



**URBAN
DEVELOPMENT**

PLANNING DIVISION

HATTIESBURG BOARD OF ADJUSTMENT

PUBLIC HEARING STAFF REPORTS

October 1, 2025

Board of Adjustment Agenda

September 3, 2025, 3:30 PM

Jackie Dole Sherrill Community Center (Dining Room)

220 W Front St

I. Business Meeting

1. Review and approval of October'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. Don McIlwain, Property Owner/Applicant, and Robert Ford, Representative, request a variance from the requirement of accessory structures for residential use to be a maximum of 33% of the primary structure to instead allow for 36% for a property located at 116 S 23rd Avenue (PPIN 16471, Forrest County, Ward 4).
 - B. TABLED ITEM: 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).
 - C. TABLED ITEM: 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

**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.

.....

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.

.....
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:

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 adjourn was passed by an 8-0 vote.

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

Stacey Ready, Secretary

Cory Long, AICP, Planning Division Manager



**URBAN
DEVELOPMENT
PLANNING DIVISION**

**Board of Adjustment
Case Fact Sheet**

Names of Petitioner: Annie Kimbarugh, Property Owner

Address of Property:	Tax Parcels	PPIN:	Ward:
1516 Florida Avenue	2-038D-16-055.00	21775	4

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 Sycampore 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														
	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 × = 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: 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.

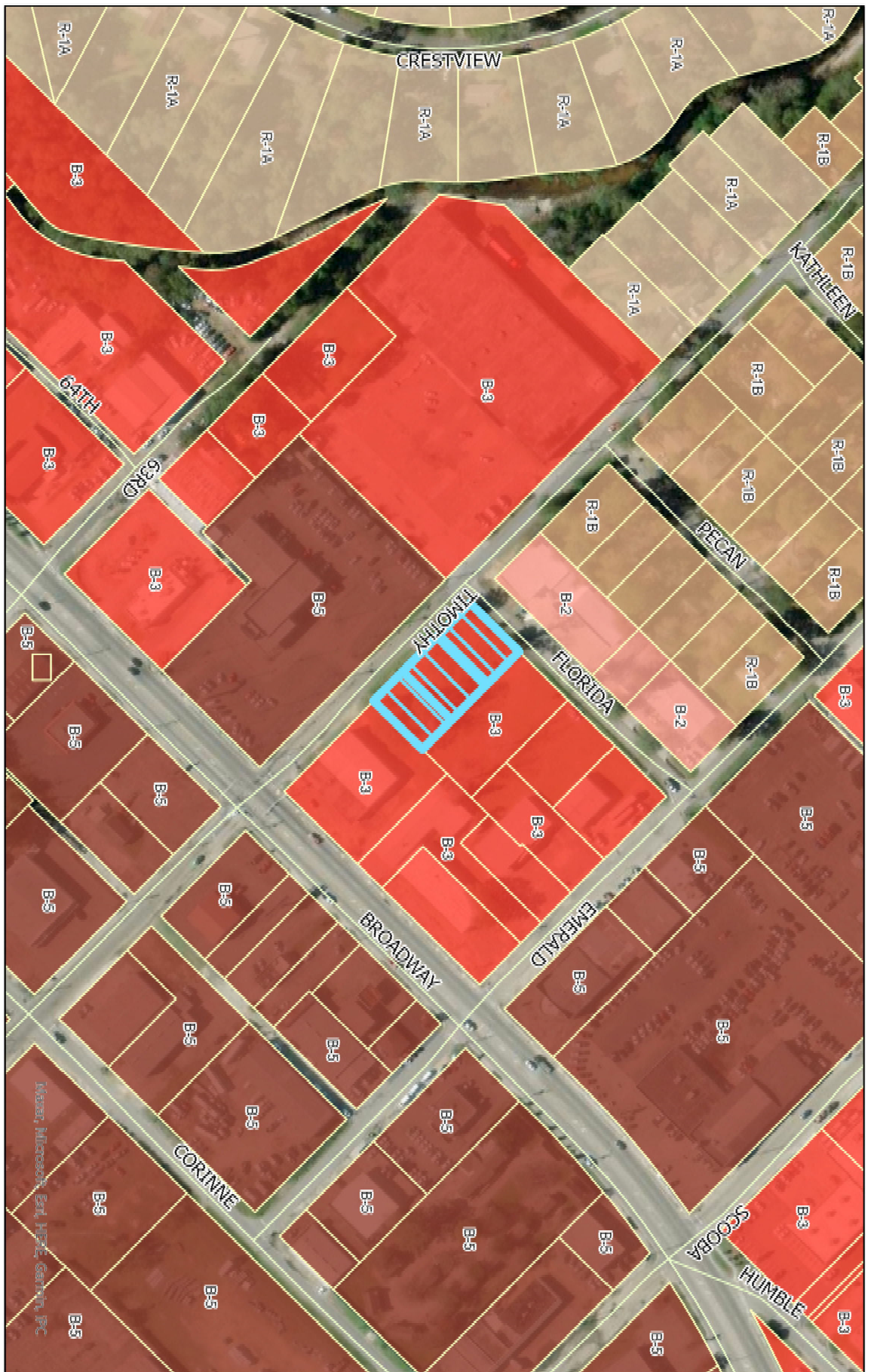
VI. Conformance with the Purposes of this Code. The granting of a variance will not conflict with the purposes and intent expressed or implied in the Land Development Code.

SUBJECT PARCEL

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).





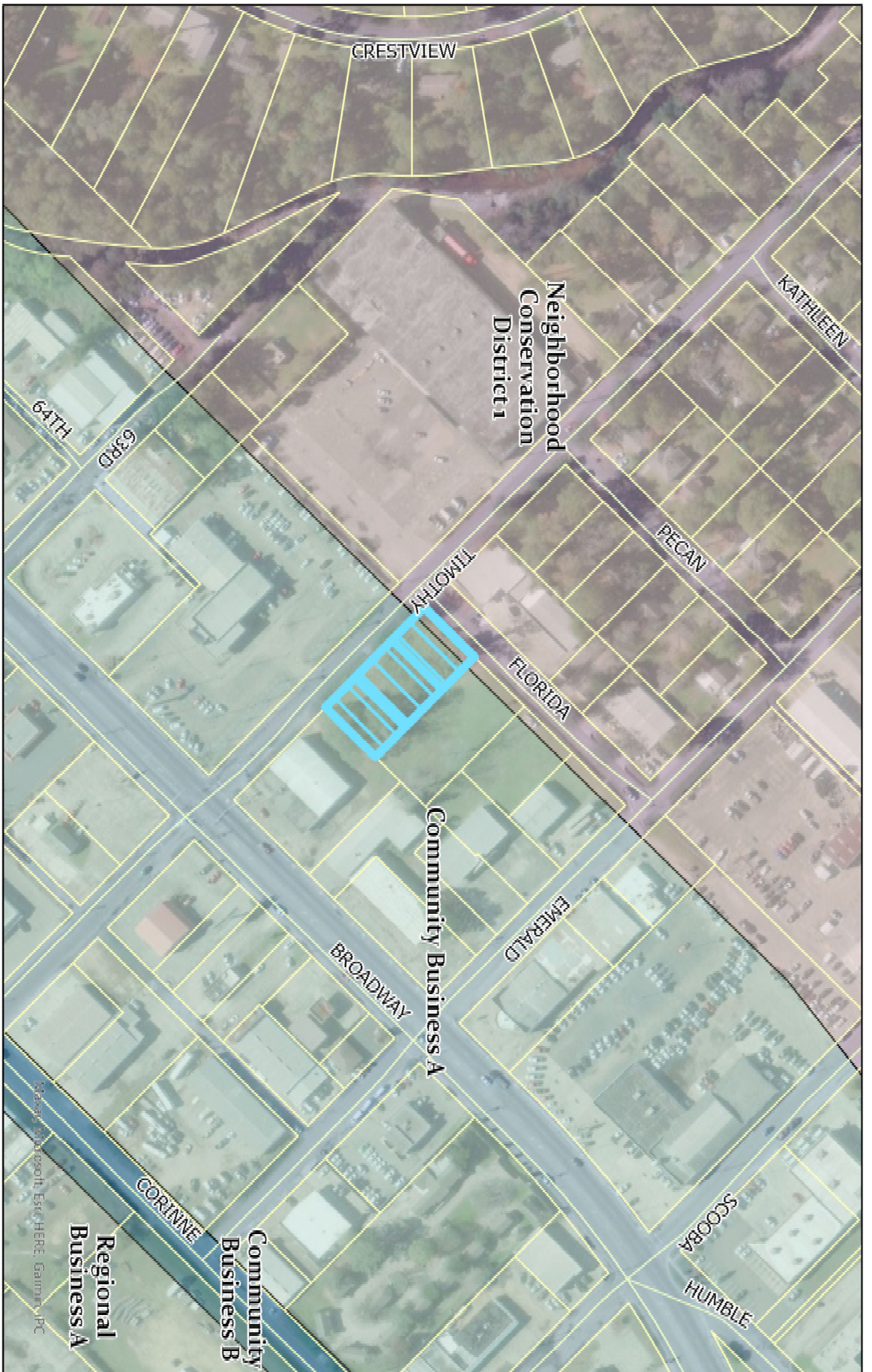
- Zoning Legend**
- R-1A
 - R-1B
 - B-3
 - B-5
 - Subject Property

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



URBAN DEVELOPMENT
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: 8/10/2025 3:26 PM



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



Zoning Legend
 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

Property Area



Surrounding Area





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 for Land Development Code and GIS map. Access via link or QR code



Applicant Information

Name Applicant: Amie Kumbargh 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 <input checked="" type="checkbox"/> Setback <input type="checkbox"/> Off-Site Parking <input type="checkbox"/> Lot Width <input type="checkbox"/> Lot Coverage Area <input type="checkbox"/> Buffer <input type="checkbox"/> Open Space <input checked="" type="checkbox"/> Other: <u>Green Space (3ft), pergola, fence height (6ft) sidewalks</u>
<input type="checkbox"/> Rezoning (fill out page 11)	Existing Zoning: _____ Proposed Zoning: _____
<input type="checkbox"/> Conditional Use (fill out pages 9 & 10)	<input type="checkbox"/> Automotive Filling Station <input type="checkbox"/> Digital Billboard, New <input type="checkbox"/> Digital Billboard, Replacement <input type="checkbox"/> Telecommunications <input type="checkbox"/> Restaurant <input type="checkbox"/> Solar Farm <input type="checkbox"/> Other: _____

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 9th 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 9th 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

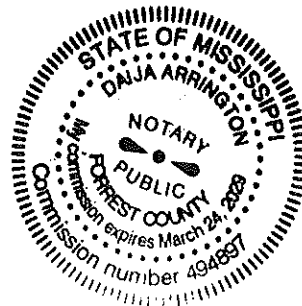
who signed and delivered the above and foregoing instrument as and for their free act and deed on the day and year therein mentioned, and who acknowledge to me that they are the owner(s) of the subject property as described in this Public Hearing Application.

GIVEN UNDER MY HAND AND OFFICIAL SEAL OF OFFICE, this the 9th day of July, 2025.

Danya Sawyer
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 9th 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 9th day of July, 2025.

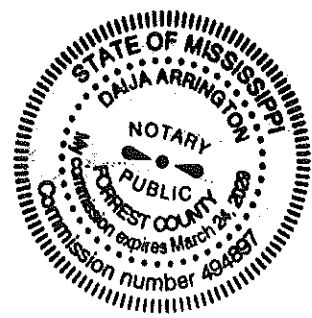
Annie Kimbrough
Property Owner (Print)
Annie Kimbrough
Property Owner (Signature)

STATE OF MS
COUNTY OF Forrest

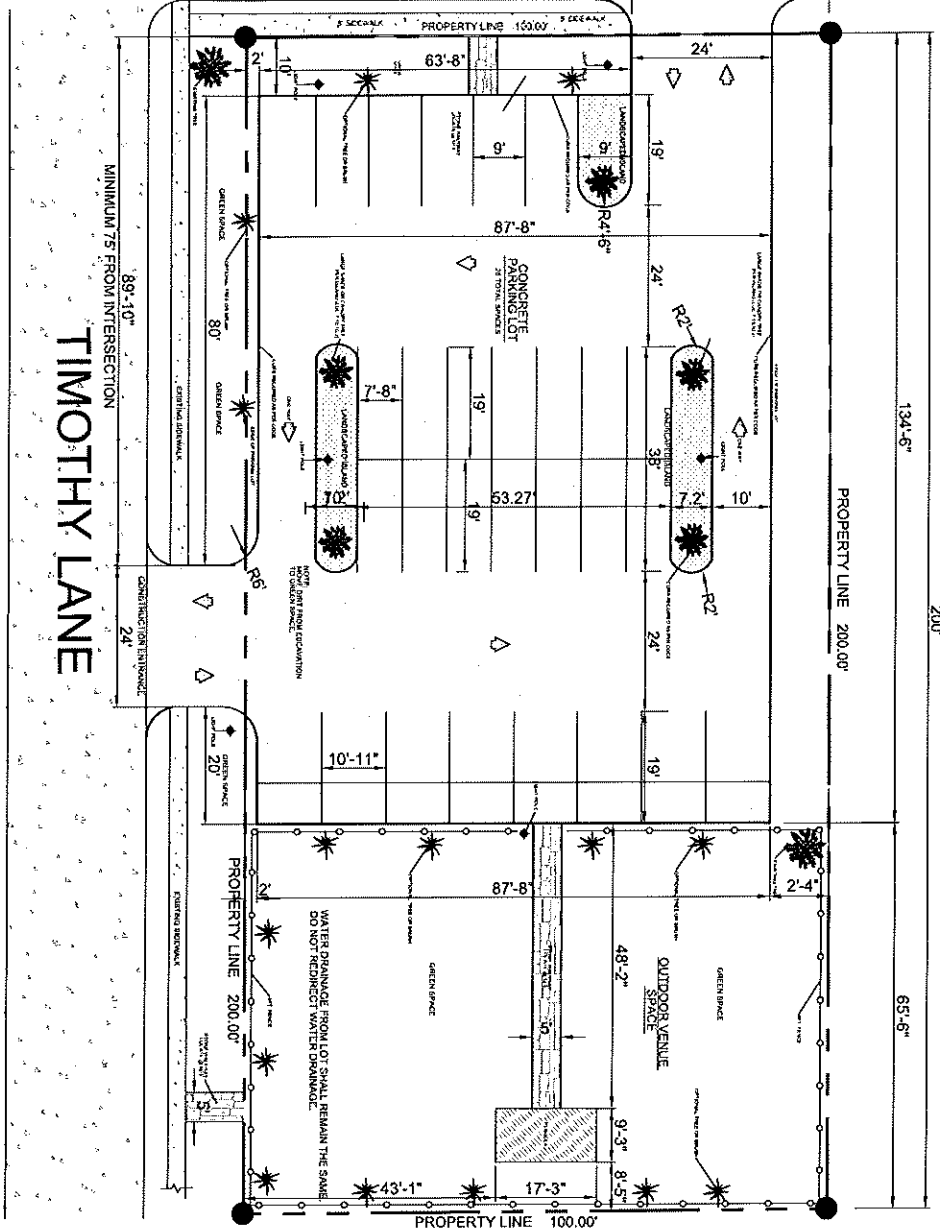
Personally came and appeared before me, the within named Annie Kimbrough who signed and delivered the above and foregoing instrument as and for their free act and deed on the day and year therein mentioned, and who acknowledge to me that they are the owner(s) of the subject property as described in this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

GIVEN UNDER MY HAND AND OFFICIAL SEAL OF OFFICE, this the 9th day of July, 2025.
Danya Lupton
NOTARY PUBLIC

My Commission Expires:
March 24, 2029



FLORIDA AVE.



