

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

Time: 3:30 PM

2/7/2024

I. Business Meeting

1. Review and approval of February 2024 meeting's agenda
2. Review and approval of the minutes of the January 2024 meeting
3. Planning Report
4. Chair's Report
5. Introductions

II. Public Hearing

1. Presentation of Petitions for Public Hearing
 - A. James Smith, applicant, and Jasmine Washington, owner, request a variance from the minimum 10 feet width side setback requirement for an R-1A zoned property to instead allow for a side setback of 3.4 feet (Section 6, Table 6.1) for a residential structure located at 87 Everglades (PPIN 32905, Lamar County, Ward 1).

III. Other Business

IV. Adjournment

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

January 3rd, 2023

The Hattiesburg Board of Adjustment did meet in regular session on January 3rd, 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. Shawn Harris, Chair
2. Richard Conville
3. Hernan Dungan
4. John Eye
5. Jessica Cathey
6. Eric Boney
7. James Trusell
8. Brandon E. Williams
9. Bernard Green

Members Absent:

1. Stacey Ready
2. James Trussell

Staff Present:

1. Cory Long, Planning Manager
2. Nathan Satcher, Planner II
3. Andrea Garcia, Planner I
4. Sabrina Wells, Planning Intern

Chair Harris declared the Board of Adjustment meeting open and in session at 3:36 p.m.

AGENDA REVIEW

There came the matter of the January 2024 Agenda. A motion was made by Mr. Conville to approve the agenda and was seconded by Mr. Williams. All members presented voted in favor of the motion.

Motion:

Made by Richard Conville

Second:

Made by Brandon E. Williams

Vote:

Board Member	Yea	Nay	Other
Shawn Harris (Chair)	X		
Richard Conville	X		
Hernan Dungan	X		
James Trusell	X		
John Eye	X		
Jessica Cathey	X		
Brandon E. Williams	X		
Eric Boney	X		

MINUTES REVIEW

Chair Harris made a motion to approve the November 1st minutes. All members presented voted in favor of the motion.

Motion:

Made by Brandon E. Williams

Second:

Made by James Trussell

Vote:

Board Member	Yea	Nay	Other
Shawn Harris (Chair)	X		
Richard Conville	X		
Hernan Dungan	X		
James Trusell	X		
John Eye	X		
Jessica Cathey	X		
Brandon E. Williams	X		
Eric Boney	X		

PLANNING REPORT

There came the matter of the Planning Report by Nathan Satcher, Senior Planner, he announced that the last two cases reviewed by Board of Adjustment, were approved by City Council (Coney Island and kennel variance on McCall St).

CHAIR'S REPORT

The Chair did not have a report for the meeting.

INTRODUCTIONS

Board of Adjustment members and Staff introduced themselves.

PUBLIC HEARING – Board of Adjustment

Item A:

Stacey and Doug Thompson, owners, request a variance from the minimum 5ft width sidewalk requirement for a B-5 zoned property to instead allow for a 0ft sidewalk (Section 7.6, Table 7.1, Subsection 7.6.1.1 LDC) for a proposed expansion located at 5165 Old Hwy 42 in Forrest County, Ward 2 (PPIN 14268).

Discussion and Vote:

Staff introduced the case. Chair Harris opened the public portion of the meeting. Ms. Stacey Thompson came to speak on behalf of the project. Mr. Eye raised a question about the feasibility of putting a sidewalk in the area. It was stated by Mr. Conville that he has concerns about the future of Old Hwy 42 corridor and that it should be a walkable area. Chair Harris closed the public portion of the meeting for discussion. A discussion was held among Board members regarding the need for sidewalks for pedestrians and neighborhoods along this corridor, as well as its future. Mr. Eye made a motion to deny this variance and Ms. Cathey seconded the motion.

Presented by:

1. Stacey Thompson

Proponents:

1. None

Opponents:

1. None

Motion:

Made by John Eye to deny

Second:

Made by Jessica Cathey

Vote:

Board Member	Yea	Nay	Other
Shawn Harris (Chair)	X		
Richard Conville	X		
Hernan Dungan	X		

James Trusell		X	
John Eye	X		
Jessica Cathey	X		
Brandon E. Williams		X	
Eric Boney		X	
Bernard Green		X	

OTHER BUSINESS

A discussion regarding the proposed By-laws was made. Mr. Cory Long, Planning Manager, talked about the the number of application and variances received by the Planning Department during year 2023. In addition, members proposed creating a nominating committee for Board of Adjustment meetings. The motion to create a nominating committee was made by Chair Harris and seconded by Mr. Green.

Motion:

Made by Chair Harris

Second:

Made by Bernard Green

Board Member	Yea	Nay	Other
Shawn Harris (Chair)	X		
Richard Conville	X		
Hernan Dungan	X		
James Trusell	X		
John Eye	X		
Jessica Cathey	X		
Brandon E. Williams	X		
Eric Boney	X		
Bernard Green (Vice Chair)	X		

Adjournment:

The meeting was adjourned at 4:45 p.m.

Motion:

Made by Chair Harris

Second:

Made by Herman Dungan

Vote:

Board Member	Yea	Nay	Other
Shawn Harris (Chair)	X		
Richard Conville	X		

Hernan Dungan	X		
James Trusell	X		
John Eye	X		
Jessica Cathey	X		
Brandon E. Williams	X		
Eric Boney	X		
Bernard Green (Vice Chair)	X		

Shawn Harris, Chair

Cory Long, AICP, Planning Division Manager

February 2024 BOA Item: A
James Smith (Applicant) and Jasmine Washington (Owner)
Request for: **Side Setback Variance**



**Board of Adjustment
Case Fact Sheet**

Name of Petitioners: James Smith (Applicant) and Jasmine Washington (Owner)

Address of Property:	Tax Parcel	PPIN:	Ward:
87 Everglades	051C-02-001.083	32905	1

Request: **Side Setback Variance**

Purpose of Request: To consider a variance from the minimum 10 feet width side setback requirement for an R-1A zoned property to instead allow for a side setback of 3.4 feet (Section 6, Table 6.1) for a residential structure located at 87 Everglades (PPIN 32905, Lamar County, Ward 1).

Applicant Summary: See Attached

Applicable Regulations:

SECTION 4 **Zoning Districts**

4.5.3 R-1A Residential District. The purpose of the R-1A 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 6 **Table 6.1 Dimensional Standards**

February 2024 BOA Item: A
 James Smith (Applicant) and Jasmine Washington (Owner)
 Request for: **Side Setback Variance**

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			
R-1A	10,000/ 50	1 per lot	-	30	-	10	25	35 feet or 3 stories	50%	-

Present Zoning: R-1A Single Family Residential District

Present Use: Single Family House

Future Land Use: Industrial/Corporate Office District and Neighborhood Conservation District 2

**Surrounding Zoning:
and Land Use:**

North: R-1A Single Family Residential
 South: R-1A Single Family Residential
 East: R-1A Single Family Residential
 West: R-1A Single Family Residential

**Letters or
Concerns stated:**

The Planning Division Office has not received any letters or other written communications relative to this case as of January 22nd, 2024.

