

Place: Jackie Dole Sherrill Community Center (Dining Room)

Time: 3:30 PM

Board of Adjustment

AGENDA

8/4/2021

I. Business Meeting

1. Review and approval of August meeting's agenda
2. Review and approval of the minutes of the June meeting
3. Planning Report
4. Chair's Report
5. Introductions

II. Public Hearing

1. Presentation of Petitions for Public Hearing

A. A petition has been filed by Robert Green, Owner, as required in the Land Development, Ord. No. 3209, to request a variance from LDC Sec.7.5.2.2 which states "Curb cuts, except where shared, shall be located a minimum of 10 feet from a parcel or lot line." and instead allow for a curb cut zero (0) feet from the parcel line, for a variance of ten (10) feet for a proposed parking lot to be located at 317 Rosa Ave (Parcel 2-038B-15-226.00, PPIN 13840, Ward 2).

B. A petition has been filed by Robert Green, Owner, as required in the Land Development, Ord. No. 3209, to request a variance from from Sec. 7.10.10.1 which states "There shall be a minimum of 20 square feet of interior landscaped area provided within each parking lot for each parking space provided exclusive of landscape islands" and instead allow for zero (0) square feet interior landscaped area for a variance of one hundred eighty (180) square feet for a proposed parking lot to be located at 317 Rosa Ave (Parcel 2-038B-15-226.00, PPIN 13840, Ward 2).

C. A petition has been filed by Robert Green, Owner, as required in the Land Development, Ord. No. 3209, to request a variance from LDC Table 7.11-2, B-2 20' zoning buffer requirement and instead allow a zoning buffer of zero (0) feet for variance of twenty (20) feet for a proposed parking lot to be located at 317 Rosa Ave (Parcel 2-038B-15-226.00, PPIN 13840, Ward 2).

- A petition has been filed by Louis Gagnet, Owner, as required in the Land Development, Ord. No. 3209, to request a variance from LDC Sec.5.4.5.2 which states “No permanently established outdoor amusement facilities, such as miniature golf courses, skateboard courses, or mechanical rides shall be located within 500 feet of the closest point of any abutting property line located in a residential district” and instead allow for outdoor amusement facilities, specifically regulation outdoor volleyball courts, to be located sixty-five (65) feet from the abutting residential property line, for a variance of four hundred thirty-five (435) feet for a proposed amusement facility located at 309 Mobile Street (Parcel 2-029J-10-004.00, PPIN 15665, Ward 2).
- D.

III. Other Business

IV. Adjournment

**MINUTES OF THE
REGULAR MEETING OF THE
HATTIESBURG BOARD OF ADJUSTMENT**

June 2, 2021

The Hattiesburg Board of Adjustment did meet in regular session on June 2, 2021 at 3:30 PM at the Jackie Dole Community Center, 220 West Front Street, Hattiesburg, Mississippi. Shawn Harris, Chair, presided over the meeting. A quorum was indicated and the attendance was as follows:

Board Members Present: Bruce Betts, Vice-Chair
Victoria Bolls
Dick Conville
Bernard Green
Shawn Harris, Chair
Lucy Parkman
James Trussell (via GoToMeeting)
Brandon Williams (via GoToMeeting)

Board Members Absent: James Hughes
Stacy Ready

Also Present: Andrew Ellard, Director, Urban Development
Jim Gladden, Esq.
Ginger Maddox Lowrey, AICP, Planning Division Manager
Caroline Miles, Planner

Shawn Harris, Chair, declared the meeting of the Hattiesburg Board of Adjustment open and in session at 3:35 PM.

AGENDA REVIEW

There came the matter of the June 2021 Agenda. A motion was made to approve the January 2021 Agenda by Bernard Green and seconded by Dick Conville.

Board Members voting aye: Bruce Betts, Vice-Chair
Victoria Bolls
Dick Conville
Bernard Green
Shawn Harris, Chair
Lucy Parkman
James Trussell (via GoToMeeting)
Brandon Williams (via GoToMeeting)

Board Members voting nay: None
Board Members absent for vote: Lucy Parkman

MINUTES REVIEW

There came the matter of the May 5, 2021 minutes. A motion was made to approve the minutes by Bruce Betts and seconded by Bernard Green.

Board Members voting aye: Bruce Betts, Vice-Chair
Victoria Bolls
Dick Conville
Bernard Green
Shawn Harris, Chair
James Trussell (via GoToMeeting)
Brandon Williams (via GoToMeeting)

Board Members voting nay: None
Board Members absent for vote: Lucy Parkman

REPORTS

PLANNING REPORT

Ginger Maddox Lowrey, AICP, Planning Division Manager, provided the Planning Report. On May 18, 2021, City Council tabled the pole sign variance 4700 Hardy Street.

CHAIR’S REPORT

Shawn Harris gave the Chair’s Report. He thanked Staff for emailing the May 2021 Building Permit Report. He stated he had requested that the information be provided so that the BOA would be able to see sign permit information to get an idea of how many signs are being permitted each month since the BOA is only gets a snapshot of signage through the variance process. Staff stated that while the Building Official would not always be available, he would sometimes be able to come and present the monthly permit report.

INTRODUCTIONS

Board members introduced themselves.

PUBLIC HEARING – BOARD OF ADJUSTMENT

Shawn Harris, Chair, declared the Public Hearing for the Board of Adjustment open at 3:43 PM.

There came the matter of Item A (Storage Yard Size Variance), Kim Bradley, Owner, and Nick Connelly, Engineer, as required in the Land Development Code, Ord. No. 3209, to request a variance from Section 7.12.10.4 “A maximum outdoor equipment storage space of 50% of the side and rear lot area is allowed for business and industrial equipment and materials if outdoor storage is an accessory to another use on the same lot” and instead allow for maximum outdoor storage space of 85%, for a variance of 35% for a proposed storage yard located at 4219 Lincoln Rd. (Parcel 056L-23-004.001, PPIN 31922; portion of 056L-23-004.002, PPIN 31923, Ward 3).

	<u>Name</u>	<u>Address</u>	<u>City/State</u>
<u>Presented by:</u>	Nick Connelly	302 2 nd Ave	Hattiesburg, MS
<u>Proponents:</u>			
<u>Opponents:</u>			

Nick Connelly presented the application.

Shawn Harris declared the Public Hearing closed and the Business Meeting open to vote on Item A. Bruce Betts stated that he recently visited the Taylor Rentals and it was quite busy, and that the need/demand dictates growth. Victoria Bolls stated that the expansion would not add to the clutter of the surrounding area. Bernard Green made a motion to approve the petition on the following bases: Reasonable Use, the applicant cannot make reasonable use of the property without the requested variance; Conformance with the Purposes of this Code, the granting of a variance with not conflict with the purposes and intent expressed or implied in the Land Development Code. Bruce Betts seconded the motion.

Board Members voting aye: Bruce Betts, Vice-Chair
Victoria Bolls
Dick Conville
Bernard Green
Shawn Harris, Chair
James Trussell (via GoToMeeting)
Brandon Williams (via GoToMeeting)

Board Members voting nay: None
Board Members abstaining: Lucy Parkman

Lucy Parkman abstained as she arrived late and missed a portion of the discussion.

There came the matter of Item B (Front Setback Variance), Robert St. John, Owner, as required in the Land Development Code, Ord. No. 3209, to request a variance from Section 6, Table 6.1 “Minimum Front Setback” for B-3, “30 feet”, and instead allow a setback of nine (9) feet and eight (8) inches for a variance twenty (20) feet and four (4) inches along Hardy Street for a proposed structure located at 3810 Hardy Street (Parcel 2-028M-07-076.0l, PPIN 26450; Parcel 2-028M-07-074.00, PPIN 26449; Parcel 2-028M-07-020.00, PPIN 44632, Ward 3).Ward 3).

	<u>Name</u>	<u>Address</u>	<u>City/State</u>
<u>Presented by:</u>	Robert St. John	116 Heatherwood	Hattiesburg, MS
<u>Proponents:</u>			
<u>Opponents:</u>			

Robert St. John presented the application. Mr. St. John stated that he was requesting the front setback variance to permanently install/anchor an airstream trailer at the front of the outdoor patio to function as outdoor kitchen. Due to the anchored foundation, Administration decided to regulate the airstream as a permanent structure. He stated there would be no food truly cooked in the trailer but rather prepped/assembled. He stated that there was a need for additional kitchen space on the site, which would be filled by the trailer.

Shawn Harris declared the Public Hearing closed and the Business Meeting open to vote on Item B. Dick Conville made a motion to approve the petition on the following bases: Reasonable Use, the applicant cannot make reasonable use of the property without the requested variance; Conformance with the Purposes of this Code, the granting of a variance with not conflict with the purposes and intent expressed or implied in the Land Development Code. Bernard Green seconded the motion.

Board Members voting aye: Bruce Betts, Vice-Chair
Victoria Bolls
Dick Conville
Bernard Green
Shawn Harris, Chair
Lucy Parkman
James Trussell (via GoToMeeting)
Brandon Williams (via GoToMeeting)

Board Members voting nay: None

BUSINESS MEETING

There being no further business, Bernard Green made a motion to adjourn the meeting. The motion was seconded by Bruce Betts. The meeting was adjourned at 4:38 PM.

Shawn Harris, Chair

Ginger Maddox Lowrey, AICP, CFM, Planning Division Manager

SUBJECT PARCEL: 317 Rosa Avenue

Robert Green, Owner

The petitioner requests:

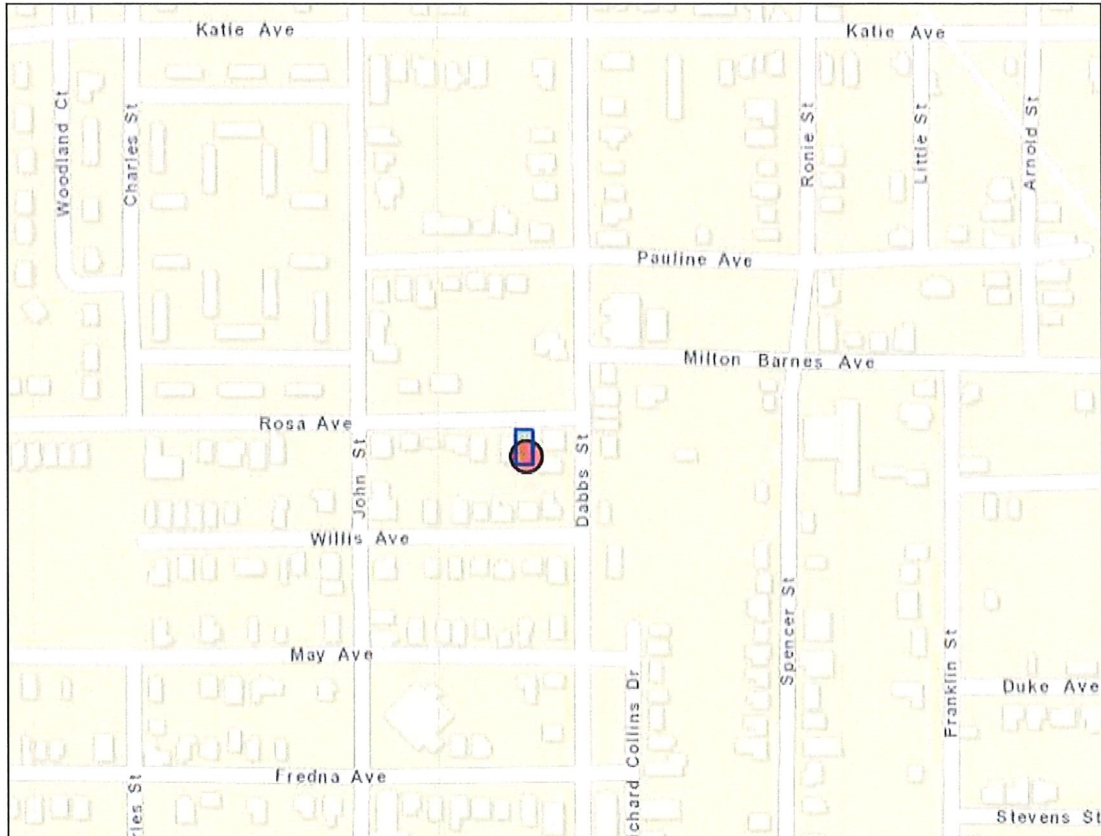
Item A: to vary from LDC Sec.7.5.2.2 which states "Curb cuts, except where shared, shall be located a minimum of 10 feet from a parcel or lot line." and instead allow for a curb cut zero (0) feet from the parcel line, for a variance of ten (10) feet

Item B: to vary from LDC Sec. 7.10.10.1 which states "There shall be a minimum of 20 square feet of interior landscaped area provided within each parking lot for each parking space provided exclusive of landscape islands" and instead allow for zero (0) square feet interior landscaped area for a variance of one hundred eighty (180) square feet

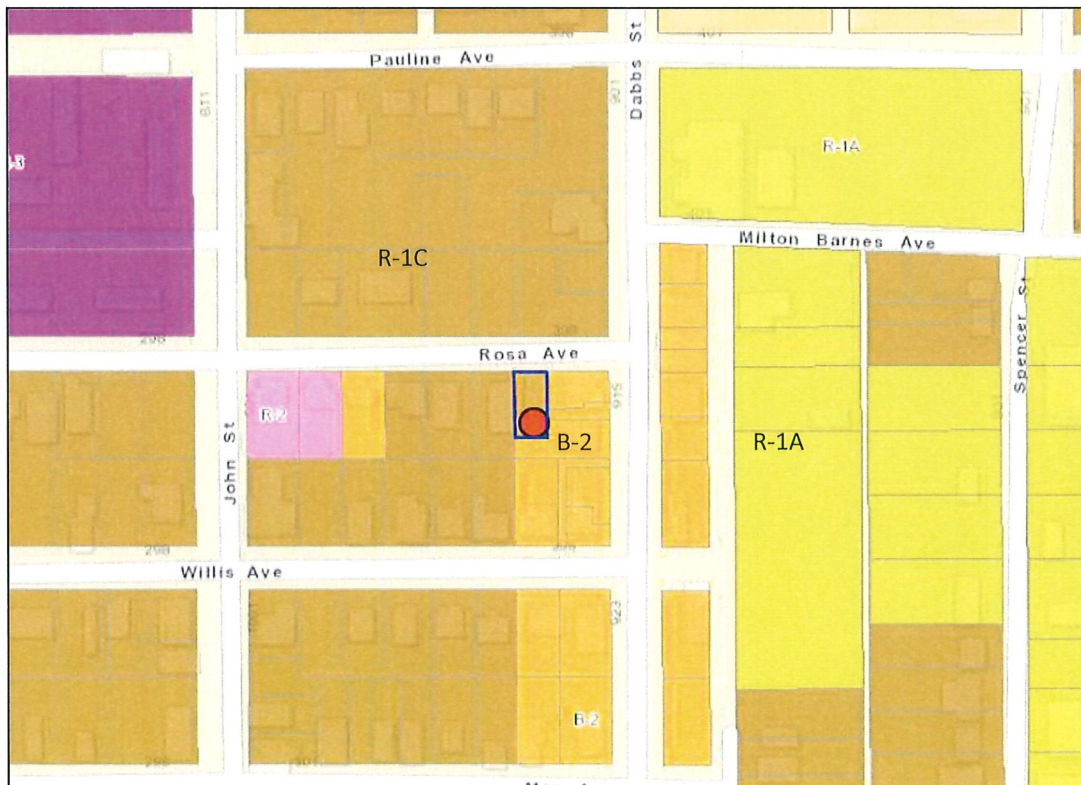
Item C: to vary from LDC Sec. Table 7.11-2, B-2 20' zoning buffer requirement and instead allow a zoning buffer of zero (0) feet for variance of twenty (20) feet for a proposed parking lot to be located at 317 Rosa Ave (Parcel 2-038B-15-226.00, PPIN 13840, Ward 2).



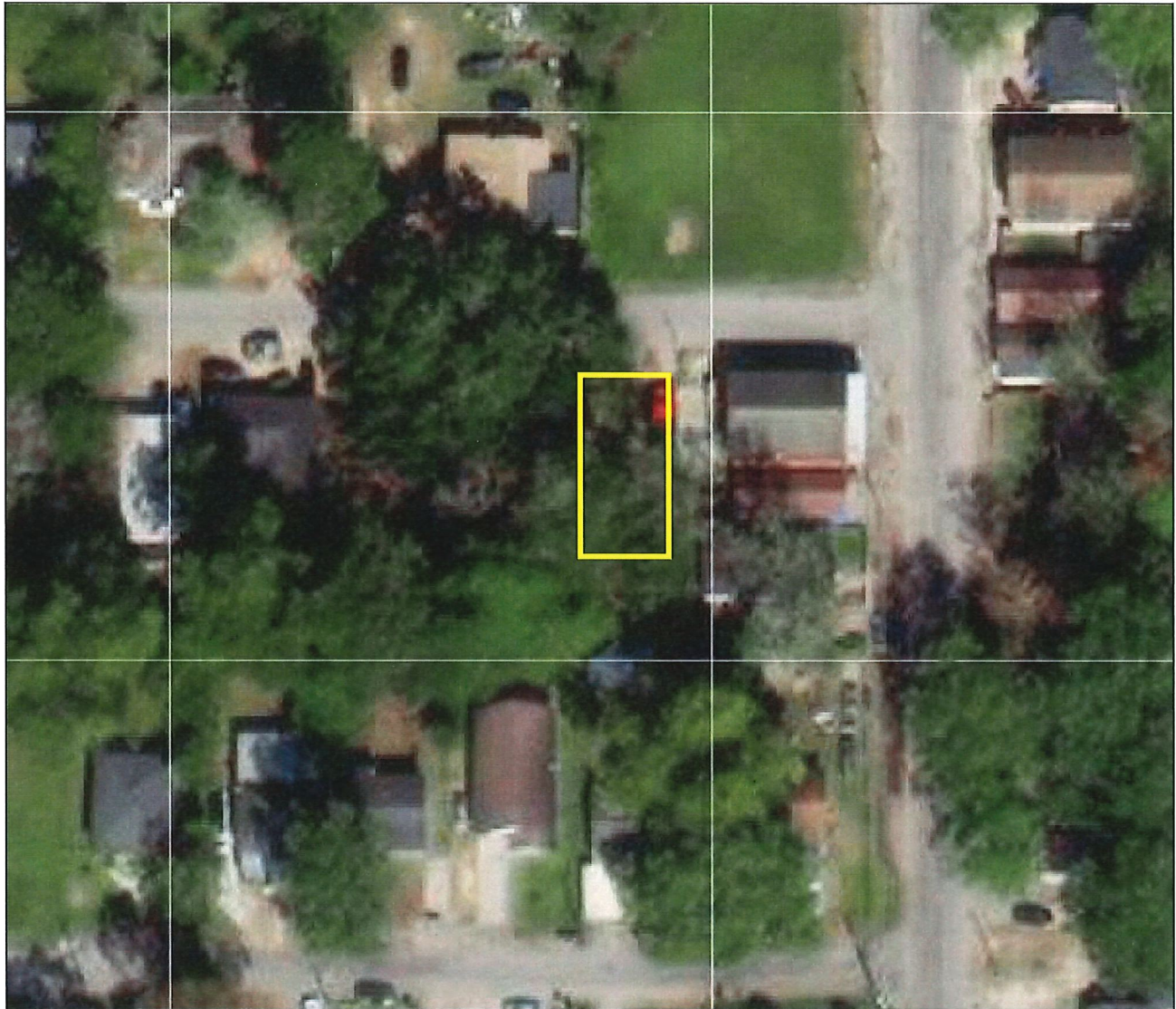
Vicinity Map—Ward 2



Zoning—B-2



Site Aerial



SURROUNDING AREA

Northern Direction: R-1C (Single Family Residential) District/
Undeveloped



Southern Direction: B-2
(Neighborhood Business) District/
Commercial



Eastern Direction: B-2
(Neighborhood Business) District/
Commercial

Western Direction: R-1C (Single Family Residential) District/
Dwelling



SITE PLAN

LOCATION

LOT SIZE

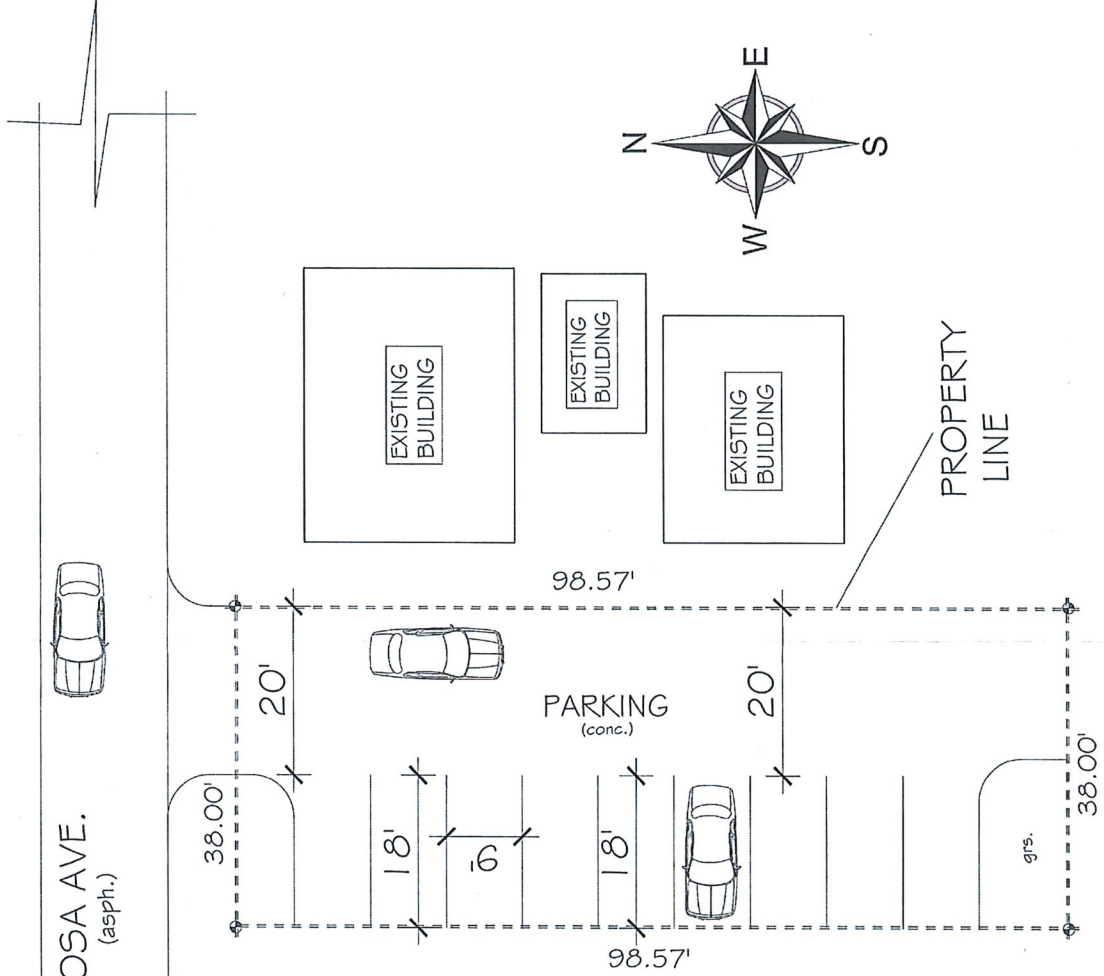
: 315 ROSA AVENUE, HATTIESBURG, MS, USA

: 38.00' X 98.57'

ROSA AVE.
(asph.)

LEGEND

asph.	ASPHALT
grs.	GRASS
⊕	= property corner
▨	= Buildings
⋯	= Grass
▨	= asphalt
▨	= concrete



LOCATION MAP

AC

REVISION

ARCHITECT

Archytrend

DESIGNED : ARC

CHECKED : ARC

DATE : May 2021

CLIENT:

SHEET CONTENT

SITE PLAN

PROJECT

LOCATION

SHEET NO:

A1

SCALE :

1/16" = 1'-0"



**Board of Adjustment
Case Fact Sheet**

Name of Petitioners: Robert Green, Owner

Address of Property: 317 Rosa Ave **Tax Parcel:** 2-038B-15-226.00 **PPIN:** 13840 **Ward:** 2

Request: Multiple variances on the parcel

Purpose of Request: Item A:
To vary from LDC Sec.7.5.2.2 which states "Curb cuts, except where shared, shall be located a minimum of 10 feet from a parcel or lot line." and instead allow for a curb cut zero (0) feet from the parcel line, for a variance of ten (10) feet for a proposed parking lot to be located at 317 Rosa Ave (Parcel 2-038B-15-226.00, PPIN 13840, Ward 2).

Item B:
To vary from LDC Sec. 7.10.10.1 which states "There shall be a minimum of 20 square feet of interior landscaped area provided within each parking lot for each parking space provided exclusive of landscape islands" and instead allow for zero (0) square feet interior landscaped area for a variance of one hundred eighty (180) square feet for a proposed parking lot to be located at 317 Rosa Ave (Parcel 2-038B-15-226.00, PPIN 13840, Ward 2).

Item C:
To vary from LDC Table 7.11-2, B-2 20' zoning buffer requirement and instead allow a zoning buffer of zero (0) feet for variance of twenty (20) feet for a proposed parking lot to be located at 317 Rosa Ave (Parcel 2-038B-15-226.00, PPIN 13840, Ward 2).

Applicant Summary: See Attached

Request for a **Curb Cut, Landscape and Buffer Variance**

Applicable Regulations: **7.5.2.2** Curb cuts, except where shared, shall be located a minimum of 10 feet from a parcel or lot line.

7.10.10.1 There shall be a minimum of 20 square feet of interior landscaped area provided within each parking lot for each parking space provided exclusive of landscape islands.

Table 7.11-2 Zoning Buffer Requirements														
Zones	A-1	A-2	R-1A	R-1B	R-1C	R-2	R-3	B-1/B-2	B-3	B-4	B-5	I-1	I-2	Buffer Yard Specifications
B-1/ B-2	20'	20'	20'	20'	20'	20'	20'	20'	-	-	-	-	-	Type 20 shall consist of a landscaped area a minimum of 20 feet in width, landscaped as an opaque barrier. One large canopy tree (ultimate height 50± feet) and 2 small ornamental deciduous trees spaced 30 feet on center for every 60 lineal feet of buffer yard. An opaque wall may be substituted for landscape screening.

Definition: Buffer Area/Strip: An area with sufficient planting and/or screening which acts as a separation area between two or more incompatible uses and/ or districts.

