

Place: Jackie Dole Sherrill Community Center (Dining Room)

Time: 3:30 PM

Board of Adjustment

AGENDA

9/1/2021

I. Business Meeting

1. Review and approval of September meeting's agenda
2. Review and approval of the minutes of the August 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 Rob Puckett, Representative, and Puckett Machinery-Hastings Puckett, Owner, as required in the Land Development, Ord. No. 3209, to request a variance from Table 7.11-2, B-5 50' zoning buffer requirement and instead allow a zoning buffer of ten (10) feet for variance of forty (40) feet at 6751 Hwy 49 (portion of Parcel 2-025I-36-013.00, PPIN 27606; portion of Parcel 2-025I-36-011.00, PPIN 27603, Ward 1).

B. A petition has been filed by Rob Puckett, Representative, and Puckett Machinery-Hastings Puckett, Owner, as required in the Land Development, 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 allow 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 90%, for a variance of 40% for a proposed outdoor equipment storage yard to be located at 6751 Hwy 49 (portion of Parcel 2-025I-36-013.00, PPIN 27606; portion of Parcel 2-025I-36-011.00, PPIN 27603, Ward 1).

III. Other Business

IV. Adjournment

SUBJECT PARCEL:
6751 Hwy 49

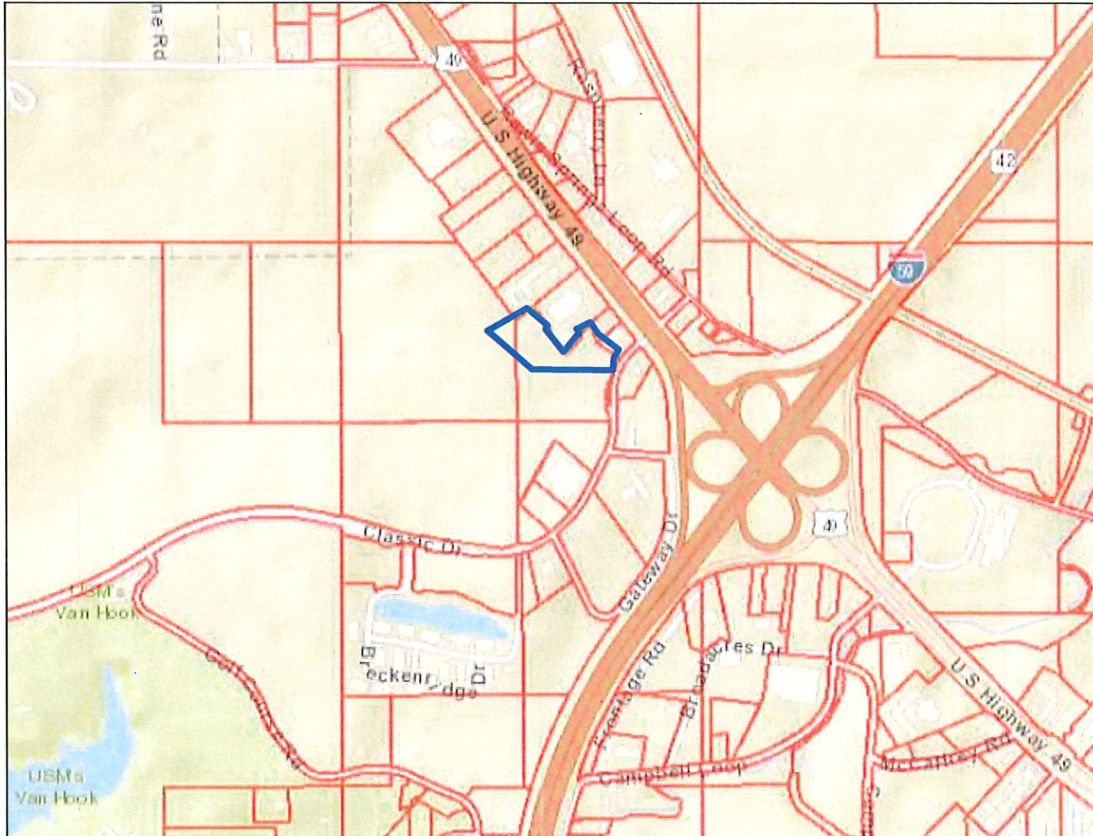
Rob Puckett, Representative, and Puckett Machinery- Hastings Puckett, Owner

The petitioners request:

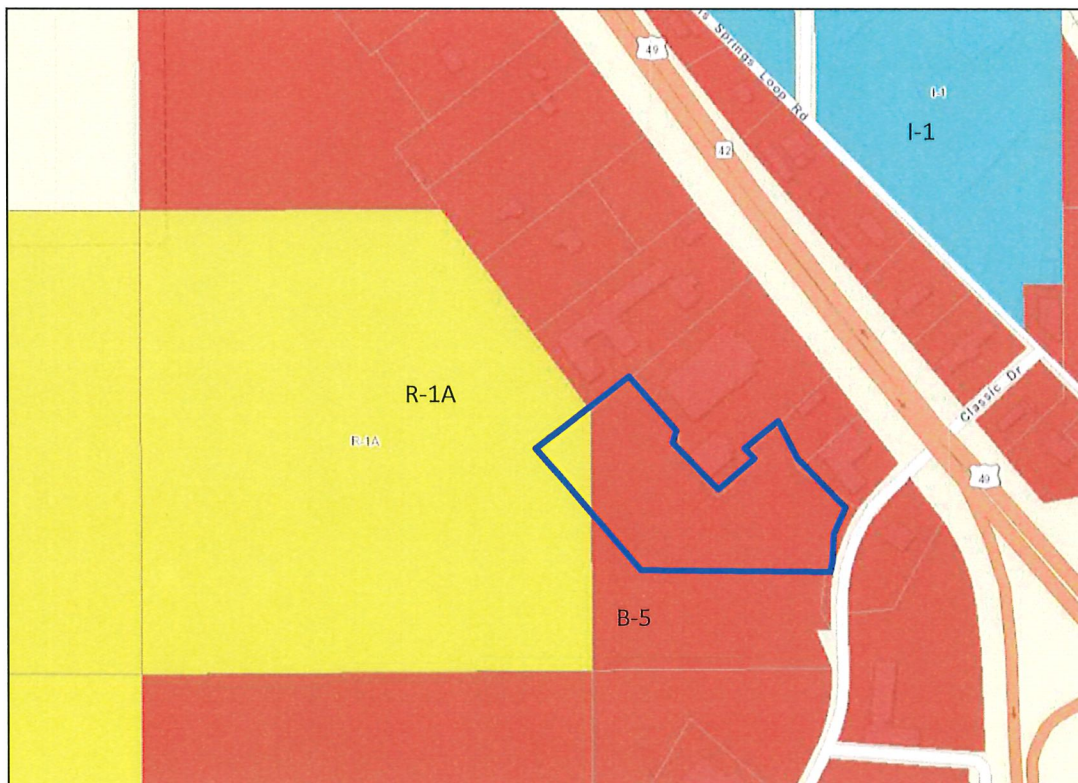
- (a) To vary from Table 7.11-2, B-5 50' zoning buffer requirement and instead allow a zoning buffer of ten (10) feet for variance of forty (40) feet and
- (b) To vary from Section 7.12.10.4 "A maximum outdoor equipment storage space of 50% of the side and rear lot area is allow for business and industrial 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 90%, for a variance of 40% for a proposed outdoor equipment storage yard to be located at 6751 Hwy 49 (portion of Parcel 2-025I-36-013.00, PPIN 27606; portion of Parcel 2-025I-36-011.00, PPIN 27603, Ward 1).