TOTAL AREA OF LOT	44,888 SQ. FT.
PERMITTED SURFACES	24,720 SQ. FT.
UNPERMITTED SURFACES	20,168 SQ. FT.
% ALLOWED	55% ON 15,000 SQ. FT.

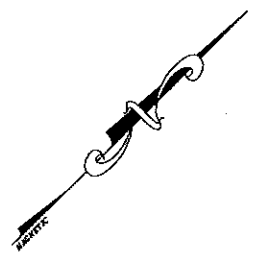
THE VENUE AT SYCAMORE OAKS
PARKING LOT EXPANSION -
SITE PLAN
 SCALE: 1" = 10'-0"

- SITE PLAN NOTES:**
- OWNER TO VERIFY SIZE AND CONFIGURATION OF ALL WALKS AND DRIVES PRIOR TO CONSTRUCTION.
 - GENERAL CONTRACTOR PRIOR TO CONSTRUCTION.

- EROSION CONTROL NOTES:**
- INSTALLATION OF SILT FENCES & ROCK OR HAY BERM BEFORE EROSION & PROVIDE TEMPORARY CAPTURE OF SEDIMENT.
 - REPAIR AND/OR PERMANENT REVEGETATION OF BARE GROUND.
 - CONSTRUCTION OF NIGHT STORMWATER FACILITIES BY THE LAND OWNER OR DEVELOPER IN A MANNER SUCH THAT DETENTION POINTS REVEGETATION OF THE SUBJECT TRACT IS ACCORDING TO THE FOREST ILEAG CONNECTIONS.
 - OTHER MEASURES AS DETERMINED BY FOREST COUNTY OR ITS AGENTS, WHICH MAY BE NECESSARY TO CONTROL EROSION & SEDIMENTATION ON A SITE BY SITE BASIS.
- STORMWATER DETENTION:**
- IT IS PROHIBITED TO PLACE THE MATERIAL TO CONSTRUCT IMPROVED COVER OR GRADING IN A MANNER WHICH ALTERS THE FLOW OF SURFACE WATER ACROSS THE PROPERTY IN A MANNER WHICH DAMAGES OR ADVERSELY AFFECTS FOREST COUNTY OR ANY OTHER PROPERTY.
 - FOREST COUNTY OR ANY OTHER PROPERTY IS LIABLE FOR ANY DAMAGE TO FOREST COUNTY OR ANY OTHER PROPERTY CAUSED BY STORMWATER RUNOFF. ILLICIT DISCHARGES SHALL BE PROHIBITED.
 - SEE FOREST COUNTY ORDINANCE FOR STORMWATER RUNOFF. ILLICIT DISCHARGES SHALL BE PROHIBITED.
 - THIS WATER RUNOFF PLANING DEPARTMENT.

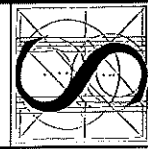
- GENERAL MAINTENANCE & SWEEEPING**
- DISPERSE MATERIALS TO CONDUCT REGULAR INSPECTIONS OF PARKING FACILITY.
 - GENERAL MAINTENANCE & SWEEEPING TO BE PERFORMED BY THE OWNER OR OTHER CONTRACTOR RELIABLE TO THE PROPERTY.
 - ESTABLISH FREQUENTLY SCHEDULED SWEEEPING BASED ON TRAFFIC VOLUME AND WEATHER CONDITIONS. MATERIALS SHOULD BE FLOWED AT THE LOCATION OF ANY STORM DRAINING ON SITE PRIOR TO STORMWATER RUNOFF.
 - STORMWATER DETENTION BASINS SHOULD BE MAINTAINED TO PREVENT OVERFLOWING.
- CONSTRUCTION WORK:**
- NOTIFY STORM DRAIN PROTECTION DISTRICT PRIOR TO ANY CONSTRUCTION WORK ON OR OVER STORM DRAIN INLET. THIS INCLUDES ANY CONSTRUCTION WORK THAT MAY BE NEAR OR OVER STORM DRAIN INLET.
 - DISPERSE A WASHWATER SOLUTION INTO THE GROUND NEAR WASH ON STREET.
 - IF NO WASH AREA IS AVAILABLE, WASHWATER INTO A CONTAINER & DISPOSE OF MATERIALS PROPERLY.
 - DO NOT STORE ANY POTENTIALLY HAZARDOUS LIQUID OR SOLID MATERIALS OUTDOOR STORAGE. ALL HAZARDOUS MATERIALS SHOULD BE STORED IN A CONTAINER & COVER ARE PROVIDED ON THE CONSTRUCTION SITE.
 - BRANDED DITCH UNLESS DRAINAGE IS BLOCKED.
- MOVING:**
- SWEEP PAVEMENT OR SIDEWALKS WHERE GRAVEL CLUMPING, GRANULAR FERTILIZER OR OTHER SOFT 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 USED TO CLEAN THE SIDEWALKS OR PARKING AREAS. WATER SHOULD BE DIRECTED TO THE CURB AND ALLOWED TO FLOW INTO THE DRAINAGE SYSTEM. DO NOT ALLOW WATER TO FLOW INTO THE DRAINAGE SYSTEM.
 - DO NOT HOSE DOWN ANY SIDEWALKS OR PARKING AREAS EXCEPT WHERE WATER IS USED TO CLEAN THE SIDEWALKS OR PARKING AREAS. WATER SHOULD BE DIRECTED TO THE CURB AND ALLOWED TO FLOW INTO THE DRAINAGE SYSTEM.

- STORMWATER BMPS**
- GENERAL MAINTENANCE & SWEEEPING
 - DISPERSE MATERIALS TO CONDUCT REGULAR INSPECTIONS OF PARKING FACILITY.
 - GENERAL MAINTENANCE & SWEEEPING TO BE PERFORMED BY THE OWNER OR OTHER CONTRACTOR RELIABLE TO THE PROPERTY.
 - ESTABLISH FREQUENTLY SCHEDULED SWEEEPING BASED ON TRAFFIC VOLUME AND WEATHER CONDITIONS. MATERIALS SHOULD BE FLOWED AT THE LOCATION OF ANY STORM DRAINING ON SITE PRIOR TO STORMWATER RUNOFF.
 - STORMWATER DETENTION BASINS SHOULD BE MAINTAINED TO PREVENT OVERFLOWING.



CUSTOM DESIGNED FOR:
THE VENUE AT SYCAMORE OAKS

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



PAGE: 1
 DATE: 7/8/2020
 DRAWN BY: J. SMITH

+

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.

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.

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.

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.

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.

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.

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.

(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.

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

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

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

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

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

maintenance, which places our business at an unfair disadvantage.

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

safety issues due to uninvited individuals entering the property.

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

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

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.

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 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.

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

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 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.

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 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.

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

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

This small setback is essential for continued operations.

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.

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.

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):

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

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): 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):

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**

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

Address of Property: 1300 N Main Street	Parcel: 2-029F-04-067.00	PPIN: 14508	Ward: 2
---	------------------------------------	-----------------------	-------------------

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.

Present Zoning:	R-1B Single Family Residential
Present Use:	Vacant Building
Future Land Use:	Neighborhood Business Corridor
Surrounding Zoning and Land Use:	North: R-1A Single-Family Residential 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

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).

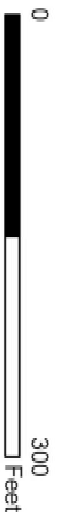




Zoning Legend

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

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



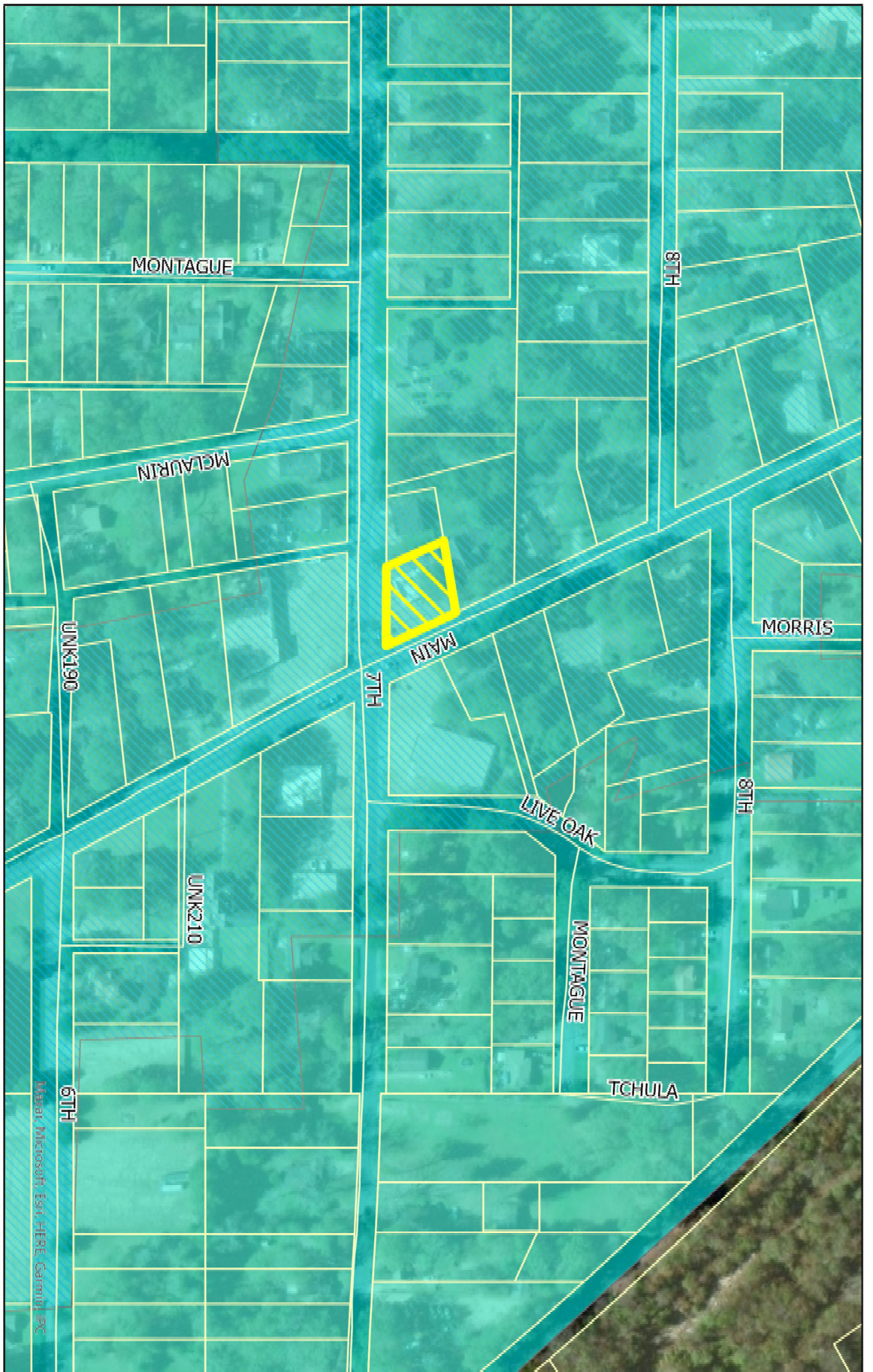
- Future Land Use Map**
- Community Business A
 - Neighborhood Business
 - Neighborhood Conservation District 1

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

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: 6/5/2025 3:15 PM



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



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

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 5:20 PM

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

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 4:13 PM

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 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 <input type="checkbox"/> Setback <input type="checkbox"/> Off-Site Parking <input type="checkbox"/> Lot Width <input type="checkbox"/> Lot Coverage Area <input checked="" type="checkbox"/> Buffer <input type="checkbox"/> Open Space <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> Proposed Zoning: <u>B-3</u>
<input type="checkbox"/> Conditional Use (fill out pages 9 & 10)	<input type="checkbox"/> Automotive Filling Station <input type="checkbox"/> Digital Billboard, New <input type="checkbox"/> Digital Billboard, Replacement <input type="checkbox"/> Telecommunications <input type="checkbox"/> Restaurant <input type="checkbox"/> Solar Farm <input type="checkbox"/> Other: _____

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: <u>R-1B</u>	Historic District: <u>North Main Historic</u>	Flood Zone: <u>X</u>	Ward: <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 #: <u>14508</u>	 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 25th 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 29th 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 28th 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 28th day of July, 2025

[Signature]
NOTARY PUBLIC



My Commission Expires: Oct. 2, 2027



Measurement

Measurement Result | Acres ▾

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:

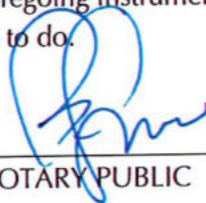
Norris Land & Timber, LLC
A Mississippi Limited Liability Company

By: 
Larry O. Norris, Member

STATE OF MISSISSIPPI
COUNTY OF LAMAR

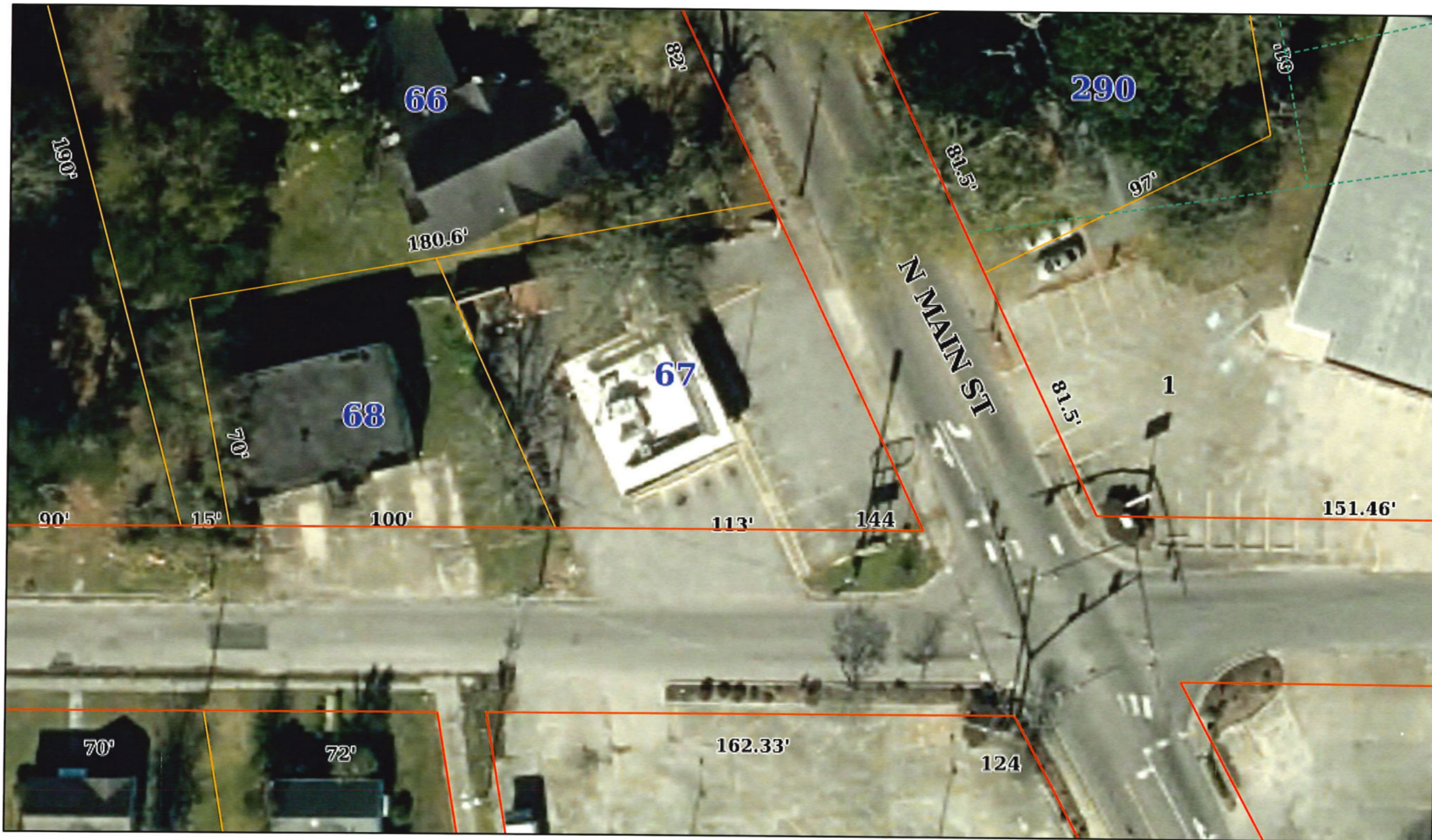
Personally appeared before me, the undersigned authority in and for the said county and state, on this 21st day of March, 2023, within my jurisdiction, the within named **Larry O. Norris** who acknowledged that he was a Member Norris Land & Timber, LLC, a Mississippi limited liability company and that 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.








