

Place: Jackie Dole Sherrill Community Center (Dining Room)

Time: 3:30 PM

Board of Adjustment

AGENDA

7/6/2022

I. Business Meeting

1. Review and approval of July 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 petition has been filed by Paula Bonneval, Representative, Shiloh Moates, Architect, and Topple Real Estate, LLC., as required in the Land Development Code, Ord. No. 3209, to request a variance from section 7.12.16.1, "...drive-thru

- A. facilities shall provide a minimum of five (5) stacking spaces per drive-thru facility..." for a facility requiring ten (10) spaces and instead allow for four (4) total stacking spaces for a variance of six (6) stacking spaces for a property located at 2 Southern Pointe Parkway (Parcel No. 2-040B-29-004.01, PPIN 42638, Ward 5).

III. Other Business

IV. Adjournment

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

June 1, 2022

The Hattiesburg Board of Adjustment did meet in regular session on June 1st , 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
Jessica Cathey
Bernard Green
Shawn Harris, Chair
Lucy Parkman
Stacey Ready
James Trussell

Board Members Absent: Victoria Bolts
Dick Conville
James Hughes
Brandon Williams

Also Present: Ginger Lowrey, AICP, Planning Div. Manager
Jim Gladden, Esq.
Nathan Satcher, Planner
Wiley Quinn, Code Enforcement Division Manager
Betsy Mercier, Assistant to the Mayor

Shawn Harris, Chair, declared the meeting of the Hattiesburg Board of Adjustment open and in session at 3:36 PM.

AGENDA REVIEW

There came the matter of the June 2022 Agenda. Staff requested to add an item to the Business Meeting to vote on nominations for Chair and Vice-chair. A motion was made by Bernard Green to approve the agenda and seconded by Stacey Ready.

Board Members voting aye: Bruce Betts, Vice- Chair
Jessica Cathey
Bernard Green

Shawn Harris, Chair
Lucy Parkman
Stacey Ready
James Trussell

Board Members voting nay: None

MINUTES REVIEW

There came the matter of the February 2nd, 2022 minutes. A motion was made to approve the minutes by Bernard Green. The motion was seconded by Bruce Betts and a roll call vote was conducted.

Board Members voting aye: Bruce Betts, Vice-Chair

Jessica Cathey
Bernard Green
Shawn Harris, Chair
Lucy Parkman
Stacey Ready
James Trussell

Board Members voting nay: None

REPORTS

PLANNING REPORT

Ginger Lowrey, Planning Division Manager, provided the Planning Report. The variances from the April 2022 agenda, including 1503 Country Club Road (wall sign message area), 120 Mayfair Road (Perimeter Landscaping variance), and multiple variances related to the Jones Company development filed by Reed Nelson (Midtown FC) were approved by City Council (Board of Adjustment Decisions Upheld) on April 19, 2022.

CHAIR'S REPORT

No report was given.

INTRODUCTIONS

Board members introduced themselves.

NOMINATIONS

Lucy Parkman, nominating committee representative, made a motion to nominate Shawn Harris for Chair and Bernard Green as Vice Chair. The motion was seconded by Bruce Betts and a roll call vote was conducted.

Board Members voting aye: Bruce Betts, Vice- Chair

Jessica Cathey
 Bernard Green
 Shawn Harris, Chair
 Lucy Parkman
 Stacey Ready
 James Trussell

Board Members voting nay: None**PUBLIC HEARING – BOARD OF ADJUSTMENT**

There came the matter of Item A, to consider a petition filed by Scott Alexander, Owner, as required in the Land Development Code, Ord. No. 3209, to request a variance from section 10, Table 10.6 “Sign Message Area (Max)(sq. ft)” for wall signs in a B-3 District, “maximum 15% of the single wall”, and instead allow a wall sign of one hundred ten feet (110) square feet for a variance of sixty-one (61) square feet for a certain property located at 1610 Hardy Street (Parcel No. 2-029M-09-518.00, PPIN 16815, Forrest County, Ward 4).

