

Board of Adjustment Agenda

Jackie Dole Sherrill Community Center (Dining Room)

Time: 3:30 PM

6/3/2026

I. Business Meeting

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

II. Public Hearing

1. Presentation of Petitions for Public Hearing
 - A. Bill and Ute Bengé, Applicants, request a variance from the maximum floor area requirement for structures accessory to residential uses of 33% of the primary structure to instead allow for 102% for a R-1B zoned property located at 217 N 23rd Avenue (PPIN 16123, Forrest County, Ward 4).

III. Other Business

1. Report of the Nominating Committee

IV. Adjournment



Quick Facts:

Applicant:

Bill, Ute, and James Bengé

Address:

217 N 23rd Avenue

Zoning:

R-1B (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):

16123

Parcel Number(s):

2-028J-08-276.00

**Hattiesburg Board of Adjustment
Planning Division
Item A - Staff Report
June 3rd, 2026**



Property Image

Applicant's Requests:

Bill and Ute Bengé, Applicants, request a variance from the maximum floor area requirement for structures accessory to residential uses of 33% of the primary structure to instead allow for 102% for a R-1B zoned property located at 217 N 23rd Avenue (PPIN 16123, Forrest County, Ward 4).

Background and History

The staff met with the applicant after a stop-work order was issued by the building division. The order was issued because the permitted plans did not match the actual additions to the structure. The approved plans included a driveway, but a carport was added instead. This was part of renovations to convert the building into an ADU Accessory Dwelling Unit (ADU), following the approval of ADUs by the Land Development Code. The carport has increased the accessory structure's



Surrounding Area Image

footprint and floor area to 102% of the primary structure. Now, the applicants are requesting a retroactive variance to permit the ADU to be 102% of the primary structure's size, exceeding the maximum accessory structure floor area limit of 33%.

Commented [SN1]: Lets add the GFA of the primary structure and addition to show where the 102% came from and our calculation for it.

The accessory structure, prior to the addition of the carport, was already considered legal nonconforming, as the structure already exceeded the 33% maximum allowed for an accessory structure. The addition to the ADU increased the gross floor area of the structure to 1,184ft², and the existing gross floor area of the home is 1,165ft². The recent changes to the Land Development Code to allow ADUs allow the conversion of the structure, even if legally nonconforming by size, but expansion of the gross floor area of the ADU is not permitted, as it would increase the amount of nonconformity for the structure.



