is a complete application

2300 18th Ave. Variance Request Explanation

1. I am asking for a variance to allow for a 15.50' setback on the south boundary of the property. This is a corner lot in the Arlington Heights Subdivision. The lot dimensions are 75' x 143'. The north boundary setback will be 12.60', the east (front) boundary setback will be 50.71' and the south boundary setback will be 15.50'. This is in uniform with the properties existing in the area.
2. The zoning for this property is R-2 which states that the front setback is 25', the side yard setback is 8' and the rear yard setback is 8'. There is no code for a secondary frontage setback on corner lots in the R-2 zoning traditional code.
3. A hardship has been created not by the character of the property or subdivision, but by the requirement of the city that has mandated a secondary frontage setback of 25' to match the front setback in an existing neighborhood. This code that is being sited is the (5) Corner Lot definition from the Design Standards Sec. 9-50 of the Article III. Subdivisions where new subdivisions are actually designed and created.

(5) Corner lots. Corner lots for residential use shall be increased in width over the minimum specified herein so that front yard distance can be provided on both streets, and the building setback line shall be so located.
4. The code that pertains to existing residential corner lots in the traditional code can be found in the Sec. IV Supplementary Regulations, (D) Supplementary yard regulations.

(3) Corner building site. In any district, a corner building site having to its rear a building site facing toward the intersecting or side street shall have provided on the intersecting or side street side of the corner building site a side yard having a width equal at least to the depth of the front yard required for a structure on the building site to the rear of the corner building site; provided, however, that this regulation shall not be applied to reduce the buildable width of the corner building site to less than thirty (30) feet.
5. This code does address secondary frontages in the traditional codes based on the existing conditions of the surrounding area. This indicates that if the house to the rear of my property is facing the secondary frontage (intersecting or side street) then I would need to have a side setback of 25' on that street to be in uniform with the setback of the neighboring house. In my case, the house that is to the rear of my property faces 17th Ave. so this secondary frontage does not pertain to my project. There are houses in the area that do face the intersecting street and are setback correctly in accordance with this code.
6. The granting of this variance or if this request is deemed permissible by right, there will be no special benefit as I will be building in accordance with the codes and existing conditions of the area.



COVENANT AFFIDAVIT

I, Wallace Ladner II
Jennette Ladner being property owner or agent of the property 2300 18th Ave / 0811B-04-009
PRINT NAME PRIMARY ADDRESS OR PARCEL 000

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

[Signature]
SIGNATURE

8-9-24
DATE

STATE OF MISSISSIPPI | COUNTY OF HARRISON

Given under my hand and seal of office this the 9 day of August, 20 24

[Signature]
NOTARY PUBLIC

June 14, 2025
COMMISSION EXPIRATION



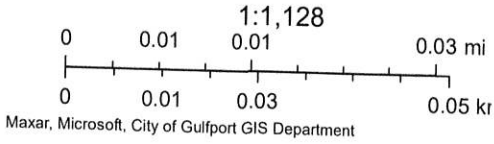
City of Gulfport



8/9/2024, 1:41:03 PM

- ☐

Parcels
- County Streets
- Principal Arterial
- Military
- Address Points
- <all other values>
- Collector
- Streets
- Interstate Highway
- Minor Arterial



STATE OF MISSISSIPPI,
HARRISON COUNTY.

We, F. S. Hewes, Clerk of the Chancery Court, of Harrison County, and J. M. T. Hamilton, maker, do hereby certify that we have compared this duplicate with the original map of Arlington Heights of the City of Gulfport, Miss., comprising the N. W. 1-4 of Sec. 3, T. 8, S., R. 11, W., made by J. M. T. Hamilton, and dated February 28, 1905, and that it is an exact duplicate thereof.

Witness our signatures this the _____ day of _____ 1905.

STATE OF MISSISSIPPI,
HARRISON COUNTY.

This day personally appeared before me, F. S. Hewes, Clerk of the Chancery Court in and for Harrison County, J. M. T. Hamilton maker of said map

M. E. Lott and J. W. Hardy, who acknowledged that they signed their names to this map as the maker and owners of same.

Given under my hand and seal of office in the City of Gulfport, Miss., this the 2d day of March, 1905.

