

HATTIESBURG
BOARD OF ADJUSTMENT
PUBLIC HEARING AGENDA

April 5th, 2023



DEPARTMENT OF URBAN DEVELOPMENT
PLANNING DIVISION



URBAN DEVELOPMENT PLANNING DIVISION

MEMORANDUM

TO: Hattiesburg Planning Commission and Board of Adjustment
FROM: Planning Staff
DATE: March 24th, 2023
SUBJECT: **April 5th, 2023 - Hattiesburg Planning Commission and Board of Adjustment**

The Hattiesburg Planning Commission will not meet in regular session at 1:00 PM, Wednesday, April 5th, 2023, in the dining room of the Jackie Dole Sherrill Community Center. The Planning commission agenda contains no items.

The Board of Adjustment will meet in regular session at 3:30 PM, Wednesday, Wednesday, April 5th, 2023 in the dining room of the Jackie Dole Sherrill Community Center. The Board of Adjustment public hearing agenda contains one item: a minimum frontage for a freestanding sign variance request.

The public and members may attend remotely via GoToMeeting:

<https://www.gotomeet.me/COHPlanningDivision/publichearing>

You can also dial in toll-free using your phone:

United States: +1 (571) 317-3122; Access Code: 630-312-989

If you have any questions regarding the agenda or need information related to the virtual meeting option, please do not hesitate to call the Planning Division at (601)-545-4599 or email at planning@hattiesburgms.com.

Additionally, the Planning Commission, Board of Adjustment, and Hattiesburg Conservation Commission Agendas and Agenda Packets are now being published online at <http://www.hattiesburgms.com/council/>. Or Scan the QR below using your smartphone:



Board of Adjustment Agenda

Place: Jackie Dole Sherrill Community Center (Dining Room)

Time: 3:30 PM

April 5th, 2023

I. Business Meeting

1. Review and approval of April meeting's agenda
2. Review and approval of the minutes of the March meeting
3. Building Report
4. Planning Report
5. Chair's Report
6. Introductions

II. Public Hearing

- A. A petition has been filed by Trace 4th Street, LLC., Owner, as required in the Land Development Code, Ord. No. 3209, to request a variance from section 10.6 Signs – monument sign “Minimum 150’ frontage on any premises for a freestanding sign” and instead allow for a minimum of “79 feet” frontage for a variance of 71 feet for a proposed on-premise monument sign. property located at 1015 Main St (Parcel No.: 2-029G-03-529.00; PPIN 18827, Forrest County, Ward 2).

III. Other Business

IV. Adjournment

MINUTES OF THE
REGULAR MEETING OF THE
HATTIESBURG BOARD OF ADJUSTMENT

March 1st, 2023

The Hattiesburg Board of Adjustment did meet in regular session on March 1st, at 4:00 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
Jessica Cathey
Shawn Harris, Chair (Via GoToMeeting)
Bernard Green
James Trussell
Dick Conville

Board Members Absent: James Hughes
Victoria Bolls
Lucy Parkman
Stacey Ready
Brandon Williams

Also Present: Nathan Satcher, Planner II
Wiley Quinn, Director of Urban Development
Jim Gladden, Esq.
Cory Long, Planning Manager
Andrea Garcia, Planner I

Bernard Green, Vice-chair, declared the meeting of the Hattiesburg Board of Adjustment open and in session at 3:30 PM.

AGENDA REVIEW

There came the matter of the March 2023 Agenda. A motion was made by Dick Conville to approve the agenda and was seconded by James Trussell. All members present voted in favor of the motion.

Motion to Approve April 2023 Agenda

Board Members voting aye: Jessica Cathey
Shawn Harris, Chair
Bernard Green

James Trussell (Via GoToMeeting)
Dick Conville
Brandon Williams

Board Members voting nay: None

MINUTES REVIEW

There came the matter of the February 1st, 2023 minutes. A motion was made to approve the minutes by Stacey Ready. The motion was seconded by James Trussell and all present voted in favor of the motion.

