

Board of Adjustment Agenda
Jackie Dole Sherrill Community Center (Dining Room)

Time: 3:30 PM

12/3/2025

I. Business Meeting

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

II. Public Hearing

1. Presentation of Petitions for Public Hearing
 - SDP Mississippi 1, LLC, Property Owner/Applicant, Chris Berry, Engineer, and Joe Pegram, Applicant, request variances from a front setback requirement of 30ft to instead allow for 35'±, a west side setback requirement of 30ft to instead allow for 53'±, an east side setback requirement of 30ft to instead allow for 47'±, a landscaping buffer requirement of 30ft to instead allow for 5', A curb cut requirement of 10ft from a parcel line to instead allow for 5', a perimeter landscaping requirement of 10ft to instead allow for 2' average, a drive-through buffer requirement of 300ft to instead allow for 0' for a property at 3320 Hardy Street (PPIN 22656, Forrest County, Ward 3)
 - A.
 - Roger Fleenor, Property Owner/Applicant, requests a variance from the maximum front yard fence height of 4ft to allow for 8ft for an R-2 zoned property at 220 Martin Luther King Jr. Avenue (PPIN 21672, Forrest County, Ward 2).
 - B.

III. Other Business

1. TABLED ITEM: 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).
2. TABLED ITEM: 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).

IV. Adjournment

**MINUTES OF THE
REGULAR MEETING OF THE
BOARD OF ADJUSTMENT
November 5th, 2025**

Board Members Roll Call:

Members Present:

1. Sandi Boykins
2. Herman Dungan
3. John Eye
4. Bernard Green, Vice Chair (departed during item D)
5. Shawn Harris, Chair
6. Stacey Ready, Secretary
7. Brandon Williams (Virtual)

Members Absent:

8. Jessica Cathey
9. James Hughes
10. Richard Conville
11. Vacant Seat

Staff Present:

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

Chair Harris declared the Board of Adjustment meeting open and in session at 3:45 p.m.

AGENDA REVIEW

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

Motion:

Made by Bernard Green to approve the agenda

Second:

Made by Herman Dungan

Vote:

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

The motion to approve the November 2025 meeting agenda was passed by a 7-0 vote.

MINUTES REVIEW

A motion was made by Stacey Ready to approve the minutes.

Motion:

Made by Stacey Ready

Second:

Made by Herman Dungan

Vote:

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

The motion to approve the October 2025 meeting minutes was passed by a 7-0 vote.

PLANNING REPORT

The Planning Division staff gave a report.

CHAIR'S REPORT

No report from the chair.

INTRODUCTIONS:

Board of Adjustment members and Staff introduced themselves.

PUBLIC HEARING:

A motion was made by Bernard Green to table items B and D.

Motion:

Made by Bernard Green

Second:

Made by Sandi Boykins

Vote:

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

The motion to table items B and D was passed by a 7-0 vote.

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**Item 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).

### **Discussion and Vote:**

Staff introduced the case.

**Presented by:**

- Michael Haddox

**Proponents:**

- None

**Opponents:**

- None

**Motion:**

Herman Dungan to recommend denial of the variance request

**Second:**

Made by John Eye

**Vote:**

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

The motion to recommend denial of the variance request passed with a vote of 6-1.

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Item 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).

The item was tabled for the December Board of Adjustment meeting.

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**Item 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).

**Discussion and Vote:**

Staff introduced the case.

**Presented by:**

- John Neal
- Mitch Hembre
- Bill Rogers

**Proponents:**

- None

**Opponents:**

- None

**Motion:**

Herman Dungan to recommend approval of all the variance requests

**Second:**

Made by Stacey Ready

**Vote:**

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

The motion to recommend approval of all variances passed with a 6-0 vote.

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Item 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).

The item was tabled for the December Board of Adjustment meeting.

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**OTHER BUSINESS:**

- Nominating committee for elections.

**Motion:**

Stacey Ready motioned to name a nominating committee with Herman Dungan (Chair), Brandon Williams, and John Eye.

**Second:**

Made by Sandi Boykins

**Vote:**

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

The motion to name a nominating committee with Herman Dungan (Chair), Brandon Williams, and John Eye passed with a 6-0 vote.

**Motion:**

Herman Dungan motioned to adjourn the meeting.

**Second:**

Made by Sandi Boykins

**Vote:**

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

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

The Board of Adjustments adjourned the meeting at 4:35 pm

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Stacey Ready, Secretary

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Cory Long, AICP, Planning Division Manager

December 2025 BOA Item A

SDP Mississippi 1, LLC, Property Owner/Applicant, Chris Berry, Engineer, and Joe Pegram, Applicant

Setback, Landscaping, Curb Cut, and Drive-Through Buffer Variances



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

**Board of Adjustment  
Case Fact Sheet**

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**Names of Petitioner:** SDP Mississippi 1, LLC, Property Owner/Applicant, Chris Berry, Engineer, and Joe Pegram, Applicant

**Address of Property:**  
3320 Hardy Street

**Tax Parcel**  
2-028M-07-001.00

**PPIN:**  
22656

**Ward:**  
3

**Request(s):** Setback, Landscaping, Curb Cut, and Drive-Through Buffer Variances

**Purpose of Request:** SDP Mississippi 1, LLC, Property Owner and Applicant, along with Chris Berry, Engineer, and Joe Pegram, Applicant, request the following variances for a B-3 zoned property located at 3320 Hardy Street (PPIN 22656, Forrest County, Ward 3):

- A variance from the 30-foot front setback requirement to allow 35 feet (±)
- A variance from the 30-foot west front setback to allow 53 feet (±)
- A variance from the 30-foot east front setback to allow 47 feet (±)
- A variance from the 30-foot zoning buffer requirement to allow 5 feet
- A variance from the 10-foot curb cut separation from a property line to allow 5 feet
- A variance from the 10-foot perimeter landscaping requirement to allow an average of 2 feet
- A variance from the 300-foot drive-through residential buffer requirement to allow 0 feet

**History / Background:** The applicants met with staff in multiple pre-application meetings to discuss their plan to redevelop the property for a new Chipotle restaurant with a drive-through. The original concept involved retrofitting the existing building, retaining the current building footprint and drive-through configuration. Under that approach, most existing nonconformities would have remained legal nonconforming, and no variances would have been required.



December 2025 BOA Item A

SDP Mississippi 1, LLC, Property Owner/Applicant, Chris Berry, Engineer, and Joe Pegram, Applicant

Setback, Landscaping, Curb Cut, and Drive-Through Buffer Variances

The applicants later shifted to a second option that involves demolishing the existing Topher's building and constructing a new structure that conforms to the restaurant's corporate design and operational requirements. Because demolition removes all existing legal nonconformities, the redevelopment must fully comply with the current Land Development Code, which creates the need for multiple variances.

During these discussions, staff explored alternative development approaches that could reduce or eliminate the need for variances. These included:

- Converting the drive-through operation into a "grab-and-go" pickup model with no stacking lane to not require a residential buffer variance
- Reorienting the building to follow a form-based code layout, which could bring setbacks closer to the B-3 dimensional standards

The applicants ultimately chose to pursue a redevelopment that closely mirrors the existing site layout and operational patterns, while also providing improved landscaping and enhanced pedestrian elements. However, because the project is considered new development, it must meet current standards, leading to several variance requests.

The property fronts three public streets: Hardy Street, South 34th Avenue, and Southampton Road. Under the Land Development Code, a parcel with three street frontages must meet front setback requirements on all sides, which in the B-3 district are a minimum of 0 feet and a maximum of 30 feet. The proposed site design results in:

- 35 feet (±) along 34th Avenue
- 53 feet (±) along Southampton Road
- 47 feet (±) along Hardy Street

Each requires a variance due to exceeding the 30-foot maximum front setback.

The redevelopment proposes closing the existing Hardy Street driveways and routing site access through the two existing rear driveways. Based on the revised layout, the western driveway would be located within 5 feet of the shared property line, requiring a variance from the 10-foot minimum curb cut separation.

The site plan also shows an average of 2 feet of perimeter landscaping, where 10 feet is required. Landscaping depth constraints are driven by the tight configuration of the lot, the three street frontages, and the placement of drive-through stacking.

December 2025 BOA Item A

SDP Mississippi 1, LLC, Property Owner/Applicant, Chris Berry, Engineer, and Joe Pegram, Applicant

Setback, Landscaping, Curb Cut, and Drive-Through Buffer Variances

The subject property directly abuts an R-3 Multi-Family Residential zoning district to the south. The Land Development Code requires a 300-foot buffer between the active components of a drive-through and any residentially zoned property. The 300-ft buffer also encroaches on an additional 6 active, single-family residential structures (zoned R-1A) and two additional multi-family unit complexes (zoned R-3). Because the drive-through lane is shown directly adjacent to the shared property line, the applicant requests a variance to allow 0 feet in place of the 300-foot requirement.

The Board of Adjustment should evaluate the request based on the variance criteria in the Land Development Code, including whether the conditions the applicant is presenting as justification for the variances are unique to the property, whether the variances represent the minimum necessary deviation from code standards, and whether granting the variances would be in conformance with the purposes of the Land Development Code. The Board should also consider whether reasonable use of the land is achievable under the existing code without the requested variances.

**Applicant Summary:** See Attached

**Applicable Regulations:**

## **Section 5**

### **Use Regulations**

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

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

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

**5.4.40.3** Drive-through facilities located closer than 300 feet to a residential use shall operate no earlier than 6:00 a.m. or later than 12:00 a.m.

**5.4.40.4** No part of the active use area of a drive through restaurant, including the drive through, menu, and window, may be located closer than 300 feet to a lot containing a legal, conforming residential use.

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

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

December 2025 BOA Item A

SDP Mississippi 1, LLC, Property Owner/Applicant, Chris Berry, Engineer, and Joe Pegram, Applicant

Setback, Landscaping, Curb Cut, and Drive-Through Buffer Variances

## 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 |                        |                                      |                |
| 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                  | 0                | 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             |

## SECTION 7

## Standards of Design

**7.5.1.2** Curb cuts, except where shared, shall be located a minimum of 10 feet from a parcel or lot line.

| Table 7.1 Design Standards    |                                                                                                                         |          |     |      |      |      |     |     |     |     |     |     |     |     |     |
|-------------------------------|-------------------------------------------------------------------------------------------------------------------------|----------|-----|------|------|------|-----|-----|-----|-----|-----|-----|-----|-----|-----|
| STANDARD                      |                                                                                                                         | DISTRICT |     |      |      |      |     |     |     |     |     |     |     |     |     |
| ■ = Required                  |                                                                                                                         | A-1      | A-2 | R-1A | R-1B | R-1C | R-2 | R-3 | B-1 | B-2 | B-3 | B-4 | B-5 | I-1 | I-2 |
| x = Not required              |                                                                                                                         |          |     |      |      |      |     |     |     |     |     |     |     |     |     |
| 7.10.2 Perimeter Landscaping. |                                                                                                                         |          |     |      |      |      |     |     |     |     |     |     |     |     |     |
| 7.10.2.1                      | A green strip 10 feet in width shall be planted with at least one large, deciduous tree per 60 feet of lineal frontage. | x        | x   | x    | x    | x    | x   | x   | ■   | ■   | ■   | x   | ■   | ■   | ■   |

7.11.2 Zoning Buffer Requirements.

| Table 7.11-2 Zoning Buffer Requirements |     |     |      |      |      |     |     |         |     |     |     |     |     |                                                                                                                                                                                                                                                                                                                                                                       |
|-----------------------------------------|-----|-----|------|------|------|-----|-----|---------|-----|-----|-----|-----|-----|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Zones                                   | 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 | Buffer Yard Specifications                                                                                                                                                                                                                                                                                                                                            |
| R-3                                     | 10' | 10' | 10'  | 10'  | 10'  | 10' | -   | -       | -   | -   | -   | -   | -   | Type 10 shall consist of a landscaped area a minimum of 10 feet in width, landscaped with One (1) large canopy tree (ultimate height 50± feet) for every seventy-five (75) lineal feet of buffer yard and Three (3) medium evergreen trees (planted on a 25 foot triangular staggered spacing) and one small ornamental tree for every 75 lineal feet of buffer yard. |
| B-1/<br>B-2                             | 20' | 20' | 20'  | 20'  | 20'  | 20' | 20' | 20'     | -   | -   | -   | -   | -   | Type 20 shall consist of a landscaped area a minimum of 20 feet in width, landscaped as an opaque barrier. One large canopy tree (ultimate height 50± feet) and 2 small ornamental deciduous trees spaced 30 feet on center for every 60 lineal feet of buffer yard. An opaque wall may be substituted for landscape screening.                                       |
| B-3                                     | 30' | 30' | 30'  | 30'  | 30'  | 30' | 30' | -       | -   | -   | -   | -   | -   | Type 30 shall consist of a landscaped area a minimum of 30 feet in width, landscaped as an opaque barrier, one large canopy tree (ultimate height 50± feet) for every 60 lineal feet of buffer yard and 1 medium evergreen tree planted on a triangular staggered spacing for every 15 lineal feet of buffer yard.                                                    |

