

Place: Jackie Dole Sherrill Community Center (Dining Room)

Time: 3:30 PM

Board of Adjustment

AGENDA

3/1/2023

I. Business Meeting

1. Review and approval of March meeting's agenda
2. Review and approval of the minutes of the February 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 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)

III. Other Business

IV. Adjournment

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, 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:



MINUTES OF THE
REGULAR MEETING OF THE
HATTIESBURG BOARD OF ADJUSTMENT

February 1st, 2023

The Hattiesburg Board of Adjustment did meet in regular session on February 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: Jessica Cathey (Via GoToMeeting)
Shawn Harris, Chair
Lucy Parkman
Stacey Ready
James Trussell
Dick Conville
Brandon Williams (Via GoToMeeting)

Board Members Absent: James Hughes
Bruce Betts
Bernard Green

Also Present: Nathan Satcher, Planner II
Russell Archer, Historic Planner
Jim Gladden, Esq.
Wiley Quinn, Director of Urban Development

Shawn Harris, Chair, declared the meeting of the Hattiesburg Board of Adjustment open and in session at 4:00 PM.

AGENDA REVIEW

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

Motion to Approve February 2023 Agenda

Board Members voting aye: Jessica Cathey (Via GoToMeeting)
Shawn Harris, Chair
Lucy Parkman
Stacey Ready

James Trussell
Dick Conville
Brandon Williams (Via GoToMeeting)

Board Members voting nay: None

MINUTES REVIEW

There came the matter of the January 4th, 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: Jessica Cathey (Via GoToMeeting)
Shawn Harris, Chair
Lucy Parkman
Stacey Ready
James Trussell
Dick Conville
Brandon Williams (Via GoToMeeting)

Board Members voting nay: None

REPORTS

PLANNING REPORT

Nathan Satcher, Planner II, provided the Planning Report. Satcher noted that City Council upheld the recommendation by the Board of Adjustment for both cases in January, and added a condition for 8-foot sidewalks. Also noted was the Longleaf Master Plan that was moving forward to the City Council as well as the renaming of the Midtown Form-Based code to the Hattiesburg Form-Based code.

CHAIR'S REPORT

Shawn Harris did not have a report for this meeting. James Trussell noted that he would like to see the meeting time changed as the Planning Commission meeting ran over on time.

INTRODUCTIONS

Board members introduced themselves.

PUBLIC HEARING – BOARD OF ADJUSTMENT

There came the matter of Item A, to consider A petition has been filed by Jorge Figueroa, 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 twenty (20) feet for a variance of ten (10) feet for the property located at 104 Lurty Ave (Parcel No. 2-029L-09-199.00, PPIN 14218, Forrest Co., Ward 4).

	<u>Name</u>	<u>Address</u>	<u>City/State</u>
<u>Presented by:</u>	Jorge Figueroa	1819 Eva Street	Hattiesburg, MS
	Bairon Cruz	1819 Eva Street	Hattiesburg, MS

Proponents: None

Opponents: None

Nathan Satcher introduced the application describing the construction that had begun without a permit for the structure. The applicant was seeking to demolish an existing porch area and create a larger more non-conforming structure.

Dick Conville had questions about the expansion of the porch and what is roofed in comparison to the variance requested. Additionally, it was commented that the enclosure existed and was removed. Other comments were made that if the property were a residential zone of R-1C it would not need the variance requested today.

Bairon Cruz, a representative of Jorge Figueroa, presented the application. He stated that the previous porch was in disrepair and that he demolished it to begin the repairs. He brought the porch forward when rebuilding it. The appearance of the porch seems bigger because of the roof pitch that was created during the remodel.

No one was in objection to the application.

James Trussell asked what the use was for the building. The response was that it would be for the applicant to move in.

Stacey Ready asked if it was going to be a screened porch or open. The response was that it was an open porch and that he had done the work himself.

Member Conville stated that if it had been residential it would meet the setback.

Shawn Harris then closed the public hearing portion of the meeting. Member Conville brought up the statement that he was in favor of the project. Shawn Harris noted distance to the

ROW may be less than they are seeing as there was an existing structure before the demolition. Member Conville then made a motion to approve the variance on the basis of approval items 4 reasonable use. Stacey Ready seconded the motion and roll call votes were then conducted.

