



**URBAN
DEVELOPMENT**

PLANNING DIVISION

HATTIESBURG BOARD OF ADJUSTMENT

PUBLIC HEARING STAFF REPORTS

September 3, 2025

Board of Adjustment Agenda

September 3, 2025, 3:30 PM

Jackie Dole Sherrill Community Center (Dining Room)

220 W Front Street

I. Business Meeting

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

II. Public Hearing

1. Presentation of Petitions for Public Hearing
 - A. Annie Kimbarugh, Property Owner, requests variances from the minimum requirement of 10 ft of green space to allow for 3ft, from the maximum fence height in a front yard of 4ft to allow for 6ft, and from the requirement of sidewalks along public streets to instead allow for 0ft of sidewalk along public streets for a property located at 1516 Florida Avenue (PPIN 21775, Forrest County, Ward 4).
 - B. Alfredo Sandoval, Property Owner, and Stephen Stetleman, Representative, request a variance from the minimum requirement of 5 stacking spaces in a restaurant with a drive through to instead allow for 0 and a variance from the residential buffer minimum of 200ft to instead allow for 0ft for an R-1B zoned property located at 1300 N Main Street (PPIN 14508, Forrest County, Ward 2).

III. Other Business

IV. Adjournment



URBAN DEVELOPMENT

PLANNING DIVISION

MEMORANDUM

TO: All Interested Parties
FROM: Planning Staff
DATE: August 26, 2025
SUBJECT: **September 3, 2025 - Hattiesburg Planning Commission and Board of Adjustment**

The **Hattiesburg Planning Commission** will meet in regular session at 1:00 PM, Wednesday, September 3, 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: 296 437 185 947 2

Passcode: bv3YA9qw

Dial in by phone

+1 929-346-7084

Phone conference ID: 716 995 575#

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

[Join the meeting now](#)

Meeting ID: 213 358 594 324 3

Passcode: SA7wy9Gt

Dial in by phone

+1 929-346-7084

Phone conference ID: 867 054 102#

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.

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

August 6th, 2025

Board Members Roll Call:

Members Present:

1. Shawn Harris, Chair
2. Brandon Williams
3. Sandi Boykins
4. John Eye
5. Herman Dungan
6. Stacey Ready, Secretary
7. Richard Conville
8. Bernard Green, Vice Chair

Members Absent:

9. Jessica Cathey
10. James Hughes
11. Vacant Seat

Staff Present:

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

Chair Harris declared the Board of Adjustment meeting open and in session at 3:34 p.m.

AGENDA REVIEW

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

Motion:

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

Second:

Made by Herman Dungan

Vote:

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

The motion to approve the August 6th meeting agenda was passed by an 8-0 vote.

MINUTES REVIEW

A motion was made by Stacey Ready to approve the minutes with corrections from the May 7th Meeting.

Motion:

Made by Stacey Ready

Second:

Made by Brandon E.J. Williams

Vote:

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

The motion to approve the May 7th meeting minutes was passed by an 8-0 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: 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).

Discussion and Vote:

Staff introduced the case.

Presented by:

- Clifford Lockhart

Proponents:

- None

Opponents:

- None

Motion:

Bernard Green motioned to recommend approval of the requests based upon literal interpretation and conforming to the purpose of the code.

Second:

Made by Sandi Boykins

Vote:

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

Herman Dungan		X	
Sandi Boykins	X		
Jessica Cathey			ABSENT
James Hughes			ABSENT

The motion to recommend approval of the request was passed by a 6-2 vote.

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**Item 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).

**Discussion and Vote:**

Staff introduced the case.

**Presented by:**

- Kevin Lewis

**Proponents:**

- None

**Opponents:**

- None

**Motion:**

Richard Conville motioned to recommend approval of the request.

**Second:**

Made by Brandon E.J. Williams

**Vote:**

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

The motion to recommend approval of the request was passed by a 7-1 vote.

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OTHER BUSINESS:

Item 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).

Discussion and Vote:

Staff introduced the case.

Presented by:

- DeShawn Davis

Proponents:

- None

Opponents:

- None

Motion:

Stacey Ready motioned to recommend approval of the request.

Second:

Made by Brandon E.J. Williams

Vote:

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

The motion to recommend approval of the request was passed by a 7-1 vote.

~~~~~  
**OTHER BUSINESS:**

**Business Closed**

**Motion:**

Herman Dungan motioned to adjourn the meeting.

**Second:**

Made by Richard Conville

**Vote:**

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

The motion to adjourn was passed by an 8-0 vote.

The Board of Adjustments adjourned the meeting at 5:01 pm

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Stacey Ready, Secretary

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Cory Long, AICP, Planning Division Manager



**URBAN  
DEVELOPMENT  
PLANNING DIVISION**

**Board of Adjustment  
Case Fact Sheet**

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**Names of Petitioner:** Annie Kimbarugh, Property Owner

| <b>Address of Property:</b> | <b>Tax Parcels</b> | <b>PPIN:</b> | <b>Ward:</b> |
|-----------------------------|--------------------|--------------|--------------|
| 1516 Florida Avenue         | 2-038D-16-055.00   | 21775        | 4            |

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**Request:** Green Space, Fence Height, and Sidewalk Variances

**Purpose of Request:** Annie Kimbarugh, Property Owner, requests variances from the minimum requirement of 10 ft of green space to allow for 3ft, from the maximum fence height in a front yard of 4ft to allow for 6ft, and from the requirement of sidewalks along public streets to instead allow for 0ft of sidewalk along public streets for a property located at 1516 Florida Avenue (PPIN 21775, Forrest County, Ward 4).

**History / Background:** The applicant met with staff in a pre-application meeting in June of 2025, where they discussed the development of an outdoor event space to add to the existing Sycamore Oaks Event Venue located at 1516 Florida Avenue. The applicant wants to include an outdoor area with a pergola, a gathering space, and an 8-foot perimeter fence. The proposed 8ft fence would technically be in the front yard of the parcel, since it is a corner lot and there is no primary structure on the parcel.

During the meeting, outstanding items from the parking lot's development were also discussed. The parking lot was developed without the required and site-plan-approved 10ft green space buffer and sidewalks along public streets. Staff advised the applicant that the outstanding items that were included on the approved site plan would still need to be completed. The applicant inquired about her options to not

September 2025 BOA Item: A  
 Green Space, Fence Height, and Sidewalk Variances  
 Annie Kimbarugh, Property Owner

finish out the outstanding items and the staff discussed options, including the variance process for both the fencing and the green space. Staff discussed the sidewalk's fee-in-lieu program and the sidewalk's variance process.

**Applicant Summary:** See Attached

**Applicable Regulations:**

**SECTION 7 Table 7.1 Design Standards**

| Table 7.1 Design Standards                                                                                                                                         |          |     |      |      |      |     |     |     |     |     |     |     |     |     |     |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|-----|------|------|------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|
| STANDARD                                                                                                                                                           | DISTRICT |     |      |      |      |     |     |     |     |     |     |     |     |     |     |
| ■ = Required<br>× = Not required                                                                                                                                   | 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 |
| 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:** B-3 Community Business

**Present Use:** Parking Lot

**Future Land Use:** Community Business Corridor

**Surrounding Zoning and Land Use:**  
 North: B-3 Community Business  
 South: B-3 Community Business  
 East: B-3 Community Business  
 West: B-3 Community Business

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

September 2025 BOA Item: A  
Green Space, Fence Height, and Sidewalk Variances  
Annie Kimbarugh, Property Owner

**Option:** Recommend approval or denial of the variances from the minimum requirement of 10 ft of green space to allow for 3ft, from the maximum fence height in a front yard of 4ft to allow for 6ft, and from the requirement of sidewalks along public streets to instead allow for 0ft of sidewalk along public streets for a property located at 1516 Florida Avenue (PPIN 21775, 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 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.

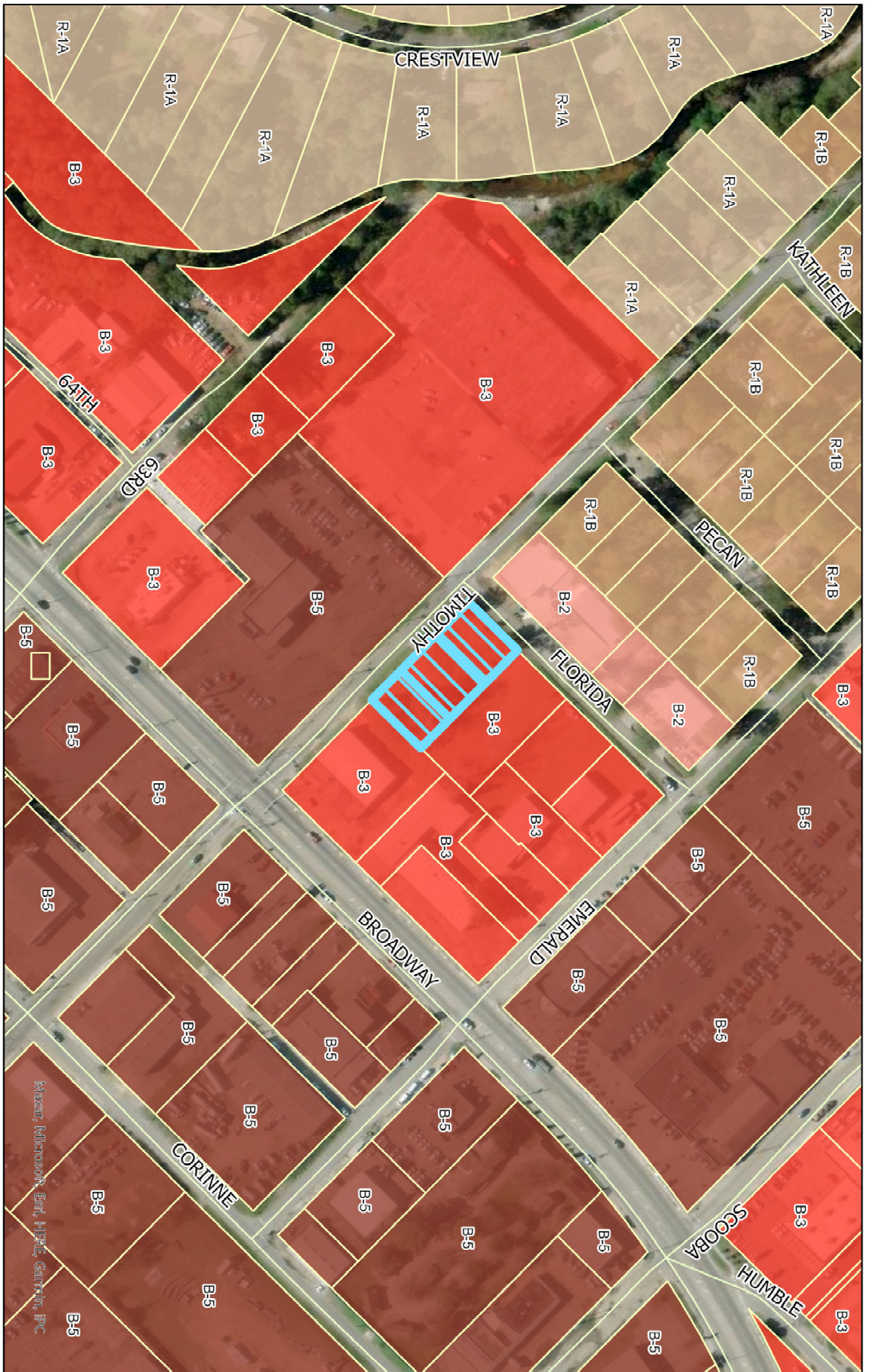
## SUBJECT PARCEL

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### 1516 Florida Avenue— Variance Request

Annie Kimbarugh, Property Owner, requests variances from the minimum requirement of 10 ft of green space to allow for 3ft, from the maximum fence height in a front yard of 4ft to allow for 6ft, and from the requirement of sidewalks along public streets to instead allow for 0ft of sidewalk along public streets for a property located at 1516 Florida Avenue (PPIN 21775, Forrest County, Ward 4).





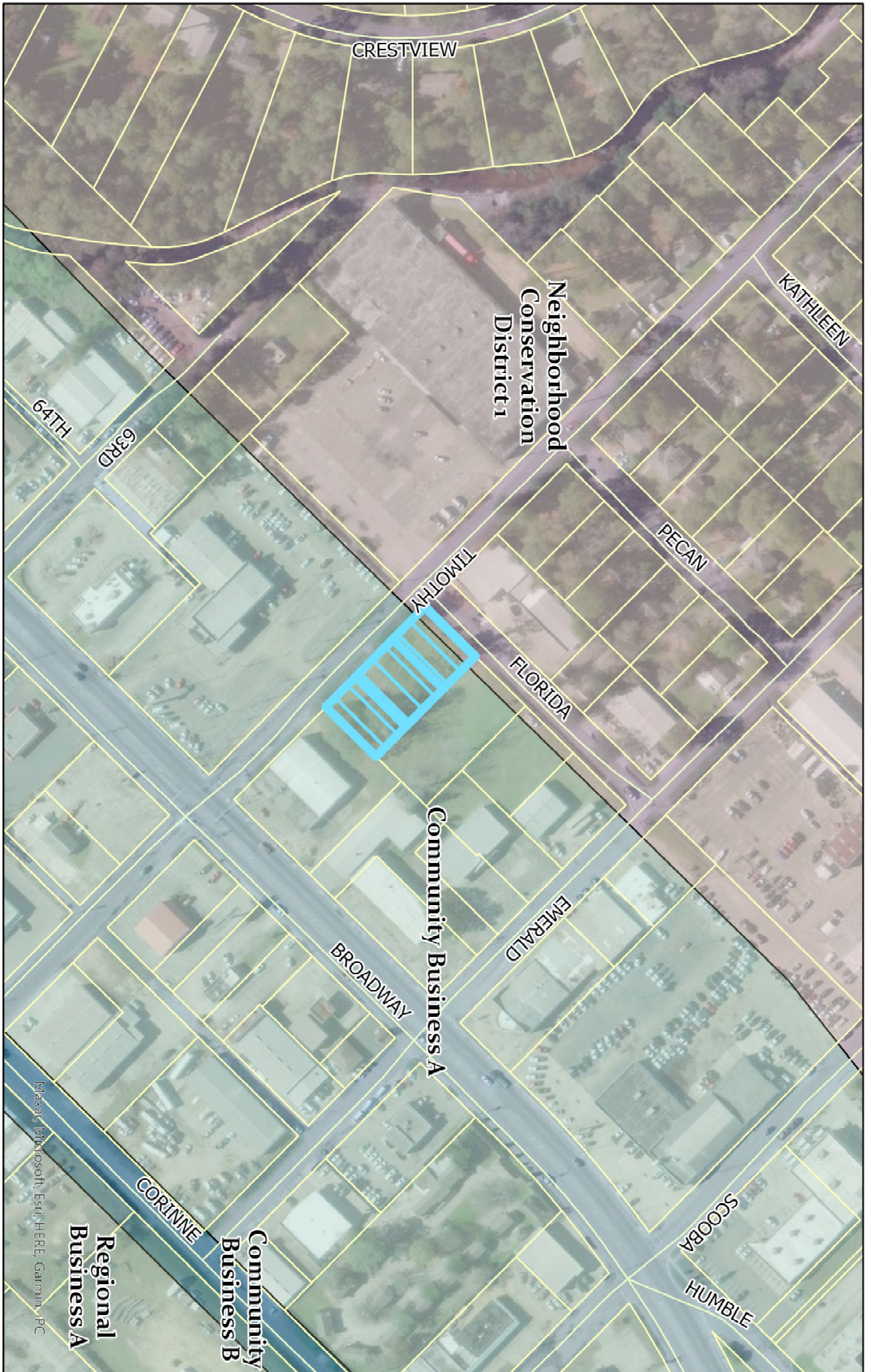
- Zoning Legend**
- R-1A
  - R-1B
  - B-3
  - B-5
  - Subject Property

**Variance Requests**  
 1516 Florida Avenue  
 PPIN: 21775  
 Flood Zone: X  
 Ward 4, Forrest County



**CITY OF OKECHOBEE**  
**PLANNING DIVISION**  
 Center: 89°18'35"W 31°18'53"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: 8/8/2025 3:29 PM



- Future Land Use Map**
- Community Business A
  - Community Business B
  - Neighborhood Conservation District 1
  - Regional Business A
  - Subject Property

**Variance Requests**  
 1516 Florida Avenue  
 PPIN: 21775  
 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: 8/8/2025 3:26 PM




**URBAN DEVELOPMENT PLANNING DIVISION**  
 Center: 89°18'35"W 31°18'53"N



Zoning Legend  
 [Blue Outline] Subject Property

Variance Requests  
 1516 Florida Avenue  
 PPIN: 21775  
 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: 8/18/2025 1:27 PM

0 500 Feet

**URBAN DEVELOPMENT**  
**PLANNING DIVISION**  
 Center: 89° 18'35"W 31° 18'53"N



# Surrounding Area

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



04/25

**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: Amie Kumborg Project Name: Byemore Oaks Outdoor Space  
 Municipal Address of Site: 1516 Florida Avenue, Hattiesburg, MS PPIN #: 21775  
 Parcel Number(s): \_\_\_\_\_

| Type of Public Hearing                                              | Additional Information Needed:                                                                                                                                                                                                                                                                                                                                                                        |
|---------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input checked="" type="checkbox"/> Variance (fill out pages 7 & 8) | <input type="checkbox"/> Sign<br><input checked="" 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>Green Space (3ft), pergola, fence height (6ft) sidewalks</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:**

- |                                                                                    |                                                           |
|------------------------------------------------------------------------------------|-----------------------------------------------------------|
| <input type="checkbox"/> Subdividing of a lot, Parcel, or Tract (fill out page 12) | <input type="checkbox"/> Text Amendment                   |
| <input type="checkbox"/> Street or Alley Renaming (fill out pages 13 & 14)         | <input type="checkbox"/> Overlay District                 |
| <input type="checkbox"/> Vacating Street or Alley (fill out pages 13 & 14)         | <input type="checkbox"/> 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 #: |                    |             |                            |                                                                                                             |

**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

1516 Florida Avenue, Natchezburg, MS 39401  
Street Address City State

on this the 9<sup>th</sup> day of July, 2025

In the matter of this request, the property owner further authorizes the following named person(s) to represent them at the public hearing on this petition.

on this the 9<sup>th</sup> day of July, 2025

Annie Kimbrough  
Applicant (Print)  
Annie Kimbrough  
Applicant (Signature)

STATE OF MS

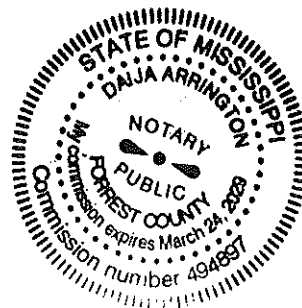
COUNTY OF Forrest

Personally came and appeared before me, the within named Annie Kimbrough, 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 9<sup>th</sup> day of July, 2025.

Daja Arrington  
NOTARY PUBLIC

My Commission Expires:  
March 24, 2029



X

**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

1516 Florida Avenue, Natchezburg, MS 39401  
Street Address City State

on this the 9<sup>th</sup> day of July, 2025.

In the matter of this request, the property owner further authorizes the following named person(s) to represent them at the public hearing on this petition.

on this the 9<sup>th</sup> day of July, 2025.

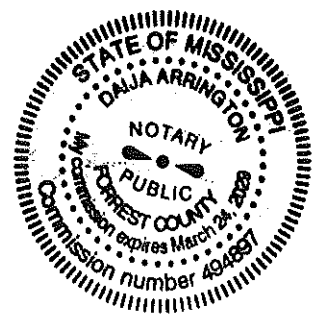
Annie Kimbrough  
Property Owner (Print)  
Annie Kimbrough  
Property Owner (Signature)

STATE OF MS  
COUNTY OF Forrest

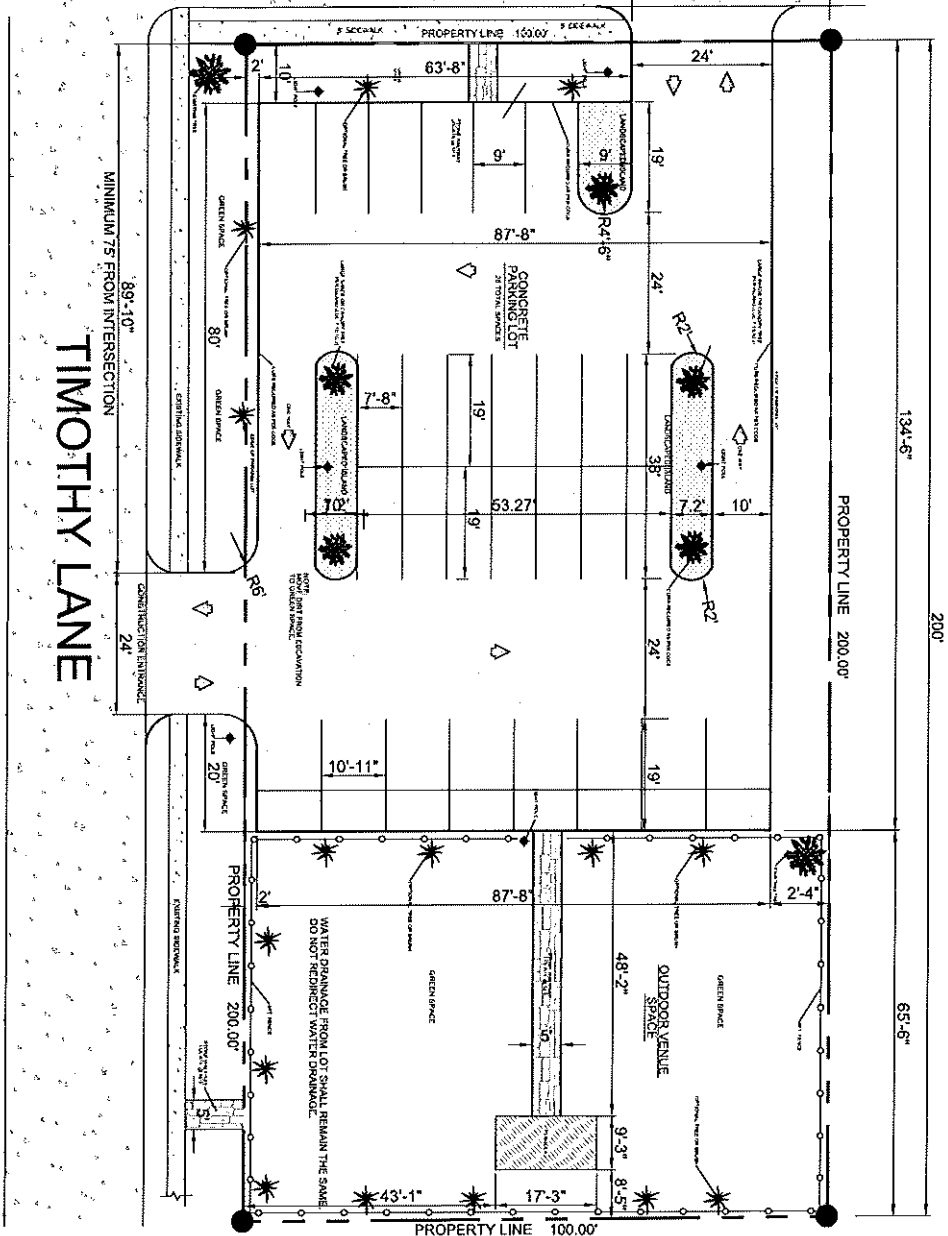
Personally came and appeared before me, the within named Annie Kimbrough who signed and delivered the above and foregoing instrument as and for their free act and deed on the day and year therein mentioned, and who acknowledge to me that they are the owner(s) of the subject property as described in this Public Hearing Application.

GIVEN UNDER MY HAND AND OFFICIAL SEAL OF OFFICE, this the 9<sup>th</sup> day of July, 2025.  
Danya Luyton  
NOTARY PUBLIC

My Commission Expires:  
March 24, 2029



# FLORIDA AVE.



|                     |                  |
|---------------------|------------------|
| TOTAL AREA OF LOT   | 44,986 SQ. FT.   |
| PERMITTED SURFACES  | 44,780 SQ. FT.   |
| IMPERVIOUS SURFACES | 20,170 SQ. FT.   |
| % ALL COVERED       | 44.8% (MIN. 40%) |
| % ALL OPEN          | 55.2% (MIN. 60%) |

*The Venue at Sycamore Oaks*  
**PARKING LOT EXPANSION -**  
**SITE PLAN**  
 SCALE 1" = 10'-0"

- SITE PLAN NOTES:**
- OWNER TO VERIFY SIZE AND CONFIGURATION OF ALL WALKS AND DECKS PRIOR TO CONSTRUCTION.
  - OWNER TO VERIFY EXACT LOCATION OF PROJECT WITH GENERAL CONTRACTOR PRIOR TO CONSTRUCTION.

- STORMWATER BMPs**
- GENERAL MAINTENANCE & SWEEPING
  - DISPERSED PRIORITY
  - STORMWATER DETENTION
  - CONSTRUCTION WORK

- EROSION CONTROL NOTES:**
- INSTALLATION OF SILT FENCE & ROCK OR HAY BARRIERS BEFORE
  - GRADING CONSTRUCTION IN ORDER TO REDUCE ON-SITE SOIL
  - PROVIDE TEMPORARY CAPTURE OF SEDIMENT
  - TEMPORARY EROSION PREVENTION RECEPTION OF DARK GROUND
  - CONSTRUCTION OF STORMWATER FACILITIES BY THE LAND
  - OWNER OR DEVELOPER IN A MANNER SUCH THAT DETENTION POND
  - RECEPTION OF THE SUBJECT TRACT IS LOCATED IN THE FOREST
  - OTHER MEASURES AS DETERMINED BY FOREST COUNTY OR ITS AGENTS
  - WHICH MAY BE NECESSARY TO CONTROL EROSION & SEDIMENTATION ON A SITE
  - BY THE DEED.

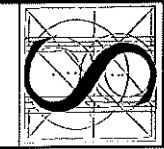
- STORMWATER DETENTION:**
- IT IS PROHIBITED TO PLACE FILL MATERIAL TO CONSTRUCT IMPROVED CONDUIT
  - OR GRADING IN A MANNER WHICH ALTERS THE FLOW OF SURFACE WATER ACROSS
  - THE TRACT.
  - PROPERTY IN A MANNER WHICH DAMAGES ANY ADJACENT PROPERTY.
  - ADJACENT PROPERTY IN SECTION 2 OF THE FOREST
  - COUNTY ORDINANCE FOR STORMWATER RUNOFF, ILLICIT DISCHARGES
  - OR LEAK CONNECTIONS.
  - SEE FOREST COUNTY ORDINANCE FOR STORMWATER RUNOFF, ILLICIT
  - DISCHARGES AND LEAK CONNECTIONS CONCERNING
  - THIS WATER FOR VERIFICATION WITH FOREST COUNTY.

- CONSTRUCTION WORK:**
- INSTALL STORM DRAIN PROTECTION SCREENS PER ILLICIT SCREEN OR BURN
  - SCREENS AROUND OR OVER STORM DRAIN IN ALL AREAS WHERE CONSTRUCTION
  - DISBURT AROUND OR OVER STORM DRAIN IN ALL AREAS OR GRATED AREA
  - WHERE POTENTIAL WATER CAN SEEP INTO THE GROUND UNDER WASH OR STREET
  - IF NO WASH AREA IS AVAILABLE, WASHOUT INTO A CONTAINER & DISPOSE OF
  - MATERIAL PROPERLY.
  - DO NOT STORE ANY POTENTIALLY HAZARDOUS LIQUID OR SOLID MATERIALS
  - ON THE TRACT OR AT ANY OTHER LOCATION ON THE TRACT UNLESS ADEQUATE
  - CONTAINMENT & COVER ARE PROVIDED ON THE CONSTRUCTION SITE.
  - ALL HAZARDOUS MATERIALS MUST BE STORED IN A PROPERLY DESIGNED AND
  - BRANDED DITCH UNLESS DRAINAGE IS BLOCKED.
  - DO NOT STORE ANY POTENTIALLY HAZARDOUS LIQUID OR SOLID MATERIALS
  - ON THE TRACT OR AT ANY OTHER LOCATION ON THE TRACT UNLESS ADEQUATE
  - CONTAINMENT & COVER ARE PROVIDED ON THE CONSTRUCTION SITE.
  - ALL HAZARDOUS MATERIALS MUST BE STORED IN A PROPERLY DESIGNED AND
  - BRANDED DITCH UNLESS DRAINAGE IS BLOCKED.
  - DO NOT STORE ANY POTENTIALLY HAZARDOUS LIQUID OR SOLID MATERIALS
  - ON THE TRACT OR AT ANY OTHER LOCATION ON THE TRACT UNLESS ADEQUATE
  - CONTAINMENT & COVER ARE PROVIDED ON THE CONSTRUCTION SITE.
  - ALL HAZARDOUS MATERIALS MUST BE STORED IN A PROPERLY DESIGNED AND
  - BRANDED DITCH UNLESS DRAINAGE IS BLOCKED.

- SWEEP PAVEMENT OR SIDEWALKS WHERE GRASS CLIPPING, GRANULAR FERTILIZER**
- OR OTHER POTENTIAL CHEMICALS HAVE FALLEN, SWEEP DIRT ONTO GRASSY AREAS.
- SURFACE CLEANING SIDEWALKS & PARKING AREAS:**
- DO NOT HOSE DOWN ANY SIDEWALKS OR PARKING AREAS EXCEPT WHERE WATER
  - IS REQUIRED TO REMOVE SPILLAGE FROM OR VEHICLE WASHING ONLY CLEANING
  - DURABLES OF AMBIENT DUST. THEN YOU MAY DIRECT THE WASH WATER TO NEARBY
  - LANDSCAPING OR CONCRETE ON SITE & ALLOW IT TO EVAPORATE. WHEN
  - HOSE DOWNING SIDEWALKS OR PARKING AREAS, DO NOT ALLOW WATER TO RUN
  - GROUND & NOT RAINING OFF INTO STORM DRAIN OR PAVED AREA.
  - USE CLEAN UP METHODS SHOULD BE USED PRIOR TO ANY PRESSURE WASHING.
  - WASH WATER SHOULD NOT BE ALLOWED TO FLOW DOWN DITCHES OR ENTER
  - STORM DRAIN. ALL WASH WATER MUST BE CAPTURED FOR PROPER DISPOSAL.

CUSTOM DESIGNED FOR:  
**THE VENUE AT SYCAMORE OAKS**

DRAFTSMAN:  
 NAME: JEREMY SMITH  
 PHONE: 601-516-1003  
 EMAIL: JORDSMITH21@GMAIL.COM



PAGE:  
 SITE PLAN

DATE:  
 7/8/2020

DRAWN BY:  
 J. SMITH

1

**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.  
(a) The cost of constructing a sidewalk represents a significant and undue financial hardship for our small, minority-owned business.  
(b) The sidewalk would be out of place, as adjacent properties do not currently have sidewalks, and the area does not support high pedestrian use.
  
2. **Special Privilege.** A variance shall not confer any special privilege that is denied to other lands or structures in the same zoning district.  
This request does not offer any unique privilege—it simply prevents an inconsistent  
and underutilized infrastructure investment that would not align with current surroundings or traffic patterns.
  
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.  
Requiring this installation would impose an unreasonable financial burden  
for infrastructure that does not contribute meaningfully to community safety or accessibility.
  
4. **Reasonable Use.** The applicant cannot make reasonable use of the property without the requested variance.  
Reasonable use of the property is impaired if significant funds must be diverted  
to an isolated sidewalk segment that serves no functional or community purpose.

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

The variance requested is minimal—it asks for exemption from a single frontage improvement that does

not currently exist in the area.

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

The request aligns with the Code's intent to balance private development with public benefit. In this case, sidewalk construction provides little public benefit while

harming the property owner's ability to sustain business improvements.

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**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 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.  
(a) The hardship is created by the need for shaded, designated ceremony space  
as part of our event venue's business model, and the only feasible location lies  
within the designated green space area.  
(b) Most commercial venues in this zoning district do not require integration with landscaped ceremonial spaces, creating a unique condition for our use.
  
2. **Special Privilege.** A variance shall not confer any special privilege that is denied to other lands or structures in the same zoning district.  
This does not confer a special privilege—pergolas and similar structures are common and appropriate  
features for event venues. We're simply requesting the ability to place it within our limited available area
  
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.  
Literal enforcement would deprive us of the ability to enhance our client offerings with outdoor ceremonies,  
limiting our growth and relevance as an event venue in a competitive market.
  
4. **Reasonable Use.** The applicant cannot make reasonable use of the property without the requested variance.  
The outdoor space cannot function fully as intended without the pergola structure.  
Clients expect shaded outdoor accommodations, which are industry-standard for similar venues.

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

This variance allows for the smallest structure necessary to create a functional outdoor ceremony space

without interfering with neighboring properties or utilities.

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

The pergola supports the intent of enhancing the public-facing aesthetic and use of property for

community-serving purposes, in line with the Code's intent.

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**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 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.  
(a) Our property has experienced trespassing and loitering, particularly during and after events. Without a 6-foot fence, we cannot secure our outdoor space property.  

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**(b) This issue is unique to our location and use as a high-traffic event venue, especially in a commercial area without existing perimeter barriers.**

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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 request does not provide a special privilege. Many businesses with safety or privacy concerns implement

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and underutilized infrastructure investment that would not align with current surroundings or traffic patterns.

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**perimeter fencing. This request ensures we can do so appropriately for our type of use.**

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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.  
Enforcing a height limitation on fencing would jeopardize our security, guest safety, and property

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for infrastructure that does not contribute meaningfully to community safety or accessibility.

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**maintenance, which places our business at an unfair disadvantage.**

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4. **Reasonable Use.** The applicant cannot make reasonable use of the property without the requested variance.  
Without this variance, we cannot reasonably use the outdoor space without the risk of damage, liability, or

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**safety issues due to uninvited individuals entering the property.**

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

*A 6-foot fence is the minimum necessary to provide privacy, deter intruders, and clearly define property boundaries.*

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

*The request supports the Code's goal to provide safe, well-maintained, and community-compatible*

**properties while respecting property owners' rights to protection and security.**

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**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 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.  

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(a) The hardship is unique to the size and existing footprint of the property. The parking lot was constructed using the zoning regulations that were in place at the time and the available space does not allow for the required 10-foot green space setback.

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(b) These conditions do not generally apply to newer developments or parcels with more flexibility in layout.

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

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This variance does not provide a special privilege, but instead allows us to bring the property closer to compliance and usability under modern business needs, similar to other properties operating under updated variances or older development standards.

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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.  

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Enforcing the literal 10-foot requirement would eliminate key access points, prevent intended improvements to enhance community value, and create undue hardship by forcing a redesign of the property that is not physically feasible.

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

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Without this variance, we cannot make practical use of the space for outdoor functions, traffic flow, or green beautification.

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This small setback is essential for continued operations.

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

The 3-foot green space is the minimum needed to maintain functionality and

**safety without negatively impacting neighboring properties or the public.**

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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.

This variance supports the Code's goal to encourage safe, attractive

, and economically viable use of land without imposing impractical burdens due to pre-existing site conditions.

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**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.

**City of Hattiesburg - Planning Division**

LETTER OF APPROVAL OR DENIAL FROM ADJOINING PROPERTY OWNER

Public Hearing Variance Request Submission

Applicant Property Information:

Parcel Number: 21775

Property Address: 1516 Florida Avenue, Hattiesburg, MS 39401

Variance Requests:

The applicant is requesting the following variances:

1. A variance to allow for 3 feet of green space instead of the required 10 feet.
2. Permission to install a pergola within the green space area.
3. A variance to allow a 6-foot privacy fence surrounding the green space.
4. A variance to waive the requirement of pouring a sidewalk.

Adjoining Property Owner Statement

I, the undersigned, am the owner of the adjoining property located at:

(Print Your Address): 609 Emerald Lane Hattiesburg, MS

After reviewing the applicant's request for a variance at the address listed above, I confirm that I have been informed of the proposed changes and hereby provide my response as follows:

I APPROVE of the requested variances listed above.

I DO NOT APPROVE of the requested variances listed above.

Comments (Optional):

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Printed Name: Terry Graham

Signature: Terry Graham

Date: 7-9-25

Phone Number (Optional): 601-270-1573

Email (Optional): terry.graham@att.net

**INSTRUCTIONS FOR APPLICANT:**

Please provide one completed form per adjoining property owner and submit signed copies with your public hearing variance application to the City of Hattiesburg Planning Division.

**City of Hattiesburg - Planning Division**

LETTER OF APPROVAL OR DENIAL FROM ADJOINING PROPERTY OWNER

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1. A variance to allow for 3 feet of green space instead of the required 10 feet.
2. Permission to install a pergola within the green space area.
3. A variance to allow a 6-foot privacy fence surrounding the green space.
4. A variance to waive the requirement of pouring a sidewalk.

Adjoining Property Owner Statement

I, the undersigned, am the owner of the adjoining property located at:

(Print Your Address): 509 Broadway Dr.

After reviewing the applicant's request for a variance at the address listed above, I confirm that I have been informed of the proposed changes and hereby provide my response as follows:

APPROVE of the requested variances listed above.

I DO NOT APPROVE of the requested variances listed above.

Comments (Optional):

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Printed Name: Mary Bradford

Signature: Mary Bradford

Date: 7/9/2025

Phone Number (Optional): \_\_\_\_\_

Email (Optional): \_\_\_\_\_

**INSTRUCTIONS FOR APPLICANT:**

Please provide one completed form per adjoining property owner and submit signed copies with your public hearing variance application to the City of Hattiesburg Planning Division.

September 2025 BOA Item: B  
Drive Thru Stacking Spaces and Residential Buffer Variances  
Alfredo Sandoval, Property Owner, and Stephen Stetleman, Representative



**Board of Adjustment  
Case Fact Sheet**

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**Names of Petitioner:** Alfredo Sandoval, Property Owner, and Stephen Stetleman, Representative

|                                                   |                                    |                       |                   |
|---------------------------------------------------|------------------------------------|-----------------------|-------------------|
| <b>Address of Property:</b><br>1300 N Main Street | <b>Parcel:</b><br>2-029F-04-067.00 | <b>PPIN:</b><br>14508 | <b>Ward:</b><br>2 |
|---------------------------------------------------|------------------------------------|-----------------------|-------------------|

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**Request(s):** Drive Thru Stacking Spaces and Residential Buffer Variances

**Purpose of Request:** Alfredo Sandoval, Property Owner, and Stephen Stetleman, Representative, request a variance from the minimum requirement of 5 stacking spaces in a restaurant with a drive through to instead allow for 0 and a variance from the residential buffer minimum of 200ft to instead allow for 0ft for an R-1B zoned property located at 1300 N Main Street (PPIN 14508, Forrest County, Ward 2).

**History / Background:** The applicant is requesting a zoning amendment and variances for the property situated at 1300 N Main Street to facilitate its reactivation as a drive-thru restaurant. Historically, the building was occupied by Church’s Chicken, a drive-thru fast food establishment. The neighboring properties include commercial entities such as Compadres Market, as well as residential areas. The property is also located in the North Main Historic District.

They are presently seeking a zoning change and variances for the property. It is situated within the R-1B zoning district, designated for single-family residences, which prohibits commercial restaurants. Although the property previously operated as a restaurant, it has been vacant for over six

September 2025 BOA Item: B

Drive Thru Stacking Spaces and Residential Buffer Variances

Alfredo Sandoval, Property Owner, and Stephen Stetleman, Representative

months and has consequently has lost its legal nonconforming status. The applicants are requesting two variances: one to relax the requirement for stacking spaces for the drive-thru, and another to reduce the residential buffer to neighboring residential properties.

The Board of Adjustment should consider the impact a drive-through has on neighboring residential properties including sound, smell, as well as visual impact. Additionally, drive-throughs will add an increase in vehicular traffic to this corridor.

**Applicant Summary:** See Attached

**Applicable Regulations:**

## **SECTION 4 Zoning Districts Established**

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

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

## **SECTION 5**

### **Use Regulations**

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

**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

**SECTION 7**

**Standards of Design**

**7.12.16 Stacking Space.**

**7.12.16.1 Number of Spaces Required.** In addition to required parking spaces, drive-thru facilities shall provide a minimum of five stacking spaces per drive-thru facility, window, or bay, with the following exceptions: the space directly in front of the facility, window, or bay shall not count towards meeting the stacking requirements.

- i. Fast food restaurants shall have an  
An additional five stacking spaces. A minimum of five of the total stacking spaces shall be located at or prior to the ordering station.
- ii. Non-automated car washes shall only be required to have two stacking spaces per bay, one of which is located for use as a dry down area.
- iii. Automated car washes shall be required to have four stacking spaces per bay.
- iv. Freestanding ATMs shall only be required to have two stacking spaces.

**7.12.16.2 Location.** Stacking spaces shall be located entirely outside of a required driveway or parking aisle needed to access required parking spaces.

**7.12.16.3 Size.** For the purposes of determining compliance, stacking spaces shall measure 9 x 18 and shall be illustrated on site plans.

|                                         |                                                                                 |
|-----------------------------------------|---------------------------------------------------------------------------------|
| <b>Present Zoning:</b>                  | R-1B Single Family Residential                                                  |
| <b>Present Use:</b>                     | Vacant Building                                                                 |
| <b>Future Land Use:</b>                 | Neighborhood Business Corridor                                                  |
| <b>Surrounding Zoning and Land Use:</b> | North: R-1A Single-Family Residential<br>South: B-3 Community Business District |

September 2025 BOA Item: B  
Drive Thru Stacking Spaces and Residential Buffer Variances  
Alfredo Sandoval, Property Owner, and Stephen Stetleman, Representative  
East: B-2 Neighborhood Business District  
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 request for a variance from the minimum requirement of 5 stacking spaces in a restaurant with a drive through to instead allow for 0 and a variance from the residential buffer minimum of 200ft to instead allow for 0ft for an R-1B zoned property located at 1300 N Main Street (PPIN 14508, Forrest County, Ward 2).

**Basis for Approval (12.4.1.1):**

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

I. Hardship.

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

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

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

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

September 2025 BOA Item: B

Drive Thru Stacking Spaces and Residential Buffer Variances

Alfredo Sandoval, Property Owner, and Stephen Stetleman, Representative

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

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

## SUBJECT PARCEL

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### 1300 N Main Street— Variance Requests

Alfredo Sandoval, Property Owner, and Stephen Stetleman, Representative, request a variance from the minimum requirement of 5 stacking spaces in a restaurant with a drive through to instead allow for 0 and a variance from the residential buffer minimum of 200ft to instead allow for 0ft for an R-1B zoned property located at 1300 N Main Street (PPIN 14508, Forrest County, Ward 2).





- Zoning Legend**
- R-1A
  - R-1B
  - R-1C
  - R-2
  - R-3
  - B-1
  - B-2
  - B-3
- Zoning Change Request**  
 1300 N Main Street  
 PPIN: 14508  
 Flood Zone: X  
 Ward 2, 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: 8/5/2025 3:16 PM



**URBAN DEVELOPMENT**  
**PLANNING DIVISION**  
 Center: 89° 17'58"W 31°20'9"N



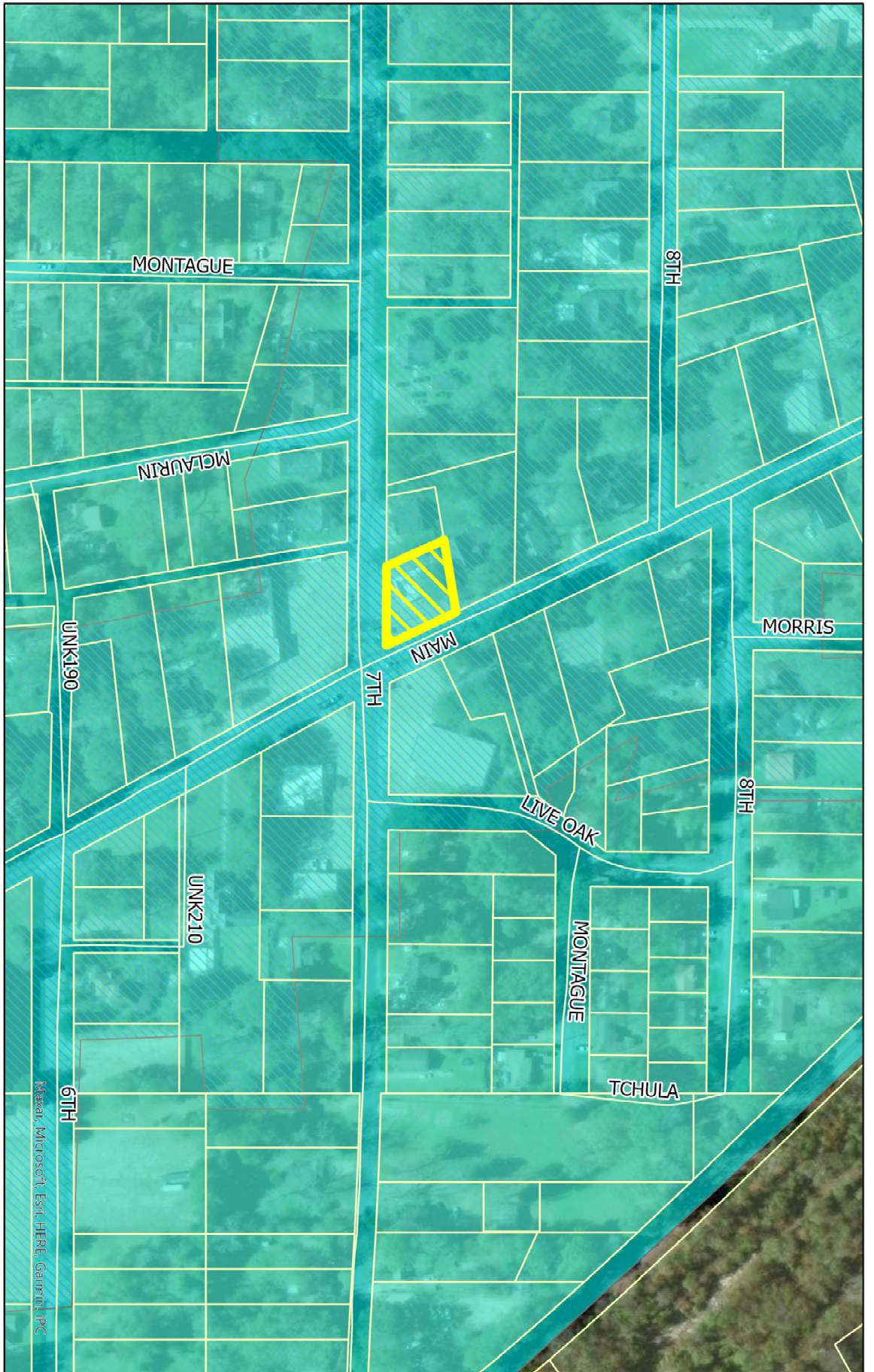
- Future Land Use Map**
- Community Business A
  - Neighborhood Business
  - Neighborhood Conservation District 1

**Zoning Change Request**  
 1300 N Main Street  
 PPIN: 14508  
 Flood Zone: X  
 Ward 2, Forrest County



**URBAN DEVELOPMENT**  
**PLANNING DIVISION**  
 Center: 89° 17'58" W 31° 20'9" N

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Historic Districts

-  North Main Historic District, Local
-  North Main National Register District, National Register
-  1300 N Main Street

Zoning Change Request  
 1300 N Main Street

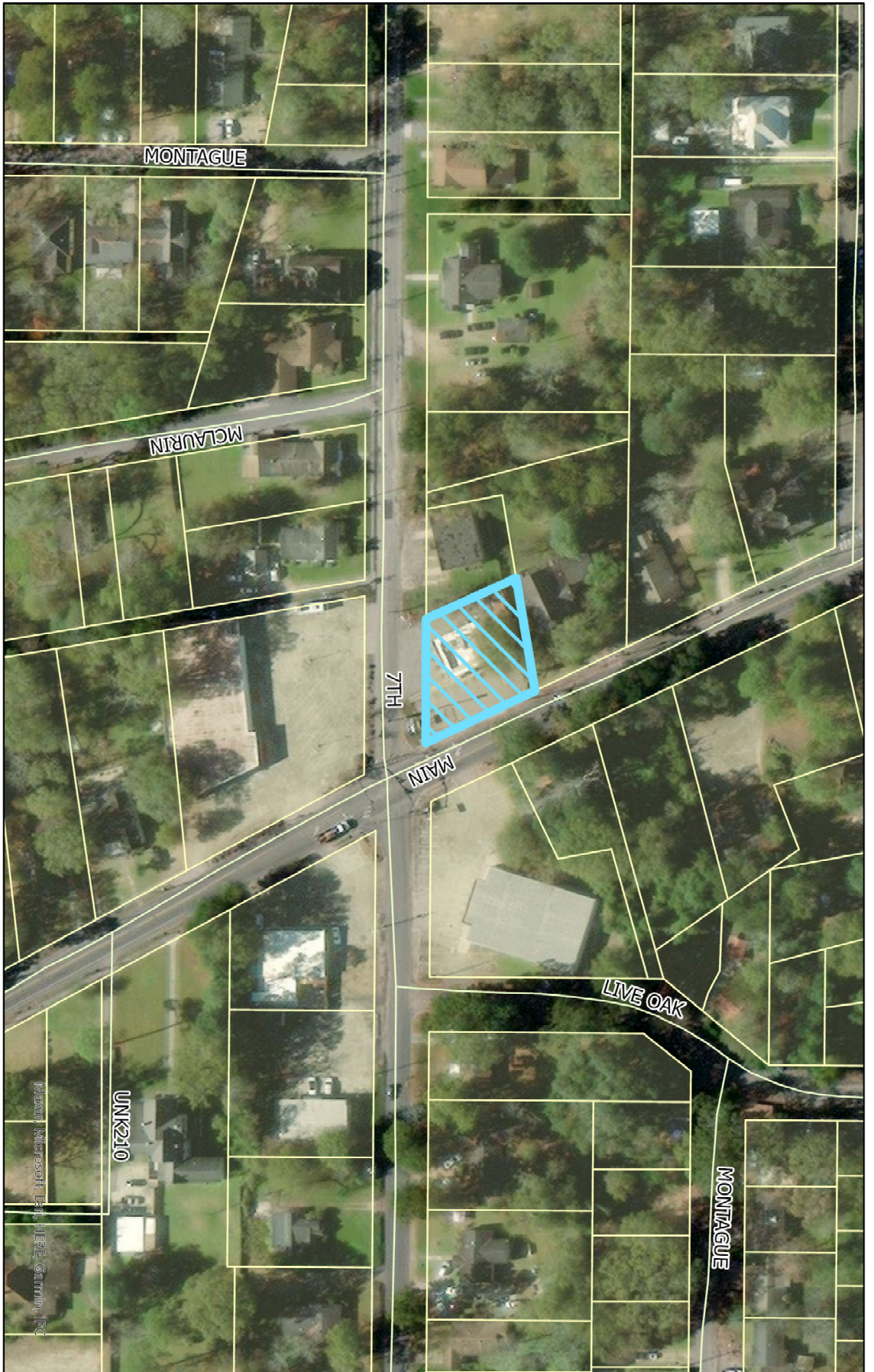
PPIN: 14508  
 Flood Zone: X  
 Ward 2, Forrest County



**URBAN DEVELOPMENT PLANNING DIVISION**  
 Center: 89°17'57"W 31°20'9"N

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# Site Aerial



Zoning Legend  
 Subject Property

Zoning Change Request  
 1300 N Main Street  
 PPIN: 14508  
 Flood Zone: X  
 Ward 2, Forrest County



**URBAN DEVELOPMENT**  
**PLANNING DIVISION**  
 Center: 89° 17'58"W 31° 20'9"N

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## Surrounding Area



# Surrounding Area

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**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: Stephen Stetelman Project Name: 1300 N Main Street  
 Municipal Address of Site: 1300 N Main Street PPIN #: 14508  
 Parcel Number(s): 2-229F-04-067.00

| 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 checked="" type="checkbox"/> Buffer<br><input type="checkbox"/> Open Space<br><input checked="" type="checkbox"/> Other: <u>Drive-thru, stacking space</u> |
| <input checked="" type="checkbox"/> Rezoning (fill out page 11)     | Existing Zoning: <u>R-1B</u><br>Proposed Zoning: <u>B-3</u>                                                                                                                                                                                                                                                                                                             |
| <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:<br><u>R-1B</u>              | Historic District:<br><u>North Main Historic</u> | Flood Zone:<br><u>X</u> | Ward:<br><input type="checkbox"/> 1 <input checked="" type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 |
| Project Number:                     | Received:                                        |                         |                                                                                                                                                            |
| PPIN # or Parcel #:<br><u>14508</u> |                                                  |                         |                                                                                                                                                            |

**RECEIVED**  
 JUL 8 2025

Updated Version 05/22/25

BY: .....

**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

1300 N Main Street Hattiesburg, Mississippi  
Street Address City State

on this the 28th day of July, 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 28th day of July, 20 25.

Alfredo Sandoval  
Property Owner (Print)  
[Signature]  
Property Owner (Signature)

STATE OF Mississippi  
COUNTY OF Forrest

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

GIVEN UNDER MY HAND AND OFFICIAL SEAL OF OFFICE, this the 28th day of July, 20 25  
[Signature]  
NOTARY PUBLIC

My Commission Expires:  
Oct. 2, 2027



**APPLICANT AFFIDAVIT PAGE**

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

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

1300 N Main Street Hattiesburg, Mississippi  
Street Address City State

on this the 29<sup>th</sup> day of July, 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.

Stephen Stetelman

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

Stephen Stetelman  
Applicant (Print)  
[Signature]  
Applicant (Signature)

STATE OF Mississippi  
COUNTY OF Forrest

Personally came and appeared before me, the within named \_\_\_\_\_  
who signed and delivered the above and foregoing instrument as and for their free act and deed on the day and year therein mentioned, and who acknowledge to me that they are the owner(s) of the subject property as described in this Public Hearing Application.

GIVEN UNDER MY HAND AND OFFICIAL SEAL OF OFFICE, this the 28<sup>th</sup> day of July, 2025

[Signature]  
NOTARY PUBLIC



My Commission Expires: Oct. 2, 2027



21.74 FT RI STA. 27+97.33

CAROLYN WILLIAMS  
OWNER  
1302 N MAIN STREET

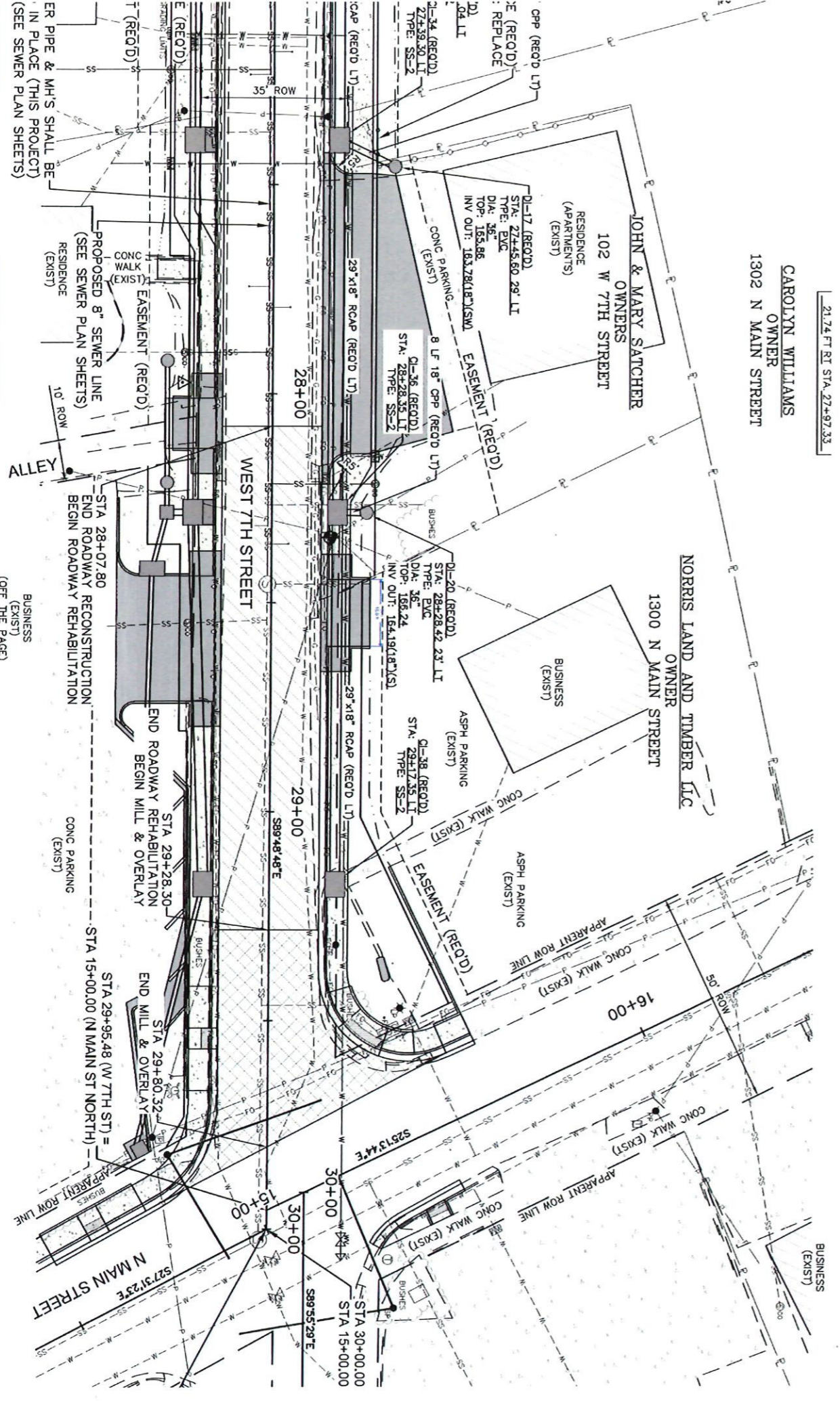
JOHN & MARY SATCHER  
OWNERS  
102 W 7TH STREET

NORRIS LAND AND TIMBER LLC  
OWNER  
1300 N MAIN STREET

R. SHAHEED  
OWNER  
7TH STREET

DELORES CROSBY  
OWNER  
107 W 7TH STREET

SANDOVAL PROPERTIES LLC  
OWNER  
1224 N MAIN STREET



*Shows Depman & Whites  
(601) 594-1821*



Measurement

Measurement Result

0.24 Acres

Clear

---

PREPARED BY  
Benjamin A. Snow, Esq.  
MSB 102972  
The Law Office of Benjamin A. Snow, PLLC  
14 Bellegrass Boulevard  
Hattiesburg, MS 39402  
Email: ben@bensnowlaw.com  
Phone: (601) 909-0253

RETURN TO:  
Benjamin A. Snow, Esq.  
MSB 102972  
The Law Office of Benjamin A. Snow, PLLC  
14 Bellegrass Boulevard  
Hattiesburg, MS 39402  
Email: ben@bensnowlaw.com  
Phone: (601) 909-0253

---

Indexing Instructions: Lot 17 of the Waggoner Addition and Lot 6 of the Crittendon Survey, City of Hattiesburg, Forrest County, Mississippi

---

WARRANTY DEED

---

STATE OF MISSISSIPPI  
COUNTY OF FORREST

GRANTOR:  
**Norris Land & Timber, LLC**  
**A Mississippi Limited Liability Company**  
296 Pitts Road  
Hattiesburg, MS 39402  
(601) 466-3175

GRANTEE:  
**Alfredo Sandoval**  
1317 N. 33rd Street  
Laurel, MS 39440  
(601) 335-3662

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 all of which is hereby acknowledged, **Norris Land & Timber, LLC, a Mississippi Limited Liability Company**, does hereby sell, convey and warrant unto **Alfredo Sandoval**, a certain lot or parcel of land lying and being situated in the County of Forrest, State of Mississippi, more particularly described as follows, to-wit:

Begin at the Southeast corner of Lot 17 of the Waggoner Addition being a part of Lot 6 of the Crittendon Survey, said point being the intersection of the North line of West Seventh Street with the West line of North Main Street, and run West along the North line of West Seventh Street for 113 feet, thence run North 25° 45' West for 95.4 feet, thence run North 78° East along the North line of said Lot 17 for 104.1 feet to the West line of North Main Street, thence run South 25° 45' East along the West line of North Main Street for 121 feet to the Point of Beginning, being in the City of Hattiesburg, Forrest County, Mississippi.

IT IS AGREED AND UNDERSTOOD that the taxes for the current year have been prorated as of this date based on an estimated basis, and when said taxes are actually determined, if the proration as of this date is incorrect, then the grantor agree to pay to said grantee or their assigns any deficit on actual proration and likewise, the grantee agrees to pay to grantor any amount overpaid by it.

THIS conveyance is subject to any and all protective covenants, building restrictions, rights of way, easements, mineral reservations, unrecorded servitudes and conveyances applicable to the above described property.

THIS conveyance is made subject to any outstanding oil, gas or mineral leases and/or royalty transfers or prior reservations.

*Signature page to follow.*

WITNESS MY SIGNATURE, on this 21st day of March, 2023.

GRANTOR:

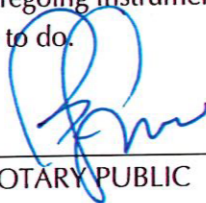
Norris Land & Timber, LLC  
A Mississippi Limited Liability Company

By:   
Larry O. Norris, Member

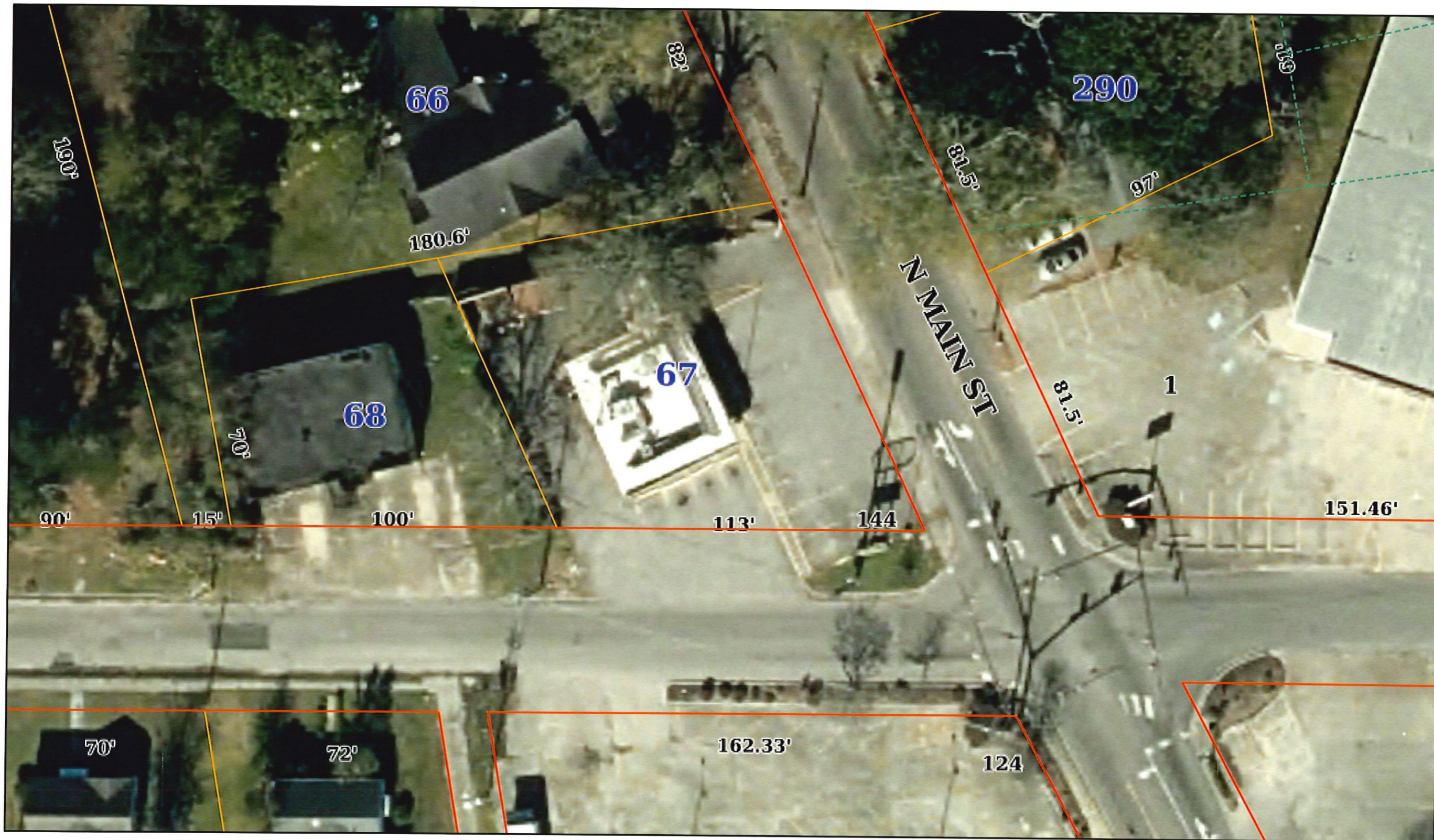
STATE OF MISSISSIPPI  
COUNTY OF LAMAR

Personally appeared before me, the undersigned authority in and for the said county and state, on this 21st day of March, 2023, within my jurisdiction, the within named **Larry O. Norris** who acknowledged that he was a Member Norris Land & Timber, LLC, a Mississippi limited liability company and that he executed the above and foregoing instrument on behalf of said company as its act and deed after first being authorized by it so to do.






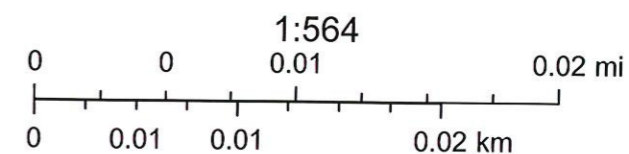
  
\_\_\_\_\_  
NOTARY PUBLIC

# 1300 Main Street



7/9/2025, 9:23:58 AM

|                                                                                     |         |                     |                     |                   |                    |
|-------------------------------------------------------------------------------------|---------|---------------------|---------------------|-------------------|--------------------|
|  | LOTLINE | forrest_ms_water    | forrest_ms_rrname   | forrest_ms_misc   | forrest_ms_citylim |
|  | ROAD_LN | forrest_ms_twprng   | forrest_ms_reftxt   | forrest_ms_lotno  | forrest_ms_ac      |
|  | Parcels | forrest_ms_subdblkc | forrest_ms_rlname   | forrest_ms_exempt |                    |
|                                                                                     |         | forrest_ms_secno    | forrest_ms_parcelno | forrest_ms_dim    |                    |



Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community

21.74 FT RT STA. 27+97.33

CAROLYN WILLIAMS  
OWNER  
1302 N MAIN STREET

NORRIS LAND AND TIMBER LLC  
OWNER  
1300 N MAIN STREET

JOHN & MARY SATCHER  
OWNERS  
102 W 7TH STREET

RESIDENCE  
(APARTMENTS)  
(EXIST)

BUSINESS  
(EXIST)

ASPH PARKING  
(EXIST)

CPP (REQ'D LT)

DI-17 (REQ'D)  
STA: 27+45.60 29' LT  
TYPE: PVC  
DIA: 36"  
TOP: 165.86  
INV OUT: 163.78(18")(SW)

DI-20 (REQ'D)  
STA: 28+28.42 23' LT  
TYPE: PVC  
DIA: 36"  
TOP: 166.24  
INV OUT: 164.19(18")(S)

DI-34 (REQ'D)  
STA: 27+39.30 LT  
TYPE: SS-2

RCAP (REQ'D LT)

CONC PARKING (EXIST)

CI-36 (REQ'D)  
STA: 28+28.35 LT  
TYPE: SS-2

CI-38 (REQ'D)  
STA: 29+17.35 LT  
TYPE: SS-2

29"x18" RCAP (REQ'D LT)

29"x18" RCAP (REQ'D LT)

28+00

29+00

30+00

30+00

WEST 7TH STREET

N MAIN STREET

E (REQ'D)

T (REQ'D)

EASEMENT (REQ'D)

PROPOSED 8" SEWER LINE  
(SEE SEWER PLAN SHEETS)

RESIDENCE  
(EXIST)

10' ROW

ALLEY

STA 28+07.80  
END ROADWAY RECONSTRUCTION  
BEGIN ROADWAY REHABILITATION

STA 29+28.30  
END ROADWAY REHABILITATION  
BEGIN MILL & OVERLAY

STA 29+80.32  
END MILL & OVERLAY

STA 29+95.48 (W 7TH ST) =  
STA 15+00.00 (N MAIN ST NORTH)

CONC PARKING  
(EXIST)

BUSINESS  
(EXIST)  
(OFF THE PAGE)

R SHAHEED  
OWNER  
7TH STREET

DELORES CROSBY  
OWNER  
107 W 7TH STREET

SANDOVAL PROPERTIES LLC  
OWNER  
1224 N MAIN STREET

SHOWS DEARMAN & WAITES  
(601) 544-1821

**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 subject property's configuration and existing site constraints create an exceptional condition that makes development without a drive-through unreasonably difficult.  
Unlike other parcels in the same zoning district, this property has limited frontage and circulation options. A drive-through is necessary to accommodate the proposed use and ensure safe vehicle flow. The hardship is not the result of any action by the applicant, but rather due to the lot's dimensions and location characteristics.

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

Approval of this variance does not confer a special privilege. Similar businesses within the district and surrounding corridors are permitted drive-through facilities when lot conditions allow. This request only enables the subject property to function comparably to others in the same zoning classification.

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.

Literal interpretation of the Code would prohibit the installation of a drive-through and thereby deprive the applicant of rights commonly enjoyed by other properties in the zoning district. Without a variance, the property cannot feasibly support the intended commercial use, creating unnecessary hardship and restricting economic viability.

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

The property cannot be reasonably used for its intended commercial purpose without the inclusion of a drive-through. Customers expect this feature, and the absence would severely limit the site's competitiveness and operational efficiency.

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

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**The request is limited strictly to the minimum variance needed to allow a drive-through lane and stacking area. No additional dimensional relief is sought.**

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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.

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**The variance aligns with the intent of the Land Development Code by promoting orderly growth, safe traffic circulation, and economic development. The site plan incorporates appropriate buffering, traffic management, and design standards so that granting the variance will not conflict with the health, safety, or welfare of the community.**

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**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.