



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

A G E N D A

Tuesday, October 11, 2022 @ 5:00 p.m.

1. Call meeting to order

2. Approval of Minutes

a) July 12, 2022

3. Old Business – None.

4. New Business

a) **APPEAL:** Lots 14, 16-20 – Bills Avenue Replat / PID# 61466014.000, 61450016.000, 61450017.000, 61450018.000, 61450019.000, & 61450020.000 – Little Bluff, LLC – Appealing the Unified Development Code's (UDC) requirements for the minimum building side-yard setback distance.

b) **WITHDRAWN:** 1012 Government Street / PID# 60137444.000 – Madison Talley – Requesting allowance of a zero (0) ft. side-yard setback.

c) 1515 Government Street / PID# 60119358.000 – OHOS Development, LLC – Requesting a front yard setback variance, a dumpster enclosure setback variance, and a drive aisle width variance.

5. Audience Request

6. Adjourn

The Minutes of the City of Ocean Springs
Zoning & Adjustment Board
Tuesday, June 14, 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, July 12, 2022. Members present were John O'Hara, Michael Smith, Shannon Pfeiffer, and Don Atwell. Wade Morgan, City Planner, was also present.

2. Approval of Minutes

a) June 14, 2022

S. Pfeiffer pointed out the motion to approve the minutes from June 2022 should read, "approved as amended," since her absence was amended for the March 2022 meeting.

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

3. Old Business – None.

4. New Business

a) APPEAL: 519 East Beach Drive / PID# 61466013.000 – Chuck Weems – Appealing the Planning Department's decision regarding the maximum permitted height of a dwelling.

W. Morgan introduced the proposal. Approval of this appeal will not change the appearance of the structure. It is located in the Waterview Preservation Overlay district. When the dwelling was constructed in 2017, a few feet of fill dirt was brought in and raised it out of the velocity flood zone, allowing the lowest level be more enclosed than the flood regulations allow. Adding doors to enclose it fuller will create a three-and-a-half story structure which is prohibited in the overlay district.

Chuck Weems, contractor for 519 East Beach Drive, addressed the board. The space is already air-conditioned and built to code. There is an existing bathroom as well. It is a fully inhabitable space. Only three (3) additional doors are to be added to enhance the view of the lower level.

S. Pfeiffer asked why doors will create three-and-one-half stories. W. Morgan was unable to answer. The Building Official and planner from that time are no longer with

the city. He added residential building plans are no longer available as they are only kept for a certain period.

A motion was made by M. Smith seconded by S. Pfeiffer to recommend approval the building permit [appeal] of the installment of doors on the bottom floor of 519 East Beach Drive, PID number 61466013.000, based upon the existing dwelling being approved at 3-½ floors. The motion was unanimously carried.

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.

DRAFT

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: October 11, 2022

APPLICANT: Little Bluff, LLC
Representatives: Jimmy Lane and Kelly Lane

REQUESTED ACTION: Appeal of the Unified Development Code (UDC) requirements for the minimum building side-yard setback distance.

DATE OF APPLICATION: August 23, 2021

LOCATION: Lots 14, 16, 17, 18, 19 and 20 in the Bills Avenue Replat of Lots 2 thru 31 and the South 5' of Lot 32 Subdivision
West side of Bills Avenue / North of Stuart Avenue

ADJACENT ZONING/LAND USE:

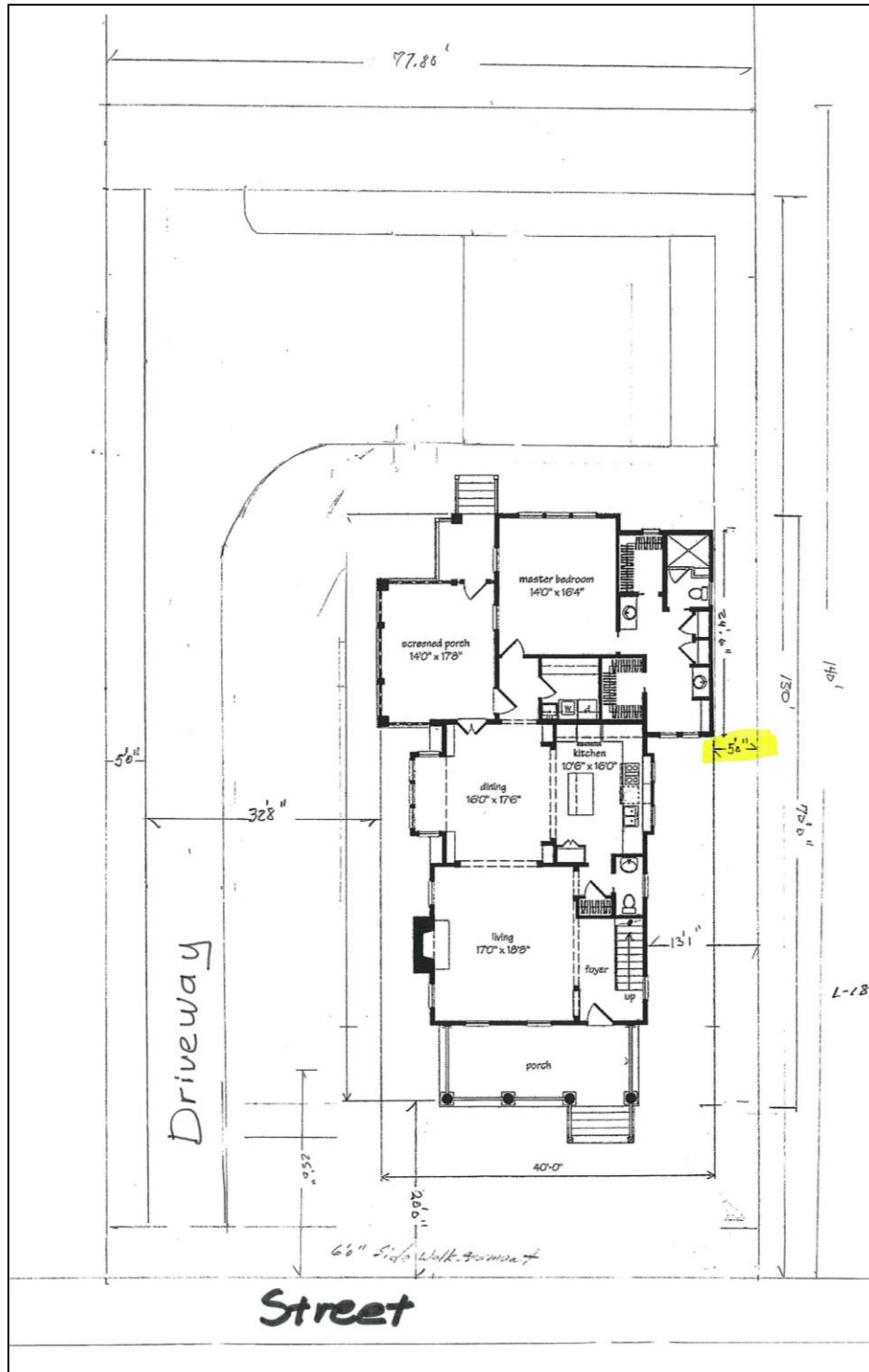
Subject Property: R-D, Two-Family Residential District – undeveloped residential lots;
North, East, South, West: R-D, Two-Family Residential District – single-family dwellings.

VICINITY:



DESCRIPTION OF THE REQUEST:

- The applicant proposes a 5-foot, side-yard setback distance on the north side of each of the six (6) lots.
- The applicant notes that the affected lots are narrow and the purpose of the 5-foot, side yard is to enable, "adequate access to the back yard and to have room for mature trees to be incorporated into the landscape."



FINDINGS:

- The UDC requires in the R-D District a minimum building setback of ten (10) feet on both sides. The maximum amount of a variance from that distance is 25%, which would allow a 7.5-foot side setback. Any amount greater than that requires an appeal of the UDC requirement.
- Appeals of the Planning Department's decisions regarding the UDC requirements are presented to the Zoning & Adjustments Board (ZAB) for a recommendation and then presented to the Board of Aldermen for a decision.
- The six (6) lots for which the 5-foot side-yard setbacks are requested are slightly narrower than the other lots in the Bills Avenue Replat. All other lots (except Lot 15, which has been sold) are 80 feet or more in width, while the six (6) affected lots are 77.92 feet or 78.07 feet wide.
- The applicant provided a proposed site plan that illustrates the 5-foot side-yard setback on the north side with a greater setback, driveway and yard area on the south side.

CITY DEPARTMENT COMMENTS:

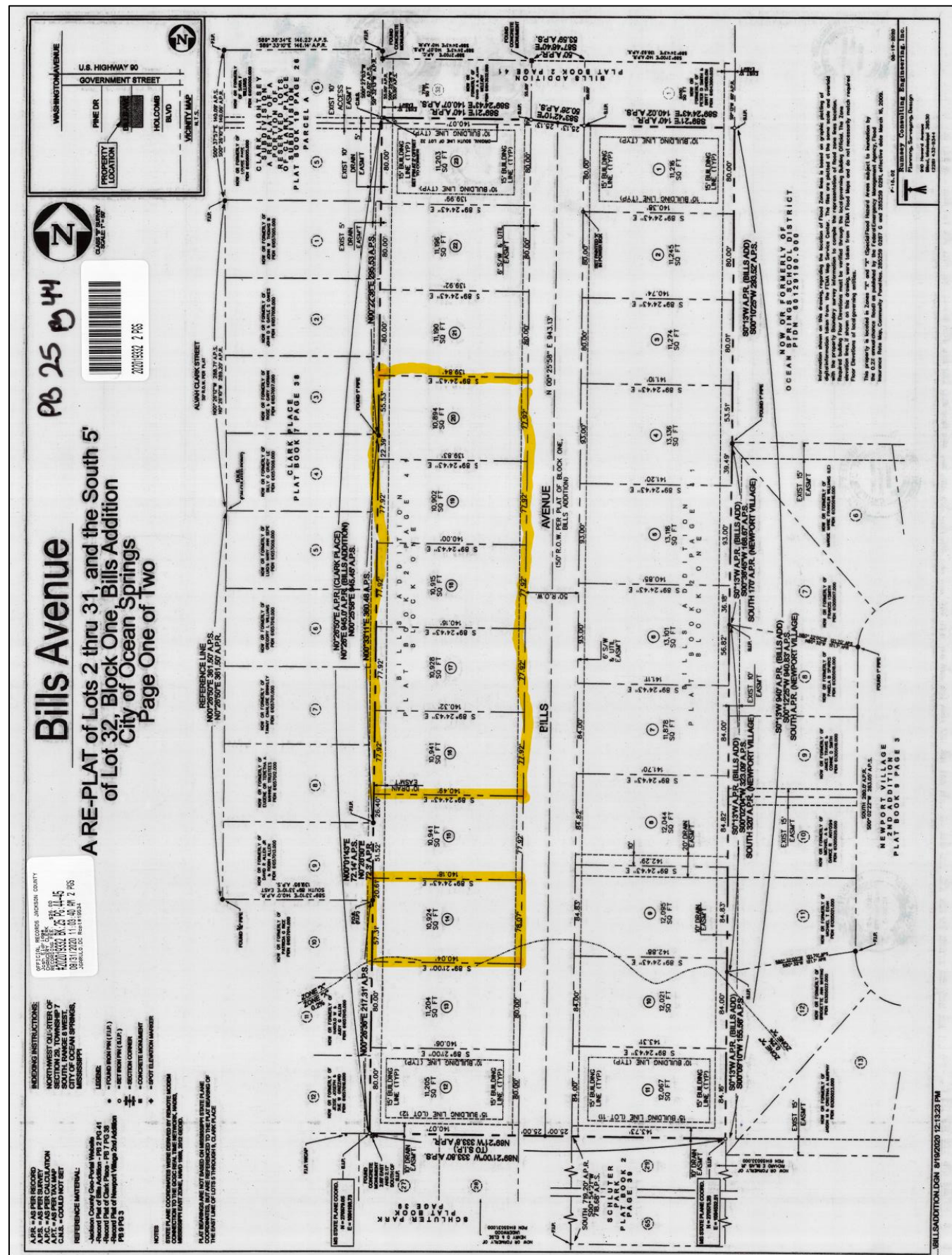
- **Public Works - Water Dept.**
 - Water tap must be requested at the Public Works office at 228-875-3955. All costs associated with water tap are the responsibility of the homeowner/owner/developer.
- **Public Works – Sewer Dept.**
 - Sewer tap must be requested at the Public Works office at 228-875-3955. All costs associated with sewer tap are the responsibility of the homeowner/owner/developer.

PUBLIC INPUT:

- None received.

PROPOSED MOTION: To recommend approval of the requested appeal for the Bills Avenue Replat of Lots 2 thru 31 and the South 5' of Lot 32 Subdivision to allow a five (5) foot building setback from the south property line of Lots 14, 16, 17, 18, 19 and 20 as described in the application.

ATTACHMENTS



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: 8/23/22

Name of Applicant: LITTLE BLUFF LLC

Address: 3925 Hwy 57 South Ocean Springs, MS

Phone No. 228-219-6300 Email Address: Kellylanere@gmail.com
228-219-6307

Parcel Identification Number: 431 Bills Avenue, OS, Lot #18 61450018.000

Property Owner (if different from Applicant): _____

Property Location for the Variance: 431 Bills Avenue

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

Side yard 5' variance on North side of all lots 18, 19, 20
lot 14, lot 16, lot 17, lot 18, lot 19, lot 20

The purpose of this variance is to consider an application to allow: to allow for
adequate access to back yard and have
room for mature trees to be incorporated in
landscape.

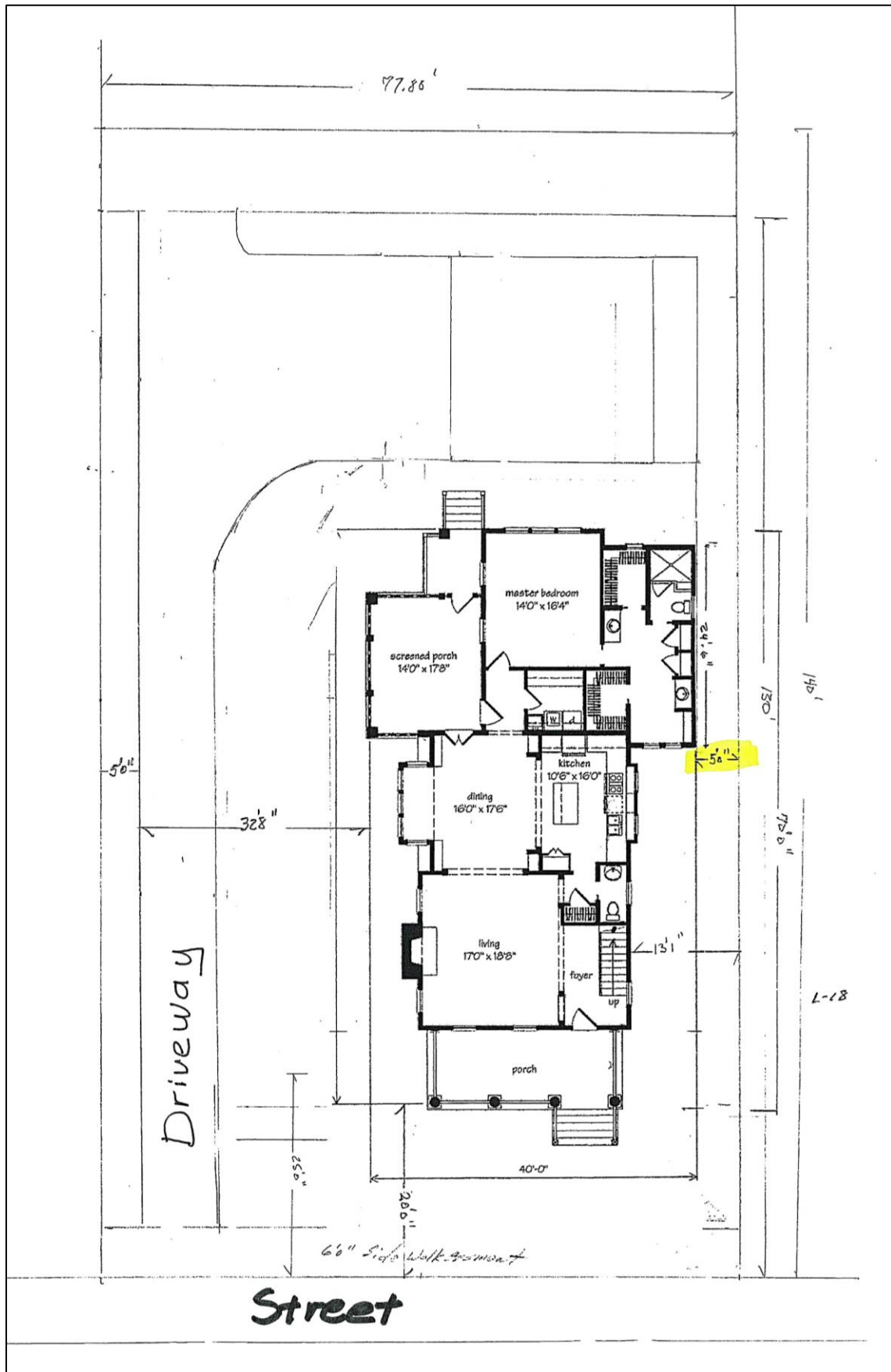
Provide justification of the variance request. Justification must include exceptional narrowness, shallowness, shape of a specific piece of property, exceptional topographical conditions, or other extraordinary situation or condition for a specific piece of property.

These lots are all narrow and to allow
for mature landscape and proper driveway access
to rear,

Applicant Signature: _____

Date 8/27/22

SITE LAYOUT PLAN



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: October 11, 2022

APPLICANT(S): OHOS Development, LLC

CURRENT OWNER? ✓ Yes No

If No, - List Current Owner:

LOCATION: 1515 Government Street / PID#: 6119358.000

REQUESTED ACTION: Variances from [1] the minimum front yard and street side yard building setback requirements, [2] the minimum setback distance for a dumpster enclosure, and [3] the minimum drive aisle width within the CMX-2, Community Commercial / Mixed Use District.

DATE OF APPLICATION: September 6, 2022

ADJACENT ZONING AND LAND USE:

Subject Property: CMX-2 Community Commercial/ Mixed Use District (Downtown Overlay District, Government Street Sub-area) – undeveloped parcel, partially paved;

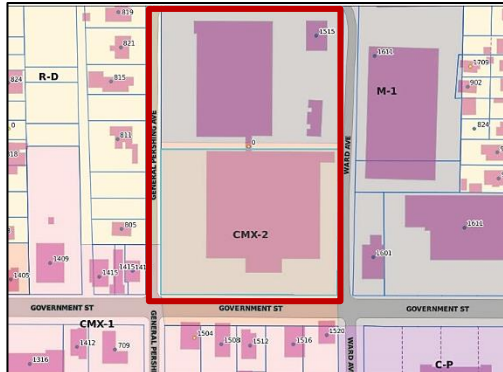
North: M-1, Manufacturing, Warehousing, & Services District – building materials warehouse (OS Lumber);

East: across Ward Avenue, M-1, Manufacturing, Warehousing, & Services District – restaurant, building materials store (OS Lumber);

South: Across Government Street, CMX-1, Neighborhood Commercial / Mixed Use District – small retail establishments and offices;

West: Across General Pershing Avenue, CMX-1, Neighborhood Commercial / Mixed Use District – restaurant and tire store; and R-D Two-Family Residential District – single-family dwellings.

CURRENT CONDITIONS:



DESCRIPTION OF REQUEST:

- The applicant proposes a 12-foot building setback along Government Street and a seven- (7) foot building setback along the section of General Pershing Avenue adjacent to the parking garage on proposed parcel 3. The Downtown Overlay District allows front setback distances of zero (0) to five (5) feet (Table 3.8). The applicant notes that a 12-foot setback from Government Street is proposed to maintain an appropriate distance between the upper floor balconies and overhead powerlines along Government Street. The 7-foot setback from General Pershing Avenue is to enable vehicle access into the parking garage.
- The development's dumpster enclosure is placed 44.75 ft. from the nearest residential property. The Unified Development Code (UDC) requires a minimum separation distance of 50 feet between a dumpster for a business serving food and residential property [section 6.2.3.1.].
- The drive aisles within the parking garage are proposed to be 22-feet wide. That dimension is consistent with national parking garage design standards and was used to maximize the area for parking space, according to the applicant. The UDC sets 24-feet as the standard width for all drive aisles.

FINDINGS:

- The property is the site of the former Swingster building, which was demolished in 2016. It was rezoned from the M-1, Manufacturing, Warehousing, & Services District to the CMX-2, Community Commercial / Mixed Use District district in 2016.

OTHER FEEDBACK:

- No written public input has been received on this application.

STAFF CONCLUSION:

- The proposed hotel/retail/parking garage, mixed-use development is an infill development which typically involve variances to standard development requirements to accommodate existing streets, infrastructure, utilities and similar site constraints.

POTENTIAL MOTION: To recommend approval of the following variances for 1515 Government Street, as shown on the site plan filed with the application:

1. A 12-foot building setback along Government Street;
2. A 7-foot building setback along the section of General Pershing Avenue adjacent to the parking garage on proposed parcel 3;
3. Allow the dumpster enclosure to be 44.75 ft. from the nearest residential property; and
4. Allow the drive aisles within the parking garage to be 22-feet wide.

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: 9/6/2022

Name of Applicant: OHOS Development, LLC

Address: 929 Washington Avenue, Ocean Springs, MS 39564

Phone No. 228-365-2915 Email Address: joropesa@oroconllc.com

Parcel Identification Number: 60119358.000

Property Owner (if different from Applicant): _____

Property Location for the Variance: 1515 Government Street

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

Front Setback, Dumpster Enclosure Setback, Drive Aisle Width

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

Front setback of 12' along Government Street

Front setback of 7' along General Pershing Avenue

Dumpster Enclosure setback of 44.75' from residential property on General Pershing

