



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

A G E N D A

Tuesday, January 10, 2023 @ 5:00 p.m.

1. Call meeting to order

2. Approval of Minutes

a) December 13, 2022

3. Old Business

a) 2780 Bienville Boulevard / PID# 60121135.000 – Jessica Luce –
Requesting a variance to the minimum number of parking spaces.

4. New Business

a) **APPEAL:** 1401 Government Street / PID# 60119426.000 – Michael
J. Paoletti Jr. – Appeal of the Building Official's Cease and Desist
order regarding commercial activity on a P, Public District property
(Front Beach).

5. Audience Request

6. Adjourn

The Minutes of the City of Ocean Springs Zoning & Adjustment Board Tuesday, December 13, 2022

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 on Tuesday, December 13, 2022. Members present were John O'Hara, Michael Smith, and Shannon Pfeiffer. Don Atwell was absent. Wade Morgan, City Planner, was also present.

2. Approval of Minutes

a) November 8, 2022

A motion was made by S. Pfeiffer seconded by J. O'Hara to approve the minutes as presented. The motion was unanimously carried.

3. Old Business – None.

4. New Business

a) 510 Washington Avenue / PID# 60137534.000 – Walter Anderson Museum of Art – Consideration of a recommendation from the Historic Preservation Commission (HPC) for an exception to the Historic District Sign Regulations.

W. Morgan introduced the proposal. Museums are only allowed one (1) sign in historic districts per the Unified Development Code (UDC). However, there is a provision allowing the HPC to recommend an exception for ZAB to consider. The proposed sign will be approximately 70 sq. ft.

S. Pfeiffer asked why the existing sign is not being considered sufficient. Mattie Codling, representative for WAMA, addressed the board. She explained the existing sign is smaller and more decorative while the proposed sign specifically spells out Walter Anderson Museum. Feedback from visitors indicates WAMA is somewhat hard to find. She added the sign is somewhat reflective for eye-catching purposes and foliage was trimmed for viewing.

A motion was made by M. Smith seconded by J. O'Hara to recommend approval of an exception of the UDC sign regulations for the Walter Anderson Museum at 510 Washington Avenue to allow a wall-mounted sign of 70 sq. ft. as described in the application and sign graphic and as approved by the Historic Preservation Commission. The motion passed with M. Smith and J. O'Hara voting aye and S. Pfeiffer voting nay.

- b) 2780 Bienville Boulevard / PID# 60121135.000 – Jessica Luce – Requesting a variance to the minimum number of parking spaces.**

W. Morgan introduced the proposal. The proposed use is for a retail building and the request is for a variance to the required parking spaces. There is a large billboard and overhead, electrical lines on the property that limits the space able to be used. The Design Review process will still need to be completed.

Jessica Luce, applicant, 1801-C Government Street, addressed the board. The building design was discussed. Parking and MDOT road access was discussed.

M. Smith explained without a more concrete site plan, the exact number of parking spaces cannot be determined, therefore making it unnecessary to grant a variance if one is not needed.

N. Gant pointed out a shared parking section within the UDC.

The use of the utility easement was discussed.

A motion was made by S. Pfeiffer seconded by M. Smith to recommend tabling the request for a variance at 2780 Bienville to allow for a 25% reduction in parking. We request the applicant return to the next ZAB meeting with more information on the site plan, MDOT, and school board approvals. The motion was unanimously carried.

- c) WITHDRAWN:** 2818 Lawnwood Drive / PID# 61250010.000 – Paula Rychtar – Requesting an interpretation of the Unified Development Code's (UDC) definition of a greenhouse as an accessory structure.

5. Audience Request

6. Adjourn

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

CITY OF OCEAN SPRINGS COMMUNITY
DEVELOPMENT AND PLANNING
P.O BOX 1800 / OCEAN SPRINGS, MS 39566-1800 228-875-4415

ZONING ADJUSTMENT BOARD REPORT

MEETING DATE: January 10, 2023
Deferred from the December 13, 2022 agenda

APPLICANT(S): Jessica Luce
CURRENT OWNER? Yes ☒ No
If No, - List Current Owner: T. Smith Investments, LLC

REQUESTED ACTION: Variance from the Unified Development Code's (UDC) parking regulations to allow a reduction in the minimum number of parking spaces.

