

Board of Adjustment Agenda
Jackie Dole Sherrill Community Center

April 1, 2026, 3:30 PM

I. Business Meeting

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

II. Public Hearing

1. Presentation of Petitions for Public Hearing
 - A. Jeffrey Mack, Applicant, requests the following variances for a proposed subdivision and house construction for an R-1C zoned property on the corner of Miller Street and Stadium Drive (PPIN 26645, Ward 4, Forrest County):
 - Lot 1 (north)
 - Variance from the minimum lot size requirement of 5000sqft to allow 2100sqft
 - Variance from the minimum front setback requirement of 20ft to allow for 17ft
 - Variance from the minimum side setback requirement of 10ft to allow for 2.5ft
 - Variance from the minimum side setback requirement of 10ft to allow for 2.5ft
 - Variance from the minimum rear setback requirement of 25ft to allow for 20.5ft
 - Variance from the maximum impervious surface lot coverage requirement of 50% to allow for 52%
 - Lot 2 (south)
 - Variance from the minimum lot size requirement of 5000sqft to allow 2100sqft
 - Variance from the minimum front setback requirement of 20ft to allow for 17ft
 - Variance from the minimum front setback requirement of 20ft to allow for 2.5ft
 - Variance from the minimum side setback requirement of 10ft to allow for 2.5ft
 - Variance from the maximum impervious surface lot coverage requirement of 50% to allow for 52%

- B. Corina Chicas Maravilla, Applicant/Property Owner, requests the following variances for a property located at 5338 and 5340 Old Hwy 42 (PPINs 22194 & 22195, Ward 2, Forrest County):
- 5338 Old Hwy 42
 - Variance from the sidewalk requirement of providing at least 5ft of sidewalk along all street frontages to allow for 0ft of sidewalk. (LDC 7.6.1.1)
 - Variance from the green strip requirement of 10ft in width, at least one large, deciduous tree per 60 feet of lineal frontage to allow for 0ft of green space and 0 trees. (LDC 7.10.11.1)
 - 5340 Old Hwy 42
 - Variance from the sidewalk requirement of providing at least 5ft of sidewalk along all street frontages to allow for 0ft of sidewalk. (LDC 7.6.1.1)
 - Variance from the green strip requirement of 10ft in width, at least one large, deciduous tree per 60 feet of lineal frontage to allow for 0ft of green space and 0 trees. (LDC 7.10.11.1)
- C. Bruce and Rebecca Lacey, Applicants, request the following variances for a property located at 3104 Hardy Street (PPIN 26488, Ward 3, Forrest County):
- Variance from the requirement of active use area of a drive-through area to be located closer than 300 feet to a residential use lot, to allow for 175ft. (LDC 5.4.36.4)
 - Variance from the pole sign requirement of 150ft of lineal street frontage to allow for 140ft. (LDC 10.6.2)
 - Variance from the green strip requirement of 10ft in width, to allow 8ft of green space. (LDC 7.10.11.1)
 - Variance from the one-way driveway requirement of a maximum of 14ft to allow for 16ft. (LDC 7.5.3.2)
- D. Pine Belt Foundation, Applicant, requests a variance from the fence height requirement of a maximum of 4ft in a front yard to instead allow for 5ft for a property located at 119 E Pine Street (PPIN 14623, Ward 4, Forrest County).

III. Other Business

IV. Adjournment



Hattiesburg Board of Adjustment Planning Division

Item A - Staff Report

April 1, 2026

Quick Facts:

Applicant:

Jeffrey Mack

Address:

Corner of Miller Street and
Stadium Drive

Zoning:

R-1C (Single-Family
Residential)

Future Land Use:

Neighborhood Conservation
District 1

Historic District:

N/A

Overlay District(s):

N/A

Flood Zone:

X

Ward:

4

County:

Forrest

PPIN Number(s):

26645

Parcel Number(s):

052P-09-012.000

Applicant's Requests:

Jeffrey Mack, Applicant, requests the following variances (from LDC Table 6.1 requirements) for a proposed subdivision and house construction for an R-1C zoned property on the corner of Miller Street and Stadium Drive (PPIN 26645, Ward 4, Forrest County):

- Lot 1 (north)
 - Variance from the minimum lot size requirement of 5000sqft to allow 2100sqft
 - Variance from the minimum front setback requirement of 20ft to allow for 17ft
 - Variance from the minimum side setback requirement of 10ft to allow for 2.5ft
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 - Variance from the minimum side setback requirement of 10ft to allow for 2.5ft
 - Variance from the maximum impervious surface lot coverage requirement of 50% to allow for 52%

Background and History

The Applicants have met with staff during several pre-application meetings about developing new residential buildings on the site. The first pre-application meeting, held on January 16, 2025, discussed a plan to build two two-story residential buildings, each around 1,549 square feet, with three bedrooms and three bathrooms. At that meeting, staff noted that the property is zoned R-1C, which requires a minimum lot size of 5,000 square feet and at least 40 feet of lot frontage. The applicants were told that the current lot cannot be subdivided without violating these minimum standards. Staff explained that the proposal would need a zoning change and several variances, including those for lot size, setbacks, frontage, and impervious surface coverage. Staff also informed the applicants that a single-family home could be built under existing zoning regulations.



Property Area Image

A second pre-application meeting was held on February 12, 2026, where the applicants presented a revised proposal to subdivide the property into two lots for the construction of two single-family homes, each approximately 1,294 square feet, with the intent to rent to students. The proposal continued to necessitate multiple variances from R-1C standards for both resulting lots, including reductions in minimum lot size, front, side, and rear setbacks, and an increase in allowable impervious surface coverage. During this meeting,

staff identified outstanding infrastructure concerns, specifically regarding access from Stadium Drive, which may not be a public street. Staff advised that this issue must be resolved prior to moving forward and noted that an access easement from the Hattiesburg Public School District may be required if the roadway is determined to be private.



Surrounding Area Image

Future Land Use:

Neighborhood Conservation District 1 – Downtown/Historic Neighborhoods: This Neighborhood Conservation District is primarily a residential district located adjacent to Downtown Hattiesburg and in older, established neighborhoods east of U.S. Highway 49. In this district, predominantly residential land uses may be found that exhibit certain types of development patterns.

District Characteristics: The characteristics of this district include the following: moderate-density single-family residences or residential lands along the city’s original street system; certain two-family and multi-family uses constructed to the character of the surrounding neighborhood; buildings with shallow front and side yards; certain neighborhood business land uses that are compatible in design to the surrounding residential areas; and a higher overall density of development than modern or suburban neighborhoods.

District Land Uses: The following land uses should be found in this district: single-family residential uses; certain two–family and multi-family residences, subject to use, density, and design guidelines; public and quasi-public uses, such as churches and schools; and small offices and retail uses clustered along collector streets or at the edges of neighborhoods and constructed to the same character as the surrounding residences.

Codes and Regulations

SECTION 4: Zoning Districts Established

4.5.5 R-1C Single-Family Residential District. The purpose of the R-1C District is to permit single-family residential uses with related recreational, religious and educational facilities. This district is consistent with the Neighborhood Conservation 1 and 2 districts in the Comprehensive Plan. This zoning district encourages protected lower density residential neighborhoods with only compatible supporting institutional uses and open space.

SECTION 6: 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			
A-1	130,680 / 100	1 per lot	-	25	-	15	25	35 feet or 3 stories	35%	-
A-2	43,560 / 100	1 per lot	-	25	-	15	25	35 feet or 3 stories	50%	-
R-1A	10,000/ 50	1 per lot	-	30	-	10	25	35 feet or 3 stories	50%	-
R-1B	7,500/ 50	1 per lot	-	25	-	10	25	35 feet or 3 stories	50%	-
R-1C	5,000/ 50	1 per lot	-	20	-	10	25	35 feet or 3 stories	50%	-
R-2	4,000/ 40	2 per lot	-	20	-	10	20	35 feet or 3 stories	50%	-
R-3	7,500/ 40	17 per acre	-	20	-	5	20	35 feet or 3 stories	50%	-

Considerations and Basis for Approval

Option:

Recommend approval or denial of following variances (from LDC Table 6.1 requirements) for a proposed subdivision and house construction for an R-1C zoned property on the corner of Miller Street and Stadium Drive (PPIN 26645, Ward 4, Forrest County):

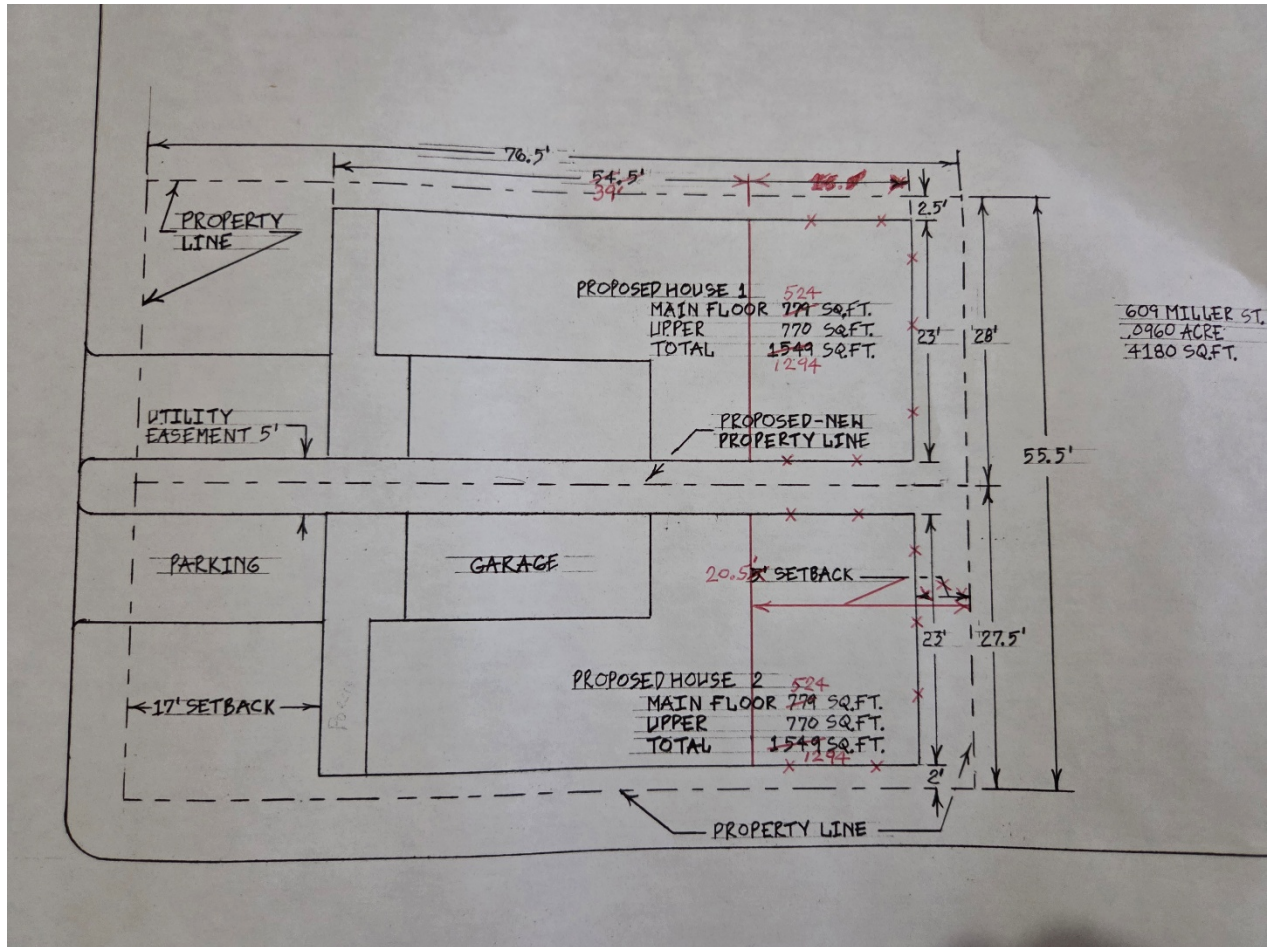
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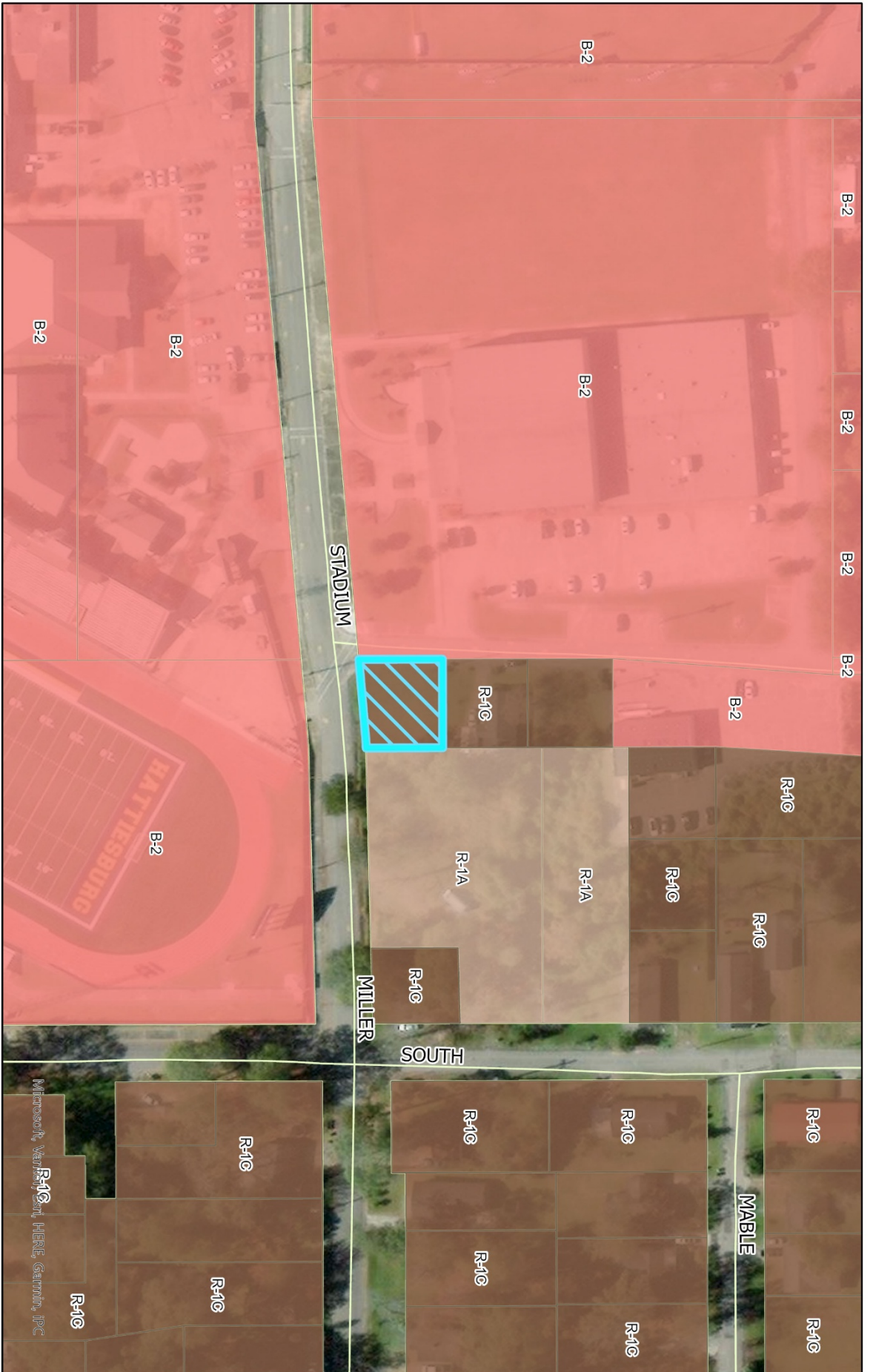
Basis for Approval:

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.
2. Special Privilege.
 - a. A variance shall not confer any special privilege that is denied to other lands or structures in the same zoning district.
3. Literal Interpretation.
 - a. 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
4. Reasonable Use.
 - a. The applicant cannot make reasonable use of the property without the requested variance.
5. Minimum Required.

- a. The granting of a variance is the minimum variance that will make possible the reasonable use of the land or structure.
6. Conformance with the Purposes of this Code.
 - a. The granting of a variance will not conflict with the purposes and intent expressed or implied in the Land Development Code.

PRELIMINARY SITE PLAN LAYOUT





- Zoning Legend**
- B-2
 - R-1A
 - R-1C
 - 609 Miller Street

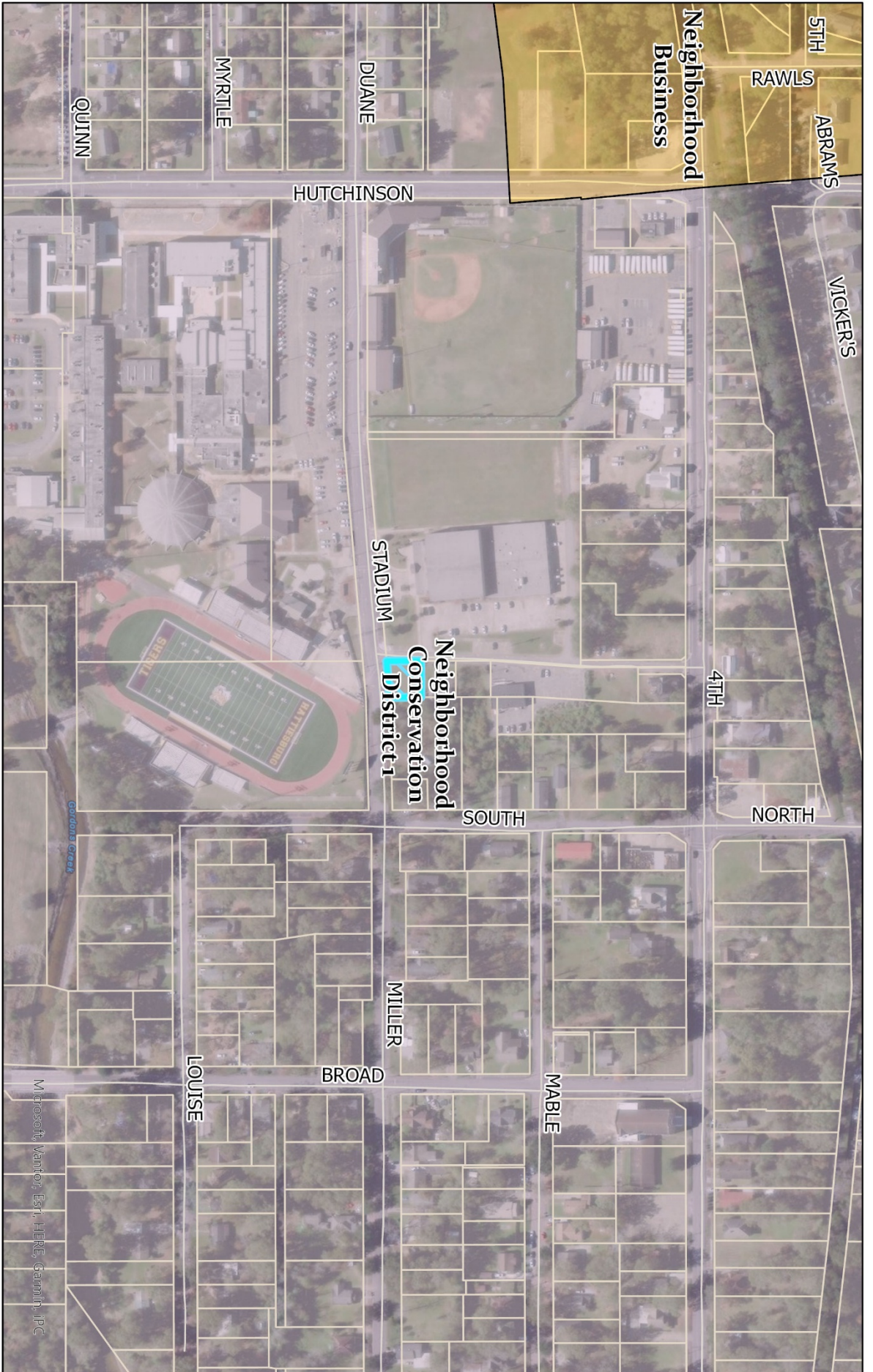
Variance Request
 609 Miller Street
 PPIN: 26645
 Flood Zone: X
 Ward 4, Forrest County





DISCLAIMER: This map is ONLY FOR REFERENCE. There is NO WARRANTY of the accuracy of data. This information CANNOT be used as a substitute for legal, business, tax or other professional advice. Map Exported on: 2/3/2026 11:57 AM



URBAN DEVELOPMENT
PLANNING DIVISION
 Center: 89°18'24"W 31°19'49"N

Maps and additional Diagrams



-  Future Land Use Map
-  Neighborhood Business
-  Neighborhood Conservation District 1
-  609 Miller Street

Variance Request
 609 Miller Street
 PPIN: 26645
 Flood Zone: X
 Ward 4, 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: 2/3/2026 12:00 PM



URBAN DEVELOPMENT PLANNING DIVISION
 Center: 89°18'24"W 31°19'50"N



Surrounding Area Image



Surrounding Area Image





Application for Public Hearing

City of Hattiesburg – Planning Division

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



NOTE:

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



Applicant Information

Name Applicant: _____ Project Name: _____

Municipal Address of Site: _____ PPIN #: _____

Parcel Number(s): _____

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

Other Application types:

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

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



Application for Public Hearing

City of Hattiesburg – Planning Division

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

Public Hearing Petitioner Information:

Deadline for applicant to file petition: _____

Hattiesburg Planning Commission Meeting Date: _____

Hattiesburg Board of Adjustment Meeting Date: _____

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

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

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

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

Public Hearing Application Checklist

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

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



Application for Site Plan Review

City of Hattiesburg – Planning Division

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

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

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

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

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

Print Name: _____

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

Street Address City State

on this the _____ day of _____, 20____.

