

Board of Adjustment Agenda
Jackie Dole Sherrill Community Center (Dining Room)

Time: 3:30 PM

11/1/2023

I. Business Meeting

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

II. Public Hearing

1. Presentation of Petitions for Public Hearing
 - A. B.J. Fokakis, owner, and Andrea Saffle, representative, requests a variance from Section 10, Table 10.6-2 of the to exceed the maximum allowed sign message area for a proposed wall sign in a B-4 (Downtown Business) zoning district. The property of the request is located at 400 Main Street in Forrest County, Ward 4 (PPIN 35379, 21901).
 - B. Bryan Smith, representative, requests a variance from Section 10, Table 10.6-2 to exceed the minimum allowed parcel street frontage and the side setback requirements for a sign for a property located at 3500 Hardy Street, Forrest County, Ward 3 (PPIN 26476, 26475).
 - C. James Harris, owner, requests a variance from section 5.4.29 to allow for a kennel within the minimum required buffer distance of 250 feet from an adjacent residential use for the property located at 26 and 28 McCall Street in Forrest County, Ward 5 (PPIN 43147, 11034, 32131, 11035).

III. Other Business

IV. Adjournment



URBAN DEVELOPMENT PLANNING DIVISION

MEMORANDUM

TO: Hattiesburg Planning Commission and Board of Adjustment
FROM: Planning Staff
DATE: October 17th, 2023
SUBJECT: November 1st, 2023 - Hattiesburg Planning Commission and Board of Adjustment

The Hattiesburg Planning Commission will meet in regular session at 1:00 PM, Wednesday, November 1st, 2023 in the dining room of the Jackie Dole Sherrill Community Center. The Planning Commission agenda contains eight items: three zoning changes, a conditional use request, a street closure request, two preliminary plat approvals for major subdivisions and a request to amend and make changes in the Land Development Code (Ord. No. 3209).

The Board of Adjustment will meet in regular session at 3:30 PM, Wednesday, Wednesday, November 1st, 2023 in the dining room of the Jackie Dole Sherrill Community Center. The Board of Adjustment public hearing agenda contains three items: two sign variances and a minimum required buffer distance 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 published online at <https://hattiesburgms.portal.civicclerk.com/>

Or Scan the QR below using your smartphone:



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

October 4th, 2023

The Hattiesburg Board of Adjustment did meet in regular session on October 4th, 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 Roll Call:

Members Present:

1. Dick Conville
2. Shawn Harris, Chair
3. Bernard Green, Vice Chair
4. James Trussell
5. Stacey Ready
6. Herman Dungan
7. Brandon E. Williams

Members Absent:

1. Bruce Betts
2. Jessica Cathey
3. James Hughes

Staff Present:

1. Cory Long, Planning Manager
2. Nathan Satcher, Planner II
3. Jim Gladden, Esq.
4. Wiley Quinn, Director of Urban Development
5. Andrea Garcia, Planner I

Chair Harris, declared the Board of Adjustment meeting of the Hattiesburg Board of Adjustment open and in session at 3:30 PM.

AGENDA REVIEW

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

Motion:

Made by Dick Conville

Second:

Made by Brandon Williams

Vote:

Board Member	Yea	Nay	Other
Dick Conville	X		
Shawn Harris, Chair	X		
Bernard Green, Vice Chair	X		
James Trussell	X		
Stacey Ready	X		
Herman Dungan	X		
Brandon E. Williams	X		

MINUTES REVIEW

Chair Harris made a motion to table the June 7th minutes' review to the next Board of Adjustment meeting.

Motion:

Made by Chair Harris to Table until next meetin

Second:

Made by Vice Chair Green

Vote:

Board Member	Yea	Nay	Other
Dick Conville	X		
Shawn Harris, Chair	X		
Bernard Green, Vice Chair	X		
James Trussell	X		
Stacey Ready	X		
Herman Dungan	X		
Brandon E. Williams	X		

PLANNING REPORT

There came the matter of the Planning Report by Nathan Satcher, Senior Planner. A new Board of Adjustment member was announced, Herman Dungan (Ward 5). Mr. Satcher also announced

the special call meeting dates for the BDBO project. Cory Long, Planning Division Manager, provided an update on Broadway Dr Moratorium and RFP.

CHAIR'S REPORT

Chair Harris did not have a report for the meeting.

INTRODUCTIONS

Board of Adjustment members and staff introduced themselves.

PUBLIC HEARING – Board of Adjustment

Item A:

John Anglin, Engineer, Kevin Lewis, Architect, and William Carey University, Owner, request variances for the construction of a new building located at 710 William Carey Parkway. The applicants are requesting a variance from the maximum building height of 35 feet for an R-3 Zoned property and to instead allow for a height of 60 feet (LDC Table 6.1) (PPIN 13708, Forrest County, Ward 2).

Discussion and Vote:

The planning staff introduced the case. Vice Chair Hinton opened the public hearing portion of the meeting. Mr. Kevin Lewis, the applicant, spoke on behalf of this project and discussed the reasoning for the variance request. Board members raised questions for the applicant concerning the building height. Mr. Bob Blevins also spoke in favor of this project; he provided background information on William Carey and how it related to the variance request. No one was in objection to the application and Chair Harris closed the public hearing. Member Green then made a motion to approve the variance based on approval items I (Hardship) and II (Special Privilege). Member Ready seconded the motion and a roll call vote was then conducted.

Presented by:

Kevin Lewis

Proponents:

1. Bob Blevins

Opponents:

1. None

Motion:

Made by Bernard Green

Second:

Made by Stacey Ready

Vote:

Board Member	Yea	Nay	Other
Dick Conville	X		
Shawn Harris, Chair	X		
Bernard Green, Vice Chair	X		
James Trussell	X		
Stacey Ready	X		
Herman Dungan	X		
Brandon E. Williams			RECUSED

Item B:

Michael W. Anderson, applicant, requests a variance from the minimum zoning buffer requirement of 10 feet for an R-3 zoned property to instead allow for a 0 ft buffer (LDC Table 7.11-2) for a property located at 350 S 11th Avenue for the construction of a parking lot. (PPIN 16934, Forrest County, Ward 4).

Discussion and Vote:

The planning staff introduced the case. Chair Harris opened the public hearing portion of the meeting. Mr. Michael Anderson, the applicant, came to speak on behalf of the case and explained the background related to this project. Member Trussell asked questions related to the adjacent lot and current plans for remodeling the property. Chair Harris questioned the Planning Staff about the number of parking spaces required. Then, he closed the public hearing portion of the meeting. Member Conville then made a motion to approve the variance on the basis of approval items I (Hardship) and V (Minimum Required). Member Green seconded the motion and a roll call vote was then conducted.

Presented by:

Michael W. Anderson

Proponents:

1. None

Opponents:

1. None

Motion:

Made by Dick Conville

Second:

Made by Bernard Green

Vote:

Board Member	Yea	Nay	Other
Dick Conville	X		
Shawn Harris, Chair	X		
Bernard Green, Vice Chair	X		
James Trussell	X		
Stacey Ready	X		
Herman Dungan	X		
Brandon E. Williams	X		

Item C:

Frank Roberts, Owner, Ashley Roberts, applicant, and Robin Roberts, representative, request a variance from Section 6.1 for the minimum lot size requirement of an R-1B zoned lot from 7500ft² and instead allow for 6750ft² for a minor subdivision of a single parcel into three separate parcels, located at 101 Orange Street (PPIN 24621, Forrest County, Ward 4).

Discussion and Vote:

The planning staff introduced the case. Chair Harris opened the public hearing portion of the meeting. Mr. Frank Roberts came to speak on behalf of this project and explained the reasons for subdividing these lots. Questions from Board Members were made to Staff regarding the Minor Subdivision approval process. Member Ready then made a motion to approve the variance on the basis of approval items I (Hardship) and V (Minimum Required). Member Williams seconded the motion and a roll call vote was then conducted.