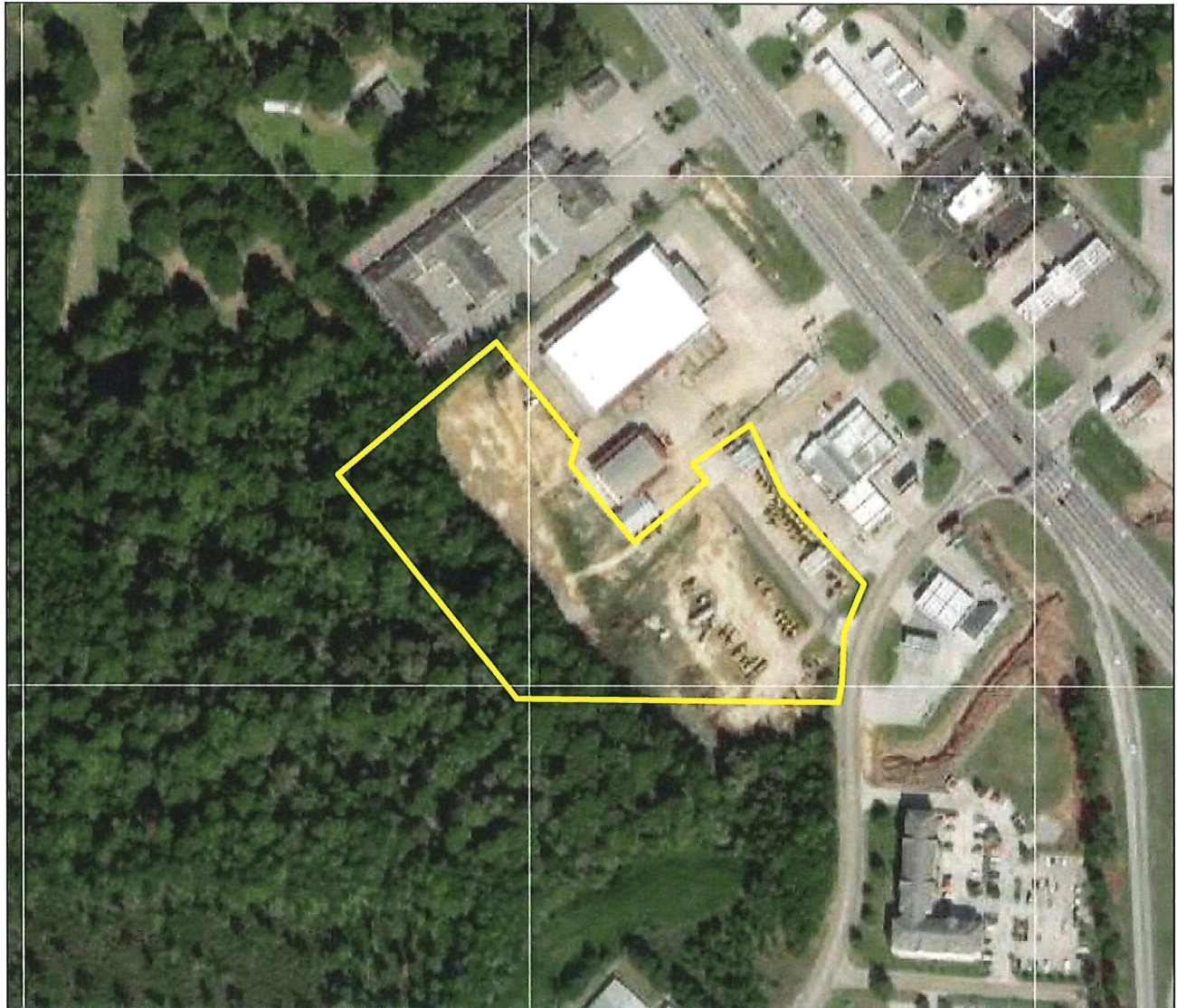
Vicinity Map—Ward 1



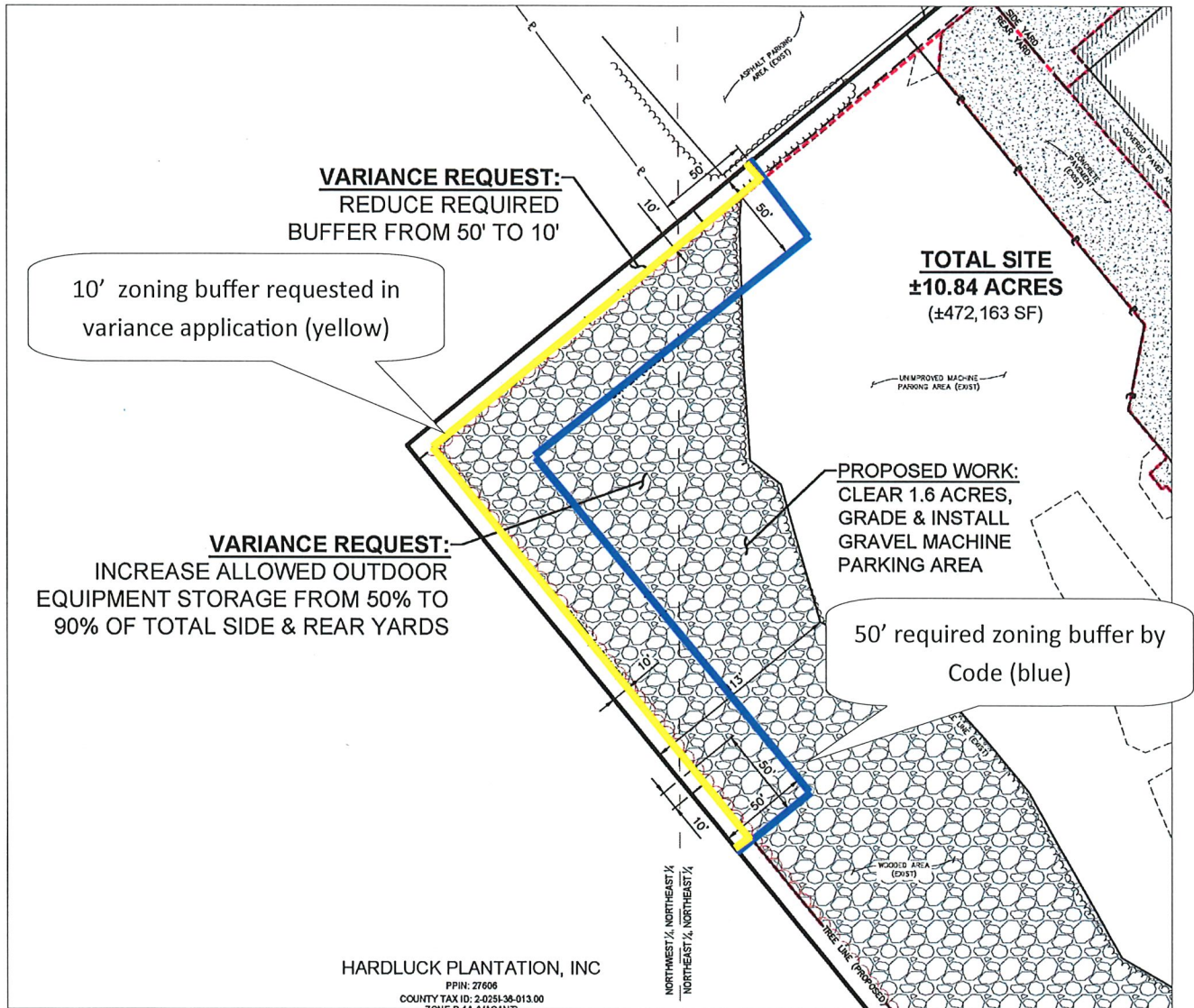
Zoning—R-1A/B-5



Site Aerial



Buffer variance area enhanced by Staff



SURROUNDING AREA

Northern Direction: B-5 (Regional Business) District/ Gas Station

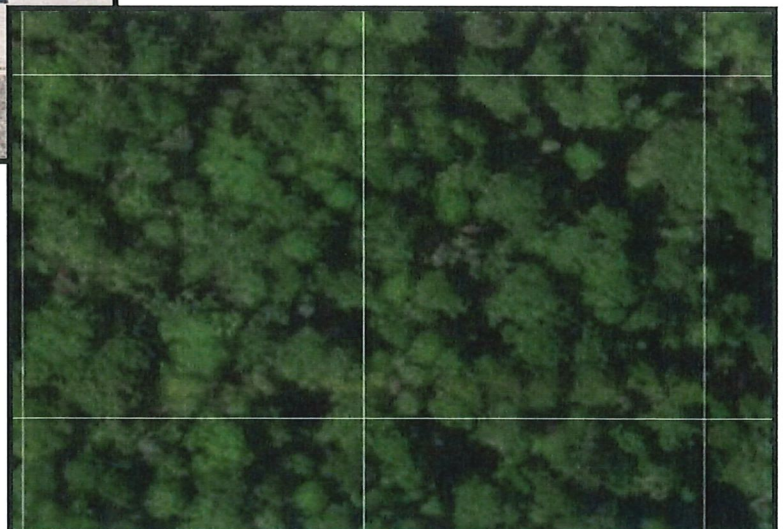


Southern Direction: R-1A (Single Family Residential) District/
Undeveloped



Eastern Direction: B-5 (Regional Business) District/ Gas Station

Western Direction: R-1A (Single Family Residential) District/
Undeveloped





**Board of Adjustment
Case Fact Sheet**

Name of Petitioners: Rob Puckett, Representative, and Puckett Machinery- Hastings Puckett, Owner

Address of Property:	Tax Parcel	PPIN:	Ward:
6751 Hwy 49	portion of Parcels	portion of	1
	2-025I-36-013.00	27606	
	2-025I-36-011.00	27603	

Requests: Zoning Buffer Variance
Outdoor storage lot size variance

Purpose of Request: (a) To vary from Table 7.11-2, B-5 50' zoning buffer requirement and instead allow a zoning buffer of ten (10) feet for variance of forty (40) feet at 6751 Hwy 49 (portion of Parcel 2-025I-36-013.00, PPIN 27606; portion of Parcel 2-025I-36-011.00, PPIN 27603, Ward 1).

