



# Zoning Board | Agenda

Thursday, June 19, 2025 – 3:00 PM

*City Hall – Council Chambers*  
2309 15<sup>th</sup> Street, Gulfport

- 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 - 5-15-25**

**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 2502ZB024: (Remanded back by Council)**

Variance 2502ZB024, by agent David John Hunter, seeking approval for an 8 foot setback where 25 feet is required for a secondary frontage, Tax Parcel 0911F-01-035.000, 500 East Beach Blvd, Zoned R-1-7.5 (Single-Family), Ward 2

**2. Variance 2506ZB072:**

Variance 2506ZB072, by owner Savannah Walk Townhomes LLC, seeking approval for a sign structure height of 12.5 feet where 6 feet is the height limit, Tax Parcel 0807G-01-001.000, South Swan Road, Zoned R-1-15 (Single-family), Ward 7

**3. Variance 2506ZB074:**

Variance 2506ZB074, by agent Michael Cowan, seeking approval for an 11-foot secondary frontage setback where 25 feet is required, Tax Parcel 0710O-01-012.000, 2900 43rd Ave, Zoned R-B (Residence-Business), Ward 1

**4. Variance 2506ZB075:**

Variance 2506ZB075, by agent Michael Cowan, seeking approval for lot size of 5,000 square feet where 7,500 is required, Tax Parcel 0710O-01-012.000, 0710O-01-012.001, 0710O-03-033.000, 0710O-03-032.000, 2900 43rd Ave, 2920 43rd Ave, Zoned R-B (Residence-Business), Ward 1

**5. Variance 2506ZB076:**

Variance 2506ZB076, by owner Daniel Samms, seeking approval for an 8-foot tall fence where 6 feet is the height limit, Tax Parcel 0911D-06-049.000, 2621 6th Ave, Zoned R-1-7.5 (Single-family), Ward 2

**6. Special Exception 2506SE077:**

Special Exception 2506SE077, by agent Charfonya Boose, seeking approval for a liquor store use, Tax Parcel 0910N-07-007.000, 406 Pass Road, Zoned B-2 (General Business), Ward 4

**7. Variance 2506ZB078:**

Variance 2506ZB078, by owner Ancillary Capital LLC, seeking approval for an 8-foot-tall fence where the height limit is 6 feet, Tax Parcel 0811L-03-030.001, 1114 33rd Ave, Zoned T4+ (General Urban Zone "Plus"), Ward 2

**8. Variance 2506ZB079:**

Variance 2506ZB079, by owner Ancillary Capital LLC, seeking approval for an 8-foot-tall fence where the height limit is 6 feet, Tax Parcel 0811L-03-034.000, 1115 33rd Ave, Zoned T4+ (General Urban Zone "Plus"), Ward 2

**G39. Hearing of Cases**

Variance 2507ZB084, by agent Donovan Scruggs, seeking approval for lot sizes of 4,000 square feet for single-family homes where 7,500 square feet is required, Tax Parcels 1010M-02-001.000, 1010M-02-001.002, 1010M-02-001.003, 1010M-02-001.004, 1010M-02-001.005, 1010M-02-001.006, 1010M-02-005.001, 5th Street, Zoned B-2 (General-Business), T4L (General Urban Zone "Limited"), T4+ (General Urban Zone "Plus"), Ward 2

**10. Special Exception 2507SE086:**

Special Exception 2507SE086, by owner Vintage Properties LLC, seeking approval for a liquor store use, Tax Parcel 0910N-06-019.000, 423 Pass Road, Zoned B-2 (General-Business), Ward 3

**H. Adjournment**

**MINUTES**

**ZONING BOARD OF ADJUSTMENT AND APPEALS  
MEETING**

**Thursday, May 15, 2025 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 Zoning Board was called to order at 3:00P.M.
- D. Determination of a Quorum:**

**BOARD MEMBERS PRESENT:**

ROBERT PHARR  
HAL KAIGLER  
LESLIE NORTH  
MACK MCCREE  
NATHAN BODDIE  
MICHAEL DANIELS

**BOARD MEMBERS ABSENT:**

MARY ANN WIGINTON

**STAFF MEMBERS PRESENT:**

MATILDA WELCH  
SAMUEL SMITH  
BRYCE CLUGH

**COURT REPORTER:**

NORMA SOROE

- E. Confirmation of Agenda:**
- F. Approval of Minutes:**

Motion by Mr. Boddie and seconded by Mr. Pharr to approve Minutes of the **April 17, 2025**, 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 2505ZB049:**

Variance 2505ZB049, by owner Veloping Investments LLC, seeking approval for 9 regular parking spaces where 15 are required, Tax Parcel 0910L-02-018.000, 612 35th Street, Zoned B-2 (General Business), Ward 3

**Speaking for the Petition: Mike Briscoe**

**Speaking against the Petition: None**

**Motion: Mr. Boddie – to approve for 9 regular parking spaces where 15 is required.**

**Second: Mr. McCree**

Leslie North	- <b>Chairman</b>
Mary Ann Wiginton	- Absent
Michael Daniels	- Yea
Robert Pharr	- Yea
Nathan Boddie	- Yea
Mack McCree	- Yea
Hal Kaigler	- Yea

**Action: Motion carried unanimously**

**2. Variance 2505ZB050:**

Variance 2505ZB050, by owner Veloping Investments LLC, seeking approval for parking that backs out into the right-of-way, Tax Parcel 0910L-02-018.000, 612 35th Street, Zoned B-2 (General Business), Ward 3

**Speaking for the Petition: Mike Briscoe**

**Speaking against the Petition: None**

**Motion: Mr. Boddie – to approve for parking that backs out into the right-of-way.**

**Second: Mr. McCree**

Leslie North	- <b>Chairman</b>
Mary Ann Wiginton	- Absent
Michael Daniels	- Yea
Robert Pharr	- Yea
Nathan Boddie	- Yea
Mack McCree	- Yea
Hal Kaigler	- Yea

**Action: Motion carried unanimously**

**3. Variance 2505ZB055:**

Variance 2505ZB055, by owner Ria Propertiez AZ, LLC, seeking approval for 19 regular parking spaces where 32 are required, Tax Parcel 0811L-04-115.000, 1201 31st Ave, Zoned T4+ (General Urban Zone "Plus"), Ward 2

**Speaking for the Petition: Ramino Rodriguez**

**Speaking against the Petition: Kent Henderson, Barrett Round, Howard T. Bright, Tiffany Henderson, Jo Tappan, Johnny Bones**

**Motion: Mr. Daniels – to approve for 19 regular parking spaces where 32 are required.**

**Second: Mr. McCree**

Leslie North	- <b>Chairman</b>
Mary Ann Wiginton	- Absent
Michael Daniels	- Yea
Robert Pharr	- Nay
Nathan Boddie	- Nay
Mack McCree	- Yea
Hal Kaigler	- Nay

**Action: Motion denied 3-2**

**4. Special Exception 2505SE059:**

Special Exception 2505SE059, by agent Marnie Adams, seeking approval for a liquor store use, Tax Parcel 0810N-04-037.000, 2905 25th Ave Suite A, Zoned B-2 (General Business), Ward 3

**Speaking for the Petition: Marnie Adams**

**Speaking against the Petition: None**

**Motion: Mr. McCree – to approve a liquor store use.**

**Second: Mr. Kaigler**

Leslie North	- <b>Chairman</b>
Mary Ann Wiginton	- Absent
Michael Daniels	- Yea
Robert Pharr	- Yea
Nathan Boddie	- Yea
Mack McCree	- Yea
Hal Kaigler	- Yea

**Action: Motion carried unanimously**

**5. Variance 2505ZB062:**

Variance 2505ZB062, by agent John H Ruble, seeking approval for a 15-foot front yard setback where 25 feet is required, Tax Parcel 1010B-03-001.002, John Evans Road, Zoned R-2 (Single-Family), Ward 5

**Speaking for the Petition: John Ruble, Bill Carney**

**Speaking against the Petition: Edward Champagne, Samson Vasquez, Nancy Monachan, Rodney Goulette**

**Motion: Mr. McCree – to not approve a 15- foot front yard setback where 25 feet is required.**

**Second: Mrs. North**

Leslie North	- <b>Chairman</b>
Mary Ann Wiginton	- Absent
Michael Daniels	- Nay
Robert Pharr	- Nay
Nathan Boddie	- Nay
Mack McCree	- Nay
Hal Kaigler	- Nay

**Action: Motion carried unanimously**

**6. Variance 2505ZB063:**

Variance 2505ZB063, by agent Suzanne Stafford, seeking approval for 5 regular parking spaces where 8 is required, Tax Parcel 0808N-01-007.000, 15053 Dedeaux Road, Zoned B-2(General Business), Ward 4

**Speaking for the Petition: Suzanne Stafford, Angel Schaeffer**

**Speaking against the Petition: None**

**Motion: Mr. Kaigler – to approve for 5 regular parking spaces where 8 is required.**

**Second: Mr. Pharr**

Leslie North	- <b>Chairman</b>
Mary Ann Wiginton	- Absent
Michael Daniels	- Yea
Robert Pharr	- Yea
Nathan Boddie	- Yea
Mack McCree	- Yea
Hal Kaigler	- Yea

**Action: Motion carried unanimously**

**7. Variance 2505ZB064:**

Variance 2505ZB064, by agent Suzanne Stafford, seeking approval for parking that backs out into the right-of-way, Tax Parcel 0808N-01-007.000, 15053 Dedeaux Road, Zoned B-2(General Business), Ward 4

**Speaking for the Petition: Suzanne Stafford, Angel Schaeffer**

**Speaking against the Petition: None**

**Motion: Mr. McCree – to approve parking that backs out into the right-of-way.**

**Second: Mr. Kaigler**

Leslie North	- <b>Chairman</b>
Mary Ann Wiginton	- Absent
Michael Daniels	- Yea
Robert Pharr	- Yea
Nathan Boddie	- Yea
Mack McCree	- Yea
Hal Kaigler	- Yea

**Action: Motion carried unanimously**

**8. Variance 2505ZB068:**

Variance 2506ZB068, by owner Gabrielle Vincent, seeking approval for a 17-foot second frontage setback where 25 feet is required, Tax Parcel 0911F-01-005.001, 1537 Midway Avenue, Zoned R-1-7.5, Ward 2

**Speaking for the Petition: Gabrielle Vincent**

**Speaking against the Petition: None**

**Motion: Mr. Boddie – to approve a 17-foot second frontage setback where 25 feet is required.**

**Second: Mr. McCree**

Leslie North	- <b>Chairman</b>
Mary Ann Wiginton	- Absent
Michael Daniels	- Yea
Robert Pharr	- Yea
Nathan Boddie	- Yea
Mack McCree	- Yea
Hal Kaigler	- Yea

**Action: Motion carried unanimously**

**Adjournment:**

Motion by Mr. Pharr to adjourn the meeting was seconded by Mr. Boddie and carried unanimously. The meeting adjourned 4:24 p.m.

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

\_\_\_\_\_  
Michael Daniels, Secretary

Date: \_\_\_\_\_



URBAN DEVELOPMENT  
PLANNING & ZONING  
PO BOX 1780 | GULFPORT, MS | 1410 24<sup>TH</sup> AVENUE  
228.868.5710 | [PLANNERS@GULFPORT-MS.GOV](mailto:PLANNERS@GULFPORT-MS.GOV)

## ZONING BOARD OF ADJUSTMENT AND APPEALS

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**Hearing Date: Thursday, June 19, 2025**

**Public Declaration of Appeal Process of Chairman**



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## ZONING BOARD OF ADJUSTMENT AND APPEALS

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**Hearing Date: Thursday, June 19, 2025**

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



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## ZONING BOARD OF ADJUSTMENT AND APPEALS

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**Hearing Date: Thursday, June 19, 2025**

**Routine Agenda**



URBAN DEVELOPMENT  
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## ZONING BOARD OF ADJUSTMENT AND APPEALS

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**Hearing Date: Thursday, June 19, 2025**

**Variance 2502ZB024: (Remanded back by Council) Variance 2502ZB024, by agent David John Hunter, seeking approval for an 8 foot setback where 25 feet is required for a secondary frontage, Tax Parcel 0911F-01-035.000, 500 East Beach Blvd, Zoned R-1-7.5 (Single-Family), Ward 2**

# Technical Report

## VARIANCE

### **GENERAL INFORMATION**

Case File Number: 2502ZB024

Hearing Date: June 19, 2025

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

Legal: Variance 2502ZB024, by agent David John Hunter, seeking approval for an 8 foot setback where 25 feet is required for a secondary frontage, Tax Parcel 0911F-01-035.000, 500 East Beach Blvd, Zoned R-1-7.5 (Single-Family), Ward 2

### **TECHNICAL DETAILS**

Variations involve special cases where unique factors contribute to justify a use of property that does not conform to the City's enforced ordinances. Therefore, variations 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 have an 8-foot second frontage setback where 25 feet is required. The R-1-7.5 zone does not call out a second frontage setback, however, the second frontage must also meet the front setback outlined in the ordinance. Due to the size and shape of the parcel, it would not be possible to build a single-family home that would meet both the secondary frontage set back and the side yard setback on Lot 4 of this parcel.

- (a) The applicant notes that the property is unique because Alfonso Drive, along the east side of this lot narrows from more than 20 feet wide to 10 feet wide and requiring a 25 foot second frontage setback on this 50 feet wide lot, rather than an 8 foot second frontage setback, would cause a hardship by reducing the buildable site by 50% from 34 feet to 17 feet. Upon site visit, it is clear that not many homes in the area are built within the secondary frontage setback, however, this being a lot of record and the size and shape of the parcel presents a real hardship if intending to front East Beach Blvd.
- (b) In the application, the applicant cites that the 10 foot width of Alfonso Drive along the east side of this lot has been in existence for decades based on discussions with current and prior property owners and neighbors. The special conditions and circumstances does not result from the actions of the applicant, it is caused by the property and the unusual shape of Alphonso Drive.
- (c) The applicant states the unnecessary hardship is created by Alphonso Drive being unusual and peculiar by only being 10 feet wide along the east side of this 50 feet wide lot. Because this property fronts two public right of ways, this results in the applicant having to adhere to the front setback of 25 feet.
- (d) The applicant notes there are many property owners which build homes 32 feet wide on 50 feet lots in the district, as such, it is common for homeowners to expect 8 feet side lot setbacks in the area. Because of the size and shape of the parcel, the literal interpretation of the ordinance would prevent reasonable development on Lot 4.
- (e) The applicant states "I will not receive any special benefit that others who follow the Zoning Ordinance cannot receive as my realtor states many property owners benefit from 8 feet wide side lot setbacks." Because of the size and shape of the property, the granting of this variance will not give any special privilege to the applicant. It is clear that the parcel has a particular shape and size that other parcels in the area do not thus creating the need for the variance.
- (f) This property is zoned R-1-7.5, and a single-family home is allowed by right.

### **EXECUTIVE SUMMARY**

The applicant is requesting a variance for a secondary frontage setback of 8 feet where 25 feet is required. Per the ordinance, if a secondary frontage setback is not specifically listed for the zone, the secondary frontage must meet the same measurement as the front yard setback. The required front yard setback for an R-1-7.5 zone is 25 feet thus requiring the secondary frontage setback to be 25 feet. Because of the size and shape of the parcel, a real hardship is faced when developing on Lot 4 where the proposed single-family home would be. The shape and size of the parcel presents a unique hardship that ultimately will need an approval for a variance to build a livable structure onto Lot 4. This case appealed to the City Council on Tuesday, May 6, 2025. The Gulfport City Council remanded the above request back to the Zoning Board of Adjustments and Appeals for review and reconsideration.

# Technical Report

## VARIANCE

Any approval should consider these conditions:

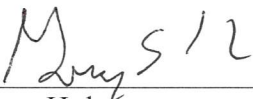
1. Must comply with all rules and regulations.
2. Approval would allow 8 feet for a second frontage setback where 25 feet is required.
3. Must comply with all current Building Codes and City of Gulfport Ordinances.
4. All protected trees will be preserved and protected. Protected trees will be protected during the construction process per Chapter 8 Ordinance.

### ***DEPARTMENTAL CONDITIONS***

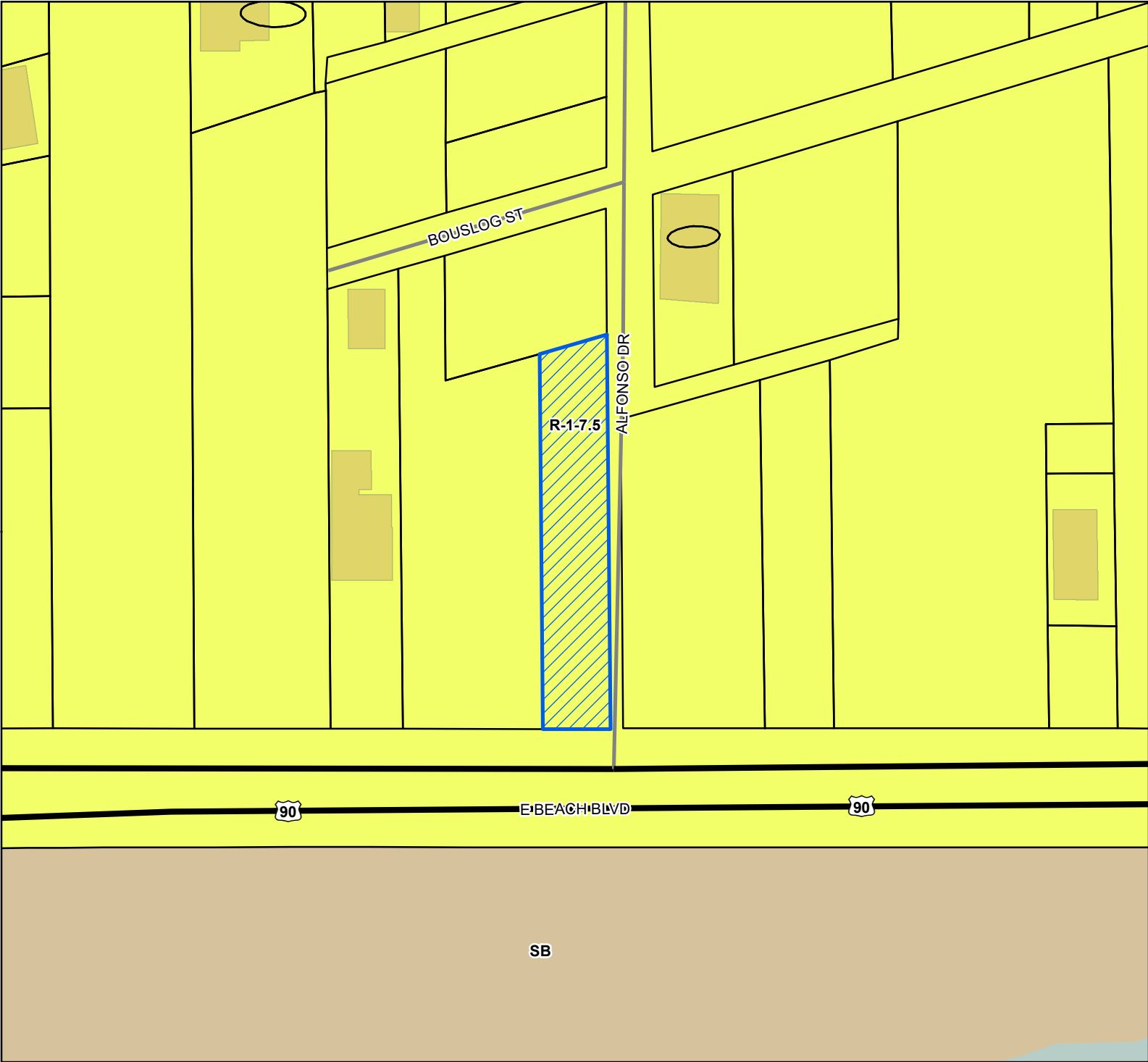
<b><u>Engineering:</u></b>	No conditions. Memo dated 2/7/2025.
<b><u>Public Works:</u></b>	No conditions. Memo dated 2/7/2025.
<b><u>Traffic and Safety:</u></b>	No conditions. Memo dated 2/7/2025.
<b><u>Building Code Services:</u></b>	Must comply with all current Building Codes and City of Gulfport Ordinances. Memo dated 1/31/2025.
<b><u>GIS:</u></b>	No conditions. Memo dated 2/7/2025.
<b><u>Police Department:</u></b>	No conditions. Memo dated 2/7/2025.
<b><u>Fire Department:</u></b>	No conditions. Memo dated 2/7/2025.
<b><u>City Arborist:</u></b>	All protected trees will be preserved and protected. Protected trees will be protected during the construction process per Chapter 8 Ordinance. Memo dated 1/27/2025.

### ***DIRECTOR APPROVAL***

This report has been reviewed and approved by:

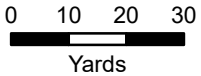


Greg Holmes  
Director of Urban Development Department



- Site
- US or State Highway
- Street
- Parcels
- Buildings
- Water Features
- City Limit
- Zoning**
- R-1-7.5 - Single Family
- Residence District (Low Density)
- SB - Sand Beach

**Site Information**  
 0911F-01-035.000  
 Zoning: R-1-7.5 (Single Family)  
 Size: 13433.99 sqft  
 Flood: AE, VE



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.



SS  
**CASE NUMBER**  
 2502ZB024

1-8-25  
 R# 13108019

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

0911F-01-035.000	

**Property Address:**  
500 EAST BEACH BLVD, Gulfport, MS 39507  
 Lot(s) 4 Block(s) 4 Subdivision Miss L+A Co.

**General Description of Request:** Request 8' Set Back from Side Lot on EAST Side by Alphonso Dr. in order to prevent hardship from reducing building width on 50' wide lot

#### 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:**

Jerry Don + Catherine Edwards

Jerry D Edwards Printed Name of Owner Catherine M Edwards

X Mailing Address: 5060 Live Oak Dr  
St Francisville, La 70775

X Home Phone: jerryedwards2020@gmail.com Work/Cell Phone: ahunter33@aol.com

Email: Jerry D Edwards 01/06/25

Signature of Owner: Catherine M. Edwards 01/06/25

**AGENT:**

David John Hunter

Printed Name of Agent: 85009 Diamondhead Lakes Blvd.

Mailing Address: Diamondhead MS 39525  
City: 630-886-4611 State: 630-886-4611 Zip Code

Home Phone: ahunter33@aol.com Work/Cell Phone

Email: [Signature]

Signature of Agent

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

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

Jerry D Edwards

X Name of Owner (PRINT): Jerry D Edwards  
Address (Street, City, State, Zip Code): 5060 Live Oak Dr St. Francisville, La 70775

Phone (Home) \_\_\_\_\_ (Work) \_\_\_\_\_ (Cell) 225-235-2537

Tax Parcel Number(s) Owned (rental): 0911F-01-035.000

Signature: Jerry D Edwards 01/06/25

Catherine M Edwards

X Name of Owner (PRINT): \_\_\_\_\_  
Address (Street, City, State, Zip Code): 5060 Live Oak Dr St. Francisville, La 70775

Phone (Home) \_\_\_\_\_ (Work) \_\_\_\_\_ (Cell) 225-936-9087

Tax Parcel Number(s) Owned (rental): 0911F-01-035.000

Signature: Catherine M. Edwards 01/06/25

Name of Owner (PRINT): \_\_\_\_\_  
Address (Street, City, State, Zip Code): \_\_\_\_\_

Phone (Home) \_\_\_\_\_ (Work) \_\_\_\_\_ (Cell) \_\_\_\_\_

Tax Parcel Number(s) Owned: \_\_\_\_\_

Signature: \_\_\_\_\_

Certificate ID: 48ADF2A1-85CC-EF11-88CF-002248299057

## Signing Information:

Signing Name: 500 East Beach Blvd - 500 East beach variance form

ID: 48ADF2A1-85CC-EF11-88CF-002248299057

Start Date: Jan 06, 2025 05:26:26 PM CST

End Date: Jan 06, 2025 05:37:45 PM CST

# Signers: 2

# Reviewers: 0

# CC: 0

Creator: Martha Boutwell

Email: THEBOUTWELLTEAM@GMAIL.COM

## Document Information:

Document Name: 500 East beach variance form

ID: 4EADF2A1-85CC-EF11-88CF-002248299057

Pages: 2

# Signature Blocks: 4

# Initial Blocks: 0

## Participant Activity:

Name: Jerry Edwards

Type: Email:

Email: jerryedwards2020@gmail.com

TOS/STAESP/CCD: Accepted: Jan 06, 2025 05:37:14 PM CST [12.75.41.4]

EULA/TOS Version: [https://secure.authentisign.com/assets/files/Authentisign\\_TOS\\_202106.pdf](https://secure.authentisign.com/assets/files/Authentisign_TOS_202106.pdf)

STAESP Version: [https://secure.authentisign.com/assets/files/Authentisign\\_STAESP\\_202106.pdf](https://secure.authentisign.com/assets/files/Authentisign_STAESP_202106.pdf)

CCD Version: [https://secure.authentisign.com/assets/files/Authentisign\\_CCD\\_202106.pdf](https://secure.authentisign.com/assets/files/Authentisign_CCD_202106.pdf)

Document: Signed And Accepted: Jan 06, 2025 05:37:39 PM CST [12.75.41.4]

Name: Catherine Edwards

Type: Email:

Email: Teecat3354@hotmail.com

TOS/STAESP/CCD: Accepted: Jan 06, 2025 05:36:47 PM CST [107.116.165.139]

EULA/TOS Version: [https://secure.authentisign.com/assets/files/Authentisign\\_TOS\\_202106.pdf](https://secure.authentisign.com/assets/files/Authentisign_TOS_202106.pdf)

STAESP Version: [https://secure.authentisign.com/assets/files/Authentisign\\_STAESP\\_202106.pdf](https://secure.authentisign.com/assets/files/Authentisign_STAESP_202106.pdf)

CCD Version: [https://secure.authentisign.com/assets/files/Authentisign\\_CCD\\_202106.pdf](https://secure.authentisign.com/assets/files/Authentisign_CCD_202106.pdf)

Document: Signed And Accepted: Jan 06, 2025 05:37:21 PM CST [107.116.165.139]

## Signature / Initials:

Certificate ID: 48ADF2A1-85CC-EF11-88CF-002248299057

Signature:

Initials:

Authentisign  
*Jerry D Edwards*

Authentisign  
*J.E.*

Authentisign  
*Catherine M. Edwards*

Authentisign  
*CE*

Certificate ID: 48ADF2A1-85CC-EF11-88CF-002248299057
--

## Consumer Consent Disclosure

By proceeding and selecting the "I Agree" button corresponding to the Consumer Consent Disclosure section on the Authentisign Terms of Service window you are agreeing that you have reviewed the following consumer consent disclosure information and consent to transacting business electronically, to receive notices and disclosures electronically, and to utilize electronic signatures instead of using paper documents. This electronic signature service ("Authentisign") is provided on behalf of our client ("Sender") who is listed with their contact information at the bottom of the Authentisign Signing Participant email ("Invitation") you received. The Sender will be sending electronic documents, notices, disclosures to you or requesting electronic signatures from you.

You are not required to receive disclosures, notices or sign documents electronically. If you prefer not to do so, you can make a request to receive paper copies and withdraw your consent to conduct business electronically at any time as described below.

### Scope of Consent

You agree to receive electronic notices, disclosures, and electronic signature documents with all related and identified documents and disclosures provided over the course of your relationship with the Sender. You may at any point withdraw your consent by following the procedures described below.

### Hardware and Software Requirements

To receive the above information electronically, you will need all of the following:

- a computer or tablet device with internet access
- a working individual email address
- a supported operating system and browser from list table below

Operating System	Apple Safari	Mozilla® Firefox	Edge	Chrome
Windows 7/8/10	N/A	60 or higher	84 or higher	80 or higher
Mac OS X 10.9 or higher	13.1 or higher	60 or higher	N/A	80 or higher
Android 7.0 or higher	N/A	N/A	N/A	80 or higher
Apple - iOS 10.0 or higher	13.5 or higher	N/A	N/A	80 or higher

*JavaScript and Cookies must be enabled in the browser.*

Certificate ID: 48ADF2A1-85CC-EF11-88CF-002248299057

## Requesting Paper Copies

You have the ability to download and print or download any disclosures, notices or signed documents made available to you through **Authentisign** using the document print options located within the service. **Authentisign** can also email you a copy of all documents you sign electronically. You are not required to receive disclosures, notices or sign documents electronically and may request paper copies of documents or disclosures if you prefer. If you do not wish to work with electronic documents and instead wish to receive paper copies you can contact the **Sender** through the **Authentisign** document signing interface or request paper copies by following the procedures described below. There could be fees associated to printing and delivering the paper documents.

## Withdrawal of Consent to Conduct Business Electronically

Consent to receive electronic documents, notices or disclosures can be withdrawn at any time. In order to withdraw consent you must notify the **Sender**. You may withdraw consent to receive electronic notices and disclosures and optionally electronically signatures by following the procedures described below.

## Requesting paper documents, withdrawing consent, and/or updating contact information

To request paper copies of documents, withdraw consent to conduct business electronically and receive documents, notices, or disclosures electronically or sign documents electronically please contact the **Sender** by sending an email to **Sender's** email address located at the bottom of the **Invitation** requesting your desired action. Use one of the following email subject lines and insert the associated text into the body of the email:

- Email Subject line: "Request for Paper Documents"  
Include your full name, email address, telephone number, postal address and the signing name found in the **Invitation** in the body of the email.  
*Note: There could be per page and delivery fees required by the **Sender** to send the paper documents.*
- Email Subject line: "Withdraw Consent to Conduct Business Electronically"  
Include your full name, email address, telephone number, postal address and the signing name found in the **Invitation** in the body of the email.
- Email Subject line: "Update Contact Information"  
Include your full name, email address, telephone number, postal address and the signing name found in the **Invitation** in the body of the email, along with the requested change(s) to your contact information



**DESIGNATION OF AGENT**

X I, Jerry D Edwards  
Catherine M Edwards  
PRINT NAME being property owner of 500 East Beach Blvd, Gulfport, MS  
PRIMARY ADDRESS OR PARCEL

which is the subject of this application hereby authorize David John Hunter  
PRINT NAME to act as my representative with the City of Gulfport's Zoning Board of Adjustment and Appeals, and/or Planning Commission, and/or City Council, and/or permitting and licensing, as required by the City.

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

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

X Jerry D Edwards  
Catherine M Edwards  
SIGNATURE DATE 1-8-25

Louisiana Pointe Coupee  
**STATE OF ~~MISSISSIPPI~~ | COUNTY OF ~~HARRISON~~**

Given under my hand and seal of office this the 8 day of Jan, 20 25

Mary Nolan #56593 at dash  
NOTARY PUBLIC State of Louisiana  
Parish of Pointe Coupee COMMISSION EXPIRATION



# COVENANT AFFIDAVIT

I, David John Hunter being property owner or agent of the property 0911F-01-035.000  
PRINT NAME PRIMARY ADDRESS OR PARCEL

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

[Signature] January 7, 2025  
SIGNATURE DATE

## STATE OF MISSISSIPPI | COUNTY OF HARRISON

Given under my hand and seal of office this the 7th day of January, 20 25

[Signature]  
NOTARY PUBLIC

March 10, 2025  
COMMISSION EXPIRATION



[Signature]  
Signed by owner's Agent

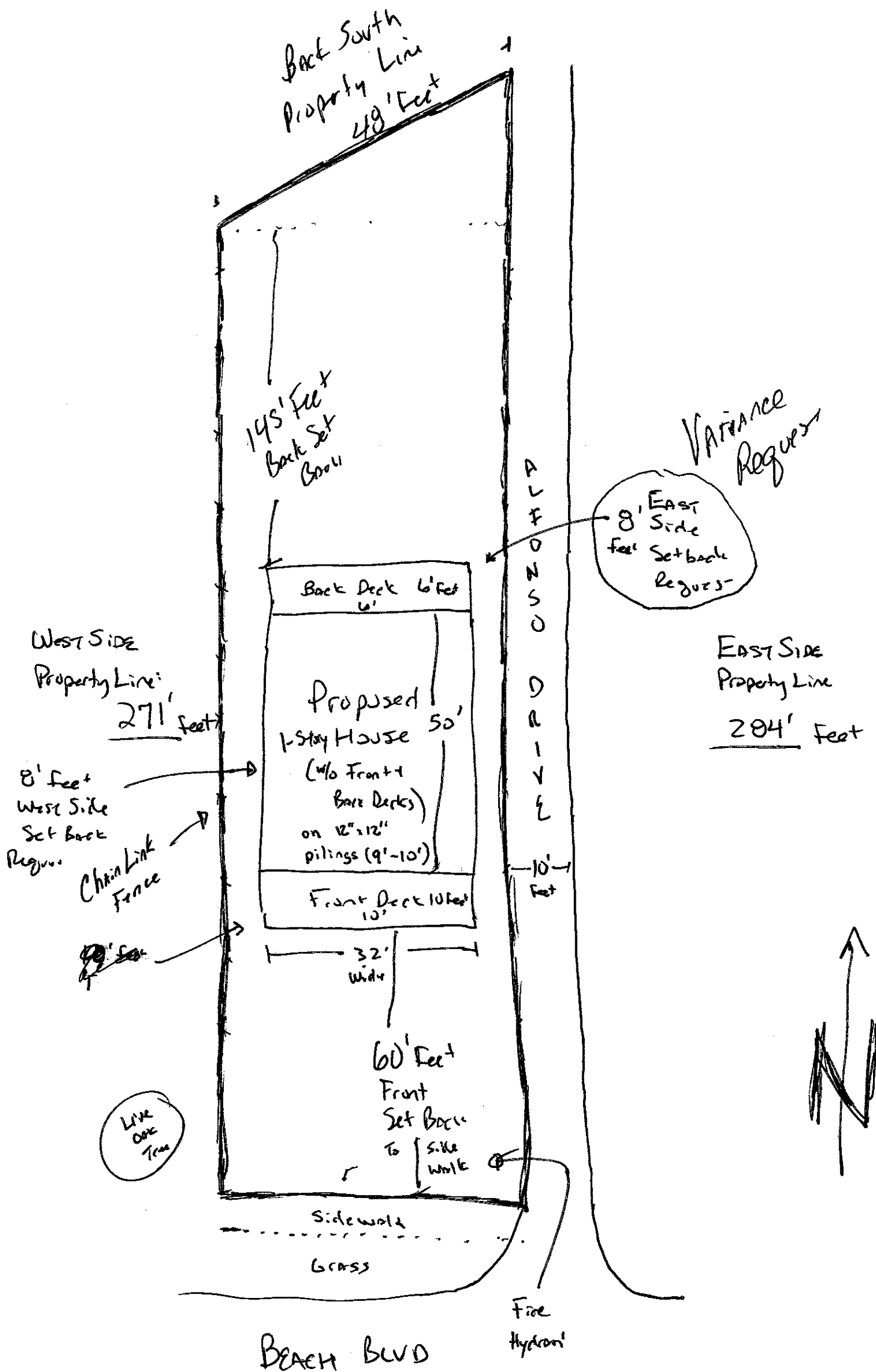
**VARIANCE SUBMISSION**  
**500 East Beach Blvd, Gulfport, MS 39507**

**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?)  
**Response:** *This lot is peculiar and unique in this district because Alfonso Drive along the east side of this lot narrows from more than 20 feet wide to only 10 feet wide and requiring a 25 feet setback on this 50 feet wide lot, rather than 8 feet, would cause hardship by reducing the buildable width by 50% from 34 feet to 17 feet (e.g. 50 feet minus 16 feet for two 8 feet side lot setbacks = 34 feet, versus 50 feet minus an 8 foot west side lot setback and 25 feet east side lot setback = 17 feet). A minimum 25-foot-front lot setback for 500 East Beach Blvd will be maintained to preserve two large live oak trees. Board approval of this variance request will also enable us to preserve other large live oak trees by safely building in an open space between the front and back of the lot.*
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.) **Response:** *The 10 feet width of Alfonso Drive along the east side of this lot has been in existence for decades based on discussions with current and prior property owners and neighbors.*
3. Demonstrate that 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?) **Response:** *This unnecessary hardship is created by Alfonso Drive being unusual and peculiar by only being 10 feet wide along the east side of this 50 feet wide lot. This hardship is not commonly found as it is unusual for roads to narrow from more than 20 feet to barely 10 feet. Alfonso Drive is also marked with a "Not a Pass Thru" sign at the 2<sup>nd</sup> Street corner.*
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 right to reasonable development of your property which might be generally expected in your district.) **Response:** *There are many property owners which build homes 32 feet wide on 50 feet lots in the district. As such, it is common for homeowners to expect 8 feet side lot setbacks in the area.*
5. Demonstrate that the granting of the variance will not confer 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 the property in a manner as nearly as 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?) **Response:** *I will not receive any special benefit that others who follow the Zoning Ordinance cannot receive as my realtor states many property owners benefit from 8 feet wide side lot setbacks.*
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. **Response:** *I understand the use proposed is permissible by right with planning approval of this variance exception.*

# SITE PLAN

500 EAST Beach Blvd.  
Gulfport MS 39507



Front South Property Line 50' Feet

Project Address:  
500 East Beach Blvd Gulfport, MS 39507  
Zoning: R17.5  
Parcel Number:  
0911F-01-035.0



*Jed* 1st JUDICIAL DISTRICT  
Instrument 2023-0018091-D-11  
Filed/Recorded 09/08/2023 2:36:01 PM  
Total Fees 26.00  
5 Pages Recorded

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

File#231444

Indexing Instructions:  
Lot 4, Blk 4 & Lot 4, Blk 5, Mississippi  
Land and Abstract Company's S/D of  
a part of Hewes Addition, Harrison  
County, 1<sup>st</sup> JD, MS

STATE OF MISSISSIPPI  
COUNTY OF HARRISON  
FIRST JUDICIAL DISTRICT

**WARRANTY DEED**

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

**MARGARET H. HENSON**  
23164 FREDDIE FRANK ROAD  
PASS CHRISTIAN, MS 39571  
(228) 216-6231

and

**KATHLEEN R. BUTLER**  
13434 JOHN CLARK ROAD  
GULFPORT, MS 39503  
(228) 216-6231

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

**JERRY DON EDWARDS and wife, CATHERINE MARIE EDWARDS**  
as tenants by the entirety with full rights of survivorship and not as tenants in common  
500 EAST BEACH BLVD.  
GULFPORT, MS 39507  
(225) 235-2537

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

**ATTACHED HERETO AS EXHIBIT "A"**

The Grantor hereby covenants that the property described herein does not constitute as a part of his homestead, nor is it contiguous thereto.

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

easements applicable to subject property, and any prior recorded reservations, conveyances and leases of oil, gas and minerals by previous owners of subject property.

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

THIS CONVEYANCE is also subject to Zoning and/or other land use regulations promulgated by federal, state or local governments affecting the use or occupancy of the subject property.

WITNESS THE SIGNATURES of the Grantors on this the 8th day of September, 2023.

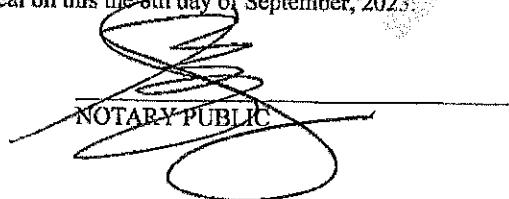
  
MARGARET R. HENSON

  
KATHLEEN R. BUTLER

STATE OF MISSISSIPPI  
COUNTY OF HARRISON

THIS DAY personally appeared before me, the undersigned authority in and for the jurisdiction aforesaid, MARGARET R. HENSON and KATHLEEN R. BUTLER, who acknowledged that they signed, executed and delivered the above and foregoing instrument as their voluntary act and deed on the day and year therein mentioned.

GIVEN under my hand and official seal on this the 8th day of September, 2023.

  
NOTARY PUBLIC

(SEAL)

My Commission Expires:



**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

Lot Four (4) in Block Four (4) and Lot Four (4) in Block Five (5) of MISSISSIPPI LAND AND ABSTRACT COMPANY'S SUBDIVISION of a part of HEWES ADDITION to the City of Gulfport, Mississippi, 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 Book 54 at Page 498 thereof, reference to which is hereby made in aid of and as a part of this description. Said lots or parcels of land being located with and a part of Lot Six (6) of the Mississippi City Company's Survey in Section 2, Township 8 South, Range 11 West in Harrison County, Mississippi. Together with all improvements thereon, all riparian and littoral rights thereunto belonging and all appurtenances thereunto appertaining.

Tax Parcel Number: 0911F-01-035,000.

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

STATE OF MISSISSIPPI  
COUNTY OF HARRISON

AFFIDAVIT OF TITLE

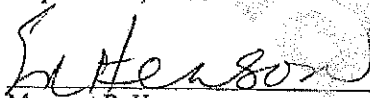
PERSONALLY APPEARED BEFORE ME, the undersigned authority, on this day personally appeared Margaret R. Henson and Kathleen R. Butler ("Affiant"), who, being first duly sworn, upon their oath states:

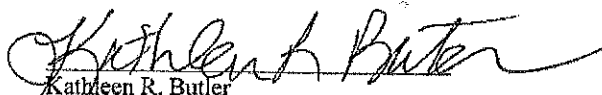
1. We are the owners of Harrison County, Mississippi Ad Valorem Tax Parcel Number 0911F-01-035.000 and all improvements thereon. Said property being legally described on Exhibit "A" attached hereto.
2. We further certify that the subject property is vested this date in the following: Margaret R. Henson and Kathleen R. Butler by virtue of Quitclaim Deed dated November 24, 2021 and recorded March 22, 2022 as described in Deed Instrument Number 2022 6478 D J1.
3. We survived our mother, Helen B. Roberson ("Grantor"), who passed away on February 19, 2022. We have been in possession of subject Warranty Deed from the date of its execution to the date of its recording due to my lack of knowledge that said Deed required recording with the Chancery Clerk of Harrison County, Mississippi to be validated.
4. We are aware of the penalties of perjury under Federal Law, which includes the execution of a false affidavit, pursuant to 18 U.S.C.S. § 1621 wherein it is provided that anyone found guilty shall not be fined more than \$2,000 or imprisoned not more than 5 years or both. We are also aware that filing of a false affidavit is perjury and punishable under Miss. Code Ann. § 97-9-19. Finally, We are also aware that under Miss. Code Ann. § 97-19-39, if a person with the intent to cheat or defraud another uses a false token or any other false pretense to obtain a signature of a person on a writing, or obtain money, personal property, or value, the person is guilty of a crime and will be punished by a fine of not more than three times the amount of the thing obtained and imprisonment in the penitentiary for not more than three years or in a jail for not more than one year.

The undersigned certifies under penalty of perjury that the foregoing is true and correct.

Further affiant sayeth not.

WITNESS OUR SIGNATURES, this September 8, 2023.

  
Margaret R. Henson

  
Kathleen R. Butler

Sworn to and subscribed before me on September 8, 2023.

  
NOTARY PUBLIC

My commission expires:

(SEAL)

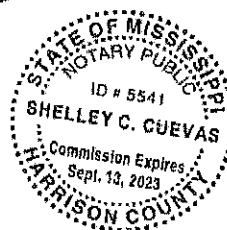


EXHIBIT "A"  
LEGAL DESCRIPTION

Lot Four (4) in Block Four (4) and Lot Four (4) in Block Five (5) of MISSISSIPPI LAND AND ABSTRACT COMPANY'S SUBDIVISION of a part of HEWES ADDITION to the City of Gulfport, Mississippi, 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 Book 54 at Page 498 thereof, reference to which is hereby made in aid of and as a part of this description. Said lots or parcels of land being located with and a part of Lot Six (6) of the Mississippi City Company's Survey in Section 2, Township 8 South, Range 11 West in Harrison County, Mississippi. Together with all improvements thereon, all riparian and littoral rights thereunto belonging and all appurtenances thereunto appertaining.







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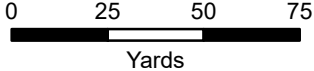
5

Mail	PPIN	Parcel ID	Name	Address	City	State	ZIP
Y		0911F-01-035.000	JERRY & CATHERINE EDWARDS (OWNERS)	5060 LIVE OAK DR	ST FRANCISVILLE	LA	70775
			DAVID JOHN HUNTER (AGENT)	85009 DIAMONDHEAD LAKES BLVD	DIAMONDHEAD	MS	39525
			<b>Adjacent Property Owners (2502ZB024)</b>				
	50504	0911F-01-035.000	ROBERSON HELEN B	23164 FREDDIE FRANK ROAD	PASS CHRISTIAN	MS	39571
	32228	0911F-01-030.000	ALFONSO TOMMYE CARLENE & MARGARET	9153 LORRAINE RD	GULFPORT	MS	39503
	32247	0911F-01-009.000	WHITE COTTEN HOLDINGS LLC	29815 HAYDEN DR	ORANGE BEACH	AL	36561
	32229	0911F-01-031.000	ALFONSO CARLENE & MARGARET	P O BOX 1446	GULFPORT	MS	39502
	32235	0911F-01-029.000	BRYANT H LEE & DOLORES G	508 E BEACH BLVD	GULFPORT	MS	39507
N	30107	0911F-01-028.000	BRYANT H LEE & DOLORES G	508 E BEACH BLVD	GULFPORT	MS	39507
N	32230	0911F-01-032.000	ALFONSO CARLENE & MARGARET	5352 RED CREEK RD	LONG BEACH	MS	39560
	32245	0911F-01-037.000	BERTUCCI DUANE	1500 ALFONSO DR	GULFPORT	MS	39507
N	32243	0911F-01-038.000	ALFONSO MARGARET	P O BOX 1446	GULFPORT	MS	39502
N	50680	0911F-01-036.000	ALFONSO MARGARET	P O BOX 1446	GULFPORT	MS	39502
	50503	0911F-01-033.000	ALFONSO AUGIE	710A GARDENDALE AVE	LONG BEACH	MS	39560
	32236	0911F-01-034.000	DANIEL JOHN & DANESE	P O BOX 6976	GULFPORT	MS	39506
N	146226	0911F-01-037.001	BERTUCCI DUANE	1500 ALFONSO DR	GULFPORT	MS	39507
N	147759	0911F-01-008.005	BERTUCCI DUANE	1500 ALFONSO DR	GULFPORT	MS	39507
	49624	0911F-01-008.001	ALFONSO CARLENE & MARGARET ALFONSO	5352 RED CREEK RD	LONG BEACH	MS	39560



Legend

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



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.

## AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Cols	Depth
51445	10439	Legal Ad - IPL0236183	ZB legal	2.0	124.0L

ATTENTION: GULFPORT URBAN DEVELOPMENT IP  
 PO BOX 1780  
 GULFPORT, MS 39502  
 accountspayable@gulfport-ms.gov

STATE OF MISSISSIPPI  
 COUNTY OF HARRISON  
 Before me, the undersigned Notary of Beaufort County, South Carolina personally appeared the undersigned, who, being by me first duly sworn, did depose and say that he/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:

1.0 insertion(s) published on:  
 06/04/25 Print

### LEGAL NOTICE PUBLIC HEARING

In conformance with Section VIII of the Comprehensive Zoning Ordinance of the City of Gulfport, Mississippi, 1979, as amended, notice is hereby given advising that the Zoning Board of Adjustment and Appeals will hold a public hearing in the City of Gulfport, Mississippi at 3:00 PM., Thursday, June 19, 2025 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 2502ZB024**, by agent David John Hunter, seeking approval for an 8 foot setback where 25 feet is required for a secondary frontage, Tax Parcel 0911F-01-035.000, 500 East Beach Blvd, Zoned R-1-7.5 (Single-Family), Ward 2

**Variance 2506ZB072**, by owner Savannah Walk Townhomes LLC, seeking approval for a sign structure height of 12.5 feet where 6 feet is the height limit, Tax Parcel 0807G-01-001.000, South Swan Road, Zoned R-1-15 (Single-family), Ward 7

**Variance 2506ZB074**, by agent Michael Cowan, seeking approval for an 11-foot secondary frontage setback where 25 feet is required, Tax Parcel 07100-01-012.000, 2900 43rd Ave, Zoned R-B (Residence-Business), Ward 1

**Variance 2506ZB075**, by agent Michael Cowan, seeking approval for lot size of 5,000 square feet where 7,500 is required, Tax Parcel 07100-01-012.000, 07100-01-012.001, 07100-03-033.000, 07100-03-032.000, 2900 43rd Ave, 2920 43rd Ave, Zoned R-B (Residence-Business), Ward 1

**Variance 2506ZB076**, by owner Daniel Samms, seeking approval for an 8-foot tall fence where 6 feet is the height limit, Tax Parcel 0911D-06-049.000, 2621 6th Ave, Zoned R-1-7.5 (Single-family), Ward 2

**Special Exception 2506SE077**, by agent Charfonya Boose, seeking approval for a liquor store use, Tax Parcel 0910N-07-007.000, 406 Pass Road, Zoned B-2 (General Business), Ward 4

**Variance 2506ZB078**, by owner Ancillary Capital LLC, seeking approval for an 8-foot-tall fence where the height limit is 6 feet, Tax Parcel 0811L-03-030.001, 1114 33rd Ave, Zoned T4+ (General Urban Zone "Plus"), Ward 2

**Variance 2506ZB079**, by owner Ancillary Capital LLC, seeking approval for an 8-foot-tall fence where the height limit is 6 feet, Tax Parcel 0811L-03-034.000, 1115 33rd Ave, Zoned T4+ (General Urban Zone "Plus"), Ward 2

**Variance 2507ZB084**, by agent Donovan Scruggs, seeking approval for lot sizes of 4,000 square feet for single-family homes where 7,500 square feet is required, Tax Parcels 1010M-02-001.000, 1010M-02-001.002, 1010M-02-001.003, 1010M-02-001.004, 1010M-02-001.005, 1010M-02-001.006, 1010M-02-005.001, 5th Street, Zoned B-2 (General-Business), T4L (General Urban Zone "Limited"), T4+ (General Urban Zone "Plus"), Ward 2

**Special Exception 2507SE086**, by owner Vintage Properties LLC, seeking approval for a liquor store use, Tax Parcel 0910N-06-019.000, 423 Pass Road, Zoned B-2 (General-Business), Ward 3

This the 28th day of May 2025  
 A. Leslie North, Chairman  
 City of Gulfport Zoning Board of Adjustment and Appeals  
 IPL0236183  
 Jun 4 2025

[Print Tearsheet Link](#)

[Marketplace Link](#)

*Julie Ambry*

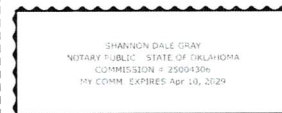


Julie Ambry

*Shannon Dale Gray*



Sworn to and subscribed before me this 2nd day of June in the year of 2025



Online Notary Public. This notarial act involved the use of online audio/video communication technology. Notarization facilitated by SIGNiX™

Notary Public in and for the state of South Carolina,  
 residing in Beaufort County



URBAN DEVELOPMENT  
PLANNING & ZONING  
PO BOX 1780 | GULFPORT, MS | 1410 24<sup>TH</sup> AVENUE  
228.868.5710 | [PLANNERS@GULFPORT-MS.GOV](mailto:PLANNERS@GULFPORT-MS.GOV)

## ZONING BOARD OF ADJUSTMENT AND APPEALS

---

**Hearing Date: Thursday, June 19, 2025**

**Variance 2506ZB072: Variance 2506ZB072, by owner Savannah Walk Townhomes LLC, seeking approval for a sign structure height of 12.5 feet where 6 feet is the height limit, Tax Parcel 0807G-01-001.000, South Swan Road, Zoned R-1-15 (Single-family), Ward 7**

# Technical Report

## VARIANCE

### GENERAL INFORMATION

Case File Number: 2506ZB072

Hearing Date: June 19, 2025

Current Zoning/Use: R-1-15/Vacant Lot

Legal: Variance 2506ZB072, by owner Savannah Walk Townhomes LLC, seeking approval for a sign structure height of 12.5 feet where 6 feet is the height limit, Tax Parcel 0807G-01-001.000, South Swan Road, Zoned R-1-15 (Single-family), Ward 7

### TECHNICAL DETAILS

Variations involve special cases where unique factors contribute to justify a use of property that does not conform to the City's enforced ordinances. Therefore, variations 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 building a subdivision sign at the height of 12.5 feet where 6 feet is the size limit. While there should be no visibility issues, there are no existing subdivision signs in the area that achieve the same level of scope as this petition.

- (a) The applicant states that by allowing the variance, a nicer entrance monument can be constructed to enhance the appearance of the subdivision. This is not a sufficient answer to the question. The desire to have a “nicer entrance monument” could not be considered neither a special circumstance nor a hardship.
- (b) The applicant claims that approval of the variance will increase the aesthetic appeal of the entrance. This is not a suitable answer to the question as this does not show whether or not the applicant is directly causing their hardship. The fact that the applicant states that this variance is due to the desire for aesthetic appeal proves that they are the cause of their own hardship.
- (c) Applicant states that the property is unusual because it is fronting South Swan Road and would benefit from a “grand entrance.” An ordinance change may offer reasonable solutions as a perhaps a allowing for larger signs for subdivision signifiers.
- (d) Applicant states the entrance sign proposed would give the neighborhood identity and “large entrance monuments have been show to help increase property value.” Value is not a sufficient hardship for a variance. There are no observable subdivision signs in this area that matches the scope of this request.
- (e) Applicant believes that granting this variance would not confer special rights upon them. Upon staff review, there are no subdivision signs in this area that matches the scope of this request. Approval would set precedent in this area.
- (f) This property is zoned R-1-15, and a subdivision sign is allowed by Architectural Review Committee Approval.

### ***EXECUTIVE SUMMARY***

The six criteria for hardship have not be met. The applicant does not display genuine hardship. The desire for a 12.5 foot tall sign is ultimately the cause of the hardship, and that is a direct result of the applicant. Furthermore, upon staff review, there are no observable subdivision signs that match the scope of this request in that area. Approval of this request would establish a precedent in this area.

Any approval should consider these conditions:

- 1. Must comply with all zoning rules and regulations.
- 2. Must be approved by Architectural Review Committee.
- 3. Approval allows for a subdivision sign of 12 feet in height.

### ***DEPARTMENTAL CONDITIONS***

**Engineering:** No conditions. Memo dated 06/06/2025.

**Public Works:** No comment as of 06/09/2025.

# Technical Report

## VARIANCE

**Traffic and Safety:** No conditions. Memo dated 06/06/2025.

**Building Code Services:** No conditions. Memo dated 06/02/2025.

**GIS:** No conditions. Memo dated 06/03/2025.

**Police Department:** No comment as of 06/09/2025.

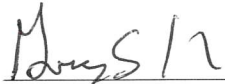
**Fire Department:** No conditions. Memo dated 06/02/2025.

**City Arborist:** No conditions. Memo dated 06/03/2025.

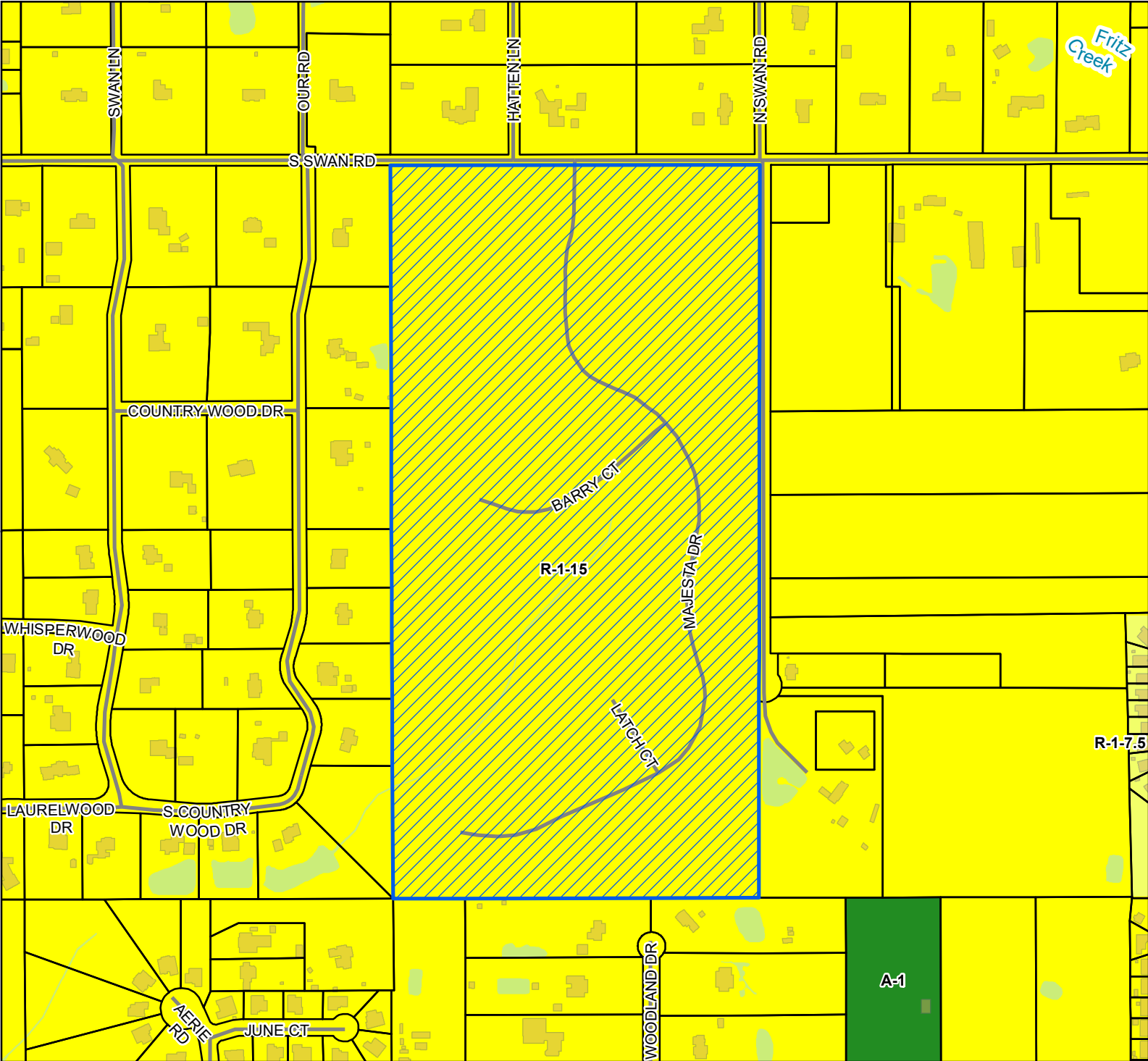
**Landscape Manager:** No conditions. Memo dated 06/04/2025.

