



URBAN DEVELOPMENT

PLANNING DIVISION

BOARD OF ADJUSTMENT
PUBLIC HEARING STAFF REPORTS
June 5th, 2024

Planning Commission

Place: Jackie Dole Sherrill Community Center (Dining Room)

Time: 3:30 PM

June 5th 2024

I. Business Meeting

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

II. Public Hearing

- A. Zoning Buffer Variance** - 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. The request is also contingent upon a rezoning request for the property (PPIN 26407, Ward 1, Forrest County).
- B. Fence Height Variance** – Mississippi Tank Company, applicant, Bobby Threatt, applicant, and Chris Bowen, representative, request a variance from the maximum allowed fence height in a front yard of 4 feet to instead allow for an 8 ft fence for a proposed expansion to a property located adjacent to 3000 West 7th Street. The request is also contingent upon a rezoning request for the property (PPIN 26407, Ward 1, Forrest County).
- C. Zoning Buffer Variance** - Hattiesburg Public School District, owner, and Hunter Andrews, engineer, request a variance from the minimum required zoning buffer of 20 ft for a B-2 (Neighborhood Business) zoned property adjacent to a residentially zoned property to 10 ft. The request is for a property that is bound by South Street to the east, and Stadium Drive to the West. The request is also contingent upon a rezoning request for the property (PPIN 26633, 26636, and 26632; Ward 2, Forrest County).
- D. Sidewalk Requirement Variance** – Hastings Puckett, owner, requests 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 7128 US Highway 49, in Forrest County, Ward 2 (PPIN 9237, and 9216).

- E. **Block length Variance** - John Anglin, engineer, and Craig Flanagan, representative, request a variance from the maximum allowed distance for a local street block length of 800 feet to instead allow for a block length of 1600 feet, for a proposed expansion of the Shadow Ridge Subdivision on a property located on Shadow Ridge Drive (Lamar County, Ward 3, PPIN 24500).

III. **Other Business**

IV. **Adjournment**

**MINUTES OF THE
REGULAR MEETING OF THE
BOARD OF ADJUSTMENT
April 3rd, 2024**

Board Members Roll Call:

Members Present:

1. Bernard Green, Vice Chair
2. Jessica Cathey
3. Richard Conville
4. John Eye
5. Shawn Harris, Chair
6. Brandon E. Williams
7. Eric Boney
8. Herman Dungan

Members Absent:

1. Stacey Ready
2. James Trussell
3. James Hughes

Staff Present:

1. Cory Long, Planning Manager
2. Nathan Satcher, Planner II
3. Andrea Garcia, Planner I
4. David Miller Esq.

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

AGENDA REVIEW

Chair Harris suggested postponing Item B due to a public hearing notice issue that also affected the petitioner's request to the Planning Commission. A motion was made to accept the agenda with this change.

Motion:

Made by Richard Conville to postpone

Second:

Made by Brandon E. Williams

Vote:

Board Member	Yea	Nay	Other
Shawn Harris	X		
John Eye	X		
James Trussell			ABSENT
Brandon E. Williams	X		
Eric Boney	X		
Richard Conville	X		
Stacey Ready			ABSENT
Herman Dungan	X		
Jessica Cathey	X		
Bernard Green	X		
James Hughes			ABSENT

MINUTES REVIEW

The Chair recommended that the minutes be approved after minor corrections have been made related to attendance and vote tracking. The motion was made by Mr. Williams and seconded by Ms. Cathey to approve the minutes with corrections.

Motion:

Made by Brandon E. Williams

Second:

Made by Jessica Cathey

Vote:

Board Member	Yea	Nay	Other
Shawn Harris	X		
John Eye	X		
James Trussell			ABSENT
Brandon E. Williams	X		
Eric Boney	X		
Richard Conville	X		
Stacey Ready			ABSENT
Herman Dungan	X		
Jessica Cathey	X		
Bernard Green	X		
James Hughes			ABSENT

PLANNING REPORT

There came the matter of the Planning Report by Nathan Satcher, Senior Planner. He mentioned that the BOA decision to approve the variance on the 1520 River Avenue case was upheld by City Council and that the BOA decision to deny the variance requested by Tractor Supply was also upheld. Also, Mr. Satcher announced that outreach was made to the community to inform them about property loss areas. Mr. Cory Long, Planning Manager, mentioned that the planning study for Broadway Drive was scheduled for May 1st and invited the Commissioners to provide input for this project. Mr. Long also introduced Attorney David Miller as part of the City of Hattiesburg Staff.

CHAIR'S REPORT

The Chair mentioned that additional meetings took place outside of the regular Board of Adjustment Meetings, and that By-Laws discussion will be addressed during the Business portion of the meeting.

INTRODUCTIONS

Board of Adjustment members and Staff introduced themselves.

PUBLIC HEARING – Board of Adjustment

Item 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).

Discussion and Vote:

Staff introduced the case. Mr. Eye questioned the staff about the setback for the guard shack and sight triangle regulations. Chair Harris opened the public portion of the meeting and Mr. Kevin Lewis came to speak on behalf of the proposal. Chair Harris closed the public hearing portion of the meeting. The staff and Board members discussed the case, and the text amendment request that was presented at the Planning Commission meeting was discussed. A motion was made by Vice Chair Green to approve the variance under basis I, II and IV. Approval was granted with no substantial changes to the current site plan to be made. This was seconded by Dr. Conville.

Presented by:

1. Kevin Lewis

Proponents:

1. None

Opponents:

1. None

Motion:

Made by Vice Chair Green

Second:

Made by Richard Conville

Vote:

Board Member	Yea	Nay	Other
Shawn Harris	X		
John Eye	X		
James Trussell			ABSENT
Brandon E. Williams			ABSTAINED
Eric Boney	X		
Richard Conville	X		
Stacey Ready			ABSENT
Herman Dungan	X		
Jessica Cathey	X		
Bernard Green	X		
James Hughes			ABSENT

Item 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).

Discussion and Vote:

Staff introduced the case. This item had a publication error during advertising for the zoning change, which this case was contingent upon. After discussion by the Board members and staff, a motion was made by Mr. Williams to table this item until the next Board of Adjustment meeting (May 1st), which was seconded by Vice Chair Green.

Presented by:

1. None

Proponents:

1. None

Opponents:

1. None

Motion:

Made by Brandon E. Williams

Second:

Made by Vice Chair Green

Vote:

Board Member	Yea	Nay	Other
Shawn Harris	X		
John Eye	X		
James Trussell			ABSENT
Brandon E. Williams	X		
Eric Boney	X		
Richard Conville	X		
Stacey Ready			ABSENT
Herman Dungan	X		
Jessica Cathey	X		
Bernard Green	X		
James Hughes			ABSENT

OTHER BUSINESS

Chair Harris provided a summary of the changes made to the By-Laws. A discussion of this topic was held between staff and Board members. A motion was made by Mr. Eye to accept the By-Laws changes, seconded by Brandon Williams. All present were in favor of the motion.

Board Member	Yea	Nay	Other
Shawn Harris	X		
John Eye	X		
James Trussell			ABSENT
Brandon E. Williams	X		
Eric Boney	X		
Richard Conville	X		
Stacey Ready			ABSENT
Herman Dungan	X		
Jessica Cathey	X		
Bernard Green	X		
James Hughes			ABSENT

Adjournment:

The meeting was adjourned at 5:04 p.m.

Motion:

Made by Bernard Green

Second:

Made by Eric Boney

Vote:

Board Member	Yea	Nay	Other
Shawn Harris	X		
John Eye	X		
James Trussell			ABSENT
Brandon E. Williams	X		
Eric Boney	X		
Richard Conville	X		
Stacey Ready			ABSENT
Herman Dungan	X		
Jessica Cathey	X		
Bernard Green	X		
James Hughes			ABSENT

Shawn Harris, Chair

Cory Long, AICP, Planning Division Manager



**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 & Fence Height Variance**

Purpose of Request:

Item A: 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. The request is also contingent upon a rezoning request for the property (PPIN 26407, Ward 1, Forrest County).

Item B: Mississippi Tank Company, applicant, Bobby Threatt, applicant, and Chris Bowen, representative, request a variance from the maximum allowed fence height in a front yard of 4 feet to instead allow for an 8 ft fence for a proposed expansion to a property located adjacent to 3000 West 7th Street. The request is also contingent upon a rezoning request for the property (PPIN 26407, Ward 1, Forrest County).

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.

The applicant is also requesting a variance for the fence height in the front yard. The proposed fence would be used to create a physical buffer to the adjacent property, intending to mitigate the loss of the required 60 ft zoning buffer

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

7.9.8.6 The maximum height of fences and walls shall be four feet above grade when located in a front yard. Otherwise, the maximum height of a fence is eight feet. (Required in all zoning districts listed in section 4)

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.

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.

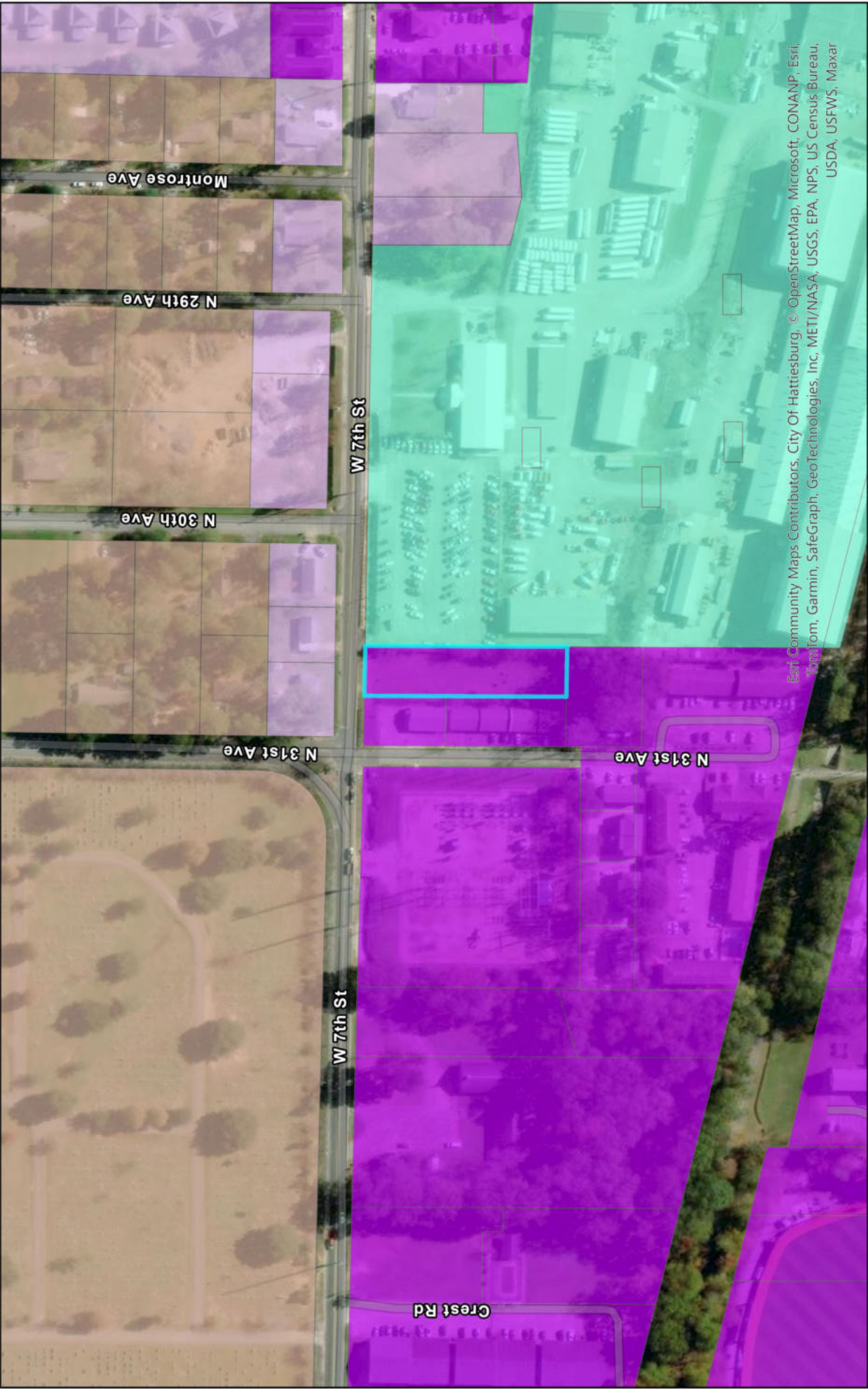
SUBJECT PARCEL

3000 West 7th St — Zoning Buffer and fence height 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 and request a variance from the maximum allowed fence height in a front yard of 4 feet to instead allow for an 8 ft fence. The requests are for an expansion to a property located adjacent to 3000 West 7th Street (PPIN 26407, Ward 1, Forrest County).





Esri Community Maps Contributors, City of Hattiesburg, © OpenStreetMap contributors, Microsoft, CONANP, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA, USFWS, Maxar

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

Site Information

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



URBAN DEVELOPMENT
PLANNING DIVISION





Future Land Use

- Neighborhood Conservation District 2
- University/College District

Site Information

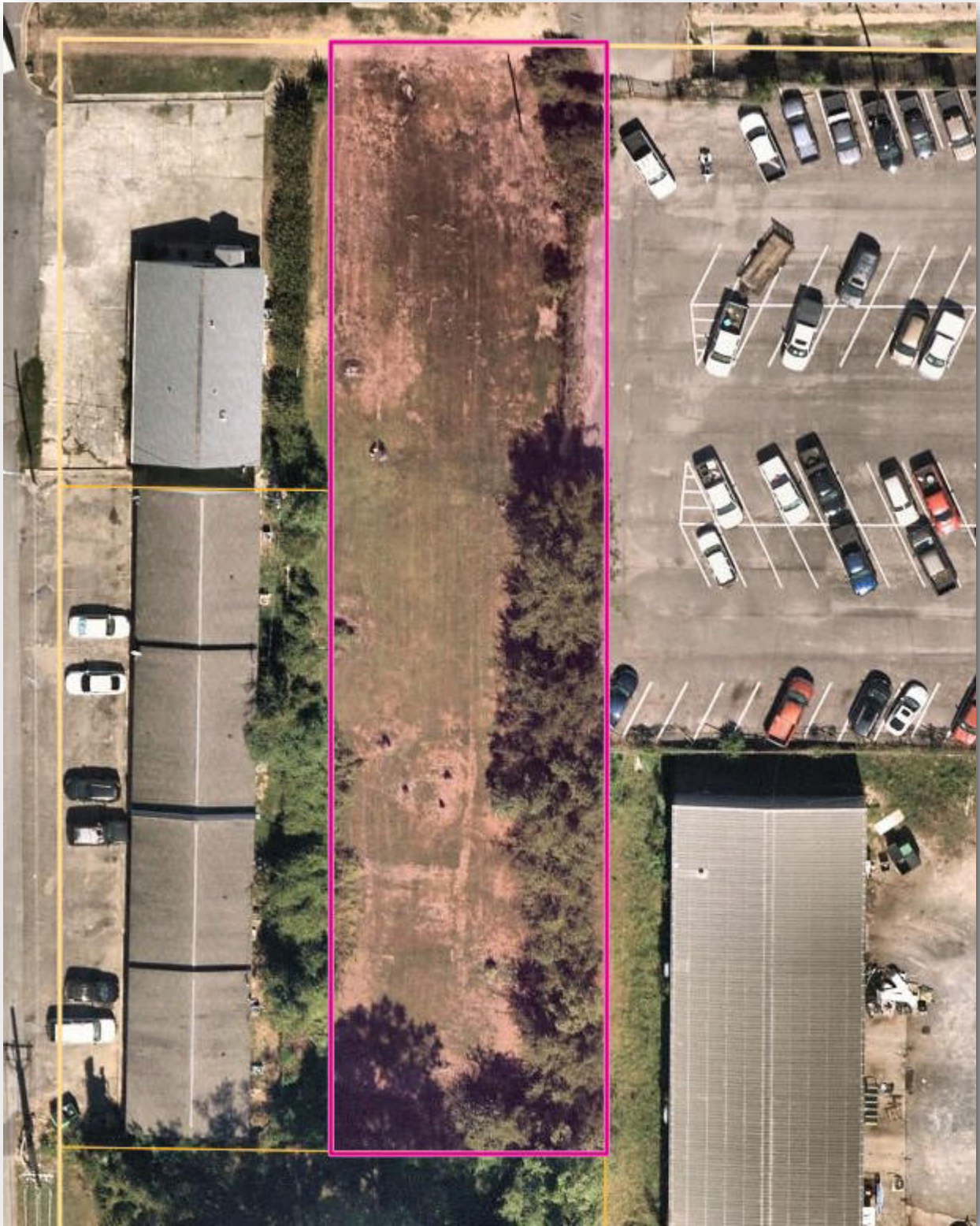
Future land use for property located adjacent to 3000 West 7th Street (PPIN 26407, Ward 1, Forrest County).