(b) To vary from Section 7.12.10.4 "A maximum outdoor equipment storage space of 50% of the side and rear lot area is allow 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 90%, for a variance of 40% for a proposed outdoor equipment storage yard to be located at 6751 Hwy 49 (portion of Parcel 2-025I-36-013.00, PPIN 27606; portion of Parcel 2-025I-36-011.00, PPIN 27603, Ward 1).

Applicant Summary: See Attached

Applicable Regulations:

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-5	50'	50'	50'	50'	50'	50'	50'	-	-	-	-	-	-	Type 50 shall consist of a landscaped area a minimum of 50 feet in width, landscaped as an opaque barrier with 1 large canopy tree (ultimate height 50+ feet) and one small ornamental deciduous tree for every 60 lineal feet of buffer yard and 1 medium evergreen tree planted on a triangular staggered spacing for every 10 lineal feet of buffer yard.

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.

LDC 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.

Present Zoning: This parcel is currently zoned R-1A (Single-Family Residential) District and B-5 (Regional Business) District.

Present Use: Machinery rental/Undeveloped

Future Land Use: Regional Business Corridor

Surrounding Zoning and Land Use:
 North: B-5 (Regional Business) District/ Gas Station
 South: R-1A (Single Family Residential) District/ Undeveloped
 East: B-5 (Regional Business) District/ Gas Station
 West: R-1A (Single Family Residential) District/ Undeveloped

Most Nearly Bounded By (streets): The parcel is most nearly bounded to the north and east by Highway 49, to the south by Classic Drive. It is accessible by Classic Drive.

Letters or Concerns stated: The Planning Division Office has not received any letters or other written communications relative to this case, as of August 20, 2021.

Letters or Concerns stated: The Planning Division Office has not received any letters or other

Item: A-B
Rob Puckett, Representative

Request for a **Zoning Buffer/Storage Yard Size Variance**

written communications relative to this case, as of August 20, 2021. The applicant has supplied letters of support from the adjoining property owner.

History / Background:

The applicant met with staff in Pre-Application to discuss an expansion of the existing Puckett Machinery business on Highway 49. The proposed expansion includes a 5000 sf warehouse addition to the existing Puckett Machinery building, façade improvements, and addition of storage area for heavy machinery inventory. The expansion includes the installation of a gravel surface the outdoor storage area.

Item (A):

The applicant is requesting a reduction of the required 50' zoning buffer between the B-5 and R-1A zoning to the western edge of the site (refer to Variance Map provided by applicant). The applicant has also requested a zoning change for a portion of the site from R-1A to B-5; the buffer variance request coincides with the area proposed to be rezoned. See applicant-provided Re-Zoning Map for reference. The applicant is requesting the reduction of the zoning buffer to ten feet, pending approved rezone.

Staff cannot approve development in a required zoning buffer without a variance.

Item (B):

The applicant proposes to increase outdoor storage through the improvement/expansion of their equipment storage yard on the western/southern portion of the site. The storage yard exceeds the allotted area permitted for outdoor equipment storage. Staff could not approve the expansion as proposed. The applicant is concurrently requesting a conditional use to allow for storage on a gravel surface as well as a zoning change for a portion of the site.

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.

C:\P26102127\Puckett Machinery\0914 - Puckett Machinery Expansion\0914\210212.Dwg File: 0914_Variance Map.dwg, 1 OF 1, 7/19/2021 9:19:37 AM

OUTDOOR STORAGE AREAS		
Number	Location	Area (sq. ft.)
1	Paved side yard area northwest of warehouse	12,946
2	Paved side yard area southeast of warehouse (excluding access road)	55,516
3	Unpaved side yard area southeast of warehouse (excluding access road)	17,585
4	Paved rear yard area southwest of warehouse	23,551
5	Unpaved rear yard area southwest of warehouse	222,865
Total Storage Area		332,463
Total Side Yard and Rear Yard Area		368,425
Storage Area Percent of Side and Rear Yard Area		90%

VARIANCE REQUEST:
INCREASE ALLOWED OUTDOOR EQUIPMENT STORAGE FROM 50% TO 90% OF TOTAL SIDE & REAR YARDS

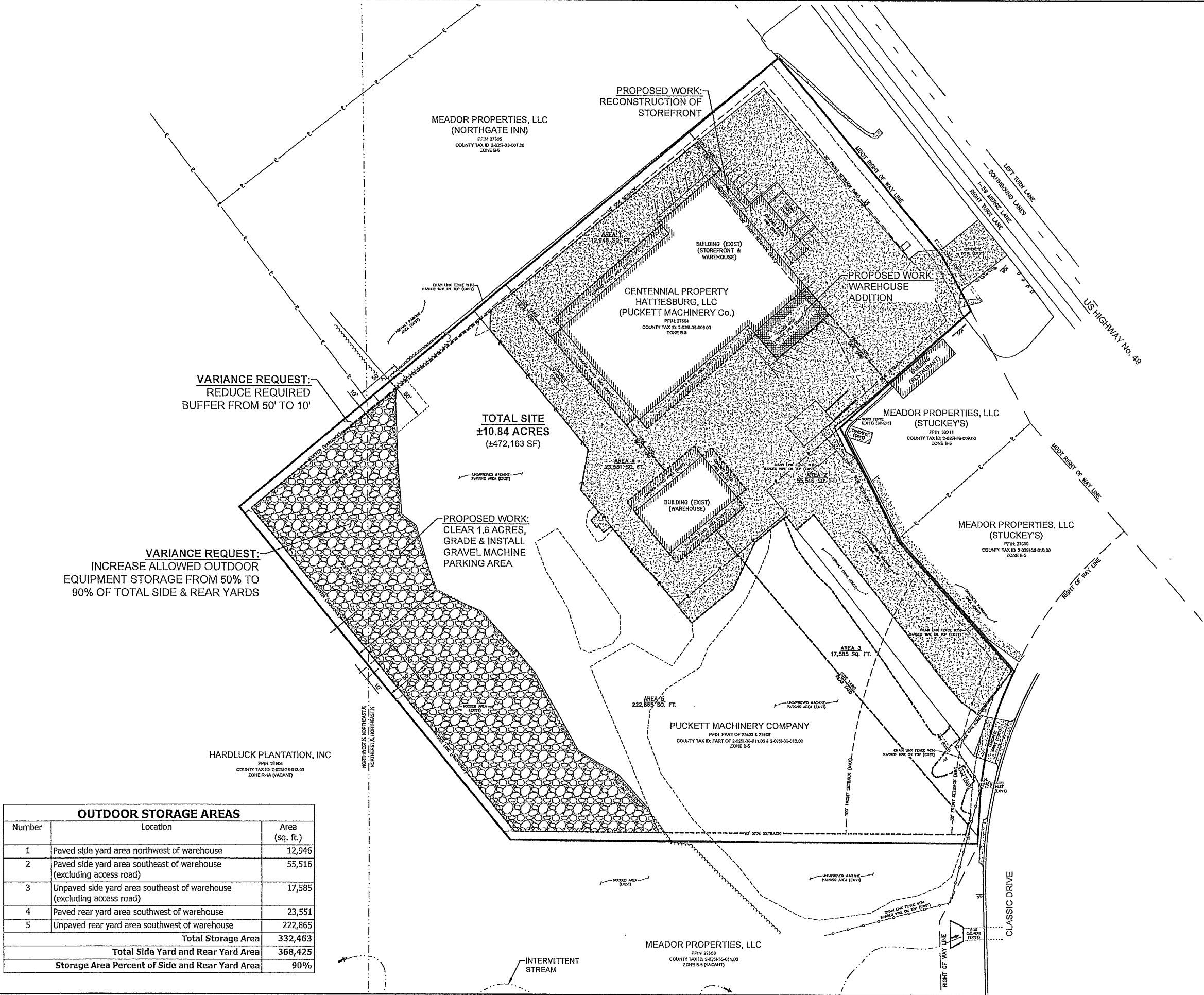
VARIANCE REQUEST:
REDUCE REQUIRED BUFFER FROM 50' TO 10'

TOTAL SITE
±10.84 ACRES
(±472,163 SF)

PROPOSED WORK:
CLEAR 1.6 ACRES,
GRADE & INSTALL
GRAVEL MACHINE
PARKING AREA

PROPOSED WORK:
RECONSTRUCTION OF
STOREFRONT

PROPOSED WORK:
WAREHOUSE
ADDITION



ZONING NOTES:	
B-5 Regional Business (LDC Sec. 4.5.12)	
Setbacks (LDC Sec. 6.1)	
Front	30 Feet Min., 150 Feet Max. (Complies)
Corner	Same as Front (Complies)
Side	0 Feet Min., 10 Feet If provided (Complies)
Rear	0 Feet (Complies)
Buffer	50 Feet adjacent to Agricultural and Residential Zones (LDC Sec. 7.11.13) 10 Feet Proposed (Does Not Comply) Variance Requested
Bldg Height	72 Feet or 6 Stories Max. (LDC Sec. 6.1) (Complies)
Bldg Floor Ratio	1.5 Max. Area (LDC Sec. 6.1)
Lot Width	1:0.09 Existing & Proposed (Complies) 100 Feet Min. (LDC Sec. 6.1) (Complies)
Coverage	90% Coverage Max. (LDC Sec. 6.1) 42% Existing & Proposed (Complies)
Use	Machinery, Tools/Construction Equipment, Limited Sales & Service - Existing & Proposed Use (Complies) (LDC Sec. 5.3)
Outdoor Storage	50% of Side & Rear Yards Max. (LDC Sec. 7.12.10.4) 90% Proposed (Does Not Comply) Variance Requested

FLOOD NOTE:
The Parcel, as shown hereon, are located within an Area having a Flood Zone Designation "X", Areas Determined to be Outside the 0.2% Annual Chance of Flood Floodplain, by the Federal Emergency Management Agency (FEMA), on Flood Insurance Rate Map (FIRM) No. 28035C01010, with a Date of Identification of March 2, 2010 for Community No. 280053, in the City of Hattiesburg, Forrest County, Mississippi.

LEGEND:	
EXIST	- EXISTING
→	- FLOW DIRECTION
+	- GATE POST (EXIST)
+	- GUARD POST (EXIST)
L	- LENGTH
MDOT	- MISSISSIPPI DEPARTMENT OF TRANSPORTATION
---	- PROPERTY LINE
PPIN	- PROPERTY PARCEL IDENTIFICATION NUMBER
SW	- SIGN (EXIST)
SF	- SQUARE FEET
---	- OUTDOOR STORAGE AREA



NO.	DATE	DESCRIPTION	BY
VARIANCE MAP			
PUCKETT MACHINERY COMPANY CITY OF HATTIESBURG FORREST COUNTY, MISSISSIPPI			
sdw Engineering Progress 301 Second Ave., Hattiesburg, MS 39401 (p) 601.544.1821 sd-w.com			
Drawn by: RES/SLS		Checked by: NMC	
Date: 07-19-2021		Scale: 1" = 50'	
Drawing No.: 16914		Sheet No.: 1 OF 1	

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RE-ZONING REQUEST:
AREA CURRENTLY ZONED
R-1A TO BE RE-ZONED B-5

±0.51 ACRES
(±22,056 SF)

HARDLUCK PLANTATION, INC.
PPIN: 27606
COUNTY TAX ID: 2-0251-36-013.00
ZONE R-1A

MEADOR PROPERTIES, LLC
(NORTHGATE INN)
PPIN: 27609
COUNTY TAX ID: 2-0251-36-007.00
ZONE B-5

CENTENNIAL PROPERTY
HATTIESBURG, LLC
(PUCKETT MACHINERY Co.)
PPIN: 27614
COUNTY TAX ID: 2-0251-36-009.00
ZONE B-5

MEADOR PROPERTIES, LLC
(STUCKEY'S)
PPIN: 27614
COUNTY TAX ID: 2-0251-36-009.00
ZONE B-5

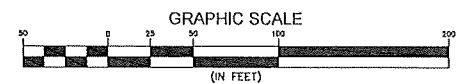
MEADOR PROPERTIES, LLC
(STUCKEY'S)
PPIN: 27620
COUNTY TAX ID: 2-0251-36-010.00
ZONE B-5

PUCKETT MACHINERY COMPANY
PPIN: PART OF 27603
COUNTY TAX ID: PART OF 2-0251-36-011.00
ZONE B-5
PPIN: PART OF 27606
COUNTY TAX ID: PART OF 2-0251-36-013.00
ZONE R-1A

HARDLUCK PLANTATION, INC.
PART OF PPIN: 27603
COUNTY TAX ID: PART OF 2-0251-36-011.00
ZONE B-5

LEGEND:

- FLOW DIRECTION
- GATE POST
- GUARD POST
- LENGTH
- MDOT — MISSISSIPPI DEPARTMENT OF TRANSPORTATION
- PROPERTY LINE
- PPIN — PROPERTY PARCEL IDENTIFICATION NUMBER
- SF — SQUARE FEET



RE-ZONING MAP			
PUCKETT MACHINERY COMPANY CITY OF HATTIESBURG FORREST COUNTY, MISSISSIPPI			
sdw Engineering Progress 301 Second Ave., Hattiesburg, MS 39401 (p) 601.544.1821 sd-w.com			
Drawn by:	RES/SLS	Checked by:	NMC
Date:	7-20-2021	Scale:	1" = 50'
Drawing No.:	16914	Sheet No.:	1 OF 1

Variance Information

Increase Allowable Outdoor Storage Space

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.

The expansion of the Puckett Machinery business will be difficult without the additional storage area. The exceptional condition on this site is the large size of the equipment stored by the business. The size of the equipment does not lend itself to warehouse storage, and the usage of only 50% of the exterior area would severely limit the amount of equipment that could be stored.

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

Other lands in the B-5 zone are allowed to use their property for storage. This owner is only asking for the same consideration. This is not unreasonable considering this is simply a continuation of their current business practices.

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.

The regulations would allow the owner to use only 50% of the side and rear areas for parking and storage. This is a reasonable requirement for businesses with smaller equipment and allows them to store all of their equipment. It is not unreasonable for the owner to request a variance to allow him to store all of his equipment.

Variance Information

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

The owner has +/-8.46 acres of space in his side and rear yards. Without the variance they will have +/-4.23 acres of unusable property. This is not reasonable.

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

The variance from 50% to 90% gravel storage is the minimum change that will allow Puckett Machinery to store the equipment that they need.

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.

The purpose of the land code includes promoting economic development in the City. This project is an investment in the economic development of the City by a private entity.

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

Reduce 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.

The expansion of the Puckett Machinery business will be difficult without the additional storage area that can be provided with the adjustment of the buffer zone requirement. The zoning of the adjacent undeveloped property is causing a hardship by making it harder to expand the commercial developments that currently do exist.

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

Other lands in the B-5 zone are allowed to use their entire property for storage. This owner is only asking for the same consideration. This is not unreasonable considering there is not currently any residential development in this area.

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.

The regulations would allow the owner to use only 27% of the property in the area rezoned from R1-A to B-5 for it's intended use. Other properties, in the B-5 zone, are allowed to use the entire property for parking and storage. It is not unreasonable for the owner to request a variance from the required buffer zone of 50 feet, while still maintaining a buffer on his property for a residential development that does not exist and may never exist.

Variance Information

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

The property requiring the variance is 0.51 acres in area. Without the variance only 0.14 acres of this area will be usable (27% of the available area).

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

The variance from 50' buffer to 10' buffer is the minimum buffer change that will allow Puckett Machinery to install the gravel storage area for the equipment that they need.

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.

The purpose of the land code includes promoting economic development in the City. This project is an investment in the economic development of the City by a private entity. The adjacent residential zoning is not developed and is not really in character with the rest of the neighborhood. The only development in the area is commercial.

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.

To Whom it may concern:

I, Nancy Meador Farrar, Meador Properties LLC, am the owner of parcels:

- PPIN 27605 (2-025I-36-007.00)
- PPIN 32314 (2-025I-36-009.00)
- PPIN 27600 (2-025I-36-010.00)
- PPIN 27603 (2-025I-36-011.00)

which are located immediately adjacent to the part of PPIN 27603 (2-025I-36-011.00) and PPIN 27606 (2-025I-36-013.00) recently sold to Puckett Machinery

It is my understanding that Puckett Machinery is requesting a zoning change on part of their property, a variance to reduce the buffer zone to 10 feet, and a conditional use permit to allow gravel parking of their equipment.

I have no objections to this proposed action and support the approval any variances required.

Nancy Meador Farrar
7/12/2021

Signed

Date

STATE OF MISSISSIPPI

COUNTY OF Hinds

Personally appeared before me, the undersigned authority in and for the said county and state, on this 12 day of July, 2021, within my jurisdiction, the within named Kayla B. Morse, who acknowledged that this individual executed the above and foregoing instrument.

Kayla B. Morse

PUBLIC)

My commission expires:

10-18-22

(NOTARY



To Whom it may concern:

I, Nancy Meador Farrar Hardluck Plantation, Inc., am the owner of parcel:

- PPIN 27606 (2-025I-36-013.00)

which is located immediately adjacent to the part of PPIN 27603 (2-025I-36-011.00) and PPIN 27606 (2-025I-36-013.00) recently sold to Puckett Machinery

It is my understanding that Puckett Machinery is requesting a zoning change on part of their property, a variance to reduce the buffer zone to 10 feet, and a conditional use permit to allow gravel parking of their equipment.

