



Zoning and Adjustment Board Meeting

Tuesday, February 13, 2024 @ 5:00 PM

1. Call Meeting to Order

2. Approval of Minutes

- a. November 14, 2023

3. Old Business

- a. None

4. New Business

- a. 1105 Le Marin Court/ PIO# 61465303.000 - John Fox - Requesting a variance from the minimum rear setback of 25 feet to 18 feet.

5. Audience Request

6. Adjourn

**The Minutes of the City of Ocean Springs
Zoning and Adjustments Board
Tuesday, November 14, 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, November 14, 2023. Members present were Shannon Pfeiffer, and Don Atwell. Also present were City Planner Wade Morgan, Planning & Grants Administrator Carolyn Martin, and Planning & Grants Coordinator Camille Anderson. Michael Smith arrived at 5:02. John O'Hara was absent.

2. Approval of Minutes

- a. October 10, 2023

A motion was made by S. Pfeiffer seconded by D. Atwell to approve the minutes as presented. The motion passed 4-0, with J. O'hara absent.

3. Old Business

None

4. New Business

- a. 921 Ocean Avenue/ PID# 60137394.000 – Barbara Canaga - Certificate of Appropriateness (COA) for signage.

W. Morgan presented the application and discussed it with the Zoning and Adjustments Board. N. Gant asked ZAB if they had any questions. They did not. ZAB discussed with the applicant. N. Gant asked if there was anyone present to speak for or against the application. No one spoke. ZAB discussed with W. Morgan and with each other. A motion was made by M. Smith seconded by D. Atwell to recommend approval of the Certificate of Appropriateness for signage at 921 Ocean Avenue. The motion passed 3-1 with S. Pfeiffer opposed and J. O'Hara absent.

- b. 1108 Magnolia Bayou Blvd/ PID# 61242107.000 - Byron Hudgins - Requesting a variance from the minimum accessory structure setback requirement of 10 feet.

W. Morgan presented the application. C. Martin and W. Morgan discussed it with the Zoning and Adjustments Board. N. Gant asked if the applicant would like to speak. He did. ZAB discussed with the applicant. N. Gant asked if anyone would like to speak. Mickey Bradley, 1110 Magnolia Bayou Blvd, spoke in favor of the application. N. Gant asked if anyone else would like to speak. No one did. N. Gant asked ZAB if they had any other questions or comments. They didn't. A motion was made by S. Pfeiffer seconded by D. Atwell to recommend approval of a variance of 25% from the minimum accessory structure setback requirement due to exceptional narrowness in the rear of

the property. The motion passed 4-0 with J. O'Hara absent.

- c. 503 Porter Avenue / PID# 60225050.050 - Requesting a 20% variance from the minimum required setback from the property line to build a covered seating area for the restaurant.

C. Martin presented the application and discussed it with the Zoning and Adjustments Board. N. Gant asked ZAB if they had any questions. They did not. N. Gant asked the applicant if they wanted to speak. He did. ZAB discussed with applicant and with each other and C. Martin. N. Gant asked if anyone else would like to speak for or against the application. No one did. A motion was made by S. Pfeiffer seconded by D. Atwell to recommend approval of a variance of 25% from the minimum setback requirement at 503 Porter to allow the roof structure support of 1 column on the western end of the base of the handicap ramp to encroach 1 foot, 3 inches due to exceptional narrowness. The motion passed 4-0 with J. O'Hara absent.

5. Audience Request

None

6. Adjourn

A motion was made by M. Smith seconded by D. Atwell to adjourn. The motion passed 4-0 with J. O'Hara absent.

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: February 13, 2024

APPLICANT(S): John Fox

CURRENT OWNER? ✓ Yes No

LOCATION: 1105 LeMarin Court/ PID# 61465303.000

REQUESTED ACTION: Variance to the minimum rear yard building setback distance.