### *DIRECTOR APPROVAL*

This report has been reviewed and approved by:

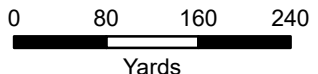


\_\_\_\_\_  
Greg Holmes  
Director of Urban Development Department



- Site
  - Street
  - Parcels
  - Buildings
  - Water Features
  - City Limit
- Zoning**
- A-1 - Agricultural District
  - R-1-15 - Single Family Residence District (Low Density)
  - R-1-7.5 - Single Family Residence District (Low Density)

**Site Information**  
 0807G-01-001.000  
 Zoning: R-1-15 (Single Family)  
 Size: 80 acres  
 Flood: X



1 inch = 500 feet



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



CASE NUMBER  
250623072

5-2-25 SDS  
A#-1328237C

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

0807G	-	01	-	001	.	000				-						
			-							-						
			-							-						

Property Address:

0 South Swan Rd.

Lot(s) \_\_\_\_\_ Block(s) \_\_\_\_\_ Subdivision \_\_\_\_\_

General Description of Request: request a ~~sign~~ subdivision entrance  
monument sign height of 12.5 feet where 6 feet is allowed.

### OWNERSHIP AND CERTIFICATION:

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

**OWNER:**

Savannah Walk Townhomes, LLC

Printed Name of Owner

919 2nd St.

Mailing Address

Gulfport MS 39501

City

State

Zip Code

228-596-4471

Home Phone

Work/Cell Phone

Kenneth@geddevelopmentdesign.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: \_\_\_\_\_



### Certificate Of Completion

Envelope Id: FA8ED6DA-7C53-400B-87F8-B2F9B7597943  
 Subject: Complete with Docusign: Corporate Resolution - sign and plat.pdf  
 Source Envelope:  
 Document Pages: 1  
 Certificate Pages: 5  
 AutoNav: Enabled  
 Envelopeld Stamping: Enabled  
 Time Zone: (UTC-06:00) Central Time (US & Canada)

Status: Completed

Envelope Originator:  
 Kenneth Jones  
 P.O. Box 442  
 Ocean Springs, 39566  
 kjonescbc@gmail.com  
 IP Address: 24.116.41.160

### Record Tracking

Status: Original  
 3/18/2025 9:49:43 AM

Holder: Kenneth Jones  
 kjonescbc@gmail.com

Location: DocuSign

### Signer Events

Andy Phelan  
 andy@gcdevelopmentdesign.com  
 Security Level: Email, Account Authentication (None)

### Signature

Signed by:  
  
 79F078C1400A1B...

### Timestamp

Sent: 3/18/2025 9:51:44 AM  
 Viewed: 3/18/2025 11:53:35 AM  
 Signed: 3/18/2025 11:53:48 AM

Signature Adoption: Pre-selected Style  
 Using IP Address: 162.206.149.59

**Electronic Record and Signature Disclosure:**  
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 ID: a831804b-13d0-43fa-b3ff-c1988aec2ada

JOSEPH RAFFEO  
 jraffeo@bottom2top.net  
 owner  
 Bottom 2 Top  
 Security Level: Email, Account Authentication (None)

DocuSigned by:  
  
 0D0BACB097B3486...

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 Signed: 3/18/2025 9:58:45 AM

Signature Adoption: Pre-selected Style  
 Using IP Address: 198.182.179.44  
 Signed using mobile

**Electronic Record and Signature Disclosure:**  
 Accepted: 3/18/2025 9:58:26 AM  
 ID: 16a606f2-18a2-491c-8080-edf78b26998b

Kenneth Jones  
 kjonescbc@gmail.com  
 Member  
 Gulf Coast Development & Design, LLC  
 Security Level: Email, Account Authentication (None)

DocuSigned by:  
  
 FE636FF1E310479...

Sent: 3/18/2025 9:51:45 AM  
 Viewed: 3/18/2025 9:51:51 AM  
 Signed: 3/18/2025 9:51:55 AM

Signature Adoption: Drawn on Device  
 Using IP Address: 24.116.41.160

**Electronic Record and Signature Disclosure:**  
 Not Offered via Docusign

### In Person Signer Events

### Signature

### Timestamp

### Editor Delivery Events

### Status

### Timestamp

### Agent Delivery Events

### Status

### Timestamp

### Intermediary Delivery Events

### Status

### Timestamp

### Certified Delivery Events

### Status

### Timestamp

<b>Carbon Copy Events</b>	<b>Status</b>	<b>Timestamp</b>
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<b>Witness Events</b>	<b>Signature</b>	<b>Timestamp</b>
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<b>Notary Events</b>	<b>Signature</b>	<b>Timestamp</b>
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<b>Envelope Summary Events</b>	<b>Status</b>	<b>Timestamps</b>
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Certified Delivered	Security Checked	3/18/2025 9:51:51 AM
Signing Complete	Security Checked	3/18/2025 9:51:55 AM
Completed	Security Checked	3/18/2025 11:53:48 AM

<b>Payment Events</b>	<b>Status</b>	<b>Timestamps</b>
-----------------------	---------------	-------------------

<b>Electronic Record and Signature Disclosure</b>
---



# COVENANT AFFIDAVIT

I, Kenneth Jones - Savannah Walk Townhomes, LLC being property owner or agent of the property 08076-01-001.000  
PRINT NAME PRIMARY ADDRESS OR PARCEL

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

[Signature]  
SIGNATURE

5/1/25  
DATE

## STATE OF MISSISSIPPI | COUNTY OF HARRISON

Given under my hand and seal of office this the 1st day of May, 20 25

[Signature]  
NOTARY PUBLIC



\_\_\_\_\_  
COMMISSION EXPIRATION

### Certificate Of Completion

Envelope Id: FA8ED6DA-7C53-400B-87F8-B2F9B7597943  
 Subject: Complete with Docusign: Corporate Resolution - sign and plat.pdf  
 Source Envelope:  
 Document Pages: 1 Signatures: 3  
 Certificate Pages: 5 Initials: 0  
 AutoNav: Enabled  
 Envelope Stamping: Enabled  
 Time Zone: (UTC-06:00) Central Time (US & Canada)

Status: Completed

Envelope Originator:  
 Kenneth Jones  
 P.O. Box 442  
 Ocean Springs, 39566  
 kjonescbc@gmail.com  
 IP Address: 24.116.41.160

### Record Tracking

Status: Original  
 3/18/2025 9:49:43 AM

Holder: Kenneth Jones  
 kjonescbc@gmail.com

Location: DocuSign

### Signer Events

Andy Phelan  
 andy@gcddevelopmentdesign.com  
 Security Level: Email, Account Authentication (None)

### Signature

Signed by:  
  
 79F073C1400A41B...

Signature Adoption: Pre-selected Style  
 Using IP Address: 162.206.149.59

### Timestamp

Sent: 3/18/2025 9:51:44 AM  
 Viewed: 3/18/2025 11:53:35 AM  
 Signed: 3/18/2025 11:53:48 AM

**Electronic Record and Signature Disclosure:**  
 Accepted: 3/18/2025 11:53:35 AM  
 ID: a831804b-13d0-43fa-b3ff-c1988aec2ada

JOSEPH RAFFEO  
 jraffeo@bottom2top.net  
 owner  
 Bottom 2 Top  
 Security Level: Email, Account Authentication (None)

DocuSigned by:  
  
 0D0BACB097B3486...

Signature Adoption: Pre-selected Style  
 Using IP Address: 198.182.179.44  
 Signed using mobile

Sent: 3/18/2025 9:51:45 AM  
 Viewed: 3/18/2025 9:58:26 AM  
 Signed: 3/18/2025 9:58:45 AM

**Electronic Record and Signature Disclosure:**  
 Accepted: 3/18/2025 9:58:26 AM  
 ID: 16a606f2-18a2-491c-8080-edf78b26998b

Kenneth Jones  
 kjonescbc@gmail.com  
 Member  
 Gulf Coast Development & Design, LLC  
 Security Level: Email, Account Authentication (None)

DocuSigned by:  
  
 FE830FF1E319479...

Signature Adoption: Drawn on Device  
 Using IP Address: 24.116.41.160

Sent: 3/18/2025 9:51:45 AM  
 Viewed: 3/18/2025 9:51:51 AM  
 Signed: 3/18/2025 9:51:55 AM

**Electronic Record and Signature Disclosure:**  
 Not Offered via Docusign

### In Person Signer Events

Signature

Timestamp

### Editor Delivery Events

Status

Timestamp

### Agent Delivery Events

Status

Timestamp

### Intermediary Delivery Events

Status

Timestamp

### Certified Delivery Events

Status

Timestamp

**Carbon Copy Events****Status****Timestamp****Witness Events****Signature****Timestamp****Notary Events****Signature****Timestamp****Envelope Summary Events****Status****Timestamps**

Envelope Sent

Hashed/Encrypted

3/18/2025 9:51:45 AM

Certified Delivered

Security Checked

3/18/2025 9:51:51 AM

Signing Complete

Security Checked

3/18/2025 9:51:55 AM

Completed

Security Checked

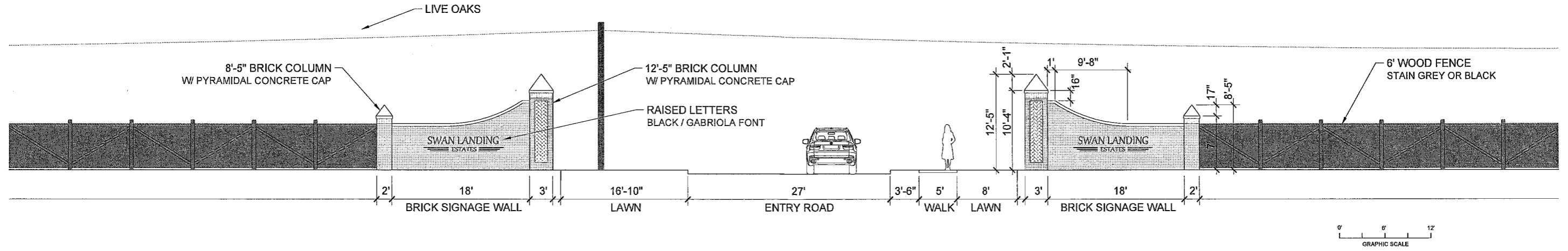
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**Payment Events****Status****Timestamps****Electronic Record and Signature Disclosure**

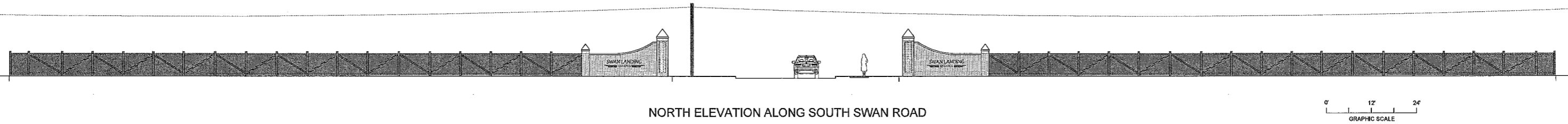
## Subdivision Identification Sign

### Height Variance Submission

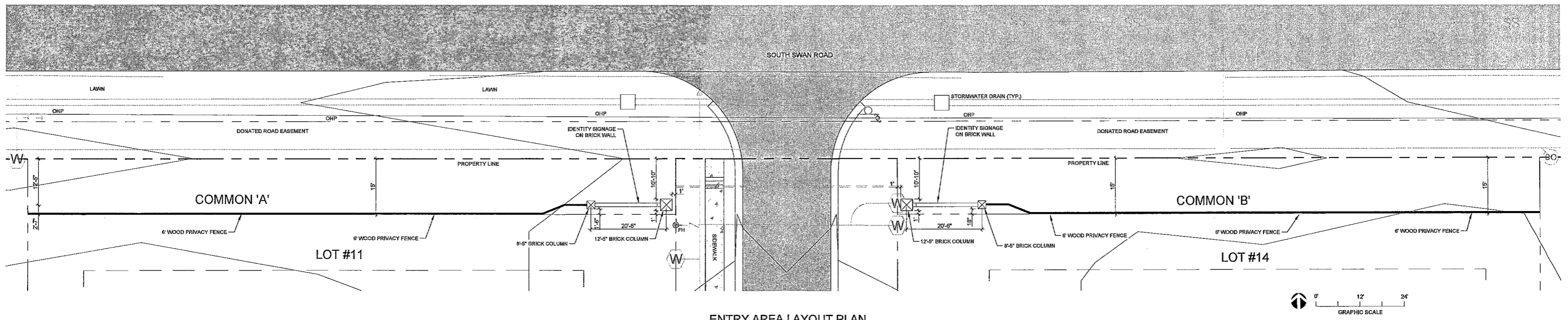
1. Special circumstances exist the property where the sign will be placed in a common area at the entrance to a subdivision and the monumentation is facing South Swan Road. By allowing the variance, a nicer entrance monument can be constructed to enhance the appearance of the subdivision.
2. Although we are requesting for the installation of this sign, we believe that the variance is warranted to bring additional investment to the subdivision which will increase the aesthetic appeal of the entrance. It will also not adversely affect neighboring property owners.
3. This property is unusual because it fronting South Swan Road and would benefit from a "grand entrance" that will enhance the community.
4. Not allowing this variance would prohibit additional investment by a developer wishing to increase the amenities and value of the subdivision by creating a nice entrance. Entrance Monumentation not only give the neighborhood identity, but large entrance monuments have been shown to help increase property values.
5. There is no special privilege associated with this variance request because other subdivisions have been granted similar variances and there are similar fences and entrances on South Swan Road.
6. The fence/wall is allowed by right. The variance is only for the height of the wall/fence and the height of the sign plaque.



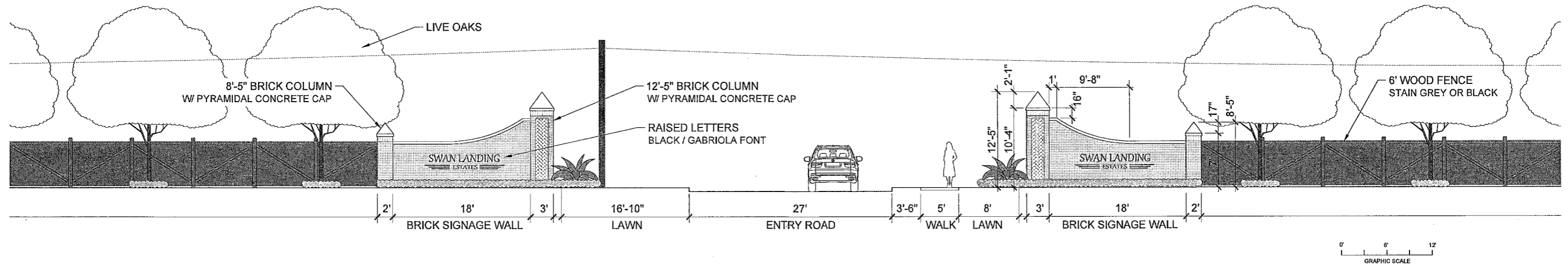
NORTH ELEVATION AT ENTRY ROAD



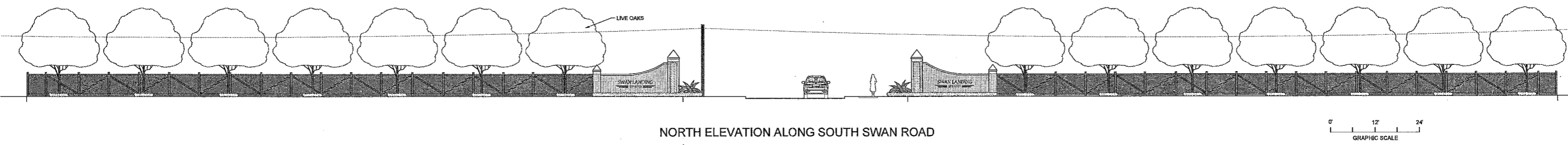
NORTH ELEVATION ALONG SOUTH SWAN ROAD



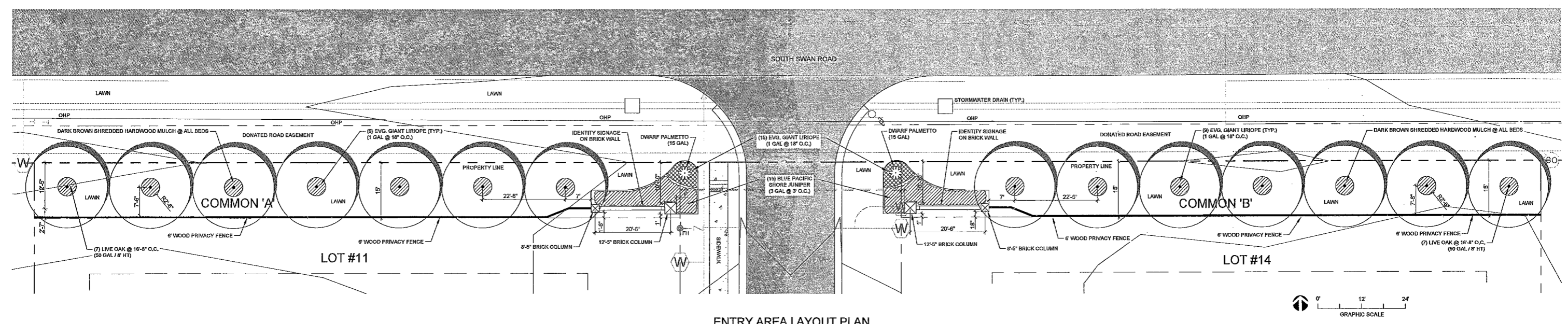
ENTRY AREA LAYOUT PLAN



NORTH ELEVATION AT ENTRY ROAD



NORTH ELEVATION ALONG SOUTH SWAN ROAD



ENTRY AREA LAYOUT PLAN

**F0012**  
**Fee: \$ 50**



**Michael Watson**  
SECRETARY OF STATE

**2025198996**

Business ID: 1402566  
Filed: 03/21/2025 01:12 PM  
Michael Watson  
Secretary of State

Articles/Certificate of Amendment

**Business Details**

***Business ID:*** 1402566

***Business Name:*** Savannah Walk Townhomes, LLC

**Current Parties On Record**

***Name:***

Andrew Phelan  
*Member*

***Address:***

2515 Havard  
Ocean Springs, MS 39564

**Amended Parties On Record**

***Name:***

Phelan Engineering, LLC  
*Member*

***Address:***

2515 Havard  
Ocean Springs, MS 39564

KLJ CRE, Corp.  
*Member*

919 2nd Street  
Gulfport, MS 38501

Bottom 2 Top Construction, LLC  
*Member*

24111 Ryland Ridge Rd  
Saucier, MS 39574

**NAICS Code/Nature of Business**

237210 - Land Subdivision

**Signature**

By entering my name in the space provided, I certify that I am authorized to file this document on behalf of this entity, have examined the document and, to the best of my knowledge and belief, it is true, correct and complete as of this day **03/21/2025**.

***Name:***

Kenneth Jones II  
*Member*

***Address:***

919 2nd Street  
Gulfport, MS 39501

**F0108**

**Fee: \$**



**Michael Watson**  
SECRETARY OF STATE

**2025099677**

Business ID: 1269573  
Filed: 02/13/2025 08:03 AM  
Michael Watson  
Secretary of State

P.O. BOX 136  
JACKSON, MS 39205-0136  
TELEPHONE: (601) 359-1633

**2025 LLC Annual Report**

**Business Information**

**Business ID:** 1269573

**Business Name:** Phelan Engineering, LLC

**State of Incorporation:** MS

**Business Email:** atphelan1@yahoo.com

**Phone:** (\*\*\*)\*\*\*\_\*\*\*\*

**FEIN:** \*\*\_\*\*\*\*\*

**Principal Address:** 2515 Havard Rd  
Ocean Springs, MS 39564

**Registered Agent**

**Name:** Andrew Phelan

**Address:** 2515 Havard Rd  
Ocean Springs, MS 39564

**Managers and Members**

**Managers**

**Name:**  
Andrew Tate Phelan  
**Manager**

**Address:**  
2515 Havard Rd  
Ocean Springs, MS 39564

**Officers**

**Title/Name:** **Address:** **Director:**

**President:**

**Vice President:**

**Secretary:**

**Treasurer:**

This LLC has a written Operating Agreement.

**NAICS Code/Nature of Business**

541330 - Engineering Services

**Signature**

By entering my name in the space provided, I certify that I am authorized to file this document on behalf of this entity, have examined the document and, to the best of my knowledge and belief, it is true, correct and complete as of this day **02/13/2025**.

***Name:***

Andrew Phelan

*Other*

***Address:***

2515 Havard Road

Ocean Springs, MS 39564

**F0108**

**Fee: \$**



**Michael Watson**  
SECRETARY OF STATE

**2025024777**

Business ID: 1132376  
Filed: 01/14/2025 01:05 PM  
Michael Watson  
Secretary of State

P.O. BOX 136  
JACKSON, MS 39205-0136  
TELEPHONE: (601) 359-1633

**2025 LLC Annual Report**

**Business Information**

**Business ID:** 1132376

**Business Name:** Bottom 2 Top Construction LLC

**State of Incorporation:** MS

**Business Email:** jraffeo@bottom2top.net

**Phone:** (\*\*\*)\*\*\*\_\*\*\*\*

**FEIN:** \*\*\_\*\*\*\*\*

**Principal Address:** 16708 Hwy 67  
Biloxi, MS 39532

**Registered Agent**

**Name:** Sara Louise Fox

**Address:** 24111 Ryland Ridge Rd  
Saucier, MS 39574

**Managers and Members**

**Managers**

**Name:**  
Joseph R Raffeo Jr  
**Manager**

**Address:**  
24111 Ryland Ridge Rd.  
Saucier, MS 39574

**Officers**

<b>Title/Name:</b>	<b>Address:</b>	<b>Director:</b>
<b>President:</b> Sara Louise Fox	24111 Ryland Ridge Rd. Saucier, MS 39574	<input type="checkbox"/>
<b>Vice President:</b>		<input type="checkbox"/>
<b>Secretary:</b>		<input type="checkbox"/>
<b>Treasurer:</b>		<input type="checkbox"/>

This LLC has a written Operating Agreement.

**NAICS Code/Nature of Business**

221310 - Water Supply and Irrigation Systems

221320 - Sewage Treatment Facilities

237110 - Water and Sewer Line and Related Structures Construction

**Signature**

By entering my name in the space provided, I certify that I am authorized to file this document on behalf of this entity, have examined the document and, to the best of my knowledge and belief, it is true, correct and complete as of this day 01/14/2025.

***Name:***

Sara Fox  
*President*

***Address:***

24111 RYLAND RIDGE RD.  
Saucier, MS 39574

## Officers List

*Name:*

Joseph R Raffeo Jr  
*Manager*

*Address:*

24111 Ryland Ridge Rd.  
Saucier, MS 39574

Sara Louise Fox  
*President*

24111 Ryland Ridge Rd.  
Saucier, MS 39574

**F0008**  
**Fee: \$ 25**



**Michael Watson**  
SECRETARY OF STATE

**2024329610**

Business ID: 1126089  
Filed: 05/15/2024 06:05 PM  
Michael Watson  
Secretary of State

P.O. BOX 136  
JACKSON, MS 39205-0136  
TELEPHONE: (601) 359-1633

**2024 Corporate Annual Report**

**Business Information**

**Business ID:** 1126089

**Business Name:** KLJ CRE Corp

**State of Incorporation:** MS

**Business Email:** kjonescbc@gmail.com

**Phone:** (\*\*\*)\*\*\*-\*\*\*\*

**FEIN:** \*\*-\*\*\*\*\*

**Principal Address:** 919 2nd Street, 919 2nd Street  
Gulfport, MS 39501

**Registered Agent**

**Name:** Kenneth Jones II

**Address:** 919 2nd Street  
Gulfport, MS 39501

**Officers**

<b>Title/Name:</b>	<b>Address:</b>	<b>Director:</b>
<b>President:</b> Kenneth Jones II	919 2nd Street Gulfport, MS 39501	<input type="checkbox"/>
<b>Vice President:</b>		<input type="checkbox"/>
<b>Secretary:</b>		<input type="checkbox"/>
<b>Treasurer:</b>		<input type="checkbox"/>

**Stocks**

<b>Class:</b>	<b>Authorized:</b>	<b>Series:</b>	<b>Issued:</b>
Common	100		100

**NAICS Code/Nature of Business**

531210 - Offices of Real Estate Agents and Brokers  
237210 - Land Subdivision

**Signature**

By entering my name in the space provided, I certify that I am authorized to file this document on behalf of this entity, have examined the document and, to the best of my knowledge and belief, it is true, correct and complete as of this day *05/15/2024*.

*Name:*

Kenneth Jones II

*President*

*Address:*

919 2nd Street

Gulfport, MS 39501



*Angela Hunter* 1st JUDICIAL DISTRICT  
Instrument 2024-0010581-D-11  
Filed/Recorded 06/05/2024 2:51:01 PM  
Total Fees 26.00  
4 Pages Recorded

## WARRANTY DEED COVER

Prepared by and return to:  
Donald R. Jones, #3197  
Donald R. Jones, Attorney, PLLC  
1605 23<sup>rd</sup> Avenue  
Gulfport, MS 39501  
228-864-8965

INDEX: E1/2 of SW1/4, Section 27-6-11

GRANTOR:  
THE FLAIR FAMILY, LLC  
614 Willowridge Drive  
Luling, LA 70070  
504-628-8256

ALAN TIMOTHY FLAIR, Individually, 614 Willowridge Drive, Luling, LA 70070,  
504-628-8256

GUSTAVE B. FLAIR, Individually, 127 Dogwood Drive, Covington, LA 70433,  
504-495-9705

BEATRICE A. FLAIR, Individually, 225 Gulf Drive, Waveland, MS 39576,  
504-400-9084

GRANTEE:  
SAVANNAH WALK TOWNHOMES, LLC  
919 2<sup>nd</sup> Street  
Gulfport, MS 39501  
228-596-4471

Prepared by:  
Donald R. Jones, #3197  
Attorney at Law  
P. O. Box 7555  
Gulfport, MS 39506  
(228) 864-8965  
File #235090

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

Index: E1/2 of SW1/4, Section 27-6-11

STATE OF MISSISSIPPI

COUNTY OF HARRISON

WARRANTY DEED

FOR AND IN CONSIDERATION of the sum of Ten Dollars (\$10.00), cash in hand paid, and other good and valuable consideration, the receipt and sufficiency of all of which is hereby acknowledged, the undersigned, THE FLAIR FAMILY, LLC, and ALAN TIMOTHY FLAIR, Individually, GUSTAVE B. FLAIR, Individually, and BEATRICE A. FLAIR, Individually, 614 Willowridge Drive, Luling, LA 70070, 504-628-8256, do hereby sell, convey and warrant unto SAVANNAH WALK TOWNHOMES, LLC, 919 2nd Street, Gulfport, MS 39501, 228-596-4471, 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:

The East One-half (E1/2) of the Southwest One-fourth (SW1/4) of Section 27, Township 6 South, Range 11 West, in the First Judicial District of Harrison County, Mississippi, less and except any part thereof lying within the boundary of South Swan Road and North Swan Road Extension.

Being the same property acquired by Mrs. Betty Blancand Flair by an act of transfer dated August 14, 1956, recorded in the office of the Chancery Clerk of the First Judicial District of Harrison County, Mississippi, in Deed Book 412 at Page 105, pursuant to Order dated August 9, 1956, of the Chancery Court of the First Judicial District of Harrison County, Mississippi, for the Estate of Gus Blancand, Cause Number 35,851. Subject parcel having been subsequently conveyed to The Flair Family, L.L.C., by an Act of Transfer dated December

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

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

IN WITNESS WHEREOF, THE FLAIR FAMILY, LLC, has caused this conveyance to be executed by its duly authorized officers, having first been duly authorized to do so, on this the 5th day of June, 2024.

THE FLAIR FAMILY, LLC

BY: Alan Timothy Flair  
ALAN TIMOTHY FLAIR, Member

BY: Gustave B. Flair  
GUSTAVE B. FLAIR, Member

BY: Beatrice A. Flair  
BEATRICE A. FLAIR, Member

Alan Timothy Flair  
ALAN TIMOTHY FLAIR, Individually

Gustave B. Flair  
GUSTAVE B. FLAIR, Individually

Beatrice A. Flair  
BEATRICE A. FLAIR, Individually

STATE OF MISSISSIPPI

COUNTY OF HARRISON

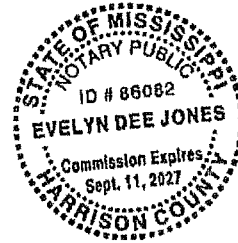
THIS DAY PERSONALLY CAME AND APPEARED BEFORE ME, the undersigned authority in and for the jurisdiction aforesaid, ALAN TIMOTHY FLAIR, Member, GUSTAVE B. FLAIR, Member, and BEATRICE A. FLAIR, Member, of THE FLAIR FAMILY, LLC, and as its act and deed, they signed, sealed and delivered the above and foregoing instrument of writing on the day and in the year therein mentioned, after having been first duly authorized to do so.

GIVEN UNDER MY HAND AND OFFICIAL SEAL OF OFFICE, this the 5th day of June, 2024.

*Evelyn Dee Jones*  
NOTARY PUBLIC

My Commission Expires:

\_\_\_\_\_



STATE OF MISSISSIPPI

COUNTY OF HARRISON

THIS DAY PERSONALLY CAME AND APPEARED BEFORE ME, the undersigned authority in and for the jurisdiction aforesaid, ALAN TIMOTHY FLAIR, GUSTAVE B. FLAIR, and BEATRICE A. FLAIR, who acknowledged that the above and foregoing instrument was signed and delivered as the free and voluntary act and deed of the Grantors on the day and in the year therein mentioned.

GIVEN UNDER MY HAND AND OFFICIAL SEAL OF OFFICE, this the 5th day of June, 2024.

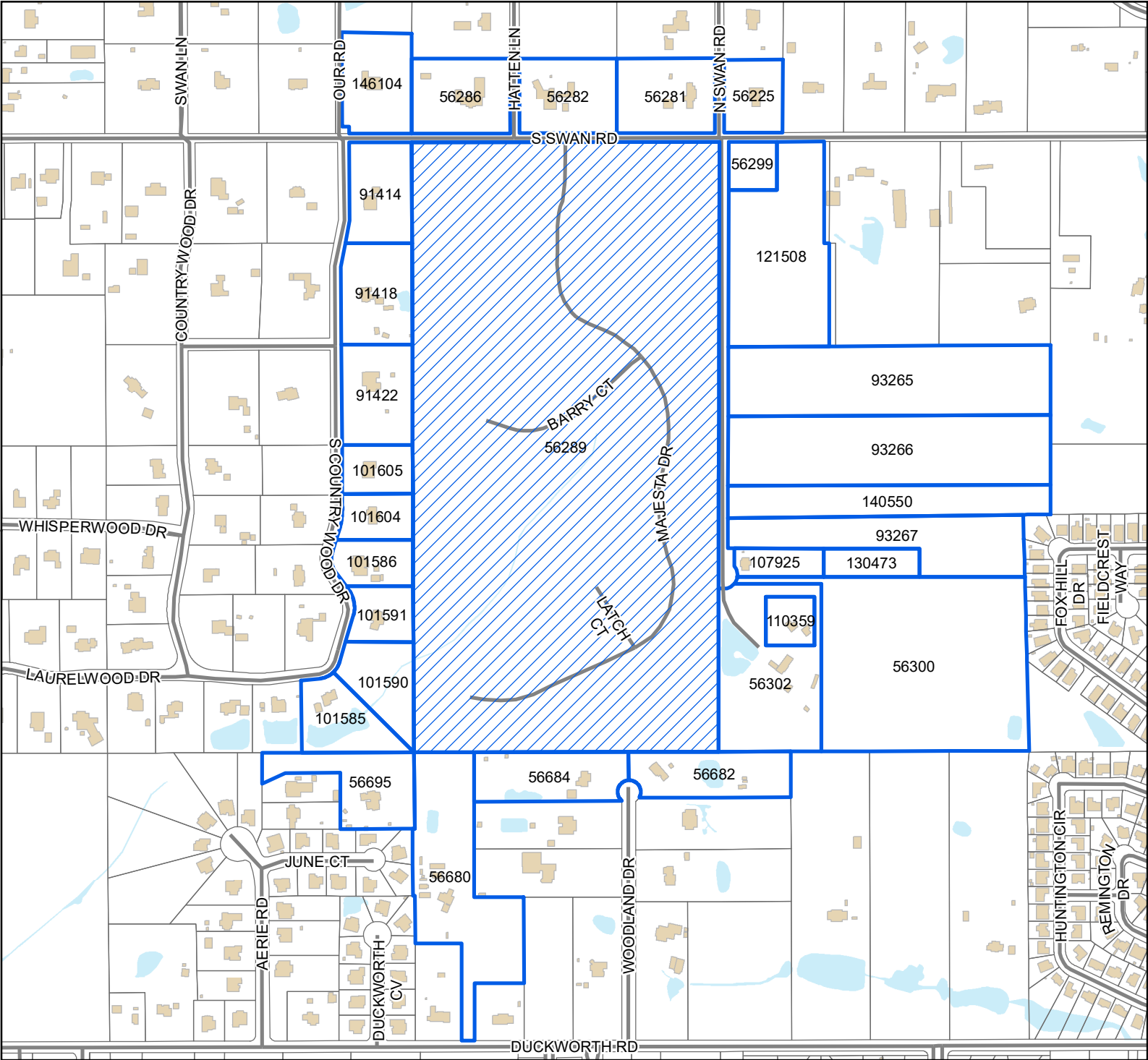
*Evelyn Dee Jones*  
NOTARY PUBLIC

My Commission Expires:





\_\_\_\_\_

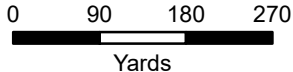


Mail	PPIN	Parcel ID	Name	Address	City	State	ZIP
Y		0807G-01-001.000	SAVANNAH WALK TOWNHOMES, LLC (OWNER)	919 2ND ST	GULFPORT	MS	39501
			<b>Adjacent Property Owners (2506ZB072)</b>				
	107925	0807H-01-006.001	CASTILLEJA HENRY MATTHEW JR	14241 S SWAN RD	GULFPORT	MS	39503
	56286	0807B-01-017.000	PALMORE CARROLL A JR	14386 S SWAN RD	GULFPORT	MS	39503
	93266	0807H-01-007.002	PAGE PAUL B	14349 4TH AVE	GULFPORT	MS	39503
	56225	0807A-01-027.000	MIXON PAMELA M & WILLIAM K	14250 NORTH SWAN RD	GULFPORT	MS	39503
	56289	0807G-01-001.000	FLAIR FAMILY LLC THE	225 GULF DR	WAVELAND	MS	39576
	91414	0807G-01-002.000	LADNIER PASANDRA A & JEFFREY ETAL	14221 COUNTRY WOOD DR	GULFPORT	MS	39503
	56300	0807H-01-005.000	MORRIS M C & LINDA -TRUSTEES-	13862 GULF HAVEN ROAD	GULFPORT	MS	39503
	56680	0807J-01-010.000	MERRITT GLENN B & VALERI M	14380 DUCKWORTH RD	GULFPORT	MS	39503
	56281	0807B-01-005.000	SWEEBE CHRISTOPHER L & ADDISON	14247 N SWAN RD	GULFPORT	MS	39503
	91422	0807G-01-004.000	GRAY LAMAR S & SUSAN A	14501 S COUNTRYWOOD DR	GULFPORT	MS	39503
	93265	0807H-01-007.001	REALTY INTERNATIONAL LLC	9122 VICTORIA CIR	GULFPORT	MS	39503
	101591	0807G-01-008.000	GILMORE MARK S & KARLA G	14593 COUNTRYWOOD DR	GULFPORT	MS	39503
	110359	0807H-01-006.003	JARVIS JANET BRICKLEY & DAVID MARK	14251 S SWAN RD	GULFPORT	MS	39503
	56682	0807J-01-004.000	SMITH NANCY E	13516 WOODLAND DR	GULFPORT	MS	39503
	56684	0807J-01-005.000	ABEL CHRISTOPHER J	13517 WOODLAND DR	GULFPORT	MS	39503
	101590	0807G-01-009.000	HICKEY CHRIS & ANITA ETAL	2002 STONEBRIDGE CT	MANSFEILD	TX	76063
	101585	0807G-01-010.000	GOFORTH JERRY & LINDA	14661 COUNTRY WOOD DR	GULFPORT	MS	39503
	101604	0807G-01-006.000	HOWZE LYNDA RUTH & KIP DUDLEY	14553 S COUNTRY WOOD DR	GULFPORT	MS	39503
	91418	0807G-01-003.000	SELLERS WILLIAM R & SANDRA N	14263 COUNTRY WOOD DRIVE	GULFPORT	MS	39503
	101605	0807G-01-005.000	LUCKETT CLEOTHA JR & CONNIE R	14525 S COUNTRY WOOD DR	GULFPORT	MS	39503
	56282	0807B-01-006.000	BOZANT PAUL & HEATHER	14300 HATTEN LANE	GULFPORT	MS	39503
	101586	0807G-01-007.000	BEY RASHAWN	14575 S COUNTRYWOOD DR	GULFPORT	MS	39503
	56302	0807H-01-006.000	COURTEAUX MILTON A JR -TOD-	14241 S SWAN RD	GULFPORT	MS	39503
	56299	0807H-01-008.000	REALTY INTERNATIONAL LLC	P O BOX 4246	GULFPORT	MS	39502
	93267	0807H-01-007.003	DAVENPORT TABITHA	14361 CARRIAGE CIRCLE	GULFPORT	MS	39503
	56695	0807J-01-013.000	PETRO SHAWN M	14440 DUCKWORTH RD	GULFPORT	MS	39503
	146104	0807B-01-018.001	MIXON JAMES ADAM & ASHLEY	14363 HATTEN LN	GULFPORT	MS	39503



Legend

-  Site
-  Street
-  Buildings
-  Water Features



1 inch = 600 feet



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

## AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Cols	Depth
51445	10439	Legal Ad - IPL0236183	ZB legal	2.0	124.0L

ATTENTION: GULFPORT URBAN DEVELOPMENT IP  
 PO BOX 1780  
 GULFPORT, MS 39502  
 accountspayable@gulfport-ms.gov

STATE OF MISSISSIPPI  
 COUNTY OF HARRISON  
 Before me, the undersigned Notary of Beaufort County, South Carolina personally appeared the undersigned, who, being by me first duly sworn, did depose and say that he/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:

1.0 insertion(s) published on:  
 06/04/25 Print

### LEGAL NOTICE PUBLIC HEARING

In conformance with Section VIII of the Comprehensive Zoning Ordinance of the City of Gulfport, Mississippi, 1979, as amended, notice is hereby given advising that the Zoning Board of Adjustment and Appeals will hold a public hearing in the City of Gulfport, Mississippi at 3:00 PM., Thursday, June 19, 2025 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 2502ZB024**, by agent David John Hunter, seeking approval for an 8 foot setback where 25 feet is required for a secondary frontage, Tax Parcel 0911F-01-035.000, 500 East Beach Blvd, Zoned R-1-7.5 (Single-Family), Ward 2

**Variance 2506ZB072**, by owner Savannah Walk Townhomes LLC, seeking approval for a sign structure height of 12.5 feet where 6 feet is the height limit, Tax Parcel 0807G-01-001.000, South Swan Road, Zoned R-1-15 (Single-family), Ward 7

**Variance 2506ZB074**, by agent Michael Cowan, seeking approval for an 11-foot secondary frontage setback where 25 feet is required, Tax Parcel 07100-01-012.000, 2900 43rd Ave, Zoned R-B (Residence-Business), Ward 1

**Variance 2506ZB075**, by agent Michael Cowan, seeking approval for lot size of 5,000 square feet where 7,500 is required, Tax Parcel 07100-01-012.000, 07100-01-012.001, 07100-03-033.000, 07100-03-032.000, 2900 43rd Ave, 2920 43rd Ave, Zoned R-B (Residence-Business), Ward 1

**Variance 2506ZB076**, by owner Daniel Samms, seeking approval for an 8-foot tall fence where 6 feet is the height limit, Tax Parcel 0911D-06-049.000, 2621 6th Ave, Zoned R-1-7.5 (Single-family), Ward 2

**Special Exception 2506SE077**, by agent Charfonya Boose, seeking approval for a liquor store use, Tax Parcel 0910N-07-007.000, 406 Pass Road, Zoned B-2 (General Business), Ward 4

**Variance 2506ZB078**, by owner Ancillary Capital LLC, seeking approval for an 8-foot-tall fence where the height limit is 6 feet, Tax Parcel 0811L-03-030.001, 1114 33rd Ave, Zoned T4+ (General Urban Zone "Plus"), Ward 2

**Variance 2506ZB079**, by owner Ancillary Capital LLC, seeking approval for an 8-foot-tall fence where the height limit is 6 feet, Tax Parcel 0811L-03-034.000, 1115 33rd Ave, Zoned T4+ (General Urban Zone "Plus"), Ward 2

**Variance 2507ZB084**, by agent Donovan Scruggs, seeking approval for lot sizes of 4,000 square feet for single-family homes where 7,500 square feet is required, Tax Parcels 1010M-02-001.000, 1010M-02-001.002, 1010M-02-001.003, 1010M-02-001.004, 1010M-02-001.005, 1010M-02-001.006, 1010M-02-005.001, 5th Street, Zoned B-2 (General-Business), T4L (General Urban Zone "Limited"), T4+ (General Urban Zone "Plus"), Ward 2

**Special Exception 2507SE086**, by owner Vintage Properties LLC, seeking approval for a liquor store use, Tax Parcel 0910N-06-019.000, 423 Pass Road, Zoned B-2 (General-Business), Ward 3

This the 28th day of May 2025  
 A. Leslie North, Chairman  
 City of Gulfport Zoning Board of Adjustment and Appeals  
 IPL0236183  
 Jun 4 2025

[Print Tearsheet Link](#)

[Marketplace Link](#)

*Julie Ambry*

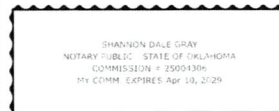


Julie Ambry

*Shannon Dale Gray*



Sworn to and subscribed before me this 2nd day of June in the year of 2025



Online Notary Public. This notarial act involved the use of online audio/video communication technology. Notarization facilitated by SIGNiX  
 Notary Public in and for the state of South Carolina,  
 residing in Beaufort County



URBAN DEVELOPMENT  
PLANNING & ZONING  
PO BOX 1780 | GULFPORT, MS | 1410 24<sup>TH</sup> AVENUE  
228.868.5710 | [PLANNERS@GULFPORT-MS.GOV](mailto:PLANNERS@GULFPORT-MS.GOV)

## ZONING BOARD OF ADJUSTMENT AND APPEALS

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**Hearing Date: Thursday, June 19, 2025**

**Variance 2506ZB074: Variance 2506ZB074, by agent Michael Cowan, seeking approval for an 11-foot secondary frontage setback where 25 feet is required, Tax Parcel 07100-01-012.000, 2900 43rd Ave, Zoned R-B (Residence-Business), Ward 1**

# Technical Report

## VARIANCE

### GENERAL INFORMATION

Case File Number: 2506ZB074

Hearing Date: June 19, 2025

Current Zoning/Use: R-B/ Vacant Lots

Legal: Variance 2506ZB074, by agent Michael Cowan, seeking approval for an 11-foot secondary frontage setback where 25 feet is required, Tax Parcel 07100-01-012.000, 2900 43rd Ave, Zoned R-B (Residence-Business), Ward 1

### TECHNICAL DETAILS

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

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

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

# Technical Report

## VARIANCE

The applicant is seeking approval for an 11-foot second frontage setback, where 25 feet is required, for a proposed lot that would be carved out from an existing larger parcel for the placement of a single-family home as part of a proposed subdivision of single-family homes.

- (a) The applicant states “the subject property will be used to offer affordable housing and lower maintenance with small lot size.” This answer does not demonstrate any special conditions that exist peculiar to the land which are not applicable to other lands in that same district. Regarding the lot size portion of the answer that is subject to a separate variance that this applicant has submitted.
- (b) The applicant claims that the subject property has been sitting dormant for years with no new construction in the area and that the variance is necessary to bring affordable housing to the area. The applicant also claims that part of the reason for the variance is due to the existence of mature live oaks on the property and the variance would help the applicant better fit the house around the live oaks. The first portion of the applicant’s statement does not address how any special conditions, or hardships, are not caused by the applicant or not. Regarding the statement regarding the live oaks, as live oaks are a protected tree species an approved tree permit for removal would be required for any of said protected trees to be removed. As there would be no guarantee that the applicant could obtain an approved tree permit for removal of protected trees, such could be considered as a hardship not caused by the applicant’s actions. That being said, this site is part of an area that contained a single-family home that was recently demolished. A site visit conducted by staff confirmed the vacancy of the former primary structure. The property currently would be able to accommodate the 25-foot secondary frontage, however the applicant’s proposed division and home placement would cause the need for the variance.
- (c) The applicant states “the hardship deals with challenge of constructing housing that will be affordable for the customer.” The applicant then also references the lot sizes in their statement, and claims that there are other variances in the area. The lot size portion of the applicant’s answer is subject to a separate variance request. The applicant does not appropriately address the question regarding the demonstration of how a hardship is created by the physical character of the land. Regarding the claim about variances in the nearby area, upon review of the surrounding area, staff could find no record of variances that went before this board.
- (d) The applicant claims they are asking for something that exists in other parts of this area, however their statement refers to lot size requirements which are subject to a separate variance. The applicant does not properly address the question regarding the literal interpretation of the ordinance. Regarding setbacks, the R-B zoning requires setbacks of 25 feet from frontage property lines. Excluding amending the district regulations regarding secondary frontage setbacks, while an approved variance would allow the applicant to place the proposed home within a carved-out corner lot, as the current property could accommodate the setback requirements the applicant could divide the property to potentially have their proposed house meet setback requirements and not require the variance.
- (e) The applicant claims that there would be no special benefits for them, and that the benefit will be to the consumer. The applicant’s response does not answer if granting the variance will confer special privileges that other properties would be denied by this

# Technical Report

## VARIANCE

ordinance. While there are some structures on other properties nearby that are close to the property lines, these structures are in different zoning districts and are pre-existing nonconforming. Looking at other properties nearby within the same zoning district with existing structures, they are meeting setbacks for the R-B zoning district. Approval of the applicant's request would set a precedence in the area.

(f) The property is zoned R-B, and a single-family home would be allowed by right.

### ***EXECUTIVE SUMMARY***

The applicant is seeking approval for a secondary frontage of 11 feet where 25 feet is required, in order to place a single-family home on a proposed carved-out corner lot. The six hardship criteria have not been met, and the hardships stated do not meet merit. The applicant claims that part of the reason for the setback request is due to the existence of mature live oaks on the property, which while there would be no guarantee that an approved tree permit for removal could be obtained, the site for the proposed parcel is part of where a single-family home was recently demolished. The applicant is seeking to divide a smaller corner lot from the existing parcel in order to place a single-family home, which would be part of a proposed subdivision of single-family homes. The applicant's request would set a precedence in the area, as other nearby properties within the same zoning district are meeting the setback requirements for the R-B zoning district.

Any approval should consider these conditions:

1. Approval would allow for a secondary frontage setback of 11 feet, where 25 feet is required.
2. Must comply with all current Building Codes and City of Gulfport Ordinances.
3. All protected trees shall be protected and preserved.

### ***DEPARTMENTAL CONDITIONS***

**Engineering:** No conditions. Memo dated 6/6/25.

**Public Works:** No comment as of 6/6/25.

**Traffic and Safety:** No conditions. Memo dated 6/6/25.

**Building Code Services:** Must comply with all current Building Codes and City of Gulfport Ordinances. Memo dated 6/2/25.

**GIS:** No conditions. Memo dated 6/3/25.

**Police Department:** No comment as of 6/6/25.

**Fire Department:** No conditions. Memo dated 6/2/25.

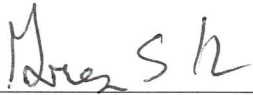
**City Arborist:** All protected trees shall be protected and preserved. Memo dated 6/2/25.

**Technical Report**  
*VARIANCE*

**Landscape Manager:** No conditions. Memo dated 6/4/25.

***DIRECTOR APPROVAL***

This report has been reviewed and approved by:



\_\_\_\_\_  
Greg Holmes  
Director of Urban Development Department

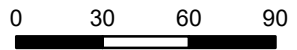


- Site
- Street
- Military Street
- Parcels
- Buildings
- Water Features
- City Limit

**Zoning**

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

**Site Information**  
 07100-01-012.000  
 Zoning: R-B (Residence Business)  
 Size: 2.5 acres  
 Flood: X



1 inch = 200 feet



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



CASE NUMBER

250623074  
5/5/25 SDS  
R#13284758

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

07100-01-012.000	07109-03-032.000
07100-01-012.001	
07109-03-033.000	

Property Address:

2900 43rd Ave

Lot(s) 1 Block(s) 6 Subdivision Montgomery Add

General Description of Request: Variance for corner lot of  
11' side setback. Second Frontage setback  
where 25' is required.

### 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:**

Tony Shirow  
 Printed Name of Owner  
4037 Dream St  
 Mailing Address  
Bay St Louis MS 39520  
 City State Zip Code  
601-408-2315  
 Home Phone Work/Cell Phone  
t.shirow@aol.com  
 Email  
[Signature]  
 Signature of Owner

**AGENT:**

Michael Cowan  
 Printed Name of Agent  
4019 Rd 550  
 Mailing Address  
Ridgeway MS 39554  
 City State Zip Code  
228-493-6861  
 Home Phone Work/Cell Phone  
MCowan.MS@outlook.com  
 Email  
[Signature]  
 Signature of Agent

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

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

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

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

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



# COVENANT AFFIDAVIT

I, Tony Shifano being property owner or agent of the property 2900 43rd Ave  
PRINT NAME PRIMARY ADDRESS OR PARCEL

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

Tony Shifano  
SIGNATURE

4-20-2025  
DATE

## STATE OF MISSISSIPPI | COUNTY OF HARRISON

Given under my hand and seal of office this the 25 day of April, 20 25

Stacey Smith  
NOTARY PUBLIC



1/9/2029  
COMMISSION EXPIRATION



**DESIGNATION OF AGENT**

I, Tony Shitalo being property owner of 2900 43rd Ave  
PRINT NAME PRIMARY ADDRESS OR PARCEL  
which is the subject of this application hereby authorize Michael Cowan 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.

Tony Shitalo  
SIGNATURE

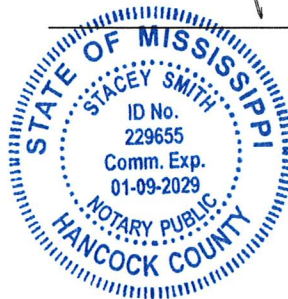
25-4-2025  
DATE

**STATE OF MISSISSIPPI | COUNTY OF HARRISON**

Given under my hand and seal of office this the 25 day of April, 2025

Stacey Smith  
NOTARY PUBLIC

1/9/2029  
COMMISSION EXPIRATION



# VARIANCE SUBMISSIONS

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)

***The subject property will be used to offer affordable housing and lower maintenance with smaller lot size***

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.)

***The subject property has been sitting dormant for years with no new construction in the area. The variance is necessary to bring affordable housing and much needed improvements to the area.***

Demonstrate that an unnecessary hardship is created by the physical character of the property and is peculiar and unusual to such an extent that it is evidence that amendment of the zoning ordinance does not offer a reasonable solution. (i.e., Explain what your hardship is and why the property cannot comply with the zoning ordinance. Further explain why this hardship is not commonly found on other properties?)

***The hardship deals with the challenge of constructing housing that will be affordable for the consumer. A smaller lot size variance will allow for a lower purchase price and lower maintenance costs. There are other variances in the area.***

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).

***We are not asking for anything that does not already exist in other parts of this area. We are simply asking for the option to build on a smaller lot. More homes that are affordable and less yard to maintain and clutter buildup. Building a 1600 sf home on A 5000 sf lot will meet the current setbacks in excess on all 4 sides.***

***See attached; Other properties, Setbacks.***

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?)

***There are no special benefits for us. The benefit will be to the consumer.***

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

***We would like to ask for permission to approve this by right. We can meet the required setbacks. The land around us is large 3-5-acre, family-owned Home Sites. The land to the east is grown up vacant lots, and a house or 2. Building these affordable homes would help to clean up this area and bring it back to Life.***

***Variance Request regarding corner lot side setback.***

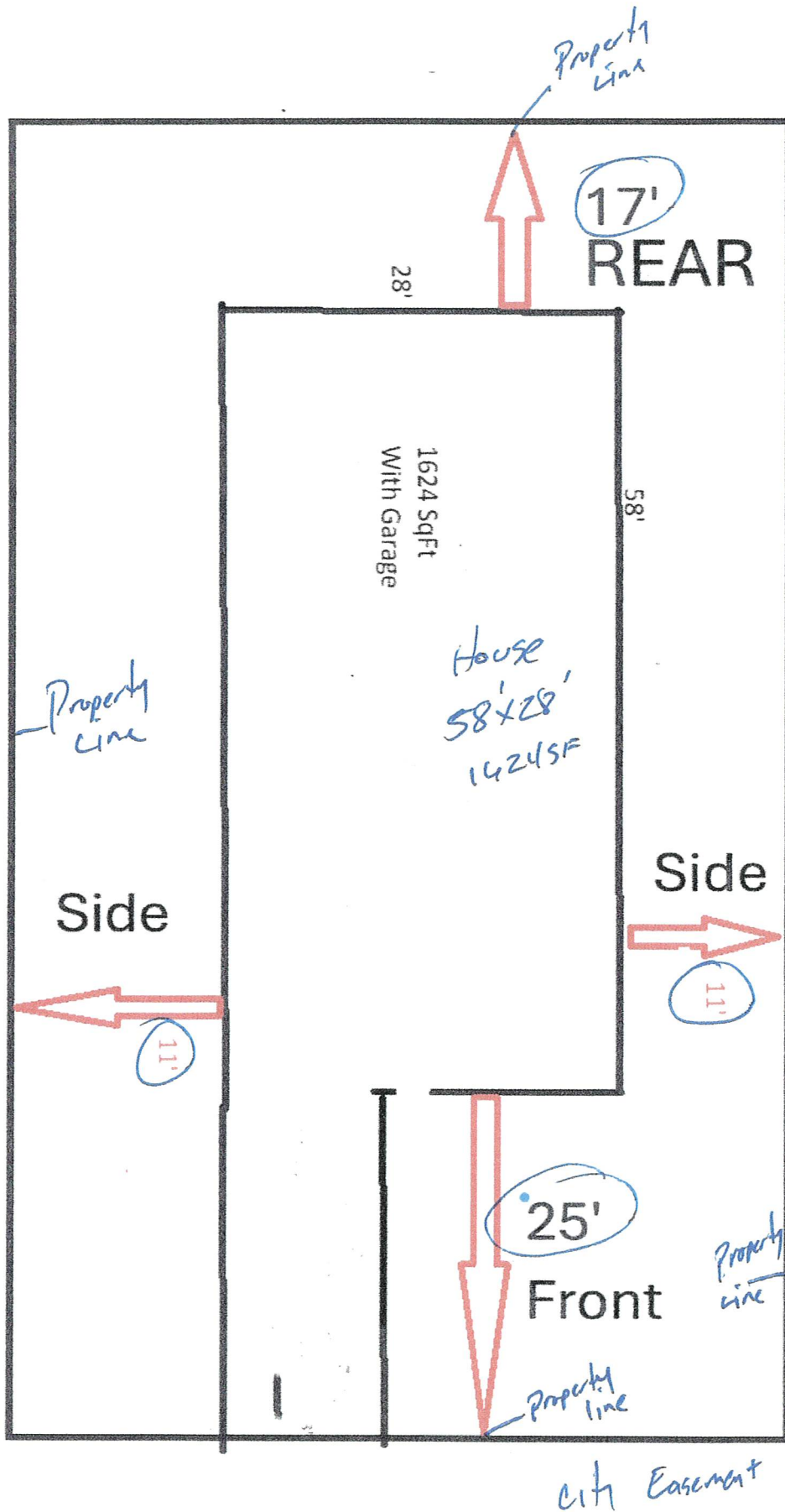
***2900 43<sup>rd</sup> aka Papania Lane.***

We request a Variance of 11' from the side property line on the corner lot. (43<sup>rd</sup> & 29<sup>th</sup>)

The current side setback for a corner lot is 25'

There are several mature live oaks on this property, the variances will allow us to better fit the houses around the live oaks and not cut them down.

We understand that surveys and formal site plans will need to be submitted along with plans before moving forward. This is a request to reduce the side back from 25' to 11' at the corner of 43<sup>rd</sup> and 29<sup>th</sup>.



100' City Easement  
 29 ft  
 29 ft

43rd Ave AKA



# HARRISON COUNTY, MS Property Search Application



**Red** - Structures built on property lines or in City Easement

**Yellow** - Existing Fence

**Orange** - City Easement - Maintained by Property Owners

Alley ways vacated by city

40' Easement

Fence next to property line

Sparks Edge

Alley's placed w/ city

loading...