I have no objections to this proposed action and support the approval any variances required.

Nancy Meador Farrar
7/12/2021
Signed _____ Date _____

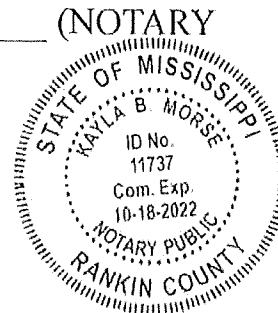
STATE OF MISSISSIPPI
COUNTY OF Hinds

Personally appeared before me, the undersigned authority in and for the said county and state, on this 12 day of July, 2021, within my jurisdiction, the within named Kayla Morse who acknowledged that this individual executed the above and foregoing instrument.

Kayla B. Morse

PUBLIC)

My commission expires: 10-18-22



SUBJECT PARCEL:
6751 Hwy 49

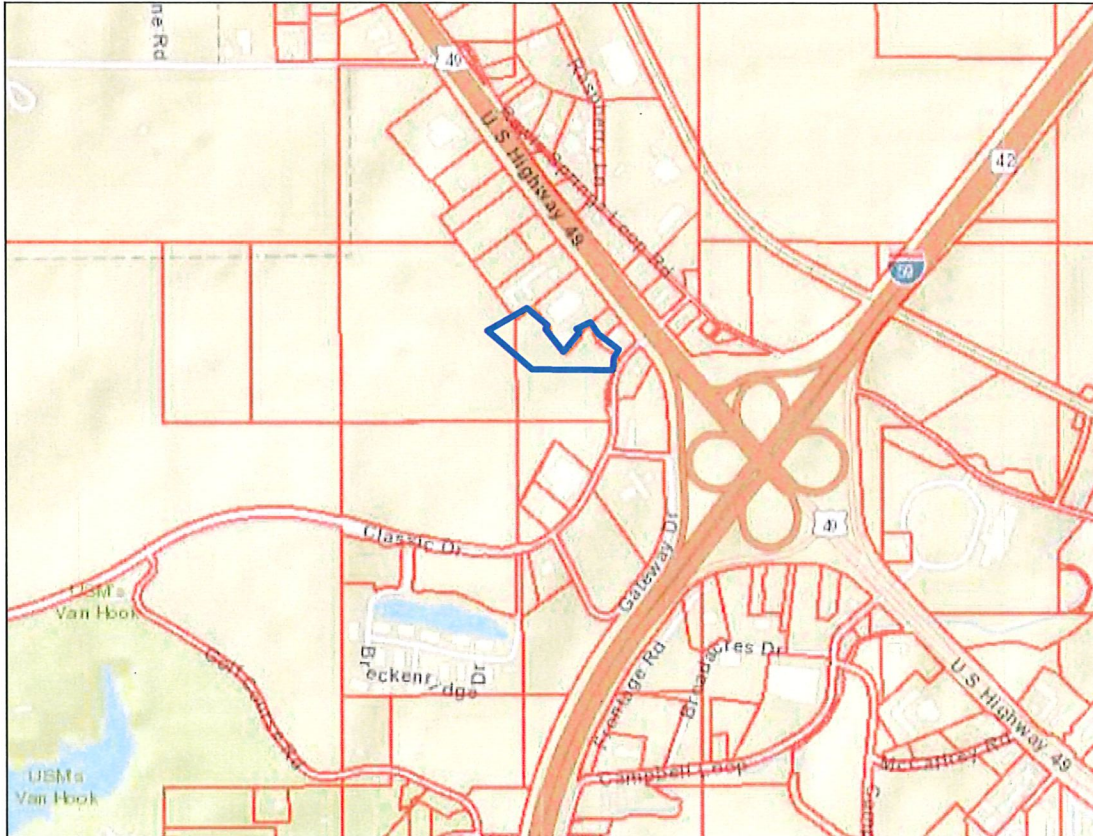
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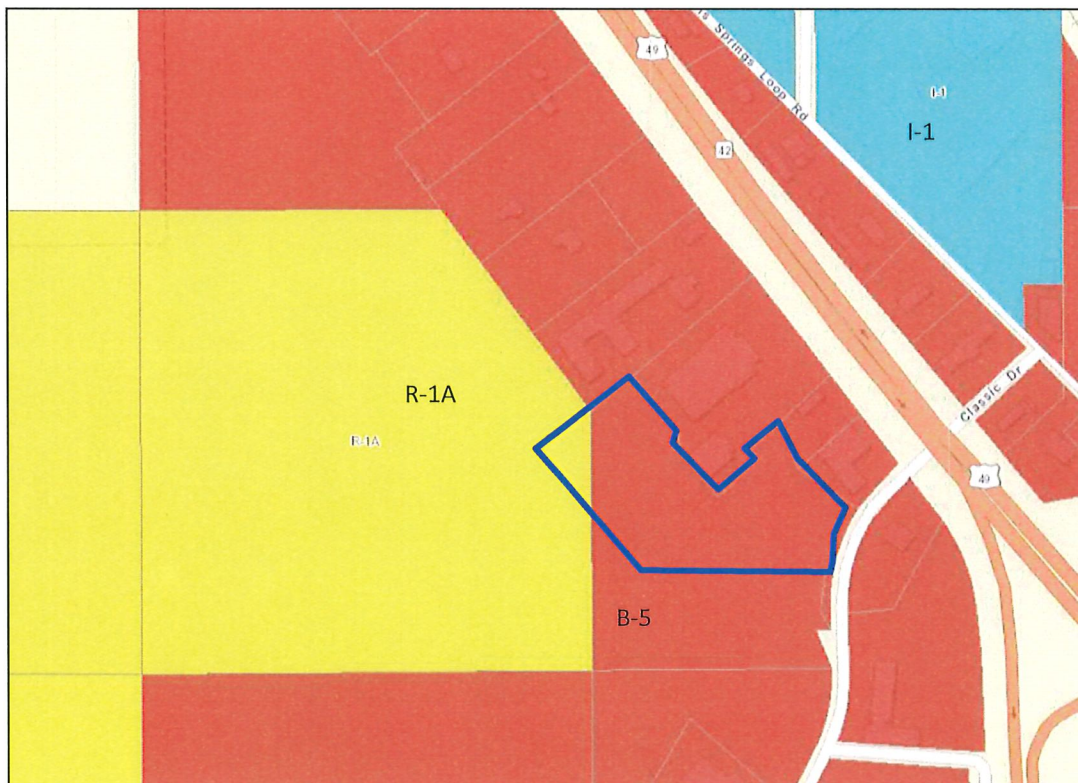
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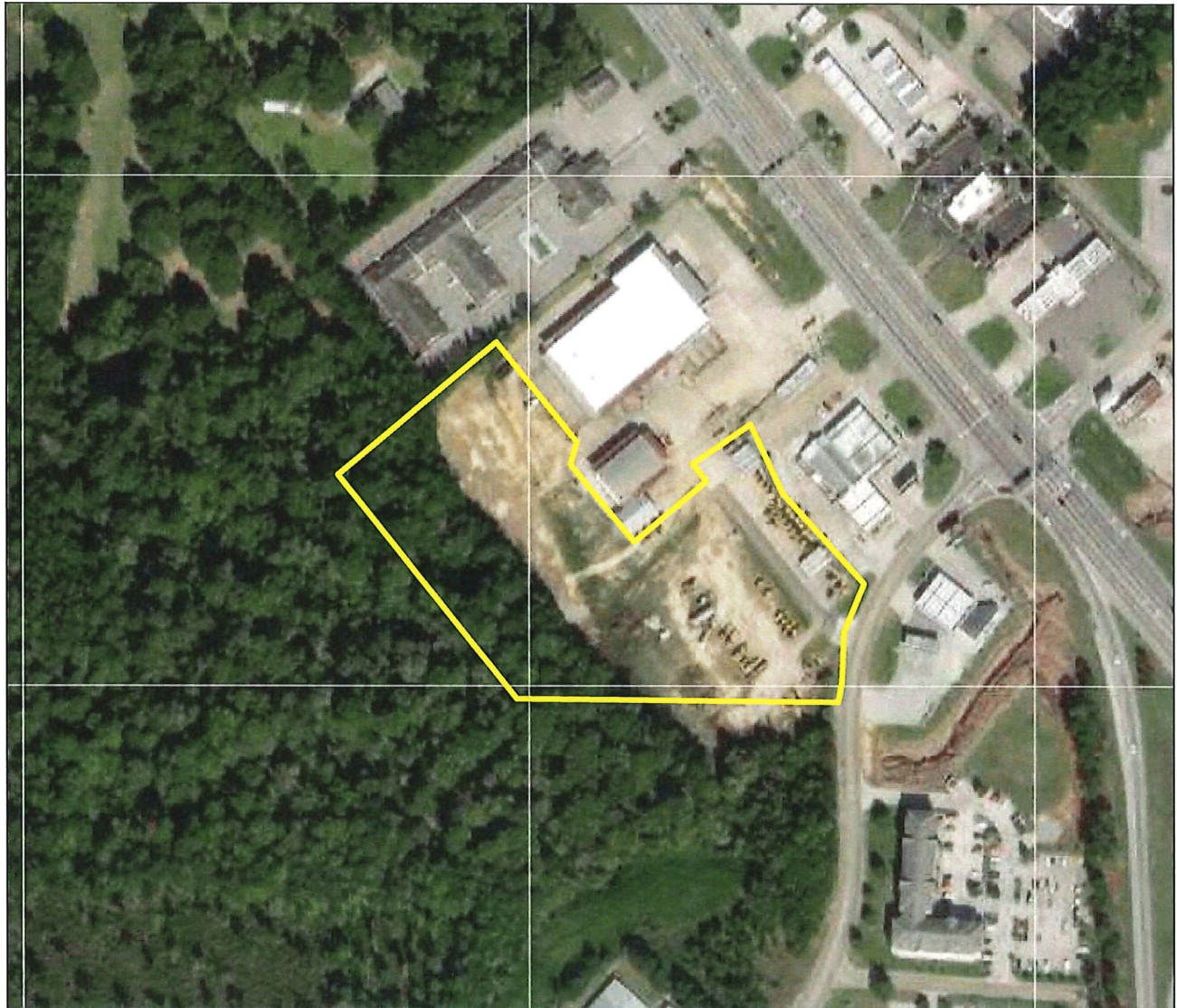
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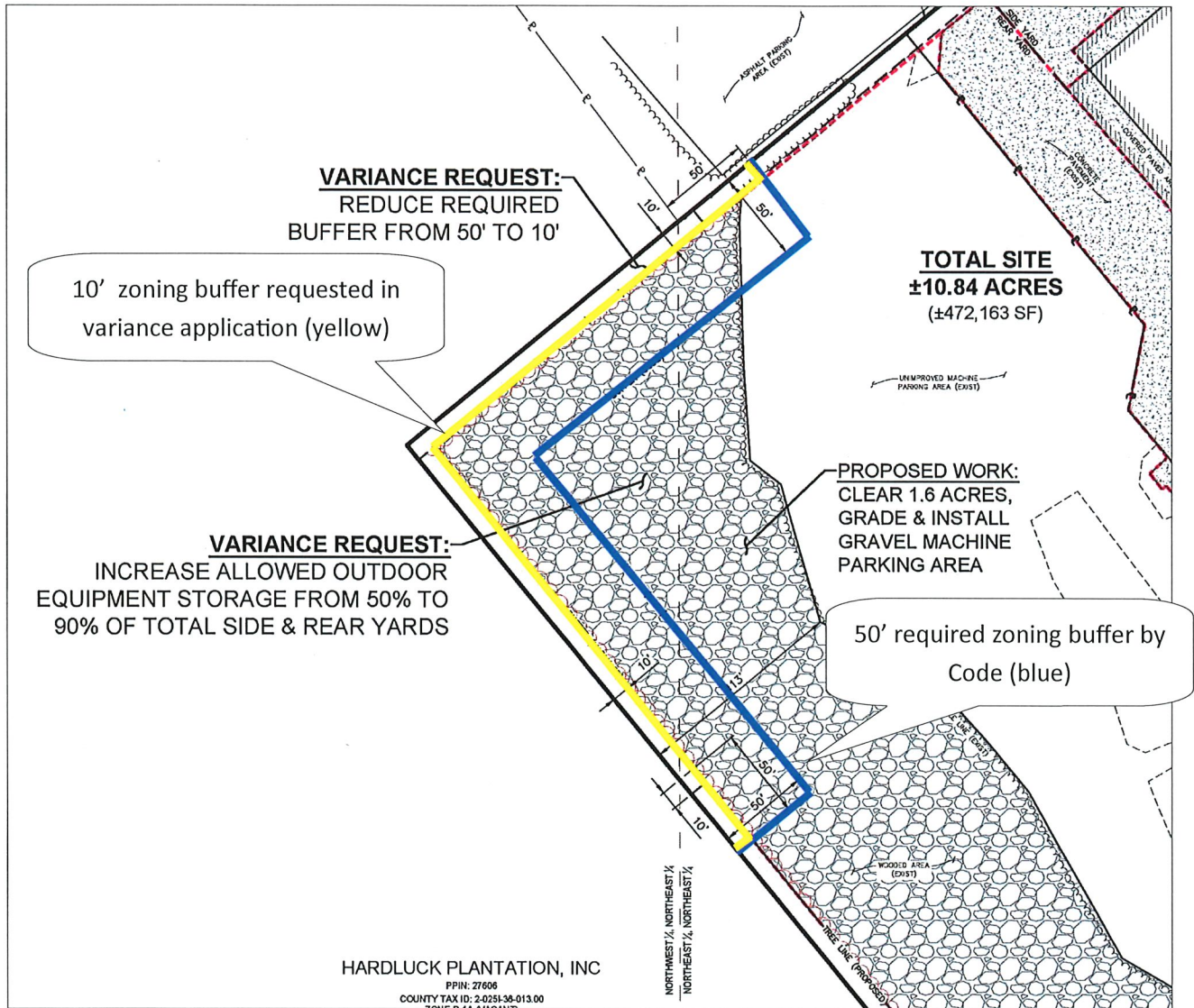
Zoning—R-1A/B-5