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____.

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:

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

Street Address City State

on this the _____ day of _____, 20____.

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____.

Applicant (Print)

Applicant (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.

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

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.

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

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

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.

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

FOR CONDITIONAL USE APPLICANTS:

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

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

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

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

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

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

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

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

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

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

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

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



FOR SUBDIVIDING OF LOT, PARCEL OR TRACT

Property Data

- Parent Parcel / Existing lot/parcel/tract contains: _____ Square Footage/Acres
- Lot Area Requirement:
- Lot Frontage Requirement:
- Existing use of lot/parcel/tract
- To be subdivided into _____ lots/parcels (including parent parcel) – outlined below.

Use extra copies of this form if needed for additional lots

Newly Subdivided Parcels	New lot size in square footage (SF) or acres (A)	New lot has public road frontage	New lot has private road frontage	Indicate name of public of private road(s)	STAFF ONLY Lot area & frontage requirements comply?
1.		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No		<input type="checkbox"/> Yes <input type="checkbox"/> No
2.		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No		<input type="checkbox"/> Yes <input type="checkbox"/> No
3.		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No		<input type="checkbox"/> Yes <input type="checkbox"/> No
4.		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No		<input type="checkbox"/> Yes <input type="checkbox"/> No
5.		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No		<input type="checkbox"/> Yes <input type="checkbox"/> No
6.		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No		<input type="checkbox"/> Yes <input type="checkbox"/> No
7.		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No		<input type="checkbox"/> Yes <input type="checkbox"/> No
8.		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No		<input type="checkbox"/> Yes <input type="checkbox"/> No
9.		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No		<input type="checkbox"/> Yes <input type="checkbox"/> No
10.		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No		<input type="checkbox"/> Yes <input type="checkbox"/> No
11.		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No		<input type="checkbox"/> Yes <input type="checkbox"/> No
12.		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No		<input type="checkbox"/> Yes <input type="checkbox"/> No
<u>Be sure to include information on the remainder of "existing" lot after splits made – identify as "Parent Parcel"</u>					
<u>Parent Parcel</u>					
<u>Total square footage of new lots (verify total matches existing parcel prior to splits)</u>					

Infrastructure required: (Check all that apply)

- Water/Sewer Gas Electric Telephone Cable Streets

FOR STREET/ALLEY RENAMING, CLOSING, OR VACATING

1. **Indicate the specific request(s):**

- Street Alley Closing Vacating Naming Renaming

2. **Current name of street/alley to be named/renamed, vacated, or closed:**

3. **Proposed name of street/alley to be named/renamed (If Applicable):**

4. **Describe the portion of the street/alley to be renamed, closed, or vacated (use all bounding or intersecting streets/alleys, from and to):**

5. **Tax Block(s) and Lot(s) involved in closing request:**

6. **Describe the existing land use of properties and the number of residents affected by renaming the street/alley within 400 feet:**

Type of Land Use of adjacent development	Number of properties adjacent to the existing street	Number of property owners adjacent to the existing street	Number of residents affected by the change of address
Businesses			
Residences			
Apartments			
Churches/Schools			
Other			

Any Additional Information: _____

7. **Describe the effect the proposed change will have on existing development and the transportation system within the affected area:** _____

8. Have applications for zoning, variance, building permit, or other applications been filed?
 Yes (If so, provide reference #s and dates: _____)
 No
9. Acknowledgement of property owners affected by the street/alley renaming. Include all names and addresses. Please attach these as additional page(s).
10. Obtain from City's Engineering Department the legal description of the street/alley or portion thereof to be closed, vacated, named, or renamed (electronic copy required)

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

609 MILLER ST HATTIESBURG MS
Street Address City State

on this the 08 day of JANUARY, 2026

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.

JEFFREY D. MACK

on this the 08 day of JANUARY, 2026

JEFFREY D. MACK
Applicant (Print)
Jeffrey D. Mack
Applicant (Signature)

STATE OF MS

COUNTY OF Forrest

Personally came and appeared before me, the within named

Jeffrey Mack

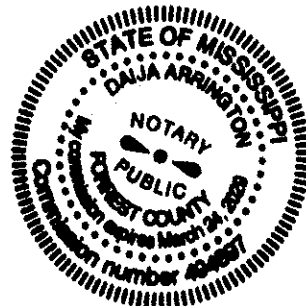
who signed and delivered the above and foregoing instrument as and for their free act and deed on the day and year therein mentioned, and who acknowledge to me that they are the owner(s) of the subject property as described in this Public Hearing Application.

GIVEN UNDER MY HAND AND OFFICIAL SEAL OF OFFICE, this the 8th day of January, 2026

[Signature]
NOTARY PUBLIC

My Commission Expires:

March 24, 2029



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

609 MILLER ST. HATTIESBURG MS
Street Address City State

on this the 08 day of JANUARY, 2026

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.

JEFFREY D. MACK

on this the 08 day of JANUARY, 2026

PERCY MACK JR
Property Owner (Print)

Percy Mack Jr
Property Owner (Signature)

STATE OF MS

COUNTY OF Forrest

Personally came and appeared before me, the within named

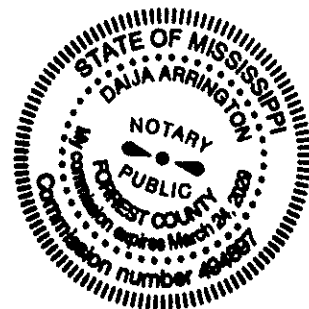
Percy Mack Jr.

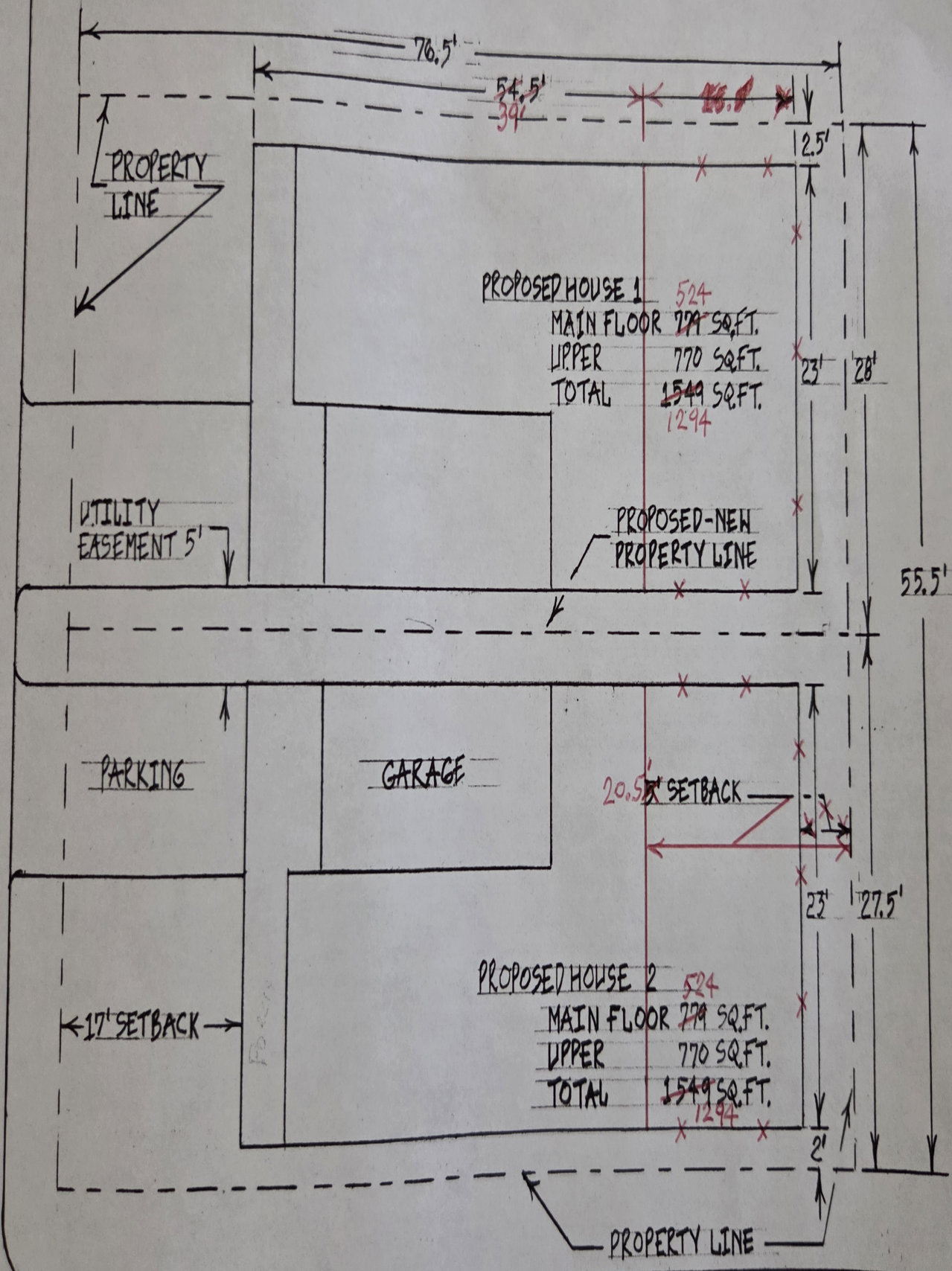
who signed and delivered the above and foregoing instrument as and for their free act and deed on the day and year therein mentioned, and who acknowledge to me that they are the owner(s) of the subject property as described in this Public Hearing Application.

GIVEN UNDER MY HAND AND OFFICIAL SEAL OF OFFICE, this the 8th day of January, 2026.

[Signature]
NOTARY PUBLIC

My Commission Expires:
March 24, 2024





609 MILLER ST.
 .0960 ACRE
 4180 SQ.FT.



Staff Present:

Nathan Satcher (Senior Planner), Jerald Little (Engineering Technician), Shawn Whitaker (Fire Marshal), Meridian McDaniel (Planner I).

Project: Proposed Single Family Homes

Address: 609 Miller Street

Presented by: Percy and Jeffrey Mack

Project Type: New Construction

PPIN: 26645

Flood Zone: None

Historic District: N/A

Elevation Certificate Required: No

County: Forrest

Ward: 2

Estimated Cost: TBD

Zoning: R-1C

Designated Use: TBD

PROJECT SUMMARY:

- Applicant Summary
 - Wanting to build two structures with garage – two floors each for a total of 1549 sqft. 3 bedrooms, 3 bathrooms.
- Planning
 - Zoning of the property is R-1C
 - R-1C requires a 5000 sqft lot size minimum and 40ft lot frontage
 - Lot cannot be split because it would not meet the lot size minimum.
 - Would require a zoning change and multiple variances.
 - Zoning change goes before the Planning Commission
 - Variances go before the Board of Adjustment
 - Variances would be for the lot size, rear setback variances, frontage requirements, and impervious surface lot coverage variance.
 - Could be one single-family home—could do this now and start pulling permits.
 - Could consider rezoning the property to R-2 to make a duplex
 - Rezoning would require a public hearing
- Building
 - Not present at this meeting.
- Engineering
 - Water meters would need to be set off Stadium Drive.
- Fire
 - No comments at this meeting.

NEXT STEPS:

Pre-application meeting notes are provided as a courtesy by staff during pre-application meetings. These notes are not exhaustive. All Land Development Codes and City Ordinances apply, even if not listed during a pre-application meeting.

- Additional information
 - Schedule another pre-application meeting when ready—to discuss the public hearing that would be needed.

APPLICATIONS REQUIRED:

- | | |
|---|--|
| <input type="checkbox"/> Site Plan Review Checklist and Application | <input type="checkbox"/> Conditional Use Application |
| <input type="checkbox"/> Public Hearing Application | <input type="checkbox"/> Street/Alley Closing |
| <input type="checkbox"/> Variance Application | <input type="checkbox"/> Major Subdivision |
| <input type="checkbox"/> Rezone Application | <input type="checkbox"/> Minor Subdivision |
| <input type="checkbox"/> Certificate of Appropriateness (Historic) | <input type="checkbox"/> Building Permit Application |
| <input type="checkbox"/> Privilege Tax License | <input type="checkbox"/> Sign Permit |

Pre-application meeting notes are provided as a courtesy by staff during pre-application meetings. These notes are not exhaustive. All Land Development Codes and City Ordinances apply, even if not listed during a pre-application meeting.



Staff Present:

Nathan Satcher (Senior Planner), Kevin Bates (Building Official),
Shawn Whitaker (Fire Marshal), Jerald Little (Engineering Technician),
Meridian McDaniel (Planner I), Noah Gower (Engineering
Technician).

STATUS: UPDATE APPLICATION & RESOLVE STREET ISSUES

Project: New Build Homes

Address: 609 Miller Street

Presented by: Jeffrey Mack and Percy Mack

Use Designation: Dwelling, Single-Family

PPIN: 26645

Flood Zone: X

Historic District: N/A

Elevation Certificate Required: No

County: Forrest

Ward: 4

Construction type: New Construction

Zoning: R-1C

Estimated Cost: TBD

Project Summary:

- Applicant Summary
 - Wanting to subdivide the lot to put two houses on the lots. All bedrooms are all now upstairs. Goal is to rent to students. 1294 sqft.
- Planning
 - Staff recommendation to hold moving forward until street issue is resolved.
 - Public Hearing Advertisement:
 - Jeffrey Mack, Applicant, requests the following variances for a proposed subdivision and house construction for an R-1C zoned property on the corner of Miller Street and Stadium Drive (PPIN 26645, Ward 4, Forrest County):
 - Lot 1 (north)
 - Variance from the minimum lot size requirement of 5000sqft to allow 2100sqft
 - Variance from the minimum front setback requirement of 20ft to allow for 17ft
 - Variance from the minimum side setback requirement of 10ft to allow for 2.5ft
 - Variance from the minimum side setback requirement of 10ft to allow for 2.5ft
 - Variance from the minimum rear setback requirement of 25ft to allow for 20.5ft
 - Variance from the maximum impervious surface lot coverage requirement of 50% to allow for 52%
 - Lot 2 (south)
 - Variance from the minimum lot size requirement of 5000sqft to allow 2100sqft
 - Variance from the minimum front setback requirement of 20ft to allow for 17ft
 - Variance from the minimum front setback requirement of 20ft to allow for 2.5ft
 - Variance from the minimum side setback requirement of 10ft to allow for 2.5ft
 - Variance from the maximum impervious surface lot coverage requirement of 50% to allow for 52%
- Building

Pre-application meeting notes are provided as a courtesy by staff during pre-application meetings.

These notes are not exhaustive. All Land Development Codes and City Ordinances apply, even if not listed during a pre-application meeting.

- No comments at this meeting.
- Engineering
 - Stadium Drive—Appears not to be a public street
 - Engineering to double-check that Stadium Drive is not a public street—will get back to the applicant with findings.
 - Applicant would need to obtain an access easement with the school district, which will need to be filed with Forrest County if it is not a public street
 - Contact for Hattiesburg Public Schools- Kimberly Nelms, (601) 582-5078 Ext. 1015
- Fire
 - Not present at this meeting.

NEXT STEPS:

- Additional information
 - Public Hearing Information
 - Update public hearing application
 - As of now, variances are published for the March 4, 2026, at 3:30 pm in the Jackie Dole Sherrill Community Center
- Permits
 - Apply for the permits indicated below

APPLICATIONS REQUIRED:

- | | |
|---|---|
| <input type="checkbox"/> Site Plan Review Checklist and Application | <input type="checkbox"/> Conditional Use Application |
| <input type="checkbox"/> Public Hearing Application | <input type="checkbox"/> Street/Alley Closing |
| <input checked="" type="checkbox"/> Variance Application | <input type="checkbox"/> Major Subdivision |
| <input type="checkbox"/> Rezone Application | <input checked="" type="checkbox"/> Minor Subdivision |
| <input type="checkbox"/> Certificate of Appropriateness (Historic) | <input type="checkbox"/> Building Permit Application |
| <input type="checkbox"/> Privilege Tax License | <input type="checkbox"/> Sign Permit |

Pre-application meeting notes are provided as a courtesy by staff during pre-application meetings. These notes are not exhaustive. All Land Development Codes and City Ordinances apply, even if not listed during a pre-application meeting.



Hattiesburg Board of Adjustment Planning Division

Item B - Staff Report

April 1, 2026

Quick Facts:

Applicant:

Corina Chicas Maravilla

Address:

5338 & 5340 Old Hwy 42

Zoning:

B-3 Community Business

Future Land Use:

Regional Business Corridor

Historic District:

N/A

Overlay District(s):

N/A

Flood Zone:

X

Ward:

2

County:

Forrest

PPIN Number(s):

22194 & 22195

Parcel Number(s):

2-029C-04-114.00 & 2-029C-04-115.00



Property Image

Applicant's Requests:

Corina Chicas Maravilla, Applicant/Property Owner, requests the following variances for a property located at 5338 and 5340 Old Hwy 42 (PPINs 22194 & 22195, Ward 2, Forrest County):

- 5338 Old Hwy 42
 - Variance from the sidewalk requirement of providing at least 5ft of sidewalk along all street frontages to allow for 0ft of sidewalk. (LDC 7.6.1.1)
 - Variance from the green strip requirement of 10ft in width, at least one large, deciduous tree per 60 feet of lineal frontage to allow for 0ft of green space and 0 trees. (LDC 7.10.11.1)
- 5340 Old Hwy 42
 - Variance from the sidewalk requirement of providing at least 5ft of sidewalk along all street frontages to allow for 0ft of sidewalk. (LDC 7.6.1.1)
 - Variance from the green strip requirement of 10ft in width, at least one large, deciduous tree per 60 feet of lineal frontage to allow for 0ft of green space and 0 trees. (LDC 7.10.11.1)

Background and History

Staff met with the applicant on multiple occasions for pre-application and site plan review meetings to discuss reactivating two existing buildings for a restaurant (no drive-through) and a tire shop. The restaurant was proposed to seat approximately 20 patrons, and the site layout proposed locating parking to the rear of the buildings. Because the request includes changes to the site entrance and parking areas, the project is subject to applicable requirements of the current Land Development Code.



