

MINUTES
WAVELAND PLANNING & ZONING COMMISSION
REGULAR MEETING
JULY 24, 2023

A regular meeting of the Waveland Planning & Zoning Commission was held at 6:00 pm on Monday, July 24, 2023 at Waveland City Hall in the Board Room located at 301 Coleman Ave, Waveland, MS 39576.

Chairman Bryan Frater called the meeting to order at 6:00pm. Present at the meeting were Chairman Bryan Frater, Commissioners Dr. Barbara Coatney, Glen Romero, appointed by Shane Lafontaine to replace Chad Whitney, and Matt Touart. Also present was Zoning Official, Jeanne Conrad. City Attorney, Ronnie Artigues was not present and there has been no appointment for Ward 2 Commissioner yet.

Chairman Frater called for a motion to approve the minutes from the Planning & Zoning Special Meeting held Monday June 12, 2023 & the Planning & Zoning Regular Meeting Monday, June 19, 2023. Commissioner Touart made the motion, seconded by Commissioner Coatney, to approve the minutes as written.

After a unanimous vote of yes by all Commissioners present, Chairman Frater declared the motion passed.

Charles Kihneman, owner of the property commonly known as 4327 Caspian St., parcel #138M-0-33-196.000, has made an application for the temporary use of an RV during the new construction of his primary structure. Mr. Kihneman was unaware of the Ordinance for RVs and placed it on the property where it currently sits. After receiving a notice of violation, Mr. Kihneman came to the City of Waveland Building Dept. to become compliant. Mayor Jay Trapani gave Mr. Kihneman permission to stay in the RV during this process in order to protect his materials from theft or damage from vagrants in the area. The RV permit will allow continued occupancy for 180 days.

Mr. Kihneman came forward to explain that he has been working on the structure and is asking to stay in the RV so that he can complete the project as soon as possible and monitor his property for theft and vandalism. Commissioner Romero asked the applicant how long the project has been going on. Mr. Kihneman stated that he has owned the house for 4 years and the RV has been on the property for the last year. He recently renewed his building permit for an additional 6 months. Mr. Kihneman also stated that he will extend the permits as many times as necessary to complete the house for his permanent residence. Chairman Frater asked about how long will it take to complete the project. Mr. Kihneman said that he unsure how long it will take to finish. He's working on it as much as he can.

Chairman Frater called for a motion from the Commissioners. Commissioner Touart moved, seconded by Commissioner Coatney, to approve the request.

After a unanimous vote of yes by all Commissioners present, Chairman Frater declared the motion passed.

Joyce Moran, owner of the properties commonly known as 100 & 102 E. Meadow Ln, parcel #161D-0-02-027.000, has made an application for a variance in order to split her lot. The property was originally two lots. Therefore, there are currently 2 living structures on the property. Proposed parcel 1 will need a 100' street frontage variance since it will not be directly off the street but use an easement from parcel 2. Parcel 2 will need an 80' street frontage variance as it will have 20' of street frontage along E. Meadow Ln.

Mrs. Moran came forward to explain her request stating that she would like to split the lots in order to eventually sell them as individual lots instead of together on one lot. Currently the houses are used as rentals

and Mrs. Moran does not live in either of the houses. Chairman Frater asked if they are short-term rentals. Mrs. Moran stated that they are not short-term rentals but long-term rentals. Chairman Frater then asked if anyone from the audience would like to come forward for comments. Mr. Tom Holzhauser, owner of 536 Meadow Ln. came forward to ask if anything would be changing the properties. He asked if he would be losing any of his property or would it be affected in any way by changing his property lines, which it will not. Chairman Frater suggested that the applicant needs to make sure the easement is recorded with the titles if the Commission recommend the approval of her request.

Chairman Frater called for a motion from the Commissioners. Commissioner Touart moved, seconded by Commissioner Coatney, to approve the request.

After a unanimous vote of yes by all Commissioners present, Chairman Frater *stated that the application meets all of the criteria set forth by section 906.1 of the Zoning Ordinance #349 for variances and declared the motion passed.

Raymond Langlois, owner of the property commonly known as 419 Waveland Ave, parcel #162K-0-10-090.000, has made an application for variances in order to place an accessory storage shed closer to his property lines. His request is for a 5' variance from the required 10' on the side property line and 10' variance from the required 15' rear property line as stated in Ord. #349 for accessory structures more than 12' away from the primary structure. This is to place the shed far away from a protected live oak tree.

