



**URBAN
DEVELOPMENT**

PLANNING DIVISION

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

Board of Adjustment Agenda

November 5, 2025, 3:30 PM

Jackie Dole Sherrill Community Center (Dining Room)

220 W Front Street

I. Business Meeting

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

II. Public Hearing

1. Presentation of Petitions for Public Hearing
 - A. Mary Jane & Herbs, Property Owner/Applicant, and Michael Haddox, Property Owner/Applicant, request a variance from the requirement of sidewalks along public street frontages (LDC 7.6.1.1) to instead allow for 0ft of sidewalk for a B-3 zoned property located at 135 Thornhill Drive (PPIN 21511, Lamar County, Ward 3).
 - B. Wesley Foundation of Mississippi Southern, Property Owner/Applicant, Eric Davis, Property Owner/Applicant, Shelby Murray, Applicant/Engineer, and Sarah Newton, Architect, request a variance from the requirement of a maximum amount of impervious surface lot coverage of 50% (LDC 6.1) to instead allow for 80% impervious surface lot coverage for a property located at 3200 Montague Blvd. (PPIN 22975 & 22976, Forrest County, Ward 1).
 - C. John Neal, Property Owner/Applicant, Mitch Hembre, Architect, and Bill Rogers, Representative, request variances from the maximum front setback requirement of 25ft ft to allow for 42.3ft on one primary frontage from the minimum front setback requirement of 20 ft to allow for 4 ft on another primary frontage, from the curb cut minimum distance from an intersection requirement of 75ft to instead allow for 27.8 ft., and from the landscaping buffer requirement of 10ft to instead allow for 4ft at a property located at 1001 Hardy Street (PPIN 21054, Forrest County, Ward 4).
 - D. Martin Luther King Jr. Baptist Church, Property Owners, Image Signs and Neon, Contractor, and Michael Bethley, Representative, request variances from the separation of electronic message boards from the nearest lot line of a residential use minimum requirement of 200ft to instead allow for 55ft and from the maximum requirement of 40% sign area of a electronic message board to instead allow for 45.71 % for a sign at a B-2 zoned property located at 110 Martin Luther King Jr. Drive (PPIN 32303, Forrest County, Ward 5).

III. Other Business

1. Election of officers.

IV. Adjournment

**MINUTES OF THE
REGULAR MEETING OF THE
BOARD OF ADJUSTMENT
October 1st, 2025**

Board Members Roll Call:

Members Present:

1. Shawn Harris, Chair
2. Sandi Boykins
3. John Eye
4. Herman Dungan
5. Richard Conville
6. James Hughes

Members Absent:

7. Jessica Cathey
8. Brandon Williams
9. Bernard Green, Vice Chair
10. Stacey Ready, Secretary
11. Vacant Seat

Staff Present:

1. Cory Long, Planning Manager
2. Nathan Satcher, Senior Planner
3. David Miller, Esq.
4. Meridian McDaniel, Planner I

Chair Harris declared the Board of Adjustment meeting open and in session at 3:33 p.m.

AGENDA REVIEW

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

Motion:

Made by Richard Conville to approve the agenda

Second:

Made by Herman Dungan

Vote:

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

The motion to approve the October 2025 meeting agenda was passed by a 6-0 vote.

MINUTES REVIEW

A motion was made by Herman Dungan to approve the minutes with corrections from the August 2025 Meeting.

Motion:

Made by Herman Dungan

Second:

Made by Sandi Boykins

Vote:

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

The motion to approve the August 2025 meeting minutes was passed by a 6-0 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: 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).

Discussion and Vote:

Staff introduced the case.

Presented by:

- Annie Williams

Proponents:

- None

Opponents:

- None

Motion:

Sandi Boykins motioned to recommend approval of the request for a requirement of 10 ft of green space to allow for 3ft.

Second:

Made by Richard Conville

Vote:

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

| | | | |
|----------------|---|--|--------|
| Jessica Cathey | | | ABSENT |
| James Hughes | X | | |

The motion to recommend approval of the variance request from the requirement of 10 feet of green space to allow for 3 feet failed by a 3-3 vote. Due to a tied vote, the request will advance to City Council with no recommendation from the Board of Adjustment.

Motion:

Richard Conville motioned to recommend approval of the request for a variance from the maximum fence height in a front yard of 4ft to allow for 6ft,

Second:

Made by Sandi Boykins

Vote:

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

The motion to recommend approval for a variance from the maximum fence height in a front yard of 4ft to allow for 6ft was passed by a 5-1 vote.

Motion:

Richard Conville motioned to recommend denial of the request for a variance from the requirement of sidewalks along public streets to instead allow for 0ft of sidewalk along public streets.

Second:

Made by Herman Dungan

Vote:

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

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

The motion to recommend denial of the request for a variance from the requirement of sidewalks along public streets to instead allow for 0ft of sidewalk along public streets was passed by a 6-0 vote.

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

Discussion and Vote:

Staff introduced the case.

Presented by:

- Stephen Stetleman

Proponents:

- None

Opponents:

- None

Motion:

John Eye motioned to recommend denial of both requests.

Second:

Made by Sandi Boykins

Vote:

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

| | | | |
|--------------|---|--|--|
| James Hughes | X | | |
|--------------|---|--|--|

The motion to recommend denial of both requests was passed by a 6-0 vote.

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Item C: 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).

Discussion and Vote:

Staff introduced the case.

Presented by:

- Don McIlwain
- Robert Ford

Proponents:

- Kelly Corey

Opponents:

- None

Motion:

Richard Conville motioned to recommend approval of the request.

Second:

Made by Sandi Boykins

Vote:

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

The motion to recommend approval of the request was passed by a 4-2 vote.

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OTHER BUSINESS:

Motion:

Herman Dungan motioned to adjourn the meeting.

Second:

Made by Sandi Boykins

Vote:

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

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

The Board of Adjustments adjourned the meeting at 5:00 pm

Stacey Ready, Secretary

Cory Long, AICP, Planning Division Manager

November 2025 BOA Item: A

Sidewalk Variance

Mary Jane & Herbs, Property Owner/Applicant, and Michael Haddox, Property Owner/Applicant



**URBAN
DEVELOPMENT**
PLANNING DIVISION

**Board of Adjustment
Case Fact Sheet**

Names of Petitioner: Mary Jane & Herbs, Property Owner/Applicant, and Michael Haddox, Property Owner/Applicant

Address of Property:
135 Thornhill Drive

Tax Parcels
2-038F-16-217.00

PPIN:
21511

Ward:
3

Request: Sidewalk Variance

Purpose of Request: Mary Jane & Herbs, Property Owner/Applicant, and Michael Haddox, Property Owner/Applicant, request a variance from the requirement of sidewalks along public street frontages (LDC 7.6.1.1) to instead allow for 0ft of sidewalk for a B-3 zoned property located at 135 Thornhill Drive (PPIN 21511, Lamar County, Ward 3).

History / Background: A site plan for the subject property was approved on 4/20 in 2023, under the development standards of the B-3 (Community Business District), which includes the sidewalk requirement under LDC Section 7.6.1.1 and 7.6.1.3. Following construction, a certificate of occupancy inspection was conducted to determine final compliance with the approved site plan. During that inspection, it was noted that the required sidewalk along the Thornhill Drive frontage had not been installed, leaving the development incomplete with respect to approved site improvements.

The property owner was notified after the inspection regarding the deficiency, but did not complete the required installation or respond within the specified timeframe, initiating the code compliance process. The business has since been operating under a temporary certificate of occupancy pending resolution of the outstanding sidewalk requirement.

Staff met with the applicant to discuss available options for compliance, including construction of the sidewalk or participation in the Sidewalk Fee-in-Lieu Program adopted by the City. The applicant received a quote for the fee-in-lieu contribution but elected instead to pursue a variance request from the sidewalk requirement.

Participation in the sidewalk fee-in-lieu program would still require conditional use approval by ordinance requirements, as this specific area is not a designated by-right participation corridor into the program.

The Board of Adjustments should carefully consider approval of a variance of sidewalks within the B-3 zoning district, as approval of the variance would allow the property to remain without the required sidewalk improvements along Thornhill Drive. The Board of Adjustment should consider whether the request meets the established criteria for granting a variance, including demonstration of practical difficulty or unnecessary hardship, and whether approval would remain consistent with the intent of the sidewalk requirement to promote pedestrian connectivity and public safety.

Applicant Summary: See Attached

Applicable Regulations:

(continued on next page)

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 | | | | | | | | | | | | | | | |
| 7.6 PEDESTRIAN CIRCULATION. | | | | | | | | | | | | | | | |
| 7.6.1 Circulation External to a Site. | | | | | | | | | | | | | | | |
| 7.6.1.1 | Sidewalks shall be provided along all public streets on the entire frontage of a development site and align with existing sidewalks on adjacent properties including both frontages on corner lots. Minimum sidewalk width is five feet. Additional width may be required as determined by Site and Design Review. <u>Where on-site construction is impractical or unnecessary, developers may contribute to the Sidewalk Bank Fee-in-Lieu Program, subject to approval.</u> | | | | | | | | | | | | | | |
| | ✕ | ✕ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ |
| 7.6.1.2 | Sidewalks shall be ADA compliant. ADA access ramps shall be constructed at street corners. | | | | | | | | | | | | | | |
| | ✕ | ✕ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ |
| 7.6.1.3 | Where sidewalks are not yet present on adjacent sites, sidewalks shall be constructed at least five feet behind the curb to allow for landscaping and street trees. If sidewalks are present on adjacent properties, the new sidewalk shall connect to the existing sidewalk. | | | | | | | | | | | | | | |
| | | ✕ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ |

Present Zoning: B-3 Community Business

Present Use: Cannabis Dispensary

Future Land Use: Regional Business

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

November 2025 BOA Item: A

Sidewalk Variance

Mary Jane & Herbs, Property Owner/Applicant, and Michael Haddox, Property Owner/Applicant
West: B-5 Regional Business

**Letters or
Concerns stated:**

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

Option:

Recommend approval or denial of the variances from the requirement of sidewalks along public street frontages (LDC 7.6.1.1) to instead allow for 0ft of sidewalk for a B-3 zoned property located at 135 Thornhill Drive (PPIN 21511, Lamar County, Ward 3).

Basis for Approval (12.4.1.1):

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

I. Hardship.

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

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

November 2025 BOA Item: A

Sidewalk Variance

Mary Jane & Herbs, Property Owner/Applicant, and Michael Haddox, Property Owner/Applicant of the land or structure.

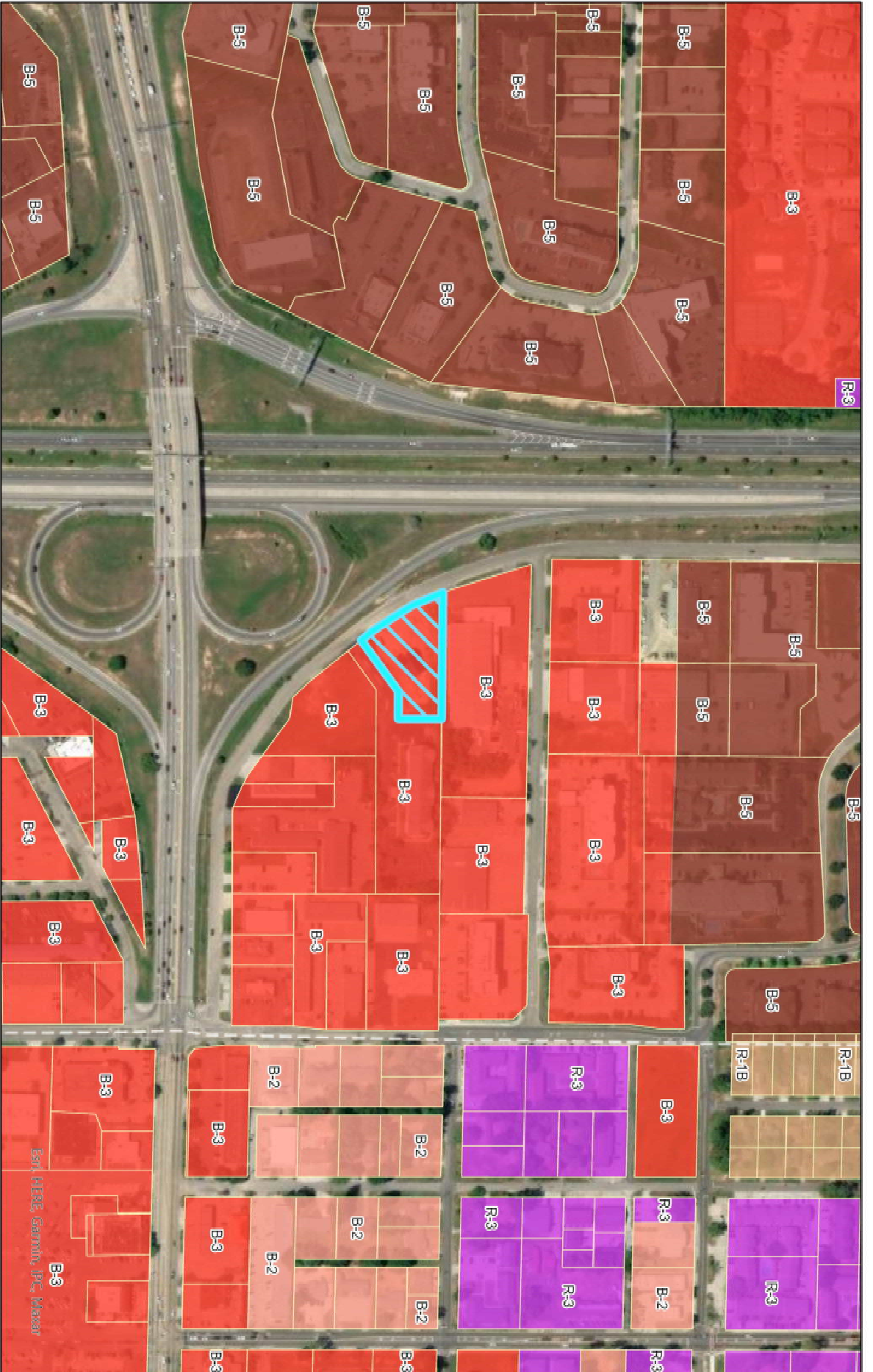
VI. Conformance with the Purposes of this Code. The granting of a variance will not conflict with the purposes and intent expressed or implied in the Land Development Code.

SUBJECT PARCEL

134 Thornhill Drive — Variance Request

Mary Jane & Herbs, Property Owner/Applicant, and Michael Haddox, Property Owner/Applicant, request a variance from the requirement of sidewalks along public street frontages (LDC 7.6.1.1) to instead allow for 0ft of sidewalk for a B-3 zoned property located at 135 Thornhill Drive (PPIN 21511, Lamar County, Ward 3).