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 5: Use Regulations

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

Considerations and Basis for Approval

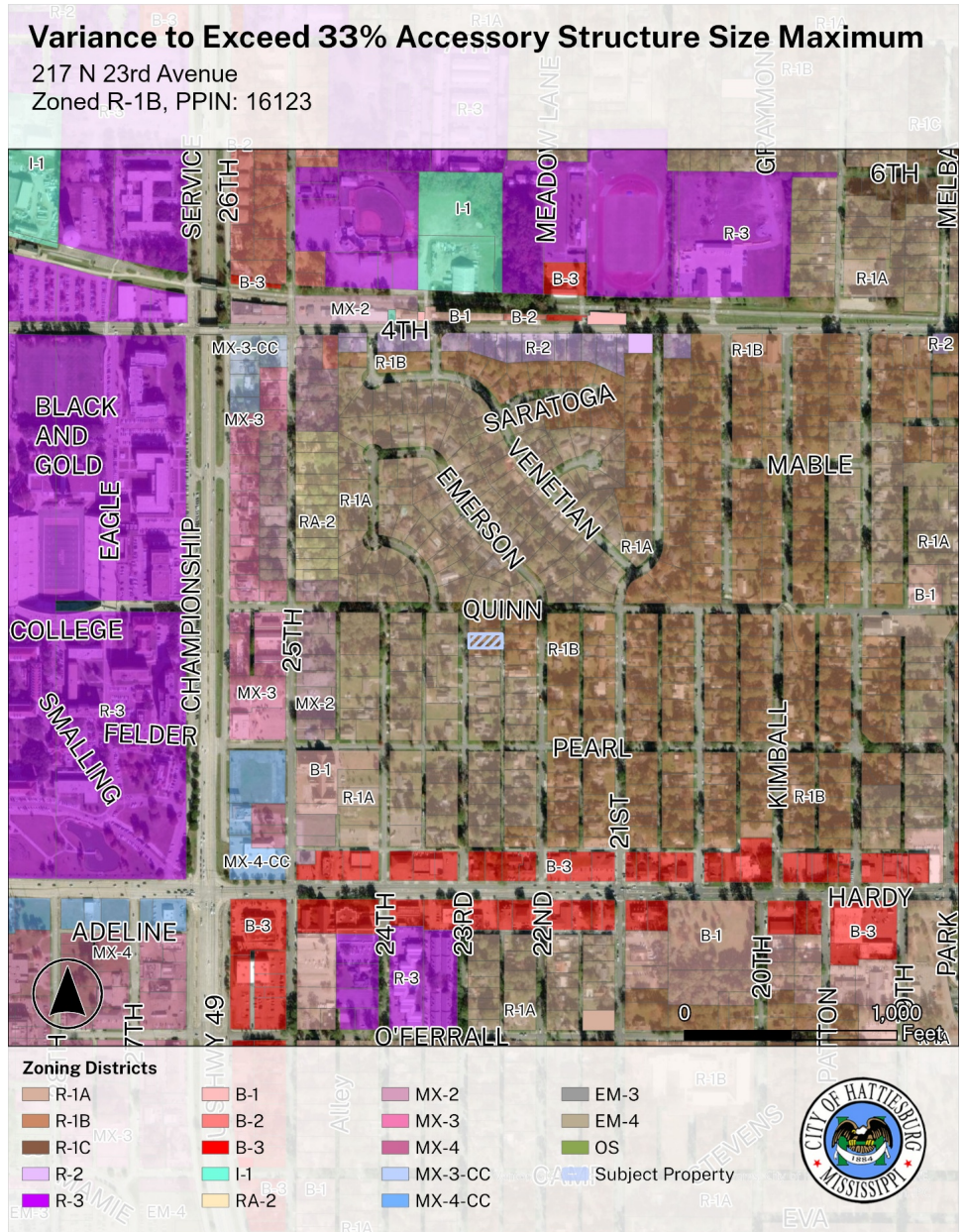
Option:

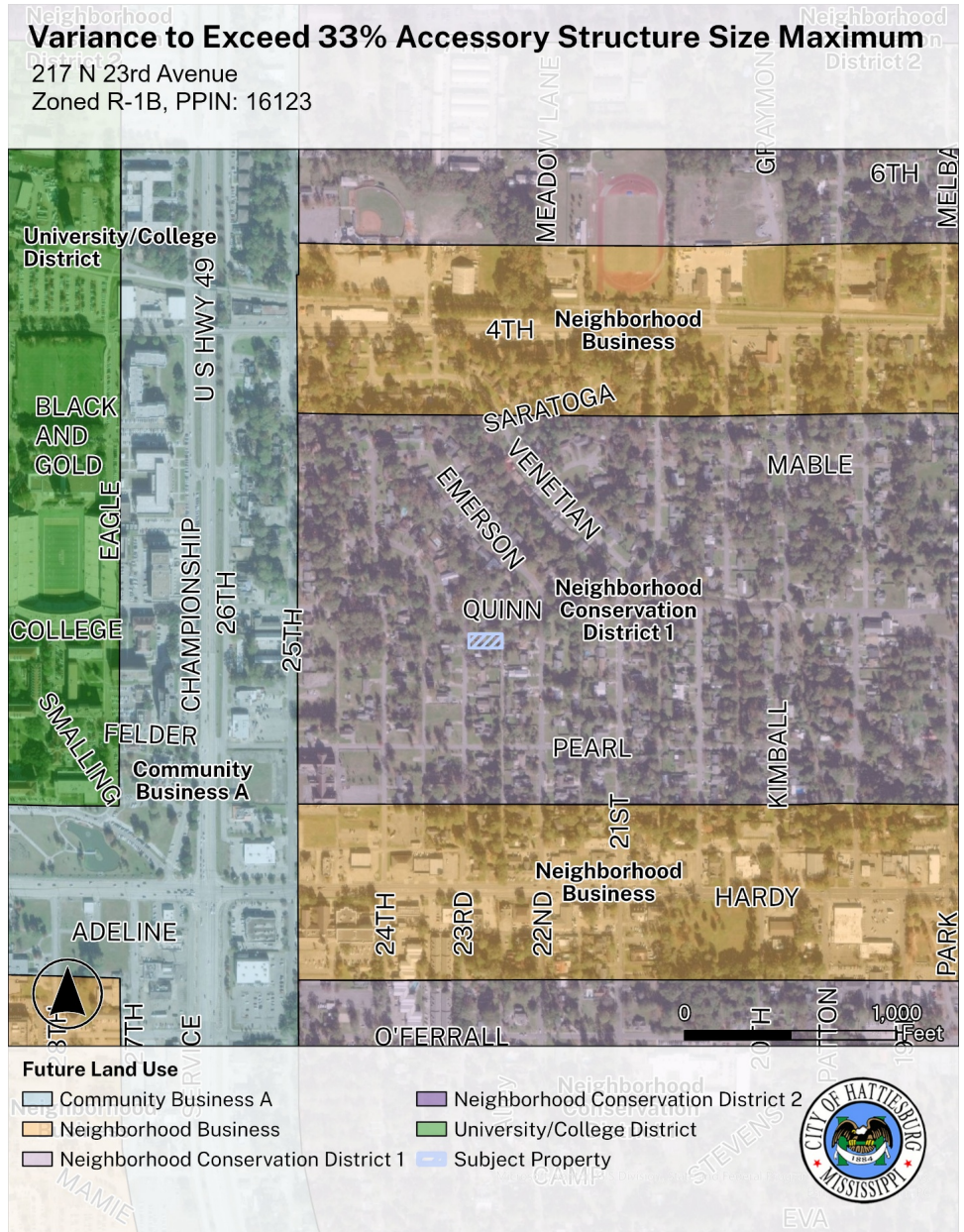
Recommend approval or denial of a variance from the maximum floor area requirement for structures accessory to residential uses of 33% of the primary structure to instead allow for 102% for a R-1B zoned property located at 217 N 23rd Avenue (PPIN 16123, Forrest County, Ward 4).