Clerk.

Filed for record this 2d day of March 1905, and recorded this the 2d day of March 1905, in Book No. 8, Page 57.

Clerk.

J. M. T. Hamilton
Mar. 6 - 1905 - maker
Rufus D. Lott
M. E. Lott
J. W. Hardy
J. W. Hardy - owners

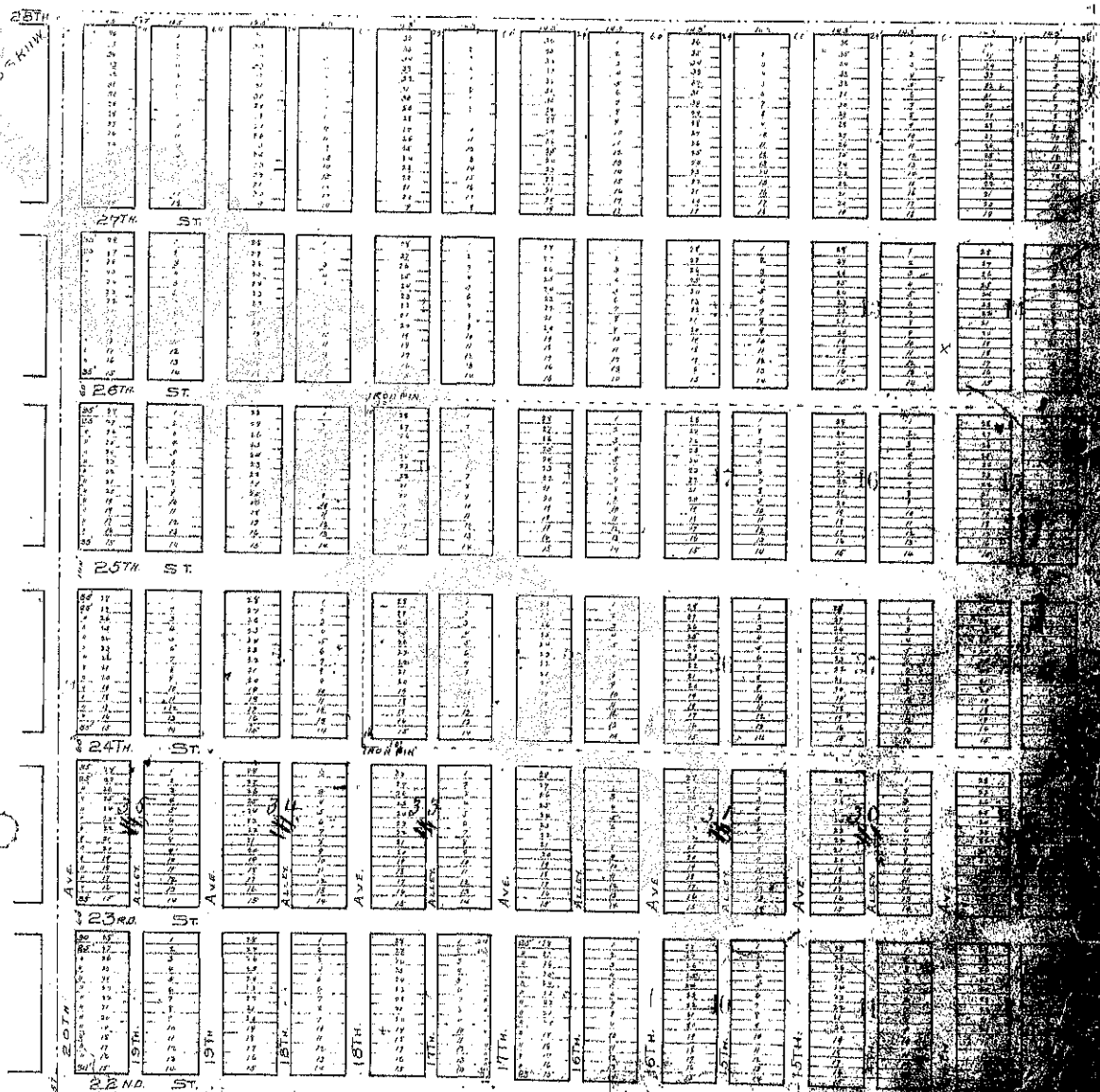
Map of ARLINGTON HEIGHTS

OF THE
CITY OF GULFPORT, MISSISSIPPI

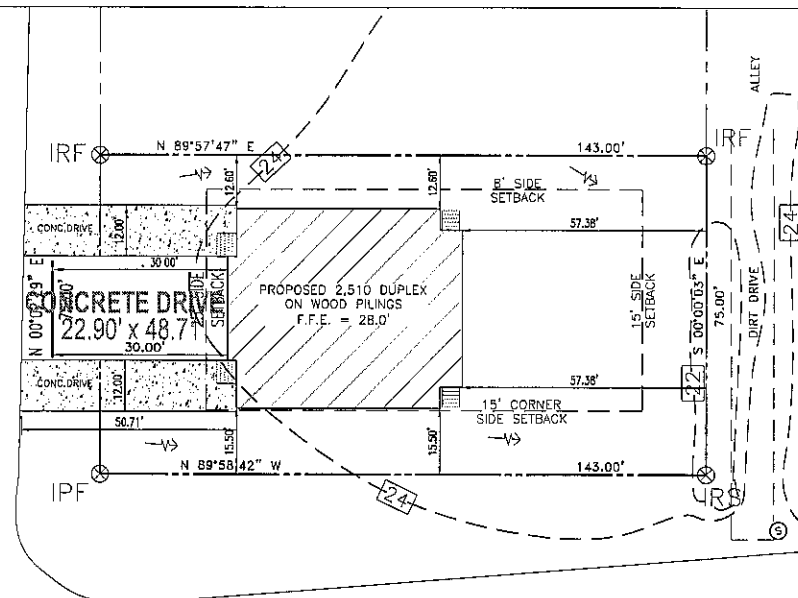
Comprising the N. W. 1-4 of Sec. 3, T. 8, S., R. 11, W., HARRISON COUNTY

J. M. T. HAMILTON, C.A.

FEB. 28TH, 1905.



18TH AVENUE



2300 18TH AVE
GULFPORT, MISSISSIPPI
Parcel # 0811B-04-069.000



for