History / Background:

The Building Division notified the Staff that the applicant did not meet the minimum side setback requirements for a new single-family house built at 87 Everglades. The applicant met with Staff to discuss a variance application for the property. The applicant is the contractor for the home and indicated there was an error in where they believed the property line was during construction, and based their plans off of an incorrectly placed property stake. The home is currently occupied by the property owner.

Another project being done on the site prompted a survey, where it was then made known that the constructed home did not meet the required 10ft setback as originally believed to have been constructed. The contractor disclosed that a property stake was relocated after site grading was done for construction. The relocated stake was incorrectly placed several feet to the south, which created an inconsistency between the drawn plans and the actual property line.

Staff have communicated with the applicant to discuss this variance with the affected neighboring property.

February 2024 BOA Item: A
James Smith (Applicant) and Jasmine Washington (Owner)
Request for: **Side Setback Variance**

Basis for Approval (12.4.1.1):

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:

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

87 Everglades — Side Setback Variance

James Smith, Representative and Jasmine Washington, Owner

Petitioners request a variance from the minimum 10 feet width side setback requirement for an R-1A zoned property to instead allow for a side setback of 3.4 feet (Section 6, Table 6.1) for a residential structure located at 87 Everglades (PPIN 32905, Lamar County, Ward 1).





Zoning

A-1
A-2
R-1A
R-1B

Site Information

Property is located at at 87 Everglades (PPIN 32905, Lamar County, Ward 1)



**URBAN
DEVELOPMENT
PLANNING DIVISION**





Future Land Use

- Industrial/Corporate Office District
- Neighborhood Conservation District 2
- Planned Mixed-Use District

Site Information

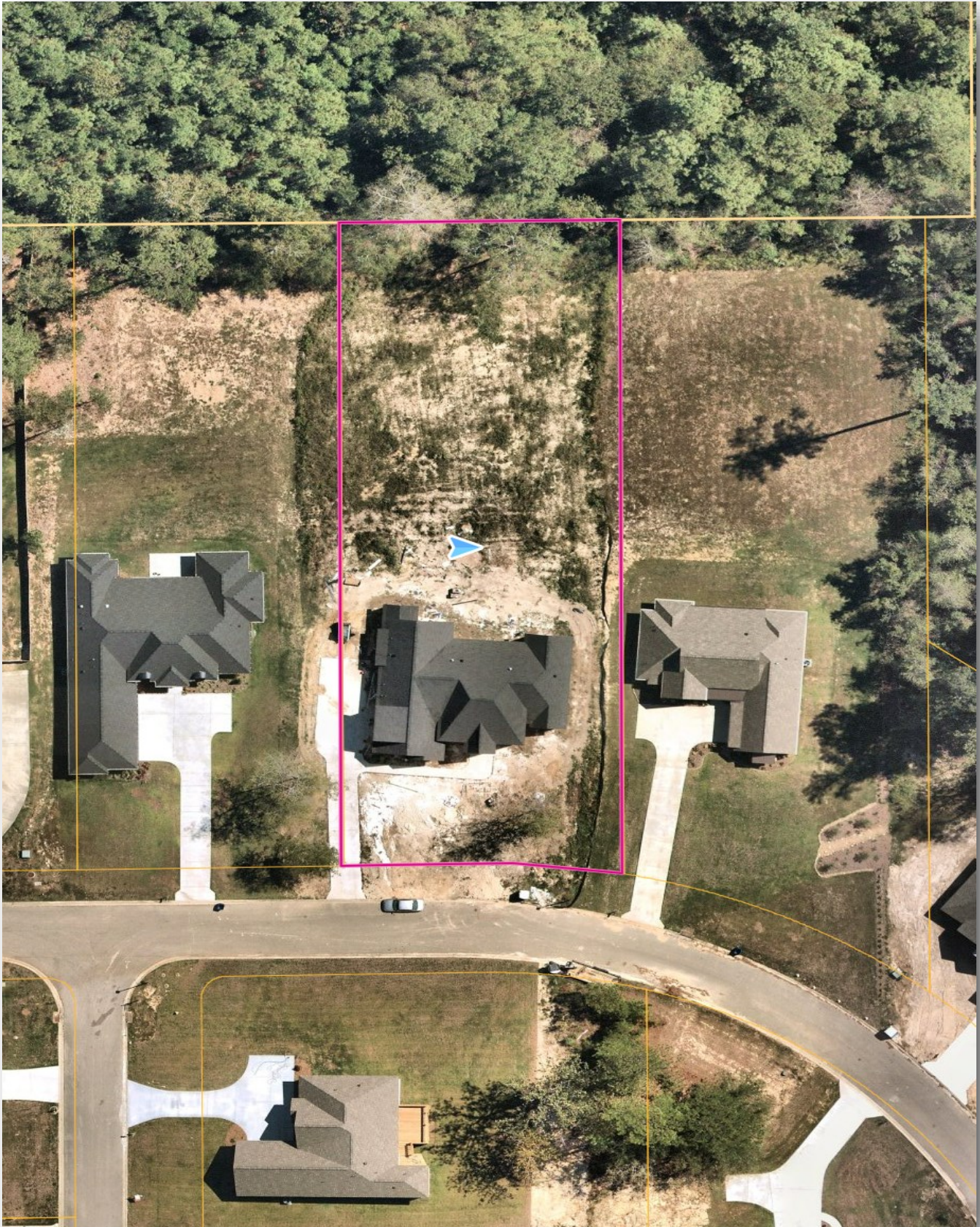
Future Land Use map for 87 Everglades, and surrounding area. Requested area for this case is denoted in blue.