Presented by:

Frank Roberts

Proponents:

1. None

Opponents:

1. None

Motion:

Made by Stacey Ready

Second:

Made by Brandon Williams

Vote:

Board Member	Yea	Nay	Other
Dick Conville	X		
Shawn Harris, Chair	X		
Bernard Green, Vice Chair	X		
James Trussell	X		
Stacey Ready	X		
Herman Dungan	X		
Brandon E. Williams	X		

Item D-1:

Hastings Puckett, owner, and Ron McMaster, Engineer, and Cole Goza, Engineer, request a variance from the maximum allowed open storage space of 50% of a side and rear lot and instead allow for 100% of the side and rear lot (LDC 5.4.16.3). The request is for an expansion located at 7128 Highway 49 (PPIN 9216, 9237, Forrest County, Ward 1).

Discussion and Vote:

The Planning Staff introduced the case. Chair Harris opened the public hearing portion of the meeting. Mr. Hastings Puckett came to speak on behalf of this project. Member Conville questioned the applicant about the hardship of lacking open storage space. Mr. Puckett explained the limitations regarding the space for equipment storage. The public hearing portion of the meeting was closed. Mr. Trussell asked the Staff about the effects of the flood zone in that area. Member Conville then made a motion to approve the variance on the basis of approval items I (Hardship) and V (Minimum Required). Member Ready seconded the motion and a roll call vote was then conducted.

Presented by:

Hastings Puckett

Proponents:

2. None

Opponents:

2. None

Motion:

Made by Richard Conville

Second:

Made by Stacey Ready

Vote:

Board Member	Yea	Nay	Other
Dick Conville	X		
Shawn Harris, Chair	X		
Bernard Green, Vice Chair	X		
James Trussell	X		
Stacey Ready	X		
Herman Dungan	X		
Brandon E. Williams	X		

Item D-2:

Hastings Puckett, owner, and Ron McMaster, Engineer, and Cole Goza, Engineer, request a variance from the maximum allowed fence height of 4 feet in a front setback to instead allow for a fence height of 6' (LDC 7.9.8.6) (PPIN 9216, 9237, Forrest County, Ward 1).

Discussion and Vote:

The Planning Staff introduced the case. Chair Harris opened the public hearing portion of the meeting. Mr. Hastings Puckett came to speak on behalf of this project and explained that allowing a taller fence was to ensure that it would be consistent with the existing fence. The public hearing portion of the meeting was closed. Member Green then made a motion to approve the variance on the basis of approval items I (Hardship) and IV (Reasonable Use). Member Williams seconded the motion and a roll call vote was then conducted.

Presented by:

Hastings Puckett

Proponents:

3. None

Opponents:

3. None

Motion:

Made by Bernard Green

Second:

Made by Brandon E. Williams

Vote:

Board Member	Yea	Nay	Other
Dick Conville	X		
Shawn Harris, Chair	X		
Bernard Green, Vice Chair	X		
James Trussell	X		
Stacey Ready	X		
Herman Dungan	X		
Brandon E. Williams	X		

Item D-3:

Hastings Puckett, owner, and Ron McMaster, Engineer, and Cole Goza, Engineer, request a variance from the required screening requirements from major thoroughfares for an outdoor storage yard to allow for no screening (LDC 5.4.16.3) (PPIN 9216, 9237, Forrest County, Ward 1).

Discussion and Vote:

The Planning Staff introduced the case. Chair Harris opened the public hearing portion of the meeting. Mr. Hastings Puckett came to speak on behalf of this project. The public hearing portion of the meeting was closed. Member Conville expressed concern about the outdoor screening and advised to follow the Land Development Code guidelines. Mr. Satcher explained the purpose of screening as a visual barrier from the public street and Board of Adjustment members discussed this matter in detail. Member Conville then made a motion to deny the screening requirements variance. Chair Harris seconded the motion and a roll call vote was then conducted.

Presented by:

Hastings Puckett

Proponents:

4. None

Opponents:

4. None

Motion:

Made by Richard Conville to deny

Second:

Made by Chair Harris

Vote:

Board Member	Yea	Nay	Other
Dick Conville	X		
Shawn Harris, Chair	X		
Bernard Green, Vice Chair		X	
James Trussell	X		
Stacey Ready		X	
Herman Dungan	X		
Brandon E. Williams		X	

BUSINESS MEETING

No items were presented in the business meeting. Chair Harris made a motion to adjourn the meeting and all members were in favor. The meeting was adjourned at 5:12 p.m.

Motion:

Made by Chair Harris

Second:

Made by Bernard Green

Vote:

Board Member	Yea	Nay	Other
Dick Conville	X		
Shawn Harris, Chair	X		
Bernard Green, Vice Chair	X		
James Trussell	X		
Stacey Ready	X		
Herman Dungan	X		
Brandon E. Williams	X		

Shawn Harris, Chair

Cory Long, AICP, Planning Division Manager

November 2023 BOA Item: A
B.J. Fokakis and Andrea Saffle, Representatives
Request for: **Maximum Allowed Sign Message Area Variance**



**Board of Adjustment
Case Fact Sheet**

Name of Petitioners: B.J. Fokakis and Andrea Saffle, Representatives

Address of Property:	Tax Parcel	PPIN:	Ward:
400 Main St	2-029J-10-241.01	35379	4
	2-029J-10-240.00	21901	4

Request: **Maximum Allowed Sign Message Area Variance**

Purpose of Request: To consider to request for a variance from Section 10, Table 10.6-2 of the to exceed the maximum allowed sign message area for a proposed wall sign in a B-4 (Downtown Business) zoning district. The property of the request is located at 400 Main Street in Forrest County, Ward 4 (PPIN 35379, 21901).

Applicant Summary: See Attached

Applicable Regulations:

SECTION 4

Zoning Districts

4.5.11 B-4 Downtown District: The Downtown Business District is intended to promote the concentration and vitality of commercial and business uses in the historic central business area of the City and as such, encourages a mixture of complementary uses with a pedestrian orientation. This district is characterized by wall-to-wall and lot-line-to-lot-line development, pedestrian walkways, a vertical mix of uses, upper floor residential uses, and off-street public parking lots.

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 Building					
Wall Sign	Wall signs shall not extend above roof line	For B-1 , All R zones– 1 square foot sign area/1' front façade width up to 50 square feet	n/a	n/a	2 per structure/unit
		For B-2 – 1 square foot sign area/1' front façade width up to 100 square feet	n/a	n/a	3 per structure/unit
		For B-3, B-5, I-1, I-2 – maximum of 15% of the single wall, 350 square feet max, or for structural canopy 10% per side	n/a	n/a	3 per structure/unit
		For B-4 - 1' sign area/1' front facade width up to 150'			

Present Zoning: B-4 Downtown District

Present Use: Restaurant

Future Land Use: Downtown District

**Surrounding Zoning:
and Land Use:**
 North: B-4 Downtown District
 South: B-4 Downtown District
 East: B-4 Downtown District
 West: B-4 Downtown District

**Letters or
Concerns stated:** The Planning Division Office has not received any letters or other written communications relative to this case as of October 23rd, 2023.

History / Background: The applicant met with staff to discuss the addition of a sign/mural on an unpainted portion of brick on the current building of Coney Island Café in downtown. The applicant first discussed with the Historic Preservation planner regarding the sign, as painting of non-painted masonry requires approval from the Hattiesburg Historic Conservation Commission. The submitted draft of the sign depicted images of products sold in the building and a logo of the business, and was therefore determined to be a sign, which is regulated by the Land Development Code as referenced above. The applicant

was then informed that a sign permit would be required for what was being proposed on the wall.

