



URBAN DEVELOPMENT

PLANNING DIVISION

BOARD OF ADJUSTMENT

PUBLIC HEARING STAFF REPORTS

April 3rd, 2024

Board of Adjustment

Place: Jackie Dole Sherrill Community Center (Dining Room)

Time: 3:30 PM

April 3rd, 2024

I. Business Meeting

1. Review and approval of the April 2024 meeting's agenda
2. Review and approval of the March 6th, 2024 meeting's minutes
3. Building Report
4. Planning Report
5. Chair's Report
6. Introductions

II. Public Hearing

- A. William Carey University, applicant, and Kevin P. Lewis, architect, and Robert Blevins, representative, request a variance from the minimum required front setback of 20 ft for an R-3 zoned property to instead allow for a 1 ft setback for a proposed structure on a property located at the intersection of Tuscan Avenue and Cherry Street in Forrest County, Ward 2. (PPIN 13651, 13652, 13653, 13654, and 13655).
- B. Mississippi Tank Company, applicant, Bobby Threatt, applicant, and Chris Bowen, representative, request a variance from the minimum required zoning buffer of 60 ft for an I-1 (Light industrial) zoned property adjacent to a residentially zoned property (multi-family residential) to 10 ft. The request is for an expansion to a property located adjacent to 3000 West 7th Street (PPIN 26407, Ward 1, Forrest County).

III. Other Business

IV. Adjournment

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

March 6th, 2024

The Hattiesburg Board of Adjustment did meet in regular session on March 6th, 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. John Eye
3. James Trussell
4. Brandon E. Williams
5. Eric Boney
6. Richard Conville
7. Stacey Ready (Online)
8. Herman Dungan

Members Absent:

1. Jessica Cathey
2. Bernard Green

Staff Present:

1. Cory Long, Planning Manager
2. Nathan Satcher, Planner II
3. Andrea Garcia, Planner I
4. Esq. Jim Gladen
5. Christina Highsmith, Special Guest, City of Gulfport

Chair Harris declared the Board of Adjustment meeting open and in session at 3:32 p.m.

AGENDA REVIEW

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

Motion:

Made by Richard Conville

Second:

Made by James Trussell

Vote:

Board Member	Yea	Nay	Other
Shawn Harris (Chair)	X		
John Eye	X		
James Trussell	X		
Brandon E. Williams			ABSENT
Eric Boney	X		
Richard Conville	X		
Stacey Ready (virtual)	X		

MINUTES REVIEW

Mr. Eye made a motion to approve the February 6th public hearing minutes. All members present voted in favor of the motion.

Motion:

Made by John Eye

Second:

Made by Eric Boney

Vote:

Board Member	Yea	Nay	Other
Shawn Harris (Chair)	X		
John Eye	X		
James Trussell	X		
Brandon E. Williams			ABSENT
Eric Boney	X		
Richard Conville	X		
Stacey Ready (virtual)	X		

PLANNING REPORT

There came the matter of the Planning Report by Cory Long, Planning Manager. He announced that the City Council denied the variance request for the Nice Guys Auto case on March 5th.

Everglades case is currently under appeal by the applicant, a decision will be made Monday 18th

at the Council Chambers. Planning Manager Long also provided an update regarding the Broadway project and introduced the special guest present.

CHAIR'S REPORT

Chair Harris discussed the variance approval criteria and noted it will be discussed in the business meeting portion.

INTRODUCTIONS

Board of Adjustment members and Staff introduced themselves.

PUBLIC HEARING – Board of Adjustment

Item A:

Daniel Cervantes, applicant and owner, requests a variance from the minimum parking requirements for the addition of a tire shop (automotive, truck and small engine maintenance) to an existing business (LDC Table 7.12 – Table of Parking requirements) to allow for 8 parking spaces instead of the required 12 parking spaces (PPIN 20220, Forrest County, Ward 2.)

Discussion and Vote:

Staff introduced the case. Board members asked questions regarding the future development of the area surrounding the applicant's site. Then Chair Harris opened the public hearing portion of the meeting. Mr. Fredy Cervantes (son of the applicant) came to speak on behalf of the case. He noted the River Avenue bridge closure has significantly slowed down traffic and affected the current business. Board members asked questions to the applicant for clarification on the request and the reasoning behind it. Board Member Brandon Williams joined the meeting. Chair Harris closed down the public hearing portion of the meeting. Board members discussed the case and asked additional questions to staff for clarification.

A motion by Board Member Ready was made to approve under Basis I and IV, seconded by James Trussell. After discussion, Ms. Ready added item V, which was seconded by Mr. Boney. The basis for approval was the following:

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.

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.

Presented by:

1. Mr. Fredy Cervantes (son of the applicant)

Proponents:

1. None

Opponents:

1. None

Motion:

Made by Stacey Ready to approve the variance

Second:

Made by James Trussell

Vote:

Board Member	Yea	Nay	Other
Shawn Harris (Chair)		X	
John Eye		X	
James Trussell	X		
Brandon E. Williams	X		
Eric Boney	X		
Richard Conville	X		
Stacey Ready (virtual)	X		

Item B:

HSC Oak Grove, LLC, applicant, and JADE Consulting, LLC, engineer, and Jason Graham, owner, request a variance from the maximum allowed height for a fence to allow for a fence height of 16 feet instead of the allowed maximum of 8 feet for a new development located at the intersection of Lamar Boulevard and Graham Properties Drive (PPIN 12113, Lamar County, Ward 3).