URBAN DEVELOPMENT
PLANNING DIVISION



Site Aerial



Surrounding Area

Northern and Southern Directions: R-1A Single Family Residential



“The Preserve” neighborhood and surrounding houses

Surrounding Area

East and Western Directions: R-1A Single Family Residential and A-1 Agricultural



USM Accelerator on Shelby Thames Drive and street view from Classic Dr

THE PRESERVE

BOUNDARY LINE TABLE

LOT AREA SCHEDULE

LINE	LENGTH	BEARING	LOT No.	ACREAGE	SQ. FT.	LOT No.	ACREAGE	SQ. FT.
L1	89.37	S15°52'44"W	1	0.42	18,376	35	0.46	19,920
L2	75.84	S89°00'47"W	2	0.50	21,876	36	0.40	17,200
L3	84.67	S89°00'47"W	3	0.46	20,351	37	0.87	39,355
L4	84.67	S89°00'47"W	4	0.46	20,351	38	0.73	31,680
L5	84.67	S89°00'47"W	5	0.46	20,351	39	0.40	17,200
L6	84.67	S89°00'47"W	6	0.46	20,351	40	0.40	17,200
L7	84.67	S89°00'47"W	7	0.46	20,351	41	0.40	17,200
L8	84.67	S89°00'47"W	8	0.46	20,351	42	0.40	17,200
L9	84.67	S89°00'47"W	9	0.46	20,351	43	0.40	17,200
L10	84.67	S89°00'47"W	10	0.46	20,351	44	0.40	17,200
L11	84.67	S89°00'47"W	11	0.46	20,351	45	0.40	17,200
L12	84.67	S89°00'47"W	12	0.46	20,351	46	0.40	17,200
L13	84.67	S89°00'47"W	13	0.46	20,351	47	0.40	17,200
L14	84.67	S89°00'47"W	14	0.46	20,351	48	0.40	17,200
L15	84.67	S89°00'47"W	15	0.46	20,351	49	0.40	17,200
L16	84.67	S89°00'47"W	16	0.46	20,351	50	0.40	17,200
L17	84.67	S89°00'47"W	17	0.46	20,351	51	0.40	17,200
L18	84.67	S89°00'47"W	18	0.46	20,351	52	0.40	17,200
L19	84.67	S89°00'47"W	19	0.46	20,351	53	0.40	17,200
L20	84.67	S89°00'47"W	20	0.46	20,351	54	0.40	17,200
L21	84.67	S89°00'47"W	21	0.46	20,351	55	0.40	17,200
L22	84.67	S89°00'47"W	22	0.46	20,351	56	0.40	17,200
L23	84.67	S89°00'47"W	23	0.46	20,351	57	0.40	17,200
L24	84.67	S89°00'47"W	24	0.46	20,351	58	0.40	17,200
L25	84.67	S89°00'47"W	25	0.46	20,351	59	0.40	17,200
L26	84.67	S89°00'47"W	26	0.46	20,351	60	0.40	17,200
L27	84.67	S89°00'47"W	27	0.46	20,351	61	0.40	17,200
L28	84.67	S89°00'47"W	28	0.46	20,351	62	0.40	17,200
L29	84.67	S89°00'47"W	29	0.46	20,351	63	0.40	17,200
L30	84.67	S89°00'47"W	30	0.46	20,351	64	0.40	17,200
L31	84.67	S89°00'47"W	31	0.46	20,351	65	0.40	17,200
L32	84.67	S89°00'47"W	32	0.46	20,351	66	0.40	17,200
L33	84.67	S89°00'47"W	33	0.46	20,351	67	0.40	17,200
L34	84.67	S89°00'47"W	34	0.46	20,351	68	0.40	17,200
L35	84.67	S89°00'47"W	35	0.46	20,351	69	0.40	17,200
L36	84.67	S89°00'47"W	36	0.46	20,351	70	0.40	17,200
L37	84.67	S89°00'47"W	37	0.46	20,351	71	0.40	17,200
L38	84.67	S89°00'47"W	38	0.46	20,351	72	0.40	17,200
L39	84.67	S89°00'47"W	39	0.46	20,351	73	0.40	17,200
L40	84.67	S89°00'47"W	40	0.46	20,351	74	0.40	17,200
L41	84.67	S89°00'47"W	41	0.46	20,351	75	0.40	17,200
L42	84.67	S89°00'47"W	42	0.46	20,351	76	0.40	17,200
L43	84.67	S89°00'47"W	43	0.46	20,351	77	0.40	17,200
L44	84.67	S89°00'47"W	44	0.46	20,351	78	0.40	17,200
L45	84.67	S89°00'47"W	45	0.46	20,351	79	0.40	17,200
L46	84.67	S89°00'47"W	46	0.46	20,351	80	0.40	17,200
L47	84.67	S89°00'47"W	47	0.46	20,351	81	0.40	17,200
L48	84.67	S89°00'47"W	48	0.46	20,351	82	0.40	17,200
L49	84.67	S89°00'47"W	49	0.46	20,351	83	0.40	17,200
L50	84.67	S89°00'47"W	50	0.46	20,351	84	0.40	17,200

BOUNDARY CURVE TABLE

ROW LINE TABLE

PARCEL CURVE TABLE

ROW LINE TABLE

BOUNDARY CURVE TABLE

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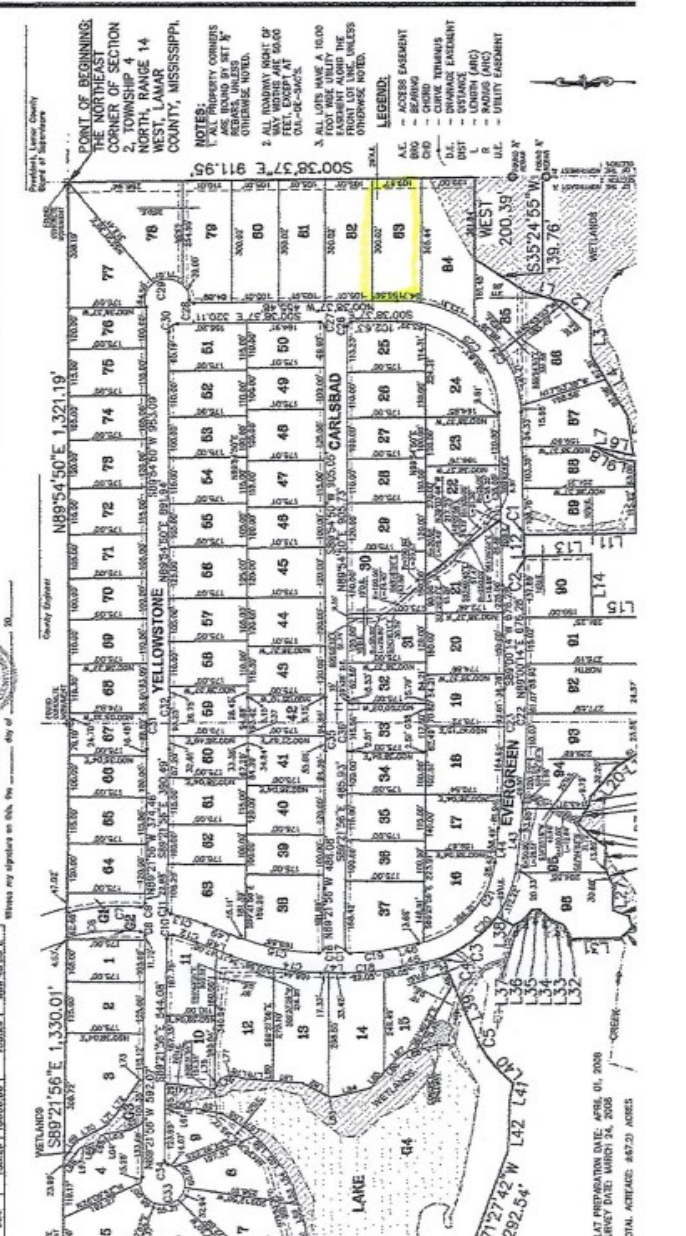
ROW LINE TABLE

PARCEL CURVE TABLE

ROW LINE TABLE

BOUNDARY CURVE TABLE

ROW LINE TABLE



STATE OF MISSISSIPPI, COUNTY OF LAMAR

NOTICE TO THE PUBLIC: The undersigned, being duly qualified and sworn, do hereby certify that the foregoing is a true and correct copy of the original record as the same appears in the books of the County Clerk of Lamar, Mississippi, to-wit: Book 10, Page 100.

WITNESSE MY HAND AND SEAL OF OFFICE this 10th day of April, 2008.