Zoning Classes

- R-1B B-3
- R-3 B-5
- B-2 134 Thornhill

Sidewalk Variance Request
 134 Thornhill Drive
 Zoned: B-3, PPIN 21511
 Flood Zone: X
 Ward 3, Lamar County

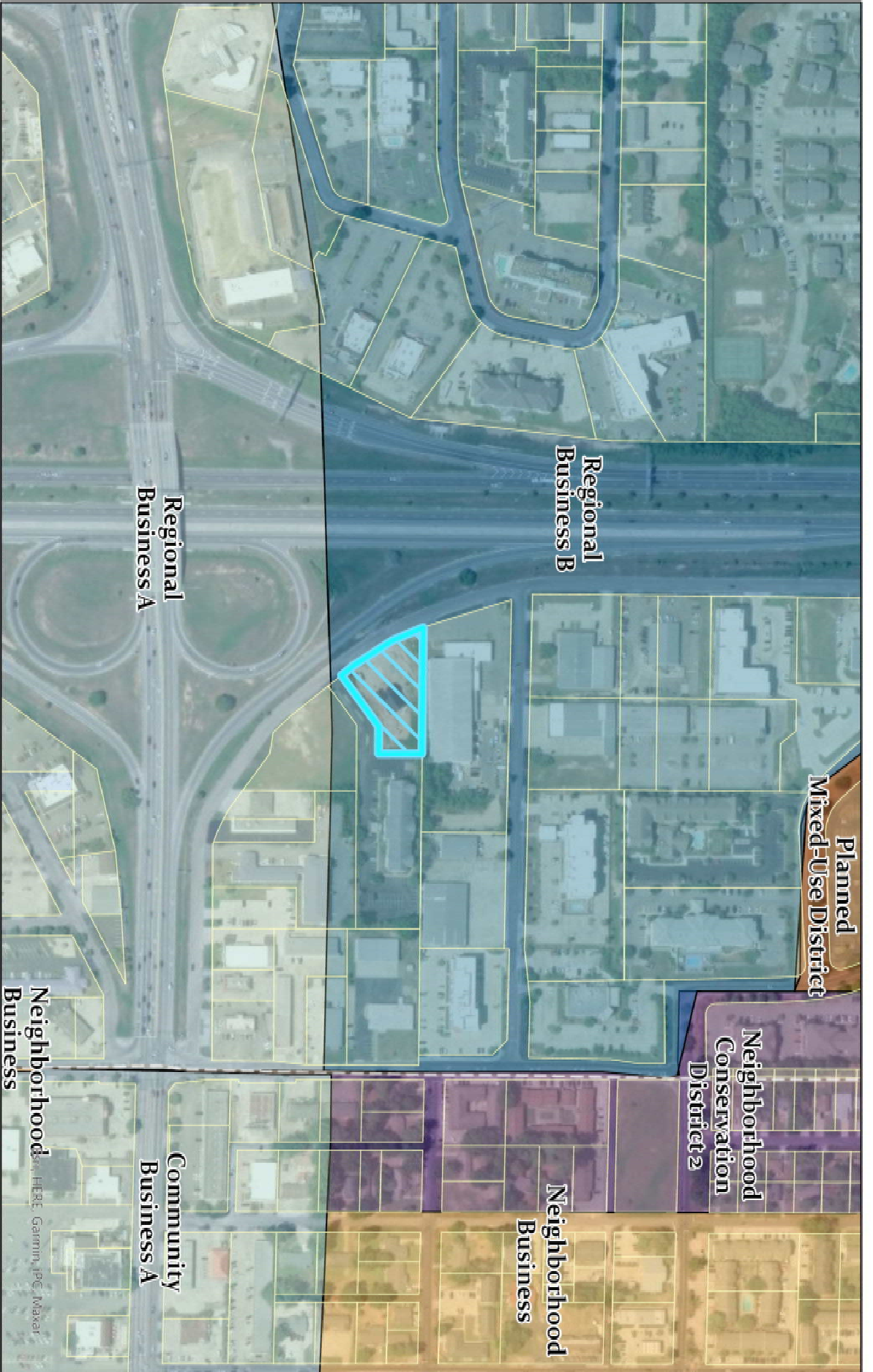
0 750
 Feet

N

URBAN DEVELOPMENT
PLANNING DIVISION

Center: 89°21'2"W 31°19'36"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: 10/13/2025 2:51 PM



Future Land Use Map

- Community Business A
- Neighborhood Business
- Neighborhood Conservation District 2
- Planned Mixed-Use District
- Regional Business A
- Regional Business B

Sidewalk Variance Request
 134 Thornhill Drive
 Zoned: B-3, PPIN 21511
 Flood Zone: X
 Ward 3, Lamar County



URBAN DEVELOPMENT
 PLANNING DIVISION

Center: 89°21'3"W 31°19'37"N

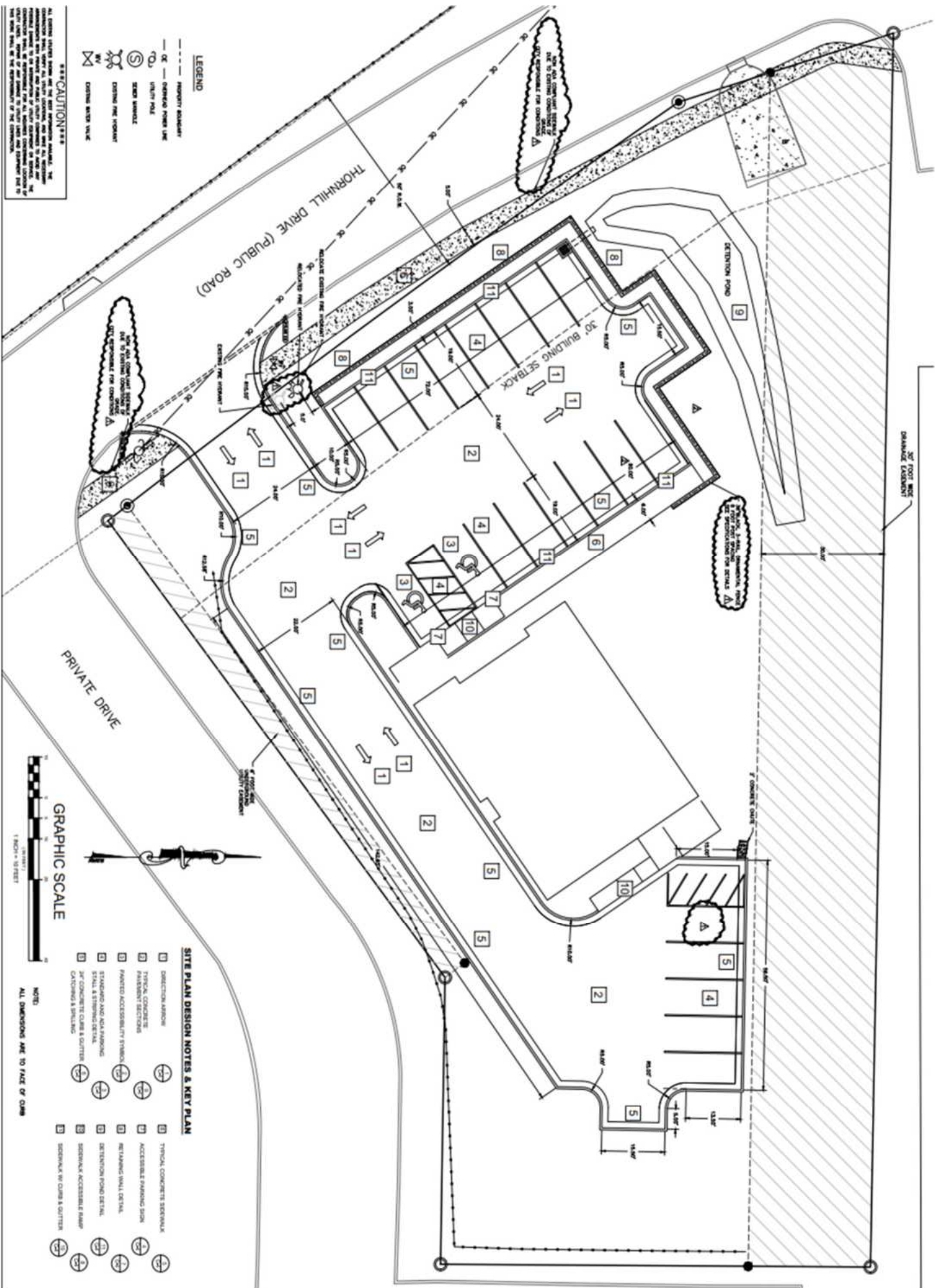
DISCLAIMER: This map is ONLY FOR REFERENCE. There is NO WARRANTY of the accuracy of data. This information CANNOT be used as a substitute for legal, business, tax or other professional advice. Map Exported on: 10/13/2025 2:59 PM

Site Aerial



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: Mary Jane & Herbs Project Name: _____

Municipal Address of Site: 135 thornhill Dr. Hattiesburg MS 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 checked="" type="checkbox"/> Other: <u>Sidewalk LDC 7.6.1.1</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 #: | | | | |

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 topography of the site makes a sidewalk technically infeasible.

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

No other properties in the area have sidewalks

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.

No other property owners have sidewalks in this area. ~~THE AREA~~

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

The sidewalk is not a reasonable use at this property. The location is not conducive to pedestrian traffic.

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

yes

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

The US DOJ Section 36.401 (c) grants exception where "the unique characteristics of terrain prevent the incorporation of accessible features."

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.

November 2025 BOA Item: B

Impervious Surface Variance

Wesley Foundation of Mississippi Southern, Property Owner/Applicant, Eric Davis, Property Owner/Applicant, Shelby Murray, Applicant/Engineer, and Sarah Newton, Architect



**URBAN
DEVELOPMENT
PLANNING DIVISION**

**Board of Adjustment
Case Fact Sheet**

Names of Petitioner: Wesley Foundation of Mississippi Southern, Property Owner/Applicant, Eric Davis, Property Owner/Applicant, Shelby Murray, Applicant/Engineer, and Sarah Newton, Architect

| Address of Property: | Tax Parcel | PPIN: | Ward: |
|-----------------------------|-------------------|--------------|--------------|
| 3200 Montague Blvd. | 2-028K-07-004.00 | 22975 | 1 |
| 3200 Montague Blvd. | 2-028K-07-005.00 | 22976 | 1 |

Request(s): Impervious Surface Variance

Purpose of Request: Wesley Foundation of Mississippi Southern, Property Owner/Applicant, Eric Davis, Property Owner/Applicant, Shelby Murray, Applicant/Engineer, and Sarah Newton, Architect, request a variance from the requirement of a maximum amount of impervious surface lot coverage of 50% (LDC 6.1) to instead allow for 80% impervious surface lot coverage for a property located at 3200 Montague Blvd. (PPIN 22975 & 22976, Forrest County, Ward 1).

History / Background: The applicants have met with staff in pre-application meetings to discuss their plans to demolish the existing Wesley Foundation building and build a new Wesley Foundation building in its place on the USM campus, located at 3200 Montague Blvd. The proposed building is a mixed-use space with dwelling units, a coffee shop, and a worship area. Staff explained to the applicants that the property's zoning does not currently allow for mixed use and that a text amendment would be needed to allow for mixed-use in R-3 zoning districts. Staff also explored ways to include the coffee shop as an accessory use for the primary use with the applicants.

Applicants ultimately decided to pursue a text amendment to allow for cafes/coffee shops to be added as an accessory to “Place of Assembly,” as coffee shops are often used as an accessory use in places of assembly. Applicants are seeking a conditional use approval for “mixed-use” and “place of assembly” as well as one variance. The conditional use approval for mixed-use is contingent upon the approval of the proposed text amendments.

The applicants had previously been approved for a variance for impervious surface requirements to allow for 69% impervious surface in February of 2018. With updates to the site plan, applicants are now seeking a variance from the impervious surface requirements to allow for 80% impervious surface lot coverage. The previously approved variance, though still active for the property, is insufficient for the current request and requires an additional variance request, as the variance stays with the land.

Applicant Summary: See Attached

Applicable Regulations:

SECTION 6 Dimensional Standards and Measurements

| Table 6.1 Dimensional Standards | | | | | | | | | | |
|---------------------------------|--|---------------------|-----------------------|------------------|------------|-----------|-----------|----------------------|--------------------------------------|----------------|
| District | Minimum Lot Size in SF/ Width at Setback | Max. Dwelling Units | Max. Floor Area Ratio | Setbacks in feet | | | | Max. Height* | Max. Impervious Surface Lot Coverage | Buffer in Feet |
| | | | | Min. Front | Max. Front | Min. Side | Min. Rear | | | |
| R-3 | 7,500/ 40 | 17 per acre | - | 20 | - | 5 | 20 | 35 feet or 3 stories | 50% | - |

Present Zoning: R-3 Multi-Family Residential

Present Use: USM Wesley Foundation Building

Future Land Use: University/College District

Surrounding Zoning

November 2025 BOA Item: B

Impervious Surface Variance

Wesley Foundation of Mississippi Southern, Property Owner/Applicant, Eric Davis, Property Owner/Applicant, Shelby Murray, Applicant/Engineer, and Sarah Newton, Architect

and Land Use:

| | |
|--------|------------------------------|
| North: | R-3 Multi-Family Residential |
| South: | R-3 Multi-Family Residential |
| East: | R-3 Multi-Family Residential |
| West: | R-3 Multi-Family Residential |

Letters or Concerns stated:

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

Option:

Recommend **approval or denial** of the request for a variance from the requirement of a maximum amount of impervious surface lot coverage of 50% (LDC 6.1) to instead allow for 80% impervious surface lot coverage for a property located at 3200 Montague Blvd. (PPIN 22975 & 22976, Forrest County, Ward 1).

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

November 2025 BOA Item: B

Impervious Surface Variance

Wesley Foundation of Mississippi Southern, Property Owner/Applicant, Eric Davis, Property Owner/Applicant, Shelby Murray, Applicant/Engineer, and Sarah Newton, Architect
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.