DATE OF APPLICATION: November 7, 2022

LOCATION: 2780 Bienville Boulevard / Parcel ID # 60121135.000

AREA ZONING AND LAND USE:

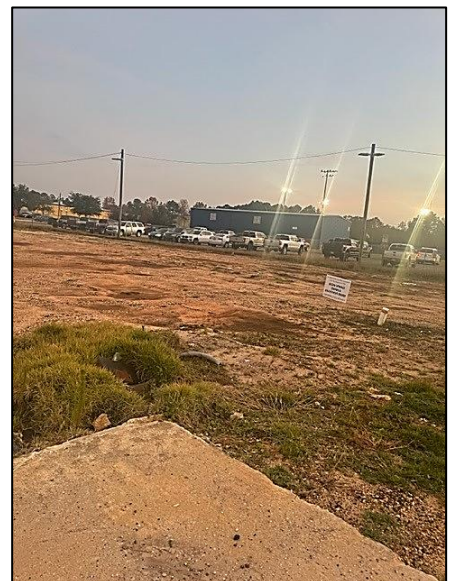
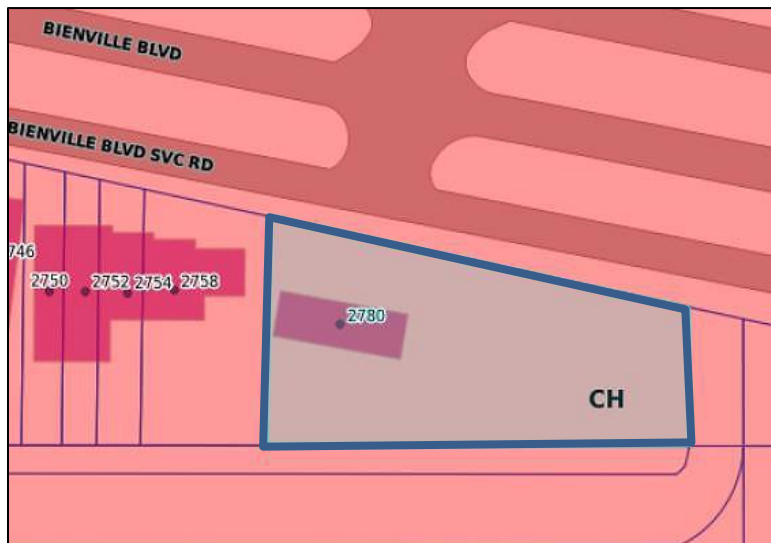
Subject Property: C-H, Regional Commercial District; a billboard and vacant area (formerly a car wash);

North: C-H, Regional Commercial District – Bienville Boulevard service road;

East and South: C-H, Regional Commercial District – access drive to Greyhound Stadium;

West: C-H, Regional Commercial District – strip retail center.

VICINITY:



This request was deferred from the previous meeting to provide additional information.

DESCRIPTION OF REQUEST:

- The applicant requests a variance to reduce the minimum number of parking spaces required for commercial uses. The applicant proposes to provide parking spaces at a ratio of 3.2 spaces per 1,000 sq. ft. of gross floor area, where the UDC\ requires at least four (4) spaces per 1,000 sq. ft. for most retail uses.
- The applicant notes that the requested variance relates to, “the average of how many our architect can fit within the property,” plus the space of the property and an electrical easement led to the request.