Discussion and Vote:

Staff introduced the case. Chair Harris opened the public hearing portion of the meeting. Mr. Thomas Luce came to speak on behalf of the project. Board members raised questions regarding the necessity of a 16-foot fence. The applicant responded that it is a part of the company's standards of design (STP). Board member Herman Dungan joined the meeting. The motion was made by Mr. Eye to deny the variance on the grounds that the criteria for approval had not been met. This was seconded by Mr. Trussell.

Presented by:

1. Thomas Luce

Proponents:

1. None

Opponents:

1. None

Motion:

Made by John Eye to deny

Second:

Made by James Trussell

Vote:

Board Member	Yea	Nay	Other
Shawn Harris (Chair)	X		
John Eye	X		
James Trussell	X		
Brandon E. Williams	X		
Eric Boney	X		
Richard Conville	X		
Stacey Ready (virtual)	X		
Herman Dungan	X		

OTHER BUSINESS

Chair Harris announced that By-Laws adjustments will be sent to review by other Board Members. Motion to create a By-Law subcommittee by Hernan Dungan seconded by Brandon E. Williams. Subcommittee members would include Herman Dungan, Shawn Harris, Brandon Williams, and John Eye.

Vote:

Board Member	Yea	Nay	Other
Shawn Harris (Chair)	X		
John Eye	X		
James Trussell	X		
Brandon E. Williams	X		
Eric Boney	X		
Richard Conville	X		
Stacey Ready (virtual)	X		
Herman Dungan	X		

Chair Harris also brought up a discussion on how the Board members should treat the approval criteria for a variance, noting that all variances approved by the Board of Adjustment may need to meet all six approval criteria as outlined in Section 12.4.1.1 of the Land Development Code. Mr. Gladden provided his insight, commenting on a discussion with Board Member Eye. Board members considered how to treat future cases with this in mind, but no action was taken.

Adjournment:

The meeting was adjourned at 5:39 p.m.

Motion:

Made by Herman Dungan

Second:

Made by John Eye

Vote:

Board Member	Yea	Nay	Other
Shawn Harris (Chair)	X		
John Eye	X		
James Trussell	X		
Brandon E. Williams	X		
Eric Boney	X		
Richard Conville	X		
Stacey Ready (virtual)	X		
Herman Dungan	X		

Shawn Harris, Chair

Cory Long, AICP, Planning Division Manager



**Board of Adjustment
Case Fact Sheet**

Name of Petitioners: Daniel Cervantes (Owner)

Address of Property:	Tax Parcel	PPIN:	Ward:
Tuscan Avenue and Cherry Street	2-038G-15-207.00	13651	2
	2-038G-15-208.00	13652	2
	2-038G-15-210.00	13653	2
	2-038G-15-211.00	13654	2
	2-038G-15-209.00	13655	2

Request: **Front Setback Variance**

Purpose of Request: To consider a variance from the minimum required front setback of 20 ft for an R-3 zoned property to instead allow for a 1 ft setback for a proposed structure on a property located at the intersection of Tuscan Avenue and Cherry Street in Forrest County, Ward 2. (PPIN 13651, 13652, 13653, 13654, and 13655).

Applicant Summary: See Attached

Applicable Regulations:

SECTION 4 Zoning Districts

R-2 Two-Family Residential District: The purpose of the R-2 District is to permit medium density residential uses including two-family, or duplex 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 encourages protected residential neighborhoods with only compatible supporting institutional uses and open space.

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 encourages protected residential neighborhoods with only compatible supporting institutional uses and open space

SECTION 6

6.1 District Dimensional Standards

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-3	7,500/ 40	17 per acre	-	20	-	5	20	35 feet or 3 stories	50%	-

Present Zoning: R-3 Multi-Family Residential District

Present Use: William Carey Property

Future Land Use: Neighborhood Center Mixed-Use District

Surrounding Zoning and Land Use:
 North: R-1A Single-Family Residential
 South: R-3 Multi-Family Residential
 East: R-3 Multi-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 March 21st, 2024.

History / Background: Applicant met with Planning Staff to discuss short to medium-term plans for the overall development of the William Carey University Campus. William Carey plans to formalize the parking lot adjacent to their Health Science buildings at the intersection of Cherry and Tuscan Avenue. The variance request is contingent upon a rezoning request for all of the properties to be zoned R-3 and a text amendment, allowing parking lots to be established by Schools, Universities, or Colleges as accessory uses to the principal use. The details of the text amendment can be read in the staff report for the April 2024 Planning Commission hearing.

The variance request for the parking lot is to establish a guard shack at the corner of the property. The plan is to also provide security fencing around the perimeter of the parking lot. The text amendment also addresses fencing standards of designs specific

for Schools, Universities, and College Uses, in providing an allowance by code for an 8-foot fence of a higher material standard and a minimum 50% transparency requirement when used as such.

The location of the guard shack will also be where the former Lucille Parker Gallery was located, where the building was originally constructed as a post office for the university when it was the Mississippi Women's College. The 2017 tornado that came through the William Carey Campus damaged the building, where it was ultimately demolished.

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

Cherry Avenue and Tuscan Ave — Front Setback Variance

William Carey University, Kevin P. Lewis, Architect, and Robert Blevins,
Representative

The petitioners request a variance from the minimum required front setback of 20 ft for an R-3 zoned property to instead allow for a 1 ft setback for a proposed structure on a property located at the intersection of Tuscan Avenue and Cherry Street in Forrest County, Ward 2. (PPIN 13651, 13652, 13653, 13654, and 13655).