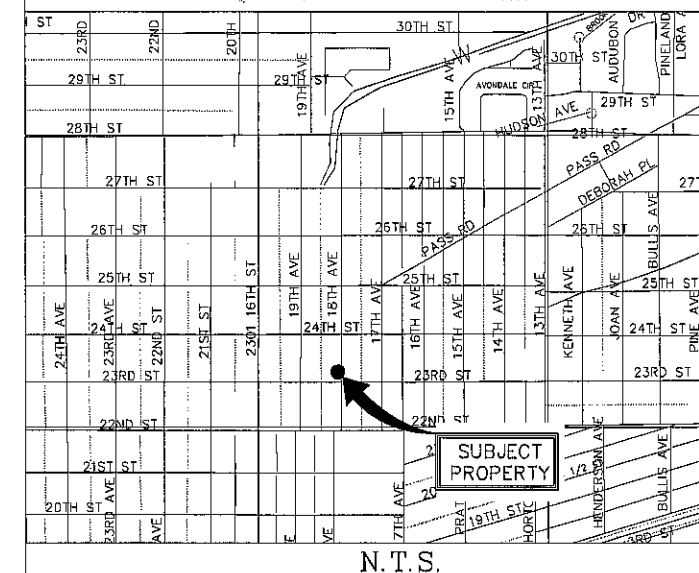
P.O. Box 6496

for

2300 18th Ave

Parcel# 0811B-04-069.000

VICINITY MAP



NOTES:

1. BOUNDARY BASED ON SURVEY BY GARY A. DURBIN, P.L.S
2. PLOT PLAN DOES NOT CONSTITUTE SURVEY.
3. CORNERS SHALL BE VERIFIED BY A LICENSED SURVEYOR.
4. CONTRACTOR SHALL VERIFY ALL YARD SETBACKS AND POSITIONING OF RESIDENCE WITHIN THE SETBACKS.
5. CONTRACTOR SHALL LOCATE AND VERIFY ALL EXISTING UTILITIES.
6. CONTRACTOR SHALL VERIFY THE FINISH FLOOR ELEV. WITH BUILDING CODE DEPARTMENT.
7. CONTRACTOR SHALL GRADE LOT AROUND RESIDENCE TO ENSURE POSITIVE DRAINAGE.