**Present Zoning:** B-3 Community Business

**Present Use:** Restaurant with Drive-Thru - Tophers Burgers & Biscuits

**Future Land Use:** Community Business Corridor

**Surrounding Zoning and Land Use:**

North: B-3 Community Business  
 South: R-3 Multi-Family Residential  
 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 request for variances from a front setback requirement of 30ft to instead allow for 35'±, a west

December 2025 BOA Item A

SDP Mississippi 1, LLC, Property Owner/Applicant, Chris Berry, Engineer, and Joe Pegram, Applicant

Setback, Landscaping, Curb Cut, and Drive-Through Buffer Variances

side setback requirement of 30ft to instead allow for 53'±, an east side setback requirement of 30ft to instead allow for 47'±, a landscaping buffer requirement of 30ft to instead allow for 5', A curb cut requirement of 10ft from a parcel line to instead allow for 5', a perimeter landscaping requirement of 10ft to instead allow for 2' average, a drive-through buffer requirement of 300ft to instead allow for 0' for a property at 3320 Hardy Street (PPIN 22656, Forrest County, Ward 3)

### **Basis for Approval (12.4.1.1):**

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

#### I. Hardship.

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

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

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

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

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

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

## SUBJECT PARCEL

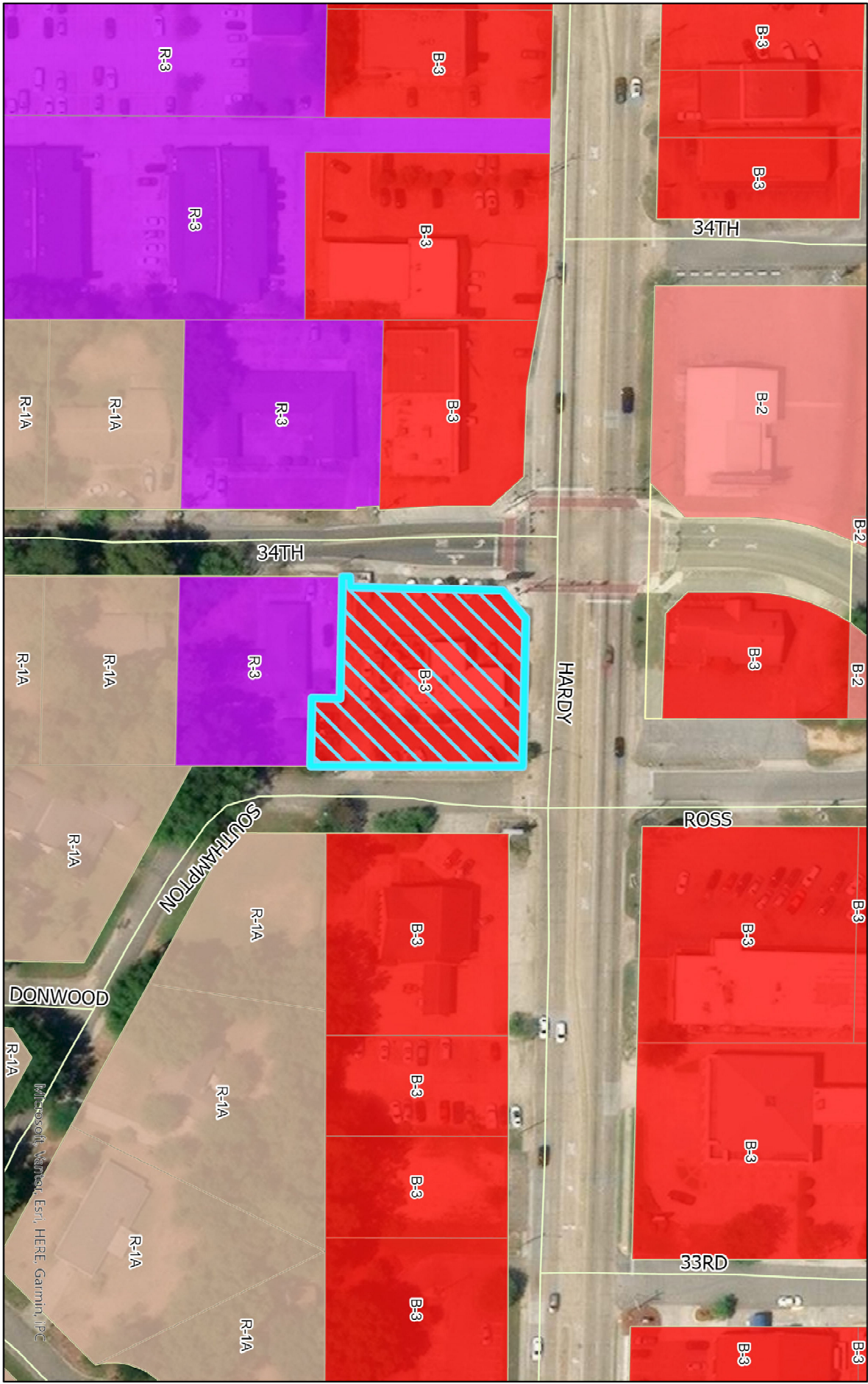
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### 3320 Hardy Street — Variance Requests

SDP Mississippi 1, LLC, Property Owner/Applicant, Chris Berry, Engineer, and Joe Pegram, Applicant, request variances from a maximum front setback requirement of 30ft to instead allow for 35'±, a west side maximum front setback requirement of 30ft to instead allow for 53'±, an east side maximum front setback requirement of 30ft to instead allow for 47'±, a landscaping buffer requirement of 30ft to instead allow for 5', a curb cut requirement of 10ft from a parcel line to instead allow for 5', a perimeter landscaping requirement of 10ft to instead allow for 2' average, a drive-through buffer requirement of 300ft to instead allow for 0' for a property at 3320 Hardy Street (PPIN 22656, Forrest County, Ward 3)







**Zoning Legend**

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

- B-3
- 3320 Hardy Street

**Variance Requests**  
3320 Hardy Street.  
PPIN: 22656  
Flood Zone: X  
Ward 3, Forrest County

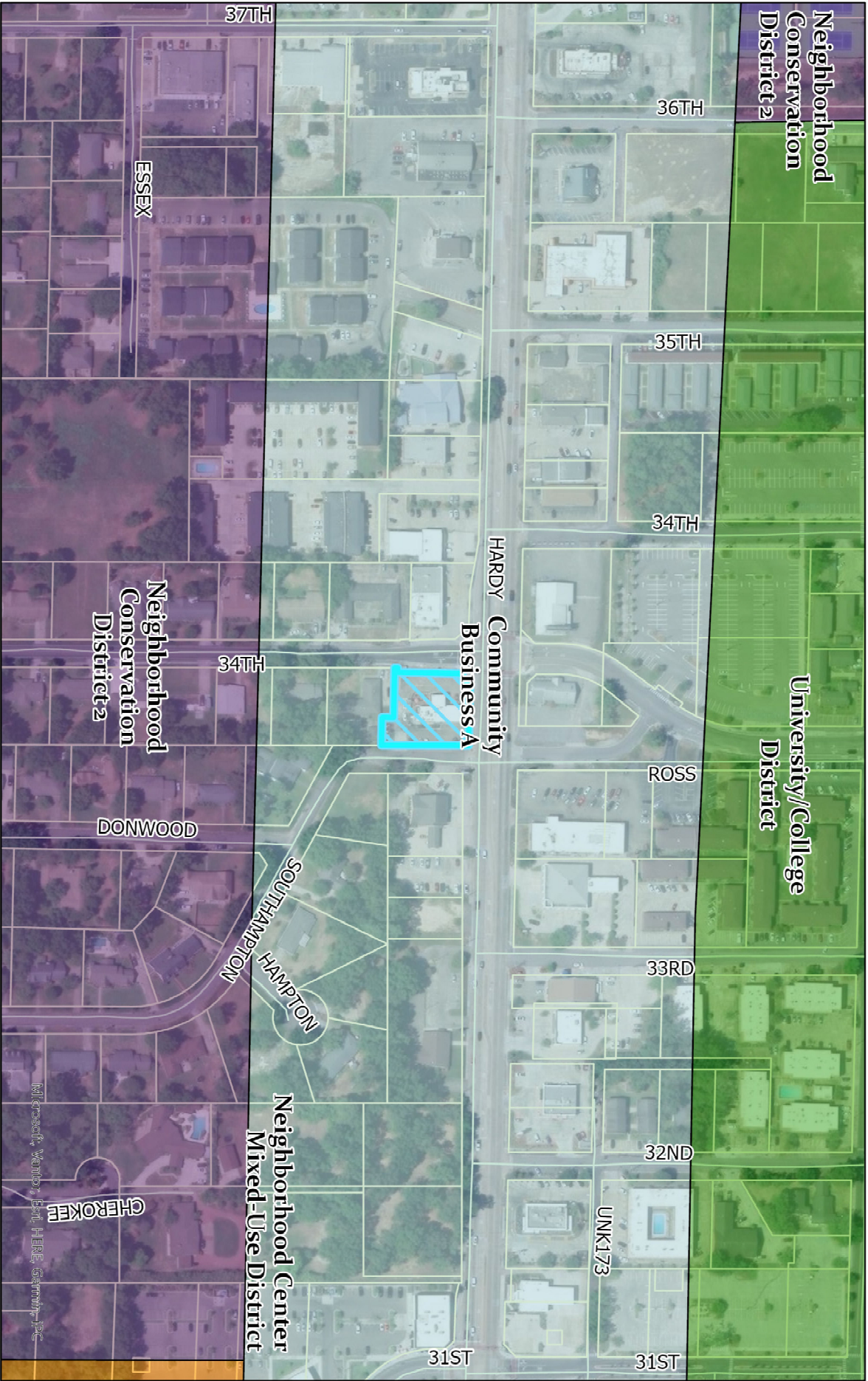


**URBAN  
DEVELOPMENT  
PLANNING DIVISION**

Center: 89°20'23"W 31°19'28"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: 11/24/2025 2:57 PM





Future Land Use Map

- Community Business A
- Neighborhood Center Mixed-Use District
- Neighborhood Conservation District 2
- University/College District
- 3320 Hardy Street

Variance Requests  
3320 Hardy Street.  
PPIN: 22656  
Flood Zone: X  
Ward 3, 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: 11/24/2025 3:04 PM