Present Zoning: This parcel is currently zoned B-2 (Neighborhood Business) District

Present Use: Undeveloped

Future Land Use: Neighborhood Conservation District

Surrounding Zoning and Land Use:
North: R-1C (Single Family Residential) District/ Undeveloped
South: B-2 (Neighborhood Business) District/ Commercial
East: B-2 (Neighborhood Business) District/ Commercial
West: R-1C (Single Family Residential) District/ Dwelling

Letters or Concerns stated: The Planning Division Office has not received any letters relative to this case as of July 20, 2021. No letters of support were provided for the parking lot project, but the applicant provided a letter of approval for the related cigar bar project.

History / Background: The applicant met with Staff in Pre-Application to discuss a proposed cigar bar on an adjacent parcel. In the meeting, parking requirements for the cigar bar were discussed. There was no possibility for on-site parking for the cigar bar so the applicant proposed adding a parking lot on the subject parcel for off-site

parking.

Based on the floor plan provided for the cigar bar, the number of required parking spaces is seven spaces (calculated as one space required per two bar occupants). The applicant has provided nine spaces based on the site plan. The occupancy of the building is 15 people, based on the current number of bathrooms (one). One ADA van accessible space will have to be provided.

Item A refers to the distance of the curb cut from the property line. This distance prevents continuous curb cuts which can limit walkability. If a curb cut is shared with other parking access, this distance requirement is eliminated. There is a parking pad behind 913 Dabbs St (at the corner of Rosa Ave) However, that parking pad was not reviewed by SDRC or permitted.

Item B refers to interior landscaping required of all surface parking lots scaled depending on the number of parking spaces. This interior landscaping is exclusive of required perimeter landscaping or required islands.

Item C refers to a required landscaped buffer between different zones. A landscaped buffer between different zones helps to shield the impact differing uses may have on one another visually, audibly, and provide a physical separation between incompatible uses.

The design of the parking lot includes spaces that meet the minimum size per space, 9'x18'. However, the drive width is less than generally approved. Typical parking design requires 24' behind a parking space for adequate space to access and maneuver. However, this is not a set dimension in the LDC and therefore staff did not require a Variance application for this measurement.

The applicants are concurrently requesting a Conditional Use as a "Bar/club" for the cigar bar.

Basis for Approval (12.4.1.1):

I. Hardship.

- The hardship is unique to the property and is not or will not be caused by the actions or inactions of the applicant.
- There are exceptional conditions creating an undue hardship applicable only to the property involved or the intended use which do not apply generally to the other land areas or uses within the same zoning district.

II. Special Privilege. A variance shall not confer any special privilege that is denied to other lands or structures in the same zoning district.

III. Literal Interpretation. The literal interpretation of the provisions of the regulations would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district and would cause unnecessary and undue hardship on the applicant.

IV. Reasonable Use. The applicant cannot make reasonable use of the property without

Request for a **Curb Cut, Landscape and Buffer Variance**

the requested variance.

V. Minimum Required. The granting of a variance is the minimum variance that will make possible the reasonable use of the land or structure.

VI. Conformance with the Purposes of this Code. The granting of a variance will not conflict with the purposes and intent expressed or implied in the Land Development Code.

Variance Information

7.5.22

The Board of Adjustment has the responsibility to hear and make recommendation on requests for variances to the requirements of this Code (per Section 11.4.). Section 12.4.1 Variances are departures from the standards of the Land Development Code, except land use, which will not be contrary to the public interest and where, owing to conditions peculiar to the property and not as a result of the action of the applicant, a literal enforcement of this Code would result in unnecessary and undue hardship.

The following conditions must be met before a variance can be recommended. Not all criteria must be met. However, a strong application will meet multiple criteria.

Approval Criteria.

A variance is not a right, but a privilege that property owners meeting the following criteria may request. These criteria are to be used to consider all variance requests. It shall be the burden of the applicant to prove that the request meets these criteria. Use this worksheet or format your own to demonstrate the following criteria.

1. **Hardship.** (a) The hardship is unique to the property and is not or will not be caused by the actions or inactions of the applicant. (b) There are exceptional conditions creating an undue hardship applicable only to the property involved or the intended use which do not apply generally to the other land areas or uses within the same zoning district.

2. **Special Privilege.** A variance shall not confer any special privilege that is denied to other lands or structures in the same zoning district.

3. **Literal Interpretation.** The literal interpretation of the provisions of the regulations would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district and would cause unnecessary and undue hardship on the applicant.

Variance Information

4. **Reasonable Use.** The applicant cannot make reasonable use of the property without the requested variance. #7.5.2.2

I am requesting this variance for 10' curb cut. The property size is too small for a home. Therefore it will be used for parking for the business. The additional spaces will help with the street parking congestion.

5. **Minimum Required.** The granting of a variance is the minimum variance that will make possible the reasonable use of the land or structure.

6. **Conformance with the Purpose of this Code.** The granting of a variance will not conflict with the purposes and intent expressed or implied in the Land Development Code.

12.4.1.2 Conditions of Approval. In recommending the granting of a variance, the Board of Adjustment may require appropriate conditions and safeguards in conformity with this Code. Violation of such conditions and safeguards, when made a part of the terms under which a variance is granted, shall be deemed a violation of this Code. The recommendation of the Board of Adjustment shall be presented to the City Council for final action.

Variance Information

7.10.10.1

The Board of Adjustment has the responsibility to hear and make recommendation on requests for variances to the requirements of this Code (per Section 11.4.). Section 12.4.1 Variances are departures from the standards of the Land Development Code, except land use, which will not be contrary to the public interest and where, owing to conditions peculiar to the property and not as a result of the action of the applicant, a literal enforcement of this Code would result in unnecessary and undue hardship.

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1. **Hardship.** (a) The hardship is unique to the property and is not or will not be caused by the actions or inactions of the applicant. (b) There are exceptional conditions creating an undue hardship applicable only to the property involved or the intended use which do not apply generally to the other land areas or uses within the same zoning district.

2. **Special Privilege.** A variance shall not confer any special privilege that is denied to other lands or structures in the same zoning district.

3. **Literal Interpretation.** The literal interpretation of the provisions of the regulations would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district and would cause unnecessary and undue hardship on the applicant.

Variance Information

4. **Reasonable Use.** The applicant cannot make reasonable use of the property without the requested variance.

The property size will not allow for the landscaping requirement. There is a great need for additional parking in the area. This will help to lessen the street parking. The area is surrounded by trees and green areas

5. **Minimum Required.** The granting of a variance is the minimum variance that will make possible the reasonable use of the land or structure.

6. **Conformance with the Purpose of this Code.** The granting of a variance will not conflict with the purposes and intent expressed or implied in the Land Development Code.

12.4.1.2 Conditions of Approval. In recommending the granting of a variance, the Board of Adjustment may require appropriate conditions and safeguards in conformity with this Code. Violation of such conditions and safeguards, when made a part of the terms under which a variance is granted, shall be deemed a violation of this Code. The recommendation of the Board of Adjustment shall be presented to the City Council for final action.

Variance Information

ZONING BUFFER

The Board of Adjustment has the responsibility to hear and make recommendation on requests for variances to the requirements of this Code (per Section 11.4.). Section 12.4.1 Variances are departures from the standards of the Land Development Code, except land use, which will not be contrary to the public interest and where, owing to conditions peculiar to the property and not as a result of the action of the applicant, a literal enforcement of this Code would result in unnecessary and undue hardship.

The following conditions must be met before a variance can be recommended. Not all criteria must be met. However, a strong application will meet multiple criteria.

Approval Criteria.

A variance is not a right, but a privilege that property owners meeting the following criteria may request. These criteria are to be used to consider all variance requests. It shall be the burden of the applicant to prove that the request meets these criteria. Use this worksheet or format your own to demonstrate the following criteria.

1. **Hardship.** (a) The hardship is unique to the property and is not or will not be caused by the actions or inactions of the applicant. (b) There are exceptional conditions creating an undue hardship applicable only to the property involved or the intended use which do not apply generally to the other land areas or uses within the same zoning district.

We have limited space area, because the area is very narrow. installing the buffer would not permit enough space to back up.

2. **Special Privilege.** A variance shall not confer any special privilege that is denied to other lands or structures in the same zoning district.

3. **Literal Interpretation.** The literal interpretation of the provisions of the regulations would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district and would cause unnecessary and undue hardship on the applicant.

Variance Information

4. **Reasonable Use.** The applicant cannot make reasonable use of the property without the requested variance.

without the variance I would NOT be able to open the business.

5. **Minimum Required.** The granting of a variance is the minimum variance that will make possible the reasonable use of the land or structure.

6. **Conformance with the Purpose of this Code.** The granting of a variance will not conflict with the purposes and intent expressed or implied in the Land Development Code.

12.4.1.2 Conditions of Approval. In recommending the granting of a variance, the Board of Adjustment may require appropriate conditions and safeguards in conformity with this Code. Violation of such conditions and safeguards, when made a part of the terms under which a variance is granted, shall be deemed a violation of this Code. The recommendation of the Board of Adjustment shall be presented to the City Council for final action.

Green Family Trust

P.O. Box 1831

Hattiesburg, Ms. 39403

To whom it may concern:

This letter is to inform all interested parties that the Trust approves of the development at 915 Dabbs St. The project named The Tobacco Company will be located at this address. The adjacent properties addresses are 913 and 917 Dabbs St. We are the owners of the properties on both sides of the project.

Green Family trust

A handwritten signature in cursive script, appearing to read "Robert Green", written over a horizontal line.

Robert Green, Trustee

A handwritten signature in cursive script, appearing to read "Annie Green", written over a horizontal line.

Annie Green, Trustee

SUBJECT PARCEL: 317 Rosa Avenue

Robert Green, Owner

The petitioner requests:

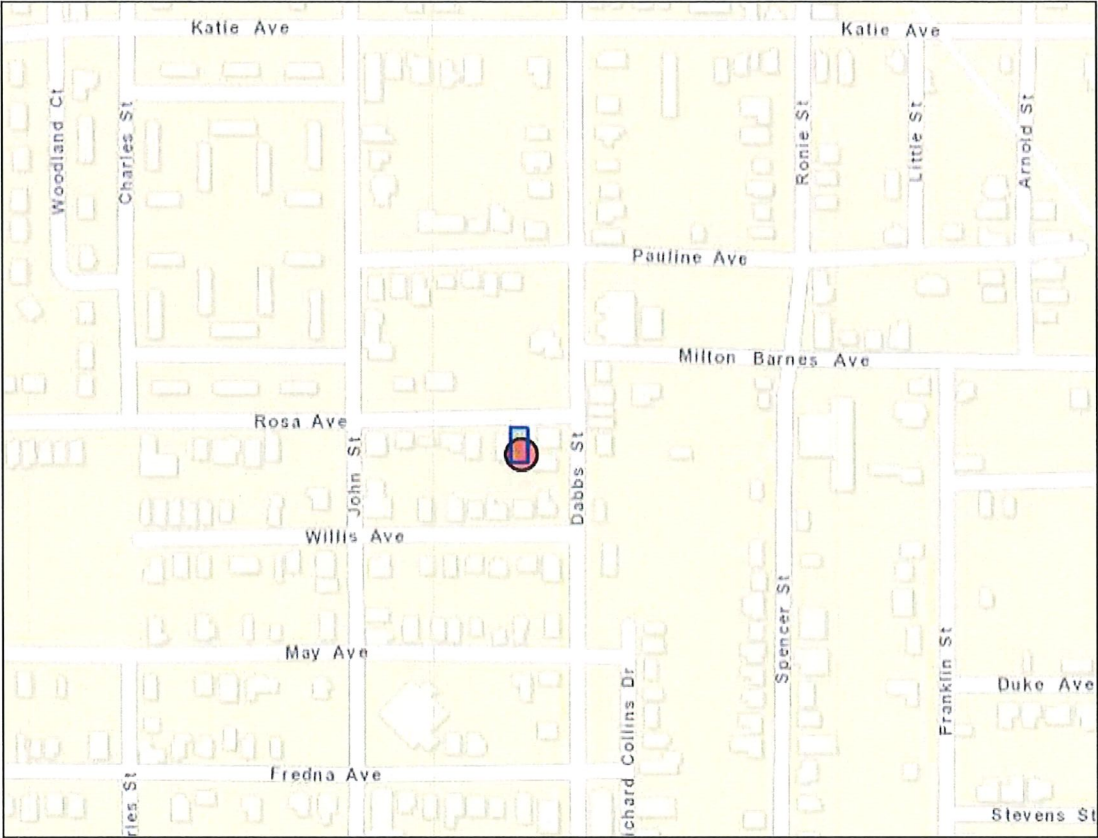
Item A: to vary from LDC Sec.7.5.2.2 which states "Curb cuts, except where shared, shall be located a minimum of 10 feet from a parcel or lot line." and instead allow for a curb cut zero (0) feet from the parcel line, for a variance of ten (10) feet

Item B: to vary from LDC Sec. 7.10.10.1 which states "There shall be a minimum of 20 square feet of interior landscaped area provided within each parking lot for each parking space provided exclusive of landscape islands" and instead allow for zero (0) square feet interior landscaped area for a variance of one hundred eighty (180) square feet