	<u>Name</u>	<u>Address</u>	<u>City/State</u>
<u>Presented by:</u>	Scott Alexander	1508 Hardy St	Hattiesburg, MS
<u>Proponents:</u>	James Moore	406 Crestmont Ave.	Hattiesburg, MS
<u>Opponents:</u>	None		

Scott Alexander, representative, presented the application. He discussed the rebranding of the building for use by the church. The sign was installed by Bourne Brothers. Both the applicant and the sign company assumed this would be considered a mural and did not work with the City before installation. Mr. Alexander stated they are seeking a variance on the size of the wall sign because they believe there is a visibility issue due to a bus stop and landscaping recently installed on Hardy Street.

Mr. James Moore spoke in favor of the application. Mr. Moore questioned other sign regulations throughout the city, citing window signage sizes in various locations.

Bernard Green then declared the public hearing portion of the meeting closed. Stacey Ready made a motion to approve meeting the approval criteria of items IV and V (Reasonable Use and Minimum Required). The motion was seconded by Bruce Betts and a roll call vote was then conducted.

Board Members voting aye: Bruce Betts,
Bernard Green, Vice- Chair
Lucy Parkman
Stacey Ready
James Trussell

Board Members abstaining: Jessica Cathey

Board Members voting nay: None

Board Members recusing: Shawn Harris, Chair

PUBLIC HEARING – BOARD OF ADJUSTMENT

There came the matter of Item B, to consider a petition filed by Bryant Hensleigh, representative, and Maxem Health Urgent Care, representative, and Charlotte C. Rawls, 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 five (5) feet for a variance of twenty-five (25) feet along U.S. Highway 49 and to request a variance from section 7.10.11.1 “Perimeter Landscaping: A green strip 10 feet in width shall be planted with at least one large, deciduous tree per 60 feet of lineal frontage” and instead allow five (5) feet of green strip for a variance of ten (5) feet for a proposed building to be located at 6096 U.S. Highway 49 (Parcel No. 2-028O-08-243.00, PPIN 16559, Forrest Co., Ward 4).

	<u>Name</u>	<u>Address</u>	<u>City/State</u>
<u>Presented by:</u>	Bryant Hensleigh	296 Baxterville Rd	Purvis, MS
<u>Proponents:</u>	None		
<u>Opponents:</u>	None		

Bryant Hensleigh, representative, presented the application. He stated that the City requested they alter an initial site design and ask for a front setback variance. He indicated that the revised design, with the building to the north and closer to the front setback line and the parking to the south, met theirs and their client’s needs and agreed to move forward with the variance application. Ginger Lowrey confirmed that the City requested a revision to the site design to move the building closer to the front property line to be more consistent with existing building setbacks. A reduced front setback would also create a more attractive street scape and it would be more appropriate given the site is within a local historic district. The Hattiesburg

Historic Conservation Commission approved the building and site design on May 11, 2022.

Shawn Harris then declared the public hearing portion of the meeting closed. Shawn Harris made a motion to approve on the basis of items II, III and VI (Special Privilege, Literal Interpretation, and Conformance with the Purposes of this code). Lucy Parkman seconded the motion. A roll call vote was then conducted.

Board Members voting aye: Bruce Betts,
Bernard Green, Vice- Chair
Shawn Harris, Chair
Lucy Parkman
Stacey Ready
James Trussell

Board Members voting nay: None

Board Members abstaining: Jessica Cathey

PUBLIC HEARING – BOARD OF ADJUSTMENT

BUSINESS MEETING

There being no further business, Shawn Harris made a motion to adjourn the meeting. The motion was seconded by James Trussell and all members were in favor. The meeting was adjourned at 4:13 PM

Shawn Harris, Chair

Ginger Lowrey, Planning Division Manager



**Board of Adjustment
Case Fact Sheet**

Name of Petitioners: Paula Bonneval, Representative, Shiloh Moates, Architect, and Topple Real Estate, LLC.

Address of Property:	Tax Parcel	PPIN:	Ward:
2 Southern Pointe	2-040B-29-004.01	42638	5

Request: **Drive-Thru Stacking Variance**

Purpose of Request: To request a variance from section 7.12.16.1, "...drive-thru facilities shall provide a minimum of five (5) stacking spaces per drive-thru facility..." for a facility requiring ten (10) spaces and instead allow for four (4) total stacking spaces for a variance of six (6) stacking spaces for a property located at 2 Southern Pointe Parkway (Parcel No. 2-040B-29-004.01, PPIN 42638, Forrest County, Ward 5).