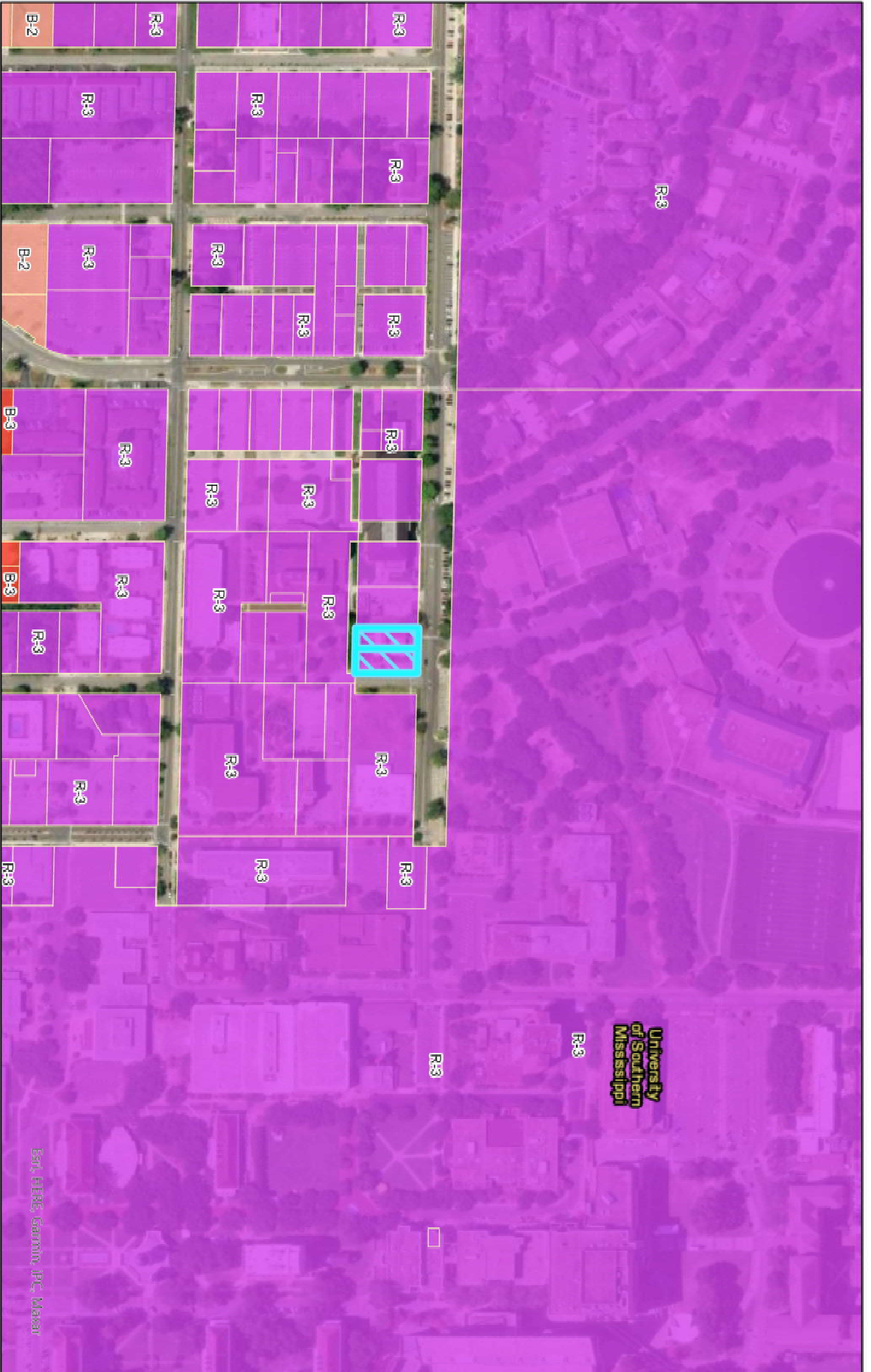
VI. Conformance with the Purposes of this Code. The granting of a variance will not conflict with the purposes and intent expressed or implied in the Land Development Code.

SUBJECT PARCEL

3200 Montague Blvd— Variance Request

Wesley Foundation of Mississippi Southern, Property Owner/Applicant, Eric Davis, Property Owner/Applicant, Shelby Murray, Applicant/Engineer, and Sarah Newton, Architect, request a variance from the requirement of a maximum amount of impervious surface lot coverage of 50% (LDC 6.1) to instead allow for 80% impervious surface lot coverage for a property located at 3200 Montague Blvd. (PPIN 22975 & 22976, Forrest County, Ward 1).



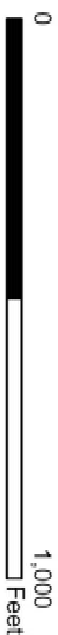


Zoning Classes

- R-3
- B-2

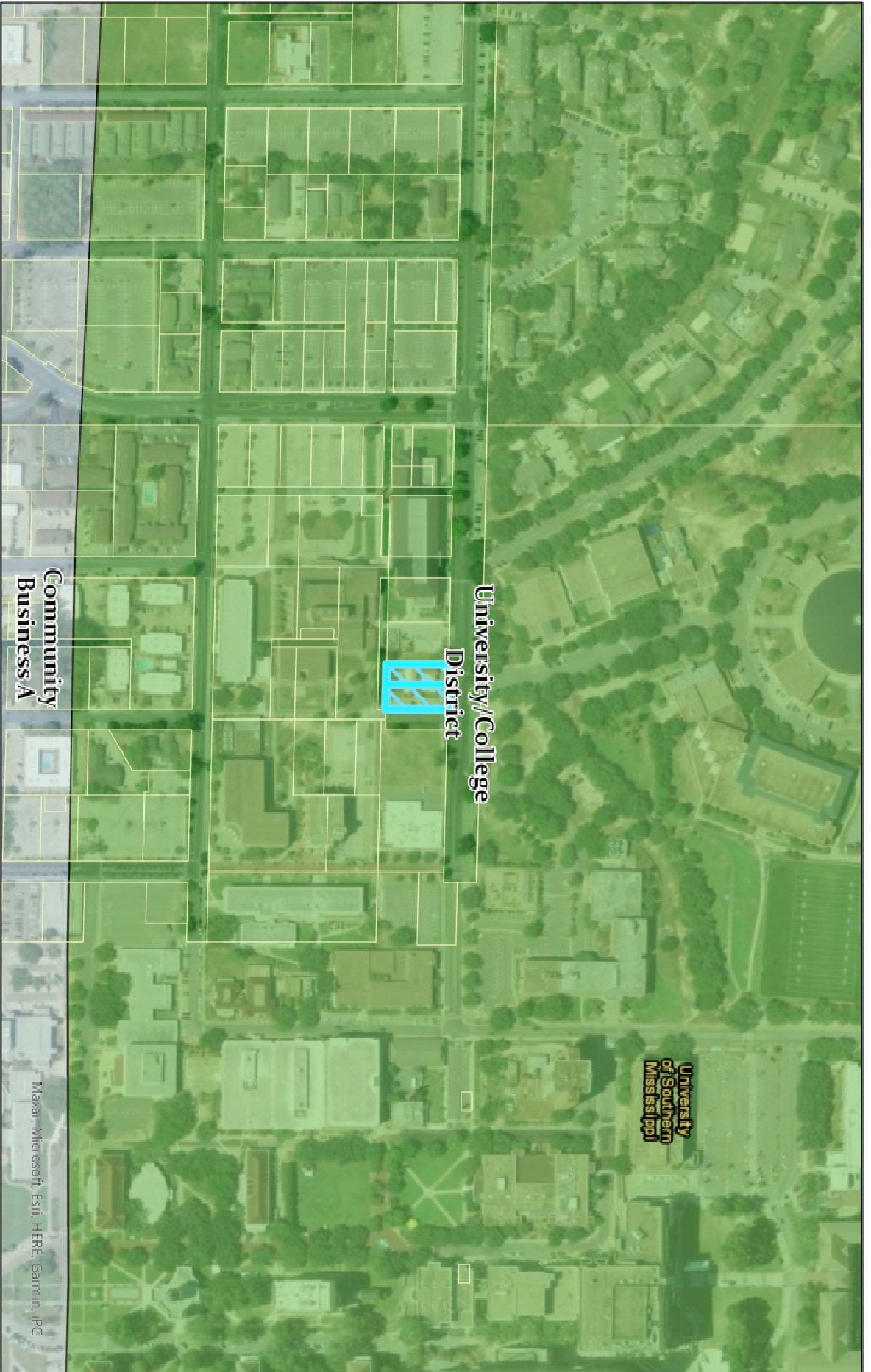
- B-3
- 3200 Montague Blvd.

Conditional Use and Variance Requests
 3200 Montague Blvd.
 Zoned: R-3, PPIN 22975 & 22976
 Flood Zone: X
 Ward 1, Forrest County



URBAN DEVELOPMENT
PLANNING DIVISION
 Center: 89°20'14"W 31°19'42"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: 10/13/2025 1:27 PM

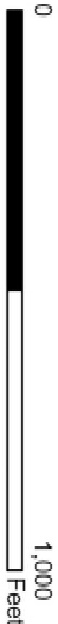


Future Land Use Map

-  Community Business A
-  University/College District
-  3200 Montague Blvd.

Conditional Use and Variance Requests

- 3200 Montague Blvd.
- Zoned: R-3, PPIN 22975 822976
- Flood Zone: X
- Ward 1, 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: 10/13/2025 1:30 PM

Center: 89°20'15"W 31°19'42"N

Site Aerial



Surrounding Area



Surrounding Area





Application for Public Hearing

City of Hattiesburg – Planning Division

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



NOTE:

- Fill this application out **IN FULL** with what applies to your application
- Refer to the hattiesburgms.com/planning for Land Development Code and GIS map. Access via link or QR code



Applicant Information

Name Applicant: Clearpoint Engineers / USM Wesley Foundation **Project Name:** USM Wesley Foundation Building

Municipal Address of Site: 3200 Montague Blvd, Hattiesburg (on USM campus) **PPIN #:** 22975 / 22976

Parcel Number(s): 2-08K-004 / 2-028K-005

| 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 checked="" type="checkbox"/> Other: <u>Impervious Surface</u> |
| <input type="checkbox"/> Rezoning (fill out page 11) | Existing Zoning: _____ Proposed Zoning: _____ |
| <input checked="" 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 checked="" type="checkbox"/> Other: <u>Mixed Use / Place of Assembly</u> |

Other Application types:

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



Application for Public Hearing

City of Hattiesburg – Planning Division

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

Public Hearing Petitioner Information:

Deadline for applicant to file petition: Mon, Sept 29, 2025 @ 5:00 p.m

Hattiesburg Planning Commission Meeting Date: Wed, November 5, 2025

Hattiesburg Board of Adjustment Meeting Date: _____

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

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

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

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

Public Hearing Application Checklist

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

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

*Waiver request submitted, per entry on Planning Review Notes dated 9/25/25



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. | \$225.00 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: Stacey Odom, Admin.

Signature: Stacey Odom

Updated Version 05/22/2025

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

3200 Montague Blvd Hattiesburg MS
Street Address City State

on this the 29th day of Sept, 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.

Shelby Murray of Clearpoint Engineers
on this the 29th day of Sept, 2025

Shelby Murray
Applicant (Print)

[Signature]
Applicant (Signature)

STATE OF MS

COUNTY OF Lamar

Personally came and appeared before me, the within named USM Wesley Foundation

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 29th day of Sept, 2025

[Signature]
NOTARY PUBLIC



My Commission Expires:
10/18/2027

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

3200 Montague Blvd Hattiesburg MS
Street Address City State

on this the 29th day of Sept, 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.

Eric Davis of USM Wesley Foundation

on this the 29th day of Sept, 2025

[Signature]
Property Owner (Print)
Eric Davis
Property Owner (Signature)

STATE OF MS

COUNTY OF Lamar

Personally came and appeared before me, the within named USM Wesley Foundation, 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 29th day of Sept, 2025

[Signature]
NOTARY PUBLIC

My Commission Expires:
10/18/2027



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 property was originally intended for residential use. Current use of the property dictates a variance be granted for added impervious area to 80%.
80% impervious area matches the Business zone use which is matches this area.
Current use of the property is a place of worship, coffee shop, and dwelling units.

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

No special priviledge will be granted with the granting of this variance.
The variance is site specific based on these circumstances.
The site is surrounded by the University and public streets.
The site has no adjacent residential uses.

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 literal interpretation of the code would not allow the property owner to make the proposed improvements.

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

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

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

Not applicable.

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 granting of this variance will not conflict with the purposes and intent implied in the land development code.

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

FOR CONDITIONAL USE APPLICANTS:

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

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

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

Yes.

With the text amendment described in the attached letter.

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

The community will reap profound benefits of a family friendly worship place of assembly and coffee shop/cafe.

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

The size is appropriate for the surrounding University campus.

The site being in the center of campus allows easy access for students.

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

Yes. A small amount because most attendees will be those who live on campus. Most USM Wesley events will be outside normal school day hours. Existing campus parking will be utilized.

5. Will there be any elevation in the noise level resulting from this proposed use? If yes, please explain:

No.

-
-
-
6. What is the expected number of customers/employees per day?
Coffee shop will have 10-20 customers/employees per day at
intermittent times to not cause traffic delays.
-
-
-

7. Is proposed use compatible with surrounding uses and design? If yes, please explain:
Yes. Very compatible with the needs of students on campus.
Worship Center and cafe is very good for students.
-
-
-

8. **Parking requirements:** Commercial/Industrial: Paved parking will be provided for 18
vehicles, and 1 ADA vehicles; with 0 loading spaces.

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

Refer to the hattiesburgms.com/planning for Land Development Code and GIS map. Access via
link or QR code.