0500  
Feet



**URBAN  
DEVELOPMENT  
PLANNING DIVISION**  
Center: 89°20'24"W 31°19'28"N



## Site Aerial





## Surrounding Area

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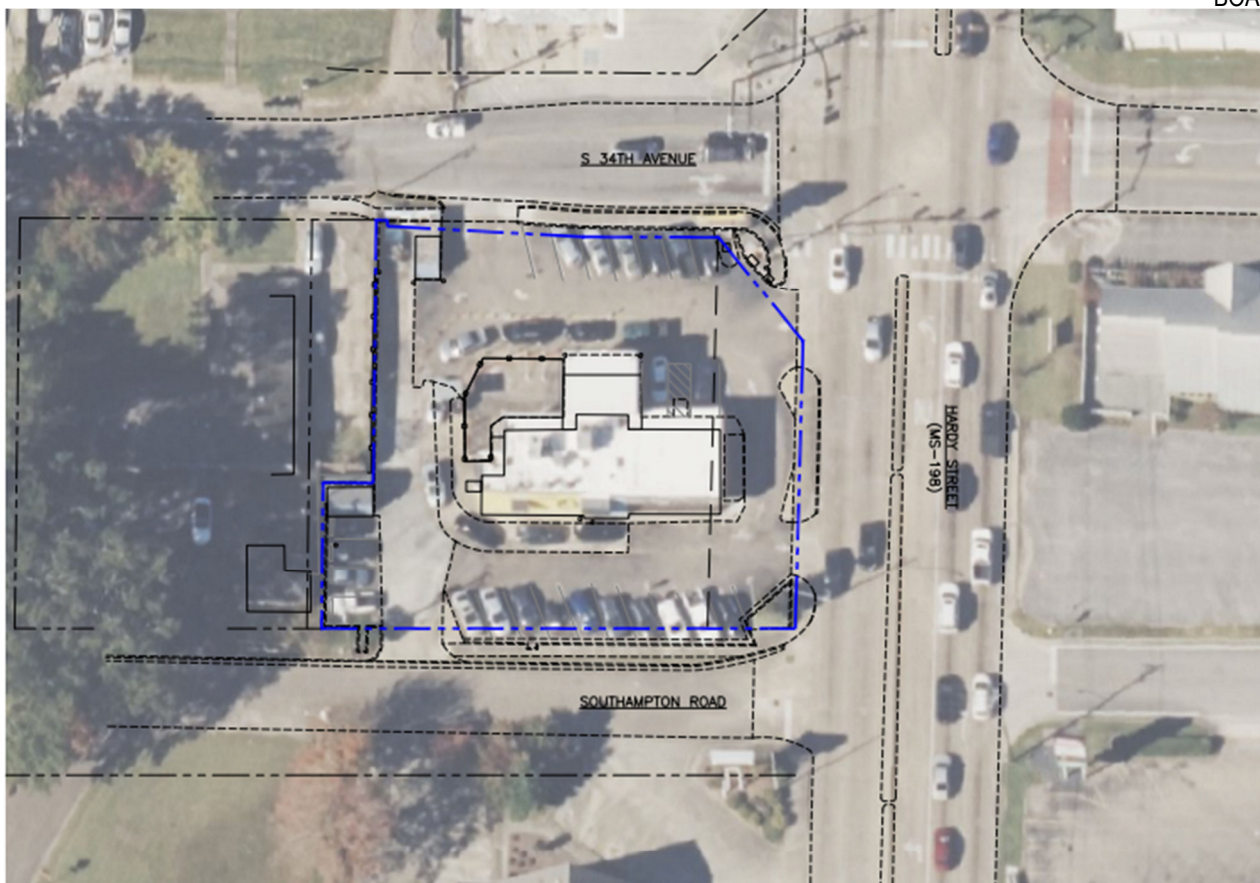
## Surrounding Area

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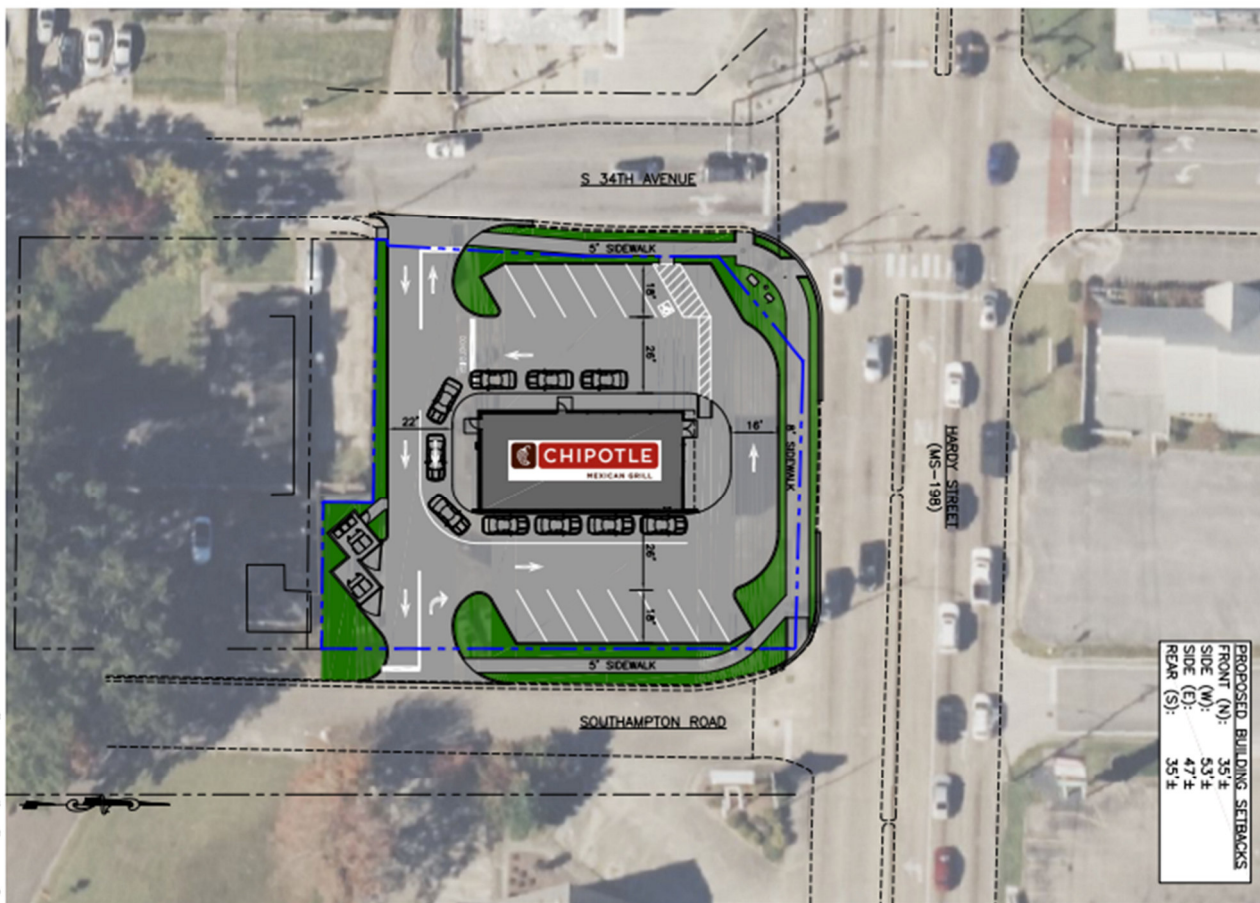




EXISTING TOPHER'S BURGERS



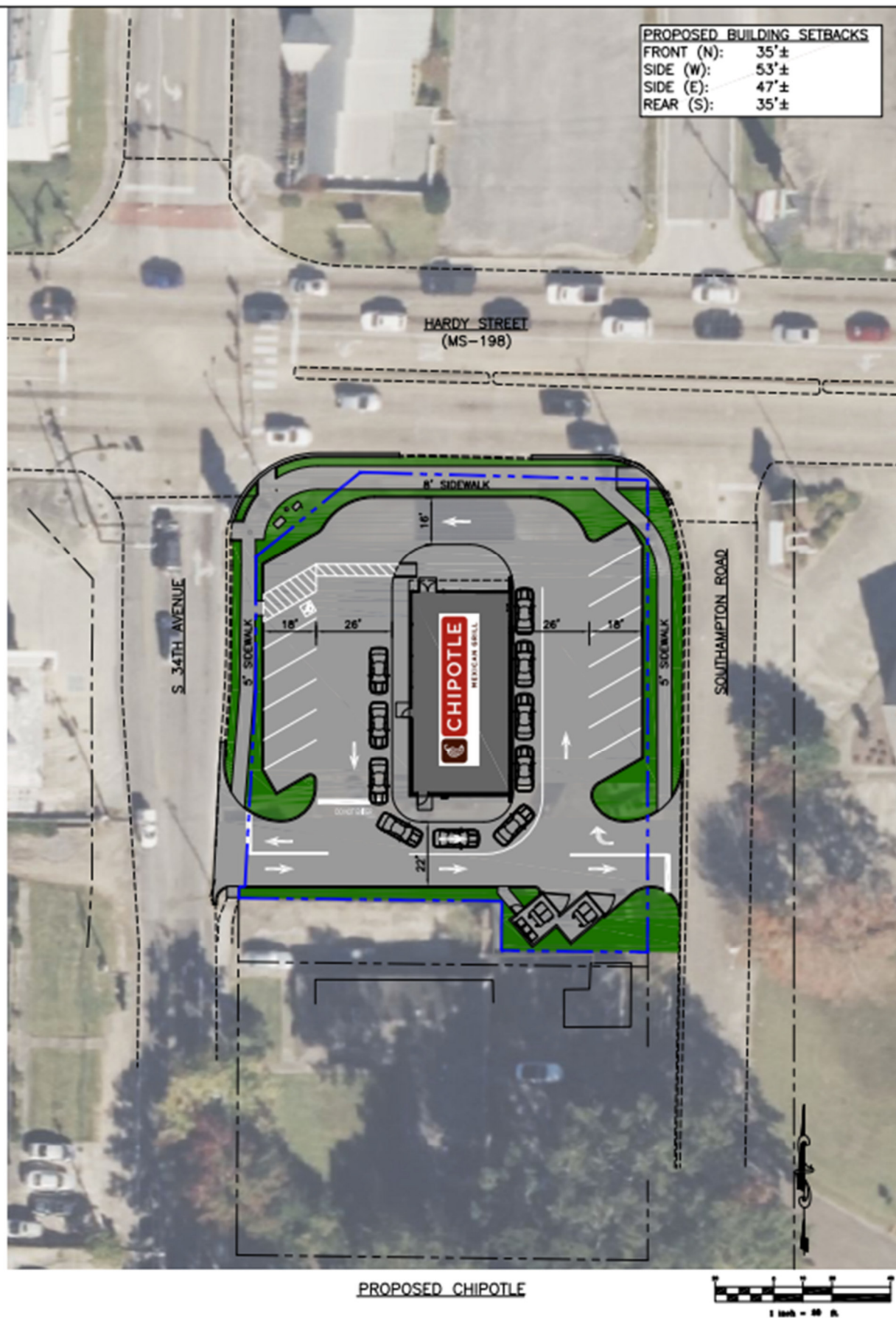
PROPOSED CHIPOTLE



| PROPOSED BUILDING SETBACKS |      |  |  |
|----------------------------|------|--|--|
| FRONT (N):                 | 35'± |  |  |
| SIDE (W):                  | 53'± |  |  |
| SIDE (E):                  | 47'± |  |  |
| REAR (S):                  | 35'± |  |  |