Motion to Approve Based on Approval Item A: Residential Front Setback Variance

4 Reasonable Use

Board Members voting aye: Jessica Cathey (Via GoToMeeting)

Shawn Harris, Chair

Lucy Parkman

Stacey Ready

James Trussell

Dick Conville

Brandon Williams (Via GoToMeeting)

Board Members voting nay: None

Record of Vote: 7-0

BUSINESS MEETING

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 4:37 PM

Shawn Harris, Chair

Nathan Satcher, Planner II

BOA March 2023: Item A
Mike Jones, Representative, and Forrest County Industrial Park, Owner
Request for: **Front Setback Variance**



URBAN DEVELOPMENT PLANNING DIVISION

Board of Adjustment Case Fact Sheet

Name of Petitioners: Mike Jones, Representative, and Forrest County Industrial Park, Owner

Address of Property: W L Runnels Road
Tax Parcel: 2-049G-01-001.00
PPIN: 27626
Ward: 5

Request: Front Setback Variance

Purpose of Request: 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.

Applicant Summary: See Attached

Applicable Regulations:

SECTION 6 Table 6.1 – Dimensional Standards and Measurements

Table 6.1 Dimensional Standards										
District	Minimum Lot Size in SF/ Width at Setback	Max. Dwelling Units	Max. Floor Area Ratio	Setbacks in feet				Max. Height*	Max. Impervious Surface Lot Coverage	Buffer in Feet
				Min. Front	Max. Front	Min. Side	Min. Rear			
I-1	No minimum/ 100	-	0.75	40	40	0 or 10	0	75 feet	60%	60

6.7.2 Measuring Structure Distance. When determining distances for setbacks and structure dimensions, all distances are measured along a horizontal plane from the appropriate property line, edge of building, structure, storage area, parking area, or other object. These distances are not measured by following the topography of the land. Measurements are also taken along the shortest distance between two points. See Diagram 6.2.

BOA March 2023: Item A
Mike Jones, Representative, and Forrest County Industrial Park, Owner
Request for: **Front Setback Variance**

Present Zoning: I-1 Light Industrial

Present Use: Undeveloped / Vacant

Future Land Use: Industrial/Corporate Office District

**Surrounding Zoning:
and Land Use:** North: I-1 Light Industrial
South: I-1 Light Industrial
East: I-1 Light Industrial
West: I-2 Heavy Industrial

**Letters or
Concerns stated:** The Planning Division Office has not received any letters or other written communications relative to this case as of February 21st, 2023. The applicant has letters of approval from adjacent property owners.

History / Background: Project "Gendreau" initially came through the Planning Department at another location (Approximately 635 Sullivan Drive). Project "Gendreau" will be a new warehouse and distribution facility. The project representatives at that time brought cca 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. Since approval, the petitioners have abandoned that site and are now working through site plan review with the City for the site on WL Runnels Road. The Land Development Code has a minimum and maximum setback variance of 40 feet for properties in Industrial Zones. Staff has begun discussing a change in the Land Development Code to address the restrictive nature of a required 40 ft setback for industrial zones to be considered in the next set of text amendments.

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.

BOA March 2023: Item A

Mike Jones, Representative, and Forrest County Industrial Park, Owner

Request for: **Front Setback Variance**

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.