39th Ave

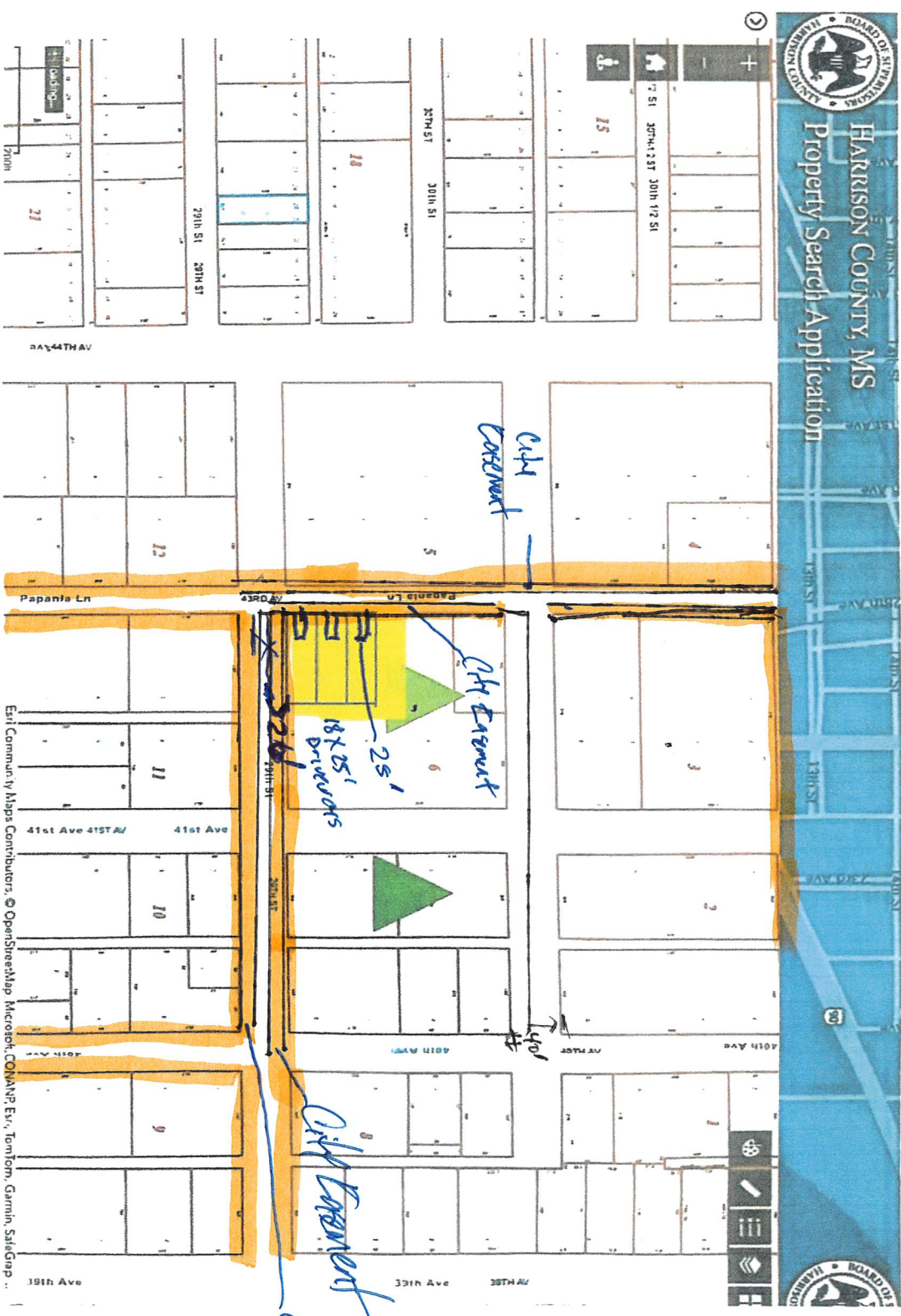
40th Ave

41st Ave

44th Av

Orange - City Exempts - Maintained by the Property Owners.

Mailboxes are @ Roads Edge on 43rd - north (C)



\* Proposed 50x100 lot size 25' driveway starting @ Roads Edge  
 Side Setback starting @ Roads Edge  
 will give 24' to side of house

**FILED**  
APR 06 2012  
Chancery Clerk  
By A. Shifalo D.C.

THIS INSTRUMENT PREPARED WITHOUT:  
BENEFIT OF TITLE EXAMINATION BY:

Richard & Thomas, PLLC  
32 Milbranch Road, Suite 20  
Hattiesburg, MS 39402  
(601) 602-2457

**Indexing Instructions:** The property described in this Instrument is situated in part of Lots 1 thru 8, Block 6; and Lots 2, 3, 6 & 7, Block 7; all in the Montgomery Addition, First Judicial District, Harrison County, Mississippi. Please index accordingly in the sectional index.

RETURN TO:

Tony E. Shifalo, Jr.  
436 Buccaneer Drive  
Hattiesburg, MS 39402  
(601) 268-0245

**STATE OF MISSISSIPPI**

**COUNTY OF HARRISON  
FIRST JUDICIAL DISTRICT**

**QUITCLAIM DEED**

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

**IRENE O. SHIFALO, a single person**  
2900 43<sup>rd</sup> Avenue  
Gulfport, MS 39501  
Phone: 228-864-1907

does hereby grant, bargain, sell, convey and quitclaim unto GRANTEE

**TONY E. SHIFALO, JR.**  
436 Buccaneer Drive  
Hattiesburg, MS 39402  
Phone: 601-268-0245

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

2.5 AC(C) LOTS 1 & 3 TO 8 INC BLK 6 MONTGOMERY ADD ALSO THAT PART OF E 30 FT OF 43<sup>RD</sup> AVE LYING W OF LOTS 3, 6 & 7 NOW VACATED AS PER MB 26/365 ALSO THE ALLEY RUNNING E & W THROUGH BLOK 6 NOW VACATED AS PER BK 1222/25 ALSO THE ALLEY RUNNING N & S THROUGH BLK 6 SEC 32-7-11 MONTGOMERY ADD, (referred to a Parcel Number 07100-01-012-000, PPIN 32297-00);

AND ALSO,  
LOTS 6 & 7 BLK. 7 MONTGOMERY ADD. ALSO THAT PART OF S 1/2 OF ALLEY LYING N OF LOT 6 VACATED AS PER BK 1222/25 SEC 32-7-11 MONTGOMERY ADD, (referred to a Parcel Number 0710P-03-032-000, PPIN 32302-00);


AND ALSO,  
LOTS 2 & 3 BLK. 7 MONTGOMERY ADD. ALSO THAT PART OF N 1/2 OF ALLEY LYING S OF LOT 3 NOW VACATED AS PER BK 1222/25 SEC 32-7-11 MONTGOMERY ADD, (referred to a Parcel Number 0710P-03-033-000, PPIN 32299-00);

AND ALSO,  
LOT 2 BLK 6 MONTGOMERY ADD ALSO THAT PART OF E 30 FT OF 43<sup>RD</sup> AVE LYING W OF LOT NOW VACATED AS PER MB 26/365 SEC 32-7-11 MONTGOMERY ADD, (referred to a Parcel Number 07100-01-012-001, PPIN 99945-00).

This conveyance is subject to any and all easements, rights of way, covenants, restrictions or conditions of record or in use of the subject property.

The above described real property is not a part of the Grantor's homestead, nor is it adjacent thereto.

WITNESS MY SIGNATURE, on this, the 06<sup>th</sup> day of April 2012

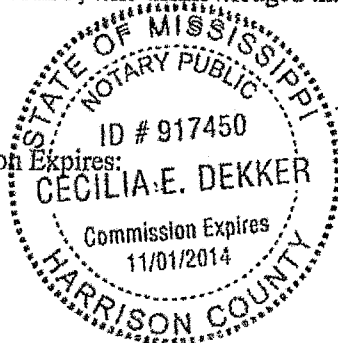
  
IRENE O. SHIFALO

STATE OF MISSISSIPPI

COUNTY OF Harrison

Personally appeared before me, the undersigned authority in and for the said county and state, on this 14<sup>th</sup> day of April, A.D., 2012, within my jurisdiction, the within named IRENE O. SHIFALO, who acknowledged that he executed the above and foregoing instrument.

My Commission Expires:



Cecilia Dekker  
NOTARY PUBLIC

**FILED**

DEC 11 2024

IN THE CHANCERY COURT OF HARRISON COUNTY, MISSISSIPPI  
FIRST JUDICIAL DISTRICT BY J. J. [Signature] D.C.

**PATRICK PAPANIA**

**PLAINTIFF**

**VS.**

**CAUSE NO. 24-1294(1)**

**THE CITY OF GULFPORT, MISSISSIPPI;  
HARRISON COUNTY, MISSISSIPPI;  
TONY SHIFALO; DEBORAH HOLMES; AND  
ANY AND ALL OTHER PERSONS WITH  
AN INTEREST IN THE PROPERTY DESCRIBED  
IN THE SUBJECT PETITION**

**DEFENDANTS**

---

**JUDGMENT VACATING ROADWAYS, ALLEYS AND COVENANTS AND  
AMEND/RESUBDIVIDE PLATS**

---

THIS MATTER, having come before this Court on the Amended Petition of the Plaintiff, PATRICK PAPANIA, to Vacate Roadways, Alleys and Covenants and Amend/Resubdivide Plats, the Court having reviewed the pleadings and being fully advised in the premises and noting no objections, finds that the relief requested in Plaintiff's Amended Petition should be GRANTED. The Court finds as follows:

1. The Plaintiff, Patrick Papania is the owner of certain real property lying and being situated in the First Judicial District of Harrison County, Mississippi, more particularly described as Blocks 2 and 3, Montgomery Addition Subdivision, Harrison County, Mississippi, First Judicial District. The Court further finds,

2. That the Defendants herein, who are adversely affected or directly interested in the proceedings, are as follows:

- (a) The City of Gulfport, Mississippi ("City"), which may be served with process upon the City Clerk, Rashida Bell, at 2309 15<sup>th</sup> Street, Gulfport, Mississippi 39501, in the manner consistent with Rule 4 of the Mississippi Rules of Civil Procedure.

- (b) Harrison County, Mississippi ("County"), which may be served with process upon the President of the Harrison County Board of Supervisors at her usual mailing address of 1801 23<sup>rd</sup> Avenue, Gulfport, Mississippi 39501 in the manner consistent with Rule 4 of the Mississippi Rules of Civil Procedure; and
- (c) Tony Shifalo, an adjoining property owner, who may be served with process at 4037 Brem Street, Bay St. Louis, MS 39520, and who has agreed to divide the 80-foot right of way that separates his property from the Plaintiff's property.
- (d) Deborah Holmes, an adjoining property owner, who may be served with process at 1316 Pinecrest Avenue, Gulfport, Mississippi 39507, and who has agreed to divide the 80-foot right of way that separates her property from the Plaintiff's property.
- (e) Any and all other persons with an interest in the portion of the plat being vacated, whose names, post office boxes and addresses are unknown after a diligent search and inquiry and who may be served with process by publication in accordance with Rule 4 of the Mississippi Rules of Civil Procedure.

The Court further finds,






3. That this Court has subject matter jurisdiction over this matter pursuant to Mississippi Code §§ 19-27-31 and 11-17-31 *et seq.* Venue is also proper in this Court. The Court further finds,

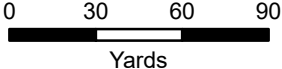
4. That the Plaintiff seeks to vacate the following described land and property (hereinafter, the "Subject Property") lying and being situated in the First Judicial District, Harrison County, Mississippi, to-wit:

Mail	PPIN	Parcel ID	Name	Address	City	State	ZIP	
Y		07100-01-012.000	TONY SHIFALO (OWNER)	4037 BREM ST	BAY ST LOUIS	MS	39520	
			MICHAEL COWAN (AGENT)	4019 RD 550	KILN	MS	39556	
			<b>Adjacent Property Owners (2506ZB074)</b>					
	32296	07100-01-023.000	PAPANIA KENNETH ETAL	2901 PAPANIA LN	GULFPORT	MS	39501	
	32294	07100-01-025.000	STUMPF GEFREY F	3007 43RD AVE	GULFPORT	MS	39501	
	32299	0710P-03-033.000	SHIFALO TONY E JR	4037 BREM STREET		MS	39520	
	32295	07100-01-024.000	DAVIS MICHAEL D SR & SUSANNE P	2901 PAPANIA LN	GULFPORT	MS	39501	
	32302	0710P-03-032.000	SHIFALO TONY E JR	4037 BREM STREET		MS	39520	
	32297	07100-01-012.000	SHIFALO TONY E JR	4037 BREM ST	BAY ST LOUIS	MS	39520	
	99945	07100-01-012.001	SHIFALO TONY E JR	4037 BREM ST	BAY ST LOUIS	MS	39520	
	90742	07100-01-013.000	LADNER LELAND L -EST-	24018 E DUBUISSON RD	PASS CHRISTIAN	MS	39571	
	32320	0710P-03-031.000	LADNER LELAND L SR -EST-	24018 E DUBUISSON RD	PASS CHRISTIAN	MS	39571	
	90780	0710P-03-030.000	LADNER LELAND L -EST-	24018 E DUBUISSON RD	PASS CHRISTIAN	MS	39571	
106869		0710P-03-020.001	PAPANIA PATRICK J	3008 PAPANIA LANE	GULFPORT	MS	39501	
	32331	07100-01-014.000	LADNER LELAND L -EST-	24018 E DUBUISSON RD	PASS CHRISTIAN	MS	39571	
	90737	07100-01-010.000	PAPANIA PATRICK JOSEPH	3008 PAPANIA LN	GULFPORT	MS	39501	
	32293	07100-01-011.000	PAPANIA PATRICK JOSEPH	3000 PAPANIA LANE	GULFPORT	MS	39503	
	90746	07100-01-020.000	JOHNSON CHRISTOPHER A	3503 HANCOCK AVE #3	GULFPORT	MS	39507	



Legend

-  Site
-  Street
-  Military Street
-  Buildings
-  Water Features



1 inch = 200 feet



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

## AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Cols	Depth
51445	10439	Legal Ad - IPL0236183	ZB legal	2.0	124.0L

ATTENTION: GULFPORT URBAN DEVELOPMENT IP  
 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, June 19, 2025 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 2502ZB024**, by agent David John Hunter, seeking approval for an 8 foot setback where 25 feet is required for a secondary frontage, Tax Parcel 0911F-01-035.000, 500 East Beach Blvd, Zoned R-1-7.5 (Single-Family), Ward 2

**Variance 2506ZB072**, by owner Savannah Walk Townhomes LLC, seeking approval for a sign structure height of 12.5 feet where 6 feet is the height limit, Tax Parcel 0807G-01-001.000, South Swan Road, Zoned R-1-15 (Single-family), Ward 7

**Variance 2506ZB074**, by agent Michael Cowan, seeking approval for an 11-foot secondary frontage setback where 25 feet is required, Tax Parcel 0710O-01-012.000, 2900 43rd Ave, Zoned R-B (Residence-Business), Ward 1

**Variance 2506ZB075**, by agent Michael Cowan, seeking approval for lot size of 5,000 square feet where 7,500 is required, Tax Parcel 0710O-01-012.000, 0710O-01-012.001, 0710O-03-033.000, 0710O-03-032.000, 2900 43rd Ave, 2920 43rd Ave, Zoned R-B (Residence-Business), Ward 1

**Variance 2506ZB076**, by owner Daniel Samms, seeking approval for an 8-foot tall fence where 6 feet is the height limit, Tax Parcel 0911D-06-049.000, 2621 6th Ave, Zoned R-1-7.5 (Single-family), Ward 2

**Special Exception 2506SE077**, by agent Charfonya Boose, seeking approval for a liquor store use, Tax Parcel 0910N-07-007.000, 406 Pass Road, Zoned B-2 (General Business), Ward 4

**Variance 2506ZB078**, by owner Ancillary Capital LLC, seeking approval for an 8-foot-tall fence where the height limit is 6 feet, Tax Parcel 0811L-03-030.001, 1114 33rd Ave, Zoned T4+ (General Urban Zone "Plus"), Ward 2

**Variance 2506ZB079**, by owner Ancillary Capital LLC, seeking approval for an 8-foot-tall fence where the height limit is 6 feet, Tax Parcel 0811L-03-034.000, 1115 33rd Ave, Zoned T4+ (General Urban Zone "Plus"), Ward 2

**Variance 2507ZB084**, by agent Donovan Scruggs, seeking approval for lot sizes of 4,000 square feet for single-family homes where 7,500 square feet is required, Tax Parcels 1010M-02-001.000, 1010M-02-001.002, 1010M-02-001.003, 1010M-02-001.004, 1010M-02-001.005, 1010M-02-001.006, 1010M-02-005.001, 5th Street, Zoned B-2 (General-Business), T4L (General Urban Zone "Limited"), T4+ (General Urban Zone "Plus"), Ward 2

**Special Exception 2507SE086**, by owner Vintage Properties LLC, seeking approval for a liquor store use, Tax Parcel 0910N-06-019.000, 423 Pass Road, Zoned B-2 (General-Business), Ward 3

This the 28th day of May 2025  
 A. Leslie North, Chairman  
 City of Gulfport Zoning Board of Adjustment and Appeals  
 IPL0236183  
 Jun 4 2025

STATE OF MISSISSIPPI  
 COUNTY OF HARRISON

Before me, the undersigned Notary of Beaufort County, South Carolina personally appeared the undersigned, who, being by me first duly sworn, did depose and say that he/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:

1.0 insertion(s) published on:  
 06/04/25 Print

[Print Tearsheet Link](#)

[Marketplace Link](#)

*Julie Ambry*

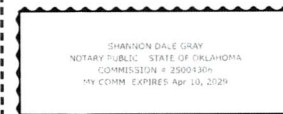


Julie Ambry

*Shannon Dale Gray*



Sworn to and subscribed before me this 2nd day of June in the year of 2025



Online Notary Public. This notarial act involved the use of online audio/video communication technology. Notarization facilitated by SIGNiX

Notary Public in and for the state of South Carolina,  
 residing in Beaufort County



URBAN DEVELOPMENT  
PLANNING & ZONING  
PO BOX 1780 | GULFPORT, MS | 1410 24<sup>TH</sup> AVENUE  
228.868.5710 | [PLANNERS@GULFPORT-MS.GOV](mailto:PLANNERS@GULFPORT-MS.GOV)

## ZONING BOARD OF ADJUSTMENT AND APPEALS

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**Hearing Date: Thursday, June 19, 2025**

**Variance 2506ZB075: Variance 2506ZB075, by agent Michael Cowan, seeking approval for lot size of 5,000 square feet where 7,500 is required, Tax Parcel 07100-01-012.000, 07100-01-012.001, 07100-03-033.000, 07100-03-032.000, 2900 43rd Ave, 2920 43rd Ave, Zoned R-B (Residence-Business), Ward 1**

# Technical Report

## VARIANCE

### **GENERAL INFORMATION**

Case File Number: 2506ZB075

Hearing Date: June 19, 2025

Current Zoning/Use: R-B / Single-Family home and Vacant lots

Legal: Variance 2506ZB075, by agent Michael Cowan, seeking approval for lot size of 5,000 square feet where 7,500 is required, Tax Parcel 07100-01-012.000, 07100-01-012.001, 07100-03-033.000, 07100-03-032.000, 2900 43rd Ave, 2920 43rd Ave, Zoned R-B (Residence-Business), Ward 1

### **TECHNICAL DETAILS**

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

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

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

# Technical Report

## VARIANCE

The applicant is seeking approval for 5,000 square foot lot sizes for development of a subdivision of single-family homes where district regulation requires lot sizes of 7,500 square feet.

- (a) The applicant states that “the subject property will be used to offer affordable housing and lower maintenance with smaller lot size.” This statement does not address any special circumstances which are particular to the land, structure, or any building involved that are not applicable to other lands, structures, or building in the same district. The applicant is seeking to divide the subject parcels into 5,000 square foot lots for a subdivision for single family homes, where ordinance requires 7,500 square feet for each lot. The hardship, or special conditions, are created by the applicant seeking to deviate from district regulations by creating smaller lots.
- (b) The applicant states “the subject property has been sitting dormant for years with no new construction in the area, the variance is necessary to bring affordable housing and much needed improvements to the area.” This statement does not demonstrate how any hardship does not result from the actions of the applicant. The properties in question have a total acreage of approximately 4.1 acres, excluding the unimproved right-of-way running between the properties. With this amount of acreage, the applicant has more than enough square footage to divide the parcels into 7,500 square foot lots for the single-family home subdivision. The applicant is creating their own hardship by seeking to create lots that are smaller than what district regulations allow.
- (c) The applicant claims that the hardship deals with the challenge of constructing housing that will be affordable for the consumer, and that the smaller lot size variance would allow for a lower purchase price and lower maintenance costs. The applicant also claims that there are other variances in this area. These claims do not address any hardship caused by the physical character of the land. The applicant is creating their own hardship by seeking to deviate from the lot size requirements for the R-B zoning district in order to place more houses within their proposed subdivision in and maximize their profits. Upon review of the surrounding area, staff could find no record of variances that went before this board.
- (d) The applicant claims that they are not asking for anything that does not already exist in other parts of the area, that they are seeking to build single-family homes on smaller lots. While there are some properties in the nearby area that are less than the 7,500 square foot size, these properties are either divided down the original lot lines of pre-existing platted subdivisions or they are within a different zoning that does not have a minimum build site, or lot size, requirement. The applicant’s requested lot size is the same as what is required for an R-1-5 zoning district for single-family homes. The applicant is asking to utilize the lot size requirements of a separate zoning district without rezoning the subject properties, which would constitute as an instance of De Facto rezoning.
- (e) The applicant states “there are no special benefits for us, the benefit will be to the consumer.” The applicant’s statement does not address how granting the variance would grant special privileges that others in the same district would not be able to enjoy. As noted prior the applicant’s request is to seek approval for smaller lots sizes similar to another zoning district without rezoning the subject properties. Granting this variance would confer special privileges as there have been other similar requests put before this

# Technical Report

## VARIANCE

board that were denied due to the instance of De Facto rezoning, such as case 2304ZB035.

(f) This property is zoned R-B, and a single-family home is allowed by right.

### ***EXECUTIVE SUMMARY***

The applicant is seeking approval for lot sizes of 5,000 square feet where district regulations for R-B zoning requires 7,500 square feet for single-family homes. The six-hardship criteria have not been met, and the hardship provided by the applicant does not meet merit. The applicant is seeking approval for smaller lots sizes in order to place more houses with a subdivision of single-family homes to increase profit. The applicant's request would seeking for the lot size requirement for a separate zoning district, R-1-5, without rezoning the property, which is an instance of De Facto rezoning. Granting this variance would confer special privileges as there have been other similar requests that have been denied by this board due to the issue of De Facto rezoning, such as case# 2304ZB035.

Any approval should consider these conditions:

1. Approval would allow for lot sizes of 5,000 square feet where 7,500 square feet is required.
2. Must comply with all current Building Codes and City of Gulfport Ordinances.
3. All protected trees shall be protected and preserved.

### ***DEPARTMENTAL CONDITIONS***

<b><u>Engineering:</u></b>	No conditions. Memo dated 6/6/25.
<b><u>Public Works:</u></b>	No comment as of 6/6/25.
<b><u>Traffic and Safety:</u></b>	No conditions. Memo dated 6/6/25.
<b><u>Building Code Services:</u></b>	Must comply with all current Building Codes and City of Gulfport Ordinances. Memo dated 2/28/2018.
<b><u>GIS:</u></b>	No conditions. Memo dated 6/3/25.
<b><u>Police Department:</u></b>	No comment as of 6/6/25.
<b><u>Fire Department:</u></b>	No conditions. Memo dated 6/2/25.
<b><u>City Arborist:</u></b>	All protected trees shall be protected and preserved. Memo dated 6/2/25.
<b><u>Landscape Manager:</u></b>	No conditions. Memo dated 6/4/25.

# Technical Report

## VARIANCE

### *DIRECTOR APPROVAL*

This report has been reviewed and approved by:



\_\_\_\_\_  
Greg Holmes  
Director of Urban Development Department





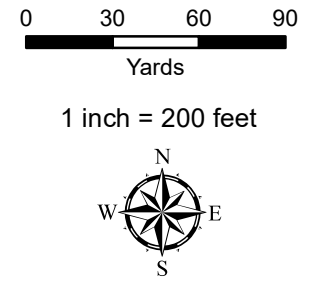
- Site
- Street
- Military Street
- Parcels
- Buildings
- Water Features
- City Limit

**Zoning**

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

**Site Information**

07100-01-012.000  
 07100-01-012.001  
 0710P-03-033.000  
 0710P-03-032.000  
 Zoning: R-B (Residence Business)  
 Size: 4.1 acres  
 Flood: X



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



CASE NUMBER  
25062B075

5/5/25 SDS

R# 13284757

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

# ZONING BOARD OF ADJUSTMENTS AND APPEALS APPLICATION

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

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

## TAX PARCEL NUMBERS

0	7	1	0	0	-	0	1	-	0	1	2	.	0	0	0	0	7	1	0	0	-	0	3	-	0	3	2	.	0	0	0
0	7	1	0	0	-	0	1	-	0	1	2	.	0	0	0						-										
0	7	1	0	0	-	0	3	-	0	3	3	.	0	0	0						-										

Property Address:

2900 43rd Ave

Lot(s) 1-8 / 2,3,6,7 Block(s) 6 + 1/2 of 7 Subdivision Montgomery Add.

General Description of Request: Variance to reduce lot size  
to minimum of 5000 SF. 7500 SF is current  
requirement.

### 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:**

Tony E. SHIFALO JR

Printed Name of Owner

4037 Brem St

Mailing Address

Bay St. Louis, Ms 39520

City

State

Zip Code

601-408-2315

Home Phone

Work/Cell Phone

tgshif@AOL.com

Email

Tony E. Shifalo Jr

Signature of Owner

**AGENT:**

Michael Cowan

Printed Name of Agent

4019 Rd 550

Mailing Address

Kila Ms 39554

City

State

Zip Code

228-493-6801

Home Phone

Work/Cell Phone

mcowan.ms@outlook.com

Email

Michael Cowan

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, Tony E. Shroder being property owner or agent of the property 2900 43 Ave  
PRINT NAME PRIMARY ADDRESS OR PARCEL

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

Tony E. Shroder  
SIGNATURE

2-15-2025  
DATE

**STATE OF MISSISSIPPI | COUNTY OF HARRISON**

Given under my hand and seal of office this the 15<sup>th</sup> day of FEBRUARY, 20 25

Lisa E. Jordan  
NOTARY PUBLIC

October 15, 2025  
COMMISSION EXPIRATION





**DESIGNATION OF AGENT**

I, Tony E. Shiflett being property owner of 2900 43 Ave Giprest  
PRINT NAME PRIMARY ADDRESS OR PARCEL  
which is the subject of this application hereby authorize Michael Cowan 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.

Tony E. Shiflett  
SIGNATURE

Feb 15 2025  
DATE

**STATE OF MISSISSIPPI | COUNTY OF HARRISON**

Given under my hand and seal of office this the 15<sup>th</sup> day of FEBRUARY, 20 25

Lisa E. Jordan  
NOTARY PUBLIC

October 15, 2025  
COMMISSION EXPIRATION



# VARIANCE SUBMISSIONS

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)

***The subject property will be used to offer affordable housing and lower maintenance with smaller lot size***

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.)

***The subject property has been sitting dormant for years with no new construction in the area. The variance is necessary to bring affordable housing and much needed improvements to the area.***

Demonstrate that an unnecessary hardship is created by the physical character of the property and is peculiar and unusual to such an extent that it is evidence that amendment of the zoning ordinance does not offer a reasonable solution. (i.e., Explain what your hardship is and why the property cannot comply with the zoning ordinance. Further explain why this hardship is not commonly found on other properties?)

***The hardship deals with the challenge of constructing housing that will be affordable for the consumer. A smaller lot size variance will allow for a lower purchase price and lower maintenance costs. There are other variances in the area.***

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).

***We are not asking for anything that does not already exist in other parts of this area. We are simply asking for the option to build on a smaller lot. More homes that are affordable and less yard to maintain and clutter buildup. Building a 1600 sf home on A 5000 sf lot will meet the current setbacks in excess on all 4 sides.***

***See attached; Other properties, Setbacks.***

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?)

***There are no special benefits for us. The benefit will be to the consumer.***

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

***We would like to ask for permission to approve this by right. We can meet the required setbacks. The land around us is large 3-5-acre, family-owned Home Sites. The land to the east is grown up vacant lots, and a house or 2. Building these affordable homes would help to clean up this area and bring it back to Life.***

## ***Variance to allow residential homes to be built on a 5000sf lot***

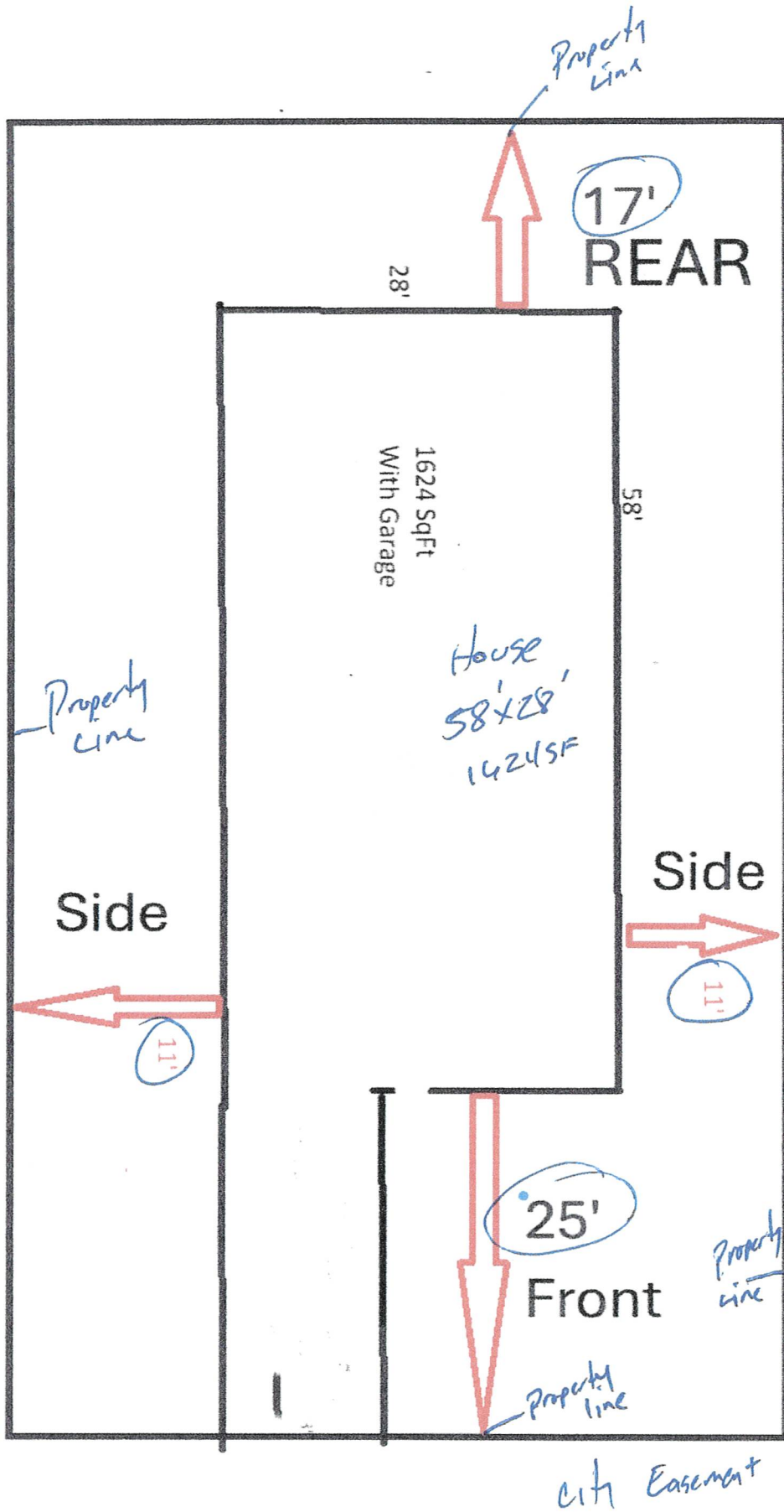
The 5000sf lot size that we are proposing does meet the current set back requirements.

By granting us the use of a 5000sf lot size, we can provide a more affordable home and reduce the potential for clutter. 5000sf is perfect for starter families and others that do not want ***big yard*** maintenance.

A 1200 to 1600sf house on 5000sf gives us 3400 sf of low maintenance Green Space., less space to grow up, park a broken-down vehicle, just less space to trash up. Easy to keep up.

Look at developments that are 5-10 years old and you will see what we are trying to prevent.

This property is where Mr. Tony Shifalo grew up, over the years and through many hurricanes, this area has become vacant. North, South, East and West of the property, you will see vacant run-down houses, vacant lots with nothing but a slab and other vacant properties with things that just need to go to the dump. We want to help clean up this area and provide affordable housing.



29 x 2

29 x 2

1/2 rd 1.00 AKA

**FILED**  
APR 06 2012

By A. Shifalo **Chancery Clerk D.C.**

THIS INSTRUMENT PREPARED WITHOUT:

BENEFIT OF TITLE EXAMINATION BY:

Richard & Thomas, PLLC  
32 Milbranch Road, Suite 20  
Hattiesburg, MS 39402  
(601) 602-2457

**Indexing Instructions:** The property described in this Instrument is situated in part of Lots 1 thru 8, Block 6; and Lots 2, 3, 6 & 7, Block 7; all in the Montgomery Addition, First Judicial District, Harrison County, Mississippi. Please index accordingly in the sectional index.

RETURN TO:

Tony E. Shifalo, Jr.  
436 Buccaneer Drive  
Hattiesburg, MS 39402  
(601) 268-0245

**STATE OF MISSISSIPPI**

**COUNTY OF HARRISON  
FIRST JUDICIAL DISTRICT**

**QUITCLAIM DEED**

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

**IRENE O. SHIFALO, a single person**  
2900 43<sup>rd</sup> Avenue  
Gulfport, MS 39501  
Phone: 228-864-1907

does hereby grant, bargain, sell, convey and quitclaim unto GRANTEE

**TONY E. SHIFALO, JR.**  
436 Buccaneer Drive  
Hattiesburg, MS 39402  
Phone: 601-268-0245

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

2.5 AC(C) LOTS 1 & 3 TO 8 INC BLK 6 MONTGOMERY ADD ALSO THAT PART OF E 30 FT OF 43<sup>RD</sup> AVE LYING W OF LOTS 3, 6 & 7 NOW VACATED AS PER MB 26/365 ALSO THE ALLEY RUNNING E & W THROUGH BLOK 6 NOW VACATED AS PER BK 1222/25 ALSO THE ALLEY RUNNING N & S THROUGH BLK 6 SEC 32-7-11 MONTGOMERY ADD, (referred to a Parcel Number 07100-01-012-000, PPIN 32297-00);

AND ALSO,  
LOTS 6 & 7 BLK. 7 MONTGOMERY ADD. ALSO THAT PART OF S ½ OF ALLEY LYING N OF LOT 6 VACATED AS PER BK 1222/25 SEC 32-7-11 MONTGOMERY ADD, (referred to a Parcel Number 0710P-03-032-000, PPIN 32302-00);

AND ALSO,  
LOTS 2 & 3 BLK. 7 MONTGOMERY ADD. ALSO THAT PART OF N ½ OF ALLEY LYING S OF LOT 3 NOW VACATED AS PER BK 1222/25 SEC 32-7-11 MONTGOMERY ADD, (referred to a Parcel Number 0710P-03-033-000, PPIN 32299-00);

AND ALSO,  
LOT 2 BLK 6 MONTGOMERY ADD ALSO THAT PART OF E 30 FT OF 43<sup>RD</sup> AVE LYING W OF LOT NOW VACATED AS PER MB 26/365 SEC 32-7-11 MONTGOMERY ADD, (referred to a Parcel Number 07100-01-012-001, PPIN 99945-00).

This conveyance is subject to any and all easements, rights of way, covenants, restrictions or conditions of record or in use of the subject property.

The above described real property is not a part of the Grantor's homestead, nor is it adjacent thereto.

WITNESS MY SIGNATURE, on this, the 06<sup>th</sup> day of April, 2012.

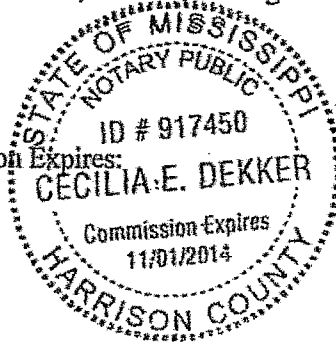
  
IRENE O. SHIFALO

STATE OF MISSISSIPPI

COUNTY OF Harrison

Personally appeared before me, the undersigned authority in and for the said county and state, on this 6<sup>th</sup> day of April, A.D., 2012, within my jurisdiction, the within named IRENE O. SHIFALO, who acknowledged that he executed the above and foregoing instrument.

My Commission Expires:



Cecilia Dekker  
NOTARY PUBLIC

**FILED**

DEC 11 2024  
*[Signature]*  
JANICE A. TRASH  
CLERK OF COURT

IN THE CHANCERY COURT OF HARRISON COUNTY, MISSISSIPPI  
FIRST JUDICIAL DISTRICT BY \_\_\_\_\_ D.C.

**PATRICK PAPANIA**

**PLAINTIFF**

**VS.**

**CAUSE NO. 24-1294(1)**

**THE CITY OF GULFPORT, MISSISSIPPI;  
HARRISON COUNTY, MISSISSIPPI;  
TONY SHIFALO; DEBORAH HOLMES; AND  
ANY AND ALL OTHER PERSONS WITH  
AN INTEREST IN THE PROPERTY DESCRIBED  
IN THE SUBJECT PETITION**

**DEFENDANTS**

---

**JUDGMENT VACATING ROADWAYS, ALLEYS AND COVENANTS AND  
AMEND/RESUBDIVIDE PLATS**

---

THIS MATTER, having come before this Court on the Amended Petition of the Plaintiff, PATRICK PAPANIA, to Vacate Roadways, Alleys and Covenants and Amend/Resubdivide Plats, the Court having reviewed the pleadings and being fully advised in the premises and noting no objections, finds that the relief requested in Plaintiff's Amended Petition should be GRANTED. The Court finds as follows:

1. The Plaintiff, Patrick Papania is the owner of certain real property lying and being situated in the First Judicial District of Harrison County, Mississippi, more particularly described as Blocks 2 and 3, Montgomery Addition Subdivision, Harrison County, Mississippi, First Judicial District. The Court further finds,

2. That the Defendants herein, who are adversely affected or directly interested in the proceedings, are as follows:

- (a) The City of Gulfport, Mississippi ("City"), which may be served with process upon the City Clerk, Rashida Bell, at 2309 15<sup>th</sup> Street, Gulfport, Mississippi 39501, in the manner consistent with Rule 4 of the Mississippi Rules of Civil Procedure.

- (b) Harrison County, Mississippi ("County"), which may be served with process upon the President of the Harrison County Board of Supervisors at her usual mailing address of 1801 23<sup>rd</sup> Avenue, Gulfport, Mississippi 39501 in the manner consistent with Rule 4 of the Mississippi Rules of Civil Procedure; and
- (c) Tony Shifalo, an adjoining property owner, who may be served with process at 4037 Brem Street, Bay St. Louis, MS 39520, and who has agreed to divide the 80-foot right of way that separates his property from the Plaintiff's property.
- (d) Deborah Holmes, an adjoining property owner, who may be served with process at 1316 Pinecrest Avenue, Gulfport, Mississippi 39507, and who has agreed to divide the 80-foot right of way that separates her property from the Plaintiff's property.
- (e) Any and all other persons with an interest in the portion of the plat being vacated, whose names, post office boxes and addresses are unknown after a diligent search and inquiry and who may be served with process by publication in accordance with Rule 4 of the Mississippi Rules of Civil Procedure.

The Court further finds,






3. That this Court has subject matter jurisdiction over this matter pursuant to Mississippi Code §§ 19-27-31 and 11-17-31 *et seq.* Venue is also proper in this Court. The Court further finds,

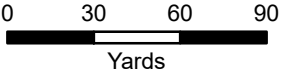
4. That the Plaintiff seeks to vacate the following described land and property (hereinafter, the "Subject Property") lying and being situated in the First Judicial District, Harrison County, Mississippi, to-wit:

Mail	PPIN	Parcel ID	Name	Address	City	State	ZIP
Y		07100-01-012.000	TONY SHIFALO (OWNER)	4037 BREM ST	BAY ST LOUIS	MS	39520
			MICHAEL COWAN (AGENT)	4019 RD 550	KILN	MS	39556
			<b>Adjacent Property Owners (2506ZB075)</b>				
	32296	07100-01-023.000	PAPANIA KENNETH ETAL	2901 PAPANIA LN	GULFPORT	MS	39501
	32294	07100-01-025.000	STUMPF GEFREY F	3007 43RD AVE	GULFPORT	MS	39501
N	32299	0710P-03-033.000	SHIFALO TONY E JR	4037 BREM STREET		MS	39520
	32295	07100-01-024.000	DAVIS MICHAEL D SR & SUSANNE P	2901 PAPANIA LN	GULFPORT	MS	39501
N	32302	0710P-03-032.000	SHIFALO TONY E JR	4037 BREM STREET		MS	39520
N	32297	07100-01-012.000	SHIFALO TONY E JR	4037 BREM ST	BAY ST LOUIS	MS	39520
	32301	0710P-03-022.000	STOKES JERROLD M & MARTHA ANN	2210 MILNER BLVD	GULFPORT	MS	39501
	32298	0710P-03-021.000	HOLMES LARRY & DEBORAH	1316 PINECREST AVE	GULFPORT	MS	39507
N	32300	0710P-03-021.001	HOLMES LARRY & DEBORAH	1316 PINECREST AVE	GULFPORT	MS	39507
N	99945	07100-01-012.001	SHIFALO TONY E JR	4037 BREM ST	BAY ST LOUIS	MS	39520
	32319	0710P-03-024.000	LADNER EMILY	24018 E DUBUISSON RD	PASS CHRISTIAN	MS	39571
	90742	07100-01-013.000	LADNER LELAND L -EST-	24018 E DUBUISSON RD	PASS CHRISTIAN	MS	39571
	32320	0710P-03-031.000	LADNER LELAND L SR -EST-	24018 E DUBUISSON RD	PASS CHRISTIAN	MS	39571
	32290	0710P-03-020.000	PAPANIA PATRICK J	3008 PAPANIA LN	GULFPORT	MS	39501
N	90780	0710P-03-030.000	LADNER LELAND L -EST-	24018 E DUBUISSON RD	PASS CHRISTIAN	MS	39571
N	106869	0710P-03-020.001	PAPANIA PATRICK J	3008 PAPANIA LANE	GULFPORT	MS	39501
N	32318	0710P-03-023.000	LADNER LELAND L -EST-	24018 E DUBUISSON RD	PASS CHRISTIAN	MS	39571
N	32331	07100-01-014.000	LADNER LELAND L -EST-	24018 E DUBUISSON RD	PASS CHRISTIAN	MS	39571
N	90737	07100-01-010.000	PAPANIA PATRICK JOSEPH	3008 PAPANIA LN	GULFPORT	MS	39501
N	32293	07100-01-011.000	PAPANIA PATRICK JOSEPH	3000 PAPANIA LANE	GULFPORT	MS	39503
	90746	07100-01-020.000	JOHNSON CHRISTOPHER A	3503 HANCOCK AVE #3	GULFPORT	MS	39507



Legend

-  Site
-  Street
-  Military Street
-  Buildings
-  Water Features



1 inch = 200 feet



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

## AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Cols	Depth
51445	10439	Legal Ad - IPL0236183	ZB legal	2.0	124.0L

ATTENTION: GULFPORT URBAN DEVELOPMENT IP  
 PO BOX 1780  
 GULFPORT, MS 39502  
 accountspayable@gulfport-ms.gov

STATE OF MISSISSIPPI  
 COUNTY OF HARRISON  
 Before me, the undersigned Notary of Beaufort County, South Carolina personally appeared the undersigned, who, being by me first duly sworn, did depose and say that he/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:

1.0 insertion(s) published on:  
 06/04/25 Print

**LEGAL NOTICE  
 PUBLIC HEARING**

In conformance with Section VIII of the Comprehensive Zoning Ordinance of the City of Gulfport, Mississippi, 1979, as amended, notice is hereby given advising that the Zoning Board of Adjustment and Appeals will hold a public hearing in the City of Gulfport, Mississippi at 3:00 PM., Thursday, June 19, 2025 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 2502ZB024**, by agent David John Hunter, seeking approval for an 8 foot setback where 25 feet is required for a secondary frontage, Tax Parcel 0911F-01-035.000, 500 East Beach Blvd, Zoned R-1-7.5 (Single-Family), Ward 2

**Variance 2506ZB072**, by owner Savannah Walk Townhomes LLC, seeking approval for a sign structure height of 12.5 feet where 6 feet is the height limit, Tax Parcel 0807G-01-001.000, South Swan Road, Zoned R-1-15 (Single-family), Ward 7

**Variance 2506ZB074**, by agent Michael Cowan, seeking approval for an 11-foot secondary frontage setback where 25 feet is required, Tax Parcel 07100-01-012.000, 2900 43rd Ave, Zoned R-B (Residence-Business), Ward 1

**Variance 2506ZB075**, by agent Michael Cowan, seeking approval for lot size of 5,000 square feet where 7,500 is required, Tax Parcel 07100-01-012.000, 07100-01-012.001, 07100-03-033.000, 07100-03-032.000, 2900 43rd Ave, 2920 43rd Ave, Zoned R-B (Residence-Business), Ward 1

**Variance 2506ZB076**, by owner Daniel Samms, seeking approval for an 8-foot tall fence where 6 feet is the height limit, Tax Parcel 0911D-06-049.000, 2621 6th Ave, Zoned R-1-7.5 (Single-family), Ward 2

**Special Exception 2506SE077**, by agent Charfonya Boose, seeking approval for a liquor store use, Tax Parcel 0910N-07-007.000, 406 Pass Road, Zoned B-2 (General Business), Ward 4

**Variance 2506ZB078**, by owner Ancillary Capital LLC, seeking approval for an 8-foot-tall fence where the height limit is 6 feet, Tax Parcel 0811L-03-030.001, 1114 33rd Ave, Zoned T4+ (General Urban Zone "Plus"), Ward 2

**Variance 2506ZB079**, by owner Ancillary Capital LLC, seeking approval for an 8-foot-tall fence where the height limit is 6 feet, Tax Parcel 0811L-03-034.000, 1115 33rd Ave, Zoned T4+ (General Urban Zone "Plus"), Ward 2

**Variance 2507ZB084**, by agent Donovan Scruggs, seeking approval for lot sizes of 4,000 square feet for single-family homes where 7,500 square feet is required, Tax Parcels 1010M-02-001.000, 1010M-02-001.002, 1010M-02-001.003, 1010M-02-001.004, 1010M-02-001.005, 1010M-02-001.006, 1010M-02-005.001, 5th Street, Zoned B-2 (General-Business), T4L (General Urban Zone "Limited"), T4+ (General Urban Zone "Plus"), Ward 2

**Special Exception 2507SE086**, by owner Vintage Properties LLC, seeking approval for a liquor store use, Tax Parcel 0910N-06-019.000, 423 Pass Road, Zoned B-2 (General-Business), Ward 3

This the 28th day of May 2025  
 A. Leslie North, Chairman  
 City of Gulfport Zoning Board of Adjustment and Appeals  
 IPL0236183  
 Jun 4 2025

[Print Tearsheet Link](#)

[Marketplace Link](#)

*Julie Ambry*

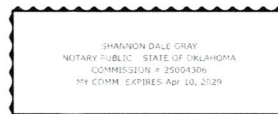


Julie Ambry

*Shannon Dale Gray*



Sworn to and subscribed before me this 2nd day of June in the year of 2025



Online Notary Public. This notarial act involved the use of online audio/video communication technology. Notarization facilitated by SIGNIX®

Notary Public in and for the state of South Carolina, residing in Beaufort County



URBAN DEVELOPMENT  
PLANNING & ZONING  
PO BOX 1780 | GULFPORT, MS | 1410 24<sup>TH</sup> AVENUE  
228.868.5710 | [PLANNERS@GULFPORT-MS.GOV](mailto:PLANNERS@GULFPORT-MS.GOV)

## ZONING BOARD OF ADJUSTMENT AND APPEALS

---

**Hearing Date: Thursday, June 19, 2025**

**Variance 2506ZB076: Variance 2506ZB076, by owner Daniel Samms, seeking approval for an 8-foot tall fence where 6 feet is the height limit, Tax Parcel 0911D-06-049.000, 2621 6th Ave, Zoned R-1-7.5 (Single-family), Ward 2**

# Technical Report

## VARIANCE

### GENERAL INFORMATION

Case File Number: 2506ZB076

Hearing Date: June 19, 2025

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

Legal: Variance 2506ZB076, by owner Daniel Samms, seeking approval for an 8-foot tall fence where 6 feet is the height limit, Tax Parcel 0911D-06-049.000, 2621 6th Ave, Zoned R-1-7.5 (Single-family), Ward 2

### TECHNICAL DETAILS

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

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

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

# Technical Report

## VARIANCE

The applicant requests a variance for an 8 foot fence where 6 feet is the maximum. While 8 feet could be achieved by affixing a 2 foot lattice to achieve the 8 foot height, the applicant would like to maintain the solid material for the 8 foot height. As there are no surrounding fences in the area, this petition would establish precedence in this area if it were to be approved.

- (a) The applicant does not answer this question. The property in question has no peculiar or special circumstance that would require a fence to be raised above the 6 foot maximum.
- (b) The applicant states that the current chain link fence is old and damaged. While this is true, the cause of this request is directly from the applicant's desire to exceed the 6 foot maximum.
- (c) The applicant does not answer this question. An ordinance change may provide a solution to this request as if 8 foot fences were allowed by right, then a variance request would not be required.
- (d) The applicant does not answer this question. Upon inspection of the surrounding area, approval of this case would establish precedence as there are no permitted 8 foot fences existing in that area. Therefore, this request would not be in harmony with the area.
- (e) The applicant does not answer this question. The surrounding area has no permitted 8 foot fences or any associated variances for an 8 foot fence. Approval of this petition would establish precedence in this area.
- (f) This property is zoned R-1-7.5, and a fence is allowed by right

### ***EXECUTIVE SUMMARY***

No genuine hardship is shown. The six criteria to be considered a hardship have not been met. There are no fences in the surrounding area that reflect an 8 foot fence height and approval of this petition would establish precedence in this area.

Any approval should consider these conditions:

- 1. Approval allows for a side setback of 13.35 feet where 14 feet is required.
- 2. Must comply with all zoning rules and regulations.
- 3. Permit required

### ***DEPARTMENTAL CONDITIONS***

**Engineering:** No conditions. Memo dated 6/2/2025.

**Public Works:** No comment as of 6/9/2025.

**Traffic and Safety:** No conditions. Memo dated 6/6/2025.

**Building Code Services:** Permit required. Memo dated 6/2/2025.

**GIS:** No conditions. Memo dated 6/3/2025.

# Technical Report

## VARIANCE

**Police Department:** No comment as of 6/9/2025.

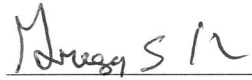
**Fire Department:** No conditions. Memo dated 6/2/2025.

**City Arborist:** No conditions. Memo dated 6/2/2025.

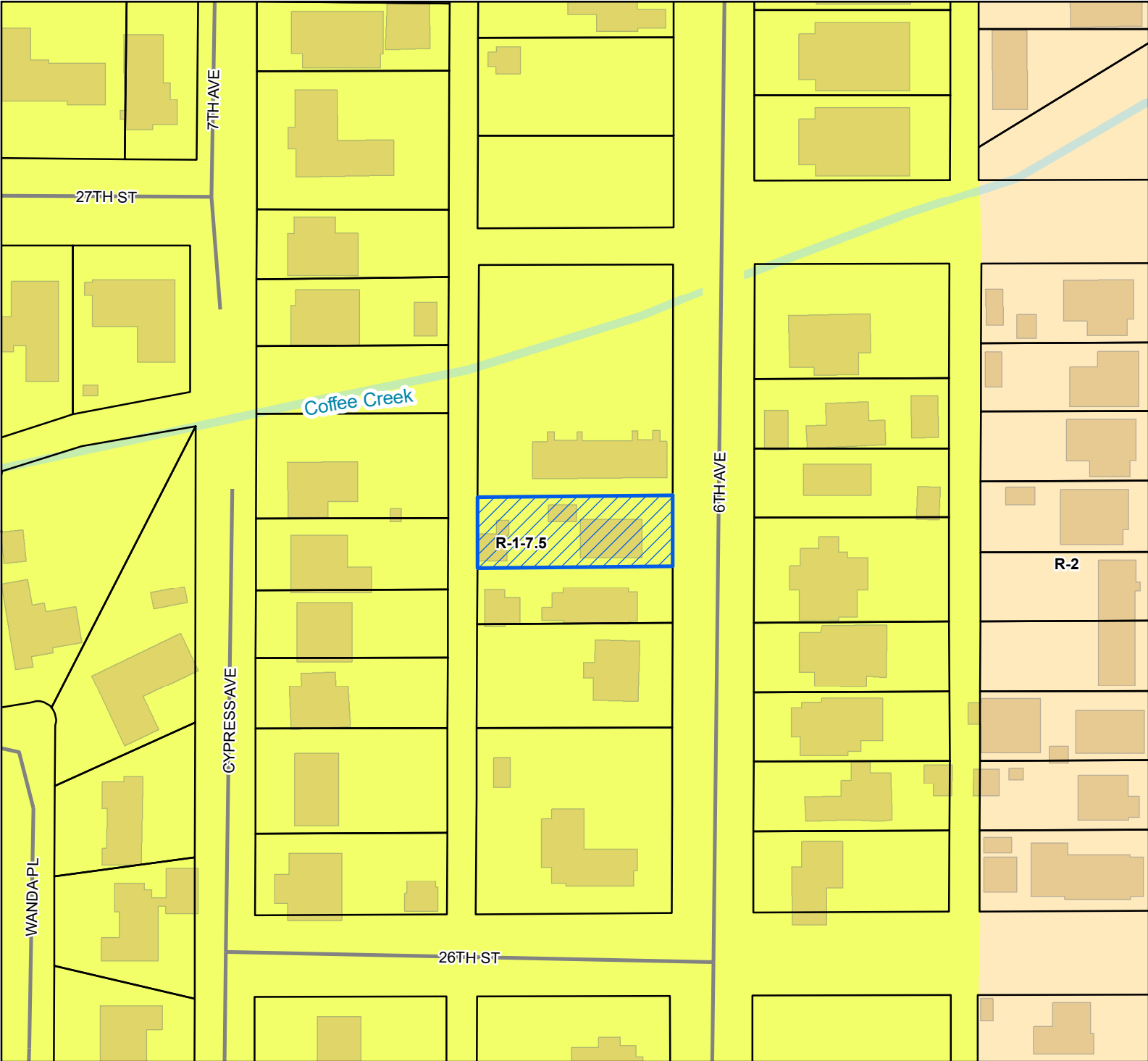
**Landscape Manager:** No conditions. Memo dated 6/4/2025.

### ***DIRECTOR APPROVAL***

This report has been reviewed and approved by:



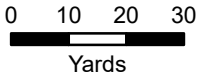
\_\_\_\_\_  
Greg Holmes  
Director of Urban Development Department



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

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

**Site Information**  
 0911D-06-049.000  
 Zoning: R-1-7.5 (Single Family)  
 Size: 7180.32 sqft  
 Flood: X, A



1 inch = 100 feet



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



CASE NUMBER  
2506ZB076

J&J 5/5/25

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

A# 13284792

# ZONING BOARD OF ADJUSTMENTS AND APPEALS APPLICATION

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

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

## TAX PARCEL NUMBERS

0	9	1	1	D	-	0	6	-	0	4	9	.	0	0	0																					

\* **Property Address:**

2621 6<sup>th</sup> Ave Gulfport ms 39501

Lot(s) S15' of Lot 7, All of Lot 8, N 10' of Lot 9 Block(s) #3 Subdivision Grays East Side

General Description of Request: To install an 8' privacy fence along the North side of my property due to the 4 Rental units that face my property. Photo attached.

### 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:**  
 Daniel Samms  
 Printed Name of Owner  
 2621 6<sup>th</sup> Ave  
 Mailing Address  
 Gulfport MS 39501  
 City State Zip Code  
 228-518-1346  
 Home Phone Work/Cell Phone  
 daniel.samms@bellsouth.net  
 Email  
 Daniel Samms  
 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, Daniel Samms being property owner or agent of the property 2621 6<sup>th</sup> Ave Gpt MS 39501  
PRINT NAME PRIMARY ADDRESS OR PARCEL

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

[Signature] 5-5-2025  
SIGNATURE DATE

## STATE OF MISSISSIPPI | COUNTY OF HARRISON

Given under my hand and seal of office this the 5<sup>th</sup> day of May, 20 25

[Signature]  
NOTARY PUBLIC



05/22/2027  
COMMISSION EXPIRATION

STATE OF MISSISSIPPI

MISSISSIPPI STATE DEPARTMENT OF HEALTH VITAL RECORDS



15247325

FILING DATE 10/19/2022

CERTIFICATE OF DEATH STATE OF MISSISSIPPI

STATE FILE NUMBER 123-2022-028645

Form with fields for decedent name (BONNYA REHRICK), gender (FEMALE), date of death (02:57), race (White), age at last birthday (92), place of death (GULFPORT, MISSISSIPPI), and cause of death (ATHEROSCLEROTIC HEART DISEASE).

ANY ALTERATION OR ERASURE VOIDS THIS CERTIFICATE

ANY ALTERATION OR ERASURE VOIDS THIS CERTIFICATE

THIS IS TO CERTIFY THAT THE ABOVE IS A TRUE AND CORRECT COPY OF THE CERTIFICATE ON FILE IN THIS OFFICE

11/17/2022 Judy Moulder

Judy Moulder STATE REGISTRAR

WARNING: A REPRODUCTION OF THIS DOCUMENT RENDERS IT VOID AND INVALID. DO NOT ACCEPT UNLESS EMBOSSED SEAL OF THE MISSISSIPPI STATE BOARD OF HEALTH IS PRESENT. IT IS ILLEGAL TO ALTER OR COUNTERFEIT THIS DOCUMENT.

VERIFY PRESENCE OF WATERMARK. HOLD TO LIGHT TO VIEW.

IF THE FACE OF THE DOCUMENT HAS A PICOLED BACKGROUND OR WHITE PAPER THIS IS WATERMARKED PAPER. DO NOT ACCEPT WITHOUT FIRST REMOVING IT FROM THE WATERMARK.

STATE OF MISSISSIPPI

MISSISSIPPI STATE DEPARTMENT OF HEALTH  
VITAL RECORDS



1328497

CERTIFICATE OF DEATH STATE OF MISSISSIPPI
FILING DATE 12/19/2018
STATE FILE NUMBER 123-2018-022523
DECEASED: BILLY FRANK HEDRICK, MALE, 1605, DATE OF BIRTH 12/14/2018
PLACE OF DEATH: HARRISON, MISSISSIPPI
CAUSE OF DEATH: CONGESTIVE HEART FAILURE
SIGNATURE: GARY T. HARGROVE, MISSISSIPPI STATE CORONER

ANY ALTERATION OR ERASURE VOIDS THIS CERTIFICATE

ANY ALTERATION OR ERASURE VOIDS THIS CERTIFICATE



12/20/2018 Judy Maulder

Judy Maulder STATE REGISTRAR

WARNING: A REPRODUCTION OF THIS DOCUMENT RENDERS IT VOID AND INVALID. DO NOT ACCEPT UNLESS EMBOSSED SEAL OF THE MISSISSIPPI STATE BOARD OF HEALTH IS PRESENT. IT IS ILLEGAL TO ALTER OR COUNTERFEIT THIS DOCUMENT.