Motion to Approve Minutes with corrections

Board Members voting aye: Bruce Betts
Jessica Cathey
Shawn Harris, Chair (Via GoToMeeting)
Bernard Green
James Trussell (Via GoToMeeting)
Dick Conville
Brandon Williams

Board Members voting nay: None

REPORTS

PLANNING REPORT

Nathan Satcher, Planner II, provided the planning report. The variance for 104 Lurty Ave that was presented to the board in February was approved by City Council. He also noted that the date and times for the Board of Adjustment are set by Land Development Code, and would require a text amendment in order to change the meeting date and time. He noted that continued discussion on changing the date and time of board meetings could be discussed further in the business portion of the meeting. Cory Long, Planning Division Manager, noted that the Planning Division was exploring the option of having a court reporter to take minutes during board meetings.

CHAIR'S REPORT

No report was provided by the chair.

INTRODUCTIONS

Board members introduced themselves.

PUBLIC HEARING – BOARD OF ADJUSTMENT

There came the matter of Item A, to consider a petition that has been filed by Mike Jones, representative of NorthPoint Development, J.T. Murphy, Engineer, and Forrest County Industrial Park, owner as required in the Land Development Code, Ord. No. 3209, to request a variance from section 6, Table 6.1 “Minimum/Maximum Front Setback” for I-1, “40 feet”, and instead allow a setback of 210 feet for a variance of 170 feet for an unimproved parcel on W.L Runnels Road (Parcel No. 2-049G-01-001.00, PPIN 27623, Forrest Co., Ward 5)

	<u>Name</u>	<u>Address</u>	<u>City/State</u>
<u>Presented by:</u>	Mike Jones		Hattiesburg, MS
			Hattiesburg, MS

Proponents: None

Opponents: None

Nathan Satcher introduced the application describing the project “Gendreau”, which initially came through the Planning Department at another location near 365 Sullivan Drive. The applicant was seeking to establish a new warehouse and a distribution facility; the project representatives at that time brought a request for a front setback variance and for a zoning buffer variance at that location, both of which were approved by City Council on February 22, 2022.

Although the request was approved, the petitioners abandoned that site and are now working through site plan review with the City for the site on WL Runnels Road.

Mike Jones, representative of NorthPoint Development, presented the application. He stated that this building was identical to the one proposed at the previous location, roughly located 200 miles down the road, but unfortunately, the construction could not be continued. He expressed

his intention to maintain the tree line along WL Runnels Road so that the building is not visible.

Commissioner Trussell asked for clarification on what type of business this facility would be used for. Mr. Jones noted they have a non-disclosure agreement on who the project is for, but noted that this particular facility will be used for warehousing, distribution, and last-mile delivery. Considering that the warehouse is a last-mile distribution facility, trailer traffic will be particularly light.

Commissioner Conville then questioned about the docks and Mr. Jones clarified that there are 28 docks in the area, with a hard-surface parking area on the back where delivery trucks will be loaded. Additionally, Chair Green asked if other plans were in place for the other half of the property. The response was that there weren't any plans at the moment.

No one was in objection to the application. Chair Green then closed the public hearing portion of the meeting. Member Conville then made a motion to approve the variance on the basis of approval items, 4 reasonable use and roll call votes were then conducted. Member Green seconded the motion and a roll call vote was then conducted.

Motion to Approve Based on Approval Item A: Drive-Through Variance Buffer

4 Reasonable Use

Board Members voting aye: Bruce Betts

Jessica Cathey

Shawn Harris, Chair (Via GoToMeeting)

Bernard Green

James Trussell

Dick Conville

Board Members voting nay: None

BUSINESS MEETING

Further discussion on how to change the meeting date and time of the Board members was facilitated. Board members asked for staff to provide information on how many times the board started late due to planning commission running over at their next meeting. Staff elaborated the process to change the date and time, in that a text amendment must be made. They also noted that the dates are aligned in such a way for public notice requirements. Staff suggested that if there were a change, it would be best to do so in such a way that would allow the board

and staff to have the ability to make those changes without having to do a text amendment. There being no further business, James Trussell made a motion to adjourn the meeting. The motion was seconded by Member Stacey Ready and all members were in favor. The meeting was adjourned at 4:12 PM