DATE OF APPLICATION: December 14, 2023

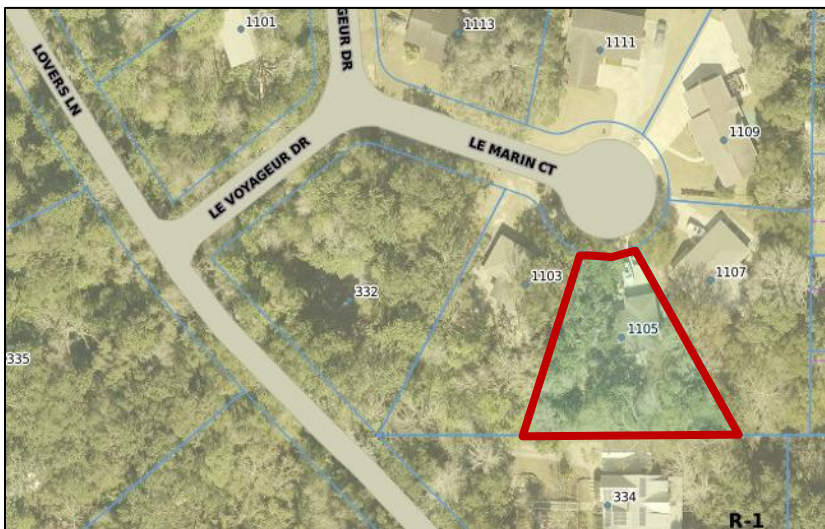
ADJACENT ZONING AND LAND USE:

Subject Property: R-1, Single Family Residential Use district/a single family dwelling

North, East, South and West: R-1 Residential district; single family dwellings.

CURRENT CONDITIONS:

- Property Size: 13,373 sq. ft.



DESCRIPTION OF REQUEST: The applicant requests a 25% variance from the minimum rear yard setback distance on the south side of the property. The requested variance will allow a proposed addition to the dwelling to extend 7 feet into the required rear yard, which will result in a setback distance of 18 feet instead of 25 feet.

The applicant notes that the property is triangular in shape and the rear of the lot is within the AE Flood Zone. The combination of the shape, the location of the existing house and the transition of X to AE Flood zones limits the area available for an addition to the house.

FINDINGS:

- 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.
- Note that a 25% variance from the 25 ft. rear yard setback will allow an 18.75 ft. (18 ft., 9 in.) setback distance, rather than 18 ft.
- The pie shape of the lot and the relatively narrow 41.5 ft. frontage on the street resulted in the house being located further from the front lot line. It is 37.2 ft. from the front lot line instead of the minimum 25 ft.

POTENTIAL MOTION:

To recommend **approval/denial** of a variance of 25% from the minimum rear yard setback distance to allow an 18.75-foot setback from the south property line at 1105 LeMarin Ct. as shown on the site plan.



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: December 14, 2023

Name of Applicant: John Fox

Address: 1105 Le Marin Court, Ocean Springs, MS. 39564

Phone No. 1 (267) 879-0169 Email Address: jmfox1250@gmail.com

Parcel Identification Number: #61465303.000

Property Owner (if different from Applicant):

Property Location for the Variance: 1105 Le Marin Court, Ocean Springs, MS. 39564