**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
49 acres rezoned from
R-3 to I-1



LEGEND

	LIMESTONE SURFACE
	ASPHALT SURFACE
	EXISTING PAVEMENT TO BE REMOVED
	FINISHED TOPOGRAPHIC CONTOUR
	EXISTING TOPOGRAPHIC CONTOUR
	EXISTING STUMPS TO BE REMOVED

PROJECT VICINITY MAP

19 of 123

Proposed layout

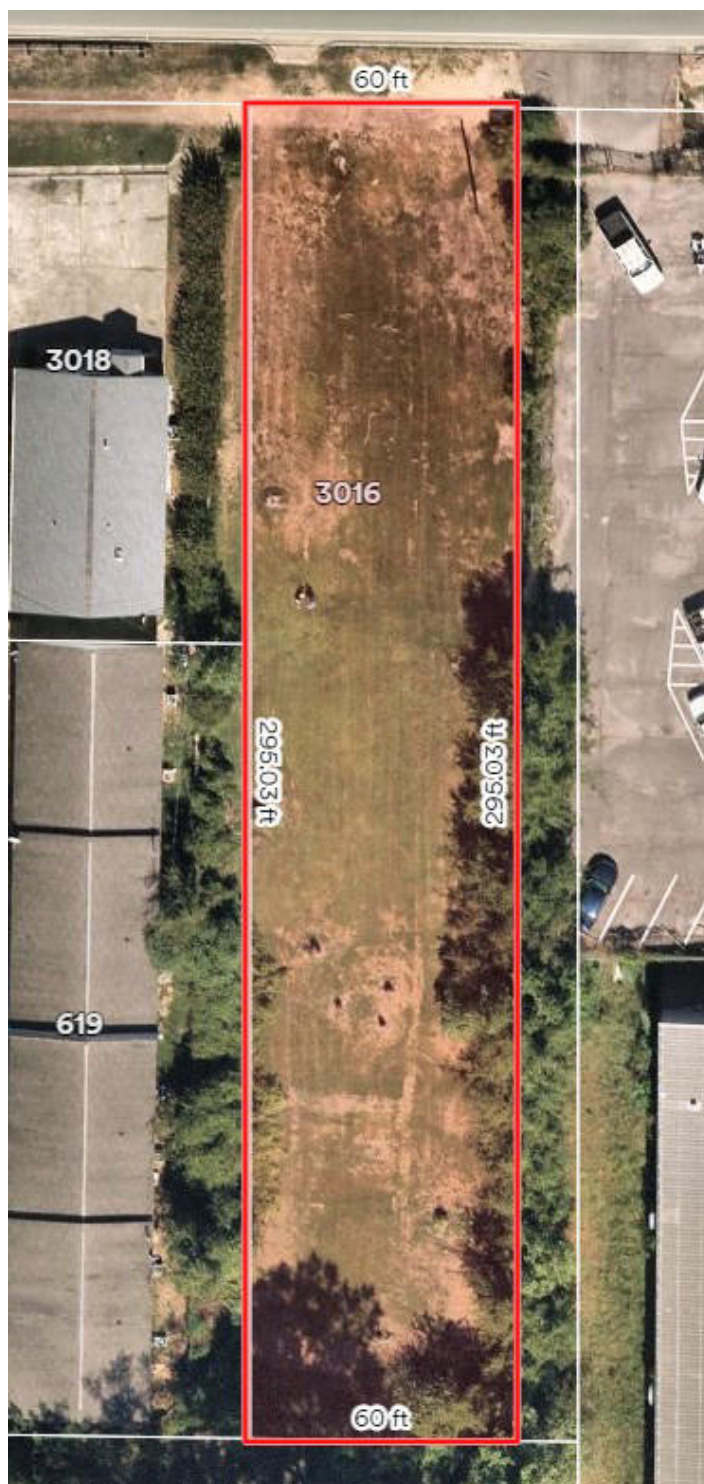
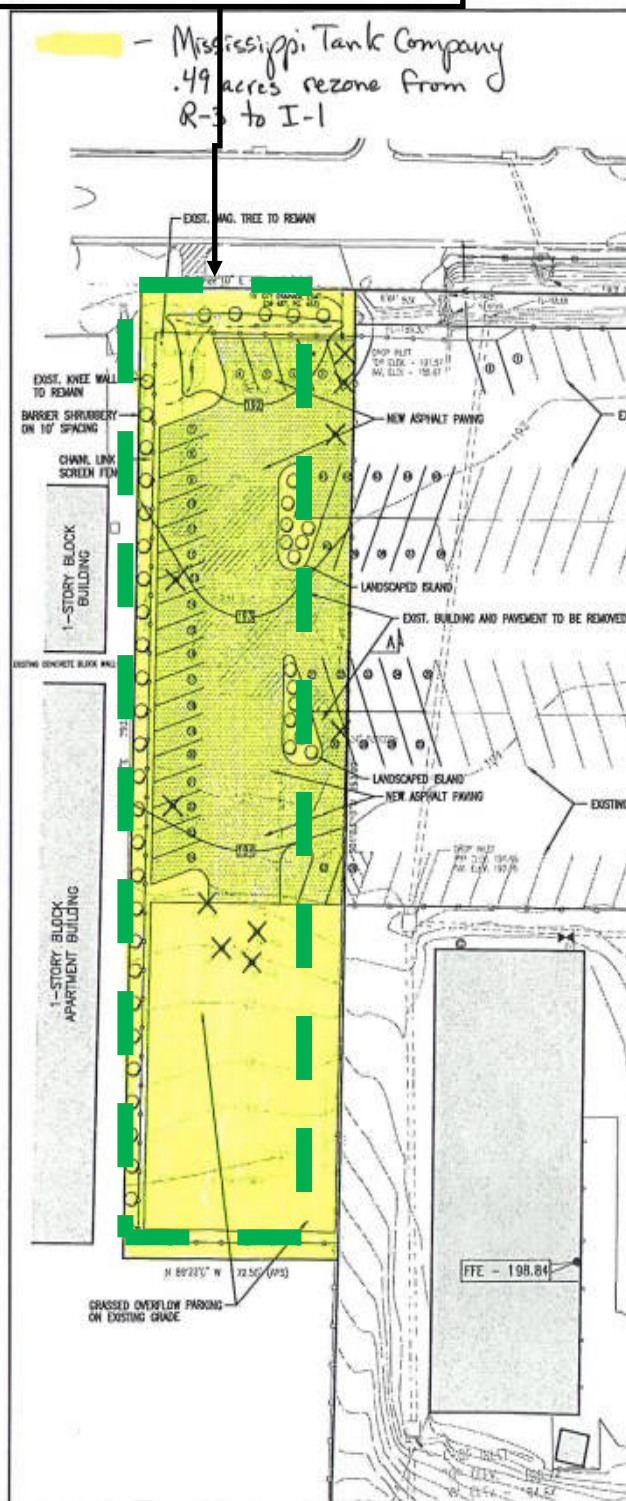
Approximate location of required
60 ft zoning buffer

(not drawn to scale)

Parcel is currently ~70 wide along

Aerial of current lot showing approximate
location of 60 ft zoning buffer

Measured using NearMap.com

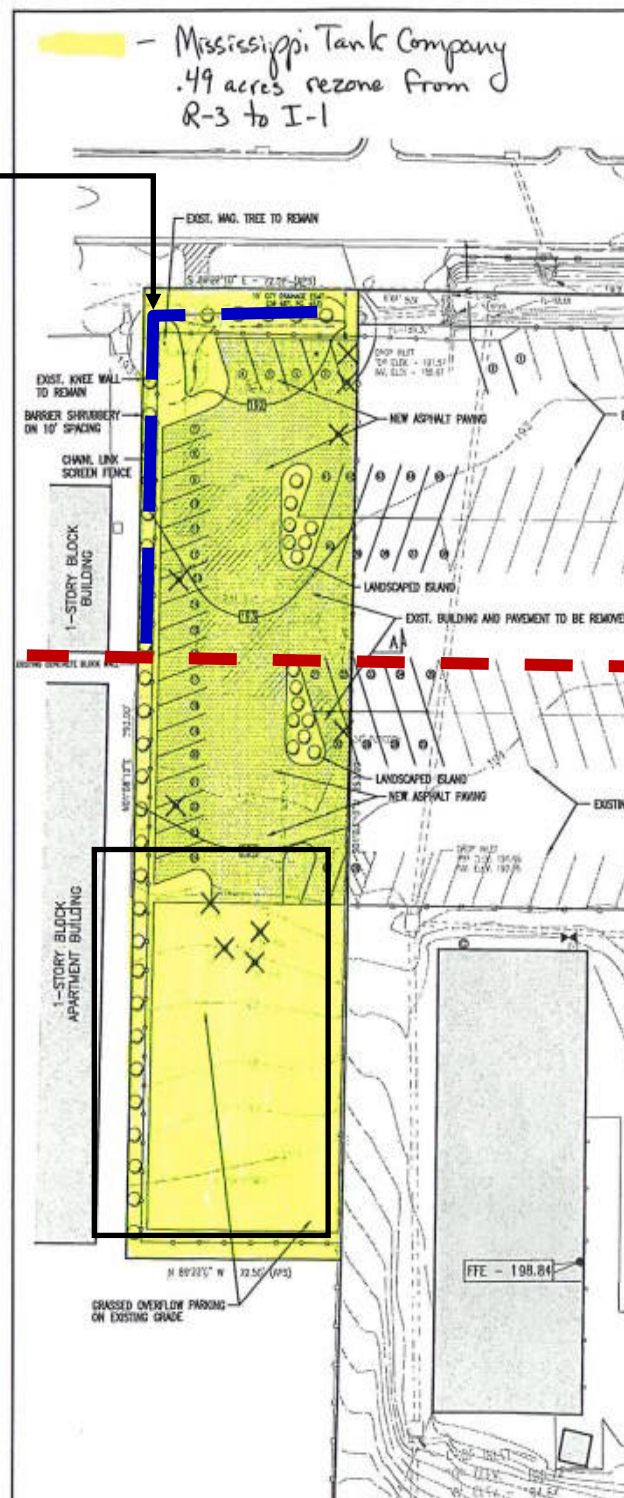


Proposed layout

Focused view of addition and fence location

Location of fencing in front yard requesting to be 8 ft in height

Approximate location
of front yard line





URBAN DEVELOPMENT PLANNING DIVISION

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: Mississippi Tank Company

Project Name: West End Parking extension

Proposed Use(s): parking

Project Street Address: 3000 & 3016 W. 7th St

PPIN Number(s) (if unknown, can be found on tax receipt): 26407

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 10' side)

☐ Off-Site Parking

☐ Lot Width ☐ Lot Coverage Area

☐ Buffer

☐ Open Space

☐ Other: _____

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: R-3

Proposed Zoning: I-1

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

STAFF USE ONLY – Do Not Complete:

Pre-Application Date: _____

Planner: Nathan Siding

Parcel Number(s): SA

Historic District(s): NA

Flood Zone(s): SA

Zoning District(s): R-3; I-1

Project No.: _____

Code Sections:

LDC Section No. 7 - Zoning Buffer Requirements

Section No. _____

Section No. _____

Section No. _____

Section No. _____

RECEIVED DATE & INITIALS:

3/4/24
US

PROJECT REPRESENTATIVE INFORMATION:**Primary:**

Name: <u>Bobby Threatt</u>		
☒ Applicant ☐ Property Owner ☐ Representative ☐ Agent ☐ Contractor ☐ Architect ☐ Engineer		
☐ Other (please specify): _____		
Phone: <u>601-606-7447</u>	Fax: _____	Email: <u>bthreatt@mstank.com</u>
Mailing Address: <u>PO Drawer 1391, Hburg, MS 39403-1391</u>		

Secondary:

Name: <u>Chris Bowen</u>		
☐ Applicant ☐ Property Owner ☒ Representative ☐ Agent ☐ Contractor ☐ Architect ☐ Engineer		
☐ Other (please specify): _____		
Phone: <u>601-543-7406</u>	Fax: _____	Email: <u>cbowen@mstank.com</u>
Mailing Address: <u>As above</u>		

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: _____		

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
3000 W. 7th St , Hattiesburg, 39401
Street Address City State
on this the 4th day of March, 2024.

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.
Bobby Threatt, Chris Bowen

on this the 4th day of March, 2024.

Bobby Threatt for Mississippi Tank Company

Property Owner (print)

Property Owner (signature)

STATE OF Mississippi Tank Company

COUNTY OF Forrest

Personally came and appeared before me, the within named

Bobby Threatt
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 4th day of
March, 2024.

NOTARY PUBLIC

My Commission Expires



PLANNING COMMISSION & BOARD OF ADJUSTMENT – PETITIONER REQUIRED SUBMITTAL INFORMATION

Deadline for applicant to file petition: _____ 5:00pm (End of business day)
 Hattiesburg Planning Commission Meeting Date: _____ Time: 1:00pm
 Hattiesburg Board of Adjustment Meeting Date: _____ 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): _____ Time: 4:00pm
 City Council Meeting (Vote) Date – (you or your representative may attend): _____ 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 \$ 575.00

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.

Required Fees

All fees adopted by Ordinance No. 2977, adopted January 22, 2008, as amended. This is an excerpt from that ordinance:

Public Hearing Fees:

Variance (includes Concept Site Plan Review) -----	\$175.00 per application and one Variance request; plus \$50.00 for each additional variance request within same application
Street/Alley Naming or Re-Naming-----	\$300.00 per application, plus \$100.00 per required street name sign if approved* (*Fees for replacement street signs shall be paid after City Council approval, but prior to effective date.)
Street/Alley Closing -----	\$300.00 per application
(Conditional) Use Permit -----	\$200.00 per application
Zoning Change -----	\$400.00 per application* (*see PUD or PRD & zoning package rate)
Planned Unit Development (PUD) or Planned Residential Development (PRD), & (Planned Mixed-Use District PMU) -----	\$400.00 per application (*see PUD or PRD zoning package rate) or (**see PUD or PRD & Subdivision of Land package rate)
Planned Unit Development (PUD) or Planned Residential Development (PRD) with zoning change package -----	\$600.00 per package application
Subdivision of Land (Preliminary Plats) -----	\$225.00 per application, plus \$10.00 for each created lot (** see PUD or PRD & Subdivision of Land package rate) Note: Final Plats should be submitted to the governing body for approval within 12 months of approval of preliminary plats.
Planned Unit Development (PUD) or Planned Residential Development with Subdivision of Land Package** -----	\$500.00 per application, plus \$10.00 for each created lot (**see PUD or PRD & Subdivision of Land package rate)
Change in Land Development Code Text -----	\$200.00 per application
Appeal Fees for Proponent or Opponent appeals to City Council -----	\$50.00 per appeal Exempt from fees – Established Neighborhood Associations
Cancellation/Re-notification fee on any public hearing process (Planning Commission or City Council) that is tabled or cancelled at the owner/developer's Request -----	\$50.00 (per each 100 mailing labels)

OTHER PROCESSES MAY HAVE ADDITIONAL FEES

Make all checks payable to the City of Hattiesburg

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.

An exceptional condition creating a hardship for Mississippi Tank Company exists in that in the absence of obtaining a variance to a 10' setback from the adjoining property, the property would not be able to be utilized for construction of a new parking lot due to it only being 72.5' wide.

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

We're not asking for any special privilege.

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 literal interpretation of the provision would deprive Mississippi Tank Company of our
ability to expand our parking

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

The costs involved in expanding our parking lot are significant, and uneconomic
if unable to obtain the variance.