Site Aerial



Buffer variance area enhanced by Staff



SURROUNDING AREA

Northern Direction: B-5 (Regional Business) District/ Gas Station

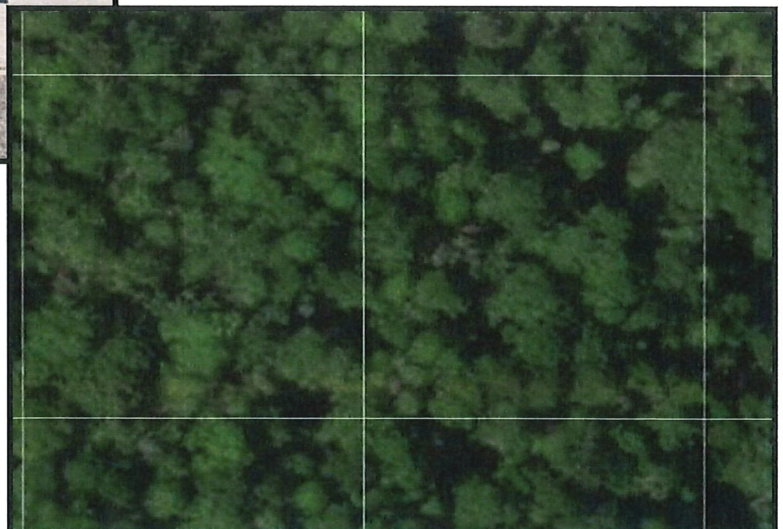


Southern Direction: R-1A (Single Family Residential) District/
Undeveloped



Eastern Direction: B-5 (Regional Business) District/ Gas Station

Western Direction: R-1A (Single Family Residential) District/
Undeveloped





**Board of Adjustment
Case Fact Sheet**

Name of Petitioners: Rob Puckett, Representative, and Puckett Machinery- Hastings Puckett, Owner

Address of Property:	Tax Parcel	PPIN:	Ward:
6751 Hwy 49	portion of Parcels	portion of	1
	2-025I-36-013.00	27606	
	2-025I-36-011.00	27603	

Requests: Zoning Buffer Variance
Outdoor storage lot size variance

Purpose of Request: (a) To vary from Table 7.11-2, B-5 50' zoning buffer requirement and instead allow a zoning buffer of ten (10) feet for variance of forty (40) feet at 6751 Hwy 49 (portion of Parcel 2-025I-36-013.00, PPIN 27606; portion of Parcel 2-025I-36-011.00, PPIN 27603, Ward 1).

(b) To vary from Section 7.12.10.4 "A maximum outdoor equipment storage space of 50% of the side and rear lot area is allow 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 90%, for a variance of 40% for a proposed outdoor equipment storage yard to be located at 6751 Hwy 49 (portion of Parcel 2-025I-36-013.00, PPIN 27606; portion of Parcel 2-025I-36-011.00, PPIN 27603, Ward 1).

Applicant Summary: See Attached

Applicable Regulations:

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-5	50'	50'	50'	50'	50'	50'	50'	-	-	-	-	-	-	Type 50 shall consist of a landscaped area a minimum of 50 feet in width, landscaped as an opaque barrier with 1 large canopy tree (ultimate height 50+ feet) and one small ornamental deciduous tree for every 60 lineal feet of buffer yard and 1 medium evergreen tree planted on a triangular staggered spacing for every 10 lineal feet of buffer yard.