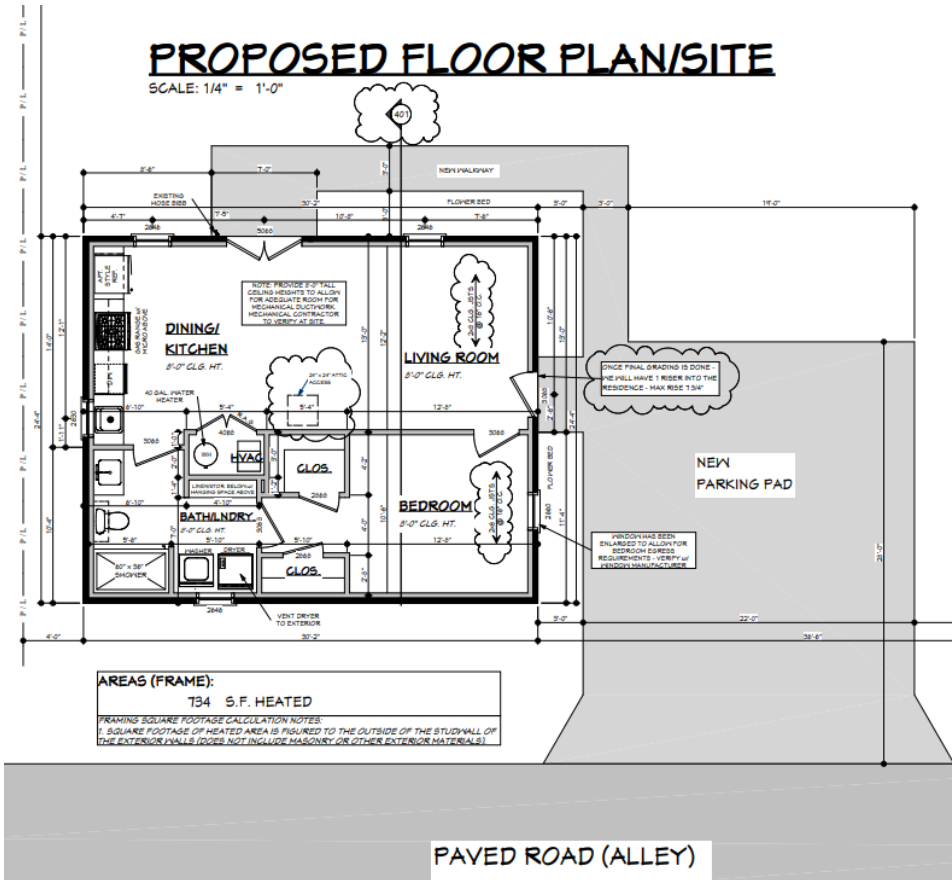
Basis for Approval:

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.