Site Aerial



Surrounding Area

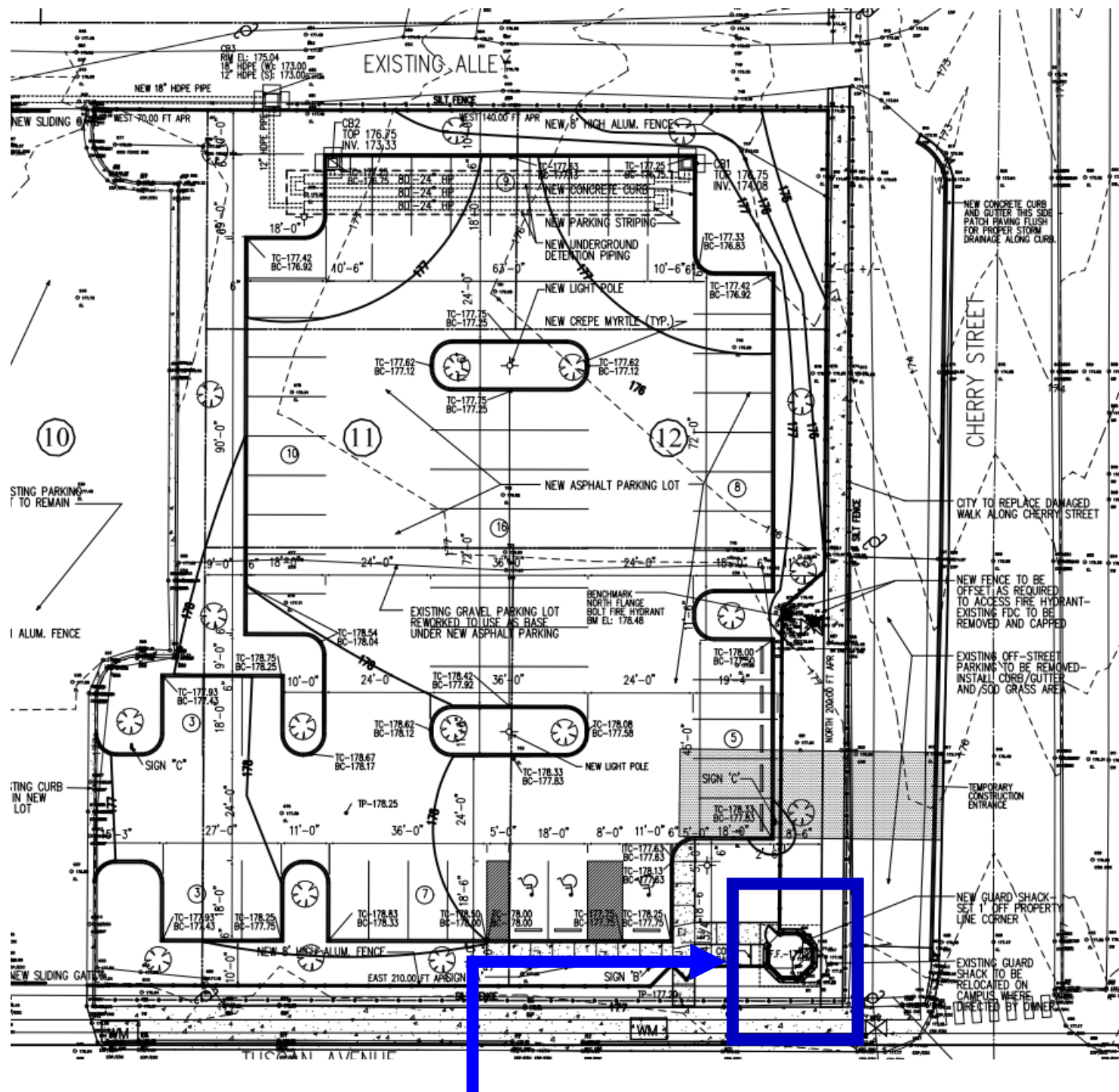
Northern and Southern Direction: R-1A and R-3 Single-Family/Multi-Family Residential