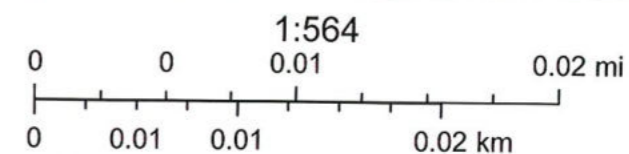
NOTARY PUBLIC

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_subdbl	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)

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

EASEMENT (REQ'D)

CONC PARKING (EXIST)
8 LF 18" CPP (REQ'D LT)

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

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

ASPH PARKING (EXIST)

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

ASPH PARKING (EXIST)

EASEMENT (REQ'D)

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

RCAP (REQ'D LT)
29"x18" RCAP (REQ'D LT)

RCAP (REQ'D LT)

28+00

29+00

30+00

30+00

WEST 7TH STREET

STA 29+28.30
END ROADWAY REHABILITATION
BEGIN MILL & OVERLAY

STA 29+80.32
END MILL & OVERLAY

STA 28+07.80
END ROADWAY RECONSTRUCTION
BEGIN ROADWAY REHABILITATION

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

SEWER PIPE & MH'S SHALL BE
REPLACED IN PLACE (THIS PROJECT)
(SEE SEWER PLAN SHEETS)

PROPOSED 8" SEWER LINE
(SEE SEWER PLAN SHEETS)

RESIDENCE (EXIST)

10' ROW
ALLEY

BUSINESS (EXIST)
(OFF THE PAGE)

CONC PARKING (EXIST)

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.

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.

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 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.

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.

October 2025 BOA Item: C
Accessory Structure Size Variance
Don McIlwain, Property Owner/Applicant, and Robert Ford, Representative



**Board of Adjustment
Case Fact Sheet**

Names of Petitioner: Don McIlwain, Property Owner/Applicant, and Robert Ford, Representative

Address of Property:	Parcel:	PPIN:	Ward:
116 S 23 rd Avenue	2-0280-08-104.00	16471	4

Request(s): Accessory Structure Size Variance

Purpose of Request: Don McIlwain, Property Owner/Applicant, and Robert Ford, Representative, request a variance from the requirement of accessory structures for residential use to be a maximum of 33% of the primary structure, to instead allow for 36% for a property located at 116 S 23rd Avenue (PPIN 16471, Forrest County, Ward 4).

History / Background: The applicant met with staff in the summer of 2025 and discussed an accessory structure addition to the home at 116 S 23rd Avenue. The Land Development Code allows for the size of the accessory structures to be a maximum of 33% of the size of the primary structure. The accessory structure will be a carport that will cover the existing parking slab. The carport structure is currently 36% of the primary structure. This property is located in the Parkhaven Historic District, and the carport will need approval with the Historic Conservation Commission and have an approved variance before it can be constructed.

Applicant Summary: See Attached

Applicable Regulations:

SECTION 5

Use Regulations

5.4.2 Accessory Uses, Buildings.

5.4.2.1 In no event shall “accessory use” or “accessory structure” be construed to authorize a use or structure not otherwise permitted in the district in which the principal use is located.

5.4.2.2 All accessory uses and accessory structures shall conform to the applicable requirements of this ordinance, including all dimensional requirements and use, design and landscaping standards applicable to the primary use/structure. The provisions of this section establish additional requirements and restrictions for particular accessory uses and structures.

5.4.2.3 Accessory uses and structures that are clearly related to and incidental to the permitted principal use or structure on the lot are permitted in all districts.

5.4.2.4 All accessory uses and structures shall require the issuance of a certificate of zoning compliance.

5.4.2.5 Structures accessory to residential uses (except for agricultural buildings located in agricultural districts) shall have a combined floor area (aggregate of all detached accessory structures) of no more than 33% of the total floor area of the principal structure.

5.4.2.6 No accessory structure shall be located in a required front yard nor shall any accessory structure on a residential lot located in any zoning district be placed between the street and the rear building line of the principal structure except that:

- i. In the A1 District, accessory structures located more than 100 feet from the primary street may be placed in the front yard; and
- ii. Detached garages shall be permitted in side yards.
- iii. Accessory residential structures shall be five (5) feet from the rear property line and five (5) feet from the side property lot. No accessory structure on a corner lot shall project beyond the front yard line of the lots in the rear.

October 2025 BOA Item: C

Accessory Structure Size Variance

Don McIlwain, Property Owner/Applicant, and Robert Ford, Representative

5.4.2.7 Temporary buildings and storage of materials and goods associated with construction or remodeling activity are permitted for a period not to exceed six months. One six-month extension may be granted on a case-by-case basis.

Present Zoning: R-1A Single Family Residential

Present Use: Dwelling, Single Family

Future Land Use: Neighborhood Conservation District 1

Surrounding Zoning and Land Use:
North: R-1A Single-Family Residential
South: R-1A Single-Family Residential
East: R-1A Single-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 request for a variance from the requirement of accessory structures for residential use to be a maximum of 33% of the primary structure, to instead allow for 36% for a property located at 116 S 23rd Avenue (PPIN 16471, 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

October 2025 BOA Item: C

Accessory Structure Size Variance

Don McIlwain, Property Owner/Applicant, and Robert Ford, Representative
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.

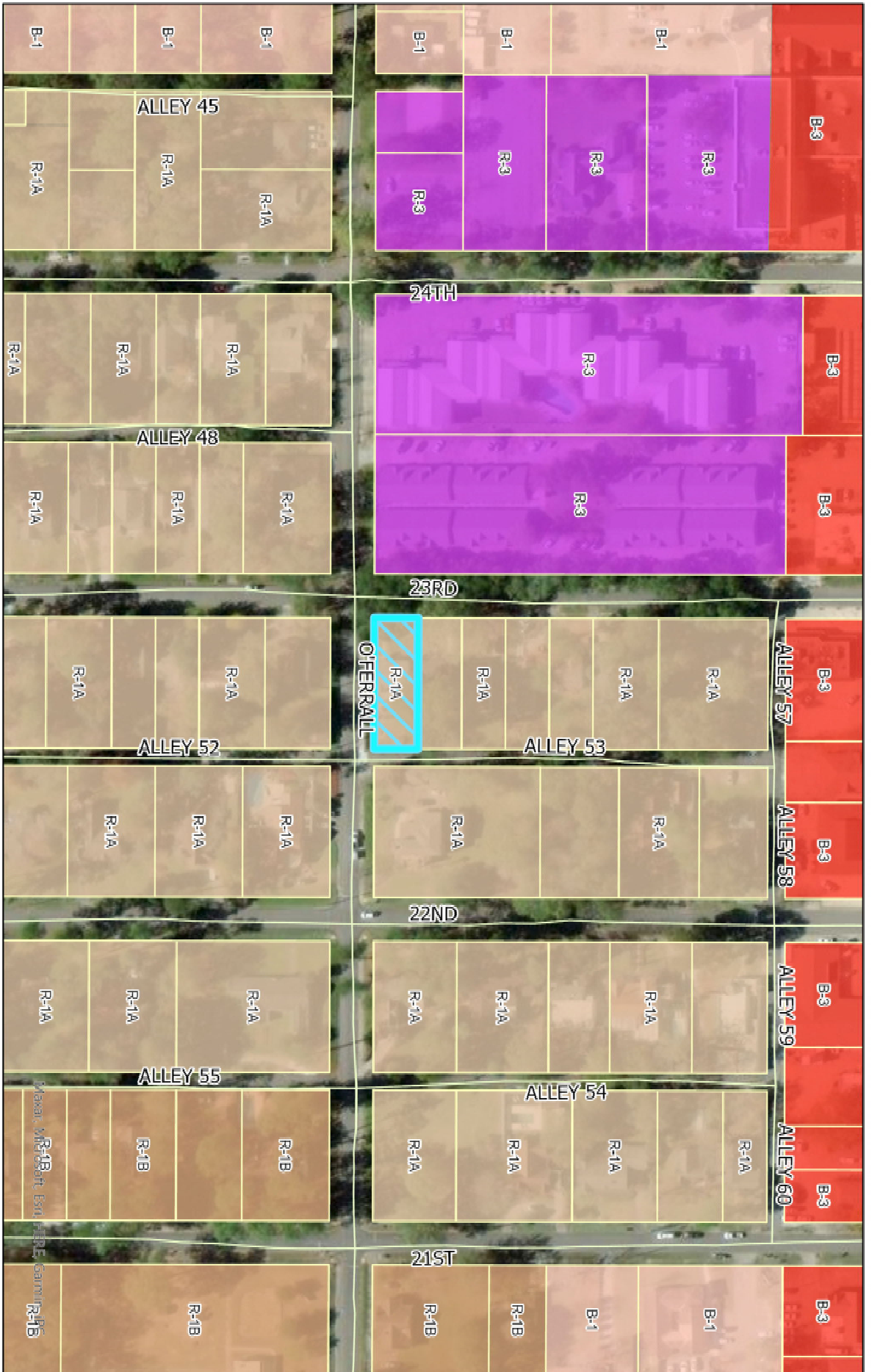
VI. Conformance with the Purposes of this Code. The granting of a variance will not conflict with the purposes and intent expressed or implied in the Land Development Code.

SUBJECT PARCEL

116 S 23rd Avenue— Variance Request

Don McIlwain, Property Owner/Applicant, and Robert Ford, Representative, requests a variance from the requirement of accessory structures for residential use to be a maximum of 33% of the primary structure to instead allow for 36% for a property located at 116 S 23rd Avenue (PPIN 16471, Forrest County, Ward 4).





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

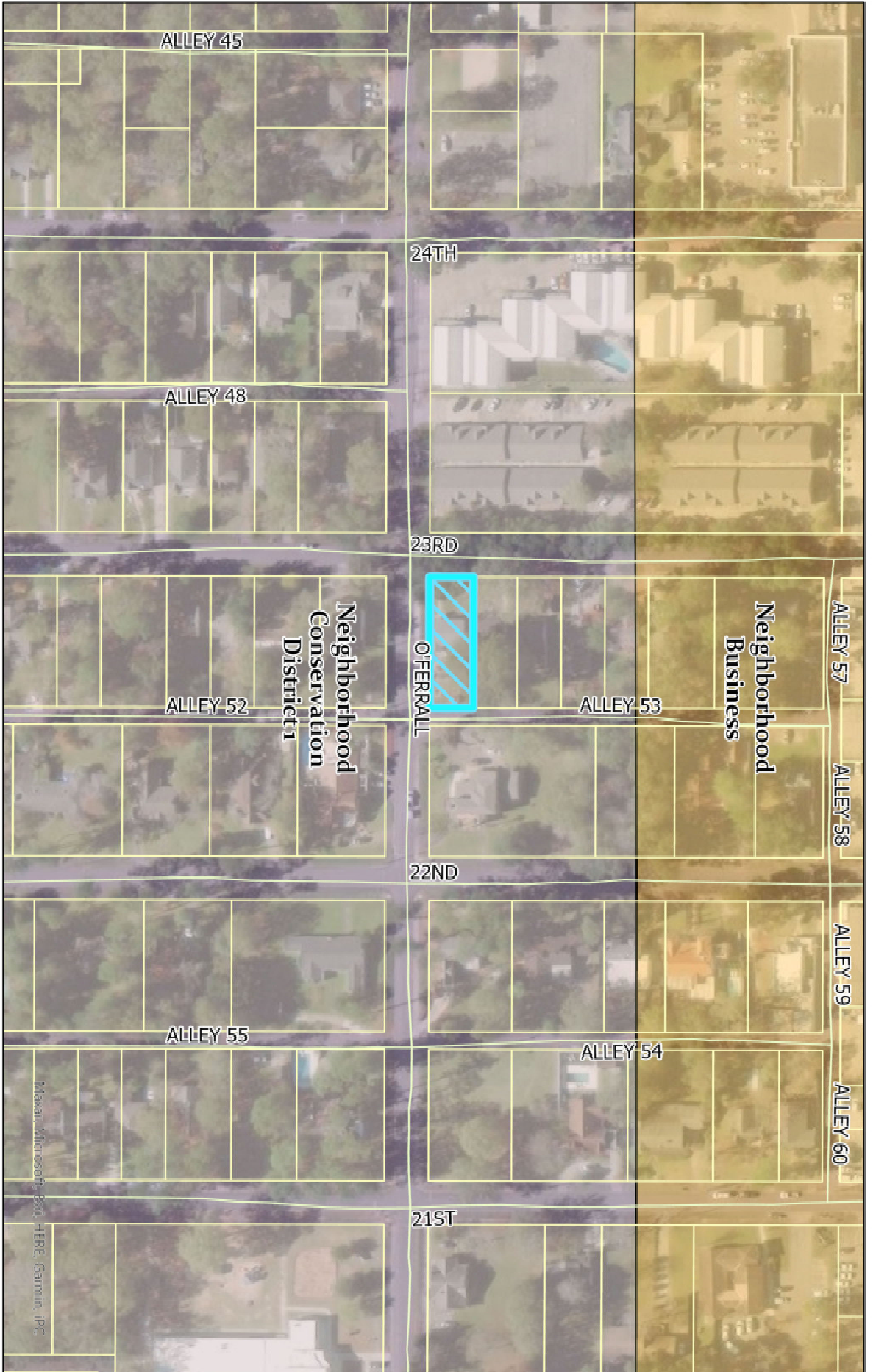
Variance Request
 116 S 23rd Avenue
 PPIN: 16471
 Flood Zone: X
 Ward 4, Forrest County