Notary Public for Lamar County, Mississippi

My Comm. Expires: 04/10/2010

Notary Seal

Notary Name: [Signature]

Notary Address: [Address]

Notary Phone: [Phone Number]

Notary Commission No. 1000000000

Notary Seal

Notary Name: [Signature]

Notary Address: [Address]

Notary Phone: [Phone Number]

Notary Commission No. 1000000000

Notary Seal

Notary Name: [Signature]

Notary Address: [Address]

Notary Phone: [Phone Number]



URBAN DEVELOPMENT PLANNING DIVISION

RECEIVED
DEC 28 2023

Public Hearing Application

P.O. BOX 1898 (200 Forrest Street/39401)

Hattiesburg, MS 39403-1898

Department of Urban Development

(601) 545-4599 or FAX (601) 545-1962

APPLICANT:

Applicant Name: James Smith

Project Name: Preserve Lot 83

Proposed Use(s): Residential

Project Street Address: 87 Every Lakes

PPIN Number(s) (if unknown, can be found on tax receipt): _____

Application for (check all appropriate types):

- | | |
|---|--|
| ☒ Variance (see below) | ☐ Conditional Use (see below) |
| ☐ Subdividing of Lot, Parcel, or Tract (see p. 12) | ☐ Re-Zoning (see below) |
| ☐ Street or Alley Renaming (see pp. 13-14) | ☐ Overlay District |
| ☐ Vacating Street or Alley (see pp. 13-14) | ☐ Planned Mixed-Use District |

For Variance Only (check all appropriate variance types), see pp. 7 & 8:

- | | | |
|---------------------------------------|--|---|
| ☐ Sign | ☒ Setback (front, side, or rear _____) | ☐ Off-Site Parking |
| ☐ Lot Width | ☐ Lot Coverage Area | ☐ Buffer |
| ☐ Other: _____ | ☐ Open Space | |

For Conditional Use Permit Only (check applicable type), see pp. 9 & 10:

- | | |
|---|---|
| ☐ Automotive Filling Station | ☐ Telecommunications |
| ☐ Digital Billboard, New | ☐ Digital Billboard, Replacement |
| ☐ Restaurant | ☐ Solar Farm |
| ☐ Other: _____ | |

For Re-Zoning Only, see p. 11:

Existing Zoning: _____

Proposed Zoning: _____

PLEASE BE SURE TO FILL OUT PP. 1-5 AND SEE FEES ON P. 6

STAFF USE ONLY – Do Not Complete:

Pre-Application Date: 11/20/23 Planner: Nathan Sathle

Parcel Number(s): 39406 Historic District(s): N/A

Flood Zone(s): X Zoning District(s): R-1A

Project No.: VARI-000751-2023

Code Sections:

LDC Section No. Table 6.1 - Dimensional Standards

Section No. R-1A Side Setback - min 10 ft

Section No. Required

Section No. _____

Section No. _____

RECEIVED DATE & INITIALS:

NS 12/28/23

X

PROJECT REPRESENTATIVE INFORMATION:

Primary:

Name:	James T. Smith		
☐ Applicant	☐ Property Owner	☒ Representative	☐ Agent ☐ Contractor ☐ Architect ☐ Engineer
☐ Other (please specify):			
Phone:	432-894-1927	Fax:	Email: JamesTerrySmith@pma.com
Mailing Address:	2050 Ann Dr. Sumner MS 39482		

Secondary:

Name:			
☐ Applicant	☐ Property Owner	☐ Representative	☐ Agent ☐ Contractor ☐ Architect ☐ Engineer
☐ Other (please specify):			
Phone:		Fax:	Email:
Mailing Address:			

Other(s):

Name:			
☐ Applicant	☐ Property Owner	☐ Representative	☐ Agent ☐ Contractor ☐ Architect ☐ Engineer
☐ Other (please specify):			
Phone:		Fax:	Email:
Mailing Address:			

Name:			
☐ Applicant	☐ Property Owner	☐ Representative	☐ Agent ☐ Contractor ☐ Architect ☐ Engineer
☐ Other (please specify):			
Phone:		Fax:	Email:
Mailing Address:			

X

OWNER AFFIDAVIT PAGE

THIS PAGE MUST BE SIGNED IN FRONT OF A NOTARY, BY THE OWNER(S) OF
THE SUBJECT PROPERTY

WITNESS THE SIGNATURES of the OWNER(s) of the subject property located at

87 Everglades Hattiesburg MS
Street Address City State

on this the 21 day of December, 2023

In the matter of this request, the property owner further authorizes the following named person(s)
to represent them at the public hearing on this petition.

James F. Smith
on this the 21 day of December, 2023

JASMINE WASHINGTON

Property Owner (print)

Jas Washington

Property Owner (signature)

Jasmine Washington

STATE OF MS

COUNTY OF Lamar

Personally came and appeared before me, the within named

Jasmine Washington
who signed and delivered the above and foregoing instrument as and for their free act and deed on
the day and year therein mentioned, and who acknowledge to me that they are the owner(s) of the
subject property as described in this Public Hearing Application.

GIVEN UNDER MY HAND AND OFFICIAL SEAL OF OFFICE, this the 29th day of
December, 2023.

Robyn R Smith
NOTARY PUBLIC

My Commission Expires:

March 27, 2027



X

APPLICANT AFFIDAVIT PAGE

THIS PAGE MUST BE SIGNED IN FRONT OF A NOTARY, BY THE **APPLICANT** OF
THIS PETITION, ONLY IF DIFFERENT FROM THE OWNER(S) OF THE SUBJECT
PROPERTY

WITNESS THE SIGNATURES of the **APPLICANT(s)** of the subject property located

at
87 Everglades Hattiesburg MS
Street Address City State

on this the 21 day of December, 2023.

James T. Smith
Applicant (print)

[Signature]
Applicant (signature)

STATE OF MS

COUNTY OF Lamar

Personally came and appeared before me, the within named

James T. Smith

who signed and delivered the above and foregoing instrument as and for their free act and deed on
the day and year therein mentioned, and who acknowledge to me that they are the owner(s) of the
subject property as described in this Public Hearing Application.

GIVEN UNDER MY HAND AND OFFICIAL SEAL OF OFFICE, this the 29th day of
December 2023

Robyn R Smith
NOTARY PUBLIC

My Commission Expires:

March 27, 2027



PLANNING COMMISSION & BOARD OF ADJUSTMENT – PETITIONER

REQUIRED SUBMITTAL INFORMATION

Deadline for applicant to file petition: 1/14/24 5:00pm (End of business day)

Hattiesburg Planning Commission Meeting Date: _____ Time: 1:00pm

Hattiesburg Board of Adjustment Meeting Date: 2/11/24 Time: 3:30pm

There is a 10-day appeal period, required by State Law, between the Planning Commission Meeting and/or Board of Adjustment Meeting and the City Council Meeting – appeals must be filed within this 10-day period.

City Council Agenda Review Date – (you or your representative should attend): 2/19 Time: 4:00pm

City Council Meeting (Vote) Date – (you or your representative may attend): 2/20 Time: 5:00pm

There is an additional 10-day appeal period, required by State Law, after City Council Meeting, for all Variances and Conditional Use Permit which ends _____ and a 30-day wait period for Zoning or Street closing/re-naming, PMUs, PRDs, PUDs which ends _____. So, if approved by the City, no final site plan review approvals or building permits could be issued prior to these dates.