**East and Western Directions:
R-1A and R-3 Single-Family/Multi-Family Residential**

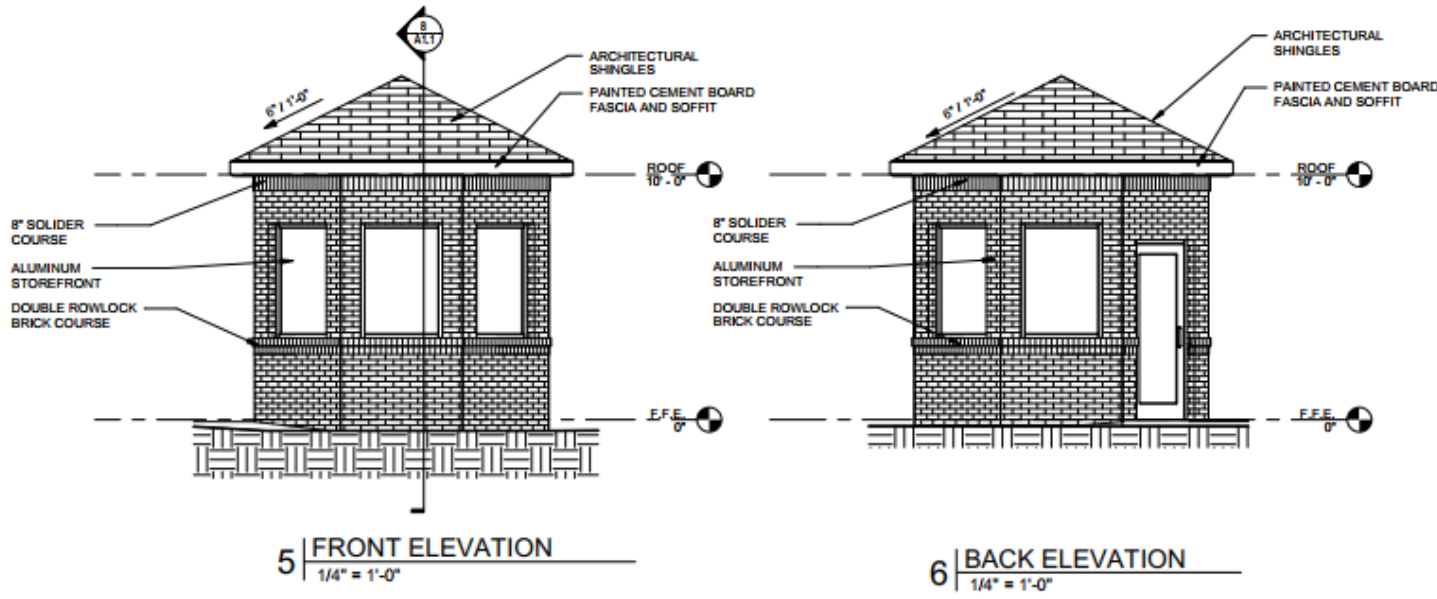
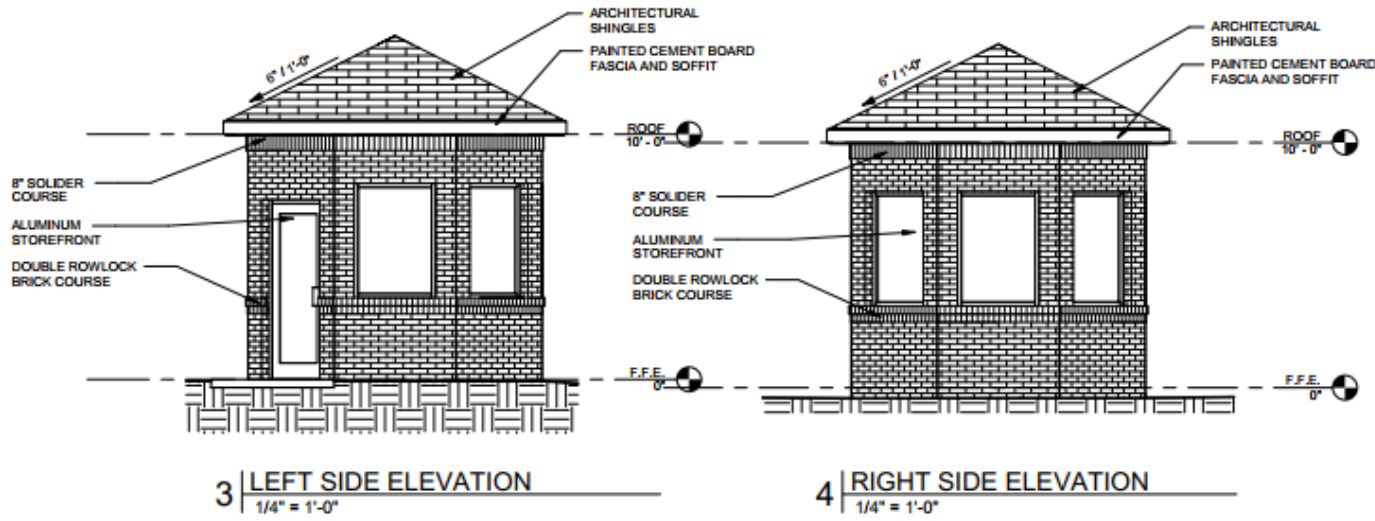


Preliminary Site Plan for Parking with Guard Shack



Location of proposed structure required relief from the front setback requirement

Proposed Building Elevations



April 2024 BOA Item: B
Bobby Threatt, Applicant, and Chris Bowen, Representative
Request for: **Zoning Buffer Variance**



**Board of Adjustment
Case Fact Sheet**

Name of Petitioners: Bobby Threatt, Applicant, and Chris Bowen, Representative

Address of Property:	Tax Parcel	PPIN:	Ward:
3000 West 7th St	2-028F-06-098.00	26407	1

Request: **Zoning Buffer Variance**

Purpose of Request: To consider a variance from the minimum required zoning buffer of 60 ft for an I-1 (Light industrial) zoned property adjacent to a residentially zoned property (multi-family residential) to 10 ft. The request is for an expansion to a property located adjacent to 3000 West 7th Street (PPIN 26407, Ward 1, Forrest County).

Applicant Summary: See Attached

Applicable Regulations:

SECTION 4 Zoning Districts

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 encourages protected residential neighborhoods with only compatible supporting institutional uses and open space.

I-1 Light Industrial District: The purpose of the I-1 District is to provide for the development of research, light industrial, office parks, warehouse, and distribution centers consistent with comprehensive planning policies. This district is consistent with the Industry and Corporate Office District in the Comprehensive Plan.