|                                                                    |                                                                     |                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                           |                                                                                                         |                                                                                                       |                                                                                                                                                                               |
|--------------------------------------------------------------------|---------------------------------------------------------------------|---------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------|---------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>EXHIBIT</b></p> <p>SHEET NUMBER</p> <p>PROJECT NO. 20048</p> | <p>DATE: 10/27/2015</p> <p>DRAWN BY: CAD</p> <p>CHECKED BY: JAD</p> | <p>PROJECT NAME:</p> <p>CONCEPT PLAN</p> <p>EXHIBIT</p> | <p>NO. 1</p> <p>NO. 2</p> <p>NO. 3</p> <p>NO. 4</p> <p>NO. 5</p> <p>NO. 6</p> <p>NO. 7</p> <p>NO. 8</p> <p>NO. 9</p> <p>NO. 10</p> <p>NO. 11</p> <p>NO. 12</p> <p>NO. 13</p> <p>NO. 14</p> <p>NO. 15</p> <p>NO. 16</p> <p>NO. 17</p> <p>NO. 18</p> <p>NO. 19</p> <p>NO. 20</p> <p>NO. 21</p> <p>NO. 22</p> <p>NO. 23</p> <p>NO. 24</p> <p>NO. 25</p> <p>NO. 26</p> <p>NO. 27</p> <p>NO. 28</p> <p>NO. 29</p> <p>NO. 30</p> <p>NO. 31</p> <p>NO. 32</p> <p>NO. 33</p> <p>NO. 34</p> <p>NO. 35</p> <p>NO. 36</p> <p>NO. 37</p> <p>NO. 38</p> <p>NO. 39</p> <p>NO. 40</p> <p>NO. 41</p> <p>NO. 42</p> <p>NO. 43</p> <p>NO. 44</p> <p>NO. 45</p> <p>NO. 46</p> <p>NO. 47</p> <p>NO. 48</p> <p>NO. 49</p> <p>NO. 50</p> <p>NO. 51</p> <p>NO. 52</p> <p>NO. 53</p> <p>NO. 54</p> <p>NO. 55</p> <p>NO. 56</p> <p>NO. 57</p> <p>NO. 58</p> <p>NO. 59</p> <p>NO. 60</p> <p>NO. 61</p> <p>NO. 62</p> <p>NO. 63</p> <p>NO. 64</p> <p>NO. 65</p> <p>NO. 66</p> <p>NO. 67</p> <p>NO. 68</p> <p>NO. 69</p> <p>NO. 70</p> <p>NO. 71</p> <p>NO. 72</p> <p>NO. 73</p> <p>NO. 74</p> <p>NO. 75</p> <p>NO. 76</p> <p>NO. 77</p> <p>NO. 78</p> <p>NO. 79</p> <p>NO. 80</p> <p>NO. 81</p> <p>NO. 82</p> <p>NO. 83</p> <p>NO. 84</p> <p>NO. 85</p> <p>NO. 86</p> <p>NO. 87</p> <p>NO. 88</p> <p>NO. 89</p> <p>NO. 90</p> <p>NO. 91</p> <p>NO. 92</p> <p>NO. 93</p> <p>NO. 94</p> <p>NO. 95</p> <p>NO. 96</p> <p>NO. 97</p> <p>NO. 98</p> <p>NO. 99</p> <p>NO. 100</p> | <p><b>PRELIMINARY</b></p> | <p>PROJECT:</p> <p><b>CHIPOTLE</b></p> <p>MEXICAN GRILL</p> <p>3320 HARDY ST</p> <p>HATTIESBURG, MS</p> | <p>DEVELOPER:</p> <p>SDP MISSISSIPPI 1, LLC.</p> <p>825 SISK AVE, STE 200</p> <p>OXFORD, MS 38655</p> | <p>CIVIL ENGINEER:</p> <p><b>BERRY</b></p> <p>ENGINEERS LLC</p> <p>45 BROAD ST NW</p> <p>CLEVELAND, TN 37311</p> <p>TEL: (615) 764-0000</p> <p>FIRM AUTHORIZATION: 162730</p> |
|--------------------------------------------------------------------|---------------------------------------------------------------------|---------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------|---------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|





CIVIL ENGINEER

**BERRY**  
ENGINEERS LLC

CLERMONT, IN 47711  
TEL: (423) 796-0880

PEM AUTHORIZATION: 04720

SCAFFOLDING

SDP MISSISSIPPI I, LLC.  
825 SISK AVE, STE 200  
OXFORD, MS 38655

PROJECT:



3320 HARDY ST  
HATTIESBURG, MS

**PRELIMINARY**

REVISIONS

|    |  |  |
|----|--|--|
| 1  |  |  |
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SHEET NAME:  
CONCEPT PLAN  
EXHIBIT

DATE: 10/27/2025

DRAWN BY: CMB

CHECKED BY: BMB

PROJECT NO: 25048

SHEET NUMBER:  
**EXHIBIT**



# Application for Public Hearing

City of Hattiesburg – Planning Division

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

## NOTE:

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



## Applicant Information

Name Applicant: SDP MISSISSIPPI 1, LLC. Project Name: Quick Service Restaurant

Municipal Address of Site: 3320 Hardy St. PPIN #: 22656

Parcel Number(s): 122,656

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

## Other Application types:

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

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



## 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: October 27, 2025

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

Hattiesburg Board of Adjustment Meeting Date: December 3, 2025

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](mailto:planning@hattiesburgms.com)
- ☒ An affidavit (pages 3 & 4) attesting that the applicant or representing party (if other than the owner) is acting on behalf of the owner(s) of record. The affidavit must be sworn to before a notary public or other appropriate official. (Included in owners signature page, or may be a separate document).
- ☐ **Variance application only:** A letter of approval/denial from all adjoining property owners must be obtained and submitted with the application
- ☐ Other documents needed (if relevant):
  - ☐ Maps of digital billboard removal sites
  - ☐ Maps of digital billboard replacement sites
  - ☐ Documentation on measurements
  - ☐ Other: \_\_\_\_\_
- ☒ Payment to the City of Hattiesburg for filing a public hearing application in the amount of \$ 375





## Application for Site Plan Review

City of Hattiesburg – Planning Division

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

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

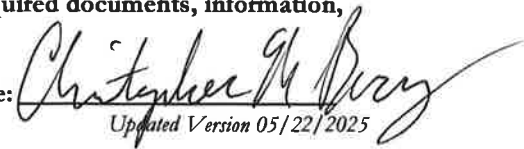
| <u>Public Hearing Fees</u>                                                                                                                                                    |                                                                                                                                                                                                                   |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Public Hearing Type                                                                                                                                                           | Fees Associated                                                                                                                                                                                                   |
| <b>Variance</b><br>Variance applications include one Concept Site Plan Review and one Variance request                                                                        | <b>\$175.00</b> per application.<br><b>\$50.00</b> for each additional variance.                                                                                                                                  |
| <b>Street / Alley Naming or Re-Naming</b>                                                                                                                                     | <b>\$300.00</b> per application.<br><b>\$100.00</b> per required street name sign if approved*<br>(*Fees for replacement street signs shall be paid after City Council approval but prior to the effective date.) |
| <b>Street / Alley Closing</b>                                                                                                                                                 | <b>\$300.00</b> per application.                                                                                                                                                                                  |
| <b>Conditional Use</b>                                                                                                                                                        | <b>\$200.00</b> per application.                                                                                                                                                                                  |
| <b>Zoning Change</b>                                                                                                                                                          | <b>\$400.00</b> per application. *see PUD or PRD & zoning package rate)                                                                                                                                           |
| <b>Planned Unit Development (PUD) or Planned Residential Development (PRD) with zoning change package</b>                                                                     | <b>\$600.00</b> per package.                                                                                                                                                                                      |
| <b>Subdivision of Land (Preliminary Plats)</b><br>Note: Final Plats should be submitted to the governing body for approval within 12 months of approval of preliminary plats. | <b>\$225.00</b> per application.<br><b>\$10.00</b> per each additional created lot (** see PUD or PRD & Subdivision of Land package rate)                                                                         |
| <b>Planned Unit Development (PUD) or Planned Residential Development with Subdivision of Land Package**</b>                                                                   | <b>\$500.00</b> per application.<br><b>\$10.00</b> per each additional created lot (** see PUD or PRD & Subdivision of Land package rate)                                                                         |
| <b>Change in Land Development Code Text</b>                                                                                                                                   | <b>\$200.00</b> per application.                                                                                                                                                                                  |
| <b>Appeal Fees for Proponent or Opponent appeals to City Council</b><br>*Exempt from fees – Established Neighborhood Association*                                             | <b>\$50.00</b> per appeal.                                                                                                                                                                                        |
| <b>Cancellation/Re-notification fee on any public hearing process (Planning Commission or City Council) that is tabled or cancelled at the owner/developer's Request</b>      | <b>\$50.00</b> (per each 100 mailing labels)                                                                                                                                                                      |

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

Make all checks payable to the City of Hattiesburg

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

Print Name: Christopher M. Berry, PE

Signature: 

Updated Version 05/22/2025



THIS PAGE MUST BE SIGNED IN FRONT OF A NOTARY, BY THE OWNER(S) OF THE  
SUBJECT PROPERTY

|                |             |       |
|----------------|-------------|-------|
| 3320 Hardy St  | Hattiesburg | MS    |
| Street Address | City        | State |

Property Owner (Signature)

COUNTY OF Forrest

John McCarter,  
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.

F OFFICE, this the 24<sup>th</sup> day of June  
Lenore N. Schilling  
 NOTARY PUBLIC



My Commission Expires:



## 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

3320 Hardy St  
Street Address  
Hattiesburg MS  
City State

on this the 23<sup>rd</sup> day of October, 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.

Streamline Development Partners and/or Berry Engineers, LLC

on this the 23<sup>rd</sup> day of October, 2025.

Joe Pegram  
Applicant (Print)

Joe Pegram  
Applicant (Signature)

STATE OF Mississippi

COUNTY OF Lafayette

**Personally came and appeared** before me, the within named

Joe Pegram  
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 23<sup>rd</sup> day of October, 2025.

Mary V Pace  
NOTARY PUBLIC

My Commission Expires:

6/10/28



### **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 property is unique because the new project consists of replacing an existing  
Quick Serve Restaurant with a drive-thru with a new QSR with a drive-thru. For  
landscaping and buffers, this property is unique due to the existing QSR as well  
as having roads on 3 sides of the property.

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 is not a special privilege because there is already an existing restaurant with  
drive-thru located on this property.

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.

Strict interpretation of the code would not permit a functional layout of this site  
due to the presence of roads on three sides and residential property on the fourth.  
Additionally, the road frontage is insufficient to provide both the 75' spacing from  
intersections and 10' from internal property lines.

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

Without the requested variances, this property would continue to remodel & re-use  
the existing/grandfathered building rather than improve the site with new construction.



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

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The granting of these variances would make it possible to replace this existing restaurant with a new restaurant. The new construction layout will allow for reduction of driveways on Hardy St, improved circulation, new sidewalks, and increased landscaping.

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

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This will not conflict with the purposes and intent expressed or implied in the Land Development Code because the new layout provides as many improvements meeting code requirements as possible and any non-conforming items remaining are currently present with the existing restaurant facility.

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

## MEMO

DATE: October 27, 2025

TO: City of Hattiesburg, MS

FROM: Christopher M. Berry, PE, PTOE

RE: Chipotle Variance Request  
3320 Hardy St

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This memo is intended to clearly identify the variances being requested for the redevelopment of the existing Topher's Burgers (3320 Hardy St) for a proposed Chipotle restaurant. The five variances being requested are:

1. Building Setback Variance

The code requirement is to provide a 30' maximum setback from all street frontages. Because this property has street right-of-ways on 3 sides; meeting this requirements is unfeasible. Please see the enclosed site plan for the building setbacks provided. They are similar to the existing business on the property.

2. 30' Rear Landscape Buffer

The code requirement is to provide a 30' landscape buffer along the rear property line due to adjacent residential use. Because of the limited size and frontage depth of this property, utilizing 30' for landscaping is unfeasible. Additionally, it would prohibit the ability to provide the required 75' driveway spacing from the roadway intersections. The existing restaurant business does not have this buffer.

3. 10' Driveway Spacing from Interior Property Lines

The code requirement is to provide a minimum of 75' driveway spacing from roadway intersections and 10' from interior property lines. The proposed site plan meets the 75' spacing from the intersections, but is unable to also meet the 10' from the interior property line on S 34<sup>th</sup> Avenue. The limits road frontage on S 34<sup>th</sup> Avenue does not allow both the 75' spacing and 10' spacing requirements to be met.

4. 10' Perimeter Landscape Strip

The code requirement is to provide a 10' landscape strip along the perimeter property lines. The existing restaurant business provides no perimeter landscaping and actually has parking spaces within the road right-of-way. The proposed site plan has been designed to provide perimeter landscaping to the maximum extent possible, but is unable to fully meet this code requirement. Additionally, the proposed site plan prioritized providing public sidewalks meeting the current City requirements.

5. Drive-Thru Distance from Residential

Neither the existing business or proposed redevelopment meet the City requirement for the distance between a drive-thru and residential properties. A drive-thru is necessary for operation of the proposed Chipotle and does not represent a change in conditions to the adjacent residential properties since the existing business also has a drive-thru.







RECORD LEGAL DESCRIPTION: AS PER DB 1219 AT PG 303

A part of Lot 12, Block "I", of the Panama Park Second Addition to the City of Hattiesburg, Forrest County, Mississippi, as per the map or plat thereof on file in the office of the Chancery Clerk of Forrest County, Mississippi, and being more particularly

described as beginning at the NE corner of Lot 12, Block "I", of the Panama Park Second Addition, and thence run North 88° 54' 28" West along the North line of Lot 12, said line being contiguous with the South line of Hardy Street for a distance of 140

feet to the NW corner of said Lot 12, said point being the intersection of the South line of Hardy Street with the East line of South 34<sup>th</sup> Avenue; thence run South 00° 04' 28" East along the West line of Lot 12, said line being contiguous with the East

line of South 34<sup>th</sup> Avenue for a distance of 145 feet; thence run South 88° 54' 28" East for 90 feet; thence run South 00° 04' 28" East for 17 feet to a point on the South line of said Lot 12; thence run South 88° 54' 28" East along the South line of Lot 12

for 50 feet to the SE corner of said Lot 12; thence run North 00° 04' 28" West along the East line of Lot 12, said line being contiguous with the West line of South Hampton Street for a distance of 162 feet to the Point of Beginning; and comprising 0.486 acres, more or less.