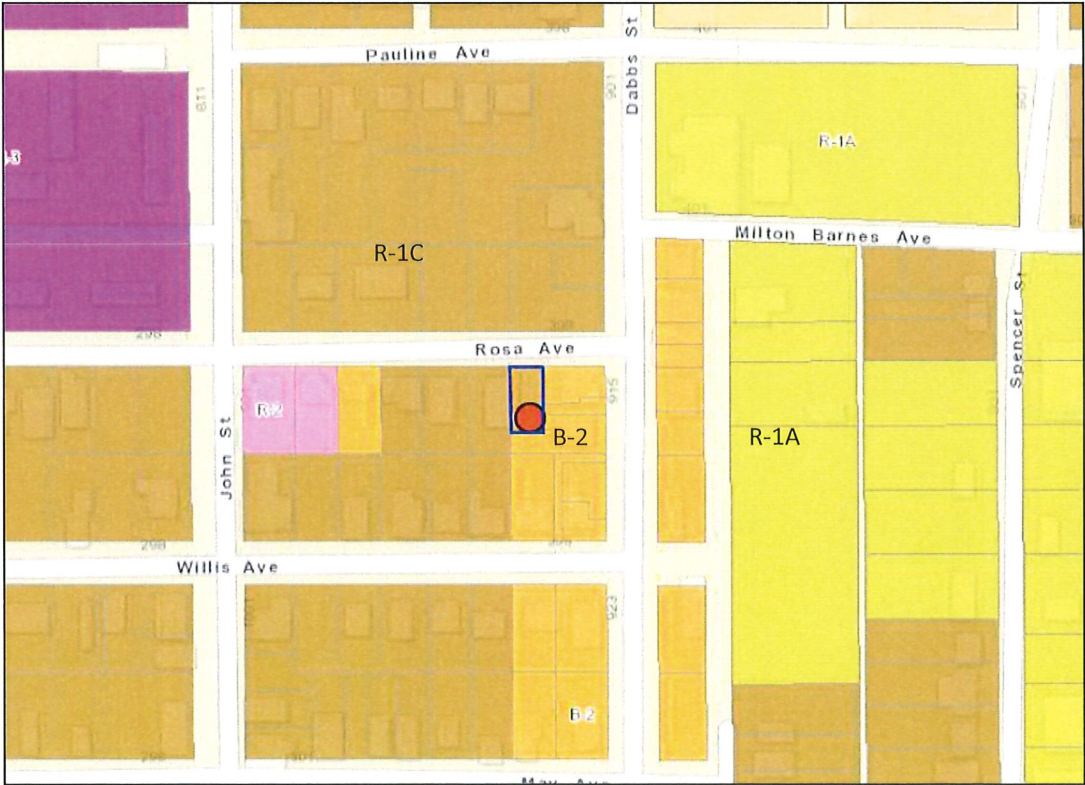
Item C: to vary from LDC Sec. Table 7.11-2, B-2 20' zoning buffer requirement and instead allow a zoning buffer of zero (0) feet for variance of twenty (20) feet for a proposed parking lot to be located at 317 Rosa Ave (Parcel 2-038B-15-226.00, PPIN 13840, Ward 2).



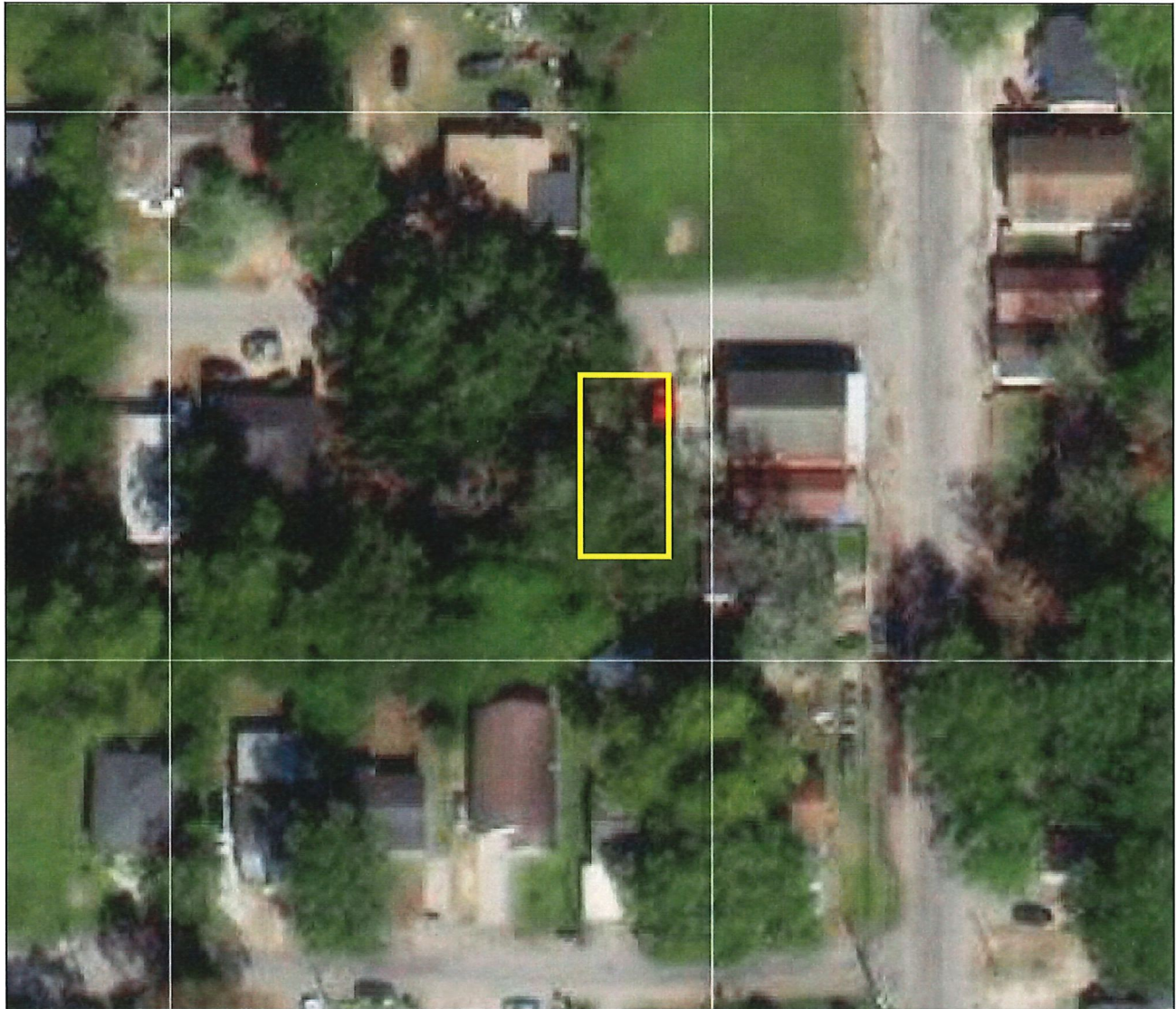
Vicinity Map—Ward 2



Zoning—B-2



Site Aerial



SURROUNDING AREA

**Northern Direction: R-1C (Single Family Residential) District/
Undeveloped**



**Southern Direction: B-2
(Neighborhood Business) District/
Commercial**



**Eastern Direction: B-2
(Neighborhood Business) District/
Commercial**

**Western Direction: R-1C (Single Family Residential) District/
Dwelling**



SITE PLAN

LOCATION

LOT SIZE

: 315 ROSA AVENUE, HATTIESBURG, MS, USA

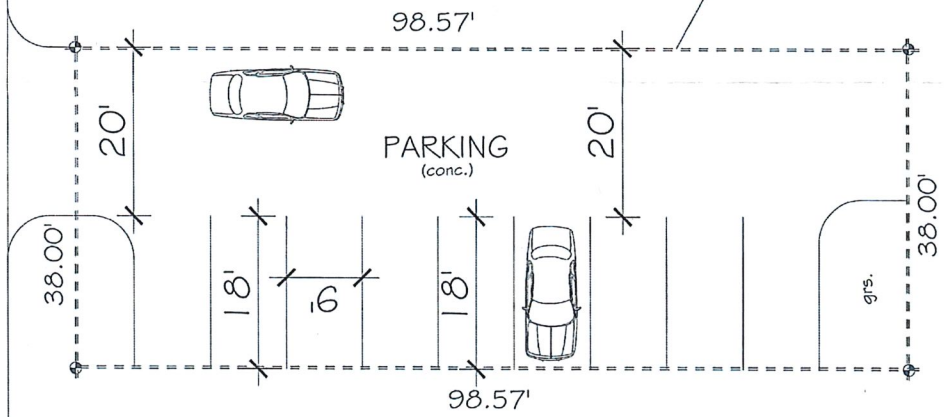
: 38.00' X 98.57

ROSA AVE.
(asph.)

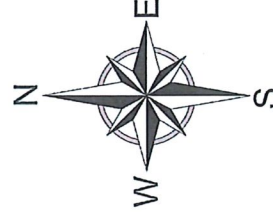


LEGEND

asph.	ASPHALT
grs.	GRASS
⊕	= property corner
▨	= Buildings
⋯	= Grass
▨	= asphalt
▨	= concrete



LOCATION MAP



AC

REVISION

ARCHITECT

Archytrend

DESIGNED : ARC

CHECKED : ARC

DATE : May 2021

CLIENT:

SHEET CONTENT

SITE PLAN

PROJECT

LOCATION

SHEET NO:

A1

SCALE :

1/16" = 1'-0"



**Board of Adjustment
Case Fact Sheet**

Name of Petitioners: Robert Green, Owner

Address of Property: 317 Rosa Ave **Tax Parcel:** 2-038B-15-226.00 **PPIN:** 13840 **Ward:** 2

Request: Multiple variances on the parcel

Purpose of Request: Item A:
To vary from LDC Sec.7.5.2.2 which states "Curb cuts, except where shared, shall be located a minimum of 10 feet from a parcel or lot line." and instead allow for a curb cut zero (0) feet from the parcel line, for a variance of ten (10) feet for a proposed parking lot to be located at 317 Rosa Ave (Parcel 2-038B-15-226.00, PPIN 13840, Ward 2).

Item B:
To vary from LDC Sec. 7.10.10.1 which states "There shall be a minimum of 20 square feet of interior landscaped area provided within each parking lot for each parking space provided exclusive of landscape islands" and instead allow for zero (0) square feet interior landscaped area for a variance of one hundred eighty (180) square feet for a proposed parking lot to be located at 317 Rosa Ave (Parcel 2-038B-15-226.00, PPIN 13840, Ward 2).

Item C:
To vary from LDC Table 7.11-2, B-2 20' zoning buffer requirement and instead allow a zoning buffer of zero (0) feet for variance of twenty (20) feet for a proposed parking lot to be located at 317 Rosa Ave (Parcel 2-038B-15-226.00, PPIN 13840, Ward 2).

Applicant Summary: See Attached

Request for a **Curb Cut, Landscape and Buffer Variance**

Applicable Regulations: **7.5.2.2** Curb cuts, except where shared, shall be located a minimum of 10 feet from a parcel or lot line.

7.10.10.1 There shall be a minimum of 20 square feet of interior landscaped area provided within each parking lot for each parking space provided exclusive of landscape islands.

Table 7.11-2 Zoning Buffer Requirements

Zones	A-1	A-2	R-1A	R-1B	R-1C	R-2	R-3	B-1/B-2	B-3	B-4	B-5	I-1	I-2	Buffer Yard Specifications
B-1/ B-2	20'	20'	20'	20'	20'	20'	20'	20'	-	-	-	-	-	Type 20 shall consist of a landscaped area a minimum of 20 feet in width, landscaped as an opaque barrier. One large canopy tree (ultimate height 50± feet) and 2 small ornamental deciduous trees spaced 30 feet on center for every 60 lineal feet of buffer yard. An opaque wall may be substituted for landscape screening.

Definition: Buffer Area/Strip: An area with sufficient planting and/or screening which acts as a separation area between two or more incompatible uses and/ or districts.

Present Zoning: This parcel is currently zoned B-2 (Neighborhood Business) District

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Future Land Use: Neighborhood Conservation District

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History / Background: The applicant met with Staff in Pre-Application to discuss a proposed cigar bar on an adjacent parcel. In the meeting, parking requirements for the cigar bar were discussed. There was no possibility for on-site parking for the cigar bar so the applicant proposed adding a parking lot on the subject parcel for off-site

Item: A-C
Robert Green, Owner

Request for a **Curb Cut, Landscape and Buffer Variance**

parking.

Based on the floor plan provided for the cigar bar, the number of required parking spaces is seven spaces (calculated as one space required per two bar occupants). The applicant has provided nine spaces based on the site plan. The occupancy of the building is 15 people, based on the current number of bathrooms (one). One ADA van accessible space will have to be provided.

Item A refers to the distance of the curb cut from the property line. This distance prevents continuous curb cuts which can limit walkability. If a curb cut is shared with other parking access, this distance requirement is eliminated. There is a parking pad behind 913 Dabbs St (at the corner of Rosa Ave) However, that parking pad was not reviewed by SDRC or permitted.

Item B refers to interior landscaping required of all surface parking lots scaled depending on the number of parking spaces. This interior landscaping is exclusive of required perimeter landscaping or required islands.

Item C refers to a required landscaped buffer between different zones. A landscaped buffer between different zones helps to shield the impact differing uses may have on one another visually, audibly, and provide a physical separation between incompatible uses.

The design of the parking lot includes spaces that meet the minimum size per space, 9'x18'. However, the drive width is less than generally approved. Typical parking design requires 24' behind a parking space for adequate space to access and maneuver. However, this is not a set dimension in the LDC and therefor staff did not require a Variance application for this measurement.