The applicant presented the proposed draft of the sign to the Historic Commission in June of this year and it was approved, pending all other requirements of the Land Development Code were met. The size of the sign exceeds the allowance for wall signs in a B-4 (max of 150ft²). The provided dimensions of the wall (18'1" width, 23'10" height) and proposed sign area exceed the permissible wall sign area. The applicant indicated the proposed signage is part of a commemorative celebration for the 100th year of operation for Coney Island Café.

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.

SUBJECT PARCEL

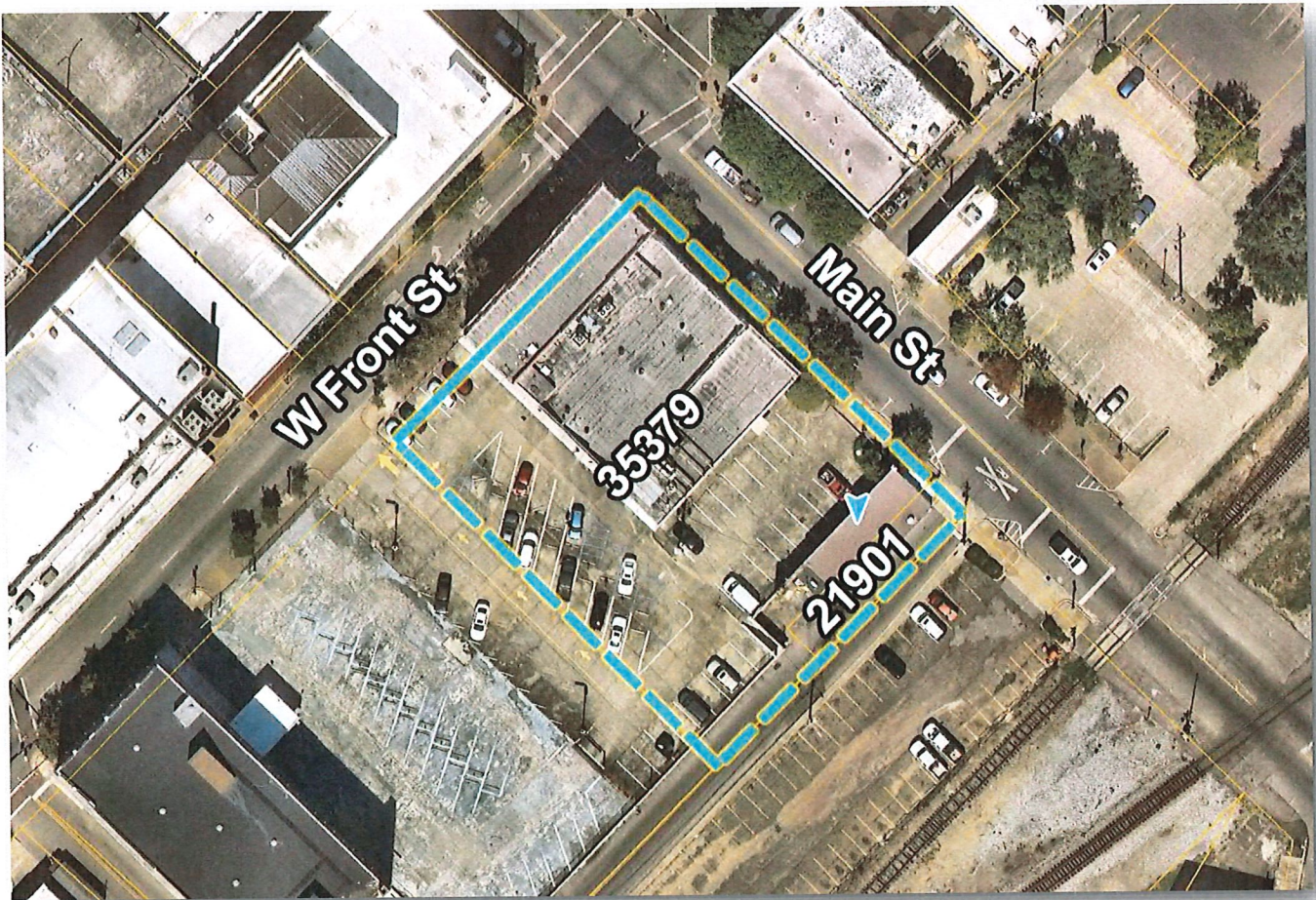
400 Main St — Maximum Allowed Sign Message Area Variance

B.J Fokakis and Andrea Saffle, Representatives

The petitioner requests a variance from Section 10, Table 10.6-2 of the to exceed the maximum allowed sign message area for a proposed wall sign in a B-4 (Downtown Business) zoning district. The property of the request is located at 400 Main Street in Forrest County, Ward 4 (PPIN 35379, 21901).



Site Aerial



Surrounding Area

B-4 Downtown District



Surrounding Area

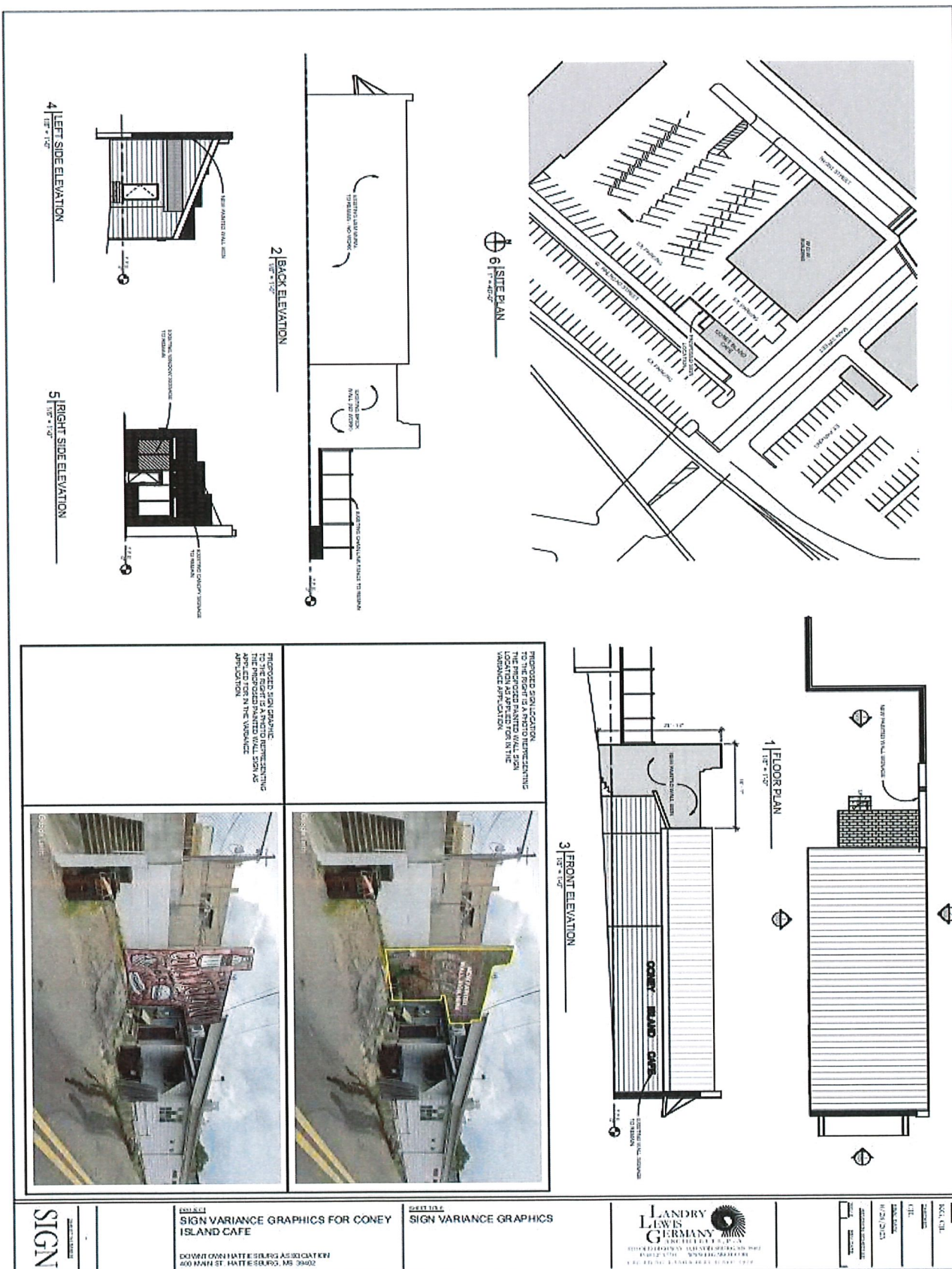
B-4 Downtown District



Proposed Sign



Proposed Location



FOR VARIANCE APPLICANTS:

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

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

Approval Criteria.

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

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

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

There is already a former painted brick mural (sign) on the face of the proposed
location, and therefore would simple be updated.

3. **Literal Interpretation.** The literal interpretation of the provision of the regulation 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 sign is already in place, faded and initially unreadable. The proposed work will simply update the graphics to include the name of the business and not just a product it serves.

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

Not Applicable

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

Not Applicable

6. **Conformance with 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.

See Items 2 and 3 above. The existing mural will be updated according to the drawings and graphics provided by the Architect.

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 the Code. The recommendation of the Board Adjustment shall be presented to the City Council for final action.

November 2023 BOA Item: B

Brian Smith, Representative

Request for: **Freestanding Sign Minimum Frontage and Side Setback Variances**



**Board of Adjustment
Case Fact Sheet**

Name of Petitioners: Brian Smith, Representative

Address of Property:	Tax Parcel	PPIN:	Ward:
3500 Hardy Street	2-028M-07-063.00	26476	3
	2-028M-07-061.00	26475	3

Request: **Freestanding Sign Minimum Frontage and Side Setback Variances (2 variances for one sign)**

Purpose of Request: To consider to request for a variance from Section 10, Table 10.6-2 to exceed the minimum allowed parcel street frontage and the side setback requirements for a sign for a property located at 3500 Hardy Street, Forrest County, Ward 3 (PPIN 26476, 26475).

Applicant Summary: See Attached

Applicable Regulations:

SECTION 4 Zoning Districts

4.5.7 R-3 Multi-Family Residential District: The purpose of the R-3 District is to permit medium and high-density residential uses including multi-family, two-family, and single-family structures with related recreational, religious and educational facilities. This district is consistent with the Neighborhood Conservation 1 and 2 districts in the Comprehensive Plan. This zoning district encourage protected residential neighborhoods with only compatible supporting institutional uses and open space.

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: R-3 Multi-Family Residential

Present Use: Apartment Complex

Future Land Use: Community Business Corridor

**Surrounding Zoning:
and Land Use:** North: B-3 Community Business District
South: R-2 Two-Family Residential District
East: B-3 Community Business District / R-3 Multi-Family Residential
West: B-3 Community 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 October 17th, 2023.

History / Background: The applicant met with Staff in Pre-Application to discuss placing a monument sign at 3500 Hardy St. The entrance to the current property has street frontage of approximately 53 feet width, and our sign ordinance requires that properties have a minimum of 150' of linear frontage to establish a freestanding sign. The applicant was required to collapse the two parcels, which effectively forms a flag lot in order to have street frontage for the apartment complex.

Additionally, the applicant is requesting an additional variance since the proposed location does not meet the minimum side setback requirement of 15 feet in the proposed location.

Board members should consider the existing street landscape along Hardy Street and the intent of the sign regulations. Many of the signs located along the Hardy Street corridor were implemented prior to the adoption of the current Land Development Code and

are considered legal non-conforming. The 150' frontage requirements prevents freestanding signs from being located on narrow lots to help protect the streetscape and public view. Sign ordinances are in place for a variety of reasons, including safety and aesthetics. The spatial organization of communities and the visual character of the built environment are a reflection of planning efforts.

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.

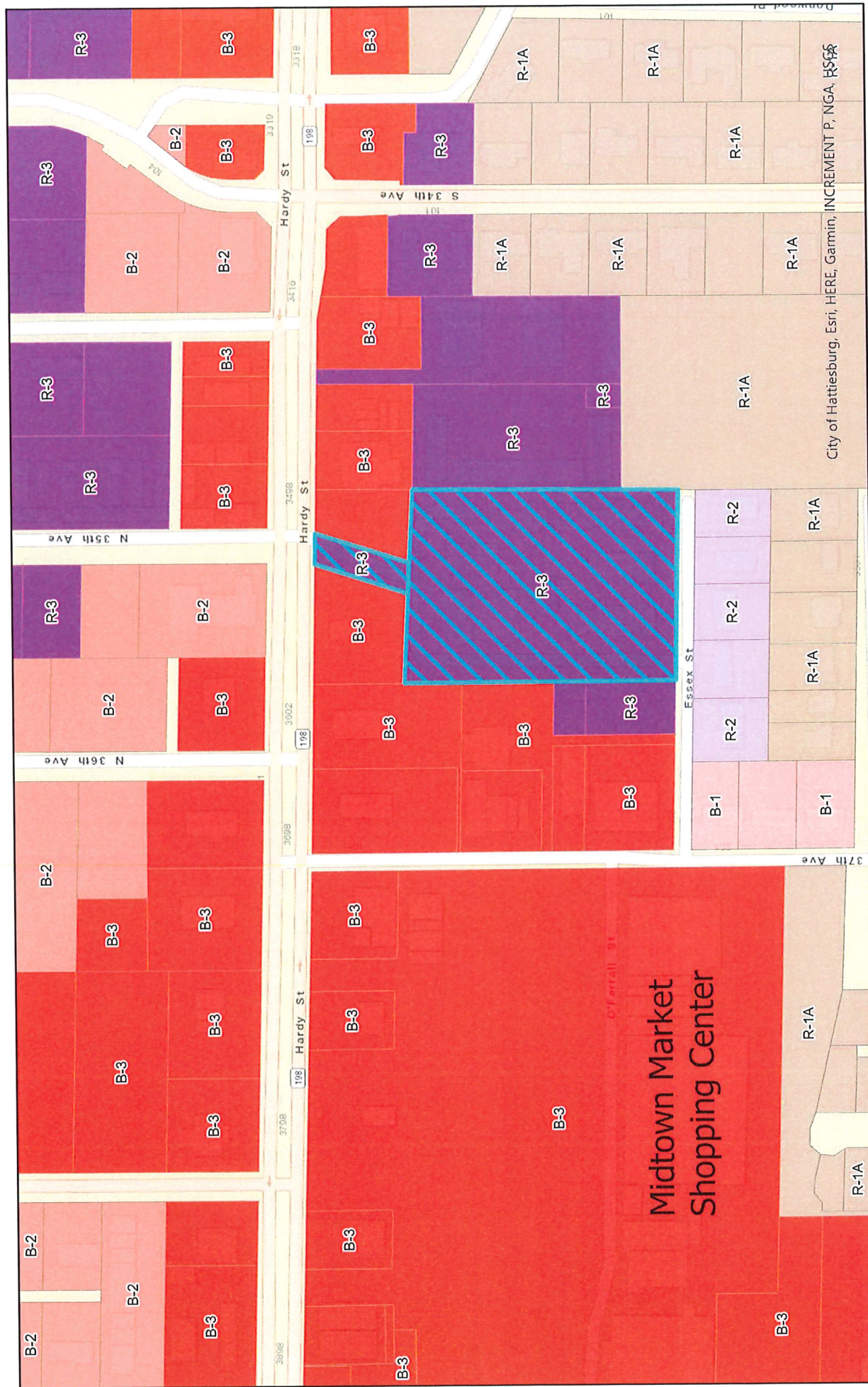
SUBJECT PARCEL

3500 Hardy St — Freestanding Sign Minimum Frontage and Side
Setback Variances

Brian Smith, Representative

The petitioner requests a variance from Section 10, Table 10.6-2 to exceed the minimum allowed parcel street frontage and the side setback requirements for a sign for a property located at 3500 Hardy Street, Forrest County, Ward 3 (PPIN 26476, 26475).





Legend

- B-2
- B-3
- R-3
- 0
- R-1A
- R-2
- R-3
- B-1

Location of Variance Request

Site Information

3500 Hardy Street

Variance request from minimum required street frontage for a freestanding sign.

Minimum required: 150'; Actual Frontage: 52.'

(PPINs: PPIN 26476, 26475)

Forrest County, Ward 3

City of Hattiesburg

URBAN DEVELOPMENT PLANNING DIVISION

Site Aerial



Surrounding Area

Northern and Southern Directions: B-3 Community Business District



Surrounding Area

Eastern and Western Directions: B-3 Community Business District



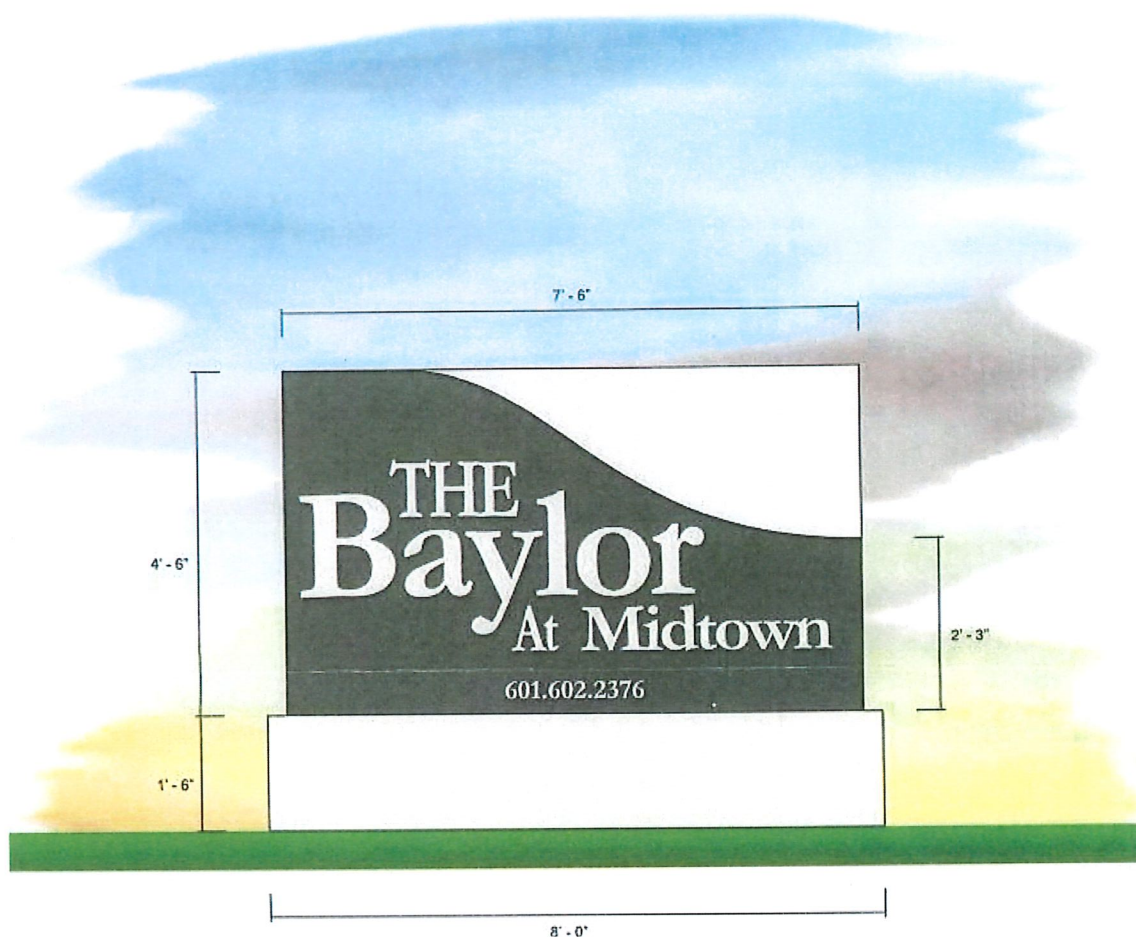
Note the proliferation of signs along this portion of Hardy Street



Proposed Sign

ID Sign

Hattiesburg, MS



*(1) New DIF ID Sign

*Fabricated Aluminum Cabinet with Digitally Printed Faces, Non Illuminated

*Fabricated Aluminum Base

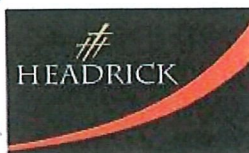
*Colors:

- PMS 560 C
- PMS 7541 C

NOTE: Construction restrictions may cause dimensions to vary slightly

THIS LOGO/ART IS THE PROPERTY OF THE HEADRICK SIGNS & GRAPHICS AND IS NOT TO BE DUPLICATED OR COPIED

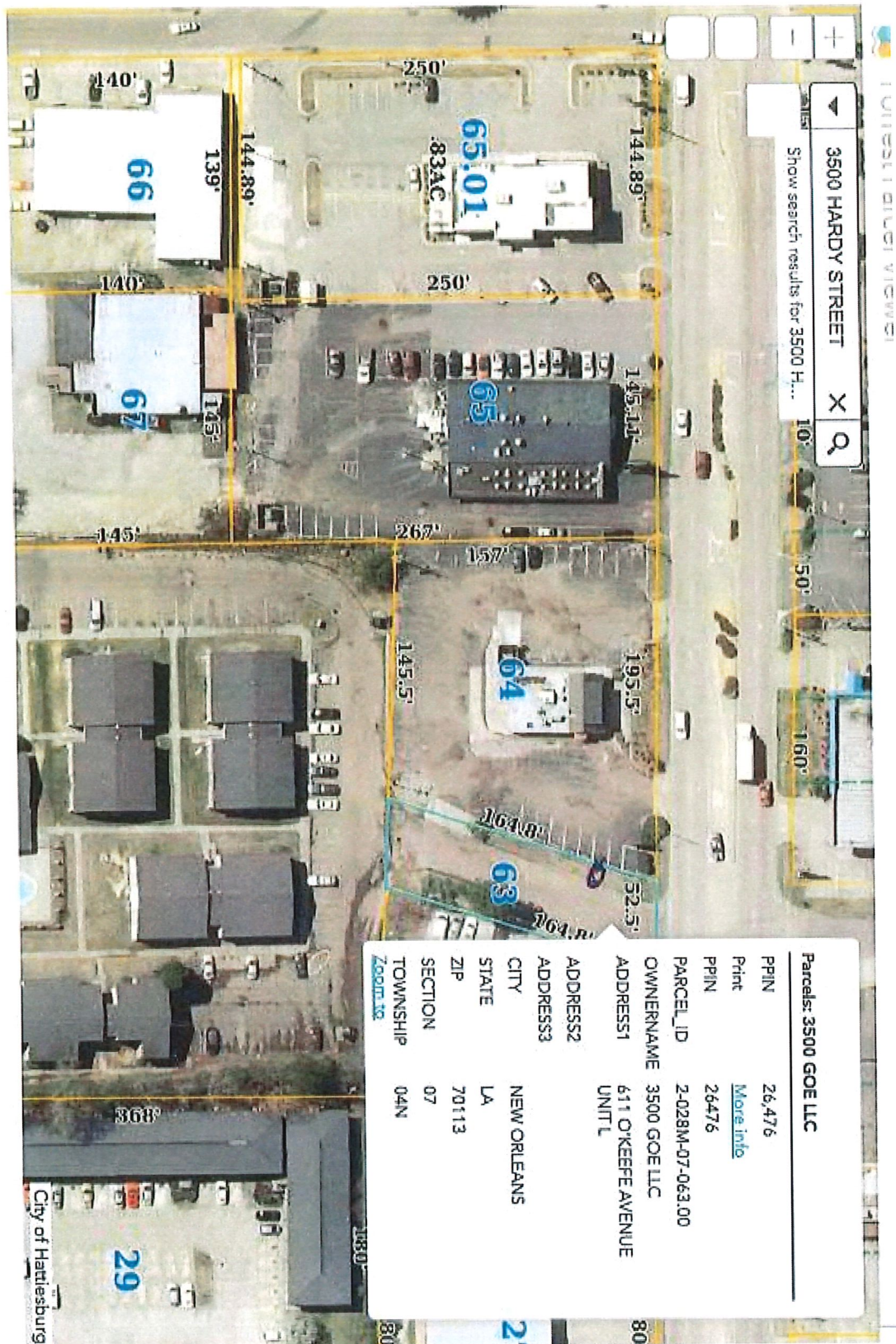
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The Baylor At Midtown			
SCALE 1/2" = 1' - 0"		APPROVED BY	
DATE 08/02/22	PAGE 1	SKETCH NO BS - 1343 - 08 - 22	DRAWN BY ALT
REVISION DATE 08/15/22	03/01/23	03/06/23	08/24/23