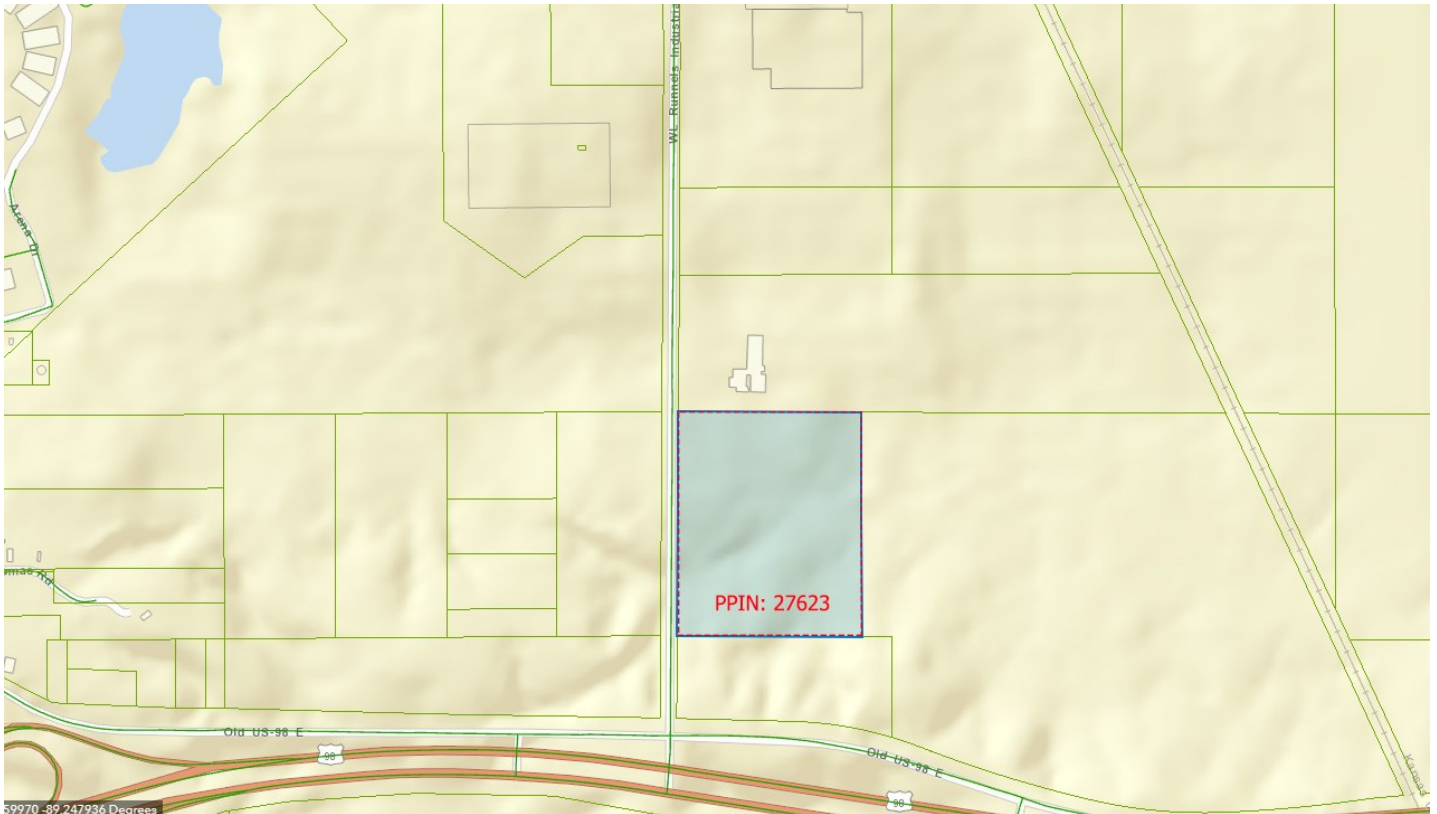
SUBJECT PARCEL:
257 W L Runnels Rd

**FORRET COUNTY INDUSTRIAL PARK, Owner, and Mike Jones,
Representative**

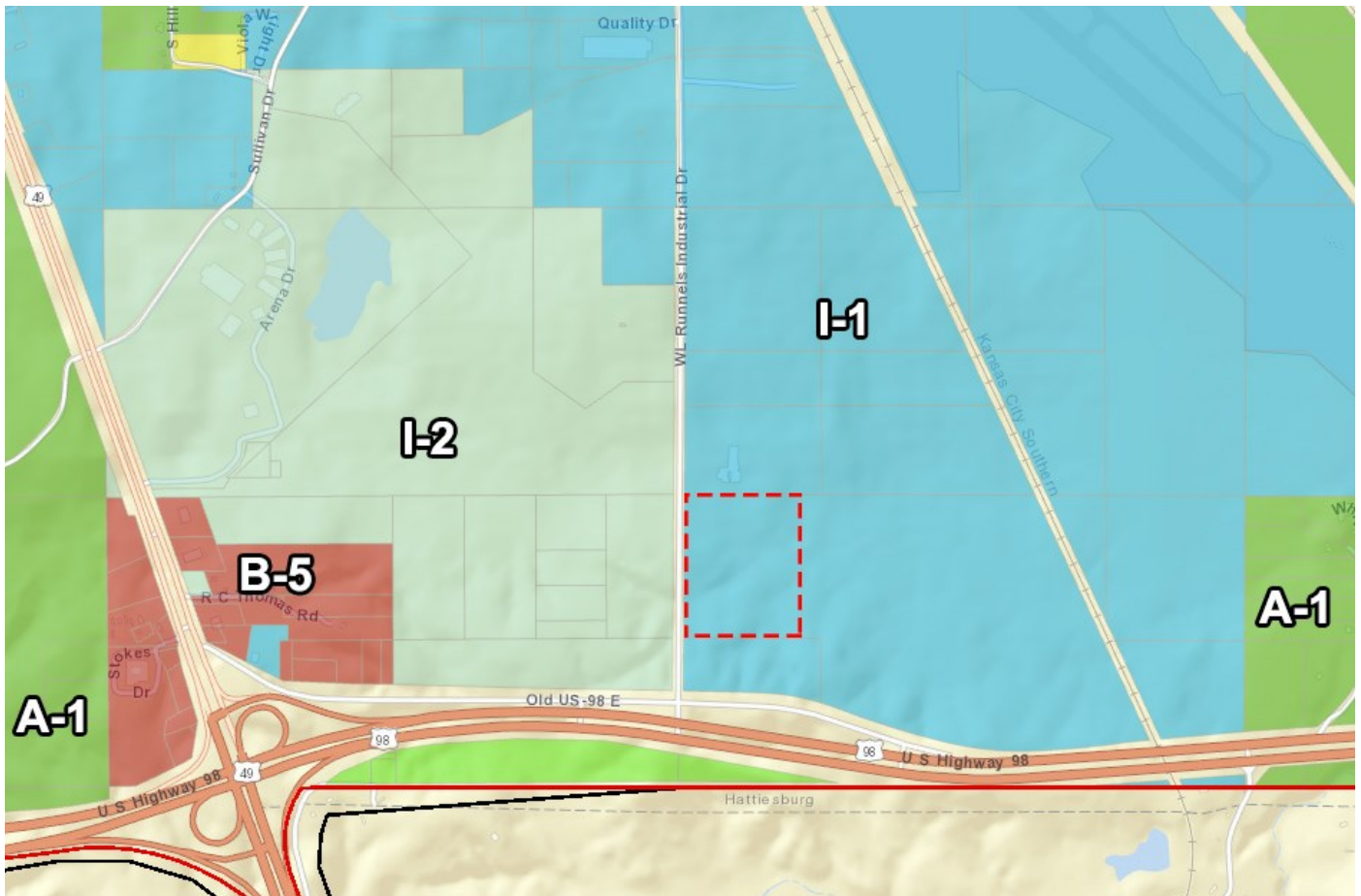
The petitioners request a variance from section 6, Table 6.1 “Minimum Front Setback” for I-1, “40 feet”, and instead allow a setback of two hundred and ten (210’) feet for the property located at 257 W L Runnels Road.



Vicinity Map—Ward 5



Zoning—I-1



Site Aerial



SURROUNDING AREA

Northern Direction: I-1



Southern Direction: I-1

Undeveloped land (PPIN:27624)

Eastern Direction: I-1

Undeveloped land (PPIN:27625)