Property / Surrounding Area Image

During pre-application and site plan review, staff identified that the existing building placement close to the right-of-way limits the ability to meet current frontage improvement standards. Staff advised that variances may be necessary to address sidewalk and green strip requirements along the street frontage(s), which are the variances requested as part of this application.

Future Land Use:

Regional Business District: The Regional Business District is primarily a non-residential district located along major arterial streets and highways. Limited types of residential uses—apartment complexes and second-floor housing in strip commercial or lifestyle centers—are allowed and encouraged to locate in this district. The nature and volume of traffic along these corridors are different from the traffic along other commercial corridors, and therefore, the land uses require special consideration. The land uses in this district may generate a higher volume of regional traffic and/or require frequent access by large trucks and commercial vehicles.

District Characteristics The characteristics of this district include the following: suburban-style commercial centers and big-box buildings; well-positioned and screened outdoor uses; mixed-use buildings and developments; high-density residential developments such as apartment complexes; large, private parking areas; and light industrial campuses and employment centers. Regulations should be established to promote development patterns for these uses that enhance the streetscape, screen outdoor storage and equipment areas from public view, and enable safe circulation among neighboring properties without requiring travel on the street or highway corridor.



Property / Surrounding Area Image

District Land Uses The following land uses should be found in this district: high-density residential uses; public and quasi-public uses; hotels and motels; general indoor and outdoor retail uses; heavy commercial and light industrial uses; service and office land uses; and light industrial campuses and corporate offices.

Codes and Regulations

SECTION 4: Zoning Districts Established

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

SECTION 7: Standards of Design

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	PMU
✕ = Not required															
7.6 Pedestrian Circulation.															
7.6.1 Circulation External to a Site.															
7.6.1.1 Sidewalks shall be provided along all public streets on the entire frontage of a development site and align with existing sidewalks on adjacent properties including both frontages on corner lots. Minimum sidewalk width is five feet. Additional width may be required as determined by Site and Design Review. Where on-site construction is impractical or unnecessary, developers may contribute to the Sidewalk Bank Fee-in-Lieu Program, subject to approval.	✕	✕	■	■	■	■	■	■	■	■	■	■	■	■	■
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.	✕	✕	✕	✕	✕	✕	✕	■	■	■	✕	■	■	■	■
7.10.2.2 Landscaping shall comply with the Plant Standards, Installation and Maintenance in this section.	■	■	■	■	■	■	■	■	■	■	✕	■	■	■	■

Considerations and Basis for Approval

Option:

Recommend approval or denial of the following variances for a property located at 5338 and 5340 Old Hwy 42 (PPINs 22194 & 22195, Ward 2, Forrest County):

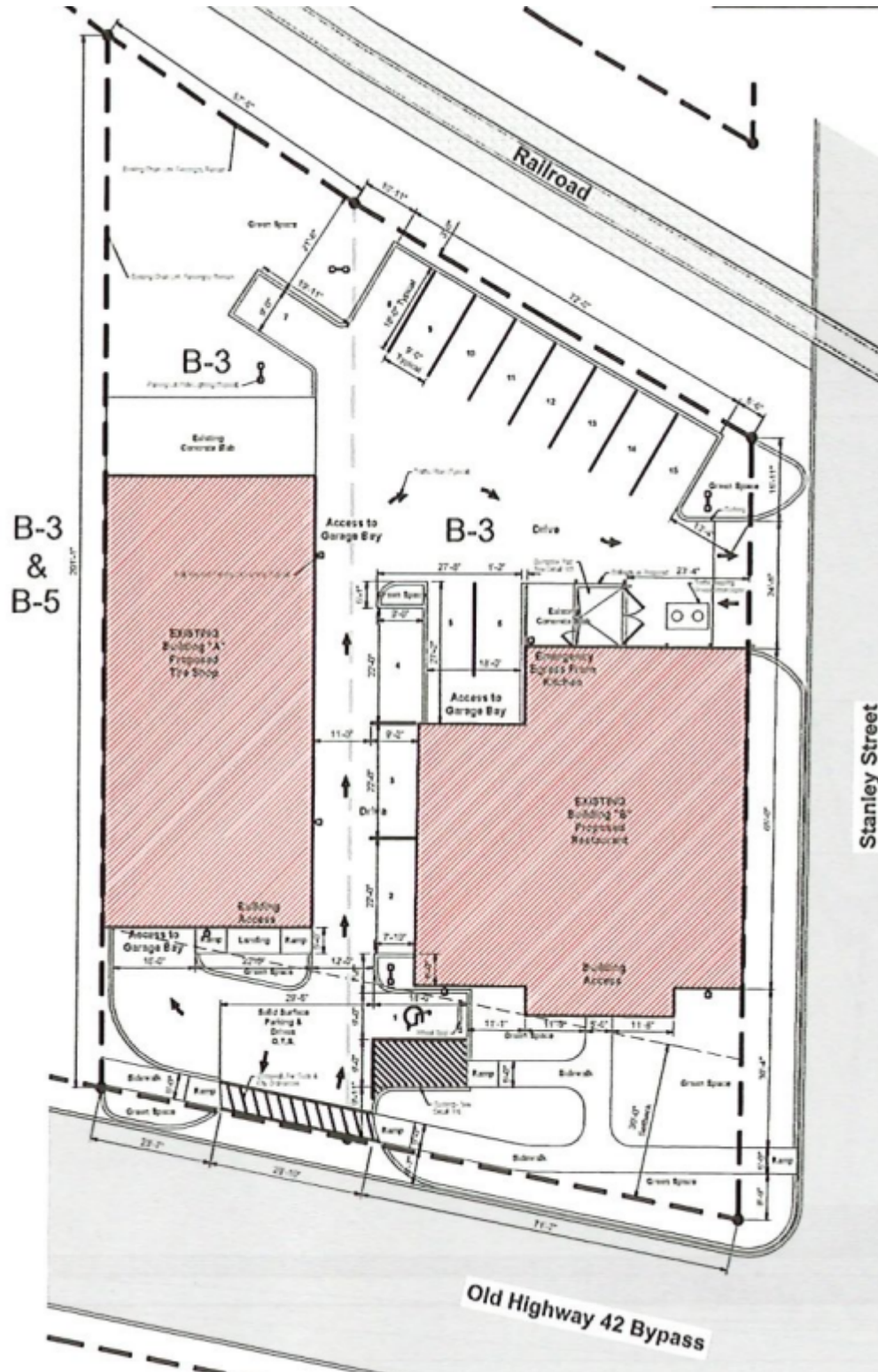
- 5338 Old Hwy 42
 - Variance from the sidewalk requirement of providing at least 5ft of sidewalk along all street frontages to allow for 0ft of sidewalk. (LDC 7.6.1.1)
 - Variance from the green strip requirement of 10ft in width, at least one large, deciduous tree per 60 feet of lineal frontage to allow for 0ft of green space and 0 trees. (LDC 7.10.11.1)
- 5340 Old Hwy 42

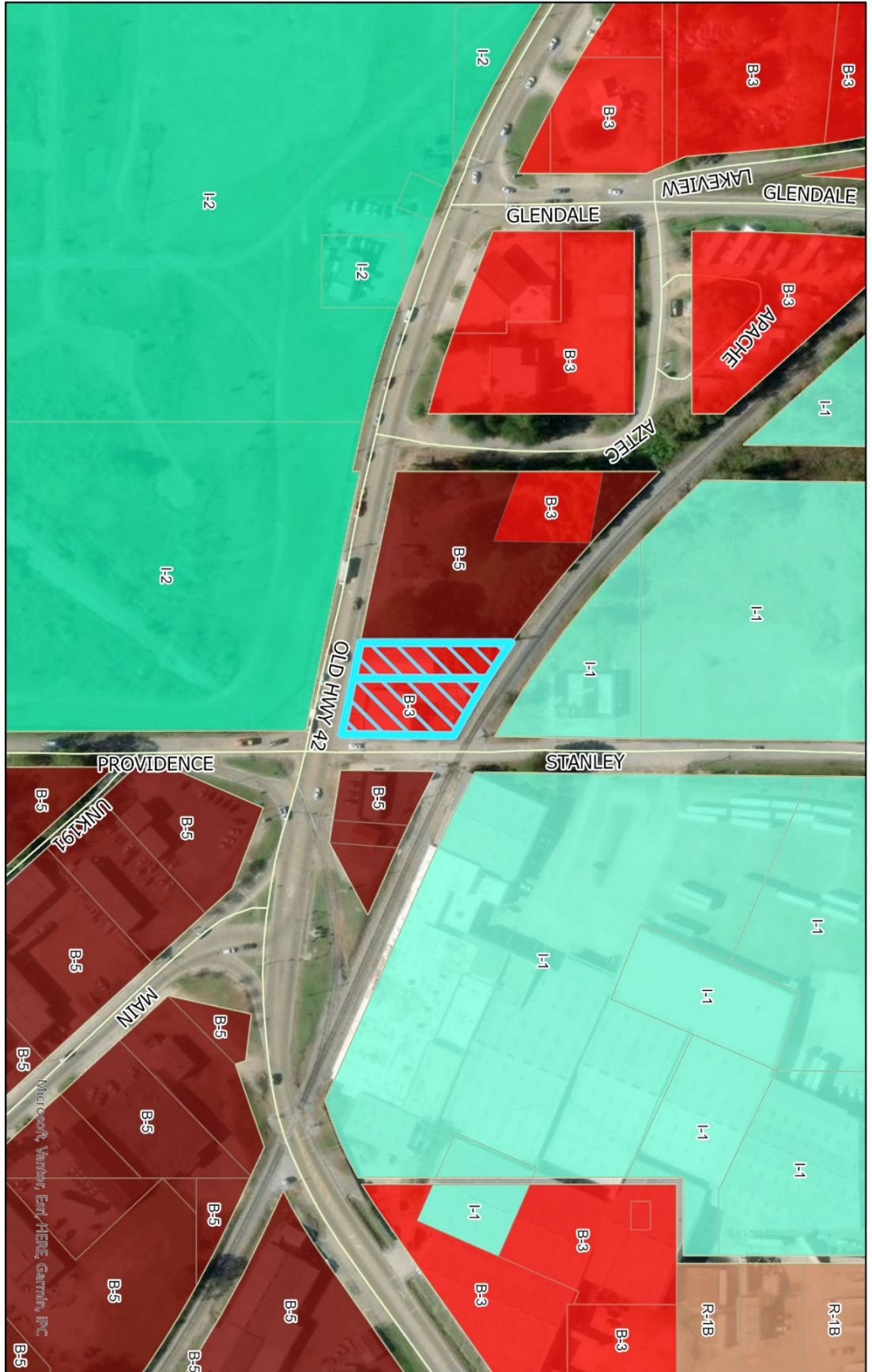
- Variance from the sidewalk requirement of providing at least 5ft of sidewalk along all street frontages to allow for 0ft of sidewalk. (LDC 7.6.1.1)
- Variance from the green strip requirement of 10ft in width, at least one large, deciduous tree per 60 feet of lineal frontage to allow for 0ft of green space and 0 trees. (LDC 7.10.11.1)

Basis for Approval:

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.
2. Special Privilege.
 - a. A variance shall not confer any special privilege that is denied to other lands or structures in the same zoning district.
3. Literal Interpretation.
 - a. 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
4. Reasonable Use.
 - a. The applicant cannot make reasonable use of the property without the requested variance.
5. Minimum Required.
 - a. The granting of a variance is the minimum variance that will make possible the reasonable use of the land or structure.
6. Conformance with the Purposes of this Code.
 - a. The granting of a variance will not conflict with the purposes and intent expressed or implied in the Land Development Code.

PRELIMINARY SITE PLAN





Zoning Legend

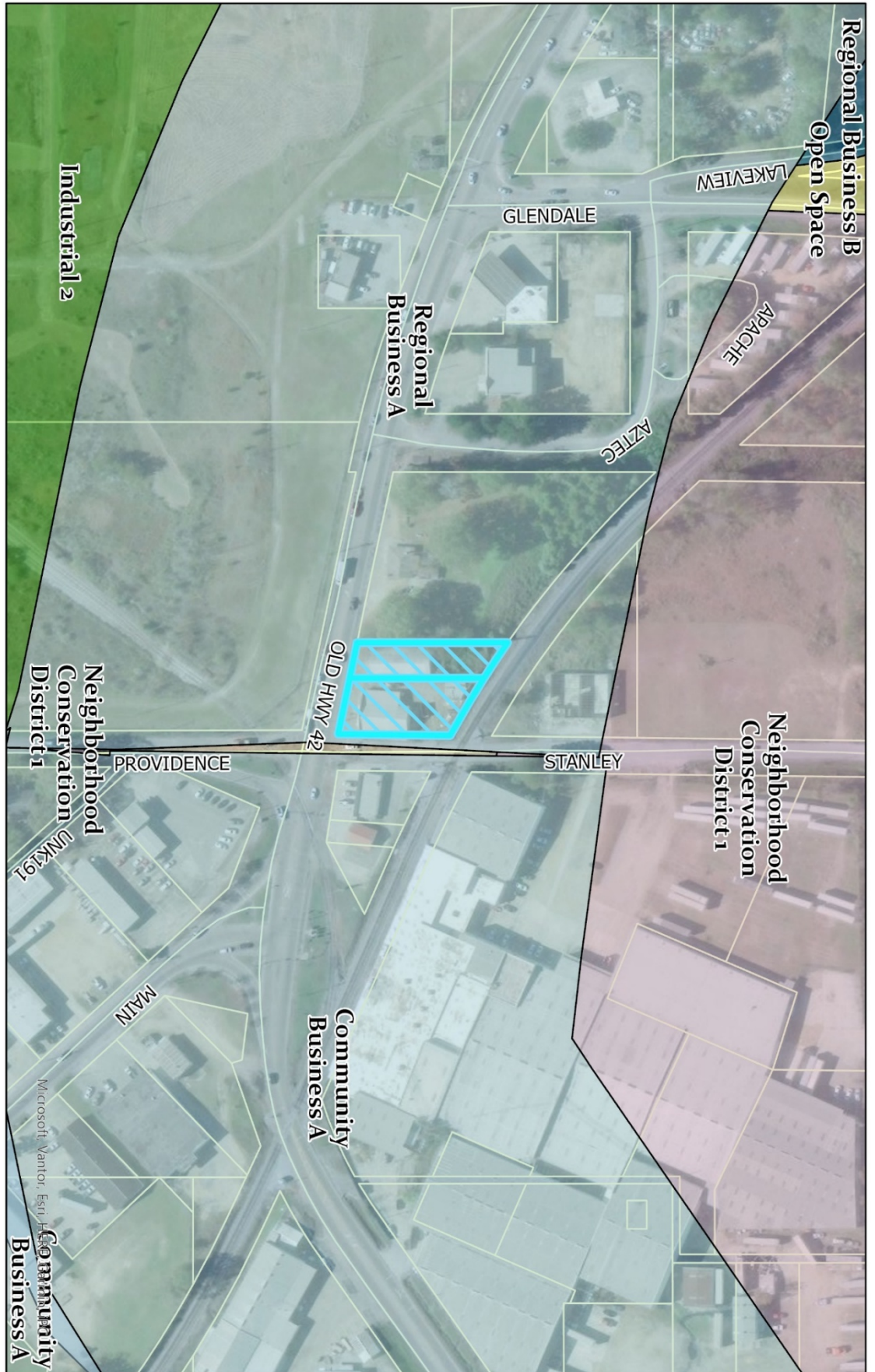
- I-1
- I-2
- B-3
- B-5
- R-1B

5338 & 5340 Old Hwy 42

Variance Request
 5338 & 5340 Old Hwy 42
 PPIN: 22194 & 22195
 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: 3/10/2026 2:29 PM





- Future Land Use Map**
- Community Business A
 - Industrial 2
 - Neighborhood Conservation District 1
 - Open Space
 - Regional Business A
 - Regional Business B
 - 5338 & 5340 Old Hwy 42

Variance Request
 5338 & 5340 Old Hwy 42
 PPIN: 22194 & 22195
 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: 3/10/2026 2:30 PM



URBAN DEVELOPMENT
 PLANNING DIVISION
 Center: 89°18'16"W 31°20'32"N

Site Aerial





Surrounding Area Image Facing N Hattiesburg Avenue





Application for Public Hearing

City of Hattiesburg – Planning Division

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



NOTE:

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



Applicant Information

Name Applicant: Corina Chiccas Navavilla Project Name: Tire Shop & Restaurant

Municipal Address of Site: 5338 Old HWY 42, 5340 Old HWY 42 PPIN #: 22195

Parcel Number(s): _____

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

Other Application types:

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

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



Application for Site Plan Review

City of Hattiesburg – Planning Division

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

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

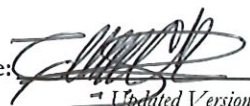
<u>Public Hearing Fees</u>	
Public Hearing Type	Fees Associated
Variance Variance applications include one Concept Site Plan Review and one Variance request	\$175.00 per application. \$50.00 for each additional variance.
Street / Alley Naming or Re-Naming	\$300.00 per application. \$100.00 per required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

OTHER PROCESSES MAY HAVE ADDITIONAL FEES

Make all checks payable to the City of Hattiesburg

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

Print Name: Corina Chiccas

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

5338 & 5340 Old Hwy 42 Hattiesburg MS 39401
Street Address City State

on this the December day of 04, 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.

Craig Farve, Jemy Perez, Karen Hernandez

on this the December day of 4th, 2025.

Corina Chicas
Property Owner (Print)

[Signature]
Property Owner (Signature)

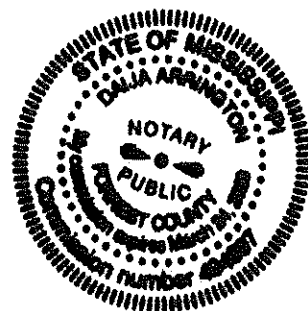
STATE OF Mississippi
COUNTY OF Forrest

Personally came and appeared before me, the within named Corina Chicas Maravilla, 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 4th day of December, 2025.

[Signature]
NOTARY PUBLIC

My Commission Expires:
March 24, 2029



APPLICANT AFFIDAVIT PAGE

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

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

5340 & 5338 Old Hwy 42 Hattiesburg MS 39401
Street Address City State

on this the _____ day of _____, 20____.

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.

Craig Farve, Jerry Perez, Karen Hernandez

on this the _____ day of _____, 20____.

Coringa Chiccas
Applicant (Print)

Applicant (Signature)

STATE OF Mississippi

COUNTY OF Forrest

Personally came and appeared before me, the within named Coringa Chiccas Maravilla, 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.

There is not enough space for a sidewalk since the space does not meet the requirements.

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

We ask for a variance since it is reliable small and very close to the road which leads to the sidewalk. Interstate light.

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.

In order to make space for a sidewalk we would have to tear the building down

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

The space is not wide enough for anything to be built.

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 sidewalk has certain measures
our building does not even meet
the minimum

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.

not creating that sidewalk will not
affect anything else and any
land or anything that will interfere
with the city. ✓

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.

We will not be able to make a sidewalk
on the right side of the building but
a sidewalk will be made in the front
in order to go according to the code yet
not completely since on the side of
the building there is not enough
space.

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.

we are willing to try and make the green space work for the city but there are no adjustments we can make to make it exactly to the code.

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

we ask for the variance not to be an exception but in order to make the green land that goes according to the space provided

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.