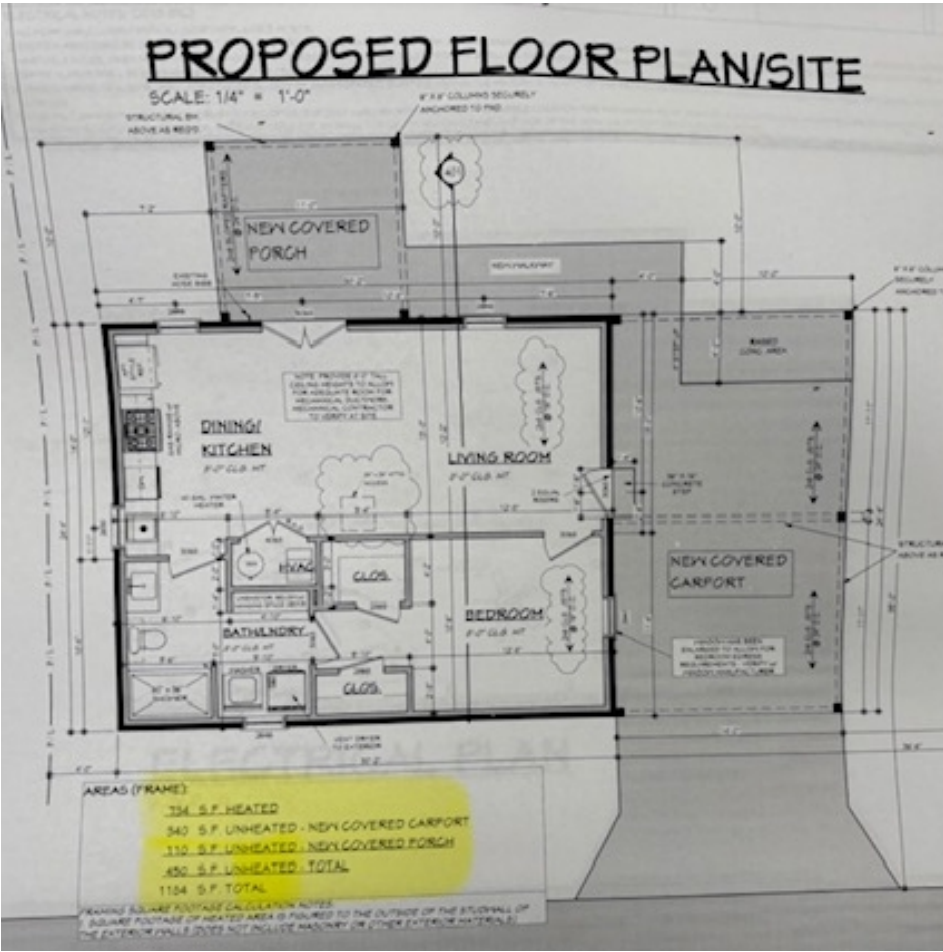




Site Plan Submitted for Building Permits for the Conversion of the Existing Accessory Structure



As built plans showing covered carport addition



Site Aerial





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: Bill Bengé Project Name: Conditional Use ADU

Municipal Address of Site: 217 N 23rd Avenue PPIN #: 16123

Parcel Number(s): 2-0285-08-276-00

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

Other Application types:

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

For Staff Only:			
Zoning: <u>R-1B</u>	Historic District: <u>N/A</u>	Flood Zone: <u>X</u>	Ward: <input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input checked="" type="checkbox"/> 4 <input type="checkbox"/> 5
Project Number: <u>Vari-0426-0037</u>		Received:	
PPIN # or Parcel #: <u>16123</u>		 By <u>[Signature]</u> Updated Version 05/22/25	