The applicants are concurrently requesting a Conditional Use as a "Bar/club" for the cigar bar.

Basis for Approval (12.4.1.1):

I. Hardship.

- The hardship is unique to the property and is not or will not be caused by the actions or inactions of the applicant.
- There are exceptional conditions creating an undue hardship applicable only to the property involved or the intended use which do not apply generally to the other land areas or uses within the same zoning district.

II. Special Privilege. A variance shall not confer any special privilege that is denied to other lands or structures in the same zoning district.

III. Literal Interpretation. The literal interpretation of the provisions of the regulations would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district and would cause unnecessary and undue hardship on the applicant.

IV. Reasonable Use. The applicant cannot make reasonable use of the property without

Request for a **Curb Cut, Landscape and Buffer Variance**

the requested variance.

V. Minimum Required. The granting of a variance is the minimum variance that will make possible the reasonable use of the land or structure.

VI. Conformance with the Purposes of this Code. The granting of a variance will not conflict with the purposes and intent expressed or implied in the Land Development Code.

Variance Information

7.5.22

The Board of Adjustment has the responsibility to hear and make recommendation on requests for variances to the requirements of this Code (per Section 11.4.). Section 12.4.1 Variances are departures from the standards of the Land Development Code, except land use, which will not be contrary to the public interest and where, owing to conditions peculiar to the property and not as a result of the action of the applicant, a literal enforcement of this Code would result in unnecessary and undue hardship.

The following conditions must be met before a variance can be recommended. Not all criteria must be met. However, a strong application will meet multiple criteria.

Approval Criteria.

A variance is not a right, but a privilege that property owners meeting the following criteria may request. These criteria are to be used to consider all variance requests. It shall be the burden of the applicant to prove that the request meets these criteria. Use this worksheet or format your own to demonstrate the following criteria.

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Variance Information

4. **Reasonable Use.** The applicant cannot make reasonable use of the property without the requested variance. #7.5.2.2

I am requesting this variance for 10' curb cut. The property size is too small for a home. Therefore it will be used for parking for the business. The additional spaces will help with the street parking congestion.

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12.4.1.2 Conditions of Approval. In recommending the granting of a variance, the Board of Adjustment may require appropriate conditions and safeguards in conformity with this Code. Violation of such conditions and safeguards, when made a part of the terms under which a variance is granted, shall be deemed a violation of this Code. The recommendation of the Board of Adjustment shall be presented to the City Council for final action.

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Variance Information

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The property size will not allow for the landscaping requirement. There is a great need for additional parking in the area. This will help to lessen the street parking. The area is surrounded by trees and green areas

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Green Family Trust

P.O. Box 1831

Hattiesburg, Ms. 39403

To whom it may concern:

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Green Family trust

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Robert Green, Trustee

A handwritten signature in black ink, appearing to read "Annie Green", written over a horizontal line.

Annie Green, Trustee

SUBJECT PARCEL: 317 Rosa Avenue

Robert Green, Owner

The petitioner requests:

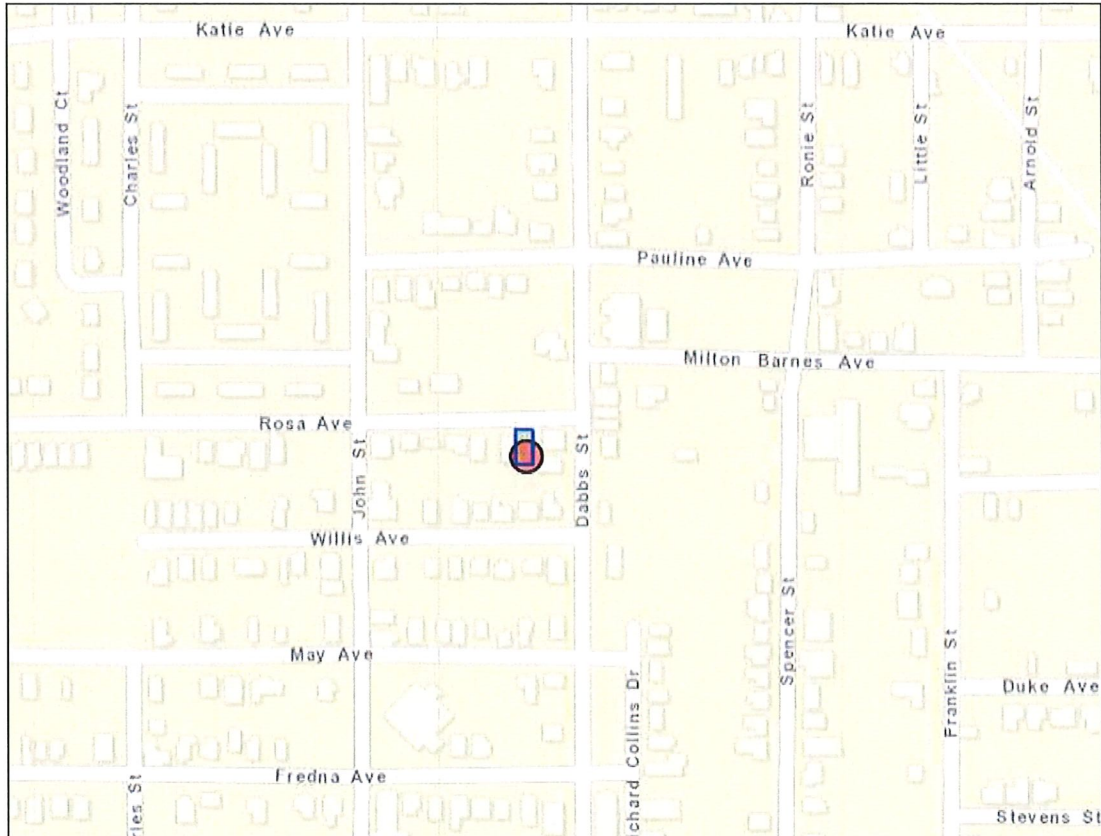
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Item B: to vary from LDC Sec. 7.10.10.1 which states "There shall be a minimum of 20 square feet of interior landscaped area provided within each parking lot for each parking space provided exclusive of landscape islands" and instead allow for zero (0) square feet interior landscaped area for a variance of one hundred eighty (180) square feet

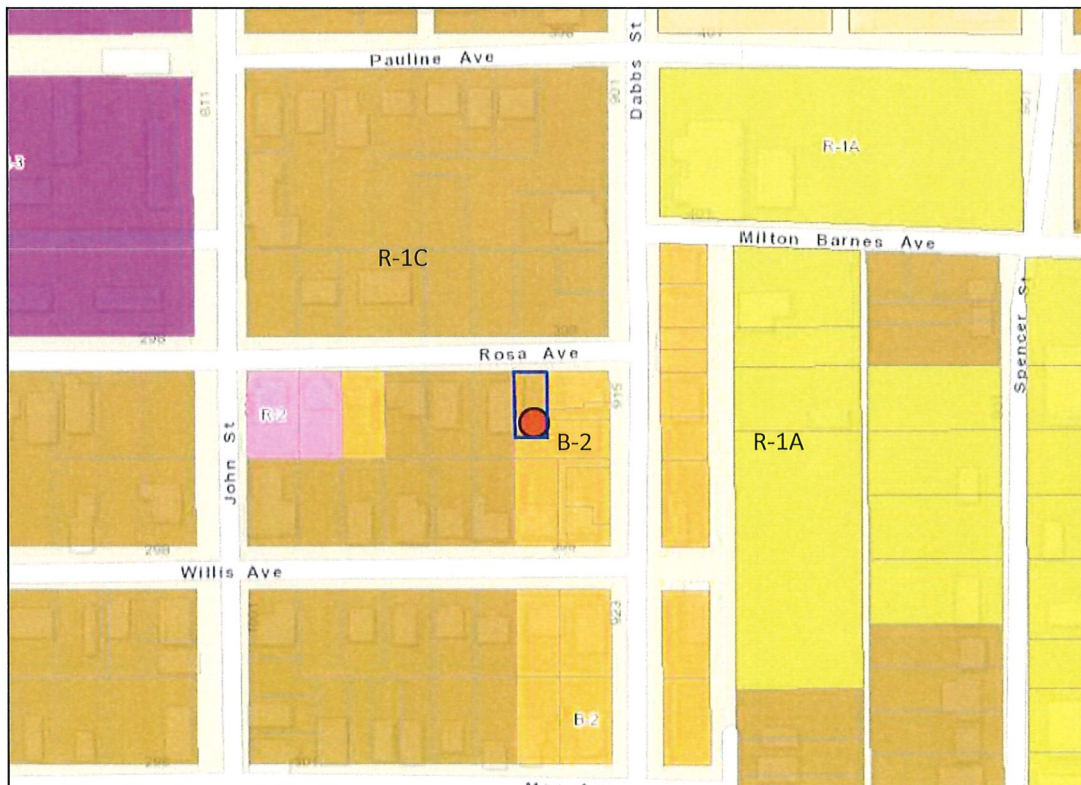
Item C: to vary from LDC Sec. Table 7.11-2, B-2 20' zoning buffer requirement and instead allow a zoning buffer of zero (0) feet for variance of twenty (20) feet for a proposed parking lot to be located at 317 Rosa Ave (Parcel 2-038B-15-226.00, PPIN 13840, Ward 2).



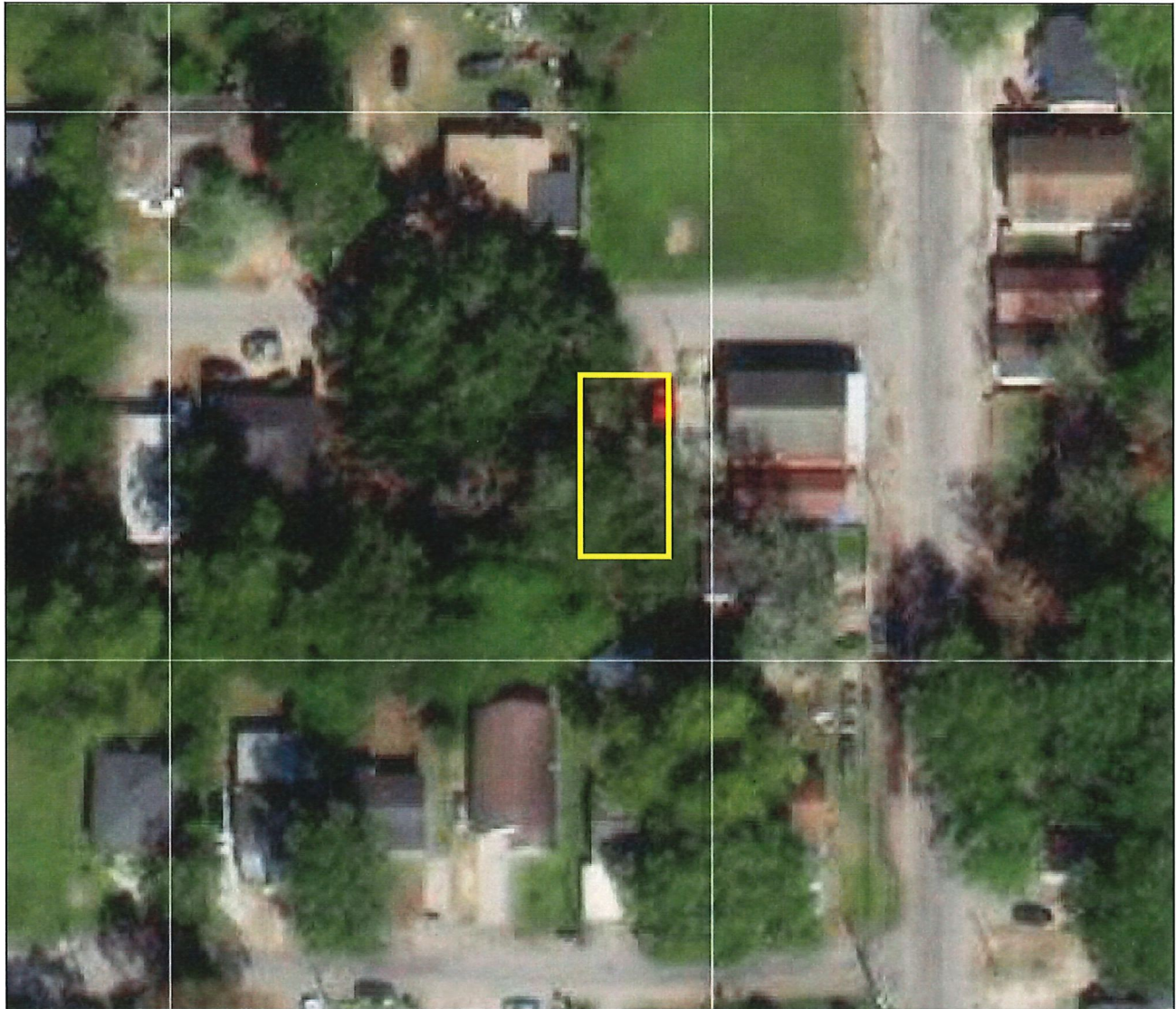
Vicinity Map—Ward 2



Zoning—B-2



Site Aerial



SURROUNDING AREA

Northern Direction: R-1C (Single Family Residential) District/
Undeveloped



Southern Direction: B-2
(Neighborhood Business) District/
Commercial



Eastern Direction: B-2
(Neighborhood Business) District/
Commercial



Western Direction: R-1C (Single Family Residential) District/
Dwelling



SITE PLAN

LOCATION

LOT SIZE

: 315 ROSA AVENUE, HATTIESBURG, MS, USA

: 38.00' X 98.57

AC

ROSA AVE.
(asph.)