SECTION 7

7.11.13 Zoning Buffer Requirements.

Table 7.11-2 Zoning Buffer Requirements														
Zones	A-1	A-2	R-1A	R-1B	R-1C	R-2	R-3	B-1/B-2	B-3	B-4	B-5	I-1	I-2	Buffer Yard Specifications
R-3	10'	10'	10'	10'	10'	10'	-	-	-	-	-	-	-	Type 10 shall consist of a landscaped area a minimum of 10 feet in width, landscaped with One (1) large canopy tree (ultimate height 50± feet) for every seventy-five (75) lineal feet of buffer yard and Three (3) medium evergreen trees (planted on a 25 foot triangular staggered spacing) and one small ornamental tree for every 75 lineal feet of buffer yard.
I-1	60'	60'	60'	60'	60'	60'	60'	60'	60'	60'	-	-	-	Type 60 shall consist of a landscaped area a minimum of 60 feet in width, landscaped as an opaque barrier and 1 large canopy tree (ultimate height 50± feet) and 1 small ornamental deciduous tree for every 50 lineal feet of buffer yard and one medium evergreen tree planted on a triangular staggered spacing for every 10 lineal feet of buffer yard.
I-2	60'	60'	60'	60'	60'	60'	60'	60'	60'	60'	-	-	-	

Present Zoning: R-3 Multi-Family Residential

Present Use: Vacant

Future Land Use: University College District

**Surrounding Zoning:
and Land Use:**
 North: R-2 Two-Family Residential District
 South: R-3 Multi-Family Residential
 East: I-1 Light Industrial District
 West: R-3 Multi-Family Residential

**Letters or
Concerns stated:** The applicant has provided documentation on the communication with the adjacent neighbors and has been included at the end of this report. This includes a letter of support from one of the adjacent neighbors. The Planning Division has received no other calls or letters of concern regarding the request.

History / Background: Applicant met with Planning Staff to discuss the expansion of the Mississippi Tank Company parking to the west on an adjacent parcel the company owns. The property is also undergoing a rezoning request and the variance is contingent upon the zoning being approved. If the zoning request is approved, planning staff will ask for the property to be combined into a single parcel as part of the site plan approval process.

The type 60 buffer is the largest zoning buffer requirement, calling for a mix of evergreen and deciduous tree species. Vegetated zoning buffers are designed to prevent a conflict between land uses, preventing any damaging effects of one kind of land use on another. The effect of a landscape buffer is mainly physical, providing space, obstructing undesirable views, and reducing the impact of commercial land use on surrounding residential land uses. It also serves as an acoustic barrier, attempting to reduce any noise emanating from the two conflicting land uses. The Board of Adjustment can request certain conditions with variance requests, i.e., additional, more substantial, or specific landscape requirements for a residential buffer.

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.

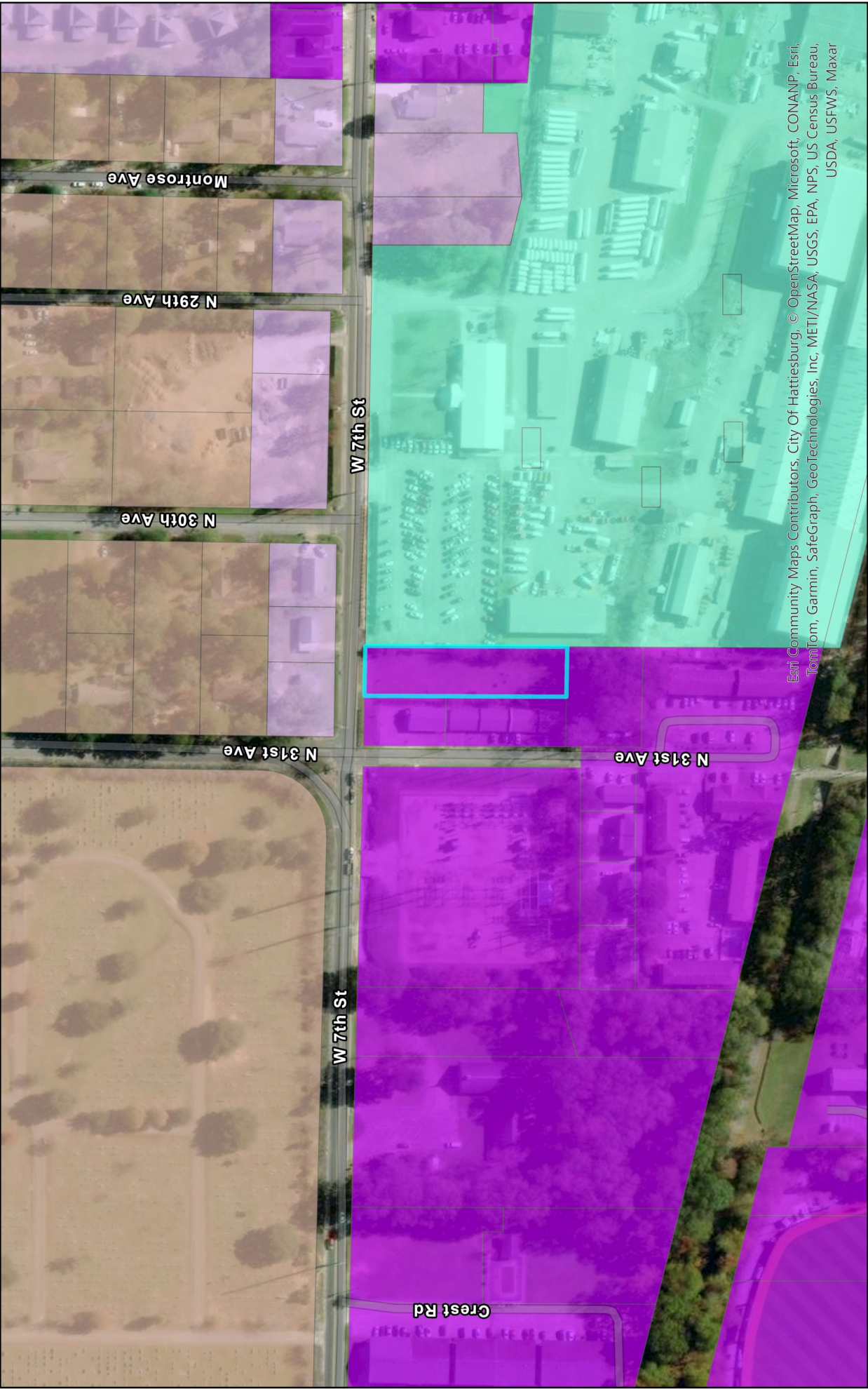
SUBJECT PARCEL

3000 West 7th St — Zoning Buffer Variance

Bobby Threatt, Applicant, and Chris Bowen, Representative

Petitioner requests variance from the minimum required zoning buffer of 60 ft for an I-1 (Light industrial) zoned property adjacent to a residentially zoned property (multi-family residential) to 10 ft. The request is for an expansion to a property located adjacent to 3000 West 7th Street (PPIN 26407, Ward 1, Forrest County).