INTERNATIONAL BUILDING CODE 2018 INFO & GENERAL DATA

Zoning:	R2
Classification of Occupancy:	R3
Minimum Type of Construction:	Type VB
Height of building:	20'-0"
Number of stories:	1
Square footage (Total):	2,510
F.F.E.:	28.0' MIN.
Flood Zone (FIRM):	A27
FEMA Map#	28047C0264G (June 16, 1999)

	SETBACKS REQUIRED	PROVIDED	FIRE RATINGS		
			HR. PROV.	% OPEN.	ALLOWED
Front	25.0' MIN.	30.00'	n/a	n/a	n/a
Rear	15.0' MIN.	57.38'	n/a	n/a	n/a
Right	8.0' MIN.	12.60'	n/a	n/a	n/a
Left	15.0' MIN.	15.50'	n/a	n/a	n/a

*Building shall meet requirements of the 2018 IBC and Local Commercial Building Codes and 2018 Fire Codes.



HEINRICH & ASSOCIATES

RESIDENTIAL & COMMERCIAL DESIGN
1806 23rd Avenue, Suite B - Gulfport, MS 39501
Ph (228) 896-6768

ATTENTION: NO CONSTRUCTION IS TO COMMENCE ON THIS PROJECT BEFORE THE APPROPRIATE PERMITS HAVE BEEN OBTAINED.

SHEET INDEX

PLAN COVER SHEET	T1
FOUNDATION PLAN & DETAILS	S1
FRAMING FLOOR PLAN & DETAILS	S2
FLOOR PLAN	B1
ELEVATION VIEWS	B2
ELEVATION VIEWS	B3
ROOF PLAN	B4
CONSTRUCTION DETAILS	B5
PLUMBING PLAN	P1
MECHANICAL PLAN	M1
ELECTRICAL PLAN	E1

T1
Project No



SCANNED



Angela J. Hunt 1st JUDICIAL DISTRICT
Instrument 2024-0002391-D-J1
Filed/Recorded 02/06/2024 2:45:01 PM
Total Fees 26.00
3 Pages Recorded

Indexing: Lots 15, 16 & S 15' of Lot 17, Blk 33,
Arlington Heights

STATE OF MISSISSIPPI

COUNTY OF HARRISON

FIRST JUDICIAL DISTRICT

Prepared by and return to:

David B. Estes

MS Bar No. 101404

Integrity Land Title, LLC

1806 23rd Avenue, Suite A

Gulfport, MS 39501

(228)896-8962

File#4881

WARRANTY DEED

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

ARMANDO SANCHEZ VAZQUEZ
1809 23RD STREET
GULFPORT, MS 39501
(228)343-4787

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

WALLACE S. LADNER, II AND WIFE, JEANETTE N. LADNER
AS JOINT TENANTS WITH FULL RIGHTS OF SURVIVORSHIP AND NOT AS
TENANTS IN COMMON
P.O. BOX 6496
GULFPORT, MS 39506
(228)861-3279

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

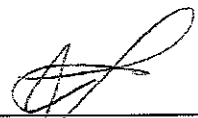
SEE EXHIBIT "A"

THE ABOVE described property is no part of the homestead of the Grantors nor any part thereof.

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

TAXES for the year 2024 are hereby prorated and the same are hereby assumed by the Grantee herein. It is agreed and understood that the taxes for the current year have been prorated as of this date on an estimated basis, and that when said taxes are actually determined, if the proration as of this date is incorrect, the parties herein agree to pay on a basis of an actual proration. All subsequent years' taxes are specifically assumed by Grantee herein.

WITNESS my signature this the 2nd day of February, 2024.


