



URBAN DEVELOPMENT

PLANNING DIVISION

BOARD OF ADJUSTMENT

PUBLIC HEARING STAFF REPORTS

November 6th, 2024

Board of Adjustment Agenda
Jackie Dole Sherrill Community Center (Dining Room)
220 W Front Street at 3:30 PM
November 6, 2024

I. Business Meeting

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

II. Public Hearing

1. Presentation of Petitions for Public Hearing
 - A. **Landscaping Variances-** Merchants & Marine Bank, Property Owner, Thomas H Eaves, Representative/Architect, and Rion Snowdon, Architect, request a variance from the requirement of one large, shade or canopy tree per parking island (LDC 7.10.10.2) to allow for 0 in four separate landscape islands, and request a variance from the requirement of one tree per 60 feet of lineal frontage (LDC 7.10.11.1) to allow for 0 at a property located at 4607 Hardy Street (PPIN 21451, Ward 4, Lamar County).
 - B. **Setback Variance-** David Lawson, Property Owner, Shelby Murray, Applicant/Engineer, and Forrest Dungan, Applicant, request a variance from the requirement of a 40ft maximum and minimum setback in an I-1 zoning to allow for a front setback up to 150ft at a property located at 2100 McInnis Loop (PPIN 38592, 47444, Ward 5, Forrest County).
 - C. **Sign Variances-** Forrest General Hospital, Property Owner, and Dustin Gatlin, Representative, request a variance from the maximum sign area (per sign) of 64sqft for an EM-9 zoned property to allow for 537sqft, a variance from the height maximum of 10ft for an EM-9 zoned property to allow for 43ft, and a variance from the depth maximum of 2ft for an EM-9 zoned property to allow for 3ft at a property located at 6051 US Hwy 49 (PPIN 16698, Ward 4, Forrest County).
 - D. **Sign Variances-** Forrest General Hospital, Property Owner, and Dustin Gatlin, Representative, request a variance from the maximum sign area (per sign) of 64sqft for an EM-9 zoned property to allow for 800sqft, a variance from the height maximum of 10ft for an EM-9 zoned property to allow for 24.5ft, and a variance from the depth maximum of 2ft for an EM-9 zoned property to allow for 10ft at a property located at 6051 US Hwy 49 (PPIN 16706, Ward 4, Forrest County).
 - E. **Sign Variances-** Forrest General Hospital, Property Owner, and Dustin Gatlin, Representative, request a variance from the maximum sign area (per sign) of 64sqft for an EM-9 zoned property to allow for 800sqft, a variance from the height maximum of 10ft for an EM-9 zoned property to allow for 24.5ft, and a variance from the depth maximum of 2ft for an EM-9 zoned property to allow for 10ft at a property located at 6051 US Hwy 49 (PPIN

20865) Ward 4, Forrest County).

F. **Curb Cut, Parking Requirement, Green Space, and Impervious Surface Variances-**

Alfredo Sandoval, Property Owner, and Rion Snowdon, Architect, request a variance from the requirement of 75ft between curb cuts in a B-3 zoned property to allow for a 64ft curb cut (LDC 7.5.2.1), a variance from the requirement of 48 parking spaces in a B-3 zoned property to instead allow for only 30 parking spaces (LDC 7.12.3.1), a variance from the requirement of 10ft of green space to instead allow for 8ft of green space, and a variance from the maximum allowable impervious surface of 80% in a B-3 zoned property to instead allow for 88.7% of impervious surface at a property located at 1129 and 1131 Hardy Street (PPIN 14679, 14680, Ward 4, Forrest County).

G. **Storage Area and Sidewalk Variance Request-** Michael Myrick, Owner, and Scott Pipkins, Applicant/Contractor, request a variance from the maximum outdoor equipment storage area of 50% (LDC 7.12.10.4), and a request for a variance from the requirement for 5 foot sidewalks along public streets on the street frontage (LDC 7.6.1.1) at a property located at 313 E 3rd Street (PPIN 15708, Ward 4, Forrest County).

III. **Other Business**

IV. **Adjournment**

**MINUTES OF THE
REGULAR MEETING OF THE
BOARD OF ADJUSTMENT
October 2nd, 2024**

Board Members Roll Call:

Members Present:

1. Bernard Green, Vice Chair
2. Jessica Cathey, Secretary
3. Shawn Harris, Chair
4. Brandon E. Williams
5. Eric Boney
6. Herman Dungan
7. James Trussell
8. Stacey Ready

Members Absent:

1. Richard Conville
2. James Hughes
3. John Eye

Staff Present:

1. Cory Long, Planning Manager
2. Nathan Satcher, Senior Planner
3. David Miller, Esq.
4. Jim Gladden, Esq.
5. Wiley Quinn, Director of Urban Development
6. Meridian McDaniel, Planner I

Chair Harris declared the Board of Adjustment meeting open and in session at 3:37p.m.

AGENDA REVIEW

A motion was made to accept the agenda.

Motion:

Made by Brandon E.J. Williams to approve the agenda

Second:

Made by Stacey C. Ready

Vote:

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

MINUTES REVIEW

The minutes from September were discussed and no changes were made.

Motion:

Made by Stacey Ready.

Second:

Made by Jessica Cathey.

Vote:

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

PLANNING REPORT

The Planning Division staff gave a report. Updated Board of Adjustment on previous month's cases at City Council—tabling of 532 Cox Street and Appeal of Toyota Flagpole. Also updated the Board on HPC in November will have the first draft of the Right off Broadway plan. MDOT

multi-plan community meeting on Thursday 10/3 at the Train Depot from 4-6 pm. Saturday safety event with the city at Vernon Dahmer Park.

Moment of silence and acknowledgment for Dr. Conville and his family. The memorial service is 2 pm on Sunday at University Baptist Church.

CHAIR'S REPORT

No report from the chair.

INTRODUCTIONS

Board of Adjustment members and Staff introduced themselves.

Item A: Michael Myrick, Owner, and Scott Pipkins, Applicant/Contractor, request a variance from the maximum outdoor equipment storage area of 50% (LDC 7.12.10.4), and a request for a variance from the requirement for 5 foot sidewalks along public streets on the street frontage (LDC 7.6.1.1) at a property located at 313 E 3rd Street (PPIN 15708, Ward 4, Forrest County).

Discussion and Vote:

Applicant is not able to be present and requested the item to be tabled to the November Meeting.

Presented by:

1. None

Proponents:

1. None

Opponents:

1. None

Motion:

Brandon E.J. Williams motioned to table the request.

Second:

Made by James Trussell.

Vote:

Board Member	Yea	Nay	Other
John Eye			ABSENT
Richard Conville			ABSENT
Bernard Green	X		
Shawn Harris	X		
Brandon Williams	X		

Stacey Ready	X		
Eric Boney	X		
Herman Dungan	X		
James Trussell	X		
James Hughes			ABSENT
Jessica Cathy	X		

Item B: William Carey University, Owner, and Robert Brant Johnson, applicant, request a variance from the maximum height of fences from 4 ft for a R-3 zoned property to instead allow for a 6 ft fence at a property located at 200 Magnolia Avenue (PPIN 13684, Ward 5, Forrest County).

Discussion and Vote:

Staff introduced the case. Brant Johnson and Bob Blevins presented on behalf of the application.

Presented by:

1. Brant Johnson
2. Bob Blevins

Proponents:

1. None

Opponents:

1. None

Motion:

Bernard Greene motioned to approve the variance (basis 2 and 4).

Second:

Made by Jessica Cathey

Vote:

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

Motion to approve the variance passes 6-0 with 2 abstentions.

OTHER BUSINESS

- Nominating Committee
 - o Considering slate of officers
 - o Motion to create nominating committee made by Bernard Green and seconded by Dungan.
 - Committee Members:
 - Brandon EJ Williams, chair
 - James Trussell
 - Jessica Cathey
 - All in favor. Motion carries.

Adjournment:

The meeting was adjourned at 4:23 p.m.

Motion:

Made by Brandon EJ Williams

Second:

Made by Bernard Green

Vote:

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

Jessica Cathey, Secretary

Cory Long, AICP, Planning Division Manager



**URBAN
DEVELOPMENT
PLANNING DIVISION**

**Board of Adjustment
Case Fact Sheet**

Names of Petitioner: Merchants & Marine Bank, Property Owner, Thomas H Eaves, Representative/Architect, and Rion Snowdon, Architect

Address of Property:
4607 Hardy Street

Tax Parcels
051Q-12-001.000

PPIN:
21451

Ward:
3

Request: Variance Request for the maximum outdoor equipment storage area.

Purpose of Request: Merchants & Marine Bank, Property Owner, Thomas H Eaves, Representative/Architect, and Rion Snowdon, Architect, request a variance from the requirement of one large, shade or canopy tree per parking island (LDC 7.10.10.2) to allow for 0, and request a variance from the requirement of one tree per 60 feet of lineal frontage (LDC 7.10.11.1) to allow for 0 at a property located at 4607 Hardy Street (PPIN 21451, Ward 4, Lamar County).

History / Background: The property was rezoned in December of 2021 from I-1 to B-5. A variance was granted in December of 2021 to allow for a minimum setback of 10ft along Coco Cola Avenue. Merchants and Marine Bank completed their construction in 2023.

Staff recently completed a post-construction inspection for a Certificate of Occupancy (CO) and found that the trees along the front of the property, which were in their approved site plan, had not been planted along the frontage. It was also found that small trees were planted in the landscape islands rather than the large trees that were on their approved site plan. A CO is a document issued by the Building Division, certifying the building's compliance with applicable building codes, zoning regulations, and other relevant laws. It is

required before a building can be occupied safely for its intended use.

The building has been issued a temporary certificate of occupancy (TCO), which can be issued in scenarios like this, where all safety requirements have been met for the intended use of the property, but certain aesthetic or design aspects are still pending completion. The issuance of a TCO is at the discretion of the building official and fire marshal. The final CO can be issued once the property has received relief from the code through a variance, or by placing the trees approved by the site and design review committee.

Applicant Summary: Please reference the public hearing application for the applicant summary.

Applicable Regulations:

SECTION 4 Zoning Districts Established

4.5.12 B-5 Regional Business District: The purpose of the B-5 District is to provide 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 Design Standards

7.10 Landscaping

7.10.10.2 Parking lot islands shall contain a minimum of one large, shade or canopy tree per island. Parking islands directly abutting buildings shall substitute shrub plantings

7.10.11.1 A green strip 10 feet in width shall be planted with at least one large, deciduous tree per 60 feet of lineal frontage.

Present Zoning: The property is currently zoned B-5 (Regional Business District).

November 2024 BOA Item: A
Landscaping Variance Request
Merchants & Marine Bank, Property Owner, Thomas H Eaves, Representative/Architect, and Rion
Snowdon, Architect

Present Use: Merchants & Marine Bank

Future Land Use: Regional Business Corridor

**Surrounding Zoning
and Land Use:** North: I-1 Light Industrial
South: B-5 Regional Business
East: I-1 Light Industrial
West: I-1 Light Industrial

**Letters or
Concerns stated:** The Planning Division Office has received no calls or letters of
concern as of finalizing this report.

Option: Recommend **approval or denial** of the variance from the
requirement of one large, shade or canopy tree per parking
island (LDC 7.10.10.2) to allow for 0 at a property located at
4607 Hardy Street (PPIN 21451, Ward 4, Lamar County).

Recommend **approval or denial** of the variance from the
requirement of one tree per 60 feet of lineal frontage (LDC
7.10.11.1) to allow for 0 at a property located at 4607 Hardy
Street (PPIN 21451, Ward 4, Lamar County).

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

November 2024 BOA Item: A
Landscaping Variance Request

Merchants & Marine Bank, Property Owner, Thomas H Eaves, Representative/Architect, and Rion
Snowdon, Architect

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.

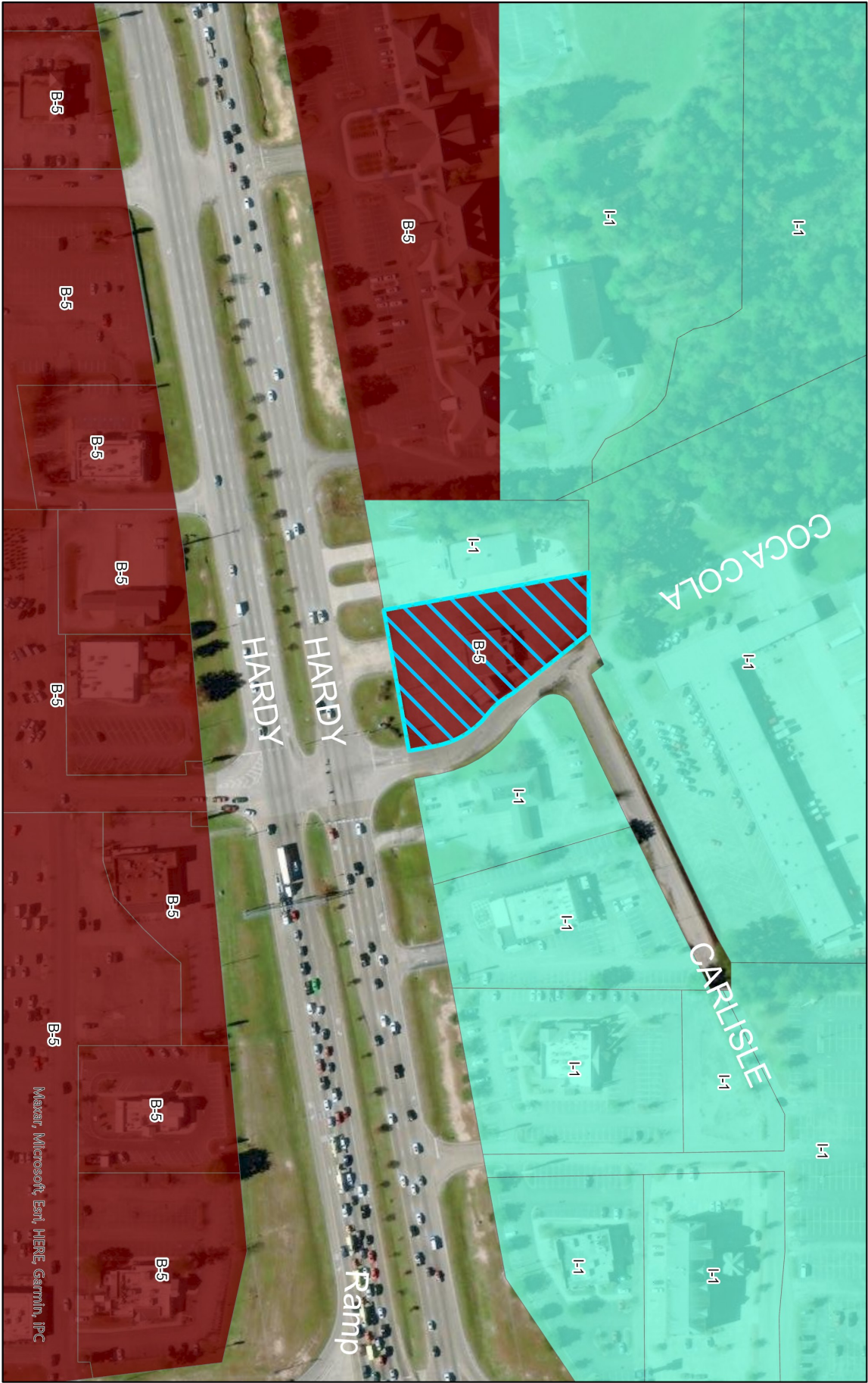
VI. Conformance with the Purposes of this Code. The granting of a variance will not conflict with the purposes and intent expressed or implied in the Land Development Code.

SUBJECT PARCEL

4607 Hardy Street — Landscaping Variance Requests

Merchants & Marine Bank, Property Owner, Thomas H Eaves, Representative/Architect, and Rion Snowden, Architect, request a variance from the requirement of one large, shade or canopy tree per parking island (LDC 7.10.10.2) to allow for 0 in four separate landscape islands, and request a variance from the requirement of one tree per 60 feet of lineal frontage (LDC 7.10.11.1) to allow for 0 at a property located at 4607 Hardy Street (PPIN 21451, Ward 4, Lamar County).





Zoning Map

- B-5
- I-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: 10/15/2024 1:11 PM

Landscaping Variances
4607 Hardy Street
PPIN: 21451
Flood Zone: X
Ward 3, Lamar County



URBAN
DEVELOPMENT
PLANNING DIVISION

Center: 89°21'35"W 31°19'28"N

Landscaping Variances
4607 Hardy Street
PPIN: 21451
Flood Zone: X
Ward 3, Lamar County

 $\triangleright z$ 

URBAN DEVELOPMENT PLANNING DIVISION

Center: 89°21'33"W 31°19'29"N

Site Aerial



Property Area



Surrounding Area





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: Merchants & Marine Bank
Project Name: Merchants & Marine Bank
Proposed Use(s): Bank
Project Street Address: 4607 Hardy Street, Hattiesburg, Mississippi
PPIN Number(s) (if unknown, can be found on tax receipt): 21451

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

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: <u>Landscape Code 7.10.11.2- Islands, 7.10.11.1- Perimeter</u> | | | |

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: _____

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:

RECEIVED
SEP-17-2024
BY: DP

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.

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.

There are several hardships unique to this property with regards to Landscaping: —

1. Code requires 4 Large Trees in the front (along Hwy 98), the largest amount of Planting area in the front of the project is R.O.W., the small area available on the property along Hwy 98 is directly under power lines.
2. The Islands have large light poles on them and large Trees would block out most of the light, so we used Sm. Trees in the Islands.
3. The West Side of the Property is limited by a small retaining wall for drainage, to make up for lack of landscape, on the East and North side we added (5) Lg. Trees, (3) Med. Trees and (5) Small Trees.

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 were required to plant 9 Large Trees, we provided:

- * (6) Large Trees
- * (3) Med Trees
- * (9) Small Trees

Total 18 Trees

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.

A Large sign approved by the City is in the Southeast corner of the Property. This restricted use of Trees in this area (along 98 Perimeter).

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

The Sign and Paver lines will not allow for planting of Trees on 98 Perimeter.

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

We have met Minimum requirements, just not in areas that were obstructed by Utilities.

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.

We are bound by Property Limitations, Safety Issues and Utility Obstructions but know this: We did everything possible to make this property beautiful and useful to the Customers and Staff.

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.

GENERAL

The contractor is to notify the Landscape Architect prior to any demolition, grading, or activity on the site of any kind. A pre-construction conference is required for verification of work to be done and communication of any special conditions. Failure to adhere to these requirements may cause dismissal of the contractor from the project with no guarantee of compensation for work completed to date.

The contractor shall give all necessary notices and obtain any permits.



Scale: 1" = 20'

CURB STONE DETAIL

NTS

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
4607 Hardy Street Hattiesburg MS
Street Address City State
on this the 3rd day of October, 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.

Thomas H. Eaves, Rion Snowden
on this the 6th day of Nov, 2024.

Merchants + Marine Bank
Property Owner (print)

Grant Walker
Property Owner (signature)

Grant Walker, La Pine Belt Market Pros

STATE OF Mississippi
COUNTY OF Lamar

Personally came and appeared before me, the within named

Grant Walker,
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 3rd day of October, 2024.

Paula S Palazzolo
NOTARY PUBLIC

My Commission Expires:





**URBAN
DEVELOPMENT
PLANNING DIVISION**

**Board of Adjustment
Case Fact Sheet**

Names of Petitioner: David Lawson, Property Owner, Shelby Murray, Applicant/Engineer, and Forrest Dungan, Applicant

Address of Property:	Tax Parcels	PPIN:	Ward:
2100 McInnis Loop	2-039I-20-034.00, 2-039I-20-009.02	38592,47444	5

Request: Variance Request for the maximum and minimum setback in an I-1 zoning.

Purpose of Request: David Lawson, Property Owner, Shelby Murray, Applicant/Engineer, and Forrest Dungan, Applicant, request a variance from the requirement of a 40ft maximum and minimum setback in an I-1 zoning to allow for a front setback up to 150ft at a property located at 2100 McInnis Loop (PPIN 38592,47444, Ward 5, Forrest County).

History / Background: The applicant met with staff in a pre-application meeting in June of 2024 to discuss the potential for the property to be rezoned to an industrial zoning so that they could construct a processing facility for their meat products. The property was rezoned in July of 2024 from B-5 (Regional Business) to I-1 (Light Industrial). The applicant met with staff in a Site Plan Review meeting to discuss their site plan for the Lil Butcher Shoppe processing facility.

Upon review of their plans, Staff pointed out that the proposed front setback of the building on the Site Plan, approximately 150ft, was greater than the minimum and maximum in an I-1 district. The Land Development Code places a minimum and maximum on the front setback of developments in I-1 zoned properties as 40ft.

Applicant Summary: Please reference the public hearing application for the applicant summary.

Applicable Regulations:

SECTION 4

Zoning Districts Established

4.5.13 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 6

Dimensional Standards and Measurements

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

Present Zoning: The property is currently zoned I-1 (Light Industrial District).

Present Use: Vacant lot.

Future Land Use: Neighborhood Conservation District 2

Surrounding Zoning and Land Use:
North: B-5 Regional Business/ I-1 Light Industrial
South: B-5 Regional Business
East: B-5 Regional Business
West: B-5 Regional Business

Letters or Concerns stated: The Planning Division Office has received no calls or letters of concern as of finalizing this report.

Option: Recommend **approval or denial** of the request of a variance for the requirement of a 40ft maximum and minimum setback

November 2024 BOA Item: B

Set Back Variance Request

David Lawson, Property Owner, Shelby Murray, Applicant/Engineer, and Forrest Dungan, Applicant in an I-1 zoning to allow for a front setback up to 150ft at a property located at 2100 McInnis Loop (PPIN 38592/47444, Ward 5, Forrest County).

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

2100 McInnis Loop — Setback Variance Request

David Lawson, Property Owner, Shelby Murray, Applicant/Engineer, and Forrest Dungan, Applicant, request a variance from the requirement of a 40ft maximum and minimum setback in an I-1 zoning to allow for a front setback up to 150ft at a property located at 2100 McInnis Loop (PPIN 38592, 47444, Ward 5, Forrest County).





Zoning Map - Legend

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

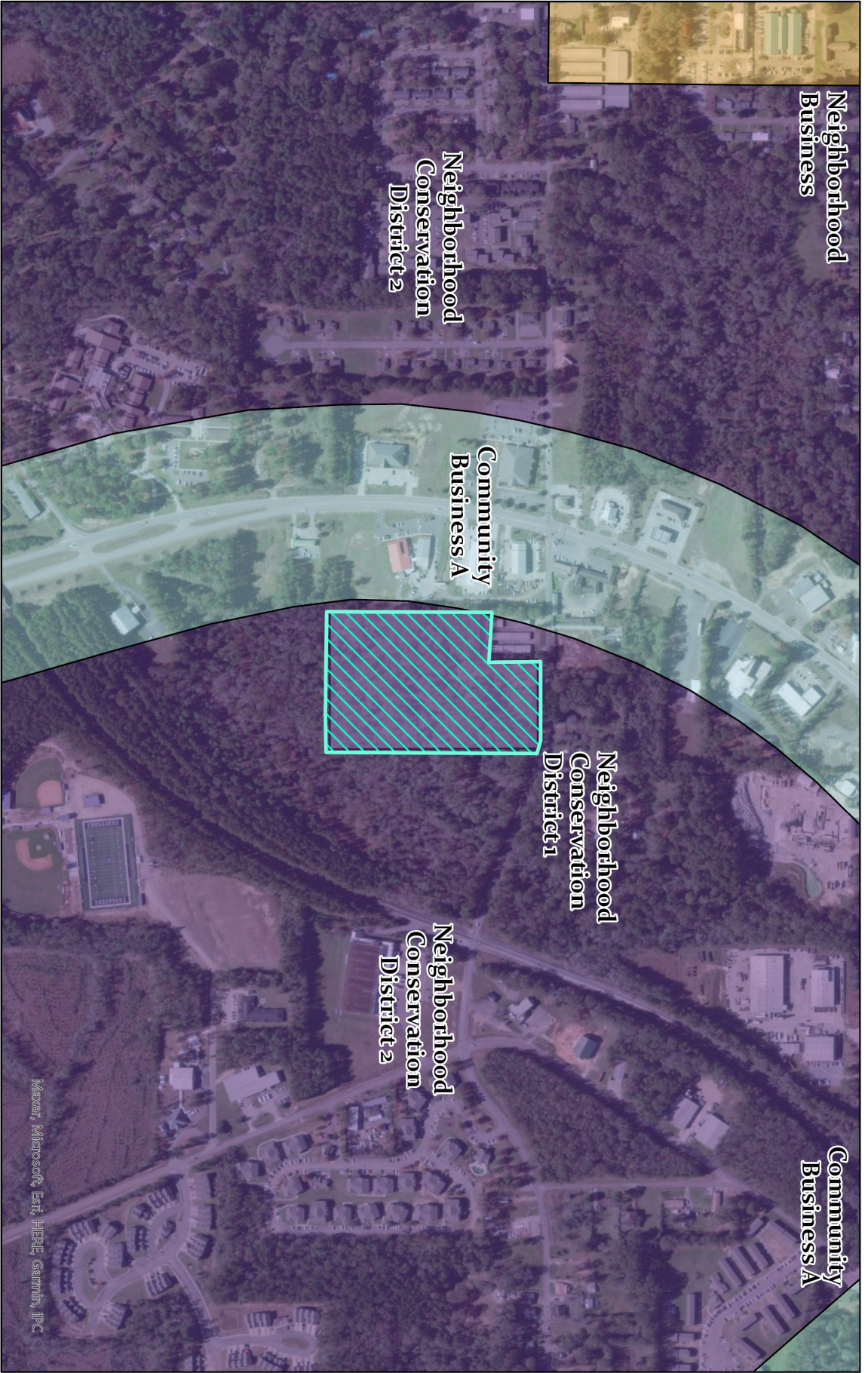
DISCLAIMER: This map is ONLY FOR REFERENCE. There is NO WARRANTY of the accuracy of data.
This information CANNOT be used as a substitute for legal, business, tax or other professional advice.
Map Exported on: 10/15/2024 12:34 PM

Front Yard Setback Variance Request
PPIN: 38592 & 47444
Flood Zone: X
Ward 5, Forrest County
NOTE: Subject Property Currently Zoned I-1
Approved by City Council in July 2024



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DEVELOPMENT
PLANNING DIVISION**

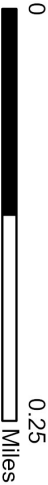
Center: 89°19'19"W 31°17'52"N



- Future Land Use Map
-  Subject Property
 -  Community Business A
 -  Neighborhood Business

-  Neighborhood Conservation District 1
-  Neighborhood Conservation District 2

Front Yard Setback Variance Request
~2100 McInnis Loop
PPIN: 38592, 47444
Flood Zone: X
Ward 5, Forrest County



**URBAN
DEVELOPMENT
PLANNING DIVISION**

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: 10/15/2024 12:43 PM

Center: 89°19'18"W 31°17'52"N

Site Aerial



Surrounding Area





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: David Lawson
Project Name: Lil Butcher Shoppe New Building and Parking
Proposed Use(s): Meat Smoking Facility with parking for employees and large trucks.
Project Street Address: 2100 McInnis Loop, Hattiesburg, MS 39402

PPIN Number(s) (if unknown, can be found on tax receipt): 38592 and 47444

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 (<u>front</u> , side, or rear <u>150 ft</u>) | ☐ Off-Site Parking |
| ☐ Lot Width | ☐ Lot Coverage Area | ☐ Buffer |
| ☐ Lot Width | ☐ Lot Coverage Area | ☐ Open Space |
| ☐ Lot Width | ☐ Lot Coverage Area | ☐ 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: B-5, Regional Business
Proposed Zoning: I-1, Light Industrial

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 Districts(s): _____

Project No.: _____

Code Sections:

LDC Section No. _____

Section No. _____

Section No. _____

Section No. _____

Section No. _____

RECIVED DATE & INITIALS:

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

Street Address

City

State

on this the _____ day of _____, 20__.

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.

CLEAR Pant ENGINEERING

on this the 19th day of Sept, 2024.

DAVID LAWSON
Property Owner (print)

Property Owner (signature)

STATE OF MS

COUNTY OF Lamar

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 19th day of
Sept., 2024.

Stacey Odom
NOTARY PUBLIC

My Commission Expires:

10/18/2027



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

2100 McInnis Lp Hattiesburg MS 39401,
Street Address City State

on this the 19th day of Sept, 2024

Shelby D. Murray, Jr.
Applicant (print)

Shelby D. Murray, Jr.
Applicant (signature)

STATE OF MS

COUNTY OF Lamar

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 19th day of Sept, 2024.

Stacey Odom
NOTARY PUBLIC

My Commission Expires:

10/18/2027



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 shape of the parcel, a 40.0 ft set back makes it impossible to build. This appears to be a mistake in the land development code.

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 is site specific based on these 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.

The literal interpretation of the code is enforced, the property owner cannot use his property for the intended use for industrial purposes without the 150 ft set back variance being approved.

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

Based on the 40.0 ft set back requirement, the subject property cannot be developed into industrial lots and the applicant cannot make reasonable use of the property with this current land development code as written.

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 land development code.

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.



**URBAN
DEVELOPMENT
PLANNING DIVISION**

**Board of Adjustment
Case Fact Sheet**

Names of Petitioner: Forrest General Hospital, Property Owner, and Dustin Gatlin, Representative

Address of Property:

6051 US Hwy 49

PPIN:

16698, 16706, 20865

Tax Parcels

2-028O-08-269.00, 2-028O-08-265.00, 2-039B-17-067.00

Ward:

4

Request:

Variance Requests for the maximum sign message area, maximum height, and maximum depth.

Purpose of Request:

Item C:

Forrest General Hospital, Property Owner, and Dustin Gatlin, Representative, request a variance from the maximum sign area (per sign) of 64sqft for an EM-9 zoned property to allow for 537sqft, a variance from the height maximum of 10ft for an EM-9 zoned property to allow for 43ft, and a variance from the depth maximum of 2ft for an EM-9 zoned property to allow for 3ft at a property located at 6051 US Hwy 49 (PPIN 16698, Ward 4, Forrest County).

Item D:

Forrest General Hospital, Property Owner, and Dustin Gatlin, Representative, request a variance from the maximum sign area (per sign) of 64sqft for an EM-9 zoned property to allow for 800sqft, a variance from the height maximum of 10ft for an EM-9 zoned property to allow for 24.5ft, and a variance from the depth maximum of 2ft for an EM-9 zoned property to allow for 10ft at a property located at 6051 US Hwy 49 (PPIN 16706, Ward 4, Forrest County).

Item E:

Forrest General Hospital, Property Owner, and Dustin Gatlin, Representative, request a variance from the maximum sign

area (per sign) of 64sqft for an EM-9 zoned property to allow for 800sqft, a variance from the height maximum of 10ft for an EM-9 zoned property to allow for 24.5ft, and a variance from the depth maximum of 2ft for an EM-9 zoned property to allow for 10ft at a property located at 6051 US Hwy 49 (PPIN 20865) Ward 4, Forrest County).

History / Background:

The applicant (Forrest General Hospital) submitted three sign permit applications in late August 2024 for new signage at the Forrest General Hospital properties. The sign permit applications included a new 43ft tall sign with a 350 sqft digital reader board component that would replace the existing sign outside the hospital with a digital reader board. The applications also included two proposed internally lit 24.5ft tall, 4-sided directional signs with 800 sqft of message area.

Staff reviewed the sign permit applications according to the Hattiesburg Form-Based Code for an EM-9 zoned property. The proposed signs did not meet the requirements for Large Ground Signs in the three “standards” categories: Maximum sign area (per sign) of 64 sqft, maximum height of 10ft, and maximum depth of 3ft.

The digital reader board component required the approval of the Form Based Code Committee, so staff requested a meeting with the applicant to go over the digital reader board and to discuss the requirements of the Hattiesburg Form-Based Code for Large Ground Signs. In the meeting, the applicant conveyed that they wanted to seek variances for the three signs to be able to move forward with the proposed signs.

Applicant Summary:

Please reference the public hearing application for the applicant summary.

Applicable Regulations:

Hattiesburg Form-Based Code

SECTION 2

Districts

B. Employment Districts (EM-)

1. The EM- Districts are intended to accommodate a

mix of compatible office, medical and medium-density residential in a pedestrian-friendly and walkable environment.

2. The EM- Districts vary based on the maximum allowed building height.

a. EM-2 has a maximum building height of 2 stories.

b. EM-3 has a maximum building height of 3 stories.

c. EM-4 has a maximum building height of 4 stories.

d. EM-6 has a maximum building height of 6 stories.

e. EM-9 has a maximum building height of 9 stories.

SECTION 5.3

Signs

G. Allocation of Sign Area

G. Allocation of Sign Area

The maximum sign area for each sign type is determined by the district and is established below. For each cell in the table there is a maximum allowed sign area that may be utilized with any combination and any number of signs associated with that cell, unless otherwise noted. See Sec. 5.3.H thru See Sec. 5.3.R. for additional sign standards by type of sign.

	Mixed Use (MX-2,-3,-4,-5)	Employment (EM-2,-3)	Employment (EM-4,-6,-9)	Residential Attached (RA-2,3)	Residential Detached (RD-2)	Open Space (OS)
Awning Sign				--	--	--
Canopy Sign	1 sf/ft bldg width	1 sf/ft bldg width	1 sf/ft bldg width	--	--	--
Projecting Sign				--	--	--
Wall Sign				.5 sf/ft bldg width	--	--
Bracket Sign	9 SF	9 SF	9 SF	9 SF		9 SF
Crown Sign	250 SF	--	250 SF	--	--	--
Ground Sign, Small	32 SF	32 SF	32 SF	16 SF	--	--
Ground Sign, Large	64 SF	--	64 SF	--	--	--
Shingle Sign	9 SF	9 SF	9 SF	9 SF	--	9 SF
Sidewalk Sign	6 SF	--	--	--	--	--
Window Sign	20%	--	--	--	--	--

ft of building width = width of building facade facing street

Signs

M. Ground Sign, Large

Description:

A sign is attached along its entire width to a continuous pedestal that is between 5 and 10 feet in height. A large ground sign is vertically oriented or is square.

General Provisions:

1. A large ground sign is only allowed for properties that have street frontage on US 49.
2. One ground sign (large or small) is allowed per street frontage, except that 1 additional ground sign is allowed for properties with 200 feet or more of street frontage. Where more than 1 ground sign is permitted, signs along the same street frontage must be spaced a minimum of 150 feet apart.
3. A large ground sign must be set back at least 10 feet from the front property line and 15 feet from a side property line.
4. A large ground sign can be externally or internally illuminated in accordance with Sec. 3.5.S

Standards:

- A. Sign area (max per sign) – 64SF
- B. Height (max)- 10'
- C. Depth (max)- 2'

S. Sign Illumination

6. Electronic Message Board Signs
 - a. An electronic message board sign may be allowed for properties that have street frontage on US 49 upon approval by the Hattiesburg Form-Based Code Development Review Committee.

Present Zoning:	The property is currently zoned EM-9 (Employment District).
Present Use:	Hospital and Medical Buildings.
Future Land Use:	Community Business, Community Business Corridor, and Neighborhood Business Corridor

**Surrounding Zoning
and Land Use:**

North: EM-9 Employment District
South: EM-9 Employment District
East: B-2 Neighborhood Business and B-3 Community
Business
West: EM-9 Employment District

**Letters or
Concerns stated:**

The Planning Division Office has received no calls or letters of concern as of finalizing this report.

Option:

Item C:

Recommend **approval or denial** of the variance from the maximum sign area (per sign) of 64 sqft for an EM-9 zoned property to allow for 537 sqft at a property located at 6051 US Hwy 49 (PPIN 16698, Ward 4, Forrest County).

Recommend **approval or denial** of the variance from the height maximum of 10ft for an EM-9 zoned property to allow for 43ft at a property located at 6051 US Hwy 49 (PPIN 16698, Ward 4, Forrest County).

Recommend **approval or denial** of the variance from the depth maximum of 2ft for an EM-9 zoned property to allow for 3ft at a property located at 6051 US Hwy 49 (PPIN 16698, Ward 4, Forrest County).

Item D

Recommend **approval or denial** of the variance from the maximum sign area (per sign) of 64sqft for an EM-9 zoned property to allow for 800sqft at a property located at 6051 US Hwy 49 (PPIN 16706, Ward 4, Forrest County).

Recommend **approval or denial** of the variance from the height maximum of 10ft for an EM-9 zoned property to allow for 24.5ft at a property located at 6051 US Hwy 49 (PPIN 16706, Ward 4, Forrest County).

Recommend **approval or denial** of the variance from the depth maximum of 2ft for an EM-9 zoned property to allow for 10ft

at a property located at 6051 US Hwy 49 (PPIN 16706, Ward 4, Forrest County).

Item E:

Recommend **approval or denial** of the variance from the maximum sign area (per sign) of 64sqft for an EM-9 zoned property to allow for 800sqft a property located at 6051 US Hwy 49 (PPIN 20865) Ward 4, Forrest County).

Recommend **approval or denial** of the variance from the height maximum of 10ft for an EM-9 zoned property to allow for 24.5ft a property located at 6051 US Hwy 49 (PPIN 20865) Ward 4, Forrest County).

Recommend **approval or denial** of the variance from the depth maximum of 2ft for an EM-9 zoned property to allow for 10ft at a property located at 6051 US Hwy 49 (PPIN 20865) Ward 4, Forrest County).

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

November 2024 BOA Item: C, D, and E

Sign Requirement Variances

Forrest General Hospital, Property Owner, and Dustin Gatlin, Representative

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.

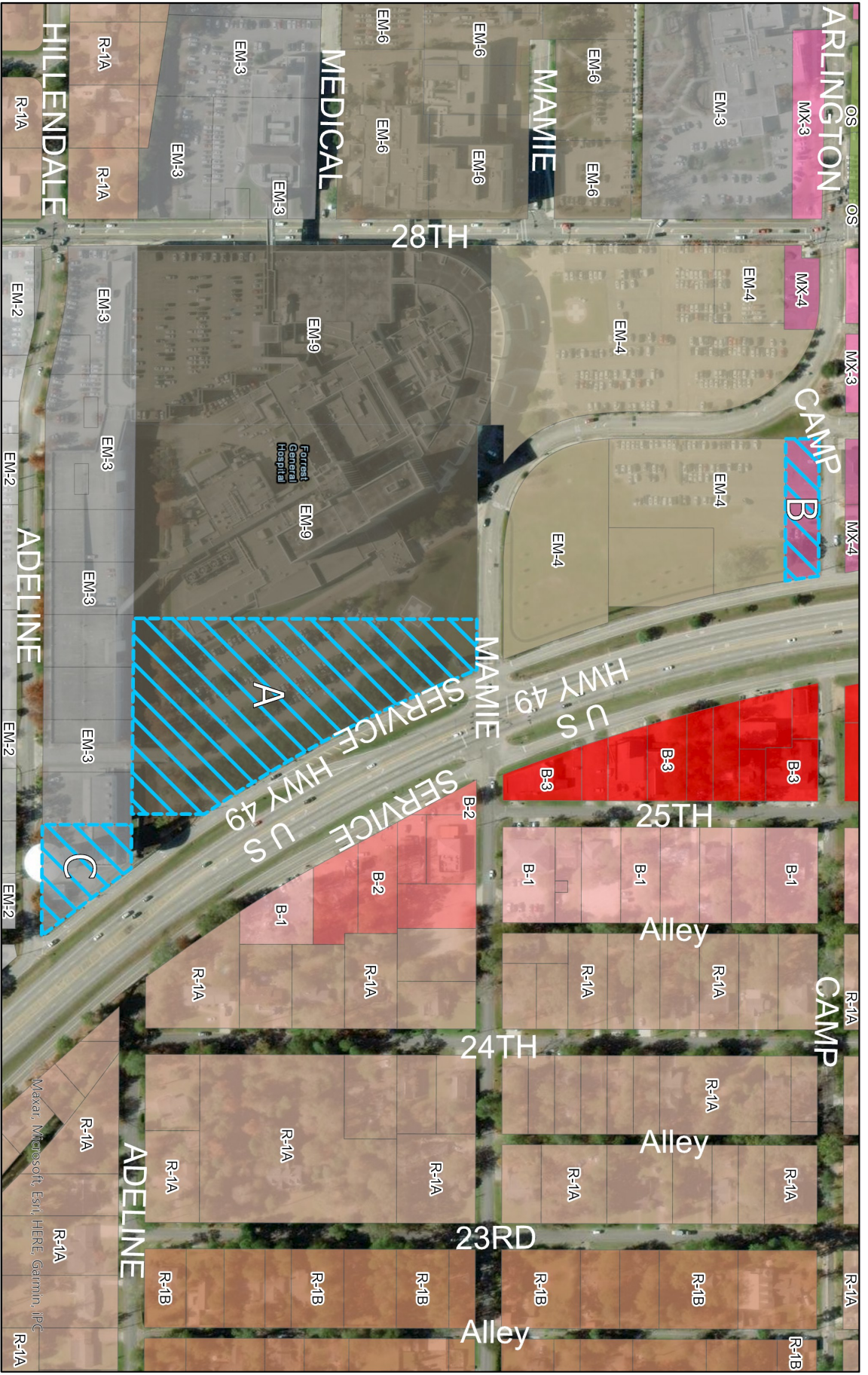
SUBJECT PARCEL

6051 Hwy 49— Sign Variance Request

Forrest General Hospital, Property Owner, and Dustin Gatlin, Representative, request a variance from the maximum sign area (per sign) of 64sqft for an EM-9 zoned property to allow for 537sqft, a variance from the height maximum of 10ft for an EM-9 zoned property to allow for 43ft, and a variance from the depth maximum of 2ft for an EM-9 zoned property to allow for 3ft.

Items C, D, and E





Zoning Map

R-1A	B-3	EM-3	OS
R-1B	MX-3	EM-4	
B-1	MX-4	EM-6	
B-2	EM-2	EM-9	

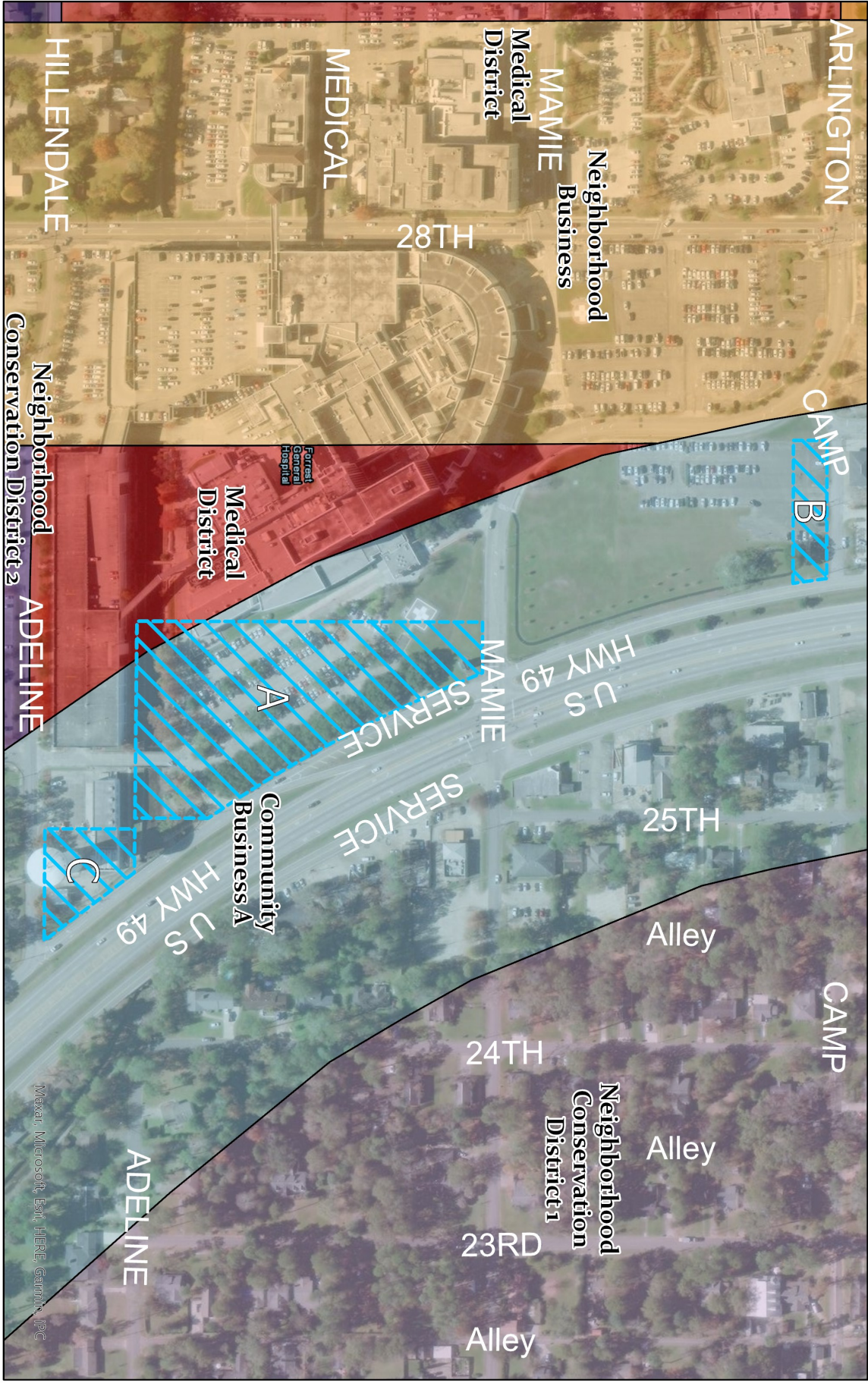
Form-Based Code Sign Variances

3 Signs, each with 3 variances
6051 US 49, FGH Hospital
PPIN: 21451
Flood Zone: X
Ward 4, Forrest County

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: 10/15/2024 2:13 PM



URBAN DEVELOPMENT
PLANNING DIVISION
Center: 89°19'43"W 31°19'8"N



- Future Land Use Map
- Community Business A
 - Medical District
 - Neighborhood Business
 - Neighborhood Center Mixed-Use District
 - Neighborhood Conservation District 1
 - Neighborhood Conservation District 2

Form-Based Code Sign Variances
3 Signs, each with 3 variances
6051 US 49, FGH Hospital
PPIN: 21451
Flood Zone: X, AE, SX
Ward 4, Forrest County

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Map Exported on: 10/15/2024 3:14 PM



URBAN DEVELOPMENT
PLANNING DIVISION

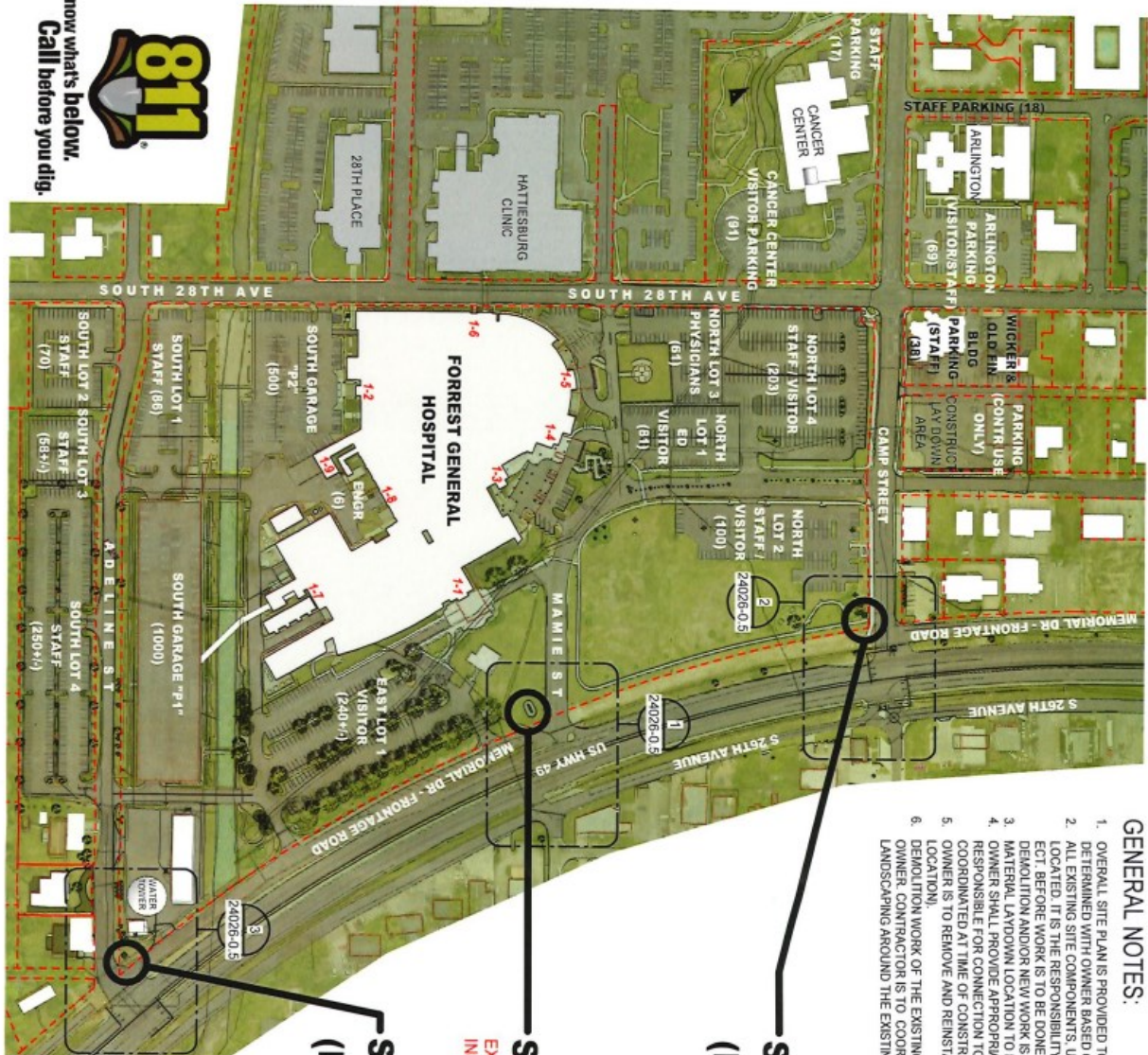
Center: 89°19'43"W 31°19'8"N

Site Aerial



Sign Site Plan

6/19/2024 1:16:29 PM



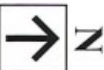
GENERAL NOTES:

1. OVERALL SITE PLAN IS PROVIDED TO THE CONTRACTOR AND IS APPROXIMATE. FINAL SIGN LOCATIONS TO BE FIELD DETERMINED WITH OWNER BASED ON SITE CONDITIONS AT TIME OF CONSTRUCTION.
2. ALL EXISTING SITE COMPONENTS, UTILITIES, SITE CONDITIONS, ETC. ARE TO BE FIELD VERIFIED AND FIELD LOCATED. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO VERIFY ALL EXISTING SITE CONDITIONS, UTILITIES, ECT. BEFORE WORK IS TO BE DONE. ANY DAMAGES TO THE EXISTING COMPONENTS AND/OR SYSTEMS DURING DEMOLITION AND/OR NEW WORK IS THE RESPONSIBILITY OF THE CONTRACTOR.
3. MATERIAL LANDOWN LOCATION TO BE COORDINATED WITH OWNER PRIOR TO CONSTRUCTION.
4. OWNER SHALL PROVIDE APPROPRIATE POWER TO EACH SIGN SITE. CONTRACTOR/ VENDOR SHALL BE RESPONSIBLE FOR CONNECTION TO SIGN. EXACT POWER REQUIREMENTS AND CONNECTIONS SHALL BE COORDINATED AT TIME OF CONSTRUCTION.
5. OWNER IS TO REMOVE AND REINSTALL LANDSCAPING AT THE EXISTING DIGITAL SIGN LOCATION. (SIGN "A" LOCATION).
6. DEMOLITION WORK OF THE EXISTING SIGN IS TO START AFTER THE LANDSCAPING HAS BEEN REMOVED BY THE OWNER. CONTRACTOR IS TO COORDINATE WITH THE OWNER FOR THE REMOVAL AND REINSTALLATION OF THE LANDSCAPING AROUND THE EXISTING DIGITAL SIGN.

**SIGN "B" - MONUMENT SIGN
(LOCATION)**

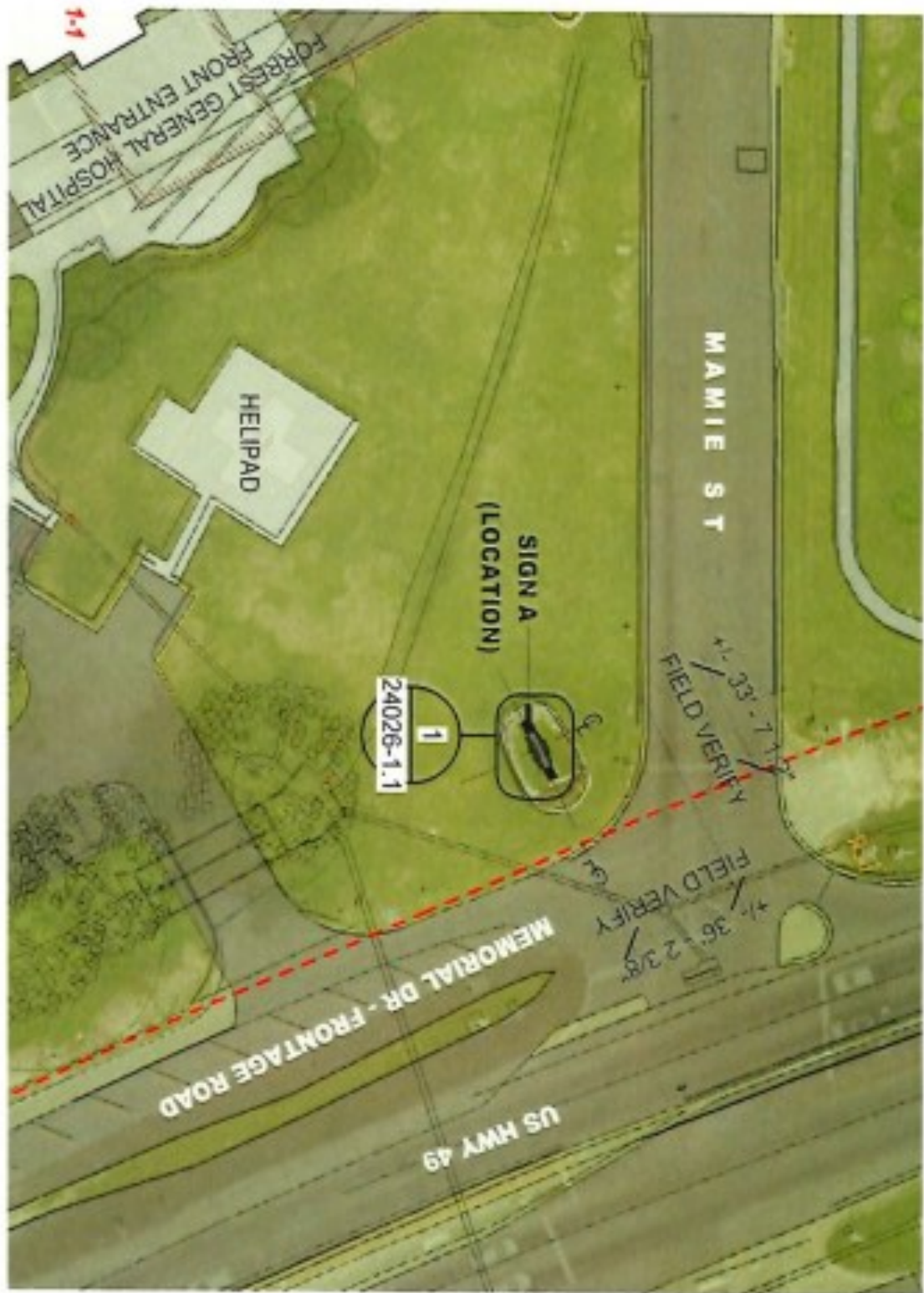
**SIGN "A" - DIGITAL SIGN
EXISTING SIGN TO BE REMOVED IN ITS ENTIRETY TO
INSTALL NEW WORK.**

**SIGN "C" - MONUMENT SIGN
(LOCATION)**

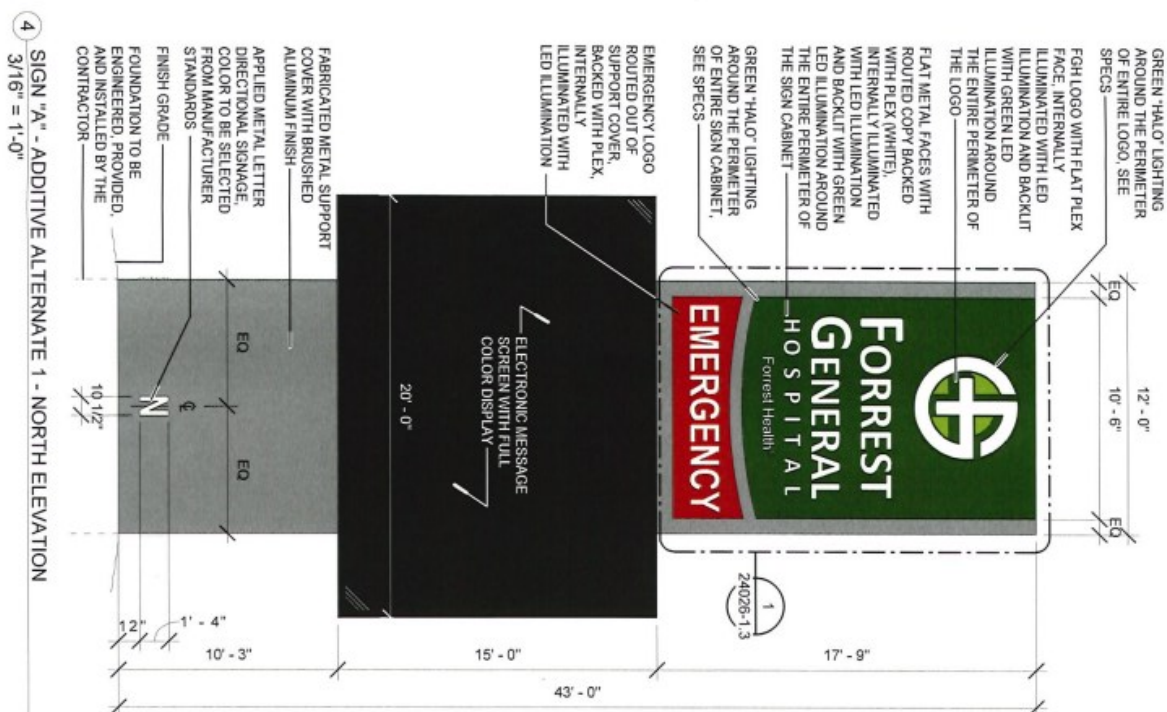
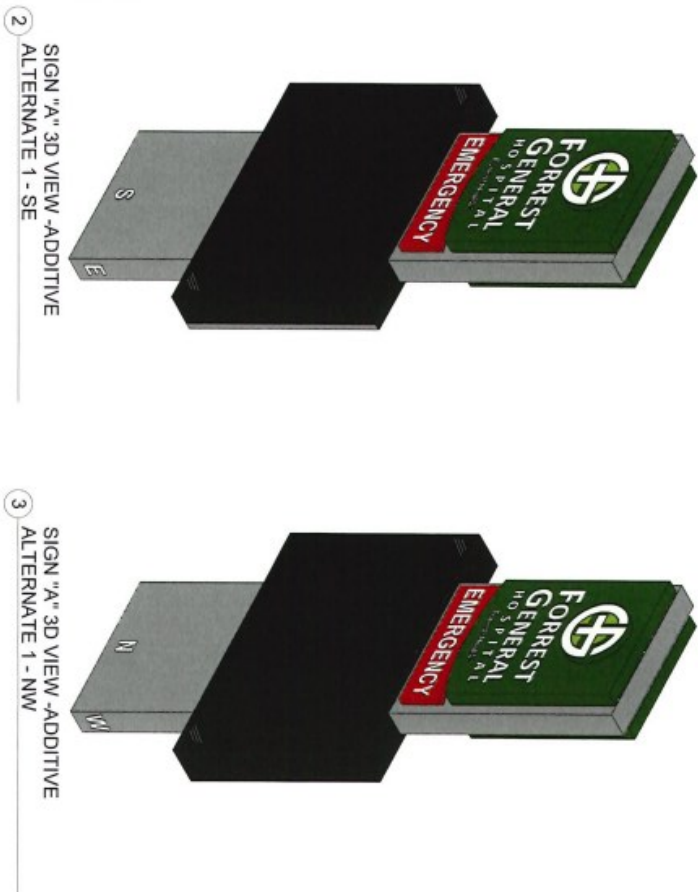
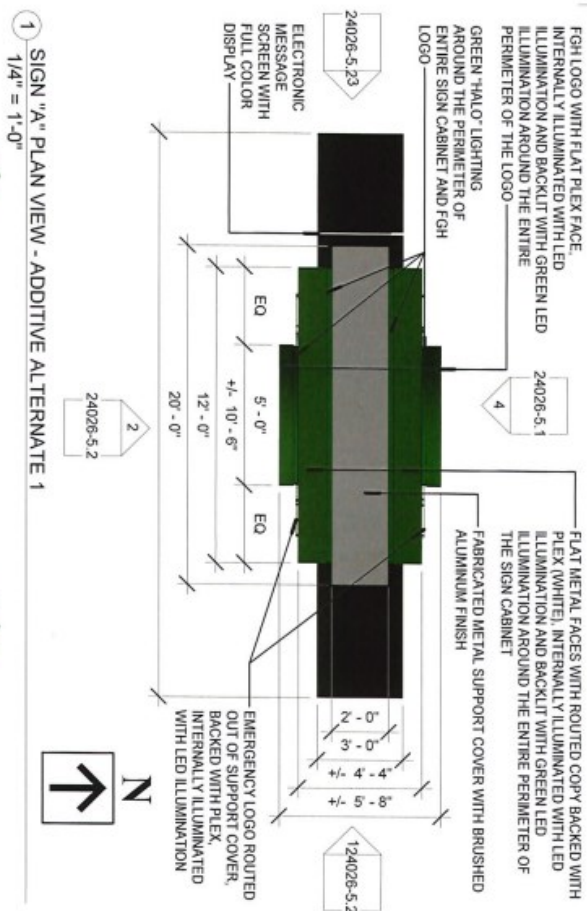


Item C: Sign "A" Site Plan

1 SIGN "A" LOCATION
1" = 60'-0"



Item C: Sign “A”



NOTE: DESIGN AS SHOWN IS TO BE USED AS BASIS OF DESIGN AND IS SHOWN FOR ILLUSTRATION PURPOSES ONLY TO CONVEY DESIGN INTENT. FINAL LAYOUT/DESIGN OF SIGNAGE TO BE SUBMITTED TO OWNER FOR APPROVAL PRIOR TO FABRICATION.

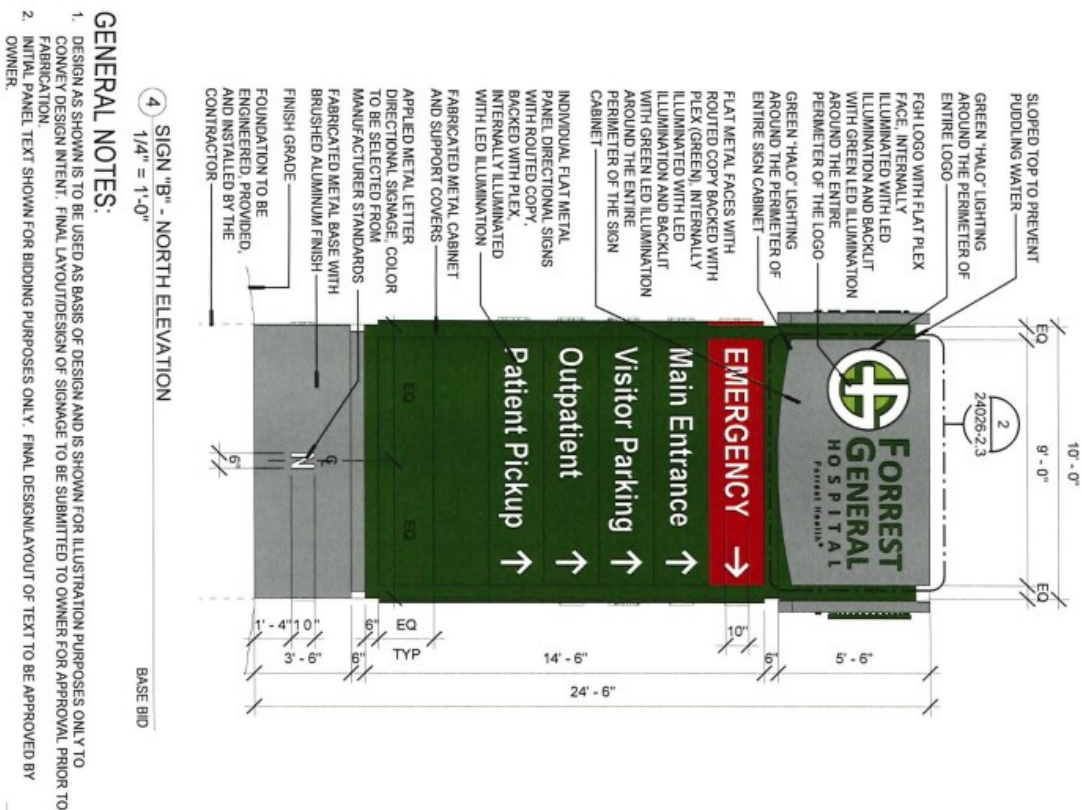
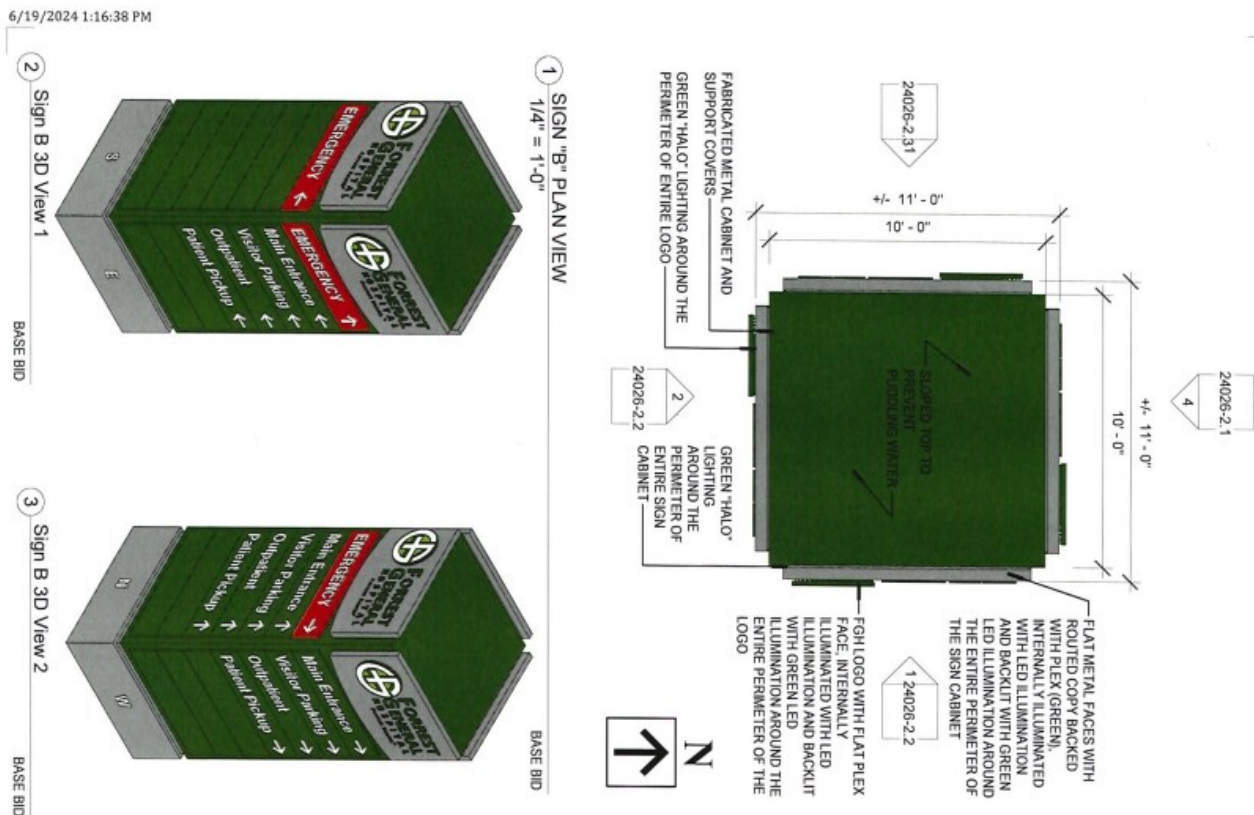
Item C: Sign “A” Area



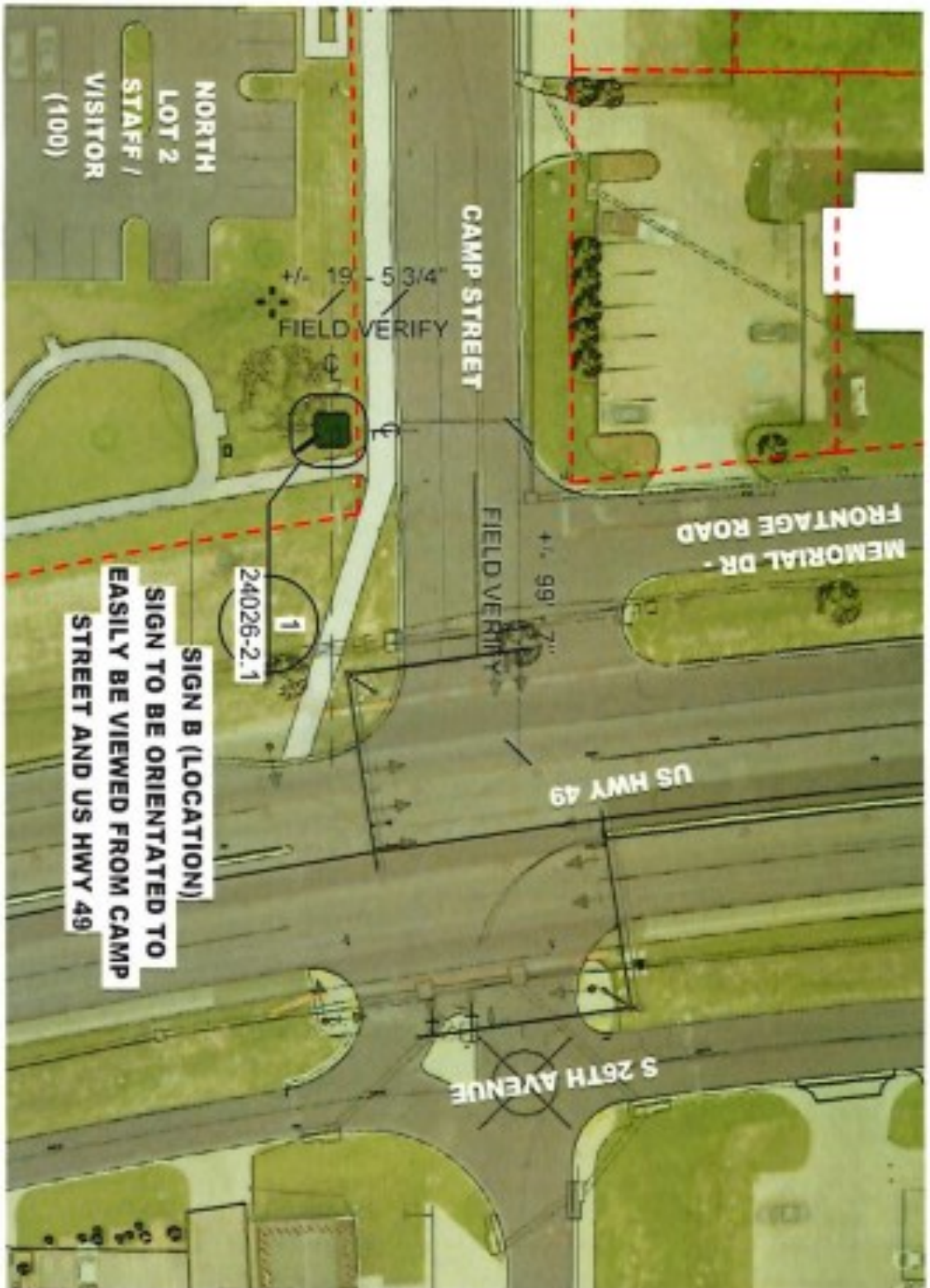
Item C: Sign “A” Area



Item D: Sign “B”



Item D: Sign "B" Site Plan



2 SIGN "B" LOCATION

1" = 60'-0"

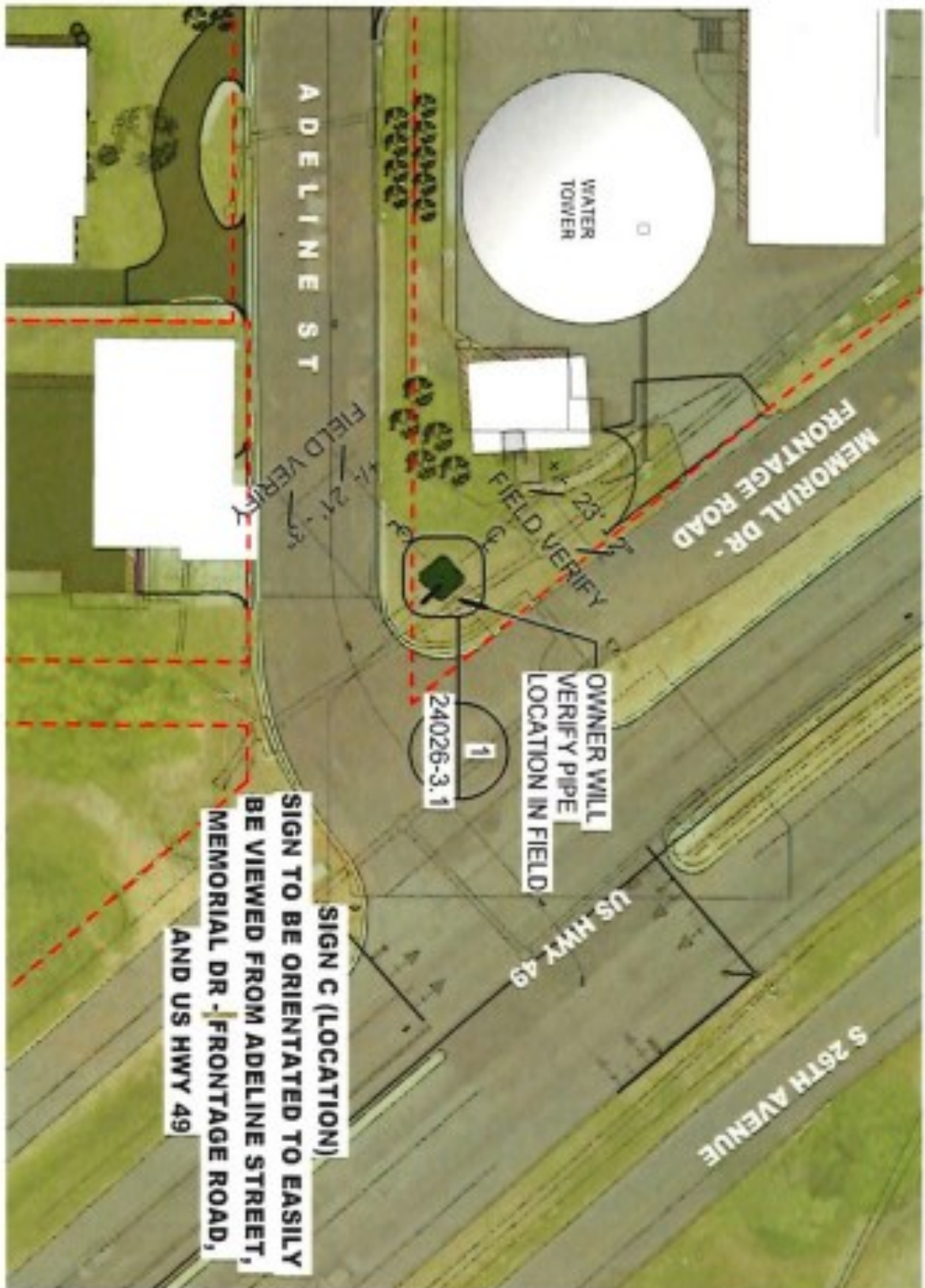
Item D: Sign “B” Area



Item D: Sign “B” Area



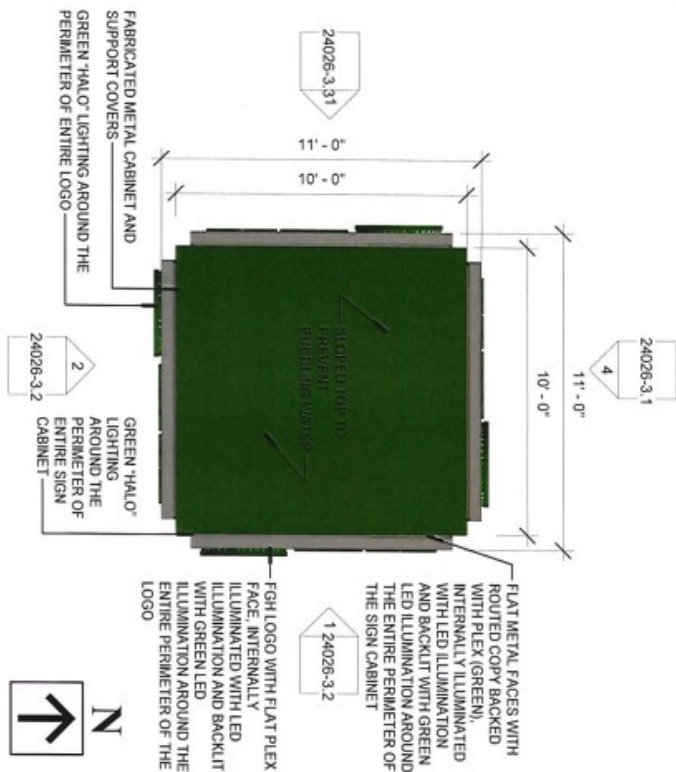
Item E: Sign "C" Site Plan



3 SIGN "C" LOCATION

1" = 60'-0"

Item E: Sign “C”



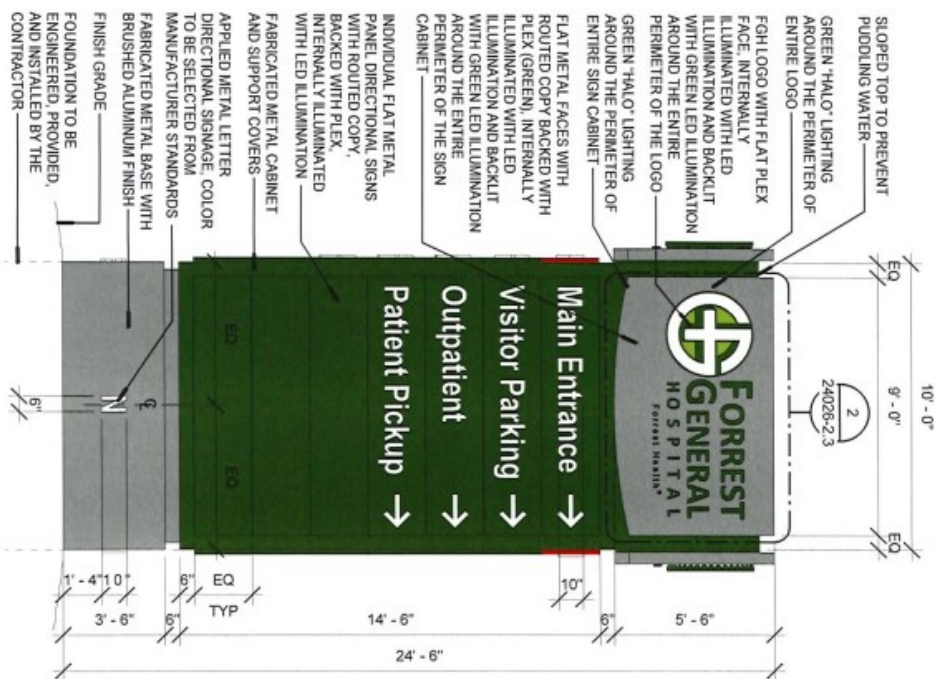
1 SIGN "C" PLAN VIEW
1/4" = 1'-0"



2 Sign C 3D View 1



3 Sign C 3D View 2



4 SIGN "C" - NORTH ELEVATION
1/4" = 1'-0"

GENERAL NOTES:

1. DESIGN AS SHOWN IS TO BE USED AS BASIS OF DESIGN AND IS SHOWN FOR ILLUSTRATION PURPOSES ONLY TO CONVEY DESIGN INTENT. FINAL LAYOUT/DESIGN OF SIGNAGE TO BE SUBMITTED TO OWNER FOR APPROVAL PRIOR TO FABRICATION.
2. INITIAL PANEL TEXT SHOWN FOR BIDDING PURPOSES ONLY. FINAL DESIGN/LAYOUT OF TEXT TO BE APPROVED BY OWNER.

Item E: Sign “C” Area



Item E: Sign “C” Area





URBAN DEVELOPMENT PLANNING DIVISION

RECEIVED
SEP 20 2024

BY: RA

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: Forrest General Hospital

Project Name: Campus Signage Improvements

Proposed Use(s): Wayfinding Signage

Project Street Address: 6051 US Hwy 49

PPIN Number(s) (if unknown, can be found on tax receipt): 16698, 16706, 28065

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

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: _____ | | |

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: _____

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:

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
6051 US Hwy 49 Hattiesburg MS
Street Address City State
on this the 20th day of September, 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.
Jeff Cook, Vice President and General Counsel

on this the 20th day of September, 2024.

Steven Jackson / Jeff Cook
Property Owner (print)

[Signature]
Property Owner (signature)

STATE OF Mississippi

COUNTY OF Forrest

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 20 day of
September, 2024.

Deborah Darby
NOTARY PUBLIC

My Commission Expires:

July 13, 2025



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.

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.

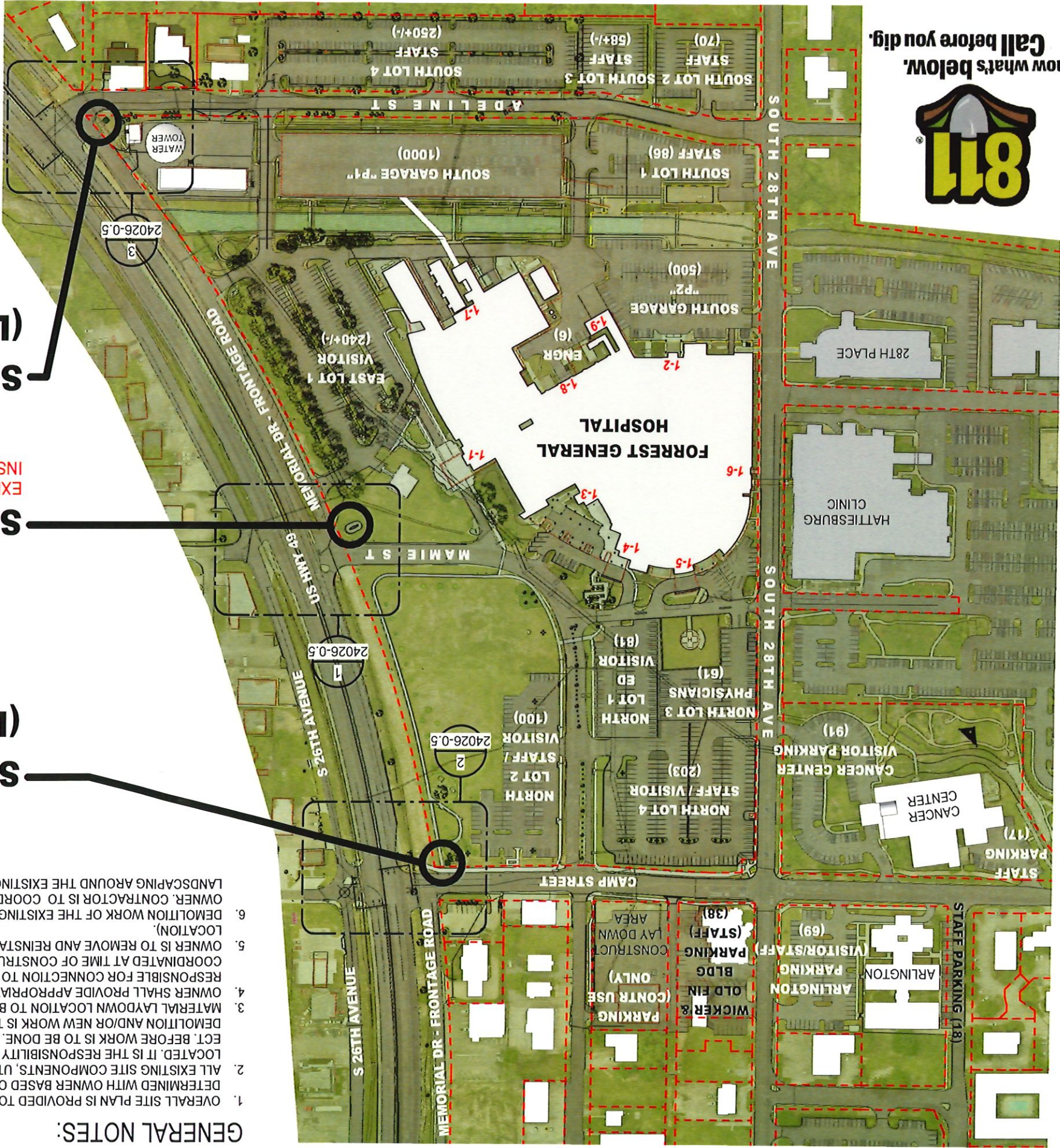
Forrest General Hospital is a Level II Trauma Center that serves 19 counties in South Mississippi.

There are only three (3) Level II Trauma Center facilities (and one Level I Trauma Center) in the state.

Patients and visitors come from all throughout South Mississippi for emergency medical care. This creates the "exceptional condition" described in item (b) above as all other land areas within the same zoning district do not have the same healthcare related condition.

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

Forrest General Hospital is the only parcel within the MidTown area zoned as EM-9. As previously stated, Forrest General Hospital is also the only emergency medical care facility located within the zoning district. As such, we do not feel as this confers any special privilege to Forrest General Hospital that is denied to other lands or structures in the same zoning district.



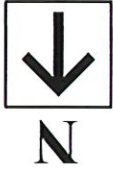
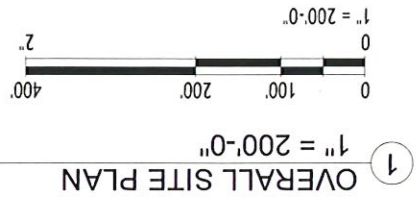
GENERAL NOTES:

- 1. OVERALL SITE PLAN IS PROVIDED TO THE CONTRACT AND IS APPROXIMATE. FINAL SIGN LOCATIONS TO BE FIELD DETERMINED WITH OWNER BASED ON SITE CONDITIONS AT TIME OF CONSTRUCTION.
- 2. ALL EXISTING SITE COMPONENTS, UTILITIES, ETC. ARE TO BE FIELD VERIFIED AND FIELD LOCATED. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO VERIFY ALL EXISTING SITE CONDITIONS, UTILITIES, ECT. BEFORE WORK IS TO BE DONE. ANY DAMAGES TO THE EXISTING COMPONENTS AND/OR SYSTEMS DURING DEMOLITION AND/OR NEW WORK IS THE RESPONSIBILITY OF THE CONTRACTOR.
- 3. MATERIAL LAYDOWN LOCATION TO BE COORDINATED WITH OWNER PRIOR TO CONSTRUCTION.
- 4. OWNER SHALL PROVIDE APPROPRIATE POWER TO EACH SIGN SITE. CONTRACTOR/VENDOR SHALL BE RESPONSIBLE FOR CONNECTION TO SIGN, EXACT POWER REQUIREMENTS AND CONNECTIONS SHALL BE COORDINATED AT TIME OF CONSTRUCTION.
- 5. OWNER IS TO REMOVE AND REINSTALL LANDSCAPING AT THE EXISTING DIGITAL SIGN LOCATION. (SIGN "A" LOCATION).
- 6. DEMOLITION WORK OF THE EXISTING SIGN IS TO START AFTER THE LANDSCAPING HAS BEEN REMOVED BY THE OWNER. CONTRACTOR IS TO COORDINATE WITH THE OWNER FOR THE REMOVAL AND REINSTALLATION OF THE LANDSCAPING AROUND THE EXISTING DIGITAL SIGN.

SIGN "B" - MONUMENT SIGN
(LOCATION)

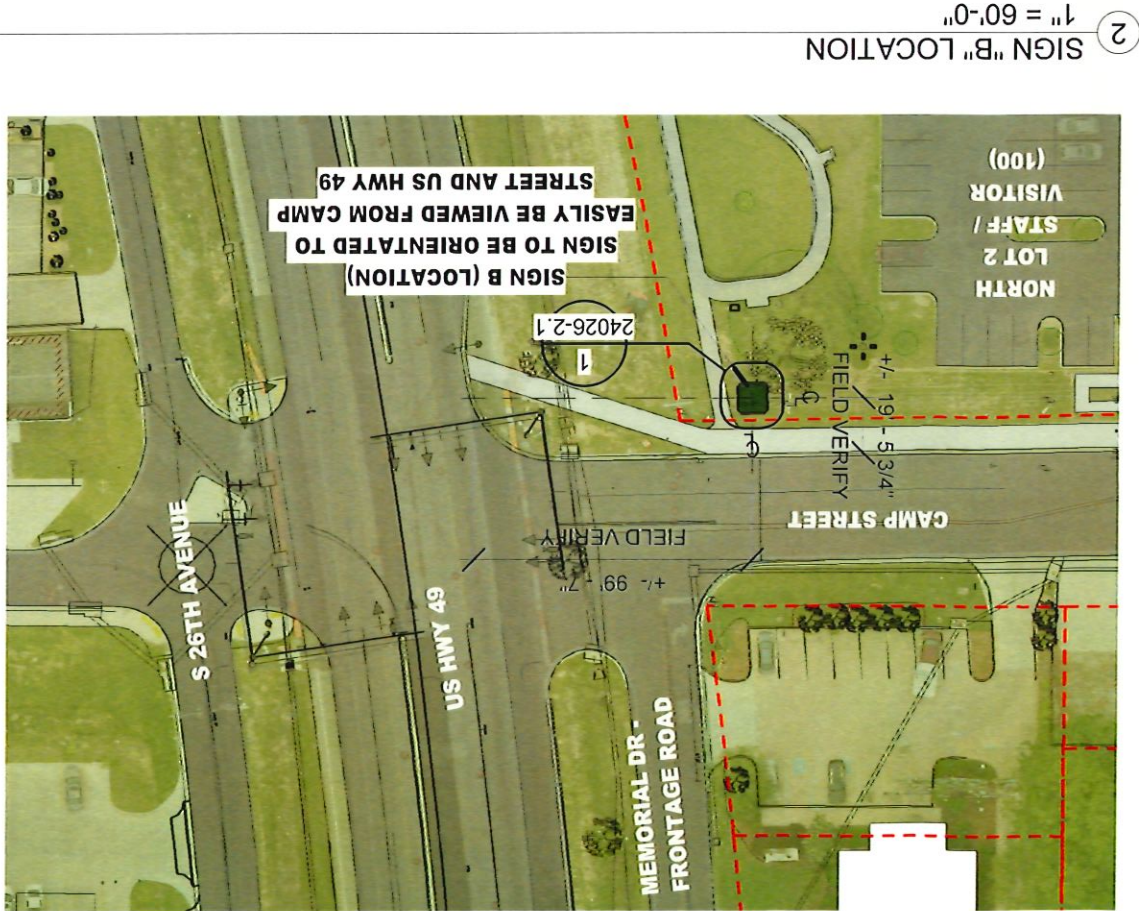
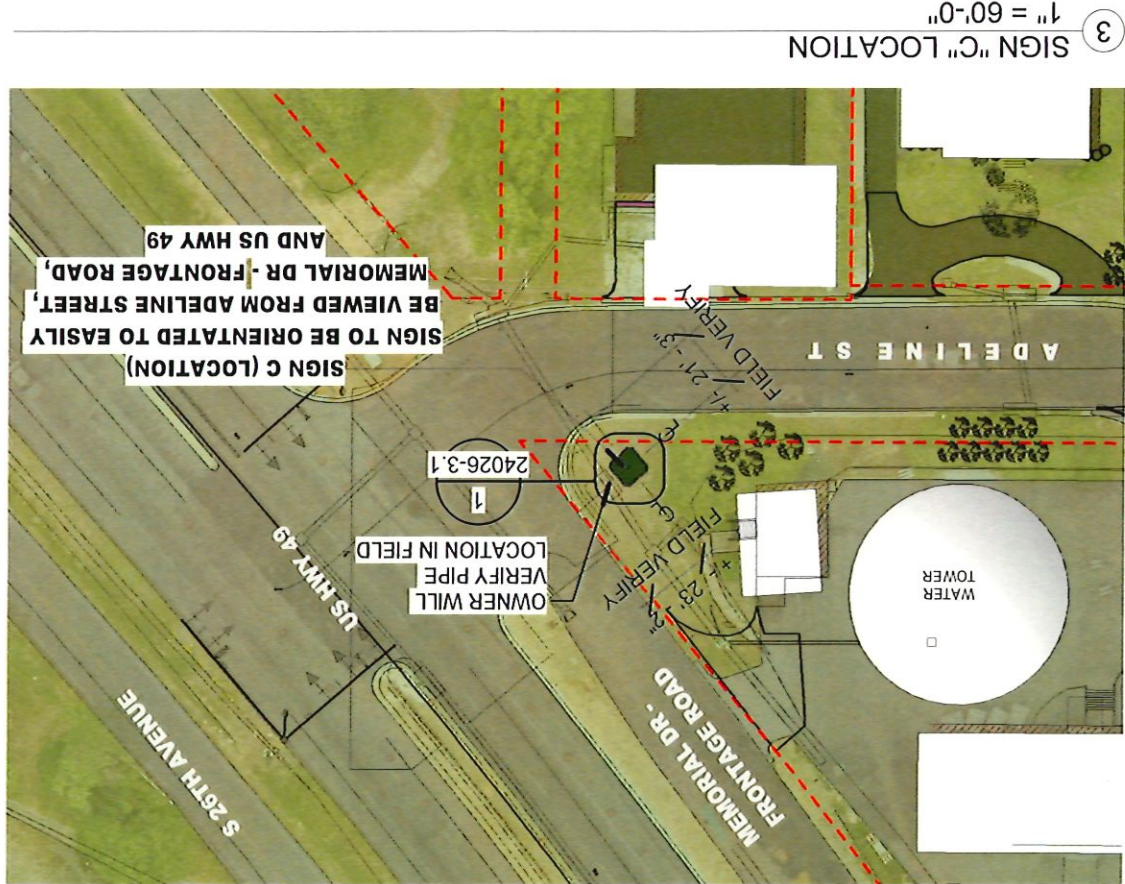
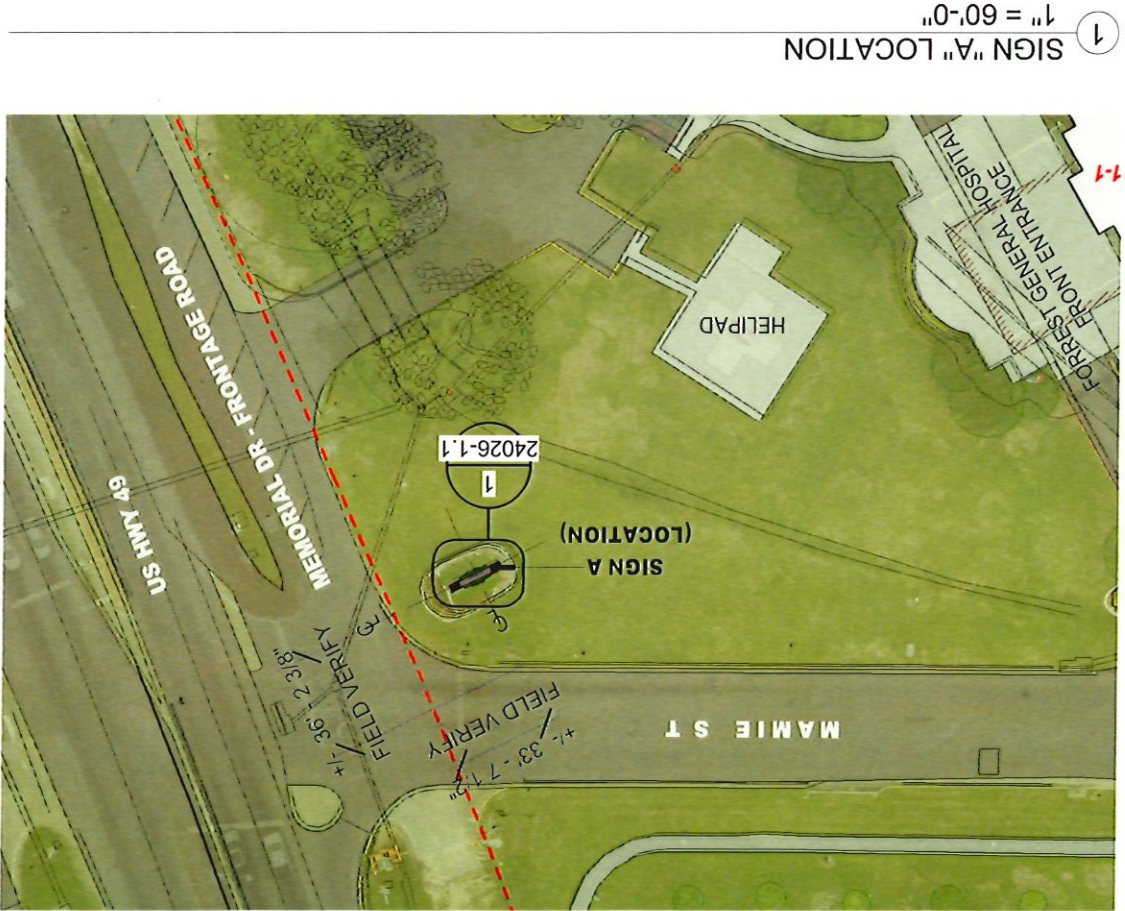
SIGN "A" - DIGITAL SIGN
EXISTING SIGN TO BE REMOVED IN ITS ENTIRETY TO
INSTALL NEW WORK.

SIGN "C" - MONUMENT SIGN
(LOCATION)

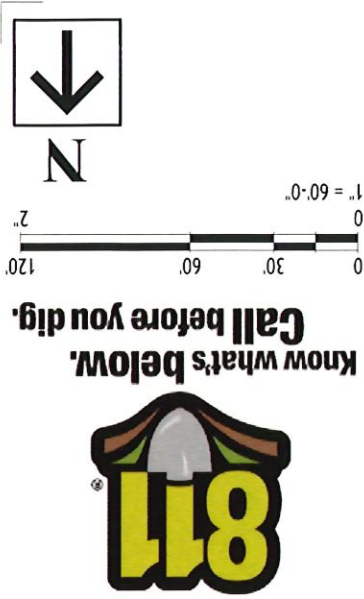
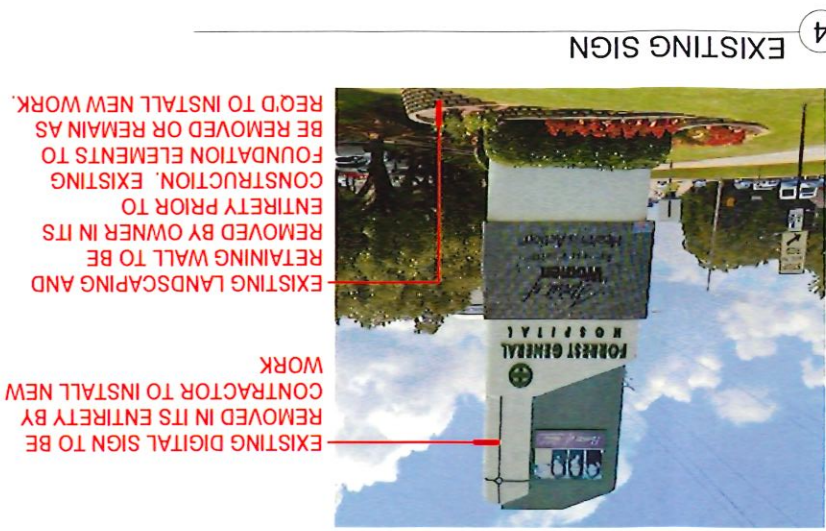


CAMPUS SIGNAGE IMPROVEMENTS
FORREST GENERAL HOSPITAL
FORREST GENERAL | HATTIESBURG | MS

From the office of: Planning and Facility Design
FORREST GENERAL HOSPITAL
Forrest Health
FGH Project ID No.: 200-24-26
Date: 6/19/2024
Drawn By: CW/BB
Reviewed By: CW/DG

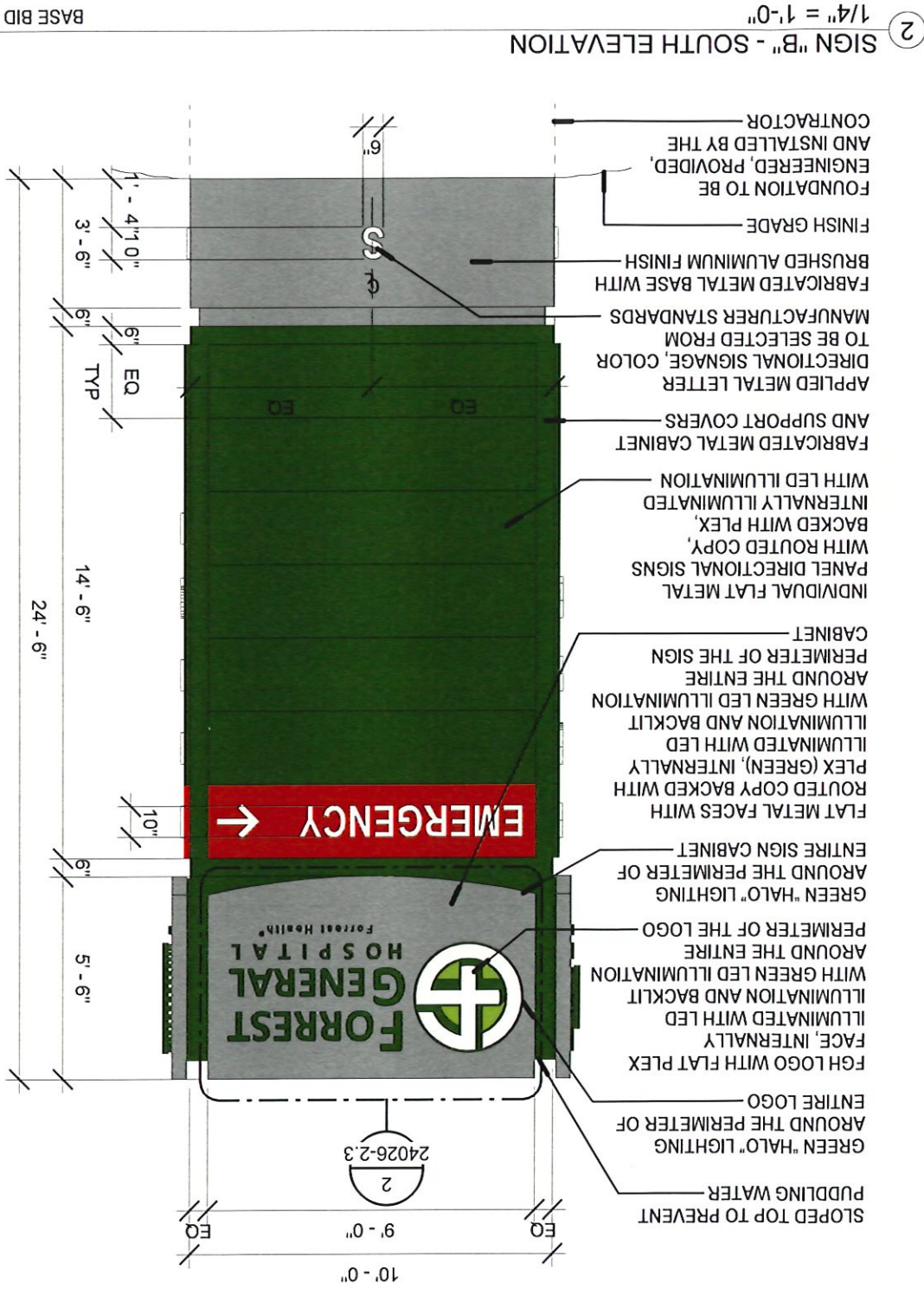
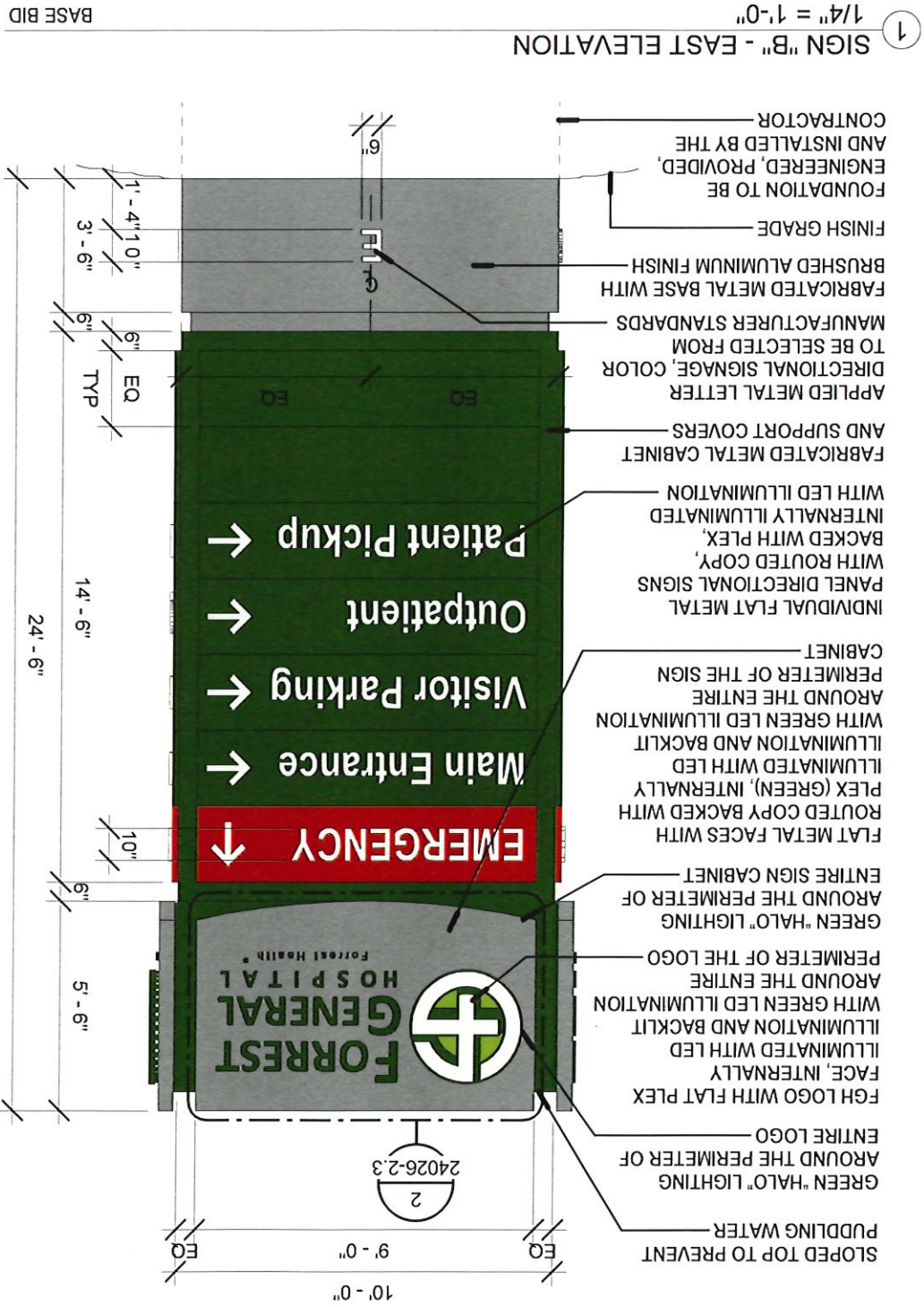


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CAMPUS SIGNAGE IMPROVEMENTS
FORREST GENERAL HOSPITAL
FORREST GENERAL | HATTIESBURG | MS





GENERAL NOTES:

1. DESIGN AS SHOWN IS TO BE USED AS BASIS OF DESIGN AND IS SHOWN FOR ILLUSTRATION PURPOSES ONLY TO CONVEY DESIGN INTENT. FINAL LAYOUT/DESIGN OF SIGNAGE TO BE SUBMITTED TO OWNER FOR APPROVAL PRIOR TO FABRICATION.
2. INITIAL PANEL TEXT SHOWN FOR BIDDING PURPOSES ONLY. FINAL DESIGN/LAYOUT OF TEXT TO BE APPROVED BY OWNER.

CAMPUS SIGNAGE IMPROVEMENTS
FORREST GENERAL HOSPITAL
FORREST GENERAL | HATTIESBURG | MS



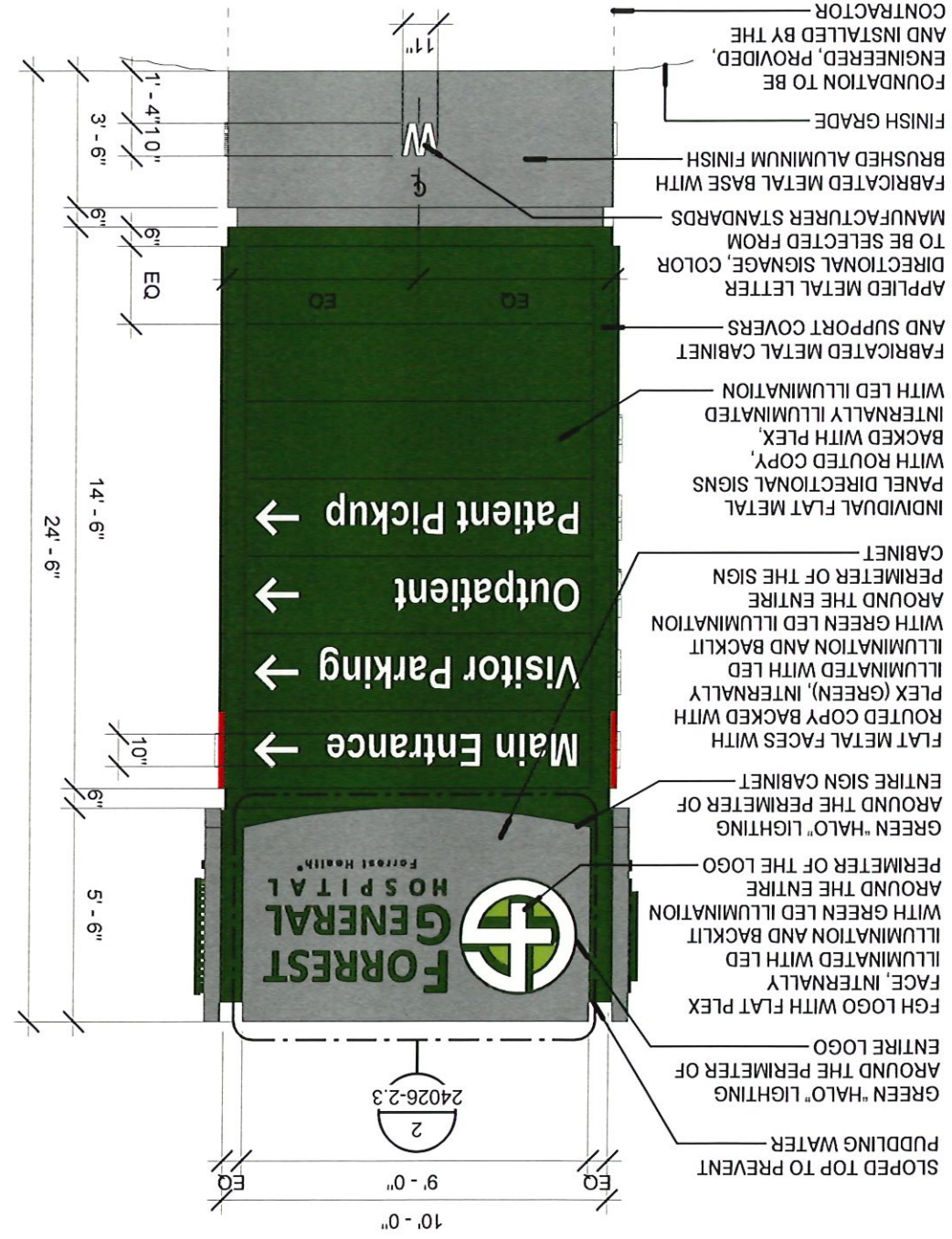


SIGN "B" ELEVATION
AND SIGN "B" AND "C"
ENLARGED PLAN

Scale: As indicated

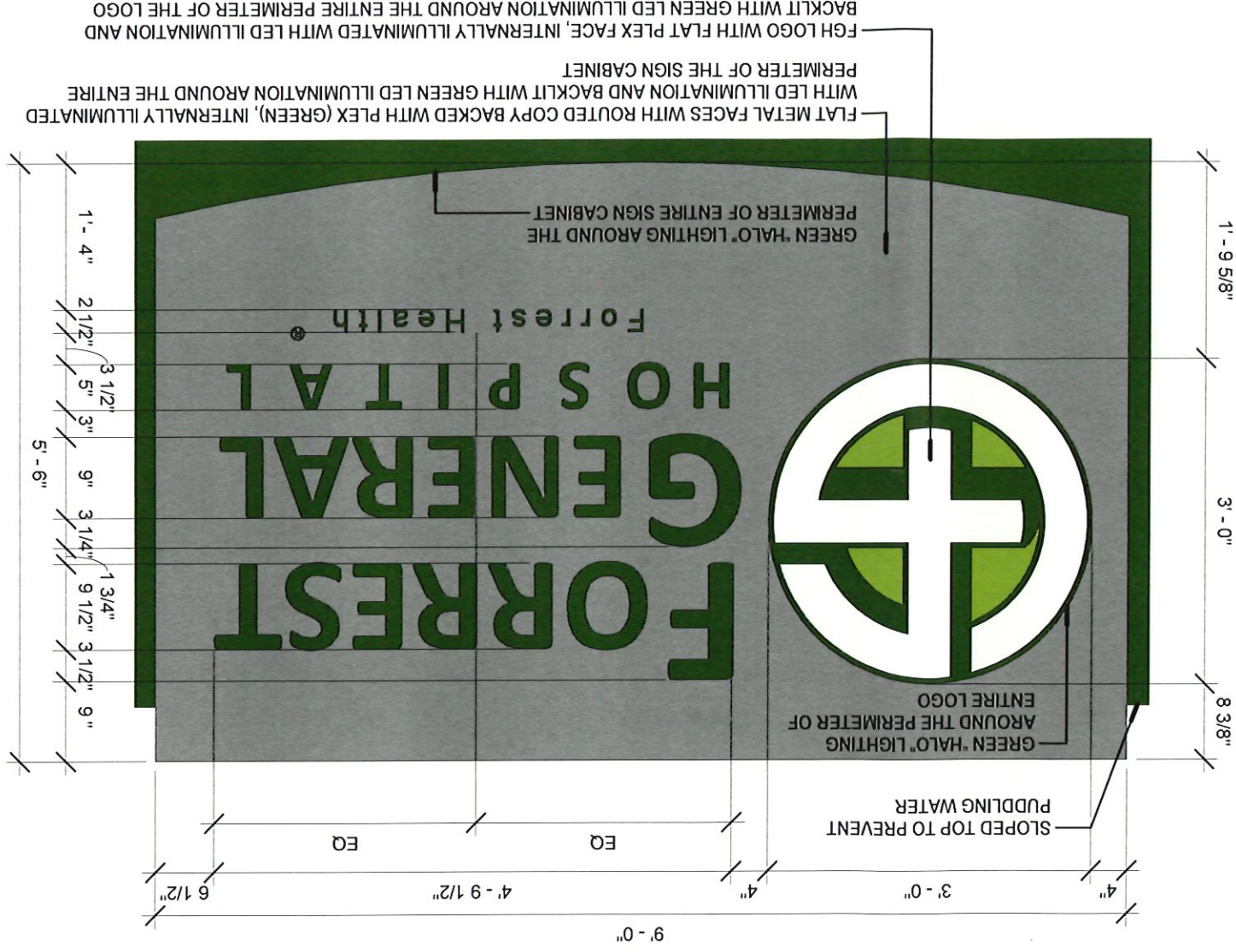
24026-2.3

① SIGN "B" - WEST ELEVATION $1/4" = 1'-0"$



BASE BID

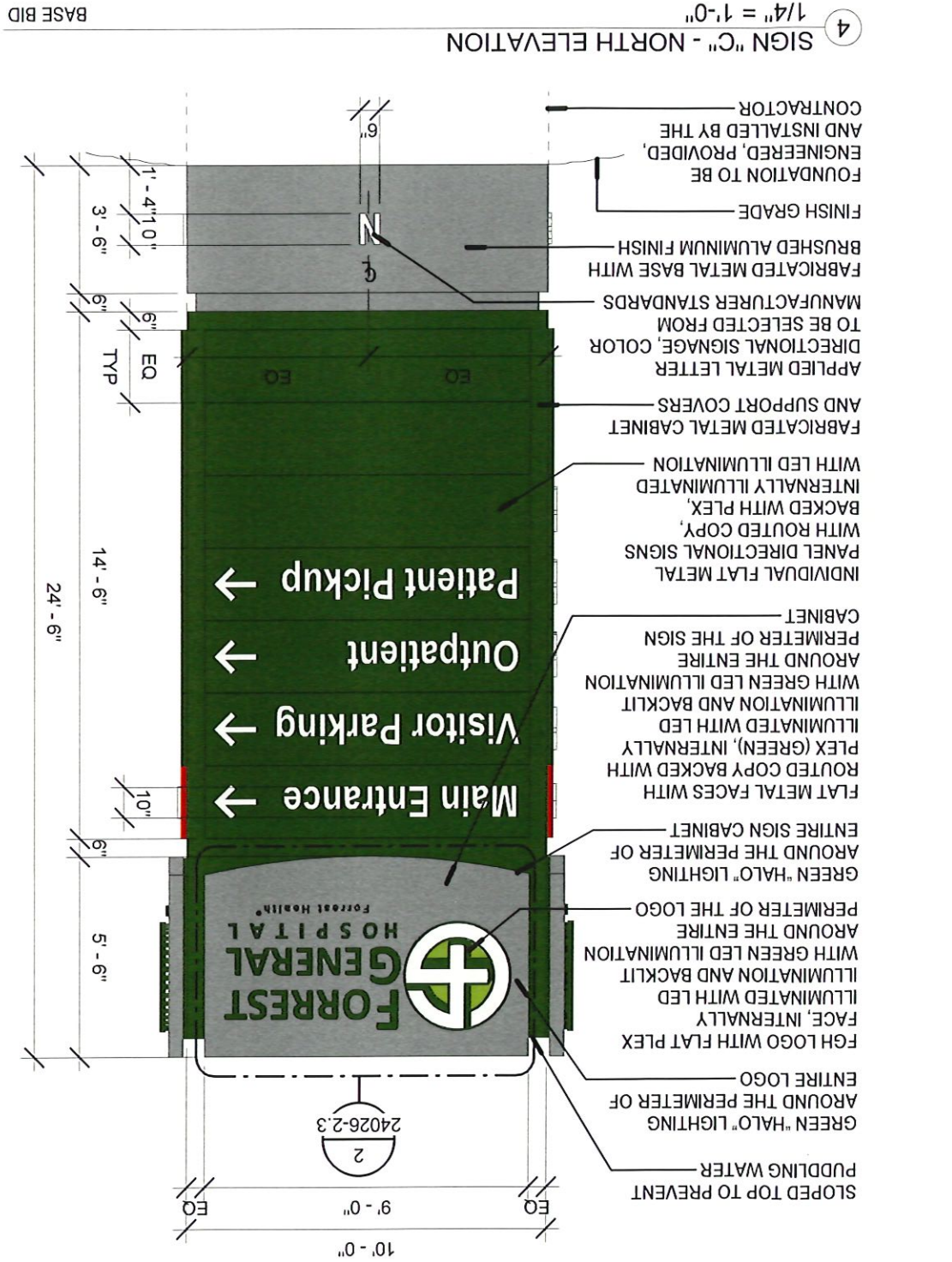
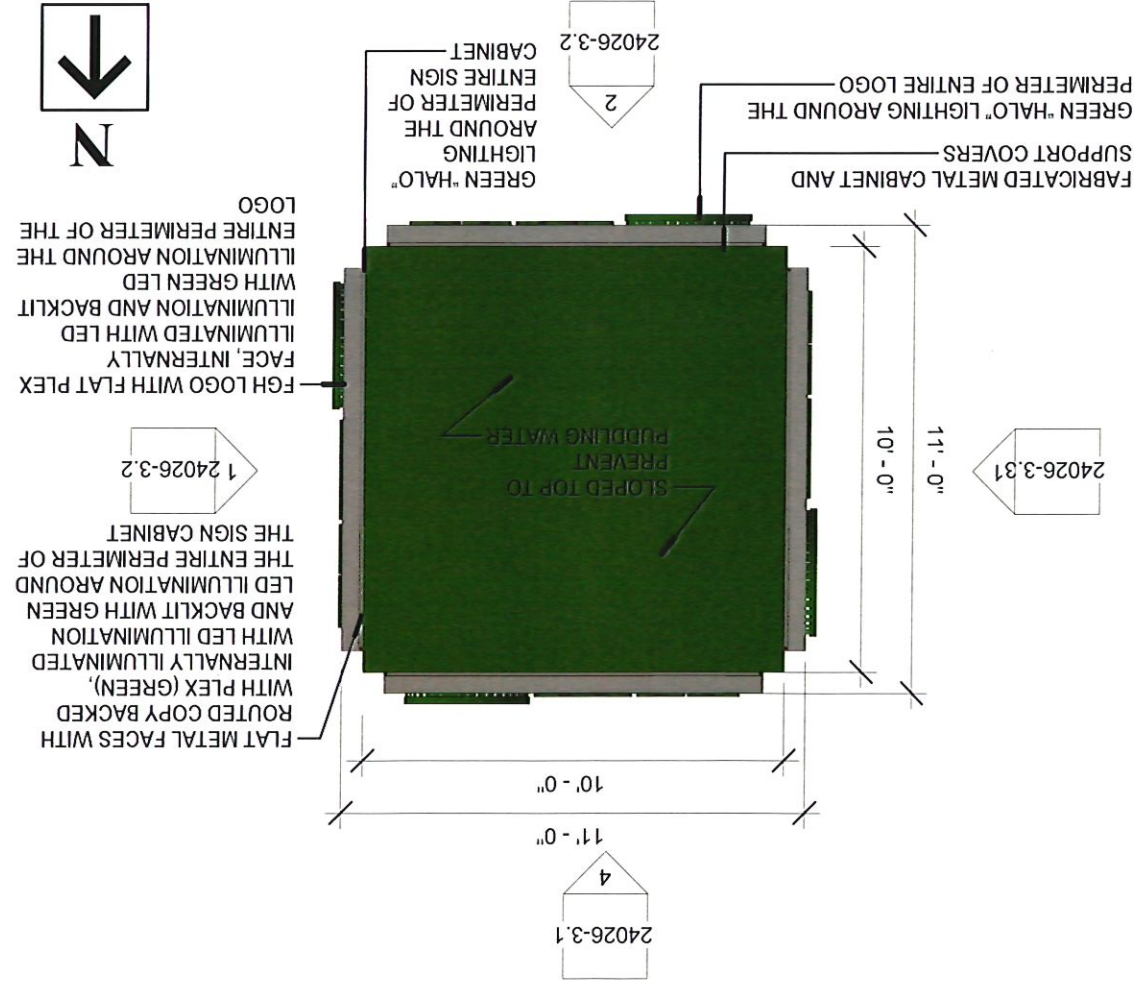
2 SIGN "B" AND "C" - ENLARGED PLAN $3/4" = 1'-0"$



BASE BID

GENERAL NOTES:

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GENERAL NOTES:

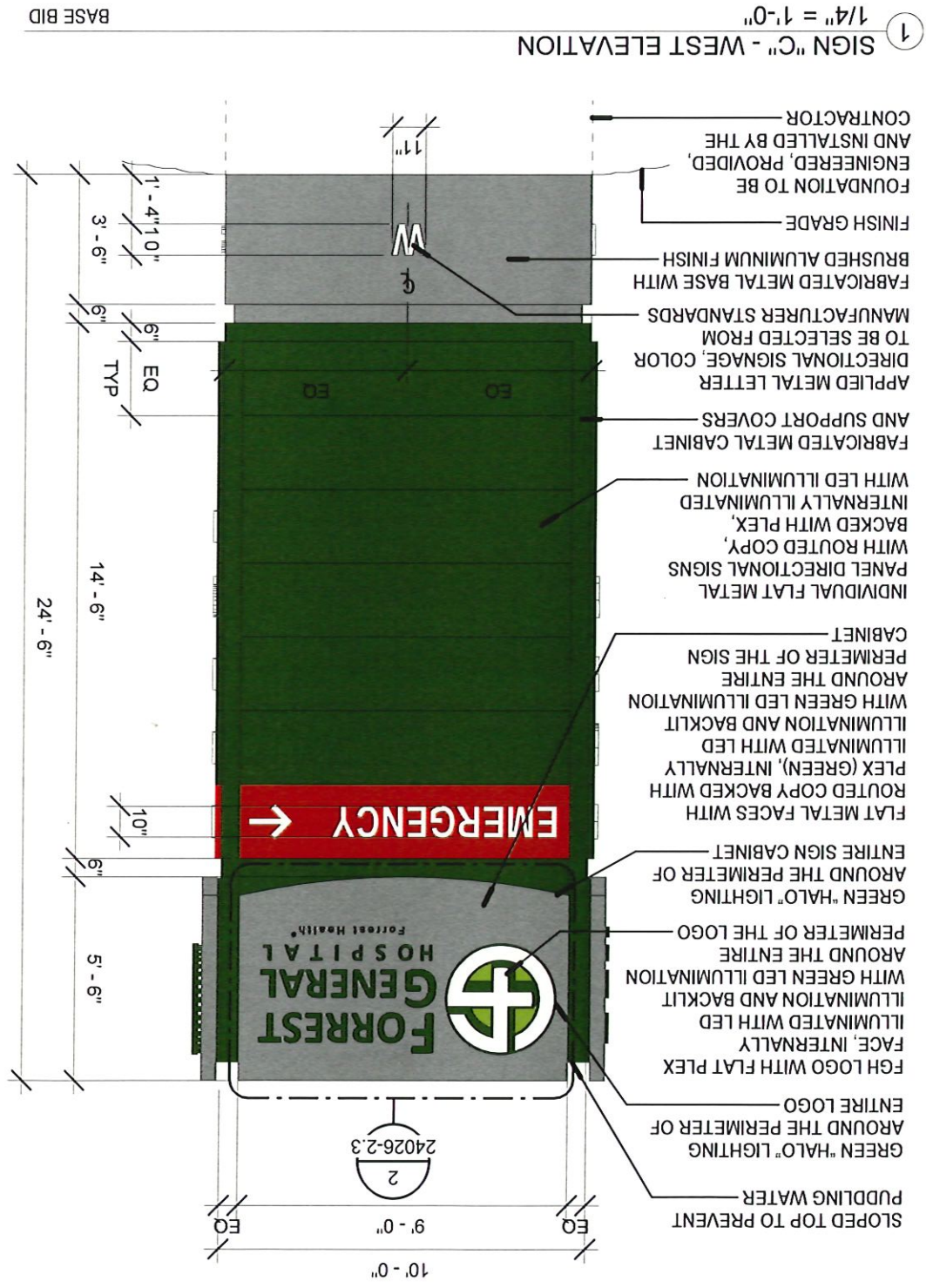
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CAMPUS SIGNAGE IMPROVEMENTS
FORREST GENERAL HOSPITAL
FORREST GENERAL | HATTIESBURG | MS



SIGN "C" PLAN & 3D
VIEWS

Scale: 1/4" = 1'-0"
24026-3.1



1. DESIGN AS SHOWN IS TO BE USED AS BASIS OF DESIGN AND IS SHOWN FOR ILLUSTRATION PURPOSES ONLY TO CONVEY DESIGN INTENT. FINAL LAYOUT/DESIGN OF SIGNAGE TO BE SUBMITTED TO OWNER FOR APPROVAL PRIOR TO FABRICATION.
2. INITIAL PANEL TEXT SHOWN FOR BIDDING PURPOSES ONLY. FINAL DESIGN/LAYOUT OF TEXT TO BE APPROVED BY OWNER.

Scale: $1/4" = 1'-0"$

SIGN "C" ELEVATIONS



CAMPUS SIGNAGE IMPROVEMENTS
FORREST GENERAL HOSPITAL
FORREST GENERAL | HATTIESBURG | MS



FGH Project ID No.: 200-24-26
Date: 6/19/2024
Drawn By: CW/BB
Reviewed By: CW/DG

CAMPUS SIGNAGE IMPROVEMENTS FORREST GENERAL HOSPITAL

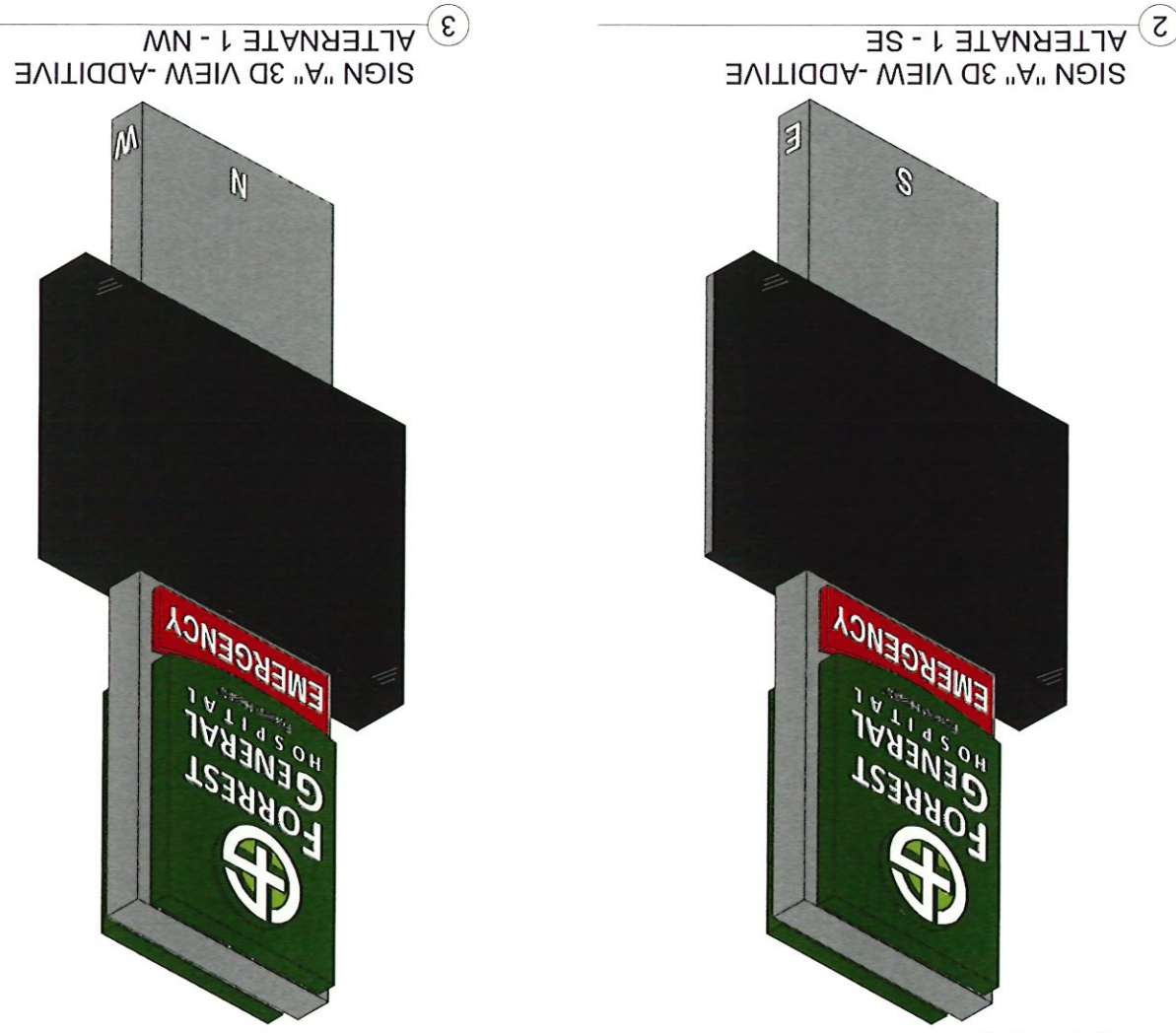
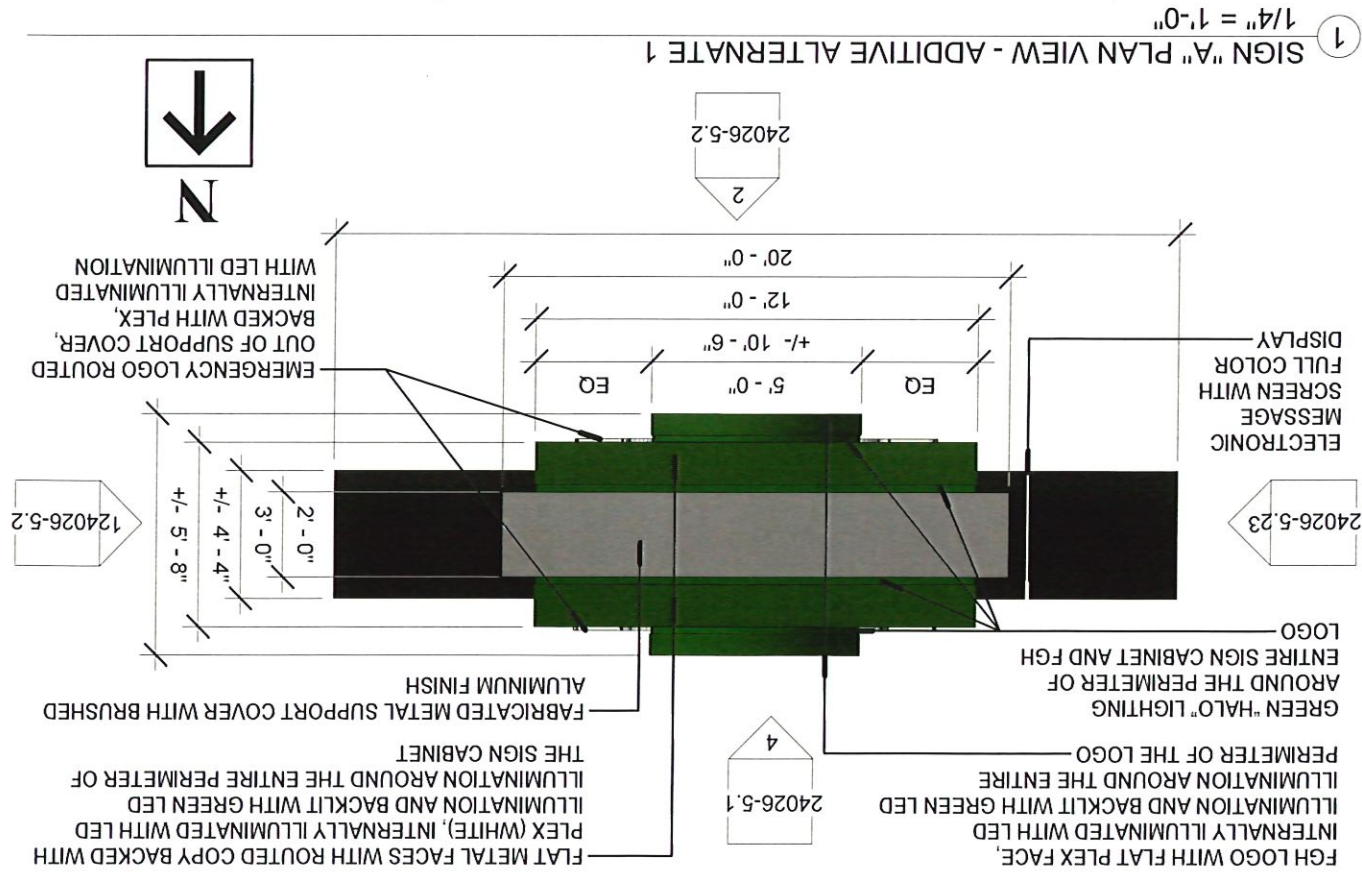
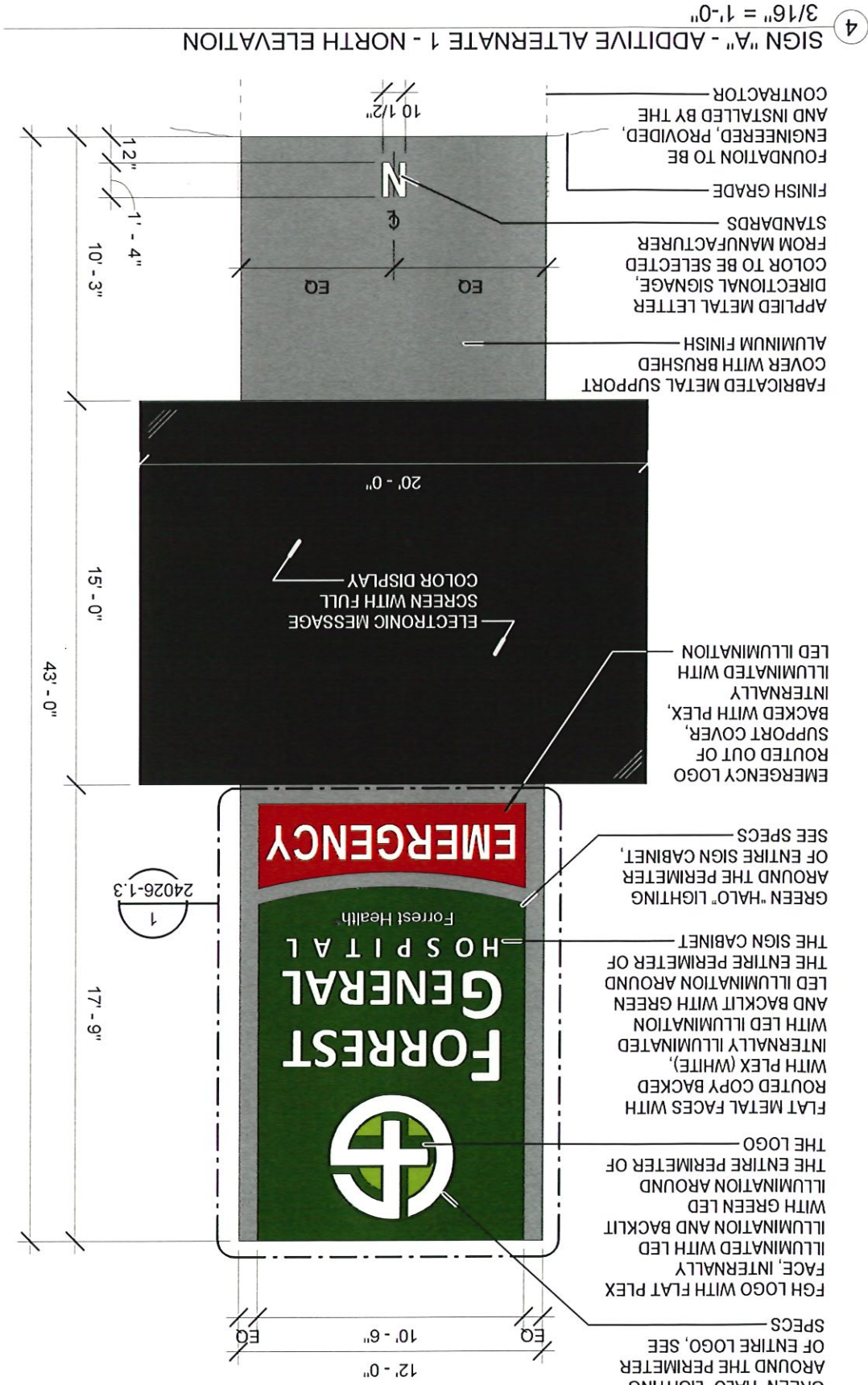


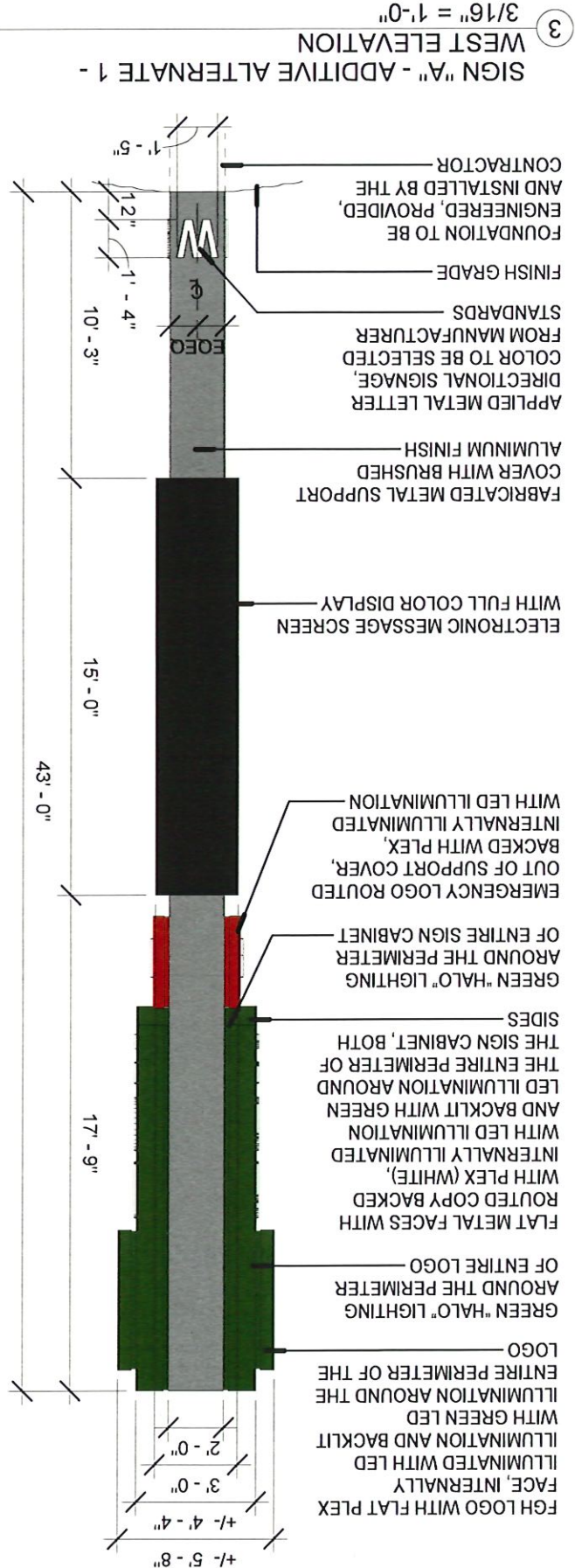
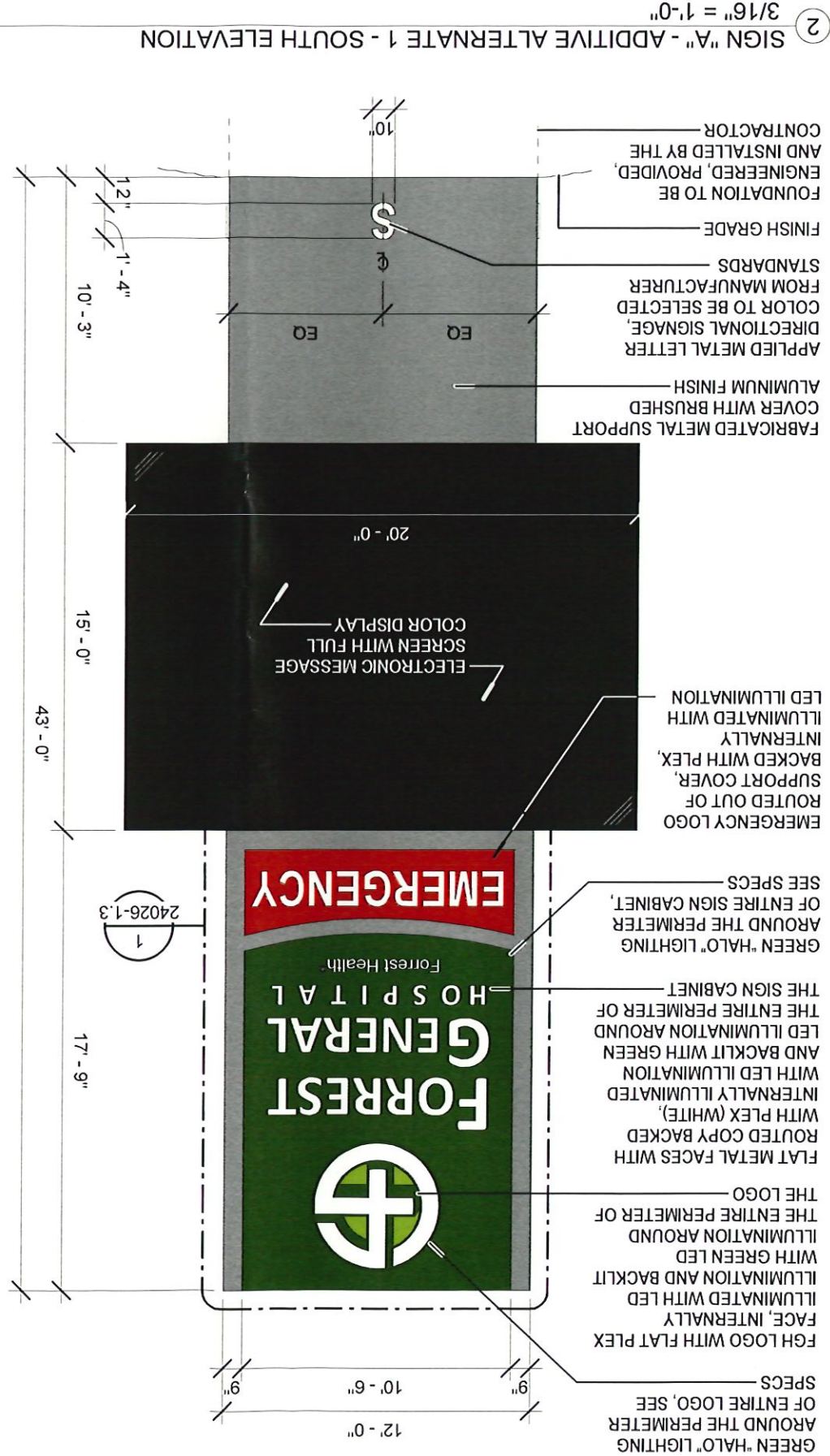
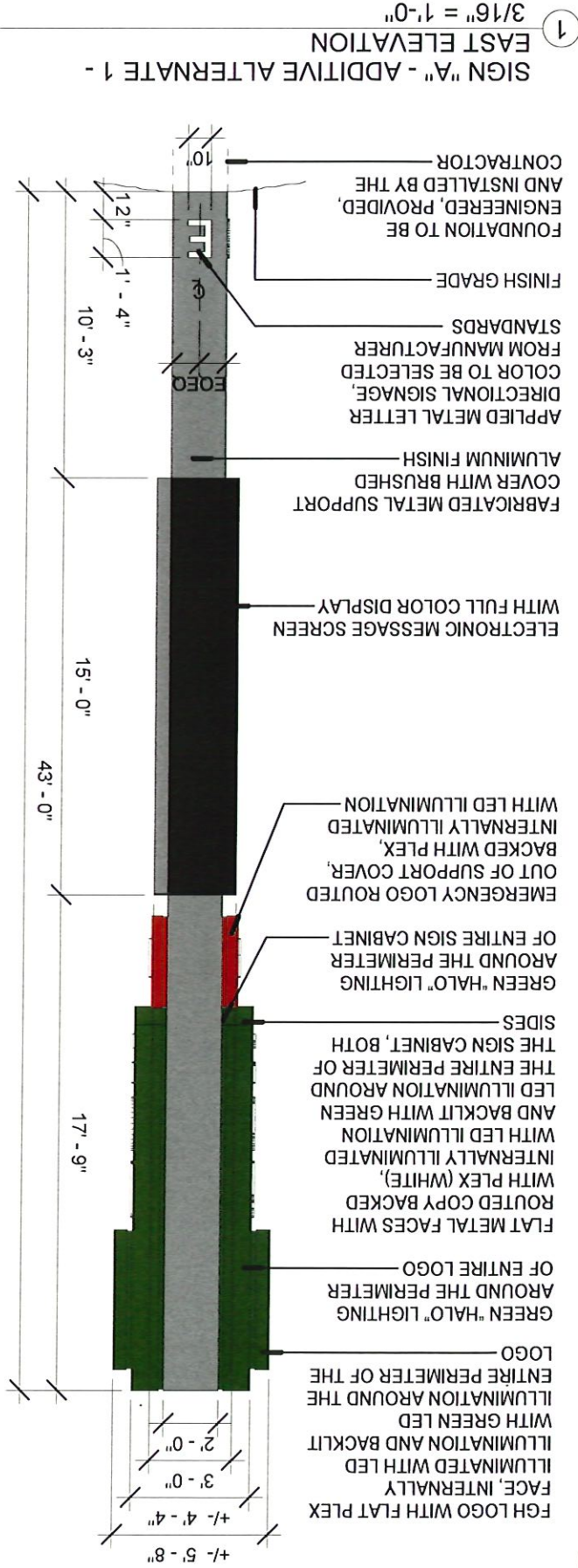
SIGN "A" PLAN &
VIEWS - ADDITIVE
ALTERNATE 1

Scale: As indicated

24026-5.1

NOTE: DESIGN AS SHOWN IS TO BE USED AS BASIS OF DESIGN
AND IS SHOWN FOR ILLUSTRATION PURPOSES ONLY TO CONVEY
DESIGN INTENT. FINAL LAYOUT/DESIGN OF SIGNAGE TO BE
SUBMITTED TO OWNER FOR APPROVAL PRIOR TO FABRICATION.





NOTE: DESIGN AS SHOWN IS TO BE USED AS BASIS OF DESIGN
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CAMPUS SIGNAGE IMPROVEMENTS
FORREST GENERAL HOSPITAL
FORREST GENERAL | HATTIESBURG | MS



SIGN "A" PLAN &
VIEWS - ADDITIVE
ALTERNATE 1



**URBAN
DEVELOPMENT
PLANNING DIVISION**

**Board of Adjustment
Case Fact Sheet**

Names of Petitioner: Alfredo Sandoval, Property Owner, and Rion Snowdon, Architect

Address of Property:	Tax Parcels	PPIN:	Ward:
1129 Hardy Street	2-029L-09-220.00	14679,14680	4

Request: Variance Requests for curb cut requirements, parking requirements, green space requirements, and impervious surface requirements.

Purpose of Request: Alfredo Sandoval, Property Owner, and Rion Snowdon, Architect, request a variance from the requirement of 75ft between curb cuts in a B-3 zoned property to allow for a 64ft curb cut (LDC 7.5.2.1), a variance from the requirement of 48 parking spaces in a B-3 zoned property to instead allow for only 30 parking spaces (LDC 7.12.3.1), a variance from the requirement of 10ft of green space to instead allow for 8ft of green space, and a variance from the maximum allowable impervious surface of 80% in a B-3 zoned property to instead allow for 88.7% of impervious surface at a property located at 1129 Hardy Street (PPIN 14679,14680, Ward 4, Forrest County).

History / Background: The applicant met with staff in a pre-application meeting in September of 2024 to discuss plans to demolish their current building, convert it into a parking lot, and renovate the building next door as the main restaurant. The applicant had previously spoken with staff about their current building and the possibilities for remaining in the existing structure. While not in a historic district, the existing Compadres building was originally constructed as the first Pizza Hut in the State of Mississippi. The building was built with “brand-specific” architecture, architectural style that is nationally recognized and connected to a specific brand.

Following a fire in the rear of the building that damaged the building's electrical panels and system, Compadres has temporarily relocated to the building previously occupied by Mario's on North 31st Avenue. The applicant and architect explored various options for keeping the existing building and for demolishing the existing building. Ultimately, the applicant chose the option of demolishing the existing building and converting it into a parking lot for the newly renovated building next door. In the pre-application meeting with staff in September, the site plan was examined and the applicants settled on requesting four variances.

Applicant Summary: Please reference the public hearing application for the applicant summary.

Applicable Regulations:

SECTION 4

Zoning Districts Established

4.5.10 B-3 Community Business District: The purpose of the B-3 District is to provide for retail, personal service, and offices in locations with convenient access to the community consistent with comprehensive planning policies. This district is consistent with the Community Business District in the Comprehensive Plan.

SECTION 7

Design Standards

7.5 Parking and Traffic Circulation

7.5.2.1 Curb cuts shall be located no closer than 75 feet from the intersection of two streets as measured from the end of the radius nearest the proposed cut. Where the width of the site is less than 75 feet, the curb cut shall be placed the as far as possible from the street intersection.

7.10 Landscaping

7.10.11.1 A green strip 10 feet in width shall be planted with at least one large, deciduous tree per 60 feet of lineal frontage.

7.12 Parking Requirements

Table 7.12 - Table of Parking Requirements.	
Standard District Table of Permitted Uses	Minimum Spaces Required
Restaurant, without drive-thru	1 per 4 seats

SECTION 6

Dimensional Standards and Measurements

6.1 District Dimensions and Standards

Table 6.1 Dimensional Standards										
District	Minimum Lot Size in SF/ Width at Setback	Max. Dwelling Units	Max. Floor Area Ratio	Setbacks in feet				Max. Height*	Max. Impervious Surface Lot Coverage	Buffer in Feet
				Min. Front	Max. Front	Min. Side	Min. Rear			
B-3	No minimum/ 100	-	1.00	30	-	0 or 10	0	40 feet or 3 stories	80%	30

Present Zoning: The property is currently zoned B-3 (Community Business District).

Present Use: Restaurant.

Future Land Use: Neighborhood Business Corridor

Surrounding Zoning and Land Use:
 North: R-1C Single Family Residential
 South: B-5 Regional Business
 East: B-5 Regional Business
 West: B-5 Regional Business

Letters or Concerns stated: The Planning Division Office has received no calls or letters of concern as of finalizing this report.

Option: Item F1: Recommend **approval or denial** of the variance from the requirement of 75ft between curb cuts in a B-3 zoned property to allow for a 64ft curb cut (LDC 7.5.2.1) for a

property located at 1129 Hardy Street (PPIN 14679/14680, Ward 4, Forrest County).

Item F2: Recommend **approval or denial** of the variance from the requirement of 48 parking spaces in a B-3 zoned property to instead allow for only 30 parking spaces (LDC 7.12.3.1), for a property located at 1129 Hardy Street (PPIN 14679/14680, Ward 4, Forrest County).

Item F3: Recommend **approval or denial** of the variance from the requirement of 10ft of green space to instead allow for 8ft of green space, and a variance for a property located at 1129 Hardy Street (PPIN 14679/14680, Ward 4, Forrest County).

Item F4: Recommend **approval or denial** of the variance from the maximum allowable impervious surface of 80% in a B-3 zoned property to instead allow for 88.7% of impervious surface at a property located at 1129 Hardy Street (PPIN 14679/14680, Ward 4, Forrest County).

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

November 2024 BOA Item: F
Curb Cut, Parking, Green Space, and Impervious Surface Requirements
Alfredo Sandoval, Property Owner, and Rion Snowdon, Architect

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.

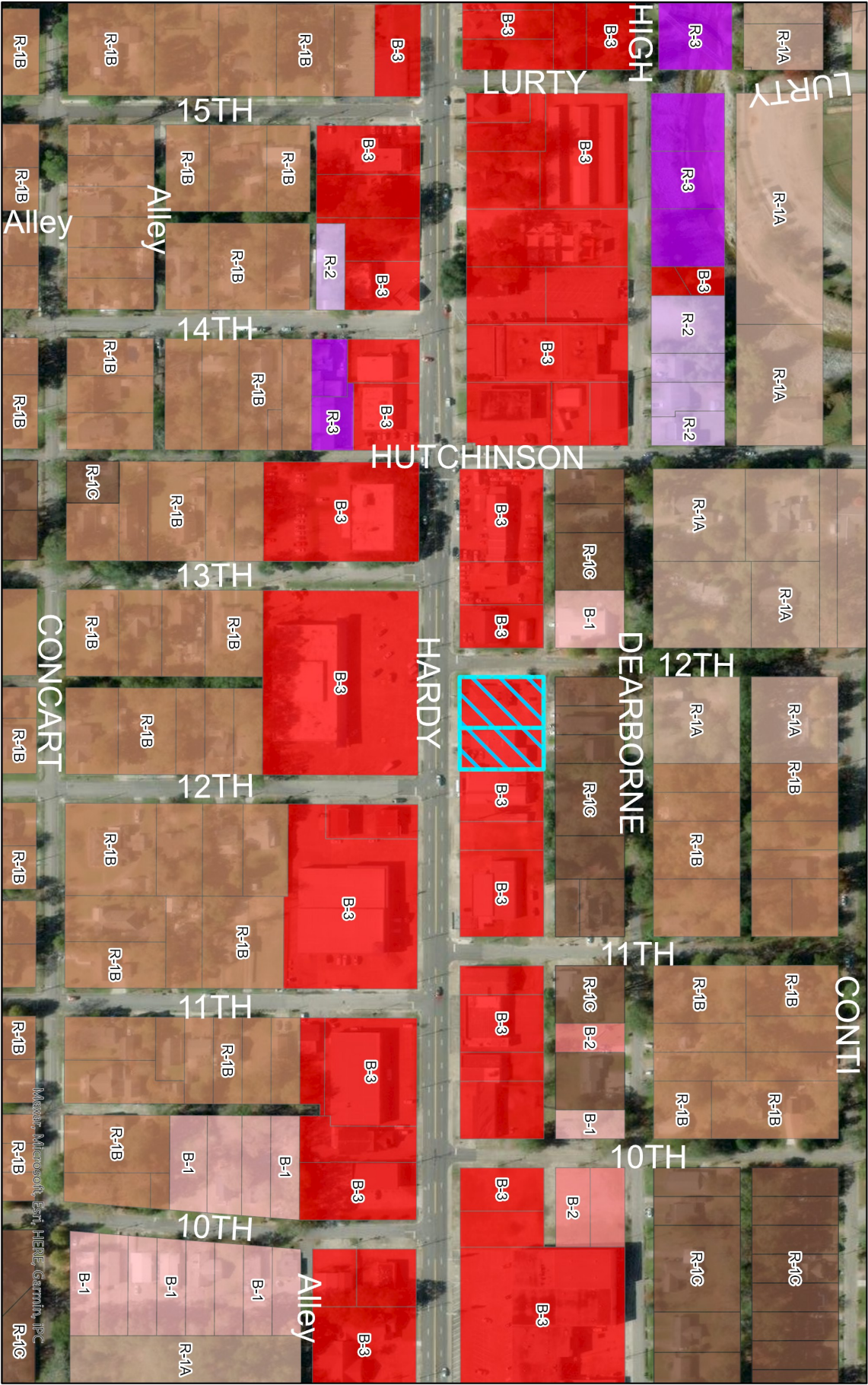
VI. Conformance with the Purposes of this Code. The granting of a variance will not conflict with the purposes and intent expressed or implied in the Land Development Code.

SUBJECT PARCEL

1129 and 1131 Hardy Street — Landscaping, Parking, Curb Cut, and Impervious Surface Requests

Alfredo Sandoval, Property Owner, and Rion Snowden, Architect, request a variance from the requirement of 75ft between curb cuts in a B-3 zoned property to allow for a 64ft curb cut (LDC 7.5.2.1), a variance from the requirement of 48 parking spaces in a B-3 zoned property to instead allow for only 30 parking spaces (LDC 7.12.3.1), a variance from the requirement of 10ft of green space to instead allow for 8ft of green space, and a variance from the maximum allowable impervious surface of 80% in a B-3 zoned property to instead allow for 88.7% of impervious surface at a property located at 1129 and 1131 Hardy Street (PPIN 14679, 14680, Ward 4, Forrest County).





Zoning Map - Legend

-  Subject Property
-  R-3
-  R-1A
-  R-1B
-  R-1C
-  R-2
-  B-1
-  B-2
-  B-3

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: 10/15/2024 12:51 PM

Multiple Variances for New Building/Parking Lot
1129-1131 Hardy Street
PPIN: 14680, 14679
Flood Zone: X
Ward 4, Forrest County



URBAN DEVELOPMENT
PLANNING DIVISION

Center: 89°18'31"W 31°19'29"N

Site Aerial



Surrounding Area



Surrounding Area





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: Rion Snowden, Verb Architecture

Project Name: Compadres Mexican Bar & Grill

Proposed Use(s): New restaurant and parking lot.

Project Street Address: 1129 & 1131 Hardy Street, Hattiesburg, MS 39401

PPIN Number(s) (if unknown, can be found on tax receipt): 14679 & 14680

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

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 |
| ☐ Lot Coverage Area | ☐ Buffer | ☐ Open Space |
| ☒ Other: <u>Curb Cut / Parking Quantity / Green Space / Impervious Surface</u> | | |

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: _____

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:

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
1129 & 1131 Hardy Street Hattiesburg MS
Street Address City State

on this the 20th day of September, 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.

Rion Snowden, Verb Architecture

on this the 20th day of September, 2024.

Alfredo Sandoval

Property Owner (print)

[Signature]
Property Owner (signature)

STATE OF MS

COUNTY OF Forrest

Personally came and appeared before me, the within named

Alfredo Sandoval,

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 20th day of
September, 2024.

[Signature]
NOTARY PUBLIC

My Commission Expires:

5/22/2026



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

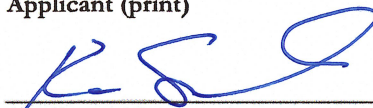
WITNESS THE SIGNATURES of the **APPLICANT(s)** of the subject property located

at
1129 & 1131 Hardy Street Hattiesburg MS
Street Address City State

on this the 20th day of September, 2024.

Rion Snowden, Verb Architecture

Applicant (print)



Applicant (signature)

STATE OF ms

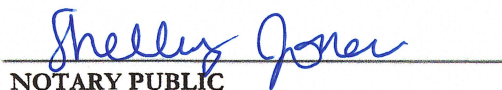
COUNTY OF Forrest

Personally came and appeared before me, the within named

Rion Snowden

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 20th day of September, 2024.



NOTARY PUBLIC

My Commission Expires:

5/22/2026



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.

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.

[See supplemental document attached.](#)

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

[See supplemental document attached.](#)

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.

[See supplemental document attached.](#)

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

[See supplemental document attached.](#)

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

[See supplemental document attached.](#)

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 supplemental document attached.](#)

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.

SUPPORTING DOCUMENTATION for VARIANCES
for the Public Hearing Application

Variance No. 01

Description:

The proposed curb cut is less than 75 feet from radius nearest the proposed cut. The existing building to remain does not allow 75 feet to be achieved so farthest point from intersection was designed. A variance to allow a curb cut 64 feet from the closest radius of where N 12th Avenue intersects Hardy Street is requested.

(Land Development Code Section 7.5.2.1)

1. **Hardship:**

The proposed curb cut is shifted as far east as possible while still providing access from Hardy Street. The existing building to remain does not allow the 75-foot requirement to be met. The existing alley curb cut is remaining but cannot provide direct access to the newly proposed parking lot.

2. **Special Privilege:**

All adjacent properties have the opportunity for direct access into the site from Hardy Street. Many existing curb cuts are within the 75-foot requirement due to the limiting size of the corner lots.

3. **Literal Interpretation:**

The proposed curb cut shown would not be possible without a variance. To comply with the literal interpretation would require the entrance to the site to be on N 12th Avenue and meet the same 75-foot distance requirement. This would congest the proposed parking lot and reduce the already low number of spaces due to multiple access points at the rear of the site.

4. **Reasonable Use:**

The proposed parking lot would not be able to accommodate the already low amount of parking needed for the restaurant if a curb cut was required along the west side of the property. Proposing runs of parking east to west on the site would be too narrow to provide sufficient parking spaces and the associated islands when larger runs of spaces can run north to south along the site.

5. **Minimum Required:**

The proposed curb cut is 64 feet from N 12th Avenue is as close to the existing building to remain while still allowing access from Hardy Street into the site. The curb cut is reduced to a one-way drive to further increase the distance from the intersection. The existing curb cut is closer than what is proposed, therefore this variance would bring the site further into compliance that what currently exists.

6. Conformance with Purpose of this Code:

The purpose of this code is to provide an adequate distance between traffic entering and exiting Hardy Street so that traffic does not become congested. By widening the proposed curb cut to 15 feet and only allowing a one-way entry into the site we have mitigated any conflict with the intersection at N 12th Avenue. No traffic from the site will exit onto Hardy Street; guests will exit the rear of the site and proceed down the alley to N 12th Avenue or N 11th Avenue to re-enter Hardy Street traffic flow.

Variance No. 02

Description:

Parking spaces do not meet the required number of spaces for 1 per 4 seats to meet green space, curb cut, and landscape island requirements.

(Land Development Code - Section 7.5.4.2)

Due to a change in the use of an existing structure and an attempt to maximize landscaping and encourage pedestrian traffic a reduction of 37% (20% allowed) is requested to bring 30 spaces where 48 are required into compliance. $189 \text{ seats} / 4 = 47.25 \text{ spaces}$

(Land Development Code - Section 7.12.3.1)

1. Hardship:

The proposed building to remain has minimal area to accommodate parking for a restaurant. The Owner has elected to demolish the existing fire-damaged building to accommodate the needed parking spaces for the new proposed restaurant. The entire adjacent site does not provide enough space to accommodate the required number of parking spaces while providing green space, pedestrian traffic routes, and landscaping.

2. Special Privilege:

Many adjacent properties have encountered the same issue and currently utilize shared parking lots and depend on pedestrian traffic as well as golf carts.

3. Literal Interpretation:

The limited space on the site of the demolished building would not provide enough space for the required 48 parking spaces. More spaces than the proposed 30 could potentially be provided but at the expense of the 8-foot-wide sidewalk and green space in the front and the 5-foot-wide sidewalk connecting the residential neighborhood to the north. It was communicated that it is the desire of the city administration that green space and pedestrian traffic be prioritized over the amount of parking spaces.

4. Reasonable Use:

The proposed layout provides the most efficient amount of parking while accommodating all preferred pedestrian routes including the not yet adopted multiuse 8-foot-wide path along Hardy Street.

5. Minimum Required:
The proposed parking layout showing 30 parking spaces is the closest we can get to the required 48 spaces required. Shared parking lots nearby that are already being utilized by several businesses would be used if necessary.
6. Conformance with Purpose of this Code:
The purpose of this code is to provide an adequate number of parking spaces for the number of guests in the restaurant. With improved pedestrian access to the site, increased golf cart traffic, and available overflow parking areas nearby, this proposed layout would meet the quantity needs of the restaurant guests and therefore satisfy the intent of this code.

Variance No. 03

Description:

The green space at the front of the property is shown to be 8'-0" wide instead of 10'-0" wide at the request of City of Hattiesburg administration for future Hardy Street developments.
(Land Development Code - Section 7.10.11.1)

1. Hardship:
This variance comes at the request of the City of Hattiesburg administration. The request was for an 8-foot-wide green space and an 8-foot-wide multiuse sidewalk that will be incorporated into a future amendment to the Land Development Code for developments along this portion of Hardy Street.
2. Special Privilege:
This will be an amendment to the Land Development Code and will be required on future developments on other sites in this area to create a connected multiuse path along Hardy Street.
3. Literal Interpretation:
The amendment has not been incorporated into the Land Development Code to date and was a request of the City of Hattiesburg administration when news of this project was shared.
4. Reasonable Use:
Not applicable since an amendment to the Land Development Code has not yet been adopted.
5. Minimum Required:
The variance would result in a minimal reduction of the green space from 10 feet to 8 feet, but the addition of the 8-foot-wide sidewalk allows pedestrian traffic to be further from Hardy Street traffic despite the green space being reduced.
6. Conformance with Purpose of this Code:
Not applicable since an amendment to the Land Development Code has not yet been adopted.

Variance No. 04

Description:

The proposed site plan exceeds the allowable 80% maximum impervious surface lot coverage. Most of this is existing and/or required to meet the parking calculations for the restaurant. This variance request is for 88.7% impervious surface to be acceptable.

2,725 sf pervious / 24,315 sf impervious = 88.7% impervious
(Land Development Code - Table 6.1 Dimensional Standards)

1. Hardship:

The size limitations of the site and the amount of required parking mentioned above in Variance No. 2 create an issue achieving an 80% impervious surface maximum. Green space and parking islands have been added to the parking lot as well as additional green space in front of the existing building to remain to increase the almost non-existent impervious surfaces of the existing site. See existing site photos on sheet A0 of the provided plans.

2. Special Privilege:

Unfortunately, green space and other impervious surfaces are infrequent and even non-existent on many nearby sites. The reduction in the number of required parking space variance was required to incorporate as many impervious surfaces as possible while still providing enough parking for restaurant guests.

3. Literal Interpretation:

The literal interpretation of the required impervious surface areas would result in a loss of an additional 10-11 parking spaces. This would further push the proposed parking lot into non-compliance to the point of infeasibility. Even with the relief of parking burden provided by pedestrian and golf cart traffic, this amount of reduction in required parking would not be permissible.

4. Reasonable Use:

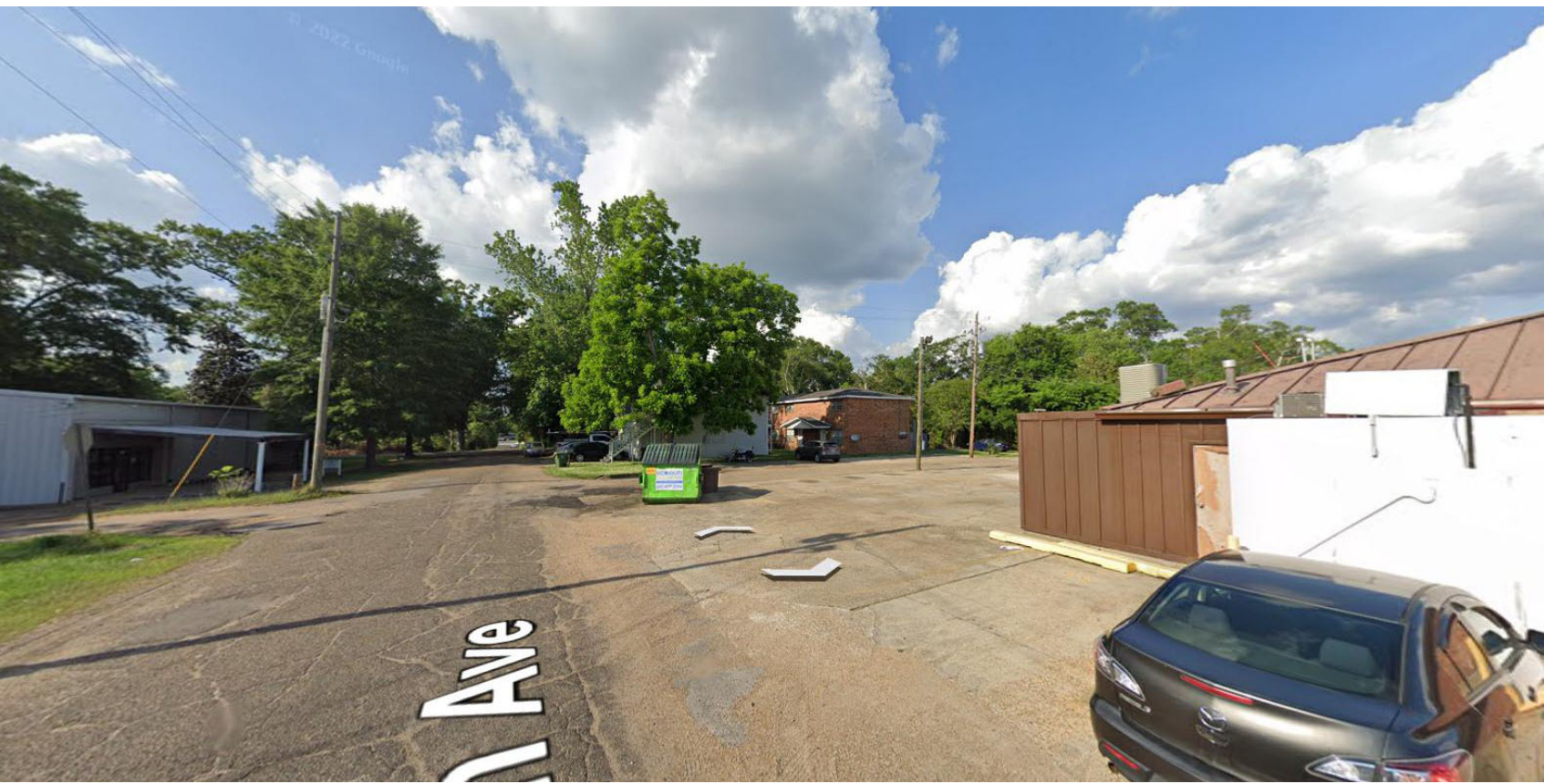
To comply with the 80% maximum impervious surface area, the proposed parking lot would not be able to accommodate the needs of the restaurant guests. If the parking lot cannot accommodate the needs of the guests as a supplemental lot to the existing building site, then the existing building site alone cannot support the change of use.

5. Minimum Required:

The variance would result in an increase in the maximum allowable impervious surface area from 80% to the 88.7% proposed. The proposed site plan attempts to meet the parking needs of the restaurant while also providing as much impervious surface area as possible. The proposed site plan substantially increases the amount of impervious surface existent on both sites and creates a cohesive site plan across both sites that meets the sidewalk requirements of the Land Development Code and the additional requests of the city administration. The requested 8-foot-wide sidewalk is also located within the property lines of the site, and without which would provide more opportunity for impervious surface area. However, it is the desire of the city and to the benefit of future developments along Hardy Street to install this multiuse path connecting downtown to midtown.

6. Conformance with Purpose of this Code:

The purpose of this code is to improve the aesthetic along Hardy Street and to prevent large areas of paving lacking landscaping, green space, and adequate drainage. Several lots in this area have minimal to no impervious surface area including the existing site being renovated. The proposed site plan has taken the intent of this code and created a balance between a functional parking lot that meets the needs of the change of use while still incorporating ample opportunities for green space and landscaping along Hardy Street. This design, while it does not bring the site fully into compliance, does bring it further into compliance than it currently exists today.



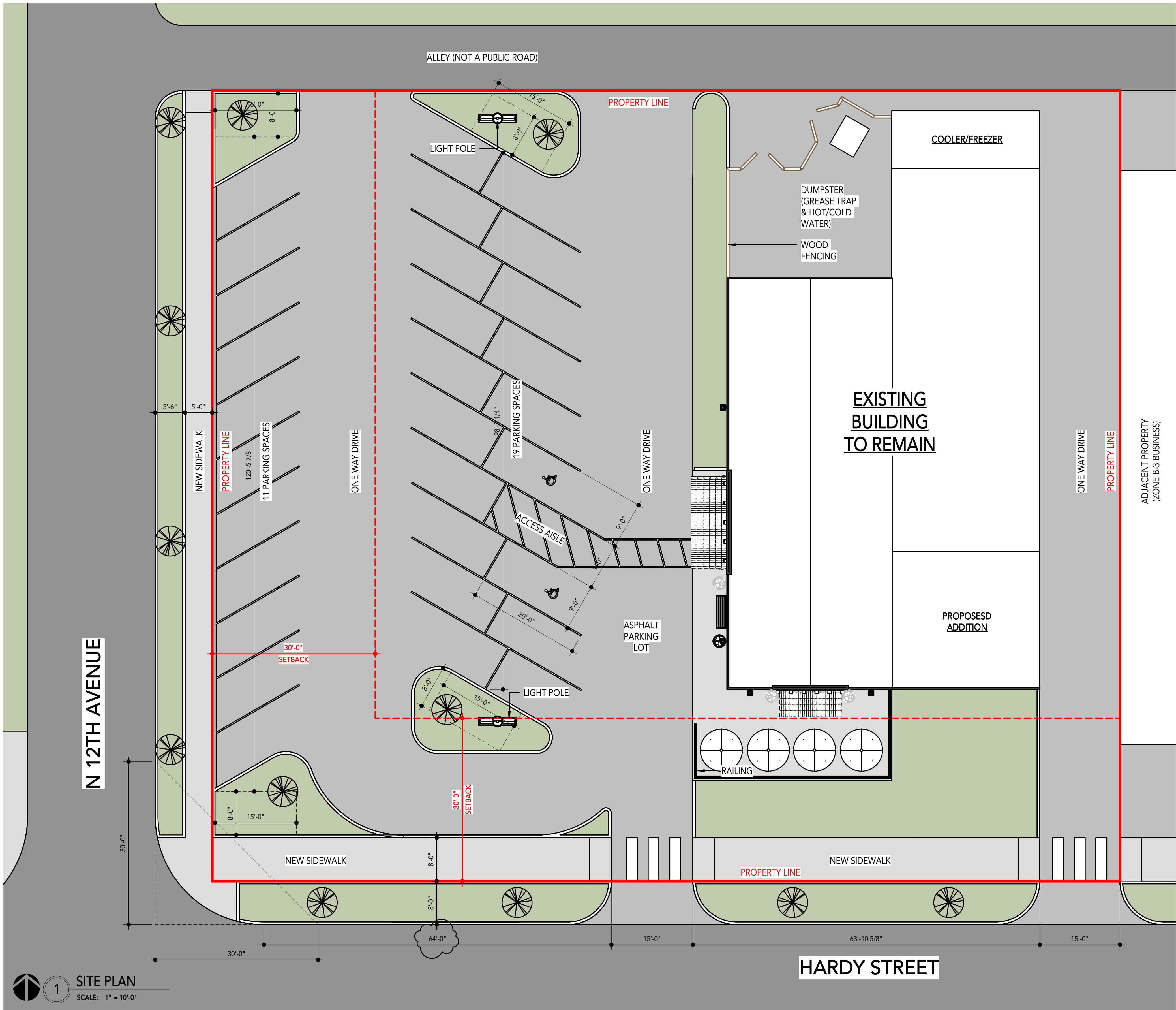
PROJECT:
COMPADRES TAQUERIA & GRILL
1129 HARDY ST, HATTIESBURG, MS 39401

NOTES:
All plumbing, mechanical, and
electrical work shown is for planning
and coordination purposes only.
Contractor is to ensure that all work
complies with all applicable codes,
standards, and local ordinances.

DATE: 09/19/2024
PROJECT NO: 23-27
REVISION

EXISTING SITE

SCALE:
DRAWN BY: EH
CHECKED BY:



VARIANCES REQUIRED:

- CURB CUT IS LESS THAN 75 FROM RADIUS NEAREST THE PROPOSED CUT. THE EXISTING BUILDING TO REMAIN DOES NOT ALLOW 75 FEET TO BE ACHIEVED SO FARTHEST POINT FROM INTERSECTION WAS DESIGNED.
(LAND DEVELOPMENT CODE SECTION 7.5.2.1)
- PARKING SPACES DO NOT MEET REQUIRED NUMBER OF SPACES FOR 1 PER 4 SEATS IN AN ATTEMPT TO MEET GREEN SPACE, CURB CUT, AND LANDSCAPE ISLAND REQUIREMENTS.
(LAND DEVELOPMENT CODE - SECTION 7.5.4.2)
DUE TO A CHANGE IN USE OF AN EXISTING STRUCTURE AND AN ATTEMPT TO MAXIMIZE LANDSCAPING AND ENCOURAGE PEDESTRIAN TRAFFIC A REDUCTION OF 37% (20% ALLOWED) IS REQUESTED TO BRING 30 SPACES WHERE 48 ARE REQUIRED INTO COMPLIANCE.
189 SEATS / 4 = 47.25 SPACES
(LAND DEVELOPMENT CODE - SECTION 7.12.3.1)
- GREEN STRIP AT FRONT OF PROPERTY IS 8'-0" WIDE INSTEAD OF 10'-0" WIDE AT THE REQUEST OF PLANNING DEPARTMENT FOR FUTURE HARDY STREET DEVELOPMENTS.
(LAND DEVELOPMENT CODE - SECTION 7.10.11.1)
- THE SITE EXCEEDS THE ALLOWABLE 80% MAXIMUM IMPERVIOUS SURFACE LOT COVERAGE. MOST OF THIS IS EXISTING AND/OR REQUIRED TO MEET THE PARKING CALCULATIONS FOR THE RESTAURANT.
2,725 SF PERVIOUS / 24,315 SF IMPERVIOUS = 88.7% IMPERVIOUS
(LAND DEVELOPMENT CODE - TABLE 6.1 DIMENSIONAL STANDARDS)

PPINs
14679
14680

PARCEL IDs:
2-029L-09-220.00
2-029L-09-221.00

ZONING
BUSINESS (B-3)
ADJACENT LOTS: BUSINESS (B-3)

SETBACKS
FRONT: 30' MIN.
SIDE: 0' OR 10'
REAR: 0'

NOTES:
All plumbing, mechanical, and electrical work shown is for planning and coordination purposes only. Contractor is to ensure that all work complies with all applicable codes, standards, and local ordinances.

DATE: 09/19/2024
PROJECT NO: 23-27
REVISION

SITE PLAN

SCALE: 1" = 10'-0"
DRAWN BY: EH
CHECKED BY:

PROJECT:
COMPADRES TAQUERIA & GRILL
1129 HARDY ST, HATTIESBURG, MS 39401

NOTES:
All plumbing, mechanical, and
electrical work shown is for planning
and coordination purposes only.
Contractor is to ensure that all work
complies with all applicable codes,
standards, and local ordinances.

DATE: 09/19/2024

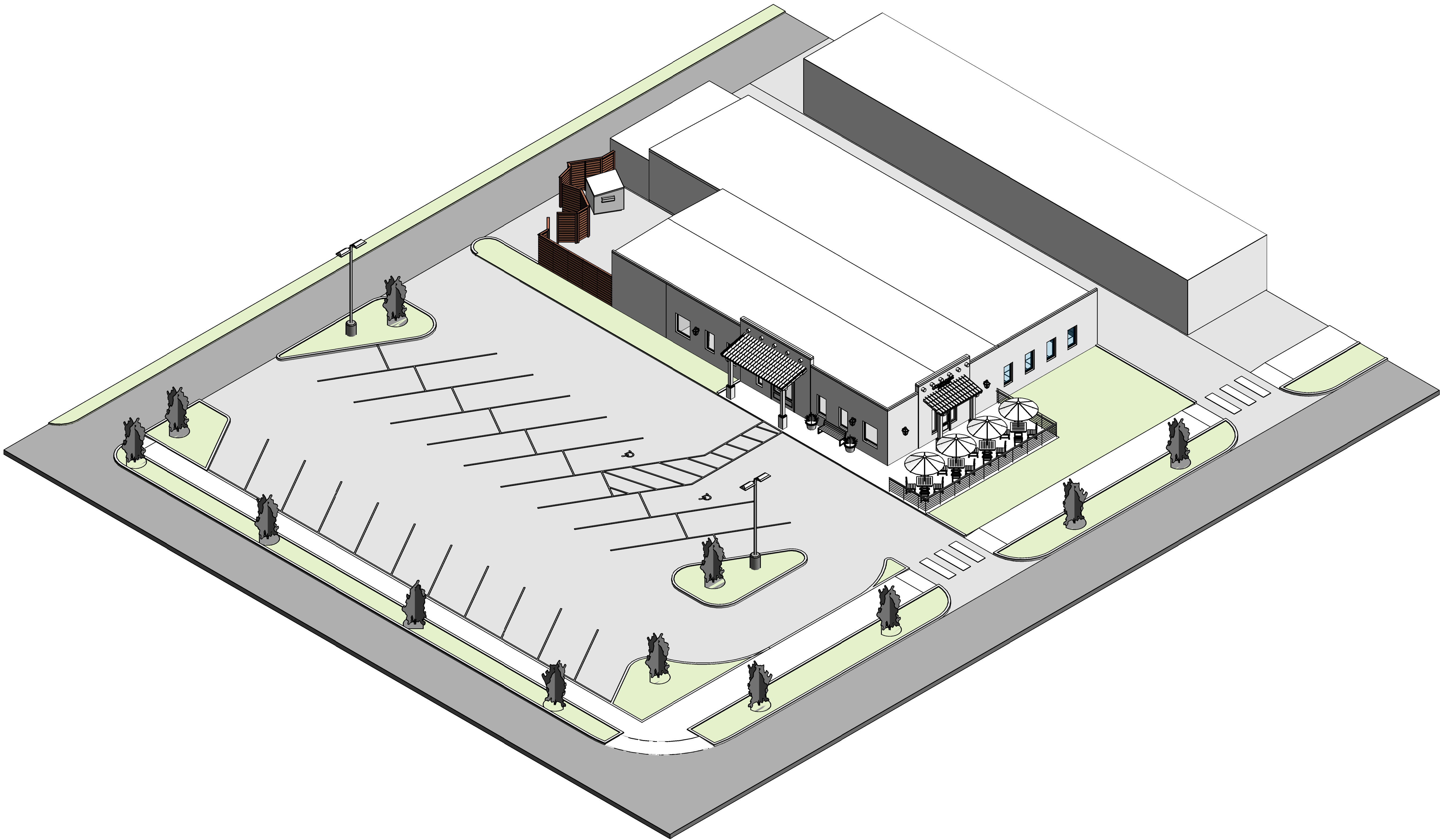
PROJECT NO: 23-27

REVISION

3D SITE VIEW

SCALE:
DRAWN BY: EH/GSK
CHECKED BY: EH

A2





**URBAN
DEVELOPMENT
PLANNING DIVISION**

**Board of Adjustment
Case Fact Sheet**

Names of Petitioner: Michael Myrick, Property Owner, and Scott Pipkins, Contractor

Address of Property:
313 E 3rd Street

Tax Parcels
2-029J-10-036.00

PPIN:
15708

Ward:
4

Request: Variance Request for the maximum outdoor equipment storage area.

Purpose of Request: Michael Myrick, Owner, and Scott Pipkins, Applicant/Contractor, request a variance from the maximum outdoor equipment storage area of 50% (LDC 7.12.10.4), at a property located at 313 E 3rd Street (PPIN 15708, Ward 4, Forrest County).

History / Background: The applicant met with staff in a pre-app for a proposed expansion of an existing business (Economy Supply) on an adjacent property. The applicant wants to use 313 E 3rd Street as an additional warehousing and storage area. The proposal included the use of the entirety of the side and rear lot area to be used for an outdoor storage area. The Land Development Code places a maximum on the outdoor storage area at 50% of the side and rear lot. The applicant is also proposing the use of gravel as the primary surface material for the outdoor storage area. The Land Development Code requires a hard surface material (asphalt, concrete, or other similar alternative as approved by the City Engineer) for outdoor storage areas.

The purpose of limiting an outdoor storage area is primarily to protect the visual aesthetics of a community. Preventing visual clutter and maintaining an attractive streetscape are implemented into Land Development Codes, which this regulation is intended to help encourage. The limiting of the area also helps with reducing pervious surface coverage,

reducing stormwater runoff, and allowing for additional landscaping areas. While the applicant is seeking a conditional use for gravel in place of hard surface material for the storage area, landscaped areas are superior in water absorption rates, whereas gravel is subject to packing, and increasing stormwater runoff rates.

Staff discussed a variety of options, including reducing the overall size of the lot, or collapsing all adjacent properties owned by the applicant (Economy Supply) to alleviate the need for a variance.

Applicant Summary: Please reference the public hearing application for the applicant summary.

Applicable Regulations:

SECTION 4 Zoning Districts Established

4.5.12 B-5 Regional Business District: The purpose of the B-5 District is to provide 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 5 5.4.16 Construction Offices.

5.4.16.1 All outdoor storage of non-passenger vehicles and building materials shall be kept at least 100 linear feet from any adjacent lot containing a legal, conforming residential use and shall be located in a side or rear yard only.

5.4.16.2 Outdoor storage shall be screened from major thoroughfares and adjacent properties in accordance with the screening requirements set forth in Section 7.9

5.4.16.3 A maximum open storage space of 50% of the side and rear lot area is allowed for business and industrial equipment and materials.

5.4.16.4 Open storage of items shall not be piled or stacked over 20 feet in height above grade.

SECTION 7

Design Standards

7.12.10 Parking and Storage Areas in Non-Residential Zones

7.12.10.3 Outdoor storage shall be screened from major thoroughfares, local streets, and adjacent properties in accordance with the screening requirements set forth in Section 7.9.

7.12.10.4 A maximum outdoor equipment storage space of 50% of the side and rear lot area is allowed for business and industrial equipment and materials if outdoor storage is an accessory to another use on the same lot.

- i. Unless otherwise permitted, commercial outdoor storage areas shall be hard surface only.
- ii. All outdoor storage associated with automotive and tow yard uses shall be hard surface, regardless of zone.
- iii. Dustless gravel maintained to be free of overgrowth may be allowed for only non-public outdoor storage space of heavy equipment and non-hazardous materials by right in A-1, I zones and as a Conditional Use in A-2 and B-5 zones. Any approved gravel storage lot shall be subject to driveway requirements per 7.12.8.3

Present Zoning: The property is currently zoned B-5 (Regional Business District).

Present Use: Vacant building/lot.

Future Land Use: Downtown District

Surrounding Zoning and Land Use:
North: B-5 Regional Business
South: B-5 Regional Business
East: B-5 Regional Business
West: B-5 Regional Business

The immediate surrounding area is primarily used by the applicant (Economy Supply) as a contractor's office. A mushroom farm (Slowpoke Farm) is directly across the street

in a large, warehousing-type facility. The mushroom farm was approved through a conditional use approval by the City Council for the use of horticulture in a B-5 zoning. An active rail line is also near the property, to the northeast of the property across New Orleans St.

**Letters or
Concerns stated:**

The Planning Division Office has received no calls or letters of concern as of finalizing this report.

Option:

Recommend **approval or denial** of the variance from the maximum outdoor equipment storage area of 50% (LDC 7.12.10.4 for a property located at 313 E 3rd Street (PPIN 15708, Ward 4, Forrest County).

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.

October 2024 BOA Item: A
Outdoor Storage Area
Michael Myrick, Property Owner, and Scott Pipkins, Contractor

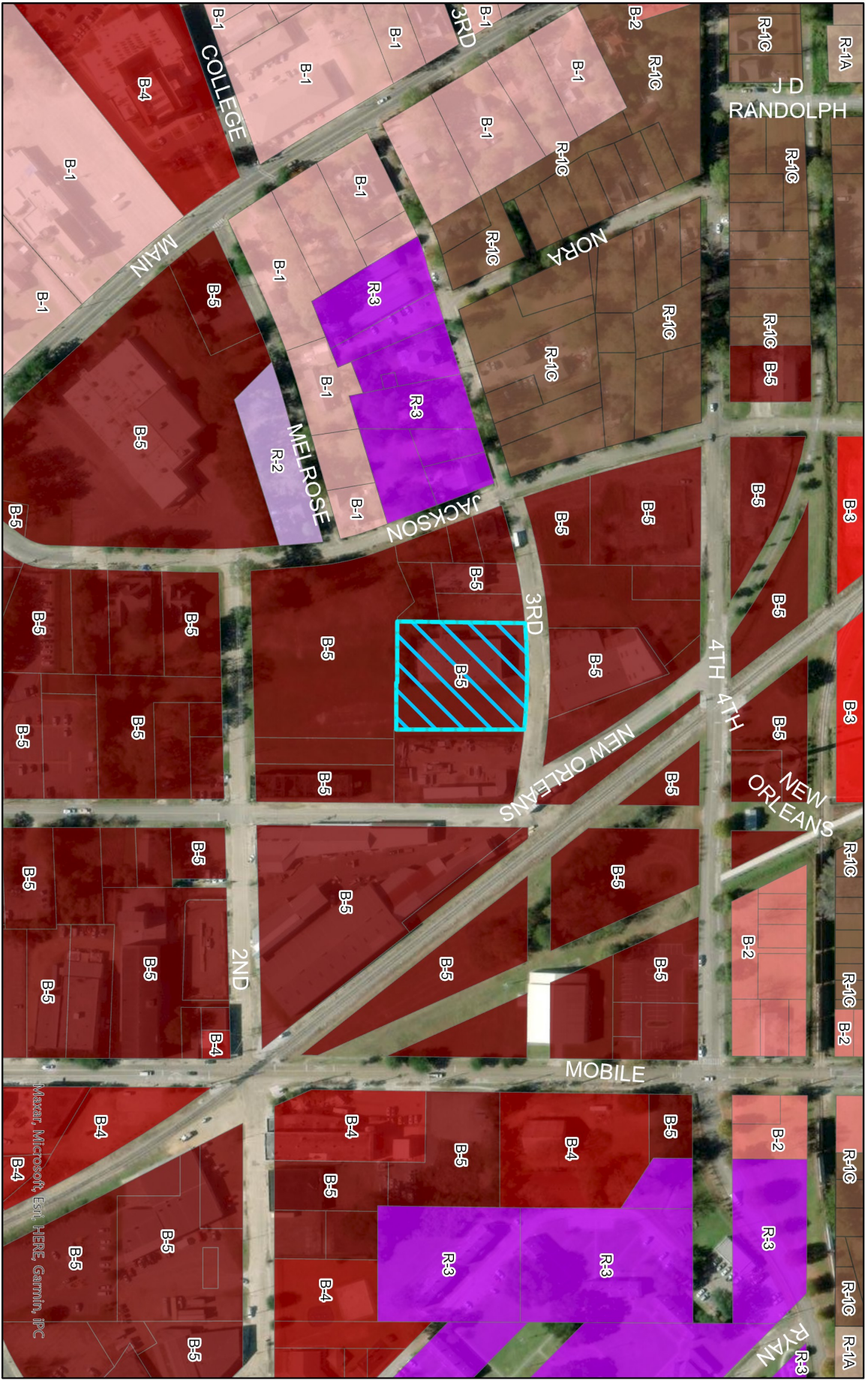
VI. Conformance with the Purposes of this Code. The granting of a variance will not conflict with the purposes and intent expressed or implied in the Land Development Code.

SUBJECT PARCEL

313 E 3rd Street— Maximum Storage Area Request

Michael Myrick, Owner, and Scott Pipkins, Applicant/Contractor, request a variance from the maximum outdoor equipment storage area of 50% (LDC 7.12.10.4), at a property located at 313 E 3rd Street (PPIN 15708, Ward 4, Forrest County).





Zoning Districts

-  313 E 3rd
-  R-1A
-  R-1C
-  R-2
-  R-3
-  B-1
-  B-2
-  B-3
-  B-4
-  B-5

Conditional Use Approval & Variance Request

313 E 3rd Street
Ward 4, Forrest County
PPIN 15708, Flood Zone SX 500

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: 9/18/2024 9:18 AM





URBAN DEVELOPMENT
PLANNING DIVISION

Center: 89°17'32"W 31°19'51"N

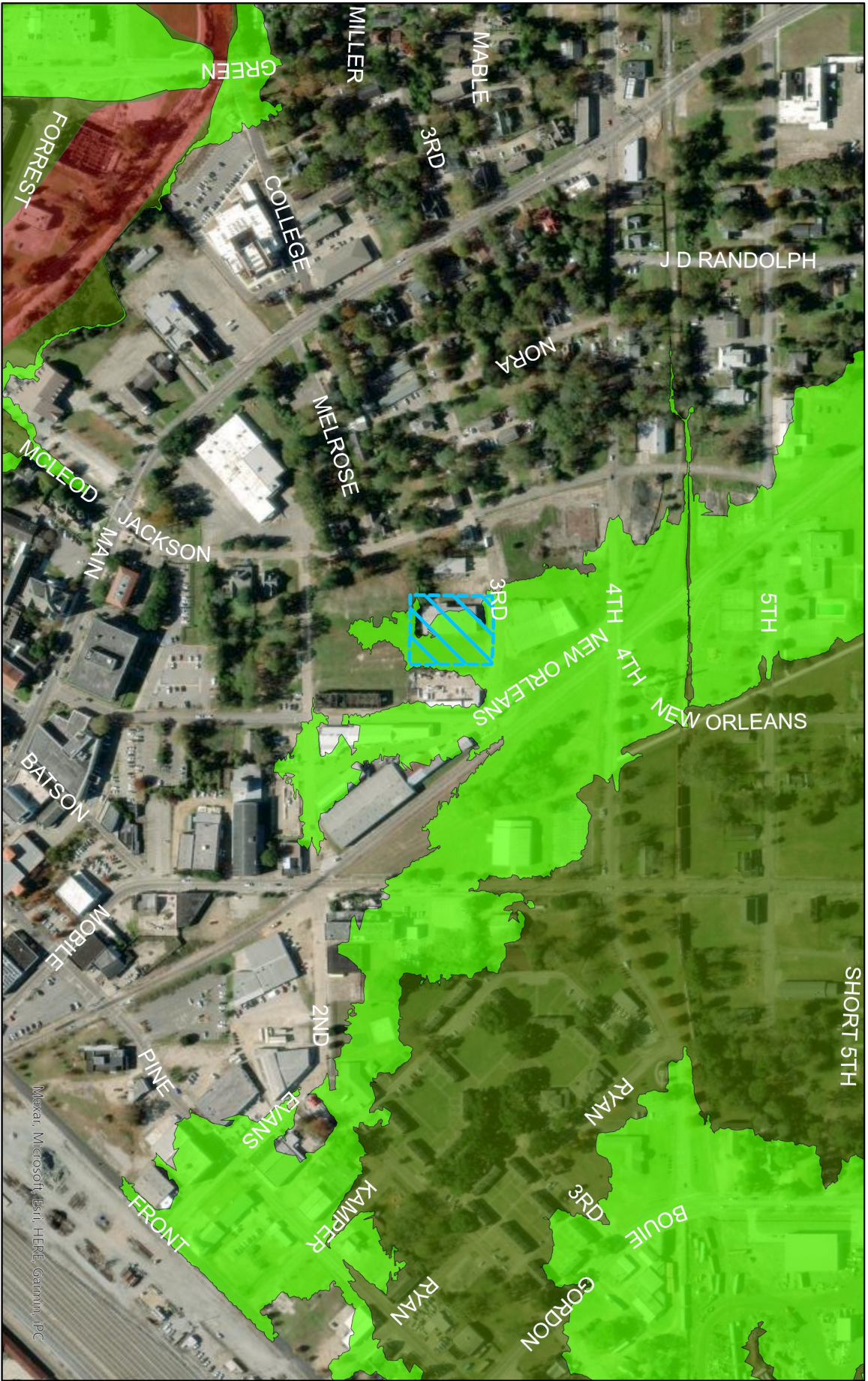
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Miles

**URBAN
DEVELOPMENT
PLANNING DIVISION**

 **CITY OF TALLAHASSEE
FLORIDA**



Center: 89°17'31"W 31°19'51"N

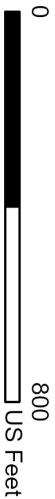


Flood Zones

- FLOODWAY AREA IN ZONE AE
- ZONE A (100 yr flood - no elevation)
- ZONE AE (100 yr flood w / elevation)
- ZONE SX (500 yr flood)
- 313 E 3rd

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: 9/18/2024 9:22 AM

Conditional Use Approval &
Variance Request
313 E 3rd Street
Ward 4, Forrest County
PPIN 15708, Flood Zone SX 500



**URBAN
DEVELOPMENT
PLANNING DIVISION**

Center: 89°17'30"W 31°19'51"N

Maxar, Microsoft, Esri, HERE, Garmin, JPL

Site Aerial



Surrounding Area



Surrounding Area





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: Scott Pipkins / Hub City Construction, Inc.
Project Name: Economy Corridor Job
Proposed Use(s): Landscape Yard
Project Street Address: 313 E. 3rd St
PPIN Number(s) (if unknown, can be found on tax receipt): 015708

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

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>fence height + no sidewalk</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: <u>Material storage yard</u> | |

For Re-Zoning Only, see p. 11:

Existing Zoning: _____
Proposed Zoning: _____

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:

RECEIVED
AUG 27 2024

BY: AA

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

313 E. 3rd St Clarksburg MS 39401
Street Address City State

on this the 26 day of August, 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.

Scott Pipkins
on this the 26 day of August, 2024

Michael Myrick
Property Owner (print)

Michael L. Myrick
Property Owner (signature)

STATE OF Mississippi

COUNTY OF Forrest

Personally came and appeared before me, the within named

Michael Myrick
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 26th day of
August, 2024.

[Signature]
NOTARY PUBLIC

My Commission Expires:

Aug 28, 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 313 E. 3rd St Hattiesburg MS
Street Address City State
on this the 26 day of August, 2024

Scott Pipkins
Applicant (print)

Scott Pipkins
Applicant (signature)

STATE OF Mississippi
COUNTY OF FORREST

Personally came and appeared before me, the within named Scott Pipkins, 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 26th day of August, 2024.

Apryle R. Harvey
NOTARY PUBLIC

My Commission Expires:

Aug 28, 2026



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.

Approval Criteria.

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

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

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

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.

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

Approval of this will allow the growth of the business by allowing owner's equipment to store materials on and off the property.

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.

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:

No

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

No

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:

Yes, owner uses adjoining properties in the same manner since 1942.

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.



1 PROPOSED SITE PLAN
SCALE: 1/16" = 1'-0"