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: 8/27/2025 2:12 PM

Center: 89°19'29"W 31°19'23"N



- Future Land Use Map**
- Neighborhood Business
 - Neighborhood Conservation District 1
 - Subject Property

Variance Request
 116 S 23rd Avenue
 PPIN: 16471
 Flood Zone: X
 Ward 4, 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: 8/27/2025 2:21 PM

Center: 89°19'29"W 31°19'23"N



Historic Districts

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

DISCLAIMER: This map is ONLY FOR REFERENCE. There is NO WARRANTY of the accuracy of data. This information CAN NOT be used as a substitute for legal, business, tax or other professional advice. Map Exported on: 8/27/2025 2:19 PM

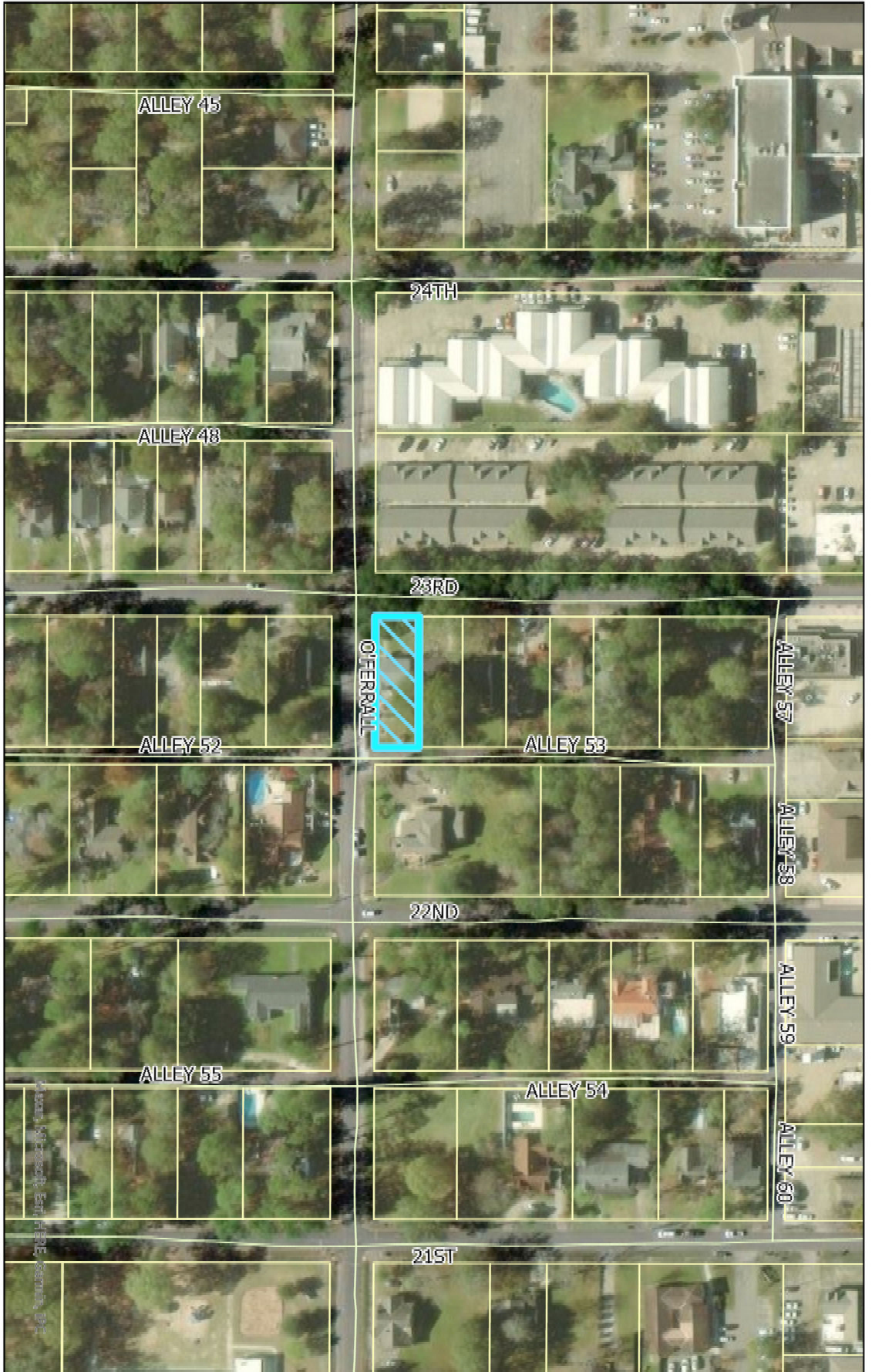
Variance Request
 116 S 23rd Avenue
 PPIN: 16471
 Flood Zone: X
 Ward 4, Forrest County




URBAN DEVELOPMENT
PLANNING DIVISION

Center: 89°19'29"W 31°19'23"N

Site Aerial



Zoning Legend
 Subject Property

Variance Request
 116 S 23rd Avenue
 PPIN: 16471
 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: 8/27/2025 2:11 PM

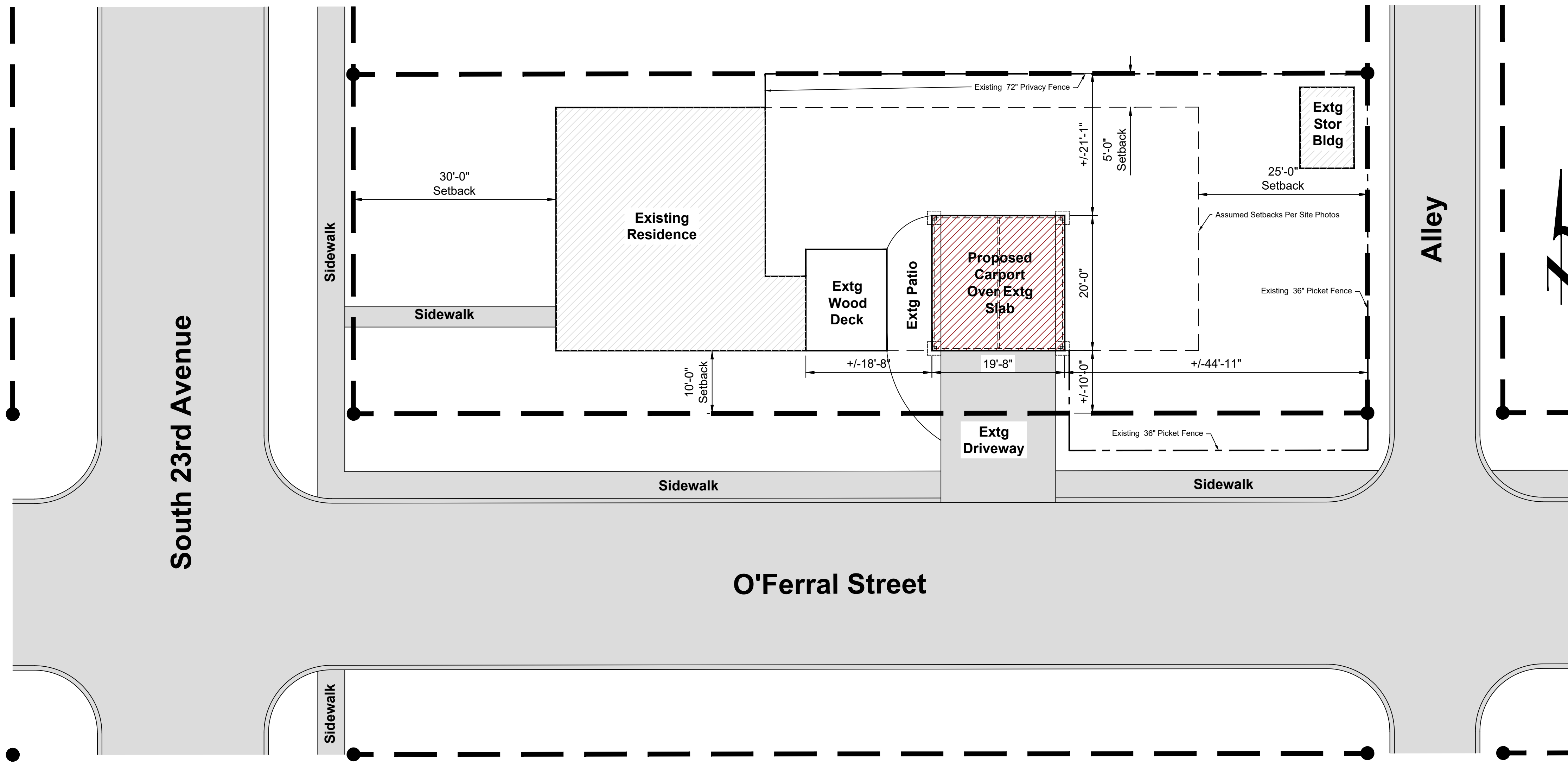


Property Area



Surrounding Area





Lot Setbacks	
Front:	30'-0"
Rear:	25'-0"
Sides:	10'-0"
Other:	5'-0" Int. Side

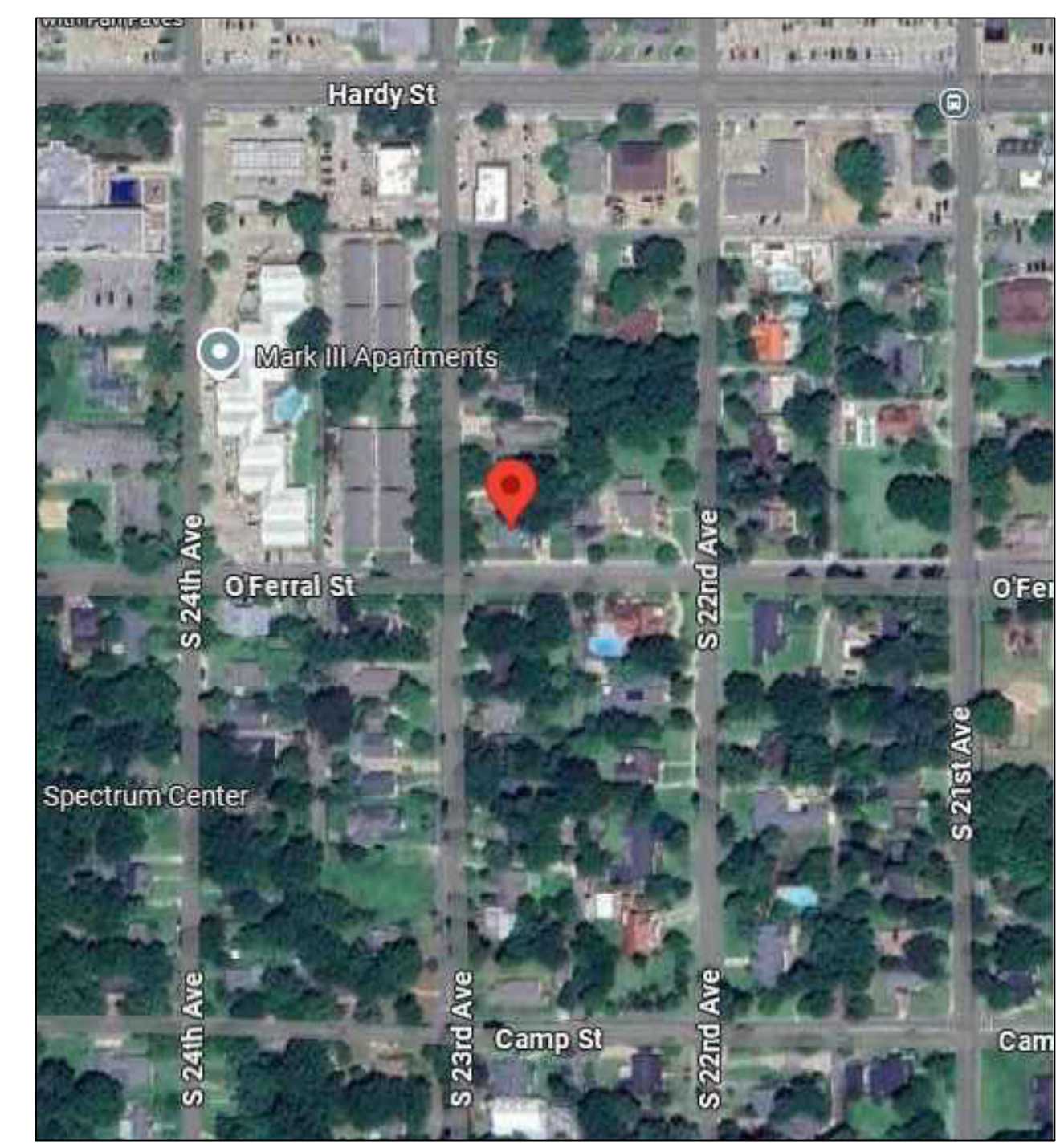
Site Legend	
	Property Line
	Setback Line
	Batter Board Lines
	Concrete
	Outline of Residence
	Paved Road
	Property Corner

Site Plan Notes:

1. Building Location to be Verified With Owner Prior to Construction.
2. Driveway and Sidewalk Layout to be Verified With Owner Based on Site Conditions. Modify as Required.
3. All Property Line Measurements are Approximate and Derived From Existing Survey, by Others.
4. Contractor to Verify Drive With Existing Mailboxes & Other Obstructions to Allow Proper Clearance When Entering and Exiting Drive.
5. Contractor to Verify all Existing Utilities Prior to Construction and Adjust Construction Elements as Required.
6. Verify Front Setback of Home at Site. Front of Home to be Consistent With Other Adjacent Homes.

General Note:

Farve Residential Service, LLC. Not Being an Architectural or Engineering Firm Assumes NO Liability for Structural or Architectural Design Integrity. Great Care and Effort Has Been Made in the Development of These Plans and the Completion of These Construction Documents. Farve Residential Service, LLC Highly Recommends That These Plans be Reviewed by a Licensed Structural Engineer and/or an Architect, in Addition to Your Local Building Officials Prior to Construction. Additional Engineering may be Required to Comply With Seismic, Wind, and Other Special Conditions Required by Local Code. If an Error and/or Omission Does Occur, it is the Sole Responsibility of the Contractor to Remedy the Error and/or Omission at His Own Expense and not the Responsibility of the Drafting Service. Contractor is Responsible for Verification of Dimensions in the Field and Shall Build the Structure in Strict Accordance With the 2018 International Building Code Series. All Foundation and Structural Plans and Details are General in Nature and Shall be Reviewed by a Structural Engineer Prior to Construction.



101 Vicinity Map
SCALE----- Not to Scale

103 Site Plan
SCALE----- 1" = 10'

Site Plan was Derived From Digital Imaging & GIS Maps. All Information Shall be Verified on Site for Compliance with City of Hattiesburg Zoning Requirements.

