



Zoning and Adjustments Board

Tuesday, November 12, 2024 @ 5:00 PM

1. Call Meeting to Order

2. Approval of Minutes

- a. Approve **8-13-2024 Minutes**

3. Old Business

- a. None

4. New Business

- a. 505 Van Cleave/PID# 61430038.000 - Laura & David Moore - A variance request to reduce the rear setback from 25 feet to 20 feet. The property is zoned R-2.

5. Audience Request

- a. Applicants and the Public will be allotted 5 minutes each to discuss each item, for a maximum period of 30 minutes. The Applicant may be given additional time to address the Zoning and Adjustment Board at the end of each item. The Zoning and Adjustment Board will take all comments under advisement. Please identify yourself before speaking.

6. Adjourn

The Minutes of the City of Ocean Springs Zoning & Adjustment Board Tuesday, August 13, 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, August 13, 2024. Other members present were Shannon Pfeiffer, Don Atwell, and John O'Hara. Also present were Carter Thompson, Community Development Director, Jasmin Seferovic, Planner and Patty Gaston, Chief Financial Officer.

2. Approval of Minutes

June 11, 2024 - A motion was made by Shannon Pfeiffer, seconded by Don Atwell to approve the minutes as amended. The motion carried unanimously.

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.

Carter presented the application. The applicant, Eric Creel, explained more about house design, size of the lot, culvert and drainage ditch. A motion was made by Shannon Pfeiffer, seconded by Don Atwell to recommend approval of the variance from the rear setback from 25 feet to 18.75 feet. The motion passed unanimously.

5. Audience Request

a) None

6. Adjourn

A motion was made by John O'Hara, seconded by Don Atwell 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

MEETING DATE: November 12, 2024

APPLICANT(S): Randy Hagan

CURRENT OWNER: Laura & David Moore

LOCATION: 505 Vancleave Avenue

PARCEL NUMBER: 614130038.000

REQUESTED ACTION: A reduction of the rear setback from 25 feet to 20 feet.

DATE OF APPLICATION: 9-10-2024

ADJACENT ZONING AND LAND USE:

Subject Property Zoning: R-2 Single Family
Detached

North: R-2 - Single Family Detached

East: R-2 - Single Family Detached

South: R-2 - Single Family Detached

West: R-2 - Single Family Detached

requires the property owner to build elsewhere
or put the parcel to a different use than
originally intended.

DESCRIPTION OF REQUEST:

A reduction in the rear setback from 25 feet to
20 feet.





PUBLIC FEEDBACK:

None received.

2.16.5 Approval Criteria – General Conditions

The applicant must demonstrate a 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.

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 or the minimum lot size 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 and Adjustment Board to make their determination.

POTENTIAL MOTIONS:

To recommend approval of the reduction of the rear setback from 25 feet to 20 feet.

OR

To recommend denial of the reduction of the rear setback from 25 feet to 20 feet.

FINDINGS:

1. The property is zoned R-2.
2. The minimum lot width is 80 feet.
Answer: The property does not meet the minimum lot width of 80 feet. The lot is approximately 50.52 feet. Therefore, the lot does not meet the minimum, width of the R-2 zoning district.
4. The minimum lot size for the R-2 zoning district is 11,250 SF.
Answer: The lot is a proximity 4,587 SF, so the lot does not meet the minimum lot size for the R-2 zoning district.



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: 9.10.2024

Name of Applicant: Laura & David Moore

Address: 505 Vandeventer Avenue Zone: 39564 / Ward 2

Phone No. 228.217.0111 Email Address: CRANDYHAGAN@yahoo.com
(Randy Hagan)

Parcel Identification Number: 61430038.000

Property Owner (if different from Applicant): _____

Property Location for the Variance: 505 Vandeventer Avenue

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

Please see the attached.

Request is for variance for Rear Setback.

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

Please see the attached.

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.

Please see the attached.

Thank you for your consideration of this request

Applicant Signature: Laura Moore Date: 9.10.24

Laura Moore

Addendum page to the
Variance Request Application
Relating to **505 Vancleave Avenue, Ocean Springs**

Additional information for your consideration:

Type of Variance Request: Rear Setback:

This Variance Request would allow the new owner-occupied residential structure to extend 6' deeper than the footprint of the existing house on this parcel. In doing this, the Rear Setback for the new structure would be 20' measuring from the back wall of the new structure to the rear (west) property line.

This Variance Request will allow the new residential structure to be built on the same footprint as the existing residence at 505 Vancleave Avenue, with the only change being an addition of 158 square feet across the rear of the residence, created by a 6' extension across the 26.3' width of the new residence.

Please note that, as can be seen on the attached Survey performed by Patrick Martino on 12/3/2023, the neighboring residence at 503 Vancleave (which is immediately adjacent to the residence at 505 Vancleave) has always had a Rear Setback of 20'. There would be no inconsistency with a granting of this Variance Request.

The Purpose of this Variance is to Consider an Application to Allow:

The purpose of this Variance Request is to allow the property owners to proceed with their plans to teardown the existing home on their property, and to rebuild an owner-occupied residence on the footprint of the old residence with the only change being a Rear Setback variance reduced from 26' to 20'.

The residential property at 505 Vancleave is situated within the old H. F. Russell Subdivision of Ocean Springs. The property is an "Historically Platted Non-Conforming Lot" as defined in Chapter 2, page 118 of the "Process" document.

Like many of the residential properties along Vancleave Avenue in the block between Porter Avenue and Calhoun Avenue, the existing lot parcels as divided decades ago do not meet minimum lot area in the current code. Setbacks are very narrow on most. The existing lot parcel at 505 Vancleave is 4,587 square feet. There are no available options to expand the lot, nor is that the intention of the property owners. Their intention is to tear down the current structure and rebuild a new residence which they will occupy. No variances other than this one is to be requested.

Provide Justification of the Variance Request.

Justifications include:

- The narrowness of the parcel lot is consistent and generally prevalent with other residential structures in this neighborhood.
- This parcel is defined as an "Historically Platted Non-Conforming Lot" located in an old subdivision in one of the oldest areas of Ocean Springs.
- The footprint of the new residence as requested will be consistent with lot setbacks on adjacent properties in this long-established neighborhood.

- To not grant this Variance Request will create a Hardship for the property owners. The request for a reduced Rear Setback is peculiar to the property involved, in that the parcel's size is non-conforming to current Ocean Springs standards for new property divisions and surveys, but is completely consistent with properties within the established old Ocean Springs neighborhood where it is situated.



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) Laura L. Moore, 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: Laura L. Moore + Lisa Fazzio

Parcel ID(s): 61430038.000

Date Property Acquired Date: May 29, 2007

Book and Page of Each Conveyance:

BOOK 585 Page 24

Owner's Signature Laura L. Moore Date 8-21-24

STATE OF MS COUNTY OF JACKSON

I Laura L. Moore, hereby depose and say that all the above statements and the statements contained in the papers submitted herewith are true.

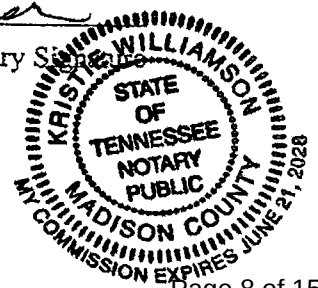
Mailing Address 1402 Middle Ave. Ocean Springs, MS
39564

Subscribed and sworn before me this 21st day of Aug

My commission expires June 21, 2028

Kristie Williamson

Notary Signature





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) Lisa Fazzio, 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: Laura Moore & Lisa Fazzio

Parcel ID(s): 61430038.000

Date Property Acquired Date: May 29, 2007

Book and Page of Each Conveyance:

Book 585 Page 24

Owner's Signature

[Signature]

Date

8/21/24

STATE OF MS COUNTY OF JACKSON

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

Mailing Address 1402 MIDDLE AVE O.S. MS 39564

Subscribed and sworn before me this

21st

day of

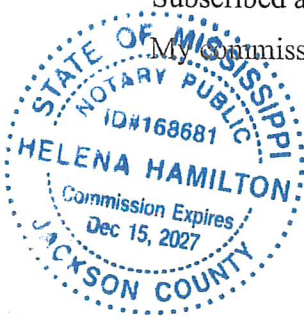
August 2024.

My commission expires

12.15.2027

[Signature]

Notary Signature



3.7.2 R-2 Zoning District

R-2 ZONING DISTRICT PROFILE

Low to medium density residential district with detached dwelling units. Consistent with traditional neighborhoods. Principal use of land is for single-family dwellings. The district also permits accessory dwelling units and non-residential uses such as parks and places of worship. Bed and Breakfasts, educational, and cultural uses may be allowed under a Conditional Use Permit.

Lot Dimensions

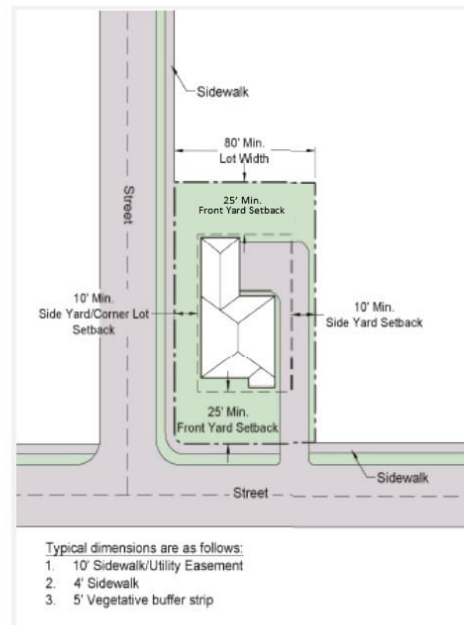
	Min.	Max.
Lot Size	11,250 sf	N/A
Lot Width	80 ft	N/A
Front Set-back	25 ft	N/A
Side Setback	10 ft	N/A
Rear Setback	25 ft	N/A
Building Height	N/A	35 ft

Parking Requirements:

Minimum of 2 off-street parking spaces per dwelling unit.

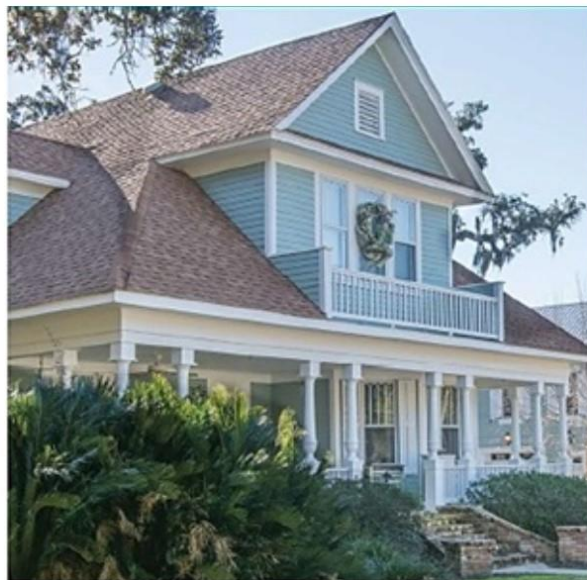
Permitted Uses:

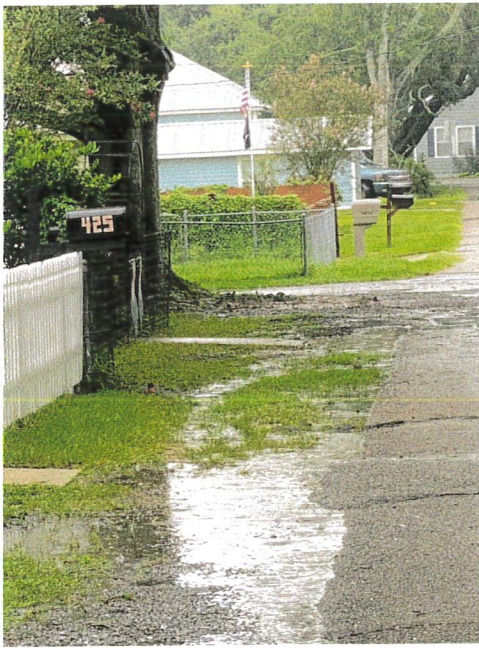
Single-family dwellings and accessory structures, parks, and places of worship



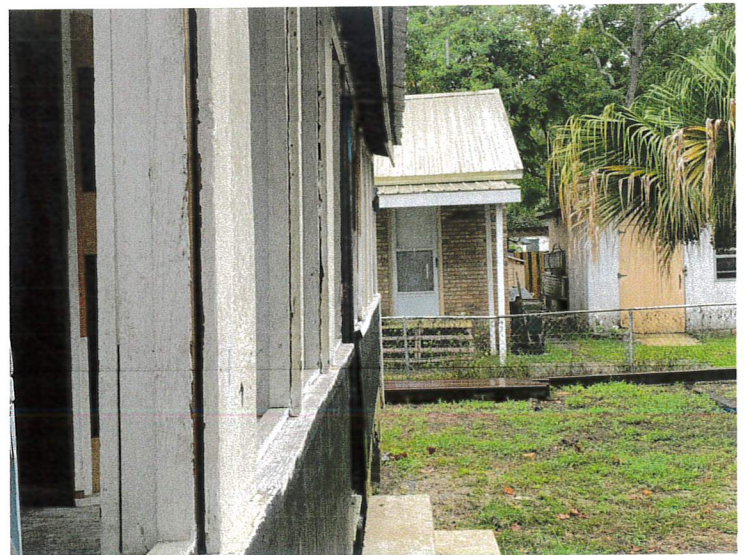
DESIGN STANDARDS:

Street trees planted every 15-40 feet. For additional standards, please see Chapter 4.





Scenes from the
505 Vancleave Avenue
area between Porter Avenue
and Calhoun,
with examples of Historically
Platted Non-Conforming
Residential properties



505 Vancleave Ave.

LEGEND:

- IRON ROD FOUND
- IRON PIPE FOUND
- IRON ROD SET
- FENCE POST

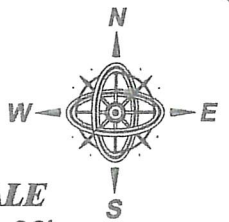
ABBREVIATION

LEGEND:

PLAT = PLATTED DIMENSION
DEED = DEED DIMENSION
PS = PRIOR SURVEY
N90°00'00"E 435.00' = ACTUAL
FIELD MEASUREMENT

BEARING REFERENCE:
GEODETIC NORTH BY GPS
OBSERVATION
(NAD83; CORS96)

SCALE
1" = 20'



REFERENCE MATERIALS:

- 1.) JACKSON COUNTY TAX AND GIS MAPS.
- 2.) RECORDED SUBDIVISION PLAT OF H.F. RUSSELL SUBDIVISION, PLAT BOOK 1 AT PAGE 33.
- 3.) PRIOR SURVEY BY THOMAS VICKERY, PLS, DATED 2/21/2017 AND FILED IN DEED BOOK 1845, PAGE 743.
- 4.) DEED BOOK 1490, PAGE 278.
- 5.) DEED BOOK 327, PAGE 537.
- 6.) DEED BOOK 1750, PAGE 762.
- 7.) DEED BOOK 2062, PAGE 4.
- 8.) DEED BOOK 1845, PAGE 743.

GENERAL NOTES:

- 1.) A COPY OF THIS PLAT IS VALID ONLY IF IT IS COMPLETE AND INTACT, HAS AN ORIGINAL SIGNATURE AND DATE, AND HAS THE ORIGINAL EMBOSSED OR COLORED (NOT BLACK) STAMPED SURVEYOR'S SEAL.
- 2.) THIS SURVEY AND PLAT WERE PREPARED ONLY FOR THE CLIENT AS NAMED HEREON AND NO THIRD PARTY CERTIFICATION IS EXPRESSED OR IMPLIED.
- 3.) THIS SURVEY IS SUBJECT TO ALL APPLICABLE GOVERNMENTAL REGULATIONS, BUILDING OR OTHER RESTRICTIONS, LEGAL RESTRICTIONS OF ANY NATURE AND FURTHER SUBJECT TO ANY AND ALL EASEMENTS, RESTRICTIVE COVENANTS, AND RIGHTS-OF-WAY OF RECORD.

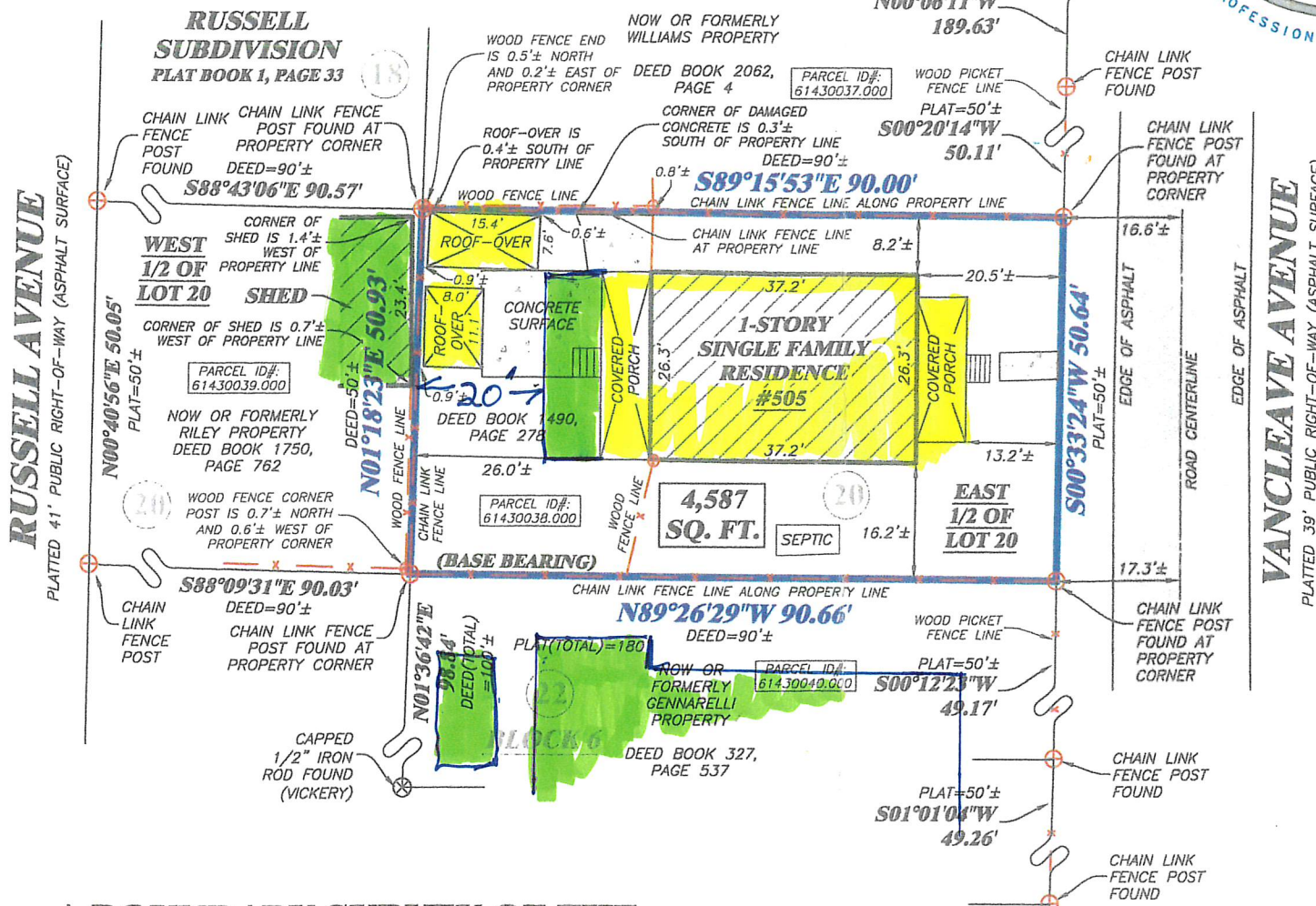
BOUNDARY NOTE:

BOUNDARY SURVEYS ARE BASED UPON THE RECORDED SUBDIVISION PLAT IN CASES OF REGULAR SUBDIVISIONS LOTS. BOUNDARY SURVEYS OF PROPERTIES NOT A PART OF A REGULAR SUBDIVISION ARE BASED UPON TITLE INFORMATION PROVIDED BY THE PARTY REQUESTING THE SURVEY. BOUNDARY SURVEY PLATS REFLECT INFORMATION DISCOVERED BY THE SURVEYOR IN THE NORMAL COURSE OF WORK AND DOES NOT NECESSARILY SHOW EVERY POSSIBLE CONDITION AFFECTING THE PROPERTY. EASEMENTS, SERVITUDES, BUILDING ORDINANCES, ZONING, AND OTHER LEGAL ENCUMBERMENTS MAY EXIST. CONSULT A TITLE ATTORNEY IF YOU WISH TO DISCOVER ALL THE LEGAL ENCUMBERMENTS ATTACHED TO ANY PROPERTY.

THIS IS TO CERTIFY THAT I HAVE MADE A SURVEY OF THE PROPERTY SHOWN HEREON AND THAT ALL DIMENSIONS AND OTHER DATA SHOWN ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

Patrick M. Martino
PATRICK M. MARTINO

12/5/2023
DATE OF FIELD SURVEY



**A BOUNDARY SURVEY OF THE
EAST 1/2 OF LOT 20, BLOCK 6,
H.F. RUSSELL SUBDIVISION,
BEING PARCEL #61430038.000,
CITY OF OCEAN SPRINGS,
JACKSON COUNTY, MISSISSIPPI**

DEED DESCRIPTION:
(DEED BOOK 1490, PAGE 278)

THE EAST HALF OF LOT 20 IN BLOCK 6, IN THE CITY OF OCEAN SPRINGS, MISSISSIPPI, ACCORDING TO THE W.F. RUSSELL SUBDIVISION OF BLOCK 33 AND ACCORDING TO THE M. CULMSEIG SURVEY DATED 1894, AND ACCORDING TO THE MAP MADE BY E. N. RAMSAY AND RECORDED IN PLAT BOOK 1, PAGE 33 IN THE OFFICE OF THE CHANCERY CLERK OF JACKSON COUNTY, MISSISSIPPI. SAID LOT HAVING A FRONTAGE ON THE WEST SIDE OF VANCLEAVE AVENUE OF FIFTY (50) FEET AND A DEPTH EAST AND WEST OF NINETY (90) FEET.

THIS SURVEY WAS PREPARED FROM INFORMATION PROVIDED BY CLIENT, WITHOUT THE BENEFIT OF A CURRENT TITLE REPORT OR AN ENVIRONMENTAL STUDY.

NO FLOOD ZONE DETERMINATION WAS PERFORMED AS A PART OF THIS SURVEY. AN ACCURATE DETERMINATION CAN BE MADE BY ORDERING A FEMA ELEVATION CERTIFICATE.

CLIENT: DAVID & LAURA MOORE	SURVEY CLASS "B" SCALE: 1" = 20'	BEARINGS SHOWN HEREON ARE DERIVED BY: GEODETIC NORTH BY GPS OBSERVATION
PARCEL: 505 VANCLEAVE AVE. ADDRESS: OCEAN SPRINGS, MS 39564		PATRICK M. MARTINO, PLS 13010 KAYLEIGH COVE BILOXI, MISSISSIPPI 39532 PHONE: 228-396-2283 EMAIL: PATRICK@MARTINOSURVEYING.COM PROFESSIONAL LAND SURVEYOR
SUBD: H.F. RUSSELL SUBDIVISION		
PARCEL NUMBER: 61430038.000		
CREW CHIEF: RW DATE: 3/13/2020 REVISED:		
DRAWN BY: MTC JOB#: P231106 CRD#: P231106		

Request rear setback
to 20'
Side + front to
match existing



Permit #: 6676

Address:

City:

State:

Zip:

Owner:

Owner Address:

Owner City:

Owner State:

Owner Zip:

Owner Phone:

Owner Email:

Applicant: Laura Moore

Applicant Address: 505 Vancleave Ave

Applicant City, State, Zip: Ocean Springs MS 39564

Receipt #: 6197

Date: 09/23/2024

Paid By: Laura Moore

Description:

Payment Type: Check

Payment Type Description: Check #5028

Accepted By: Hannah Sullivan

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



505

PLEASE DO NOT REMOVE SIGN FROM YARD
An Application Has Been Submitted
For This Property To The
**OCEAN SPRINGS
ZONING &
ADJUSTMENT BOARD**
FOR DETAILS CALL 875-4415

**City of Ocean Springs
Community Development
and Planning**

**P. O. Box 1800
Ocean Springs, MS**

39566-1800

228-875-4415

PUBLIC NOTICE

PUBLIC NOTICE is hereby given that the City of Ocean Springs ZONING ADJUSTMENT BOARD will hold a public hearing located in City Hall at 1018 Porter Avenue Ocean Springs, MS, 39564 on

TUESDAY, November 12th, 2024 @ 5:00 p.m.

Variance request for a reduction in the rear setback from 25 feet to 20 feet
– 505 Van Cleave PID#61430038.000
– Laura and David Moore.

Questions regarding this agenda item can be directed to the Planning Department prior to the meeting by calling 228-875-4415 or by emailing planner@oceansprings-ms.gov.

Written comments related to the above request will be accepted and may be mailed to the City of Ocean Springs Planning Department, Post Office Box 1800, Ocean Springs, MS 39566-1800 or emailed to planner@oceansprings-ms.gov.

At the aforementioned time and place, all parties of interest shall have an opportunity to be heard.

Carter Thompson,
Community Development Director
City of Ocean Springs

IPL0198159

Oct 28 2024

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[>>](#)