ARMANDO SANCHEZ VAZQUEZ

STATE OF MISSISSIPPI
COUNTY OF HARRISON

Personally appeared before me, the undersigned authority in and for the said county and state on this the 2nd day of February, 2024 within my jurisdiction, the within named **ARMANDO SANCHEZ VAZQUEZ**, who acknowledged that he executed the above and foregoing instrument.


NOTARY PUBLIC

(SEAL)

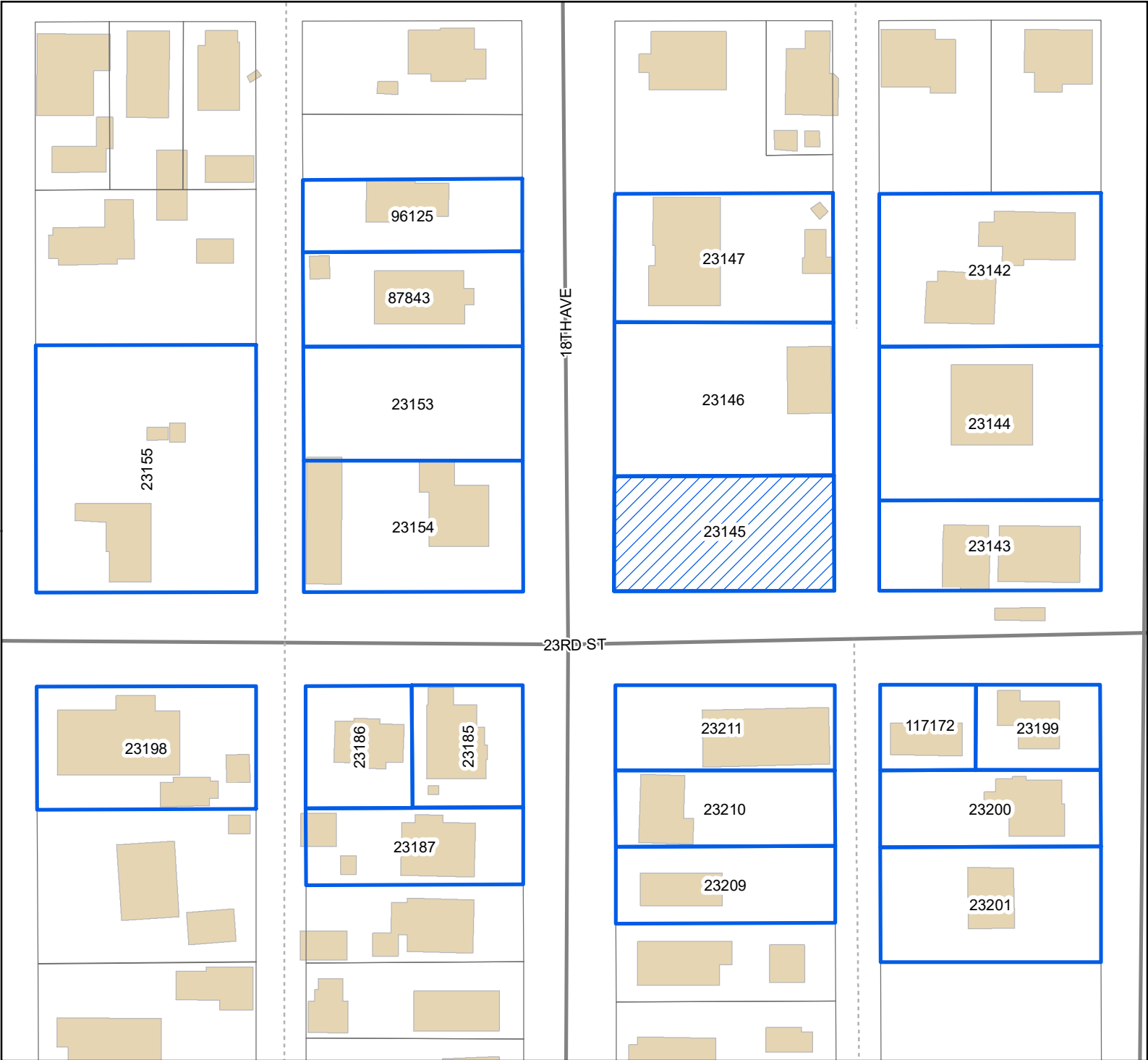
My Commission Expires:



EXHIBIT "A"

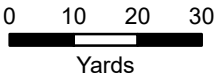
Lots 15, 16 and the S 15 feet of Lot 17, Block 33, ARLINGTON HEIGHTS ADDITION, a subdivision according to the official map or plat thereof on file and of record in the office of the Chancery Clerk of the First Judicial District of Harrison County, Mississippi in Plat Book 3 at Page 57 (Copy Book 2 at Page 104).

Mail	PPIN	Parcel ID	Name	Address	City	State	ZIP
Y		0811B-04-069.000	JEANETTE LADNER (OWNER)	P.O. BOX 6496	GULFPORT	MS	39506
			Adjacent Property Owners (2409ZB149)				
	23147	0811B-04-071.000	ADKINS JANICE MARIE	2324 18TH AVE	GULFPORT	MS	39501
	23142	0811B-04-056.000	LADNER WALLACE S II	P O BOX 6496	GULFPORT	MS	39506
	23199	0811B-04-058.000	LA CASA I LLC	P O BOX 82469	LAS VEGAS	NV	89180
	117172	0811B-04-058.001	SCIPIONE NANCY W	1447 EAST PASS ROAD	GULFPORT	MS	39507
	23146	0811B-04-070.000	PIPPIN JAMES W	2322 18TH AVE	GULFPORT	MS	39501
	23186	0811B-07-009.000	VAZQUEZ ARMANDO SANCHEZ	1809 23RD STREET	GULFPORT	MS	39501
	23144	0811B-04-057.000	LINGENFELTER HUGH	2471 CHITTENDEN RD	SAN JUAN BAUTST. CA	95045	
	23211	0811B-04-068.000	BREAUX RHONDA M	1713 23RD ST	GULFPORT	MS	39501
N	23145	0811B-04-069.000	VAZQUEZ ARMANDO SANCHEZ	1809 23RD STREET	GULFPORT	MS	39501
	23209	0811B-04-066.000	MENDELSON PATRICK MICHAEL	1735 MENDEZ DRIVE	NEW ORLEANS	LA	70122
	23200	0811B-04-059.000	KAPITOL INVESTMENTS LLC	8218 RIDGE WOOD DR	KILN	MS	39556
	23210	0811B-04-067.000	RIGBY THOMAS J & REBECCA E	104 VANCE PL	LONG BEACH	MS	39560
	23155	0811B-07-021.000	ROE CATHY HAYNIE	2621 E TULIP COURT	FAYETTEVILLE	AR	72701
	23153	0811B-07-007.000	SULLIVAN PEARLIE M	2301 18TH AVE	GULFPORT	MS	39501
N	23154	0811B-07-008.000	SULLIVAN PEARLIE M	2301 18TH AVE	GULFPORT	MS	39501
	23143	0811B-04-057.001	CUAVE STEVEN JOHN	2301 17TH AVE	GULFPORT	MS	39501
	23201	0811B-04-060.000	VILLAFANE ANGELO L & VEGELY ALESHA	989 SEBASTIAN BLVD SUITE #1	SEBASTIAN	FL	32958
	23198	0811B-07-020.000	HEDRICK JAMES & MARY D'ANGELO	650 SHARON DR	PIGEON FORGE	TN	37863
	23187	0811B-07-011.000	FORD GERALD A -EST-	2418 PALMER DRIVE	GULFPORT	MS	39507
	96125	0811B-07-006.002	STEELE GENE -L/E	2321 18TH AVE	GULFPORT	MS	39501
	23185	0811B-07-010.000	SCHULTZ SHIRLEY DIANE	2225 18TH AVE	GULFPORT	MS	39501
	87843	0811B-07-006.001	DUFOUR WENDEL PROSPER JR ETAL	2317 18TH AVE	GULFPORT	MS	39501



Legend

- Site
- Adjacent Properties
- Street
- Alley
- Buildings



1 inch = 90 feet



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



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

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

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

AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Amount	Cols	Depth
36845	588196	Print Legal Ad-IPL01918640 - IPL0191864		\$104.65	2	54 L