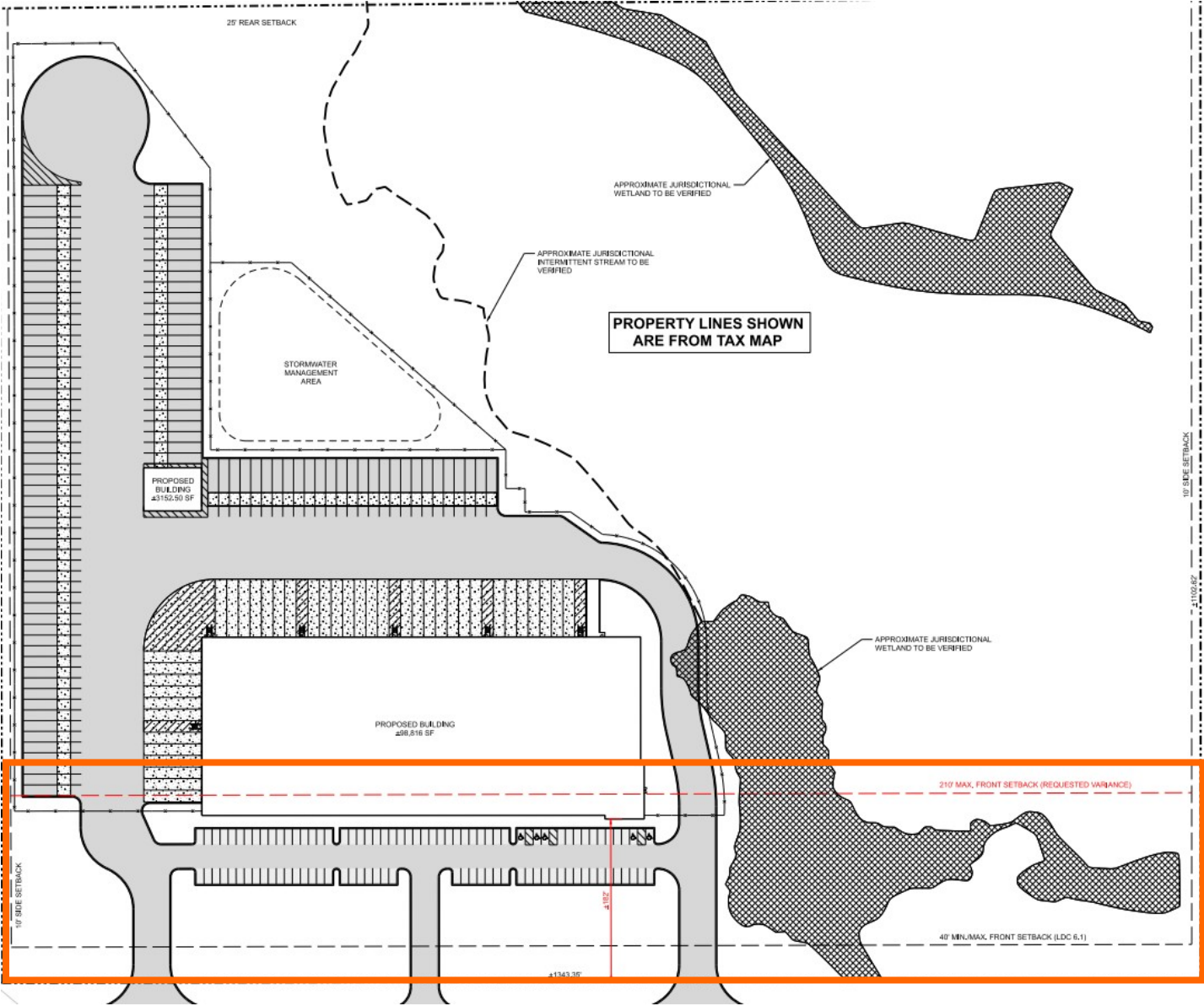


Western Direction: I-1

Undeveloped Land (PPIN:41908)