LEGEND

asph.	ASPHALT
grs.	GRASS
⊕	= property corner
▨	= Buildings
⋯	= Grass
▨	= asphalt
▨	= concrete

REVISION

ARCHITECT

Archytrend

DESIGNED : ARC

CHECKED : ARC

DATE : May 2021

CLIENT:

SHEET CONTENT

SITE PLAN

PROJECT

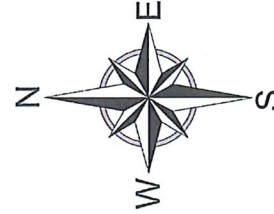
LOCATION

SHEET NO:

A1

SCALE :

1/16" = 1'-0"



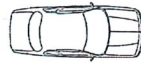
EXISTING
BUILDING

EXISTING
BUILDING

EXISTING
BUILDING

PROPERTY
LINE

PARKING
(conc.)



LOCATION MAP



**Board of Adjustment
Case Fact Sheet**

Name of Petitioners: Robert Green, Owner

Address of Property: 317 Rosa Ave **Tax Parcel:** 2-038B-15-226.00 **PPIN:** 13840 **Ward:** 2

Request: Multiple variances on the parcel

Purpose of Request: Item A:
To vary from LDC Sec.7.5.2.2 which states "Curb cuts, except where shared, shall be located a minimum of 10 feet from a parcel or lot line." and instead allow for a curb cut zero (0) feet from the parcel line, for a variance of ten (10) feet for a proposed parking lot to be located at 317 Rosa Ave (Parcel 2-038B-15-226.00, PPIN 13840, Ward 2).

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Applicant Summary: See Attached

Request for a **Curb Cut, Landscape and Buffer Variance**

Applicable Regulations: **7.5.2.2** Curb cuts, except where shared, shall be located a minimum of 10 feet from a parcel or lot line.

7.10.10.1 There shall be a minimum of 20 square feet of interior landscaped area provided within each parking lot for each parking space provided exclusive of landscape islands.

Table 7.11-2 Zoning Buffer Requirements

Zones	A-1	A-2	R-1A	R-1B	R-1C	R-2	R-3	B-1/B-2	B-3	B-4	B-5	I-1	I-2	Buffer Yard Specifications
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Request for a **Curb Cut, Landscape and Buffer Variance**

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Variance Information

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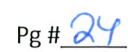
Annie Green, Trustee

SUBJECT PARCEL: 309 Mobile Street

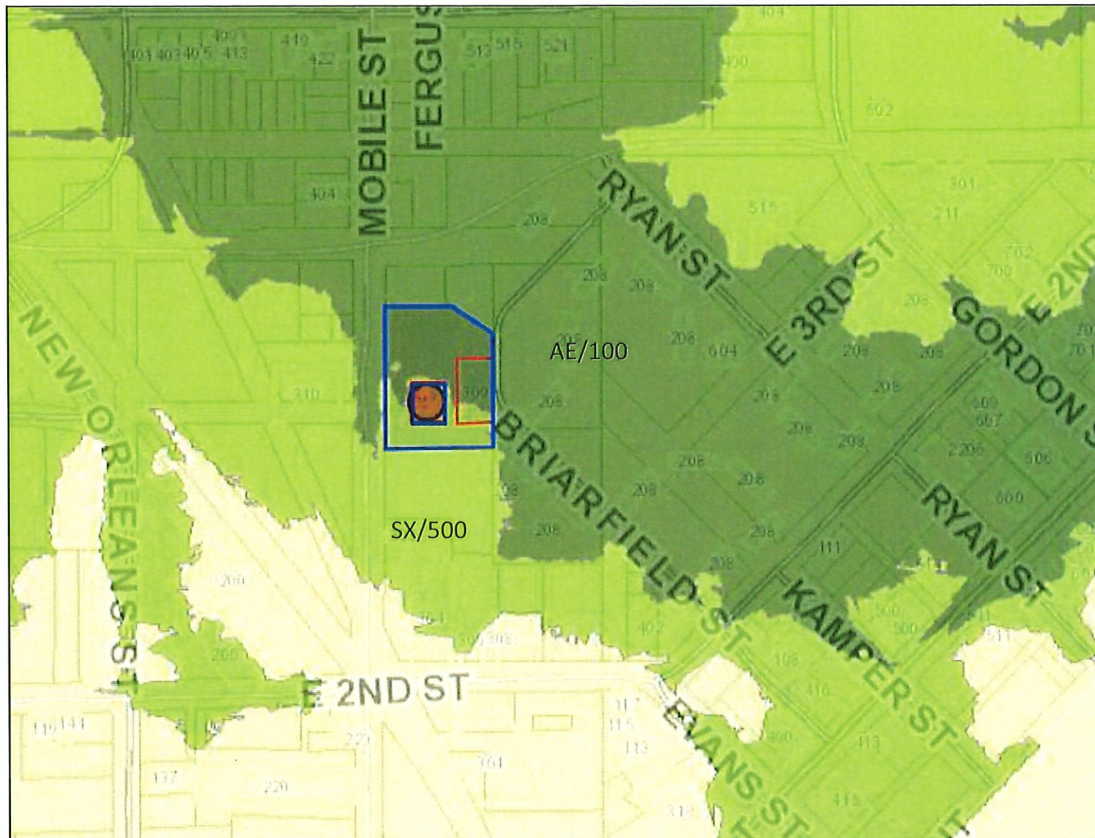
Louis Gagnet, Owner

The petitioner requests to vary from LDC Sec.5.4.5.2 which states "No permanently established outdoor amusement facilities, such as miniature golf courses, skateboard courses, or mechanical rides shall be located within 500 feet of the closest point of any abutting property line located in a residential district" and instead allow for outdoor amusement facilities, specifically regulation outdoor volleyball courts, to be located sixty-five (65) feet from the abutting residential property line, for a variance of four hundred thirty-five (435) feet for a proposed amusement facility located at 309 Mobile Street (Parcel 2-029J-10-004.00, PPIN 15665, Ward 2). District .

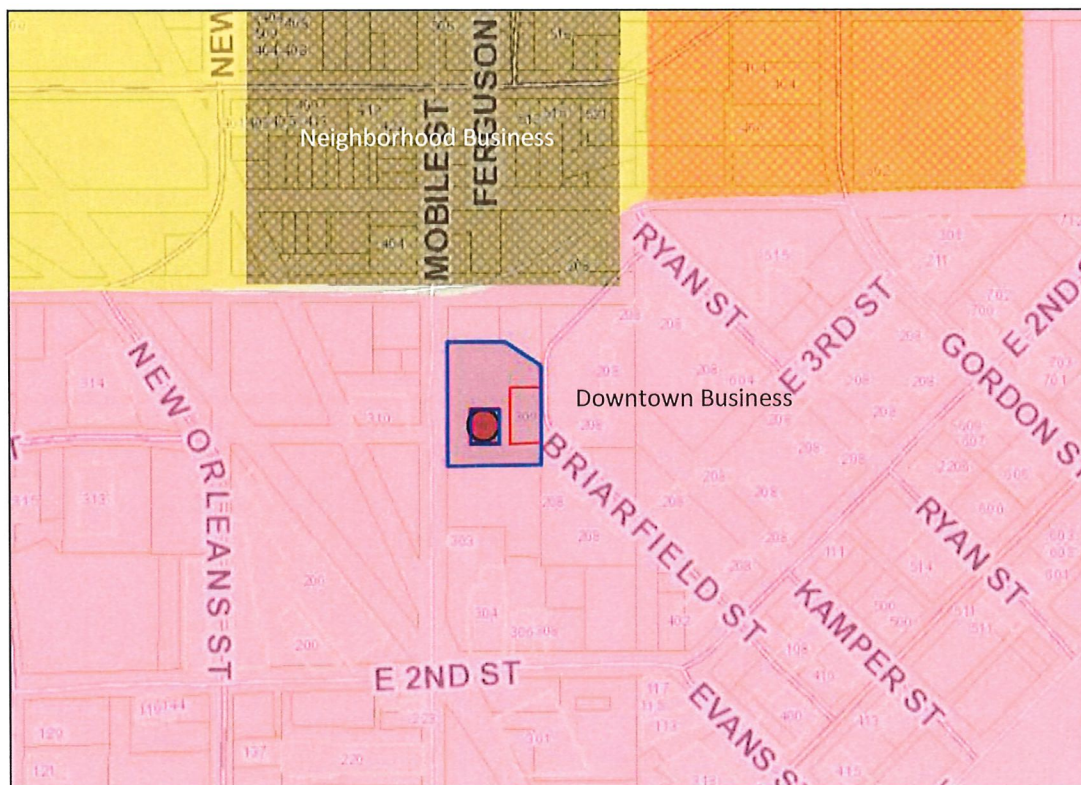




Flood Zone–AE/100-year and SX/500-year



Future Land Use– Neighborhood Business



Site Aerial



SURROUNDING AREA

Northern Direction: B-5 (Regional Business) District and R-3 (Multi-Family) District / Undeveloped greenspace



Southern Direction: B-5 (Regional Business) District / Commercial Parking Lot



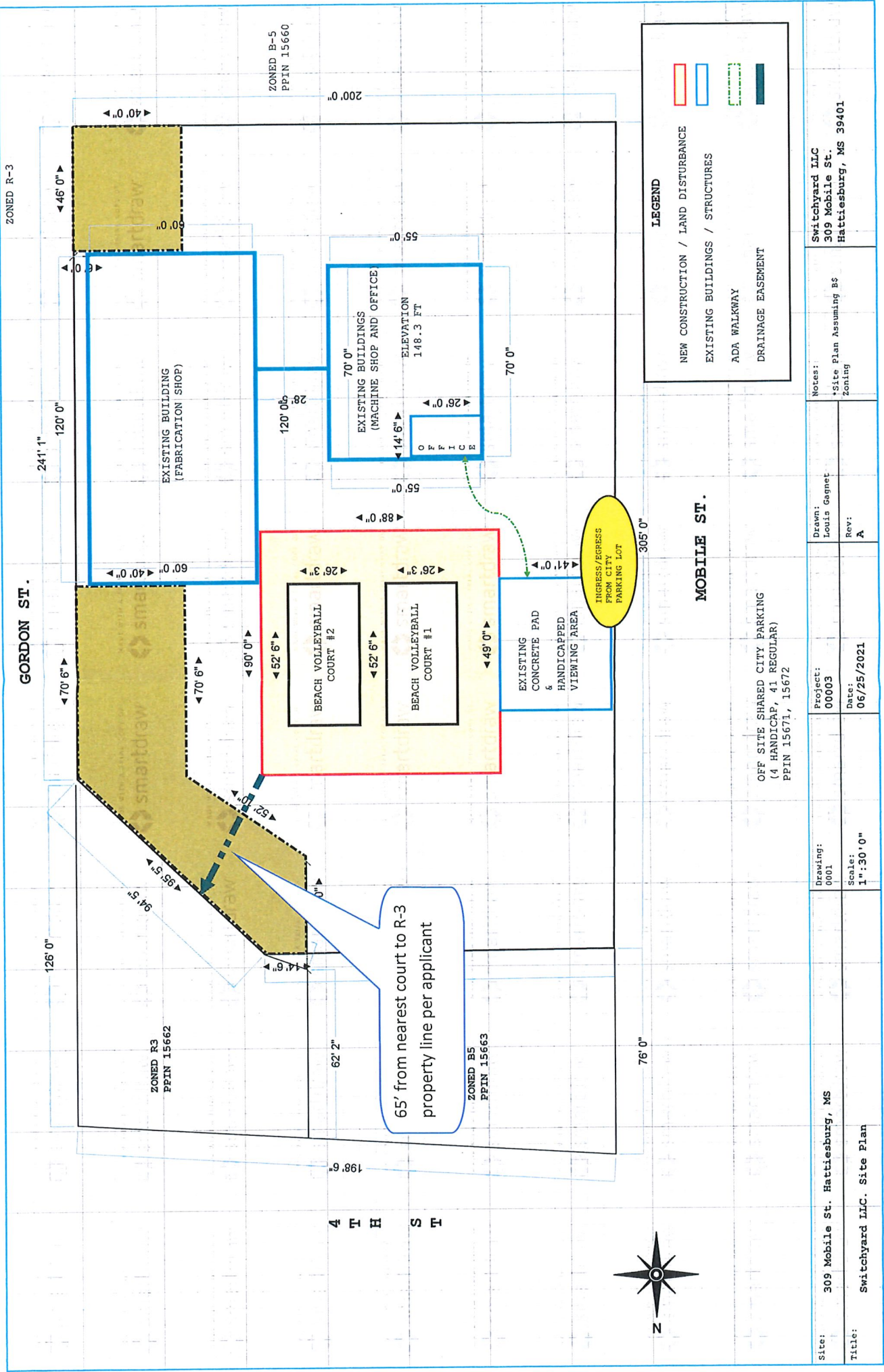
Eastern Direction: R-3 (Multi-Family) District / Apartments

Western Direction: B-5 (Regional Business) District / Church



Additional Photo From R-3 Property







**Board of Adjustment
Case Fact Sheet**

Name of Petitioners: Louis Gagnet, Owner

Address of Property:
309 Mobile Street

Tax Parcel
2-029J-10-004.00

PPIN:
15665

Ward:
2

Request: Variance of amusement facility to residential zoning

Purpose of Request: To vary from LDC Sec.5.4.5.2 which states "No permanently established outdoor amusement facilities, such as miniature golf courses, skateboard courses, or mechanical rides shall be located within 500 feet of the closest point of any abutting property line located in a residential district" and instead allow for outdoor amusement facilities, specifically regulation outdoor volleyball courts, to be located sixty-five (65) feet from the abutting residential property line, for a variance of four hundred thirty-five (435) feet for a proposed amusement facility located at 309 Mobile Street (Parcel 2-029J-10-004.00, PPIN 15665, Ward 2).