VERIFY PRESENCE OF WATERMARK. HOLD TO LIGHT TO VIEW

THE FACE OF THIS DOCUMENT HAS A COLORED BACKGROUND ON WHITE PAPER. THIS IS WATERMARKED PAPER. DO NOT ACCEPT WITHOUT FIRST HOLDING TO LIGHT TO VERIFY WATERMARK.

Daniel Samms  
2621 6<sup>th</sup> Ave  
Gulfport MS 39501

## ANSWERS

### Fence Variance Submissions

Explanation: There are 4 rental units that face the Northside of my property (see attached Photo and Area Map). I would like to install an 8ft fence along the north side of property due to the number of families, elevation of land and decks that face my property. I believe this fence will benefit both properties as well as the neighborhood and all the people that will be impacted by this fence. Both mine and neighboring homes are of similar color and style.

Thank you for your consideration.

1. There are no safety concerns to the subject property, adjacent properties, ingress and egress, streets, alleyways, or bodies of water.
2. The current chain link fence is very old and damaged.
3. Both mine and neighboring homes are of similar color and style. The new fence will complement the neighborhood.
4. New fence will have no impact on ingress or egress
5. Will not screen, buffer or separate any nuisance or hazardous features.
6. It is compatible with the adjacent properties.

0911D-06-077.000



# Area Map

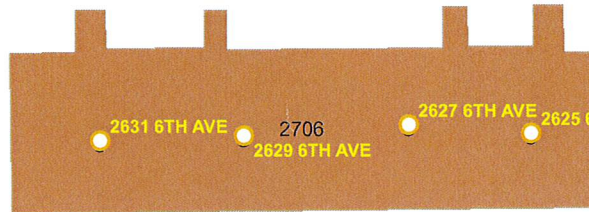
Printed 4/21/2025

0911D-06-076.000

0911D-06-048.000

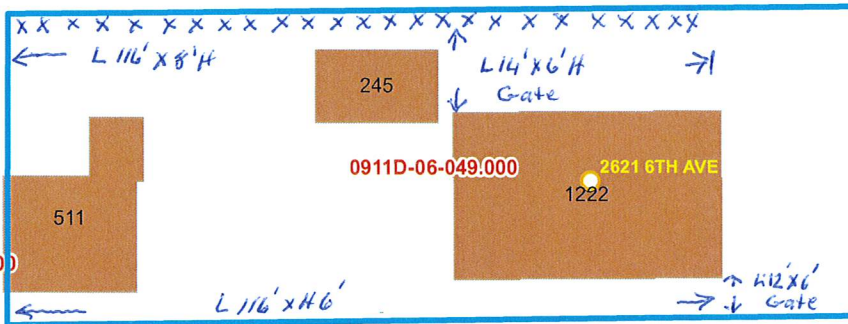
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472



0911D-06-075.000

0911D-06-036.000



0911D-06-074.000

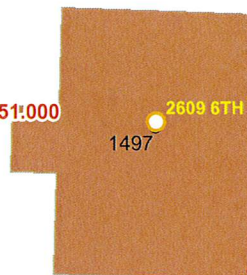
0911D-06-035.000



0911D-06-073.000

0911D-06-034.000

0911D-06-051.000



0911D-06-072.000

0911D-06-033.000

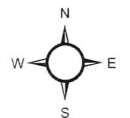
6th Ave

Initial and date here:

Planner: \_\_\_\_\_

Owner: Daniel Summs

Contractor: \_\_\_\_\_



1 inch = 30 feet

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○ Addresspoints Edits addresspoints  
 STRUCT\_CLASS  
 ● Residential  
 Parcels



*J. J.* 1st JUDICIAL DISTRICT  
Instrument 2023-0003876-D-11  
Filed/Recorded 03/06/2023 3:25:01 PM  
Total Fees 26.00  
5 Pages Recorded

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

Indexing Instructions: S 15' of Lot 7;  
All of Lot 8; N 10' of Lot 9 Block 3.  
Gary's East Side

File# 230211

**STATE OF MISSISSIPPI  
COUNTY OF HARRISON**

**WARRANTY DEED**

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

**Judy Ann Greenlund and Sandra Kay Dreher  
1247 Deborah Place  
Gulfport, MS 39501  
(228) 265-0055**

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

**Daniel Harry Samms, An Unmarried Person  
2621 6th Avenue  
Gulfport, MS 39501  
(228) 518-1346**

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

**SEE ATTACHED EXHIBIT " A "**

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

Estimated county ad valorem taxes have been prorated between the parties as a part of the consideration for this conveyance. In the event the estimates upon which such proration is based prove to be inaccurate for any reason, the Grantee agrees to refund any excess, and the Grantor agrees to pay any

deficiency, upon receipt of a copy of the tax statement for the current year and a computation of the true amount due, based on a 365 day year.

THIS CONVEYANCE is also subject to Zoning and/or other land use regulations promulgated by federal, state or local governments affecting the use or occupancy of the subject property.

WITNESS THE SIGNATURE of the Grantors on this the 3<sup>rd</sup> day of March 2023.

  
Judy Ann Greenlund

  
Sandra Kay Dreher

STATE OF MISSISSIPPI  
COUNTY OF HARRISON

THIS DAY personally appeared before me, the undersigned authority in and for the jurisdiction aforesaid, Judy Ann Greenlund and Sandra Kay Dreher, who acknowledged that they signed, executed and delivered the above and foregoing instrument as a voluntary act and deed on the day and year therein mentioned.

GIVEN under my hand and official seal on this the 3<sup>rd</sup> day of March 2023.

  
NOTARY PUBLIC

(SEAL)

My Commission Expires:







EXHIBIT " A "

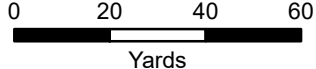
The South Fifteen Feet (S 15') of Lot Seven (7), all of Lot Eight (8) and the North Ten Feet (N 10') of Lot Nine (9), Block Three (3), GARY'S EAST SIDE ADDITION, a subdivision according to the official map or plat thereof on file and of record in the office of the Chancery Clerk of the First Judicial District of Harrison County, Mississippi, in Plat Book 3 at Page 24 (Copy Book 1A at Page 71) thereof, reference to which is hereby made in aid of and as a part of this description.

Mail	PPIN	Parcel ID	Name	Address	City	State	ZIP
Y		0911D-06-049.000	DANIEL SAMMS (OWNER)	2621 6TH AVE	GULFPORT	MS	39501
			<b>Adjacent Property Owners (2506ZB076)</b>				
	26737	0911D-06-072.000	TD 4 US LLC	12203 PRESERVATION DRIVE	GULFPORT	MS	39503
	26754	0911D-06-032.000	COWHICK EUGENE F & DEBRA R THOMAS	2604 6TH AVE	GULFPORT	MS	39501
	26748	0911D-06-012.000	ALDERMAN CHAD ERIC & ELIZABETH L	18356 SHAW RD	SAUCIER	MS	39574
	26755	0911D-06-033.000	YELLOWDOG PROPERTIES LLC	15276 A DEDEAUX RD	GULFPORT	MS	39503
	26736	0911D-06-071.000	JOHNSON TERRY D	2606 CYPRESS AVE	GULFPORT	MS	39501
	26734	0911D-06-053.000	BANDA RUBEN CARMONA	2603 6TH AVE	GULFPORT	MS	39501
	26731	0911D-06-050.000	MCCULLOUGH PROPERTIES LLC	20337 ROBINSON RD	GULFPORT	MS	39503
	26756	0911D-06-034.000	PINON MARIA S & ELEUTERIO JERONIMO	2612 6TH AVE	GULFPORT	MS	39501
	26730	0911D-06-049.000	SAMMS DANIEL HARRY	2621 6TH AVE	GULFPORT	MS	39501
	26760	0911D-06-038.000	BJT HOLDINGS LLC	9119 HARBOR WIND	LAS VEGAS	NV	89178
	26729	0911D-06-048.000	SJI LLC	9366 STONE RD	GULFPORT	MS	39503
	26757	0911D-06-035.000	MAGNAN W JANE -L/E-	2618 6TH AVE	GULFPORT	MS	39501
	26746	0911D-06-010.000	JOHNSON GLORIA A	2621 5TH AVE	GULFPORT	MS	39501
	26759	0911D-06-037.000	THORNTON ALPHONZO	17443 MOBILE ST	GULFPORT	MS	39503
	36082	0811A-01-052.000	FELLINGER JOHN C & ANN C	912 WANDA PLACE	GULFPORT	MS	39501
	26743	0911D-06-078.000	SECURE PROPERTIES LLC	180 DELAUNEY ST	BILOXI	MS	39530
	26747	0911D-06-011.000	MCDANIEL GLENDON	2619 5TH AVE	GULFPORT	MS	39501
N	26741	0911D-06-076.000	GULFPORT CITY OF				0
	26742	0911D-06-077.000	BOYKIN GWENDOLYN Y	2626 7TH AVE	GULFPORT	MS	39501
	26740	0911D-06-075.000	SUNFLOWER PROPERTIES LLC	#8 BAYOU PLACE	GULFPORT	MS	39503
	26739	0911D-06-074.000	DAMARE DANIEL	2618 CYPRESS AVE	GULFPORT	MS	39501
	26732	0911D-06-051.000	DURAND KEVIN P & JOANNA J	2609 6TH AVE	GULFPORT	MS	39501
	26758	0911D-06-036.000	JACKSON HARVEST & SHEILA M	2628 6TH AVE	GULFPORT	MS	39501
	26738	0911D-06-073.000	SALVADOR BILLY G	2616 CYPRESS AVE	GULFPORT	MS	39501
	36083	0811A-01-053.000	BROADUS CHANCE	1615 31ST ST	GULFPORT	MS	39501
	26749	0911D-06-013.000	FIVE INVESTMENT GROUP LLC	301 PASS RD	GULFPORT	MS	39507



Legend

-  Site
-  Street
-  Buildings
-  Water Features



1 inch = 120 feet



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## AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Cols	Depth
51445	10439	Legal Ad - IPL0236183	ZB legal	2.0	124.0L

ATTENTION: GULFPORT URBAN DEVELOPMENT IP  
 PO BOX 1780  
 GULFPORT, MS 39502  
 accountspayable@gulfport-ms.gov

STATE OF MISSISSIPPI  
 COUNTY OF HARRISON  
 Before me, the undersigned Notary of Beaufort County, South Carolina personally appeared the undersigned, who, being by me first duly sworn, did depose and say that he/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:

**LEGAL NOTICE  
 PUBLIC HEARING**

In conformance with Section VIII of the Comprehensive Zoning Ordinance of the City of Gulfport, Mississippi, 1979, as amended, notice is hereby given advising that the Zoning Board of Adjustment and Appeals will hold a public hearing in the City of Gulfport, Mississippi at 3:00 PM., Thursday, June 19, 2025 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 2502ZB024**, by agent David John Hunter, seeking approval for an 8 foot setback where 25 feet is required for a secondary frontage, Tax Parcel 0911F-01-035.000, 500 East Beach Blvd, Zoned R-1-7.5 (Single-Family), Ward 2

**Variance 2506ZB072**, by owner Savannah Walk Townhomes LLC, seeking approval for a sign structure height of 12.5 feet where 6 feet is the height limit, Tax Parcel 0807G-01-001.000, South Swan Road, Zoned R-1-15 (Single-family), Ward 7

**Variance 2506ZB074**, by agent Michael Cowan, seeking approval for an 11-foot secondary frontage setback where 25 feet is required, Tax Parcel 0710O-01-012.000, 2900 43rd Ave, Zoned R-B (Residence-Business), Ward 1

**Variance 2506ZB075**, by agent Michael Cowan, seeking approval for lot size of 5,000 square feet where 7,500 is required, Tax Parcel 0710O-01-012.000, 0710O-01-012.001, 0710O-03-033.000, 0710O-03-032.000, 2900 43rd Ave, 2920 43rd Ave, Zoned R-B (Residence-Business), Ward 1

**Variance 2506ZB076**, by owner Daniel Samms, seeking approval for an 8-foot tall fence where 6 feet is the height limit, Tax Parcel 0911D-06-049.000, 2621 6th Ave, Zoned R-1-7.5 (Single-family), Ward 2

**Special Exception 2506SE077**, by agent Charfonya Boose, seeking approval for a liquor store use, Tax Parcel 0910N-07-007.000, 406 Pass Road, Zoned B-2 (General Business), Ward 4

**Variance 2506ZB078**, by owner Ancillary Capital LLC, seeking approval for an 8-foot-tall fence where the height limit is 6 feet, Tax Parcel 0811L-03-030.001, 1114 33rd Ave, Zoned T4+ (General Urban Zone "Plus"), Ward 2

**Variance 2506ZB079**, by owner Ancillary Capital LLC, seeking approval for an 8-foot-tall fence where the height limit is 6 feet, Tax Parcel 0811L-03-034.000, 1115 33rd Ave, Zoned T4+ (General Urban Zone "Plus"), Ward 2

**Variance 2507ZB084**, by agent Donovan Scruggs, seeking approval for lot sizes of 4,000 square feet for single-family homes where 7,500 square feet is required, Tax Parcels 1010M-02-001.000, 1010M-02-001.002, 1010M-02-001.003, 1010M-02-001.004, 1010M-02-001.005, 1010M-02-001.006, 1010M-02-005.001, 5th Street, Zoned B-2 (General-Business), T4L (General Urban Zone "Limited"), T4+ (General Urban Zone "Plus"), Ward 2

**Special Exception 2507SE086**, by owner Vintage Properties LLC, seeking approval for a liquor store use, Tax Parcel 0910N-06-019.000, 423 Pass Road, Zoned B-2 (General-Business), Ward 3

This the 28th day of May 2025  
 A. Leslie North, Chairman  
 City of Gulfport Zoning Board of Adjustment and Appeals  
 IPL0236183  
 Jun 4 2025

1.0 insertion(s) published on:  
 06/04/25 Print

[Print Tearsheet Link](#)

[Marketplace Link](#)

*Julie Ambry*

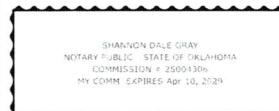


Julie Ambry

*Shannon Dale Gray*



Sworn to and subscribed before me this 2nd day of June in the year of 2025



Online Notary Public. This notarial act involved the use of online audio/video communication technology. Notarization facilitated by SIGNiX™

Notary Public in and for the state of South Carolina,  
 residing in Beaufort County



URBAN DEVELOPMENT  
PLANNING & ZONING  
PO BOX 1780 | GULFPORT, MS | 1410 24<sup>TH</sup> AVENUE  
228.868.5710 | [PLANNERS@GULFPORT-MS.GOV](mailto:PLANNERS@GULFPORT-MS.GOV)

## ZONING BOARD OF ADJUSTMENT AND APPEALS

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**Hearing Date: Thursday, June 19, 2025**

**Special Exception 2506SE077: Special Exception 2506SE077, by agent Charfonya Boose, seeking approval for a liquor store use, Tax Parcel 0910N-07-007.000, 406 Pass Road, Zoned B-2 (General Business), Ward 4**

# Technical Report

## *SPECIAL EXCEPTION*

### ***GENERAL INFORMATION***

Case File Number: 2506SE077

Hearing Date: Zoning Board June 19, 2025  
Planning Commission June 26, 2025

Current Zoning/Use: B-2/Commercial Building

Legal: Special Exception 2506SE077, by agent Charfonya Boose, seeking approval for a liquor store use, Tax Parcel 0910N-07-007.000, 406 Pass Road, Zoned B-2 (General Business), Ward 4

### ***TECHNICAL DETAILS***

The applicant requests a special exception for a liquor store use at 406 Pass Road, zoned B-2 (General Business). Ordinance 3158 approved on August 3, 2022, eliminated the distance requirements required in the chart of permitted uses for these establishments, however the proposed liquor store is still required to go through Special Exception. The applicant has provided an affidavit that the state requires, that lets us know that the applicant is compliant with Mississippi Code 67-1-51. According to Mississippi Code 67-1-51 section (3) (a), " Except as otherwise provided in this subsection, no authority shall be granted to any person to manufacture, sell or store for sale any intoxicating liquor as specified in this article within four hundred (400) feet of any church, school (excluding any community college, junior college, college or university), kindergarten or funeral home. However, within an area zoned commercial or business, such minimum distance shall be not less than one hundred (100) feet." The property was granted a variance for 0 parking where 7 are required with case 2501ZB009. It should be noted that the site still requires 1 handicap space which is shown on the site plan. The applicant states that the use would be in harmony with the community as the business is located very near to L&M Package store located at 423 Pass Rd. The closest church, the Wilderness Place, is approximately 613 feet from the proposed liquor store use. It is clear, upon staff visit, the area is heavily commercial with uses such as a Shell gas station, Sagan Wholesale, and Tire Doctor.

### ***EXECUTIVE SUMMARY***

The applicant requests a special exception for a liquor store use at 406 Pass Road, zoned B-2. The property was granted a variance for 0 parking where 7 are required with case 2501ZB009. It should be noted that the site would still require a handicap parking space which the applicant has indicated on the site plan. The applicant states that the liquor store business would be harmonious with the area and would not create issues with traffic. The closest church, The Wilderness Place, is approximately 613 feet from the proposed liquor store use. The applicant provided staff with a notarized statement claiming that they are in compliance with the state. It is clear, upon staff visit, the area is heavily commercial with uses such as a Shell gas station, Sagan Wholesale, and Tire Doctor.

**Technical Report**  
*SPECIAL EXCEPTION*

Any approval should consider these conditions:

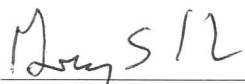
1. Liquor store use approval requires both the Zoning Board and Planning Commission.
2. Must comply with all current Building Codes and City of Gulfport Ordinances.

***DEPARTMENTAL CONDITIONS***

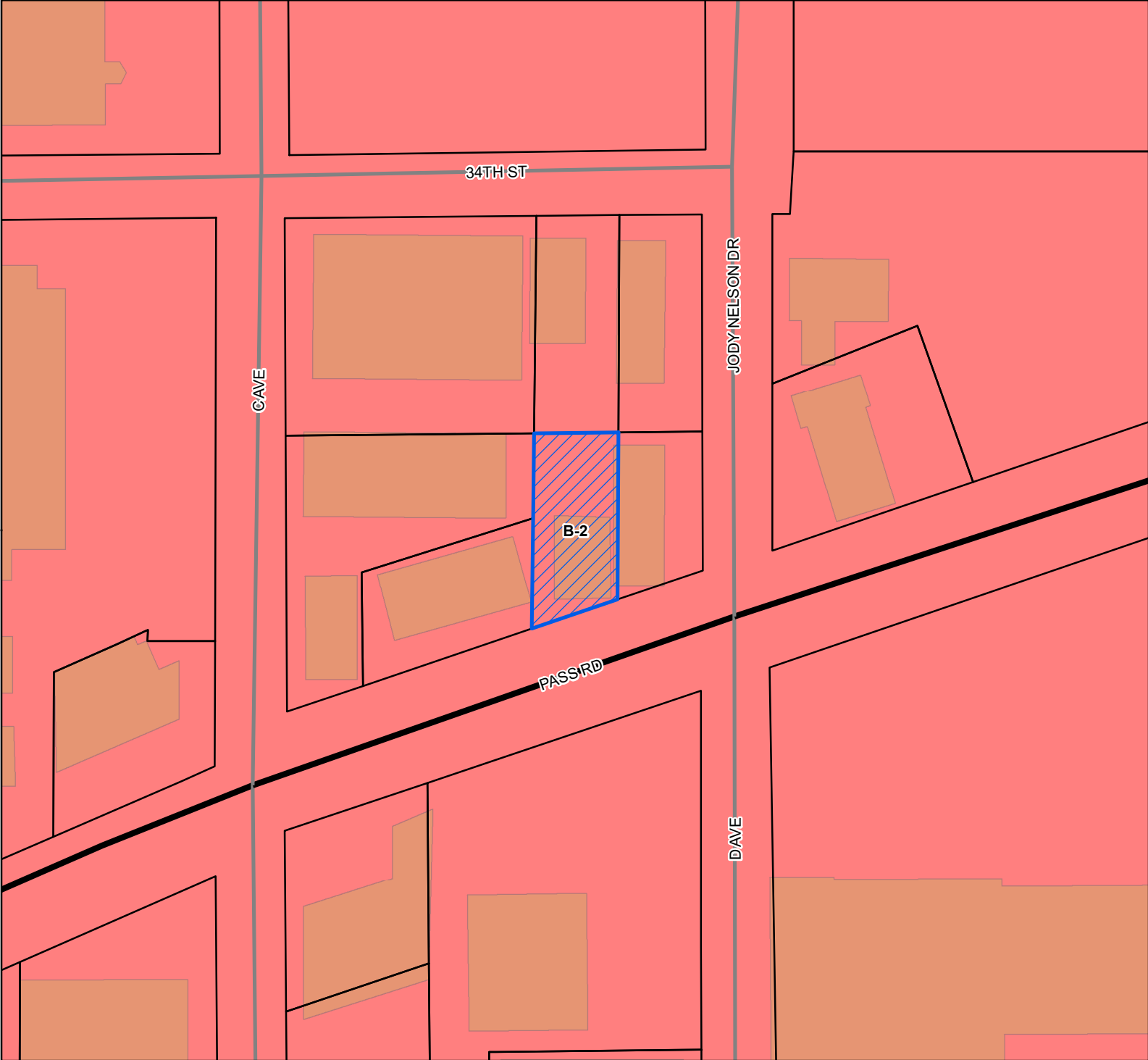
<b><u>Engineering:</u></b>	No conditions. Memo dated 6/2/2025.
<b><u>Public Works:</u></b>	No comment as of 6/6/2025.
<b><u>Traffic and Safety:</u></b>	No conditions. Memo dated 6/6/2025.
<b><u>Building Code Services:</u></b>	Must comply with all current Building Codes and City of Gulfport Ordinances. Memo dated 6/5/2025.
<b><u>GIS:</u></b>	No conditions. Memo dated 6/3/2025.
<b><u>Police Department:</u></b>	No comment as of 6/6/2025.
<b><u>Fire Department:</u></b>	No conditions. Memo dated 6/5/2025.
<b><u>City Arborist:</u></b>	No conditions. Memo dated 6/5/2025.

***DIRECTOR APPROVAL***

This report has been reviewed and approved by:

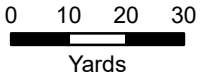


\_\_\_\_\_  
Greg Holmes  
Director of Urban Development Department



-  Site
-  US or State Highway
-  Street
-  Parcels
-  Buildings
-  City Limit
- Zoning**
-  B-2 - General Business District

**Site Information**  
 0910N-07-007.000  
 Zoning: B-2 (General Business)  
 Size: 7974.76 sqft  
 Flood: X



1 inch = 100 feet



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CASE NUMBER  
25065E077

05/06/25

A# 13286059

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

# ZONING BOARD OF ADJUSTMENTS AND APPEALS APPLICATION

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

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

## TAX PARCEL NUMBERS

0910N	-07	-007	.000								

### Property Address:

406 Pass Rd. Gpt. ms. 39507

Lot(s) 15, 16, 17 Block(s) 4 Subdivision Magnolia Grove

### General Description of Request:

To open a liquor store  
Lot 15, 16 & 17

### 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:**

Lawrence Hage  
 Printed Name of Owner  
400 Pass Road  
 Mailing Address  
Gulfport MS 39507  
 City State Zip Code  
5437  
 City State Zip Code  
228-864-3446  
 Home Phone Work/Cell Phone  
lhage@bellsonth.net  
 Email  
[Signature]  
 Signature of Owner

**AGENT:**

Charfanya Boose  
 Printed Name of Agent  
3509 Borita Dr.  
 Mailing Address  
Gulfport, Ms. 39501  
 City State Zip Code  
504-502-2320  
 Home Phone Work/Cell Phone  
Agjvarietystore@outlook.com  
 Email  
[Signature]  
 Signature of Agent

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

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

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

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

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



**DESIGNATION OF AGENT**

I, Laurence Hays being property owner of 406 Pass Road, Gulfport  
PRINT NAME PRIMARY ADDRESS OR PARCEL  
which is the subject of this application hereby authorize Chafonza Boose to act as  
PRINT NAME  
my representative with the City of Gulfport's Zoning Board of Adjustment and Appeals, and/or Planning Commission, and/or City Council, and/or permitting and licensing, as required by the City.

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

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

[Signature]  
SIGNATURE

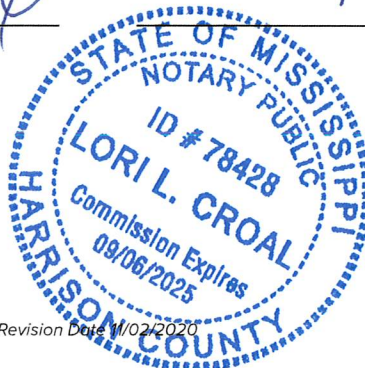
3-24-25  
DATE

**STATE OF MISSISSIPPI | COUNTY OF HARRISON**

Given under my hand and seal of office this the 24 day of March, 2025

[Signature]  
NOTARY PUBLIC

9-6-2025  
COMMISSION EXPIRATION





# COVENANT AFFIDAVIT

I, Laurence Hoge being property owner or agent of the property 4100 Pass Road, Gulfport  
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

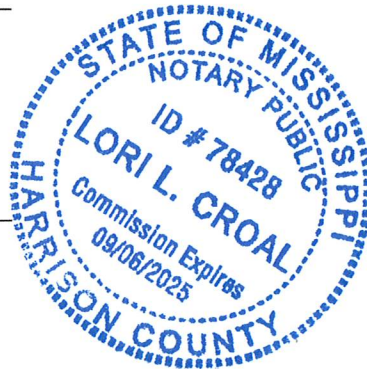
3-24-25  
DATE

## STATE OF MISSISSIPPI | COUNTY OF HARRISON

Given under my hand and seal of office this the 24 day of March, 20 25

[Signature]  
NOTARY PUBLIC

9-6-25  
COMMISSION EXPIRATION



Booze Liquor Store shall operate  
in compliance with Miss. Code. Ann. 47-1-51,  
as amended. Certify that they meet the distance  
requirements set forth in state law or adopted state  
regulations.

CFB

5/6/25



To, whom it may concern,

The owner previously obtained a variance from the City of Gulfport to have permission to enter and exit off of Pass Rd. at the address of 406 Pass Rd for customers of the Business of Booz Liquor Store.

Booz Liquor Store building at 406 Pass Rd. will have a driveway which is the side of the building where other businesses such as Pinky Hair, Aerya Variety Store & Maystone Locksmith uses for loading.

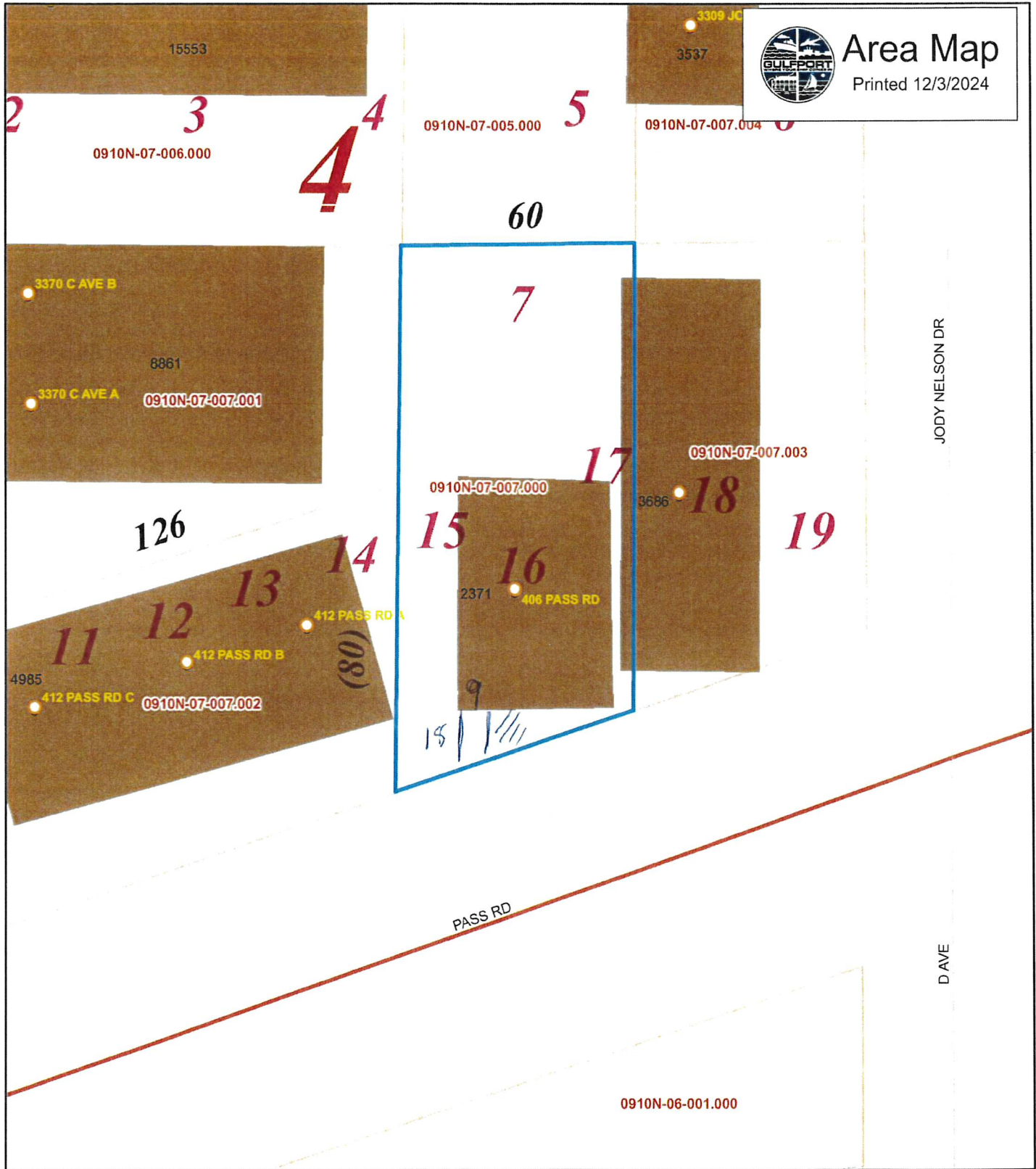
The refuse area will have a dumpster from Waste Pro.

Mississippi Power, Sparklight, Gulfport water department and waste Pro will be of service once of the approval.

406 Pass Rd does not need any storage in the front of the building.

The signs will be on the building it will not cause any interference with traffic or neighboring businesses, or traffic the lighting will also not disturb traffic or neighboring businesses.

Booz Liquor Store, will be in harmony with the community because it will bring business and revenue to the neighboring businesses and the city of Gulfport. It will not be detrimental to the neighborhood or public welfare. The traffic will not be congested. It also will be in harmony with the community because L & M Liquor Store is 528 ft from 406 Pass Rd. where Booz Liquor Store will be. Address ~~Place~~ is 1,056 ft. from Booz Liquor Store. It meets all requirements of the zoning Ordinance.



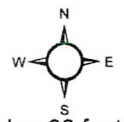
Initial and date here:

Planner: \_\_\_\_\_

Owner: \_\_\_\_\_

Contractor: \_\_\_\_\_

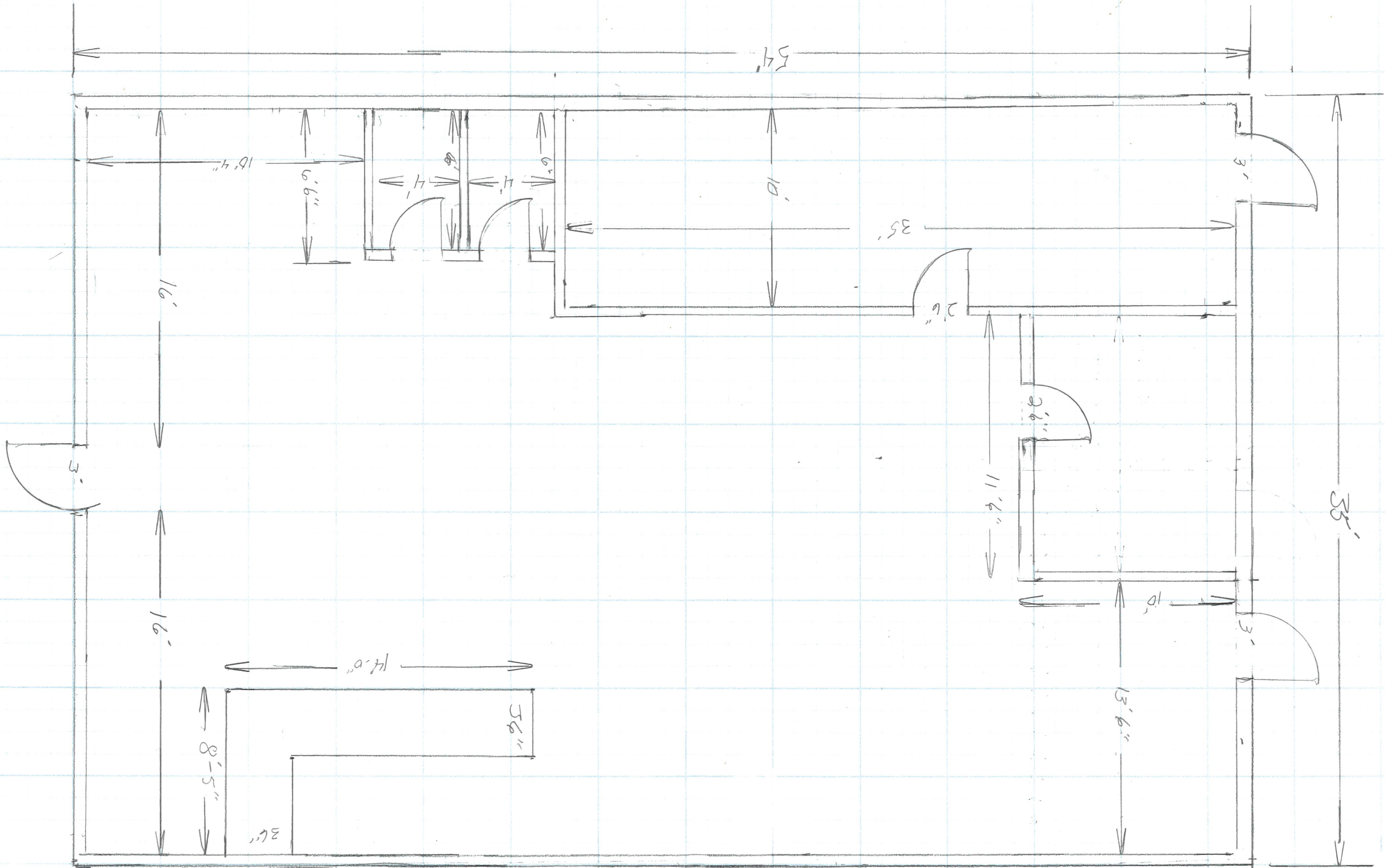
*[Signature]*  
12-3-24



1 inch = 33 feet

Addresspoints    Edits addresspoints  
**STRUCT\_CLASS**  
 Commercial  
 Principal Arterial  
 Minor/Residential  
 Parcels

**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.





DEPARTMENT OF  
URBAN DEVELOPMENT  
PLANNING DIVISION

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

January 17, 2025

Hage Properties, LLC Owner)  
406 Pass Rd  
Gulfport, MS 39507

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

**RE: Variance 2501ZB009, by owner Hage Properties LLC, seeking approval for 0 regular parking spaces where 7 are required, Tax Parcel 0910N-07-007.000, 406 Pass Road, Zoned B-2 (General Business), Ward 4**

To Whom It May Concern:

At their public hearing on Thursday, January 16, 2025, the Gulfport Zoning Board of Adjustment and Appeals approved your variance request with the following conditions:

1. Approval allows for zero required parking spaces.
2. Must apply for a privilege license.
3. Must comply with all rules and regulations.

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

Any person may appeal this decision to the Gulfport City Council within fifteen (15) calendar days of the public hearing. The filing fee for an appeal is based on the actual cost of the required official transcript and any related miscellaneous charges. Any appeal shall be in writing and submitted to the Department of Urban Development - Planning Division stating what decision is being appealed and why you are aggrieved.

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

Sincerely,  
City of Gulfport Planning Division



# Michael Watson

## SECRETARY OF STATE

This is not an official certificate of good standing.

### Name History

Name	Name Type
Hage Properties, LLC	Legal
HAGE LIMITED PARTNERSHIP	Previous Legal

### Business Information

<b>Business Type:</b>	Limited Liability Company
<b>Business ID:</b>	664946
<b>Status:</b>	Good Standing
<b>Effective Date:</b>	12/23/1998
<b>State of Incorporation:</b>	Mississippi
<b>Principal Office Address:</b>	400 PASS RD, 400 PASS RD, Suite A GULFPORT, MS 39507

### Registered Agent

**Name**  
Hage, Laurence M  
400 Pass Road  
Gulfport, MS 39507

### Officers & Directors

Name	Title
Laurence M. Hage, D.D.S. 11500 Stanton Circle Gulfport, MS 39503	Member

STATE OF MISSISSIPPI  
COUNTY OF HARRISON/FIRST JUDICIAL DISTRICT

WARRANTY DEED

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

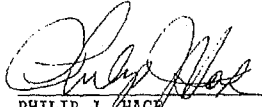
PHILIP J. HAGE and wife, SADIE S. HAGE  
do(es) hereby sell, convey and warrant unto,

HAGE LIMITED PARTNERSHIP, a Mississippi Limited Partnership  
the property situated and being in Harrison County, State of Mississippi,  
described as follows, to-wit:

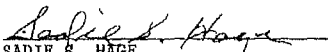
DESCRIPTION PER THE ATTACHED EXHIBIT A, WHICH IS  
ENCOMPASSED WITHIN FOR ALL INTENTS AND PURPOSES  
AS IF WRITTEN.

THIS CONVEYANCE is subject to all restrictions, easements and reservations affecting said property of record in the office of the Chancery Clerk of Harrison County, Mississippi.

WITNESS the signature(s) of the undersigned on this the 30 day  
of Dec, 1998.

  
PHILIP J. HAGE

TITLE NOT EXAMINED

  
SADIE S. HAGE

INDEXING INSTS: LOT 5, BLK. 4, REVISION OF MAGNOLIA GROVE ADD. S/D, FIRST  
JD. HARRISON COUNTY, MS.

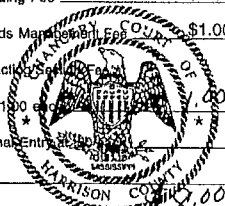
EXHIBIT "A"

Beginning at the Southeast corner of Lot 5, Block 4, REVISION OF MAGNOLIA GROVE ADDITION, go Westerly along the South line of said Lot 5, 10 feet; thence go Southerly across an open alley to the North line of Lot 7 of said subdivision to the point of beginning; thence from said point of beginning continue Southerly 142.5 feet along what would be an extension of the East line forming the West 40 feet of Lot 5 of said subdivision to Pass Road; thence Southwesterly along Pass Road 63.3 feet; thence Northerly 162.7 feet to the aforementioned alley; thence Easterly along said alley 60 feet to the point of beginning. Being a portion of the property shown on a survey prepared by E. Patrick Cassady, Surveyor, dated May 14th, 1974.

Instrument No. 9815

STATEMENT OF FEES

Recording Fee	\$6.00
Records Maintenance Fee	\$1.00
Abstract of Sale	\$1.00
Marginal Entry	\$1.00
Other	
<b>TOTAL FEES COLLECTED</b>	<b>\$9.00</b>

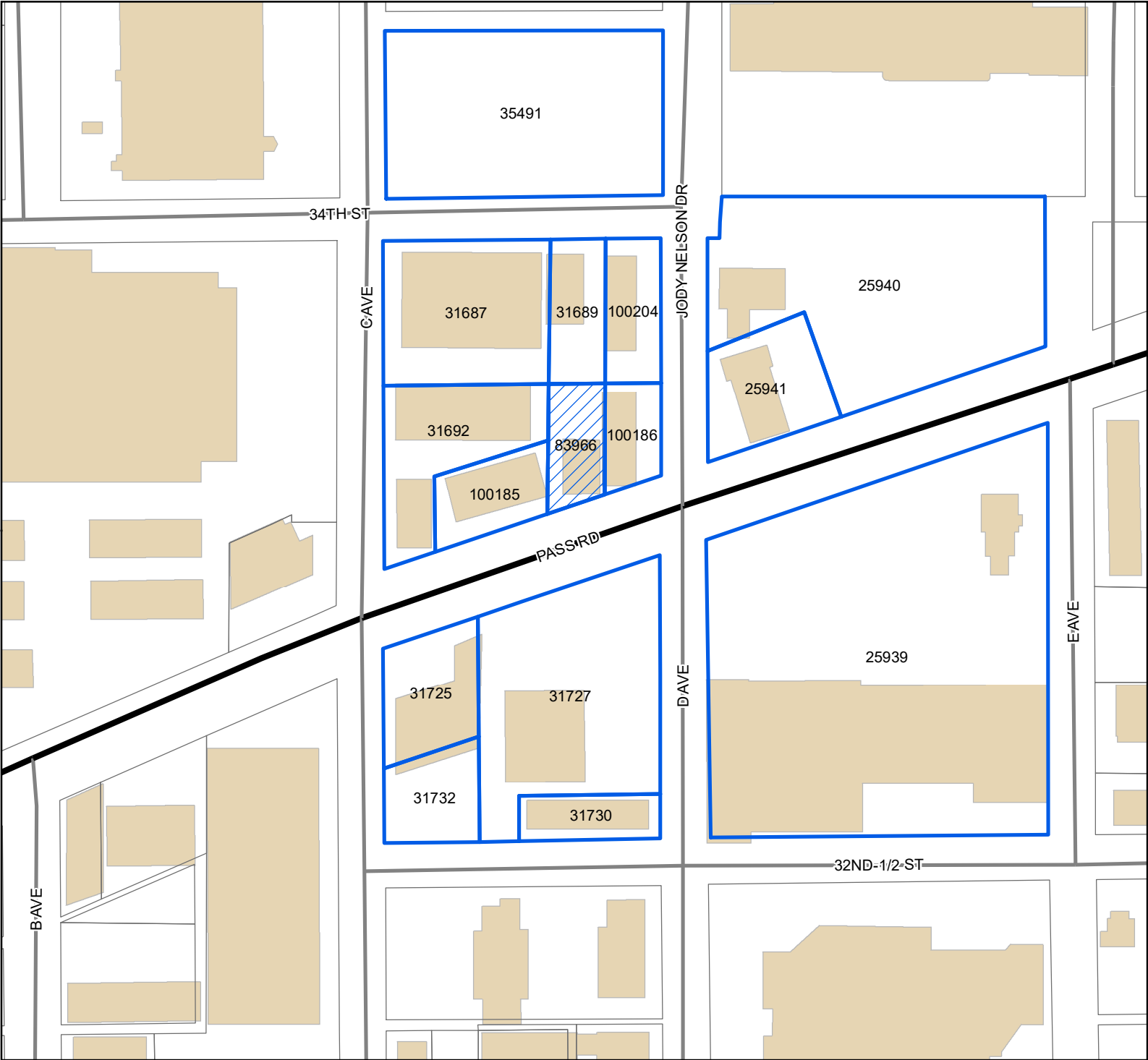


STATE OF MISSISSIPPI, COUNTY OF HARRISON, FIRST JUDICIAL DISTRICT:





I hereby certify that this instrument was received and filed for record at 10 o'clock and 45 minutes A. M. on 31 day of Dec, A.D. 19 98 and recorded Jan 4, 19 99 in Records of Deeds Book 1436 Pages 412-414

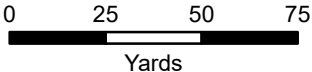
JOHN McADAMS, Charisary Clerk  
*John Buller* D.C.

Mail	PPIN	Parcel ID	Name	Address	City	State	ZIP
Y		0910N-07-007.000	HAGE PROPERTIES LLC(OWNER)	400 PASS ROAD	GULFPORT	MS	39507
			CHARFONYA BOOSE (AGENT)	3509 BONITA DRIVE	GULFPORT	MS	39501
			<b>Adjacent Property Owners (2506SE077)</b>				
	31730	0910N-06-008.000	UELTSCHHEY REGINA A -TRUSTEE-	13187 N CYPRESS DR	GULFPORT	MS	39503
	35491	0910K-02-018.000	GPT-BILOXI REGIONAL AIRPORT AUTH	14035-L AIRPORT RD	GULFPORT	MS	39503
	25940	0910N-07-003.000	PRIME CAPITAL INVESTMENTS LLC	4445 SKYLARK LANE	CUMMING	GA	30041
	100185	0910N-07-007.002	HAGE LIMITED PARTNERSHIP	400 PASS RD	GULFPORT	MS	39507
N	100204	0910N-07-007.004	HAGE LIMITED PARTNERSHIP	400 PASS RD	GULFPORT	MS	39507
	31727	0910N-06-001.000	SAGAN DISTRIBUTORS LLC	3210 WYNNFIELD DR W	MOBILE	AL	36695
	25941	0910N-07-004.000	CLARK PROPERTIES LLC	720 STATION ST	WAYNESBORO	MS	39363
	31732	0910N-06-004.000	MARBY HOLDINGS LLC	PO BOX 6212	GULFPORT	MS	39506
N	83966	0910N-07-007.000	HAGE LIMITED PARTNERSHIP	400 PASS RD	GULFPORT	MS	39507
N	31692	0910N-07-007.001	HAGE LIMITED PARTNERSHIP	400 PASS ROAD	GULFPORT	MS	39507
	25939	0910N-01-024.000	MS GULF COAST YOUTH FOR CHRIST INC	111 PASS RD	GULFPORT	MS	39507
	31689	0910N-07-005.000	MIDDLETON SHANNON DUKE	3410 A AVE	GULFPORT	MS	39507
	31687	0910N-07-006.000	MIDDLETON DUKE	3410 A AVE	GULFPORT	MS	39507
N	100186	0910N-07-007.003	HAGE LIMITED PARTNERSHIP	400 PASS RD	GULFPORT	MS	39507
N	31725	0910N-06-003.000	MARBY HOLDINGS LLC	PO BOX 6212	GULFPORT	MS	39506



Legend

-  Site
-  US or State Highway
-  Street
-  Buildings



1 inch = 150 feet



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# McClatchy

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	Cols	Depth
51445	10439	Legal Ad - IPL0236183	ZB legal	2.0	124.0L

ATTENTION: GULFPORT URBAN DEVELOPMENT IP  
 PO BOX 1780  
 GULFPORT, MS 39502  
 accountspayable@gulfport-ms.gov

**LEGAL NOTICE  
 PUBLIC HEARING**

In conformance with Section VIII of the Comprehensive Zoning Ordinance of the City of Gulfport, Mississippi, 1979, as amended, notice is hereby given advising that the Zoning Board of Adjustment and Appeals will hold a public hearing in the City of Gulfport, Mississippi at 3:00 PM., Thursday, June 19, 2025 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 2502ZB024**, by agent David John Hunter, seeking approval for an 8 foot setback where 25 feet is required for a secondary frontage, Tax Parcel 0911F-01-035.000, 500 East Beach Blvd, Zoned R-1-7.5 (Single-Family), Ward 2

**Variance 2506ZB072**, by owner Savannah Walk Townhomes LLC, seeking approval for a sign structure height of 12.5 feet where 6 feet is the height limit, Tax Parcel 0807G-01-001.000, South Swan Road, Zoned R-1-15 (Single-family), Ward 7

**Variance 2506ZB074**, by agent Michael Cowan, seeking approval for an 11-foot secondary frontage setback where 25 feet is required, Tax Parcel 07100-01-012.000, 2900 43rd Ave, Zoned R-B (Residence-Business), Ward 1

**Variance 2506ZB075**, by agent Michael Cowan, seeking approval for lot size of 5,000 square feet where 7,500 is required, Tax Parcel 07100-01-012.000, 07100-01-012.001, 07100-03-033.000, 07100-03-032.000, 2900 43rd Ave, 2920 43rd Ave, Zoned R-B (Residence-Business), Ward 1

**Variance 2506ZB076**, by owner Daniel Samms, seeking approval for an 8-foot tall fence where 6 feet is the height limit, Tax Parcel 0911D-06-049.000, 2621 6th Ave, Zoned R-1-7.5 (Single-family), Ward 2

**Special Exception 2506SE077**, by agent Charfonya Boose, seeking approval for a liquor store use, Tax Parcel 0910N-07-007.000, 406 Pass Road, Zoned B-2 (General Business), Ward 4

**Variance 2506ZB078**, by owner Ancillary Capital LLC, seeking approval for an 8-foot-tall fence where the height limit is 6 feet, Tax Parcel 0811L-03-030.001, 1114 33rd Ave, Zoned T4+ (General Urban Zone "Plus"), Ward 2

**Variance 2506ZB079**, by owner Ancillary Capital LLC, seeking approval for an 8-foot-tall fence where the height limit is 6 feet, Tax Parcel 0811L-03-034.000, 1115 33rd Ave, Zoned T4+ (General Urban Zone "Plus"), Ward 2

**Variance 2507ZB084**, by agent Donovan Scruggs, seeking approval for lot sizes of 4,000 square feet for single-family homes where 7,500 square feet is required, Tax Parcels 1010M-02-001.000, 1010M-02-001.002, 1010M-02-001.003, 1010M-02-001.004, 1010M-02-001.005, 1010M-02-001.006, 1010M-02-005.001, 5th Street, Zoned B-2 (General-Business), T4L (General Urban Zone "Limited"), T4+ (General Urban Zone "Plus"), Ward 2

**Special Exception 2507SE086**, by owner Vintage Properties LLC, seeking approval for a liquor store use, Tax Parcel 0910N-06-019.000, 423 Pass Road, Zoned B-2 (General-Business), Ward 3

This the 28th day of May 2025  
 A. Leslie North, Chairman  
 City of Gulfport Zoning Board of Adjustment and Appeals  
 IPL0236183  
 Jun 4 2025

STATE OF MISSISSIPPI  
 COUNTY OF HARRISON  
 Before me, the undersigned Notary of Beaufort County, South Carolina personally appeared the undersigned, who, being by me first duly sworn, did depose and say that he/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:

1.0 insertion(s) published on:  
 06/04/25 Print

[Print Tearsheet Link](#)

[Marketplace Link](#)

*Julie Ambry*

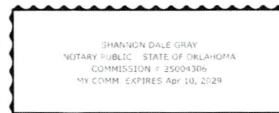


Julie Ambry

*Shannon Dale Gray*



Sworn to and subscribed before me this 2nd day of June in the year of 2025



Online Notary Public. This notarial act involved the use of online audio/video communication technology. Notarization facilitated by SIGNIX®

Notary Public in and for the state of South Carolina,  
 residing in Beaufort County



URBAN DEVELOPMENT  
PLANNING & ZONING  
PO BOX 1780 | GULFPORT, MS | 1410 24<sup>TH</sup> AVENUE  
228.868.5710 | [PLANNERS@GULFPORT-MS.GOV](mailto:PLANNERS@GULFPORT-MS.GOV)

## ZONING BOARD OF ADJUSTMENT AND APPEALS

---

**Hearing Date: Thursday, June 19, 2025**

**Variance 2506ZB078: Variance 2506ZB078, by owner Ancillary Capital LLC, seeking approval for an 8-foot-tall fence where the height limit is 6 feet, Tax Parcel 0811L-03-030.001, 1114 33rd Ave, Zoned T4+ (General Urban Zone "Plus"), Ward 2**

# Technical Report

## VARIANCE

### GENERAL INFORMATION

Case File Number: 2506ZB078

Hearing Date: June 19, 2025

Current Zoning/Use: T4+ / Single-Family Dwelling

Legal: Variance 2506ZB078, by owner Ancillary Capital LLC, seeking approval for an 8-foot-tall fence where the height limit is 6 feet, Tax Parcel 0811L-03-030.001, 1114 33rd Ave, Zoned T4+ (General Urban Zone "Plus"), Ward 2

### TECHNICAL DETAILS

Variations involve special cases where unique factors contribute to justify a use of property that does not conform to the City's enforced ordinances. Therefore, variations 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 construct an 8-foot-tall chain link fence where 6 foot is the height limit for a solid fence with no lattice. The City of Gulfport fence ordinance states that fences in Residential Districts between the primary and continuous front façade line continuing to the rear of the property must not be higher than 6 feet above grade except where required to be higher by city ordinance. It is clear to staff, upon site visit, that no 8-foot fences exist in the immediate area and that the approval of this variance would create a precedence and would not be in harmony with the existing neighborhood.

- (a) The applicant does not address this section and instead addresses the fence variance submission question of safety in regard to the subject property. The applicant states that this fence will replace a derelict fence and not negatively impact ingress and egress or the surrounding neighborhood.
- (b) The applicant does not address this section and instead addresses the fence variance submission question of visual Impact on adjacent properties. The applicant states that the fence will be a positive impact visually to surrounding properties because it will replace a derelict fence.
- (c) The applicant does not address the hardship for the variance, or how the physical character of the property would result in a hardship requiring the need for a variance. However, the applicant answers the fence variance question in regard to design in relation to others in the neighborhood. The applicant states that the fence will blend in and compliment the historic character of the area. However, it is clear to staff that no other 8 foot fences exist in the area.
- (d) The applicant does not address the literal interpretation of the ordinance and instead answers the fence variance questions regarding ingress and egress. The applicant states that the fence will not impact the ingress and egress of the site. It is clear to staff that the literal interpretation of the ordinance would not allow an 8 foot solid chain link fence.
- (e) The applicant does not address this question and instead answers the fence variance question regarding screening of any nuisance or hazardous feature. The applicant states that the fence will screen them from the unkept yard next door. It is clear to staff that no 8 foot fence exists in the immediate area and the granting of this variance would create a precedence.
- (f) The applicant states that the fence will be compatible with the adjacent properties in design, style, an appearance. However, it is clear to staff that no 8 foot fence exists in the immediate area and approval of this variance would create a precedence. A fence is allowed by right.

### ***EXECUTIVE SUMMARY***

The applicant requests a variance in order to construct an 8-foot-tall chain link fence where 6 foot is the height limit for a solid fence with no lattice. The six criteria for a hardship have not been met by the applicant. The applicant did not address the hardship aspect of this variance other than the fence will provide a barrier between their yard and the unkept yard next door. It is clear to staff, upon site visit, that no 8-foot fences exist in the immediate area and that the approval of this variance would create a precedence and would not be in harmony with the surrounding area.

# Technical Report

## VARIANCE

Any approval should consider these conditions:

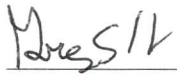
1. Approval would allow for an 8 foot fence where 6 feet is the limit.
2. Permit required.

### ***DEPARTMENTAL CONDITIONS***

<b><u>Engineering:</u></b>	No conditions. Memo dated 6/2/2025.
<b><u>Public Works:</u></b>	No comment as of 6/6/2025.
<b><u>Traffic and Safety:</u></b>	No conditions. Memo dated 6/6/2025.
<b><u>Building Code Services:</u></b>	Permit Required. Memo dated 6/2/2025.
<b><u>GIS:</u></b>	No conditions. Memo dated 6/3/2025.
<b><u>Police Department:</u></b>	No comment as of 6/6/2025.
<b><u>Fire Department:</u></b>	No conditions. Memo dated 6/2/2025.
<b><u>City Arborist:</u></b>	No conditions. Memo dated 6/2/2025.

### ***DIRECTOR APPROVAL***

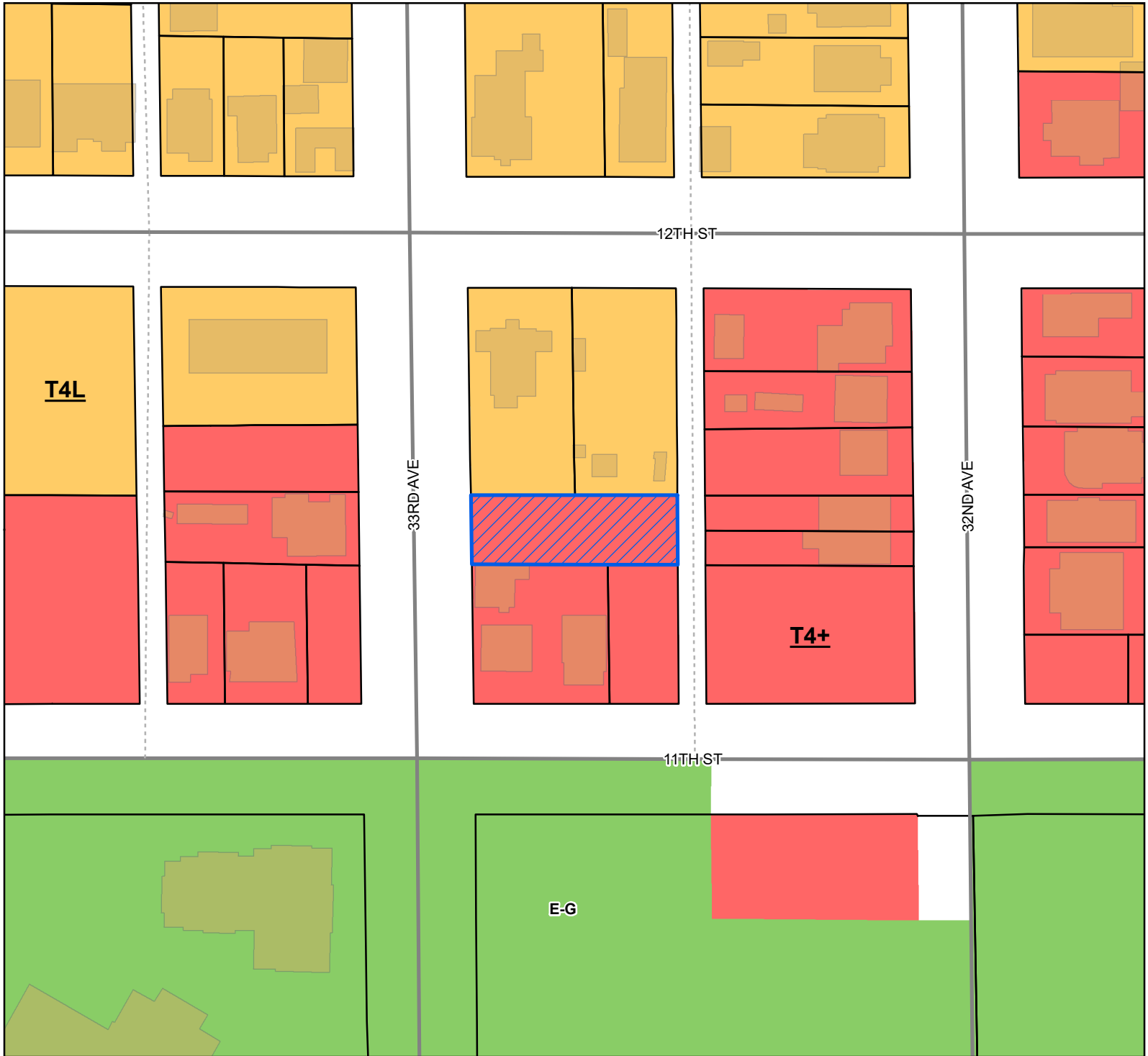
This report has been reviewed and approved by:



\_\_\_\_\_  
Greg Holmes  
Director of Urban Development Department

2506ZB078

Variance



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

**Smart Code**

- T4+
- T4L

**Zoning**

- E-G - Entertainment - Gaming District

**Site Information**

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

0 10 20 30  
 Yards

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.



