



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

A G E N D A

Tuesday, July 12, 2022 @ 5:00 p.m.

1. Call meeting to order

2. Approval of Minutes

a) June 14, 2022

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.

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, June 14, 2022. Members present were John O'Hara, Michael Smith, Shannon Pfeiffer, and Don Atwell. Also present were Wade Morgan, City Planner, and Amanda Moser, Planning/Grants Coordinator.

2. Approval of Minutes

a) March 8, 2022

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

3. Old Business – None.

4. New Business

a) **APPEAL:** 139 Watersedge Drive / PID# 61490018.000 – Aaron Goetsch – Appealing the Planning Department's decision regarding an accessory dwelling unit in the rear yard.

W. Morgan introduced the proposal. The structure was built approximately in 1987. There is no record of a building permit, however, with being that old, its possible there was one at one time. The applicant wishes to convert it into an accessory dwelling unit (ADU). The Unified Development Code (UDC) allows ADUs, however this location can only be one-story due to the principal building being one-story. The applicant is appealing the UDC requirement to allow a two-story ADU on his property.

N. Gant asked if the two-story height restriction was for all accessory structures or limited to ADUs. W. Morgan explained it was specific to ADUs. He added accessory structures can be two-story but would have an increased setback.

J. O'Hara asked if two-story homes were allowed in that area. W. Morgan replied yes and added there are many two-story dwellings in the area.

Aaron Goetsch, applicant, discussed his application. He described the structure as it exists now. Details of the interior buildout were discussed.

A motion was made by M. Smith seconded by S. Pfeiffer to recommend approval of the requested appeal for 139 Watersedge Drive to allow the existing accessory building to be converted into a two-story, accessory building unit as shown on the site plan submitted with the application. The motion was unanimously carried.

- b) 612 Azalea Lane / PID# 61090010.000 – Neal Olive – Request for 25% rear and front yard setback variances.**

W. Morgan introduced the proposal. An input email was received from Mimi Massa of 609 Azalea Lane in support of the proposal. The lot is substantially undersized. There is currently a mobile home on the property.

S. Pfeiffer noted most of the houses are extremely close to the front property line.

Neal Olive, applicant, addressed the commission. He owns the property next door as well. He provided signatures of several neighbors in support of the proposal. He wants to improve the property by replacing the mobile home with a small 1500-1700 sq. ft. home.

D. Atwell asked if any trees would be an issue. The applicant stated no protected trees would need to be removed, however, there is a pecan tree that may need to be removed. He has already spoken with the building dept. regarding it.

A motion was made by D. Atwell seconded by J. O'Hara to recommend approval of a 25% variance to the front and rear yard setbacks at 612 Azalea as shown on the site plan submitted with the site plan. The motion carried with N. Gant, S. Pfeiffer, and D. Atwell voting aye and M. Smith voting nay.

5. Audience Request

6. Adjourn

A motion was made by J. O'Hara seconded by M. Smith to accept Mr. Olive's input and the email input for 612 Azalea Lane.

N. Gant adjourned the meeting. The motion was unanimously carried.

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ZONING ADJUSTMENT BOARD REPORT

PUBLIC MEETING DATE: July 12, 2022

APPLICANT: Chuck Weems, contractor; Property owners - Joseph F. & Nicole M. Gazzo

REQUESTED ACTION: Appeal of the Unified Development Code (UDC) requirements for the maximum height of a single-family dwelling.

DATE OF REQUEST: June 6, 2022

LOCATION: 519 East Beach Drive / PID# 61466013.000

ADJACENT ZONING/LAND USE:

Subject Property: R-1, Single-Family Residential District; Waterview Preservation Overlay district – a single-family dwelling and accessory building;

North: across Seaglass Loop – R-1, Single-Family Residential District – single-family dwellings;

South: across East Beach Drive – PUB Public District, public beach;

West, East: R-1, Single-Family Residential District / Waterview Preservation Overlay – single-family dwellings.

VICINITY



DESCRIPTION OF THE REQUEST:

- The applicant is appealing the Planning Department's decision to deny a building permit for the installation of doors on the bottom floor of the dwelling. The applicant provided the following information:
 - *"This appeal is in reference to UDC section 3.9.3.B.1. I'm writing this request in order to add 3 doors on the east and 3 doors on the West side of the bottom floor at 519 east beach to enhance the view of the already existing rooms at the residence. We are not requesting any additional square footage, encroachment on property lines, or adding height to the structure. We are adding these doors to a floor that already has doors, air conditioning, a full bath, and laundry room which were built at the initial build and not on a remodel. The attached photos are an indication of how dark the rooms are even though they have one door already and being that they live on the water they would like to enjoy the view. Thank you for your consideration."*

FINDINGS:

- The applicant is appealing the Planning Dept.'s decision to deny a Building Permit for work that will turn the lower level of the dwelling into habitable space. The house was built in 2014-2017, with the final Certificate of Occupancy issued in February 2017.
- The R-1, single-family residential zoning district has a building height limit of 35 feet. The building is also in the Waterview Preservation Overlay district, which has a height limit of three (3) stories for single-family structures (Section 3.9.1.B.1). The house has 2 ½ stories above the bottom level. With the conversion of the bottom floor of the house to habitable space, the house will exceed the overlay district's three-story height limit.
- 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 (BOA) for a decision.

PUBLIC INPUT:

- None received.

CONCLUSION:

If the appeal is acceptable, the motion will need to include the basis of approval.

VIEW FROM REAR ON SEA SALT DRIVE:

