

AGENDA
ZONING BOARD OF ADJUSTMENT AND APPEALS
CITY HALL COUNCIL CHAMBERS
THURSDAY, DECEMBER 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 - November 21, 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 2412ZB187:

Variance 2412ZB187, by agent John Mozingo III, seeking approval for 7 regular parking spaces where 17 spaces are required , Tax Parcel 0910I-03-001.000, 549 E Pass Road, Zoned T4+ (General Urban Zone "Plus"), Ward 2

2. Variance 2412ZB188:

Variance 2412ZB188, by agent John Mozingo III, seeking approval for parking that backs out into city right of way, Tax Parcel 0910I-03-001.000, 549 E. Pass Road, Zoned T4+ (General Urban Zone "Plus"), Ward 2

3. Variance 2412ZB190:

Variance 2412ZB190, by owners John and Judy Cotten, seeking approval for a zero-foot setback where 25 feet is required for a second frontage, Tax Parcel 0811H-04-020.000, 1340 2nd Street, Zoned R-1-7.5 (Single-Family), Ward 2

4. Variance 2412ZB191:

Variance 2412ZB191, by owners David Snyder Jr and Candace Snyder, seeking approval for an 8-foot tall fence where six feet is the height limit, Tax Parcel 1010J-2-006.000, 2315 Demaret Drive, Zoned R-1-7.5 (Single-Family), Ward 2

5. Variance 2412ZB192:

Variance 2412ZB192, by agent Heinrich & Associates, seeking approval for parking that backs out into city right of way, Tax Parcel 1009M-03-010.012, Old Lorraine Road, Zoned B-1 (Neighborhood Business), Ward 5

6. Variance 2412ZB194:

Variance 2412ZB194, by agent Robert K Riemann, seeking approval for limestone parking surface material where asphalt or concrete is required, Tax Parcel 0707H-01-002.000, 14220 Hwy 49, Zoned I-2 (Heavy Industry), Ward 7

7. Variance 2412ZB195:(Withdrawn by applicant)

Variance 2412ZB195, by agent Wayne O'Neal, seeking approval for parking that backs out into city right of way, Tax Parcel 0711J-07-021.000, 4410 West Railroad Street, Zoned T4+ (General Urban Zone "Plus"), Ward 1

8. Variance 2412ZB197:

Variance 2412ZB197, by owner R. Solloum Investments Inc., seeking approval for building height of 69 feet where 45 feet is the height limit, Tax Parcel 1010P-01-003.000, 2400 Beach Drive, Zoned R-B (Residence Business), Ward 2

9. Variance 2412ZB198:

Variance 2412ZB198, by owner R. Solloum Investments Inc., seeking approval for 142 regular parking spaces where 205 spaces are required, Tax Parcel 1010P-01-003.000, 2400 Beach Drive, Zoned R-B (Residence Business), Ward 2

10. Variance 2412ZB199:

Variance 2412ZB199, by owner R. Solloum Investments Inc., seeking approval for one additional wall sign where two wall signs are allowed, Tax Parcel 1010P-01-003.000, 2400 Beach Drive, Zoned R-B (Residence Business), Ward 2

H. Adjournment

MINUTES

ZONING BOARD OF ADJUSTMENT AND APPEALS MEETING

Thursday, November 21, 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 **3:03 P.M.**
- D. **Determination of a Quorum**:

BOARD MEMBERS PRESENT:

ROBERT PHARR
HAL KAIGLER
MARY ANN WIGINTON
NATHAN BODDIE

BOARD MEMBERS ABSENT:

LESLIE NORTH
MICHAEL DANIELS
NICHOLAS HAHN

STAFF MEMBERS PRESENT:

MATILDA WELCH
GREG HOLMES
SAMUEL SMITH
BRYCE CLUGH

COURT REPORTER:

NORMA SOROE

E. Confirmation of Agenda:

F. Approval of Minutes:

Motion by **Mr. Pharr** and seconded by **Mrs. Wiginton** to approve Minutes of the **October 17, 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 2411ZB168:

Variance 2411ZB168, by owner Elliot Land Developments LLC, seeking approval for fence height of 10 feet and 6 inches where four feet is the height limit, Tax Parcel 0811G-02-016.000, 1505 2nd Street, 1507 2nd Street, 1509 2nd Street, 1511 2nd Street, 1513 2nd Street, 1517 2nd Street, 1519 2nd Street, 1521 2nd Street, 1523 2nd Street, 1525 2nd Street, 1527 2nd Street, 1529 2nd Street, Zoned R-2 (Single-Family) & R-B (Residence Business), Ward 2

Speaking for the Petition: Brandon Elliott

Speaking against the Petition: Dona Kioseff

Motion: Mr. Boddie motioned for the approval of the applicant's request.

Second: Mr. Kaigler

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

Action: Motioned carried 3-1.

2. Variance 2411ZB173:

Variance 2411ZB173, by agent Monica Smith, seeking approval for parking that backs out into city right of way, Tax Parcel 0910N-07-010.000, 504 Pass Road, Zoned B-2 (General Business), Ward 4

Speaking for the Petition: Monica Smith, Yani Hernandez

Speaking against the Petition: none

Motion: Mr. Kaigler motioned for the approval of the applicant's request.

Second: Mr. Pharr

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

Action: Motion carried unanimously.

3. Variance 2411ZB174:

Variance 2411ZB174, by agent Monica Smith. seeking approval for three regular parking spaces where five are required, Tax Parcel 0910N-07-010.000, 504 Pass Road, Zoned B-2 (General Business), Ward 4

Speaking for the Petition: Monica Smith, Yani Hernandez

Speaking against the Petition: None

Motion: Mr. Pharr motioned for the approval of the applicant's request.

Second: Mrs. Wiginton

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

Action: Motioned carried unanimously.

4. Variance 2411ZB176:

Variance 2411ZB176, by owner Landry Trace LLC, seeking approval for subdivision wall height of 6 feet where 4 feet is the height limit, Tax Parcel 1009N-01-004.000, East Taylor Road, Zoned R-2 (Single-family), Ward 5

Speaking for the Petition: Kenneth Jones

Speaking against the Petition: None

Motion: Mr. Kaigler motioned for the approval of the applicant's request.

Second: Mr. Pharr

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

Action: Motioned carried unanimously.

5. Variance 2411ZB177:

Variance 2411ZB177, by owner Landry Trace LLC, seeking approval for subdivision sign height of 15 feet where 6 feet is the size limit, Tax Parcel 1009N-01-004.000, East Taylor Road, Zoned R-2 (Single-family), Ward 5

Speaking for the Petition: Kenneth Jones

Speaking against the Petition: None

Motion: Mrs. Wiginton motioned for the approval of the applicant's request.

Second: Mr. Kaigler

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

Action: Motioned carried unanimously.

6. Variance 2411ZB178:

Variance 2411ZB178, by owner Jimmy Watts, seeking approval for lot size of 6,970 square feet where 7,500 square feet is required, Tax Parcels 0711P-01-003.000, 0711P-01-004.000, 8th Street, Zoned T4+ (General Urban Zone "Plus"), Ward 2

Speaking for the Petition: Jimmy Watts

Speaking against the Petition: None

Motion: Mr. Pharr motioned for the approval of the applicant's request.

Second: Mr. Kaigler

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

Action: Motioned carried unanimously.

7. Special Exception 2411SE179:

Special Exception 2411ZB179, by owner Brenda Thai, seeking approval for a liquor store use, Tax Parcel 0811E-04-096.000, 2005 30th Ave, Zoned B-1 (Neighborhood Business), Ward 1

Speaking for the Petition: Brenda Thai

Speaking against the Petition: None

Motion: Mr. Pharr motioned for the approval of the applicant's request.

Second: Mrs. Wiginton

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

Action: Motioned carried unanimously.

8. Variance 2411ZB180:

Variance 2411ZB180, by owner Conquering Word Ministries, seeking approval for one regular parking space where nine are required, Tax Parcel 0811C-05-030.000, 2540 23rd Street, Zoned T4+ (General Urban Zone "Plus"), Ward 3

Speaking for the Petition: Carolyn Rowe-Treaulo

Speaking against the Petition: None

Motion: Mr. Kaigler motioned for the approval of the applicant's request.

Second: Mrs. Wiginton

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

Action: Motioned carried unanimously.

9. Variance 2411ZB181:

Variance 2411ZB181, by owner Conquering Word Ministries, seeking approval for parking that backs out into city right of way, Tax Parcel 0811C-05-030.000, 2540 23rd Street, Zoned T4+ (General Urban Zone "Plus"), Ward 3

Speaking for the Petition: Carolyn Rowe-Treaulo

Speaking against the Petition: None

Motion: Mrs. Wiginton motioned for the approval of the applicant's request.

Second: Mr. Pharr

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

Action: Motioned carried unanimously.

10. Variance 2411ZB183:

Variance 2411ZB183, by owner Mickey Anderson, seeking approval for a 5 foot and 2 inch side yard setback for a proposed detached carport where 14 feet is required, Tax Parcel 1010D-01-005.007, 8758 Sundown Lane, Zoned R-2 (Single-family), Ward 4

Speaking for the Petition: Mickey Anderson

Speaking against the Petition: Jacques Pucheu, William Symmes

Motion: Mr. Kaigler motioned for the approval of the applicant's request.

Second: Motion failed due to lack of a second.

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

Action: Approval failed due to lack of second of motion.

11. Variance 2411ZB184:

Variance 2411ZB184, by owner Thaddeus Grage, seeking approval for parking that backs out into city right of way, Tax Parcel 0811C-05-022.001, 2600 Pass Road, Zoned T5 (Urban Center Zone), Ward 3

Speaking for the Petition: Thaddeus Grage, Rylance Grage

Speaking against the Petition: None

Motion: Mr. Kaigler motioned for the approval of the applicant’s request.

Second: Mr. Pharr

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

Action: Motioned carried unanimously.

Adjournment:

Motion by **Mrs. Wiginton** to adjourn the meeting was seconded by **Mr. Pharr** and carried unanimously. The meeting adjourned **3:56 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 # 2025-175

Hearing Date: Thursday, December 19, 2024

Variance 2412ZB187: Variance 2412ZB187, by agent John Mozingo III, seeking approval for 7 regular parking spaces where 17 spaces are required , Tax Parcel 0910I-03-001.000, 549 E Pass Road, Zoned T4+ (General Urban Zone "Plus"), Ward 2

Technical Report

VARIANCE

GENERAL INFORMATION

Case File Number: 2412ZB187

Hearing Date: December 19, 2024

Current Zoning/Use: T4+ / Commercial Structure

Legal: Variance 2412ZB187, by agent John Mozingo III, seeking approval for 7 regular parking spaces where 17 spaces are required, Tax Parcel 0910I-03-001.000, 549 E Pass Road, 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 in order to allow for 7 normal parking spaces where 17 are required. For an office space, the City of Gulfport requires 1 parking space per 300 square feet of gross floor area. The building in question has pre-existing businesses operating currently, however, the proposed studio for professional work needed updated parking in order to be allowed to operate. This variance is requested in order to future proof the site in question and to allow for the maximum amount of parking they can fit on the site.

- (a) The applicant states that the variance is needed due to the expansion of Pass Road which reduced the number of parking space for the site. It is clear that a real hardship is faced due to the pre-existing nature of the building as well as the expansion of Pass Road.
- (b) The applicant notes that the building footprint has not been changed since the late 1970's and the owner has done nothing require the variance. It is clear to staff that the pre-existing nature of the building was not created by the applicant and their need for a variance is not self-imposed.
- (c) The applicant does not address the question and notes that without this variance the owner cannot lease his property to future tenants. However, it is clear to staff that due to the expansion of Pass Road and the pre-existing footprint of the building there is a real hardship at this property.
- (d) The applicant does not address the question and states the variance is needed in order to rent his property to future tenants. However, it is clear to staff that the literal interpretation of the ordinance would require partial or full demolition of the site in order to meet parking requirements.
- (e) The applicant states that the variance will allow the owner to rent the property just like any other person seeking similar variance and therefore doesn't give any privileges. It is clear to staff that, due to the expansion of Pass Road, many businesses have a real hardship in regards to space for parking. The granting of this variance would be in harmony with the businesses along Pass Road and no special privilege would be given.
- (f) This property is zoned T4+, and a studio for professional work is allowed by right.

EXECUTIVE SUMMARY

The applicant requests a variance in order to allow for 7 normal parking spaces where 17 are required. For an office space, the City of Gulfport requires 1 parking space per 300 square feet of gross floor area. The building in question has pre-existing businesses operating currently, however, the proposed studio for professional work needed updated parking in order to be allowed to operate. It is clear to staff that due to the expansion of Pass Road as well as the pre-existing nature of the building that a real hardship is faced. The granting of this variance would be in harmony with businesses along Pass Road.

Any approval should consider these conditions:

1. Approval would allow for 7 regular parking spaces where 17 are required.

DEPARTMENTAL CONDITIONS

Engineering:

No conditions. Memo dated 12/6/2024.

Technical Report

VARIANCE

Public Works: No conditions. Memo dated 12/6/2024.

Traffic and Safety: No conditions. Memo dated 11/26/2024.

Building Code Services: No conditions. Memo dated 11/26/2024.

GIS: No conditions. Memo dated 12/3/2024.

Police Department: No comment as of 12/6/2024.

Fire Department: No conditions. Memo dated 12/2/2024.

City Arborist: No conditions. Memo dated 12/3/2024.

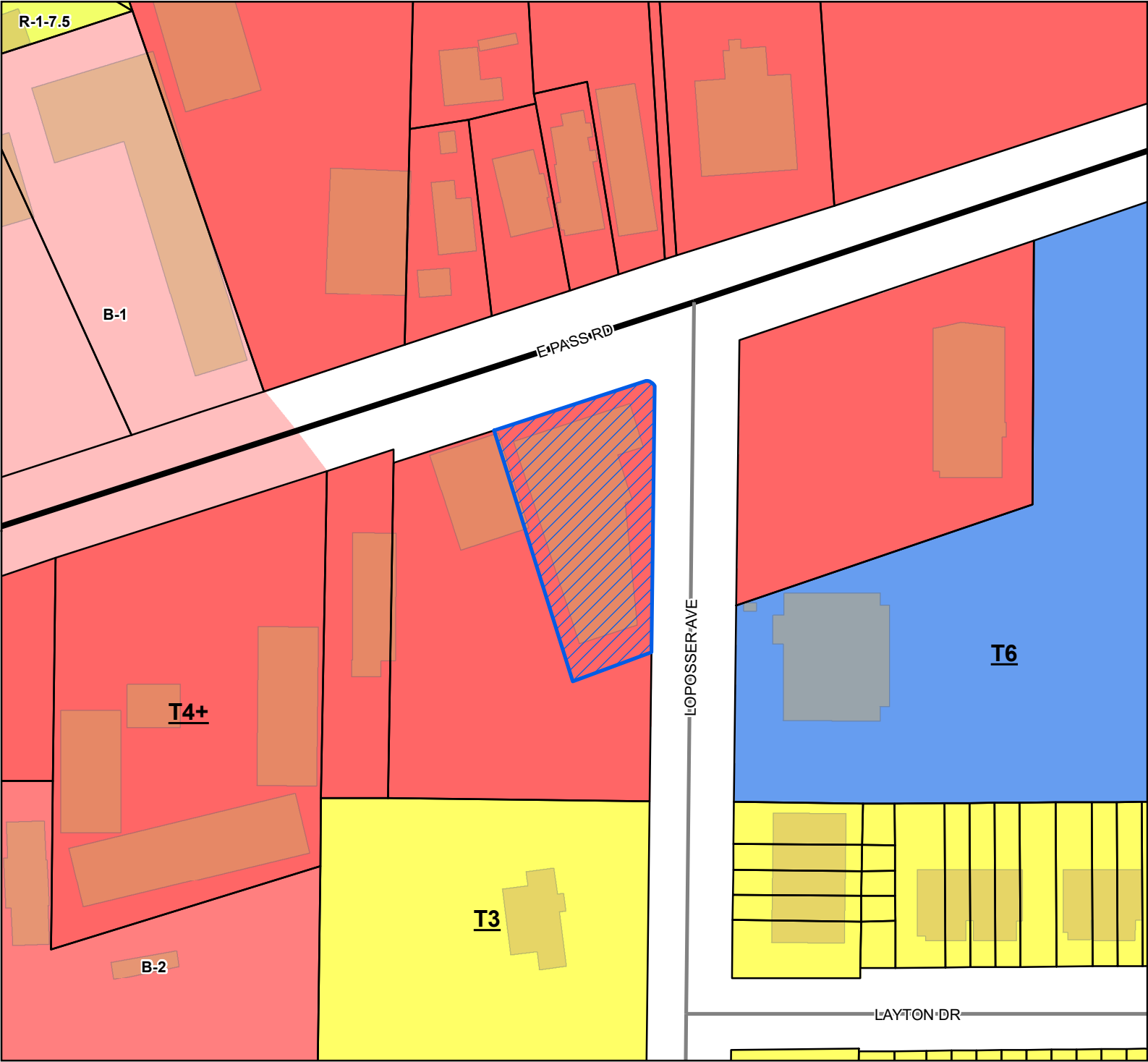
DIRECTOR APPROVAL

This report has been reviewed and approved by:



Greg Holmes
Director of Urban Development Department





Site

US or State Highway

Street

Parcels

Buildings

Smart Code

T6

T4+

T3

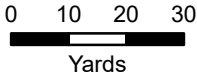
Zoning

B-1 - Neighborhood Business District

B-2 - General Business District

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

Site Information
0910I-03-001.000
Zoning: T4+ (General Urban Zone "Plus")
Size: 17097.52 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.



VO 10/28/24
CASE NUMBER
241226187
R#13003874

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

09102-03-001.000	

Property Address:

549 E PASS Road Gulfport MS
Lot(s) N/A Block(s) N/A Subdivision Metes & Bounds

General Description of Request:

NEED VARIANCE FOR 7 PARKING SPACES WHEN 17 ARE NEEDED.

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:Mozingo Properties LLC

Printed Name of Owner

549 E PASS Road

Mailing Address

Gulfport MS 39507

City

State

Zip Code

228 896 1506 228 324 7360

Home Phone

Work/Cell Phone

ADMIN@MOZINGOAUCTIONS.COM

Email

X John Mozingo

Signature of Owner

AGENT:John C Mozingo III

Printed Name of Agent

549 E PASS Road

Mailing Address

Gulfport MS 39507

City

State

Zip Code

228 697 5480 228 657 5680

Home Phone

Work/Cell Phone

JMozingo3@gmail.com

Email

John C Mozingo III

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) Mozingo Properties LLCAddress (Street, City, State, Zip Code) 549 E PASS Road Gulfport MS 39507Phone (Home) 228 896 1506 (Work) — (Cell) 228-324-7360Tax Parcel Number(s) Owned: 0910 I - 03 - 001.000Signature: X John MozingoName of Owner (PRINT) Mozingo Properties LLCAddress (Street, City, State, Zip Code) 549 E PASS Road Gulfport MS 39507Phone (Home) 228 896 1506 (Work) — (Cell) 228 324 7360Tax Parcel Number(s) Owned: 0910 I - 03 - 001.000Signature: X John Mozingo Jr.

Name of Owner (PRINT) _____

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

Phone (Home) _____

(Work) _____

(Cell) _____

Tax Parcel Number(s) Owned: _____

Signature: _____



DESIGNATION OF AGENT

I, Mozingo Properties LLC being property owner of 549 E. PASS Rte. Gulfport MS
PRINT NAME PRIMARY ADDRESS OR PARCEL
which is the subject of this application hereby authorize John C. Mozingo III to act as
PRINT NAME
my representative with the City of Gulfport's Zoning Board of Adjustment and Appeals, and/or Planning Commission, and/or City Council, and/or permitting and licensing, as required by the City.

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

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

[Signature]
SIGNATURE

10/23/24
DATE

STATE OF MISSISSIPPI | COUNTY OF HARRISON

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

Michele E. Hickman
NOTARY PUBLIC

2/10/28
COMMISSION EXPIRATION

★ STATE OF MISSISSIPPI ★
MICHELE E. HICKMAN, NOTARY PUBLIC
HARRISON COUNTY
MY COMMISSION EXPIRES FEBRUARY 10, 2028
COMMISSION NUMBER 66467



COVENANT AFFIDAVIT

I, MOLISO Properties LLC being property owner or agent of the property 519 E Pass Road Gulfport MS
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.

X [Signature] 10/23/24
SIGNATURE DATE

STATE OF MISSISSIPPI | COUNTY OF HARRISON

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

Michele E. Hickman
NOTARY PUBLIC

2/10/28
COMMISSION EXPIRATION

★ STATE OF MISSISSIPPI ★
MICHELE E. HICKMAN, NOTARY PUBLIC
HARRISON COUNTY
MY COMMISSION EXPIRES FEBRUARY 10, 2028
COMMISSION NUMBER 66467

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 about the property.
- Traffic flow, parking and driveways have been identified.
- If required buffer strips have been identified
- Other pertinent information as needed to pictorially demonstrate the proposed development/use.

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

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

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

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

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

 I the owner/agent acknowledge this is a complete application

Variance Submission questions for 549 E Pass Road, Gulfport, MS

1. Our need for the variance is a result of the past taking of land for the widening of Pass Road in years past which reduced the number of parking spaces not within the city right of way. The building has been owned by the current owner since 1976.
2. The building footprint has not been changed since the late 1970's so owner has done nothing to make required variance needed.
3. Without this variance, the building owner cannot lease his property to future tenants as a requirement of the city dictates the need for the variance. Owner has owned building with current footprint since late 1970's
4. Variance is needed for owner to be able to rent his property to future tenants as result in changes to city of Gulfport parking requirements.
5. Variance will allow owner to rent property just like any other person seeking similar variance and therefore doesn't give any additional privileges.
6. This question does not apply since we are only seeking a variance for the number of parking spaces required based on the square footage of the building.

240

468

09101-01-075.000

09101-01-076.000



Area Map

Printed 10/21/2024

E PASS RD

547 E PASS RD

112.9

549 E PASS RD

09101-03-001.000

8622

09101-03-002.000

LOPOSSER AVE

09101-02-010.000

56

7027

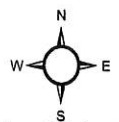
09101-02-009.000

Initial and date here:

Planner: _____

Owner: _____

Contractor: _____



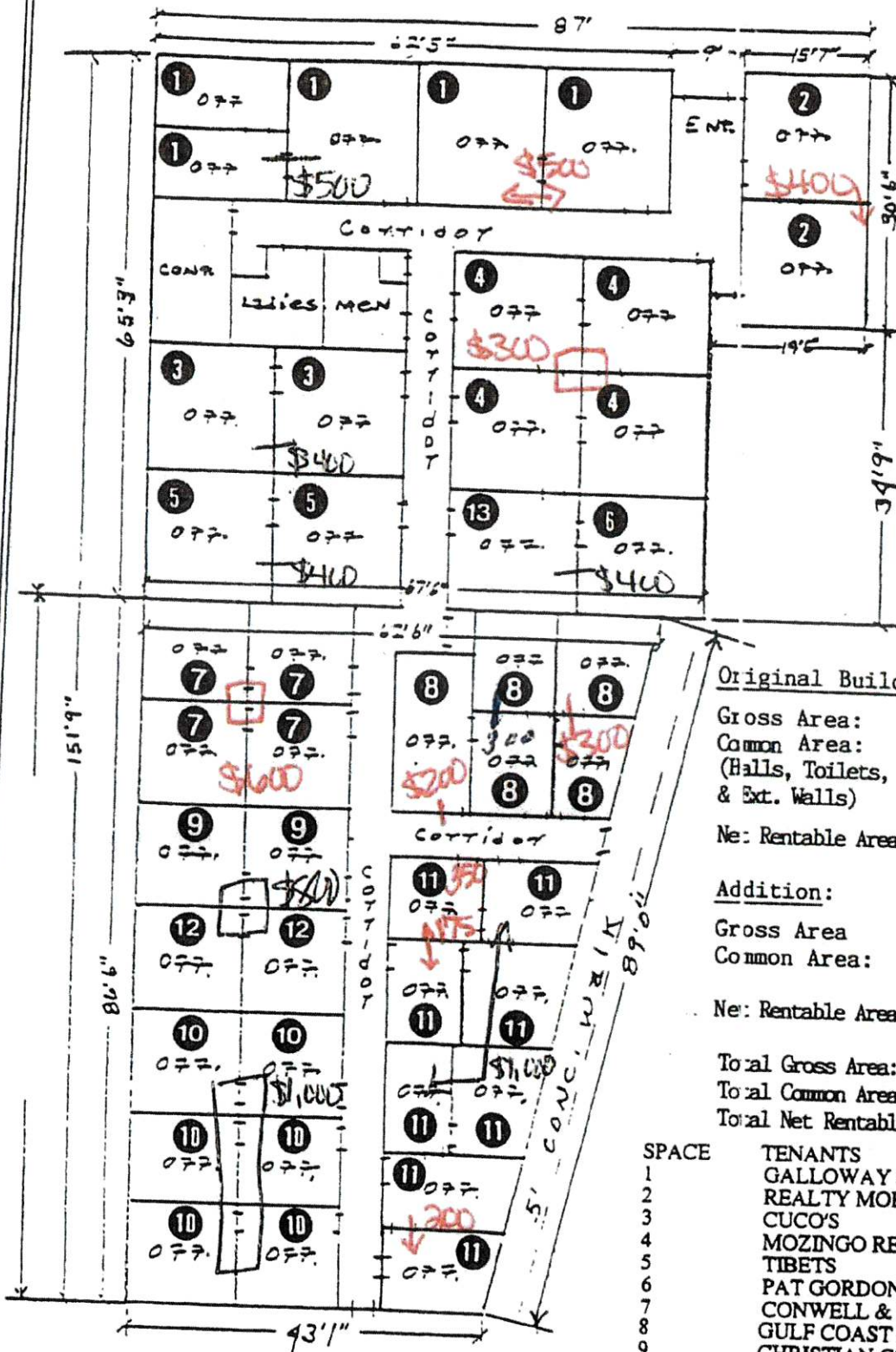
1 inch = 33 feet



DATA DISCLAIMER:

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FLOOR PLAN



2,675
+ \$500
\$7,475

Original Building:

Gross Area: 4,999 SF
Common Area: 1,157 SF
(Halls, Toilets, & Ext. Walls)

Net Rentable Area: 3,842 SF

Addition:

Gross Area: 4,566 SF
Common Area: 864 SF

Net Rentable Area: 3,702 SF

Total Gross Area: 9,565 SF
Total Common Area: 1,961 SF
Total Net Rentable Area: 7,604 SF

SPACE	TENANTS
1	GALLOWAY & GALLOWAY
2	REALTY MORTGAGE SERVICES
3	CUCO'S
4	MOZINGO REALTY
5	TIBETS
6	PAT GORDON
7	CONWELL & HAYES
8	GULF COAST SOFTWARE
9	CHRISTIAN COUNCIL
10	COLONIAL LIFE
11	CHARLES CARNEY ACCOUNTANT
12	VACANT
13	VACANT





Michael Watson

SECRETARY OF STATE

This is not an official certificate of good standing.

Name History

Name	Name Type
Mozingo Properties, LLC	Legal

Business Information

Business Type:	Limited Liability Company
Business ID:	897669
Status:	Good Standing
Effective Date:	08/23/2006
State of Incorporation:	Mississippi
Principal Office Address:	549 E. PASS ROAD, SUITE D GULFPORT, MS 39507

Registered Agent

Name
Mozingo, John C, Jr 549 E Pass Road;PO Box 6641 Gulfport, MS 39506

Officers & Directors

Name	Title
John C Mozingo 549 E. PASS ROAD, SUITE D GULFPORT, MS 39507	Member
John C. Mozingo Jr 549 E Pass Road, Suite D Gulfport, MS 39507	
Linda I Mozingo 549 E. PASS ROAD, SUITE D GULFPORT, MS 39507	Secretary

STATE OF MISSISSIPPI

INDEXING INSTRUCTIONS:

COUNTY OF HARRISON S36-T7S-R11W Beg at S MAR of Loposser St

FIRST JUDICIAL DISTRICT & S MAR of Pass Rd SWLY along Pass Rd

125.5 FT S 17 DGS E 190.4 FT N 72 DGS E 59 FT

to Loposser St N along Rd 200 FT to POB Part of SW

TITLE NOT EXAMINED

WARRANTY DEED

FOR AND IN CONSIDERATION of the sum of ten dollars, cash in hand paid, and other good and valuable considerations, the receipt and sufficiency of which is hereby acknowledged, the undersigned,

JOHN C. MOZINGO, JR.

does hereby sell, convey and warrant unto

MOZINGO PROPERTIES, LLC,
a Mississippi limited liability company

a undivided one-half (1/2) interest in and to the following described real property, together with all improvements thereon, located in the First Judicial District of Harrison County, State of Mississippi, to-wit:

A parcel of land located in Section 36, Township 7 South, Range 11 West, First Judicial District of Harrison County, Mississippi, more particularly described as beginning at a point on the south margin of the Pass Christian Road where same intersects the West margin of Loposser Street; thence from said point of beginning run South 72 degrees 15 minutes West a distance of 125.54 feet to an iron rod, thence run South 17 degrees 45 minutes East a distance of 200 feet to an iron rod, thence run North 72 degrees 15 minutes East a distance of 59.02 feet to an iron rod set on the West margin of said Loposser Street, thence run North 00 degrees 45 minutes East along the West margin of said Loposser Street a distance of 210.7 feet to the point of beginning; LESS AND EXCEPT a parcel described as commencing at the intersection of the West margin of said Loposser Street with the South margin of said Pass Christian Road for the point of beginning of the parcel excepted; thence from said point of beginning run Southwesterly along the South margin of said Pass Christian Road a distance of 125.54 feet to a point, thence run South 17 degrees 45 minutes East a distance of 9.8 feet to a point, thence run Northeasterly along a proposed new right of way for the South margin of said Pass Christian Road and approximately parallel with the North line of the above described property a distance of 112.87 feet to the beginning of a curve concave to the South and having a radius of 15 feet, thence run Easterly along said curve a chord distance of 9.37 feet to the West margin of said Loposser Street, thence run North along the West margin of said Loposser Street a distance of 13.45 feet to the point of beginning of the parcel excepted herein.



John C. Mozingo, Jr.
1st Judicial District
Instrument 2007 73 D -J1
Filed/Recorded 13 2007 9 5 A
Total Fees 12.00

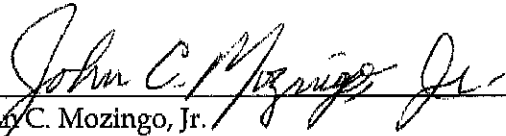
2 Pages Recorded

2

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

Ad valorem taxes for the year 2006 have been prorated between the parties hereto and the obligation to pay same is assumed by the Grantee herein, who will pay same when due.

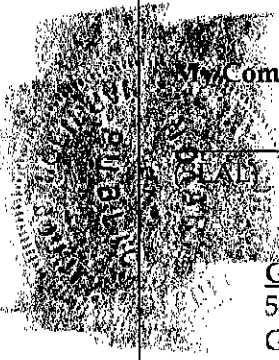
WITNESS my signature on this the 7th day of Dec., 2006.

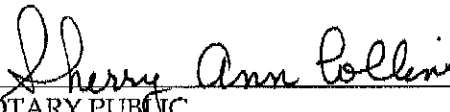

John C. Mozingo, Jr.

STATE OF MISSISSIPPI
COUNTY OF HARRISON

PERSONALLY APPEARED BEFORE ME, the undersigned authority, a notary public in and for the aforesaid jurisdiction, the within named John C. Mozingo, Jr. who acknowledged that he signed and delivered the above and foregoing instrument on the day and year therein set forth and mentioned.

GIVEN UNDER MY HAND, and official seal of office, this 7th day of December, 2006.


My Commission Expires:
NOTARY PUBLIC STATE OF MISSISSIPPI AT LARGE
MY COMMISSION EXPIRES: Sept 26, 2010
BONDED THRU NOTARY PUBLIC UNDERWRITERS


NOTARY PUBLIC

Grantor/Grantors' Address:

549 East Pass Road
Gulfport, MS 39507
(228) 896-1506

Grantee/Grantees' Address:

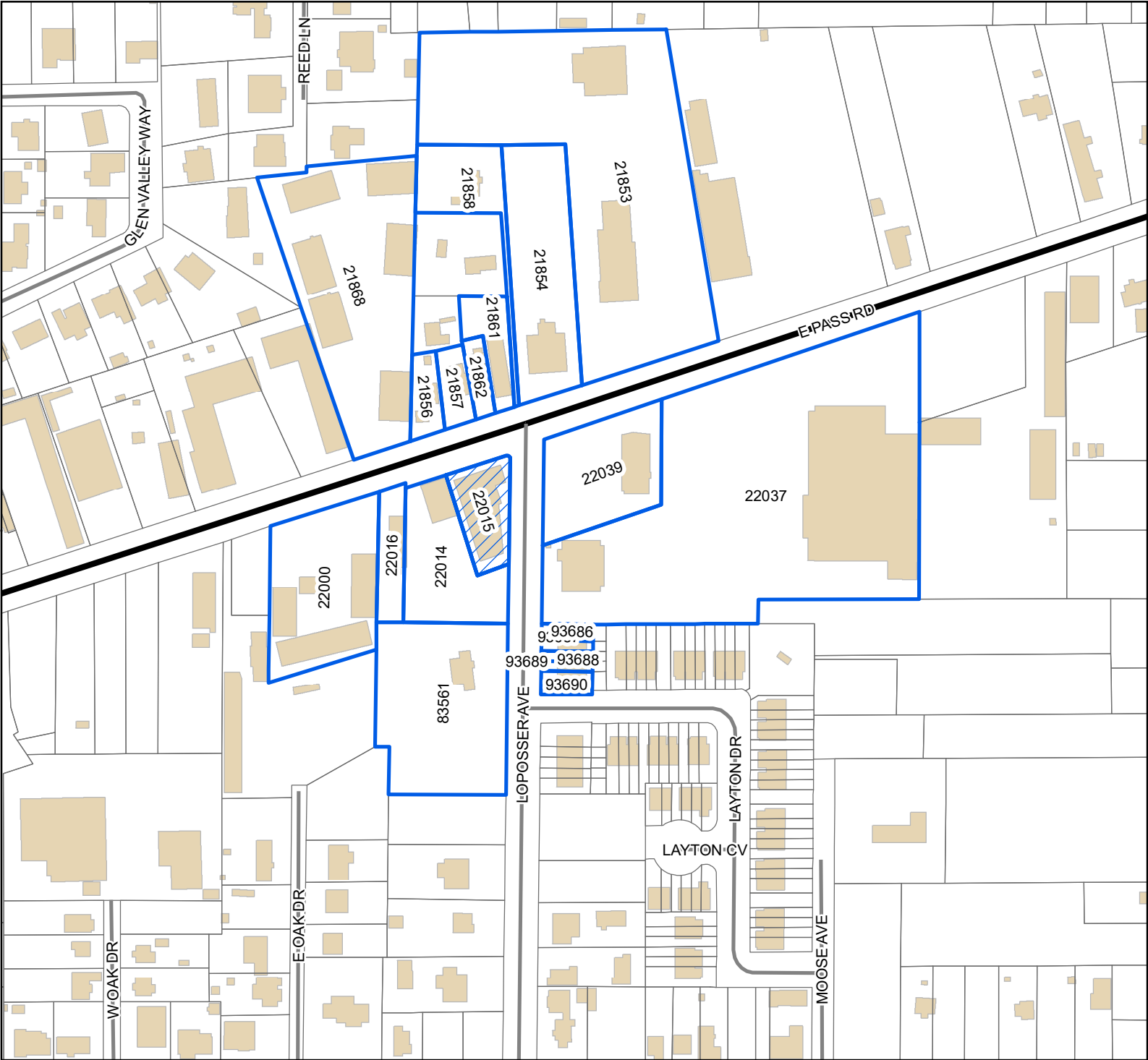
549 East Pass Road
Gulfport, MS 39507
(228) 896-1506

PREPARED BY & RETURN TO:

HENRY N. DICK, III
PAGE, MANNINO, PERESICH
& McDERMOTT, PLLC
759 VIEUX MARCHE MALL
BILOXI, MS 39533
(228) 374-2100

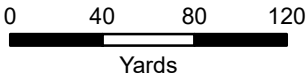
L:\CASES\35001-39999\35430\LLC Docs\WD 549 E Pass Rd.wpd

Mail	PPIN	Parcel ID	Name	Address	City	State	ZIP
Y		0910I-03-001.000	MOZINGO PROPERTIES LLC (OWNER)	549 E PASS ROAD	GULFPORT	MS	39507
			JOHN C MOZINGO III (AGENT)	549 E PASS ROAD	GULFPORT	MS	39507
			Adjacent Property Owners (2412ZB187)				
	93688	0910I-02-016.003	SOLA GRATIA LLC	9585 SOUTH BAYOU BEND DRIVE	GULFPORT	MS	39503
N	93689	0910I-02-016.004	SOLA GRATIA LLC	9585 SOUTH BAYOU BEND DRIVE	GULFPORT	MS	39503
	21858	0910I-01-071.000	LEWIS DONALD R & BOBBY R & MARY K	604 E PASS RD	GULFPORT	MS	39507
	93687	0910I-02-016.002	NEWMAN FAMILY PROPERTIES LLC	153 WOODHAVEN DR	GULFPORT	MS	39507
N	21854	0910I-01-070.000	AMERICAN NATIONAL RED CROSS	ATTN: DIRECTOR OF REAL ESTATE	CHARLOTTE	NC	28273
	21853	0910I-01-069.000	MARBY HOLDINGS LLC	PO BOX 6212	GULFPORT	MS	39506
	21857	0910I-01-075.000	SEACOAST AUTO INC	1104 GLENDALE PL	GULFPORT	MS	39507
	21856	0910I-01-076.000	LADNER CHARLES & FRANKIE J	550 EAST PASS ROAD	GULFPORT	MS	39507
	22039	0910I-02-010.000	GIMENEZ RUBEN	603 EAST PASS RD	GULFPORT	MS	39507
N	22015	0910I-03-001.000	MOZINGO PROPERTIES LLC	549 EAST PASS ROAD	GULFPORT	MS	39507
	93686	0910I-02-016.001	RKWE HOLDINGS LLC	224 PECAN MEADOW DR	BATON ROUGE	LA	70810
	83561	0910I-03-044.000	BAYOU PROPERTIES LLC	10847 WATERSIDE DR	GULFPORT	MS	39503
	22014	0910I-03-002.000	BANNISTER FOUNDATION INC	545 E PASS RD	GULFPORT	MS	39506
N	22000	0910I-03-004.000	PALM VIEW 529 LLC	C/O DENIS LEMIRE	CHEYANNE	WY	82001
	22016	0910I-03-003.000	PELICAN SUITES LLC	P O BOX 7605	GULFPORT	MS	39506
	21862	0910I-01-074.000	BEACON AGENCY LLC	2103 20TH AVE	GULFPORT	MS	39507
N	93690	0910I-02-016.005	SOLA GRATIA LLC	9585 SOUTH BAYOU BEND DRIVE	GULFPORT	MS	39503
	21861	0910I-01-073.000	PRN HEALTHCARE GROUP LLC	600 E PASS RD	GULFPORT	MS	39507
	22037	0910I-02-009.000	FIRST TIBER SA INC	P O BOX 016727	MIAMI	FL	33101
	21868	0910I-01-077.000	RAVENWOOD ENTERPRISES LLC	2510 HWY 53	PERKINSTON	MS	39573



Legend

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



1 inch = 250 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	615422	Print Legal Ad-IPL02060860 - IPL0206086		\$89.80	2	41 L

Attention: Matilda Welch

GULFPORT URBAN DEVELOPMENT
PO BOX 1780
GULFPORT, MS 39502

accountspayable@gulfport-ms.gov

LEGAL NOTICE

PUBLIC HEARING

In conformance with Section VIII of the Comprehensive Zoning Ordinance of the City of Gulfport, Mississippi, 1979, as amended, notice is hereby given advising that the Zoning Board of Adjustment and Appeals will hold a public hearing in the City of Gulfport, Mississippi at 3:00 PM., Thursday, December 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 24122B187, by agent John Mozingo III, seeking approval for 7 regular parking spaces where 17 spaces are required, Tax Parcel 0910I-03-001.000, 549 E Pass Road, Zoned T4+ (General Urban Zone "Plus"), Ward 2
Variance 24122B188, by agent John Mozingo III, seeking approval for parking that backs out into city right of way, Tax Parcel 0910I-03-001.000, 549 E. Pass Road, Zoned T4+ (General Urban Zone "Plus"), Ward 2
Variance 24122B190, by owners John and Judy Cotten, seeking approval for a zero-foot setback where 25 feet is required for a second frontage, Tax Parcel 0811H-04-020.000, 1340 2nd Street, Zoned R-1-7.5 (Single-Family), Ward 2
Variance 24122B191, by owners David Snyder Jr and Candace Snyder, seeking approval for an 8-foot tall fence where six feet is the height limit, Tax Parcel 1010J-2-006.000, 2315 Demaret Drive, Zoned R-1-7.5 (Single-Family), Ward 2
Variance 24122B192, by agent Heinrich & Associates, seeking approval for parking that backs out into city right of way, Tax Parcel 1009M-03-010.012, Old Lorraine Road, Zoned B-1 (Neighborhood Business), Ward 5
Variance 24122B194, by agent Robert K Riemann, seeking approval for lime-stone parking surface material where asphalt or concrete is required, Tax Parcel 0707H-01-002.000, 14220 Hwy 49, Zoned I-2 (Heavy Industry), Ward 7
Variance 24122B197, by owner R. Solloum Investments Inc., seeking approval for building height of 69 feet where 45 feet is the height limit, Tax Parcel 1010P-01-003.000, 2400 Beach Drive, Zoned R-B (Residence Business), Ward 2
Variance 24122B198, by owner R. Solloum Investments Inc., seeking approval for 142 regular parking spaces where 205 spaces are required, Tax Parcel 1010P-01-003.000, 2400 Beach Drive, Zoned R-B (Residence Business), Ward 2
Variance 24122B199, by owner R. Solloum Investments Inc., seeking approval for one additional wall sign where two wall signs are allowed, Tax Parcel 1010P-01-003.000, 2400 Beach Drive, Zoned R-B (Residence Business), Ward 2
This the 26th day of November 2024
A. Leslie North, Chairman
City of Gulfport Zoning Board of Adjustment and Appeals
IPL0206086
Dec 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:

12/04/24

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.

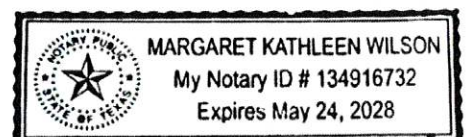
Mary Castro

Sworn to and subscribed before me this 5th day of
December in the year of 2024

Margaret K. Wilson

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 # 2025-176

Hearing Date: Thursday, December 19, 2024

Variance 2412ZB188: Variance 2412ZB188, by agent John Mozingo III, seeking approval for parking that backs out into city right of way, Tax Parcel 0910I-03-001.000, 549 E. Pass Road, Zoned T4+ (General Urban Zone "Plus"), Ward 2

Technical Report

VARIANCE

GENERAL INFORMATION

Case File Number: 2412ZB188

Hearing Date: December 19, 2024

Current Zoning/Use: T4+ / Commercial Structure

Legal: Variance 2412ZB188, by agent John Mozingo III, seeking approval for parking that backs out into city right of way, Tax Parcel 0910I-03-001.000, 549 E. Pass Road, 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 in order to back out into the city right of way. The City of Gulfport parking requirements for perpendicular parking call for a 25-foot aisle width that begins at the end of the 9'x18' parking space. Currently, the site cannot fit the required aisle width. In order to bring the site up to code, the site would require at least partial demolition or a change in the ordinance in order to fit their desired parking without variance.

- (a) The applicant states that the need for the variance is due to the expansion of Pass Road in years past. It should be noted that the parking shown on the parking plan is exclusively backing out into Lopper Avenue and not Pass Road, however, the parking they had in the front is no longer viable due to the extension of Pass Road as was stated.
- (b) The applicant states that the building footprint has not been changed since the late 1970's and thus the actions of the applicant did not cause the variance. It should be noted that the expansion of the building was done by the owner, however, it pre-dates the ordinance. It is clear to staff that the applicant did not cause the need for this variance.
- (c) The applicant states that without a variance the owner cannot lease his property in its current state. They state that the owner has owned the building since the late 1970's. The applicant has not demonstrated a hardship in their answer, however, due to the pre-existing nature of the site as well as the expansion of Pass Road, a hardship is faced by the applicant.
- (d) The applicant does not address the question and states that the variance is needed due to the change in the City of Gulfport's zoning requirements. However, it is clear to staff that the literal interpretation of the ordinance would deprive this property of parking that is common along Pass Road due to the expansion of Pass Road.
- (e) The applicant states that the variance would allow the owner to rent the property just like any other person seeking similar variances and therefore doesn't give additional privileges. It is clear to staff that the granting of this variance would not grant any special privileges to the site and that this variance would be in harmony with the area along Pass Road. It is clear that the site faces a hardship due to the expansion of Pass Road as well as the pre-existing nature of the building.
- (f) This property is zoned T4+, and a studio for professional work is allowed by right.

EXECUTIVE SUMMARY

The applicant requests a variance in order to back out into the city right of way. The City of Gulfport parking requirements for perpendicular parking call for a 25-foot aisle width that begins at the end of the 9'x18' parking space. Due to the expansion of Pass Road, the front of the property is no longer viable for parking spaces. The site would require partial or full demolition in order to meet parking requirements on site if not approved for this variance. It is clear that, due to the expansion of Pass Road as well as the pre-existing nature of the building, the applicant faces a real hardship. The granting of this variance would be in harmony with the area

Any approval should consider these conditions:

- 1. Approval would allow for backing out into the city right of way.
- 2. All new striping shall meet the City of Gulfport's standard construction details.

DEPARTMENTAL CONDITIONS

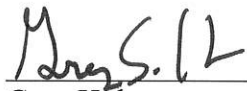
Technical Report

VARIANCE

<u>Engineering:</u>	No conditions. Memo dated 12/6/2024.
<u>Public Works:</u>	No conditions. Memo dated 12/6/2024.
<u>Traffic and Safety:</u>	All new striping shall meet the City of Gulfport's standard construction details. Memo dated 11/26/2024.
<u>Building Code Services:</u>	No conditions. Memo dated 11/26/2024.
<u>GIS:</u>	No conditions. Memo dated 12/3/2024.
<u>Police Department:</u>	No comment as of 12/6/2024.
<u>Fire Department:</u>	No conditions. Memo dated 12/2/2024.
<u>City Arborist:</u>	No conditions. Memo dated 12/3/2024.

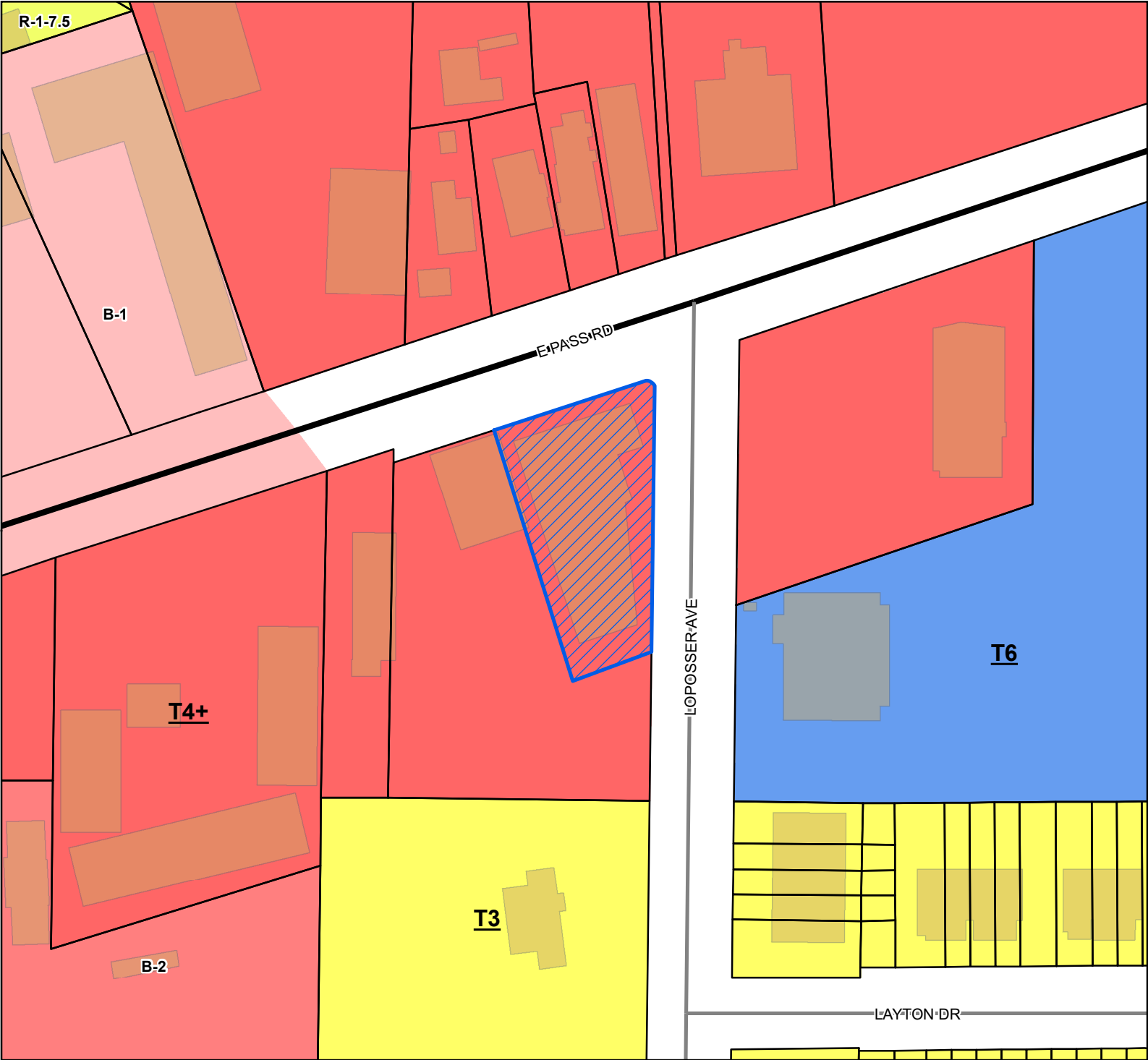
DIRECTOR APPROVAL

This report has been reviewed and approved by:



Greg Holmes

Director of Urban Development Department



Site

US or State Highway

Street

Parcels

Buildings

Smart Code

T6

T4+

T3

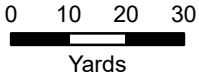
Zoning

B-1 - Neighborhood Business District

B-2 - General Business District

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

Site Information
0910I-03-001.000
Zoning: T4+ (General Urban Zone "Plus")
Size: 17097.52 sqft
Flood: X



1 inch = 100 feet



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WO 10/28/29
CASE NUMBER
24122B188
R# 13003875

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

09101-03-001.000	

Property Address:

549 E. PASS ROAD GULFPORT MS
Lot(s) N/A Block(s) N/A Subdivision METES & BOUNDS

General Description of Request: PARKING VARIANCE 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:

Mozingo properties LLC
 Printed Name of Owner
549 E Pass Road
 Mailing Address
Cell/Fax MS 39507
 City State Zip Code
228 896 1506 228 324 7360
 Home Phone Work/Cell Phone
Admin @mozingsauctions.com
 Email
X [Signature]
 Signature of Owner

AGENT:

John C Mozingo III
 Printed Name of Agent
549 E Pass Road
 Mailing Address
Cell/Fax MS 39507
 City State Zip Code
228 697 5680 228 697 5680
 Home Phone Work/Cell Phone
John C Mozingo III @gmail.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) Mozingo properties LLC
 Address (Street, City, State, Zip Code) 549 E. Pass Road Cell/Fax MS 39507
 Phone (Home) 228 896 1506 (Work) — (Cell) 228 324 7360
 Tax Parcel Number(s) Owned: 0910E-03-001.000
 Signature: X [Signature]

Name of Owner (PRINT) Mozingo property LLC
 Address (Street, City, State, Zip Code) 549 E Pass Road Cell/Fax MS 39507
 Phone (Home) 228 896 1506 (Work) — (Cell) 228 324 7360
 Tax Parcel Number(s) Owned: 0910E-03-001.000
 Signature: X [Signature]

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



COVENANT AFFIDAVIT

I, Mozzies Properties LLC being property owner or agent of the property Gulfportms 549 E P Assn Rd
PRINT NAME PRIMARY ADDRESS OR PARCEL

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

[Signature]
SIGNATURE

10/22/24
DATE

STATE OF MISSISSIPPI | COUNTY OF HARRISON

Given under my hand and seal of office this the 22nd day of October, 20 24

[Signature: Michele E. Hickman]
NOTARY PUBLIC

★ STATE OF MISSISSIPPI ★
MICHELE E. HICKMAN, NOTARY PUBLIC
HARRISON COUNTY
MY COMMISSION EXPIRES FEBRUARY 10, 2028
COMMISSION NUMBER 66467

2/10/28
COMMISSION EXPIRATION



DESIGNATION OF AGENT

I, Mozingo
Properties LLC being property owner of 549 E PASS Road, Gulfport MS
PRINT NAME PRIMARY ADDRESS OR PARCEL
which is the subject of this application hereby authorize John Mozingo III to act as
PRINT NAME
my representative with the City of Gulfport's Zoning Board of Adjustment and Appeals, and/or Planning Commission, and/or City Council, and/or permitting and licensing, as required by the City.