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

Rear Setback

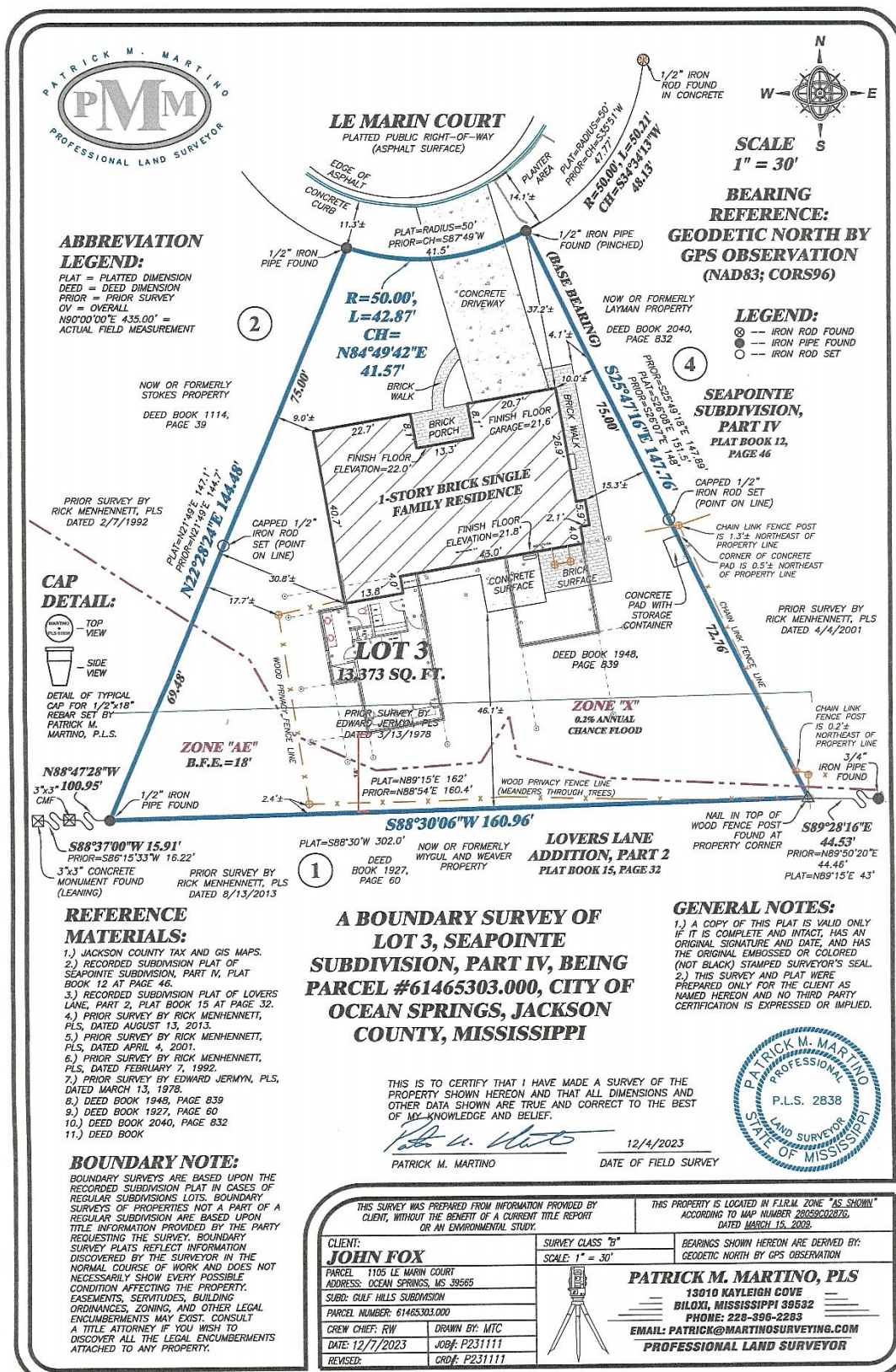
The purpose of this variance is to consider an application to allow:

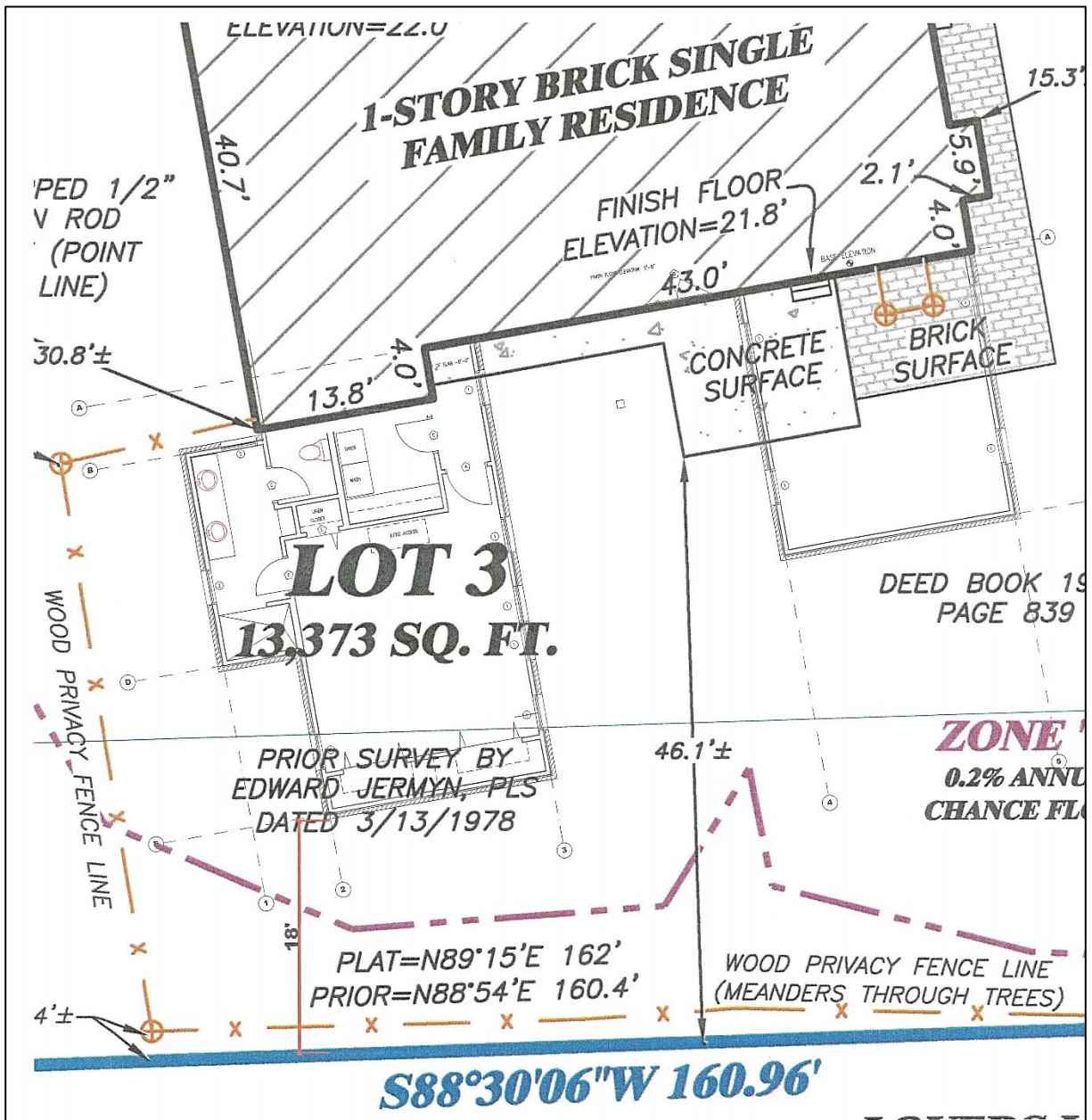
Variance for rear setback modification from twenty five (25) feet to eighteen (18) feet.

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.

The property located in the cul-de-sac of Le Marin Court is forty one feet wide at the street and one hundred sixty feet wide at the rear property line and is triangular in shape. In addition the rear of the property is located in the AE zone and separated from the adjoining property by a small creek. The combination of the shape of the property, location of existing house, and the transition of X to AE zone limits the possibilities of our required expansion. Our proposed design solution exceeds the existing limits of the rear setback for the property and we request you consider allowing for a eighteen foot rear setback for this specific situation.

Applicant Signature:  Date: 12/14/23





February 7, 2023

The Weaver-Wiygul Family Trust
C/O Julia and Robert Weaver
334 Lovers Lane
Ocean Springs, MS 39564

City of Ocean Springs
Planning Department
1018 Porter Avenue
Ocean Springs, MS 39564

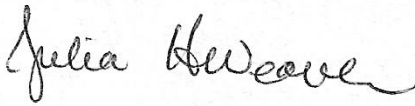
To the Members of the Planning Commission:

We are writing regarding the variance requested to the property located at 1105 Le Marin Ct., Parcel Identification Number 61465303.000. We have reviewed the drawings proposed by the property owner for the addition to the back of their home and have no objections with respect to the reduction of the rear yard setback to 18'.

The property is to the North of us and adjacent to our carport, in addition there is a forested ditch which separates the properties.

Thank you for your time and consideration.

Sincerely,


334 Lovers Lane