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

In order to have a green space we need the variance otherwise it would just be an entrance.

-
-
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 land does not meet the measurements required by the city it is not a huge difference but not the exact numbers.

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.

There will not be any conflicts by reducing a bit the measurements it would just be less space but with the same purpose.

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.

IF approved we will take all measures to make it the most comfortable with the city guests and the shop we just ask for a chance to open the building but the changes are not our choice it is the land the way it was previously built for another purpose.



Staff Present:

Nathan Satcher (Senior Planner), Kevin Bates (Building Official), Shawn Whitaker (Fire Marshall), Jerald Little (Engineering Technician), Meridian McDaniel (Planner I), Cory Long (Planning Division Manager), Noah Gower (Engineering Technician)

STATUS: **RESUBMIT**

SITE: 1025-0303

Project: Miguel Tire Shop and El Buen Sabor

Address: 5338 and 5340 Hwy 42

Presented by: Corina Chicas

Use Designation: Restaurant without a Drive Thru and Automotive Maintenance

PPIN: 22194 & 22195

Flood Zone: AE

Historic District: N/A

Elevation Certificate Required: No

County: Forrest

Ward: 2

Construction type: Other

Zoning: B-3

Estimated Cost: TBD

ADDITIONAL APPROVAL NOTES:

1. Planning Division:

- a. **Requirement 1 – Variances**
 - i. Potential Variances Identified:
 - 1. 10ft Green Space requirement
 - 2. Sidewalk requirement
 - ii. Variance requests go to the Board of Adjustment
 - 1. Application Information:
 - a. Hearing Date: December 3rd, 2025, at 3:30pm
 - i. Application Deadline: October 27th, 2025, at 5:00pm
 - b. Hearing Date: January 7th, 2026, at 3:30pm
 - i. Application Deadline: November 24th, 2025, at 5:00pm
- b. **Requirement 2 – Dumpster Location**
 - i. The dumpster area needs to be moved
 - 1. LDC 7.5.4.3
 - a. Cannot back into the road/right-of-way
- c. **Requirement 3 – Sidewalks**
 - i. Along all street frontages required
 - 1. Stanley Street and Hwy 42
- d. **Requirement 4 – Driveways**
 - i. Close off driveway on Stanley closest to Hwy 42, move parallel parking spaces behind the building.
 - ii. Driveway on Hwy 42
 - 1. Needs to be 24ft for a 2-way driveway
 - a. LDC 7.5.3.3
- e. **Requirement 5 – Parking**
 - i. Parking requirements
 - 1. Restaurant:
 - a. 20 seats in restaurant
 - i. 1 parking space to 4 seats—requirement would be 5 parking spaces
 - 2. Tire Shop:
 - a. 1 parking space per 375 sqft Gross Floor Area—requirement would be 10 parking spaces

- 3. Total Requirements: 15 parking spots
 - f. **Requirement 6** – 2 parcels
 - i. Consider collapsing both parcels into one property
 - 1. This is done through the Forrest County Tax Office
 - ii. If not collapsing, a shared parking easement would be required
 - g. **Requirement 7** – Landscaping
 - i. LDC 7.10.1.1
 - 1. 20 sqft of interior landscaped area for each parking space (excludes islands)
- 2. Engineering Department:**
- a. **Requirement 1** – Driveway
 - i. N Driveway off Stanley
 - 1. Turn radius needs to be larger—15'-18'
 - b. **Requirement 2** – Curbing
 - i. Curbs are required around all parking areas
 - ii. Curbing required along driveways
 - c. **Requirement 3** – Oil and Sand Separator required for wash bay.
- 3. Fire Marshall:**
- a. **Requirement 1** – No additional comments.
- 4. Building**
- a. **Requirement 1** – No additional comments.



Staff Present:

Nathan Satcher (Senior Planner), Rembert Broome (Building Inspector), Jerald Little (Engineering Technician), Meridian McDaniel (Planner I), Noah Gower (Engineering Technician)

STATUS: RESUBMIT

SITE: 1025-0303

Project: Miguel Tire Shop and El Buen Sabor

Address: 5338 and 5340 Hwy 42

Presented by: Corina Chicas

Use Designation: Restaurant without a Drive Thru and Automotive Maintenance

Flood Zone: AE

Elevation Certificate Required: No

Ward: 2

Zoning: B-3

PPIN: 22194 & 22195

Historic District: N/A

County: Forrest

Construction type: Other

Estimated Cost: TBD

ADDITIONAL APPROVAL NOTES:

1. Planning Division:

- a. **Requirement 1 – Variances**
 - i. Potential Variances Identified:
 - 1. 10ft Green Space requirement
 - 2. Sidewalk requirement
 - ii. Variance requests require a public hearing and the requests are heard by the Board of Adjustment
 - 1. Application Information:
 - a. Hearing Date: February 4th, 2026, at 3:30pm
 - i. Application Deadline: December 29th, 2025, at 5:00pm
 - b. Hearing Date: March 4th, 2026, at 3:30pm
 - i. Application Deadline: January 26th, 2026, at 5:00pm
- b. **Requirement 2 – Dumpster Location**
 - i. Move dumpster so the gate is not facing towards Stanley Street
 - 1. LDC 7.5.4.3
 - a. Cannot back into the road/right-of-way
- c. **Requirement 3 – Sidewalks**
 - i. Along all street frontages required
 - 1. Stanley Street and Hwy 42

2. Engineering Department:

- a. **Requirement 1 – Dumpster/grease trap**
 - i. Consider moving it under the dumpster pad
 - 1. If grease trap is not under pad, it will have to be traffic rated
- b. **Requirement 2 – Truncated domes needed anywhere there is a curb cut on the sidewalks**
- c. **Requirement 3 – Drainage Release**
 - i. The finished floor elevation of the building appears to be below the crown of the street
 - 1. This release should be filed with the county
 - 2. Engineering can provide a template agreement to be filled out

3. Fire Marshall:

- a. **Requirement 1 – No additional comments.**

4. Building

- a. **Requirement 1 – No additional comments.**



Hattiesburg Board of Adjustment Planning Division

Item C - Staff Report

March 4, 2026

Quick Facts:

Applicant:

Bruce and Rebecca Lacey

Address:

3104 Hardy Street

Zoning:

B-3 Community Business

Future Land Use:

Community Business Corridor

Historic District:

N/A

Overlay District(s):

N/A

Flood Zone:

X

Ward:

3

County:

Forrest

PPIN Number(s):

26488

Parcel Number(s):

2-028N-07-094.00



Applicant's Requests:

Bruce and Rebecca Lacey, Applicants, request the following variances for a property located at 3104 Hardy Street (PPIN 26488, Ward 3, Forrest County):

- Variance from the requirement of active use area of a drive-through area to be located closer than 300 feet to a residential use lot, to allow for 175ft. (LDC 5.4.36.4)
- Variance from the pole sign requirement of 150ft of lineal street frontage to allow for 140ft. (LDC 10.6.2)
- Variance from the green strip requirement of 10ft in width, to allow 8ft of green space. (LDC 7.10.11.1)
- Variance from the one-way driveway requirement of a maximum of 14ft to allow for 16ft. (LDC 7.5.3.2)

Background and History

Staff met with the applicants for a pre-application meeting to discuss the proposed new construction of a Bop's Frozen Custard with a drive-through on a vacant lot along Hardy Street in the Midtown area. Staff reviewed the concept site plan and identified potential variances that may be required for the proposal to proceed due to the site's configuration, frontage constraints, and the operational characteristics of a drive-through use.

A primary item discussed was the Land Development Code's separation standard for drive-through facilities. LDC 5.4.36.4 requires the active use area of a drive-through to be located no closer than 300 feet to a residential-use lot. This standard is intended to reduce common drive-through impacts near residential areas, including vehicle idling noise, menu board or speaker activity, headlight glare, late-hour activity, and queuing and circulation effects. The applicants request a variance to allow a separation distance of approximately 175 feet.

During the meeting, staff also informed the applicants that a prior proposal for a drive-through restaurant on or near this location (Chipotle) was previously reviewed and ultimately denied by City Council, for context only, recognizing that each application is evaluated based on its own site conditions and compliance with current standards.

Staff also reviewed other site elements that trigger variance requests. The applicants request a variance from the pole sign frontage requirement in LDC 10.6.2, which generally requires 150 feet of lineal street frontage to qualify for a pole sign. Frontage thresholds are intended to limit pole signs to sites that can reasonably accommodate their scale and visibility, and to reduce sign clutter and visual impacts on smaller or more constrained lots. The applicants request relief to allow a pole sign with approximately 140 feet of frontage.



Other Drive-throughs along Hardy Street



In addition, the applicants request a variance from the green strip width requirement in LDC 7.10.11.1, which calls for a 10-foot green strip along the frontage (with associated planting requirements). The green strip is intended to provide a landscaped buffer between development and the street, support pedestrian comfort, improve corridor aesthetics, and provide adequate soil area for long-term tree health. The applicants request a reduced green strip width of 8 feet, in part to accommodate an 8-foot sidewalk along the frontage while still providing perimeter landscaping.

Finally, the applicants request a variance from the one-way driveway width standard in LDC 7.5.3.2, which limits a one-way driveway to a maximum width of 14 feet. Drive aisle width standards help manage internal site speeds, reduce excessive pavement, and limit pedestrian crossing distances and turning conflicts. The applicants request a width of 16 feet based on MDOT access and design considerations for the corridor, recognizing that final access geometry may be subject to MDOT review and approval as applicable.

Staff has included images of other drive-through developments in the Hardy Street corridor, as well as nearby form-based code development (including The District at Midtown), to provide context regarding development patterns and the range of site design outcomes in the area.

Future Land Use:

Community Business District The Community Business District is primarily a non-residential district located along the city's major roadways. In this district, certain residential and non-residential land uses may be found that exhibit suburban development patterns.

District Characteristics The characteristics of this district include the following: moderate-density single-family residences and certain two-family and multi-family uses; mixed-use buildings and developments; suburban-style, higher-intensity business developments that provide services to the entire community; and less-intensive commercial uses than are found in the Regional Business District.

District Land Uses The following land uses should be found in this district: residential uses; public and quasi-public uses, such as churches and schools; and general indoor retail, service and office land uses that do not require the outdoor storage of goods or equipment.

Codes and Regulations

SECTION 4: Zoning Districts Established

4.5.10 B-3 Community Business District.

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

SECTION 5: Use Regulations

5.4.41 Restaurants With and Without Drive-Through Service.

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

5.4.41.2 No required or intended stacking spaces shall block the safe flow of motor and pedestrian traffic within the parking lot.

5.4.41.3 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.

5.4.41.4 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.

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

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

SECTION 7: Standards of Design

7.5.2: Parking Lot and Driveway Entrances

7.5.2.2 One-way driveway entrances curb cuts shall be a minimum of 12 feet and a maximum 14 feet wide

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.

SECTION 7: Standards of Design

Sign Type	Sign Height/Width (max)	Sign Message Area (max) (sq. ft.)	Setback (min.)		Additional Criteria
			Front	Side	
On Premises Signs Freestanding					
Monument Sign	10'/None	All applicable zones except I-1 and I-2- 50 sq ft; For I-1 & I-2- 72 sq ft	5'	15'	1 per 500' of parcel street frontage /2 on corner lot (1 per street) with 150' min. street frontage for any on premises freestanding sign; bottom edge of message area is min 18" and max 30" above ground; Dimensions include multitenant signs
Pole Sign	35'/20'	For B-3 - 1 sq ft sign message area/ 1' street frontage up to 200 sq ft B-5, I-1, I-2-2 sq ft sign message area/ 1' street frontage up to 400 sq ft	10'	15'	1 per 500' of parcel street frontage/2 on corner lot (1 per street) with 150' min. street frontage for any on premises freestanding sign; Bottom edge of message area is min. 6' above ground; Dimensions include multitenant signs



Property has 140ft of lineal street frontage

Considerations and Basis for Approval

Option:

Recommend approval or denial of a request for variances for a property located at 3104 Hardy Street (PPIN 26488, Ward 3, Forrest County):

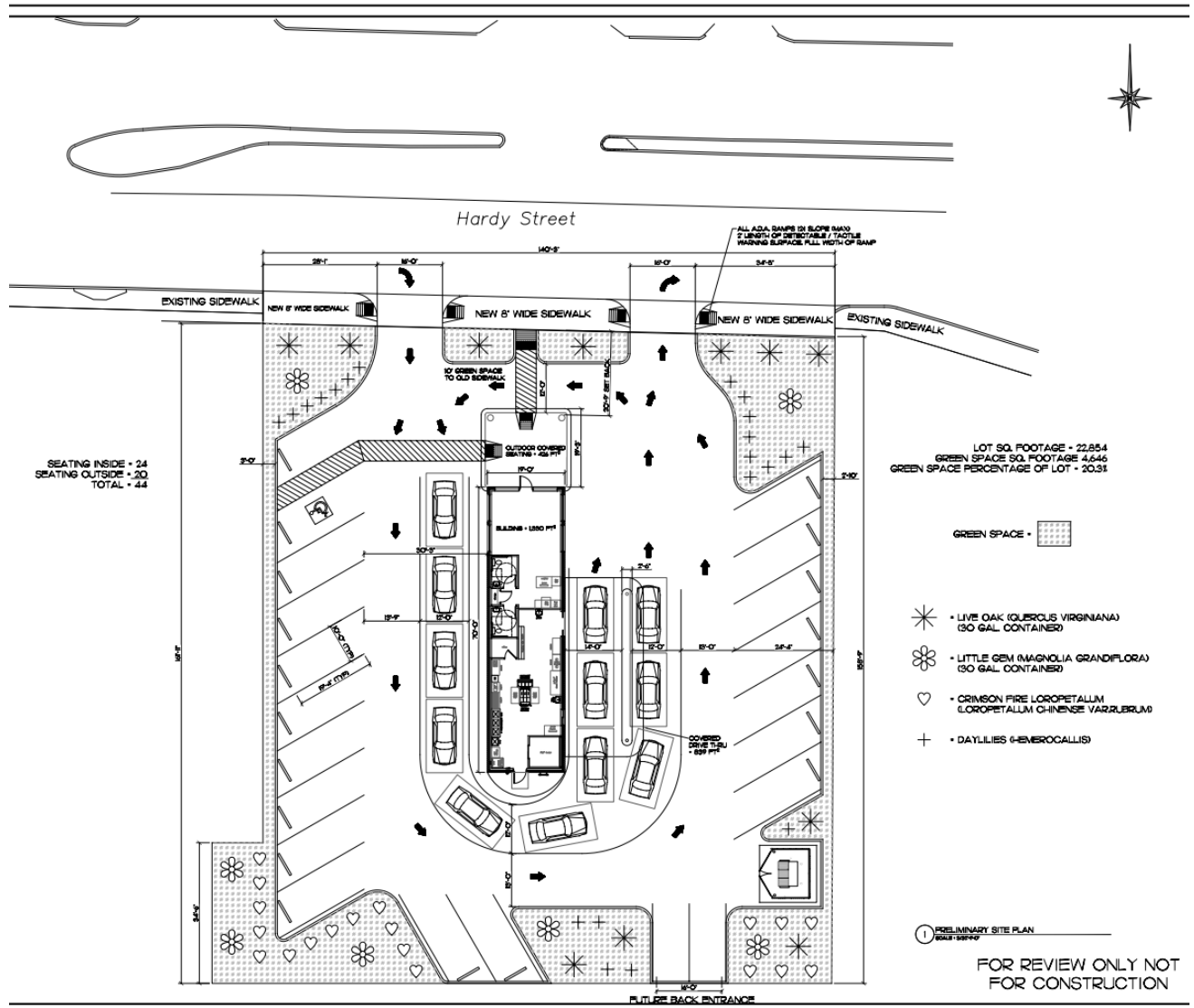
- Variance from the requirement of active use area of a drive-through area to be located closer than 300 feet to a residential use lot, to allow for 175ft. (LDC 5.4.36.4)
- Variance from the pole sign requirement of 150ft of lineal street frontage to allow for 140ft. (LDC 10.6.2)
- Variance from the green strip requirement of 10ft in width, to allow 8ft of green space. (LDC 7.10.11.1)
- Variance from the one-way driveway requirement of a maximum of 14ft to allow for 16ft. (LDC 7.5.3.2)

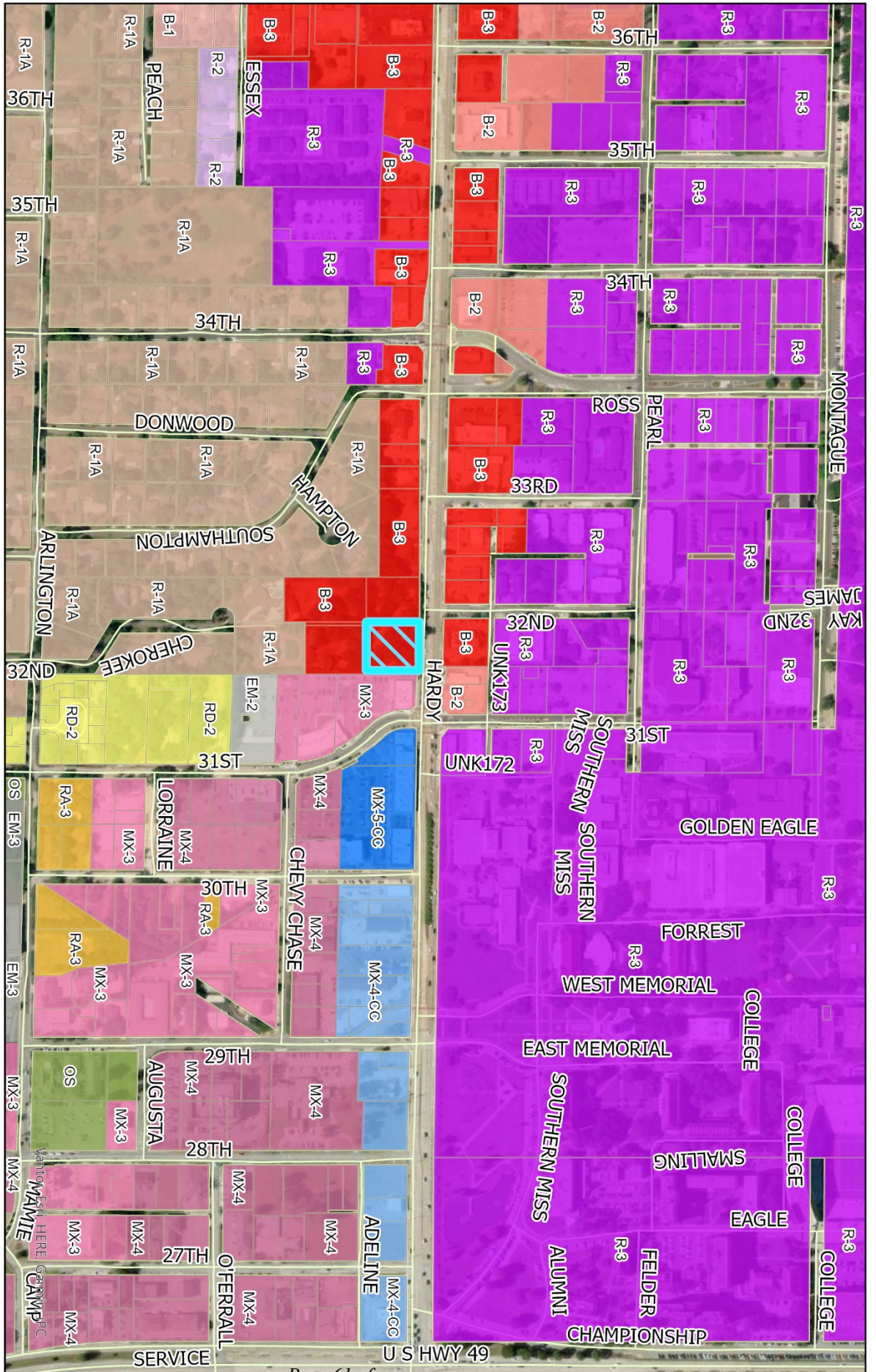
Basis for Approval:

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.
2. Special Privilege.

