

City of Hattiesburg, MS

*200 Forrest St.
P.O. Box 1898
Hattiesburg, MS 39401*



Meeting Agenda

Monday, October 20, 2014

4:00 PM

Council Chambers

City Council - Appeal Public Hearing

1. 2014-1436 Hold Appeal Public Hearing filed by Ross & Candice Santell, to appeal the Hattiesburg Historic Conservation Commission's denial to remove a tree from the front yard of a certain property located at 307 S. 23rd Ave; The Hattiesburg Historic Conservation Commission DENIED the application on August 13, 2014.

Attachments:

HHCC MINUTES 2014 AUG

Signed submitted appeal

307 s 23rd ave HHCC Report sheet

Appeal Withdrawl 203 S 23rd Ave



City of Hattiesburg, MS

200 Forrest St.
P.O. Box 1898
Hattiesburg, MS 39401

Master

File Number: 2014-1436

File ID: 2014-1436

Type: Regular Agenda Item

Status: Agenda Ready

Version: 2

Reference:

In Control: City Council

File Created: 10/02/2014

Brief Title: Appeal Hearing - 307 S. 23rd Ave.

Final Action:

Minute Book Number: MB2014-291-292, MB

Title: Hold Appeal Public Hearing filed by Ross & Candice Santell, to appeal the Hattiesburg Historic Conservation Commission's denial to remove a tree from the front yard of a certain property located at 307 S. 23rd Ave; The Hattiesburg Historic Conservation Commission DENIED the application on August 13, 2014.

Notes:

Sponsors:

Enactment Date:

Attachments: HHCC MINUTES 2014 AUG, Signed submitted appeal, 307 s 23rd ave HHCC Report sheet, Appeal Withdrawl 203 S 23rd Ave

Enactment Number:

Contact:

Meeting Date:

Drafter: Ginger Maddox

Effective Date:

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	City Council - Appeal Public Hearing	10/06/2014					
2	City Council - Appeal Public Hearing	10/20/2014					

Text of Legislative File 2014-1436

Title

Hold Appeal Public Hearing filed by Ross & Candice Santell, to appeal the Hattiesburg Historic Conservation Commission's denial to remove a tree from the front yard of a certain property located at 307 S. 23rd Ave; The Hattiesburg Historic Conservation Commission DENIED the application on August 13, 2014.

Summary

Appeal Hearing - 307 S. 23rd Ave.



City of Hattiesburg, MS

200 Forrest St.
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File Number: 2014-1436

**MINUTES OF THE MEETING OF THE
HATTIESBURG HISTORIC CONSERVATION COMMISSION**

Wednesday, August 13, 2014

The Hattiesburg Historic Conservation Commission met August 13, 2014, at 12:00 p.m. in the Dining Room of the Jackie Dole Sherrill Community Center, 220 W. Front St., Hattiesburg, Mississippi, William Wicht, Jr., Chairman, presided.

Commissioners present: Mary Halliwell
Deborah Hardy
Michelle Heidelberg
Newton Fawcett, Vice-Chairman
Sarah Newton
William Wicht, Jr., Chairman

Commissioners absent: Michael Anderson

Staff present: Pattie Brantley, Urban Development Director
Michael Maret, Planner
Wiley Quinn, Code Enforcement Manager
Andy Parker, City Arborist

AGENDA

There came the matter of the agenda for the meeting of August 13, 2014. A motion was made by Commissioner Hardy and seconded by Commissioner Halliwell that the agenda be approved. The motion carried.

MINUTES

There came the matter of the minutes for the July 9, 2014 meeting. A motion was made by Commissioner Fawcett and seconded by Commissioner Halliwell that the minutes be approved. The motioned carried.

Public Hearing

There came the matter of the application for a Certificate of Appropriateness filed by Vicki C. Flanagan, Owner, to remove tree located at 503 Bay St.

	<u>Name</u>	<u>Title</u>
Presented by:	Vicki C. Flanagan	Owner
Others to speak:	None	

Discussion and Vote

Motion: Approve application as submitted

Motion made by: Sarah Newton

Motion seconded by: Newton Fawcett

Commissioners voting aye: Newton Fawcett, Sarah Newton

Commissioners voting nay: Mary Halliwell

Commissioners abstaining: Deborah Hardy, Michelle Heidelberg

Public Hearing

There came the matter of the application for a Certificate of Appropriateness filed by Vonda Meadows, Owner, to demolish the accessory structure located at 1108 Main St.