- SECTION 1 Intent
- SECTION 2 Applicability
- SECTION 3 Requirements
- SECTION 4 Districts
- SECTION 5 Uses
- SECTION 6 Dimensions
- SECTION 7 Design
- SECTION 8 Infrastructure
- SECTION 9 Environment
- SECTION 10 Signs
- SECTION 11 Administration
- SECTION 12 Processes
- SECTION 13 Definitions

- 5.4.27.3 a side or rear yard only. **Design.** Such structures are subject to all of the design standards applicable to the district in which they are located as well as those that apply to all districts.
- 5.4.27.4 **Parking.** Parking for at least two vehicles is required to be shown on the site plan.
- 5.4.28 **Kennels; Veterinary Clinics and Hospitals.**
- 5.4.28.1 A maximum of twenty outside runs shall be permitted and shall be 250 feet from restaurants and residential uses..
- 5.4.28.2 Facilities shall at all times be maintained in neat and sanitary condition.
- 5.4.29 **Life Care Communities.**
- 5.4.29.1 A minimum of five acres shall be required. All land used for the community shall be contiguous and shall not be divided or transected by public roads, private roads granting easement(s) to tracts of land not included within the community, or natural features which would visually or functionally divide the development.
- 5.4.29.2 Accessory buildings shall only include accessory dwellings containing no more than four dwelling units or recreation centers and similar facilities, dining halls, and maintenance buildings. All other buildings shall be principal buildings the use of which shall be for single family dwellings, **add cafe/coffee shop to 5.4.30.2 places of assembly** ing, congrega te or nursing
- 5.4.29.3 All structures shall be limited to persons aged 55 years or older, locally handicapped, and the for rooms or units occupied by resident staff personnel performing duties directly related to the operation of the facility.
- 5.4.29.4 Driveway access to accessory structures shall be through the main entrance to the community.
- 5.4.29.5 Paved walkways shall be provided between accessory dwellings, the principal building, and all common facilities such as dining halls and recreation centers.
- 5.4.29.6 Principal and accessory buildings shall be predominately designed and constructed with architectural features common to residential structures including, but not limited to, the following features: roof pitch, façade material, and size, type and placement of windows and doors.
- 5.4.29.7 No single building shall be greater than 40,000 square feet if located within 500 feet, as measured in any direction from the closest point, from an adjacent residentially zoned lot.
- 5.4.29.8 No site shall have a density greater than eight units per acre for accessory single family dwellings. For the purposes of calculating density all land lying underneath and within twenty feet of any congregate care or nursing care facility and all loading/unloading, garbage collection, and parking areas associated with congregate care or nursing care facilities shall be excluded from the total acreage.
- 5.4.30 **Places of Assembly.**
- 5.4.30.1 Places of assembly seating more than 600 people must have direct access to a major thoroughfare Pedestrian and bicycle access is encouraged and will be required whenever a public sidewalk or trail abuts the property.
- 5.4.30.2 Accessory uses such as administrative offices, bookstores, parking lots, community centers, multi-purpose facilities, outdoor recreational facilities, and care centers on the same site or sites contiguous to the principal use shall be permitted. Similar uses on non-contiguous sites or on a site separated from the principal use by a public street shall be considered principal uses in their own right and will be regulated as such. No merchandise or merchandise display shall be visible from outside a building. No business or identification sign pertaining to an accessory use shall be visible from outside the building
- 5.4.30.3 Except as noted in 5.4.33.2 accessory uses not permitted as principal uses (including television stations, radio stations, printing presses, or sports complexes) are prohibited.



the zoning district in which they are located. In no case shall such bonuses permit the building or development to encroach upon any required buffer or open space; however, minimum setbacks may be reduced by up to 20% to accommodate the increased density.

9.7.4.2 Fee Waiver. All fees related to land development approval shall be waived for all eligible development.

9.7.4.3 Tax Abatement. Abatement of any taxes as specified by City policy for any green, development, infill, or grayfield development located within an adopted Central Business District or Redevelopment Area.

- SECTION 1 Intent
- SECTION 2 Applicability
- SECTION 3 Requirements
- SECTION 4 Districts
- SECTION 5 Uses
- SECTION 6 Dimensions
- SECTION 7 Design
- SECTION 8 Infrastructure
- SECTION 9 Environment
- SECTION 10 Signs
- SECTION 11 Administrative
- SECTION 12 Processes
- SECTION 13 Definitions





**URBAN
DEVELOPMENT**
PLANNING DIVISION

**Board of Adjustment
Case Fact Sheet**

Names of Petitioner: John Neal, Property Owner/Applicant, Mitch Hembre, Architect, and Bill Rogers, Representative

| Address of Property: | Tax Parcels | PPIN: | Ward: |
|-----------------------------|--------------------|--------------|--------------|
| 1001 Hardy Street | 2-029L-09-228.00 | 21054 | 4 |

Request(s): Setback, Curb Cut, and Landscaping Variances

Purpose of Request: John Neal, Property Owner/Applicant, Mitch Hembre, Architect, and Bill Rogers, Representative, request variances for the following:

- Increasing the maximum front setback from 25 feet to 42.3 feet on one primary frontage;
- Reducing the minimum front setback from 20 feet to 4 feet on another primary frontage;
- Reducing the minimum curb cut distance from an intersection from 75 feet to 27.8 feet; and
- Reducing the landscaping buffer requirement from 10 feet to 4 feet.

for a property located at 1001 Hardy Street (PPIN 21054, Forrest County, Ward 4).

History / Background: The applicants met with staff in fall 2025 to discuss options for converting a B-3 zoned building on Hardy Street from commercial to residential. Staff explained various options, including rezoning or creating a mixed-use building. The applicants initially considered rezoning the property to an R zone, but staff suggested B-1 or B-2 to keep consistent with the commercial corridor and future land use designation of this portion of the Hardy Street Corridor. B-1 or B-2 zoning allows for single-family homes and some future commercial use if it stops being a residence. After pre-application meetings and

Setback, Curb Cut, and Landscaping Variances

John Neal, Property Owner/Applicant, Mitch Hembre, Architect, and Bill Rogers, Representative revising the site plan, the applicants decided to proceed with a rezoning request to B-1 and asked for variances. Once the staff looked at the proposed site plan, the applicants and staff identified variances that would be needed to reach code compliance with the proposed zoning change. Variances concerning front and side setback, curb cut for driveways, and landscaping buffers were identified. The applicants have applied for a zoning change from B-3 to B-1.

Rezoning of the property would create new non-conforming setbacks with the existing building for the proposed zoning district (B-1). Redevelopment also triggers the redeveloped areas to come into conformance with the current zoning districts. With rezoning and redevelopment of the site using the current proposed site plan, variances are needed to approve the plan. These variances being considered are also contingent upon the zoning change being approved for the property.

The Board of Adjustment should consider whether the physical constraints of the site, including dual frontage and existing building placement, constitute sufficient justification for deviation from the current standards, and whether granting the variances would remain consistent with the intent of the Land Development Code to promote orderly redevelopment while minimizing nonconformities.

Applicant Summary: See Attached

Applicable Regulations:

SECTION 6 Dimensional Standards and Measurements Regulations

| District | Minimum Lot Size in SF/ Width at Setback | Max. Dwelling Units | Max. Floor Area Ratio | Setbacks in feet | | | | Max. Height* | Max. Impervious Surface Lot Coverage | Buffer in Feet |
|----------|--|---------------------|-----------------------|------------------|------------|-----------|-----------|------------------------|--------------------------------------|----------------|
| | | | | Min. Front | Max. Front | Min. Side | Min. Rear | | | |
| B-1 | 0/100 | - | .75 | 20 | 25 | 0 or 15 | 0 | 35 feet or 3 stories | 80% | 20 |
| B-2 | 4,000/ 100 | - | 0.75 | 0 | 10 | 0 or 10 | 0 | 35 feet or 3 stories | 80% | 20 |
| B-3 | No minimum/ 100 | - | 1.00 | 30 | - | 0 or 10 | 0 | 40 feet or 3 stories | 80% | 30 |
| B-4 | No minimum/ none | - | No limit | 0 | 10 | 0 | 0 | 135 feet or 10 stories | 100% | 40 |
| B-5 | No minimum/ 100 | - | 1.50 | 30 | 150 | 0 or 10 | 0 | 72 feet or 6 stories | 90% | 50 |

Present Zoning: The property is currently zoned B-3 Community Business.

Present Use: Vacant building.

Future Land Use: Neighborhood Business Corridor

Surrounding Zoning and Land Use:
North: B-1 Personal Business and R-1C Single-Family Residential
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.

Option: Recommend **approval or denial** of the following variance requests:

- Increasing the maximum front setback from 25 feet to 42.3 feet on one primary frontage;
- Reducing the minimum front setback from 20 feet to 4 feet on another primary frontage;
- Reducing the minimum curb cut distance from an intersection from 75 feet to 27.8 feet; and
- Reducing the landscaping buffer requirement from 10 feet to 4 feet.

for a property located at 1001 Hardy Street (PPIN 21054, 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

November 2025 BOA Item: C

Setback, Curb Cut, and Landscaping Variances

John Neal, Property Owner/Applicant, Mitch Hembre, Architect, and Bill Rogers, Representative 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

1001 Hardy Street — Variance Requests

John Neal, Property Owner/Applicant, Mitch Hembre, Architect, and Bill Rogers, Representative, request variances from the maximum front setback requirement of 25ft to allow for 42.3ft on one primary frontage from the minimum front setback requirement of 20 ft to allow for 4 ft on another primary frontage, from the curb cut minimum distance from an intersection requirement of 75ft to instead allow for 27.8 ft., and from the landscaping buffer requirement of 10ft to instead allow for 4ft at a property located at 1001 Hardy Street (PPIN 21054, Forrest County, Ward 4).





Zoning Change and Variance Requests
 1001 Hardy Street
 Zoned: B-3, PPIN 21054
 Flood Zone: X
 Ward 4, Forrest County

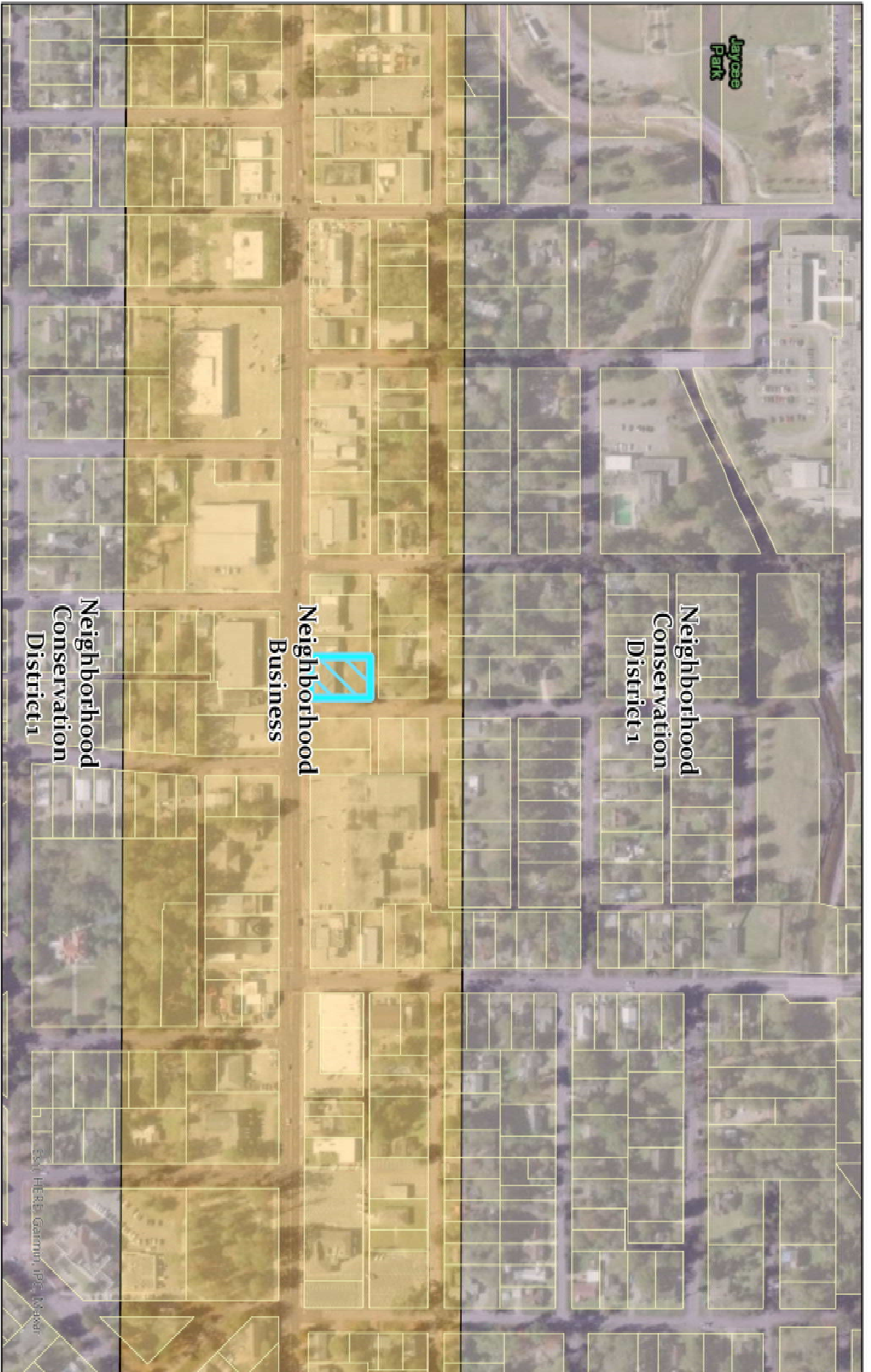
- Zoning Classes
- R-1A
 - R-1B
 - R-1C
 - R-2
 - R-3
 - B-1
 - B-2
 - B-3
 - 1001 Hardy Street

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: 10/13/2025 2:36 PM




0 750 Feet

URBAN DEVELOPMENT
PLANNING DIVISION

Center: 89°18'22"W 31°19'31"N



Future Land Use Map

-  Neighborhood Business
-  Neighborhood Conservation District 1
-  1001 Hardy Street

Zoning Change and Variance Requests
 1001 Hardy Street
 Zoned: B-3, PPIN 21054
 Flood Zone: X
 Ward 4, Forrest County



**URBAN DEVELOPMENT
 PLANNING DIVISION**

Center: 89°18'23"W 31°19'32"N

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: 10/13/2025 2:45 PM

Site Aerial



Property and 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: MITCH HEMBREE Project Name: NEAL RESIDENCE

Municipal Address of Site: 1001 HARDY STREET PPIN #: 21054

Parcel Number(s): 2-029L-09-228.00

| 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>DRIVEWAY</u> |
| <input checked="" type="checkbox"/> Rezoning (fill out page 11) | Existing Zoning: <u>B-3</u> Proposed Zoning: <u>B-1</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:

- | | |
|--|---|
| <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 #: | | | | |

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

10011 Hardy St. Hattiesburg MS
Street Address City State

on this the 29th day of Sept., 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.

Bill Rogers, Mitch Hembree

on this the 29th day of Sept, 2025

John Neal
Property Owner (Print)

[Signature]
Property Owner (Signature)

STATE OF MS

COUNTY OF Forrest

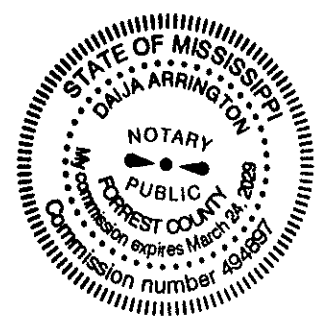
Personally came and appeared before me, the within named John Neal,

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 29th day of September, 2025.

[Signature]
NOTARY PUBLIC

My Commission Expires:
March 24, 2029



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

1001 Hardy St _____ Hattiesburg _____ MS _____
Street Address City State

on this the 29 day of September, 2025.

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

on this the _____ day of _____, 20____.

Mitch Hembree _____
Applicant (Print)
[Signature] _____
Applicant (Signature)

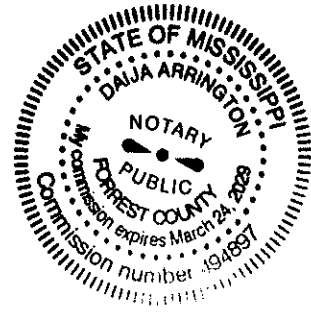
STATE OF Mississippi _____
COUNTY OF Forrest _____

Personally came and appeared before me, the within named Mitchell Hembree _____,

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 29th day of September, 2025.