- a. A variance shall not confer any special privilege that is denied to other lands or structures in the same zoning district.
3. Literal Interpretation.
 - a. 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
4. Reasonable Use.
 - a. The applicant cannot make reasonable use of the property without the requested variance.
5. Minimum Required.
 - a. The granting of a variance is the minimum variance that will make possible the reasonable use of the land or structure.
6. Conformance with the Purposes of this Code.
 - a. The granting of a variance will not conflict with the purposes and intent expressed or implied in the Land Development Code.

Preliminary Site Plan





- Zoning Legend**
- R-1A
 - R-2
 - R-3
 - B-1
 - B-2
 - B-3
 - RD-2
 - RA-3
 - MX-3
 - MX-4
 - MX-4-CC
 - MX-5-CC
 - EM-2
 - EM-3
 - EM-4
 - OS
 - 3104 Hardy Street

Variance Request
 3104 Hardy Street
 PPIN: 26488
 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: 3/10/2026 2:08 PM

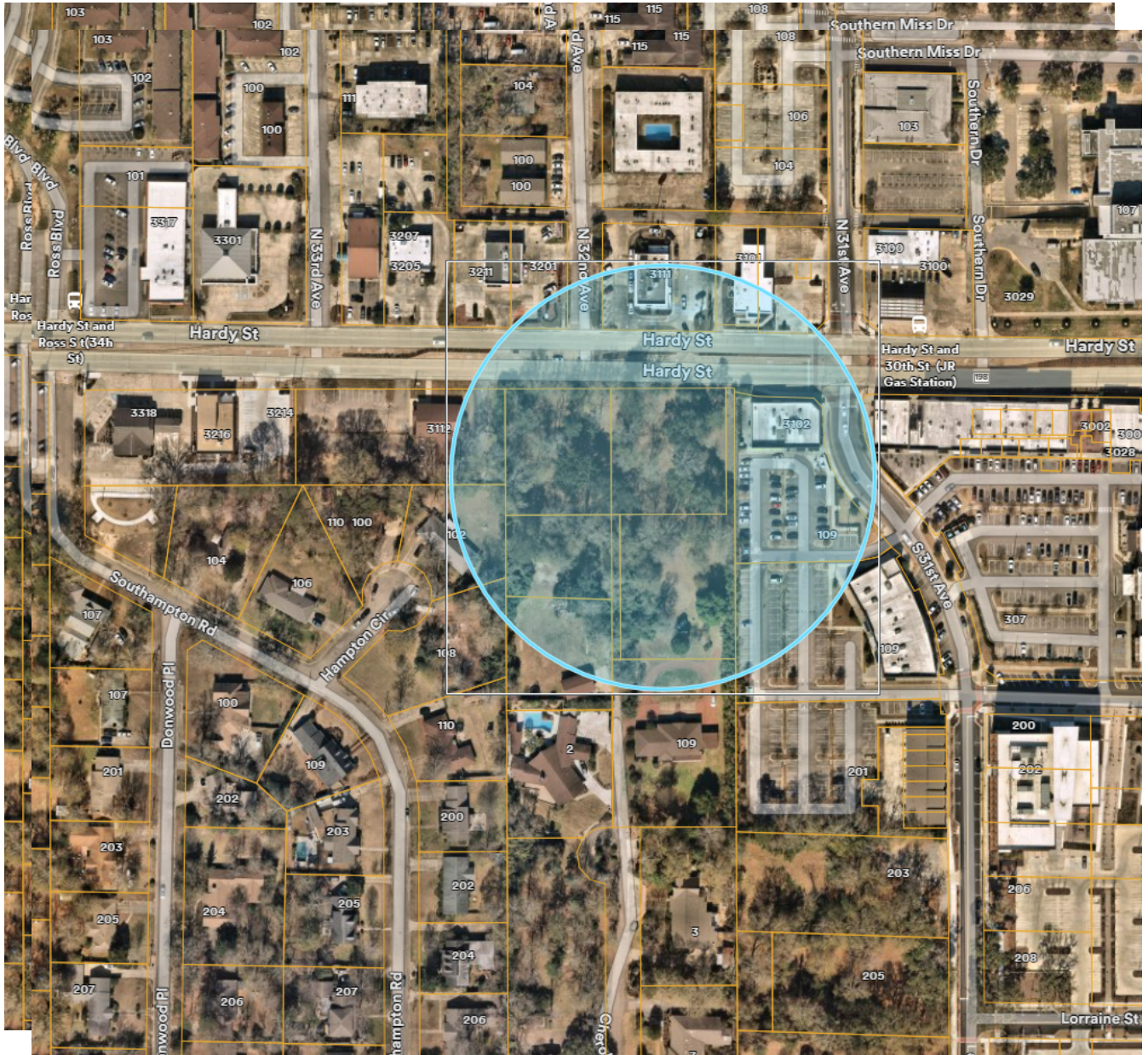


URBAN DEVELOPMENT
PLANNING DIVISION
 Center: 89°20'11"W 31°19'29"N





300ft Buffer Map



Surrounding Area Image- Midtown Form Based Code District



Surrounding Area Image- Midtown Form Based Code District





Application for Public Hearing

City of Hattiesburg – Planning Division

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



NOTE:

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



Applicant Information

Name Applicant: Bruce Lacey Project Name: Bop's Frozen Custard

Municipal Address of Site: 3104 Hardy Street PPIN #: 26488

Parcel Number(s): Parcel 2 on attached survey

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

Other Application types:

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

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



Application for Public Hearing

City of Hattiesburg – Planning Division

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

Public Hearing Petitioner Information:

Deadline for applicant to file petition: 2/23/26

Hattiesburg Planning Commission Meeting Date: _____

Hattiesburg Board of Adjustment Meeting Date: 4/1/26

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

City Council Meeting (Vote) Date – (you or your representative may attend): 4/21/26

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

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

Public Hearing Application Checklist

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

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



Application for Site Plan Review

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

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

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

\$325

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: Bruce Lacey

Signature: 

Updated Version 05/22/2025

APPLICATION FOR VARIANCES

Applicant: Bop's Frozen Custard

Property Location: Approx. 3104 Hardy Street

Zoning Classification: B-3

Variance Request – Section 5.4.36.4

Drive-Thru Proximity to Residential Zone

A strict interpretation of Section 5.4.36.4 would create an inconsistency within the B-3 zoning district. Trustmark Bank, located on the B-3-zoned parcel immediately west of the proposed Bop's site, operates a drive-thru facility with an intercom system approximately 70 feet from a residential lot situated directly behind the drive-thru lane. Additionally, Domino's Pizza operates a drive-thru across the street that is also within approximately 70 feet of a residential zone.

By contrast, Bop's proposed drive-thru lane is located more than 175 feet from the nearest residential property line. Denial of this variance would deprive Bop's of rights and operational allowances currently enjoyed by other properties within the same zoning classification.

The requested variance is necessary to allow reasonable use of the property. Approximately 60% of Bop's total business is conducted through drive-thru service. Without drive-thru approval, the proposed location would not be economically viable.

Further, Bop's operational model minimizes potential impacts:

- Bop's does not use a drive-thru intercom system. We operate a personal, face-to-face order-taking model.
- No exterior music is played in the drive-thru area.

Given the increased distance from residential property and the absence of amplified sound systems, the proposed drive-thru will have significantly less impact than comparable operations in the immediate area.

Variance Request – Section 10.6.2

Pole Sign Frontage Requirement

The subject parcel has 140 feet, 3 inches of street frontage, which is slightly below the 150-foot minimum required for a pole sign.

Bop's utilizes a distinctive, branded pole sign as part of its flagship design, including at our Gulfport, Mississippi location. The requested variance would allow consistent branding across stand-alone store locations and preserve the architectural identity associated with the Bop's

brand as this sign ties together all aspects of our building and branding design. Please reference the site and elevation drawings to get a perspective of the setback of the pole sign and how it is incorporated into our branding.

The requested relief is minimal in nature, representing less than 10 feet of frontage deficiency, and will not adversely affect surrounding properties.

Variance Request – Section 7.10.11.1

Green Space and Sidewalk Width

We understand the ordinance requires 10 feet of green space along the frontage; however, the code also allows a zero-foot setback. Additionally, while the City has requested an 8-foot-wide sidewalk, this width is not specifically mandated within the B-3 zoning classification.

Bop's is willing to provide the requested 8-foot sidewalk. However, in doing so, approximately 40 feet of our 143-foot-wide property would have 8 feet of green space rather than 10 feet. This modification is necessary to allow safe and efficient vehicular circulation around the building and to prevent vehicles from unnecessarily exiting onto Hardy Street simply to access on-site parking.

We understand the City's planning objective to encourage new construction closer to the street frontage and are attempting to accommodate that recommendation. However, the current code provisions create conflicting dimensional requirements. Therefore, we respectfully request a formal variance to allow a practical and safe site layout consistent with the City's broader development goals.

Variance Request – Section 7.5.3.2

Entrance and Exit Width

The Mississippi Department of Transportation (MDOT) requires 16-foot-wide curb cuts for entrances and exits along Hardy Street. However, the City's Land Development Code establishes a maximum width of 14 feet.

Bop's is willing to comply with either requirement as directed. This variance request is submitted to reconcile the differing standards between MDOT and the City.

Additionally, MDOT recommends designated entrance-only and exit-only driveways to improve traffic flow and reduce congestion along Hardy Street. Bop's intends to follow this recommendation in the interest of public safety and traffic efficiency.

Conclusion

Bop's respectfully submits that the requested variances:

- Are minimal in scope
- Are consistent with surrounding commercial development
- Will not adversely impact adjacent residential properties
- Promote safe traffic circulation
- Preserve established brand identity
- Allow reasonable economic use of the property

We appreciate the Board's consideration and respectfully request approval of the above variances.

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
Approx 3104 Hardy Street Hattiesburg MS 39401
Street Address City State

on this the 19th day of February, 2026

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.

Bruce Lacey & Rebecca Lacey
on this the 19th day of February, 2026

Bruce Lacey
Applicant (Print)
[Signature]
Applicant (Signature)

STATE OF MS
COUNTY OF Harrison

Personally came and appeared before me, the within named

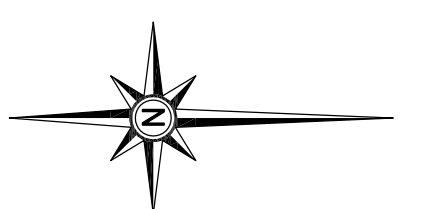
who signed and delivered the above and foregoing instrument as and for their free act and deed on the day and year therein mentioned, and who acknowledge to me that they are the owner(s) of the subject property as described in this Public Hearing Application.

GIVEN UNDER MY HAND AND OFFICIAL SEAL OF OFFICE, this the 19th day of February, 2026

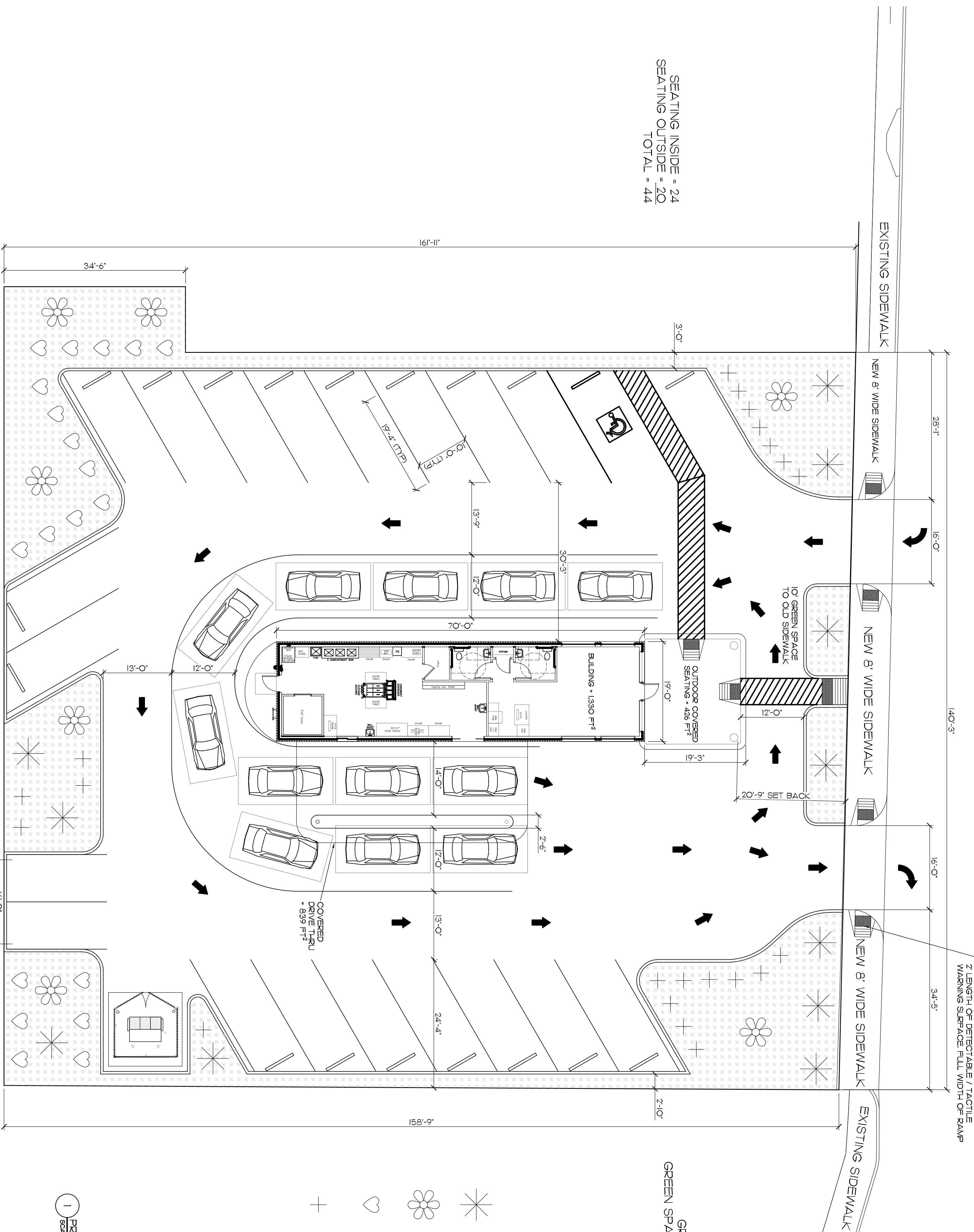
Christine Holmes
NOTARY PUBLIC



My Commission Expires



Hardy Street

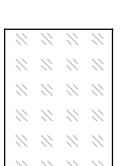


SEATING INSIDE = 24
 SEATING OUTSIDE = 20
 TOTAL = 44

ALL ADA RAMPS (2% SLOPE MAX)
 7' LENGTH OF DETECTABLE / TACTILE
 WARNING SURFACE FULL WIDTH OF RAMP

LOT SQ. FOOTAGE = 22,854
 GREEN SPACE SQ. FOOTAGE 4,646
 GREEN SPACE PERCENTAGE OF LOT = 20.3%

GREEN SPACE =



- * = LIVE OAK (QUERCUS VIRGINIANA)
(30 GAL. CONTAINER)
- ⊕ = LITTLE GEM (MAGNOLIA GRANDIFLORA)
(30 GAL. CONTAINER)
- ⊖ = CRIMSON FIRE LOROPETALUM
(LOROPETALUM CHINENSE VAR. RUBRUM)
- + = DAYLILIES (HEMEROCALLIS)