	<u>Name</u>	<u>Title</u>
Presented by:	Vonda Meadows	Owner
Others to speak:	None	

Discussion and Vote

<u>Motion:</u>	Approve application as submitted
<u>Motion made by:</u>	Deborah Hardy
<u>Motion seconded by:</u>	Michelle Heidelberg
<u>Commissioners voting aye:</u>	All present and voting
<u>Commissioners voting nay:</u>	None
<u>Commissioners abstaining:</u>	None

Public Hearing

There came the matter of the application for a Certificate of Appropriateness filed by Michael R. O’Neal, Owner, to install a pool in the back yard of the property located at 1011 Adeline St.

	<u>Name</u>	<u>Title</u>
Presented by:	Robert Malone	Contractor
Others to speak:	Mary Dryden	Neighborhood Resident

Discussion and Vote

<u>Motion:</u>	Approve application as submitted
<u>Motion made by:</u>	Michelle Heidelberg
<u>Motion seconded by:</u>	Deborah Hardy
<u>Commissioners voting aye:</u>	All present and voting
<u>Commissioners voting nay:</u>	None
<u>Commissioners abstaining:</u>	None

Public Hearing

There came the matter of the application for a Certificate of Appropriateness filed Terri Guidry, Applicant, Marie Sykes, Owner, to install vinyl siding on the structure located at 1811 Eva St.

	<u>Name</u>	<u>Title</u>
Presented by:	Marie Sykes	Owner
Others to speak:	None	

Discussion and Vote

<u>Motion:</u>	Approve application as submitted
<u>Motion made by:</u>	Michelle Heidelberg
<u>Motion seconded by:</u>	Sarah Newton
<u>Commissioners voting aye:</u>	All present and voting
<u>Commissioners voting nay:</u>	None
<u>Commissioners abstaining:</u>	None

Public Hearing

There came the matter of the application for a Certificate of Appropriateness filed by Chris Novak, Applicant, David Ott, Owner, to remove a tree located at 310 S. 22nd Ave.

	<u>Name</u>	<u>Title</u>
Presented by:	Chris Novak	Applicant
Others to speak:	None	

Discussion and Vote

<u>Motion:</u>	Approve application as submitted
<u>Motion made by:</u>	Deborah Hardy
<u>Motion seconded by:</u>	Mary Halliwell
<u>Commissioners voting aye:</u>	All present and voting
<u>Commissioners voting nay:</u>	None
<u>Commissioners abstaining:</u>	None

Public Hearing

There came the matter of the application for a Certificate of Appropriateness filed by Chris Novak, Applicant, David Ott, Owner, to remove a tree located at 320 S. 22nd Ave.

	<u>Name</u>	<u>Title</u>
Presented by:	Chris Novak	Applicant
Others to speak:	None	

Discussion and Vote

<u>Motion:</u>	Approve application as submitted
<u>Motion made by:</u>	Newton Fawcett
<u>Motion seconded by:</u>	Michelle Heidelberg
<u>Commissioners voting aye:</u>	All present and voting
<u>Commissioners voting nay:</u>	None
<u>Commissioners abstaining:</u>	None

Public Hearing

There came the matter of the application for a Certificate of Appropriateness filed by Chris Novak, Applicant, David Ott, Owner, to remove a tree located at 223 S. 24th Ave.

	<u>Name</u>	<u>Title</u>
Presented by:	Chris Novak	Applicant
Others to speak:	None	

Discussion and Vote

<u>Motion:</u>	Approve application as submitted
<u>Motion made by:</u>	Deborah Hardy
<u>Motion seconded by:</u>	Newton Fawcett
<u>Commissioners voting aye:</u>	All present and voting
<u>Commissioners voting nay:</u>	None
<u>Commissioners abstaining:</u>	None

Public Hearing

There came the matter of the application for a Certificate of Appropriateness filed by William McLeod, Applicant, Mary McLeod, Owner, to replace front 5x3 window with a new design and to replace wood rear door with a metal door on the structure located at 218 S. 20th Ave.