LESS AND EXCEPT

Commence at the Northeast corner of the NE¼ of the SW¼, Section 7, Township 4 North, Range 13 West, Forrest County, Mississippi; thence run South on and along the East line of the NE¼ of the SW¼ for 40.00 feet, more or less, to the Southern right-of-way line of Hardy Street (also known as Highway No. 98), said point also being the NE corner of Lot 12, Block "I",

Panama Park Second Addition; thence run N 88° 51' 16" W, on and along the South right-of-way line of U. S. Highway No. 98 for 98.95 feet to the Point of Beginning; from said Point of Beginning run S 50° 32' 21" W for 45.47 feet; thence run S 00° 06' 32" E for 45.50 feet; thence run S 02° 53' 24" W for 66.84 feet; thence run West for 2.42 feet to a point on the East right-of-way line of South 34<sup>th</sup> Avenue; thence run N 00° 06' 15" W, on and along the East right-of-way line for 141.98 feet to the Southern right-of-way line of U. S. Highway No. 98, said point also being the NW corner of Lot 12, Block "I", Panama Park

Second Addition; thence run S 88° 51' 16" E, on and along the Southern right-of-way line of U. S. Highway No. 98 for 41.08 feet back to the Point of Beginning. Said parcel contains .029 acres (1,242.65 sq. ft.), more or less, and is part of Lot 12, Block "I", Panama Park Second Addition, Forrest County, Mississippi.





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

**Board of Adjustment  
Case Fact Sheet**

---

**Names of Petitioner:** Roger Fleenor, Property Owner/Applicant

|                                |                  |              |              |
|--------------------------------|------------------|--------------|--------------|
| <b>Address of Property:</b>    | <b>Parcel:</b>   | <b>PPIN:</b> | <b>Ward:</b> |
| 220 Martin Luther King Jr. Dr. | 2-038C-16-028.00 | 21672        | 2            |

---

**Request(s):** Fence Variance

**Purpose of Request:** Roger Fleenor, Property Owner/Applicant, requests a variance from the maximum front yard fence height of 4ft to allow for 8ft for an R-2 zoned property at 220 Martin Luther King Jr. Avenue (PPIN 21672, Forrest County, Ward 2).

**History / Background:** The applicant met with staff during a pre-application in the fall of 2025 to discuss using the property as a short-term rental for travel nurses and doctors. They explained that residents can stay for various periods, ranging from a few days to months or even a year, and that the goal is always to keep the building occupied. Staff explained that the applicant would need to register the property with the city as a short-term rental. The applicant expressed interest in fencing the property, specifically a taller fence along the front. Staff reviewed the regulations the code sets forth, noting that the maximum height in a front setback is limited to 4 feet. Following the meeting, the applicant submitted an application seeking a variance to allow an 8-foot fence in the property's front yard.

The Board of Adjustment should evaluate the request based on the variance criteria in the Land Development Code, including whether the conditions the applicant is presenting as justification for the variance are unique to the property, whether the variance represents the minimum necessary deviation from code standards, and whether granting the variance would be in conformance with the purposes of the Land Development Code. The Board should also consider whether reasonable use of the land is achievable under the existing code without the requested variance.

**Applicant Summary:** See Attached

**Applicable Regulations:**

**Section 7 Standards of Design**

| Table 7.1 Design Standards           |                                                                                                                                                            |          |     |      |      |      |     |     |     |     |     |     |     |     |     |     |
|--------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|-----|------|------|------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|
| STANDARD                             |                                                                                                                                                            | DISTRICT |     |      |      |      |     |     |     |     |     |     |     |     |     |     |
| ■ = Required<br><br>x = Not required |                                                                                                                                                            | A-1      | A-2 | R-1A | R-1B | R-1C | R-2 | R-3 | B-1 | B-2 | B-3 | B-4 | B-5 | I-1 | I-2 | PMU |
| 7.9.1.5                              | Uncoated chain link and other wire material fences shall not be permitted in a front setback except in the case of athletic or play surfaces.              | ■        | ■   | ■    | ■    | ■    | ■   | ■   | ■   | ■   | ■   | ■   | ■   | ■   | ■   | ■   |
| 7.9.1.6                              | Chain link fencing shall be green or black.                                                                                                                | x        | x   | x    | x    | x    | x   | ■   | ■   | ■   | ■   | ■   | ■   | x   | x   | ■   |
| 7.9.1.7                              | The maximum height of fences and walls shall be four feet above grade when located in a front yard. Otherwise the maximum height of a fence is eight feet. | ■        | ■   | ■    | ■    | ■    | ■   | ■   | ■   | ■   | ■   | ■   | ■   | ■   | ■   | ■   |

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

**Present Use:** Dwelling, Multi-Family

**Future Land Use:** Neighborhood Conservation District 1

**Surrounding Zoning and Land Use:**  
North: R-3 Multi-Family Residential  
South: R-3 Multi-Family Residential  
East: R-3 Multi-Family Residential  
West: R-1C Single-Family Residential

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

**Option:** Recommend approval or denial of a variance request from the maximum front yard fence height of 4ft to allow for 8ft for an R-2 zoned property at 220 Martin Luther King Jr. Avenue (PPIN 21672, Forrest County, Ward 2).



**Basis for Approval (12.4.1.1):**

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

I. Hardship.

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

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

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

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

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

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

## SUBJECT PARCEL

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### 220 Martin Luther King Jr. Drive — Variance Request

Roger Fleenor, Property Owner/Applicant, requests a variance from the maximum front yard fence height of 4ft to allow for 8ft for an R-2 zoned property at 220 Martin Luther King Jr. Avenue (PPIN 21672, Forrest County, Ward 2).







**Zoning Legend**

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

**Variance Request**

220 Martin Luther King Jr. Avenue  
PPIN: 21672  
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: 11/24/2025 3:19 PM



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

Center: 89°17'58"W 31°18'49"N





Future Land Use Map

-  Neighborhood Conservation District 1
-  220 MLK

Variance Request

220 Martin Luther King Jr. Avenue  
PPIN: 21672  
Flood Zone: X  
Ward 2, Forrest County

DISCLAIMER: This map is ONLY FOR REFERENCE. There is NO WARRANTY of the accuracy of data.  
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Map Exported on: 11/24/2025 3:14 PM



**URBAN  
DEVELOPMENT  
PLANNING DIVISION**

Center: 89°17'58"W 31°18'49"N



## Site Aerial

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## Surrounding Area

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# Application for Public Hearing

City of Hattiesburg – Planning Division

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

## NOTE:

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



## Applicant Information

Name Applicant: Roger Fleenor Project Name: 220 MLK Heighten Fence

Municipal Address of Site: 220 Martin Luther King Ave, Hattiesburg Mississipp PPIN #: 21672

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

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

## Other Application types:

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

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



## 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](mailto:planning@hattiesburgms.com)
- ☐ An affidavit (pages 3 & 4) attesting that the applicant or representing party (if other than the owner) is acting on behalf of the owner(s) of record. The affidavit must be sworn to before a notary public or other appropriate official. (Included in owners signature page, or may be a separate document).
- ☐ **Variance application only:** A letter of approval/denial from all adjoining property owners must be obtained and submitted with the application
- ☐ Other documents needed (if relevant):
  - ☐ Maps of digital billboard removal sites
  - ☐ Maps of digital billboard replacement sites
  - ☐ Documentation on measurements
  - ☐ Other: \_\_\_\_\_
- ☐ Payment to the City of Hattiesburg for filing a public hearing application in the amount of \$\_\_\_\_\_





## Application for Site Plan Review

City of Hattiesburg – Planning Division

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

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

| <u>Public Hearing Fees</u>                                                                                                                                                    |                                                                                                                                                                                                                   |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Public Hearing Type                                                                                                                                                           | Fees Associated                                                                                                                                                                                                   |
| <b>Variance</b><br>Variance applications include one Concept Site Plan Review and one Variance request                                                                        | <b>\$175.00</b> per application.<br><b>\$50.00</b> for each additional variance.                                                                                                                                  |
| <b>Street / Alley Naming or Re-Naming</b>                                                                                                                                     | <b>\$300.00</b> per application.<br><b>\$100.00</b> per required street name sign if approved*<br>(*Fees for replacement street signs shall be paid after City Council approval but prior to the effective date.) |
| <b>Street / Alley Closing</b>                                                                                                                                                 | <b>\$300.00</b> per application.                                                                                                                                                                                  |
| <b>Conditional Use</b>                                                                                                                                                        | <b>\$200.00</b> per application.                                                                                                                                                                                  |
| <b>Zoning Change</b>                                                                                                                                                          | <b>\$400.00</b> per application. *see PUD or PRD & zoning package rate)                                                                                                                                           |
| <b>Planned Unit Development (PUD) or Planned Residential Development (PRD) with zoning change package</b>                                                                     | <b>\$600.00</b> per package.                                                                                                                                                                                      |
| <b>Subdivision of Land (Preliminary Plats)</b><br>Note: Final Plats should be submitted to the governing body for approval within 12 months of approval of preliminary plats. | <b>\$225.00</b> per application.<br><b>\$10.00</b> per each additional created lot (** see PUD or PRD & Subdivision of Land package rate)                                                                         |
| <b>Planned Unit Development (PUD) or Planned Residential Development with Subdivision of Land Package**</b>                                                                   | <b>\$500.00</b> per application.<br><b>\$10.00</b> per each additional created lot (** see PUD or PRD & Subdivision of Land package rate)                                                                         |
| <b>Change in Land Development Code Text</b>                                                                                                                                   | <b>\$200.00</b> per application.                                                                                                                                                                                  |
| <b>Appeal Fees for Proponent or Opponent appeals to City Council</b><br>*Exempt from fees – Established Neighborhood Association*                                             | <b>\$50.00</b> per appeal.                                                                                                                                                                                        |
| <b>Cancellation/Re-notification fee on any public hearing process (Planning Commission or City Council) that is tabled or cancelled at the owner/developer's Request</b>      | <b>\$50.00</b> (per each 100 mailing labels)                                                                                                                                                                      |

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

Make all checks payable to the City of Hattiesburg

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

Print Name: Roger Fleenor

Signature: 

Updated Version 05/22/2025

**OWNER AFFIDAVIT PAGE**

THIS PAGE MUST BE SIGNED IN FRONT OF A NOTARY, BY THE OWNER(S) OF THE  
SUBJECT PROPERTY

**WITNESS THE SIGNATURES** of the **OWNER(s)** of the subject property located at  
220 Martin Luther King Ave Hattiesburg Mississippi 39401

\_\_\_\_\_  
Street Address City State

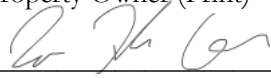
on this the 23 day of October, 2025.

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\_\_\_\_.

**Roger Fleenor**

\_\_\_\_\_  
Property Owner (Print)

  
\_\_\_\_\_  
Property Owner (Signature)

**STATE OF** \_\_\_\_\_

**COUNTY OF** \_\_\_\_\_

**Personally came and appeared** before me, the within named

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

**GIVEN UNDER MY HAND AND OFFICIAL SEAL OF OFFICE**, this the \_\_\_\_\_ day of  
\_\_\_\_\_, 20\_\_\_\_.

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

My Commission Expires:

\_\_\_\_\_



### **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 is located next to a low-income housing complex (Francis Apartments). Many residents have destructive, behavioral, drug and alcohol related issues and frequently verbally harass our residents at the property. They also regularly discard trash and empty alcohol containers over the fence or in front of the property. Last year we had a break-in where a vandal created \$100,000 in vandalism by stripping the entire building of its hvac system and wiring over night. Insurance has helped us resolve this but is urging us to add a tall gate to reduce our risk and it will help us reduce our very high post-claim insurance bill.
2. **Special Privilege.** A variance shall not confer any special privilege that is denied to other lands or structures in the same zoning district.  
Francis Apartments and Fordham place are local commercial complexes just 18 ft gate at the perimeter of the property. We kindly request the same privilege. Here is a google map link for perspective of the vulnerable state of the property. Gate at Francis: <https://www.google.com/maps/@31.3138191,-89.2994685,3a>, Similar Gate at Fordham place by William Carey: <https://www.google.com/maps>
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.  
According to code the street facing side of a building cannot have more than a request permission to heighten this fence to 8ft to enhance the safety purpose  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
4. **Reasonable Use.** The applicant cannot make reasonable use of the property without the requested variance.  
We provide clean safe affordable housing accommodations to contract doctors/ at Forrest General Hospital and Hattiesburg Clinic. It is possible we may have shut down this building and sell if complications worsen.  
\_\_\_\_\_

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

Extend gate height to 8ft.