Applicant Summary: See Attached

Applicable Regulations:

SECTION 4

Zoning Districts

4.5.12 B-5 Regional Business District

The purpose of the B-5 District is to provide for retail, personal and business services, offices, and financial services in locations with convenient access to the region's population consistent with comprehensive planning policies. This district is consistent with the Regional Business District in the Comprehensive Plan

SECTION 7

Design Standards

7.12.16 Stacking Space

7.12.16.1 - Number of Spaces Required. In addition to required parking spaces, drive-thru facilities shall provide a minimum of five stacking spaces per drive-thru facility, window, or bay, with the following exceptions. Note: the space directly in front of the facility, window or bay shall not count towards meeting the

stacking requirements.

7.12.16.2 Location. Stacking spaces shall be located entirely outside of a required driveway or parking aisle needed to access required parking spaces.

7.12.16.3 Size. For the purposes of determining compliance, stacking spaces shall measure 9 x 18 and shall be illustrated on site plans.

Present Zoning:	B-5 (Regional Business District)
Present Use:	Professional Office
Future Land Use:	Community Business Corridor, Planned Mixed-Use District
Surrounding Zoning: and Land Use:	North: B-5 (Regional Business District) South: B-5 (Regional Business District) East: B-5 (Regional Business District) West: B-5 (Regional Business District)
Letters or Concerns stated:	The Planning Division Office has not received any letters or other written communications relative to this case as of June 28 th , 2022. The Applicant submitted letters of support from neighbors.
History / Background:	The petitioner met with staff on May 19, 2022 in Pre-Application and presented a proposed site plan for changes to the existing site at 2 Southern Pointe for a new tenant, Hancock Whitney Bank. The proposed site plan shows an addition to the northern portion of the property that would include a two-lane drive-thru for customer access. The added drive-thrus shown only provide two stacking spaces, not including the window for each window provided. Additional stacking spaces cannot be counted as they would then be located in a required driveway aisle. The driveway aisle that leads into the drive-thru facility is 24 ft wide. The petitioners are also proposing adding additional signage on site to guide vehicular traffic into the parking lot and drive-through facility. They are also showing the addition of signage in front of the building entrance for drive-thru customers to not block the building if the drive-up is full. Hancock Whitney Bank will only occupy the 1st floor of the building, and the 2nd floor is currently leased by a separate tenant. The Board of Adjustment should consider potential traffic and pedestrian conflicts this could cause in this or future iterations, since once a drive-thru is developed, it will be available to future tenants.

Basis for Approval (12.4.1.1):

I. Hardship.

Paula Bonneval, Representative, Shiloh Moates, Architect, and Topple Real Estate, LLC.

Request for: **Drive-Thru Stacking Variance**

- 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.