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

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

John Mozingo III 10/22/24
SIGNATURE DATE

STATE OF MISSISSIPPI | COUNTY OF HARRISON

Given under my hand and seal of office this the 22nd day of October, 20 24

Michele E. Hickman 2/10/28
NOTARY PUBLIC COMMISSION EXPIRATION

★ STATE OF MISSISSIPPI ★
MICHELE E. HICKMAN, NOTARY PUBLIC
HARRISON COUNTY
MY COMMISSION EXPIRES FEBRUARY 10, 2028
COMMISSION NUMBER 66467

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 about the property.
 - Traffic flow, parking and driveways have been identified.
 - If required buffer strips have been identified
 - Other pertinent information as needed to pictorially demonstrate the proposed development/use.
- Proof of ownership** (Copy of deed i.e., Warranty Deed or Quitclaim Deed)
- If applicable, notarized proof of **authority to act as agent** for owner (board resolution, etc.) (see page 9)

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

Variance Submission questions for 549 E Pass Road, Gulfport, MS

1. Our need for the variance is a result of the past taking of land for the widening of Pass Road in years past. The building has been owned by the current owner since 1976.
2. The building footprint has not been changed since the late 1970's so owner has done nothing to make required variance needed.
3. Without this variance, the building owner cannot lease his property to future tenants as a requirement of the city dictates the need for the variance. Owner has owned building with current footprint since late 1970's
4. Variance is needed for owner to be able to rent his property to future tenants as result in changes to city of Gulfport zoning requirements.
5. Variance will allow owner to rent property just like any other person seeking similar variance and therefore doesn't give any additional privileges.
6. This question does not apply since we are only seeking a variance to back out into the city right of way.

5240 468

09101-01-075.000

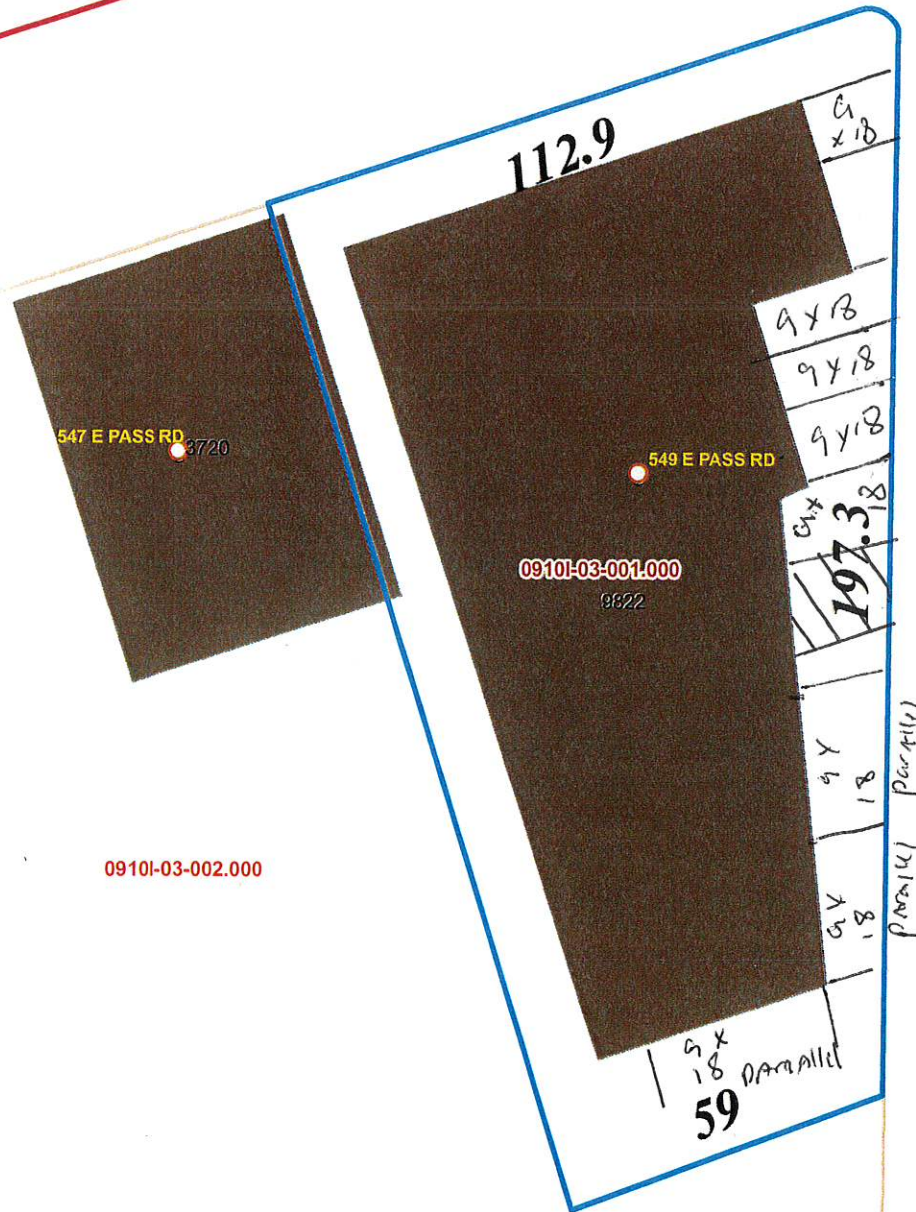
09101-01-076.000



Area Map

Printed 10/21/2024

E PASS RD



LOPOSSER AVE

09101-02-010.000

56

7027

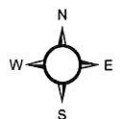
09101-02-009.000

Initial and date here:

Planner: _____

Owner: *[Signature]* 10/25/24

Contractor: _____



1 inch = 33 feet

Addresspoints **Edits addresspoints**

STRUCT_CLASS

- Commercial
- Principal Arterial
- Minor/Residential
- Parcels

DATA DISCLAIMER:
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Michael Watson

SECRETARY OF STATE

This is not an official certificate of good standing.

Name History

Name	Name Type
Mozingo Properties, LLC	Legal

Business Information

Business Type:	Limited Liability Company
Business ID:	897669
Status:	Good Standing
Effective Date:	08/23/2006
State of Incorporation:	Mississippi
Principal Office Address:	549 E. PASS ROAD, SUITE D GULFPORT, MS 39507

Registered Agent

Name
Mozingo, John C, Jr 549 E Pass Road;PO Box 6641 Gulfport, MS 39506

Officers & Directors

Name	Title
John C Mozingo 549 E. PASS ROAD, SUITE D GULFPORT, MS 39507	Member
John C. Mozingo Jr 549 E Pass Road, Suite D Gulfport, MS 39507	
Linda I Mozingo 549 E. PASS ROAD, SUITE D GULFPORT, MS 39507	Secretary

STATE OF MISSISSIPPI

INDEXING INSTRUCTIONS:

COUNTY OF HARRISON S36-T7S-R11W Beg at S MAR of Lopusser St

FIRST JUDICIAL DISTRICT & S MAR of Pass Rd SWLY along Pass Rd

125.5 FT S 17 DGS E 190.4 FT N 72 DGS E 59 FT

to Lopusser St N along Rd 200 FT to POB Part of SW

TITLE NOT EXAMINED

WARRANTY DEED

FOR AND IN CONSIDERATION of the sum of ten dollars, cash in hand paid, and other good and valuable considerations, the receipt and sufficiency of which is hereby acknowledged, the undersigned,

JOHN C. MOZINGO, JR.

does hereby sell, convey and warrant unto

MOZINGO PROPERTIES, LLC,
a Mississippi limited liability company

a undivided one-half (½) interest in and to the following described real property, together with all improvements thereon, located in the First Judicial District of Harrison County, State of Mississippi, to-wit:

A parcel of land located in Section 36, Township 7 South, Range 11 West, First Judicial District of Harrison County, Mississippi, more particularly described as beginning at a point on the south margin of the Pass Christian Road where same intersects the West margin of Lopusser Street; thence from said point of beginning run South 72 degrees 15 minutes West a distance of 125.54 feet to an iron rod, thence run South 17 degrees 45 minutes East a distance of 200 feet to an iron rod, thence run North 72 degrees 15 minutes East a distance of 59.02 feet to an iron rod set on the West margin of said Lopusser Street, thence run North 00 degrees 45 minutes East along the West margin of said Lopusser Street a distance of 210.7 feet to the point of beginning; LESS AND EXCEPT a parcel described as commencing at the intersection of the West margin of said Lopusser Street with the South margin of said Pass Christian Road for the point of beginning of the parcel excepted; thence from said point of beginning run Southwesterly along the South margin of said Pass Christian Road a distance of 125.54 feet to a point, thence run South 17 degrees 45 minutes East a distance of 9.8 feet to a point, thence run Northeasterly along a proposed new right of way for the South margin of said Pass Christian Road and approximately parallel with the North line of the above described property a distance of 112.87 feet to the beginning of a curve concave to the South and having a radius of 15 feet, thence run Easterly along said curve a chord distance of 9.37 feet to the West margin of said Lopusser Street, thence run North along the West margin of said Lopusser Street a distance of 13.45 feet to the point of beginning of the parcel excepted herein.



John C. Mozingo, Jr.
1st Judicial District
Instrument 2007 73 D -J1
Filed/Recorded 1 3 2007 9 5 A
Total Fees 12.00

2 Pages Recorded

2

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

Ad valorem taxes for the year 2006 have been prorated between the parties hereto and the obligation to pay same is assumed by the Grantee herein, who will pay same when due.

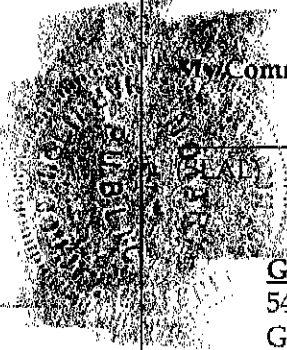
WITNESS my signature on this the 7th day of Dec., 2006.

John C. Mozingo, Jr.
John C. Mozingo, Jr.

STATE OF MISSISSIPPI
COUNTY OF HARRISON

PERSONALLY APPEARED BEFORE ME, the undersigned authority, a notary public in and for the aforesaid jurisdiction, the within named John C. Mozingo, Jr. who acknowledged that he signed and delivered the above and foregoing instrument on the day and year therein set forth and mentioned.

GIVEN UNDER MY HAND, and official seal of office, this 7th day of December, 2006.

My Commission Expires:
NOTARY PUBLIC STATE OF MISSISSIPPI AT LARGE
MY COMMISSION EXPIRES: Sept 26, 2010
BONDED THRU NOTARY PUBLIC UNDERWRITERS

Cherry Ann Hollen
NOTARY PUBLIC

Grantor/Grantors' Address:

549 East Pass Road
Gulfport, MS 39507
(228) 896-1506

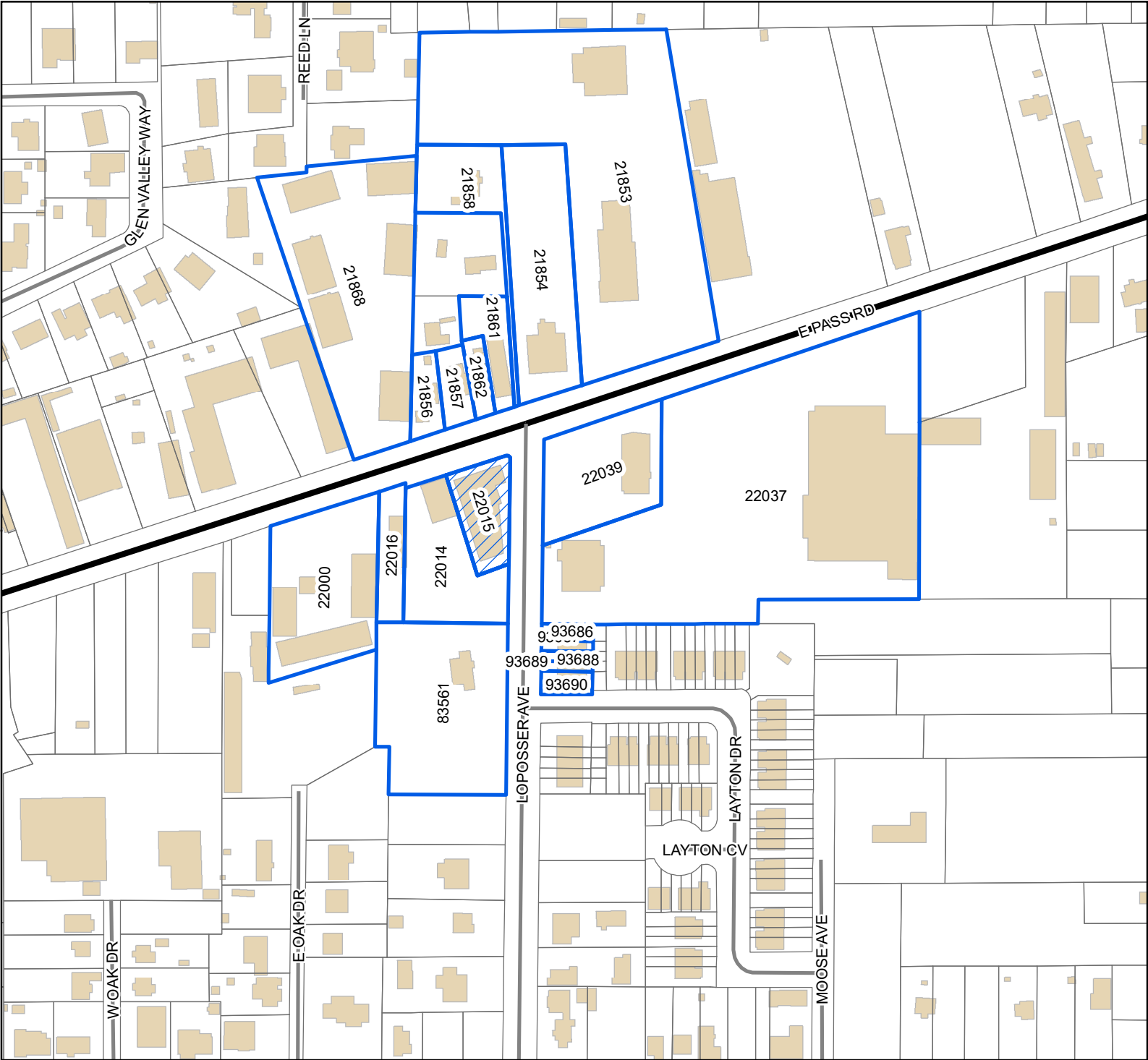
Grantee/Grantees' Address:

549 East Pass Road
Gulfport, MS 39507
(228) 896-1506

PREPARED BY & RETURN TO:
HENRY N. DICK, III
PAGE, MANNINO, PERESICH
& McDERMOTT, PLLC
759 VIEUX MARCHE MALL
BILOXI, MS 39533
(228) 374-2100

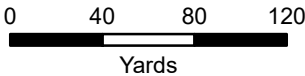
L:\CASES\35001-39999\35430\LLC Docs\WD 549 E Pass Rd.wpd

Mail	PPIN	Parcel ID	Name	Address	City	State	ZIP
Y		0910I-03-001.000	MOZINGO PROPERTIES LLC (OWNER)	549 E PASS ROAD	GULFPORT	MS	39507
			JOHN C MOZINGO III (AGENT)	549 E PASS ROAD	GULFPORT	MS	39507
			Adjacent Property Owners (2412ZB188)				
	93688	0910I-02-016.003	SOLA GRATIA LLC	9585 SOUTH BAYOU BEND DRIVE	GULFPORT	MS	39503
N	93689	0910I-02-016.004	SOLA GRATIA LLC	9585 SOUTH BAYOU BEND DRIVE	GULFPORT	MS	39503
	21858	0910I-01-071.000	LEWIS DONALD R & BOBBY R & MARY K	604 E PASS RD	GULFPORT	MS	39507
	93687	0910I-02-016.002	NEWMAN FAMILY PROPERTIES LLC	153 WOODHAVEN DR	GULFPORT	MS	39507
N	21854	0910I-01-070.000	AMERICAN NATIONAL RED CROSS	ATTN: DIRECTOR OF REAL ESTATE	CHARLOTTE	NC	28273
	21853	0910I-01-069.000	MARBY HOLDINGS LLC	PO BOX 6212	GULFPORT	MS	39506
	21857	0910I-01-075.000	SEACOAST AUTO INC	1104 GLENDALE PL	GULFPORT	MS	39507
	21856	0910I-01-076.000	LADNER CHARLES & FRANKIE J	550 EAST PASS ROAD	GULFPORT	MS	39507
	22039	0910I-02-010.000	GIMENEZ RUBEN	603 EAST PASS RD	GULFPORT	MS	39507
N	22015	0910I-03-001.000	MOZINGO PROPERTIES LLC	549 EAST PASS ROAD	GULFPORT	MS	39507
	93686	0910I-02-016.001	RKWE HOLDINGS LLC	224 PECAN MEADOW DR	BATON ROUGE	LA	70810
	83561	0910I-03-044.000	BAYOU PROPERTIES LLC	10847 WATERSIDE DR	GULFPORT	MS	39503
	22014	0910I-03-002.000	BANNISTER FOUNDATION INC	545 E PASS RD	GULFPORT	MS	39506
N	22000	0910I-03-004.000	PALM VIEW 529 LLC	C/O DENIS LEMIRE	CHEYANNE	WY	82001
	22016	0910I-03-003.000	PELICAN SUITES LLC	P O BOX 7605	GULFPORT	MS	39506
	21862	0910I-01-074.000	BEACON AGENCY LLC	2103 20TH AVE	GULFPORT	MS	39507
N	93690	0910I-02-016.005	SOLA GRATIA LLC	9585 SOUTH BAYOU BEND DRIVE	GULFPORT	MS	39503
	21861	0910I-01-073.000	PRN HEALTHCARE GROUP LLC	600 E PASS RD	GULFPORT	MS	39507
	22037	0910I-02-009.000	FIRST TIBER SA INC	P O BOX 016727	MIAMI	FL	33101
	21868	0910I-01-077.000	RAVENWOOD ENTERPRISES LLC	2510 HWY 53	PERKINSTON	MS	39573



Legend

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



1 inch = 250 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	615422	Print Legal Ad-IPL02060860 - IPL0206086		\$89.80	2	41 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, December 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 24122B187, by agent John Mozingo III, seeking approval for 7 regular parking spaces where 17 spaces are required, Tax Parcel 0910I-03-001.000, 549 E Pass Road, Zoned T4+ (General Urban Zone "Plus"), Ward 2

Variance 24122B187, by agent John Mozingo III, seeking approval for parking that backs out into city right of way, Tax Parcel 0910I-03-001.000, 549 E. Pass Road, Zoned T4+ (General Urban Zone "Plus"), Ward 2

Variance 24122B190, by owners John and Judy Coffin, seeking approval for a zero-foot setback where 25 feet is required for a second frontage, Tax Parcel 0811H-04-020.000, 1340 2nd Street, Zoned R-1-7.5 (Single-Family), Ward 2

Variance 24122B191, by owners David Snyder Jr and Candace Snyder, seeking approval for an 8-foot tall fence where six feet is the height limit, Tax Parcel 1010J-2-006.000, 2315 Demaret Drive, Zoned R-1-7.5 (Single-Family), Ward 2

Variance 24122B192, by agent Heinrich & Associates, seeking approval for parking that backs out into city right of way, Tax Parcel 1009M-03-010.012, Old Lorraine Road, Zoned B-1 (Neighborhood Business), Ward 5

Variance 24122B194, by agent Robert K Riemann, seeking approval for limestone parking surface material where asphalt or concrete is required, Tax Parcel 0707H-01-002.000, 14220 Hwy 49, Zoned I-2 (Heavy Industry), Ward 7

Variance 24122B197, by owner R. Sollum Investments Inc., seeking approval for building height of 69 feet where 45 feet is the height limit, Tax Parcel 1010P-01-003.000, 2400 Beach Drive, Zoned R-B (Residence Business), Ward 2

Variance 24122B198, by owner R. Sollum Investments Inc., seeking approval for 142 regular parking spaces where 205 spaces are required, Tax Parcel 1010P-01-003.000, 2400 Beach Drive, Zoned R-B (Residence Business), Ward 2

Variance 24122B199, by owner R. Sollum Investments Inc., seeking approval for one additional wall sign where two wall signs are allowed, Tax Parcel 1010P-01-003.000, 2400 Beach Drive, Zoned R-B (Residence Business), Ward 2

This the 26th day of November 2024

A. Leslie North, Chairman
City of Gulfport Zoning Board of Adjustment and Appeals
IPL0206086
Dec 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:

12/04/24

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.

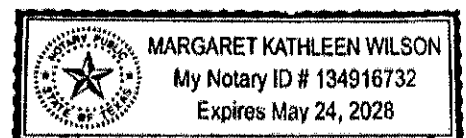
Mary Castro

Sworn to and subscribed before me this 5th day of
December in the year of 2024

Margaret K. Wilson

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 # 2025-177

Hearing Date: Thursday, December 19, 2024

Variance 2412ZB190: Variance 2412ZB190, by owners John and Judy Cotten, seeking approval for a zero-foot setback where 25 feet is required for a second frontage, Tax Parcel 0811H-04-020.000, 1340 2nd Street, Zoned R-1-7.5 (Single-Family), Ward 2

Technical Report

VARIANCE

GENERAL INFORMATION

Case File Number: 2412ZB190

Hearing Date: December 19, 2024

Current Zoning/Use: R-1-7.5/ Zero Lot Line Single-Family

Legal: Variance 2412ZB190, by owners John and Judy Cotten, seeking approval for a zero-foot setback where 25 feet is required for a second frontage, Tax Parcel 0811H-04-020.000, 1340 2nd Street, Zoned R-1-7.5 (Single-Family), Ward 2

TECHNICAL DETAILS

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

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

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

Technical Report

VARIANCE

The applicant requests a variance to allow for a second frontage setback of zero-foot where 25 feet is required. The applicant addresses the hardship questions below.

- (a) The applicant states that home on the property was built in 1926 and the site plan is very close to the property line. The applicant wishes to have 15-feet by 40-foot concrete pad with an attached pergola that is 15-feet by 15-feet with privacy shutters. The pergola extends to the property line making the hardship of requesting the zero-foot second frontage setback where a 25-foot front setback is required.
- (b) The applicant states that they did not build the house and had no control over the site plan. The applicant states that this does not allow much usage of the side yard as the property is a corner lot. The ordinance 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 located." This means that a building on a corner lot under normal circumstances must have its second frontage setback match the front setback requirements. This means that an addition to the property would need the second frontage setback to match the front setback requirements.
- (c) Applicant states that they live across the street from 2nd Street Park (Owen Palmer Park) and have no privacy from users of the park. A screened pergola would give them the privacy they desire.
- (d) The applicant states that the addition of a pergola would not detract from the neighborhood and certainly would not affect the property values of neighboring houses.
- (e) Applicant states that they do not feel they are getting any special privileges as there are other houses in the neighborhood with closed in buildings placed on the property lines as shown in the provided pictures.
- (f) Applicant states that the structure is within the architectural use of the land and will not deter anyone's view or be an eyesore to the neighborhood. The property is zoned R-1-7.5, and a single-family home is allowed by right.

EXECUTIVE SUMMARY

The applicant displays a genuine hardship due to the structure being close to the property line coupled with the fact that it is a corner lot. Without this variance, the addition of a gazebo would not be allowed.

Any approval should consider these conditions:

- 1. Must comply with all rules and regulations.
- 2. Approval would allow for a second frontage setback of zero-feet where 25 feet is allowed.
- 3. Must meet all current Building Codes and City of Gulfport Ordinances. A 1-hour fire resistant wall with no openings on wall with zero-foot setback. Roof cannot drain onto adjacent property.

DEPARTMENTAL CONDITIONS

Engineering:

No conditions. In a memo dated 12/06/2024.

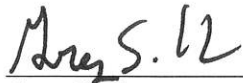
Technical Report

VARIANCE

<u>Public Works:</u>	No conditions. In a memo dated 12/06/2024.
<u>Traffic and Safety:</u>	No conditions. In a memo dated 11/26/2024.
<u>Building Code Services:</u>	Must meet all current Building Codes and City of Gulfport Ordinances. A 1-hour fire resistant wall with no openings on wall with zero-foot setback. Roof cannot drain onto adjacent property. In a memo dated 11/26/2024.
<u>GIS:</u>	No Conditions as of 12/03/2024.
<u>Police Department:</u>	No comments as of 12/09/2024.
<u>Fire Department:</u>	No conditions. In a memo dated 12/02/2024.
<u>City Arborist:</u>	No Conditions. In a memo dated 12/03/2024.

DIRECTOR APPROVAL

This report has been reviewed and approved by:



Greg Holmes
Director of Urban Development Department





Legend

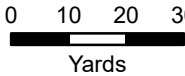
- Site
- Street
- Alley
- Railroad
- Parcels
- Buildings
- City Limit

Zoning

- R-1-7.5 - Single Family
- Residence District (Low Density)
- R-2 - Single Family
- Residence District (Medium Density)

Site Information

0811H-04-020.000
Zoning: R-1-7.5 (Single-Family)
Size: 8075.67 sqft
Flood: X,AE



1 inch = 100 feet



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OWNER:J. STEVENS Cotten Judy Cotten

Printed Name of Owner

1340 2nd St

Mailing Address

Gulfport MS 39501

City

State

Zip Code

251 550 7010

Home Phone

Work/Cell Phone

js cotten @ y mail . com

Email

Signature of Owner

AGENT:

Printed Name of Agent

Mailing Address

City

State

Zip Code

Home Phone

Work/Cell Phone

Email

Signature of Agent

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

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

Name of Owner (PRINT) JOHN STEVENS COTTENAddress (Street, City, State, Zip Code) 1340 2nd Street Gulfport, MS 39501Phone (Home) 251 550 7010 (Work) _____ (Cell) 251 550 7010Tax Parcel Number(s) Owned: 08114-04-020-000

Signature: _____

Name of Owner (PRINT) Judy D CottenAddress (Street, City, State, Zip Code) 1340 2nd St Gulfport, MS 39501Phone (Home) 251 550 7010 (Work) _____ (Cell) 251 550 7010Tax Parcel Number(s) Owned: 08114-04-020-000

Signature: _____

Name of Owner (PRINT) _____

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

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

Tax Parcel Number(s) Owned: _____

Signature: _____



COVENANT AFFIDAVIT

I, John S. Collier being property owner or agent of the property 1340 2nd St Cuyahoga
PRINT NAME PRIMARY ADDRESS OR PARCEL MS
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]

DATE 11/5/20

STATE OF MISSISSIPPI | COUNTY OF HARRISON

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

[Signature]
NOTARY PUBLIC

10/01/2028
COMMISSION EXPIRATION



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.

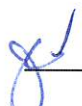
 **Site plan.** Please note that approval of your request, in part, is based on your **11" by 17"** site plan.

- 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 about the property.
- Traffic flow, parking and driveways have been identified.
- If required buffer strips have been identified
- Other pertinent information as needed to pictorially demonstrate the proposed development/use.

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

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

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

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

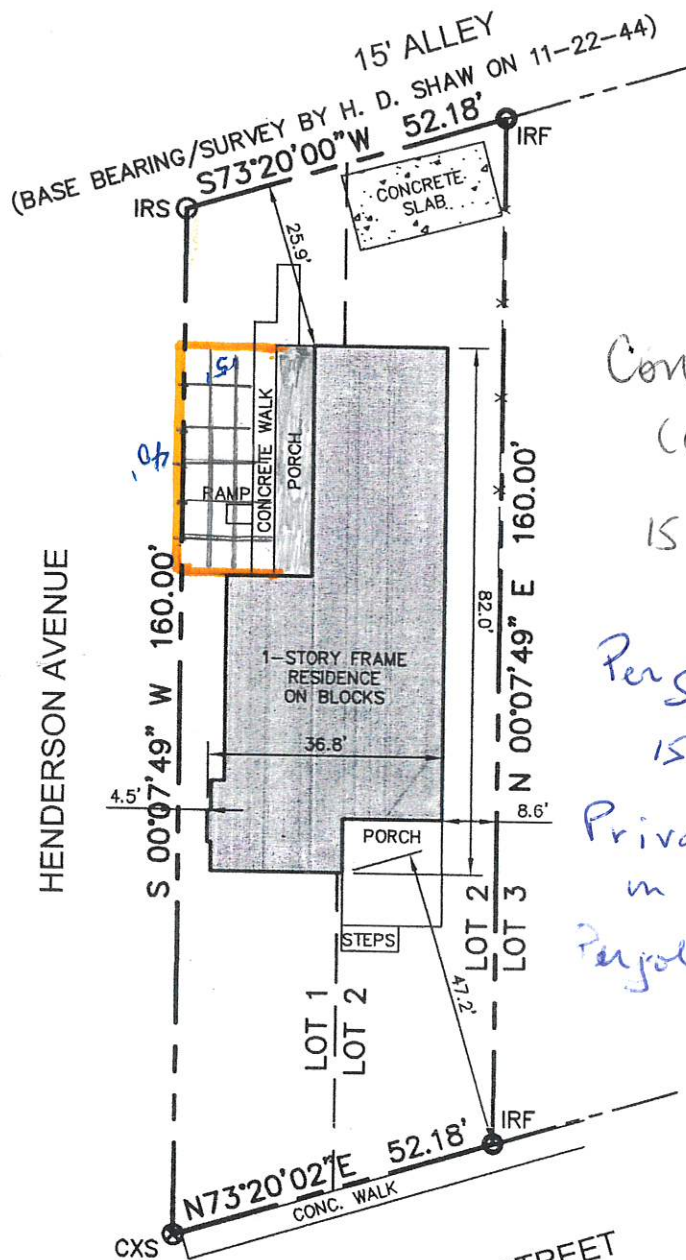
 **Cash or check** payable to the City of Gulfport in the amount of **\$75.00**

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

VARIANCE Submission

1. The house was built in 1926 and the site plan is very close to the property line. This does not allow much usage of the side yard.
2. We did not build house and had no control over site plan.
3. We live across the street from 2nd Street Park (Owen Palmer Park) and have no privacy from vagrants or users of park.
4. The addition of a pergola would not detract from the neighborhood and certainly would not affect the property values of neighboring houses.
5. We do not feel that we are getting any special privileges as there are other houses in neighborhood with closed in buildings placed on property line.
6. This structure is within architectural use of the land and will not deter anyone's view or be an eyesore to the neighborhood.

examples Attached with buildings on property line within 2 blocks of our house. There are many more examples.



Concrete Ped
(Orange)
15' x 40'

Pergola
15' x 40'

Privacy Shutter
in West Side

Pergola Attached to house



1340
#1618 SECOND STREET
??

- IRF = IRON ROD FOUND
- IRS = IRON ROD SET
- ⊗ CXS = CHISELED "X" SET
- x — = FENCE LINE



By Graphic Plotting only, this property is in Zone "X" of the Flood Insurance Rate Map, Community Panel No. 2852530077D, revision date October 4, 2002. Check with Building Official for community determined base flood elevation. Exact designation can only be determined by an Elevation Certificate. The above statement is for information only and this surveyor assumes no liability for the correctness of the cited map(s). In addition, the above statement does not represent this surveyor's opinion of the probability of flooding. Confirm ABFE with NFIP Specialist at City Planning Department.

LEGAL DESCRIPTION:

Lots 1 and 2, Block 9, SORIA CITY, City of Gulfport, First Judicial District of Harrison County, Mississippi.

This is to CERTIFY that this map or plat and the survey on which it is based were made in accordance with "Minimum Standards for Land Surveying in the State of Mississippi".









4:46



 rvices2.geopowered.com 







J1 - GULFPORT DISTRICT
INSTRUMENT 2021-0029168-D-J1
FILED/RECORDED 10/18/2021 8:48:01 AM
TOTAL FEES \$46.00
25 PAGES RECORDED

Our File: B211009

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

INDEX: Lots 1-2, Blk 9, Soria City

STATE OF MISSISSIPPI
COUNTY OF HARRISON

WARRANTY DEED

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

SUSAN STEPHANIE SHAW, SUCCESSOR ATTORNEY IN FACT OF DON F. PIZZETTA, SR. A/K/A DON F.

PIZZETTA, AND WIFE, DANETTE SHAW PIZZETTA,

133135 Kinder Drive, Gulfport, MS 39503, (228) 697-3657,

do hereby sell, convey and warrant unto

JUDY D. COTTEN AND HUSBAND, J. STEVENS COTTEN,

29815 Hayden Drive, Orange Beach, AL 36561, (251) 550-7010,

as tenants by the entirety with full rights of survivorship and not as tenants in common, the following described land and property being located in the First Judicial District of Harrison County, Mississippi, being more particularly described as follows, to-wit:

Lots One (1) and Two (2), Block Nine (9), Soria City Subdivision, a subdivision according to the official map or plat thereof on file and of record in the office of the Chancery Clerk of the First Judicial District of Harrison County, Mississippi, in Plat Book 2 at Page 19 (Copy Book 1 at Page 42) thereof, reference to which is hereby made in aid of and as a part of this description

Being the same property conveyed by Quitclaim Deed recorded as Instrument Number 2014 9982-D-J1, in the office of the Chancery Clerk of Harrison County, Mississippi

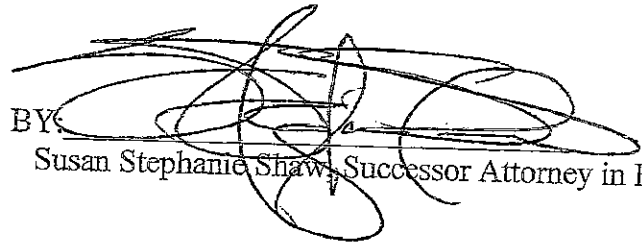
The Successor Attorney in Fact, Susan Stephanie Shaw, is executing this deed as the initial attorney in fact, Danette Shaw Pizzetta, fails to serve for this limited purpose and is disqualified by statute due to the nature of the property being transferred.

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

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

IN WITNESS WHEREOF, Susan Stephanie Shaw, Successor Attorney in Fact of Don F. Pizzetta, Sr. has caused this conveyance to be executed in her representative capacity, after having first been duly authorized to do so, on this the 15th day of October, 2021.

Don F. Pizzetta, Sr. a/k/a Don F. Pizzetta

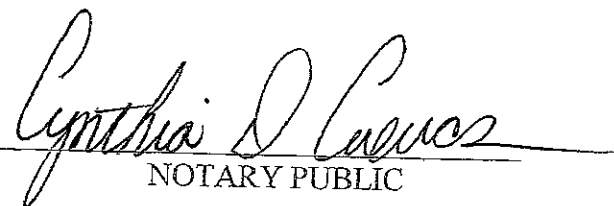
BY: 
Susan Stephanie Shaw, Successor Attorney in Fact

STATE OF MISSISSIPPI

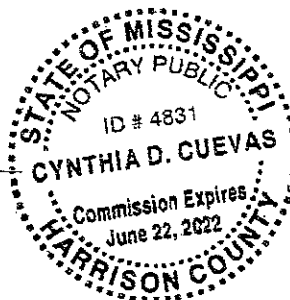
COUNTY OF HARRISON

THIS DAY PERSONALLY CAME AND APPEARED BEFORE ME, the undersigned authority in and for the jurisdiction aforesaid, Susan Stephanie Shaw, who acknowledged that she is the Successor Attorney in Fact of Don F. Pizzetta, Sr. a/k/a Don F. Pizzetta, and as its act and deed, she 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 in her representative capacity after having been first duly authorized to do so.

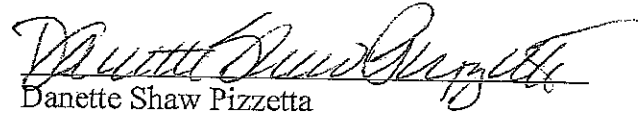
GIVEN UNDER MY HAND AND OFFICIAL SEAL OF OFFICE, this the 15th day of October, 2021.


NOTARY PUBLIC

My Commission Expires:



WITNESS MY SIGNATURE, on this the 15th day of October, 2021.

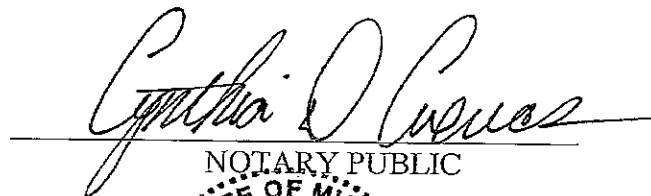

Danette Shaw Pizzetta

STATE OF MISSISSIPPI

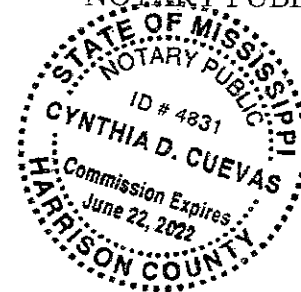
COUNTY OF HARRISON

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

GIVEN UNDER MY HAND AND OFFICIAL SEAL OF OFFICE, this the 15th day of October, 2021.


NOTARY PUBLIC

My Commission Expires:

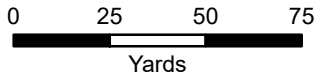


Mail	PPIN	Parcel ID	Name	Address	City	State	ZIP
Y		0811H-04-020.000	JOHN & JUDY COTTON (OWNERS)	1340 2ND ST	GULFPORT	MS	39501
			Adjacent Property Owners (2412ZB190)				
	34446	0811H-04-036.000	LONG BOBBY R & BRENDA G	1329 2ND ST	GULFPORT	MS	39501
	34440	0811H-04-038.000	WITT RONALD K & SHERRI B	1403 2ND ST	GULFPORT	MS	39501
	34506	0811H-04-023.000	PONKE MICHAEL & CHARLOTTE M	1332 2ND ST	GULFPORT	MS	39501
	34522	0811H-04-007.000	FITTS MELANIE D -ESTATE-	1327 3RD ST	GULFPORT	MS	39501
	34441	0811H-04-061.000	HENSARLING DANIEL DEAN & AMY BARKER	1400 E BEACH BLVD	GULFPORT	MS	39501
	34507	0811H-04-024.000	CASSIDY CASANDRA	1529 SNIPATUIT RD	ROCHESTER	MA	2770
	88764	0811H-04-009.000	HARRIS JOANNE L	1618 HENDERSON AVE	GULFPORT	MS	39501
N	34503	0811H-04-020.000	COTTEN JUDY D & J STEVENS	1340 2ND ST	GULFPORT	MS	39501
	34504	0811H-04-021.000	ANDERSON PROPERTIES LLC	P O BOX 520	GULFPORT	MS	39502
	34447	0811H-04-035.000	COTMAN NANCY STONE & TOD H	1325 SECOND ST	GULFPORT	MS	39501
	88769	0811H-04-037.000	COX RICKY J & STACEY R	2363 PARK PLACE DRIVE	GULFPORT	MS	39507
	101994	0811H-04-037.001	COX RICKY J & STACEY R	1344 E BEACH BLVD	GULFPORT	MS	39501
	34439	0811H-04-039.000	GIBSON WILLIAM DAVID	1405 2ND ST	GULFPORT	MS	39501
N	34499	0811H-04-010.000	GULFPORT PUBLIC SCHOOLS				0
	34505	0811H-04-022.000	PICKETT ALLAN V	1336 2ND ST	GULFPORT	MS	39501
	125061	0811H-04-008.001	LINER THERESA RHODES	1329 3RD ST	GULFPORT	MS	39501
	88763	0811H-04-008.000	WYCKOFF JENNIFER & DUSTIN LEE YONTZ	1622 HENDERSON AVE	GULFPORT	MS	39501



Legend

- Site
- Adjacent Properties
- US or State Highway
- Street
- Alley
- Railroad
- 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	615422	Print Legal Ad-IPL02060860 - IPL0206086		\$89.80	2	41 L

Attention: Matilda Welch

GULFPORT URBAN DEVELOPMENT
PO BOX 1780
GULFPORT, MS 39502

accountspayable@gulfport-ms.gov

LEGAL NOTICE

In conformance with Section VIII of the Comprehensive Zoning Ordinance of the City of Gulfport, Mississippi, 1979, as amended, notice is hereby given advising that the Zoning Board of Adjustment and Appeals will hold a public hearing in the City of Gulfport, Mississippi at 3:00 PM., Thursday, December 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 24122B187, by agent John Mazingo III, seeking approval for 7 regular parking spaces where 17 spaces are required, Tax Parcel 0910I-03-001.000, 549 E Pass Road, Zoned T4+ (General Urban Zone "Plus"), Ward 2

Variance 24122B188, by agent John Mazingo III, seeking approval for parking that backs out into city right of way, Tax Parcel 0910I-03-001.000, 549 E. Pass Road, Zoned T4+ (General Urban Zone "Plus"), Ward 2

Variance 24122B190, by owners John and Judy Cotten, seeking approval for a zero-foot setback where 25 feet is required for a second frontage, Tax Parcel 0811H-04-020.000, 1340 2nd Street, Zoned R-1-7.5 (Single-Family), Ward 2

Variance 24122B191, by owners David Snyder Jr and Candace Snyder, seeking approval for an 8-foot tall fence where six feet is the height limit, Tax Parcel 1010J-2-006.000, 2315 Demaret Drive, Zoned R-1-7.5 (Single-Family), Ward 2

Variance 24122B192, by agent Heinrich & Associates, seeking approval for parking that backs out into city right of way, Tax Parcel 1009M-03-010.012, Old Lorraine Road, Zoned B-1 (Neighborhood Business), Ward 5

Variance 24122B194, by agent Robert K. Riemann, seeking approval for limestone parking surface material where asphalt or concrete is required, Tax Parcel 0707H-01-002.000, 14220 Hwy 49, Zoned I-2 (Heavy Industry), Ward 7

Variance 24122B197, by owner R. Solloum Investments Inc., seeking approval for building height of 69 feet where 45 feet is the height limit, Tax Parcel 1010P-01-003.000, 2400 Beach Drive, Zoned R-B (Residence Business), Ward 2

Variance 24122B198, by owner R. Solloum Investments Inc., seeking approval for 142 regular parking spaces where 205 spaces are required, Tax Parcel 1010P-01-003.000, 2400 Beach Drive, Zoned R-B (Residence Business), Ward 2

Variance 24122B199, by owner R. Solloum Investments Inc., seeking approval for one additional wall sign where two wall signs are allowed, Tax Parcel 1010P-01-003.000, 2400 Beach Drive, Zoned R-B (Residence Business), Ward 2

This the 26th day of November 2024

A. Leslie North, Chairman
City of Gulfport Zoning Board of Adjustment and Appeals
IPL0206086
Dec 4 2024

PUBLIC HEARING

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:

12/04/24

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.

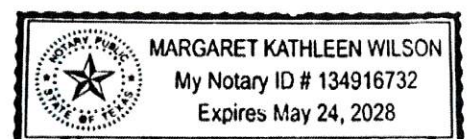
Mary Castro

Sworn to and subscribed before me this 5th day of
December in the year of 2024

Margaret K. Wilson

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 # 2025-178

Hearing Date: Thursday, December 19, 2024

Variance 2412ZB191: Variance 2412ZB191, by owners David Snyder Jr and Candace Snyder, seeking approval for an 8-foot tall fence where six feet is the height limit, Tax Parcel 1010J-2-006.000, 2315 Demaret Drive, Zoned R-1-7.5 (Single-Family), Ward 2

Technical Report

VARIANCE

GENERAL INFORMATION

Case File Number: 2412ZB191

Hearing Date: December 19, 2024

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

Legal: Variance 2412ZB191, by owners David Snyder Jr and Candace Snyder, seeking approval for a 8-foot tall fence where six feet is the height limit, Tax Parcel 1010J-2-006.000, 2315 Demaret Drive, Zoned R-1-7.5 (Single-Family), Ward 2

TECHNICAL DETAILS

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

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

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

Technical Report

VARIANCE

The applicant requests a height variance to allow for a wooden fence of 8 feet, where 6 feet is the maximum. The applicant addresses the hardship questions below.

- (a) The applicant notes that the 8 foot wooden fence will help maximize security, detour trespassers, and provide for added safety and suitable separation to adjacent properties. Applicant did not adequately address this section. They did not identify any peculiarities with the land, structures, or buildings that create special conditions or circumstances.
- (b) The applicant says the 8 foot fence will make a better appearance to all properties, which does not answer this question. The applicant is directly responsible for causing the special conditions, as they are requesting an 8 foot fence where 6 foot is the maximum.
- (c) The applicant states that the 8 foot fence will match existing style just 2 feet taller. However, this does not define the hardship created by the physical character of the property and its peculiarities.
- (d) The applicant says that an 8 foot fence would not affect any of these, relating to question (d). However, while conducting a staff site visit, I noticed that there were several neighboring properties that had an 8 foot tall fence that are pre-existing non-conforming.
- (e) Applicant states that other than privacy or safety issues not hiding any hazards. The applicant does not answer this question properly. As stated prior, the area has fences that exist prior to the fence ordinance as it is currently. Approval would not confer any special privileges that the neighborhood doesn't already partake in. This fence would exist in harmony with the surrounding area as there are several fences in that area that go to 8 feet.
- (f) This property is zoned R-1-7.5, and a fence is allowed by right.

EXECUTIVE SUMMARY

While the applicant displays no genuine hardship for the property in question, the request for an 8 foot fence where 6 feet is required would be in line with the existing neighborhood. All the fences above 6 feet are pre-existing non-conforming and approval of this fence would be in harmony with the neighborhood.

Any approval should consider these conditions:

- 1. Approval allows for 8 foot fence when 6 feet is the height limit.
- 2. Building Permit will be required.

DEPARTMENTAL CONDITIONS

Engineering: No conditions. Memo dated 12/6/24.

Public Works: No conditions. Memo dated 12/6/24.

Traffic and Safety: No conditions. Memo dated 11/26/24.

Building Code Services: Conditions. Building permit will be required. Memo dated 11/26/24.

Technical Report

VARIANCE

GIS: No conditions. Memo dated 12/3/24.

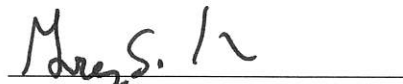
Police Department: No comment as of 12/6/24.

Fire Department: No conditions. Memo dated 12/2/24.

City Arborist: No conditions. Memo dated 12/3/24.

