



Zoning and Adjustments Board

Tuesday, August 13, 2024 @ 5:00 PM

1. Call Meeting to Order

2. Approval of Minutes

- a. Approve Minutes from the June 11, 2024 meeting.

3. Old Business

- a. None

4. New Business

- a. Eric Creel – 1110 Porter Ave - PID# 60137326.000 - Requesting a variance from the rear setback from 25 feet to 18.75 feet.

5. Audience Request

6. Adjourn

The Minutes of the City of Ocean Springs Zoning & Adjustment Board Tuesday, June 11, 2024

1. Call meeting to order.

A meeting of the City of Ocean Springs Zoning and Adjustment Board (ZAB) was called to order by Chairman Nick Gant at 5:00 PM on Tuesday, June 11, 2024. Other members present were Michael Smith, Shannon Pfeiffer, Don Atwell, and John O'Hara. Also present were Carter Thompson, Community Development Director, Jasmin Seferovic, Planner, and Samantha Pauls, Planning Assistant.

2. Approval of Minutes

a. May 14, 2024

A motion was made by Shannon Pfeiffer, seconded Don Atwell to approve the minutes. The motion carried unanimously.

3. Old Business

a. Clint Bodin – 1323 Diller Road /PID 61264006.000 - Requesting a Variance from the Side Yard Setback Requirement

A motion was made to approve the variance by John O'Hara, seconded by Don Atwell. The motion did not pass, with Nick Gnat, Michael Smith, and Shannon Pfeiffer voting nay.

A motion was made to deny the variance by Shannon Pfeiffer, seconded by Michael Smith. The motion passed, 3-2 with John O'Hara and Don Atwell voting nay.

4. New Business

a. None

5. Audience Request

Clint Bodin stood up to speak about how he got a survey done of his property.

Mark Garriga stood up to speak about his case.

D. Frances Garriga Wickman also stood up to speak about her case.

6. Adjourn

A motion was made by Michael Smith, seconded by Shannon Pfeiffer to adjourn the meeting. The motion was unanimously carried.

ZONING ADJUSTMENT BOARD REPORT



FINDINGS:

1. The property is zoned R-2.
2. Lot size of 11,250 SF: The property meets the minimum lot size at 6,429SF
3. Lot width of 80 feet: The property does not meet the minimum lot width of 80 feet with a width of 65 feet.
4. Minimum Lot size is 11,250 SF. The lot is 6,477.2SF, so the lot meets the

PUBLIC FEEDBACK:

None received.

2.16.5 Approval Criteria – General Conditions

A. Variances shall only be issued when there is:

1. A showing of good and sufficient cause; and

Staff Response: The property does not meet the minimum lot width for the R-2 zoning district.

2. A determination that failure to grant the variance would result in an exceptional hardship.

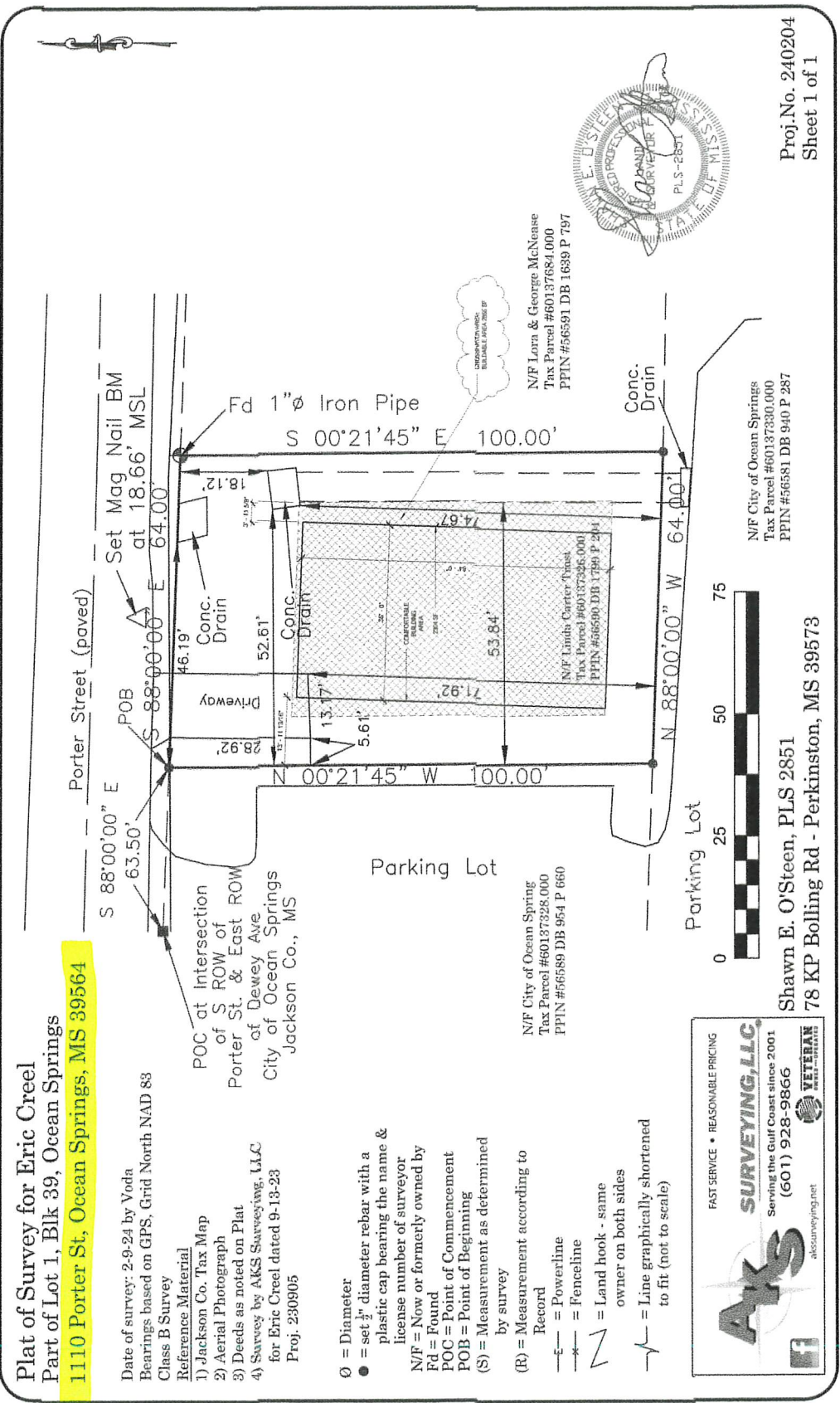
Staff Response: Staff will rely on the Zoning Adjacent Board to make this determination.

POTENTIAL MOTIONS:

To recommend approval for the reduction of the rear setback from 25 feet to 18.75 feet.

OR

To recommend denial for the reduction of the rear setback from 25 feet to 18.75 feet.





Affidavit of Ownership

Attached hereto is an affidavit of ownership indicating the dates the respective holdings of land were acquired, together with the book and page of each conveyance into the present owner as recorded in the County Records of Deeds (Chancery Clerk) office. This affidavit shall indicate the legal ownership of the property, the contract owner of the property, and the date the contract of sale was executed.

I, (print name) Lori Guyton, hereby certify that:

1. I am the owner of the property that is the subject of this application and that I have read and understand the requirements as outlined in the application.
2. There are no outstanding City of Ocean Springs property taxes or special assessments on the original parcel(s).

I further acknowledge that the information provided herein is true and correct to the best of my knowledge.

Owner(s) Name: Lori Guyton

Parcel ID(s): Sec 30 T7S R8W

Date Property Acquired Date: 6/28/24

Book and Page of Each Conveyance:

Owner's Signature [Signature] Date 7/25/24

STATE OF Mississippi COUNTY OF Jackson

I LORI Guyton, hereby depose and say that all the above statements and the statements contained in the papers submitted herewith are true.

Mailing Address 3504 Farrington CT. OS, MS 39564

Subscribed and sworn before me this 25th day of July, 2024

My commission expires

★ STATE OF MISSISSIPPI ★
MELINDA SMITH, NOTARY PUBLIC
JACKSON COUNTY
MY COMMISSION EXPIRES MARCH 15, 2028
COMMISSION NUMBER 115650

[Signature]
Notary Signature

6146



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: 7-24-24

Name of Applicant: Eric Creel

Address: 3504 Farlyhn Ct

Zone: _____

Phone No. 228-327-6436

Email Address: Creel-eric@yahoo.com

Parcel Identification Number: 789,30-02-0075.00

Property Owner (if different from Applicant): Lori Marcella

Property Location for the Variance: 1110 Porter Ave

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

Requesting 25% variance of setback for
Front & Rear.

R-2 AE

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

~~18' setback for Front & Rear~~

6.25 ~~setback~~ reduction for rear 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.

This was a narrow property from the beginning.
It became more narrow as we allowed city to
install (2) 24" culverts down the side of the
property. Also, dealing with parking lots on (2) sides.

Applicant Signature: _____

Date: 7-24-24

1.21 ZONING AND ADJUSTMENT BOARD

1.21.1 Appointment and Composition

There is hereby created for Ocean Springs a Zoning and Adjustment Board ("ZAB") with the powers and duties as hereinafter set forth. The Ocean Springs ZAB shall consist of five (5) members appointed by the Board of Aldermen. The appointed members shall be named for three (3) year terms, in such manner that memberships shall expire on succeeding years. The Zoning and Adjustment Board shall elect a chairperson, vice- chairperson and secretary. Responsibilities of the secretary include keeping of minutes, providing correspondence and arranging meetings as required.

1.21.2 Responsibilities

- A. The ZAB is a recommending committee of the City of Ocean Springs. All recommendations of this committee will be forwarded to the mayor and board of aldermen for ratification and approval;
- B. Power to hear and recommend on administrative appeals from any decision of the Planning Director, Public Works Official or Building Official;
- C. If it is a matter of interpretation of the terms of this UDC or the municipal code, the ZAB shall render a recommendation through its minutes to the Board of Aldermen for ratification and final approval;
- D. Powers relative to Variances: Where, by reason of exceptional narrowness, shallowness or shape of a specific piece of property at the time of the original adoption of the regulations, or by reason of 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, the strict application of these regulations would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of such property, the ZAB shall have the right by a majority vote to decrease any minimum requirement and to increase any maximum requirement, except for the required minimum lot area in residential zoning districts, by not more than twenty-five percent (25%), and shall be allowed only for good and substantial reasons which shall be made part of the record;
- E. Powers relative to Exceptions: Upon appeal, the ZAB is hereby empowered to permit the extension of a district not to exceed one hundred (100) feet where the boundary lines of a district divides a lot in single ownership as shown on record. To interpret the provisions of these regulations where the street layout actually on the ground varies from the street layout as shown on the map fixing the several districts which map is attached to and made a part of these regulations; and
- F. In exercising the abovementioned powers, the ZAB may, in conformance with the provisions of these regulations, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from, and to that end shall have all the powers of the officer from whom the appeal is taken.

requesting a change to the same zoning district was received or filed and withdrawn after a full, fair, complete, and final hearing occurred on the rezoning before the Planning Commission. However, if the Applicant certifies with a sworn affidavit that the evidence is new, relevant, and substantial, and could not have been secured at the time set for the original hearing, the Planning Commission may hear and consider the application.

- C. Denial of Rezoning. No application for rezoning to the same zoning district shall be received or filed with the Planning Commission within one year after the Board of Aldermen has denied an application for rezoning of the same property.

2.16 VARIANCE

2.16.1 Applicability

The Zoning and Adjustment Board shall have the power to vary these regulations when it can be shown by the Applicant that extraordinary hardships or identifiable concerns are brought about by strict compliance with these regulations and that a variance is required so that substantial justice may be done and the public interest secured provided that such variations will not have the effect of reducing or nullifying the intent and purpose of the comprehensive City plan. No nonconforming use of neighboring lands, buildings, or other structures, legal or illegal, in the same district, and no permitted use of lands, buildings, or other structures in adjacent districts, shall be considered as grounds for issuance of a variance permitting similar uses.

2.16.2 Approval Process Summary

Table 2.4: Variance Approval Process

Variances
Purpose: to vary the UDC regulations in cases where extraordinary hardships exist
Applicant files application and provides information on the existing conditions and how compliance with the UDC would affect the reasonable use of land or buildings
ZAB evaluates the application against criteria on general conditions, flood hazards and historic structures

2.16.3 Initiation

A variance application shall be filed with the Planning Director. The application shall state fully the special conditions and circumstances applying to the building or other structure or land for which such variance is sought. The application shall demonstrate that the existing conditions and circumstances are such that the strict application of the provisions of the UDC provisions would deprive the Applicant of reasonable use of said land, building, or structure, equivalent to the use made of lands, buildings, or structures in the same district and permitted under the terms of this provision and that the peculiar conditions and circumstances are not the result of the actions of the Applicant.

2.16.4 Decision

The Planning Director shall submit a report to the Zoning and Adjustment Board (ZAB) who shall evaluate the application based on the criteria required by this section. The ZAB shall submit a recommendation to deny, approve, or approve with conditions the variance after considering the evidence presented at this hearing or agreed on by the parties. Any approved variance must be entered into the minutes of the ZAB along with the reasons and justifications set forth.

2.16.5 Approval Criteria – General Conditions

A. Variances shall only be issued when there is:

1. A showing of good and sufficient cause; and
2. A determination that failure to grant the variance would result in exceptional hardship;

2.16.6 Approval Criteria – Flood Hazards: See Appendix A.

(Ord. No. 2020-06, § II, 2-18-20)

2.16.7 Approval Criteria - Historic Structures

Variances may be issued for the repair or rehabilitation of "historic structures" upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as an "historic structure" and the variance deviates from the historic standard the minimum necessary so as to preserve the historic character and design of the structure.

Hardship (as related to variances of this ordinance) means the exceptional hardship that would result from a failure to grant the requested variance. The Board of Aldermen require that the variance is exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is NOT exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

60137326.000 GUYTON LORI

PIDN: 60137326.000

GISP: 789.30-02-0075.00

Owner Information

Percent of Ownership: 100

Name: GUYTON LORI

Name 2:

Mailing Address: 10635 WOODLAND POND DR
BATON ROUGE LA
70809

Site Address: 1110 PORTER AVE OCEAN SPRINGS

Land Information

Section: 30

Acreage: 0.15

Township: 7

Range: 8

Street Name PORTER
AVE

Value and Tax Information

Total Assessed Value: 13279

Total Appraised Value: 88527

Improvement Value: 35507

Land Value: 53020

Tax Amount: 1933

SQ FT: 472

Year Built: 1946

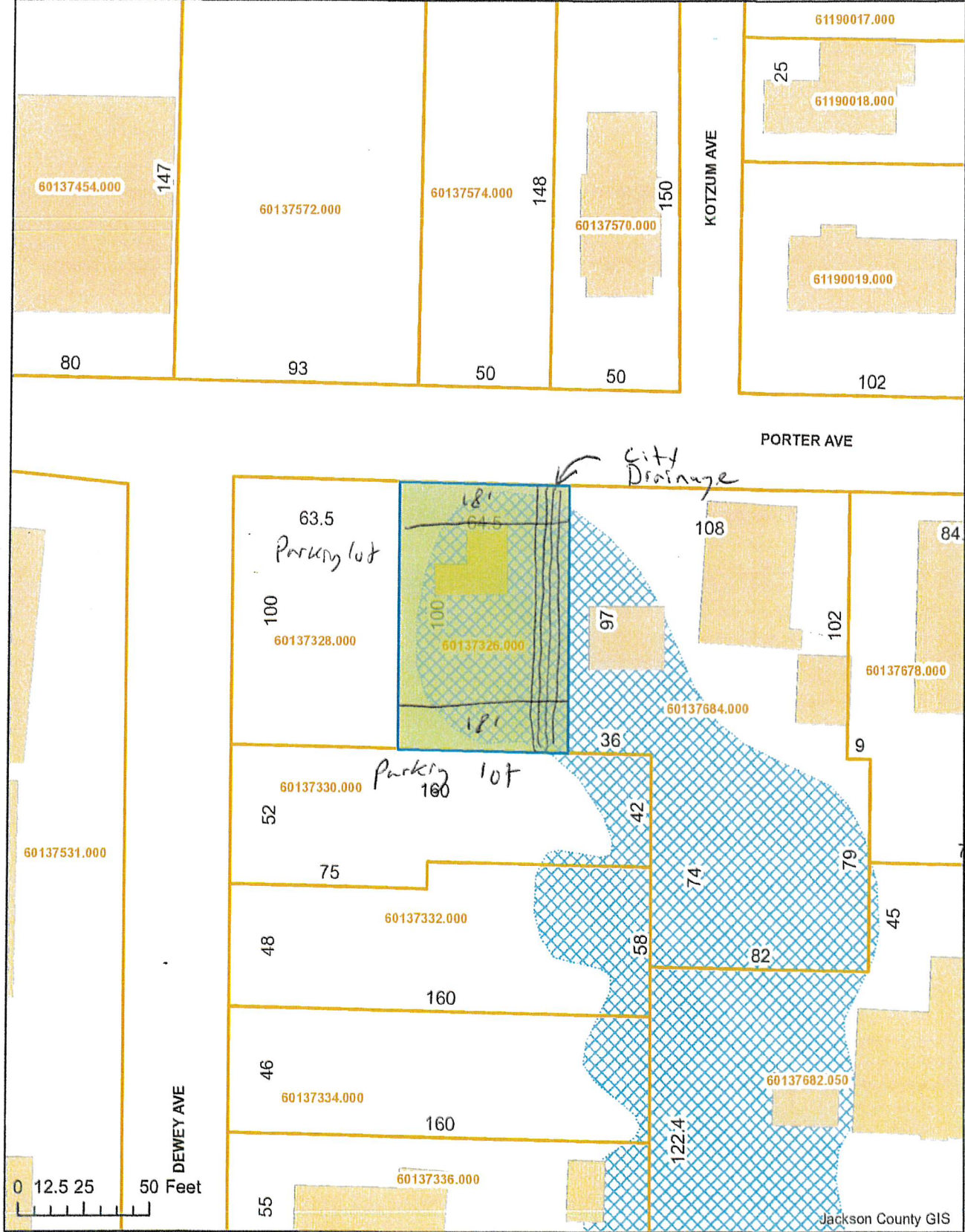
Legal Description

Description: COM S/M PORTER ST & E/M DEWEY AV
E E 63.5' FOR POB E 64.5' S 100'
W 64.5' N 100' TO POB PT LOT 1
BLK 39 DB 1597-347 DB 1799-204 (
75 MAP789.30-02)

Deed Book / Page: 2172 / 493

<https://webmap.co.jackson.ms.us/>

60137326.000 GUYTON LORI





Permit #: 6146

Address: 1110 PORTER ST

City:

State:

Zip:

Owner: CARTER LINDA P REVOCABLE TRUST

Owner Address: 2516 ENGLEWOOD RD

Owner City: OCEAN SPRINGS MS

Owner State:

Owner Zip: 39564

Owner Phone:

Owner Email:

Applicant: Eric Creel

Applicant Address:

Applicant City, State, Zip:

Receipt #: 5719

Date: 07/24/2024

Paid By: Creel Development LLC

Description: Variance - 1110 Porter Ave

Payment Type: Check

Payment Type Description: 1443

Accepted By: Jazz Seferovic

Fees Paid

Fee Name	Description	Factor	Total Fee Amount	Amount Paid
Administrative Fee		0.00	1.00	1.00
Variance		0.00	50.00	50.00
			Total:	\$51.00