Shawn Harris, Chair

Cory Long, AICP, Planning Division Manager

BOA April 2023: Item A
Chad Edmonson, Representative, and Trace 4th Street LLC, Owner
Request for: **Freestanding sign minimum frontage variance**



URBAN DEVELOPMENT PLANNING DIVISION

Board of Adjustment Case Fact Sheet

Name of Petitioners: Chad Edmonson, Representative, and Trace 4th Street LLC, Owner

Address of Property: 1015 Main St
Tax Parcel: 2-029G-03-529.00
PPIN: 18827
Ward: 2

Request: Freestanding sign minimum frontage variance

Purpose of Request: To request a variance from section 10.6, Table 10.6-2 "Minimum 150' frontage for any on premises freestanding sign", and instead allow a setback of minimum "79 feet" frontage for a variance of 71 feet for the property located at 1015 Main St (Parcel No. 2-029G-03-529.00, PPIN 18827, Forrest County, Ward 2).

Applicant Summary: See Attached

Applicable Regulations:

SECTION 10 Table 10.6-2 – Dimensional Requirements By Sign Type

Table 10.6 - 2 Dimensional Requirements By Sign Type					
Sign Type	Sign Height/Width (max)	Sign Message Area (max) (sq. ft.)	Setback (min.)		Additional Criteria
			Front	Side	
On Premises Signs Freestanding					
Monument Sign	10'/None	All applicable zones except I-1 and I-2 – 50 square feet;	5'	15'	1 per 500' of parcel street frontage /2 on corner lot (1 per street) with 150' min. frontage for any on premises freestanding sign; bottom edge of message area is min 18" and max 30" above ground; dimensions include multitenant signs
		For I-1 and I-2 – 72 square feet			

Present Zoning: B-2 Neighborhood Business District

Present Use: Restaurant, without drive-through (Conditional Use granted by City)

BOA April 2023: Item A
Chad Edmonson, Representative, and Trace 4th Street LLC, Owner
Request for: **Freestanding sign minimum frontage variance**

Council in December 2021)

Future Land Use: Neighborhood Business Corridor

**Surrounding Zoning:
and Land Use:**

North: B-2 Neighborhood Business District
South: B-2 Neighborhood Business District
East: R-1A Single-Family Residential District
West: B-2 Neighborhood 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 March 24th, 2023.

History / Background:

The applicant is requesting a monument sign for a property that does not have a minimum street frontage of 150'. Staff discussed different options for signage with the applicant, including wall signage, projecting signs, awning signs, and marquee signs, all of which are connected to the primary structure, and not freestanding. The applicant was unable to identify a solution for their proposed signage needs and identified a monument sign as their best solution.

The monument sign has already been approved by the Hattiesburg Historic Conservation Commission, as this property lies within the North Main Historic District. The approval is contingent upon the granting of a variance for the monument sign, and meeting all other permitting requirements for said type of signage.

Sign control and regulations are necessary to protect the beauty, character, economic, and aesthetic value of land and to protect the safety, welfare, and public health of citizens. Minimum lot widths for freestanding signs are also in place to protect communities, in that they prevent the establishment of free-standing signs on narrow lots. Minimum lot widths prevent the landscape from becoming cluttered with signs.

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.

BOA April 2023: Item A

Chad Edmonson, Representative, and Trace 4th Street LLC, Owner

Request for: **Freestanding sign minimum frontage variance**

- 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: 1015 Main St

Trace 4th Street, LLC (Owner), Chad Edmonson (Representative)

The petitioners request a variance from section 10.6 (Monument Sign)
“Minimum 150’ frontage for any on premises freestanding sign” for B-2, and
instead allow a minimum setback of “79 feet” frontage for a variance of 71 feet
for a proposed on-premise monument sign.