Application for Site Plan Review

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

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

<u>Public Hearing Fees</u>	
Public Hearing Type	Fees Associated
Variance Variance applications include one Concept Site Plan Review and one Variance request	\$175.00 per application. \$50.00 for each additional variance.
Street / Alley Naming or Re-Naming	\$300.00 per application. \$100.00 per required street name sign if approved* (*Fees for replacement street signs shall be paid after City Council approval but prior to the effective date.)
Street / Alley Closing	\$300.00 per application.
Conditional Use	\$200.00 per application.
Zoning Change	\$400.00 per application. *see PUD or PRD & zoning package rate)
Planned Unit Development (PUD) or Planned Residential Development (PRD) with zoning change package	\$600.00 per package.
Subdivision of Land (Preliminary Plats) Note: Final Plats should be submitted to the governing body for approval within 12 months of approval of preliminary plats.	\$225.00 per application. \$10.00 per each additional created lot (** see PUD or PRD & Subdivision of Land package rate)
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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: Ute Bengel

Signature: Ute Bengel

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

217 N23rd Avenue Hatliesburg MS 39401
Street Address City State

on this the 24 day of April, 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.

Bill Beuge, James Beuge, Hunter Seimpshire

on this the 24 day of April, 2026

UTE BENGE
Property Owner (Print)
Uta Beuge
Property Owner (Signature)

STATE OF MS

COUNTY OF Forrest

Personally came and appeared before me, the within named

UTE Beuge

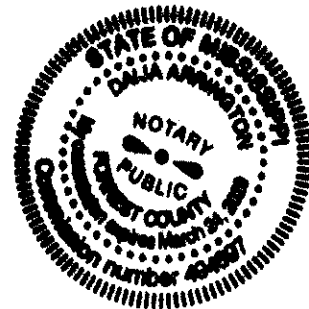
who signed and delivered the above and foregoing instrument as and for their free act and deed on the day and year therein mentioned, and who acknowledge to me that they are the owner(s) of the subject property as described in this Public Hearing Application.

GIVEN UNDER MY HAND AND OFFICIAL SEAL OF OFFICE, this the 24th day of April, 2026

[Signature]
NOTARY PUBLIC

My Commission Expires:

March 24th, 2029





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: Monday, April 27th, 2026

Hattiesburg Planning Commission Meeting Date: June 3rd, 2026

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 \$_____

FOR VARIANCE APPLICANTS:

The Board of Adjustment has the responsibility to hear and make recommendation on requests for variances to the requirements of this Code (per Section 11.4). Section 12.4.1 Variances are departures from the standards of the Land Development Code, except land use, which will not be contrary to the public interest and where, owing to conditions peculiar to the property and not as a result of the action of the applicant, a literal enforcement of this Code would result in unnecessary and undue hardship.

The following conditions must be met before a variance can be recommended.

Approval Criteria.

A variance is not a right, but a privilege that property owners meeting the following criteria may request. These criteria are to be used to consider all variance requests. It shall be the burden of the applicant to prove that the request meets these criteria. Use this worksheet or format your own to demonstrate the following criteria.

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

This is a request for variance to a
recently approved conditional use ADU

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

Not applicable as this is a recently
approved change in residential zoning
for ADU's

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.

We are requesting to change the ADU's
driveway and patio to a covered carport
and patio as these types of structures are
not unusual for this area and would
provide comfort to future residents

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

The proposed changes would be a more
comfortable and secure alternative
with regards to our climate and
sometimes volatile weather changes



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

yes

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

yes

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.



Dear Neighbors,

Bill and Ute Bengé have previously requested your permission to develop our property at 217 N 23rd Avenue. Currently, we are requesting permission from the city to make a change to the original building permit. The change involves building a cover over our already permitted parking pad on the alley and our already permitted patio by the french doors on the west side of the building. We feel that this change would enhance resident safety and satisfaction, given our inclement, volatile Mississippi weather, and our relentless, blazing sun from the west.

We would like to make that change and are asking for your approval to do so. Your signature below will signify your approval and is greatly appreciated. Thank you

Alexander Thomas 21102 ORTEGA
↓
219 N 23rd Ave, Hattiesburg 215 N 23rd Ave 1326
Tyler Howard 216 N 22nd Ave Hattiesburg, MS

