



Zoning and Adjustments Board
1018 Porter Avenue
Ocean Springs, MS 39564

Tuesday, September 12, 2023 @ 5:00 PM

- 1. Call Meeting to Order**
- 2. Approval of Minutes**
 - a. August 8, 2023
- 3. Old Business**
- 4. New Business**
 - a. KC Consultants, LLC – 1278 Ocean Springs Road / PID# 60122105.000 –
Requesting a 25% side setback variance for an addition to the existing building.
- 5. Audience Request**
- 6. Adjourn**

The Minutes of the City of Ocean Springs Zoning and Adjustments Board Tuesday, August 8, 2023

1. Call Meeting to Order

A meeting of the City of Ocean Springs Zoning and Adjustments Board was called to order by Chairman Nick Gant at 5:00 p.m. on Tuesday, August 8, 2023. Members present were John O'Hara, Michael Smith, Shannon Pfeiffer, and Don Atwell. Also present were Deputy City Clerk Vicky Hupe, City Planner Wade Morgan, and Planning & Grants Administrator Carolyn Martin.

The Chairman called the meeting to order.

2. Approval of Minutes

a. Approval of Minutes July 11, 2023

A motion was made by S. Pfeiffer seconded by J. O'Hara to approve the Minutes of July 11, 2023 as presented. The motion was unanimously carried.

3. Old Business

None.

4. New Business

a. Beth & Les McMackin- 506 Martin Ave / PID# 60137586.000 – Requesting a setback variance from 10 ft to 8 ft on the north side of the proposed new residential structure.

The City Planner explained the request for a 20% side yard setback variance. It was clarified that the setback was to allow the mechanical units only and that it did not apply to the HPC required screen.

Elizabeth McMackin spoke on behalf of the request that was needed to allow for a driveway.

A motion was made by M. Smith seconded by S. Pfeiffer to recommend approval of the requested variance based on the exceptional narrowness of the property. The motion was unanimously carried.

b. Jesse Moskowitz – 409 E Beach Rd / PID# 60132310.000 – Requesting a variance for an existing fence.

The City Planner presented the request for two variances: fence height and the requirement for the finished side of the fence to face outward. Anett Moskowitz presented additional photographs for consideration.

A motion was made by S. Pfeiffer seconded by J. O'Hara to accept the additional materials. The motion was unanimously carried.

Ms. Moskowitz explained that the fence was built when the neighbors began encroaching onto their property with a driveway and harassing her family. The Police Department was called and recommended a fence. The fence was constructed by Dunaway Fence. D. Atwell asked about contractor liability. S. Pfeiffer asked about the length of the fence.

Amanda Moriso spoke on behalf of the applicant.

A motion was made by D.Atwell seconded by M.Smith to deny the request to allow the finished side of the fence to not face outward. The motion passed 3-2 with M.Smith, D. Atwell, and N.Gant voting for the denial.

A motion was made by D. Atwell seconded by J.O'Hara to approve the variance of 12.5% of the maximum height of a fence within the required front yard. The motion failed 2-3 with D.Atwell and J.O'Hara voting for approval.

A motion was made by S.Pfeiffer seconded by M. Smith to deny the variance of 12.5% of the maximum height of a fence within the required front yard. The motion passed with M. Smith, S.Pheiffer, and N.Gant voting for denial.

5. Audience Request

None.

6. Adjourn

A motion was made by S.Pfeiffer seconded by J.O'Hara to adjourn the meeting. The motion was unanimously carried.

CITY OF OCEAN SPRINGS
COMMUNITY DEVELOPMENT AND PLANNING
POST OFFICE BOX 1800
OCEAN SPRINGS, MS 39566-1800
228-875-4415

ZONING ADJUSTMENT BOARD REPORT

PUBLIC MEETING DATE: September 12, 2023

APPLICANT(S): Bay Homes LLC

CURRENT OWNER? Yes ☒ No (KC Consultants LLC)

LOCATION: 1278 Ocean Springs Rd./ PID# 60122105.000

REQUESTED ACTION: Variance to the minimum side yard setback requirement to allow a building to encroach 2.5 feet into the required side yard on the north side of the property.

DATE OF APPLICATION: July 14, 2023

ADJACENT ZONING AND LAND USE:

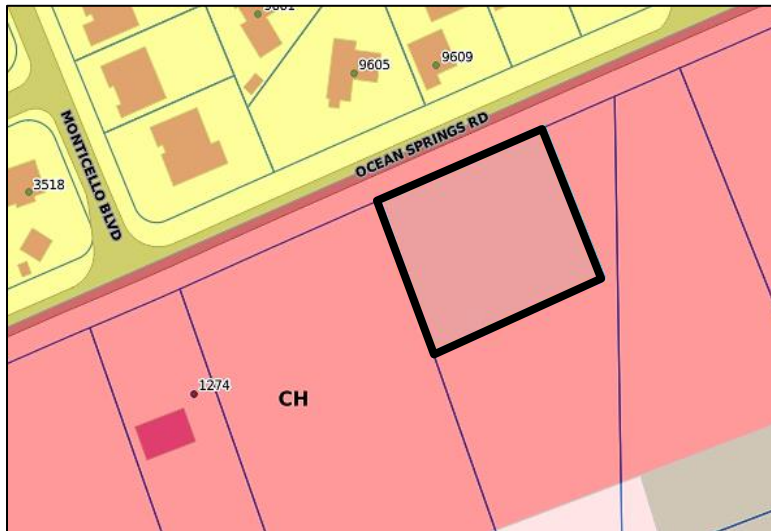
Subject Property: C-H, Regional Commercial District, medical clinic.

North: across Ocean Springs Rd., R-2 Residential District – single-family dwellings.

East, South & West: C-H District – undeveloped parcels.

CURRENT CONDITIONS:

Property Size: 31,206 sq. ft.



DESCRIPTION OF REQUEST: the applicant requests a 25% variance from the standard 5-foot side yard building setback requirement from the east property line. The purpose of the variance is to enable the enlargement of the existing clinic building. The applicant notes that the narrowness of the lot limits the owner from expanding the existing business.

FINDINGS:

- The standard side yard building setback distance in the C-H district is 5 feet (60 inches). The requested 25% variance will allow an encroachment of 1.25 feet (15 inches) and result in a 3.75 ft. (45 inch) building setback.
- The existing building is 44 feet from the side property line, according to the survey provided by the applicant.
- The ZAB may recommend variances that meet the following criteria: 1) exceptional narrowness, shallowness or shape of a specific piece of property at the time of the original adoption of the regulations, or 2) exceptional topographical conditions or other extraordinary or exceptional situation or condition of a specific piece of property, which condition is not generally prevalent in the area, or 3) the strict application of these regulations would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of the property.

POTENTIAL MOTIONS:

To recommend **approval/denial** of a variance of 25% from the minimum side yard setback requirement on the east side of the building 1278 Ocean Springs Rd.



City of Ocean Springs Planning Department

1018 Porter Avenue / PO Box 1800 Ocean Springs, MS 39564

(228) 875-4415

VARIANCE REQUEST APPLICATION

Submittal Requirements:

- Application
- Fee of \$50.00 must be paid at the time application is submitted.
 - \$1.00 additional fee (per Ordinance 2022-17 following the requirements of Section 25-60-5 MS Code Annotated)
- Site Plan (or Survey) showing requested variance, with dimensions.

Date: 7/14/2023

Name of Applicant: Bay Homes LLC

Address: 1803 Curcor Dr., Gulfport, MS 39507

Phone No. (228) 731-7500 Email Address: melissa@bayhomesms.com

Parcel Identification Number: 60122105.000

Property Owner (if different from Applicant): K C Consultants LLC

Property Location for the Variance: 1278 Ocean Springs Rd.

Type of Variance(s) Requested (setback, height, zoning extension, parking, etc.)

Setback

The purpose of this variance is to consider an application to allow:

Reduction in sideline setback.