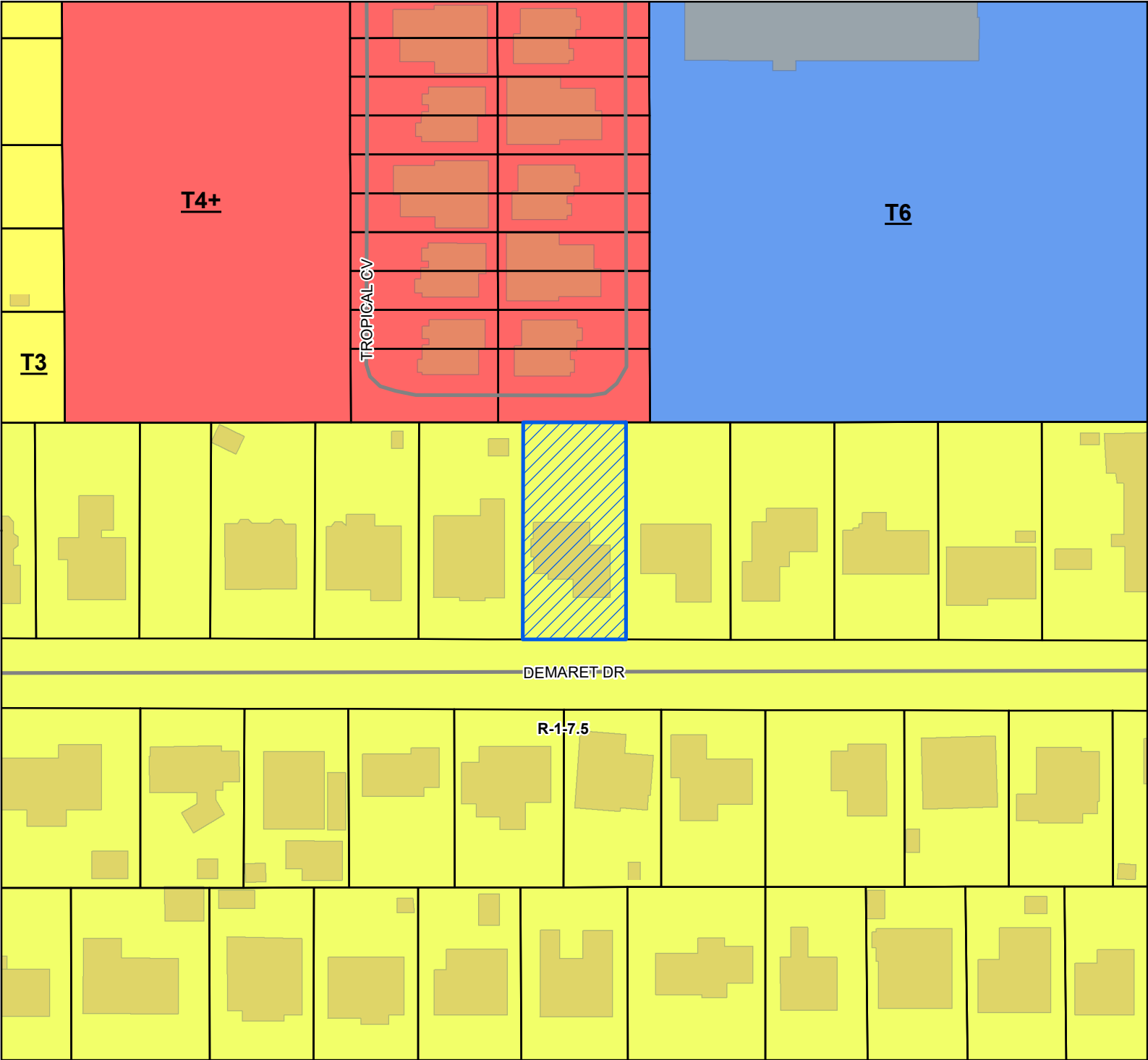
DIRECTOR APPROVAL

This report has been reviewed and approved by:



Greg Holmes

Director of Urban Development Department



Site
 Site

Street
 Street

Parcels
 Parcels

Buildings
 Buildings

City Limit
 City Limit

Smart Code

T6
 T6

T4+
 T4+

T3
 T3

Zoning

R-1-7.5 - Single Family
 R-1-7.5 - Single Family

Residence District (Low Density)
 Residence District (Low Density)

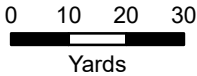
Site Information

1010J-02-006.000

Zoning: R-1-7.5 (Single-Family)

Size: 11593.09 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.

R#13014500

CASE NUMBER

2412 ZB191

11/05/2024

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

1010J-02-006.000	

Property Address:

2315 Demarest Dr. Gulfport, ms 39507

Lot(s) E 1/2 Lot 11 & All Lot 12 Block(s) 9 Subdivision Great Southern Golf Estates SS

General Description of Request:

General Description of Request: Request to replace 6ft privacy fence with an 8ft fence due to sloping back yard and porch heights being able to see in each other's yard. Also safety due to home less.

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:

David D. Snyder Jr.
 Printed Name of Owner

2315 Demaret Dr.
 Mailing Address

City Gulfport State MS Zip Code 39507

Home Phone _____ Work/Cell Phone 228-731-6327

Email 2954 David.snyder@gmail.com

Signature of Owner *David D. Snyder Jr.*

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) Candace Snyder

Address (Street, City, State, Zip Code) 2315 Demaret Dr Gulfport, MS 39507

Phone (Home) _____ (Work) _____ (Cell) 228 860-3588

Tax Parcel Number(s) Owned: _____

Signature: *Candace Snyder*

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, David D. Sagar Jr being property owner or agent of the property 2315 Democrat Dr. Gulfport MS 39507
PRINT NAME PRIMARY ADDRESS OR PARCEL
which is the subject of this application, hereby state that this variance request is not in violation of any
restrictive or protective covenants.

[Signature]
SIGNATURE

11/4/2024
DATE

STATE OF MISSISSIPPI | COUNTY OF HARRISON

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

Samuel Sweeting
NOTARY PUBLIC

05/22/2027
COMMISSION EXPIRATION



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 about the property.
- Traffic flow, parking and driveways have been identified.
- If required buffer strips have been identified
- Other pertinent information as needed to pictorially demonstrate the proposed development/use.

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

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

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

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

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

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

- 1.) This fence Adjustment will give us better security and privacy from the homeless population. Also will give us more privacy due to Height of porches you can see everything going on in others yards. Also the fence that is there now is falling apart.
- 2.) It will make a better appearance to All properties involved. the fence that is there now is falling apart.
- 3.) It will match the existing styling of fence, but 2ft taller.
- 4.) Will not Affect any of these.
- 5.) Other than privacy or safety issues not hiding any hazards.
- 6.) On the back of property the fence is 12ft high and the fence to the right is 8ft high. I am trying to match the right fence so everything is uniform.



Area Map

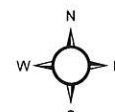
Printed 11/5/2024

Initial and date here:

Planner: _____

Owner: _____

Contractor: _____



1 inch = 31 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.

Addresspoints **Edits addresspoints**

STRUCT_CLASS

- Residential
- Minor/Residential
- Parcels



1st Judicial District
Instrument 2014 4569 D -J1
Filed/Recorded 7/7/2014 11:10 A
Total Fees \$ 13.00
3 Pages Recorded

Prepared by:
Hornsby Watts, PLLC
1025 Howard Avenue
Biloxi, MS 39530
(228) 207-2990

Return to:
Hornsby Watts, PLLC
1025 Howard Avenue
Biloxi, MS 39530
(228) 207-2990

**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 considerations, the receipt and sufficiency of which are hereby acknowledged, we (hereinafter "Grantor")

MICHAEL F. HELD, JR.
2315 Demaret Drive
Gulfport, MS 39507
(228) 623-6464

do and does hereby grant, bargain, sell, convey and warrant unto (hereinafter Grantees),

DAVID D. SNYDER, JR.
CANDACE SNYDER
1012 Wilson Drive
Gulfport, MS 39503
(228) 324-2739

certain real property, with all improvements thereon and tenements, hereditaments and appurtenances thereto, located in Harrison County, Mississippi, with full rights of survivorship to-wit:

See Exhibit A attached hereto on Page 3

Indexing Instructions: East 1/2 of Lot 11 and all of Lot 12, Block 9, Great Southern Golf Estates, Unit 2

LESS AND EXCEPT any and all interests in and to the oils, gases and other minerals therein/on/under, which have been reserved/conveyed previously, if any, but conveying the remaining interest therein unto Grantees without warranty of any type.

SUBJECT TO restrictions, conditions, covenants, rights, rights of way and easements, now of record, if any.

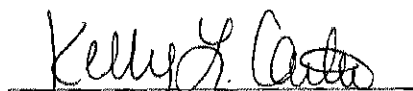
WITNESS OUR SIGNATURES, this, the 31st day of July, A.D., 2014.


MICHAEL F. HELD, JR.

STATE OF MISSISSIPPI

COUNTY OF HARRISON

Personally appeared before me, the undersigned authority in and for the said county and state, on this the 3rd day of July, 2014, within my jurisdiction, the within named, MICHAEL F. HELD, JR., who acknowledged that they executed the above and foregoing instrument.


NOTARY PUBLIC

My Commission Expires:

2/28/16

(S E A L)



3

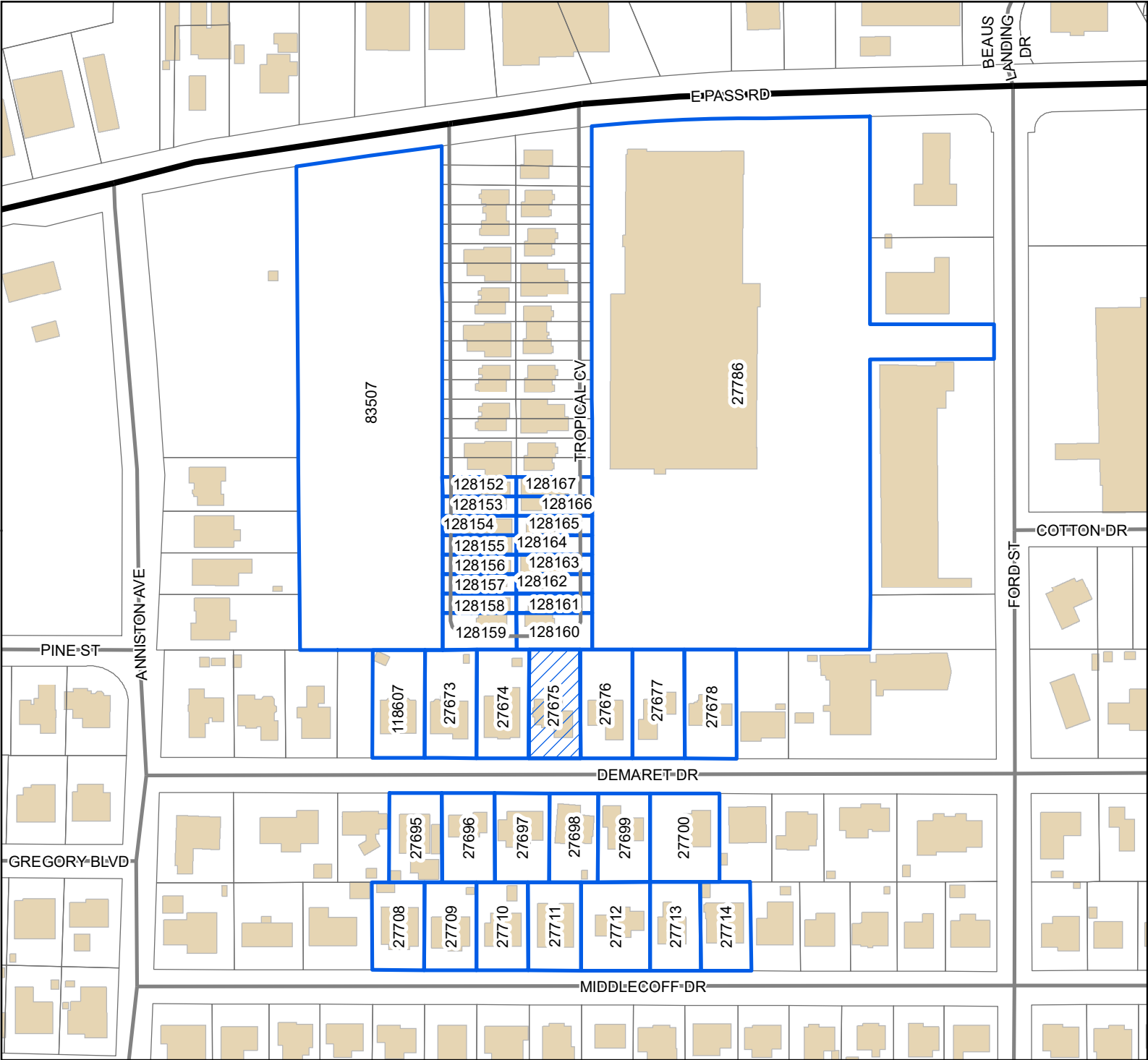
EXHIBIT "A"

The East 1/2 of Lot 11 and all of Lot 12, Block 9, Great Southern Golf Estates, Unit 2, a subdivision according to the map or plat on file and of record in Plat Book 20 at Page 24 in the Office of the First Judicial District of Chancery Court, Harrison County, Mississippi.

Said parcel being commonly known as 2315 Demaret Drive, Gulfport, MS 39507; Tax Parcel No. 1010J-02-006.000 (for identification purposes only).

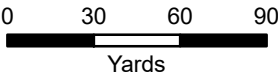
Mail	PPIN	Parcel ID	Name	Address	City	State	ZIP
Y		1010J-02-006.000	DAVID & CANDACE SNYDER (OWNERS)	2315 DEMARET DR	GULFPORT	MS	39507
			Adjacent Property Owners (2412ZB191)				
N	91425	0807E-01-002.000	CBH PROPERTIES LLC	C/O KEITH HUBER CORP	GULFPORT	MS	39505
	49510	0707H-01-011.000	STEWART JAMES ROBERT JR	P O BOX 531	FORT SALERNO	FL	34992
	91423	0807D-01-001.000	DAY DRUG CO INC	P O BOX 247	GULFPORT	MS	39502
	83507	1010G-03-020.000	FAYARD HIRAM G & DIANA E	1032 MARINA VILLA S	SLIDELL	LA	70461
	104741	0807D-01-004.000	GATEWAY UNITED METHODIST CHURCH	16020 S SWAN RD	GULFPORT	MS	39503
	27678	1010J-02-003.000	DOYLE PAULA D ETAL	2321 DEMARET DR	GULFPORT	MS	39501
	27677	1010J-02-004.000	DEVAUGHN ROLAN MICHAEL & SANDRA D	2319 DEMARET DR	GULFPORT	MS	39507
	27674	1010J-02-007.000	HA THUY VAN & THUTHUY	2313 DEMARET DR	GULFPORT	MS	39507
	27695	1010J-02-014.000	MOTT BARBARA D	2310 DEMARET DR	GULFPORT	MS	39501
	27696	1010J-02-015.000	NICHOLS ALVA EARL III	2312 DEMARET DR	GULFPORT	MS	39507
	118607	1010J-02-008.001	FOUBARE BRIAN SETH & SHARI L	2309 DEMARET DR	GULFPORT	MS	39507
	27710	1010J-02-033.000	WEEKS JACQUELINE	2313 MIDDLECOFF DR	GULFPORT	MS	39507
	128161	1010G-03-019.027	MOUNTAIN INVESTMENTS LLC	19024 FIELDSTONE CT	SALINAS	CA	93908
	128162	1010G-03-019.028	BOSCO PETER J	4641 OLD BETHLEHEM PIKE	BETHLEHEM	PA	18015
	128163	1010G-03-019.029	YEE JONAH	4641 BETHLEHEM	BETHLEHEM	PA	18015
	27714	1010J-02-029.000	CARLSON SUZETTE G	2321 MIDDLECOFF DR	GULFPORT	MS	39507
	27698	1010J-02-017.000	SAVNER MALLOY E	2316 DEMARET DR	GULFPORT	MS	39507
	27699	1010J-02-018.000	WRIGHT SUSAN G	2318 DEMARET ST	GULFPORT	MS	39507
	27786	1010G-03-018.000	1909 EAST PASS ROAD LLC	P O BOX 1238	GAUTIER	MS	39553
	27709	1010J-02-034.000	ANDERSON BART T & ZAUGG MARINA S	4579 BROADVIEW CT	CASTLEROCK	CO	80109
	128158	1010G-03-019.024	RKWE HOLDINGS LLC	224 PECAN MEADOW DR	BATON ROUGE	LA	70810
	128160	1010G-03-019.026	DU XIAOYI & LU ZHIXIONG	3184 EVANS WAY	TWINSBURG	OH	44087
	27676	1010J-02-005.000	UNDERWOOD DOROTHY K	2317 DEMARET DR	GULFPORT	MS	39507
	27675	1010J-02-006.000	SNYDER DAVID D JR & CANDACE	2315 DEMARET DR	GULFPORT	MS	39507
	27673	1010J-02-008.000	WILLIAMS J W	2311 DEMARET DR	GULFPORT	MS	39501
	27713	1010J-02-030.000	OBERLIES FREDERICK J	2319 MIDDLECOFF DR	GULFPORT	MS	39507
	27712	1010J-02-031.000	RIGDON MARIE -EST- & TIFFANY ANN	2317 MIDDLECOFF DR	GULFPORT	MS	39501
	27711	1010J-02-032.000	JERMYN THOMAS R & LINDA	2315 MIDDLECOFF DR	GULFPORT	MS	39507
N	128164	1010G-03-019.030	MOUNTAIN INVESTMENTS LLC	19024 FIELDSTONE CT	SALINAS	CA	93908
N	128155	1010G-03-019.021	RKWE HOLDINGS LLC	224 PECAN MEADOW DR	BATON ROUGE	LA	70810
	128156	1010G-03-019.022	TOMOHAWK PROPERTIES LLC	7247 LIVE OAK WAY	PASS CHRISTIAN	MS	39571
N	128165	1010G-03-019.031	MOUNTAIN INVESTMENTS LLC	19024 FIELDSTONE CT	SALINAS	CA	93908
	128166	1010G-03-019.032	COBB JIMMY RANDALL	857 HIGHLAND PARK DR	TUPELO	MS	38801
	128153	1010G-03-019.019	LUI AMY	1325 HOWARD AVE #221	BURLINGAME	CA	94010

Mail	PPIN	Parcel ID	Name	Address	City	State	ZIP
	128154	1010G-03-019.020	CLARKE DEVELOPMENTS LLC	431 SANLENAY CT	BILOXI	MS	39531
	27700	1010J-02-019.000	SCIPIONE KIM D & NANCY W	1447 EAST PASS ROAD	GULFPORT	MS	39507
N	128167	1010G-03-019.033	CLARKE DEVELOPMENTS LLC	431 SANLENAY CT	BILOXI	MS	39531
	128157	1010G-03-019.023	SIGNATURE GULF COAST PROPERTIES LLC	1715 21ST AVE	GULFPORT	MS	39501
	128159	1010G-03-019.025	SKKM PROPERTIES LLC	179 KENMORE AVE	BILOXI	MS	39531
	128152	1010G-03-019.018	CAI JIANPING & YIYI DU	241 WESTHAMPTON DR	WILMINGTON	DE	19808
	27708	1010J-02-035.000	JONES ROBERT M & ANGELA H	2309 MIDDLECOFF DR	GULFPORT	MS	39507
	27697	1010J-02-016.000	PAGLIA ALBERT B	2314 DEMARET DR	GULFPORT	MS	39507
	89460	0707A-03-002.000	HANCOCK BANK	C/O VEE SERVICES INC	DALLAS	TX	75230
	49494	0707A-01-016.000	GATEWAY UNITED METHODIST CHURCH	16020 S SWAN RD	GULFPORT	MS	39503
	98440	0807E-01-004.000	COAST ELECTRIC POWER ASSN	P O BOX 359	KILN	MS	39556
	49509	0707H-01-010.000	CROWELL RAY L ETAL	2416 GREENVIEW DR	GULFPORT	MS	39507
	49522	0707H-01-006.000	HOLCOMB REBECCA M & LADNER JANICE	25 51ST ST	GULFPORT	MS	39507
	140475	0707H-01-006.001	DEDEAUX WILLIAM A	11111 SHORECREST RD	BILOXI	MS	39532
N	49516	0707H-01-002.000	CBH PROPERTIES LLC	C/O KEITH HUBER CORP	GULFPORT	MS	39505
N	89528	0707H-01-003.000	CBH PROPERTIES LLC	C/O KEITH HUBER CORP	GULFPORT	MS	39505
	130202	0707H-01-007.001	CD2 LLC	11111 SHORECREST RD	BILOXI	MS	39532
	89530	0707H-01-007.000	CD1 LLC	11111 SHORECREST RD	BILOXI	MS	39532
	49515	0707H-01-008.000	WHITEN CYNTHIA	24599 OAK ISLAND DR	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
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The Sacramento Bee
San Luis Obispo Tribune
Tacoma | The News Tribune
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AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Amount	Cols	Depth
36845	615422	Print Legal Ad-IPL02060860 - IPL0206086		\$89.80	2	41 L

Attention: Matilda Welch

GULFPORT URBAN DEVELOPMENT
PO BOX 1780
GULFPORT, MS 39502

accountspayable@gulfport-ms.gov

LEGAL NOTICE

PUBLIC HEARING

In conformance with Section VIII of the Comprehensive Zoning Ordinance of the City of Gulfport, Mississippi, 1979, as amended, notice is hereby given advising that the Zoning Board of Adjustment and Appeals will hold a public hearing in the City of Gulfport, Mississippi at 3:00 PM., Thursday, December 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 24122B187, by agent John Mozingo III, seeking approval for 7 regular parking spaces where 17 spaces are required, Tax Parcel 0910I-03-001.000, 549 E Pass Road, Zoned T4+ (General Urban Zone "Plus"), Ward 2

Variance 24122B188, by agent John Mozingo III, seeking approval for parking that backs out into city right of way, Tax Parcel 0910I-03-001.000, 549 E. Pass Road, Zoned T4+ (General Urban Zone "Plus"), Ward 2

Variance 24122B190, by owners John and Judy Cotten, seeking approval for a zero-foot setback where 25 feet is required for a second frontage, Tax Parcel 0811H-04-020.000, 1340 2nd Street, Zoned R-1-7.5 (Single-Family), Ward 2

Variance 24122B191, by owners David Snyder Jr and Candace Snyder, seeking approval for an 8-foot tall fence where six feet is the height limit, Tax Parcel 1010J-2-006.000, 2315 Demaret Drive, Zoned R-1-7.5 (Single-Family), Ward 2

Variance 24122B192, by agent Heinrich & Associates, seeking approval for parking that backs out into city right of way, Tax Parcel 1009M-03-010.012, Old Lorraine Road, Zoned B-1 (Neighborhood Business), Ward 5

Variance 24122B194, by agent Robert K Riemann, seeking approval for limestone parking surface material where asphalt or concrete is required, Tax Parcel 0707H-01-002.000, 14220 Hwy 49, Zoned I-2 (Heavy Industry), Ward 7

Variance 24122B197, by owner R. Solloum Investments Inc., seeking approval for building height of 69 feet where 45 feet is the height limit, Tax Parcel 1010P-01-003.000, 2400 Beach Drive, Zoned R-B (Residence Business), Ward 2

Variance 24122B198, by owner R. Solloum Investments Inc., seeking approval for 142 regular parking spaces where 205 spaces are required, Tax Parcel 1010P-01-003.000, 2400 Beach Drive, Zoned R-B (Residence Business), Ward 2

Variance 24122B199, by owner R. Solloum Investments Inc., seeking approval for one additional wall sign where two wall signs are allowed, Tax Parcel 1010P-01-003.000, 2400 Beach Drive, Zoned R-B (Residence Business), Ward 2

This the 26th day of November 2024

A. Leslie North, Chairman
City of Gulfport Zoning Board of Adjustment and Appeals
IPL0206086
Dec 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:

12/04/24

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.

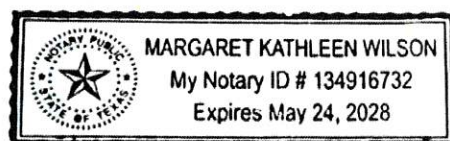
Mary Castro

Sworn to and subscribed before me this 5th day of
December in the year of 2024

Margaret K. Wilson

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 # 2025-179

Hearing Date: Thursday, December 19, 2024

Variance 2412ZB192: Variance 2412ZB192, by agent Heinrich & Associates, seeking approval for parking that backs out into city right of way, Tax Parcel 1009M-03-010.012, Old Lorraine Road, Zoned B-1 (Neighborhood Business), Ward 5

Technical Report

VARIANCE

GENERAL INFORMATION

Case File Number: 2412ZB192

Hearing Date: December 19, 2024

Current Zoning/Use: B-1 / Vacant Lot

Legal: Variance 2412ZB192, by agent Heinrich & Associates, seeking approval for parking that backs out into city right of way, Tax Parcel 1009M-03-010.012, Old Lorraine Road, Zoned B-1 (Neighborhood Business), 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 parking variance to allow five parking spaces that will back out into the city right-of-way for a commercial use. The applicant addresses the hardship questions below.

- (a) The applicant states that the property is very small and is a left over piece of property from the planning stages of Highway 605. The size of the property is approximately 0.28 acres and is near a major corridor and area that has seen substantial growth in the recent years. Commercial uses have expanded in this area to the north and south of the subject property. Nevertheless, the development around the surrounding property does not address a hardship for special conditions.
- (b) The applicant notes the owner did not cause the need for the variance and additional parking will be needed for this project. Essentially, the applicant is causing the special condition and circumstances by requesting parking that backs into the city right of way. The applicant also states that this section of Old Lorraine Rd. is not heavily traveled and that backing out into the city right-of-way on this minor street has been approved and allowed. Staff conducted a site visit and did see that another business has parking that backs out into city right of way. However, those businesses that have parking that backs into the city right-of-way have not been permitted or approved to do so.
- (c) The applicant explains that the property is odd shaped and was left over from when Highway 605 project was constructed. Trying to build a feasible commercial building, additional parking will be needed. The applicant cannot accurately determine the amount of parking spaces needed, since the use has not been decided.
- (d) The applicant expresses that the right of reasonable economic return would be constructing a larger building and a parking lot that meets parking requirements. The applicant does not address the question regarding the literal interpretations of the ordinance. In Section VI, A, 2, the ordinance states that "each off-street parking space, which shall be at least nine (9) feet wide and eighteen (18) feet long, exclusive of access or maneuvering area, ramps and other appurtenances, shall be located off the street right-of-way, and except for one-family and two-family dwellings, facilities shall be so planned that vehicles do not back into the roadway. All required spaces and access thereto must be paved."
- (e) The applicant says that this parcel is adjacent to the dead-end portion of the road and that there is hardly any traffic. The applicant also states that they are requesting this variance because it has been granted before. In this case, while conducting staff review, no one has requested a variance to back out into the city right-of-way on this road.
- (f) This property is zoned B-1, and commercial use is permissible.

EXECUTIVE SUMMARY

The applicant requests a parking variance to allow for backing out of city right of way. Upon staff review, due to the non-existence of a structure, the propose site plan shows that the applicant will have enough space to accommodate proper on site turn around without the need to have parking that backs into the right-of-way. City of Gulfport's Engineering Department has disapproved applicants request due to the Engineering Department cannot recommend abandonment of the 25 ft. drainage easement. The existing ditch currently provides drainage from Morningside Drive northward toward Bernard Bayou. The building cannot be located as shown on the provided site plan. In addition, the site plan does not address added runoff from

Technical Report

VARIANCE

the increase in impervious surface on the site. The developer will need to revise the site plan, including building location and size, to conform to the site and its easements. Revisions to the building will impact the required number of parking spaces and location. These issues were discussed with the designer and the owner during a preliminary design review meeting at the Department of Urban Development on September 25, 2024.

Any approval should consider these conditions:

1. Must comply with all zoning rules and regulations.
2. Approval to allow for parking that backs out into city right of way.
3. The Engineering Department cannot recommend abandonment of the 25 ft. drainage easement. The existing ditch currently provides drainage from Morningside Drive northward toward Bernard Bayou. The building cannot be located as shown on the provided site plan. In addition, the site plan does not address added runoff from the increase in impervious surface on the site. The developer will need to revise the site plan, including building location and size, to conform to the site and its easements. Revisions to the building will impact the required number of parking spaces and location. These issues were discussed with the designer and the owner during a preliminary design review meeting at the Department of Urban Development on September 25, 2024.
4. Address City Engineering comments prior to permitting.

DEPARTMENTAL CONDITIONS

Engineering:

Disapprove: The Engineering Department cannot recommend abandonment of the 25 ft. drainage easement. The existing ditch currently provides drainage from Morningside Drive northward toward Bernard Bayou. The building cannot be located as shown on the provided site plan. In addition, the site plan does not address added runoff from the increase in impervious surface on the site.

The developer will need to revise the site plan, including building location and size, to conform to the site and its easements.

Revisions to the building will impact the required number of parking spaces and location.

These issues were discussed with the designer and the owner during a preliminary design review meeting at the Department of Urban Development on September 25, 2024. Memo dated 12/6/24.

Public Works:

Conditions. Address City Engineering comments prior to permitting. Memo dated 12/6/24.

Traffic and Safety:

No conditions. Memo dated 12/6/24.

Building Code Services:

No conditions. Memo dated 11/26/24.

GIS:

No conditions. Memo dated 12/3/24.

Technical Report

VARIANCE

Police Department: No comment as of 12/6/24.

Fire Department: No conditions. Memo dated 12/2/24.

City Arborist: No conditions. Memo dated 12/3/24.

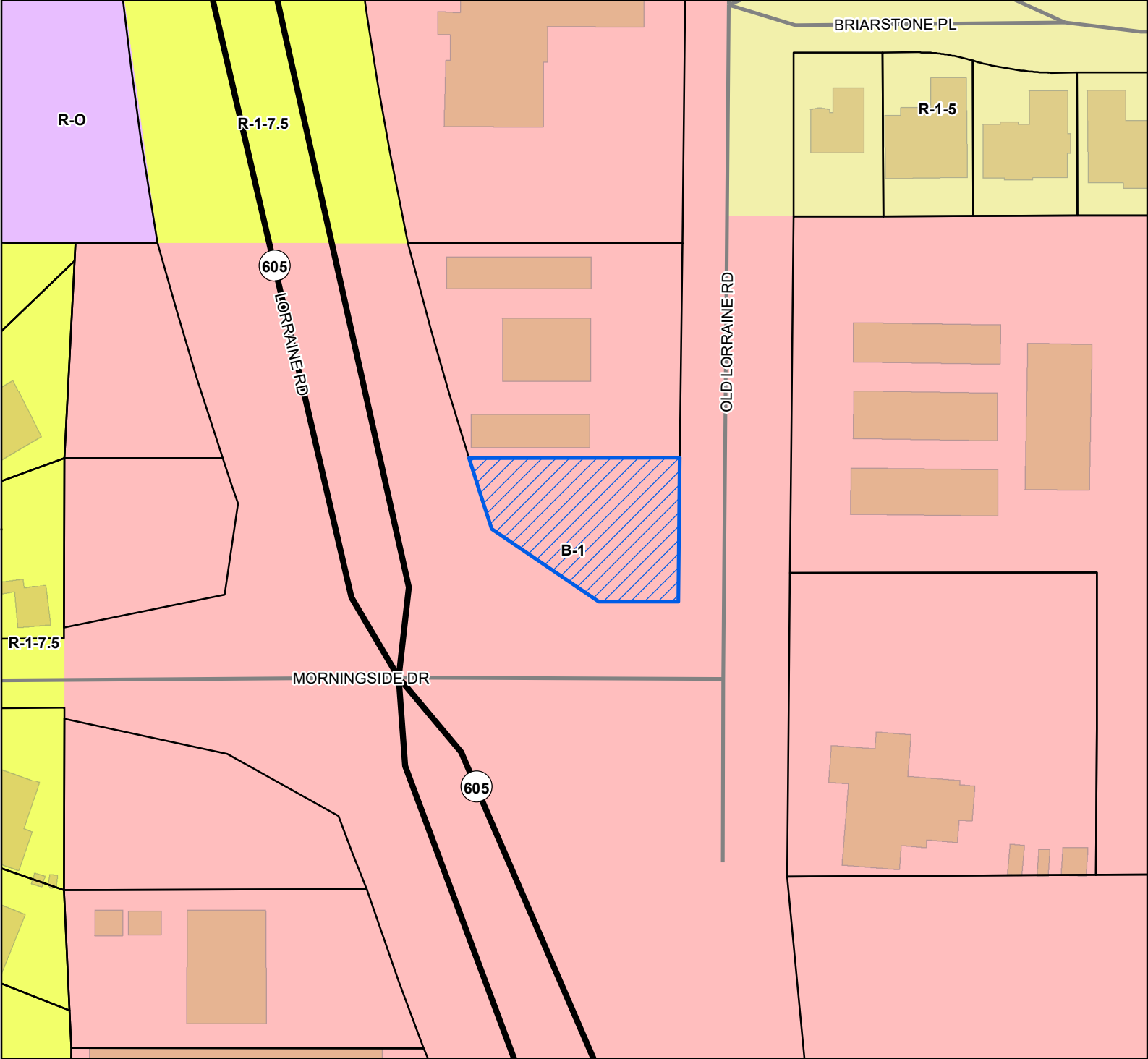
DIRECTOR APPROVAL

This report has been reviewed and approved by:



Greg Holmes
Director of Urban Development Department





Site

US or State Highway

Street

Parcels

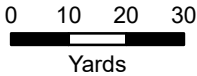
Buildings

City Limit

Zoning

- B-1 - Neighborhood Business District
- R-1-5 - Single Family Residence District (Medium Density)
- R-1-7.5 - Single Family Residence District (Low Density)
- R-O - Residence-Office

Site Information
1009M-03-010.012
Zoning: B-1 (Neighborhood Business)
Size: 12362.06 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.

R#13018065

CASE NUMBER

2412 $\approx$ B192

WJ 11/6/22

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	M	-	0	3	-	0	1	0	.	0	1	2
					-			-				.			
					-			-				.			

Property Address:

Property Address: _____

 Lot(s) 4 Block(s) _____ Subdivision STANTON PLACE

General Description of Request: VARIANCE TO ALLOW 5 PARKING SPACES TO BACK OUT INTO PUBLIC RIGHT OFWAY THAT HAS NO TRAFFIC.

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**.

24.121

OWNER:SHARON L. MYERS

Printed Name of Owner

142 EDgewater DR.

Mailing Address

BILOXI MS 39531

City

State

Zip Code

228-697-5616

Home Phone

Work/Cell Phone

in2tenis@gmail.com

Email

Sharon Myers

Signature of Owner

AGENT:HEINRICH & ASSOCIATES

Printed Name of Agent

1806 23RD AVE. SUITE B

Mailing Address

GULFPORT, MS 39501

City

State

Zip Code

228-896-6768

Home Phone

Work/Cell Phone

bobby.h@heinrichassociates.net

Email

Signature of Agent

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

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

Name of Owner (PRINT) _____

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

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

Tax Parcel Number(s) Owned: _____

Signature: _____

Name of Owner (PRINT) _____

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

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

Tax Parcel Number(s) Owned: _____

Signature: _____

Name of Owner (PRINT) _____

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

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

Tax Parcel Number(s) Owned: _____

Signature: _____



DESIGNATION OF AGENT

I, SHARON L. MYERS being property owner of 1009M-03-010.012
PRINT NAME PRIMARY ADDRESS OR PARCEL
which is the subject of this application hereby authorize HEINRICH & ASSOCIATES 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.

Sharon Myers
SIGNATURE

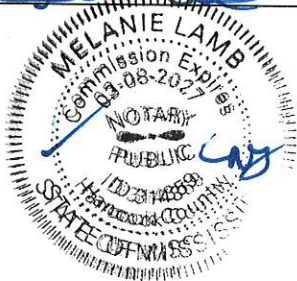
11/5/24
DATE

STATE OF MISSISSIPPI | COUNTY OF HARRISON

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

Melanie Lamb
NOTARY PUBLIC

03-08-2027
COMMISSION EXPIRATION





COVENANT AFFIDAVIT

I, SHARON L. MYERS being property owner or agent of the property 1009M-03-010-012
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.

Sharon Myers
SIGNATURE

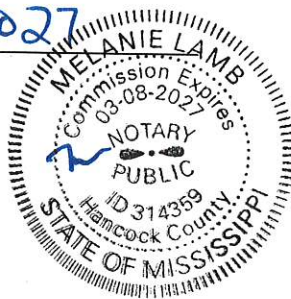
11/5/24
DATE

STATE OF MISSISSIPPI | COUNTY OF HARRISON

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

Melanie Lamb
NOTARY PUBLIC

03-08-2027
COMMISSION EXPIRATION



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.

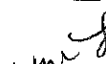
Submission Requirements:

 _____ **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.

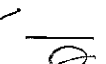
- The property lines and dimensions have been provided on the drawing.
- All buildings and structures located on the property have been identified.
- All dimensions of buildings and structures have been noted on the site plan.
- All distances from the property lines to all the buildings and structures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

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

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

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

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

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

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

SUPPLEMENTAL INFORMATION for VARIANCE

**Located at the NW Intersection of Old Lorraine Rd. and Morningside Dr.
City of Gulfport, First Judicial District of Harrison County, Mississippi**

Tax Parcel No: 1009M-03-010.012

Answers to questions on Page 8 of the Variance Application:

1. The subject property is very small and is a left-over piece of property from the land acquisition process during the planning stages of Highway 605. The owner would like to utilize the entire parcel by building a commercial retail building that is currently zoned B-1. The property contains approximately 0.28 acres and is near a major corridor and area that has seen substantial growth in recent years. Commercial uses have expanded in this area to the north and south of the subject property; more specifically, Hill Crest Dental, Coastal Tile, Pilger Title, proposed Lemon-Mohler Insurance, proposed J'Anna Bergmann Salon, proposed real estate office, and a recently, a rezone was approved across Highway 605 south of Hillcrest Dr. This parcel is in a desirable area for commercial development and if this request is granted, it will be consistent with the demands for expanded services and amenities in the area.
2. The owner did not cause the need for the variance. Additional parking is needed for this project. Since this section of Old Lorraine Rd. is not heavily traveled, parking has been allowed to back out into this minor street. The owner is requesting a variance that has been previously approved for another business.
3. The property is an odd shaped property that was left over from when the Highway 605 project was built. Trying to build a feasible commercial building, additional parking is needed and since this has been allowed to the north, the owner is requesting to do the same.
4. The right of reasonable economic return would be constructing a larger building and a parking lot that will meet the parking requirements.
5. This parcel is adjacent to basically a dead end road and there's hardly any traffic. As shown on the attached maps, there are 2 streets to the north that are used to access the businesses mentioned above. The reason the owner is requesting the variance is because this request has been granted before.
6. This request is permissible is approved by the zoning and variance board.

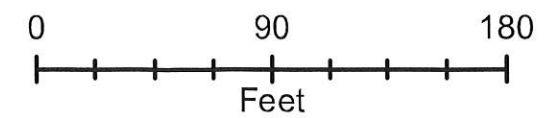
My Map



HARRISON COUNTY, MISSISSIPPI

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

MAP DATE: November 5, 2024





[Signature] 1st JUDICIAL DISTRICT
Instrument 2023-0014460-D-11
Filed/Recorded 07/25/2023 2:15:01 PM
Total Fees 26.00
4 Pages Recorded

ROW640D (Revised 7/2009)

Grantor, prepared by and return to:

Mississippi Transportation Commission c/o

Mississippi Department of Transportation

Right of Way Division

P. O. Box 1850

Jackson, Mississippi 39215-1850

Phone: 601-359-7630

Grantee Address:

Sharon L. Myers

142 Edgewater Dr.

Biloxi, MS 39531

Phone: 228-697-5616

Business No.

94-9371-00-004-10;
037-0-00-X (Parcel #3)

QUITCLAIM DEED

INDEXING INSTRUCTIONS:

Lot 3 and Lot 4 of Brighton II Subdivision in the
Southwest ¼ of Section 19, Township 7 South,
Range 10 West, Harrison County, Mississippi

THE STATE OF MISSISSIPPI

County of Harrison

For and in consideration sixty-eight thousand two hundred six 06/100 Dollars (\$ 68,206.06) receipt of which is hereby acknowledged, I, Brad White, Executive Director, for and in behalf of the Mississippi Transportation Commission, in accordance with an Order in Minute Book 23, Page 931, of said Commission, do hereby convey and Quitclaim unto Sharon L. Myers the following described land, to wit:

PARCEL NO. 3

Begin at a point that is 25 meters (82.021 feet) Northeasterly of and measured radially to the centerline of survey of State Project No. 94-9371-00-004-10 at Station 5+ 140; from said point of beginning run thence Northwesterly of along the circumference of a circle to the right having a radius of 848.189 meters (2782.772 feet), an arc distance of 17.364 meters (56.968 feet), said arc having a chord bearing of North 15° 49' West for a distance of 17.364 meters (56.968 feet); thence run North 89° 34' East, a distance of 45.732 meters (150.039 feet) to the present Westerly right-of-way line of Lorrain Cowan Road; thence run South 00° 10' West along the present Westerly right-of-way line of Lorrain Cowan Road, a distance of 32.957 meters (108.127 feet); thence run South 89° 44' West, a distance of 17.468 meters (57.310 feet); thence run North 55° 42' West, a distance of 28.363 meters (93.054) to the point of beginning, containing 0.120 hectares (0.296 acres), more or less.

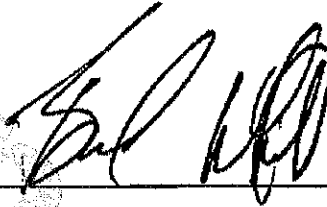
It is understood that any and all abutters rights of access to and from the right of way for SR 605 including the rights of ingress and egress are hereby specifically reserved unto the grantor and denied onto the grantee herein.

It is hereby understood and agreed by the Grantee herein all existing utilities located on, under, or above the land herein described, shall remain, at the discretion of the utility owners, and that the grantee, his/her heirs, assigns, or successors in the title will not require the relocation of these utilities except by agreement with the utility owner.

This conveyance is subject to the provisions that no junkyards, as defined in 23 U.S.C., Section 136, shall be hereafter established or maintained on or above described lands, and no signs, billboards, outdoors advertising structures or advertisement of any kind, as provided for in 23 U.S.C., Section 131, shall be hereafter erected, displayed, placed or maintained upon or within the above described land, except that signs may be erected and maintained to advertise the sale, hire or lease of the property, or principal activities conducted on the land upon which the signs are located.

Witness my signature this 14 day of July A.D., 2023.

MISSISSIPPI TRANSPORTATION COMMISSION BY AND
THROUGH THE EXECUTIVE DIRECTOR OF THE
MISSISSIPPI DEPARTMENT OF TRANSPORTATION



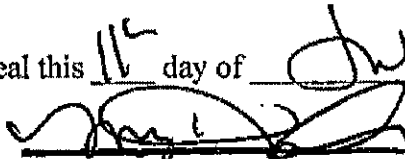
EXECUTIVE DIRECTOR

STATE OF MISSISSIPPI

COUNTY OF Hinds

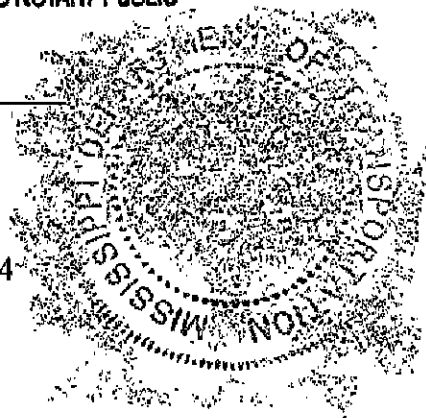
This day personally appeared before me, the undersigned authority, the above named Brad White, Executive Director of the Mississippi Department of Transportation, who, being authorized so to do by the Mississippi Transportation Commission, in an Order in Minute Book 23, Page 931 of said Commission, acknowledged that he signed and delivered the foregoing instrument as and for the act and deed of said Commission on the day and year therein mentioned.

Given under my hand and seal this 14 day of July, 2023

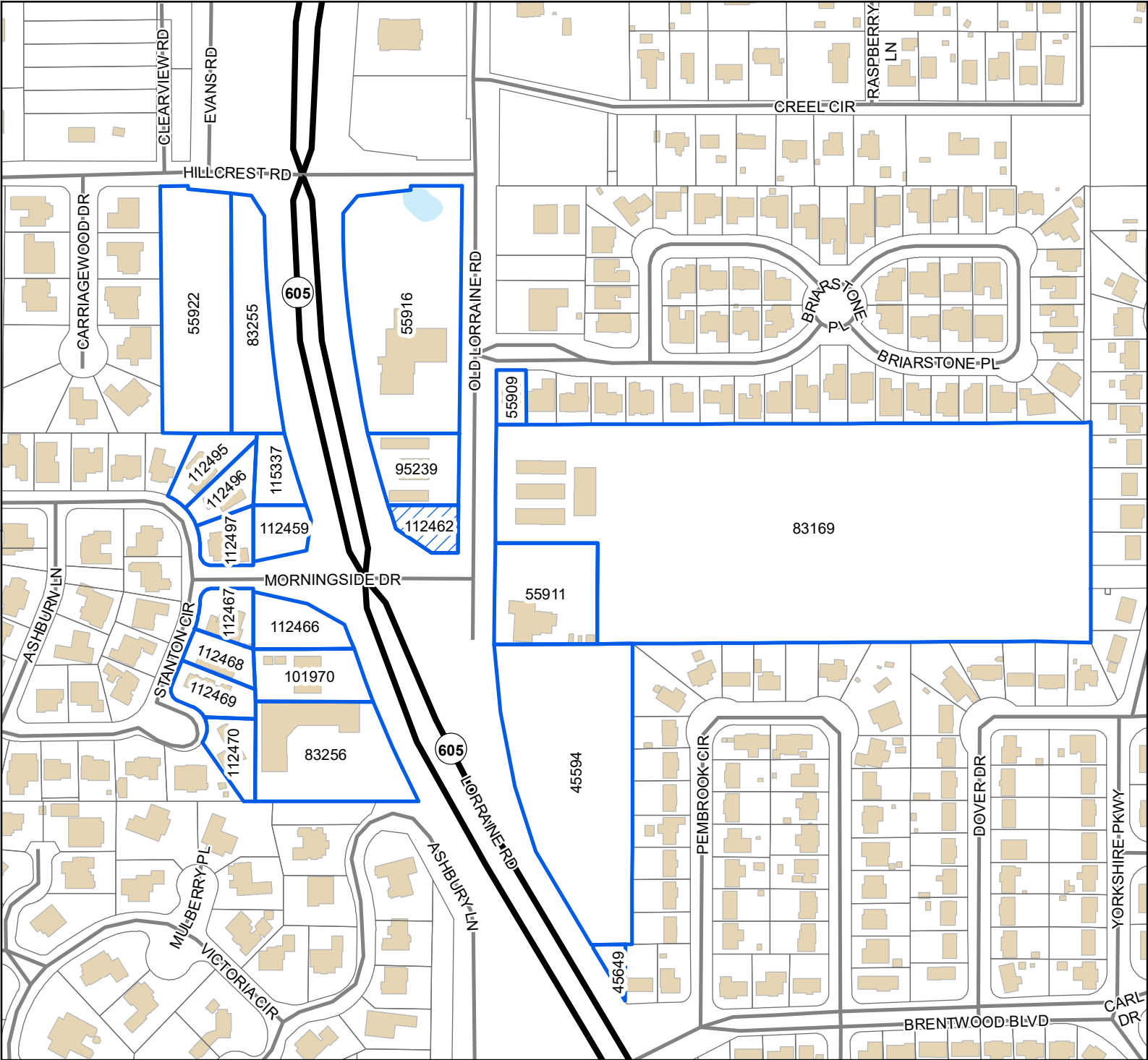


MISSISSIPPI TRANSPORTATION COMMISSION
EX-OFFICIO NOTARY PUBLIC (NOTARY PUBLIC)

My commission expires: _____

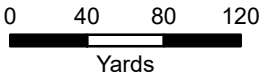


Mail	PPIN	Parcel ID	Name	Address	City	State	ZIP
Y		1009M-03-010.012	SHARON L MYERS (OWNER)	142 EDGEWATER DR.	BILOXI	MS	39531
			HEINRICH & ASSOCIATES (AGENT)	1806 23RD AVE STE B	GULFPORT	MS	39501
			Adjacent Property Owners (2412ZB192)				
N	112459	1009M-03-010.009	MISS DEPT OF TRANSPORTATION	C/O RIGHT OF WAY DIVISION	JACKSON	MS	39215
	112497	1009M-03-010.047	CLEVELAND GAINES H & RACHELLE R	11450 STANTON CIR	GULFPORT	MS	39503
N	112462	1009M-03-010.012	MISS DEPT OF TRANSPORTATION	C/O RIGHT OF WAY DIVISION	JACKSON	MS	39215
N	55922	1009M-03-006.000	MYERS SHARON L	142 EDGEWATER DR	BILOXI	MS	39531
	55916	1009M-03-001.000	LECA DEVELOPMENT LLC	9231 LORRAINE RD	GULFPORT	MS	39503
N	112466	1009M-03-010.016	MISS DEPT OF TRANSPORTATION	C/O RIGHT OF WAY DIVISION	JACKSON	MS	39215
	101970	1009M-03-010.005	SAV-A-LIFE OF MISS GULF COAST	9155 LORRAINE RD	GULFPORT	MS	39503
	45649	1009M-01-007.000	JESCHKE KLAUS D & SANDRA M FAYARD	945 SAVANNAH PLACE	GULFPORT	MS	39507
N	83255	1009M-03-004.000	MYERS SHARON L	142 EDGEWATER DR	BILOXI	MS	39531
	112467	1009M-03-010.017	PEIXOTO MANNY D	11662 STANTON CIRCLE	GULFPORT	MS	39503
	112495	1009M-03-010.045	SLIMAN RICHARD W & CATHERINE G	11460 STANTON CIRCLE	GULFPORT	MS	39503
	95239	1009M-03-010.002	HILLCREST MINI STORAGE LLC	831 E SCENIC DR	PASS CHRISTIAN	MS	39571
	112469	1009M-03-010.019	HARRISON CECIL P III	11644 STANTON CIR	GULFPORT	MS	39503
	112496	1009M-03-010.046	CENTANNI RICHARD P & HELEN K	11458 STANTON CIR	GULFPORT	MS	39503
	112468	1009M-03-010.018	HANCOCK DOUGLAS A & TIFFANY R	11650 STANTON CIRCLE	GULFPORT	MS	39503
	115337	1009M-03-010.069	TLC PROPERTIES INC	10571 OUTDOOR WAY	GULFPORT	MS	39503
	112470	1009M-03-010.020	VARNEY JONATHAN R & BRITTANY J	11638 STANTON CIRCLE	GULFPORT	MS	39503
	55909	1009M-01-001.000	HAARALA ZACHARY R & KELSEY M	11485 BRIARSTONE PL	GULFPORT	MS	39503
	83256	1009M-03-010.001	KAT5 LLC	9153 LORRAINE RD	GULFPORT	MS	39503
	55911	1009M-01-002.000	BUCHANAN CURTIS LEE III	9166 LORRAINE ROAD	GULFPORT	MS	39503
N	83169	1009M-01-001.001	HILLCREST MINI STORAGE LLC	831 E SCENIC DR	PASS CHRISTIAN	MS	39571
	45594	1009M-01-004.000	HARDY COURT SHOPPING CENTER	P O BOX 1176	GULFPORT	MS	39502



Legend

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



1 inch = 300 feet



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



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	615422	Print Legal Ad-IPL02060860 - IPL0206086		\$89.80	2	41 L

Attention: Matilda Welch

GULFPORT URBAN DEVELOPMENT
PO BOX 1780
GULFPORT, MS 39502

accountspayable@gulfport-ms.gov

LEGAL NOTICE

In conformance with Section VIII of the Comprehensive Zoning Ordinance of the City of Gulfport, Mississippi, 1979, as amended, notice is hereby given advising that the Zoning Board of Adjustment and Appeals will hold a public hearing in the City of Gulfport, Mississippi at 3:00 PM., Thursday, December 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 24122B187, by agent John Mozingo III, seeking approval for 7 regular parking spaces where 17 spaces are required, Tax Parcel 0910I-03-001.000, 549 E Pass Road, Zoned T4+ (General Urban Zone "Plus"), Ward 2

Variance 24122B188, by agent John Mozingo III, seeking approval for parking that backs out into city right of way, Tax Parcel 0910I-03-001.000, 549 E. Pass Road, Zoned T4+ (General Urban Zone "Plus"), Ward 2

Variance 24122B190, by owners John and Judy Cotten, seeking approval for a zero-foot setback where 25 feet is required for a second frontage, Tax Parcel 0811H-04-020.000, 1340 2nd Street, Zoned R-1-7.5 (Single-Family), Ward 2

Variance 24122B191, by owners David Snyder Jr and Candace Snyder, seeking approval for an 8-foot tall fence where six feet is the height limit, Tax Parcel 1010J-2-006.000, 2315 Demaret Drive, Zoned R-1-7.5 (Single-Family), Ward 2

Variance 24122B192, by agent Heinrich & Associates, seeking approval for parking that backs out into city right of way, Tax Parcel 1009M-03-010.012, Old Lorraine Road, Zoned B-1 (Neighborhood Business), Ward 5

Variance 24122B194, by agent Robert K Riemann, seeking approval for limestone parking surface material where asphalt or concrete is required, Tax Parcel 0707H-01-002.000, 14220 Hwy 49, Zoned I-2 (Heavy Industry), Ward 7

Variance 24122B197, by owner R. Solloum Investments Inc., seeking approval for building height of 69 feet where 45 feet is the height limit, Tax Parcel 1010P-01-003.000, 2400 Beach Drive, Zoned R-B (Residence Business), Ward 2

Variance 24122B198, by owner R. Solloum Investments Inc., seeking approval for 142 regular parking spaces where 205 spaces are required, Tax Parcel 1010P-01-003.000, 2400 Beach Drive, Zoned R-B (Residence Business), Ward 2

Variance 24122B199, by owner R. Solloum Investments Inc., seeking approval for one additional wall sign where two wall signs are allowed, Tax Parcel 1010P-01-003.000, 2400 Beach Drive, Zoned R-B (Residence Business), Ward 2

This the 26th day of November 2024

A. Leslie North, Chairman
City of Gulfport Zoning Board of Adjustment and Appeals
IPL0206086
Dec 4 2024

PUBLIC HEARING

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:

12/04/24

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.