WA 5/6/25  
 CASE NUMBER  
 250623078  
 R#13286439

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

# ZONING BOARD OF ADJUSTMENTS AND APPEALS APPLICATION

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

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

## TAX PARCEL NUMBERS

0	8	1	1	2	-	0	3	-	0	3	0	.	0	0	1															

**Property Address:**

1114 33<sup>rd</sup> Ave Gulfport, MS  
 Lot(s) \_\_\_\_\_ Block(s) 198 Subdivision Original Gulfport

**General Description of Request:**

2' height variance for fence to screen unkempt  
hairs and yard next door. Requesting an 8' fence where 6' is allowed.

**OWNERSHIP AND CERTIFICATION:**

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

**OWNER:**

Auxiliary Capital, LLC / Collin Zongaris  
 Printed Name of Owner  
384 Park Place  
 Mailing Address  
Ocean Springs MS 39564  
 City State Zip Code  
228.334.2370  
 Home Phone Work/Cell Phone  
Collin@loosdwi.com  
 Email  
[Signature]  
 Signature of Owner

**AGENT:**

Collin Zongaris  
 Printed Name of Agent  
384 Park Place  
 Mailing Address  
Ocean Springs MS 39564  
 City State Zip Code  
228.334.2370  
 Home Phone Work/Cell Phone  
Collin@loosdwi.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) Auxiliary Capital, LLC / Collin Zongaris  
 Address (Street, City, State, Zip Code) 384 Park Place, Ocean Springs, MS 39564  
 Phone (Home) \_\_\_\_\_ (Work) \_\_\_\_\_ (Cell) 228.334.2370  
 Tax Parcel Number(s) Owned: 0811-03-030.001  
 Signature: [Signature]

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

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



# COVENANT AFFIDAVIT

I, Collin Bourgeois being property owner or agent of the property 1114 33<sup>rd</sup> Ave.  
PRINT NAME PRIMARY ADDRESS OR PARCEL  
which is the subject of this application, hereby state that this variance request is not in violation of any restrictive or protective covenants.

[Signature] \_\_\_\_\_ 05/06/2025 \_\_\_\_\_  
SIGNATURE DATE

## STATE OF MISSISSIPPI | COUNTY OF HARRISON

Given under my hand and seal of office this the 6th day of May, 2025

[Signature]  
NOTARY PUBLIC

05/22/2027  
COMMISSION EXPIRATION



## APPLICATION FOR VARIANCE CONT.

Parcel # 0811L-03-030.001 | 1114 33rd Ave. | Ancillary Capital, LLC / Collin Bourgeois

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

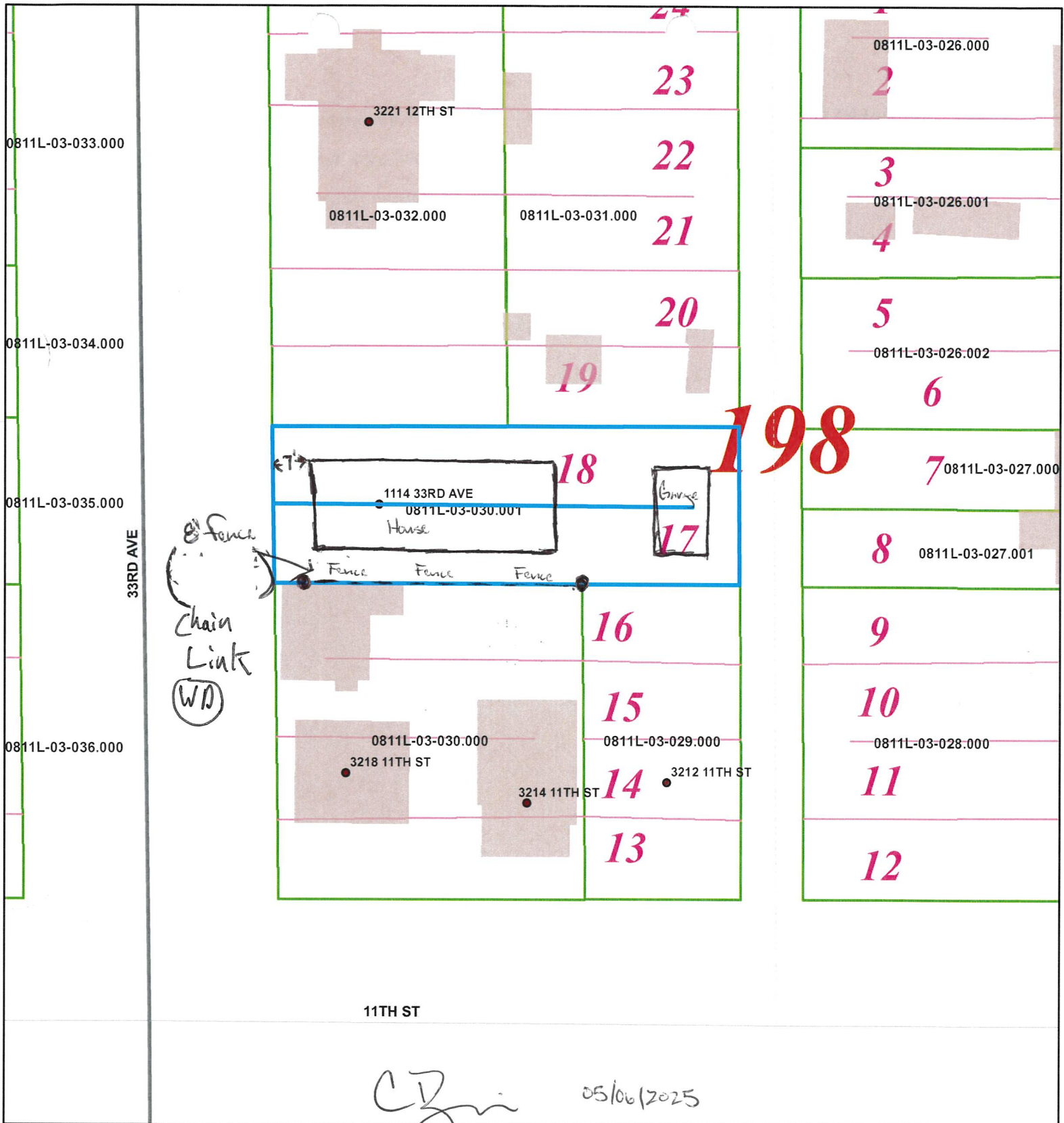
1. *Safety in regard to the subject property, adjacent properties, ingress and egress, streets, alleyways, and water bodies;*
  - a. This fence will not negatively affect the safety in regard to the subject property, adjacent properties, ingress and egress, streets, alleyways, and water bodies because it will only be down a portion of one side.
  - b. There will be multiple access points from the same side, front, rear and opposite side.
  - c. The street and alleyway will be unobstructed.
  - d. There will be a positive safety impact with the installation of this fence because it will replace a derelict fence and better contain and obscure the unkept nuisance and junk on the other side.
  
2. *Visual impact on adjacent properties, streets, alleyways, and water bodies;*
  - a. This fence will provide a positive impact visually on the street and adjacent properties because it will replace a section of derelict fence and it will have blooming Confederate Jasmine growing up the fence.
  
3. *Design in relation to other structures on the same lot, adjacent properties, and the neighborhood;*
  - a. The design will be in keeping with the new house we are building and to the surrounding properties and neighborhood because it will blend in with and compliment the historic character of the area.
  
4. *Impact on ingress and egress, if applicable;*
  - a. This fence will not impact ingress and egress because there is ample, unimpeded access from the front, rear, opposite side and other points along this side.
  
5. *Screening, buffering or separation of any nuisance or hazardous feature;*
  - a. This fence will help to screen, buffer and provide better separation between the side yard and side porch where we will be enjoying coffee and the unkept yard, house and items strewn about the property next door.

**APPLICATION FOR VARIANCE CONT.**

*Parcel # 0811L-03-030.001 | 1114 33rd Ave. | Ancillary Capital, LLC / Collin Bourgeois*

6. *Compatibility with adjacent properties;*

- a. The fence will be compatible with the adjacent properties in design, style and appearance. It will enhance the visible greenery and add to the original historic character of the neighborhood.



1 inch = 42 feet

# Area Map

 Parcels

Printed 5/6/2025

**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
Ancillary Capital, LLC	Legal

### Business Information

---

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

### Registered Agent

---

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

### Officers & Directors

---

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



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

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

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

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

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

STATE OF MISSISSIPPI  
COUNTY OF HARRISON  
FIRST JUDICIAL DISTRICT

**WARRANTY DEED**

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

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

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

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

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

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

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

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

Oct 27, 2023.

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

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

STATE OF CALIFORNIA

COUNTY OF San Francisco

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

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

Please See Attachment for CA Acknowledgment  
NOTARY PUBLIC

My Commission Expires:

# CALIFORNIA CERTIFICATE OF ACKNOWLEDGMENT

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

State of California )

County of San Francisco )

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

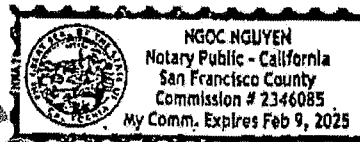
personally appeared DENISE MUI CHAN

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

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

WITNESS my hand and official seal.

Signature *[Signature]*



(Seal)

## Optional Information

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

### Description of Attached Document

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

containing 03 pages, and dated 10/27/2023

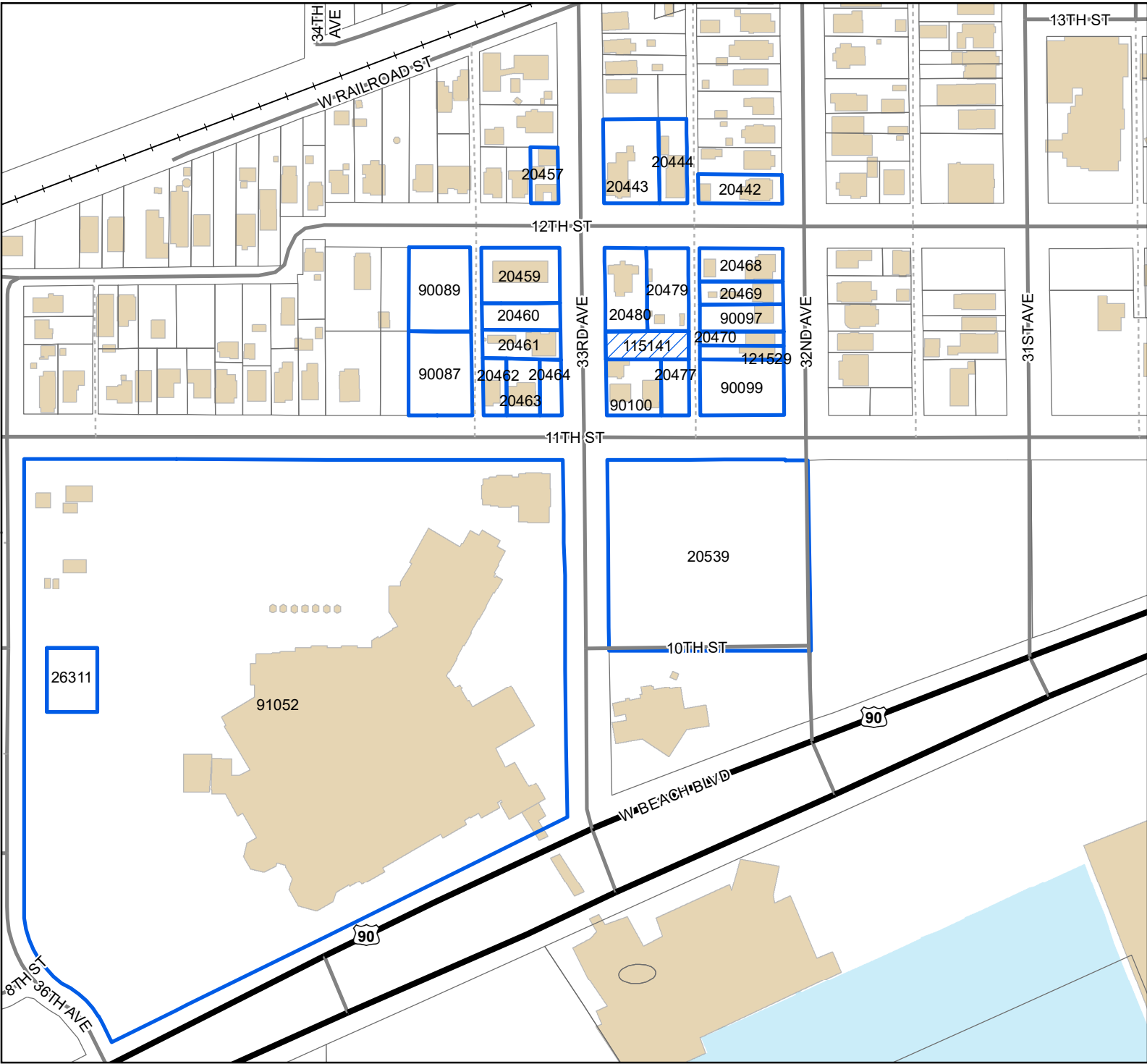
The signer(s) capacity or authority is/are as:

- Individual(s)
- Attorney-in-Fact
- Corporate Officer(s) \_\_\_\_\_  
Title(s)
- Guardian/Conservator
- Partner - Limited/General
- Trustee(s)
- Other: \_\_\_\_\_








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

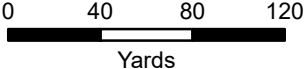
Additional Information	
<b>Method of Signer Identification</b>	
Proved to me on the basis of satisfactory evidence: <input checked="" type="checkbox"/> form(s) of identification <input type="checkbox"/> credible witness(es)	
Notarial event is detailed in notary journal on: Page # - _____    Entry # _____	
Notary contact: _____	
<b>Other</b>	
<input type="checkbox"/> Additional Signer(s)	<input type="checkbox"/> Signer(s) Thumbprint(s)
<input type="checkbox"/> _____	

Mail	PPIN	Parcel ID	Name	Address	City	State	ZIP
Y		0811L-03-030.001	ANCILLARY CAPTIAL, LLC (OWNER)	384 PARK PLACE	OCEAN SPRINGS	MS	39564
			<b>Adjacent Property Owners (2506ZB078)</b>				
	20443	0811L-04-092.000	WARREN REGINA	20394 HAYES RD	LONG BEACH	MS	39560
	90100	0811L-03-030.000	LVS & LCCC GP PROPERTIES LLC	11503 MAGNOLIA ESTATE LANE	GULFPORT	MS	39503
	20444	0811L-04-093.000	DAIGLE DIANA M	3214 12TH ST	GULFPORT	MS	39501
	90089	0811L-03-040.000	LARSEN ALLISON	1035 TREME ST	NEW ORLEANS	LA	70116
N	115141	0811L-03-030.001	ANCILLARY CAPITAL LLC	384 PARK PLACE	OCEAN SPRINGS	MS	39564
	20469	0811L-03-026.001	HARRELL LARRY E & BARBARA W	8022 BRANDON DRIVE	BATON ROUGE	LA	70809
	20464	0811L-03-036.000	WALTON JUSTIN H & CRYSTAL F ETAL	14118 WOODLAND HILLS DR	BILOXI	MS	39532
	20480	0811L-03-032.000	WOOD MARY M W & WILLIAM T JR-TRUSTE	P O BOX 7024	GULFPORT	MS	39506
	20479	0811L-03-031.000	ANCILLARLY CAPITAL LLC	630-D WASHINGTON AVE STE 3	OCEAN SPRINGS	MS	39564
	20457	0811L-04-082.000	TRIUNE CAPITAL MS LLC	2028 E BEN WHITE BLVD STE 240-287	AUSTIN	TX	78741
	26311	0711I-02-086.000	GULFSIDE CASINO PARTNERSHIP	POST OFFICE BOX 1600	GULFPORT	MS	39502
	90097	0811L-03-026.002	OFFERHOUSE LLC	1103 HICKORY DR	LONG BEACH	MS	39560
	20442	0811L-04-094.000	HAWK LINDA MADDEN & THOMAS EUGENE	217 ROBINSON SPRINGS RD	FLORA	MS	39071
	20468	0811L-03-026.000	COLA GORDON WAYNE	1123 32ND AVE	GULFPORT	MS	39501
	20460	0811L-03-034.000	HA LOC V & NHUNG T TRAN	3102 DONNIE BROOK LANE	MOSS POINT	MS	39562
	20462	0811L-03-038.000	BLP MANAGEMENT LLC	7420 KILN PICAYUNE RD	KILN	MS	39556
	20463	0811L-03-037.000	FLORA M ONE LLC	PO BOX 445	BILOXI	MS	39533
N	20477	0811L-03-029.000	ANCILLARY CAPITAL LLC	384 PARK PLACE	OCEAN SPRINGS	MS	39564
N	90099	0811L-03-028.000	ANCILLARY CAPITAL LLC	630-D WASHINGTON AVE, STE 3	OCEAN SPRINGS	MS	39564
	20461	0811L-03-035.000	D S LADNER HOLDINGS LLC	P O BOX 6546	GULFPORT	MS	39506
	121529	0811L-03-027.001	RIVER ROAD ACQUISITIONS LLC	8729 25TH ST	METAIRIE	LA	70003
N	20470	0811L-03-027.000	RIVER ROAD ACQUISITIONS LLC	8729 25TH STREET	METAIRIE	LA	70003
N	20539	0811L-03-063.000	GULFSIDE CASINO PARTNERSHIP	PO BOX 1600	GULFPORT	MS	39502
N	90087	0811L-03-039.000	GULFSIDE CASINO PARTNERSHIP	P O BOX 1600	GULFPORT	MS	39502
N	91052	0711I-02-074.000	GULFSIDE CASINO PARTNERSHIP	POST OFFICE BOX 1600	GULFPORT	MS	39502
N	20459	0811L-03-033.000	HA LOC V & NHUNG T TRAN	3102 DONNIE BROOK LANE	MOSS POINT	MS	39562



Legend

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



1 inch = 250 feet



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# McClatchy

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	Cols	Depth
51445	10439	Legal Ad - IPL0236183	ZB legal	2.0	124.0L

ATTENTION: GULFPORT URBAN DEVELOPMENT IP  
 PO BOX 1780  
 GULFPORT, MS 39502  
 accountspayable@gulfport-ms.gov

STATE OF MISSISSIPPI  
 COUNTY OF HARRISON  
 Before me, the undersigned Notary of Beaufort County, South Carolina personally appeared the undersigned, who, being by me first duly sworn, did depose and say that he/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:

**LEGAL NOTICE  
 PUBLIC HEARING**

In conformance with Section VIII of the Comprehensive Zoning Ordinance of the City of Gulfport, Mississippi, 1979, as amended, notice is hereby given advising that the Zoning Board of Adjustment and Appeals will hold a public hearing in the City of Gulfport, Mississippi at 3:00 PM., Thursday, June 19, 2025 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 2502ZB024**, by agent David John Hunter, seeking approval for an 8 foot setback where 25 feet is required for a secondary frontage, Tax Parcel 0911F-01-035.000, 500 East Beach Blvd, Zoned R-1-7.5 (Single-Family), Ward 2

**Variance 2506ZB072**, by owner Savannah Walk Townhomes LLC, seeking approval for a sign structure height of 12.5 feet where 6 feet is the height limit, Tax Parcel 0807G-01-001.000, South Swan Road, Zoned R-1-15 (Single-family), Ward 7

**Variance 2506ZB074**, by agent Michael Cowan, seeking approval for an 11-foot secondary frontage setback where 25 feet is required, Tax Parcel 0710O-01-012.000, 2900 43rd Ave, Zoned R-B (Residence-Business), Ward 1

**Variance 2506ZB075**, by agent Michael Cowan, seeking approval for lot size of 5,000 square feet where 7,500 is required, Tax Parcel 0710O-01-012.000, 0710O-01-012.001, 0710O-03-033.000, 0710O-03-032.000, 2900 43rd Ave, 2920 43rd Ave, Zoned R-B (Residence-Business), Ward 1

**Variance 2506ZB076**, by owner Daniel Samms, seeking approval for an 8-foot tall fence where 6 feet is the height limit, Tax Parcel 0911D-06-049.000, 2621 6th Ave, Zoned R-1-7.5 (Single-family), Ward 2

**Special Exception 2506SE077**, by agent Charfonya Boose, seeking approval for a liquor store use, Tax Parcel 0910N-07-007.000, 406 Pass Road, Zoned B-2 (General Business), Ward 4

**Variance 2506ZB078**, by owner Ancillary Capital LLC, seeking approval for an 8-foot-tall fence where the height limit is 6 feet, Tax Parcel 0811L-03-030.001, 1114 33rd Ave, Zoned T4+ (General Urban Zone "Plus"), Ward 2

**Variance 2506ZB079**, by owner Ancillary Capital LLC, seeking approval for an 8-foot-tall fence where the height limit is 6 feet, Tax Parcel 0811L-03-034.000, 1115 33rd Ave, Zoned T4+ (General Urban Zone "Plus"), Ward 2

**Variance 2507ZB084**, by agent Donovan Scruggs, seeking approval for lot sizes of 4,000 square feet for single-family homes where 7,500 square feet is required, Tax Parcels 1010M-02-001.000, 1010M-02-001.002, 1010M-02-001.003, 1010M-02-001.004, 1010M-02-001.005, 1010M-02-001.006, 1010M-02-005.001, 5th Street, Zoned B-2 (General-Business), T4L (General Urban Zone "Limited"), T4+ (General Urban Zone "Plus"), Ward 2

**Special Exception 2507SE086**, by owner Vintage Properties LLC, seeking approval for a liquor store use, Tax Parcel 0910N-06-019.000, 423 Pass Road, Zoned B-2 (General-Business), Ward 3

This the 28th day of May 2025  
 A. Leslie North, Chairman  
 City of Gulfport Zoning Board of Adjustment and Appeals  
 IPL0236183  
 Jun 4 2025

1.0 insertion(s) published on:  
 06/04/25 Print

[Print Tearsheet Link](#)

[Marketplace Link](#)

*Julie Ambry*

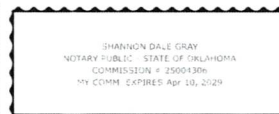


Julie Ambry

*Shannon Dale Gray*



Sworn to and subscribed before me this 2nd day of June in the year of 2025



Online Notary Public. This notarial act involved the use of online audio/video communication technology. Notarization facilitated by SIGNiX™

Notary Public in and for the state of South Carolina,  
 residing in Beaufort County



URBAN DEVELOPMENT  
PLANNING & ZONING  
PO BOX 1780 | GULFPORT, MS | 1410 24<sup>TH</sup> AVENUE  
228.868.5710 | [PLANNERS@GULFPORT-MS.GOV](mailto:PLANNERS@GULFPORT-MS.GOV)

## ZONING BOARD OF ADJUSTMENT AND APPEALS

---

**Hearing Date: Thursday, June 19, 2025**

**Variance 2506ZB079: Variance 2506ZB079, by owner Ancillary Capital LLC, seeking approval for an 8-foot-tall fence where the height limit is 6 feet, Tax Parcel 0811L-03-034.000, 1115 33rd Ave, Zoned T4+ (General Urban Zone "Plus"), Ward 2**

# Technical Report

## VARIANCE

### GENERAL INFORMATION

Case File Number: 2506ZB079

Hearing Date: June 19, 2025

Current Zoning/Use: T4+ / Vacant Lot

Legal: Variance 2506ZB079, by owner Ancillary Capital LLC, seeking approval for an 8-foot-tall fence where the height limit is 6 feet, Tax Parcel 0811L-03-034.000, 1115 33rd Ave, Zoned T4+ (General Urban Zone "Plus"), Ward 2

### TECHNICAL DETAILS

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

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

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

# Technical Report

## VARIANCE

The applicant requests a variance for an eight-foot-tall chain-link fence where the height limit is six feet.

- (a) The applicant did not address this section. The applicant instead addressed the fence variance submission questions, stating that “there will be a positive safety impact with the installation of this fence because it will help provide a barrier between the noxious, moving vehicles in the asphalt parking lot for the apartment next door.” Upon staff review from a site visit, the fence as proposed will not present a site visibility issue.
- (b) The applicant did not address this section. The applicant instead addresses the visual impact question from the fence variance submission questions. The applicant notes that this barrier will have a positive impact visually on the street and adjacent properties because it will help screen the asphalt parking lot and vehicles from the apartment building on the other side. The applicant also notes that the fence will have blooming confederate jasmine growing up the fence.
- (c) The applicant does not address the hardship for the variance, or how the physical character of the property would result in a hardship requiring the need for a variance. The applicant says the design of the barrier will be keeping the historic characteristic of the area. If the proposed fence height were to be six feet tall instead of the proposed eight feet a variance would not be required, thus the applicant has caused their own hardship.
- (d) The applicant does not address the literal interpretations of the ordinance in the statements. Upon staff review of the proposed fence, the placement of the proposed fence would not cause sight or safety issues regarding visibility and would be permissible without the need for a variance at six feet in height.
- (e) The applicant does not address this section. The applicant does note of other properties the immediate area that they claim has similar styles of fences to what is proposed and provided photographs of the fences in question.
- (f) This property is zoned T4+, and a chain-link fence would be permissible should it meet current fence ordinance.

### ***EXECUTIVE SUMMARY***

The applicant is seeking approval for an eight-foot-tall chain link fence where six feet is the height limit. The six criteria for hardship have not been met and an eight-foot fence would not be in line with the surrounding area. The applicant is also seeking approval for another eight-foot fence located across the street at 1114 33<sup>rd</sup> Avenue, case number 2506ZB078. While an eight-foot-tall chain link fence may provide a barrier for the site, a six-foot tall fence would be allowable without the need for a variance.

Any approval should consider these conditions:

1. Approval allows for an eight-foot-tall chain link fence where six feet is the height limit.

### ***DEPARTMENTAL CONDITIONS***

#### **Engineering:**

No conditions. Memo dated 6/6/2025.

# Technical Report

## VARIANCE

**Public Works:** No conditions. Memo dated 6/6/2025.

**Traffic and Safety:** No comment as of 6/6/2025.

**Building Code Services:** Permit Required. Memo dated 6/2/2025.

**GIS:** No conditions. Memo dated 6/6/2025.


**Police Department:** No comment as of 6/6/2025.

**Fire Department:** No conditions. Memo dated 6/2/2025.

**City Arborist:** No conditions. Memo dated 6/2/2025.

### ***DIRECTOR APPROVAL***

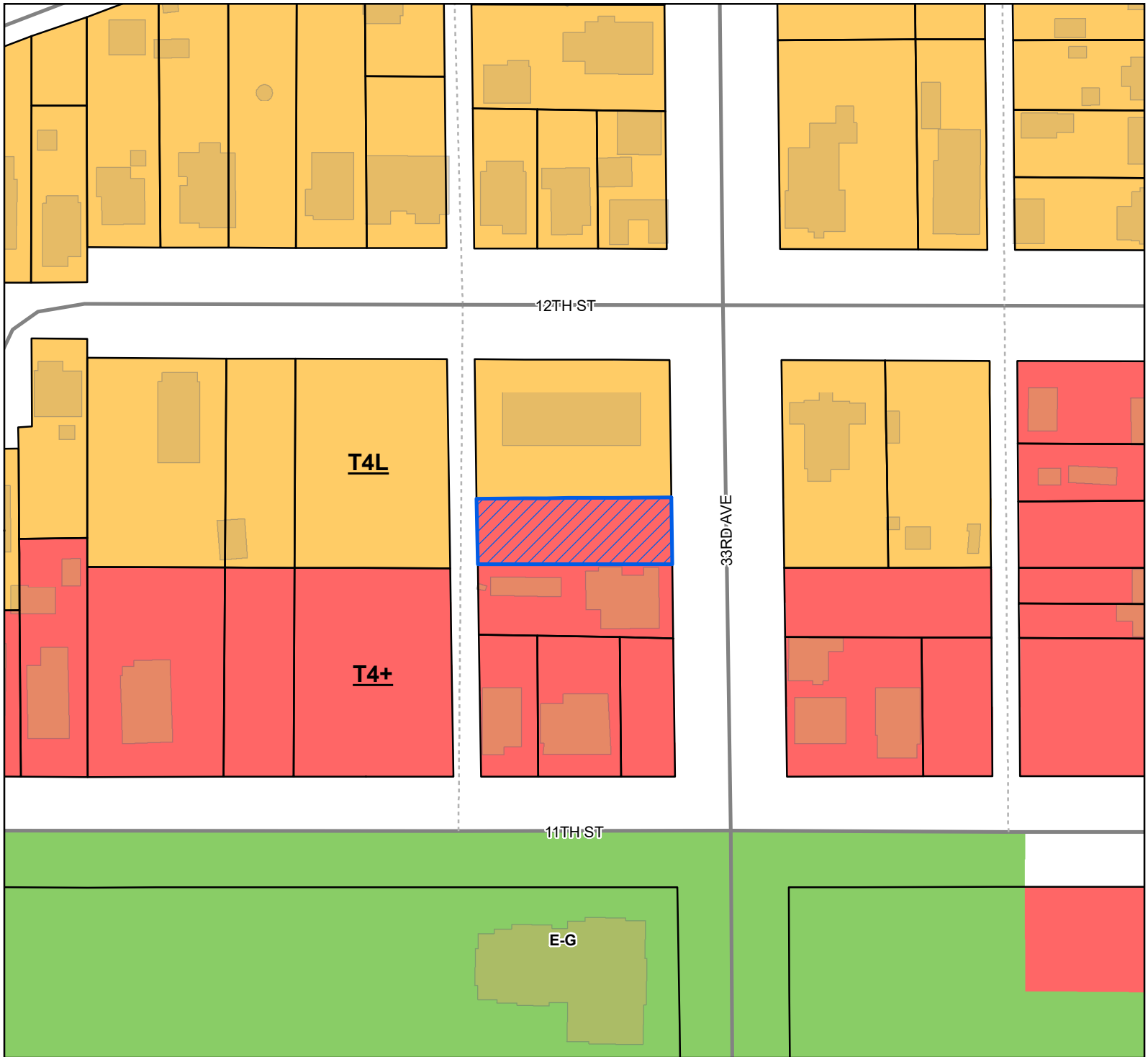
This report has been reviewed and approved by:










  
\_\_\_\_\_  
Greg Holmes

Director of Urban Development Department

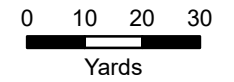
2506ZB079

# Variance



-  Site
-  Street
-  Alley
-  Parcels
-  Buildings
-  City Limit
- Smart Code**
-  T4+
-  T4L
- Zoning**
-  E-G - Entertainment - Gaming District

**Site Information**  
 0811L-03-034.000  
 Zoning: T4+ (General Urban Zone "Plus")  
 Size: 6753.52 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.



WA 576125  
CASE NUMBER  
250623079  
R# 13286441

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

(WA) 0811L-03-034.000																							

### Property Address:

1115 33rd Ave. Gulfport, MS  
 Lot(s) 516 Block(s) 198 Subdivision Original Gulfport

### General Description of Request:

2' height Variance for <sup>Barrier</sup> ~~Barrier~~ to screen asphalt parking lot and cars of the apartment building next door. Requesting B. where C is allowed.

### OWNERSHIP AND CERTIFICATION:

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

**OWNER:**

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

**AGENT:**

[Signature]  
 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) Ancillary Capital LLC / Collin Bourgeois  
 Address (Street, City, State, Zip Code) 384 Park Place, Ocean Springs, MS 39564  
 Phone (Home) \_\_\_\_\_ (Work) \_\_\_\_\_ (Cell) 228.334.2370  
 Tax Parcel Number(s) Owned: 08111-03-034 .000  
 Signature: [Signature]

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

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



# COVENANT AFFIDAVIT

I, Collin Bourgeois being property owner or agent of the property 1115 33<sup>rd</sup> Ave.  
PRINT NAME PRIMARY ADDRESS OR PARCEL  
which is the subject of this application, hereby state that this variance request is not in violation of any restrictive or protective covenants.

[Signature]  
SIGNATURE

05/06/2025  
DATE

## STATE OF MISSISSIPPI | COUNTY OF HARRISON

Given under my hand and seal of office this the 6th day of May, 20 25

[Signature]  
NOTARY PUBLIC

05/22/2027  
COMMISSION EXPIRATION



## APPLICATION FOR VARIANCE CONT.

Parcel # 0811L-03-034.000 | 1115 33rd Ave. | Ancillary Capital, LLC / Collin Bourgeois

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

1. *Safety in regard to the subject property, adjacent properties, ingress and egress, streets, alleyways, and water bodies;*
  - a. There will be a positive safety impact with the installation of this barrier because it will help provide a barrier between the noxious, moving vehicles in the asphalt parking lot for the apartment building next door.
  - b. This barrier will not negatively affect the safety in regard to the subject property, adjacent properties, ingress and egress, streets, alleyways, and water bodies because it will only be down a portion of one side.
  - c. There will be multiple access points from the same side, front, rear and opposite side.
  - d. The street and alleyway will be unobstructed.
  
2. *Visual impact on adjacent properties, streets, alleyways, and water bodies;*
  - a. This barrier will provide a positive impact visually on the street and adjacent properties because it will help screen the asphalt parking lot and vehicles from the apartment building on the other side. It will have blooming Confederate Jasmine growing up the fence which will enhance the aesthetics of the neighborhood.
  
3. *Design in relation to other structures on the same lot, adjacent properties, and the neighborhood;*
  - a. The design of the barrier will be in keeping with the historic character of the area.
  
4. *Impact on ingress and egress, if applicable;*
  - a. This barrier will not impact ingress and egress because there is ample, unimpeded access from the front, rear, opposite side and other points along this side.
  
5. *Screening, buffering or separation of any nuisance or hazardous feature;*
  - a. This barrier will help screen, buffer, and separate the noxious, moving vehicles in the asphalt parking lot for the apartment building next door.

**APPLICATION FOR VARIANCE CONT.**

*Parcel # 0811L-03-034.000 | 1115 33rd Ave. | Ancillary Capital, LLC / Collin Bourgeois*

6. *Compatibility with adjacent properties;*
  - a. The barrier will be compatible with the adjacent properties in design, style and appearance. It will enhance the visible greenery and add to the original historic character of the neighborhood.

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3305 12TH ST 6 3305 12TH ST 5 3305 12TH ST 4 3305 12TH ST 3 3305 12TH ST 2 3305 12TH ST 1

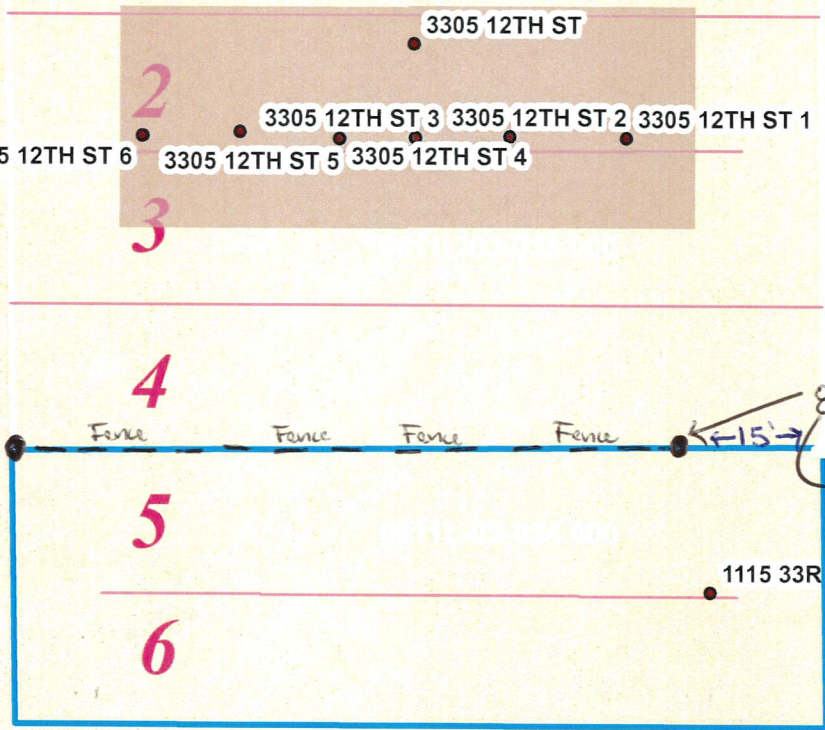
3305 12TH ST

1115 33RD AVE

1113 33RD AVE

3300 11TH ST

3312 11TH ST 1/2



33RD AVE

*CB*  
DATA DISCLAIMER:

05/06/2025

1 inch = 33 feet

# Area Map

Parcels

Printed 5/6/2025



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	Name Type
Ancillary Capital, LLC	Legal

### Business Information

---

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

### Registered Agent

---

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

### Officers & Directors

---

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

**COPY**



SCANNED



*Angela Hunt* 1st JUDICIAL DISTRICT  
Instrument 2024-0024693-D-J1  
Filed/Recorded 12/16/2024 10:18:01 AM  
Total Fees 26.00  
4 Pages Recorded

Prepared By and Return To:  
E. FOLEY RANSON, P.A.  
Post Office Box 848  
Ocean Springs, MS 39566  
Tel: 228-875-8770  
Fax: 228-875-9989  
MS Bar No. 4629  
Our File No. 24-R6384

Indexing Instructions:  
Lots 5 & 6, Block 197  
Original Gulfport, City of  
Gulfport, First Judicial District  
Harrison County

Grantor:  
Loc V. Ha & Nhung T. Tran  
3102 Donnie Brook Lane  
Moss Point, MS 39562  
Telephone: 228-623-3276

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

STATE OF MISSISSIPPI  
COUNTY OF HARRISON  
FIRST JUDICIAL DISTRICT

**WARRANTY DEED**

For and in consideration of the sum of Ten and 00/100 Dollars (\$10.00)  
cash in hand paid, and other good and valuable consideration, the receipt of which  
is hereby acknowledged, We, **LOC V. HA and NHUNG T. TRAN**, do hereby

sell, convey and warrant unto **ANCILLARY CAPITAL, LLC, a MISSISSIPPI LIMITED LIABILITY COMPANY**, the following described real property:

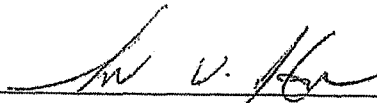
**Lots 5 and 6, Less the South 2.6 feet of Lot 6, Block 197,  
ORIGINAL GULFPORT, a subdivision according to the map or  
plat thereof on file and of record in the Office of the Chancery  
Clerk of the First Judicial District of Harrison County,  
Mississippi.**

Subject property being the same as that described in Warranty Deed from Star Fire, LLC to Loc V. Ha and Nhung T. Tran, dated April 27, 2016 and recorded as Instrument No. 2016-2865-D-J1 in the Land Records of the First Judicial District of Harrison County, Mississippi.

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

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

WITNESS THE SIGNATURE of the undersigned on this the 12 day  
of December, 2024.

  
\_\_\_\_\_  
**LOC V. HA**

  
\_\_\_\_\_  
**NHUNG T. TRAN**

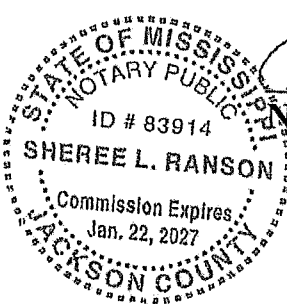
STATE OF MISSISSIPPI

COUNTY OF JACKSON

PERSONALLY CAME AND APPEARED BEFORE ME, the undersigned  
authority in and for the aforesaid jurisdiction, the within named **LOC V. HA**, who  
acknowledged that he/she signed and delivered the foregoing instrument on the  
day and year therein.

GIVEN UNDER MY HAND AND OFFICIAL SEAL OF OFFICE, this the  
12 day of December, 2024.

My Commission Expires:  
1-22-2027



  
\_\_\_\_\_  
**NOTARY PUBLIC**

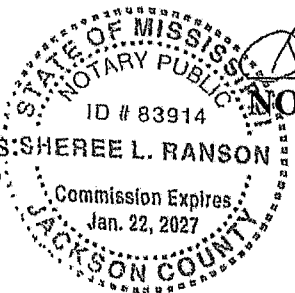
STATE OF MISSISSIPPI

COUNTY OF JACKSON

PERSONALLY CAME AND APPEARED BEFORE ME, the undersigned authority in and for the aforesaid jurisdiction, the within named **NHUNG T. TRAN**, who acknowledged that he/she signed and delivered the foregoing instrument on the day and year therein.

GIVEN UNDER MY HAND AND OFFICIAL SEAL OF OFFICE, this the








12 day of December, 2024.

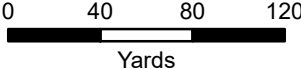
  
Notary Commission Expires: 1-22-2027  
SHEREE L. RANSON  
NOTARY PUBLIC

Mail	PPIN	Parcel ID	Name	Address	City	State	ZIP
Y		0811L-03-030.001	ANCILLARY CAPTIAL, LLC (OWNER)	384 PARK PLACE	OCEAN SPRINGS	MS	39564
			<b>Adjacent Property Owners (2506ZB079)</b>				
	20443	0811L-04-092.000	WARREN REGINA	20394 HAYES RD	LONG BEACH	MS	39560
	90100	0811L-03-030.000	LVS & LCCC GP PROPERTIES LLC	11503 MAGNOLIA ESTATE LANE	GULFPORT	MS	39503
	20444	0811L-04-093.000	DAIGLE DIANA M	3214 12TH ST	GULFPORT	MS	39501
	90089	0811L-03-040.000	LARSEN ALLISON	1035 TREME ST	NEW ORLEANS	LA	70116
N	115141	0811L-03-030.001	ANCILLARY CAPITAL LLC	384 PARK PLACE	OCEAN SPRINGS	MS	39564
	20469	0811L-03-026.001	HARRELL LARRY E & BARBARA W	8022 BRANDON DRIVE	BATON ROUGE	LA	70809
	20464	0811L-03-036.000	WALTON JUSTIN H & CRYSTAL F ETAL	14118 WOODLAND HILLS DR	BILOXI	MS	39532
	20480	0811L-03-032.000	WOOD MARY M W & WILLIAM T JR-TRUSTE	P O BOX 7024	GULFPORT	MS	39506
	20479	0811L-03-031.000	ANCILLARLY CAPITAL LLC	630-D WASHINGTON AVE STE 3	OCEAN SPRINGS	MS	39564
	20457	0811L-04-082.000	TRIUNE CAPITAL MS LLC	2028 E BEN WHITE BLVD STE 240-287	AUSTIN	TX	78741
	26311	0711L-02-086.000	GULFSIDE CASINO PARTNERSHIP	POST OFFICE BOX 1600	GULFPORT	MS	39502
	90097	0811L-03-026.002	OFFERHOUSE LLC	1103 HICKORY DR	LONG BEACH	MS	39560
	20442	0811L-04-094.000	HAWK LINDA MADDEN & THOMAS EUGENE	217 ROBINSON SPRINGS RD	FLORA	MS	39071
	20468	0811L-03-026.000	COLA GORDON WAYNE	1123 32ND AVE	GULFPORT	MS	39501
	20460	0811L-03-034.000	HA LOC V & NHUNG T TRAN	3102 DONNIE BROOK LANE	MOSS POINT	MS	39562
	20462	0811L-03-038.000	BLP MANAGEMENT LLC	7420 KILN PICAYUNE RD	KILN	MS	39556
	20463	0811L-03-037.000	FLORA M ONE LLC	PO BOX 445	BILOXI	MS	39533
N	20477	0811L-03-029.000	ANCILLARY CAPITAL LLC	384 PARK PLACE	OCEAN SPRINGS	MS	39564
N	90099	0811L-03-028.000	ANCILLARY CAPITAL LLC	630-D WASHINGTON AVE, STE 3	OCEAN SPRINGS	MS	39564
	20461	0811L-03-035.000	D S LADNER HOLDINGS LLC	P O BOX 6546	GULFPORT	MS	39506
	121529	0811L-03-027.001	RIVER ROAD ACQUISITIONS LLC	8729 25TH ST	METAIRIE	LA	70003
N	20470	0811L-03-027.000	RIVER ROAD ACQUISITIONS LLC	8729 25TH STREET	METAIRIE	LA	70003
N	20539	0811L-03-063.000	GULFSIDE CASINO PARTNERSHIP	PO BOX 1600	GULFPORT	MS	39502
N	90087	0811L-03-039.000	GULFSIDE CASINO PARTNERSHIP	P O BOX 1600	GULFPORT	MS	39502
N	91052	0711L-02-074.000	GULFSIDE CASINO PARTNERSHIP	POST OFFICE BOX 1600	GULFPORT	MS	39502
N	20459	0811L-03-033.000	HA LOC V & NHUNG T TRAN	3102 DONNIE BROOK LANE	MOSS POINT	MS	39562
	30074	0811L-03-045.000	LARSEN ASHLEY	2435 GOVERNOR NICHOLLS STREET	NEW ORLEANS	LA	70119
	30070	0811L-03-042.000	MARTIN ROBERT E III	P O BOX 8733	GULFPORT	MS	39506



Legend

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



1 inch = 250 feet



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

## AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Cols	Depth
51445	10439	Legal Ad - IPL0236183	ZB legal	2.0	124.0L

ATTENTION: GULFPORT URBAN DEVELOPMENT IP  
 PO BOX 1780  
 GULFPORT, MS 39502  
 accountspayable@gulfport-ms.gov

STATE OF MISSISSIPPI  
 COUNTY OF HARRISON  
 Before me, the undersigned Notary of Beaufort County, South Carolina personally appeared the undersigned, who, being by me first duly sworn, did depose and say that he/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:

1.0 insertion(s) published on:  
 06/04/25 Print

### LEGAL NOTICE PUBLIC HEARING

In conformance with Section VIII of the Comprehensive Zoning Ordinance of the City of Gulfport, Mississippi, 1979, as amended, notice is hereby given advising that the Zoning Board of Adjustment and Appeals will hold a public hearing in the City of Gulfport, Mississippi at 3:00 P.M., Thursday, June 19, 2025 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 2502ZB024**, by agent David John Hunter, seeking approval for an 8 foot setback where 25 feet is required for a secondary frontage, Tax Parcel 0911F-01-035.000, 500 East Beach Blvd, Zoned R-1-7.5 (Single-Family), Ward 2

**Variance 2506ZB072**, by owner Savannah Walk Townhomes LLC, seeking approval for a sign structure height of 12.5 feet where 6 feet is the height limit, Tax Parcel 0807G-01-001.000, South Swan Road, Zoned R-1-15 (Single-family), Ward 7

**Variance 2506ZB074**, by agent Michael Cowan, seeking approval for an 11-foot secondary frontage setback where 25 feet is required, Tax Parcel 07100-01-012.000, 2900 43rd Ave, Zoned R-B (Residence-Business), Ward 1

**Variance 2506ZB075**, by agent Michael Cowan, seeking approval for lot size of 5,000 square feet where 7,500 is required, Tax Parcel 07100-01-012.000, 07100-01-012.001, 07100-03-033.000, 07100-03-032.000, 2900 43rd Ave, 2920 43rd Ave, Zoned R-B (Residence-Business), Ward 1

**Variance 2506ZB076**, by owner Daniel Samms, seeking approval for an 8-foot tall fence where 6 feet is the height limit, Tax Parcel 0911D-06-049.000, 2621 6th Ave, Zoned R-1-7.5 (Single-family), Ward 2

**Special Exception 2506SE077**, by agent Charfonya Boose, seeking approval for a liquor store use, Tax Parcel 0910N-07-007.000, 406 Pass Road, Zoned B-2 (General Business), Ward 4

**Variance 2506ZB078**, by owner Ancillary Capital LLC, seeking approval for an 8-foot-tall fence where the height limit is 6 feet, Tax Parcel 0811L-03-030.001, 1114 33rd Ave, Zoned T4+ (General Urban Zone "Plus"), Ward 2

**Variance 2506ZB079**, by owner Ancillary Capital LLC, seeking approval for an 8-foot-tall fence where the height limit is 6 feet, Tax Parcel 0811L-03-034.000, 1115 33rd Ave, Zoned T4+ (General Urban Zone "Plus"), Ward 2

**Variance 2507ZB084**, by agent Donovan Scruggs, seeking approval for lot sizes of 4,000 square feet for single-family homes where 7,500 square feet is required, Tax Parcels 1010M-02-001.000, 1010M-02-001.002, 1010M-02-001.003, 1010M-02-001.004, 1010M-02-001.005, 1010M-02-001.006, 1010M-02-005.001, 5th Street, Zoned B-2 (General-Business), T4L (General Urban Zone "Limited"), T4+ (General Urban Zone "Plus"), Ward 2

**Special Exception 2507SE086**, by owner Vintage Properties LLC, seeking approval for a liquor store use, Tax Parcel 0910N-06-019.000, 423 Pass Road, Zoned B-2 (General-Business), Ward 3

This the 28th day of May 2025  
 A. Leslie North, Chairman  
 City of Gulfport Zoning Board of Adjustment and Appeals  
 IPL0236183  
 Jun 4 2025

[Print Tearsheet Link](#)

[Marketplace Link](#)

*Julie Ambry*

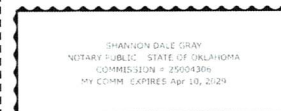


Julie Ambry

*Shannon Dale Gray*



Sworn to and subscribed before me this 2nd day of June in the year of 2025



Online Notary Public. This notarial act involved the use of online audio/video communication technology. Notarization facilitated by SIGNIX™

Notary Public in and for the state of South Carolina,  
 residing in Beaufort County



URBAN DEVELOPMENT  
PLANNING & ZONING  
PO BOX 1780 | GULFPORT, MS | 1410 24<sup>TH</sup> AVENUE  
228.868.5710 | [PLANNERS@GULFPORT-MS.GOV](mailto:PLANNERS@GULFPORT-MS.GOV)

## ZONING BOARD OF ADJUSTMENT AND APPEALS

---

**Hearing Date: Thursday, June 19, 2025**

**Variance 2507ZB084: Variance 2507ZB084, by agent Donovan Scruggs, seeking approval for lot sizes of 4,000 square feet for single-family homes where 7,500 square feet is required, Tax Parcels 1010M-02-001.000, 1010M-02-001.002, 1010M-02-001.003, 1010M-02-001.004, 1010M-02-001.005, 1010M-02-001.006, 1010M-02-005.001, 5th Street, Zoned B-2 (General-Business), T4L (General Urban Zone "Limited"), T4+ (General Urban Zone "Plus"), Ward 2**

# Technical Report

## VARIANCE

### GENERAL INFORMATION

Case File Number: 2507ZB084

Hearing Date: June 19, 2025

Current Zoning/Use: T4+,T4L, B-2 / Vacant Lots and Commercial Structure

Legal: Variance 2507ZB084, by agent Donovan Scruggs, seeking approval for lot sizes of 4,000 square feet for single-family homes where 7,500 square feet is required, Tax Parcels 1010M-02-001.000, 1010M-02-001.002, 1010M-02-001.003, 1010M-02-001.004, 1010M-02-001.005, 1010M-02-001.006, 1010M-02-005.001, 5th Street, Zoned B-2 (General-Business), T4L (General Urban Zone "Limited"), T4+ (General Urban Zone "Plus"), Ward 2.

### TECHNICAL DETAILS

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

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

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

# Technical Report

## VARIANCE

The applicant is seeking approval for lots sizes of 4,000 square feet for single-family homes, for a proposed residential development, where minimum lots size requirement for single-family home construction is 7,500 square feet.

- (a) The applicant does not address any special conditions or circumstances particular to the land that is not applicable to other lands. Despite the applicant's claims that the variance is not to increase the density of the number of dwellings in their proposed subdivision, their request is to allow them to place more dwellings in their proposed development. The special conditions, or hardship, results from the applicant wishing to develop a greater density of single-family homes than what would be allowed by right.
- (b) The applicant notes in their application that their request for reduced lot size for "patio homes" would be more closely associated with the "R-1.5" District which permits 5,000 square feet for single-family residential lots. They note however that the noted zoning district does not allow townhomes and would not be consistent with the area. The applicant claims that the T4L zoning would be more appropriate. While the northern half of the subject site is currently zoned B-2, a zoning map amendment is set to go before City Council for the rezoning of the six northern parcels to T4L. While City of Gulfport does not have an "R-1.5" Zoning District in its ordinance, it does have a zoning district of R-1-5 which does require 5,000 square feet for residential lots for single-family homes. However, the applicant's request is for lot sizes that are smaller than 5,000 square feet, and if the properties were to be rezoned to T4L district regulations would require 7,500 square feet. The applicant refers to the single-family homes as "patio homes" claiming that City of Gulfport does not have a definition for a "patio home" in its ordinance. While City of Gulfport's ordinances do not contain a definition for a patio home, an inquiry into the description of a patio home notes a patio home is a type of single-family dwelling that is often attached to another unit via a common wall. This description would follow closely with the description for a rowhouse or townhouse. Upon further inspection of the proposed development, the applicant is seeking to utilize what is defined in Appendix A, Sec IV, (A),(10) (per ordinance no. 3470) as a Small house/ Small Lot Development, which is only allowable in R-3 zoning districts. The applicant's claims do not address how the special conditions were not caused by the actions of the applicant. Furthermore, the applicant is using varying terminology, and the comparison of an uninvolved zoning district, to obfuscate the intent of seeking the variance to place more single-family homes than would be able to be placed with the 7,500 square foot size requirements for single-family homes, should the northern properties be rezoned to T4L. As the desire to increase profits for a proposed development is not a hardship resulting from the characteristics of the land, the special conditions for their hardship are a result of the applicant's actions.
- (c) The applicant instead diverts their answer to discuss zero-lot line developments, and how if the portion of the structure that would abut the property line were to be moved away from the property line by five feet it would not be considered a zero-lot line development. While it is true that a zero-lot line development consists of zero lot line dwellings that have a building wall directly abut an interior lot line, this does not address
- (d) The applicant claims in their application that the developer of this project could have submitted a plan for townhouse and smaller zero-lot line parcels as the T4L zoning allows for townhouses, zero-lot line dwellings, multi-family, and single-family residential

# Technical Report

## VARIANCE

uses. The applicant also claims that the ordinance does not specifically permit "patio homes", and claims that a "patio home" development would be less dense than some of the residential developments that would be allowed by right. Regarding the applicant's statement for the use of townhouse, zero-lot line, multi-family, and single-family dwelling uses; per the City of Gulfport's Chart of Permitted Uses, these listed residential uses would be allowed by right within the T4L zoning district. However, any proposed development for listed uses would be subject to adhere to the current regulations depending on the type of subdivision proposed. If the developer was to have submitted a development plan for a townhouse, zero-lot line, multi-family, or single-family dwelling development that was meeting current regulations by the ordinance, the developer would not have needed a variance. In regard to the claims about City of Gulfport's ordinance not specifically permitting "patio homes", while the ordinance does not have a listed definition of a "patio home" a simple inquiry regarding their general description notes that they are detached or semi-detached single-family dwellings that often have shared walls with neighboring homes, making them similar to row-houses or townhomes. The applicant's proposed development merges townhomes and what closely resembles small house/ small lot development which ordinance only allows in R-3 zoning districts, and the literal interpretation of the ordinance would require the property to be rezoned to the appropriate zoning district.

- (e) The applicant claims that granting the variance will not confer privileges that would be denied by this ordinance. The applicant goes further into claiming that the "patio homes" are similar in nature to zero-lot dwellings, and would be allowed by right. As mentioned prior, the applicant's proposed development is more similar to incorporating townhomes and a small lot development. While townhomes would be an allowable use within the T4L zoning district, the small house/ small lot development is only allowed in R-3 zoning districts. The applicant's request would grant special privileges that would be denied by this ordinance, as is akin to De Facto rezoning due to the applicant seeking the variance in order to utilize the requirements for a residential use that would require a zoning change to the R-3 zoning district to be allowable by ordinance. This board has denied similar variance requests in the past, such as with Case# 2304ZB035, due to similar issues of potential De Facto rezoning.
- (f) The six northern parcels are currently zoned B-2, and is presently being requested to be rezoned to T4L. Per the Chart of Permitted Uses, B-2 allows for townhomes per Planning Commission Approval and does not allow for Single-Family homes. The southern parcel is presently zoned T4L, and per the Chart of Permitted Uses Townhomes and Single-Family homes are allowed by Right.

### **EXECUTIVE SUMMARY**

The applicant is seeking approval for smaller lot sizes of at least 4,000 square feet for single-family homes where ordinance requires 7,500 square feet. The six hardship criteria have not been met, and the hardship noted does not meet merit. The applicant is seeking the variance to place more single-family homes within the proposed development than ordinance would allow, due to the required number of square footage for the buildable lots for single-family homes. The applicant has caused their own hardship by seeking to deviate from the lot size requirements to increase their profit from the proposed development. Upon further inspection of the proposed

# Technical Report

## VARIANCE

development, the applicant is seeking to utilize small house/ small lot development in the proposed zoning of T4L, which requires R-3 zoning, without rezoning the properties to the appropriate zoning district. This would have the applicant seeking approval to utilize subdivision requirements that would not be allowed within the proposed zoning district without rezoning, which would fall under the description of De Facto rezoning. This board has denied similar variance requests before, such as case 2304ZB035, due to similar issues of De Facto rezoning.