Attention: Matilda Welch

GULFPORT URBAN DEVELOPMENT
PO BOX 1780
GULFPORT, MS 39502

accountspayable@gulfport-ms.gov

LEGAL NOTICE PUBLIC HEARING

In conformance with Section VIII of the Comprehensive Zoning Ordinance of the City of Gulfport, Mississippi, 1979, as amended, notice is hereby given advising that the Zoning Board of Adjustment and Appeals will hold a public hearing in the City of Gulfport, Mississippi at 3:00 P.M., Thursday, September 19, 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 2408ZB113, by owner Land Lady Investments, LLC, seeking approval for parking that backs out into city right of way, Tax Parcel 0910N-07-014.000, 512 Pass Road, Zoned B-2 (General Business), Ward 4

Variance 2408ZB114, by owner Land Lady Investments, LLC, seeking approval to have 4 regular parking spaces where 7 is required, Tax Parcel 0910N-07-014.000, 512 Pass Road, Zoned B-2 (General Business), Ward 4

Variance 2409ZB127, by owner Ancillary Capital LLC, seeking approval for a seven-foot front yard setback where 15 feet is required, Tax Parcel 0811L-03-030.001, 33rd Ave, Zoned T4+ (General Urban Zone "Plus"), Ward 2

Variance 2409ZB137, by owner Gregory LeBaugh, seeking approval for an accessory structure of 840 square feet in addition to an existing 540 square-foot accessory structure on a property less than an acre, Tax Parcels 0807M-03-030.000, 0807M-03-031.000, 15408 Woody Drive, Zoned R-1-10 (Single-family), Ward 7

Variance 2409ZB138, by agent All Sign Inc, seeking approval for an additional wall sign on the northern elevation, Tax Parcel 1010E-01-021.001, 1201 Washington Ave, Zoned T3 (Sub-Urban Zone), Ward 4

Special Exception 2409SE140, by agent Johnathan Tate Jr., seeking approval for a daycare use, Tax Parcel 0810N-04-001.000, 2301 31st Street, Zoned B-2 (General-Business), Ward 3

Variance 2409ZB141, by agent J.R. Walsh, seeking approval for 16-foot-tall accessory structure that exceeds the primary structure height, Tax Parcel 1009L-02-009.000, 11172 Creel Circle, Zoned R-1-7.5 (Single-family), Ward 5

Variance 2409ZB142, by agent J.R. Walsh, seeking approval of a 1600 square-foot accessory structure in addition to an existing 980 square foot structure on a property that is less than an acre, Tax Parcel 1009L-02-009.000, Zoned R-1-7.5 (Single-family) Ward 5

Variance 2409ZB143, by owner Jose Santamaria, seeking approval for a 2-foot side yard setback where 6 feet is required, Tax Parcel 1010E-02-023.000, 1200 College St, Zoned T3 (Sub-Urban Zone), Ward 4

Variance 2409ZB147, by owner Queen E. Graves, seeking approval for a 6-foot second frontage setback where 15 feet is required, Tax Parcel 0810F-03-072.000, Alabama Ave, Zoned R-1-5 (Single-Family), Ward 3

Variance 2409ZB148, by owner Jose Santamaria, seeking approval for a 196 square foot accessory structure in addition to existing 985 square foot structure on a parcel less than an acre, Tax Parcel 1010E-02-023.000, 1200 College St, Zoned T3 (Sub-Urban Zone), Ward 4

Variance 2409ZB149, by owner Jeanette Ladner, seeking approval for a second frontage setback of 15.5 feet where 25 feet is required, Tax Parcel 0811B-04-069.000, 2300 18th Ave, Zoned R-2 (Single-Family), Ward 3

This the 28th day of August 2024

A. Leslie North, Chairman
City of Gulfport Zoning Board of Adjustment and Appeals
IPL0191864
Sep 4 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:

09/04/24

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.

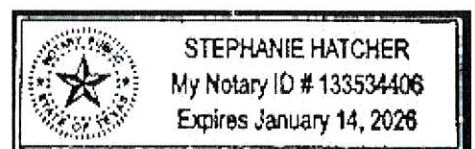
Mary Castro

Sworn to and subscribed before me this 10th day of September 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!