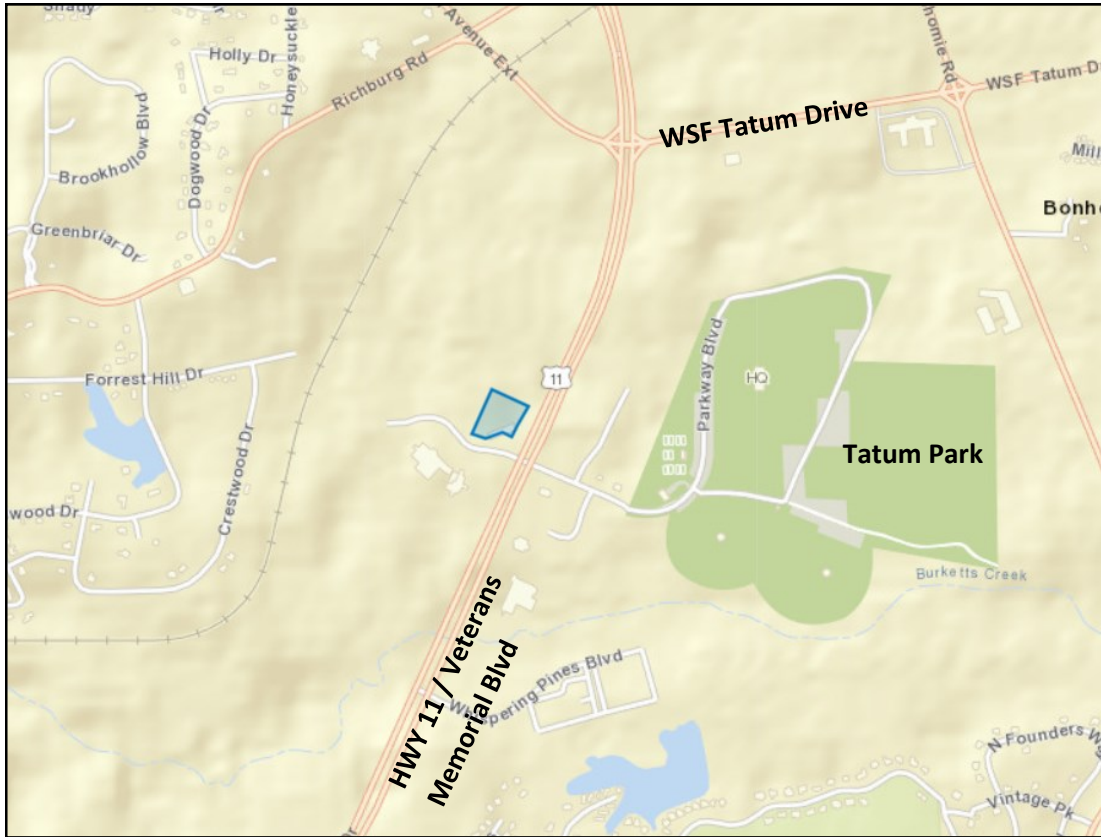
SUBJECT PARCEL:

2 Southern Pointe — Hancock Whitney Bank

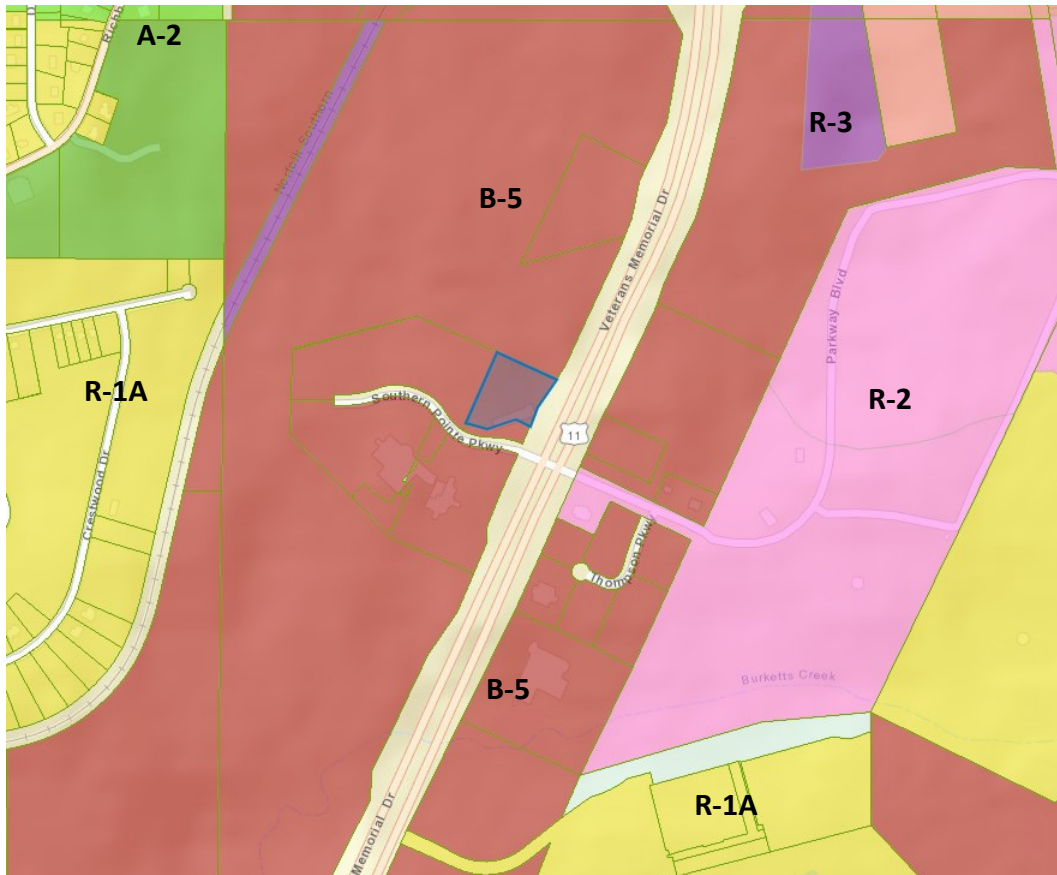
Paula Bonneval, Representative, Shiloh Moates, Architect, and Topple Real Estate, LLC. To request a variance from section 7.12.16.1, “...drive-thru facilities shall provide a minimum of five (5) stacking spaces per drive-thru facility...” for a facility requiring ten (10) spaces and instead allow for four (4) total stacking spaces for a variance of six (6) stacking spaces for a property located at 2 Southern Pointe Parkway (Parcel No. 2-040B-29-004.01, PPIN 42638, Forrest County,