Applicant Summary: See Attached

Applicable Regulations:

Present Zoning: This parcel is currently zoned B-5 (Regional Business) District

Present Use: Personal use

Future Land Use: Downtown Business

Flood zone: AE/100-year (regulated) and SX/500-year (unregulated)

**Surrounding Zoning
and Land Use:**

North: B-5 (Regional Business) District and R-3 (Multi-Family)
District / Undeveloped greenspace
South: B-5 (Regional Business) District / Commercial Parking Lot
East: R-3 (Multi-Family) District / Apartments
West: B-5 (Regional Business) District / Church

**Letters or
Concerns stated:**

The Planning Division Office has not received any letters relative to this case as of July 23, 2021. The applicant has provided no letters of support from adjoining properties as of this date.

History / Background:

The petitioner met with staff in Pre-Application to discuss the redevelopment of a contributing historic site in the Downtown Historic District. The applicant proposes renovating the existing warehouse and shop to accommodate a variety of interior small gaming amenities such as billiards and ping-pong as well as install a bar for beer and light wine sales. He states that he may install a volleyball court in the rear building, which is not a fully enclosed structure. Additionally, he has proposed adding two regulation outdoor beach volleyball courts, as well as other outdoor game and picnic areas. While there are no immediate plans for a restaurant on the site, there will be a parking area for a visiting food truck and a potential restaurant addition in a later phase of the development.

Because the use is being reviewed by staff as an "Amusement Facility," the conditions for use in LDC 5.4.5 must be met. Staff determined that the proposed establishment of regulation outdoor beach volleyball courts was required to comply with LDC Sec. 5.4.5.2 as it is a permanently established outdoor amusement facility abutting a residential district. The applicant is requesting a variance from the outer edge of the volleyball court area.

The applicant is also seeking a rezone of the property from B-5 to B-4 zoning and also appealing the Director's decision to review the use as an "amusement facility."

The applicant has provided schematics for the proposed volleyball court. The applicant states that the lighting would be compliant with lighting regulations set forth in LDC Sec. 7.7. The proposed light towers in the schematics are a minimum of 40' and a maximum of 60' in height, which would be permitted if the B-4 zoning change is approved. If the zoning change is not approved, the overall light pole height will be limited to 25' unless a variance is requested and approved. See LDC 7.7.5.1 for reference.

The existing structures on the site are in the regulated 100-year flood zone and improvements will be required to be compliant with the adopted Flood Ordinance. All exterior site changes will require Historic Hattiesburg Conservation Commission approval.

Basis for Approval (12.4.1.1):

I. Hardship.

- The hardship is unique to the property and is not or will not be caused by the actions or inactions of the applicant.
- There are exceptional conditions creating an undue hardship applicable only to the property involved or the intended use which do not apply generally to the other land areas or uses within the same zoning district.

II. Special Privilege. A variance shall not confer any special privilege that is denied to other lands or structures in the same zoning district.

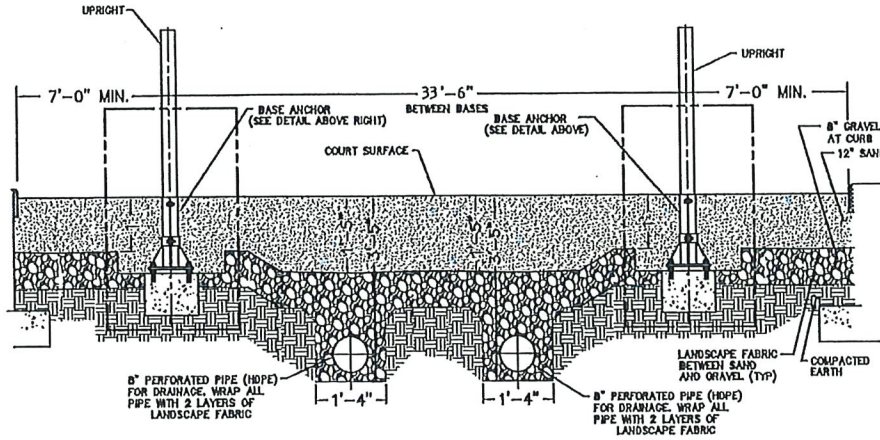
III. Literal Interpretation. The literal interpretation of the provisions of the regulations would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district and would cause unnecessary and undue hardship on the applicant.

IV. Reasonable Use. The applicant cannot make reasonable use of the property without the requested variance.

V. Minimum Required. The granting of a variance is the minimum variance that will make possible the reasonable use of the land or structure.

VI. Conformance with the Purposes of this Code. The granting of a variance will not conflict with the purposes and intent expressed or implied in the Land Development Code.

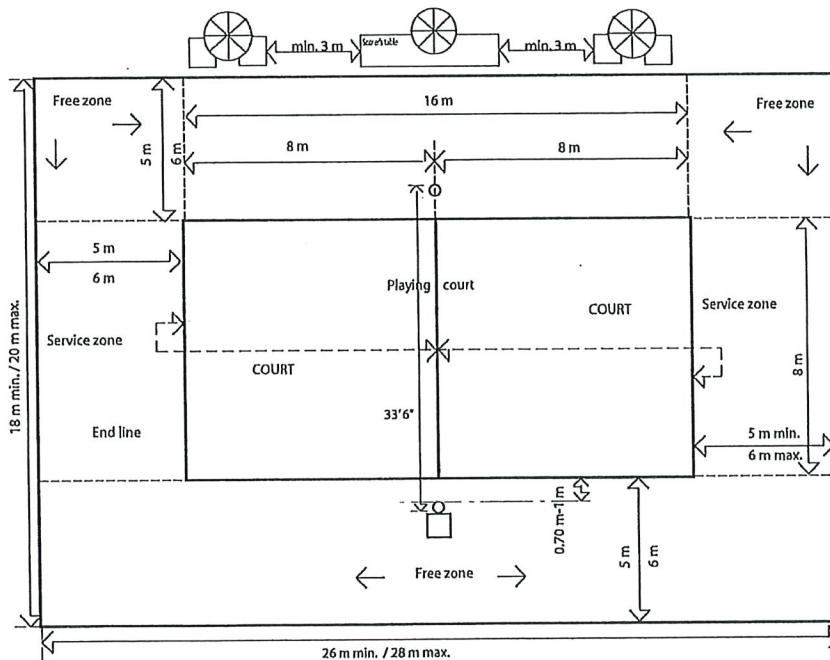
COURT CONSTRUCTION & ENVIRONMENT



High quality sand volleyball facilities engage an architect and maintenance group during planning and construction to avoid complications with drainage, safety and anchoring of net system. Layout, design and cost of court may be affected by soil characteristics, drainage, type and depth of sand, etc.

- Excavation
- Drainage
- Court Layout – *space between courts & obstructions near free zone*
- Spectator Seating
- Scoreboard
- Rinse Area
- Site Lighting

COURT DIAGRAM & DIMENSIONS

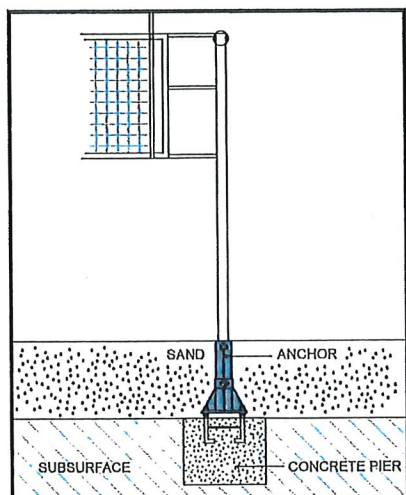


- NCAA court: 8x16 meters (26.25 x 52.49 ft.) for competitive doubles court
- Free zone: 5-6 meters\ (16.41-19.69 ft.) on each side of court
- Vertical free space: 12.5 meters (41.01 ft.) free from obstruction
- Depth of sand: recommend 18 in. on court and 12 in. minimum in free space

SPORTS IMPORTS SAND NET SYSTEM

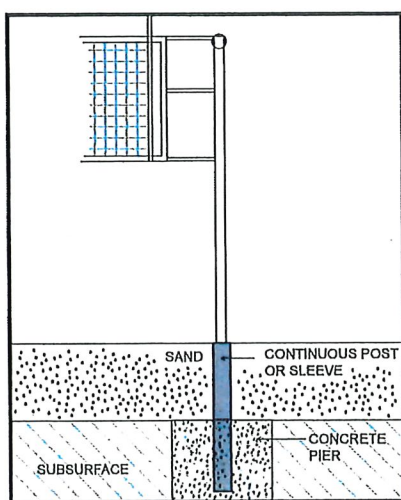
- **(2) SV15** ***Sand Volleyball Uprights – (Pin-Stop)***
- **(1) HDNR** ***Heavy Duty Net Ratchet***
- **(2) SVP1** ***Sand Volleyball Upright Safety Pads***
- **(1) SVN** ***Sand Volleyball Net***
- **(1) NA2** ***Net Antennae (Set)***

- **(1) SV99** *Sand Volleyball Official Stand*
- **(1) SVOP** *Sand Volleyball Official Stand Padding*
- **(1) CBM1** *Sand Court Boundary Lines – CBM1*
- **(2) SVA** *Sand Anchor System*

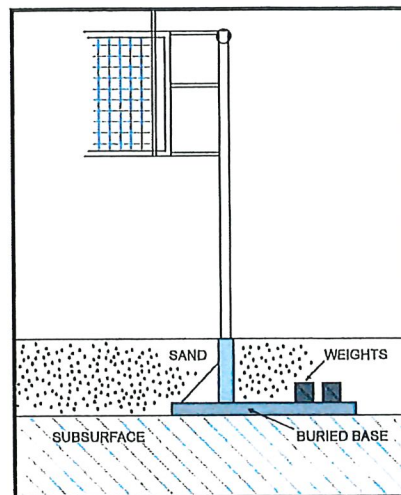


Sand Anchor System –
Installation with a cement pier

ANCHORING SYSTEMS



Permanent Sand Net System –
anchored in a concrete pier



Removable Sand Net System –
anchored in a buried sled

SAND INFORMATION

- **Washed:** double washed and free of silt and clay
- **Particle size:** .5-1mm for proper drainage and safety
- **Particle shape:** sub angular to resist compaction and help with drainage
- **Color:** white resists heat
- **Source:** granite based (no calcium or limestone) remains stable in all weather
- **Tilling:** recommend routine tilling for ideal playing conditions

USAV Sand Specifications

USAV ProCourt Sand Chart

USAV Recommendations for SAND Specifications									
Material Sizes (% retained)	Grade	Gravel	V. Course	Course	Medium	Fine	V. Fine	Pan (Clay+Silt) <0.05	
	Millimeter	2.0mm #10	1.0mm #18	.5mm #35	.25mm #60	.15mm #100	.05mm #270		
USAV Standards	Screen								
	Benchmark	0	5.1	46	41.8	3.9	2.4		0.7
	USAV CI*	50%	50%	10%	10%	15%	30%		25%
%Recommended	Acc Var**	0	2.6-7.7	41.4-50.6	37.6-45.9	3.3-4.5	1.7-3.1		0.5-0.9
		<2%	<15%	Combined 78% to 100%			<5%		<3%
Penetrometer Value (kg/cm2)		Crusting	Crusting	Color (dry)	Infiltration Rate (In/Hr)		Sphericity/Angularity		
Acceptable: 1.8 to 2.4; Superior > 24		Light to None		Personal Preference	>20 inches/hour		Angular to Subangular		

*USAV Confidence Interval
**Acceptable Variance

Court Layout

Outdoor courts are built North/South

- Minimizes the interference of sun on players and broadcasting
- Net line runs East/West

TV camera shoots facing East

- Avoids facing sun during primetime broadcasting
- Reduces shadows

Court Layout

USAV Lighting Specs – Televised and Non-Televised

Light Measurement	Minimum Non Televised	Minimum Televised
LUX per square yard	807	1076
Foot Candles per square yard	75	100
Bulb Temperature	5200 degrees Kelvin	5500 degrees Kelvin

Light Towers

- A minimum of 40 feet in height and a maximum of 60 feet in height
- Setup at approximately 45 degree angle to court
- Towers are to be placed evenly around the court to maintain a consistent illumination of the area

Court Layout

Slope

- Outdoor park land and parking lots are built to drain (most parking lots are up to 7%)
- Court should run parallel to slope to minimize cost (Figure B)