Mr. Langlois came forward to explain his request. Commissioner Romero clarified that the structure would be five ft from the rear and side property lines. Chairman Frater stated that the structure would be 10' x 20' in size and Mr. Langlois confirmed. Commissioner Romero also clarified that Mr. Langlois owns the property next door making the 5' side setback would be adjacent to his own property. Chairman Frater then called for anyone from the audience to come forward for comments. No one came forward and Chairman Frater also noted that the Zoning Office did not receive any correspondences. Chairman Frater then asked Mr. Langlois about the structure already placed in the backyard. Mr. Langlois stated that it is a covered patio for outdoor seating and barbeques.

Chairman Frater then called for a motion from the Commissioners. Commissioner Matt Touart moved, seconded by Commissioner Glen Romero, to approve the request as written.

After a unanimous vote of yes by all Commissioners present, Chairman Frater *stated that the application meets all of the criteria set forth by section 906.1 of the Zoning Ordinance #349 for variances and declared the motion passed.

Eugene Ferry Jr., owner of the property commonly known as 115 St. Joseph St., parcel #161M-0-11-013.000, has made an application for variance in order to split his lot into 3 new parcels. Proposed parcels 1 & 2 will need a 70' street frontage variance and proposed parcel 3 will need a 30' street frontage variance from the required 100' street frontage as stated in Zoning Ord. #349. No variances need for square footage requirement on the proposed new parcels.

Mr. Ferry Jr. came forward to explain his request. Commissioner Romero asked about any correspondences to the Zoning Office. Zoning Official, Jeanne Willie, supplied a packet of printouts of some emails that voiced a common concern of the drainage plan. Chairman Frater asked Mr. Ferry to clarify the street frontages for each property. Mr. Ferry stated that each frontage would be for the driveways. The smaller of the 3 would have a 70' frontage while the other 2, including his own, would be 30' wide and then turn into the larger portion of the properties. Commissioner Romero then asked Mr. Ferry about which property he intended to keep and what his plans are for the other two properties. Mr. Ferry stated that he and his wife would make the property closest to the beach their personal property which would become their primary residence and the other two would become rentals in order to alleviate the cost of building 3 houses on 3 large lots. Chairman Frater then reiterated the

drainage concerns from the correspondences. Mr. Ferry stated that he has a degree in geology and has walked the property multiple times. The place where he plans to build is the lowest spot. He plans on getting an engineered drainage plan in order to alleviate the stormwater runoff and will do whatever is necessary to achieve that. Chairman Frater suggested to the Commissioners that if they decide to recommend this application to the Board of Mayor and Aldermen, they make a certified engineered drainage plan a condition of the approval. Chairman Frater then asked when Mr. Ferry planned on starting to build his personal house. Mr. Ferry said that they are wanting to start as soon as possible. The intention was to get approval of the split first and then start construction. Chairman Frater then called for anyone in the audience to come forward. Mr. David Millan, owner of 122 S. Beach Blvd, came forward to voice that he is not against the split but his concerns about the drainage, also. He was one of the correspondences that was given to the Commissioners but wanted to state his concerns at the meeting, as well. He stated that the recent new constructions on St. Joseph and Hartsie have essentially created a “bowl” on this property and that is how the neighboring properties don’t flood. Mr. Ferry restated that he will do whatever is necessary with a certified engineered drainage plan in order to make sure flooding doesn’t happen. Commissioner Romero commented that one of the correspondences is against the frontages. Once the discussions ended, Chairman Frater called for anyone else from the audience to come forward for comments. No one else came forward.

Chairman Frater called for a motion from the Commissioners. Commissioner Touart moved, seconded by Commissioner Coatney, to approve the request with the conditions that the applicant supply a professional survey and a MS stamped engineer drainage plan for all 3 lots.

After a unanimous vote of yes by all Commissioners present, Chairman Frater *stated that the application meets all of the criteria set forth by section 906.1 of the Zoning Ordinance #349 for variances and declared the motion passed.

Suzette Surbeck, owner of the property commonly known as 226 Sandy St., parcel #162J-0-10-210.000, has made an application for the temporary use of an RV during new construction of her primary residence. The RV permit will allow occupancy for 180 days.

Mrs. Surbeck came forward to explain that she and her husband are currently building their new primary residence but living in New Orleans. They would like the temporary RV in order for her husband to assist with the final touches of the new construction that they are anticipating completion in November of this year. Chairman Frater then called for anyone from the audience to come forward for comment. No one came forward.