Any approval should consider these conditions:

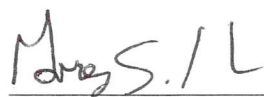
1. Approval would allow for lot sizes for single-family homes of 4,000 square feet where 7,500 square feet is required.
2. Must comply with all current Building Codes and City of Gulfport Ordinances.
3. All protected trees to be protected and preserved. The site plan should reflect this, as discussed during the Preliminary Plan Review meeting on 05/28/2025.

### ***DEPARTMENTAL CONDITIONS***

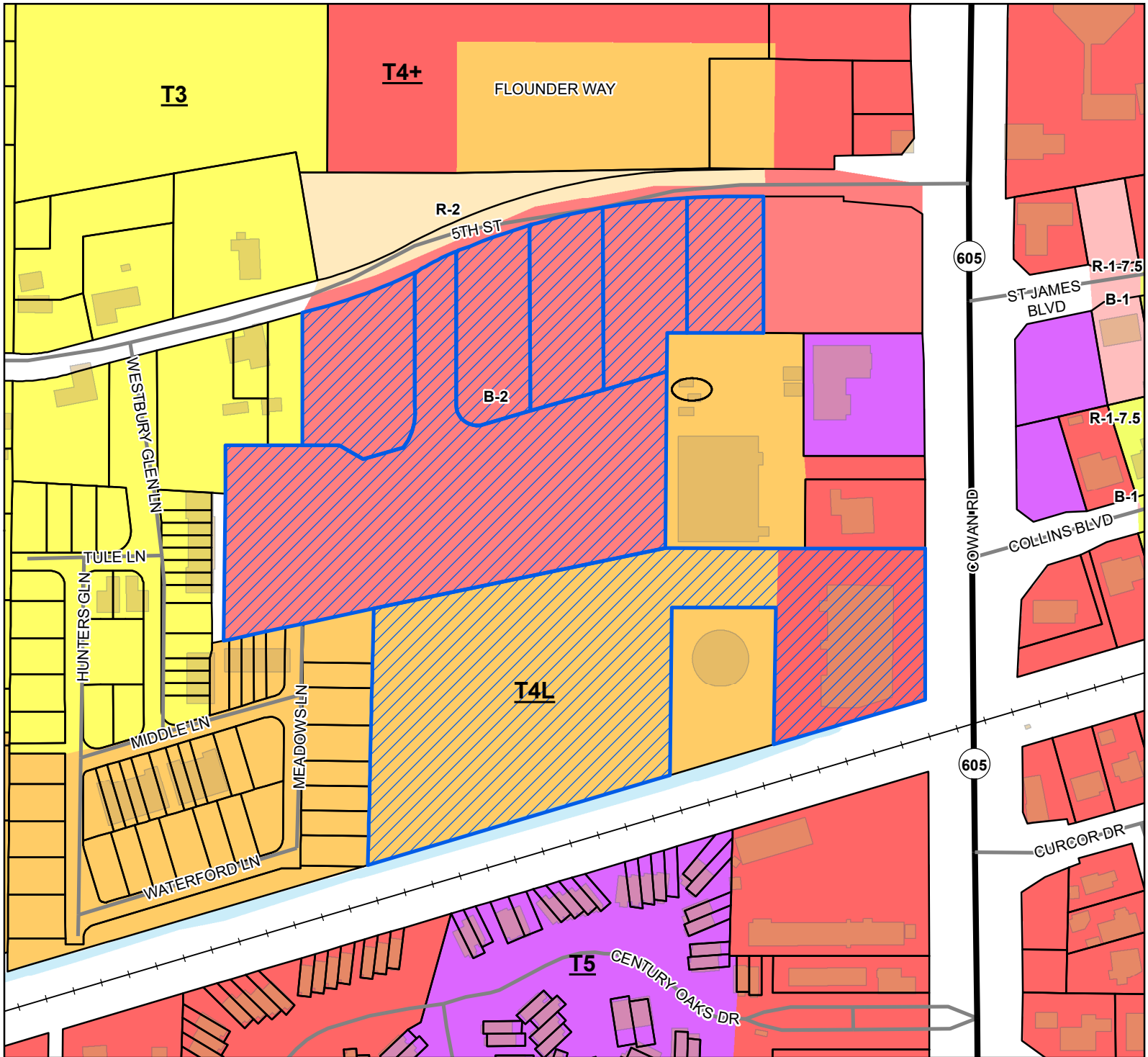
<b><u>Engineering:</u></b>	No conditions. Memo dated 6/6/25.
<b><u>Public Works:</u></b>	No comment as of 6/6/25.
<b><u>Traffic and Safety:</u></b>	No conditions. Memo dated 6/6/25.
<b><u>Building Code Services:</u></b>	Must comply with all current Building Codes and City of Gulfport Ordinances. Memo dated 6/2/25.
<b><u>GIS:</u></b>	No conditions. Memo dated 6/3/25.
<b><u>Police Department:</u></b>	No comment as of 6/6/25.
<b><u>Fire Department:</u></b>	No conditions. Memo dated 6/2/25.
<b><u>City Arborist:</u></b>	All protected trees to be protected and preserved. The site plan should reflect this, as discussed during the Preliminary Plan Review meeting on 05/28/2025. Memo dated 6/2/25.
<b><u>Landscape Manger:</u></b>	No conditions. Memo dated 6/4/25.

### ***DIRECTOR APPROVAL***

This report has been reviewed and approved by:

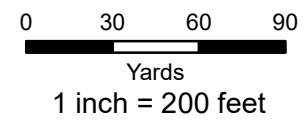


Greg Holmes  
Director of Urban Development Department



- Site
- US or State Highway
- Street
- Railroad
- Parcels
- Buildings
- Water Features
- City Limit
- Smart Code**
- T5
- T4+
- T4L
- T3
- Zoning**
- B-1 - Neighborhood Business District
- B-2 - General Business District
- R-1-7.5 - Single Family Residence District (Low Density)
- R-2 - Single Family Residence District (Medium Density)

**Site Information**  
 1010M-02-005.001  
 1010M-02-001.000  
 1010M-02-001.002  
 1010M-02-001.003  
 1010M-02-001.004  
 1010M-02-001.005  
 1010M-02-001.006  
 Zoning: T4+ (General Urban Zone "Plus")  
 T4L (General Urban Zone "Limited")  
 B-2 (General business)  
 Size: 12.31 acres  
 Flood: X



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



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

CASE NUMBER  
**2507 ZB084**  
JfJ 5/8/2025  
Receipt ID: 13292299

## 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

1010M-02-001.002	1010M-02-001.003
1010M-02-001.004	1010M-02-001.005
1010M-02-001.006	1010M-02-001.000

#### Property Address:

Unaddressed parcels along S. side of 5<sup>th</sup> St. \_\_\_\_\_ Resubdivision of Parcels "1010M-02-001.000"  
Lot(s) 2,3,4,5,6,7 Block(s) \_\_\_\_\_ Subdivision into Parcels 1, 2, 3, 4, 5, 6, & 7.

#### General Description of Request: Elliott Land Developments intends to purchase parcels

To include with adjacent area to south to develop a mixed residential neighborhood. Request  
~~to replace zero lot line lots that require 2800 sq. ft. with reduced lot sizes for single-family~~  
Residential (minimum 4,000 sq. ft.) with standard setbacks applicable (6 ft SYSB)

#### 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**.



CASE NUMBER

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

1010M-02-005.001

**Property Address:**


Unaddressed parcels (western portion) along CSX R.O.W. & South of 5<sup>th</sup> Street  
Lot(s) \_\_\_\_\_ Block(s) \_\_\_\_\_ Subdivision NA

**General Description of Request:** Elliott Land Developments intends to purchase west portion of Parcel to include with adjacent area to north to develop a mixed residential neighborhood.  
Request will replace zero lot line lots that require 2800 sq. ft. with reduced lot sizes for single-family residential (minimum 4,000 sq. ft.) with standard setbacks applicable (6 ft SYSB)  
(Details attached)

**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:**

Collins Enterprises, Inc.  
 Printed Name of Owner  
 2720 Channel Place  
 Mailing Address  
 Biloxi, MS 39531  
 City NA State Zip Code  
 Home Phone Work/Cell Phone  
 Email  05/05/25  
 Signature of Owner  
 Thomas Collins, Sr.

**AGENT:**

Donovan Scruggs  
 Printed Name of Agent  
 317 Pine Drive  
 Mailing Address  
 Ocean Springs MS 39564  
 City 228-348-1315 State Zip Code  
 Home Phone Work/Cell Phone  
 Email donovan@scruggsplanning.com  
 Signature of Agent  
  
 Donovan Scruggs

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: \_\_\_\_\_

NA

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: \_\_\_\_\_

Certificate ID: 74534AC5-DC29-F011-8B3D-00224822F75A

### Signing Information:

**Signing Name:** BZA Application - Collins Enterprises, Inc

**ID:** 74534AC5-DC29-F011-8B3D-00224822F75A

**Start Date:** May 05, 2025 01:14:30 PM CDT

**End Date:** May 05, 2025 01:56:02 PM CDT

**# Signers:** 1

**# Reviewers:** 0

**# CC:** 0

**Creator:** David Blaine

**Email:** davidblaine@gmail.com

### Document Information:

**Document Name:** BZA COLLINS

**ID:** EFDD34DD-DC29-F011-8B3D-00224822F75A

**Pages:** 2

**# Signature Blocks:** 1

**# Initial Blocks:** 0

### Participant Activity:

**Name:** Collins Inc

**Type:** Email:

**Email:** tom.collins@communitybank.net

**TOS/STAESP/CCD:** Accepted: May 05, 2025 01:55:46 PM CDT [170.249.145.234]

**EULA/TOS Version:** [https://secure.authentisign.com/assets/files/Authentisign\\_TOS\\_202106.pdf](https://secure.authentisign.com/assets/files/Authentisign_TOS_202106.pdf)

**STAESP Version:** [https://secure.authentisign.com/assets/files/Authentisign\\_STAESP\\_202106.pdf](https://secure.authentisign.com/assets/files/Authentisign_STAESP_202106.pdf)

**CCD Version:** [https://secure.authentisign.com/assets/files/Authentisign\\_CCD\\_202106.pdf](https://secure.authentisign.com/assets/files/Authentisign_CCD_202106.pdf)

**Document:** Signed And Accepted: May 05, 2025 01:55:58 PM CDT [170.249.145.234]

### Signature / Initials:

**Signature:**



**Initials:**



<b>Certificate ID:</b> 74534AC5-DC29-F011-8B3D-00224822F75A
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## Consumer Consent Disclosure

By proceeding and selecting the “**I Agree**” button corresponding to the Consumer Consent Disclosure section on the Authentisign Terms of Service window you are agreeing that you have reviewed the following consumer consent disclosure information and consent to transacting business electronically, to receive notices and disclosures electronically, and to utilize electronic signatures instead of using paper documents. This electronic signature service (“**Authentisign**”) is provided on behalf of our client (“**Sender**”) who is listed with their contact information at the bottom of the Authentisign Signing Participant email (“**Invitation**”) you received. The **Sender** will be sending electronic documents, notices, disclosures to you or requesting electronic signatures from you.

You are not required to receive disclosures, notices or sign documents electronically. If you prefer not to do so, you can make a request to receive paper copies and withdraw your consent to conduct business electronically at any time as described below.

### Scope of Consent

You agree to receive electronic notices, disclosures, and electronic signature documents with all related and identified documents and disclosures provided over the course of your relationship with the **Sender**. You may at any point withdraw your consent by following the procedures described below.

### Hardware and Software Requirements

To receive the above information electronically, you will need all of the following:

- a computer or tablet device with internet access
- a working individual email address
- a supported operating system and browser from list table below

Operating System	Apple Safari	Mozilla® Firefox	Edge	Chrome
Windows 7/8/10	N/A	60 or higher	84 or higher	80 or higher
Mac OS X 10.9 or higher	13.1 or higher	60 or higher	N/A	80 or higher
Android 7.0 or higher	N/A	N/A	N/A	80 or higher
Apple - IOS 10.0 or higher	13.5 or higher	N/A	N/A	80 or higher

*JavaScript and Cookies must be enabled in the browser.*

Certificate ID: 74534AC5-DC29-F011-8B3D-00224822F75A
--

### Requesting Paper Copies

You have the ability to download and print or download any disclosures, notices or signed documents made available to you through **Authentisign** using the document print options located within the service. **Authentisign** can also email you a copy of all documents you sign electronically. You are not required to receive disclosures, notices or sign documents electronically and may request paper copies of documents or disclosures if you prefer. If you do not wish to work with electronic documents and instead wish to receive paper copies you can contact the **Sender** through the **Authentisign** document signing interface or request paper copies by following the procedures described below. There could be fees associated to printing and delivering the paper documents.

### Withdrawal of Consent to Conduct Business Electronically

Consent to receive electronic documents, notices or disclosures can be withdrawn at any time. In order to withdraw consent you must notify the **Sender**. You may withdraw consent to receive electronic notices and disclosures and optionally electronically signatures by following the procedures described below.

### Requesting paper documents, withdrawing consent, and/or updating contact information

To request paper copies of documents, withdraw consent to conduct business electronically and receive documents, notices, or disclosures electronically or sign documents electronically please contact the **Sender** by sending an email to **Sender's** email address located at the bottom of the **Invitation** requesting your desired action. Use one of the following email subject lines and insert the associated text into the body of the email:

- Email Subject line: "Request for Paper Documents"  
Include your full name, email address, telephone number, postal address and the signing name found in the **Invitation** in the body of the email.  
*Note: There could be per page and delivery fees required by the **Sender** to send the paper documents.*
- Email Subject line: "Withdraw Consent to Conduct Business Electronically"  
Include your full name, email address, telephone number, postal address and the signing name found in the **Invitation** in the body of the email.
- Email Subject line: "Update Contact Information"  
Include your full name, email address, telephone number, postal address and the signing name found in the **Invitation** in the body of the email, along with the requested change(s) to your contact information

**OWNER:**

Hogan Properties, LLC  
 Printed Name of Owner  
 351 Cowan Road  
 Mailing Address  
 Gulfport, MS 39507  
 City NA State Zip Code  
 Home Phone Work/Cell Phone  
 Email <sup>Authentication</sup> Christopher Hogan 05/02/25  
 Signature of Owner Christopher Hogan

**AGENT:**

Donovan Scruggs  
 Printed Name of Agent  
 317 Pine Drive  
 Mailing Address  
 Ocean Springs MS 39564  
 City 228-348-1315 State Zip Code  
 Home Phone Work/Cell Phone  
 Email donovan@scruggsplanning.com  
 Signature of Agent Donovan Scruggs

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: \_\_\_\_\_

NA

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: \_\_\_\_\_

Certificate ID: EF53CDC4-9F27-F011-8B3D-00224822F75A

### Signing Information:

Signing Name: BZA Hogan

ID: EF53CDC4-9F27-F011-8B3D-00224822F75A

Start Date: May 02, 2025 04:52:47 PM CDT

End Date: May 02, 2025 04:54:14 PM CDT

# Signers: 1

# Reviewers: 0

# CC: 0

Creator: Sandi Sawyer-Dulaney

Email: sandi@sawyernet.com

### Document Information:

Document Name: BZA Hogan

ID: F153CDC4-9F27-F011-8B3D-00224822F75A

Pages: 2

# Signature Blocks: 1

# Initial Blocks: 0

### Participant Activity:

Name: Christopher Hogan

Type: Email:

Email: kchoganz@aol.com

TOS/STAESP/CCD: Accepted: May 02, 2025 04:54:01 PM CDT [73.234.100.82]

EULA/TOS Version: [https://secure.authentisign.com/assets/files/Authentisign\\_TOS\\_202106.pdf](https://secure.authentisign.com/assets/files/Authentisign_TOS_202106.pdf)

STAESP Version: [https://secure.authentisign.com/assets/files/Authentisign\\_STAESP\\_202106.pdf](https://secure.authentisign.com/assets/files/Authentisign_STAESP_202106.pdf)

CCD Version: [https://secure.authentisign.com/assets/files/Authentisign\\_CCD\\_202106.pdf](https://secure.authentisign.com/assets/files/Authentisign_CCD_202106.pdf)

Document: Signed And Accepted: May 02, 2025 04:54:10 PM CDT [73.234.100.82]

### Signature / Initials:

Signature:

 Christopher Hogan

Initials:

 CH

Certificate ID: EF53CDC4-9F27-F011-8B3D-00224822F75A
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## Consumer Consent Disclosure

By proceeding and selecting the "I Agree" button corresponding to the Consumer Consent Disclosure section on the Authentisign Terms of Service window you are agreeing that you have reviewed the following consumer consent disclosure information and consent to transacting business electronically, to receive notices and disclosures electronically, and to utilize electronic signatures instead of using paper documents. This electronic signature service ("Authentisign") is provided on behalf of our client ("Sender") who is listed with their contact information at the bottom of the Authentisign Signing Participant email ("Invitation") you received. The Sender will be sending electronic documents, notices, disclosures to you or requesting electronic signatures from you.

You are not required to receive disclosures, notices or sign documents electronically. If you prefer not to do so, you can make a request to receive paper copies and withdraw your consent to conduct business electronically at any time as described below.

### Scope of Consent

You agree to receive electronic notices, disclosures, and electronic signature documents with all related and identified documents and disclosures provided over the course of your relationship with the Sender. You may at any point withdraw your consent by following the procedures described below.

### Hardware and Software Requirements

To receive the above information electronically, you will need all of the following:

- a computer or tablet device with internet access
- a working individual email address
- a supported operating system and browser from list table below

Operating System	Apple Safari	Mozilla® Firefox	Edge	Chrome
Windows 7/8/10	N/A	60 or higher	84 or higher	80 or higher
Mac OS X 10.9 or higher	13.1 or higher	60 or higher	N/A	80 or higher
Android 7.0 or higher	N/A	N/A	N/A	80 or higher
Apple - IOS 10.0 or higher	13.5 or higher	N/A	N/A	80 or higher

*JavaScript and Cookies must be enabled in the browser.*

Certificate ID: EF53CDC4-9F27-F011-8B3D-00224822F75A
--

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- Email Subject line: "Request for Paper Documents"  
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*Note: There could be per page and delivery fees required by the **Sender** to send the paper documents.*
- Email Subject line: "Withdraw Consent to Conduct Business Electronically"  
Include your full name, email address, telephone number, postal address and the signing name found in the **Invitation** in the body of the email.
- Email Subject line: "Update Contact Information"  
Include your full name, email address, telephone number, postal address and the signing name found in the **Invitation** in the body of the email, along with the requested change(s) to your contact information

April 21, 2025

Mr. Greg Holmes, Director  
Urban Development  
1410 24<sup>th</sup> Avenue  
Gulfport, MS 39501

RE: Authorization of Representation for Property located West of Cowan Road And South Side of 5<sup>th</sup> Street - PIDNs: 1010M-02-005.001

Dear Mr. Holmes:

Please accept this letter as authorization for Elliott Land Developments, LLC and Donovan Scruggs Town Planning and Consulting, LLC to represent the interests of Collins Enterprises, Inc. for the property or portions of the property referenced above to include general plan, variances, and similar land use requests. This authorization does not authorize the rezoning of the property. The general plan will include the division of the existing parcel to permit the conveyance of the western portion of the property and its subdivision for development by Elliott Land Development, LLC. Collins Enterprises will retain ownership of the eastern portion of the property along Cowan Road.

Please accept applications, documents, correspondence, and other representations by the parties, submitted and provided on our behalf, that relate to these properties.

Sincerely,

  
Thomas Collins, Sr.  
Collins Enterprises, Inc.

STATE OF MISSISSIPPI  
COUNTY OF Harrison

Personally appeared before me, the undersigned authority in and for the said county and state, on this 24<sup>th</sup> day of April 2025, within my jurisdiction, the within named owner, who acknowledged that he/she executed the above and foregoing instrument.

  
\_\_\_\_\_  
Notary Public



March 31, 2025

Mr. Greg Holmes, Director  
Urban Development  
1410 24<sup>th</sup> Avenue  
Gulfport, MS 39501

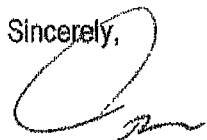
RE: Authorization of Representation for Properties located West of Cowan Road And Along South Side of 5<sup>th</sup> Street  
PIDNs: 1010M-02-001.002, 1010M-02-001.003, 1010M-02-001.004, 1010M-02001.005, 1010M-02-001.006, and 1010M-02-001.000

Dear Mr. Holmes:

Please accept this letter as authorization for Elliott Land Developments, LLC and Donovan Scruggs Town Planning and Consulting, LLC to represent the interests of Hogan Properties, LLC for the properties referenced above to include rezoning, general plan, variances, and similar land use requests.

Please accept applications, documents, correspondence, and other representations by the parties, submitted and provided on our behalf, that relate to these properties.

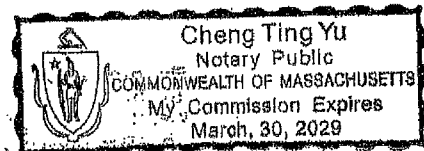

Sincerely,



Christopher Hogan  
Hogan Properties, LLC

Notary:

On this 1<sup>st</sup> day of April, 2025, before me, the undersigned notary public, Christopher David Hogan personally appeared, proved to me through satisfactory evidence of identification, to be the person whose name is signed <sup>on</sup> the preceding document, and acknowledged that he signed it voluntarily for its stated purpose.





1010M-02-001.000  
" .002  
" .003  
" .004  
" .005  
" .006  
1010M-02-005.001

### COVENANT AFFIDAVIT

I, G. Donovan Sevcgs being property owner or agent of the property 1010M-02-005.001  
PRINT NAME PRIMARY ADDRESS OR PARCEL

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

[Signature] 5/8/25  
SIGNATURE DATE

### STATE OF MISSISSIPPI | COUNTY OF HARRISON

Given under my hand and seal of office this the 8th day of May, 20 25

Samuel Sweeting  
NOTARY PUBLIC

05/22/2027  
COMMISSION EXPIRATION



**PREPARED BY**  
Kaleel "Teal" Salloum, Jr.  
1611 24th Avenue - Suite B  
Gulfport, Mississippi 39501

## **General Durable Power of Attorney of Rose Mary G. Collins**

I, Rose Mary G. Collins of Biloxi, Mississippi, am creating a durable power of attorney under the laws of the State of Mississippi. I hereby revoke all Powers of Attorney previously granted by me as Principal and terminate all Agency relationships created by me except:

Powers granted by me under any Advance Healthcare Directive;

Powers granted by me on forms provided by financial institutions granting the right to write checks on, deposit funds to and withdraw funds from accounts to which I am a signatory; and

Powers granting access to a safe deposit box.

### **Article One Appointment of Agent**

#### **Section 1.01 Initial Agent**

I appoint Thomas N. Collins, Sr. (one of my sons) to serve as my Agent.

#### **Section 1.02 Successor Agent**

If Thomas N. Collins, Sr. fails to serve, I appoint Martha Collins LeTard (one of my daughters) to serve as successor Agent.

#### **Section 1.03 Prior or Joint Agent Unable to Act**

A successor Agent or an Agent serving jointly with another Agent may establish that the acting Agent or joint Agent is no longer able to serve as Agent, by signing an affidavit that states that the Agent is not available or is incapable of acting. The affidavit may (but need not) be supported by a death certificate of the Agent, a certificate showing that a guardian or conservator has been appointed for the Agent, a letter from a physician

stating that the Agent is incapable of managing his or her own affairs, or a letter from the Agent stating his or her unwillingness to act or delegating his or her power to the successor Agent.

## **Article Two**

### **Effectiveness of Appointment - Durability Provision**

#### **Section 2.01 Effectiveness**

The authority granted to my Agent under this power of attorney will be effective immediately upon my signing this instrument.

#### **Section 2.02 Durability**

The authority granted to my Agent under this power of attorney shall not be affected by my subsequent disability, incompetency, incapacity or lapse of time.

If this power of attorney becomes operative because of my disability or incapacity and if the authority granted to my Agent becomes effective because of my incapacity and I am no longer incapacitated, as evidenced in the manner provided above, this power of attorney shall not be revoked and my Agent's power shall become effective again on my subsequent incapacity as provided above.

#### **Section 2.03 Term of Durable Power of Attorney**

This Durable Power of Attorney shall expire at the earlier of:

My death (except for post-death matters allowed under the laws of Mississippi),  
or

Upon my revocation of this Power of Attorney.

## **Article Three**

### **Powers Granted to My Agent**

I grant my Agent the powers described in this Article so that my Agent may act on my behalf. In addition, my Agent may do everything necessary to exercise the powers listed below.

#### **Section 3.01 Power to Sell**

Unless specifically limited by the other provisions of this power of attorney, my Agent may sell any interest I own in any kind of property, real or personal, tangible or intangible, including any contingent or expectant interest, marital right and any right of survivorship incident to joint tenancy or tenancy by the entirety. My Agent may determine the terms of sale and may grant options with regard to sales.

My Agent may dispose of sales proceeds on my behalf as my Agent determines is appropriate.

### **Section 3.02 Power to Buy**

Unless specifically limited by the other provisions of this power of attorney, my Agent may buy any kind of property. My Agent may determine the terms for buying property and may obtain options to buy property. In addition, my Agent may arrange to insure the purchased property, and otherwise arrange for its safekeeping.

My Agent is authorized to borrow money for the purposes described in this Section and to secure the loan in any manner my Agent determines is appropriate.

My Agent is authorized to repay from my funds any money borrowed by me or on my behalf and to pay for any purchases made or cash advanced using my credit cards.

### **Section 3.03 Power to Invest**

My Agent may invest and reinvest all or any part of my property in any other property of whatever type, real or personal, tangible or intangible, and whether located inside or outside the geographic borders of the United States and its possession or territories. Unless specifically limited by the other provisions of this power of attorney, my Agent may:

Invest in securities of all kinds, limited partnership interests, real estate or any interest in real estate whether or not productive at the time of investment, commodities contracts of all kinds, interests in trusts including investment trusts;

Participate in common, collective or pooled trust funds or annuity contracts;

Sell or otherwise terminate any investment made by me or on my behalf, and establish and terminate savings and money market accounts at banks and other financial institutions;

Establish and terminate accounts with securities brokers and use brokerage accounts to make short sales and to buy on margin, and pledge any securities held or purchased in brokerage accounts as security for loans and advances made to the account;

Establish and terminate agency accounts with corporate fiduciaries; and

Employ and fire financial and investment advisors.

### **Section 3.04 Power to Contract**

My Agent may enter into contracts of any type and for any purpose. My Agent may modify and cancel any existing or any new contracts to which I am a party.

### **Section 3.05 Power to Manage Real Property**

My Agent may manage any real property I now own or may acquire in the future including my personal residence. Unless specifically limited by the other provisions of this power of attorney, my Agent may:

Lease and sublease property for any period, and grant options to lease or subdivide property, even if the term of the lease, sublease or option extends beyond the term of this power of attorney;

Eject and remove tenants or other persons from property, and recover the property by all lawful means;

Collect and sue for rents;

Pay, compromise or contest tax assessments and apply for tax assessment refunds;

Subdivide, partition, develop, dedicate property to public use without consideration, or grant or release easements over my real property;

Maintain, protect, repair, preserve, insure, build upon, improve, demolish, abandon and alter all or any part of my real property;

Employ laborers;

Obtain or vacate plats and adjust boundaries;

Adjust differences in the property's value on exchange or partition by giving or receiving consideration;

Release or partially release real property from a lien;

Enter into any contracts, covenants and warranty agreements regarding my real property that my Agent considers appropriate; and

Encumber property by mortgage or deed of trust.

My Agent may accept real property as a gift or as security for a loan.

### **Section 3.06 Power to Manage Tangible Personal Property**

My Agent may manage any tangible personal property I now own or may acquire in the future. Unless specifically limited by the other provisions of this power of attorney, my Agent may:

Lease and sublease property for any period, and grant options to lease or subdivide property, even if the term of the lease, sublease or option extends beyond the term of this power of attorney;

Recover my property by all lawful means;

Collect and sue for rents;

Pay, compromise or contest tax assessments and apply for tax assessment refunds;

Maintain, protect, repair, preserve, insure, improve, destroy, and abandon all or any part of my property; and

Grant security interests in my property.

My Agent may accept tangible personal property as a gift or as security for a loan.

### **Section 3.07 Power to Operate Businesses**

My Agent may continue operating and managing any business in which I now or later own an interest for the period of time and in any manner my Agent considers appropriate. Unless specifically limited by the other provisions of this power of attorney, my Agent may:

Act as a director, general or limited partner, or associate or officer of the business;

Select and vote for directors, partners, associates and officers of the business and enter into owners' agreements with other owners of any business in which I have an interest;

Execute agreements and amendments to agreements necessary to the operation of the business including, but not limited to, stockholder agreements, partnership agreements, buy-sell agreements and operating agreements for limited liability companies;

Hire and fire employees;

Pay employees' salaries and provide for employee benefits;  
Employ legal, accounting, financial and other consultants;  
Continue, modify, terminate, renegotiate and extend any contracts with any person, firm, association or corporation;  
Execute business tax returns and other government forms required for my business;  
Pay all business related expenses;  
Transact business for me in my name and on my behalf;  
Contribute additional capital to the business;  
Change the name or the form of the business;  
Incorporate the business;  
Enter into a partnership agreement with other persons;  
Join in a plan to reorganize or consolidate my business, or merge my business with any other business;  
Establish the value of the business under "buy-out" or "buy-sell" agreements to which I am a party;  
Create, continue or terminate retirement plans for my business' employees and make contributions required by those plans;  
Advance money or other property to the business and make loans of cash or securities to the business as my Agent considers appropriate; and  
Borrow for the business and secure any loans with business assets or my personal assets.

My Agent may sell, liquidate or close a business upon terms my Agent considers appropriate, including a sale in exchange for cash, a private annuity and an installment note or any combination of those arrangements.

### **Section 3.08 Power to Manage Partnership and Limited Liability Company Interests**

My Agent may manage any general, limited or special partnership interest or any limited liability company interest I own now or in the future. Unless specifically limited by the other provisions of this power of attorney, my Agent may:

Exercise any right, power, privilege or option I may have or may claim under any contract with the partnership or limited liability company;  
Modify or terminate my interest on terms and conditions my Agent considers appropriate;  
Enforce the terms of the partnership agreement or limited liability company operating agreement for my protection by instituting or maintaining any action, proceeding or otherwise as my Agent considers appropriate; and  
Defend, arbitrate, settle or compromise any action or other legal proceeding to which I am a party because of my membership in the partnership or limited liability company.

### **Section 3.09 Power Regarding Securities**

My Agent may exercise all rights regarding securities that I own now or in the future. Specifically my Agent may:

Buy, sell, and exchange all types of securities and financial instruments including but not limited to stocks, bonds and mutual funds;

Receive certificates and other evidences of ownership with regard to securities;

Hold securities in bearer or uncertified form and use a central depository, clearing agency or book-entry system such as The Depository Trust Company, Euroclear or the Federal Reserve Bank of New York;

Place all or any part of my securities in the custody of a bank or trust company or in the name of its nominee;

Employ a broker-dealer as custodian for my securities and register the securities in the name of the broker-dealer or its nominee;

Exercise voting rights with respect to securities in person or by proxy, enter into voting trusts, and consent to limitations on the right to vote;

Participate in any reorganization, recapitalization, merger or similar transaction; and

Exercise any subscription rights, option rights (whether or not qualified under the Internal Revenue Code) or other rights to which I am entitled now or in the future, or to sell and dispose of these rights, and, if required, to sign my name to rights, warrants or other similar instruments.

### **Section 3.10 Power to Collect and Settle My Obligations**

My Agent may collect all rights and benefits to which I am entitled now or in the future, including, but not limited to rights to, cash payments, property, debts, accounts, legacies, bequests, devises, dividends and annuities. In collecting my obligations, my Agent may demand, sue for, arbitrate, settle, compromise, receive, deposit, expend for my benefit, reinvest or otherwise dispose of these matters as my Agent determines appropriate.

My Agent may use all lawful means and methods to recover these assets and rights, to qualify me for benefits and claim benefits on my behalf, and to compromise claims and grant discharges regarding the matters described in this Section. My Agent may convert my assets into assets that do not disqualify me from receiving benefits, or my Agent may divest my assets altogether. In any divestment action or asset conversion, I direct my Agent to avoid disrupting the dispositive provisions of my estate plan as established by me prior to my incapacity.

### **Section 3.11 Power Regarding Governmental Benefits**

All powers described in this Section are exercisable with respect to all federal and state (or any subdivision thereof) programs existing when this power of attorney was executed or for which I become eligible after this power of attorney is executed. The power of attorney shall extend to any state in which I live when my Agent's powers become effective.

My Agent is appointed as my "Representative Payee" for the purposes of receiving Social Security benefits. My Agent may collect all benefits payable to or for my benefit by any governmental agency or body, such as Supplemental Security Income (SSI),

Medicaid, Medicare, and Social Security Disability Insurance (SSDI). My Agent shall have the full power to represent me and deal in all ways necessary concerning rights or benefits payable to me by any governmental agency including, without limitation, Supplemental Security Income (SSI), Medicaid and Social Security Disability Insurance (SSDI).

My Agent may:

Gift or otherwise spend down my estate for Medicaid eligibility and planning.

Execute vouchers in my name for allowances and reimbursements payable to me by the United States, a foreign government, a state, or a subdivision of a state to me, including allowances and reimbursements for my transportation, children's and other individual's customarily or legally entitled to be supported by me, and for shipment of their household effects.

Take possession, remove and ship any of my property from a post, warehouse, depot, dock, or other place of storage, whether governmental or private, and execute and deliver a release, voucher, receipt, bill of lading, shipping ticket, certificate, or other instrument for that purpose.

Prepare, file, and prosecute my claims for benefits or assistances, financial or otherwise, for any claim to which I am entitled under a statute or government regulation.

Prosecute, defend, arbitrate, settle, and propose or accept a compromise with respect to any benefits I may be entitled to receive.

Receive the financial proceeds of any type of claim described in this Section and invest, disburse, or use the proceeds on my behalf for any lawful purpose.

Sign on my behalf any document necessary to permit my return to my residence following my incapacity or other condition that prevents me from currently living there.

Execute any trust agreement described in 42 U.S.C. § 1396p (d)(4) with any trustee or trustees that my Agent selects. In addition, my Agent may deliver and convey any or all of my assets to the trustee or trustees of the trust as well as designate the trust as payee of any income to which I may be entitled.

### **Section 3.12 Power Regarding My Retirement Plans and Other Employee Benefits**

My Agent may exercise all rights and collect all qualified retirement benefits to which I am entitled now or in the future. Specifically, my Agent may:

Establish, using any of my assets, one or more qualified retirement plans in my name;

Make contributions, including "rollover" contributions, or cause contributions to be made, to any qualified retirement plan my Agent considers appropriate using my assets;

Receive and endorse checks and other distributions to me from any qualified retirement plans, or arrange for the direct deposit of those checks or distributions in any of my accounts;

Elect any form of payment from my qualified retirement plans and to withdraw benefits on my behalf from the IRAs and retirement plans;

Make, exercise, waive or consent to any and all elections and options that I may have regarding contributions to qualified retirement plans, investments and administration of the retirement plans, and distribution or other forms of qualified retirement benefits available to me;

Convert all or a portion of a qualified retirement plan to a Roth IRA under Section 408A of the Internal Revenue Code (or other similar qualified retirement plan); and

Borrow money, purchase assets from any of my qualified retirement plans and sell assets to any of my qualified retirement plans if the plan authorizes these actions.

### **Section 3.13 Power Regarding Bank Accounts**

My Agent may establish bank accounts of any type in one or more bank institutions that my Agent may choose. My Agent may modify, terminate, make deposits to, write checks on, make withdrawals from and grant security interests in any account in my name or to which I am an authorized signatory, except accounts held by me in a fiduciary capacity. In exercising this authority, it does not matter whether or not the account was established by me or for me by my Agent. My Agent is authorized to negotiate, endorse or transfer any check or other instrument with respect to any account, to contract for any services rendered by any bank or financial institution, and to execute, on my behalf as principal, any agency or power of attorney forms furnished by a bank with respect to accounts with the bank that appoints the bank or any person as my agent.

### **Section 3.14 Power Regarding Safe-Deposit Boxes**

My Agent may contract with any institution to rent a safe-deposit box in my name. My Agent may have access to any safe-deposit box in my name or with respect to which I am an authorized signer. This Section will apply whether or not the contract for the safe-deposit box was executed by me alone or jointly with others or by my Agent in my name. My Agent may also add to or remove the contents of a safe-deposit box, or terminate any rental contract for a safe-deposit box.

### **Section 3.15 Power to Prosecute and Defend Legal Actions**

My Agent may institute, supervise, prosecute, defend, intervene in, abandon, compromise, adjust, arbitrate, settle, dismiss, and appeal from any and all legal, equitable, judicial or administrative hearings, actions, suits or proceedings involving me in any way. This authority includes, but is not limited to, claims by or against me arising out of property damage or personal injury suffered by or caused by me or under circumstances such that the resulting loss may be imposed on me. My Agent may otherwise engage in litigation involving me, my property or my legal interests, including any property, interest or person for which or whom I have or may have any responsibility.

### **Section 3.16 Power to Loan and Borrow**

My Agent may make secured or unsecured loans to any person, entity, trust or estate on my behalf, for any term or payable on demand, with or without interest. My Agent may

enter into or modify the terms of any mortgage, deed of trust or security agreement made in connection with any loan and may release or foreclose on the mortgage, deed of trust, or security.

My Agent may borrow money on my behalf at interest rates and on other terms that my Agent considers advisable from any person, institution or other source including, if my then-acting Agent is a corporate fiduciary, its own banking or commercial lending department.

My Agent may encumber my property by mortgages, pledges, and other hypothecation and shall have the power to enter into any mortgage or deed of trust even though the term of the mortgage or deed of trust may extend beyond the term for which this power of attorney is effective.

My Agent may borrow money for any purpose on any life insurance policy owned by me on my life even though the term of the loan may extend beyond the term for which this power of attorney is effective. My Agent may grant a security interest in the policy to secure the loan. In this regard, my Agent may assign and deliver the policy as security. No insurance company will be under any obligation to determine the necessity of the loan or how my Agent applies the loan proceeds.

### **Section 3.17 Power to Create Revocable Trusts for my Benefit**

My Agent may execute a revocable trust agreement with any trustee or trustees that my Agent selects. All income and principal must be paid under the trust agreement, to me or another person for my benefit or applied for my benefit. The income and principal of the trust must be paid under the agreement in the amounts that I or my Agent requests or that the trustee or trustees determine. The terms of the trust agreement must provide that upon my death the remaining income and principal be distributed to my personal representative for distribution as part of my probate estate. The trust agreement must provide that it may be revoked or amended by me or my Agent at any time. The trust agreement, however, must provide that any amendment by my Agent must be of a type that by law or under the provisions of this power of attorney could have been included in the original trust agreement. In addition, my Agent may deliver and convey any or all of my assets to the trustee or trustees of the revocable living trust, or convey any or all of my assets to a revocable living trust that exists now or is created by me after the creation of this power of attorney.

My Agent may be sole trustee of my revocable living trust or one of several trustees.

### **Section 3.18 Power to Renounce or Resign from Fiduciary Positions**

My Agent may resign or renounce for me any fiduciary position I hold now or in the future including personal representative, trustee, guardian, attorney-in-fact, and officer or director of a corporation and any governmental or political office or position. In so doing, my Agent may file an accounting with the appropriate court of competent jurisdiction or settle on the basis of a receipt, release or other appropriate method.

### **Section 3.19 Power to Disclaim or Release Property Interests**

My Agent may renounce and disclaim any property or property interest or power to which I may become entitled by gift, testate or intestate succession. My Agent may release or abandon any property interest or power that I may own or hold now or in the future, including any interest in, or right over, a trust, including the right to alter, amend,

revoke or terminate the trust. My Agent may claim an elective share in any estate or under any will. But my Agent may not make any disclaimer that is expressly prohibited by the law or other provisions of this power of attorney.

### **Section 3.20 Power Regarding Insurance**

My Agent may purchase, maintain, surrender, collect, or cancel:

All kinds of life insurance or annuities on my life or the life of any one in whom I have an insurable interest;

Liability insurance protecting me and my estate against third party claims;

Hospital insurance, medical insurance, Medicare supplement insurance, custodial care insurance, and disability income insurance for me or my dependents; and

Casualty insurance insuring my assets against loss or damage due to fire, theft, or other commonly insured risk.

My Agent may pay all insurance premiums, select any options under the policies, increase coverage under any policy, borrow against any policy, pursue all insurance claims on my behalf, and adjust insurance losses. This authority shall apply to both private and public plans, including Medicare, Medicaid, SSI and Workers' Compensation.

### **Section 3.21 Power Regarding Taxes**

My Agent may represent me in all tax matters and proceedings before any agent or officer of the Internal Revenue Service, state and local authorities and in any court, for all periods including the date this power of attorney is executed until December 31, 2050.

My Agent may:

Prepare, sign, and file all federal, state, and local tax returns including income, gift, FICA and payroll tax returns on my behalf;

Prepare, sign, and file claims for refunds, requests for extensions of time to file returns or pay taxes, extensions and waivers of applicable periods of limitation, protests and petitions to administrative agencies or courts (including, but not limited to, the United States Tax Court);

Sign consents and agreements under Section 2032A of the Internal Revenue Code or any successor section and consents to split gifts, closing agreements, and any power of attorney form required by the Internal Revenue Service or any state or local taxing authority with respect to any tax year;

Pay taxes due, collect and dispose of refunds as my Agent determines appropriate, post bonds, receive confidential information and contest deficiencies determined by the Internal Revenue Service or any state or local taxing authority;

Exercise any election I have under federal, state or local tax law and allocate any generation-skipping tax exemption to which I am entitled; and

Engage representation for me in any and all tax proceedings by attorneys-at-law, Certified Public Accountants, enrolled agents, and other licensed tax professionals.

### **Section 3.22 Power to Deal with My Spouse**

If I am married, my Agent may deal with my spouse on my behalf. In dealing with my spouse, my Agent may partition, transfer and exchange any of my marital property estate, whether separate or community property between my spouse and me. My Agent may enter into and execute on my behalf marital property agreements, partition and exchange agreements or community property agreements or may enforce, amend or revoke any marital property agreement between my spouse and me but only with respect to rights in and obligations with respect to property owned by my spouse, by me or by both of us and with respect to reclassification of management and control over our property.

### **Section 3.23 Power to Make Gifts**

My Agent may make gifts on my behalf. In order to make gifts, my Agent may withdraw assets from any trust created by me or by my Agent acting within the authority granted in Section 3.17 and from which I may withdraw assets.

For purposes of this power of attorney, my Agent may forgive any debts owed to me, and any debt forgiven will be considered a gift to the debtor.

For purposes of this Section, "my beneficiaries" shall mean my descendants and beneficiaries, including contingent beneficiaries, named in my Will.

As mentioned in Section 3.11, my Agent may gift or otherwise spend down my estate for Medicaid eligibility and planning.

My Agent may make gifts on the following terms and conditions:

#### **(a) Continuation of My Gifting**

My Agent may honor pledges and continue to make gifts to charitable organizations that I have regularly supported in the amounts I have customarily given. My Agent may make gifts in order to assure the continuation of any gifting program initiated by me prior to the time I became incapacitated.

My Agent may make special occasion gifts to my estate plan beneficiaries, family members, or friends, in equal or unequal amounts, that reflect my past giving and my relationship with such individuals.

#### **(b) Gifts to My Agent**

I specifically authorize gifts to my Agent, but only a Special Agent appointed under the provisions of Section 7.02 may make gifts to my Agent. My Agent may not make gifts to himself or herself, his or her estate, his or her creditors, or the creditors of his or her estate.

#### **(c) Gifts to My Beneficiaries**

My Agent may make gifts on my behalf, limited in amount to the federal annual gift tax exclusion amount, to or for the benefit of my beneficiaries if my Agent considers the gift to be in my best interest or in the best interest of the beneficiary, including, without limitation, the minimization of income, estate, inheritance or gift taxes.

#### **(d) Methods of Making Gifts**

My Agent may make gifts of my property under this Section outright, in trust or in any other manner that my Agent considers appropriate.

By way of example and without limiting my Agent's powers under this Section, my Agent is specifically authorized to make gifts by creating tenancy in common and joint tenancy interests or establishing irrevocable trusts including charitable or non-charitable split interest trusts. My Agent may make gifts by establishing and contributing my property to corporations, family limited partnerships, limited liability partnerships, limited liability companies or other similar entities and by making gifts of interests in any of those entities.

To accomplish the objectives described in this subsection, my Agent may establish and maintain financial accounts of all types and may execute, acknowledge, seal and deliver deeds, assignments, agreements, authorizations, checks and other instruments. My Agent may prosecute, defend, submit to arbitration, settle or propose or accept a compromise with respect to a claim existing in favor of or against me based on or involving a gift transaction on my behalf. My Agent may intervene in any related action or proceeding.

My Agent may perform any other act my Agent considers necessary or desirable to complete a gift on my behalf in accordance with the provisions of this Section.

**(e) Standard for Making Gifts**

It is my desire that in making gifts on my behalf, my Agent consider the history of my gift making and my estate plan. To the extent reasonably possible, I direct my Agent to avoid disrupting the dispositive provisions of my estate plan as established by me prior to my incapacity.

**(f) Ratification of Gifts**

I specifically ratify any gifts made by my Agent under the terms of this power of attorney.

## **Article Four Care and Control of Principal**

My Agent may, in my Agent's sole and absolute discretion, exercise the following powers with respect to the control and management of my person.

**Section 4.01 Power to Provide for My Support**

My Agent may do anything reasonably necessary to maintain my customary standard of living, including:

Maintain my residence by paying all operating costs, including, but not limited to, interest on mortgages or deeds of trust, amortization payments, repairs and taxes, or by purchasing, leasing or making other arrangements for a different residence;

Provide normal domestic help;

Provide clothing, transportation, medicine, food and incidentals; and

Make all necessary arrangements, contractual or otherwise, for my care at any hospital, hospice, nursing home, convalescent home or similar establishment, or in my own residence should I desire it, and assure that all of my essential needs are met wherever I may be.

#### **Section 4.02 Power to Provide for Support of Dependents**

My Agent may make payments as my Agent deems necessary for the health, education, maintenance or support of those my Agent determines to be dependent on me for support.

#### **Section 4.03 Power to Protect or Dispose of Property**

If my Agent determines that I will never be able to return to my residence from a hospital, hospice, nursing home, convalescent home or similar facility, my Agent may dispose of my residence. In so doing, my Agent may sell, lease, sublease or assign my interest on terms and conditions that my Agent considers appropriate.

My Agent may store and safeguard any items of tangible personal property remaining in my residence and pay all storage costs. Alternatively, my Agent may sell any items that my Agent believes I will never need again on terms and conditions that my Agent considers appropriate.

As an alternative to storing my tangible personal property, my Agent may transfer custody and possession, but not title, of any property item to the person named in my Will or my revocable living trust as the person entitled to receive that property item on my death.

#### **Section 4.04 Power to Make Advance Funeral Arrangements**

My Agent may make advance arrangements for my funeral and burial, including a burial plot, marker and any other related arrangements that my Agent considers appropriate.

### **Article Five Incidental Powers**

My Agent may perform those acts and execute and deliver those legal documents necessary or appropriate to the exercise of the powers set forth in this power of attorney, including, but not limited, to the following incidental powers.

#### **Section 5.01 Power to Commence Court Proceedings**

My Agent may commence any court proceedings necessary to protect my legal rights and interests under this power of attorney including, but not limited to:

Actions for declaratory judgments from any court of competent jurisdiction interpreting the validity of this power of attorney and any of the acts sanctioned by this power of attorney; provided, however, that my Agent need not seek a declaratory judgment to perform any act sanctioned by this power of attorney;

Actions for mandatory injunctions requiring any person or entity to comply with my Agent's directions as authorized by this power of attorney; and

Actions for actual and punitive damages and the recoverable costs and expenses of such litigation against any person or entity who negligently or willfully fails or refuses to follow my Agent's directions as authorized by this power of attorney.

### **Section 5.02 Power to Employ and Discharge Personnel**

My Agent may employ and remove investment advisors, accountants, auditors, depositories, custodians, brokers, consultants, attorneys, expert advisors, agents and employees to advise or assist my Agent as my Agent considers appropriate.

### **Section 5.03 Power to Sign Documents**

My Agent may sign, execute, endorse, seal, acknowledge, deliver and file or record all appropriate legal documents necessary to exercise the powers granted under this power of attorney.

### **Section 5.04 Power to Submit Costs for Payment**

If my Agent incurs costs in performing any powers granted under this power of attorney, or in enforcing compliance with the powers given to my Agent under this power of attorney, my Agent may submit those costs to any person who has the authority to pay those costs such as the trustee of my revocable living trust or to my guardian or conservator. My trustee, conservator or guardian shall promptly pay those costs.

### **Section 5.05 Power Regarding My Mail**

My Agent may open, read, respond to and redirect my mail. My Agent may represent me before the U.S. Postal Service and all other mail or package carriers in any matter relating to mail or delivery services including the receipt of certified mail.

### **Section 5.06 Power Regarding Memberships**

My Agent may establish, cancel, continue or initiate my membership in organizations and associations of all kinds.

### **Section 5.07 Power Regarding Custody of Documents**

My Agent may take, give or deny custody of my important documents, including my Will and any codicils, trust agreements, deeds, leases, life insurance policies, contracts or securities. My Agent may disclose or not disclose the whereabouts or contents of those documents as my Agent believes appropriate.

## **Article Six Limitation on Powers**

All powers granted to my Agent under this power of attorney are subject to the limitations set forth in this Article.

### **Section 6.01 Tax Sensitive Powers**

No individual serving as my Agent may exercise any fiduciary power or discretion if the exercise of that power or discretion would:

Cause any income generated by my property to be attributed to my Agent for federal income tax purposes;

Cause the value of any property subject to this power of attorney to be included in my Agent's gross estate for federal estate tax purposes;

Cause any distribution made or allowed to be made by my Agent to be treated as a gift from my Agent; or

Discharge a legal obligation of my Agent.

If the exercise of a power by my Agent under this power of attorney would cause any of the foregoing results, a Special Agent appointed under the provisions of Section 7.02 may exercise the power or discretion.

### **Section 6.02 Life Insurance on the Life of My Agent**

No individual Agent may exercise any powers or rights in a policy owned by me that insures the life of that Agent. Any powers and rights regarding the policy will be exercised solely by another Agent serving under this power of attorney.

### **Section 6.03 Prohibition on Power over Prior Transfers**

No Agent may exercise any power or authority over any irrevocable trust created by my Agent to which I am a trustee or a beneficiary or any asset given to me by my Agent.

### **Section 6.04 My Agent to Avoid Disrupting My Estate Plan**

If it becomes necessary for my Agent to liquidate or reinvest any of my assets to provide support for me, I direct that my Agent, to the extent that it is reasonably possible, avoid disrupting the dispositive provisions of my estate plan as established by me prior to my incapacity.

If it is necessary to disrupt the dispositive provisions of my estate plan, my Agent will use his or her best efforts to restore my plan as soon as possible. My Agent will make reasonable efforts to obtain and review my estate plan. I authorize any person with knowledge of my estate plan or possession of my estate planning documents to disclose information to my Agent and to provide copies of documents to my Agent.

## **Article Seven Administrative Powers and Provisions**

This Article contains certain administrative powers and provisions that facilitate the use of the power of attorney and that protect my Agent and those who rely upon my Agent.

### **Section 7.01 Release of Information**

My Agent may release and obtain, as the case may be, any and all information regarding my financial investments and taxes, including any information regarding stocks, bonds, certificates of deposit, bank accounts, tax returns, retirement accounts, pension plans, and any other documents or information regarding my financial affairs and taxes from my attorneys-at-law, financial advisors, insurance professionals, accountants, stockbrokers, stock transfer agents, and any other persons having such information.

I release these persons or entities from any liability for releasing the above-referenced information to my Agent in reliance on this Section.

If my Agent is an attorney-at-law or other accounting or financial professional, the professional regulations of my Agent's profession and federal law may prohibit my Agent from releasing information about my financial affairs to others if I am a client of my Agent. This instrument, therefore, is a limited waiver of any privilege (such as the

attorney-client privilege) that I have established with any Agent as a client. The privilege is waived for the limited purpose of permitting my Agent to perform his or her duties under this power of attorney.

#### **Section 7.02 Appointment of a Special or Ancillary Agent**

If for any reason any Agent is unwilling or unable to act with respect to any property or any provision of this power of attorney, my Agent shall appoint, in writing, a corporate fiduciary or an individual to serve as Special Agent as to the property or with respect to the provision. The Special Agent appointed must be an individual that is not related or subordinate to my Agent within the meaning of Section 672(c) of the Internal Revenue Code. My Agent may revoke any such appointment at will.

If my Agent determines that it is necessary or desirable to appoint an Ancillary Agent to act under this power of attorney in a jurisdiction other than this one, my Agent may do so. In making an appointment, my Agent may sign, execute, deliver, acknowledge and make declarations in any documents that may be necessary, desirable, convenient or proper in order to carry out the appointment.

A Special or Ancillary Agent may exercise all powers granted by this power of attorney unless expressly limited elsewhere in this power of attorney or by the instrument appointing the Special or Ancillary Agent. A Special or Ancillary Agent may resign at any time by delivering written notice of resignation to my Agent. Notice of resignation shall be effective in accordance with the terms of the notice.

#### **Section 7.03 Agent Authorized to Employ My Attorney**

My Agent may employ the attorney who prepared this power of attorney or any other attorney employed by me in connection with my estate plan or business matters and I specifically:

- Waive any and all conflicts of interest that might arise through such employment;
- Authorize the attorney to make full disclosure of my estate plan and business to the Agent; and
- Authorize the attorney to accept the engagement.

#### **Section 7.04 Reimbursement for Expenses**

My Agent may reimburse himself or herself for all reasonable expenses incurred for carrying out any provision of this power of attorney.

#### **Section 7.05 Liability of Agent**

I release and discharge any Agent acting in good faith from any and all civil liability and from all claims or demands of all kinds whatsoever by me, my estate, and my heirs, successors and assigns arising out of the acts or omissions of my Agent, except for willful misconduct or gross negligence. This protection extends to the estate, heirs, successors and assigns of my Agent.

#### **Section 7.06 Amendment and Revocation**

I may amend or revoke this power of attorney at any time. Amendments to this document must be made in writing by me personally (not by my Agent) and must be attached to the original of this document and recorded in the same county or counties as the original if the original is recorded.

### **Section 7.07 Resignation**

My Agent may resign by the execution of a written resignation delivered to me or, if I am mentally disabled, by delivery to any person with whom I am residing or who has my care and custody.

### **Section 7.08 Signature of Agent**

My Agent shall use the following form when signing documents on my behalf pursuant to this power:

Rose Mary G. Collins by [enter Agent's name], her Agent.

### **Section 7.09 Interpretation**

This power of attorney is a general power of attorney and should be interpreted as granting my Agent all general powers permitted under the laws of State of Mississippi. The description of specific powers is not intended to, nor does it, limit or restrict any of the general powers granted to my Agent.

### **Section 7.10 Use of "Agent" Nomenclature**

The word "Agent" and any modifying or equivalent word or substituted pronoun includes the singular and the plural and the masculine, feminine and neuter genders.

### **Section 7.11 Third Party Reliance**

No person who relies in good faith on the authority of my Agent under this power of attorney will incur any liability to me, my estate, or my heirs, successors and assigns.

Any party dealing with my Agent may conclusively rely upon an affidavit or certificate of my Agent that:

The authority granted to my Agent under this power of attorney is in effect;

My Agent's actions are within the scope of my Agent's authority under this power of attorney;

I was competent when I executed this power of attorney;

I have not revoked this power of attorney; and

My Agent is currently serving as my Agent.

### **Section 7.12 Effect of Duplicate Originals or Copies**

If this power of attorney has been executed in multiple counterparts, each counterpart original will have equal force and effect. My Agent may make photocopies (photocopies shall include: facsimiles and digital or other reproductions, hereafter referred to collectively as "photocopy") of this power of attorney and each photocopy will have the same force and effect as the original.

### **Section 7.13 Governing Law**

This power of attorney's validity and interpretation will be governed by the laws of the State of Mississippi. To the extent permitted by law, this power of attorney is applicable to all my property, whether real, personal, intangible or mixed, wherever located, and whether or not the property is owned by me now or in the future.

**Section 7.14 Severability**

If any provision of this power of attorney is declared invalid for any reason, the remaining provisions will remain in full force and effect.

**Article Eight  
Declarations of the Principal**

I understand that this power of attorney is an important legal document. Before executing this power of attorney, my attorney explained to me the following:

The power of attorney provides my Agent with broad powers to dispose of, sell, convey and encumber my real and personal property.

The powers will exist for an indefinite period of time unless I revoke the power of attorney or I have limited their duration by specific provisions in the power of attorney.

This Durable Power of Attorney will continue to exist notwithstanding my subsequent disability or incapacity.

I have the power to revoke or terminate this Durable Power of Attorney at any time.

Dated: March 13, 2025

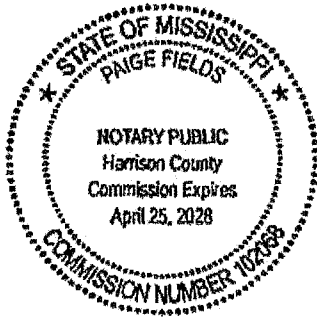
Rose Mary G. Collins  
Rose Mary G. Collins, Principal

STATE OF MISSISSIPPI                    )  
  ) ss.  
COUNTY OF HARRISON                 )

On this day, March 13, 2025, before me personally appeared Rose Mary G. Collins, as Principal, personally known to me (or proved to me on the basis of satisfactory evidence) to be the individual whose name is subscribed to the foregoing Durable Power of Attorney, and acknowledged that she executed the same as her voluntary act and deed for the purposes therein contained.

Witness my hand and official seal.

[Seal]



Paige Fields  
Notary Public

March 31, 2025

Mr. Greg Holmes, Director  
Urban Development  
1410 24<sup>th</sup> Avenue  
Gulfport, MS 39501

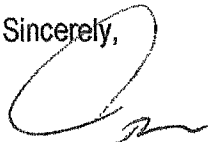
RE: Authorization of Representation for Properties located West of Cowan Road And Along South Side of 5<sup>th</sup> Street  
PIDNs: 1010M-02-001.002, 1010M-02-001.003, 1010M-02-001.004, 1010M-02001.005, 1010M-02-001.006, and 1010M-02-001.000

Dear Mr. Holmes:

Please accept this letter as authorization for Elliott Land Developments, LLC and Donovan Scruggs Town Planning and Consulting, LLC to represent the interests of Hogan Properties, LLC for the properties referenced above to include rezoning, general plan, variances, and similar land use requests.