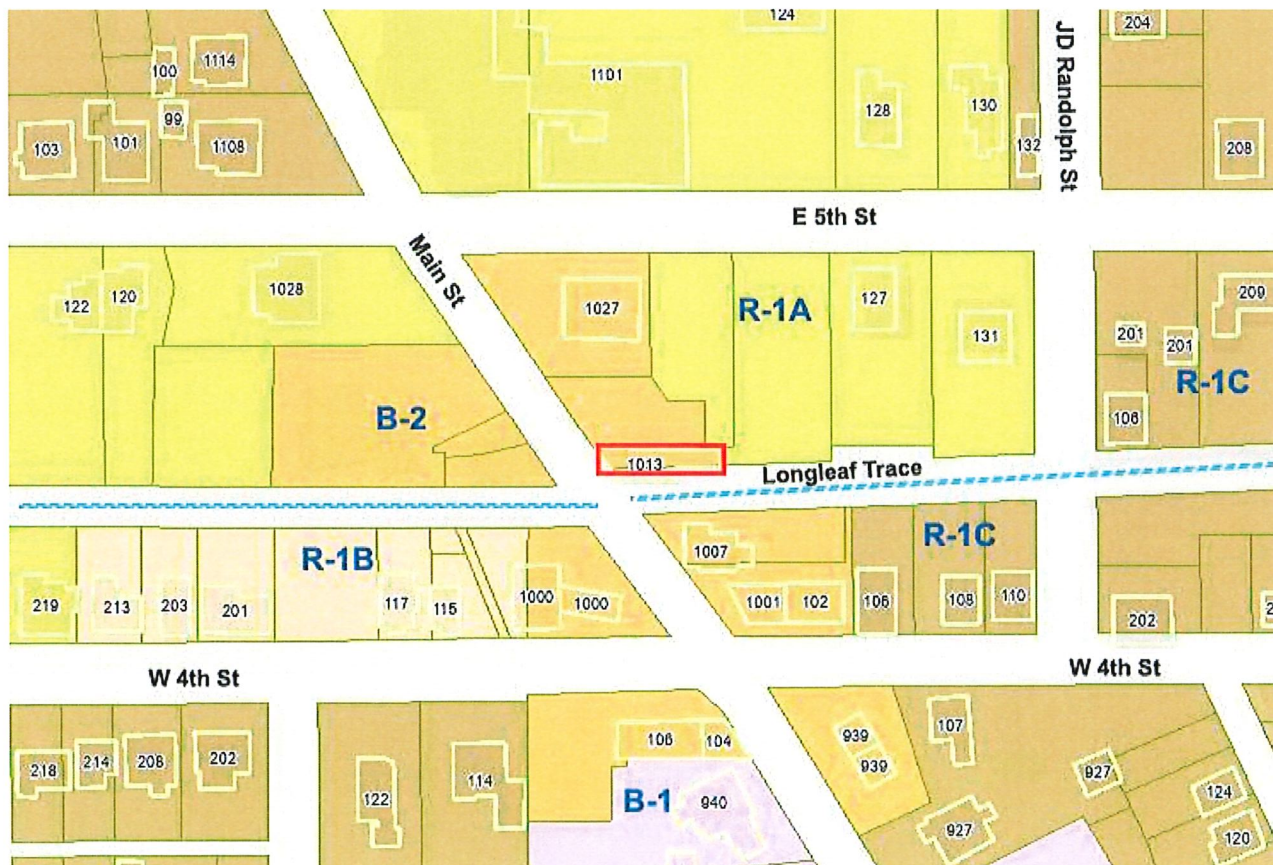
The property is located at 1015 Main St (PPIN 18827, Forrest County, Ward 2)