[Signature] _____
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.

All conditions for which variances are applied for are existing conditions, with the exception of the driveway, which cannot be placed at the required distance from the intersection due to the existing location of the building. Removal of the existing parking lot with it's curb cuts will make the property more in compliance than is now.

- 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 other properties in the area have similar conditions. Most of the properties in this area are in violation of the current Land Development Code.

- 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 literal interpretation would make the proposed use of the property obsolete as the conditions are already existing.

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

See notes above.

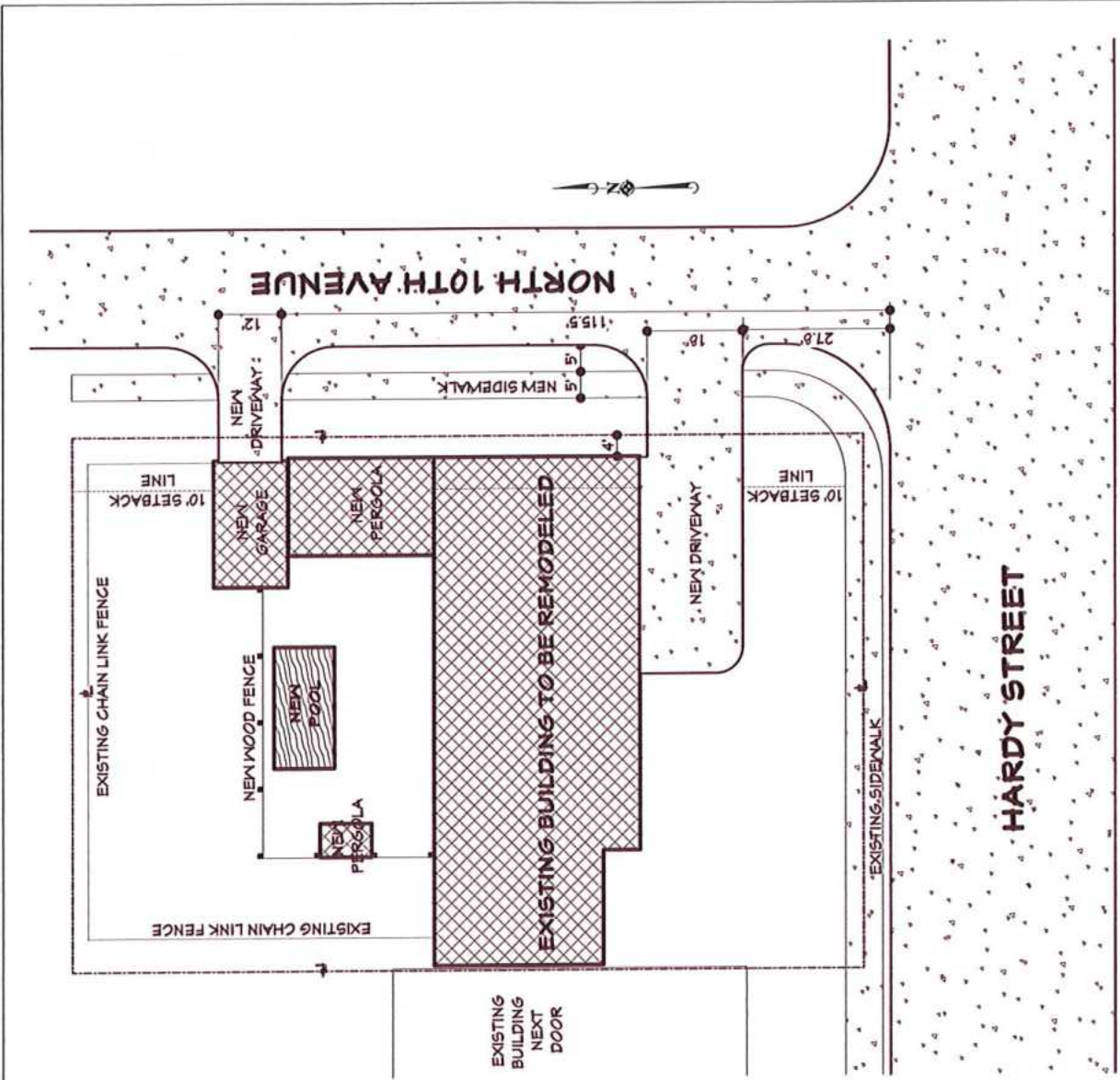
5. **Minimum Required.** The granting of a variance is the minimum variance that will make possible the reasonable use of the land or structure.

Yes, Pre existing conditions.

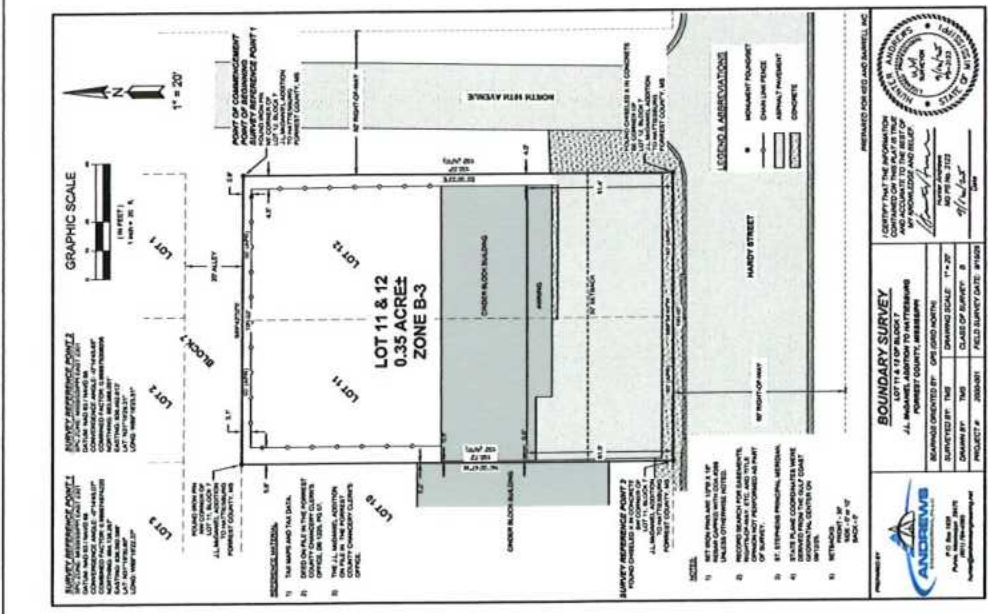
6. **Conformance with Purpose of this Code.** The granting of a variance will not conflict with the purposes and intent expressed or implied in the Land Development Code.

Yes, Pre existing conditions.

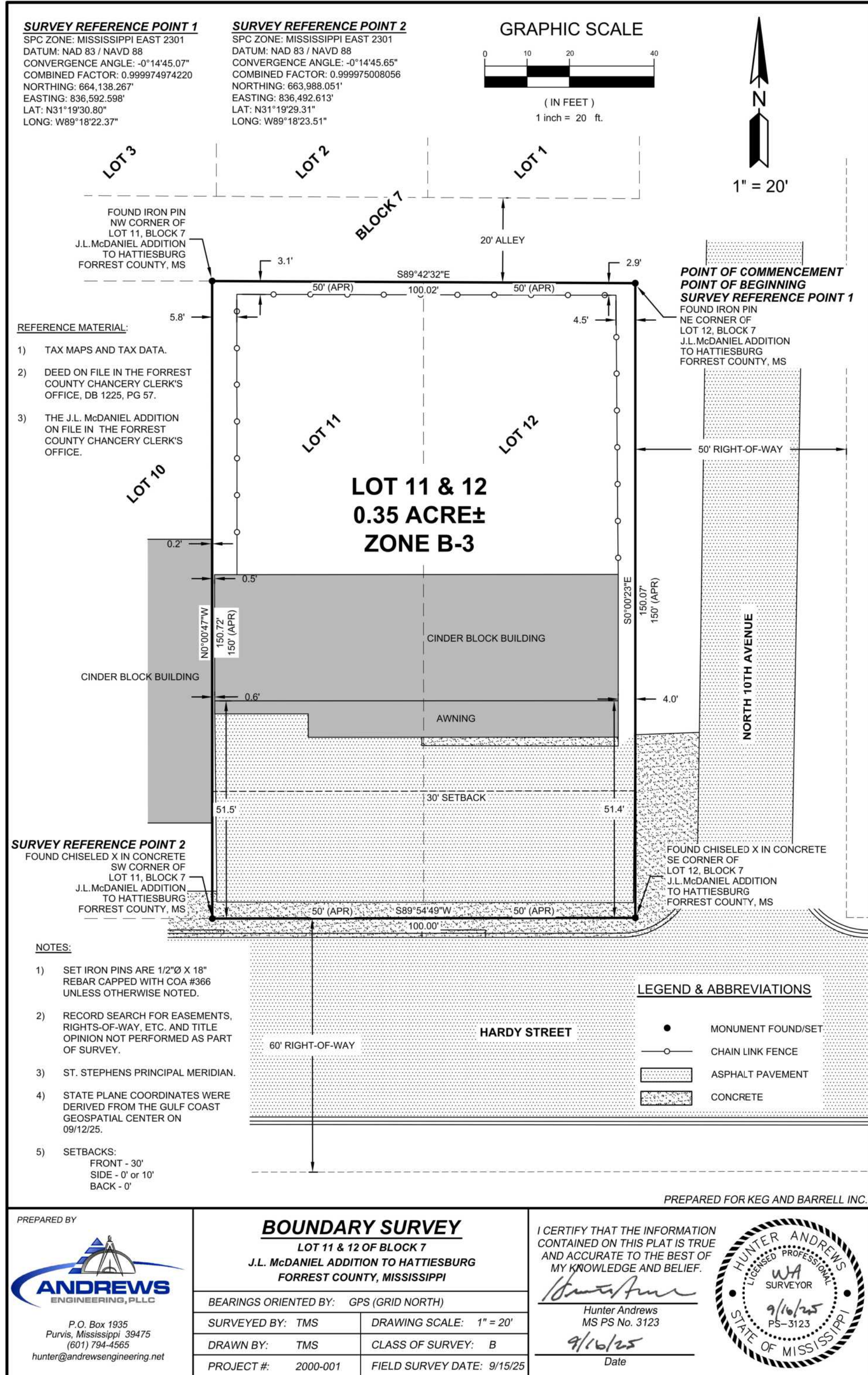
12.4.1.2 Conditions of Approval. In recommending the granting of a variance, the Board of Adjustment may require appropriate conditions and safeguards in conformity with this Code. Violation of such conditions and safeguards, when made a part of the terms under which a variance is granted, shall be deemed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



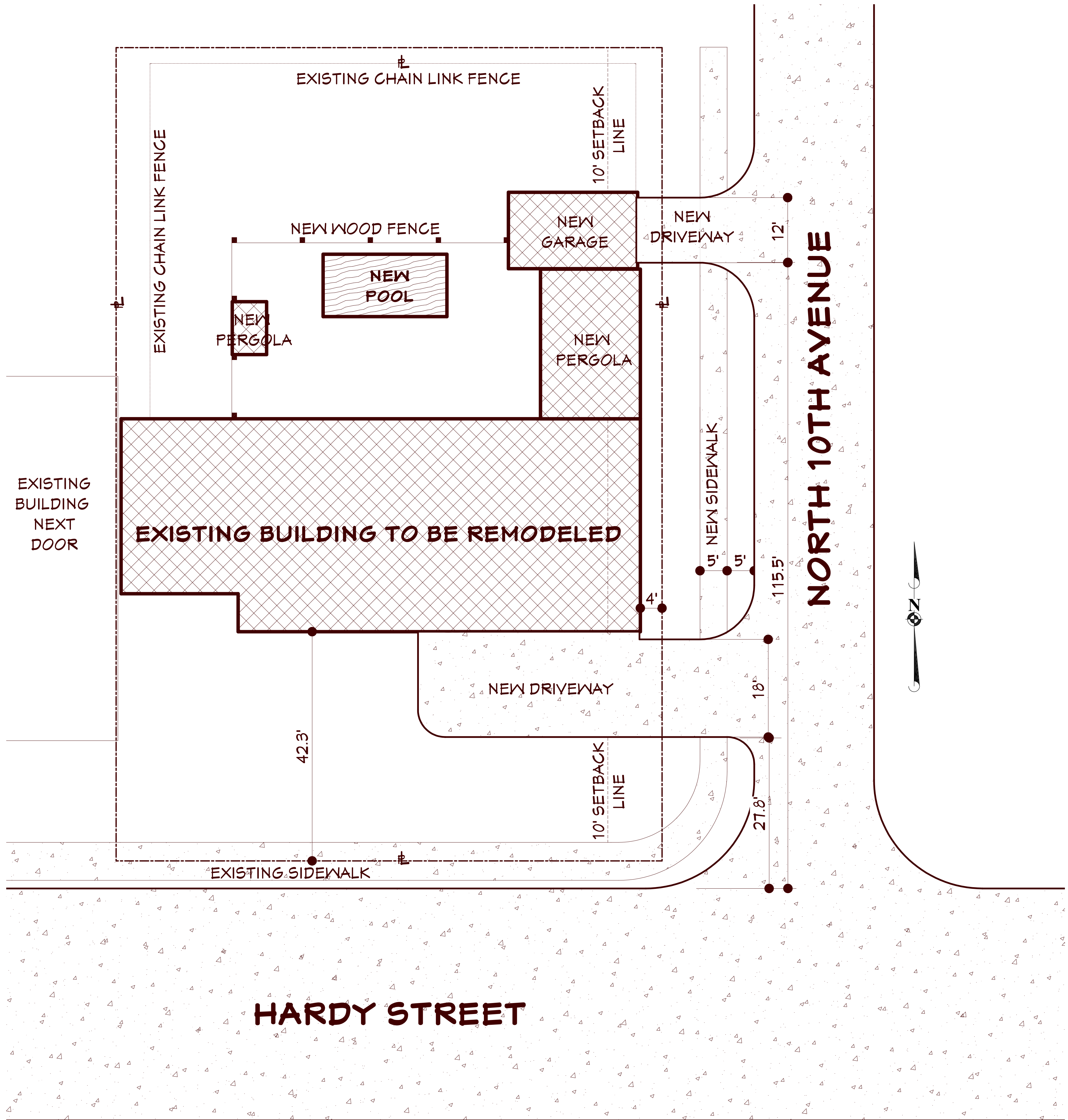
SITE PLAN
 SCALE: 1" = 10'



BOUNDARY SURVEY
 LOT 11 & 12
 0.33 ACRES
 ZONE B-3



SURVEY / EXISTING SITE PLAN



SITE PLAN
 SCALE: 1" = 10'

PROJECT

NEAL RESIDENCE
 1001 HARDY ST
 HATTIESBURG, MS

PROJECT NO.