	<u>Name</u>	<u>Title</u>
Presented by:	William McLeod	Applicant
Others to speak:	None	

Discussion and Vote

<u>Motion:</u>	Approve only the replacement of the rear door.
<u>Motion made by:</u>	Newton Fawcett
<u>Motion seconded by:</u>	Deborah Hardy
<u>Commissioners voting aye:</u>	All present and voting
<u>Commissioners voting nay:</u>	None
<u>Commissioners abstaining:</u>	None

Public Hearing

There came the matter of the application for a Certificate of Appropriateness filed by Linda McMurtrey, Owner, to remove a tree located at 104 Williams St.

	<u>Name</u>	<u>Title</u>
Presented by:	Linda McMurtrey	Owner
Others to speak:	None	

Discussion and Vote

<u>Motion:</u>	Approve application as submitted
<u>Motion made by:</u>	Michelle Heidelberg
<u>Motion seconded by:</u>	Mary Halliwell
<u>Commissioners voting aye:</u>	All present and voting
<u>Commissioners voting nay:</u>	None
<u>Commissioners abstaining:</u>	None

Public Hearing

There came the matter of the application for a Certificate of Appropriateness filed by Linda McMurtrey, Owner, to remove a tree located at 107 Williams St.

	<u>Name</u>	<u>Title</u>
Presented by:	Linda McMurtrey	Owner
Others to speak:	None	

Discussion and Vote

<u>Motion:</u>	Approve application as submitted
<u>Motion made by:</u>	Deborah Hardy
<u>Motion seconded by:</u>	Michelle Heidelberg
<u>Commissioners voting aye:</u>	All present and voting
<u>Commissioners voting nay:</u>	None

Commissioners abstaining: None

Public Hearing

There came the matter of the application for a Certificate of Appropriateness filed by Glenn Nees, Owner, to perform the following work at the property located at 301 S. 22nd Ave.:

- a) Remove concrete slab from back yard
- b) Replace existing fence with 8’ wood shadow box fence
- c) Remove tree

	<u>Name</u>	<u>Title</u>
Presented by:	Glenn Nees	Owner
Others to speak:	None	

Discussion and Vote

Motion: Approve application as submitted

Motion made by: Deborah Hardy

Motion seconded by: Mary Halliwell

Commissioners voting aye: All present and voting

Commissioners voting nay: None

Commissioners abstaining: None

Public Hearing

There came the matter of the application for a Certificate of Appropriateness filed by Katheryn Garner, Owner, to install an 8’ wood fence on the property located at 117 College Dr.

	<u>Name</u>	<u>Title</u>
Presented by:	Kathy Garner	Owner
Others to speak:	None	

Discussion and Vote

Motion: Approve application as submitted

Motion made by: Mary Halliwell

Motion seconded by: Newton Fawcett

Commissioners voting aye: All present and voting

Commissioners voting nay: None

Commissioners abstaining: None

Public Hearing

There came the matter of the application for a Certificate of Appropriateness filed by Adrienne Hicks, Applicant, A. J. Jones, Owner, to perform following work on the property located at 103 Short Bay St.:

- a) Parking design to accommodate a propose
- b) d B&B
- c) 4’ picket fence around proposed front parking
- d) Remove tree.

	<u>Name</u>	<u>Title</u>
Presented by:	Adrienne Hicks	Applicant
Others to speak:	None	

Discussion and Vote

<u>Motion:</u>	Approve application as submitted, provided the impervious parking is approved by Hattiesburg Planning Commission	
<u>Motion made by:</u>	Newton Fawcett	
<u>Motion seconded by:</u>	Michelle Heidelberg	
<u>Commissioners voting aye:</u>	All present and voting	
<u>Commissioners voting nay:</u>	None	
<u>Commissioners abstaining:</u>	None	

Public Hearing

There came the matter of the application for a Certificate of Appropriateness filed by Scott Pipkins, Applicant, Fran Dufour, Owner, to remove the left front door and install hand rails on the 1st and 2nd story front porch of the structure located at 113 Short Bay St.

	<u>Name</u>	<u>Title</u>
Presented by:	Scott Pipkins	Applicant
Others to speak:	None	

Discussion and Vote

<u>Motion:</u>	Approve application, with 42” railing on the 2 nd story.	
<u>Motion made by:</u>	Michelle Heidelberg	
<u>Motion seconded by:</u>	Mary Halliwell	
<u>Commissioners voting aye:</u>	All present and voting	
<u>Commissioners voting nay:</u>	None	
<u>Commissioners abstaining:</u>	None	

Public Hearing

There came the matter of the application for a Certificate of Appropriateness filed by Sarah Newton, Owner, to modify existing fencing and to remove porch roof from rear of the structure located at 312 3rd Ave.

	<u>Name</u>	<u>Title</u>
Presented by:	Sarah Newton	Owner
Others to speak:	None	

Discussion and Vote

<u>Motion:</u>	Approve application as submitted	
<u>Motion made by:</u>	Deborah Hardy	
<u>Motion seconded by:</u>	Newton Fawcett	
<u>Commissioners voting aye:</u>	All present and voting	
<u>Commissioners voting nay:</u>	None	
<u>Commissioners abstaining:</u>	None	

Public Hearing

There came the matter of the application for a Certificate of Appropriateness filed by Candice Santell, Owner, to remove a tree located at 307 S. 23rd Ave.

	<u>Name</u>	<u>Title</u>
Presented by:	Misty Corts	Representative
Others to speak:	Glenn Nees	Parkhaven Neighborhood Asso.
	Ben Pace	Neighbor

Discussion and Vote

<u>Motion:</u>	Deny the application on the basis that the tree was and is in good health and contributes to the character of the Parkhaven Neighborhood.
<u>Motion made by:</u>	Deborah Hardy
<u>Motion seconded by:</u>	Mary Halliwell
<u>Commissioners voting aye:</u>	All present and voting
<u>Commissioners voting nay:</u>	None
<u>Commissioners abstaining:</u>	None

Public Hearing

There came the matter of the application for a Certificate of Appropriateness filed by Gwenevere Pugh, Applicant, Marlon Pugh, Owner, to construct a front porch with a hipped roof and an ADA access ramp on the structure located at 605 Louise St.

	<u>Name</u>	<u>Title</u>
Presented by:	Gwenevere Pugh	Applicant
Others to speak:	None	

Discussion and Vote

<u>Motion:</u>	Approve application with wood 6"x6" posts.
<u>Motion made by:</u>	Newton Fawcett
<u>Motion seconded by:</u>	Sarah Newton
<u>Commissioners voting aye:</u>	All present and voting
<u>Commissioners voting nay:</u>	None
<u>Commissioners abstaining:</u>	None

Public Hearing

There came the matter of the application for a Certificate of Appropriateness filed by City of Hattiesburg to demolish the structure located at 213 W. 4th St.

	<u>Name</u>	<u>Title</u>
Presented by:	Wiley Quinn	Code Enforcement Mgr
Others to speak:	None	

Discussion and Vote

<u>Motion:</u>	Approve application as submitted
<u>Motion made by:</u>	Newton Fawcett

Motion seconded by: Michelle Heidelberg
Commissioners voting aye: All present and voting
Commissioners voting nay: None
Commissioners abstaining: None

Other Business

There came the matter of the City Arborist's report. A report was submitted.

There came the matter of the Code Official's report. A report was submitted.

There came the matter of the Coordinator's report. A report was submitted.

The chairman opened the floor for public comments or questions.

There being no further business, upon motion duly made by Commissioner Heidelberg and seconded by Commissioner Fawcett and unanimously approved, the meeting was adjourned at 2:03 p.m.

Respectfully submitted,

William Wicht, Jr., Chairman

Michael Maret, Recording Secretary/ Planner



Send to:
Ginger Maddox, Planner
Dept. of Urban Development
P.O. Box 1898
Hattiesburg, MS 39403
601.554.1031 or fax 601.545.1962