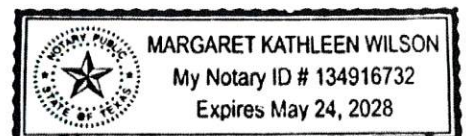
Mary Castro

Sworn to and subscribed before me this 5th day of
December in the year of 2024

Margaret K. Wilson

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 # 2025-180

Hearing Date: Thursday, December 19, 2024

Variance 2412ZB194: Variance 2412ZB194, by agent Robert K Riemann, seeking approval for limestone parking surface material where asphalt or concrete is required, Tax Parcel 0707H-01-002.000, 14220 Hwy 49, Zoned I-2 (Heavy Industry), Ward 7

Technical Report

VARIANCE

GENERAL INFORMATION

Case File Number: 2412ZB194

Hearing Date: December 19, 2024

Current Zoning/Use: I-2 / Commercial Structures

Legal: Variance 2412ZB194, by agent Robert K Riemann, seeking approval for limestone parking surface material where asphalt or concrete is required, Tax Parcel 0707H-01-002.000, 14220 Hwy 49, Zoned I-2 (Heavy Industry), 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))

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The applicant requests a variance in order to use gravel for material for a new 288ft by 330ft parking lot where the ordinance requires either concrete or asphalt for material.

- (a) The applicant claims that the special conditions result from the existing business planning to expand and requires additional parking to accommodate the potential increase in employment. The stated special conditions are not peculiar to the land, structure, or the building involved.
- (b) The applicant does not address the question, but mentions that they are trying to maintain the same parking lot design as what is existing. The applicant is causing their own hardship by wish to use gravel for parking lot surface material. However, the site does currently have an existing gravel parking lot that predates the current parking ordinance.
- (c) The applicant explains that they are intending on paving an 81ft by 61ft, ADA concrete parking area to accommodate handicap space requirements however the applicant further explains that paving the entire parking lot would exceed the budget for the project. The stated hardship does not meet the criteria for a genuine hardship as it is not a caused by the physical character of the property.
- (d) The applicant claims in their application that the current parking ordinance does not take into consideration of their unique industrial situation. Should other industrial, or commercial, properties seeking to utilize gravel parking similar to the applicant's request an approved variance would be required of them as well. Upon staff review of the subject site and nearby properties, outside of a Text Amendment to change the current parking ordinance to allow for gravel parking, which would be non-site specific, an approved variance would be more reasonable considering that the site has a pre-existing gravel parking lot, as do the two existing businesses directly across Highway 49. (Southern Pro Truck and the ACME Brick Company)
- (e) The applicant claims that granting the variance would not provide any special privileges, under the claim that gravel construction would reduce the volume of runoff compared to asphalt or concrete. Any claims for runoff calculation would not fall under the jurisdiction of the planning division, but would fall under the jurisdiction for the Engineering Department. Upon staff review, staff noted via a site visit that the subject site has an existing gravel parking lot, as do two other existing commercial businesses nearby, Southern Pro Truck and the ACME Brick Company. Upon researching past imagery for the subject site, and the other nearby businesses, the gravel parking lots have existed prior to the current parking ordinance. The applicant's request would be in harmony with what is existing currently.
- (f) This property is zoned I-2, and a business with a parking lot are permitted uses.

EXECUTIVE SUMMARY

The applicant is seeking approval for gravel material for a new 288ft by 330ft parking lot where current parking ordinance requires the material to be either concrete or asphalt. The applicant has made note that they intend to pave an 81ft by 61ft ADA concrete parking area to meet handicap requirements, however they state that paving the entire parking area concrete or asphalt would exceed their budget for the project. The stated hardship does not meet the six hardship criteria, and the applicant is causing their own hardship by wishing to use gravel material when the ordinance requires concrete or asphalt material. However, upon staff review of the subject site,

Technical Report

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and nearby existing businesses (Southern Pro Truck and the ACME Brick Company) have existing gravel parking areas. Upon review of past imagery for the area, these parking areas have existed prior to the current parking ordinance. The applicant's request would be in harmony with the nearby area. Some departments have stated conditions for the proposed development, which can be found listed below.

Any approval should consider these conditions:

1. Surface must be capable of supporting an imposed load of Fire apparatus weighing up to 75,000 pounds.
2. Provide a dedicated pedestrian pathway within the concrete section of the parking lot to each space in compliance with ADA standards.
3. Provide drainage calculations for the parking lot depending on the approved surface(s) to determine if detention is required.
4. Approval allows for gravel material to be used for regular parking spaces.

DEPARTMENTAL CONDITIONS

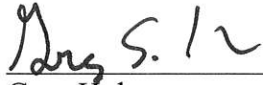
<u>Engineering:</u>	Provide a dedicated pedestrian pathway within the concrete section of the parking lot to each space in compliance with ADA standards. Provide drainage calculations for the parking lot depending on the approved surface(s) to determine if detention is required. Memo dated 12/6/24.
<u>Public Works:</u>	Provide dedicated pedestrian pathway that meets ADA requirements. Memo dated 12/6/24.
<u>Traffic and Safety:</u>	No conditions. Memo dated 11/26/24.
<u>Building Code Services:</u>	No conditions. Memo dated 11/26/24.
<u>GIS:</u>	No conditions. Memo dated 12/3/24.
<u>Police Department:</u>	No comment as of 12/6/24.
<u>Fire Department:</u>	Surface must be capable of supporting an imposed load of Fire apparatus weighing up to 75,000 pounds. Memo dated 12/2/24.
<u>City Arborist:</u>	No conditions. Memo dated 12/3/24.
<u>Landscape Manager:</u>	No conditions. Memo dated 12/3/24.

Technical Report

VARIANCE

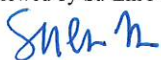
DIRECTOR APPROVAL

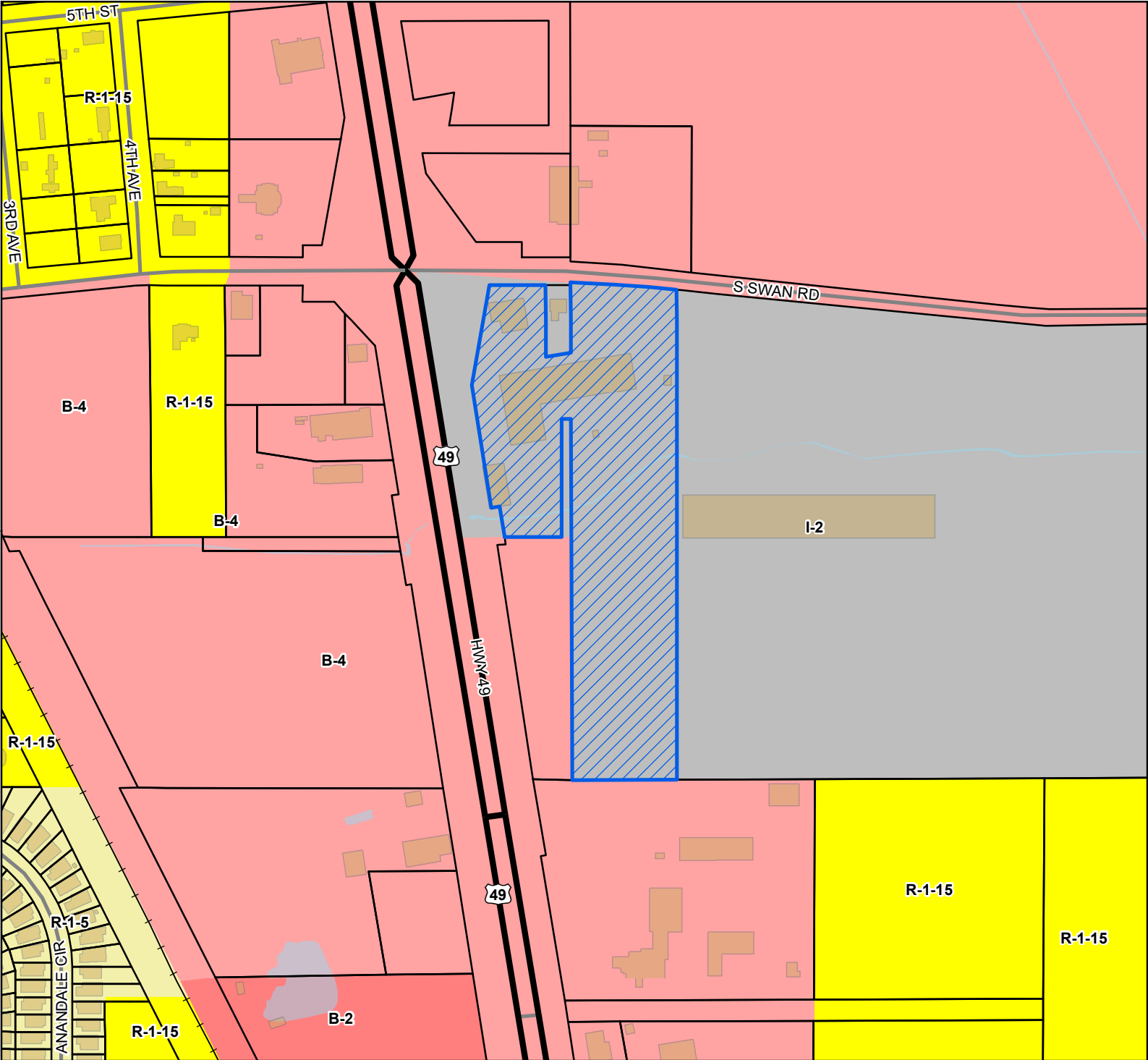
This report has been reviewed and approved by:



Greg Holmes

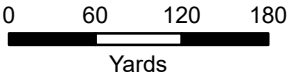
Director of Urban Development Department





- Site
- US or State Highway
- Street
- Railroad
- Parcels
- Buildings
- Water Features
- City Limit
- Zoning**
 - B-2 - General Business District
 - B-4 - Highway Business District
 - I-2 - Heavy Industry District
 - R-1-15 - Single Family Residence District (Low Density)
 - R-1-5 - Single Family Residence District (Medium Density)

Site Information
0707H-01-002.000
Zoning: I-2 (Heavy Industry)
Size: 13.6 acres
Flood: X



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.



R#13020162

CASE NUMBER

2412 ZB104

11/7/24 AA SML

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

0707#	-	01	-	002	.	000											

Property Address:

14220 Highway 49, Gulfport, MS 39503

Lot(s) _____ Block(s) _____ Subdivision Lynnan (Original) AA

General Description of Request: To use limestone surface for parking lot to remain consistent with current construction

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:Jamie Holder

Printed Name of Owner

14220 Highway 49

Mailing Address

Gulfport MS 39503

City

State

Zip Code

601-670-6094

Home Phone

Work/Cell Phone

jholder@hol-mag.com

Email

[Signature]

Signature of Owner

AGENT:Robert K Riemann, P.E.

Printed Name of Agent

3103 5th Avenue, Suite B

Mailing Address

Gulfport MS 39501

City

State

Zip Code

228-518-2980

Home Phone

Work/Cell Phone

KRIS@engineeringxcellence.com

Email

Robert K Riemann

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)

Jamie Holder

Address (Street, City, State, Zip Code)

523 Hwy 528, Bay Springs, MS 39422

Phone (Home)

(Work)

(Cell)

601 764 4121 601 670 6094

Tax Parcel Number(s) Owned:

0707H-01-002.000

Signature:

[Signature]

Name of Owner (PRINT)

Jeffrey Holder

Address (Street, City, State, Zip Code)

344 County Road 1525, Bay Springs, MS 39422

Phone (Home)

(Work)

(Cell)

601 764 6115 601 670 5929

Tax Parcel Number(s) Owned:

0707H-01-002.000

Signature:

[Signature]

Name of Owner (PRINT)

CBH Properties, LLC

Address (Street, City, State, Zip Code)

160 Commerce Drive, Bay Springs, MS 39422

Phone (Home)

(Work)

(Cell)

601 670 5929

Tax Parcel Number(s) Owned:

0707H-01-002.000

Signature:

[Signature], Manager



COVENANT AFFIDAVIT

I, Janie Holder being property owner or agent of the property 14220 Highway 79
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

1/5/24
DATE

STATE OF MISSISSIPPI | COUNTY OF HARRISON

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

[Signature]
NOTARY PUBLIC



10/5/2027
COMMISSION EXPIRATION



DESIGNATION OF AGENT

I, Jamie Holder being property owner of 14220 Highway 49
PRINT NAME PRIMARY ADDRESS OR PARCE
which is the subject of this application hereby authorize Robert K. Riensman, P.E. 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] 11/5/24
SIGNATURE DATE

STATE OF MISSISSIPPI | COUNTY OF HARRISON

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

[Signature] 10/5/2027
NOTARY PUBLIC COMMISSION EXPIRATION



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 about the property.
- Traffic flow, parking and driveways have been identified.
- If required buffer strips have been identified
- Other pertinent information as needed to pictorially demonstrate the proposed development/use.

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

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

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

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

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

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

VARIANCE SUBMISSIONS



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

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

November 6, 2024

Mr. Jamie Holder
Keith Huber
14220 Highway 49
Gulfport, MS 39503
Email: jvholder@gmail.com

Re: Zoning Board of Adjustments and Appeals Application for Construction of a New Employee Parking Lot Development at 14220 U.S. Highway 49 which is Located in the City of Gulfport, Mississippi. Parcels 0707H-01-002.000 (13.6 ac), 0807E-01-002.000 (52.4 ac) and 0707H-01-003.000 (2.8 ac).

- Variance Submissions

Dear Mr. Holder:

Please see below the answers to the City of Gulfport questionnaire for the above-referenced project.

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?)

Answer: The property contains an industrial business in an I-2 district. The business is planning an expansion of the building and parking for the business. The expansion is estimated to create 50 additional jobs bringing the employment to approximately 200 people. Additional parking is needed to accommodate the increase in employment and allow for future growth.

After completion of the expanded employee parking lot, the current gravel employee parking area will be used to park finished trucks, ready to be delivered to our customers. The new, expanded employee parking lot will have 250 spaces. This lot will be 288 ft x 330 ft = 95,040 sq. ft. or 2.18 acres.

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.)

Answer: We are trying to expand the business and maintain the same parking lot design that has been in use for many years since the 1980's.

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?)

Answer: This is an industrial business. We are planning to expand the industrial building by 32,212 sq. ft. Current plans are to replace the current gravel entrance to the property with a concrete road and add an 81 ft x 61 ft, ADA concrete parking area with 10 spaces. A requirement to asphalt or concrete the parking lot would exceed the budget and make the project prohibitive.

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.)

Answer: We would like to expand existing parking areas and not create a brand-new parking lot. We believe the ordinance to require asphalt or concrete parking lots does not consider our unique, industrial situation.

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?)

Answer: Constructing a gravel parking lot will not provide a special benefit compared to having an asphalt or concrete parking lot. Gravel construction will reduce the volume of runoff compared to asphalt or concrete.

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.

Answer: As I understand, the proposed use is permissible by special exception.

If you need any further information or have any questions, please contact me at (228) 518-2980 or kris@engineeringxcellece.com.

Respectfully Submitted,



Robert K. Riemann, P.E
President/Owner
Engineering Xcellence, PLLC

CONSTRUCTION PLANS FOR
**KEITH HUBER COMMERCIAL BUILDING
EXPANSION & PARKING LOT**

14220 HIGHWAY 49
PARCEL NO. 0807E - 01.002.000
GULFPORT, MISSISSIPPI 39503

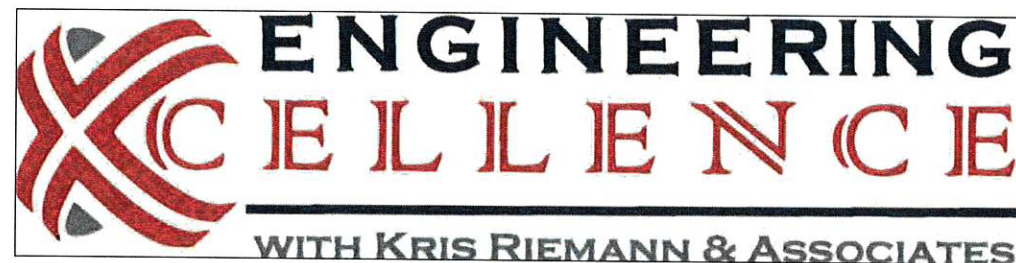
CITY OF GULFPORT
HARRISON COUNTY, MISSISSIPPI
PROJECT NO. 04-2024-50
OCTOBER 15, 2024

REVISED FOR CITY COMMENTS - OCTOBER 31, 2024


10-31-2024

Robert K. Riemann, P.E.

3103 5th Avenue, Suite B
Gulfport, MS 39501
(228) 518-2980
kris@engineeringxcellence.com



CITY OF GULFPORT ENGINEERING DEPARTMENT PUBLIC WORKS DEPARTMENT		APPROVED AS SUBMITTED	APPROVED AS NOTED	REQUIRES ADDITIONAL INFORMATION
NAME: <i>Robert Lee</i>	DATE: Oct. 21, 2024			X
<i>RCC</i>	WATER & SEWER	X		
<i>Mohr & Hanning</i>	STREETS & DRAINAGE	X		
<i>Mohr & Hanning</i>	STORMWATER	X		
<i>Ken Holt</i>	TRAFFIC & SAFETY	X	RL	
<i>D. E. O'Dell</i>	ADA			X

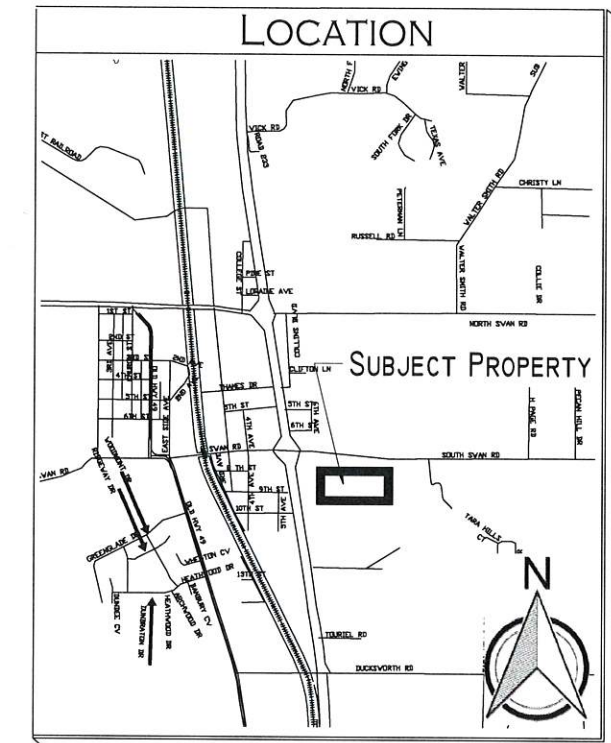
OWNER
JAMIE HOLDER

ENGINEERING STAGE	
20% Review	07-29-2024
60% Review	09-15-2024
Final Approval	10-15-2024
Ready for Construction	

PERMITS	
Wetlands	
MDEQ Sewer	
MSDH Water	
MDOT	
MDEQ Swppp	SCNOI - 10-10-24

UTILITIES

City of Gulfport - Water, Sewer, and Drainage - 228-868-5740
Harrison County Development Commission - 896-5020
Harrison County Utility Authority - Sewer - 228-868-8752
Coast Electric Power Association - Power - 228-832-1761
AT & T - Telephone - 1-877-737-2478
Mississippi Power - Power - 1-800-532-1502
C-Spire - Fiber - 1-855-277-4732
Cable One - Cable - 228-374-5900



SHEET INDEX

DESCRIPTION	SHEET NO.
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SITE ENLARGED PLAN	C-6
SITE UTILITY PLAN	C-7
SITE DRAINAGE PLAN	C-8
SITE FENCE PLAN	C-9
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CIVIL DETAILS	C-11
SEWER & WATER DETAILS	C-12
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FOUNDATION PLAN	F-1

GENERAL NOTES

UTILITIES

1. THE LOCATIONS OF EXISTING UNDERGROUND UTILITIES ARE SHOWN ON THE PLANS BASED UPON THE BEST INFORMATION AVAILABLE TO THE ENGINEER, AND HAVE NOT BEEN INDEPENDENTLY VERIFIED BY THE OWNER OR HIS REPRESENTATIVE. THE ENGINEER CANNOT AND DOES NOT WARRANT THAT THE INFORMATION IS COMPLETE OR ACCURATE. THE CONTRACTOR SHALL PERFORM A PRELIMINARY INVESTIGATION TO DETERMINE EXACT LOCATION OF UTILITY LINES BEFORE EXCAVATION OPERATION AND AGREES TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES, WHICH MIGHT BE OCCASIONED BY THE CONTRACTORS FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL UNDERGROUND UTILITIES.
2. BEFORE UNDERTAKING EACH PART OF THE WORK, THE CONTRACTOR SHALL CAREFULLY STUDY AND COMPARE THE PLANS AND SPECIFICATIONS AND CHECK AND VERIFY PERTINENT FIGURES SHOWN THEREON AND ALL APPLICABLE FIELD MEASUREMENTS. IF ANY CONFLICTS, ERRORS, DISCREPANCIES, OR OTHER UNSATISFACTORY CONDITIONS ARE DISCOVERED EITHER ON THE CONSTRUCTION DOCUMENTS OR IN THE FIELD CONDITIONS, THE CONTRACTOR SHALL PROMPTLY REPORT IN WRITING TO THE ENGINEER OR HIS AUTHORIZED REPRESENTATIVE, AND SHALL OBTAIN A WRITTEN INTERPRETATION OR CLARIFICATION FROM THE ENGINEER OR HIS AUTHORIZED REPRESENTATIVE BEFORE PROCEEDING WITH ANY WORK AFFECTED THEREBY.
3. NEW WATER METERS WILL NOT BE INSTALLED AS PART OF THE PROJECT. THE CONTRACTOR IS TO INSTALL A NEW WATER SERVICE AND CURB STOP AND METER BOX AS PART OF THIS PROJECT. ALL EXISTING CITY WATER SAMPLING STATIONS MUST BE RECONNECTED TO THE NEW WATER MAIN WITH NEW WATER SERVICE TUBING THAT HAS BEEN CHLORINATED/TESTED. A NEW CURB STOP AND METER BOX SHALL ALSO BE PROVIDED NEAR THE CONNECTION TO THE SAMPLING STATION.
4. CONTRACTOR SHALL BE RESPONSIBLE FOR IMMEDIATELY REPLACING OR REPAIRING AT HIS OWN EXPENSE ANY DAMAGED SANITARY SEWER LINES AND APPURTENANCES; STORM DRAIN LINES AND APPURTENANCES; WATER MAIN AND APPURTENANCES; DRAINAGE STRUCTURES; OR ANY OTHER EXISTING STRUCTURES, SERVICES OR OBSTRUCTIONS WHICH, IN THE OPINION OF THE CITY OR THE ENGINEER, WAS DAMAGED BY THE CONTRACTOR. THE CONTRACTOR SHALL HAVE ON HAND AT ALL TIMES THE NECESSARY FITTINGS AND ACCESSORIES NEEDED TO PERFORM AN EMERGENCY REPAIR ON ANY EXISTING SANITARY SEWER LINE, WATER MAIN, STORM DRAIN, FORCE MAIN, SERVICE, ETC. SHOULD THE MAIN(S) OR SERVICES(S) BE DAMAGED DURING THE CONSTRUCTION OF THIS PROJECT.
5. CONTRACTOR MUST KEEP THE WATER, SEWER, AND DRAINAGE SYSTEMS FUNCTIONAL AND ALL HOUSES IN SERVICE AT ALL TIMES UNLESS MINIMAL UTILITY OUTAGES ARE APPROVED BY THE CITY OR THE ENGINEER WITH A MINIMUM OF THREE (3) CITY WORKING DAYS NOTICE. NO SERVICE SHALL BE LEFT OFF TO ANY PROPERTY OVERNIGHT.

EROSION CONTROL

1. THE CONTRACTOR SHALL BE REQUIRED TO FURNISH ALL MATERIALS AND PERFORM ALL WORK FOR THE PROPER INSTALLATION, MAINTENANCE AND REMOVAL OF ANY TEMPORARY EROSION CONTROL MEASURE(S) NECESSARY TO CONTROL SILTATION.
2. CONTRACTOR SHALL INSTALL AND MAINTAIN SILT FENCES AROUND THE PERIMETER OF ALL VEGETATED AREAS WHICH ARE DISTURBED AND SHALL PREVENT SILTATION OF ADJACENT DRAINAGE SYSTEMS AND CHANNELS WITH SILT FENCING. THE USE OF HAY BALES IS PROHIBITED. CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTAINING EROSION CONTROLS DURING THE ENTIRE COURSE OF THIS PROJECT PER ACCEPTABLE/APPROVED STORMWATER BEST MANAGEMENT PRACTICES. THE PLACEMENT OF EROSION AND SEDIMENT CONTROL BEST MANAGEMENT PRACTICES (BPMs) SHALL BE IN ACCORDANCE WITH THE MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY'S *PLANNING AND DESIGN MANUAL FOR THE CONTROL OF EROSION, SEDIMENT AND STORMWATER*.

ENVIRONMENTAL QUALITY'S *PLANNING AND DESIGN MANUAL FOR THE CONTROL OF EROSION, SEDIMENT AND STORMWATER*.

3. SILT FENCES SHALL BE INSTALLED AND PROPERLY MAINTAINED AROUND ALL STOCKPILED MATERIALS.
4. EXISTING VEGETATION SHALL BE MAINTAINED AND PROTECTED WHEREVER POSSIBLE.
5. WHERE APPLICABLE, ALL CONSTRUCTION TRAFFIC SHALL ENTER/EXIT THE SITE THROUGH THE CONSTRUCTION ENTRANCE. A CONSTRUCTION ENTRANCE IS REQUIRED AT ALL ACCESS POINTS ON THE SITE.
6. TEMPORARY OR PERMANENT VEGETATIVE PRACTICES SHALL BE IMPLEMENTED WITHIN SEVEN CALENDAR DAYS WHEN A DISTURBED AREA WILL BE LEFT UNDISTURBED FOR THIRTY CALENDAR DAYS OR MORE.
7. TEMPORARY EROSION AND SEDIMENT CONTROLS SHALL NOT BE REMOVED UNTIL PERMANENT EROSION CONTROLS ARE ESTABLISHED ON ALL DISTURBED AREAS. FINAL APPROVAL ON THE PROJECT WILL NOT BE MADE UNTIL ALL TEMPORARY EROSION CONTROLS ARE REMOVED AND PERMANENT EROSION CONTROLS ARE EFFECTIVELY ESTABLISHED.
8. ALL EQUIPMENT REPAIR AND MAINTENANCE SHALL BE DONE OFFSITE.
9. RECEPTACLES SHALL BE PROVIDED TO PROPERLY DISPOSE OF ALL TRASH AND WASTE. ALL CONSTRUCTION DEBRIS SHALL BE PICKED UP AT THE END OF EACH DAY AND SHALL BE REMOVED COMPLETELY FROM THE SITE AT THE END OF THE PROJECT.
10. SANITARY FACILITIES SHALL BE PROVIDED ON-SITE FOR ALL EMPLOYEES.
11. TEMPORARY EROSION AND SEDIMENT CONTROLS SHALL BE INSTALLED PRIOR TO THE START OF ANY WORK IF IT WILL BE REQUIRED TO REMOVE THEM TEMPORARILY DUE TO CONSTRUCTION ACTIVITIES. ONCE THOSE ACTIVITIES ARE COMPLETED OR AT THE END OF THE WORK DAY, THE TEMPORARY CONTROLS SHALL BE REINSTALLED IMMEDIATELY.
12. ALL EROSIONS CONTROLS SHALL BE INSTALLED IN ACCORDANCE WITH THE DETAILS.
13. ADDITIONAL EROSION AND SEDIMENT CONTROLS MAY BE DEEMED NECESSARY IF THE CONTROLS FOUND IN THE STORMWATER MANAGEMENT PLAN ARE FOUND TO BE INEFFECTIVE.
14. ACCUMULATED SEDIMENT SHALL BE REMOVED FROM CONTROLS WHEN IT REACHES ONE-HALF (½) THE HEIGHT OF THE CONTROL. THE SEDIMENT SHALL BE PROPERLY DISPOSED OF SO AS NOT TO CAUSE SEDIMENTATION IN ANOTHER LOCATION.
15. EROSION AND SEDIMENT CONTROLS SHALL BE INSPECTED WEEKLY AND FOLLOWING ANY RAIN EVENT. NON-FUNCTIONING, INEFFECTIVE OR DAMAGED CONTROLS SHALL BE REPAIRED, REPLACED OR SUPPLEMENTED WITH FUNCTIONAL CONTROLS WITHIN 24 HOURS OF DISCOVERY.

16. THE CONTRACTOR IS RESPONSIBLE FOR THE REMOVAL OF ANY SEDIMENT THAT MIGRATES INTO THE STORM DRAIN SYSTEM.
17. THE CONTRACTOR IS RESPONSIBLE FOR THE REMOVAL OF ANY SEDIMENT OR CONSTRUCTION DEBRIS THAT IS TRACKED ONTO ADJACENT PAVES AREAS. ADJACENT STREETS SHALL BE KEPT CLEAN THROUGHOUT CONSTRUCTION AND SHALL BE CLEANED WITH A STREET SWEEPER OR SIMILAR TECHNIQUE IMMEDIATELY UPON DISCOVERY OF SEDIMENT. WASHING DOWN OF THE STREET OR ANY PAVES AREAS IS NOT ALLOWED.
18. ANY SEDIMENT THAT HAS MIGRATED OFFSITE WHETHER ONTO PUBLIC OR PRIVATE PROPERTY SHALL BE REMOVED IMMEDIATELY UPON DISCOVERY.

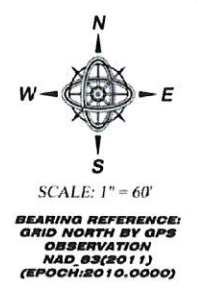
TRAFFIC/SIGNS

1. MAINTENANCE OF TRAFFIC SHALL INCLUDE ALL SIGNS, BARRICADES, PAVEMENT MARKINGS, WARNING LIGHTS, PERSONNEL, TRAFFIC CONTROL DEVICES, SUPERVISION AND OTHER ITEMS CONCERNING TRAFFIC CONTROL. THERE SHALL BE NO OTHER PAYMENTS MADE FOR THIS WORK. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE LATEST EDITION OF THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES FOR STREETS AND HIGHWAYS (MUTCD) AND THE ATTACHED TRAFFIC CONTROL PLAN.
2. CONTRACTOR SHALL INVENTORY ALL EXISTING SIGNS AND LOCATION WITHIN THE PROJECT LIMITS. CONTRACTOR SHALL REMOVE, SAFELY STORE TO PREVENT DAMAGE AND REINSTALL ANY STREET SIGNS IMPACTED BY THE PROJECT. ONLY SIGNS DISTURBED DURING CONSTRUCTION SHALL BE REMOVED. ANY SIGNS DAMAGED BY THE CONTRACTOR SHALL BE REPLACED AT THE CONTRACTOR'S EXPENSE. ALL SIGNS REPLACED MUST CONFORM TO CITY SPECIFICATIONS. NO SEPARATE PAYMENT SHALL BE MADE FOR THE REMOVAL AND INSTALLATION OF EXISTING SIGNS.
3. IF CONTRACTOR FAILS TO MAINTAIN TRAFFIC CONTROL AS PRESCRIBED FOR TYPE OF CONSTRUCTION, THE OWNER MAY WITHHOLD PAYMENT OF ALL OR ANY RECENT PAY REQUESTS UNTIL TRAFFIC CONTROL IS IN COMPLIANCE WITH PLANS.
4. ALL CONSTRUCTION SIGNS SHALL BE IN PLACE BEFORE THE START OF ANY CONSTRUCTION AND SHALL BE PROPERLY MAINTAINED AND REMAIN IN PLACE FOR THE LIFE OF THE PROJECT.
5. REPLACEMENT OF LOST OR DAMAGED CONSTRUCTION SIGNS OR DEVICES SHALL BE THE SOLE RESPONSIBILITY OF THE CONTRACTOR. LOST OR DAMAGED SIGNS SHALL BE REPLACED IMMEDIATELY. NO PAYMENT SHALL BE MADE FOR SUCH REPLACEMENT OR REPAIR.

MISCELLANEOUS

1. CONTRACTOR SHALL DISPOSE OFF-SITE ALL MISCELLANEOUS TRASH, DEBRIS, AND DAMAGED VEGETATION FROM ALL AREAS WITHIN THE LIMITS OF WORK. ALL SUCH WORK SHALL BE IN ACCORDANCE WITH ALL LOCAL, STATE AND FEDERAL REQUIREMENTS.
2. CONTRACTOR SHALL BE RESPONSIBLE FOR REPLACING OR REPAIRING AT HIS OWN EXPENSE ANY DAMAGES DONE TO PUBLIC RIGHT-OF-WAYS OR PRIVATE PROPERTY, WHICH WAS DAMAGED, IN THE OPINION OF THE CITY OR THE ENGINEER DUE TO THE NEGLIGENCE OF THE CONTRACTOR.
3. THE OWNER AND THE ENGINEER SHALL BE CONTACTED A MINIMUM OF 72 HOURS IN ADVANCE OF ANY WORK WITHIN THE CITY'S RIGHT-OF-WAY. ONE LANE OF TRAFFIC WITHIN CITY RIGHT-OF-WAY SHALL REMAIN OPEN AT ALL TIMES FOR EMERGENCY VEHICLES.
4. DRAINAGE DITCHES DISTURBED DURING CONSTRUCTION ACTIVITY SHALL BE RESTORE TO EXISTING CONDITIONS, COST ABSORBED.

REVISIONS		DRAWING INFO.		PROJECT NO.: 04-2024-50		FILE NAME: DRB		DRAWN BY: RKR		CHECKED BY: RKR		QA/QC:		DRAWING NUMBER	
DESCRIPTION		NO.		DATE		BY		DATE		BY		DATE		C-2	
Project: Keith Huber Commercial Building Expansion and Parking Lot															
CIVIL PLANS															
14220 Highway 49															
Gulfport, Mississippi 39503															
Sheet Title: GENERAL NOTES															
															
228-518-2980 Kris@engineeringexcellence.com 3103 5th Avenue, Suite B Gulfport, MS 39501															
															
WITH KRIS RIEMANN & ASSOCIATES															

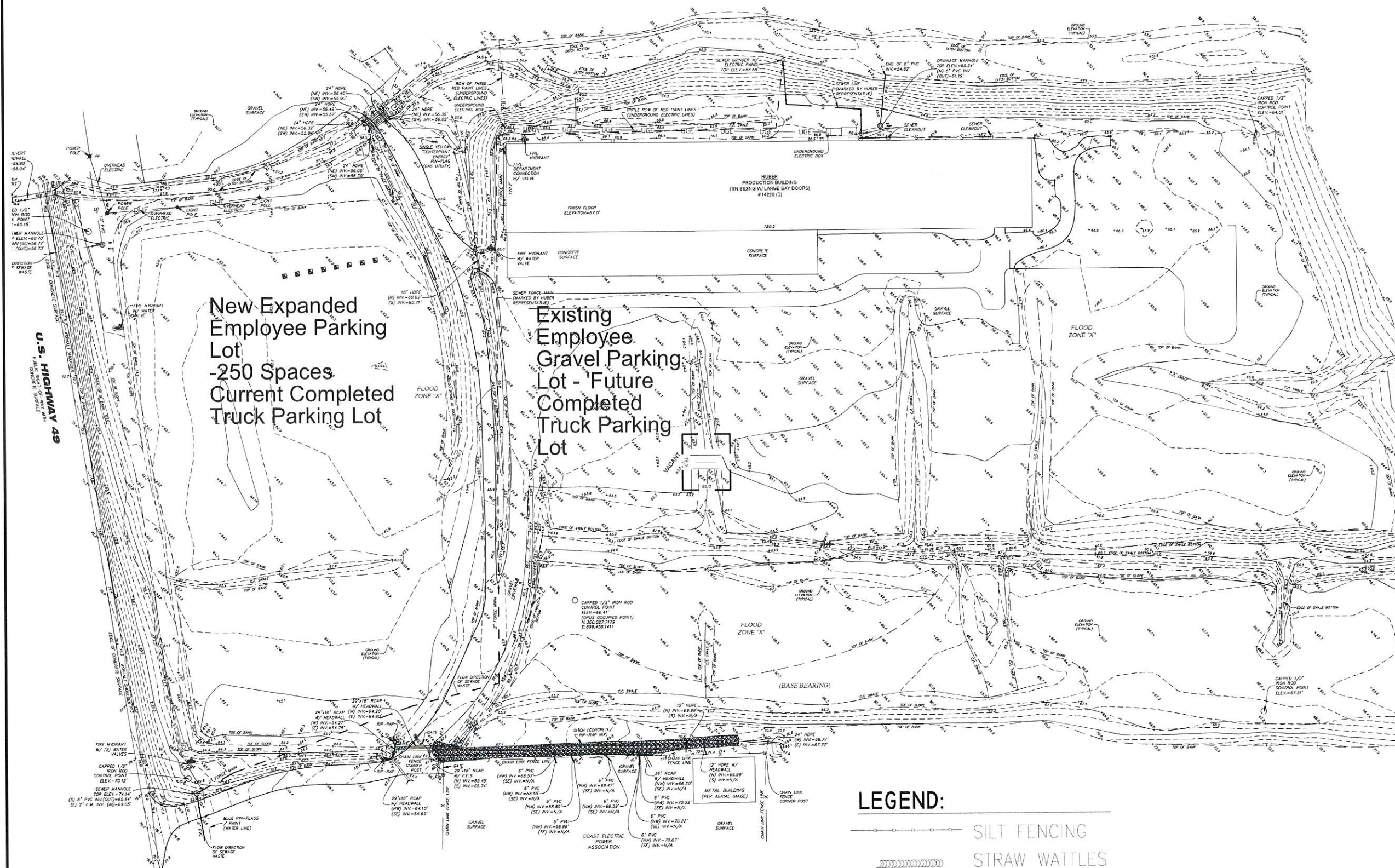


Project: Keith Huber Commercial Building Expansion and Parking Lot
CIVIL PLANS
 14220 Highway 49
 Gulfport, Mississippi 39503
 Sheet Title: EXISTING SURVEY



ENGINEERING
CHELLENCE
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New Expanded
Employee Parking
Lot
-250 Spaces
Current Completed
Truck Parking Lot

Existing
Employee
Gravel Parking
Lot - Future
Completed
Truck Parking
Lot

U.S. HIGHWAY 49

LEGEND:
SILT FENCING
STRAW WATTLES

* LAND DISTURBANCE PERMIT ALREADY ISSUED
BY THE CITY OF GULFPORT

Project: Keith Huber Commercial Building Expansion and Parking Lot

CIVIL PLANS

14220 Highway 49

Gulfport, Mississippi 39503

Sheet Title: EROSION AND SEDIMENT CONTROL PLAN

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ENGINEERING ALLIANCE

WITH KRIS RIEMANN & ASSOCIATES

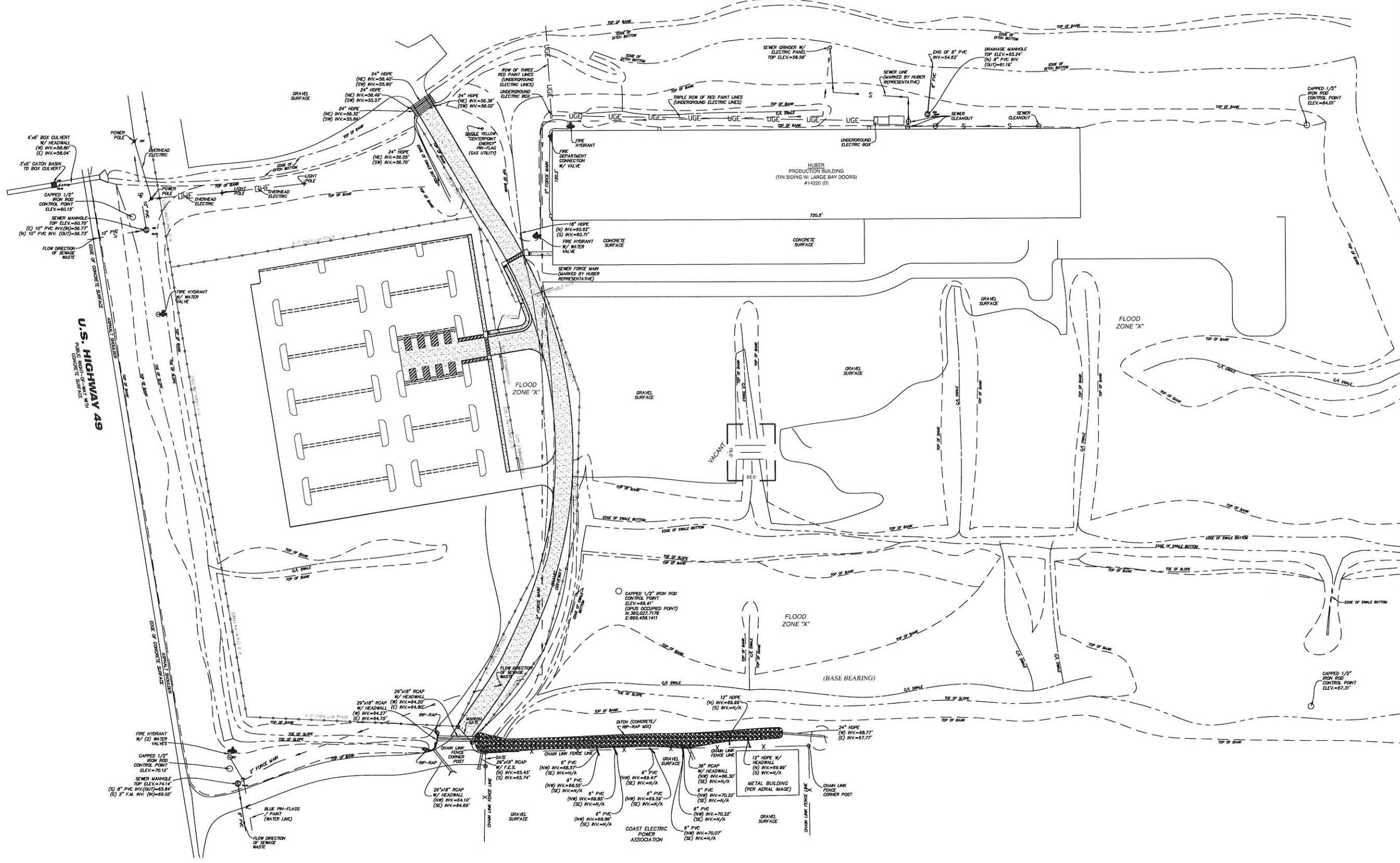
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PROJECT NO.	DATE
04-2024-50	

FILE NAME	
DRAWN BY	CHECKED BY
DRB	RKR

DRAWING NUMBER	
NO.	DESCRIPTION

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PROJECT NO.: 04-2024-50
FILE NAME: DRB
DRAWN BY: RKR
CHECKED BY: RKR
DATE: 04/2024

REVISIONS
NO. BY DESCRIPTION

PROJECT: Keith Huber Commercial Building Expansion and Parking Lot
CIVIL PLANS
14220 Highway 49
Gulfport, Mississippi 39503
Sheet Title: SITE FENCE PLAN

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WITH KRIS RIEMANN & ASSOCIATES

C-9
DRAWING NUMBER

STORM WATER POLLUTION PREVENTION PLAN

MAINTENANCE PLAN:

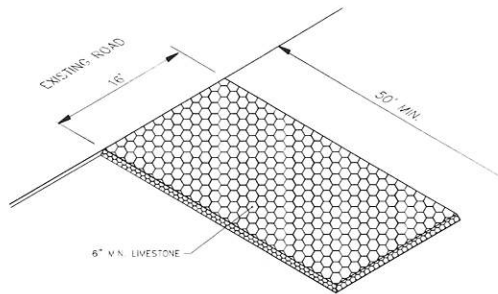
- 1) Vegetative buffer zones shall be maintained between land disturbing activities and perennial water bodies or planted vegative areas. Buffer zones shall provide a minimum 150-ft buffer and shall be no less than 15 feet in width.
- 2) Vegetative controls shall be initiated later than the next work day following any clearing, grading, excavating land disturbing activities which have temporarily or permanently ceased on any portion of the site and not resume for a period of fourteen (14) days or more. Vegetative controls shall consist of Bermuda grass or other suitable ground cover grasses which will blend with the native vegetation and provide the desired stabilization and erosion protection. Solid sod may be used in areas prone to erosion due to isolated concentrations of surface drainage.
- 3) Structural controls shall consist of silt fencing, straw bales, rip-rap and/or erosion matting some combination thereof at an points Of discharge into existing drainage systems. The controls are to be left in place and maintained for the duration of the project Upon satisfactory stabilization of site structural controls shall be removed along with any and all silt build-up. Structural controls are to eliminate tracking of sediment in order to prevent any damage to the downstream tributaries or water ways and/or associated wetland areas. Best management practices (BMPs) will be utilized throughout the Curation of the construction of the project. Stone-stabilized construction entrances (6" thick and 50' long) will be used to prevent sediment from being tracked onto public roads with tires being washed on an as-needed basis.
- 4) Check all disturbed areas, erosion and sediment controls after each significant rainfall but not less than once per week. Make needed repairs within 24 hours, Remove sediment from basin area(s). Inlet protection devices and silt fences when accumulated sediment has reached 50 percent capacity. Replace non-functional silt fence. Maintain all vegetated areas to provide proper ground cover, re-grass, fertilize, and mulch as needed.
- 5) Topsoil shall be stockpiled and reapplied to disturbed areas at a depth of 2 inches on 3.1 slopes and 4 inches on flatter slopes with an admixture of commercial grade 13-13-13 fertilizer.
- 6) Heavy equipment use shall be avoided in re-grassed areas. If compaction cannot be avoided, the top 4 inches of the soil bed shall be tilled/scarified before re-vegetation. Any necessary fertilizer or other soil amendments shall be added during the tilling process.
- 7) Steep slopes that cannot be avoided shall have silt fences for all down slope boundaries (and for those side slope boundaries deemed appropriate by individual site conditions) with the exception of those areas incorporating sediment basins with a calculated volume of run-off from a 2-yr, 24-hr storm or 3,600 cubic feet of storage per acre drained as per the Erosion Control & Drainage Plan. Silt fencing shall be installed at the downstream boundaries of the proposed project to protect areas that are to remain undisturbed.
- 8) Storm drain inlets that could potentially receive storm water from construction activities shall be protected by surrounding with silt fence until final stabilization has been achieved. Additionally, the lower orifice in the outfall structure shall be temporarily plugged until the completion of the construction of the project.

SEQUENCE OF CONSTRUCTION ACTIVITIES:

- 1) Construct construction entrance/exit(s).
- 2) Construct sedimentation/detention basin(s) with appropriate grassing and/or rip-rap.
- 3) Rough grade site, construct diversions and drainage ways, stockpile topsoil and install silt fence around stockpile, install utilities, culverts and inlets with associated silt fencing.
- 4) Install vegetative controls.
- 5) Construct roadways, fives, parking and buildings.
- 6) perform final grading, grass ng and landscaping operations.
- 7) After site is stabilized, remove all temporary measures and any excess sedimentation from basins.

HOUSEKEEPING PRACTICES: All equipment maintenance and repair shall be done o/f-site. The site is to be cleaned of trash and construction debris on a weekly basis so as to prevent the spreading of such onto adjacent properties, paints, solvents fertilizers, and any other potentially toxic materials shall not be stored on site. Portable sanitary facilities will be provided for construction workers. A designated pit area is required near construction entrance(s) for concrete ruck wash-out. Site shall be inspected weekly for spills and leaks. Any spills or leaks detected will be Immediately cleaned with a dry absorbent material and absorbent oil socks shall be placed around any adjacent drainage inlets. Upon completion of construction, excessive sedimentation and/or pollutants shall be removed from sedimentation basin, Emergency spill kit and telephone shall be available for use for site. Any spills danger of migrating off-site shall be immediately reported to the National Response Center at (800) 424-8802.

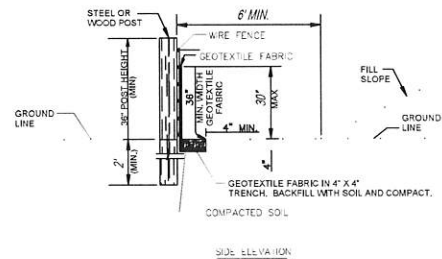
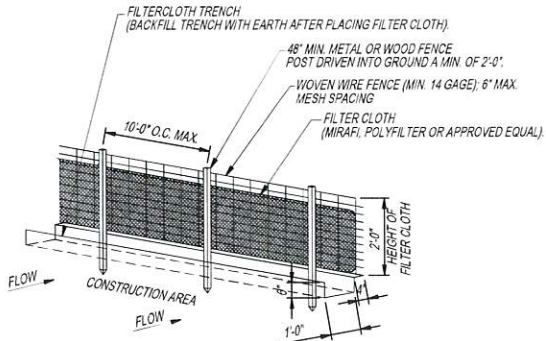
POST CONSTRUCTIONISTORM WATER MANAGEMENT MEASURES: The individual lot/site protection plan consists of the installation of sedimentation/detention basin(s), silt fencing, hay bales and/or other erosion/siltation control measures in a continuous band across the downhill side of all disturbed areas including areas adjacent to streets. Under no circumstances will silt laden run-of be allowed to escape the site. Additionally, these requirements are to be an integral part of any sales contracts and recorded covenants for the development. Sedimentation/detention basin(s) are to be thoroughly cleaned of excess sediment after construction. Grassing and/or rip-rap will be placed at concentrated storm water discharge points to prevent erosion from high run-off velocities.