PLANS BY

PHONE: 601-467-9457
 EMAIL: BuildingDesign@icloud.com
BILL RODGERS, AIBD, CBCO
 RodCo, LLC
 BUILDING DESIGN • CONSULTING • HOUSE PLANS • INSPECTION SERVICES • PLANS REVIEW
 BUILDING DESIGN CODE OFFICIAL • BUILDING PLANS EXAMINER • BUILDING INSPECTOR
 RESIDENTIAL COMBINATION INSPECTOR • MECHANICAL INSPECTOR • MECHANICAL PLANS EXAMINER
 PLUMBING INSPECTOR • PLUMBING PLANS EXAMINER

DATE

PROFESSIONAL MEMBER:

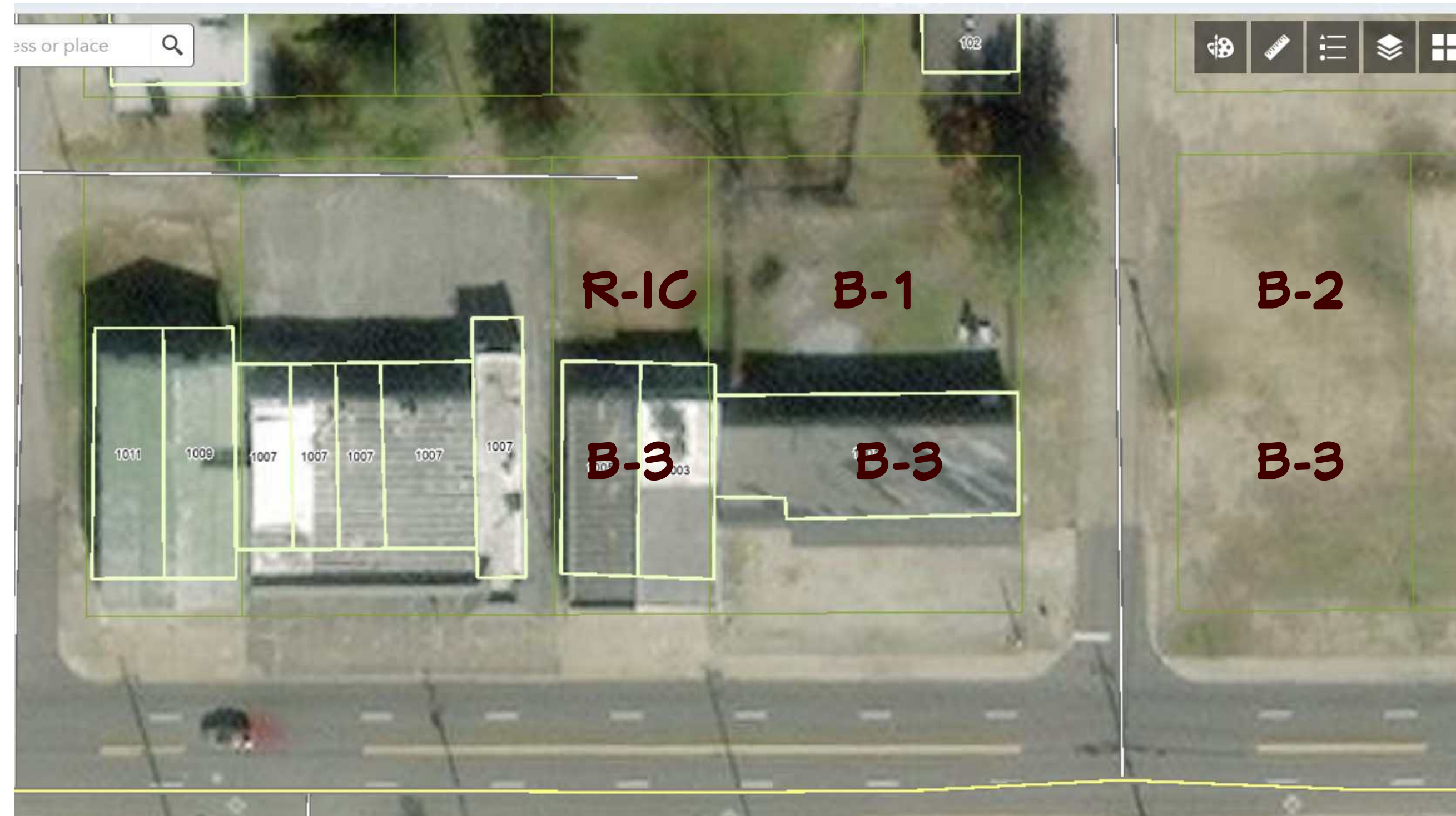


CERTIFIED MEMBER:



SHEET NO.

01



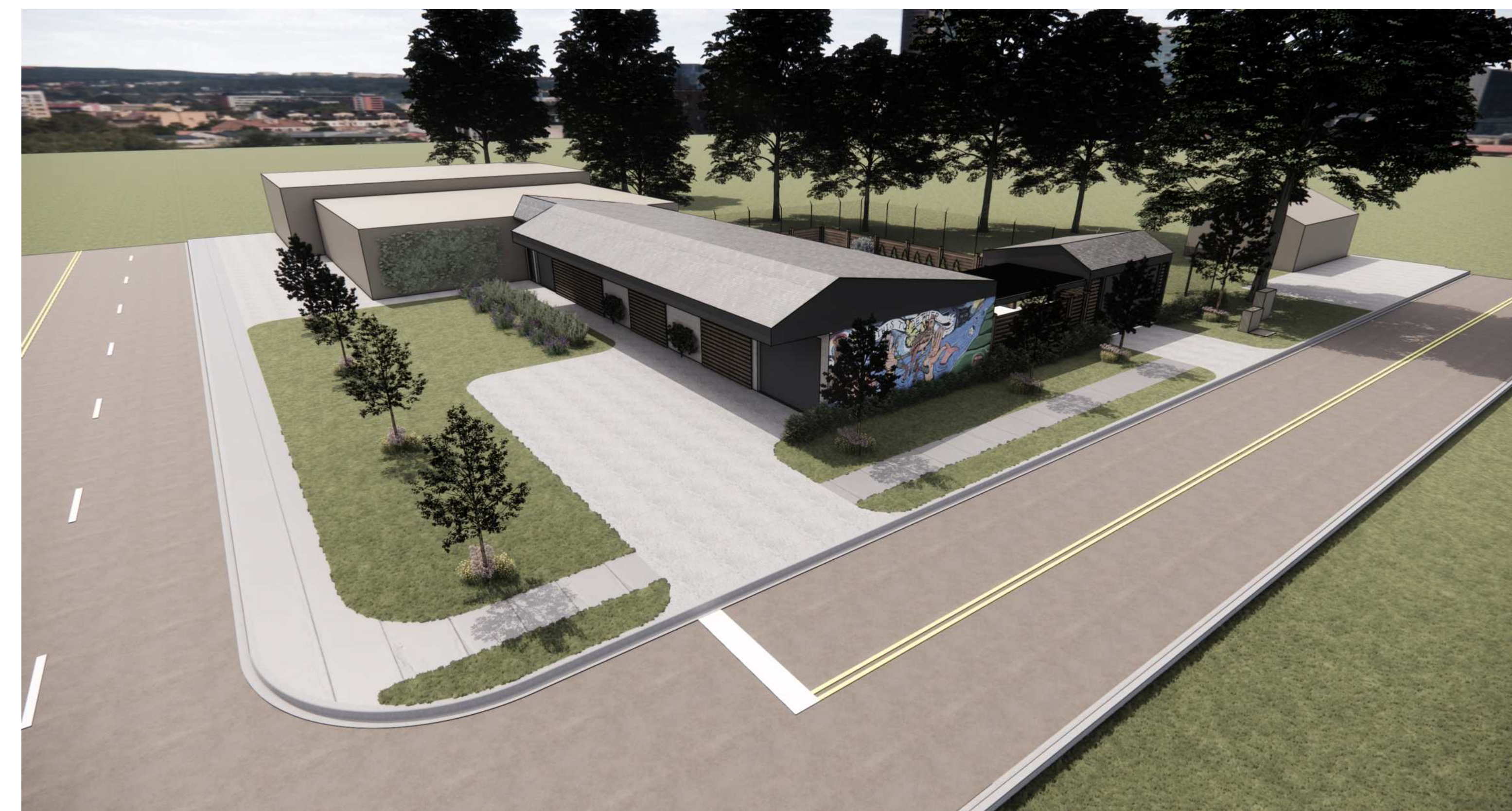
EXISTING SITE



EXISTING PERSPECTIVE



PROPOSED SITE
RENDERING BY MITCH HEMBREE



PROPOSED PERSPECTIVE
RENDERING BY MITCH HEMBREE

PROJECT

NEAL RESIDENCE
1001 HARDY ST
HATTIESBURG, MS

PROJECT NO.

PLANS BY

PHONE: 601-467-9457
EMAIL: BuildingDesigner@icloud.com
BILL RODGERS, AIBD, CBCO
RodCo, LLC
BUILDING DESIGN • CONSULTING • HOUSE PLANS • INSPECTION SERVICES • PLANS REVIEW
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PLUMBING INSPECTOR • PLUMBING PLANS EXAMINER

DATE

PROFESSIONAL MEMBER:



CERTIFIED MEMBER:



SHEET NO.

02

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.

This is an existing condition. Table 6.1 Front Setback: Requires 25'
maximum front setback, instead allow a 42.3' setback for a variance of 17.3'.

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 other properties in the area have similar conditions. Most of the
properties in this area are in violation of the current Land Development
Code.

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 literal interpretation would make the proposed use of the property
obsolete as the conditions are already existing.

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

See notes above.

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

Yes, Pre existing conditions.

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.

Yes, Pre existing 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.

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.

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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.

This is an existing condition. 7.10.11.2 Green Strip: Requires a 10' green strip on sides that front on public streets. Instead allow a 4' green strip on that portion of the 10th Avenue where buildings are located for a variance of 6.'

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 other properties in the area have similar conditions. Most of the properties in this area are in violation of the current Land Development Code.

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 literal interpretation would make the proposed use of the property obsolete as the conditions are already existing.

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

See notes above.

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

Yes, Pre existing conditions.

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.

Yes, Pre existing 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.

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.

This is an existing condition. 6.3.3.1 Side Setback: Requires the side setback on the street side of a corner lot to be equal to the front setback, 20' in B-1 zoning, instead allow a 4 setback for a variance of 16.

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 other properties in the area have similar conditions. Most of the properties in this area are in violation of the current Land Development Code.

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 literal interpretation would make the proposed use of the property obsolete as the conditions are already existing.

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

See notes above.

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

Yes, Pre existing conditions.

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.

Yes, Pre existing 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.

To Whom it may concern,

I am a property owner of property adjacent to 1001 Hardy Street, Hattiesburg, MS and I have no objection to the following variances requested to the City of Hattiesburg by John Neal for the property located at 1001 Hardy Street, Hattiesburg, MS:

All code sections reference the City of Hattiesburg Land Development Code.

Table 6.1 Front Setback: Requires 25' maximum front setback, instead allow a 42.3' setback for a variance of 17.3'.

6.3.3.1 Side Setback: Requires the side setback on the street side of a corner lot to be equal to the front setback, 20' in B-1 zoning, instead allow a 4' setback for a variance of 16.'

7.5.2.1 Curb Cuts: Requires 75' from street intersections to curb cuts, instead allow a distance of 27.8' for a variance of 47.2'.

7.10.11.2 Green Strip: Requires a 10' green strip on sides that front on public streets, instead allow a 4' green strip on that portion of the 10th Avenue side where buildings are located for a variance of 6.'

Annie Williams

Printed Name

Annie Williams dba 424 Holdings Company

Date 10/15/2025

Signature



Adjacent Property

Address 102 N. 10th Avenue, Hattiesburg, MS 39401



Hilary Zachary <hilary@kegandbarrel.com>

(no subject)

1 message

Hilary Hughes <heyimhilary@gmail.com>
To: Hilary Zachary <hilary@kegandbarrel.com>

Thu, Oct 16, 2025 at 2:37 PM

Mr. Banks, my name is John Neal, I'm the owner of Keg and Barrel in East and West Hattiesburg. I'm also your neighbor (1003) at [1001 Hardy st.](#) I'm starting the process of remodeling my building that is next to you. The city is asking me to reach out to you to make sure you are aware of the project. Do you mind having a few minutes conversation with me at some point? It would be much appreciated.

John Neal

*No response was received
JNeal*



**URBAN
DEVELOPMENT
PLANNING DIVISION**

**Board of Adjustment
Case Fact Sheet**

Names of Petitioner: Martin Luther King Jr. Baptist Church, Property Owners, and Michael Bethley, Representative

| Address of Property: | Parcel: | PPIN: | Ward: |
|--------------------------------|------------------|--------------|--------------|
| 110 Martin Luther King Jr. Dr. | 2-029F-04-067.00 | 32303 | 5 |
| | | 32304 | 5 |

Request(s): Sign Variances

Purpose of Request: Martin Luther King Jr. Baptist Church, Property Owners, Image Signs and Neon, Contractor, and Michael Bethley, Representative, request the following variances:

- A variance from the separation of electronic message boards from the nearest lot line of a residential use minimum requirement of 200ft to instead allow for 55ft
- A variance from the maximum requirement of 40% sign area of a electronic message board to instead allow for 45.71 %

for a sign at a B-2 zoned property located at 110 Martin Luther King Jr. Drive (PPIN 32303, Forrest County, Ward 5).

History / Background: The applicant met with staff in a pre-application meeting in July of 2025, where a proposed sign with an electronic reader board portion was discussed. The property's current zoning, B-2, does not allow for electronic reader boards. The applicant discussed that recent changes to the neighborhood, with the Hall Avenue Overpass, have significantly altered circulation and access in this area. While it has improved traffic flow along the corridor, it has affected access to this property. Overpass warrants a signage change.

The applicants originally applied for a zoning change that was brought to the Planning Commission, and the Planning Commission tabled the request. They asked the applicants and staff to meet to discuss other options for obtaining the desired signage without a zoning change. Staff and the applicants met in another pre-application meeting to review the various options for the different signage types.

Staff presented and discussed multiple options to establish signage that would meet the current regulations. The applicants expressed that they wanted to move forward with trying to obtain an electronic reader board and applied for text amendments to allow pole signs and electronic message reader boards as conditional use approvals in the B-2 zoning district for their current proposed sign design.