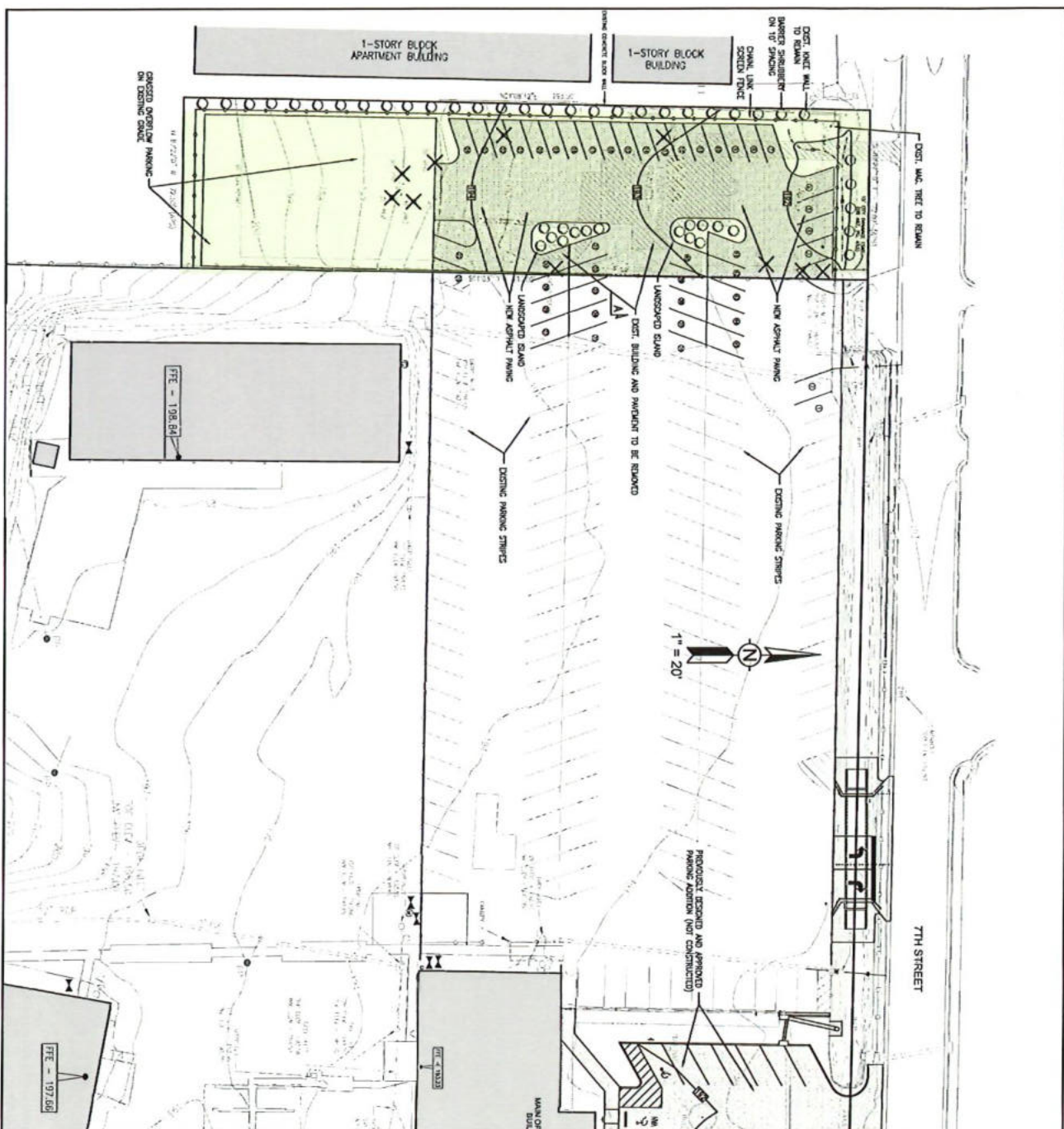
5. **Minimum Required.** The granting of a variance is the minimum variance that will make possible the reasonable use of the land or structure.

The granting of the maximum variance will provide for the addition of the parking spaces as
provided in the attached plan.

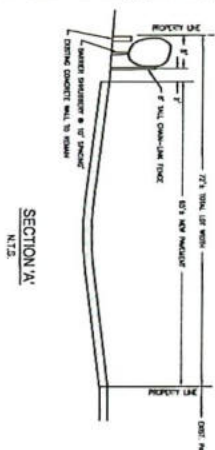
6. **Conformance with Purpose of this Code.** The granting of a variance will not conflict with the purposes and intent expressed or implied in the Land Development Code.

Granting of this variance will allow for the property to be folded into the same
classification as the rest of our facility.

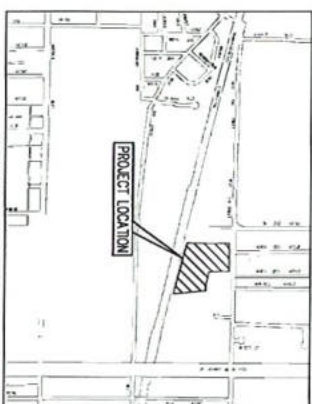
12.4.1.2 Conditions of Approval. In recommending the granting of a variance, the Board of Adjustment may require appropriate conditions and safeguards in conformity with this Code. Violation of such conditions and safeguards, when made a part of the terms under which a variance is granted, shall be deemed a violation of the Code. The recommendation of the Board Adjustment shall be presented to the City Council for final action.



- [illegible]



SECTION 'A'
N.T.S.



PROJECT VICINITY MAP



DEED

Bk:1291 Page:722-725**RCD: 09/27/2018 01:50:59AM****FORREST COUNTY, MS****JIMMY C. HAVARD CHANCERY CLERK**

Space Above Line for Official Use Only

Prepared by and return to:

C. Joyce Hall
 MS Bar #2123
 Watkins & Eager PLLC
 400 East Capitol Street
 Jackson, MS 39201
 (601) 965-1900

GRANTOR:

Starbrite, LLC
 P.O. Box 18109
 Hattiesburg, MS 39404
 Telephone: 601.582.2846

GRANTEE:

Mississippi Tank and Manufacturing
 Company
 3000 W. 7th Street
 Hattiesburg, MS 3940
 Telephone: 601.264.1800

Indexing Instructions: SE ¼ of SE ¼ of Section 6, Township 4 North, Range 13 West,
 Forrest County, Mississippi

SPECIAL WARRANTY DEED

FOR AND IN CONSIDERATION of the sum of Ten Dollars (\$10.00) cash in hand paid,
 and other good, legal and valuable consideration, the receipt and sufficiency of which are hereby
 acknowledged, the undersigned **STARBRITE, LLC**, a Mississippi limited liability company
 ("Grantor") does hereby sell, convey and warrant specially unto **MISSISSIPPI TANK AND
 MANUFACTURING COMPANY**, a Mississippi corporation ("Grantee"), the following land
 and property located and situated in Forrest County, Mississippi, and being more particularly
 described as follows, to-wit:

L:\A3704317\517023A.SWD (Starbrite) doc

1

7/27/2018 12:51:12 PM (12/27/2018 12:51:12 PM) Page 1 of 1

Book 1291 Page 723
Instrument# 782059
DEED 9/27/2018 11:50:59 AM

SEE EXHIBIT A ATTACHED HERETO FOR THE LEGAL
DESCRIPTION.

IT IS AGREED AND UNDERSTOOD that the taxes for the current year have been
prorated as of this date on an estimated basis, and when said taxes are actually determined, if the
proration is incorrect, then Grantor agrees to pay to Grantee or its assigns any deficit on an actual
proration. Likewise, Grantee agrees to pay to Grantor any overpayment on an actual proration.

This conveyance and the warranty herein contained are made subject to the following
exceptions:

1. Ad valorem taxes for current and future years, not yet due and payable; and
2. Any and all prior oil, gas and other mineral severances, reservations and
conveyances of record.

(Signature Page Follows)

WITNESS THE EXECUTION OF THIS INSTRUMENT, this the 25 day of

September, 2018.

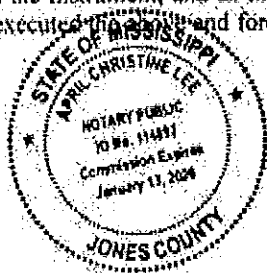
GRANTOR:

STARBRITE, LLC
a Mississippi limited liability company

By: Charles D. Miller
Name: Charles D. Miller
Title: Manager

STATE OF MS
COUNTY OF Jones

Personally appeared before me, the undersigned authority in and for the said county and state, on this 25 day of September, 2018, within my jurisdiction, the within named Charles D. Miller, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed in the above and foregoing instrument and acknowledged that they executed the same in their representative capacity and that by their signature on the instrument, and as the act and deed of the person or entity upon behalf which they acted, executed the above and foregoing instrument, after having been duly authorized so to do.



April Christine Lee
NOTARY PUBLIC

EXHIBIT A
LEGAL DESCRIPTION

Tract 1:

Commencing at the Northwest corner of the West half of the East half of the SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 6, Township 4 North, Range 13 West, Hattiesburg, Forrest County, Mississippi, and run thence East 165 feet to and for a Point of Beginning, from said Point of Beginning run thence East 92.5 feet, run thence South 207.1 feet, turn thence an angle of 83 degrees 31 minutes right and run thence Westerly 93 feet; run thence North 215.4 feet to the Point of Beginning; together with the improvements thereon and appurtenances thereunto belonging.

Tract 2:

3016 W. 7th St

A part of the Southeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$ of the SE $\frac{1}{4}$) of Section 6, Township 4 North, Range 13 West in the County of Forrest, State of Mississippi, and more particularly described as follows, to-wit:

Begin 72.5 feet East of the Northwest corner of the Southeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$ of the SE $\frac{1}{4}$) of said Section, Township, and Range, and

Begin 72.5 feet East of the Northwest corner of the Southeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$ of the SE $\frac{1}{4}$) of said Section, Township, and Range, and thence run East for a distance of 72.5 feet, thence run South for a distance of 318 feet, thence run West for a distance of 72.5 feet, thence run North for a distance of 318 feet to the Point of Beginning.

Tract 3:

A part of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 6, Township 4 North, Range 13 West, in the City of Hattiesburg, County of Forrest, State of Mississippi, and being particularly described as commencing at the Southeast corner of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of said Section 6, and run thence North along the East line of Section 6 for 371.7 feet to the North right-of-way line of the Illinois Central Gulf Railroad (formerly the Mississippi Central Railroad) thence continue North along the East line of Section 6 for 680 feet; thence run 60.8 degrees 45' West for 493.5 feet to the Point of Beginning of the parcel herein conveyed; thence run North 77 degrees 17' West for 71.7 feet, thence run North for 198.3 feet to a point on the South margin line of West Seventh Street; thence run Easterly along the South margin of West Seventh Street for 70 feet; and thence run South 214.9 feet, more or less, to the Point of Beginning.

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

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, _____, am OK with this variance.

I, _____, do not agree with this variance.

Signing for Thomas Eugene Dixon & Gretta Barnes

Dated _____

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 _____



**Board of Adjustment
Case Fact Sheet**

Name of Petitioners: Hattiesburg Public School District, owner, and Hunter Andrews, engineer

Address of Property:	PPINs	County	Ward
South Street and Stadium Drive (vacant lots)	26633, 26636, and 26632	Forrest	2

Request: **Zoning Buffer Variance**

Purpose of Request: Hattiesburg Public School District, owner, and Hunter Andrews, engineer, request a variance from the minimum required zoning buffer of 20 ft for a B-2 (Neighborhood Business) zoned property adjacent to a residentially zoned property to 10 ft. The request is for a property that is bound by South Street to the east, and Stadium Drive to the West. The request is also contingent upon a rezoning request for the property (PPIN 26633, 26636, and 26632; Ward 2, Forrest County).

History / Background: The applicant met with staff in a pre-application meeting to discuss the development of an additional parking lot for Hattiesburg High School on vacant property they own near the school. The parking lot would span across three parcels, two of which are zoned R-1C, with the remaining lot (which directly fronts Stadium Drive) being zoned B-2. To establish a stand-alone parking lot, the parcels zoned R-1C require a zoning change.

The zoning would need to be a minimum of B-2 to establish a parking lot, which one of their lots already is. B-2 allows for the use as a parking lot for the proposed property, but if approved, would also create a zoning buffer requirement for its adjacency to residentially zoned properties. The applicant has proposed a parking design that encroaches on that zoning buffer and is requesting a variance for relief. The parking lot design has been reviewed by the site and design review committee, but has not yet been approved. The applicant will also need to collapse the parcels into a single parcel and will be required before the ordinance can be approved by

June 2024 BOA Item: C
Hattiesburg Public School District, owner, and Hunter Andrews, engineer
Request for: **Zoning Buffer Variance**

City Council. Approval of a zoning buffer variance is contingent upon approval of the zoning change request.

Applicant Summary: See Attached

Applicable Regulations:

SECTION 4 Zoning Districts

4.5.9 B-2 Neighborhood Business District. The purpose of the B-2 District is to provide for retail and personal service uses in locations convenient to residential neighborhoods consistent with comprehensive planning policies. This district is consistent with the Neighborhood Business District in the Comprehensive Plan.

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.
B-1/ B-2	20'	20'	20'	20'	20'	20'	20'	20'	-	-	-	-	-	Type 20 shall consist of a landscaped area a minimum of 20 feet in width, landscaped as an opaque barrier. One large canopy tree (ultimate height 50+ feet) and 2 small ornamental deciduous trees spaced 30 feet on center for every 60 lineal feet of buffer yard. An opaque wall may be substituted for landscape screening.

Present Zoning: R-1C Single Family Residential and B-2 Neighborhood Business

Present Use: Vacant

Future Land Use: Neighborhood Conservation District 1

Surrounding Zoning:
North: B-2 Neighborhood Business
South: R-1C Single Family Residential

June 2024 BOA Item: C
Hattiesburg Public School District, owner, and Hunter Andrews, engineer
Request for: **Zoning Buffer Variance**

East: R-1C Single Family Residential
West: B-2 Neighborhood Business

**Letters or
Concerns stated:**

The Planning Division has not received any letters of concern as of the writing of this report on May 29th, 2024.

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.

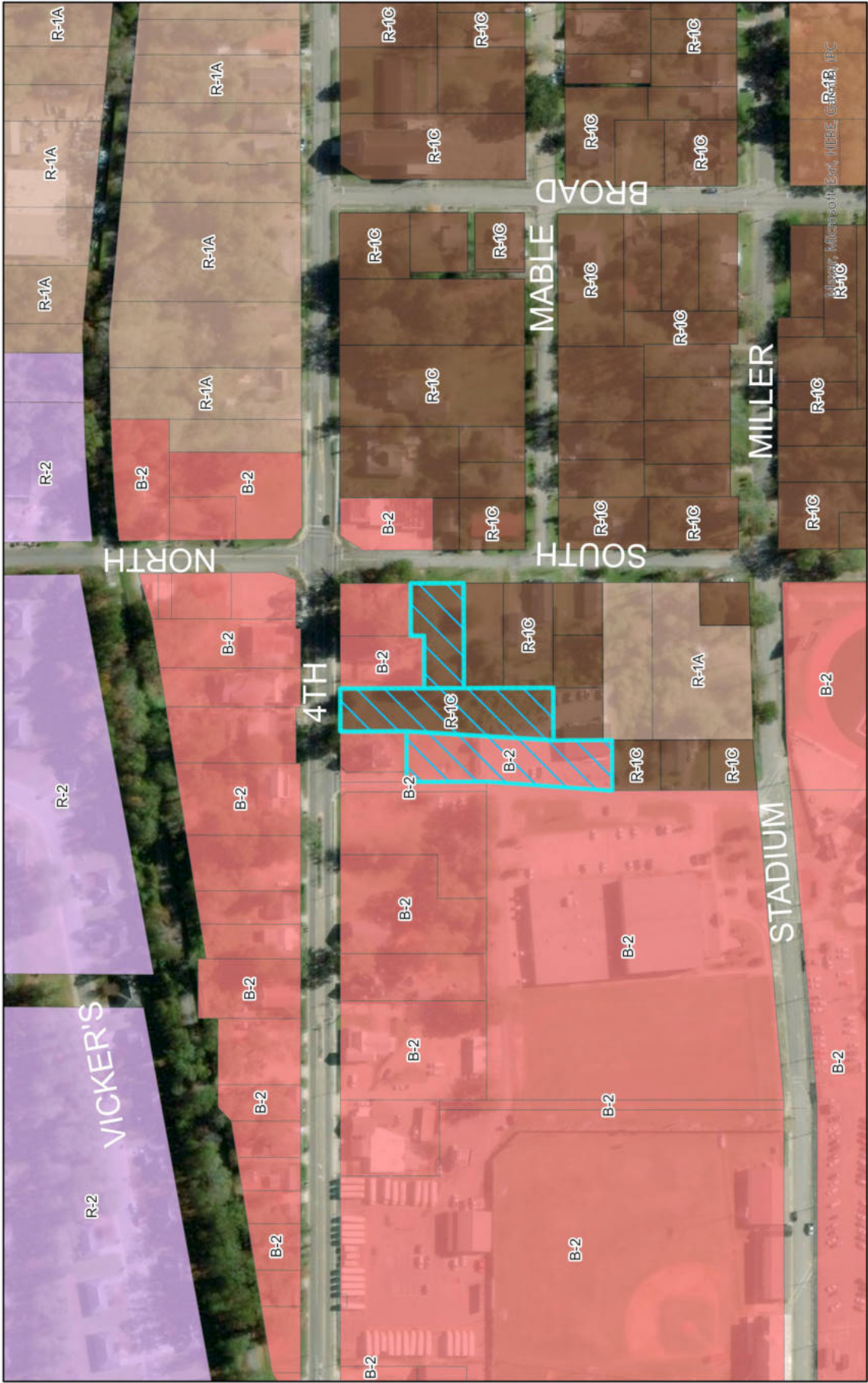
V. Minimum Required. The granting of a variance is the minimum variance that will make possible the reasonable use of the land or structure.

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

Property on South Street / Stadium Drive—Zoning Change Request
Hattiesburg Public School District, owner, and Hunter Andrews, engineer, request a variance from the minimum required zoning buffer of 20 ft for a B-2 (Neighborhood Business) zoned property adjacent to a residentially zoned property to 10 ft. The request is for a property that is bound by South Street to the east, and Stadium Drive to the West. The request is also contingent upon a rezoning request for the property (PPIN 26633,





Zoning Map

- R-1A
- R-1B
- R-1C
- R-2
- B-2
- Subject Property

DISCLAIMER: This map is ONLY FOR REFERENCE. There is NO WARRANTY of the accuracy of data. This information CANNOT be used as a substitute for legal, business, tax or other professional advice. Map Exported on: 5/8/2024 5:35 PM





URBAN DEVELOPMENT
PLANNING DIVISION

Center: 89°18'23"W 31°19'54"N

Stadium Drive
Zoned B-2; R-1C
PPIN: 26632, 26633, & 26636
Flood Zone: X
Ward 4, Forrest County



Zoning Map

-  Neighborhood Business
-  Neighborhood Conservation District 1
-  Subject Property

DISCLAIMER: This map is ONLY FOR REFERENCE. There is NO WARRANTY of the accuracy of data. This information CANNOT be used as a substitute for legal, business, tax or other professional advice. Map Exported on: 5/8/2024 5:36 PM

Stadium Drive
Zoned B-2; R-1C
PPIN: 26632, 26633, & 26636
Flood Zone: X
Ward 4, Forrest County



**URBAN
DEVELOPMENT
PLANNING DIVISION**

Center: 89°18'22"W 31°19'52"N

Site Aerial



— — — Area requested for rezone request for parking lot

Surrounding Area

North of proposed zoning change on W 4th Street, largely zoned B-2

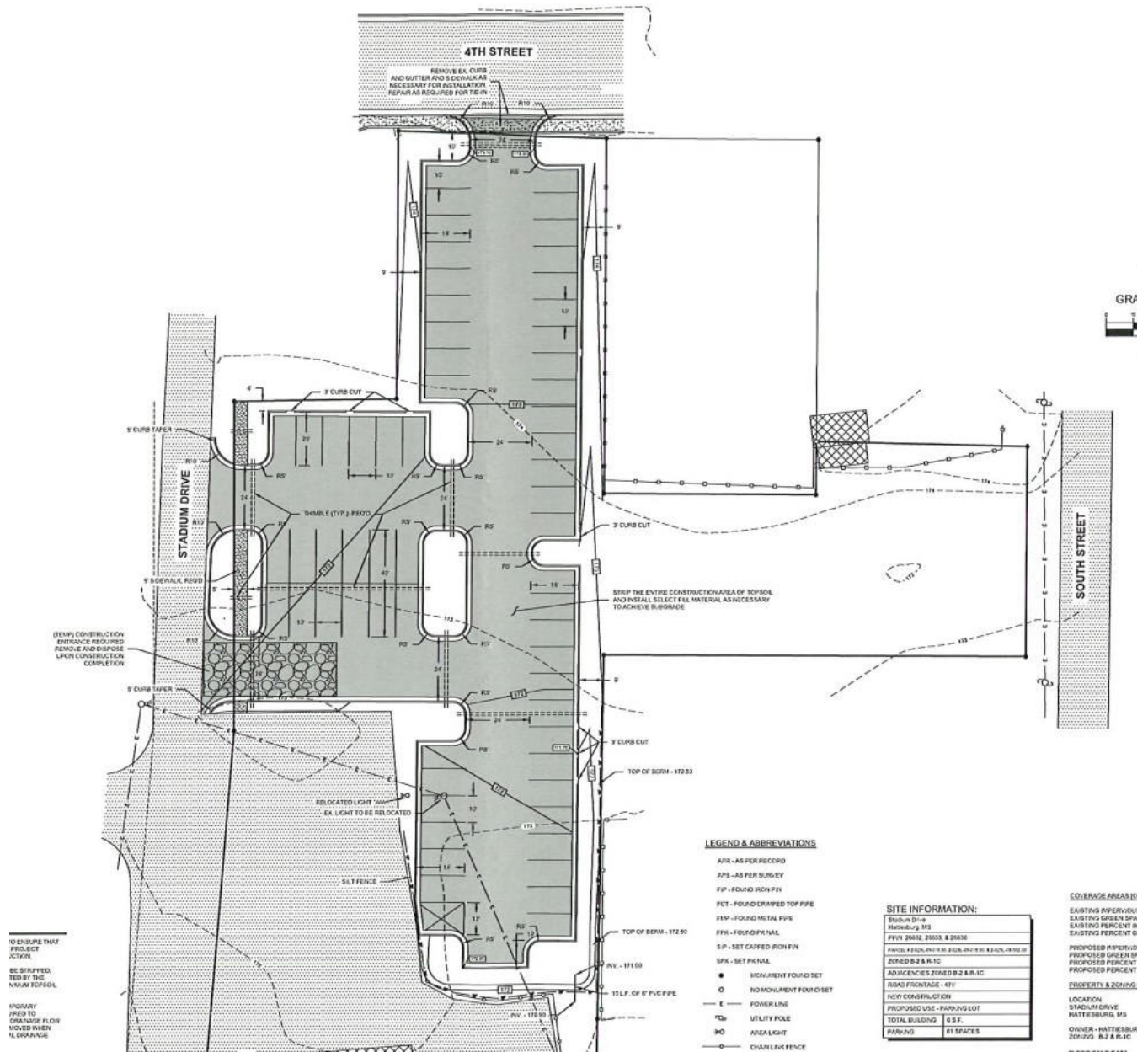


Adjacent Parking lot for Hattiesburg High School, south of the proposed zoning change

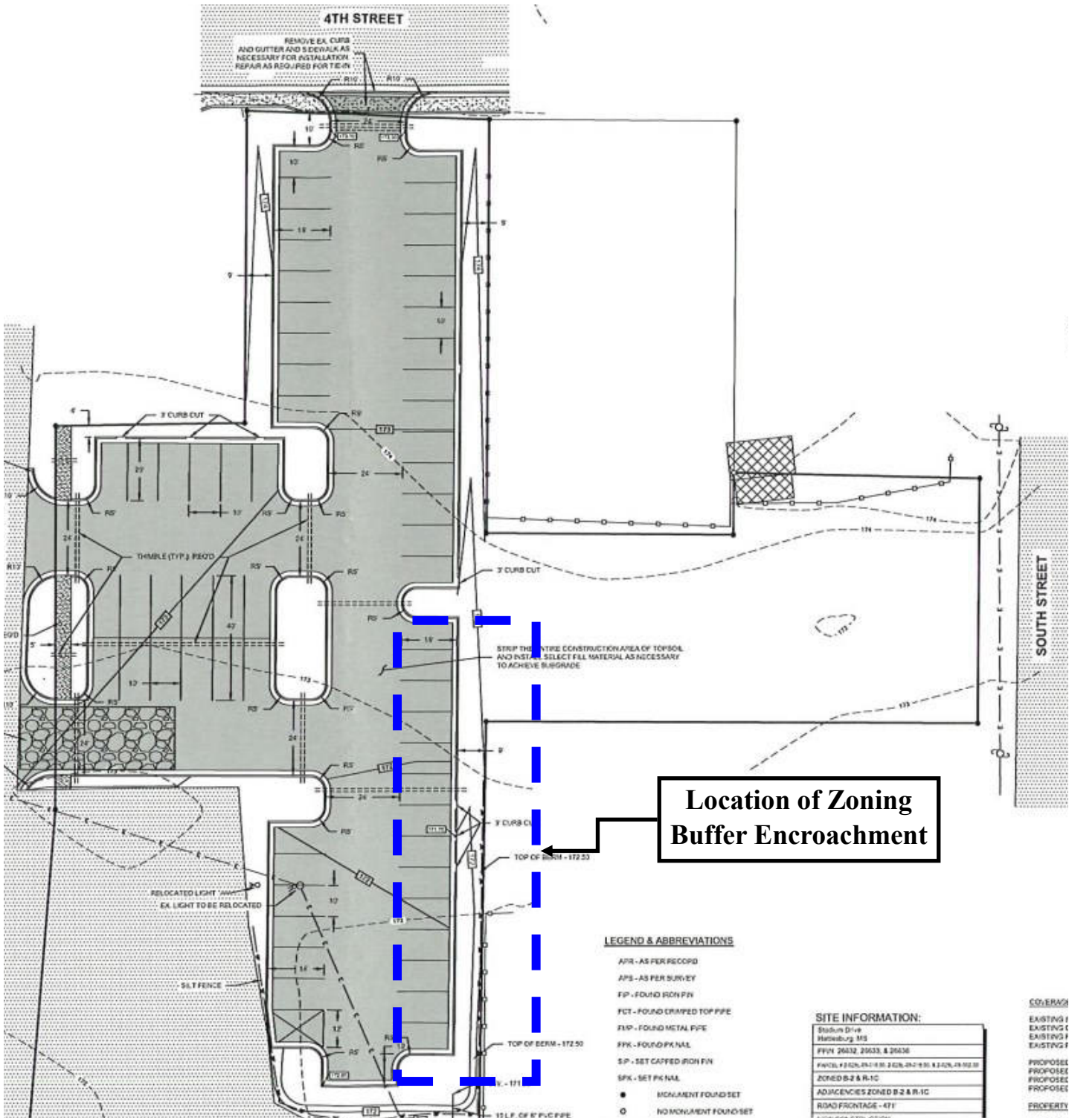


Preliminary Design of Parking Lot

Note: Zoning changes are not bound to site plans and are subject to change



Preliminary Design of Parking Lot





URBAN DEVELOPMENT PLANNING DIVISION

RECEIVED
MAR 25 2024

BY: MS

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: Hattiesburg Public School District

Project Name: Stadium Drive Parking Lot

Proposed Use(s): Parking lot

Project Street Address: Stadium Drive

PPIN Number(s) (if unknown, can be found on tax receipt): 26632, 26633, & 26636

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: <u>10' green strip</u> | ☐ 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: B-2 & R-1C

Proposed Zoning: B-2

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

STAFF USE ONLY – Do Not Complete:

Pre-Application Date: _____ Planner: _____

Parcel Number(s): _____ Historic District(s): _____

Flood Zone(s): _____ Zoning District(s): _____

Project No.: _____

Code Sections:

LDC Section No. _____

Section No. _____

Section No. _____

Section No. _____

Section No. _____

RECIVED DATE & INITIALS:

PROJECT REPRESENTATIVE INFORMATION:**Primary:**Name: Hunter Andrews☐ Applicant ☐ Property Owner ☐ Representative ☐ Agent ☐ Contractor ☐ Architect ☒ Engineer☐ Other (please specify): _____Phone: 601-408-7703 Fax: _____ Email: hunter@andrewsengineering.netMailing Address: P.O. Box 1935**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: _____

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
301 Mamie Street Hattiesburg MS
Street Address City State
on this the 22nd day of March, 2024.

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. N/A

on this the 22nd day of March, 2024.

Hattiesburg Public Schools
Property Owner (print)

[Signature]
Property Owner (signature)

STATE OF Mississippi

COUNTY OF Forrest

Personally came and appeared before me, the within named

Robert L. Williams
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 22nd day of
March, 2024.

[Signature]
NOTARY PUBLIC

My Commission Expires:

12/22/25

Last updated 7/31/2023



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

Street Address _____ City _____ State _____

on this the _____ day of _____, 20____.

Applicant (print)

Applicant (signature)

STATE OF _____

COUNTY OF _____

Personally came and appeared before me, the within named

_____,
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 _____ day of _____, 20____.

NOTARY PUBLIC

My Commission Expires:

PLANNING COMMISSION & BOARD OF ADJUSTMENT – PETITIONER

REQUIRED SUBMITTAL INFORMATION

Deadline for applicant to file petition: _____ 5:00pm (End of business day)

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

Hattiesburg Board of Adjustment Meeting Date: _____ 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): _____ Time: 4:00pm

City Council Meeting (Vote) Date – (you or your representative may attend): _____ 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 \$_____.

**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.

Required Fees

All fees adopted by Ordinance No. 2977, adopted January 22, 2008, as amended. This is an excerpt from that ordinance:

Public Hearing Fees:

Variance (includes Concept Site Plan Review) -----	\$175.00 per application and one Variance request; plus \$50.00 for each additional variance request within same application
Street/Alley Naming or Re-Naming-----	\$300.00 per application, plus \$100.00 per required street name sign if approved* (*Fees for replacement street signs shall be paid after City Council approval, but prior to effective date.)
Street/Alley Closing -----	\$300.00 per application
(Conditional) Use Permit -----	\$200.00 per application
Zoning Change -----	\$400.00 per application*
(*see PUD or PRD & zoning package rate)	
Planned Unit Development (PUD) or Planned Residential Development (PRD), & (Planned Mixed-Use District PMU) -----	\$400.00 per application (*see PUD or PRD zoning package rate) or (**see PUD or PRD & Subdivision of Land package rate)
Planned Unit Development (PUD) or Planned Residential Development (PRD) with zoning change package -----	\$600.00 per package application
Subdivision of Land (Preliminary Plats) -----	\$225.00 per application, plus \$10.00 for each created lot (** see PUD or PRD & Subdivision of Land package rate) Note: Final Plats should be submitted to the governing body for approval within 12 months of approval of preliminary plats.
Planned Unit Development (PUD) or Planned Residential Development with Subdivision of Land Package** -----	\$500.00 per application, plus \$10.00 for each created lot (**see PUD or PRD & Subdivision of Land package rate)
Change in Land Development Code Text -----	\$200.00 per application
Appeal Fees for Proponent or Opponent appeals to City Council -----	\$50.00 per appeal Exempt from fees -- Established Neighborhood Associations
Cancellation/Re-notification fee on any public hearing process (Planning Commission or City Council) that is tabled or cancelled at the owner/developer's Request -----	\$50.00 (per each 100 mailing labels)

OTHER PROCESSES MAY HAVE ADDITIONAL FEES

Make all checks payable to the City of Hattiesburg

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.

Due to the property dimensions and the required parking space and drive isle dimensions, a narrower green space and buffer will be needed to make use of the property.

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

No knowledge of other lands being denied similar requests.

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.

There is a need for additional parking at Hattiesburg High School. Without the requested
variances, the property will not provide adequate parking.

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

Without the requested variances, the property will not provide adequate parking.

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

Only the minimum variances are being requested.

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.

It does not.

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.

FOR CONDITIONAL USE APPLICANTS:

Section 12.3.3.1 Compliance Required. Uses requiring Planning Commission approval as noted in the Tables of Uses in Section 5 of this Code, shall be approved subject to this Section. Any application for such use must comply with: all applicable standards that apply to similar uses and properties in the zoning district in general, the specific conditions listed for that use in Section 5, and the following criteria. Where conflicts exist, the Planning Commission shall determine which criteria apply on a case-by-case basis.

1. Does this application meet the conditions set forth in Section 5 of the LDC for the requested use? If yes, please explain:

2. Describe the effects the proposed use of utilities and facilities will have on the community.

3. Describe how the size of the site is appropriate for the proposed use.

4. Will there be any additional pedestrian or vehicular traffic generated by the proposed use? If yes, please explain:

5. Will there be any elevation in the noise level resulting from this proposed use? If yes, please explain:

6. What is the expected number of customers/employees per day?

7. Is proposed use compatible with surrounding uses and design? If yes, please explain:

8. Parking requirements:

Commercial/Industrial: Paved parking will be provided for _____ vehicles, and _____ ADA vehicles; with _____ loading spaces.

For more information, please reference the Land Development Code Section 12.3.3.2.

FOR RE-ZONING APPLICANTS:

As stated in Section 12.3 in the Land Development Code, one of the following conditions must be met before a rezoning can be recommended. Check the condition(s) most applicable to your request and explain in writing.

☐ There was a mistake in the original zoning.

☒ The character of the neighborhood has changed substantially so that rezoning is clearly justified and there is a public need for the rezoning.

☐ Annexation.

Detailed explanation of condition(s) most applicable to your request:

The surrounding properties are zoned B-2. A B-2 zoning is required for a parking lot.

The parking lot will serve the Hattiesburg Public School District.

Subdividing of Lot, Parcel or Tract Information

1. Property data:

Parent Parcel / Existing lot/parcel/tract contains _____ Square Footage/Acres

Lot Area Requirement: _____

Lot Frontage Requirement: _____

Existing use of lot/parcel/tract _____

To be subdivided into _____ lots/parcels (including parent parcel) – outlined below.

Use extra copies of this form if needed for additional lots.

Newly subdivided Parcels	New lot size in square footage (sf) or acres (A)	New lot has public road frontage (yes / no)	New lot has private road frontage (yes / no)	Indicate name of public or private road(s)	Staff - Lot area & frontage requirements comply?	
					Yes	No
1.						
2.						
3.						
4.						
5.						
6.						
7.						
8.						
9.						
10.						
11.						
12.						
Be sure to include information on the remainder of "existing" lot after splits made – identified as "Parent Parcel"						
Parent Parcel						
		Total square footage of new lots (verify total matches existing parcel prior to splits)				

2. Infrastructure required:

Water/Sewer _____ Gas _____ Electric _____ Telephone _____ Cable _____ Streets _____

Street/Alley Renaming, Closing, or Vacating Information

1. Please indicate specific request(s): ☐ Street ☐ Alley
 ☐ Closing ☐ Vacating ☐ Naming ☐ Re-Naming
2. Current name of street/alley to be named/re-named, vacated, or closed:

3. Proposed name of street/alley to be named or re-named (If applicable):

4. Describe the portion of the street/alley to be renamed, closed, or vacated (use all bounding or intersecting streets/alleys, from and to):

5. Tax Block(s) and Lot(s) involved in closing request

6. Describe existing land use of properties and number of residents affected by renaming the street/alley within 400 feet.

Type of Land Use of adjacent development	Number of properties adjacent to the existing street	Number of property owners adjacent to the existing street	Number of residents affected by the change of address	
Businesses				
Residences				
Apartments				
Churches/Schools				
Other				

Any additional Information: _____

5. Describe the effect the proposed change will have on existing development and the transportation system within the affected area.

6. Have applications for zoning, variance, building permit, or other applications been filed?

_____ Yes _____ No

If yes, provide reference numbers and dates: _____

7. Acknowledgment of property owners affected by the street/alley renaming. Include all names and addresses.

8. Obtain from the City's Engineering Department the legal description of the street/alley or portion thereof to be closed, vacated, named or re-named (need electronic copy)

Attach Acknowledgement of Affected residents/business

As Additional Page(s)

STATE OF MISSISSIPPI

COUNTY OF FORREST

2007 OCT 31 PM 12:14
126726

WARRANTY DEED

FOR AND IN CONSIDERATION of the sum of Ten and 00/100, Dollars
(10.00), and other good and valuable consideration, not herein mentioned, the receipt and
sufficiency of all of which is hereby acknowledged, **ROBERT J. MARTIN**, the grantor
herein, does hereby grant, bargain, sell, convey and warrant unto, **HATTIESBURG
PUBLIC SCHOOL DISTRICT**, the grantee herein, the following described lands,
together with any and all improvements thereon and appurtenances thereunto belonging,
said lands being more particularly described as follows, to-wit:

A Part of the Northeast Quarter of the Northwest Quarter (NE ¼ of NW ¼) of Section Nine (9), Township Four (4) North, Range Thirteen (13) West, in the County of Forrest, State of Mississippi, and more particularly described as follows to wit: Beginning 20 feet West and 142.75 feet South of the Northeast corner of the Northeast Quarter of the Northwest Quarter (NE ¼ of NW ¼) of said Section, Township and Range, and run thence West for Distance of 79.3 feet; thence run South for a distance of 20 feet; thence run West for a distance of 79.3 feet; thence South of a distance of 60 feet; thence run East for a distance of 158.60 feet; thence run North for a distance of 80 feet to the point of beginning.

The above warranty and this conveyance is subject to any and all valid and outstanding oil, gas and other mineral leases, reservations, exceptions and conveyances.

Taxes for the year of 2007 shall be prorated 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 prorated based upon previous years' taxes.

Subject to any covenants, restrictions and easements affecting the subject property which may be of record in the Office of the Chancery Clerk of Forrest County, Mississippi.

Percy Watson
P.O. Box 1767
Hattiesburg 39403

BOOK 1024 PAGE 0283

1

GRANTORS' ADDRESS:

3162 Hwy 49 E.
 Collins, Ms 39482
 PHONE: 601-307-3564

GRANTEE'S ADDRESS

301 Manie Street
 Hattiesburg, MS 39401
 PHONE: (601) 582-5078

WITNESS MY SIGNATURE, on this the 25th day of June, A.D., 2007.

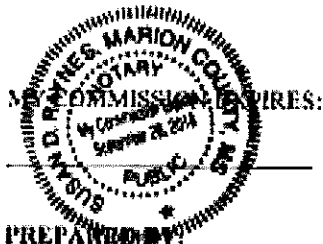

 ROBERT J. MARTIN

STATE OF MISSISSIPPI
 COUNTY OF FORREST

PERSONALLY came and appeared before me, the undersigned authority in and for said county and state, the within named **ROBERT J. MARTIN**, who acknowledged that he signed, executed and delivered the above and foregoing instrument on the day and year therein mentioned as her own voluntary act and deed.

WITNESS MY SIGNATURE AND SEAL, of office on this the 25th day of June, A.D., 2007.


 SUSAN D. PAYNE
 NOTARY PUBLIC



PREPARED BY:
 TSI-TITLE SERVICES, LLC
 7 WOODSTONE PLAZA, SUITE 7
 HATTIESBURG, MISSISSIPPI 39402
 PHONE: 601-264-3500

BOOK 1024 PAGE 0284

**Chancery Clerk Please Index Int A Part of the Northeast Quarter of the Northwest
Quarter (NE ¼ of NW ¼) of Section Nine (9), Township Four (4) North, Range
Thirteen (13) West, in the County of Forrest, State of Mississippi**

BOOK 1024 PAGE 0285

3

Prepared by:
Percy W. Watson, Esq.
Attorney at Law
Post Office Box 1767
Hattiesburg, MS 39403
(601)545-1051
MSB#6994

INDEXING INSTRUCTIONS:
4th Street, Section 9,
T4N R13W
City of Hattiesburg,
Forrest County, Mississippi

Return to:
Percy W. Watson, Esq.
Attorney at Law
Post Office Box 1767
Hattiesburg, MS 39403
(601)545-1051

**STATE OF MISSISSIPPI
COUNTY OF FORREST**

WARRANTY DEED

FOR AND IN CONSIDERATION of the sum of TEN DOLLARS (\$10.00), cash in hand paid
and other good and valuable considerations, the receipt and sufficiency of which is hereby acknowledged,
We,

KEITH MARTIN, BURNEY MARTIN and DONNA GATES
8374 Chickamauga Trail
Shreveport, LA 71107
(318) 550-8623;

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

HATTIESBURG PUBLIC SCHOOL DISTRICT
301 Mamie Street
Hattiesburg, MS 39401
(601) 582-5078 ;

all of our interest, right and title in the following described property lying and being situated in the
County of Forrest, State of Mississippi, and being more particularly described as follows, to-wit:

**Inst. 706650
Bk 1154 Pg 0574**

Begin 30 feet South and 178 $\frac{2}{3}$ feet West of the Northeast corner of the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$; thence South 327.75 feet; thence West 79.3 feet; thence North 327.75 feet to 4th Street, thence East 79.3 feet to beginning; Section 9, Township 4 North, Range 13 West, Forrest County, Mississippi, location being 614 W. 4th Street.

The grantors hereby certify that they are the sole and only heirs at law of Burney W. Martin, who died on May 17, 2009, in Stone County, Mississippi.

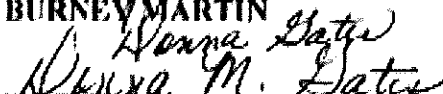
The above warranty and this conveyance is made subject to any and all valid and outstanding oil, gas and mineral leases, exceptions, reservations and conveyances.

The grantors hereby certify that the above described property does not now and has never constituted a part of their homestead.

WITNESS OUR SIGNATURES on this the 3rd day of June, A.D. 2013.


KEITH MARTIN


BURNEY MARTIN

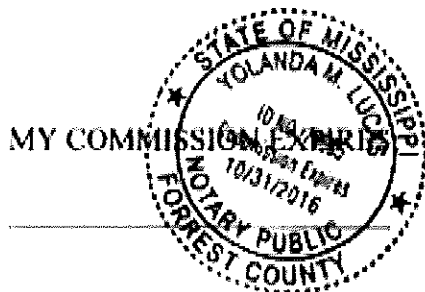

DONNA GATES

Inst. 706650
Bk 1154 Pg 0575

STATE OF MISSISSIPPI
COUNTY OF FORREST

PERSONALLY appeared before me, the undersigned authority in and for said County and State, on this 3rd day of June, 2013, within my jurisdiction, the within named **KEITH MARTIN**, who acknowledged that he signed, executed and delivered the above and foregoing instrument.

SWORN TO AND SUBSCRIBED TO BEFORE ME on this the 3rd day of June, A.D., 2013.

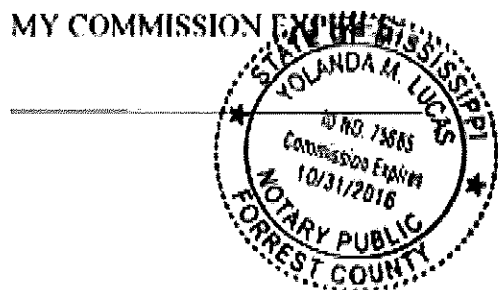


Yolanda M. Lucas
NOTARY PUBLIC

STATE OF MISSISSIPPI
COUNTY OF FORREST

PERSONALLY appeared before me, the undersigned authority in and for said County and State, on this 3rd day of June, 2013, within my jurisdiction, the within named **BURNEY MARTIN**, who acknowledged that he signed, executed and delivered the above and foregoing instrument.

SWORN TO AND SUBSCRIBED TO BEFORE ME on this the 3rd day of June, A.D., 2013.



Yolanda M. Lucas
NOTARY PUBLIC

Inst. 706650
Bk 1154 Pg 0576

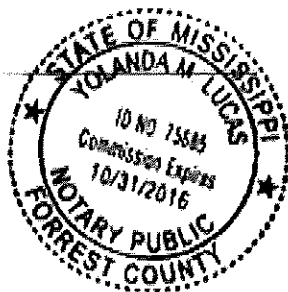
STATE OF MISSISSIPPI
COUNTY OF FORREST

PERSONALLY appeared before me, the undersigned authority in and for said County and State, on this 3rd day of June, 2013, within my jurisdiction, the within named **DONNA GATES** who acknowledged that she signed, executed and delivered the above and foregoing instrument.

SWORN TO AND SUBSCRIBED TO BEFORE ME on this the 3rd day of June, A.D., 2013.

Yolanda M. Lucas
NOTARY PUBLIC

MY COMMISSION EXPIRES:



Inst. 706650
Bk 1154 Pg 0577

LEGAL DESCRIPTION:

A PARCEL OF LAND BEING PART OF THE NE 1/4 OF THE NW 1/4 OF SECTION 9, TOWNSHIP 4 NORTH, RANGE 13 WEST, FORREST COUNTY, MISSISSIPPI, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: (BEARINGS ARE BASED ON GRID NORTH)

COMMENCING AT A METAL PIPE AT THE NW CORNER OF SECTION 9, TOWNSHIP 4 NORTH, RANGE 13 WEST, FORREST COUNTY, MISSISSIPPI; THENCE RUN S89°13'31"E FOR 2417.50' TO A CONCRETE MONUMENT ON THE SOUTHERN RIGHT-OF-WAY OF 4TH STREET FOR THE POINT OF BEGINNING; THENCE RUN S87°54'04"E ALONG SAID RIGHT-OF-WAY FOR 78.20' TO A CAPPED IRON PIN; THENCE RUN S0°09'22"W FOR 132.88' TO A CRIMPED TOP PIPE; THENCE RUN S89°35'11"E FOR 79.24' TO A METAL PIPE; THENCE RUN N0°09'22"E FOR 20.00'; THENCE RUN S88°36'47"E FOR 79.40' TO AN IRON PIN ON THE WESTERN RIGHT-OF-WAY OF SOUTH STREET; THENCE RUN S0°06'52"W ALONG SAID RIGHT-OF-WAY FOR 78.58' TO AN IRON PIN; THENCE RUN N89°45'52"W FOR 158.34' TO A CAPPED IRON PIN; THENCE RUN S0°35'48"W FOR 136.14' TO AN IRON PIN; THENCE RUN S0°35'48"W FOR 75.00' TO A CAPPED IRON PIN; THENCE RUN N89°44'00"W FOR 77.40'; THENCE RUN S0°17'18"W FOR 8.86' TO A PK NAIL; THENCE RUN N89°13'08"W FOR 76.50' TO A PK NAIL ON THE EASTERN RIGHT-OF-WAY OF STADIUM DRIVE; THENCE RUN N4°26'30"E ALONG SAID RIGHT-OF-WAY FOR 190.95' TO A PK NAIL; THENCE RUN N0°10'05"W ALONG SAID RIGHT-OF-WAY FOR 123.31' TO A CAPPED IRON PIN; THENCE RUN N89°09'04"E FOR 60.81' TO A CAPPED IRON PIN; THENCE RUN N0°13'04"E FOR 100.21' BACK TO THE POINT OF BEGINNING; SAID PARCEL CONTAINS 1.45 ACRES MORE OR LESS.

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
301 MAMIE STREET HATTIESBURG MS
Street Address City State
on this the 22 day of MARCH, 2024

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 N/A

on this the 22 day of MARCH, 2024.

Hattiesburg Public Schools
Property Owner (print)

[Signature]
Property Owner (signature)

STATE OF Mississippi
COUNTY OF Forrest

Personally came and appeared before me, the within named

Robert L. Williams
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 22nd day of
March, 2024.

[Signature]
NOTARY PUBLIC

My Commission Expires:

12/22/25

Last updated 7/31/2023





**Board of Adjustment
Case Fact Sheet**

Name of Petitioners: Hastings Puckett, Owner; Ron McMaster and Cole Goza, Engineers

Address of Property: 7128 Highway 49 **Tax Parcel:** 2-012N-23-005.00 **PPIN:** 9237, 9216 **Ward:** 1

Request: **Sidewalk Width Variance**

Purpose of Request: Hastings Puckett, owner, requests 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 7128 US Highway 49, in Forrest County, Ward 2 (PPIN 9237, and 9216).

History / Background: The applicant met with staff in Pre-Application to discuss an expansion of the existing Puckett Rents business on Highway 49. The proposed expansion of their outdoor storage area includes a 9000 sf storage facility. The expansion includes the installation of a gravel surface for the expanded outdoor storage area. Variances for an increased fence height, as well as an expanded outdoor storage area were approved for this site in 2023.

The site plan has met all requirements for approval by the Site and Design Review committee, minus the 5 ft sidewalk required along the public street frontage. Highway 49 is Mississippi Department of Transportation (MDOT) right-of-way. If the variance is approved, it will also need a permit and approval from MDOT for a sidewalk in their right-of-way. A permit has not yet been filed by the applicant to MDOT.

Applicant Summary: See Attached

Applicable Regulations:

SECTION 4 Zoning Districts

4.5.12 B-5 Regional Business District: The purpose of the B-5 District is to provide for retail, personal and business services, offices, and financial services in locations with convenient access to the region's population consistent with comprehensive planning policies. This district is consistent with the Regional Business District in the Comprehensive Plan.

SECTION 7

Table 7.1 Design Standards

7.6.1.1

Sidewalks shall be provided along all public streets on the entire frontage of a development site and align with existing sidewalks on adjacent properties including both frontages on corner lots. The minimum sidewalk width is five feet. Additional width may be required as determined by Site and Design Review.

7.6.1.3

Where sidewalks are not yet present on adjacent sites, sidewalks shall be constructed at least five feet behind the curb to allow for landscaping and street trees. If sidewalks are present on adjacent properties, the new sidewalk shall connect to the existing sidewalk.

Present Zoning:

The parcel is currently zoned B-5 (Regional Business District)

Present Use:

Puckett Rents (Business)

Future Land Use:

Regional Business and Regional Business Corridor

Surrounding Zoning: and Land Use:

North: B-5 Regional Business District
South: B-5 Regional Business District
East: A-1 Agricultural District
West: City Limits

Letters or Concerns stated:

The Planning Division Office has not received any letters or other written communications relative to this case as of May 29th, 2023.

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.

June 2024 BOA Item: D
Hastings Puckett, Owner; Ron McMaster and Cole Goza, Engineers
Request for: **Sidewalk Width Variance**

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.

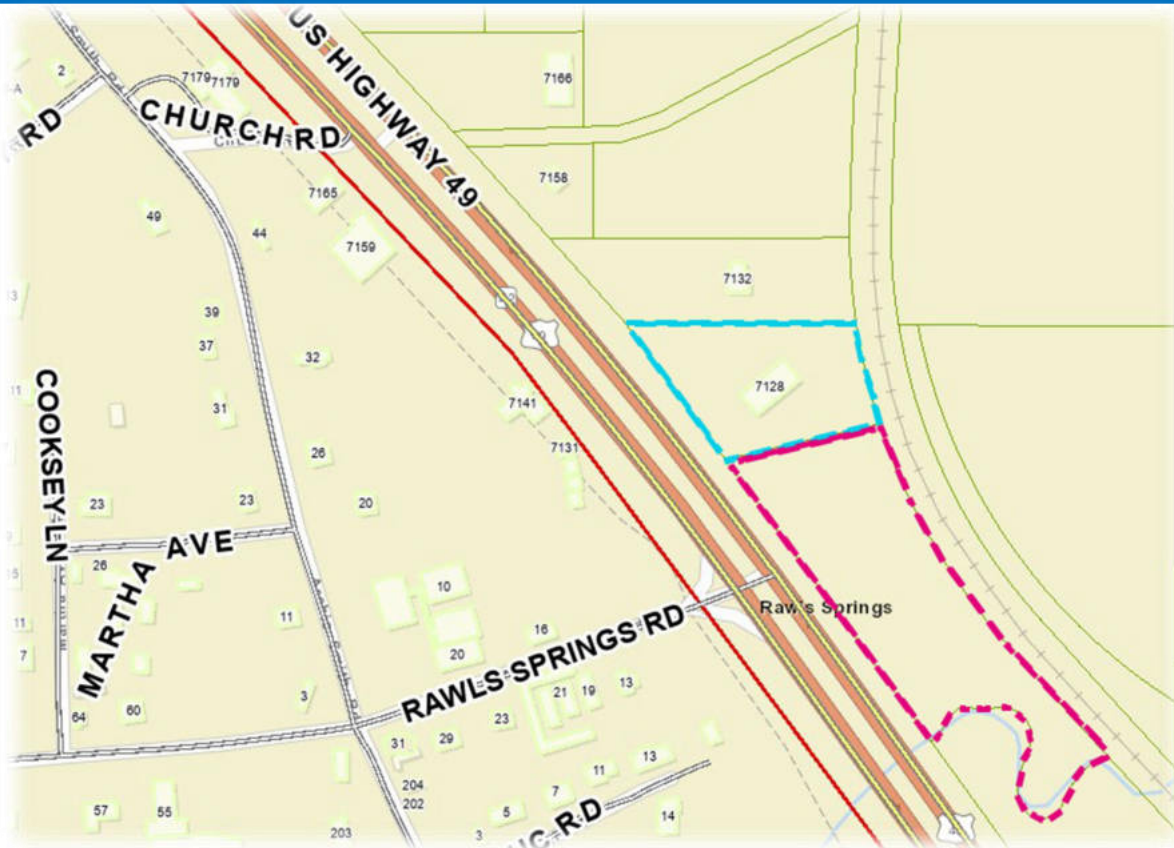
SUBJECT PARCEL

7128 U.S HWY 49 —Sidewalk Width Variance

Hastings Puckett, owner, requests 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 7128 US Highway 49, in Forrest County, Ward 2 (PPIN 9237, and 9216).



Vicinity Map: Ward 1



Zoning: B-5



Site Aerial



Surrounding Area

B-5 Regional Business District and City Limits

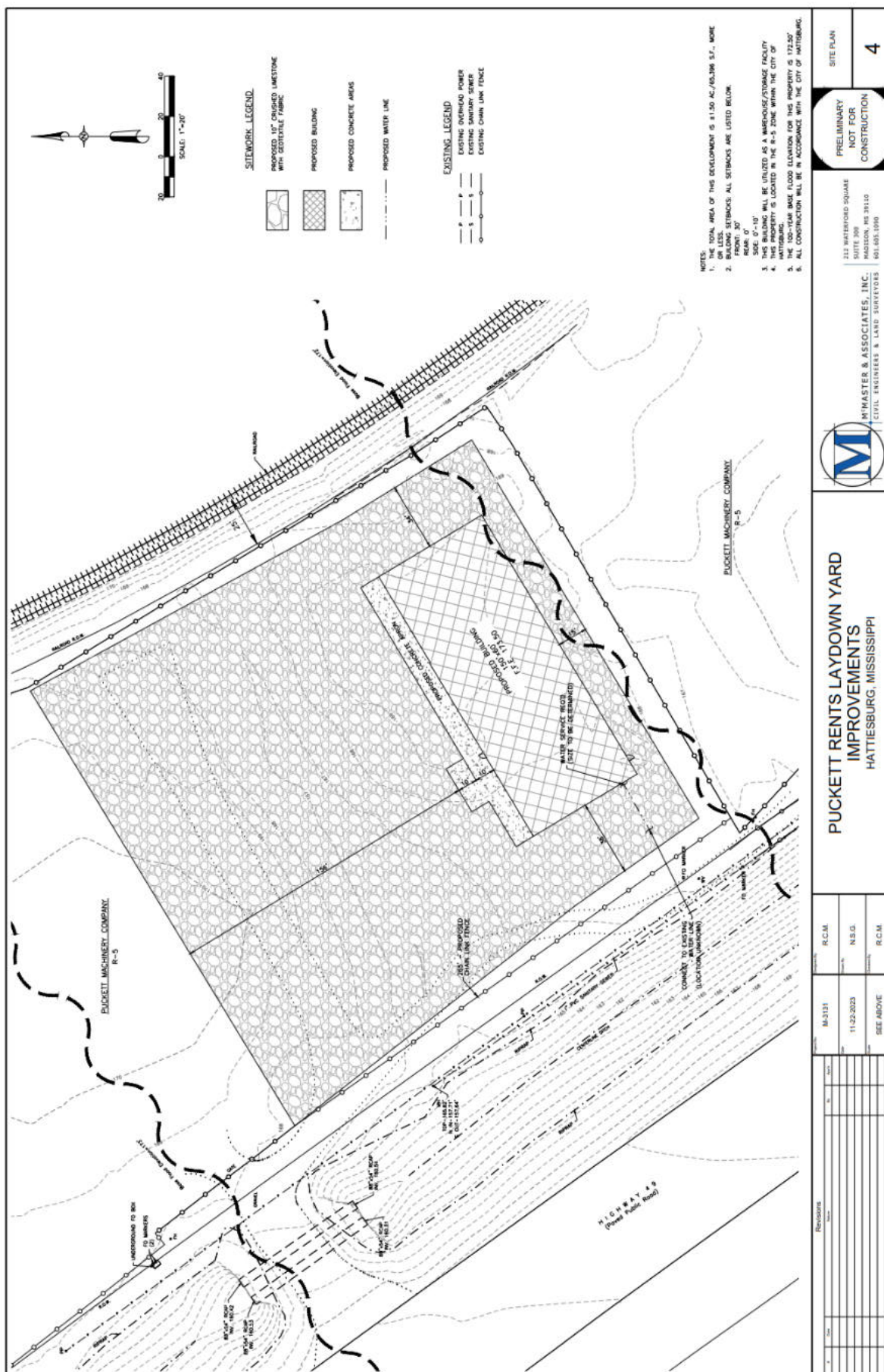


Surrounding Area

B-5 Regional Business District and City Limits



Site Plan





RECEIVED
APR 23 2024

**URBAN
DEVELOPMENT
PLANNING DIVISION**

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: Hastings Puckett
Project Name: Puckett Rents Yard expansion
Proposed Use(s): equipment storage, warehousing
Project Street Address: 7128 VS 49
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 ☐ Open Space

☒ Other: sidewalk Requirement - Requesting no sidewalk

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: _____ Planner: _____
Parcel Number(s): _____ Historic District(s): _____
Flood Zone(s): _____ Zoning District(s): _____

Project No.: _____

Code Sections:

LDC Section No. _____
Section No. _____
Section No. _____
Section No. _____
Section No. _____

RECEIVED DATE & INITIALS:

PROJECT REPRESENTATIVE INFORMATION:**Primary:**

Name: <u>Hastings Puckett</u>		
☒ Applicant	☒ Property Owner	☒ Representative ☐ Agent ☐ Contractor ☐ Architect ☐ Engineer
☐ Other (please specify): _____		
Phone: <u>601 594-6975</u>	Fax: _____	Email: <u>Hastings.Puckett@PuckettMachinery.com</u>
Mailing Address: <u>PO Box 321033</u> <u>Flowood, MS 39232</u>		

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: _____		

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
7128 VS 49 Hattiesburg MS
Street Address City State
on this the 23rd day of April, 2024.

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.

Paul Gregory, Kevin Cochran, Rob Puckett, or Cole Goza

on this the 23rd day of April, 2024.

Hastings Puckett
Property Owner (print)

Hastings Puckett
Property Owner (signature)

STATE OF Mississippi
COUNTY OF Forrest

Personally came and appeared before me, the within named

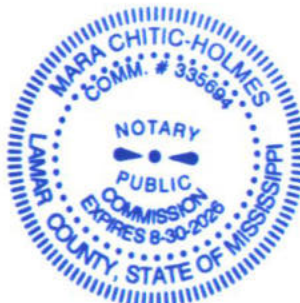
Hastings R. Puckett
who signed and delivered the above and foregoing instrument as and for their free act and deed on
the day and year therein mentioned, and who acknowledge to me that they are the owner(s) of the
subject property as described in this Public Hearing Application.

GIVEN UNDER MY HAND AND OFFICIAL SEAL OF OFFICE, this the 23rd day of
April, 2024.

Mara Chitic - Holmes
NOTARY PUBLIC

My Commission Expires:

8/30/2026



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

7128 US 49 Hattiesburg MS
Street Address City State

on this the 23 day of April, 2024.

Hastings Puckett
Applicant (print)

Hastings Puckett
Applicant (signature)

STATE OF Mississippi
COUNTY OF Forrest

Personally came and appeared before me, the within named

Hastings Puckett
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 23rd day of April, 2024.

Maura Chitic-Holmes
NOTARY PUBLIC

My Commission Expires:

8/30/2026



PLANNING COMMISSION & BOARD OF ADJUSTMENT – PETITIONER REQUIRED SUBMITTAL INFORMATION

Deadline for applicant to file petition: _____ 5:00pm (End of business day)

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

Hattiesburg Board of Adjustment Meeting Date: _____ 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): _____ Time: 4:00pm

City Council Meeting (Vote) Date – (you or your representative may attend): _____ 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 \$_____.

**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.

Required Fees

All fees adopted by Ordinance No. 2977, adopted January 22, 2008, as amended. This is an excerpt from that ordinance:

Public Hearing Fees:

Variance (includes Concept Site Plan Review) -----	\$175.00 per application and one Variance request; plus \$50.00 for each additional variance request within same application
Street/Alley Naming or Re-Naming-----	\$300.00 per application, plus \$100.00 per required street name sign if approved* (*Fees for replacement street signs shall be paid after City Council approval, but prior to effective date.)
Street/Alley Closing -----	\$300.00 per application
(Conditional) Use Permit -----	\$200.00 per application
Zoning Change -----	\$400.00 per application*
(*see PUD or PRD & zoning package rate)	
Planned Unit Development (PUD) or Planned Residential Development (PRD), & (Planned Mixed-Use District PMU) -----	\$400.00 per application (*see PUD or PRD zoning package rate) or (**see PUD or PRD & Subdivision of Land package rate)
Planned Unit Development (PUD) or Planned Residential Development (PRD) with zoning change package -----	\$600.00 per package application
Subdivision of Land (Preliminary Plats) -----	\$225.00 per application, plus \$10.00 for each created lot (** see PUD or PRD & Subdivision of Land package rate) Note: Final Plats should be submitted to the governing body for approval within 12 months of approval of preliminary plats.
Planned Unit Development (PUD) or Planned Residential Development with Subdivision of Land Package** -----	\$500.00 per application, plus \$10.00 for each created lot (**see PUD or PRD & Subdivision of Land package rate)
Change in Land Development Code Text -----	\$200.00 per application
Appeal Fees for Proponent or Opponent appeals to City Council -----	\$50.00 per appeal
Exempt from fees – Established Neighborhood Associations	
Cancellation/Re-notification fee on any public hearing process (Planning Commission or City Council) that is tabled or cancelled at the owner/developer's Request -----	\$50.00 (per each 100 mailing labels)

OTHER PROCESSES MAY HAVE ADDITIONAL FEES

Make all checks payable to the City of Hattiesburg

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.

Installing a sidewalk along Hwy 49 in front of the yard expansion will serve nobody. To the south is a large creek. To the north is our existing property which does not and will not have a sidewalk. Installing further, there are no other sidewalk along us 49 in this area. ^{unnecessary} ~~Prohibit~~ Designing and installing this sidewalk will create an economic hardship on the project.

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 are no other sidewalks along us 49 in this area. Not having a sidewalk would be consistent with this area and not a special privilege

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.

originally
~~The LDC requiring a sidewalk was not intended for the~~
~~side of Mega highways in industrial areas~~

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.

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 ~~The LDC requiring a sidewalk was not originally~~
~~for the side of highways in industrial areas.~~

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.

FOR CONDITIONAL USE APPLICANTS:

Section 12.3.3.1 Compliance Required. Uses requiring Planning Commission approval as noted in the Tables of Uses in Section 5 of this Code, shall be approved subject to this Section. Any application for such use must comply with: all applicable standards that apply to similar uses and properties in the zoning district in general, the specific conditions listed for that use in Section 5, and the following criteria. Where conflicts exist, the Planning Commission shall determine which criteria apply on a case-by-case basis.

1. Does this application meet the conditions set forth in Section 5 of the LDC for the requested use? If yes, please explain:

2. Describe the effects the proposed use of utilities and facilities will have on the community.

3. Describe how the size of the site is appropriate for the proposed use.

4. Will there be any additional pedestrian or vehicular traffic generated by the proposed use? If yes, please explain:

5. Will there be any elevation in the noise level resulting from this proposed use? If yes, please explain:

6. What is the expected number of customers/employees per day?

7. Is proposed use compatible with surrounding uses and design? If yes, please explain:

8. Parking requirements:

Commercial/Industrial: Paved parking will be provided for _____ vehicles, and _____ ADA vehicles; with _____ loading spaces.

For more information, please reference the Land Development Code Section 12.3.3.2.

Subdividing of Lot, Parcel or Tract Information

1. Property data:

Parent Parcel / Existing lot/parcel/tract contains _____ Square Footage/Acres

Lot Area Requirement: _____

Lot Frontage Requirement: _____

Existing use of lot/parcel/tract _____

To be subdivided into _____ lots/parcels (including parent parcel) – outlined below.

Use extra copies of this form if needed for additional lots.

Newly subdivided Parcels	New lot size in square footage (sf) or acres (A)	New lot has public road frontage (yes / no)	New lot has private road frontage (yes / no)	Indicate name of public or private road(s)	Staff - Lot area & frontage requirements comply?	
					Yes	No
1.						
2.						
3.						
4.						
5.						
6.						
7.						
8.						
9.						
10.						
11.						
12.						
Be sure to include information on the remainder of "existing" lot after splits made – identified as "Parent Parcel"						
Parent Parcel						
		Total square footage of new lots (verify total matches existing parcel prior to splits)				

2. Infrastructure required:

Water/Sewer _____ Gas _____ Electric _____ Telephone _____ Cable _____ Streets _____

5. Describe the effect the proposed change will have on existing development and the transportation system within the affected area.

6. Have applications for zoning, variance, building permit, or other applications been filed?

_____ Yes _____ No

If yes, provide reference numbers and dates: _____

7. Acknowledgment of property owners affected by the street/alley renaming. Include all names and addresses.

8. Obtain from the City's Engineering Department the legal description of the street/alley or portion thereof to be closed, vacated, named or re-named (need electronic copy)

Attach Acknowledgement of Affected residents/business

As Additional Page(s)

June 2024 BOA Item: E
Josh Morris, owner, John Anglin, engineer, and Craig Flanagan, representative
Block length Variance



**Planning Commission
Case Fact Sheet**

Names of Petitioners:

Josh Morris, owner, John Anglin, engineer, and Craig Flanagan, representative

Address of Property:

Shadow Ridge Drive

County:

Lamar

PPIN:

24500

Ward:

3

Request:

Block length Variance

Purpose of Request:

John Anglin, engineer, and Craig Flanagan, representative, request a variance from the maximum allowed distance for a local street block length of 800 feet to instead allow for a block length of 1600 feet, for a proposed expansion of the Shadow Ridge Subdivision on a property located on Shadow Ridge Drive (Lamar County, Ward 3, PPIN 24500).

Applicant Summary:

* See Attached *

History / Background:

The petitioner met with staff in Pre-Application to discuss the expansion of the existing subdivision known as "Shadow Ridge" for Phase 3, which includes 51 lots for development, 6 common areas, and 2 detention areas, for a total of 60 parcels. Phase III is 22.7 Acres and is an expansion of the existing Shadow Ridge Subdivision, where Phases I/II have already been platted and filed. New infrastructure will be required for roads, water, sewer, and sidewalks.

The proposed layout for the subdivision will require a variance for the maximum block length of 800' to instead allow for 1600'. Block length requirements encourage improved connectivity with intersections. It also creates more intersections that can help with traffic management.

Phase I was approved in June 1998, prior to annexation into the City of Hattiesburg. Phase II was approved in April of 2017, prior to the adoption of our current Land Development Code (September 2017) and would not have been held to the same standards as of today. The current area being platted was part of the original plan to develop and connect to the existing street network.

June 2024 BOA Item: E
 Josh Morris, owner, John Anglin, engineer, and Craig Flanagan, representative
Block length Variance

Applicable Regulations:

SECTION 4 Zoning Districts Established

R-2, Two Family Residential: 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.

SECTION 8 INFRASTRUCTURE

Land Development Code

SECTION 8 - INFRASTRUCTURE

		
Right-of-Way (feet)	50	As the lowest-order street, the access street usually carries no <u>through traffic</u> . With properly designed access streets without through traffic, travel distances from residences to collector streets are short, traffic speeds are low, lane capacity and design speed are not controlling design factors, and minor delays are inconsequential considerations. Drivers and residents expect and accept both brief delays and the need to decrease speed. ADT = 0 - 250
Number of Travel Lanes	2 lanes	
Parking Lane Width (feet)	0'	
Pavement Width (feet)	24 - 32	
Corner Radius	20'	
Centerline Radius	90'	
Block Length (feet)	800'	
Sidewalk width (minimum)	5'	
Planting Strip Required?	Yes	
Bike Lanes Required?	In conformance with Complete Streets Ordinance	
Street Trees Required?	Yes	

Present Zoning: The undeveloped parcels are currently zoned R-1A Single-Family

June 2024 BOA Item: E
Josh Morris, owner, John Anglin, engineer, and Craig Flanagan, representative
Block length Variance

Residential

Present Use: Vacant / Undeveloped

Future Land Use: 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 May 29th, 2024.

Option:

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

June 2024 BOA Item: E

Josh Morris, owner, John Anglin, engineer, and Craig Flanagan, representative

Block length Variance

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.

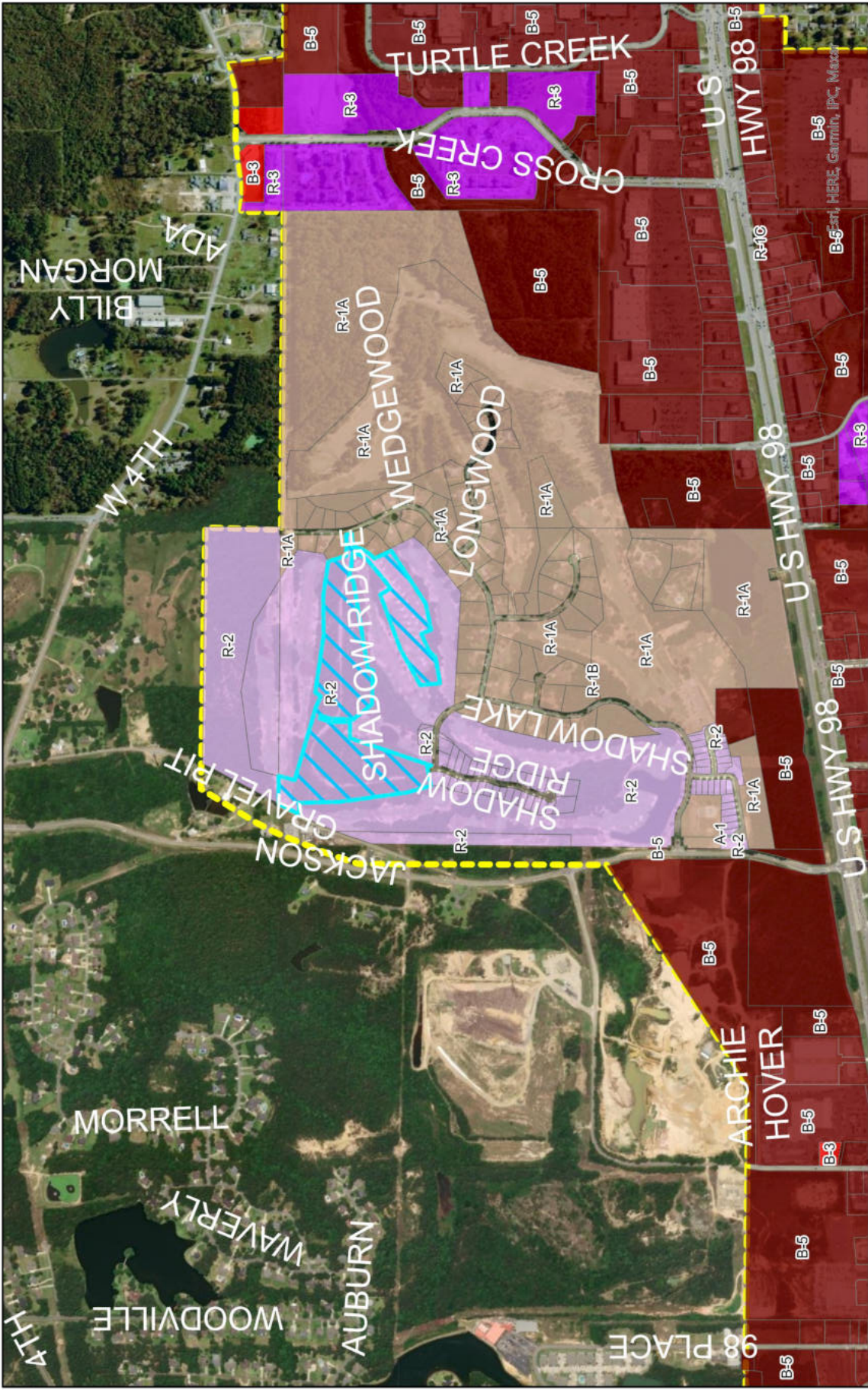
SUBJECT PARCEL

Shadow Ridge Phase III

Josh Morris, owner, John Anglin, engineer, and Craig Flanagan,
representative

John Anglin, engineer, and Craig Flanagan, representative, request a variance from the maximum allowed distance for a local street block length of 800 feet to instead allow for a block length of 1600 feet, for a proposed expansion of the Shadow Ridge Subdivision on a property located on Shadow Ridge Drive (Lamar County, Ward 3, PPIN 24500).





Zoning Map - Legend

- A-1
- R-1A
- R-1B
- R-1C
- R-2
- R-3
- B-3
- B-5

- I-1
- Subject Property

Preliminary Approval for a
Major Subdivision
Shadow ridge, Phase III
PPIN: 24500
Ward 3, Lamar County

0 0.5 Miles

N

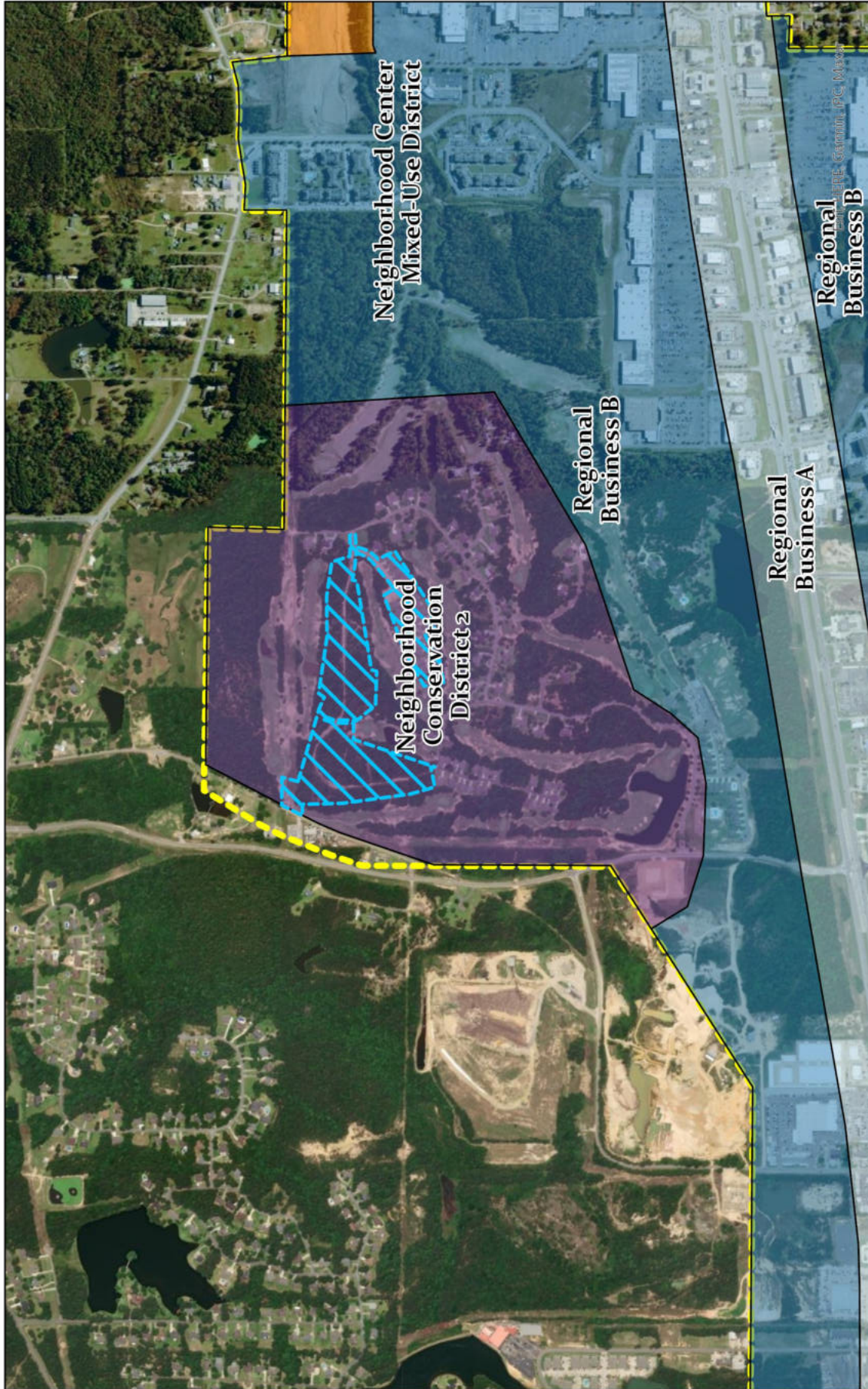
CITY OF KATIESBURG, MISSISSIPPI

URBAN DEVELOPMENT

PLANNING DIVISION

Center: 89°23'42"W 31°19'42"N

DISCLAIMER: This map is ONLY FOR REFERENCE. There is NO WARRANTY of the accuracy of data. This information CANNOT be used as a substitute for legal, business, tax or other professional advice.
Map Exported on: 5/17/2024 3:50 PM



Future Land Use Map - Legend

- Neighborhood Center Mixed-Use District
- Neighborhood Conservation District 2
- Regional Business A
- Regional Business B
- Subject Property

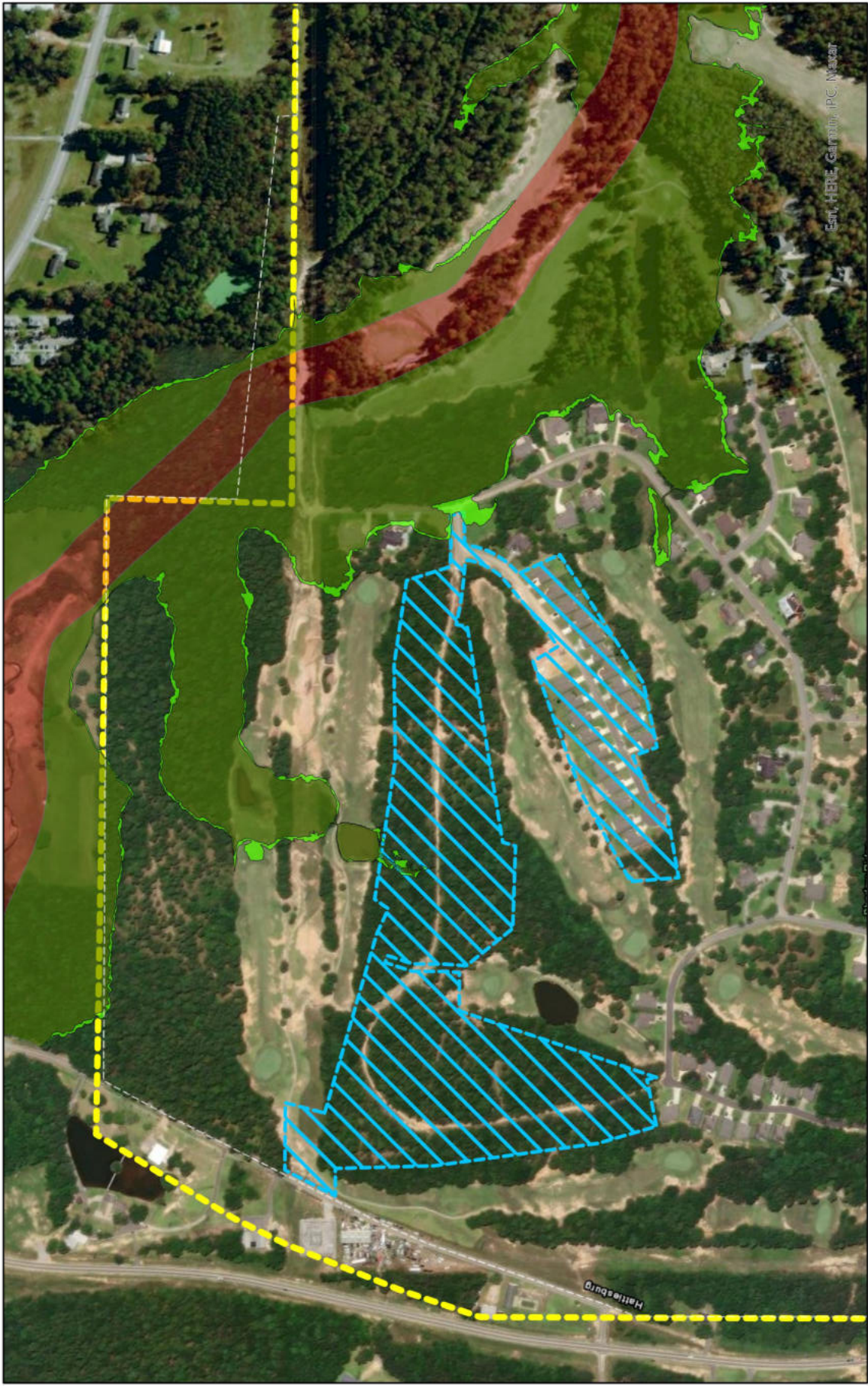
Preliminary Approval for a
Major Subdivision
Shadow ridge, Phase III
PPIN: 24500
Ward 3, Lamar County



**URBAN
DEVELOPMENT**
PLANNING DIVISION

Center: 89°23'42"W 31°19'42"N

DISCLAIMER: This map is ONLY FOR REFERENCE. There is NO WARRANTY of the accuracy of data. This information CANNOT be used as a substitute for legal, business, tax or other professional advice. Map Exported on: 5/17/2024 3:50 PM



Flood Risk Map

- █ FLOODWAY AREA IN ZONE AE
- █ ZONE A (100 yr flood - no elevation)
- █ ZONE AE (100 yr flood w / elevation)
- █ ZONE SX (500 yr flood)
- █ City Boundaries
- █ Subject Property

Preliminary Approval for a
Major Subdivision
Shadow ridge, Phase III
PPIN: 24500
Ward 3, Lamar County



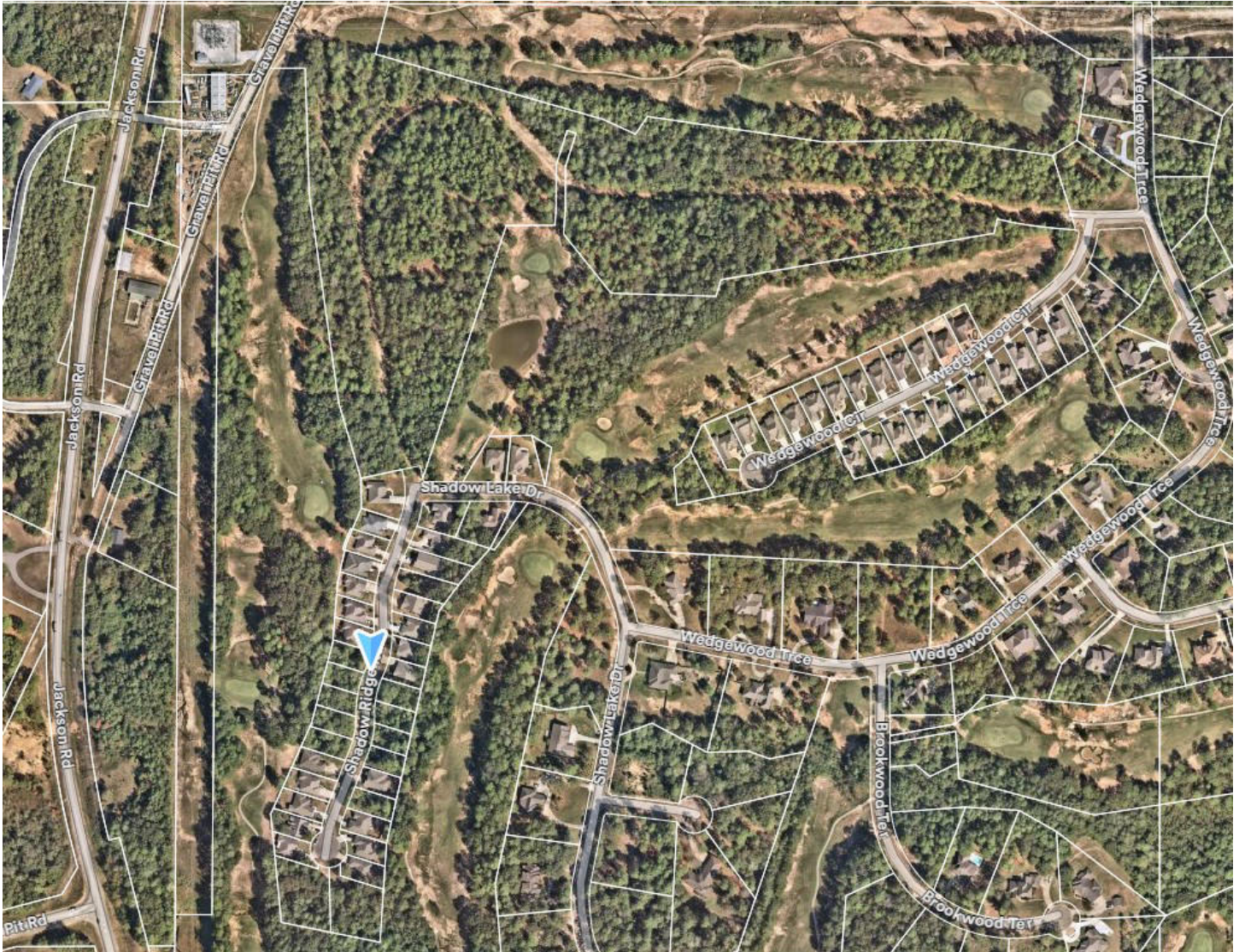
**URBAN
DEVELOPMENT
PLANNING DIVISION**

Center: 89°23'33"W 31°19'50"N

0 0.25 Miles

DISCLAIMER: This map is ONLY FOR REFERENCE. There is NO WARRANTY of the accuracy of data. This information CANNOT be used as a substitute for legal, business, tax or other professional advice. Map Exported on: 5/17/2024 3:47 PM