Proposed Location



1. Due to location of property where the business activities are located and the width of the entrance of the property from Hardy Street is only 53.6' wide, therefore causing us to only have 10' side setbacks due to Paved entrance driveway to business active.
2. No special Privilege are needed
3. Due to the property layout, which only has 53.6' road frontage from Hardy Street is causing the property owner hardship due to the 150' requirement of road frontage for a street sign.
4. The Property is currently in use but needs a monument sign on Hardy Street to allow patriots to locate the property.
5. We request a 10' side set back and 96.5' requirement from road frontage.
6. We are in compliance with sign regulations, it will not impeded with traffic or safety requirements if the variance are meeting for the side setback and requirement of road frontage.



Date

Dear

In accordance with the planning commission and board of adjustment we "Dr. Victor Sonkie" and my self " Bryan Smith" representing party, would like to inform you on a variance we are filing with the city of Hattiesburg. We are filing a sign variance for the Complex adjoining your property 3500 hardy st Hattiesburg. We would like your approval, for this project. Thanks for your help concerning this matter. By signing this letter it will let the planning commission know that you approve. This project.

Property owner.

A handwritten signature in black ink, appearing to read "Dr. Victor Sonkie".

Date.

November 2023 BOA Item: C
James Harris, Owner
Request for: **Kennel (Buffer Distance) Variance**



**Board of Adjustment
Case Fact Sheet**

Name of Petitioners: James Harris, Owner

Address of Property:	Tax Parcel	PPIN:	Ward:
28 & 26 McCall St	2-038P-22-141.01	43147	5
	2-038P-22-144.00	11034	5
	2-038P-22-146.00	32131	5
	2-038P-22-147.00	11035	5

Request: Kennel (Buffer Distance) Variance

Purpose of Request: To consider to request for a variance from section 5.4.29 to allow for a kennel within the minimum required buffer distance of 250 feet from an adjacent residential use for the property located at 26 and 28 McCall Street in Forrest County, Ward 5 (PPIN 43147, 11034, 32131, 11035).

Applicant Summary: See Attached

Applicable Regulations:

SECTION 4 Zoning Districts

4.5.3 R-1C Single-Family Residential District: The purpose of the R-1C District is to permit single-family residential uses with related recreational, religious and educational facilities. This district is consistent with the Neighborhood Conservation 1 and 2 districts in the Comprehensive Plan. This zoning district encourages protected lower density residential neighborhoods with only compatible supporting institutional uses and open space.

SECTION 5

Uses

5.4.29 Kennels; Veterinary Clinics and Hospitals

5.4.29.1 A maximum of twenty outside runs shall be permitted and shall be 250 feet from restaurants and residential uses.

5.4.29.2 Facilities shall at all times be maintained in neat and sanitary condition.

SECTION 13

Definitions

Kennel: An establishment in which more than three domesticated animals are housed, groomed, bred, boarded or trained for compensation or offered for sale.

Present Zoning:

All parcels are currently zoned R-1C, single-family homes are present in some parcels.

Present Use:

Single-family homes, vacant lots

Future Land Use:

Neighborhood Conservation District 2

Surrounding Zoning and Land Use:

North: R-1C Single-Family Residential/A-1 Agricultural District
South: R-1C Single-Family Residential
East: R-1C Single-Family Residential
West: R-1C Single-Family Residential

Letters or Concerns stated:

The Planning Division Office has received two letters from adjacent residents relative to this case as of October 17th, 2023.

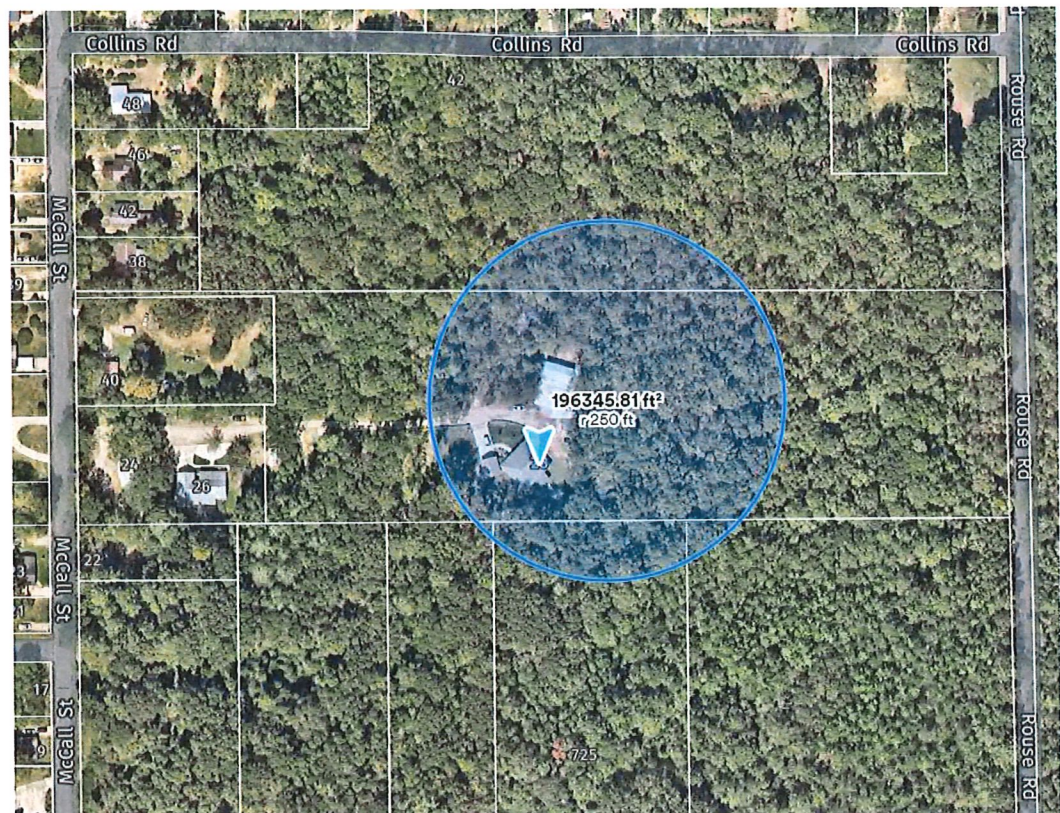
History / Background:

The applicant is seeking a rezone request from R-1C to A-1 in order to establish the use of a Kennel at the location. Kennels are a permitted use in an Agricultural Zoning with conditions (A-1). The parcels being requested for rezone are 8.7 Acres (PPIN 11034) and 6.01 Acres (PPIN 43147). The review and approval of any variance is contingent upon the approval of the rezoning request.