Vicinity Map—Ward 5



Zoning—B-5



Site Aerial



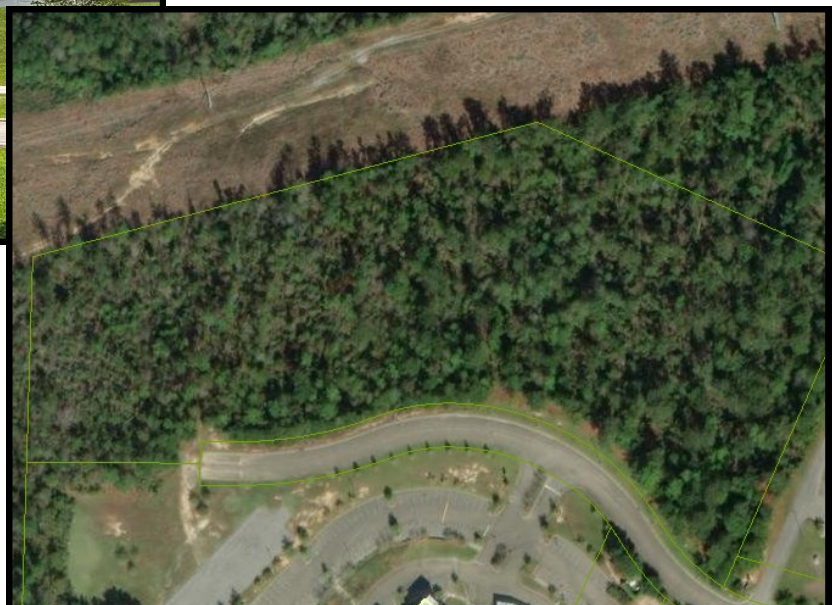
SURROUNDING AREA

Northern Direction: B-5 (Regional Business) - Vacant / Undeveloped

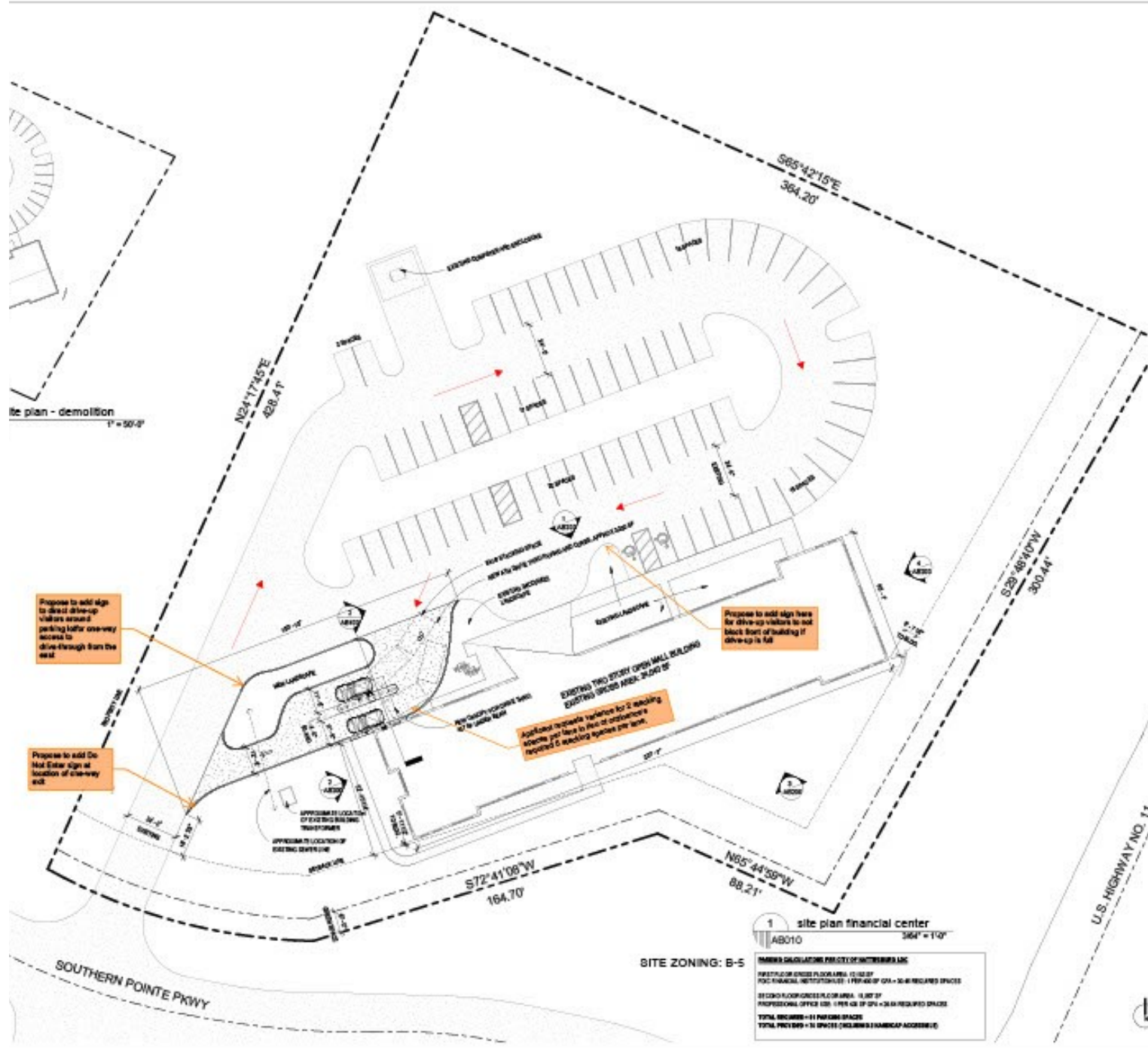


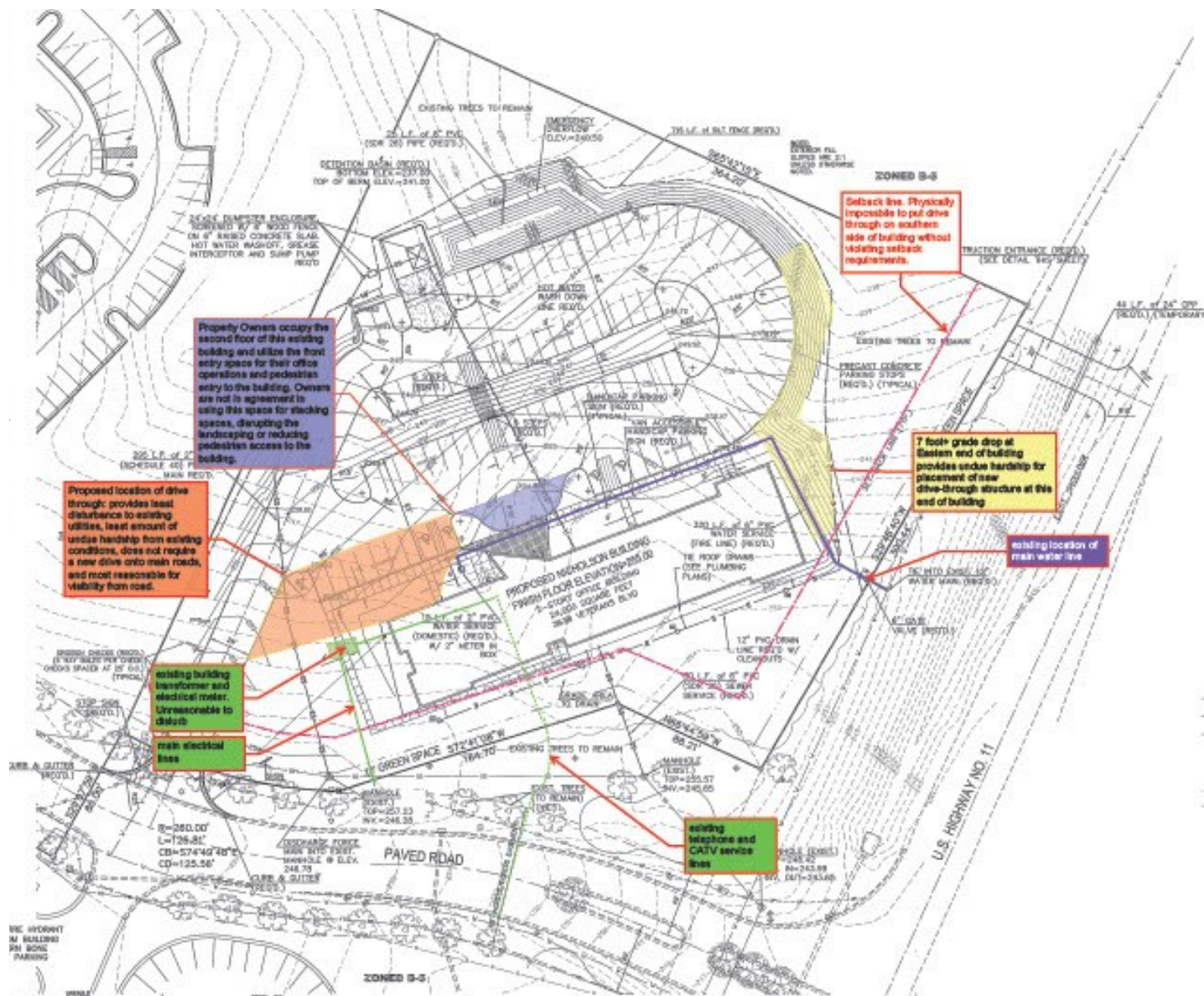
Southern Direction: B-5 (Regional Business) - Medical Offices

Eastern Direction: B-5 (Regional Business) - Medical Offices



Western Direction: B-5 (Regional Business) - Vacant/Undeveloped





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.

See attached noted plan "C1.0" for illustrations and notes of the undue hardships unique to this particular property. These hardships allow for only one reasonable location for a new bank drive through. While this is the only viable location on the property, it does not allow for the required 5 stacking spaces. The drive up is essential to Hancock Whitney's retail banking business.