Dates and times are subject to change

If an appeal is filed or the petition is tabled for any reason at any stage, the above listed dates would need to be revised.

The following paperwork MUST be attached to this application:

☒ Site Diagram (11" x 17" preferred size): Drawing to scale prepared by professional engineer/surveyor showing lot dimensions, existing/proposed building, signs, parking areas, etc. (Different standard may be accepted only per approval from staff)

____ Site & Design Review Committee, if needed.

☒ Copy of entire Warranty Deed (filed and recorded at courthouse) with legal description granting title to current owner. (If the Warranty Deed covers a larger piece of property than the current project, a legal description for this project site only may also be required)

☒ Electronic/Digital copy of legal description REQUIRED for all public notices, saved as Word or text document OR emailed to planning@hattiesburgms.com

☒ An affidavit (pages 3 & 4) attesting that the applicant or representing party (if other than the owner) is acting on behalf of the owner(s) of record. The affidavit must be sworn to before a notary public or other appropriate official. (Included in owners signature page, or may be a separate document)

☒ Variance application only: A letter of approval/denial from all adjoining property owners must be obtained and submitted with application.

____ Other documents needed (per Planning Division):

____ Maps of digital billboard removal sites

____ Maps of digital billboard replacement sites

____ Documentation on measurements

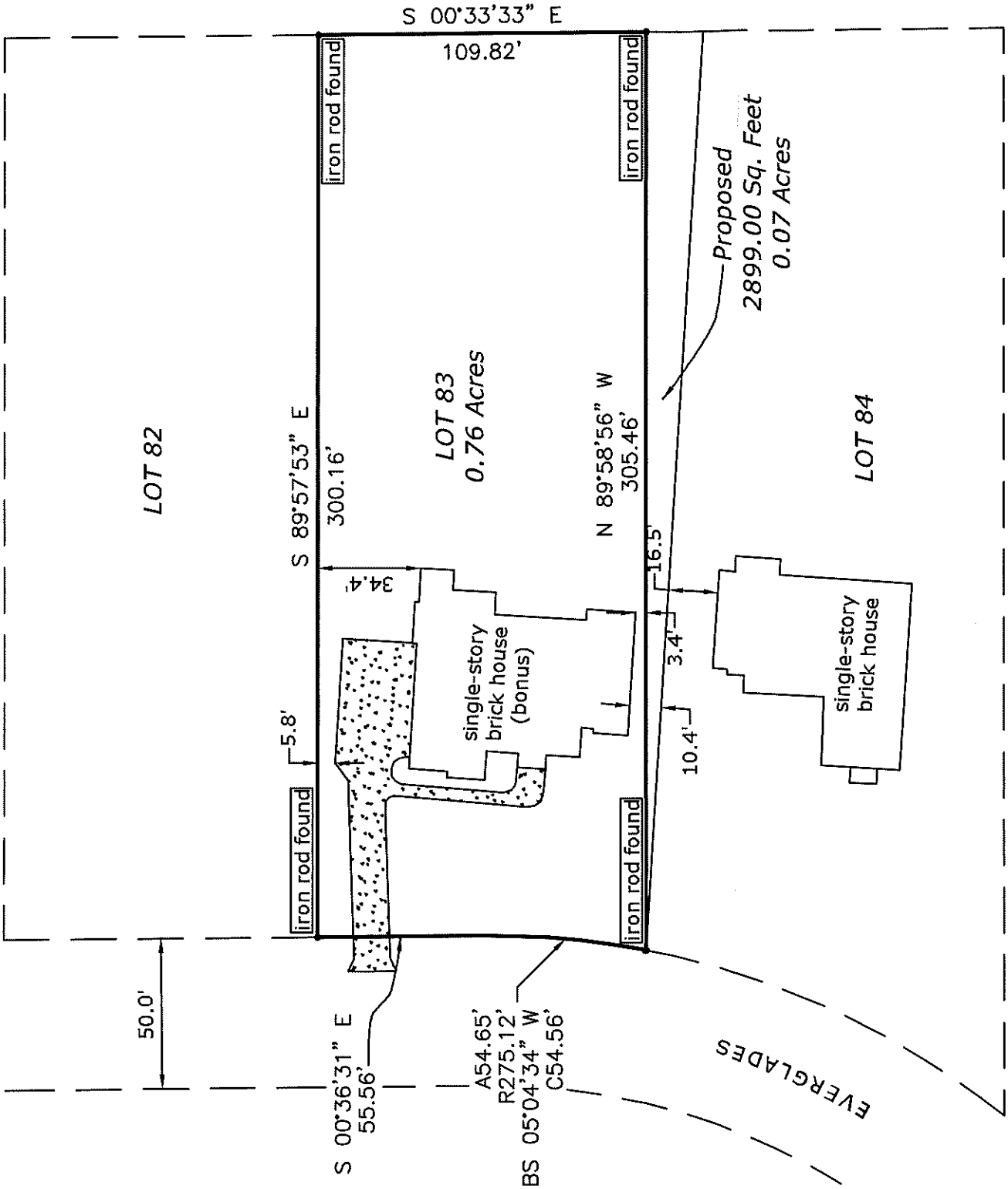
____ Other: _____

☒ Payment to the City of Hattiesburg for filing application in the amount of \$ 175.

**You may be responsible for posting a sign (prepared by Planning Division staff)
a minimum of fifteen (15) days prior to the hearing date.**

You will be responsible for maintaining the sign for the duration of the public hearing process.

THE PRESERVE SUBDIVISION
LAMAR COUNTY, MISSISSIPPI



Ph: 601-606-0409

A SURVEY FOR PREMIERE HOMES, LLC

p.c. J. Tynes	dwg. J. Tynes
Nov. 10, 2023	Project # 23-065
Tynes Surveying #30 Par Four Dr. Purvis, MS 39475	
Survey Classification C	
Reference Meridian Used GPS Observation (geodetic)	

STATE OF MISSISSIPPI

BOUNDARY LINE TABLE

LINE	LENGTH	BEARING
L1	89.24'	S15°56'44"W
L2	73.84'	S39°00'42"W
L3	84.57'	S88°59'49"W
L4	164.89'	S60°23'24"W
L5	99.99'	S81°18'08"W
L6	63.86'	N13°10'15"E
L7	29.72'	N18°57'39"E
L8	66.24'	S29°33'17"W
L9	35.31'	S10°44'14"W
L10	178.28'	S89°00'14"W
L11	241.21'	N00°50'48"W
L12	70.00'	S89°00'14"W
L13	138.88'	S00°58'46"E
L14	150.49'	S89°00'14"W
L15	131.26'	SOUTH
L16	210.52'	N89°28'24"W
L17	48.13'	S85°13'10"W
L18	52.78'	N88°28'45"W
L19	93.27'	N33°34'02"W
L20	94.75'	N50°38'13"W
L21	21.07'	N83°38'02"W
L22	50.40'	N61°02'43"W
L23	42.32'	S47°55'42"W
L24	41.00'	S37°25'30"W
L25	55.06'	N88°36'23"W
L26	44.77'	S84°45'25"W
L27	61.10'	S87°41'01"W
L28	37.55'	S22°28'54"W
L29	30.08'	S78°42'16"W
L30	36.65'	N46°18'15"W
L31	111.41'	N01°12'30"W
L32	40.41'	N85°26'02"E
L33	35.24'	N27°00'22"E
L34	31.47'	N44°37'34"E
L35	15.57'	N01°05'39"W
L36	31.29'	N50°52'54"W
L37	26.40'	N33°00'49"W
L38	43.78'	N30°10'44"E
L39	185.34'	S69°01'43"W
L40	25.49'	S44°01'43"W
L41	36.88'	N76°56'23"W
L42	130.70'	N87°43'29"W