1 PRELIMINARY SITE PLAN
 SCALE: 3/32"=1'-0"

FOR REVIEW ONLY NOT
 FOR CONSTRUCTION

SDS

DESIGN, CAD DRAWING, ESTIMATING,
 STRUCTURAL CONSULTING
 8195C WOOLMARKET ROAD
 BILOXI MS, 39532

OFFICE:
 228-396-1733

FAX:
 228-396-3997

BOP'S HATTIESBURG

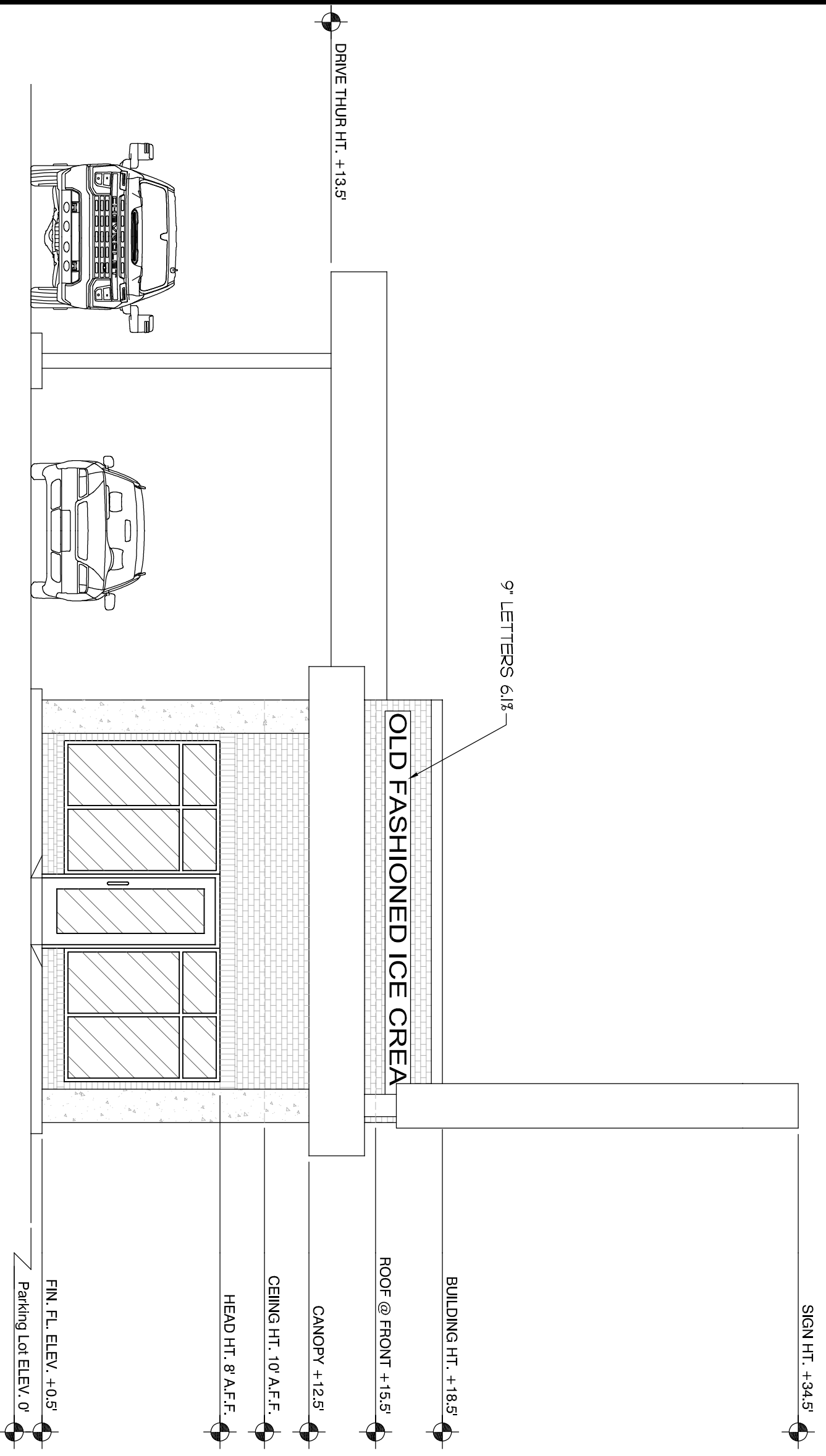
PRELIMINARY
 SITE PLAN

SHEET TITLE

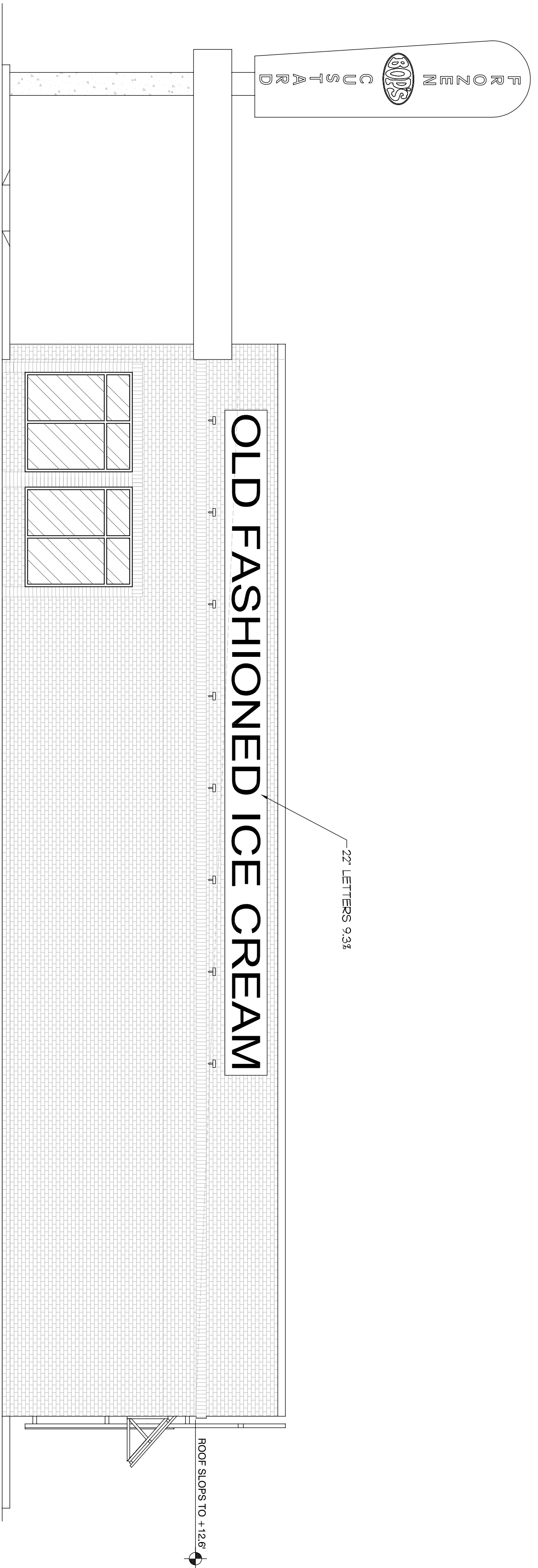
DATE:	07-20-2025
REVISION DATE:	
DRAWN BY:	ALS
CHECKED BY:	

SHEET:

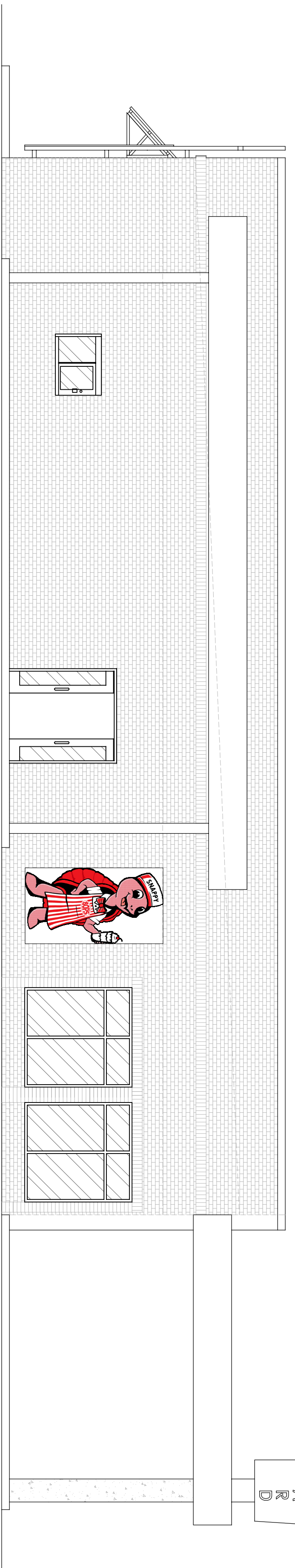
C9



1 FRONT ELEVATION
SCALE: 3/8"=1'-0"

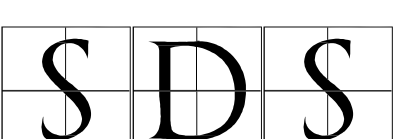


2 RIGHT SIDE ELEVATION
SCALE: 3/8"=1'-0"



3 LEFT SIDE ELEVATION
SCALE: 3/8"=1'-0"

FOR REVIEW ONLY NOT FOR CONSTRUCTION



DESIGN, CAD DRAWING, ESTIMATING, STRUCTURAL CONSULTING
8195C WOOLMARKET ROAD
BILOXI MS, 39532
OFFICE: 228-396-1733 FAX: 228-396-3997

BOP'S HATTIESBURG

ELEVATIONS

SHEET TITLE

DATE:	07-18-2026
REVISION DATE:	
DRAWN BY:	ALS
CHECKED BY:	

SHEET: B2



February 17, 2026

Community Support Request – Proposed Bop's Frozen Custard Location & Variance Applications

Dear Neighbor,

We are pleased to share that Bop's Frozen Custard is seeking approval to open a new location on a .5 acre parcel of land on the northeastern section of the property at 3104 Hardy Street in Hattiesburg, Mississippi. This property does not directly adjoin any residential lot. As part of the standard development process, we will be requesting two variances from the city. We believe in communicating transparently and proactively with nearby businesses and property owners, and we would like to outline both our request and our operational commitments. Variances Requested

1. Drive Thru Variance - Proximity to Residential Zoning (Within 300 Feet)

Our site is located within 300 feet of a residential zoning boundary. While the property itself is commercially zoned, we understand the importance of protecting nearby residential character. Our request reflects the compatibility of a family-oriented dessert business within a mixed commercial corridor and our confidence that our operational model will not negatively impact surrounding properties.

2. Signage Variance –

We are requesting approval for a Bop's pole sign that extends modestly above the building roofline. This request is intended to maintain brand consistency and appropriate visibility along a commercial roadway, similar in scale and character to other businesses operating in the area.

Operational Commitments to Protect Surrounding Properties

Traffic & Site Flow

- Drive-thru designed for efficient stacking and smooth circulation. On-site queuing designed to prevent overflow into adjacent streets.
- Peak-hour staffing to ensure efficient service times.
- Clear directional signage to promote orderly vehicle movement.
- Ingress/Egress directly to Hardy Street.

Noise Management

- No drive-thru speaker system will be used.
- No exterior music in the drive-thru area.
- The only outdoor speakers will be located beneath the covered patio and oriented away from the residential zone. Patio audio will remain at moderate, conversational levels consistent with a family dining environment and only be operational during posted business hours.

Lighting Controls

- All exterior lighting will be downward-facing and shielded.
- Light levels will be compliant with city standards.
- No excessive light spillover into adjacent properties.

Cleanliness & Property Stewardship

- Daily exterior property inspections.
- Continuous litter patrols during operating hours.
- Professionally maintained landscaping.
- Immediate response to any site-related concerns.

Hours & Business Model

- Family-focused dessert concept.
- No alcohol service.
- Moderate evening hours consistent with similar quick-service dessert establishments.
- No late-night or bar-type operations.

Bop's Frozen Custard is a family-centered business that primarily serves families, students, and local residents. We believe this location will activate currently underutilized commercial property, increase safety through positive site activity and lighting, provide employment opportunities, and strengthen the commercial corridor while respecting adjacent residential areas. We respectfully request your consideration and support as we move through the variance review process. Our intent is not simply to receive approval, but to operate in a way that reflects positively on the surrounding community and contributes long-term value.

If you have any concerns or further questions, please email Bruce Lacey at bruce@bopsfrozencustard.com.

Sincerely,



Bruce Lacey, President

Bop's Frozen Custard

February 23, 2026

Bop's Frozen Custard

3104 Hardy Street, MS

Hattiesburg, MS 39401

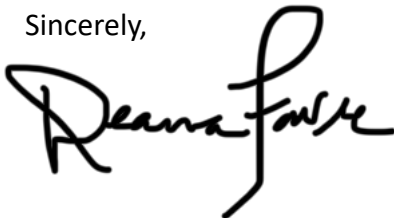
Dear Bop's Frozen Custard Team,

I am writing in response to your letter regarding the proposed development of a Bop's Frozen Custard location at 3104 Hardy Street in Hattiesburg, Mississippi. As an adjoining property owner, I appreciate your transparent communication about the project and the two variances you are requesting from the City.

I fully support your application for the variances, including the proximity to residential zoning (within 300 feet) to accommodate the drive-thru and the signage variance for the pole sign and directional drive thru signs. I believe this family-oriented dessert business will be a positive addition to the commercial corridor, activating underutilized property, creating jobs, and enhancing community safety without negatively impacting nearby residential areas. Your outlined operational commitments to traffic flow, noise management, lighting, and cleanliness further assure me of your responsible approach.

Thank you for reaching out and for your commitment to being a good neighbor. I wish you success in the variance review process and look forward to welcoming Bop's Frozen Custard to the area.

Sincerely,

A handwritten signature in black ink that reads "Deana Fouse". The signature is written in a cursive, flowing style with a large initial "D".



James M. Channell, Jr.
Sr. VP, Director of Corporate
Security and Facilities
248 E Capitol St
Jackson, MS 39201
601-208-6022

February 19, 2026
Bop's Frozen Custard
3104 Hardy Street, MS
Hattiesburg, MS 39401

Dear Bruce,

I am writing in response to your letter and our meeting regarding the proposed development of Bop's Frozen Custard location at 3104 Hardy Street in Hattiesburg, Mississippi. As an adjoining property owner, Trustmark appreciates your transparent communication about the project and the two variances you are requesting from the City.

Trustmark supports your application for the variances, including the proximity to residential zoning (within 300 feet) to accommodate the drive-thru and the signage variance for the pole sign and directional drive-thru signs. I believe this family-oriented dessert business will be a positive addition to the commercial corridor, activating underutilized property, creating jobs, and enhancing community safety without negatively impacting nearby residential areas. Your outlined operational commitments to traffic flow, noise management, lighting, and cleanliness further ensure us of your responsible approach.

Thank you for reaching out and for your commitment to being a good neighbor. I wish you success in the variance review process and look forward to welcoming Bop's Frozen Custard to the area.

Sincerely,

DocuSigned by:

James M Channell, Jr
Sr VP, Director of Corporate Security & Facilities

Certificate Of Completion

Envelope Id: 7CEF5DD1-4391-4496-87E1-20D20629E0B6	Status: Completed
Subject: Complete with Docusign: BopsFrozenCustard2.19.26.docx	
Business Name:	
Source Envelope:	
Document Pages: 1	Signatures: 1
Certificate Pages: 2	Initials: 0
AutoNav: Enabled	Envelope Originator:
Envelopeld Stamping: Enabled	James M Channel
Time Zone: (UTC-08:00) Pacific Time (US & Canada)	248 E. Capitol St.
	Jackson, MS 39201
	mchannell@trustmark.com
	IP Address: 75.64.227.147

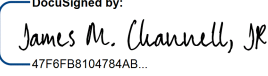
Record Tracking

Status: Original 2/19/2026 6:28:00 PM	Holder: James M Channel mchannell@trustmark.com	Location: DocuSign
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Signer Events

James M. Channell, JR
mchannell@trustmark.com
Sr. VP, Director of Corporate Security & Facilities
Trustmark
Security Level: Email, Account Authentication (None)

Signature

DocuSigned by:

47F6FB8104784AB...
Signature Adoption: Pre-selected Style
Using IP Address: 75.64.227.147

Timestamp

Sent: 2/19/2026 6:30:30 PM
Viewed: 2/19/2026 6:30:57 PM
Signed: 2/19/2026 6:31:23 PM

Electronic Record and Signature Disclosure:
Not Offered via Docusign

In Person Signer Events

Signature

Timestamp

Editor Delivery Events

Status

Timestamp

Agent Delivery Events

Status

Timestamp

Intermediary Delivery Events

Status

Timestamp

Certified Delivery Events

Status

Timestamp

Carbon Copy Events

Status

Timestamp

Bruce Lacey
bruce@bopsfrozencustard.com
Member
Bop's Frozen Custard
Security Level: Email, Account Authentication (None)

COPIED

Sent: 2/19/2026 6:31:24 PM

Electronic Record and Signature Disclosure:
Not Offered via Docusign

Witness Events

Signature

Timestamp

Notary Events

Signature

Timestamp

Envelope Summary Events

Status

Timestamps

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Completed	Security Checked	2/19/2026 6:31:24 PM

Payment Events

Status

Timestamps



DEED

Bk:1393 Page:341-346

RCD: 05/03/2022 @ 3:06:31:PM

FORREST COUNTY, MS

LANCE C. REID CHANCERY CLERK

THIS INSTRUMENT PREPARED BY:

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

Indexing Instructions: The property described in this instrument is situated in the NW¼ of SE¼, Section 7, Township 4 North, Range 13 West, Forrest County, Mississippi. Please index accordingly in the sectional index.

RETURN TO:

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

STATE OF MISSISSIPPI

COUNTY OF FORREST

WARRANTY DEED

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

STEWART GAMMILL, IV
3702 Hardy Street Suite 2
Hattiesburg, MS 39402
(601) 264-5249

AND

LUCIUS OLEN CROSBY GAMMILL
3702 Hardy Street Suite 2
Hattiesburg, MS 39402
(601) 264-5249

AND

JENNIFER GAMMILL McKAY
3702 Hardy Street Suite 2
Hattiesburg, MS 39402
(601) 264-5249

do hereby grant, bargain, sell, convey and warrant unto GRANTEE

GARNER PROPERTY & DEVELOPMENT, LLC,
a Mississippi limited liability company

4358 Lincoln Road Extension Suite 20
Hattiesburg, MS 39402

Phone: (401) 543-2227

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

Commence at the Northeast corner of the NW¼ of the SE¼ of Section 7, Township 4 North, Range 13 West, Forrest County, Mississippi; and run South 40 feet; thence West along Hardy Street 325 feet to the Point of Beginning; from the Point of Beginning continue West along Hardy Street for 165 feet; thence run South 205 feet; thence run East 165 feet; thence run North 205 feet

to the Point of Beginning; being situated in the NW¼ of the SE¼ of Section 7, Township 4 North, Range 13, West, Forrest County, Mississippi.

AND ALSO: Commence at the Northeast corner of the NW¼ of the SE¼ of Section 7, Township 4 North, Range 13 West, and run South 40 feet; thence West along Hardy Street 490 feet to the Point of Beginning; from the Point of Beginning continue West along Hardy Street for 160 feet; thence run South 198 feet; thence run East 160 feet; thence run North 198 feet to the Point of Beginning; being situated in the NW¼ of the SE¼ of Section 7, Township 4 North, Range 13, West, Forrest County, Mississippi.

AND ALSO: Commence at the Northeast corner of Lot 1 of Carrollton Subdivision, Hattiesburg, Forrest County, Mississippi, as per the map or plat thereof on file in Plat Cabinet A, Slide 186 in the office of the Chancery Clerk of Forrest County, Mississippi; thence run North along the West line of Lot 9 of said Carrollton Subdivision for 50 feet to the Northwest corner of said Lot 9, which is the Point of Beginning; thence run North 202 feet to a point 205 feet South of Hardy Street; thence run East 175 feet to the West line of land conveyed by deed recorded in Land Deed Book 276 at Page 241; thence run South along said West line of said land 202 feet to the Northeast corner of said Lot 9; thence run West along the North line of said Lot 9, 175 feet back to the Point of Beginning; **less and except**, the following parcel of land: Commence at the Northeast corner of Lot 1 of said Carrollton Subdivision; thence run North along the West line of Lot 9 of said Carrollton Subdivision for 50 feet to the Northwest corner of said Lot 9, which is the Point of Beginning; thence run North 109 feet to a point 298 feet South of Hardy Street; thence run East 175 feet to the West line of land conveyed by deed recorded in Land Deed Book 276 at Page 241; thence run South along said West line of said land 109 feet to the Northeast corner of said Lot 9; thence run West along the North line of said Lot 9, 175 feet back to the Point of Beginning;

AND ALSO: A part of the Northwest ¼ of the Southeast ¼ of Section 7, Township 4 North, Range 13 West, all in the City of Hattiesburg, County of Forrest, State of Mississippi and being more particularly described using the Mississippi State Plane Coordinate System, East Zone Grid, NAD 83(93), US Survey Feet, with a combined scale factor of 0.999978390756 and a convergence angle of (minus) -0 degrees 15 minutes 43.58 seconds at the Southwest corner of Lot 1 of the Carrollton Subdivision as per the map or plat thereof on file in the office of the Chancery Clerk of Forrest County, Mississippi, and commencing at a ½ inch round iron pin representing said Southwest lot corner and having a Grid value of N 663,350.20 feet and E 826,816.37 feet on said East Zone Grid, thence run North 00 degrees 08 minutes 11 seconds East along the West line of said Lot 1 and its extension for 340.81 feet to a ½ inch rebar representing a Point of the Boundary Line between the Hattiesburg Land Code B-3 and R-1A Zoning Areas as per City Ordinance No. 2655 and filed for record in Book K, Page 439 thereof on file in the office of the City Clerk of the City of Hattiesburg, said Point also being the Point of Beginning and having a Grid value of N 663,691.01 feet and E 826,817.18 feet on said East Zone Grid; thence continue North 00 degrees 08 minutes 11 second East along said West lot line extension for 100.00 feet to a ¼ inch round iron pin at a fence corner; thence run South 88 degrees 49 minutes 27 seconds East for 159.98 feet to a ½ inch round iron pin; thence run South 00 degrees 15 minutes 56 seconds East for 7.07 feet to a ½ inch round iron pin; thence run North 88 degrees 40 minutes 41 seconds West for 10.05 feet to a ½ inch round iron pin; thence run South 00 degrees 09 minutes 36 seconds West for 92.87 feet to a ½ inch rebar representing the intersection of said zoning boundary line and the Northerly extension of the West line of Lot 9 of said subdivision and having a Grid value of N 663,688.02 feet and E 826,967.09 feet on said East Zone Grid; thence run North 88 degrees 51 minutes 24 seconds West along said Zoning Boundary line for 149.94 feet to the Point of Beginning; comprising 0.35 acres (15,058 square feet), more or less; together with all improvements thereon and appurtenances thereunto belonging.