The proposed sign design requires variances from the electronic message reader board zoning requirements. The signs' location does not meet the residential buffer requirements (within 200 feet of an active residential use zoning), and the electronic message reader board section is a larger % than what the code allows for (45.71% instead of a max of 40%).

The 200-foot separation requirement is intended to reduce potential light and glare impacts from electronic message displays on nearby residential uses. The ERB Display area percentage is intended to maintain readability and proportionality within the proposed design.

The requested variances are contingent upon the text amendment and corresponding conditional use approval that would allow such signage within B-2 districts. The Board of Adjustment should evaluate whether the site's location and surrounding conditions constitute a unique circumstance warranting relief from the residential separation and sign area requirements, and whether the requested variances are consistent with the intent of the Land Development Code to ensure compatibility between commercial signage and adjacent residential uses.

Applicant Summary: See Attached

Applicable Regulations:

SECTION 5

Use Regulations

10.8.2.5. No sign may contain or be illuminated with flashing or intermittent lights or lights of changing degrees of intensity except electronic message boards or historic signs under the following conditions and restrictions:

i. The restoration or operation of historic signs within a local historic conservation district or a district listed in the National Register of Historic Places.

ii. Electronic message board lighting may be provided by right in the B-3 and B-5 Districts or in the R-1A or R-3 Districts as a conditional use as follows:

iii. Flashing, blinking, animated or scrolling messages, or interactive signs are prohibited.

iv. Messages shall post for a minimum time of 8 seconds and the image will change instantaneously as seen by the human eye;

v. Messages consisting of time or alphabetic or numeric characters on a background that may not include any video or moving images; vi. The use of red lights is discouraged in electronic message board signs;

vii. An electronic message is considered accessory to a larger static sign. The electronic message portion of such sign shall constitute no more than 40% of sign area of a freestanding sign and shall be limited to one such sign per lot.

viii. Electronic message boards shall be separated from the nearest lot line of any residential use by a minimum 200 feet.

ix. All electronic message boards shall be equipped with light sensing devices or a scheduled dimming timer that will automatically dim the intensity of the light emitted by the sign during ambient low-light conditions and at night so that the sign does not exceed the maximum brightness levels allowed in this section.

November 2025 BOA Item: D

Sign Variances

Martin Luther King Jr. Baptist Church, Property Owners, and Michael Bethley, Representative
x. Maximum brightness shall not exceed 0.3-foot
candles over ambient light levels measured at a
distance of one hundred and fifty (150) feet

Present Zoning: B-2 Neighborhood Business

Present Use: Place of Assembly (Church)

Future Land Use: Neighborhood Business Corridor

**Surrounding Zoning
and Land Use:** North: B-2 Neighborhood Business District & R-3 Multi-Family
Residential
South: R-1A Single-Family Residential
East: B-2 Neighborhood Business District
West: R-1C Single-Family Residential

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

Option: Recommend approval or denial of the following variances:

- A variance from the separation of electronic message boards from the nearest lot line of a residential use minimum requirement of 200ft to instead allow for 55ft
- A variance from the maximum requirement of 40% sign area of a electronic message board to instead allow for 45.71 %

for a sign at a B-2 zoned property located at 110 Martin Luther King Jr. Drive (PPIN 32303, Forrest County, Ward 5). **Basis for Approval (12.4.1.1):**

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

I. Hardship.

- The hardship is unique to the property and is not or will not be caused by the actions or inactions of the applicant.
- There are exceptional conditions creating an undue hardship applicable only to the property involved or the

Sign Variances

Martin Luther King Jr. Baptist Church, Property Owners, and Michael Bethley, Representative 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.

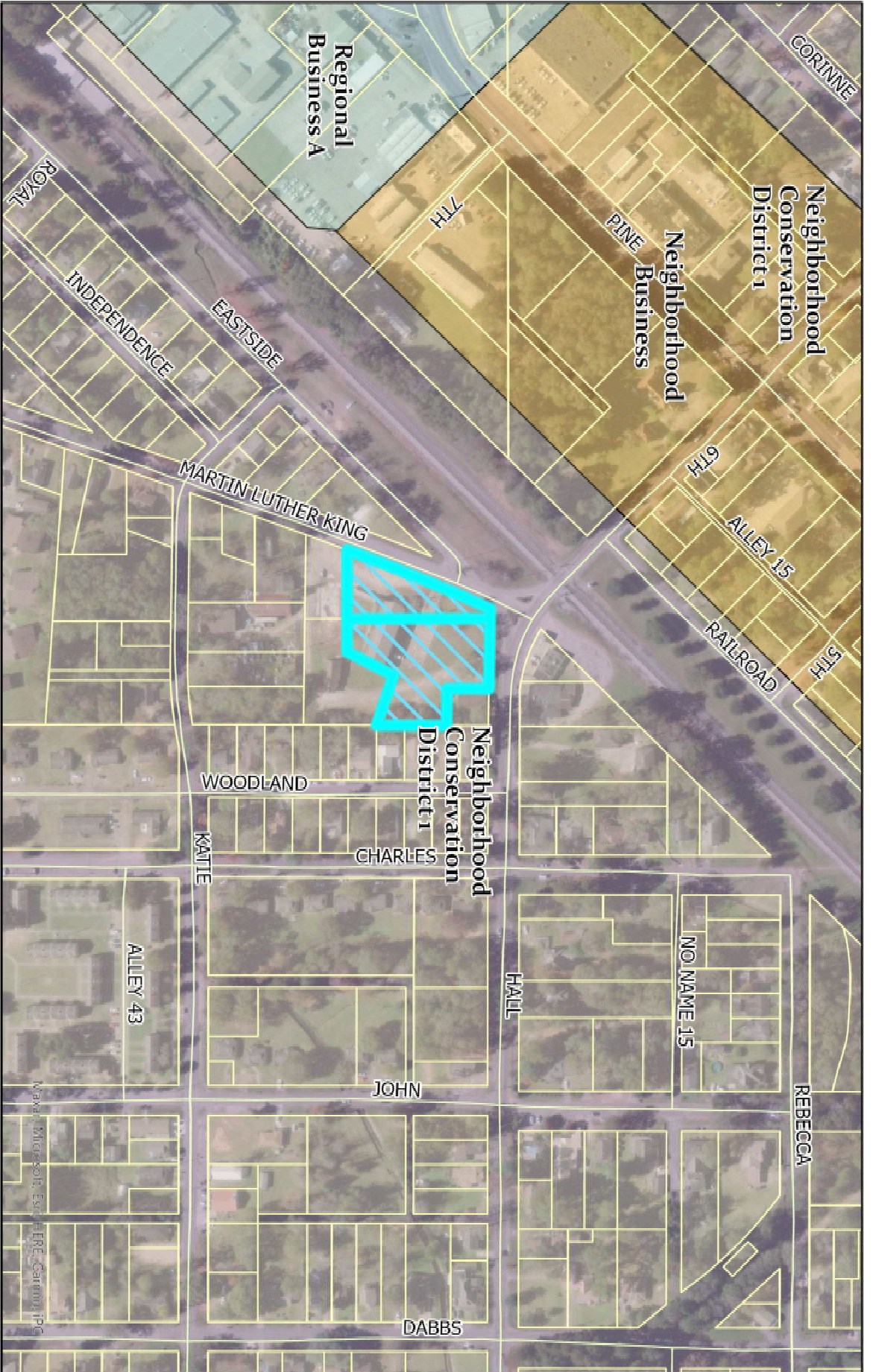
VI. Conformance with the Purposes of this Code. The granting of a variance will not conflict with the purposes and intent expressed or implied in the Land Development Code.

SUBJECT PARCEL

110 MLK Avenue — Variance Requests

Martin Luther King Jr. Baptist Church, Property Owners, Image Signs and Neon, Contractor, and Michael Bethley, Representative, request variances from the separation of electronic message boards from the nearest lot line of a residential use minimum requirement of 200ft to instead allow for 55ft and from the maximum requirement of 40% sign area of a electronic message board to instead allow for 45.71 % for a sign at a B-2 zoned property located at 110 Martin Luther King Jr. Drive (PPIN 32303, Forrest County, Ward 5).





- Future Land Use Map**
- Neighborhood Business
 - Neighborhood Conservation District 1
 - Regional Business A
 - Subject Property
- Zoning Change Request**
 1300 N Main Street
 PPIN: 14508
 Flood Zone: X
 Ward 2, Forrest County

DISCLAIMER: This map is ONLY FOR REFERENCE. There is NO WARRANTY of the accuracy of data. This information CANNOT be used as a substitute for legal, business, tax or other professional advice.
 Map Exported on: 8/8/2025 3:43 PM



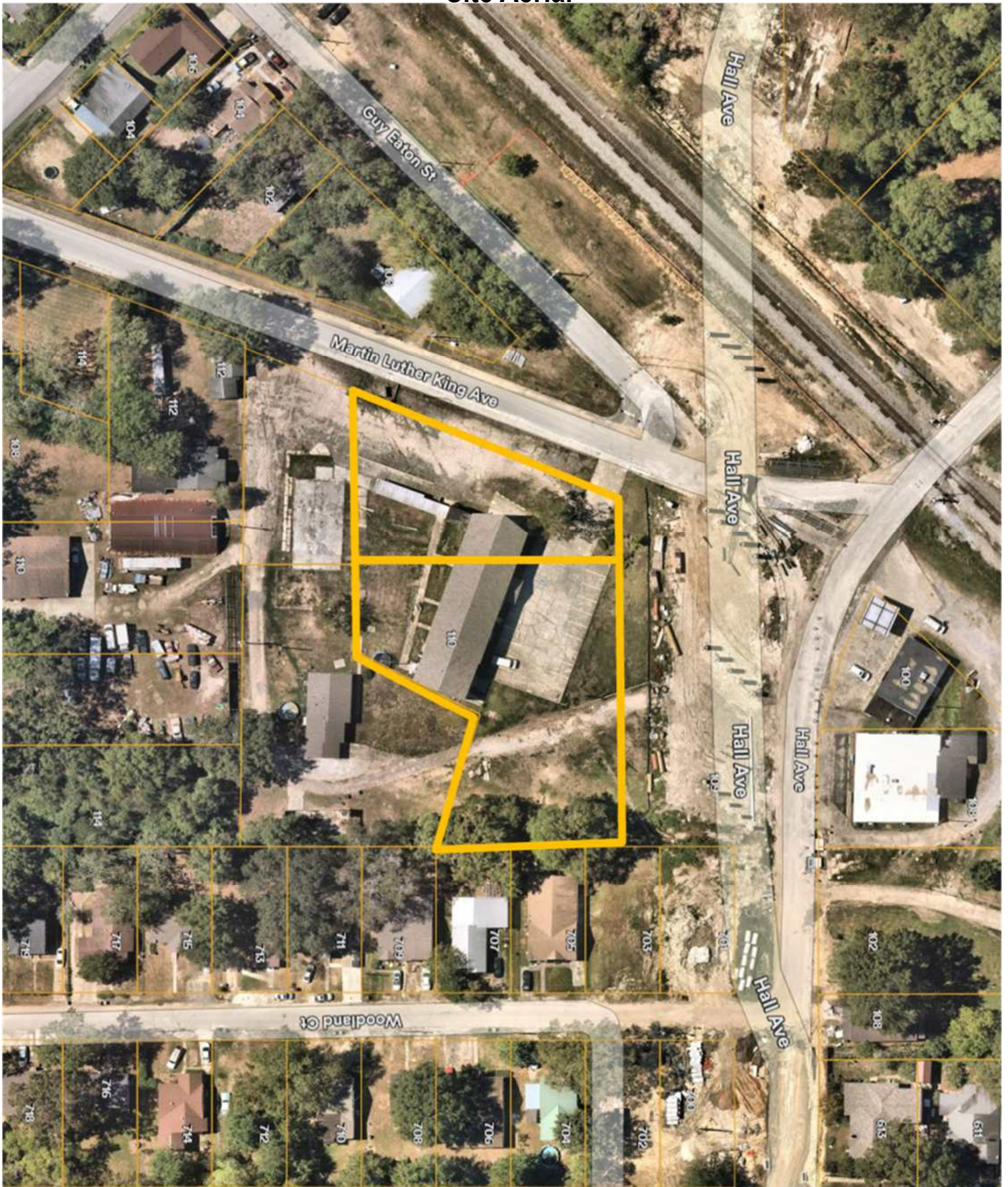




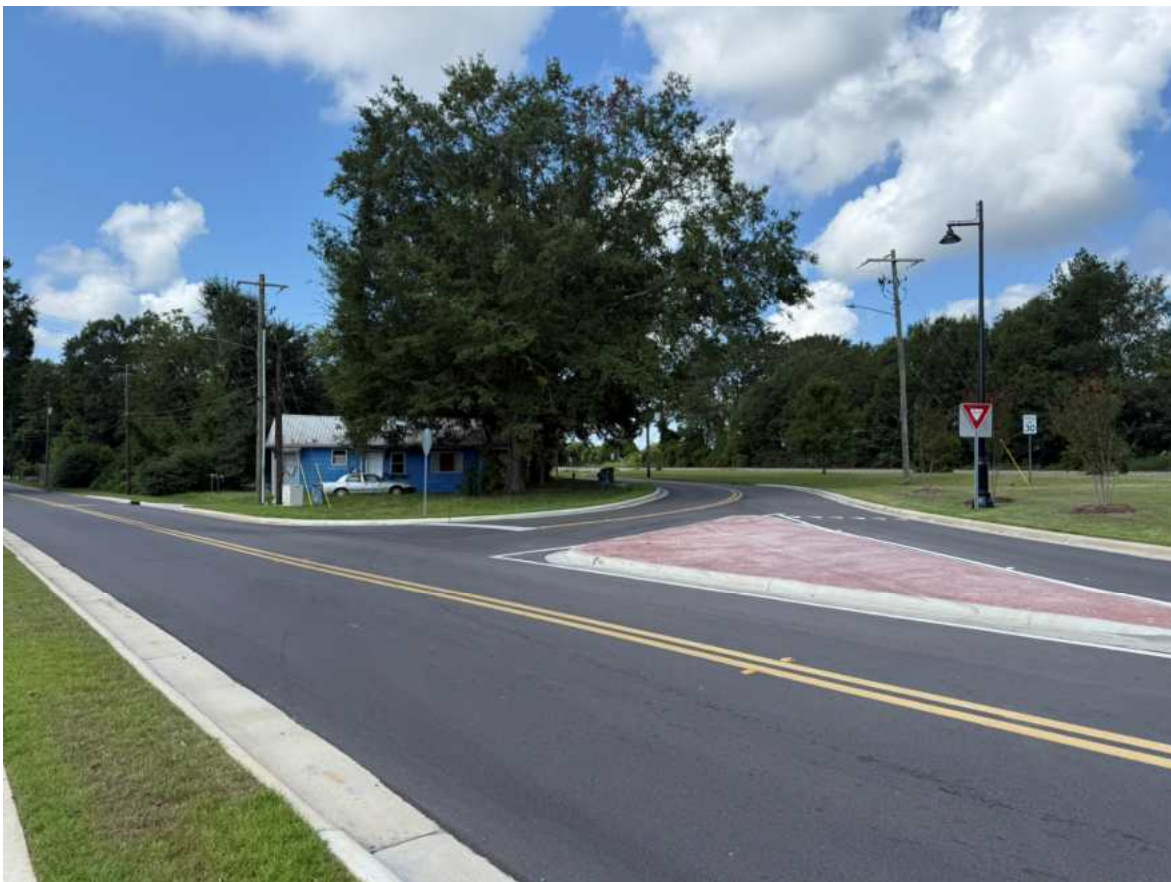
URBAN DEVELOPMENT
PLANNING DIVISION

Center: 89° 17' 51" W 31° 19' 1" N

Site Aerial



Surrounding Area



Surrounding Area





Application for Public Hearing

City of Hattiesburg – Planning Division

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



NOTE:

- Fill this application out IN FULL with what applies to your application
- Refer to the hattiesburgms.com/planning for Land Development Code and GIS map. Access via link or QR code



Applicant Information

Name Applicant: Martin Luther King Baptist Church **Project Name:** MLK Baptist Church

Municipal Address of Site: 110 Martin Luther King Ave Hattiesburg, MS 39401 **PPIN #:** 32303

Parcel Number(s): _____

| Type of Public Hearing | Additional Information Needed: |
|---|--|
| <input checked="" type="checkbox"/> Variance (fill out pages 7 & 8) | <input checked="" type="checkbox"/> Sign <input type="checkbox"/> Setback <input type="checkbox"/> Off-Site Parking <input type="checkbox"/> Lot Width <input type="checkbox"/> Lot Coverage Area <input type="checkbox"/> Buffer <input type="checkbox"/> Open Space <input type="checkbox"/> Other: _____ |
| <input type="checkbox"/> Rezoning (fill out page 11) | Existing Zoning: _____ Proposed Zoning: _____ |
| <input checked="" type="checkbox"/> Conditional Use (fill out pages 9 & 10) | <input type="checkbox"/> Automotive Filling Station <input checked="" 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"/> Street or Alley Renaming (fill out pages 13 & 14) <input type="checkbox"/> Vacating Street or Alley (fill out pages 13 & 14) | <input checked="" type="checkbox"/> Text Amendment <input type="checkbox"/> Overlay District <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 #: | | | | |



Application for Public Hearing

City of Hattiesburg – Planning Division

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

Public Hearing Petitioner Information:

Deadline for applicant to file petition: _____

Hattiesburg Planning Commission Meeting Date: _____

Hattiesburg Board of Adjustment Meeting Date: _____

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

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

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

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

Public Hearing Application Checklist

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

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



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. | \$225.00 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: Megan Sherman

Signature: Megan Sherman

Updated Version 05/22/2025

EMC

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 property has physical constraints for visibility and would benefit from visu messaging. The are no alternative methods that provide similar communicat effectiveness. Additionally, the church's original signs were removed by emine to allow for the new overpass project, which is outside of the church's control.
- 2. Special Privilege.** A variance shall not confer any special privilege that is denied to other lands or structures in the same zoning district.

This request is based on the functional and mission-based needs of the church to communicated to it's congregation and to the public. Other religious insti in similar zoning districts have been granted permission-either by code or vari to install EMCs to support community outreach and visibility. Granting this var would maintain equity across similarly situated properties and would not creat a precedent of undue leniency.
- 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.

A literal interpretation of the current sign regulations would deprive Martin Luther King Baptist Church of the ability to effectively communicate with its cong and surrounding community. While other properties within the same zoning di churches, civic institutions) are able to use modern signage, the church would this capability solely due to rigid application of the code.
- 4. Reasonable Use.** The applicant cannot make reasonable use of the property without the requested variance.

Churches rely heavily on timely, visible communication to service both congregation and community. Static signage does not allow the church to notify pas of service times, events, food distributions, or outreach initiatives. Denial of th variance would place an unreasonable burden on the church's ability to serve

EMC

it's mission and engage it's community, thereby depriving the property of reasonable and intended use.

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 represents the minimum variance necessary to allow reasonable use of the property. The church is not seeking to exceed any other

zoning or sign code requirements beyond what is essential for the EMC installation and operation. The size, location, and design of the sign comply with city standards except for the specific relief requested, which is narrowly tailored to address communication needs.

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 requested variance represents the minimum deviation necessary to allow for the reasonable use of the property by Martin Luther King Baptist Church.

church is not seeking to exceed height, size, or placement limits beyond what is appropriate or typical for the area. Only to incorporate an EMC component into its sign for the purpose of public communication.

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 of Adjustment shall be presented to the City Council for final action.

EMC

FOR CONDITIONAL USE APPLICANTS:

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

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

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

The proposed variance application aligns with the provisions set forth in Sec. 5.1. Signage associated with churches is permitted or conditional permitted, a requested is to address sign regulation within the code. The request will be re accordance with Sec. 5.2 and if necessary, the Planning Commission with rev

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

The proposed EMC will have a positive impact on the community by enhancir the visual appeal of the property. It will look professional, modern, and attracti and will compliment the area. The improved visibility will help communicate in messages and events effectively and potentially increase growth within the cc to further to church's mission of community outreach and involvement.

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

The site occupied by the church is large and well-established within the comm making it fully appropriate for the EMC. The church sits on a spacious parcel will not appear out of place or excessive for the setting.

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

The sign is intended solely as a communication tool to inform current and pro congregants and community members about services, events, and outreach programs. It will not create new uses or activities that would increase traffic v

5. **Will there be any elevation in the noise level resulting from this proposed use? If yes, please explain:**

No, the sign will be strictly visual and will not result in any noise elevation.

EMC

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6. **What is the expected number of customers/employees per day?**
As a religious institution, the church does not have customers or employee in traditional sense.
-
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-
7. **Is proposed use compatible with surrounding uses and design? If yes, please explain:**
Yes, the proposed EMC is compatible with the surrounding uses and design c
The church is located in a well-established community where institutional, reli
and civic uses are common. The size, design, and placement of the EMC con
with city code requirements and respect the character of the neighborhood.
-
8. **Parking requirements:** Commercial/Industrial: Paved parking will be provided for N/A
vehicles, and N/A ADA vehicles; with N/A loading spaces.

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

Refer to the hattiesburgms.com/planning for Land Development Code and GIS map. Access via link or QR code.



POLE

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The property has physical constraints for visibility and would benefit from a pole sign. There are no alternative methods that provide similar visibility. Additionally, the church's original was removed by eminent domain to allow for an overpass project, which is outside of the church's control.
- 2. Special Privilege.** A variance shall not confer any special privilege that is denied to other lands or structures in the same zoning district.

This request is based on the functional and mission-based needs of the church to be communicated to its congregation and to the public. Other religious institutions in similar zoning districts have been granted permission-either by code or variance to install pole signs to support visibility. Granting this variance would maintain equity across similarly situated properties and would not create a precedent of undue leniency.
- 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.

A literal interpretation of the current sign regulations would deprive Martin Luther King Baptist Church of the ability to effectively communicate with its congregation and surrounding community. While other properties within the same zoning district (churches, civic institutions) are able to use pole signage, the church would be denied this capability solely due to rigid application of the code.
- 4. Reasonable Use.** The applicant cannot make reasonable use of the property without the requested variance.

Churches rely heavily on timely, visible communication to service both congregation and community. Wall signage does not allow the church to notify parishioners of service times, events, food distributions, or outreach initiatives. Denial of this variance would place an unreasonable burden on the church's ability to serve

POLE

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zoning or sign code requirements beyond what is essential for the pole installation and operation. The size, location, and design of the sign comply with city standards except for the specific relief requested, which is narrowly tailored to address visibility needs.

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The proposed variance application aligns with the provisions set forth in Sec. 5.1. Signage associated with churches is permitted or conditional permitted, a requested is to address sign regulation within the code. The request will be in accordance with Sec. 5.2 and if necessary, the Planning Commission with review.

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

The proposed pole will have a positive impact on the community by enhancing the visual appeal of the property. It will look professional, modern, and attractive and will compliment the area. The improved visibility will help communicate in messages and events effectively and potentially increase growth within the community to further to church's mission of community outreach and involvement.

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

The sign is intended solely as a communication tool to inform current and prospective congregants and community members about services, events, and outreach programs. It will not create new uses or activities that would increase traffic volume.

5. Will there be any elevation in the noise level resulting from this proposed use? If yes, please explain:

No, the sign will be strictly visual and will not result in any noise elevation.

POLE

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Refer to the hattiesburgms.com/planning for Land Development Code and GIS map. Access via link or QR code.



**PETITION IN SUPPORT OF THE REZONING REQUEST
OF
MARTIN LUTHER KING JR BAPTIST CHURCH**

110 Martin Luther King, Jr. Dr., Hattiesburg, MS 39401

WE the undersigned residents of the City of Hattiesburg, being residents of Ward 5, together with members of the Martin Luther King, Jr., Baptist Church, 110 Martin Luther King Jr., Dr., Hattiesburg, MS 39401 by our signatures hereon do hereby support the zoning request of the church to rezone its property for the purpose of erecting a LED sign on the church's property.

| NAME (Print) | ADDRESS: | PHONE (Optional) |
|-------------------------|-------------------|------------------|
| 1. Charles Lawrence | 606 John Street | (601) 582-4157 |
| 2. Derrick Wells | 104 East Side Ave | 769-207-2575 |
| 3. Michael Brooks | 100 East Side Ave | 601-584-2683 |
| 4. EUGENE Cooper | 112 MLK AVE | 769-277-8470 |
| 5. Michelle Medley | 520 Malcolm St | 447 9297 |
| 6. Thomas Jones | 1016 Cherry St | 601-819-9100 |
| 7. Chad Wauflard | 707 Woodland Ct | 601 434 3983 |
| 9. Jessica Woullard | 707 Woodland Ct | 601 329 855 |
| 10. Starline Buchanan | 706 Woodland | 601-337-9960 |
| 11. Carantiny Armstrong | 111 Hinton Dr. | 601-408-7063 |
| 12. Vera Woodard | 319 W 4th St | 601-544-4893 |
| 13. Sylvia Jackson | 110 Katie Ave | 601-543-5414 |
| 14. Rev. Claude | 110 Katie Ave | 601-543-5414 |
| 15. Edsel Armstrong Sr. | 111 Hinton Dr. | 601 337 8738 |
| 16. BRANDY BARNETT | 319 W 4th St | 601 447-6286 |
| 17. Vera Armstrong | 3504 Campbell Dr | 601 658-4504 |
| 18. Jim Hall | 108 Hall Ave | 601 658-0887 |
| 19. Sharee Shoemaker | 110 1/2 MLK AVE | 601 602 7604 |
| 20. Tashere Hodge | 110 1/2 MLK | 601-581-1984 |

**PETITION IN SUPPORT OF THE REZONING REQUEST
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| NAME (Print) | ADDRESS: | PHONE (Optional) |
|-----------------------------|-----------------------------|----------------------|
| 1. <u>Jashya Tolson</u> | <u>110 1/2 MLK AVE</u> | <u>1-601-545-036</u> |
| 2. <u>Ludia Allen</u> | <u>315 E. Florence</u> | <u>901-428-2792</u> |
| 3. <u>Carolyn Murton</u> | <u>705 Woodland Ct</u> | |
| 4. <u>Obelia Jean Baker</u> | <u>709 Woodland Ct</u> | |
| 5. <u>REV JOHN BARBER</u> | <u>711 woodland ct</u> | <u>601-549-7109</u> |
| 6. <u>Douglas Hooker</u> | <u>711 woodland Ct</u> | <u>601-367-3736</u> |
| 7. <u>Kristian Bony</u> | <u>715 woodland Ct</u> | |
| 9. <u>Angela Berry</u> | <u>715 Woodland Ct.</u> | |
| 10. <u>Alfonzo Swill</u> | <u>713 Woodland Ct.</u> | <u>601 402-5729</u> |
| 11. <u>Omarion menair</u> | <u>710 woodland Ct</u> | <u>601-544-3646</u> |
| 12. <u>Abshimert Bryant</u> | <u>717 woodland ct</u> | <u>601-571-7663</u> |
| 13. <u>Willie Funder</u> | <u>104 Hall Ave</u> | <u>601-717-2330</u> |
| 14. <u>Barbara Puckett</u> | <u>204 M. L. King Ave</u> | |
| 15. <u>Jann Wall</u> | <u>200 M. L. King Ave</u> | <u>601-545-8740</u> |
| 16. <u>Trishay Furr</u> | <u>165 Independence Ave</u> | <u>601 913 7119</u> |
| 17. <u>Yolanda Poik</u> | <u>118 Independence Ave</u> | <u>601-337-2383</u> |
| 18. <u>Nieshea Mary</u> | <u>Hattiesburg MS 39401</u> | |
| 19. <u>Debra Collins</u> | <u>116 Independence Ave</u> | <u>601-307-5140</u> |
| 20. <u>Marcia Johnson</u> | <u>104 Katie Avenue</u> | |

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NAME (Print) ADDRESS: PHONE (Optional)

1. *Ruby Johnson* *104 Katie Ave* _____

2. *Kenneth Bryant* *104 Independence E AVE* _____

3. ~~*[Signature]*~~ *106 East side Ave* _____

4. *Donda Benn* *804 S. 14th Ave* _____

5. *Kenita Williams* *205 Pine Drive* _____

6. *Empha Hunt* _____

7. *Angela Carter* _____ *601-270-5092*

9. _____

10. _____

11. _____

12. _____

13. _____

14. _____

15. _____

16. _____

17. _____

18. _____

19. _____

20. _____





Date: 10/27/2025

Client: Martin Luther King Avenue Baptist Church

Description of Project:

2x8 face
2'x8' EMC

Client Approval:

Signature

Date

DISCLAIMER

Image Signs and Neon, Inc. is not responsible for misinterpretations of sizing, spelling, color, and every other aspect of this concept. All aspects must be verified by the client prior to signature. This is an original, unpublished drawing by Image Signs & Neon, Inc. It is provided to you in connection with a job being planned for you by Image Signs & Neon, Inc. This drawing is not to be shown to anyone outside your organization, nor is it to be used, reproduced, copied, or exhibited in any fashion.

601-582-1642

graphics@imagesignsandneon.com





Date: 10/1/2025

Client: Martin Luther King Avenue Baptist Church

Description of Project:

2x8 face
2'x8' EMC

Client Approval:

Signature

Date

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601-582-1642

graphics@imagesignsandneon.com