Vicinity Map : Ward 2



Zoning: B-2



Site Aerial



Surrounding Area



Northern Direction: R-1A, R-1C



Southern Direction: B-2



Eastern Direction: R-1A

Vacant Lot

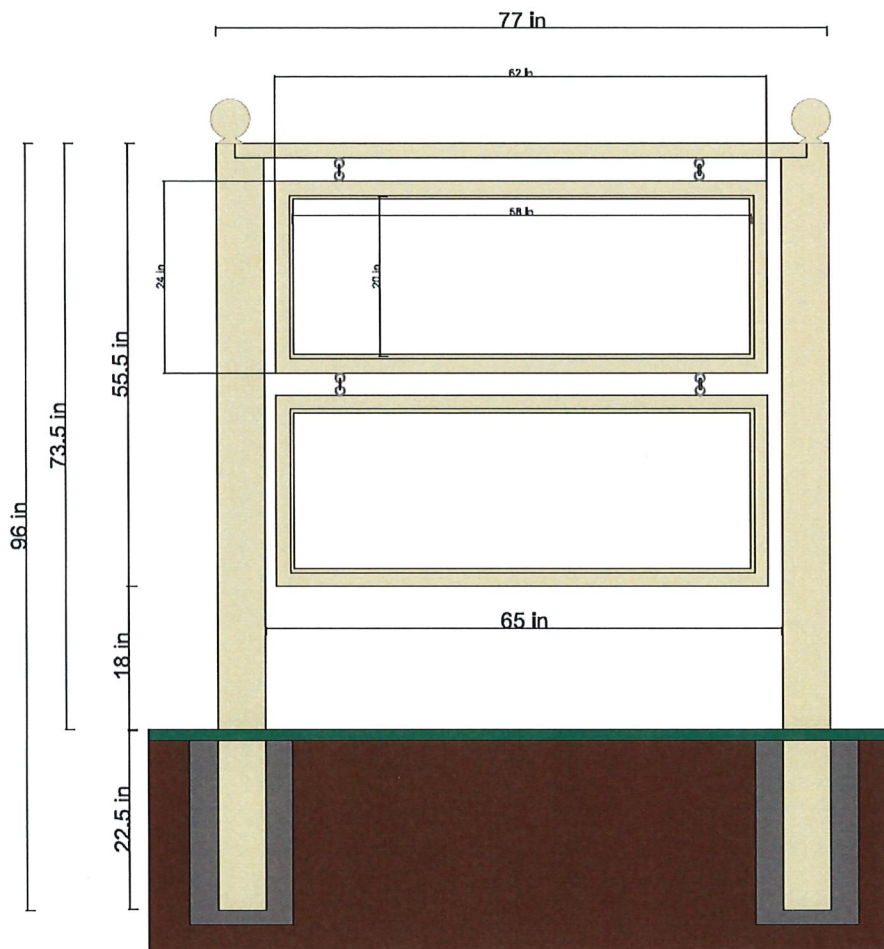


Western Direction: B-2, R-1A

Longleaf Trace (Entrance)

Proposed Sign and Location

Proposed
Monument Sign
with two tenant
panels



Proposed Location of
Monument Sign



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.

The property's shape is that of a trapezoid rather than a rectangle. The building is aligned with the Longleaf Trace making a wall or projecting sign unreadable from both directions of travel from Main Street.

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

Multiple similarly situated commercial properties on Main Street (1505 & 1517 N Main Street, for example) have monument signs less than 150' of frontage. Also of note, if you include frontage on the Longleaf Trace, this property has well in excess of 150' of frontage.

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.

This property has an extra 110' of frontage on the Longleaf Trace, for a total of 220' versus the requirement of 150'. If this frontage was considered applicable, no variance would be required.

Variance Information

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

Commercial buildings need signage for customers to find them. Wall & projecting signs would be difficult to read from both traffic directions on Main Street due to the angle of the building.

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 commercial buildings need signage for customer's to find them, the alternative would be a pole sign, which our Land Development Code considers a more intensive sign.

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 sign section of our Land Development Code was instituted to encourage conformity and aesthetics along our street Scapes. Many other small commercial properties along approaches to downtown make extensive use of monument signs on Main & Pine Streets.

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.