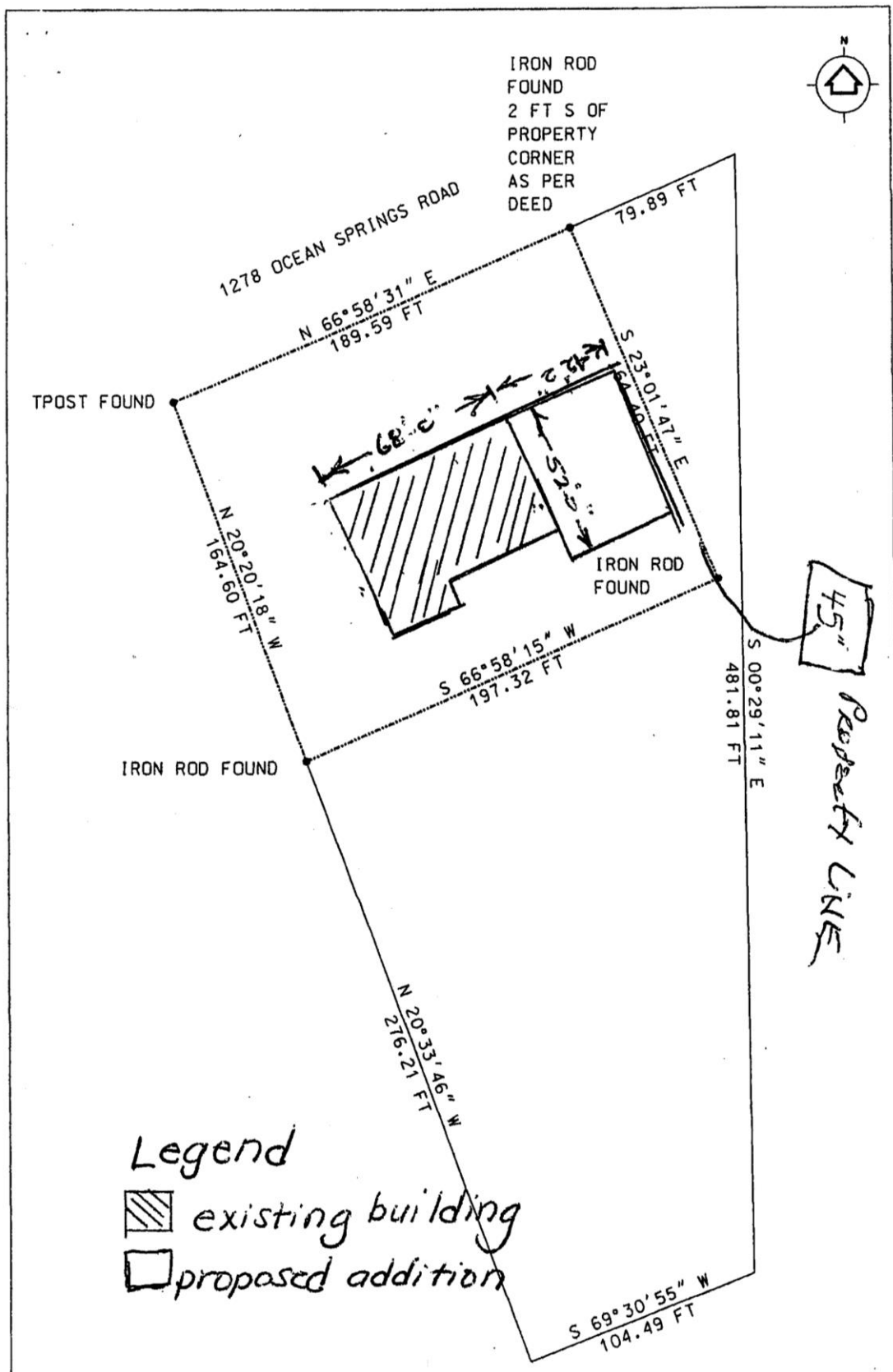
Provide justification of the variance request. Justification must include exceptional narrowness, shallowness, shape of a specific piece of property, exceptional topographical conditions, or other extraordinary situation or condition for a specific piece of property.

Narrowness of lot limits the owner from expanding already existing business. Owner would like to expand current office to offer a space that will further the education and wellness of diabetes patients and their families.

Applicant Signature: Bay Homes LLC

Date: July 21, 23

[Signature] M. Ayer
Bay Homes LLC



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