ROW LINE TABLE

LINE	LENGTH	BEARING
L43	66.82'	S84°27'50"E
L44	88.92'	N84°27'50"W
L45	50.98'	S13°11'28"E
L46	50.98'	N13°11'28"W
L47	50.74'	S00°37'56"W
L48	51.17'	S23°46'17"W
L49	51.17'	N23°46'17"E

PARCEL LINE TABLE

LINE	LENGTH	BEARING
L50	36.61'	N78°10'59"W
L51	66.00'	S79°06'20"W
L52	50.92'	S74°07'12"W
L53	47.15'	S74°27'59"W
L54	50.20'	S82°25'42"W
L55	52.49'	S53°14'21"W
L56	48.57'	S49°40'58"W
L57	38.19'	S43°05'27"W
L58	52.18'	S32°17'32"W
L59	63.54'	S12°16'29"W
L60	58.21'	S02°02'04"W
L61	11.74'	S30°14'04"E
L62	36.73'	N30°14'04"E
L63	52.77'	N09°34'50"W
L64	13.65'	N28°35'50"W
L65	50.09'	N71°32'34"W
L66	30.05'	S89°03'13"E
L67	33.47'	N23°35'43"W
L68	61.69'	N85°23'22"W
L69	54.89'	S58°22'29"E
L70	71.92'	S28°43'48"E
L71	37.48'	S48°02'58"E
L72	99.26'	S58°20'28"E
L73	8.74'	S07°40'30"W
L74	110.84'	S07°40'30"W
L75	28.00'	S63°08'20"E
L76	17.95'	S25°28'16"E
L77	13.50'	S02°52'19"E
L78	29.89'	S16°59'20"W
L79	39.45'	S04°32'08"W
L80	20.05'	S04°32'08"W
L81	67.79'	S04°32'08"W
L82	64.73'	S28°14'10"W
L83	6.28'	S28°14'10"W
L84	90.08'	S13°38'18"E
L85	49.18'	S51°13'28"E
L86	46.38'	S51°13'28"E
L87	26.94'	S36°54'50"E

LOT AREA SCHEDULE

LOT No.	ACREAGE	SQ. FT.	LOT No.	ACREAGE	SQ. FT.	LOT No.	ACREAGE	SQ. FT.
1	0.42	18,375	35	0.46	20,125	69	0.44	19,250
2	0.50	21,875	36	0.40	17,500	70	0.40	17,500
3	0.86	37,511	37	0.87	29,355	71	0.42	18,375
4	0.59	25,809	38	0.73	31,680	72	0.46	20,125
5	0.67	28,131	39	0.40	17,500	73	0.48	21,000
6	0.57	24,620	40	0.48	21,000	74	0.42	18,375
7	0.83	35,254	41	0.48	20,933	75	0.48	20,125
8	0.61	26,377	42	0.40	17,375	76	0.40	17,500
9	0.43	18,935	43	0.48	20,831	77	0.78	34,086
10	0.44	19,156	44	0.48	21,000	78	0.92	39,980
11	0.46	20,004	45	0.48	21,000	79	0.75	32,471
12	0.87	37,770	46	0.40	17,800	80	0.72	31,502
13	0.80	34,672	47	0.46	20,125	81	0.72	31,502
14	0.82	35,795	48	0.50	21,875	82	0.72	31,502
15	0.60	26,147	49	0.40	17,500	83	0.76	33,090
16	0.61	26,379	50	0.44	19,228	84	0.90	39,325
17	0.53	23,163	51	0.46	20,041	85	0.50	21,895
18	0.86	28,640	52	0.44	19,250	86	0.77	33,629
19	0.51	22,333	53	0.40	17,500	87	0.72	31,526
20	0.60	26,049	54	0.46	20,125	88	0.64	23,740
21	0.62	27,003	55	0.42	18,375	89	0.67	29,115
22	0.78	34,056	56	0.50	21,875	90	0.51	22,354
23	0.46	19,896	57	0.42	18,375	91	0.74	32,167
24	0.63	27,472	58	0.44	19,250	92	0.76	33,231
25	0.49	21,346	59	0.49	21,292	93	0.69	28,908
26	0.44	19,250	60	0.40	17,550	94	0.48	20,977
27	0.40	17,500	61	0.46	20,125	95	0.62	26,919
28	0.44	19,250	62	0.40	17,500	96	0.76	33,078
29	0.48	21,000	63	0.59	25,508	GREEN SPACES		
30	0.80	26,250	64	0.48	21,000	61	0.14	6,187
31	0.48	21,000	65	0.46	20,125	62	0.08	3,292
32	0.40	17,328	66	0.40	17,500	63	0.18	7,997
33	0.48	20,630	67	0.42	18,175	64	5.89	256,727
34	0.40	17,500	68	0.48	20,850			

PARCEL CURVE TABLE

CURVE	LENGTH	RADIUS	CHD DIST	CHD BRG
C37	128.26'	10200.00'	128.26'	S89°43'33"E
C38	133.29'	10800.00'	133.29'	S89°43'33"E

BOUNDARY CURVE TABLE

CURVE	LENGTH	RADIUS	CHD DIST	CHD BRG
C1	15.71'	10.00'	14.14'	N44°00'14"E
C2	15.71'	10.00'	14.14'	S45°59'46"E
C3	172.23'	275.00'	169.43'	N38°54'18"W
C4	15.71'	10.00'	14.14'	S24°01'58"W
C5	118.99'	275.00'	119.04'	S56°31'43"W