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

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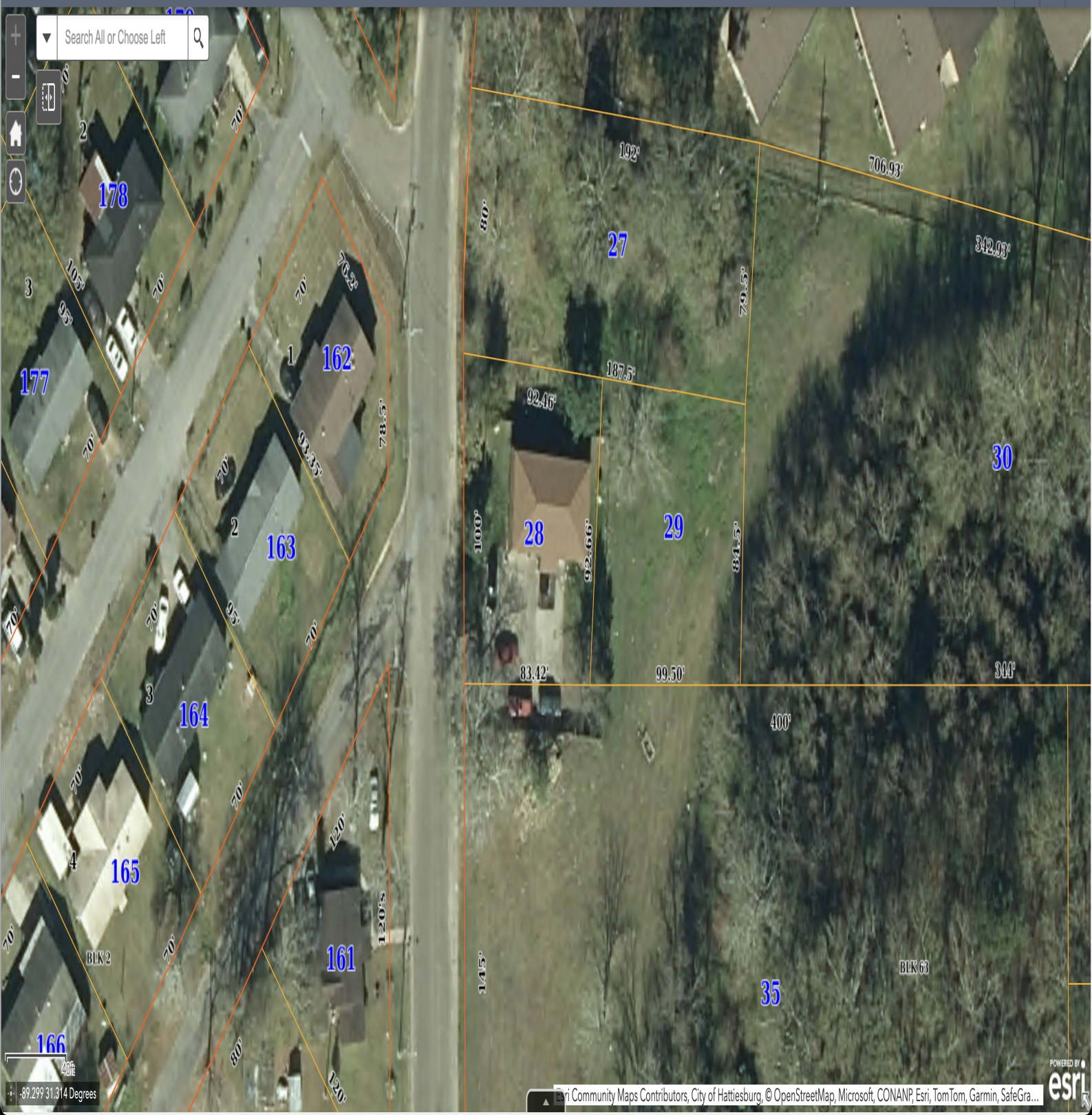
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**12.4.1.2 Conditions of Approval.** In recommending the granting of a variance, the Board of Adjustment may require appropriate conditions and safeguards in conformity with this Code. Violation of such conditions and safeguards, when made a part of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







[Open in New Tab](#) Forrest Parcel Viewer



# 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  
220 Martin Luther King Ave Hattiesburg Mississippi 39401

Street Address City State

on this the 23 day of October, 2025.

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

on this the 27 day of Oct, 2025.

Roger Fleenor

Property Owner (Print)

Property Owner (Signature)

STATE OF Mississippi  
COUNTY OF Forrest

Personally came and appeared before me, the within named

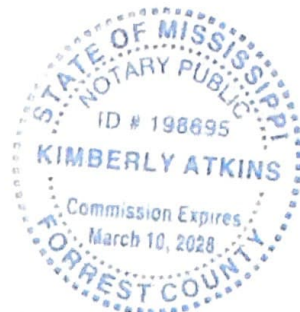
Roger A. Fleenor  
who signed and delivered the above and foregoing instrument as and for their free act and deed on the  
day and year therein mentioned, and who acknowledge to me that they are the owner(s) of the subject  
property as described in this Public Hearing Application.

GIVEN UNDER MY HAND AND OFFICIAL SEAL OF OFFICE, this the 27th day of  
October, 2025

NOTARY PUBLIC

My Commission Expires:

March 10, 2028



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

| <b>Address of Property:</b> | <b>Tax Parcel</b> | <b>PPIN:</b> | <b>Ward:</b> |
|-----------------------------|-------------------|--------------|--------------|
| 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.



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

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

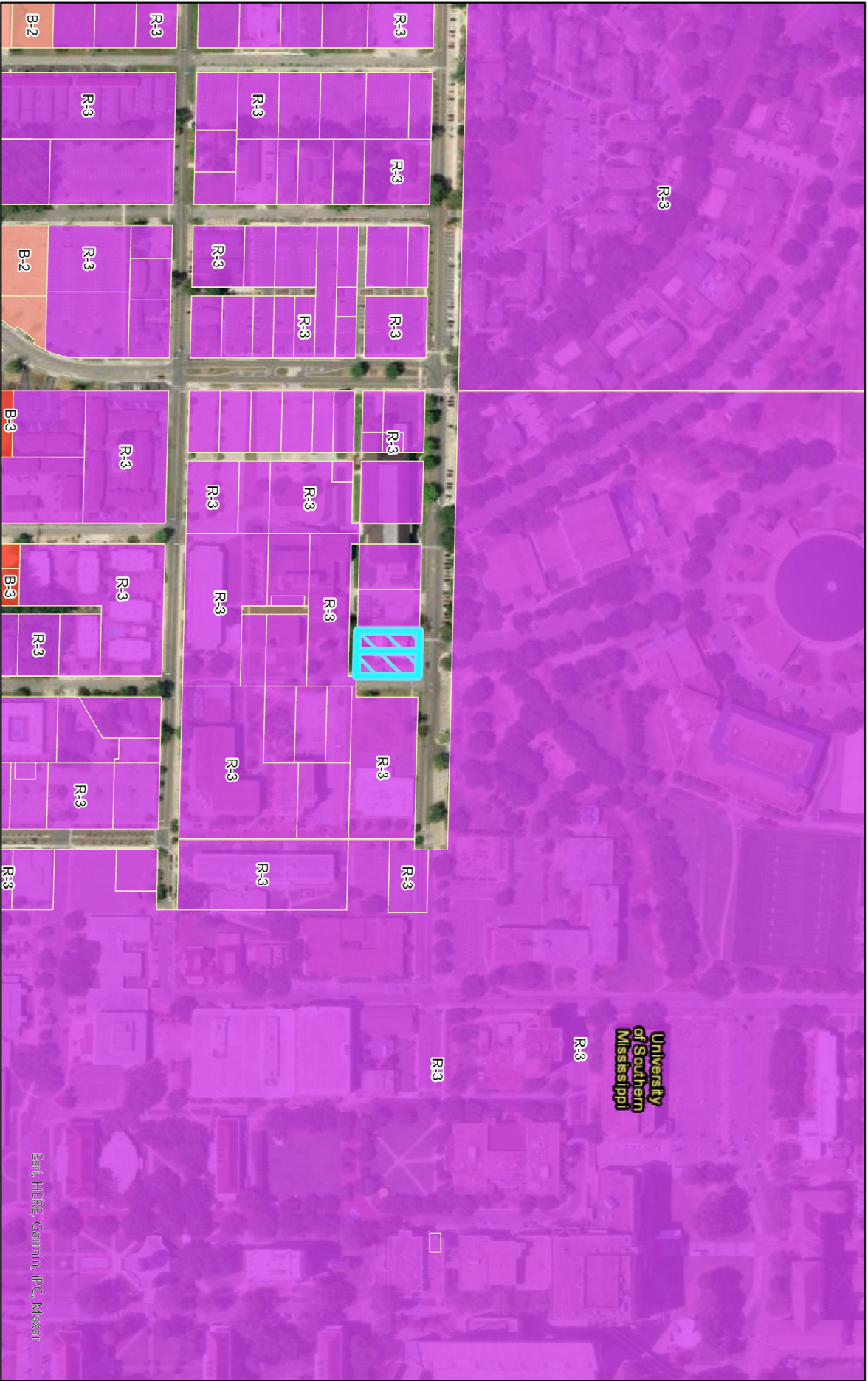
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### 3200 Montague Blvd— Variance Request