THE ABOVE DESCRIBED PARCELS BEING FURTHER DESCRIBED AS FOLLOWS:

A part of the Northwest ¼ of the Southeast ¼ of Section 7, Township 4 North, Range 13 West, all in the City of Hattiesburg, County of Forrest, State of Mississippi and being more particularly

described using the Mississippi State Plane Coordinate System, East Zone Grid, NAD 83(2011), US Survey Feet, with a combined scale factor of 0.99997232 and a convergence angle of (minus) - 0 degrees 15 minutes 41.64 seconds at the Southeast corner of Lot 9 of the Carrollton Subdivision as per the map or plat thereof on file in the office of the Chancery Clerk of Forrest County, Mississippi, and commencing at a ½ inch round iron pin representing said Southeast lot corner and having a Grid value of N 663,336.65 feet and E 827,140.86 feet on said East Zone Grid; thence run North 00 degrees 05 minutes 37 seconds West along the East line of said Lot 9 for 20.21 feet to a ¾ inch crimp top pin; thence run North 00 degrees 10 minutes 46 seconds East along said East lot line and its Northerly extension for 287.68 feet to a ½ inch rebar representing the Point of Beginning and having a Grid Value of N 663,644.53 feet and E 827,141.73 feet on said East Zone Grid; thence run North 88 degrees 51 minutes 22 seconds West for 174.74 feet to a ½ inch rebar representing a point on the Northerly extension of the West line of said Lot 9; thence run North 00 degrees 05 minutes 19 seconds East along said West lot line extension for 40.00 feet to a ½ inch rebar representing a point on the Boundary Line between the Hattiesburg Land Code B-3 and R-1A Zoning Areas as per City Ordinance No. 2655 and filed for record in Book K, Page 439 thereof on file in the office of the City Clerk of the City of Hattiesburg, said Point having a Grid value of N 663,688.02 feet and E 826,967.09 feet on said East Zone Grid; thence run North 88 degrees 51 minutes 24 second West along said Zoning Boundary Line for 149.94 feet to a ½ inch rebar representing a Point on the Northerly extension of the West line of Lot 1 of said Carrollton Subdivision; thence run North 00 degrees 08 minutes 11 seconds East along said West lot line extension for 100.00 feet to a ¾ inch round iron pin at a fence corner; thence run North 00 degrees 13 minutes 27 seconds East for 198.24 feet to a ¾ inch crimp top pin representing a point on the Southern right of way line of Hardy Street, a public roadway also known as State Route No. 198, said point having a Grid value of N 663,989.25 feet and E 826,818.20 feet on said East Zone Grid; thence run South 88 degrees 39 minutes 44 seconds East along said Southern right of way line for 160.08 feet to a ½ inch round iron pin; thence run South 88 degrees 40 minutes 52 seconds East along said Southern right of way line for 165.01 feet to a ¾ round iron pin; thence run South 00 degrees 17 minutes 45 seconds West for 204.86 feet to a ¾ inch crimp top pin representing a point on said Northerly extension of the East line of Lot 9; thence run South 00 degrees 10 minutes 46 seconds West along said Northerly extension of the East lot line for 132.32 feet back to the Point of Beginning; comprising 2.38 acres (103,592 square feet), more or less; together with all improvements thereon and appurtenances thereunto belonging.

Grantors and Grantee shall pro-rate county and state ad valorem taxes for 2022.

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

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

The above warranty and this conveyance is made subject to that non-exclusive easement for ingress and egress in favor of Helen Polk Clark and Mary George McMullan along the East 12 feet as recorded in Land Deed Book 312 at Page 311 in the office of the Chancery Clerk of Forrest County, Mississippi.

The above warranty and this conveyance is made subject to that easement and use restriction contained in Warranty Deed dated December 5, 1975, and recorded in Land Deed Book 385 at Page 476 in the office of the Chancery Clerk of Forrest County, Mississippi.

The above warranty and this conveyance is made subject to that Amendment of Covenant dated November 30, 2016, and recorded in Land Deed Book 1244 at Page 224 n the office of the Chancery Clerk of Forrest County, Mississippi.

Grantors herein warrant that the above described real property does not constitute a part of their respective homesteads, nor is it adjacent thereto.

WITNESS MY SIGNATURE on this the 27th day of April, A.D., 2022.

STEWART GAMMILL, IV

STATE OF MISSISSIPPI

COUNTY OF LAMAR

Personally appeared before me, the undersigned authority in and for the said county and state, on this 27th day of April, A.D., 2022, within my jurisdiction, the within named **STEWART GAMMILL, IV**, who acknowledged that he executed the above and foregoing instrument.

NOTARY PUBLIC

My Commission Expires:
April 15, 2026





WITNESS MY SIGNATURE on this the 27th day of April, A.D., 2022.

JMcKay
JENNIFER GAMMILL McKAY

STATE OF MISSISSIPPI

COUNTY OF LAMAR

Personally appeared before me, the undersigned authority in and for the said county and state, on this 27th day of April, A.D., 2022, within my jurisdiction, the within named **JENNIFER GAMMILL McKAY**, who acknowledged that she executed the above and foregoing instrument.

My Commission Expires
April 15, 2026



Kathy Williamson
NOTARY PUBLIC



WITNESS MY SIGNATURE on this the 27th day of April, A.D., 2022.

Lucius Olen Crosby Gammill

LUCIUS OLEN CROSBY GAMMILL
BY LYNN CROSBY GAMMILL, CONSERVATOR

STATE OF MISSISSIPPI

COUNTY OF LAMAR

Personally appeared before me, the undersigned authority in and for the said county and state, on this 27th day of April, A.D., 2022, within my jurisdiction, the within named **LYNN CROSBY GAMMILL**, who acknowledged that she is Conservator of Lucius Olen Crosby Gammill, and in said representative capacity, she executed the above and foregoing instrument after first having been duly authorized so to do.

My Commission Expires
April 15, 2026



Kathy Williamson
NOTARY PUBLIC



Space Above Line for Official Use Only

W&E Draft 12/27/22 10:00 am

Prepared by and return to:

M. Binford Williams, Jr.
MSB No. #7250
Watkins & Eager PLLC
400 East Capitol Street
Jackson, MS 39201
(601) 965-1900

GRANTOR:

**GARNER PROPERTY & DEVELOPMENT,
LLC**

Attn: T. Lake Garner, Manager
4358 Lincoln Road Extension, Suite 20
Hattiesburg, MS 39402
Phone: 601-271-7300

GRANTEE:

TRUSTMARK NATIONAL BANK

Attn: James M. Channell, Jr., Senior Vice
President
248 East Capitol Street, Suite 710
Jackson, MS 39201
(601) 208-6022

Indexing Instructions:

SE 1/4 of Section 7, Township 4 North, Range 13 West, Forrest County,
Mississippi; and

Lot 9 of the Carrollton Subdivision, Forrest County, Mississippi

WARRANTY DEED

FOR AND IN CONSIDERATION of the sum of Ten Dollars (\$10.00) cash in hand paid, and other good, legal and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the undersigned **GARNER PROPERTY & DEVELOPMENT, LLC**, a Mississippi limited liability company (the "**Grantor**"), does hereby sell, convey, and warrant unto **TRUSTMARK NATIONAL BANK**, a national banking association ("**Grantee**"), the land and property located and situate in Forrest County, Mississippi, and being more particularly on **Exhibit A** attached hereto and incorporated fully herein by reference (the "**Subject Property**").

IT IS AGREED AND UNDERSTOOD that the taxes for the current year have been prorated as of this date on an estimated basis, and when said taxes are actually determined, if the proration as of this date is incorrect, then the Grantor agrees to pay to said Grantee or its assigns any deficit on an actual proration. Likewise, Grantee agrees to pay to said Grantor or its assigns any overpayment on an actual proration.

THIS CONVEYANCE and the warranty herein contained is made subject to the following:

1. Any prior reservation or conveyance, together with release of damages, of minerals of every kind and character, including but not limited to, oil, gas, sand and gravel, in on and under the Subject Property.
2. Any and all protective covenants, building restrictions, zoning ordinances, rights of way, or easements applicable to the above-described Subject Property.
3. Taxes and special assessments for the year **2023** and subsequent years which are accruing but not yet due and payable.
4. Terms and conditions of the covenants and easements contained in the Warranty Deed recorded in Deed Book 385 at page 476.
5. Terms and conditions of the Amendment of Covenants recorded in Deed Book 1159 at Page 19 and Deed Book 1244 at Page 224.
6. Terms and conditions of the Drainage Covenant contained in the Warranty Deed recorded in Deed Book 409 at Page 487.
7. All matters reflected on the Survey prepared by Landmark Surveying, LLC dated December 12, 2022.
8. Terms and conditions of the easements conveyed/reserved in the Warranty Deed recorded in Deed Book 1145 at page 362.
9. Terms and conditions of the non-exclusive easement for ingress and egress as contained in Book 312, Page 311
10. Terms and conditions of the easement and use restriction as contained in Book 385, Page 476.
11. Terms and conditions of the release of damages as contained in the Temporary Easement to State Highway Commission of Mississippi recorded in Book 242 at Page 419.

*[Remainder of page intentionally left blank,
signature and acknowledgment pages follow.]*

WARRANTY DEED SIGNATURE PAGE

IN WITNESS WHEREOF, the duly authorized representative of the Grantor has executed this instrument on this the __ day of December 2022.

GRANTOR:

GARNER PROPERTY & DEVELOPMENT, LLC
a Mississippi limited liability company

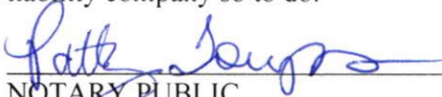
By: 
T. Lake Garner, Manager

STATE OF MISSISSIPPI
COUNTY OF Lamar

PERSONALLY APPEARED BEFORE ME, the undersigned authority in and for the said county and state, on this ____ day of December 2022, within my jurisdiction, the within named **T. Lake Garner**, who acknowledged to me that he is the Manager of **GARNER PROPERTY & DEVELOPMENT, LLC**, a Mississippi limited liability company, and that for and on behalf of said limited liability company, and as its act and deed, he executed the above and foregoing instrument after first having been duly authorized by said limited liability company so to do.

My Commission Expires:

7-4-2024


NOTARY PUBLIC

[Notary Seal Required]



EXHIBIT A
LEGAL DESCRIPTION

A parcel of land located in the NW 1/4 of the SE 1/4 of Section 7, Township 4 North, Range 13 West, Forrest County, Mississippi, and being more particularly described as follows:

Commence at a metal pipe found marking the SE corner of Lot 9 of the Carrollton Subdivision, Forrest County, Mississippi; thence run North 00 degrees 26 minutes 16 seconds West along the east line of said Lot 9 for 20.02 feet to a crimped top pipe found; thence run North 00 degrees 09 minutes 35 seconds East along said east line and an extension thereof for 287.68 feet to an iron pin found, said point being the Point of Beginning; thence run North 88 degrees 48 minutes 18 seconds West for 174.81 feet to an iron pin found; thence run North 00 degrees 01 minute 18 seconds East for 39.86 feet to an iron pin found; thence run North 88 degrees 53 minutes 21 seconds West for 149.84 feet to an iron pin found; thence run North 00 degrees 11 minutes 58 seconds West for 99.63 feet to a metal pipe found; thence run North 00 degrees 26 minutes 26 seconds East for 198.67 feet to a crimped top pipe found on the southern right-of-way line of Hardy Street; thence run South 88 degrees 39 minutes 31 seconds East along said southern right-of-way line for 159.85 feet to a metal pipe found; thence run South 88 degrees 41 minutes 09 seconds East along said southern right-of-way line for 24.82 feet to an iron pin set; thence run South for 127.47 feet to an iron pin set; thence run West for 12.51 feet to an iron pin set; thence run South for 34.50 feet to an iron pin set; thence run East for 151.93 feet to an iron pin set; thence run South 00 degrees 17 minutes 45 seconds West for 46.11 feet to an iron pin set; thence run South 00 degrees 10 minutes 46 seconds West for 132.32 feet back to the Point of Beginning. Said parcel contains 1.86 acres, more or less. Bearings in this description are based on a GPS observation of grid North.



Staff Present:

Nathan Satcher (Senior Planner), Kevin Bates (Building Official),
Jerald Little (Engineering Technician), Meridian McDaniel (Planner I),
Noah Gower (Engineering Technician)

STATUS: SUBMIT FOR PUBLIC HEARING

SITE: Site-0226-0329

Project: Bop's Frozen Custard

Address: 3104 Hardy Street

Presented by: Bruce and Rebecca Lacey, and Eric Shore

Use Designation: Restaurant with a Drive Thru

PPIN: 23014

Flood Zone: X

Historic District: N/A

Elevation Certificate Required: No

County: Forrest

Ward: 1

Construction type: New Construction

Zoning: B-3

Estimated Cost: TBD

ADDITIONAL APPROVAL NOTES:

1. Planning Division:

a. Requirement 1 – Site Plan requirements

i. Driveways

1. MDOT right-of-way—will have to be approved through MDOT for a right-of-way permit
 - a. Contact: Pam Hendricks
 - i. Office in town- 6356 US 49
2. Right turn lane—porkchop might be a good way to keep people from cutting across Hardy Street

ii. Sidewalk

1. 8ft sidewalk along public street

iii. Internal Pedestrian Circulation

1. Curb cuts for ADA and sidewalk to the building are needed

iv. Impervious Surface Requirements

1. B-3 zoning district has a maximum impervious surface lot coverage of 80%
 - a. Project will need 20% or more of the lot to be pervious surface

v. Plans to include for site plan review submission

1. Erosion Control Plan
2. Landscaping Plan
 - a. LDC 7.10.2.1. Street Trees- **A green strip 10 feet in width** shall be planted with at least **one large, deciduous tree per 60 feet of lineal frontage.**
 - b. LDC 7.10.1.1. Interior Landscaping- There shall be a **minimum of 20 square feet** of interior landscaped area provided within each parking lot for each parking space provided ***exclusive of landscape islands.***
 - i. Provide note on plan showing the calculations
 - c. LDC 7.10.1.2. End Cap Parking Island Trees- Parking lot islands shall contain a minimum of **one large, shade or canopy tree per island.** Parking islands directly abutting buildings shall substitute shrub plantings.
 - i. LDC 7.5.3.9. A landscaped island not less than **8 feet wide and 15 feet** in length, measured from back of curb, shall be installed for each 150 lineal feet of parking area and shall cap ends of parking rows. Islands shall be landscaped in accordance with the landscape standards of this code. (See

Illustration 7.5-3)

1. All parking rows need to be capped an the end with a landscaping island
 - d. Native, Large Trees:
 - i. At **Initial Planting**: “Large” trees shall be a minimum of two and one half inches in caliper or 30 gallon container.
 - ii. At **Mature Growth**: “Large” trees shall be a minimum of 40 feet tall at mature growth height.
 - iii. Acceptable Tree Species: Both Deciduous and Evergreen species are acceptable, native trees and trees species recommended for Zone 8 are preferred. Trees listed as invasive by the Mississippi Forestry Commission and National Forest Service are prohibited. A list of recommended tree species is available from the city arborist.
 - iv. Staff tree recommendations of Live Oaks
 3. Architectural Elevations of the building
 - a. See LDC 7.8 for Building form and material regulations
 4. Lighting Plan
 - a. See LDC 7.7 Site Lighting and Building Illumination for lighting requirements
 - b. LDC 7.7.1.1. Streets, driveways, parking lots, walks and service areas shall be adequately illuminated as evenly as possible, **not exceeding an average of .3 foot-candles diminishing to zero at a site’s boundary**. Lighting intensity shall be demonstrated by means of a site lighting plan illustrating compliance.
 - b. **Requirement 2 – Public Hearing Information**
 - i. Potential Planning Commission Item Identified
 1. Minor subdivision may be needed. If so, this is altering an existing plat. State law requires this to go to a public hearing.
 - a. Would require a public hearing with the Planning Commission
 - i. Meeting and Application Deadline Dates (Planning Commission and Board of Adjustment meetings held on same day, just at different times)
 1. April Public Hearing
 - a. Application Deadline- February 23, 2026, at 5:00 pm
 - b. Public Hearing Date- April 1, 2026, at 1:00 pm
 2. May Public Hearing
 - a. Application Deadline- March 30, 2026, at 5:00 pm
 - b. Public Hearing Date- May 6, 2026, at 1:00 pm
 - ii. Potential Variances Identified
 1. 300ft Residential Buffer for Drive Thru
 - a. LDC 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.
 - i. Residential uses within 300ft of the property/drive thru area
 2. Pole Sign
 - a. LDC Table 10.6- 150’ min. street frontage for any on premises freestanding
 - i. Property only has 140ft of street frontage. Variance needed for a pole sign or monument sign.
 3. Variances require a public hearing with the Hattiesburg Board of Adjustment
 - a. Meeting and Application Deadline Dates (Planning Commission and Board of Adjustment meetings held on same day, just at different times)
 - i. April Public Hearing
 1. Application Deadline- February 23, 2026, at 5:00 pm
 2. Public Hearing Date- April 1, 2026, at 3:30 pm
 - ii. May Public Hearing
 1. Application Deadline- March 30, 2026, at 5:00 pm
 2. Public Hearing Date- May 6, 2026, at 3:30 pm
2. **Engineering Department:**
 - a. **Requirement 1 – Utilities**
 - i. There are no nearby water or sewer lines

1. Sewer Lines
 - a. District at Midtown (private)
 - b. City Sewer
 - i. Shallow manhole behind Trustmark (City)
 - ii. Shallow manhole across Hardy Street (City)
2. Water Lines
 - a. Nearest is a 10in on the north side of Hardy (City)
 - i. Would have to bore across Hardy Street, which would require an MDOT permit
 - b. District at Midtown (private)
 - ii. This property is potentially included in the TIF district
 1. This would need to be discussed with City Administration through the Mayor's Office
 - iii. Engineering will work on getting a quote on the price of the bore across Hardy Street
- b. Requirement 2 – MDOT Permits needed for any work in right-of-way**
3. **Fire Marshall:**
 - a. **Requirement 1 – No additional comments.**
4. **Building**
 - a. **Requirement 1 – ADA requirements**
 - i. Parking
 1. With the number of proposed parking spaces, only required to have 1 space.
 - a. Access aisle will still be required—access aisle will need to be on the passenger side of the vehicle
 - i. 11ft wide parking space, 5 ft wide access aisle.
 2. A painted path across the parking lot to the building will be required
 - a. Make sure there are ADA curb cuts to get into the building



Hattiesburg Board of Adjustment Planning Division

Item D - Staff Report

April 1, 2026

Quick Facts:

Applicant:

Pine Belt Foundation

Address:

119 E Pine Street

Zoning:

B-4 Downtown Business

Future Land Use:

Downtown District

Historic District:

Hub City Downtown Historic

Overlay District(s):

Historic Overlay District

Flood Zone:

X

Ward:

4

County:

Forrest

PPIN Number(s):

14623

Parcel Number(s):

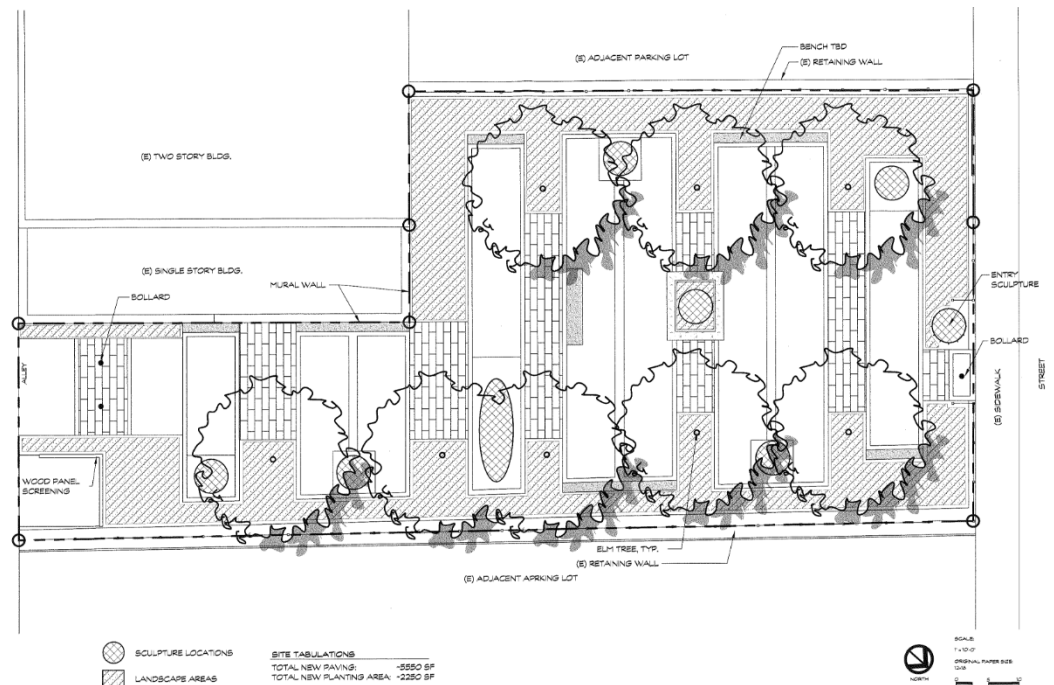
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Current Property Image

Applicant's Requests:

Pine Belt Foundation, Applicant, requests a variance from the fence height requirement of a maximum of 4ft in a front yard to instead allow for 5ft for a property located at 119 E Pine Street (PPIN 14623, Ward 4, Forrest County).