**Carport Project
116 South 23rd Avenue
Hattiesburg, MS**



102 Site Photo of Proposed Carport Location
SCALE----- Not to Scale

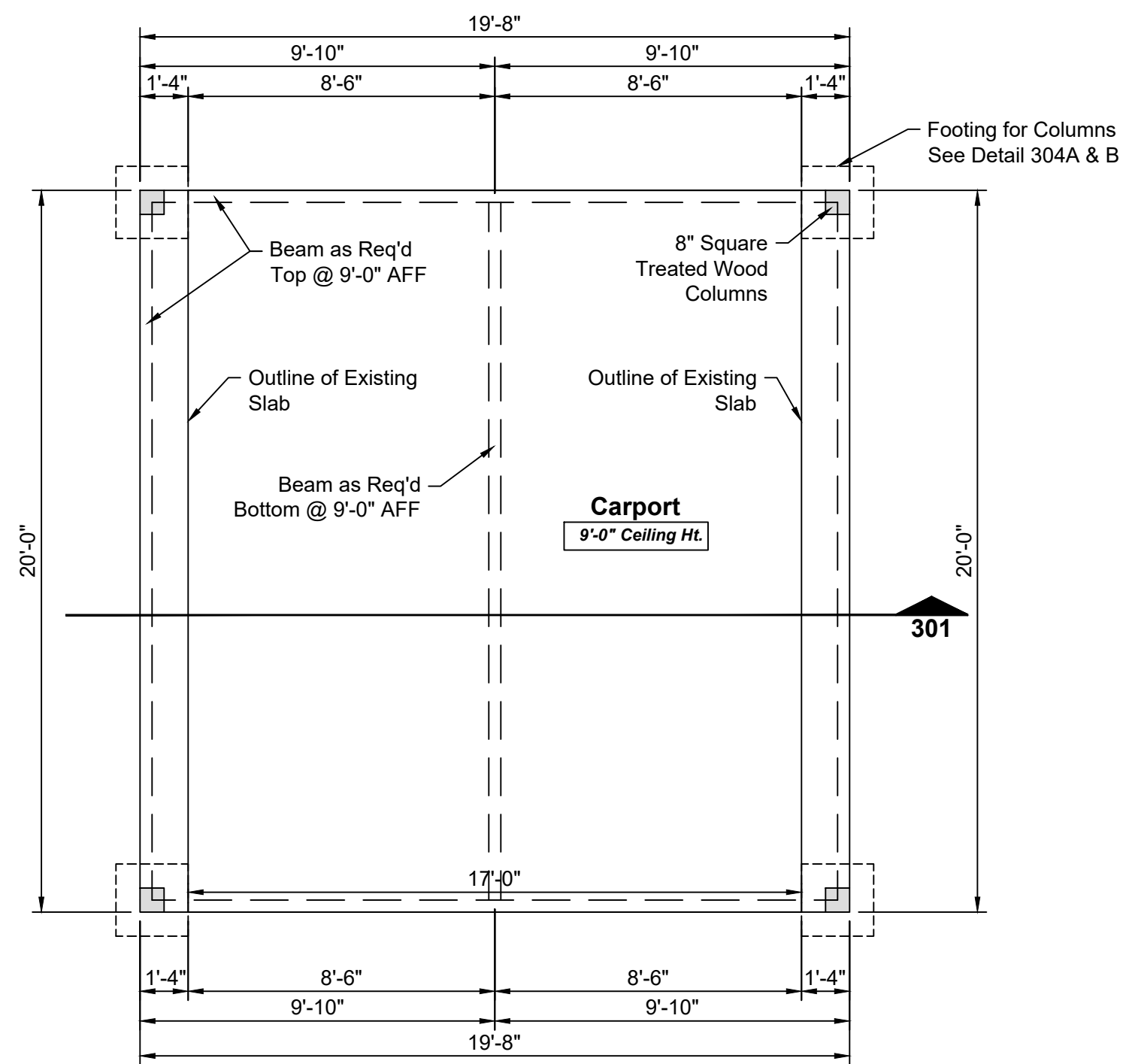
Existing Slab to be Utilized for Proposed Carport Location is to be Where the Car in Photo 102 is Parked.

ALL Carport Finishes are to Match Existing Residence as Closely as Possible in Size, Color, and Profile.



FARVE RESIDENTIAL SERVICE, LLC
263 Farve Road
Sumrall, MS 39482
Craig Farve - Owner/Operator
Phone: 769-250-0958

Carport Project 116 South 23rd Avenue Hattiesburg, Mississippi	Mcllwain Residence Site Plan
--	---------------------------------



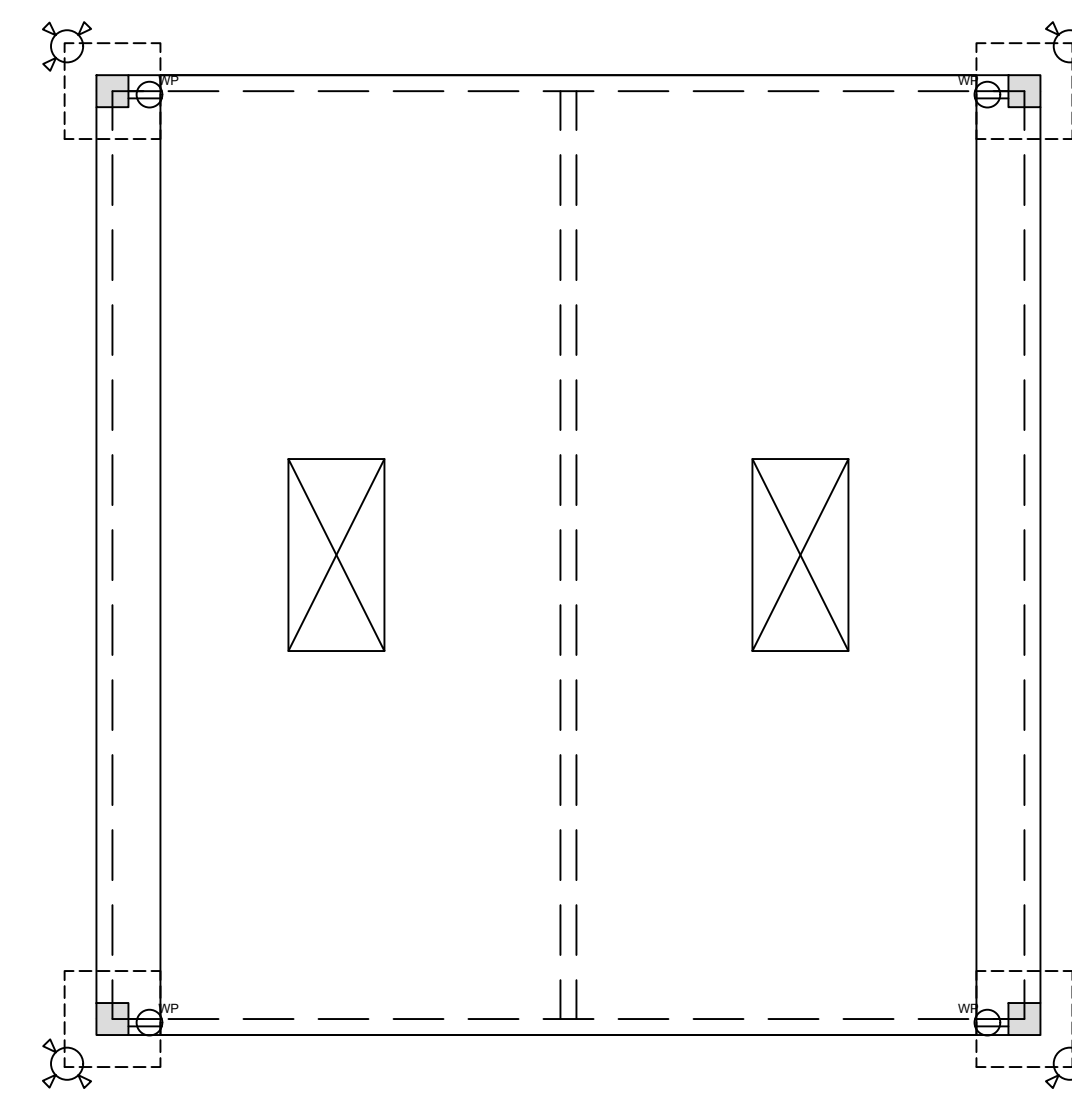
Floor Plan Notes:

1. All Dimensions & Site Conditions to be Verified by Contractor Prior to Construction.
2. All Finishes (Interior & Exterior) to be Verified With Owner Prior to Construction.
3. Contractor to Adapt Plans as Required to Meet All Applicable Codes at Site.
4. All Beams and Trusses to be Sized by Licensed Structural Engineer.
5. Columns and Posts Shall be Adequately Anchored to Prevent Lateral Displacement.

Exterior Elevation Notes:

1. Contractor to Verify All Window and Door Styles and Sizes With Owner Prior to Construction.
2. Provide Steps and Guard Rails as per Code Based Upon Site Conditions.
3. Ground Lines Shown for Reference Only and Vary Depending Upon Site Conditions.
4. All Finish Materials to be Verified With Owner Prior to Construction.
5. Refer to Typical Wall Detail for Framing Methods and Other Misc. Information.
6. Contractor to Provide Adequate Roof Ventilation as Required by Current Codes.

ALL Carport Finishes are to Match Existing Residence as Closely as Possible in Size, Color, and Profile.



Electrical Plan Notes:

Switches and Electrical Connections are not Shown. Owner to Locate These Items During Electrical Walk-Through With Electrical Contractor.

Contractor Shall Provide AV, Security, and Communication Wiring as Per Owners Request. Location Shall be Determined During Walk-Through With Electrical Contractor.

Contractor Shall Provide Power as Required for all Equipment to be Located in Building - Verify Location Prior to Construction.

Ground-Fault Circuit-Interrupter (GFCI) Protection shall be required for a receptacles located in bathrooms, garages, accessory buildings, crawl spaces, outdoors, unfinished basements, kitchen receptacles that services countertop surfaces, dishwasher circuit, receptacles within 6' of sinks, bathtubs, shower stalls, boathouses, boat hoists, and electrically heated floors.

Arc-Fault Circuit-Interrupter (AFCI) Protection shall be required for all receptacles and luminaires installed in family rooms, dining rooms, living rooms, parlors, libraries, dens, bedrooms, sunrooms, recreation rooms, closets, hallways, and other similar rooms or area.

Combination AFCI/GFCI protections shall be required for all receptacles in kitchens (other than the required GFCIs listed above) and laundry areas.

All outdoor receptacles are required to be GFCI protected with a water-proof cover. Where applicable, water-proof in-use covers shall be utilized.