Proposed Site Plan

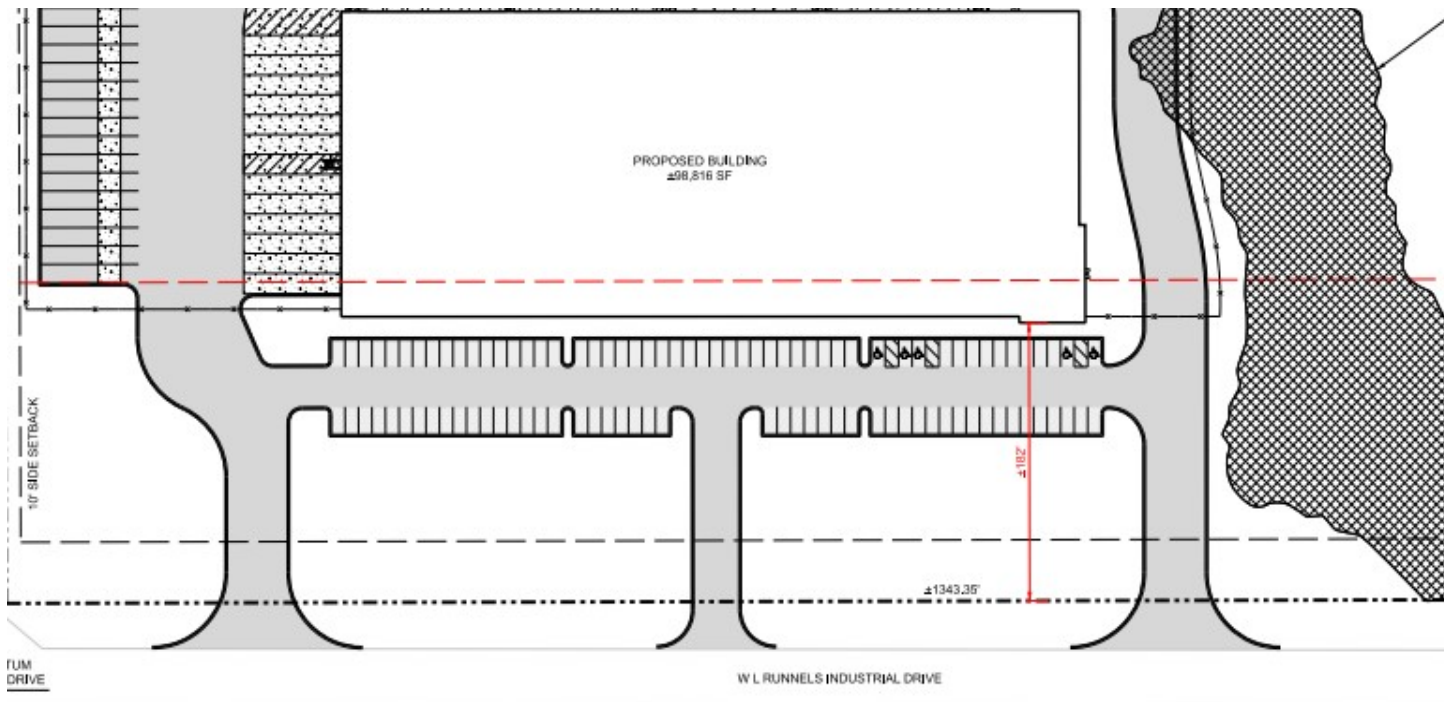


BUILDING SETBACK REQUIREMENTS REQUESTED IN THIS VARIANCE

FRONT: 40 FEET MIN./210 FEET MAX.

REAR: 0 FEET

SIDE: 0 FEET OR 10 FEET



Forrest County Industrial Park (W L Runnels Industrial Drive.)

W L Runnels Industrial Drive Building Setback Variance

1. **Hardship.** (a) The hardship is unique to the property and is no 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 existing wetlands and topography of the land present hardships to the site. In efforts to minimizing disturbance to the wetlands and the amount of import of fill to balance the site we are seeking a variance to the building setback from W L Runnels Industrial Drive.

2. **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 setback of 40-feet would deprive the applicant of utilizing the site efficiently and would cause more imported dirt to balance the site and impact to the wetlands.

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

The current 40-foot setback would create an uncommon and difficult to construct building shape due to the estimated finish floor level elevation, a large amount of fill would need to be imported to balance the site as well as impact the wetlands.

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

The requested variance is the minimum required to minimize the amount of fill needed to the balance the site and minimize the impact on the wetlands.

5. **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 purposes and intent expressed or implied in the Land Development Code is to locate structures efficiently and systematically. The requested variance will allow the building to use the land efficiently while minimizing disturbance to wetlands.