The location of the proposed kennel is within the 250 ft buffer from any residential uses for the properties directly located to the south of the location. The measurement of the distance is from the proposed location of the kennel to an adjacent residentially zoned lot. The proposed location of the kennel is in the center of

November 2023 BOA Item: C
James Harris, Owner
Request for: **Kennel (Buffer Distance) Variance**

the circle shown below, which shows the 250 ft buffer that overlaps with adjacent residential properties. The applicant has provided a site plan that shows that the kennel is more than 250 ft from the nearby residential structures (minimum 475 ft to nearest residence). The applicant has proposed a kennel with outdoor runs for the purposes of breeding a designer dog breed.



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.

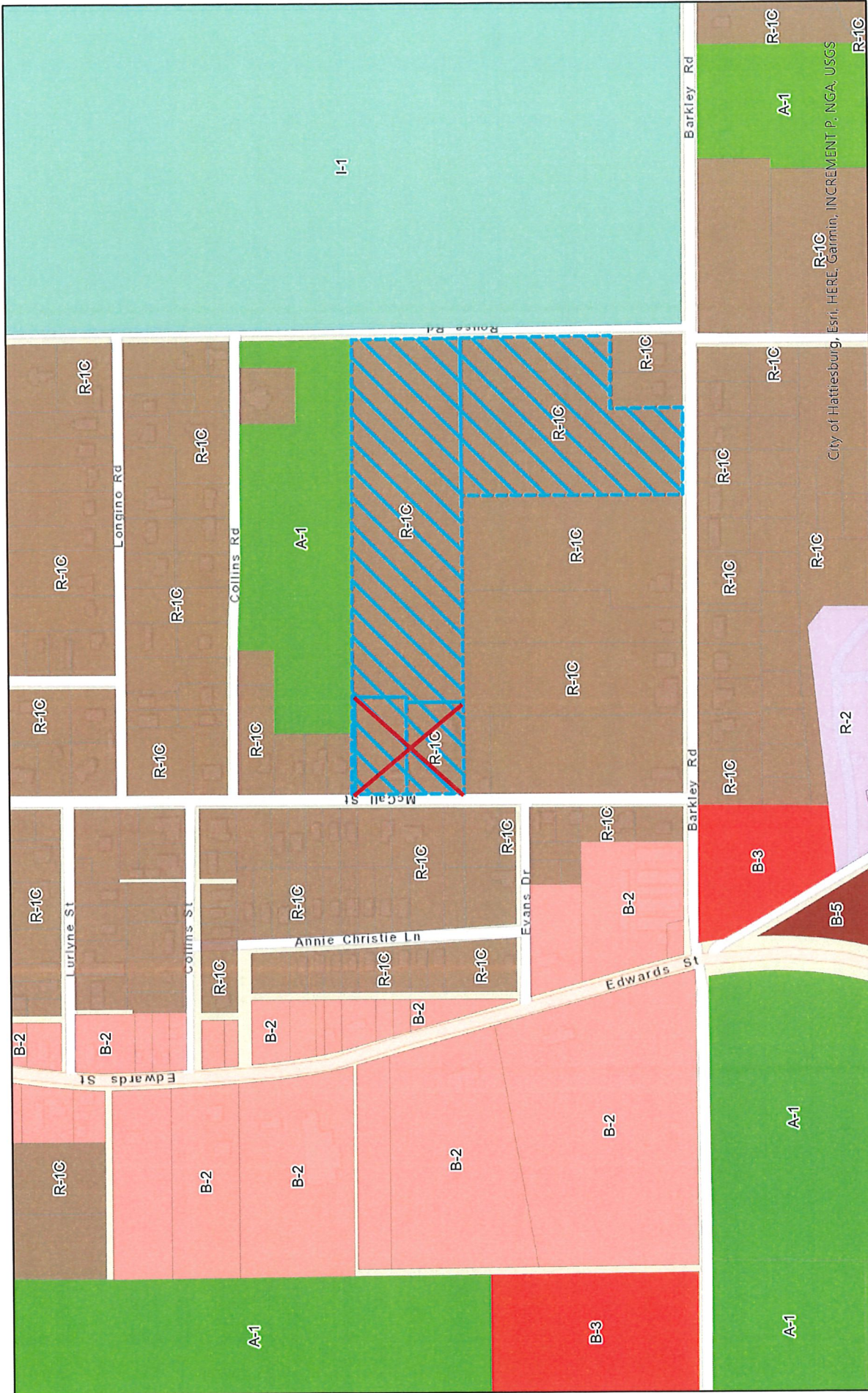
SUBJECT PARCEL

28 & 26 McCall St — Kennel (Buffer Distance) Variance

James Harris, Owner

The petitioner requests a variance from section 5.4.29 to allow for a kennel within the minimum required buffer distance of 250 feet from an adjacent residential use for the property located at 26 and 28 McCall Street in Forrest County, Ward 5 (PPIN 43147, 11034, 32131, 11035).





Legend

- A-1
- R-1C
- R-2
- B-2
- B-3
- B-5
- I-1
- City Boundaries
- Requested Area for Rezoning