Electrical Symbol Legend

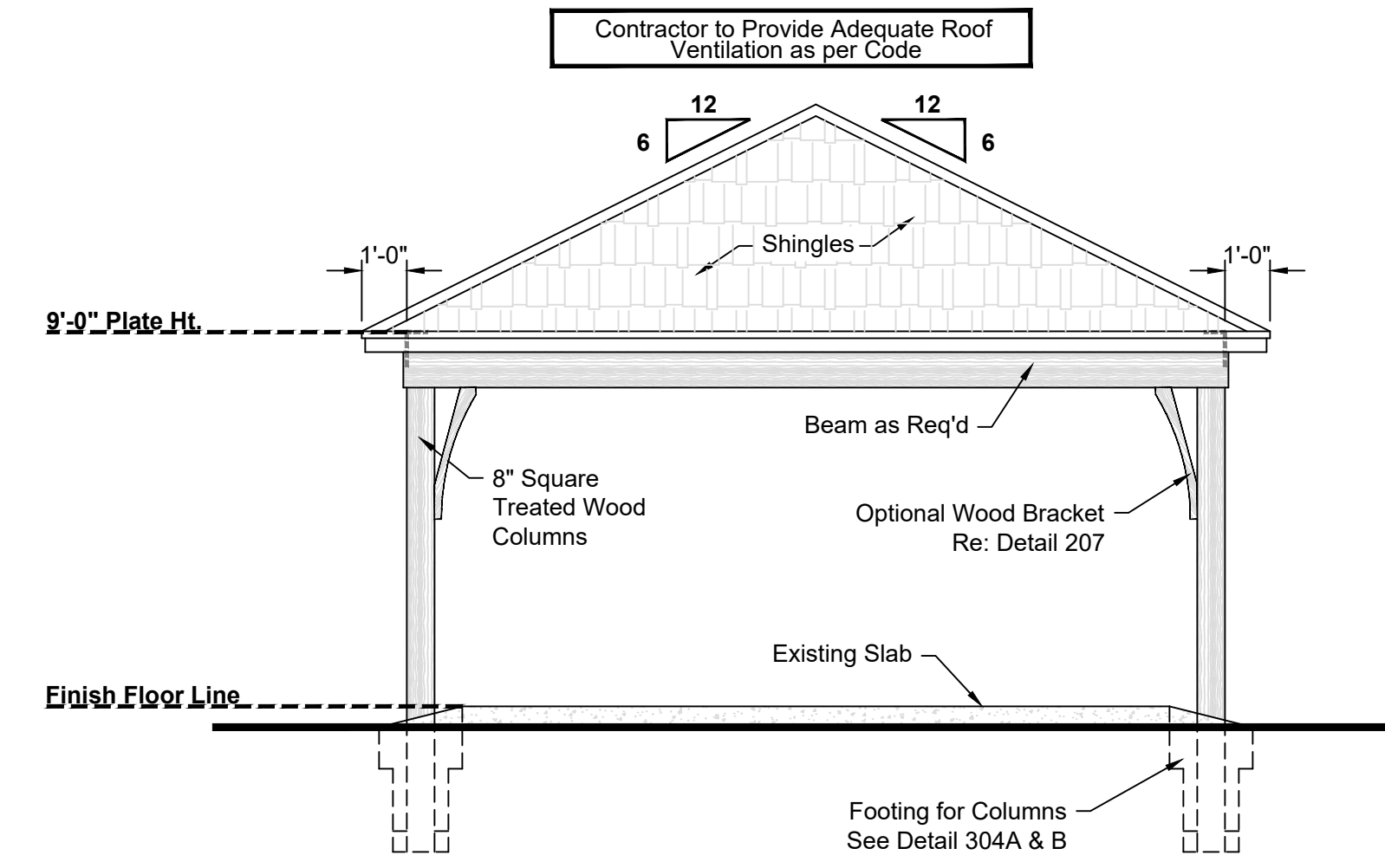
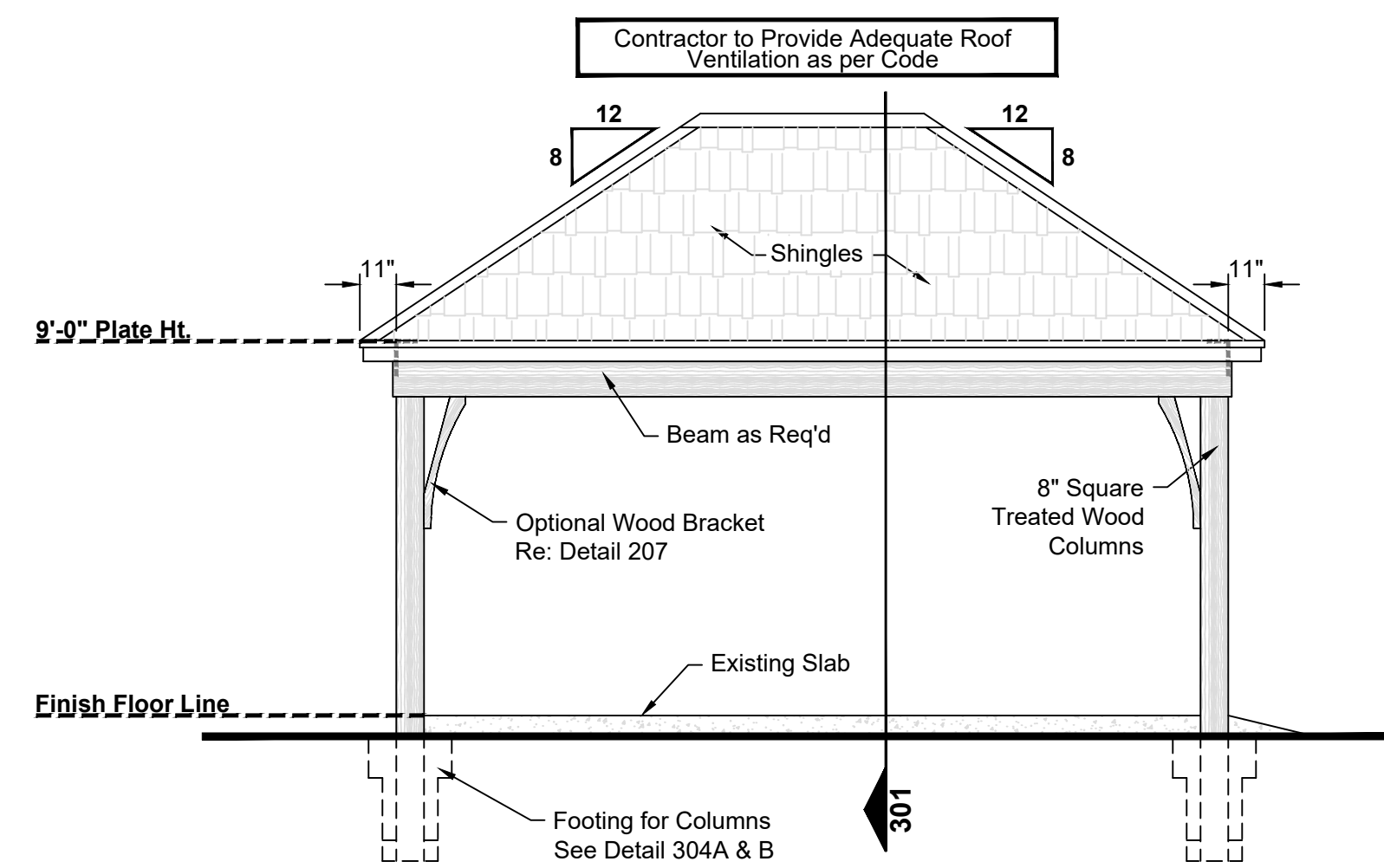
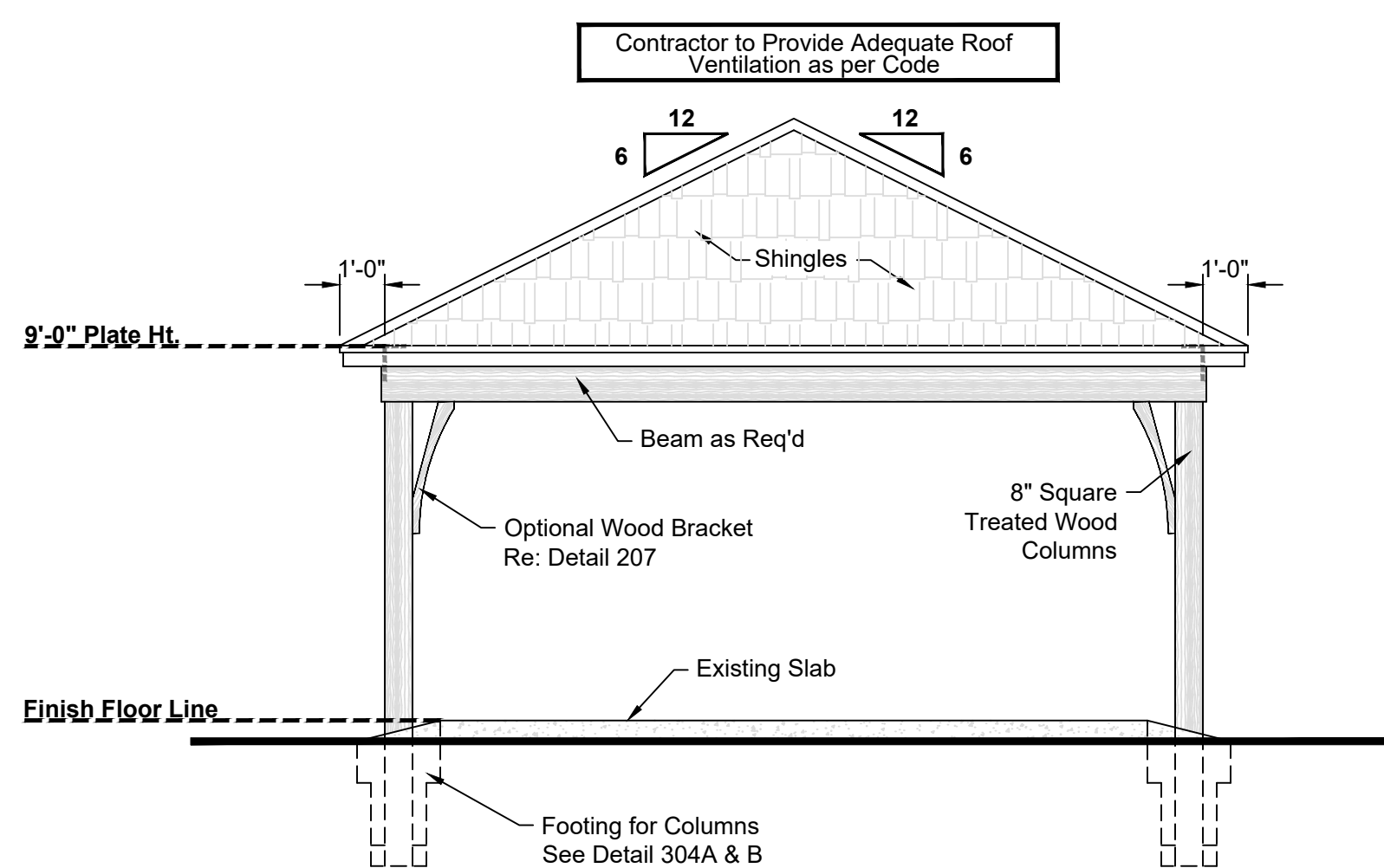
	110 Volt Outlet
	Ground Fault Protected Outlet
	Weatherproof Outlet
	220 Volt Outlet
	110 Volt Ceiling Outlet
	Ceiling Hung Fixture
	Soffit Hung Flood Lights
	Recessed Ceiling Fixture
	Wall Hung Fixture
	Fluorescent Light Fixture
	Carbon Monoxide Detector
	Smoke Detector
	Doorbell Button
	Ceiling Exhaust Fan (Vent to Exterior as Per Code)
	Ceiling or Wall Mount Emergency Light Only
	Ceiling or Wall Mount Exit Sign Only
	Ceiling or Wall Mount Emergency Light/Exit Sign Combo
	Ceiling Fan Only - no Light KIT
	Ceiling Fan With Light Kit

Electrical Notes:

1. All Work Shall Comply With All Codes Applicable at Site.
2. A 125 Volt, Single Phase, 15-20 Ampere Rated Receptacle Outlet Shall be Installed at an Accessible Location for the Servicing of Heating, Air Conditioning, and Refrigeration Equipment. The Receptacle Shall be Located on the Same Level and Within 25 Feet of the Equipment. The Receptacle Outlet Shall not be Connected to the Load Side of the HVAC Equipment Disconnecting Means.

201 Floor Plan
SCALE----- 1/4" = 1'-0"

202 Electrical Plan
SCALE----- 1/4" = 1'-0"



203 Front Elevation
SCALE----- 1/4" = 1'-0"

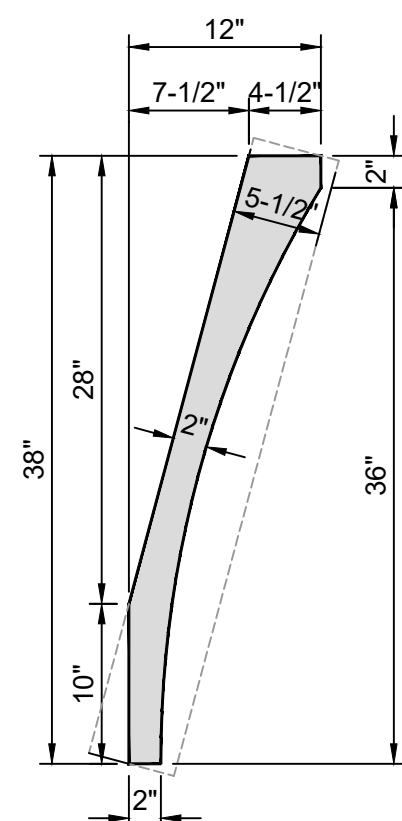
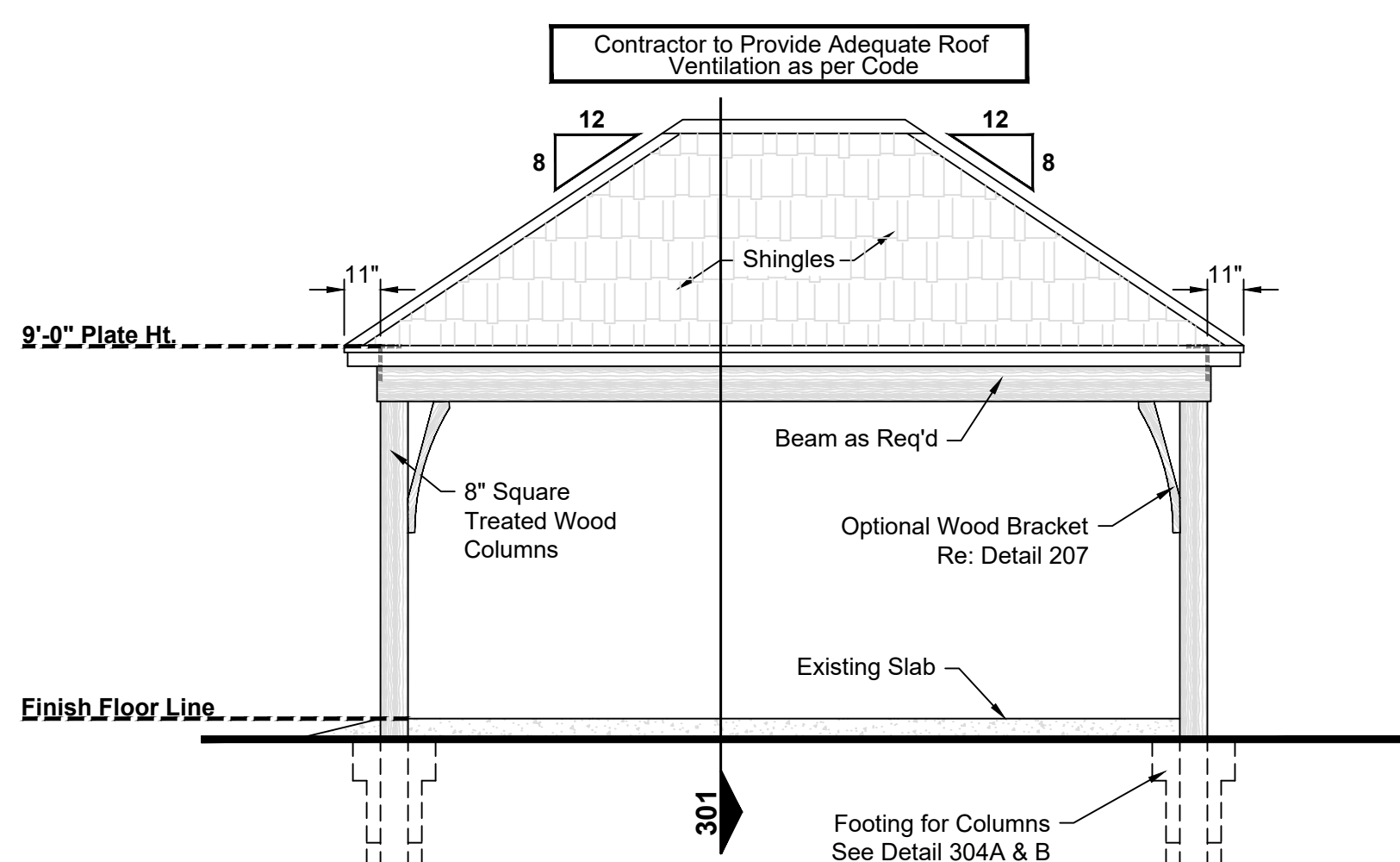
204 Left Side Elevation
SCALE----- 1/4" = 1'-0"

205 Rear Elevation
SCALE----- 1/4" = 1'-0"

Existing Square Footage

393 S.F.	Unheated - Total Area
393 S.F.	Total Under Roof- Masonry NOT Included

Notes:
Square Footage is approximate & does NOT include masonry.



Rafter Length Chart

Roof Pitch	Factor
3/12	1.05
4/12	1.07
5/12	1.10
6/12	1.14
7/12	1.17
8/12	1.20
9/12	1.25
10/12	1.30
11/12	1.35
12/12	1.40
14/12	1.54
16/12	1.70

Multiply Horizontal Span of Member by Factor. Choose Appropriate Factor by Roof Pitch.

Hip/ Valley Conversion

If Common Rafter Roof Pitch is...		Then Hip/ Valley Rafter Roof Pitch Becomes...	
Rise/ Run	Slope	Rise/ Run	Slope
1/12	5°	1/17	3°
2/12	10°	2/17	7°
3/12	14°	3/17	10°
4/12	18°	4/17	13°
5/12	23°	5/17	16°
6/12	27°	6/17	19°
7/12	30°	7/17	22°
8/12	34°	8/17	25°
9/12	37°	9/17	28°
10/12	40°	10/17	30°
11/12	42°	11/17	33°
12/12	45°	12/17	35°

Conversion Chart for Simple Roofs Only. Chart Does not Apply for Dual Pitch Roofs.

General Note:

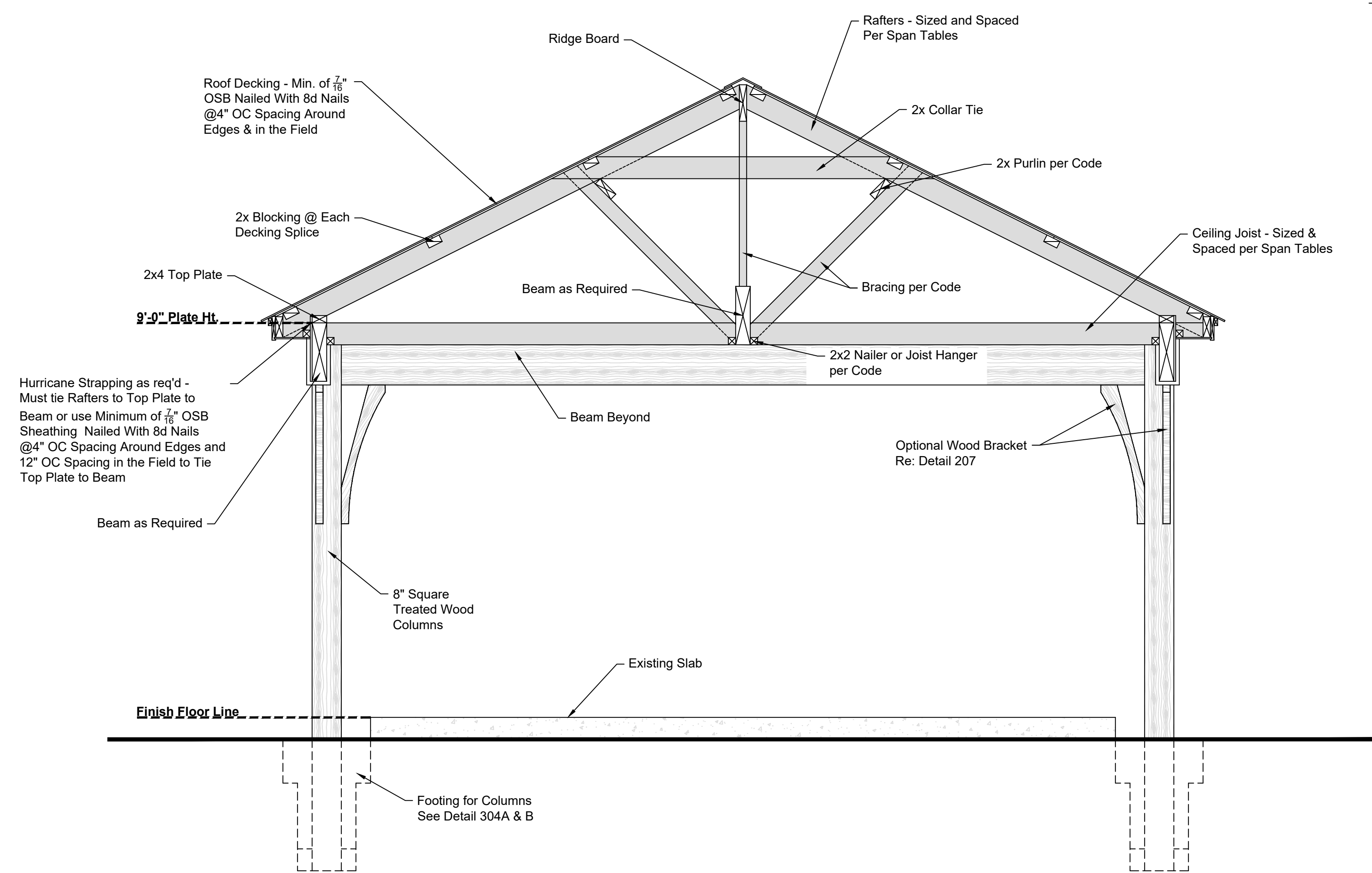
Farve Residential Service, LLC. Not Being an Architectural or Engineering Firm Assumes NO Liability for Structural or Architectural Design Integrity. Great Care and Effort Has Been Made in the Development of These Plans and the Completion of These Construction Documents. Farve Residential Service, LLC Highly Recommends That These Plans be Reviewed by a Licensed Structural Engineer and/or an Architect, in Addition to Your Local Building Officials Prior to Construction. Additional Engineering may be Required to Comply With Seismic, Wind, and Other Special Conditions Required by Local Code. If an Error and/or Omission Does Occur, it is the Sole Responsibility of the Contractor to Remedy the Error and/or Omission at His Own Expense and not the Responsibility of the Drafting Service. Contractor is Responsible for Verification of Dimensions in the Field and Shall Build the Structure in Strict Accordance With the 2018 International Building Code Series. All Foundation and Structural Plans and Details are General in Nature and Shall be Reviewed by a Structural Engineer Prior to Construction.

FARVE RESIDENTIAL SERVICE, LLC
263 Farve Road
Sumrall, MS 39482
Craig Farve - Owner/Operator
Phone: 769-250-0958

Carport Project
116 South 23rd Avenue
Hattiesburg, Mississippi

Mcllwin Residence
Floor Plan, Electrical Plan,
& Exterior Elevations



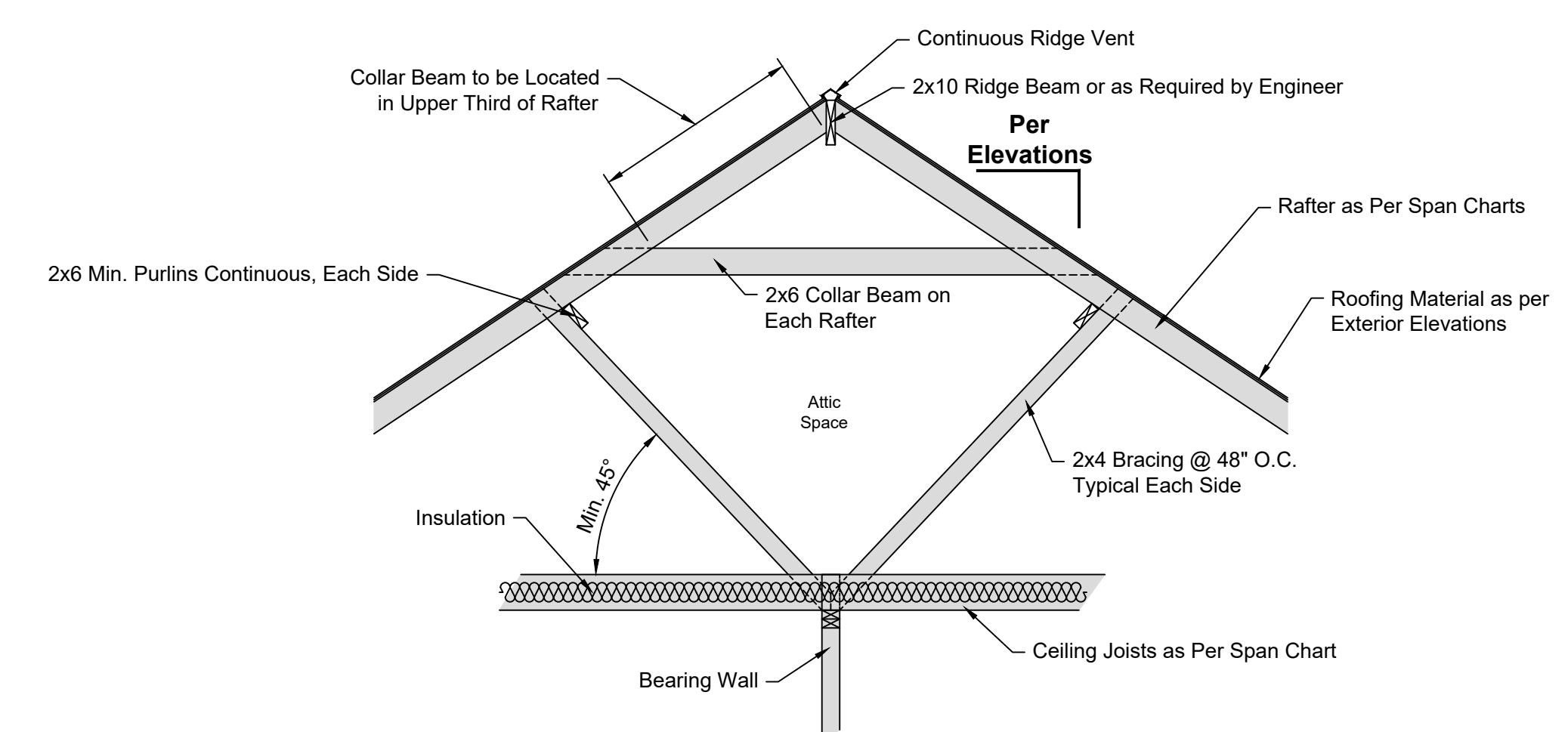


301 Cross Section
SCALE----- 1/2" = 1'-0"

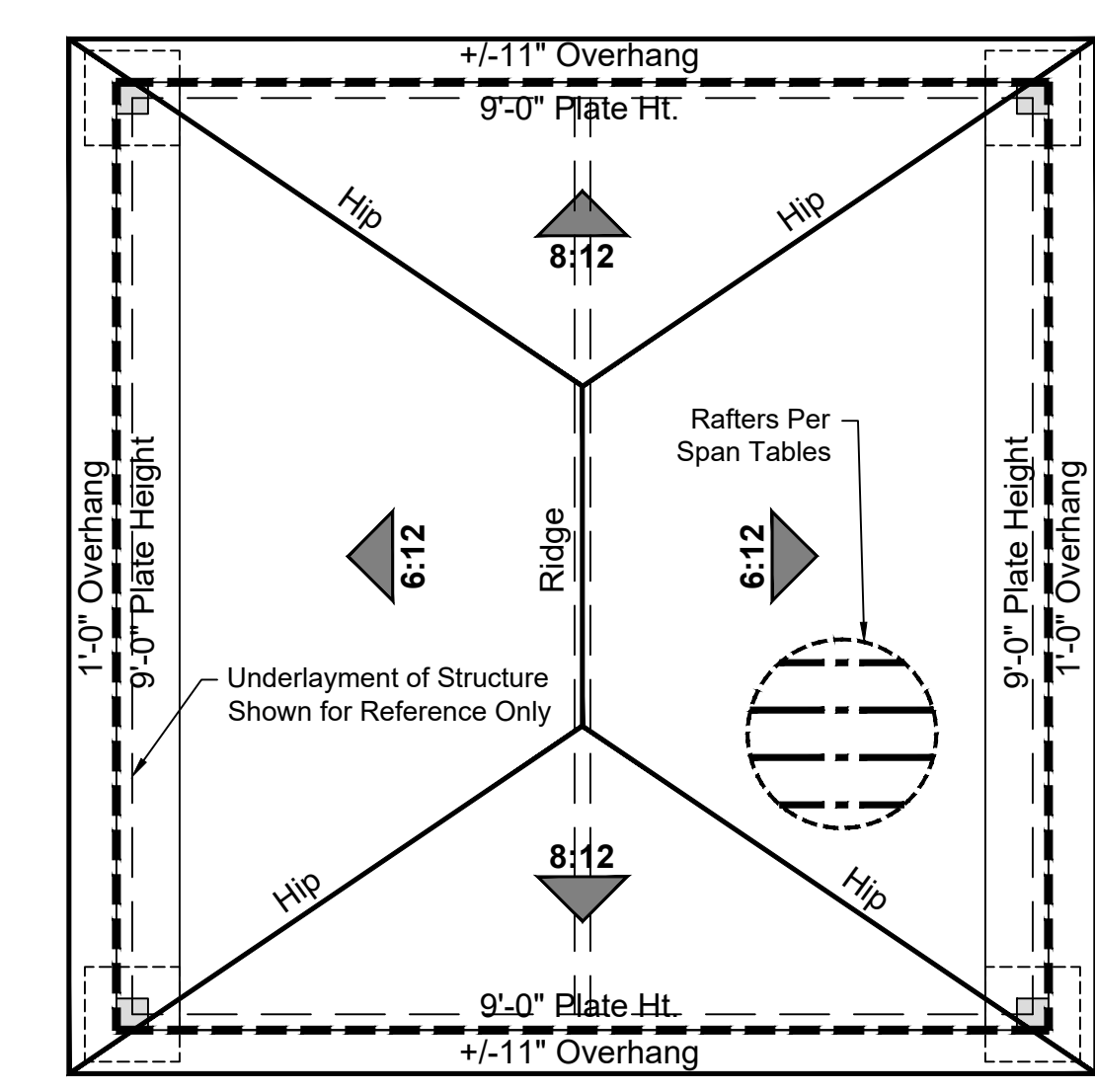
- Cross Section Notes:**
- Contractor Shall Comply With All Applicable Codes at Site.
 - All Ridge Beams, Hip Rafters, and Valley Rafters to be 2x10, No. 2 Southern Yellow Pine or as Required by Licensed Engineer.
 - Contractor to Provide Rafter Bracing to Meet all Applicable Codes.
 - All Rafters and Ceiling Joists to be Sized as Per Span Charts.
 - Contractor to Waterproof All Roof Intersections as Per Code.
 - Contractor to Verify All Roof Pitches With Exterior Elevations Prior to Construction.
 - Contractor to Provide Adequate Roof Ventilation as Per Code.
 - All Roofing Penetrations to be on the Side or Rear of Residence if Possible.
 - All Beams to be Sized by a Local Professional or Licensed Structural Engineer.
 - All Roofing Shall be Installed Per Code and Manufacturer Installation Instructions And Recommendation.
 - Columns and Posts Shall be Adequately Anchored to Prevent Lateral Displacement.
 - Provide 2x4 or Greater Collar Ties on Each Rafter in the Upper Third of Attic and Attach to Rafters with 5 - 10d Nails on Each Side.
 - Shingles or Other Roofing Materials to be Fastened as per Manufacturer's Instructions for High Wind Applications.

- Roof Notes:**
- Contractor Shall Comply With All Applicable Codes at Site.
 - All Ridge Beams, Hip Rafters, and Valley Rafters to be 2x10, No. 2 Southern Yellow Pine or as Required by Licensed Engineer.
 - All Rafters to be Sized as Per Span Charts.
 - Contractor to Waterproof All Roof Intersections as Per Code.
 - Contractor to Verify All Roof Pitches With Exterior Elevations Prior to Construction.
 - Contractor to Provide Adequate Roof Ventilation as Per Code.
 - All Roofing Penetrations to be on the Side or Rear of Residence if Possible.
 - All Roofing Shall be Installed Per Code and Manufacturer Installation Instructions And Recommendation.

ALL Carport Finishes are to Match Existing Residence as Closely as Possible in Size, Color, and Profile.