Please accept applications, documents, correspondence, and other representations by the parties, submitted and provided on our behalf, that relate to these properties.

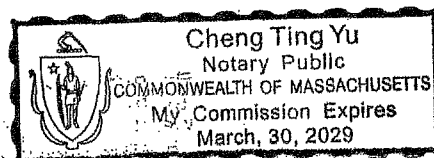
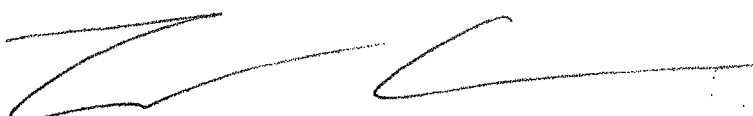
Sincerely,



Christopher Hogan  
Hogan Properties, LLC

Notary:

On this 1<sup>st</sup> day of April, 2025, before me, the undersigned notary public, Christopher David Hogan personally appeared, proved to me through satisfactory evidence of identification, to be the person whose name is signed on the preceding document, and acknowledged that he signed it voluntarily for its stated purpose.



**Land Use Report for a  
 Lot Area Variances for Properties Located  
 Along South Side of Fifth Street and West of Cowan Road  
 PIDNS: 1010M-02-001.002, 1010M-02-001.003, 1010M-02-001.004, 1010M-02-001.005,  
 1010M-02-001.006, and 1010M-02-001.000 (Hogan Properties)  
 and 1010M-02-005.001 (Collins Enterprises)  
 Applicant: Elliott Land Developments, LLC**

Prepared by: S. Donovan Scruggs, AICP  
 Date: May 6, 2025

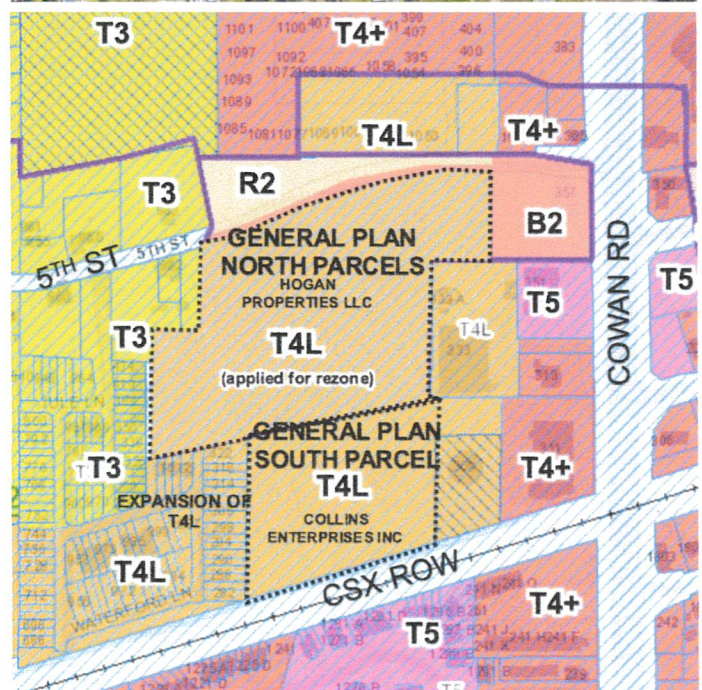
Elliott Land Developments, LLC (Elliott) is submitting an application for a General Plan that includes multiple parcels of land for a mixed residential development. The site includes several parcels that are expected to be rezoned to T4L to extend a consistent zoning over the entire site and parcels. This request is on the May 2025 Planning Commission Agenda and is expected to be considered by the Gulfport City Council on June 17, 2025. In total, the site is approximately 10.9 acres. This includes 3.6 acres along the southern portion (owned by Collins Enterprises), and 7.3 acres along 5<sup>th</sup> Street (owned by Hogan Properties, LLC). The properties are under contract for purchase by Elliott who intends to develop the subdivision addressed in the application.



This report and accompanying application are intended to support "Lot Area Variances" for this proposed subdivision development. The requested zoning (T4L) allows for multiple residential types, structures, and densities. However, stipulations within the zoning regulations do not allow for "patio homes". The American Planning Association (APA) in its publication *A Planner's Dictionary* provides multiple definitions of a "Patio House" and the following is consistent with this proposal:

A detached, single-family unit typically situated on a reduced-size lot that orients outdoor activity within rear or side yard patio areas for better use of the site for outdoor living space.

In this case, the proposed patio homes differ from zero-lot line and townhouses that are permitted uses because the patio homes will have setbacks or separations from the front, sides, and rear property lines. Townhouses may have no setback and common walls along both side property lines, and a zero lot line dwelling will have no



setback on one side. These dwellings within Gulfport's zoning code allow minimum lot sizes of 1,200 square feet and 2,800 square feet, respectively. A plain reading of the City's zoning regulations require a minimum lot size of 7,500 square feet for a detached single-family dwelling because it does not define or recognize patio homes. The proposed development will include approximately 67 total lots. Of these, 25 lots are proposed as townhouse lots. The remaining lots range in sizes from 4,000 to over 9,000 square feet with the majority ranging between 5,000 and 7,000 square feet. The proposed single-family lots are, in many cases, twice the size of the minimum required lot sizes of zero lot line parcels, and these larger lots can easily accommodate the district's required setbacks on either side of the homes. The requested variance is not provided to increase density or grant the developer any additional privileges. The request is to provide an improved product that is much less dense than the code permits. This deviation should not be considered adverse to the health, safety, or public welfare of the area.

**1. Overview.**

The subject site is adjacent to CSX Railroad right of way along the southern boundary. To the east is an elevated water storage tank and the Cowan Road corridor that includes a variety of businesses, institutional uses, and residential properties. To the north is a recently constructed single family development that will soon begin construction of new homes. To the west is another residential neighborhood under construction.



The location of the project is unique. The eastern portion of the property is adjacent to more intensely zoned areas that include B-2, T4+, and T5. In addition, the development is located in the shadows of a large, elevated storage tank of the City of Gulfport. The Cowan Lorraine corridor has grown tremendously over the years and has become more commercialized. This growth is ongoing and is expected to continue. Some of the properties immediately adjacent

and the east of the proposed site will like be redeveloped at some point in the future. Because of this ongoing and anticipated development, a more intense or higher density use is warranted for the subject site.

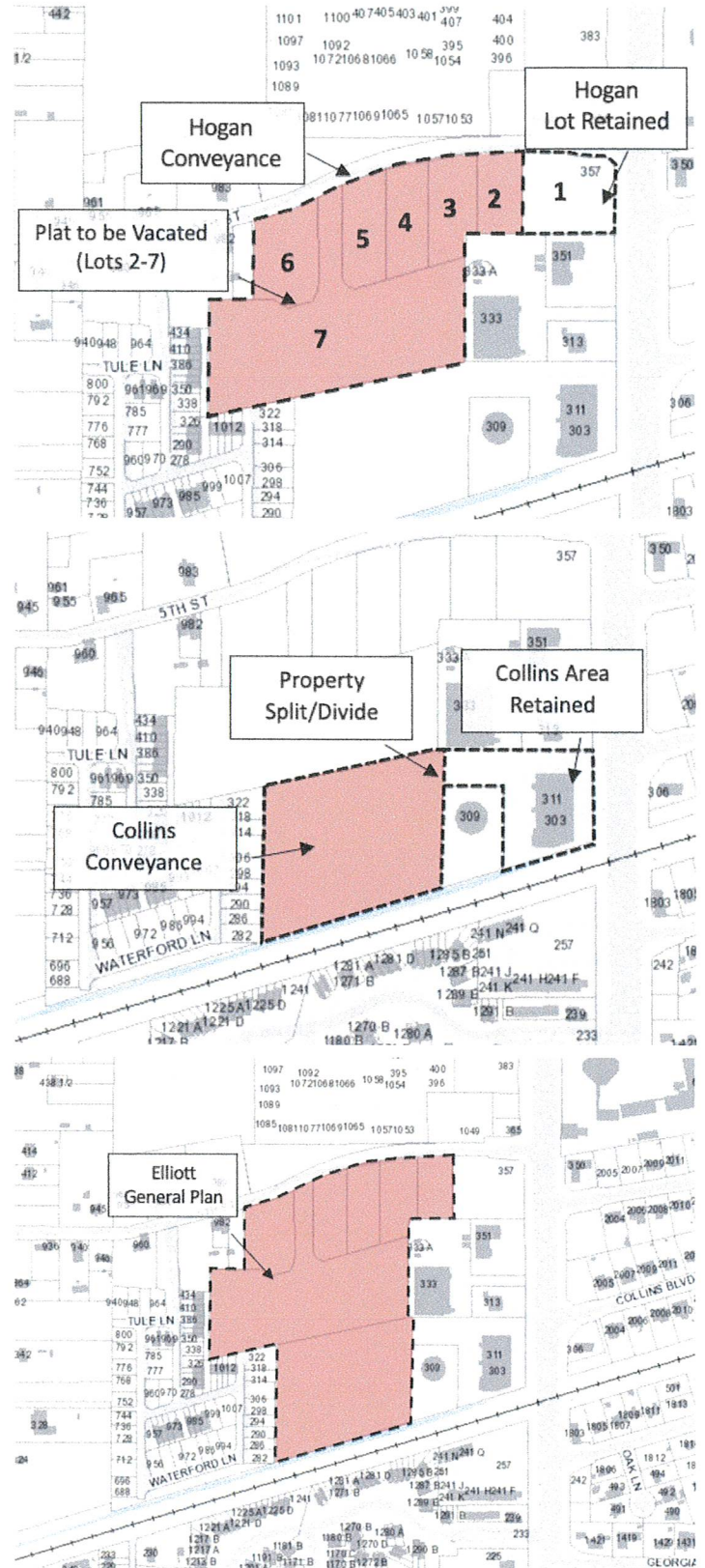
To the west are residential areas that include moderately dense and compact lots. Farther west are more traditional Single Family Residential lots and neighborhoods. This proposal will provide a transitional area between the commercial areas along Cowan Road and the more traditional, less intense residential areas to the west.

Elliott Land Developments, LLC is purchasing several properties owned by Hogan Properties, LLC and Collins Enterprises, Inc. With both proposed conveyances, the current owners plan to retain the eastern portions of their respective properties along Cowan Road. The conveyances to Elliott only includes the western portions of these holdings. These eastern properties are currently commercial and are expected to remain commercial.

The Hogan Parcels are contained with a subdivision recorded as "Resubdivision of Parcels "1010M-02-001.000" into Parcels 1, 2, 3, 4, 5, 6, & 7". Hogan, as the current owner, is the sole owner of the entire subdivision and should be the only individual with interest or potential adversely impacted. The conveyance and re-subdivision of the western parcels are voluntary to the current owner and reflected within his letter of authorization for the application. Elliott's goal is to vacate lots 2 through 7 to allow the replatting of the parcels (upper image).

The Collins parcel is a larger tract that extends from Cowan Road westward. This property includes approximately 13 acres. The owner intends to retain the eastern portions of the property (approximately 3 acres) along Cowan Road. Elliott plans to purchase the western portion of the property (center image).

Elliott's proposal includes the purchase of the western portions of Hogan and Collins and plat and/or replat the area into a new subdivision. Elliott's General Plan application includes these areas to be acquired (lower image).



**2. Existing Zoning, Proposed Zoning, Dwellings and Lots.**

At time of application (approximately May 5, 2025) the Hogan or northern portion of General Plan area is designated as B-2. By the time of hearing on the General Plan and the Variances of this request, it is anticipated that the zoning will be changed to T4L. This will provide uniform zoning on the proposed footprint of the properties. The T4L zoning designation permits a number of high to moderate housing options which include townhouses, zero lot line homes, duplexes (two-family) and multifamily dwellings. The General Plan associated with this application will include zero-lot line and townhouse dwellings. These uses are permitted 'by-right' in the T4L District.

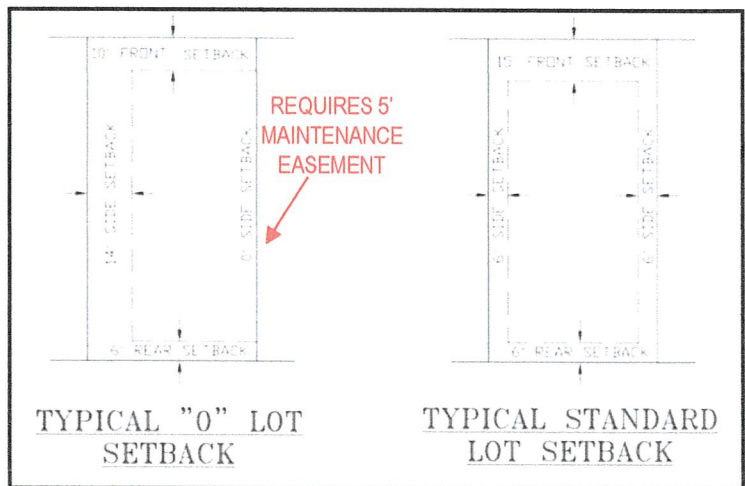
Despite being a permitted use within several districts including T4L, the zoning ordinance does not include district specific standards for townhouses and zero-lot line dwellings within district regulations. Instead *Section IV. Supplementary Regulations. A. Supplementary Use Regulations. (10) Townhouses and Zero Lot Line Residential Uses* of the zoning regulations describe and define the requirements for constructing these moderate density dwelling units. Based on the dwelling type, some setbacks (specifically side yards) vary from the base district. Below are some details related lot requirements that differ from the base district:

R = ALLOWED BY RIGHT    P = PLANNING COMMISSION APPROVAL    X = SPECIAL EXCEPTION    --						
NAMES OF USES AND CONDITIONS	R-1-7.5, T3	R-1-5	R-2	R-3	R-4	R-0, T4L
<b>RESIDENTIAL</b>						
DWELLING, ONE-FAMILY	R	R	R	R	R	R
DWELLING, ONE-FAMILY, AS AN ACCESSORY OR INDUSTRIAL USE	--	--	--	--	--	--
DWELLING, TWO FAMILY	--	P	R	R	R	R
DWELLING, MULTIPLE-FAMILY	--	--	R	R	R	R
DWELLING, TOWNHOUSE	--	--	R	R	R	R
DWELLING, ZERO LOT LINE	P	P	R	R	R	R
MOBILE HOME, ON AN INDIVIDUAL LOT	--	P	--	--	--	--

	Townhouses	Zero Lot Line Dwellings	Single Fam. Residential
Lot Area		2,800 sq. ft.	7,500 sq. ft.
Lot area First Two/Each Add'l	3,800/1,200 sq. ft.		
Minimum Lot Width	14 ft.	28 ft.	NA
Maximum height	20 ft.*	20 ft.*	35 ft.
Lot Coverage	75%	75%	70%
Setback – Interior or wall-side	0	0 with 5' maintenance easement	6 ft. SYSB
Open/non-common side	8 ft.	14	6 ft. SYSB

\*Top of habitable area.

The proposed T4L District permits townhouses and zero lot line homes 'by-right'. However, the City of Gulfport's zoning regulations does not include provisions for patio homes or reduced-lot, detached homes which tend to be smaller homes on smaller lots. These homes are similar to zero-lot line developments but have setbacks along the front, rear, and side yards. The zoning regulations permits lots as small as 1,200 square feet for townhouses or 2,800 square feet for zero-lot line units, but requires 7,500 square feet for all other detached single-family residential dwellings. This request is to permit a reduction in the required lot sizes to 4,000 square feet to permit the inclusion of patio homes in the development [a more detailed summary of the proposed lot size distribution is attached in Exhibit A]. Unlike zero-lot line homes, patio homes are not constructed along a lot line with a zero setback and includes minimum setbacks of the district on all sides. This



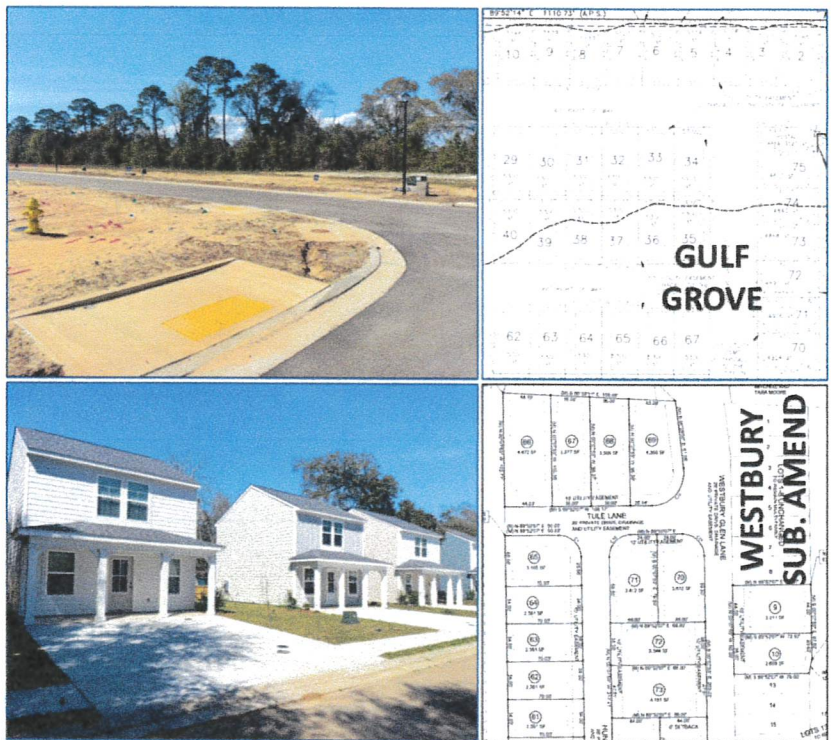
will permit windows and doors along all sides of the dwellings and removes the need for a maintenance easement on adjacent lots.

Elliott's General Plan has been designed to accommodate primarily zero-lot line homes and townhouses. The General Plan includes approximately 67 lots with 25 townhouse lots and 42 lots that can accommodate zero lot line dwellings or patio homes. Of the 42 lots for detached units, the vast majority (35 or more) are greater than 5,000 square feet (currently approximately 6 are less than 5,000 square feet). Larger lots exceed 7,000 square feet, and it is likely that a small number of lots will range between 8,000 and 10,000 square feet. If the Zoning Board grants the variance, the developer intends to construct primarily patio homes on the single-family lots with limited zero-lot line units. The determination by the Zoning Board will have little or no impact on the proposed General Plan with exception of the setbacks for the detached units (typical setbacks are provided for both lot types). The images on the previous page provide the minimal setbacks that are required, but the proposed but actual setbacks are expected to exceed the minimum required setbacks.

### 3. Ongoing Developments

The surrounding area has recently experienced a significant amount of new growth. Two ongoing projects represent

a change in development patterns within the area. Gulf Grove, located to the north of the proposed rezoning site, replaced a project that never began. Gulf Grove is a 'zero-lot line' development with lot sizes ranging from approximately 4,800 to 5,500 square feet. This development will include 75 new lots. The site was originally planned after Hurricane Katrina as a higher density site, but Gulf Grove will allow medium-high density units or small lots to be conveyed as single-family residential. This project represents a trend towards a more compact, residential character in the area.



To the west of the current project is Westbury Gardens (Westbury Subdivision, Amended Plat). As indicated, this is a replat of a prior development that was initiated in approximately 2007 but never was completed. The property was purchased, and the plat was amended in

2024. The site is currently under construction with new zero-lot line units. These lots range in sizes from approximately 2,380 to 4,400 square feet. [Note in image above no windows are along sides of dwellings].

The lots within Gulf Grove are more consistent with the Elliott's General Plan, but Elliott's project is expect to provide more larger lots on average. The mix of units of Elliott's Plan is also consistent with Westbury Gardens, but the lots are much larger and wider than the zero-lot line parcels of that development.

The proposed development will consist of 67 units. This includes approximately 42 zero-lot line units and 25 townhouses. The zero-lot line dwellings are situated on lots that typically range between 4,000 and 10,000 square feet. The lot widths are typically 50 feet. This development will also include townhouse lot that have areas as small approximately 2,000 square feet with widths of 20 feet. All of the lots, especially the zero-lot line units, are significantly wider than the minimum requirements 28 feet.

#### 4. Variance Considerations.

According to Section IV Supplementary Regulations 10. Townhouses and Zero-lot Line Developments. "In order to allow any deviation from the following minimum requirements for these types of development, the developer must show evidence that such deviation will not adversely affect the health, safety and welfare of the public." This provides a much lower 'bar' than providing a specific hardship as required for other variances. Providing a less dense area with greater separation should be considered a safer for a public safety view point. Similarly, the removal of the maintenance easement removes what could be a maintenance concern with disputing neighbors or, at minimal, an inconvenience. Finally, less dense developments typically generate less traffic. The requested deviation is not to provide greater density or otherwise benefit the developer, but to provide greater setbacks and separation between detached structures.

Applications for dimensional variances require that the applicants address the following questions:

*a. 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.*

The T4L District permits a variety of residential building types to include single-family residential, multifamily, zero-lot line, and townhouses. In most cases, these dwellings are used to achieve the maximum density permitted for a particular property. More units oftentimes mean greater sales or rents. In this case, the developer is hoping to deviate from the minimum district standards for zero-lot lines for a more moderate density for a patio home (reduced lot size) development. Instead of a development that includes numerous 2,800 square foot lots with zero lot line units with windowless elevations along a property line, the developer is hoping to construct a more attractive but compact subdivision with larger lot sizes that is less dense with lots ranging from 4,000 to 10,000 square feet. This is different from the design of similar nearby developments to create a greater diversity of housing options.

*b. Demonstrate that the special conditions and circumstances do not result from the actions of the applicant.*

Reduced lot size or patio home developments are most closely associated with the R-1.5 District that permits 5,000 square feet, single-family residential lots. This district, however, does not permit townhouse or zero-lot line units. Furthermore, with a portion of the property already designated as T4L, rezoning to a single-family residential district may not be consistent with the area. Additional buffering could be imposed on adjacent commercial areas. However, the R-1.5 District is the only district that permits single-family residential lots of 5,000 square feet.

In an effort to provide a mix of residential units within a zoning designation that is considered flexible but consistent with the surrounding area, the T4L is the most appropriate district.

*c. 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.*

The hardship associated with this project cannot be addressed within a single district of the ordinance. A portion of the property is currently zoned B-2, and the effort is on-going to secure a T4L designation. The T4L District that is currently along the southern portion of the property to be purchased and developed provides a viable alternative of zero-lot line units, but regardless of lot size, a zero-lot line unit must be constructed along a common lot line of an adjacent parcel and imposes of 5 foot maintenance easement on the adjacent parcel. While this is an adequate solution for a zero-lot line development on minimum lot sizes, the proposal of permitting the 5-foot maintenance easement along the primary lot was rejected. It was rightly stated, "If a five foot setback is provided, it is not a zero lot line development." This provides no option or 'middle ground' between a 2,800 zero-lot line development and a 7,500 square foot single family lot.

Deviations associated with townhomes and zero-lot line homes required a lower standard than a typical 'hardship variance'. According to the zoning regulations, the developer must show that the proposal is not adverse to public health, safety, and general welfare.

*d. 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.*

The developer of this project could very easily submit a plan with a higher density by developing townhouse and smaller zero-lot line parcels. The minimum lot width of a zero-lot line parcel is 28 feet. The applicant's proposal include zero lot line parcels that are typically 50 feet in widths. With proposed building widths of 30 feet, there is no real need to have 15 to 20 feet of setback on one side and zero setback on another and a five foot maintenance easement on the neighbors' property. The T4L District permits zero-lot line dwelling, townhouses, multifamily, and single-family residential. The ordinance does not specifically permit patio homes, but as proposed, this development would be less dense than a number of different by-right building types. Furthermore, the proposed density should be considered consistent with the district and the area.

*e. 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.*

The request to construct a reduced lot sized development or patio home project will no confer additional privileges to the land owner. Patio homes are similar in nature to zero-lot line units that are permitted by right. Zero-lot line homes typically include smaller lot areas and widths. While the developer has submitted a General Plan that includes approximately 67 lots and 42 detached dwelling lots, the lots are much larger than required of zero-lot line developments. Of the 42 lots, the vast majority of these lots exceed 5,000 square feet in size which is substantially larger than the 2,800 required in zero-lot line developments. In fact, the 6 smallest lots within the development have areas between 4,000 and 5,000 square feet. The requested variance will allow the homes to have two side yard setbacks and not rely on an easement on the neighbor's yard. Further, by permitting side yard setbacks, the homes can have windows and openings on all sides of the buildings to enhance fire safety.

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

The proposed project is a mixed residential development that will include town houses and zero-lot line units that are "by right". Additionally, the use of "single-family residential" is permitted use. Elliott Land Development, LLC would like to include patio homes or reduce lot size developments which requires a dimensional variance of the minimal lot sizes. The required variance for the smallest proposed lot (approximately 4,070 square feet) is approximately 46 percent of the 7,500 square feet required lot size. Proposed lot size of 5,000 to 7,000 square feet (which account for approximately 27 of the 42 detached dwelling lots) require variances of 33 to 9 percent, respectively. There are 9 lots that are proposed that range from 7,000 to 10,750 square feet.

#### **4. Conclusion.**

The subject site has never been developed and is expected to be rezoned to T4L. This district permits zero lot line units and townhouses as permitted or 'by-right' uses. The applicant has provided a conceptual General Plan that includes approximately 67 units (42 zero-lot line (or patio homes) and 25 townhouses). All lots for zero-lot line dwellings within the development greatly exceed the minimum requirements of the zoning regulations.

The request to construct patio homes or reduced lot dwelling is not permitted in the zoning ordinance. The only district that permits smaller lots is the R-1.5 District. Aside from that district, the smallest lot permitted for single-family residential is 7,500 square feet. The requested variance reflects an effort to build a more compatible, more attractive,

and less dense development. While a zero-lot line development with smaller lots could be designed with many more units, the developer is hoping to include lots that are much larger than the minimum. Because the lots are larger, there is no need for zero lot line units. These units prohibit doors and entrances on the side with not setback and require a five maintenance easement on the adjacent lots.

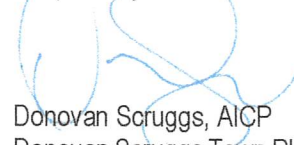
According to Section IV Supplementary Regulations 10. Townhouses and Zero-lot Line Developments. "In order to allow any deviation from the following minimum requirements for these types of development, the developer must show evidence that such deviation will not adversely affect the health, safety and welfare of the public.". The provides a much lower 'bar' than providing a specific hardship as required for other variances. Providing a less dense area with greater separation should be considered a safer for a public safety view point. Similarly, the removal of the maintenance easement removes what could be a maintenance concern with disputing neighbors. Finally, less dense typically means less traffic. The requested deviation is not to provide greater density or otherwise benefit the developer, but to provide greater setbacks and separation between detached structures.

The most direct approach to permit this requested development is to provide variances for the proposed detached, dwelling lots (approximately 42). The applicant is requesting the following variances from the minimum area of 7,500 square feet for single-family residences, accordingly:

Variance	Proposed Minimum Lot Size	Maximum Number Permitted
Reduction of up to 3,500 sq. ft. (46%)	4,000 sq. ft.	8 Units (20%)
Reduction of up to 2,500sq. ft.(33%)	5,000 sq. ft.	30 Units (71%)
Reduction of up to 500 sq. ft. (10%)	7,000sq. ft.	8 Units (20%)

The chart above is provided to demonstrate that a blanket or 'across the board' variance of 3,500 square feet is not requested. The applicant is not attempting to maximize density or the number of lots. The effort is to reduce the number of lots and provide a more attractive residential development with moderate-sized residential lots that are much larger than the minimum required lot sizes of the district.

Respectfully Submitted:



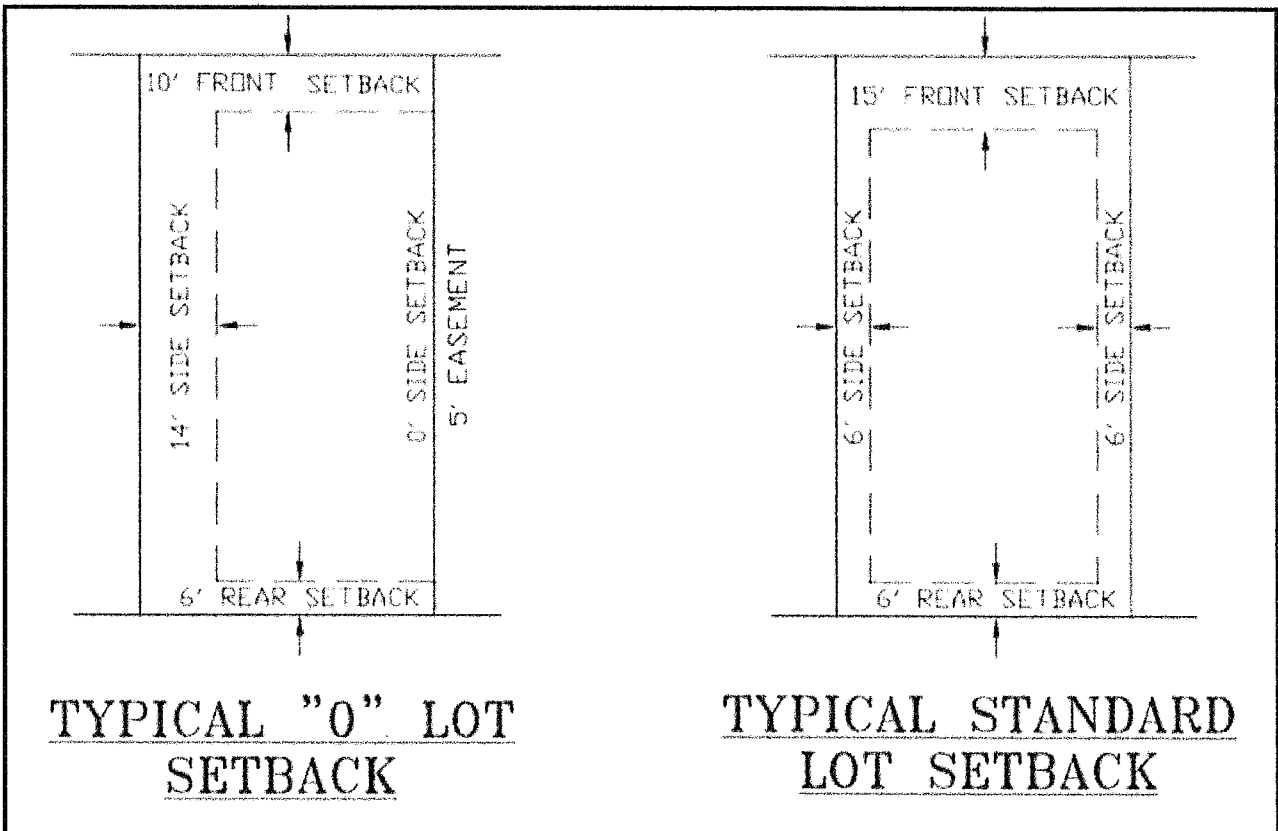
Donovan Scruggs, AICP  
 Donovan Scruggs Town Planning and Consulting, LLC  
 317 Pine Drive  
 Ocean Springs, MS 39564

## Exhibit A

### Proposed Lot Distribution For Detached Structures\*

Variance	Proposed Minimum	Maximum Number	Maximum Variance
Maximum Reductions	Lot Size	Permitted	Distribution
Up to 3,500 sq. ft. (46%)	4,000 sq. ft.	8 Units	20%
Up to 2,500sq. ft.(33%)	5,000 sq. ft.	30 Units	71%
Up to 500 sq. ft. (10%)	7,000sq. ft.	8 Units	20%

\*The project is still in a sketch plat form that has not been finalized. The overall lot count is expected to include approximately 67 units with 42 detached structures, but this number could slightly increase or decrease. The proposed distribution is flexible to accommodate changes that may occur during General Plan approval and meetings with various City Departments.



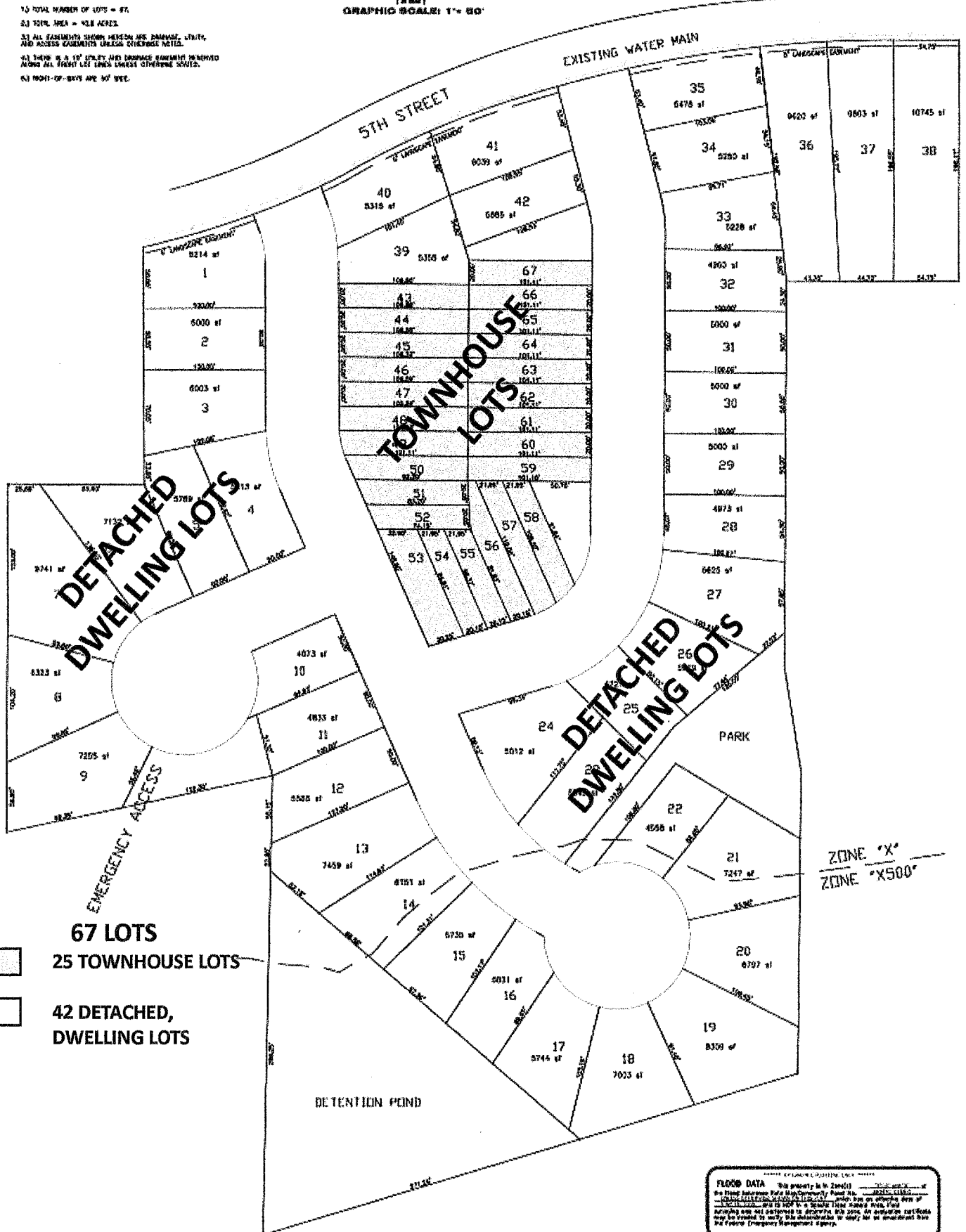
**GENERAL NOTES:**

- 1) TOTAL NUMBER OF LOTS = 67.
- 2) TOTAL AREA = 92.8 ACRES.
- 3) ALL EXISTING SHOWS HEREIN ARE DIMENSIONS, UTILITIES, AND ACCESS CASEMENTS UNLESS OTHERWISE NOTED.
- 4) THERE IS A 10' STRIP AND EASEMENT BARRIERS W/REMOVED ALONG ALL FRONT LOT LINES EXCEPT OTHERWISE NOTED.
- 5) MOST OF SPAS ARE NOT SPEC.



GRAPHIC SCALE: 1" = 80'

EXISTING SANITARY SEWER MAINLINE



**DETACHED DWELLING LOTS**

**TOWNHOUSE LOTS**

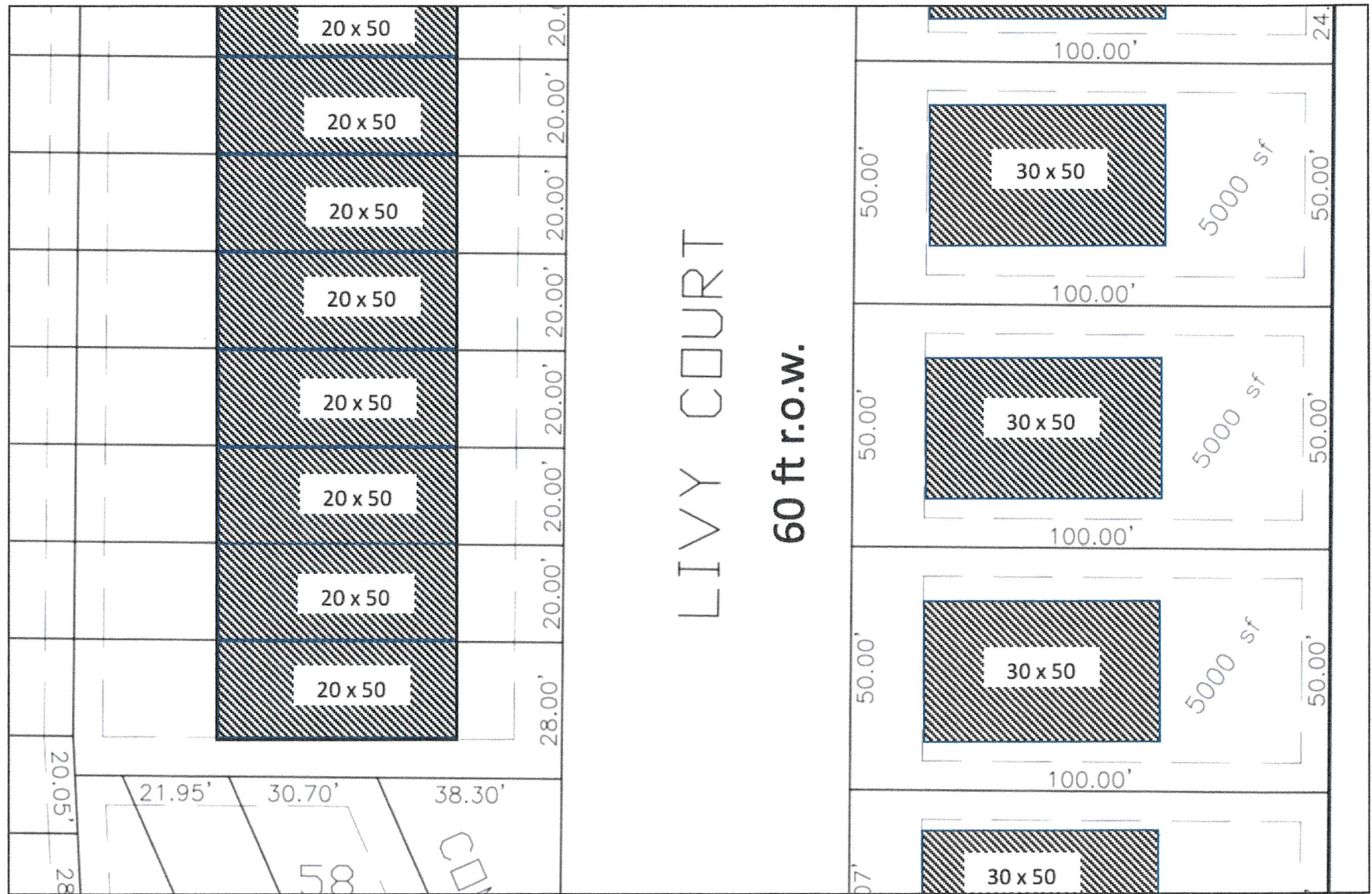
**DETACHED DWELLING LOTS**

- 67 LOTS
- 25 TOWNHOUSE LOTS
- 42 DETACHED, DWELLING LOTS

ZONE "X"  
ZONE "X500"

**FLOOD DATA** This property is in Zone(s) \_\_\_\_\_ of the Flood Insurance Rate Map Community Panel No. \_\_\_\_\_, effective \_\_\_\_\_, and is not in a Special Flood Hazard Area. Flood insurance rates and conditions to determine the zone of a building are based on the Flood Insurance Rate Map. The Flood Insurance Rate Map is a generalization of the Flood Insurance Rate Map. The Flood Insurance Rate Map is a generalization of the Flood Insurance Rate Map. The Flood Insurance Rate Map is a generalization of the Flood Insurance Rate Map.

## Typical Site Plan for Reduced Area, Single Family Residential Lot



PROPOSED

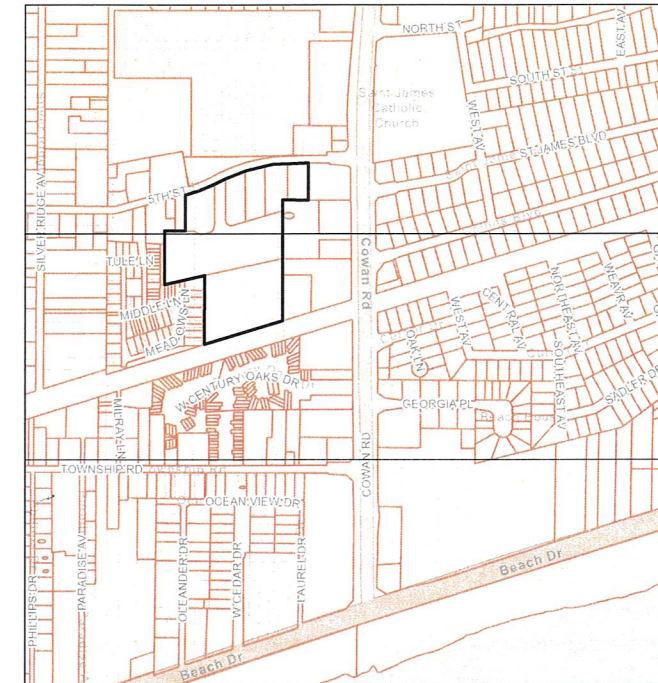
# 5TH STREET SUBDIVISION

## OWNER:

ELLIOTT LAND DEVELOPMENT, LLC.  
1402 PASS ROAD  
GULFPORT, MS 39503

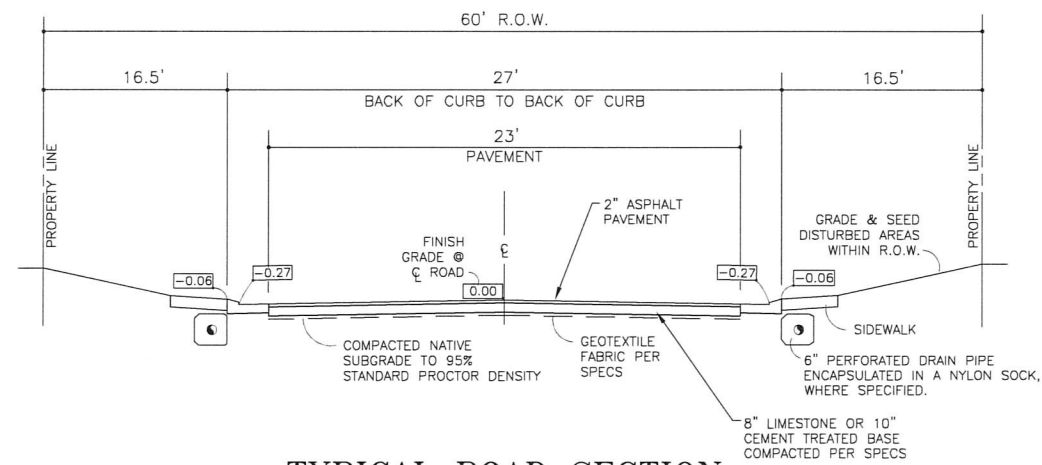
## ENGINEER:

ENGINEERING SERVICES, LLC.  
17381 SOUTH CARR BRIDGE ROAD  
BILOXI, MS 39532



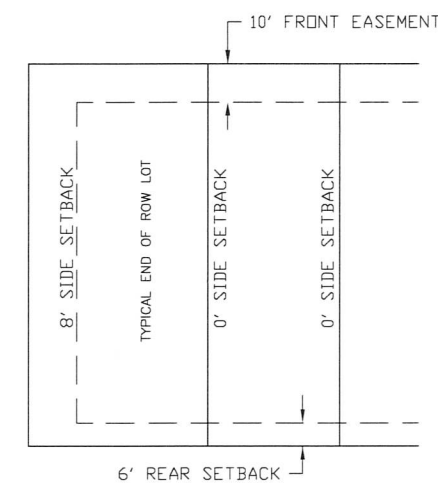
**VICINITY MAP**

SCALE: N.T.S.

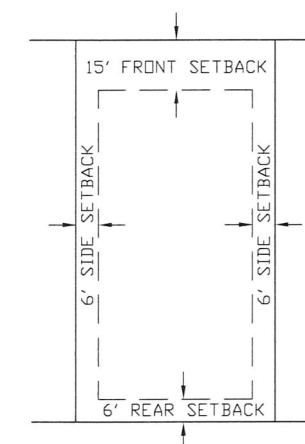


**TYPICAL ROAD SECTION**

N.T.S.



**TYPICAL TOWNHOUSE SETBACK**



**TYPICAL STANDARD LOT SETBACK**





# Michael Watson

## SECRETARY OF STATE

This is not an official certificate of good standing.

### Name History

---

Name	Name Type
HOGAN PROPERTIES, LLC	Legal

### Business Information

---

<b>Business Type:</b>	Limited Liability Company
<b>Business ID:</b>	685973
<b>Status:</b>	Good Standing
<b>Effective Date:</b>	04/24/2000
<b>State of Incorporation:</b>	Mississippi
<b>Principal Office Address:</b>	351 Cowan Road Gulfport, MS 39507

### Registered Agent

---

**Name**  
CHRISTOPHER D HOGAN  
390 COURTHOUSE RD  
GULFPORT, MS 39507

### Officers & Directors

---

Name	Title
Christopher D Hogan 351 COWAN ROAD GULFPORT, MS 39507	Manager, Member
KALEEL SALLOUM JR 2400 14TH ST GULFPORT, MS 39501	Other



# Michael Watson

## SECRETARY OF STATE

This is not an official certificate of good standing.

### Name History

---

Name	Name Type
COLLINS ENTERPRISES, INC.	Legal

### Business Information

---

<b>Business Type:</b>	Profit Corporation
<b>Business ID:</b>	102406
<b>Status:</b>	Good Standing
<b>Effective Date:</b>	06/10/1960
<b>State of Incorporation:</b>	Mississippi
<b>Principal Office Address:</b>	2720 Channel Place BILOXI, MS 39531

### Registered Agent

---

**Name**  
Rose Mary Collins  
2720 Channel Place  
BILOXI, MS 39531

### Officers & Directors

---

Name	Title
Rose Mary Collins 2720 Channel Place Biloxi, MS 39531	President

STATE OF MISSISSIPPI  
COUNTY OF HARRISON  
FIRST JUDICIAL DISTRICT

ENTERED

WARRANTY DEED

For and in consideration of the sum of Ten Dollars (\$10.00) cash in hand paid, and other good, legal, and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the undersigned, COLLINS BUILDING SERVICES, does hereby sell, convey, and warrant unto COLLINS ENTERPRISES, INC., the land and property lying and being situated in the First Judicial District of Harrison County, State of Mississippi, being more particularly described as follows, to-wit:

PROPERTY 1:

LOT 1, LAWLERS ADD.

PROPERTY 2:

LOTS 6 - 14 INC. LAWLERS ADD.

PROPERTY 3:

LOTS 15 - 24 LAWLERS ADD. SEC. 31-7-10.

PROPERTY 4:

LOTS 25 TO 45 INC. LAWLERS ADD.

PROPERTY 5:

LOT 50, LAWLERS ADD.

PROPERTY 6:

NORTH 20 FEET OF LOT 6, BLOCK 6, SILVER RIDGE ADDITION RESURVEY, AND THE NORTH 20 FEET OF LOT 23, BLOCK 6, SILVER RIDGE RESURVEY, HARRISON COUNTY, FIRST JUDICIAL DISTRICT, GULFPORT, MISSISSIPPI.

Un-Official

PROPERTY 7:

BOOK 1377 PAGE 154

A PARCEL OF LAND LYING AND BEING SITUATED IN THE CITY OF GULFPORT, COUNTY OF HARRISON, STATE OF MISSISSIPPI, IN THE SOUTHWEST 1/4 OF SECTION 31, TOWNSHIP 7 SOUTH, RANGE 10 WEST.

A LOT HAVING A WIDTH EAST AND WEST OF 70 FEET, MORE OR LESS AND A DEPTH NORTH AND SOUTH OF 208 FEET MORE OR LESS IN SECTION 31, TOWNSHIP 7 SOUTH, RANGE 10 WEST, AND BEING THE WEST HALF OF THE PART OF LOT 4 OF THE DAY-BAKER SUBDIVISION, SOLD TO MARY ANN CHRISTOVICH ON JANUARY 21, 1891, BY W. B. MURPHY EXCEPTING THE WEST 140 FEET THEREOF, BEING BETTER DESCRIBED AS COMMENCING AT AN IRON ROD AT THE POINT OF INTERSECTION OF THE EAST BOUNDARY OF THE RESURVEY OF SILVER RIDGE SUBDIVISION WITH THE NORTH MARGIN OF 5TH STREET AND RUN THENCE S 86°25'00"E 141.75' TO THE POINT OF BEGINNING, BEING ON THE SOUTH MARGIN OF 5TH STREET; THENCE RUN S06°27'09"E 191.84' TO AN IRON ROD SET ON THE NORTH MARGIN OF LAWLERS ADDITION TO GULFPORT SUBDIVISION; THENCE ALONG THE NORTH MARGIN OF LOT 1 OF SAID SUBDIVISION, RUN S86°58'20"E 70.35' TO AN IRON ROD; THENCE N06°27'09"W 212.68' TO THE SOUTH MARGIN OF 5TH STREET, THENCE S75°57'05"W 70.00' ALONG THE SAID MARGIN TO THE POINT OF BEGINNING CONTAINING 0.322 ACRES.

PROPERTY 8:

A PARCEL OF LAND LYING AND BEING SITUATED IN THE CITY OF GULFPORT, COUNTY OF HARRISON, STATE OF MISSISSIPPI, IN THE SOUTHWEST 1/4 OF SECTION 31, TOWNSHIP 7 SOUTH, RANGE 10 WEST, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A COTTON SPIKE SET AT THE INTERSECTION OF THE NORTH MARGIN OF LOUISVILLE AND NASHVILLE RAILROAD AND THE WEST MARGIN OF COWAN ROAD; THENCE ALONG THE SAID NORTH MARGIN OF LOUISVILLE AND NASHVILLE RAILROAD; S73°29'30"W 257.00 TO A POINT WHICH FALLS IN A LARGE DRAINAGE DITCH; THENCE ALONG THE SAME SAID NORTH MARGIN S73°9'30"W 156.98' TO A POINT WHICH FALLS IN A LARGE DRAINAGE DITCH; THENCE FURTHER ALONG SAID NORTH MARGIN, S73°21'01"W 445.04 TO THE POINT OF BEGINNING; THENCE FURTHER ALONG SAID NORTH MARGIN OF LOUISVILLE AND NASHVILLE RAILROAD, S73°21'01"W 221.63' TO AN IRON ROD SET LYING ON THE EAST MARGIN OF A 20' WIDE ALLEY AS PER THE PLAT OF LAWLER'S ADDITION TO GULFPORT SUBDIVISION, BEING RECORDED IN THE FIRST JUDICIAL DISTRICT OF HARRISON COUNTY, MISSISSIPPI; THENCE ALONG THE SAID EAST MARGIN OF THE 20' ALLEY N00°0'02"W 387.60' TO AN IRON PIPE FOUND; THENCE N78°05'00"E 222.06' TO A POINT; THENCE S00°38'30"W 369.37' TO THE POINT OF BEGINNING, CONTAINING 1.866 ACRES.

PROPERTY 9:

A PARCEL OF LAND LYING AND BEING SITUATED IN THE CITY OF GULFPORT, COUNTY OF HARRISON, STATE OF MISSISSIPPI, IN THE SOUTHWEST 1/4 OF SECTION 31, TOWNSHIP 7 SOUTH, RANGE 10 WEST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A COTTON SPIKE SET AT THE INTERSECTION OF THE NORTH MARGIN OF LOUISVILLE AND NASHVILLE RAILROAD AND THE WEST MARGIN OF COWAN ROAD; THENCE ALONG THE SAID WEST MARGIN OF COWAN ROAD, N00°40'36"E 163.68' TO A PK NAIL SET AT THE POINT OF BEGINNING; THENCE N89°39'58"W 171.35' TO AN IRON ROD SET 0.50' NORTH OF THE NORTHWEST CORNER OF A 1-STORY BLOCK BUILDING. THENCE S89°11'35"W 74.35 TO AN IRON ROD SET; THENCE S00°38'30"W 36.66' TO AN IRON ROD SET; THENCE N89°21'29"W 150.00' TO AN IRON ROD SET; THENCE S00°38'30"W 246.29' TO THE NORTH MARGIN OF SAID RAILROAD; THENCE ALONG SAID NORTH MARGIN, S73°21'01"W 445.04'; THENCE N00°38'30"E 369.37'; THENCE N78°05'00"E 429.51' TO AN IRON PIPE FOUND; THENCE N89°59'45"E 203.10' TO AN IRON ROD FOUND LYING ON THE WEST MARGIN OF COWAN ROAD; THENCE ALONG SAID WEST MARGIN, S00°40'36"W 50.00' TO THE POINT OF BEGINNING, CONTAINING 4.000 ACRES.

The above described property is not the homestead of the Grantor.

This conveyance is made subject to any and all recorded liens, building restrictions, zoning ordinances, rights of way, easements, or mineral reservations applicable to the above described property.

Ad valorem taxes for the year 1997 are to be paid by the Grantee herein as of the date of this conveyance.

WITNESS THE SIGNATURE of the Grantor, this the 5<sup>th</sup> day of May, 1997.

COLLINS BUILDING SERVICE

By: Paul J. Collins  
Paul J. Collins, President

STATE OF MISSISSIPPI  
COUNTY OF HARRISON

Personally appeared before me, the undersigned authority in and for the jurisdiction aforesaid, the within named PAUL J. COLLINS, President of COLLINS BUILDING SERVICE, a Mississippi Corporation, who acknowledged that he, for and on behalf of said Corporation, as the deed and act of said Corporation, and after having been duly authorized to do so, signed and delivered the above and foregoing Warranty Deed on the day and year therein written.

GIVEN UNDER MY HAND AND OFFICIAL SEAL, this the 5<sup>th</sup> day of May, 1997.

*Sandra Gayle Crook*  
Notary Public

My Commission Expires: 9/12/97

Grantor's Address and Phone Number:

Collins Building Service  
Post Office Box 4604  
Biloxi, Mississippi 39535-4604  
(601) 436-3121

Grantee's Address and Phone Number:

Collins Enterprises, Inc.  
Post Office Box 4604  
Biloxi, Mississippi 39535-4604  
(601) 388-1497

Prepared by and Return Original  
Warranty Deed to:

Harris H. Barnes, III, Esquire (MSB 2018)  
BARNES AND BROOM, PLLC  
Post Office Box 13956  
Jackson, Mississippi 39236-3956  
(601) 981-6336

ATTORNEY

Indexing Instructions:

Sec. 31, T7S, R10W. Bounded on the N by 5th Street. E, W and S boundaries unknown. Containing 0.322 acres.

Sec. 31, T7S, R10W. Bounded on the S by Louisville & Nashville Railroad. E, W and S boundaries unknown. Containing 1.866 acres.

Sec. 31, T7S, R10W. Bounded on the S by Louisville & Nashville Railroad. Bounded on E by Cowan Road. N and W boundaries unknown. Containing 4.000 acres.

Un-Official

100MAVCDCCS300CS119111174p. 8, 1977. (427pg)

-5-

Instrument No. 4750

STATEMENT OF FEES

Recording Fee	\$6.00
Records Management Fee	\$1.00
Abstracting/Section Fee at	
\$1.00 each	<u>300</u>
Marginal Entry at .50 each	---
Other	---
TOTAL FEES COLLECTED	<u>10.00</u>

STATE OF MISSISSIPPI, COUNTY OF HARRISON, FIRST JUDICIAL DISTRICT.

I hereby certify that this instrument was received and filed for record at 1 o'clock and 07 minutes P M. on 14th day of July, A.D. 19 97 and recorded July 15, 19 97 in Records of Deeds

Book 1377 Pages 153-157

JOHN McADAMS, Chancery Clerk

By Richard Powell, D.C.