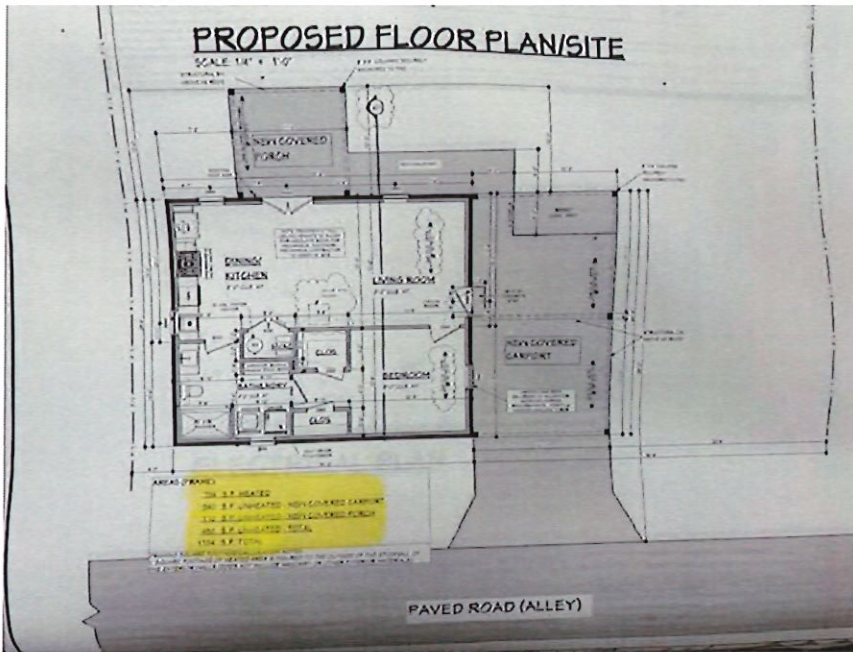
Dear Planning Commission, currently there are rental properties to the East, across the alley from 217 N 23rd Avenue, which are either not occupied or there is a language barrier. We did not seek permission from 210, 220 and 222 N22nd Avenue.

Re: Binge home

Date Fri 4/24/2026 8:49 AM
To planning <planning@hattiesburgms.com>

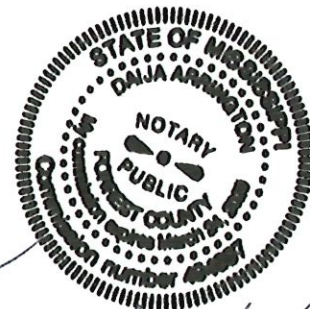
Hey Daija,

The main house is 1165 square feet. The ADU is 1184 square feet. They are requesting a variance of 780.5 square feet where 384.5 is the limit. The size request is 102% were 33 % is the max.



I am requesting a variance for the above square footage for an ADU located at 217 N 23rd Ave Hattiesburg,MS, 39401.

Signature: Uta Bunge



March 24, 2029.

Daija Arrington



Application for Public Hearing

City of Hattiesburg – Planning Division

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

NOTE:

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Applicant Information

Name Applicant: Bill Benge Project Name: Conditional Use ADU
 Municipal Address of Site: 217 N 23rd Avenue PPIN #: 16123
 Parcel Number(s): 2-0285-08-276-00

Type of Public Hearing	Additional Information Needed:
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<input type="checkbox"/> Rezoning (fill out page 11)	Existing Zoning: _____ Proposed Zoning: _____
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- | | |
|--|---|
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| <input type="checkbox"/> Vacating Street or Alley (fill out pages 13 & 14) | <input type="checkbox"/> Planned Mixed-Use District (PMU) |

For Staff Only:			
Zoning: <u>R-1B</u>	Historic District: <u>N/A</u>	Flood Zone: <u>X</u>	Ward: <input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input checked="" type="checkbox"/> 4 <input type="checkbox"/> 5
Project Number: <u>Vari-0426-0037</u>		Received:	
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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: Ute Bengel

Signature: Ute Bengel

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

217 N23rd Avenue Hatliesburg MS 39401
Street Address City State

on this the 24 day of April, 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.

Bill Beuge, James Beuge, Hunter Seimpshire

on this the 24 day of April, 2026

UTE BENGE
Property Owner (Print)
Uta Beuge
Property Owner (Signature)

STATE OF MS

COUNTY OF Forrest

Personally came and appeared before me, the within named

UTE Beuge

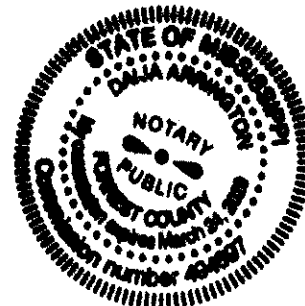
who signed and delivered the above and foregoing instrument as and for their free act and deed on the day and year therein mentioned, and who acknowledge to me that they are the owner(s) of the subject property as described in this Public Hearing Application.