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.

LDC 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.

Present Zoning: This parcel is currently zoned R-1A (Single-Family Residential) District and B-5 (Regional Business) District.

Present Use: Machinery rental/Undeveloped

Future Land Use: Regional Business Corridor

Surrounding Zoning and Land Use:
 North: B-5 (Regional Business) District/ Gas Station
 South: R-1A (Single Family Residential) District/ Undeveloped
 East: B-5 (Regional Business) District/ Gas Station
 West: R-1A (Single Family Residential) District/ Undeveloped

Most Nearly Bounded By (streets): The parcel is most nearly bounded to the north and east by Highway 49, to the south by Classic Drive. It is accessible by Classic Drive.

Letters or Concerns stated: The Planning Division Office has not received any letters or other written communications relative to this case, as of August 20, 2021.

Letters or Concerns stated: The Planning Division Office has not received any letters or other

Item: A-B
Rob Puckett, Representative

Request for a **Zoning Buffer/Storage Yard Size Variance**

written communications relative to this case, as of August 20, 2021. The applicant has supplied letters of support from the adjoining property owner.

History / Background:

The applicant met with staff in Pre-Application to discuss an expansion of the existing Puckett Machinery business on Highway 49. The proposed expansion includes a 5000 sf warehouse addition to the existing Puckett Machinery building, façade improvements, and addition of storage area for heavy machinery inventory. The expansion includes the installation of a gravel surface the outdoor storage area.

Item (A):

The applicant is requesting a reduction of the required 50' zoning buffer between the B-5 and R-1A zoning to the western edge of the site (refer to Variance Map provided by applicant). The applicant has also requested a zoning change for a portion of the site from R-1A to B-5; the buffer variance request coincides with the area proposed to be rezoned. See applicant-provided Re-Zoning Map for reference. The applicant is requesting the reduction of the zoning buffer to ten feet, pending approved rezone.

Staff cannot approve development in a required zoning buffer without a variance.

Item (B):

The applicant proposes to increase outdoor storage through the improvement/expansion of their equipment storage yard on the western/southern portion of the site. The storage yard exceeds the allotted area permitted for outdoor equipment storage. Staff could not approve the expansion as proposed. The applicant is concurrently requesting a conditional use to allow for storage on a gravel surface as well as a zoning change for a portion of the site.

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.

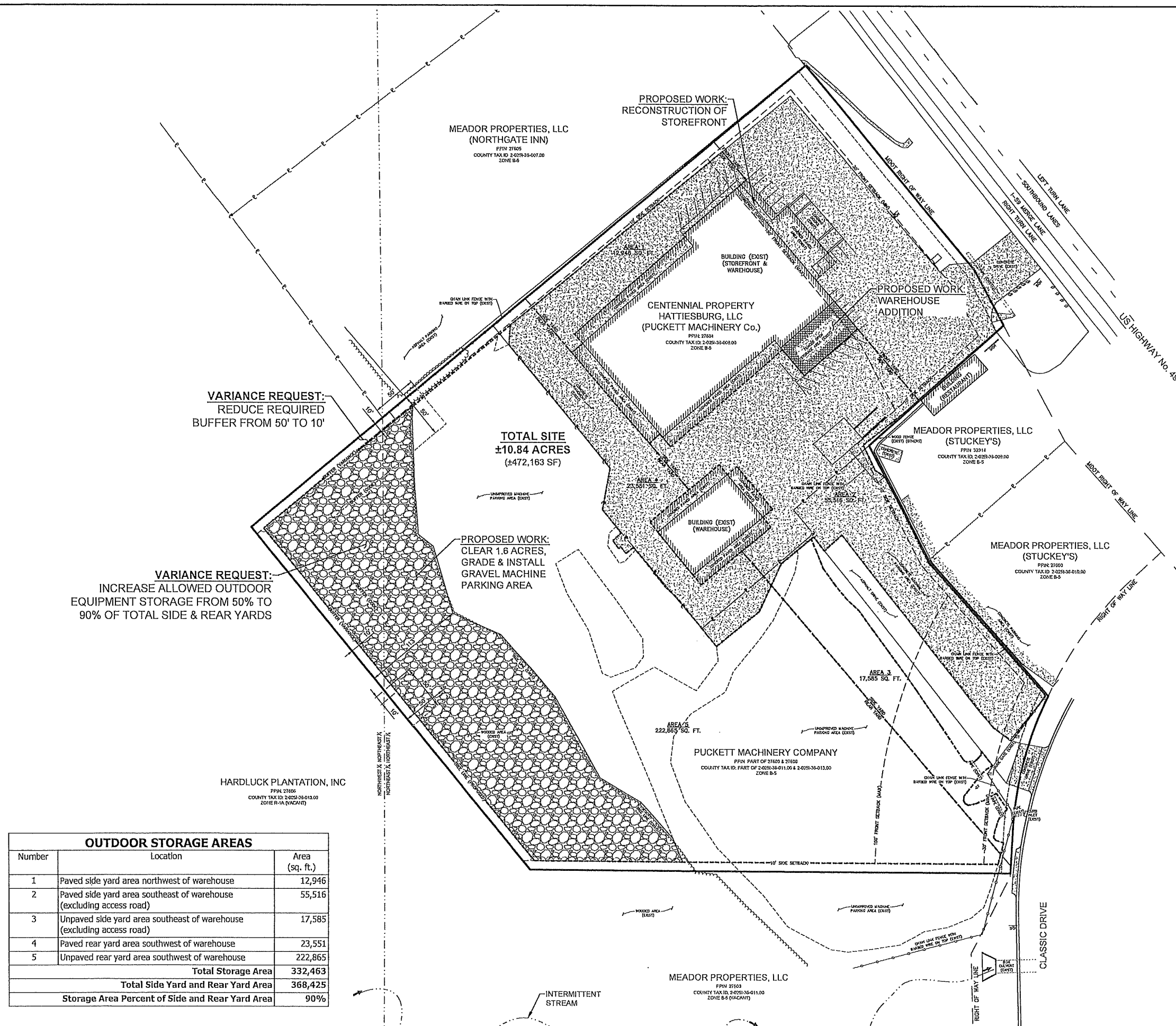
II. Special Privilege. A variance shall not confer any special privilege that is denied to other lands or structures in the same zoning district.

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.



ZONING NOTES:

B-5 Regional Business
(LDC Sec. 4.5.12)

Setbacks (LDC Sec. 6.1)

Front 30 Feet Min., 150 Feet Max.
(Complies)

Corner Same as Front
(Complies)

Side 0 Feet Min., 10 Feet If provided
(Complies)

Rear 0 Feet
(Complies)

Buffer 50 Feet adjacent to Agricultural and Residential Zones
(LDC Sec. 7.11.13)
10 Feet Proposed (Does Not Comply)
Variance Requested

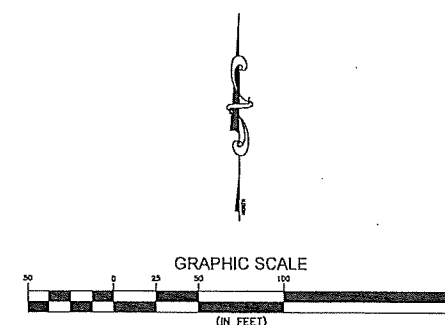
Bldg Height	72 Feet or 6 Stories Max. (LDC Sec. 5.1) (Complies)
Bldg Floor Ratio	1.5 Max. Area (LDC Sec. 6.1) 1:0.09 Existing & Proposed (Complies)
Lot Width	100 Feet Min. (LDC Sec. 6.1) (Complies)
Coverage	90% Coverage Max. (LDC Sec. 6.1) 42% Existing & Proposed (Complies)
Use	Machinery, Tools/Construction Equipment Limited Sales & Service - Existing & Proposed Use (Complies) (LDC Sec. 5.3)
Outdoor Storage	50% of Side & Rear Yards Max. (LDC Sec. 7.12.10.4) 90% Proposed (Does Not Comply) Variance Requested

FLOOD NOTE:

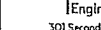
The Parcel, as shown hereon, are located within an Areas having a Flood Zone Designation "X", Areas Determined to be Outside the 0.2% Annual Chance of Flood Floodplain, by the Federal Emergency Management Agency (FEMA), on Flood Insurance Rate Map (FIRM) No. 28035C0010D, with a Date of Identification of March 2, 2010 for Community No. 2800053, in the City of Hattiesburg, Forrest County, Mississippi.