CONSTRUCTION ENTRANCE/EXIT NOTES

1. THE AREA OF THE CONSTRUCTION ENTRANCE SHALL BE EXCAVATED 6 INCHES DEEP, 50 FEET LONG AND SHALL EXTEND THE FULL WIDTH OF ANY VEHICULAR INGRESS AND EGRESS (MINIMUM 20 FEET) LOCATED ON THE SITE.
2. THE ENTRANCE SHALL BE PROPERLY MAINTAINED FOR THE DURATION OF THE PROJECT TO PREVENT THE TRACKING OF SEDIMENT ONTO PUBLIC RIGHT-OF-WAY. ALL MAINTENANCE AND REPAIRS SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR.
3. THE ENTRANCE SHALL BE CHECKED ON A DAILY BASIS AND BEFORE AND AFTER ANY RAINFALL EVENT FOR ANY DAMAGES. ANY DAMAGES FOUND SHALL BE REMEDIATED BEFORE THE DAYS END AT NO ADDITIONAL COST TO THE OWNER.
4. THE ENTRANCE SHALL BE PROPERLY GRADED TO PREVENT THE FLOW OF SEDIMENT ONTO PUBLIC RIGHT-OF-WAY. ALL MATERIALS SPILLED, DROPPED, WASHED OR TRACKED FROM VEHICLES ONTO ROADWAYS OR INTO STORM DRAINS SHALL BE REMOVED IMMEDIATELY.
5. MEASURES SHALL BE TAKEN TO PREVENT VEHICULAR TRAFFIC FROM BYPASSING THE CONSTRUCTION ENTRANCE DURING INGRESS AND EGRESS.

LIMESTONE CONSTRUCTION ENTRY DETAIL



SILT FENCE NOTES

1. POSTS SHALL BE SPACED A MAXIMUM OF 10' O.C.
2. POSTS SHALL BE A MINIMUM OF 5'-0" IN LENGTH. IN ADDITION POSTS SHALL BE EITHER 2" x 2" N.D. WOOD POST OR HEAVY DUTY STEEL T-POSTS WITH PROJECTIONS FOR WIRE FASTENING.
3. WIRE SUPPORT FENCE SHALL BE A MINIMUM OF 36" IN HEIGHT, SHALL NOT EXTEND MORE THAN 36" ABOVE THE GROUND, AND SHALL EXTEND 2" INTO THE TRENCH.
4. WIRE FENCE SHALL BE A MINIMUM OF 14 GAUGE AND SHALL HAVE A MAXIMUM MESH SPACING OF 6". WIRE SHALL BE SECURELY FASTENED TO THE UPSLOPE, PROJECT SIDE OF POSTS USING HEAVY DUTY STAPLES (AT LEAST 1" LONG), TIE WIRES OR HOG RINGS.
5. GEOTEXTILE FABRIC SHALL BE A MINIMUM OF 36" IN HEIGHT, AND SHALL NOT EXTEND MORE THAN 36" ABOVE THE ORIGINAL GROUND SURFACE.
6. FABRIC SHALL BE STAPLED OR WIRED TO THE FENCE AT THE TOP, MIDDLE, AND BOTTOM OF EACH POST. IN ADDITION THE FABRIC SHALL BE STAPLED OR WIRED TO THE WIRE FENCE APPROXIMATELY ONE HALF (1/2) THE DISTANCE BETWEEN THE POSTS AT THE TOP, MIDDLE AND BOTTOM OF THE WIRE FENCE.
7. GEOTEXTILE FABRIC SHALL BE SPLICED TOGETHER ONLY AT A SUPPORT POST, WITH A MINIMUM OF 3" OVERLAP. EACH FREE END OF THE FABRIC SHALL BE SECURELY TIED TO THE WIRE FENCE AT 6" O.C. VERTICALLY.
8. SILT FENCES SHALL BE MAINTAINED FOR THE DURATION OF THE PROJECT. THE ENTIRE LENGTH OF FENCE SHALL BE CHECKED FOR ANY DAMAGES ON A DAILY BASIS AND BEFORE AND AFTER ANY RAINFALL EVENT. FOR ANY DAMAGES, ANY DAMAGES FOUND SHALL BE REMEDIATED BEFORE THE DAYS END AT NO ADDITIONAL COST TO THE OWNER.
9. SILT FENCES SHALL BE MAINTAINED TO PREVENT ANY MATERIAL FROM MIGRATING FROM THE UPSLOPE SIDE OF THE FENCE. ANY REQUIRED MAINTENANCE OF THE SILT FENCE SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR.
10. SEDIMENT DEPOSITS SHALL BE REMOVED AFTER EACH RAINFALL EVENT AND WHEN DEPOSITS REACH APPROXIMATELY ONE-HALF (1/2) THE HEIGHT OF THE FENCE.
11. IN ORDER TO PREVENT SEDIMENT LADEN STORM WATER FROM BY-PASSING THE FENCE, IN AREAS WHERE SILT FENCES ARE NOT UTILIZED ON ALL SIDES OF A DISTURBED AREA, THE FENCE SHALL EXTEND BEYOND THE DISTURBED AREA IN J-HOOK SHAPE ON EACH END AS SHOWN IN THE ISOLATED SILT FENCE INSTALLATION PLAN VIEW.

SILT FENCE DETAIL

SCALE: 3/8" = 1'-0"

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NO.	DATE	BY	DESCRIPTION

DRAWING INFO.		DRAWING NO.		PROJECT NO.	
FILE NAME	DATE	PROJECT NO.	DATE	FILE NAME	DATE

Project: Keith Huber Commercial Building Expansion and Parking Lot

CIVIL PLANS

14220 Highway 49

Gulfport, Mississippi 39503

Sheet Title: EROSION CONTROL DETAILS

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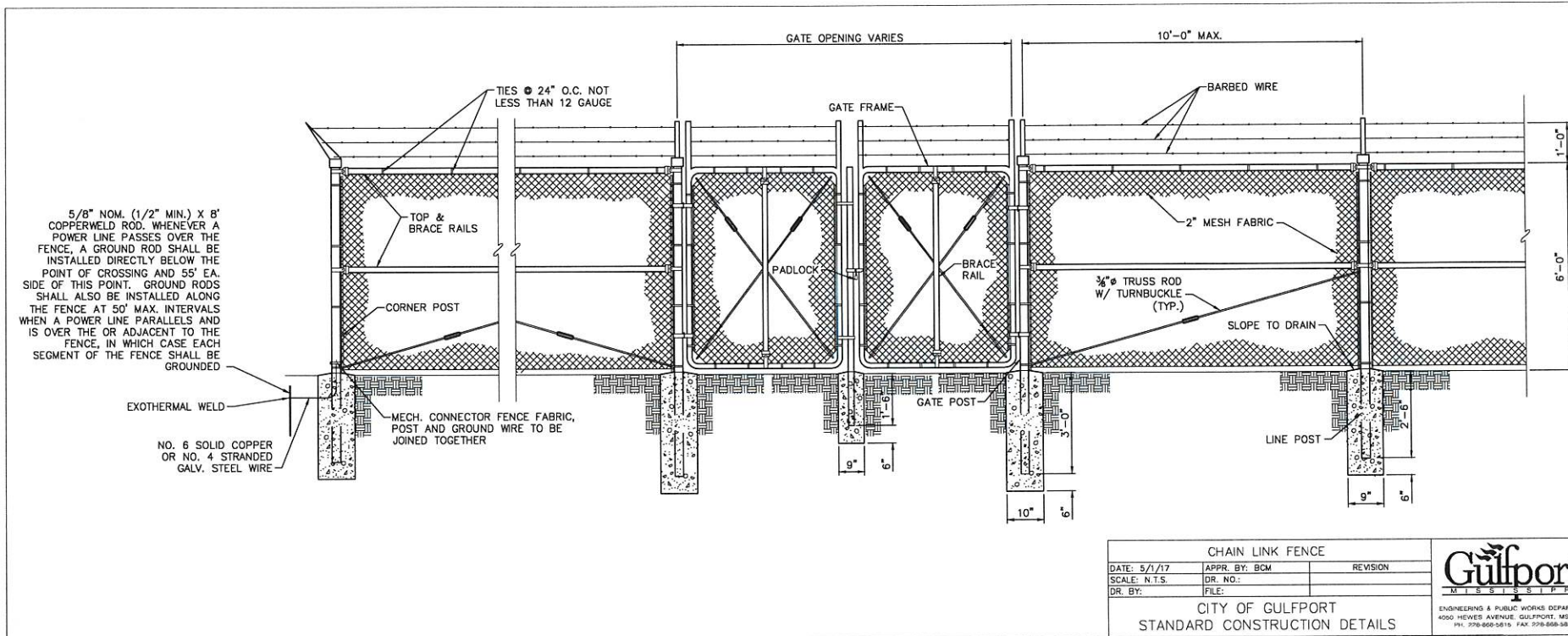
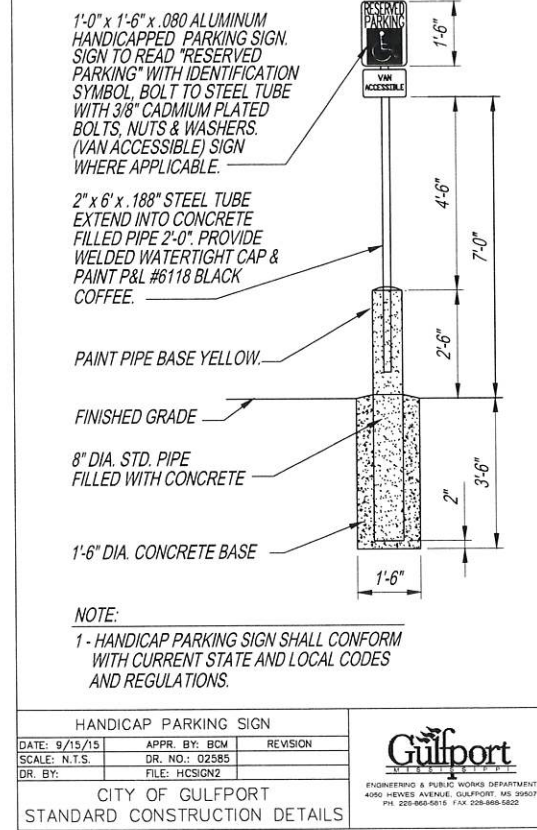
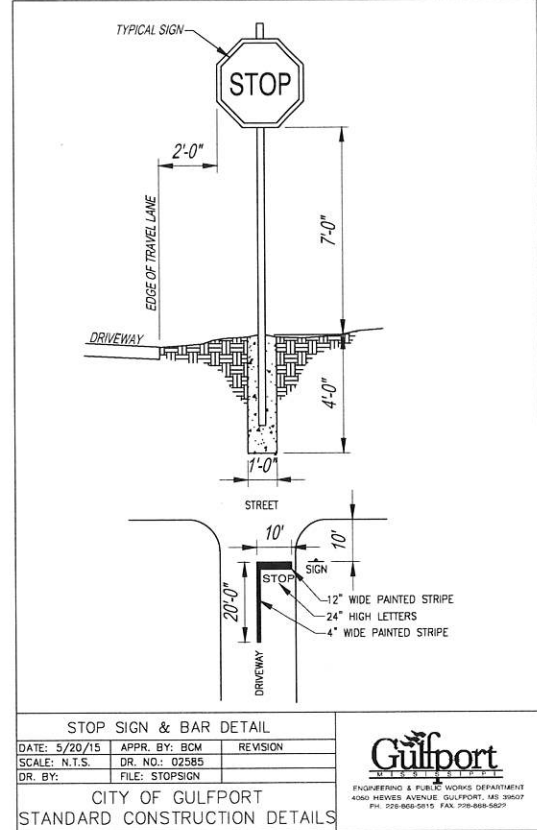
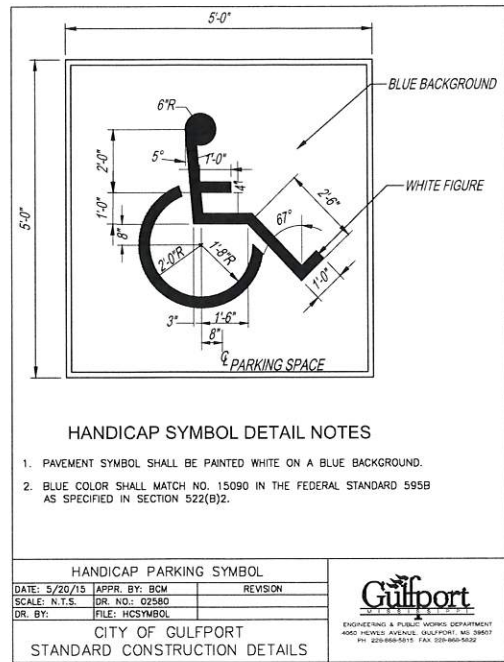
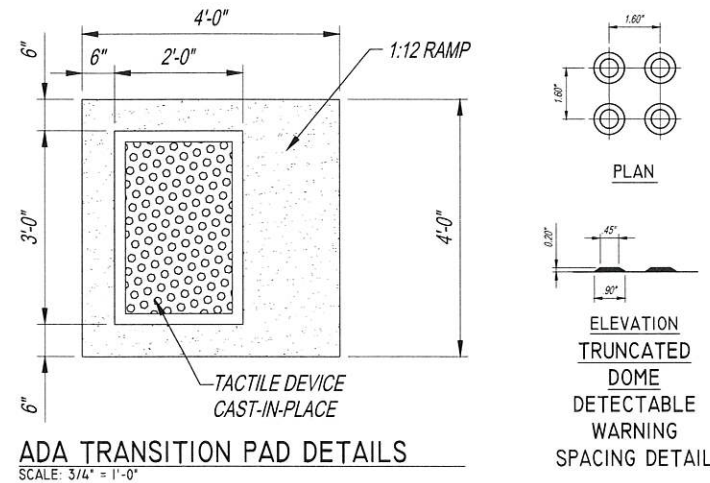
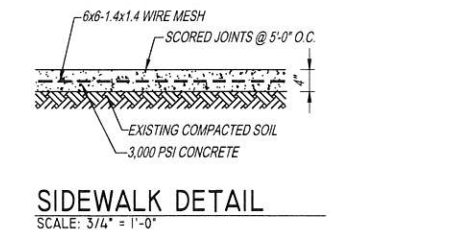
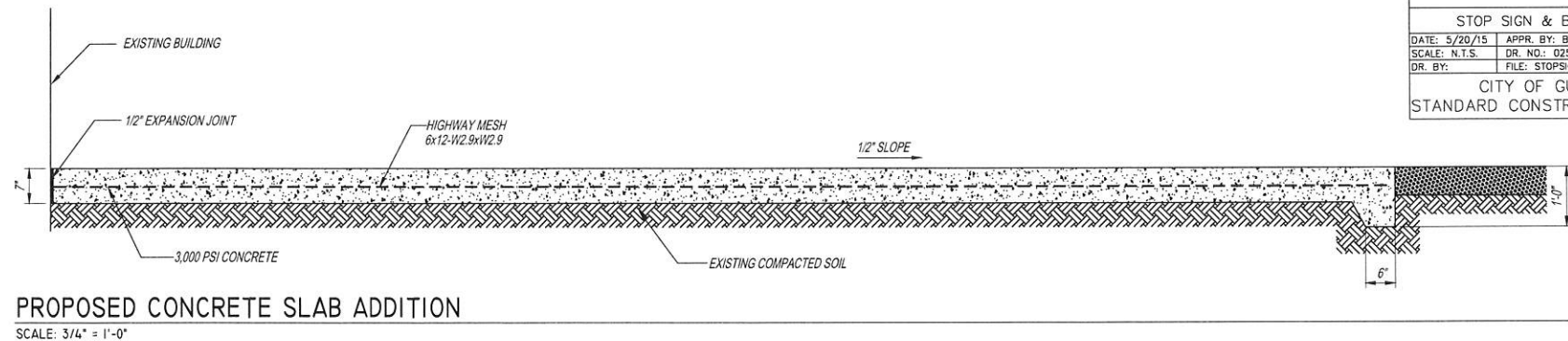
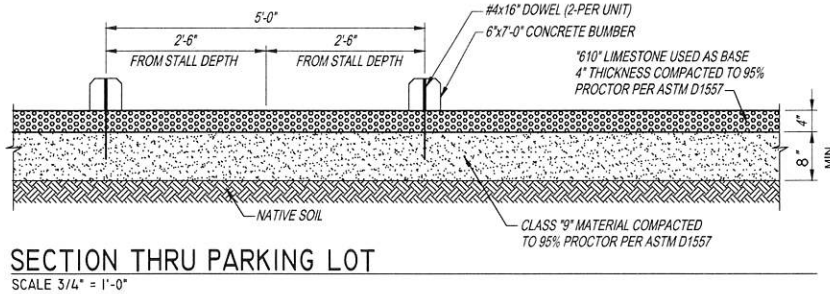
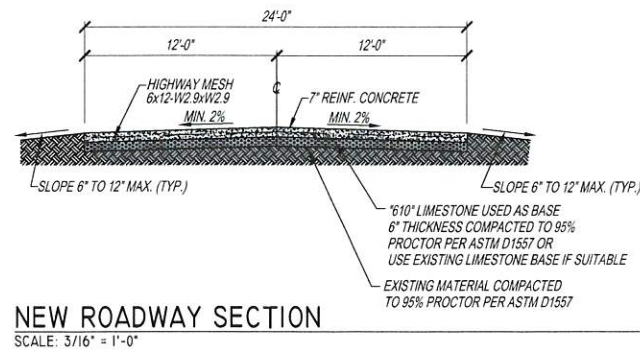
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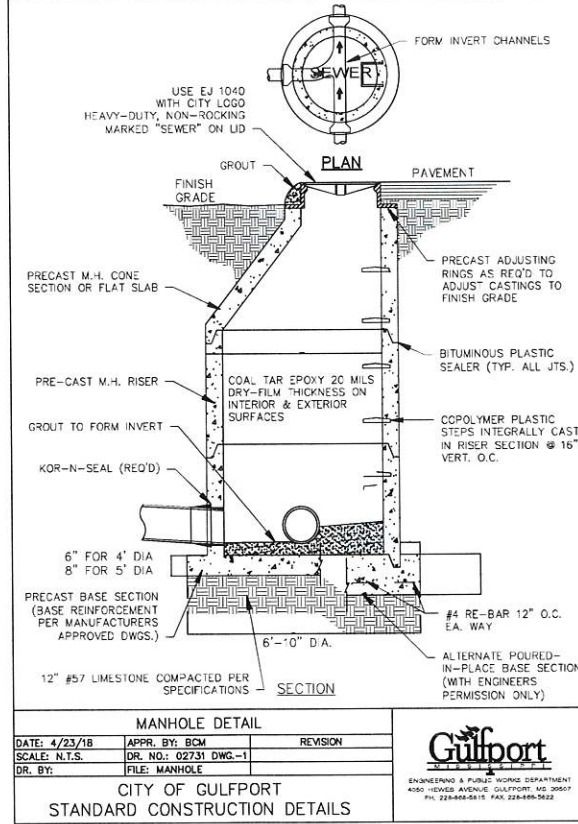
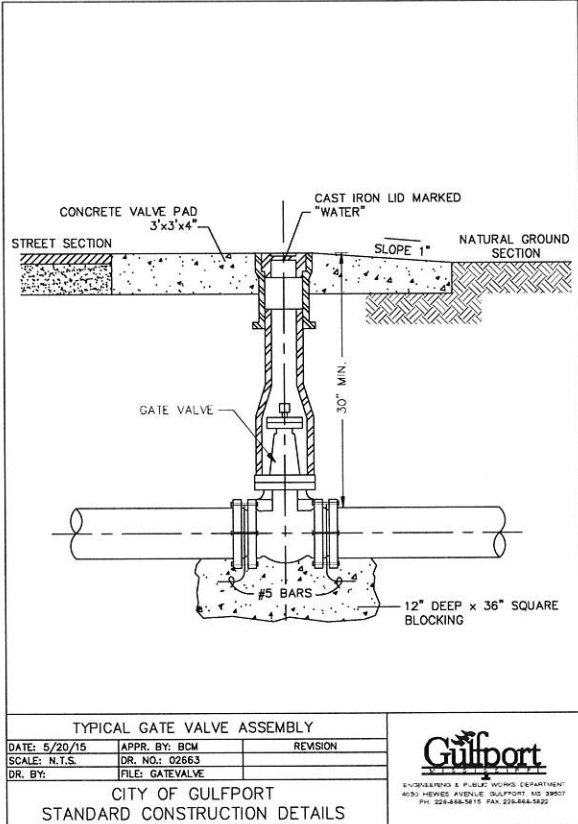
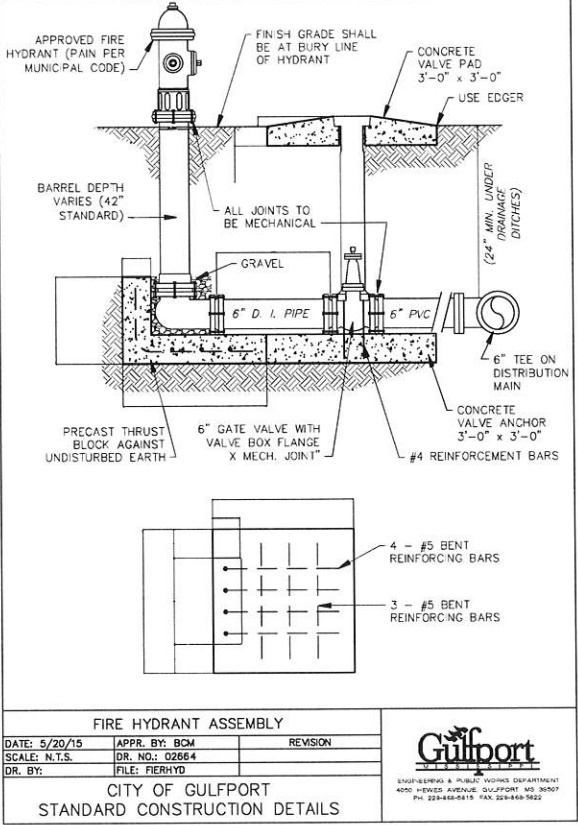
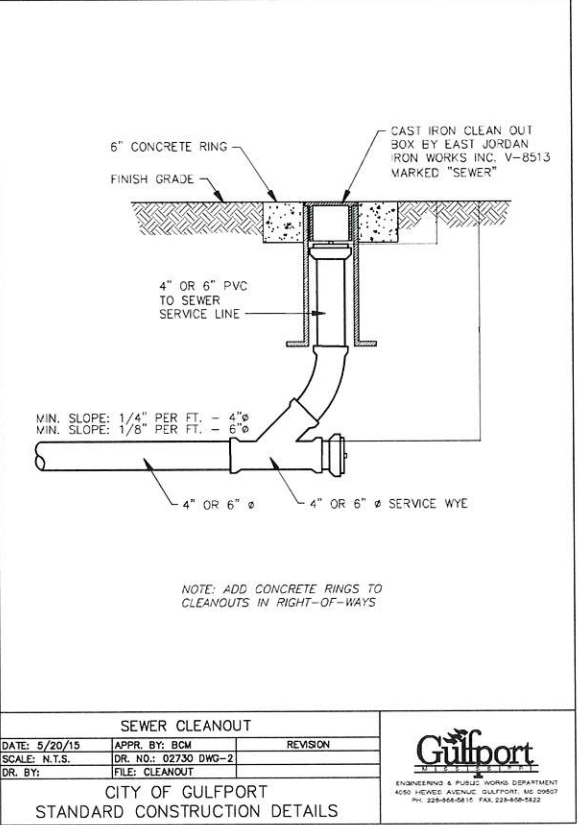
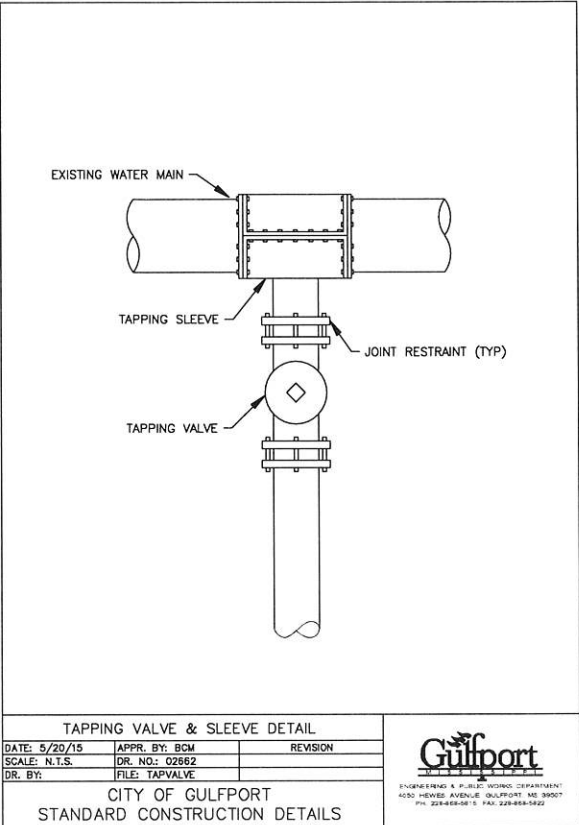
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ENGINEERING

C E I L I E N C I E

WITH KRIS RIEMANN & ASSOCIATES





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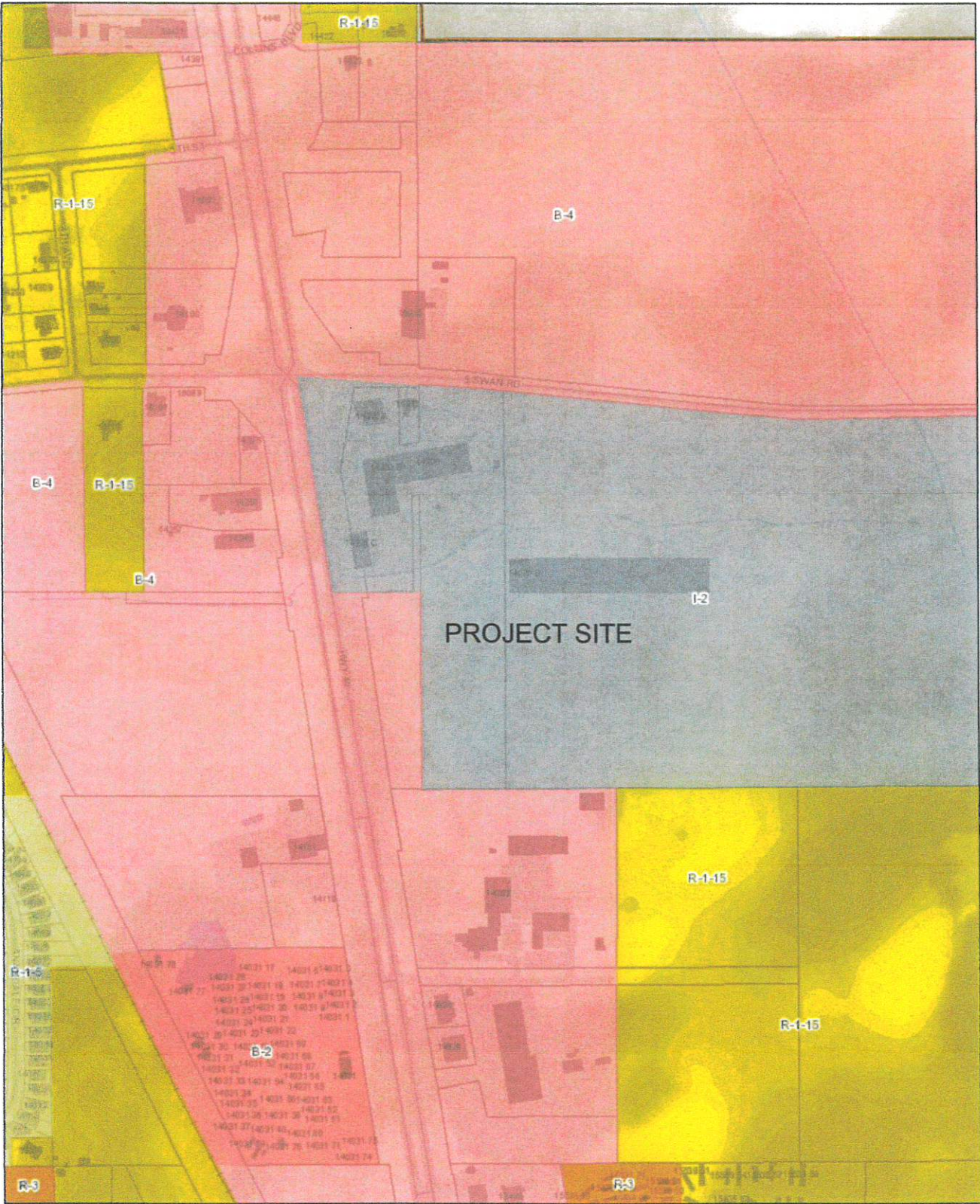
Project: Keith Huber Commercial Building Expansion and Parking Lot
CIVIL PLANS
14220 Highway 49
Gulfport, Mississippi 39503
Sheet Title: SEWER AND WATER DETAILS

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8/1/2024, 10:28:39 AM

- Traditional Code - Appendix A**
- A-1 - Agricultural District
 - B-1 - Neighborhood Business District
 - B-2 - General Business District
 - B-3 - Central Business District
 - B-4 - Highway Business District
 - E-1 - Entertainment - Gaming District
 - I-1 - Light Industry District
 - I-2 - Heavy Industry District
 - L-1 - Planned Industrial District
 - R-1-10 - Single Family Residence (Low Density)
 - R-1-15 - Single Family Residence District (Low Density)
 - R-1-5 - Single Family Residence District (Medium Density)
 - R-1-7.5 - Single Family Residence District (Low Density)
 - R-2 - Single Family Residence District (Medium Density)
 - R-3 - General Residence (High Density)
 - R-4 - General Residence (High Density)
 - R-5 - Residence Office
 - R-6 - Residence Business District
 - R-7 - Residential Urban Estate
 - R-8 - Sand Beach
 - R-9 - Water Front
 - Hybrid Code - Appendix A
 - CS - Community Service District
 - SD - Special District
 - T1 - Natural Zone
 - T2 - Rural Zone
 - T3 - SFR Zone
 - T4 - Limited Commercial Zone
 - T4+ - Commercial Zone
 - T5 - Heavy Commercial Zone
 - T6 - Urban Core/Downtown
 - T7 - SFR Zone
 - T8 - Limited Commercial Zone

- Smart Code - Appendix D**
- CS - Community Service District
 - SD - Special District
 - T1 - Natural Zone
 - T2 - Rural Zone
 - T3 - SFR Zone
 - T4 - Limited Commercial Zone
 - T4+ - Commercial Zone
 - T5 - Heavy Commercial Zone
 - T6 - Urban Core/Downtown
 - T7 - SFR Zone
 - T8 - Limited Commercial Zone

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0 0.05 0.1 0.2 km

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1 inch = ^s204 feet

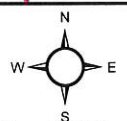
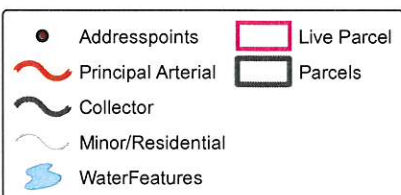
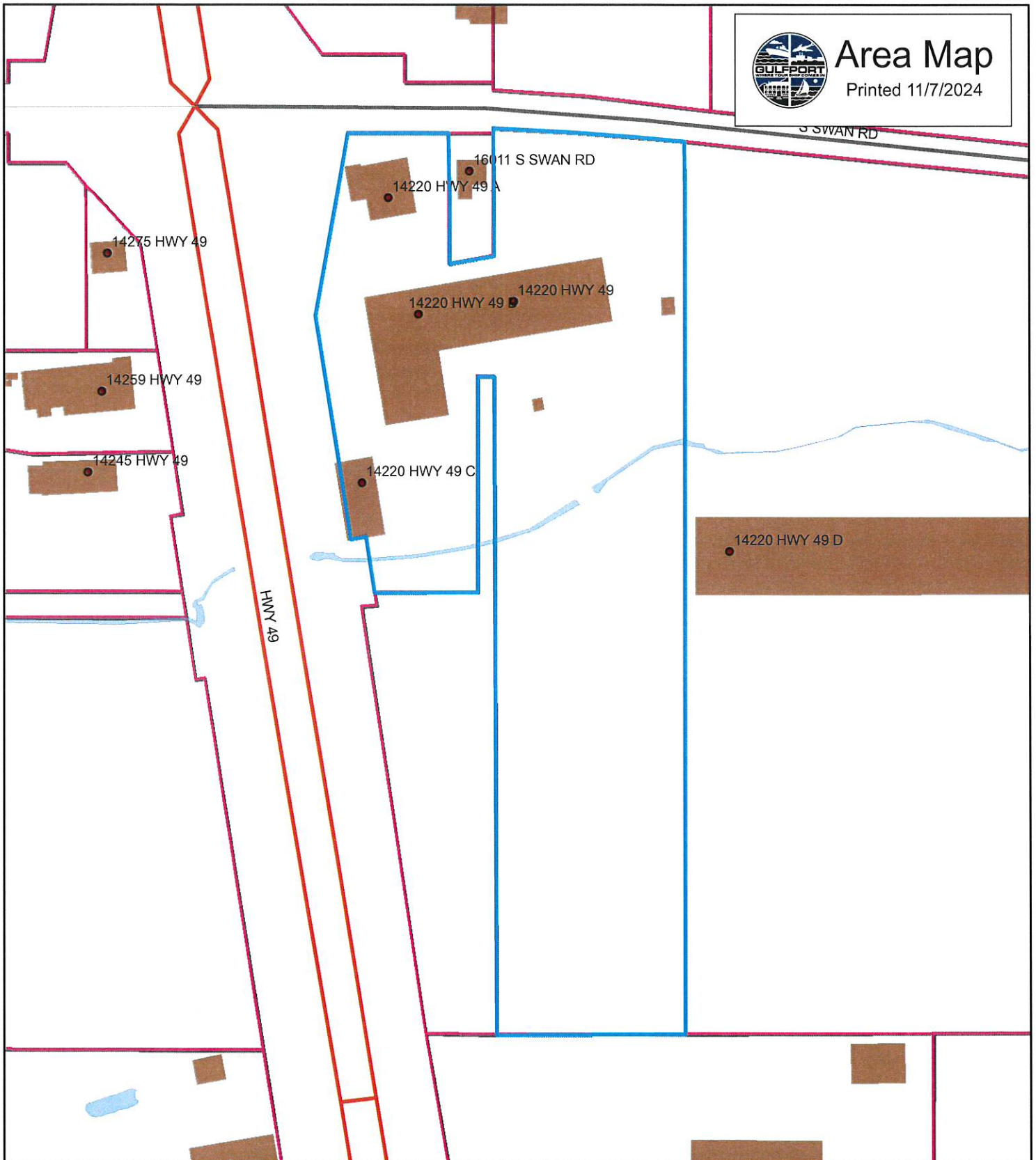
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  Live Parcel
-  Principal Arterial
  Parcels
-  Collector
-  Minor/Residential
-  WaterFeatures

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Area Map

Printed 11/7/2024



1 inch = 204 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.



Michael Watson

SECRETARY OF STATE

This is not an official certificate of good standing.

Name History

Name

CBH Properties, LLC

Name Type

Legal

Business Information

Business Type:

Limited Liability Company

Business ID:

880686

Status:

Good Standing

Effective Date:

10/28/2005

State of Incorporation:

Mississippi

Principal Office Address:

160 COMMERCE DRIVE
BAY SPRINGS, MS 39422

Registered Agent

Name

Holder, Charles B.
Highway 15 South; Post Office Box 349
Bay Springs, MS 39422

Officers & Directors

Name**Title**

Jeffrey D Holder
PO BOX 349
BAY SPRINGS, MS 39422

Secretary

Jamie Holder
160 Commerce Dr
Bay Springs, MS 39422

Manager

**SPECIAL MINUTES OF ACTIONS TAKEN BY
THE MANAGING MEMBER AND THE MEMBERS
OF
CBH PROPERTIES, LLC**

The undersigned Member and Managers, being the sole Member and all of the Managers of CBH Properties, LLC, a Mississippi limited liability company (hereinafter referred to as the "Company"), hereby adopt by unanimous consent, the following Resolutions as special actions of the Member and the Managers.

1. **Authorization to undergo expansion of facilities and parking at 14220 Highway 49, Gulfport:**

RESOLVED: That the Member and the Managers have agreed, approved and authorized the expansion of the building occupied by Keith Huber Corporation and parking areas at the 14220 Highway 49, Gulfport, MS location.

RESOLVED FURTHER: That Jamie V. Holder and/or Jeffrey D Holder, as a Manager of the Company, be and is hereby independently authorized to execute on behalf of the Company any and all related documents which are necessary to complete said construction and accomplish the terms and provisions herein.

2. **Approval of Actions:**

RESOLVED: That the Member and the Managers acknowledge that they are generally familiar with the business conducted by the Company, with the actions taken on its behalf since the date of the immediately preceding annual meeting or annual consent minutes, with the present financial condition of the Company, and with the present condition of its property.

RESOLVED FURTHER: That all lawful actions taken and things done on behalf of the Company by the Member, its Managers, and other authorized agents, since the date of the immediately preceding annual meeting or annual consent minutes be and the same are hereby approved, ratified and confirmed in all respects as the actions of the Company.

3. **Filing of Consent Minutes:**

RESOLVED: That the Member be and is hereby directed to make the original of these Consent Minutes part of the original Minutes of the Company to be filed in the appropriate records of the Company.

The undersigned Member and Managers, being the sole Member and all of the Managers of CBH Properties, LLC, hereby expressly consent to the foregoing Resolutions, as being special actions of the Member and the Managers taken in full accordance with all applicable laws of the State of Mississippi.

The Member and the Managers further agree that these Minutes may be executed in counterparts, each of which shall be deemed an original, but all of which together, shall constitute one and the same instrument. Facsimile signatures and signatures which have been electronically saved shall also be deemed to be an original signature. The signatures of all such parties constitute such Consent.

To be effective as of the 1st day of January, 2024.

MEMBER:

CHARLES B. HOLDER, LLC, a Mississippi limited liability company

By: CBH, INC., a Mississippi Corporation,
Managing Member

By:

JAMIE V. HOLDER, President

By:

JEFFREY D HOLDER, Vice President

MANAGERS:

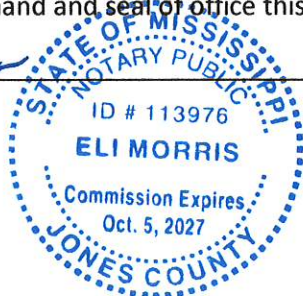
JAMIE V. HOLDER

JEFFREY D HOLDER

STATE OF MISSISSIPPI | COUNTY OF HARRISON

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

NOTARY PUBLIC



COMMISSION EXPIRATION



[Signature] 1st Judicial District
Instrument 2013 2793 D -J1
Filed/Recorded 5/ 2/2013 09:55 A
Total Fees \$ 12.00
4 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 # 13-041

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, I

Suzanne M. Huber
14220 U.S. 49
Gulfport, MS 39503
(228)-861-0992

do hereby sell, convey and warrant unto

CBH Properties, LLC, a Mississippi limited liability company
P.O. Box 349
Bay Springs, MS 39574
(601)-764-4121

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)

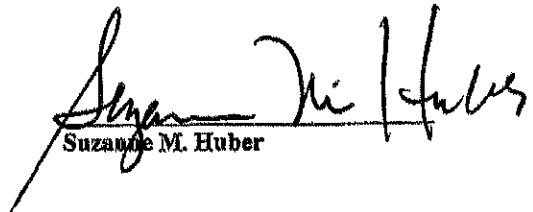
INDEXING INSTRUCTIONS: NE1/4 of SW1/4, NW1/4 of SW1/4 and SW1/4 of NW1/4 Sec. 28, T6S, R11W

This subject property is not the homestead of the grantor.

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.

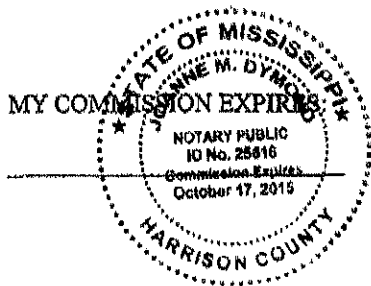
WITNESS MY SIGNATURE, this 1st day of May, 2013.


Suzanne M. Huber

STATE OF MISSISSIPPI
COUNTY OF HARRISON

PERSONALLY APPEARED BEFORE ME, the undersigned authority in and for the above stated jurisdiction, the within named Suzanne M. Huber who acknowledged that she signed and delivered the foregoing Warranty Deed on the day and year therein written as her own free and voluntary act and deed.

GIVEN under my hand and official seal on this the 1st day of May, 2013.



NOTARY PUBLIC

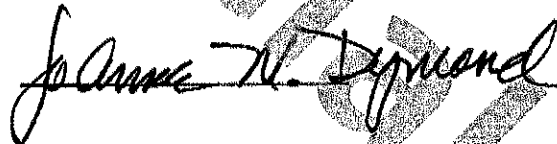


Exhibit "A"

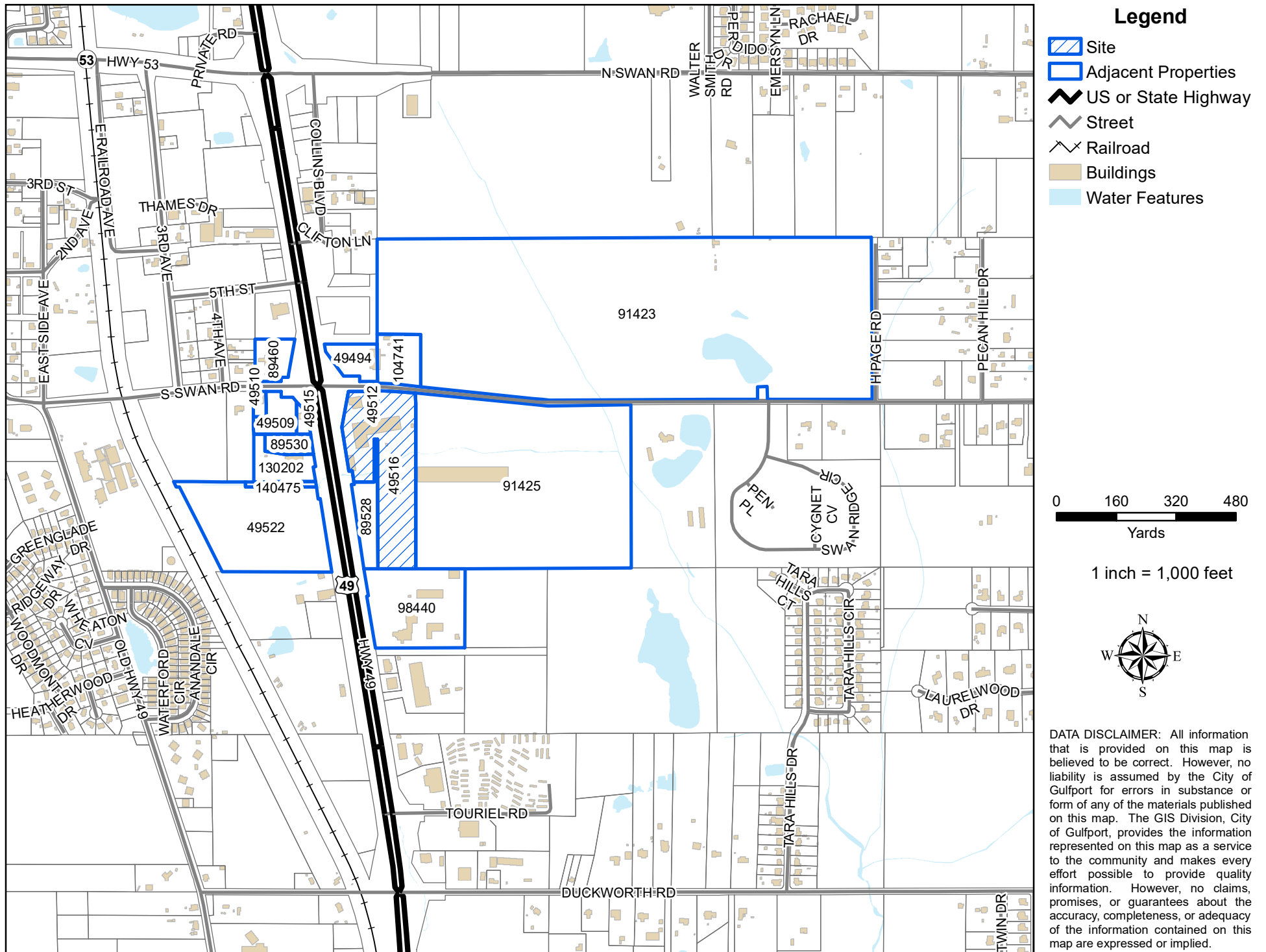
A parcel of land being all of the W 1/2 of the NE 1/4 of the SW 1/4 lying south of S. Swan Road in Section 28, Township 6 South, Range 11 West; also being a part of the NW 1/4 of the SW 1/4 of said Section 28; also being a part of the SW 1/4 of the NW 1/4 of said Section 28; also being all that part of Block 29 lying east of the new east right-of-way of U.S. Highway 49 and lying south of the south margin of S. Swan Road, Original Lyman (Copy Plat Book 1, Page 38); also being all that part of Blocks 30, 41 and 42 lying east of the new east right-of-way of U.S. Highway 49, Original Lyman; also being all that part of 8th Street lying east of the new east right-of-way of U.S. Highway 49, being referenced and partly vacated per Harrison County Chancery Court Cause No. 64,576 (W.D. Book 733, Pages 360-363), Original Lyman; also being a part of that certain portion of 6th Avenue, as vacated per Harrison County Chancery Court Cause No. 64,567 (W.D. Book 733, Pages 360-363); also being all that part of 9th Street and 10th Street lying east of the new east right-of-way of U.S. Highway 49, as vacated per Harrison County Chancery Court Cause No. 08-00278(2) (Instrument # 2009-0003130D-J1), Original Lyman; City of Gulfport, First Judicial District of Harrison County, Mississippi; and being more particularly described as follows:

For the Point Of Beginning, Commence at an iron rod located at the southeast corner of the W 1/2 of the NE 1/4 of the SW 1/4 of Section 28, Township 6 South, Range 11 West, said iron rod being the same point where an old light wood post was previously found; thence N 89°48'25" W 687.17 feet along the south line of the NE 1/4 of the SW 1/4 of said Section 28 to an iron rod located at the southwest corner of said NE 1/4 of the SW 1/4, said point also being the southeast corner of the NW 1/4 of the SW 1/4 of said Section 28; thence S 89°20'42" W 1312.71 feet along the south line of the NW 1/4 of the SW 1/4 of said Section 28 to the southwest corner of the NW 1/4 of the SW 1/4 of said Section 28, said corner also being located on the north line of property now or formerly to Coast Electric Power Association (W.D. Book 1182, Pages 55-59); thence S 88°43'13" W 105.64 feet along said north line of property now or formerly to Coast Electric Power Association to a point located on the new east right-of-way of U.S. Highway 49; thence northerly and easterly along said new east right-of-way of U.S. Highway 49 the following six courses, N 09°38'17" W 684.79 feet, N 80°22'56" E 25.05 feet, N 09°38'59" W 110.02 feet, S 81°11'43" W 25.22 feet, N 09°37'21" W 357.29 feet, N 10°04'27" E 304.22 feet to a point located on the south margin of S. Swan Road; thence easterly along said south margin of S. Swan Road the following ten courses, N 89°58'28" E 236.55 feet, N 89°56'46" E 144.53 feet, thence S 84°13'22" E 200.06 feet, S 83°52'55" E 435.41 feet, S 84°25'15" E 281.21 feet, S 84°45'22" E 107.45 feet, S 86°28'57" E 103.70 feet, S 88°34'42" E 102.14 feet, N 89°52'25" E 222.03 feet, N 89°29'00" E 429.00 feet to an iron rod located on the east line of the W 1/2 of the NE 1/4 of the SW 1/4 of said Section 28; thence S 00°11'20" W 1312.59 feet along said east line of the W 1/2 of the NE 1/4 of the SW 1/4 to the said Point Of Beginning.

Survey attached.

Mail	PPIN	Parcel ID	Name	Address	City	State	ZIP
Y		0707H-01-002.000	CBH PROPERTIES LLC (OWNER)	160 COMMERCE DRIVE	BAY SPRINGS	MS	39422
			Adjacent Property Owners (2412ZB194)				
N	91425	0807E-01-002.000	CBH PROPERTIES LLC	C/O KEITH HUBER CORP	GULFPORT	MS	39505
N	49512	0707H-01-001.000	HUBER SUZANNE M	C/O KEITH HUBER CORP	GULFPORT	MS	39505
	49510	0707H-01-011.000	STEWART JAMES ROBERT JR	P O BOX 531	FORT SALERNO	FL	34992
	91423	0807D-01-001.000	DAY DRUG CO INC	P O BOX 247	GULFPORT	MS	39502
	104741	0807D-01-004.000	GATEWAY UNITED METHODIST CHURCH	16020 S SWAN RD	GULFPORT	MS	39503
N	89460	0707A-03-002.000	HANCOCK BANK	C/O VEE SERVICES INC	DALLAS	TX	75230
N	49494	0707A-01-016.000	GATEWAY UNITED METHODIST CHURCH	16020 S SWAN RD	GULFPORT	MS	39503
	98440	0807E-01-004.000	COAST ELECTRIC POWER ASSN	P O BOX 359	KILN	MS	39556
	49509	0707H-01-010.000	CROWELL RAY L ETAL	2416 GREENVIEW DR	GULFPORT	MS	39507
	49522	0707H-01-006.000	HOLCOMB REBECCA M & LADNER JANICE	25 51ST ST	GULFPORT	MS	39507
	140475	0707H-01-006.001	DEDEAUX WILLIAM A	11111 SHORECREST RD	BILOXI	MS	39532
N	49516	0707H-01-002.000	CBH PROPERTIES LLC	C/O KEITH HUBER CORP	GULFPORT	MS	39505
N	89528	0707H-01-003.000	CBH PROPERTIES LLC	C/O KEITH HUBER CORP	GULFPORT	MS	39505
	130202	0707H-01-007.001	CD2 LLC	11111 SHORECREST RD	BILOXI	MS	39532
	89530	0707H-01-007.000	CD1 LLC	11111 SHORECREST RD	BILOXI	MS	39532
	49515	0707H-01-008.000	WHITEN CYNTHIA	24599 OAK ISLAND DR	PASS CHRISTIAN	MS	39571

Variance





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	615422	Print Legal Ad-IPL02060860 - IPL0206086		\$89.80	2	41 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, December 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 24122B187, by agent John Mozingo III, seeking approval for 7 regular parking spaces where 17 spaces are required, Tax Parcel 0910I-03-001.000, 549 E Pass Road, Zoned T4+ (General Urban Zone "Plus"), Ward 2

Variance 24122B188, by agent John Mozingo III, seeking approval for parking that backs out into city right of way, Tax Parcel 0910I-03-001.000, 549 E. Pass Road, Zoned T4+ (General Urban Zone "Plus"), Ward 2

Variance 24122B190, by owners John and Judy Cotten, seeking approval for a zero-foot setback where 25 feet is required for a second frontage, Tax Parcel 0811H-04-020.000, 1340 2nd Street, Zoned R-1-7.5 (Single-Family), Ward 2

Variance 24122B191, by owners David Snyder Jr and Candace Snyder, seeking approval for an 8-foot tall fence where six feet is the height limit, Tax Parcel 1010J-2-006.000, 2315 Demaret Drive, Zoned R-1-7.5 (Single-Family), Ward 2

Variance 24122B192, by agent Heinrich & Associates, seeking approval for parking that backs out into city right of way, Tax Parcel 1009M-03-010.012, Old Lorraine Road, Zoned B-1 (Neighborhood Business), Ward 5

Variance 24122B194, by agent Robert K Riemann, seeking approval for lime-stone parking surface material where asphalt or concrete is required, Tax Parcel 0707H-01-002.000, 14220 Hwy 49, Zoned I-2 (Heavy Industry), Ward 7

Variance 24122B197, by owner R. Solloum Investments Inc., seeking approval for building height of 69 feet where 45 feet is the height limit, Tax Parcel 1010P-01-003.000, 2400 Beach Drive, Zoned R-B (Residence Business), Ward 2

Variance 24122B198, by owner R. Solloum Investments Inc., seeking approval for 142 regular parking spaces where 205 spaces are required, Tax Parcel 1010P-01-003.000, 2400 Beach Drive, Zoned R-B (Residence Business), Ward 2

Variance 24122B199, by owner R. Solloum Investments Inc., seeking approval for one additional wall sign where two wall signs are allowed, Tax Parcel 1010P-01-003.000, 2400 Beach Drive, Zoned R-B (Residence Business), Ward 2

This the 26th day of November 2024

A. Leslie North, Chairman
City of Gulfport Zoning Board of Adjustment and Appeals
IPL0206086
Dec 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:

12/04/24

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.

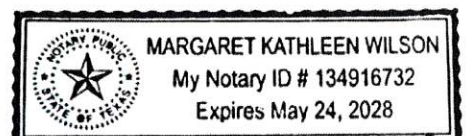
Mary Castro

Sworn to and subscribed before me this 5th day of
December in the year of 2024

Margaret K. Wilson

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

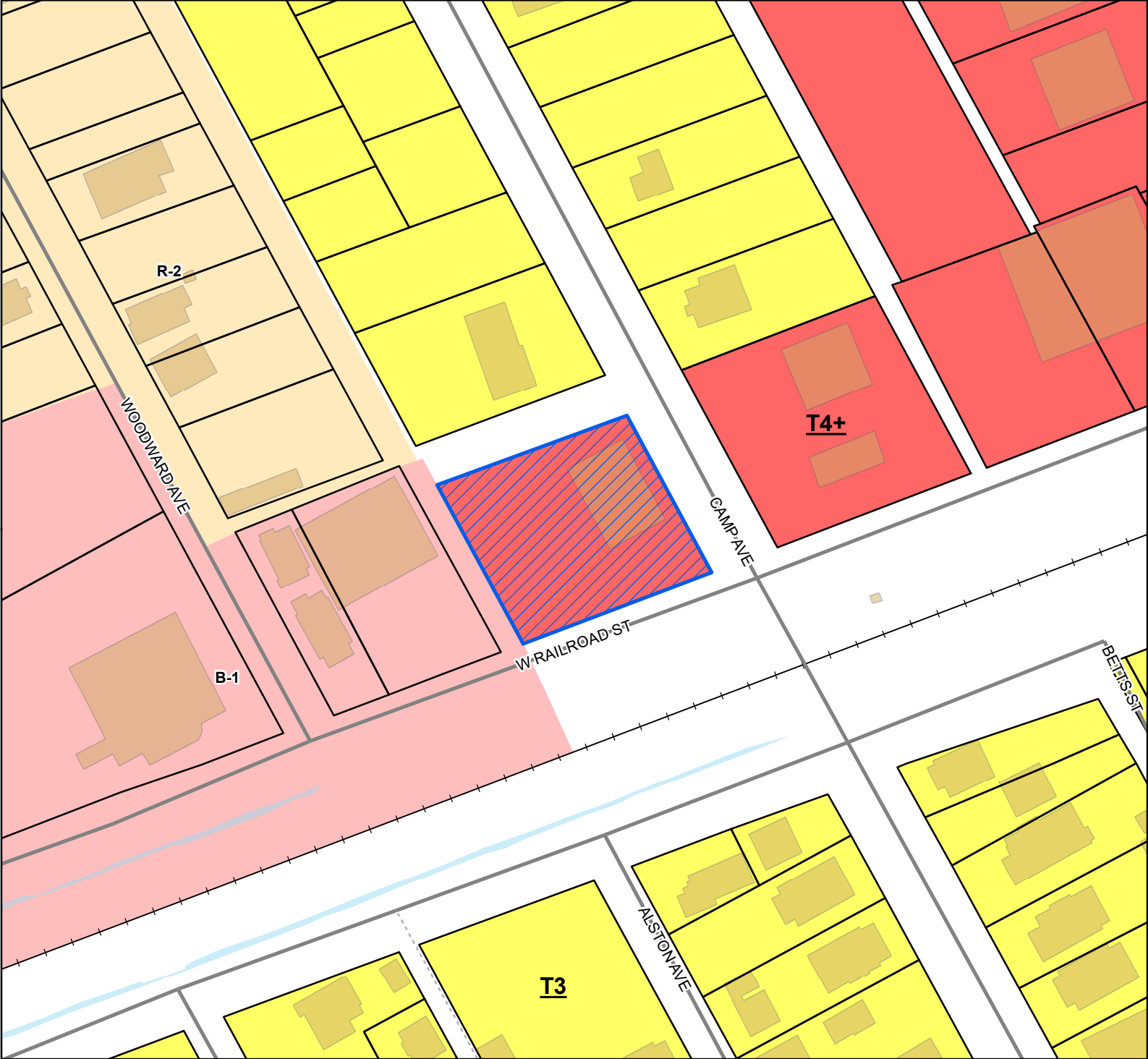
PO BOX 1780 | GULFPORT, MS | 1410 24TH AVENUE

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

ZONING BOARD OF ADJUSTMENT AND APPEALS CASE # 2025-181

Hearing Date: Thursday, December 19, 2024

Variance 2412ZB195:(Withdrawn by applicant) Variance 2412ZB195,
by agent Wayne O'Neal, seeking approval for parking that backs out
into city right of way, Tax Parcel 0711J-07-021.000, 4410 West
Railroad Street, Zoned T4+ (General Urban Zone "Plus"), Ward 1



Legend

- Site
- Street
- Alley
- Railroad
- Parcels
- Buildings
- Water Features
- City Limit

Smart Code

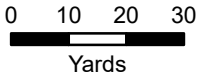
- T4+
- T3

Zoning

- B-1 - Neighborhood Business District
- R-2 - Single Family Residence District (Medium Density)

Site Information

0711J-07-021.000
Zoning: T4+ (General Urban Zone "Plus")
Size: 18604.31 sqft
Flood: X



1 inch = 100 feet



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WD 11/12/24
CASE NUMBER
2412ZB195
R# 13024021

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

0711J-07-021.000	

Property Address:

4410 West Railroad St.
Lot(s) 31-33 Block(s) 3 Subdivision Hivestown add.

General Description of Request: we need a back up variance
of 25' ft. to back into a right of way in front
of the existing Bldg.

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:

Billy Kenney Amy Kenney
 Printed Name of Owner
1308 4th Ave.
 Mailing Address
Gulfport Ms. 39503
 City State Zip Code
N/A
 Home Phone Work/Cell Phone
 Email
Billy Kenney Wayne O'Neal
 Signature of Owner

AGENT:

Wayne O'Neal Res. Designs by Wayne O'Neal
 Printed Name of Agent
11070 Laurel Rd. Gulfport, Ms.
 Mailing Address
Gulfport Ms. 39503
 City State Zip Code
228-669-0056
 Home Phone Work/Cell Phone
Resdesignsone@gmail.com
 Email
Wayne O'Neal
 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) Amy Kenney
 Address (Street, City, State, Zip Code) 92 Good St Bay St Louis, MS 39520
 Phone (Home) _____ (Work) _____ (Cell) 251.599.3202
 Tax Parcel Number(s) Owned: _____
 Signature: Allyn Jones

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

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



Designation of Agent

I, Amy kenny, being owner of the property 4410 West Railroad St
which is the subject of this application hereby authorize Wayne O'Neal 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

11/12/24
Date

STATE OF MISSISSIPPI | COUNTY OF HARRISON

Given under my hand and seal of office this the 12th day of November, 2024

[Signature]
Notary Public

6/13/2026
Commission Expiration





Covenant Affidavit

I, Wayne O'Neal, being owner or agent of the property 4410 W. Railroad St.
PRINT NAME PRIMARY ADDRESS OR PARCEL

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

Wayne O'Neal
Signature

11/12/2024
Date

STATE OF MISSISSIPPI | COUNTY OF HARRISON

Given under my hand and seal of office this the 12th day of November, 2024

Samuel Sweeting
Notary Public

05/22/2027
Commission Expiration



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.

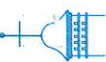
Submission Requirements:

- ☒ **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 about the property.
 - Traffic flow, parking and driveways have been identified.
 - If required buffer strips have been identified
 - Other pertinent information as needed to pictorially demonstrate the proposed development/use.
- ☒ **Proof of ownership** (Copy of deed i.e., Warranty Deed or Quitclaim Deed)
 - _____ If applicable, notarized proof of **authority to act as agent** for owner (board resolution, etc.) (see page 9)
- The City of Gulfport Planning Division Staff will notify, by letter, property owners adjacent to the requested action identified in this application using the Land Roll database from the County Tax Office. If you would like to have additional persons or property owners notified, please provide a list of **additional persons to be notified**.
- _____ An **affidavit** stating the request is not in violation of restrictive or protective covenants. (See page 10)
- ☒ **Cash or check** payable to the City of Gulfport in the amount of **\$75.00**
- ☒ **I the owner/agent acknowledge this is a complete application**

Nov. 11th, 2024

4410 West Railroad St. Gulfport, Ms.

1. Our facility is a building which distance to enter is imperative for clients to enter. The parking in the front of bldg. allows easy access. The front is the best way, thus we need more room to back vehicles out.
2. This property was originally located several years ago and the Railroad St. is too close to back out for code regs.
3. The only solution for this facility to function for the Handi-cap Clients we will be working with is for us to get this variance. Thus we will have a hardship for clients to have easy access.
4. The fact that clients cannot enter in the front makes a hardship for access + convenience. The Zoning ordinance does not allow us to accomplish this without permission to approve.
5. Other Lands will not be affected by this request as our building was located here before the Zoning ordinances were established.
- ✓ 6. We have this request by permissible by right, with planning commission approval.



RESIDENTIAL & COMMERCIAL DIVISION BY WAYNE O'NEAL
 "THE O'NEAL GROUP"
 "THE O'NEAL GROUP"

WITH AFFORDABLE DESIGN SERVICES LLC

ADDRESS: 11071 DAUPHIN RD.
GILFORD, MS.
39563
FFIDE: 228-832-2296
FAX: 228-832-2296
CELL: 228-669-0056
EMAIL: MS@SDSIGNOR
CARL@MS.NET

BILLY KENNY, CP
4410 WEST RAILROAD ST.
GULFPORT, MS.

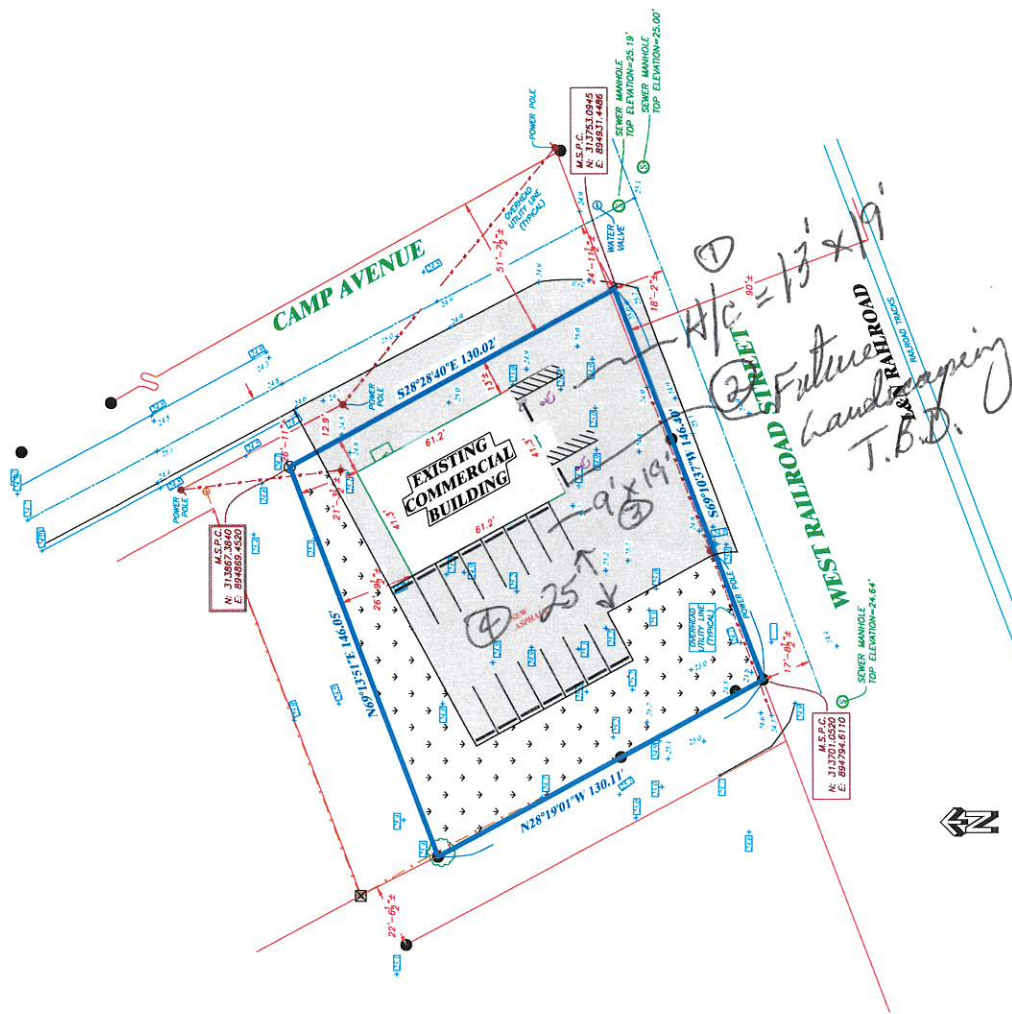
CALE 11-20

DATE	DAY	MONTH	YEAR
	2	OCT	2024

Spec-SIT-DMG
KERN-3648
APPROVED BY

SITE PLAN

1



W. B. Keal 11/12/2024



BEARING REFERENCE:
GRID NORTH BY GPS OBSERVATION
NAD83(2011) (EPOCH:2010.0000)

BASIS OF ELEVATION:
NATIONAL GEODETIC SURVEY BENCHMARK
DESIGNATION - E 191
PID - BH0889
STATE/COUNTY - MS/HARRISON
USGS QUAD - GULFPORT SOUTH (2018)

SCALE
1" = 30'

LEGEND:

- ⊗ --- IRON ROD FOUND
- --- IRON PIPE FOUND
- --- IRON ROD SET
- ⊗ --- CONCRETE MONUMENT FOUND

**A BOUNDARY AND TOPOGRAPHIC
SURVEY OF LOTS 31, 32 & 33,
BLOCK 3, HINESTOWN ADDITION,
BEING PARCEL #0711-07-021.000,
CITY OF GULFPORT, HARRISON
COUNTY, MISSISSIPPI**

BEARING NOTE:

BEARINGS AS SHOWN ARE BASED ON
GRID NORTH BY GPS OBSERVATIONS OF
CONTROL POINTS USING USM RTK
NETWORK. (ALL LINES RELATIVE TO)
ZONE: MS EAST (2301)
DATUM: NAD_83(2011)(EPOCH:2010.0000)
COMBINED FACTOR: 0.999959168919
CONVERGENCE ANGLE: 00°08'36"E

CLIENT:
**SOUTHERN
PROSTHETICS**
(OWNER: BILLY KENNY)

FIELD WORK BY: RW
DRAWN BY: MTC
DRAWING #P24924.DWG
DATE: 8/6/2024

**ABBREVIATION
LEGEND:**

PLAT = PLATTED DIMENSION
DEED = DEED DIMENSION
PS = PRIOR SURVEY
N60°00'00"E 435.00' =
ACTUAL FIELD MEASUREMENT

PATRICK M. MARTINO, PLS
13010 KAYLEIGH COVE
BILOXI, MISSISSIPPI 39532
PHONE: 228-396-2283
EMAIL: PATRICK@MARTINOSURVEYING.COM
PROFESSIONAL LAND SURVEYOR

SHEET 1 OF 2

**GASTON POINT
ADDITION**
COPY PLAT BOOK 3, PAGE 196

PARCEL #:
0711J-07-050.000
NOW OR FORMERLY
H&S HOLDINGS, LLC.
PROPERTY
DEED INSTRUMENT
#2019-7161-D-J1

**CAP
DETAIL:**



DETAIL OF TYPICAL
CAP FOR 1/2"x18"
REBAR SET BY
PATRICK M.
MARTINO, P.L.S.

**HINESTOWN
ADDITION**
COPY PLAT BOOK 4, PAGE 317

BLOCK 3

**PLATTED 30' ALLEY
OR RIGHT-OF-WAY**

**TOTAL AREA
18,852 SQ. FT.**

BLOCK 3

**1-STORY BLOCK
COMMERCIAL
BUILDING**

WEST RAILROAD STREET
PUBLIC 40' PLATTED RIGHT-OF-WAY (ASPHALT SURFACE)

L&N RAILROAD



**A BOUNDARY AND TOPOGRAPHIC SURVEY OF
LOTS 31, 32 & 33, BLOCK 4, HINESTOWN
ADDITION, BEING PARCEL #0711-07-021.000, CITY
OF GULFPORT, HARRISON COUNTY, MISSISSIPPI**

DEED DESCRIPTION:

(DEED INSTRUMENT #2020-834-D-J1)

PARCEL 1:

LOTS 31, 32 AND 33, IN BLOCK 3 OF HINESTOWN ADDITION TO THE CITY OF GULFPORT, ACCORDING TO THE OFFICIAL PLAT THEREOF OF RECORD IN BOOK 10 AT PAGE 21 OF THE PLAT BOOK RECORDS OF HARRISON COUNTY, MISSISSIPPI.

LESS AND EXCEPT: THAT CERTAIN PARCEL OF LAND DESCRIBED AS BEGINNING AT THE SOUTHWEST CORNER OF LOT 31 ABOVE MENTIONED AND RUNNING THENCE NORTHERLY ALONG THE WEST MARGIN OF SAID LOT 31 A DISTANCE OF 57 FEET TO A POINT; RUNNING THENCE EASTERLY PARALLEL WITH THE SOUTH MARGIN OF SAID LOT 31 A DISTANCE OF 89.5 FEET TO A POINT; RUNNING THENCE SOUTHERLY AND PARALLEL WITH THE WEST MARGIN OF SAID LOT 31 A DISTANCE OF 61 FEET TO THE NORTH MARGIN OF NORTH RAILROAD STREET AS PLATTED; RUNNING THENCE WESTERLY ALONG THE NORTH MARGIN OF NORTH RAILROAD STREET AS PLATTED A DISTANCE OF 90 FEET, MORE OR LESS, TO THE POINT OF BEGINNING. SAID EXCEPTING BEING THE SOUTH PORTION OF LOTS 31 AND 32 ABOVE DESCRIBED.

PARCEL 2:

PROPERTY IN THE CITY OF GULFPORT DESCRIBED AS BEGINNING AT THE SOUTHWEST CORNER, LOT 31, RUNNING THENCE NORTHERLY 57 FEET, THENCE SOUTHEAST 89 1/2 FEET, THENCE 61 FEET WEST, THENCE 90 FEET TO THE POINT OF BEGINNING, ALL PART OF LOTS 31 AND 32, BLOCK 3, HINESTOWN ADDITION TO THE CITY OF GULFPORT, TOGETHER WITH ALL IMPROVEMENTS THEREON.

**REFERENCE
MATERIALS:**

- 1.) HARRISON COUNTY TAX AND GIS MAPS.
- 2.) RECORDED SUBDIVISION PLAT OF GASTON POINT ADDITION, COPY PLAT BOOK 3, PAGE 196.
- 3.) RECORDED SUBDIVISION PLAT OF HINESTOWN ADDITION, COPY PLAT BOOK 4, PAGE 317.
- 4.) DEED INSTRUMENT #2020-834-D-J1
- 5.) DEED INSTRUMENT #2019-7161-D-J1
- 6.) DEED INSTRUMENT #2010-6474-D-J1

GENERAL NOTES:

- 1.) THIS SURVEY AND PLAT WERE PREPARED ONLY FOR THE CLIENT NAMED HEREON AND NO THIRD PARTY CERTIFICATION IS EXPRESSED OR IMPLIED.
- 2.) A COPY OF THIS PLAT IS VALID ONLY IF IT IS COMPLETE AND INTACT, HAS AN ORIGINAL SIGNATURE AND DATE, AND HAS THE ORIGINAL EMBOSSED OR COLORED (NOT BLACK) STAMPED SURVEYOR'S SEAL.
- 3.) THIS SURVEY IS SUBJECT TO ALL APPLICABLE GOVERNMENTAL REGULATIONS, BUILDING OR OTHER RESTRICTIONS, LEGAL RESTRICTIONS OF ANY NATURE AND FURTHER SUBJECT TO ANY AND ALL EASEMENTS, RESTRICTIVE COVENANTS, AND RIGHTS-OF-WAY OF RECORD.
- 4.) REDIVISION OF THIS PROPERTY IS SUBJECT TO CURRENT SUBDIVISION AND ZONING REGULATIONS AND ET CETERA. APPROVAL NEEDS TO BE OBTAINED FROM THE APPROPRIATE GOVERNING BODIES.
- 5.) CONSULT LAND TITLE ATTORNEY FOR USE AND OWNERSHIP OF THE PLATTED 30' ALLEY LYING NORTH OF SUBJECT PARCEL AND ALSO THE PLATTED ALLEY LYING WEST OF THE SUBJECT PARCEL.

BOUNDARY NOTE:

BOUNDARY SURVEYS ARE BASED UPON THE RECORDED SUBDIVISION PLAT IN CASES OF REGULAR SUBDIVISIONS LOTS. BOUNDARY SURVEYS OF PROPERTIES NOT A PART OF A REGULAR SUBDIVISION ARE BASED UPON TITLE INFORMATION PROVIDED BY THE PARTY REQUESTING THE SURVEY. BOUNDARY SURVEY PLATS REFLECT INFORMATION DISCOVERED BY THE SURVEYOR IN THE NORMAL COURSE OF WORK AND DOES NOT NECESSARILY SHOW EVERY POSSIBLE CONDITION AFFECTING THE PROPERTY. EASEMENTS, SERVITUDES, BUILDING ORDINANCES, ZONING, AND OTHER LEGAL ENCUMBERMENTS MAY EXIST. CONSULT A TITLE ATTORNEY IF YOU WISH TO DISCOVER ALL THE LEGAL ENCUMBERMENTS ATTACHED TO ANY PROPERTY.

THIS IS TO CERTIFY THAT I HAVE MADE A SURVEY OF THE PROPERTY SHOWN HEREON AND THAT ALL DIMENSIONS AND OTHER DATA SHOWN ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

PATRICK M. MARTINO

8/7/2024
DATE OF FIELD SURVEY



SHEET 2 OF 2

THIS SURVEY WAS PREPARED FROM INFORMATION PROVIDED BY CLIENT, WITHOUT THE BENEFIT OF A CURRENT TITLE REPORT OR AN ENVIRONMENTAL STUDY.		THIS PROPERTY IS LOCATED IN F.L.R.M. ZONE "AS SHOWN" ACCORDING TO MAP NUMBER 28047C0376G, DATED JUNE 16, 2009.	
CLIENT: SOUTHERN PROSTETICS (OWNER: BILLY KENNY)	SURVEY CLASS "B"	BEARINGS SHOWN HEREON ARE DERIVED BY: GRID NORTH BY GPS OBSERVATION	
PARCEL: 4410 WEST RAILROAD STREET ADDRESS: GULFPORT, MS 39531	SCALE: N/A		
SUBD: HINESTOWN ADDITION			
PARCEL NUMBER: 0711J-07-021.000			
CREW CHIEF: RW	DRAWN BY: MTC		
DATE: 8/7/2024	JOB#: P24924		
REVISED:	CRD#: P24924		

PATRICK M. MARTINO, PLS
13010 KAYLEIGH COVE
BILOXI, MISSISSIPPI 39532
PHONE: 228-396-2283
EMAIL: PATRICK@MARTINOSURVEYING.COM
PROFESSIONAL LAND SURVEYOR



Michael Watson

SECRETARY OF STATE

This is not an official certificate of good standing.

Name History

Name	Name Type
ARKWell LLC	Legal

Business Information

Business Type:	Limited Liability Company
Business ID:	1308117
Status:	Good Standing
Effective Date:	10/19/2021
State of Incorporation:	Mississippi
Principal Office Address:	1166 Hwy 90 Bay Saint Louis, MS 39520

Registered Agent

Name
Amy Kenny
92 Good St
Bay Saint Louis, MS 39520

Officers & Directors

Name	Title
Amy Kenny	
92 Good St	
Bay Saint Louis, MS 39520	Manager



1st JUDICIAL DISTRICT
INSTRUMENT 2024-0015208-D-J1
FILED/RECORDED 8/9/2024 8:20:01 AM
TOTAL FEES \$26.00
5 PAGES RECORDED

PREPARED BY AND RETURN TO:
MICHAEL B. MCDERMOTT (2379)
PAGE, MANNINO, PERESICH & MCDERMOTT, P.L.L.C.
759 HOWARD AVENUE
BILOXI, MS 39530
(228)374-2100

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 considerations, the receipt and sufficiency of which is hereby acknowledged, the undersigned,

FRANK PARKER
3209 Johnson Still Rd
Diberville, MS 39540
(228)392-8415

does hereby sell, convey and warrant unto

ARKWell LLC,
A MISSISSIPPI LIMITED LIABILITY COMPANY
92 Good Street
Bay Saint Louis, MS 39520
(228)216-0528

the following described real property, together with all improvements thereon, located in the First Judicial District of Harrison County, State of Mississippi, more particularly and certainly described as follows:

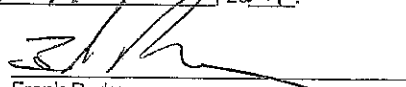
SEE EXHIBIT "A" ATTACHED HERETO

INDEXING INSTRUCTIONS: Lots 31, 32 & 33, Blk 3, Hinestown S/D, First Judicial District, Harrison County, Mississippi

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

Ad valorem taxes for the current tax year have been prorated between the parties hereto and the obligation to pay same is assumed by the Grantee herein, who will pay same when due.

WITNESS my signature on this the 01st of AUGUST, 2024.


Frank Parker

STATE OF MISSISSIPPI
COUNTY OF HARRISON

PERSONALLY APPEARED BEFORE ME, the undersigned authority in and for the said county and state, on this the 01st of AUGUST, 2024, the within named FRANK PARKER, who acknowledged that he executed and delivered the above and foregoing instrument.

(SEAL)

My Commission Expires:

7/6/2028

File No.: A01167




NOTARY PUBLIC

EXHIBIT "A"
LEGAL DESCRIPTION

Parcel 1:

Lots 31, 32 and 33, in Block 3 of Hinestown Addition to the City of Gulfport, according to the official plat thereof of record in Book 10 at Page 21 of the Plat Book Records of Harrison County, Mississippi.

LESS AND EXCEPT: that certain parcel of land described as beginning at the Southwest corner of Lot 31 above mentioned and running thence Northerly along the West margin of said Lot 31 a distance of 57 feet to a point; running thence Easterly parallel with the South margin of said Lot 31 a distance of 89.5 feet to a point; running thence Southerly and parallel with the West margin of said Lot 31 a distance of 61 feet to the North margin of North Railroad Street as platted; running thence Westerly along the North margin of North Railroad Street as platted a distance of 90 feet, more or less, to the point of beginning. Said excepting being the South portion of Lot 31 and 32 above described.

AND

Parcel 2:

Property in the City of Gulfport described as beginning at the Southwest corner, Lot 31, running thence Northerly 57 feet, thence Southeast 89 1/2 feet, thence 61 feet West, thence 90 feet to the point of beginning, all part of Lots 31 and 32, Block 3, Hinestown Addition to the City of Gulfport, together with all improvements thereon.

The above described parcels being the same property described in the Survey of Patrick M. Martino, P.L.S., dated August 7, 2024. A copy of the survey is attached hereto.





SCALE
1" = 30'

LEGEND:

⊗ — IRON ROD

● -- IRON PIPE FOUND
○ -- IRON ROD SET
☒ -- CONCRETE MONUMENT FOUND

PARCEL #:
 0711J-07-030.000
 NOW OR FORMERLY
 H&S HOLDINGS, LLC
 PROPERTY

DEED INSTRUMENT
#2019-7161-D-J1

**CAP
DETAIL:**

BEARINGS AS SHOWN ARE BASED ON
GRID NORTH BY GPS OBSERVATIONS OF
CONTROL POINTS USING USM RTK
NETWORK. (ALL LINES RELATIVE TO)
ZONE: MS EAST (2301)
DATUM: NAD_83(2011)(EPOCH:2010.0000)
COMBINED FACTOR: 0.99999158919
CONVERGENCE ANGLE: 00°08'36"E

CLIENT;
**SOUTHERN
PROSTHETICS**
(OWNER: **BILLY KENNY**)
FIELD WORK BY: RW
DRAWN BY: MTC
DRAWING #P24924.DWG
DATE: 8/6/2024

LEGEND:
 PLAT = PLATTED DIMENSION
 DEED = DEED DIMENSION
 PS = PRIOR SURVEY
 N90°00'00"E 433.00' =
 ACTUAL FIELD MEASUREMENT

PATRICK M. MARTINO, PLS
13010 KAYLEIGH COVE
BILOXI, MISSISSIPPI 39532
PHONE: 228-396-2283
EMAIL: patrick@martinosurveying.com
PROFESSIONAL LAND SURVEYOR

SHEET 1 OF 2



L&N RAILROAD



**A BOUNDARY AND TOPOGRAPHIC SURVEY OF
LOTS 31, 32 & 33, BLOCK 4, HINESTOWN
ADDITION, BEING PARCEL #0711-07-021.000, CITY
OF GULFPORT, HARRISON COUNTY, MISSISSIPPI**

DEED DESCRIPTION:

(DEED INSTRUMENT #2020-834-D-J1)

PARCEL 1:

LOTS 31, 32 AND 33, IN BLOCK 3 OF HINESTOWN ADDITION TO THE CITY OF GULFPORT, ACCORDING TO THE OFFICIAL PLAT THEREOF OF RECORD IN BOOK 10 AT PAGE 21 OF THE PLAT BOOK RECORDS OF HARRISON COUNTY, MISSISSIPPI.

LESS AND EXCEPT: THAT CERTAIN PARCEL OF LAND DESCRIBED AS BEGINNING AT THE SOUTHWEST CORNER OF LOT 31 ABOVE MENTIONED AND RUNNING THENCE NORTHERLY ALONG THE WEST MARGIN OF SAID LOT 31 A DISTANCE OF 57 FEET TO A POINT; RUNNING THENCE EASTERLY PARALLEL WITH THE SOUTH MARGIN OF SAID LOT 31 A DISTANCE OF 89.5 FEET TO A POINT; RUNNING THENCE SOUTHERLY AND PARALLEL WITH THE WEST MARGIN OF SAID LOT 31 A DISTANCE OF 61 FEET TO THE NORTH MARGIN OF NORTH RAILROAD STREET AS PLATTED; RUNNING THENCE WESTERLY ALONG THE NORTH MARGIN OF NORTH RAILROAD STREET AS PLATTED A DISTANCE OF 90 FEET, MORE OR LESS, TO THE POINT OF BEGINNING, SAID EXCEPTING BEING THE SOUTH PORTION OF LOTS 31 AND 32 ABOVE DESCRIBED.

PARCEL 2:

PROPERTY IN THE CITY OF GULFPORT DESCRIBED AS BEGINNING AT THE SOUTHWEST CORNER, LOT 31, RUNNING THENCE NORTHERLY 57 FEET, THENCE SOUTHEAST 89 1/2 FEET, THENCE 61 FEET WEST, THENCE 90 FEET TO THE POINT OF BEGINNING, ALL PART OF LOTS 31 AND 32, BLOCK 3, HINESTOWN ADDITION TO THE CITY OF GULFPORT, TOGETHER WITH ALL IMPROVEMENTS THEREON.

REFERENCE

MATERIALS:

- 1.) HARRISON COUNTY TAX AND GIS MAPS.
- 2.) RECORDED SUBDIVISION PLAT OF GASTON POINT ADDITION, COPY PLAT BOOK 3, PAGE 196.
- 3.) RECORDED SUBDIVISION PLAT OF HINESTOWN ADDITION, COPY PLAT BOOK 4, PAGE 317.
- 4.) DEED INSTRUMENT #2020-834-D-J1
- 5.) DEED INSTRUMENT #2019-7161-D-J1
- 6.) DEED INSTRUMENT #2010-6474-D-J1

GENERAL NOTES:

- 1.) THIS SURVEY AND PLAT WERE PREPARED ONLY FOR THE CLIENT NAMED HEREON AND NO THIRD PARTY CERTIFICATION IS EXPRESSED OR IMPLIED.
- 2.) A COPY OF THIS PLAT IS VALID ONLY IF IT IS COMPLETE AND INTACT, HAS AN ORIGINAL SIGNATURE AND DATE, AND HAS THE ORIGINAL EMBOSSED OR COLORED (NOT BLACK) STAMPED SURVEYOR'S SEAL.
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- 4.) REDIVISION OF THIS PROPERTY IS SUBJECT TO CURRENT SUBDIVISION AND ZONING REGULATIONS AND ET CETERA. APPROVAL NEEDS TO BE OBTAINED FROM THE APPROPRIATE GOVERNING BODIES.
- 5.) CONSULT LAND TITLE ATTORNEY FOR USE AND OWNERSHIP OF THE PLATTED 30' ALLEY LYING NORTH OF SUBJECT PARCEL AND ALSO THE PLATTED ALLEY LYING WEST OF THE SUBJECT PARCEL.

BOUNDARY NOTE:

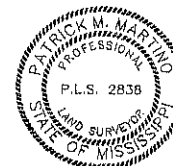
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THIS IS TO CERTIFY THAT I HAVE MADE A SURVEY OF THE PROPERTY SHOWN HEREON AND THAT ALL DIMENSIONS AND OTHER DATA SHOWN ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

PATRICK M. MARTINO

8/7/2024

DATE OF FIELD SURVEY



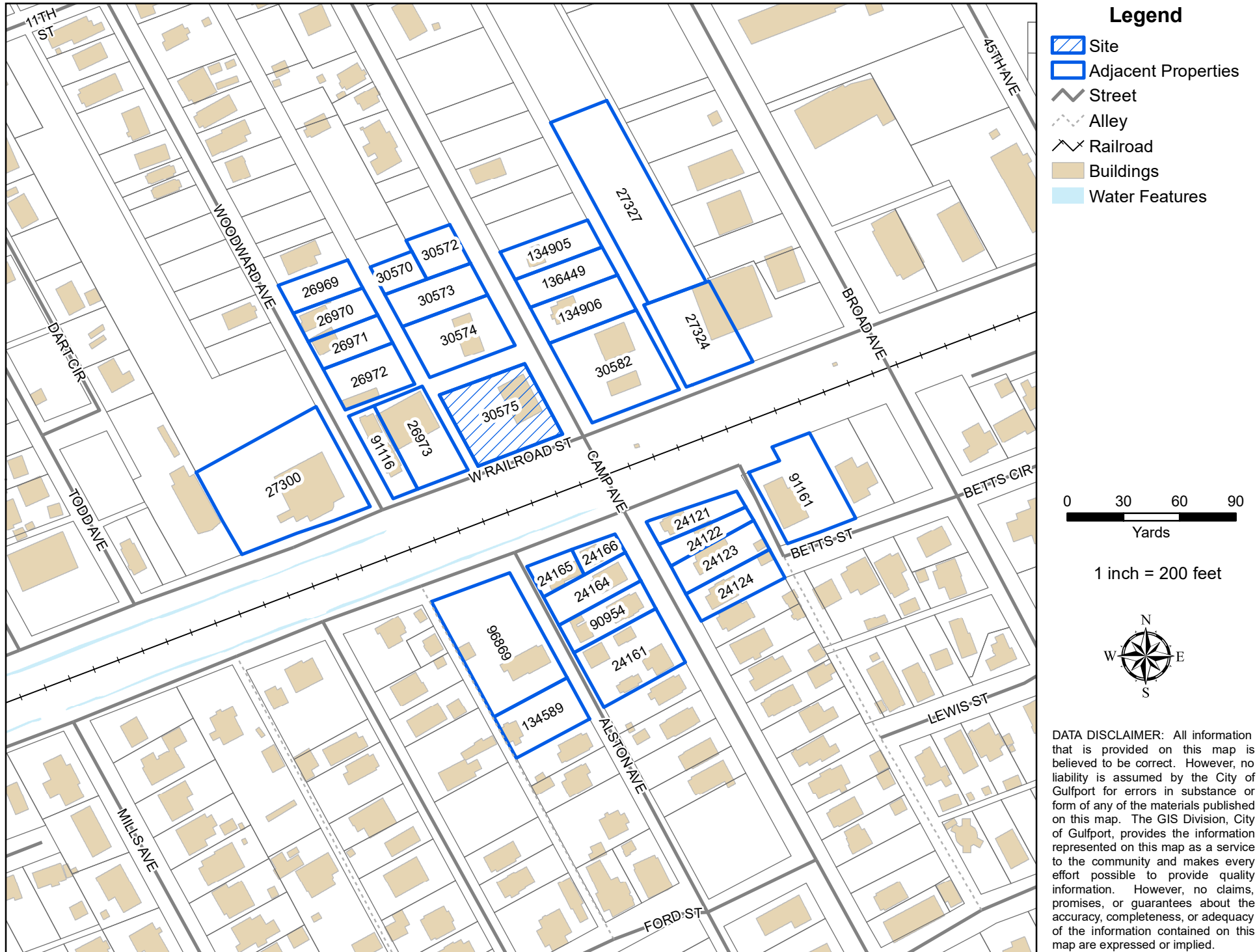
SHEET 2 OF 2

THIS SURVEY WAS PREPARED FROM INFORMATION PROVIDED BY CLIENT, WITHOUT THE BENEFIT OF A CURRENT TITLE REPORT OR AN ENVIRONMENTAL STUDY.		THIS PROPERTY IS LOCATED IN F.L.R.M. ZONE "XS SHOWN" ACCORDING TO MAP NUMBER 2804/003766, DATED JUNE 16, 2009.	
CLIENT: SOUTHERN PROSTHETICS	SURVEY CLASS: "B"	BEARINGS SHOWN HEREON ARE DERIVED BY GRID NORTH BY GPS OBSERVATION	
(OWNER: BILLY KENNY)	SCALE: N/A		
PARCEL: 4410 WEST RAILROAD STREET			
ADDRESS: GULFPORT, MS 39531			
SUBD: HINESTOWN ADDITION			
PARCEL NUMBER: 0711-07-021.000			
CREW CHIEF: RW	DRAWN BY: MTC		
DATE: 8/7/2024	JOB#: P24924		
REVISED:	GRID: P24924		

PATRICK M. MARTINO, PLS

13010 KAYLEIGH COVE
BILOXI, MISSISSIPPI 39532
PHONE: 228-396-2283
EMAIL: PATRICK@MARTINOSURVEYING.COM
PROFESSIONAL LAND SURVEYOR

Variance



Mail	PPIN	Parcel ID	Name	Address	City	State	ZIP
Y		0711J-07-021.000	ARK WELL, LLC (OWNER)	1308 44TH AVE	GULFPORT	MS	39503
			WAYNE O'NEAL (AGENT)	11070 DAURO RD	GULFPORT	MS	39503
			Adjacent Property Owners (2412ZB195)				
	24122	0711J-03-042.000	DARDEN RANDAL J	828 CAMP AVE	GULFPORT	MS	39501
	91116	0711J-07-051.000	JOHNSTON JAMES W -TRUST-	1922 23RD AVE	GULFPORT	MS	39501
	24121	0711J-03-041.000	MITCHELL SHERYLL	830 CAMP AVE	GULFPORT	MS	39501
N	30573	0711J-07-023.000	BROWN FANNIE -ESTATE-	11271 FIRETOWER RD	PASS CHRISTIAN	MS	39571
	30582	0711J-07-020.000	NGUYEN BOBBY DUY & DANG LINDA	12612 CAMBRIDGE DR	OCEAN SPRINGS	MS	39564
	90954	0711O-03-057.000	DONIVAN GEORGE I & ELINOR E	819 CAMP AVE	GULFPORT	MS	39501
	26969	0711J-07-046.000	PAPALOTZI FERNANDO	107 SHILOH CIR	OCEAN SPRINGS	MS	39564
	26970	0711J-07-047.000	EVANS CLINT JR	1020 WOODWARD AVE	GULFPORT	MS	39501
	26971	0711J-07-048.000	MS ROCK LLC	3827 NE 5TH STREET	RENTON	WA	98056
	24124	0711O-03-052.000	TUBBS CAROL C	369 LAKE HARBOR RD	BRANDON	MS	39047
	96869	0711O-03-082.001	CAMPO DEBRA B	428 ORION AVE	METAIRIE	LA	70005
	30574	0711J-07-022.000	BROWN FANNIE E -ESTATE-	11271 FIRETOWER RD	PASS CHRISTIAN	MS	39571
	24165	0711O-03-055.000	TYLER HENRY PROPERTIES LLC	449 WALDA DR	BILOXI	MS	39531
	24164	0711O-03-056.000	SMITH CAROL A	13218 THREE RIVERS RD	GULFPORT	MS	39503
	30575	0711J-07-021.000	PARKER FRANK	3209 JOHNSON STILL ROAD	D'IBERVILLE	MS	39540
	27327	0711J-07-012.000	HAYDEL PROPERTIES LP	P O BOX 1891	GULFPORT	MS	39502
	26972	0711J-07-049.000	MAY HENRY L NEWSOME JR	P O BOX 66	LONG BEACH	MS	39560
	24166	0711O-03-054.000	GRANTHAM JOHN M	831 CAMP AVE	GULFPORT	MS	39501
	24161	0711O-03-058.000	SHOLTZ STANLEY E	7008 CRAZYHORSE DR	KILN	MS	39556
N	30570	0711J-07-024.000	STATE OF MISS 8/26/2013				0
	30572	0711J-07-025.001	LEA JOHN DALE	1500 S JACKSON ST	COVINGTON	LA	70433
	91161	0711J-03-039.000	CU JASON	4316 BETTS ST	GULFPORT	MS	39501
	24123	0711O-03-053.000	WATSON LARRY E & MARY N -L/E-	4311 BETTS ST	GULFPORT	MS	39501
N	134589	0711O-03-082.002	CAMPO DEBRA B	428 ORION AVE	METAIRIE	LA	70005
	136449	0711J-07-019.007	DINA PROPERTIES LLC	14705 RUE MORNAY DR	BILOXI	MS	39532
N	134905	0711J-07-019.002	DINA PROPERTIES LLC	14705 RUE MORNAY DR	BILOXI	MS	39532
N	134906	0711J-07-019.003	DINA PROPERTIES LLC	14705 RUE MORNAY DR	BILOXI	MS	39532
	27324	0711J-07-011.000	FAMILY DOLLAR STORES OF MS INC	ATTN REAL ESTATE TAX	CHESAPEAKE	VA	23320
	26973	0711J-07-050.000	H & S HOLDINGS LLC	11502 STANTON CIRCLE	GULFPORT	MS	39503
	27300	0711J-07-052.000	4500 W RAILROAD STREET LLC	P O BOX 8833	GULFPORT	MS	39506



URBAN DEVELOPMENT DEPARTMENT | PLANNING & ZONING

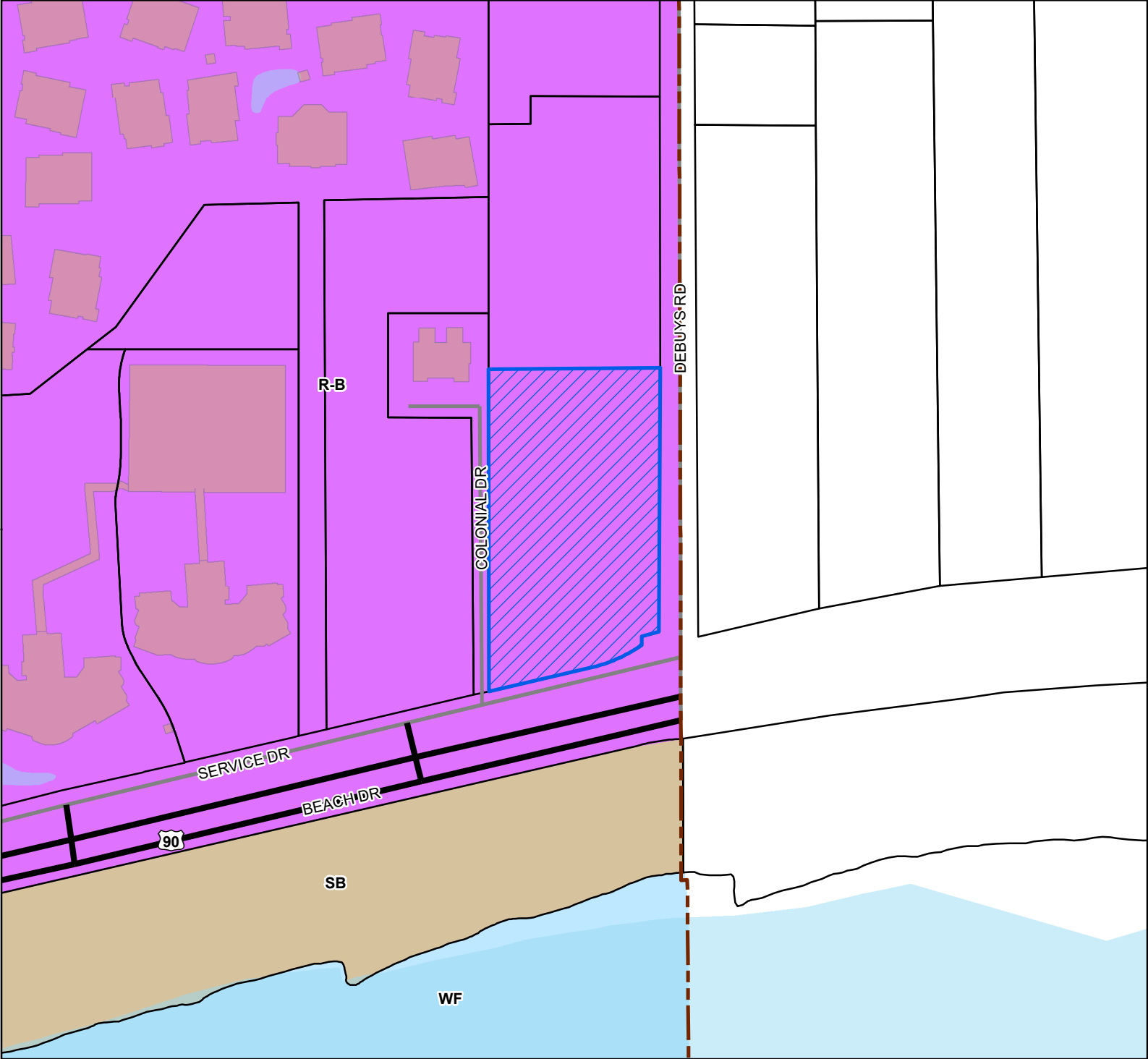
PO BOX 1780 | GULFPORT, MS | 1410 24TH AVENUE

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

ZONING BOARD OF ADJUSTMENT AND APPEALS CASE # 2025-222

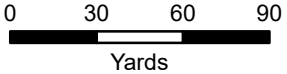
Hearing Date: Thursday, December 19, 2024

Variance 2412ZB197:(Deferred to February Agenda by applicant) Variance 2412ZB197, by owner R. Solloum Investments Inc., seeking approval for building height of 69 feet where 45 feet is the height limit, Tax Parcel 1010P-01-003.000, 2400 Beach Drive, Zoned R-B (Residence Business), Ward 2



- Site
- US or State Highway
- Street
- Parcels
- Buildings
- Water Features
- City Limit
- Zoning**
 - R-B - Residence-Business District
 - SB - Sand Beach
 - WF - Water Front

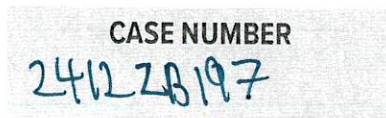
Site Information
1010P-01-003.000
Zoning: R-B (Residence-Business)
Size: 2.5 acres
Flood: X, AE



1 inch = 200 feet



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



OWNER: R Salloun Investments Inc +
5 Salloun Properties Inc F/b/o
Coast Host, LLC

Printed Name of Owner
10071 Lorraine Road
Mailing Address
Gulfport MS 39503
City State Zip Code
601-613-1188
Home Phone Work/Cell Phone
rps@frslaw.com
Email
Signature of Owner

AGENT:
Richard P Salloun
Printed Name of Agent
P.O. Drawer 460
Mailing Address
Gulfport, MS 39502
City State Zip Code
228-896-5421 228-324-7292
Home Phone Work/Cell Phone
RPS@FRSLAW.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) R Salloun Investments Inc
Address (Street, City, State, Zip Code) P.O. Drawer 460 Gulfport MS 39502
Phone (Home) 228-896-5421 (Work) 228-848-7070 (Cell) 228-324-7292
Tax Parcel Number(s) Owned: 1010 P-01-003-000
Signature: [Signature]

Name of Owner (PRINT) J Salloun Properties, Inc
Address (Street, City, State, Zip Code) P.O. Box 1176 Gulfport MS 39502
Phone (Home) 228-861-7071 (Work) 228-861-7071 (Cell) 228-861-7071
Tax Parcel Number(s) Owned: 1010 P-01-003-000
Signature: [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 about the property.
- Traffic flow, parking and driveways have been identified.
- If required buffer strips have been identified
- Other pertinent information as needed to pictorially demonstrate the proposed development/use.

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

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

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

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

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

I the owner/agent acknowledge this is a complete application



COVENANT AFFIDAVIT

I, Ermond Salomon & Joe Salomon being property owner or agent of the property 2400 Beach Drive Gulfport, MS 39507
PRINT NAME PRIMARY ADDRESS OR PARCEL

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

[Signature] and Joe Salomon 11/22/24
SIGNATURE DATE

STATE OF MISSISSIPPI | COUNTY OF HARRISON

Given under my hand and seal of office this the 22 day of November, 20 24

Melissa Cravero
NOTARY PUBLIC



COMMISSION EXPIRATION Nov. 17, 2025



November 19, 2024

Zoning Board of Adjustments
Urban Development - Planning Division | Gulfport MS
1410 24th Avenue
Gulfport, MS 39501

Project Name: Holiday Inn Gulfport
Project Number: 23-036
RE: excessive building height

To whom it may concern:

The property in question is being considered for re-development by the property Owner for a full-service hotel (110 beds - Holiday Inn brand). The proposed structure will be closely modeled after the Holiday Inn brand prototypical design.

On behalf of the Owner, we hereby request a variance to the maximum building height allowed. City ordinance limits building heights on this site to a maximum of 45 feet above grade plane. The development proposed by the site owners will yield a building height of 69 feet above grade plane.

The size of this site cannot accommodate the Owner's program in a building with a maximum height of 45 feet. The target guest room count of 110 cannot be achieved due to the limited available footprint for vertical construction on this site. As a result, the owner is proposing a 6 story structure to accommodate the need. If the current limitation of 45 feet is upheld for this property, the guest room count would be significantly impacted and the development will no longer be economically viable to the owner.

Adjacent properties near this location have developments which greatly exceed this 45 foot height limitation. One property near the West side of this site is over 14 stories in height (approx. 145 feet above grade plane). This is over twice the height of the building we are proposing. This appears to be a development where a previous variance to this maximum height was granted. The owner respectfully asks that they be allowed this same privilege.

The proposed use of the property is permissible by right, with planning approval.

Sincerely:

M. Wade Thompson, AIA NCARB
Partner

Encl: zoning application
Cc: file 23-036



Wade Thompson <wthompson@wbaarchitecture.com>

Airport Authority Approval

Casey Lyons <CLyons@flygpt.com>

Fri, Nov 15, 2024 at 12:12 PM

To: "wthompson@wbaarchitecture.com" <wthompson@wbaarchitecture.com>

Cc: Operations Group <Operations@flygpt.com>, Shelby Fox <SFox@flygpt.com>

Walt,

Good morning. I have reviewed the information which you have provided Shelby, and your construction between Debuys Road and Colonial Drive in Gulfport does not have any adverse impacts on GPT. We do not object to your construction and/or use of the crane as described in this email and its attachments.

Please let me know if you have any further questions.

Sincerely,

Casey Lyons

Assistant Director

Gulfport-Biloxi International Airport

14035-L Airport Rd. | Gulfport, MS 39503

(228) 863-5951 (o) | (228) 863-5953 (f)

www.FLYGPT.com

We Make Flying Easier.



From: Shelby Fox <SFox@flygpt.com>

Sent: Thursday, November 14, 2024 4:45 PM

To: Casey Lyons <CLyons@flygpt.com>

Subject: Fw: Airport Authority Approval

Shelby Fox

Director of Planning and Development

Gulfport-Biloxi International Airport

14035-L Airport Rd. | Gulfport, MS 39503

(228) 863-5951 (o) | (228) 248-3011 (d) | (228) 327-6888 (c)

We Make Flying Easier.



[Quoted text hidden]

Casey Lyons

Assistant Director

Gulfport-Biloxi International Airport

14035-L Airport Rd. | Gulfport, MS 39503

(228) 863-5951 (o) | (228) 863-5953 (f)

[Quoted text hidden]

2 attachments



2024-11-14 FAA notice criteria tool_MOBILE CRANE.pdf

158K



2024-11-14 FAA notice criteria tool_BLDG.pdf

159K



Notice Criteria Tool

Notice Criteria Tool - Desk Reference Guide V_2018.2.0

The requirements for filing with the Federal Aviation Administration for proposed structures vary based on a number of factors: height, proximity to an airport, location, and frequencies emitted from the structure, etc. For more details, please reference [CFR Title 14 Part 77.9](#).

You must file with the FAA at least 45 days prior to construction if:

- your structure will exceed 200ft above ground level
- your structure will be in proximity to an airport and will exceed the slope ratio
- your structure involves construction of a traverseway (i.e. highway, railroad, waterway etc...) and once adjusted upward with the appropriate vertical distance would exceed a standard of 77.9(a) or (b)
- your structure will emit frequencies, and does not meet the conditions of the [FAA Co-location Policy](#)
- your structure will be in an instrument approach area and might exceed part 77 Subpart C
- your proposed structure will be in proximity to a navigation facility and may impact the assurance of navigation signal reception
- your structure will be on an airport or heliport
- filing has been requested by the FAA

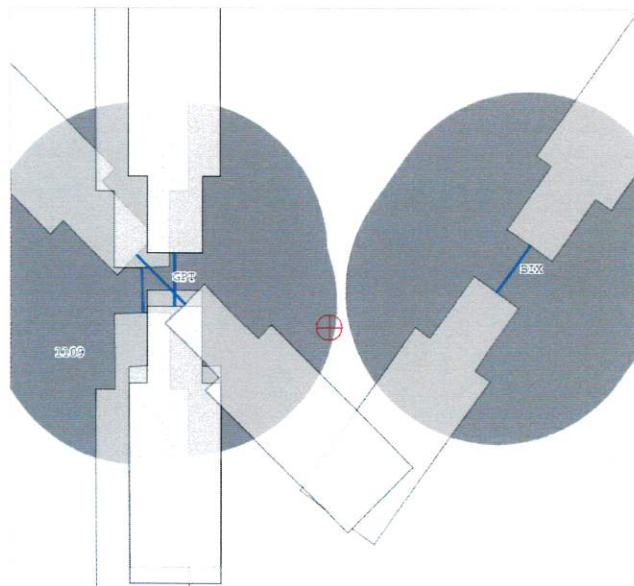
If you require additional information regarding the filing requirements for your structure, please identify and contact the appropriate FAA representative using the [Air Traffic Areas of Responsibility map](#) for Off Airport construction, or contact the [FAA Airports Region / District Office](#) for On Airport construction.

The tool below will assist in applying Part 77 Notice Criteria.

* Structure Type:	BUILDING Commercial Use Building
Please select structure type and complete location point information.	
Latitude:	30 Deg 23 M 19.6 S N
Longitude:	89 Deg 00 M 6.4 S W
Horizontal Datum:	NAD83
Site Elevation (SE):	19 (nearest foot)
Structure Height :	70 (nearest foot)
Is structure on airport:	☒ No ☐ Yes

Results

You do not exceed Notice Criteria.





Notice Criteria Tool

Notice Criteria Tool - Desk Reference Guide V_2018.2.0

The requirements for filing with the Federal Aviation Administration for proposed structures vary based on a number of factors: height, proximity to an airport, location, and frequencies emitted from the structure, etc. For more details, please reference [CFR Title 14 Part 77.9](#).

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- your structure will exceed 200ft above ground level
- your structure will be in proximity to an airport and will exceed the slope ratio
- your structure involves construction of a traverseway (i.e. highway, railroad, waterway etc...) and once adjusted upward with the appropriate vertical distance would exceed a standard of 77.9(a) or (b)
- your structure will emit frequencies, and does not meet the conditions of the [FAA Co-location Policy](#)
- your structure will be in an instrument approach area and might exceed part 77 Subpart C
- your proposed structure will be in proximity to a navigation facility and may impact the assurance of navigation signal reception
- your structure will be on an airport or heliport
- filing has been requested by the FAA

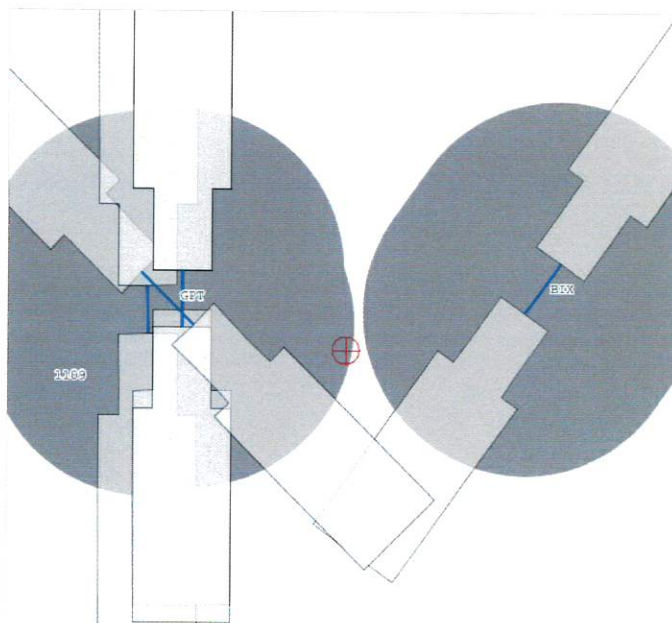
If you require additional information regarding the filing requirements for your structure, please identify and contact the appropriate FAA representative using the [Air Traffic Areas of Responsibility map](#) for Off Airport construction, or contact the [FAA Airports Region / District Office](#) for On Airport construction.

The tool below will assist in applying Part 77 Notice Criteria.

* Structure Type:	CRANE Mobile Crane
Please select structure type and complete location point information.	
Latitude:	30 Deg 23 M 19.6 S N
Longitude:	89 Deg 00 M 6.4 S W
Horizontal Datum:	NAD83
Site Elevation (SE):	19 (nearest foot)
Structure Height :	150 (nearest foot)
Is structure on airport:	☒ No ☐ Yes

Results

You do not exceed Notice Criteria.





FIRE DEPARTMENT

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

Central Station
1515 23rd Avenue
Gulfport, MS 39501

Holiday Inn
Beach Dr. Gulfport

November 21, 2024

Internationally Accredited Gulfport Fire Department (GFD) is a full-spectrum life safety agency protecting a population of more than 72,000 citizens and a metro-population of greater than 416,000 people who live, work and play in Mississippi's second largest city. Gulfport Fire Department is one of only two Mississippi agencies that has an ISO Fire Suppression Rating of 2 out of 10 (with 1 being the highest rating). A total of 164 plus uniformed fire personnel protect life, property and the environment through their direct involvement in fire prevention, firefighting, emergency medical care, technical rescue, hazardous materials mitigation, disaster response, public education and community service. An equally committed non-sworn cadre of professional support personnel provide technical and administrative expertise in their corresponding pursuit of the department's mission. The expansive capabilities of the department include high-angle rescue, special operations response and all-hazards mitigation to include multi-story (High Rise) occupancies. In consideration of the department's capabilities as applied to the proposed hotel development on Debuys Rd, the Gulfport Fire Department Fire Chief approves of this general plan and the height variance to be granted. Compliance with applicable codes and standards assumed.

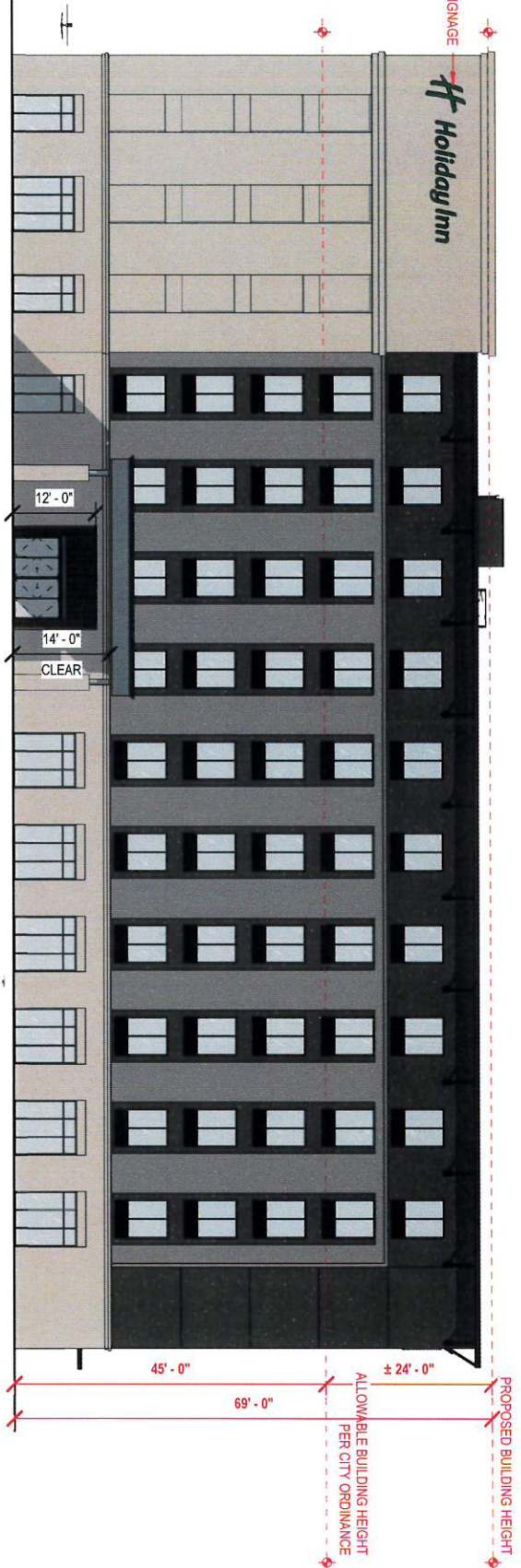
Sincerely,

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

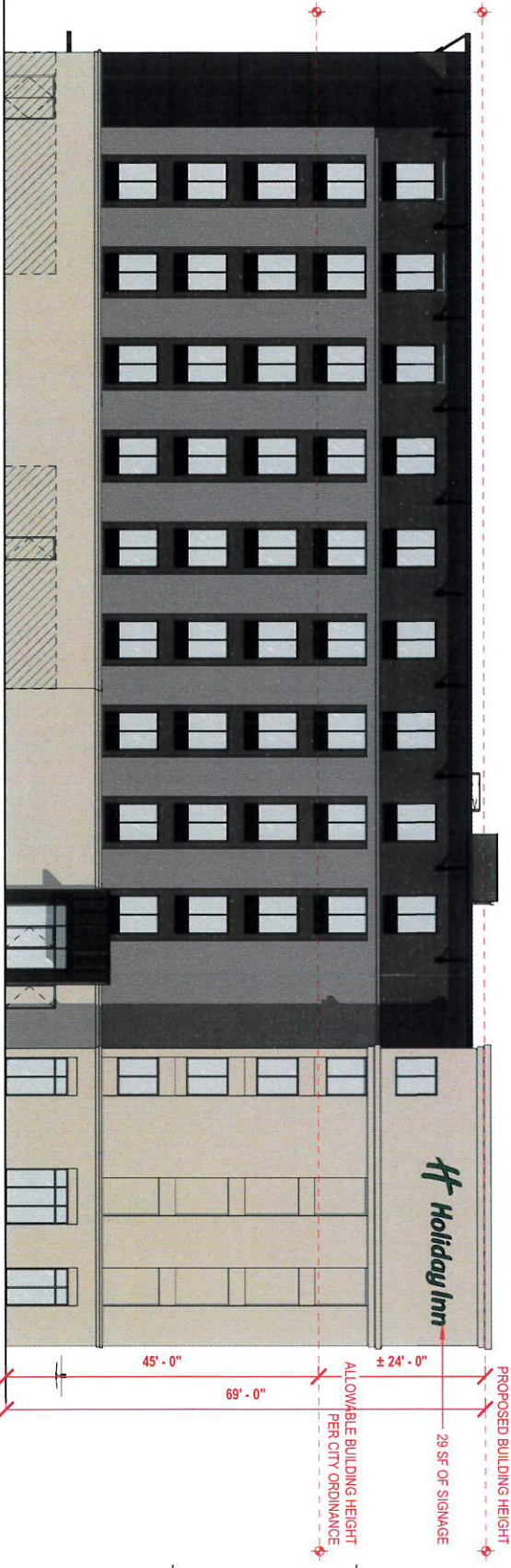
Billy Kelley
Fire Chief City of Gulfport

29 SF OF SIGNAGE

Holiday Inn



2 EAST ELEVATION
1/16" = 1'-0"



1 WEST ELEVATION
1/16" = 1'-0"

NOTE:
PROPOSED BUILDING HEIGHT IS THE
AVERAGE HEIGHT BETWEEN FLAT ROOFS



**HOLIDAY
INN BEACH
DRIVE -
GULFPORT**

COAST HOST, LLC
2400 BEACH DR.
GULFPORT, MS 39507

**ELEVATIONS
BUILDING
HEIGHT**

11.22.24

ZONING VARIANCE

WBA # 23-036

REVISIONS

N.O.	DESCRIPTION	DATE
------	-------------	------

Z201

**EXTERIOR
ELEVATIONS**



HOLIDAY
INN BEACH
DRIVE -
GULFPORT

COAST HOST, LLC
2400 BEACH DR.
GULFPORT, MS 39507

ELEVATIONS
BUILDING
HEIGHT

11.22.24

ZONING VARIANCE

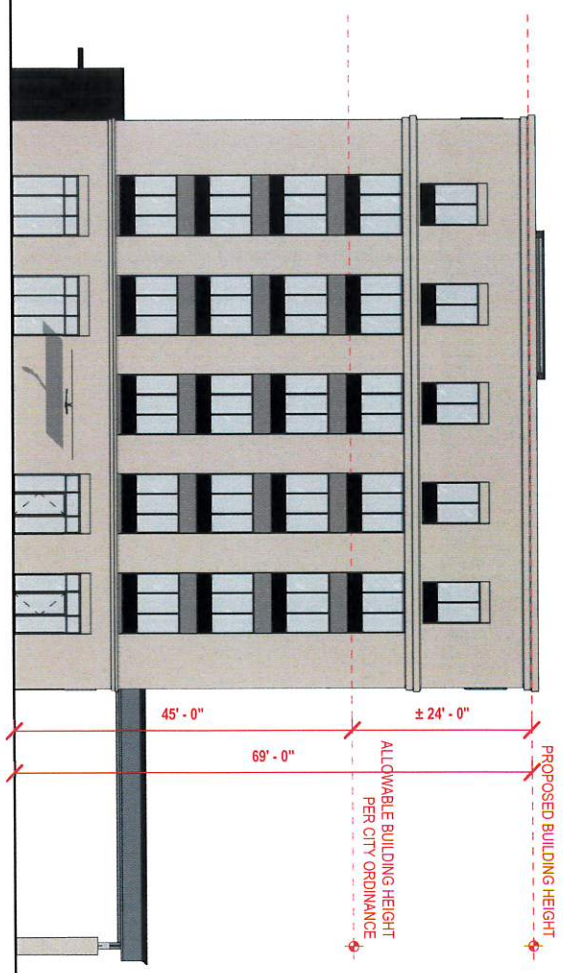
WBA # Z3-036

REVISIONS

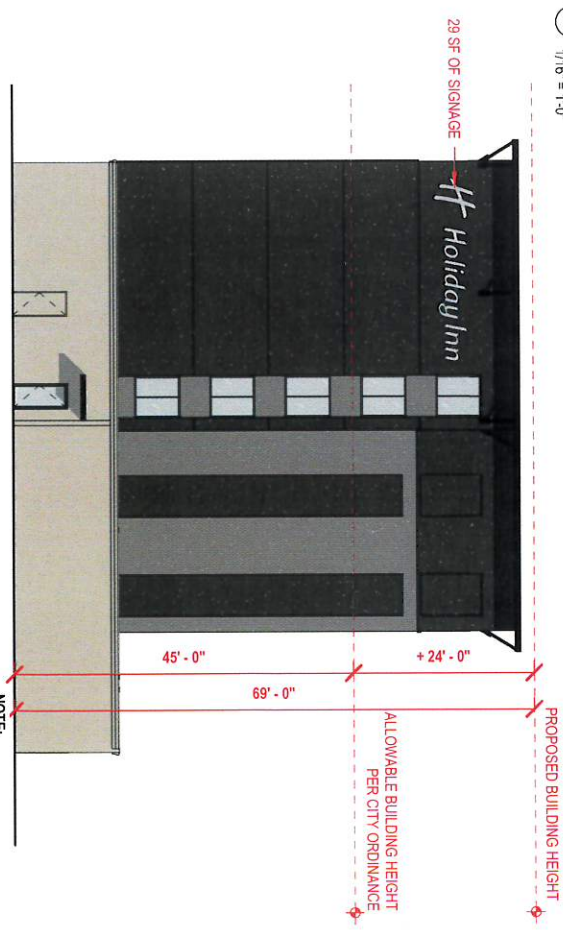
N.O.	DESCRIPTION	DATE
------	-------------	------

Z202

EXTERIOR
ELEVATIONS



② SOUTH ELEVATION
1/16" = 1'-0"



① NORTH ELEVATION
1/16" = 1'-0"

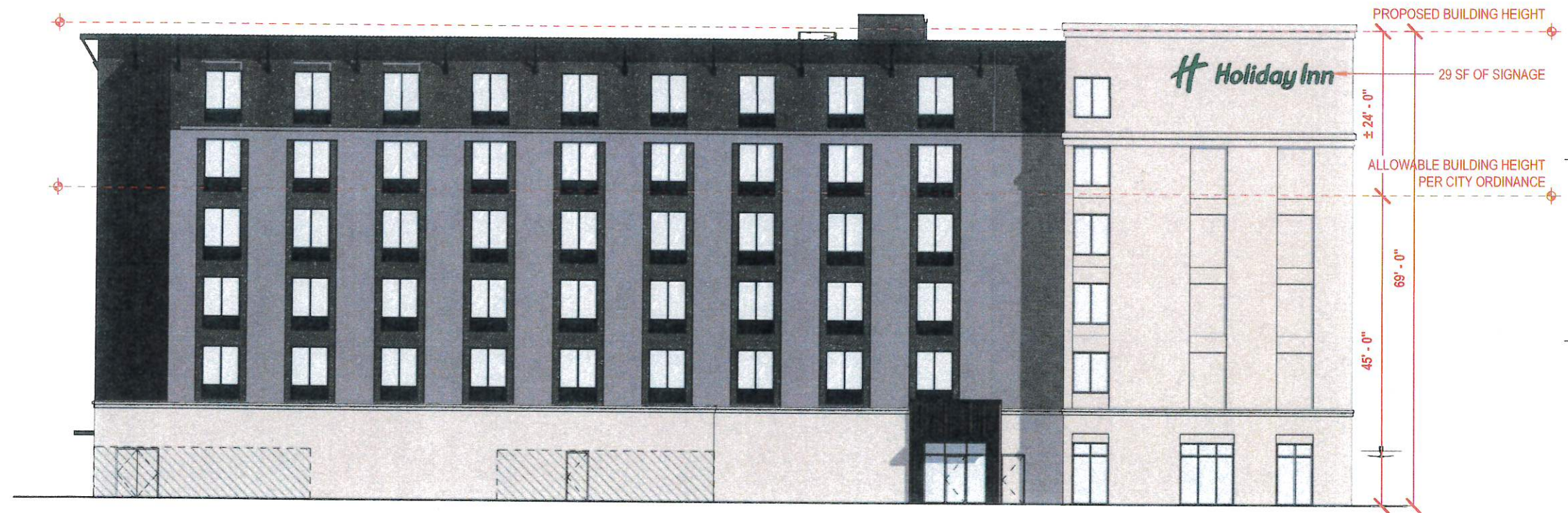
NOTE:
PROPOSED BUILDING HEIGHT IS THE
AVERAGE HEIGHT BETWEEN FLAT ROOFS

EXTERIOR RENDERING





② EAST ELEVATION
1/16" = 1'-0"



① WEST ELEVATION
1/16" = 1'-0"

NOTE:
PROPOSED BUILDING HEIGHT IS THE
AVERAGE HEIGHT BETWEEN FLAT ROOFS



HOLIDAY INN BEACH DRIVE - GULFPORT

COAST HOST, LLC
2400 BEACH DR.
GULFPORT, MS 39507

ELEVATIONS BUILDING HEIGHT

11.22.24

ZONING VARIANCE

WBA # 23-036

REVISIONS

NO.	DESCRIPTION	DATE

Z201

EXTERIOR
ELEVATIONS



HOLIDAY
INN BEACH
DRIVE -
GULFPORT

COAST HOST, LLC
2400 BEACH DR.
GULFPORT, MS 39507

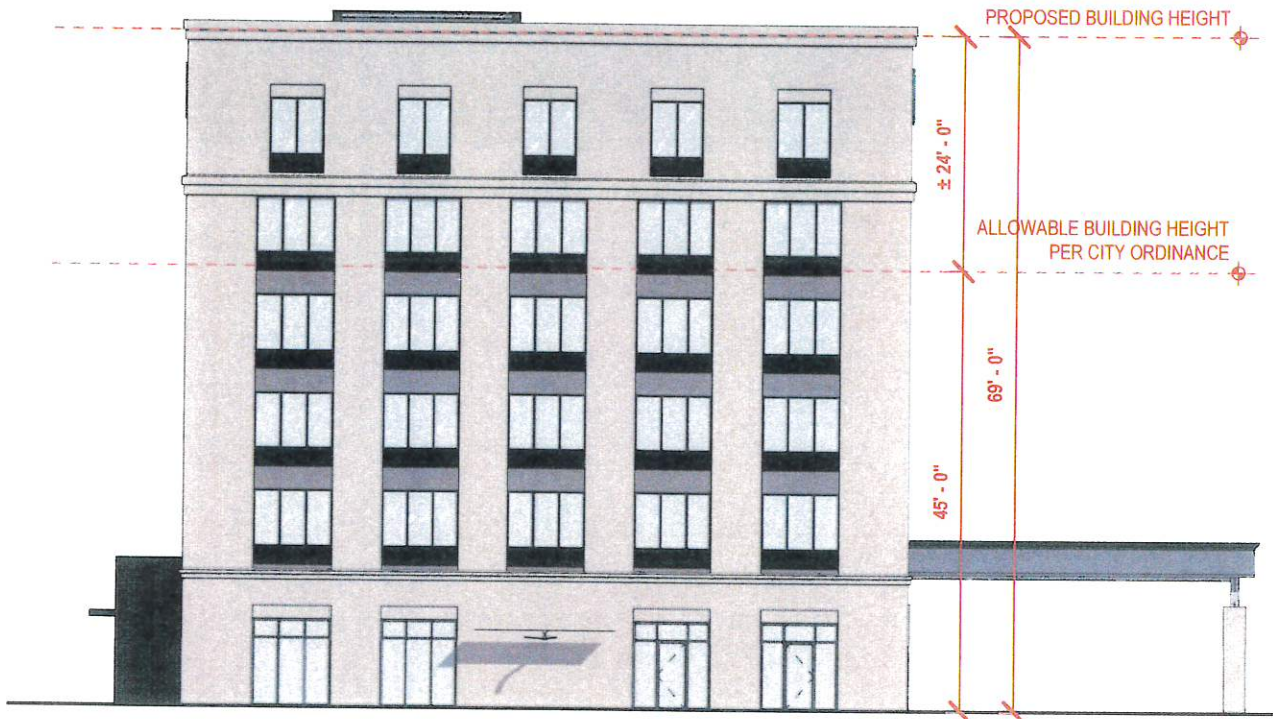
ELEVATIONS
BUILDING
HEIGHT

11.22.24

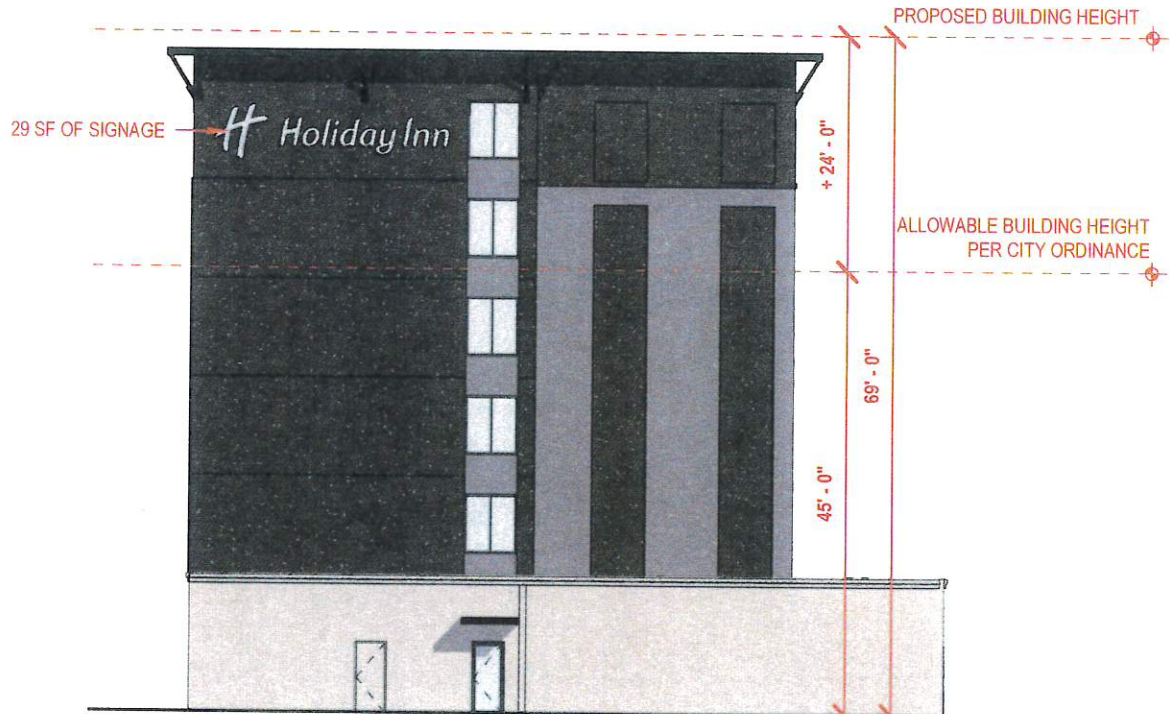
ZONING VARIANCE
WBA # 23-036

REVISIONS		
NO.	DESCRIPTION	DATE

Z202
EXTERIOR
ELEVATIONS



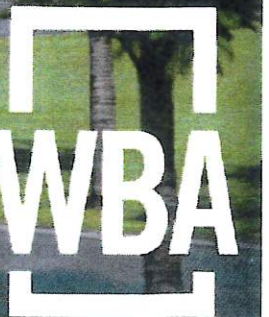
② SOUTH ELEVATION
1/16" = 1'-0"



① NORTH ELEVATION
1/16" = 1'-0"

NOTE:
PROPOSED BUILDING HEIGHT IS THE
AVERAGE HEIGHT BETWEEN FLAT ROOFS

EXTERIOR RENDERING





Michael Watson

SECRETARY OF STATE

This is not an official certificate of good standing.

Name History

Name

R. SALLOUM INVESTMENTS, INC.

Name Type

Legal

Business Information

Business Type:	Profit Corporation
Business ID:	596298
Status:	Good Standing
Effective Date:	04/02/1993
State of Incorporation:	Mississippi
Principal Office Address:	10071 Lorraine Road GULFPORT, MS 39503

Registered Agent

Name

RICHARD P SALLOUM
2605 FOURTEENTH ST
GULFPORT, MS 39502

Officers & Directors

Name

Richard P Salloum
2605 Fourteenth St
Gulfport, MS 39502

Title

Incorporator

Richard P Salloum
PO Drawer 460
Gulfport, MS 39502

Director, President



SCANNED



[Signature] 1st Judicial District
Instrument 2021 7970 D - J1
Filed/Recorded 6/9/2021 02:58 P
Total Fees \$ 26.00
6 Pages Recorded



[Signature] 1st Judicial District
Instrument 2021 7684 D - J1
Filed/Recorded 6/4/2021 02:46 P
Total Fees \$ 26.00
6 Pages Recorded

Prepared by:

Name: Lyndon E. Carter
Address: 1000 Darden Center Drive
Address: Orlando, FL
Telephone: 407-245-4403

Return To:

Name: R. Salloum Investments, Inc.
Address: 10071 Lorraine Road
Address: Gulfport, MS 39503
Telephone: 228-324-7292

Indexing Instructions: The property described herein is located in the SE ¼ of Section 32,
Township 7 South, Range 10 West, First Judicial District of Harrison County, Mississippi

**STATE OF MISSISSIPPI
COUNTY OF HARRISON**

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 which are
hereby acknowledged,

GMRI, Inc., a Florida Corporation
Formerly known as General Mills Restaurants, Inc.
1000 Darden Center Drive
Orlando, FL 32837
Phone: 407-245-4033

does hereby grant, bargain, sell, convey and specially warrant unto R. Salloum Investments, Inc.,
a Mississippi corporation, Attention: Richard Salloum, 10071 Lorraine Road, Gulfport, MS
39503, (228) 324-7292, as to an undivided fifty (50.00%) percent interest, and J. Salloum
Properties, Inc., a Mississippi corporation, Attention: Joe Salloum, P.O. Box 1176, Gulfport, MS
39502, Telephone (228) 861-7071, as to an undivided fifty (50.00%) percent interest, as tenants-in-
common.

2

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

SEE EXHIBIT A ATTACHED HERETO

The Property is conveyed subject to, and there is excepted from the special warranty of this conveyance, those certain matters set forth on **EXHIBIT B ATTACHED HERETO**.

This conveyance and the warranty hereof is also subject to the Prohibited Uses as set forth on **EXHIBIT C ATTACHED HERETO** for a period of five (5) years from the date hereof.

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 agrees 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 THE SIGNATURE of the Grantor on this, the 21st day of May A.D., 2021.

[Signature Page Follows]

GRANTOR:

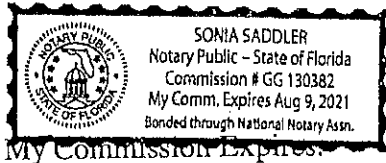
GMRI, INC.,
a Florida corporation

LC
5/21/21 By: Laureen Sustachek
Name: Laureen Sustachek
Title: VP, Facilities & Asset Management

STATE OF FLORIDA

COUNTY OF ORANGE

Personally appeared before me, the undersigned authority in and for the said county and state, on this 21st day of May, 2021, within my jurisdiction, the within named Laureen Sustachek, who is personally known to me to be the person whose name is subscribed in the above and foregoing instrument and acknowledged that she executed the same in her representative capacity, and that by her signature on the instrument, and as the act and deed of the person or entity upon behalf of which she/ acted, executed the above and foregoing instrument, after first having been duly authorized so to do.



Sonia Saddler
(NOTARY PUBLIC)

[AFFIX NOTARIAL SEAL]

EXHIBIT A

LEGAL DESCRIPTION

A parcel of land situated and being located in the Southeast 1/4 of Section 32, Township 7 South, Range 10 West, City of Gulfport, First Judicial District of Harrison County, Mississippi, and being more particularly described as: Commencing at the northeast corner of the said Southeast 1/4 of Section 32; thence run North 89 degrees 28 minutes West 295.9 feet along the north line of the said Southeast 1/4 to the northwest corner of the property formerly of Myers and the northeast corner of the property now or formerly of Colonial Cottages, Inc.; thence run South along the west line formerly of Myers a distance of 791.5 feet to the southwest corner of Brittany Apartments Inc. and the northwest corner of Kolmon Berger (Deed Book 983, page 261) for the Point of Beginning of the parcel herein described; thence run from said Point of Beginning, South 465.5 feet along the east line of Sea & Oaks Condominiums (Plat Book 33, page 16) and the west line of Berger to the northerly margin of the Old Spanish Trail or Service Drive; thence run North 76 degrees 18 minutes East 267.0 feet along the northerly margin of the Old Spanish Trail or Service Drive to the west margin of DeBuys Road; thence run North 00 degrees 05 minutes West 400.0 feet along the west margin of DeBuys Road to the southeast corner of Brittany Apartments Inc. and the northeast corner of Berger; thence run North 89 degrees 30 minutes West 257.4 feet, more or less, along the south line of Brittany Apartments Inc. and the north line of Berger to the Point of Beginning.

6

EXHIBIT B

Permitted Exceptions

1. Taxes for the year 2021 and subsequent years, not yet due and payable.
2. Minerals of whatsoever kind, subsurface and surface substances, including but not limited to coal, lignite, oil, gas, uranium, clay, rock, sand and gravel in, on, under and that may be produced from the Land, together with all rights, privileges, and immunities relating thereto, whether or not appearing in the public records.
3. Roadway Easement in favor of Harrison County, Mississippi dated August 23, 1988, and recorded in Book 1112 at Pages 611-612 in the office of the Chancery Clerk of the First Judicial District of Harrison County, Mississippi.

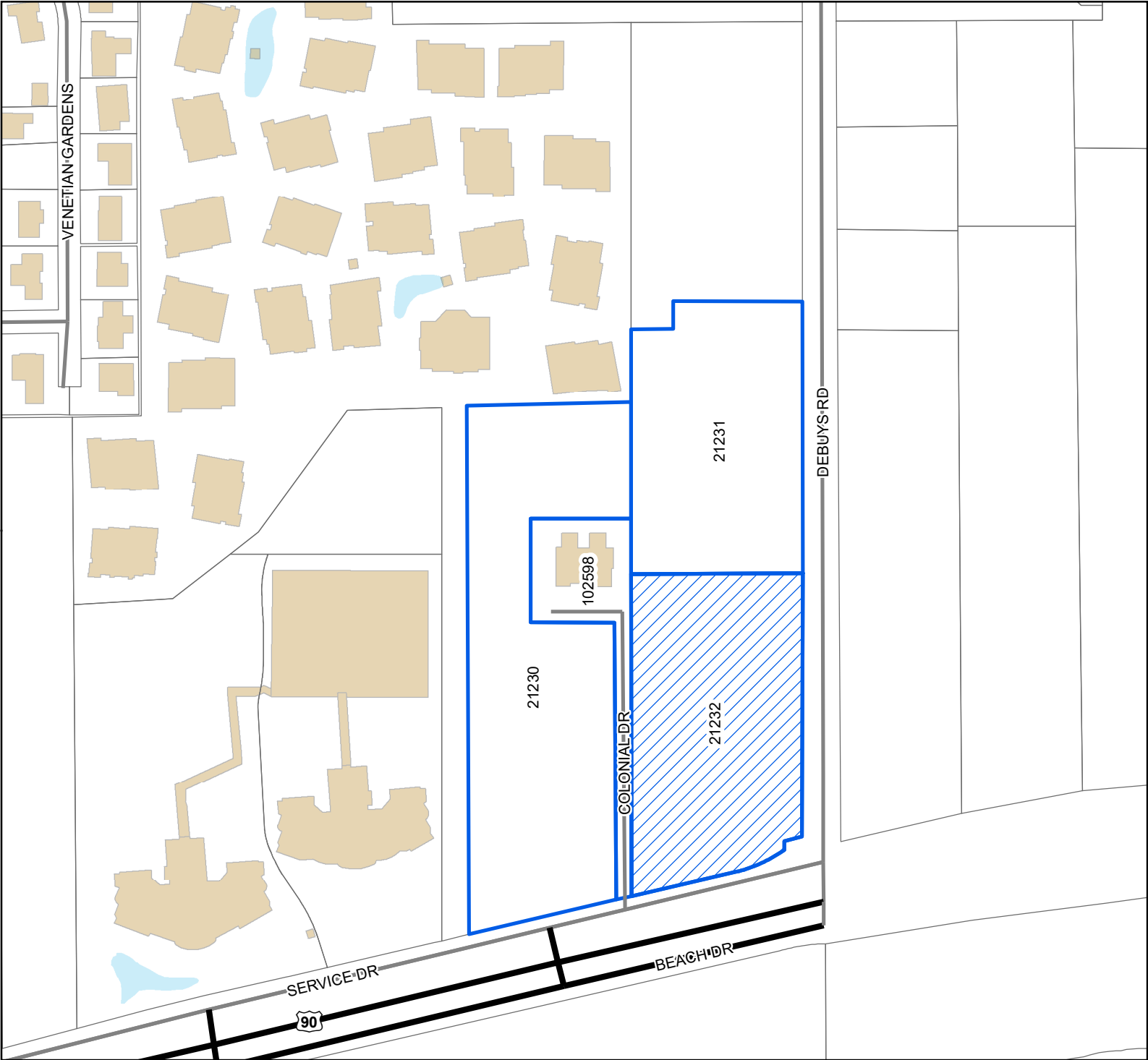
6

EXHIBIT C

PROHIBITED USES

1. The property described on Exhibit A shall not be used for the operation of a restaurant having more than ten (10) co-branded locations in operation within a three hundred (300) mile radius of the Property and with a menu featuring Italian-themed food items, such as, for example purposes only (and not as a limitation), BRIO Tuscan Grille, Buca di Beppo, Carrabba's, Johnny Carina's, Maggiano's Little Italy, Romano's Macaroni Grille, or Vinnie Testa's. The term "featuring" as used in the foregoing sentence shall mean that Italian-themed food items constitute (or will constitute) twenty-five percent (25%) or more of the total number of appetizers or entrees listed on the menu (including any limited time offers and/or so called "specials") at the subject restaurant.
2. The property described on Exhibit A shall not be used for the operation of a restaurant having more than ten (10) co-branded locations in operation within a three hundred (300) mile radius of the Property and with a menu featuring steaks, such as, for example purposes only (and not as a limitation), chop House, Golden Corral, Logan's Roadhouse, Lone Star Steakhouse, Original Roadhouse, Outback, Ryan's, Sagebrush, Saltgrass Steakhouse, Ted's Montana Grill, Texas Land & Cattle, Texas Roadhouse, Trail Dust, or Tumbleweed. The term "featuring" as used in the foregoing sentence shall mean that steaks constitute (or will constitute) twenty-five percent (25%) or more of the total number of appetizers or entrees listed on the menu (including any limited time offers and/or so called "specials") at the subject restaurant.

Mail	PPIN	Parcel ID	Name	Address	City	State	ZIP
Y		1010P-01-003.000	R SALLOUM PROPERTIES INC (OWNER)	10071 LORRAINE ROAD	GULFPORT	MS	39503
			J SALLOUM PROPERTIES INC (OWNER)	P.O. BOX 1176	GULFPORT	MS	39502
			RICHARD SALLOUM (OWNER)	P.O. DRAWER 460	GULFPORT	MS	39502
			Adjacent Property Owners (2412ZB197)				
N	21230	1010P-01-004.000	J & R PROPERTIES & SALLOUM PROPERTI	P O BOX 1176	GULFPORT	MS	39502
N	21231	1010P-01-002.000	J SALLOUM PROPERTIES INC -ETAL-	10071 LORRAINE RD	GULFPORT	MS	39503
N	21232	1010P-01-003.000	R SALLOUM INVESTMENTS INC -ETAL-	ATTN: RICHARD SALLOUM	GULFPORT	MS	39503
	102598	1010P-01-004.001	A & H CORP	1714 PASS RD	BILOXI	MS	39531



Legend

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

0 30 60 90
Yards

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	615422	Print Legal Ad-IPL02060860 - IPL0206086		\$89.80	2	41 L

Attention: Matilda Welch

GULFPORT URBAN DEVELOPMENT
PO BOX 1780
GULFPORT, MS 39502

accountspayable@gulfport-ms.gov

LEGAL NOTICE

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, December 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 2412ZB187, by agent John Mozingo III, seeking approval for 7 regular parking spaces where 17 spaces are required, Tax Parcel 0910I-03-001.000, 549 E Pass Road, Zoned T4+ (General Urban Zone "Plus"), Ward 2

Variance 2412ZB188, by agent John Mozingo III, seeking approval for parking that backs out into city right of way, Tax Parcel 0910I-03-001.000, 549 E. Pass Road, Zoned T4+ (General Urban Zone "Plus"), Ward 2

Variance 2412ZB190, by owners John and Judy Cotten, seeking approval for a zero-foot setback where 25 feet is required for a second frontage, Tax Parcel 0811H-04-020.000, 1340 2nd Street, Zoned R-1-7.5 (Single-Family), Ward 2

Variance 2412ZB191, by owners David Snyder Jr and Candace Snyder, seeking approval for an 8-foot tall fence where six feet is the height limit, Tax Parcel 1010J-2-006.000, 2315 Demaret Drive, Zoned R-1-7.5 (Single-Family), Ward 2

Variance 2412ZB192, by agent Heinrich & Associates, seeking approval for parking that backs out into city right of way, Tax Parcel 1009M-03-010.012, Old Lorraine Road, Zoned B-1 (Neighborhood Business), Ward 5

Variance 2412ZB194, by agent Robert K Riemann, seeking approval for lime-stone parking surface material where asphalt or concrete is required, Tax Parcel 0707H-01-002.000, 14220 Hwy 49, Zoned I-2 (Heavy Industry), Ward 7

Variance 2412ZB197, by owner R. Solloum Investments Inc., seeking approval for building height of 69 feet where 45 feet is the height limit, Tax Parcel 1010P-01-003.000, 2400 Beach Drive, Zoned R-B (Residence Business), Ward 2

Variance 2412ZB198, by owner R. Solloum Investments Inc., seeking approval for 142 regular parking spaces where 205 spaces are required, Tax Parcel 1010P-01-003.000, 2400 Beach Drive, Zoned R-B (Residence Business), Ward 2

Variance 2412ZB199, by owner R. Solloum Investments Inc., seeking approval for one additional wall sign where two wall signs are allowed, Tax Parcel 1010P-01-003.000, 2400 Beach Drive, Zoned R-B (Residence Business), Ward 2

This the 26th day of November 2024

A. Leslie North, Chairman
City of Gulfport Zoning Board of Adjustment and Appeals
IPL0206086
Dec 4 2024

PUBLIC HEARING

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:

12/04/24

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.

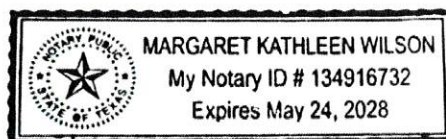
Mary Castro

Sworn to and subscribed before me this 5th day of
December in the year of 2024

Margaret K. Wilson

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

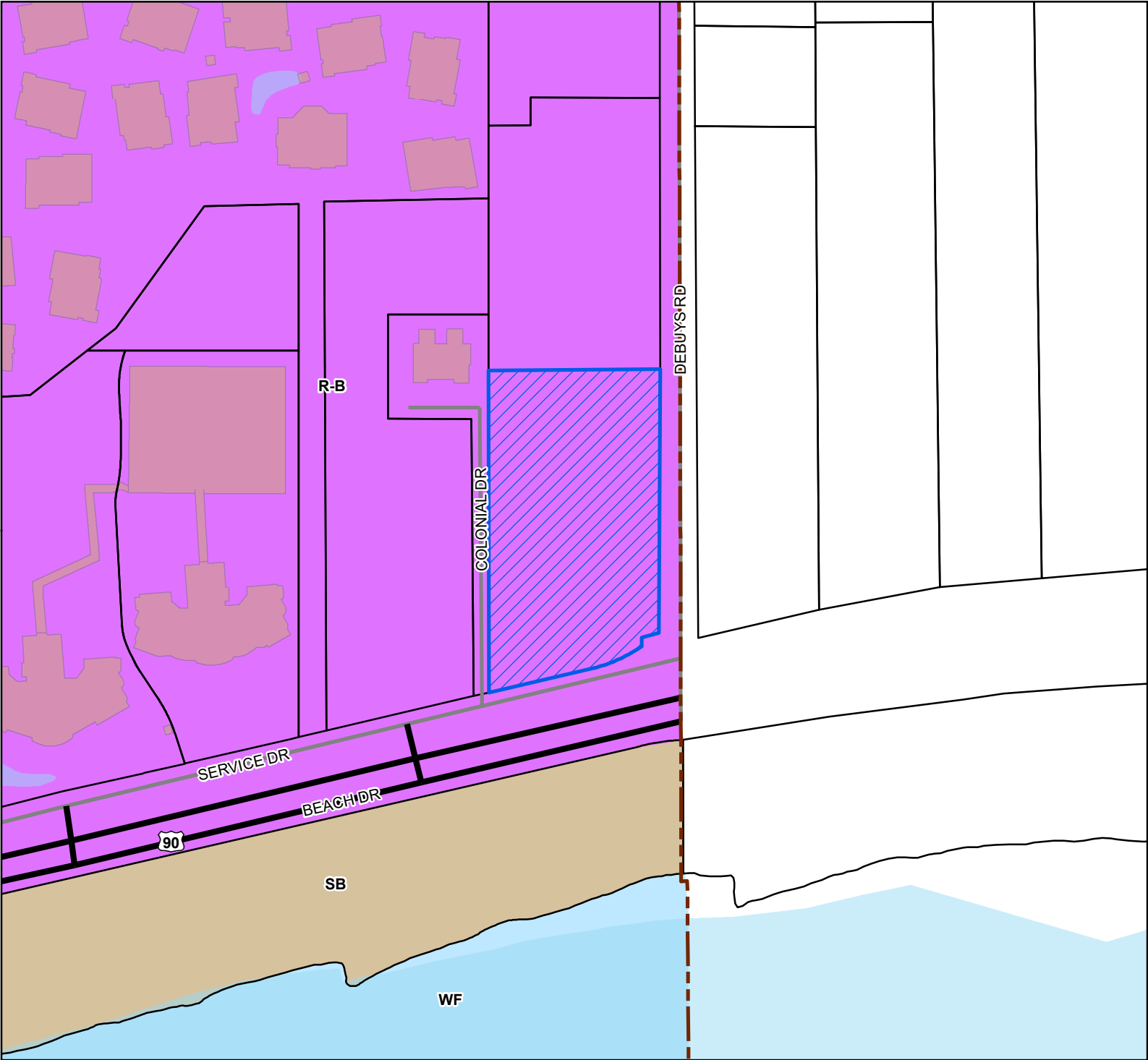
PO BOX 1780 | GULFPORT, MS | 1410 24TH AVENUE

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

ZONING BOARD OF ADJUSTMENT AND APPEALS CASE # 2025-223

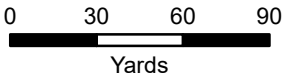
Hearing Date: Thursday, December 19, 2024

Variance 2412ZB198;(Deferred to February Agenda by applicant) Variance 2412ZB198, by owner R. Solloum Investments Inc., seeking approval for 142 regular parking spaces where 205 spaces are required, Tax Parcel 1010P-01-003.000, 2400 Beach Drive, Zoned R-B (Residence Business), Ward 2



- Site
- US or State Highway
- Street
- Parcels
- Buildings
- Water Features
- City Limit
- Zoning**
 - R-B - Residence-Business District
 - SB - Sand Beach
 - WF - Water Front

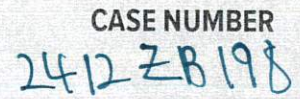
Site Information
1010P-01-003.000
Zoning: R-B (Residence-Business)
Size: 2.5 acres
Flood: X, AE



1 inch = 200 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:

☒ **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**

RSALLOW INVESTMENTS INC
+
J Sallow Properties Inc
F/B/O
OWNER:
Coast Host, LLC

Printed Name of Owner
10071 Lorraine Road

Mailing Address
Gulfport MS 39503

City State Zip Code
601-613-1188

Home Phone Work/Cell Phone
rps@frslaw.com

Email

Signature of Owner

AGENT:

Printed Name of Agent

Mailing Address
Gulfport MS 39502

City State Zip Code
228-896-5421

Home Phone Work/Cell Phone
228-896-5421 228-324-7292

Email
RPS@FRSLAW.COM

Signature of Agent

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

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

Name of Owner (PRINT) RSALLOW INVESTMENTS INC
Address (Street, City, State, Zip Code) P.O. Box 460 Gulfport, MS 39502
Phone (Home) 228-896-5421 (Work) 228-848-7076 (Cell) 228-324-7292
Tax Parcel Number(s) Owned: 1010 P-01-003-000
Signature: [Signature]

Name of Owner (PRINT) J. SALLOW PROPERTIES, INC
Address (Street, City, State, Zip Code) P.O. Box 1176, GULFPORT, MS 39502
Phone (Home) 228-861-7071 (Work) 228-861-7071 (Cell) 228-861-7071
Tax Parcel Number(s) Owned: 1010 P-01-003-000
Signature: [Signature]

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



COVENANT AFFIDAVIT

I, Richard S. Salomon Jr. Salomon being property owner or agent of the property 2400 Beach Drive Gulfport, MS 39507
PRINT NAME PRIMARY ADDRESS OR PARCEL

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

[Signature]
SIGNATURE

Nov. 22, 2024
DATE

STATE OF MISSISSIPPI | COUNTY OF HARRISON

Given under my hand and seal of office this the 22 day of November, 20 24

Melissa Cravero
NOTARY PUBLIC



VARIANCE SUBMISSIONS

 X **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.