Figure B

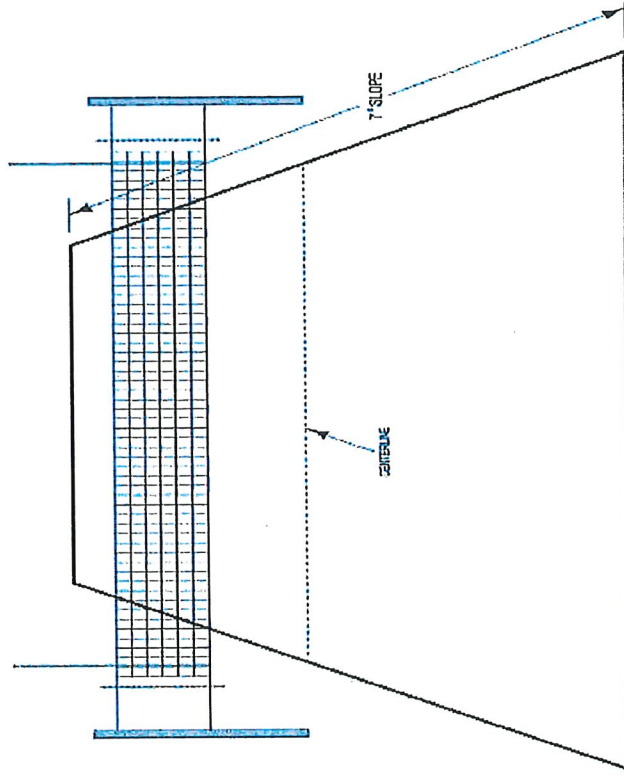
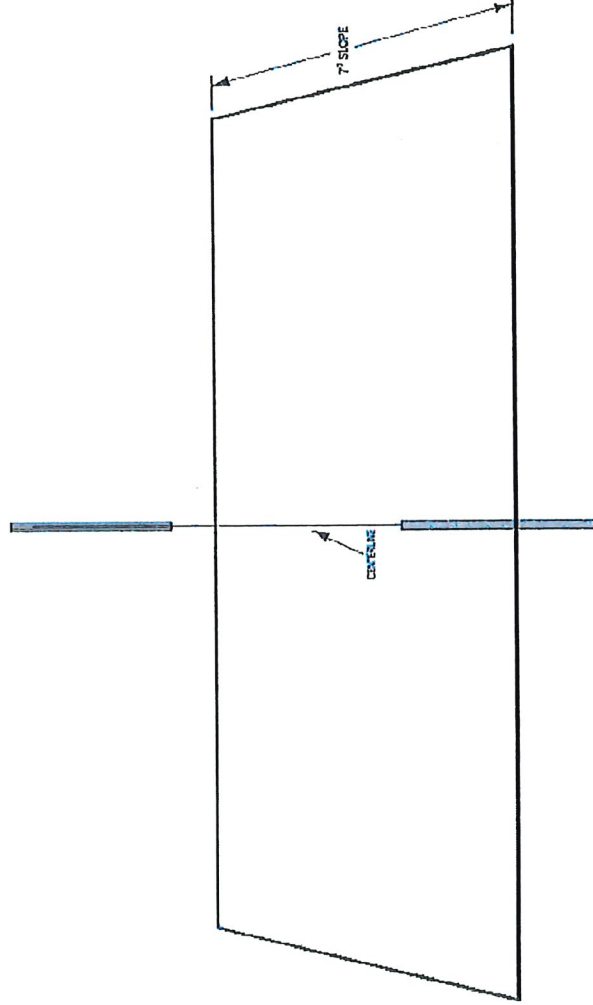
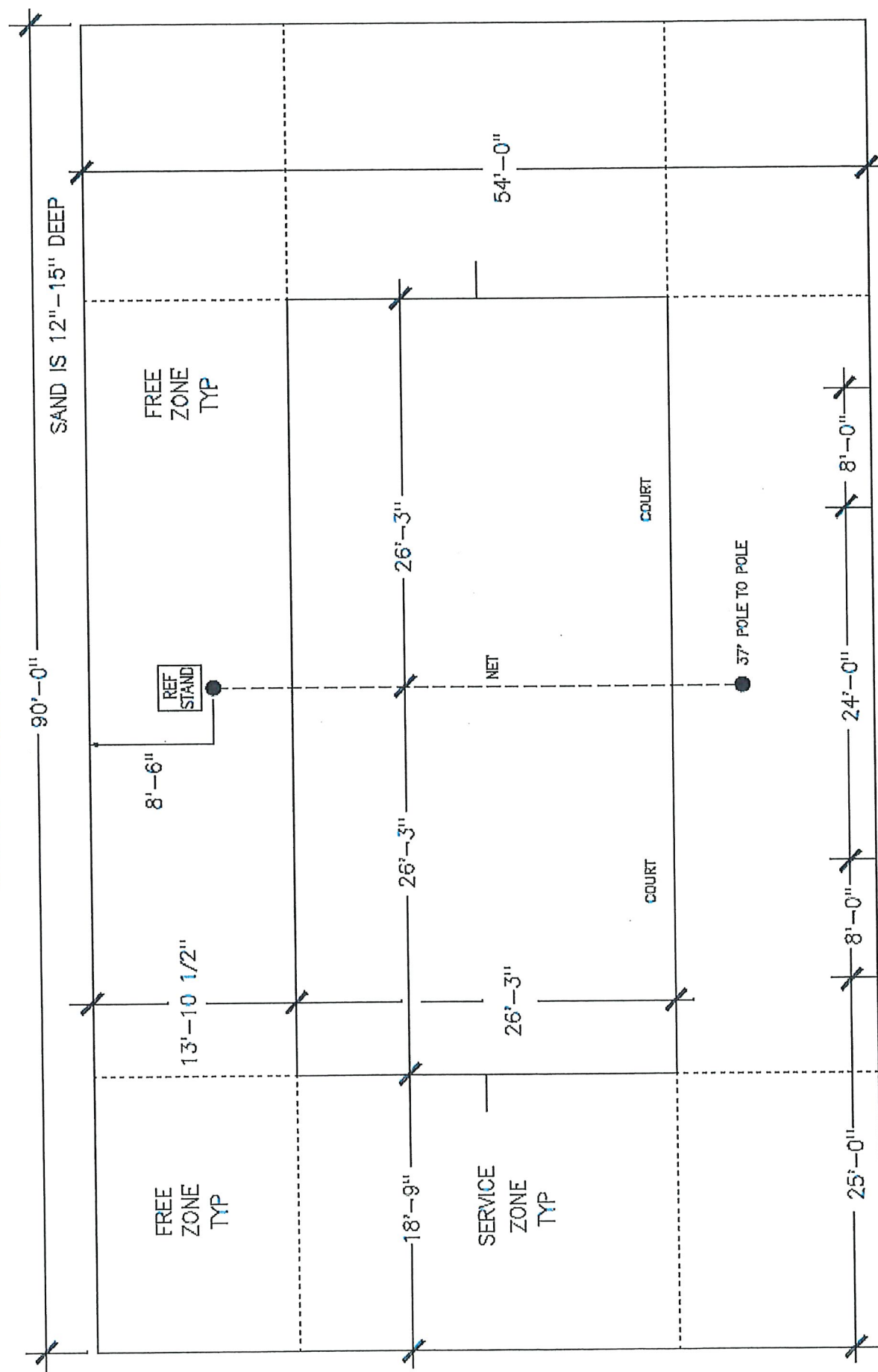


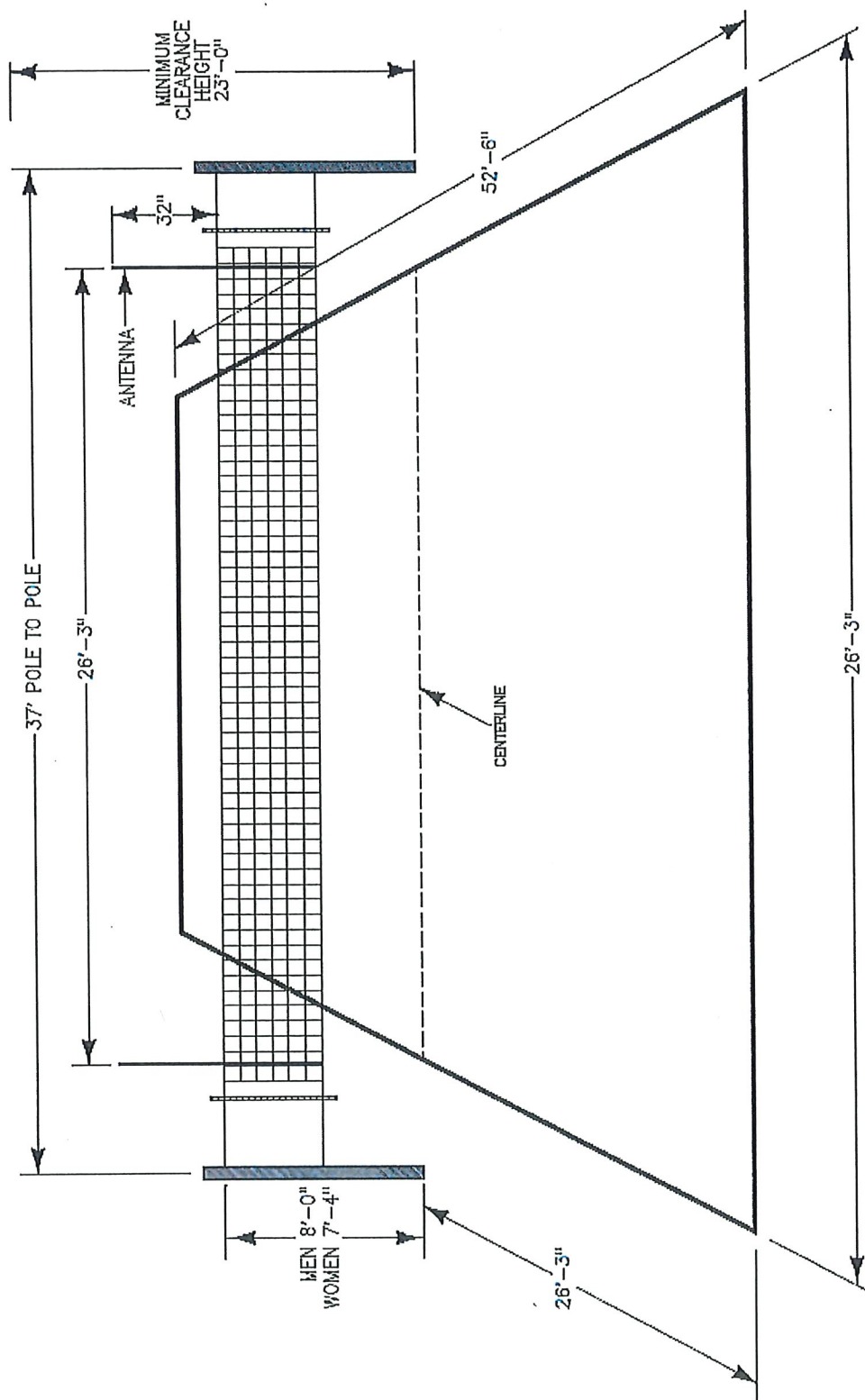
Figure A



USAV Court Dimensions



USAV Court Dimensions



Variance Information

The Board of Adjustment has the responsibility to hear and make recommendation on requests for variances to the requirements of this Code (per Section 11.4.). Section 12.4.1 Variances are departures from the standards of the Land Development Code, except land use, which will not be contrary to the public interest and where, owing to conditions peculiar to the property and not as a result of the action of the applicant, a literal enforcement of this Code would result in unnecessary and undue hardship.

The following conditions must be met before a variance can be recommended. Not all criteria must be met. However, a strong application will meet multiple criteria.

Approval Criteria.

A variance is not a right, but a privilege that property owners meeting the following criteria may request. These criteria are to be used to consider all variance requests. It shall be the burden of the applicant to prove that the request meets these criteria. Use this worksheet or format your own to demonstrate the following criteria.

1. **Hardship.** (a) The hardship is unique to the property and is not or will not be caused by the actions or inactions of the applicant. (b) There are exceptional conditions creating an undue hardship applicable only to the property involved or the intended use which do not apply generally to the other land areas or uses within the same zoning district.

2. **Special Privilege.** A variance shall not confer any special privilege that is denied to other lands or structures in the same zoning district.

3. **Literal Interpretation.** The literal interpretation of the provisions of the regulations would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district and would cause unnecessary and undue hardship on the applicant.

See back pg

Variance Information

4. **Reasonable Use.** The applicant cannot make reasonable use of the property without the requested variance.

The concept for the development revolves around Beach Volleyball and the great social vibe and atmosphere it delivers for customers/guests. Proper lighting is required for meeting hosting any multi-day day-long tournaments which will bring people and revenue downtown.

5. **Minimum Required.** The granting of a variance is the minimum variance that will make possible the reasonable use of the land or structure.

As long as Planning requires labels my business as an "amusement facility" as opposed to an "Assembly not otherwise specified" or even a "club or bar", then yes this is the only way to achieve the intended development for this land.

6. **Conformance with the Purpose of this Code.** The granting of a variance will not conflict with the purposes and intent expressed or implied in the Land Development Code.

While the property abuts the Housing Authority on two sides, with the buffer (landscape) and siting of the closest volleyball court, any commotion will be at least approximately 150 ft away from a Residential Structure. All city lighting and noise ordinances will be followed.

12.4.1.2 Conditions of Approval. In recommending the granting of a variance, the Board of Adjustment may require appropriate conditions and safeguards in conformity with this Code. Violation of such conditions and safeguards, when made a part of the terms under which a variance is granted, shall be deemed a violation of this Code. The recommendation of the Board of Adjustment shall be presented to the City Council for final action.