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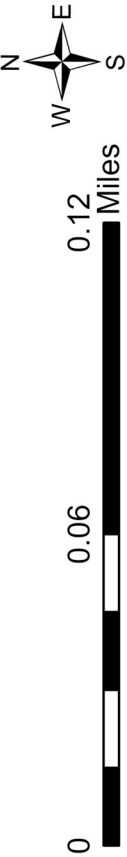
- Zoning**
- R-1A
 - R-2
 - R-3
 - I-1

Site Information

Property located adjacent to 3000 West 7th Street (PPIN 26407, Ward 1, Forrest County).



URBAN DEVELOPMENT
PLANNING DIVISION





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Future Land Use

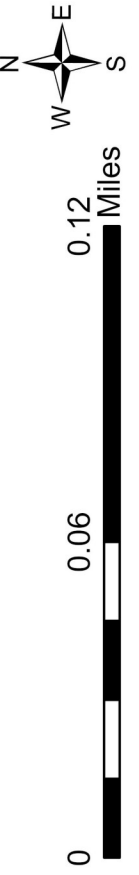
- Neighborhood Conservation District 2
- University/College District

Site Information

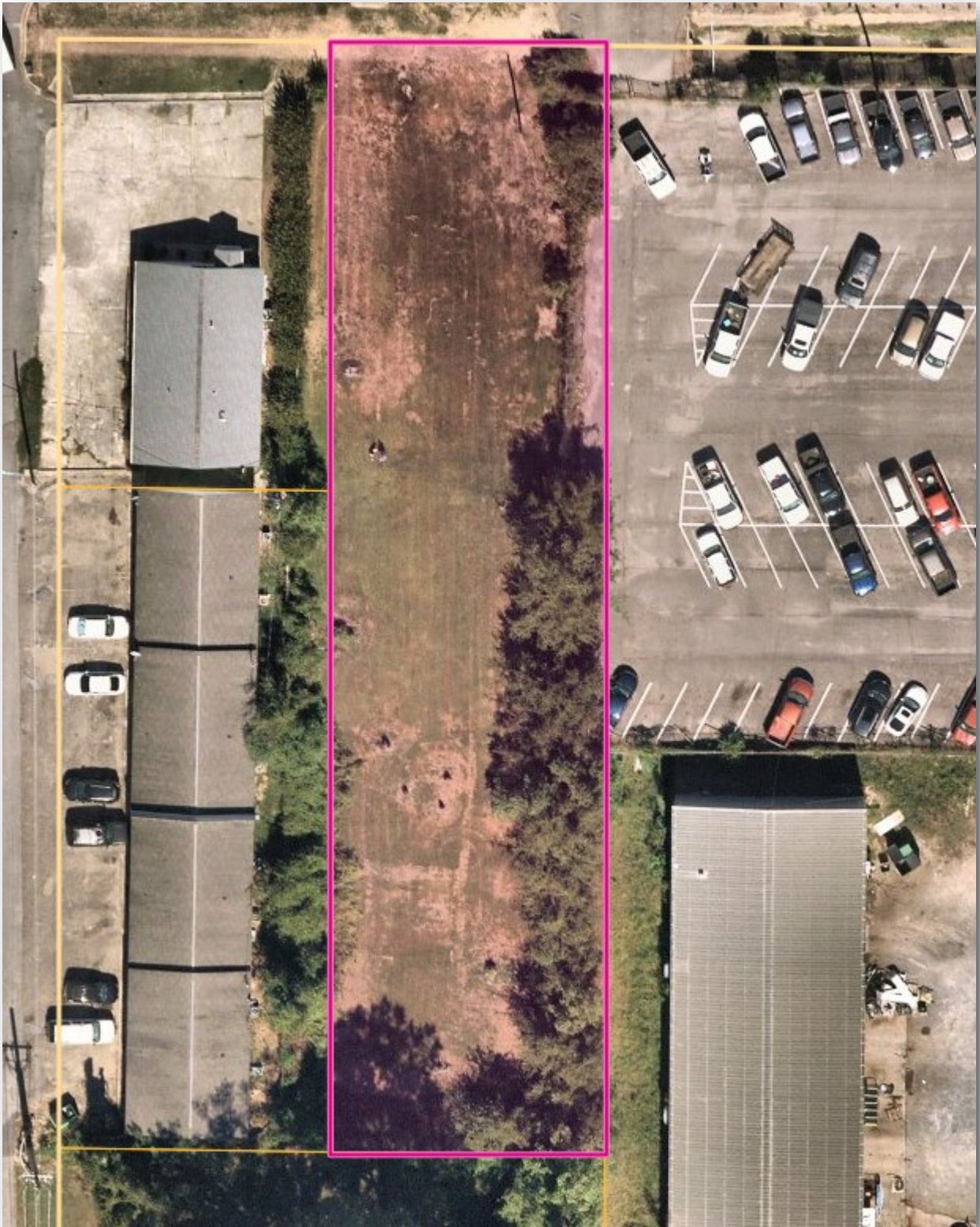
Future land use for property located adjacent to 3000 West 7th Street (PPIN 26407, Ward 1, Forrest County).