November 19, 2024

Zoning Board of Adjustments
Urban Development - Planning Division | Gulfport MS
1410 24th Avenue
Gulfport, MS 39501

Project Name: Holiday Inn Gulfport
Project Number: 23-036
RE: Variance request for required off-street parking

To whom it may concern:

The property in question is being considered for re-development by the property Owner for a full-service hotel (110 beds - Holiday Inn brand). The proposed structure will be closely modeled after the Holiday Inn brand prototypical design.

On behalf of the Owner, we hereby request a variance to the required number of off-street parking spaces provided by this Project.

(165 spaces for hotel Rooms, 40 spaces for restaurant)

The number of off-street parking spaces required by the Ordinance calculations is 205 (1.5 spaces per guest room). Based on the Owner's experience with managing/operating this type/size of building, this greatly exceeds what is typically needed for this size/type of facility.

The Owner is proposing to provide a total of 142 off-street parking spaces. This will provide 1 space per each hotel guest room plus an additional 32 spaces for other "customer service" areas included in the design. This exceeds the Holiday Inn brand standards and, in the Owner's experience, this is adequate for parking for this proposed facility.

The property does not allow for the number of off-street spaces required by the Ordinance for this development. The size of the property is a contributing factor.

The proposed use (hotel) is common for many properties along E. Beach Drive. If a literal interpretation of the off-street parking provisions of the zoning ordinance is made for this property, it will be impossible for this intended use (hotel) to meet this requirement. As a result, it will prevent the Owner from developing the site for this use and will deprive the Owner from developing this property for this purpose within this district.

The granting of this variance will not confer on the applicant any special privileges. This variance will allow the applicant to use the property in a manner as nearly equivalent to uses generally permitted in the district considering the circumstances involved.

The proposed use of the property is permissible by right, with planning approval.

Sincerely:

M. Wade Thompson, AIA NCARB
Partner

Encl: zoning application
Cc: file 23-036

[illegible]

SITE DATA	
TAX PARCEL ID NUMBER	1010P-01-003,000
ZONING	R-1B
FLOOD ZONE	ZONE X-SHADED, ZONE AE (EL. 19) & ZONE AE (EL. 19)
TOTAL AREA	22.53 AC.
TOTAL BUILDING FOOTPRINT	7,14,180 SF.
PARKING REQUIRED ROOMS	1 GUEST ROOMS AT 1.5
PARKING REQUIRED SERVICE SPACES PER ROOM	2,000 SF OF CUSTOMER SERVICE AT 1 SPACE PER 50
TOTAL PARKING REQUIRED	206
ADA PARKING PROVIDED	3
NON ADA PARKING PROVIDED	137
TOTAL PARKING PROVIDED	142

```

CAD      NLG
ENG      DBA
DATE     11/21/24
SCALE    1"=50'
BMA#     3866
FILE     3866 Plamet.dwg

```

REV _____
DATE _____
BY _____



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

131 Rue Mogroka
Biloxi, MS 39530
(228)436-7612

2021 Market Street
Pensacola, MS 39564
(228)864-7612

EXTERIOR RENDERING





SCANNED



J. Salloum 1st Judicial District
Instrument 2021 7970 D - J1
Filed/Recorded 6/ 9/2021 02:58 P
Total Fees \$ 26.00
6 Pages Recorded



J. Salloum 1st Judicial District
Instrument 2021 7684 D - J1
Filed/Recorded 6/ 4/2021 02:46 P
Total Fees \$ 26.00
6 Pages Recorded

<u>Prepared by:</u>	<u>Return To:</u>
Name: Lyndon E. Carter	Name: R. Salloum Investments, Inc.
Address: 1000 Darden Center Drive	Address: 10071 Lorraine Road
Address: Orlando, FL	Address: Gulfport, MS 39503
Telephone: 407-245-4403	Telephone: 228-324-7292

Indexing Instructions: The property described herein is located in the SE ¼ of Section 32, Township 7 South, Range 10 West, First Judicial District of Harrison County, Mississippi

**STATE OF MISSISSIPPI
COUNTY OF HARRISON**

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 which are hereby acknowledged,

GMRI, Inc., a Florida Corporation
Formerly known as General Mills Restaurants, Inc.
1000 Darden Center Drive
Orlando, FL 32837
Phone: 407-245-4033

does hereby grant, bargain, sell, convey and specially warrant unto R. Salloum Investments, Inc., a Mississippi corporation, Attention: Richard Salloum, 10071 Lorraine Road, Gulfport, MS 39503, (228) 324-7292, as to an undivided fifty (50.00%) percent interest, and J. Salloum Properties, Inc., a Mississippi corporation, Attention: Joe Salloum, P.O. Box 1176, Gulfport, MS 39502, Telephone (228) 861-7071, as to an undivided fifty (50.00%) percent interest, as tenants-in-common.

2

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

SEE EXHIBIT A ATTACHED HERETO

The Property is conveyed subject to, and there is excepted from the special warranty of this conveyance, those certain matters set forth on **EXHIBIT B ATTACHED HERETO**.

This conveyance and the warranty hereof is also subject to the Prohibited Uses as set forth on **EXHIBIT C ATTACHED HERETO** for a period of five (5) years from the date hereof.

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 agrees 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 THE SIGNATURE of the Grantor on this, the 21st day of May A.D., 2021.

[Signature Page Follows]

GRANTOR:

GMRI, INC.,
a Florida corporation

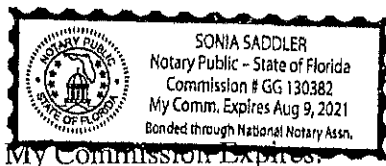
LC
5/21/21

By: [Signature]
Name: Laureen Sustachek
Title: VP, Facilities & Asset Management

STATE OF FLORIDA

COUNTY OF ORANGE

Personally appeared before me, the undersigned authority in and for the said county and state, on this 21st day of May, 2021, within my jurisdiction, the within named Laureen Sustachek, who is personally known to me to be the person whose name is subscribed in the above and foregoing instrument and acknowledged that she executed the same in her representative capacity, and that by her signature on the instrument, and as the act and deed of the person or entity upon behalf of which she/ acted, executed the above and foregoing instrument, after first having been duly authorized so to do.



[Signature]
(NOTARY PUBLIC)

[AFFIX NOTARIAL SEAL]

EXHIBIT A

LEGAL DESCRIPTION

A parcel of land situated and being located in the Southeast 1/4 of Section 32, Township 7 South, Range 10 West, City of Gulfport, First Judicial District of Harrison County, Mississippi, and being more particularly described as: Commencing at the northeast corner of the said Southeast 1/4 of Section 32; thence run North 89 degrees 28 minutes West 295.9 feet along the north line of the said Southeast 1/4 to the northwest corner of the property formerly of Myers and the northeast corner of the property now or formerly of Colonial Cottages, Inc.; thence run South along the west line formerly of Myers a distance of 791.5 feet to the southwest corner of Brittany Apartments Inc. and the northwest corner of Kolmon Berger (Deed Book 983, page 261) for the Point of Beginning of the parcel herein described; thence run from said Point of Beginning, South 465.5 feet along the east line of Sea & Oaks Condominiums (Plat Book 33, page 16) and the west line of Berger to the northerly margin of the Old Spanish Trail or Service Drive; thence run North 76 degrees 18 minutes East 267.0 feet along the northerly margin of the Old Spanish Trail or Service Drive to the west margin of DeBuys Road; thence run North 00 degrees 05 minutes West 400.0 feet along the west margin of DeBuys Road to the southeast corner of Brittany Apartments Inc. and the northeast corner of Berger; thence run North 89 degrees 30 minutes West 257.4 feet, more or less, along the south line of Brittany Apartments Inc. and the north line of Berger to the Point of Beginning.

5

EXHIBIT B

Permitted Exceptions

1. Taxes for the year 2021 and subsequent years, not yet due and payable.
2. Minerals of whatsoever kind, subsurface and surface substances, including but not limited to coal, lignite, oil, gas, uranium, clay, rock, sand and gravel in, on, under and that may be produced from the Land, together with all rights, privileges, and immunities relating thereto, whether or not appearing in the public records.
3. Roadway Easement in favor of Harrison County, Mississippi dated August 23, 1988, and recorded in Book 1112 at Pages 611-612 in the office of the Chancery Clerk of the First Judicial District of Harrison County, Mississippi.

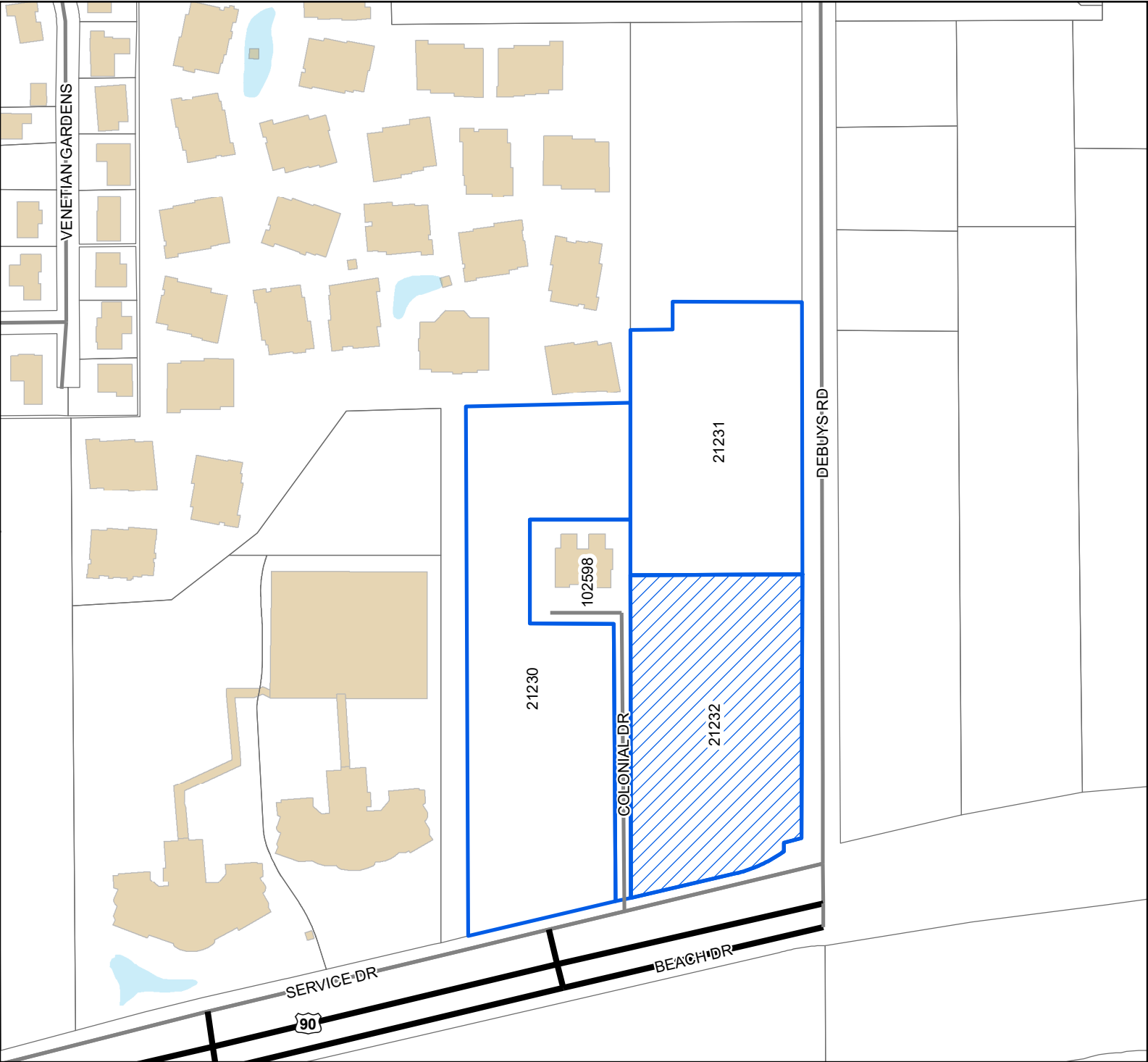
6.

EXHIBIT C

PROHIBITED USES

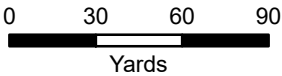
1. The property described on Exhibit A shall not be used for the operation of a restaurant having more than ten (10) co-branded locations in operation within a three hundred (300) mile radius of the Property and with a menu featuring Italian-themed food items, such as, for example purposes only (and not as a limitation), BRIO Tuscan Grille, Buca di Beppo, Carrabba's, Johnny Carina's, Maggiano's Little Italy, Romano's Macaroni Grille, or Vinnie Testa's. The term "featuring" as used in the foregoing sentence shall mean that Italian-themed food items constitute (or will constitute) twenty-five percent (25%) or more of the total number of appetizers or entrees listed on the menu (including any limited time offers and/or so called "specials") at the subject restaurant.
2. The property described on Exhibit A shall not be used for the operation of a restaurant having more than ten (10) co-branded locations in operation within a three hundred (300) mile radius of the Property and with a menu featuring steaks, such as, for example purposes only (and not as a limitation), chop House, Golden Corral, Logan's Roadhouse, Lone Star Steakhouse, Original Roadhouse, Outback, Ryan's, Sagebrush, Saltgrass Steakhouse, Ted's Montana Grill, Texas Land & Cattle, Texas Roadhouse, Trail Dust, or Tumbleweed. The term "featuring" as used in the foregoing sentence shall mean that steaks constitute (or will constitute) twenty-five percent (25%) or more of the total number of appetizers or entrees listed on the menu (including any limited time offers and/or so called "specials") at the subject restaurant.

Mail	PPIN	Parcel ID	Name	Address	City	State	ZIP
Y		1010P-01-003.000	R SALLOUM PROPERTIES INC (OWNER)	10071 LORRAINE ROAD	GULFPORT	MS	39503
			J SALLOUM PROPERTIES INC (OWNER)	P.O. BOX 1176	GULFPORT	MS	39502
			RICHARD SALLOUM (OWNER)	P.O. DRAWER 460	GULFPORT	MS	39502
			Adjacent Property Owners (2412ZB198)				
N	21230	1010P-01-004.000	J & R PROPERTIES & SALLOUM PROPERTI	P O BOX 1176	GULFPORT	MS	39502
N	21231	1010P-01-002.000	J SALLOUM PROPERTIES INC -ETAL-	10071 LORRAINE RD	GULFPORT	MS	39503
N	21232	1010P-01-003.000	R SALLOUM INVESTMENTS INC -ETAL-	ATTN: RICHARD SALLOUM	GULFPORT	MS	39503
	102598	1010P-01-004.001	A & H CORP	1714 PASS RD	BILOXI	MS	39531



Legend

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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	615422	Print Legal Ad-IPL02060860 - IPL0206086		\$89.80	2	41 L

Attention: Matilda Welch

GULFPORT URBAN DEVELOPMENT
PO BOX 1780
GULFPORT, MS 39502

accountspayable@gulfport-ms.gov

LEGAL NOTICE

In conformance with Section VIII of the Comprehensive Zoning Ordinance of the City of Gulfport, Mississippi, 1979, as amended, notice is hereby given advising that the Zoning Board of Adjustment and Appeals will hold a public hearing in the City of Gulfport, Mississippi at 3:00 PM., Thursday, December 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 2412ZB187, by agent John Mozingo III, seeking approval for 7 regular parking spaces where 17 spaces are required, Tax Parcel 0910I-03-001.000, 549 E Pass Road, Zoned T4+ (General Urban Zone "Plus"), Ward 2

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This the 26th day of November 2024

A. Leslie North, Chairman
City of Gulfport Zoning Board of Adjustment and Appeals
IPL0206086
Dec 4 2024

PUBLIC HEARING

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:

12/04/24

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.

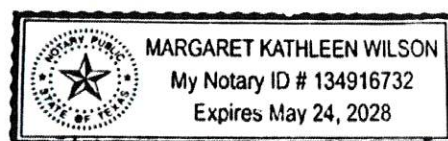
Mary Castro

Sworn to and subscribed before me this 5th day of December in the year of 2024

Margaret K. Wilson

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

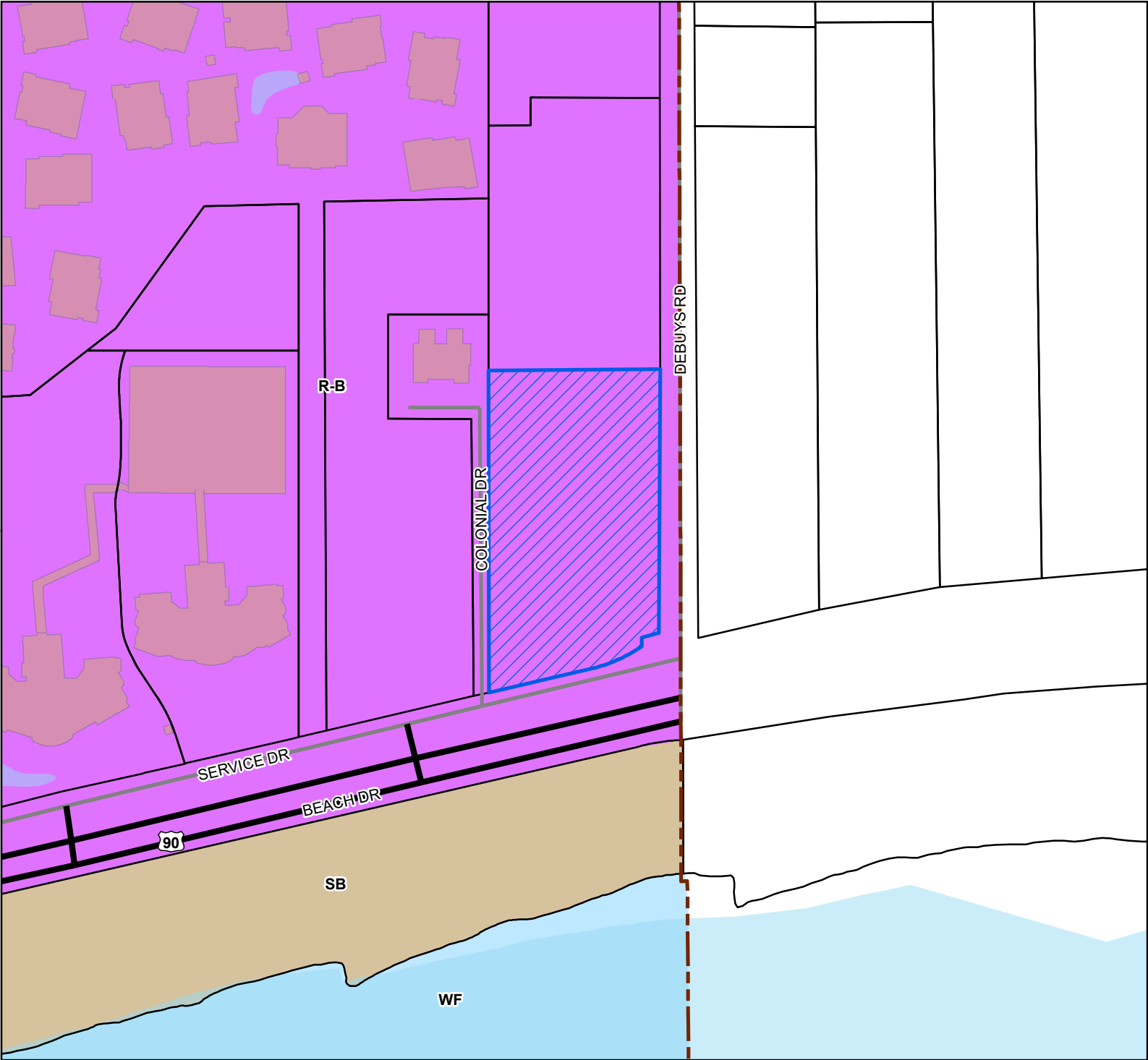
PO BOX 1780 | GULFPORT, MS | 1410 24TH AVENUE

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

ZONING BOARD OF ADJUSTMENT AND APPEALS CASE # 2025-224

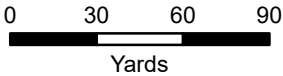
Hearing Date: Thursday, December 19, 2024

Variance 2412ZB199:(Deferred to February Agenda by applicant) Variance 2412ZB199, by owner R. Solloum Investments Inc., seeking approval for one additional wall sign where two wall signs are allowed, Tax Parcel 1010P-01-003.000, 2400 Beach Drive, Zoned R-B (Residence Business), Ward 2



- Site
- US or State Highway
- Street
- Parcels
- Buildings
- Water Features
- City Limit
- Zoning**
 - R-B - Residence-Business District
 - SB - Sand Beach
 - WF - Water Front

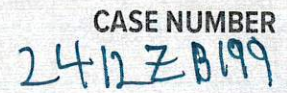
Site Information
1010P-01-003.000
Zoning: R-B (Residence-Business)
Size: 2.5 acres
Flood: X, AE



1 inch = 200 feet



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



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:

JS PS
X AS PS
Page one of this application, completed and signed.

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

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

X AS PS
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**.

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

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

X AS PS
I the owner/agent acknowledge this is a complete application

R Sallow Investments Inc
OWNER: *J Sallow Properties Inc*
Coast Host, LLC *#310*

Printed Name of Owner
10071 Lorraine Road
Mailing Address
Gulfport MS 39503
City State Zip Code
601-613-1188

Home Phone Work/Cell Phone
rps@frslaw.com

Email

Signature of Owner

AGENT:

Printed Name of Agent

Mailing Address

City State Zip Code

Home Phone Work/Cell Phone

Email

Signature of Agent

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

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

Name of Owner (PRINT)

Address (Street, City, State, Zip Code)

Phone (Home) (Work) (Cell)

Tax Parcel Number(s) Owned:

Signature:

Name of Owner (PRINT)

Address (Street, City, State, Zip Code)

Phone (Home) (Work) (Cell)

Tax Parcel Number(s) Owned:

Signature:

Name of Owner (PRINT)

Address (Street, City, State, Zip Code)

Phone (Home) (Work) (Cell)

Tax Parcel Number(s) Owned:

Signature:



COVENANT AFFIDAVIT

I, Grand Spilkin & Sons LLC being property owner or agent of the property 2400 Beach Drive Gulfport, MS 39507
PRINT NAME PRIMARY ADDRESS OR PARCEL

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

[Signature] Nov. 22, 2024
SIGNATURE DATE

STATE OF MISSISSIPPI | COUNTY OF HARRISON

Given under my hand and seal of office this the 22 day of November, 20 24

Melissa Cravero
NOTARY PUBLIC



VARIANCE SUBMISSIONS

 X

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.



November 19, 2024

Zoning Board of Adjustments
Urban Development - Planning Division | Gulfport MS
1410 24th Avenue
Gulfport, MS 39501

Project Name: Holiday Inn Gulfport
Project Number: 23-036
RE: variance request for number of wall signs

To whom it may concern:

The property in question is being considered for re-development by the property Owner for a full-service hotel (110 beds - Holiday Inn brand). The proposed structure will be closely modeled after the Holiday Inn brand prototypical design.

The typical Holiday Inn prototype design typically includes (3) signs directly mounted to the building. The current ordinance allows for a maximum of 2 wall signs. On behalf of the Owner, we hereby request a variance to the number of allowable building signage provided by this Project.

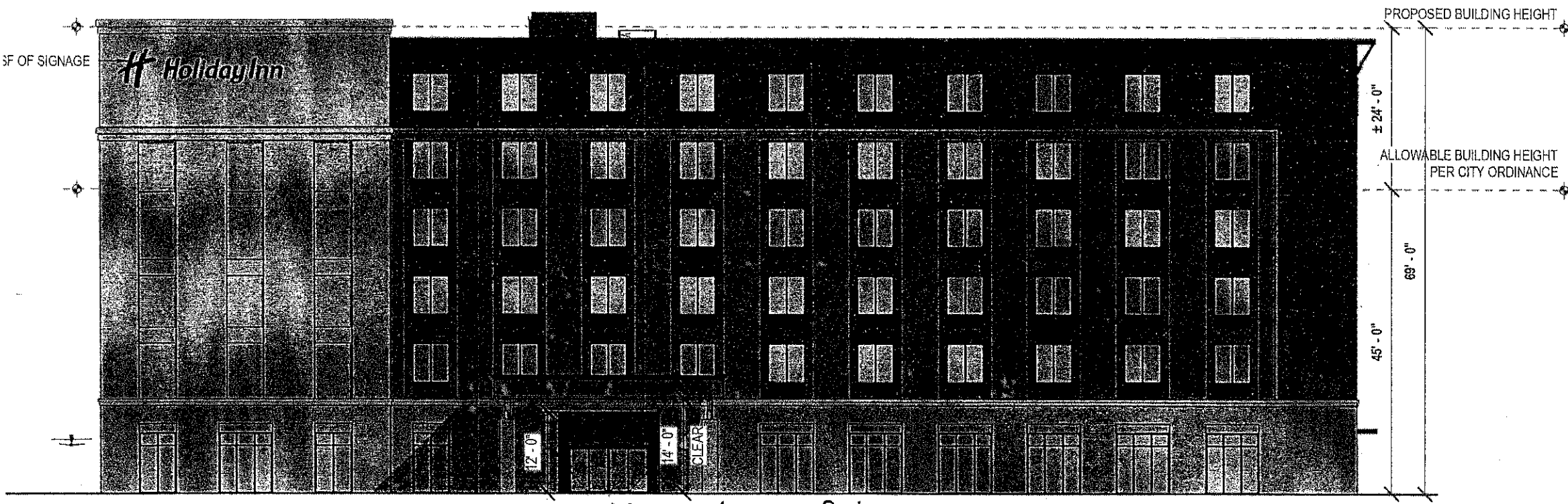
The copy areas of all combined signage shall not exceed what is currently allowable under other provisions of the Ordinance. The total combined area of all proposed wall signs does not exceed the area allowed by calculating linear frontage.

The proposed use of the property is permissible by right, with planning approval.

Sincerely:

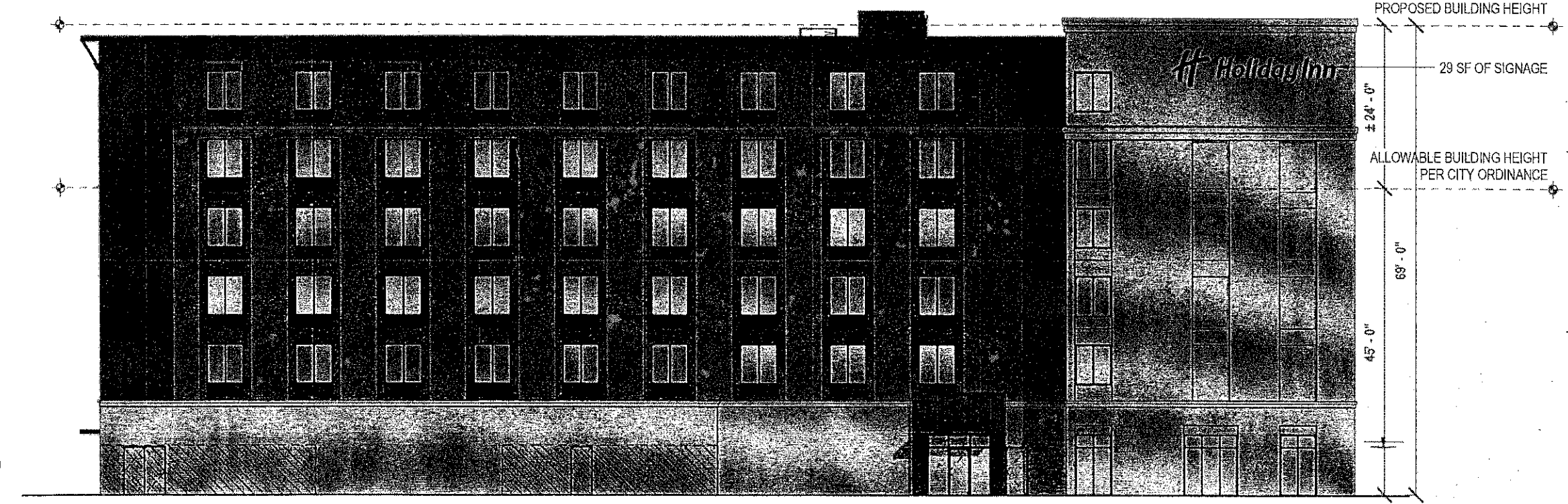
M. Wade Thompson, AIA NCARB
Partner

Encl: zoning application
Cc: file 23-036



② EAST ELEVATION
1/16" = 1'-0"

185.8' Linear Footage



① WEST ELEVATION
1/16" = 1'-0"

185.8' Linear Footage

NOTE:
PROPOSED BUILDING HEIGHT IS THE
AVERAGE HEIGHT BETWEEN FLAT ROOFS



HOLIDAY
INN BEACH
DRIVE -
GULFPORT

COAST HOST, LLC
2400 BEACH DR.
GULFPORT, MS 39507

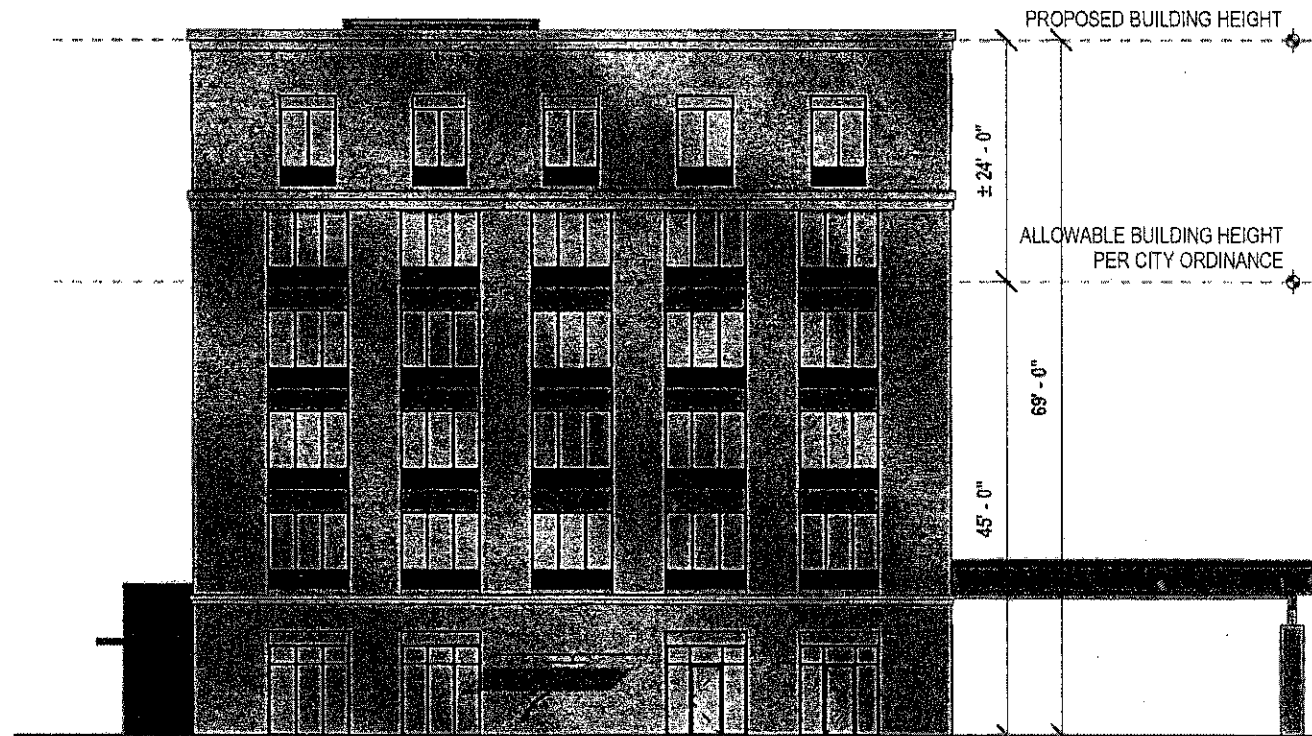
ELEVATIONS BUILDING HEIGHT

11.22.24

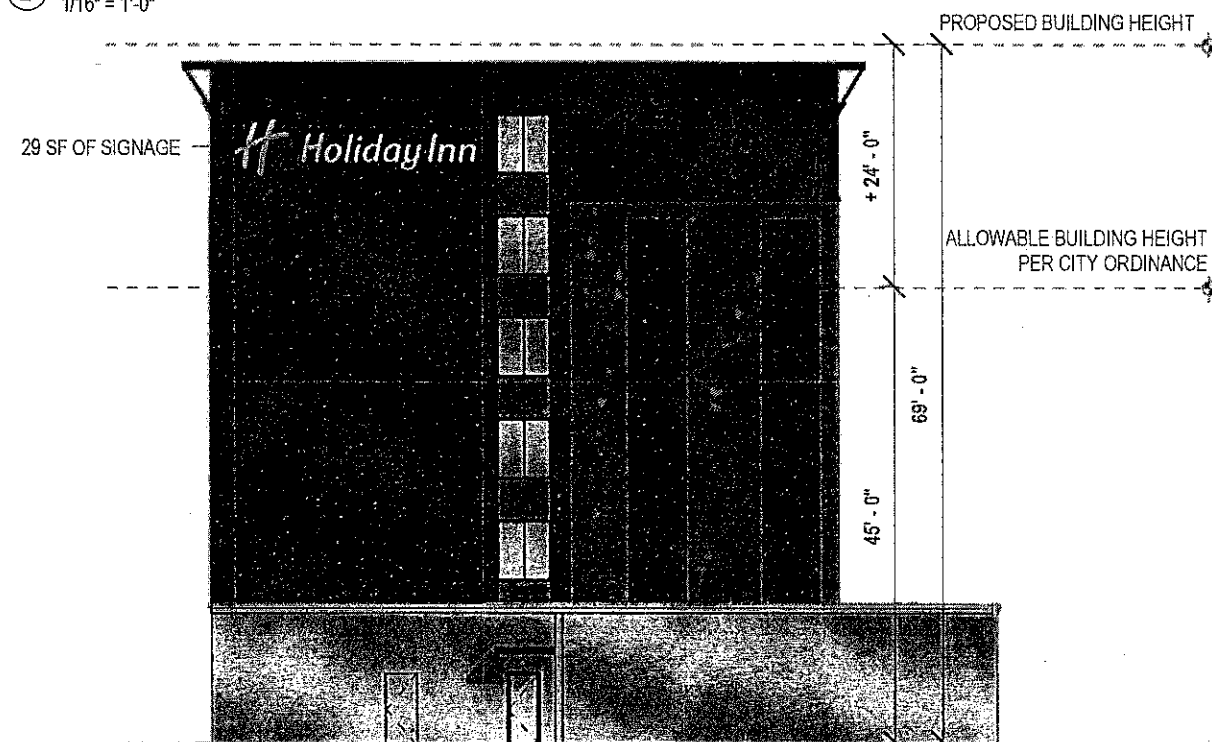
ZONING VARIANCE
WBA # 23-036

REVISIONS		
NO.	DESCRIPTION	DATE

Z201
EXTERIOR
ELEVATIONS



② SOUTH ELEVATION
1/16" = 1'-0"



① NORTH ELEVATION
1/16" = 1'-0"

74.5' Linear Footage

NOTE:
PROPOSED BUILDING HEIGHT IS THE
AVERAGE HEIGHT BETWEEN FLAT ROOFS



HOLIDAY INN BEACH DRIVE - GULFPORT.

COAST HOST, LLC
2400 BEACH DR.
GULFPORT, MS 39507

ELEVATIONS BUILDING HEIGHT

11.22.24

ZONING VARIANCE
WBA # 23-036

REVISIONS		
NO.	DESCRIPTION	DATE



EXTERIOR RENDERING





SCANNED



J. Salloum 1st Judicial District
Instrument 2021 7970 D -J1
Filed/Recorded 6/ 9/2021 02:58 P
Total Fees \$ 26.00
6 Pages Recorded



J. Salloum 1st Judicial District
Instrument 2021 7684 D -J1
Filed/Recorded 6/ 4/2021 02:46 P
Total Fees \$ 26.00
6 Pages Recorded

Prepared by:

Name: Lyndon E. Carter
Address: 1000 Darden Center Drive
Address: Orlando, FL
Telephone: 407-245-4403

Return To:

Name: R. Salloum Investments, Inc.
Address: 10071 Lorraine Road
Address: Gulfport, MS 39503
Telephone: 228-324-7292

Indexing Instructions: The property described herein is located in the SE ¼ of Section 32,
Township 7 South, Range 10 West, First Judicial District of Harrison County, Mississippi

**STATE OF MISSISSIPPI
COUNTY OF HARRISON**

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 which are
hereby acknowledged,

GMRI, Inc., a Florida Corporation
Formerly known as General Mills Restaurants, Inc.
1000 Darden Center Drive
Orlando, FL 32837
Phone: 407-245-4033

does hereby grant, bargain, sell, convey and specially warrant unto R. Salloum Investments, Inc.,
a Mississippi corporation, Attention: Richard Salloum, 10071 Lorraine Road, Gulfport, MS
39503, (228) 324-7292, as to an undivided fifty (50.00%) percent interest, and J. Salloum
Properties, Inc., a Mississippi corporation, Attention: Joe Salloum, P.O. Box 1176, Gulfport, MS
39502, Telephone (228) 861-7071, as to an undivided fifty (50.00%) percent interest, as tenants-in-
common.

2

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

SEE EXHIBIT A ATTACHED HERETO

The Property is conveyed subject to, and there is excepted from the special warranty of this conveyance, those certain matters set forth on **EXHIBIT B ATTACHED HERETO**.

This conveyance and the warranty hereof is also subject to the Prohibited Uses as set forth on **EXHIBIT C ATTACHED HERETO** for a period of five (5) years from the date hereof.

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 agrees 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 THE SIGNATURE of the Grantor on this, the 21st day of May A.D., 2021.

[Signature Page Follows]

GRANTOR:

GMRI, INC.,
a Florida corporation

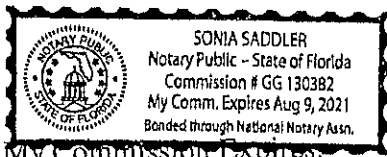
LC
5/21/21

By: [Signature]
Name: Laureen Sustacheck
Title: VP, Facilities & Asset Management

STATE OF FLORIDA

COUNTY OF ORANGE

Personally appeared before me, the undersigned authority in and for the said county and state, on this 21st day of May, 2021, within my jurisdiction, the within named Laureen Sustacheck, who is personally known to me to be the person whose name is subscribed in the above and foregoing instrument and acknowledged that she executed the same in her representative capacity, and that by her signature on the instrument, and as the act and deed of the person or entity upon behalf of which she/ acted, executed the above and foregoing instrument, after first having been duly authorized so to do.



My Commission Expires:

[Signature]
(NOTARY PUBLIC)

[AFFIX NOTARIAL SEAL]

EXHIBIT A

LEGAL DESCRIPTION

A parcel of land situated and being located in the Southeast 1/4 of Section 32, Township 7 South, Range 10 West, City of Gulfport, First Judicial District of Harrison County, Mississippi, and being more particularly described as: Commencing at the northeast corner of the said Southeast 1/4 of Section 32; thence run North 89 degrees 28 minutes West 295.9 feet along the north line of the said Southeast 1/4 to the northwest corner of the property formerly of Myers and the northeast corner of the property now or formerly of Colonial Cottages, Inc.; thence run South along the west line formerly of Myers a distance of 791.5 feet to the southwest corner of Brittany Apartments Inc. and the northwest corner of Kolmon Berger (Deed Book 983, page 261) for the Point of Beginning of the parcel herein described; thence run from said Point of Beginning, South 465.5 feet along the east line of Sea & Oaks Condominiums (Plat Book 33, page 16) and the west line of Berger to the northerly margin of the Old Spanish Trail or Service Drive; thence run North 76 degrees 18 minutes East 267.0 feet along the northerly margin of the Old Spanish Trail or Service Drive to the west margin of DeBuys Road; thence run North 00 degrees 05 minutes West 400.0 feet along the west margin of DeBuys Road to the southeast corner of Brittany Apartments Inc. and the northeast corner of Berger; thence run North 89 degrees 30 minutes West 257.4 feet, more or less, along the south line of Brittany Apartments Inc. and the north line of Berger to the Point of Beginning.

5

EXHIBIT B

Permitted Exceptions

1. Taxes for the year 2021 and subsequent years, not yet due and payable.
2. Minerals of whatsoever kind, subsurface and surface substances, including but not limited to coal, lignite, oil, gas, uranium, clay, rock, sand and gravel in, on, under and that may be produced from the Land, together with all rights, privileges, and immunities relating thereto, whether or not appearing in the public records.
3. Roadway Easement in favor of Harrison County, Mississippi dated August 23, 1988, and recorded in Book 1112 at Pages 611-612 in the office of the Chancery Clerk of the First Judicial District of Harrison County, Mississippi.

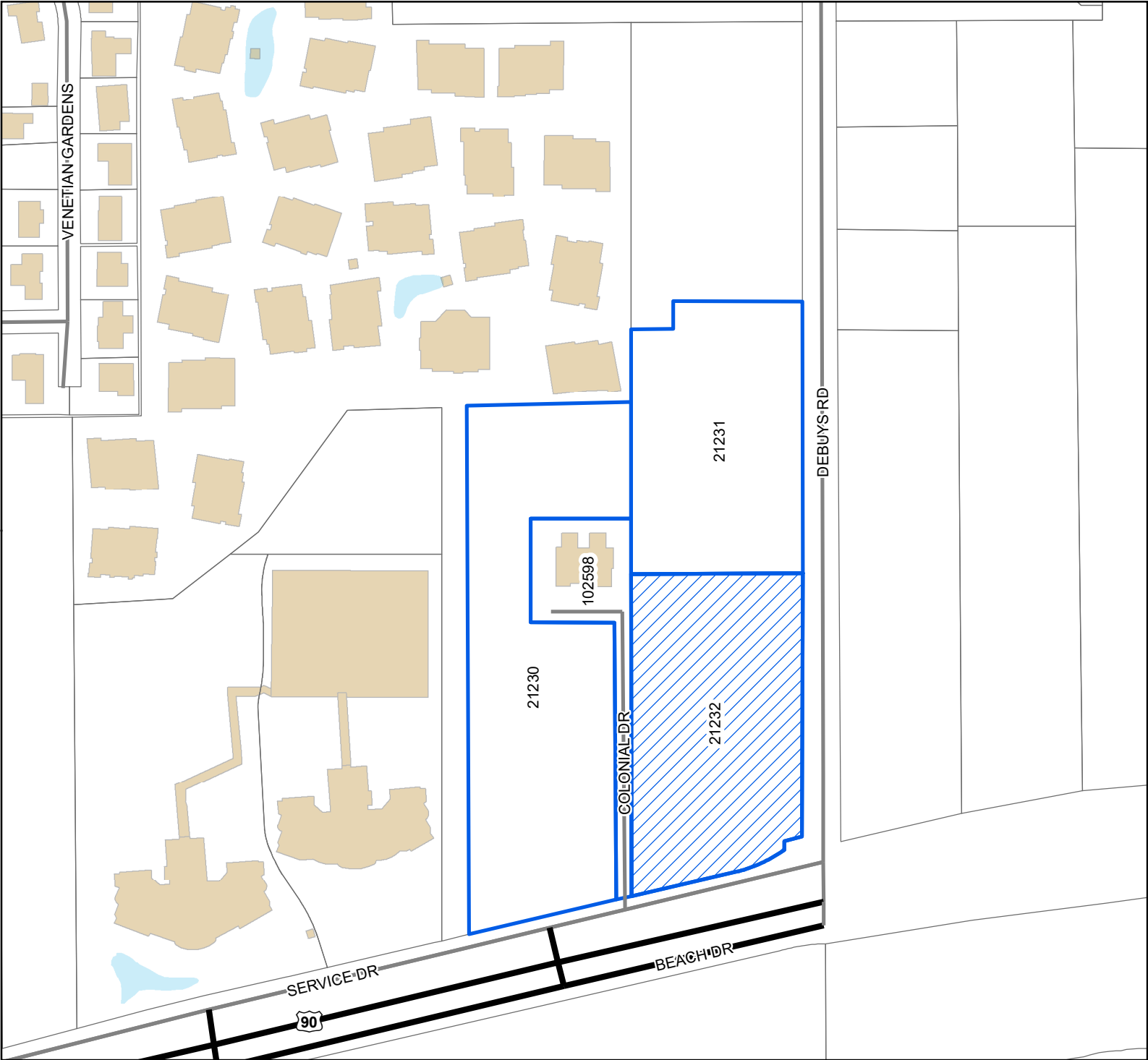
6.

EXHIBIT C

PROHIBITED USES

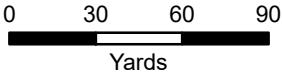
1. The property described on Exhibit A shall not be used for the operation of a restaurant having more than ten (10) co-branded locations in operation within a three hundred (300) mile radius of the Property and with a menu featuring Italian-themed food items, such as, for example purposes only (and not as a limitation), BRIO Tuscan Grille, Buca di Beppo, Carrabba's, Johnny Carina's, Maggiano's Little Italy, Romano's Macaroni Grille, or Vinnie Testa's. The term "featuring" as used in the foregoing sentence shall mean that Italian-themed food items constitute (or will constitute) twenty-five percent (25%) or more of the total number of appetizers or entrees listed on the menu (including any limited time offers and/or so called "specials") at the subject restaurant.
2. The property described on Exhibit A shall not be used for the operation of a restaurant having more than ten (10) co-branded locations in operation within a three hundred (300) mile radius of the Property and with a menu featuring steaks, such as, for example purposes only (and not as a limitation), chop House, Golden Corral, Logan's Roadhouse, Lone Star Steakhouse, Original Roadhouse, Outback, Ryan's, Sagebrush, Saltgrass Steakhouse, Ted's Montana Grill, Texas Land & Cattle, Texas Roadhouse, Trail Dust, or Tumbleweed. The term "featuring" as used in the foregoing sentence shall mean that steaks constitute (or will constitute) twenty-five percent (25%) or more of the total number of appetizers or entrees listed on the menu (including any limited time offers and/or so called "specials") at the subject restaurant.

Mail	PPIN	Parcel ID	Name	Address	City	State	ZIP
Y		1010P-01-003.000	R SALLOUM PROPERTIES INC (OWNER)	10071 LORRAINE ROAD	GULFPORT	MS	39503
			J SALLOUM PROPERTIES INC (OWNER)	P.O. BOX 1176	GULFPORT	MS	39502
			RICHARD SALLOUM (OWNER)	P.O. DRAWER 460	GULFPORT	MS	39502
			Adjacent Property Owners (2412ZB199)				
N	21230	1010P-01-004.000	J & R PROPERTIES & SALLOUM PROPERTI	P O BOX 1176	GULFPORT	MS	39502
N	21231	1010P-01-002.000	J SALLOUM PROPERTIES INC -ETAL-	10071 LORRAINE RD	GULFPORT	MS	39503
N	21232	1010P-01-003.000	R SALLOUM INVESTMENTS INC -ETAL-	ATTN: RICHARD SALLOUM	GULFPORT	MS	39503
	102598	1010P-01-004.001	A & H CORP	1714 PASS RD	BILOXI	MS	39531



Legend

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



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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	615422	Print Legal Ad-IPL02060860 - IPL0206086		\$89.80	2	41 L

Attention: Matilda Welch

GULFPORT URBAN DEVELOPMENT
PO BOX 1780
GULFPORT, MS 39502

accountspayable@gulfport-ms.gov

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Variance 2412ZB197, by owner R. Solloum Investments Inc., seeking approval for building height of 69 feet where 45 feet is the height limit, Tax Parcel 1010P-01-003.000, 2400 Beach Drive, Zoned R-B (Residence Business), Ward 2

Variance 2412ZB198, by owner R. Solloum Investments Inc., seeking approval for 142 regular parking spaces where 205 spaces are required, Tax Parcel 1010P-01-003.000, 2400 Beach Drive, Zoned R-B (Residence Business), Ward 2

Variance 2412ZB199, by owner R. Solloum Investments Inc., seeking approval for one additional wall sign where two wall signs are allowed, Tax Parcel 1010P-01-003.000, 2400 Beach Drive, Zoned R-B (Residence Business), Ward 2

This the 26th day of November 2024

A. Leslie North, Chairman
City of Gulfport Zoning Board of Adjustment and Appeals
IPL0206086
Dec 4 2024

PUBLIC HEARING

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:

12/04/24

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.

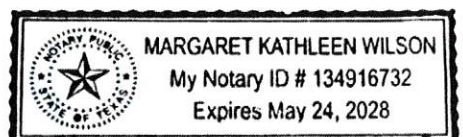
Mary Castro

Sworn to and subscribed before me this 5th day of December in the year of 2024

Margaret K. Wilson

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!