Site Plan

Background and History

Staff met with the applicant on several occasions to review the proposed sculpture park project in Downtown. After a public hearing and approval of the site layout from the Hattiesburg Historic Conservation Committee, the applicant met with the site plan review committee to seek site plan approval. Staff noted that the proposed 5ft fence, made of panels featuring artistic designs, in the front yard did not meet code and required a variance.



Concept Drawings of the Sculpture Park

The applicant opted to phase the project and received approval from the site plan review committee for phase 1, which includes everything except the fencing. The applicant has requested a variance from the fencing requirements to begin phase 2.

Future Land Use:

Downtown District: The Downtown District is the historic central business district. In this district, land uses are promoted that are consistent with the special character and quality befitting the historic center of



Concept Drawings of the Sculpture Park

commerce and public activity. The historic development patterns and building arrangements are promoted and should be reinforced through amendments to the Land Development Code.

District Characteristics The characteristics of this district include the following: buildings that are constructed to the front property line and share common walls with adjacent buildings; onstreet parking areas or shared parking in public lots; mixed land uses, including residential uses, within the same building; a higher percentage of publicly-owned buildings and lands; public parks and small private courtyards and green spaces; and an overall higher density of development.

District Land Uses The following land uses should be found in this district: various types of retail and service businesses, such as specialty shops and restaurants; anchor businesses, such as grocery stores, that draw residents to the district; public uses, such as city, county, state and federal offices, public parks and community centers; higher density residential uses, including condominiums and

second-floor apartments; arts-related businesses, museums and cultural centers; and offices and employment centers.

Codes and Regulations

SECTION 4: Zoning Districts Established

4.5.11 B-4 Downtown District. The Downtown Business District is intended to promote the concentration and vitality of commercial and business uses in the historic central business area of the City and as such, encourages a mixture of complementary uses with a pedestrian orientation. This district is characterized by wall-to-wall and lot-line-to-lot-line development, pedestrian walkways, a vertical mix of uses, upper floor residential uses, and off-street public parking lots.



Concept Drawings of the Sculpture Park

SECTION 7: Standards of Design

7.9.1 Fences

7.9.1.7 The maximum height of fences and walls shall be four feet above grade when located in a front yard. Other - wise the maximum height of a fence is eight feet.

Considerations and Basis for Approval

Option:

Recommend approval or denial of a request for a variance from the fence height requirement of a maximum of 4ft in a front yard to instead allow for 5ft for a property located at 119 E Pine Street (PPIN 14623, Ward 4, Forrest County).

Basis for Approval:

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

- a. 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
4. Reasonable Use.
 - a. The applicant cannot make reasonable use of the property without the requested variance.
5. Minimum Required.
 - a. The granting of a variance is the minimum variance that will make possible the reasonable use of the land or structure.
6. Conformance with the Purposes of this Code.
 - a. The granting of a variance will not conflict with the purposes and intent expressed or implied in the Land Development Code.



Zoning Legend

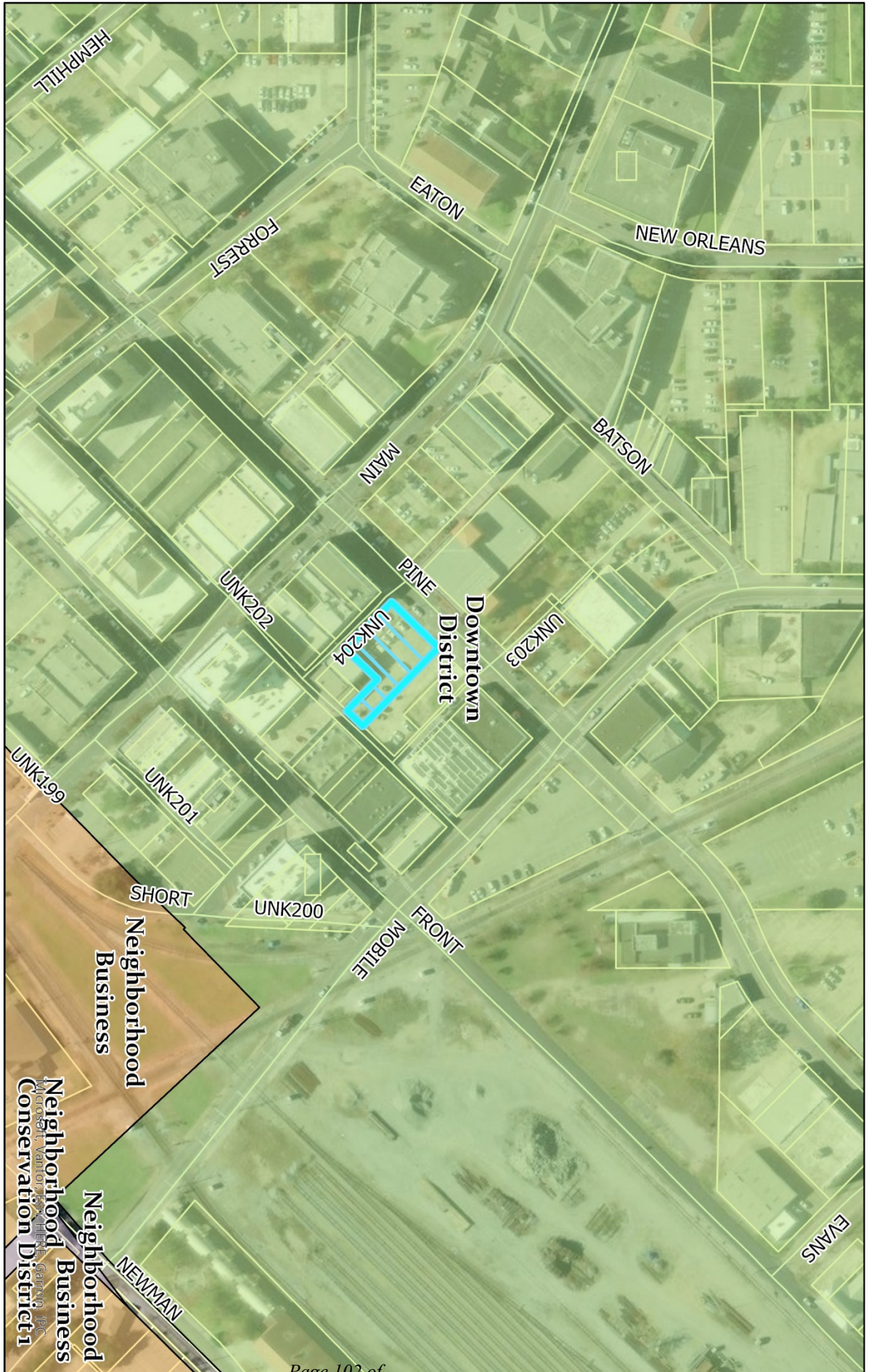
- B-3
- B-4
- B-5
- 119 E Pine Street

Variance Request
 119 E Pine Street
 PPIN: 14623
 Flood Zone: X
 Ward 4, Forrest County

DISCLAIMER: This map is ONLY FOR REFERENCE. There is NO WARRANTY of the accuracy of data. This information CANNOT be used as a substitute for legal, business, tax or other professional advice. Map Exported on: 3/10/2026 2:37 PM



URBAN DEVELOPMENT DIVISION
 Center: 89°17'23"W 31°19'39"N



Future Land Use Map

Downtown District

Neighborhood Business

Neighborhood Conservation District 1

119 E Pine Street

Variance Request

119 E Pine Street

PPIN: 14623

Flood Zone: X

Ward 4, Forrest County



URBAN DEVELOPMENT
PLANNING DIVISION

Center: 89° 17'22"W 31° 19'39"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: 3/10/2026 2:41 PM



Surrounding Area Image



Surrounding Area Image





Staff Present:

Nathan Satcher (Senior Planner), Kevin Bates (Building Official),
Shawn Whitaker (Fire Marshal), Jerald Little (Engineering Technician),
Meridian McDaniel (Planner I), Russell Archer (Historic Planner),
Noah Gower (Engineering Technician)

STATUS: APPLY FOR COA WITH HISTORIC COMMISSION

Project: Sculpture Park

Address: 119 E Pine Street

Presented by: Tom Eaves

Use Designation: Park

PPIN: 14625

Flood Zone: X

Historic District: N/A

Elevation Certificate Required: No

County: Forrest

Ward: 4

Construction type: New Construction

Zoning: B-4

Estimated Cost: TBD

Project Summary:

- Applicant Summary
 - Anonymous donor and City working on a new sculpture park. Mayor volunteered the city to demo the parking lot. Visit Hattiesburg will manage it under HAPA.
 - Leaving raised sidewalk and retaining walls. Using the steel posts from the previous fence to make a decorative fence— looking at 6ft fence.
 - Entrance sculpture will be permanent; others might be permanent or could be rotating exhibits.
 - Landscaping proposed to be elm trees.
 - Paving to be determined by cost—potentially stamped concrete or pavers. Benches would be concrete with a cap.
 - Lighting proposed to indirect lighting, up lighting for the trees and sculptures.
 - Existing one story- with garage, planning to close the garage and stucco.
 - No easement in place between the other buildings.
- Planning
 - Staff recommendation to check in with the city arborist about the Chinese Elm tree species.
 - Darren Brinkley- 601-310-0051
 - Historic Planner
 - Two-story building is deteriorating with the brick. Suggestion to go over it with stucco.
 - Could be a potential mural location.
 - Fencing
 - Recommendation to not have the fence above 4ft at the sidewalk entrance and to have the site remain open/visible since there is not a building
 - Hattiesburg Historic Conservation Commission Requirements

Pre-application meeting notes are provided as a courtesy by staff during pre-application meetings. These notes are not exhaustive. All Land Development Codes and City Ordinances apply, even if not listed during a pre-application meeting.

- A public hearing will be required for a COA for this project
 - DHA has bought the lot to the south of the proposed sculpture park for another park. Staff want to bring this to applicants' attention for the potential for collaboration.
 - Staff recommendation to keep the fence around the whole park at 4ft
- Building
 - Permit Requirements
 - Construction drawings with plumbing and electrical shown
- Engineering
 - Drainage
 - Staff recommendation to channel it so that the drainage can go into the landscaping to capture it.
 - Tree planting—may need to plant them below grade
 - Utilities
 - Engineering gave the applicant various maps of different utilities.
- Fire
 - No comments at this meeting.

NEXT STEPS:

- Additional information
 - Attend the Hattiesburg Historic Conservation Commission meeting for this item on February 11th at 12:00pm
 - Apply for site plan review when ready
- Permits
 - Apply for the permits indicated below

APPLICATIONS REQUIRED:

- | | |
|--|--|
| <input checked="" type="checkbox"/> Site Plan Review Checklist and Application | <input type="checkbox"/> Conditional Use Application |
| <input type="checkbox"/> Public Hearing Application | <input type="checkbox"/> Street/Alley Closing |
| <input type="checkbox"/> Variance Application | <input type="checkbox"/> Major Subdivision |
| <input type="checkbox"/> Rezone Application | <input type="checkbox"/> Minor Subdivision |
| <input checked="" type="checkbox"/> Certificate of Appropriateness (Historic) | <input type="checkbox"/> Building Permit Application |
| <input type="checkbox"/> Privilege Tax License | <input type="checkbox"/> Sign Permit |

Pre-application meeting notes are provided as a courtesy by staff during pre-application meetings. These notes are not exhaustive. All Land Development Codes and City Ordinances apply, even if not listed during a pre-application meeting.



Staff Present:

Nathan Satcher (Senior Planner), Kevin Bates (Building Official),
Jerald Little (Engineering Technician), Meridian McDaniel (Planner I),
Noah Gower (Engineering Technician)

STATUS: APPROVED AS REDLINED

SITE: 0226-0326

Project: Sculpture Park

Address: 119 E Pine Street

Presented by: Tom Eaves

Use Designation: Park

PPIN: 14625

Flood Zone: X

Historic District: N/A

Elevation Certificate Required: No

County: Forrest

Ward: 4

Construction type: New Construction

Zoning: B-4

Estimated Cost: TBD

ADDITIONAL APPROVAL NOTES:

1. Planning Division:

- **Requirement 1 – Variances Identified**
 - Fencing to be phase 2 of the project:
 - Fence Height—4ft maximum in front yard
 - Public Hearing Information
 - Variance required to go to the Board of Adjustment and then their recommendation moves forward to City Council
 - Date Deadlines
 - May Public Hearing
 - Application Deadline- March 30, 2026, at 5 pm
 - Public Hearing Date- April 1, 2026, at 3:30 pm
- **Requirement 2 – Sidewalk**
 - Existing driveway will be converted into an on-street parking space and sidewalk.
 - Sidewalk to match the brushed look with brick lining
- **NOTES**
 - Phase 1 of the project is to be everything but the fence.
 - Phase 2 will be the fence (which will require a variance).
 - Historic
 - COA approved at the February 11, 2026, HHCC meeting
 - The work on the adjacent property is not approved—mural wall and wall-mounted sculptures not approved
 - Staff recommendation that the property owners create an easement between the two properties

2. Engineering Department:

- **Requirement 1** - No additional comments.

3. Fire Marshall:

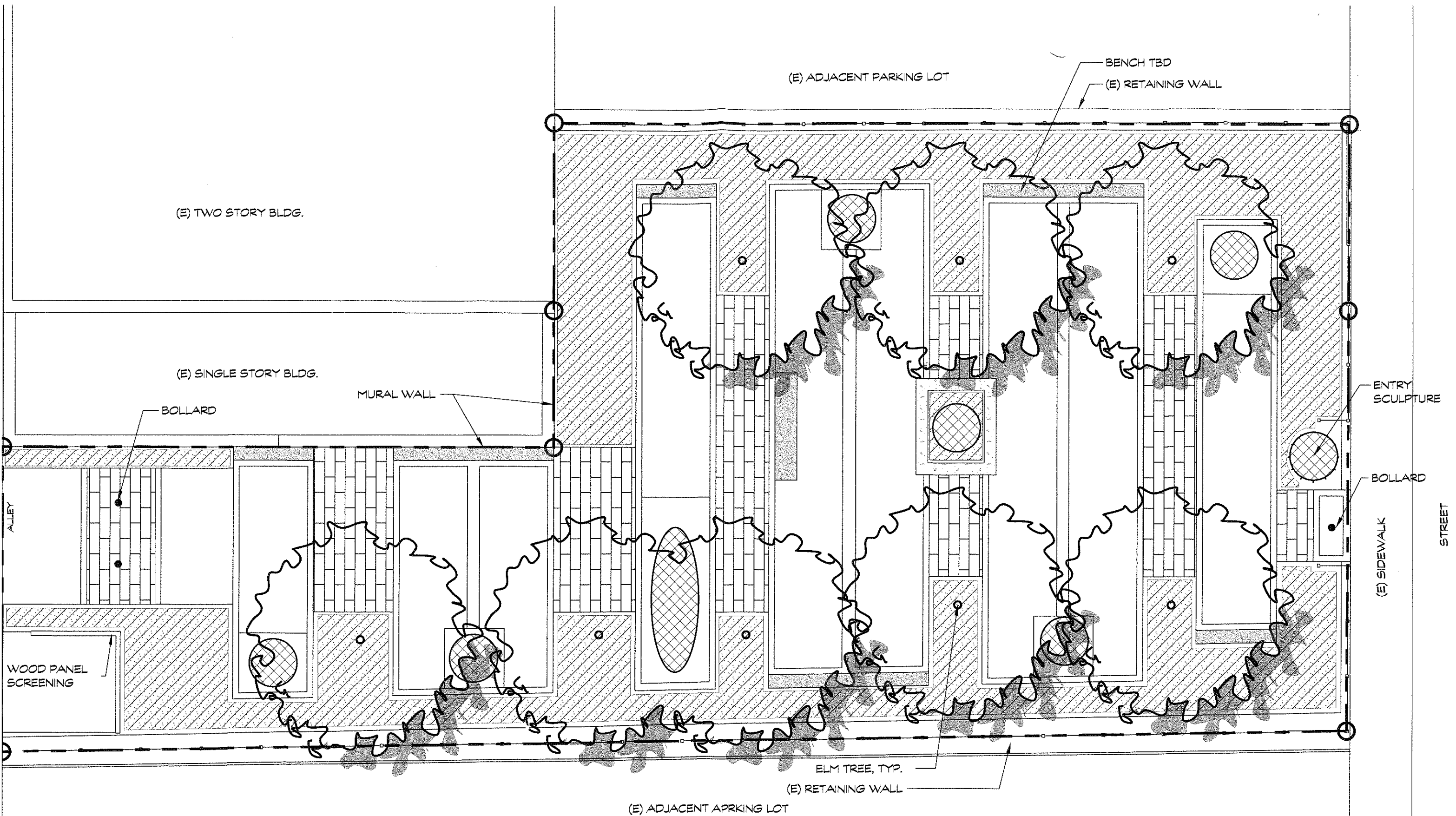
- **Requirement 1** – No additional comments.

4. Building

- **Requirement 1** – Contact Forrest County EOC for address verification.

5. Your Site Plan has been approved as shown. Any required changes, during construction or otherwise, must be

- re-submitted to the Site and Design Review Committee for approval.
6. Grading, Building and Sign plans are reviewed separately through the Building Division and permits are required.
 7. Occupancy shall meet 2018 IBC and IFC Requirements
 8. Temporary desilting basins must be installed during the clearing and grading phase of construction (not finished retention pond).
 9. Signs are not reviewed or approved during this process or during the building permit process. Signs require a separate permit application, where they will then be reviewed and subsequently determined if the sign ordinance requirements are being met. (See LDC Sec. 10).
 10. Your site plan has been given a basic evaluation for ADA compliance. Please check www.ada.gov for additional compliance or call 1-800-949-4232 for technical assistance.
 11. LDC Sec. 7.6.1. Sidewalks shall be provided along all public streets on the entire frontage of a development site and align with existing sidewalks on adjacent properties including both frontages on corner lots. Minimum sidewalk width is 5 ft. Additional width may be required as determined by Site and Design Review; Sidewalks shall be ADA compliant. ADA access ramps shall be constructed at street corners; Where sidewalks are not yet present on adjacent sites, sidewalks shall be constructed at least 5 ft. behind the curb to allow for landscaping and street trees. If sidewalks are present on adjacent properties, the new sidewalk shall connect to the existing sidewalk; Sidewalks shall not be required to cross driveways if driveway is ADA compliant; Sidewalks shall be composed of broom finished. Asphalt sidewalks prohibited. (All R zones, All B zones).



 SCULPTURE LOCATIONS



SITE TABULATIONS

TOTAL NEW PAVING: ~5550 SF
 TOTAL NEW PLANTING AREA: 2250 SF

SCALE:
 1" = 10'-0"
 ORIGINAL PAPER SIZE:
 12x18