**URBAN
DEVELOPMENT**
PLANNING DIVISION



Site Aerial



Surrounding Area

Northern and Southern Directions: R-2 Two-Family Residential District and R-3 Multi-Family Residential



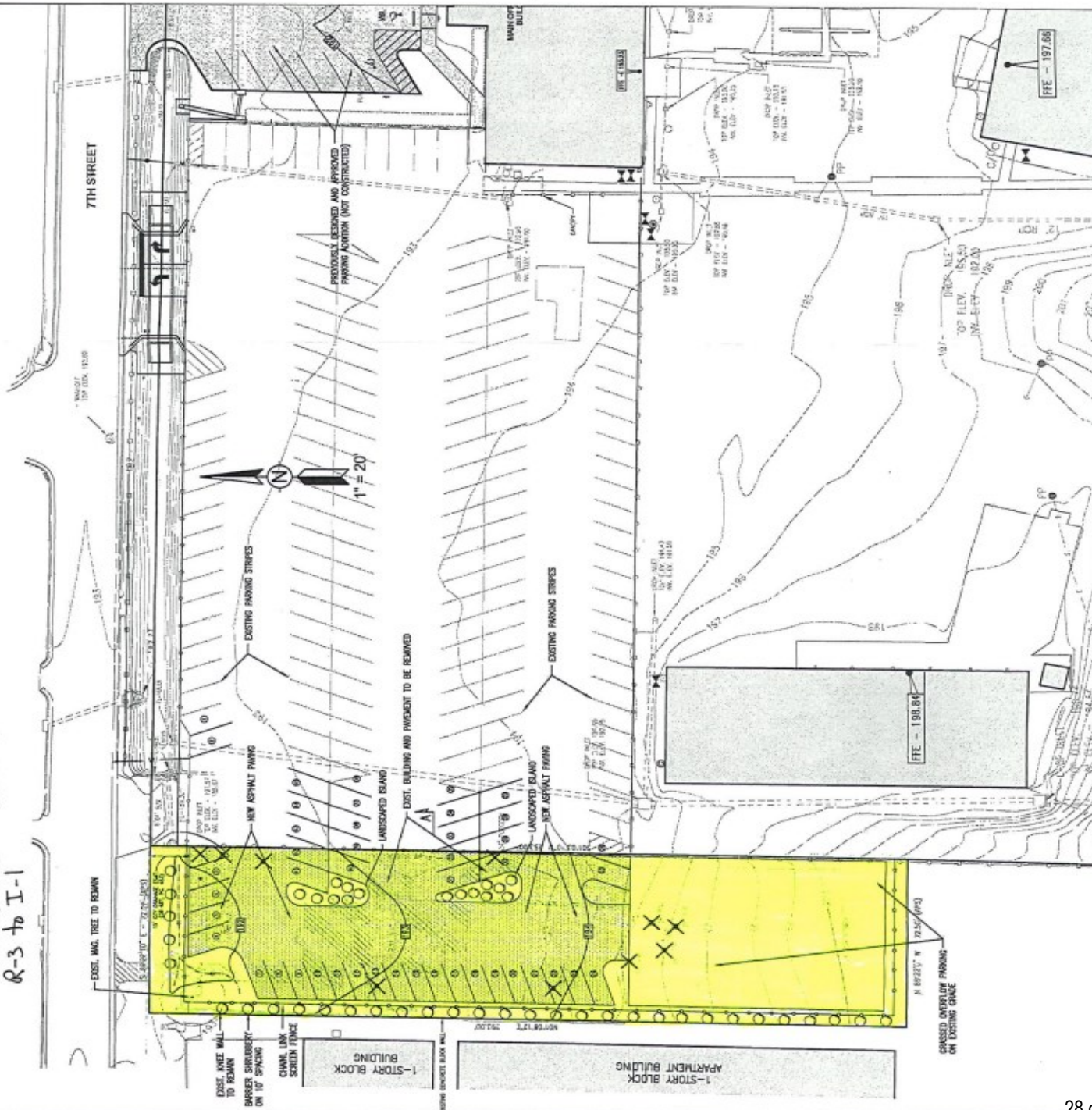
Surrounding Area

East and Western Directions: I-1 Light Industrial District and R-3 Multi-Family Residential



MISSISSIPPI TANK COMPANY

Mississippi Tank Company
49 acres rezoned from
R-3 to I-1



PROJECT NOTES

1. UPON COMPLETION OF EARTHWORK, ALL DISTURBED AREAS SHALL BE PLANTED WITH 3" TOPSOIL, BLENDED FROM ON-SITE STRIPPING, AND PLANTED WITH SOLID CENTREBEE 500.
2. TOTAL PROPERTY AREA - 18.49 ACRES ±
TOTAL AREAS EXPOSED TO EROSION - 1.46 ACRES ±
ESTIMATED DISTURBED AREA - 1.46 ACRES ±
3. TOTAL SITE IMPERVIOUS/PERVIOUS RATIO (ENTIRE 18.49 ACRES):
IMPERVIOUS/TOTAL SITE AREA RATIO: 31.7%
PERVIOUS/TOTAL SITE AREA RATIO: 68.3%
EXPANSION SITE IMPERVIOUS/PERVIOUS RATIO (0.49 ACRE PARCEL):
IMPERVIOUS/TOTAL SITE AREA RATIO: 48.1% (50% MAX FOR R-3)
PERVIOUS/TOTAL SITE AREA RATIO: 51.9%
4. CALCULATED RUN-OFF RATES:
PRE-CONSTRUCTION: 11.4 CFS
POST-CONSTRUCTION: 8.11 CFS
5. PROPERTY IS ZONED R-3 (PARKING EXPANSION AREA). EXISTING SITE IS R-1.
A PERMITTER SHALL ENSURE THAT THE EXISTING SITE SHALL BE MAINTAINED AT UNTIL PERMANENT VEGETATION IS ESTABLISHED.