ROW CURVE TABLE

CURVE	LENGTH	RADIUS	CHD DIST	CHD BRG
C6	167.97'	419.38'	166.85'	S05°13'45"E
C7	165.69'	479.38'	164.86'	N04°34'34"W
C8	14.73'	10.00'	13.43'	S48°26'23"W
C9	16.53'	10.00'	14.71'	N42°01'12"W
C10	18.40'	10.00'	15.91'	S36°40'01"E
C11	13.42'	10.00'	12.43'	N52°11'56"E
C12	67.32'	424.38'	57.28'	S18°54'06"W
C13	82.86'	474.38'	82.76'	N18°46'02"E
C14	212.02'	525.00'	210.59'	S12°12'06"W
C15	183.99'	475.00'	182.84'	N12°40'29"E
C16	15.81'	10.00'	14.21'	N43°42'50"W
C17	15.96'	10.00'	14.32'	N44°58'21"E
C18	127.10'	526.89'	126.80'	S08°18'45"E
C19	103.21'	476.89'	103.01'	N08°09'23"W
C20	342.09'	275.00'	320.45'	S48°49'38"E
C21	279.89'	225.00'	262.19'	N48°49'38"W
C22	344.87'	3025.00'	344.89'	S87°43'48"E
C23	339.17'	2975.00'	338.69'	S48°49'38"E
C24	430.28'	275.00'	387.71'	N44°10'48"E
C25	352.05'	225.00'	317.22'	S44°10'48"W
C26	18.61'	10.00'	14.07'	S45°21'54"E
C27	15.81'	10.00'	14.21'	S44°38'06"W
C28	15.67'	10.00'	14.11'	N44°14'08"E
C29	175.20'	50.00'	98.36'	N11°18'05"W
C30	31.22'	20.00'	28.15'	S45°21'54"E
C31	125.43'	9975.00'	125.43'	N89°43'33"W

LEGAL DESCRIPTION:

STATE OF MISSISSIPPI, COUNTY OF LAMAR

A part of the North 1/2 of the Northeast 1/4 of Section 2, Township 4 North, Range 14 West in the County of Lamar, State of Mississippi and being more particularly described as Beginning at a Concrete Monument at the Northeast Corner of said Section 2; thence run S00°38'37"E along the East Line of the Northeast 1/4 of the said Northeast 1/4 for 911.94 feet, thence run West for 200.39 feet, thence run S35°24'55"W for 139.76 feet, thence run S15°56'44"W for 89.24', thence run S39°00'42"W for 73.94 feet, thence run S88°59'49"W for 84.57 feet, thence run S60°23'24"W for 164.89 feet, thence run S81°18'08"W for 99.99 feet, thence run N13°10'15"E for 29.72 feet, thence run N18°57'39"E for 66.24 feet, thence run S29°33'17"W for 35.31 feet, thence run S89°00'14"W for 178.28 feet, thence run N00°50'48"W for 241.21 feet, thence run Northwesterly along an Arc to the Right for 15.71 feet, said Arc having a Radius of 10.00 feet, a Chord Bearing of N44°00'14"E and a Chord Distance of 14.14 feet, thence run S89°00'14"W for 70.00 feet, thence run Southeasterly along an Arc to the Right for 15.71 feet, said Arc having a Radius of 10.00 feet, a Chord Bearing of S45°59'46"E and a Chord Distance of 14.14 feet, thence run S89°00'14"W for 150.49 feet, thence run South for 131.25 feet, thence run N88°28'45"W for 210.52 feet, thence run S85°13'10"W for 48.13 feet, thence run N88°28'45"W for 62.78 feet, thence run N33°34'02"W for 93.27 feet, thence run N60°36'13"W for 94.75 feet, thence run N83°38'02"W for 21.07 feet, thence run N61°02'43"W for 50.40 feet, thence run S47°55'42"W for 42.32 feet, thence run S37°25'30"W for 41.00 feet, thence run N88°36'23"W for 55.06 feet, thence run S84°45'25"W for 44.77 feet, thence run S87°41'01"W for 37.55 feet, thence run S22°28'54"W for 30.08 feet, thence run S78°42'16"W for 36.65 feet, thence run N01°12'30"W for 11.41 feet, thence run N65°26'02"E for 40.41 feet, thence run N27°00'22"E for 35.24 feet, thence run N44°37'34"E for 31.47 feet, thence run N01°05'39"W for 15.57 feet, thence run N59°52'54"W for 31.29 feet, thence run N30°10'44"E for 43.78 feet, thence run Northwesterly along an Arc to the Right for 15.71 feet, said Arc having a Radius of 275.00 feet, a Chord Bearing of N38°54'18"W and a Chord Distance of 169.43 feet, thence run Northwesterly along an Arc to the Right for 15.71 feet, said Arc having a Radius of 10.00 feet, a Chord Bearing of S24°01'58"W and a Chord Distance of 14.14 feet, thence run S89°01'43"W for 195.34 feet, thence run Southwesterly along an Arc to the Left for 119.99 feet, said Arc having a Radius of 275.00 feet, a Chord Bearing of S56°31'43"W and a Chord Distance of 119.04 feet, thence run S44°01'43"W for 25.49 feet, thence run N76°56'23"W for 36.88 feet, thence run N87°43'29"W for 130.70 feet, thence run N71°27'42"W for 292.54 feet to a Point on the East Line of the said Northeast 1/4 of the said Northeast 1/4, thence run N00°10'27"W along the said East Line for 902.94 feet to a Concrete Monument at the Northwest Corner of the said Northeast 1/4 of the said Northeast 1/4, thence run N89°43'33"W along the North Line of the said Northeast 1/4 of the said Northeast 1/4 for 1,321.19 feet to the Point of Beginning, comprising 67.21 Acres, more or less.

SET BACK NOTES:

- FROM: THE LOT FRONT FOR CORNER LOTS SHALL BE CONSIDERED ALONG THE SIDE STREET. ALL SET BACK DISTANCES ARE AS FOLLOWS:
30' LOTS 4 THRU 11, 15 THRU 24 & LOTS 65 THRU 96
35' LOTS 1 THRU 3 & LOTS 25 THRU 77
50' LOTS 12 THRU 15 & LOTS 78 THRU 84
- REAR: ALL REAR SET BACK DISTANCES ARE AS FOLLOWS (SEE EXCEPTIONS):
20' LOTS 6 THRU 7 (WEST LINE)
25' LOTS 16 THRU 63
30' LOTS 1 THRU 5 (NORTH LINE)
35' LOTS 64 THRU 77
50' LOTS 78 THRU 84
- SIDE: THE LOT FRONT FOR CORNER LOTS SHALL BE CONSIDERED ALONG THE SIDE STREET. ALL SET BACK DISTANCES ARE AS FOLLOWS (SEE EXCEPTIONS):
5' LOTS GREATER THAN 55 FEET IN WIDTH AT THE FRONT SET BACK LINE BUT LESS THAN 100 FEET IN WIDTH AT THE RIGHT OF WAY LINE
10' LOTS 100 FEET IN WIDTH AT THE RIGHT OF WAY LINE
15' LOTS GREATER THAN 100 FEET IN WIDTH AT THE RIGHT OF WAY LINE
20' LOTS GREATER THAN 150 FEET IN WIDTH AT THE RIGHT OF WAY LINE
CORNER LOT SIDE SET BACKS ARE AS FOLLOWS:
15' LOTS 25, 50 & 51
30' LOTS 11, 37, 38, 63, 80 & 90
- EXCEPTIONS: ANY LOT LINE WHICH IS ADJACENT TO A DEFINED GREEN SPACE, LAKE AND/OR WETLAND SHALL HAVE NO SETBACK REQUIREMENT ON SAID LOT LINE.