Site Aerial

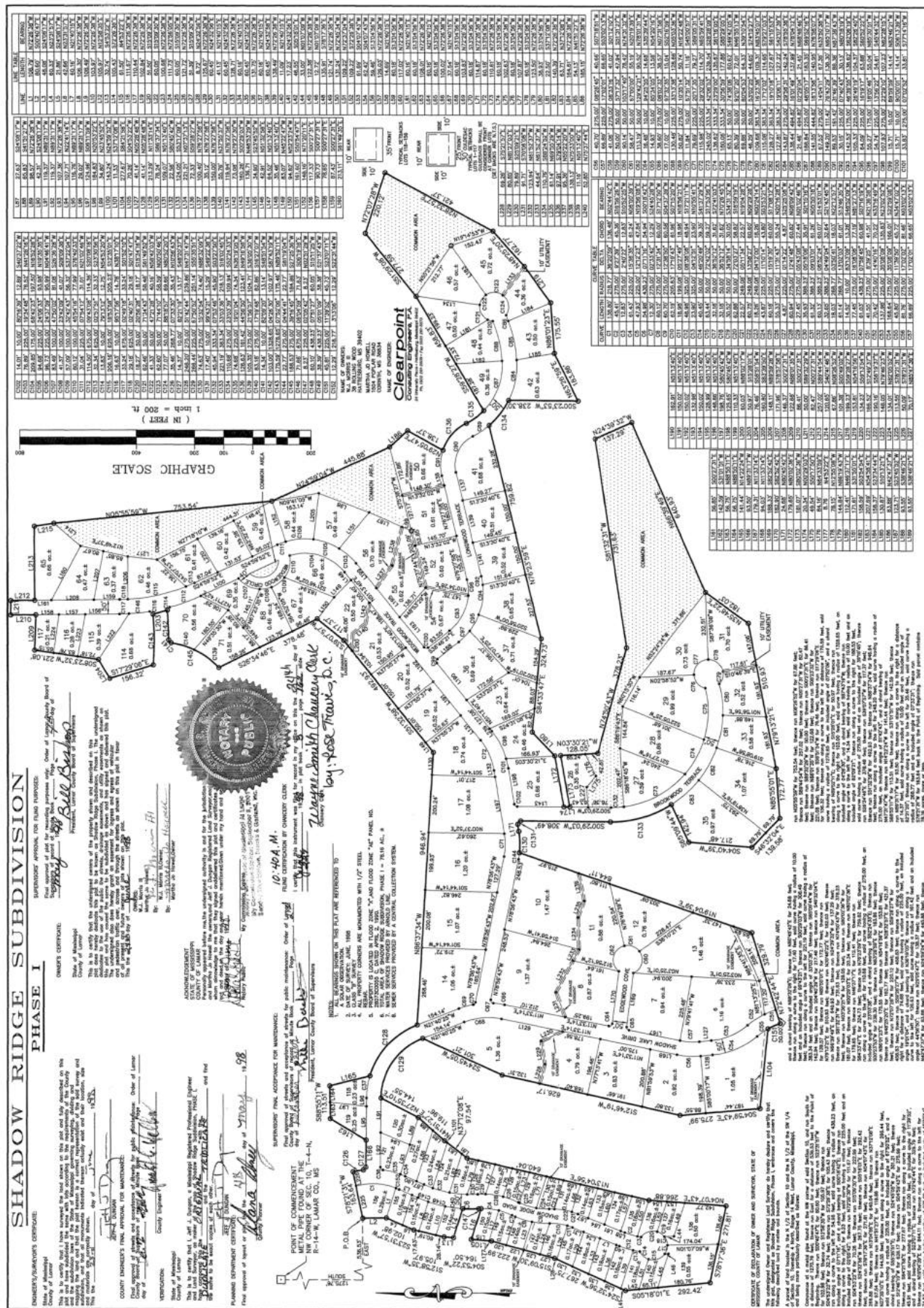


Photos of Subdivision



107 of 123

Phase 1—Approved in 1998





URBAN DEVELOPMENT PLANNING DIVISION

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: Josh Morris

Project Name: Shadow Ridge Phase 3

Proposed Use(s): Subdivision - New phase of residential lots

Project Street Address: Shadow Ridge Dr, Hattiesburg, MS 39402

PPIN Number(s) (if unknown, can be found on tax receipt): 24500

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 |
| | | ☐ Open Space |

☒ Other: 800 ft block length

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: _____ Planner: _____

Parcel Number(s): _____ Historic District(s): _____

Flood Zone(s): _____ Zoning District(s): _____

Project No.: _____

Code Sections:

LDC Section No. _____

Section No. _____

Section No. _____

Section No. _____

Section No. _____

RECIVED DATE & INITIALS:

PROJECT REPRESENTATIVE INFORMATION:

Primary:

Name: <u>John Anglin - Clearpoint Engineers</u>
☐ Applicant ☐ Property Owner ☐ Representative ☐ Agent ☐ Contractor ☐ Architect ☒ Engineer
☐ Other (please specify): _____
Phone: <u>601-261-2609</u> Fax: _____ Email: <u>johna@clearpointengineers.com</u>
Mailing Address: <u>6652 Hwy 98 West, Hattiesburg, MS 39402</u>

Secondary:

Name: <u>Craig Flanagan - Flanagan Construction</u>
☐ Applicant ☐ Property Owner ☒ Representative ☐ Agent ☐ Contractor ☐ Architect ☐ Engineer
☐ Other (please specify): _____
Phone: <u>601-264-3682</u> Fax: _____ Email: <u>craig@flanaganconstruction.com</u>
Mailing Address: <u>36 Power Lane, Hattiesburg, MS 39402</u>

Other(s):

Name: <u>N/A</u>
☐ Applicant ☐ Property Owner ☐ Representative ☐ Agent ☐ Contractor ☐ Architect ☐ Engineer
☐ Other (please specify): _____
Phone: _____ Fax: _____ Email: _____
Mailing Address: _____

Name: <u>N/A</u>
☐ Applicant ☐ Property Owner ☐ Representative ☐ Agent ☐ Contractor ☐ Architect ☐ Engineer
☐ Other (please specify): _____
Phone: _____ Fax: _____ Email: _____
Mailing Address: _____

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
Shadow Ridge Drive Northridge Ms.
Street Address City State
on this the 24th day of April, 2024.

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.

Craig Flanagan, John Anglin
on this the 24th day of April, 2024.

Josh Morris
Property Owner (print)

[Signature]
Property Owner (signature)

STATE OF Ms

COUNTY OF Lamar

Personally came and appeared before me, the within named

Josh Morris
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 24th day of
April, 2024.

Marsha Lynn Lott
NOTARY PUBLIC

My Commission Expires ID # 112918



Last updated 7/31/2023

Page 3 of 14

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
Shadow Ridge Drive, Hattiesburg, Ms.
Street Address City State
on this the 24th day of April, 2024

Josh Morris
Applicant (print)
[Signature]
Applicant (signature)

STATE OF Lamar Ms.
COUNTY OF Lamar

Personally came and appeared before me, the within named Josh Morris
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 24th day of April, 2024.

Marsha Lynn Lott
NOTARY PUBLIC

My Commission Expires



PLANNING COMMISSION & BOARD OF ADJUSTMENT – PETITIONER
REQUIRED SUBMITTAL INFORMATION

Deadline for applicant to file petition: _____ 5:00pm (End of business day)
Hattiesburg Planning Commission Meeting Date: _____ Time: 1:00pm
Hattiesburg Board of Adjustment Meeting Date: _____ 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): _____ Time: 4:00pm
City Council Meeting (Vote) Date – (you or your representative may attend): _____ 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 \$_____.

**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.

Required Fees

All fees adopted by Ordinance No. 2977, adopted January 22, 2008, as amended. This is an excerpt from that ordinance:

Public Hearing Fees:

Variance (includes Concept Site Plan Review) -----	\$175.00 per application and one Variance request; plus \$50.00 for each additional variance request within same application
Street/Alley Naming or Re-Naming-----	\$300.00 per application, plus \$100.00 per required street name sign if approved* (*Fees for replacement street signs shall be paid after City Council approval, but prior to effective date.)
Street/Alley Closing -----	\$300.00 per application
(Conditional) Use Permit -----	\$200.00 per application
Zoning Change -----	\$400.00 per application* (*see PUD or PRD & zoning package rate)
Planned Unit Development (PUD) or Planned Residential Development (PRD), & (Planned Mixed-Use District PMU) -----	\$400.00 per application (*see PUD or PRD zoning package rate) or (**see PUD or PRD & Subdivision of Land package rate)
Planned Unit Development (PUD) or Planned Residential Development (PRD) with zoning change package -----	\$600.00 per package application
Subdivision of Land (Preliminary Plats) -----	\$225.00 per application, plus \$10.00 for each created lot (** see PUD or PRD & Subdivision of Land package rate) Note: Final Plats should be submitted to the governing body for approval within 12 months of approval of preliminary plats.
Planned Unit Development (PUD) or Planned Residential Development with Subdivision of Land Package** -----	\$500.00 per application, plus \$10.00 for each created lot (**see PUD or PRD & Subdivision of Land package rate)
Change in Land Development Code Text -----	\$200.00 per application
Appeal Fees for Proponent or Opponent appeals to City Council -----	\$50.00 per appeal Exempt from fees – Established Neighborhood Associations
Cancellation/Re-notification fee on any public hearing process (Planning Commission or City Council) that is tabled or cancelled at the owner/developer's Request -----	\$50.00 (per each 100 mailing labels)

OTHER PROCESSES MAY HAVE ADDITIONAL FEES

Make all checks payable to the City of Hattiesburg

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.

The size and shape of the subject parcel was established in approximately 1997, well before the property was annexed by the City of Hattiesburg. The parcel is surrounded by the Shadow Ridge Golf Course, and the intent has always been to develop the the property into a residential development. The developer had a masterplan of the subject parcel when the area was annexed into the city. The current proposed project follows that plan, with road location and development intent. The requirement of an 800' Block length is impossible to obtain on the parcel due to the shape and surroundings of the subject parcel. This requirement creates quite a hardship on the landowner.

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

No special privilege will be granted to the parcel with the granting of this variance. Due to the specific size, shape and surrounding property ownership, the variance request is site specific based on these unique circumstances.

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.

If the literal interpretation of the code is enforced, the property owner cannot use his property for the intended and best use for additional residential lots. The property cannot be developed into residential lots that meet the existing 800' block length requirement.

4. **Reasonable Use.** The applicant cannot make reasonable use of the property without the requested variance. Based on the 800' Block length requirement, the subject property cannot be developed into residential lots and the applicant cannot make reasonable use of the subject property. A masterplan of the subject property has existed since 1997 prior to City Annexation. The main road that will be used to access the proposed lots was installed in approximately 1997 for the future phase of the subdivision. The base location of this road will be used for the proposed development and is the reasonable access point for the proposed lots. The applicant does not own adjacent property that could be developed into residential lots thus no intersecting streets can be constructed to meet the 800' block length requirement.

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

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.

The granting of this variance will not conflict with the purposes and intent implied in the LDC. The intent of the 800' block length requirement was to ensure new developments have intersecting streets at intervals.

Shadow Ridge subdivision is an existing master-planned subdivision with the Shadow Ridge Golf Course surrounding the parcel. The development will have access points on both ends of the development and will meet the purpose of the LDC.

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.

FOR CONDITIONAL USE APPLICANTS:

Section 12.3.3.1 Compliance Required. Uses requiring Planning Commission approval as noted in the Tables of Uses in Section 5 of this Code, shall be approved subject to this Section. Any application for such use must comply with: all applicable standards that apply to similar uses and properties in the zoning district in general, the specific conditions listed for that use in Section 5, and the following criteria. Where conflicts exist, the Planning Commission shall determine which criteria apply on a case-by-case basis.

1. Does this application meet the conditions set forth in Section 5 of the LDC for the requested use? If yes, please explain:

2. Describe the effects the proposed use of utilities and facilities will have on the community.

3. Describe how the size of the site is appropriate for the proposed use.

4. Will there be any additional pedestrian or vehicular traffic generated by the proposed use? If yes, please explain:

5. Will there be any elevation in the noise level resulting from this proposed use? If yes, please explain:

6. What is the expected number of customers/employees per day?

7. Is proposed use compatible with surrounding uses and design? If yes, please explain:

8. Parking requirements:

Commercial/Industrial: Paved parking will be provided for _____ vehicles, and _____ ADA vehicles; with _____ loading spaces.

For more information, please reference the Land Development Code Section 12.3.3.2.

FOR RE-ZONING APPLICANTS:

As stated in Section 12.3 in the Land Development Code, one of the following conditions must be met before a rezoning can be recommended. Check the condition(s) most applicable to your request and explain in writing.

- ☐ There was a mistake in the original zoning.
- ☐ The character of the neighborhood has changed substantially so that rezoning is clearly justified and there is a public need for the rezoning.
- ☐ Annexation.

Detailed explanation of condition(s) most applicable to your request:

This image shows a single sheet of white paper with horizontal blue ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

Subdividing of Lot, Parcel or Tract Information

1. Property data:
- Parent Parcel / Existing** lot/parcel/tract contains 22.7 Square-Footage/Acres
- Lot Area Requirement: 4000 sq ft
- Lot Frontage Requirement: 40 ft at setback
- Existing use of lot/parcel/tract Undeveloped
- To be subdivided into 54 lots/parcels (including parent parcel) – outlined below.

Use extra copies of this form if needed for additional lots.

Newly subdivided Parcels	New lot size in square footage (sf) or acres (A)	New lot has public road frontage (yes / no)	New lot has private road frontage (yes / no)	Indicate name of public or private road(s)	Staff - Lot area & frontage requirements comply?	
					Yes	No
1.		SEE ATTACHED PLAT				
2.						
3.						
4.						
5.						
6.						
7.						
8.						
9.						
10.						
11.						
12.						
Be sure to include information on the remainder of “existing” lot after splits made – identified as “Parent Parcel”						
Parent Parcel						
		Total square footage of new lots (verify total matches existing parcel prior to splits)				

2. Infrastructure required:
- Water/Sewer _____ Gas _____ Electric _____ Telephone _____ Cable _____ Streets _____

Street/Alley Renaming, Closing, or Vacating Information

1. Please indicate specific request(s): ☐ Street ☐ Alley
 ☐ Closing ☐ Vacating ☐ Naming ☐ Re-Naming
2. Current name of street/alley to be named/re-named, vacated, or closed:

3. Proposed name of street/alley to be named or re-named (If applicable):

4. Describe the portion of the street/alley to be renamed, closed, or vacated (use all bounding or intersecting streets/alleys, from and to):

5. Tax Block(s) and Lot(s) involved in closing request

6. Describe existing land use of properties and number of residents affected by renaming the street/alley within 400 feet.

Type of Land Use of adjacent development	Number of properties adjacent to the existing street	Number of property owners adjacent to the existing street	Number of residents affected by the change of address	
Businesses				
Residences				
Apartments				
Churches/Schools				
Other				

Any additional Information: _____

5. Describe the effect the proposed change will have on existing development and the transportation system within the affected area.

6. Have applications for zoning, variance, building permit, or other applications been filed?

_____ Yes _____ No

If yes, provide reference numbers and dates: _____

7. Acknowledgment of property owners affected by the street/alley renaming. Include all names and addresses.

8. Obtain from the City's Engineering Department the legal description of the street/alley or portion thereof to be closed, vacated, named or re-named (need electronic copy)

Attach Acknowledgement of Affected residents/business

As Additional Page(s)