LEGEND

	LIMESTONE SURFACE
	ASPHALT SURFACE
	EXISTING PAVEMENT TO BE REPLACED
	FINISHED TOPOGRAPHY
	EXISTING TOPOGRAPHY
	EXISTING STUMPS TO BE REMOVED



SECTION 'A'



PROJECT VICINITY MAP

March 2024

To: Hattiesburg Planning Commission

From: Mississippi Tank Company

Mississippi Tank Company is asking the Hattiesburg Planning Commission to provide a variance from their zoning regulations that provides a 10 foot set back from your property line to establish a fence (consistent with our existing parking lot fence) and plant shrubs for a buffer in an extension of the Mississippi Tank parking lot.

I, _____, am OK with this variance.

I, _____, do not agree with this variance.

Signing for Thomas Eugene Dixon & Gretta Barnes

Dated _____

March 18, 2024

Re: Zoning and Variance change

Spoke with Mr. Lance LeBlanc of Landlady Investments outside their apartments March 12th.

I had originally made contact by leaving my phone number at the offices of Landlady Investments for Shakiea LeBlanc. She called me back and told me that her husband, Lance, handles those apartments, and gave me her husband's cell number. He happened to be over at the property right then. I called him, and we met in their front parking lot. I explained to him that we were looking to extend our parking lot over to the edge of our property and would need a zoning change and variance, but that we wanted to do whatever we needed along our fence line in common in order to make them happy. We both walked over to look at the existing concrete wall along the property line, and he stated that he'd rather us leave the wall in place to help him with his drainage. He said that he thought that the wall was on our property and it helps channel the water from behind his apartments to the drain at the northernmost end of his apartments. He also suggested that if it were feasible, that our chainlink fence be constructed atop of this concrete rock wall. He also believes that a new fence would be beneficial in keeping homeless individuals from setting up back there. He said he got a complaint from his apartments when one lady set up back there under an umbrella and blaring out music on her radio.

Chris Bowen

Mississippi Tank Company

March 2024

To: Hattiesburg Planning Commission

From: Mississippi Tank Company

Mississippi Tank Company is asking the Hattiesburg Planning Commission to provide a variance from their zoning regulations that provides a 10 foot set back from your property line to establish a fence (consistent with our existing parking lot fence) and plant shrubs for a buffer in an extension of the Mississippi Tank parking lot.

I, Lance LeBlanc, am OK with this variance.

I, _____, do not agree with this variance.

Signing for LandLady Investments LLC



Dated 03/12/2024

March 18, 2024

Re: Zoning and Variance change

Spoke with Ms. Mildred Maddox outside her office at 3018 W 7th Street at 5:00 pm, March 11, 2024.

I explained to her that we were looking to extend our parking lot over to the edge of our property and would need a zoning change and variance, but that we wanted to do whatever we needed along our fence line in common in order to make her happy. We both walked over to look at the existing concrete wall along the property line, and I told her that if it turned out that this wall was on our property, that we could leave that or remove it based on whatever she wanted done. She then showed me where someone had been east bound and run off of West 7th Street in their vehicle, through her parking lot and hit that wall. She said that she was in real estate and that she understood what we were trying to do. She said that she remembered seeing a red stake or pin denoting the property boundary, but when we went to the edge of that wall where she believed it to be, neither of us could see evidence of the marker. I provided her with the form for her approval or denial, and she said that she would need to talk to her husband and discuss it with him and for me to call her back tomorrow after lunch. I called her back at 2:15 pm the next day (March 12th) and she said that she was in a meeting and could not talk right then. I called her back and left her a message the next morning (March 13th) at 10:10 a.m. asking her to please call.

Chris Bowen

Mississippi Tank Company

March 2024

To: Hattiesburg Planning Commission

From: Mississippi Tank Company

Mississippi Tank Company is asking the Hattiesburg Planning Commission to provide a variance from their zoning regulations that provides a 10 foot set back from your property line to establish a fence (consistent with our existing parking lot fence) and plant shrubs for a buffer in an extension of the Mississippi Tank parking lot.

I, _____, am OK with this variance.

I, _____, do not agree with this variance.

Signing for Mildred Maddox Real Estate LLC

Dated _____

March 18, 2024

Re: Zoning and Variance change

Spoke with Mr. & Mrs. Dixon of 611 N. 31st Ave on March 12, 2024.

Mr. Dixon was out raking leaves and stated that he was having some problems with his memory and called his wife out of the house. The 3 of us went through the garage and out into their backyard as I explained to them both that we were looking to extend our parking lot over to the edge of our property and would need a zoning change and variance, but that we wanted to do whatever we needed along our fence line in common in order to make them happy. She said she didn't want us taking her property, to which I assured her we would not be taking her property, that we only wished to utilize ours – for a parking lot. They had a row of volunteer vegetation and a deteriorating chainlink fenceline that runs along the southern most border of the 0.49 acres of Mississippi Tank Co and the northern most border of their backyard. I told her that we would be happy to replace that fenceline with a new fence, if that's what they wanted. I was clear that we were not going to be doing anything on their property, to which she said that she knew that someday we would want that property, but she wasn't ready to sell right now.

I provided her with the form for her approval or denial, and she said she would not be signing anything.

Chris Bowen

Mississippi Tank Company