PARCEL CURVE TABLE

CURVE	LENGTH	RADIUS	CHD DIST	CHD BRG
C37	128.26'	10200.00'	128.26'	S89°43'33"E
C38	133.29'	10800.00'	133.29'	S89°43'33"E

STATE OF MISSISSIPPI, COUNTY OF LAMAR

This is to certify that we, the undersigned owners of the property shown hereon and/or on behalf of the corporation after first having been duly authorized by said corporation to do so, hereby adopt this plat as a plan for subdivision and dedicate the street right of way, utilities and easements as shown to public use forever.

Witness our signatures on this, the 16th day of April, 2008.

STATE OF MISSISSIPPI, COUNTY OF LAMAR

Personally appeared before me, the undersigned authority in and for said County and State, on this 15th day of April, 2008, within my jurisdiction, the within named Brad Bryon & Roger Hebert, who acknowledged that they are the Owners of this plat, and that for and on behalf of the said corporation, and it is so set and doed he executed the above and foregoing instrument, after first having reviewed and approved it.

STATE OF MISSISSIPPI, COUNTY OF LAMAR

This is to certify that I, the undersigned County Planner, have received and reviewed this plat and find that it complies with the requirements of the rules and regulations of the subdivision laws of Lamar County and the State of Mississippi.

Witness my signature on this, the 3rd day of April, 2008.

STATE OF MISSISSIPPI, COUNTY OF LAMAR

This is to certify that I, a Mississippi Registered Professional Engineer and/or Land Surveyor, and as maker of this map of the plat, have compared this plat with the original plat, and find the same to be exact copies of each other.

Witness my signature on this, the 3rd day of April, 2008.

STATE OF MISSISSIPPI, COUNTY OF LAMAR

This is to certify that I, the undersigned County Planner, have received and reviewed this plat, in accordance with the Lamar County Subdivision Regulations.

Witness our signatures on this, the 8th day of APRIL, 2008.

STATE OF MISSISSIPPI, COUNTY OF LAMAR

I certify that this instrument was filed for record in my office on this, the 15th day of April, 2008, in Plot Book 3, Page 365, Sub 429.

STATE OF MISSISSIPPI, COUNTY OF LAMAR

Final approval of street for public

X

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.

This property has an undue hardship created by an unknown person moving the SE "T" post commonly used to mark property corners. The movement of said "T" post gave a false property line on the south, that lead to construction of the new home outside the city's desired set backs.

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

This variance would not affect any other residences. The north & south adjoining lots have existing homes on them and the present construction on lot 83 does not affect either of these structures.

X

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 set back guidelines for lot 83 are met on 3 of the 4 corners of the new home. The variance request if granted would only be for the SE portion of the home and would not affect any adjoining properties. The literal interpretation of the setback requirements would be met as no structures are effected

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

The granted variance would allow the applicant reasonable use to her property on the SE corner without concern from the Preserve HOA or future adjoining land owners.

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 requested minimum variance is 3.2' located @ the SE corner of the new home this is the smallest amount of the requested variance as shown in the survey attached. The 3.2' will be in lieu of the normal 10' setback.

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.

This variance will in no way affect adjoining landowners in the present or future.

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.



DEED

Bk:30-O Pg:707-709

RCD: 03/07/2023 @ 4:17:19:PM

LAMAR COUNTY, MS

JAMES AULTMAN CHANCERY CLERK

Prepared by Return to:
Lisa M Brown, Esq.
8 Woodstone Plaza, Suite 102
Hattiesburg, MS 39402
(601) 336-2539

STATE OF MISSISSIPPI
COUNTY OF LAMAR

INDEXING INSTRUCTIONS: Lot 83, The Preserve Phase I, Lamar County Mississippi

WARRANTY DEED

FOR AND IN CONSIDERATION of the sum of Ten and No/100 Dollars (\$10.00), and other good and valuable considerations, not herein mentioned, the receipt and sufficiency of all of which is hereby acknowledged:

Geneva McDonald, Grantor
3000 Mississippi 589
Hattiesburg, MS 39402
(601) 606-2190

does hereby grant, bargain, sell, convey and warrant unto:

Jasmine Teshae Washington, Grantee
3002 Hardy Street, Unit 208
Hattiesburg, MS 39401
(601) 918-1644

fee simple title in the following described lands, together with any and all improvements thereon and appurtenances thereunto belonging, said lands in Lamar County, Mississippi, being more particularly described as follows, to-wit:

Lot 83, The Preserve Phase I, Lamar County, Mississippi as per the map or plat thereof on file and of record in the office of the Chancery Clerk of Lamar County, Mississippi; together with all improvements thereon and appurtenances thereunto belonging.

The above warranty and this conveyance are subject to prior reservations of oil, gas and other minerals by former owners.

The above warranty and this conveyance are subject to any and all easements for public roads and public utilities as presently laid out, constructed or in use.

Subject to any covenants, restrictions, or easements affecting the subject property which may be of record in the office of the Chancery Clerk of Lamar County, Mississippi.

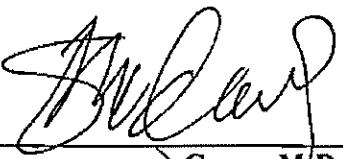
Subject to all exceptions, reservations, and conveyances to any existing easements, grants, or rights-of-way for public roads, streets, and alleys, and for electric, telephone, telegraph, gas, water, drainage, sewerage, or similar utility purposes which affect or relate to the above described real property.

Subject to any and all leases, exceptions, reservations and/or conveyances, together with release of damages, of or related to minerals of every kind and character, including, but not limited to, oil and gas, and/or of related to any geothermal energy resources, in, on or under the real property hereby conveyed or which affect the real property hereby conveyed;

Subject to any environmental condition existing upon the subject property which would cause said property to be in violation of any State and/or Federal Environmental Protection Act and subject to any such condition which may be in violation of such laws and is subject to any such condition which may affect the title to said property or lien placed against said property by any lender, individual Corporation or otherwise.

Taxes for the current year shall be pro-rated as of the date of this instrument and assumed by the Grantees herein. It is specifically agreed and understood that taxes for the current year are pro-rated based upon the previous year's taxes.

WITNESS MY SIGNATURE on this the 24 day of February, 2023.

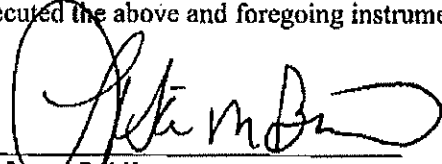


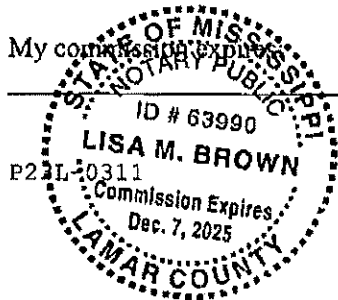
Geneva McDonald

STATE OF MISSISSIPPI
COUNTY OF LAMAR

Personally, appeared before me, the undersigned authority in and for the said county and state, on this 24 day of July, 2023, within my jurisdiction, the within named **Geneva McDonald**, who acknowledged that they/he/she executed the above and foregoing instrument.

(Seal)


Notary Public



LAMAR COUNTY, MS JAMES AULTMAN
I CERTIFY THIS INSTRUMENT WAS FILED ON 3/7/2023 4:17:19 PM AND RECORDED IN DEED BOOK:30-O PAGE:707