LAWRENCE HARRISWOOD 00685

INDEX: SE ¼ of SW ¼  
and NE ¼ of SW ¼, 31-7-10



1st Judicial District  
Instrument 2006 916 D -J1  
Filed/Recorded 2 8 2006 8 A  
Total Fees 12.00  
3 Pages Recorded

STATE OF MISSISSIPPI  
COUNTY OF HARRISON  
FIRST JUDICIAL DISTRICT

**SPECIAL WARRANTY DEED**

FOR AND IN CONSIDERATION OF THE SUM OF TEN DOLLARS (\$10.00), cash in hand paid, and other good and valuable consideration, the receipt and sufficiency of all of which is hereby acknowledged, **Samuel Allen Baker, III, and John Ware Baker, as Co-Executors of the Estate of Gertrude Baker, Harrison County, First Judicial District, Mississippi, Chancery Court Cause No. 04-02493(1)**, do hereby sell, convey and warrant unto **Hogan Properties, LLC, a Mississippi limited liability company**, the following described property situated and being located in the First Judicial District of Harrison County, Mississippi, and being further described as follows, to-wit:

**PARCEL 1:**

A parcel of land situated and being located in the Southeast ¼ of the Southwest ¼ and the Northeast ¼ of the Southwest ¼ of Section 31, Township 7 South, Range 10 West, and being in part of Lots 4, 5 and 6 of the Day-Baker Survey in Section 31, Township 7 South, Range 10 West, City of Gulfport, First Judicial District of Harrison County, Mississippi, and being more particularly described as follows, to-wit:

Commencing at the intersection of the northerly right-of-way of CSX Transportation (formerly L & N Railroad) with the east line of LAWLER ADDITION; thence run North 00 degrees 04 minutes 37 seconds West 387.62 feet along the east line of LAWLER ADDITION to the POINT OF BEGINNING of the parcel herein described; thence run from said POINT OF BEGINNING, North 00 degrees 02 minutes 18 seconds West 282.60 feet; thence run North 89 degrees 18 minutes 36 seconds East 114.00 feet; thence run North 00 degrees 22 minutes 08 seconds West 201.25 feet to the southerly margin of 5<sup>th</sup> Street; thence run the following courses and distances along the southerly margin of 5<sup>th</sup> Street: North 70 degrees 35 minutes 55 seconds East 68.48 feet; North 63 degrees 18 minutes 49 seconds East 78.54 feet; North 66 degrees 34 minutes 05

seconds East 61.50 feet; North 73 degrees 17 minutes 52 seconds East 43.32 feet; North 78 degrees 41 minutes 38 seconds East 43.52 feet; North 80 degrees 09 minutes 21 seconds East 192.81 feet; North 77 degrees 52 minutes 49 seconds East 99.83 feet; North 86 degrees 22 minutes 32 seconds East 34.87 feet; South 89 degrees 51 minutes 13 seconds East 182.05 feet; South 00 degrees 08 minutes 47 seconds West 14.10 feet; South 89 degrees 51 minutes 13 seconds East 98.43 feet; South 57 degrees 51 minutes 38 seconds East 18.69 feet to a point on the new westerly right-of-way of Cowan Road; thence run South 00 degrees 13 minutes 18 seconds East 172.75 feet along the westerly right-of-way of Cowan Road; thence run North 89 degrees 54 minutes 18 seconds West 369.39 feet along the north line of property now or formerly of Webster; thence run South 00 degrees 02 minutes 52 seconds West 313.42 feet along the West line of Webster; thence run South 78 degrees 05 minutes 18 seconds West 651.56 feet along the north line of property now or formerly of Collins Building Service to the POINT OF BEGINNING.

**PARCEL II:**

A parcel of land situated and being located in the Northeast  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  of Section 31, Township 7 South, Range 10 West, and being in part of Lots 4, 5 and 6 of the Day-Baker Survey in Section 31, Township 7 South, Range 10 West, City of Gulfport, First Judicial District of Harrison County, Mississippi, and being more particularly described as follows, to-wit:

COMMENCING at the intersection of the northerly right-of-way of CSX Transportation (formerly L & N Railroad) with the east line of LAWLER ADDITION; thence run North 00 degrees 04 minutes 37 seconds West 387.62 feet along the east line of LAWLER ADDITION; thence run North 00 degrees 02 minutes 18 seconds West 282.60 feet; thence run North 89 degrees 18 minutes 36 seconds East 114.00 feet; thence run North 00 degrees 22 minutes 08 seconds West 239.99 feet to the northerly margin of 5<sup>th</sup> Street for the POINT OF BEGINNING of the parcel herein described; thence from said POINT OF BEGINNING, North 00 degrees 22 minutes 08 seconds West 158.44 feet; thence run North 89 degrees 54 minutes 46 seconds East 231.35 feet and along the south line of the TWIN CITY ADDITION; thence run South 89 degrees 51 minutes 13 seconds East 295.35 feet along the south line of TWIN CITY ADDITION; thence run South 00 degrees 02 minutes 52 seconds West 9.75 feet to the northerly margin of 5<sup>th</sup> Street; thence run the following courses and distances along the northerly margin of 5<sup>th</sup> Street: South 77 degrees 52 minutes 49 seconds West 67.35 feet; South 78 degrees 41 minutes 38 seconds West 45.31 feet; South 80 degrees 09 minutes 21 seconds West 102.60 feet; South 78 degrees 41 minutes 38 seconds West 45.31 feet; South 73 degrees 11 minutes 52 seconds West 46.50 feet; South 66 degrees 34 minutes 05 seconds West 64.11 feet; South 63 degrees 18 minutes 49 seconds West 77.48 feet; South 70 degrees 35 minutes 55 seconds West 56.23 feet to the POINT OF BEGINNING.

THE ABOVE DESCRIBED PROPERTY IS SUBJECT TO any easements, restrictive

covenants, rights-of-way, or oil, gas and mineral reservations of record.

ADVALOREM TAXES FOR THE CURRENT YEAR have been prorated as of this date on an estimated basis and are hereby assumed by the Grantee herein.

WITNESS OUR SIGNATURES, this 6<sup>th</sup> day of Feb., 2006.

Samuel Allen Baker III  
SAMUEL ALLEN BAKER, III  
Co-Executor of the Estate of Gertrude C. Baker

John Ware Baker  
JOHN WARE BAKER  
Co-Executor of the Estate of Gertrude C. Baker

STATE OF MISSISSIPPI  
COUNTY OF HARRISON

PERSONALLY APPEARED BEFORE ME, the undersigned authority in and for the aforesaid jurisdiction, the within named, SAMUEL ALLEN BAKER, III, and JOHN WARE BAKER, who, as Co-Executors of the Estate of Gertrude C. Baker, acknowledged that they signed and delivered the above and foregoing Co-Executors' Deed on the day and year therein mentioned.

GIVEN UNDER MY HAND and official seal of office, this 6<sup>th</sup> day of Feb., 2006.

[Signature]  
NOTARY PUBLIC  
My Commission Expires:

GRANTOR ADDRESS: 17315 Price Rd, Gulfport MS 39503-9106

PHONE NO.: 228-8323557 SSN: \_\_\_\_\_

GRANTEE ADDRESS: 351 Cowan Rd, Gulfport MS 39507

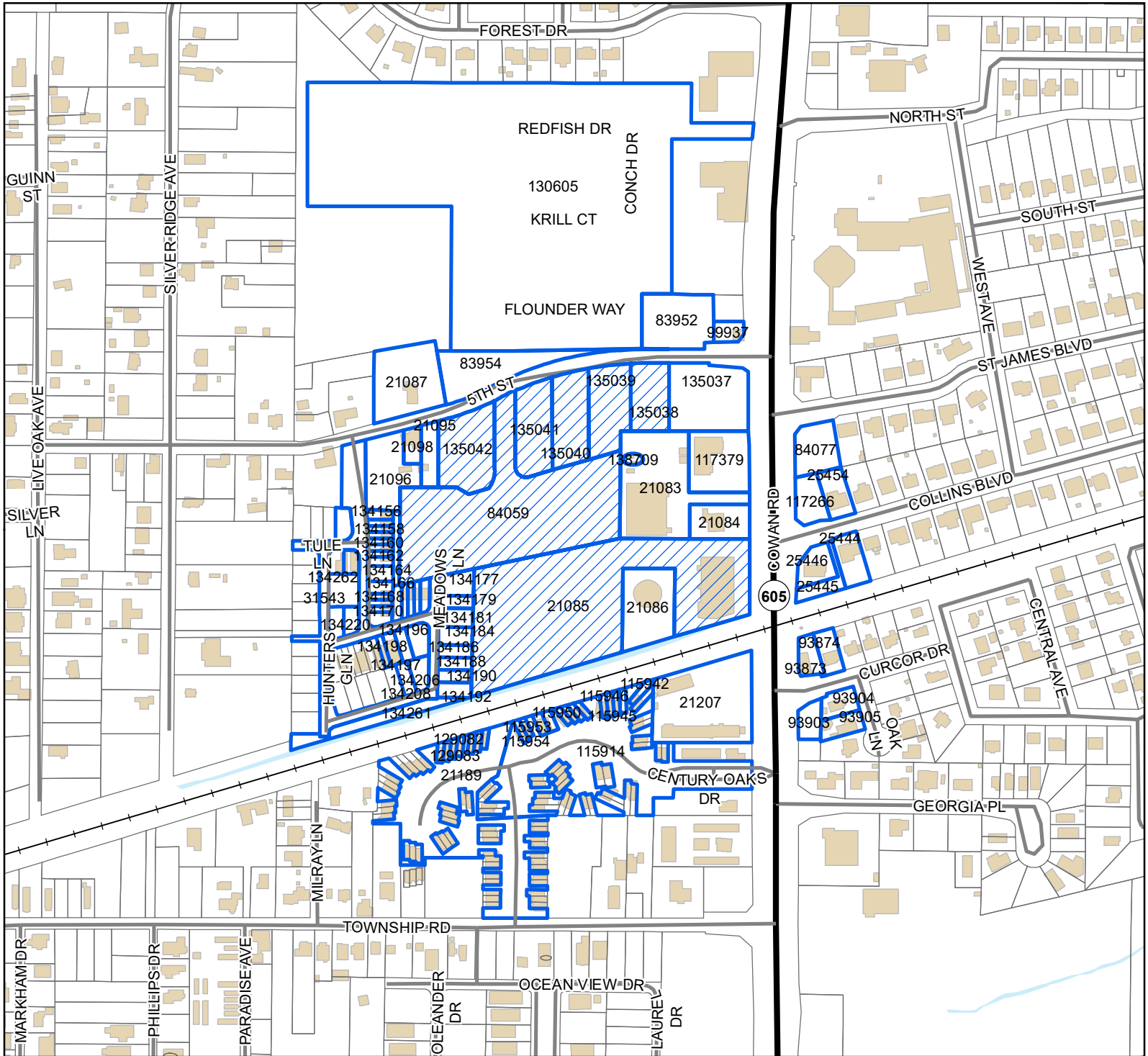
PHONE NO.: 228-8961120

Prepared By: MILLER & SMITH, 1922 23rd Avenue, Gulfport, Mississippi (228-864-2515)

Mail	PPIN	Parcel ID	Name	Address	City	State	ZIP
Y		1010M-01-005.000	COLLINS ENTERPRISES, INC (OWNER)	2720 CHANNEL PLACE	BILOXI	MS	39531
			HOGAN PROPERTIES LLC (OWNER)	351 COWAN RD	GULFPORT	MS	39507
			DONOVAN SCRUGGS (AGENT)	317 PINE DRIVE	OCEAN SPRINGS	MS	39564
			<b>Adjacent Property Owners(2507ZB084)</b>				
	25454	1010N-01-088.000	BLETHEN SHANNAN & MICHELLE	493 OAK LANE	GULFPORT	MS	39507
115948		1010M-03-010.073	FRANCIS DELVIN W & ANGELA F	1281 CENTURY OAKS DR APT C	GULFPORT	MS	39507
115949		1010M-03-010.074	BATISTE ROXANNE	207 VINEMONT DR	LAFAYETTE	LA	70501
	21087	1010M-01-018.000	RETTIG JOHN C JR & BETSY C	23416 S PINECREST RD	SAUCIER	MS	39574
117266		1010N-01-087.001	ROCK SOLID PROPERTY LLC	83 MORRELL CIR	HATTIESBURG	MS	39402
115950		1010M-03-010.075	BARTON AISHA	2526 CEZANNE CIR	MISSOURI CITY	TX	77459
	93904	1010N-04-011.003	HAPPY VACATIONS LLC	P O BOX 406	BILOXI	MS	39533
	21207	1010M-03-001.000	WW MAJURE HOLDINGS LLC	13 POPLAR CIRCLE	GULFPORT	MS	39507
115942		1010M-03-010.067	PITRE BLAKE PAUL	301 ROBERTA GROVE BLVD	HOUMA	LA	70363
117379		1010M-02-002.001	HOGAN PROPERTIES LLC	351 COWAN RD	GULFPORT	MS	39507
115941		1010M-03-010.066	FOGT DERICK L & THY N	5213 MONTIANO LANE	DUBLIN	CA	94568
115952		1010M-03-010.077	ENVISION REALTY LLC	457 MARY KAY CT	LINTHICUM HIGHTS	MO	21090
	93873	1010N-04-010.001	1803 LLC	P O BOX 7586	GULFPORT	MS	39506
115945		1010M-03-010.070	POTEET ANDREW	44057 NICOLAS CIR	HAMMOND	LA	70403
115947		1010M-03-010.072	BACHUS JACQUELINE BROWN	4512 S ROCHEBLAVE ST	NEW ORLEANS	LA	70125
115953		1010M-03-010.078	HAYWOOD EBONY	1261-B CENTURY OAKS DR, UNIT 52	GULFPORT	MS	39507
N	83954	1010M-01-016.000	HOGAN PROPERTIES LLC	351 COWAN RD	GULFPORT	MS	39507
	21095	1010M-02-006.000	EVANS IDELLA W ETAL	1801 COLONIAL LANE EAST	MOBILE	AL	36618
	25445	1010N-01-096.000	DALEY ROBERT M & JEREMIA R	P O BOX 4273	GULFPORT	MS	39502
N	21086	1010M-02-004.000	GULFPORT CITY OF				0
115946		1010M-03-010.071	GREENE NANCE R	6 CALLE HERMOSA	PENSACOLA BEACH	FL	32561
	99937	1010M-01-014.001	THOMAS JACK LEE & JACK DELL	944 CLEVELAND AVE	GULFPORT	MS	39507
	21098	1010M-02-007.000	MITCHELL JOHN ANTHONY & TARA MOORE	982 5TH ST	GULFPORT	MS	39507
	93905	1010N-04-011.004	BLETHEN SHANNAN R & MICHELLE L	493 OAK LANE	GULFPORT	MS	39507
	93874	1010N-04-010.002	CASTRO GEIDY MELIZA RAUDALES	1805 CURCOR DR	GULFPORT	MS	39507
115943		1010M-03-010.068	DANIEL ANNIE	4188 N MAIDEN DR	BATON ROUGE	LA	70809
N	84077	1010N-01-087.000	ROCK SOLID PROPERTY LLC	83 MORRELL CIR	HATTIESBURG	MS	39402
	21084	1010M-02-003.000	HUONG NGUYEN THI & PHONG LE	312 RODENBURG AVE	BILOXI	MS	39531
115944		1010M-03-010.069	BEARD PATRICIA & WILLIAM & MICHAEL	1283 C CENTURY OAK DR	GULFPORT	MS	39507
N	93903	1010N-04-011.002	1803 LLC	P O BOX 7586	GULFPORT	MS	39506
115951		1010M-03-010.076	HOANG PHILLIP	18028 ALLEN RD	LONG BEACH	MS	39560
115954		1010M-03-010.079	PHUNG ANDREW	85 PLUMERIA COURT	DANVILLE	CA	94506

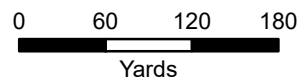
Mail	PPIN	Parcel ID	Name	Address	City	State	ZIP
	25446	1010N-01-095.000	HENDERSON RONALD D & NAKISHA W	11601 CARLENE DR	GULFPORT	MS	39503
	25444	1010N-01-097.000	ROBERTS QUITMAN C & SYDNEY F	2004 COLLINS BLVD	GULFPORT	MS	39507
	83952	1010M-01-015.000	SLIDE RULE LLC	1049 5TH STREET	GULFPORT	MS	39507
	134157	1010M-02-010.002	WESTBURY II LLC	P O BOX 389	BILOXI	MS	39533
N	134162	1010M-02-010.007	WESTBURY II LLC	P O BOX 389	BILOXI	MS	39533
N	134163	1010M-02-010.008	WESTBURY II LLC	P O BOX 389	BILOXI	MS	39533
	134164	1010M-02-010.009	HOSLEY-BEARDEN INVESTMENTS LLC	839B 28TH STREET STE 203	GULFPORT	MS	39507
N	134170	1010M-02-010.015	WESTBURY II LLC	P O BOX 389	BILOXI	MS	39533
	134172	1010M-02-010.017	OLD MISSION LLC	309 BARBER ST	SPRING LAKE	MI	49456
N	134173	1010M-02-010.018	OLD MISSION LLC	309 BARBER ST	SPRING LAKE	MI	49456
N	134179	1010M-02-010.024	HOSLEY-BEARDEN INVESTMENTS LLC	839B 28TH STREET STE 203	GULFPORT	MS	39501
N	134181	1010M-02-010.026	HOSLEY-BEARDEN INVESTMENTS LLC	839B 28TH STREET STE 203	GULFPORT	MS	39501
N	134192	1010M-02-010.037	HOSLEY-BEARDEN INVESTMENTS LLC	839B 28TH STREET STE 203	GULFPORT	MS	39501
N	135040	1010M-02-001.004	HOGAN PROPERTIES LLC	351 COWAN RD	GULFPORT	MS	39507
N	135039	1010M-02-001.003	HOGAN PROPERTIES LLC	351 COWAN RD	GULFPORT	MS	39507
N	134158	1010M-02-010.003	WESTBURY II LLC	P O BOX 389	BILOXI	MS	39533
N	134159	1010M-02-010.004	WESTBURY II LLC	P O BOX 389	BILOXI	MS	39533
N	134160	1010M-02-010.005	WESTBURY II LLC	P O BOX 389	BILOXI	MS	39533
N	134161	1010M-02-010.006	WESTBURY II LLC	P O BOX 389	BILOXI	MS	39533
N	134166	1010M-02-010.011	HOSLEY-BEARDEN INVESTMENTS LLC	839B 28TH STREET STE 203	GULFPORT	MS	39501
N	134168	1010M-02-010.013	WESTBURY II LLC	P O BOX 389	BILOXI	MS	39533
N	134169	1010M-02-010.014	WESTBURY II LLC	P O BOX 389	BILOXI	MS	39533
N	134174	1010M-02-010.019	OLD MISSION LLC	309 BARBER ST	SPRING LAKE	MI	49456
N	134175	1010M-02-010.020	OLD MISSION LLC	309 BARBER ST	SPRING LAKE	MI	49456
N	134177	1010M-02-010.022	HOSLEY-BEARDEN INVESTMENTS LLC	839 28TH STREET STE 203	GULFPORT	MS	39501
N	134184	1010M-02-010.029	HOSLEY-BEARDEN INVESTMENTS LLC	839B 28TH STREET STE 203	GULFPORT	MS	39501
N	134186	1010M-02-010.031	HOSLEY-BEARDEN INVESTMENTS LLC	839B 28TH STREET STE 203	GULFPORT	MS	39501
N	134188	1010M-02-010.033	HOSLEY-BEARDEN INVESTMENTS LLC	839B 28TH STREET STE 203	GULFPORT	MS	39501
N	134190	1010M-02-010.035	HOSLEY-BEARDEN INVESTMENTS LLC	839B 28TH STREET STE 203	GULFPORT	MS	39501
N	134196	1010M-02-010.041	HOSLEY-BEARDEN INVESTMENTS LLC	839B 28TH STREET STE 203	GULFPORT	MS	39501
N	134197	1010M-02-010.042	OLD MISSION LLC	309 BARBER ST	SPRING LAKE	MI	49456
N	134198	1010M-02-010.043	OLD MISSION LLC	309 BARBER ST	SPRING LAKE	MI	49456
N	134208	1010M-02-010.053	HOSLEY-BEARDEN INVESTMENTS LLC	839B 28TH STREET STE 203	GULFPORT	MS	39501
N	134262	1010M-02-010.107	HOSLEY-BEARDEN INVESTMENTS LLC	839B 28TH STREET STE 203	GULFPORT	MS	39501
N	135038	1010M-02-001.002	HOGAN PROPERTIES LLC	351 COWAN RD	GULFPORT	MS	39507
N	135037	1010M-02-001.001	HOGAN PROPERTIES LLC	351 COWAN RD	GULFPORT	MS	39507

Mail	PPIN	Parcel ID	Name	Address	City	State	ZIP
	138709	1010M-02-002.002	SPECTRASITE COMMUNICATIONS -LESSEE-	C/O PROPERTY TAX DEPT	ATLANTA	GA	31139
	21085	1010M-02-005.001	COLLINS ENTERPRISES INC	2720 CHANNEL PLACE	BILOXI	MS	4E+08
	21083	1010M-02-002.000	CATHOLIC SOCIAL & COMMUNITY SERVICE	1790 POPPS FERRY RD	BILOXI	MS	39532
N	21096	1010M-02-008.000	MITCHELL JOHN ANTHONY & TARA MOORE	982 5TH ST	GULFPORT	MS	39507
N	134156	1010M-02-010.001	WESTBURY II LLC	P O BOX 389	BILOXI	MS	39533
	115914	1010M-03-010.040	IMPERIAL DEVELOPMENT III LLC	7555 HWY 98 WEST	PENSACOLA	FL	32506
	129079	1010M-03-010.154	C'EST FOU SERVICES LLC	996 EL MONTE AVE	MOUNTAIN VIEW	CA	94040
	129080	1010M-03-010.155	WM PROPERTIES COMPANY	900 CEDAR AVE N	MAPLE LAKE	MN	55358
	129081	1010M-03-010.156	FARRIER RODNEY -TRUSTEE-	2842 PARK HILL DR	KATY	TX	77494
	129082	1010M-03-010.157	RJB VENTURES LLC	4730 SOUTH FORT APACHE RD STE 300	LAS VEGAS	NV	9E+08
	129083	1010M-03-010.158	GOODMAN ROY M & MARIELA L	1225 CENTURY OAKS DR UNIT C	GULFPORT	MS	39507
	129084	1010M-03-010.159	BUNT DANIEL JOHN & EMILY	1225 CENTURY OAKS DR APT B	GULFPORT	MS	39507
	129085	1010M-03-010.160	CHAN ANNA -TRUSTEE-	218 MISSION ST	SANTA CRUZ	CA	95060
N	21189	1010M-03-010.000	IMPERIAL DEVELOPMENT III LLC	7555 HWY 98 WEST	PENSACOLA	FL	32506
N	134228	1010M-02-010.073	HOSLEY-BEARDEN INVESTMENTS LLC	839B 28TH STREET STE 203	GULFPORT	MS	39501
N	134171	1010M-02-010.016	WESTBURY II LLC	P O BOX 389	BILOXI	MS	39533
N	134176	1010M-02-010.021	OLD MISSION LLC	309 BARBER ST	SPRING LAKE	MI	49456
N	134261	1010M-02-010.106	HOSLEY-BEARDEN INVESTMENTS LLC	839B 28TH STREET STE 203	GULFPORT	MS	39501
N	134194	1010M-02-010.039	HOSLEY-BEARDEN INVESTMENTS LLC	839B 28TH STREET STE 203	GULFPORT	MS	39501
N	134206	1010M-02-010.051	HOSLEY-BEARDEN INVESTMENTS LLC	839B 28TH STREET STE 203	GULFPORT	MS	39501
N	134220	1010M-02-010.065	HOSLEY-BEARDEN INVESTMENTS LLC	839B 28TH STREET STE 203	GULFPORT	MS	39501
N	134224	1010M-02-010.069	HOSLEY-BEARDEN INVESTMENTS LLC	839B 28TH STREET STE 203	GULFPORT	MS	39501
N	31543	1010M-02-010.000	HOSLEY-BEARDEN INVESTMENTS LLC	839B 28TH STREET STE 203	GULFPORT	MS	39501
N	84059	1010M-02-001.000	HOGAN PROPERTIES LLC	351 COWAN RD	GULFPORT	MS	39507
N	135042	1010M-02-001.006	HOGAN PROPERTIES LLC	351 COWAN RD	GULFPORT	MS	39507
N	135041	1010M-02-001.005	HOGAN PROPERTIES LLC	351 COWAN RD	GULFPORT	MS	39507
	130605	1010M-01-013.001	GULF GROVE OF GULFPORT LLC	14397 CREOSOTE RD	GULFPORT	MS	39503



## Legend

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



1 inch = 400 feet



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

## AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Cols	Depth
51445	10439	Legal Ad - IPL0236183	ZB legal	2.0	124.0L

ATTENTION: GULFPORT URBAN DEVELOPMENT IP  
 PO BOX 1780  
 GULFPORT, MS 39502  
 accountspayable@gulfport-ms.gov

STATE OF MISSISSIPPI  
 COUNTY OF HARRISON  
 Before me, the undersigned Notary of Beaufort County, South Carolina personally appeared the undersigned, who, being by me first duly sworn, did depose and say that he/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:

1.0 insertion(s) published on:  
 06/04/25 Print

**LEGAL NOTICE  
 PUBLIC HEARING**

In conformance with Section VIII of the Comprehensive Zoning Ordinance of the City of Gulfport, Mississippi, 1979, as amended, notice is hereby given advising that the Zoning Board of Adjustment and Appeals will hold a public hearing in the City of Gulfport, Mississippi at 3:00 P.M., Thursday, June 19, 2025 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 2502ZB024**, by agent David John Hunter, seeking approval for an 8 foot setback where 25 feet is required for a secondary frontage, Tax Parcel 0911F-01-035.000, 500 East Beach Blvd, Zoned R-1-7.5 (Single-Family), Ward 2

**Variance 2506ZB072**, by owner Savannah Walk Townhomes LLC, seeking approval for a sign structure height of 12.5 feet where 6 feet is the height limit, Tax Parcel 0807G-01-001.000, South Swan Road, Zoned R-1-15 (Single-family), Ward 7

**Variance 2506ZB074**, by agent Michael Cowan, seeking approval for an 11-foot secondary frontage setback where 25 feet is required, Tax Parcel 07100-01-012.000, 2900 43rd Ave, Zoned R-B (Residence-Business), Ward 1

**Variance 2506ZB075**, by agent Michael Cowan, seeking approval for lot size of 5,000 square feet where 7,500 is required, Tax Parcel 07100-01-012.000, 07100-01-012.001, 07100-03-033.000, 07100-03-032.000, 2900 43rd Ave, 2920 43rd Ave, Zoned R-B (Residence-Business), Ward 1

**Variance 2506ZB076**, by owner Daniel Samms, seeking approval for an 8-foot tall fence where 6 feet is the height limit, Tax Parcel 0911D-06-049.000, 2621 6th Ave, Zoned R-1-7.5 (Single-family), Ward 2

**Special Exception 2506SE077**, by agent Charfonya Boose, seeking approval for a liquor store use, Tax Parcel 0910N-07-007.000, 406 Pass Road, Zoned B-2 (General Business), Ward 4

**Variance 2506ZB078**, by owner Ancillary Capital LLC, seeking approval for an 8-foot-tall fence where the height limit is 6 feet, Tax Parcel 0811L-03-030.001, 1114 33rd Ave, Zoned T4+ (General Urban Zone "Plus"), Ward 2

**Variance 2506ZB079**, by owner Ancillary Capital LLC, seeking approval for an 8-foot-tall fence where the height limit is 6 feet, Tax Parcel 0811L-03-034.000, 1115 33rd Ave, Zoned T4+ (General Urban Zone "Plus"), Ward 2

**Variance 2507ZB084**, by agent Donovan Scruggs, seeking approval for lot sizes of 4,000 square feet for single-family homes where 7,500 square feet is required, Tax Parcels 1010M-02-001.000, 1010M-02-001.002, 1010M-02-001.003, 1010M-02-001.004, 1010M-02-001.005, 1010M-02-001.006, 1010M-02-005.001, 5th Street, Zoned B-2 (General-Business), T4L (General Urban Zone "Limited"), T4+ (General Urban Zone "Plus"), Ward 2

**Special Exception 2507SE086**, by owner Vintage Properties LLC, seeking approval for a liquor store use, Tax Parcel 0910N-06-019.000, 423 Pass Road, Zoned B-2 (General-Business), Ward 3

This the 28th day of May 2025  
 A. Leslie North, Chairman  
 City of Gulfport Zoning Board of Adjustment and Appeals  
 IPL0236183  
 Jun 4 2025

[Print Tearsheet Link](#)

[Marketplace Link](#)

*Julie Ambry*

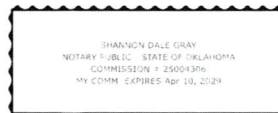


Julie Ambry

*Shannon Dale Gray*



Sworn to and subscribed before me this 2nd day of June in the year of 2025



Online Notary Public. This notarial act involved the use of online audio/video communication technology. Notarization facilitated by SIGNIX®  
 Notary Public in and for the state of South Carolina,  
 residing in Beaufort County



URBAN DEVELOPMENT  
PLANNING & ZONING  
PO BOX 1780 | GULFPORT, MS | 1410 24<sup>TH</sup> AVENUE  
228.868.5710 | [PLANNERS@GULFPORT-MS.GOV](mailto:PLANNERS@GULFPORT-MS.GOV)

## ZONING BOARD OF ADJUSTMENT AND APPEALS

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**Hearing Date: Thursday, June 19, 2025**

**Special Exception 2507SE086: Special Exception 2507SE086, by owner Vintage Properties LLC, seeking approval for a liquor store use, Tax Parcel 0910N-06-019.000, 423 Pass Road, Zoned B-2 (General-Business), Ward 3**

# Technical Report

## *SPECIAL EXCEPTION*

### **GENERAL INFORMATION**

Case File Number: 2507SE086

Hearing Date: Zoning Board June 19, 2025  
Planning Commission June 26, 2025

Current Zoning/Use: B-2 / Commercial Structure

Legal: Special Exception 2507SE086, by owner Vintage Properties LLC, seeking approval for a liquor store use, Tax Parcel 0910N-06-019.000, 423 Pass Road, Zoned B-2 (General-Business), Ward 3

### **TECHNICAL DETAILS**

The applicant is requesting special exception to an existing liquor store located at 423 Pass Road, zoned B-2 (General Business). The applicant stated that the business has been operating for over 50 years and thought that they were grandfathered in with the City of Gulfport. The applicant was unaware that they needed a privilege license and wanted to become compliant with the City of Gulfport. Ordinance 3158 approved on August 3, 2022, eliminated the distance requirements required in the chart of permitted uses for these establishments, however the proposed liquor store is still required to go through Special Exception. The applicant has provided an affidavit that the state requires, that lets us know that the applicant is compliant with Mississippi Code 67-1-51. According to Mississippi Code 67-1-51 section (3) (a), " Except as otherwise provided in this subsection, no authority shall be granted to any person to manufacture, sell or store for sale any intoxicating liquor as specified in this article within four hundred (400) feet of any church, school (excluding any community college, junior college, college or university), kindergarten or funeral home. However, within an area zoned commercial or business, such minimum distance shall be not less than one hundred (100) feet." The closest church, Life Church, being approximately 1,284 feet away from the subject site. The liquor store is located between two Elementary Schools. Central Elementary is approximately 3,509 feet away and Pass Road Elementary is located 2,144 feet away. Upon staff review of the surrounding area, the area is a commercial zone. Commercial businesses that are located nearby include Pass Road Mini Storage, located across the street at 500 Pass Road. Directly behind the liquor store is House of Carpet at 3206 B Avenue, and Jamison Auto Group at 3204 B Avenue.

### **EXECUTIVE SUMMARY**

The applicant is seeking approval for a liquor store in a B-2 zoning district. The applicant states that they have been operating at this location for over 50 years at the current location of 423 Pass Road. The applicant cites that ingress and egress for vehicles and pedestrians will utilize the current, established entrances and exits serving Pass Road and B Avenue. The applicant says that there are no issues with utilities, access, or parking with the proposed site and use. No variance will be needed for backing out into city right-of-way will be needed for this property since it is pre-existing non-conforming on Pass Road. The City of Gulfport's off-street parking ordinances require 1 parking space per 300 square feet of gross-floor area. The building is

# Technical Report

## SPECIAL EXCEPTION

approximately 4,609 square feet and has 17 parking spaces including one van accessible parking space. Even though this has been operating for over 50 years, the current zoning district for liquor store use requires approval from both the Zoning Board and Planning Commission, so they can be compliant with the City of Gulfport.

Any approval should consider these conditions:

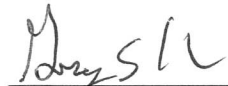
1. Liquor store use approval requires both the Zoning Board and Planning Commission.
2. Must comply with all current Building Codes and City of Gulfport Ordinances.

### **DEPARTMENTAL CONDITIONS**

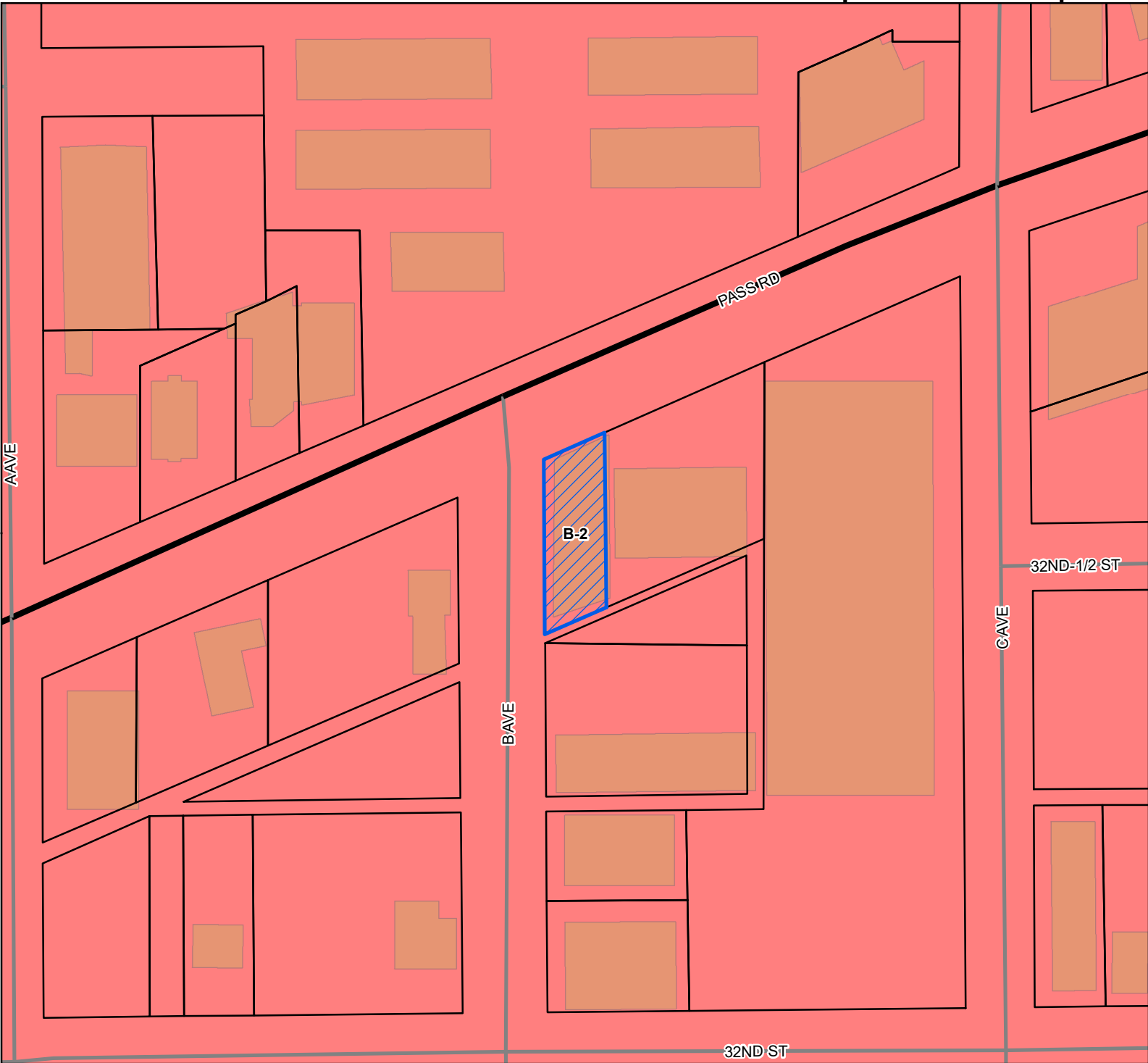
<b><u>Engineering:</u></b>	No conditions. Memo dated 6/6/25.
<b><u>Public Works:</u></b>	No conditions. Memo dated 6/6/25.
<b><u>Traffic and Safety:</u></b>	No conditions. Memo dated 6/6/25.
<b><u>Building Code Services:</u></b>	Must comply with all current Building Codes and City of Gulfport Ordinances. Memo dated 6/2/2025.
<b><u>GIS:</u></b>	No conditions. Memo dated 6/3/2025.
<b><u>Police Department:</u></b>	No comment as of 6/6/2025.
<b><u>Fire Department:</u></b>	No conditions. Memo dated 6/2/2025.
<b><u>City Arborist:</u></b>	No conditions. Memo dated 6/2/2025.







### **DIRECTOR APPROVAL**

This report has been reviewed and approved by:

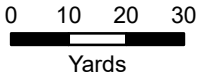


\_\_\_\_\_  
Greg Holmes  
Director of Urban Development Department



-  Site
-  US or State Highway
-  Street
-  Parcels
-  Buildings
- Zoning**
-  B-2 - General Business District

**Site Information**  
 0910N-06-019.000  
 Zoning: B-2 (General Business)  
 Size: 5562.41 sqft  
 Flood: X



1 inch = 100 feet



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



CASE NUMBER  
25075E1086

5-12-25 SS  
Recpt# 13296273

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

## ZONING BOARD OF ADJUSTMENTS AND APPEALS APPLICATION

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

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

### TAX PARCEL NUMBERS

0	9	1	0	N	-	0	6	-	0	1	9	.	0	0	0							

Property Address:

423 Pass Road

Lot(s) \_\_\_\_\_ Block(s) \_\_\_\_\_ Subdivision \_\_\_\_\_

General Description of Request:

compliance of city ordinance to  
continue operating as current liquor store

### 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:**

MICHAEL J. MENSI

Printed Name of Owner  
423 Pass Road

Mailing Address  
Gulfport Ms. 39507

City State Zip Code  
228-806-8493 228-863-1848

Home Phone Work/Cell Phone  
mmensi sr@qmail.com

Email  
Michael J Mensi

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, Michael J. Mewis being property owner or agent of the property 423 Pass Road  
PRINT NAME PRIMARY ADDRESS OR PARCEL

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

Michael J Mewis  
SIGNATURE

May 14, 2025  
DATE

## STATE OF MISSISSIPPI | COUNTY OF HARRISON

Given under my hand and seal of office this the 12th day of May, 20 25

Matilda Welch  
NOTARY PUBLIC



COMMISSION EXPIRATION



**State Distance Regulations Affidavit**

I, Michael J. Mensi, being owner or agent of the property 423 Pass Road  
PRINT NAME PRIMARY ADDRESS OR PARCEL

which is the subject of this application, shall operate in compliance with Miss. Code Ann. § 67-1-51, as amended, and demonstrates and certifies that the request meets the distance requirements set forth in state law or adopted state regulations. (e.g., Miss. Code Ann. § 67-1-51 (3), as amended)

Michael J. Mensi  
Signature

May 22, 2025  
Date

**STATE OF MISSISSIPPI | COUNTY OF HARRISON**

Given under my hand and seal of office this the 22<sup>nd</sup> day of May, 2025

Samuel Sweeting  
Notary Public

05/22/2027  
Commission Expiration



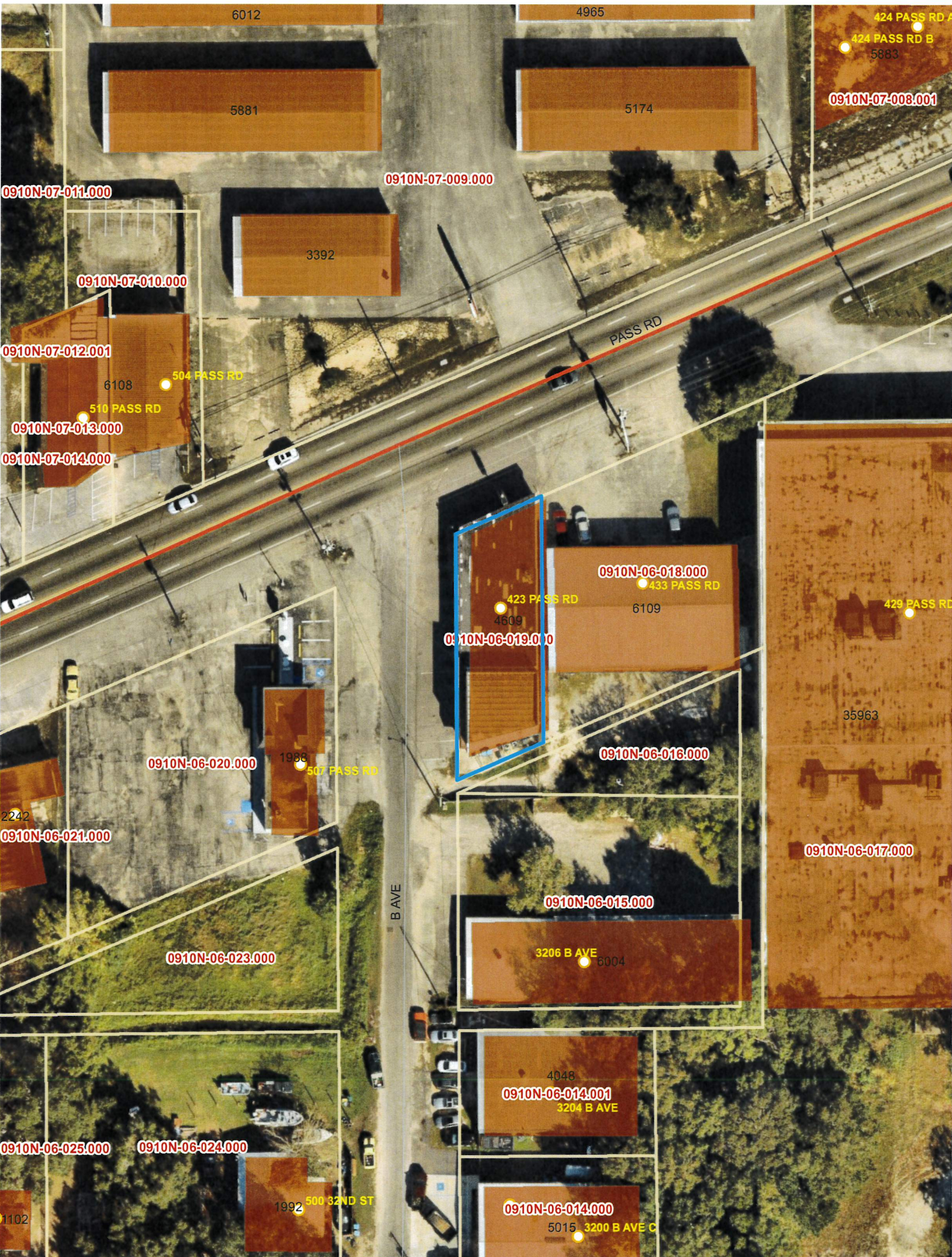
# Variance Submission

May 12, 2025

- #1 Location on major thoroughfare  
grandfather in for location
- #2 Property is presenting no changes  
were planned. Been in business  
for 58 years.
- #3 same as past.
- #4 as is
- #5 as is;
- #6 none
- #7 owns adjacent Property;
- 8

Transportation & access  
are pre existing at location  
Water supply & waste city of West  
Fire & Police city of West.  
we are in harmony with surrounding area.

Michael J. M...



6012

4965

424 PASS RD A

424 PASS RD B

5883

0910N-07-008.001

5881

5174

0910N-07-009.000

0910N-07-011.000

3392

0910N-07-010.000

0910N-07-012.001

6108

504 PASS RD

510 PASS RD

0910N-07-013.000

0910N-07-014.000

PASS RD

0910N-06-018.000

433 PASS RD

423 PASS RD

4609

6109

0910N-06-019.000

429 PASS RD

35963

0910N-06-020.000

1988

507 PASS RD

0910N-06-016.000

2242

0910N-06-021.000

0910N-06-017.000

0910N-06-023.000

0910N-06-015.000

3206 B AVE

6004

4048

0910N-06-014.001

3204 B AVE

0910N-06-025.000

0910N-06-024.000

1102

1992

500 32ND ST

0910N-06-014.000

5015 3200 B AVE C



# Michael Watson

## SECRETARY OF STATE

This is not an official certificate of good standing.

### Name History

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Name	Name Type
VINTAGE PROPERTIES, LLC	Legal

### Business Information

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<b>Business Type:</b>	Limited Liability Company
<b>Business ID:</b>	672766
<b>Status:</b>	Good Standing
<b>Effective Date:</b>	07/02/1999
<b>State of Incorporation:</b>	Mississippi
<b>Principal Office Address:</b>	19 KIMBALL DRIVE, 19 KIMBALL DRIVE GULFPORT, MS 39507

### Registered Agent

---

**Name**  
MICHAEL J MENSIS SR  
2309 6TH AVE  
GULFPORT, MS 39501

### Officers & Directors

---

Name	Title
Michael J Mensi Sr 19 KIMBALL DRIVE GULFPORT, MS 39507	Manager

STATE OF MISSISSIPPI  
COUNTY OF HARRISON  
FIRST JUDICIAL DISTRICT

QUITCLAIM 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 of all of which is hereby acknowledged, WE, *MICHAEL J. MENSI and wife, PAULINE G. MENSI*, do hereby grant, bargain, sell and quitclaim unto *VINTAGE PROPERTIES, LLC*, that certain tract, piece or parcel of land situated and being located in the *First* Judicial District of *Harrison* County, State of Mississippi, more particularly described as follows, to-wit:

**Lots 1 and 2, Block 9, Revision of MAGNOLIA GROVE ADDITION to the City of Gulfport as per map or plat thereof on file and of record in the office of the Chancery Clerk of the First Judicial District of Harrison County, Mississippi.**

**This being the same property previously conveyed to Michael J. Mensi and wife, Pauline G. Mensi in Warranty Deed dated August 1, 1989, and recorded August 3, 1989, in Deed Book 1136 at Page 524.**

IN WITNESS WHEREOF, We set and subscribe our signatures on this the 30 day of October, 1999.

  
MICHAEL J. MENSI

  
PAULINE G. MENSI

TITLE NOT EXAMINED

✓

STATE OF MISSISSIPPI  
COUNTY OF HARRISON

BOOK 1476 PAGE 55

PERSONALLY APPEARED BEFORE ME, the undersigned authority in and for the above stated jurisdiction, the within named **MICHAEL J. MENSI and wife, PAULINE G. MENSI**, who acknowledged that they signed and delivered the foregoing Quitclaim Deed on the day and year therein written as their own free and voluntary act and deed.

GIVEN under my hand and official seal on this the 30 day of October, 1999.

*John Smith*  
NOTARY PUBLIC

MY COMMISSION EXPIRES:

My Commission Expires August 26, 2002

GRANTOR'S ADDRESS: 2309 6<sup>th</sup> Avenue, Gulfport, MS 39501  
GRANTOR'S NUMBER: (228) 864-9166

GRANTEE'S ADDRESS: 2309 6<sup>th</sup> Avenue, Gulfport, MS 39501  
GRANTEE'S NUMBER: (228) 864-9166

This Document Prepared By:

ANDREW MARION  
Attorney-at-Law  
1919 23<sup>rd</sup> Avenue  
P.O. Box 863  
Gulfport, MS 39502  
Telephone (228)-865-9047  
Telecopier (228)-865-9049  
Ms. Bar No. 1866

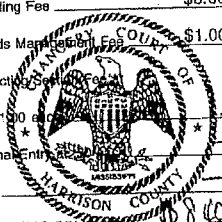
TITLE NOT EXAMINED

Page :

Instrument No. 9500

STATEMENT OF FEES

Recording Fee \$6.00  
Records Management Fee \$1.00  
Abstract 00  
Marginal Entry 00  
Other 00  
TOTAL FEES COLLECTED \$7.00



STATE OF MISSISSIPPI, COUNTY OF HARRISON, FIRST JUDICIAL DISTRICT:

I hereby certify that this instrument was received and filed for record at 1 o'clock  
and 35 minutes P M. on 10th day of October, A.D. 1999  
and recorded Dec. 13, 1999 in Records of Deeds

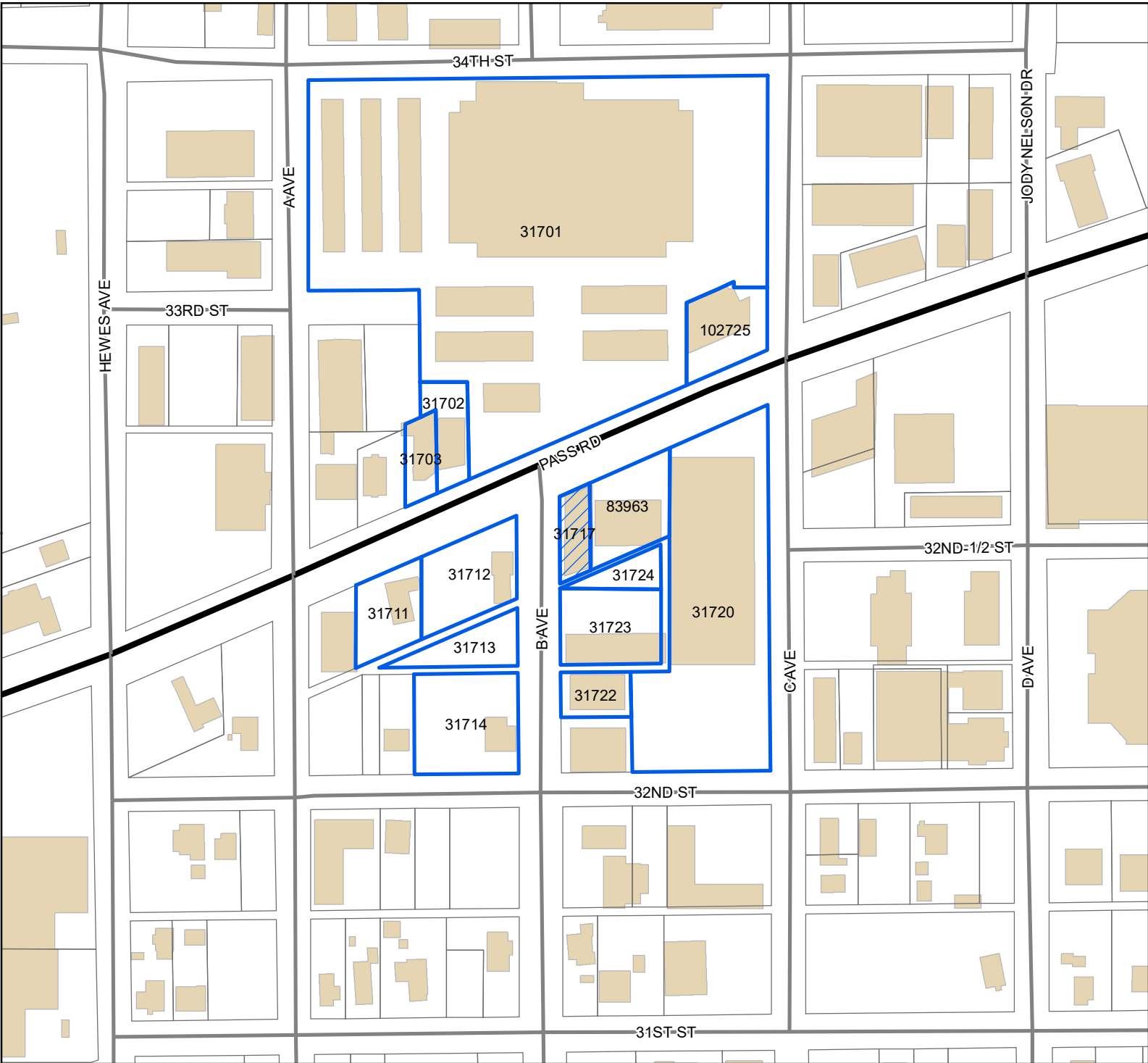
Book 1476 Pages 54-55

*John MacAdams*  
JOHN MACADAMS, Chancery Clerk  
D.C.





LAWRENCE GREENWOOD 00685

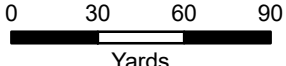


Mail	PPIN	Parcel ID	Name	Address	City	State	ZIP
Y		0910N-06-019.000	VINTAGE PROPERTIES LLC (OWNER)	423 PASS RD	GULFPORT	MS	39507
			<b>Adjacent Property Owners (2507SE086)</b>				
	31723	0910N-06-015.000	BEATTIES JACK	3206 B AVE	GULFPORT	MS	39501
	31717	0910N-06-019.000	VINTAGE PROPERTIES LLC	19 KIMBELL DR	GULFPORT	MS	39507
	31702	0910N-07-010.000	HERNANDEZ YANI FLORIDALMA XITUMUL	2411 DEMARET DR	GULFPORT	MS	39507
	31720	0910N-06-017.000	JOHN C ROBINSON BROWN CONDOR ASSN	C/O CITY OF GULFPORT -LESSOR-	GULFPORT	MS	4E+08
	31712	0910N-06-020.000	AUTO CASH INC	521 CEDAR AVE	CRESTVIEW	FL	32539
	102725	0910N-07-008.001	ANEDEE HOLDING LLC	P O BOX 1925	GULFPORT	MS	39502
N	31724	0910N-06-016.000	VINTAGE PROPERTIES LLC	19 KIMBALL DRIVE	GULFPORT	MS	39507
	31722	0910N-06-014.001	JAMISON JAMIE	3204 B AVE	GULFPORT	MS	39507
	31714	0910N-06-024.000	BREWER INGLE C JR & LEE MICHEAL	7360 RUSHING ROBINSON RD	BILOXI	MS	39532
	31711	0910N-06-021.000	HLR PROPERTIES LLC	1115 PASS RD	GULFPORT	MS	39501
N	31713	0910N-06-023.000	VINTAGE PROPERTIES LLC	19 KIMBELL DR	GULFPORT	MS	39507
N	31703	0910N-07-013.000	HERNANDEZ YANI FLORIDALMA XITUMUL	2411 DEMARET DR	GULFPORT	MS	39507
N	83963	0910N-06-018.000	VINTAGE PROPERTIES LLC	19 KIMBALL DRIVE	GULFPORT	MS	39507
	31701	0910N-07-009.000	3K'S LLC ETAL	150 GOVERNMENT ST	MOBILE	AL	36602



Legend

-  Site
-  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.

## AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Cols	Depth
51445	10439	Legal Ad - IPL0236183	ZB legal	2.0	124.0L

ATTENTION: GULFPORT URBAN DEVELOPMENT IP  
 PO BOX 1780  
 GULFPORT, MS 39502  
 accountspayable@gulfport-ms.gov

STATE OF MISSISSIPPI  
 COUNTY OF HARRISON

Before me, the undersigned Notary of Beaufort County, South Carolina personally appeared the undersigned, who, being by me first duly sworn, did depose and say that he/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:

1.0 insertion(s) published on:  
 06/04/25 Print

**LEGAL NOTICE  
 PUBLIC HEARING**

In conformance with Section VIII of the Comprehensive Zoning Ordinance of the City of Gulfport, Mississippi, 1979, as amended, notice is hereby given advising that the Zoning Board of Adjustment and Appeals will hold a public hearing in the City of Gulfport, Mississippi at 3:00 P.M., Thursday, June 19, 2025 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 2502ZB024**, by agent David John Hunter, seeking approval for an 8 foot setback where 25 feet is required for a secondary frontage, Tax Parcel 0911F-01-035.000, 500 East Beach Blvd, Zoned R-1-7.5 (Single-Family), Ward 2

**Variance 2506ZB072**, by owner Savannah Walk Townhomes LLC, seeking approval for a sign structure height of 12.5 feet where 6 feet is the height limit, Tax Parcel 0807G-01-001.000, South Swan Road, Zoned R-1-15 (Single-family), Ward 7

**Variance 2506ZB074**, by agent Michael Cowan, seeking approval for an 11-foot secondary frontage setback where 25 feet is required, Tax Parcel 07100-01-012.000, 2900 43rd Ave, Zoned R-B (Residence-Business), Ward 1

**Variance 2506ZB075**, by agent Michael Cowan, seeking approval for lot size of 5,000 square feet where 7,500 is required, Tax Parcel 07100-01-012.000, 07100-01-012.001, 07100-03-033.000, 07100-03-032.000, 2900 43rd Ave, 2920 43rd Ave, Zoned R-B (Residence-Business), Ward 1

**Variance 2506ZB076**, by owner Daniel Samms, seeking approval for an 8-foot tall fence where 6 feet is the height limit, Tax Parcel 0911D-06-049.000, 2621 6th Ave, Zoned R-1-7.5 (Single-family), Ward 2

**Special Exception 2506SE077**, by agent Charfonya Boose, seeking approval for a liquor store use, Tax Parcel 0910N-07-007.000, 406 Pass Road, Zoned B-2 (General Business), Ward 4

**Variance 2506ZB078**, by owner Ancillary Capital LLC, seeking approval for an 8-foot-tall fence where the height limit is 6 feet, Tax Parcel 0811L-03-030.001, 1114 33rd Ave, Zoned T4+ (General Urban Zone "Plus"), Ward 2

**Variance 2506ZB079**, by owner Ancillary Capital LLC, seeking approval for an 8-foot-tall fence where the height limit is 6 feet, Tax Parcel 0811L-03-034.000, 1115 33rd Ave, Zoned T4+ (General Urban Zone "Plus"), Ward 2

**Variance 2507ZB084**, by agent Donovan Scruggs, seeking approval for lot sizes of 4,000 square feet for single-family homes where 7,500 square feet is required, Tax Parcels 1010M-02-001.000, 1010M-02-001.002, 1010M-02-001.003, 1010M-02-001.004, 1010M-02-001.005, 1010M-02-001.006, 1010M-02-005.001, 5th Street, Zoned B-2 (General-Business), T4L (General Urban Zone "Limited"), T4+ (General Urban Zone "Plus"), Ward 2

**Special Exception 2507SE086**, by owner Vintage Properties LLC, seeking approval for a liquor store use, Tax Parcel 0910N-06-019.000, 423 Pass Road, Zoned B-2 (General-Business), Ward 3

This the 28th day of May 2025  
 A. Leslie North, Chairman  
 City of Gulfport Zoning Board of Adjustment and Appeals  
 IPL0236183  
 Jun 4 2025

[Print Tearsheet Link](#)

[Marketplace Link](#)

*Julie Ambry*

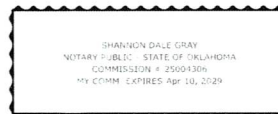


Julie Ambry

*Shannon Dale Gray*



Sworn to and subscribed before me this 2nd day of June in the year of 2025



Online Notary Public. This notarial act involved the use of online audio/video communication technology. Notarization facilitated by SIGNIX

Notary Public in and for the state of South Carolina,  
 residing in Beaufort County