**REQUEST TO APPEAL HISTORIC CONSERVATION COMMISSION
DECISION**

Today's Date: 8/20/2014
Historic Conservation Commission Meeting Date: 8/13/2014 <i>(Appeals must be made within 10 consecutive days of the decision)</i>
Name of Property Owner/Petitioner: Ross and Candice Santell
Name of Person Requesting Appeal Hearing: Ross and Candice Santell
Mailing Address of Person Requesting Appeal Hearing: 917 Xenia Avenue, Yellow Springs, OH 45387
Address of Petitioned Property: 307 S. 23 rd Ave.
Petitioner's Request of the Historic Commission: We would like to remove a large pine tree located very close to the house in the front yard of the property. Reason for removal is: 1) to protect the home from damage during windy conditions, as the tree is old and branches are falling: note the quote on the WLOX web site (Arborist Eric Nolan stated the city (of Biloxi) can issue permits to cut down up to five protected trees per development. Any more than that requires a hearing before the planning commission. He said pines, pecan trees, and popcorn trees are exempt from that requirement because they tend to have structural problems as they get larger) and 2) reduce the risk of lightning strike to the house. Removing the tree will prevent subsequent damage resulting from both events.
Historic Commission's Decision: <i>Approve or Deny</i>

I/We hereby APPEAL the Historic Conservation Commission Decision for the above referenced petition and request to hold a Public Hearing before the Hattiesburg City Council.

FILED

AUG 21 2014

BY  CITY CLERK
DEPUTY CLERK

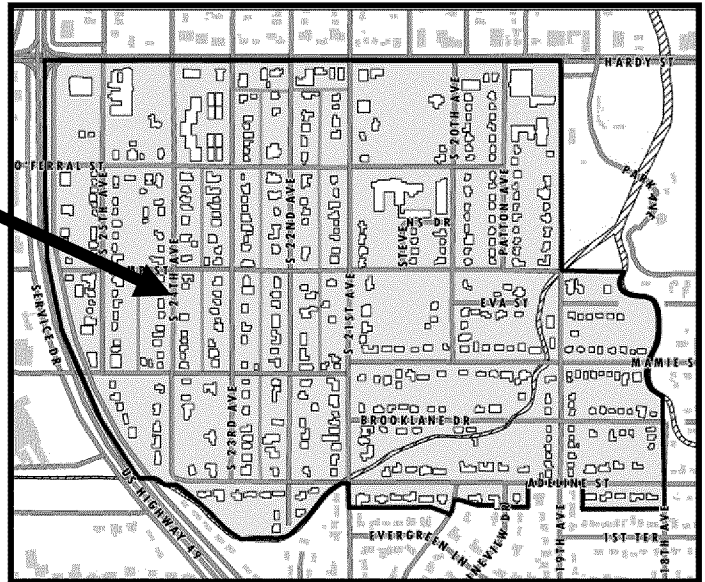


Petitioner (signature)

Petitioner (signature)

Application Data Sheet—Item 16

Significance: Contributing



Adjacent Properties





Workers began removing tree
without HHCC authorization
on July 25, 2014.



F. DOUGLAS MONTAGUE, III
CAREY R. VARNADO*
SUSAN E. COCO
BRIAN R. BLEDSOE

MONTAGUE, PITTMAN & VARNADO
A PROFESSIONAL ASSOCIATION
Attorneys and Counselors at Law

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October 20, 2014

FRANK D. MONTAGUE, JR. 1925-2013)
JAMES C. PITTMAN, JR. (1930-2013)

*ALSO ADMITTED IN LOUISIANA

WRITER'S E-MAIL:
bbledsoe@mpvlaw.com

Ginger Maddox, Planner
Dept. of Urban Development
P.O. Box 1898
Hattiesburg, MS 39403

Re: Appeal of *Historic Commission Ruling*

Ginger,

This letter is to follow up on our conversation regarding my client's wishes to withdrawal their appeal. As you are aware, the tree in question has been cut in several areas which could cause its livelihood to be in question. Please accept this letter as a formal request to have the city arborist regularly check the viability of the tree in the coming months. If this tree begins to die, we plan to file another request to have the tree removed. Please respond in the affirmative if the city will agree to monitor the tree.

It is our hope that we can work hand in hand with the city to provide a safe non-hazardous property while still maintaining the historic nature of the Parkhaven Neighborhood. I have also included a copy for Councilwoman Dryden. Please kindly provide her with said copy.

Please feel free to contact me at 601-544-1234 if needed.

Sincerely,


Brian Bledsoe

cc: Councilwoman Mary Dryden
Candace Santell

City of Hattiesburg, MS

*200 Forrest St.
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Meeting Agenda

Monday, October 20, 2014

4:00 PM

Council Chambers

City Council - Agenda Review

1. Review of the October 21, 2014 Agenda.