



**URBAN  
DEVELOPMENT**

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**PLANNING DIVISION**

**HATTIESBURG BOARD OF ADJUSTMENT**

**PUBLIC HEARING STAFF REPORTS**

**May 7, 2025**

## **Board of Adjustment Agenda**

May 7, 2025, 3:30 PM

Jackie Dole Sherrill Community Center (Dining Room)

220 W Front Street

### **I. Business Meeting**

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

### **II. Public Hearing**

1. Presentation of Petitions for Public Hearing
  - A. Jimmy Odom, Property Owner, and Scott Martin, Applicant, request a variance from the 4-foot requirement for fencing to instead allow for a 6-foot fence for a B-3 zoned property located at 700 Bouie Street (PPIN 17508, 17509, and 17510, Forrest County, Ward 2).
  - B. Hattiesburg Clinic, Property Owner, Joey Davion, Property Owner, and Cliff Hensarling, applicant, request variances for two signs from the requirement of a sign height of 5ft to instead allow for 8'- 2", a variance from the requirement of overall sign area of 60 square feet to instead allow for 283.7 square feet, and a variance from the maximum requirement of height of placement of the sign of 18 ft to instead allow for 52' – 4" ft for an EM-6 zoned property located at 415 S 28th Avenue (PPIN 17824 and 17815, Forrest County, Ward 3).

### **III. Other Business**

### **IV. Adjournment**

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

**March 5<sup>th</sup>, 2025**

**Board Members Roll Call:**

Members Present:

1. Shawn Harris, Chair
2. Brandon Williams
3. Eric Boney (Arrived during Introductions)
4. John Eye
5. Herman Dungan
6. Bernard Green, Vice Chair
7. Stacey Ready, Secretary (Online)

Members Absent:

1. Richard Conville
2. James Hughes
3. Jessica Cathey

**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
6. Katie Mottern, Planning Intern

Chair Harris declared the Board of Adjustment meeting open and in session at 4:04 p.m.

**AGENDA REVIEW**

A motion was made to accept the agenda for the March 2025 meeting.

**Motion:**

Made by Brandon E.J. Williams to approve the amended agenda to skip the work session.

**Second:**

Made by Herman Dungan

**Vote:**

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

**MINUTES REVIEW**

A motion was made by Brandon E.J. Williams to approve the minutes with corrections from the February 5<sup>th</sup> Meeting.

**Motion:**

Made by Brandon E.J. Williams

**Second:**

Made by Herman Dungan

**Vote:** All in favor

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

**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:** LB Interests, LLC, Property Owner/Applicant, Brew Crew MS, LLC, Applicant, and Brian Evens, Applicant, request a variance from the requirement of active use of the drive-through area to be no closer then 300ft to a lot containing a legal, conforming residential use to instead allow for 260ft (LDC 5.4.36.4), and a variance from the requirement of Drive-through facilities located closer than 300 feet to a residential to operate no earlier than 6:00 a.m. or later than 12:00 a.m. to instead allow for operation at 5:30am (LDC 5.4.36.3) for a property located at 3509 Hardy Street (PPIN 23227, Ward 1, Forrest County).

**Discussion and Vote:**

Staff introduced the case.

**Presented by:**

- 1. Ethan Flynt

**Proponents:**

- 1. None

**Opponents:**

- 1. None

**Motion:**

John Eye motioned to approve all of the requests.

**Second:**

Made by Herman Dungan

**Vote:** All in favor

<b>Board Member</b>	<b>Yea</b>	<b>Nay</b>	<b>Other</b>
John Eye	X		
Richard Conville			ABSENT
Bernard Green	X		
Shawn Harris	X		

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

**Motion to recommend approval for both items passes 7-0.**

**OTHER BUSINESS:**

- Work Session- Training With Jim Gladden
  - o Mr. Gladden was not available, and training will be moved to April.

**Business Closed**

A motion to close the meeting was made at 5:00 pm by Mr. Williams and seconded by Mr. Dungan.

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Stacey Ready, Secretary

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Cory Long, AICP, Planning Division Manager

May 2025 BOA Item: A  
Fence Variance  
Jimmy Odom, Property Owner, and Scott Martin, Applicant



**URBAN  
DEVELOPMENT**  
**PLANNING DIVISION**

**Board of Adjustment  
Case Fact Sheet**

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**Names of Petitioner:** Jimmy Odom, Property Owner, and Scott Martin, Applicant

<b>Address of Property:</b>	<b>Tax Parcel</b>	<b>PPIN:</b>	<b>Ward:</b>
700 Bouie Street	2-029H-03-133.00	17508	2
	2-029H-03-134.00	17509	

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**Request:** Fence Variance

**Purpose of Request:** Jimmy Odom, Property Owner, and Scott Martin, Applicant, request a variance from the 4-foot requirement for fencing to instead allow for a 6-foot fence for a B-3 zoned property located at 700 Bouie Street (PPIN 17508 & 17509, Forrest County, Ward 2).

**History / Background:** The applicant met with staff in March 2025 to discuss reactivating a property at 700 Bouie Street to house storage for the applicant's landscaping business. Staff explained the requirements needed to move forward, including a conditional use as a "Contractors Office" and a variance for the proposed 6ft fencing since the property is a corner lot.

**Applicant Summary:** See Attached

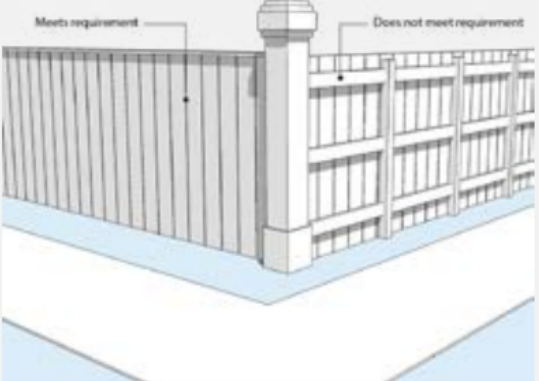
**Applicable Regulations:**

**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

**SECTION 7**                      **Design Standards**

**7.9** Accessory Uses and Equipment.

7.9.8 Fences.																	
7.9.8.1	Fences and walls within a development shall be of compatible design and materials.	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
7.9.8.2	Fences and walls shall be constructed such that the "finished" part of the fence or wall is located toward and facing the exterior of the property.	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	
																	
7.9.8.3	Barbed wire, woven wire or electrical fencing may be used in agricultural applications only.	■	■	x	x	x	x	x	x	x	x	x	x	x	■	■	x
7.9.8.4	Uncoated chain link and other wire material fences shall not be permitted in a front setback except in the case of athletic or play surfaces.	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	
7.9.8.5	Chain link fencing shall be green or black vinyl coated.	x	x	x	x	x	x	■	■	■	■	■	■	x	x	■	
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:**                      B-3 (Community Business)

**Present Use:**                              **Vacant**

**Future Land Use:**                      Community Business Corridor

**Surrounding Zoning and Land Use:**                      North:                      B-3 (Community Business)

May 2025 BOA Item: A

Fence Variance

Jimmy Odom, Property Owner, and Scott Martin, Applicant

South: B-3 (Community Business)

East: B-3 (Community Business)

West: R- 1C (Single-Family 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 4-foot requirement for fencing to instead allow for a 6-foot fence for a B-3 zoned property located at 700 Bouie Street (PPIN 17508 & 17509, Forrest County, Ward 2).

**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.

May 2025 BOA Item: A

Fence Variance

Jimmy Odom, Property Owner, and Scott Martin, Applicant

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.

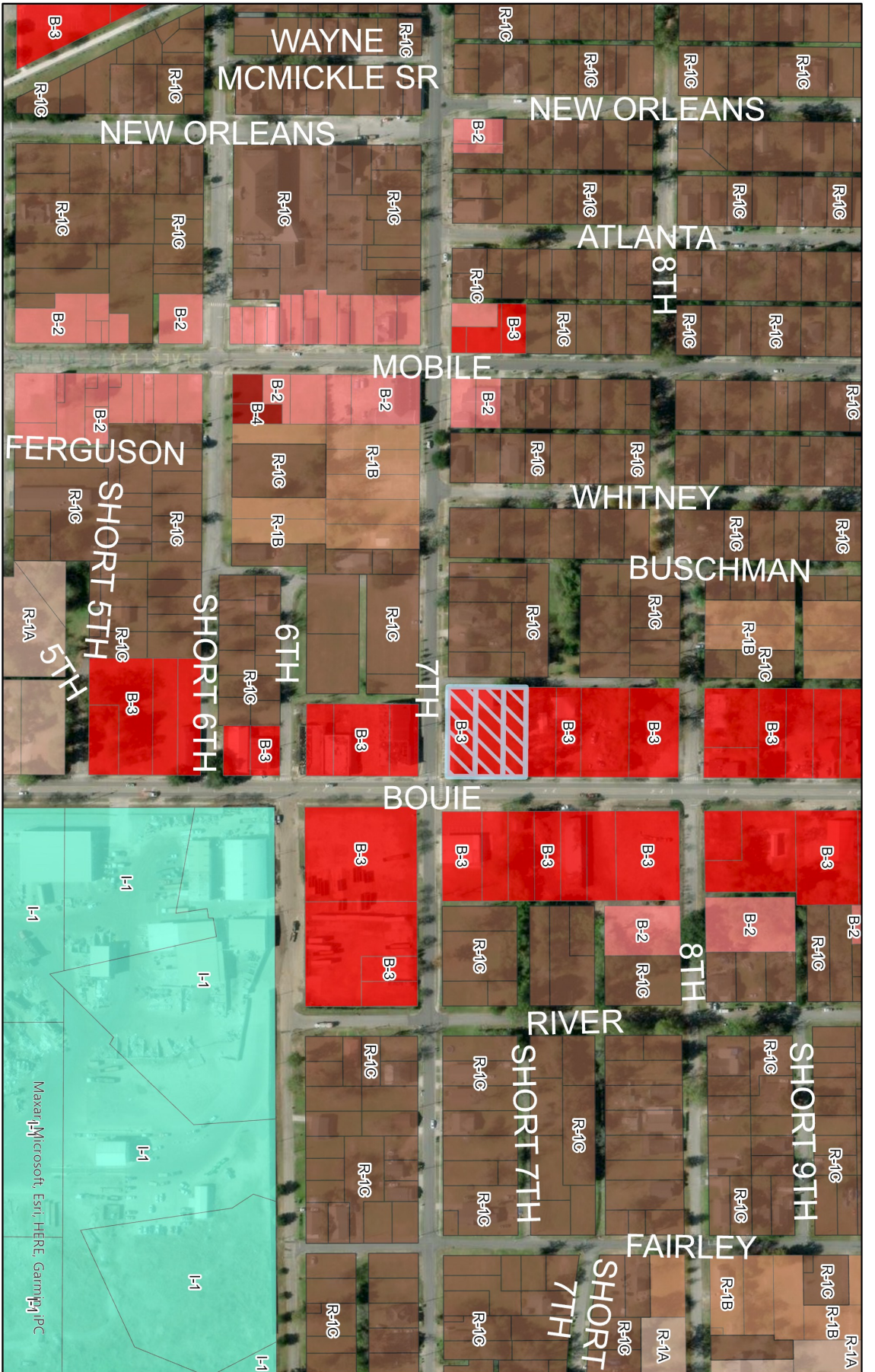
## SUBJECT PARCEL

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### 700 Bouie Street — Variance Requests

Jimmy Odom, Property Owner, and Scott Martin, Applicant, request a variance from the 4-foot requirement for fencing to instead allow for a 6-foot fence for a B-3 zoned property located at 700 Bouie Street (PPIN 17508, 17509, and 17510, Forrest County, Ward 2).





Zoning Map

- R-1A
- R-1B
- R-1C
- B-2
- B-3
- B-4
- I-1
- 700 Bouie Street

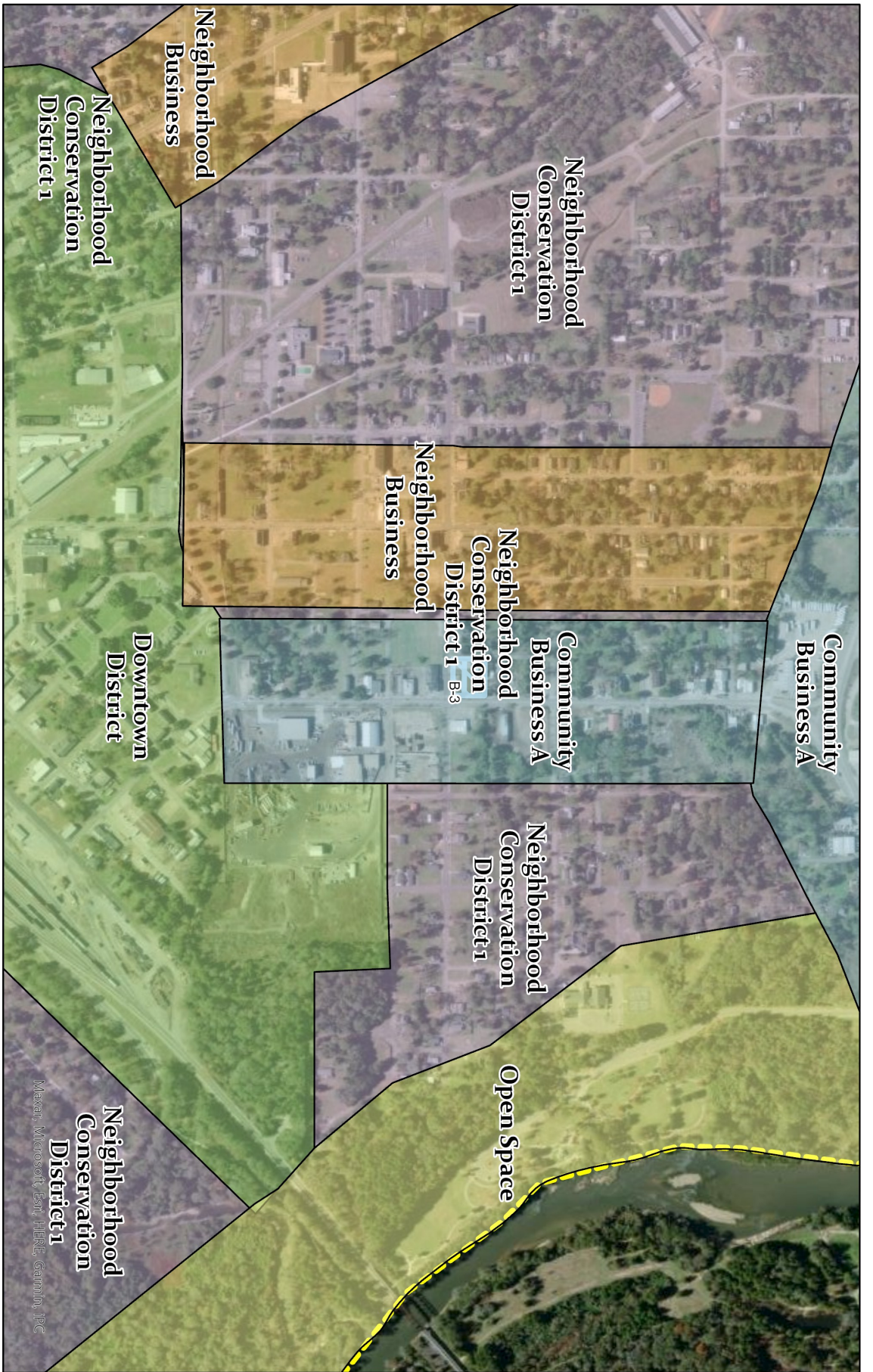
Conditional Use Request for  
 Contractor's Office  
 700 Bouie Street  
 PPIN: 17508, 17509, and 17510  
 Flood Zone: X  
 Ward2, Forrest County



**URBAN DEVELOPMENT**  
**PLANNING DIVISION**

Center: 89° 17' 16" W 31° 20' 9" 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: 4/22/2025 4:30 PM



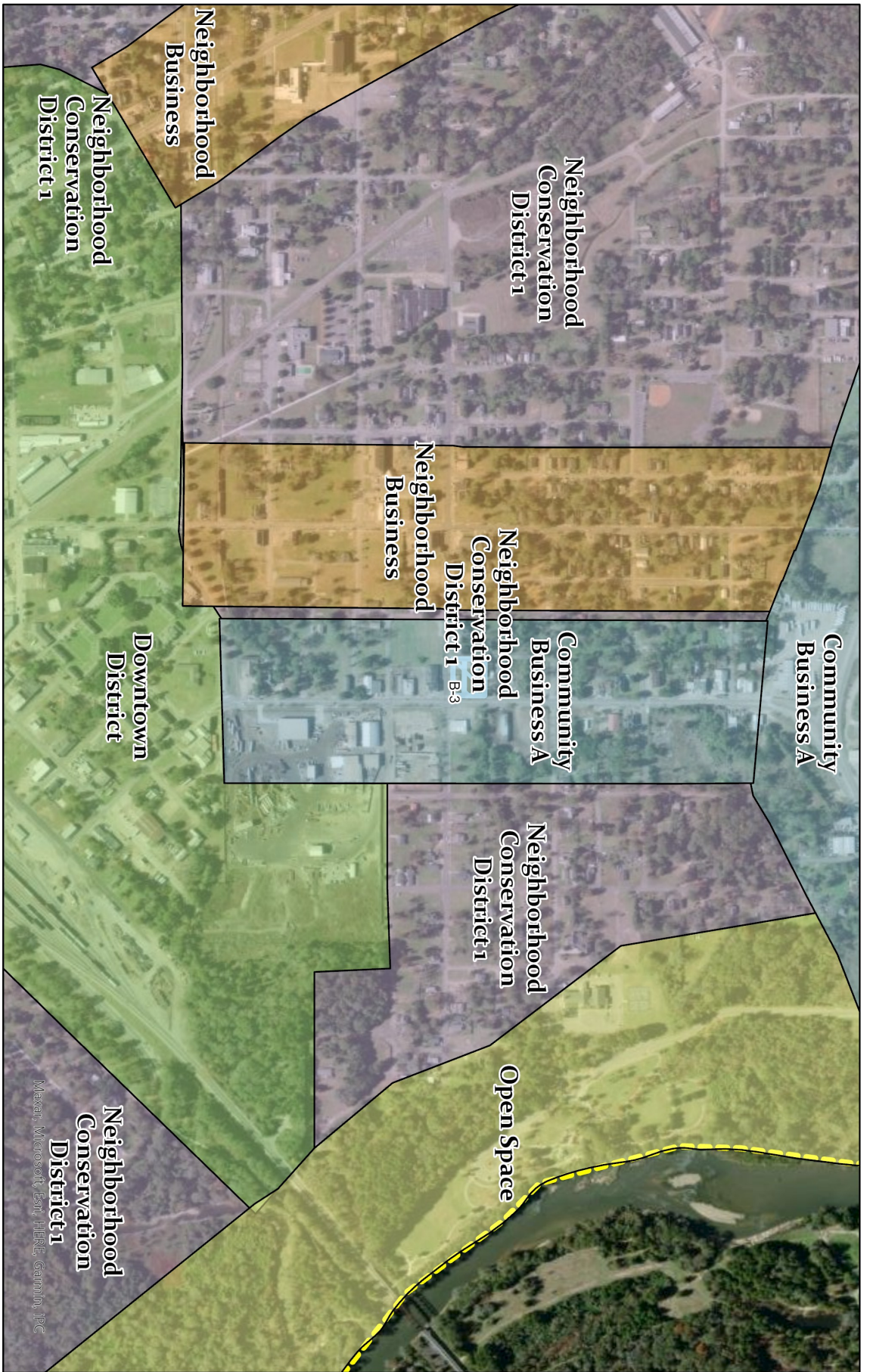
- Future Land Use Map
- Community Business A
  - Downtown District
  - Neighborhood Business
  - Neighborhood Conservation District 1
  - Open Space
  - 700 Bouie Street

Conditional Use Request for  
 Contractor's Office  
 700 Bouie Street  
 PPIN: 17508, 17509, and 17510  
 Flood Zone: X  
 Ward 2, Forrest County



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- Future Land Use Map
- Community Business A
  - Downtown District
  - Neighborhood Business
  - Neighborhood Conservation District 1
  - Open Space
  - 700 Bouie Street

Conditional Use Request for  
 Contractor's Office  
 700 Bouie Street  
 PPIN: 17508, 17509, and 17510  
 Flood Zone: X  
 Ward 2, Forrest County



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**URBAN DEVELOPMENT**  
**PLANNING DIVISION**  
 Center: 89°17'15"W 31°20'8"N



# Surrounding Area

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# Surrounding Area

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# Surrounding Area

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# Proposed Site Plan





**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 Martin  
Project Name: LR Boule St  
Proposed Use(s): Landscape Company Storage  
Project Street Address: 700 Boule St, Hattiesburg, MS 39401  
PPIN Number(s) (if unknown, can be found on tax receipt): \_\_\_\_\_

**\*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: Fence 6ft

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

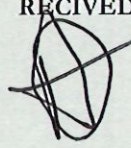
- Automotive Filling Station
- Digital Billboard, New
- Restaurant
- Telecommunications
- Digital Billboard, Replacement
- Solar Farm
- Other: \_\_\_\_\_

**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 Districts(s): \_\_\_\_\_  
 Project No.: \_\_\_\_\_  
**Code Sections:**  
 LDC Section No. \_\_\_\_\_  
 Section No. \_\_\_\_\_  
 Section No. \_\_\_\_\_  
 Section No. \_\_\_\_\_  
 Section No. \_\_\_\_\_

**RECEIVED DATE & INITIALS:**  
  
3/27/25

ME

**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

7000 Bowles Hattiesburg MS  
Street Address City State

on this the 19<sup>th</sup> day of March, 2025

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.

on this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Jimmie Dale Odom  
Property Owner (print)

Jimmie Dale Odom  
Property Owner (signature)

STATE OF Mississippi  
COUNTY OF Forrest

Personally came and appeared before me, the within named Jimmie Dale Odom, 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 19<sup>th</sup> day of March, 2025.

Hannah Everett  
NOTARY PUBLIC

My Commission Expires:  
4-10-26



X

**APPLICANT AFFIDAVIT PAGE**

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

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

700 Bowie Hattiesburg MS  
Street Address City State

on this the 19 day of March, 2025.

Scott Martin  
Applicant (print)

Scott Martin  
Applicant (signature)

STATE OF MS

COUNTY OF Forrest

Personally came and appeared before me, the within named Scott Martin

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 March, 2025.

[Signature]  
NOTARY PUBLIC

My Commission Expires:  
9/13/2027



X

**FOR VARIANCE APPLICANTS:**

The Board of Adjustment has the responsibility to hear and make recommendation on requests for variances to the requirements of this Code (per Section 11.4). **Section 12.4.1** Variances are departures from the standards of the Land Development Code, except land use, which will not be contrary to the public interest and where, owing to conditions peculiar to the property and not as a result of the action of the applicant, a literal enforcement of this Code would result in unnecessary and undue hardship.

The following conditions must be met before a variance can be recommended.

**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.

I need a fence. Things get stolen sometimes. I also need ramps to access the building

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

I will not

X

3. **Literal Interpretation.** The literal interpretation of the provision of the regulation would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district and would cause unnecessary and undue hardship on the applicant.

other property owner on this street have fences to protect their property and equipment

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

I need a fence and ramps to use this property the way I need to.

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

Yes

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

It will not

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

**FOR CONDITIONAL USE APPLICANTS:**

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

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

Yes. Only thing stored outside will be 4 trucks.

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

This lot has been vacant for years and has not been attended to. We will clean up the property and keep it in better condition than its current owner.

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

This is more than enough space for me to park 4 work trucks outside. All other equipment will be housed inside.

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

I don't think so.

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?

*9 Employees and 3 Trucks*

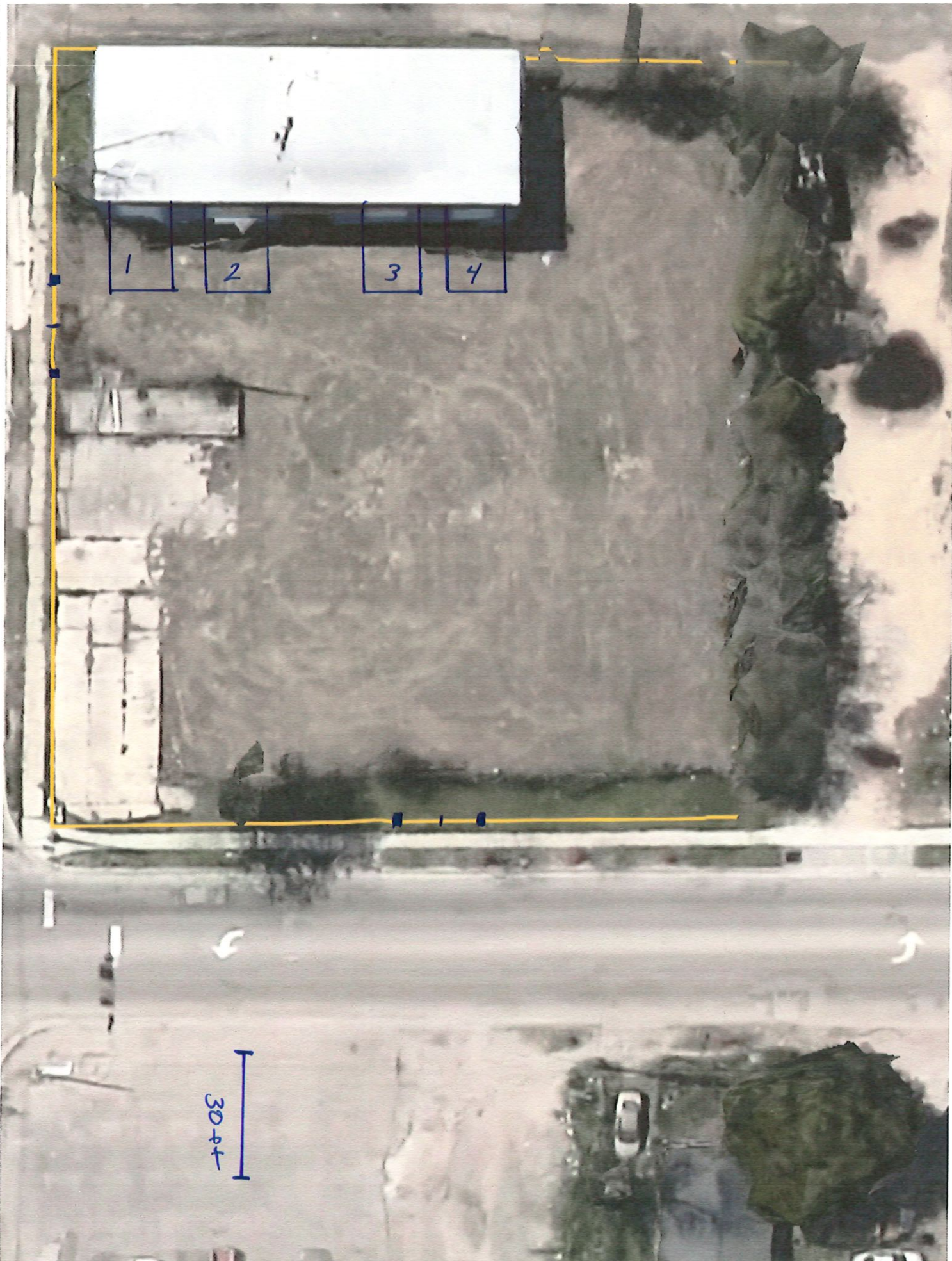
7. Is proposed use compatible with surrounding uses and design? If yes, please explain:

*Yes. There are multiple businesses on this street that use their property in the same manner as we intend to.*

8. Parking requirements:

Commercial/Industrial: Paved parking will be provided for *23* vehicles, and *0* ADA vehicles; with \_\_\_\_\_ loading spaces.

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



May 2025 BOA Item: B

Sign Variances

Hattiesburg Clinic, Property Owner, Joey Davion, Property Owner, and Cliff Hensarling, applicant



**URBAN  
DEVELOPMENT  
PLANNING DIVISION**

**Board of Adjustment  
Case Fact Sheet**

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**Names of Petitioner:** Hattiesburg Clinic, Property Owner, Joey Davion, Property Owner, and Cliff Hensarling, applicant

<b>Address of Property:</b>	<b>Tax Parcels</b>	<b>PPIN:</b>	<b>Ward:</b>
415 S 28 <sup>th</sup> Avenue	2-028N-07-220.00	17824	3
	2-028N-07-221.00	17815	

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**Request:** Sign Variances

**Purpose of Request:** Hattiesburg Clinic, Property Owner, Joey Davion, Property Owner, and Cliff Hensarling, applicant, request variances for two signs from the requirement of a sign height of 5ft to instead allow for 8'- 2", a variance from the requirement of overall sign area of 60 square feet to instead allow for 283.7 square feet, and a variance from the maximum requirement of height of placement of the sign of 18 ft to instead allow for 52' – 4" ft for an EM-6 zoned property located at 415 S 28th Avenue (PPIN 17824 and 17815, Forrest County, Ward 3).

**History / Background:** The applicant submitted a sign permit application for changes to the large wall signs for Hattiesburg Clinic, located at 415 S 28<sup>th</sup> Avenue. Staff met with the applicants at a pre-application meeting to go over the requirements of the form-based code, as the property is located in a form-based code district. In review of the sign permit application, the proposed signs were much larger than the form-based code allows. Staff discussed paths forward, and the applicant sought a variance for the larger signs.

The proposed signs are a slightly different design and are less square feet than the previous signs. However, the form-

May 2025 BOA Item: B

Sign Variances

Hattiesburg Clinic, Property Owner, Joey Davion, Property Owner, and Cliff Hensarling, applicant

based code's sign regulations require wall signs to be much smaller than the proposed signs.

**Applicant Summary:** See Attached

**Applicable Regulations:**

**Hattiesburg Form-Based Code**

**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%	--	--	--	--	--

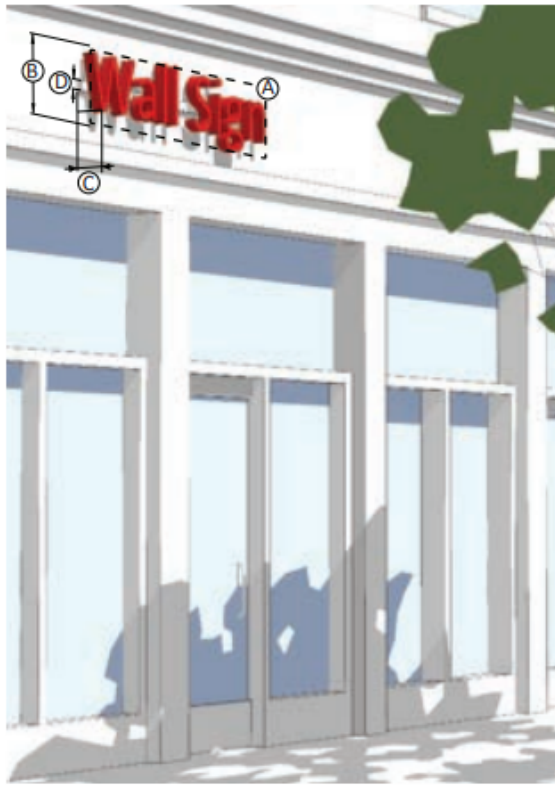
ft of building width = width of building facade facing street

May 2025 BOA Item: B

Sign Variances

Hattiesburg Clinic, Property Owner, Joey Davion, Property Owner, and Cliff Hensarling, applicant

**Q. Wall Sign**



**Description**

A sign fastened to or painted on the wall of a building in such a manner that the wall becomes the supporting structure for or forms the background surface of the sign and which does not project more than 1 foot from the building or structure.

**General Provisions**

1. A wall sign must be placed no higher than 18 feet above the sidewalk.
2. No portion of a wall sign may extend above the roof line or above a parapet wall of a building with a flat roof.
3. No portion of a wall sign may extend above the lower eave line of a building with a pitched roof.
4. A wall sign cannot cover windows or architectural details.
5. A wall sign can be externally or internally illuminated under Sec. 5.3.5.

**Standards**

Ⓐ Overall area allocation (max)	Sec. 5.3.G
Sign area (max per sign)	60 SF
Ⓑ Height (max)	5'
Ⓒ Projection - measured from building facade (max)	1'
Ⓓ Raceway (max % of letter height)	50%

**Present Zoning:** EM-6 Employment District

**Present Use:** Medical Clinic (Hattiesburg Clinic)

**Future Land Use:** Neighborhood Business Corridor

May 2025 BOA Item: B

Sign Variances

Hattiesburg Clinic, Property Owner, Joey Davion, Property Owner, and Cliff Hensarling, applicant

**Surrounding Zoning and Land Use:**

North: EM-6 (Employment District)

South: EM-3 (Employment District)

East: EM-9 (Employment District)

West: EM-6 (Employment District)

**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 two signs from the requirement of a sign height of 5ft to instead allow for 8'- 2", a variance from the requirement of overall sign area of 60 square feet to instead allow for 283.7 square feet, and a variance from the maximum requirement of height of placement of the sign of 18 ft to instead allow for 52' – 4" ft for an EM-6 zoned property located at 415 S 28th Avenue (PPIN 17824 and 17815, Forrest County, Ward 3).

**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

May 2025 BOA Item: B

Sign Variances

Hattiesburg Clinic, Property Owner, Joey Davion, Property Owner, and Cliff Hensarling, applicant

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

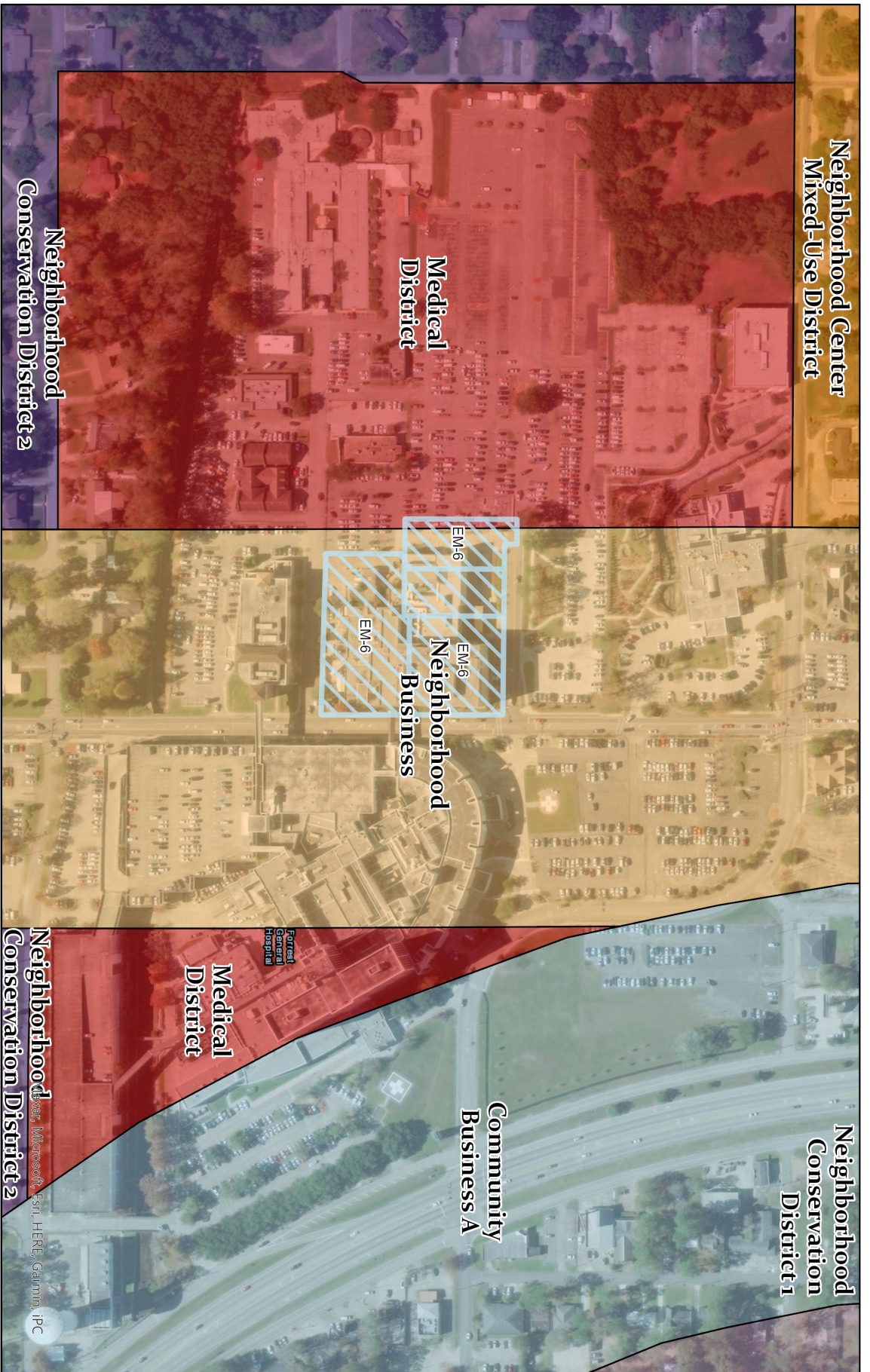
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### 415 S 28th Avenue — Variance Requests

Hattiesburg Clinic, Property Owner, Joey Davion, Property Owner, and Cliff Hensarling, applicant, request variances for two signs from the requirement of a sign height of 5ft to instead allow for 8'- 2", a variance from the requirement of overall sign area of 60 square feet to instead allow for 283.7 square feet, and a variance from the maximum requirement of height of placement of the sign of 18 ft to instead allow for 52' – 4" ft for an EM-6 zoned property located at 415 S 28th Avenue (PPIN 17824 and 17815, Forrest County, Ward 3).







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

Wall Sign Variances  
 415 S 28th Avenue  
 PPIN: 17824, and 17815  
 Flood Zone: X  
 Ward 3, Forrest County



Center: 89°19'53"W 31°19'9"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: 4/22/2025 5:32 PM

# Site Aerial



# Surrounding Area

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# Surrounding Area

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Vari-0325-0016



### Application for Public Hearing

City of Hattiesburg – Planning Division

PO BOX 1898 – Hattiesburg, MS 39403-1898 | Phone (601)- 545-4599

**NOTE:**

- Fill this application out IN FULL with what applies to your application

#### Applicant Information

Name Applicant: Cliff Hensarling Project Name: Hattiesburg Clinic

Municipal Address of Site: 415 S. 28th Avenue PPIN #: 17815

Parcel Number(s): \_\_\_\_\_

Type of Public Hearing	Additional Information Needed:
<input checked="" type="checkbox"/> Variance	<input checked="" type="checkbox"/> Sign <input type="checkbox"/> Setback <input type="checkbox"/> Off-Site Parking <input type="checkbox"/> Lot Width <input type="checkbox"/> Lot Coverage Area <input type="checkbox"/> Buffer <input type="checkbox"/> Open Space <input type="checkbox"/> Other: _____
<input type="checkbox"/> Rezoning	Existing Zoning: _____ Proposed Zoning: _____
<input type="checkbox"/> Conditional Use	<input type="checkbox"/> Automotive Filling Station <input type="checkbox"/> Digital Billboard, New <input type="checkbox"/> Digital Billboard, Replacement <input type="checkbox"/> Telecommunications <input type="checkbox"/> Restaurant <input type="checkbox"/> Solar Farm <input type="checkbox"/> Other: _____
<input type="checkbox"/> Minor Subdivision	
<input type="checkbox"/> Subdividing of lot, Parcel, or Tract	
<input type="checkbox"/> Street or Alley Renaming	
<input type="checkbox"/> Vacating Street or Alley	
<input type="checkbox"/> Overlay District	
<input type="checkbox"/> Planned Mixed-Use District (PMU)	

C

For Staff Only:				
Zoning:	Historic District:	Flood Zone:	Ward:	
			<input type="checkbox"/> 1	<input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5
Project Number:		Received:		
PPIN # or Parcel #:				

**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

415 S. 28<sup>th</sup> Ave. Hattiesburg MS  
Street Address City State

on this the 28<sup>th</sup> day of March, 2025.

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.

Cliff Hensarling, Sign Lite

on this the 28<sup>th</sup> day of March, 2025.

Hattiesburg Clinic, P.A.  
Joey Davion, Physical Plant Manager  
Property Owner (Print)

Joey Davion  
Property Owner (Signature)

STATE OF Mississippi  
COUNTY OF Forrest

Personally came and appeared before me, the within named

Joey Davion

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 28 day of March, 2025.



Jean Anne Potin  
NOTARY PUBLIC

My Commission Expires:

4/24/2027

**APPLICANT AFFIDAVIT PAGE**

THIS PAGE MUST BE SIGNED IN FRONT OF A NOTARY, BY THE **APPLICANT(S)** OF THE 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

415 S. 28th Avenue Hattiesburg, MS  
Street Address City State

on this the 27 day of MARCH, 2025

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.

on this the 27 day of March, 2025

Cliff Hensarling  
Applicant (Print)  
Cliff Hensarling  
Applicant (Signature)

STATE OF Louisiana

COUNTY OF ST Tammany

Personally came and appeared before me, the within named

Clifford Carl Hensarling

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 27 day of March, 2025.

Marie Betts  
NOTARY PUBLIC

Marie Betts  
Louisiana Notary Public # 159677  
St. Tammany Parish \*Statewide Jurisdiction  
Commissioned for life

My Commission Expires:

At Death



**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.

Signs to identify the Hattiesburg Clinic  
main building to be seen from Hwy 49 so  
patients can find the clinic.

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

Other neighboring properties in this zoning  
district are not of this size. The existing  
signs do not conform to the current branding  
guidelines and are over 20 years old and need replacing.

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.

Other properties in this district have  
proportionate signage in regards to their  
building size.

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

The proposed signs would be replacing existing  
signs which are larger and more sq ft.  
than the proposed signs. The proposed signs  
are in accordance with Hattiesburg Clinic's  
branding guidelines and logo.



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

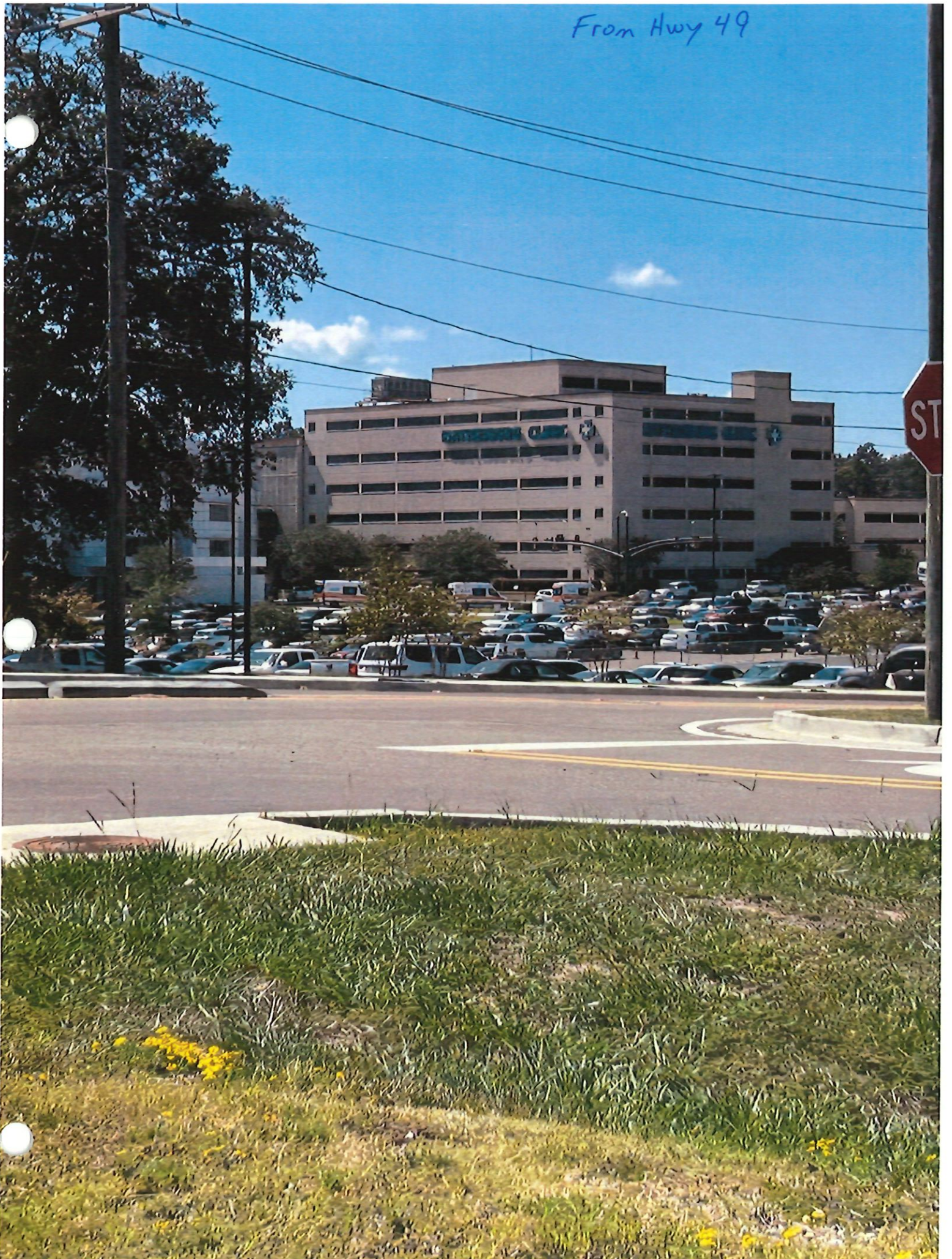
The proposed signs will be proportionate to the size of the building. And they will allow patients to identify the clinic from a distance.

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.

When comparing the size of the building to the size of the signs which are smaller than the existing signs.

**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.

From Hwy 49





**283.7 Sq Ft**  
**TOTAL** **PROPOSED**  
**SQ FOOTAGE**

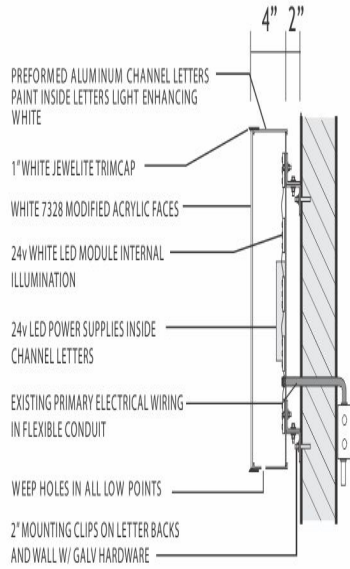
Provide the necessary labor & equipment to remove and discard the existing clip mounted channel letters and all mounting hardware, leaving the primary whips in place...

Mfg & install (1) set of self contained channel letters as shown above onto building side elevation in same general area as shown right in photo rendering.

Channel letters are fabricated using pre-finished white .063/.040 aluminum returns and .125 aluminum backs. Letters are internally illuminated using 24v white LED modules w/ 24v LED power supplies contained inside the channel letters as needed. Inside of letters will be painted light enhancing white.

White 7328 modified acrylic will be used for letter faces w/ Avery Med Teal A9622-T vinyl overlay, 1" white trimcap / aluminum clips & self-tapping screws as needed for attachment to letter returns.

Letters will be clip mounted to the wall using 2"x2" aluminum clips to clear the existing primary wire whips that stick out of wall & to make secondary jumps between letters as needed.



**LETTER SECTION** (LED ILLUMINATION) NOT TO SCALE  
(SELF-CONTAINED POWER SUPPLIES) INSTALL IN ACCORDANCE WITH NATIONAL ELECTRICAL CODES

**EAST ELEVATION**



Photo not to page scale

COLORS REPRESENTED ON THIS PRINT MAY NOT MATCH THE PMS CHIP, VINYL OR PAINT COLORS EXACTLY it is to be viewed as a color representation only.



1490 I-10 Service Rd. • Slidell, LA 70461  
(800)869-3804 • (985)649-3804 • f:(985)643-3758

<b>Client</b> Hattiesburg Clinic 415 S 28th Ave. Hattiesburg, MS	<b>Sales Rep.</b> C Hensarling
<b>Project</b> Clip Mount Channel Ltrs	<b>Date</b> 07/19/2023
	<b>Scale</b> 3/16"=1'-0"

<b>Designer</b> N Clatterbuck	<b>120v electrical unless noted otherwise</b>
<b>Drawing No. / Pg No.</b> 072312 S3R2 3	<b>Approved by:</b>
<b>Revision Date</b> 12/12/2024	<b>Approval date:</b>

- NOTES:**
- STRUCTURAL STEEL WILL BE ASTM-A36.
  - STEEL LESS THAN 1/4" THICK WILL BE GALVANIZED.
  - ALL STRUCTURAL STEEL TO BE PAINTED W/ TWO COATS OF RUST INHIBITING PAINT UNLESS GALVANIZED.
  - ALL CONNECTIONS WILL BE 1/2" DIAMETER BOLTS UNLESS NOTED.
  - PLASTIC SIGN FACES TO BE FORMED OF SLOW BURNING MATERIALS.
  - COMPLETED SIGN WILL BEAR U.L.L. LABEL.
  - SIGN WILL BE LOCATED A MINIMUM OF 6" FROM BACK OF CURB.
  - BOTTOM OF SIGN WILL BE LOCATED A MINIMUM OF 9' ABOVE GRADE.
  - SIGN WILL BE FABRICATED & INSTALLED TO WITH-STAND A MIN. WIND-LOAD OF 130 M.P.H. @ 3 SEC. GUSTS IN ACCORDANCE W/ 2021 I.B.C.

THESE PLANS AND SPECIFICATIONS HAVE BEEN PREPARED BY ME &/OR UNDER MY SUPERVISION. TO THE BEST OF MY KNOWLEDGE AND BELIEF THEY CONFORM TO ALL CITY REQUIREMENTS. I AM NOT GENERALLY ADMINISTERING THE WORK.



**CURRENT SQ FOOTAGE** 337.6 Sq Ft  
**TOTAL**



**283.7 Sq Ft PROPOSED TOTAL SQ FOOTAGE**

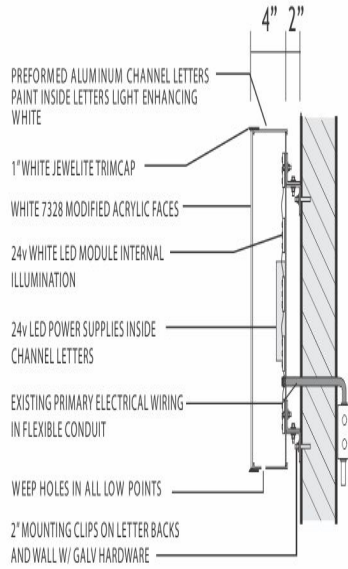
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**LETTER SECTION** (LED ILLUMINATION) NOT TO SCALE  
(SELF-CONTAINED POWER SUPPLIES) INSTALL IN ACCORDANCE WITH NATIONAL ELECTRICAL CODES

**NORTH ELEVATION**



Photo not to page scale

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