FINDINGS:

- The UDC’s requirements for off-street parking spaces depend on the type of land use. The parking requirements range from one (1) space per every 200 sq. ft. of floor area for restaurants to one (1) space per every 250 sq. ft. of floor area for medical clinics and small retail stores, to one (1) space per every 300 sq. ft. of floor area for banks and general offices.
- The requested variance to those parking requirements equates to a ratio of one (1) parking space for every 312.5 sq. ft. of floor area. That is a 25% variance from the 1:250 sq. ft. ratio for clinics and most retail stores.
- There is a billboard on the east end of the parcel and overhead electrical lines on the west and east sides of the parcel that limit its buildable area. They can be considered as unusual conditions that could justify a variance.
- Development plans for the property must also be reviewed and approved through the administrative Design Review process. The applicant’s site plan shows parking spaces directly accessed from the Bienville Boulevard service road and an internal driveway connecting to the driveway for the Greyhound Stadium. Access to the service road requires approval from the MS Department of Transportation (MDOT) and connection to the Greyhound Stadium driveway requires approval from the Ocean Springs School District (OSSD). Also, the parking spaces being accessed from the service road are not consistent with the UDC parking regulations. The UDC recommends that most parking spaces be located to the rear or side of the principal building. Variations from this configuration are subject to Planning Commission (PC) and Board of Aldermen (BOA) approval.

OTHER FEEDBACK:

- None received.

SUMMARY AND CONCLUSION:

- The proposed variance will allow a reduction in the number of parking spaces for a proposed building.

POTENTIAL MOTION: To approve a variance for 2780 Bienville Boulevard to allow off-street parking to be provided at a minimum ratio of one (1) parking space for every 312.5 sq. ft. of gross floor area, as described in the variance application.

City of Ocean Springs
Planning Department
P.O. Box 1800
Ocean Springs, MS. 39566
Phone 228-875-4415 Fax 228-872-5427

VARIANCE REQUEST APPLICATION

Office Use

Date Received _____
Received by _____
App Fee Paid \$ _____ Chk or CC ?
Chk # _____
Mail Fee Due \$ _____
Mail Fee Paid \$ _____ Chk or CC ?
Date Mail Fee Pd _____ Chk # _____

Submittal Requirements:

- Application
- Fee of \$50.00 (Fifty Dollars) must be paid at the time application is submitted
- Drawing showing requested variance, with dimensions

Date: 11/7/22

Name of Applicant: Jessica Luce

Address: 1801-C Government St. Ocean Springs, MS 39564

Phone No. 228-990-9977 Email Address: coastaesthetics@yahoo.com

Parcel Identification Number: 60121135.000

Property Owner (if different from Applicant): JJ Harnis

Property Location for the Variance: 2780 Bienville

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

The purpose of this variance is to consider an application to allow: 3.2 parkings spots per 1,000 sqft. This number is the average of how many our architect can fit within the property.

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 space of the property and electrical easement on the property led to the variance request.

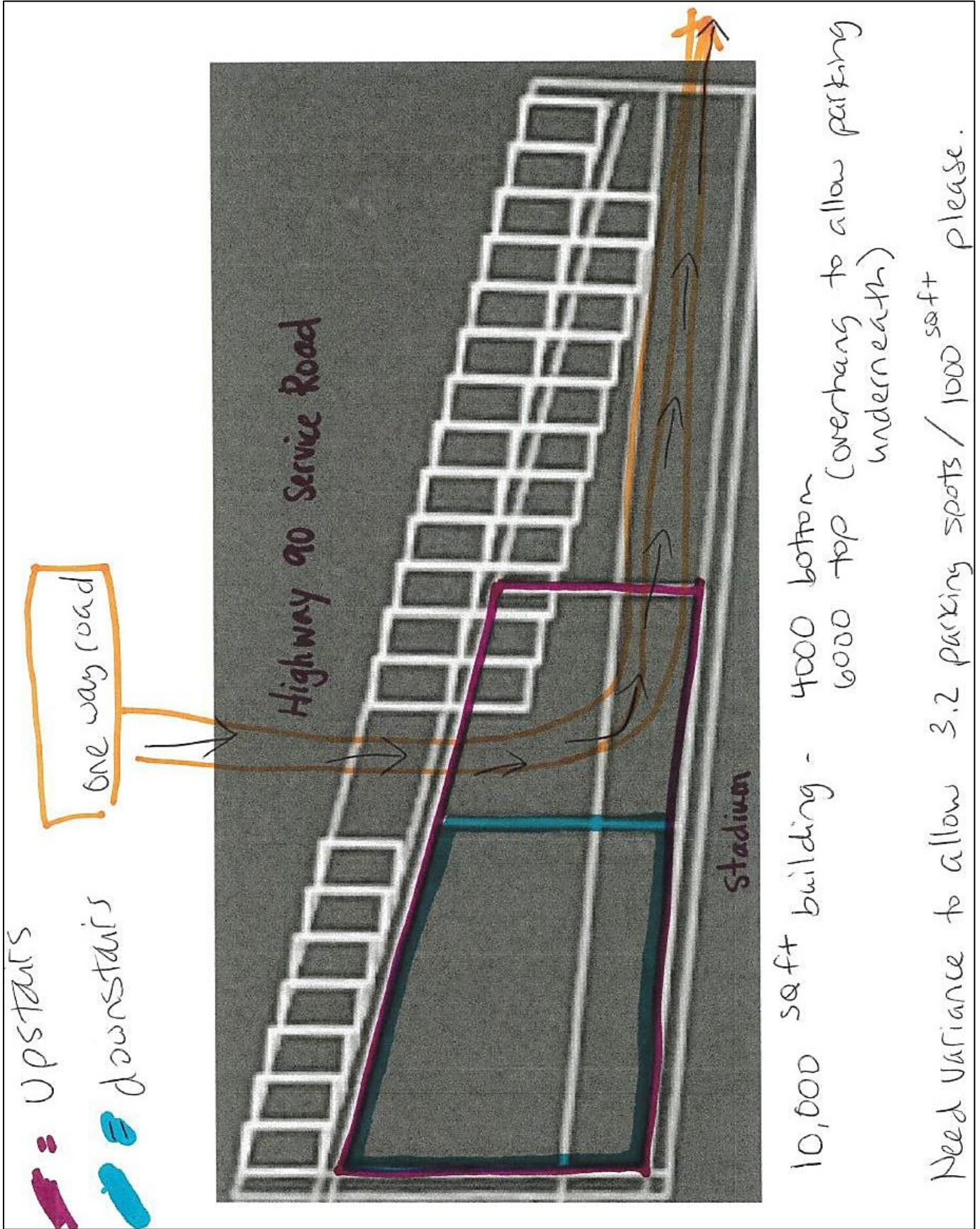
Applicant Signature: Ashley Rodney

Date 11/7/22

SURVEY



CONCEPTUAL SITE PLAN:



CITY OF OCEAN SPRINGS COMMUNITY
DEVELOPMENT AND PLANNING
P.O BOX 1800 / OCEAN SPRINGS, MS 39566-1800 228-875-4415

ZONING ADJUSTMENT BOARD REPORT

MEETING DATE: January 10, 2023

APPLICANT(S): Michael J. Paoletti, Jr., DBA Food, Booze and Hiccups and Belly Up Beach Chairs

CURRENT OWNER? Yes ☒ No

If No, - List Current Owner:

REQUESTED ACTION: Appeal of Building Official and Community Development and Planning Dept. Determination regarding Commercial Activity