303 Typical Roof Bracing Detail
SCALE----- Not to Scale



302 Roof Plan
SCALE----- 1/4" = 1'-0"

RAFTER SPANS		
RAFTER SPANS FOR SOUTHERN PINE SPECIES LIVE LOAD=30psf, L/A=180 DEAD LOAD = 10psf		
SIZE	SPACING (INCHES)	SPANS (MAXIMUM RAFTER SPANS BETWEEN BRACING) (FT. - IN.)
2 x 6	12.0	12-11
	16.0	11-2
	19.2	10-2
	24.0	9-2
2 x 8	12.0	16-4
	16.0	14-2
	24.0	11-7
2 x 10	12.0	19-5
	16.0	16-10
	24.0	13-9
2 x 12	12.0	22-10
	16.0	19-10
	19.2	18-1
	24.0	16-2

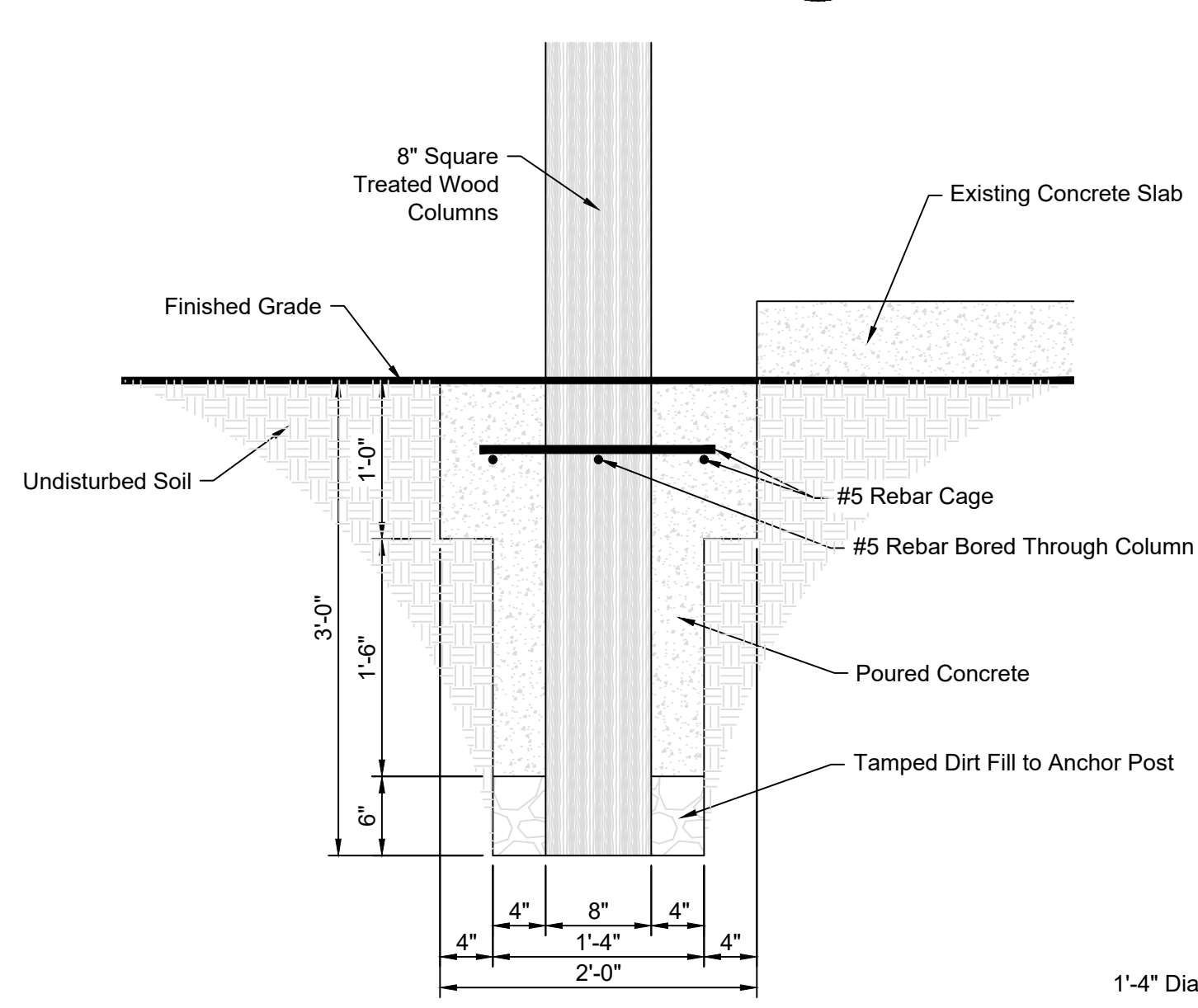
NOTES:
The above tables are based on the IRC 2018 TABLE R802.4.1(3)

CEILING JOIST SPANS		
CEILING JOIST SPANS FOR SOUTHERN PINE SPECIES (UNINHABITABLE ATTICS WITH LIMITED STORAGE, LIVE LOAD = 20psf, L/A=240) DEAD LOAD = 10psf)		
IF HABITABLE ATTIC SPACE IS DESIRED, REFER TO THE INTERNATIONAL RESIDENTIAL CODE, SPAN TABLES.		
SIZE	SPACING (INCHES)	VISUALLY GRADED #2 SOUTHERN PINE (MAXIMUM CEILING JOIST SPANS) (FT. - IN.)
2 x 4	12.0	9-3
	16.0	8-0
	19.2	7-4
	24.0	6-7
2 x 6	12.0	13-11
	16.0	12-0
	24.0	9-10
2 x 8	12.0	17-7
	16.0	15-3
	19.2	13-11
	24.0	12-6
2 x 10	12.0	20-11
	16.0	18-1
	19.2	16-6
	24.0	14-9

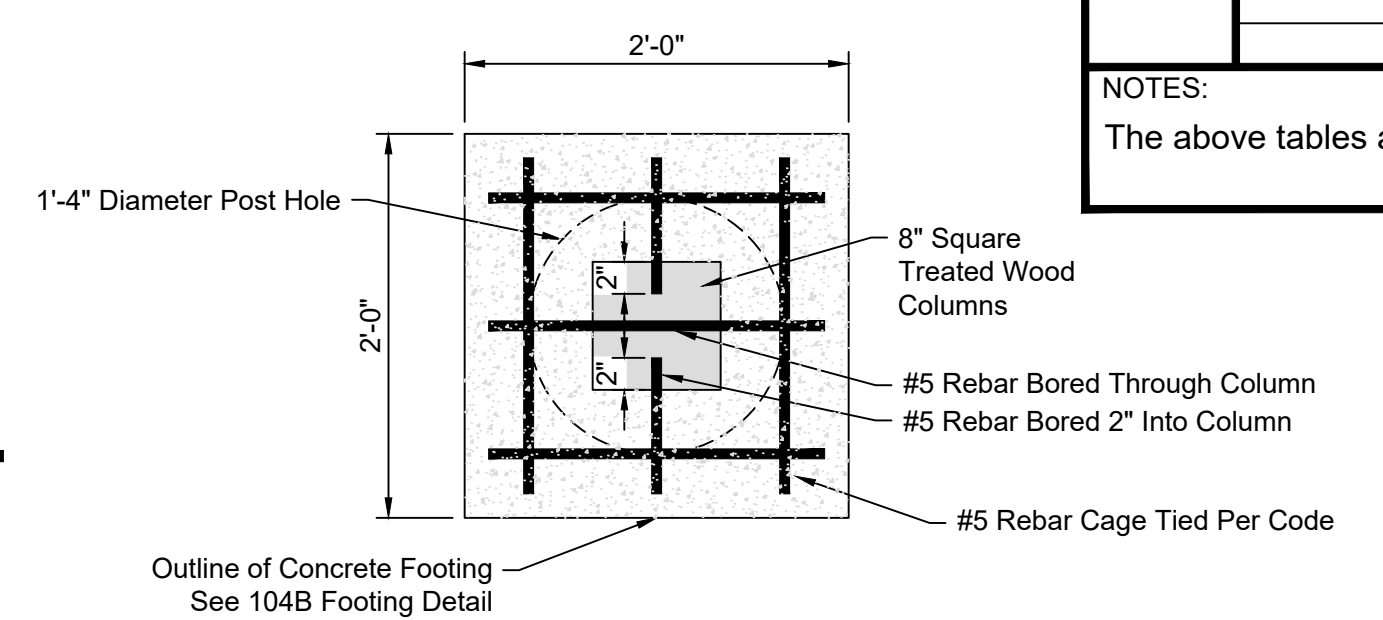
NOTES:
The above tables are based on the IRC 2018 TABLE R802.5.1(2)

General Note:

Farve Residential Service, LLC. Not Being an Architectural or Engineering Firm Assumes NO Liability for Structural or Architectural Design Integrity. Great Care and Effort Has Been Made in the Development of These Plans and the Completion of These Construction Documents. Farve Residential Service, LLC Highly Recommends That These Plans be Reviewed by a Licensed Structural Engineer and/or an Architect, in Addition to Your Local Building Officials Prior to Construction. Additional Engineering may be Required to Comply With Seismic, Wind, and Other Special Conditions Required by Local Code. If an Error and/or Omission Does Occur, it is the Sole Responsibility of the Contractor to Remedy the Error and/or Omission at His Own Expense and not the Responsibility of the Drafting Service. Contractor is Responsible for Verification of Dimensions in the Field and Shall Build the Structure in Strict Accordance With the 2018 International Building Code Series. All Foundation and Structural Plans and Details are General in Nature and Shall be Reviewed by a Structural Engineer Prior to Construction.



304B Footing Detail
SCALE----- 1" = 1'-0"



304A Footing Detail
SCALE----- 1" = 1'-0"



FARVE RESIDENTIAL SERVICE, LLC
263 Farve Road
Sumrall, MS 39482
Craig Farve - Owner/Operator
Phone: 769-250-0958

Carport Project
116 South 23rd Avenue
Hattiesburg, Mississippi

Mclwain Residence
Cross Section, Roof Plan
& Foot Details

Vari-0825-0022



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 for Land Development Code and GIS map. Access via link or QR code



Applicant Information

Name Applicant: Don McIlwain Project Name: _____

Municipal Address of Site: 116 S 23rd Ave PPIN #: _____

Parcel Number(s): _____

Type of Public Hearing	Additional Information Needed:
<input checked="" type="checkbox"/> Variance (fill out pages 7 & 8)	<input type="checkbox"/> Sign <input type="checkbox"/> Setback <input type="checkbox"/> Off-Site Parking <input type="checkbox"/> Lot Width <input type="checkbox"/> Lot Coverage Area <input type="checkbox"/> Buffer <input type="checkbox"/> Open Space <input type="checkbox"/> Other: <u>33.3% of size of home</u>
<input type="checkbox"/> Rezoning (fill out page 11)	Existing Zoning: _____ Proposed Zoning: _____
<input type="checkbox"/> Conditional Use (fill out pages 9 & 10)	<input type="checkbox"/> Automotive Filling Station <input type="checkbox"/> Digital Billboard, New <input type="checkbox"/> Digital Billboard, Replacement <input type="checkbox"/> Telecommunications <input type="checkbox"/> Restaurant <input type="checkbox"/> Solar Farm <input type="checkbox"/> Other: _____

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: <u>R-1A</u>	Historic District: <u>Parkhaven</u>	Flood Zone: <u>X</u>	Ward: <input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input checked="" type="checkbox"/> 4 <input type="checkbox"/> 5
Project Number: <u>Vari-0825-0022</u>		Received: <u>DA 8/22/25</u>	
PPIN # or Parcel #: <u>4674</u> <u>16471</u>			



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
Variance Variance applications include one Concept Site Plan Review and one Variance request	\$175.00 per application. \$50.00 for each additional variance.
Street / Alley Naming or Re-Naming	\$300.00 per application. \$100.00 per required street name sign if approved* (*Fees for replacement street signs shall be paid after City Council approval but prior to the effective date.)
Street / Alley Closing	\$300.00 per application.
Conditional Use	\$200.00 per application.
Zoning Change	\$400.00 per application. *see PUD or PRD & zoning package rate)
Planned Unit Development (PUD) or Planned Residential Development (PRD) with zoning change package	\$600.00 per package.
Subdivision of Land (Preliminary Plats) Note: Final Plats should be submitted to the governing body for approval within 12 months of approval of preliminary plats.	\$250.00 per application. \$10.00 per each additional created lot (** see PUD or PRD & Subdivision of Land package rate)
Planned Unit Development (PUD) or Planned Residential Development with Subdivision of Land Package**	\$500.00 per application. \$10.00 per each additional created lot (** see PUD or PRD & Subdivision of Land package rate)
Change in Land Development Code Text	\$200.00 per application.
Appeal Fees for Proponent or Opponent appeals to City Council *Exempt from fees – Established Neighborhood Association*	\$50.00 per appeal.
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	\$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: Dot Mellwood

Signature: Dot Mellwood

Updated Version 05/22/2025

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

1165 23rd Ave Hattiesburg MS
Street Address City State

on this the 21st day of Aug, 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.

Robert Ford

on this the 21st day of Aug, 2025

X Don McIlwain Don McIlwain
Property Owner (Print)
Don McIlwain
Property Owner (Signature)

STATE OF Mississippi
COUNTY OF Forrest

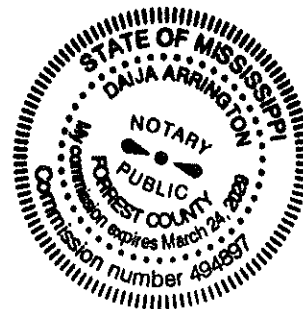
Personally came and appeared before me, the within named Don McIlwain

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 21st day of August, 2025.

Donna Sawyer
NOTARY PUBLIC

My Commission Expires:
March 24, 2029



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.

Heat in South MS (need cover)

Sun damage to cars

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

Mr Mellwein chose to build this for his use and this will improve the community as a whole.
No privilege whatsoever.

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

The applicant is deprived of right to protect his investment in autos.

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

This cover at 20' x 20' is the minimum to cover two cars.

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

Existing slab needing cover
creates reasonable use.

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 will improve the
community with a small variance.

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.



DEED

Bk:1312 Page:506-507

RCD: 05/28/2019 @11:11:36:AM

FORREST COUNTY, MS

JIMMY C. HAVARD CHANCERY CLERK

THIS INSTRUMENT PREPARED BY:

Richard & Thomas, PLLC
132 Westover Drive
Hattiesburg, MS 39402
(601) 602-2457

Indexing Instructions: The property described in this instrument is situated in Lot 15, Block 2, Hattiesburg Heights Fourth Survey/Addition, Forrest County, Mississippi. Please index accordingly in the sectional index.

RETURN TO:

Richard & Thomas, PLLC
132 Westover Drive
Hattiesburg, MS 39402
(601) 602-2457

STATE OF MISSISSIPPI

COUNTY OF FORREST

WARRANTY 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, the undersigned GRANTORS

ANDREW A. BRELAND and wife, CHRISTINA B. BRELAND

Address: 159 Grove St
Springville AL 35146
Phone: 205-297-5306

does hereby grant, bargain, sell, convey and warrant unto GRANTEES

DONALD L. McILWAIN and wife, DEBORAH W. McILWAIN

Address: 116 South 23rd Avenue
Hattiesburg, Miss. 39401
Phone: 601-944-6516 or 601-336-9539

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

All of Lot 15, Block 2 of and according to the Hattiesburg Heights Fourth Survey or Addition to the City of Hattiesburg, Forrest County, Mississippi, as per the map or plat thereof on file in the office of the Chancery Clerk of Forrest County, Mississippi; all together with all improvements thereon and appurtenances thereunto belonging.

Grantor(s) and Grantee(s) shall pro-rate county and state ad valorem taxes for 2019.

The above warranty and this conveyance is made subject to prior reservations of oil, gas and other minerals by former owners.

The above warranty and this conveyance is made subject to any and all valid and outstanding oil, gas and mineral leases, exceptions, reservations and conveyances.

The above warranty and this conveyance is made subject to any and all covenants, restrictions or conditions of record or in use of the subject property, and any and all rights of way and easements for public roads and public utilities as presently laid out, constructed or in use.

WITNESS OUR SIGNATURES on this 23 day of May, A.D., 2019.



ANDREW A. BRELAND



CHRISTINA B. BRELAND

STATE OF ALABAMA

COUNTY OF Jefferson

Personally appeared before me, the undersigned authority in and for the said county and state, on this 23rd day of May, A.D., 2019, within my jurisdiction, the within named **Andrew A. Breland and Christina B. Breland**, who acknowledged that they executed the above and foregoing instrument.



NOTARY PUBLIC

My Commission Expires: 1/20/20