LEGEND:

- | | | |
|---------------|---|--|
| EXIST | - | EXISTING |
| → | - | FLOW DIRECTION |
| G | - | GATE POST (EXIST) |
| G | - | GUARD POST (EXIST) |
| L | - | LENGTH |
| MDOT | - | MISSISSIPPI DEPARTMENT OF TRANSPORTATION |
| | - | PROPERTY LINE |
| PPIN | - | PROPERTY PARCEL IDENTIFICATION NUMBER |
| SF | - | SIGN (EXIST) |
| SF | - | SQUARE FEET |
| - - - - - | - | OUTDOOR STORAGE AREA |



OUTDOOR STORAGE AREAS		
Number	Location	Area (sq. ft.)
1	Paved side yard area northwest of warehouse	12,940
2	Paved side yard area southeast of warehouse (excluding access road)	55,510
3	Unpaved side yard area southeast of warehouse (excluding access road)	17,580
4	Paved rear yard area southwest of warehouse	23,550
5	Unpaved rear yard area southwest of warehouse	222,860
Total Storage Area		332,460
Total Side Yard and Rear Yard Area		368,420
Storage Area Percent of Side and Rear Yard Area		90%

NO.	DATE	DESCRIPTION	BYP
VARIANCE MAP			
PUCKETT MACHINERY COMPANY CITY OF HATTIESBURG FORREST COUNTY, MISSISSIPPI			
 Engineering Progress 301 Second Ave., Hattiesburg, MS 39401 (p) 601.544.1821 sd-w.com			
Drawn by: RES/SLS		Checked by: NMC	
Date: 07-19-2021		Scale: 1" = 50'	
Drawing No.: 09134		Sheet No. 1 OF 1	

C:\PROJ\B273\Buckett Machinery\16914 - Puckett Machinery Expansion\16914_ZAD File\16914_Rezone Map.dwg, 1 OF 1, 7/21/2021, 2:17:36 PM

RE-ZONING REQUEST:
AREA CURRENTLY ZONED
R-1A TO BE RE-ZONED B-5

±0.51 ACRES
(±22,056 SF)

HARDLUCK PLANTATION, INC.
PPIN: 27606
COUNTY TAX ID: 2-0251-36-013.00
ZONE R-1A

MEADOR PROPERTIES, LLC
(NORTHGATE INN)
PPIN: 27609
COUNTY TAX ID: 2-0251-36-007.00
ZONE B-5

CENTENNIAL PROPERTY
HATTIESBURG, LLC
(PUCKETT MACHINERY Co.)
PPIN: 27614
COUNTY TAX ID: 2-0251-36-009.00
ZONE B-5

MEADOR PROPERTIES, LLC
(STUCKEY'S)
PPIN: 27614
COUNTY TAX ID: 2-0251-36-009.00
ZONE B-5

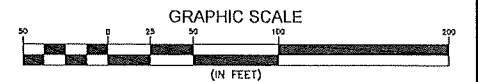
MEADOR PROPERTIES, LLC
(STUCKEY'S)
PPIN: 27620
COUNTY TAX ID: 2-0251-36-010.00
ZONE B-5

PUCKETT MACHINERY COMPANY
PPIN: PART OF 27603
COUNTY TAX ID: PART OF 2-0251-36-011.00
ZONE B-5
PPIN: PART OF 27606
COUNTY TAX ID: PART OF 2-0251-36-013.00
ZONE R-1A

HARDLUCK PLANTATION, INC.
PART OF PPIN: 27603
COUNTY TAX ID: PART OF 2-0251-36-011.00
ZONE B-5

LEGEND:

- FLOW DIRECTION
- GATE POST
- GUARD POST
- LENGTH
- MDOT — MISSISSIPPI DEPARTMENT OF TRANSPORTATION
- PROPERTY LINE
- PPIN — PROPERTY PARCEL IDENTIFICATION NUMBER
- SF — SQUARE FEET



RE-ZONING MAP			
PUCKETT MACHINERY COMPANY			
CITY OF HATTIESBURG			
FORREST COUNTY, MISSISSIPPI			
sdw Engineering Progress 301 Second Ave., Hattiesburg, MS 39401 (p) 601.544.1821 sd-w.com			
Drawn by:	RES/SLS	Checked by:	NMC
Date:	7-20-2021	Scale:	1" = 50'
Drawing No.:	16914	Sheet No.:	1 OF 1

Variance Information

Increase Allowable Outdoor Storage Space

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.

The expansion of the Puckett Machinery business will be difficult without the additional storage area. The exceptional condition on this site is the large size of the equipment stored by the business. The size of the equipment does not lend itself to warehouse storage, and the usage of only 50% of the exterior area would severely limit the amount of equipment that could be stored.

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

Other lands in the B-5 zone are allowed to use their property for storage. This owner is only asking for the same consideration. This is not unreasonable considering this is simply a continuation of their current business practices.

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.

The regulations would allow the owner to use only 50% of the side and rear areas for parking and storage. This is a reasonable requirement for businesses with smaller equipment and allows them to store all of their equipment. It is not unreasonable for the owner to request a variance to allow him to store all of his equipment.

Variance Information

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

The owner has +/-8.46 acres of space in his side and rear yards. Without the variance they will have +/-4.23 acres of unusable property. This is not reasonable.

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

The variance from 50% to 90% gravel storage is the minimum change that will allow Puckett Machinery to store the equipment that they need.

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.

The purpose of the land code includes promoting economic development in the City. This project is an investment in the economic development of the City by a private entity.

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

Reduce 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.

The expansion of the Puckett Machinery business will be difficult without the additional storage area that can be provided with the adjustment of the buffer zone requirement. The zoning of the adjacent undeveloped property is causing a hardship by making it harder to expand the commercial developments that currently do exist.

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

Other lands in the B-5 zone are allowed to use their entire property for storage. This owner is only asking for the same consideration. This is not unreasonable considering there is not currently any residential development in this area.

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.

The regulations would allow the owner to use only 27% of the property in the area rezoned from R1-A to B-5 for it's intended use. Other properties, in the B-5 zone, are allowed to use the entire property for parking and storage. It is not unreasonable for the owner to request a variance from the required buffer zone of 50 feet, while still maintaining a buffer on his property for a residential development that does not exist and may never exist.

Variance Information

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

The property requiring the variance is 0.51 acres in area. Without the variance only 0.14 acres of this area will be usable (27% of the available area).

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

The variance from 50' buffer to 10' buffer is the minimum buffer change that will allow Puckett Machinery to install the gravel storage area for the equipment that they need.

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.

The purpose of the land code includes promoting economic development in the City. This project is an investment in the economic development of the City by a private entity. The adjacent residential zoning is not developed and is not really in character with the rest of the neighborhood. The only development in the area is commercial.

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.

To Whom it may concern:

I, Nancy Meador Farrar, Meador Properties LLC, am the owner of parcels:

- PPIN 27605 (2-025I-36-007.00)
- PPIN 32314 (2-025I-36-009.00)
- PPIN 27600 (2-025I-36-010.00)
- PPIN 27603 (2-025I-36-011.00)

which are located immediately adjacent to the part of PPIN 27603 (2-025I-36-011.00) and PPIN 27606 (2-025I-36-013.00) recently sold to Puckett Machinery

It is my understanding that Puckett Machinery is requesting a zoning change on part of their property, a variance to reduce the buffer zone to 10 feet, and a conditional use permit to allow gravel parking of their equipment.

I have no objections to this proposed action and support the approval any variances required.

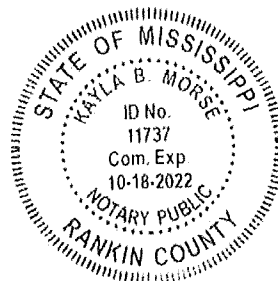
Nancy Meador Farrar
7/12/2021
Signed _____ Date _____

STATE OF MISSISSIPPI
COUNTY OF Hinds

Personally appeared before me, the undersigned authority in and for the said county and state, on this 12 day of July, 2021, within my jurisdiction, the within named Kayla B. Morse, who acknowledged that this individual executed the above and foregoing instrument.

Kayla B. Morse (NOTARY
PUBLIC)

My commission expires: 10-18-22



To Whom it may concern:

I, Nancy Meador Farrar Hardluck Plantation, Inc., am the owner of parcel:

- PPIN 27606 (2-025I-36-013.00)

which is located immediately adjacent to the part of PPIN 27603 (2-025I-36-011.00) and PPIN 27606 (2-025I-36-013.00) recently sold to Puckett Machinery

It is my understanding that Puckett Machinery is requesting a zoning change on part of their property, a variance to reduce the buffer zone to 10 feet, and a conditional use permit to allow gravel parking of their equipment.

I have no objections to this proposed action and support the approval any variances required.

Nancy Meador Farrar
7/12/2021
Signed _____ Date _____

STATE OF MISSISSIPPI
COUNTY OF Hinds

Personally appeared before me, the undersigned authority in and for the said county and state, on this 12 day of July, 2021, within my jurisdiction, the within named Kayla Morse who acknowledged that this individual executed the above and foregoing instrument.

Kayla B. Morse

PUBLIC)

My commission expires: 10-18-22