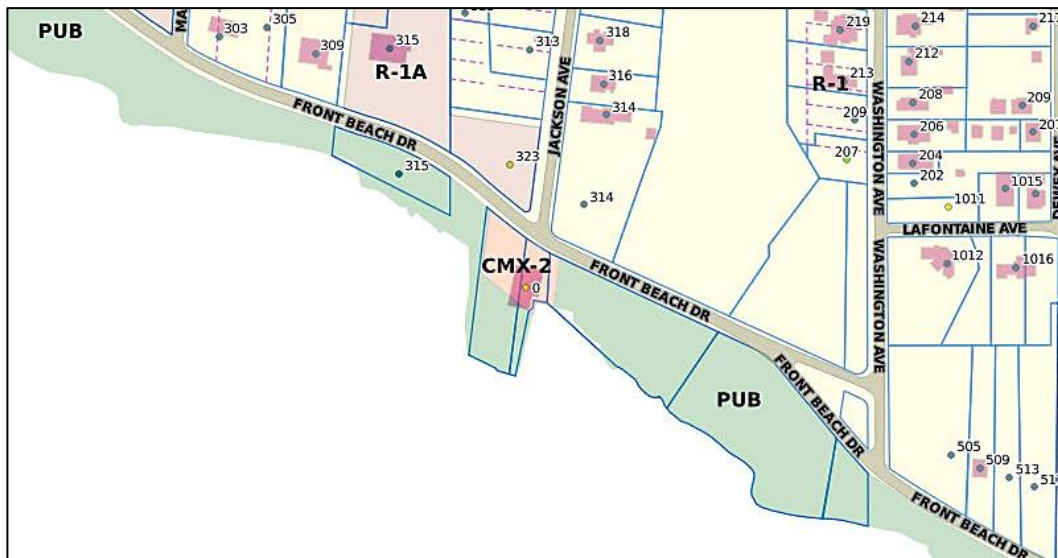
DATE OF APPLICATION: November 30, 2022

LOCATION: Front Beach Park

AREA ZONING AND LAND USE:

Subject Property: PUB, Public District

VICINITY:



DESCRIPTION OF REQUEST:

- The applicant is appealing a cease-and-desist letter and determination regarding commercial business operations in a Public zoning district.

FINDINGS:

- The PUB Public zoning district includes Front Beach, between the CSX Railroad and the small craft harbor.
- The attached land use matrix from the UDC list the land uses that are permitted in each zoning district. A “P” denotes a use that is permitted in that district and a dash (“-”) denotes a use that is prohibited.
- The matrix clearly shows that retail sales, personal services and retail food services are not permitted in the PUB district on Front Beach.
- The attached 2016 email from Carolyn Martin to Rita Paoletti established the basic rules for commercial activities associated with her beach chair rental business that are and are not permitted on Front Beach. The delivery and pick up of beach chairs can take place on public property such as Front Beach, but marketizing or advertising is not allowed on public property.
- In November, 2022, the attached Cease and Desist letter was sent to Michael and Stephanie Paoletti notifying them that their commercial activities on Front Beach were not permitted by the PUB zoning of Front Beach.

POTENTIAL MOTION: To deny (approve) the applicant’s appeal of the Building Official’s determination regarding commercial activity on Front Beach.

CEASE AND DESIST LETTER FROM BUILDING OFFICIAL:

NOTICE TO IMMEDIATELY CEASE AND DESIST

Michael Paoletti
Stephanie Paoletti
9201 Ridgeview Drive East
Ocean Springs, MS 39564

**Re: Unauthorized commercial activity on Front Beach - Food, Booze, & Hiccups
and Belly Up Beach Chairs**

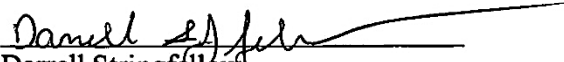
Dear Mr. & Mrs. Paoletti,

It has come to my attention that you are operating commercial business on Front Beach in violation of the City of Ocean Springs, Mississippi's Unified Development Code. This includes operations by both Food, Booze & Hiccups, LLC and Belly Up Beach Chairs, LLC.

Pursuant to Chapter Three of the Unified Development Code, Front Beach lies within the "Public" zoning district. Therein, no retail or commercial uses are permitted. Accordingly, you are operating commercial activity in violation of City Code.

Please be advised that you are ordered by the City of Ocean Springs, Mississippi to immediately cease and desist all such commercial activity on Front Beach. Please consider this your final notice.

Every separate offense is a misdemeanor and subject to fine or imprisonment. If unauthorized activity continues, the City will seek prosecution under City Code and/or additional recourse allowed by law. If you have any questions, please contact me at _ (228)875-6712.