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.

A drive through is essential to modern day bank operation in most efficiently servicing bank clients, and due to the hardships of the existing site, the drive through can only be situated at the northwest corner of the building. While this is the only viable location on the property, it does not allow for the required 5 stacking spaces. Hancock Whitney's retail banking business relies on the drive through as part of its client service model and can not reasonably operate on this site without it.

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

We are providing information on nearby Hancock Whitney Bank locations to illustrate support of other HW branches in the area and demonstrate the capability of the variance for reasonable use of the drive-through . Presently, the Lincoln Road Branch (2007 Lincoln Rd, Hattiesburg) averages 6 cars per hour per lane when using two drive lanes. Additional branches in the Hattiesburg area are: Oak Grove (12 Newtowne Loop, Hattiesburg MS, 39402 - 16 miles or 16 minute travel time away), Petal Brance (535 Hwy 42, Petal, MS 39465 - 7.7 miles or 20 minutes travel time away), and Purvis Branch (4 Hwy 589, Purvis, MS 39475 - 13 miles or 20 minutes travel time away).

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 intent expressed in the Land Development Code to provide stacking spaces for the new drive through and that will not conflict with the granting of this variance. The request is that the required number of stacking spaces be reduced to a more likely outcome of bank guests, vs a use such as a fast food chain which also requires 5 stacking spaces 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.