GIVEN UNDER MY HAND AND OFFICIAL SEAL OF OFFICE, this the 24th day of April, 2026

[Signature]
NOTARY PUBLIC

My Commission Expires:

March 24th, 2029





Application for Public Hearing

City of Hattiesburg – Planning Division

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

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- 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).
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 - Documentation on measurements
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and patio as these types of structures are
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4. **Reasonable Use.** The applicant cannot make reasonable use of the property without the requested variance.

The proposed changes would be a more
comfortable and secure alternative
with regards to our climate and
sometimes volatile weather changes



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

yes

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

yes

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.



Dear Neighbors,

Bill and Ute Bengé have previously requested your permission to develop our property at 217 N 23rd Avenue. Currently, we are requesting permission from the city to make a change to the original building permit. The change involves building a cover over our already permitted parking pad on the alley and our already permitted patio by the french doors on the west side of the building. We feel that this change would enhance resident safety and satisfaction, given our inclement, volatile Mississippi weather, and our relentless, blazing sun from the west.

We would like to make that change and are asking for your approval to do so. Your signature below will signify your approval and is greatly appreciated. Thank you

Alexander Thomas 21102 ORTEND*
↓
219 N 23rd Ave, Hattiesburg 215 N 23rd Ave 1326
Tyler Howard 216 N 22nd Ave Hattiesburg, MS

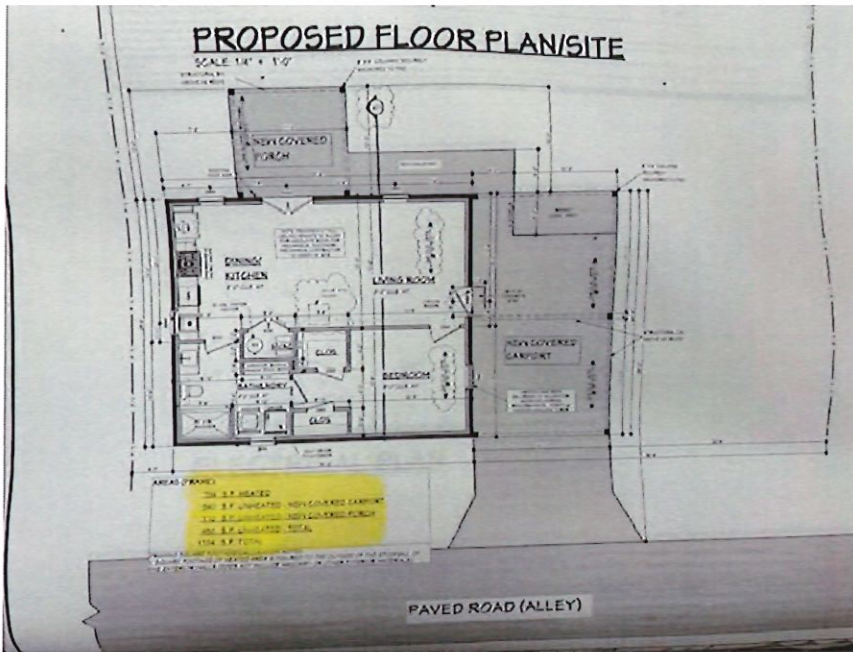
Dear Planning Commission, currently there are rental properties to the East, across the alley from 217 N 23rd Avenue, which are either not occupied or there is a language barrier. We did not seek permission from 210, 220 and 222 N22nd Avenue.

Re: Binge home

Date Fri 4/24/2026 8:49 AM
To planning <planning@hattiesburgms.com>

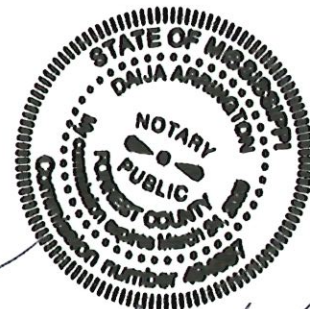
Hey Daija,

The main house is 1165 square feet. The ADU is 1184 square feet. They are requesting a variance of 780.5 square feet where 384.5 is the limit. The size request is 102% were 33 % is the max.



I am requesting a variance for the above square footage for an ADU located at 217 N 23rd Ave Hattiesburg,MS, 39401.

Signature: Uta Bunge



March 24, 2029.

Daija Arrington

