



**URBAN
DEVELOPMENT**

PLANNING DIVISION

HATTIESBURG BOARD OF ADJUSTMENT
PUBLIC HEARING STAFF REPORTS
August 6, 2025



URBAN DEVELOPMENT

PLANNING DIVISION

MEMORANDUM

TO: All Interested Parties
FROM: Planning Staff
DATE: July 30, 2025
SUBJECT: **August 6, 2025 - Hattiesburg Planning Commission and Board of Adjustment**

The **Hattiesburg Planning Commission** will meet in regular session at 1:00 PM, Wednesday, August 6, 2025, in the dining room of the Jackie Dole Sherrill Community Center.

Virtual Meeting Attendance Option for the Planning Commission

[Join the meeting now](#)

Meeting ID: 226 594 885 168 4

Passcode: gh7oU9Gj

Dial in by phone

+1 929-346-7084

Phone conference ID: 430 913 772#

The **Board of Adjustment** will meet in regular session at 3:30 PM, Wednesday, August 6, 2025, in the dining room of the Jackie Dole Sherrill Community Center.

[Join the meeting now](#)

Meeting ID: 284 922 427 210 0

Passcode: Jm9QR6md

Dial in by phone

+1 929-346-7084

Phone conference ID: 669 202 894#

If you have any questions regarding the agenda or need information related to the virtual meeting option, please do not hesitate to call the Planning Division at (601)-545-4599 or email at planning@hattiesburgms.com.

Board of Adjustment Agenda

August 6, 2025, 3:30 PM

Jackie Dole Sherrill Community Center (Dining Room)

220 W Front Street

I. Business Meeting

1. Review and approval of August's meeting agenda
2. Review and approval of the minutes of the May 7, 2025, meeting
3. Planning Report
4. Chair's Report
5. Introductions

II. Public Hearing

1. Presentation of Petitions for Public Hearing
 - A. Anointed Word Ministries, Property Owner/Applicant, and Clifford Lockhart, Contractor/Representative, request a variance from the requirement of the minimum 200ft separation from the nearest lot line of any residential use to allow for 94 ft separation and a variance from the requirement of a maximum of 40% of the sign as a electronic reader board to allow for 58% for a sign located at a R-3 zoned property at 748 W 4th Street (PPIN 26614, Forrest County, Ward 4).
 - B. William Carey University, Property Owners/Applicants, Grant Guthrie, Property Owner/Applicant, John Anglin, Engineer, and Kevin Lewis, Architect, request a variance from the requirement of the maximum fence height in a front setback of 4ft to allow for 6ft for an R-3 zoned property located at 198 Magnolia Ave (PPIN 13692, Forrest County, Ward 5).
 - C. Robin Magee, Applicant/Property Owner, Petra Café III, LLC, Property Owner, and Greater Solutions LLC, Representative, request a variance from the maximum capacity of 80 people in restaurants to instead allow for a maximum capacity of 99 for a B-2 and R-1A zoned properties located at 6060 Hwy 49 (PPIN 16705, 16707, 16717, & 16719), Ward 4, Forrest County).

III. Other Business

IV. Adjournment

Board of Adjustment Agenda

August 6, 2025, 3:30 PM

Jackie Dole Sherrill Community Center (Dining Room)

220 W Front Street

I. Business Meeting

1. Review and approval of August's meeting agenda
2. Review and approval of the minutes of the May 7, 2025, meeting
3. Planning Report
4. Chair's Report
5. Introductions

II. Public Hearing

1. Presentation of Petitions for Public Hearing
 - A. Anointed Word Ministries, Property Owner/Applicant, and Clifford Lockhart, Contractor/Representative, request a variance from the requirement of the minimum 200ft separation from the nearest lot line of any residential use to allow for 94 ft separation and a variance from the requirement of a maximum of 40% of the sign as a electronic reader board to allow for 58% for a sign located at a R-3 zoned property at 748 W 4th Street (PPIN 26614, Forrest County, Ward 4).
 - B. William Carey University, Property Owners/Applicants, Grant Guthrie, Property Owner/Applicant, John Anglin, Engineer, and Kevin Lewis, Architect, request a variance from the requirement of the maximum fence height in a front setback of 4ft to allow for 6ft for an R-3 zoned property located at 198 Magnolia Ave (PPIN 13692, Forrest County, Ward 5).
 - C. Robin Magee, Applicant/Property Owner, Petra Café III, LLC, Property Owner, and Greater Solutions LLC, Representative, request a variance from the maximum capacity of 80 people in restaurants to instead allow for a maximum capacity of 99 for a B-2 and R-1A zoned properties located at 6060 Hwy 49 (PPIN 16705, 16707, 16717, & 16719), Ward 4, Forrest County).

III. Other Business

IV. Adjournment

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

May 7th, 2025

Board Members Roll Call:

Members Present:

1. Shawn Harris, Chair
2. Brandon Williams
3. Eric Boney
4. John Eye
5. Herman Dungan
6. Stacey Ready, Secretary (Departed during Item B presentation)
7. James Trussell

Members Absent:

1. Richard Conville
2. Bernard Green, Vice Chair
3. Jessica Cathey
4. James Hughes

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 3:55 p.m.

AGENDA REVIEW

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

Motion:

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

Second:

Made by Stacey Ready

Vote:

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

The motion to approve the May 7th meeting agenda was passed by a 7-0 vote.

MINUTES REVIEW

A motion was made by Stacey Ready to approve the minutes with corrections from the March 5th Meeting.

Motion:

Made by Stacey Ready

Second:

Made by James Trussell

Vote:

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

The motion to approve the March 5th meeting minutes was passed by a 7-0 vote.

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: 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).

Discussion and Vote:

Staff introduced the case.

Presented by:

- Scott Martin

Proponents:

- None

Opponents:

- None

Motion:

Stacey Ready motioned to recommend approval of the request.

Second:

Made by James Trussell

Vote:

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

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

The motion to recommend approval of the request was passed by a 7-0 vote.

~~~~~

**Item 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).

**Discussion and Vote:**

Staff introduced the case.

**Presented by:**

- Cliff Hensarling
- Joey Davion

**Proponents:**

- None

**Opponents:**

- None

**Motion:**

John Eye motioned to deny the request.

**Second:**

Made by Herman Dungan

**Vote:**

| Board Member     | Yea | Nay | Other  |
|------------------|-----|-----|--------|
| John Eye         | X   |     |        |
| Richard Conville |     |     | ABSENT |
| Bernard Green    |     |     | ABSENT |
| Shawn Harris     | X   |     |        |

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

The motion to recommend denial failed 3-3. The request will be forwarded to City Council with no recommendation from the Board of Adjustment.

**OTHER BUSINESS:**

**Business Closed**

**Motion:**

Brandon E.J. Williams motioned to adjourn the meeting.

**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       |            |            | ABSENT       |
| Shawn Harris        | X          |            |              |
| Brandon Williams    | X          |            |              |
| Stacey Ready        |            |            | ABSENT       |
| Eric Boney          | X          |            |              |
| Herman Dungan       | X          |            |              |
| James Trussell      | X          |            |              |
| Jessica Cathey      |            |            | ABSENT       |
| James Hughes        |            |            | ABSENT       |

The motion to adjourn was passed by a 6-0 vote.

The Board of Adjustments adjourned the meeting at 4:57pm.

---

Stacey Ready, Secretary

---

Cory Long, AICP, Planning Division Manager

August 2025 BOA Item: A  
Residential Buffer for Electronic Reader Board  
Anointed Word Ministries, Property Owner/Applicant, and Clifford Lockhart,  
Contractor/Representative



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

**Board of Adjustment  
Case Fact Sheet**

---

**Names of Petitioner:** Anointed Word Ministries of Hattiesburg, Property Owner/Applicant, Clifford Lockhart, Contractor/Representative.

| <b>Address of Property:</b>  | <b>Tax Parcels</b> | <b>PPIN:</b> | <b>Ward:</b> |
|------------------------------|--------------------|--------------|--------------|
| 748 W 4 <sup>th</sup> Street | 2-029L-09-037.00   | 26614        | 4            |

---

**Request:** Residential Buffer for an Electronic Reader Board Variance

**Purpose of Request:** Anointed Word Ministries, Property Owner/Applicant, and Clifford Lockhart, Contractor/Representative, request a variance from the requirement of the minimum 200ft separation from the nearest lot line of any residential use to allow for 94 ft separation and a variance from the requirement of a maximum of 40% of the sign as a electronic reader board to allow for 58% for a sign located at a R-3 zoned property at 748 W 4th Street (PPIN 26614, Forrest County, Ward 4).

**History / Background:** The applicant applied for a sign permit for a static face replacement for the monument sign for Anointed Word Ministry Church in April of 2024. The permit noted that it was to be a "Face Replacement on a 4x8 sign, 'lighted', Replace Broken Glass and Letter Paint." The application for the sign permit did not note that the sign would include a digital reader board portion. The sign permit was approved on April 24, 2024, with a note that the permit approval was for a "Face Replacement Only." The permit was paid for and picked up on April 30<sup>th</sup>, 2024, and work commenced on the sign.

August 2025 BOA Item: A  
Residential Buffer for Electronic Reader Board  
Anointed Word Ministries, Property Owner/Applicant, and Clifford Lockhart,  
Contractor/Representative

On August 13<sup>th</sup>, 2024, planning staff noticed that the sign was not installed as per the sign permit as a “face replacement,” but instead was completely refaced and included an electronic reader board. Per the Land Development Code, signs with an electronic reader board portion are required to be 40% or less of the entire sign, 200ft or more from a residential property line. They are only permitted in B-5 and B-3 by right and R-1C and R-3 with conditional use approval.

A notice of violation was issued on August 23, 2024, outlining the violations found in the unpermitted sign installation and included methods to make the sign compliant, which included a pre-application form to meet with staff. No pre-application meeting was scheduled with the applicant, as no pre-application form was submitted to the planning division. Code Enforcement issued a complaint and citation on August 27<sup>th</sup> for the violation of installing a sign without a permit, and the applicant was summoned to appear in court on November 17<sup>th</sup>, 2024.

Three court appearances were held in January, April, and June of 2025. The applicant applied for a public hearing for the August meetings for the Planning Commission and Board of Adjustment. The applicant is seeking conditional use approval for an electronic reader board on a R-3 zoned property from the Planning Commission and a variance from the residential buffer for electronic reader boards and from dimensional requirements for electronic reader boards from the Board of Adjustment.

**Applicant Summary:** See Attached

**Applicable Regulations:**

## **SECTION 10**

### **Signs**

#### **10.8 Sign Design**

10.8.2.5 No sign may contain or be illuminated with flashing or intermittent lights or lights of changing degrees of intensity except electronic message boards or historic signs

August 2025 BOA Item: A  
Residential Buffer for Electronic Reader Board  
Anointed Word Ministries, Property Owner/Applicant, and Clifford Lockhart,  
Contractor/Representative

under the following conditions and restrictions:

- i. The restoration or operation of historic signs within a local historic conservation district or a district listed in the National Register of Historic Places.
- ii. Electronic message board lighting may be provided by right in the B-3 and B-5 Districts or in the R-1A and R-3 District as a conditional use as follows:
- iii. Flashing, blinking, animated or scrolling messages, or interactive signs are prohibited. iv. Messages shall post for a minimum time of 8 seconds and the image will change instantaneously as seen by the human eye;
- iv. Messages shall post for a minimum time of 8 seconds and the image will change instantaneously as seen by the human eye
- v. Messages consisting of time or alphabetic or numeric characters on a background that may not include any video or moving images; vi. The use of red lights is discouraged in electronic message board signs;
- vi. An electronic message is considered accessory to a larger static sign. The electronic message portion of such sign shall constitute no more than 40% of sign area of a freestanding sign and shall be limited to one such sign per lot.
- vii. Electronic message boards shall be separated from the nearest lot line of any residential use by a minimum 200 feet.
- viii. All electronic message boards shall be equipped with light sensing devices or a scheduled dimming timer that will automatically dim the intensity of the light emitted by the sign during ambient low-light conditions and at night so that the sign does not exceed the maximum brightness levels allowed in this section.
- ix. Maximum brightness shall not exceed 0.3-foot candles over ambient light levels measured at a distance of one hundred and fifty (150) feet
- x. Written certification from the sign manufacturer must be provided at the time of application for a sign permit certifying that the light intensity of the electronic message center has been preset not to exceed the illumination levels established by this section.

August 2025 BOA Item: A  
Residential Buffer for Electronic Reader Board  
Anointed Word Ministries, Property Owner/Applicant, and Clifford Lockhart,  
Contractor/Representative

- xi. Any malfunction shall be repaired or disconnected within 48 hours by the owner or operator of such sign

**Present Zoning:** R-3 Multi-Family Residential

**Present Use:** Place of Worship

**Future Land Use:** Neighborhood Business Corridor

**Surrounding Zoning and Land Use:**

North: R-1B Single-Family Residential  
South: R-3 Multi-Family Residential  
East: R-3 Multi-Family Residential  
West: R-3 Multi-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 requirement of the minimum 200ft separation from the nearest lot line of any residential use to allow for 94 ft separation and a variance from the requirement of a maximum of 40% of the sign as a electronic reader board to allow for 58% for a sign located at a R-3 zoned property at 748 W 4th Street (PPIN 26614, Forrest County, Ward 4).

**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

August 2025 BOA Item: A  
Residential Buffer for Electronic Reader Board  
Anointed Word Ministries, Property Owner/Applicant, and Clifford Lockhart,  
Contractor/Representative

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.

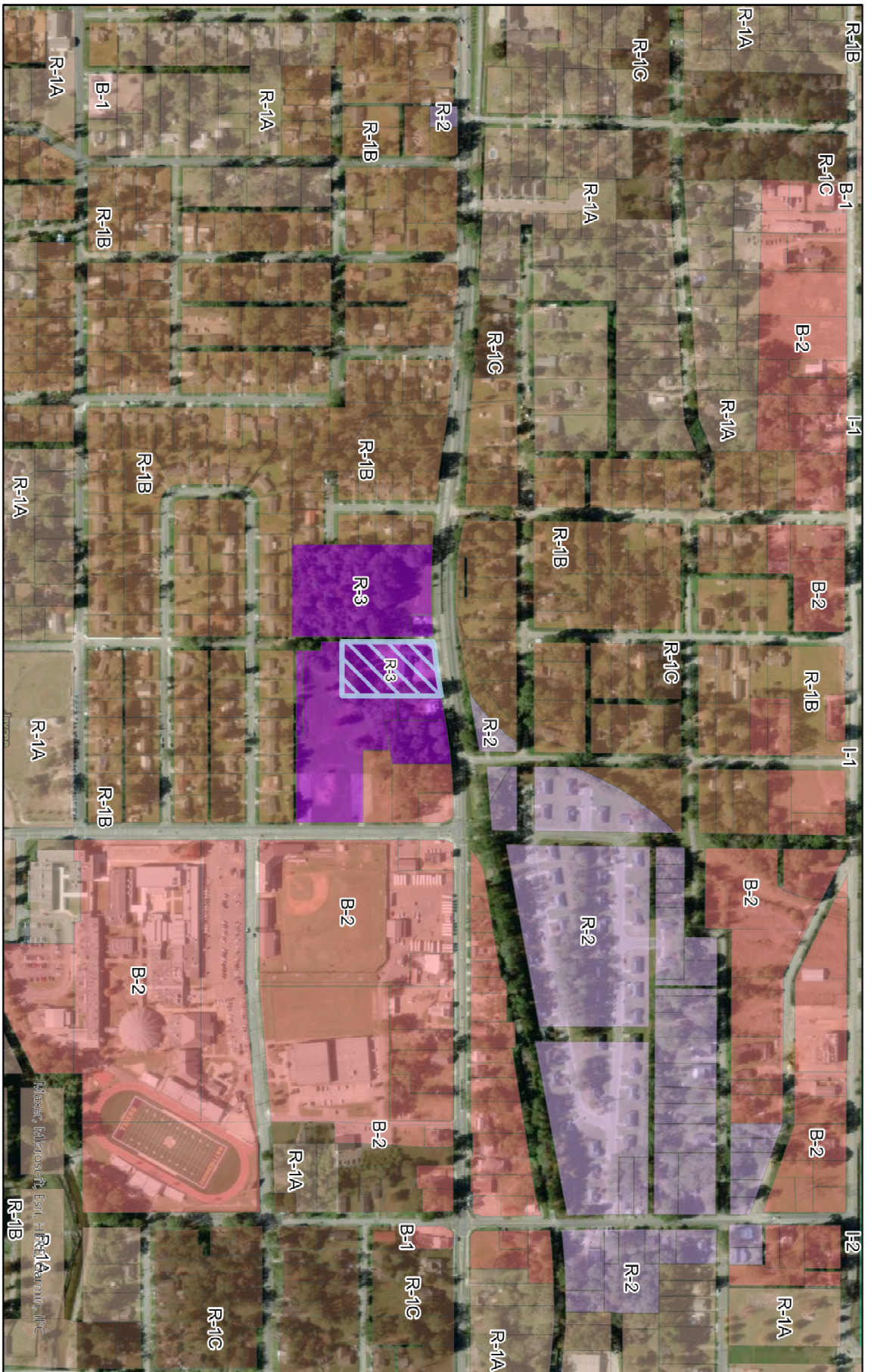
## SUBJECT PARCEL

---

### 748 W 4th Street — Sign Variance Requests

Anointed Word Ministries, Property Owner/Applicant, and Clifford Lockhart, Contractor/Representative, request a variance from the requirement of the minimum 200ft separation from the nearest lot line of any residential use to allow for 94 ft separation and a variance from the requirement of a maximum of 40% of the sign as a electronic reader board to allow for 58% for a sign located at a R-3 zoned property at 748 W 4th Street (PPIN





**Zoning Legend**

- R-1A
- R-1B
- R-1C
- R-2
- B-1
- B-2
- I-1
- I-2
- R-3
- 748 W 4th Street

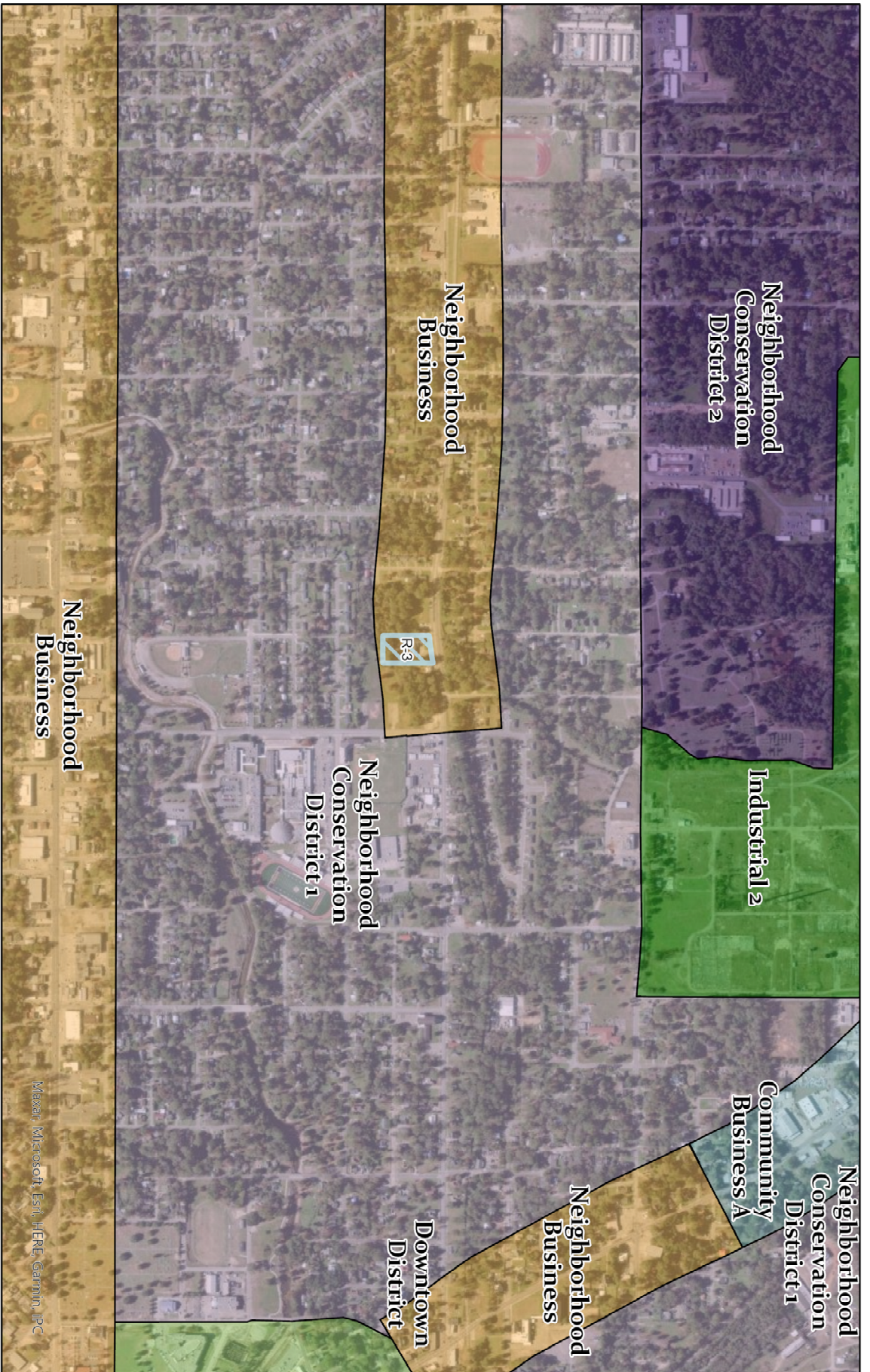
**Conditional Use Request and Variance**

748 W 4th Street  
 Zoned: R-3, PPIN: 26614  
 Flood Zone: X  
 Ward 4, Forrest County



**URBAN DEVELOPMENT**  
**PLANNING DIVISION**  
 Center: 89°18'42"W 31°19'54"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: 7/29/2025 3:06 PM



- Future Land Use Map
- Community Business A
  - Downtown District
  - Industrial 2
  - Neighborhood Business

- Neighborhood Conservation District 1
- Neighborhood Conservation District 2
- Subject Property

Conditional Use Request and Variance  
 748 W 4th Street  
 Zoned: R-3, PPIN: 26614  
 Flood Zone: X  
 Ward 4, Forrest County



**URBAN DEVELOPMENT**  
**PLANNING DIVISION**  
 Center: 89°18'40"W 31°19'54"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: 7/28/2025 3:07 PM

# Site Aerial

---



# Site Aerial

---



# Surrounding Area

---



## Surrounding Area

---





**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
- Refer to the [hattiesburgms.com/planning](http://hattiesburgms.com/planning) for Land Development Code and GIS map. Access via link or QR code



**Applicant Information**

Name Applicant: Anointed Word Ministries Project Name: Church sign

Municipal Address of Site: 748 West 4th Street, Hattiesburg PPIN #: 26614

Parcel Number(s): 2-0296-09-037.00 R3

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

| For Staff Only:      |                    |                                |                                                                                                                                                 |  |
|----------------------|--------------------|--------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------|--|
| Zoning:<br><u>R3</u> | Historic District: | Flood Zone:                    | Ward:<br><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 #:  |                    | <b>RECEIVED</b><br>JUN 11 2025 |                                                                                                                                                 |  |

BY: Updated Version 12/04/24



**Application for Site Plan Review**  
 City of Hattiesburg – Planning Division  
 PO BOX 1898 – Hattiesburg, MS 39403-1898 | Phone (601)- 545-4599

The following fees are an excerpt from Ordinance No. 2977, adopted January 22, 2008, as amended.

| <u>Public Hearing Fees</u>                                                                                                                                                    |                                                                                                                             |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------|
| Public Hearing Type                                                                                                                                                           | Fees Associated                                                                                                             |
| <b>Variance</b><br>Variance applications include one Concept Site Plan Review and one Variance request                                                                        | \$175.00 per application.<br>\$50.00 for each additional variance.                                                          |
| <b>Street / Alley Naming or Re-Naming</b><br>*Fees for replacement street signs shall be paid after City Council approval but prior to the effective date. *                  | \$300.00 per application.<br>\$100.00 per required street name sign *if approved*                                           |
| <b>Street / Alley Closing</b>                                                                                                                                                 | \$200.00 per application.                                                                                                   |
| <b>Conditional Use</b>                                                                                                                                                        | \$200.00 per application.                                                                                                   |
| <b>Zoning Change</b>                                                                                                                                                          | \$400.00 per application. *see PUD or PRD & zoning package rate)                                                            |
| <b>Planned Unit Development (PUD) or Planned Residential Development (PRD) with zoning change package</b>                                                                     | \$600.00 per package.                                                                                                       |
| <b>Subdivision of Land (Preliminary Plats)</b><br>Note: Final Plats should be submitted to the governing body for approval within 12 months of approval of preliminary plats. | \$250.00 per application.<br>\$10.00 per each additional created lot (** see PUD or PRD & Subdivision of Land package rate) |
| <b>Planned Unit Development (PUD) or Planned Residential Development with Subdivision of Land Package**</b>                                                                   | \$500.00 per application.<br>\$10.00 per each additional created lot (** see PUD or PRD & Subdivision of Land package rate) |
| <b>Change in Land Development Code Text</b>                                                                                                                                   | \$200.00 per application.                                                                                                   |
| <b>Appeal Fees for Proponent or Opponent appeals to City Council</b><br>*Exempt from fees – Established Neighborhood Association*                                             | \$50.00 per appeal.                                                                                                         |
| <b>Cancellation/Re-notification fee on any public hearing process (Planning Commission or City Council) that is tabled or cancelled at the owner/developer's Request</b>      | \$50.00 (per each 100 mailing labels)                                                                                       |

**\*OTHER PROCESSES MAY HAVE ADDITIONAL FEES\***  
 Make all checks payable to the City of Hattiesburg

I hereby certify that I have completed and attached the above-required documents, information, and fees.

Print Name: Clifford Lockhart

Signature:

**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

744 west 4th St Hbong MS 39401  
Street Address City State

on this the 16 day of May, 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.

Clifford Lockhart

on this the 16 day of May, 2025.

Clifford Lockhart / Anointed Word  
Property Owner (Print)  
[Signature]  
Property Owner (Signature)

STATE OF Mississippi  
COUNTY OF Forrest

Personally came and appeared before me, the within named Clifford Lockhart, 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 16th day of May, 2025.

Carrie Jean Crawford  
NOTARY PUBLIC

\* STATE OF MISSISSIPPI \*  
CARRIE JEAN CRAWFORD, NOTARY PUBLIC  
PERRY COUNTY  
MY COMMISSION EXPIRES SEPTEMBER 23, 2028  
COMMISSION NUMBER 91129

My Commission Expires:  
September 23, 2028

### 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

748 West 4th St Hbung MS 39401  
Street Address City State

on this the 16 day of May, 20 25

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 16 day of May, 20 25

Clifford Lockhart  
Applicant (Print)  
[Signature]  
Applicant (Signature)

STATE OF Mississippi  
COUNTY OF Forrest

Personally came and appeared before me, the within named Clifford Lockhart, 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 16th day of May, 20 25.

Carrie Jean Crawford  
NOTARY PUBLIC

★ STATE OF MISSISSIPPI ★  
**CARRIE JEAN CRAWFORD, NOTARY PUBLIC**  
PERRY COUNTY  
MY COMMISSION EXPIRES SEPTEMBER 23, 2028  
COMMISSION NUMBER 91129

My Commission Expires: September 23, 2028

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.

Without Information Sign, Anointed Word would likely cause several significant hardships for the Church, impacting its operations, outreach and connection with the congregation and community. The sign is a vital part of Anointed Word and if removed it will impact growth & overall missi

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

The Church is simply using a standard tool for its operations, and taking it away would be detrimental.

- 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.

All the rules and regulation of the signs are being met. No violation have been observed.

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

200 feet Buffer

---

---

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

For sign face of the sign been  
 there since 1970's but the new  
 facing has not

---

---

---

- 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.

no it will not conflict  
 with purposes and intent expressed

---

---

---

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

**FOR CONDITIONAL USE APPLICANTS:**

Section 12.3.3.1 Compliance Required. Uses requiring Planning Commission approval as noted in the Tables of Uses in Section 5 of this Code, shall be approved subject to this Section.

Any application for such use must comply with: all applicable standards that apply to similar uses and properties in the zoning district in general, the specific conditions listed for that use in Section 5, and the following criteria. \*Where conflicts exist, the Planning Commission shall determine which criteria apply on a case-by-case basis.\*

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

---



---



---



---



---

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

*If will have none on  
Community*

---



---



---



---

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

*it is only a 4x8 that  
has been there since 1970's*

---



---



---

- 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?

N/A

---

---

---

---

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

Yes

---

---

---

---

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

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

Refer to the [hattiesburgms.com/planning](http://hattiesburgms.com/planning) for Land Development Code and GIS map. Access via link or QR code.



## **Petition Affirming Neighborly Acceptance of Anointed Word Ministries' Information Board Sign**

To Whom It May Concern:

We, the undersigned residents and neighbors residing in the vicinity of Anointed Word Ministries, located at 748 West 4<sup>th</sup> Street Hattiesburg, MS, wish to formally express our collective sentiment regarding the ministry's information board sign.

We hereby affirm that we **\*\*do not\*\*** have any objections or concerns regarding the content or display of the information board sign belonging to Anointed Word Ministries. We understand that this sign serves as a valuable means of communication for the ministry, providing information about services, events, and other relevant announcements to both its congregation and the wider community.

We recognize and respect Anointed Word Ministries' right to utilize such a sign for informational purposes. We value their presence in our neighborhood and appreciate their efforts to engage with the community.

Therefore, we respectfully request that any considerations or actions based on the premise of neighborhood opposition to the Anointed Word Ministries' information board sign be disregarded, as this petition clearly indicates the lack of such concerns among the undersigned residents.

Sincerely,

\*\* (Please Print Your Name) \*\* \*\* (Signature) \*\* \*\* (Address) \*\*

1. Bill Fletcher

*Bill Fletcher*  
812 W 5th Street / Hattiesburg

2. Mrs Knox Flowers  
822 W 5th St  
Hattiesburg, MS 39401

3. Jamell Aungaw  
810 W 5th street  
Hattiesburg MS 39401

4. David Chavis  
814 W 5th st  
Hattiesburg MS 39401

5. Maica Aracawa  
820 W 5th Street / Hattiesburg MS 39401

6. Paul Yawn  
821 W 5th Street  
Hattiesburg MS 39401

7. Board up / vacant  
NO Address # West 5th Street  
Hattiesburg MS 39401

8. Vacant  
816 West 5th Street  
Hattiesburg MS 39401

9. Vacant / Board up  
806 West 5th Street  
Hattiesburg MS 39401

10. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**\*\*Date:\*\*** 5/31/25

Forrest County  
Filed/Recorded JANUARY 14 2011 04:02:00PM  
Witness my hand and seal  
Jimmy C. Howard  
Chancery Clerk

Record & Return to:  
First American Title  
132 Westover Drive  
Hattiesburg, MS 39402  
601-264-2257

INDEXING INSTRUCTIONS: Part of NW¼ of NW¼, S9, T4N, R13W, Forrest County, Mississippi

STATE OF MISSISSIPPI  
COUNTY OF FORREST

QUITCLAIM DEED

FOR AND IN CONSIDERATION of the sum of Ten Dollars (10.00), cash in hand paid, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, I the undersigned GRANTOR,

CLIFFORD MICHAEL LOCKHART

Address: 748 W. 4th St  
Hattiesburg MS 39401  
Telephone: 601-329-9922

does hereby grant, bargain, sell, convey and quitclaim unto the GRANTEE,

ANOINTED WORD MINISTRIES OF HATTIESBURG, a non-profit corporation

Address: 748 W. 4th St  
Hattiesburg MS 39401  
Telephone: 601-450-4523

as joint tenants with full rights of survivorship, and not as tenants by the entirety or as tenants in common, the following described real property, lying and being situate in Forrest County, Mississippi, described as follows, to-wit:

A part of the Northwest Quarter of the Northwest Quarter (NW¼ of NW¼) of Section Nine (9), Township Four (4) North, Range Thirteen (13) West, in the City of Hattiesburg, County of Forrest, State of Mississippi, and more particularly described as follows, to-wit:

Commence at the Northwest corner of the East half of the Northwest Quarter of the Northwest Quarter (E½ of NW¼ of NW¼) of said Section, Township and Range, and run South to the South right-of-way of the Mississippi Central Railroad for a point of beginning, thence run

Inst. 670299  
Bk 1095 Pg 0728

South for a distance of 300 feet, thence run East for a distance of 187.5 feet, thence run North for a distance of 328 feet, more or less, to the South right-of-way line of said Railroad, thence run West along said right-of-way line for a distance of 187.5 feet to the point of beginning, together with all improvements thereon and appurtenances thereunto belonging.

The Grantor herein warrants that the above described real property constitutes no part of his homestead.

WITNESS @MY SIGNATURE, on this, the 5th day of November, A.D., 2010.

*Clifford Michael Lockhart*  
CLIFFORD MICHAEL LOCKHART

STATE OF MISSISSIPPI

COUNTY OF Lamar

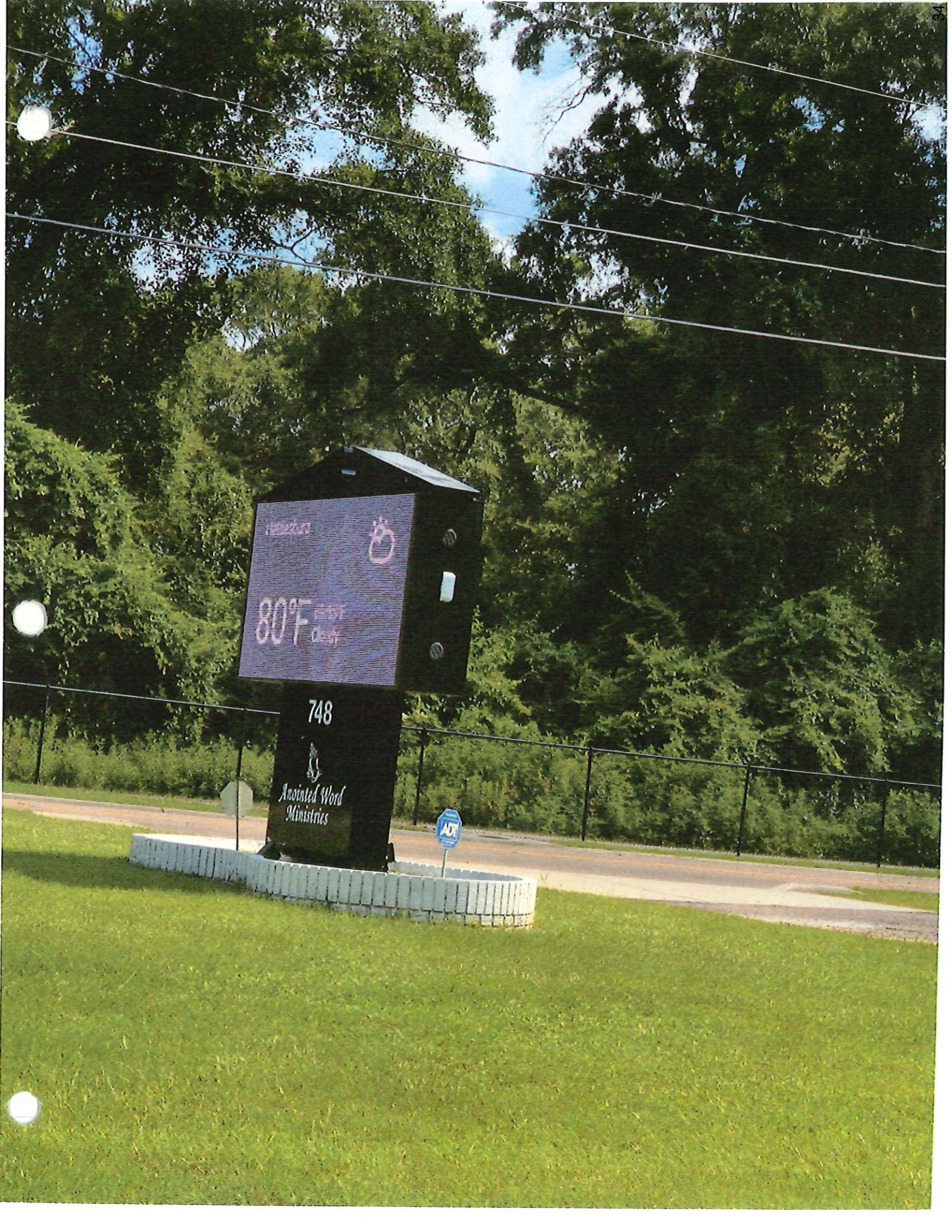
Personally appeared before me, the undersigned authority in and for the said county and state, on this 5th day of November, A.D., 2010, within my jurisdiction, the within named CLIFFORD MICHAEL LOCKHART, who acknowledged that he executed the above and foregoing instrument.



*Dana Meers White*  
NOTARY PUBLIC  
My Commission Expires: \_\_\_\_\_

Title to the above property has not been examined by the preparer of this instrument. No request for title examination, certificate, insurance, or opinion has been made and no title examination, certificate, insurance or opinion regarding the state of the title to the above property has been furnished, offered or given to anyone or for any purpose by the preparer. The preparer of this instrument does not represent either the Grantor or the Grantee and has given them no advice of any kind.

**Inst. 670299  
Bk 1095 Pg 0729**



Hillsboro



80°F  
80°F  
80°F

748



Anointed Word  
Ministries





August 2025 BOA Item: B

Fence Height Variance

William Carey University, Property Owners/Applicants, Grant Guthrie, Property Owner/Applicant, John Anglin, Engineer, and Kevin Lewis, Architect



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

**Board of Adjustment  
Case Fact Sheet**

---

**Names of Petitioner:** William Carey University, Property Owners/Applicants, Grant Guthrie, Property Owner/Applicant, John Anglin, Engineer, and Kevin Lewis, Architect

**Address of Property:**  
198 Magnolia Avenue

**Tax Parcels**  
2-038G-15-173.00

**PPIN:**  
13692

**Ward:**  
5

---

**Request:** Fence Height Variance

**Purpose of Request:** William Carey University, Property Owners/Applicants, Grant Guthrie, Property Owner/Applicant, John Anglin, Engineer, and Kevin Lewis, Architect, request a variance from the requirement of the maximum fence height in a front set back of 4ft to allow for 6ft for a R-3 zoned property located at 198 Magnolia Ave (PPIN 13692, Forrest County, Ward 5).

**History / Background:** The applicant recently constructed townhomes near the William Carey Campus after getting the property rezoned in Spring of 2023 from R-1A/R-1C/R-2 to R-3. The townhomes were finished being built in the Spring and Summer of 2025. During site plan review, the plan was approved with no fencing so that the applicants could get started as soon as possible to be able to have the units constructed before the start of the Fall 2025 semester, citing that they would return for a fence variance when the units were closer to being finished. They are seeking a 6-foot fence to match the other surrounding fencing at William Carey's properties.

Fence height regulations are in place for a variety of reasons. In the case of fencing in a front yard, it is to protect and promote positive aesthetics for a neighborhood, and not to create properties that are walled off, creating a more open,

August 2025 BOA Item: B

Fence Height Variance

William Carey University, Property Owners/Applicants, Grant Guthrie, Property Owner/Applicant, John Anglin, Engineer, and Kevin Lewis, Architect

community-friendly environment. These are more important in residential areas, where uniform fence height maximums contribute to a more harmonious streetscape.

The fencing design and style meet all other applicable design standards for fencing of the Land Development Code.

**Applicant Summary:** See Attached

**Applicable Regulations:**

**SECTION 7 Table 7.1 Design Standards**

| Table 7.1 Design Standards                                                                                                                                         |          |     |      |      |      |     |     |     |     |     |     |     |     |     |     |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|-----|------|------|------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|
| STANDARD                                                                                                                                                           | DISTRICT |     |      |      |      |     |     |     |     |     |     |     |     |     |     |
|                                                                                                                                                                    | A-1      | A-2 | R-1A | R-1B | R-1C | R-2 | R-3 | B-1 | B-2 | B-3 | B-4 | B-5 | I-1 | I-2 | PMU |
| ■ = Required<br>× = Not required                                                                                                                                   |          |     |      |      |      |     |     |     |     |     |     |     |     |     |     |
| 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.                                                                                                   | ×        | ×   | ×    | ×    | ×    | ×   | ■   | ■   | ■   | ■   | ■   | ■   | ×   | ×   | ■   |
| 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:** R-3 (Multi-Family Residential)

**Present Use:** Dwelling, Multi-Family (Under Construction)

**Future Land Use:** Neighborhood Center Mixed Use District

**Surrounding Zoning and Land Use:**

North: R-1A & R-1C Single Family Residential  
South: R-1C Single Family Residential, R-2 Two-Family Residential, and R-3 Multi-Family Residential  
East: R-3 Multi-Family Residential  
West: R-1C Single Family Residential

**Letters or Concerns stated:** The Planning Division Office has not received any letters or

August 2025 BOA Item: B

Fence Height Variance

William Carey University, Property Owners/Applicants, Grant Guthrie, Property Owner/Applicant, John Anglin, Engineer, and Kevin Lewis, Architect

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 4 ft (LDC 7.9.8.6) to instead allow for a 6 ft fence for a R-3 zoned property located at 198 Magnolia Ave (PPIN 13692, Forrest County, Ward 5).

**Basis for Approval (12.4.1.1):**

Approval Criteria. A variance is not a right, but a privilege that property owners meeting the following criteria may request. These criteria are to be used to consider all variance requests. It shall be the burden of the applicant to prove that the request meets these criteria:

I. Hardship.

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

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

III. Literal Interpretation. The literal interpretation of the provisions of the regulations would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district and would cause unnecessary and undue hardship on the applicant.

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

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

VI. Conformance with the Purposes of this Code. The

August 2025 BOA Item: B

Fence Height Variance

William Carey University, Property Owners/Applicants, Grant Guthrie, Property Owner/Applicant,  
John Anglin, Engineer, and Kevin Lewis, Architect

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

## SUBJECT PARCEL

---

### 198 Magnolia Avenue — Fence Height Variance Request

William Carey University, Property Owners/Applicants, Grant Guthrie, Property Owner/Applicant, John Anglin, Engineer, and Kevin Lewis, Architect, request a variance from the requirement of the maximum fence height in a front setback of 4ft to allow for 6ft for an R-3 zoned property located at 198 Magnolia Ave (PPIN 13692, Forrest County, Ward 5).





**Zoning Legend**

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

Variance Request for Increased Fence Height  
 198 Magnolia Avenue - William Carey Univ.

Zoned: R-3  
 Flood Zone: X  
 Ward 2, Forrest County



**URBAN DEVELOPMENT**  
**PLANNING DIVISION**  
 Center: 89°17'46"W 31°18'25"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: 7/29/2025 12:01 PM



Future Land Use Map

- Community Business A
- Community Business B
- Industrial 2
- Neighborhood Business
- Neighborhood Center Mixed-Use District
- Subject Property
- Neighborhood Conservation District 1
- Neighborhood Conservation District 2
- Regional Business A
- University/College District

Fence Height Variance  
 198 Magnolia Avenue - WCU  
 Zoned: R-3  
 Flood Zone: X  
 Ward 2, Forrest County

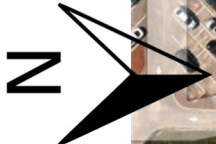


**URBAN DEVELOPMENT**  
 PLANNING DIVISION

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: 7/29/2025 11:54 AM

Center: 89° 17' 44" W 31° 18' 25" N

# Site Aerial



## Surrounding Area

---



# Surrounding Area

---





# 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
- Refer to the [hattiesburgms.com/planning](http://hattiesburgms.com/planning) for Land Development Code and GIS map. Access via link or QR code



### Applicant Information

Name Applicant: Clearpoint Engineers / John Anglin, PE Project Name: WCU Townhomes @ Magnolia Ave

Municipal Address of Site: 198 Magnolia Ave, Hattiesburg MS, 39401 PPIN #: 13692

Parcel Number(s): 2-038G-15-173.00

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

| For Staff Only:                          |                                  |                           |                                                                                                                                                            |
|------------------------------------------|----------------------------------|---------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Zoning:<br><u>R-3</u>                    | Historic District:<br><u>N/A</u> | Flood Zone:<br><u>X</u>   | Ward:<br><input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input checked="" type="checkbox"/> 5 |
| Project Number:<br><u>Vari-0625-0018</u> |                                  | Received:                 |                                                                                                                                                            |
| PPIN # or Parcel #:<br><u>13692</u>      |                                  | <u>6/23 - [Signature]</u> |                                                                                                                                                            |



# Application for Public Hearing

City of Hattiesburg – Planning Division

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

## Public Hearing Petitioner Information:

Deadline for applicant to file petition: June 30, 2025

Hattiesburg Planning Commission Meeting Date: \_\_\_\_\_

Hattiesburg Board of Adjustment Meeting Date: AUGUST 6, 2025 at 3:30pm

City Council Agenda Review Date – (you or your representative should attend): \_\_\_\_\_

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

- There is a 10-day appeal period, required by State Law, between the Planning Commission Meeting and/or Board of Adjustment Meeting and the City Council Meeting – appeals must be filed within this 10-day period.
  - o There is an additional 10-day appeal period, required by State Law, after the City Council Meeting, for all Variances and Conditional Use Permit which ends \_\_\_\_\_ and a 30-day wait period for Zoning or Street closing/re-naming, PMUs, PRDs, PUDs which ends \_\_\_\_\_.
- So, if approved by the City, no final site plan review approvals or building permits could be issued prior to these dates.

\*Dates and times are subject to change. If an appeal is filed or the petition is tabled for any reason at any stage, the above-listed dates would need to be revised. \*

## Public Hearing Application Checklist

The following paperwork **MUST** be attached to this application:

- Site Diagram (11” x 17” preferred size): Drawing to scale prepared by professional engineer/surveyor showing lot dimensions, existing/proposed building, signs, parking areas, etc. (Different standards may be accepted only per approval from staff)
- Site & Design Review Committee, if needed
- Copy of entire Warranty Deed (filed and recorded at the courthouse) with legal description granting title to the current owner. (If the Warranty Deed covers a larger piece of property than the current project, a legal description for this project site only may also be required)
- Electronic/Digital copy of legal description **REQUIRED** for all public notices, saved as Word or text document OR emailed to [planning@hattiesburgms.com](mailto:planning@hattiesburgms.com)
- An affidavit (pages 3 & 4) attesting that the applicant or representing party (if other than the owner) is acting on behalf of the owner(s) of record. The affidavit must be sworn to before a notary public or other appropriate official. (Included in owners signature page, or may be a separate document).
- **Variance application only:** A letter of approval/denial from all adjoining property owners must be obtained and submitted with the application
- Other documents needed (if relevant):
  - Maps of digital billboard removal sites
  - Maps of digital billboard replacement sites
  - Documentation on measurements
  - Other: \_\_\_\_\_
- Payment to the City of Hattiesburg for filing a public hearing application in the amount of \$ \$175.00



# Application for Site Plan Review

City of Hattiesburg – Planning Division

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

The following fees are an excerpt from Ordinance No. 2977, adopted January 22, 2008, as amended.

| <u>Public Hearing Fees</u>                                                                                                                                                    |                                                                                                                                           |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------|
| Public Hearing Type                                                                                                                                                           | Fees Associated                                                                                                                           |
| <b>Variance</b><br>Variance applications include one Concept Site Plan Review and one Variance request                                                                        | <b>\$175.00</b> per application.<br><b>\$50.00</b> for each additional variance.                                                          |
| <b>Street / Alley Naming or Re-Naming</b><br>*Fees for replacement street signs shall be paid after City Council approval but prior to the effective date. *                  | <b>\$300.00</b> per application.<br><b>\$100.00</b> per required street name sign *if approved*                                           |
| <b>Street / Alley Closing</b>                                                                                                                                                 | <b>\$200.00</b> per application.                                                                                                          |
| <b>Conditional Use</b>                                                                                                                                                        | <b>\$200.00</b> per application.                                                                                                          |
| <b>Zoning Change</b>                                                                                                                                                          | <b>\$400.00</b> per application. *see PUD or PRD & zoning package rate)                                                                   |
| <b>Planned Unit Development (PUD) or Planned Residential Development (PRD) with zoning change package</b>                                                                     | <b>\$600.00</b> per package.                                                                                                              |
| <b>Subdivision of Land (Preliminary Plats)</b><br>Note: Final Plats should be submitted to the governing body for approval within 12 months of approval of preliminary plats. | <b>\$250.00</b> per application.<br><b>\$10.00</b> per each additional created lot (** see PUD or PRD & Subdivision of Land package rate) |
| <b>Planned Unit Development (PUD) or Planned Residential Development with Subdivision of Land Package**</b>                                                                   | <b>\$500.00</b> per application.<br><b>\$10.00</b> per each additional created lot (** see PUD or PRD & Subdivision of Land package rate) |
| <b>Change in Land Development Code Text</b>                                                                                                                                   | <b>\$200.00</b> per application.                                                                                                          |
| <b>Appeal Fees for Proponent or Opponent appeals to City Council</b><br>*Exempt from fees – Established Neighborhood Association*                                             | <b>\$50.00</b> per appeal.                                                                                                                |
| <b>Cancellation/Re-notification fee on any public hearing process (Planning Commission or City Council) that is tabled or cancelled at the owner/developer's Request</b>      | <b>\$50.00</b> (per each 100 mailing labels)                                                                                              |

**\*OTHER PROCESSES MAY HAVE ADDITIONAL FEES\***

Make all checks payable to the City of Hattiesburg

I hereby certify that I have completed and attached the above-required documents, information, and fees.

Print Name: \_\_\_\_\_

Signature: Stacy Odum





**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.

---

The 4 ft city requirement for fencing poses a contradictory purpose for security that the taller 6 ft fence would provide around the complex.

---

Plus, the campus currently has 6 ft metal fencing in place.

---

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

---

The neighboring complex has a metal 6 ft security fence around the entire perimeter

---

This requested variance would also be architecturally cohesive with the existing 6 ft fencing found around the other newly constructed structures on campus.

---

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.

---

As stated, the 4 ft regulation would not blend with the existing 6 ft fence of the current townhomes built across the street.

---

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

---

Having a taller fence surround the residential area would help with the security aspect, possibly hendering someone from easily jumping a 4 ft fence.

---

---

---

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

---

We feel this is a minimal request as not to contradict the existing fencing which is found in the entire campus of William Carey University.

---

- 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.

---

No. It will not conflict due to the exact 6 ft fence already in place.

---

---

---

**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.

August 2025 BOA Item: C  
Robin Magee, Applicant/Property Owner, Petra Café III, LLC, Property Owner, and Greater Solutions LLC,  
Representative  
Request for: **Occupancy Variance**



**URBAN  
DEVELOPMENT  
PLANNING DIVISION**

**Board of Adjustment  
Case Fact Sheet**

---

**Names of Petitioner:** Robin Magee, Applicant/Property Owner, Petra Café III, LLC, Property Owner, and Greater Solutions LLC, Representative

| <b>Address of Property:</b> | <b>Tax Parcels</b> | <b>PPINs:</b> | <b>Ward:</b> |
|-----------------------------|--------------------|---------------|--------------|
| 6060 Hwy 49                 | 2-0280-08-192.00   | 16719         | 4            |
|                             | 2-0280-08-190.00   | 16717         |              |
|                             | 2-0280-08-193.00   | 16705         |              |
|                             | 2-0280-08-182.00   | 16707         |              |

---

**Request:** Variance Request for Capacity Increase

**Purpose of Request:** Robin Magee, Applicant/Property Owner, Petra Café III, LLC, Property Owner, and Greater Solutions LLC, Representative, request a variance from the maximum capacity of 80 people in restaurants to instead allow for a maximum capacity of 99 for a B-2 and R-1A zoned properties located at 6060 Hwy 49 (PPIN 16705, 16707, 16717, & 16719), Ward 4, Forrest County).

**History / Background:** The applicant has met with staff during pre-application meetings regarding a proposed renovation of the existing Petra Café. The renovation plans include an addition to the front of the building to increase dining space and the construction of a new outdoor patio. Restaurants are allowed as a conditional use in the B-2 zoning district. While designing the project, the applicants decided they wanted to remain in the B-2 zone but sought a higher occupancy than the code maximum of 80 seats for a B-1 or B-2 zoned restaurant.

August 2025 BOA Item: C

Robin Magee, Applicant/Property Owner, Petra Café III, LLC, Property Owner, and Greater Solutions LLC, Representative

Request for: **Occupancy Variance**

Previously, the staff determined that the redevelopment was greater than 25%, which required conditional use approval to move forward with the renovation plans. The City Council approved this conditional use on February 4<sup>th</sup>, 2025. The site is located in the Parkhaven Historic District, which requires the renovation plans to go before the Historic Conservation Commission for approval. The Hattiesburg Historic Conservation Commission approved their request on January 15<sup>th</sup>, 2025.

**Applicant Summary:** \* See Attached \*

**Applicable Regulations:**

## **SECTION 5**

### **5.4.36 Restaurants With and Without Drive-Through Service.**

**5.4.36.1** All restaurants with drive-through service shall provide a minimum of five stacking spaces associated with each drive through window.

**5.4.36.2** No required or intended stacking spaces shall block the safe flow of motoring and pedestrian traffic within the parking lot.

**5.4.36.3** Drive-through facilities located closer than 300 feet to a residential use shall operate no earlier than 6:00 a.m. or later than 12:00 a.m. **5.4.36.4** No part of the active use area of a drive-through restaurant, including the drive through, menu, and window, may be located closer than 300 feet to a lot containing a legal, conforming residential use.

**5.4.36.5 All restaurants located within the B-1 and B-2 districts shall be limited to a capacity of 80 seats.**

**5.4.36.6** All restaurants that abut residential districts shall be screened entirely from view of adjacent residential properties by an opaque fence and/or vegetative screen to a minimum height of six feet. Such screen shall meet the minimum height requirement at the time of issuance of a certificate of

August 2025 BOA Item: C

Robin Magee, Applicant/Property Owner, Petra Café III, LLC, Property Owner, and Greater Solutions LLC, Representative

Request for: **Occupancy Variance**

occupancy.

**Present Zoning:** The property is currently zoned B-2 (Neighborhood Business District) and R-1A (Single-Family Residential)

**Present Use:** Current Petra Building (restaurant without a drive-thru)

**Future Land Use:** Community Business Corridor

**Surrounding Zoning and Land Use:**  
North: B-1 Professional Business & B-3 Community Business  
South: B-2 Neighborhood Business & R-1A Single-Family Residential  
East: R-1A Single-Family Residential  
West: EM-9 Employment District

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

**Option:**

Recommend **Approval** or **Denial** of request for a variance from the maximum capacity of 80 people in restaurants to instead allow for a maximum capacity of 99 for a B-2 and R-1A zoned properties located at 6060 Hwy 49 (PPIN 16705, 16707, 16717, & 16719, 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

August 2025 BOA Item: C

Robin Magee, Applicant/Property Owner, Petra Café III, LLC, Property Owner, and Greater Solutions LLC,  
Representative

Request for: **Occupancy Variance**

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.

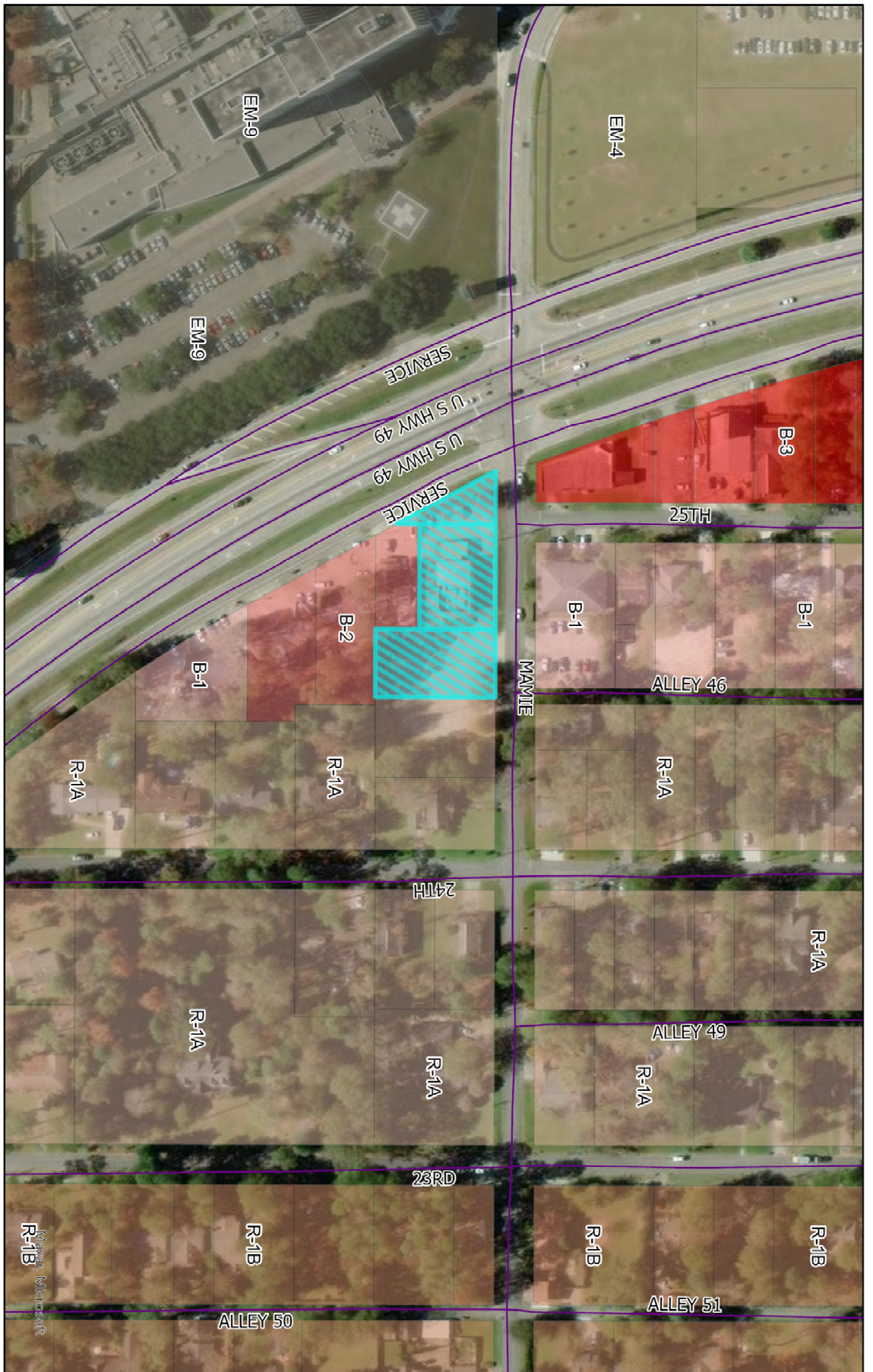
## SUBJECT PARCEL

---

### 6060 Hwy 49 — Capacity Variance Request

Robin Magee, Applicant/Property Owner, Petra Café III, LLC, Property Owner, and Greater Solutions LLC, Representative, request a variance from the maximum capacity of 80 people in restaurants to instead allow for a maximum capacity of 99 for a B-2 and R-1A zoned properties located at 6060 Hwy 49 (PPIN 16705, 16707, 16717, & 16719), Ward 4, Forrest County).





**Zoning Legend**

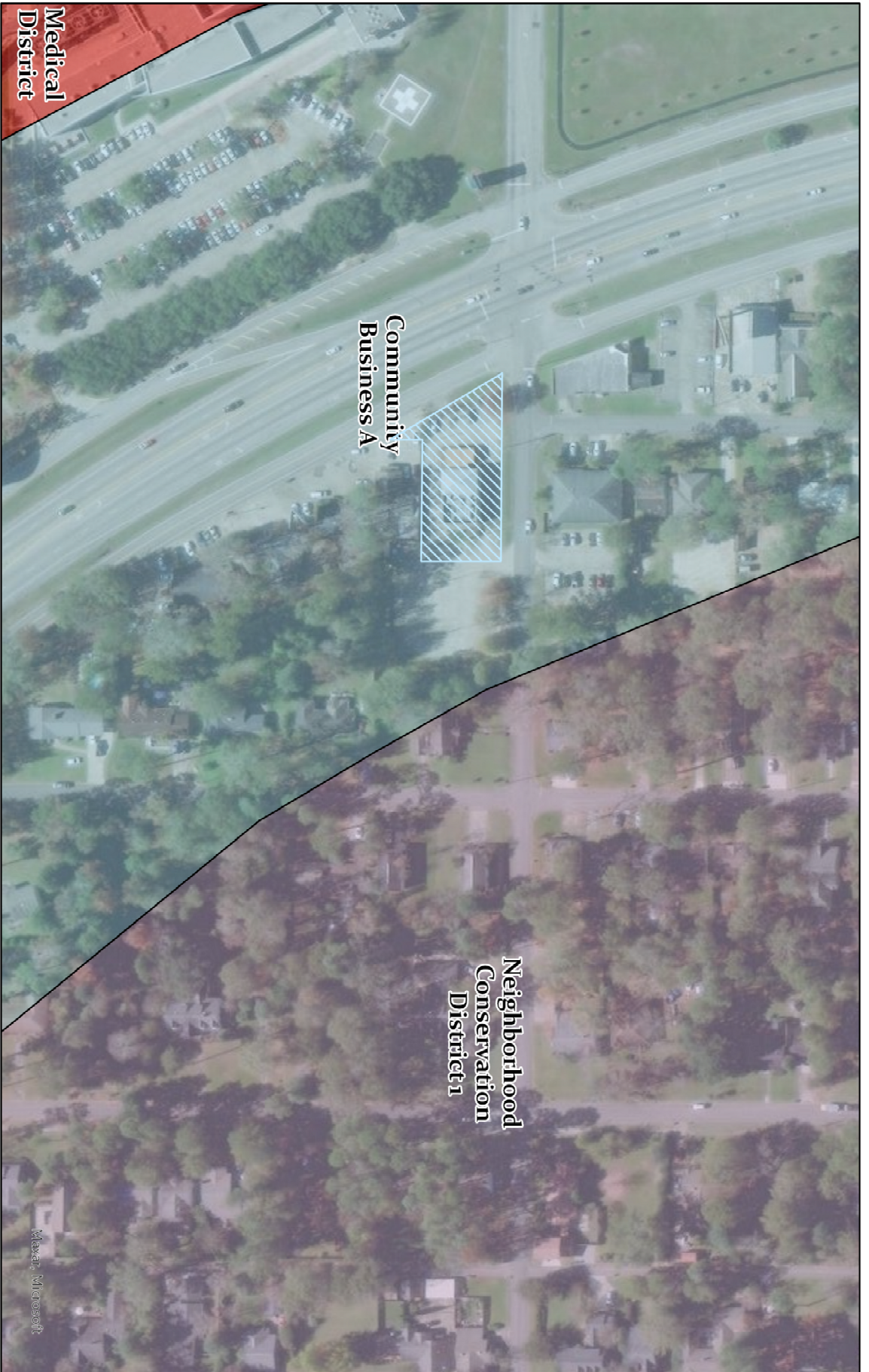
- R-1A
- R-1B
- B-1
- B-2
- B-3
- EM-4
- EM-9
- Subject Property

Variance Request for Additional Capacity  
 6060 Hwy 49 - Petra Cafe  
 Zoned: B-2  
 Flood Zone: X  
 Ward 4, Forrest County




**URBAN DEVELOPMENT**  
**PLANNING DIVISION**  
 Center: 89° 19'37" W 31° 19'8" 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: 7/28/2025 5:13 PM



**Future Land Use Map**

- Community Business A
- Medical District
- Neighborhood Conservation District 1
- Subject Property

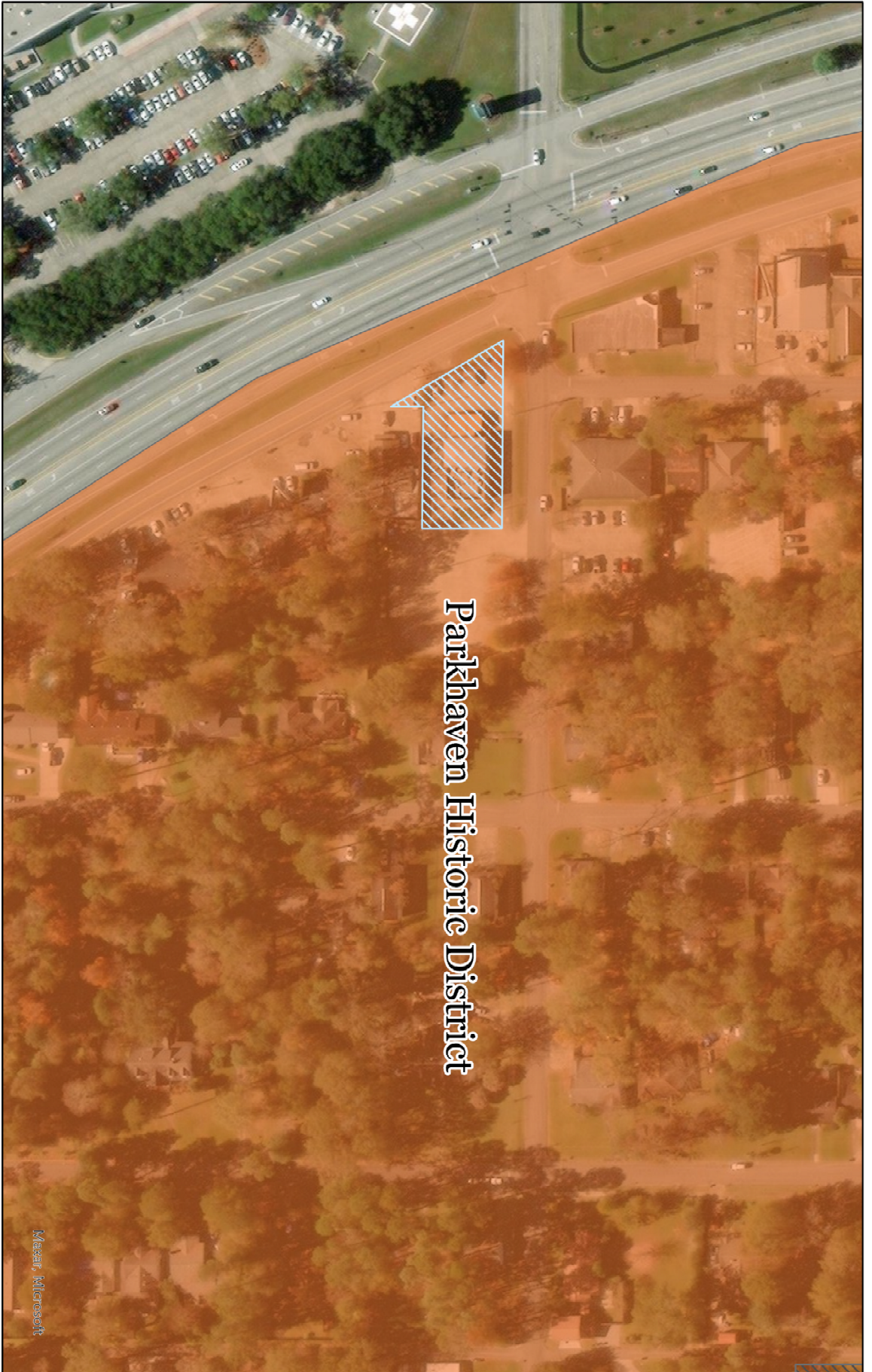
**Variance Request for Additional**

- Capacity  
6060 Hwy 49 - Petra Cafe
- Zoned: B-2
- Flood Zone: X
- Ward 4, Forrest County




**DISCLAIMER:** This map is ONLY FOR REFERENCE. There is NO WARRANTY of the accuracy of data.  
 This information CANNOT be used as a substitute for legal, business, tax or other professional advice.  
 Map Exported on: 7/25/2025 5:16 PM



**URBAN DEVELOPMENT PLANNING DIVISION**  
 Center: 89°19'36"W 31°19'8"N



**Historic Districts**

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

**Parkhaven Historic District**

Variance Request for  
 Additional Capacity  
 6060 Hwy 49 - Petra Cafe  
 Zoned: B-2  
 Flood Zone: X  
 Ward 4, Forrest County



**URBAN DEVELOPMENT PLANNING DIVISION**  
 Center: 89°19'36"W 31°19'8"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: 7/28/2025 5:22 PM

# Site Aerial



Nearmap



## Surrounding Area

---



# Surrounding Area





# 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
- Refer to the [hattiesburgms.com/planning](http://hattiesburgms.com/planning) for Land Development Code and GIS map. Access via link or QR code



### Applicant Information

Name Applicant: Petra Cafe Project Name: Petra Cafe

Municipal Address of Site: 6060 Hwy 49 Hattiesburg MS 39401 PPIN #: \_\_\_\_\_

Parcel Number(s): 2-0280-08-192.00,

| Type of Public Hearing                                              | Additional Information Needed:                                                                                                                                                                                                                                                                                                                 |
|---------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input checked="" type="checkbox"/> Variance (fill out pages 7 & 8) | <input type="checkbox"/> Sign<br><input type="checkbox"/> Setback<br><input type="checkbox"/> Off-Site Parking<br><input type="checkbox"/> Lot Width<br><input type="checkbox"/> Lot Coverage Area<br><input type="checkbox"/> Buffer<br><input type="checkbox"/> Open Space<br><input checked="" type="checkbox"/> Other: <u>LDC 5.4.36.5</u> |
| <input type="checkbox"/> Rezoning (fill out page 11)                | Existing Zoning: _____<br>Proposed Zoning: _____                                                                                                                                                                                                                                                                                               |
| <input type="checkbox"/> Conditional Use (fill out pages 9 & 10)    | <input type="checkbox"/> Automotive Filling Station<br><input type="checkbox"/> Digital Billboard, New<br><input type="checkbox"/> Digital Billboard, Replacement<br><input type="checkbox"/> Telecommunications<br><input type="checkbox"/> Restaurant<br><input type="checkbox"/> Solar Farm<br><input type="checkbox"/> Other: _____        |

### Other Application types:

- Subdividing of a lot, Parcel, or Tract (fill out page 12)
- Street or Alley Renaming (fill out pages 13 & 14)
- Vacating Street or Alley (fill out pages 13 & 14)
- Text Amendment
- Overlay District
- Planned Mixed-Use District (PMU)

| 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  
6060 Hwy 49 Hattiesburg MS 39401  
 Street Address City State  
 on this the 6<sup>th</sup> day of November, 2024.

In the matter of this request, the property owner further authorizes the following named person(s)  
 to represent them at the public hearing on this petition.  
Greater Solutions LLC (Nick Williams, DeShawn Davis)  
 on this the 6<sup>th</sup> day of November, 2024.

X ALBATAINEH  
 Property Owner (print)  
 X [Signature]  
 Property Owner (signature)

STATE OF MS  
 COUNTY OF Lamar

Personally came and appeared before me, the within named  
Ayman Hani Albataineh  
 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 6 day of  
November, 2024.

Carly Stuart  
 NOTARY PUBLIC

My Commission Expires:  
Feb 22, 2025



**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 108 Huntington Dr Hattiesburg MS 39402,  
Street Address City State

on this the 30th day of June, 2025.

Deshawn Davis  
Applicant (print)

Deshawn Davis  
Applicant (signature)

STATE OF Mississippi

COUNTY OF Rankin

Personally came and appeared before me, the within named Deshawn Davis

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 30th day of June, 2025.

Joseph D. Macdon  
NOTARY PUBLIC

My Commission Expires:  
11/20/2026



**FOR VARIANCE APPLICANTS:**

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

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

**Approval Criteria.**

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

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

Review Attached Document

---



---



---



---

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

Review Attached Document

---



---



---



---

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.

Review Attached Document

---

---

---

---

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

Review Attached Document

---

---

---

---

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

Review Attached Document

---

---

---

---

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.

Review Attached Document

---

---

---

---

**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:

Current use is a restaurant without a drive through and that use will remain the same.

---

---

---

---

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

This business is a pillar in the community. The expansion of its dining area will allow for a more comfortable dining experience. An addition of a kids play area will add a unique experience for diners in the community. The business is planning an expansion of its interior pantry/grocery area. The expansion of the pantry/grocery area will give residents in the area another fresh food option.

---

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

The size is appropriate for the addition of the dining/play area, and pantry kitchen area.

---

---

---

---

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

No, we do not anticipate more pedestrian or vehicular traffic based on proposed use.

---

---

---

---

5. Will there be any elevation in the noise level resulting from this proposed use? If yes, please explain:  
No, Noise level will not increase.

---

---

---

---

6. What is the expected number of customers/employees per day?  
100

---

---

---

---

7. Is proposed use compatible with surrounding uses and design? If yes, please explain:  
Use along the main corridor consist of businesses and restaurants.

---

---

---

---

8. Parking requirements:  
Commercial/Industrial: Paved parking will be provided for 28 vehicles, and 3 ADA vehicles; with 0 loading spaces.

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



DEED

**Bk:1418 Page:504-508**

**RCD: 04/04/2023 @11:41:25:AM**

**FORREST COUNTY, MS**

**LANCE C. REID CHANCERY CLERK**

**PREPARED BY AND UPON RECORDING RETURN TO:**

**PARKER LAW FIRM, PLLC**

Post Office Box 1762

Purvis, MS 39475

Joseph P. Parker (MS Bar #102788)

Telephone: (601) 794-2683

**INSTRUCTIONS TO CHANCERY CLERK:** Part Lots 1 and 2 of Block 24, AND Part of Lots 22, 23, and 24 of Block 25 AND Part of Lots 1, 2, and 3, Block 25, all being located in Hattiesburg Heights Fourth Survey, City of Hattiesburg, Forrest County, Mississippi.

**STATE OF MISSISSIPPI  
COUNTY OF FORREST**

**WARRANTY DEED**


FOR AND IN CONSIDERATION of the sum of Ten and NO/100 Dollars (\$10.00), and other good and valuable considerations, not herein mentioned, the receipt, adequacy and sufficiency of all of which is hereby irrevocably acknowledged and confessed, *SOUTHERN BEEF, LLC, a Mississippi limited liability company*, as Grantor herein (the "Grantors"), whose address is 1113 Hwy 98, Suite A, Columbia, MS 39429, Telephone: 601-441-7227, does hereby grant, bargain, convey and warrant unto, *PETRA CAFE III LLC, a Mississippi limited liability company* as Grantee herein (collectively, the "Grantee"), whose Address is 118 Manchester Road, Hattiesburg, MS 39402, Telephone 601-268-8850 the following described real property, subject to the exceptions, reservations, covenants, agreements, waivers and other matters set forth below, to-wit:

**SEE ATTACHED "EXHIBIT A"**

- (1) any and all leases, exceptions, reservations and/or conveyances, together with release of damages, of or related to oil, gas and/or other minerals of every kind and character, all other minerals which may be produced in connection with oil and gas including sulphur and any other gases or elements, all salt domes, carbon dioxide, and/or any geothermal energy resources, and any and all easements, rights, privileges and/or immunities related or pertaining to any of the foregoing;
- (2) any and all easements and/or rights-of-way, whether of record or of use, which affect the property herein;
- (3) the Covenants, Restrictions and Subdivision Regulations which may be on file of Forrest County, Mississippi and all amendments thereto heretofore or hereafter adopted.
- (4) any law, ordinance or governmental regulation restricting, regulating or relating to (i) the occupancy, use or enjoyment of the property conveyed or any part thereof; (ii) the character, dimensions or location of any improvement now or hereafter erected on the property conveyed or any part thereof; (iii) a separation in ownership or a change in the dimensions or area of the property conveyed or any part thereof or any parcel of which the property conveyed or any part thereof is or was a part; or (iv) environmental protection, or the effect of any violation of said laws, ordinances or governmental regulation;
- (5) all County and State ad valorem taxes and other assessments and levies for the current and subsequent years, including, but not limited to, those assessments provided for in the Declaration (as herein defined);
- (6) it is agreed and understood that the taxes for the current year have been prorated as of this date on an estimated basis. When said taxes are actually determined, if the pro-ration of this date is incorrect, then the Grantor agrees to pay to the Grantee or their successors and/or assigns, any amount which is deficit on an actual pro-ration and likewise, the Grantee agrees to pay to the Grantor, any amount overpaid by Grantor.

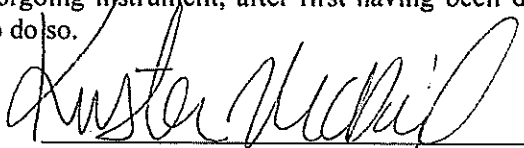
WITNESS THE SIGNATURE of the Grantor on this the 28 day of March, A.D., 2023.

**Southern Beef, LLC,  
a Mississippi limited liability company**

  
By: Kevin Kemp, its Member

STATE OF MISSISSIPPI  
COUNTY OF LAWRENCE

Personally appeared before me, the undersigned authority in and for the said county and state, on this 28 day of March 2023, within my jurisdiction, the within-named Kevin Kemp, who acknowledged that he is authorized by Southern Beef, LLC, a Mississippi limited liability company, and that for and on behalf of Southern Beef, LLC, a Mississippi limited liability company, he executed the above and forgoing instrument, after first having been duly authorized by said Limited Liability Company to do so.

  
NOTARY PUBLIC

My commission expires:  
Jun 22 2024  
(SEAL)

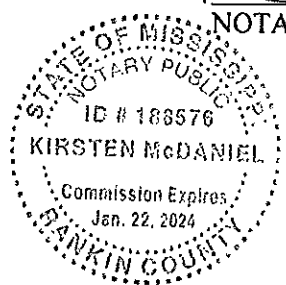


EXHIBIT "A"

PARCEL 1:

A part of Lots 22, 23 and 24, and the W1/2 of a closed and vacated alley, all in Block 25 of the Hattiesburg Heights Fourth Survey, City of Hattiesburg, County of Forrest, State of Mississippi, being more particularly described as beginning at the intersection of the South margin line of Mamie Street and the East right of way line of U.S. Highway No. 49; thence run North 89 degrees 35 minutes 26 seconds East and along the said South margin line of Mamie Street a distance of 189.50 feet to and for the point of beginning: Thence run North 89 degrees 11 minutes 47 seconds East and along the said South margin line of Mamie Street a distance of 84.97 feet to the intersection of the South margin line of Mamie Street and the centerline of the closed and vacated alley in Block 25 of the Hattiesburg Heights Fourth Survey; thence run South 00 degrees 27 minutes 48 seconds East and along the said centerline of said closed and vacated alley a distance of 150.03 feet; thence run South 89 degrees 10 minutes 07 seconds West a distance of 84.97 feet; thence run North 00 degrees 01 minutes 46 seconds West a distance of 55.27 feet; thence run North 00 degrees 42 minutes 56 seconds West a distance of 94.80 feet, more or less, back to the South margin line of Mamie Street and the point of beginning; comprising 0.29 acres, more or less.

The above described property is further described as follows: The East 75 feet of Lots 22, 23 and 24 and the W1/2 of a closed and vacated alley lying adjacent and contiguous thereto; all in Block 25 of the Hattiesburg Heights Fourth Survey or Addition to the City of Hattiesburg, Forrest County, Mississippi, as per map or plat on file in the office of the Chancery Clerk of Forrest County, Mississippi.

PARCEL 2:

A part of Lots 1 and 2 of Block 24, a part of Lots 23 and 24 of Block 25, and a part of the closed and vacated 25<sup>th</sup> Avenue, all comprising a part of the Hattiesburg Heights Fourth Survey, City of Hattiesburg, County of Forrest, State of Mississippi, and being more particularly described as beginning at the intersection of the South margin line of Mamie Street and the East right of way line of U.S. Highway No. 49 for the point of beginning: Thence run North 89 degrees 35 minutes 26 seconds East and along the said South margin line of Mamie Street a distance of 189.50 feet; thence run South 00 degrees 42 minutes 56 seconds East a distance of 94.80 feet; thence run South 89 degrees 29 minutes 52 seconds West a distance of 141.88 feet, more or

less, to the said East right of way line of U.S. Highway No. 49; thence run Northwesterly along an arc to the right and along said East right of way line of U.S. Highway No. 49 a distance of 106.53 feet, more or less, back to the point of beginning, said arc having a radius of 2664.79 feet, a chord distance of 106.52 feet and a chord bearing of North 27 degrees 16 minutes 02 seconds West; comprising 0.36 acres, more or less.

The above described property is further described as follows: The West 106.53 feet of Lots 24 and 23, less and except 5 feet off the South side of the West 106.53 feet of Lot 23, in Block 25 of the Hattiesburg Heights Fourth Survey of the City of Hattiesburg, Forrest County, Mississippi, according to the official map or plat thereof on file in the office of the Chancery Clerk of Forrest County, Mississippi; all that part of the closed and vacated 25<sup>th</sup> Avenue which lies West of the West 106.53 feet of said Lots 24 and 23, less and except 5 feet off the South side of the West 106.53 feet of said Lot 23; and that part of Lots 1 and 2, Block 24, of the Hattiesburg Heights Fourth Survey lying East of U.S. 49 Bypass in Hattiesburg, Forrest County, Mississippi, as per the map or plat thereof on file in the office of the Chancery Clerk of Forrest County, Mississippi.

Together with all improvements thereon situated and appurtenances thereunto belonging.

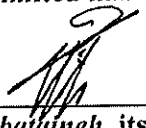
AND ALSO:

The W1/2 of Lots 1, 2 and 3 and the E1/2 of vacated alley lying adjacent thereto, Block 25 of Hattiesburg Heights Fourth Survey in the City of Hattiesburg, County of Forrest, State of Mississippi, as per the map or plat thereof on file in the office of the Chancery Clerk of Forrest County, Mississippi (2404 Mamie).

TOGETHER WITH all improvements thereon situated and appurtenances thereunto belonging.

DEED ACCEPTED BY:

Petra Cafe III LLC  
a Mississippi limited liability company

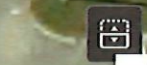


By: Ayman Albatineh, its Member





16719 X Q  
Show search results for '16719'



# OPTION B

Proposed Additional Parking if needed

Re-Stripe Existing Parking  
Parking spaces are encouraged to be delineated by white pavement striping unless otherwise required by ADA. Reflective striping is encouraged.

181.53' 191 201.07 189 171.72 181.07' 183 181 150' 100'

182.36' 194 57.36' 180 125' 65'

384.03' 90.5'

55' 75'

142'

80 Seats

2nd Floor

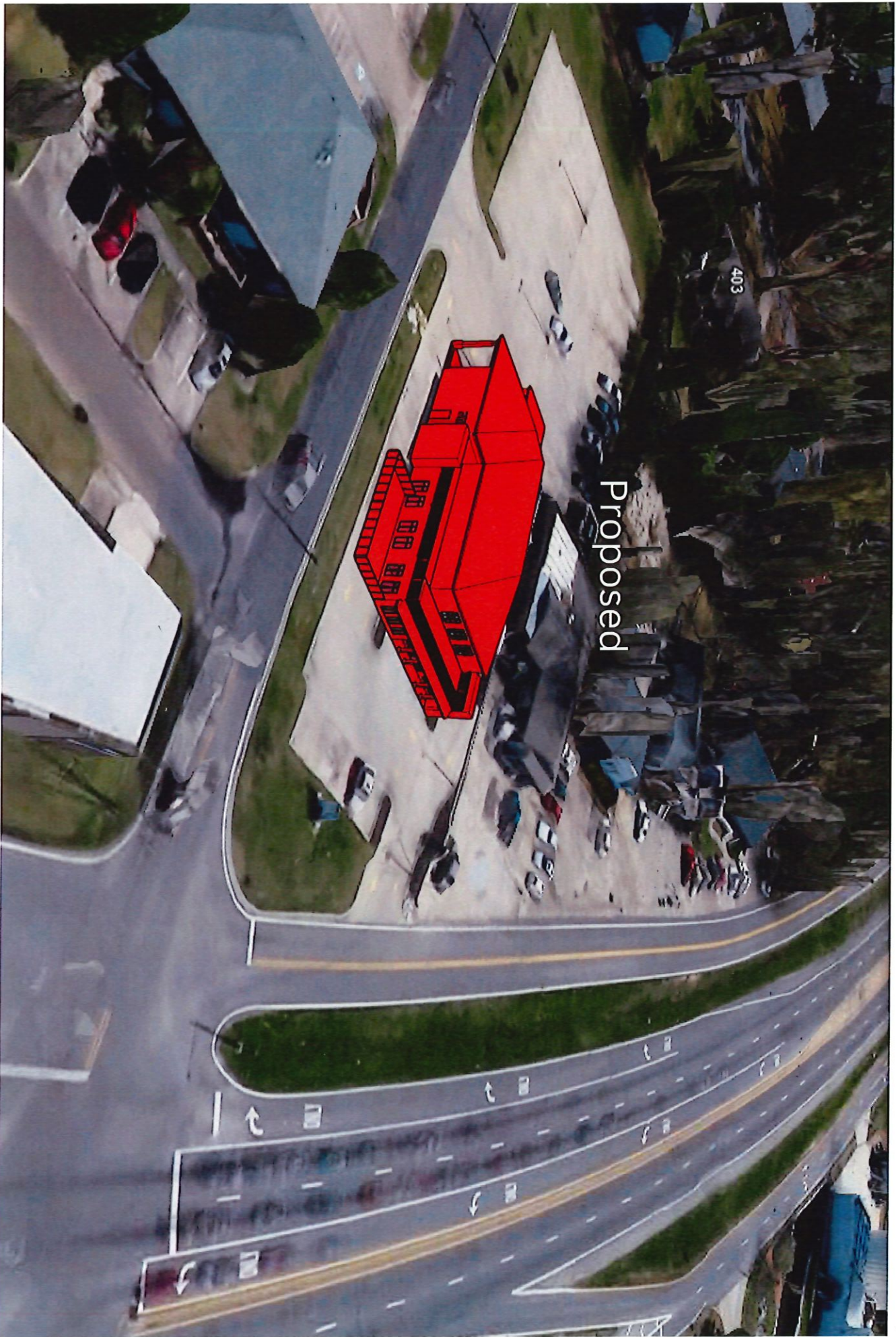
Patio Space

Stairs

Stairs

Powered by esri

Contributors: City Of Hattiesburg, © OpenStreetMap, Microsoft, CONAMP, Est...

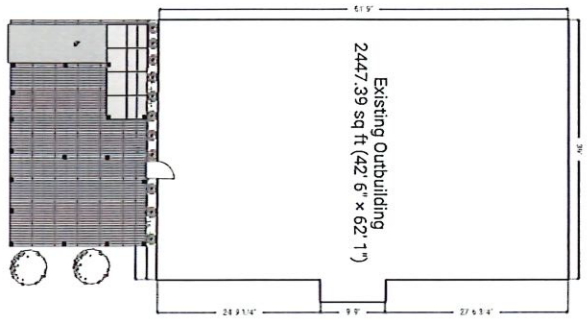


### PetraCafe 6060Hwy49 Existing

TOTAL AREA: 7046.59 sq ft - LIVING AREA: 4599.59 sq ft - FLOORS: 2 - ROOMS: 16  
SUBMITTED BY Greater Solutions  
greaterolutions1@mysolutions.com (601) 310-0685

#### ▼ 1st Floor

TOTAL AREA: 2447.00 sq ft - LIVING AREA: 0.00 sq ft - ROOMS: 0



### PetraCafe 6060Hwy49 Final

TOTAL AREA: 32230.42 sq ft - LIVING AREA: 23987.75 sq ft - FLOORS: 7 - ROOMS: 71  
SUBMITTED BY Greater Solutions  
greaterolutions1@mysolutions.com (601) 310-0685

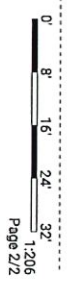
#### ▼ 1st Floor

TOTAL AREA: 3371.52 sq ft - LIVING AREA: 3371.52 sq ft - ROOMS: 17



## OPTION B

THIS FLOOR PLAN IS PROVIDED WITHOUT WARRANTY OF ANY KIND. SCS/SPA DISCLAIMS ANY WARRANTY INCLUDING, WITHOUT LIMITATION, SATISFACTORY QUALITY OR ACCURACY OF DIMENSIONS.



THIS FLOOR PLAN IS PROVIDED WITHOUT WARRANTY OF ANY KIND. SCS/SPA DISCLAIMS ANY WARRANTY INCLUDING, WITHOUT LIMITATION, SATISFACTORY QUALITY OR ACCURACY OF DIMENSIONS.

Greater Solutions  
info@mysolutions.com  
665 S Pear Orchard Rd. #106, Ridgeland, Mississippi, United States  
mysolutions.com  
1:212  
Page 6/7

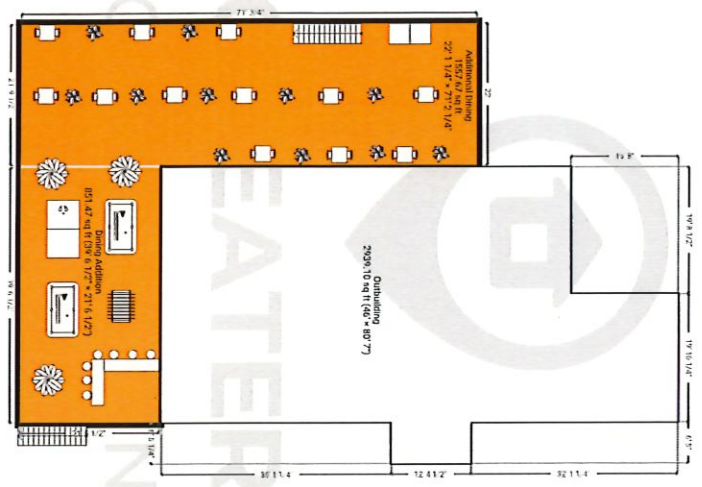
### PetraCafe 6060Hwy49 Final



SUBMITTED BY Greater Solutions  
greaterolutions1@mysolutions.com • (601) 310-0685

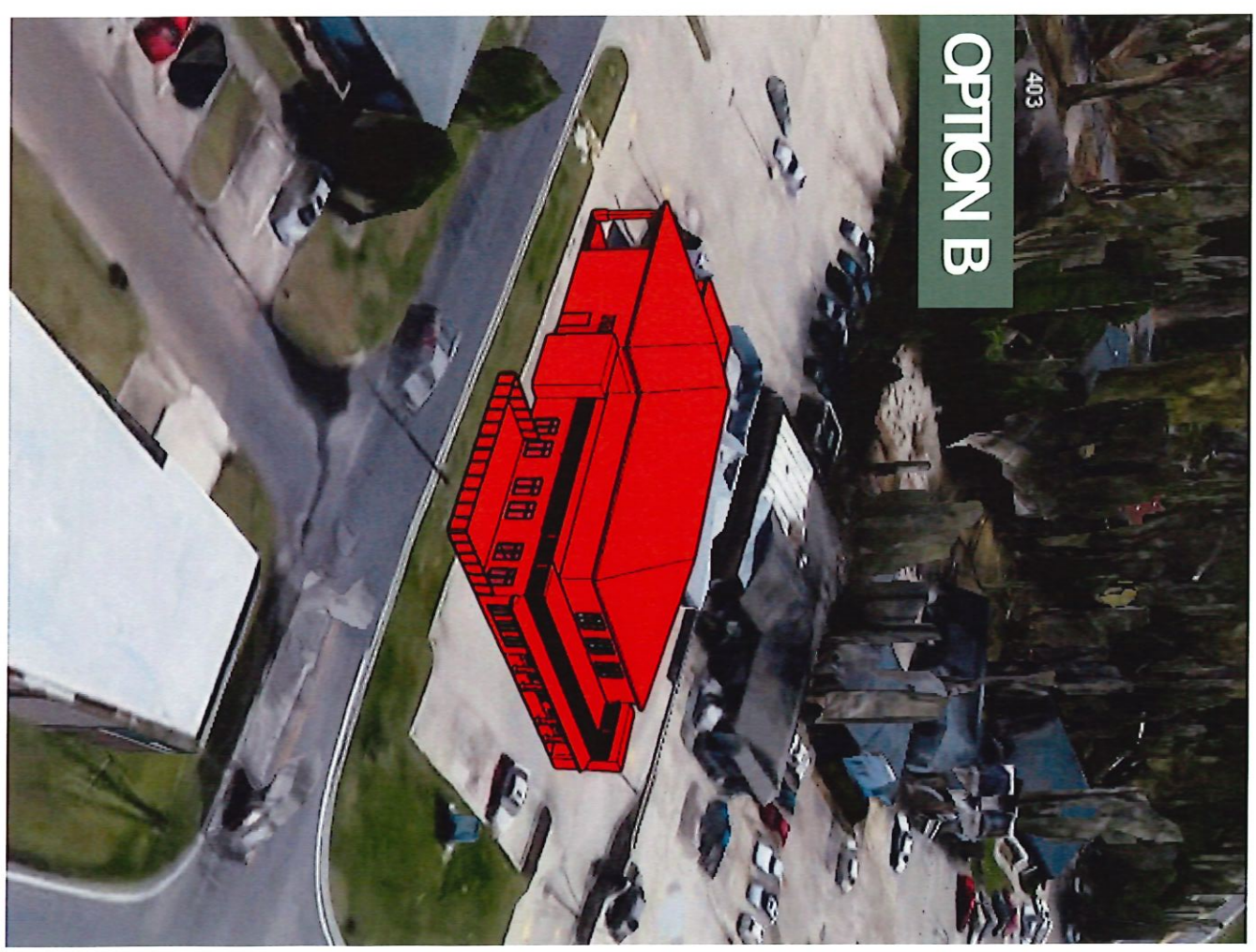
TOTAL AREA: 22230.42 sq ft- LIVING AREA: 23987.75 sq ft- FLOORS: 7- ROOMS: 71  
TOTAL AREA: 5538.54 sq ft- LIVING AREA: 2638.04 sq ft- ROOMS: 2

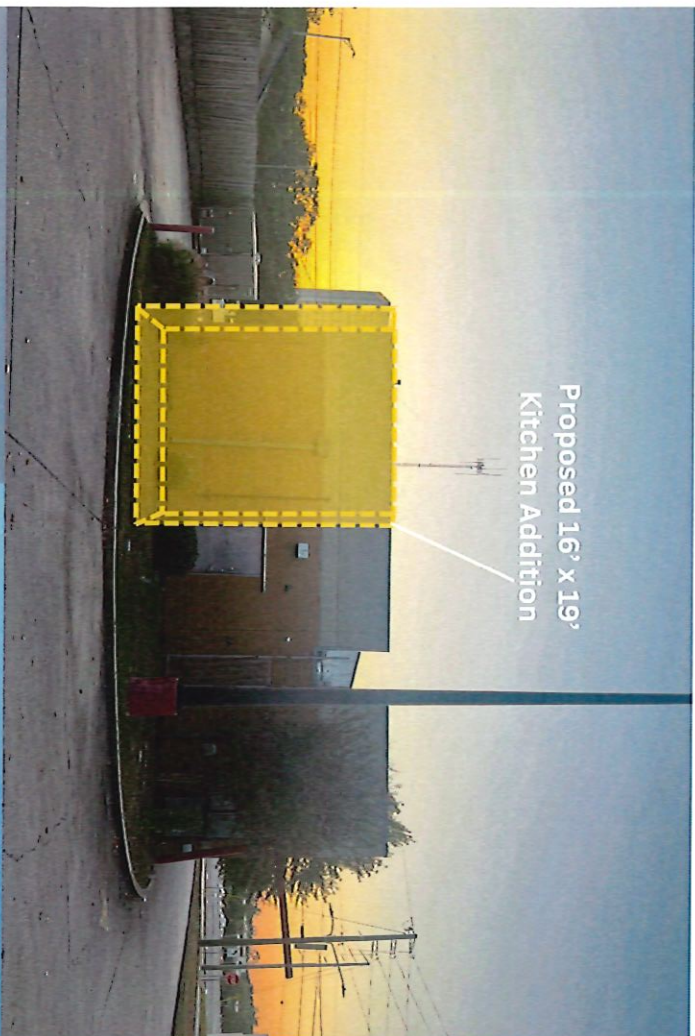
#### ▼ 2nd Floor



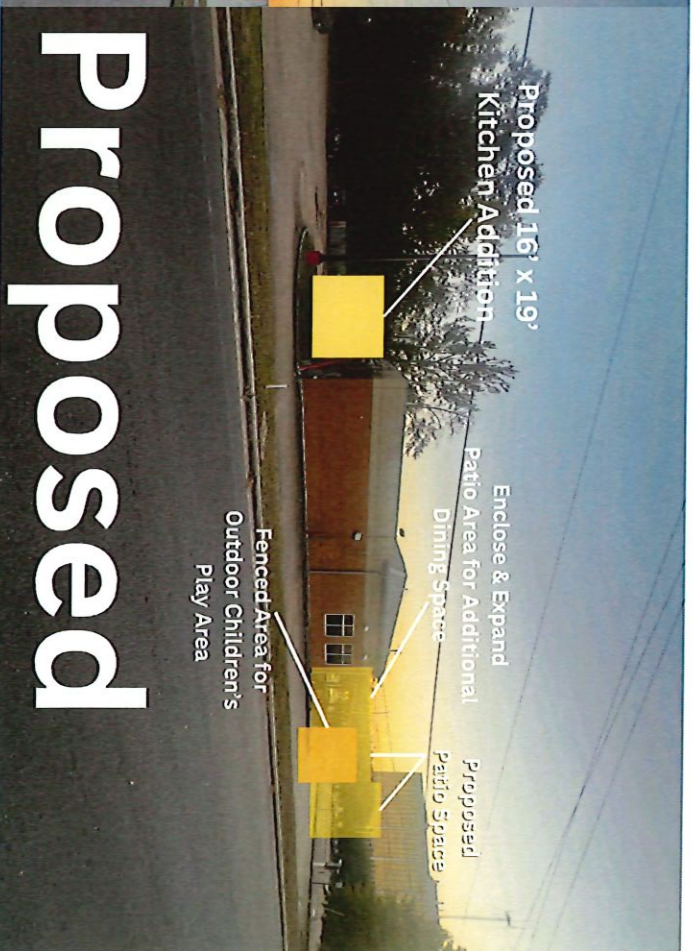
THIS FLOOR PLAN IS PROVIDED WITHOUT WARRANTY OF ANY KIND. GREATER SOLUTIONS DISCLAIMS ANY WARRANTY INCLUDING, WITHOUT LIMITATION, SATISFACTION, QUALITY OR ACCURACY OF DIMENSIONS.

Greater Solutions  
Info@mysolutions.com  
665 S Pear Orchard Rd. #106, Ridgeland, Mississippi, United States  
mysolutions.com





Proposed 16' x 19'  
Kitchen Addition



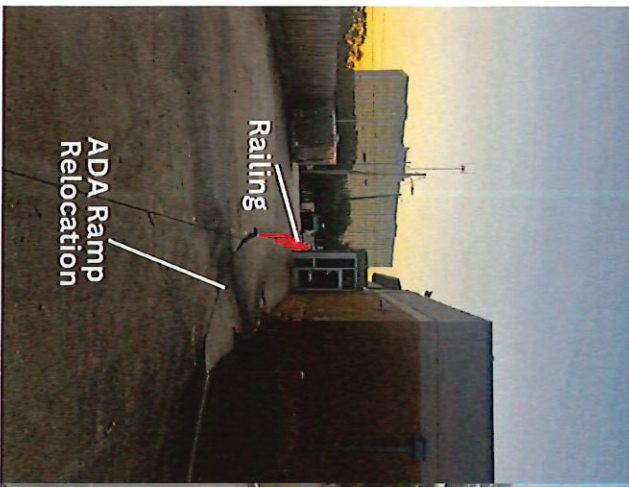
Proposed 16' x 19'  
Kitchen Addition

Enclose & Expand  
Patio Area for Additional  
Dining Space

Proposed  
Patio Space

Fenced Area for  
Outdoor Children's  
Play Area

# Proposed



Railing

ADA Ramp  
Relocation



Enclose Existing Patio into  
additional dining area

Extended Facade  
with same height



Expand, Enclose, and  
Replicate front facade. New  
Patio will have an increased  
ceiling height for multilevel  
use at a later phase