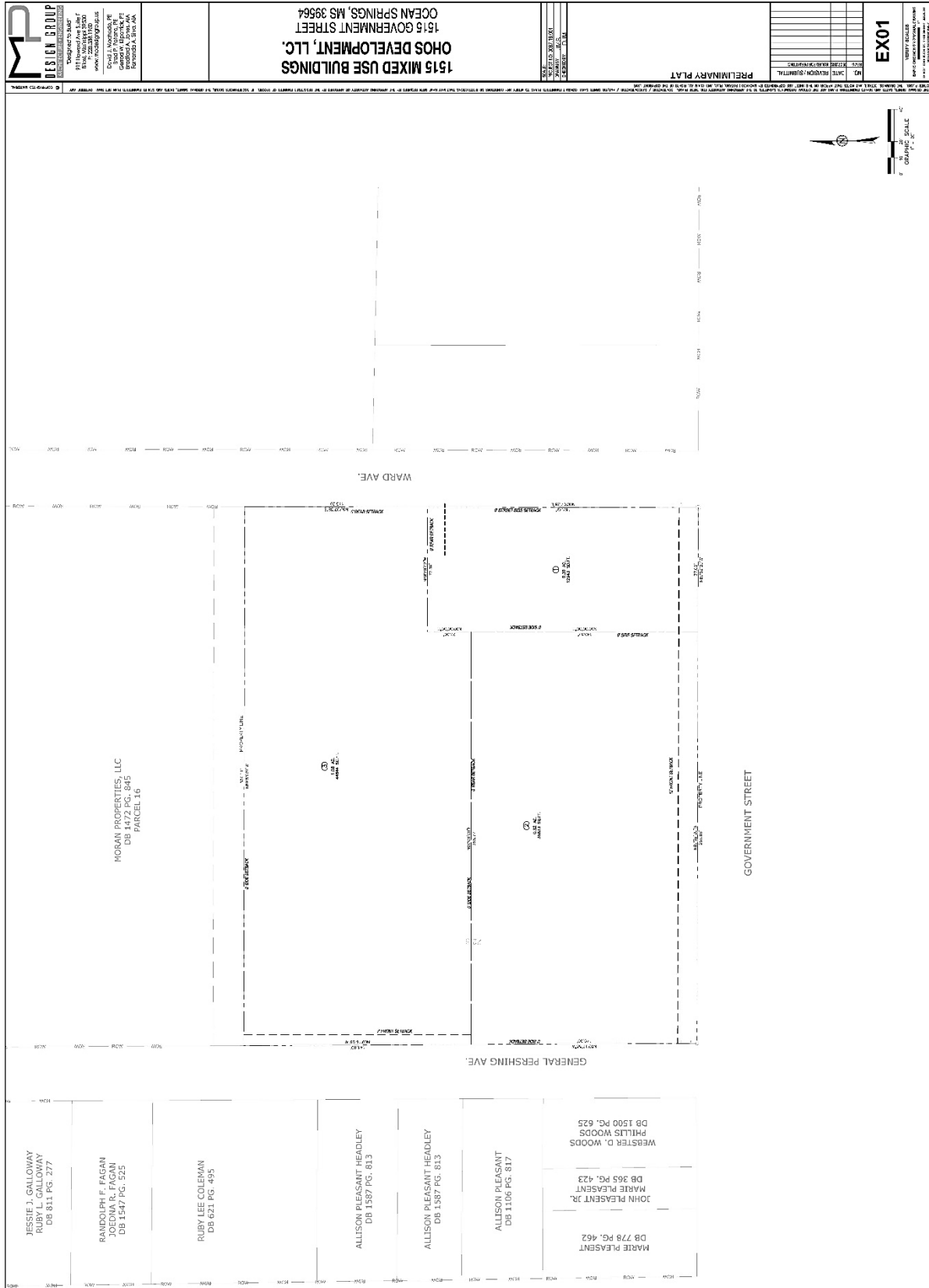
Drive Aisle width of 22' in parking garage.

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.

Front setback variances are requested to maintain distance from balconies to overhead electrical facilities, allow for outdoor seating and pedestrian flow, and allow for ingress/ egress from parking garage. Dumpster setback is requested due to narrow ROW width. Drive Aisle width is requested due to national parking garage standards and an effort to maximize the amount of off-street parking delivered.

Applicant Signature: John Oropesa Date 9/6/2022

APPLICANT'S SITE PLAN:



DUMPSTER ENCLOSURE LOCATION:

