



**URBAN
DEVELOPMENT**

PLANNING DIVISION

HATTIESBURG BOARD OF ADJUSTMENT
PUBLIC HEARING STAFF REPORTS
February 5, 2025

Board of Adjustment Agenda

February 5, 2025, 3:30 PM

Jackie Dole Sherrill Community Center (Dining Room)

220 W Front Street

I. Business Meeting

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

II. Public Hearing

1. Presentation of Petitions for Public Hearing
 - A. Cooperative Energy, Property Owner/Applicant, Jeremy Scruggs, Representative, Alex Price, Representative, Joel Ford, Engineer, and Donald E. Hinton, Jr., Representative, request a variance from the maximum front yard fence height requirement of 4ft (LDC 7.9.8.6) to instead allow for 8ft fence for a proposed substation for an A-2 zoned property located at 1519 US Hwy 98-E (PPIN 5467, 5523, 27622 & 27656, Ward 5, Forrest County).
 - B. Christen and Brady Raanes, Property Owners, and Rion Snowden, Applicant/Architect, request a variance from the curb cut requirement of 10ft from the property line to instead allow for a curb cut 5ft from the property line (LDC 7.5.2.2), a variance from the parking space requirement of 16 parking spaces to instead allow for 9 spaces (LDC Table 7.12), a variance from the landscape island requirement of 8ft wide by 15ft long to allow for 4ft wide by 14ft long (LDC 7.5.4.9), a variance from the green space requirement of 10ft to instead allow for 8ft of green space (LDC 7.10.11.1), and a variance from the minimum front setback of 30ft to instead allow for 15ft from the property line (LDC Table 6.1) for a B-3 zoned property located at 2106 Hardy Street (PPIN 16451, Ward 4, Forrest County).

III. Other Business

1. Sidewalk Bank Fee-in-Lieu Program Presentation to Board of Adjustment

IV. Adjournment

**MINUTES OF THE
SPECIAL CALLED MEETING OF THE
BOARD OF ADJUSTMENT
December 11th, 2024**

Board Members Roll Call:

Members Present:

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

Members Absent:

1. Stacey Ready
2. James Trussell

Staff Present:

1. Cory Long, Planning Manager
2. Nathan Satcher, Senior Planner
3. David Miller, Esq.
4. Wiley Quinn, Director of Urban Development
5. 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 Bernard Green

Vote:

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

MINUTES REVIEW

The minutes from November were discussed the board requested to edit: Name Dr. Conville as who requested to withdraw the motion. (pg 5) and to correct Jessica Cathey to “Cathey” throughout minutes.

Motion:

Made by Bernard Green

Second:

Made by Brandon E.J. Williams

Vote:

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

PLANNING REPORT

The Planning Division staff gave a report.

CHAIR'S REPORT

No report from the chair.

INTRODUCTIONS:

Board of Adjustment members and Staff introduced themselves.

PUBLIC HEARING:

Item A: Keith Saucier, Applicant, and John Anglin, Engineer, request a variance from the requirement of 10ft green space and tree requirement along a frontage (LDC 7.10.11.1) to instead allow for 0ft of green space; a variance from the requirement of sidewalks along public streets (LDC 7.6.1.1) to allow for no sidewalks along US Hwy 49 and Rawls Springs Rd.; a variance from the maximum requirement of 36ft for a three-way driveway entrance (LDC 7.5.3.4) to instead allow for 41ft; and a variance from the minimum front setback requirement in a B-5 zone of 30ft (LDC 6.1) to instead allow for 12.5ft for a proposed automotive filling station located at 6762 Hwy 49 (PPIN 27570, Ward 1, Forrest County).

Discussion and Vote:

Staff introduced the case. John Anglin, Engineer, Clearpoint Engineers, presented on behalf of the application.

Presented by:

1. John Anglin, Engineer, Clearpoint Engineers
 - i. Exhibits brought: rendering images
 - b. Brian Lee, Director of Operations for Keith Superstore

Proponents:

1. None

Opponents:

1. None

Motion:

Bernard Green motioned to approve all of the requests with basis of hardship, special privilege, and reasonable use.

Second:

Made by Richard Conville.

Vote:

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

Item B: David Dearman, Property Owner, Brew Crew MS, LLC, Applicant, and Brian Evans, Applicant, request a variance from the requirement of sidewalks along public streets (LDC 7.6.1.1) to allow for no sidewalks along US Hwy 98 at a property located at 5032 Hardy Street (PPIN 18460, Lamar County, Ward 3).

Discussion and Vote:

Staff introduced the case. Sebastian Bedford presented on behalf of the application.

Presented by:

1. Sebastian Bedford, Regional Manager for 7 Brew Coffee
- 2.

Proponents:

1. None

Opponents:

1. None

Motion:

Bernard Green motioned to approve the request with basis of hardship, special privilege, and reasonable use.

Second:

Made by Herman Dungan.

Vote:

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

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

Motion to recommend approval of the variance passes 7-1.

OTHER BUSINESS:

Nominating Committee Report: Brandon Williams

Recommendation of re-nomination of:

Shawn Harris, Chair

Bernard Green, Vice-Chair

Stacey Ready, Secretary

Bernard Green motioned to approve officers, seconded by John Eye. 8-0 in favor, motion passes.

Adjournment:

The meeting was adjourned at 4:47 p.m.

Motion:

Made by Brandon E.J. Williams

Second:

Made by Herman Dungan

Vote:

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

Stacey Ready, Chair

Cory Long, AICP, Planning Division Manager

February 2025 BOA Item: A

Fence Height Variance

Cooperative Energy, Property Owner/Applicant, Jeremy Scruggs, Representative, Alex Price, Representative, Joel Ford, Engineer, and Donald E. Hinton, Jr., Representative



**URBAN
DEVELOPMENT
PLANNING DIVISION**

**Board of Adjustment
Case Fact Sheet**

Names of Petitioner: Cooperative Energy, Property Owner/Applicant, Jeremy Scruggs, Representative, Alex Price, Representative, Joel Ford, Engineer, and Donald E. Hinton, Jr., Representative

Address of Property:

1519 US HWY 98-E

Tax Parcels

1-049 -11-001.00

1-049 -12-009.00

2-049G-01-003.00

2-049F-02-006.00

PPIN:

5467

5523

27622

27656

Ward:

5

Request: Fence Height Variance

Purpose of Request: Cooperative Energy Property Owner/Applicant, Jeremy Scruggs, Representative, Alex Price, Representative, Joel Ford, Engineer, and Donald E. Hinton, Jr., Representative, request a variance from the maximum front yard fence height requirement of 4ft (LDC 7.9.8.6) to instead allow for 8ft fence for a proposed substation for an A-2 zoned property located at 1519 US Hwy 98-E (PPIN 5467, 5523, 27622 & 27656, Ward 5, Forrest County).

History / Background: The applicants met with staff in November of 2024 in a Site Plan Review meeting to discuss the construction of a new substation for the electric companies. Staff reviewed the design standards required by the Land Development Code and the requirements for fencing. The applicants informed the Site Plan Review Committee that substation regulations require a certain fence height for public safety. The LDC requires fences in front yards to be 4ft maximum and side and rear fences to have a height maximum of 8ft.

February 2025 BOA Item: A

Fence Height Variance

Cooperative Energy, Property Owner/Applicant, Jeremy Scruggs, Representative, Alex Price, Representative, Joel Ford, Engineer, and Donald E. Hinton, Jr., Representative

Applicant Summary: See Attached

Applicable Regulations:

SECTION 7

Table 7.1 Design Standards

7.9.8.6. The maximum height of fences and walls shall be four feet above grade when located in a front yard. Otherwise the maximum height of a fence is eight feet.

Present Zoning: A-2 (Agricultural Residential)

Present Use: Vacant / Unimproved

Future Land Use: Regional Business Corridor

Surrounding Zoning and Land Use:

North: I-2 (Heavy Industrial)

South: Outside City Limits

East: A-2 (Agricultural Residential)

West: A-2 (Agricultural Residential)

Letters or Concerns stated:

The Planning Division Office has not received any letters or other written communications regarding this case as of finalizing this report.

Option:

Recommend approval or denial of the variance from the maximum front yard fence height requirement of 4ft (LDC 7.9.8.6) to instead allow for 8ft fence for a proposed substation for an A-2 zoned property located at 1519 US Hwy 98-E (PPIN 5467, 5523, 27622 & 27656, 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

February 2025 BOA Item: A

Fence Height Variance

Cooperative Energy, Property Owner/Applicant, Jeremy Scruggs, Representative, Alex Price, Representative, Joel Ford, Engineer, and Donald E. Hinton, Jr., Representative

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.

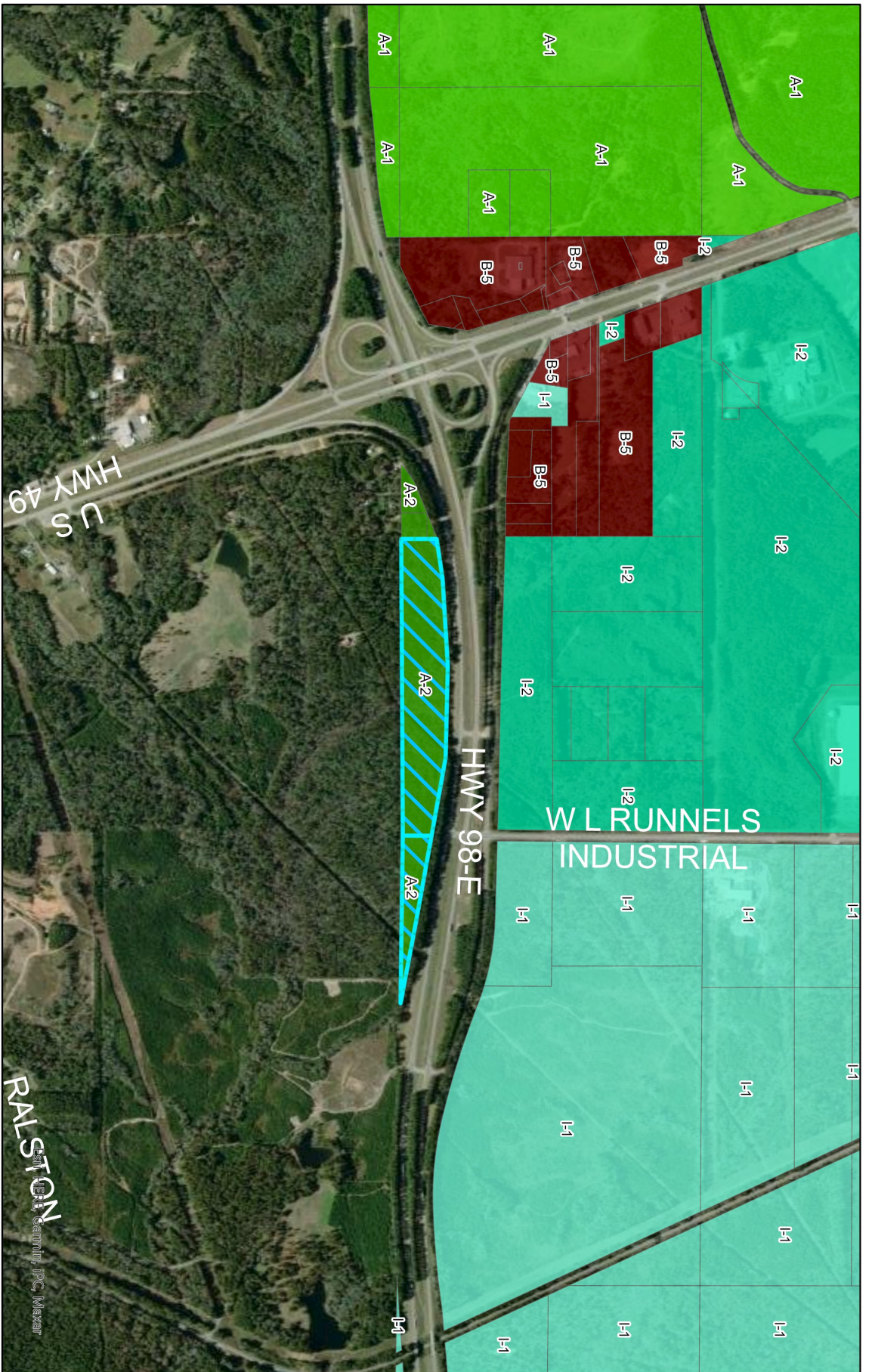
VI. Conformance with the Purposes of this Code. The granting of a variance will not conflict with the purposes and intent expressed or implied in the Land Development Code.

SUBJECT PARCEL

1519 US Hwy 98-E — Variance Requests

Cooperative Energy Property Owner/Applicant, Jeremy Scruggs, Representative, Alex Price, Representative, Joel Ford, Engineer, and Donald E. Hinton, Jr., Representative, request a variance from the maximum front yard fence height requirement of 4ft (LDC 7.9.8.6) to instead allow for 8ft fence for a proposed substation for an A-2 zoned property located at 1519 US Hwy 98-E (PPIN 5467, 5523, 27622 & 27656, Ward 5, Forrest County).





Zoning Map

-  Subject Property
-  A-1
-  B-5
-  I-1
-  I-2
-  A-2

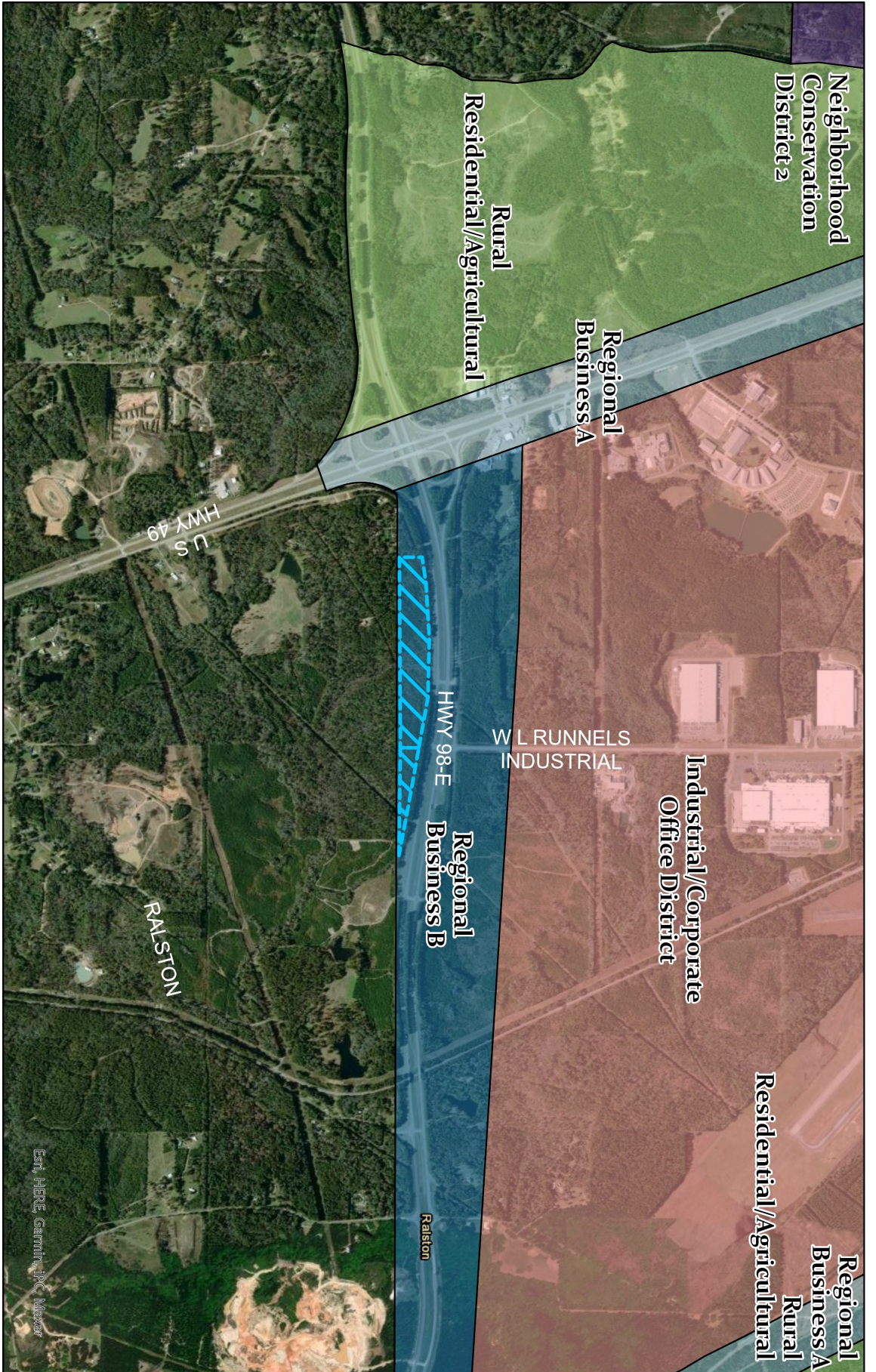
Conditional Use and Variance Requests

Cooperative Energy
 1519 US HWY 98-E
 PPIN: 5467, 5523, 27622, 27656
 Flood Zone: X
 Ward 5, Forrest County



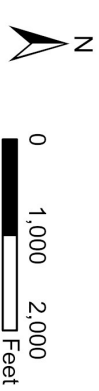

URBAN DEVELOPMENT
PLANNING DIVISION
 Center: 89°16'W 31°14.43"N

DISCLAIMER: This map is ONLY FOR REFERENCE. There is NO WARRANTY of the accuracy of data. This information CANNOT be used as a substitute for legal, business, tax or other professional advice. Map Exported on: 1/13/2025 2:28 PM



- Future Land Use Map**
- Industrial/Corporate Office District
 - Neighborhood Conservation District 2
 - Regional Business A
 - Regional Business B
 - Rural Residential/Agricultural
 - Subject Property

Conditional Use and Variance Requests
 Cooperative Energy
 1519 US HWY 98-E
 PPIN: 5467, 5523, 27622, 27656
 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: 1/13/2025 2:31 PM

Center: 89° 15'55" W 31° 14'45" 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: Cooperative Energy
Project Name: East Dixie Electrical Substation
Proposed Use(s): Electrical Substation
Project Street Address: 1519 U.S. Highway 98 East Hattiesburg, MS
PPIN Number(s) (if unknown, can be found on tax receipt): 5467, 5523, 27622, & 27656

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

Application for (check all appropriate types):

- Variance (see below)
- Subdividing of Lot, Parcel, or Tract (see p. 12)
- Street or Alley Renaming (see pp. 13-14)
- Vacating Street or Alley (see pp. 13-14)
- Conditional Use (see below)
- Re-Zoning (see below)
- Overlay District
- 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: Fence Height

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

- Automotive Filling Station
- Digital Billboard, New
- Restaurant
- Telecommunications
- Digital Billboard, Replacement
- Other: Stone surfacing instead of hard surfacing

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 Districts(s): _____

Project No.: _____

Code Sections:

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

RECIVED DATE & INITIALS:

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.

Due to the specific safety requirements for substations, we are unable to construct a fence at the four (4) foot height, as it does not comply with the safety standards necessary for protecting the public and securing the facility.

The primary means of ensuring public safety at substations is through proper enclosure, and the current design requires the installation of an eight (8) foot fence height to meet the guidelines outlined in the *Design Guide for Rural Substations* by the United States Department of Agriculture Rural Utilities Service (RUS). This height recommendation is crucial for preventing unauthorized access and ensuring the safety of both the public and our personnel.

The National Electrical Safety Code (NESC) Section 11.110.A.1 mandates that areas containing electric supply equipment and/or conductors must be enclosed with a barrier, such as fences, screens, partitions, or walls, to prevent unauthorized entry and interference. Failure to adhere to these safety requirements could compromise the protection of both the public and the electrical infrastructure. By allowing the installation of a fence with an eight (8) foot height, we will be within accordance with both federal safety standards and industry standards.

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

This request is being made due to the essential safety requirements that govern the design and construction of electrical substations. The four (4) foot fence height would not meet the necessary safety standards for securing the substation. The installation of a higher, eight (8) foot fence is required to comply with the safety recommendations of RUS and the NESC requirements. This height is intended to help prevent unauthorized access, which is critical to safeguarding the public and the electrical infrastructure. This variance would allow us to meet both the operational needs of the facility and adhere to the required safety standards.

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.

We believe that the strict enforcement of the four (4) foot fence height requirement would not meet the necessary safety standards and would present a risk to public safety. The four (4) foot fence height does not comply with safety standards and does not provide the level of security required for substations, as substations must be secured to protect the public from potential hazards associated with electrical equipment. Given that the literal interpretation of the current fence height requirement would compromise safety and security, we respectfully request a variance to allow for the construction of a fence at a height of eight (8) feet at this substation. This would align with both safety guidelines and regulatory standards to ensure the protection of public health and safety.

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

A four (4) foot fence height requirement would not provide the necessary level of security and public safety that is crucial at this facility. A four (4) foot fence height is insufficient to meet the safety standards required for electrical substations, where the primary concern is preventing unauthorized access to hazardous equipment. The RUS guideline and NESC requirement is based on the understanding that substations need to be securely enclosed to minimize the risk of injury or accidents, and an eight (8) foot fence height provides an appropriate level of protection.

By allowing a variance for the installation of a fence at a height of eight (8) feet, we will be able to meet both the public safety requirements and the regulatory standards necessary to protect both the public and the electrical infrastructure. Without this variance, the substation would not be in reasonable compliance with these safety codes and could not be used in a manner consistent with industry's best practices.

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

The required four (4) foot fence height is insufficient to meet the safety standards that are critical for substations. The four (4) foot fence height does not provide the necessary level of security to prevent unauthorized access to the electrical equipment at the substation.

The RUS recommended eight (8) foot fence height is the minimum height to effectively secure the facility and ensure public safety. This recommendation is based on the need to prevent potential hazards from unauthorized entry into areas with high-voltage equipment. A four (4) foot fence height would not meet these critical safety and security requirements as stated in the NESC.

We are therefore requesting a variance that would allow for the installation of an eight (8) foot fence height, which is the minimal necessary adjustment to ensure the substation’s compliance with safety standards while maintaining the intent of the regulations. This variance is essential to the reasonable operation and public safety at the facility.

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 requesting permission to construct a fence at the height of eight (8) feet, as the strict application of the four (4) foot fence height requirement stated in the Land Development Code does not align with the core safety objectives set by the National Electrical Safety Code (NESC) and other relevant safety guidelines. While the Land Development Code requires a four (4) foot fence height, this height is insufficient to meet the necessary safety and security standards for electrical substations. Given that an eight (8) foot fence height better aligns with the intended purpose of the NESC and RUS guidelines for safety and security, we respectfully request a variance to construct an 8-foot-high fence. This variance will ensure that the substation meets the intended safety objectives while remaining compliant with the broader spirit and purpose of the regulatory standards.

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:

Yes. The substation site has been placed in the A-2 zone with conditions per LDC 5.4.31 Public and Community Utility Facilities. The substation driveway entrance design is typical for Cooperative Energy's substation site. Cooperative Energy already has an approved driveway permit from the Mississippi Department of Transportation (MDOT).

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

There are no known negative effects of the proposed use of this facility. The addition of the substation is needed to provide additional capacity for electrical service to the surrounding area including the Hattiesburg Industrial Park.

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

The size of the substation is determined by and designed to provide the required safe and adequate working space in and around all equipment. This includes all the necessary space for utility vehicle, cranes, trucks, and other vehicles or equipment that may be needed for construction and/or maintenance of said equipment.

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?

There will be zero (0) customers and zero (0) employees dedicated to this site. Utility employees will be on site as necessary for inspections, maintenance, and outages.

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

Yes. The site is surrounded by undeveloped property so there is not any comparable property for this type of use. This site is in close proximity to an industrial park, Camp Shelby, and commercial properties so a substation would not be out of character for this location.

Parking requirements:

Commercial/Industrial: Paved parking will be provided for 0 vehicles, and 0 ADA vehicles; with 0 loading spaces.

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

FOR RE-ZONING APPLICANTS:

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

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

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



**URBAN
DEVELOPMENT**
PLANNING DIVISION

**Board of Adjustment
Case Fact Sheet**

Names of Petitioner: Christen and Brady Raanes, Property Owners, and Rion Snowden, Applicant/Architect

Address of Property:	Tax Parcels	PPIN:	Ward:
2106 Hardy Street	2-0280-08-003.00	16451	4

Request: Curb Cut, Parking, Landscape Island, Green Space, and Setback Variances

Purpose of Request: Christen and Brady Raanes, Property Owners, and Rion Snowden, Applicant/Architect, request a variance from the curb cut requirement of 10ft from the property line to instead allow for a curb cut 5ft from the property line (LDC 7.5.2.2), a variance from the parking space requirement of 16 parking spaces to instead allow for 9 spaces (LDC Table 7.12), a variance from the landscape island requirement of 8ft wide by 15ft long to allow for 4ft wide by 14ft long (LDC 7.5.4.9), a variance from the green space requirement of 10ft to instead allow for 8ft of green space (LDC 7.10.11.1), and a variance from the minimum front setback of 30ft to instead allow for 15ft from the property line (LDC Table 6.1) for a B-3 zoned property located at 2106 Hardy Street (PPIN 16451, Ward 4, Forrest County).

History / Background: The applicants met with staff in December 2024 in a Pre-Application meeting to discuss the construction of a new building at 2106 Hardy Street. The plan is to create a split-unit building for the Little Wine Shoppe, with one unit for retail and the other for a wine bar. Staff reviewed the required design standards from the Land Development Code and discussed the variances the applicants plan to seek.

February 2025 BOA Item: B

Curb Cut, Parking, Landscape Island, Green Space, and Setback Variances

Christen and Brady Raanes, Property Owners, and Rion Snowden, Applicant/Architect

The proposed building layout and parking lot align with the existing development pattern along this section of Hardy Street, while also accommodating an existing sewer line and easement running through the property. The applicants propose relocating the sewer line to the westernmost section of the lot, running north and south, to maximize space while maintaining the required city buffer near the sewer line.

The presence of the active sewer line has created a hardship for the developer in meeting both the code requirements and the need to make reasonable use of the property, including accommodating the required parking and landscaping. The request to reduce the front yard setback in the B-3 zoning district aligns with the existing development pattern in this corridor and within the Historic Parkhaven Neighborhood. While the Land Development Code allows front yard setbacks to match the pattern of development in historic districts for residential properties, commercial buildings require a variance to do so.

The exterior elements of the building and site plan will also need approval from the Hattiesburg Historic Conservation Commission, provided all other development requirements are met.

Applicant Summary: See Attached

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 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

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.

7.5.4.

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

Present Zoning: B-3 Community Business

Present Use: Vacant / Unimproved lot

Future Land Use: Neighborhood Business Corridor

Surrounding Zoning and Land Use:

North: B-3 Community Business
 South: R-1A Single- Family Residential
 East: B-3 Community Business
 West: B-3 Community Business

Letters or

Concerns stated:

The Planning Division Office has not received any letters or other written communications regarding this case as of finalizing this report.

Option:

Recommend **approval or denial** of the variance from the curb cut requirement of 10ft from the property line to instead allow for a curb cut 5ft from the property line (LDC 7.5.2.2), a variance from the parking space requirement of 16 parking spaces to instead allow for 9 spaces (LDC Table 7.12), a variance from the landscape island requirement of 8ft wide by 15ft long to allow for 4ft wide by 14ft long (LDC 7.5.4.9), a variance from the green space requirement of 10ft to instead allow for 8ft of green space (LDC 7.10.11.1), and a variance from the minimum front setback of 30ft to instead allow for 15ft from the property line (LDC Table 6.1) for a B-3 zoned property located at 2106 Hardy Street (PPIN 16451, 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

February 2025 BOA Item: B

Curb Cut, Parking, Landscape Island, Green Space, and Setback Variances

Christen and Brady Raanes, Property Owners, and Rion Snowden, Applicant/Architect

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.

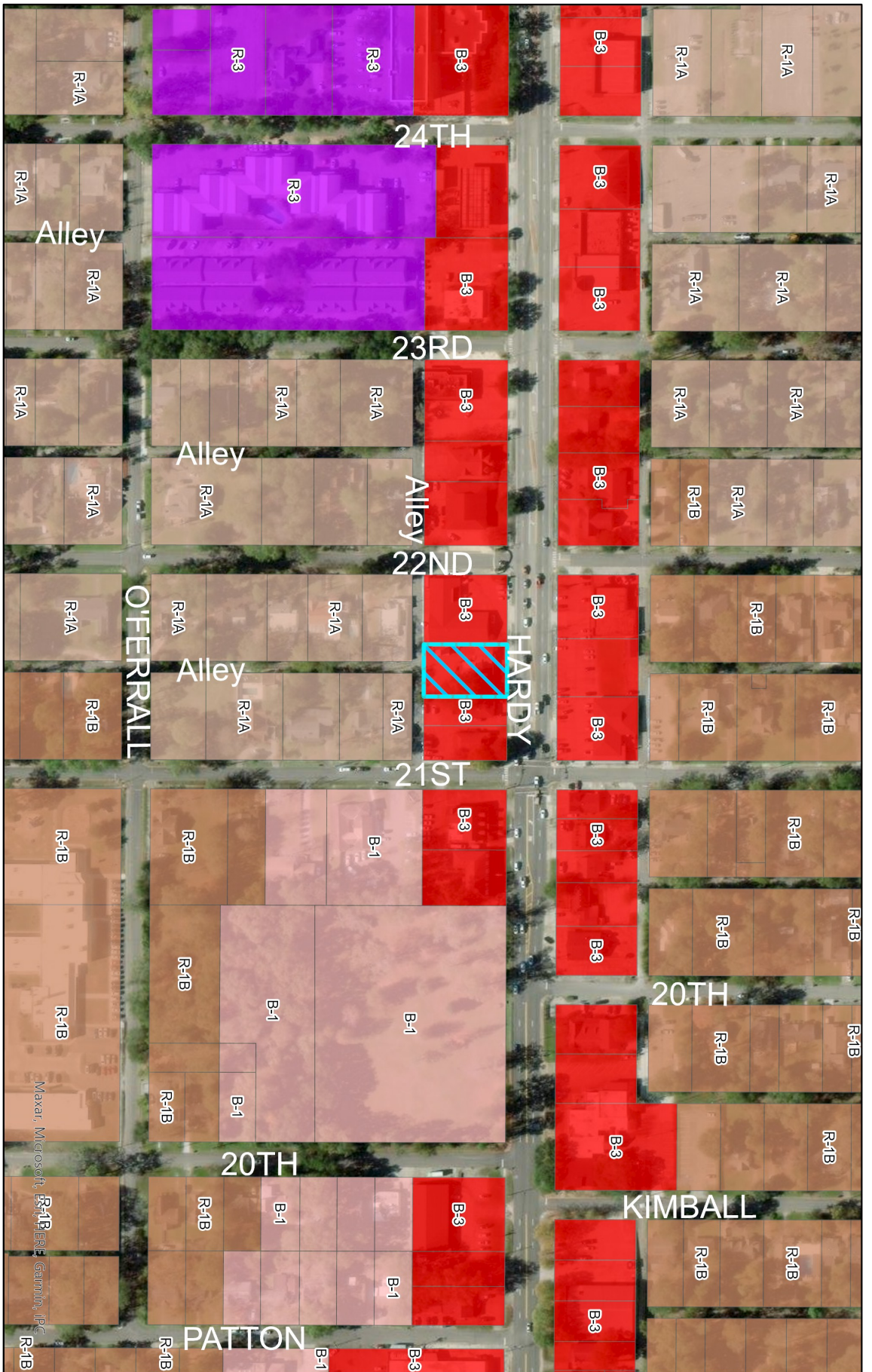
VI. Conformance with the Purposes of this Code. The granting of a variance will not conflict with the purposes and intent expressed or implied in the Land Development Code.

SUBJECT PARCEL

2106 Hardy Street — Variance Requests

Christen and Brady Raanes, Property Owners, and Rion Snowden, Applicant/Architect, request a variance from the curb cut requirement of 10ft from the property line to instead allow for a curb cut 5ft from the property line (LDC 7.5.2.2), a variance from the parking space requirement of 16 parking spaces to instead allow for 9 spaces (LDC Table 7.12), a variance from the landscape island requirement of 8ft wide by 15ft long to allow for 4ft wide by 14ft long (LDC 7.5.4.9), a variance from the green space requirement of 10ft to instead allow for 8ft of green space (LDC 7.10.11.1), and a variance from the minimum front setback of 30ft to instead allow for 15ft from the property line (LDC Table 6.1) for a B-3 zoned property located at 2106 Hardy Street (PPIN 16451, Ward 4, Forrest County).





Zoning Map

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

Variance Requests for New Development

2106 Hardy Street
 PPIN: 16451
 Flood Zone: X
 Ward 4, Forrest County



URBAN DEVELOPMENT
PLANNING DIVISION
 Center: 89°19'24"W 31°19'27"N

DISCLAIMER: This map is ONLY FOR REFERENCE. There is NO WARRANTY of the accuracy of data. This information CANNOT be used as a substitute for legal, business, tax or other professional advice. Map Exported on: 1/13/2025 3:25 PM



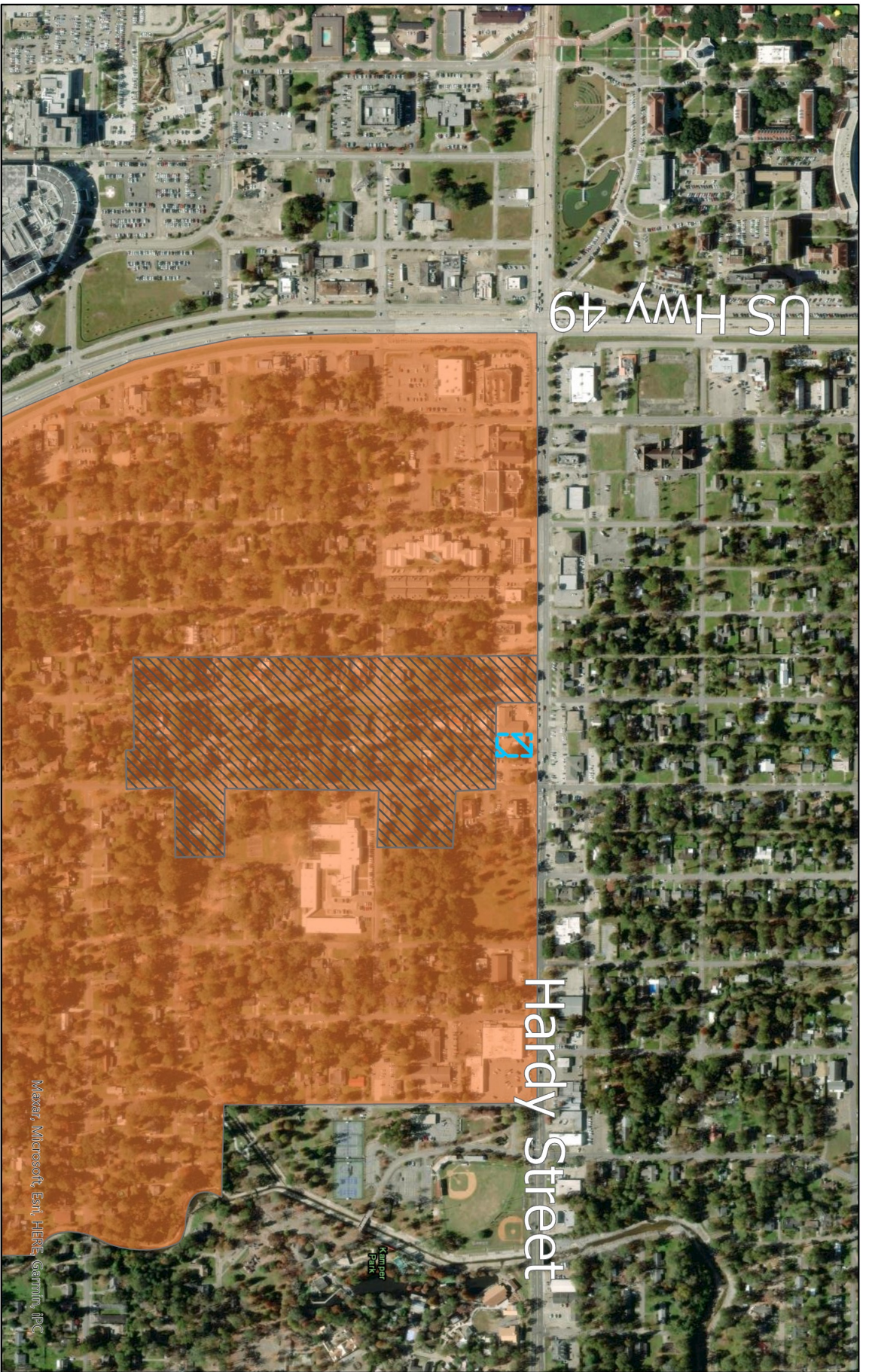
- Future Land Use Map
- Subject Property
 - Community Business A
 - Neighborhood Business
 - Neighborhood Conservation District 1
 - City Boundaries

Variance Requests for New Development
 2106 Hardy Street
 PPIN: 16451
 Flood Zone: X
 Ward 4, Forrest County





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0 400 800 Feet

URBAN DEVELOPMENT
PLANNING DIVISION
 Center: 89° 19'25"W 31° 19'27"N



Historic District Map

-  Subject Property
-  Parkhaven Historic District, Local
-  Parkhaven National Register District, National Register
-  City Boundaries

Variance Requests for New Development

2106 Hardy Street
 PPIN: 16451
 Flood Zone: X
 Ward 4, Forrest County



URBAN DEVELOPMENT
PLANNING DIVISION
 Center: 89° 19' 27" W 31° 19' 24" N

DISCLAIMER: This map is ONLY FOR REFERENCE. There is NO WARRANTY of the accuracy of data.
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 Map Exported on: 1/13/2025 4:00 PM

Site Aerial



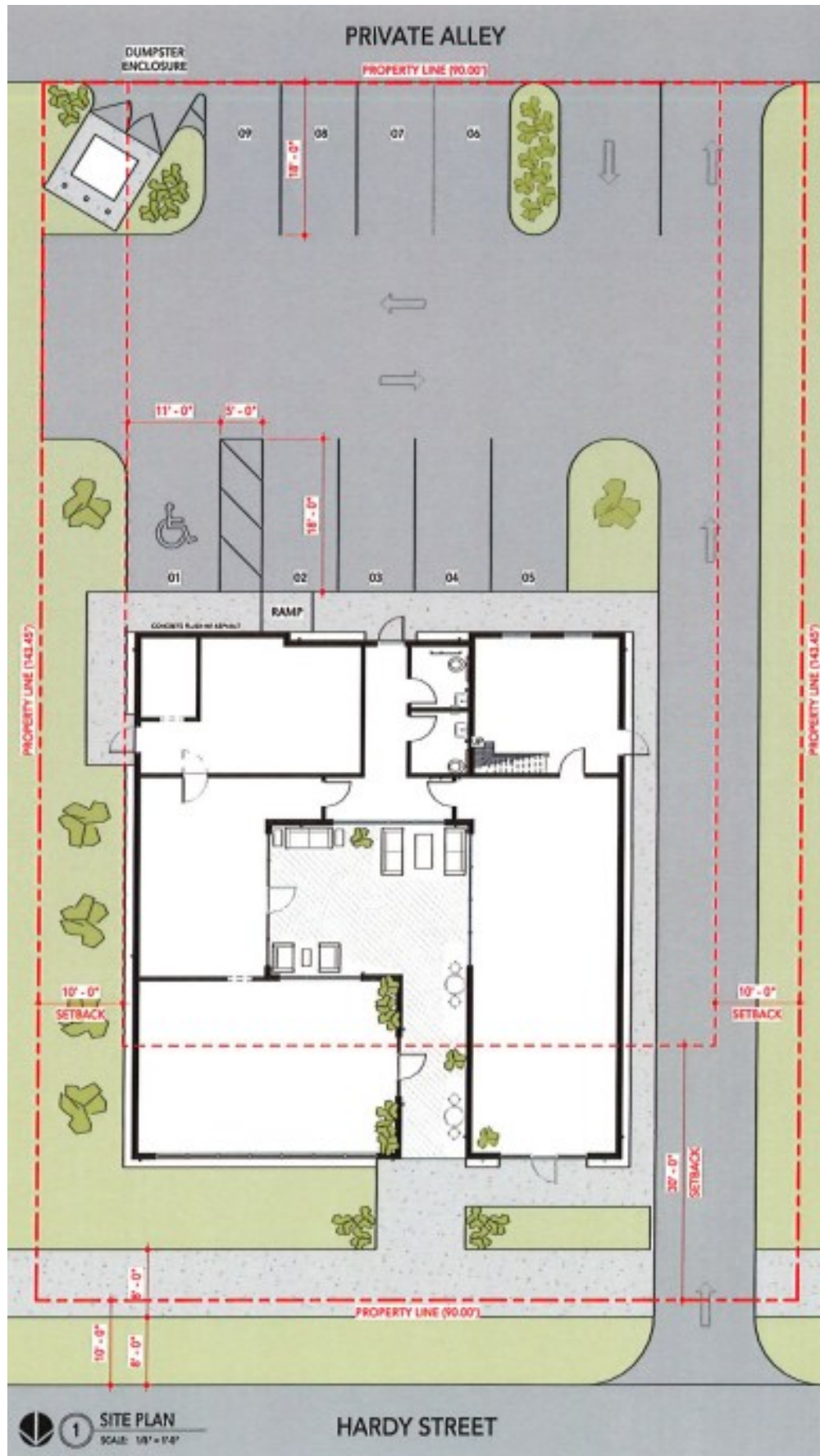
Property Area



Property Area



Proposed Site Plan



Proposed Site Plan



2 FIRST FLOOR PLAN
SCALE: 1/4" = 1'-0"

Proposed



Proposed



Proposed





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: Little Wine Shoppe
Proposed Use(s): New restaurant, bar, and retail space with parking lot.
Project Street Address: 2106 Hardy Street, Hattiesburg, MS 39401
PPIN Number(s) (if unknown, can be found on tax receipt): 16451

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

Application for (check all appropriate types):

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

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

- Sign
- Setback (front, side, or rear _____)
- Lot Width
- Lot Coverage Area
- Buffer
- Off-Site Parking
- Open Space
- Other: Curb Cut / Parking Quantity / Landscape Island / 8' Sidewalk / Front Setback

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

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

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 Districts(s): _____
Project No.: _____

Code Sections:

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

RECEIVED DATE & INITIALS:

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 10 feet from the property line. The size of the proposed site limits the amount of space for a curb cut while achieving the desired building size in conjunction with the required building setbacks. A variance to allow a curb cut 5 feet from the property line is requested. (Land Development Code Section 7.5.2.2)

1. **Hardship:**

The proposed curb cut is positioned to allow the building to sit within the required site setbacks but does not allow the curb cut to meet the 10' requirement. We are directly against the East setback and 12' from the West setback. The design includes a one-way drive from Hardy Street to the rear parking area. This is desired by the Owner for easier access from East bound traffic. The proposed design does not allow traffic back out to Hardy Street but redirects through the alley to the South.

2. **Special Privilege:**

All adjacent properties have the opportunity for direct access into the site from Hardy Street. Many existing curb cuts are closer than 10' from the property line with some of the directly adjacent lots being a single large curb cut for the entire length of the property line along Hardy Street. This site currently has two oversized curb cuts, and we are proposing to reduce that to a one-way 12' wide curb cut.

3. **Literal Interpretation:**

The proposed curb cut shown would not be possible without a variance. To comply with the literal interpretation would require the building to be reduced in size and therefore not meet the Owner's business program or to move the building into the required setback.

4. **Reasonable Use:**

Many of the adjacent sites have direct access from Hardy Street and it is the desire of the Owner for their site to have the same. Decreasing the building size or eliminating the drive all together are the only two options for bringing the site design into compliance. There are no opportunities to utilize shared curb cuts with adjacent businesses due to the existing layout of those properties.

5. Minimum Required:
The proposed curb cut is 5 feet from the property line. This allows for a green strip against each adjoining property and a sidewalk separating the building from the drive on the West side of the building. This walk will allow foot traffic along Hardy Street to access the rear parking lot and vice versa. It also protects the building by creating a 4' separation between the exterior wall and the one-way drive.
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. With the location of the curb cut not directly adjacent to an intersection and only allowing a one-way entry into the site we have mitigated any conflict. No traffic from the site will exit onto Hardy Street; guests will exit the rear of the site and proceed down the alley to re-enter Hardy Street traffic flow. The proposed design decreases the existing curb cut length currently on the site.

Variance No. 02

Description:

The proposed site layout does not provide enough parking spaces to meet the required number of spaces for 1 per 4 seats for the restaurant area, 1 per 2 seats for the bar area, and 1 per 300sf gross for the retail area. Based on the proposed layout, 16 spaces would be required, and this site plan provides 9 spaces. (Land Development Code - Table 7.12)

1. Hardship:
The proposed building leaves a minimal area to accommodate parking for a restaurant/bar. This site design accommodates the desire of City development to bring the building fronts forward therefore encouraging parking in the back of the site.
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 size of the parcel would not provide enough space for the required 16 parking spaces and associated driveways.
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 9 parking spaces is the closest we can get to the 16 required spaces. Shared parking lots nearby are already being utilized by several businesses, and a similar agreement would be sought after by the Owner 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/bar. 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, where the parking area adjoins the alley, does not comply with the landscape island requirement. An island not less than 8 feet wide and 15 feet long is required at the end caps of parking aisles. The proposed landscape islands located at the dumpster enclosure and at the two-way entrance drive do not meet this size requirement. (Land Development Code – Section 7.5.4.9)

1. Hardship:

The size limitations of the site and the amount of required parking mentioned above in Variance No. 2 create an issue in achieving compliance. Green space and parking islands have been added to the parking lot as well as additional green space in front of the proposed building to comply with the maximum allowable 80% impervious surface code. The enclosed dumpster with hot/cold water connections and grease interceptors are a key requirement for proposed restaurants. Including this, especially at the rear of an already small parcel, did not allow space to achieve the required island sizes. On the opposite side of parking, the required island sizes were achieved.

2. Special Privilege:

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

3. Literal Interpretation:

The literal interpretation of the required landscape island sizes would result in a loss of an additional 1-2 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 required landscape island size code, the proposed parking lot would not meet the amount desired by the Owner. Supplemental parking agreements with adjacent properties are already being discussed. With a minimum of 9 spaces, the Owner's feel the needs of the restaurant/bar can be met with the addition of such a heavy pedestrian and golf cart presence in the adjacent residential neighborhood.

5. Minimum Required:

The variance would result in two end cap islands not meeting the minimum required size; the islands are still present but simply not large enough to comply. The proposed site plan attempts to meet the parking needs of the restaurant while also providing as much pervious surface and green area as possible. The border between the proposed parking area and the rear alley will also be absent of a separating concrete curb to improve stormwater runoff but also improve parking congestion.

6. Conformance with Purpose of this Code:

The purpose of this code is to improve the aesthetic across the site and to prevent large areas of paving lacking landscaping, green space, and adequate drainage. Several lots in this area have minimal to no pervious surface area. 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 restaurant/bar while still incorporating ample opportunities for green space and landscaping along Hardy Street and between adjacent lots.

Variance No. 05

Description:

The proposed building location on the site plan is within the minimum 30' front setback for B-3. The front wall of the proposed building is located approximately 15' from the from property line and approximately 25' from the edge of Hardy Street. (Land Development Code – Table 6.1)

1. Hardship:

The existing parcel, due to its limited size, presents difficulties in achieving a building large enough to meet the Owner's needs, the amount of parking required, enclosed dumpster area, larger sidewalks requested by the city, etc. The intent of the 8' green space and 8' sidewalk is to make this area of Hattiesburg more pedestrian friendly. In addition to this, parking is encouraged at the back of newly proposed sites therefore making the front elevations more accessible to that pedestrian traffic. By bringing the front of the building closer to Hardy Street, we give the site an opportunity to achieve more parking (though still not enough) in the rear and make the courtyard and front entrances more appealing to those travelling along Hardy Street, whether vehicle or pedestrian.

2. Special Privilege:

This variance does not grant special privilege because many of the existing buildings along this portion of Hardy Street are within the 30' front setback minimum as is. The city has also encouraged closer building fronts in new site development to create a consistent line of development without obscuring our buildings and Hardy Street fronts with parking lots and parked cars.

3. Literal Interpretation:

The literal interpretation would require shifting the proposed building 15' to the rear of the site; doing this would eliminate half of the already non-compliant number of parking spaces. By having the building closer to Hardy, we can have more parking at the rear and a more pedestrian friendly front façade.

4. Reasonable Use:

As stated above, the site would not be able to accommodate the needed number of parking spaces or the desired size of the building by the Owner if we were required to lose an additional 15' of parcel along the Hardy Street perimeter.

5. Minimum Required:

We are requesting a variance from the required minimum 30' front setback to allow a setback of 15' (25' from the edge of Hardy Street) so that we can add an additional row of parking in the rear with a double lane drive. While the number of spaces only totals 9 instead of the required 16, the Owner feels this amount is adequate with the opportunity for minimal overflow parking agreements with neighboring properties.

6. Conformance with Purpose of this Code:

The purpose of this code is to govern where the front of the building is permitted to begin on a proposed site. The city has a desire for future development along this portion of Hardy Street to become more pedestrian friendly and serve as a connection between Downtown and Midtown. Closer building fronts that do not pose a safety hazard but instead cultivate and encourage pedestrian interaction paired with the newly proposed multi-use 8' sidewalks are essential for making that connection happen.