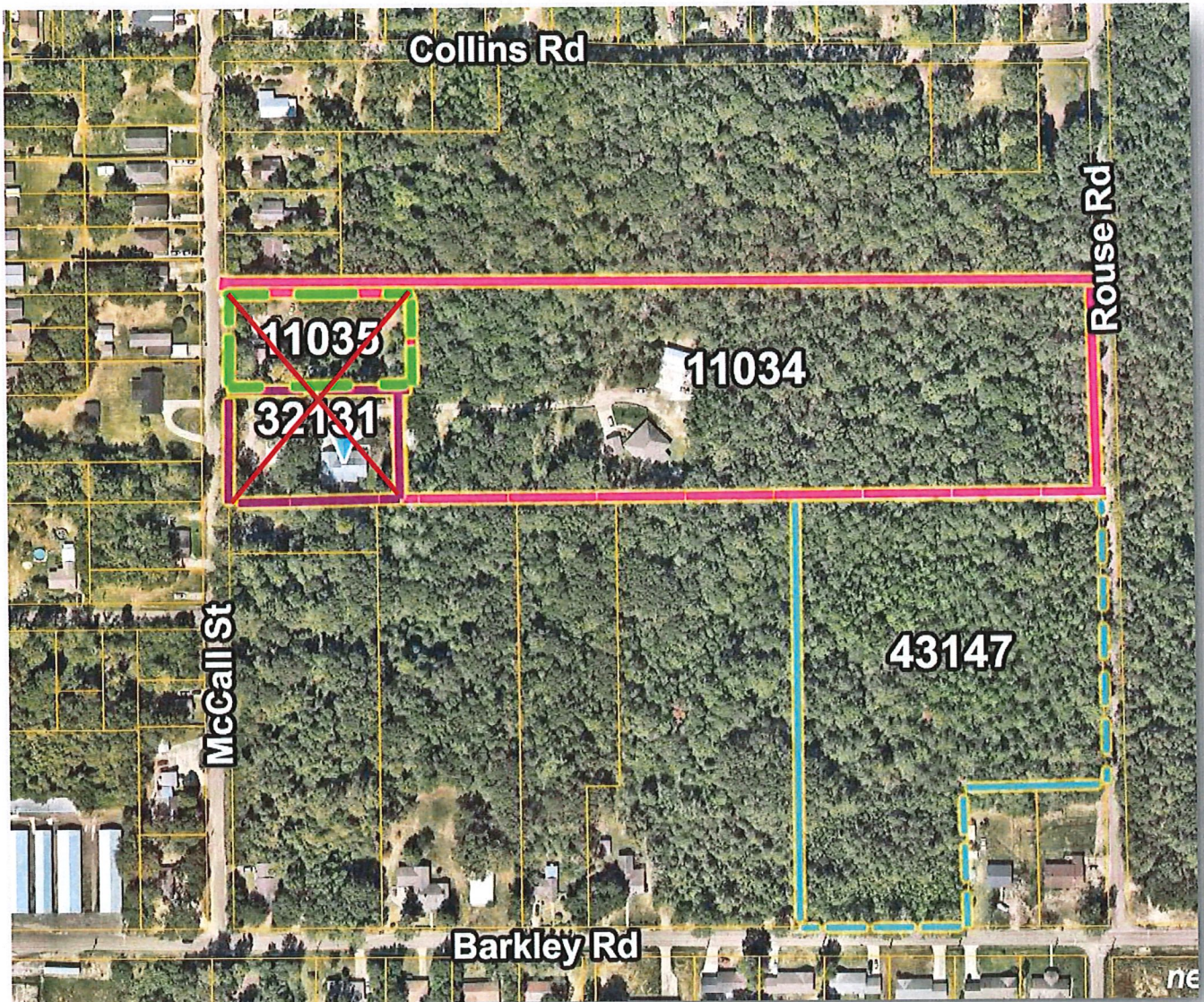
Site Information

26 and 28 McCall Street
Proposed area of for rezone request
from R-1C (Single-Family Residential) to
A-1 (Agricultural)
(PPINs: 43147, 11034, ~~32134~~, ~~11035~~)
Forrest County, Ward 5



**URBAN
DEVELOPMENT**
PLANNING DIVISION

Site Aerial



Surrounding Area



McCall St facing north and south

**Northern and
Southern Directions:
R-1C Single-Family
Residential**

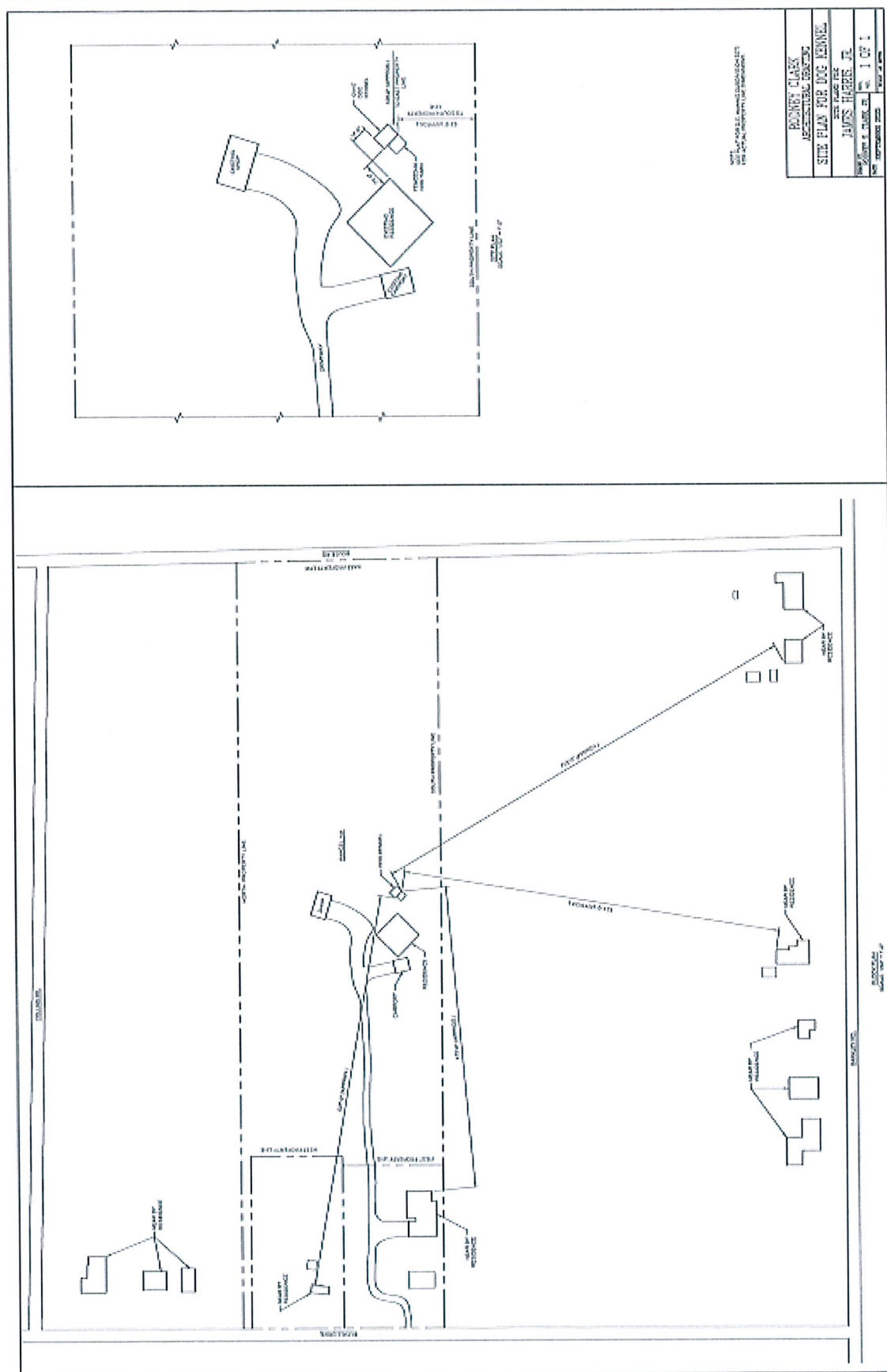


**Eastern and
Western Directions:
R-1C Single-Family
Residential**



McCall St facing west

Proposed Site Plan



FOR VARIANCE APPLICANTS:

** if outdoor kennels/puns*

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

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

Approval Criteria.

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

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

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

Rezoning this area would best fit the specifics of the area and neighborhood

3. **Literal Interpretation.** The literal interpretation of the provision of the regulation 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.

Not Changing the zone would deprive the property owner the rights ~~of~~ other (JW) commonly enjoyed by others in the same zone.

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

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 exact location of this property in relation to other residences, will not impede on the livelihood of others.

6. **Conformance with 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.

Granting of this variance will not conflict with single family residential, since this location will never be developed for residential use.

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 the Code. The recommendation of the Board Adjustment shall be presented to the City Council for final action.

September 25, 2023

I, Myles Longino am a neighbor
with ~~an~~ adjoining property next
to James Harris and we share
a property line.

I agree with the rezoning.

Thanks,

Name: Myles Longino
Address: 620 Barkley Rd. H'burg MS 39401
Number: 601-549-2327

September 25, 2023

I, William Rogers am a
neighbor with an adjoining property
next to James Harris's property
located near McCall Street.

I agree with the rezoning.

22 McCall
st

Thanks,

Name:
Address:
Number: