



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

A G E N D A

Tuesday, June 14, 2022 @ 5:00 p.m.

1. Call meeting to order

2. Approval of Minutes

a) March 08, 2022

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.

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

5. Audience Request

6. Adjourn

**The Minutes of the City of Ocean Springs
Zoning & Adjustment Board
Tuesday, March 8, 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, March 8, 2022. Members present were John O'Hara, Don Atwell, Michael Smith, and Shannon Pfeiffer. Also present were Wade Morgan, City Planner, and Amanda Moser, Planning/Grants Coordinator.

2. Approval of Minutes

a) January 11, 2022

A motion was made by D. Atwell seconded by M. Smith to approve the minutes as presented. The motion was unanimously carried.

3. Old Business – None.

4. New Business

a) 208 Hillandale Drive / PID# 61330023.000 – Corey Taylor & Beth Aultman – Request for a 2 ft. side yard setback variance.

W. Morgan introduced the proposal. One single-family dwelling exists currently. The applicant intends to demolish it and construct a new-single-family dwelling with a two-car garage. The lot is undersized and does not meet the width of the R1 zoning district regulations. To utilize the space, a 17.5% variance is being requested for the south property line [side yard setback].

The property owner to the south submitted an email in opposition to the request.

A motion was made by N. Gant seconded by D. Atwell to accept the input into the minutes. The motion was unanimously carried.

Corey Taylor, 13551 East Glendale Road, applicant, addressed the board. He noted there is a pool house on the property to the south that is approximately 24 ft. 9 in. from their property line; the dwelling unit is further. He discussed the input received from his neighbor provides, "inaccurate, exaggerated," measurements.

D. Atwell asked if the site plan provided was a standard plan or something specifically created for the applicant's lot. C. Taylor explains the floor plan was found online in 2013 and they have been working with it to make it fit since that time.

A motion was made by J. O'Hara seconded by M. Smith to recommend approval of the requested side yard setback variance at 208 Hillandale Drive as shown on the site plan submitted with the application. W. Morgan added to include the 3" discrepancy on the site plan versus the application. M. Smith added, "due to the narrowness of the lot." The motion was unanimously carried.

b) 412 Russell Avenue / PID# 60137262.000 – Jason Lowery – Requesting 25% setback variances for the front, rear, and both side yards.

W. Morgan introduced the proposal. The lot is undersized and does not meet the width of the R2 zoning district regulations. The lot was created by a Lot Split approved in 2017 under regulations prior to the Unified Development Code (UDC). The size of the property is the "unusual," condition for the justification of a variance. It is narrow and shallow as well.

J. O'Hara asked if any public comment was received. W. Morgan said no.

N. Gant inquired if the lot split from 2017 created this extremely small lot. W. Morgan said yes. He added it was approved under regulations previous to the UDC.

Jason Lowery, applicant, addressed the board. He received the property from family. He explained a site plan had not been chosen yet until he knew if the variance would be approved due to how small the property is. He doesn't feel a functional house can be constructed with the restrictive R2 standard setbacks.

N. Gant discussed the lot split from 2017. W. Morgan further explained the lot that was created is comparable to others in the area.

M. Smith asked if a variance request had ever been received for all four setbacks. W. Morgan stated he wasn't aware of any since he has been with the city. He added he doesn't recall any variance applications for a lot this small either. There are usually other unusual circumstances like protected trees, etc.

J. Lowery explained a shed [accessory dwelling unit] used to be on the lot and was approximately eight (8) feet from Russell Avenue. He received approval to demolish it.

Lack of a site plan was discussed. W. Morgan analyzed requesting a variance for a site plan versus creating a site plan around a variance.

N. Gant talked about the setbacks of surrounding properties. W. Morgan explained several houses along Russell Avenue are older and closer to the street than the standard setback. He added that porches can encroach into the setback up to ten (10) feet.

A motion was made by M. Smith to recommend approval of the requested 25% side and rear yard setback variances at 412 Russell Avenue as shown on the site plan submitted with the application.

The members discussed the exclusion of the front yard setback variance that was requested.

M. Smith restated his motion to include the narrowness of the lot being the justification. Nick Gant seconded the motion. The motion did not pass with N. Gant and M. Smith voting aye and D. Atwell and J. O'Hara voting nay.

A motion was made by D. Atwell seconded by J. O'Hara to recommend approval of the requested 25% front, side, and rear yard setback variances for 412 Russell Avenue as shown on the site plan submitted with the application justified by the narrowness and shortness of the lot. The motion did not pass with D. Atwell and J. O'Hara voting aye and N. Gant and M. Smith voting nay.

5. Audience Request

6. Adjourn

A motion was made by J. O'Hara seconded by N. Gant to adjourn the meeting.

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: June 14, 2022

APPLICANT: Aaron Goetsch

REQUESTED ACTION: Appeal of the Unified Development Code (UDC) requirements for the maximum height of an accessory dwelling unit.

DATE OF REQUEST: April 27, 2022

LOCATION: 139 Watersedge Drive / PID# 61490018.000

ADJACENT ZONING/LAND USE:

Subject Property: R-1, Single Family Residential District; a single-family dwelling and accessory building;

North: across Brumbaugh Road, R-D, Two-Family district, single-family dwellings;

South, West, East: R-1, Single-Family Residential District, single-family dwellings.

VICINITY



DESCRIPTION OF THE REQUEST:

- The applicant is appealing the Planning Department's decision to deny a building permit for the conversion of the existing accessory building into an Accessory Dwelling Unit (ADU).
- The applicant applied for a Building Permit to remodel the 1,350 sq. ft. building. The plans showed a kitchen, bathroom and living room on the ground floor and a bathroom and bedroom on the second floor.
- The applicant has provided additional information on the accessory structure. (attached)

FINDINGS:

- The UDC allows ADUs in the R-1 district but limits the ADU's height to that of the principal building (section 6.3.5). The principal building is one-story, so a two-story ADU is not allowed.
- The accessory building was built in 1987, according to the applicant. The Building Department has no record of issuing a permit for its construction.
- The accessory building complies with the UDC's requirements for setback distances, maximum footprint, and maximum floor area.
- 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.

PUBLIC INPUT:

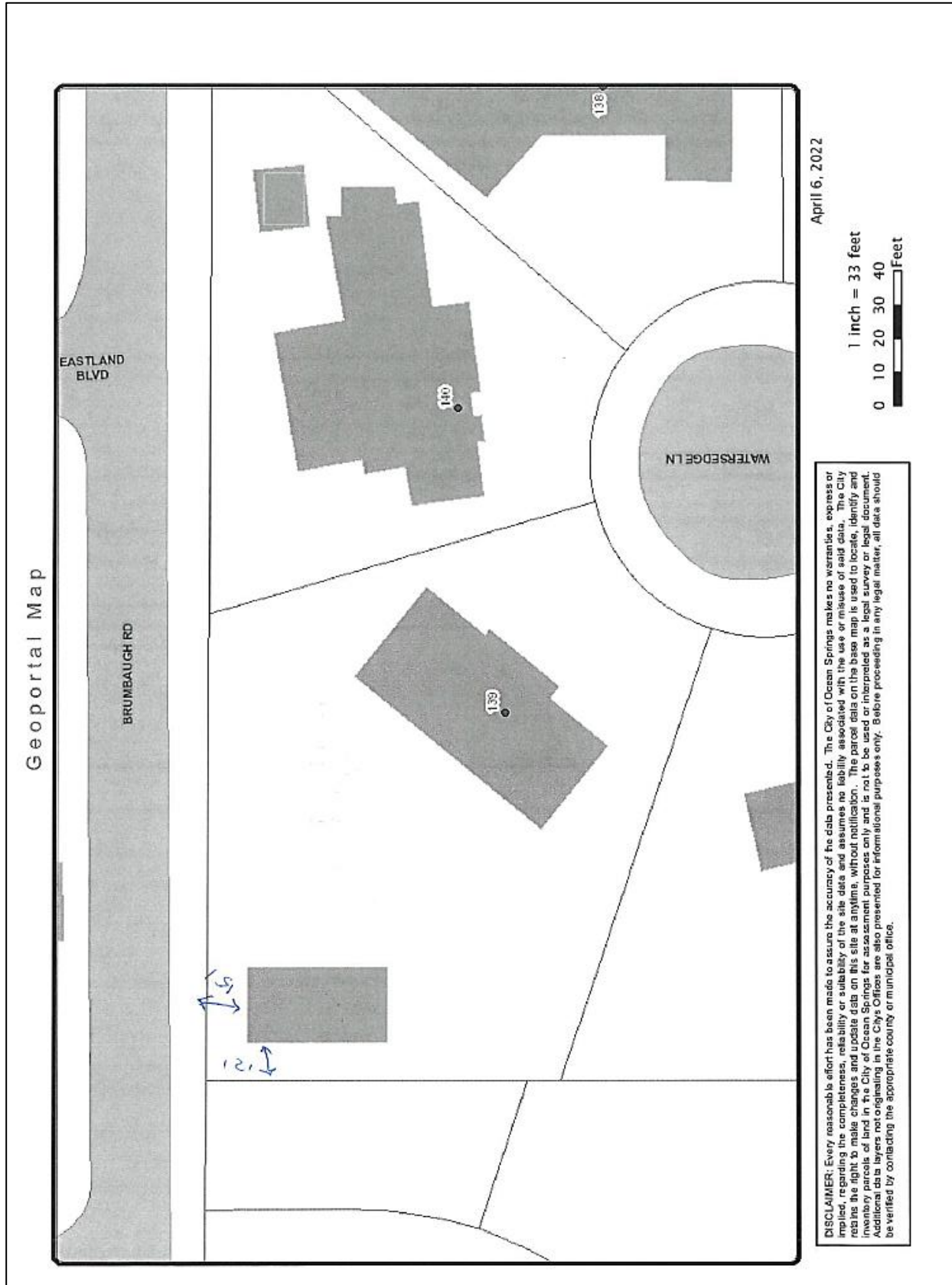
- None received.

PROPOSED MOTION: 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 dwelling unit, as shown on the site plan submitted with the building permit application.

— OR —

PROPOSED MOTION: To recommend **denial** of the requested appeal for 139 Watersedge Drive to allow the existing accessory building to be converted into a two-story accessory dwelling unit, as shown on the site plan submitted with the building permit application.

SITE PLAN:





City of Ocean Springs
Building Department
1014 Porter Avenue P.O. Box 1800
Ocean Springs, MS. 39564
Phone 228-875-6712



RESIDENTIAL BUILDING PERMIT

Date: 3/17/22

Contractor's Name & Business Name AARON J. GOETSCH

Contractor's address 139 WATEREDGE

Contractor's phone no. (586) 212-4434 Email aarongoe@gmail.com

Name of Home Owner SAME Phone No. _____

Is the Home Owner the General Contractor? ☒ Yes ☐ No

Home Owners Current Address 1207 BOWEN AVE.

Address of job 139 WATEREDGE

Square footage 1350 Total Job Cost \$42,500

Type of job: New Residence ☐ Home Addition ☐ Remodel ☒ Interior repair ☐

Exterior repair ☐ Storage Shed ☐ Pool ☐ Fence ☐ Deck ☐

Demolition ☐ Other ☐

Signature of Applicant [Signature] Date 3/22/22

*****FOR OFFICE USE ONLY*****

Zoning & Flood Plain Information

Lot# _____ Subdivision _____ Parcel Id _____ Use Zone R1

Front Yard Setback _____ Side Yard Setback _____ Rear Yard Setback _____

Flood Zone Shx DFIRM B.F.E. _____ Required B.F.E. _____

DFIRM Map/Panel No. 2809C0193G

Proposed F.F.E. _____ Highest Adjacent Elev. _____ Lowest Adjacent Elev. _____

Does this project require sub-division of property? ☐ Yes ☐ No

Date recorded with Jackson County Land Records _____

Is job located in Historical District? ☐ Yes ☒ No

Date approved by HPC _____ M & B _____

Variances needed? ☐ Yes ☒ No

Date Approved by Z&A _____ M & B _____

Notes: _____

will bring JAWA letter in once received, site plan

Approved by _____ Date _____

Building Official

Approved by _____ Date _____

Planning Dept./Historic Committee

Approved by _____ Date _____

Public Works

Date revised: 01/27/2020

Appeal: 139 Watersedge Drive—

Addendum to Existing Building Permit Application

History:

- Structure was stick-built on a concrete slab in 1987 (date stamped on slab—see photo)
- Full electrical throughout (see photo of service box)
- Existing heating and cooling system on second floor
- Heavily insulated
- Partially drywalled and framed with clear intent to become livable space

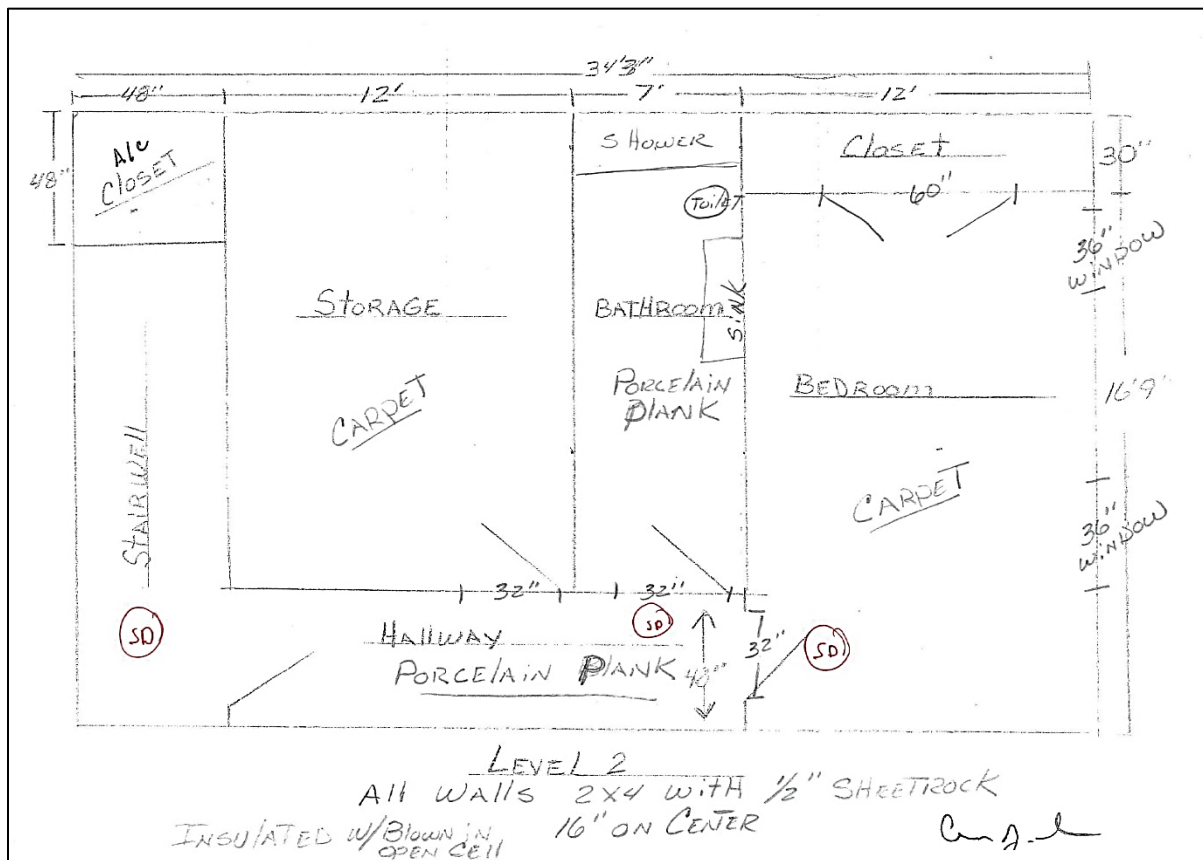
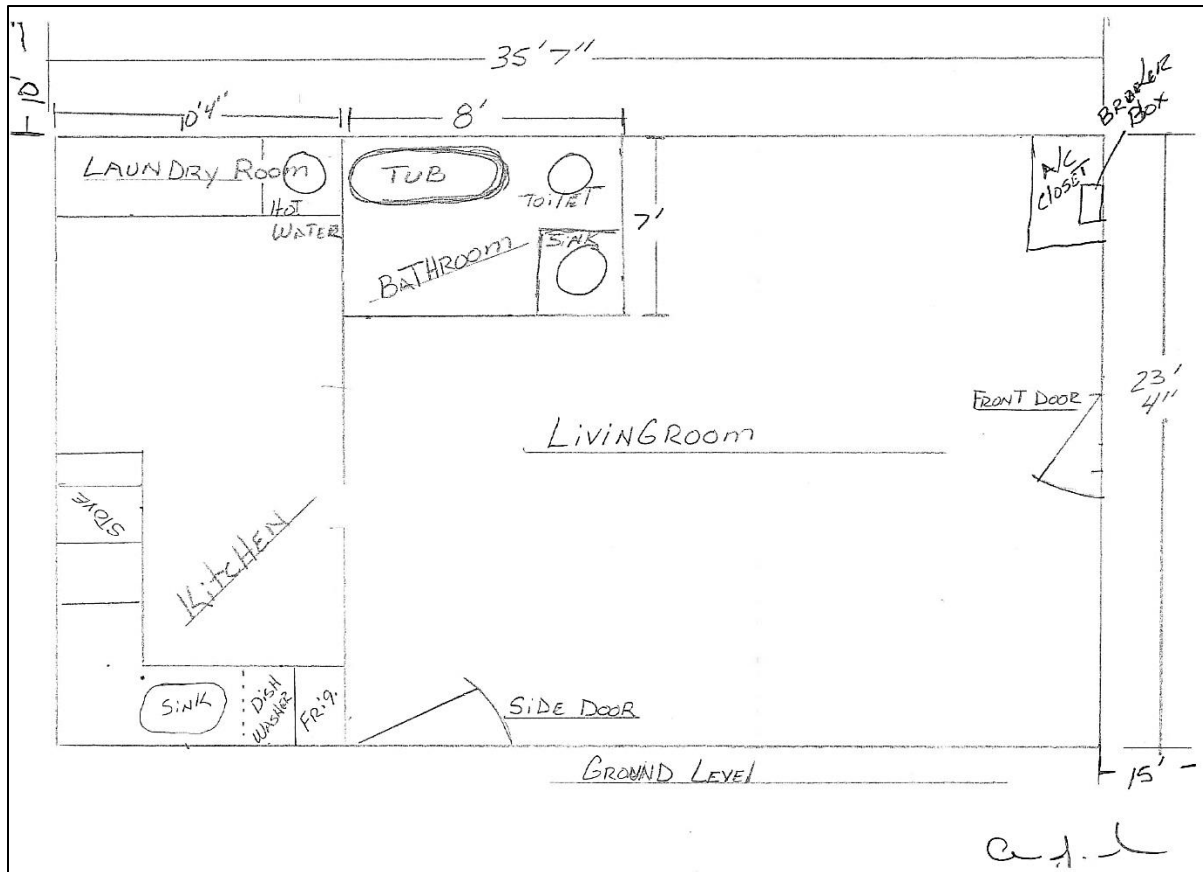
Current:

- Home and structure purchased by current owner in February 2022. No seller disclosures indicated prior permitting issues with the structure.
- Purchased with the intention of completing the rear structure's existing improvements to make a fully livable space.
- Intend to be used as space for current owner's aging parents from Michigan to spend winters. Intend to pursue STR licensure so it can be utilized while his family is not in town.

City Benefits:

- Curb Appeal: If allowed to finish the renovation, the exterior of the building will be tastefully painted, trimmed and landscaped improving the look of the neighborhood.
- Revenue: City revenue from increased property value and from STR guests both directly (taxes) and indirectly (tourism).

FLOOR PLANS:



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: June 14, 2022

APPLICANT: J. Neal Olive and Dawn Smith

REQUESTED ACTION: Variances from the minimum front yard and rear yard setback requirements

DATE OF APPLICATION: April 27, 2022

LOCATION: 612 Azalea Drive / PID # 61090010.000

ADJACENT ZONING/LAND USE:

Subject Property: R-2, Single-Family Residential District; a single-family dwelling;

North: across Azalea Drive (east-west), R-2, Single-Family Residential District, single-family dwellings;

South, East: R-2 Single-Family Residential District, single-family dwellings and an undeveloped parcel;

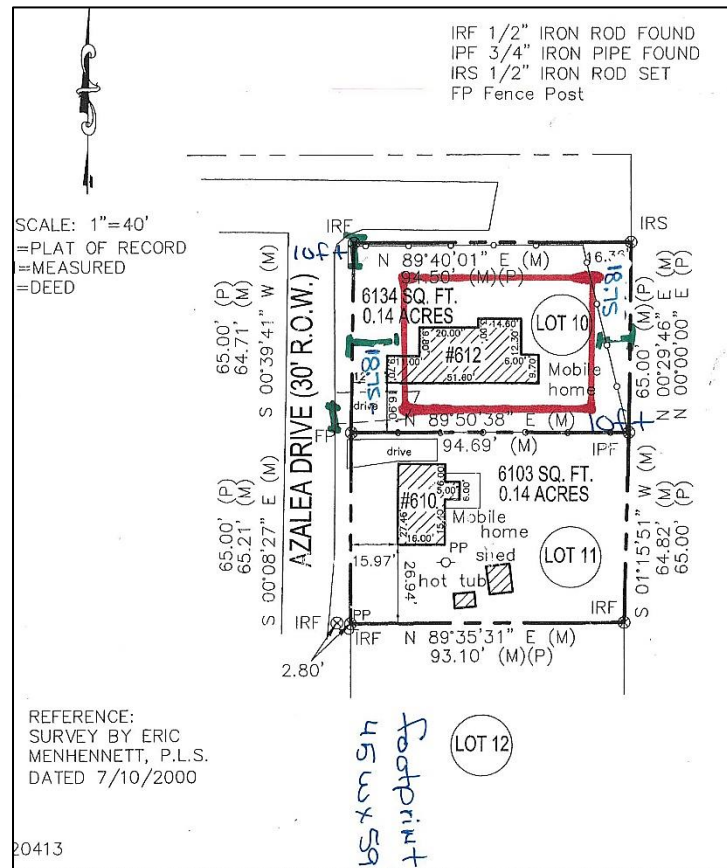
West: across Azalea Drive (north-south), R-2, Single-Family Residential District, single-family dwellings.

VICINITY



DESCRIPTION OF THE REQUEST:

- The applicant requests the maximum 25% variances from the front and rear minimum building setback distances. Front and rear setbacks of 18.75 ft. are requested, instead of the standard 25 ft. distances. He states that the lot is very small, and the setback variances are needed to build a house on the parcel.



FINDINGS:

- The parcel is small in both width and depth. It is 65 ft. wide and 94.5 ft. deep, which limits the buildable area.
- The existing dwelling is setback 12 ft. from Azalea Drive according to the survey.

PUBLIC INPUT:

- None received.

STAFF RECOMMENDATION: Approval

PROPOSED MOTION 1: To recommend approval of a 25% variance to the minimum front and rear yard setbacks at 612 Azalea Drive as shown on the and site plan submitted with the application.