Chairman Frater called for a motion from the Commissioners. Commissioner Coatney moved, seconded by Commissioner Romero, to approve the request.

After a unanimous vote of yes by all Commissioners present, Chairman Frater *stated that the application meets all of the criteria set forth by section 906.3 of the Zoning Ordinance #349 for conditional uses and declared the motion passed.

Tom and Joal Stone, owners of the property commonly known as 115 Mollere Dr., parcel #161F-0-02-042.000, have made an application for variances in order to place an accessory structure closer to their property lines. Their request is for a 10’ variance from the required 25’ rear setback from the property line as stated in Ord. #349 for accessory structures less than 12’ away from the primary structure. This will make the rear setback 15’ from the property line.

Mr. Tom Stone came forward to explain his request. He stated that he owns the property next door to the side property line and the property to the rear is a very large piece of property that he never had a structure on it and doesn’t see that happening any time soon. Chairman Frater asked what kind of building this will be. Mr. Stone stated that it would be an open pavilion for shaded seating. He intends to install a pool and this would give some covering next to the pool area. Commissioner Romero stated that one correspondence stated their concern about

it being a closed structure. Mr. Stone clarified that the structure would be open like a pergola or cabana type structure. There might be one wall for mounting décor. Chairman Frater then called for anyone from the audience to come forward for comment. No one came forward.

Chairman Frater called for a motion from the Commissioners. Commissioner Romero moved, seconded by Commissioner Coatney, to approve the request as written.

After a unanimous vote of yes by all Commissioners present, Chairman Frater *stated that the application meets all of the criteria set forth by section 906.1 of the Zoning Ordinance #349 for variances and declared the motion passed.

Gary Ponthieux & Kacey Edwards, owners of the property commonly known as 118 Seabrook Dr., parcel # 161B-2-01-019.008, have made an application for a conditional use in order to construct an accessory structure larger than the allowed maximum 500 square feet as stated in Zoning Ord. #349. They are also requesting a 5' left side-yard variance from the required 10' from the property line and a 5' rear-yard variance from the required 15' from the property line. His proposed structure will be 1,200 square feet and have a 5' setback from the left side-yard and 10' setback from the rear property lines.

Mr. Ponthieux came forward to explain his request. He stated that the reason for the large structure is for the storage of a boat, lawn equipment and his wife's car. He also stated that the reason for the setbacks is to make room for the future installation of a pool between the primary structure and the accessory structure. Chairman Frater noted that the size of the property is 90' wide and 140' deep; roughly, 12,600 square feet. Mr. Ponthieux stated that he spoke with a neighbor that installed a swale between their properties so he plans on continuing that plan in order to improve the drainage. Chairman Frater stated that there were a couple of correspondences, one of which was concerned that the structure would all be enclosed. Chairman Frater also stated that one of the amendments to Zoning Ordinance #349 for accessory structures proposed by the Planning and Zoning board would allow the size of this structure by right, if it were to be approved by the Board of Mayor and Aldermen. Commissioner Romero commented that the limited size of 500 square feet for an accessory structure has been an issue for years and agrees with the proposed amendment. Chairman Frater called for anyone from the audience to come forward to comment. Rebecca Priest, owner of the property at 124 Seabrook Dr., came forward to comment on if the structure was enclosed or not and the drainage. She also commented on the swales that were installed. She is unsure if it was public works or the power company who installed some new electrical poles on Lakewood Dr. Her main concern is the drainage because the properties behind Seabrook on Acadian Bay Ln. were supposed to have drainage installed but was never completed. She has no objections to the requests as long as the drainage is addressed. Chairman Frater commented that the drainage plan is required in order to get a building permit and Josh Hayes, Building Official, will review it before issuance. Chairman Frater then called for anyone else to come forward for comments. No one came forward.

Chairman Frater called for a motion from the Commissioners. Commissioner Touart moved, seconded by Commissioner Romero, to approve the request as written.

After a unanimous vote of yes by all Commissioners present, Chairman Frater *stated that the application meets all of the criteria set forth by section 906.1 of the Zoning Ordinance #349 for variances and 906.3 for conditional uses and declared the motion passed.

Tabitha Thompson, leasing the property commonly known as 541 Hwy 90, parcel #138Q-0-34-038.000, has made an application for a Conditional Use in order to operate a Medical Cannabis Micro Cultivation Facility. The property is currently zoned C-3: Highway Commercial and Zoning Ord. #349 does not have any requirements or conditions concerning medical cannabis.

Ms. Thompson came forward to explain her request. She stated that there aren't many places to put this type of industry. It's been legal in Mississippi for a little while but still fairly new. Right now, it is only allowed in

zoning districts that are agricultural or industrial. She also stated that many other cities are not allowing this type of business in their jurisdictions and that is why she is requesting to operate her small-scale cultivation in Waveland. Commissioner Touart asked if Ronnie Artigues, City Attorney, has reviewed this application. Zoning Official, Jeanne Willie, stated that he had not mentioned if he reviewed it or not. She stated that, due to a family emergency, he was unable to attend this meeting but otherwise would have been present. Chairman Frater asked about security, installing a fence and the possibility of a smell being emitted. Ms. Thompson stated that the state's minimum requirement for security is to provide monitoring with clear imaging if someone were to come onto the property. She also stated that in her application packet, she provided a security monitoring plan and there are facial recognition cameras on the building currently. In addition to the cameras, her plan is to have a security officer present at all times as a precaution if anything were to transpire at the site. Ms. Thompson said that she has no problem installing a fence if the city requires it. Per the smell, Ms. Thompson said that being a micro-cultivation, her facility may not emit a smell. This type of cultivation requires a specific amount of humidity, sanitation, filtration, etc. and will emit minimal to no smell at all. Commissioner Touart and Romero stated that they would feel more confident in making a recommendation after Ronnie Artigues reviews the application first. Chairman Frater asked Ms. Thompson about the other buildings on the property. Ms. Thompson stated she would only be using the main building that fronts Highway 90. Commissioner Romero noted that for a Conditional Use application, it requires permission from the property owner and all she has is a sublease from someone who rents the building from a person in Georgia. She needs to provide an adequate lease as well. Chairman Frater then called for anyone from the audience to come forward for comments. He also noted that there were no correspondences from the Zoning Office. Chairman Frater then suggested that the Commission table this item pending Ronnie Artigues' review and then recess the meeting until Tuesday, August 1, 2023 at 5:00 pm right before the Board of Mayor and Aldermen Meeting at 6:30 rather than hold a special meeting for this item or table until the next meeting a month away.

Chairman Frater called for a motion from the Commissioners. Commissioner Touart moved, seconded by Commissioner Romero, to table the request.

After a unanimous vote of yes by all Commissioners present, Chairman Frater declared the motion passed.

Chairman Frater made a comment about the Aldermen changing a recommendation made by the Planning and Zoning Commission at the last Board of Mayor and Aldermen Meeting on Wednesday, July 19, 2023 at 6:30 pm. The Aldermen voted to approve a 10' variance on the rear, allowing the 5' setback request but denied the side-yard variance request of 5' keeping the side-yard setback at 10'.

Chairman Frater then called for any additional comments from the Commissioners or anyone left in the audience.

Mr. Bryan Therolf came forward to voice his opinion on the decision of the Board of Mayor and Aldermen on the application submitted by Kirk and Lori Massey at the Board of Mayor and Aldermen meeting on Wednesday, July 19, 2023. He stated that the Planning and Zoning Commission voted unanimously to approve the variances. He stated his disagreement with Aldermen Gamble's comment about her decision being personal and he doesn't understand why the aldermen first voted to approve it and then changed their mind to agree with Aldermen Gamble's change. Mr. Therolf stated his opinion that the Massey's request would have enhanced and increased the value of the property rather than the opposite claimed by Aldermen Gamble. Chairman Frater thanked Mr. Therolf for his comment and asked if there was anyone else that would like to come forward from the audience to comment. No one came forward.

*Chairman Frater stated that all of the application heard tonight meet all of the criteria set forth by section 906.1 for variances and 906.3 for conditional uses in Zoning Ord. #349.

Chairman Frater called for a motion to recess the meeting until Tuesday, August 1 at 5:00 pm in order for City Attorney Ronnie Artigues to review the application for Tabitha Thompson. Commissioner Touart made the motion, seconded by Commissioner Coatney to recess the meeting.

After a unanimous vote of yes by all Commissioners present, Chairman Frater declared the motion passed and the meeting recessed at 7:06 pm.

Respectfully submitted,
Jeanne Willie, Zoning Official