Darrell Stringfellow
Building Official

cc: David Krause
krause@law-dog.com

LAND USE MATRIX FROM THE UDC:

LBCS Code	Description	R-1	R-2	R-10	R-3	RMH	R-D	R-1A	RM-2	CMX-1	CMX-2	CH	M1	CP	PUB	C-M
S 1350	Temporary structures, tents, etc. for shelter	C	C	C	C	C	C		C	C	-	-	-	-	-	-
S 1360	Other structurally converted buildings	-	-	-	-	-	C		C	C	-	-	-	-	-	-
S 2611	Loft building	-	-	-	-	-	C		C	C	-	-	-	-	-	-
F 2000	General sales or services															
F 2100	Retail sales or service, not elsewhere listed	-	-	-	-	C	-	See Footnotes 12 and 13 - Below	C	P	P	P	C	C	-	-
F 2110	Automobile sales or service establishment	-	-	-	-	-	-		-	-	-	P	P	-	-	-
F 2114	Boat and Marine sales or service establishment	-	-	-	-	-	-		-	-	-	P	P	-	-	-
F 2116	Fuel Sales or Fuel Pumps ⁽¹⁾	-	-	-	-	-	-		-	-	-	p ¹	p ¹	P	-	C
F 2120	Heavy consumer goods sales or service	-	-	-	-	-	-		-	-	-	P	P	-	-	-
F 2130	Durable consumer goods sales and service	-	-	-	-	-	-		-	-	P	P	P	-	-	-
F 2143	Tobacco Store	-	-	-	-	-	-		-	-	P	P	P	-	-	-
F 2152	Convenience store	-	-	-	-	C	-		-	C ¹	P	P	P	-	-	-
F 2155	Wine and liquor store	-	-	-	-	-	-		-	C ²	p ²	p ²	p ²	-	-	-
F 2200	Finance and Insurance	-	-	-	-	-	-		-	-	P	P	P	-	-	-
F 2220	Pawn Shop	-	-	-	-	-	-		-	-	-	-	p ³	p ³	-	-
F 2300	Real estate, and rental and leasing	-	-	-	-	-	-		-	C	P	P	P	-	-	-
F 2330	Rental and leasing	-	-	-	-	-	-		-	P	P	P	P	-	-	-
F 2400	Business, professional, scientific, technical, services not listed elsewhere	-	-	-	-	-	-		-	C	P	P	P	P	-	-
F 2418	Veterinary Clinic	-	-	-	-	-	-		-	-	-	-	p ⁴	p ⁴	-	-

LBCS Code	Description	R-1	R-2	R-10	R-3	RMH	R-D	R-1A	RM-2	CMX-1	CMX-2	CH	M1	CP	PUB	C-M
F 2450	Services to buildings and dwellings	-	-	-	-	-	-	See Footnotes 12 and 13 - Below	-	P	P	P	P	-	-	-
F 2500	Food service, not listed elsewhere	-	-	-	-	-	-		C	P	P	P	P	C	-	-
F 2530	Non-alcoholic Coffee, Snack, Juice Bar	-	-	-	-	C	-		P	P	P	P	-	P	-	-
F 2540	Bar or drinking place ⁶	-	-	-	-	-	-		-	p ⁶	p ⁶	p ⁶	p ⁶	-	-	-
F 2550	Mobile food services	-	-	-	-	-	-		C	P	P	P	P	-	-	-
F 2580	Vending machine operator	-	-	-	-	-	-		-	P	P	P	-	-	-	-
F 2600	Personal services	-	-	-	-	-	-		P	P	P	P	-	-	-	-
NA	Tattoo Studio	-	-	-	-	-	-		-	-	p ⁷	p ⁷	p ⁷	-	-	-
F 2700	Pet and animal sales or service (except veterinary)	-	-	-	-	-	-		C	p ⁵	p ⁵	P	-	-	-	-
S 2510	Neighborhood center (convenience with 1+ anchors)	-	-	-	-	-	-		-	P	P	P	-	-	-	-
S 2520	Community center (general merchandise with 2+ anchors)	-	-	-	-	-	-		-	C	P	P	-	-	-	-
S 2530	Regional center (enclosed mall with 2+ anchors)	-	-	-	-	-	-		-	-	-	P	-	-	-	-
S 2540	Superregional center (similar to regional, with 3+ anchors)	-	-	-	-	-	-		-	-	-	P	P	-	-	-
S 2550	Fashion/specialty center (higher end, fashion-oriented stores)	-	-	-	-	-	-		-	P	P	P	-	-	-	-
S 2560	Power center (category-dominated anchors with few small tenants)	-	-	-	-	-	-		-	-	-	P	P	-	-	-

APPLICANT'S APPEAL APPLICATION:



City of Ocean Springs Planning Department
1018 Porter Avenue / PO Box 1800 Ocean Springs, MS 39564
(228) 875-4415

APPEAL
PLANNING DEPARTMENT DETERMINATION

.....

Appeals of any determination made by the Planning Department staff are heard in a Public Meeting by the Zoning & Adjustments Board (ZAB).

Date of Planning Department denial: not on case: desist

SUBJECT PROPERTY ADDRESS: Front Beach Ocean Springs
Current Property Zoning Classification: Public

Property Owner Information:

NAME: Jackson County
ADDRESS: _____
PHONE: _____
EMAIL: _____

Applicant Information (if different):

NAME: Michael S. Runkle Jr
ADDRESS: 1056 Thom Ave OS MS 39564
PHONE: 601-299-3152
EMAIL: Michael@FBHOS.com

.....

If Applicant is authorized to represent Property Owner, Applicant must provide documentation signed by the Property Owner.

.....

NOTE: The date of the public hearing will be set based on the date this application is received.

REQUEST SUMMARY:

We are appealing a cease and desist stating that we
stop commercial activity on Front Beach Ocean Springs

**ATTACH ADDITIONAL INFORMATION IF APPLICABLE.

**IS THERE ANY ADDITIONAL INFORMATION SUBMITTED WITH THIS APPEAL APPLICATION
THAT WAS NOT INCLUDED IN THE ORIGINAL REQUEST?** YES ☒ NO ☐

If yes, Please describe: privilege license (2), Health Dept letter grade,

Coastal MS spreadsheet, Jackson County Outpost award

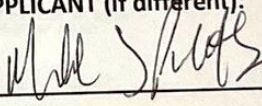
PROPERTY OWNER:

Signature

Printed Name – Property Owner

Date

APPLICANT (if different):


Signature

Michael S Proketti Jr
Printed Name – Applicant

11/30
Date

Updated: 11/15/2022

2016 EMAIL ESTABLISHING OPERATION OF BUSINESS:

Carolyn Martin

From: Carolyn Martin
Sent: Monday, May 02, 2016 3:25 PM
To: RITA PAOLETTI
Subject: RE: beach chair rental

Rita,

From our conversation I understand that your business address will be your home as a Home Occupation and that the chairs will not include any marketing information with reference to rentals. Based on the information provided below and over the phone, the following conditions and restrictions would apply to your proposal:

1. Home Occupations – per Section 505. - Home occupation; regulations: (1) Home occupations shall not be carried out in more than twenty (20) per cent of the total dwelling building area; (2) There shall be no external evidence of the use except for the allowance of one unanimated, non-illuminated sign not to exceed one square foot in area mounted flush against the main building; and (3) No goods or merchandise shall be sold or offered for sale on the premises.
- ✓ 2. 1401 Government Street – this property is zoned C-2: Community Commercial. As such, the rental of beach chairs is an eligible activity. Any signage to be used for either permanent or temporary installation will require a permit from the Building Department.
3. Delivery and pick-up of the rented chairs can take place in publically owned property and/or right-of-way.
4. Restrictions of activity on public property and/or ROW:
 - ✓ a. No exchange of funds
 - ✓ b. No marketing or advertisements
 - ✓ c. No stationary location designated for pick-up/drop-off or other related activity

If you are able to operate a chair rental business within these restrictions, you will need to apply for a Home Occupation permit through the Planning Department before requesting a privilege license from the Tax Counter in City Hall.

Let me know if you have any questions or concerns regarding this information.

Thanks,
Carolyn

Carolyn A. Martin
Planning & Grants Administrator
City of Ocean Springs
1018 Porter Avenue
Ocean Springs, MS 39564
Ph: 228-230-1969

APPLICANT'S SUPPORTING INFORMATION:



Corrective Action Required: Yes ☒ No ☐

Corrections required by (Date)

Food Establishment Inspection Report / PERMIT TO OPERATE

Establishment: Food Boozie Haccaps / Sweet Enchantments Permit Date: 8/22/2021 Issue In: 10:50 AM

Address: 1056 Thorn Ave City/State: Ocean Springs, Mississippi ZIP: 39564 Telephone: 601-299-3152

License/Permit #: 6235152 Permit Holder: Michael Pasolotti Risk Level: 3

Circle designated compliance status (IN, OUT, N/A) for each numbered item (IN = in compliance OUT = not in compliance N/A = not applicable) Mark "X" in appropriate box for COB and R COB = corrected on-site during inspection R = repeat violation

FOODBORNE ILLNESS RISK FACTORS AND PUBLIC HEALTH INTERVENTIONS

Risk Factors are food preparation practices and employee behaviors most commonly reported to the Centers for Disease Control and Prevention as contributing factors in foodborne illness outbreaks. Public health interventions are control measures to prevent foodborne illness or injury.

Compliance Status	COB	R	Compliance Status	COB	R
Supervision					
1 ☒ OUT			34 ☒ OUT		
2 ☒ OUT			35 ☒ OUT		
Employee Health					
3 ☒ OUT			36 ☒ OUT		
4 ☒ OUT			37 ☒ OUT		
Good Hygienic Practices					
5 ☒ OUT			38 ☒ OUT		
6 ☒ OUT			39 ☒ OUT		
Preventing Contamination by Illness					
7 ☒ OUT			40 ☒ OUT		
8 ☒ OUT			41 ☒ OUT		
9 ☒ OUT			42 ☒ OUT		
Approved Source					
10 ☒ OUT			43 ☒ OUT		
11 ☒ OUT			44 ☒ OUT		
12 ☒ OUT			45 ☒ OUT		
13 ☒ OUT			46 ☒ OUT		
Protection from Contamination					
14 ☒ OUT			47 ☒ OUT		
15 ☒ OUT			48 ☒ OUT		
16 ☒ OUT			49 ☒ OUT		
17 ☒ OUT			50 ☒ OUT		
18 ☒ OUT			51 ☒ OUT		
19 ☒ OUT			52 ☒ OUT		
20 ☒ OUT			53 ☒ OUT		
21 ☒ OUT			54 ☒ OUT		
22 ☒ OUT			55 ☒ OUT		
23 ☒ OUT			56 ☒ OUT		

Date: Thursday, September 1, 2022

Person in Charge (Signature): *[Signature]*

Inspector (Signature): *[Signature]*

Next encounter date: Wednesday, March 1, 2023, Next encounter type: Scheduled

Display for Public View / Non-Transferable / Permit valid 1 year from Permit Date

Revised 2/24/12

Form 328

No. 00341

WHEREAS, the local governing body of the City of Ocean Springs, County of Jackson, Mississippi, has, upon application duly made, granted and authorized the issuance of a Privilege License to BELLY UP BEACH CHAIRS for BELLY UP BEACH CHAIRS

AND WHEREAS, the said applicant has paid to the City Clerk the sum of \$ 35.00 for such PRIVILEGE LICENSE as provided by local ordinances, and has complied with all the requirements necessary for obtaining such license;

LICENSE IS HEREBY ISSUED to said applicant at the following described address: 1056 THORN AVE.

DESCRIBED BUSINESS: SERVICE-ORIENTED

FOR THE PERIOD from October 1, 2022 to September 30, 2023.

Given under my hand and the corporate seal of the City of Ocean Springs, this 5th day of October, 2022

This License shall not make lawful any act or thing declared to be unlawful by the State of Mississippi.

Kendall Goller
Issued By

**City of Ocean Springs
MISSISSIPPI**

PRIVILEGE LICENSE

\$ 35.00

No. 08335

WHEREAS, the local governing body of the City of Ocean Springs, County of Jackson, Mississippi, has, upon application duly made, granted and authorized the issuance of a Privilege License to BELLY UP BEACH CHAIRS for BELLY UP BEACH CHAIRS

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Kendall Goller
Issued By

SEAL
CITY OF OCEAN SPRINGS, MISS.
JACKSON COUNTY, MISS.