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

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 # _____

VARIANCE REQUEST APPLICATION

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: 5/3/2022
Name of Applicant: J Nea Olive & Dawn Smith
Address: 612 Azalea Ln Ocean Springs MS 39564
Phone No. 228-866-2975 Email Address: Rea1Olive@AOL.com

Parcel Identification Number: 6-10-90-010,000
Property Owner (if different from Applicant): _____
Property Location for the Variance: 612 Azalea Ln Ocean Springs
Type of Variance(s) Requested (setback, height, zoning extension, parking, etc.) Set Backs

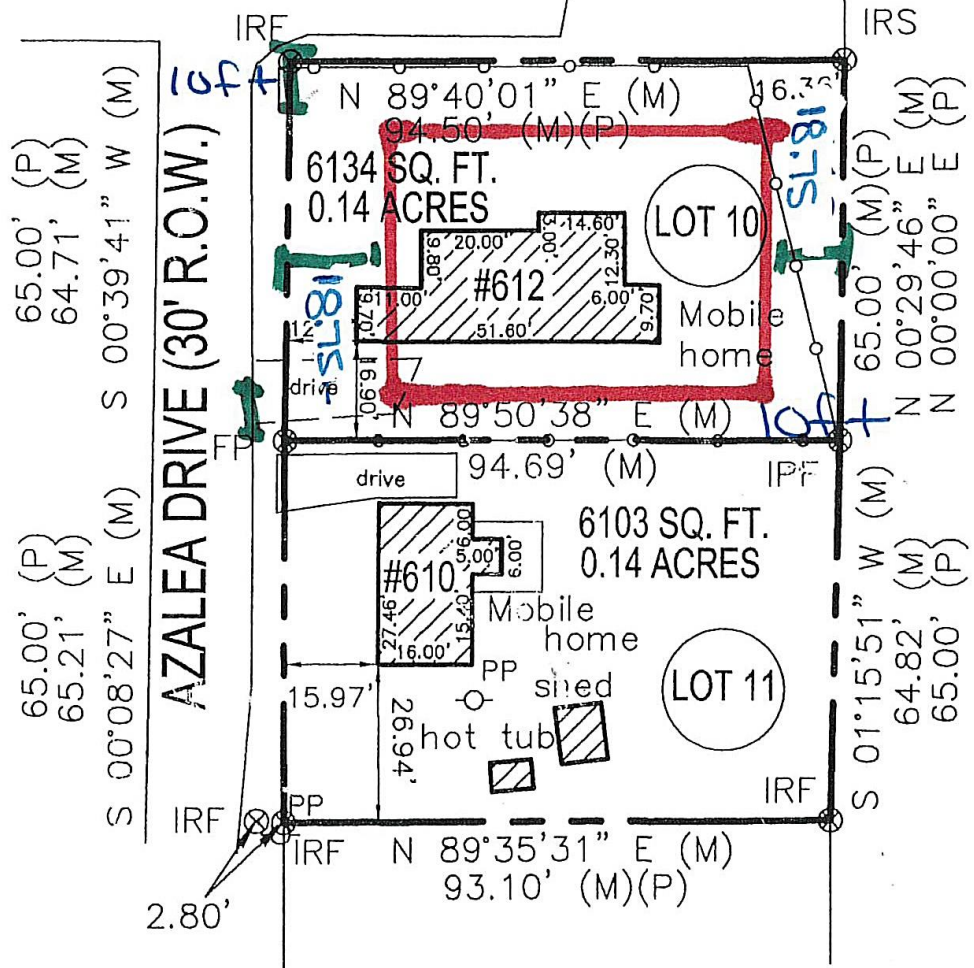
The purpose of this variance is to consider an application to allow: To build a home

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.

There is an old trailer on Lot - we would like to remove the trailer and build a home - The lot is very small and we need the variance to build a home

Applicant Signature: J Nea Olive Date: 5/3/2022

SCALE: 1"=40'
 =PLAT OF RECORD
 =MEASURED
 =DEED



REFERENCE:
SURVEY BY ERIC
MENHENNETT, P.L.S.
DATED 7/10/2000

(LOT 12)

Footprint
453x59