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

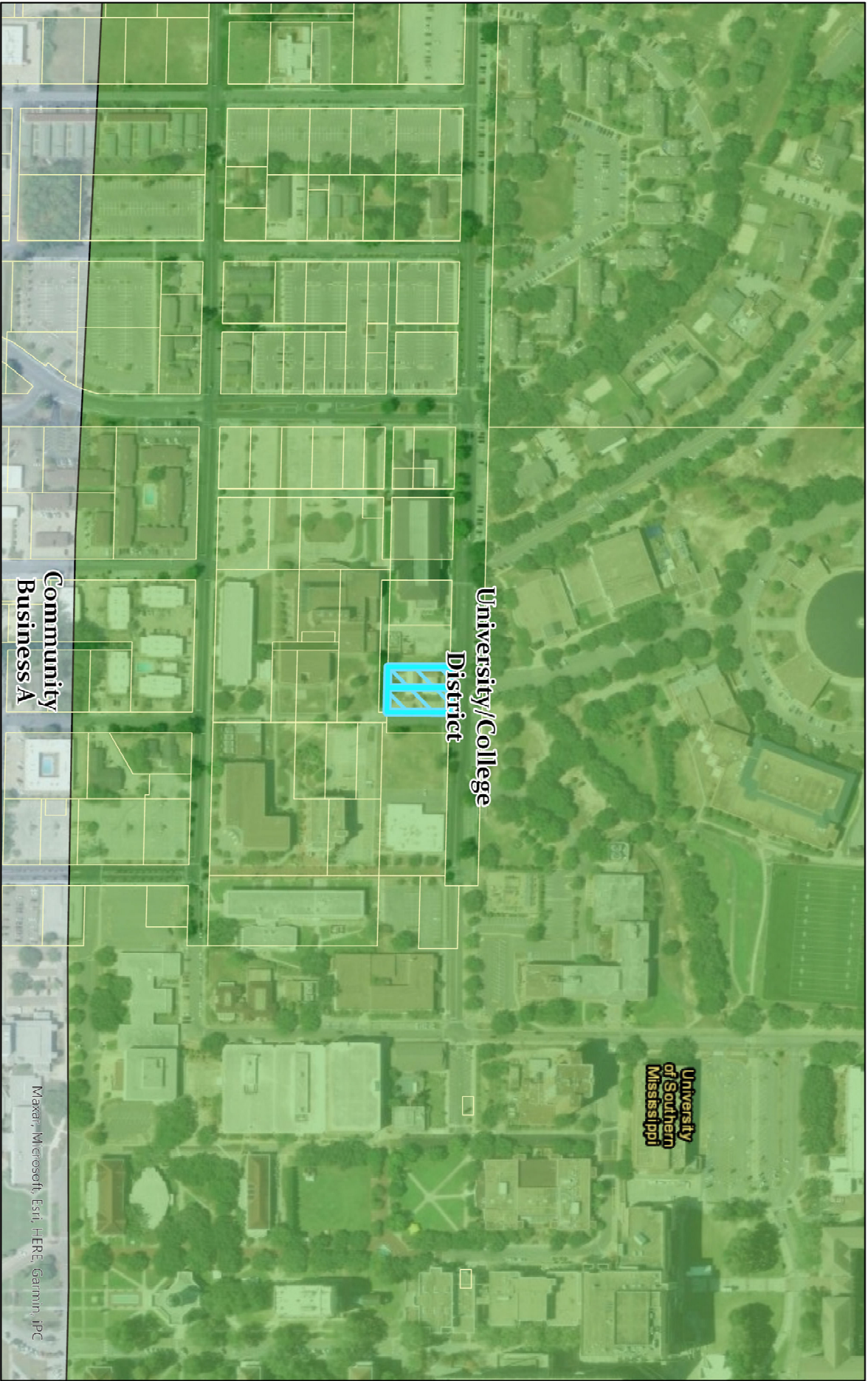


**URBAN DEVELOPMENT**  
**PLANNING DIVISION**

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

Center: 89°20'14"W 31°19'42"N





Future Land Use Map

-  Community Business A
-  University/Colege District
-  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**

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Map Exported on: 10/13/2025 1:30 PM

Center: 89°20'15"W 31°19'42"N



## Site Aerial





## Surrounding Area





## Surrounding Area

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# Application for Public Hearing

City of Hattiesburg – Planning Division

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

## NOTE:

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



## Applicant Information

Name Applicant: 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<br><input type="checkbox"/> Setback<br><input type="checkbox"/> Off-Site Parking<br><input type="checkbox"/> Lot Width<br><input type="checkbox"/> Lot Coverage Area<br><input type="checkbox"/> Buffer<br><input type="checkbox"/> Open Space<br><input checked="" type="checkbox"/> Other: <u>Impervious Surface</u>                              |
| <input type="checkbox"/> Rezoning (fill out page 11)                        | Existing Zoning: _____<br>Proposed Zoning: _____                                                                                                                                                                                                                                                                                                                                  |
| <input checked="" type="checkbox"/> Conditional Use (fill out pages 9 & 10) | <input type="checkbox"/> Automotive Filling Station<br><input type="checkbox"/> Digital Billboard, New<br><input type="checkbox"/> Digital Billboard, Replacement<br><input type="checkbox"/> Telecommunications<br><input type="checkbox"/> Restaurant<br><input type="checkbox"/> Solar Farm<br><input 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 checked="" 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 #: |                    |             |                            |                                                                                                             |





## 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](mailto:planning@hattiesburgms.com)
- ☒ An affidavit (pages 3 & 4) attesting that the applicant or representing party (if other than the owner) is acting on behalf of the owner(s) of record. The affidavit must be sworn to before a notary public or other appropriate official. (Included in owners signature page, or may be a separate document).
- ☒ **Variance application only:** A letter of approval/denial from all adjoining property owners must be obtained and submitted with the application
- ☐ Other documents needed (if relevant):
  - ☐ Maps of digital billboard removal sites
  - ☐ Maps of digital billboard replacement sites
  - ☐ Documentation on measurements
  - ☐ Other: \_\_\_\_\_
- ☒ Payment to the City of Hattiesburg for filing a public hearing application in the amount of \$ \*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                                                                                                                                                                                                   |
| <b>Variance</b><br>Variance applications include one Concept Site Plan Review and one Variance request                                                                        | <b>\$175.00</b> per application.<br><b>\$50.00</b> for each additional variance.                                                                                                                                  |
| <b>Street / Alley Naming or Re-Naming</b>                                                                                                                                     | <b>\$300.00</b> per application.<br><b>\$100.00</b> per required street name sign if approved*<br>(*Fees for replacement street signs shall be paid after City Council approval but prior to the effective date.) |
| <b>Street / Alley Closing</b>                                                                                                                                                 | <b>\$300.00</b> per application.                                                                                                                                                                                  |
| <b>Conditional Use</b>                                                                                                                                                        | <b>\$200.00</b> per application.                                                                                                                                                                                  |
| <b>Zoning Change</b>                                                                                                                                                          | <b>\$400.00</b> per application. *see PUD or PRD & zoning package rate)                                                                                                                                           |
| <b>Planned Unit Development (PUD) or Planned Residential Development (PRD) with zoning change package</b>                                                                     | <b>\$600.00</b> per package.                                                                                                                                                                                      |
| <b>Subdivision of Land (Preliminary Plats)</b><br>Note: Final Plats should be submitted to the governing body for approval within 12 months of approval of preliminary plats. | <b>\$225.00</b> per application.<br><b>\$10.00</b> per each additional created lot (** see PUD or PRD & Subdivision of Land package rate)                                                                         |
| <b>Planned Unit Development (PUD) or Planned Residential Development with Subdivision of Land Package**</b>                                                                   | <b>\$500.00</b> per application.<br><b>\$10.00</b> per each additional created lot (** see PUD or PRD & Subdivision of Land package rate)                                                                         |
| <b>Change in Land Development Code Text</b>                                                                                                                                   | <b>\$200.00</b> per application.                                                                                                                                                                                  |
| <b>Appeal Fees for Proponent or Opponent appeals to City Council</b><br>*Exempt from fees – Established Neighborhood Association*                                             | <b>\$50.00</b> per appeal.                                                                                                                                                                                        |
| <b>Cancellation/Re-notification fee on any public hearing process (Planning Commission or City Council) that is tabled or cancelled at the owner/developer's Request</b>      | <b>\$50.00</b> (per each 100 mailing labels)                                                                                                                                                                      |

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

Make all checks payable to the City of Hattiesburg

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

Print Name: 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 29<sup>th</sup> 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 29<sup>th</sup> 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 29<sup>th</sup> 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 29<sup>th</sup> 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 29<sup>th</sup> 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 29<sup>th</sup> 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.

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

Not applicable.

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

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

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



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





- |          |                                                                                                                                                                                                                                                                                                                                                                                            |          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|----------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|          | a side or rear yard only.                                                                                                                                                                                                                                                                                                                                                                  | 5.4.29.6 | Principal and accessory buildings shall be predominately designed and constructed with architectural features common to <u>residential structures</u> including, but not limited to, the following features: roof pitch, façade material, and size, type and placement of windows and doors.                                                                                                                                                                                                                                                                                                                                                         |
| 5.4.27.3 | <b>Design.</b> 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 | <b>Parking.</b> Parking for at least two vehicles is required to be shown on the site plan.                                                                                                                                                                                                                                                                                                | 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.                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 5.4.28   | <b><u>Kennels; Veterinary Clinics and Hospitals.</u></b>                                                                                                                                                                                                                                                                                                                                   |          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 5.4.28.1 | A maximum of twenty outside runs shall be permitted and shall be 250 feet from restaurants and residential uses..                                                                                                                                                                                                                                                                          | 5.4.29.8 | No site shall have a <u>density</u> 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.                                                                                                                                                                                                                          |
| 5.4.28.2 | Facilities shall at all times be maintained in neat and sanitary condition.                                                                                                                                                                                                                                                                                                                |          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 5.4.29   | <b>Life Care Communities.</b>                                                                                                                                                                                                                                                                                                                                                              |          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 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.                                                            | 5.4.30   | <b><u>Places of Assembly.</u></b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| 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, <b>add cafe/coffe shop to 5.4.30.2 places of assembly</b> ing, congregate or nursing | 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 <u>abuts</u> the property.                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 5.4.29.3 | All structures shall be limited to persons aged 55 years or older, physically handicapped, and the use of such rooms or units occupied by resident staff personnel performing duties directly related to the operation of the facility.                                                                                                                                                    | 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 <u>principal use</u> 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 |
| 5.4.29.4 | 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.                                                                                                                                                                                                                               | 5.4.30.3 | 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.





**URBAN  
DEVELOPMENT  
PLANNING DIVISION**

**Board of Adjustment  
Case Fact Sheet**

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

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

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**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.

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



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

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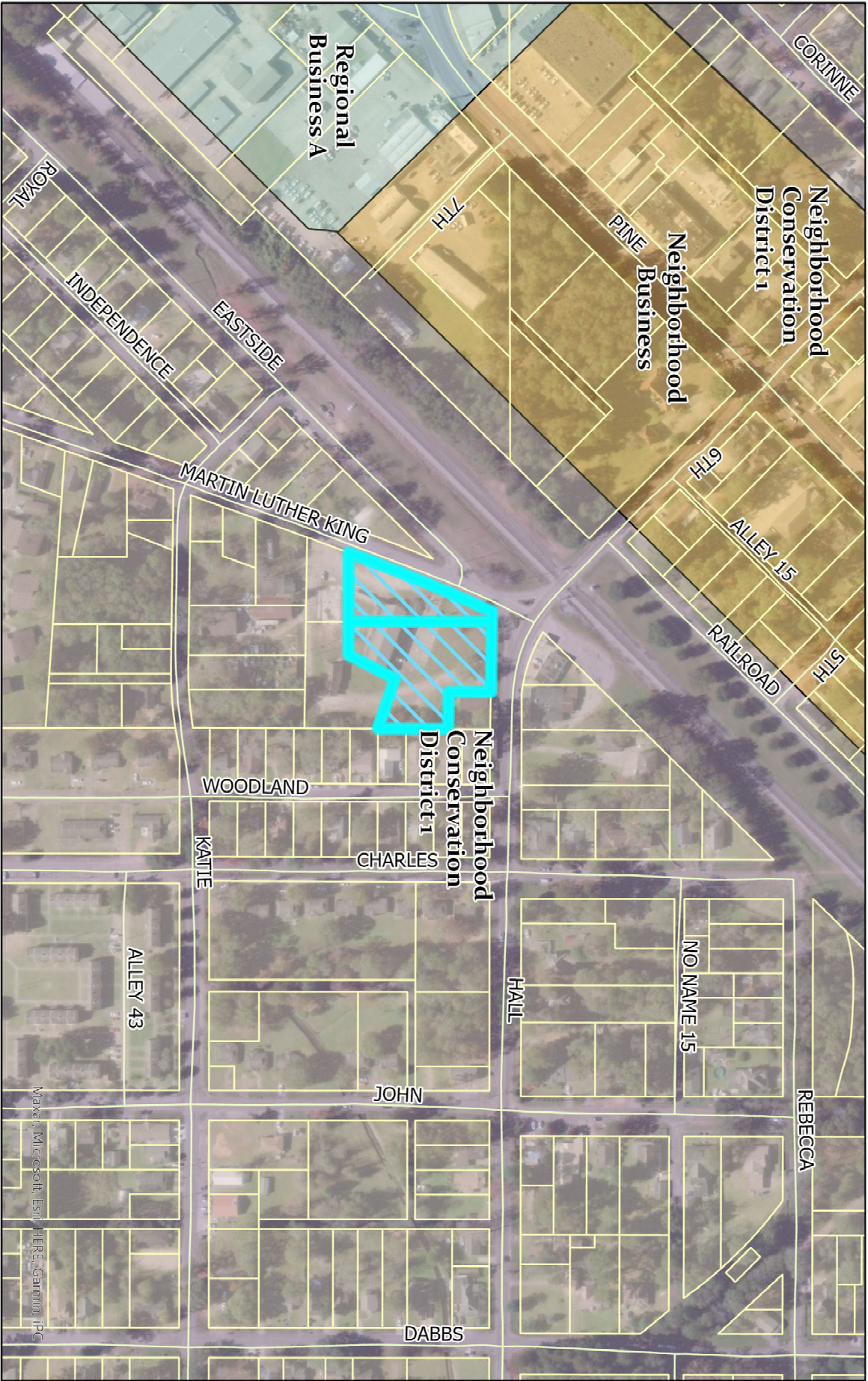
### 110 MLK Avenue — Variance Requests

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**

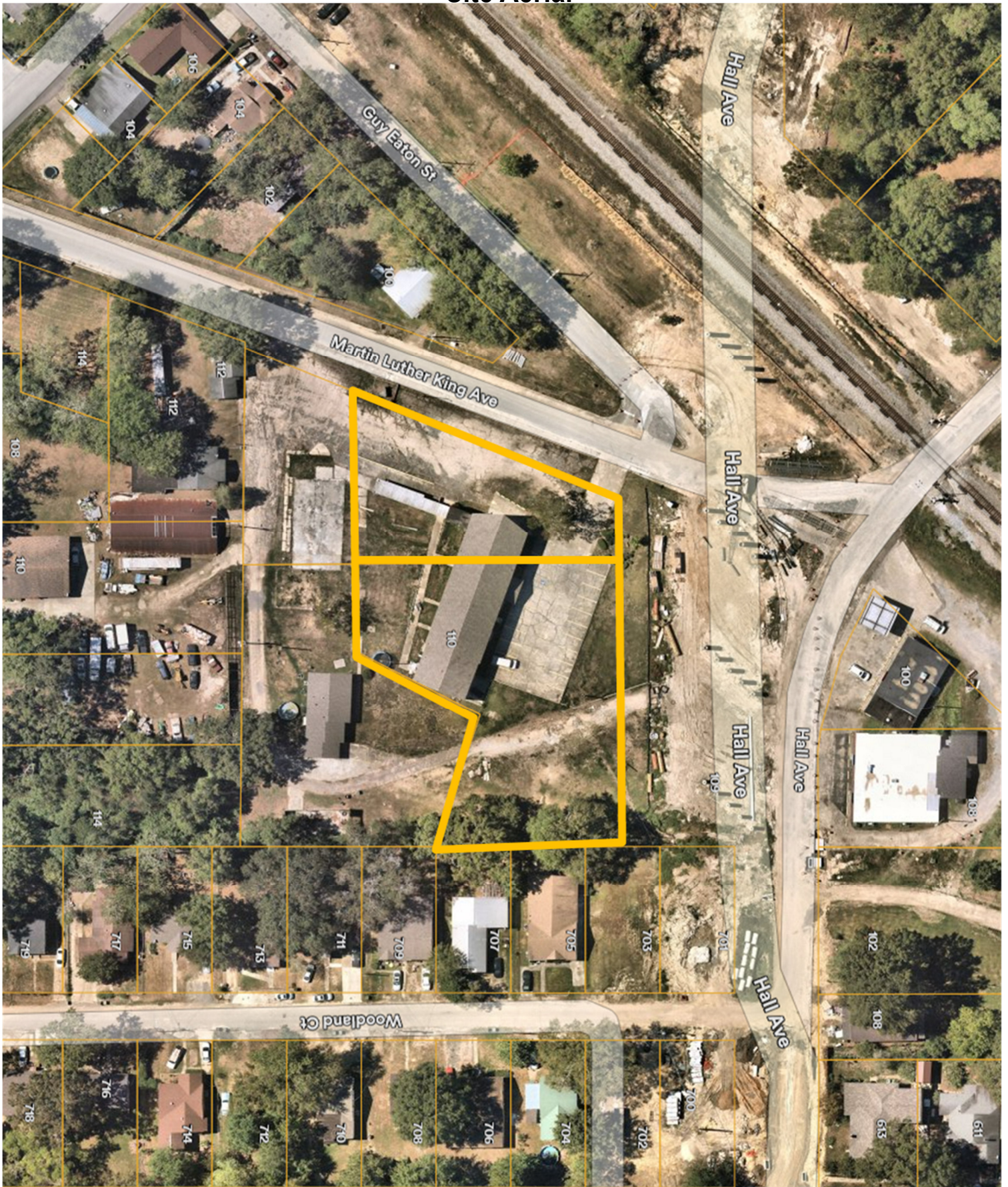
Center: 89° 17'51"W 31° 19'1"N



Map: Microsoft, Esri, HERE, Garmin, IBC



## Site Aerial





## Surrounding Area

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## Surrounding Area

---





# Application for Public Hearing

City of Hattiesburg – Planning Division

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

## NOTE:

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



## Applicant Information

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

## Other Application types:

- |                                                                                    |                                                           |
|------------------------------------------------------------------------------------|-----------------------------------------------------------|
| <input type="checkbox"/> Subdividing of a lot, Parcel, or Tract (fill out page 12) | <input checked="" 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 #: |                    |             |                            |                                                                                                             |





## 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](mailto:planning@hattiesburgms.com)
- ☐ An affidavit (pages 3 & 4) attesting that the applicant or representing party (if other than the owner) is acting on behalf of the owner(s) of record. The affidavit must be sworn to before a notary public or other appropriate official. (Included in owners signature page, or may be a separate document).
- ☐ **Variance application only:** A letter of approval/denial from all adjoining property owners must be obtained and submitted with the application
- ☐ Other documents needed (if relevant):
  - ☐ Maps of digital billboard removal sites
  - ☐ Maps of digital billboard replacement sites
  - ☐ Documentation on measurements
  - ☐ Other: \_\_\_\_\_
- ☐ Payment to the City of Hattiesburg for filing a public hearing application in the amount of \$\_\_\_\_\_



## Application for Site Plan Review

City of Hattiesburg – Planning Division

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

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

| <u>Public Hearing Fees</u>                                                                                                                                                    |                                                                                                                                                                                                                   |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Public Hearing Type                                                                                                                                                           | Fees Associated                                                                                                                                                                                                   |
| <b>Variance</b><br>Variance applications include one Concept Site Plan Review and one Variance request                                                                        | <b>\$175.00</b> per application.<br><b>\$50.00</b> for each additional variance.                                                                                                                                  |
| <b>Street / Alley Naming or Re-Naming</b>                                                                                                                                     | <b>\$300.00</b> per application.<br><b>\$100.00</b> per required street name sign if approved*<br>(*Fees for replacement street signs shall be paid after City Council approval but prior to the effective date.) |
| <b>Street / Alley Closing</b>                                                                                                                                                 | <b>\$300.00</b> per application.                                                                                                                                                                                  |
| <b>Conditional Use</b>                                                                                                                                                        | <b>\$200.00</b> per application.                                                                                                                                                                                  |
| <b>Zoning Change</b>                                                                                                                                                          | <b>\$400.00</b> per application. *see PUD or PRD & zoning package rate)                                                                                                                                           |
| <b>Planned Unit Development (PUD) or Planned Residential Development (PRD) with zoning change package</b>                                                                     | <b>\$600.00</b> per package.                                                                                                                                                                                      |
| <b>Subdivision of Land (Preliminary Plats)</b><br>Note: Final Plats should be submitted to the governing body for approval within 12 months of approval of preliminary plats. | <b>\$225.00</b> per application.<br><b>\$10.00</b> per each additional created lot (** see PUD or PRD & Subdivision of Land package rate)                                                                         |
| <b>Planned Unit Development (PUD) or Planned Residential Development with Subdivision of Land Package**</b>                                                                   | <b>\$500.00</b> per application.<br><b>\$10.00</b> per each additional created lot (** see PUD or PRD & Subdivision of Land package rate)                                                                         |
| <b>Change in Land Development Code Text</b>                                                                                                                                   | <b>\$200.00</b> per application.                                                                                                                                                                                  |
| <b>Appeal Fees for Proponent or Opponent appeals to City Council</b><br>*Exempt from fees – Established Neighborhood Association*                                             | <b>\$50.00</b> per appeal.                                                                                                                                                                                        |
| <b>Cancellation/Re-notification fee on any public hearing process (Planning Commission or City Council) that is tabled or cancelled at the owner/developer's Request</b>      | <b>\$50.00</b> (per each 100 mailing labels)                                                                                                                                                                      |

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

Make all checks payable to the City of Hattiesburg

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

Print Name: 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 communicati  
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 instit  
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 congr  
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 pass  
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.

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

The church's use is permitted within the base zoning district as established by

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 enhancin

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 co

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 vc

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





# POLE

## FOR VARIANCE APPLICANTS:

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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  
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 communicate 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  
deprived of 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 passersby  
of service times, events, food distributions, or outreach initiatives. Denial of the  
variance would place an unreasonable burden on the church's ability to serve

## POLE

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

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

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**requested use? If yes, please explain:**

The proposed variance application aligns with the provisions set forth in Sec.

The church's use is permitted within the base zoning district as established by 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 pole will have a positive impact on the community by enhancing 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 co 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 a pole sign. The church sits on a spacious parce 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 vc

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## POLE

- 
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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.
- 
- 
- 
7. **Is proposed use compatible with surrounding uses and design? If yes, please explain:**  
Yes, the proposed pole is compatible with the surrounding uses and design of  
The church is located in a well-established community where institutional, religious and civic uses are common. The size, design, and placement of the pole comply 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](http://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 | 769-207-2515     |
| 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    | 601-819-9106     |
| 7. Chad Wauflard        | 707 Woodland Ct   | 601-434-8983     |
| 9. Jessica Woullard     | 707 Woodland Ct   | 601-329-8555     |
| 10. Starline Brown      | 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 Charles         | 110 Katie Ave     | 601-543-5414     |
| 15. Edsel Armstrong Jr. | 111 Hinton Dr.    | 601 337 8728     |
| 16. BRANDY BARNETT      | 319 W 4th St      | 601 447-6286     |
| 17. Lena Armstrong      | 3504 Campbell Dr  | 601 658-4504     |
| 18. Jim Hall            | 108 Hall Ave      | 601 658-0887     |
| 19. Sharee Shoemaker    | 110 1/2 MLK AVE   | 852 602 764      |
| 20. Tashere Hodge       | 110 1/2 MLK       | 601-581-1981     |



# 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. Joshua Tolson     | 110 1/2 MLK AVE      | 1-601-545-036    |
| 2. Lydia Allen       | 315 E. Florence      | 901-428-2792     |
| 3. Carolyn Burton    | 705 Woodland Ct      |                  |
| 4. Debbie Jean Baker | 709 Woodland Ct      |                  |
| 5. Rev John Barber   | 711 Woodland Ct      | 601-549-7109     |
| 6. Douglas Hooker    | 711 Woodland Ct      | 601-367-3736     |
| 7. Kristian Bony     | 715 Woodland Ct      |                  |
| 9. Angela Berry      | 715 Woodland Ct.     |                  |
| 10. Alfonso Swile    | 713 Woodland Ct.     | 601-402-5729     |
| 11. Omarion Mcnair   | 710 Woodland Ct      | 601-549-3646     |
| 12. Robb McRt Bryant | 717 Woodland Ct      | 601-571-7663     |
| 13. Willie Funder    | 104 Hall Ave         | 601-717-2330     |
| 14. Barbara Puckett  | 204 M.L. King Ave    |                  |
| 15. Jan Wall         | 200 M.L. King Ave    | 601-545-8740     |
| 16. Rodney Fulk      | 186 Independence Ave | 601-913-7119     |
| 17. Yolanda Poik     | 118 Independence Ave | 601-337-2383     |
| 18. Niesher Mary     | Hattiesburg MS 39401 |                  |
| 19. Peter Collins    | 116 Independence Ave | 601-307-5140     |
| 20. Marcia Johnson   | 104 Katie Avenue     |                  |



**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. Ruby Johnson 104 Katie Ave \_\_\_\_\_

2. Kenneth Bryant 104 Independence Ave \_\_\_\_\_

3. ~~L. Dotson~~ 106 East Side Ave \_\_\_\_\_

4. Gunda Benn 804 S. 17th Ave \_\_\_\_\_

5. Kenita Williams 205 Pine Drive \_\_\_\_\_

6. Empha Hunt \_\_\_\_\_

7. Anzela 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

image  
signs





Date: 10/1/2025

Client: Martin Luther King Avenue Baptist Church

Description of Project:

2x8 face  
2'x8' EMC

Client Approval:

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601-582-1642

graphics@imagesignsandneon.com

